CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

WASHINGTON:
1912.

VOLUME XLVIII, PART VII.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

MONDAY, *May 13, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial in the nature of a cablegram from the chairman of the Independent Party, of Ponce, P. R., remonstrating against the extension of American citizenship to the people of that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a resolution adopted by the Chamber of Commerce of Philadelphia, Pa., favoring the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented petitions of the Ladies' Aid Society of the Baptist Church of Jasper; the Highland Avenue Baptist Church, of Montgomery; the Central Presbyterian Church, of Montgomery; the Highland Avenue Christian Church, of Montgomery; the Bethel Church, of Montgomery; the Young Men's Christian Association of Montgomery; the South Side Baptist Church, of Montgomery; the Clayton Street Methodist Episcopal Church of Montgomery; and the Central Christian Church, of Montgomery, all in the State of Alabama, and of the congregations of the Methodist and Christian Churches of Goodland, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DAVIS. I present a telegram in the nature of a memorial relative to the employers' liability and workmen's compensation bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

ARGENTA, ARK.

HON. JEFF DAVIS,
Senate Chamber, Washington, D. C.:

At the last regular meeting of our Local Union, Brotherhood of Boiler Makers and Iron Ship Builders, a resolution was adopted thanking you for the fight you have waged against the most atrocious legislation, detrimental to the interest of railroad employees, viz, the compensation bill; or, in other words, the uniform price for heads and limbs. Thanking you for the past efforts and trusting that you will exhaust all efforts to prevent passage of the same, we remain,

Yours, truly,

R. T. BOSTER.
E. WORTHSMITH.

Mr. DAVIS. I present a communication from the chairman of the Montana State legislative board, Brotherhood of Locomotive Engineers, relative to the employers' liability and workmen's compensation bill. I ask that the communication lie on the table and be printed in the RECORD.

There being no objection, the communication was ordered to lie on the table and to be printed in the RECORD, as follows:

To all divisions Brotherhood of Locomotive Engineers in Montana and all Brotherhood of Locomotive Engineers' legislative boards in the United States and all delegates, grand and national convention Brotherhood of Locomotive Engineers, convened at Harrisburg, Pa.

DEAR SIRS AND BROTHERS: The Montana Brotherhood of Locomotive Engineers State legislative board met at Helena Saturday, April 6, pursuant to the call of the chairman, for consideration of the compensation bill now pending in National Congress, known as House bill 20487 and Senate bill 5382.

After carefully going through with the different data advanced by the advance agents of this measure, the board readily perceived that this was the most dangerous and vicious piece of legislation ever offered, State or national, against the members of the Brotherhood of Locomotive Engineers. The board wired H. E. Wills, so-called representative of the Brotherhood of Locomotive Engineers in national matters before Congress, their protests against this measure, demanding that he advise the Senators of the State of Montana in National Congress of their opposition to this measure. The board drafted resolutions containing 34 reasons against this bill. A letter from the chairman containing some 10 or 15 further reasons against the bill was sent to Mr. Wills and grand office; also a copy to all State legislative boards in the United States. Since that time two circular letters have been sent out by the chairman, which give 10 or more further reasons against this bill.

I am in receipt of a letter from the chairman of the Brotherhood of Locomotive Engineers State legislative board of Missouri, advising that he and a few brothers from other States were called to Washington by Wills for a conference on this compensation law. I have been waiting to hear who the members from Montana and Georgia were, where opposition to this measure has been advanced, as surely a man of such broad spirit as Mr. Wills would wish to hear the opposition to the bill, you can not conceive that he would only call in those who were true disciples of his on so important a conference.

Mr. Brittingham goes on to follow out Wills's line of argument, what compensation has done in foreign countries, where they never had any liability law, and don't know what liability law would have done instead of compensation. It is not necessary for me to take up his line of argument, as our resolutions and my letters have more than answered that. With the exception of his last three paragraphs, he goes on record as indorsing the action of the grand executives.

Believing that the individual members should get behind those officers and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle, following the Judases to the slaughtering pens. He says, "What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?" I ask him, "What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?" That is what Wills and his grand officer are doing—working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, "It looks to me to be on the same principle of that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy." What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executive with those brave generals? If he does, I do not question him.

Another communication from H. E. Wills, where he goes on to state that the passage of this monstrosity of a bill is assured and goes on to outline its great benefit, he also goes on to give some history of the present national liability law, the effort made to attain it and to bring it to adequate protection. But he does not tell you that on January 25, 1912, by decision of the Supreme Court, that the last leak in the great dam of the national liability bill was closed, thereby making an effective bill.

What would you think of a man, after a great dam had been built, inclosing a great reservoir holding back a great volume of water to irrigate great tracts of arid lands? Would you advocate placing a fuse with dynamite under this great structure and blowing it up, telling them that the noise and fumes from this explosion would bring down moisture for the arid lands in such a manner that we would not need to direct the water in channels for irrigating? This is true of the compensation act as compared with our perfected liability bill, and I think that the compensation bill will work out in about the same comparison as the thunder from the explosion irrigating the arid lands.

He goes on to tell you that you are assured of about 20 per cent of your monthly wages if you are totally disabled; he says that the American people guarantee you this. They do; that is, the American people guarantee this to the railway companies, and after the railway companies get this from the American people they and their Federal masters, the adjuster, will dole you out what they think you should have. Section 31 of the bill gives the railway companies the right to tax this to the consumer; you are one of the consumers; the railway men in the United States form about 20 per cent of the consumers; therefore the railway men pay 20 per cent of this insurance; pay it before they get it back, as the man that buys the article is the man who pays the freight. So you see the compensation act is nothing more to you than an insurance company, and you might just as well, and it would be cheaper for you, to pay 20 per cent to any of the old-line insurance companies. Wills's one argument is that this bill will do away with litigation to recover, notwithstanding the fact that in foreign lands, where this bill is being tried out and has been in effect for years, litigation has been increasing. He goes on to tell about the liberal provisions of the bill: Fifty dollars a month to a man with both arms taken off. He might learn to preach or practice law. How many engineers' school education is sufficient that they might fit themselves to preach or practice law? After he eliminated all those cheap attorneys, as he seems determined to do, it is reasonable to suppose that that avenue would be closed. He says that if injured they get all medical aid for 14 days. Don't they get it now?

He says the provisions of the bill were worked out in conference after a wide research into the laws of foreign countries; he says that the railway companies were heard, and that the employees were heard. The employees were not heard; their misrepresentatives were heard, and he is a misrepresentative.

He speaks of the general public. What will the general public say when the Brotherhood of Locomotive Engineers go on record as taking the cost of the liability of their injury received away from the railway companies and taxing it against the general public?

I believe that the convention convened to-day of the Brotherhood of Locomotive Engineers at Harrisburg, Pa., will be called upon to pass upon this revolutionary measure, and it is my opinion that they will be closely watched by statesmen and others of the public who are acquainted with this law, and that, should they go on record as indorsing such a monstrosity of a law, when the individual members of the organization realize the way they have been betrayed they will desert the Brotherhood of Locomotive Engineers and go to the Brotherhood of Locomotive Firemen and Enginemen—desert it like rats would a leaky vessel.

Respectfully submitted.

JAMES O'RILEY,
Chairman Montana State Legislative Board,
Brotherhood of Locomotive Engineers.

Mr. BURTON presented a memorial of Local Division No. 576, Order of Railway Conductors, of Cleveland, Ohio, remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BROWN presented a petition of members of the Nebraska State Medical Association, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. JONES. I present a number of telegrams and letters from citizens of the State of Washington, in favor of the Owen medical bill. I ask that the signatures be printed in the RECORD.

There being no objection, the telegrams and letters were ordered to lie on the table and the signatures thereto to be printed in the RECORD, as follows:

From Dr. X. P. De Donato, of Seattle; Dr. A. C. Crookall, of Seattle; Dr. Frank Rose, of Spokane; Dr. Bert Thomas, president, and Dr. Y. C. Blalock, secretary, of the Walla Walla Valley Medical Society; Mrs. R. C. McCreedie, president of the Washington State Federation of Women's Clubs of Sunnyside; Lillian C. Irwin, chairman of the health committee of the Woman's State Federation of Women's Clubs; Dr. Henry La Motte, of Seattle; Dr. J. W. Summers, of Walla Walla; Dr. J. H. Snively, of Seattle; Dr. G. D. Shaver, county coroner, of Tacoma; P. J. Gallagher, of Spokane; Dr. C. E. Haggard, of Seattle; Dr. W. W. Potter, of Spokane; Dr. Henry Power, of Spokane; Dr. C. A. Veasey, of Spokane; Dr. Wilson Johnston, of Spokane; Dr. H. A. Wright, of Seattle; Dr. Adolph Bronson, of Renton; Dr. D. E. McGillivray, of Port Angeles; Dr. F. S. Lewis, president of the Clallam County Medical Society; F. C. Robinson, of Walla Walla; Dr. Philip R. Waughop, of Seattle; Esther Allstrum, market master and food inspector of Tacoma; and Dr. George F. Cook, of Bellingham, all in the State of Washington.

Mr. JONES. I present a number of memorials from citizens of my State remonstrating against the Owen medical bill. I ask that the signatures to the memorials be printed in the RECORD.

There being no objection, the memorials were ordered to lie on the table and the signatures thereto to be printed in the RECORD, as follows:

From O. S. Hansen and sundry other citizens of North Yakima; Mrs. M. Hulshouser, of Selah; Mrs. Charles T. Hackett, of North Yakima; Nellie F. Day and 4 other citizens of North Yakima; Mrs. Martha Hootowit and 5 other citizens of White Swan; Mrs. Madeline Hoptowit and 4 other citizens of Wapato; James F. Zedliker, of North Yakima; James W. Bryan, of Bremerton; Edd A. Beekman, of North Yakima; W. V. Wells, of Anacortes; Frank M. Slagle, of Pullman; R. A. Rosenbaum, of Seattle, all in the State of Washington.

Mr. GALLINGER presented a petition of the Young People's Religious Union, of Charlestown, N. H., praying for the appointment of a Federal commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a memorial of the National Protective Legion, of Waverly, N. Y., remonstrating against the adoption of certain amendments to the Code of Law of the District of Columbia, relating to fraternal beneficial associations, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CURTIS presented a petition of sundry citizens of Corning, Kans., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry Cherokee freedmen, praying that they be reimbursed at a fair valuation for improvements which they have put upon the lands of the Cherokee Indians, which was referred to the Committee on Indian Affairs.

Mr. WETMORE presented the petition of Dr. Samuel C. Webster, of Westerly, R. I., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a resolution adopted by the Patriotic Order Sons of America in national camp at Reading, Pa., September 27, 1911, favoring the passage of the so-called Dillingham immigration bill, which was ordered to lie on the table.

REPORTS OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6688. A bill to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'" (Rept. No. 741); and

S. 6330. A bill increasing the cost of erecting a public building at Santa Barbara, Cal. (Rept. No. 742).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them severally with amendment and submitted reports thereon:

S. 5354. A bill to acquire a site and for the erection thereon of a public building at Oconto, Wis. (Rept. No. 743);

S. 6459. A bill for the erection of a public building at Waynesville, N. C. (Rept. No. 744);

S. 6178. A bill for the purchase of a site and erection of a Federal building at Crisfield, Md. (Rept. No. 746); and

S. 6413. A bill for the purchase of a site and erection of a Federal building at Salisbury, Md. (Rept. No. 745).

PUBLIC BUILDING AT CONCORD, N. H.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably with an amendment the bill (S. 6585) increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H., and I submit a report (No. 747) thereon.

Mr. GALLINGER. As this is an urgent matter, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Buildings and Grounds was, in line 3, after the word "appropriation," to insert "for the extension, alteration, and improvement of the public building in the city of Concord, N. H.," so as to make the bill read:

Be it enacted, etc., That the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H., contained in an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, approved June 25, 1910, be, and hereby is, increased from $32,000 to $50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAILEY (by request):

A bill (S. 6792) for the relief of the estate of James B. Ogletree, deceased; and

A bill (S. 6793) for the relief of the heirs of Fannie Elizabeth Cole; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 6794) granting a pension to Magdalena Baer; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 6795) to control the development of water power and the use of public lands in relation thereto, and for other purposes; to the Committee on Public Lands.

A bill (S. 6796) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 6797) granting an increase of pension to Henry C. Mears (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation in Arizona; and

A bill (S. 6799) granting to the State of Arizona the Fort Grant Military Reservation for an industrial school, and for other purposes; to the Committee on Military Affairs.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 6800) to authorize the cancellation of an Omaha Indian allotment;

A bill (S. 6801) providing for the leasing of allotted Indian lands within the limits of the Quapaw Agency, in the State of Oklahoma, and for other purposes; and

A bill (S. 6802) amending the act of March 22, 1906 (34 Stat. L., 80), providing for the opening of the diminished Colville Indian Reservation in the State of Washington; to the Committee on Indian Affairs.

A bill (S. 6803) granting a pension to Henry F. Walton (with accompanying papers);

A bill (S. 6804) granting an increase of pension to Thomas A. Christy (with accompanying paper);

A bill (S. 6805) granting an increase of pension to Michael McNulty (with accompanying papers);

A bill (S. 6806) granting an increase of pension to George W. St. Clair (with accompanying papers); and

A bill (S. 6807) granting an increase of pension to Henry H. Bowman (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6808) granting a pension to Ida L. Jeffries; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 6809) carrying into effect the finding of the Court of Claims in the case of Moylan C. Fox, executor; to the Committee on Claims.

SHIPPING COMMISSIONER AT GLOUCESTER, MASS.

Mr. LODGE submitted an amendment proposing to appropriate $600 for the salary of a shipping commissioner at Gloucester, Mass., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SMITH of Arizona submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

CHARLES H. QUACKENBUSH.

Mr. BRISTOW submitted the following resolution (S. Res. 310), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General be, and he is hereby, directed to lay before the Senate all correspondence in the possession of the Post Office Department between himself, the President, and all other persons relating to the discharge of Charles H. Quackenbush from the Railway Mail Service and his reinstatement.

THE INITIATIVE AND REFERENDUM (S. DOC. NO. 665).

Mr. GUGGENHEIM. I have a copy of a speech of Hon. Frank E. Gove before the Colorado State Senate August 19, 1910, on the question of submitting to the qualified voters of the State of Colorado an amendment to section 1 of article 5 of the constitution of the State of Colorado, providing for the initiative and referendum. I ask that the speech be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

HOUSE BILL REFERRED.

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BURNHAM. I ask unanimous consent that the Senate proceed to the consideration of House bill 18960, the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. BURNHAM. I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be acted upon as they are reached in the reading.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered. Is there objection? The Chair hears none, and that will be the order.

Mr. HEYBURN. Mr. President, I would suggest an understanding, that notwithstanding it is being read for committee amendments the entire bill be read. This is a bill in which we feel more than ordinary interest.

The VICE PRESIDENT. The bill will be read in full. That was the understanding.

Mr. HEYBURN. Yes.

Mr. BURNHAM. The whole bill will be read.

The VICE PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was under the head of "Department of Agriculture," on page 2, line 3, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand"; in line 4, before the word "dollars," to strike out "two thousand five hundred" and insert "two thousand seven hundred and fifty."

Salaries, Office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,900; stenographer to the Assistant Secretary of Agriculture, $1,400; one appointment clerk, $2,000; one chief of supply division, $2,000; one inspector, $2,750.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "law," to strike out "one" and insert "three"; in the same line, after the word "law," to strike out "clerk" and insert "clerks, at"; in line 15, after the word "dollars," to insert "each," so as to read:

Three law clerks, at $2,500 each.

Mr. HEYBURN. Mr. President, we would perhaps proceed more orderly if some explanation was given why these salaries are raised. Perhaps one explanation may be comprehensive enough to answer several questions. For instance, on page 2, lines 2 and 3, a salary is raised from $2,500 to $3,000, and on the same page, in line 13, a similar raise occurs. I notice that that seems to obtain. I should like to know from the chairman of the committee, the Senator in charge of the bill, whether that is a policy running through the bill.

Mr. BURNHAM. Mr. President, in reply to the Senator I will say that there are increases in salaries in the different bureaus, but will not the Senator be content that we go through the formal reading of the bill for action on the amendments as they are reached?

Mr. HEYBURN. The formal reading has been dispensed with. I have to object now or not at all. I should like to have a correct understanding with the Senator. My suggestion was not that the formal reading of the bill be dispensed with. It was that the bill be read, as under such suspension, fully.

Mr. BURNHAM. I understand.

Mr. HEYBURN. That is all; so that the body of the bill outside of the amendments would be brought to our attention. I did not object to waiving the formal reading of the bill. I only asked that in reading it for amendment the entire bill should be read. Now, I suggest that where there seems to be a systematic raise in salaries some explanation should be made in the beginning, so that we might know as we run along and find these raises what rule was being applied to them.

Mr. BURNHAM. So far as I know, the raises have been according to the estimates made by the department, and the reasons given for the increase of salaries have been satisfactory to the committee. For instance, the salary of the chief clerk is raised. I understand from the department that the chief clerk has most important duties and his salary has not been commensurate with the salary of the same officer in other departments; that the salaries of other chief clerks, of the chief clerk in the Interior Department, in the Post Office Department, and in the Treasury Department are considerably greater. This amendment simply makes the salary of the chief clerk correspond to the salary of the same officer in other departments.

Besides, this man seems to be a very important official; his salary has not changed for some time; and the growing business of the department has made an increase of his salary reasonable. I understand that he has charge of all the buildings of the department, and not only of the buildings outside, but of the equipment, and he has charge of the supplies that go to certain parts of the department. According to the Secretary, he is a most important official, and the increase proposed by the committee seems to be reasonable.

Mr. HEYBURN. That was the reason given when the former raise in that salary was made. I think we will be confronted with it in every one of these department bills. We have had it before us twice—that is to say, we have been confronted with this condition twice.

Mr. BURNHAM. There was no increase in this salary in the last appropriation act. I do not know how long before that it was when an increase was made. The salary of the chief clerk in the three departments I have mentioned was increased by the last act from $3,000 to $4,000.

Mr. HEYBURN. Yes.

Mr. BURNHAM. This proposed increase is $500 less than the chief clerks in those departments receive.

Mr. HEYBURN. Can the Senator tell us how much increase this will make, as it is carried into the bill, in regard to the chief clerks of the various bureaus?

Mr. BURNHAM. I do not know about the other bureaus until we reach them.

Mr. HEYBURN. I went through the bill this morning, but I left the marked copy that would have enabled me more readily to refer to it at my home, not anticipating that the bill would come up, inasmuch as another notice had been given for the morning hour to-day. I am not going to make any captious objections to this bill, and I have no desire to cut the salaries below what they should be in this age of economy, but the increases seem to run pretty generally.

Mr. BURNHAM. The Senator will have in mind that this chief clerk is not the chief clerk of a bureau or a division.

Mr. HEYBURN. I know.

Mr. BURNHAM. But he is the chief clerk of the whole department, where there are some twelve or thirteen thousand persons employed.

Mr. HEYBURN. Yes; I noticed this morning with some degree of discomfort that there are something like 13,000 employees in this department. I do not know whether we have enough people left to conduct the general industries of the country or not. I have some doubt about it. However, as we reach those items I will ask the privilege of speaking of them. I do not want to have to do it again, but I desire to express my opinion at this time.

If the Senator will take the first four cases, down to nearly the bottom of page 4, he will be somewhat astonished at the uniform increases proposed over the present salaries. I have not my marked copy of the Book of Estimates here, and it would be, perhaps, at the expense of the time of the Senate for me to attempt to hunt out the items here, as I did in the preparation I made in my copy.

Mr. WARREN. I think it will relieve the Senator of doubt if I state that they are not above the estimates. I think there is only one case in the entire bill where the increase is above the estimate.

Mr. HEYBURN. Probably the estimates need the most watching in a bill of this kind. My experience here of nearly 10 years in this kind of legislation has led me to believe that it is the estimates that we want to watch. Right in connection with this bill, seven years ago we were told that one of its departments would be self-sustaining by this time. Experience has taught us that that prophecy was unfounded. You can compare it as it applies to the bill throughout and you will find that the estimates are not at all in harmony with the prophecies.

I do not want to be thought troublesome in connection with this legislation, but I am quite sure the Senator in charge will understand that, having gone right to action upon the amendments, we must be vigilant in making such objections as we have against the amendments. We have no other opportunity of dealing with them under the arrangement we have made. I invoke the patience of the Senate in considering this bill, because I think many Senators will agree with me that we will not hurry; that is, this bill will not go through speedily.

Mr. BURNHAM. If the Senator will let me explain in a few words it may save some time.

Mr. HEYBURN. Certainly.

Mr. BURNHAM. Of course the committee desires the bill to have a full hearing. We have no purpose at all to rush the bill. We only want to get it through in a reasonable time.

I wish to say a word with reference to the changes which appear on the bottom of page 2, and on page 3, and perhaps halfway down page 4. Here were some 35 mechanics three years ago. They were distributed around among the different bureaus, divisions, and offices. At that time they were brought together in one central shop, a mechanical shop, and it was found that the salaries varied; that they were unequal. This bill proposes to reclassify and readjust those salaries.

The amount of increase in those 35 instances is small. The mechanics who constitute this force came to the Secretary and told him that it was impossible for them to live upon the salaries that many of them were paid. Some of them had been a long time in the service, 25 years or more, and are efficient and capable men. Those 35 men asked for a small increase in their salaries. I will read exactly what changes were made if the Senator desires.

Mr. HEYBURN. I do not; it is not necessary. The Senator's statement makes it perfectly plain to me.

Mr. BURNHAM. The total increase of those 35 mechanics amounts to $4,040. The estimate given us was $6,690. The committee changed those salaries so that to-day the aggregate increase is $4,040.

Mr. HEYBURN. Mr. President, it occurred to me I have the memorandum somewhere which contains a statement of the increase of those offices of about, I think, $12,000, if my memory serves me.

Mr. GALLINGER. Thirteen thousand dollars.

Mr. HEYBURN. Thirteen thousand dollars, I am told; that is for this one office, an increase of $13,000. It may be perfectly proper to make the increase of $13,000; but it should be so stated, so that there would be no question about it, and so that Senators might not be put on inquiry as to why it should be done, because this is one office out of I do not know how many hundreds.

Mr. BURNHAM. If the Senator from Idaho has any inquiry with regard to a particular officer whose salary he thinks is increased by a large amount, I shall be very glad to reply so far as I can.

Mr. HEYBURN. No. I speak of the principle rather than the numerical increase. I speak of the principle of increasing the salaries of one office the duties of which have not materially changed—not changed in fact since the last appropriation bill. We have been doing this right along, probably in response to a false cry of the high cost of living. Now, I would ask the Senator if that was taken into consideration?

Mr. BURNHAM. What?

Mr. HEYBURN. The question of the high cost of living.

Mr. BURNHAM. Oh, I presume some of the requests for increase came from parties who were affected by the high cost of living, but in explanation of the total I would like to say that two law clerks were brought from what is known as the lump-sum appropriation and made officers of the Secretary's office. The salary one of those two men received was $1,800 and the other $2,000, and that $3,800 would heretofore have come from the lump-sum appropriation. But they are men who deserve all that this bill proposes to give them, and the amount of each salary was $2,500.

Mr. HEYBURN. I presume those are the ones mentioned on page 713 of the statement of expenditures of the Department of Agriculture. It interested me to understand that. I have it marked in preparing for the consideration of this bill. William J. Mangan, law examiner, at $1,000. He was paid $400 of that salary; I presume that is for a part of the year, for less than a year's service; and for his traveling expenses, $308.45, very nearly as much as he was paid for salary. It attracted my attention. Then, right next, following him appears Stephen J. Huneston, law examiner, at $1,500, and he seems to have earned only a part of that. I find another one, Gerald Griffin, land-law clerk, on the same page, who received $1,000 for salary and $73.45 for traveling expenses.

I want, at the proper time, to question the propriety of having two sets of attorneys for one department of the Government. Of course, we furnish this department with legal service under another provision of the law, and I shall want to know at the proper time why these expenses are incurred.

Page 713 of this volume is a very interesting page; it carries the expert miners and experts of all kinds. I think Senators will find some interest in an examination of that page, but I will not anticipate that part of the bill until we come to it.

I think I understand now that the Senator from New Hampshire concedes that throughout this bill there is a uniform, if not harmonious, change in salaries to a very considerable extent.

Mr. BURNHAM. To a certain extent, I presume, as other bills have averaged. I am not aware that this bill is peculiar in that respect.

Mr. HEYBURN. Now, I would suggest a parliamentary inquiry, as to whether when the Presiding Officer announces that without objection an amendment is adopted, that can not be questioned until we get into the Senate. Am I correct in that?

The VICE PRESIDENT. Of course it is understood when the Chair makes such an announcement and a Senator arises immediately after and says he objects, the objection is in ample time.

Mr. HEYBURN. But it behooves us to be vigilant to see that we are not foreclosed until the bill is in the Senate.

The VICE PRESIDENT. The Chair thinks so.

Mr. HEYBURN. And I ask that I may be excused if I seem a little prompt and perhaps elaborate in some of the objections that I may make.

Mr. JOHNSTON of Alabama. Mr. President, I should like to ask the Senator from New Hampshire a question. I wish to ask why there is such an increase in these law clerks? There has been an increase of three in this case. They already have 23 law clerks in the department. Why has it become necessary to increase the number and to increase them in the grade to which we pay the highest salaries?

Mr. BURNHAM. The increase in this case is only one. I would say to the Senator from Alabama, in reply, that this inquiry came to the committee, and the committee was assured that all of these law clerks were absolutely necessary and that the amount of law business connected with the different services was very much larger than probably most of the committee supposed.

Mr. JOHNSTON of Alabama. The House bill carried 23 law clerks; the Senate committee has increased it to 25; and it has made these increases in the highest grade of pay.

Mr. BURNHAM. I think, in reply to the Senator, that two of those are transfers from what we call "the lump-sum appropriation" to the Secretary's office upon an increased salary; but they were already being paid substantially the same salary from the "lump-sum appropriation." They are not increased in numbers.

Mr. JOHNSTON of Alabama. I only speak of what the bill shows here in regard to the appropriation.

Mr. BURNHAM. That would not appear from the bill; they simply disappear from the "lump-sum appropriation" and appear here.

Mr. JOHNSTON of Alabama. Then you have increased, in line 24, the number of messengers from 9 to 12.

Mr. WARREN. I will say to the Senator that on the next line he will notice a decrease to correspond to the increase on line 24.

Mr. JOHNSTON of Alabama. I think that is true.

Mr. BURNHAM. In reply to the Senator from Idaho [Mr. HEYBURN] I explained, or endeavored to explain, what the changes were and why they were made at the bottom of page 2, on page 3, and about half-way down page 4. If the Senator was present, he undoubtedly is aware of that explanation.

Mr. HEYBURN. Well, Mr. President, the inquiry of the Senator from Alabama raises a question that will have to be confronted soon. I think perhaps as the groundwork for the consideration of this bill, we might as well look at it now. That is the question of the lump-sum appropriation, and that must be coupled with the transfer system. We made certain lump-sum appropriations for certain branches of the service without authority of law, so far as I am advised. They have assumed to transfer from one fund to another to a very large extent, amounting to very large sums of money, and I am curious to know by what authority a department of the Government can, under the constitutional prohibition in regard to the making of appropriations, transfer any part of the money appropriated for a certain purpose to another purpose.

Mr. BURNHAM. The Senator must be aware of the fact that in 1910, I think, by the appropriation act the Secretary of Agriculture was expressly directed to take from the lump sum and to put upon the statutory roll all executive officers and clerks and those under the grade of clerks. The Senator must be aware of that fact.

Mr. HEYBURN. I do not think that that has any application to the remarks I have just made. I think in the beginning of the consideration of this measure, inasmuch as we are going to be deliberate about it—and it involves some of the most serious questions that confront us—that we might as well spend a little time in finding out the basis upon which these appropriations are made and expended and the method of administering this department.

I recognize that the Agricultural Department of the United States is one of the greatest usefulness, and it is one that reaches an element of the people of the country that is entitled to the benefits of legislation; but I maintain that it must be appropriate legislation; I maintain that it must be wise administration; and it must be within the mandate of the law; and it is to that end that I shall ask the indulgence of the Senate to consider with a good bit of patience and some detail the provisions of this bill. It is one that we have differed about in times gone by.

The general principle upon which the bill is drawn should be understood as we start in upon its consideration, because we can not take each item and discuss it. There are thousands, perhaps hundreds of thousands, of items in this bill. We must first divide them into classes, and then we must find upon what principle the class is based, and we will, perhaps, be governed by that in our final action; at least I trust we will.

I do not believe there is any authority vested in any officer of any administrative branch of the Government to transfer an appropriation made for the War Department to the Department of the Navy, for instance. Neither the President nor any combination of executive officers could do that. Now, on the face of their official report they tell us that they have disregarded our mandate, and when we appropriated $6,600,000 for one purpose they have transferred that to another branch of the service. It is questionable whether or not Congress would have appropriated that money had it known that it was to be used for this other purpose. That was the disguise that accompanied the former appropriation bill upon this subject. We gave a lump-sum appropriation, subject to the disposition of the Secretary of Agriculture, amounting to a very large sum of money. I will doubtless be able to turn to the express reference in a moment, as I want to call attention to the language used, although it is too late to do more than criticize it.

These lump-sum salaries are directly connected with that appropriation. We were unwise enough to undertake to delegate to the Secretary of Agriculture a duty that the Constitution places upon us, and the responsibility accompanying that duty. You can turn to page 362 of this indispensable statement of expenditures of the Department of Agriculture and you will find this statement:

Original subappropriation, $31,414.

That was decreased by transferring a part of it to other subappropriations. Some of these run up into thirty, forty, fifty, or sixty thousand dollar items. Where the money that we appropriated proved excessive, as some Senators insisted that it would be, in order to meet the fact, when they were confronted with it, they transferred to some other fund the excess that was predicted, which gave them wider scope in other fields. That is one item on that page.

Mr. BURNHAM. I notice, if the Senator will allow me, that the item he is now discussing has reference to the Forest Service. Could we not wait until we get to the Forest Service before we discuss that?

Mr. HEYBURN. I am discussing a principle. It would be just as applicable if I were to go back to some of the other items.

Mr. BURNHAM. Of course the Senator is aware that when a salary is transferred from the lump-sum appropriation to the statutory roll the lump sum is diminished by that amount, as a rule.

Mr. HEYBURN. Well, I think the Senator will find that not only am I not apprised of it but that the records of the department will not bear that out.

Mr. OVERMAN. May I ask the Senator a question? Has the lump sum we have appropriated been used by the Secretary for the purpose of increasing the number of officers or increasing their salaries?

Mr. HEYBURN. If the Senator will frame that question so that it would read "Did he do it?" instead of whether he had that purpose in mind, then I would answer that he did.

Mr. OVERMAN. Has it been done?

Mr. HEYBURN. Oh, yes.

Mr. OVERMAN. And by what authority?

Mr. HEYBURN. That the Senator will have to assist us in determining; and I know he can be of great assistance in determining that legal proposition.

Mr. OVERMAN. Is that lump sum appropriated every year in order to allow these officials to create new offices and increase salaries?

Mr. HEYBURN. If I could again reframe the question of the Senator, I would say yes.

Mr. BURNHAM. Mr. President, I would not care to have that go wholly unanswered, because there is no such purpose in this legislation, nor is the Secretary of Agriculture given to any such practice. There is, as I understand, and has been all along, a general expense account, and until the legislation to which I have referred, under which certain employees were taken from what is known as the lump-sum roll and placed on the statutory roll, the department was in the habit of paying or did pay such employees from that general fund. It gave a certain elasticity for promotions and for certain changes. Now, that has been entirely obviated, so far as there was any cause for objection, by legislation which compelled the Secretary to put upon the statutory roll and take from the lump-sum roll these individual officers.

Mr. OVERMAN. Mr. President, if the Senator will allow me, from time to time the Secretary has had certain money which was in what was called the lump-sum appropriation and appointed officers not provided for by law.

Mr. WARREN. There has been nothing of that kind. This bill has carried large lump sums for purposes which included the employment of men in the meat-inspection service, for instance, and in the Forest Service. When we find there are to be annually expended large sums for help out of a lump sum, we, by legislation, may direct the Secretary to put employees upon the statutory roll as fast as possible and report to Congress.

Mr. OVERMAN. This is a reform we are going to enact now, but heretofore they have been doing that.

Mr. WARREN. They did. They expended it as we authorized them to expend it. When the Forest Service——

Mr. OVERMAN. I am not speaking only of the Forestry Department, but of other departments. I should like to ask

the chairman of the Appropriations Committee, who has to deal with other appropriation bills as well, is it so that they have been using this lump sum for that purpose?

Mr. WARREN. It is not, only where they are authorized to do it, and where, as in the meat-inspection service, it was so provided. The meat-inspection service was first provided for by an amendment offered on the floor of the Senate after the committee consideration of the bill proper had been finished. There was money so placed at the disposal of the Agriculture Department to do certain things, and it was to include the employment of the employees.

Now, possibly that was bad legislation, if the Senator wishes me to pass upon it. It is always bad legislation to appropriate lump sums to employ help in any public matter, if it can be avoided. In private life it is the way to do business, of course. In public business greater publicity is sought. Therefore these appropriations should be placed in the hands of the Secretary with the designation as to all the help that it is practicable to give employment to under the classified list.

Mr. OVERMAN. I understand that in a great many of the departments clerks have been appointed with no authority provided by the law, by taking money from the lump sum appropriated for one purpose and appointing some clerks. I am glad the Senator says he is going to stop that kind of business.

Mr. WARREN. I hope the Senator from North Carolina—and surely as a member of the Committee on Appropriations he will be glad to do it—will call our attention to every one of those instances, and if there is any one that needs correction I shall be glad to aid therein.

Mr. OVERMAN. The Senator admits that it has been done heretofore.

Mr. WARREN. No; I admit there have been large amounts expended for temporary help in emergency appropriations provided for such purposes.

Mr. OVERMAN. I do not think we ought to give them that authority beyond the amount absolutely necessary.

Mr. HEYBURN. I must claim the floor or I am liable to be misunderstood. My complaint was not against the department primarily, but against Congress. The Senator from Wyoming has suggested the situation. In the last hour of madness we made a round sum appropriation. In other words, we threw a million dollars up into the air and said to the Secretary, "Catch it and do what you please with it; only classify it," as stated by the Senator from New Hampshire.

That is the situation. The amendment was introduced at the last session by the distinguished Senator from Montana [Mr. DIXON], or four years ago. But it was represented by some friends, and it was done in exuberant defiance of the objections of those who were trying to consider the best interests of the country. It was done because they found they could do it. I never saw such a reckless piece of legislation indulged in. No one pretended to know what was going to be done with it. No one dared to stand on the floor and say it was necessary for anything. But they seized the reins and were driving along, and some one said, "Let us give them another million," and the amendment was carried.

I object to that. The fruit of it is in that which I have criticized. We authorize the Secretary to expend this money, only requiring that it be accounted for, and that is true, as suggested by the Senator from New Hampshire, and it is accounted for, and the amount is such an outrageous commentary upon careful legislation that I am impelled to address some remarks to it on this occasion. So I think we now understand the situation from which I speak.

We find on pages 26 and 27 two pages of messenger boys, which was the result of the creation of this fund of luxury. The messenger boys are not in the Forestry Service, but in the Weather Bureau. As my eye estimates these lines, about 140 messenger boys are in that service.

Mr. BURNHAM. Now, this is with reference to the Weather Bureau, and the messengers are employees of the Weather Bureau, and are scattered all over this country, and that accounts for the number. Does the Senator complain that these are specialized here, or designated here? I understand that two years ago that policy, wrong or right, no matter, was abandoned and all these individual parties were placed on the record so that the Senator or anybody else could see them.

Mr. HEYBURN. I have just said——

Mr. BURNHAM. Does the Senator complain of that or of the policy that has been abandoned?

Mr. HEYBURN. I am not complaining at all. I am pointing out the facts. These items never appeared before.

Mr. BURNHAM. Does the Senator complain that they appear now?

Mr. HEYBURN. I am not complaining at all. I am discussing this bill. I am not here as one who is complaining of some one, either the committee or the Department of Agriculture. If I were to enter a complaint at all it would be against providing so expensive a plaything for a bureau or department of the Government. I will not do that at all. I will not complain at all.

I suggest to the Senator from New Hampshire that there will be no haste in passing over these amendments. I do not care if it takes to the 1st day of June to do it.

Mr. BURNHAM. I am perfectly willing to stay here as long as is the Senator.

Mr. HEYBURN. It is not a challenge, either.

Mr. BURNHAM. I am not in any haste, and I hope the Senator will not use that as a menace.

Mr. HEYBURN. I have expressed no menace. I have expressed a candid statement of intentions to consider this bill without any regard to the urgency or the necessity of hurrying it through. I imagine it will take some time to dispose of this bill. It certainly will not be completed to-day. Now, let us keep cool-headed about it and see if we can get some wisdom from its consideration.

I now have my attention, at least at this time, addressed to the Weather Bureau, and I was commenting upon the disclosure that was incident to the action of Congress at its last session. At that time I took the liberty of expressing the same views that I am now expressing. It is not necessary to repeat errors of former bodies at all. If the last session of Congress erred, I am going to try to see that this Congress does not err without at least having knowledge of the fact that it is erring. That is the position I occupy, and therefore I shall ask the privilege of considering this measure with a great deal of careful, patient attention.

I just call attention to these pages because they discover a condition that if known when the appropriations was made would probably have defeated the appropriation. This is the first time we have a statement possessed of sufficient candor to enable us to address intelligent criticism to it.

I will undertake to say that if the statement we are now presented with had been before Congress at the last time when it was dealing with these questions, those reckless appropriations would not have been made. Senators were first put upon inquiry at that time, and we enjoined upon the department the duty of making plain that which we now have before us. Having it here, it would be a waste of time to require the department to make this candid statement if we did not consider it after it was made.

There was some opposition to the proposition that the department should make such a statement, but the wisdom of Congress determined that we should have full information, and we have. It is at our immediate control. Taking this in connection with the Book of Estimates we have the whole story of the administration of this department.

There is no department in the Government for which I have a higher appreciation than the Agricultural Department. It is very far-reaching.

Now, I shall pass those pages, only calling attention to what has been paid to the assistant observers. We did not know we had these assistant observers to any such extent as they appear on pages 21, 22, and 23. We are paying out probably forty-odd thousand dollars a year for assistant observers, paying them a thousand dollars a year each. Where they are observing and whether or not their observations are material is a question I will not pause to analyze, but Congress will take notice of the fact that it is an unusual item and one for which it appropriated in the last appropriation bill without any knowledge as to the number or the salaries involved.

Mr. CLARK of Wyoming. Will the Senator from Idaho yield for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. I should like to know whether the Secretary of the Treasury estimated for the two law clerks who have been added—$2,500 each.

Mr. HEYBURN. I did not anticipate that the bill would be up so early, but I guess I can find it.

Mr. CLARK of Wyoming. The Book of Estimates says:

Two law clerks, at $2,500 each (increase of one submitted), $5,000.

I should like to know whether that is an increase of one over last year or whether it is an increase of two. In carrying out the total for the law clerks of the first class, the total is carried out at $5,000.

Mr. HEYBURN. I will not pause to investigate further. If the Senator has the Book of Estimates, page 132 and following, I think he will get that information.

Mr. BURNHAM. If the Senator cares to have any statement in regard to it I will say just a word. Two law clerks at $2,500 each, were added to the one law clerk that was in the bill, making three law clerks; and we have from the department a statement with reference to the two law clerks who are referred to in this bill, and one of them, a Mr. Cronin, under the supervision of the Solicitor, is employed in the enforcement of the law connected with foods and drugs. That man was in the service at the time and was put upon the statutory roll of the Secretary at this salary.

Mr. CLARK of Wyoming. What attracted my attention to it was the Book of Estimates, page 111—the Book of Estimates prepared by the Secretary of the Treasury with reference to the Agricultural Department. It submits estimates for two law clerks, at $2,500 each, $5,000. I ask if the chairman has a supplemental estimate covering the other law clerk?

Mr. HEYBURN. I——

Mr. BURNHAM. Let me answer the Senator from Wyoming, please.

Mr. HEYBURN. Certainly.

Mr. BURNHAM. The Secretary did communicate with the committee, saying that he desired the three law clerks, two law clerks additional to the one.

Mr. CLARK of Wyoming. But they were not estimated for.

Mr. BURNHAM. Two were estimated for and the third provided, because of the letter of the Secretary.

Mr. CLARK of Wyoming. That is what I wanted to ask—whether they were estimated for.

Mr. BURNHAM. The Secretary set forth satisfactory reasons for their employment.

Mr. BORAH. I should like to ask the Senator, before he takes his seat, how many law clerks are provided for now?

Mr. BURNHAM. I think the Senator from Idaho stated the number.

Mr. HEYBURN. We find 24 law clerks on the first page of his statement, and then under the subdivisions you will find in various ones further provisions; but you will find 24 law clerks on the first page of the statement. That will give you a little more definite information.

Mr. CLARK of Wyoming. That would be 25 in the bill and 24 in the estimate.

Mr. HEYBURN. This bill is a good bit of a maze. There are some things you can find in the bill, and I say it without any animadversion upon anyone, and there are other things which you will not find in the bill at present.

Mr. BORAH. May I ask another question? Is there any showing or statement in print showing the necessity of this number of law clerks, and so forth? Was there a showing before the committee or anything of that kind that some one who is not a member of the committee may have to read?

Mr. BURNHAM. I know this, that an inquiry came to me personally why so many law clerks were provided for, and the Secretary or his assistant said there was necessity for every one, and that they had regular and constant work. It covered the whole list and the whole department.

Mr. BORAH. May I ask, Does the Senator know how many law clerks this department has now, compared with the number of law clerks the Interior Department has?

Mr. BURNHAM. I am not possessed of that information. I understand the Forestry Service requires a large number of law clerks.

Mr. BORAH. I should think so.

Mr. HEYBURN. I should be glad to know why.

Mr. BURNHAM. To attend to the business of that service in a great many ways.

Mr. HEYBURN. The forest reservations are not supposed to be open within their exterior boundaries where anybody lives except the foresters. Do they get into controversies?

Mr. BURNHAM. Yes; some controversies. The Senator is aware of the fact that sales of timber are made and surveys are made.

Mr. HEYBURN. Does that require law clerks?

Mr. BURNHAM. The department needs law clerks to make up bonds and licenses.

Mr. HEYBURN. I have examined those papers, and I know of no instance or I recall none where any lawyer had made them out. They were made by the joint effort of the attorney for the party who was getting the license to graze upon the land and the forestry officer, upon blanks.

Mr. BURNHAM. I can not go into detail in reference to the employment of every law clerk, but I can see where their services are required.

Mr. WARREN. They are required not only for the Forest Service, but with respect to the food and drugs act. That takes a large portion of the time of some of these law clerks.

Mr. BORAH. I did not understand that.

Mr. HEYBURN. What do they have to do in connection with that act?

Mr. WARREN. Everything. They have to do with the preparation of cases in order to enforce the law.

Mr. HEYBURN. No; they do not. What does the law clerk have to do with the enforcement of the pure-food act? The United States district attorney is the man who enforces the law.

Mr. WARREN. He does not attend to the details.

Mr. HEYBURN. The department has nothing to do with it except to submit the case to the United States district attorney.

Mr. WARREN. The department has all to do with it until it reaches a point where it is submitted to the Attorney General. It has to be done not only in Washington, but at every other point where the operatives of the department are employed.

Mr. HEYBURN. There has been a fictitious government built up within this department that has recently caused something of a scandal, where they have undertaken to usurp the powers of the United States attorney and the United States courts. On the floor of the Senate when that bill was before the body for consideraion that question was thrashed out. The bill came over from the House with a provision for a Bureau of Standards, with the equipment of clerks and bureau assistants, including attorneys. The Senate disagreed to that and put the whole matter under the jurisdiction of the courts of the United States. Those cases then can be prosecuted only in United States courts and by United States officers, none of which come within or are put in the provisions of the agricultural appropriation bill.

Mr. BURNHAM. It must be very apparent to the Senator from Idaho that when complaints are brought to the office there must be an examination of the complaints, and the preparation of those cases is not done by the Department of Justice. I understand these law clerks have a great deal to do with the preparation of those cases before they are submitted to the Attorney General.

Mr. HEYBURN. They have too much to do with them, as we found in a recent investigation there.

Mr. BURNHAM. They must have had some business to do, then.

Mr. HEYBURN. If there is an appropriation to be made to pay for legal services in the prosecution of those cases, it must come under a different appropriation bill. When we make appropriations for the maintenance of the courts and judges and United States attorneys we may then provide for any necessary assistants.

Mr. GALLINGER. If the Senator will permit me——

Mr. HEYBURN. Certainly.

Mr. GALLINGER. In the last appropriation bill for the Department of Agriculture a provision was inserted that hereafter the law clerks should be detailed by the Secretary of Agriculture for service in and out of Washington. That does not appear in the present bill, because it was made permanent in the bill of last year. So I apprehend—and I know very little about it—that the Department of Agriculture, if complaint is made in New Hampshire, for instance, may detail one of its law clerks to go there and investigate the matter previous to submitting it to the proper legal authority. I do not know whether that is so, but I judge it is from the phraseology of the bill of last year.

Mr. HEYBURN. Mr. President, while the Agricultural Department, through its officers, may search out a complaint of an infraction of law, they are not the only ones who may do it. One may not violate that law merely because the Agricultural Department has not discovered him in the act of doing so. That provision, of course, was as reckless as anything could be, unguarded as it is, that you might send assistant attorneys or representatives from one department of the Government anywhere to interfere with the business of another department of the Government. I am not here to disturb it, and no good would come from attacking it at this time. I just notice it in passing as a part of the scenery of this legislation.

Mr. WARREN. Mr. President, there is not a department of the Government, so far as I know, but that has its law officers and clerks; and it has been thought to be more convenient to do the work that way than to have the law business of the country all done through the Attorney General.

We have various things, not only at Washington but all over the country, that the Department of Agriculture has to attend to through men of legal education. For instance, there is the 36-hour law, or the 28-hour law, regarding the transportation of live animals on railroads, which is often violated in the

shipment of live stock at various points. The food and drugs act may be violated at any point in the United States. It is idle to talk about all that business going to the Attorney General. What does that department know about the transgressions of either the pure-food law or the meat-inspection law or the transgressions of railroads until such matters are carried up to it by those in charge? Those cases are handled by the Department of Agriculture, so far as they can be, and it is only when some great question arises that it goes to the Attorney General. It comes up from the Agricultural Department, necessarily, just the same as cases come from the other departments. If the Secretary of Agriculture has to do without law clerks there is no reason why every other department of the Government should not do without them.

Mr. HEYBURN. Mr. President, our system of government is based upon the principle that the Department of Justice will furnish every other department with any legal advice or assistance that it needs. I say to the Senator who dissents from me on that I believe I am absolutely correct in my statement. The Department of Justice was inaugurated for the very purpose of providing legal advice and assistance.

Mr. LODGE. The Senator proposes to lay down the proposition that there is a constitutional division among the departments. They are the mere creatures of statutes.

Mr. HEYBURN. I did not lay down such a proposition.

Mr. LODGE. I understood the Senator to say we had no right to employ these law clerks in the Department of Agriculture.

Mr. HEYBURN. I did not say we could or could not. I say that we have furnished a legal department of the Government that is armed, equipped, and provided for this service, and we will not have a Department of Justice in each of the other departments.

Mr. LODGE. It stands to reason that no Attorney General's office can possibly follow up the infractions of every law which other departments have to enforce. They have to be reported to the Department of Justice from the Post Office Department, from the Interior Department, and from all the different departments of the Government. It is utterly impossible that the Attorney General should follow up the enforcement of every law on the statute books.

Mr. HEYBURN. Mr. President, I think the Senator will think more and think better of that. We can just as well in this legislation give 14 law clerks to the Department of Justice as we can give them to the Department of Agriculture, and it will effectuate the same purpose.

Mr. President, I will not deal any longer with those law clerks, but I want to call attention to this question of lump-fund salaries. I will keep away from the Forest Service until that is reached, about the middle of the week. I find here the Weather Bureau, under the head of lump-fund salaries, the same objectionable principles. I find lump-sum salaries extending from page 53 to 76. I find the sums appropriated last year are paid out of this lump fund that was given. There was no specific appropriation for it. I need not recall to the minds of Senators the constitutional limitation upon making appropriations. They can only be made for a specific purpose. Appropriations made for one purpose can not be used for another.

Then again, Mr. President, an appropriation can only be made upon the estimates and for a definite purpose specified in the appropriation. Have we forgotten the Constitution of the United States? It seems for a few years that we have. We appropriate money here under the rule of thumb rather than under the provisions of the Constitution. Those are things I object to on principle.

Now, I will get the total. One hundred and eight thousand dollars was the aggregate sum of appropriations under the fund to which I have called attention. It is stated at the head of the page, $108,000 out of the lump sum, for purposes of which Congress had no knowledge. We did not know that we were making the appropriation for that purpose.

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. BURNHAM. I wish to say, from information I have, that the expenditures of the Department of Agriculture have been for some time in the precise form they are now, and the names of the individuals and the salaries are carried out under that lump sum.

Mr. HEYBURN. That is doubtless true. I am hoping and praying for a return to appropriations to be made pursuant to the Constitution of the United States, and I am speaking on behalf of that cause.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I will ask the Senator in just what form he thinks we could make our appropriations covering all these various items? We have the information as to how this money was expended and the name of each individual and the amount he received for salary and expenses. They run up into the hundreds. Some of the money has been turned back, I notice, in one or two cases. I am glad to observe that. I should like to ask the Senator just how he thinks we could frame an appropriation bill providing for the expenditure of $1,000,000, for instance, under the Bureau of Animal Industry?

Mr. HEYBURN. I will turn to the Bureau of Animal Industry. I had the Weather Bureau before me. If I thought the Constitution of the United States was unenforceable or inapplicable, I would not be so enthusiastic an admirer of it as I am.

Mr. GALLINGER. The Senator will find the Bureau of Animal Industry at page 124 of the statement of expenditures of the Department of Agriculture.

Mr. HEYBURN. I have it.

Mr. GALLINGER. It commences at page 123.

Mr. HEYBURN. That is an appropriation of $3,000,000.

Mr. GALLINGER. A little over $1,000,000, I think.

Mr. HEYBURN. It says, on page 124, for 1911, $3,000,000, at the head of the page. The trouble here is that we got the items after the bill was passed instead of before. We appropriate for a purpose, and we must have that purpose before our minds. We must know the purpose. Here we make the appropriation and find the purpose afterwards. That is the difficulty. You should just reverse that system and not be appalled at the inquiry as to how you do it. We should have had this statement of the amount necessary to be appropriated before we appropriate it. We appropriate that in a lump sum, and the Senator will find it so stated on pages 125 and 124.

Mr. GALLINGER. Yes; and, Mr. President, I find, too, that the Secretary of Agriculture has expended that appropriation, accounting for every item of appropriation, and the statement shows that he turned back into the Treasury $159,718.43. So we have explicit information as to how every item of it was expended.

Now, this may not be good legislation. It may be that we are spending too much money on the Bureau of Animal Industry, for instance; but it seems to me that the only way we can get at that is to make an investigation and ascertain whether or not the Secretary of Agriculture is profligate, whether he is doing unwarrantable things or not.

However, I still fail to understand how the Senator is going in an appropriation bill to provide for each one of these items of expenditure. I think we have to give the Secretary of Agriculture a certain amount of money, as we always have done, and then hold him to strict accountability for its expenditure, which we have done. He has responded by sending the name of every employee and the amount of money received both for salaries and expenses; and I do not for the life of me see how we can put the matter in any different shape.

Mr. HEYBURN. Mr. President, the Senator's suggestion rather illustrates the recklessness of the appropriation. The Secretary of Agriculture does not seem to have known how much he would need nor does Congress seem to have had any idea of the amount he would need.

Mr. GALLINGER. They are to receive through him $3,000,000.

Mr. HEYBURN. Of course I would not for a moment suggest that he misappropriated any of it or that it was misspent, or make any such suggestion.

Mr. WARREN. Three million dollars is the annual appropriation made by Congress.

Mr. HEYBURN. But he did not need it.

Mr. GALLINGER. I will ask the Senator how could the Secretary of Agriculture have known in advance how much he needed? He could not anticipate what circumstances were to arise in the investigation of infractions of the law all over this great country. Naturally he had to make an estimate as to what he would require. Last year he estimated a little too high, and we gave him a little more money than he needed. The balance of it is turned back into the Treasury. Whether he employed men he ought not to have employed is a matter that I do not undertake to pass upon.

Mr. WARREN. May I ask the Senator what $3,000,000 appropriation he refers to?

Mr. HEYBURN. I refer to the item on page 124 of the statement.

Mr. WARREN. The appropriation of $3,000,000 to the Department of Agriculture for meat inspection? That is an annual appropriation.

Mr. HEYBURN. But it is not meat inspection. I refer to the animal-industry inspection.

Mr. WARREN. That is, of course, inspection—the prevention of disease, and so forth, most naturally. The $3,000,000 meat-inspection item is there by legislation that was passed here years ago.

Mr. HEYBURN. Mr. President, I am not speaking recklessly, because I have been wasting some hours that I might have expended more comfortably in sleep in going over this thing; and I am not speaking merely for the pleasure of speaking. Commencing on page 124 we have the list of items; there are about 60 to the page.

Mr. GALLINGER. Will the Senator kindly read the caption?

Mr. HEYBURN. Yes.

Report of expenditures for the fiscal year ended June 30, 1911, under appropriation "Meat inspection, Bureau of Animal Industry, 1911," $3,000,000.

Of course, I am coming to meat inspection. I was not unadvised of that fact. It follows. Here are veterinary inspectors of various classes. There are about 400 of that class of employees, and their salaries run all the way up to $1,400 and $1,500. I do not know what the average would be. The amount paid in mileage is a very large item. For instance, Alford D. Bullock, page 126, received $1,800 salary and $1,760.53 traveling expenses.

Mr. GALLINGER. A great many of them received only three or four dollars for traveling expenses.

Mr. HEYBURN. Yes; but I am giving the facts. I am not talking sentiment at all. On page 125, another inspector, A. J. Pistor, received $2,250 salary, and he received $1,617.32 for traveling expenses. Another man, on page 124, Edward P. Schaffter, received $2,499.99 for salary, and he received $1,638.43 for traveling expenses; that is, for travel and station and field expenses.

Mr. WARREN. There is nothing unusual about that. We provide in the original law, which appropriates annually $3,000,000, that at every point where meat is manufactured for interstate use and sale there shall be one or more inspectors as the occasion may require. Now, those inspectors are scattered over the country to a considerable extent. We must also protect lives by inspecting outgoing and incoming meats and meat animals. We must have inspectors to visit these various places. The fact that the traveling expenses are large compared to salaries is rather to the credit of the management and the men, because a man with a not large salary, it seems, gets over a good deal of country in executing the duties of his office. That does not apply to all, but to quite a number.

Mr. HEYBURN. The Senator dropped inadvertently into an error. I am not complaining of traveling expenses in meat inspection because those are small items and amount to practically nothing. I was speaking entirely of veterinary inspectors. Of the meat inspectors, the Senator will see, if he will turn to the pages, nine-tenths or three-fourths draw nothing for expenses. Those are items like $32 and $20.

Mr. WARREN. Those inspectors are regularly located at some point. Veterinarians are inspectors in a sense, and veterinarians travel from point to point. They are to watch the meats we import and export, also to see that no foot-and-mouth or other disease may come in with live animals.

Mr. HEYBURN. Horses do not have foot-and-mouth disease.

Mr. WARREN. Cattle do.

Mr. HEYBURN. Cattle do not enter——

Mr. WARREN. Horses have glanders. Of course, the Senator knows that it is useless to discuss with me what are the diseases of horses and cattle and sheep. He knows as well as I do that they are all subject to certain diseases.

These inspectors, these veterinarians, if it is a case of glanders in horses, are to take possession of the animals and destroy them. If it is a case of foot-and-mouth disease, they have to do the same; and they have to apply the quarantine laws.

Mr. HEYBURN. I have had occasion to give some attention to the character of diseases that attack certain animals, and I know the Senator from Wyoming is thoroughly conversant with the facts.

Mr. GALLINGER. Mr. President, if the Senator from Wyoming will permit me, the Senator from Idaho has called attention to three or four cases where the agent received a large amount, or an apparently large amount, for traveling expenses, but if the Senator will go through the entire list he will find that it does not average $100. I will call his attention, for instance, on page 125, to Mr. S. W. Burt, who drew $1.80 for travel, station, and field expenses; to Mr. Boyd Baldwin, who received $1.50; and so on; and there are a great many instances in the long list given here where they did not draw a dollar. It is hardly fair for the Senator from Idaho to give the impression that these enormous amounts, or apparently enormous amounts, are being paid for traveling expenses. Here are two whole pages where there are not more than 20 out of a couple of hundred who drew anything. It may be that those two or three to which the Senator alludes were paid an excessive amount for traveling expenses, but I apprehend that they had to give a detailed account of how they spent the money, and that the Secretary of Agriculture only allowed it to be paid on vouchers.

Mr. HEYBURN. Mr. President, I did not enter upon the criticism in detail of these items. I referred to them necessarily in considering the principle of legislation. I say that had those items been before Congress when it enacted the last appropriation bill for the expenses of this department, it would not have appropriated that sum of money. I am calling for a reform in the manner of appropriating money for these departments, and I merely mention incidentally these items, or point them out, as instances of what would, perhaps, have stayed the hand of legislation and brought it down to a proper basis.

Mr. GALLINGER. I venture to ask the Senator from Idaho how we could have had those items? The Secretary of Agriculture is a very wise man, but he is not a prophet; he could not have foreseen the necessity for the employment of these men a year ahead. We are in this bill providing for the next year after the end of this fiscal year. The Senator from Idaho does not know whether there is going to be an epidemic among cattle or horses in this country; he does not know whether there is to be expenditures called for all along the line which we can not anticipate. So I repeat my suggestion to the Senator that if there is to be any method he can suggest whereby we can make these appropriations, as he contends, constitutionally, I should like to know what that method is.

Mr. HEYBURN. I think I can state it very briefly and concisely.

Mr. GALLINGER. I am sure the Committee on Appropriations, of which I chance to be a member, would be very happy to have the Senator elaborate his scheme and explain precisely how it can be done, because, if it can be done, if we can know in advance how much money the Secretary of Agriculture is going to need to extirpate diseases of cattle or of horses that may occur all over the country, I should like to have him do it; but I can not conceive how that can be ascertained.

Mr. HEYBURN. We do it in other appropriations.

Mr. GALLINGER. Oh, no; we do not do anything that can be compared to this.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes; and then I will reply to the Senator from New Hampshire.

Mr. WARREN. I am going to follow the same line as that suggested by the Senator from Idaho.

Mr. President, I am very glad to have the Senator from Idaho bring up the subject of applying appropriations as directly and with as much accountability as possible. I hope he will give us some advice that we may profit by, but in the particular case of the meat-inspection law, which provides a continuing annual appropriation of $3,000,000, I was not in the Senate Chamber on the day, some years ago, when it was put on as a rider to the agricultural appropriation bill. I was called out of town before the matter came in, and the law was passed making an annual $3,000,000 appropriation. I am free to say that I think that the law has been of great value. It is one of those undertakings on the part of the Government that, while some portion of the expense may be foreseen and provided for beforehand, as to who shall be employed, and at what salaries, a very large part of it comes in the expenditure for emergencies and from different calls in various parts of the country, and necessarily is temporary or per diem work.

Mr. HEYBURN. I would like to ask the Senator from Wyoming if he is referring to the meat-inspection or to the veterinary service?

Mr. WARREN. If the Senator will allow me a moment, I shall explain.

I have fought against additions to the appropriation of $3,000,000 and the purposes for which they are proposed, where the intention is to carry the appropriation so far as to include all foods, drugs, and other things; but I do not know any better way than, under the legislation which provides every year $3,000,000, to hold the Secretary of Agriculture responsible

through his report here, and, as you might say, audit it in Congress. If there is any better way, I add my request to that of the Senator from New Hampshire that the Senator from Idaho shall state it.

Mr. GALLINGER. We require the Secretary to make his report.

Mr. WARREN. Every officer of the Government who has to deal with contingencies or emergencies must necessarily have some leeway. For instance, in the meat-inspection service and in the general purposes of the Animal Industry Bureau there have to be employed per diem employees for perhaps a day or three or four days or a month. We do not want to carry the salaries throughout the year for men enough to meet every contingency. There must be some place where, in case of a great conflagration, we can have extra men and pay them; or where, if an epidemic should break out and there should be any requirement necessary for the protection of the life or health of the animals of this country, men would have to be employed immediately on the best possible terms, the account then to be rendered to Congress and audited by Congress.

Mr. HEYBURN. Mr. President, I am in sympathy with the Senator from Wyoming in regard to the meat-inspection provision. No one could be more strongly in sympathy with that than am I. I was directing my remarks to the animal-industry schedule, if it may be so termed.

Mr. WARREN. Well, in a measure, Mr. President, if the Senator will allow me, the Bureau of Animal Industry has more in the way of contingencies than the other bureaus, because it takes care of the inspection of live animals which may be imported or exported and domestic animals which are running in all parts of the United States. An epidemic may break out here or a contagion there, and it must be stamped out before it is allowed to spread over the entire country. Therefore experts have to be employed; otherwise we would have a great body of men who for a portion of the year would be unemployed, and there would be no necessity for their payment.

Mr. HEYBURN. I appreciate that, but the Secretary of Agriculture on a former occasion had the equivalent of the facts which he now presents to us.

The Senator from New Hampshire [Mr. GALLINGER] has inquired as to my suggestion in dealing with this legislation. In other appropriation bills we say "for such and such a service, nine clerks, three assistants," and so on. The provision in this bill should specify the number of employees who might be engaged in this work. We so provide in other appropriation bills, which are similar to this one. We could say here, for instance, "For 300 veterinary inspectors, at so much, so many dollars." We would then know how many men we were going to have as a maximum and what the cost would be; but, mind you, this was done under a lump-sum appropriation, and we were never more fortunate in having an example that could not be criticised as to its applicability. We find here that we gave them $3,000,000 and that they expended less than that sum. Now, we find them this year, with an increased population and increased duties, asking for only $1,682,116.

Mr. GALLINGER. But, Mr. President, that does not include the meat-inspection service. They are asking for the amount stated by the Senator as against $1,654,750 last year. What they ask this year is almost exactly what is granted to them in this bill.

Mr. HEYBURN. The Senator's suggestion came before I had concluded my statement. I was reading from the bill. The total for the Bureau of Animal Industry is $1,682,116.

Mr. GALLINGER. That is less than for the meat-inspection service.

Mr. HEYBURN. Yes. I am perfectly aware of the item, which I have close at hand here, covering the meat-inspection service.

Mr. WARREN. The Senator will understand that the $3,000,000 is an annual appropriation and goes on forever unless we repeal the law authorizing it.

Mr. HEYBURN. Yes.

Mr. WARREN. The other is one that we must provide for every year. As to the $3,000,000 appropriation, I do not believe that the Secretary had really the right, under the legislation then provided, to put in beforehand the exact number of employees and the salary that would be paid to them; but he would have to specify afterwards what they were paid and that they were paid out of the $3,000,000, of course. The whole debate at the time the original law was passed, and the intent, seemed to be to place that sum of money untrammeled in the hands of the Secretary to be used as economically as possible, but with the provision that he was to be thoroughly alive to the situation, to hire whatever was necessary in the way of help, and to incur whatever expense was needed to carry out the object of the provision.

Mr. HEYBURN. Mr. President, it amounts to a commission form of government. You give the Secretary a large sum of money, being sure that it will exceed the possible necessities, and you say to him, "Here is the money, go and administer the government." That is what it amounts to. You say, "We do not know whether you will need $3,000,000 or $1,000,000"——

Mr. WARREN. I think, if the Senator will allow me right there, that up to this time the appropriation has been wisely handled by the department, and that the expenditures have not been unduly extravagant. The Senator will admit that.

Mr. HEYBURN. I am not inclined to criticize them. Even though they might at some time be open to criticism, I would not embarrass the consideration of this measure by reverting to that.

Mr. WARREN. But of course the Senator understands that the inauguration of this work was entirely new, and it was a very extensive problem.

Mr. HEYBURN. It was the inauguration of a form of running the Government by commission, vested in the Secretary of Agriculture.

Mr. WARREN. That is a quite popular mode of government just now.

Mr. HEYBURN. I have some objections to urge against it.

Mr. WARREN. So do we all have; but the Senator will admit that it is rather a popular form of government, nevertheless.

Mr. HEYBURN. No; not popular; there is much noise about it, but not many people are in favor of it. Now, how does this differ from a commission form of government? You first select a man at the head of a department, and you say to him: "Take this money and be sure you have got enough and run this government, and you select those who shall be the agents and through whom the government is run." That is government by commission. I am not clear in my mind whether it was accomplished four years ago or whether it was only inaugurated at that time. It was consummated two years ago, and at that time, if I may be pardoned for referring to my own part in it, I suggested that it was equivalent to government by commission, because it turned over to an appointed officer, to an officer whom we did not appoint and the people did not select, the power to run the government, simply giving him a round sum of money with which to do it, and requesting him to select, without any interference, those who should assist him.

In a commission form of government, through some manipulation, a certain number of men, one or more, are commissioned to administer the affairs of a city or a municipality, and they are authorized to dip into the treasury, which is the pockets of the people—it does not matter what form it may take afterwards—and get money enough with which to run the government, and then to select their own agencies. That is what is called "government by commission." No thoughtful American citizen who really understands what our Government stands for will favor that kind of government after he understands it. When he begins to think, he may suppose he understands it and approves it, but if he is capable of ultimate thought, he will not think so when he has thought.

Mr. President, I am not going, at this time at least, to deliver a homily on government by commission. I intend on some other occasion to express myself upon that question, because I have found some very good men, in whom I have had confidence, favoring government by commission. Of course, after a little while they will not favor it, for they will find that they have simply appointed guardians for themselves, and that they have the same rights that a ward has under a guardian.

Mr. President, I am not going to hinder the progress of this bill. I wanted to get this idea in the minds of some Senators, if only one—I hope in the minds of all Senators—that the lump-sum appropriation is a violation of the Constitution; it is a violation of the principles of our Government, and it is a violatin of good common sense.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. It is interesting to have the Senator call the attention of the Senate to that fact, because manifestly the Congress has been getting along as best it could in violation of the Constitution of the United States. There is not an appropriation bill, including this one, that does not provide lump-sum appropriations. Take the naval appropriation bill of last year. Here [indicating] is one lump-sum item aggregating $254,654.25, and here is another aggregating a million dollars.

Mr. WARREN. The Senator might say there is a lump-sum appropriation of fifty-odd millions in the naval appropriation bill.

Mr. GALLINGER. That is probably true; but I was simply calling attention to one or two items. I have called attention to an item of $1,000,000. For the Bureau of Navigation there was also a very large lump-sum appropriation—I have forgotten how much—but here, in the first paragraph in the first item, I notice an appropriation of $999,400 in a lump sum for the Bureau of Navigation, and so on through the bill. If we have been legislating unconstitutionally I do not know whether any——

Mr. HEYBURN. Whether it is worth while to reform the practice.

Mr. GALLINGER (continuing). Whether any of us are particularly to be blamed; but I think it would be a great task for the Senator to undertake—and I know his industry and capacity to do great work—it would be a great task for the Senator, I think, to take up the naval appropriation bill and separate it so that we can provide item by item for each appropriation in that bill.

I apprehend it is an impossible task, and I personally and as a member of the Committee on Appropriations would be delighted to have the Senator undertake it, and if he lives long enough to accomplish it we will all be willing, I think, to give him a vote of thanks from the Congress of the United States, for it will be a great achievement. But I think the Senator for once in his life would undertake a task that is absolutely beyond the possibility of accomplishment. That is my notion about it. I may be wrong.

Mr. HEYBURN. Mr. President, I appreciate the force of what the Senator from New Hampshire says and the criticism of the Army and Navy appropriation bills, especially the Navy appropriation bill, and it was only because I did not want to overburden my criticism that I did not mention other appropriation bills.

I remember one of the ablest men who ever sat in this body who occupied the seat almost behind me, calling attention to and criticising that class of appropriations in the naval appropriation bill. I learned a great deal of wisdom from the lips of that distinguished man.

Mr. GALLINGER. And yet that same man reported the naval appropriation bill year after year.

Mr. HEYBURN. He reported it because of the action of the committee, but I never heard bills more severely criticised than they were by that Senator, even though he had reported the bill. He was one man in the committee and he was in a minority in this body in regard to his views as to naval appropriation bills.

I would not charge any man in this body with having forgotten the Constitution or with having not read it, and it matters not to me how long an error has existed if the duty rests upon me and others to correct the error. This is an ancient document. It has been discredited some in later days by men who neither know nor care what the Constitution is. I am reading now from the Constitution of the United States:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Mr. GALLINGER. Does the Senator think if we appropriate in a lump sum a million dollars, that is an appropriation according to law?

Mr. HEYBURN. No; I do not; and the Senator from New Hampshire will not think it is after he has investigated the question. Let us give a little further attention to this:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Of course, no one will contend that the word "appropriation" does not mean specific appropriation, because that has been so determined; but if it had never been decided, there is no one who would contend that it did not mean a specific appropriation for a purpose named in the appropriation bill. It would not be contended by anyone that an appropriation made for the building of a battleship could be used for the building of a monument. It would not be contended by anyone that an appropriation made for the purpose of promoting the Forestry Service could be used for the purpose of maintaining the Navy.

Mr. GALLINGER. If the Senator will permit me, I quite agree with the Senator on that proposition. The Senator is absolutely correct, as he usually is. A department ought not to be permitted to divert a specific appropriation for the purpose of doing something else, and if that has been done I think it ought to be stopped.

Mr. HEYBURN. Money must be appropriated for a definite purpose. This language is open to no other construction. The purpose of writing that language into the Constitution was to anchor the appropriation to a purpose. Is appropriating a lump sum of money to be used without any defined purpose within the provisions of the Constitution?

Mr. GALLINGER. The defined purpose runs all through the bill. There is a certain amount of money for the Bureau of Animal Industry; there is a certain amount of money for the Plant Bureau; and those moneys can not be diverted to any other purpose. I think it is specifically stated what they are appropriated for. The Senator's contention is that we ought to appropriate for each individual veterinary or clerk.

Mr. HEYBURN. Oh, not at all.

Mr. GALLINGER. That we ought to appropriate for a certain number of them. I, of course, have great hesitancy in venturing an opinion as to the meaning of the Constitution in any controversy with the distinguished Senator from Idaho, but it does seem to me that when we appropriate a certain amount for the Bureau of Animal Industry we appropriate it for a specific and well-defined purpose, and under the Constitution it can well be used according to the terms of the appropriation. That is the way it strikes me.

Mr. HEYBURN. With all due deference to the Senator, because I have great confidence in his judgment and ability to apply the Constitution, let us see whether this is right. I say the question rests upon whose purpose?

> No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

It is not competent to appropriate money for the use of some other man, according to his judgment. The use must be based upon the judgment of Congress. That judgment must be a part of the purpose for which the money was appropriated, not appropriated for a purpose to be afterwards ascertained or determined by an executive officer, but for the purpose that Congress had in view when it appropriated the money. No person should be authorized to determine the purpose for which money is appropriated by Congress. Congress must not only determine the purpose, but it must express it in such language as to leave no doubt of the purpose.

I intend for the short time that I shall participate in the proceedings of this body, or whether it be short or long, to continue opposition to this method of lump-sum appropriatins, because they are in violation of the letter and of the purpose of the Constitution, and they are without warrant of reason.

Mr. President, having thus stated a general objection to this bill, to be made applicable as we reach the items that point the objection, I will let the reading of the bill proceed and confine my attention to objecting as we reach the items.

The VICE PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 2, line 17, before the word "law," to strike out "seven" and insert "eight," and in line 25, before the word "messengers," to strike out "nine" and insert "twelve," so as to read:

> One law clerk, $2,200; 16 law clerks, at $2,000 each; 8 law clerks, at $1,800 each; 3 law clerks, at $1,600 each; 1 telegraph and telephone operator, $1,600; 2 clerks, class 4; 6 clerks, class 3; 10 clerks, class 2; 18 clerks, class 1; eight clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 12 messengers or laborers, at $840 each.

Mr. STONE. Mr. President, I desire to inquire whether under the joint rule regulating printing a picture, say a cartoon, can be reproduced and printed in the RECORD?

Mr. SMOOT. The Joint Committee on Printing a number of years ago passed an order that such a thing could not be printed in the RECORD, and, Mr. President, it has strictly adhered to that rule up to the present time.

Mr. STONE. I suppose that is a good rule.

Mr. SMOOT. I think it is a splendid one.

Mr. STONE. There ought to be exceptions to it. There ought to be exceptions to all rules or almost all rules. I am sorry that I can not find some reason for urging an exception now.

Mr. President, there is a cartoon appearing in one of this morning's papers which I would be glad if it could, for its historical value, be incorporated in the CONGRESSIONAL RECORD. It appears on the first page of this morning's Washington Herald. Over the top are these words, "Saint Roosevelt, by Roosevelt." Under it are the words, "Roosevelt letter, May 10: 'There is just one candidate whom it is possible to nominate against the bosses, and that is myself.'"

The picture itself——

Mr. BORAH. Is there any way by which we can have that cartoon reproduced in the RECORD?

Mr. SMOOT. There is not.

Mr. BURNHAM. May I——

Mr. SMOOT. There is no one whom I should like to favor in this regard more than the distinguished Senator from Missouri, but as it has been the rule in the past and the appeal has been made to the joint committee not once, but, since I have been a member of the committee, a hundred times——

Mr. STONE. I am not making an appeal.

Mr. SMOOT. And we have refused to do so, therefore we can not reproduce this picture in the RECORD. I was merely stating the reason why.

Mr. BURNHAM. Mr. President, I was not aware of yielding the floor.

Mr. STONE. I have taken the floor in my own right.

Mr. BURNHAM. I ask the Chair how it fits into the appropriation bill?

The VICE PRESIDENT. The Senator from Missouri obtained the floor in his own right, and the Chair assumes that his remarks apply to the bill under consideration.

Mr. BURNHAM. What I made was simply a query of the Chair. It may have great pertinency to this bill, but I am not aware of it.

Mr. GALLINGER. The Senator from Missouri, under the head of "Animal industry," is speaking of the human industry.

Mr. STONE. I think that is a very pertinent suggestion. I will restate the case. Over the cartoon are the words "Saint Roosevelt, by Roosevelt," and under the cartoon are the words "Roosevelt letter, May 10: 'There is just one candidate whom it is possible to nominate against the bosses, and that is myself.'"

In the cartoon itself are two pictures of Col. Roosevelt, one in propria persona, as he is usually presented; that is to say, with his military hat on, his boots and spurs, with his eyeglasses on, and his teeth exposed and some indescribable heavy weapon in his right hand, and a shield presented in front held in his left hand; and just beyond that is another figure of the redoubtable colonel pictured as an angel of death or destruction, and the colonel in his proper person is looking with approval upon the angel. The angel in his left hand has a miniature human being grasped by the throat, labeled "political boss," and in his right hand another miniature being grasped by the throat labeled "the trusts," and these two he is strangling.

I should like to have the cartoon revised a little bit and print it in the CONGRESSIONAL RECORD, if that be possible.

Mr. TILLMAN. Why does not the Senator from Missouri ask unanimous consent?

Mr. STONE. I should like to have it revised, so as to be more accurately representative of the real truth of history. It is all right except in one particular. I would make it a little more personal than this artist has made it.

The VICE PRESIDENT. Will the Senator from Missouri that that is sufficient. Therefore I object to the request as far as it relates to printing in the RECORD.

The VICE PRESIDENT. Objection is made to the request.

Mr. STONE. That shows, Mr. President, that the Senator from Utah is not entirely and intensely a Taft man, as I thought he was. He is playing both ends against the middle.

Mr. SMOOT. I rather think that that remark by the Senator from Missouri is uncalled for. That the record may be absolutely straight, I will say that no matter what the request of the Senator had been, I would have objected the same way under the rule of the Senate. It is not because I love Roosevelt more and Taft less or Taft more and Roosevelt less; it is not a question of politics; it is a question as to what shall go into the RECORD.

The VICE PRESIDENT. Without objection, the amendment on page 2, line 17 and line 24, will be agreed to, and the reading of the bill will be continued.

The reading of the bill was resumed. The next amendment was in the item of appropriation for "Salaries, Office of the Secretary of Agriculture," on page 3, line 1, before the word "assistant," to strike out "fifteen" and insert "ten"; in line 4, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand"; in line 10, before the word "hundred," to strike out "two" and insert "four"; in the same line, after the word "dollars," to insert "five cabinetmakers or carpenters, at $1,200 each"; in line 14, before the word "cabinetmakers," to strike out "two cabinetmakers or carpenters, at $1,080 each; three" and insert "eight"; in line 15, after the word "each," to strike out "one carpenter, $1,000; two carpenters, at $960 each; seven" and insert "cabinetmakers or"; in line 19, after the word "thousand," to insert "one hundred"; in the same line, after the word "dollars," to insert "one electrical wireman, $1,000"; in line 22, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in the same line, after the word "each," to insert "two painters, at $1,000 each"; in line 23, after the word "each," to strike out "one painter, $840; one painter, $720; one plumber, $1,020; four" and insert "five"; on page 4, line 2, before the word "dollars," to strike out "nine hundred" and insert "one thousand and twenty"; in the same line, after the word "each," to insert "one plumber's helper, $840"; in line 5, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in line 6, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred"; in line 8, before the word "mechanics," to strike out "three" and insert "four"; in line 9, after the word "each," to strike out "one mechanic, $1,100," and insert "one skilled laborer, $960," so as to read:

Ten assistant messengers or laborers, at $720 each; 1 chief engineer, who shall be captain of the watch, $2,000; 1 assistant chief engineer, $1,400; 1 assistant engineer, $1,200; 2 assistant engineers, at $1,000 each; 7 firemen, at $720 each; 8 elevator conductors, at $720 each; 1 construction inspector, $1,400; 5 cabinetmakers or carpenters, at $1,200 each; 2 cabinetmakers or carpenters, at $1,100 each; 8 cabinetmakers or carpenters, at $1,020 each; 2 cabinetmakers or carpenters, at $900 each; 1 electrician, $1,100; 1 electrical wireman, $1,000; 1 elec-

The picture itself——

Mr. BORAH. Is there any way by which we can have that cartoon reproduced in the RECORD?

Mr. SMOOT. There is not.

Mr. BURNHAM. May I——

Mr. SMOOT. There is no one whom I should like to favor in this regard more than the distinguished Senator from Missouri, but as it has been the rule in the past and the appeal has been made to the joint committee not once, but, since I have been a member of the committee, a hundred times——

Mr. STONE. I am not making an appeal.

Mr. SMOOT. And we have refused to do so, therefore we can not reproduce this picture in the RECORD. I was merely stating the reason why.

Mr. BURNHAM. Mr. President, I was not aware of yielding the floor.

Mr. STONE. I have taken the floor in my own right.

Mr. BURNHAM. I ask the Chair how it fits into the appropriation bill?

The VICE PRESIDENT. The Senator from Missouri obtained the floor in his own right, and the Chair assumes that his remarks apply to the bill under consideration.

Mr. BURNHAM. What I made was simply a query of the Chair. It may have great pertinency to this bill, but I am not aware of it.

Mr. GALLINGER. The Senator from Missouri, under the head of "Animal industry," is speaking of the human industry.

Mr. STONE. I think that is a very pertinent suggestion. I will restate the case. Over the cartoon are the words "Saint Roosevelt," by Roosevelt," and under the cartoon are the words "Roosevelt letter, May 10: 'There is just one candidate whom it is possible to nominate against the bosses, and that is myself.'"

In the cartoon itself are two pictures of Col. Roosevelt, one in propria persona, as he is usually presented; that is to say, with his military hat on, his boots and spurs, with his eyeglasses on, and his teeth exposed and some indescribable heavy weapon in his right hand, and a shield presented in front held in his left hand; and just beyond that is another figure of the redoubtable colonel pictured as an angel of death or destruction, and the colonel in his proper person is looking with approval upon the angel. The angel in his left hand has a miniature human being grasped by the throat, labeled "political boss," and in his right hand another miniature being grasped by the throat labeled "the trusts," and these two he is strangling.

I should like to have the cartoon revised a little bit and print it in the CONGRESSIONAL RECORD, if that be possible.

Mr. TILLMAN. Why does not the Senator from Missouri ask unanimous consent?

Mr. STONE. I should like to have it revised, so as to be more accurately representative of the real truth of history. It is all right except in one particular. I would make it a little more personal than this artist has made it.

The VICE PRESIDENT. Will the Senator from Missouri suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I am advised that the chairman of the Committee on Agriculture and Forestry desires to go on with the appropriation bill. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, upon the request of the Senator from North Carolina, the unfinished business is temporarily laid aside. The Senator from Missouri will proceed.

Mr. STONE. I am about through. I said that I would make it a little more personal and thereby a little better fit the case. For instance, in the strong right hand of this Roosevelt angel of destruction, instead of holding the trusts I would hold Perkins, and in the left hand instead of holding the political boss I would hold McCormick—Perkins of the Steel Trust in the right hand and McCormick of the Harvester Trust in the other hand—and then with both his feet planted upon the writhing form of Munsey, who belongs to both. Then you would have a picture that ought to go into the CONGRESSIONAL RECORD, and I ask unanimous consent that it may be so revised in the way I have indicated and printed in the CONGRESSIONAL RECORD.

Mr. MARTINE of New Jersey. Who will be the artist?

Mr. SMOOT. I take it for granted that the words spoken by the Senator from Missouri will appear in the RECORD, and that that is sufficient. Therefore I object to the request as far as it relates to printing in the RECORD.

The VICE PRESIDENT. Objection is made to the request.

Mr. STONE. That shows, Mr. President, that the Senator from Utah is not entirely and intensely a Taft man, as I thought he was. He is playing both ends against the middle.

Mr. SMOOT. I rather think that that remark by the Senator from Missouri is uncalled for. That the record may be absolutely straight, I will say that no matter what the request of the Senator had been, I would have objected the same way under the rule of the Senate. It is not because I love Roosevelt more and Taft less or Taft more and Roosevelt less; it is not a question of politics; it is a question as to what shall go into the RECORD.

The VICE PRESIDENT. Without objection, the amendment on page 2, line 17 and line 24, will be agreed to, and the reading of the bill will be continued.

The reading of the bill was resumed. The next amendment was in the item of appropriation for "Salaries, Office of the Secretary of Agriculture," on page 3, line 1, before the word "assistant," to strike out "fifteen" and insert "ten"; in line 4, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand"; in line 10, before the word "hundred," to strike out "two" and insert "four"; in the same line, after the word "dollars," to insert "five cabinetmakers or carpenters, at $1,200 each"; in line 14, before the word "cabinetmakers," to strike out "two cabinetmakers or carpenters, at $1,080 each; three" and insert "eight"; in line 15, after the word "each," to strike out "one carpenter, $1,000; two carpenters, at $960 each; seven" and insert "cabinetmakers or"; in line 19, after the word "thousand," to insert "one hundred"; in the same line, after the word "dollars," to insert "one electrical wireman, $1,000"; in line 22, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in the same line, after the word "each," to insert "two painters, at $1,000 each"; in line 23, after the word "each," to strike out "one painter, $840; one painter, $720; one plumber, $1,020; four" and insert "five"; on page 4, line 2, before the word "dollars," to strike out "nine hundred" and insert "one thousand and twenty"; in the same line, after the word "each," to insert "one plumber's helper, $840"; in line 5, before the word "dollars," to strike out "six hundred" and insert "seven hundred and twenty"; in line 6, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred"; in line 8, before the word "mechanics," to strike out "three" and insert "four"; in line 9, after the word "each," to strike out "one mechanic, $1,100," and insert "one skilled laborer, $960," so as to read:

Ten assistant messengers or laborers, at $720 each; 1 chief engineer, who shall be captain of the watch, $2,000; 1 assistant chief engineer, $1,400; 1 assistant engineer, $1,200; 2 assistant engineers, at $1,000 each; 7 firemen, at $720 each; 8 elevator conductors, at $720 each; 1 construction inspector, $1,400; 5 cabinetmakers or carpenters, at $1,200 each; 2 cabinetmakers or carpenters, at $1,100 each; 8 cabinetmakers or carpenters, at $1,020 each; 2 cabinetmakers or carpenters, at $900 each; 1 electrician, $1,100; 1 electrical wireman, $1,000; 1 electrical wireman, $900; 2 electrician's helpers, at $720 each; 2 painters, at $1,000 each; 2 painters, at $900 each; 5 plumbers or steam fitters, at $1,020 each; 1 plumber's helper, $840; 2 plumber's helpers, at $720 each; 1 blacksmith, $900; 1 lieutenant of the watch, $1,000; 34 watchmen, at $720 each; 4 mechanics, at $1,200 each; 1 skilled laborer, $960; 1 janitor, $900; 18 assistant messengers or laborers, at $600 each; 21 laborers, messenger boys, or charwomen, at $480 each; 1 charwoman, $540; 8 charwomen, at $240 each; for extra labor and emergency employments, $12,000.

The amendment was agreed to.

The next amendment was, on page 4, line 20, before the word "dollars," to strike out "seventy-eight thousand nine hundred and thirty" and insert "ninety-one thousand seven hundred and eighty," so as to make the clause read:

Total for Office of the Secretary, $291,780.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 4, line 24, before the word "dollars," to insert "two hundred and fifty"; on page 5, line 6, before the word "dollars," to strike out "eight hundred and forty" and insert "nine hundred"; in line 8, before the word "assistant," to strike out "one" and insert "two"; in the same line, after the word "assistant," to strike out "foreman" and insert "foremen"; in line 9, after the word "dollars," insert "each"; in the same line, after the word "each," to strike out "one assistant foreman of division, at $1,400;" and in line 11, before the word "hundred," to strike out "three" and insert "five"; so as to read:

Salaries, Weather Bureau: One chief of bureau, $6,000; 1 assistant chief of bureau, $3,250; 1 chief clerk and executive assistant, $3,000; 3 chiefs of division, at $2,000 each; 8 clerks, class 4; 9 clerks, class 3; 20 clerks, class 2; 29 clerks, class 1; 20 clerks, at $1,000 each; 9

clerks, at $900 each; 4 copyists or typewriters, at $900 each; 1 copyist or typewriter, $840; 1 telegraph operator, $1,200; 2 assistant foremen of division, at $1,000 each; 1 lithographer, $1,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Weather Bureau, on page 5, line 22, before the word "hundred," to strike out "two" and insert "three," and on page 6, line 17, before the word "dollars," to strike out "fourteen thousand nine hundred and forty" and insert "fifteen thousand nine hundred and thirty," so as to read:

One engineer, $1,300; 1 fireman and steam fitter, $840; 6 firemen, at $720 each; 1 captain of the watch, $1,000; 1 electrician, $1,000; 1 gardener, $840; 2 repairmen, at $840 each; 8 repairmen, at $720 each; 4 watchmen, at $720 each; 17 messengers, messenger boys, or laborers, at $720 each; 6 messengers, messenger boys, or laborers, at $660 each; 27 messengers, messenger boys, or laborers, at $600 each; 87 messengers, messenger boys, or laborers, at $480 each; 5 messengers, messenger boys, or laborers, at $450 each; 27 messenger boys, at $360 each; 1 charwoman, $360; 3 charwomen, at $240 each; in all, $315,930.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "thousand," to strike out "fifty-nine" and insert "sixty-four," so as to make the clause read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $564,000.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand," so as to make the clause read:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, $105,000.

The amendment was agreed to.

The next amendment was, on page 8, line 4, before the word "thousand," to strike out "thirty-six" and insert "thirty-nine," so as to make the clause read:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, $39,500.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "dollars," to insert "five hundred," so as to make the clause read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, $98,500.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the word "thousand," to strike out "three" and insert "four," so as to make the clause read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $304,000.

The amendment was agreed to.

The next amendment was, on page 8, line 21, after the word "climatology," to insert "seismology," so as to make the clause read:

For investigations in climatology, seismology, and evaporation, including the erection of temporary buildings for living quarters for observers, for river, rain, snow, ice, crop, evaporation, aerial, storm, hurricane, and other observations, warnings, and reports, and for pay of special observers and display men, $115,000.

The amendment was agreed to.

The next amendment was, on page 9, line 9, before the word "thousand," to strike out "fifty-eight" and insert "sixty-eight," so as to make the clause read:

In all, for general expenses, $1,268,750.

The amendment was agreed to.

The next amendment was, on page 9, line 13, before the word "dollars," to strike out "five hundred and ninety-eight thousand six hundred and ninety" and insert "six hundred and nine thousand six hundred and eighty," so as to make the clause read:

Total for Weather Bureau, $1,609,050.

The amendment was afreed to.

The next amendment was, on page 13, line 21, before the word "hundred," to strike out "five hundred and ninety-two thousand seven" and insert "six hundred and eleven thousand eight," so as to make the clause read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, $611,800.

The amendment was agreed to.

The next amendment was, on page 14, line 5, after the word "dollars," to insert: "*Provided*, That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the act of June 30, 1906 (34 Stat., p. 676), are hereby extended to cover renovated butter factories as defined in the act of May 9, 1902 (32 Stat., p. 196), under such regulations as the Secretary of Agriculture may prescribe," so as to make the clause read:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated butter, factories, and markets, $177,900: *Provided*, That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the act of June 30, 1906 (34 Stat., p. 676), are hereby extended to cover renovated butter factories as defined in the act of May 9, 1902 (32 Stat., p. 196), under such regulations as the Secretary of Agriculture may prescribe.

The amendment was agreed to.

The next amendment was, on page 14, line 16, before the word "hundred," to strike out "forty-seven thousand four" and insert "fifty-two thousand one," so as to make the clause read:

For all necessary expenses for investigations and experiments in animal husbandry, $52,180.

The amendment was agreed to.

The next amendment was, on page 15, line 10, before the word "hundred," to strike out "five thousand eight" and insert "twenty-nine thousand six," so as to make the clause read:

In all, for general expenses, $1,229,666.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert:

And hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau: *Provided*, That all moneys received from the sale of such animals or animal products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 16, line 3, after the word "experiments," to insert "and the exhibition of animals, experiments in the breeding of horses for military purposes," and, in line 7, before the word "thousand" to strike out "fifty" and insert "one hundred," so as to make the clause read:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, and the exhibition of animals, experiments in the breeding of horses for military purposes, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $100,000.

The amendment was agreed to.

The next amendment was, on page 16, line 10, before the word "hundred," to strike out "one million six hundred and eight thousand three" and insert "one million six hundred and eighty-two thousand one," so as to make the clause read:

Total for Bureau of Animal Industry, $1,682,116.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 16, line 15, before the word "dollars," to strike out "two hundred and fifty" and insert "five hundred," so as to read:

Salaries, Bureau of Plant Industry: One plant physiologist and pathologist, who shall be chief of bureau, $5,000; one chief clerk, $2,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Plant Industry, on page 17, line 4, before the word "clerks," where it occurs the second time, to strike out "thirty-eight" and insert "thirty-nine," so as to read:

Fifteen clerks, class 2; 39 clerks, class 1; 1 clerk, $1,140.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Plant Industry, on page 19, line 9, before the word "dollars," to strike out "seventy-eight thousand three hundred and seventy" and insert "seventy-nine thousand eight hundred and twenty," so as to read:

In all, $379,820.

The amendment was agreed to.

The next amendment was, on page 20, line 11, before the word "dollars," to strike out "twenty-two thousand nine hundred and thirty" and insert "twenty-nine thousand five hundred," so as to make the clause read:

For investigations of plant diseases and pathological collections, $29,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 18, to insert:

For the investigaton and improvement of ginseng and the control of diseases detrimental to the growth of this plant, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, line 17, before the word "thousand," to strike out "twenty-six" and insert "thirty," and in the same line, after the word "dollars," to insert "*Provided*, That not to exceed $12,000 of this amount may be used for the purchase of spinning machinery in order to conduct the necessary tests in connection with the ginning, handling, and grading of cotton," so as to make the clause read:

For investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, $30,000: *Provided*, That not to exceed $12,000 of this amount may be used for the purchase of spinning machinery in order to conduct the necessary tests in connection with the ginning, handling, and grading of cotton.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the word "dollars," to strike out "thirteen thousand one hundred and ten" and insert "sixty-two thousand four hundred and thirty," and in the same line, after the word "dollars," to insert "of which amount $50,000 shall be used for the purchase and distribution of drought-resistant field seeds," so as to make the clause read:

To collect, purchase, propagate, test, and experiment with seeds of interest to agriculture, including rare new seeds, bulbs, trees, shrubs, vines, cuttings, and plants, $62,430, of which amount $50,000 shall be used for the purchase and distribution of drought-resistant field seeds.

The amendment was agreed to.

The next amendment was, on page 22, line 15, after the words "improvement of," to strike out "grains" and insert "cereals"; in line 16, before the word "production," to strike out "grain" and insert "cereal"; in the same line, after the word "production," to insert "and the study of cereal diseases"; and in line 17, before the word "thousand," to strike out "seventy-five" and insert "eighty-five," so as to make the clause read:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, $85,765.

The amendment was agreed to.

The next amendment was, on page 23, line 10, before the word "thousand," to strike out "thirty" and insert "forty," so as to make the clause read:

For the investigation and improvement of sugar-producing plants, including their utilization and culture, $40,795.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the word "dollars," to strike out "twenty thousand" and insert "twenty-one thousand nine hundred and thirty," so as to make the clause read:

For taxonomic investigations and the study of methods for the improvement of grazing lands, $21,930.

The amendment was agreed to.

The next amendment was, on page 23, line 16, after the word "dollars," to insert "*Provided*, That of the amount hereby appropriated the sum of $10,000 may be used in the investigation and utilization of cacti and other dry-land plants as food for stock," so as to make the clause read:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $251,000: *Provided*, That of the amount hereby appropriated the sum of $10,000 may be used in the investigation and utilization of cacti and other dry-land plants as food for stock.

The amendment was agreed to.

The next amendment was, on page 23, line 20, after the word "For," to insert "farmers' cooperative demonstrations and for"; in line 24, before the word "dollars," to strike out "three hundred and thirty-two thousand nine hundred and sixty," and insert "three hundred and sixty thousand," so as to make the clause read:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $360,000.

The amendment was agreed to.

The next amendment was, on page 24, line 3, before the word "thousand," to strike out "seventy" and insert "eighty," so as to make the clause read:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $80,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 3, to insert:

For studying methods of clearing off "logged-off" lands with a view to their utilization for agricultural and dairying purposes; for their irrigation; for testing powders in clearing them; and for the utilization of by-products arising in the process of clearing, in cooperation with the States, companies, or individuals, or otherwise, $5,000.

The amendment was agreed to.

The next amendment was, on page 24, line 10, after the word "with," to insert "western irrigation agriculture," so as to make the clause read:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $69,600.

The amendment was agreed to.

The next amendment was, on page 25, line 14, before the word "dollars," to strike out "one million four hundred and ninety-five thousand seven hundred and sixty" and insert "one million six hundred and twenty-four thousand six hundred and twenty," so as to make the clause read:

In all, for general expenses, $1,624,620.

The amendment was agreed to.

The next amendment was, on page 26, line 14, after the words "United States," to insert: "*Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States," so as to read:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $285,680, of which amount not less than $226,940 shall be allotted for congressional distribution. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States.

The amendment was agreed to.

The next amendment was, on page 28, line 21, before the word "dollars," to strike out "two million one hundred and fifty-nine thousand eight hundred and ten" and insert "two million two hundred and ninety thousand one hundred and twenty," so as to make the clause read:

Total for Bureau of Plant Industry, $2,290,120.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 29, line 18, before the word "forest," to strike out "one hundred and ninety-eight" and insert "two hundred and fifty-two"; and in line 19, after the word "each," to strike out "54 forest rangers, at $1,100 each," so as to read:

Salaries, Forest Service: One Forester, who shall be chief of bureau, $5,000; 1 administrative assistant, $2,000; 1 forest supervisor, $2,700; 1 forest supervisor, $2,600; 5 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 45 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 10 forest supervisors, at $1,600 each; four deputy forest supervisors, at $1,700 each; 21 deputy forest supervisors, at $1,600 each; 30 deputy forest supervisors, at $1,500 each; 25 deputy forest supervisors, at $1,400 each; 2 forest rangers, at $1,500 each; 21 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 252 forest rangers, at $1,200 each; 734 assistant forest rangers, at $1,100 each.

The amendment was agreed to.

The reading of the bill was continued to line 11, page 32.

Mr. BORAH. On what page is the Secretary reading?

The VICE PRESIDENT. The Secretary is about reporting the amendment at line 10, on page 32.

Mr. BORAH. Have we passed over the amendments on page 29? My attention was diverted.

The VICE PRESIDENT. Both those amendments were agreed to by unanimous consent. We can return to them, if the Senator desires.

Mr. BORAH. I desire to submit some remarks upon the bill at this time, unless the chairman of the committee would prefer to have the bill read through and permit me to do so afterwards.

Mr. BURNHAM. I would rather have the bill read first, proceeding as we are now doing, if the Senator does not object.

Mr. LODGE. And we will pass over those amendments.

Mr. BORAH. Would the Senator be willing to pass over the Forest Service items and go back to them? My colleague, who has just left the Chamber, said he desired to give some attention to those items.

Mr. WARREN. We will pass them over.

Mr. BURNHAM. Very well.

The VICE PRESIDENT. Without objection, all the amendments under the head of "Forest Service" will be passed over, and those which were marked as agreed to, on lines 17, 18, 19, and 20, page 20, are considered as not agreed to. Does the Senator from Idaho desire his request to include the general expenses of the Forest Service, at page 32?

Mr. BORAH. I do.

There are no amendments under the Forest Service I see, except on the first two or three pages.

Mr. WARREN. On pages 48 and 49 there are amendments that I presume the Senator would not care to have us pass over, but between page 29 and page 40 it is all forestry and they might well go over together.

Mr. BORAH. I think I do not care to have the exception follow on page 48.

Mr. WARREN. Then the reading can begin at line 11, on page 48.

The VICE PRESIDENT. The Chair understood the Senator from Idaho not to desire to have the part between page 32 and page 48 passed over. Is the Chair right?

Mr. BORAH. I desire to have all the items, beginning under the head of "Forest Service" on page 28, passed over until we get to page 48.

The VICE PRESIDENT. Very good. The Chair misunderstood the Senator. The reading will begin at line 11, page 48.

The next amendment was, on page 48, line 12, after the word "dollars" to insert: "*Provided*, That all of the military reservation of Fort Wingate, N. Mex., as described in Executive order of May 31, 1911 (No. 1367), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States;" so as to make the clause read:

Zuni National Forest, N. Mex. and Ariz., $3,734: *Provided*, That all of the military reservation of Fort Wingate, N. Mex., as described in Executive order of May 31, 1911 (No. 1367), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States.

The amendment was agreed to.

The next amendment was, on page 49, line 3, before the word "thirty-two," to insert: "and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act," so as to make the clause read:

Additional national forests to be created under section 11 of the act of March 1, 1911 (36 Stat., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act, $32,590.

The amendment was agreed to.

The next amendment was, on page 49, after line 4, to insert:

For the expenditure under the direction of the Secretary of Agriculture for survey and listing of lands within forest reserves chiefly valuable for agriculture and describing the same by metes and bounds, or otherwise, as required by the act of June 11, 1906, and the act of March 3, 1890, $50,000: *Provided, however*, That any such survey and the plat and field notes thereof paid for out of this appropriation shall be made by an employee of the Forest Service under the direction of the United States surveyor general, but no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

The amendment was agreed to.

The next amendment was, on page 50, line 3, before the word "thousand," to strike out "sixty-five" and insert "eighty," and in line 4, after the word "dollars," to insert "of which sum $10,000 shall be used to investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates," so as to make the clause read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, $180,000, of which sum $10,000 shall be used to investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates.

The amendment was agreed to.

The next amendment was, on page 50, line 13, before the word "dollars," to strike out "eighteen thousand four hundred and twenty" and insert "twenty-five thousand one hundred and eighty," so as to make the clause read:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, $25,180.

The amendment was agreed to.

The next amendment was, on page 50, line 14, after the word "seed," to strike out "and" and insert ", cones, and nursery stock"; in line 18, before the word "dollars," to strike out "fifty thousand" and insert "seventy-six thousand six hundred and forty"; and in the same line, after the word "dollars," to insert "*Provided*, That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed $500;" so as to make the clause read:

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, $176,640: *Provided*, That the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest, and when the cost thereof will not exceed $500.

The amendment was agreed to.

The next amendment was, on page 51, line 14, before the word "thousand," to strike out "two hundred and seventy-five" and insert "five hundred," so as to make the clause read:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $500,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

Provided further, That hereafter an additional 25 per cent of all moneys received from such national forests during any fiscal year, including the fiscal year 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

Mr. JONES. I think, in line 5, after the word "year," the words "ending June 30" ought to be inserted, so as to read "fiscal year ending June 30, 1912."

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator will perceive that the proviso reads:

Provided further, That hereafter an additional 25 per cent of all moneys received from such national forests during any fiscal year, including the fiscal year 1912.

Mr. JONES. Is that the fiscal year beginning June 30, 1911, or is it the fiscal year beginning June 30, 1912?

Mr. WARREN. It is the fiscal year beginning in 1911 and ending in 1912.

Mr. JONES. I want to make it certain; and it seemed to me it was not absolutely certain.

Mr. WARREN. The legal term and the numbers definitely make it the fiscal year 1912—the one that commences July 1, 1911, and ends July 1, 1912. There is no doubt about that.

Mr. JONES. If that is what it means, it is all right.

The PRESIDING OFFICER. The amendment will be agreed to as printed in the bill, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 15, after the word "expenses," to strike out "two million eight hundred and ninety-nine thousand eight" and insert "three million two hundred and twenty-three thousand two," so as to make the clause read:

In all, for general expenses, $3,223,285.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

Any contract or agreement heretofore or hereafter made for the sale of timber or other products of the national forests may be modified, altered, or canceled by the Secretary of Agriculture upon the application of the purchaser whenever the purchaser shall show to the satisfaction of the Secretary that owing to conditions beyond the purchaser's control, and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms.

Mr. BORAH. I ask that that be passed over.

The PRESIDING OFFICER. The Senator from Idaho asks that that paragraph be passed over. It will be so ordered.

Mr. HEYBURN. Mr. President, on page 52 the gross sum of the appropriation of $3,223,285 is for general expenses. Now, I desire to recur——

Mr. WARREN. I wish to say to the Senator that, of course, that will be subject to the point of order when we turn back.

Mr. HEYBURN. I understand that. I will ask later to recur to the subject of the appropriation—

For salaries and field and station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, improvement, and protection of the national forests named below—

And so forth.

I ask to recur to the part of the bill that relates to that subject.

Mr. BURNHAM. What page is that?

Mr. HEYBURN. I am merely identifying it. I was reading from page 54, but it precedes the enumeration of the items for which the appropriation is made.

Mr. BURNHAM. I will say to the Senator from Idaho that during his temporary absence the provisions for the Forestry Service from page 28 to page 40 were passed over.

Mr. HEYBURN. My colleague has advised me that that has been passed over, but I did not know to what extent, and I wanted to have it certain.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Chemistry," on page 54, line 8, after the word "inspector," to strike out "two thousand seven hundred and sixty" and insert "three thousand," so as to read:

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; one executive clerk, $2,000; 5 clerks, class 4; 7 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 18 clerks, at $900 each; 1 clerk, $840; 1 assistant property custodian, $900; 1 chief food and drug inspector, $3,000.

The amendment was agreed to.

The next amendment was in the item of appropriation for salaries Bureau of Chemistry, on page 55, line 16, after the word "thousand," to strike out "four hundred and twenty" and insert "six hundred and sixty," so as to read:

In all, $254,660.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of the clause beginning on line 18, page 55, as follows:

General expenses, Bureau of Chemistry: For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture in the most general and comprehensive sense of that word, and to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, as follows.

Mr. HEYBURN. I ask for the rereading of that unusual expression contained at the point which the Secretary has just read. However, I will find it in a moment. This is the language:

In the most general and comprehensive sense of that word.

That is on page 55. That is another innovation in legislation. I have never known that phrase to be used in describing anything that a person might or might not do.

At the bottom of page 55 the bill says:

For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture in the most general and comprehensive sense of that word—

Why not say how it is to be done? Who is going to determine what is "the most general and comprehensive sense of that word"? Let us legislate in legislative language.

And to continue collaboration—

That is a pretty indefinite phrase, too. Then it continues:

with other departments of the Government desiring chemical investigations.

Mr. President, I ask that that paragraph may go over until we have time to contemplate it.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over.

The reading of the bill was resumed and continued to the end of the following clause, on page 56:

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, and for all necessary expenses in connection with such inspection and studies of methods of analysis in foreign countries, $4,280.

Mr. HEYBURN. I should like to inquire of the Senator in charge of the bill why we should make an appropriation for inspectors of meats or other food products to be exported? Our pure food and drugs act excepts that class of goods from these provisions. It is purely a matter that interests the shipper. He does it at his own hazard. Why our Government should investigate or expend money for it I am unable to see.

Mr. BURNHAM. I presume it is like other similar appropriations by the Government. It certainly would help this business if inspections were made, and it would add to the credit of the exports in foreign countries.

Mr. HEYBURN. The situation is about this: Exception is made in the pure food and drugs act as to articles that are exported to foreign countries having certain restrictions. The shipper or the exporter takes his own chance. I do not know that such an item has ever before appeared in the bill. It should not appear in any bill.

Mr. WARREN. It is the old language.

Mr. HEYBURN. Well, it should never have been used. There is no reason in the world why the Government should inspect exports that are to be inspected on the other side in order to apply a penalty that may possibly be imposed against them.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. This inspection is to give the Government stamp to those products exactly the same as we do to meat products.

Mr. HEYBURN. But we except them out of the law.

Mr. WARREN. Well, you excepted some things, and others you did not.

Mr. HEYBURN. We were very specific in the things we excepted.

Mr. WARREN. If the Senator will notice, it is a very small sum—$4,280.

Mr. HEYBURN. I know it is. It was only the question of why we should provide for an inspection of the thing that we provided we would not inspect.

Mr. WARREN. Of course, it is not only in the law but it is in the bill as it came from the House. It is also the same language that has heretofore appeared in agricultural appropriation acts.

Mr. HEYBURN. I merely made the suggestion. I desired to point it out, in order to avoid trouble. We agreed not to inspect these products, and now we are proposing to appropriate money to inspect them.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 57, line 13, before the word "thousand," to strike out "twenty-five" and insert "fifty," so as to read:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia, $650,000.

The amendment was agreed to.

The next aemndment was, on page 57, line 13, after the word "dollars," to insert:

Provided, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by letters patent #13728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said process by the United States.

Mr. HEYBURN. Mr. President, I shall have to be convinced by some statement that it is necessary for the Government to buy that patent before I consent to its doing so. I should want to know that it was a real patent, valid and effective, before the Government should buy it. It is some man's theory or method of testing whisky, I believe. Now, we probably have a dozen ways of doing that.

Mr. BURNHAM. I should like to call the attention of the Senator from Wyoming to this matter.

Mr. WARREN. If the Senator from Idaho wishes to have that item passed over, I have no objection.

Mr. HEYBURN. Just pass it over. It looks rather queer to me.

Mr. WARREN. This test is something that has been in use, and this provision is perhaps to avoid a suit.

The PRESIDING OFFICER. The provision will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 57, line 24, before the word "dollars," to strike out "sixty-eight thousand seven hundred" and insert "ninety-three thousand nine hundred and forty," so as to make the clause read:

Total for Bureau of Chemistry, $993,940.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 58, line 10, after the word "dollars," to insert "one soil cartographer, $1,600"; and, in line 21, before the word "dollars," to strike out "fifty thousand five hundred and forty" and insert "fifty-two thousand one hundred and forty," so as to make the clause read:

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $4,000; 1 chief clerk, $2,000; 1 executive assistant, $2,000; 3 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 1 clerk, $1,260; 8 clerks, class 1; 4 clerks, at $1,000 each; 3 clerks, at $900 each; 1 soil cartographer, $1,800; 1 soil cartographer, $1,600; 1 soil bibliographer, $1,400; 1 photographer, $1,200; 3 draftsmen, at $1,200 each; 1 draftsman, $1,000; 1 messenger, $840; 2 messengers, messenger boys, or laborers, at $480 each; 1 laborer, $600; 1 laborer, $300; 1 charwoman or laborer, $480; in all, $52,140.

Mr. HEYBURN. I should like to know whether that applies to a chemical investigation of known deposits or whether it is a prospecting fund?

Mr. BURNHAM. Mr. President, I understand it is to be applied for the investigation of the possibilities of securing potash, particularly on the Pacific coast.

Mr. HEYBURN. Is it for kelp investigations?

Mr. BURNHAM. It is for kelp investigations, as I understand, and——

Mr. HEYBURN. That much money might possibly be expended to corroborate what everyone out there knows, that the kelp grows on that coast and that it contains potash or that potash may be gathered from it, but why should the Government spend money to verify that fact?

Mr. BURNHAM. I do not understand it to be exclusively for the investigation of kelp, but for general investigations wherever there is any evidence of the existence of potash.

Mr. HEYBURN. My interruption was only to make the suggestion that, really, if they will restore the lands to exploration by the old-fashioned prospector, where potash is likely to be found, they will save money. He will find it if it is there.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 60, line 8, before the word "dollars," to strike out "sixty-five thousand" and insert "eighty-three thousand eight hundred and ninety," so as to make the clause read:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $183,890.

The amendment was agreed to.

The next amendment was, on page 60, line 14, before the word "dollars," to strike out "fifty thousand eight hundred and eighty" and insert "sixty-nine thousand seven hundred and seventy," so as to make the clause read:

In all, for general expenses, $269,770.

The amendment was agreed to.

The next amendment was, on page 60, line 17, before the word "dollars," to strike out "one thousand four hundred and twenty" and insert "twenty-one thousand nine hundred and ten," so as to make the clause read:

Total for Bureau of Soils, $321,910.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 62, line 10, before the word "thousand," to strike out "fifty" and insert "including the alfalfa weevil, eighty-five," so as to make the clause read:

For investigations of insects affecting cereal and forage plants, including the alfalfa weevil, $85,000, of which sum $10,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 62, line 20, after the word "crops," to insert "sugar beet"; and in line 22, before the word "thousand," to strike out "twenty-four" and insert "thirty-nine," so as to make the clause read:

For investigations of insects affecting truck crops, sugar beet, stored grains, and other stored products, $39,500.

The amendment was agreed to.

The next amendment was, on page 63, line 6, after the word "available," to strike out "*Provided*, That not part of this sum shall be used on the Atlantic seaboard," so as to make the clause read:

For investigations of the Mediterranean fly in the United States, its Territories and possessions, $35,000, which sum shall be immediately available.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read as follows:

For investigations of miscellaneous insects, inspection work, study of insects affecting the health of man and animals, insecticides, and the importation and exchange of useful insects, $19,740.

Mr. HEYBURN. Mr. President, I think the word "investigations," which is used in all the provisions on the two pages, 62 and 63, is an insufficient one. The question is, What shall constitute an investigation? Is it an investigation merely to go and look at these various bugs and write a treatise about them? We have a lot of that and we have been having it for a long time, until we are thoroughly acquainted with practically every pest that has ever existed. I think this appropriation, which amounts in the aggregate to a very large sum of money, ought to be applied to a more definite purpose and use than that. I would say "for the investigation and extermination of these pests." What is the use of investigating them unless you spend some of the money to exterminate them?

Mr. BURNHAM. Investigation is a preliminary to their extermination, is it not?

Mr. HEYBURN. It is an expensive preliminary; it is like paying an entrance fee to a dining room.

Mr. BURNHAM. It is part of the same thing.

Mr. HEYBURN. If it is to be considered that investigation means destruction, then I will withdraw my criticism. I think that so large a sum of money should be applied both to investigation and destruction.

Mr. WARREN. To what sum does the Senator refer?

Mr. HEYBURN. I refer to the general expenditures.

Mr. WARREN. That covers all the foregoing items under this heading in the bill; but the item about which the Senator is speaking is $19,740.

Mr. HEYBURN. No; take all those items. I was going to add them, but the issue came too quickly, and I was unable to do so.

For investigations of insects affecting deciduous fruits, orchards, vineyards, nuts, etc., including investigations of the pear thrips, cranberry insects, and apple maggots, $40,600.

That is one item. Then comes the next item:

For investigations of insects affecting cereal and forage plants, including the alfalfa weevil, $85,000, of which sum $10,000 shall be immediately available.

The next paragraph reads:

For investigations of insects affecting southern field crops, including the cotton-boll weevil and other insects injurious to cotton, insects affecting tobacco, rice, and sugar cane, the Argentine ant, and life history studies of ticks, $47,160.

Some of those insects you can become thoroughly acquainted with without paying anything.

For investigations of insects affecting forests, $44,750.

These are large items. The expenditure of this money would probably destroy these insects.

For investigations of insects affecting truck crops, sugar beet, stored grains, and other stored products.

The amount was $24,500, but it is proposed to be amended so as to read $39,500. Then, here is an item standing out by itself:

For investigations in bee culture, $15,000.

There are a great many sources from which all the investigation that is required can be obtained in regard to the raising of bees. The department has published a most excellent work on bee culture, and I have recently given some attention to it in connection with the starting of bee culture.

Mr. WARREN. If the Senator will allow me, that could not be published unless we provided for the expense.

Mr. HEYBURN. It is already published.

Mr. WARREN. Yes; but there are still further items affecting bee culture.

Mr. HEYBURN. I doubt if there is anything new to be added to that science. Here are two other items:

For investigations of insects affecting citrus fruits, including the white fly, orange thrips, and scale insects, $21,500.

For investigations of the Mediterranean fly in the United States, its Territories and possessions, $35,000, which sum shall be immediately available.

Those sums added together would amount to several hundred thousand dollars. I have not, however, added them up.

Mr. WARREN. The entire footing is there—$348,250. It is on the same page, as the Senator will see.

Mr. HEYBURN. I read that, and the Senator suggested that that was for——

Mr. WARREN. It is for the expenses of the entire Bureau of Entomology.

Mr. HEYBURN. Yes; I have read all the items under that head.

Mr. WARREN. Oh, no; there are a couple of pages preceding the items the Senator has read.

Mr. HEYBURN. Yes; there are some smaller items there, but I am reading the large items, and, whatever the aggregate sum may be, I am going to move to amend by inserting in each case, after the word "investigations," the words "and destruction."

The PRESIDING OFFICER. The Chair will venture to suggest to the Senator that he would not apply that to the item relating to bee culture, would he?

Mr. HEYBURN. No; I would not apply that to bees.

Mr. WARREN. Mr. President, I have myself found considerable amusement heretofore in alluding to these various appropriations for the brown-tailed moth, the white-tailed fly,

and so forth. They are always a good text and a good subject on which to deliver a humorous lecture. I always enjoy it, whether I indulge in it myself or whether I sit as a listener, but nevertheless those who are engaged in fruit culture, in bee culture, and in various other industries find that, as much as we may trifle with the brown-tailed moth and the white-tailed fly, those insects themselves are capable of doing great damage and are not to be laughed at.

I entirely agree with the Senator that they not only need investigation but destruction, but the main thing is to get the information and deliver it to those in different parts of the country who are afflicted, and to show them the way they can, through their own agencies, destroy such pests.

Mr. HEYBURN. I am in thorough sympathy with that.

Mr. WARREN. Now, one moment more. It is rather odd, perhaps, that we should provide for "investigations of miscellaneous insects" and "the exchange of useful insects." It seems immensely funny, especially so in print, but the Senator knows there are insects that destroy others and yet are themselves harmless, or nearly so. Take the alfalfa weevil, for instance. The Secretary of Agriculture, with whom I had a very interesting conversation, believes that he will be able to import an insect, harmless otherwise, that will prey upon the insect that is destroying alfalfa. Of course, the Senator knows what the value of the alfalfa crop is in this country.

Mr. HEYBURN. Mr. President, I am not unmindful of what the Senator says. While the inoculation of plants sometimes by insects destroys the first, the second become acclimated, and they destroy the tree; but I notice in the reservations and in the parks—my attention was called to it last evening right here within sight of the Agricultural Department—trees with nests of breeding worms. There is one right down—I do not know but what it is on the agricultural grounds; I saw it last evening—that will breed enough worms to destroy orchards and half of the trees in the public parks. I think, probably, we ought to have some of this money expended right here at home. Of course I will not apply it to bees, but I still think—of course I will not apply it to bees—that the amendment should be adopted as applying to the matter to which I have referred. The paragraphs are not numbered, and it is very difficult to find the place.

Mr. WARREN. I will say to the Senator that, if the Senator in charge of the bill will agree to its insertion, I see no objection to it.

Mr. HEYBURN. These paragraphs are not numbered, but I will move to insert, after the word "investigations," on page 62, in the second paragraph, in the third paragraph, in the fourth paragraph, in the fifth paragraph, and in the sixth paragraph——

Mr. WARREN. The Senator means at the commencement of each paragraph?

Mr. HEYBURN. Yes. Let the words "and destruction" be inserted, and let the same words be inserted in the paragraph at the top of page 63 and in the second paragraph on that page.

Mr. WARREN. And the third.

Mr. HEYBURN. And to the third I think it would be applicable. I make that motion.

Mr. SWANSON. Mr. President, I should like to suggest to the Senator from Idaho that the paragraph has heretofore been confined to the word "investigations," because of the fact that the Government simply ascertains the means of destroying these various insects, and its employees do not destroy them. If it is to include destruction of the insects on the property of anyone whose trees are infected with these insects, the people must ask the department to destroy them on individual trees on their farms, and it would be utterly impossible to do that. I think the department insists upon the word "investigations" so as not to encourage applications from individuals for the destruction of these insects upon their property.

Mr. HEYBURN. I think the suggestion of the Senator from Virginia can well be complied with by inserting, after the word "investigations," the words "and for suggesting a means of destroying." That would cover it.

Mr. WARREN. I assume, of course, that the Senator from Idaho did not intend to go to the point of having the Government send its employees to destroy these insects?

Mr. HEYBURN. Oh, no.

Mr. WARREN. The Senator from Virginia is right.

Mr. HEYBURN. It is a good suggestion, and I will accept it.

Mr. WARREN. We should inform the people as to the methods of destruction, and that is what we do through the bulletins of the Agricultural Department.

Mr. HEYBURN. I will ask to amend the amendment I have suggested, and in each case say "investigation and instruction as to the method of destroying."

Mr. SWANSON. If the Senator will permit me, the word "investigations" has been in these appropriation bills for years. It has been given a definite interpretation by the department. I have applications from people all over Virginia, on whose property there are insects destroying fruit trees, to see if we can not send some Federal officials there to take care of their individual orchards, but the department, by having the word "investigations" there, and having given it an interpretation, simply spends the money in acquiring and destributing information as to how best to exterminate these insects which destroy the trees and crops.

Mr. HEYBURN. I did not intend to strike out the word "investigations."

Mr. SWANSON. It has a specific meaning, and if we add to it too much some constituents of mine will think I ought to be able to get a hundred officials to take care of their orchards and crops, and if we appropriate the money with the other word included it would destroy the object of the investigations.

Mr. HEYBURN. I would not think of doing that.

Mr. ROOT. Mr. President, I think it would be rather dangerous to put in the additional word suggested. It might be regarded, as the Senator from Virginia indicates, as an assumption of a greater burden on the part of the Government than it really ought to assume—that is, to go and kill every insect upon every farm instead of instructing the owners how to do it.

Mr. HEYBURN. My amendment proposes to give instructions as to how to destroy them.

Mr. SWANSON. The amendment would be entirely proper if it were certain to be given the interpretation which now prevails in the department. Their action is confined to instructions. The meaning of the term "investigations" has been fixed, the department having given it an interpretation, and if you change the phraseology I am afraid the department may give it another interpretation.

Mr. HEYBURN. I do not want any language used that would make it necessary for the Government to send anyone to destroy the insects. My idea is that the investigation shall be crystallized into information.

Mr. SWANSON. That is all right.

Mr. WARREN. I have no doubt that that is the practice, if not the specific law or rule. The Senator from Idaho is a learned lawyer. Suppose we should pass it as it is now; the Senator can shape language such as he feels may be necessary and then we can turn back to it.

Mr. HEYBURN. That is all right.

Mr. WARREN. They are now doing exactly what the Senator wishes done.

Mr. HEYBURN. These matters are coming up rapidly. I suggest that the matter remain open for further consideration, and some one——

Mr. LODGE. The amendment can be offered at any time.

Mr. HEYBURN. The amendment can be offered at any time.

Mr. WARREN. I suggest to the Senator that, if he should have the means, he communicate with the department and get information as to what the practice is.

Mr. HEYBURN. Very well.

The PRESIDING OFFICER. The Chair will inquire as to the items to be passed over. Does the suggestion embrace the matter from line 5, on page 62, to line 8, on page 63? Was that the suggestion of the Senator from Idaho?

Mr. LODGE. If I may make a suggestion, there is no need of passing over any item. The amendment suggested by the Senator from Idaho will be in order at any time. Any Senator can offer an amendment to the bill. The Senator from Idaho does not propose to strike out; he proposes to add new words.

Mr. WARREN. And those words do not take the place of any committee amendments, and they are in order at any time.

Mr. HEYBURN. If they do not come under the rule of the Senate that no amendment now adopted can be attacked until the bill comes into the Senate——

Mr. LODGE. They are not amendments to amendments, but amendments to the text of the bill.

Mr. SMITH of South Carolina. If the Senator will turn to the heading "Bureau of Entomology," on page 61, he will find that the very point he has contended for is expressed in the first paragraph:

General expenses, Bureau of Entomology: For the promotion of economic entomology; for investigating the history and the habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture, and ascertaining the best means of destroying those found to be injurious.

It specifies to investigate those that are beneficial or injurious and the best means of destroying the injurious ones.

Mr. HEYBURN. We can see about that.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment was, on page 63, line 14, before the word "thousand," to strike out "two hundred and ninety-eight" and insert "three hundred and forty-eight," so as to make the clause read:

In all, for general expenses, $348,250.

The amendment was agreed to.

The next amendment was, on page 64, line 4, before the word "thousand," to strike out "forty-one" and insert "ninety-one," so as to make the clause read:

Total for Bureau of Entomology, $691,840.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I inadvertently passed over the provision in reference to the transportation of game, page 65, end of the paragraph nearest the top.

This is probably one of the questions that creates more disturbance than almost any other provision in the law. It says:

For the enforcement of sections 241, 242, 243, and 244 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and for the enforcement of section 1 of the act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," $12,000.

There has been a great deal of evasion of the law. The attempt to enforce this law has resulted in more or less corruption. The law has not been enforced. Certain sections of the United States are supplied with interstate game all the year round. Certain men are tried for an infraction of the law. I do not know whether any of them have been convicted or not. But it creates a disturbance.

It was not wise to enlarge the powers of the Department of Agriculture in this respect. The Department of Agriculture was an inappropriate medium through which to deal between the United States and the States. There is State legislation in regard to game. I presume every State in the United States has such legislation. We have various laws in the States in the West and Northwest which are not harmonious at all, and the question continually arises as to whether or not game taken in one State may be taken into another, and if it is taken there in violation of the law of the State within which it is taken, and if it is not in violation of the law of the State into which it is taken complications arise, because the attempts to follow up the individuals who did it have generally been followed with resistance. The officers have been utterly unable or impotent to enforce the restrictions on the sending of game from one State to another.

In fact, we should repeal that provision of the act which undertakes to confer upon the Department of Agriculture the power to prohibit the transportation in interstate commerce of game when taken in violation of the law. In other words, we should not make any of the executive departments of the Government the custodian of these rights. They are rights controverted between the State and the General Government, and I do not believe the General Government, under the interstate-commerce law or any other, will again delegate to the secretary of a department the right to say who shall and who shall not ship game from one State to another. It has caused very much important litigation and it has caused great disturbance.

Mr. WARREN. Of course the Senator from Idaho will observe that this does not enact a law.

Mr. HEYBURN. I know.

Mr. WARREN. It simply appropriates.

Mr. HEYBURN. I am criticizing the law as it exists.

Mr. WARREN. The existing law. But this is not the proper place in which to correct it.

Mr. HEYBURN. It should be corrected in some place. I make the suggestion here as we go along. I think it wise and that it would be beneficial. I deem it well enough to direct the attention of Senators to questions of this kind, where the practical operations of systems demonstrate the fact, between sessions, so to speak, that they are not wise.

They ship to Idaho quail from Minnesota and the Dakotas, which are two States where they had a closed season on quail for 17 years. The closed season is over, but last year I think for the first time. Very early we prohibited the killing of quail, and yet they would come in to our State from other States. Now, does Congress want to give the control of that important question to a bureau or department of the Government?

I merely call attention to it as we pass along so that some mind may attach itself to the situation and give it consideration.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Biological Survey," on page 65, after line 17, to insert:

For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the lands embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of bison to be presented to the United States by the American Bison Society, and for such other native American animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such other lands as may be necessary for the purpose of assuring an adequate, permanent water supply at a cost not exceeding the sum of $15,000, which amount, or so much thereof as may be necessary for the said purpose, is hereby appropriated. There is hereby further appropriated the sum of $17,000, or so much thereof as may be necessary, for the purpose of enabling the Secretary of Agriculture to inclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals; in all, the sum of $32,000, to be available until expended.

Mr. GRONNA. I ask that the amendments on pages 65, 66, and 67 be passed over.

The PRESIDING OFFICER. Without objection, the amendments on pages 65, 66, and the first amendment on page 67 will be passed over for the present.

The Secretary resumed the reading of the bill on page 67, line 11.

Mr. HEYBURN. The reading should be resumed at page 66, line 14.

The PRESIDING OFFICER. Did the Senator from North Dakota request that the amendment on page 67 be likewise passed over?

Mr. LODGE. The Senator from North Dakota did not ask that the amendment in regard to fur-bearing animals, on page 66, be passed over, did he?

Mr. GRONNA. No; I did not.

Mr. HEYBURN. No; only down to line 13, on page 66.

Mr. WARREN. I understood the Senator to ask to have the game-preserve amendments go over.

Mr. HEYBURN. Down to line 13, on page 66.

The reading of the bill was resumed on page 66, line 14.

The next amendment of the Committee on Agriculture and Forestry was, on page 66, line 17, after the word "animals," to strike out "thirty-nine thousand dollars" and insert "and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $43,000, of which sum $3,000 shall be used for the destruction of ground squirrels on the national forests in California," so as to make the clause read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $43,000, of which sum $3,000 shall be used for the destruction of ground squirrels on the national forests in California.

The amendment was agreed to.

The next amendment was, on page 66, line 26, before the word "thousand," to strike out "ten" and insert "twenty," so as to make the clause read:

For biological investigations, including the relations, habits, geographic distribution, and migrations of animals and plants, and the preparation of maps of the life and crop zones, $20,000.

The amendment was agreed to.

The next amendment was, on page 67, line 18, before the word "dollars," to strike out "ninety-one thousand three hundred" and insert "one hundred and eighty-seven thousand three hundred," so as to make the clause read:

In all, for general expenses, $187,300.

The amendment was agreed to.

The next amendment was, on page 67, line 21, before the word "dollars," to strike out "one hundred and sixteen thousand four hundred" and insert "two hundred and twelve thousand four hundred," so as to make the clause read:

Total for Bureau of Biological Survey, $212,400.

The amendment was agreed to.

The next amendment was, under the head of "Division of Accounts and Disbursements," on page 67, line 24, after the word "who," to insert "hereafter"; on page 68, line 2, before the word "dollars," to strike out "three thousand seven hundred and fifty" and insert "four thousand"; in line 3, before the word "dollars," to strike out "two thousand five hundred" and insert "two thousand seven hundred and fifty"; and in line 15, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who hereafter shall be administrative officer of the fiscal affairs of the department, $4,000; one assistant chief of division, $2,750; * * * one custodian of records and files, $1,400.

Mr. LODGE. I should like the chairman of the committee to state whether the amendment restores the salary of the chief and disbursing officer of this division to what it is at present or whether it is an increase.

Mr. BURNHAM. It is an increase.

Mr. LODGE. It is an increase?

Mr. BURNHAM. Yes.

Mr. LODGE. The House provision left the salary as it is now. The present salary is $3,750.

Mr. BURNHAM. Yes.

Mr. LODGE. Why are those salaries raised?

Mr. BURNHAM. The services rendered by that gentleman, both to the committee and to the public, are very great, and he is familiar, as chief of the Bureau of Accounts and Disbursements, with all the salaries and all the business of the department in that way, and is very helpful there.

Then, he has charge of all the disbursements of $16,000,000; and, in addition to that, the White Mountains and Appalachian appropriation will increase, and it has already increased to some extent, his work. So the amount to be disbursed will be increased by millions each year.

Mr. LODGE. Does that apply to the assistant chief also?

Mr. BURNHAM. He has to do with certain divisions. For instance, he has to do with the Weather Bureau. He makes the payments to the Weather Bureau employees and he has the place of the chief in the latter's absence.

Mr. LODGE. How does this salary compare with the salaries in other departments?

Mr. WARREN. As the chairman has stated, the Chief of the Division of Accounts and Disbursements is a very able man, and he has a great deal of business to do. He has less salary than those of equal responsibility in the Treasury Department.

Mr. LODGE. That is what I wanted to find out.

Mr. WARREN. And perhaps more responsibility than men in some other departments who have less to do. He is not only one of the most capable men, but his duties are of a financial and a fiscal nature as related to all that department.

I may say, further, that the increased salary has been recommended and estimated for a number of years. The committee has been very economical about it and has raised it once or twice $250, and the last time, a year ago, there was an understanding in the committee that on the next bill they would put the salary at this figure.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Agriculture and Forestry.

The amendment was agreed to.

The next amendment was, on page 68, after line 18, to insert:

Provided, That hereafter employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed.

The amendment was agreed to.

The next amendment was, on page 69, line 6, before the word "dollars," to strike out "one hundred and three thousand nine hundred and twenty" and insert "one hundred and four thousand six hundred and twenty," so as to make the clause read:

Total for Division of Accounts and Disbursements, $104,620.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 69, line 12, before the word "dollars," to strike out "two thousand two hundred and fifty" and insert "two thousand five hundred"; in line 14, before the word "assistant," to strike out "one" and insert "four"; in the same line, after the word "assistant," to strike out "editor" and insert "editors"; in the same line, after the word "dollars," to insert "each"; in line 15, before the word "assistant," to strike out "four" and insert "one"; in the same line, after the word "editor"; in the same line, before the word "one," to strike out "at"; in line 16, after the word "dollars," to strike out "each"; in line 19, after the word "dollars," to insert "one draftsman or photographer, $1,000"; in line 22, after the word "dollars," to strike out "two" and insert "one"; in the same line, before the word "or," to strike out "draftsmen" and insert "draftsman"; in the same line, after the word "or," to strike out "photographers" and insert "photographer"; in line 23, before the word "one," to strike out "at"; in the same line, after the word "dollars," to strike out "each" and insert "one draftsman or photographer, $1,300"; and in line 25, before the word "draftsmen," to strike out "six" and insert "five," so as to read:

Salaries, Division of Publications: One editor, who shall be chief of division, $3,250; one editor, who shall be assistant chief of division, $2,250; one chief clerk, $2,000; two assistant editors, at $2,000 each; four assistant editors, at $1,800 each; one assistant editor, $1,600; one assistant editor, $1,400; one assistant editor in charge of indexing, $2,000; one indexer, $1,400; one assistant in charge of illustrations, $2,000; one draftsman or photographer, $1,600; one draftsman or photographer, $1,500; one draftsman or photographer, $1,400; one draftsman or photographer, $1,300; five draftsmen or photographers, at $1,200 each.

Mr. HEYBURN. I should like to have some reason assigned for increasing the salary of the editor.

One editor, who shall be chief of division, $3,250; one editor, who shall be assistant chief of division, $2,250.

It is proposed to increase it to $2,500. Of course, I suppose practice has established the meaning of the designation "one editor who shall be chief of division." Chief of what division? Chief of the editorial division? Chief of the Division of Publications?

Mr. LODGE. Yes.

Mr. HEYBURN. Why is the assistant editor's salary to be raised?

Mr. BURNHAM. It is stated here in a communication from the department:

This was included in the estimates, but was not approved by the House committee. It is for the purpose of giving promotion to an employee who has served long and faithfully and rendered exceptionally efficient service.

"Three assistant editors, increase from $1,600 to $1,800 each."

This item was included in the estimates but was not passed by the House committee. All these men are exceptionally efficient, and every one of them saves his salary annually in the economies effected in printing. They are now and for several years have been underpaid, receiving less than editors in other departments.

Mr. HEYBURN. There are four assistant editors at $1,800 each.

Mr. BURNHAM. I think the increase is $200.

Mr. HEYBURN. Let us see how many editors there are there. There seems to be an unusual number of editors. It says in the bill:

One assistant editor at $1,600.

Mr. BURNHAM. I think it is a promotion.

Mr. HEYBURN. I will not raise any objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment as reported by the Committee on Agriculture and Forestry.

The amendment was agreed to.

Mr. MARTINE of New Jersey. On page 70, line 10, I desire to offer the amendment I send to the desk.

The PRESIDING OFFICER. The Chair will suggest that that part of the bill has not been reached.

Mr. MARTINE of New Jersey. I thought we were on that page now.

The PRESIDING OFFICER. No; page 69.

The reading of the bill was resumed.

The next amendment was, in the item of appropriation for "salaries, Division of Publications," on page 70, line 4, before the word "hundred," to strike out "six" and insert "eight"; in line 10, before the word "clerks," to strike out "six" and insert "seven"; in line 11, before the word "clerks," to strike out "fourteen" and insert "thirteen"; in line, 12, before the word "clerks," to strike out "thirty-seven" and insert "forty-two," so as to read:

One assistant photographer, $900; 1 assistant in charge of document section, $2,000; 1 assistant in document section, $1,300; 1 foreman, miscellaneous distribution, $1,500; 1 assistant foreman, miscellaneous distribution, $1,100; 1 foreman, Farmers' Bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200; 1 clerk, class 2; 7 clerks, class 1; 13 clerks, at $1,000 each; 42 clerks, at $900 each.

The amendment was agreed to.

Mr. MARTINE of New Jersey. In line 10 I offer the amendment I send to the desk.

Mr. LODGE. Is it a committee amendment?

The PRESIDING OFFICER. It is an amendment proposed by the Senator from New Jersey, and the Chair is of the opinion that consent was given to consider first committee amendments. If the Senator from New Jersey will withhold the amendment until the committee amendments are disposed of, it will be in order.

Mr. MARTINE of New Jersey. All right.

Mr. SWANSON. I should like the attention of the chairman of the committee. On line 8, page 70——

Mr. BURNHAM. That is a similar amendment.

Mr. SWANSON. I think the committee will agree to this when I call their attention to it.

Mr. BURNHAM. Perhaps the Senator had better wait until the reading of the bill shall have been concluded.

Mr. SWANSON. I may not be here then, and I should like very much to have it taken up now. The bill says:

One foreman, Farmers' Bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200.

Mr. BURNHAM. I will say to the Senator that I am not aware of any objection to the amendment, but the Senator who was last on the floor was asked to wait, and I must ask the Senator from Virginia to wait.

Mr. SWANSON. Very well.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill. The next amendment was, on page 70, line 13, before the word "clerks," to strike out "twenty-five" and insert "twenty-one"; in line 16, before the word "skilled," to strike out "twenty-seven" and insert "twenty-six"; in line 19, before the word "folders," to strike out "four" and insert "1 assistant chief folder, $960; three"; in line 20, after the word "each," to insert "1 skilled laborer, $1,100"; in line 21, before the word "skilled," to strike out "three" and insert "two"; and on page 71, line 9, before the word "dollars," to strike out "one hundred and ninety-three thousand two hundred and twenty" and insert "one hundred and ninety-five thousand three hundred and fifty," so as to read:

Twenty-one clerks, at $840 each; 20 skilled laborers, at $840 each; 13 skilled laborers, at $780 each; 26 skilled laborers, at $720 each; 1 chief folder, $1,600; 1 assistant chief folder, $960; 3 folders, at $900 each; 1 skilled laborer, $1,100; 2 skilled laborers, at $1,000 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 2 laborers, at $660 each; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all, $195,350.

The amendment was agreed to.

The next amendment was, on page 72, line 8, before the word "dollars," to strike out "eighteen thousand two hundred and twenty" and insert "twenty thousand three hundred and fifty," so as to make the clause read:

Total for Division of Publications, $220,350.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Statistics," on page 73, after line 19, to insert:

That hereafter there shall be in the Bureau of Statistics, in the Department of Agriculture, a division to be known as the division of markets. The chief of said division shall receive a salary of $3,000 per annum and the assistant chief a salary of $2,500 per annum. There shall also be in said division such special agents, clerks, and other employees as may be necessary to fulfill the duties thereof in or out of the District of Columbia.

That the Chief of the Bureau of Statistics shall have power and authority to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation as to the systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States and in foreign countries, and shall collect data in reference thereto. The information and data thus collected shall be distributed to farmers, farmers' organizations, and societies of consumers throughout the various agricultural sections of the country and made available for the use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of said bureau. It shall also be the duty of said Chief of the Bureau of Statistics to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation of demands for farm products in various trade centers and the current movement of such products, giving specific data as to the supply, normal demand, and price thereof, with the view of furnishing information as to the best available markets, which information shall be distributed under the direction of the Secretary of Agriculture.

That it shall be the duty of the Chief of the Bureau of Statistics to collect, through the said Division of Markets, by any expeditious method, as by telegraph, telephone, mail, or otherwise, compile, and report to farmers, farmers' organizations, and societies of consumers daily bulletins or telegraphic reports of such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at a minimum cost: *Provided*, That when such reports or statistics are requested to be furnished by telegraph or telephone, or methods other than the United States mail, the person or association making such request must advance the fee for the cost of transmission, which shall be deposited to the appropriation for the maintenance of the said Division of Markets. It shall be the duty of the Secretary of Agriculture to make an annual report to Congress regarding the work of the said Division of Markets, with any recommendations that may enable Congress to enact any additional necessary legislation.

That the Secretary of Agriculture shall make all necessary arrangements for offices and supplies for the use of said Division of Markets, including office equipment, rent in or out of the District of Columbia, stationery, telegraphing, and all other necessary expenses. The compensation of clerks and employees not otherwise specifically provided for in this act shall be fixed by the Secretary of Agriculture subject to the restrictions of existing law.

That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of such division, to be available during the fiscal year ending June 30, 1913.

Mr. LODGE. That amendment is, I think, embodied in a bill now pending on the calendar. I dare say it is a very good measure, but it is a very large measure to put on an appropriation bill in the form of an amendment. It is clearly general legislation. I think it ought to pass as a separate bill, and I make the point of order that it is general legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. LODGE subsequently said: Mr. President, I merely desire to say that in making the point of order I had no desire to cut off discussion. If any Senator wishes to speak to the amendment, I am perfectly willing to withhold it. Nor have I, I think, any objection to the substance of the amendment, but I believe we ought to pass it in the form of a bill. It seems to me we ought not to put it on an appropriation bill, where I think we should avoid legislation as much as possible. I did not intend to cut off any debate by making the point of order. If any Senator desires to speak, I will gladly withhold the point of order.

Mr. SMITH of Georgia. Mr. President, I am not prepared to deny that if the point of order is pressed the provision for a division of markets must go out of the appropriation bill.

I will, however, explain to the Senate, by courtesy of the Senator from Massachusetts, the purpose of the measure and why we embodied it in the appropriation bill. There is a bill upon the same subject reported unanimously from the Committee on Agriculture and Forestry to the Senate, which is on the Senate Calendar.

We believe the measure has real merit and there are advantages to be derived from passing it as a part of the appropriation bill. The Department of Agriculture already has a Statistical Bureau. The work of this bureau is mainly to gather information with réference to the amount of crops produced by the farmers in our country.

Through this new division it is intended that information shall be gathered as to the consumption and demand for farm products. It is expected that the division will gather this information with reference to the staple crops and also with reference to the perishable products. With a division prepared to furnish, on application, to farmers the demand for both staple and perishable crops and also prepared to furnish consumers the localities in which crops, especially perishable crops, can be easily purchased, the farmers will be substantially aided in marketing their crops.

It is proposed that through this division investigations as to the system of marketing farm products, cooperative or otherwise, in practice in the various sections of the United States and in foreign countries shall be collected. This information is to be distributed to farmers and farm organizations and also to societies of consumers throughout the various agricultural sections of the country and to be made available for use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents.

It is provided that investigation shall be made of the demand for farm products in the various trade centers and the current movements of such products, giving specific data as to supply, normal demand, and price, with the view of furnishing information as to the best available market. It is also provided that by telegraph, mail, or otherwise reports shall be made to the farmers and farm organizations, furnishing to them information and statistics which may enable them to adopt the best plans of marketing to facilitate the handling of farm products at the lowest cost.

It is believed that the measure will be a real help to the farmers throughout the country. It has received the approval of the president of the Farmers' Union and of leading members of that organization and of other farm organizations.

The Secretary of Agriculture has approved it. Similar measures are pending in the House in the shape of bills creating bureaus, either in the Department of Commerce and Labor or in the Department of Agriculture.

We believed that a bureau is unnecessary and that the most economic way to do the work was to make it a division in the present Statistical Bureau of the Department of Agriculture. If it is passed in its present shape, it will readily be accepted in the House and immediate action would seem to be sure.

We have put the measure in a bureau of the Agricultural Department, where a good deal of the same kind of work is already being done, and if it can remain in the appropriation bill without objection and be passed by the Senate the final passage of the measure will be substantially facilitated.

Mr. LODGE. I had not examined the provision with any care. I had supposed that it created a new bureau. It seemed to me to open the door to very large and indefinite expenses. I now understand that it is merely to add a division to the existing statistical bureau.

Mr. SMITH of Georgia. Yes; that is all.

Mr. LODGE. After listening to the explanation of the Senator from Georgia, it seems to me it is a measure which would be of very great benefit to the farmers, and I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. Without objection, the amendment is agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 76, line 9, before the word "thousand," to strike out "forty" and insert "ninety," so as to make the clause read:

Total for Bureau of Statistics, $290,680.

The amendment was agreed to.

The next amendment was, under the head of "Library, Department of Agriculture," on page 76, line 12, after the word "three," to strike out "$1,600," so as to make the clause read:

Salaries, library, Department of Agriculture: One librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 2 clerks, class 1, 1 of whom shall be a translator; 5 clerks, at $1,000 each; 5 clerks, at $900 each; 1 clerk, $840; 2 cataloguers, at $1,200 each; 3 cataloguers, at $1,000 each; 1 messenger, $720; 3 messengers, messenger boys, or laborers, at $480 each; 1 charwoman, $480; in all, $25,780.

The amendment was agreed to.

The next amendment was, on page 77, line 6, after the words "Total for," to strike out "library" and insert "Library," so as to make the clause read:

Total for Library, $41,280.

The amendment was agreed to.

The next amendment was, under the head of "Contingent expenses," on page 77, line 25, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department.

So as to make the clause read:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the department, $106,061: *Provided*, That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department: *Provided further*, That the Secretary of Agriculture may hereafter exchange typewriters and computing, addressing, and duplicating machines purchased from any lump-fund appropriation of the Department of Agriculture.

The amendment was agreed to.

The next amendment was, under the head of "Office of Experiment Stations," on page 82, line 23, before the word "thousand," to strike out "twelve" and insert "sixteen," so as to make the clause read:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $16,000.

The amendment was agreed to.

The next amendment was, on page 83, line 11, after the word "dollars," to insert "*Provided*, That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a thorough investigation to be made and report to Congress at the opening of the next session upon the feasibility and the economy of irrigation by the reservoir system or plan in western Kansas and western Oklahoma," so as to make the clause read:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation water, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses $98,300: *Provided*, That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a thorough investigation to be made and report to Congress at the opening of the next session upon the feasibility and the economy of irrigation by the reservoir system or plan in western Kansas and western Oklahoma.

The amendment was agreed to.

The next amendment was, on page 83, line 24, after the word "Washington," to insert "and elsewhere, rent outside the District of Columbia," and on page 84, line 1, before the word "dollars," to strike out "ninety-six thousand seven hundred" and insert "one hundred and twenty-five thousand," so as to make the clause read:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all necessary expenses, $125,000.

The amendment was agreed to.

The next amendment was, on page 84, line 4, before the word "hundred," to strike out "sixty-four thousand four" and insert "ninety-six thousand seven," so as to make the clause read:

Total for Office of Experiment Stations, $1,896,700.

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 85, after line 22, to insert:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $30,000.

The amendment was agreed to.

The next amendment was, on page 86, line 11, before the word "thousand," to strike out "thirty-five" and insert "sixty-five," so as to make the clause read:

In all, for general expenses, $165,100.

The amendment was agreed to.

The next amendment was, on page 86, line 13, before the word "thousand," to strike out "one hundred and seventy-two" and insert "two hundred and two," so as to make the clause read:

Total for Office of Public Roads, $202,120.

The amendment was agreed to.

The next amendment was, on page 86, after line 14, to insert:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, of office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, on page 87, line 3, before the word "dollars," to strike out "fifteen million six hundred and forty-six thousand three hundred and sixty-six" and insert "sixteen million five hundred and nine thousand nine hundred and seventy-six," so as to make the clause read:

Total, Department of Agriculture, for routine and ordinary work, $16,509,976.

The amendment was agreed to.

The reading was continued to page 87, line 22, the last paragraph being as follows:

Enforcement of the insecticide act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $87,000.

Mr. HEYBURN. Mr. President, that seems like a most extravagant appropriation to make for the enforcement of an act. The Agricultural Department can only present the matter or cause it to be presented to the courts. The law is enforceable in the courts and not in the Agriculture Department. They are not given any jurisdiction to enforce the law by the terms of the act. Why should it be necessary for them to spend $87,000 in order to induce the courts to enforce the law?

I merely suggest the objection now. I will probably later make a more effective demonstration in regard to it.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment was, under the head of "Miscellaneous," on page 88, line 2, before the word "dollars," to strike out "two hundred thousand" and insert "one million," so as to make the clause read:

Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $1,000,000.

Mr. HEYBURN. Let that amendment remain until we come to discuss the Forest Service.

The PRESIDING OFFICER. The Senator from Idaho desires to have it passed over?

Mr. HEYBURN. Yes; let it be passed over.

The PRESIDING OFFICER. Without objection, that order will be made.

The next amendment was, on page 88, after line 2, to insert:

That hereafter, when employees of the Department of Agriculture, either on lump-fund or statutory rolls, are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe.

Mr. HEYBURN. In line 4, I move to strike out the words "either lump-fund or."

Mr. WARREN. If the Senator strikes out those words, does he not also want to strike out the words "on statutory rolls"?

Mr. HEYBURN. Of course they are all statutory rolls.

Mr. WARREN. They must be one or the other.

Mr. LODGE. I think "lump-fund" is a very poor term if it did emanate from the department to be put in a statute.

Mr. WARREN. It may be a poor term, but its use is well known to designate it.

Mr. LODGE. However, it is not necessary to carry it into the statute.

Mr. WARREN. Both terms should either remain in or go out.

Mr. LODGE. Let them both be taken out.

Mr. HEYBURN. Yes; I move, on line 4, page 88, to strike out the words "either on lump-fund or statutory rolls."

Mr. LODGE. That covers all employees.

Mr. HEYBURN. Yes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 88, after line 13, to insert:

That hereafter officials and employees of the Department of Agriculture, either on lump-fund or statutory rolls, may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street-car fares at their official headquarters when expended in the transaction of official business.

Mr. HEYBURN. In line 15, page 88, I move to strike out the words "either on lump-fund or statutory rolls."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 88, after line 19, to insert:

And in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Mr. HEYBURN. I ask that that amendment may go over until we reach the consideration of the Forest Service.

The PRESIDING OFFICER. It will be passed over, without objection.

The next amendment was, on page 89, after line 6, to insert:

To enable the Secretary of Agriculture to make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Lethbridge, Alberta, Canada, in October, 1912, illustrative of the investigations, products, and processes relating to farming in the subhumid region of the United States, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 89, after line 13, to insert:

To enable the Secretary of Agriculture to meet the emergency caused by the continuous spread of the chestnut-bark disease by continuing the study of the nature and habits of the parasitic fungus causing the disease, for the purpose of discovering new methods of control, and by putting into application methods of control already discovered, $40,000, of which sum $20,000 shall be immediately available, and the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals, and to pay all necessary expenses for the employment of investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent, in the District of Columbia and elsewhere, as may be required: *Provided*, That of this sum not exceeding $10,000 shall be used in the study of the relation of insects to the chestnut-bark disease.

Mr. LODGE. Mr. President, this amendment relates to a matter of very great importance, indeed. The destruction of the chestnut trees in my part of the country, and especially through the Middle States and in Pennsylvania and that region where they are very fine, is of the most serious character. We are threatened with the loss of trees of very great value and of great importance to all that country.

This amendment is thoroughly approved of, but the work, whatever it may be, ought to be done at once. There ought to be no delay, and the amount of money ought to be increased so as to enable the Secretary to deal with it immediately, if there is to be any hope of saving the chestnut trees. I move, therefore, to increase the amount from $40,000 to $80,000.

Mr. HEYBURN. I should like to ask the Senator a question. I took some pains to visit one of the tracts that was infected last season, and so far as my information went, I could not find that the tree was killed at the roots. It seemed to be an attack upon the foliage of the tree more than otherwise. There is a remedy in a case of that kind; chestnut trees, of course, sprout up from the roots. It seems to me some provision for the destruction or taking down of a tree and cutting it up to be used for building or any other purpose would answer without any difficulty. If the trees are killed at the roots of course it presents a much more difficult problem. I did not know but that the Senator might have some information in regard to it.

Mr. LODGE. I have no special information in regard to it and I do not think the disease of the chestnut trees is very well understood now. It has appeared recently. I only know that it is killing trees very rapidly. As I have understood it, chiefly as expressed in the amendment, and as I have understood it from my own slight observation, the disease affects them through the bark; but the result is unquestioned. It is destroying all the chestnut trees pretty much through the Eastern and the Middle States.

Mr. MARTINE of New Jersey. Mr. President——

Mr. WARREN. I wish to ask the Senator from Massachusetts——

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 89, line 9, before the word "thousand," strike out "forty" and insert "eighty."

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. I wish to ask whether Massachusetts has appropriated money out of the State fund? Pennsylvania has made very large appropriations, and I think some of the other States have done so, to cooperate with the United States in eradicating this disease.

Mr. LODGE. The Massachusetts Legislature has, I think, appropriated for it. Our chestnut trees in Massachusetts are not at all as numerous as they are farther to the West and the South. The State has spent a great deal of money in the preservation of its trees. The amendment, however, requires cooperation with the States.

Mr. BACON. I do not know that it is very important to state, but the Senator said that this is a recent matter. I wish to state in this connection that in my part of the country it is not a recent matter. I can recollect when I was a schoolboy the whole of what we know in my State as middle Georgia was almost one vast forest of chestnut trees. Of course there were places where there were oak and hickory and trees of that kind, but generally throughout that section there were large forests of chestnut trees. There is now scarcely one left. That was a good many years ago; it was before the Civil War. I think it was the most general tree to be found in all that section of country. I recollect it distinctly when I was a schoolboy and a good many incidents therewith.

Mr. LODGE. When I said recent I meant the ravages of the disease, which in the last few years have excited general alarm through the Eastern and Middle States lest all the trees should be destroyed.

Mr. BACON. I will state to the Senator that while I have no technical knowledge on the subject of the general question throughout the country, they had then reached a certain period in the evolution of that species of vegetation when the time had come for them to disappear.

Mr. LODGE. That is possible.

Mr. BACON. There did not seem to be any very specific disease.

Mr. OLIVER. I hope that the amendment offered by the Senator from Massachusetts will prevail, and I suggest that more than $20,000 of this money be made immediately available.

Mr. President, this is a pest from which we are suffering particularly in the State of Pennsylvania, and it is rapidly spreading to other States. Resolutions upon the subject have been passed by the State Board of Agriculture, the State Grange, by the Forestry Association, and by other bodies of the State of Pennsylvania. The resolutions adopted by the Forestry Association are particularly applicable. I will suggest that the State of Pennsylvania itself has appropriated $275,000, which is now being used by a commission for the particular purpose of investigating this blight. I ask that the Secretary read the resolutions of the Pennsylvania Forestry Association, to which I have referred.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE PENNSYLVANIA FORESTRY ASSOCIATION,
Philadelphia, Pa., December 20, 1911.

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.

SIR: I wish to call your attention to resolutions passed by the Pennsylvania Forestry Association at their annual meeting on December 11, 1911, as follows:

"Whereas the chestnut-tree blight has caused a loss to the Nation estimated at $25,000,000 and threatens the destruction of the chestnut forests of the country; and

"Whereas there is great need for further investigation into the habits, distribution, and methods of control of the chestnut blight fungus in this and adjoining States:

"*Resolved*, That the Pennsylvania Forestry Association strongly urges the Pennsylvania delegation in Congress to support the bill which has been introduced into both Houses appropriating $80,000 for the use of the United States Department of Agriculture in investigating the chestnut blight."

It is hoped that you will support this bill. The Commonwealth of Pennsylvania appropriated $275,000 to be used in combating this disease, and every possible means is being employed to check the further spread of the blight. This is a national problem, however, since the blight has appeared in Maryland, Virginia, West Virginia, New York, and most of the New England States, and the assistance and cooperation of the National Government would be most acceptable.

Very respectfully,

F. L. BITLER, *Recording Secretary.*

Mr. SWANSON. Mr. President, I rise to advocate the amendment offered by the senior Senator from Massachusetts [Mr. LODGE]. This blight is very extensive. It is very rapid and destructive in its methods. The Legislature of Virginia has made an appropriation to cooperate with the Federal Government in this matter. I do not think that in the preservation of our forests this Government can afford to be parsimonious. One of the most important matters in connection with the wealth of this Nation is the preservation of its forests. Not only on account of the value of the timber, not only on account of the protection and benefit it gives to watersheds and rivers and the prevention of devastation caused by overflows, but the considerations of beauty and many other considerations induce me to conclude that this should not be a parsimonious appropriation.

It would seem to me that the Federal Government could very easily afford to appropriate the amount named by the Senator from Massachusetts. If these trees are to be saved it should be done quickly and promptly. Large forests and large trees are being rapidly destroyed. We have not ascertained the cause of the blight. Experiments have been made in a desultory way, but no scientific investigation has yet been made as to the means to arrest this blight. I hope the chairman of the committee will agree to the amendment offered by the Senator from Massachusetts.

Mr. MARTINE of New Jersey. Mr. President, I desire simply to say that I heartily indorse the amendment offered by the Senator from Massachusetts. In my own experience, this blight has been most destructive. It is not confined to young trees, but trees that I know to be 50 years old have been attacked and destroyed by it.

In answer to the suggestion made by the Senator from Idaho, I will say the roots of the trees are not usually left alive—only in exceedingly rare instances are the roots left intact—but I can cite the cases of trees 20 inches and more in diameter whose roots as well as trunks and branches are dead from this cause.

To us in New Jersey the chestnut tree is the most valuable timber we have. It is not only used for general building and fencing purposes, but it is used for interior finishing. Almost any appropriation within reasonable bounds would be wise on the part of the United States Government to attempt to stay the destruction by this blight.

Mr. BURNHAM. Mr. President, so far as I have any authority to do so, I shall be very glad to accept the amendment proposed by the Senator from Massachusetts. I wish to add, in support thereof, the closing words of the report of the chief of the bureau, Dr. Galloway, to the Secretary of Agriculture, in which he says:

In view of the immense value of the chestnut forests of the United States, estimated at from $300,000,000 to $400,000,000, and the wide territory already affected by the disease, which has caused damage to the extent of at least $25,000,000, we believe that the amount proposed to be appropriated—

That is, $80,000—

is none too large.

I hope the amendment to the amendment will be agreed to.

The amendment to the amendment was agreed to.

Mr. OLIVER. On page 89, line 20, I move to strike out the word "twenty" and to insert "thirty."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 89, line 20, in the amendment of the committee, after the word "sum," it is proposed to strike out "twenty" and to insert "thirty," so as to read:

Of which sum $30,000 shall be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 90, after line 6, to insert:

To enable the Secretary of Agriculture to establish and maintain an agricultural experiment station near Jerome, Lincoln County, Idaho, on Government land, for the irrigation of which water will be furnished free of charge as long as the land is used by the Government for experimenting in the cultivation, acclimating, and development of the most nutritious and productive types of potatoes, and for the purpose of experimentation and development of American sugar-beet seed adapted to the irrigated lands of the arid West, and for the erection of the necessary buildings, the preparation and distribution of reports and bulletins, and other necessary expenses, $10,000.

The amendment was agreed to.

The next amendment was, on page 90, after line 18, to insert:

Hereafter so much of the act of May 26, 1910 (36 Stat., p. 416), as requires the Secretary of Agriculture to transmit annually to the Secretary of the Treasury, for submission to Congress, detailed estimates for executive officers, clerks, and other employees in the various bureaus, offices, and divisions of the Department of Agriculture shall not apply to such employees in the meat-inspection service or employees engaged in the enforcement of the insecticide act of 1910.

Mr. CHAMBERLAIN. Mr. President, I was on the committee which reported this bill, but I do not remember the reasons given by the Secretary of Agriculture for the amendment, and I should like to know what he said about it.

Mr. BURNHAM. I think the understanding of the committee was that we should communicate with the Secretary of Agriculture and get a definite answer with reference to this amendment; and the Secretary's answer states:

I return herewith proposed draft of amendment with my approval. I suggest a change in it as submitted herewith.

That change has been made. So that the Secretary of Agriculture has approved the amendment.

Mr. CLARK of Wyoming. Mr. President, can the Senator in charge of the bill tell why these particular employees should be excepted from the general provision of the law?

Mr. BURNHAM. As I understand, this provision is intended so that the meat-inspection and insecticide acts shall go on; that each of those branches shall take care of its own expenses.

Mr. WARREN. If those employees come up under the regular statutory roll for general appropriation, it would still leave the $3,000,000 intact. The proposition is to take out of the $3,000,000—which is the annual appropriation made year after year and made so by the terms of the original act—the pay of all of the employees thereunder; and each year there is reported to Congress the amount paid out, and so forth. It is hard to estimate the expenditure beforehand, and of course you can hardly estimate for individuals that are employed only by the day as the emergency arises. This is rather in the line of economy than otherwise, because it prevents any money being used in the payment of men working under this three-million-dollar appropriation.

Mr. CLARK of Wyoming. I understand that this exception does not include the regular employees of the department.

Mr. WARREN. Not at all.

Mr. CLARK of Wyoming. But it only includes those employed from time to time as the occasion demands.

Mr. WARREN. Those that are payable under the three-million-dollar appropriation whether they are employed by the year or otherwise.

Mr. CLARK of Wyoming. I still can not understand why they should not be estimated for the same as are any other employees.

Mr. CHAMBERLAIN. I can not but believe that that provision ought not to be inserted in this bill. The Inspection Bureau of the department is now undergoing an inspection. A charge is made—and there is some proof tending to show it—that there is not that publicity given to the service that ought to be given to it. It seems to me that in inserting this clause in the proposed law we are doing away with some of the publicity, at least, that now exists under the law as it is to-day. I hate to object and make the point of order that the amendment is new legislation, but I should really like to have a better explanation than has been given for excepting this particular class of employees from the statute.

Mr. WARREN. I will admit that I may have made a poor explanation, but I will state that here are $3,000,000 a year appropriated, in terms providing for all expenses. Under that appropriation the employment of the men and all expenses come out of the $3,000,000. In the insecticide act there is another

appropriation of what we call a lump fund. We provide there that that sum shall be all that shall be used for that purpose. Now, if you paid upon a statutory roll, they would have to come up as regular employees of the department in an estimate to the Treasury Department, and their pay would come out of the regular fund. The only way that this service could be estimated for in advance would be for the Secretary of Agriculture to presume upon what he may want, estimate the salaries of the men, take that estimate to the Secretary of the Treasury, and have him submit the estimate for them to Congress, as payable out of a special fund, but even then without some legislation it could not be advantageously done.

Mr. HEYBURN. Mr. President, I want to inquire of the Senator from Wyoming whether or not he is referring to the $3,000,000 fund in connection with the entire service, or whether he is referring to the $3,000,000 fund in regard to the Forest Service?

Mr. WARREN. No; not the Forest Service at all. The $3,000,000 is for the inspection of meat.

There is another sum, that we passed a while ago, that applies to the specific laws as to insecticides and fungicides. That is intended to be a round sum, out of which the Secretary of Agriculture provides for all expenses. We have provided otherwise here, as near as we can, for the publicity to which my colleague alludes, and which it is very proper to keep in view:

That hereafter as much of—

And so forth.

Mr. HEYBURN. From what page does the Senator read?

Mr. WARREN. I am now referring to page 90. I think I have it here. If not, I shall find it somewhere else. That is to say, the Secretary of Agriculture each year renders specifically his account, showing every man he has employed and the money he receives; so that the publicity part of it exceeds the degree of publicity that it would receive if they were carried in the classified service. To estimate beforehand for the sums that may be expended would be extremely difficult. So long, however, as we make it obligatory that all of the clerks and employees shall be paid out of that sum, we keep it separate in the manner that is provided here.

Mr. HEYBURN. My attention was drawn to the following statement on pages 170 and 171 of the Statement of Expenditures, Department of Agriculture, for the fiscal year ending June 30, 1911:

Total amount of appropriation	$3,000,000.00
Total expenditures under above groups	2,861,587.16
Unexpended balance on Aug. 31, 1911	138,412.84
Balance to be turned back in Treasury (estimated)	121,264.05

That all deals with the $3,000,000 appropriation. It appears that there is a balance to be returned to the Treasury out of that appropriation. That is true of other schedules, if I may term them such, and it is true in the Forest Service, that there is a large balance to be turned back into the Treasury.

Mr. WARREN. I do not want to presume as to what the Senator may have in mind, but if there is a balance it goes back to the Treasury, of course.

Mr. HEYBURN. Then why should we reappropriate a sum in excess of the conceded necessities? That $3,000,000 appropriation is not a sacred appropriation. Every Congress may, of course, deal with any law that exists on the statute books. We are about to appropriate more than the amount necessary to meet the expenses of the service indicated.

Mr. WARREN. But at other times the full amount has been used, and they have even been short. It happened that they had a balance last year. They were able to get through with less than the amount appropriated; but that is not, I think, a sufficient warrant for us to repeal the statute as it stands—providing for the annual appropriation of $3,000,000. If we should renew the appropriation and this year there should be another surplus, and perhaps a larger one, and next year there should be again another, I would join with the Senator in an effort to reduce the annual appropriation, but so far the amount appropriated has been sometimes less and sometimes more than was needed, and I think oftener less than more. I speak without my notes, of course, before me, but that is my remembrance of it.

Mr. HEYBURN. There is one place in the statement of expenditures where it is stated that there is $1,800,000 to be turned back. Ought not these sums—I suppose they will be turned back——

Mr. WARREN. Will the Senator stop right there a moment? I know to what he refers. He refers to the million dollars, I assume, appropriated as an emergency fund for forest fires.

Mr. HEYBURN. No; I do not refer to that particularly.

Mr. WARREN. A large part of that amount has been turned back to the Treasury.

Mr. HEYBURN. I had it a moment ago——

Mr. WARREN. I will say that that question will come up, and perhaps I ought to say that a year or two years ago we had——

Mr. HEYBURN. The Senator will find it on page 771:

Balance to be turned back in Treasury (estimated), $1,814,631.70.

Mr. WARREN. I have not that before me. From what fund was that?

Mr. HEYBURN. That is under the Forest Service.

Mr. WARREN. Yes. Now, Mr. President——

Mr. HEYBURN. I am only citing that for the purpose of inquiring whether the Senator has information as to whether or not these sums will be turned back into the Treasury before or at the end of the fiscal year and be available as a part of the money to meet our appropriation bills?

Mr. WARREN. At the end of each fiscal year the unused portion of the annual appropriation of $3,000,000 goes back into the Treasury for general use. The appropriation to which the Senator alludes occurred in this way: We had, the year before, an emergency which justified the use of money without an express appropriation, under the emergency clause.

Mr. HEYBURN. We may think we had, but we violated the Constitution when we undertook to do it.

Mr. WARREN. That may be so, but the whole procedure of the Government is based upon that emergency clause. In case of war or in case of a great forest fire it has always been made use of and probably always will be. We had fires that cost some seven or eight hundred thousand dollars.

Mr. HEYBURN. Where?

Mr. WARREN. All over the country, particularly in the Northwest.

Mr. HEYBURN. All right. I will discuss, when I come to it, the cost of those fires.

Mr. WARREN. Very well. The Secretary came to Congress and, after his presentation of the case, got $750,000 in a deficiency bill to cover the expenditure, and no voice was raised against it. In the next year the Congress saw fit, in view of that emergency, to place a million dollars at the disposal of the Secretary of Agriculture for emergency purposes. He used only about $22,000 of it and the balance went back into the Treasury. That is the large sum to which the Senator has referred.

Mr. HEYBURN. That is a fine illustration of what I have contended for here. A lot of exaggerated newspaper statements and pictures of whole communities burning up came to the attention of Congress. Congress immediately took the words of the sensational reporters that there were millions of dollars worth of property being destroyed, and it turned out that it was about the cost of one good stock farm.

Mr. WARREN. Does the Senator claim that the fires of two years ago, during the continuance of which a portion of the Army was called out to aid in suppressing them, were "one-stock-farm" fires?

Mr. HEYBURN. I was on the ground and saw those fires. I know something about them and may, if I find occasion, tell something about them.

Mr. WARREN. The Senator did not tell us about them when we appropriated $750,000 in a deficiency bill to cover the expenditure.

Mr. HEYBURN. If the Senator will refer to the RECORD, his memory will be refreshed as to what I said then. I may take chances on repeating myself to-morrow.

Mr. WARREN. I hope the Senator will refer to the RECORD of which he speaks to refresh his own memory. I think it justifies the confidence reposed in the officers of the Department of Agriculture that with that large sum at their disposal—a million dollars for that purpose—they expended only $22,000 and turned the rest back into the Treasury.

Mr. HEYBURN. I am sorry it was not all turned back. I am sorry that they were compelled to spend any of it, because all loss and destruction is deplorable.

Mr. WARREN. So am I. I am very sorry.

Mr. HEYBURN. But we are now dealing with the Treasury of the United States, and we do not want to deal with it recklessly.

Mr. WARREN. Does the Senator wish to cut down the $3,000,000 a year for the inspection of meat?

Mr. HEYBURN. No; I do not know that I want to cut that down. I am going to consider those questions. I rose principally to establish the status of this $3,000,000 appropriation. The Senator from Wyoming had, as I understood him, spoken of it as a fund that we have no control over, as an appropriation

that had been made, and was a continuing appropriation. I do not so understand.

Mr. WARREN. Mr. President, however the Senator understands it, we appropriated it in this way, that hereafter annually there should be paid so much, just like the amount under the Hatch and Morrill Acts that go to the agricultural colleges. It is true that we could amend the law; it is true that we could change the law; but there is that much appropriated and provided for exactly the same as a quite large class of other standing annual appropriations.

Mr. HEYBURN. Mr. President, the distinction is obvious between the Morrill Act appropriation and this appropriation. That act was made for the establishment and maintenance of educational institutions. This is simply for the current expenses of the Government, and, under the law, we are bound to observe the necessities and confine the appropriations within the limit of the necessities. When it is demonstrated, as it is year after year, that $3,000,000 is not needed and that $1,000,000 is sufficient, would we be held to appropriate $3,000,000, not for some private institution or the advancement of some science but for the payment of expenses? The payment of expenses is a very definite proposition; expenses exist only to the extent that they exist.

I wanted to call attention to the $3,000,000 item in the Bureau of Animal Industry. I shall probably, when we reach the reserved paragraphs of the bill, call attention to the $3,000,000 appropriation in the Forestry Service, as well as to the $1,000,000 appropriation for the protection of timberlands against fire, but I only rose on this occasion to discuss the $3,000,000 claimed to be an obligatory appropriation upon Congress for the Bureau of Animal Industry.

Mr. WARREN. And it is so until repealed.

Mr. HEYBURN. But if we fail to appropriate it, it is repealed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The totals will be changed to correspond with the amendments after the bill shall have been completed.

Mr. SWANSON. Mr. President, if that completes the committee amendments I desire to offer an amendment.

The PRESIDING OFFICER. Is it the desire at the present time to go back and take up the items that were passed over?

Mr. SWANSON. It seems to me——

Mr. SUTHERLAND. Mr. President, I have an amendment which I desire to offer to a committee amendment, on page 2, and I will ask leave to return to that page for that purpose.

The PRESIDING OFFICER. The Senator from Utah offers an amendment to a committee amendment. If there be no objection, the amendment to the amendment will be entertained now.

Mr. BURNHAM. Mr. President, I will say that there is no objection to that course so far as the committee is concerned.

Mr. SUTHERLAND. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 14, before the word "law," it is proposed to amend the committee amendment by striking out "three" and inserting "one," and after the word "law" by inserting the words "clerk, at $3,000; 2," so as to read:

One law clerk, at $3,000; 2 law clerks, at $2,500 each.

Mr. SUTHERLAND. The purpose of that amendment, Mr. President, is to pay to the law clerk who acts as Solicitor in the absence of the Solicitor $3,000 instead of $2,500 per annum. I will say to the Senate that the employees holding similar positions in the Department of Commerce and Labor, in the Treasury Department, in the Interior Department, and in the State Department receive that amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. FLETCHER. I ask that the amendment be stated again. I did not understand it.

The PRESIDING OFFICER. The amendment to the amendment will again be stated.

The Secretary again stated the amendment to the amendment.

Mr. FLETCHER. Mr. President, I think that is a mistake, and I hope the Senate will not agree to it. The recommendation of the Secretary is that there should be three of these clerks. He has shown the necessity for them, and I do not think we ought to change the number back to one.

The PRESIDING OFFICER. The Chair will suggest that it does not change the number, but increases the salary of one of the clerks.

Mr. FLETCHER. Very well. I understood that the amendment would restore the text of the House bill.

Mr. SMITH of Georgia. It provides for one law clerk at $3,000 and two law clerks at $2,500.

Mr. SUTHERLAND. That is correct.

Mr. FLETCHER. Then I have no objection to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SWANSON. I desire to offer an amendment. On page 70, line 8, I move to strike out "two" and insert "five." I call the attention of the chairman of the committee to the amendment.

Mr. BURNHAM. I have no objection, so far as I have power, to accepting the amendment.

Mr. SWANSON. In line 11, page 70, I should like to state to the committee and also to the Senate that the foreman of this Bureau of Distribution now gets $1,200.

Mr. SMITH of South Carolina. Is the Senator correct in stating the place?

Mr. SWANSON. Page 70, line 8. The amendment proposes to pay the foreman of the Farmers' Bulletin distribution exactly the same salary as is paid to the foreman of the miscellaneous distribution. That is $1,500. Now, under the bill here the forewoman under the foreman gets $1,400; another forewoman gets $1,200.

It seems to me that this man, who has been there a long time, foreman of this division, should be paid the same salary that is paid the foremen of other divisions which have less work.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 70, line 8, strike out "two" and insert "five," so as to read:

One foreman, Farmers' Bulletin distribution, $1,500.

The amendment was agreed to.

Mr. MARTINE of New Jersey. I desire——

Mr. CLARK of Wyoming. I rise to a point of order. I supposed the committee amendments were all to be disposed of before individual amendments were considered.

Mr. MARTINE of New Jersey. I thought the committee amendments had been considered.

Mr. CLARK of Wyoming. No.

Mr. WARREN. There were quite a large number which we passed over.

The PRESIDING OFFICER. Committee amendments will be considered at the present time.

Mr. WARREN. I suggest that we turn to page 65. I notice that the Senator from South Dakota [Mr. CRAWFORD] is in his place.

Mr. MARTINE of New Jersey. I desire to inquire of the Chair when it will be in order for me to present the amendment? If the bill is passed, I can not amend it. I will say that I have submitted my amendment to the chairman of the committee, and it meets with his approbation.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New Jersey that as soon as the committee amendments are disposed of—those in the bill—the Senator will be recognized.

Mr. SWANSON. It seems to me we agreed that certain parts of the bill should be passed over. Now that we have considered the other committee amendments, it seems to me we should first proceed to perfect those amendments in the bill which have not been considered.

The PRESIDING OFFICER. Consideration of the committee amendments passed over can be demanded at any time, and it is now demanded, and the first amendment which has been passed over will be stated.

Mr. CRAWFORD. I ask the Senate to recur to the amendment passed over at my request on page 25.

The PRESIDING OFFICER. The Chair thinks the amendments passed over ought to be taken up in order. The first amendment will be stated.

The SECRETARY. On page 28, relative to the Forest Service.

Mr. BORAH. I should like to ask the chairman in charge of the bill if he desires to complete the bill to-night? There is going to be some extended discussion upon that portion of the bill which relates to the Forest Service. I should prefer to discuss it to-morrow, and yet if it is the desire of the Senator to go ahead I will not inconvenience him.

Mr. BURNHAM. Of course, I would be very glad to get through with the bill to-night, but if there is going to be any prolonged discussion I should like to see it completed, with the exception of the forestry matters.

The PRESIDING OFFICER. If there be no objection, the amendments relating to the Forest Service will be passed over

for the present, and the next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is, on page 53, to insert at the top of the page——

Mr. HEYBURN. That belongs to the Forest Service.

The PRESIDING OFFICER. It will be passed over.

Mr. NELSON. Has that amendment been read?

The PRESIDING OFFICER. The amendment goes over as being a part of the Forest Service appropriation.

The SECRETARY. The next paragraph passed over is, on page 55, relative to "General expenses, Bureau of Chemistry."

Mr. HEYBURN. That was passed over because of the unusual and ambiguous language in which the section is clothed.

Mr. WARREN. Is that the one regarding the Marsh test?

Mr. HEYBURN. I will read it, and perhaps the committee will undertake its revamping.

On page 55, commencing in line 18, it reads:

General expenses, Bureau of Chemistry: For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture.

Now, this is the language that is unusual:

In the most general and comprehensive sense of that word, and to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, as follows.

Mr. President, I think that preamble should be stricken out, and we might begin with the words "for chemical apparatus," which occur on the next page. No legislation should be clothed in any such language.

The PRESIDING OFFICER. Does the Senator from Idaho make a motion?

Mr. BURNHAM. What amendment does the Senator suggest?

Mr. HEYBURN. I suggest striking out all of it down to line 3, on page 55, and then enumerating what you propose to do.

The PRESIDING OFFICER. Does the Senator from Idaho make that motion?

Mr. HEYBURN. I do.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 55, after the heading in line 18, strike out down to and including line 2, on page 56, as follows:

For necessary expenses in conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture in the most general and comprehensive sense of that word, and to continue collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, as follows.

The amendment was agreed to.

The SECRETARY. The next passed over amendment is relative to the Wind Cave Reservation.

Mr. WARREN. I beg pardon. There is an amendment on page 57 that was passed by. The Senator from Idaho wished some information about it. I have the correspondence here.

Mr. HEYBURN. I would be very glad to be informed. It is an unusual proceeding.

The PRESIDING OFFICER. The amendment will first be stated.

The SECRETARY. On page 57, after the word "dollars," in line 13, it is proposed to insert:

Provided, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by letters patent 813,728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said process by the United States.

Mr. WARREN. The House committee passed this amendment and put it in the bill, but under the rules of the House it was stricken out. The President sent some correspondence here, or directed Mr. Hilles to forward it. I will send it to the desk that it may be read.

It seems that this test has already been used more or less by the Government, and it is desirous of obtaining the right to use it, and the amount stated is not only for the use of it hereafter, but to settle for any use of it made heretofore.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

CINCINNATI, *April 5, 1912.*

His Excellency WILLIAM HOWARD TAFT,
President of the United States, Washington, D. C.

SIR: In my letter to you of December 11, 1909, I referred to you for your consideration the question of compensation by the Federal Government for the use of the process of Letters Patent No. 813,728, owned by Messrs. Alfred C. Marsh and Louis H. Weissleder, and popularly known as the "Marsh test."

You thereupon appointed a special committee for investigation of the matter, this committee consisting of representatives from the Treasury Department, the Department of Agriculture, and the Department of Justice.

This committee reported favorably and recommended the payment of $5,000 for the patent, and the recommendation of the committee was approved by the solicitor and Secretary of the Department of Agriculture and by the principal officials of the Treasury Department and Department of Justice, and you indorsed the report, "I favor this purchase if authority exists to carry it out."

The Department of Justice concluded that it was best to present the matter of payment to Congress, and this has been done in the form of a proviso in Agricultural bill (H. R. 18960), this proviso being found on page 56 of that bill in the following language:

"*Provided*, That of this sum the Secretary of Agriculture is hereby authorized to expend not exceeding $5,000 for the purchase of all right, title, and interest in and to the Marsh test for detecting artificial coloring matter in whisky, the same being covered by Letters Patent 813728, which payment shall include full satisfaction for any and all use that may have heretofore been made of the said proceed by the United States."

In Report No. 271 accompanying this bill the House Committee on Agriculture, Mr. LAMB, chairman, on page 5 of the report, commented on this proviso as follows:

"This new language has been added at the request of the Attorney General, and the Chief of the Bureau of Chemistry states that it is the best test for artificial coloring in liquors of any kind, and the department has been using this patented test without compensation to the patentee."

I was in hope that with all these favorable recommendations there would be no further delay in obtaining payment to the owners of the patent, but I notice from the CONGRESSIONAL RECORD of March 11 last that this proviso went out on a point of order.

From the circumstances in connection with the matter I am convinced that it did not go out on any consideration whatever of the merits; in fact, the merits were not given any consideration on the floor of the House, but that the time reserved for the consideration of this agricultural bill in the House had practically been consumed when the proviso was reached, and that the House desired time for the consideration of other matters in the bill, and that in order to save time this proviso was simply stricken out, as will appear from the CONGRESSIONAL RECORD of the issue of Monday, March 11, last.

The agricultural bill as passed by the House has been sent to the Senate, and I presume has been referred to the Senate Committee on Expenditures in the Department of Agriculture, of which Mr. HENRY F. LIPPITT, of Rhode Island, is chairman.

It is with some hesitancy that I approach you on the subject, as the matter is now in the legislative branch of the Government, but I wish to advise you of the present status of the matter, to see whether something can not be done to expedite compensation to the owners of the patent.

It does not seem to me that the Government ought to be placing itself in the position of knowingly using the process of the patent and to gain the enormous benefits it has from this process, and fail to promptly make the comparatively small payment mentioned in this case, especially as the thorough investigation of the matter by all the departments resulted in unanimous recommendation in favor of the purchase by every official who has given the matter consideration. The claim is not one where the owners of the patent have insisted on an exorbitant payment, or even on a payment which to them appears commensurate with the benefits derived by the Government, but have readily agreed to the recommendations of the committee.

While viewed in a certain light, the matter is now before the legislative branch of the Government, it would seem to be not exclusively so, for it concerns a very important tool of the Government, and it is a tool that is required by the departments mentioned, and has been and is being used by them very extensively. The executive branch is at all times perfectly justified in insisting upon the legislative branch providing it with the necessary tools to transact its business.

I hope that some action can be taken so that the real situation and the real merits of the case and the smallness of the compensation asked can be brought home to Congress, so that this matter may be disposed of and the owners of the patent promptly paid for the same.

Prompt action should be taken for the reason that the Senate committee is now giving the agricultural bill consideration and is about to report.

Appreciating anything that the executive branch of the Government can do in this matter, I am,

Respectfully,

A. F. HERBSLEB.

Concurred in by me:

JOHN ELIAS JONES,
On behalf of A. C. Marsh.

Mr. BORAH. I was not able to follow the reading very well, and I do not know what the Government wants with this test. What does the Government want to buy it for? For what use?

Mr. WARREN. I do not suppose the Government is going into the whisky question as a business, but in the pure food and drugs act and in the general consideration that the Government is giving to pure food and drink the departments have been called upon, as Senators know, to ascertain the quality of whisky; and I know it has been a question "What is whisky?" This is one of the tests that has been used.

Mr. BORAH. It ought to be determined by the experts. Has the Government been using this test right along?

Mr. WARREN. It has to some extent; I do not know how extensively.

Mr. BORAH. Is there any reason why the Government should not use it right along?

Mr. WARREN. Well, there is perhaps no reason why the Government, as it is strong enough, should not enter the house of the Senator, or mine, and take anything it sees fit, but when a man has a patent and has rights the Government should not invade them.

Mr. BORAH. Is that true?

Mr. WARREN. That is true. This is to buy for the Government that patent.

Mr. BORAH. If a patent runs against the Government, upon what theory has it been using this test?

Mr. WARREN. As a matter of accommodation, I presume. The Government has repeatedly used patents without authority, and we have had large bills in the Claims Committee and the Military Affairs and other committees to compensate for such use, and we have paid large amounts for such use.

The Government sometimes finds itself under the necessity of using a patent without arrangements for its use, and it uses it bodily and forcibly and settles afterwards. Moreover, a patentee often wants to have the Government use his device in order that he may have the Government pass upon its efficiency, and later on the Government, if it finds it satisfactory, makes compensation.

This is a matter of no moment to the committee and certainly is none to me, but it is sent up from the Executive Office for the consideration of the committee and is indorsed by the executive department.

Mr. NELSON. It seems to me this patent can not be valid, for the reason that I remember when we had the pure-food law here printed circulars were handed around from various manufacturers showing how to color whisky, how to blend it, how to age it. Formulas were given how to make 10-year-old whisky, how to make 15-year-old whisky, how to color it, and how to age it, and all those things. So it is no longer a secret, and I do not see the occasion, in view of what transpired at that time, to buy this obsolete patent.

Mr. WARREN. It is not a patent to make whisky, but it is a test to enable the Government to detect in whisky artificial coloring matter, and so forth.

Mr. NELSON. We can all test it. It does not require any patented machine or apparatus to determine what whisky is. I can always tell by a man's breath whether it was a blend or a straight whisky.

Mr. WARREN. I wish at this time to testify that the country would like to purify the breath of those who take whisky, and the odor of whisky itself, and would like to see something done about it; but if the Senator thinks each one should pass upon his own whisky we might apply that to food, and say we have entirely too much legislation with respect to what we ought to eat and drink otherwise.

Mr. BORAH. I raised my objection in good faith. I do not understand why the Government should enter upon this principle, either from a legal or a moral standpoint; but I shall not object to its consideration to-night. However, if the bill is to go over, I should like to have this item go over until to-morrow.

Mr. HEYBURN. I should like to have the Senator apprised as to the correspondence. There is no letter from the President recommending that we acquire this patent. The President does not express any view, one way or the other.

Mr. WARREN. I did not claim that the letter was from the President.

Mr. HEYBURN. I was not charging the Senator with that.

Mr. WARREN. A part of the papers the Senator has there are private papers, in nowise pertaining to the so-called Marsh test, and I did not expect to have them read.

Mr. HEYBURN. That puts a different phase on it. I will hand them back to the Senator.

Mr. WARREN. It is only this one [indicating]. These [indicating] are all right.

The PRESIDING OFFICER. Senators will please address the Chair and get permission to interrupt.

Mr. HEYBURN. I will invite the attention of the Senate for a moment to the letter which has been read inasmuch as the Senator says he has no objection.

Mr. WARREN. I account for its being addressed to me by the fact that I had charge of the last Agriculture appropriation bill before this one. For that reason, I assume, it was addressed to me.

Mr. HEYBURN. The letter is addressed to the Senator from Wyoming, and I call the attention of my colleague to it:

THE WHITE HOUSE,
Washington, April 8, 1912.

MY DEAR SENATOR WARREN: I send you herewith, by direction of the President, a letter which he has received from A. F. Herbsleb, of Cincinnati, Ohio, concerning the claim of Alfred C. Marsh and Louis H. Weissleder.

Sincerely, yours,
CHARLES D. HILLES,
Secretary to the President.

Hon. F. E. WARREN, *United States Senate.*

He does not say that he believes it to be true or untrue, and it is only fair to say that the letter inclosed is from an attorney and counselor at law in Cincinnati—I presume one of the attorneys of the whisky men.

Mr. WARREN. The Senator ought not to assume that I am undertaking to deceive him or the Senate in any way.

Mr. HEYBURN. I am not assuming that the Senator would do that in any way.

Mr. WARREN. The letter came from the executive department for investigation by the committee, and when the Secretary of Agriculture came before the committee he brought up the matter and recommended it. It went in the bill on the House side, but went out on a point of order, and the Secretary asked us to insert it.

Mr. MARTINE of New Jersey. Mr. President, I will say—not in the sense of a man experienced in the matter of the color of whisky—that it seems to me the amendment involves a sheer waste. It would seem to me that an examination as to whether liquor was pure or not would establish well enough whether there was coloring matter in it or not. And, pray God, what difference is there if there is a little coloring matter in it? What difference does it make, if the whisky is good—and generally whisky is pronounced good.

To those of the Senate who may be in doubt as to the color of whisky, I say: Come to the glorious Commonwealth of New Jersey, where they brew rivers of an elixir known as applejack. Whether colored or otherwise, it is rich in aroma, delirious as an intoxicant, promoting happiness, health, and longevity. This being so, I hold it to be a crime to squander the people's money only to establish a color. Why, Mr. President, after a couple of drinks of New Jersey liquor they would not be able to detect that there were colors in a rainbow. But, Mr. President, dismiss this question, and on the adjournment I invite you to come to New Jersey and see, taste, and test for yourself. Come!

Mr. BORAH. I desire to know what the Government wants with it?

Mr. WARREN. Before the work was over this board was appointed, as stated in the letter, by the executive department, consisting of a representative of the Department of Justice and the Department of Agriculture and the Treasury Department. They reported in favor of this test, and it was indorsed by this department, and the department has asked for it. It is an easy matter to dispose of if there is any opposition to it.

Mr. BORAH. Who were the committee?

Mr. WARREN. The members of the committee are not named, but the committee consisted of representatives from the Treasury Department, the Agricultural Department, and the Department of Justice.

Mr. BORAH. If the matter was properly examined by a committee that did not represent the interests of those who desire to sell the patent, it would be, of course, worthy of consideration, but we have not anything before us now, as I understand the reading of the letter, except the correspondence from some one who desires to sell this test.

Mr. WARREN. We have the letter of those who called attention to the fact that it was laid before the President; that the President had appointed a committee of representatives from these three departments; that these three departments recommended the purchase of it, for the Agricultural Department; and that the Agricultural Department recommended it to Congress. It went in the bill on the House side, and some one had it stricken out on the floor on a point of order, and we have introduced it here.

Mr. BORAH. Has the Senator there the recommendation of the committee and the ground for the recommendation?

Mr. WARREN. Here?

Mr. BORAH. Yes.

Mr. WARREN. I have not.

Mr. BORAH. That is what I want to see. But if the Senator desires to vote on it, I will agree to a vote on it.

Mr. HEYBURN. There is one thing that should be made clear. A suggestion was made, I think by the Senator from Wyoming, that the question as to what was whisky had been considered and much attention given to it by the department, and that that was evidence tending to show that the department had occasion to deal with this question.

They have just as much occasion to deal with this question as with the question, "What is whisky?" It was purely voluntary action on their part. There is no legal function that they are called upon to perform that made it necessary to enter into a consideration of what was whisky, because that is a question which has to be settled by the court, involving the question as to whether or not it is whisky.

But some of those who were engaged in that overleaping of the limits of jurisdiction, failing to distinguish between the Department of Justice and the Department of Agriculture, entered upon the consideration of a moot question as to what was whisky. That affords no ground whatever for the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The SECRETARY. The next passed over amendment is on page 65, after line 17, to insert:

For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the lands embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of bison to be presented to the United States by the American Bison Society, and for such other native American animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such other lands as may be necessary for the purpose of assuring an adequate, permanent water supply at a cost not exceeding the sum of $15,000, which amount, or so much thereof as may be necessary for the said purpose, is hereby appropriated. There is hereby further appropriated the sum of $17,000, or so much thereof as may be necessary, for the purpose of enabling the Secretary of Agriculture to inclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals; in all, the sum of $32,000, to be available until expended.

Mr. GRONNA. Mr. President, I asked that these amendments be passed over because I was not quite familiar with their provisions. To the establishment of a national game preserve for the protection of bison I have no objection, but on line 24 of page 65 it provides:

For such other native American animals as may be placed therein.

I do not know whether it is the intention to have the Government go into the business of stock raising or not. We hear a great deal said against the Government ownership of railroads and other public utilities. Now, it may be that it is all right for the Government to engage in stock raising. There seems to be no objection to that.

The information I desire to get from the Senator from South Dakota [Mr. CRAWFORD] is this: The amendment authorizes the Secretary of Agriculture to acquire this land by condemnation, and so forth. I should like to know how much of this land is proposed to be purchased by the Agricultural Department for this game preserve.

Mr. CRAWFORD. The Government has at this time 10,500 acres of land in the Black Hills known as the Wind Cave National Game Preserve. It belongs to the Government. The cave is a curiosity which is frequented by visitors. The large tract of land is lying there idle. The American Bison Society, of which Mr. Hornaday is chairman, has for a number of years been raising and protecting what few specimens we have left of the American bison. This society made application to the Government to make some arrangement by which it could turn over to the Government to be kept in this reservation as pasture some 15 native American bison. The representative of that society went out there, looked over the reservation, and reported that it was very suitable for the purpose, save and except to make it a success it was necessary to get a small tract of land adjacent to this large tract of 10,500 acres in which there was a natural flow of water the year around which these animals would have access to.

Mr. BORAH. Mr. President——

Mr. CRAWFORD. Just let me finish this statement. Dr. Palmer, of the Department of Agriculture, came before the committee and said they had received information as to the price at which they could secure 400 acres of land adjacent to the reservation in which there was water, giving the figure at which the 400 acres of land containing the water could be secured, namely, $15,000.

Now, as a business transaction, if we have a tract of 10,500 acres of land without water and can secure adjacent to it a tract of 400 acres of land with water sufficient to water the animals that are to be kept on it, it is a very good proposition on the part of the Government to secure that 400 acres of land. The only expense involved is $15,000 for the purpose of purchasing this small tract of 400 acres adjacent to the large tract of 10,500 acres for the purpose of getting water. The other item is for fencing the reservation, in order that these animals may be placed there. There are 15 of the bison in possession of the American Bison Society, which they propose to put into this pasture. The expense of the bison is nothing to the Government at all. The other refers to other animals and has relation simply to the elk. There was a proposition also to put some elk in this pasture. I will say to my good friend the Senator from North Dakota that I do not think the keeping of 15 or 25 head of native buffalo and a few large elk in the pasture will in any way jeopardize the land-holding industry of the United States.

Mr. GRONNA. If the Senator will allow me, I want to strike out the word "animals" and insert in lieu the word "elk." Would the Senator have any objection to that amendment?

Mr. CRAWFORD. None whatever. I am not responsible for the use of the words in the amendment of the committee.

Mr. GRONNA. I move as an amendment that the word "animals" be stricken out and the word "elk" inserted.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator will allow the amendment to be stated?

Mr. BORAH. Certainly.

The SECRETARY. On page 65, line 24, after the word "American," strike out "animals" and insert "elk."

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. CRAWFORD. Does the Senator desire to discuss the question?

Mr. BORAH. Yes; and to ask for some information.

There are now about 200,000,000 acres of land withdrawn in this country. I do not understand the necessity of this movement which is on foot to create forest game reserves in different parts of the Union in addition to the 200,000,000 acres of reserve lands which we have already.

There are several parks in which these bison are kept, and they can just as well be kept there as here where we are going to purchase this land. I do not understand the necessity of purchasing private land which ought to be in private ownership and not in public ownership, as we have such a vast amount of reserved land already. Neither do I understand the necessity of preserving upon the face of the earth these bison. What possible benefit can they be to anyone? They look just as well in photographs as they look in reality, and when they are gone the country and the world will be no worse off than before. What possible reason is there for preserving them? Does the Senator know of any?

Mr. CRAWFORD. If the Senator is expressing himself with cold matter of fact on the question of commercial value, I do not suppose there is any, but we have been in the habit, and I presume we will continue to be in the habit, whether it is a curious one or not, of indulging in things of this kind for their relation to natural history if for nothing else. While the native American bison is not a handsome animal, he has cut a very large figure in the history of the United States, and I do not think we want to have the species become extinct.

Mr. NELSON. Mr. President, if the Senators will yield to me, I will explain to them the great value and use of the buffalo. When I first came to Minnesota, in 1871, nearly every farmer and all the people I met had fur overcoats and they were of buffalo skin. They were the very best of overcoats. A farmer at that time could buy an ordinary fur overcoat for $16, and if it was silk lined you could get elegant coats for $25. I have worn them when the weather was 25 and 30 degrees below zero, and our people have to wear fur coats in such weather. Those coats were used by everybody.

They kept on slaughtering those bison. I remember one winter when a fellow came through our little town. He had four or five sled loads of buffalo skins. I bought a fine one for $4 and another one not quite as good for $3, and out of the two I had a fine overcoat made, that lasted me for years and years.

What have our farmers got to wear now? Most of their fur coats are of dogskin and other kinds of plunder. I should like to see the bison herds restored, so that all farmers could have the old-time buffalo overcoat that we used to wear in the old days in Minnesota. There is nothing, either for warmth, for protection, or for wear, equal to the overcoats made from buffalo skins. I hope to God we can have the buffalo herd restored, so that all the farmers in the northwestern country can have heavy buffalo robes and overcoats, as in the good old days before we had the initiative and referendum and the recall and all other fads.

Mr. ROOT. Mr. President——

Mr. BORAH. I yield to the Senator from New York.

Mr. ROOT. Mr. President, I want to express hearty approval of the observations made by the Senator from Minnesota. When I was a boy in northern New York there was no farmer so poor that he could not have one or two buffalo robes for his sleigh. The American bison is an animal which affords the great advantage of furnishing a warm covering for winter and food at the same time. If he is raised and killed, both his skin and his meat are valuable. I think it very desirable if we can preserve this species and so stimulate the raising of buffalo.

May I make one suggestion as to the amendment proposed by the Senator from North Dakota?

Mr. BORAH. Yes.

Mr. ROOT. I think it would be unfortunate to leave the bill so that it will provide a range for a herd of bison "and other native American elk."

Mr. GRONNA. Does the Senator from New York know of any other animal that he thinks he would like to include?

Mr. OVERMAN. Mr. President, I hope we will not strike out the word "animal." We might want to put in "'coon." In the old days they wore 'coon-skin caps with buffalo overcoats. Let us go back to the old days.

Mr. BORAH. Mr. President——

Mr. CRAWFORD. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. The Chair begs the pardon of the Senator from South Dakota.

Mr. BORAH. I thought the Senator yielded when I said I wished to ask for information.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. CRAWFORD. I do.

Mr. BORAH. I do not think the Senator from New York or the Senator from Minnesota expects that we shall ever have sufficient bison in this country to restore the overcoats at the price they were purchased in the old days. Of course, I presume that is a mere matter of pleasantry. This is a fad—nothing else in the world—and it will never amount to anything except to preserve a few of these animals to satisfy the taste of some of those who are engaged in this kind of work.

But even if we are going to raise these animals for the purpose of supplying overcoats, why not put them somewhere on the 200,000,000 acres we already have? Is there any reason why they will grow better fur or better skins on this particular scheme of the Senator from South Dakota than in the 200,000,000 acres scattered all over the United States? We are driving the settlers into Canada while we are endeavoring to raise buffalo in this country. I think it is better to give a chance for the common overcoat and the common citizen instead of having no citizen and having the buffalo.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. I wish to inquire of the Senator whether he has considered the plan of promoting the cultivation of buffalo by a protective tariff on them as you do on sheep?

Mr. BORAH. This is a bounty, which is altogether better than a protective tariff.

Mr. CRAWFORD. Mr. President, the fact is that this is a part of the 200,000,000 acres of land about which the Senator is talking. This 10,500 acres is a part of a forest reserve now, and it is a natural habitat of the bison. In the early days they lived there on the native pasture, and they can do so now. It involves no expense except to turn these animals into that pasture. If the water is furnished they can maintain themselves. The Government owns the land. It is a simple proposition of acquiring 400 acres additional for the water and putting fences around it, and the question is solved so far as these few head of native buffalo are concerned.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. I do.

Mr. CLARK of Wyoming. I am in accord with the Senator in his desire to preserve the buffalo, but I suggest to him whether we have not already a fine buffalo range in the Yellowstone National Park, consisting of, I think, 2,000,000 acres of land. There is quite a large and, I understand, a thriving and growing herd of buffalo now taken care of there. They are looked after by the Government officials in that park.

Is this provision necessary in view of the fact that we have already established in the Yellowstone Park what you might call a buffalo reserve with ample range for them? I very much doubt whether 10,000 acres fenced in would protect the buffalo, but we have 2,000,000 acres in the Yellowstone National Park. I ask for information.

Mr. CRAWFORD. This is simply a little proposition for the preservation of 15 or 20 head of bison which the American Bison Society is interested in keeping alive. The remnants of the bison are offered to be given to the United States if the Government will furnish the pasture. They have examined this pasture and they find it suitable and desirable. They propose to turn these animals in there if the Government will simply put a fence around what is already a Government reservation and secure water on the small tract of 400 acres adjacent.

Mr. CLARK of Wyoming. My suggestion was drawn out by the fact that we have already practically a reservation which includes this among other purposes, and the question is whether we shall go to work and expend $30,000 or $40,000 now and incur a continuous expense to accomplish the same purpose.

Mr. CRAWFORD. I do not understand that there will be any expense in addition to the fencing.

Mr. BORAH. It will take several keepers to look after the buffalo.

Mr. CRAWFORD. I do not know about keepers.

Mr. BORAH. There will be one keeper for every buffalo inside of the next five years.

Mr. CRAWFORD. Apparently there is great fear in Idaho and Wyoming that we may infringe on their native game preserves if we have 15 or 25 head of buffalo put in a park in the Black Hills.

Mr. CLARK of Wyoming. Mr. President, I resent the statement of the Senator from South Dakota. I asked a question which I think is reasonable.

Mr. CRAWFORD. I will say to the Senator that I am not informed.

Mr. CLARK of Wyoming. We are considering a question of public expenditure. I did not make any statement as to my view. I asked the Senator what he thought of the Yellowstone National Park proposition.

Mr. CRAWFORD. I do not know about the number in any of the other forest reserves. I am not informed about that.

Mr. BORAH. I presume there can be no possible reason for separating these 15 head of bison from the other bison found in the United States unless there be some difference in the breed or something of that kind. If there is, perhaps there may be a reason for it.

Mr. NELSON. If the Senator will allow me, there are two good reasons. They need water for the buffalo. That is the object of getting the 400 additional acres of land. I can readily see that the Wind Cave will be a great shelter to the buffalo in winter. [Laughter.]

Mr. BORAH. I want to ask one more question. What kind of land is this 400 acres?

Mr. CRAWFORD. It is land very much like the rest, but it has water on it.

Mr. BORAH. Is it land fit for cultivation, fit for homes?

Mr. CRAWFORD. No, sir. That whole region is not adapted to the general purpose of farming, because it is on the plateau and has always been and probably always will be a range country rather than an agricultural country. It is naturally a range country where the native buffalo grass grows, and it is a natural habitat for the buffalo. It has not been devoted to small farming and probably never will be. It is a most natural region for these animals to prosper in. It is a pasturage.

Mr. SHIVELY. Mr. President, I understand that the Government already owns the ten thousand and more acres.

Mr. CRAWFORD. It does.

Mr. SHIVELY. On the ten thousand and more acres there will be the food for the buffalo?

Mr. CRAWFORD. Yes, sir.

Mr. SHIVELY. And Wind Cave will be a shelter for the buffalo?

Mr. CRAWFORD. The Senator from Minnesota said so. I would not dispute the Senator from Minnesota.

Mr. SHIVELY. And all that is required is some additional land to furnish water for the buffalo?

Mr. CRAWFORD. There is some water near by, which they have an option on.

The PRESIDING OFFICER. The Chair understands the Senator from New York moves to strike out the word "other."

Mr. ROOT. No, sir.

Mr. GRONNA. I was going over this rather hurriedly. I will ask the Senator from South Dakota if he would have objection to the following amendment:

After the word "animals" add "such as moose, deer, and elk," and then leave the language as it is?

Mr. SMITH of South Carolina. Mr. President, I suggest in place of striking that out, how would it do to insert "such other American game animals as may be placed there"?

Mr. GRONNA. Some claim that the buffalo is a domestic animal. I have no objection to that.

Mr. SMITH of South Carolina. I think that will cover the point the Senator is making.

Mr. GRONNA. I think my amendment would cover it if we add after the word "animals" the language, "such as moose, elk, or deer."

Mr. SMITH of South Carolina. Then the Senator would be satisfied with any kind of animals. I think the word "game" would evidently cover the point.

Mr. GRONNA. I will accept the language of the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, the vote inserting the word "elk" will be reconsidered. Will the Senator from South Carolina restate his amendment.

Mr. SMITH of South Carolina. After the word "American" I move to insert the word "game."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "American," in line 24, on page 65, it is proposed to insert the word "game," so that it will read:

And for such other native American game animals as may be placed therein.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, when I asked that this amendment go over, it was for the purpose of moving to strike out the word "bison" and inserting "buffalo." The American people have always known that animal as a "buffalo," although scientifically it is known as a "bison." I move to strike out the word "bison" in line 22 and to insert the word "buffalo." Then everybody will known what we mean.

Mr. WARREN. Does the Senator mean where the society is named?

Mr. HEYBURN. No; I do not care for the society. It may call itself by any name it pleases, but the animal we want legislatively to be a buffalo.

Mr. CRAWFORD. Mr. President, that is the name of a society. You can not change the name of a society by an amendment to an appropriation bill.

Mr. HEYBURN. I am not proposing to change the name of the society.

Mr. WARREN. The Senator from Idaho refers to the word "bison" in the line above, where the society is named.

Mr. CRAWFORD. I imagine we all understand what the meaning of the word is.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 65, line 22, it is proposed to amend the committee amendment by striking out the word "bison" and in lieu thereof inserting the word "buffalo."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. HEYBURN. Mr. President, it seems to me that the land where water is would be quite large enough for what number of buffalo—is it 12? The amendment uses the term "herd," but there is no particular number of animals that constitute a herd in law, and I should like to know what the number is. Some Senator mentioned the number, and I think he said 12.

Mr. BORAH. Fifteen.

Mr. CRAWFORD. Twenty-five was the last statement.

Mr. HEYBURN. Well, 25 buffalo do not need 10,000 acres of land. I just had the one object in asking to have it go over.

The PRESIDING OFFICER. The question is upon the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The next committee amendment passed over was at the top of page 57, to insert:

For the establishment of a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than 2,000 acres in township 41 north, ranges 115 and 116 west, $50,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve.

Mr. HEYBURN. I ask that that go over, to be considered in connection with the forest-reserve provisions.

The PRESIDING OFFICER. It will be passed over on the request of the Senator from Idaho, if there be no objection.

Mr. WARREN. Does the Senator think that that has any reference to the forest-reserve portion of the bill?

Mr. HEYBURN. In my judgment it has, and the proposition there will be discussed in connection with the forest reserves.

Mr. WARREN. I want to say to the Senator that the reserve proposed to be created is not in any existing forest reserve, and the provisions relating to the forest reserves would have no reference to this item.

Mr. HEYBURN. That is true; but I intend to trespass upon the patience of the Senate while I consider the propriety of creating game preserves, for which there is no law, and to consider the question as to whether or not we are now going to inaugurate a law for the creation of game preserves.

Mr. WARREN. Let me say to the Senator that this hardly affects that question. The elk drift out in the winter from the Yellowstone Park—which of course is an old reserve, established long before there were any forest reservations—and many of them die every winter unless taken care of. It is in the interest of economy to provide a place into which they may drift in winter, that they may there be provided for and go back to the Yellowstone Park in the summer season.

Mr. HEYBURN. I am personally acquainted with those elk; I have seen them in their home, and I have eaten some of them in the neighborhood of it. I believe in protecting them. I would protect those elk until they can get Jersey cows up there. I thought when some Senator spoke about having an animal—I think it was the Senator from New York [Mr. ROOT]—which would furnish clothing and food that we have that kind of an animal out in Idaho that will take the place of any of them, and that is the sheep. I am not going to prolong the discussion over this matter. I only want to say that I am going to discuss, in connection with this bill, the right and the propriety of creating game preserves.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. WARREN. Mr. President, I do not understand that the Senator insisted upon the amendment going over.

Mr. HEYBURN. No; I can raise the question on the amendment in the Senate if I desire to do so.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. On page 88, after line 19, it is proposed to insert the following:

And in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Mr. HEYBURN. I ask that that go over. That is so intimately associated with the question to be discussed which is reserved that I think it ought to go over.

The PRESIDING OFFICER. Without objection, the amendment will go over. That completes the committee amendments, except those passed over.

Mr. OVERMAN. Mr. President, I offer the amendment which I send to the desk, and I hope the Senator from New Hampshire will accept it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, lines 23 and 24, it is proposed to amend the committee amendment by striking out "three hundred and sixty thousand" and inserting in lieu thereof "five hundred and sixty thousand," so as to read:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $560,000.

Mr. OVERMAN. Mr. President, it will be noticed that for the boll weevil the House appropriated $332,960, and for the farmers' demonstration work only the sum of $30,000 was appropriated. We have been appropriating money for the buffalo and other animals, and I want to increase the appropriation for farm demonstration work from $30,000 to $200,000.

Farm demonstration work is doing more for this country to-day, by reason of a fund Mr. Rockefeller has given, than anything else in aiding our people in increasing the yield and the acreage in wheat and in corn. This is but a small pittance, but it will help in demonstrating to the farmers what kind of seed to use, the necessity of getting new seed, and increasing the acreage in corn and cotton. I think it is a very important matter, and I hope the Senator from New Hampshire will accept the amendment.

Mr. BURNHAM. Mr. President, this amendment was not presented to the committee, and I should like to have it go over until to-morrow, so as to have time to consider it.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw the amendment?

Mr. OVERMAN. No; let it stand, and it can be taken up to-morrow.

Mr. BURNHAM. Very well; let that be the understanding. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 14, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy grace, O Lord God, our heavenly Father, possess our minds and hearts this day, that our paths may be bright, our ways gentle, our work efficient in Thy sight; and all praise shall be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6244. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army;

S. 5608. An act providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes;

S. 247. An act to provide for the erection of a public building at Twin Falls, Idaho;

S. 250. An act to provide for the erection of a public building at Idaho Falls, Idaho;

S. 5851. An act to increase the appropriation for the addition to the post-office building at Detroit, Mich.;

S. 6342. An act to provide for the erection of a public building at Buckhannon, W. Va.;

S. 5206. An act to amend that portion of the act of Congress approved March 3, 1911 (36 Stats. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake;

S. 4166. An act for the relief of Lawson Reno, collector second district of Kentucky;

S. 5567. An act for the relief of A. W. Cleland, jr.;

S. 3452. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6245. An act to provide for an enlarged homestead entry in Arizona, where sufficient water suitable for domestic purposes is not obtainable upon the lands;

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes;

S. 5952. An act to provide for an enlarged homestead entry in Nevada, where sufficient water suitable for domestic purposes is not obtainable upon the lands;

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors;

S. 2949. To establish a hydrographic station at Los Angeles, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North, between Pembina, N. Dak., and St. Vincent, Minn.;

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5387. An act to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me.;

S. 5808. An act granting righ. of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 2001. An act to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes;

S. 5906. to provide for the erection of a public building at Keyser, W. Va.;

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.; and

S. 4148. An act to provide for the acquiring of title to public lands classified as and carrying phosphate deposits.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

The message also announced that the Senate had passed with amendments the bill H. R. 20840, entitled "An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia," in which the concurrence of the House of Representatives was requested.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes; and

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6244. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

S. 5608. An act providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; to the Committee on Military Affairs.

S. 247. An act to provide for the erection of a public building at Twin Falls, Idaho; to the Committee on Public Buildings and Grounds.

S. 250. An act to provide for the erection of a public building at Idaho Falls, Idaho; to the Committee on Public Buildings and Grounds.

S. 5851. An act to increase the appropriation for the addition to the post-office building at Detroit, Mich.; to the Committee on Public Buildings and Grounds.

S. 6342. An act to provide for the erection of a public building at Buckhannon, W. Va.; to the Committee on Public Buildings and Grounds.

S. 4166. An act for the relief of Lawson Reno, collector second district of Kentucky; to the Committee on Claims.

S. 5567. An act for the relief of A. W. Cleland, jr.; to the Committee on Indian Affairs.

S. 3452. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary; to the Committee on Claims.

S. 4791. An act authorizing the patenting of certain lands to rural high school district No. 1 of Nez Perce County, Idaho; to the Committee on the Public Lands.

S. 6245. An act to provide for an enlarged homestead entry in Arizona where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on the Public Lands.

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes; to the Committee on Indian Affairs.

S. 5952. An act to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on the Public Lands.

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors; to the Committee on Interstate and Foreign Commerce.

S. 2949. An act to establish a hydrographic station at Los Angeles, Cal.; to the Committee on Naval Affairs.

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; to the Committee on Interstate and Foreign Commerce.

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911"; to the Committee on the Judiciary.

S. 5387. An act to construct and place a lightship near Monhegan Island, off the entrance to Penobscot Bay, Me.; to the Committee on Interstate and Foreign Commerce.

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington; to the Committee on Military Affairs.

S. 2001. An act to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes; to the Committee on Naval Affairs.

S. 5906. An act to provide for the erection of a public building at Keyser, W. Va.; to the Committee on Public Buildings and Grounds.

S. 6283. An act increasing the cost of erecting a public building at Olympia, Wash.; to the Committee on Public Buildings and Grounds.

S. 4148. An act to provide for the acquiring of title to public lands classified as and carrying phosphate deposits; to the Committee on the Public Lands.

S. 5206. An act to amend that portion of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), relating to the reservation of an easement in lands bordering Flathead Lake; to the Committee on the Public Lands.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being the day set apart for the consideration of business from the Committee on the District of Columbia, I move to take up Senate bill 2224, to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

Mr. RUCKER of Missouri. Mr. Speaker, I request the Speaker to lay before the House House joint resolution 39, with a Senate amendment, in the nature of a conference report.

Mr. JOHNSON of Kentucky. I ask for the regular order, Mr. Speaker.

Mr. RUCKER of Missouri. It is a privileged report.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I would like to inquire whether the bill referred to by the gentleman from Missouri [Mr. RUCKER] is here in the shape of a conference report or not?

Mr. JOHNSON of Kentucky. It is not a conference report, Mr. Speaker.

The SPEAKER. The Chair will state to the House that where there is a dispute about conference reports and other matters being taken up, in the very nature of things the conference reports ought to have the right of way.

Mr. JOHNSON of Kentucky. Mr. Speaker, I insist on the regular order.

The SPEAKER. There is this much to be said about it: The matter is here in the shape of an attempt to try to get the two Houses together upon it.

Mr. BARTLETT. The Speaker made a reference to conference reports.

The SPEAKER. Yes; the Chair stated that, but the Chair was referring to the machinery of the House that tends to bring a matter in conference to an ultimate conclusion.

Mr. BARTLETT. Yes; but I desire to suggest to the Speaker, if the Chair will permit, that there is a difference as a matter of privilege between the consideration of a conference report and a mere matter on the Speaker's table, a report or message from the Senate informing the House of its action upon a certain measure. As I undersand the situation—and if I am incorrect in the statement that I make of it I would be glad to be corrected by the Speaker—if I understand the proposition before the House correctly, there is no report of the conferees of the House, no report to the House of the result of their conference. The conferees on the part of the House have not made any report to the House. The Senate conferees reported to the Senate a disagreement. The Senate, on motion of a Senator, took a vote upon the proposition that the Senate recede from its amendment to the House resolution. The Senate voted down that proposition.

The SPEAKER. The Chair would like to ask the gentleman from Georgia a question.

Mr. BARTLETT. I will be glad to answer it if I can.

The SPEAKER. Is not the whole machinery about conference reports, and so on, and so on, made privileged for the purpose of reaching the ultimate stage of any legislation?

Mr. BARTLETT. That is true. But we have no conference report here, Mr. Speaker, and if there was a report from the conferees, then it would be a matter of absolute privilege to take it up and for the House to dispose of the matter. I do not wish to occupy the position, Mr. Speaker, that business upon the Speaker's table can not be called up and disposed of, but I do occupy the position, Mr. Speaker, that a conference report is of greater privilege and priority than a mere message from the Senate informing the House of the action of the Senate upon a particular House bill or resolution; and therefore I rose to a parliamentary inquiry before the proposition was put or acted upon, in order that the Speaker might state to the House the exact parliamentary situation of this resolution.

The SPEAKER. The Chair will state it, and if he does not state it correctly, somebody that knows exactly the details will please state it.

Mr. MANN. Mr. Speaker, may I call the attention of the Speaker to the situation?

Mr. BARTLETT. May I inquire—if the gentleman will allow me to continue for a moment, or I will yield to him if he desires—may I inquire of the Speaker whether the conferees on the part of the House have made any report to the House on the action of the House conferees as to the conference on the difference between the two Houses?

Mr. RUCKER of Missouri. I will say no.

The SPEAKER. The conferees of the House have not made any such report. The Senate sent a message over to the House stating that they adhered to the Senate amendment.

Mr. BARTLETT. Exactly, and that is upon the Speaker's table.

The SPEAKER. That is upon the Speaker's table, and it is a privileged matter.

Mr. BARTLETT. I do not dispute that proposition, Mr. Speaker. Far be it from me to do so, because I am too familiar with the rules to dispute the proposition. But I suggest to the Speaker, if he will pardon me for making the suggestion, that that did not assume the same character of privilege as would put everything else out of the way.

The SPEAKER. The gentleman from Texas [Mr. BURLESON], for instance, has a proposition about a conference report, and if he had brought in a conference report and were in here with the report and he and the gentleman from Missouri [Mr. RUCKER] were competing with each other for recognition, the Chair in his discretion would recognize the completed conference report of one committee in preference to an unfinished conference report of the other. But no such situation has arisen here.

Mr. BARTLETT. But, Mr. Speaker, if the Chair will indulge me a moment, the conferees did report to the Senate.

Mr. MANN. No.

Mr. BARTLETT. Then I will withdraw from what I said. I thought they did. The Senate conferees went into the Senate and made a motion that the Senate recede from its amendment, which was voted down, and the House conferees, as I understand it, or the Senate conferees, have made no report to either House; and the matter in dispute between the two Houses, so far as the Journals of the two Houses show, is still in conference between the two Houses and not here for consideration.

The SPEAKER. But it is not still in conference, because the conference broke up without an agreement.

Mr. BARTLETT. Mr. Speaker, at the proper time I desire to be recognized to make a preferential motion.

The SPEAKER. The gentleman's rights will be protected.

Mr. MANN. Mr. Speaker, the House passed a resolution. It went to the Senate. The Senate amended the resolution. It came back to the House. The House disagreed to the Senate amendment, and the matter went to conference. In the Senate, without any report from the committee of conference, action was taken upon the resolution, as was perfectly proper, and that action has been messaged over to the House and is now on the Speaker's table. It has got beyond the point where it has to go to a committee.

Now, Rule XXIV provides that the daily order of business shall be as follows:

First. Prayer by the Chaplain.
Second. Reading and approval of the Journal.
Third. Correction of reference of public bills.
Fourth. Disposal of business on the Speaker's table.

This resolution is on the Speaker's table to be disposed of.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct. The Chair will make a general statement about this, as it will save trouble hereafter.

The Chair has no knowledge of what sort of motion the gentleman from Missouri [Mr. RUCKER] proposes to make, and the Chair does not care to know. That is the gentleman's right. He may ask for a new conference, if he wants to, to insist on consideration of the Senate amendment; or he may move to concur in the Senate amendment; or he may make any other motion that is proper; and if the gentleman from Georgia [Mr. BARTLETT] wants to make a preferential motion, he has a perfect right to do it; but the entire machinery of the House, especially with reference to conference reports, is intended, in

the light of the experience of the House, to bring things to an ultimate conclusion; because if a conference report did not have the right of way, then there would be no limit to this session except the first Monday in December. In recognizing various gentlemen for various purposes the Chair must keep in view the promotion of necessary public business.

Mr. BARTLETT. Mr. Speaker, if the Chair will pardon me, I have made no point of order on the proposition. I merely endeavored, if I could, to get the parliamentary situation before the House, so that those of us who did know what it was might act in accordance with the rules of the House. Now, Mr. Speaker, I do not doubt the right of the conferees, or of any Member of the House, to call for the submission of matters upon the Speaker's table which are privileged. The only thing I suggested that might contravene that idea was that that particular kind of privileged matter was not of the degree of privilege that a conference report was, and that is all I have done.

The SPEAKER. If the gentleman will permit, the gentleman rose to a parliamentary inquiry.

Mr. BARTLETT. Yes; that is all I could do, Mr. Speaker, to get the floor.

The SPEAKER. But under the guise of a parliamentary inquiry the gentleman very skillfully raised two or three points of order.

Mr. BARTLETT. I do not know whether I did it skillfully or not, but I intended to do just exactly what I did.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Was not to-day set apart by unanimous consent for consideration of business coming from the District Committee?

The SPEAKER. This is the regular District day.

Mr. SIMS. The regular District day, and not by unanimous consent?

The SPEAKER. It is.

ELECTION OF SENATORS BY POPULAR VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I request the Chair to lay before the House House joint resolution 39, with the Senate amendments.

The SPEAKER. The Chair lays before the House a certain House joint resolution, with Senate amendments, which the Clerk will report by title.

The Clerk read the title of House joint resolution 39, proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The SPEAKER. The Clerk will now report the resolution of the Senate adhering to its amendment.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
April 23, 1912.

Resolved, That the Senate further insist upon its amendment to the joint resolution proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. RUCKER of Missouri. Mr. Speaker, it is my purpose at the proper time to move that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. BARTLETT. Will the gentleman make that motion now?

Mr. RUCKER of Missouri. I do not make that motion now, but I am simply trying to notify gentlemen of what I propose to do.

Mr. BARTLETT. I have a preferential motion.

The SPEAKER. The Chair will recognize the gentleman from Georgia in ample time.

Mr. BARTLETT. But, Mr. Speaker——

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has the floor.

Mr. BARTLETT. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. My point of order is that if the gentleman from Missouri declines to make any motion at all, then any Member who has a preferential motion has a right to make that motion now.

The SPEAKER. Undoubtedly the right to make a motion is not confined to the gentleman from Missouri.

Mr. RUCKER of Missouri. Mr. Speaker, I have announced what motion I intend to make.

The SPEAKER. The gentleman will have to make his motion.

Mr. RUCKER of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment known as the Bristow amendment, and concur in the same.

The SPEAKER. The gentleman from Missouri moves that the House recede from its disagreement to the Senate amendment and concur therein.

Mr. BARTLETT. Mr. Speaker, I make the preferential motion which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

To concur in the Senate amendment with the following amendment: "*Provided*, That Congress shall not have power or authority to provide for the qualifications of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, or returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States or troops of the United States at the polls during said election.

Mr. RUCKER of Missouri. Mr. Speaker——

Mr. BARTLETT. Mr. Speaker, I raise a point of order.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Having offered a preferential motion which tends to bring the two Houses together, I claim that that is the first question to be debated, and that the Member offering that motion is to have control of the time and debate so far as his side is concerned upon that motion.

The SPEAKER. Undoubtedly; when the time for voting comes the motion offered by the gentleman from Georgia is first to be voted upon.

Mr. BARTLETT. But, Mr. Speaker, that is not the point of order I made.

Mr. RUCKER of Missouri. I claim that I have the floor.

The SPEAKER. The gentleman from Missouri was recognized and is entitled to the floor for one hour.

Mr. RUCKER of Missouri. Mr. Speaker, unless there can be an agreement for a reasonable time for debate within an hour the gentleman from Missouri will move the previous question on these motions. If there is anybody opposed to this measure, I will agree as to the time to be allowed for debate.

Mr. BARTLETT. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I raise the point of order, and ask the judgment of the Chair upon it, that the gentleman from Missouri having moved to concur in the Senate amendment, and I having made a preferential motion to concur in the Senate amendment with an amendment, which motion takes precedence over the motion to concur, that that motion is to be first disposed of, and that the party offering the motion is entitled to proceed and discuss that motion and control the time for one hour.

The SPEAKER. The situation is this: Both motions are pending, and when the vote is taken the vote will first be taken on the motion offered by the gentleman from Georgia. In the meantime the gentleman from Missouri has the floor and is entitled to one hour. He is entitled to do what he pleases with that hour under the rules of the House. If he wants to move the previous question he has the right so to do.

Mr. BARTLETT. Anybody can move the previous question.

The SPEAKER. But he can not do it while the gentleman from Missouri has the floor.

Mr. RUCKER of Missouri. Mr. Speaker, if we can not agree as to the time for general debate something will occur suddenly.

Mr. BARTLETT. Oh, there is no question as to what the gentleman from Missouri will do.

Mr. PAYNE. There is nobody on this side that is opposed to this proposition.

Mr. RUCKER of Missouri. Is there anybody on this side of the House that is opposed to the proposition?

The SPEAKER. The Chair will recognize the gentleman from Georgia [Mr. BARTLETT] as having charge of the opposition.

Mr. BARTLETT. And I am proud to occupy that position, Mr. Speaker.

Mr. RUCKER of Missouri. How much time does the gentleman from Georgia want for debate?

Mr. BARTLETT. I want about an hour myself.

Mr. RUCKER of Missouri. And how much time for that side?

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a question for unanimous consent.

The SPEAKER. Touching this matter?

Mr. HENRY of Texas. Touching this matter.

Mr. BARTLETT. I think the gentleman from Missouri and I can agree upon the time.

The SPEAKER. The gentleman from Texas asks unanimous consent to make a request.

Mr. HENRY of Texas. I ask unanimous consent that 30 minutes' time be allowed to the gentleman from Missouri and 30 minutes' time to the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. And at the end of that time the previous question to be considered as ordered?

The SPEAKER. The gentleman from Texas asks unanimous consent that debate on this matter shall extend for one hour, the gentleman from Missouri and the gentleman from Georgia shall have half an hour each, and that at the end of the hour the previous question shall be considered as ordered.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that debate may be limited to two hours—one hour on a side, the gentleman from Georgia to control one hour and I to control the other.

The SPEAKER. The gentleman from Missouri asks, in lieu of the request of the gentleman from Texas, that general debate be limited to two hours, one hour on a side; that the gentleman from Georgia [Mr. BARTLETT] may control one hour and the gentleman from Missouri [Mr. RUCKER] the other hour; and at the end of the expiration of the two hours the previous question shall be considered as ordered.

Mr. BARTLETT. The previous question on what?

The SPEAKER. On these two motions. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, I desire to know if the business for District day will follow immediately after this matter is disposed of?

The SPEAKER. The District business will follow immediately after these motions are disposed of unless a supplemental privileged motion or request is made. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PEPPER, for eight days, on account of important business.

To Mr. HEFLIN, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. KAHN, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of House bill 5748, granting a pension to Mary Burnet, Sixty-second Congress, no adverse report having been made thereon.

ELECTION OF SENATORS BY POPULAR VOTE.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to have read from the Clerk's desk a letter written April 27, 1912, by John M. Stahl, of Chicago, legislative agent of the Farmers' National Congress, on this subject.

The Clerk read as follows:

FARMERS' NATIONAL CONGRESS,
UNITED STATES OF AMERICA,
Chicago, April 27, 1912.

Hon. WILLIAM W. RUCKER,
The House, Washington, D. C.

DEAR SIR: The Farmers' National Congress, which for 20 years has advocated the direct election of United States Senators, is indeed gratified to observe that the joint resolution bearing on this reform is about to receive the sanction of both Houses, and largely because of the conciliatory attitude of the House. This confirms the opinion we have always entertained and expressed that the Congress of the United States is a remarkably high-minded, honorable, and patriotic body, earnestly desiring to do that which will be for the public welfare and ready to surrender small differences of opinion to gain real progress and reform.

We most earnestly hope that when the joint resolution above referred to comes to a vote in the House next week that it will receive a large favorable vote, making such a large majority in its favor as will carry much weight to State legislatures.

The farmers of the United States are watching with much interest the course of the two Houses of Congress on this and other measures, and will note with interest the votes of individual Members of Congress.

I most earnestly ask you to use a moment of the precious time of the House to communicate to it the very earnest wish of the farmers of the United States, as expressed through the Farmers' National Congress, for the passage of the joint resolution for the direct election of Senators, coupled with our very high opinion of the Congress of the United States and belief in its sincerity, ability, and patriotism.

I have the honor to be,
Very respectfully, yours,

JOHN M. STAHL.
Legislative Agent, Farmers' National Congress.

Mr. AUSTIN. Mr. Speaker, before the gentleman from Missouri yields the floor I would like to ask him if he has a letter from the Woman's National Suffrage Association, or Mrs. Bennett, of Kentucky, which he could read to the House?

Mr. RUCKER of Missouri. I have received a letter from the gentleman's constituent, which I will transmit to him.

Mr. AUSTIN. She is not a constituent of mine.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know who has the conclusion of this debate as it now stands, the gentleman from Missouri or myself? The first motion comes from him, but my motion is a preferential motion, and being the first to be voted on should I not have the close of the debate?

The SPEAKER. The Chair would think that the gentleman from Missouri has the right to conclude the debate.

Mr. RUCKER of Missouri. That has been the universal practice.

Mr. BARTLETT. I do not think it has been the universal practice.

The SPEAKER. The motion of the gentleman from Missouri brings the two Houses together.

Mr. BARTLETT. So does mine, Mr. Speaker.

The SPEAKER. If some gentleman were to arise and make the motion to amend the amendment of the gentleman from Georgia, why, then, according to his own theory, the closing of debate would shift to that Member.

Mr. BARTLETT. Not at all, Mr. Speaker.

Mr. RUCKER of Missouri. The parliamentary practice is that I would have the closing of debate.

Mr. BARTLETT. The gentleman has not investigated the practice.

The SPEAKER. The practice is, a Member occupying the position of the gentleman from Missouri, with reference to this bill, would have the closing.

Mr. RUCKER of Missouri. And the gentleman from Georgia knows the precedents—— [Cries of "Regular order!"]

The SPEAKER. The Chair is willing to hear the gentleman on the question of order.

Mr. BARTLETT. I merely wanted to have the question of procedure settled.

The SPEAKER. The Chair thinks that the closing of debate rests with the gentleman from Missouri.

Mr. BARTLETT. All right.

The SPEAKER. The Chair recognizes the gentleman from Georgia for one hour.

Mr. BARTLETT. Mr. Speaker, it is unfortunate that a question of so much importance to all the people of the United States, involving a question of a radical change in the form of our Government, should be permitted to be considered but for an hour on each side. It is unfortunate that a proposition so vital to the welfare, the continued progress of prosperity of the section from which I come—to the 13 States of this Union known as the Southern States—in which they are vitally interested, should be permitted to be discussed so briefly. It is still more unfortunate, Mr. Speaker, that a proposition which has time and time again received the condemnation of this Democratic House, certainly upon two roll calls, should now be approved by this House and the Democratic position thereon reversed, and that only an hour should be given to those who would uphold the right and dignity of this House; it is true that the gentleman from Missouri [Mr. RUCKER] can take an hour to show the reasons why he has receded from his former position, but he may occupy the entire hour himself, he may occupy the entire day if he chooses, he may speak until the hours become days and the days become weeks and the weeks become years and the years become cycles and ages, but the gentleman from Missouri will never be able to satisfy the country and this House why this radical change on the position which he presents to the House is justified. Mr. Speaker, I recall some of the history of this resolution. Last year, on April 13, the gentleman from Michigan [Mr. YOUNG] offered, as an amendment to the Rucker resolution, this same identical amendment, which reappears as the Bristow Senate amendment. It was advocated then by Members upon that side, and especially and strongly by the gentleman from Kansas [Mr. JACKSON]. In the debate the gentleman from Missouri [Mr. RUCKER] himself resisted its adoption in earnest and eloquent language, and called upon this side of the House to vote down this proposition, and upon a roll call a majority of 66 Democrats was then recorded against the identical proposition. On the 21st of April, 1911, when a motion was made by the gentleman from Pennsylvania [Mr. OLMSTED] that the House concur in the amendment, and the gentleman from Missouri again was heard in debate against it, the House, by a majority of 60—111 yeas and 171 nays—refused to concur in this Senate amendment. Through the long summer months, the fall months, and the winter months, and now into the coming of summer again, this proposition lay in the conference committee, with a determination on the part of the conferees to stand by the will of the House and not to accede to the demands of the Senate.

And now, Mr. Speaker, we have the remarkable proposition, without any report from the conference committee, that the House turn its back upon what it did upon former occasions upon this very identical bill and vote to take up the Senate amendment and adopt it by concurring in it. Mr. Speaker, this amendment has somewhat of a history. In the last Congress it was what is known as the Sutherland amendment, and it was voted down in the Senate, and the very Senator who is

the author of this amendment in the Senate this Congress, a Senator from Kansas, voted against this proposition, then known as the "Sutherland amendment." When he returned home to Kansas meetings were held and certain organizations of colored voters demanded that Congress pass this amendment, and the Senator from Kansas offered it again and became its chief champion.

So this might well be dubbed "the Kansas Negro amendment to the Constitution." But time passed, and still no sign of agreement by our conferees, until there came to this city a few days ago a distinguished Democrat, who is the titular head of the party, or at least until we can have another convention; and after a conference with certain leaders of this House it was announced in the newspaper which I hold in my hand—the Washington Post—that Mr. Bryan had come, and after he had conferred with certain gentlemen—the Speaker of this House, the chairman of the Committee on Rules, the chairman of the Committee on Election of President and Vice President—orders had been given to have the House act upon this amendment and recede from its disagreement with the Senate and to accept the same. That is published in the Washington Post.

Mr. RUCKER of Missouri. May I ask the gentleman from Georgia a question?

Mr. BARTLETT. Yes.

Mr. RUCKER of Missouri. Do I understand that the paper said that orders had been given?

Mr. BARTLETT. I do not say the paper said orders had been given, but that is the effect of it, and from what is now occurring it looks very much like orders were given and they are being followed.

Mr. RUCKER of Missouri. That is the gentleman's conclusion about it.

Mr. BARTLETT. Of course, that is my conclusion and that is the conclusion that everyone would draw from this article and the change of front of the gentleman. What other reason can the gentleman from Missouri give for his turnabout face upon this proposition? The gentleman from Missouri marches out of this House backed by a majority of 66, and 60 of his Democratic colleagues of this House, enthused with the belief that he was right, and enthused, I apprehend, with a determination to stand by the will of the House. We supposed that like a knight errant, panoplied with the right that this House should have its will when 66 majority demanded it he would insist on it and we followed him, and we followed him in the contest believing that he would stand firm against the senatorial position and not yield. And lo and behold, instead of being a knight errant, bold and gallant, we find him a mere Don Quixote, returning with his favorite bill upon a stretcher after he had charged the windmills of the Senate. [Laughter and applause.] So the gentleman from Missouri comes back disfigured, maimed, his lance broken, followed by his faithful attendant, the gentleman from New York, whom I will not call his Sancho Panza, because, while he was the only attendant of the gentleman from Missouri in this wonderful crazy charge upon the Senate windmills, still the gentleman from New York did endeavor valiantly to uphold the dignity and right of the House.

So, Mr. Speaker, we are asked to-day to reverse our position. The gentleman from Missouri [Mr. RUCKER], after pledges to the House by his vote, comes back and asks that this amendment, originating in Kansas, demanded chiefly and first by the negro voters of Kansas at the hands of Senator BRISTOW, who before had voted against it, shall be agreed to; that this House shall forget its dignity, subvert its will, and pass a law which means the death of this amendment, for, if adopted, it will tend to bring about ruin and chaos again in the sections which some of us represent, and will never receive the approval of those States.

Mr. Speaker, I do not know how else to account for the sudden change of opinion of the gentleman from Missouri [Mr. RUCKER]. I do not know how to account for it unless there be some overweening and dominant power that demands this legislation at our hands. I revere great statesmen; I love my party; I have never scratched a ticket from President to coroner.

I come from a section of country, Mr. Speaker, that during all the political defeats and adversities of the party has never wavered in its devotion to Democracy. We have kept alive, like the vestal virgins of old, the faith and the fire burning upon the altar of our party when others, including Missouri, followed strange gods and hungered after the fleshpots of Egypt. [Applause.] We have not asked for offices, nor have we asked a share in the administration of the Government. I have stood in this House when only 100 Democrats from all this vast domain of ours could answer the roll call on this side; when there were only 10 Democrats from all the States other than the Southern States. But through such times we have kept the flag flying, we have kept the faith, we have kept the sacred fire alight upon the altar, asking nothing, demanding nothing. You can have your offices, you can have your patronage, but keep away from us the prospects and the probability of reenactment of the former infamous Federal election laws. [Applause.]

Mr. Speaker, I will not recount, because time is too short and the occasion does not demand it, the tribulation, the sorrows, the suffering, the horror, and the infamy of those years—1867 to 1894—when the Federal election law was on the statute books up to the hour when they were repealed by a Democratic Congress. The act of 1894 repealing these Federal election laws was signed by that illustrious Democratic President—the only one we have elected since the war—and he will go down in history as a great President along with Washington, Jefferson, and Madison, though perhaps not so great, but able, honest, faithful, and true—Grover Cleveland, of New York. [Applause.] Some may differ from me as to his greatness, some may malign him, but he will live in history as a great President, who tried to do right as he saw it, when those who have maligned and defamed him are justly forgotten.

Now, Mr. Speaker, the purpose of this Senate amendment is plain. The Senator from New York [Mr. ROOT], while this amendment was being discussed, said:

> My proposition is, that if the Members of the Senate are to be elected at popular elections, the Government of the United States must retain the power to make those elections honest and fair and free; the power to say, if the regulations prescribed by the State are not adequate to that end, that they shall be superseded by regulations made by the Congress of the United States. My proposition further is that without that power accompanying this change in the method of the election of Senators, if the change be made, the Government of the United States has surrendered the power for its own preservation and protection.

As evidence of the purpose of the advocates of this amendment I quote from the CONGRESSIONAL RECORD of date February 10, 1911, as follows:

> Mr. BACON. Mr. President, do I understand the Senator from New York to mean that if the States have now upon their statute books laws which regulate the suffrage in those States, such as the Senator speaks of as "the grandfather clause," though that is simply a term generic in its character which relates to a general class of legislation—does the Senator mean that, with the laws now upon the statute books of the several Southern States, if the proposed amendment of the Senator from Utah [Mr. SUTHERLAND] should be adopted and we should pass the joint resolution to amend the Constitution and it should be ratified by three-fourths of the States, it would then be within the power of Congress, if it conceived that these grandfather clauses, as they are called, all the body of laws with reference to the regulations and limitations of the suffrage in the Southern States—if Congress should conceive that they were unconstitutional, does the Senator mean that, in his opinion, Congress would have the power, under the amendment of the Senator from Utah, to annul those provisions and to make Federal laws to control the election of Senators in such way as to insure the right to vote to all persons thought by Congress to be entitled to vote?
>
> Mr. ROOT. Without the slightest doubt.
>
> Mr. BACON. Well, Mr. President, it is well that we are given this notice of what the Senator does mean and what the Sutherland amendment means.
>
> Mr. ROOT. I meant to put you on notice, and I mean to put the whole country on notice if my words are able to do so

Mr. RUCKER of Missouri. Does the gentleman from Georgia [Mr. BARTLETT] concede that the Federal Government has power to fix the qualification of voters?

Mr. BARTLETT. Concede its power to fix the qualification of voters?

Mr. RUCKER of Missouri. Of voters.

Mr. BARTLETT. In the case of Congressmen; yes.

Mr. RUCKER of Missouri. That the Federal Government has the power to fix the qualifications of voters?

Mr. BARTLETT. Yes; I do.

Mr. RUCKER of Missouri. I just wanted to get the gentleman's statement of it.

Mr. BARTLETT. If the gentleman will read the case of Siebold v. the United States he will find the courts so held.

Mr. RUCKER of Missouri. I merely want to say that the gentleman knows a good many authorities, where the Supreme Court has held affirmatively time and again that the General Government has no such power.

Mr. BARTLETT. Mr. Speaker, the gentleman from Georgia has tried to become familiar with the authorities upon this question, and I could give the names of the cases and the volumes in which they are to be found if I had the time. The gentleman has confounded that proposition with the idea that the Congress of the United States has not the power under the fourteenth and fifteenth amendments to prescribe the qualifications, and the States having prescribed them, and not having violated the fourteenth and fifteenth amendments, in not making the distinction on account of race, color, or previous condition, the Supreme Court, God bless it, has sustained our franchise laws.

Mr. RUCKER of Missouri. Mr. Speaker, I understand——

The SPEAKER. Does the gentleman from Georgia [Mr. BARTLETT] yield to the gentleman from Missouri [Mr. RUCKER]?

Mr. BARTLETT. I have to yield.

Mr. RUCKER of Missouri. No; you do not.

Mr. BARTLETT. I will yield.

Mr. RUCKER of Missouri. I beg the gentleman's pardon. As I understand the decision upon this, after the State has enacted a law fixing the qualification of voters then the Federal Government has power to see that every State exercises the law prescribed by the State.

Mr. BARTLETT. I put the opinion of Senator ROOT against the gentleman. Then the Senator gives us notice as to what it does mean, and that the Bristow amendment means that Congress, under this amendment, will have power to fix the qualifications of electors, and to the question that the Senator asked him on the floor of the Senate he said, "Without the slightest doubt."

He said:

> I mean to put you on notice now, and put the whole country on notice, if my words can do so.

I do not know what the law may be, but I know what the great lawyer in the Senate who advocated it said it meant, and he put the country on notice that he intended it to mean that. That may be an answer to the gentleman; I do not know.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. BARTLETT. Yes.

Mr. COOPER. Is not this clause in the amendment: "The electors in each State shall have the qualifications requisite for electors in the most numerous branch of the legislature"?

Mr. BARTLETT. Yes; it has been there ever since the Constitution was enacted.

Mr. COOPER. Does the gentleman claim that under that provision the Congress of the United States would have the right to go into the States and prescribe the qualifications of the voters?

Mr. BARTLETT. I think that fixes the qualifications of electors when they shall be qualified to vote for the most numerous branch of the legislature.

Mr. COOPER. I always understood, and was taught so when I first began the study of law, that suffrage was not a Federal right at all, but that it was a privilege conferred by a State, and the only condition prescribed by a State was that when the State fixes the qualifications there should be no discrimination on account of race, color, or previous condition of servitude.

Mr. BARTLETT. I will read what Mr. BRISTOW, the author of this amendment, said on the subject:

> I do not believe it takes away from the Federal Government the power to appoint a marshal or organize an army, as the Senator from Georgia [Mr. BACON] indicates with such emphasis. If the Federal Government can organize an army now to protect any State or the elections in any State, it can do so if this amendment is adopted.

Mr. COOPER. Will the gentleman permit an interruption right there?

Mr. BARTLETT. Yes.

Mr. COOPER. Under the Constitution as it is to-day, and as the gentleman will leave it, has not the Congress the right to go into a State so far as the election of Representatives in Congress is concerned? If the gentleman wants to conjure up a scarecrow——

Mr. BARTLETT. Oh, if the gentleman wants to ask me a question, I will be glad to answer it; but the gentleman ought not to undertake to argue the question in my time.

Mr. COOPER. We have not changed the authority of Congress?

Mr. BARTLETT. No; and you will not succeed in enacting this amendment, because the States will not vote for it.

Mr. COOPER. So far as the action of Congress is concerned, does the gentleman apprehend any danger from Members of Congress?

Mr. BARTLETT. I do not for the present.

Mr. COOPER. Then why do you apprehend any danger for your Senators? The same people will vote at the same election.

Mr. BARTLETT. Well, I wish I had more time to give the gentleman an opportunity to make a speech against my amendment. I do not think he hurts it any. On the contrary, I think he helps it.

Mr. Speaker, I was a Member of this House for 16 years, when the Republicans had the majority; I have seen Republicans discountenance and vote down and frown down any effort to reenact a Federal election law or to deprive us of representation because of our election laws in the Southern States, passed to protect us from the ignorant and vicious voter. Twenty-two years ago, when that great Speaker and statesman, Thomas B. Reed, was at the helm in this House, nobody was permitted to do it, although certain distinguished Republicans, on account of overzeal or through reasons of expediency, offered the amendment. Then followed that noble and genial gentleman, David B. Henderson, from Iowa, who was a one-legged Federal soldier who had fought for the cause of the Union and left a part of his manly body upon the battle field. He also frowned upon it. Then came that great old Roman, honest, earnest, sincere, Uncle JOE CANNON, as Speaker. [Applause.] I do not believe with him politically, and do not agree with many things that he did; I have censured him from the political standpoint; but he stood like the rock of Gibraltar, even in a Republican caucus, where his own political life might be at stake, and frowned down and fought down and voted down any effort to rejuvenate and renew the infamous Federal election laws or to injure the South. [Applause.]

And while others may censure, while others may criticise and malign and abuse him, justly or unjustly, he has a place in the hearts of the people of the South that will not be erased because of his generous treatment of the southern people. [Applause.] He may have made political success possible for some of us; nevertheless he did, although stalwart Republican, as he was, as much as anybody to allay the bitterness of the past between the sections, and I take this occasion to give him the thanks of my people. [Applause.]

Mr. Speaker, on Thursday last there gathered within my home town the remnant of the Confederate veterans, the last fragment of that heroic and glorious army that marched beneath the fiery flag of the Southern Confederacy and immortalized southern bravery and valor on every battle field of the Civil War. [Applause.] In thinned ranks and with wasted and tottering forms they joined together with their comrades in celebrating the glories of the past and the valor of their comrades. Before they adjourned, with only one dissenting voice in a meeting of 16,000 soldiers, they passed a resolution in response to the invitation of Gen. Tribble, the commander in chief of the Grand Army of the Republic, agreeing that next year they would meet him and the survivors of the Union Army on the battle field of Gettysburg [applause] to celebrate the anniversary of that great battle by recalling its memories with one another on the field where 50 years ago they stood in battle array, with bayonets pointed at each other's throats, confronting death, and making immortal not simply Union soldiers' and Confederate soldiers' valor, but making immortal the heroism of the American soldier. [Applause.] Is it not time, in God's name, that legislation should stop or, rather, not be renewed, that would reopen the scars that have healed? And shall it be the work of a Democratic House to again reopen and renew the bitterness of the past?

Even to the gentlemen who fathered these propositions that a Republican Congress voted down I now bear no animosity nor do my people bear any animosity. We honor you, because you have recognized the peculiar situation in my country and have said to us, "God bless you in your efforts to solve a problem the like of which no people in the tide of time ever faced."

And now, when Republicans for 16 years have refrained from doing it, the Democratic majority, at the demand of somebody, proposes to do what a Republican House never permitted to find its way on the calendar. When I say to my people at home that my Democratic friends in the North, the East, and the West in a Democratic House have done that which no Republican House ever succeeded in doing when it had a majority ranging at times from 13 to 150, I will tell you what they will say to me. We have followed the Democratic flag. We followed Bryan in three unsuccessful campaigns. Some of us here have taken our political lives in our hands in order to support him. There are friends and neighbors of mine who did not agree with him, and it has taken 15 years to allay their opposition, simply because I was a supporter of the present titular leader of my party. But neither Mr. Bryan, nor the Speaker of this House, nor the gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, nor the gentleman from Missouri [Mr. RUCKER]—can drive me or compel me to vote for a proposition which my nature condemns and which my people universally denounce. [Applause.] When a Democratic House shall put this infamy upon my people—I measure my words and mean what I say, with all due respect for those who vote for it and without meaning any offense—when a Democratic House shall put this infamy upon my people, I will give you notice now, in order that you may well reflect upon it, that you test to the breaking point our party loyalty in the coming election. We are for tariff reform. We are for the exercise of the powers of government to control and regulate interstate commerce and to regulate the trusts. We are for an economical expenditure of the Government funds; but, above all these, is our determination to preserve white supremacy. I hear it whispered by some that this is poor Democracy, but those who favor this proposi-

tion will not receive the indorsement and support of my people. I am as true a Democrat as ever lived. I have never scratched a ticket, as I have stated, from President to coroner, and I never shall.

But above the question of the tariff and the economical administration of the Government and the control of trusts and the regulation of interstate commerce arises this vital question for my people. And if a Republican majority would not put it on us for 16 years, shall it be said that the first Democratic majority in 16 years shall do that which no Republican Congress since 1890 ever dared to do? If so, then my people, while they are better Democrats than the people who support these propositions, will not give their approval or their sanction to that set of men who indorse such a doctrine. Call that treason if you please. But if that be treason to the Democratic Party, make the most of it. [Applause.]

How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman from Georgia has consumed 35 minutes.

Mr. BARTLETT. Mr. Speaker, I feel deeply in this matter, and I fear I have taxed my own strength and the patience of the House too far. I would not ordinarily speak as I do, but I feel deeply upon this proposition. I would not utter what I have said, nor would I endeavor to call attention to the difference in the party concerning this proposition, but the party might as well understand it. We have never faltered in our faith to the candidate or to the ticket. When others deserted, when others failed, with the ring of the true metal we answered every call.

This is vital. This bill gives Congress authority to erect in our midst an election board, a returning board, election judges, and supervisors. My amendment prevents Congress from doing these things. As a boy, and even after I grew to manhood, I have seen elections conducted beneath the bayonets of United States troops, by United States marshals, by Federal supervisors, and returning boards. I experienced the nightmare and the horror of it. We have got away from that, thanks in great measure to the patience, to the good will, to the desire of the Republican Party to let us alone. To those who in this great struggle have given us their sympathy we extend our thanks.

We are grateful to those of you who in that great trial gave us your help and forbearance. To those of you over on that side or on this side—Republicans, Populists, or Democrats—who in this hour propose to enact such a law and criticize us for resisting it, I say to you that we shall go on pursuing the course we feel to be right, and those who censure and criticize us will be consigned to the calm indifference of our contempt. [Applause.]

Mr. Speaker, the wisest man the world is said ever to have known, the man who wrote the Proverbs, said once:

> There be three things which are too wonderful for me; yea, four which I know not:
>
> The way of an eagle in the air, the way of a serpent upon a rock, the way of a ship in the midst of the sea, and the way of a man with a maid.

Unfortunately for Solomon he did not live in this day. The other thing that would have been too strange and wonderful for him would be the ways of the gentleman from Missouri [Mr. RUCKER] in his performance as conferee between the two Houses. Solomon was not wise enough to understand it, and therefore I will not undertake it.

Mr. Speaker, I have presented, hurriedly and disconnectedly, my objections to this amendment.

Mr. PROUTY. Will the gentleman yield for a question?

Mr. BARTLETT. Always.

Mr. PROUTY. The gentleman several times during this discussion has referred to 13 States. What States did the gentleman refer to?

Mr. BARTLETT. Virginia, North Carolina, South Carolina, Georgia—I will speak for Georgia by authority—Alabama, Tennessee, Arkansas, Mississippi, Louisiana, Texas, and Oklahoma. These States that went through the hell and fire of reconstruction.

Mr. PROUTY. The gentleman means the Confederate States, the States that formed the southern confederacy?

Mr. BARTLETT. Yes.

Mr. PROUTY. And the gentleman is opposed to the amendment because it gives to the Federal Government power to supervise elections?

Mr. BARTLETT. Yes.

Mr. PROUTY. Did the gentleman know that the constitution of the southern confederacy provided for exactly the same thing that we are seeking to put in?

Mr. BARTLETT. I do not care if it did; I would not vote for it now.

Mr. PROUTY. Article 1, section 5, paragraph 1:

> The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof, subject to the provisions of this constitution, but the Congress may at any time make or alter such regulations, except as to the time and place of choosing Senators.

Mr. BARTLETT. That is the same as it is in the Constitution of the United States and has been since 1789.

Mr. PROUTY. And the gentleman is trying to take it out.

Mr. BARTLETT. No; I am not trying to take it out. I want it to stay in. It is the provision that you were trying to amend.

Now, Mr. Speaker, my amendment proposes simply to provide that Congress shall not have any power hereafter to supervise the voters in a State, to establish election boards, appoint supervisors of election or returning boards, or to use the Army or the United States marshals at the polls. If that is adopted, then this amendment can be adopted. I appeal to every man on this side of the House, every Democrat, to vote for that amendment.

Mr. Speaker, I know not what may be the result of this amendment. I know that the Democratic Party ought to grant to that great Democratic region from which I come and from which the majority Members on this side come, the poor privilege of adopting this amendment of mine before it passes this new law amending the Constitution. I know as far as the ultimate results are concerned that it will never become a law by amendment of the Constitution of the United States if it is not agreed to, for the adoption of the Bristow amendment rings the death knell for this original resolution.

Be that as it may, Mr. Speaker, we of the South shall go on in the future as we have in the past. In spite of reconstruction and its infamous results, in spite of the Federal election laws, in spite of all that we have arisen from our desolation and our destruction until we stand united, unrivaled in our commercial and agricultural powers and everything that makes up great and powerful States. The vine has yielded its fruit, the earth its increase, and the sun in the heavens the sunshine, the dew and the rain, and in spite of Republican law we have prospered. We are prosperous because we have been enabled by our own efforts to solve in our own way and in God's own appointed time the problems that confronted us. If this opportunity shall be taken now to retard that great prosperity by a Democratic House, well and good, Mr. Speaker, we shall go on in the future as in the past, devoted to our principles of local self-government and the supremacy of the Anglo-Saxon race. We will make our way forward still, and we will stand by our convictions and duties regardless of party, regardless of objections, regardless of all things till—

> Wrapt in flames the realms of ether glow
> And heaven's last thunder shakes the world below.

[Applause.]

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman reserves the balance of his time, which is 15 mintues.

Mr. RUCKER of Missouri. Mr. Speaker, I yield 15 minutes to the gentleman from Texas [Mr. HENRY].

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized.

Mr. HENRY of Texas. Mr. Speaker, it is a matter of regret that I can not relieve the anxiety of the gentleman from Georgia by agreeing with him in his position. I come from the same part of this country from which he hails, the South, and have no dread of the occurrences predicted by him in his remarks. I am against the amendment proposed by the gentleman from Georgia [Mr. BARTLETT] to the motion made by the gentleman from Missouri [Mr. RUCKER], because I know that if this amendment goes back to the Senate of the United States by reason of the Bartlett encumbrance the election of Senators by direct vote of the people will be postponed for many years, and the proposition will die there. [Applause.]

I am in favor of the election of United States Senators by a direct vote of the people of the respective States of this Union.

Mr. Speaker, much has been said on this question, and yet it seems to me that it is necessary to say but little in order to arrive at a correct solution of the problems before us. The gentleman's argument has covered a wide range of topics not at all relevant to the subject. In the first place, he has stated that Mr. Bryan had come to the city of Washington and whispered in the ears of the Speaker and the gentleman from Missouri and my ear that the Bristow amendment should be adopted. Mr. Speaker, long before I talked with Mr. Bryan about this matter, and long before knowing his position, I wired the gentleman from Missouri while I was in Worcester, Mass., favoring the motion he is making to-day and wished to be paired in favor of it.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HENRY of Texas. I have not the time to yield and regret it. Let me say for the gentleman's benefit to-day that if he would allow himself to follow Mr. Bryan a little oftener he would be more frequently right. [Applause.]

Mr. BARTLETT. And be certain to get beat, too, every time. [Laughter and applause.]

Mr. HENRY of Texas. Yes; as long as Democrats stab the Democratic nominee there is danger of defeat. [Applause.]

Mr. BARTLETT. That is the truth, whether it is acceptable or not.

Mr. HENRY of Texas. Now, Mr. Speaker, let us argue this question as lawyers should and see what it means. We find in the Constitution as our fathers wrote it originally, Article I, section 3:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years.

That was the original clause. Then we turn over to section 4 and call to it the attention of this House and the country to-day in order that we may understand the question upon which we are to vote, and not allow it to be confused by a lot of sophistries, as the gentleman from Georgia is endeavoring to do.

Mr. BARTLETT. Better have sophistries than nothing at all. [Laughter.]

Mr. HENRY of Texas. This section reads:

The times and places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, *but the Congress may at any time by law make or alter such regulation except as to the places of choosing Senators.*

Why, gentlemen, hearing the supposed argument of the gentleman from Georgia [Mr. BARTLETT], no one could discover that he had ever read that clause of the Constitution. [Applause.] He conjures up "force bills" and says they will be put upon the South again. There is no man anywhere who has higher regard for the sovereignty and rights of the States than I have, but "force bills" have no terror for me in this day and generation, for they are not again coming. My God, will sectionalism never cease and will not men on both sides of this House lay it aside when we are considering a great constitutional question? [Applause.] Let me say to the gentleman from Georgia that there was never a time during the 125 years' existence of this Government when Congress could not reach out and lay its hands upon every State of this Union in regard to the elections of Senators and Representatives both, except as to the *places* of choosing the Senators. Now, what does that mean? It simply implies that our fathers saw proper, when they fashioned this Government, to surrender to the Federal Government the power to regulate elections of Representatives and Senators.

Our fathers saw proper, when they fashioned this Government, to surrender to the Federal Government the power to take control of the elections of Representatives if they so desired, and while they have taken charge of the election of Representatives, the same men who voted for Representatives in Congress were voting for the members of the legislature who were to choose the Senators. It is all one election, and every man who intelligently reads the Constitution and statutes understands it. What is the proposed amendment which the gentleman says is so dangerous to the country. Let us anaylze it, which as lawyers and patriotic citizens we should do. Here it is, the Bristow amendment, that the gentleman from Georgia endeavors to make appear so dangerous before the American people:

The Senate of the United States shall be composed of two Senators from each State, *elected by the people thereof*, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures.

Instead of this Federal Government undertaking to fix the qualifications of electors, this amendment leaves in the Constitution the power providing that the States *shall fix the qualification of the electors that choose the Senators and Representatives for the State legislatures.* [Applause.] It preserves that right to the people of the various States, and does not take it away from them. Let gentlemen meet the question as it is written in the very face of the amendment and not try to confuse it with sophistry. What more? It proceeds to provide—

That the legislature of any State may empower the executive thereof to make temporary appointments until *the people fill the vacancies by election as the legislature may direct.*

That is the Bristow amendment, and is all there is to it. The gentleman from Georgia is trying to strike out of the Constitution something that was placed there when this Government was formed. [Applause.]

I am trying to keep in the Constitution what our fathers wrote there in order that we may this day institute one of the greatest reforms in the history of the Government by providing for the election of United States Senators. [Applause.] Ah, Mr. Speaker, if we will but concur in this amendment we will have no force bills in the future. There will be brotherly love between the people of every part of this great country; there will be no endeavor on the part of Senators and Representatives to stifle the voice in the different States; but the time will come, and that speedily, when the voters will choose their own Senators by direct election. Expulsion and charges of corruption may cease at the other end of the Capitol [applause], and that body will be the people's forum as well as this House, and destroy the power that now controls legislatures and fills some seats with those who are friendly to special privilege and predatory wealth and those seeking favors from the Government. Therefore I am glad of the opportunity to vote for this motion made by the gentleman from Missouri, and thus vote down the amendment designed to bury it in the Senate of the United States, where it can never again come to life. [Applause.] I am glad to say on this occasion that if we concur in the Bristow amendment we do no violence to those things our fathers placed in the Constitution, but preserve and perpetuate their ideas of government, the genius of this Republic, and make it possible for the people to control every branch of their Governments, both Federal and State. Therefore I proudly cast my vote in favor of the motion offered by the gentleman from Missouri [Mr. RUCKER.] [Loud applause.]

Mr. BARTLETT. Mr. Speaker, right at this point, since the gentleman from Texas [Mr. HENRY] has awakened so suddenly to a knowledge of the Constitution, I desire to call the attention of the House to the votes of the gentleman from Texas upon this constitutional question on two separate occasions. On the 13th day of April, 1911, the gentleman from Michigan [Mr. YOUNG] offered this identical proposition as an amendment to the Rucker bill amending the Constitution. After argument, in which, I believe but I am not positive, the gentleman from Texas participated, a roll call was had on that day, and upon this roll call the gentleman from Texas, the constitutional lawyer from Texas, so well informed of what it means now, voted "no," to be found on page 241 of the RECORD. Again, on June 21, 1911, this identical Bristow amendment was up before the House and a motion was made by the gentleman from Pennsylvania [Mr. OLMSTED], one of the conferees upon this bill, to concur in that amendment and to concur in this amendment now pending which is to be voted upon, and the gentleman from Texas, who now parades himself as so well informed upon the question and the want of danger in the amendment, voted "no," and that is to be found on page 2433 of the RECORD of this Congress. Men change, times change, but the gentleman from Texas keeps pace even with the gentleman from Missouri in his kaleidoscopic changes on this question. I yield to the gentleman from Mississippi [Mr. SISSON] five minutes.

Mr. SISSON. Mr. Speaker, before I begin to address myself to this question, since this matter is of so much importance, I will at this time submit a request that the time be extended 1 hour, 30 minutes to be controlled by the gentleman from Missouri and 30 minutes by the gentleman from Georgia. This is a very important question, and I ask to submit that request. I have consulted the gentleman from Missouri, and he states that he would not object.

Mr. RUCKER of Missouri. I will not object.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Mississippi asks unanimous consent that this debate be extended for one hour, the time to be controlled one-half by the gentleman from Georgia and one-half by the gentleman from Missouri. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I object.

Mr. SISSON. I hope the gentleman will not object. You had 15 minutes, and many gentlemen here want to speak.

The SPEAKER pro tempore. The gentleman from Texas [Mr. HENRY] objects. The gentleman from Mississippi [Mr. SISSON] has five minutes.

Mr. SISSON. I ask the gentleman from Texas [Mr. HENRY] to withhold his objection. This is a very important matter to the country. [Cries of "Regular order!"]

Mr. HENRY of Texas. Mr. Speaker, I withdraw the objection, inasmuch as gentlemen seem to be anxious to speak.

The SPEAKER pro tempore. Is there objection to the request made by the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. MANN. I understand that shall not affect the order as to the previous question?

Mr. SISSON. Not at all.

Mr. BARTLETT. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I am going to be just as frank with the membership of this House as it is possible for a man to be. I realize fully that this amendment places the elections of the Senators in exactly the same condition, if the amendment is voted for by the States, that the Constitution now places the election of Members of the House of Representatives. But there is a vital reason why the fathers of this Republic made a distinction. Under the present Constitution it is not possible for the Federal Government to control the election to both branches of Congress, because under the present Constitution the only thing that the United States Senate can do in reference to the election to the Senate would be to determine whether or not the State legislature had acted honestly and fairly in the election of the Senator. But if this amendment shall go through, then you tear away the legislature of the State and you permit the supervision of elections in the State for Senators just as you may now supervise the election in reference to a Congressman.

Now, in this piping time of peace, when all are dwelling together in unity and fraternal love, we do not need necessarily constitutional protection. And the time may come in the future, in our large territory, which is rapidly being built up, that the cry of Federal encroachment may not come from the South, but from the small New England States, because they are entitled, under the Constitution, to equal representation in the Senate irrespective of the number of people which they have. The large States may become restive over that large representation. The fathers of the Republic so drew this Constitution that the people could protect the Federal Government in the election of Members to the House, and in the event that there was any disposition to change the form of Government and deprive the Federal Government of its rights in the Congress of the United States, it would have the right to protect the Government of the United States. The debates on this question were as voluminous as any other debates at the time the Constitution was adopted, and they reached a compromise so that you might preserve the Federal Government in its sphere and you might protect the State government in its sphere.

The amendment says:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Who, then, shall determine under the State constitution and the State regulation as to election of United States Senator whether a man is qualified and legally entitled to vote? If you pass a Federal election law, then the law of each State will be construed by a Federal court or it will be construed by a Federal commissioner of elections, and when a qualified elector presents himself at the polls to vote his right to vote will not be determined by officers who are appointed and elected by the State legislature which made the law, by the people of the State who made the constitution, but the construction of that State constitution, the construction of the laws placed on the statute books by the State legislatures, will be construed and enforced by Federal officeholders. Why, gentlemen of the House, I care not what you may write in the statutes of these States. I care not what constitutional provision you may have in times of peace. It is in times of stress and storm and in times of political passion that we need some rock, some anchor and protection. In such times, when the tempest of passion runs high and Congress becomes wild with partisanship and ignores the rights of the minority under the present system, the Supreme Court can protect this minority as it has done in the past, but if this amendment becomes a part of the Constitution and the control of the election shall be in the hands of a brutal majority—put it, if you please, a brutal Democratic majority, a brutal Republican majority, a brutal Socialistic majority—then these officers that shall be elected to fill these elective positions will determine whether these State laws have been complied with, and in so doing will, of course, hold that they were, because their election would be by the same system, and the Executive, being chosen by the same method, would also be biased, and though fraud was so rank that it smelled to heaven the election would be declared regular.

I appeal to the membership of this House to be practical about it. Do not be demagogic. I am in favor of the election of the United States Senators by direct vote of the people, but I want it to be by direct vote of the people of these States in accordance with their own will, in accordance with their own wishes, in accordance with their own constitution; and in order that we may have this you must have the election laws of each State administered by the people that make these State constitutions and the State laws. And if the gentlemen call that demagogic, if you call that sophistry, then indeed you know nothing about how elections are conducted. No man will tell me that the men who fought at the other end of this Capitol so vigorously were fighting for nothing; no man will tell me, when you shall vote down the amendment offered by the gentleman from Georgia [Mr. BARTLETT], that there is not a purpose somewhere to defeat the election of Senators by direct vote of the people by the States, which will decline to surrender this power.

If that be the purpose, if that be the object, if that be the aim, then you gentlemen who submit this amendment to the people will be looked upon as being enemies of elections of the United States Senators by direct vote of the people. Let us not, in God's name, place this chalice to the lips of the people of the States and ask them to drink it to the dregs. I ask that the State of Maine, of New Hampshire, of Vermont, shall have the sovereign right to determine whom they shall send to the Senate. But you take from them that right when you tell them: "Although you may write your laws you have not the patriotism, you have not the interest, you have not the integrity to enforce them, but we will have the election held by a body that has nothing to do with the making of the laws, and shall have nothing to do with the selection of the officers who hold the election." What an anomaly!

Mr. Speaker, the people of the States should not adopt this amendment in its present form. To do so places all power in the Federal Government. It is not enough to say that the Federal Congress will not exercise its power. Every Member who has spoken on this question, save one or two have said that those of us who oppose the Bristow amendment are unnecessarily alarmed. They say that we are too easily frightened, and that this power will never be exercised, and that if they thought it would that they would be against this amendment. This is an admission that the Bristow amendment is unwise and dangerous. The surest way to prevent Federal control of elections of United States Senators is not to deprive the States of the power to control their own elections. When this amendment is submitted to the States they will be asked to surrender their power over the only branch of the Federal Government that they now control, and to place in the Congress of the United States the power to control the elections in the States. It is begging the question to say that Congress will never avail itself of that power. If it will never avail itself of that power it is because they ought not to have it.

Let us examine a moment and see what the amendment does. If adopted, Congress can appoint officers to take charge of the registration books of the States and determine who may or may not register under the State law. Congress can appoint officers to hold the elections, and allow those to vote whom these officers in their discretion should decide has the right to vote. These Federal officers of elections will count the votes and make certificates of election. Every Congressman and every Senator who holds a certificate of election will hold it at the hands of those Federal officers. If the State election should happen on the same day, under the State constitution, then the Federal officers could hold in their hands the election machinery and actually control our State elections.

I do not care who writes and makes the laws of a State if you will let me administer those laws. Gentlemen on the floor say that Congress can not fix the qualifications of voters. No; the State laws will do that. But who cares who makes the laws? It is a question of enforcement and administration. You leave the State the miserable privilege of writing her own statutes, but you degrade and humiliate her by depriving her of the right to have her own officers of her own elections to enforce these laws. You take away, or are, rather, asking each State to surrender her only shield and buckler. You would ask in this amendment that these States lie helpless and prostrate without a single weapon of defense against Federal encroachment. You say that Congress can now control, if it desires, the election of Congressmen, and that for that reason the States should now be stripped of all power of protection, and you would submit this amendment to them and ask them to throw themselves upon the mercy of Congress. Will they do it? Not if they understand the proposition.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. SISSON. Yes.

Mr. JACKSON. The gentleman does not believe it would be possible, and he does not advocate any change in the Constitution that would prevent the Senate from being the judge of the qualifications of its own Members, does he?

Mr. SISSON. Oh, no. I say this: I want the Senate to be the judge of its own election after the election is made and returned.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISSON. Mr. Speaker, I ask for five minutes more.

Mr. BARTLETT. I yield five minutes more to the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. SISSON] is extended five minutes.

Mr. JACKSON. Then the result would simply be that the Senate could keep out of its Chamber any man who was elected from any of those States, and there would not be any difficulty, would there, in denying the right of the State to representation at all in the Senate?

Mr. SISSON. I understand the gentleman's question, but the State would still have the sovereign right to send whom she pleased. But if this amendment were adopted her laws would be construed, we will say, by a Democratic majority, and the President of the United States, vested with authority to appoint these election officers, would construe the law of the States and would construe the qualifications of the electors of the States, and would determine who should and who should not vote, and you would thereby deprive the States of one of their sovereign prerogatives and powers which they now have.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. SISSON. I do.

Mr. CANNON. Suppose a State or States refused to send Senators. Would not the Senate exist by virtue of some other authority than itself, and therefore——

Mr. SISSON. Yes; and at the very beginning of the Government—and I am sure the gentleman is familiar with it—there was a fear expressed in the debates of the Constitutional Convention to the effect that Senators would not be sent to the Senate and that Members of the House would not be sent to the House by their districts, and therefore, when they were discussing this matter in the original Constitutional Convention, they made this compromise, that the Federal Government might protect and preserve itself. But they did not go to the extent that some of the members of that convention desired to go at that time—notably those who followed Mr. Hamilton—to give the absolute right to the Federal Government to control absolutely the election of all Federal officers, but they got this compromise. They worked up a compromise, and my recollection is that Mr. Franklin, who was one of the great compromisers, evolved this plan and it finally went through.

Now, if you change this method, you would have the anomalous condition of one body politic making the law and another body politic construing or enforcing the law. Now, it would be in times of political storm—it would only be when the stress was great—that a Federal election law could ever be passed. Then, as in war, thousands of things that would not be tolerated in time of peace would be tolerated, and the purpose of this Constitution is to protect people in their rights in time of stress and storm.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Missouri?

Mr. SISSON. I do.

Mr. HAMLIN. Does not the gentleman understand that the only effect of the adoption of this conference report, if it should become a part of the Constitution, would be in his own State to change the election of United States Senators from an election by the legislature to an election by the voters of the State?

Mr. SISSON. The gentleman knows little about the contention if he contends that, because, under the present Constitution, you can not reach the electorate by any act of Congress. You can not go back and lay violent hands on it. You can, so far as the House of Representatives is concerned. But a State, if it is denied the right to send Representatives to Congress, can still elect, under her own law and legislature, her Senators, and can send her Senators to the other end of the Capitol and there protect the State in its rights, and there become a check on the brutal majority of this House.

I recall how the people of the South prayed, when Mr. LODGE, of Massachusetts, introduced the force bill here, against its enactment. I recollect as a young man how we listened night and day at the telegraph office for news of the result. I recall how a Senator from my own State, who has passed away, Senator George, spoke for parts of three days against the bill; and I recollect how they telegraphed to Senator Stewart, and the wires were quivering and vibrating with the intelligence that Senator Stewart was on his way to the Capitol, although he left a sick bed at his home to come; and when Senator Stewart, under the influence of Gov. Foote's daughter—that good Mississippi woman who nursed him in his sickness—and who hurried on a special train from the West to this city and that great Republican when he reached the Senate cast his vote against the force bill and killed the force bill; and I recollect the rejoicing all over the South.

And let me say to you that since we have had honest and fair elections in the South my own State has had millions of dollars of northern capital invested within its boundaries, millions of dollars have gone into Mississippi, millions of dollars have been spent for land, and millions of dollars have been invested in timber and land by people from Illinois and Ohio and Indiana and all the principal Northern States.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. SISSON. I regret that I can not.

Mr. MANN. I will yield to the gentleman two minutes out of my time.

Mr. SISSON. With that understanding, I will yield to the gentleman.

Mr. MANN. The gentleman from Missouri has agreed to yield to me time, and I ask him to give to the gentleman from Mississippi [Mr. SISSON] two minutes out of the time promised to me.

Mr. RUCKER of Missouri. Certainly; I will do that. Mr. Speaker, I yield two minutes to the gentleman from Mississippi.

Mr. MANN. The Lodge bill, to which the gentleman referred, related to the election of Members of the House of Representatives, did it not?

Mr. SISSON. Only to Members of the House of Representatives; yes.

Mr. MANN. And this resolution, as passed by the House, does not propose to change that part at all, does it?

Mr. SISSON. No, sir.

Mr. MANN. So that even if the resolution should pass in the form in which the gentleman advocates it, the Lodge bill, if reenacted, would still be constitutional.

Mr. SISSON. It would be constitutional.

Mr. MANN. So that all the argument the gentleman makes about the Lodge bill falls to the ground, because no one is offering to change the constitutional authority which was behind the Lodge bill.

Mr. SISSON. But the point in the Lodge bill was that at that time it was killed in the Senate; but if the same majority could have controlled the Senate that controlled this House, then the same will and the political exigency would have existed there that existed here, and the result would have been that it would have become a law.

Mr. MANN. That would not make any difference. It is the question of power that the gentleman is talking about.

Mr. SISSON. Now, in concluding these remarks I want to say that if this amendment becomes a law, in time of stress and storm the desire to pass a Federal election bill will be multiplied tenfold, because then you can control both branches of Congress, whereas if you can only control one branch the passage of such a law would be remote, because under the present Constitution you could not affect the Senate by a force bill.

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to my colleague from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I do not know that I will occupy all the time which has been allotted to me, but I do want to make this observation: If there is any one thing that I think the people of the whole country, regardless of party, are demanding to-day, it is that United States Senators shall be elected by direct vote of the people. [Applause.] I think we can not be mistaken on that proposition.

This conference report is not as I would like to have it. I am sure it is not as the chairman of the committee in charge of this bill in the House would have liked to have had it, but I am sure that it is the very best that he could get. We can not shut our eyes to the fact that there is scarcely any legislation of a general nature that is not the result of a compromise, and I believe that the imagination of some gentlemen here, who pretend to see great evil to flow from this legislation, is not founded on real facts.

I yield to no man in this House in my admiration for the South. I was born there, and I lived there for several years of my life. My father was a Confederate soldier for four years, and lived in the South during the reconstruction period. I have heard him describe conditions there at that time, and have read of it, and naturally I have an abhorrence for the conditions that existed there at that time, but I am charitable enough to believe that every man on this floor, regardless of

politics, agrees with me that such a condition could not again exist in this country. The people of the North would not tolerate it. I do not believe there is any danger of a return to that condition of things in this country. [Applause.] I do not believe that Members upon this floor, however strenuously they protest, believe, deep down in their hearts, that such a condition will again exist in the South. It seems to me that the gentleman from Wisconsin [Mr. COOPER] hit the nail on the head a few moments ago when he asked the gentleman from Georgia [Mr. BARTLETT] if there was any interference now by the Federal Government in the election of Members of this House, or if he anticipated any interference, or felt that there might be any.

Mr. BARTLETT. If I may interrupt the gentleman, there is no interference now, because the law that authorized it was repealed in 1894.

Mr. HAMLIN. But the law that governs the election of Members to this House now will be the same law that will govern the election of United States Senators if this conference report is agreed to.

Then the gentleman from Wisconsin [Mr. COOPER] asked the gentleman from Georgia, if that be true, why does he anticipate that any interference would be had in the election of Members of the other branch of Congress.

Mr. BARTLETT. If a Democratic majority pass this sort of a bill, there is no telling what a Republican majority may do.

Mr. HAMLIN. It seems to me this is a tempest in a teapot. All the change the Senate made in the resolution as it passed this House is the striking out of this one provision:

> That the times, places, and manner of holding elections for Senators shall be prescribed in the several States by the legislatures thereof.

Otherwise the law is left as it exists to-day. Now, it is up to us. Do we want to give the people a chance to amend the Constitution so as to permit them to elect the Senators by a direct vote?

We can not deny the fact that the Senate has emphatically refused to submit this constitutional amendment in any other form than that reported in this conference report, and it is up to us to say whether or not we are going to yield to the demands of the people of this country and give the States an opportunity to adopt this amendment, if they want to adopt it, or refuse to agree to this conference report and thereby defeat the whole proposition. I am in favor of adopting this conference report. [Applause.]

Mr. FAISON. If the gentleman from Missouri is so much in favor of this resolution now, why did he go on record against it repeatedly in the last Congress?

Mr. HAMLIN. The gentleman certainly was not listening to the first part of my remarks, or he would know that I said I very much preferred the resolution as we passed it in the House, not so much on account of the difference in the provisions as that it left it absolutely clear, so that there could be no question about the right of the States to control these elections. I believe the States ought to have that right. I believe they will have the right under this amendment in case it is adopted, but if we could have gotten it through as we passed it in the House, then there could have been no question about it.

Mr. FAISON. Will the gentleman yield again?

Mr. HAMLIN. Yes.

Mr. FAISON. The gentleman well knows that the law is not a question of what he believes it is, but it is a question of what the law is. If the gentleman prefers to have it stay in——

Mr. HAMLIN. I understand the gentleman's question. It is more to satisfy just such friends as the gentleman from North Carolina is that I would like to have it as the House passed it, so that he could sleep well at night and not be uneasy.

Mr. FAISON. You admit that you much prefer this?

Mr. HAMLIN. I say I would prefer to have it pass just as we passed it in the House, so there would be no doubt about what it meant; but I do not share with the gentleman the fear that, in case this proposed amendment should become a part of the Constitution, there would be any interference by the Federal Government in the election of United States Senators. I want to say, so far as the South is concerned, and I say it to the everlasting credit of the South, that in the last few years the scandals that have arisen over the election of Members of the United States Senate have not originated in the Southern States, but have originated in the States of the North, which are not afraid of this resolution in its present form. [Applause.]

Mr. COLLIER. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. COLLIER. The gentleman says that he is really in earnest in his desire to see Senators elected by direct vote of the people?

Mr. HAMLIN. I am.

Mr. COLLIER. Does not the gentleman know that this amendment was put on the bill for the absolute purpose of defeating the election of Senators by popular vote?

Mr. HAMLIN. I do not know that that was the purpose of the amendment, and I would hesitate to impugn the motives of the Senator who offered it. But if it was his purpose, it is in our power to fool him, and I hope that we will do so. I know very well if we fail to agree to this conference report that there will be no constitutional amendment providing for the election of United States Senators by direct vote of the people for years to come.

I am hoping that the good people of the Southern States will see that it is for their interest and the interest of the whole country—and they are patriotic—that this proposed amendment is written into the Constitution of the United States. When we do that the other body will be very much more responsive to the will and desires of the people than it is now.

Now, I hold no brief in defense of my colleague from Missouri, Judge RUCKER. He needs no defense; he is amply able to take care of himself. But I want to say, however, that I know from all that he has said on this floor and in private conversation that his desire and earnest wish has been to have the Senate agree to the resolution as it was passed by this House; this he was unable to accomplish, and he feels it his duty, and I think he is right, to the great body of the people in this country, who are the real authority—we are only the agents here to represent them—he believes that it is his duty to report here a resolution to be submitted to the States of the Union and give them the opportunity to amend the Constitution if they wish; and therefore he has made the motion that this conference report be agreed to.

You may criticise my colleague about changing his position upon this question, but we who know him know that he is only anxious to respond to the earnest desire of the people of the country for this reform, and when he can not get just what he wants he has the courage to take the best that he can get, and then take the people into his confidence and tell them that he did the best he could for them. We who know him do not doubt his good intentions, and the people of Missouri have confidence in him, and the people of this country will applaud him for what he has done. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, it is going to be determined to-day by this House whether a great reform long demanded by the American people is to be granted or not. The responsibility is not going to rest on the Senate. If it shall fail it will rest on this House. If it shall fail because of a lack of two-thirds vote the responsibility will not rest upon this side of the aisle to-day, but upon the other side of the aisle. I know that there are Members upon that side who propose to vote against the concurrence in the Senate amendment who believe that they can say to the American people that the Senate is to blame for the failure of this great reform. But, Mr. Speaker, it will not lie in the mouth of any Democratic Member to make such a charge, for the very purpose of this amendment—the reason for it—is that there is a conviction upon the part of the American people that the Senate does not represent the American people as it should, and you will not be able to go before the people and say "these men who are misrepresenting the American people are to blame because this resolution was not adopted."

There has been a great deal of debate upon the merits of this proposition, but I am not going to take any time upon it now. I do want to insert in the RECORD a short paragraph from the report of the constitutional convention which I have not heretofore seen used, and it is interesting. I quote from Madison's papers, page 813:

> Mr. Dickinson moved that Senators be chosen by the legislature. He said, as a reason, he wished the Senate to consist of men most distinguished for their rank in life and their weight of property and bearing as strong a likeness to the membership of the House of Lords as possible, and he thought such characters more likely to be selected by the State legislatures than in any other mode.

Mr. Speaker, there were prophets in those days. It will not do for anyone who votes to defeat this resolution to-day to say that this kind of men are to blame for the failure of it and not this House.

Now, Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Georgia [Mr. BARTLETT] and those of the gentleman from Mississippi [Mr. SISSON], and to hear these gentlemen, Mr. Speaker, one wonders whether in their minds the war is over or not. Why, Mr. Speaker, whenever anything like the statements that have been made here to-day are made in this House by Members on this side, they

have been deprecated on that side of the House. Only the other day the gentleman from Wisconsin [Mr. COOPER] quoted from a speech by Mr. Garfield, where reference was made to the late war, and he was immediately criticized on that side of the House. Mr. Speaker, who is raising the question of sectionalism now with reference to this resolution? If this resolution should be finally adopted, as you gentlemen want it adopted, that matter of sectionalism will become more or less of an issue in every State of the Union, and you men from the South will be responsible for it.

There is no such thing as sectionalism now. We have a united North and South, and I want to see it remain that way, and that is why I want to remove this question of sectionalism from this question and favor the motion of the gentleman from Missouri. [Applause.]

Mr. ADAMSON. Mr. Speaker, I regret to observe that distinguished gentlemen who on other subjects and other occasions exhibit considerable acumen appear at this time to be utterly unable or entirely unwilling to differentiate between the limited difficulty and danger of Federal interference with elections by State legislatures on the one hand, and the much dreaded and much more easy and infinitely more dangerous intermeddling with popular elections held in the States. That is the essential difference which appears to me plain enough for anybody to see between the two propositions before the House. I am perfectly satisfied with the existing provision of the Constitution as operating and intended to operate on elections by the legislature, but a radical change is proposed, which introduces new methods and invites new dangers. It is proposed that the Senators shall be chosen by direct vote of the people of the States, not of their own volition but by constitutional mandate. Those States which really desire the election of Senators by the people have provided for it by primary elections. Others, if they should come to desire it, could adopt the same method; but it is insisted that all States can not or will not do it, therefore it is necessary to change the plan through an amendment to the Constitution and compel all States to select Senators by popular election. We are willing to have that and have voted for it. The only condition we placed upon it was the fair and reasonable provision that the States should determine the time, place, and manner of election. The reasons for it were manifest in this House, which passed the measure with that qualification by an overwhelming majority. It is strange to me that the leaders in charge, who are now beating a retreat, should have persisted in that course if it was erroneous, thereby delaying action for a whole year. They say we were right and still protest that they desire the resolution in the form originally adopted by this House, but they say we are whipped, that we can not carry it our way, and that therefore we ought to surrender and vote with our opponents to put the wrong upon us. That is not my theory of waging war, practicing law, or practicing statesmanship. If wrong finally prevails over me I will probably submit after the die is cast, but I will never consent and contribute to my own destruction by voting with the other side to run over and demolish me. That would be a species of self-destruction bordering on suicide, of which I will never be guilty.

The Federal Government will never have constitutional authority to intermeddle with popular election of Senators in the States until the amendment is adopted. If we vote it down we may secure one in proper form, as we first adopted it. It is very poor tactics to dally along with the Senate and give them to understand, either expressly or tacitly, that if they do not yield we will. It is the fault of the Senate, aided by the vacillating weakness of our own leaders, if this resolution goes through in its amended form, which, in my judgment, will be infinitely worse than defeating the amendment. If we would defeat the resolution of the gentleman from Missouri and let the Senate know we mean it, the Senate will either recede and pass the unamended resolution now or leave the matter open, so that action can be secured in the future. I for one will not vote to foreclose the matter and pass thereby down to the States a resolution which, in its amended form, is a stultification of ourselves, an insult to American intelligence, a departure from American principles, and a dangerous experiment, fraught with possible calamity to our country and its institutions, nor are my apprehensions confined to my own section. The failure of reconstruction, the assertion of our manhood, and the survival of our civilization to illustrate Americanism in this country and ultimately dominate its statesmanship and civilization demonstrate the inability of Federal interference to hurt us. But there are States in this Union in which the character of the population and conditions in their large cities bid us sit up and take notice. They are now represented by men committing the fatal error of voting to bring upon them the evils which we seek to avert. I shall vote for the Bartlett resolution. Failing in that, I shall vote against the resolution of the gentleman from Missouri, leaving the field open for wiser and better action in the future, when wiser and better counsels prevail in both Houses. I fear that too much politics at this time imperils our safety.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DICKINSON].

[Mr. DICKINSON addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. HAMILTON].

[Mr. HAMILTON of West Virginia addressed the House. See Appendix.]

Mr. MONDELL. Mr. Speaker, my good friend the gentleman from Georgia [Mr. BARTLETT] and I generally find ourselves in agreement on questions touching the relative powers, jurisdiction, and sovereignty of the States and the Federal Government, but in the matter now before us I am unable to admit the soundness of his premises to follow his logic or agree with his conclusions.

The gentleman from Georgia prides himself on the jealous care with which he would guard the sovereignty of the people within the States. In that attitude I commend him and generally agree with him. But the difference between the gentleman from Georgia and myself seems to be that while I insist upon the maintenance of the division of authority, power, and responsibility established by the Constitution, and would maintain it as established, the gentleman from Georgia appears to be insistent that the balance established by the Constitution shall be modified and changed in the direction of enlarging the power and authority of the State and in the same degree curtailing the jurisdiction of the Federal Government.

The gentleman from Georgia may be able to persuade himself that this proposed amendment to the Constitution in the form before us would extend and enlarge the powers of the Federal Government, but I do not believe that he will be able to persuade any considerable number of people that such is the case. What the proposed amendment would accomplish, to wit, the election of Senators by popular vote, the people generally desire; and this is the only change in the Constitution, direct or indirect, which the measure as presented by the conferees would accomplish.

As modified by the amendment proposed by the gentleman from Georgia, this amendment to the Constitution, if adopted, would indeed give the people an opportunity to elect their Senators directly; but it would at the same time take from the Federal Government the authority it now has with respect to the election of Senators. Where my friend from Georgia and I part company, therefore, is at the point where he proposes to curtail the jurisdiction of the Federal Government. The Constitution as it stands, as the fathers drafted it, is in this respect good enough for me. The balance of power between the States and the Federal Government, as the fathers fixed it, is satisfactory to me; but the gentleman from Georgia, who in one breath talks eloquently of keeping the faith, in the very next breath would deny the faith by breaking the terms of the compact.

This is a very simple matter; the people throughout the country have expressed a desire to elect their Senators by direct popular vote. So strong is the sentiment in favor of such a plan that many States have sought to accomplish indirectly what could not be accomplished directly without a change in the Federal Constitution. In response to the demand, voiced from all portions of the country, Congress addressed itself to the consideration of an amendment which, if adopted, will give the people just what they seem to desire in this matter. No disturbance of the balance of sovereignty and jurisdiction between the States and the Federal Government is involved, or would have been thought of, except that certain gentlemen, who seem anxious to disturb and readjust the relations which the Constitution established between the Nation and the States, seem to feel that this was an opportune time to accomplish it; but, fortunately for the country, there is sufficient patriotism on both sides of the aisle to override a view which would deny the people the right to elect Senators by direct vote unless a further provision, which no considerable number of our people have ever demanded, should be agreed to.

Gentlemen will not succeed in their efforts to rehabilitate the thin and faded ghost of Federal interference with local election in connection with this matter. The people will not be deceived; they desire an opportunity to elect their Senators by direct vote, and their demand that they be given this opportunity has nowhere been coupled with a demand that at the

same time the constitutional balance between the States and the Nation shall be disturbed. In my opinion, an attempt to deny the people that which they insist upon in connection with the election of Senators, on any such flimsy pretense, will be no more successful in Georgia or in Texas than in Wyoming or Massachusetts.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from California [Mr. RAKER].

[Mr. RAKER addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I am heartily in favor of the general proposition. The evolution of political institutions requires that the Government should gradually come more and more to the people and come more and more under their direct control. That evolution has gone on in this country for over 100 years without any provision having been made in our organic law to meet it. It is my judgment that the time has come not only to put the second House of our legislative branch under the control of the people, but to put the executive branch, which is now two degrees removed, into the direct control of the hands of our people.

But I will not discuss that phase of the question. I am in favor of taking action now that will insure the submission of this amendment. [Applause.] The part of the amendment that provides for the qualifications of electors for Senators guarantees the complete control of the electors in each State by the State itself. [Applause.] That part of the bill is fundamental and protects the States against danger of Federal interference. The power of Congress to control the time, place, and manner of election is really only an incidental matter in comparison with the control of the qualifications of electors. I was in favor, and still am in favor, of the amendment in the form in which it was reported by the House, and I wish it could have been adopted in that form, but I do not believe that a question that is not fundamental should be allowed to endanger the ultimate passage of the measure. I want to say to my friends on this side of the House who are worried over the Bristow amendment that I feel deeply in this matter, and am in sympathy with them on the broad proposition of protecting the States in their rights, but I do not have any misgivings about the Federal Government of the United States imposing upon any section of the United States. [Applause.] I do not believe it will enter the heart of one American citizen in 10,000 to employ Federal troops, or any other form of coercion, upon any section in the United States. [Applause.] The Federal Government is nothing but an instrument of all the States, and the Southern States themselves make up a considerable part of the number of all the States.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. HOBSON. Certainly.

Mr. BARTLETT. Is not the gentleman aware that the advocates of this particular amendment in the Senate stated that the purpose of the amendment was that the Congress should have the power to control the election laws of States such as the State of Alabama, that provided a grandfather clause in its election laws?

Mr. HOBSON. I will say to the gentleman that fortunately the wishes of such men did not ultimately prevail even in reconstruction days, and certainly could not prevail now. [Applause.]

Mr. BARTLETT. I will say to the gentleman, because Alabama, like Georgia and Mississippi, asserted her right to supremacy under the law and above the law.

Mr. HOBSON. I have confidence in all the American people to abide by the Constitution, and when this amendment, insuring to each State the right of imposing the qualifications of the electors, becomes a part of that organic law, no matter what might be the desires of individual Members of the other branch or of this branch for that matter, to the contrary, it would be physically impossible for the Federal Government——

Mr. BARTLETT. May I ask the gentleman a question?

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman from Alabama one minute, in order to answer a question.

The SPEAKER. The gentleman from Georgia yields to the gentleman one minute——

Mr. RUCKER of Missouri. I yield to the gentleman from Alabama five minutes additional.

The SPEAKER. The gentleman from Alabama has six minutes.

Mr. BARTLETT. All right; I will yield him the minute; I will stand by what I said. Now, does not the gentleman know that the author of this particular amendment in the Senate, Senator BRISTOW, has stated that the purpose of the bill was to control the election of Senators in Congress, and he thought it did give the power to use the Federal Army and United States marshals at the polls?

Mr. HOBSON. I will answer the gentleman, and say that I am not acquainted with the personal wishes of Senator BRISTOW, whom the gentleman quoted, but I have been reliably informed by those in a position to know that the original purpose in refusing to accept the amendment on grounds held by the gentleman himself was to defeat the bill.

Mr. BARTLETT. Do you think Senator BRISTOW desired to defeat the bill?

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. BARTLETT. I beg the Chair's pardon, Mr. Speaker.

Mr. HOBSON. I will very gladly yield, and I will let the gentleman assume that I yield at any time, Mr. Speaker, so the gentleman can proceed without loss of time.

Mr. BARTLETT. I apologize to the Chair.

The SPEAKER. No apology is necessary.

Mr. BARTLETT. Does the gentleman believe that Senator BRISTOW offered this amendment for the purpose of defeating the election of United States Senators by the people?

Mr. HOBSON. On the contrary, I feel that Senator BRISTOW offered it in all good faith. [Applause.] But I have not the same confidence in the purposes of those who brought up the sectional matter [applause], with regard to the ultimate——

Mr. BARTLETT. May I interrupt the gentleman?

Mr. HOBSON. Certainly.

Mr. BARTLETT. The gentleman's information as to what the views and purposes of those who offered this matter are a matter of entire indifference to me; but the gentleman ought to know—or does he know—that Senator BRISTOW once, like the gentleman from Alabama, voted against this particular amendment.

Mr. HOBSON. I do not know what Senator BRISTOW's position is. I know that to-day, if there were a chance of having the amendment in the form in which it came from our committee, in which it passed the House, if there were any chance of having it in that form, and the price was voting against it in its present form, I would vote against it again in its present form. I prefer the form in which our committee reported it and which the House accepted, but that is not the real question now.

It is clearly a question of whether we will have it as it comes to us now or not have it at all. [Applause.] The gentleman refers to the power of the Federal Government to send troops, marshals, and others. That power will not be enhanced one jot or one tittle more than it exists to-day with regard to elections for Members of this House. I am not in favor of having the Government exercise such power. I do not even like the thought of the Government holding the power of imposing Federal restrictions of any kind upon the election machinery or upon the local institutions of the States, but holding this power is nothing new. The power has existed since this Government began in just as complete a form as it would exist when this amendment is adopted. In my judgment, the very surest way to prevent the exercise of such power is to accept the Senate amendment and place the Senate in the hands of the people. Then a generation would not elapse, as it has in this case, in getting the Senate to submit a legitimate reform demanded by the people. Then we might get an amendment that would take this power from the hands of the Government in respect to both Houses of Congress.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HOBSON. Certainly.

Mr. COOPER. I agree with the gentleman that there is not the remotest probability of Federal interference in elections. The time for that has long passed. But I do object to the statement so frequently indulged in here that the election of a United States Senator—and the gentleman himself intimated it—is an affair of a State alone. The title of a Senator is "Senator of the United States," from a State. A vote of a Senator from Alabama is as potent in my district in Wisconsin as is the vote of one of the Senators from the State of Wisconsin, and——

The SPEAKER. The time of the gentleman has again expired.

Mr. COOPER. I ask that the gentleman have two minutes more.

The SPEAKER. The Chair has no control over the time.

Mr. RUCKER of Missouri. I yield the gentleman two minutes additional.

The SPEAKER. The gentleman from Missouri yields the gentleman from Alabama two minutes more.

Mr. HOBSON. Mr. Speaker, it is largely to answer the gentleman from Wisconsin that I accept this much indulgence. I

want to say to the gentleman from Wisconsin in connection with my statement that, while I possess complete confidence in the United States, of which my State is a part, I believe the integrity, the prosperity, and the perpetuity of the United States depend more upon safeguarding the principle of local self-government in the individual States than upon any other principle of government. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman from Missouri has used 44 minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Kansas [Mr. TAGGART] five minutes.

Mr. TAGGART. Mr. Speaker, this measure, prescribed in a disagreeable form, has been offered to this House as an amendment in the full faith and belief that it will not be adopted. It has been offered to the House as a disagreeable proposition. The election of United States Senators has been advocated by both parties in nearly every State in this Union. It has been voted in the Senate, and it has been voted in the House. We are all for it, and yet there is attached to it a sort of supervisory control by the United States Government that was deliberately intended to make it obnoxious to this House.

The gentleman from Georgia [Mr. BARTLETT] has offered an amendment which will relieve it of that obnoxious feature. I will vote for that amendment; and should that amendment fail, I will vote for the Senate proposition of election of United States Senators by direct vote of the people.

Do you realize that the United States now has power to superintend the election of each one of us? That power was put into the Constitution by the framers of it. That power was exercised during what was called "reconstruction days," but in 1894 every statute having reference to the election of Members of Congress was deliberately abolished by both Houses of Congress.

And as a part of my remarks I now wish to call attention and ask leave to have incorporated in the RECORD the act of February 8, 1894, entitled:

An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

A comprehensive series of statutes was repealed by that act, and there now remains no act on the statute books of the United States regulating the election of Members of this House except the act that was passed a year ago requiring each of us to give an account of moneys expended in candidacies for nomination and election.

The following is the act of February 8, 1894, referred to:

An act to repeal all statutes relating to supervisors of elections and special deputy marshals, and for other purposes.

[*Act of Feb. 8, 1894, ch. 25, 28 Stat. L., 36.*]

[SEC. 1.] [*Election laws repealed—Election supervisors and special deputies abolished*]: That the following sections and parts of sections of the Revised Statutes of the United States be, and the same are hereby, repealed; that is to say, of title "Elective franchise," sections 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, relating to the appointment, qualification, power, duties, and compensation of supervisors of election; and also sections 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, of same title, relating to the appointment, qualification, power, duties, and compensation of special deputies; and also of title "Crimes," sections 5506, 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, 5523, but the repeal of the sections hereinbefore mentioned shall not operate so as to affect any prosecutions now pending, if any, for a violation of any of the provisions of said sections; and also part of section 643, as follows: "Or is commenced against any officer of the United States or other person on account of any act done under the provisions of title 26, 'The elective franchise,' or on account of any right, title, or authority claimed by any officer or other person under any of said provisions." (28 Stat. L., 36.)

Revised Statutes, section 643, above referred to, relates to the removal of causes from State to Federal courts against United States officers acting under color of office. See Judiciary.

The sections of the Revised Statutes repealed by the above section are set out in the notes following section 3 of this act.

SEC. 2. [*General repeal*]: That all other statutes and parts of statutes relating in any manner to supervisors of election and special deputy marshals be, and the same are hereby, repealed. (28 Stat. L., 37.)

SEC. 3. [*When act takes effect*]: That this act shall take effect from and after its passage. (28 Stat. L., 37.)

Election supervisors and special deputy marshals abolished—Repealed sections of Revised Statutes.—The following are the sections of the Revised Statutes repealed by this act:

"SEC. 2002. No military or naval officer or other person engaged in the civil, military, or naval service of the United States shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States or to keep the peace at the polls." (Act of Feb. 25, 1865, ch. 52, 13 Stat. L., 437.)

"SEC. 2005. When, under the authority of the constitution or laws of any State or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite and to become qualified to vote." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done, shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote and being otherwise qualified shall be entitled to vote in the same manner and to the same extent as if he had, in fact, performed such act." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, account, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this title, who by threats or any unlawful means hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141; act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice President, Representative or Delegate in Congress, or member of a State legislature, by reason of the denial to citizens who may offer to vote of the right to vote on account of race, color, or previous condition of servitude, his right to hold and enjoy such office and the emoluments thereof shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein." (Act of May 31, 1870, ch. 114, 16 Stat. L., 146.)

"SEC. 2011. Whenever, in any city or town having upward of 20,000 inhabitants, there are 2 citizens thereof, or whenever, in any county or parish, in any congressional district, there are 10 citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than 10 days prior to the registration, if one there be, or, if no registration be required, within not less than 10 days prior to the election, shall open the circuit court at the most convenient point in the circuit." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of June 10, 1872, ch. 415, 17 Stat. L., 348.)

"SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this title." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2016. The supervisors of election so appointed are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section 2020, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot boxes are kept at all times after the polls are open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, Territorial, or municipal law, and to personally inspect any fund scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll books, registry lists, and tallies or check books, whether the same are required by any law of the United States, or any State, Territorial, or municipal law, are kept." (Act of Feb. 8, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, Territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 434.)

"SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes they are required to place themselves in such position, in relation to the ballot boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 435.)

"SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within 10 days after the day of election to the officer who, in accordance with the provisions of section 2025, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpœna and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 435.)

"SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the 1st day of May, in the year 1871, and thereafter as may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this title imposed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointments to such positions; upon the opening, as contemplated in section 2012, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of elections; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of 10 citizens, as provided in section 2011, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2030. Nothing in this title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the 10th day of June, 1872." (Act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, 10 cents; for affixing a seal to any paper, record, report, or instrument, 20 cents; for entering and indexing the records of his office, 15 cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, 15 cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of $5 per day for each day he is actually on duty, not exceeding 10 days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of 20,000 or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 438; act of June 10, 1872, ch. 415, 17 Stat. L., 349.)

"SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to

hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141.)

"SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempts to do so, he shall be punished by a fine of not more than $500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution." (Act of May 31, 1870, ch. 114, 16 Stat. L., 141.)

"SEC. 5512. If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which is hereby made a crime, every such person shall be punishable as prescribed in the preceding section." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433; act of May 31, 1870, ch. 114, 16 Stat. L., 140.)

"SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, Territorial, or municipal election." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 433.)

"SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, Territorial, municipal, or local officers, it shall be deemed sufficient prima facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot." (Act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

"SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, Territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section 5511." (Act of May 31, 1870, ch. 114, 16 Stat. L., 145.)

This section was amended by the act of February 18, 1875, chapter 80, Eighteenth Statutes at Large, page 320, by changing the last word from "ten" to "eleven," as above given.

"SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of the Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, each of such persons shall be punished by a fine of not less than five hundred nor more than $5,000, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment." (Act of Apr. 20, 1871, ch. 22, 17 Stat. L., 13.)

"SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of title 'The elective franchise,' and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than $200 and not more than $500, or by both fine and imprisonment, and shall pay the costs of prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

"SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from a place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes or of making such returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 436.)

"SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of title 'The elective franchise,' refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than 30 days, or by a fine of not more than $100, or by both, and shall pay the costs of the prosecution." (Act of Feb. 28, 1871, ch. 99, 16 Stat. L., 437.)

I believe in the common sense of the American people. I do not believe that the apprehensions of the gentleman from Georgia [Mr. BARTLETT] are justified. I do not believe——

The SPEAKER. The time of the gentleman from Kansas [Mr. TAGGART] has expired.

Mr. TAGGART. Mr. Speaker, I ask for two minutes more.

Mr. RUCKER of Missouri. Mr. Speaker, how much time has the gentleman used?

The SPEAKER. Five minutes.

Mr. RUCKER of Missouri. I will yield to the gentleman two minutes more.

Mr. TAGGART. In the brief time allowed to me, I want to call attention to section 4 of the Constitution, as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. (Const., I, 4.)

Each House shall be the judge of the elections, returns, and qualifications of its own Members. (Const., I, 5.)

And in conclusion I wish especially to call attention to chapter 13 of the Autobiography of Senator Hoar, in which that late distinguished and beloved Senator called attention to an act that was proposed to regulate elections in the United States and what became of it.

CHAPTER 13.

THE FEDERAL ELECTIONS BILL.

In December, 1889, the Republican Party succeeded to the legislative power in the country for the first time in 16 years. Since 1873 there had been a Democratic President for four years, and a Democratic House or Senate or both for the rest of the time. There was a general belief on the part of the Republicans that the House of Representatives, as constituted for 14 years of that time, and that the Presidency itself when occupied by Mr. Cleveland, represented nothing but usurpation, by which, in large districts of the country, the will of the people had been defeated. There were some faint denials at the time when these claims were made in either House of Congress as to elections in the Southern States. But nobody seems to deny now that the charges were true. Mr. Senator TILLMAN, of South Carolina, stated in my hearing in the Senate:

"We took the Government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, etc.—we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

"I want to call your attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you, gentlemen of the North, that your slogans of the past—brotherhood of man and fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, and we shoot them in South Carolina, when they come in competition with us in the matter of elections. You do not love them any better than

we do. You used to pretend that you did; but you no longer pretend it, except to get their votes.

"You deal with the Filipinos just as you deal with the negroes, only you treat them a heap worse."

No Democrat rose to deny his statement, and, so far as I know, no Democratic paper contradicted it. The Republicans, who had elected President Harrison and a Republican House in 1888, were agreed, with very few exceptions, as to the duty of providing a remedy for this great wrong. Their presidential convention, held at Chicago in 1888, passed a resolution demanding, "effective legislation to secure integrity and purity of elections, which are the fountains of all public authority," and charged that the "present administration and the Democratic majority in Congress owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and the laws of the United States."

In the Senate at the winter session of 1888 and at the beginning of the December session of 1889, a good many bills were introduced for the security of national elections. Similar bills were introduced in the House. A special committee was appointed there to deal with that subject. I had, myself, no doubt of the constitutional authority of Congress, and of its duty, if it were able, to pass an effective law for that purpose.

I was the chairman of the Committee on Privileges and Elections, and it was my duty to give special attention to that subject. I had carefully prepared a bill in the vacation, based on one introduced by Mr. Sherman, providing for holding, under national authority, separate registrations and elections for Members of Congress. But when I got to Washington, I found, on consultation with every Republican Senator except one, that a large majority were averse to an arrangement which would double the cost of elections throughout the country, and which, in States where personal registration every year is required, would demand from every citizen his presence at the place of polling or registration four times every alternate year. That is, in years in which there were Congressmen to be elected he must go twice to be registered—once for the State election, and once for the congressional—and twice to vote. So I drew another bill. I say I drew it. But I had the great advantage of consultation with Senator Spooner of Wisconsin, a very able lawyer who had lately come to the Senate, and I can hardly say that the bill, as it was finally drafted, was more mine or his. This bill provided, in substance, that there should be national officers of both parties who should be present at the registration and election of Members of Congress, and at the count of the vote, and who should know and report everything which should happen, so that all facts affecting the honesty of the election and the return might be before the House of Representatives. To this were added some sections providing for the punishment of bribery, fraud, and misconduct of election officers.

In the meantime the House of Representatives had appointed a special committee charged with a similar duty. Members of that committee saw me and insisted, with a good deal of reason, that a measure which concerned the election of Members of the House of Representatives should originate in that body. Accordingly the Senate committee held back its bill and awaited the action of the House, which sent a bill to the Senate, July 15, 1890. The House bill dealt not only with the matter of election, but also with the selection of juries, and some other important kindred subjects. Our committee struck out from it everything that did not bear directly on elections; mitigated the severity of the penalties, and reduced the bulk of the bill very considerably. The measure was reported in a new draft by way of substitute. It remained before the Senate until the beginning of the next session, when it was taken up for action. It was a very simple measure.

It only extended the law which, with the approbation of both parties, had been in force in cities of more than 20,000 inhabitants, to congressional districts, when there should be an application to the court, setting forth the necessity for its protection. That law had received the commendation of many leading Democrats, including S. S. Cox, Secretary Whitney, the four Democratic Congressmen who represented Brooklyn, and Gen. Slocum, then Representative at large from the State of New York. It had been put in force on the application of Democrats quite as often as that of Republicans. We added to our bill a provision that in case of a dispute concerning an election certificate, the circuit court of the United States in which the district was situated should hear the case and should award a certificate entitling the Members to be placed on the clerk's roll, and to hold his seat until the House itself should act on the case. That provision was copied from the English law of 1868, which has given absolute public satisfaction there. This was the famous force bill, and the whole of it—a provision that, if a sufficient petition were made to the court for that purpose, officers appointed by the court, belonging to both parties should be present and watch the election; that the judge of the circuit court should determine, in case of dispute, what name should be put on the roll of the House of Representatives, in the beginning, subject to the constitutional power of the House to correct it, and that a moderate punishment for bribery, intimidation, and fraud, on indictment and conviction by a jury of the vicinage, should be imposed. That was the whole of it.

But the southern Democratic leaders with great adroitness proceeded to repeat the process known as "firing the southern heart." They persuaded their people that there was an attempt to control elections by national authority. They realized that the waning power of their party at the South—many of whose business men saw that the path of prosperity for the South as well as for the North lay in the adoption of Republican policies—might be reestablished by exciting the fear of negro domination. The northern Democrats, either very ignorantly or willfully, united in the outcry. Gov. William E. Russell, of Massachusetts, a gentleman of large influence and popularity with both parties, telegraphed to President Cleveland a pious thanksgiving for the defeat of this "wicked bill."

Some worthy Republican Senators became alarmed. They thought, with a good deal of reason, that it was better to allow existing evils and conditions to be cured by time and the returning conscience and good sense of the people rather than have the strife, the result of which must be quite doubtful, which the enactment and enforcement of this law, however moderate and just, would inevitably create.

On reflection I came myself to the conclusion that while the bill was reasonable and there was no reasonable doubt of the power of Congress to enact it, yet the attempt to pass it if it were to fail would do the cause infinite mischief. It would be an exhibition of impotence, always injurious to a political party. It would drive back into the Democratic Party many men who were afraid of negro domination, who looked with great dislike on the assertion of national power over elections, and whom other considerations would induce to act with the Republicans. So I thought it was best to ascertain carefully the prevailing opinion and see if we were likely to get the bill through, and if we found that unlikely not to proceed far enough to have a debate in either House.

Accordingly I visited the House of Representatives, saw several of my Massachusetts colleagues and some other leaders. They agreed that if I found that the bill could not in all probability pass the Senate it should be arranged to lay it aside in the House without making any serious movement for it there. After that arrangement was made there was a Senate caucus. I brought up the matter and moved the appointment of a committee to consider the whole question of legislation with reference to the security of elections. A gentleman who had recently become a Member of the Senate rose and quite angrily objected to taking up the matter for consideration. He declared that he would not consent to have the subject introduced in a Republican caucus. The proceedings of such caucuses are supposed to be kept from the public. But they are pretty sure to leak out. I could not very well get up and say that my reason for asking for a committee was to see whether the law should be suppressed or not. So I did not urge my motion. But I did the best I could.

Before reporting the bill I saw every Republican Senator and obtained his opinion upon it. I have in my possession the original memoranda of the various answers. Not only a majority of the Republican Senators, but a majority of the whole Senate declared emphatically for an election bill. I further consulted them whether the authority, in case of a disputed election, to order, upon hearing, the name of the person found to be elected to be placed on the roll should be lodged in the United States courts or in some special tribunal. Two or three preferred that the court should not be invoked. But a majority of the whole Senate favored vesting the power in the courts, and those who preferred another way stated that they were willing to abide by the judgment of the committee.

When the House bill came up it was, on the 7th of August, 1890, reported favorably with my bill as a substitute. Meantime the McKinley tariff bill, which Mr. Cleveland had made, so far as he could, the sole issue in the late election, had been matured and reported. It affected all the business interests of the country. They were in a state of uncertainty and alarm. Mr. Quay, of Pennsylvania, proposed a resolution to the effect that certain enumerated measures, not including the election bill, should be considered at that session, and that all others should be postponed. That, I suppose, would have had the entire Democratic support and Republicans enough to give it a majority. It would have postponed the election bill without giving any assurance of its consideration at the short session. So a conference of Republicans was held at which an agreement was made, which I drew up, and signed by a majority of the entire Senate. It entitled the friends of the election bill to be assured that it would be brought to a vote and passed at the short session, if there were then a majority in its favor. This is the agreement, of which I have the original, with the original signatures annexed, in my possession:

"We will vote: 1. To take up for consideration on the first day of the next session the Federal election bill, and to keep it before the Senate to the exclusion of other legislative business, until it shall be disposed of by a vote. 2. To make such provision as to the time and manner of taking the vote as shall be decided, by a majority of the Republican Senators, to be necessary in order to secure such vote, either by a general rule like that proposed by Mr. Hoar, and now pending before the Committee on Rules, or by special rule of the same purport, applicable only to the election bill."

At the next December session the bill was taken up for consideration and, after a few days' debate, there was a motion to lay it aside. Since the measure had been first introduced, the sentiment in certain parts of the country in favor of the free coinage of silver had been strengthened. Several of the Republican Senators were among its most zealous advocates. There was a motion to lay aside the election bill, which was adopted by a bare majority, the Democrats voting for it and several of the silver Republican Senators, so-called. All but one of these had signed their names to the promise I have printed. I never have known by what process of reasoning they reconciled their action with their word. But I know that in heated political strife men of honor, even men of ability, sometimes deceive themselves by a casuistic reasoning which would not convince them at other times.

The election bill deeply excited the whole country. Its supporters were denounced by the Democratic papers everywhere, North and South, with a bitterness which I hardly knew before that the English language was capable of expressing. My mail was crowded with letters, many of them anonymous, the rest generally quite as anonymous, if the writer's name were signed, denouncing me with all the vigor and all the scurrility of which the writers were capable. I think this is the last great outbreak of anger which has spread throughout the American people.

I got, however, a good deal of consolation from the stanch friendship and support of the Republicans of Massachusetts, which never failed me during the very height of this storm. Whittier sent me a volume of poetry which he had just published, with the inscription written on the blank leaf in his own hand, "To George F. Hoar, with the love of his old friend, John G. Whittier." I think I would have gone through ten times as much objurgation as I had to encounter for those few words.

There has never since been an attempt to protect national elections by national authority. The last vestige of the national statute for securing purity at elections was repealed in President Cleveland's second administration, under the lead of Senator Hill, of New York. I have reflected very carefully as to my duty in that matter. I am clearly of the opinion that Congress has power to regulate the matter of elections of Members of the House of Representatives and to make suitable provisions for honest elections and an honest ascertainment of the result, and that such legislation ought to be enacted and kept on the statute book and enforced. But such legislation, to be of any value whatever, must be permanent. If it only be maintained in force while one political party is in power and repealed when its antagonist comes in, and is to be a constant matter of political strife and sectional discussion, it is better, in my judgment, to abandon it then to keep up an incessant, fruitless struggle. It is like legislation to prohibit by law the selling of liquor. I believe that it would be wise to prohibit the sale of liquor, with the exceptions usually made in prohibitory laws. But if we are to have in any State, as we have had in so many States, a prohibitory law one year, another with different provisions the next, a license law the next, and the difficulty all the time in enforcing any of them, it is better to give the attempt at prohibition up and to adopt a local option, or high license, or some other policy. In other words, it is better to have the second best law kept permanently on the statute book than to have the best law there half the time.

So after Senator Hill's repealing act got through the Senate, I announced that so far as I was concerned and so far as I had the right

to express the opinion of Northern Republicans, I thought the attempt to secure the rights of the colored people by national legislation would be abandoned until there were a considerable change of opinion in the country, and especially in the South, and until it had ceased to become matter of party strife. To that announcement Senator Chandler, of New Hampshire, who had been one of the most zealous advocates of the national laws, expressed his assent. That statement has been repeated once or twice on the floor of the Senate. So far as I know, no Republican has dissented from it. Certainly there has been no bill for that purpose introduced in either House of Congress, or proposed, so far as I know, in the Republican press or in any Republican platform since.

The question upon which the policy of all national election laws depends is, At whose will do you hold your right to be an American citizen? What power can you invoke if that right be withheld from you? If you hold the right at will of your State, then you can invoke no power but the State for its vindication. If you hold it at the will of the Nation, as expressed by the people of the whole Nation under the Constitution of the United States, then you are entitled to invoke the power of the United States for its enforcement whenever necessary. If you hold it at the will of the white Democracy of any State or neighborhood then, as unfortunately seems to be the case in a good many States, you will be permitted to exercise it only if you are a white man, and then only so long as you are a Democrat.

I have had during my whole life to deal with that most difficult of all political problems, the relation to each other, in a Republic, of men of different races. It is a question which has vexed the American people from the beginning of their history. It is, if I am not much mistaken, to vex them still more hereafter. First the Indian, then the Negro, then the Chinese, now the Filipino, disturb our peace. In the near future will come the Italian and the Pole and the great population of Asia, with whom we are soon to be brought into most intimate and close relation.

In my opinion, in all these race difficulties and troubles, the fault has been with the Anglo-Saxon. Undoubtedly the Indian has been a savage; the Negro has been a savage; the lower order of Chinamen have been gross and sometimes bestial. The inhabitants of the Philippine Islands in their uncouth rights, which, as we had solemnly declared to be a self-evident truth, were theirs beyond question, have committed acts of barbarism. But in every case these inferior and alien races, if thef had been dealt with justly, in my opinion would have been elevated by quiet, peaceful, and Christian conduct on our part to a higher plane and brought out of their barbarism. The white man has been the offender.

I have no desire to recall the story of the methods by which the political majorities, consisting in many communities largely of negroes and led by immigrants from the North, were subdued.

This is not a sectional question.

It is not a race question. The suffrage was conferred on the negro by the Southern States themselves. They can always make their own rules. If the negro be ignorant, you may define ignorance and disfranchise that. If the negro be vicious, you may define vice and disfranchise that. If the negro be poor, you may define poverty and disfranchise that. If the negro be idle, you may define idleness and disfranchise that. If the negro be lazy, you may define laziness and disfranchise that. If you will only disfranchise him for the qualities which you say unfit him to vote and not for his race or the color of his skin, there is no constitutional obstacle in your way.

So it was not wholly a race or a color problem. It was largely a question of party supremacy. In three States—Alabama, South Carolina, and Florida—white Democrats charged each other with stifling the voice of the majority by fraudulent election processes, and in Alabama they claimed that a majority of white men were disfranchised by a false count of negro votes in the black belt.

It was not wholly unnatural that the men who, in dealing with each other, were men of scrupulous honor and of undoubted courage should have brought themselves to do such things, or at any rate to screen and sympathize with the more hot-headed men who did them. The proof in the public records of those public crimes is abundant. With the exception of Reverdy Johnson, of Maryland, there is no record of a single manly remonstrance or even expression of disapproval from the lips of any prominent southern man. But they had persuaded themselves to believe that a contest for political power with a party largely composed of negroes was a contest for their civilization itself. They thought it like a fight for life with a pack of wolves. In some parts of the South men would scarcely dare to speak to a negro who tried to get an office as to kill a fox they found prowling about a henroost. These brave and haughty men who had governed the country for half a century, who had held the power of the United States at bay for four years, who had never doffed their hats to any prince or noble on earth, even in whose faults or vices there was nothing mean or petty, never having been suspected of corruption, who, as Macaulay said of the younger Pitt, "if in an hour of ambition they might have been tempted to ruin their country, never would have stooped to pilfer from her," could not brook the sight of a legislature made up of ignorant negroes who had been their own slaves, and of venal carpetbaggers. They could not endure that men, some of whom had been bought and sold like chattels in the time of slavery, and others ready to sell themselves, although they were freemen, should sit to legislate for their States with their noble and brave history. I myself, although I have always maintained, and do now, the equal right of all men of whatever color or race to the protection of the government of the country, felt a thrill of sadness when I saw the Legislature of Louisiana in session in the winter of 1873.

There was a good deal of to provoke them also in the character of some of the northern men who had gone to the South to take an active part in political affairs. Some of them were men of the highest character and honor, actuated by pure and unselfish motives. If they had been met cordially by the communities where they took up their abode they would have brought to them a most valuable quality of citizenship. If northern immigration and northern capital had been welcomed at the South, it would have had as helpful an influence as it had in California and Oregon. But the southern men treated them all alike: I incline to think that a large number of the men who got political office in the South, when the men who had taken part in the Rebellion were still disfranchised and the Republicans were still in power, were of a character that would not have been tolerated in public office in the North. Gen. Willard Warner, of Alabama, a brave Union soldier, a Republican Senator from that State, was one of the best and bravest men who ever sat in that body. Gov. Packard, of Louisiana, was, I believe, a wise and honest man. But in general it was impossible not to feel a certain sympathy with a people who, whatever else had been their faults, never were guilty of corruption or meanness or the desire to make money out of public office, in the intolerable loathing which they felt for these strangers who had taken possession of the high places in their States.

President Grant gave the influence and authority of his administration toward maintaining in power the lawfully chosen Republican State governments. But in spite of all he could do they had all been overthrown but two when the presidential election was held in 1876. Those two were South Carolina and Louisiana. The people of those two States had chosen Republican governors at the State election held on the same day with the election of the President. But these governors could not hold their power 24 hours without the support of the national administration. When that was withdrawn the negro and carpetbag majority was powerless as a flock of sheep before a pack of wolves to resist their brave and unscrupulous Democratic enemy, however inferior the latter in numbers.

In attempting to give a dispassionate account of the history of this great question which has entered so deeply into the political and social life of the American people almost from the beginning, it is hard to measure the influence of race prejudice, of sectional feeling, and of that other powerful motive, eagerness for party supremacy.

Suffrage was conferred upon the negro by the Southern States themselves. Under the Constitution every State can prescribe its own qualifications for suffrage, with the single exception that no State can deny or abridge the right of a citizen of the United States to vote on account of race, color, or previous condition of servitude.

But I am bound to say—indeed, it is but to repeat what I have said many times—that my long conflict with their leaders has impressed me with an ever-increasing admiration of the great and high qualities of our southern people. I said at Chicago in February, 1903, what I said, in substance, 20 years before in Faneuil Hall, and at about the same time in the Senate:

"Having said what I thought to say on this question, perhaps I may be indulged in adding that although my life, politically and personally, has been a life of almost constant strife with the leaders of the southern people, yet as I grew older I have learned not only to respect and esteem, but to love, the great qualities which belong to my fellow citizens of the Southern States. They are a noble race. We may well take pattern from them in some of the great virtues which make up the strength, as they make the glory, of free States. Their love of home, their chivalrous respect for woman, their courage, their delicate sense of honor, their constancy, which can abide by an opinion or a purpose or an interest of their States through adversity and through prosperity, through the years and through the generations, are things by which the people of the more mercurial North may take a lesson. And there is another thing—covetousness, corruption, the low temptation of money has not yet found any place in our southern politics.

"Now, my friends, we can not afford to live, we don't wish to live, and we will not live, in a state of estrangement from a people who possess these qualities. They are our kindred, bone of our bone, flesh of our flesh, blood of our blood, and whatever may be the temporary error of any Southern State I, for one, if I have a right to speak for Massachusetts, say to her, 'Entreat me not to leave thee, nor to return from following after thee. For where thou goest I will go, and where thou stayest I will stay also. And thy people shall be my people and thy God my God.'"

In July, 1898, I was invited to deliver an address before the Virginia Bar Association. I was received by that company of distinguished gentlemen with a hospitality like that I had found at Charleston the year before. Certainly the old estrangements are gone. I took occasion in my address to appeal to the Virginia bar to give the weight of their great influence in sustaining the dignity and authority of the Supreme Court, in spite of their disappointment at some of its decisions of constitutional questions. They received what I had to say, although they knew I differed from them on some of the gravest matters which concerned the State and had been an antislavery man from my youth, with a respect and courtesy which left nothing to be desired. At the banquet which followed the address this toast was given by William Wirt Henry, a grandson of Patrick Henry, himself one of the foremost lawyers and historians of the South. I prize very highly the original which I have in his handwriting.

"Massachusetts and Virginia.

"Foremost in planting the English colonies in America;

"Foremost in resisting British tyranny;

"Foremost in the Revolution which won our independence and established our free institutions;

"May the memories of the past be the bond of the future."

My own endeavor during my long public life has been to maintain the doctrine of the Declaration of Independence, which declares the right of every man to political equality by virtue of his manhood, and of every people to self-government by virtue of its character as a people. This our fathers meant to lay down as the fundamental law of States and of the United States, having its steadfast and immovable foundation in the law of God. It was never their purpose to declare that ignorance or vice or want of experience of the institutions of a country should not disqualify men from a share in the Government. Those things they meant to leave to the discretion of the power, whether State or National, which was to prescribe the qualifications of suffrage. But they did not mean that the accident of birthplace or the accident of race or the accident of color should enter into the question at all. To this doctrine I have, in my humble way, endeavored to adhere. In dealing with the Chinese or any class of immigrants I would prescribe as strict a rule as the strictest for ascertaining whether the immigrant meant in good faith to be an American citizen, whether he meant to end his life here, to bring his wife and children with him, whether he loved American institutions, whether he was fit to understand the political problems with which the people had to deal, whether he had individual worth or health of body or mind. I would make, if need be, 10 years or 2 years as the necessary period of residence for naturalization.

I would deal with the negro or the German or the Frenchman or the Italian on the same principle. But the one thing I have never consented to is that a man shall be kept out of this country or kept in a position of inferiority while he is in it because of his color, because of his birthplace, or because of his race.

One matter in connection with the management of the elections bill I have never been able to think of since without a shudder. The Democrats in the Senate, led by Mr. Gorman, the most skillful of their leaders, endeavored to defeat the bill by the tactics of delay. If the debate could be prolonged so that it was impossible to get a vote without the loss of the great appropriation bills, or some of them, the bill of course must be laid aside. So the Republicans, on the other hand, as is usual in such cases, refrained from debate, leaving their antagonists to take up the time. Every afternoon at about 5 o'clock some Democrat would come to me saying that he was to take the floor, but that he did not feel well or was not quite ready with some material,

and ask me as a personal favor to let the matter go over until the next morning. This happened so often that I became satisfied it was a concerted scheme, and made up my mind that I would not yield to such a request again.

But one afternoon Senator Wilson of Maryland, a quiet and most estimable gentleman, whom I had known very well, and for whom I had a high regard, came to me and said he felt quite unwell; he could go on that afternoon, if I insisted upon it; but he would like much better to put off speaking till the next day. I was just beginning my answer to the effect that I had heard that so often that I had determined I would not yield again to the request. But I said to myself, It can not be possible that this man would undertake to deceive me. He is a gentleman of high character, absolutely honorable and incapable of falsehood. So I answered, "Of course, Mr. Wilson, if you are ill, I will consent to your desire." Mr. Wilson made his speech the next day. This was December 15. A few weeks after, on the 24th of February, Mr. Wilson died suddenly of heart disease. It was an affection of which he had been conscious for some years, and which he had for some time expected would cause sudden death. I dare say if he had been compelled to proceed with his speech that day it would have been fatal. In that case my life would have been embittered by the memory.

We had a meeting of the Republican members of the committee, for consultation, before we reported the bill. Mr. Evarts, while he approved the principle of the measure, shared very strongly my own hesitation, caused by the fear of the political effect of the defeat of a measure likely to excite so much angry strife throughout the country. After hearing the opinion of those who favored going on with the bill, Mr. Evarts said: "I spent a Sunday with Judge Kent on the Hudson a good many years ago, with several New York lawyers. We all went to the Episcopal Church in the forenoon, and dined with the judge after church. During the service one of the company kept far behind in the responses, which annoyed the judge a good deal. At dinner he broke out, 'Davis, why can't you descend into hell with the rest of the congregation?' I will descend into hell with the rest of the congregation."

Mr Evarts made the descent and stood loyally by the measure in the debate to the best of his great ability.

I do not know of anything quite so instructive as the manner in which the attempt to regulate elections was disposed of at that time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for 10 minutes.

Mr. UNDERWOOD. Mr. Speaker, some 10 or 12 years ago I offered an amendment to a pending bill in this House to elect United States Senators by the people, and the bill was amended and passed by this House practically with the unanimous vote of this side of the House and most of the votes on that side of the House providing for the election of United States Senators by the people without any more limitations than are contained in the bill now offered by the gentleman from Missouri [Mr. RUCKER]. [Applause on the Democratic side.]

I have no fear of a force bill. [Applause on the Democratic side.] I have no fear that the people of the North desire any more to control the election machinery of the Southern States to-day than the people of the South desire to control the election machinery of the North. [Applause on the Democratic side.]

Mr. Speaker, I am in favor of the maintenance of the fundamental principles of the Constitution of the United States in their integrity, as established by our fathers. I believe that those great fundamental principles that are written in the Constitution of the United States are there to protect the rights and the liberties and the property of the minority, and to see that they are not destroyed by the ruthless hands of a brutal majority any more than they should be destroyed by a czar or a kingly power. [Applause.]

Mr. Speaker, I believe that the Government of the United States should be controlled by the people of the United States [applause], and be responsive to the sober, deliberate judgment of a majority of the people of the United States, as determined and exercised by their chosen representatives in the Congress of the United States. I believe that in the past it has been demonstrated that our present method of electing United States Senators does not make them responsive to the deliberate and sober judgment of the American people at all times. [Applause on the Democratic side.]

I do not believe that the election of United States Senators by the people will overthrow the guaranties of the Constitution of the United States. On the other hand, I believe it will bring our Government in closer touch with the American people than it is to-day. [Applause.]

It will make it more responsive to the real will of the American people, and in this day and hour, when new theories are being advanced, when it is being proclaimed that we should tear down the fundamental principles, that we should go back to the old idea of a direct Democracy and legislate absolutely by the voter himself instead of his representative, I do not believe you can pass any bill, Mr. Speaker, that will do so much to strengthen and sustain the Constitution of the United States as it was established by our fathers as this bill, authorizing the people of the United States to elect by their own votes their representatives in the Senate of the United States as well as in this House. [Applause.]

Now, if I could select, I would enact the bill that we voted for in the House originally. I prefer that form of the bill, but I realize, as every other man within the sound of my voice realizes, that if you do not pass this bill as it is proposed by the chairman of the committee, the gentleman from Missouri [Mr. RUCKER], you defeat the proposition, and it will not be submitted to the people of the United States for them to pass upon.

We are not enacting this into law. If it is a vicious proposition, one more than a fourth of the States can defeat it. It goes to the people and the States for their determination. I would vote for the proposition offered by the gentleman from Georgia [Mr. BARTLETT] if I had not reached the conclusion that the adoption of his amendment would endanger the vital proposition that is pending before the House. If I were assured that the proposition offered by the gentleman from Georgia could be adopted as an amendment and passed by the Senate of the United States; if I were assured that we could adopt his amendment and that it would go to the Senate and the bill would yet come back here and we would get a chance to vote on it I would vote for the proposition offered by the gentleman from Georgia. But, believing as I do, that if we adopt that amendment and send the bill back to the Senate of the United States we would thereby ring its death knell, and that the only chance, after awaiting for decades, of giving the people of the United States an opportunity to vote on a constitutional amendment that will give them the free right to select their representatives, to voice their will in both branches of Congress, is to pass this resolution as proposed by the gentleman from Missouri [Mr. RUCKER]. I, with my vote, will sustain him when the roll is called. [Applause.]

Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. BARTLETT. How much time is there remaining, Mr. Speaker, upon this side?

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 31 minutes remaining and the gentleman from Georgia [Mr. BARTLETT] 24 minutes.

Mr. BARTLETT. Does the gentleman from Missouri want me to proceed now?

Mr. RUCKER of Missouri. If the gentleman will.

Mr. BARTLETT. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for five minutes.

Mr. SAUNDERS. Mr. Speaker, the original resolution proposing to amend the Constitution so as to provide for the popular election of Senators, was a House resolution. After full debate it was passed in this body by an overwhelming majority. Prior to its passage the House voted down two amendments designed to leave in the hands of Congress the paramount authority to make regulations relating to the time, place, and manner of holding elections for United States Senators. In the form in which the joint resolution passed this body, it was expressly provided that this power of regulation should be exclusively lodged in the legislatures of the respective States. The vice of the Bristow, or Senate amendment to this resolution consists in the fact that it strikes out this provision for exclusive State regulation, and leaves the power in the hands of the States, subject to Federal control. We are now asked to recede from a position which we maintained by three separate votes of record, and agree to a proposition which we solemnly rejected by those votes.

I would like to know what sufficient argument has been advanced to-day to justify this House in receding from an attitude which it so deliberately adopted, or why it is so strenuously insisted that we should accede to an objectionable amendment that was adopted in the coordinate branch by a majority of one?

Why does my friend from Alabama [Mr. UNDERWOOD] insist with such confidence that if we adopt the amendment offered by the gentleman from Georgia, we sound the death knell of the movement for the popular election of United States Senators? The attitude of the Senate has for many years, been one of hostility to this method of selecting the Members of that body.

Should the Senate with its well-known record of hostility, or indifference to this amendment, designed to bring the Members of the so-called upper branch, into more direct and responsive relations to the people, decide to reject the whole proposition from hostility to the Bartlett amendment, there will be no

difficulty on the part of the American people in placing the blame for this rejection where that blame belongs. Should we lose the amendment at this session we will not lose it for all time. It will be at most a mere temporary defeat that the real friends of this movement can well afford to hazard, to gain the greater victory. [Applause.] There is another House of Representatives to be elected this fall. There are other Senators to be elected, in the near future, and I have no apprehension, Mr. Speaker——

Mr. RUCKER of Missouri. The gentleman means that we could introduce a new resolution and put it through the Senate again at the next session?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. The gentleman means that we could probably get votes enough to pass it?

Mr. SAUNDERS. Yes.

Mr. RUCKER of Missouri. Does not the gentleman know that it would be impossible to get a two-thirds vote of that Senate now on any proposition like this?

Mr. SAUNDERS. I only know this, that on a great, fundamental proposition like this, on the one side of which is the popular branch of Congress, and the great American people, and on the other, the Senate of the United States, that body can not continuously maintain an attitude of opposition to the popular will. I know this as well as I know anything. I know that the history of all reforms is that the House of Representatives continues to put a proposition up to the Senate, until finally the pressure of public opinion compels that body to adopt it. This is the history of progressive legislation in this country. It is, I may say, the history of progressive legislation in all free countries.

A sectional element has been injected into the consideration of this question, which has no proper place here. We of the South are no more acutely interested in this amendment than the Members from the East, or the North, or the West.

The possible danger of force bills, brings no greater apprehension to us, than it should bring to the Members from other sections who believe in the rights of the States.

This proposition should be considered on its merits, unrelated to the unhappy legislation of the era of reconstruction, save only as that legislation illustrates the powers claimed by Congress under the paramount authority to make regulations for the manner of holding elections for Representatives. I would like to ask my friends on the other side, and for that matter some of my friends on this side, why it is that they reiterate the assertion that they have no apprehension that the time will ever come again when deputy marshals, or Federal supervisors, or Federal soldiers will attend the elections for Members of this body. They say that these things have passed away, never to return; and yet they insist upon retaining in the Federal Constitution that provision upon which, and upon which alone, rests the authority to order this interference with the orderly conduct of elections in the States.

I favor the amendment as it originally passed this House, because it remits to the States the authority to prescribe the times, places, and manner of holding elections for Senators. There is no man on, or off this floor who can define the limits of the Federal authority to interfere with the regulations of the States touching the manner of holding elections for Members of Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I yield to the gentleman three minutes more.

Mr. SAUNDERS. When the Constitution declares that the Congress shall have paramount authority to provide regulations with respect to the time, the place, and the manner, of holding elections, we are at no loss to know the meaning of that instrument so far as it relates to the time, and the place. But there is no participant in this debate who can inform this House what is comprehended in the power to make regulations as to "the manner of holding elections," or who will undertake to establish its delimitations. I affirm that it is a dangerous thing for a free people to preserve in their organic law, a provision of indefinite authority, one never likely to be used, save in time of political stress, and then used only to be abused. Why this insistence upon the retention of a provision affording a power which it is stoutly insisted will never be exercised?

Mr. JACKSON. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Kansas?

Mr. SAUNDERS. I yield to the gentleman from Kansas.

Mr. JACKSON. Does the gentleman mean to argue that he would advocate the repeal of that provision concerning the election of Members of this House?

Mr. SAUNDERS. With respect to the time, place, and manner?

Mr. JACKSON. Yes.

Mr. SAUNDERS. I certainly would, for this reason, Mr. Speaker——

Mr. JACKSON. Then, the gentleman believes that this House and the Senate should have no power whatever over the manner in which their Members should be elected?

Mr. SAUNDERS. Does the gentleman from Kansas know what are the limits of the power conferred by that language?

Mr. JACKSON. I think the courts have settled that pretty well.

Mr. SAUNDERS. Never so far as I am aware. The extent of that authority has never been fixed, or its limits ascertained to any definite or certain degree. A large power of some sort is conferred, a power that is dangerous in proportion to its uncertainty.

Mr. JACKSON. The gentleman can say the same thing about a great many other definitions, but the courts have had no trouble in applying this.

Mr. BARTLETT. Oh, but they have.

Mr. JACKSON. They have had no trouble in applying this in a way entirely just to everyone concerned.

Mr. SAUNDERS. This is a matter of fundamental power, of fundamental relation between the States and the Nation, and the language by which this power is conveyed, and this relation is established, is vague, and indefinite. The unknown is always terrifying, and the indefinite should always be made definite, or else eliminated. The State of the gentleman from Kansas is as much interested in opposing the Bristow amendment as is my own State.

The SPEAKER. The time of the gentleman has again expired.

Mr. BARTLETT. I yield to the gentleman two minutes.

Mr. JACKSON. Will the gentleman allow me?

Mr. SAUNDERS. I can not yield in two minutes. I have no objection if you will give me the time.

Mr. JACKSON. I have no time to yield.

The SPEAKER. The gentleman from Virginia declines to yield.

Mr. SAUNDERS. This House has some Members who have been here long enough to have participated in the debate on the force bill. There are many others who followed the course of the same debate, and we all know that when that bill was before this body, and the subject of discussion, the advocates of the measure, relied exclusively upon the provision relating to the manner of holding elections, to justify its objectionable provisions. You gentlemen say that the days of the force bill will never return. Why then do you desire to retain a provision upon which the authority to enact such a bill rests, and rests exclusively?

Mr. Speaker, it is fundamentally true that no constitution should include any provision that undertakes to establish relations, and afford authority that are insusceptible of exact ascertainment. If the gentlemen on that side are sincere, and the gentlemen on this side are equally sincere, in believing that never again will the effort be made to enact a force bill, then take advantage of this era of good feeling to strike from the Constitution the clause which continues the possibility of such a measure as the outcome of some future Congress not so happily constituted.

Now is the time to stand by our former action. Never fear that our consistent adherence to the attitude embodied in the passage of the House resolution, will cause us to lose this great, this progressive, this fundamental measure of reform in the method of selecting Senators of the United States.

The suggestion that the other body will kill the whole proposition unless we agree to the Bristow amendment, should not influence our action. This movement will not die in that fashion. A temporary reverse is often the prelude of a more complete and glorious victory. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I now yield eight minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, during my term of service in this House the House has passed three or four or five times a resolution for an amendment to the Constitution to provide for the direct election of Senators. Every time that that resolution has been passed, previous to this Congress, it has been passed in substantially the form of the present Senate amendment. On each of these occasions when the resolution was passed in a Republican House I did not hear the gentleman from Georgia

[Mr. BARTLETT] or any other gentleman from the South express opposition to the resolution or express fear of its effect.

These resolutions were each passed practically by unanimous consent in the House, practically by unanimous vote in the House, and each time the resolution passed it involved precisely the same question that is now presented before the House by the Senate resolution.

I fail to understand why gentlemen, when these resolutions were in the House before, did not express opposition to the resolutions if they were opposed to them on the merits of the proposition. Each of these former resolutions died without action of the Senate.

We have now passed a resolution in the House which has been passed with an amendment in the Senate, and for the first time, except when it was sent to conference, for the first time in the history of the Republic we have an opportunity to-day to eventuate into a passed resolution and present a question to the States that we have been urging in this House for years [applause], and when the supreme moment comes, when the final opportunity offers itself, gentlemen who sat silent in their seats before, now find imaginary, ghost-like objections to the proposition. [Applause.]

The gentleman from Virginia [Mr. SAUNDERS] who has just spoken seems to assume that the original House resolution amended the provision of the Constitution to which he referred, but it does not do so at all. The provision of the Constitution giving Congress the power to fix the time, place, and manner of electing Members of the House is not proposed to be changed by the House resolution. The authority under which the force bill was legislated would still remain in the Constitution. The objections are imaginary; they are not well founded. We ought to preserve to the General Government at all times the supreme right in the last resort to preserve its existence by controlling the manner of elections, if it becomes necessary. No one believes that in our day it will become necessary to control the manner of elections in the States, but who can predict what may happen in the far future in some particular State? I am in favor of preserving the authority to the General Government, and in favor to-day, now, while we have the chance, of passing a resolution which will submit to the States a popular and needed reform—the election of Senators by the people. [Applause.] Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Missouri has 25 minutes remaining.

Mr. BARTLETT. Does the gentleman from Missouri propose to close with one speech?

Mr. RUCKER of Missouri. Yes.

Mr. BARTLETT. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, of course this question can not be argued in 4 minutes, but it may be illustrated. At present, under our Constitution, the Senate of the United States is chosen by the legislatures of the different States, and under that express provision of the Constitution there has never been found any means by which the Federal Government can project itself into the election of Senators by the presence of either troops or the judging of the qualifications of electors, or the appointment of supervisors of elections or judges of elections, or the use of United States marshals. With the Bartlett amendment we may obtain the election of Senators by direct vote of the people and yet preserve to the States the same, sole State control of such elections as we have now. But without that amendment a new element is injected into the election of Senators, to wit, the Federal power to provide the qualification of electors of Senators, the Federal appointment of supervisors of the election of Senators and judges of elections, the use of United States marshals, and the use of the United States troops at the election of Senators whenever the party in power nationally may be tempted to exercise such power. Whether this may happen next year or 20 years from now I know not.

Now, the illustration I wish to make is this. It is an old story, but it puts the question before us clearly: A simple-minded youth on one occasion was dividing the flocks of his father with a wiser brother. There was one magnificent sheep in the bunch that Simple Billy loved to distraction. The wiser brother divided the sheep into two flocks and placed this magnificent sheep in among a lot of poor, scabby sheep, and then he said to Billy, "Take your choice." Simple Billy studied long, but at last he turned himself sadly from his much-loved favorite. With sorrow and longing he looked at his sheep and said, "I love you, but I can't love your company."

Now, the election of Senators by direct vote of the people is my desire, but you include in the plan of that election the scabby sheep of the power of the Federal Government to provide qualifications for electors; you put in the scabby sheep that authorizes the establishment of supervisors of elections; you put in the scabby sheep that will authorize the Federal Government to appoint judges of elections; you put in the scabby sheep that will authorize the Federal Government to appoint United States marshals to supervise elections and place the military authorities and troops of the Federal Government in charge of the election of Senators. For one I may love the magnificent sheep as did Simple Billy, but I do not like the company he is in. [Applause.]

For one, Mr. Speaker, I will not cast my vote to tear down the temple in which is the last refuge of State sovereignty. [Applause.] I will maintain as far as I know the inviolable autonomy of indestructible States; I will spell Nation with a big "N," but also spell State with a big "S." [Applause.]

No man can say what the future may bring forth, and because all is peaceful now is no reason we may not have evils to encounter in the future; not in the South alone, but in the West and in the North. [Applause.] In this measure, without the Bartlett amendment, we attack the very corner stone upon which the indestructibility of the States rests and pave the way for their destruction.

Mr. RUCKER of Missouri. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CONRY].

Mr. CONRY. Mr. Speaker, when this proposition came up before the House for consideration originally, I voted for it, because I believed then, as I believe now, that the creation of power upon the theory that it is not going to be exercised or employed is a principle that is wrong and pernicious in government. It is an untenable principle, and the elimination of such a provision from the Constitution is an imperative necessity. There were two great reforms contemplated by that legislation. First, the election of Senators by direct vote of the people [applause], and, secondly, the elimination from the Constitution of that provision which created a power and authority in the Government upon the theory that it would never be employed. Not being able to secure the accomplishment of both of these reforms, as a member of the conference committee representing this House I yielded the lesser evil to the accomplishment of the greater reform, because I believed that the demands for the reform contemplated by this resolution appealed more forcibly and more potentially to the minds and the hearts and the patriotism of the American people than would the other one. [Applause.]

For that reason I come here to this House to-day prepared to vote for the proposition that is submitted to us by the committee, knowing full well that if that proposition is accepted by this House this great reform will assuredly be consummated. We will effect a reform, universally demanded, which has agitated the country for the last 25 or 30 years. And when legislators, honestly seeking true reform, are confronted by the condition which will guarantee the successful accomplishment of their purpose, it is their patriotic duty to yield a moiety of their demands in order that the paramount issue may be crystallized into law, and for that reason I will support, and I honestly believe every Member of this side of the House will be fully justified in supporting, the proposition which now calls for our wise and careful consideration. [Applause.]

The fears entertained by some Members on this side of the House are not justified by the conduct of the Government in dealing with the constitutional regulations affecting the election of Senators. Never during the existence of the Republic have the powers intrusted to the Government by the Constitution been exercised to the detriment either of the people or of the States. The time for the accomplishment of this great reform is at hand. The opportunity to carry it into effect is here. Should we fail to take advantage of it, we will be held to a strict accountability for our stewardship before the country. There is but one course to follow, and that is the unqualified support of this resolution. In its support we will fulfill our pledges to the people and perform our patriotic duty to the States and to the Republic. [Applause.]

Mr. BARTLETT. I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, it is admitted, under the provisions of the Constitution as it stands now, that the Congress of the United States, if it saw proper to exercise the power conferred, can superintend and supervise the elections of Members of this House. It is admitted that under the provisions of the Constitution as it exists to-day the Congress of the United States has not the power to the same extent to supervise and superintend the election of United States Senators. The purpose when the Constitution was adopted was to preserve this distinction, giving to the Government of the United States the right to supervise the election of the Members of the House, but

denying to the Government of the United States the right to supervise the election of United States Senators and reserving that right to the States. Then it is proposed by this provision, as it is written in this resolution, to give to the Congress of the United States the same right to superintend and supervise the election of Senators as it has to supervise the election of Members of the House. I favor the election of United States Senators by the people. I have so voted and advocated it during my political life, and I would gladly vote for the provision to-day as it passed the House and went to the Senate, but I regret I shall not have an opportunity to do so. The fact that Members insist on keeping the provisions of this resolution as it exists to-day shows that they intend to take away from the States some of the power which they now have and correspondingly confer it upon the Government of the United States. I can not conscientiously vote for that proposition, and I will not do so. I will never vote to take any power now conferred upon the States away and give it to the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Speaker, how much time is there remaining?

The SPEAKER. The gentleman has eight minutes left.

Mr. BARTLETT. Mr. Speaker, the Democratic platform of 1908 contains a provision which is as follows:

Believing, with Jefferson, in "the support of the State governments in all their rights as the most competent administrations for our domestic concerns and the surest bulwarks against antirepublican tendencies," and in "the preservation of the General Government in whole constitutional vigor as the sheet anchor of our peace at home and safety abroad," we are opposed to the centralization implied in the suggestion, now frequently made, that the powers of the General Government should be extended by judicial construction.

Mr. Speaker, the Democratic caucus that met in this Hall immediately on the assembling of this Congress declared in favor of certain measures, and declared in favor of the Rucker bill, which passed this House, and this House, on the 13th of April, voted for the Rucker bill and voted down the Young amendment, which is identical in word, in language, and in every way with the proposed amendment. The bill then went to the Senate, and the Senate added or substituted for our bill the Bristow amendment, and on the 21st day of June, 1911, each Member on this side of the House, by a majority of 60, voted against this identical proposition, and now, with the hands of this House tied by caucus, with the direction by a unanimous vote of the caucus to stand and vote for the original Rucker bill, we come in here to-day and we find the gentleman from Missouri and the Democratic floor leader on this side of the House advocating that which the Democratic caucus refused to advocate and advocating that which he voted against in a Democratic caucus, and again on the 13th day of April and on the 21st day of June, 1911. Mr. Speaker, I do not think that it is the duty of this House, because the Senate has seen fit to vote upon an amendment which has twice been voted down, which finds no place in the Democratic caucus, to now support it because the Senate upon one vote declines to recede. Shall we surrender tamely, supinely, and cowardly the position of the House to the Senate? Ah, Mr. Speaker, I regret to see the gentleman from Alabama take the position that he did. I will not state that it is a disappointment to me, because that is immaterial, but I had reason to hope, I had his assurance that this amendment that I offered would be voted for and supported by him. I have no criticism to make upon his change of opinion, because he had the right to make that change, but it is fortunate for the gentleman from Alabama that he did not make that speech 10 days ago.

Mr. Speaker, it was never the intention of the framers of the Constitution that Congress should control or regulate the election of Representatives in Congress except when the States failed or neglected to make the necessary regulations as to the holding such elections. As showing this intent, I quote the following:

The convention of the State of South Carolina used this language when it passed upon the question of the adoption of the Constitution. In its articles of adoption the State said:

"And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people, under the operation of a General Government, that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution."

The State of Virginia, in its act of June 26, 1788, adopting the Constitution, used this language:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same."

North Carolina adopted the Constitution in 1789, and in so doing used the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse or fail to exercise it, and that Congress should not interfere in prescribing the times, places, and manner of holding elections except when the legislature of any State should neglect or refuse or be incapable to prescribe the same.

The State of New York, from which, as I said, I have copied this amendment, although it is almost in the same language in the resolutions adopted by the other States, ratified the Constitution on the 28th of July, 1788, and used this language in the act of ratification:

"Under these impressions"—

Which had been previously stated in the resolution—

"Under these impressions, and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates * * * do by these presents assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises."

Rhode Island, June 26, 1790, used the same language as did the State of New York—only stronger.

Pennsylvania said, in the article adopting the Constitution:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue."

The State of Massachusetts, February 6, 1789, used this language:

"That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

And Massachusetts, in the same document, went on to say:

"And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article."

New Hampshire ratified on June 21, 1788, and used in recommendation the same language as did Massachusetts.

Mr. Speaker, what is the amendment I offer? I propose by this amendment to declare and say that the Congress shall not have the power to order or change the qualifications of the electors of a State. What Democrat will rise in his place here to-day and say he is in favor of the United States Congress changing or altering or providing for the qualifications of voters in the various States, or that power should not remain where it has been lodged since the foundation of this Government? The Supreme Court of the United States has repeatedly upheld the right of the States to regulate the right of suffrage, and who among the Democratic majority will declare he is in favor of changing this law, as you will if you oppose my amendment?

Stand up. I pause that you may do so. When you do, you mark yourself as not being in favor of a Democratic doctrine. What man is there on this side that is in favor of the appointment of supervisors of elections, judges of elections, and returning boards? What Democrat on this side is in favor of that? If there are any, stand up and say that you are in favor if it. What Democrat on this side is in favor of permitting the use of United States marshals and military forces and the Army of the United States at the polls during elections? If there be any Democrat who is in favor of it, stand up and have the nerve to say it. All that the amendment I propose provides is that Congress shall not have authority hereafter to do these things. Do you Members from Indiana remember the prosecution of your citizens there under the Federal election law? Are you in favor of granting Congress that power under the Bristow amendment? If you are, vote against my amendment.

Mr Speaker, I close this debate as I began. The people of Georgia, whom I have the honor, in part, to represent on this floor and whom I have endeavored faithfully, if not efficiently, to represent for 17 years, are Democrats by faith, by environment, and by all the things that they hold holy and sacred. And, Mr. Speaker, our social system and local self-government will be preserved by the white people of the South for themselves and their posterity in spite of all that can be said or done by busybodies or intermeddlers.

The immutable laws of God can not be changed or be made to bend to serve the ideas or purposes of would-be philanthropists or pretended reformers.

The immutable decrees of Providence that make the Caucasian—the Anglo-Saxon—the superior race; that forbid its deterioration, by submission to an inferior race, have stood the test through the moral and physical convulsions of more than

20 centuries, and will stand the test of the centuries yet to come, till—

> The cloud-capped towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, and all which it inherit, shall dissolve.

The SPEAKER. The time of the gentleman from Georgia [Mr. BARTLETT] has expired.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Missouri [Mr. RUCKER] yield me one minute of his time?

Mr. RUCKER of Missouri. I will.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. Mr. Speaker, we propose to stand by the Democratic Party, but above all, we propose to stand by that determination we made during the trying years of the reconstruction period and have kept through all the years, to preserve inviolable the white supremacy and the Caucasian control of our section. And now in this hour, when our own party associates would again subject us to the like dangers—

> Lord God of Hosts, be with us yet,
> Lest we forget, lest we forget.

[Applause.]

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 21 minutes remaining.

[Mr. RUCKER of Missouri addressed the House. See Appendix.]

Mr. RUCKER of Missouri. Mr. Speaker, I am advised that there are a good many Members in the House who would like to extend remarks in the RECORD, both for and against this amendment; therefore I ask unanimous consent that any Member may have five legislative days within which to extend remarks.

Mr. BARTLETT. Does the gentleman mean those who have spoken upon the measure?

Mr. RUCKER of Missouri. No; any Member.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all Members may have five legislative days in which to extend or to print remarks in the RECORD.

Mr. MANN. On this subject?

The SPEAKER. On this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS. Mr. Speaker——

The SPEAKER. The previous question has been ordered.

Mr. SAUNDERS. I wish to ask unanimous consent, Mr. Speaker, that the amendment of the gentleman from Georgia be reported.

The SPEAKER. The Clerk, without objection, will again report the motion of the gentleman from Georgia. The Chair wishes to state that the vote will first be taken on the motion of the gentleman from Georgia that the House concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

To concur in the Senate amendment with the following amendment: "*Provided*, That Congress shall not have the power or authority to provide for the qualification of electors of United States Senators within the various States of the United States, nor to authorize the appointment of supervisors of election, judges of election, returning boards to certify the results of any such election, nor to authorize the use of United States marshals or the military forces of the United States, or troops of the United States at the polls during the said election."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Missouri [Mr. RUCKER] moves that the House recede from its disagreement. Now, the motion of the gentleman from Georgia, if put at this time, must be also that the House recedes from its disagreement and concurs in the amendment with an amendment, because the first thing the House has to do is to recede.

Mr. BARTLETT. I thought I put it in proper form. It is a difference of tweedledee and tweedledum.

Mr. MANN. We are in disagreement with the Senate amendment, and we must first recede before we can agree to it.

Mr. BARTLETT. I yield to the superior knowledge of the gentleman from Illinois in parliamentary law.

Mr. MANN. I suggest that the gentleman add to his motion a motion to recede.

Mr. BARTLETT. I will if it will not lose its preferential status.

Mr. MANN. Oh, no.

Mr. BARTLETT. Then, Mr. Speaker, I ask unanimous consent to modify my amendment and move that the House recede and concur in the Senate amendment with the amendment.

The SPEAKER. The Clerk, without objection, will add to the gentleman's motion that the House recede from its disagreement and concur in the Senate amendment with the following amendment. The Clerk will report the motion as it now stands.

The Clerk read as follows:

That the House recede from its disagreement to the Senate amendment and concur in the Senate amendment, with the following amendment, etc.

The SPEAKER. The question now is on the motion of the gentleman from Georgia.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BARTLETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 189, answered "present" 5, not voting 109, as follows:

YEAS—89.

Adamson	Doughton	Hughes, Ga.	Saunders
Aiken, S. C.	Dupré	Hull	Sherley
Bartlett	Edwards	Humphreys, Miss.	Sims
Beall, Tex.	Ellerbe	Jacoway	Sisson
Bell, Ga.	Estopinal	Johnson, Ky.	Slayden
Blackmon	Faison	Jones	Small
Booher	Ferris	Kahn	Smith, Tex.
Brantley	Finley	Kitchin	Stedman
Broussard	Flood, Va.	Knowland	Stephens, Miss.
Bulkley	Floyd, Ark.	Korbly	Stephens, Tex.
Byrnes, S. C.	Garner	Lee, Ga.	Taggart
Byrns, Tenn.	Garrett	Lever	Talbott, Md.
Callaway	Glass	Linthicum	Thomas
Candler	Goodwin, Ark.	Macon	Tribble
Cantrill	Gregg, Tex.	Moore, Tex.	Turnbull
Carter	Hardy	Oldfield	Watkins
Clayton	Harrison, Miss.	Padgett	Webb
Collier	Harrison, N. Y.	Page	Wickliffe
Covington	Hay	Pou	Witherspoon
Cravens	Hayes	Ransdell, La.	Young, Tex.
Dent	Holland	Roddenbery	
Dickson, Miss.	Houston	Rothermel	
Dies	Howard	Rouse	

NAYS—189.

Adair	Esch	Konop	Rainey
Ainey	Evans	Kopp	Raker
Akin, N. Y.	Farr	Lafferty	Rauch
Alexander	Fergusson	La Follette	Redfield
Allen	Fitzgerald	Lawrence	Rees
Anderson, Minn.	Fordney	Lee, Pa.	Reilly
Anderson, Ohio.	Fornes	Lenroot	Reyburn
Ansberry	Foss	Levy	Roberts, Mass.
Anthony	Foster	Lewis	Rubey
Ashbrook	Fowler	Lindbergh	Rucker, Colo.
Austin	Francis	Lloyd	Rucker, Mo.
Barchfeld	French	Lobeck	Russell
Barnhart	Fuller	Loud	Scully
Bartholdt	Gallagher	McCall	Sharp
Boehne	Gardner, N. J.	McCoy	Sherwood
Borland	George	McDermott	Slemp
Bowman	Good	McGillicuddy	Sloan
Buchanan	Gould	McGuire, Okla.	Smith, J. M. C.
Burke, Wis.	Graham	McKenzie	Steenerson
Burleson	Gray	McKinney	Stephens, Cal.
Butler	Green, Iowa	McLaughlin	Stephens, Nebr.
Cannon	Greene, Mass.	Madden	Sterling
Cary	Gregg, Pa.	Maguire, Nebr.	Stevens, Minn.
Catlin	Hamill	Malby	Stone
Cline	Hamilton, Mich.	Mann	Sweet
Connell	Hamilton, W. Va.	Martin, Colo.	Talcott, N. Y.
Conry	Hamlin	Martin, S. Dak.	Taylor, Colo.
Cooper	Hanna	Miller	Thayer
Copley	Harris	Mondell	Tilson
Crago	Hartman	Moon, Pa.	Towner
Crumpacker	Haugen	Morgan	Townsend
Cullop	Hayden	Morrison	Tuttle
Currier	Heald	Morse, Wis.	Underhill
Dalzell	Helgesen	Moss, Ind.	Underwood
Daugherty	Henry, Conn.	Murray	Utter
Davis, Minn.	Henry, Tex.	Neeley	Vare
Davis, W. Va.	Hensley	Nelson	Warburton
De Forest	Higgins	Norris	Wedemeyer
Denver	Hill	Nye	White
Dickinson	Hobson	Olmsted	Wilder
Difenderfer	Howell	Parran	Willis
Dixon, Ind.	Hughes, N. J.	Payne	Wilson, Ill.
Dodds	Jackson	Pepper	Wilson, Pa.
Donohoe	Kendall	Peters	Wood, N. J.
Doremus	Kennedy	Post	Young, Kans.
Driscoll, D. A.	Kent	Pray	
Driscoll, M. E.	Kinkaid, Nebr.	Prince	
Dyer	Kinkead, N. J.	Prouty	

ANSWERED "PRESENT"—5.

Davenport	Dwight	Gillett	Weeks
Davidson			

NOT VOTING—109.

Ames	Clark, Fla.	Gudger	Lafean
Andrus	Claypool	Guernsey	Lamb
Ayres	Cox, Ind.	Hammond	Langham
Bates	Cox, Ohio	Hardwick	Langley
Bathrick	Curley	Hawley	Legare
Berger	Curry	Heflin	Lindsay
Bradley	Danforth	Helm	Littlepage
Brown	Draper	Hinds	Littleton
Browning	Fairchild	Howland	Longworth
Burgess	Fields	Hubbard	McCreary
Burke, Pa.	Focht	Hughes, W. Va.	McHenry
Burke, S. Dak.	Gardner, Mass.	Humphrey, Wash.	McKellar
Burnett	Godwin, N. C.	James	McKinley
Calder	Goeke	Johnson, S. C.	McMorran
Campbell	Goldfogle	Kindred	Maher
Carlin	Griest	Konig	Matthews

Mays	Porter	Sheppard	Taylor, Ala.
Moon, Tenn.	Powers	Simmons	Taylor, Ohio.
Moore, Pa.	Pujo	Smith, Saml. W.	Thistlewood
Mott	Randell, Tex.	Smith, Cal.	Volstead
Murdock	Richardson	Smith, N. Y.	Vreeland
Needham	Riordan	Sparkman	Whitacre
O'Shaunessy	Roberts, Nev.	Speer	Wilson, N. Y.
Palmer	Robinson	Stack	Woods, Iowa
Patten, N. Y.	Rodenberg	Stanley	Young, Mich.
Patton, Pa.	Sabath	Sulloway	
Pickett	Sells	Sulzer	
Plumley	Shackleford	Switzer	

So (two-thirds not having voted therefor) the amendment of the gentleman from Georgia [Mr. BARTLETT] was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. PATTEN of New York with Mr. FAIRCHILD.

For one week:

Mr. BROWN with Mr. LANGHAM.

Until May 21:

Mr. BURGESS with Mr. WEEKS.

For two weeks:

Mr. SHACKLEFORD with Mr. DRAPER.

Until further notice:

Mr. BATHRICK with Mr. SAMUEL W. SMITH.

Mr. O'SHAUNESSY with Mr. CALDER.

Mr. COX of Indiana with Mr. DANFORTH.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHEPPARD with Mr. BATES.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SABATH with Mr. MATTHEWS.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. PUJO with Mr. MCMORRAN.

Mr. AYRES with Mr. SPEER.

Mr. BURNETT with Mr. MCCREARY.

Mr. CARLIN with Mr. AMES.

Mr. CLAYPOOL with Mr. BROWNING.

Mr. LITTLEPAGE with Mr. GRIEST.

Mr. CURLEY with Mr. FOCHT.

Mr. GOEKE with Mr. GUERNSEY.

Mr. GOLDFOGLE with Mr. HINDS.

Mr. GUDGER with Mr. HOWLAND.

Mr. HAMMOND with Mr. HUBBARD.

Mr. LEGARE with Mr. MCKINLEY.

Mr. LINDSAY with Mr. MOTT.

Mr. MCHENRY with Mr. MURDOCK.

Mr. MCKELLAR with Mr. NEEDHAM.

Mr. MAHER with Mr. PICKETT.

Mr. SMITH of New York with Mr. ROBERTS of Nevada.

Mr. STACK with Mr. PLUMLEY.

Mr. STANLEY with Mr. SMITH of California.

Mr. SULZER with Mr. HAWLEY.

Mr. TAYLOR of Alabama with Mr. SWITZER.

Mr. WHITACRE with Mr. YOUNG of Michigan.

Mr. WILSON of New York with Mr. BURKE of Pennsylvania.

Mr. CLARK of Florida with Mr. LONGWORTH.

Mr. JAMES with Mr. PATTON of Pennsylvania.

Mr. ROBINSON with Mr. WOODS of Iowa.

Mr. PALMER with Mr. MOORE of Pennsylvania.

Mr. HEFLIN with Mr. LAFEAN.

Mr. GODWIN of North Carolina with Mr. VREELAND.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. MOON of Tennessee with Mr. SIMMONS.

Mr. KONIG with Mr. HUMPHREY of Washington.

Mr. KINDRED with Mr. PORTER.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. HELM with Mr. RODENBERG.

Mr. LITTLETON with Mr. DWIGHT.

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri [Mr. RUCKER] to recede and concur.

Mr. RUCKER of Missouri. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 238, nays 39, answered "present" 5, not voting 110, as follows:

YEAS—238.

Adair	Allen	Ashbrook	Beall, Tex.
Aiken, S. C.	Anderson, Minn.	Austin	Boehne
Ainey	Anderson, Ohio	Barchfeld	Booher
Akin, N. Y.	Ansberry	Barnhart	Bowman
Alexander	Anthony	Bartholdt	Buchanan
Bulkley	Garner	Lindbergh	Rothermel
Burke, Wis.	Garrett	Linthicum	Rouse
Burleson	George	Lloyd	Rubey
Butler	Good	Lobeck	Rucker, Colo.
Byrnes, S. C.	Gould	Loud	Rucker, Mo.
Byrns, Tenn.	Graham	McCall	Russell
Callaway	Gray	McCoy	Scully
Cannon	Green, Iowa	McDermott	Sharp
Cantrill	Greene, Mass.	McGillicuddy	Sherley
Cary	Gregg, Pa.	McGuire, Okla.	Sherwood
Catlin	Guernsey	McKenzie	Simmons
Clayton	Hamill	McKinley	Sims
Cline	Hamilton, Mich.	McKinney	Slemp
Connell	Hamilton, W. Va.	McLaughlin	Sloan
Conry	Hamlin	Madden	Small
Cooper	Hanna	Maguire, Nebr.	Smith, J. M. C.
Copley	Harris	Malby	Smith, Tex.
Covington	Harrison, N. Y.	Mann	Stedman
Crago	Hartman	Martin, Colo.	Steenerson
Cravens	Haugen	Martin, S. Dak.	Stephens, Cal.
Crumpacker	Hayden	Miller	Stephens, Nebr.
Cullop	Hayes	Mondell	Stephens, Tex.
Currier	Heald	Moon, Pa.	Sterling
Dalzell	Helgesen	Moon, Tenn.	Stevens, Minn.
Daugherty	Henry, Conn.	Morgan	Stone
Davis, Minn.	Henry, Tex.	Morrison	Sweet
Davis, W. Va.	Hensley	Morse, Wis.	Taggart
Denver	Higgins	Moss, Ind.	Talbott, Md.
Dickinson	Hill	Murray	Talcott, N. Y.
Difenderfer	Hobson	Neeley	Taylor, Colo.
Dixon, Ind.	Houston	Nelson	Thayer
Dodds	Howell	Norris	Thistlewood
Donohoe	Hughes, N. J.	Nye	Thomas
Doremus	Hull	Olmsted	Tilson
Doughton	Jackson	Padgett	Towner
Driscoll, D. A.	Johnson, Ky.	Page	Townsend
Driscoll, M. E.	Jones	Parran	Tuttle
Dyer	Kahn	Payne	Underhill
Ellerbe	Kendall	Pepper	Underwood
Esch	Kennedy	Peters	Utter
Evans	Kent	Post	Volstead
Farr	Kinkaid, Nebr.	Pou	Warburton
Fergusson	Kinkead, N. J.	Powers	Watkins
Ferris	Kitchin	Pray	Webb
Finley	Knowland	Prince	Wedemeyer
Fitzgerald	Konop	Prouty	White
Fornes	Kopp	Rainey	Wickliffe
Foss	Korbly	Raker	Wilder
Foster	La Follette	Ransdell, La.	Willis
Fowler	Lawrence	Rauch	Wilson, Pa.
Francis	Lee, Pa.	Redfield	Wood, N. J.
French	Lenroot	Rees	Young, Kans.
Fuller	Lever	Reilly	Young, Tex.
Gallagher	Levy	Reyburn	
Gardner, N. J.	Lewis	Roberts, Mass.	

NAYS—39.

Adamson	Dupré	Harrison, Miss.	Oldfield
Bartlett	Edwards	Hay	Roddenbery
Bell, Ga.	Estopinal	Holland	Saunders
Blackmon	Fulson	Howard	Sisson
Brantley	Flood, Va.	Hughes, Ga.	Slayden
Broussard	Floyd, Ark.	Humphreys, Miss.	Stephens, Miss.
Candler	Glass	Jacoway	Tribble
Collier	Goodwin, Ark.	Lee, Ga.	Turnbull
Dent	Gregg, Tex.	Macon	Witherspoon
Dickson, Miss.	Hardy	Moore, Tex.	

ANSWERED "PRESENT"—5.

Davenport	Dwight	Gillett	Weeks
Davidson			

NOT VOTING—110.

Ames	Fairchild	Langley	Roberts, Nev.
Andrus	Fields	Legare	Robinson
Ayres	Focht	Lindsay	Rodenberg
Bates	Fordney	Littlepage	Sabath
Bathrick	Gardner, Mass.	Littleton	Sells
Berger	Godwin, N. C.	Longworth	Shackleford
Borland	Goeke	McCreary	Sheppard
Bradley	Goldfogle	McHenry	Smith, Saml. W.
Brown	Griest	McKellar	Smith, Cal.
Browning	Gudger	McMorran	Smith, N. Y.
Burgess	Hammond	Maher	Sparkman
Burke, Pa.	Hardwick	Matthews	Speer
Burke, S. Dak.	Hawley	Mays	Stack
Burnett	Heflin	Moore, Pa.	Stanley
Calder	Helm	Mott	Sulloway
Campbell	Hinds	Murdock	Sulzer
Carlin	Howland	Needham	Switzer
Carter	Hubbard	O'Shaunessy	Taylor, Ala.
Clark, Fla.	Hughes, W. Va.	Palmer	Taylor, Ohio.
Claypool	Humphrey, Wash.	Patten, N. Y.	Vare
Cox, Ind.	James	Patton, Pa.	Vreeland
Cox, Ohio	Johnson, S. C.	Pickett	Whitacre
Curley	Kindred	Plumley	Wilson, Ill.
Curry	Konig	Porter	Wilson, N. Y.
Danforth	Lafean	Pujo	Woods, Iowa
De Forest	Lafferty	Randell, Tex.	Young, Mich.
Dies	Lamb	Richardson	
Draper	Langham	Riordan	

So (two-thirds having voted in favor thereof) the motion of the gentleman from Missouri [Mr. RUCKER] was agreed to.

The Clerk announced the following additional pairs:

Mr. RICHARDSON with Mr. CALDER.

Mr. BORLAND with Mr. CURRY.

Mr. DIES with Mr. MOTT.

Mr. GOEKE with Mr. PLUMLEY.

For the vote:

Mr. O'SHAUNESSY with Mr. WILSON of Illinois.

The SPEAKER. The gentleman from Oklahoma.

Mr. CARTER. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the House when his name was called?

Mr. CARTER. I was called from the House during the latter part of the previous roll call by two gentlemen from Oklahoma, Hampton Tucker and D. C. McCurtain, of McAlester, to discuss some pending legislation, and when I returned my name had just been passed. I was absent only a few moments and was here during the major portion of the time of both roll calls. I do not like the Bristow amendment, but I strongly favor the main proposition, the election of Senators by direct vote of the people, and I desire to vote "aye" if it is now possible to do so.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. O'SHAUNESSY. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. O'SHAUNESSY. I do not think I was, Mr. Speaker.

The SPEAKER. The gentleman does not qualify.

The announcement of the vote as above recorded was received with applause.

Mr. SISSON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SISSON. Article V of the Constitution requires that two-thirds of both Houses, when they deem it necessary, may propose amendments to the Federal Constitution. Now, two-thirds of both Houses have not voted for this proposition.

The SPEAKER. It has always been held that two-thirds of the House means two-thirds of a quorum.

Mr. SISSON. Mr. Speaker, that can not be the proper construction in reference to this article, but because every other——

The SPEAKER. Will the gentleman suspend half a minute?

Mr. MANN. Mr. Speaker, I make the point of order that nothing is in order except the announcement of the result of the vote.

Mr. SISSON. I want to be heard on this, Mr. Speaker.

The SPEAKER. The gentleman will be heard on the point of order. The Chair wishes to state the ruling. It has been held uniformly, so far as the Chair knows, that two-thirds of the House means two-thirds of those voting, a quorum being present.

Mr. SISSON. Now, Mr. Speaker, I am not going to worry the Chair with comparing this article of the Constitution with the other articles of the Constitution where there have been a number of decisions of the Chair with reference to what constitutes a quorum. I have read the decision—there has been but one, and that by Speaker Reed—construing this particular clause of the Constitution. If the Chair shall hold with Speaker Reed on this proposition, we are in the absurd situation that only the fraction of a vote more than one-third of the membership may pass a constitutional provision.

Article V of the Constitution is perfectly distinct. It says:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

It is not necessary to go further except to say in all other cases with reference to legislation it states that a majority shall be required to constitute a quorum for the transaction of business, and the passage of an ordinary bill requires only a majority of that quorum. But the language of the Constitution is such that it makes it absurd to say that a fraction of more than one-third of the membership of this House constitutes two-thirds of the House.

If the Chair should hold that the definition "the House" means simply a bare majority of the House, and does not constitute the entire membership of the House, then the ruling of Speaker Reed would be correct, but the House of Representatives is made up now of 394 Members. If you have 394 Members that constitute this House, then the entire membership of the House, under Article V, if it means anything, is required.

Now, there are some other matters that might help us out on this matter. For example, the Supreme Court in passing upon one clause of the Constitution, in speaking of passing a bill over the veto of the President, says it shall be by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in case of a bill. Now, the Constitution provides that in case of a bill it only takes a majority to pass it. Therefore, the Supreme Court held in that case that two-thirds of a quorum was all that was necessary, and with that single exception there has never been any construction of Article V except that by Speaker Reed.

The SPEAKER. The Chair will ask the gentleman if it is not true that all the constructions he has been able to find go one way?

Mr. SISSON. There is only one on this clause.

The SPEAKER. The gentleman just cited one from the Supreme Court.

Mr. SISSON. That was with reference to the passage of a bill over the veto of the President.

The SPEAKER. If it will hold on the passing of a bill over the veto of the President, what reason is there that it would not hold good on this?

Mr. SISSON. Because the Constitution specifically provides it shall be passed by two-thirds of the Senate and House of Representatives, according to rules and limitations we prescribed in case of a bill, and it only requires a majority of a majority to pass a bill. It only requires, in other words, one more.

Mr. RUCKER of Missouri. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER of Missouri. I demand the regular order.

The SPEAKER. The regular order is for the gentleman from Mississippi to discuss his point of order.

Mr. RUCKER of Missouri. I did not know he made a point of order.

Mr. SISSON. I did. It takes two-thirds of the number necessary to pass a bill in order to pass a bill over the President's veto. Now, in that case the Supreme Court, in arguing the question, argues at length, and but for the language provided in case of a bill it is perfectly clear the court would have held this language—"two-thirds of both Houses"—meant the entire membership of the House.

If it means the entire membership of the House, then it takes 260-odd votes to pass this joint resolution. If the construction placed upon it by Speaker Reed is the proper construction, then we have an absurdity in the Constitution—that one more than one-third of the membership of this House can propose an amendment to the Federal Constitution, and, that being the case, this provision of the Constitution is meaningless when it requires two-thirds to pass it.

The SPEAKER. It has been held time out of mind that when the phrase or collocation of words "the House of Representatives" is used, it means a quorum of the House—that is, 198 Members in this House. If it can do one thing with a bare quorum it can do anything.

Now, last Friday, for instance, they had precisely a quorum on a bill here. It is true that they had to wait an hour or so to get that 197 men. Now, if 99 had voted one way and 98 had voted the other way, you would have had a bill passed by 99 votes out of 393 in the House; and what precedents there are, both of the Supreme Court and of the Speaker—because Mr. Speaker Reed rendered an opinion—held that in a situation like this "two-thirds" meant two-thirds of those voting, provided it was a quorum.

Mr. BARTLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. BARTLETT. I ask the indulgence of the Speaker for a moment, before he renders a decision; just a moment, Mr. Speaker. I am as much opposed to the adoption of this amendment as anyone, but I am also interested in having a correct decision made. I desire to say that, in my judgment, following the precedents of the House—and I have them before me—when it is held that two-thirds are required to adopt an amendment to the Constitution, they mean two-thirds of those present, a quorum being present. I refer the Speaker to the decision to be found in the fifth volume of Hinds' Parliamentary Precedents, section 7028 and following.

The SPEAKER. The Chair has those before him.

Mr. BARTLETT. It was held, as there reported, that the Constitution requires two-thirds of those voting when a quorum is present. I am interested, Mr. Speaker, in having a proper ruling, and I doubt not the Chair will make it and decide that it requires two-thirds to recede from our disagreement and to concur in this amendment.

The SPEAKER. The Chair has stated that the final act in submitting a constitutional amendment requires two-thirds, and this is the final act in submitting this amendment to the American people, so far as the House of Representatives and the Senate are concerned. [Applause.]

Mr. RUCKER of Missouri. Mr. Speaker, I move to reconsider and lay that motion on the table.

Mr. SISSON. One moment, Mr. Speaker. I have gone carefully into these precedents, and with the exception of the decision by Speaker Reed there is no precedent on this particular article of the Constitution. In every other case there was some limitation in the clause, like the one to which I called the attention of the Chair. But in this particular clause of the Constitution there is no such limitation, and article 5 was placed there for the purpose of guarding the instrument as it was

passed. I can not get any construction or any language in any other clause of the Constitution that would warrant the decision reached by Speaker Reed, because this language is perfectly specific, and it hinges, of course, on what constitutes the House of Representatives.

There was quite a discussion in the House at the time, and quite a discussion in the Senate upon the passage of one of the amendments in the Senate, and it was then contended by the better lawyers in the Senate that it required two-thirds of that body to pass a constitutional amendment. But that was in the days when tempests were brewing and the majority was barely a majority; a quorum, but lacking a number of votes of being a majority of the entire Senate. That being true, if the Chair will examine carefully the precedents he will find that Speaker Reed's decision was the only decision in this House that holds that the words "the House of Representatives" mean that the House is made up only of a quorum.

The SPEAKER. The Chair will state to the gentleman and to the House that if the question had never been raised before, and Speaker Reed had never decided it, the present occupant of the Chair would decide it the very same way that Speaker Reed decided it. [Applause.] By the vote just taken the House votes to recede from its disagreement to the Senate amendment and to concur in the Senate amendment, two-thirds having voted therefor. [Applause.]

On motion of Mr. RUCKER of Missouri, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON], chairman of the Committee on the District of Columbia, is recognized.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

The bill was read, as follows:

Be it enacted, etc., That section 1 and section 7 of the act of Congress entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and they are hereby, amended to read as follows:

"SECTION 1. That from and after the date of approval of this act no combustible or nonfireproof building in the District of Columbia used or occupied or intended to be used or occupied as a dwelling, flat, apartment house, tenement, lodging or boarding house, hospital, dormitory, or for any similar purpose shall be erected, altered, or raised to a height of more than four stories, or more than 55 feet in height above the sidewalk, and no combustible or nonfireproof building shall be converted to any of the uses aforesaid if it exceeds either of said limits of height."

"SEC. 7. That for the purposes of this act the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height. No parapet walls shall extend above the limit of height except on nonfireproof dwellings, where a parapet wall or balustrade of a height not exceeding four feet will be permitted above the limit of height of building permitted under this act."

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That there shall be, and is hereby, created a board of osteopathic examiners, which will consist of five members, to be selected by the Commissioners of the District of Columbia from a list of 10 practitioners of osteopathy in the District of Columbia, said list to be furnished by the president of the Osteopathic Association of the District of Columbia, and shall include only such practitioners who are qualified as hereinafter provided. Such list shall be transmitted annually to the Commissioners of the District of Columbia under the seal of said association, and shall be signed by the president and secretary thereof, and the commissioners shall make further appointments to the board of osteopathic examiners from the list last submitted. In case of failure of said association to submit said list, the commissioners shall appoint members in good standing of said association without restriction: *Provided, however*, That said members shall be qualified as hereinafter required by graduation and practice. Within 30 days after the commissioners shall have notified the several members of their appointment, each member shall forward to said commissioners the following oath: "I do swear that I will faithfully perform the duties of a member of the board of osteopathic examiners for the District of Columbia to the best of my ability, so help me God," after which the commissioners shall issue to each of the examiners a certificate of appointment.

SEC. 2. That the members of said board first appointed, as hereinbefore provided, shall be practitioners of osteopathy of good moral and professional character, and graduates of colleges or schools of osteopathy recognized by the American Osteopathic Association, and that thereafter no person shall be eligible for such appointment unless, in addition to the qualifications hereinbefore prescribed, he has first obtained a license to practice osteopathy in the District of Columbia under the provisions of this act: *Provided*, That no member of said board shall hold said position while in any manner financially interested in any osteopathic school or college, or connected with the faculty or management of such school or college.

SEC. 3. That the term of office of the members of said board of osteopathic examiners of the District of Columbia shall be for a term of three years: *Provided*, That of the first members of the board two shall be appointed for one year, two for two years, and one for three years. Any vacancy that may occur from any cause shall be filled for the unexpired term by the Commissioners of the District of Columbia from the list last submitted as provided in section 1 of this act.

SEC. 4. That said board of osteopathic examiners of the District of Columbia shall within 30 days after its appointment organize by electing a president, a secretary, and a treasurer, who shall hold their offices until their successors are elected and qualified. The treasurer shall give bond with security in such sum as said board may determine. Said board shall make such regulations as may be necessary to carry into effect the provisions of this act. There shall be at least one regular meeting of said board each year, and this meeting shall be held in the city of Washington on the last Tuesday in June. Special meetings may be held upon the call of the president and two other members. A majority of said board shall constitute a quorum. Said board shall adopt a seal, keep a record of its proceedings, and a register of all applicants for license to practice osteopathy in the District of Columbia. Said register shall show the name, date of birth, and place of residence of each candidate and the name and location of the institution granting the applicant the degree of doctor or diplomate in osteopathy, the date of his or her diploma, and also whether the applicant was denied or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein.

SEC. 5. That all fees provided for in this act shall be paid in advance to the treasurer of the board of osteopathic examiners of the District of Columbia, to be held as a fund for the use of said board. No funds shall be paid out except on a warrant signed by the president and secretary of said board, and no expense shall be created in excess of the fees and fines as herein provided, but such funds shall be applied by said board to the payment of its expenses and to making a compensation to each member thereof not to exceed $5 per diem for each day of actual service in the discharge of his duties under this act.

SEC. 6. That any person who was engaged in the practice of osteopathy in the District of Columbia on the 1st day of February, 1912, may deliver to the secretary of the board of osteopathic examiners of the District of Columbia within 90 days after the approval of this act a written application for a license to practice osteopathy in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age, is of good moral character, and had previously obtained a diploma from some legally incorporated and reputable school or college of osteopathy recognized by the American Osteopathic Association, and upon the payment of a fee of $10 said board shall issue to said applicant a license to practice osteopathy in the District of Columbia, which license shall have like effect for all purposes as a license issued after examination by said board of osteopathic examiners of the District of Columbia, as herein provided. Every license issued by said board shall be signed by each member of said board of osteopathic examiners and shall have affixed to it by the person authorized to affix the same the seal of said board of osteopathic examiners.

SEC. 7. That any person, other than as provided in the preceding section, who desires to enter on the practice of osteopathy in the District of Columbia from and after the approval of this act shall make a written application to the secretary of said board of osteopathic examiners for a license to practice osteopathy in the District of Columbia. Application shall be made upon a form prescribed by the board and shall be accompanied by a fee of $25, together with satisfactory proof that the applicant is at least 21 years of age, is of good moral character, and has obtained a preliminary education of at least a diploma from a high school of the first class or its equivalent, and has obtained a diploma from some legally incorporated and reputable school or college of osteopathy recognized by the American Osteopathic Association, provided such school or college prescribes a four-year course of at least eight months in each year as a prerequisite to its diploma in osteopathy. Upon complying with these conditions, said board of osteopathic examiners, if satisfied with the same, shall admit said applicant to examination before them, which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, histology, pathology, bacteriology, diagnosis, hygiene, obstetrics, gynecology, surgery, medical jurisprudence, principles and practice of osteopathy, and diseases of the eye, ear, nose, and throat. If the examination is satisfactory to said board of osteopathic examiners, and the applicant shall have made an average of not less than 75 per cent upon all subjects examined upon, with not less than 65 per cent in any one subject, said board of osteopathic examiners shall issue forthwith to said applicant a license to practice osteopathy in the District of Columbia, when it shall have been recorded in the office of the clerk of the Supreme Court of the District of Columbia, and the date and place of record has been certified thereon by said clerk; and the holder of the license shall pay to the clerk of said court a fee of 50 cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and shall register, in a book which the health officer shall provide for that purpose, his or her name and address. Whenever a license is revoked by said board of osteopathic examiners, the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration. In case the applicant fails to pass a satisfactory examination, said applicant may, at any subsequent meeting of said board of osteopathic examiners within two years, have the privilege of a second examination without the payment of additional fee.

SEC. 8. That any applicant examined and licensed by the board of osteopathic examiners or other lawful authority of any State or Territory of the United States, and having practiced in the jurisdiction thereof for a period of at least one year, may, on personally appearing before and upon the payment of a fee of $25 to the board of osteopathic examiners of the District of Columbia, and filing with the secretary of the said board a copy of said license, certified by the affidavit of the president and secretary of the board granting said license, and upon showing also that the standard or requirement adopted by said board of examiners that issued said license is substantially the same as is provided by section 7 of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges of this act.

SEC. 9. That the license provided for in this act shall authorize the holder to practice osteopathy as taught and practiced in the schools or colleges of osteopathy recognized by the American Osteopathic Association.

SEC. 10. That osteopathic physicians shall observe and be subject to all regulations of the District of Columbia relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, and such reports shall be accepted and honored by the officers or department to whom the same are made.

SEC. 11. That the board of osteopathic examiners of the District of Columbia may refuse to grant a certificate to any person convicted of a felony, or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy, and may, after due notice and hearing, revoke such certificate for like cause.

SEC. 12. That any person who shall fraudulently practice or pretend to practice or use the science or system of osteopathy in treating diseases of the human body; who shall buy, sell, or fraudulently obtain any diploma, license record, or registration to practice osteopathy, or who shall use any of the forms or letters "Osteopath," "D. O.," "Osteopathic physician," or any other title or letters, either alone or with other qualifying words or phrases, under such circumstances as to induce the belief that the person who uses such term or terms is engaged in the practice of osteopathy, without having first complied with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than $50 nor more than $500, or by imprisonment in the District Jail for a period of not less than 10 nor more than 90 days, or by both such fine and imprisonment: *Provided*, That this act shall not apply to commissioned surgeons in the United States Army, Navy, or Marine-Hospital Service, nor to legally registered osteopathic physicians called from any State or Territory to attend specified cases in the District of Columbia, nor to practitioners of osteopathy during the period between the date of the approval of this act and the issue of license as provided by this act. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this act.

SEC. 13. That nothing in this act shall be construed to prevent or in any way interfere with any person engaging in the art of healing in the manner taught by any school of medicine or science, except such as claim to be osteopaths or claim to practice osteopathy.

SEC. 14. That all acts or parts of acts, general or special, not in accordance with the provisions of this act be, and are hereby, repealed.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "examiners," insert the words "for the District of Columbia."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follow:

Page 1, line 8, after the word "the," strike out the words "president of the."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 2, line 3, after the word "make," strike out the word "further" and insert the words "all future."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 2, line 20, after the word "moral," strike out the words "and professional."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 3, line 20, strike out the word "security" and insert the word "surety."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 3, line 21, after the word "such," strike out the word "regulations" and insert the word "by-laws."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 4, line 2, after the word "members," insert the words "of the board."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 4, line 19, after the word "no," strike out the word "expense" and insert the word "debt."

The amendment was agreed to.

The Clerk reported the next committee amendment, as follows:

Page 5, line 19, strike out the words "each member" and insert the words "a majority."

Mr. FOSTER. Mr. Speaker, I should like to ask the gentleman from Kentucky a question. Is it the intention to examine these practitioners and issue to them licenses, when only a majority of the board believe that the license should be issued?

Mr. JOHNSON of Kentucky. No; that was not the intention. The question has arisen as to another medical board here, that if any one of the five members should be absent in Europe or should be ill or away for any cause, a license could not be issued, and it is to cover situations of that kind that we have provided that a majority of the board may issue licenses.

Mr. FOSTER. So it is not the intention, if a minority of the board should decide that an applicant was not entitled to a license, the majority might issue it.

Mr. JOHNSON of Kentucky. No; that was not thought of in the matter. It was only to provide against the absence or illness of members of the board.

Mr. FOSTER. There was one other matter about which I wished to inquire, and that was the striking out in line 20, page 2, of the word "professional."

Mr. JOHNSON of Kentucky. That has gotten to be quite a question now, as to what constitutes ethics. It might be held by the board that it was unprofessional to advertise, and other little things of that kind, and the committee thought best to strike out the words "and professional."

Mr. FOSTER. So you just provide that the applicant shall be a practitioner of osteopathy of good moral character. This takes nothing into consideration as to the professional character of the applicant.

Mr. JOHNSON of Kentucky. We think the words "of good moral character" cover the ground sufficiently.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, on page 6, by striking out, in lines 7, 8, and 9, the words "and has obtained a preliminary education of at least a diploma from a high school of the first class or its equivalent."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 6, line 16, after the word "examiners," strike out the words "if satisfied with the same."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 6, lines 22 and 23, strike out, after the word "if," the words "the examination is satisfactory to said board of osteopathic examiners and."

Mr. MILLER. Mr. Speaker, I would like to ask the chairman of the committee a question. I notice the requirements outlined in section 7 are what might be termed very severe and not as applied to other branches of the medical profession, but possibly might be applied to the profession of osteopathy. I would like to inquire how many of the present practitioners of osteopathy in the District of Columbia the provisions of this bill would very likely preclude from securing permission to practice?

Mr. JOHNSON of Kentucky. None.

Mr. MILLER. I notice that those who are in practice at the date of January 1, 1912, are not obliged to submit to as severe an examination as the applicants hereafter are obliged to pass.

Mr. JOHNSON of Kentucky. I do not think so.

Mr. MILLER. That is the provision of the bill; was there any special reason for that?

Mr. JOHNSON of Kentucky. Those who are already practicing are the graduates of some one of the schools provided for in this bill.

Mr. MILLER. Is it not a fact that there are a large number of osteopaths practicing in the District of Columbia who are really, as you might say, not first class?

Mr. JOHNSON of Kentucky. This bill describes who is an osteopath, and all those who do not come under that description are not permitted to practice.

Mr. MILLER. How many schools now teach osteopathy that are equipped to qualify and graduate students to pass the examination prescribed here?

Mr. JOHNSON of Kentucky. I have no idea.

Mr. MILLER. Is it not a fact that there are just two?

Mr. JOHNSON of Kentucky. I do not know.

Mr. MILLER. There is one at Kirksville, and I was wondering if this bill would really send osteopathic students to one of three schools.

Mr. LLOYD. There are several schools of osteopathy. The one at Kirksville is the parent school. There is one at Des Moines, one at Los Angeles, and several others.

Mr. MILLER. Are they all qualified to give this course of instruction?

Mr. LLOYD. There are many schools that are qualified and there may be some that are not, just the same as in the medical profession there are qualified schools and schools that a diploma would not be accepted from. I think there are six or seven osteopathic schools.

Mr. JOHNSON of Kentucky. Under this bill a diploma itself does not entitle one to practice; they must have a diploma and pass this examination.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 7, line 10, by striking out the word "same" and inserting the word "original."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, line 17, by striking out the words "a satisfactory" and inserting the word "the."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 7, line 22, by striking out the words "examined and."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 8, line 1, strike out the word "may."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 8, line 17, after the word "all," insert the words "the laws and all legal."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 8, section 11, line 25, by striking out, after the word "felony," the words "or of gross unprofessional conduct, or who is addicted to any vice to such a degree as to render him unfit to practice osteopathy."

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman, the chairman of the committee, a question. Why is it provided in this section only for those who are convicted of a felony and nothing more?

Mr. JOHNSON of Kentucky. What more would the gentleman have?

Mr. FOSTER. I think it would be an unfortunate thing for a man to be practicing osteopathy or any other profession who is addicted to drugs or vicious habits.

Mr. BARTLETT. That is not a crime.

Mr. FOSTER. I am not talking about its being a crime, but I am talking about the granting of a certificate and revoking the same only upon the conviction of a felony.

Mr. BARTLETT. But a man who is convicted of a felony ought not to practice.

Mr. FOSTER. I believe that, too.

Mr. JOHNSON of Kentucky. When you get down to the vices, that becomes a different matter.

Mr. BARTLETT. Infirmities, either.

Mr. FOSTER. It seems to me a man who is addicted to vices, rendering him unfit to practice osteopathy, ought not to be permitted to practice.

Mr. JOHNSON of Kentucky. But when you get into the question of vices, cigarette smoking, and things of that kind, you had better pass them along. Then, besides, there is ample protection in the bill as to their moral character, and all that.

Mr. FOSTER. Yes; but you confine it to this one thing.

Mr. JOHNSON of Kentucky. And I suspect if you get out among the pill doctors with a provision like this that you would find just as many of those addicted to vices.

Mr. FOSTER. I agree with the gentleman, but I will say to the gentleman from Kentucky that the law providing for the licensing of physicians provides more than this does.

Mr. JOHNSON of Kentucky. Yes. I think it goes too far.

Mr. FOSTER. They are very restricted, much more than you restrict them in a bill of this kind.

Mr. JOHNSON of Kentucky. But you are not restricting the other physicians more in the District of Columbia. These men do not make mistakes by writing the wrong prescription.

Mr. FOSTER. But you provide by saying an osteopathic physician is permitted to treat all manner of diseases.

Mr. JOHNSON of Kentucky. Yes; but they do not give any medicine.

Mr. FOSTER. Certainly; but sins of omission sometimes are as great as sins of commission.

Mr. JOHNSON of Kentucky. They may rub in the wrong place, that is all.

Mr. FOSTER. A man might be injured by the fact that he ought to have other treatment. I am not going to offer any amendment, although I think it is wrong to do that.

Mr. JOHNSON of Kentucky. This is the best we can do.

Mr. FOSTER. I think that is a mistake.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation.

Mr. JOHNSON of Kentucky. Mr. Speaker, I withdraw the motion.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I call up the bill H. R. 17681, the District of Columbia appropriation bill, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Texas calls up the District of Columbia appropriation bill and asks that the Senate amendments be disagreed to, and that the House ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I desire, when that bill comes up, to have a separate vote on certain amendments. I have no objection to granting unanimous consent for the consideration of the Senate amendments.

The SPEAKER. That is not what the gentleman from Texas asked.

Mr. MANN. I understand.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that all the Senate amendments be disagreed to except Senate amendments 250 to 258, inclusive, and that those amendments be considered in the House as in the Committee of the Whole House.

Mr. MANN. Except amendment No. 253.

Mr. BURLESON. Except amendment No. 253.

The SPEAKER. The Chair did not understand the gentleman's remark.

Mr. MANN. Mr. Speaker, I understood the gentleman from Texas to ask unanimous consent to disagree to all Senate amendments except 250, 251, 252, 254, 255, 256, 257, and 258.

The SPEAKER. The gentleman from Texas asks unanimous consent that the House disagree to all the Senate amendments on the District of Columbia appropriation bill except 250, 251, 252, 254, 255, 256, 257, and 258, and asks that those amendments be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The Clerk will report amendment No. 250.

The Clerk read as follows:

Page 54, after line 17, insert:

"For the purchase of additional ground adjacent to the Corcoran School, for the extension of said school, to be immediately available, $11,000."

Mr. BURLESON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Texas moves that the House nonconcur, and the gentleman from Illinois [Mr. MANN] makes a preferential motion that the House concur, in Senate amendment No. 250. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report amendment No. 251.

Mr. BURLESON. A parliamentary inquiry, Mr. Speaker. Was the last motion equivalent to nonconcurring in the Senate amendment?

The SPEAKER. That is the rule. The Clerk will report the Senate amendment No. 251.

The Clerk read as follows:

On page 54, before line 17, insert:

"Toward the construction of a new Central High School building, including grading and other work necessary to prepare the site for the building, and the total cost of said building, under a contract which is hereby authorized therefore, shall not exceed $725,000, $250,000."

Mr. BURLESON. Mr. Speaker, I move that the House nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment. I am willing to consider that amendment and the next amendment together, if the gentleman desires.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the two amendments be considered together.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment 252.

The Clerk read as follows:

On page 67, after line 16, insert:

"Toward the construction of a new (colored) M Street High School, and the total cost of said building, under a contract which is hereby authorized therefor, shall not exceed $400,000, $150,000."

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to nonconcur in Senate amendments 251 and 252, and the gentleman from Illinois [Mr. MANN] moves to concur in the same. The question is on the motion of the gentleman from Illinois [Mr. MANN] to concur.

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Ninety-nine Members are present. The Doorkeeper will close the doors——

Mr. LEVY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. LEVY] moves that the House do now adjourn. That motion, under the circumstances, has to be seconded by a majority of those present.

Mr. MANN. Well, Mr. Speaker, I submit the Chair is mistaken about that. The motion to adjourn only has to be seconded after it has been defeated once in the House.

Mr. LEVY. I withdraw the motion, Mr. Speaker.

Mr. MANN. The motion to adjourn has to be seconded after it has been once defeated in the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct, and the gentleman from New York [Mr. LEVY] withdraws his motion to adjourn.

The Doorkeeper will cose the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of concurring in the amendments Nos. 251 and 252 will, as their names are called, answer "yes," and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 76, nays 140, answered "present" 5, not voting 171, as follows:

YEAS—76.

Ainey	Gardner, N. J.	Knowland	Pray
Anderson, Minn.	Good	Kopp	Prouty
Austin	Green, Iowa	La Follette	Rees
Bowman	Greene, Mass.	Lawrence	Slemp
Butler	Guernsey	Lenroot	Sloan
Chapin	Hamilton, Mich.	Lindbergh	Smith, J. M. C.
Catlin	Harris	McKinley	Steenerson
Cooper	Haugen	McKinney	Stephens, Cal.
Craigo	Hayes	McLaughlin	Sterling
Dalzell	Helgesen	Madden	Stevens, Minn.
Davis, Minn.	Higgins	Malby	Thistlewood
De Forest	Hill	Mann	Tilson
Dodds	Humphrey, Wash.	Miller	Utter
Driscoll, M. E.	Jackson	Morgan	Volstead
Dyer	Kahn	Morse, Wis.	Wedemeyer
Esch	Kendall	Nelson	Wilder
Farr	Kennedy	Norris	Willis
Fordney	Kent	Nye	Wilson, Ill.
French	Kinkaid, Nebr.	Payne	Young, Kans.

NAYS—140.

Adamson	Dies	Hughes, Ga.	Reilly
Aiken, S. C.	Dixon, Ind.	Hughes, N. J.	Roddenbery
Alexander	Donohoe	Hull	Rothermel
Allen	Doremus	Humphreys, Miss.	Rouse
Anderson, Ohio	Doughton	Jacoway	Rubey
Ashberry	Driscoll, D. A.	Johnson, Ky.	Rucker, Colo.
Ashbrook	Edwards	Jones	Russell
Barnhart	Ellerbe	Kinkead, N. J.	Saunders
Bartlett	Evans	Kitchin	Scully
Beall, Tex.	Faison	Konop	Sharp
Bell, Ga.	Ferris	Korbly	Sims
Blackmon	Fitzgerald	Lee, Ga.	Sisson
Boehne	Flood, Va.	Lee, Pa.	Slayden
Booher	Floyd, Ark.	Levy	Smith, Tex.
Buchanan	Foster	Lewis	Stephens, Nebr.
Bulkley	Francis	Lloyd	Stephens, Tex.
Burleson	Gallagher	Lobeck	Stone
Byrns, S. C.	Garner	McCoy	Sweet
Byrns, Tenn.	Garrett	Macon	Talbott, Md.
Candler	George	Maguire, Nebr.	Talcott, N. Y.
Cantrill	Glass	Martin, Colo.	Taylor, Colo.
Carter	Goodwin, Ark.	Moon, Tenn.	Thayer
Clayson	Graham	Morrison	Thomas
Cline	Gray	Moss, Ind.	Townsend
Collier	Gregg, Pa.	Murray	Tribble
Connell	Gregg, Tex.	Neeley	Turnbull
Conry	Hamill	Oldfield	Tuttle
Covington	Hamilton, W. Va.	Page	Underwood
Cravens	Harrison, Miss.	Pepper	Watkins
Dougherty	Hay	Post	Webb
Davis, W. Va.	Hayden	Pou	White
Dent	Henry, Tex.	Raker	Wickliffe
Denver	Hensley	Ransdell, La.	Wilson, Pa.
Dickinson	Holland	Rauch	Witherspoon
Dickson, Miss.	Howard	Redfield	Young, Tex.

ANSWERED "PRESENT"—5.

Cary	Gillett	Houston	McDermott
Davenport			

NOT VOTING—171.

Adair	Bradley	Campbell	Danforth
Akin, N. Y.	Brantley	Carlin	Davidson
Ames	Broussard	Clark, Fla.	Difenderfer
Andrus	Brown	Claypool	Draper
Anthony	Browning	Copley	Dupré
Ayres	Burgess	Cox, Ind.	Dwight
Barchfeld	Burke, Pa.	Cox, Ohio	Estopinal
Bartholdt	Burke, S. Dak.	Crumpacker	Fairchild
Bates	Burke, Wis.	Cullop	Fergusson
Bathrick	Burnett	Curley	Fields
Berger	Calder	Currier	Finley
Borland	Callaway	Curry	Fitzgerald
Fornes	Kindred	Mott	Sherley
Foss	Konig	Murdock	Sherwood
Fowler	Lafean	Needham	Simmons
Fuller	Lafferty	Olmsted	Small
Gardner, Mass.	Lamb	O'Shaunessy	Smith, Saml. W.
Godwin, N. C.	Langham	Padgett	Smith, Cal.
Goeke	Langley	Palmer	Smith, N. Y.
Goldfogle	Legare	Parran	Sparkman
Gould	Lever	Patten, N. Y.	Speer
Griest	Lindsay	Patton, Pa.	Stack
Gudger	Linthicum	Peters	Stanley
Hamlin	Littlepage	Pickett	Stedman
Hammond	Littleton	Plumley	Stephens, Miss.
Hanna	Longworth	Porter	Sulloway
Hardwick	Loud	Powers	Sulzer
Hardy	McCall	Prince	Switzer
Harrison, N. Y.	McCreary	Pujo	Taggart
Hartman	McGillicuddy	Rainey	Taylor, Ala.
Hawley	McGuire, Okla.	Randell, Tex.	Taylor, Ohio
Heald	McHenry	Reyburn	Towner
Heflin	McKellar	Richardson	Underhill
Helm	McKenzie	Riordan	Vare
Henry, Conn.	McMorran	Roberts, Mass.	Vreeland
Hinds	Maher	Roberts, Nev.	Warburton
Hobson	Martin, S. Dak.	Robinson	Weeks
Howell	Matthews	Rodenberg	Whitacre
Howland	Mays	Rucker, Mo.	Wilson, N. Y.
Hubbard	Mondell	Sabath	Wood, N. J.
Hughes, W. Va.	Moon, Pa.	Sells	Woods, Iowa
James	Moore, Pa.	Shackleford	Young, Mich.
Johnson, S. C.	Moore, Tex.	Sheppard	

So the Senate amendments were not concurred in.

The Clerk announced the following additional pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. MCGILLICUDDY with Mr. HOWELL.

Mr. MOORE of Texas with Mr. LOUD.

Mr. O'SHAUNESSY with Mr. MCGUIRE of Oklahoma.

Mr. PADGETT with Mr. MCKENZIE.

Mr. PETERS with Mr. OLMSTED.

Mr. RAINEY with Mr. MONDELL.

Mr. RUCKER of Missouri with Mr. PARRAN.

Mr. SHERWOOD with Mr. REYBURN.

Mr. SMALL with Mr. TOWNER.

Mr. STEDMAN with Mr. WARBURTON.

Mr. STEPHENS of Mississippi with Mr. WOOD of New Jersey.

Mr. BURKE of Wisconsin with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. HENRY of Connecticut.

Mr. LEVER with Mr. HEALD.

Mr. DIFENDERFER with Mr. CRUMPACKER.

Mr. DUPRÉ with Mr. CURRIER.

Mr. FOWLER with Mr. FOSS.

Mr. GOULD with Mr. MOTT.

Mr. HARDY with Mr. FULLER.

Mr. HARRISON of New York with Mr. HANNA.

Mr. CULLOP with Mr. COPLEY.

Mr. BROUSSARD with Mr. BARTHOLDT.

Mr. ADAIR with Mr. ANTHONY.

Mr. BRANTLEY with Mr. BARCHFELD.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. JAMES with Mr. MCCALL.

Mr. MCDERMOTT with Mr. CARY.

Mr. FINLEY with Mr. HARTMAN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Further proceedings under the call will be suspended. The Doorkeeper will open the doors. The motion to concur is lost, which is equivalent to nonconcurrence.

Mr. BURLESON. Mr. Speaker, I ask that the next amendment be reported. I ask unanimous consent that the next five amendments be reported and nonconcurred in in gross.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent that the next five amendments be reported and nonconcurred in in gross.

Mr. MANN. I object.

The SPEAKER. The Clerk will report amendment numbered 254.

The Clerk read the Senate amendment, as follows:

For the erection of an 8-room extensible building on the site purchased, west of Soldiers' Home grounds, south of Rock Creek Road, $60,000.

Mr. BURLESON. Mr. Speaker, I move to nonconcur in the Senate amendment.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves to nonconcur in the Senate amendment.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House concur in the Senate amendment. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 105.

Mr. MANN. Mr. Speaker, I ask for tellers.

Tellers were ordered.

Mr. MANN. Mr. Speaker, I withdraw the demand for tellers.

The SPEAKER. The "noes" have it, and the House refuses to concur, which is equivalent to nonconcurrence.

Mr. BURLESON. I ask unanimous consent that Senate amendments numbered 255, 256, 257, and 258 be acted upon in gross, and I move to nonconcur in those amendments.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to act on the four amendments named in gross. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move that the House concur in the four Senate amendments named.

The SPEAKER. The Clerk will report the Senate amendments named.

The Clerk read the Senate amendments, as follows:

For the construction of a four-room annex to the Takoma School, $36,000.

For the construction of a four-room annex to the Chevy Chase School, including grading of site, $36,000.

For the construction of a four-room annex to the Birney School, $35,000.

For the construction of a four-room annex to the Congress Heights School, $36,000.

The SPEAKER. The motion of the gentleman from Illinois [Mr. MANN] is to concur in the four amendments just read. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER. That is equivalent to nonconcurrence.

Mr. BURLESON. Mr. Speaker, I move that the House request a conference.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] moves that the House request a conference on the disagreeing votes of the two Houses. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio.

INJUNCTIONS.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 520 (H. Rept. 696).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 23635, a bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. That there shall be three hours' general debate on said bill and one substitute to be offered, and considered as pending, by the gentleman from Illinois [Mr. STERLING], and at the expiration of such time the previous question shall be considered as ordered on the bill and said substitute to final passage, and the House shall immediately proceed to vote on the bill and substitute without any intervening motion.

Mr. MANN. Mr. Speaker, I desire to reserve all points of order on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order on the resolution.

Mr. HENRY of Texas. Mr. Speaker, if the House will indulge me just a moment, it is my intention to ask that the House take a recess until 11 o'clock to-morrow morning, and that at that time this rule be taken up for consideration, when an endeavor will be made to agree as to the time for discussion of the rule.

Mr. GARNER. Let the gentleman make the request for unanimous consent.

Mr. HENRY of Texas. I ask unanimous consent that that be the order.

Mr. MANN. That when the House meets to-morrow it meet at 11 o'clock.

Mr. HENRY of Texas. That the House take a recess until 11 o'clock to-morrow morning.

Mr. MANN. Let the gentleman present his request.

The SPEAKER. What is the request of the gentleman from Texas?

Mr. HENRY of Texas. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. I was trying to carry out an understanding I endeavored to have with the gentleman from Illinois [Mr. MANN].

Mr. MANN. I did not have the understanding.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

Mr. HENRY of Texas. Does the gentleman want to make an agreement now about the time for debate of the rule?

Mr. MANN. Let that go until to-morrow.

FEDERAL COURT, NORTHERN DISTRICT OF MISSISSIPPI.

Mr. HENRY of Texas. I think the gentleman from Alabama has a conference report which he desires to present.

Mr. MANN. I suggest that that ought to come in later.

Mr. CLAYTON. The conference report was printed in the RECORD on Saturday.

The SPEAKER. The gentleman from Alabama presents a conference report on a bill, the title of which will be reported by the Clerk.

The Clerk read the title of the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

The SPEAKER. The Clerk will read the conference report.

Mr. CLAYTON. I ask that the statement be read in lieu of the report.

Mr. MANN. Reserving the right to object, what is the bill about?

Mr. CLAYTON. It relates to a Federal court in Mississippi. The gentleman will remember that the Senate amended it by putting on a provision with reference to a court in Michigan.

Mr. MANN. I remember, and I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT (NO. 687).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments as follows:

Page 4, after line 2, insert: "*Provided*, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year."

Amend the title so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

H. D. CLAYTON,
C. C. CARLIN,
JOHN A. STERLING,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
A. O. BACON,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 19238 submit the following statement:

The House bill provided for the creation of a division of the Federal court for the northern district of Mississippi, and the Senate amended the bill by adding a section which provided for holding court for the western district of Michigan at Sault Ste. Marie. The Senate conferees agreed to recede from its amendment, and the bill, as now reported, is in the exact terms of the bill as it passed the House.

HENRY D. CLAYTON,
C. C. CARLIN,
JOHN A. STERLING,
Managers on the part of the House.

The conference report was agreed to.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under the order previously made, adjourned until Tuesday, May 14, 1912, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 24493) providing for a national military reserve; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 24494) making it unlawful for one fraternal organization to use as a name any part of the name or title of another fraternal organization; to the Committee on the Post Office and Post Roads.

By Mr. DAUGHERTY: A bill (H. R. 24495) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. LOBECK: A bill (H. R. 24496) requiring banks, trust companies, and individual bankers in the District of Columbia to publish certain deposits, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 24497) providing for the abandonment of the Vashon Island Military Reservation, in the State of Washington, and for other purposes; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 24517) to regulate the interstate and foreign shipment of milk, butter, and cheese; to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: A bill (H. R. 24518) authorizing resurveys and retracements in Montana; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24498) granting an increase of pension to Napoleon Stites; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24499) granting an increase of pension to Benjamin W. Sholty; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 24500) for the relief of James J. Gildea; to the Committee on Military Affairs.

By Mr. ASHBROOK: A bill (H. R. 24501) granting an increase of pension to Galon S. Huston; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 24502) to enroll Alexander P. Powell and others as Choctaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 24503) granting a pension to Michael Eller; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 24504) granting an increase of pension to John P. Harris; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 24505) granting a pension to Ellen Thompson; to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 24506) granting an increase of pension to Thomas F. Stevens; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 24507) for the relief of W. H. Tuck; to the Committee on War Claims.

Also, a bill (H. R. 24508) for the relief of J. M. Timmins; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 24509) granting an increase of pension to John A. Gibson; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 24510) granting a pension to Peter F. Weasel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24511) granting an increase of pension to Hiram F. Butler; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 24512) granting an increase of pension to Henry M. Chase; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24513) granting a pension to Herman Rehn; to the Committee on Pensions.

By Mr. SIMS: A bill (H. R. 24514) granting a pension to James A. Small; to the Committee on Pensions.

Also, a bill (H. R. 24515) granting an increase of pension to Theodore Moser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24516) granting an increase of pension to William Newsom; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 24519) granting an increase of pension to Timothy W. Reardon; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 24520) for the relief of J. M. Hunnicutt; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 24521) granting a pension to Isabelle Davis; to the Committee on Pensions.

Also, a bill (H. R. 24522) granting an increase of pension to William H. Beacht; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 24523) granting a pension to Helen O. Stewart; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 24524) granting a pension to Mrs. L. L. Gardner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Papers to accompany House bill 24329, for the relief of Alex B. Henderson, Company E, Eighty-eighth Regiment Ohio Volunteer Infantry; to the Committee on Invalid Pensions.

Also, petition of David J. Crowley and 5 other citizens of Newark, Ohio, against passage of interstate-commerce liquor legislation; to the Committee on the Judiciary.

By Mr. BARTLETT: Petition of the Savannah Chamber of Commerce, in favor of passage of the semicentennial emancipation exposition bill for celebrating the negro's freedom; to the Committee on Appropriations.

Also, petition of the Savannah Chamber of Commerce, opposing passage of House bill 16844, requiring sellers to place names on packages; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Savannah Chamber of Commerce, favoring free passage of American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Savannah Cotton Exchange, favoring free passage of American vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Petition of the board of game commissioners, favoring passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of the Gardner bill and Burnett bill for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Luzerne County Medical Society, Wilkes-Barre, Pa., favoring passage of the Owen bill to establish the United States public-health service; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Young Men's Hebrew Association, Wilkes-Barre, Pa., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Chester Lodge, No. 119, I. O. A. I., of Chester, Pa., against passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Memorials of Ohio Lodge, No. 269, Independent Order B'rith Abraham; Abraham Lincoln Lodge No. 52, United States Grand Lodge B'rith Abraham; citizens' mass meeting at Cleveland, Ohio; Abraham Hershburg Lodge, No. 177, Independent Order B'rith Sholom, Cleveland, Ohio; Independent Order B'rith Abraham, Gatth Epl, Lessing Lodge, No. 37, Cleveland Ohio, protesting against the Dillingham and Burnett immigration bills requiring an educational test; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petitions of Plimpton, Cowan & Co., of Buffalo, and Bakst Bros., of New York City, N. Y., against passage of House bill 14060, known as the Richardson bill relating to sale of drugs; and of H. M. Marks & Co., of Chicago, Ill., and Indianapolis Bolster Spring Co., of Indianapolis, Ind., against passage of House bill 16844, relating to sale of manufactured goods; and of the Newport Humane Research Club, of Newport, R. I., favoring passage of House bill 17222, relative to shipping of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of Julius Mathias, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22760, for prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the National Association of Talking Machines of Pittsburgh, Pa., and of Wm. H. Enhaus & Son and Ellen Soceney, of New York City, N. Y., against passage of the Oldfield bill, relative to amending patent laws; to the Committee on Patents.

Also, petition of T. G. Hawkes & Co., of Corning, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. DONOHOE: Petition of members of the Philadelphia Stationers' Association, against passage of bills changing present patent laws; to the Committee on Patents.

By Mr. DANIEL A. DRISCOLL: Petition of Polish Blacksmith and Kalia Royal Neighbors and Giviazda Wolmosci, No. 890, and Kalina, No. 906, of New York, and Italian-American Business Men's Association of Buffalo, N. Y., against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

Also, petition of the board of directors of the Maritime Association of the Port of New York, favoring improvements in New York Harbor; to the Committee on Rivers and Harbors.

Also, petition of the United Trades and Labor Council of Buffalo, N. Y., favoring passage of House bills 11372 and 23675, to compel steamships to carry sufficient lifeboats and deck crew, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. MICHAEL E. DRISCOLL: Resolutions of Central City Lodge, No. 232, Independent Order B'rith Abraham, and Sunrise Lodge, No. 496, United States Grand Lodge Order B'rith Abraham, and Hebrew school, Syracuse, N. Y., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Thread Agency, St. Louis, Mo., favoring the passage of House bill 309, relative to appropriation for relief of the flooded districts on Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of town of Silverton, Colo., and the Silverton Commercial Club, favoring passage of House bill 22081, relative to establishing a mining experiment station at Silverton, Colo.; to the Committee on Mines and Mining.

Also, petition of William Loeffel & Sons, St. Louis, Mo.; the National Association of Talking Machine Jobbers, Pittsburgh, Pa.; Thiebes Piano Co., St. Louis, Mo.; and the Koeber-Brenner Music Co., St. Louis, Mo., protesting against passage of any bill that may affect price maintenance in the present patent laws; to the Committee on Patents.

Also, petition of the Merchants' Exchange of St. Louis, Mo., protesting against any bill that would legalize boycott; to the Committee on the Judiciary.

Also, petition of Local No. 30, United Brotherhood of Leather Workers on Horse Goods, protesting against the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Hotel Jefferson, St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of the Wisconsin Retail Jewelers' Association, Neenah, Wis., protesting against passage of the Oldfield bill relative to preventing the patentee or manufacturer from maintaining resale prices on patented goods; to the Committee on Patents.

Also, petition of George W. Bell Post, No. 53, Grand Army of the Republic of Wisconsin, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Blackman-Ross Co., New York, N. Y., protesting against House bill 23417, for abolishing price maintenance on patented articles; to the Committee on Patents.

Also, petition of the State Hospitals Commission of the State of New York, relative to the influx of alien insane; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the United Lithuanian Societies, of Chicago, Ill., against passage of the Dillingham bill (S. 3175) and the Burnett bill (H. R. 22527), relating to literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Cotton Manufacturers, of Boston, Mass., against passage of bills relating to sale and purchase of cotton to be delivered on contract on the cotton exchanges of this country; to the Committee on Agriculture.

Also, petition of Anti-Saloon League of Illinois, favoring passage of the interstate-liquor measures; to the Committee on the Judiciary.

Also, petition of B. Wilsey, of Sandwich, Ill., against passage of bills to amend the patent laws; to the Committee on Patents.

Also, petition of C. H. Markham, of Chicago, Ill., favoring passage of Senate amendment to rivers and harbors appropriation bill, relating to appropriation for relief of flood sufferers at Cairo, Ill.; to the Committee on Rivers and Harbors.

Also, petition of the Marine Engineers' Beneficial Association, No. 4, of Chicago, Ill., favoring passage of House bills 19405, 19406, and 19407, relating to qualifications and appointment of supervising inspectors, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of William P. Doran, of Springfield, Mo., favoring passage of House bill 17167, to grant pensions to members of Capt. William L. Fenix company; and of William Romig, of Bowmanstown, Pa., favoring passage of House bill 1339, granting pensions to survivors of Civil War who lost an arm or leg, etc.; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: Petition of citizens of Bangor, Me., and members of the Brotherhood of Paper Makers of East Millinocket, Me., favoring passage of House bill 19133, for a parcel-post-express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of Meblus & Dreschen Co., Sacramento, Cal., and of Sussman, Wormser & Co., San Francisco, Cal., favoring passage of House bill 4667, that merchandise in packages must have net weight and numerical count on them; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Sacramento, Cal., protesting against passage of the Lever bill (H. R. 20281), relative to the dairy industries; to the Committee on Agriculture.

Also, petition of the Woman's Improvement Club of Livingston, Cal., and the Merced County Chamber of Commerce, favoring the San Joaquin River Flood water canal; to the Committee on Rivers and Harbors.

Also, petition of Dan P. Carter, of San Francisco, Cal., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the board of governors of the San Mateo County Development Association and the supervisors of the county of San Mateo, Cal., favoring inland harbor between Belmont and Redwood City, Cal.; to the Committee on Rivers and Harbors.

By Mr. HENSLEY: Petition of the Methodist Episcopal Church South, of Bismarck, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Resolutions of citizens of Stamford, Conn., regarding restoration of the land now occupied by the general post office in New York City to the City Hall Park; to the Committee on the Post Office and Post Roads.

Also, resolutions of citizens of West Cornwall, Conn., against the repeal of the anticanteen law; to the Committee on Military Affairs.

Also, resolutions of South Norwalk Lodge, No. 185, Order of B'rith Abraham, of South Norwalk, Conn., against passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Daughters of Liberty of Butler, N. J., favoring passage of bill for educational test for immigrants, and the Workingmen's Circle of Paterson, N. J., against passage of the Dillingham bill and all bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. JACKSON: Petition of the International Brotherhood of Locomotive Engineers, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Kansas legislative board, Brotherhood of Locomotive Firemen and Engineers, opposing the workmen's compensation bill as passed by the United States Senate; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of C. Amos Reynolds, of Harpers Ferry, W. Va.; Frisby F. Griffith, of Trego, Md.; and 39 other citizens of Maryland, favoring the passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LINDSAY: Petitions of P. L. Stoner, of Lansing, Mich.; Isaac Roberts, of Rectors, Vernon County, Wis.; J. F. Sampson, of Lexington, Nebr.; E. B. Du Mond, of Pleasant Valley, N. Y.; A. J. Miller, of Westfield, Vt.; John Weaver, of Beaverdam; and John English, of Galion, Ohio, favoring passage of House bill 1339, for $65 pension for veterans of the Civil War who have reached age of 70 years; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Rev. J. S. Guzdek and others, protesting against passage of the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the United Hebrew Trades of New York, protesting against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Sons of the Revolution in the State of New York relative to collecting and publishing archives relating to the War of the Revolution; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Petition of citizens of South Andes, S. Dak., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of the Brotherhood of Railway Trainmen, Square Deal Lodge, of Chicago, Ill., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, resolution of the United Lithuanian Societies of Chicago, Ill., against passage of the Dillingham and Burnett immigration bills; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Bethel Grange, Maine, favoring passage of Senate bill 6474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolutions of Rabi Hermann Adler Lodge, No. 10; of Buad Mosha Lodge, No. 98; of Ostren Maharsho Lodge, No. 160; and of Old Constantine Lodge, No. 17, Independent Order B'rith Solomon, of Philadelphia, Pa., against passage of the Burnett and Dillingham immigration bills; to the Committee on Immigration and Naturalization.

By Mr. NELSON: Petition of members of the Madison Federation of Labor, Madison, Wis., favoring passage of House bill 22339 and Senate bill 6172, against stop-watch system in Government shops; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Independent Bessarabic Lodge, No. 119; of Providence Lodge, No. 214; and of Sons of Jacob Lodge, No. 175, Independent Order B'rith Abraham, of Providence, R. I., against passage of bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Resolution of the People's Educational Club, Stroudsburg, Pa., against passage of Root amendment to Dillingham immigration bill; to the Committee on Immigration and Naturalization.

By Mr PAYNE: Petition of Auburn City Lodge, No. 454, Independent Order B'rith Abraham, Auburn, N. Y., protesting against passage of the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of members of the Philadelphia Stationers' Association, against passage of bills changing present patent laws; to the Committee on Patents.

Also, resolution of Zangwill Lodge, No. 196, Independent Order B'rith Abraham; of Fruinnell Lodge, No. 284, United States Grand Lodge, Order B'rith Abraham; and of the German-American Alliance of Philadelphia, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of S. W. Roberson and others, of Denver, Colo., favoring the enactment of the old-age pension law; to the Committee on Pensions.

By Mr. STEPHENS of California: Petition of 228 citizens of Los Angeles, Cal., favoring passage of old-age pension; to the Committee on Pensions.

By Mr. TILSON: Petition of Amalgamated Association of Steam and Electric Railway Employees of America, of New Haven, Conn., requesting favorable consideration of House bill 16844; to the Committee on Interstate and Foreign Commerce.

By Mr. WEDEMEYER: Petition of citizens of Lenawee County, Mich., for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 14, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 19, 20, 23, 27, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, and 29, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted insert "fifty"; and the Senate agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 9, 13, 15, 16, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2224) to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

The message also announced that the House had passed a bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, in which it requested the concurrence of the Senate.

The message further announced that the House had receded from its disagreement to the amendment of the Senate to the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURLESON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. GEORGE WASHINGTON GORDON, late a Representative from the State of Tennessee. (H. Res. 535.)

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.; and

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Mascoma Grange, Patrons of Husbandry, of West Canaan, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Edgar W. Anderson, president of the Men's Club, of Hanover, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Charlestown, N. H., praying for the establishment of a national bureau of health, which was ordered to lie on the table.

He also presented a memorial of the Park View Citizens' Association of the District of Columbia, remonstrating against the enactment of legislation proposing an increase in water rates in the District, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against any change being made in the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of the Illinois Lumber and Builders' Supply Dealers' Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of the board of directors of the Tocin Building, Loan & Homestead Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was referred to the Committee on Finance.

He also presented a petition of members of the Camp Fire Club, of Chicago, Ill., praying for the enactment of legislation for the protection of migratory and insectivorous game birds, which was ordered to lie on the table.

He also presented a petition of members of the Crop Improvement Committee, of Chicago, Ill., praying for the enactment of legislation to prohibit the admission of certain adulterated seeds into the United States, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the City Council of Springfield, Ill., favoring the enactment of legislation providing for the protection of passengers on ocean-going vessels, which were referred to the Committee on Commerce.

He also presented a petition of the Washington County Medical Society, of Illinois, and a petition of sundry citizens of Fairbury, Ill., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. RICHARDSON presented a memorial of members of sundry Jewish societies of Wilmington, Del., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CULBERSON. I present a large number of memorials remonstrating against the passage of Senate bill No. 1, known as the Owen health bill. I ask the memorials be noted in the RECORD and placed on file.

The memorials were ordered to lie on the table, as follows:

Memorials from 7 citizens of Oklahoma City, 29 citizens of Tulsa, 6 citizns of Mangum, 17 citizens of Oklahoma City, 16 citizens of Cherokee, 27 citizens of Oklahoma City, 34 citizens of Ponca City, 9 citizens of Oklahoma City, 57 citizens of Nowata, 6 citizens of Oklahoma City, 7 citizens of Byron, 5 citizens of Oklahoma City, 22 citizens of Enid, 12 citizens of Oklahoma City, 42 citizens of Hendrick, 13 citizens of Oklahoma City, 4 citizens of Muskogee, 7 citizens of Oklahoma City, 25 citizens of Miami, 18 citizens of Oklahoma City, 62 citizens of Chandler, 7 citizens of Supulpu, 28 citizens of Hobart, 40 citizens of Tulsa, and 13 citizens of Tuttle, all in the State of Oklahoma.

Mr. JOHNSON of Maine presented a memorial of the congregation of Beth Israel, of Bangor, Me., and a memorial of Zion Camp, No. 8929, Modern Woodmen of America, of Bangor, Me., remonstrating against the adoption of a proposed amendment to the immigration law providing an educational test for all immigrants, which were ordered to lie on the table.

Mr. TOWNSEND. I present a telegram in the nature of a petition from the Genesee County Medical Society, of Michigan, in favor of the Owen health bill. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

FLINT, MICH., *May 13, 1912.*

Hon. CHARLES TOWNSEND,
United States Senator, Washington, D. C.:

Will you please present to the Senate the following resolutions adopted by Genesee County Medical Society:

Whereas the Senate of the United States has now under consideration Senate bill No. 1, Calendar No. 651, reported favorably from the Committee on Public Health and National Quarantine; and

Whereas the establishment of a bureau of public health, such as that for which the bill makes provision, has long been recognized by physicians as of very great public importance; and

Whereas the bill under consideration is clear and commendable and its provisions such as to meet the end in view: Therefore be it

Resolved, That the Genesee County Medical Society, at a meeting held on the 8th day of May, 1912, places upon record its indorsement of the bill, and directs that the officers of the society communicate this action at once to the Senators and Congressmen from Michigan.

NOAH BATES, *President.*
C. P. CLARK, *Secretary.*

Mr. HITCHCOCK. I present a petition signed by a large number of medical practitioners and residents of Nebraska, in favor of the Owen bill to create a bureau of health. I move that the petition lie on the table.

The motion was agreed to.

Mr. HITCHCOCK presented memorials of sundry citizens of David City, Rising City, Bloomington, Fremont, and Bethany, all in the State of Nebraska, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

Mr. POMERENE presented a petition of sundry citizens of Dayton, Ohio, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Canton, Ohio, praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Woman's Christian Temperance Union of Portsmouth, R. I., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a memorial of sundry citizens of Bethany, Fremont, Bloomington, and Lincoln, all in the State of Nebraska, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the United Evangelical Church of Middleburg, Pa., and a petition of sundry citizens of Lancaster County, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State

liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a memorial of Independent American Lodge, No. 35, Independent Order B'rith Sholom, of Philadelphia, Pa., and a memorial of Tifares Israel Lodge, No. 131, Independent Order B'rith Sholom, of Shenandoah, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of the local branch of the Woman's Auxiliary of the Diocese of Erie of the Christ Protestant Episcopal Church, of Meadville, Pa., praying for the enactment of legislation providing medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Philadelphia, Pa., and a petition of the Pennsylvania Spiritualists' Association, praying for the adoption of uniform international regulations to safeguard the lives of persons on ocean steamers, which were referred to the Committee on Commerce.

Mr. DU PONT presented a petition of sundry citizens of Wilmington, Del., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the establishment of a department of health, which was ordered to lie on the table.

IMPROVEMENT OF ROADS.

Mr. JONES. I present a communication from the president of the American Automobile Association in regard to the improvement of roads, which I ask may be referred to the Committee on Agriculture and Forestry and printed in the RECORD, together with the names at the head of the letter.

The VICE PRESIDENT. Without objection, the request will be complied with.

The letter is as follows:

[Officers: Robert P. Hooper, president, Pennsylvania Motor Federation; Frank M. Joyce, first vice president, Minnesota State Automobile Association; Laurens Enos, second vice president, New York State Automobile Association; C. L. Bonifield, third vice president, Ohio State Automobile Association; Ralph W. Smith, fourth vice president, Colorado State Automobile Association; F. L. Baker, fifth vice president, Automobile Club of Southern California; A. G. Batchelder, chairman executive committee, 437 Fifth Avenue, New York; H. A. Bonnell, treasurer, Associated Automobile Clubs of New Jersey; John N. Brooks, secretary, Connecticut State Automobile Association. Executive committee: Robert P. Hooper, president; A. G. Batchelder, chairman; Lewis R. Speare, F. T. Staples, Frank G. Webb, H. L. Vail, T. J. Walker, H. E. Coffin, Frank M. Joyce, J. H. Weeks, E. C. Smith, A. H. Knoll, J. H. Edwards, Dr. A. P. Overgaard, H. J. Clark, C. M. Robinson, John A. Wilson, David Beecroft, John N. Brooks, Powell Evans, P. M. Milner, Preston Belvin, J. P. Coghlin, Paul C. Wolff, James T. Brought, S. A. Miles, F. C. Battey, Charles E. Doe, Edwin S. George, H. A. Bonnell, H. Crim Peck, H. B. Race, W. E. Moyer, H. M. Rowe, S. D. Capen, H. L. Gordon, William M. Stevenson, Oliver Quayle, W. E. Metzger, C. H. Verschoyle. Including chairmen of boards: Charles Thaddeus Terry, legislative board, 100 Broadway, New York; William Schinapf, contest board, 437 Fifth Avenue, New York; George C. Diehl, good roads board, 575 Ellicott Square, Buffalo, N. Y.; Howard Longstreth, touring information board, 437 Fifth Avenue, New York.]

AMERICA'S ORGANIZATION OF AUTOMOBILISTS,
"AMERICAN MOTORIST," OFFICIAL PUBLICATION,
NATIONAL HEADQUARTERS, 437 FIFTH AVENUE,
New York, May 13, 1912.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SIR: The growing demand for Federal aid in highways improvement is very clearly demonstrated in the numerous letters which are daily received at the national headquarters of the American Automobile Association from its 44 State associations and 340 affiliated local clubs, besides the thousands of individual members in all parts of the country.

The belief is quite general that the Federal Government should at least cooperate with the States in the construction of a comprehensive system of national highways.

Since we have progressed from the town to the county road, and from the county to the State road, the next logical step is the national or interstate road. Highways construction and maintenance within reason and of national scope is demanded. Hence we speak for a system of national routes which shall connect the various States and thus make possible at all times an interchange of commercial and social interests.

I would personally appreciate an expression of opinion as to your public position in this now most important avenue of Federal participation which we believe should enlist your thought and activities.

We are sending you under separate cover copy of the proceedings of the first annual Federal aid good roads convention held at Washington, January 16 and 17, believing that you will find therein much that will be of interest to you and perhaps be of value in defining the country-wide extent of the good-roads question.

Very truly, yours,

ROBERT P. HOOPER,
President American Automobile Association.

Mr. HEYBURN. Mr. President, I would like to make a suggestion and that it may be considered by Senators. It has seemed to me that communications from persons outside this body on general questions, newspaper articles, and speeches of others than Members of Congress ought to be printed in an appendix to the RECORD. I notice in picking up the RECORD, right in the beginning of a copy, when we refer to it for purposes of determining what we are to do and what we have done, we find pages of it taken up with outside communications. It may be all right to print them; I have not felt inclined to object; but I think it would be well for us to consider the question as to where they should be printed. They should be printed at the end of the day's proceedings under the title of appendix. I commend that to Senators for their consideration.

REPORTS OF COMMITTEES.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6174) for the erection of a public building at the city of Douglas, State of Arizona, reported it with an amendment and submitted a report (No. 748) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 749);

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 750); and

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 751).

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin, reported it without amendment and submitted a report (No. 752) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 6811) granting an increase of pension to Henry Johnson (with accompanying paper); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891; to the Committee on Indian Affairs.

By Mr. CATRON:

A bill (S. 6813) to remove the charge of desertion from the military record of John Kircher; to the Committee on Military Affairs.

A bill (S. 6814) for the relief of Alexander Read; to the Committee on Claims.

A bill (S. 6815) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope; to the Committee on Indian Depredations.

By Mr. HEYBURN:

A bill (S. 6816) granting an increase of pension to Jeremiah Williams (with accompanying paper); to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6817) granting an increase of pension to William Kenoyer (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6818) granting an increase of pension to Samuel Cornwell (with accompanying papers);

A bill (S. 6819) granting an increase of pension to John Rains (with accompanying papers);

A bill (S. 6820) granting an increase of pension to Thomas Davis;

A bill (S. 6821) granting an increase of pension to Barzilla B. Jones (with accompanying papers);

A bill (S. 6822) granting an increase of pension to Robert A. Boyd (with accompanying papers);

A bill (S. 6823) granting an increase of pension to Bert Goodknight (with accompanying papers);

A bill (S. 6824) granting an increase of pension to George W. Williams (with accompanying paper);

A bill (S. 6825) granting a pension to Clara H. Scott (with accompanying paper);

A bill (S. 6826) granting a pension to Maria C. Faulkner (with accompanying paper);

A bill (S. 6827) granting an increase of pension to Samuel W. McGulre;

A bill (S. 6828) granting an increase of pension to James Hawkins;

A bill (S. 6829) granting a pension to George W. Whitman; and

A bill (S. 6830) granting an increase of pension to Eli Haskett; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 6831) granting a pension to Adeline E. Ferrell; and

A bill (S. 6832) granting an increase of pension to Sarah D. Shaw; to the Committee on Pensions.

BILLS OF LADING.

Mr. POMERENE. I introduce a bill relating to bills of lading in commerce with foreign nations and among the several States. This is a redraft of Senate bill 4713, introduced by me some time ago. I ask that it may be printed and lie on the table and later I expect to offer it as a substitute for Senate bill 957, relating to bills of lading, reported by the Interstate Commerce Committee.

The bill (S. 6810) relating to bills of lading in commerce with foreign nations and among the several States was read twice by its title.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CATRON submitted an amendment proposing to increase the salary of the surveyor general of New Mexico from $2,500 per annum to $3,000 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the appropriation for experimental mail delivery from $100,000 to $300,000, intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing to change the date for the promotion of clerks in class A to grade 3 from June 30, 1913, to June 30, 1912, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $1,200 each for two clerks at charging desk, reading rooms, Library of Congress, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

PERSONNEL OF COMMISSIONS.

Mr. OVERMAN submitted the following resolution (S. Res. 311), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to transmit to the Senate a statement of the number and personnel of commissions now in existence under congressional and executive authority, the salaries paid to members, officers, and employees of such commissions, and the individual and total expenses of each commission and member thereof for the fiscal year ended June 30, 1911.

NAVY PAYMASTERS.

Mr. WETMORE. I move that the bill (S. 5214) to increase the number of paymasters and passed assistant and assistant paymasters in the United States Navy be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

POLICE AND FIREMEN'S RELIEF FUND.

Mr. GALLINGER. I enter a motion to reconsider the votes by which the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was ordered to a third reading and passed.

I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On May 11, 1912:

S. J. Res. 90. Joint resolution to authorize Capt. John W. Gulick, United States Army, to accept a position under the Government of the Republic of Chile;

S. 1524. An act to authorize the construction and maintenance of a dam across the Kansas River in western Shawnee County, or in Wabaunsee County, in the State of Kansas;

S. 5060. An act to provide for the disposal of the unallotted land on the Omaha Indian Reservation, in the State of Nebraska; and

S. 6167. An act to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va.

SAVANNAH RIVER DAMS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

Mr. BACON. I move that the Senate disagree to the amendment adopted by the House, ask for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NELSON, Mr. BOURNE, and Mr. FLETCHER conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. GALLINGER, Mr. CURTIS, and Mr. FOSTER conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 19236. An act to regulate the practice of osteopathy in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from North Carolina [Mr. OVERMAN], on page 23.

Mr. OVERMAN. I ask unanimous consent to withdraw that amendment and offer in lieu of it the one I send to the desk.

The VICE PRESIDENT. The former amendment is withdrawn, and the Senator from North Carolina submits the following amendment in lieu thereof.

The SECRETARY. On page 23, in line 15, after the word "practice," add the words "and for farm demonstration work."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. In lines 15 and 16, I move to strike out the words "two hundred and fifty-one," before the word "thousand," and insert in lieu thereof the words "five hundred."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. After line 24, on page 23, insert:

That for the purpose of establishing an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Mandan, west of the Missouri River, in the State of North Dakota; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the kind and character of plants, shrubs, and trees, berries, and vegetables best adapted to the climate and soil of the semiarid lands of the United States, and for the purchase of necessary stock and machinery, the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire to call the attention of the Senator from Idaho [Mr. HEYBURN] to page 55. Yesterday the Senator moved to strike out, on page 55, after the heading in line 18, down to and including line 2, on page 56,

and that motion was agreed to. The Senator particularly objected to the use of the words "in the most general and comprehensive sense of that word." There is no objection to those words going out, but striking out the paragraph is quite a serious matter, as it interferes with investigations in several other departments, the testing of drugs, paper for the Government Printing Office, and so forth. I will ask the Senator if he will not be willing to have that action reconsidered, and simply have the words to which the Senator particularly objected stricken out.

Mr. HEYBURN. Mr. President, I have no objection. My intention was to strike out those words. If more was included than would accomplish that purpose, I have no objection to the portion being restored.

The VICE PRESIDENT. Without objection, then, the vote by which the entire provision was stricken out is reconsidered, and the Senator from Idaho offers the following amendment.

The SECRETARY. In lines 22 and 23, on page 55, strike out the words "in the most general and comprehensive sense of that word."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. TOWNSEND. Mr. President, I offer several amendments to the bill, on pages 7 and 8, having one purpose in view, namely, the provision for the establishment of a weather station in the Saginaw Valley of Michigan. The peculiar conditions there have been recognized by the department, and the department has approved of this proposition. I offer the amendments which I send to the desk to effect that purpose.

The VICE PRESIDENT. The Senator from Michigan offers certain amendments, which will be stated.

The SECRETARY. On page 7, line 23, before the word "thousand," it is proposed to strike out "sixty-four" and to insert "sixty-nine," so as to read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $569,000.

The amendment was agreed to.

The SECRETARY. On page 8, line 2, after the word "thousand," it is proposed to insert "five hundred," so as to read:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, $105,500.

The amendment was agreed to.

The SECRETARY. On page 8, line 4, after the word "thereto," it is proposed to strike out "thirty-nine" and insert "forty-two," so as to read:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, $42,500.

The amendment was agreed to.

The SECRETARY. On page 8, line 10, after the word "grounds," it is proposed to strike out "ninety-eight" and to insert "ninety-nine," and in line 11, after the word "thousand," to strike out "five hundred," so as to read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, $99,000.

The amendment was agreed to.

The SECRETARY. On page 8, line 17, before the word "thousand," it is proposed to strike out "four" and to insert "five," so as to read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $305,000.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment. The portion of the bill between pages 28 and 48 was passed over. The Secretary will now read that portion of the bill.

Mr. HEYBURN obtained the floor.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. I yield to the Senator from Florida.

Mr. FLETCHER. I merely want to suggest that, in view of the amendment offered by the Senator from Michigan [Mr. TOWNSEND], we shall have to change the footing of the totals in lines 12 and 13, on page 9.

The VICE PRESIDENT. As a rule, the Senate at the conclusion of the consideration of a bill, by unanimous consent directs that the Secretary correct the totals to correspond with the amendments which have been made.

Mr. MARTINE of New Jersey. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. On page 70, line 10, it is proposed to strike out the word "two" in "class two," and insert "three," to read "class three."

The amendment was agreed to.

Mr. HEYBURN. Mr. President, if it were within the rules, I should suggest the absence of a quorum in the Press Gallery. I am going to send out a message to the people that I should like to send through the press, but, if compelled, I will send it over their heads.

Mr. President, the largest question, so far as governmental policy and procedure are concerned, that Congress will be called upon to consider is that which I will, to the best of my ability, now present. We talk about conserving this and that, and I have been charged with being an enemy to conservation. It depends upon what you are conserving whether I am its friend or its enemy. I am going to speak in the interest of conserving opportunity to the people of this country, young and old. Opportunity is the most important asset that a man, woman, or child has at any period of existence. Opportunity was the underlying principle and basis that prompted the organization of this Government. It was the underlying motive or the controlling motive that brought the people across the sea to settle in the unknown land. Opportunity maintained them on the Atlantic coast and sent them drifting westward to a broadening field. It is involved in the consideration of this question. I shall not discuss minute details. I shall endeavor to keep out of my discussion any possible thought or expression of rancor or unconsidered opposition, but only, if I can have the attention—and I am sure I shall—of Senators, to set thought in the right direction.

A spoiler entered the field of opportunity a few years ago. I need not to attack the motives of the spoiler. I think it was an unconscious evil, but none the less deadly. The growing, increasing population of this country requires increased and increasing facilities for support. You withdraw a large per cent of the productive assets and then complain of the increase in the cost of living, just as though you would withdraw from the warehouses and from the markets 25 per cent of the assets upon which the people must exist and then complain that prices were higher. In the case of the forest reserves, we have withdrawn, first, the valuable asset of more than 100,000 young, vigorous, and capable men from industrial enterprise and placed them upon the pay roll of this institution. The withdrawal of 100,000 men from the productive fields of energy and enterprise is a serious question. It was suggested—at least I so gathered from a publication I saw some months ago—that Mr. Pinchot had stated as one of the purposes of such withdrawals that it would educate these men along military lines, educate them in discipline, and that they would be available as a reserve military force. I think I have gone to the limit in violation of my suggestion that I would keep this upon a high plane when I revert to that, but it comes to me as one of the vague and wild suggestions for which those against whom I speak to-day are responsible.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. HITCHCOCK. Did I understand the Senator from Idaho correctly to say that 100,000 men had been withdrawn from productive industry and placed upon the Government pay roll?

Mr. HEYBURN. Yes; I made that statement. I gathered it from investigations during last night from sources that will commend themselves to the Senator as reliable.

Mr. HITCHCOCK. It is rather an amazing statement that 100,000 men are on the Government pay roll for conservation purposes, and I would like to have the Senator elucidate it.

Mr. HEYBURN. It does not follow that the withdrawal from the field of industry is confined to the single individual. The withdrawal of one man from gainful enterprise in this country results generally in the withdrawal of the opportunity from several others.

Mr. HITCHCOCK. I was more particularly dwelling upon the statement that 100,000 men had been placed upon the Government pay roll.

Mr. HEYBURN. I think, if the Senator will read my remarks or refer to them where he has doubt, he will find that I will have balanced my statements along the lines of accuracy when I have finished the presentation of any one of these subjects.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. Will the Senator allow me a word just there?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. I will say to the Senator from Nebraska that the officer quoted by the Senator from Idaho—Mr. Pinchot—did say in a public address in this city, which has been published, bound, and sent out, that in order to properly administer the forests of this country would require a force not of 100,000, but of 117,000 men.

Mr. HEYBURN. Yes; I read that statement, and I gave him the 17,000 men in order that I might be liberal.

You not only withdraw these young men—and they are young men, because they are not eligible after a certain period—from gainful enterprise to a field where they must be content with a limited income, but you withdraw 200,000,000 acres of land from production. I will be met, perhaps, with the response that that land is nonproductive. Then it need not be withdrawn for any purpose; it will take care of itself; its poverty will protect it. The fact is that the land withdrawn, 200,000,000 acres—and I am using round figures for convenience—is land capable of contributing to the productiveness of the country and the welfare of its citizens, and those responsible for withdrawing it dare not say that that is not true, else they admit that they have done a vain thing at a large expense.

It cost to administer this asset $22,440,000 last year. If the Government can justify itself in spending $22,000,000 to conserve that which is useless, I would be interested to know how it is to be done.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I yield to the Senator.

Mr. CHAMBERLAIN. I merely wanted to ask the Senator a question in that connection. He says it cost $22,000,000 last year. Does not the Senator mean that it cost $22,000,000 from 1902 until 1912?

Mr. HEYBURN. I have a sheet, obtained this morning from the department, and I am going to give very accurate figures when I undertake to give accurate figures. In general speech I will deal in round numbers for convenience, and I will make these tables available to any Senator either during my remarks or afterwards.

Mr. CHAMBERLAIN. Mr. President, the reason I called attention to the statement is because I have a statement from the same source in which it is set forth that the expenditure was $22,490,972.59 for the 10 years beginning in 1902, and I thought possibly the Senator had overlooked the date.

Mr. HEYBURN. That is the total amount expended. I have the figures here for the total expended each year and then the aggregate. The Senator is correct—and if I said anything to the contrary it was an inadvertence—when he says that that covers from 1902 to 1911.

Mr. CHAMBERLAIN. Inclusive.

Mr. HEYBURN. Yes. By this system of withdrawal you disturb the relation of the producer to the consumer, and then you complain of the increased cost of living. The assets of the producer in this country are land and labor, and I include the by-products in those classifications. When you withdraw so large a quantity of land you diminish the capital from which labor is to draw its opportunity and, consequently, you diminish the product, and thus you disturb the balance between these factors of government.

Solitude is never productive. If the law is obeyed, a forest reserve is a solitude; it is not a workshop; it is withdrawn from the settlement of men. It is a place under the guardianship or the immediate control of employees. No man who has given thought to the question will contend that the Government of the United States should itself engage competitively in business with its citizens, who are the Government. Unused land is not productive land. The idleness of most men is involuntary. I state these axioms as a sort of text for what I am going to say.

Mr. OVERMAN. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. I am very much interested in the statement the Senator has made about these hundred thousand men being used as soldiers in case of war. Do they drill them? Do they have uniforms? How do they expect to make soldiers out of these hundred thousand men?

Mr. HEYBURN. I do not expect to; it was Mr. Pinchot who had that idea. I was merely citing it as a curiosity in literature and history.

Withdrawn opportunity is wasted opportunity. We waste the man, we waste the land, and we destroy the opportunity and we pay for it. Last year we paid something over $6,000,000.

We were told in 1904, when I first had thrust upon me the duty of discussing this question—and it was new—that after the next year at most this service would be self-sustaining. There are Senators here who well remember that promise. They demonstrated it to the line—that is, to the line of their satisfaction—that it would be not only a great conservation of natural resources but a system that would yield a steady income to the Government. Those two propositions have diverged every year. The deficit has been greater every year.

Mr. OVERMAN. I remember that statement being made upon the floor, that it would be self-sustaining. Would the Senator tell us what was the revenue for last year?

Mr. HEYBURN. I will just take this occasion to give you the revenue and the expenditures for each year since that time. That was in 1904. We gave this department $348,773.31 to investigate this question. That was in the appropriation act of 1904. In the appropriation act of 1905 we gave them $348,539.09 for the same purpose, and in addition to that we gave them for the administration, protection, et cetera, of the national forests—and et cetera is the largest item in the bill—$288,516.86, and for permanent improvements in national forests we gave them $2,762.18, making for the year 1905, $639,818.13, as against $348,773.31 for the year in which the promise was made.

The income in the year 1904 was $58,436.19, leaving as a deficit the difference between $350,000 and $58,000.

Again, they renewed their promises in 1905 and said that it was merely due to the weather or some such contingency that they had not made good their promises, but if we would give them the opportunity they surely would the next year. So we gave them $642,187.68, very nearly double the appropriation of 1904, but they were going to do better work. The income that year was $73,276.15 against the expenditure of $642,000.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HEYBURN. Certainly.

Mr. FALL. Is it not a fact that they expended their income as well as the amount appropriated by Congress?

Mr. HEYBURN. Yes; in those years. But we stopped it.

Mr. FALL. Does the Senator say we have stopped it?

Mr. HEYBURN. Yes. In that year we compelled them to turn it into the Treasury. They were receiving the money and violating the Constitution by paying it out without an appropriation.

Mr. FALL. Does the Senator state that that has been stopped?

Mr. HEYBURN. Yes; they must now turn the money into the Treasury.

Mr. FALL. Is it not a fact that they draw the money out of the Treasury, expend it, and then come before Congress for additional appropriations? In other words, is it not a fact that, while we appropriate $5,000,000 in this bill for the service, the income will be spent also?

Mr. HEYBURN. That is true, in a measure.

Mr. FALL. That is true, I know, in reference to one of the States.

Mr. HEYBURN. We are beginning to run into larger figures now. In 1906 the cost of maintaining the forests, for which we appropriated, was $1,191,400.21, and the receipts were $767,219.96. In 1907 their expenditures were $1,827,189.51 and their receipts were $1,571,059.44. But in 1908 when the great contest over this question was waged in Congress, and they were defiant as they never had been before, and when they held the reins in their hands and drove it under the lash, we gave them $3,458,790.83, and we gave them a million of it just by putting it on, without accounting for it. It was an amendment offered by my colleague who sits on my right when he is here. I do not mean my colleague from the State of Idaho. After we had given them until we were breathless, it was suggested to give them another million, and it was tossed up in the air and the Secretary was told to catch it and do what he pleased with it. That was the high tide of forest reserves. In that year we gave them $3,458,000 instead of $1,827,000 the year before, and they expended $1,842,281. We gave them financial dyspepsia. They could not digest the money we gave them, and when the Forest Service gets so bad that it can not digest an entire appropriation there is something wrong with both.

Mr. HITCHCOCK. Does the Senator from Idaho criticise the Forest Service for closing the year with an unexpended balance? Would he expect the service to expend money unless it was necessary? Is it not to the credit of the service that they had an unexpended balance?

Mr. HEYBURN. I am neither giving credit to nor taking away credit from the Forest Service. I am stating the facts.

Mr. HITCHCOCK. I think the Senator is criticizing——

Mr. HEYBURN. I may in the closing moments of my observation, and it would be based largely upon the sentiment expressed by the Senator. I am speaking of the manner of administration in an impersonal way.

Mr. HITCHCOCK. It strikes me that to close the year with an unexpended balance is to the credit of the Forest Service, and justifies the confidence reposed in them.

Mr. HEYBURN. If there is anything for which they are entitled to credit I am glad of it.

That was in 1908. We gave for administration, protection, et cetera, $2,526,008.02. Most of that was under the last enumerated item, et cetera. They sold timber in that year to the amount of $849,027.24. If I had time I should like to go into and analyze what they call sales of timber, but I have not time this morning. But in that year they collected for grazing and other uses $993,254.63.

They collected that for the use of lands that were not forest lands at all. They collected that from land which should have been open to settlement by the American citizen.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. CHAMBERLAIN. I am sure the Senator from Idaho does not want to misstate the fact in reference to that. Much of this land that is used for grazing is within the forests and on the mountain side.

Mr. HEYBURN. I have been through the forests in the State of Oregon many times, as well as those in my own State, and I know grass grows to some extent in the forests. I know that the official report of the Forestry Department made four years ago stated that one-third of the land in forest reserves had no timber at all upon it.

Mr. CHAMBERLAIN. I can speak with knowledge with reference only to my own State, and nearly all the reserves are forest lands, and they are rented for grazing purposes, both in the Cascade and the coast ranges.

Mr. McCUMBER. If the Senator from Oregon will allow me, we can trade him 11,000 acres in our State that has been set aside for a forest reserve on which there is not a stick of timber on any portion of it, with the exception of possibly in the crevices in some parts. There there are some old cedars that scientists, so I am informed, say are about 3,000 years old, and they are about 6 inches in diameter—the largest ones. So I do not know how long it is going to take to reforest that section.

I simply add that to the information about the quantity of timber on land that is reserved as forest reserves, and I say frankly that I know that country, and I know there is no timber whatever on a single acre of it.

Mr. CHAMBERLAIN. If the Senator will permit me for a moment, I do not mean to say that there are not lands embraced within these reserves, so called, that have no timber on them. The point I made had relation to the statement of the Senator from Idaho that this money was received from lands which were not timbered at all. I say, as a matter of fact, most of these moneys that are received for grazing purposes are received from lands within the forest reserves, and they are covered with timber as a matter of fact; at least, that is the fact in my State; and I think it is largely true in Washington and Idaho as well.

Mr. HEYBURN. I referred specifically to the lands reported as nontimbered, one-third of the area.

Now, the comparison of the year 1907 and 1908 is instructive. It cost about $50,000 more to investigate in 1908 than it did in 1907. This term "investigation" includes sending men around to towns lying adjacent to apparently timbered lands which can be seen upon the mountains, and inquiring in some places where men meet as to whether or not that land has timber on it. Some old settler will say, "The finest timber you ever saw. I shot a bear there last winter." That is their report.

Now, the "et cetera" item increased between 1907 and 1908—it nearly doubles—from $1,400,000 in round figures to $2,500,000. That is this indefinite expenditure of which we compelled them for the first time to render an account two years ago, if I remember correctly, upon the amendment of the distinguished Senator from Maine, Mr. Hale.

Now the permanent improvements begin to cut a figure. They are building themselves homes. When I say "themselves" I do not refer to the American citizen who is seeking a home upon which to keep his family and reside and perform the duties and obligations of citizenship, but I mean these single men from whom we have nothing to expect in the way of growth of population or wealth or anything else, who receive a salary and spend it and add nothing to the benefits of the country, except from an artistic point of view, as they move about clad in their peculiar green uniform with a little red cock feather in their hats. From an artistic standpoint they are worth something, but not enough to justify this sacrifice.

Now, listen to this comparison: For permanent improvements in national forests, 1908, $592,169.19. In 1909 it was $599,471.02. That is when they found themselves with the reins in their hands and they were moving along with a rush. In 1907 it was only $78,788.27 for that item; in 1906, it was only $23,521.28; and in 1905, $2,762.18, and yet in that one year between 1907 and 1908 they jumped from $78,000 to $592,000.

It is under the head of "permanent improvements in national forests." What do you want to improve a solitude for? What do you want to improve lands that are never to be opened to settlement for?

Why do you want to build telephone and telegraph lines and roads and trails and maintain steam launches and automobiles—I am not exaggerating—to travel around in this solitude of to-day and to-morrow and forever? There is no promise comes from them that they ever intend that these forest lands, as they call them, shall be opened to settlement.

Mr. President, more than half mankind have elected to settle in forests. When they have gone to new countries, all the nations of the earth, as they have wandered about from the beginning, have selected the timberlands in which to make their homes. Yet here is a bureau that assumes to say that you shall not live in the shade of the trees, but you must go out upon the sun-baked plain and make your home.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. HITCHCOCK. Does not the Senator from Idaho realize that the exciting cause for this strong movement for the preservation and conservation of these forests, assets belonging to the people, was the fact that millions of acres had been obtained from the Government in many cases through fraud and in almost every case at an utterly inadequate price, and that the timber had then been ruthlessly cut from the land and the asset practically destroyed? And is it not a fact——

Mr. HEYBURN. Let me answer that.

Mr. HITCHCOCK. Is it not a fact that every civilized nation in the world, ahead of the United States, has taken steps and is now pursuing a policy for the preservation of its great forests?

Mr. HEYBURN. I should like to have answered those questions separately. I am afraid I may confuse them. The first one, as to the incentive for entering upon this system, is exactly on a par with the man who, finding that some one has stolen the apples from one of the trees in his orchard, goes out and cuts down the whole orchard. That is the idea.

Now, in the first place, we had the facts tabulated—I think the Senator from Wyoming had them here upon the last occasion when this question was discussed—showing that less than 3 per cent of all the charges, such as have been suggested by the Senator from Nebraska, proved upon trial to be without foundation. Less than 3 per cent of the people charged with those offenses were found to be guilty of them upon trial. That was thrashed out very thoroughly and completely, and I will only enter into it by reference.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. CHAMBERLAIN. I will ask the Senator in this connection if it is not a fact that under the act of 1907, which repealed the indemnity selection provisions of the law, there was reserved to the Santa Fe Railroad system the right to issue their scrip for the forestry lands if they saw fit to use it, and to open up these lands to entry by scrip of the Santa Fe Railroad system?

Mr. HEYBURN. I was so much aware of it at the time as to have Idaho reserved from the provisions of the act.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. HEYBURN. I do.

Mr. ASHURST. The Senator from Oregon [Mr. CHAMBERLAIN] referred to certain scrip or the right of the Santa Fe Railroad Co. to make lieu-land selections. When the historian shall write the history of Arizona, if it be an impartial history, he must write down that a former Secretary of the Interior looked on and, without any protest, saw perpetrated the most

stupendous graft and spoliation of public timber that was ever perpetrated in the history of the Nation, and in the following manner:

Under the act of June 4, 1897, those persons who owned lands within a forest reserve were permitted to surrender their lands to the Government and select an equal area of land elsewhere. The Santa Fe Railroad Co., sometime the Atchison, Topeka & Santa Fe Railway Co., by virtue of its grant of land granted by Congress to its predecessors on July 26, 1866, owned every alternate section through northern Arizona 40 miles on either side of its railroad track.

That railroad company and its grantees denuded its lands of the timber, stripped the lands until they were as bare of timber in some places as is this floor; then this company and its grantees surrendered this denuded land to the United States and selected Government timbered land elsewhere in lieu of the land surrendered. This right to make these lieu-land selections caused the bare and denuded lands belonging to the railroad company and its grantees to rise to the speculative value of from seven to ten dollars per acre. After all the Government timbered lands that could be selected were selected by this railroad company and its grantees and, as usual, the railroad company made much money by the exchange, then, too late, of course, for any practical good to the American people as a whole, the lieu-land selection act was repealed; thus, practically, under the permission of the Government's bureaucrats, some of whom are now claiming to be the true conservators of the people's forests, by silence assisted or did not object, although vigorous protests were made by Arizona citizens and by her then Delegate in Congress, and in order to accentuate, emphasize, and point out the wickedness of this graft and spoliation, a delegation of 8 or 10 of Arizona's citizens came here and personally protested to the then Secretary of the Interior without avail.

Mr. HEYBURN. The Senator speaks from intimate knowledge, doubtless, of the subject of which he speaks. I regret that he should announce that he seldom agrees with me, because I had hoped that we would act in harmony and unison here for the best interests of legislation.

I want to refer to the suggestion of the Senator from Nebraska [Mr. HITCHCOCK] with reference to the moving cause for the creation of these reserves, in which he said that it was because the law was being violated and that seemed to be the best way of meeting the condition. It would be a humiliating concession to make, that we could not enforce the law against dishonest men, even though there might have been less or more than the 3 per cent of rejected claims. I hope the day will never come when we will fly from the duties of Government and its responsibilities because of the inefficiency of our agencies to enforce the law. That will not do for a reason.

There was another reason than that. I am going to keep just as close to the facts as history will compel and enable me. There had in this country grown up great combinations of capital engaged in the lumber business and timber-land business. One of them is or was the other day, when I received a letter on the stationery of the concern, vice president of the National Conservation Association or Congress. I think the President of the United States was stated to be the president of it. But the associates of this vice president were men, at least some of them, engaged in the same enterprise as the vice president. They had acquired hundreds of thousands of acres, I would be safe in saying millions of acres, of the timber lands through various forms of manipulation. They had enough to enable them to control the retail market of the United States for a very long period. They thereafter sought to rid themselves of competition. The question was, How can we do it? Here are these bright, enterprising young men coming into the forests with their portable sawmills, coming here with a little capital to build up the lumber enterprise. How can we get rid of them? We dare not kill them. We must get rid of them. These young men were going in. Twelve hundred of them came into our State during those days. These young men were sharp competitors in the retail market of this great concern, that owned—how my mind has been gathering up the facts—that owned millions of acres of our best timber land, selected through cooperation and agencies that enabled them to get what no other man could get. That was the Weyerhaeuser Co.

I do not believe in withholding candor in these cases. They said, "We must get rid of competition," and they then, through plausible argument and sophistry and neglect, secured the enactment of the first forestry-reserve law. That closed up an area of country as large as one of the States in the United States. That was the Bitter Root forest concern, the first one created. That was the beginning.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. HITCHCOCK. How many acres of land did the Senator say the Weyerhauser syndicate controlled?

Mr. HEYBURN. I first stated hundreds of thousands. I then cast my mind, as I was speaking of the subject, and I felt justified in saying millions of acres.

Mr. HITCHCOCK. Will the Senator explain how the Weyerhaeuser syndicate procured that forest land which formerly belonged to the Government of the United States?

Mr. HEYBURN. Yes. In the first place, after the Northern Pacific Railroad Co. had cut over the Mount Rainier Forest Reserve to a large extent, they then secured the privilege of exchanging that land through the means of having a forest reserve created, and the law enacted in connection with it gave them the right to select an equivalent quantity of land elsewhere. That land passed largely into the hands of the Weyerhaeuser syndicate. The Weyerhaeuser syndicate has more heads and more tails to it that any other animal that has yet been discovered.

Mr. HITCHCOCK. Let me ask the Senator this question: Suppose that Government timberland originally, instead of being permitted to pass into the hands of the Weyerhaeuser syndicate and other lumber speculators for a mere song, had been retained as Government property and the timber sold off in a scientific process, as is now the practice in Germany, would not the country have been much better off? In other words, would we not have been better off if we had adopted a policy of conservation before we did instead of at so late a date?

Mr. HEYBURN. We would not have been worse off than we are now. But a comparison with Germany immediately arrests my zeal in any discussion. If I thought as well and as highly of the conditions in Germany and in regard to other foreign countries frequently mentioned, I would go there; I would not remain here a day. If they had a better tariff system, a better forestry system, a better agricultural system, I would go there. But they have not. There is not another country on earth that has any system as good as that which is in the uses of the American people and that will be realized to them when they have time to work out the problems.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. The Senator seems to blame the conservation system, or, if you please, the national forest reserve system, for the immense holdings of the Weyerhaeuser people. I will ask if it is not a fact that Congress itself is rather to blame in that when it authorized the location of a reserve and put in it the express provision that the railroad company might through its indemnity scrip have selection in other places than the logged-over land they cut?

Mr. HEYBURN. The Senator reverses the proposition. As to the large holdings of the Weyerhaeusers, I use them only as representative of a class. I could name 40, or at least 20, others here. When the Senator says that I charge the forest-reserve system with the existence of those people, that is the opposite of the proposition. I charge the forest-reserve system with those people or to them; they are responsible for it.

Mr. WARREN. Mr. President——

Mr. HEYBURN. I yield to the Senator from Wyoming.

Mr. WARREN. In addition to what the Senator from Oregon has said, we have to go back even further than the inauguration of the forestry system to find where there could be large accumulations of the timberlands. We have to go back to the law which authorized the transcontinental railroad land grants, which gave the railroads the alternate sections—in some cases 20 miles on each side of the railroad and in other cases 40. It was easy for those men to accumulate great timber holdings there. That was the commencement of it, and that is one of the factors which led into the perhaps foolish legislation which permitted the exchange of which the Senator from Oregon has spoken, because in laying out a timber reserve one-half of the land in a railroad limit belonged to the railroad, and in order to control it all we took this not wise way of allowing the railroad to pass in its lands in this reserve and take in exchange timberlands outside of the railroad limits.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I do.

Mr. CLARK of Wyoming. Along that same line I desire to call the attention of the Senator from Nebraska and the Senator

from Oregon to the fact that so far as my recollection goes not one of these exchanges has been made except upon the request and recommendation of the Forest Service.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. CHAMBERLAIN. It is a fact, nevertheless, that when under the forest-reserve system that exists to-day this looting of the public domain by corporations, as has been done in the past by men of the Weyerhaeuser stripe—and I do not mean to charge that they have obtained their lands illegally—can be done in the future, and Congress itself is to blame, rather than the men who have administered the Forestry Department, for the large holdings that people have acquired. For instance, when the Rainier National Forest was created in the State of Washington there was expressly granted to the Northern Pacific Railroad Co. the right to release its lands in the reserve to the Government of the United States and to select other lands in lieu thereof.

Mr. HEYBURN. But not to cut the timber off first.

Mr. CHAMBERLAIN. Yes; with the result that after they had cut the timber off they released to the Government of the United States 500,000 acres of land at one time, and most of the lands selected in lieu of it were in my State and it was the best land we had in the State.

So it was not the administration of the Forest Service that enabled that to be done, Mr. President, but it was Congress itself. Congress in 1907, when it pretended to repeal these indemnity selection laws, reserved to the Santa Fe system the right to exercise that right still further, and that stands as the law to-day.

Mr. BORAH. Mr. President——

Mr. HEYBURN. I would just like to say a word because it will be appropriate here.

I am not complaining of anybody but Congress. The Senator says if anyone is to blame it is Congress. I am talking to Congress, and if I am implying blame it is directed against Congress.

Mr. Weyerhaeuser personally is as affable and pleasant a gentleman that you could meet in the world and so are those who speak for him. I have no personal feeling against him or antipathy toward him at all. I am not condemning persons, but I must refer to the things which they have accomplished, or sought to accomplish, in order to address myself at all to the subject.

Mr. CHAMBERLAIN. In this connection, Mr. President, if I may once more interrupt the Senator, the birth of the indemnity selection law is as well understood by the Senator as it is by other people who have read on the subject. It was in the railroad office, if I mistake not, although it was pretended to have had its birth in a desire to protect the innocent homesteader within the forests. After he had secured the right and after he had exercised the right under a law to release his homestead in the forest and to take up lands of equal value elsewhere, we find that these big companies who had the immense railroad grants thought that they were entitled to the same protection that the innocent homesteader was entitled to, and they prevailed upon Congress——

Mr. HEYBURN. That was the origin of it.

Mr. CHAMBERLAIN. To give them the same right, and they did get it from Congress.

Mr. HEYBURN. Mr. President, I am not quite through with the question as to the responsibility or the reason. It would be a slander upon our judicial system and those who administer the law through the courts to say that we were not capable of enforcing laws, and it would be a slander upon Congress to say that Congress was not sufficiently intelligent and brave to enact the laws to be enforced. The fact is that this country never will flee from the wrongdoer because of the success of the wrongdoer in accomplishing his purpose.

Mr. President, I was in a most interesting part of this table where we began to build the luxuries of the service. Just in that one year for permanent improvements in national forests we appropriated enough to erect some of the big public buildings needed in the city of Washington, and for whom? For citizens of the United States engaged in industrial enterprise calculated to build up and support our civilization? No; but for the building of roads and trails in the silent land, the building of telephone lines in order that these men may communicate promptly with each other, telegraph lines, electric launches upon the lakes, and, now, I understand for automobiles. That is what we are appropriating the money for to maintain this silent land, this nonproductive land, except for the pitiful sum that we receive for grazing sheep and selling a few thousand feet of lumber.

The idea of the Government of the United States undertaking to fix the price of lumber in the United States by going into the lumber business in competition with the citizenship of the country! That is what they are doing, or trying to do. Since the enactment of the law of 1904 they have advanced the price of lumber 100 per cent.

Mr. President, mark the sweep forward of this business. I was speaking of 1908, when they spent $2,526,098.02 for the administration, protection, and so forth, of national forests. In 1909 they added $400,000 to that great sum and spent $2,955,425.01; in 1910 they increased that amount to $3,752,316.91, and in 1911 to $5,335,886.97. That is the last year of which we have reports. That is for what I call the "fancy work" of the department—the building of houses and the building of roads upon which there is nobody to travel.

Mark you at this point, they pay no taxes in the State of Idaho. They throw a dole to our treasury of a small sum of money not worth mentioning out of the receipts from timber sales. We would rather have our own than to have this charity.

They undertake to specify the purpose for which this money that they give shall be used, forsooth, in violation of our State constitution, which says that these moneys may be used only for certain purposes; that is, for educational purposes. They assume to say—this department over here clothed in green assumes to say—that we shall spend it in violation of our constitution, and that we must spend a part of it for public roads. That is their contribution to citizenship and the maintenance of our State, and of other States as well.

Mr. President, they have withdrawn this land from taxation yesterday, to-day, and forever; they have withdrawn it from settlement, nowithstanding that within the scope of these withdrawals there were 85 public schools maintained according to the laws of our State; that many communities around those schools are to be shut off from the outside world, with the knowledge that no increase of value could come to their homes or other property because of isolation; that many communities in the State have been shut off from the opportunities of growth and advancement that come from larger community life. They did it as ruthlessly as the brigand takes his toll, and they call us cranks and enthusiasts because we dare to stand up for the rights we have under the law.

I am gratified that this morning so many Members of this body have given and are giving their attention to the consideration of this great question. It affects not only those who have cast their lot in that land, but it affects those from whose households and communities our young men come. The surplus sons of the East find their outlet of opportunity in that country. They are entitled to the right that these lands shall be open and free to their appropriation and lawful use. That right exists not only in the young men of the West, but it exists in the young men of the East, whose only hope or destiny in the field of prosperity lies there. We do not plead alone for the growing and increasing youth of our country in the West, but for the youth of all the country, East and West.

We were reminded yesterday and this morning that these lands belonged to all the people. Then, if they do, the duty rests upon all the people for their administration; the duty rests as much upon the inhabitant of the State of Massachusetts or of New York or of Virginia as upon those who dwell in that country, because it is the opportunity for your sons which we are seeking to protect as well as for our own.

You say that you are entitled to participate in the legislation; that you must have your toll from every dollar collected for the use of these lands or every dollar received as the value of those that are disposed of. Then come to the front and do your duty; study this question; make it a live, responsible duty, and participate with us who are more immediately connected with the subject in settling these questions right.

Has the American continent grown too large; is the United States too vast in extent for those opportunities to be developed upon which rest the future greatness of our country? No man will assert it or admit it. We need these lands to-day and we will need them to-morrow; we need them for the opportunities they afford to our citizens to settle and make homes; we need them because of the revenue they will pour into the General Treasury; we need them as the hotbeds of new industries undreamed of to-day. You have needed them in the past. When the National Treasury was bankrupt, when the printing press was the only security behind the money in the country, the States which to-day are sometimes ridiculed because of their size and population poured a golden stream into the arteries of the Nation.

From the single State of Nevada, between 1861 and 1865, $400,000,000 were poured, not in promises from the printing press but in yellow gold, the basis of commerce, the stability of our wealth. During those same years the State of Idaho poured

over $200,000,000 into the coffers of the country to sustain it in its need. Practically all the money base that you have came from these States that you would now wrap in darkness, that you would turn over to the salaried man who is not there to make a home for himself or for anyone else. These are the great States.

In looking through an old book I found some lines that years and years ago attracted my attention, and I have them here. You will recognize them. They were written when we were forming States; they were written by an Englishman when we were learning how to make a country and a government, when we were inquiring as to what constitutes a State. He wrote these lines during the days when our Constitutional Convention was sitting to consider what constitutes a State. Sir William Jones, better known in that day than this, wrote:

What constitutes a State?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned;
Not bays and broad-armed ports,
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts,
Where low-browed baseness wafts perfume to pride.
No! men, high-minded men,
With powers as far above dull brutes endued
In forest, brake, or den
As beasts excel cold rocks and brambles rude,
Men who their duties know,
But know their rights, and knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain;
These constitute a State.

The men who go into those new States to take advantage of the opportunities they afford constitute the State. The mountains and the streams and the water power and the forests were there when the birds sang in the morning, and yet they were dead as the clay upon which they rested. It was only when man, with his enterprise, his necessities, and his ambition, touched them with the wand of industry that they started out of those beds of clay and became States.

I think sometimes, when I contemplate the relation that those States have borne to the General Government in the production of substantial wealth, of the story of the mouse and the lion; and yet you have reduced them to the degradation of pasture fields for sheep and cattle at so much a head. You have preferred the beasts to the men; you have reduced them to a condition of vassalage, where a man must ask and beg for what is his right.

You can not walk across a forest reserve or drive a team across it without the consent of these men. I speak with knowledge; I speak with the facts in my mind of a man emigrating from one section of this country to another with his family in the white covered wagon, who was taken up by a forester with the demand that he pay for the grass upon which his tired teams pastured in the evenings. Of course I do not undertake to place all of the blame for the little idiosyncracies of this kind upon those who sit at Washington in luxurious quarters and are a part of the Government of the United States, but I speak of them as the natural and necessary outcome of a system that undertakes to compel your peers to ask for their rights at the hands of these men. An American citizen, so far as his rights under the law are concerned, is each the peer of the other. There ought to be no time, no place, no circumstance under which he would be compelled to doff the cap or bend the knee in order to enjoy his rights.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I sympathize with the Senator from Idaho in his desire to break this deadlock that exists in the West with reference to the development of our natural resources, and I have long thought that the Senators and Representatives from the dozen States that comprise that region should get together and frame a code of laws which they could present to Congress, backed by their united judgment, with a view to breaking that deadlock.

There is no one more familiar with the land laws of the United States and the general condition of the public domain than is the Senator from Idaho, and I ask him what he would recommend in the shape of present legislation. I assume that he would wish that all these withdrawals of the public domain should be terminated and the entire public domain opened up to entry under United States laws.

Mr. HEYBURN. Now, will the Senator permit me here——

Mr. NEWLANDS. I would ask him whether he would like that to be accomplished under existing land laws or would he prefer to change those land laws so as to meet the economic conditions in the West?

Mr. HEYBURN. I will give the Senator some light right here.

In the first place he asks if I would like to have public land opened up. Land that is not opened up is not public land under the decision of the Secretary of the Interior. Land that is withdrawn for any purpose ceases to be public land. That is the alleged law, and it is a law from which the poor individual can not appeal or find relief.

I would have these lands public lands, because of the fact that they belong to the public and to all of it. I would make it possible for every member of the great community which we call the public to reach out and participate in them, and I would make it as a penalty if he did not reach out and participate in them, that he could not prevent some one else from doing it.

It is, as I said in the beginning, a large question. It has become such because of mistake after mistake in legislation and in administration. A great deal of the difficulty grows out of the administration.

A few months ago in this Congress we enacted a law providing that the State of Idaho might buy a certain piece of ground containing beautiful lakes and streams for a public park, not giving it to them, but the State to pay the price assessed or levied upon it. That is all there was of it. The law provided that the Secretary of the Interior should make a deed of conveyance in the nature of a patent to the State of Idaho upon the State paying the price of that land.

What did they do? They wrote into that patent, in violation of the law and their duty, restrictions that in effect leave that land a part of the United States, notwithstanding that the State of Idaho has paid for it. They wrote it in there because they held the pen and had the power. Had I known the restrictions were being written into that patent I would have perhaps found some way of stopping the hand of the despoiler.

But it is one of the defiant things in keeping with the maladministration of the laws that we enact. Who ever dreamed, when the law was enacted, of the interpretation that would be placed upon the lieu-lands law? They kept creeping forward and forward a little more each time, until by and by we found that part of the public domain serenely in the hands of the combination that one forest preserves, because they are their own private laws, because they relieve them against competition. They want those laws to enable them to advance the price of lumber, control it, and they can cut it down or raise it. They are talking now of establishing sawmills in all these forests and going regularly into the business of cutting lumber and selling it to those who would purchase and use it in competition with those in the business.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I understand the Senator from Utah to say that, in the first place, he would really make these lands public lands, which means, I suppose, that he would end all these withdrawals and reservations and throw open the entire public domain to entry under some kind of law.

I wish to ask him—and I do not suggest it at all in the spirit of antagonism, but simply in the spirit of helpfulness—assuming that all these obstacles to the entries of the public domain were withdrawn, all these reservations and withdrawals done away with, whether he would rest content with the existing land laws; that is, the laws under which future entries of these lands could be made with a view to reducing them to private ownership?

I ask him, further, whether he would make any reservations to the public, and if so, what; and if he concluded that it was wise to make some reservations to the public, whether he would have that reservation run to the National Government or to the local State government?

It seems to me, in order to solve this question, it is essential that we of the West should point out definitely the line of legislation which we think desirable. We can hardly expect to break this deadlock unless we present to Congress some definite scheme of legislation under which these entries can be made, or, on the other hand, declare that we are entirely satisfied with the land laws as they now exist and that they need no amendment.

Mr. HEYBURN. Mr. President, I realize the importance of the Senator's remarks, but it is not necessary to decide, in discussing this question, whether or not I would favor a change or any change in the law. I believe I could safely leave that to the intelligence of those who will legislate upon this subject. I do know this, however, that for a century we failed to discover the necessity of reserving a great part of the public lands to public officers. This land is not reserved to the people. It

is reserved to use of the public officers who occupy it and get paid for it.

Mr. CHAMBERLAIN. In this connection I desire to call attention to a statement I have received from the Forester in relation to releasing from the reserves lands suited for agricultural purposes.

In district 2, with headquarters in Denver, about 37 per cent of the tracts listed for entry under the forest homestead act have either not been entered at all or have never been settled upon.

Mr. HEYBURN. That is easy to answer.

Mr. BORAH. Does the Senator know the reason why?

Mr. CHAMBERLAIN. Because the lands are not suited for agricultural purposes. A man can not make a living upon them.

Mr. BORAH. No man wants another to go upon a piece of land and determine for him whether or not he could make a farm of it. The farmer wants to determine for himself whether or not he can make a farm upon it and not have it determined by some other person.

Mr. CHAMBERLAIN. These lands are listed as fitted for agricultural purposes.

Mr. BORAH. By whom?

Mr. CHAMBERLAIN. By the department.

Mr. BORAH. If you should see the men who go out to determine that fact you would not blame the proposed settler for wanting to determine that fact for himself.

Mr. CHAMBERLAIN. In New Mexico 22 per cent of the tracts listed have not been filed on at all, although they have been listed as lands fitted for agricultural purposes.

Mr. HEYBURN. Will the Senator allow me one comprehensive word? They will not be settled upon, because the settler does not seek an opportunity to make a home in an isolated place, where there never can be any such surroundings as should surround an American community.

Mr. CHAMBERLAIN. What I have said goes to the statement made by the Senator that these lands are withheld from settlement, although fitted for agricultural purposes.

Mr. HEYBURN. No. It was foolish to withhold them, and it is foolish to expect that any man will enter upon land where he can not have a neighbor within 50 miles.

Mr. CHAMBERLAIN. In the Senator's own State at least 13 per cent of the lands listed for agricultural settlement have not been taken.

Mr. HEYBURN. At least 13 per cent?

Mr. CHAMBERLAIN. Yes; that is what the Forester claims.

Mr. HEYBURN. And a good many times that, and they will not be taken.

Mr. CHAMBERLAIN. I insist that if the Senator's contention were sustained by the Senate and these lands were absolutely released—and that is the proposition his argument leads to—it would lead men to take up for agricultural purposes land that is not fitted for such purposes, and it would be taken up by persons in many cases for speculative purposes entirely.

Mr. BORAH. How are these lands released?

Mr. CHAMBERLAIN. They are not released, but they are listed in the department as suitable for agricultural purposes.

Mr. BORAH. They are not released at all, and the settler knows when he goes there that it can be taken away from him. I know of instances where people have worked upon their lands one or two or three years and have been told by representatives of the department that they are not good farmers, and the farms are not good farms, and they can not have them for that purpose.

Mr. CHAMBERLAIN. I am willing to concede that the Senator is correct and that there are some lands in national forests that can be used for agricultural purposes. But if land has been listed for such purposes by the department and can not be sustained as homesteads, and if other land which has been so listed is not entered by settlers, it should be disposed of by the Government as its wisdom hereafter dictates.

Mr. HEYBURN. Who is the Government? The settler in a forest is as much a part of the Government as any other citizen.

Mr. CHAMBERLAIN. Congress represents the American people, and if they see fit they can change the law.

Mr. HEYBURN. Congress is not the people's master. It represents the people's will. Let me read a letter from the Department of Agriculture on this question that the Senator has broached as to how they deal with these men. This letter is addressed to me:

Your letter of December 8, requesting to be advised of the status of the homestead entry of C. L. White, is received.

From an examination of the records in this office it appears that Mr. White settled on the land in question before its inclusion within the boundaries of a national forest, but because of the fact of its being unsurveyed was unable to file upon it under the general homestead laws. He afterwards applied for the listing of this tract under the act of June 11, 1906 (forest homestead act), and was informed, after an examination of the land had been made, that approximately 30 acres of it would be listed with the Secretary of the Interior if he so desired, but that the remainder of the area contained a heavy stand of timber and was more valuable therefor than for agriculture.

His settlement before the forest withdrawal gave him the right to enter the full 160 acres under the homestead law, provided bona fide residence and cultivation had been maintained, within 90 days after the filing of the plat of survey in the local land office. The records in the General Land Office show that sec. 4, T. 8 N., R. 8 E., B. M. (the description given in your letter), has been surveyed, and that the plat of survey was filed in the Boise land office on May 27, 1910, but they fail to show that Mr. White has ever made homestead entry of said tract. It is possible that the Department of the Interior may be able to give you some further information concerning this matter.

I followed it up. This man has lived there for a lifetime. He naturally selected land which was partially covered with timber. No sane man will go out and select prairie land unless he knows where he is going to get his timber. This man was not a squatter who went there with the intention of selling the timber. He wanted the timber, and was entitled to it.

When the homestead law became effective, it was such lands as these that became the basis of settlement. The man who went out on the prairie looked forward to secure timber rights near by or adjacent.

Mr. ASHURST. Mr. President, I received a letter this morning on this subject which is a fair sample of the injustice done to many settlers, and I should like a few moments in which to read a part of the letter.

Mr. HEYBURN. Oh——

Mr. ASHURST. It will not take more than a moment.

Mr. HEYBURN. Would the Senator mind deferring that?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Arizona for that purpose?

Mr. HEYBURN. I yield, but I prefer that matters of that kind should be presented in a Senator's own time.

Mr. ASHURST. Mr. President, I am daily receiving a great number of letters from citizens of Arizona, complaining of the arbitrary and unjust treatment they allege is dealt out to them by the forestry officials. I will select only one concrete case for illustration: Some 30 years ago one William Fourr, a man who had helped to fight the Apache Indians in the early days, helped to build up civilization and make Arizona the fair land she is to-day, settled upon 150 acres of nontimbered land in Cochise County, Ariz. He has been in the actual possession of this land over 29 years, has built thereon a three-room house, dug a well, built a windmill and water tank and set out fruit trees, and by his labor and sacrifices made it a fit habitation for himself. He is one of the sturdy pioneers, and these pioneer men and women are the people who qualified Arizona for statehood. The forest-reserve officials recently became active against Mr. Fourr, and he was indicted in the Federal court, charged with some unlawful act, in the way of some infraction of the forestry laws, but was promptly acquitted by a jury of his peers. Now the forestry officials have caused a civil suit to be brought against him, and they show every disposition to force him from this land. I am advised that these forestry officials are using every means to get possession of his improvements, and especially the water, in order, possibly, that the forestry officials may use it for a ranger station. If the forestry officials desired to administer the law with due regard to the rights of Mr. Fourr, they would release this land to the State of Arizona, as it is a part of section 32, which has been granted to the State as part of her school lands under the enabling act. But the narrow and unjust policy of the forestry officials seems to be to try to exclude, impoverish, and ruin Mr. Fourr. I thank the Senator from Idaho for this moment which he has granted to me.

Mr. HEYBURN. Here is a letter from a settler in Idaho. I sent him a communication of the Secretary in regard to his homestead, in reply to an inquiry as to its status. He addressed me under date of March 26, 1912, and says:

That letter you got from the Secretary of Agriculture is not true. He said in the letter that where the timber stands there is soil thick with granite and coarse sand. There is no granite or sand there. It is good soil, which will not wash, and I can raise two crops of alfalfa on it. It is a funny thing that the Forestry Department can not state the truth about this land. This man Hoyt, from Ogden, who was out here last fall examining the ground, made such a complaint against this land that he could not look a man in the face. I did not see Mr. Hoyt. I was away, getting my lumber. I just wish I did see him. I would probably not have gotten in the hole I did getting my lumber and grub for the winter. I was going right ahead with my rail splitting and it was a good time to get them around the land before the snow came, when a letter from the forestry service of Ogden stated that my application must be rejected. This is a nice way to do a poor settler who is thinking of making a home for himself. I know what the Forestry Service is for—it is to hold out the settlers as much as they can.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the

industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, in order that the consideration of the Agriculture appropriation bill may go on, I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on the request of the Senator from North Carolina, the unfinished business will be temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. I do not desire to encumber the RECORD with long letters. We have larger questions; that is, questions that reach further into the rights of the people individually and collectively than the individual complaints that come from settlers.

There are certain axioms or rules that I will state now, and then because of my fatigue and condition of health I will yield to my colleague to discuss this question in his own way. Should I feel equal to the occasion later, I will ask the further indulgence of the Senate. There are certain basic principles of government not to be overlooked. The Government belongs to the people and not to the officeholders whom they select. It is not to be exploited by these officeholders for their personal gain or glory. The continuation of a department in the Government or of a bureau, or of any other section of the Government, when it is not useful to the people but only to those who hold offices within the bureau or department, should be abolished. I am going to point that with an amendment that I propose to offer before this question is laid aside.

I spoke yesterday about the principle of government by commission. It has a wide application in the consideration of this question. I will not at this time resume its consideration, but in further response to the suggestion of the Senator from Nebraska [Mr. HITCHCOCK], when he asks why this condition exists, I will tell him, in part, in addition to what I have said: There were a lot of young men blessed with more than the ordinary share of wealth and what they call social position who arrived on the scene about the time when the old landmarks of safe and conservative government were being attacked, and they were looking for something that they could take hold of so that somebody might know that they existed. They looked around soon after they arrived on the scene with a critical and envious eye. There was one archleader of these. I do not know whether he is leading now or not. He is in the midst of some kind of an affray. He says, "Who dared to undertake to arrange the universe before my arrival? What does their experience before my arrival amount to? Why should I admit that the things they have done are entitled to any consideration at my hands? It is true that that which I find is based upon the experience of men running through many generations of lives, but why can not I sit in judgment upon them at the very beginning of my experience and reform them?" Does that kind of language sound familiar to you? I was here when it started, and I was astonished to see master men, who had participated in the making of laws and the conduct of government for a lifetime, stung by the proposition. It was so new and so outrageous that they did not gather themselves in time to strike it and name it, as it was, impudence and sophistry.

They talk about the people. The only people for whom they had any consideration was themselves and those whom they intended to gather around them in seizing the inheritance of the American people as a whole. I read one of the speeches in the paper yesterday, I guess, in which it is proclaimed that the liberty of the people is at stake, and that unless some self-constituted savior reaches out his hand the people's liberties will leave them. I wonder if they know what liberty means! I wonder if they know the difference between liberty and license! The American people had to gain freedom before they could claim liberty, and it is only the free man who has liberty. Are the people of the West less entitled to that high standard of liberty which comes to them because they are free than are the people of the East? We have no masters in the West more than you have them in the East. We are not your masters nor are you ours in the question of exercising property rights in connection with the public property that belongs to all the people.

I have been reminded often on this floor that these lands belong as much to the East as to the West. Then come and get them. Come or send your sons or representatives in those fields of opportunity to share the hardships which belong to the pioneer and the blessings which come from the prosperity and growth of settlement and civilization. Let them come there and share in the payment of taxes, share in the performance of public duty, of the honors that come to men because of the performance of their duty; and then, when you do that, when a man can stand up here and say, "I am interested in that western country because my boy or some one in whom I am interested is there," then he is entitled to be heard. But if he were to stand up and say, "I am going to take away from that young man the natural rights and the enjoyment of the natural rights that belong to that country," then he would turn with shame from the consideration of men.

We are not foreigners. We went there from the same civilization that surrounded the best American citizenship. We went there because it was our inheritance, because it was a new land of opportunity, legitimate opportunity, the opportunity to participate in the making of States, in the widening of the scope and the power and the glory of our Nation. We have stood ready at all times to contribute to the general family of the American people in time of peace or in time of war. In the late War with Spain Idaho sent its regiments to the front. They shared in all the hardships and the glory of battle.

Remember you are not dealing with strangers. Why should you reach out this hand and spoil the vines of Idaho? Turn these lands back. I intend to introduced an amendment to this bill at the proper time turning these lands back into the public domain. Then, as suggested by the Senator from Nevada, we will see whether the laws fit the new conditions that will have arisen by reason of the long darkness that has enveloped us. Some of them will. The law that permits the man who has never yet exercised the right to take a homestead will be applicable. They have attempted to scare the people away from these lands by the false statement that all the good lands were taken. They have attempted to scare the people away from these lands by picturing all sorts of impossibilities. It was such conditions as are termed impossibilities that nerved the arm of the pioneer and made him reach that land, and these carpers and critics along the distant shores across the continent from that country never reached there, many because they had no need to look for larger fields of enterprise and others because they were not possessed by nature with that energy and willingness to sacrifice the comforts of life necessary to go to that frontier.

Suppose when this country was being settled along the Atlantic coast forest reserves had been created for the purpose of preserving the timber. Why, this country would have been a wilderness. Trees grow. The cutting down of a tree is not a fatal thing, although I would punish a man who would wantonly destroy a tree. I used to be termed by those who thought slightly about it a timber crank, because I opposed the cutting of trees except for useful purposes. How many men now go out and cut down a tree for the mere purpose of wasting it? Have you known of men who did it? Did you ever know of any person to destroy a tree wantonly? He had a use for it or thought he had, and he was entitled to judge of that. All this talk about the waste of forests is the chatter of men whose selfishness controls their tongue. Perhaps one man more careful than others might gain from a given tree more feet of lumber, but the great average of mankind's skill and judgment applies there as elsewhere. You might imagine that those of us in the West were stealing out in the darkness of the night to cut down the Government's trees. We are not so fond of exercise. We cut them to build fences around the land that our stock may be protected, to build the barns and the cabins, and afterwards the houses in which we live.

We can not live a community life in a forest reserve, even though the oft-repeated story is made applicable that the land may be entered if it is a forest reserve. No man is going to isolate himself by settling in any part of the country where he can not look forward to neighborhood life and neighborhood advantages, where he can not look forward to enhanced value for his lands and what his lands produce, because the whole country is growing up. No country was ever based upon a single settlement. You have got to have community life.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question, growing out of not much knowledge of the situation. I should like to have his opinion upon the question as to whether it would not be a good thing for the United States to surrender all the public lands to the States in which the lands are situated and abolish the land offices.

Mr. HEYBURN. I think it would, and it probably——

Mr. WILLIAMS. I will ask the Senator from Idaho another question: Does he not think that common sense and scientific information with regard to the question of forest conservation existing upon a restricted territorial scale, in the State of Idaho or in any other State, could be just as fully trusted as the equally scientific information around the bureaus in the city of Washington?

Mr. HEYBURN. That is, to conserve a portion of the land?

Mr. WILLIAMS. To decide how much to conserve, how to conserve it, what to conserve, and what to let go. As an example, are not the people of the State of Idaho just as good judges of their interests with regard to the conservation of natural resources, especially the conservation of forests, as the people of all the United States can have for them?

Mr. HEYBURN. Yes; Mr. President, we thought that the people of Idaho were as competent until we came down here and we found that we were not given the credit for intelligence and integrity of purpose that we had expected. But one thing we did do; perhaps the Senator's attention has not been called to it. Away back in 1904 we secured the action of this body and of both Houses of Congress that stayed the hand in Idaho, and there has been no forest reserve created there since the passage of that act.

We are the only State in the Union, so far as I know, in which that exception is made. At that time there had been created in Idaho 18,315,000 acres of forest reserves. That is about a fourth of the State. We secured the passage of a resolution here that prevented the creation of any more forest reserves in Idaho. We have had to stand here like pickets on duty ever since to prevent that being slipped out between some two phrases in an appropriation bill; but we have preserved it.

I should like to say to the Senator that a picture sometimes tells more than many words. The dark part of this map [exhibiting] is the withdrawn land in Idaho. It must be obvious that any act which would withdraw so large a proportion of the land in a State as is shown upon this map is open to suspicion.

Mr. WILLIAMS. I do not know about that. That depends upon the topography of the country, the climate, and other things.

Mr. HEYBURN. Let me say to the Senator——

Mr. WILLIAMS. Wait a minute. I do not think it is a question of percentages at all. Let me state the point I was trying to gain information upon. I am not trying to give any upon this particular question, because I have none to give. If I had it, of course I would be glad to shed my light all around here. But what I wanted to know is this: Suppose the entire public-land question in the State of Idaho were surrendered to the State of Idaho, suppose it was left to the people of the State of Idaho to determine as to what ought to be put in forest reserves and what ought not to be, and to determine with regard to that part of the land which ought to be put in forest reserves, what rules and regulations ought to be adopted in order to conserve the potentialities of the reserved districts?

Mr. HEYBURN. It should be opened to settlement.

Mr. WILLIAMS. Is not the Senator of the opinion that the people of Idaho could control that situation?

Mr. HEYBURN. There is not the slightest doubt of it.

Mr. WILLIAMS. Just as well as the people of the entire United States?

Mr. HEYBURN. They are closer to it.

Mr. WILLIAMS. And especially when the Senator from Idaho remembers that there are a good many people in the Senate and House of Representatives of the United States, like myself, for example, who have totally different climate problems to contend with and who have not got time to contend with this.

Mr. HEYBURN. I answer the Senator's question by saying that I have not the slightest doubt that the State of Idaho would control that more closely within the limits of wisdom than Congress could, because they are closer to it. They look out upon it. Every representative who goes up to the legislature from the different parts of the State is familiar with the conditions. The climate of Idaho is like that of other countries; it varies with the elevation. We have there all the way from 240 feet above sea level to ten and eleven thousand feet, and of course there is every variety of climate. The Senator spoke of it—at least I so understood him—as not having importance as an agricultural State. We will produce 18,000,000 bushels of wheat this year.

Mr. WILLIAMS. I never said one word about that.

Mr. HEYBURN. I must have misunderstood the Senator. I did not charge the Senator with having made invidious remarks at all. I only took the opportunity to show that we do things in Idaho. The county in which I live——

Mr. WILLIAMS. If the Senator will pardon me, there is this difference. Idaho possesses a large area of semiarid land. The State of Mississippi, for example, is nearly altogether a land where it rains too much.

Mr. HEYBURN. Semifluid.

Mr. WILLIAMS. Yes; semifluid. What I was striking at is this: In my intellectual humility I do not think that I am a very fair judge of a condition of things totally varying from the condition to which I am accustomed, and, as far as I am concerned personally, I would rather not be put upon a jury to decide upon a question like this, concerning which I am totally ignorant and concerning which I have not time to make myself well informed, because I have a whole lot of things to look to that concern the condition of my people.

The point I was trying to reach was to inquire of the Senator whether he does not think it would be very well for the United States Government now at this point to quit the public-land business and to surrender the public land in the States to the respective States, with, perhaps, some condition as to a percentage from their sales to be put into the National Treasury, it being an inheritance of all of them, and leaving the control of the public lands within the respective States to the respective States, each to judge what is best to be done according to the conditions there existing, which probably exist nowhere else.

Mr. CHAMBERLAIN. Mr. President——

Mr. HEYBURN. I should like to answer that question. I would say to the Senator from Mississippi that I would gladly welcome legislation which would turn the public lands of the Government over to the State for administration. As to the manner or extent of contribution to the Public Treasury that would be a matter of detail which could be readily adjusted. I have the pleasure of knowing quite a number of citizens of Idaho who came from the Senator's State and have made their homes with us. In fact, some very distinguished men in our State were born in the State of Mississippi. They have been with us for years and have distinguished themselves as progressive, good citizens. They are interested in the protection of the rights of the citizens of the States. As I said before, there is not a Senator on this floor who has not some person in our State connected in interest or acquaintance with him.

Mr. CHAMBERLAIN. Mr. President, I desire to suggest to the Senator from Mississippi that if the States undertook to take half of the timber areas within their borders the expense would be prohibitive, and we would be called upon here in Congress to assist in the protection, just as the States bordering on the Mississippi River now are calling upon us to contribute to protect the citizens against the ravages of the flood. As a matter of fact, the States could not administer this any more than the State of Mississippi could afford to build levees to protect it against overflow.

Mr. HEYBURN. Mr. President, we do all now that constitutes the administration of the law in those wildernesses called forest reserves. I am advised through an officer of one county in my State that they expended $14,000 in one year in maintaining the criminal court and prosecuting people who would take advantage of the forest reserve to make it their headquarters. Counterfeiters and that class of people take advantage of these solitudes to retreat from the observation of the public while they violate the law, and we pay the expenses.

Mr. CHAMBERLAIN. I might say, further, that in States where these reservations are private holders of timber lands are cooperating with the United States and cooperating with the States and contributing money in addition to the large appropriations which are made by Congress. I think it is true probably in the Senator's State, as it is in my own, that the private owners of timber are petitioning us, just as the States are petitioning and memorializing us, to continue these appropriations in order to assist them to protect the forests of the State.

Mr. HEYBURN. Just as the owners of houses protect their houses and the owners of barns and haystacks protect them, the timber men in our State have in employment men to act as guardians against fires. The Senator never was more mistaken in his life, if he ever was mistaken before, than in saying the States would either be embarrassed or unable to administer these lands.

Mr. CHAMBERLAIN They might administer it, Mr. President; but even with the assistance of the Government of the United States and with the assistance of the individual timber owners, they were not able to protect the forests against the fires of 1910 and the fires of 1911. The purpose of these appropriations largely is to protect the forest against destruction by fire.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. I will ask the Senator from Nevada to pardon me a moment. I will then yield to him.

That is another as gross a fraud upon the public mind, through sensational publications, as was ever perpetrated. I saw those fires.

Mr. CHAMBERLAIN. So did I.

Mr. HEYBURN. I was there; I walked around that country with my heart sad because of the destruction that was going on.

I went back there the next summer, and the great, good God Almighty had thrown a green mantle over those mountain sides that made one forget the dread, the smoke, and the dismay of the night of the fire.

But let us look at this question fairly. The stories of these fires are exaggerated. There was no fire started in any settlement in Idaho during that period. I made it my business to investigate the matter very closely.

Mr. CHAMBERLAIN. I will ask the Senator——

Mr. HEYBURN. I want to make a concise statement, and then I will yield. I do not want my statement to be broken up.

The fires originated under the guardianship of the fire fighters. The poor fellows who were burned were the volunteers who went out from the towns and neighboring country to assist through a patriotic motive. But the fires that burned that country started within the exclusive jurisdiction of the fire fighters. I will not make any personal charge against those men, but they are as useless on an occasion of that kind as is a jay bird in a tree. The heroism of their actions consisted in trying to get away from the fire, and poor fellows were burned up—a lot of them—and I followed some of them to their graves, and my heart was saddened to think of a system that would result in such conditions.

In the early days before we had these people I was there; I have been a great many years in that country; and when a fire would start the people who lived in its vicinity would put it out. I participated, as did every other citizen who was able to do so, in putting out those fires; but now they are prohibited from even being on the forest reserve where they could be of some use. Not only did the fires not start in the settlements; but they started away back from the settlements and came sweeping up and burned and destroyed the settlers' homes. I know one settlement, right over the mountain from where I lived, where they had orchards growing ready to bear fruit, and their houses and barns built and their homes made. They thought they had reached a position where they could commence to live easy. These fires came sweeping over and burned them all up. Some of them who had not made final proof on their homesteads have never yet been able to make it, for they can not make the necessary affidavits now because the conditions do not exist.

There are other questions than those of detail that ought to control the governing principles, and I regret to be led off into the discussion of these minor details because they are not controlling, but only persuasive; but the great principles that I attempted to discuss and announced early in the consideration of this question are those that should govern. They are in this question. It is a question of right. Our rights are not less than those of the people of another section of the country. Suppose you have a right to participate in them; why do you not do it? Is the country to lie stagnant and in wilderness because the people of the East have a right to occupy it and do not exercise the right?

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. Will the Senator from Idaho permit me to say a few words in reply to a query of the Senator from Mississippi [Mr. WILLIAMS]?

Mr. HEYBURN. If the Senator is only going to reply to the Senator from Mississippi, while I do not want to decline to yield, I would suggest that the Senator might do it at a later period; but still I have about reached the limit of my strength, and I am going to ask my colleague [Mr. BORAH] to take up the question, and then he can yield.

Mr. NEWLANDS. I simply wish to reply to a query. I do not propose to make a speech.

Mr. HEYBURN. I will yield, with the statement that perhaps later as some matters may occur to my mind, I shall take them up.

Mr. NEWLANDS. Mr. President, I simply wish to answer the query of the Senator from Mississippi [Mr. WILLIAMS] and not to speak at length. I have to say, in answer to the Senator, that I have no doubt the time will come when the entire public domain will be transferred to the States within which that domain rests. There is no reason why the State of Idaho should not ultimately own all that is left of the public domain within its boundaries; but the question is, when shall that transfer be made? I repudiate altogether the idea that the public domain in Idaho should be held by the National Government for the profit of the Nation.

I regard the Nation simply as the trustee for the benefit of the present and future residents of the State of Idaho, but I do believe that that trust requires the United States to protect these forests against fires, and to protect both the forest and the coal reserves against monopolistic control, and that in making the transfer of the public domain within Idaho to the State of Idaho the Government should wait until it is convinced that Idaho can adequately take care of that domain and shall turn it over under such restrictions as will prevent that large domain from falling under monopolistic control.

It is true that Idaho is an exceedingly well-governed State and that it has handled the lands which have hitherto been granted by the Nation to the State with a great deal of providence and care, but such providence has not characterized all the States, and it certainly has not characterized the weak States. Weak States, in the early days of their history, are often subject to control that results in these natural resources being turned over in large areas to single individuals, and it is the highest duty of the Nation, as trustee, to see that a premature grant is not made to the States and that conditions are imposed upon that grant which will prevent monopolistic control.

Take the State of Mississippi. The junior Senator from that State is not here; I wish he were, for I should like to ask him whether he does not regard the grant of the swamp lands to the State of Mississippi as having been improvidently made by the National Government. Those lands have drifted into private ownership, and the owners have been unable to adequately protect them against floods, the cooperative effort of the State and of the owners has not been sufficient to protect them, and to-day they are calling upon the Nation, which originally owned those swamp lands, to aid the State and aid the owners of those properties in a cooperative effort to protect them from floods in order that they may redeem the promise of fruitfulness which they have always given. It would have been a great deal better in every one of the States had the swamp lands been retained by the General Government until some full and comprehensive plan had been developed for their reclamation. Then, that reclamation being accomplished under one sovereignty and one control, under the power of the Nation, not only as owner, but under the power of the Nation as sovereign over commerce and navigation as a part of that commerce; it would have been a great deal better had the National Government held title until the lands were fully reclaimed, and had then, by some just system of entry under the public-land laws, transferred the title to individual owners. Thus they would gradually be subjected to the taxing power of the State.

This very question is likely to arise with reference to forests. We have this deadlock simply because the Nation took alarm and found that our forests were gradually drifting under monopolistic control.

The Senator from Idaho [Mr. HEYBURN] has within the last half hour alluded to the fact that through faults either of legislation or of administration large areas of these forest lands have drifted into individual control, and that monopolists are now cooperating with the Forestry Service to make monopoly more effective by keeping the public forests out of competition with private owners. He thus practically admits that either under legislation or maladministration the forests drifted out of the ownership of the people, not in segregated parts, which would be generally beneficial, but in large areas, and subject to monopolistic control.

So it is with reference to coal deposits. Those lands have been withdrawn simply because there were evasions and frauds under existing law, and large areas, against the spirit and purpose of the law, were drifting into the hands of great corporations. The result is that between these two contending forces—the people, on the one hand, who wish the old laws to remain in order that they may be evaded, as they have been in the past, and the people on the other side, who wish those lands withdrawn until proper legislation can be passed—we have this deadlock, resulting in a partial paralysis of the West. It seems to me that the only sensible thing to do is to break this deadlock through wise legislation. I asked the Senator from Idaho whether he would suggest the laws which could be passed which would break this deadlock and open up the public domain to the proper development of its resources. There is no one more competent to frame such a code than is the Senator from Idaho, and yet he had made no suggestion. I think if the Senator from Idaho would apply a portion of the great ability and the knowledge which he possesses to the framing of a code of laws, with the purpose of breaking this deadlock, he would have little difficulty in bringing his associates from that region to his view. I know the Senator from Idaho is overburdened with legislation and with legislative work; there is no man who shirks his duty less than the Senator from Idaho; and he will pardon me if I say I think that in some

degree this is a case of misdirected energy, and that a part of the energy which is applied to denunciation of the national services in their effort under the law to protect the public domain, if applied to legislation which would break this deadlock, would be of vastly more benefit to the region which we represent.

Mr. BORAH. Mr. President, I do not rise to criticize or to oppose the appropriation provided for in this bill for taking care of our forest fires. So long as we have the forests in the condition in which we now have them and are likely to have them for some time, it is undoubtedly our prime duty to take care of them, even if the expense seems to be very heavy. I desire also to say that, while my remarks may seem to be finding fault with individuals in the service, I would prefer it be understood that I am not charging personal incompetency or dishonesty. I am criticizing a system of administration for which Congress and the departments are alike responsible, with the hope that through discussion we may arrive at a better method of applying the sound principles of conservation in which I claim to be a believer.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield to the Senator.

Mr. WILLIAMS. Mr. President, I entirely agree with the opening sentence of the remarks being made by the Senator from Idaho, yet he must pardon me for saying that a good many of us do want some information upon this subject outside of the present condition. A good many of us are not willing to be bound by the fact that the present condition exists and by the assumption that nothing else could take its place. I should like to ask the Senator from Idaho in that connection, if he can give me the information, to tell me how the management of the semiarid lands and the forests generally in Texas, where all the public lands were reserved to the State and where the United States has never had any public lands, compares with the management of the same questions in other States, where the United States has title to the land.

Mr. BORAH. Mr. President, my remarks will be largely what might be considered an answer to the question asked by the Senator from Mississippi [Mr. WILLIAMS]. While I myself should be very glad to see some change, my opening remark was to the effect that, so long as the change is not had, we will have to take care of the forests, and I am not, therefore, opposing this appropriation; neither do I rise, Mr. President, to criticize or to discuss in a general way the general principles of conservation. That subject has been discussed so ably and conclusively by my colleague [Mr. HEYBURN] that I do not propose either to express approval or disagreement with the different features of it, further than what may be involved in a discussion of some of the details of its administration.

We have this conservation policy, and, however much we may desire to change and modify it, neither will be done except as a result of considerable education, because the theory of conservation is a very attractive one. It has a tendency, apparently, to exhilerate mentally those who entertain these ideas, and our eastern friends, who do not come in contact with its actual administration, only see the one side, and that is the attractive side.

Every right-thinking person believes, I presume, in withholding the great natural resources, in so far as it is practicable to do so, from the grasp of those who would gather them up for monopolistic purposes. We of the West believe in retaining our natural resources until such time as they can be transmitted, to be enjoyed individually by the citizens rather than collectively by some monopolistic power. But, Mr. President, the controlling and practical question now is, How can these natural resources be made available and serviceable to the people? Our forests, our power sites, our coal, and most of our public lands are withdrawn, and now the question is, How shall we make these resources available to the people? If they simply remain withdrawn they will serve no one.

Mr. WILLIAMS. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. WILLIAMS. I should like to ask the Senator from Idaho if he does not think the State of Idaho could be as safely trusted to keep these lands out of the grasp of private monopoly and greedy people generally as could the United States?

Mr. BORAH. As I said a moment ago, I am going to discuss that question presently, but I will answer it by a single sentence and say that, in my judgment, it is not only more capable, but when you compare the history of the State of Idaho with reference to its dealing with its public resources, with the history of the United States with reference to its dealing with natural resources, the action of the State of Idaho is far better for the people than that of the United States. Neither has been without fault naturally, but I have no doubt the people of my State have exercised better judgment and have been more regardful of the true interests of the people than the Federal Government within our State.

Mr. WILLIAMS. That is what I understood. Furthermore, if the Senator will pardon me for a moment, I understand that the State of Texas, which has from the beginning reserved her public lands and in which the United States have never held any public lands, has managed to solve her problems about as well as the United States have solved their problems.

Mr. BORAH. The only monopoly of natural resources in Idaho has come from the possibility of creating such monopoly under Federal statutes and Federal laws, and the only successful effort to limit or control that monopolistic power comes from the laws passed by the State of Idaho. That is true with reference to every natural resource I know of within the State. If anyone desires to go further into that discussion or challenges that proposition, there are plenty of facts to sustain my statement. The fundamental principles of conservation, the fundamental principles which have to do with the retaining of natural resources to the people were found embodied in the constitution and the statutes of our State before this propaganda began as a national movement.

The western settler, with that capacity which he has to apply his wisdom in a practical way to the conditions which are about him, early embedded into the statutes of the States of the West and into their constitutions those principles upon which we are relying to-day to protect the people from the grasp and the power which would control for monopolistic purposes.

There are a few matters with reference to the administration of the conservation principles which I now desire to discuss. In the first place, I presume everyone will agree that the agricultural lands which are found within the forest reserves ought to be opened to entry. There is sufficient land in the United States for the growing of timber and unfit for anything else to make it unnecessary to undertake to make trees grow where under the laws of nature they have never grown heretofore. There is a vast amount of land within the forest reserves which is just as good agricultural land as that without the forest reserves, and those who ask that that land be put outside of the forest reserves, subjected to entry, and opened to the building of homes are not rightfully subject to the charge of being opposed to conservation. True conservation consists in reducing national resources to the practical benefit of the individual who comes within the State to help build up the Commonwealth. Vast tracts of these arid lands are utterly useless unless man expends his energy and his efforts to reclaim them. The true conservation policy would be not to hold that land within the forest reserves, where it grows neither timber nor anything else, but to throw it open to entry so that the homesteader may go there and build his home, render it subject to taxation, make it a part of the supporting power of the Government and a home for citizens of the State. The mere tying up of the land or the locking up of resources can not in any sense be conservation; and that is a lesson that some of our friends must learn before they can make conservation a reality. First of all, therefore, let us get these lands which are agricultural eliminated from the reserves. This will not hurt the reserves but help them, besides serving greatly the State in which the reserves are situated.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. I desire only a moment. My understanding of the workings of the Forest Service and the theory of conservation is that the forest reserves are supposed to include lands that are unfit for agricultural purposes; that the purpose is to bring within the reservations only those lands that can not be utilized for any other purpose; and, although they may be barren now, the business of conservation is to ascertain what kind of trees they will produce, and go about the work of producing those trees on those otherwise barren and useless lands.

Mr. BORAH. Would the Senator from Florida like to have the Government of the United States purchase the agricultural lands of Florida, inclose them in a forest reserve, and drive the home builders away from them?

Mr. FLETCHER. Not at all; but, as I have said, the idea, as I understand, is only to include in forest reservations those lands which are unfit for agricultural purposes, lands which would never be settled and occupied by people who wanted to engage in the growing of crops or horticulture or agriculture.

That is the theory and, I think, the practice, so far as the two forest reserves in Florida are concerned.

Mr. BORAH. Mr. President, I imagine it is a supposition that that is true. I think that is the supposition under which our friends are laboring throughout the East who have not seen the real situation. One reason why it is very difficult to engage the attention of those who are not familiar with the circumstances in this discussion is because they assume that that which has been supposed to be true is true. We want you to know the real facts, and my object is to bring these facts before you. I would not discuss this matter merely to apparently criticize some one. I would like to present things as we know them to be.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I do.

Mr. HITCHCOCK. Is it not a fact that during recent years there have been corrections going on and surveys made, and that several million acres a year are being taken out of the forest reserves and restored to settlement?

Mr. BORAH. It is true that within the last two or three years that has been going on, but I want to call the Senator's attention to the fact it has been the persistent and constant agitation upon the part of western Senators which has brought it about. When we opened the discussion in this Chamber several years ago—and the discussion is going to last—we were met with the assertion that there were no agricultural lands within the forest reserves, and notwithstanding that fact thousands of acres have been opened and are now as fine ranches as you can find in our western country.

Mr. FALL rose.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HITCHCOCK. Let me finish this, please.

Mr. BORAH. Certainly. Then I will yield to the Senator from New Mexico.

Mr. HITCHCOCK. If it is true that several millions acres a year are now being restored to the public domain for settlement, would not the Senator from Idaho say that that is a sufficient recognition and is a sufficient adjustment of the difficulty?

Mr. BORAH. Not a sufficient one, although, praise the Lord, they are going in the right direction.

Mr. HITCHCOCK. So it seems to me we are on the safe side at least if these forest reserves have been marked out and gradually, as rapidly as the matter can be carefully and justly done, those lands which are not fit for forest reservation are being restored to the public domain for settlement.

Mr. BORAH. But if it had not been for the discussion here—and it will be continued until the purpose is accomplished—there would not have been an acre restored to the public domain.

Now, I yield to the Senator from New Mexico.

Mr. FALL. In answer to the question propounded by the Senator from Nebraska, I ask, Is it not a fact that nine-tenths or ninety-nine one-hundredths of the eliminations from forests have not been of agricultural lands? At least I can say that is true in the Southwest—that they have eliminated none of the agricultural lands from forest reserves, although they have eliminated a million acres in the last two or three years from the total of about 11,000,000 acres in forest reserves.

Mr. BORAH. They have eliminated some agricultural lands in our State. There is a vast amount which we have been trying to have eliminated, although not yet successful. It is difficult at any time to move this vast machinery so as to get any relief.

I know precisely how they feel about it. They look upon this as a great estate which belongs to them, and they move with great reluctance when that estate is to be diminished in any way. They argue that whenever a piece of land is eliminated from a forest reserve—as the report shows; and I am quoting almost the exact words of the report—and passes into individual ownership, that it passes from the people forever. The fact is when it passes to individual ownership it passes to the people forever. But the defect of administration of this feature of the law I will discuss in a few moments, and may present some data with reference to it.

Taking up the question of the disposition of the timber in these forest reserves, suppose we should continue for the next thousand years the policy that has been pursued for the last ten. Will some man who is wise upon this subject and has the theory of this subject down to a successful issue tell me what advantage the masses would derive from the proposition? If we were to continue to let stand these vast tracts of timber in the forest reserves, where the timber falls and rots or is periodically burned, and sell it to the masses of the people of the United States at a price in excess of that sold by the timber companies themselves, then what benefit would the people of the United States derive?

From information furnished me by the Forestry Bureau I learn that the average price of timber sold has advanced from $1.98 per thousand board feet in 1909 to $2.56 in 1911, and that this timber is sold, as I understand, absolutely upon the proposition of securing the greatest amount of revenue. It also appears that the rates of the forestry sales are higher than the prevailing prices of privately owned timber of the same quality and at the same distance from the market. If it be true that this timber is to be sold at a higher price than private individuals sell timber, and this is to continue, it is evident that the proposition is to become a revenue-making proposition, and that the people will be able to buy cheaper of the timber companies than they will of their own Government. It seems to me that the Government is going to be in a position pretty soon where it will owe an apology to the timber companies for having accused them of selling at trust prices. I do not think that the department, however, or the bureau is wholly to blame. Congress ought to declare a policy upon the subject.

We are asking for a practical administration of a great principle. We do not complain of the proposition on its principles, but we ask that they take it from the skies and plant it among those engaged in an actual struggle for existence, and until that is done it will be of very little benefit to the people, no matter how much pleasure it may give to those who indulge in theory. Let us make it sufficiently practical that the people at large get some advantage.

Two years ago the forest fires swept over vast tracts of country in the West, and left a lot of land burned over, as will be seen from the statement found in the report of the Secretary of Agriculture for 1911.

> The fires of the calendar year 1910 covered more than 3,000,000 acres of Government timberland and 800,000 acres of private timberland within the national forest boundaries, and inflicted damages to national forest timber, including young growth, estimated at a little less than $25,000,000. The loss in timber destroyed or damaged was slightly over 6,500,000,000 board feet. In a single season the losses exceded the total of all former years since Government protection of the forests began. Compared with the calendar year 1909, the estimated money loss in 1910 was in the ratio of more than 50 to 1. In fighting the fires special expenditures were incurred totaling over $1,000,000, besides the cost in time of the regular protective force.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. Certainly.

Mr. GALLINGER. Mr. President, I am somewhat startled at the suggestion that $25,000,000 of timber was destroyed. Does the Senator think that possible? Does he not think that somebody must have imposed upon the Secretary of Agriculture when he published that statement?

Mr. BORAH. I shall not at this time enter upon a defense of the Secretary as to his being mislead.

Mr. GALLINGER. I thought perhaps the Senator had an opinion about it. It does seem startling that that amount of property could have been destroyed.

Mr. BORAH. Our eastern friends, when they listen to those coming from the West, men who have grown up with such experiences, find a great many facts of which they were uninformed when they were legislating against the West.

Mr. GALLINGER. The eastern men have never been legislating against the West.

Mr. BORAH. We never would have had these conditions if they had not.

Mr. GALLINGER. I do not know who the Senator accuses.

Mr. BORAH. Not the Senator from New Hampshire singly, but the people who have imposed these conditions upon us without being familiar with the facts.

Mr. GALLINGER. The Senator certainly would not accuse me and my associates representing the New England States, because we have all stood by the West in every proposition it has presented for a long series of years.

Mr. WARREN. I want to say to the Senator from New Hampshire that I think that we here know that that is true. The Senator from New Hampshire has always been friendly to the West.

In relation to the loss of millions of dollars in the United States caused by forest fires, I will say, of course, it is an estimate, but when you have a forest fire covering a tract of country bigger than any one of the New England States except Maine, and possibly two or three times as large, it is hard to figure how many million dollars of property the fire may have

destroyed. It is true that millions upon millions of dollars have been destroyed by fire, and the extent of the forests there is not comparable to the forests that the representatives of the eastern country are familiar with.

Mr. GALLINGER. We understand that.

Mr. HEYBURN. I do not like to interrupt my colleague, but there is one fact I should like to state.

The burning of a forest is not always a loss. The great Coeur d'Alene mining country would not have been discovered but for the fact that it had been burned over a year or two before and was thus made available for prospecting. I know from what has occurred since that if existing conditions had existed at that time they could not have found the mines at all. The prospectors would not have gone where they were. The forest fires, as a rule, are flash fires. They follow up burned-over tracts.

As to the statement of a loss amounting to $25,000,000, I think a man might have reached into a pile of figures and picked out any other combination. He might have got some figures and put them together. Some timber was burned that some day probably would have been available, but the timber that was burned has not yet been missed in the commercial world.

Mr. CUMMINS. Mr. President——

Mr. BORAH. I yield.

Mr. CUMMINS. Mr. President, I have listened to this discussion now for two or three years. I have become convinced that something is wrong, but I should like to know just what it is that is wrong, and in just what respect the law ought to be amended in order to correct what is wrong.

I have not very much knowledge of the subject, but it seems to me there ought to be some way of preventing the occurrence of the things which are condemned here. I hope the Senator from Idaho before he finishes will give us a clear idea of how the law should be amended in order to bring about the state of affairs he thinks ought to exist. I for one shall be glad to vote for such a law and help him to correct the evils which he depicts so graphically.

Mr. BORAH. Mr. President, I will say to the Senator from Iowa to begin with that in the first instance there was something wrong; that is, in the creation of these forest reserves.

There is a map of the State of Idaho. That black portion [indicating] is withdrawn. There is almost one-third of our State that has been withdrawn from settlement or use, and in that vast area, larger than two or three of some Eastern States (you can take the great State of New York and put it down in one of those forest reserves and lose it), the timber is permitted to stand unused and unavailable. It falls and rots. The underbrush becomes heavy, and when fire strikes it you might just as well try to put down a fire in a powder mine.

These lands are not even pastured in the northern part of the State or used in any shape or form. It is absolutely impossible to protect that vast area from forest fires the way it is kept.

The figures of fires for 1910 compare as 50 to 1 with the fires previous to that time, for the reason that forest reserves are in a better condition to be burned after they have been corralled for five or six years, stopping their use by the country, and allowing the underbrush to become heavy.

Mr. CUMMINS. That brings up the very point in mind. I suppose some President withdrew those lands from entry and sale.

Mr. BORAH. That is correct.

Mr. CUMMINS. I suppose he did it under authority of law, although I do not know as to that.

Mr. BORAH. He assumed that he did.

Mr. CUMMINS. He assumed that he did. Does the Senator from Idaho want Congress to take away from the President of the United States the right to withdraw lands from entry and sale and embrace them in forest reservations, and if any forest reservations are to be preserved how ought we to define them and who must prescribe the limits for them?

Mr. BORAH. In the first place, what we want as a practical proposition and above all other things is to have taken out of that vast area all that portion of the land which is agricultural land and which ought to be open to settlement, where the settler would go and not only become a home builder and a payer of taxes, but in a large measure would be a protector of the forests. I undertake to say, notwithstanding the statements to the contrary in the report, that there are thousands and thousands of acres which would be settled up within the next five years if thrown open to entry, and such settlement would be one of the best means of protection we could possibly have for the rest of the reserve. We want these lands upon which no valuable timber stands or has ever stood, all agricultural lands, made available to settlement. We do not want that decided by some special agent wholly unfamiliar with lands passing upon each application, but we want all lands classified and then thrown open so the settler may go and acquire title under the general laws relative to acquiring homesteads.

Mr. SMOOT. I suggest to the Senator from Iowa that the withdrawal authority——

The PRESIDING OFFICER. The Senator from Utah will have to speak louder. He can not be heard at the desk.

Mr. SMOOT. A law was passed withdrawing from the President of the United States the authority to make any further additions to forest reserves in certain States.

Mr. CUMMINS. I understand that originally they must have been withdrawn through the authority of the President.

Mr. SMOOT. They were withdrawn by the President.

Mr. CUMMINS. The complaint, however, is that the withdrawal included a great deal of land that did not properly belong in a forest reserve.

Now, my question, which I propounded to the Senator from Idaho and will submit to the Senator from Utah as well, is, How are we to correct that mistake? Who are we to appoint to determine whether certain land ought to be in a forest reserve or ought not to be in a forest reserve? Palpably such land as the Senator from Idaho describes ought not to be in forest reserves. Let us do something about it. Let us create some sort of a body that will take such land out of forest reserves.

Mr. SMOOT. In answer to the Senator from Iowa I will state that the Forester, on April 11, 1912, addressed a letter to the Secretary of Agriculture in which he outlined a plan for the classification of all the lands within the forest reserves, and as soon as that classification is made I am told that all agricultural lands will be eliminated from the forest reserves and be open to entry the same as all other agricultural land in the United States.

Mr. BORAH. I do not reflect upon the good faith or the abundant hope which seems to possess my friend the Senator from Utah, nor do I challenge the good faith of the department, but that sounds to me like "hope deferred maketh the heart sick." We have been promised that for years, and we have had a law passed by Congress authorizing it to be done. It has not been carried out. We have had repeated statements to the effect that it would be.

I sincerely hope the Senator from Utah is correct. If he is, and this is carried out, the Forester will be entitled to our thanks and gratitude, and one question will be largely solved. I express this doubt, and at the same time must say I have been assured it will be done; and, of course, I have no right to challenge the good faith of the Forester.

Mr. SMOOT. I will say, and I know the Senator from Idaho will agree with me, that within the last three years there have been many hundreds of thousands and perhaps millions of acres eliminated from the forest reserves. I know this practice has been going on, not perhaps as rapidly as it should, but it has gone on just as fast as the department has had money with which to carry it out, so they tell me.

I should like to see every acre of land within the forest reserves that is suitable for a home or is suitable for agricultural purposes of any kind eliminated from the forest reserves.

Mr. CLARK of Wyoming. Does the Senator believe that that elimination will be properly made when the elimination is left in charge of those whose every desire is to make the forest reserves as large as possible and to keep them from settlement?

Mr. SMOOT. I hardly think——

Mr. CLARK of Wyoming. I want to call the Senator's attention to another thing. He says hundreds of thousands of acres have been eliminated. I think if the Senator will look over the administration of the land laws, both in regard to forest reservation and other things within the last few years, he will find a continual reaching out in an endeavor to put more and more acres in the reserves and take it away from useful occupation.

I call the Senator's attention to the fact that within the last 60 days we have done what has not yet been attemped before—that is, reserving water holes upon our deserts.

Mr. SMOOT. In answer to the first suggestion offered by the Senator from Wyoming, I will say that in times past there has been an inclination to add just as much land as possible to the forest reserves. That practice, I will admit, has in many instances been carried too far. But I do not believe the tendency to-day is to add to forest reserves, but rather the tendency is to eliminate the agricultural lands from those reserves, and I hope that it will increase.

As to the question of the withdrawal of water holes, as stated by the Senator, that has happened within the last month, I believe. I have not gone into it as carefully, perhaps, as I should have done, but in speaking with the Secretary of the Interior when he appeared before the Public Lands Committee—I think the Senator from Wyoming was there—the Secretary justified the withdrawal upon the ground that the water holes were taken up and script put over them by cattle men or sheep men, and that as soon as they obtained the right to the water they excluded all other cattle or sheep from coming anywhere near the water, thereby virtually controlling the great part of the country for grazing purposes.

Mr. CLARK of Wyoming. The difficulty was that the department found that some one wanted one of these water holes, and so they withdrew it.

Mr. FALL. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. Certainly.

Mr. FALL. Mr. President, I find that within the last three years in the State of New Mexico, for example, there have been eliminated from the Zuni Reserve 108,319 acres, and there were added 170,968 acres, making a total of 845,849 acres in that reserve, whereas as originally constituted it had a total acreage of 783,200.

I find that on the Pecos Reserve there have been eliminated 31,561 acres, and there have been added thereto 129,819 acres; that it now has 813,758 acres, whereas it started with 715,500 acres.

I find that in the Manzano Reservation there have been eliminated 84,158 acres, and there have been added thereto 278,670 acres. That reserve started with 600,500 acres, and it now has 795,012 acres.

I find that from the Datil Forest Reservation there have been eliminated 95,178 acres and there have been added thereto 183,091 acres. That was one of our largest forest reserves, originally containing 2,955,000 acres, and now 3,042,913.

Mr. SMOOT. I should like to ask the Senator a question. Does he know whether any of the lands that have been added to any of the forest reserves within the last three years, or the period of which the Senator speaks, are agricultural lands?

Mr. FALL. I think the Senator from Utah possibly does not understand what I understand by the term "agricultural lands on forest reserves."

The law, as I understand it, with reference to so-called agricultural land on forest reserves provides that they may be entered under the homestead act under certain conditions, not that they are withdrawn or that the forest reserve is withdrawn from around those lands, but it simply segregates tracts of land of from 40 to 160 acres within a forest reserve of 3,000,000 acres, and they may be, under certain conditions, entered by homesteaders; but those conditions are so onerous to meet that in not one case out of a thousand will a man enter the land, or if he enters it, will he remain long enough to acquire title under the United States land laws.

Mr. SMOOT. Is there any question whether any of the lands added to the forest reserves in the last three years were agricultural lands?

Mr. FALL. I beg to answer that in this way: Timberlands in New Mexico are above the elevation of 6,000 feet. The lands below that do not grow timber for commercial purposes or for any other purpose except for firewood.

The lands below the elevation of 6,000 feet are the grazing lands. At the foot of the mountains, below the line at which the timber grows, there are springs from which our cattle and sheep, grazing upon the public domain or upon private land, may get water.

It appears to us that the object of the forest reserve has been to take in those water holes, to take in those living waters, and deprive the people of the opportunity of grazing their cattle upon the lands and their cattle of the use of the water, and thus to compel them to secure a permit to go across a quarter of a mile of the area of a forest reserve at the cost of from as high as 35 cents for every head of cattle to as low as 10 cents for sheep for the entire year to that patented water hole or to the springs.

For some years we have made it so interesting to those people who were holding us up, and that without law, that they have eliminated some portion of the land. They are grazing lands. I do not believe there is one foot of agricultural land in New Mexico which they have eliminated from a forest reserve. They hold to it. But they may have, in some instances, where some powerful cattle company was involved. They have, for every acre of land which has been eliminated, taken hundreds of acres of land from the use of the small cattle or sheep owner. The elimination has not been of agricultural lands, because the forest reserves, except up in the timber itself, are not in an agricultural country in the Southwest.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho continue to yield?

Mr. BORAH. I do.

Mr. SMOOT. I simply wish to ask another question of the Senator from New Mexico. The Senator, then, says they are not agricultural lands, but they are grazing lands?

Mr. FALL. Yes, sir.

Mr. SMOOT. In other words, the Department of Agriculture has withdrawn grazing lands and added them to forest reserves?

Mr. FALL. Yes; and I think I am safe in saying that of the total area—10,295,000 acres—embraced in the forest reserves in the State of New Mexico at least one-third—and I believe one-half—are agricultural lands and not forest lands, and never will be forest lands.

Mr. SMOOT. Mr. President, all I know is that foresters have told me that it was not the policy of the Forest Service to withdraw grazing lands and add them to forest reserves. As far as my own State is concerned, wherever there has been a protest at all they have always granted the wish of the protestant and never have added grazing lands to forest reserves in my State. I was quite surprised to learn of its being carried on in other States, because I know that they claim they are not being added to forest reserves to-day.

Mr. McCUMBER. Mr. President——

Mr. BORAH. I yield to the Senator from North Dakota.

Mr. McCUMBER. I desire to say to the Senator that I do not rise for the purpose of taking up time in making a speech on forest reservations. I simply want to get some probably useful and interesting information as to the mode of operation to see if it is possible for us to arrive at a remedy. I understand that there is a Bureau of Conservation in the Agricultural Department.

Mr. BORAH. I suppose there must be.

Mr. McCUMBER. That bureau investigates the question of these reservations as well as the control of them, and upon the advice of that bureau the President eliminates the land from that which has already been withdrawn.

Mr. BORAH. Not in the State of Idaho. Otherwise that is true.

Mr. McCUMBER. Outside of the State of Idaho that is true. But as to whether the President may release anything in the State of Idaho, if one-third of that which is already in reserve is good agricultural land, will depend very much upon the information and advice that he receives from this bureau. Is not that correct?

Mr. BORAH. I think it is exclusive absolutely of any advice that comes from any other source.

Mr. McCUMBER. That bureau, then, being the governing power practically in these matters, is not the trouble with the personnel of the bureau which refuses to recommend that there be a restoration made where the evidence is clear that one-third of that which has already been taken is nothing but agricultural lands and fit for agriculture rather than for the propagation of trees?

Mr. BORAH. Mr. President, I do not desire to have this debate, so far as I am concerned, drift too much to personal criticism.

Mr. McCUMBER. I do not ask that that be done. I simply want to know where the authority lies and why we can not get a proper operation of the law as it now exists. The law as it now exists, I think the Senator will agree with me, does not intend or purpose that we shall take 2,000,000 acres of mountainous land that has timber, wholly unfit for agricultural purposes, and then attach to that a million and a half acres of good agricultural land that has not a stick of timber on it. If there is this segregation of agricultural lands, why not the fault somewhere in the bureau rather than in the law itself?

Mr. BORAH. I think there is great fault in the bureau, but the fault in the bureau arises largely out of the fault of the system. The system is the result, in my judgment, of the misapprehension and misunderstanding of people who have never seen this conservation policy in operation. As I said awhile ago, the theoretical side of it is right, it is not to be challenged in a certain sense, and if applied in a practical way for the purpose of reducing these natural resources to the ownership and use and control of individual citizens, as originally evidently intended, it would be a desirable thing. But it has resolved itself in not only withholding them from the grasp of the monopolies, as they say, but in absolutely withholding them from the use of the individual citizen. So we are no better off out there, in one sense, in my judgment, than if the monopolies had hold of them. The monopolies would divide some part of the resources, while the Government gives us no part.

Mr. McCUMBER. Is it not also true it was said there was no danger of there being a monopoly in agricultural land, and notwithstanding that one-third of this tract that is segregated in the State of Idaho is fairly good agricultural land?

Mr. BORAH. I do not know just how much. There is a vast area. There is no question about it. I would not be able to say whether it is one-third, but it is a vast area.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. If the Senator from Idaho will yield, I should like to ask him whether he does not think it a practical solution of the difficult question of grazing lands that has been worked out under the supervision of the Forestry Service? The Senator from New Mexico has stated that the lands held in various reservations are not agricultural lands, but are grazing lands.

Mr. BORAH. That is, in his State.

Mr. HITCHCOCK. Yes; and that is true in some other States, as I can show. The Senator from Idaho realizes that grazing lands can not very well be settled. They can not be entered as homesteads. It is not, therefore, a satisfactory and practical solution of the question for the Forestry Service to lease those grazing lands, as it is doing, to the cattle and sheep interests of the West. I notice by the report, which is on the desks of some Senators, that the revenue from the leasing of those lands by the Forestry Service has been gradually growing until it now approximates $1,000,000 a year. I should like to ask the Senator from Idaho whether that is not a satisfactory and a practical solution of the difficult question of handling grazing lands, which has confronted Congress for a good while?

Mr. BORAH. Mr. President, no system and no proposition is satisfactory to the West which is going to lay upon us a tax and a burden for the use of our natural resources which is going to be put into the Treasury of the United States. Those natural resources belong to the people who come within the State of Idaho and these other States to utilize them, and we feel that our integrity and our patriotism are quite equal to taking care of that which is so essential to our happiness and our prosperity.

Mr. HITCHCOCK. The Senator from Idaho then holds that this grazing land should be turned over without any charge to the people of the West. Is that the Senator's position?

Mr. BORAH. It should be turned over to the States. The income from these natural resources belongs to people within the State or who come within the State to become citizens of the State. Why should our people be taxed as the people of Eastern States are not taxed? Why should we pay a rent or license to the National Government that you do not pay?

Mr. HITCHCOCK. Does the Senator hold that it should be turned over to the owners of the herds?

Mr. BORAH. No.

Mr. HITCHCOCK. If the owners of the herds are to pay for the use of them, why should they not pay for the use of them to the people of the United States, who own them?

Mr. BORAH. The people of the United States hold this property in trust for the people who come within these great Commonwealths. It was never intended that they should have the heart carved out of them and be left with but the remnant of the carcass, but it was designed that from the resources within that State the manhood and the womanhood of the State should make a great Commonwealth. If you will turn your taxes or your revenue or your income from these natural resources into the State treasury to build up our eleemosynary institutions and schoolhouses and to take care of our institutions, we will find no fault.

Mr. HITCHCOCK. I understand that the sum turned in now amounts to something like half a million dollars a year, which a few Western States are deriving in revenue. Is not that true?

Mr. BORAH. A part of it. We get only a part of it, when we are entitled to have the whole.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. I do.

Mr. FALL. Is it not a fact that we get less than 25 per cent of what we ourselves pay into the forest reserves? We, the people of the West, pay 100 cents and we get back, by the grace of Congress and the Agricultural Department, 25 cents.

Mr. CLARK of Wyoming and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and to whom?

Mr. BORAH. I think I should yield to the Senator from Mississippi.

Mr. WILLIAMS. No; let the Senator from Wyoming proceed.

Mr. CLARK of Wyoming. The Senator from Nebraska [Mr. HITCHCOCK] has hit on the crux of the whole situation. The Senator from Nebraska believes that the land and the timber and the water and the mines and the grass of the West are to be exploited for the people of the whole country as a commercial proposition.

Mr. HITCHCOCK. Mr. President, I can not permit the Senator from Wyoming to make a definition of my position on that point without a correction. I can hardly permit that to go. I called attention to the fact that a part of the proceeds derived from the leasing of this land and from the sale of the timber has been by Congress already diverted.

Mr. CLARK of Wyoming. Is was the Senator's former statement that I referred to, when he asked the Senator from Idaho if it was his motion that these natural resources should be turned over to the State. That, as I said, is the vital point of the whole proposition. There is a body of theorists in this country, and a body of practical men as well, who believe, as I said, that all these national resources upon Government land is the property of the Government, to be utilized in a commercial way for the benefit of the Treasury of the United States. The proposition, on the other side, is that the timber and the grass and the minerals and the water are the property of the citizens of the United States when the citizen goes there to use them. That is the difference, and that is the difficulty in the whole proposition. The one would exploit for purposes of development, for purposes of production, for purposes of taxation, for purposes of immediate use all of these resources that are necessary. The other would hold them up and reserve them and conserve them as a business proposition for the benefit of the people of the whole country, wherever they may live, and until that difference can be settled we will have annually here this debate upon the floor of this Chamber.

Mr. WILLIAMS. Will the Senator from Idaho yield to me for a moment?

Mr. BORAH. Certainly.

Mr. WILLIAMS. Is not the difference substantially in one sentence this: One side contends that the United States is only a beneficiary of these lands and of their resources and the other side contends that it is a trustee for the State development?

Mr. CLARK of Wyoming. That is exactly the difference.

Mr. WILLIAMS. I rose to ask that question.

Mr. CLARK of Wyoming. It is exactly the difference.

Mr. WILLIAMS. The Senator from Wyoming has answered it.

Mr. BORAH. I concur with the Senator from Wyoming and the Senator from Mississippi. Mr. President, I have wandered afield from what I was trying to say. I do not object, however, to this discussion or debate. I am glad to have it go on in this way.

To come back, we were discussing these lands which are in the forest reserves which we think are agricultural lands and which we think are entitled to pay taxes and out of which we are entitled to make homes. If we could get it settled, as the department could settle it now under the laws which we have, it would take away one of the aggravating conditions with reference to this matter.

I earnestly insist that the immigrant who starts from the Eastern States and Southern States or Central States and comes our way shall be permitted to stop there as long as the agricultural lands are there and not be forced to go into Canada and take the oath of allegiance to another form of government in order to get a piece of land. We all know, as a matter of fact—and the figures show it—that about 500,000 immigrants have gone into Canada in the last three or four years. Those men are of the best men we have in this country. They are men who are seeking homes; and very few bad men ever seek homes upon the public domain, because it costs too much to get it, too much labor to get it, to be characteristic of a bad man. They have gone into Canada when there are thousands of acres in my State and other places which they are entitled to settle upon on every theory of the correct building up of the State or the Republic.

Several years ago we passed a law permitting the Forestry Bureau of the Agricultural Department to classify these lands, and when agricultural lands they were to be thrown open to entry. Instead of classifying these lands and saying, here are 50,000 acres or 100,000 acres which we will eliminate from this reserve and you can enter them under the general homestead laws of the United States, the Forestry Bureau proceeds upon the plan of special applications. When a man wants to take 160 acres of that land they permit him to make an application and send out a special agent and have him look over that land.

Now, I say it in no disrespect to those special agents when I say that many of them are utterly unfit to judge of lands. They have had no experience in making farms. They have never ranched in their lives. They do not know of that yearning which a settler has for a home, and they have no possible conception of the sacrifice which he will make in order to get

it nor of his capacity to make that which seems a desert a home. Millions of acres in the West to-day, as good homes as there are under the shining sun, would never have been settled if they had waited for the judgment of one of these parties who now pass upon such matters.

The result has been to this effect. I have a statement here showing that since the passage of the act of June 11, 1906, there have been 22,526 applications for agricultural lands upon these forest reserves. Out of the 22,526 applications 8,703 have been allowed. That of itself is sufficient to show the impractical working of that proposition. But every one of those settlers who was turned away, his application refused, the difference between 22,000 and 8,000, became an advertising agent throughout the country that it was useless to try to get a home on these forest reserves. The result is that to-day they have turned aside from an effort to get the land. Now and then a man will have the hardihood and the courage and the patience and endurance to undertake to do so; but, however much they may desire a home, the result is that, these applications having been refused to that extent and the hardships being known, settlements within the forest reserves have practically ceased to be of any moment—not because the lands are not there. If it did not so happen that there are forest reservations where the agricultural lands are, you would see them settled in a few months.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I will yield in a few moments. They were opening some public lands in the State of Washington a few months ago, and the settlers formed in a line and stayed in line night and day, and had food carried to them for over three months, in order to have an opportunity to file upon those lands. The people are land hungry. I do not know how any man with a proper conception of the welfare of our people as a whole can withhold aid and support to a man who cuts himself loose from society and undertakes under these adverse circumstances to make a home.

I yield to the Senator from Nevada.

Mr. NEWLANDS. I would ask the Senator from Idaho whether these lands can be cultivated without irrigation.

Mr. BORAH. Some of them can. In the northern part of the State we do not irrigate at all. That is a rainfall country. In the southern part there must be irrigation.

Mr. NEWLANDS. Are the entries that are attempted mainly in the humid region or are they in the arid?

Mr. BORAH. I have no information upon that subject, but so far as this letter is concerned——

Mr. NEWLANDS. I should like to ask the Senator another question.

Mr. BORAH. I only know that in the northern part of the State where I undertook to get a large part of the land eliminated, which had been burnt over and where beautiful gardens and fine fields were growing up right to the edge of the land owned by the Government of the United States, it was rejected because it was not agricultural land.

Mr. NEWLANDS. What I wished to inquire was whether it was possible to establish a real home upon land in that region without irrigation.

Mr. BORAH. It would not be possible to establish a home in some places in the arid region without the use of water, of course, for domestic purposes. In many places in the arid lands they make fine homes by the way of dry farming where they can only have sufficient water for domestic purposes. Let me call the Senator's attention to the fact——

Mr. NEWLANDS. Does not the Senator feel that in a number of these cases—of course we want to do justice to this service——

Mr. BORAH. I am exceedingly anxious to do justice to them.

Mr. NEWLANDS. And fair treatment. Is it not true that in a great many of these cases where the applications have been rejected the entry was made ostensibly for the purpose of securing a home, but really for the purpose of securing the timber, and the land was not serviceable for agriculture at all because of the lack of either rain or facility for irrigation?

Mr. BORAH. Let me ask the Senator from Nevada a question. Does the Senator know of any such case?

Mr. NEWLANDS. No, I do not; but I assume from the general character of the country that it is practically impossible to cultivate throughout that region unless there is sufficient rainfall, or unless there is such underground moisture as to permit what is called dry farming, or unless there is irrigation; and hence I can see that applications might be made for homestead entries and all the rules be complied with in reference to residence, and so forth, when the real purpose was not to establish a home but simply to get title to timber land. I can conceive that that is quite possible. I can not believe that the Forest Service is so cruel as to deny an entry, to cancel an entry, to reject it, where there is any substantial reason for believing that the entryman can establish a home and where there is no reason for believing that he has some other purpose in view than to establish a home.

Mr. BORAH. Mr. President, I am rather surprised at the argument of the Senator from Nevada, coming from a man from the West. I know that there prevails among our eastern friends the supposition that every man who undertakes to get himself connected with the public domain is a thief.

Mr. NEWLANDS. Mr. President——

Mr. BORAH. That has been——

Mr. NEWLANDS. If the Senator will permit me——

Mr. BORAH. That has been the difficulty in dealing with this subject from the beginning. Without evidence, without proof, without facts, the supposition was that the would-be settler was trying to steal a piece of the public domain.

Mr. NEWLANDS. If the Senator will permit me, I wish to disclaim any such idea. But I was insisting that it is a fact that great interests in that entire region have sought to acquire large areas of land either for a grazing monopoly or a timber monopoly, and have sought to utilize men who called themselves settlers with a view to getting title to land under laws to which they are not entitled.

Now, I have no sympathy for that class of settlers, and I have no sympathy for the men who attempt to utilize that kind of a man. I am quite prepared to believe that the national services have been perhaps extreme and severe and overcritical, and that their vigilance and restriction ought to be relaxed, but I can not believe that they are so wanting in worthiness of purpose that they deliberately deny entrymen the right to enter upon land that is capable of being made a home. Doubtless there have been mistakes, but I can not believe there is any deliberate purpose.

Mr. BORAH. Will the Senator from Nevada listen while I read to him one of the reports of a special agent upon one of these applications?

Mr. NEWLANDS. Certainly. I will be very glad to hear it.

Mr. BORAH. I could present a number of others.

DEAR SIR: Your application, No. 10, for forest homestead * * * is on file in the office of the district forester. * * * In order that the forester may determine what lands to recommend for listing, it is desirable that a demonstration be made of its agricultural possibilities, and to this end I would suggest that you take out a special-use permit for 40 acres of the tract applied for and experiment upon it. * * * It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justify its listing for agricultural entry. If results are such that your application is rejected—

Mr. WILLIAMS. Mr. President, I would like to know what we are doing. Is the Senator joking or is he reading?

Mr. BORAH. I am reading from a special agent.

Mr. WILLIAMS. Sure enough?

Mr. BORAH. This is too serious for a joke with me.

Mr. WILLIAMS. I wanted to know what it was. It sounded like a parody to me.

Mr. BORAH. It is not a parody.

If results are such that your application is rejected, but if you still desire to continue occupancy of the 40 acres under special-use permit, you may be allowed to do so upon the payment of the usual annual charges.

Now, does the Senator from Nevada think that there would be any possible way in the world for a real homesteader to get a title to that land under such rules and regulations unless he had a fortune to start with and wanted to experiment for three or four years?

Mr. NEWLANDS. Mr. President, it is quite possible that a mistake was made in that case, but I judge from the reading that the land referred to was probably land which we would denominate as grazing land, not land that is capable of cultivation, but land which is simply useful for grazing.

Mr. BORAH. What is there in this statement which leads the Senator from Nevada to think that probably that was so?

Mr. NEWLANDS. I assume from the letter that the appearance of the land itself was such as to preclude the idea of the possibility of agriculture, but that the entryman being insistent upon it that the land could be farmed, the department said, "Very well; we will give you an opportunity to demonstrate it, notwithstanding the fact that the land itself appears as dry as a bone." I can understand such a condition of things.

I do not know whether that was the condition of things; but we will assume now that, as we know is frequently the case, there is a vast area of land suitable for grazing, but absolutely unsuited for agriculture, and therefore land which does not

come at all within the operation of the homestead act, because it is impossible to create a home upon it; and we will assume that the man who is ranging his cattle over that vast area wants to get a title to a particular tract of land, and he gets some man to enter upon it as a homestead, and he makes his entry, and the department says, "This is arid land incapable of being made"——

Mr. BORAH. Does it take two years to say so?

Mr. NEWLANDS. We will assume that the entryman replies, "But I can demonstrate that this land can be farmed." Very well, then; the department gives him an opportunity to make the demonstration. I can understand how such a letter could be written without involving either absurdity or injustice.

The trouble is that we of the West have not seen to it that the proper laws have been presented with reference to the entering up of the public domain. There could be a grazing homestead created. We have never yet sought to create a grazing homestead. What would a grazing homestead be? A homestead capable of supporting a family; 160 acres of land under the homestead act? No; 16,000 acres possibly might support a family, and in some regions 8,000 or 5,000.

Now, if we want to create a grazing homestead, let us say so and let us provide the conditions under which a grazing homestead can be entered and the number of acres that can be entered, but do not keep this defective system of laws upon the statute book which will compel a man, in order to get some habitation in a great grazing area to avail himself of the homestead act, and then endeavor to prove that the land is agricultural land when it is perfectly demonstrable that it can not be farmed.

Mr. BORAH. Mr. President, I perfectly agree with the Senator from Nevada that we ought to have a change in the homestead laws; and I wish my friend would report from the conference committee my bill on the three-year homestead. I am sure that will be a good beginning.

Mr. HITCHCOCK. Mr. President, will the Senator from Idaho permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I do.

Mr. HITCHCOCK. I should like to suggest that if the Senator would arrange, or if some one else can arrange, to enable the Senator from Oregon [Mr. CHAMBERLAIN] to place in the RECORD photographs of the so-called agricultural homestead entries in some of these forest reservations, it will enable the readers of the RECORD to see that many of those so-called agricultural homestead entries have been made so that the houses which have been constructed stand in the primeval forest, and show upon their face that they were fraudulent. I should like to ask the Senator from Idaho whether he criticizes the Forestry Bureau for rejecting so-called agricultural homestead entries of that sort? The photographs are here, and I understand the Senator from Oregon expects to use them as the basis for some remarks. I wish they could be put in the RECORD so that everyone could see the character of some of these so-called agricultural homestead entries.

Mr. BORAH. I regret that the rest of us will not receive the same exhilaration that the Senator from Nebraska seems to have received from those photographs. I have seen them before. Has the Senator from Oregon any photographs from Idaho? These are faithful old photographs. They have done faithful service in this cause for 10 long years. They have excited the zeal and aroused the enthusiasm of men of these days as the bones of some immortal saint once set on fire the soul of the crusader. But because a half a dozen men sought homes in these places, even wrongfully, shall we vicariously pursue all honest homebuilders until the end of time?

Mr. CHAMBERLAIN. I do not think I have any from Idaho, Mr. President, but I have a number of photographs taken from some of the other States where attempts were made to secure lands within forest reserves as suited for agricultural purposes. I believe all of these pictures show that the entries are on the sides of mountains in valuable timber belts and could not have been taken for any other purpose than to secure the timber on them. I do not mean to say that that is universally true, but I do say that that is true in a very great many cases; and where patents have issued and where suits have been instituted by the United States an acknowledgment of this condition has been made by a reconveyance of the lands to the Government of the United States.

Mr. BORAH. Well, Mr. President, all that has absolutely nothing to do with the proposition which I have insisted upon, and that is that the Interior Department classify this land and turn it over to entry. If it is timberland, do not classify it as agricultural land. We are not asking for permission to enter timberland as agricultural land. Nobody who is honest desires to take up the timberland in the West as agricultural lands; but that does not relieve the Secretary of Agriculture from classifying those lands which are agricultural lands and turning them open to entry. It is all in the hands of the department, and it need only throw open to entry the agricultural lands. This would put both the fraudulent entryman and also the photographer out of business.

Mr. CHAMBERLAIN. If I may again interrupt the Senator, I desire to say that this is an immense empire in itself which the Government has undertaken to administer, and that it has attempted and is attempting to do, and is proceeding to do, exactly what the Senator from Idaho says it ought to do, but it can not be done in a day. In proof of what I say, I desire to suggest that the very lands that have been listed by the Federal authorities as suited for agricultural entry have not been filed upon or taken for agricultural purposes by homesteaders. In the Senator's own State, as I said awhile ago, 16 per cent of the lands that have been listed as suitable for agricultural entry have not been attempted to be taken as homesteads.

Mr. BORAH. Can the Senator from Oregon advise the Senator from Idaho where those lands are located in Idaho?

Mr. CHAMBERLAIN. I could not undertake to do so; it would take definite maps of location from the office of the department to do that. I presume they could do it.

I wish to say I differ from the Senator from Idaho with reference to the causes which have invited emigration to Canada. Canada is in the condition just now that our western frontier was in 25 or even 40 years ago. Men have not gone there because they could not get homesteads in the western part of our country, but simply because the allurements there are greater; the land which is untaken and unsettled upon is better than it is in the United States; and men will continue to go there until nothing is left in Canada except forest lands, just as is the case in the United States.

Mr. BORAH. Mr. President, I have had a great many letters from homesteaders moving in the direction of Canada, after having made an attempt to secure homes in different parts of the United States. I presume that some men have gone to Canada for the reasons which the Senator from Oregon states; but does the Senator state that there is any better land in Canada than is to be found in the State of Oregon or in the State of Idaho or in the other States lying along the border line of Canada? There is no better land, when once reclaimed, than this land in his State, except the State of Idaho. There is no climate in Canada like our climate.

Mr. CHAMBERLAIN. I do claim, Mr. President, that there are lands in Canada, or there have been until very recently, that are better for homestead entry than those in any of our Western States. I know men in Oregon who have gone up into that country simply because they could get lands that were suitable for agricultural purposes and because, as they said, the laws were a little more liberal; but there are lands in that country that are better for agricultural entry than we have in our Western States, because the best lands in the West have already been taken up and nothing remains except those which are within the forest reserves.

Mr. BORAH. Mr. President, I referred a short time ago to the great fires which took place in 1910 and 1911 and was diverted from the discussion by another phase of this controversy. I want to recur to that again. Those fires left a vast amount of timber which could have been successfully used if it had been taken in time and which would have been of great benefit not only to the settlers who happened to have homesteads on some of the land over which the burning took place, but would have been of benefit to the public by reason of its getting cheaper timber. I invite the Senate's attention to the difficulties under which the settler labors in getting a hearing upon these matters. I spoke perhaps abruptly a short time ago when interrupted by the Senator from New Hampshire [Mr. GALLINGER]. I did not mean to charge this prejudice or this feeling to individuals, but it is a lack of information; and out of that lack of information arises such ideas apparently as have been suggested here by reason of these photographs and other things, that we are trying to steal some lands in the West. There have been some land frauds in the West—comparatively few; with reference to agricultural lands, almost none. There have been frauds with reference to timberlands, but that is a matter that we are not discussing; it is a matter which the department can control. It need not classify or permit the entry of any timberlands under present conditions. We are not asking to enter on any timberlands, but we simply ask that agricultural lands be disposed of.

We are also asking that a proper use be made of the timber which is growing upon the forest reserves. This timber ripens, falls, rots, or burns, just the same as anything else in the course of growth. It is absolutely necessary, in order

to protect the forests, that this timber which ought to be disposed of shall be disposed of. It is not only desirable from the standpoint of the people who might want to use it, but it is desirable in protecting the forests themselves, because, as I have suggested, they get into such a condition that it is impossible to keep destructive fires away from them, unless the fallen timber or timber which ripens and ought to be cut, is cut and taken out.

After the forest fires had swept over this country, we introduced here a bill providing:

That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, that may have been killed or seriously and permanently damaged by forest fires prior to December 1, 1910, the proceeds of all such sales to be covered into the Treasury, as are other receipts from the sales or disposition of public lands.

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to sell or permit the sale of timber killed or seriously and permanently damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any lawful filing, selection, location, grant, claim, or appropriation subsisting on the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior. All moneys arising from sales of timber in accordance with such regulations and coming into the hands of officers or agents of the United States shall be deposited in the Treasury of the United States as a special fund, to be designated the "Burnt timber fund."

SEC. 3. Any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who at the date of application for the sale has not abandoned his claim, shall be paid an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law, such payment to be made by the Secretary of the Treasury from the special fund provided for in section 2 upon the certificate of the Secretary of the Interior that such settler or entryman is entitled thereto.

That bill passed both Houses of Congress, went to the President of the United States, and was vetoed. It was not vetoed apparently by reason of any judgment which the President exercised in regard to it, nor by reason of any information which he apparently had as to its defects, but, as the President said, it was vetoed upon the suggestion of the head of the department. The President said:

I return herewith H. R. 9845 without approval. My objections to the bill are stated in the communication of the Secretary of the Interior that accompanies this message. I hope that the difficulty which the Secretary points out may be remedied, because I approve of the general relief sought by the bill.

Now, I should like to call attention to the difficulty which the Secretary of the Interior points out.

The difficulties of administration were pointed out in a communication from this department to the chairman of the Senate Committee on Public Lands, of which I inclose a copy. So far as appears from the record, this communication was not brought to the attention of, or considered by, either House of Congress. The principal objection to the bill is the provision, contained in section 3 thereof, requiring the payment to "any settler or entryman under the homestead laws who has complied with the laws and regulations prior to the time of the fire, and who, at the date of application for the sale, has not abandoned his claim" of "an amount which shall bear the same proportion to the total amount received from the sale of timber from his claim which his residence on the land bears to the total residence required by law," etc.

You will see that the bill provided that, if the homesteader had complied with the law and the rules and regulations up to the time of the fire, he was to be paid a portion of the money realized from the sale in proportion to the time which he had lived upon his land. This was burned timber; it must come to naught; it must rot and become worthless unless disposed of. The Secretary of the Interior says:

This would give to any settler or entryman under the homestead laws a part, at least, of the proceeds of the timber on his claim without any regard whatever to whether the settler or entryman ultimately perfected his claim and obtained a patent for the land.

There can not be any finer exhibition of the harsh and impossible administration of the law by this department for the settler than is exhibited in this veto and the foundation of the veto. Men had gone upon the public domain, settled upon the land, and complied with the law and the regulations. Fire swept over their land and they were refused that which was left after the fire had gone over it or a compensation in proportion to the time they had spent on the land for fear that they might not complete proof two or three years afterwards. In other words, although the settler had thus far complied with the law, so strong was the presumption that in the future he would not comply with it that he is dealt with as a criminal instead of an honest man. Rather than to permit the settler to take advantage of the adverse circumstances under which he was placed in this matter, he was denied relief; and it was said, in effect, that the timber had better rot than that the citizen should have the benefit of it. Every possible embarrassment was put in his way.

Mr. WILLIAMS. Complied with the law thereafter.

Mr. BORAH. Unless he should thereafter fully comply with the law. There is a suspicion that he is not going to do so; there is a suspicion that he is there for an evil purpose; that he is a criminal; that the surveillance of the law must rest upon him constantly, as if he were a professional crook. He is deprived of that which must now be utterly worthless either to himself or to anyone else. Can anyone tell me why such a rule should be invoked against those who are attempting to make homes under these adverse circumstances? Is there anything connected with the lives and deeds of those men who are settling up the great Northwest, who are engaged in building communities—is there anything connected with the lives of such men as to warrant this constant suspicion which puts upon them the ban and condemnation of the law and of the Government? But rather than give him aid under the circumstances, the President sends here a veto, exercising no judgment of his own and no knowledge of his own, but simply taking the suggestion of the head of a department. These are the circumstances under which we undertake to legislate. This is unlimited, unrestrained bureaucracy in all its naked, unvarnished, impudent, insolent, autocratic power.

I am not going to discuss it at length, but, as a kindred subject, I want to call attention to the manner in which we deal with settlers upon confessedly agricultural lands upon Government reclamation projects, and so forth, because it is all a part of the same subject matter.

Something has been said with reference to the Canadian laws being somewhat more lenient than our laws. They are considerably so; they are built upon a humane basis and administered from a humane standpoint. I now read from the Canadian law:

In case of sickness, and on that account inability on the part of the new settler to perform the required duties, his homestead is protected—that is to say, an extension period is granted him by the department of the interior, so that instead of performing all his duties in three years he may be permitted four or five, as the case may be. In any event, no advantage is taken of his sickness to deprive him of the homestead upon which he has placed his labor and perhaps his capital.

In case of sickness in his family and consequent destitution, due either to insufficient capital or to extra expenditure for medicines and medical help, the new homesteader has the right to appeal to the immigration department of the interior.

Inquiry is made into the situation, and if it is found that the settler, through no fault of his own, is lacking in food, fuel, or clothing, this is provided by the department and a lien taken upon the homestead for the amount advanced to the homesteader with 6 per cent interest added, the homesteader understanding that he can not become possessed of the final title until he has met and liquidated all the advances of the Government. In cases where the homesteader has suffered partial or total failure of crop from hail, fire, or other untoward circumstances and where he is still upon land for which he has not received his patent, the department of the interior will advance him a reasonable quantity of seed wheat and seed oats to enable him to get upon his feet again and proceed with his spring sowing. The amount of this grain, the actual cost of the grain itself plus transportation only, is made a charge upon the homesteader.

The department makes no charge for administration, the cost price of the grain and transportation only being a debt upon the homestead and payable before the patent is issued. In cases of prairie fire or in cases of prolonged sickness the department of the interior is always willing to help the homesteader to his feet again, and in very few instances indeed has the recipient failed to make proper payment of his indebtedness.

The Canadian Government trusts the homesteader and the homesteader deals fairly with the Canadian Government. If you will place our homestead laws and regulations, the letter of the Secretary of the Interior, and the veto message of the President based thereon—because I do not think the President had any knowledge about it at all—alongside the rules and regulations and the law of the Canadian Government, you will find the precise difficulty with which we have to deal. On the one hand, the Government believes in its homesteaders; it believes in its home builders; it is willing to help them; it trusts them; it assumes when they come upon the public domain that they are there as law-abiding citizens. On the other hand, I must say, regardless of whom it hits or hurts, that for the last 10 years the homesteader of the West has been pursued in every possible way to embarrass him and discourage him in the settlement of the public lands. He has been presumed to be guilty of evil purposes and criminal designs; he has been compelled to meet the most technical rules, and he has been held up in his proof and his patent until some special agent would give him a chance to meet the presumption always against him.

Mr. WILLIAMS. Mr. President, if the Senator from Idaho will permit me to interrupt him, I should like to tell about a case that was recently submitted to me of a homestead entry in the United States, which, it seems to me, is in violent opposition to the theory of liberality and humanity underlying the Canadian law. I received a letter from a man in the State of Florida who had entered land which was classified by the department as agricultural land.

Mr. BORAH. Was this in Canada?

Mr. WILLIAMS. No; it was in the State of Florida. This is a contrast to the administration and law in Canada. He re-

mained upon the land two years or more, built a house, built fences, cleared a good part of the land, plowed it, and in boring a well, or something of that kind, phosphate was discovered, whereupon the Government took the land away from him and paid him not a cent for the money that he had expended for fences, for his house, for plowing, and so forth. Of course, as the Senator from Idaho will understand, and as everybody who understands farming will understand, he had made a loss for the first two years, as all men must; and there he was left.

That is the practical administration of the United States laws with regard to homesteaders, even in one of the old States upon lands classified by the Government as agricultural. They based their injustice upon the ground that in his application he had stated that the land was agricultural. Of course he had stated it, for no other reason than because the Government had so stated. He did not know any more about the phosphate under it than did the Government or anybody else. There may be some justice in refusing to allow him to retain the phosphate mine, but there can be no justice in refusing to let him cultivate the land above the phosphate mine, and there certainly can be no justice in not permitting him to be repaid for the expense which he had incurred upon the faith of a classification by the Government.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Yes.

Mr. SMOOT. I wish to say to the Senator from Mississippi that a thing like that could not happen under the Canadian law, for when a homesteader in Canada makes his entry the Canadian Government reserves all the timber, the water rights, and the minerals, and requires a certain amount of cultivation.

Mr. WILLIAMS. The Senator from Utah has totally misunderstood me. I have no objection to the Government reserving the minerals; I have no objection to the Government taking possession of the phosphate on the entry to which I have referred and proceeding to exploit and sell it, or to do whatever it wants to do with it, but certainly to take a man's homestead away from him after his expenditure of money solely upon the ground that there was phosphate upon the land is a totally different proposition. I do not care whether Canada is perpetrating an equal injustice or not. I thought it was not; but if it is, then Canada is equally guilty of injustice. Even if the Government has the right to take all the land away from a man because a mineral has been found upon it, there ought to be some provision to put him back in statu quo ante at any rate. No honest man dealing with another would perpetrate an act like that which the Government of the United States perpetrated on this man. I would not perpetrate it upon you, nor would you upon me. It is positively dishonest.

Mr. SMOOT. Mr. President, what I was going to say to the Senator was that our homestead laws of course reserve nothing whatever to the Government, and it is for that reason the Government makes these long, expensive examinations.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. BORAH. Yes.

Mr. FALL. If the Senator will yield to me for a question, Is it not a fact, under our homestead laws, that until the homesteader has proven up upon the land the homestead is subject to Federal entry, and if it is found that it is more valuable for mineral than it is for agricultural purposes, he can not get a patent for it; and only after patent passes does the Government pass title to the mineral?

Mr. SMOOT. That is correct.

Mr. FALL. It now requires five years to prove up a homestead, and if there is any mineral in the homestead entry, then anyone has five years' time within which to prove that it is mineral land and he can take it away from you during that time.

Mr. BORAH. Mr. President, the duties which the Canadian Government performs toward its settlers are left in this country to be performed by those who are disposed to help their fellow citizen or, in some instances, to corporations. Last year the settlers upon the south side of Minnidoka project, so called, having been without water with which to irrigate the land for three or four or five years, were in an impoverished and distressed condition. They had no seed with which to seed their ground. They were required to pay the maintenance charge if they used the water, and they had no means with which to pay it. They were simply in a condition to immediately forfeit everything and move away. The Government could not, it seemed to think, help the situation, and at this time is insisting on payment in advance for the use of the water upon the part of those settlers.

Everyone knows, Mr. President, that for the first two or three years upon these lands a person raises nothing; the land is in such condition that you can not realize upon it. But that which the Government did not do and could not do by reason of our laws or by reason of the unwillingness of the department one of the railroads of the West undertook to do. Mr. Bancroft, at the head of the Oregon Short Line Railroad Co., a railroad man with an intellectual vision, realizing that to build up his constituency is to build up his road, and having an unusual pride in that country, where he has lived so long, advised his corporation to advance these settlers $20,000 worth of seed grain for the purpose of enabling them to raise a crop and save their lands. The faith which Mr. Bancroft exhibited toward the settlers and the confidence which he reposed in them were justified, and the settlers proceeded to utilize the means given to them for the purpose of raising crops and made a comparative success of it in so far as they could on that new land. This is not only a splendid encomium to Mr. Bancroft, but a sad commentary upon our harsh and inelastic public-land laws.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Yes.

Mr. SMOOT. The Senator refers to the harshness of our laws. It is not the harshness of the law, is it, so much as it is the harshness of the administration of the law?

Mr. BORAH. Well, I think it is the harshness of the law to some extent, as I am going to discuss in a few moments.

Mr. SMOOT. I think there is a misapprehension as to the difference between our homestead law and the Canadian law. I think that our homestead law is a better law for the settler or the entryman than the Canadian law, because in the Canadian law the reservations that are made are such as I do not believe ought to be imposed upon an entryman in this country. They reserve, as I said before, the water-power sites, they reserve all timber, they reserve all minerals of every kind, and they require a certain amount of cultivation.

Mr. BORAH. The Government of the United States has withdrawn all power sites and withdrawn all mineral lands and all those things.

Mr. SMOOT. Not all minerals.

Mr. BORAH. When a man goes into the land office to make his proof of an agricultural entry, he never can get the land if it is mineral in character.

Mr. SMOOT. He can get it if it is metalliferous mineral, not phosphate or asphaltum or gas.

Mr. GRONNA. Or coal.

Mr. SMOOT. Or coal.

Mr. BORAH. Suppose the man goes to prove up an agricultural entry, and the officers say that that land is more valuable for minerals than for agricultural purposes; they refuse his patent.

Mr. SMOOT. Yes; as agricultural land, but not if entered as mineral land.

What I say is this: If an entryman enters land in Canada and makes his home on the land and secures his patent and lives there 20 or 30 or 40 years, and at the end of that time there are minerals found under the surface of his entry, the minerals do not belong to the entrymen, but to the Canadian Government.

Mr. BORAH. No one desires to have anybody acquire mineral lands under an agricultural entry.

Mr. SMOOT. No.

Mr. BORAH. We do not want him to acquire timberlands as agricultural lands. The Government has to be protected in all these things. It should be protected against a man acquiring land as agricultural land when, in fact, it is mineral land.

Mr. SMOOT. I was speaking only so far as the land is concerned, and I say the difficulties are more a matter of regulation than a matter of law.

Mr. GRONNA. I know that in my State, when the proof is made, no patent is issued for any land, whether it contains coal or not, except a limited patent or surface patent.

Mr. SMOOT. I think the Senator must certainly be mistaken in that particular.

Mr. GRONNA. I am not mistaken. I want to say to the Senator from Utah that I have had hundreds of complaints from settlers in the Northwest within the last month that the land office would not issue a receipt unless the settler would consent or agree to accept a surface patent.

Mr. BORAH. There is no question about that.

Mr. SMOOT. Where lands are classified as coal lands, there is no doubt about it.

Mr. GRONNA. In our State it is all withdrawn.

Mr. SMOOT. Then the Senator is correct in his statement, but I take it for granted that there are lands in that State that were not withdrawn lands. But if they had been withdrawn as coal lands, the statement is absolutely correct as made by the Senator.

Mr. GRONNA. I do not want the Senator from Utah or any other Senator on this floor to infer that they are mineral lands. They are not.

They may secure some poor lignite coal way down in the bowels of the earth; and I can tell you of cases that have come under my observation. A farmer might have dug a well, and after he had lived there four or five years and had earned his patent—not a commutation proof—this has happened. In one instance I knew the man who had lived there for seven years, and one of these sleuths, for whom there has been a million dollars appropriated every year by the Congress of the United States, came to this particular settler. He proceded to ask him all sorts of questions about his family and everything else, and then he asked him if he knew whether there was any coal on the farm.

The farmer said, "No, I hardly think so, for I dug two wells on the north side of this pasture and there was no coal; but on the south side where I dug a well, down about 25 or 30 feet, there was a vein about 6 inches thick." His entry was held up, and it was held up for five or six years before the man was given a patent. That is the treatment the people of my State are receiving at the hands of this administration.

Mr. SMOOT. That is regulation again.

Mr. NEWLANDS. I should like to ask the Senator from North Dakota whether he approves of the Canadian system of law, under which you could enter as a homestead the surface, and without any restraint of any kind, the law reserving to the Government the minerals under the surface. Such a law would do away with this army of special agents who, under existing law, are classifying the lands and enable the entire surface to be entered.

Mr. GRONNA. I do not suppose it would change the conditions very much if I stated my opinion. But I believe that where the Government finds minerals, whether it is coal or any other, the Government should control it. But I do not believe that the Government should go on and classify land, which clearly is nothing but agricultural in character, as mineral lands and should withdraw it.

Mr. NEWLANDS. The Senator believes that the land should be withdrawn if it is mineral land, and that no patent should be granted reserving the minerals under the land?

Mr. GRONNA. I believe that land which is mineral in character should be classified as mineral land, and that land which is agricultural in character should be classified as agricultural land and the full fee given to the settler.

Mr. NEWLANDS. The Canadian law does away entirely with the necessity of classifying the land, and thus enables a man to get a homestead title to the surface for agricultural purposes, and leaves open for future consideration the question whether there is any mineral under it or not.

Mr. GRONNA. I have not here the Canadian law relating to mineral lands, but I will say to the Senator from Nevada that the conditions of getting land under the mineral laws of Canada are far different from ours. There are provisions under which you can patent lands in Canada as mineral lands.

Mr. CLARK of Wyoming. I suppose the theory advanced by the Senator from Nevada is the old theory, that all the minerals belong to the king or crown. That theory has never obtained in this country. I think it is contrary to the ideas of our Government, and I hope it will always remain contrary.

Mr. NEWLANDS. The Canadian laws were passed as the result of the conservation movement. Their laws are exceedingly simple in operation. They can dispense altogether with these agents who now in this country spend a great deal of time in classifying lands. It permits the entry of the surface.

It may be a question whether we should accept that, but I want to emphasize that this legislation in Canada does not follow the old law with respect to the rights of the sovereign to the minerals, but is enlightened legislation passed as a result of the conservation movement. Canada joined in it, and her representatives having gone back to Canada, they secured this legislation as a part of the conservation plan.

Mr. CLARK of Wyoming. I will ask the Senator if Canada parts with the fee to her mineral lands.

Mr. NEWLANDS. I can not answer.

Mr. CLARK of Wyoming. I ask not by way of argument, but solely for information.

Mr. NEWLANDS. I assume there are laws there under which mineral entries can be made.

Mr. HEYBURN. Canada does give crown grants for mineral lands, and they to all intents and purposes pass the fee.

Mr. CLARK of Wyoming. Do they not retain a royalty?

Mr. HEYBURN. No. I am speaking now of the Northwest Territory, with which I am somewhat familiar.

Mr. BORAH. Mr. President, I have detained the Senate entirely too long, and I can imagine how wearying it must be to Senators to listen to this long discussion. We people of the West, who feel that our most vital interests are involved in such discussions, welcome them. We feel that under present conditions we never can become the great Commonwealth we ought to become. Therefore it is vital to us.

It is not our desire to find fault with individuals in a department. It is the system. Individuals come and go; and while they come in with resolutions and promises, we find a few months after they get here it is impossible to discriminate between the successor and the predecessor. It is for the purpose of calling into sympathy and cooperation the wisdom of those who have had the advantage of their natural resources and the legislators of the East that we undertake to discuss these matters at such length, certainly not simply with the desire of personally finding fault with some one.

Something has been said—and considerable has been said—with reference to the Canadian laws, and I will say a few words upon that subject, and will not detain the Senate longer.

The Canadian law is a three-year homestead. It only requires a residence of three years. It permits absence from the homestead for six months out of the year. This to enable the homesteader to go elsewhere to acquire some means with which to carry him through the summer or to go somewhere and secure the advantage of schools; and it is the consensus of opinion of those who have examined into this matter that instead of its leading to speculation and fraud and to the acquisition of lands for the benefit of others, it has had the very opposite result.

It has led to a bona fide class of citizens, who are building up the country and are now making one of the greatest countries in the world out of the great Dominion of Canada.

I want it distinctly understood that I am not asking the privilege of the looseness of the law which will permit a man to acquire mineral land under an agricultural entry, or timberland under an agricultural entry, or a power site under an agricultural entry. There is nothing of that kind possible under our present system, even if we change the law as to residence and absence. There is no necessity for the Government to permit or authorize such action. The Government has all these lands, covering power sites, and so forth, withdrawn, and therefore not subject to entry. No need to worry, therefore, about a homesteader securing a power site under an agricultural entry.

What we want and what we are going to have—whether it is to-day or later—is an opportunity for the man who is trying to make a farm to do so without being driven to poverty and expatriation.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. Some little time ago I asked the Senator a question, which was a very civil one, and I thought the Senator was rather petulant in his reply.

Mr. BORAH. I apologize to the Senator if I did, but I did not intend to. I have the utmost respect for the suggestions of the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator for that assurance. I believe it. I thought perhaps the Senator had not spoken with due consideration.

Mr. President, speaking as one eastern man, I will say that if the Senators who represent the States which have forest reserves in them—162 in number—and with a comparatively few States interested in the forest reserves could agree upon a policy and upon amendments to the existing law that would satisfy them, I feel very confident that every Senator from New England, at least, would be glad to cooperate with them to bring about a better condition of things than seems to exist.

The East has no prejudice against the West. On the contrary, we have great admiration for those great western States that are developing into such great Commonwealths, and we all want to help the West in any matters that interest her and in which we can properly cooperate.

I recall the fact that one of the best Secretaries of the Interior since my service in public life was an eastern man, Mr. Bliss. I think every western Senator will agree to that. He was a broad-minded man, and I think he compared more than favorably with some men from farther West who have occupied that office.

I assure the Senator from Idaho that before the debate closes he need not fear opposition, but rather earnest and friendly coopesation, from those of us who know comparatively little about this question, but have an interest in it, because it is a national problem, and we want to be helpful rather than to be in the way of real progress.

I thank the Senator from Idaho for yielding to me.

Mr. HEYBURN. I want to join in the statement made by the Senator from New Hampshire. Throughout the long years when we have been making this fight on behalf of the interests peculiar to the western people, the Senator from New Hampshire has always acted with us.

Mr. GALLINGER. I thank you.

Mr. BORAH. I did not intend by any remarks I made this afternoon to be personal to the Senator from New Hampshire or personal to any other Senator on this floor. I was speaking of the feeling entertained in the East with reference to conditions in the West in the acquisition of public lands. It is not personal. It is too universal to be personal. Everybody has it, whether he is conscious of it or not. The moment you introduce a law here for the purpose of ameliorating conditions in the West, and if you do not get it here on the floor of the Senate you get it from the public print, that western Senators are trying to make it easier for somebody to steal land, and the hired magazine writers and people engaged in creating this prejudice have more influence in destroying a bill than we have in passing it. I am not petulant or desirous of being unnecessarily harsh, but from this time on so long as those men who are building up that great Northwest are attacked, I propose to call things by their right name. I have seen them in their adversity; I have witnessed their struggles; I know what they are doing; and the man who for a miserable pittance libels them in a magazine is unworthy to be counted with the same race to which they belong.

Mr. President, several months ago a bill was put upon its passage through the Congress having for its purpose the amelioration of the harsh terms of the law under which settlers are now seeking to secure homes upon the public domain. It passed this body. With some amendments it passed the House. It is now resting in conference, where it has been for weeks. Its friends are by no means satisfied with the outlook for its becoming a law at this session. It has been opposed, it seems, from the beginning by the Secretary of the Interior. It has been sought to be amended and emasculated by all that class of men who proceed upon the suspicion that every citizen who seeks through months and years of adversity and hardship to carve a home from the desert is a criminal. I am sure if these men were there to see, if they could know the relentless way in which the Government has pursued the homesteader for years, the annoyance, the delay to which he is subjected, the price he pays in labor and effort for his land, that they as honest and well-meaning men would change their minds. There are some few men, Mr. President, so imbued with the worth of their own self-sufficient, all sufficient, insufficient knowledge that perhaps seeing the situation and realizing that there existed a different condition from that which they assumed would only irritate and make revengful their offended wisdom. There are a few others whose suspicious natures resent all facts which do not fit their preconceived determination to adjudge all men except themselves dishonest. But it has pleased divine Providence to afflict this earth with but few of either of these classes. Most men want to know the facts and knowing the facts have the courage to accept them and be governed by them.

Now, what are the facts? We are no longer giving homes upon the rich prairies of the great Mississippi Valley. The settler must now seek the arid lands in that country which stood for half a century marked upon our maps as the great American desert. When reclaimed, I grant you, these lands are fertile. When reduced to habitation I concede they make homes as desirable as anywhere under the shining sun. But it takes labor and much of it; it takes patience and endurance more than most men are willing to give; it necessitates submission to isolation, to adversity, to hardship, to depriving oftentimes the family of schools in order to reclaim this land which, as it lies there, is wholly worthless, which serves no one and pays no taxes to the Government. It is a dry, barren soil. Oftentimes for several seasons you can not raise a crop until the soil becomes settled and compact. I have seen a crop planted to-day and to-morrow it might be 10 miles away, blown thither by the winds—actually blown out of the ground. The settler must not only build his house and make his improvements, clear the land of sagebrush, but he must either build a ditch at heavy expense or pay more heavily for others to build it for him. I assert that no man reclaims this land who does not pay every dollar it is worth in the labor which he must expend in doing so. No man gets title to a homestead or desert entry who does not give evidence a hundred times over of his good faith, of his bona fides as a settler and a home builder. Men who talk glibly about giving these men homes do not know the facts. These men by their labor and their sacrifices have changed our worthless arid waste into tax-paying and valuable properties, but they have paid for them in their labor. What does this Government have these lands for—for jack rabbits and coyotes or for men? If for men, is not he a good citizen to be commended and not condemned who takes such property and makes it by his own effort a valuable estate? Would you have your lands lie idle while your citizens crowd more and more into the congested centers? Would you prefer to continue to increase the number of consumers and decrease the number of producers? Do you want less food and more to consume it? I look upon the man who seeks to make an acre productive, which was not productive before, not only as a good citizen himself, but as a distinct benefactor to his fellow men. He is the man who is going to solve the question of the high cost of living if it is ever solved. These men ought to be encouraged instead of discouraged by every petty rule and regulation which the meddlesome impudence of suspicion can throw about them.

It is beyond my comprehension, Mr. President, how any man with the slightest quiverings of a conscience or the faintest conception of what it takes to make a great people and a great republic can do other than encourage, aid, and seek in every way to make successful the efforts of the family which cuts loose from friends and neighbors and schools and goes out in these places for the purpose of satisfying the noblest cravings of man as a social being, his craving for a home. This settler takes that which is worthless as it lies there in the arid desert and makes it a home—and this Government now and for years has put upon him the suspicion of crime, the surveillance and annoyance which it does not even throw around its professional criminals who infest society. The executive officers of this Government, with their hired spies, have haunted the homesteader, leered upon him as he left his solitary lodging, watched his coming and going like Javert upon the trial of Jean val Jean, until it has ceased to be endurable any longer. Talk about these men not being law-abiding. If they were not so, sir, more than one special agent would have paid for lawless methods with his life.

Is this Congress going to adjourn without passing these laws? Will you go before the people of the West in the coming campaign and tell them you were afraid to make just and humane laws for them because you regarded them as all speculators and thieves? Are you going to say to these settlers who are holding on and endeavoring to make both ends meet that you would have passed these laws, but the Secretary of the Interior was passing through the gestation period of an idea and the hour of his intellectual accouchment had not yet arrived? And do not think the settlers alone are interested. The entire West is interested. It will no longer be satisfied with promises. Our eastern politicians, who make their summer excursions into the West and talk about what they are going to do, will have to begin to make good their promises. Let me assure them that the West now expects a fulfillment of those pledges.

The party of Lincoln, who rejoiced in the opportunity to sign the first homestead bill, should have the fidelity to its original principles, the foresight, the courage, the statesmanship, to put aside the miserable slanders and ignorant libels upon the people of the West and be of assistance to these people who are impoverished and bankrupted and even expatriated in their efforts to secure a home. Is the great Republican Party going to continue to connive at these slanders of the West and bow like a bastinadoed elephant at the crack of the whip from those who assert that you must make the laws so harsh and impossible as to drive away citizens into Canada in order to keep them from stealing if they remain at home.

And you, my friends, the disciples of Democracy—the creed of the man of small holdings—how much longer will you favor laws which make it impossible for any but a rich man to get a piece of the public domain for a home? I remember that James Buchanan vetoed the first homestead bill which passed Congress; but I do not forget that Thomas Jefferson declared that "agriculture is the most useful of the occupations of men," and that the central idea of his whole economic and political philosophy was to see every citizen, if possible, in possession of a home. He knew that under such conditions the Republic was safer than when guarded by armies or protected by navies. I do not forget that the crowning virtue of this marvelous and many-sided man was faith in the integrity and honesty of the common citizen. He was the greatest reformer of his age, but he was unfamiliar with the modern idea of Phariseeism, that everybody is a thief except the reformer himself. He held to the greater and sounder principle that all true reforms begin with the faith that the vast majority of the men are honest and that the honest ought not to be vicariously hunted down and ostracized because some have gone wrong. Do you now profess to the precepts of Jefferson and practice the principles of Buchanan? Are you willing to legislate upon

the theory that your fellow citizens of the West are honest, law-abiding citizens, seeking to build up a great empire of wealth out of what before was worthless, or do you propose to continue longer in the heartless and shortsighted policy which is driving hundreds of thousands of our best people into Canada?

Mr. President, one of the common charges against the West is that her people are opposed to conservation. In answer to this charge, I invite all men to the consideration of her laws. Take my own State as an illustration. I challenge any man on this floor or elsewhere to advise of any flaw in our laws relative to the acquisition or use of water, either for power purposes or for irrigation or domestic use. No professional conservationist has ever approached in practical wisdom these laws. And no professional conservationist that I have yet found seemed to know that they were in existence. With that practical application of their experience and wisdom which is characteristic of the men who have built up that country they have dedicated the waters of our streams to the public use and made it impossible for any man to monopolize it through acquisition of title. This was all done long before those who are now criticizing us began the promulgation of their doctrine. I have the laws here, but I can not trespass upon your time to read them. The only semblance of power monopoly in our State is just now beginning to appear, made possible by the Government's withdrawing of power sites not now in private ownership, leaving those who have title masters of the situation because no one else can acquire a site. And the only protection the people of the State have against the situation comes alone from the laws enacted or to be enacted by our own people to fix rates and thus prevent extortion. The National Government with its swarm of special agents and special philosophers—these "wise men of the East"—are powerless to protect the people against a condition which they alone are bringing upon us.

Now, Mr. President, we know the worth of our natural resources; we are opposed to their being controlled by monopolists. We have done all that has been done in our part of the country to prevent it. We have not succeeded in every particular, but we have done exceedingly well and we have done all that has been done. We will do all that will be done. Moreover, we know that there is no place where monopolists finally have their way and get what they want to such an extent as in these bureaus at Washington. Here is the breeding ground for fraud. Here in these bureaus is where these scandals begin; here is where they had to begin. Here is where they first purchased favors and corrupted employees. Have we not seen great corporations come here within the last few years and trade their utterly worthless lands upon the tops of bald mountains for the richest lands in the valley below, and to the extent of millions of acres?

Mr. President, if these men who follow conservation as a profession will stop agitating and go to thinking, they may yet prove great benefactors to their kind. They may find some way to dispose of the vast amount of timber which each year falls and rots or periodically burns, so the people can have the benefit of these forests. They may find some way to open up the coal mines in Alaska so as to give the people of the Pacific slope relief from the high prices paid to eastern coal companies and the necessarily high freight for hauling. They may come to the conclusion that the development of a water power is like discovering an inexhaustible coal mine or an inexhaustible forest, for it saves both coal and timber. They may discover further that power does not wear out. That so long as the snows fall and the rains come and travel on to the sea, which, fortunately, these people can not control or they would stop, these water powers will be here and will be worth just as much a thousand years from now as they are to-day. They may discover that title has nothing to do with monopoly and that if we are to control monopoly and protect the people from extortion it must be done by some other method than that of title. They may find that idleness and nonuse can not help the people. They may conclude that these arid lands belong to the man of limited means who wants a home and who is willing to expend the energy necessary to get the home, and that a law which is harsh and unjust serves the rich and not the poor. And above all they may finally discover, and methinks I see now their bewilderment, the surprised, and astonished features of those "just men made perfect" as the light steals cautiously over their doubtful countenances—they may discover, I say, that these brave, home-loving, empire-building people who have conquered the desert and the mountains, who have "mingled the eagles of America with the eagles of the crags" are blood of their blood and flesh of their flesh, imbued with honesty as well as courage, consecrated to the rearing of families and building up of communities and making homes and laying strong and firm the foundations of great Commonwealths. When they learn these things and join us in such a conception of affairs, we will make conservation serviceable to the people in deed and in truth. But so long as they propose to serve in the end those who do not need service or who lock up in idleness and inactivity the resources which Nature's God has given us, we will fight every inch of the ground.

Mr. JONES. Mr. President, I simply desire to make this statement: I sympathize with the sentiments of the Senator from Idaho [Mr. BORAH], but I have to confess to the Senate that the people of the West seem to desire that the administration under which these resources were bottled up and tied up and under which are the burdens with which we are now oppressed shall be reinstated and continued.

Mr. BORAH. Mr. President, permit me to say that there is not a withdrawal in the State of Idaho to-day of coal land or of power site or phosphate that does not bear the name of the present President of the United States.

Mr. SMOOT. Mr. President, I do not understand the fact to be as stated by the Senator. As I remember the history of the withdrawals in the State of Idaho, they were made by our former President.

Mr. BORAH. Mr. President, I am not mistaken. It has nothing to do with this controversy at all; it is wholly aside from the proposition; but the present President of the United States rewithdrew everything of the class I have mentioned that the previous President had withdrawn.

Mr. SMOOT. I was speaking of the withdrawals, because the Senator will remember when the bill was passed preventing any further withdrawals of lands for forestry purposes in Idaho, Wyoming, Washington, Colorado, and one or two other States there was a wholesale withdrawal of the lands in those States, and they were added to the forest reserves.

I will admit this—and I do not want to discuss the question any further than just to give what I understand is the history of it—it is true that after the general withdrawal act that was passed in June, 1910, President Taft made a withdrawal order covering all the lands that had been previously withdrawn; that is, they were withdrawn under the law that was passed in June, 1910. But the Senator does not for a minute claim that President Taft has withdrawn or added one acre to the forest reserves in Idaho.

Mr. BORAH. I said nothing about forest reserves. I said coal lands, the power site, and those things were all rewithdrawn by the President.

Mr. SMOOT. Under the general withdrawal order covering all the withdrawals that had been made.

Mr. BORAH. Precisely.

Mr. NEWLANDS obtained the floor.

Mr. HEYBURN. I think this matter should be explicitly stated.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. HEYBURN. I did not know that the Senator from Nevada had the floor. I only rose to state the status of those withdrawals. It is only fair to make the record state the facts. The withdrawals in many cases had been made without any authority. Prior to the withdrawal act the President had no authority to make withdrawals, the Constitution having placed that power entirely with Congress. After hammering at them for several years we finally brought them to a realization of the fact that they had been acting in violation of the law in attempting to make withdrawals; and coming to a realization of that fact Congress passed an act substantially permitting the withdrawals, and they immediately got under the shelter of that provision.

Mr. NEWLANDS. Mr. President, I wish to say a few words, not of a controversial character, but simply with a view to relieving the West by proper legislation from the existing deadlock. Many years ago I felt that this deadlock was approaching, and in a speech some six or eight years ago entitled "Our misfit land laws" I sought to impress western men with the fact that unless we got together and shaped a code of land laws adapted to our economic requirements the deadlock from which we are now suffering would doubtless ensue.

I urged then that we should act with reference to the land laws just as we acted with reference to the irrigation question. We had been conducting for years in both branches of Congress a desultory debate regarding the irrigation question and we had succeeded in impressing the entire country with the importance of that question as a national question. When we had so educated both the Congress and the people of the United States as to put them in a frame of mind for full and complete legislation we found that we were divided among ourselves as to what that legislation should be. Some of us believed in a grant of the arid lands to the States; some believed in national

aid, to be administered by the States; some believed in a national movement, the Government advancing the funds and obtaining recompense by the sale of the reclaimed lands.

We also differed as to where the projects should be located, the representatives of each State, of course, preferring their individual States. We found in our differences among ourselves that we were discrediting the irrigation cause. So we came together, the representatives of the 17 arid and semiarid States and Territories, and we organized a committee of 17, composed of one member from each State. The result was that we harmonized our views and presented a measure to Congress which received the approval of Congress and under which we have steadily advanced toward the completion of the reclamation projects.

Now, Mr. President, the conservation movement has not arisen from any desire to block the settlement of the West. It has not arisen in the minds of any of its most enthusiastic supporters from a desire to delay, annoy, or irritate settlers in securing homes. The whole purpose of this movement was to arrest a tendency in the direction of monopolistic control of the natural resources in coal, in timber, and in water power. It was the declared purpose of the men who were advancing this movement to save the public domain for home seekers and to protect the domain upon which they were to make their homes from monopolistic control.

Mr. HEYBURN. Mr. President——

Mr. NEWLANDS. I wish to make a very brief statement, I will say to the Senator from Idaho, and the hour is late.

Mr. HEYBURN. I will defer what I was going to say. We will have the matter up to-morrow.

Mr. NEWLANDS. If the Senator will permit me, I wish to conclude a very brief statement now.

Mr. President, what was the tendency of this monopolistic control? First, the acquisition of great areas of timber under bad laws or under bad administration. Second, the acquisition of the control of vast areas of land used for agricultural and grazing purposes against the spirit of our laws. That tendency was manifested in numerous instances, in one instance one firm acquired a million acres in our western region, a considerable portion of it devoted to agriculture and the rest to grazing. Then there was the control that was gradually being acquired of vast areas of coal entered under laws which permitted the entry of only 160 acres by any one individual and which prevented any combination of entries. So the sentiment of the country demanded a halt, not with a view to injuring the settler, the home seeker, but with a view to preventing this monopolistic movement.

Now, that was the time for us to have suited our laws to the economic development of the West. Western men have never yet met in a conference regarding the public-land laws with a view, as they did upon the irrigation question, of harmonizing their opinions in such a way as to secure legislative action.

I bear witness to the uniform friendliness of eastern men, such men as the Senator from New Hampshire [Mr. GALLINGER], to western interests. They have been willing to stand with us and by us in every effort to promote the development of the West.

Mr. President, I am not an extreme conservationist. I do not believe that the public domain is an asset of the National Government. I believe that the public domain is held in trust by the Nation for the people who are living in those States and the people who are to live there, and that any citizen of the United States can become a beneficiary of that trust by removing to the States within which the public domain exists.

I believe that ultimately the true solution of this question is to turn over the public domain to the States in which it exists under legislation that will promote settlement and restrain monopoly and monopolistic tendency. But I do not believe it is always wise to turn over an estate to a weak beneficiary, too weak to take charge of the property that is ultimately to be his. Hence, I would carefully guard the turning over of this domain to the States within which it exists.

We have realized that with reference to the swamp lands which were turned over by the National Government to the various States. Many of them had not the financial strength or experience necessary to cope with that subject, and we find now that almost every State in which swamp lands exist, having improvidently parted with the title of the lands, is now coming to the National Government for a full, complete, and comprehensive plan relating to their development in connection with navigation as the sole present source of national power, thus confessing that the grant itself was an improvident one.

I should regard the present grant of all the lands that are capable of irrigation to the various States as improvident because most of the rivers are interstate rivers; they involve interstate problems and require the action of a sovereignty whose jurisdiction exists over every inch of American soil and whose sovereignty is not confined within a detached portion of a region tributary to a certain river.

But all our legislation should gradually tend to turning over this great domain to the control of the States within which it is located.

Mr. President, the settlement of the humid region was a comparatively simple one. The agricultural homestead meant there but one thing, and that was 160 acres of land capable of being cultivated, and there was no difficulty about cultivating it. But as we go west we find the difficulty increasing. As a result we have been obliged from time to time to change the law regarding homesteads, and we have not only the agricultural homestead which may exist and ought to exist only in the humid region, but we have the dry-farming homestead, the enlarged homestead, and we have the reclamation homestead under the reclamation act.

Then, outside of the land that is capable of irrigation we have vast areas devoted to grazing, and the question is whether we shall so administrate that grazing domain as to turn it over to a few cattle barons or whether we shall have a grazing homestead of some kind, large enough to support individual families, and give to each family the control not of 160 acres, not of 320 acres, or of 640 acres, but of enough land to graze enough cattle to support a family. That amount may range all the way from 5,000 acres to 15,000 acres. Then the question will be as to whether we shall give the title absolutely or whether we shall simply give grazing permits for a limited number of years, holding the lands in such a position as that hereafter, with the progress of irrigation, those lands can be divided and turned into agricultural homesteads.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. NEWLANDS. I yield to the Senator, but I wish to say that I only desire to make a very brief statement.

Mr. SMITH of Arizona. I will not interrupt the Senator for more than a minute. It is true now that in the extreme Southwest all of the habitable land is either taken up by private settlement or reserved by Indian reservations or by forest reservations. The land left is desert land. They have now undertaken to prevent the settlement or location, if you please, of any spring or water hole. How are you going to raise cattle in that country if you put a limitation on the title or on the right to graze, or if you merely lease the land for a season? Who is going into the cattle business and subject his lease to the ideas of any particular head of department who happens to hold an accidental position here? What do you want to reserve the great desert lands for, except for grazing purposes? If you give title, what will prevent the man having the most cattle getting title to the land, thus leaving the matter in worse condition than it is to-day?

Mr. NEWLANDS. Mr. President, I do not propose to endeavor in a brief speech to solve all of these questions. I am simply stating them. What I urge is that the representatives of these 17 States should get together in conference and appoint a committee with a view to recommending to Congress a code of laws upon this subject; that consider the question as to whether absolute title should be given to these grazing areas in large units, from 5,000 to 15,000 acres—enough to support a family—or whether they will retain the title, simply giving grazing permits for a period of years, with a possibility hereafter that these lands may come under some irrigation project not now in contemplation.

Mr. President, regarding the timber lands, we all know the extensive monopolies which have been created. Our laws never intended them, and yet we have drifted into a condition under which a million acres of timber land are owned by one man. We ought to take up this matter and adjust it in such a way as will secure the development of our natural resources in our entire country without involving monopolistic control.

If there are faults in administration and they can be corrected by legislation, we should enact the legislation which will correct them; but that is not to be accomplished by desultory debates on the floor of the Senate and on the floor of the other House, arraigning well-intentioned men in the country who have simply sought not to absorb this great asset for the East or for the Nation, but to protect it for home seekers of the present day and the home seekers of the future.

What reservations is it sought to make? It is sought to reserve the timber and substitute a sale of stumpage for a sale of the land itself. There is no reason why that stumpage should be made a matter of revenue to the National Government; it ought not to be, because the more you charge for the stumpage, the greater you make the price of the timber itself to the ultimate consumer. There should be, however, some charge to cover the expense of administration, and of the charge that is made, the bulk of it should be turned over to the States in which the timber exists to supply the place of the taxes which would be imposed upon the land if it were in private ownership.

So also with reference to oil and coal, we should either classify these lands and then reserve them, permit their development under liberal laws providing for a royalty system, or else we should provide for the entry of the entire surface for agricultural or grazing purposes, reserving to the Government any future discoveries of coal or oil or phosphate. The latter is what the Government of Canada has done under the inspiration of this conservation movement; and yet some of our western friends say, "Oh, no; when you grant a homestead you must grant title from the heavens above to the center of the earth below," losing sight of the fact that whilst they insist we are driving the settlers to Canada, those settlers are there gladly accepting homesteads that give title neither to the roof of heaven nor to the depths below, but which give title only to the surface for agriculture, the mineral, the timber, and the water power locations being reserved.

Then there is another element, that of water power. We all know that hydroelectric power is entering more into the daily life of our people than any other element; we know the tendency toward its monopolistic control; we know that a great movement is now projected which will involve the utilization of our rivers for every purpose, including tributaries and source streams, and that this comprehensive plan involves not only the improvement of rivers for navigation, but for every useful purpose under a system of cooperation between the Nation and the States, under which each of them will do its work and pay its proportion of the cost that belongs to its jurisdiction.

Now, what is suggested under this conservation movement? Simply that the water-power sites should not go with the grant; that, whilst a man may make an agricultural entry which covers a power site, yet the title to that power site, if it is hereafter developed to be useful as such, shall not pass. The law can be shaped in such a way as to give the owner of that property, the entryman, proper compensation for his improvements. It is not the purpose of the conservation movement to wrong any man, to wrong the entryman who has made an agricultural entry upon a water-power site, but simply to prevent him from holding up the country, holding up the community, and wronging the people at large.

I do not pretend to say what law should be passed upon these questions. Time does not permit; but it seems to me that the rational way to proceed is for the Members from the West to confer together, appoint a committee, adjust this question, and present it to Congress for its approval. I assume that the Members from the West are not opposed to a wise conservation policy; that if they do object to a reservation to the Nation, they will not object to a reservation to their respective States; and, if it is necessary, we can so shape these laws as to make the reservation of the water power, the coal, and the oil run to the States in which these natural resources are located, instead of to the Nation. I assume that any rational conservationist in the country will be satisfied if such natural resources are reserved to the public rather than granted to monopolistic corporations.

The Senator from Idaho [Mr. BORAH] has referred to the fact that the homestead bill is in conference. It is in conference under an understanding in the House of Representatives when it went to conference that the question of the reservation of minerals, water power, and timber should be considered. We have been considering them, and as they involve almost the entire conservation question necessarily a good deal of time has been taken up.

I will say for the Secretary of the Interior that, whilst he is not as familiar, perhaps, with the West as are many of us, I am convinced that his desire is the real advancement and development of the West. He is desirous of doing away with the army of special agents who are now called upon under existing law to classify the public lands, to determine what is coal, what is water power, and what is oil land, a process that will necessarily take a great deal of time and that involves vexation to the settler. He would like to save vexation upon this subject by adopting the Canadian law, which is held up to our approval here, and he says that if that is adopted and grants of homesteads are made simply to the surface, reserving the mineral below and the timber and the water power, as the Canadian law does, then settlement upon the land will be comparatively easy, the army of special agents will be dismissed, and settlement can go on with the absolute assurance that the future discovery of water-power sites or coal or oil will be in the interest of all the people, rather than in favor of special interests.

I hope that we shall come to some conclusion within a short time, but we shall come to no satisfactory conclusion until the men of the West meet together, as they did upon the irrigation question, and present a solution of this entire subject.

Mr. BURNHAM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 15, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 14, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven cleanse us, we beseech Thee, from all unrighteousness, and fill our hearts with the Christ spirit, that we may think clearly, speak wisely, and act nobly in all the duties pertaining to the hour. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

APPEAL FROM DEPARTMENT REGULATIONS OF PUBLIC DOMAIN.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to address the House for half a minute.

The SPEAKER. The gentleman from California asks unanimous consent to address the House for half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I desire to insert in the RECORD a speech delivered before the public lands convention held at Denver Colo., September 28 to October 3, 1911, on the right of appeal to the courts from the decisions of the department in relation to the public domain, namely, "The demand for access to the courts upon all questions arising from department regulations pertaining to the public domain."

Mr. BARTLETT. Is it a speech by the gentleman himself?

Mr. RAKER. No.

Mr. BARTLETT. Whose speech is it?

Mr. RAKER. It is a speech delivered at Denver by Mr. Lane.

The SPEAKER. Of the Interstate Commerce Commission?

Mr. RAKER. No; Mr. E. A. Lane, of California.

Mr. BARTLETT. Mr. Speaker, I am not going to object, but I want to say that it occurs to me that printing speeches in the RECORD indiscriminately for distribution has been carried to an extreme degree. There has been considerable criticism of it in the public press, and I fear justly so. The printing of indiscriminate speeches of gentlemen much distinguished, and others not quite so distinguished, for the purpose of using the franking privilege to distribute the speeches is a practice not to be encouraged. I am not going to object to my friend's request this time, but I think that hereafter, unless it is a very important matter, and is a speech from some very prominent Member of either House, or some man who has occupied some distinguished position to whom attention has been attracted, that I shall object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The following is the speech referred to:

[Speech of Mr. E. A. Lane, of California, at the Public Lands Convention, at Denver, Colo., Sept. 28 to Oct. 3, 1911.]

THE DEMAND FOR ACCESS TO THE COURTS UPON ALL QUESTIONS ARISING FROM DEPARTMENT REGULATIONS PERTAINING TO THE PUBLIC DOMAIN.

"Mr. Chairman, delegates, ladies, and gentlemen: Elbert Hubbard, in speaking of the legal profession, has said that one-half of the lawyers are hanging onto the coat tails of the business community, while the other half are throwing banana peelings under the wheels of progress. Martin Luther, speaking on the same topic, said:

"Lawyers commonly dispute about words. They alter the facts and fall to go to the bottom of them that the truth may be discovered. They take the money of the poor and with their tongues thrash out both their pockets and their purses. They make poor Christians, and few of them shall be saved.

"According, therefore, to generally accepted authority, ancient as well as modern, this present subject of demand for access to the courts in public-land cases would be deemed of very little importance by the people at large or by this convention if it affected only the welfare of the lawyers. As a measure for the conservation of litigation, undoubtedly, it would not be popular. However, this subject is not one for the conservation of litigation. It is a subject which affects vitally the welfare of the homestead claimant, of the irrigator, of the miner and

prospector, of the right-of-way applicant, of the grazer, and of every settler on or near public lands or public reservations.

"In looking over the list of subjects to be discussed at this convention, it occurred to me immediately that this present subject of demand for access to the courts in public-land matters is one upon which all possible factions should be practically unanimous; there should be no conflict nor any division along the lines of so-called conservation or anticonservation. To open the courts of justice to individual suitors who consider themselves to be adversely affected or illegally damaged by some decision, or by the enforcement of some rule or regulation, in public-land cases can not in any respect be considered a step antagonistic to any governmental policy. It can no more be considered a step against the Forest Service, or against the policy of reserving or leasing mineral lands and water-power sites, than could the allowance of access to the courts in customs cases be considered as a step in favor of free trade. Whatever Government policy may be adopted touching the public lands, surely all of us can agree upon the fundamental principle that that policy must be a legal one, in harmony with the Constitution and authorized by Congress. It is by this legal sanction that the protective tariff laws were established, and no one is in any way apprehensive that the Government's policy in that direction will be jeopardized or defeated because a means has been provided by which disputes in customs cases may be adjudicated.

"There may be some few individuals, of warped or distorted mentality or of disposition incompatible with free constitutional government, who have no confidence in human integrity, no faith in or respect for the courts, and no patience with any legal restraints or limitations which happen to run contrary to their own individual ideas of propriety or public policy. But such individuals are not conservatonists; they are anarchists. They are not accounted desirable citizens any more by the most enthusiastic believers in Government ownership and control than by the advocates of local State control over the public lands. It is not due to people of that peculiar stamp of immorality, but entirely owing to their successful submersion, that our form of government now exists and that courts of justice have been established. Certainly it is not to such individuals that any word here spoken is addressed. Courts of justice, and particularly the courts of our own country, have been found to be the most faithful friends and firmest protectors of individuals and their rights and privileges, but they have also with equal firmness protected and upheld regularity, stability, and efficiency in the lawful administration of government functions.

"I think that no one will deny that the present status of the law with reference to land claimants who seek access to the courts, or who are haled into court as defendants and opposed by Government officers, is indefensible. The doors of the courts, so far as concerns any practical means of access or measure of protection, are securely barred against public-land claimants. For the purpose of illustrating the illogical and unjustifiable extreme to which the rule has been extended, I wish to cite a case which came under my personal observation while I was district law officer of the Federal Forest Service at San Francisco. I desire first to state, however, that this case is not cited in criticism of the Forest Service. Under the law and the decisions of the courts, the Government officials had the defendant entirely under their personal power. By their personal clemency and leniency, but not by the law, he was protected.

"The case to which I refer was one of a suit by the Government against Mr. Harold T. Power, a resident of California, who is very well and favorably known; not a multimillionaire nor a timber baron. He had purchased in good faith from the Central Pacific Railroad Co. a quarter section—160 acres—of surveyed timberland. No patent to the land had been issued or even sought, because, under the terms of the railroad company's grant, Mr. Power's title to the land, even without patent, was absolute and complete, legally as well as equitably, provided only that the land was in fact nonmineral in character. In other words, the railroad company's legal title to all nonmineral land within its described area had become perfect and complete as a present grant from the Government immediately upon legal identification by survey, regardless of and independent of any action to be taken by the officials of the Land Department. This was conceded by the Government itself under the terms of the act of Congress. On the other hand, if the land was in fact mineral in character, it still belonged to the Government.

"The public-land surveyors in running the section and township lines had reported generally that this and other surrounding land was mineral, while a geologist of the Geological Survey, after a careful examination of the particular tract in question, had reported it nonmineral. The Government, however, filed suit against Mr. Power for some $2,000 for having cut timber on this land. In answer to the Government suit, he alleged that he had purchased the land, and offered to prove that the land was in fact nonmineral, and that therefore he had perfect title and was the legal owner of the timber. The court, however, sustained the Government's demurrer to Mr. Power's answer, and decided that, even though the land was in fact nonmineral, nevertheless the court could not allow the defendant to prove that fact. Mr. Power had been haled into court at the suit of the Government. His one possible defense lay in his proving that the land was nonmineral in character. With this proof he could legally establish his title; without it he must pay to the Government $2,000 for timber cut by him from his own land. Nevertheless, the court decided that it was powerless to afford him any relief. The court held that the Secretary of the Interior, and the Secretary of the Interior alone, not the courts, possessed jurisdiction to hear and determine the evidence offered.

"This decision, unreasonable and unjust as it was, was strictly in accord with the law. It was so obvious, however, that the defendant was denied any opportunity for a fair hearing or for just relief that the officials of the Forest Service refused to proceed further with their prosecution. Nevertheless it was entirely possible under the law for them, simply because they were Government officials, to carry the case to judgment and to collect from Mr. Power $2,000, denying him meanwhile any opportunity of presenting before the court the very evidence necessary to his defense.

"The decision of the court in this Harold T. Power case was not only in accord with, but is also a very good illustration of, the present status of the law. And, strangely enough, this remarkable denial of access to the courts and of the protection of the courts to public-land claimants is not the result of any specific legislation. Congress has merely failed and neglected to legislate either one way or the other, and under this total lack of legislative direction the courts have, by their decisions, gradually reversed their former rules of practice. Formerly, under the decisions of the Supreme Court, the district court at San Francisco could not have denied to Mr. Power the opportunity which he asked to present evidence for the protection of his title against the suit of the Government officers. In two cases decided by the United States Supreme Court, one in 1870 and one in 1887, that court expressly held that the local courts should receive and consider and pass upon the evidence offered by public-land claimants in support of their title. By reason of the similarity, both in principles of law and in the nature of their facts, these two cases, although admitting of slight legal distinctions, are very closely analogous to the Harold T. Power case. In these two instances the grantee was a State instead of a railroad corporation, but, like the grant to the railroad corporation, the grant to the State took effect and vested legal title in the grantee in advance of and regardless of any official action by the Land Department.

"In the first of these two cases—the case of Railroad Co. *v.* Smith (76 U. S., 94)—the court said:

> "The right of the State did not depend upon his [the Secretary of the Interior] action, but on the act of Congress. * * * As that officer had no satisfactory evidence under his control * * * he must rely, as he did in many cases, on witnesses whose personal knowledge enabled them to report as to the character of the tracts claimed. * * * Why should not the same kind of testimony, subject to cross-examination, be competent when the issue is raised in a court of justice? * * * We are of opinion that the State court did not err in that [the admission of verbal testimony].

"This case, you will notice, not only held that the courts of justice had jurisdiction to receive and pass upon evidence, but gave cogent reasons upholding the propriety and duty of the courts in this regard.

"In the other case—Wright *v.* Roseberry (121 U. S., 488)—the Supreme Court said:

> "For the error in holding that the certificate of the commissioner was necessary to pass the title of the demanded premises to the State the case must go back for a new trial, when the parties will be at liberty to show whether or not the lands in controversy were in fact swamp and overflowed * * *. If they are proved to have been such * * * they were not afterwards subject to preemption by settlers.

"You will notice that in this last case, under the express direction of the United States Supreme Court, the parties were given liberty to introduce evidence in the lower court. The contrast between these two earlier cases and the recently decided Power case shows an obvious reversal of policy and of practice by the courts. This change, as above stated, has not been due to any action, but rather to inertia and inaction on the part of Congress.

"As showing, however, that such change adverse to public-land claimants has been definitely adopted by the United States Supreme Court, I wish to quote from the recent case of the

Riverside Oil Co. *v.* former Secretary of the Interior Hitchcock, reported in volume 190, United States Reports, page 316. The court said:

> "* * * The head of an executive department * * * must exercise his judgment in expounding the laws and resolution of Congress under which he is from time to time required to act. * * * Whether he decided right or wrong is not the question. Having jurisdiction to decide at all, he had necessarily jurisdiction, and it was his duty to decide as he thought the law was, and the courts have no power whatever under those circumstances to review his determination by mandamus or injunction. * * * Nor does the fact that no writ of error will lie in such a case by which to review the judgment of the Secretary furnish any foundation for the claim that mandamus may therefore be awarded. The responsibility as well as the power rests with the Secretary, uncontrolled by the courts.

"It is interesting to note that at the date of this decision the statutory powers and duties of the Secretary of the Interior in public-land matters were identically the same as at the date of the decision in the case of Wright *v.* Roseberry, previously referred to, in which the Supreme Court expressly directed that evidence should be introduced before, and the facts there determined by, the trial court.

"Of course, these few cases here cited do not cover every detail nor every point of technical distinction that might be called to attention in a court of law. There are, however, a great number of cases which raise and dispose of almost every conceivable point that could be suggested in the interest of any public-land claimant, and the Supreme Court has resolved practically all of them in such a way as to bar the public-land claimant from access to courts. There are, it is true, three classes of exceptions to the rule, but these afford only limited and qualified relief. They are found, first, in mineral-land cases; second, where the claimant is defendant; and, third, where the land has been patented.

"First, under the mining laws, section 2326 of the United States Revised Statutes has for many years permitted free access to the courts in cases of private adverse claims. Disputes have been settled, the scope and effect of the mining laws determined, and private property rights adequately protected. Unfortunately there is no similar provision for agricultural claimants, or covering contests and adverse recommendations by Government officials against any character of claims.

"The second means of access to the courts referred to is by the claimant being haled into court at the suit of the Government. As seen in the Harold T. Power case (which was the first case I referred to), even then the claimant may be defenseless. In some few cases, involving rights of way and grazing regulations, the claimant has been brought into court upon the Government's suit for injunction. This remedy is not adequate, nor is it practicable except in comparatively rare instances.

"The third exception mentioned is in agricultural-land cases. A claimant who has been illegally deprived of his land by wrongful action of the land officers has the privilege of waiting until the land has been patented to some other person, and then file a suit in equity against that person to have him declared trustee of the land. There are many cases of this character in the books. A typical one is that of Ard *v.* Brandon, 156 U. S., 537, where the court said:

> "He [the plaintiff in the suit] did all that was in his power in the first instance to secure the land as his homestead. That he failed was not his fault; it came through the wrongful action of one of the officers of the Government. * * * Here a rightful application was wrongfully rejected. * * *

"And again:

> "Such wrongful rejection did not operate to deprive the defendant of his equitable rights. * * * If he does all that the statute prescribes as the condition of acquiring rights, the law protects him in those rights.

"The language in that case declaring the rule of adequate protection sounds reassuring. No suit in such cases can, however, be instituted until the Government has parted with its title. Ten, twenty, and thirty years ago it was the policy of the Land Department to patent the public lands as speedily as possible, and there were, practically speaking, no Government contests and no reserved or withdrawn areas. Even then this partial remedy was little better than a denial of justice, since a rightful claimant could be, and many times was, illegally deprived of the use and possession of his land, and forced to wait 5 or perhaps 10 years, until his adversary had secured Government patent, before he could even begin the necessarily expensive and cumbersome litigation. At the present time, moreover, the policy of the Government to make withdrawals and reservations has placed from one-fourth to three-fifths of the total area of many public-land States permanently, or for an indefinite period, beyond the possibility of being patented, and this remedy, unsatisfactory as it always was, is therefore now to that extent not available. In fact, this remedy is now generally recognized as of no practical value and is seldom invoked. It furthermore never did afford any relief, nor is there any other remedy available in cases where the claimant is directly opposed by the Government officers. As a matter of natural consequence, unavoidable under the present system, it may be added also that the greater number of instances of injustice and hardship of late years have occurred where claimants have been opposed by Government officials. It certainly can not fail to impress any impartial mind as being indeed most remarkable that in those particular cases where a claimant's asserted rights are considered by the executive department to be adverse to the interests of some one of its own projects or policies or bureaus, that in such cases, of all others, the claimant must be left entirely in the hands of that department, without the least possibility of any appeal or review elsewhere. Impartial judgment is humanly impossible where adversary and judge are one, no matter what may be the conscientious piety of that one.

"That the present system of absolute and uncontrolled executive power over public-land matters is indefensible in principle I think no one will deny. It is not necessary to cite Montesquieu's "Spirit of the Laws" or Alexander Hamilton's "Federalist Essays" or other authority; we all know that it is fundamentally un-American and contrary to every principle of our form of government to close the courts against relief or redress for violations of valuable legal rights. Two or three sentences may well be quoted, however, from the famous case of Marbury against Secretary of State James Madison, which was recently referred to by President Taft as one of the cornerstones of our Government. That case involved the violation of an individual citizen's property rights by the Secretary of a department. It is the oldest and strongest precedent in support of the protection of the individual against illegal executive action. The court said:

> "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of the Government is to afford that protection.
>
> "It is emphatically the province and duty of the judicial department to say what the law is.
>
> "It is a general and indisputable rule that where there is a legal right there is also a legal remedy by suit, or action at law, whenever that right is invaded.

"The principle, there so forcibly announced, of assurance to individual citizens of the willing protection of the courts should effectively operate in public-land cases above all others. It has always seemed to me that, of all citizens in civil life who are entitled to the full benefit of every safeguard and protection the law can offer, the one first in order should be the public-land claimant in his assertion of claim to the meager property rights he may obtain. He may in some instances have prospered and spread himself as did the wicked man referred to in the Psalms; but, as a rule, his has been and to-day is a hard lot, with struggle and hardship and with very little reward except the satisfaction of having sown where others shall reap. The pioneer in the larger business enterprises upon the public lands does not stand under the same halo of peculiar sympathetic personal interest as does the individual settler, but at the same time his enterprise and courage and initiative are far above the ordinary in public value. Certainly he does not merit any denial of common justice or to have closed against him the legal protection commonly accorded to the pawnbroker and the loan shark.

"No impelling cause or sound reason ever has been given for the present denial of judicial relief. The only justification ever suggested by the courts for closing their doors to the public-land claimant is that the land department has been constituted a special tribunal with judicial functions for his protection. That does not seem to justify the present complete denial of the courts to land claimants, because, as we have already seen, that department was not considered to be so sacredly judicial in 1887, when the case of Wright *v.* Roseberry was decided. The courts afforded at least a more liberal measure of relief at that time, and no legislation has been enacted since then requiring any change in the practice of the courts.

"Furthermore, there exists now much keener necessity for liberal access to the courts in land cases than ever before. In former years the Land Department maintained a far more judicial attitude than it does at the present time. Peculiarly enough, during the very period while the doors of the courts have been closing tighter and tighter against land claimants, influences have been at work causing the Land Department to become less and less judicial and more and more distinctly executive in its attitude and administration. As previously mentioned, we know that in former decades the controlling policy of the Land Department was to patent the public lands as rapidly as possible. There were few contests instituted by the

Government officers and practically no reserved or withdrawn areas. At that time the chief function of the officers of the department was to sit in judgment upon conflicting private claims concerning which they had cause to feel only the desire and promptings of an impartial and wholly dispassionate judge. The sense of purely judicial obligation and duty was, naturally enough, developed and fostered among them by the fact that these classes of cases predominated in their work, and the prevailing attitude of the department was therefore conscientiously judicial. To this situation it was due no doubt, in a large degree, that even in those cases where there was no private contest and the issues involved were solely between the Government and the private applicant, the officials at that time were, as a general rule, more keenly sensitive to the binding obligation resting upon the judge to determine impartially whether the applicant had or had not complied with the law and become entitled legally to the property or legal rights applied for. There was not then, as, unfortunately, there is at the present time, a general disposition among the departmental subordinates to adopt the now current sophistry which argues that the department, if in its own opinion the public good will be subserved thereby, may reject private claims, even though the applicant has admittedly done 'all that the statute prescribes as the condition for acquiring' the rights sought. In former years general recognition and respect was willingly accorded to the language which the Supreme Court used in the case of Frisbie v. Whitney (76 U. S., 608) that the land officers have no legal authority to refuse 'rights, however inchoate, which are protected by laws still in existence,' and to the declaration of the Supreme Court in the case of Cornelius v. Kessel (128 U. S., 456), which says, concerning the Land Department, that its—

"power of supervision and correction is not an unlimited or an arbitrary power. It can be exerted only when the entry was made upon false testimony or without authority of law. It can not be exercised so as to deprive a person of land lawfully entered.

"In considering the greater need of access to the courts now than in former years it should also be remembered that the forest reservations now cover nearly 200,000,000 acres and that within this tremendous domain are property rights and private claims equal in number and in importance to the total private property in some of the States. The Forest Service has practically no established system of notice or for giving opportunity for hearings and maintains no regularity or judicial character to its proceedings in adjudicating private rights. In most instances it acts ex parte upon reports and information kept strictly confidential in its own files. It is at the present time administering a large number of important land laws and an accumulated mass of departmental regulations under which private rights and property claims are determined (you can not say adjudicated) in the cheerful and summary and unceremonious manner of a black negro mammy spanking her many pickaninnies on a busy wash day. I say that not because I am hostile to the Forest Service, for I am not; but it is true. And it is unfortunate also for the Forest Service itself that it is true. This is a serious matter. And we must bear in mind that this bureau now acts within its own sphere with the same power of final and uncontrolled adjudication of private rights as does the Land Department.

"Another circumstance increasing the present need for access to the courts is the fact that the number of statutes and departmental regulations thereunder has increased. The executive officials are now confronted by a bewildering legal tangle of laws and regulations, many of them inconsistent with each other and some of them inconsistent in their own terms. Other statutes are fragmentary or antiquated. The situation is a difficult and embarrassing one even for administration. For judicial interpretation and construction we should certainly have access to a court or courts of recognized standing.

"It might be well to consider a very few of the circumstances attending the administration of the executive departments, from whose decisions the public-land claimant now has no appeal or possibility of relief. I think that no thoughtful student of the principles and historical development of our institutions will deny that the distinctive characteristic of executive bureaus and departments should properly be vigorous activity along the lines of their own selected or adopted policies. These policies will change from time to time with changing administrations and political variations. Even under the most complete system of civil service the changing of Secretaries and of policies will bring about all-pervading changes in attitude throughout the department. Civil service may limit the freedom of but it can by no means prevent the exercise of influence by the Secretary over his subordinates. Even though he encourages personal independence, the Secretary's influence is and always will be controlling.

"The Secretary and those in authority under him always have free power of promotion and demotion, and of transfer from certain positions to other positions, and of change from certain duties to others more or less advantageous; and the subordinates are always keenly conscious of the possibility that it may be advantageous to act in harmony with the Secretary's policy. This instability and change of policy and attitude, this trimming of sails to suit varying currents renders absolutely impossible the establishment and firm maintenance of a definite and consistent system of public-land law. In fact, the very thought of purpose or of administrative policy, or the thought of political effect—all of these ideas which are inherent in the executive departments—are in their very nature incompatible with any proper conception of a judicial tribunal. It is little less than criminal to leave the public-land claimant, without any hope of relief or possibility of redress, at the mercy of such a system. It is a political crime against the public-land States of the West that the property titles and legal claims, upon the security of which must depend largely the enterprise and business development of the western country, must remain subject to the judication and to the sole protection of a tribunal of this nature.

"Limited time makes it impracticable to discuss in detail, or even to cite, specific instances of hardship and injustice under the present system of exclusive departmental control. It is interesting to investigate the many suits which were brought by defeated claimants to recover land after the issuance of patent in former years when conditions were different and that remedy offered some measure of relief. A study of those cases will furnish ample evidence that the executive officers of the Land Department even in former years frequently denied individual property rights in clear violation of the law and under circumstances of great injustice. On account of the inadequacy of that remedy, as previously explained, it must be remembered also that the number of suits actually brought represents but a small proportion of the cases in which injustice was suffered even then. And no one familiar with the actual conditions of affairs in public-land administration, with the present confusing and inadequate public-land laws and with the irresistibly biasing and warping effect of recent political agitation in public-land matters, will contend that the denials of legal rights and of privileges lawfully claimed under the public-land laws are now fewer in number than they were in former years.

"I wish to give a brief quotation indicating the hardships actually attending the present administration of the public-land laws, and indicating not only the hardships to individuals, but the injustice to investors, and also the unfortunate uncertainty of, and insecurity in the protection of, legal rights, which is now seriously retarding legitimate commercial development in the public-land States. This quotation will be from a speech by Hon. JOHN E. RAKER, of California, reported in the CONGRESSIONAL RECORD of July 5 of this year. Judge RAKER has for years been a very prominent and successful lawyer. Before his election to Congress he was judge of one of the superior courts of the State. He is thoroughly conversant with public-land conditions and practice. His congressional district includes Government lands of large area, both within and outside of forest reservations. He is recognized as an authority upon questions of public-land law. Judge RAKER's language is of all the more interest and value because he is an accepted and thoroughly orthodox conservationist, and one of the stanchest supporters of the Federal Forest Service. His speech on July 5 was directed in favor of his own resolution calling for a thorough investigation by Congress of actual public-land conditions in the West. I shall give four excerpts from his speech:

"A great number of complaints have been coming from the citizens of all the public-land States, protesting against alleged hardship, injustice, and inequality in the operation of the public-land laws. The complaints received have not been restricted to any one class. They have come from homestead and desert-land claimants, from prospectors and the locators of mining claims, from municipalities and companies supplying power and water to municipalities, from irrigators and from irrigation companies, from operators of mines, mills, and reduction works, and from those living east as well as west who have invested in mining, irrigation, and water-power development. * * *

"Congress some six years ago enacted a statute apparently granting rights of way for reservoirs, ditches, pipe lines, tunnels, and canals for municipal, mining milling, and ore-reduction purposes. Now complaints, serious complaints, are heard that this statute has been so stripped and whittled away by construction and application that its beneficial objects and purposes are utterly defeated. * * *

"Business investment and enterprise are discouraged and seriously retarded by the mass of doubt and uncertainty surrounding this whole general subject of rights of way across the public lands, and by the constant menace and threat of litigation if any move is made. Complaint is made repeatedly also that there is a tendency on the part of some Government agents and officers to penalize and to question the motives and integrity of those who wish to take such questions into the courts for adjudication. This is a very serious complaint and should be sifted to the bottom, especially in view of the circumstances in which honest men must find themselves in considering the legal phases of the situation. The scope and effect of many of the statutes when considered singly, and the effect of some of the later ones upon those passed previously, remain unadjudicated. Not only the scope and effect of these laws in a general sense, but even the significance of many of their most important words and phrases, remain undetermined. They refer in terms to railroads, reservoirs, canals, ditches, pipe lines, flumes, dams, highways, trails, tramways, and transmission and telegraph lines, and yet the purport and logical effect of a recent ruling by the standing master in chancery of the United States Circuit Court at San Francisco would seem to be that rights of way across the public lands of the West can no longer be secured even by irrigation companies or for transcontinental railroads. * * *

"There are many complaints lodged also by miners, homesteaders, and desert-land claimants to the effect that the practice and decisions have tended of late years to handicap needlessly and unnecessarily to annoy and harass those who have faithfully and honestly complied with the public-land laws.

"It is not, however, a fault chargeable to the departmental or bureaucratic officials that such constant complaint is everywhere made against their rulings and decisions. The fault is not with them, but with the present system. The Executive can not properly be expected to be judicial or impartial in its attitude. It is the active agent of the Government. It of right ought to be definite and vigorous, not judicial or deliberative. It is the constitutional duty of Congress promptly to enact new laws to correct any undesirable policy legally adopted by the Executive, while the duty of restraining illegal executive tendencies lies with the judiciary. This duty will be performed naturally, and in the usual and regular manner, by opening the courts to complaints of injustice and injury. The courts by declaring the true meaning, scope, and effect of the laws will uphold and support the Executive in all proper interpretation and application of the statutes.

"I understand—in fact, I think I may safely say that I am sure—that it is the personal desire of the Secretary of the Interior and of the Forester to have cleared away by definite judicial determination the many points of doubtful or disputed legality which now exist concerning the subjects under their administration. They desire to know by determinative judicial authority what they can and should do and what things can not and ought not to be done. Free access to the courts will bring authoritative determinations of private rights, will relieve the executive departments from the burden of much bitter criticism, and will bring justification and support to the lawful execution of whatever public-land policy is adopted.

"President Taft has recognized both the right and the need of access to the courts in this class of cases. On June 21 of last year he sent to Congress a special message urging early consideration of the subject. He said:

"There are, perhaps, no questions in which the public has more acute interest than those relating to the disposition of the public domain. I am just in receipt from the Secretary of the Interior of a recommendation that in disposition of important legal questions which he is called upon to decide relating to the public lands, an appeal be authorized from his decision to the Court of Appeals for the District of Columbia.

"I fully indorse the views of the Secretary in this particular, which are set forth in his letter, transmitted herewith, and urge upon the Congress an early consideration of the subject.

"Whether the particular method suggested by the President, that of appeal to the Court of Appeals for the District of Columbia, is the most desirable method to adopt, or whether some other means of access to the courts should be provided, should be carefully considered and freely discussed. The chief object of the President's message, however—that of securing legislation expressly granting the right of access to the courts—should receive our hearty approval and the active support of all."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6585. An act increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6585. An act increasing the appropriation for the extension, alteration, and improvement of the public building in the city of Concord, N. H.; to the Committee on Public Buildings and Grounds.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; and

H. J. Res. 39. House joint resolution proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

REGULATION OF INJUNCTIONS.

Mr. HENRY of Texas. Mr. Speaker, is House resolution 520, which was under consideration last evening at adjournment, now before the House?

The SPEAKER. It is.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution reported by the gentleman from Texas is not a privileged resolution, that it is not in order, and that the Committee on Rules had no jurisdiction to report the resolution.

The SPEAKER. Upon what does the gentleman base his point of order?

Mr. MANN. The rule provides that—

At the expiration of such time the previous question shall be ordered on the bill and said substitute to final passage, and the House shall immediately proceed to vote on the bill and substitute without any intervening motion.

Mr. Speaker, it became the practice in the Congresses prior to the Sixty-first Congress to adopt resolutions of this kind reported from the Committee on Rules. For instance, on November 16, 1903, the gentleman from Pennsylvania [Mr. DALZELL] reported a resolution for the consideration of the Cuban reciprocity bill, which concluded in this language:

And whenever general debate is closed the committee shall rise and report the bill to the House, and immediately the House shall vote, without debate or intervening motion, on the engrossment and third reading and on the passage of the bill.

The question was raised at that time whether that shut out any intervening motion, and it was so ruled, although an appeal was taken and the appeal was overruled. Subsequently various other resolutions were asked from the Committee on Rules, which eliminated even the right of appeal.

Following that course, many Members of the House have come to believe that the right to offer a motion to recommit, which originally was designed to permit the gentleman in charge of the bill to move to recommit for the purpose of correcting an error in the bill—that the right to offer a motion to recommit had become a right of the minority, and there was incorporated in the rules of the Sixty-first Congress, and it is in the rules of this Congress, this provision, on page 359 of the Manual, referring to the Committee on Rules:

The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7, Rule XXIV, shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which shall operate to prevent a motion to recommit being made, as provided in paragraph 4 of Rule XVI.

Now, this rule endeavors to cut out the motion to recommit, because it expressly provides that the House shall immediately proceed to vote on the bill and substitute without any intervening motion; while the rule provides that the Committee on Rules is not authorized to report any rule which shall operate to prevent a motion to recommit being made.

It is true that the motion to recommit is not of as great value to the minority as it was supposed to be before the ruling of the Chair the other day, but the right to offer the motion to recommit is preserved by the rules, and preserved in such a manner that the Committee on Rules can not report a rule which shuts it out. Doubtless they could report a rule which would amend the rule providing for a motion to recommit, or the Committee on Rules could report a rule eliminating the rule to recommit, but they can not report a rule which violates the rule providing for the motion to recommit.

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question. Suppose this rule was adopted and there was a controversy as to whether anybody had the right to make a motion to recommit, is the gentleman from Illinois clear that this rule undertakes to cut out the motion to recommit?

Mr. MANN. I am clear that under the precedents it does. It says that it does, and under the precedents it does.

The SPEAKER. The Chair will hear the gentleman from Texas.

Mr. HENRY of Texas. Mr. Speaker, the question of the Chair to the gentleman from Illinois is pertinent, and I was about to address myself to that point. There was no intention on the part of the committee to prevent the motion to recommit, and I apprehend that there will be no objection made to a motion of that kind on this side of the House.

But let me suggest several thoughts. It is true the House amended the rules of the House to read that the Committee on Rules shall not report any rule or order which shall operate

to prevent a motion to recommit being made as provided in paragraph 4 of Rule XVI.

Paragraph 4 of Rule XVI reads:

After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition to such Member who is opposed to the bill or joint resolution.

Mr. Speaker, while it is true the Committee on Rules has been forbidden to report a rule that would deny a motion to recommit, yet if the Committee on Rules should report such a rule, and this House by a majority vote should adopt it, that would preclude the right to make such motion.

Why, Mr. Speaker, only the other day the Committee on Rules reported a rule in regard to an appropriation bill, the legislative, executive, and judicial, to supersede temporarily the entire rules of this House by a special rule in order to make certain things which were in that appropriation bill not subject to a point of order.

The SPEAKER. The Chair would like to call the attention of the gentleman to the last proposition in this subdivision—

Nor shall it—

That is the Committee on Rules—

report any rule or order which shall operate to prevent a motion to recommit being made as provided in paragraph 4 of Rule XVI.

What does that mean?

Mr. HENRY of Texas. That means that the Committee on Rules shall not report it, but even conceding that they have reported rules which exclude that right, the Committee on Rules has a right to report it to the House, and if the House adopts it such action would abrogate that part of the rule, because it temporarily sets aside the rules of the House.

Mr. NORRIS. Will the gentleman permit a question?

Mr. HENRY of Texas. In a moment. The House by a majority vote can adopt any special rule that temporarily suspends the general rules of the House, as it has frequently done in the past.

The SPEAKER. This rule says that the Committee on Rules shall not report such an order.

Mr. HENRY of Texas. But, Mr. Speaker, if the Committee on Rules should do it.

Mr. NORRIS. That is where my question comes in.

Mr. MANN. That is where my point of order comes in.

The SPEAKER. And suppose the Chair refuses to entertain a motion to consider a resolution from the Committee on Rules which contravenes the general rule referred to?

Mr. NORRIS. I want to ask the gentleman, Suppose any other committee does something which under the rules they are not allowed to do. The proper thing to call it to the attention of the Chair then is a point of order that they have gone beyond their jurisdiction. The Chair finds it has done that, then is it not the duty of the Chair to so hold that they have exceeded their power?

Mr. HENRY of Texas. Mr. Speaker, there is no controversy about that, but would the Chair hold that this rule can not be amended to-day or abrogated by a special rule and that it never can be changed because it is in the rules?

The SPEAKER. No; the Chair would not hold anything of the sort. You can report any rule which you see fit to put upon the books, but as long as that section stands there the Committee on Rules is precluded from bringing in such a resolution as this one. If you bring in a resolution amending the rules, that is a proposition which, of course, the Chair would entertain; but you are not bringing in a resolution to amend the rules, you are bringing in a resolution which violates a rule of the House.

Mr. HENRY of Texas. Mr. Speaker, the Committee on Rules does not intend to prevent a motion to recommit being made, but the gentleman from Illinois [Mr. MANN] is entirely incorrect in his diagnosis of the case in this instance. That is all there is to it. The Committee on Rules has no objection to a motion to recommit being made.

Mr. NORRIS. Will the gentleman allow another question? I want to ask the gentleman, Mr. Speaker, if the Committee on Rules brought in a rule here setting aside Calendar Wednesday by less than a two-thirds vote whether a point of order against that rule would be sustained by the Chair?

Mr. HENRY of Texas. Well, I think the Committee on Rules could bring in any special rule temporarily suspending the rules of this House, and if it was adopted by a majority vote, it would prevail.

Mr. NORRIS. But before it is adopted and somebody calls attention to it and makes the point of order. If that is not the right theory, then what effect does this rule have which says the Committee on Rules shall not bring in a rule setting aside Calendar Wednesday by less than a two-thirds vote.

Mr. HENRY of Texas. I think it is all buncombe.

Mr. FITZGERALD. Mr. Speaker, I wrote the provisions which are found in this rule. I drafted them myself, and they were drafted to obviate great abuses in this House. I do not believe that very many ever gave me much credit for the desire to accomplish that purpose, but that was the purpose. The Speaker will recollect that in the last Congress on several occasions when it was proposed to report special rules to the House from the Committee on Rules I called the attention of the committee to the fact that if those rules were reported without putting in the provision excepting the motion to recommit I should make a point of order against them when they were presented to the House. These provisions were designed to prevent two things being done—one was to prevent Calendar Wednesday from being set aside, in an indirect way, by less than a two-thirds vote by a limitation upon the extraordinary powers of the Committee on Rules, and the other was to prevent the Committee on Rules, at times when partisan advantage would make it politically expedient, to deny to the minority the right to have a vote upon some important matter by bringing in a rule to deprive the minority of that privilege. I believed the minority should not be deprived of that right when I was in the minority, and I never advocated a rule when I was in the minority that I am not willing to live under when I am a Member of the majority. [Applause.] If there is anything that can properly be asserted about the procedure of the House of Representatives, it is that the rules should be so framed that there would not be partisan controversies about them. Everyone should be willing to have the same rules apply to them, whether in the majority or minority in the House. [Applause.] The temptation to take advantage of the minority is so great that no party should ever be in a position where it can ride ruthlessly over them. Indeed, the whole theory of the rules of the House—and that is very frequently forgotten—is that they are framed to protect, not the majority, not to enable the majority to do business, but to protect the minority from the exercise of arbitrary power by the majority.

I do not believe that it was intended by this particular resolution that the motion to recommit should be denied to whoever should happen to be opposed to this particular bill, but I do say that the language of this resolution—

That at the expiration of such time the previous question shall be considered as ordered on the bill and said substitute to final passage, and that the House shall immediately proceed to vote on the bill and substitute without any intervening motion—

operates to violate the rule which places a prohibition upon the Committee on Rules to cut out the motion to recommit as provided in section 4 of paragraph 4, Rule XVI.

I do not know that the question has before been presented to the House. I do know that upon one occasion a rule was brought in making a bill a continuing order. My recollection is that the point of order was raised against it. I am not certain whether it was passed upon at that time; although the gentleman who was then Speaker said that the House, without objection, might adopt such a rule, which would make a bill a continuing order so as to eliminate Calendar Wednesday. The time was never reached, however, or no attempt was made under that special order to eliminate Calendar Wednesday. But unless the House is protected by the point of order, both of these rules could be made ineffective.

There is a rule, for instance, which prohibits the Speaker from entertaining a motion or a request that anybody, except those persons designated in the rule, be admitted to the floor of the House. One of the rules prevents the Speaker from entertaining the motion for a recess on Calendar Wednesday. He could not entertain those motions without violating the rules. If he attempted to do so, he could be prevented by raising the question of order. It seems to me that the gentleman's point of order as interposed must be sustained as to the rule, although I suppose there will be no objection if the gentleman from Texas [Mr. HENRY] should ask to modify the report by excepting the motion to recommit.

Mr. HENRY of Texas. This same provision was in the rule reported to consider pension bills the day the two gentlemen from Georgia, Mr. TRIBBLE and Mr. RODDENBERY, got up the opposition. But if there is any doubt about the question, I ask unanimous consent that the resolution be amended by adding at the end of line 12 the words:

Except a motion to recommit.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to add at the end of the resolution the words:

Except a motion to recommit.

Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. CANNON. Mr. Speaker, on the point of order I would like to make a remark, if the Chair will indulge me. This rule, if adopted by the House, would clearly cut off the motion to recommit. I recollect very well when the rule was adopted touching the motion to recommit, and the prohibition upon the Committee on Rules from reporting any special order for the consideration of the House that would prevent that motion being made.

It is somewhat interesting, Mr. Speaker, if I may be indulged for a moment, in the light of parliamentary disagreement in the House of Representatives, to just reminisce for a moment. There is a way, in the event the Chair should sustain the point of order upon this resolution reported by the Committee on Rules, by which this rule could be considered, and that would be an appeal from the decision of the Chair to the House, and the majority would then have a chance to overrule the Speaker when he sustains the point of order, if he should do so, to this provision in this rule.

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question. Suppose somebody appealed from the decision of the Chair and somebody else moved to table, and the latter motion carried, how would you get an opportunity to discuss that proposition?

Mr. CANNON. After all is said and done, we are discussing it now. A majority of the House now, as always, can determine what it will do touching its order of business and touching legislation, rules or no rules. A majority of the House may violate every rule that is made, by a majority vote, and it has in the past so done as to some of the rules.

Mr. SHERLEY. Does the gentleman mean by that that the Chair ought to afford a majority of the House the opportunity to violate by an indirect attack a plain rule written into the regular standing rules of the House?

Mr. CANNON. I take it for granted that whoever is Speaker of this House, or whoever has been Speaker of this House in over a hundred years of existence, or whoever will be Speaker of this House, has ruled or will rule upon all questions of order as he believes he ought to rule.

Mr. SHERLEY. Oh, of course. But here is the practical proposition here——

Mr. CANNON. And it is always subject to an appeal.

Mr. SHERLEY. Of course.

Mr. CANNON. I have known Speakers of this House, when gentlemen have arisen to questions of the highest constitutional privilege, to decide upon the point of order that it is not a constitutional privilege. I have known an appeal to be taken by gentlemen against that decision, and I have seen a majority of the House overrule the Speaker. Aye, more. I have seen inside of 12 months a majority of the House reverse itself. We are always subject to a majority.

Now, one word in conclusion.

Mr. SHERLEY. I do not want the gentleman to conclude until I ask him a question.

Mr. CANNON. The Speaker has already, by a question, as I understand, as a Member of the House, substantially pointed the way by which this rule could be amended otherwise than by the Speaker being overruled by a majority, in the event there was a majority that would overrule him, on whatever decision he might make. If there be a czar now in existence in this House of Representatives, it is not the Speaker but the Committee on Rules, that, by reporting this rule, has announced its intention that it will be a czar and defy the rules when they write in "not subject to an intervening motion," which would nullify that rule. Sometimes, in the light of history, I wonder upon what meat does this our Cæsar, or our Cæsars, feed that they have grown so great.

Mr. HENRY of Texas. Will the gentleman yield for a moment?

The SPEAKER. Will the gentleman from Illinois [Mr. CANNON] yield to the gentleman from Texas [Mr. HENRY]?

Mr. CANNON. With pleasure.

Mr. HENRY of Texas. As I remember, exactly this same language was in the rule when the pension bills were considered. Why did not the gentleman think of his point of order then and make it against the consideration of the pension bills?

Mr. CANNON. Does the gentleman claim because his committee has played czar once and it was overlooked that that makes a precedent that permanently makes the gentleman and his committee a czar?

Mr. HENRY of Texas. I do not claim that we played the czar. There is a monopoly on that in another direction.

Mr. CANNON. Well, I have the honor to serve in the minority. This rule was made. I agreed that it was a proper rule when it was made; and if it is to be changed the gentleman can report a resolution from his committee changing it, and the House can then in its wisdom proceed to consider, amend, change, or adopt without amendment.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to modify this rule by adding, after the last word in it, the words "except a motion to recommit."

Mr. MANN. Mr. Speaker, if the gentleman from Texas will ask unanimous consent, not as a report from the Committee on Rules, but as offered by himself, for the adoption of the resolution with the modification, I shall not make a point of order upon it or object.

Mr. HENRY of Texas. I did not catch all that the gentleman said. Some one was talking to me.

Mr. MANN. If the gentleman himself will ask unanimous consent for the consideration of the resolution with the modification that he makes, not as a report from the Committee on Rules, I shall not object.

Mr. SHERLEY. I think that the gentleman from Texas must do that. He can now speak only of an amendment as an individual and not in behalf of the Committee on Rules, because the Committee on Rules have not considered the amendment which he proposes.

Mr. MANN. I understand. The gentleman has reported a rule from the Committee on Rules on which I have made a point of order.

Mr. HENRY of Texas. Mr. Speaker, this is an important matter, and in order to relieve the situation I submit the request in that form.

The SPEAKER. Is there objection?

Mr. NORRIS. Mr. Speaker, reserving the right to object, I would like to know just exactly what the gentleman's request is.

Mr. HENRY of Texas. That this resolution be considered now with an amendment added, "except a motion to recommit."

Mr. NORRIS. As I understand it, that comes from the gentleman as a Member of the House, and not from the Committee on Rules?

Mr. HENRY of Texas. Yes.

Mr. NORRIS. Now, I would like to say to the gentleman that it seems to me this rule, regardless of the bill to which it makes reference, is one that is contrary to good and fair practice in legislation.

Mr. MANN. I will say to the gentleman that of course the unanimous consent is not to pass the resolution, but simply to consider it.

Mr. NORRIS. Of course I recognize that the gentleman could call the Committee on Rules together and reintroduce the resolution.

Mr. HENRY of Texas. Yes; and I would do that in about three minutes.

Mr. NORRIS. Yes; and I would not want it understood, so far as I am personally concerned, that in permitting the gentleman to get unanimous consent for the consideration of the rule I gave acquiescence to the rule or to the method of procedure.

Mr. MANN. Well, of course we do not—any of us over here—give acquiescence to it.

Mr. NORRIS. I would not do that, even if I were heartily in favor of the bill. I would not want to adopt this rule even in that case.

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to know what the gentleman proposes by way of debate and discussion on this rule, if it is to be taken up by unanimous consent.

The SPEAKER. If the gentleman will permit, this controversy has nothing to do with that. That will come up later.

Mr. DALZELL. As I understand, Mr. Speaker, the situation is this: This rule was improperly reported. It is not before the House and subject to amendment. The only way it can come up is by unanimous consent. I reserve the right to withhold consent until I can find out the mode that will be used in considering it. I do not think it is quite fair that the gentleman should be accorded unanimous consent for the consideration of this proposition.

Mr. HENRY of Texas. I think we can agree as to time, but of course I do not intend to be tied down on time. As to that the gentleman knows I am inclined to be liberal about time.

Mr. MANN. The gentleman from Pennsylvania expects to be reasonable about that.

Mr. HENRY of Texas. So do I.

Mr. DALZELL. I would like to know as to the time to be allowed for amendment and consideration.

Mr. HENRY of Texas. The rule provides for the offering of a substitute by the gentleman from Illinois [Mr. STERLING] and, as proposed to be amended, it allows a motion to recommit.

Mr. LENROOT. It is not the gentleman's intention to move the previous question immediately?

Mr. HENRY of Texas. Oh, no. This is such an important matter that we do not want to take any hurried action.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the amendment is agreed to. The point of order raised by the gentleman from Illinois [Mr. MANN], of course, being withdrawn, under the circumstances——

Mr. MANN. The report of the committee is withdrawn, and the gentleman offered his amendment as an individual proposition.

The SPEAKER. If the House will permit, it seems to the Chair that it will save trouble in the future if the Chair will now give his own construction of this rule under which the gentleman made his point of order. The question is liable to come up again at any time. The last clause of paragraph 56 of Rule XI provides:

Nor shall it—

That is, the Committee on Rules—

report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of Rule XVI.

Jefferson's Manual opens with this paragraph:

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power."

The Chair does not think the essence of the proposition was ever better stated than it is in those words. Rules are made primarily to fix an order of business and to preserve and maintain decorum. But they are also fixed in order that the minority in the lump and the individual member shall have all the rights that are permissible in a legislative body.

It is not necessary to go into the history of how this particular rule came to be adopted, but that it was intended that the right to make the motion to recommit should be preserved inviolate the Chair has no doubt whatever. If this arrangement as to amending the resolution had not been made, the Chair would have sustained the point of order of the gentleman from Illinois [Mr. MANN]. The fact that the rule about the pension bill got through without anybody raising an objection is neither here nor there. The Chair supposes that nobody was enough opposed to it to raise the point, or everybody forgot it or neglected it. All rules, good or bad, ought to be enforced. Sometimes it may be inconvenient, but that does not matter. For instance, the gentleman from New York [Mr. FITZGERALD] cited a rule which the Chair has been compelled to enforce privately a dozen times, or perhaps a score of times. It is this: There is one motion which the Chair is prohibited from putting, and that is the motion to admit to the floor of the House anybody, great or small, whom the rules do not admit. I have had a dozen or a score of applications from people whom I would like very much to accommodate, to be permitted to come in on the floor of the House, and I have told them what the rule was. That rule is founded in good sense, and this one is founded in right; and the Chair will maintain the rule. I think it was left out on this occasion by inadvertence or something of the sort.

The Chair thought it was proper to make that statement now in order to save trouble in the future.

Mr. HENRY of Texas. Mr. Speaker, I will ask the gentleman from Pennsylvania [Mr. DALZELL] how much time he desires.

Mr. DALZELL. How much time does the gentleman suggest on the rule?

Mr. HENRY of Texas. It seems to me 20 minutes on a side on the rule ought to be sufficient. Three hours' general debate are allowed on the bill.

Mr. DALZELL. I do not think that is very generous. However, I will ask 25 minutes on a side.

Mr. HENRY of Texas. I have no objection.

Mr. MANN. Half an hour.

Mr. HENRY of Texas. Or even half an hour, if the gentleman wants it. I ask unanimous consent that the debate on the rule be limited to one hour, 30 minutes on a side.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the debate on the rule be limited to one hour.

Mr. HENRY of Texas. That at the end of the hour I have the right to move the previous question and the time to be controlled, 30 minutes by myself and 30 minutes by the gentleman from Pennsylvania [Mr. DALZELL].

The SPEAKER. And that at the end of the hour the gentleman from Texas has the right to move the previous question——

Mr. MANN. He has that right anyway.

Mr. HENRY of Texas. Yes; I understand that.

The SPEAKER. And that the time be controlled, one half by himself and the other half by the gentleman from Pennsylvania [Mr. DALZELL]. Is there objection?

There was no objection.

Mr. HENRY of Texas. Mr. Speaker, it is not my purpose to take up much time in the discussion of the rule, and I do not intend at this time to devote any attention to the discussion of the details of the proposed bill known as the Clayton anti-injunction bill.

I wish to say that this Congress is proceeding to carry out its promises to the American voters and that one platform pledge after another has been redeemed by this Democratic House.

Mr. Speaker, on yesterday the House submitted to the States an important amendment to the Constitution, which, in my judgment, is far-reaching and of vital concern to the people everywhere. In my opinion the election of United States Senators by a direct vote is one of the greatest reforms ever brought about by the American people, and I trust that that amendment will be speedily ratified by three-fourths of the States. [Applause.]

To-day we are here for the purpose of redeeming another platform pledge and to write in the statutes of the United States a decree that hereafter midnight injunctions issued by Federal judges shall not be tolerated under the laws of this country, and shall forever cease. [Applause.]

We have inveighed against the tyranny of Federal judges unjustly issuing injunctions. We have said that their powers should be curtailed, inasmuch as they are the mere creatures of this Government. We are not here for the purpose of assailing the judiciary. Every man in the Republic should have a salutary respect for the courts, because if we undermine the confidence of the people in the courts and undertake to destroy them we imperil the very genius and spirit of our Government.

What have we promised the people? Let me call the attention of this House to our platform pledge, which we are this day redeeming by the passage of this measure:

The courts of justice are the bulwark of our liberties, and we yield to none in our purpose to maintain their dignity. Our party has given to the bench a long line of distinguished justices, who have added to the respect and confidence in which this department must be jealously maintained. We resent the attempt of the Republican Party to raise a false issue respecting the judiciary. It is unjust reflection upon a great body of our citizens to assume that they lack respect for the courts.

It is the function of the courts to interpret the laws which the people create, and if the laws appear to work economic, social, or political injustice it is our duty to change them. The only basis upon which the integrity of our courts can stand is that of unswerving justice and protection of life, personal liberty, and property. If judicial processes may be abused, we should guard them against abuse.

Experience has proven the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platform of 1896 and 1904 in favor of the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.

Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceedings shall be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

Mr. Speaker, that is the decree of the Democratic Party, adopted at Denver four years ago. Thrice has the Democratic Party declared in favor of this legislation, and now that the people have given us their confidence and placed us in control of this branch of Congress we propose to redeem that pledge and to send it to the other body.

Mr. Speaker, let no one misunderstand the attitude of the Democratic Party. We are not opposed to wealth legitimately acquired. We are not opposed to corporations and legitimate corporate interests, but are opposed to the abuses that have been indulged in by some who have acquired vast amounts of money, who have combined great interests and corporations together as trusts. We are against these things, and, so far as we can, shall endeavor to bring relief to the American people by passing this measure and others similar to it that will bring about the result that we desire.

Mr. Speaker, the Democratic Party does not wish to array one class of citizens against another class. He would indeed be a dangerous citizen who would endeavor to array the poor man against his richer brother because he happens to be wealthy by legitimate thrift. Such spirit could not be tolerated. We all know, and it is admitted, that the Federal courts, the mere creatures of Congress, have exceeded the authority originally conferred upon them by our fathers, and the time has come to call a halt. The time has arrived when we should take

them within our jurisdiction and set the limits and say, "Thus far shall the Federal judges go, and no farther."

The Clayton bill does that, and, in my judgment, when it is written into our permanent jurisprudence it will be there to remain, for it is in behalf of the American people and against those who would pervert our institutions. [Applause.]

So, Mr. Speaker, I think that the time is now opportune to pass this bill. In a short while another measure will be presented, and I believe it will commend itself to the honest judgment of this body and the American people. I refer to the measure providing for a trial by jury in cases of indirect contempt. That measure has already been agreed upon by the Committee on the Judiciary and reported to this House, and when it is passed, in connection with the one we are now considering to-day, then the Democratic Party will have redeemed its pledges. All we can do is to bring them before the House and let the Members consider them; and although the gentleman from Illinois refers to the Committee on Rules as assuming the prerogatives of a "*czar*," I undertake to say that the Committee on Rules has brought before the Sixty-second Congress more salutary and just measures than ever came before this body during his incumbency of eight years as Speaker of the House.

It is not necessary for me to review them, but I will refer to a few of them: The parcel post, the publicity bill, this injunction measure, the bill defining contempts, the trial by jury in cases of indirect contempt, and many other meritorious measures that the great body of the Democrats in caucus have demanded to be considered; the revision of the tariff, taking the burden off of the backs of the people—all these measures the gentleman from Illinois stifled and prevented consideration of while he occupied the Speakership.

So, Mr. Speaker, we are here again to-day to allow the Members to vote on these questions. We are allowing one substitute to be offered, which is sufficient. We are willing to authorize a motion to recommit, which ought to be much more than sufficient; but at any rate, the membership can take any course it desires. They can adopt either measure that appeals to them, and can exercise their choice in the pending matters of legislation. There is no endeavor now to thwart their will. [Applause.] Mr. Speaker, I reserve the balance of my time.

Mr. DALZELL. Mr. Speaker, if this rule is adopted it will be in order for the House to consider the bill reported from the Committee on the Judiciary, which deals with the subject of injunctions. There is a provision in the bill relative to the notice to be given on application for an injunction or restraining order, for the security to be given in case the injunction is granted, and some other provisions relative to procedure, which, in my judgment, are matters of great importance.

But aside from these the bill goes on to provide for certain things which thoroughly revolutionize the law in injunction cases in this country, and they are of such tremendous importance that it seems to me they deserve the most serious consideration on the part of the membership of the House at this time. The bill provides that in a labor dispute, where there is a dispute between employer and employee, or between employees, there can be no preliminary injunction or restraining order issued unless it be necessary to prevent irreparable injury or where there is no adequate remedy at law.

An injunction is confined by this bill to the defense of property and property rights. Now, I have sought information as to what was meant by the term "property rights," but I have been unable to get any satisfactory information upon that subject. My conclusion, therefore, is simply the conclusion to be arrived at from the surrounding circumstances. It has long been contended upon the part of certain persons in this country, notably labor organizations, that outside of property, courts of equity had no jurisdiction—I mean, tangible property; that the right to do business, the good will, personal rights, are entirely outside of the proper functions of a court of equity in exercising injunction jurisdiction.

A bill was introduced into this House, and improperly referred to the Committee on Labor, regulating this subject. That bill is reported and is now before the House. In that bill provision is made that injunctions or restraining orders shall not issue to protect what are here called property rights, and they do not include the right to do business. I apprehend, taking into consideration the fact that that bill was introduced after the Committee on the Judiciary had refused to report a bill containing any such proposition, this term "property rights" in this bill is a provision whereby the committee, instead of openly and courageously and avowedly adopting the language and purpose of the bill reported by the Committee on Labor, evasively and indirectly seeks to accomplish the same purpose. So I apprehend that I state the case fairly when I say that under the provisions of this bill there can not be in a labor dispute any injunction or restraining order, unless to prevent irreparable damage, or where there is no adequate remedy at law, and that in such case injunction shall extend only to protect tangible property. The bill then goes on to provide that there are certain cases in which there shall be no injunction or restraining order, whether there be irreparable damage or not. That is the plain meaning of the bill.

The bill also goes on to say—

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising—

And so forth.

Naming a number of specific cases. That is to say, where there exists such irreparable injury or lack of an adequate remedy at law to such an extent as to justify or authorize a court of equity to grant a restraining order or injunction, even in that case there are certain acts that are outside of the law and which can not be reached by a court of equity. That is true in the case of strikes. Suppose an injunction be issued for some cause upon the ground of irreparable injury to ensue or because there is no adequate remedy at law. The injunctive process in that case will not reach a strike or could not prohibit and prevent anything to be done by the strikers without regard to whether there was an irreparable injury or lack of an adequate remedy at law.

Mr. BARTLETT. Mr. Speaker——

Mr. DALZELL. Oh, the gentleman from Kentucky [Mr. SHERLEY] shakes his head, and I have no doubt he has examined this bill, and I have very great respect for his judgment, but the fact that he and I differ as to the construction of this bill only illustrates how unjust it is to call upon this assembly at this time—the representatives of the American people—to dispose of this question after three hours of perfunctory debate; and that is the vice of the rule.

Mr. SHERLEY. Will the gentleman yield?

Mr. DALZELL. I have not very much time, but I will yield.

Mr. SHERLEY. The gentleman took occasion to call attention to the gentleman from Kentucky when he had not interrupted him at all. Does not the difference of opinion simply show that men sometimes read a statute in a different way? In this case the gentleman prefaces his whole statement on not what the words "property or property rights" will mean, but on what he thinks they must mean because of another bill that is not now before the House?

Mr. DALZELL. Well, I am not discussing that question now, and I am willing to leave my construction of the bill to the judgment of the gentlemen who have heard me.

Mr. BARTLETT. Will the gentleman yield? I do not want to take up the gentleman's time——

Mr. DALZELL. I hope the gentleman will not take up my time.

Mr. BARTLETT. Then I beg the gentleman's pardon. I had forgotten his time was limited.

Mr. DALZELL. One of the particular acts that are removed from the injunctive process by this bill are strikes. Strikes are legalized upon the one hand, and the blacklist is legalized upon the other hand. Another are boycotts. They are legalized—not simply primary boycotts, but the secondary boycott—where parties not parties to the dispute—innocent parties who have no remedy at law—are deprived of the protective arm of a court of equity. Picketing is legalized, and it matters not to what extent the picketing may reach, it matters not that it may amount to a mob and result in destruction of property, under the provisions of this bill the party who is injured is removed from the protecting arm of the court of equity. Not only that, but this bill repeals the Sherman antitrust law in so far as labor combinations are concerned. It matters not what may be the character of the conspiracy, it matters not how much it may interfere with interstate commerce, the men who are guilty of that conspiracy and who are interfering with commerce are removed from the restraints of the law.

Mr. BARTLETT. Mr. Speaker——

Mr. DALZELL. In other words, this bill selects a certain class of a community whom it makes not amenable to the law and selects another class of the community from whom it takes the protection of the law. It is to that extent, in my judgment, unconstitutional. Not only that, but it repeals the law of conspiracy. All the acts which were done in the Danbury hatters case, all the acts which were done in connection with the Pullman car strike, all the acts which were done in connection with the attempted paralyzing of the railroad industries in this country, all such acts as these are legalized by this act. Under this bill there can be no injunction against a strike, a boycott,

or a picketing, no matter what their consequences may be. Now, if that be so—and I am willing to stand upon my construction of the terms of this bill—if that be so, is not it true that this House is entitled to have the most thorough consideration, an opportunity for the most matured deliberation, before it passes upon a measure of such importance, a measure so far-reaching in its consequences, so vital to the interests of life and property in this country? And what sort of consideration are you going to have under this rule? Three hours of general debate, three hours of perfunctory debate, without any opportunity to amend. You must take this bill or leave it without the crossing of a "t" or the dotting of an "i" on the part of the representatives of the American people dealing with legislation of this character. I say, and I say that with knowledge, that there never was brought into this House a rule which showed so much of tyrannical, unreasonable power on the part of the majority as is to be found in the provisions of this rule. Whom are you afraid of, gentlemen? Not afraid of Members on this side of the House. We have not votes enough on this side of the aisle to amend or modify or in anywise effect any legislation that you may see fit to propose. It is not the membership on this side of the House of whom you are afraid. It is the membership upon your own side of the House. You gentlemen know that you have Members who would be unwilling to take this legislation in the shape in which it is proposed if they had an opportunity to do otherwise. You have had no caucus on this bill so as to gag Members on that side of the House in respect to this legislation, but you propose to gag them now by this rule. You are gagging not only us, but gagging yourselves.

I do not propose to take up any more time in a discussion of the merits of this proposition. They will be discussed hereafter, in so far as they can within the limited extent of three hours' debate, but I want to insist that this rule is an unjust proposition, one that shows that you gentlemen are not standing by the professions which you made when you proceeded to revise the rules of this House and promised that hereafter the membership of the House should have free and unlimited debate upon all propositions of the character of this proposition now before the House. Mr. Speaker, I reserve the balance of my time.

Mr. BARTLETT. May I ask the gentleman a question, which will only take a moment? Did not the gentleman have it in his power to object to the consideration of this particular proposition a few minutes ago, and did he object?

Mr. DALZELL. I do not think the gentleman is quite fair in accusing me.

Mr. BARTLETT. I am not accusing the gentleman. I am asking the gentleman a question. I do not make an accusation.

Mr. DALZELL. I could have objected if I had been mean enough to do it.

Mr. GARNER. Will the gentleman from Pennsylvania yield? He made his statement that this bill repealed the antitrust law in regard to labor unions. I would like to ask him in what section of the bill?

Mr. DALZELL. All of them. It repeals the law of conspiracy. I can not yield to the gentleman. How much time have I used?

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the subject matter contained in the bill which it is proposed to consider under this rule is no new question. It has been considered and discussed from every political platform in this country. It has been reviewed from all its angles, and it occurs to me that we do not require at this time any more than three hours in which to consider it in this House.

The assumption on the part of those who are opposing this measure is that labor, and particularly organized labor, is asking at the hands of Congress some immunity from the operations of the law; that they are asking that they shall be given some special privileges under the law.

But they are not asking anything of the kind. What they are asking is that they shall be considered fairly and treated justly under the law, the same when they have a trade dispute as when there is no trade dispute in existence. Under the methods that have grown up in our equity courts, the jurisdiction of the equity courts has been extended in cases arising during trade disputes to the jurisdiction of our law courts, and the assumption has been on the part of the equity courts that the employer of labor has a property right in a sufficient amount of labor to operate his plant. No such property right does or can exist unless the laborer himself is a serf or a slave.

The workingman is just as much a free man as the employer. Some of our State courts and some of our Federal courts have laid down the principle that the employer is entitled to a free flow of labor to the gates of his factory, and when they have laid down that principle they have failed to take into consideration that the flow of labor is a flow of living, animate, intelligent beings that have a right to move to the gates of the factory or away from the gates of the factory as they see fit.

Injunctions have been issued in labor disputes by which men have been restrained from committing crimes, and when that jurisdiction has been assumed by the equity courts they have invaded the province of the law courts, and by invading the province of the law courts they have taken away from the workingman that protection which the Anglo-Saxon race has fought for for over a thousand years, namely, the protection of a trial by jury so as to determine the fact.

They have gone further than that. They have issued injunction by which men during labor disputes have been restrained from persuading their neighbors to engage with them in particular disputes. They have enjoined men from placing their patronage where they pleased or refusing to place it where they pleased. And this rule ought to be adopted at this time for the consideration of this measure, so that these and many other invasions of human rights may be abolished. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. WILSON] has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. HUGHES]. [Applause.]

[Mr. HUGHES of New Jersey addressed the House. See Appendix.]

Mr. DALZELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 10 minutes.

Mr. LENROOT. Mr. Speaker, I do not object to a special rule for the consideration of this very important subject. I do object to some of the provisions contained in this rule, and I wish to give notice now that if the previous question shall be voted down, I shall offer amendments to this rule, leaving three hours for consideration, as is proposed in the rule, but instead of three hours of general debate, there shall be one hour of general debate and two hours devoted to amendments and debate under the five-minute rule. And it should be thoroughly understood that when the gentleman from Texas [Mr. HENRY] moves the previous question, a vote for the previous question is a vote against the right of this House to offer amendments to this bill.

Mr. Speaker, there is an old saying that the leopard can not change his spots. But the Democratic majority can, and it proposes to do so in this instance, unless there shall be a sufficient number of men on that side of the House who have more regard for consistency, who have more regard for the pledges they have made to their constituents, than they have for the mere matter of a majority voting as one body.

Mr. Speaker, upon a previous occasion, when a rule somewhat similar to this was introduced in this House and adopted, I quoted from distinguished Members of this House as to how, when they were in the minority, they looked upon rules of this character, and I am going now to make some of those quotations again, for they can not be quoted too often. And first I quote the distinguished Speaker of the House himself, who presides over this House with so much ability and fairness. When the Payne tariff bill was before this House and there was a curtailment of the right of amendment by a special rule proposed by the majority upon that bill, a great tariff bill, involving thousands of items, when there was some reason for curtailing the power of amendment, this is what the present Speaker of the House said at that time:

> The situation in this matter is this: I am against this rule and every rule like it. My position is that the humblest man in this House, the veriest congressional tenderfoot here, has the right to offer an amendment to any item of this bill from A to Z.

That was the opinion of your Speaker then upon a great tariff bill, while here is a bill four pages long, containing three sections only, and yet you are asked to go squarely back upon the position which you then took when you were in the minority. And I am anxious, if I may say it, to know whether the distinguished Speaker himself, when the vote comes upon the previous question in half an hour from now, will maintain the position that he took when he was in the minority or whether by his vote to-day he will say before the country, "I was not sincere when I said those things then, and now that we are in the majority I propose to do the very things that we condemned Cannonism for doing." For, gentlemen on the other side, your vote for the previous question means that and nothing else.

Now, I will quote another distinguished gentleman, the distinguished leader of the majority [Mr. UNDERWOOD]. He said:

> The rules of this House for a hundred years have recognized that when you come to consider a great appropriation bill, or a great revenue bill, the only way the House can express the sentiments of the country and the Members can express the sentiments of their constituents is to consider the items contained in the bill item by item—

Again pleading for the right of amendment, which you propose to deny to the House now. And here we have two of your distinguished candidates for the Presidency of the United States. I wonder whether, in the votes that they shall shortly cast, they will take the position that they are going to be consistent with the principles that they advocated then or whether they are not. And the American people are going to be interested in knowing that.

One more quotation, Mr. Speaker, and that is from the distinguished gentleman from New York [Mr. FITZGERALD], who said upon that occasion:

> I have that confidence in the House of Representatives that if I had my way I would be willing to permit this bill to be considered section by section, item by item, so that the people's representatives might have an opportunity to discharge their duties. I shall await with some curiosity to see how those who have been recently professing themselves as anxious to relieve this House from the so-called system of tyrannical rules will vote at this time upon this rule.

And I shall await with a great deal of curiosity how those gentlemen to-day will vote upon this rule.

But, Mr Speaker, more than that, there should be the right of amendment to this bill. The gentleman from Pennsylvania [Mr. WILSON], who has preceded me, has reported from his committee a bill known as the Bartlett bill, and one-half of that bill is upon the identical subject that this bill covers. Those bills ought to be considered together, because some of their provisions are absolutely inconsistent. The gentleman from Georgia [Mr. BARTLETT] or the gentleman from Pennsylvania [Mr. WILSON] ought to have an opportunity to offer as an amendment to this bill that portion of the Bartlett bill that does cover this subject. How else can you legislate consistently upon it?

Mr. BARTLETT. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. LENROOT. Yes.

Mr. BARTLETT. The gentleman is a member of the Committee on Rules, and a resolution is pending before that committee to report out the Bartlett bill?

Mr. LENROOT. Yes; and I want to report it out. But I want to say to the gentleman that if you pass that bill it nullifies a portion of this. There is no doubt about that. These measures ought to be considered together.

Mr. BARTLETT. I think so.

Mr. LENROOT. Then, if the gentleman thinks so, he will vote against the previous question and give an opportunity to this House to consider them together.

Mr. BARTLETT. May I interrupt the gentleman a moment? I have no time, but I want to say that every labor organization in my State has sent me telegrams insisting that the bill now before the Committee on Rules known as the Bartlett bill shall be voted on.

Mr. LENROOT. If the gentleman will vote against the previous question, that will be a vote to give an opportunity to offer his bill as an amendment to this, and if that is agreed to he will have an opportunity to serve his constituents in that way.

Mr. BARTLETT. I think I will.

Mr. LENROOT. Now, Mr. Speaker, another word in closing. I shall not reveal any secrets of the Committee on Rules, nor do I wish to; but when this Congress first organized, when the majority members of the Committee on Rules desired to bring into this House a drastic rule, they did not know how to draw it, and so they invariably went to the gentleman from Pennsylvania [Mr. DALZELL], and he very kindly drew their rules for them.

Mr. GARNER. He is recognized to be an expert in that business.

Mr. LENROOT. But they are no longer doing that. They have become experts themselves now and can go far beyond anything that the gentleman from Pennsylvania [Mr. DALZELL] ever did. In fact, in this very rule they went so far beyond him, attempting to bring in a rule so much more drastic than he ever drew, that the Speaker of this House this morning was compelled to hold the rule out of order because it was more drastic than even the jurisdiction, broad as it is, of the Committee on Rules permitted. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired. If no other gentleman desires to discuss this question the Chair will put it.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BUCHANAN].

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Did the gentleman from Texas have control of the time? I did not understand that to be a part of the agreement.

The SPEAKER. The agreement was that half the time should be controlled by the gentleman from Texas and the other half by the gentleman from Pennsylvania.

Mr. BARTLETT. I understood the agreement to be that the time was to be equally divided between the two sides.

The SPEAKER. It was to be equally divided, but the control of it was to be as the Chair has stated.

[Mr. BUCHANAN addressed the House. See Appendix.]

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALZELL. I yield the rest of my time to the gentleman from Nebraska [Mr. NORRIS].

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] is recognized for six minutes.

Mr. NORRIS. Mr. Speaker, I want, if I can, to get the House back to the parliamentary situation and to the issue that is now before us. I want to call your attention to the fact that the bills that have been mostly discussed by gentlemen who have so far talked on this subject, are not now before the House.

We have here a rule, and nothing except the rule is now before the House. Upon that rule we are soon to be called upon to vote. I am not criticizing any man for his views upon the subject of this legislation, but I do contend that there is no justice, no fairness, and no patriotism in the adoption of rules of this kind, ironclad as this one is. I am in favor of legislating on this subject, but it ought to be done by the House. It is no relief that we are to be allowed three hours of general debate. What good does it do to be allowed to talk, if we are not allowed to propose amendments? Three or four men bring in a bill, and this rule says we must take it as a whole or reject it as a whole, except that one Member of the House shall be given the extraordinary privilege of offering an amendment by way of substitute.

We have here a rule which says that a certain bill shall be immediately taken up after the rule is adopted. That is a bill consisting of four sections, less than four pages long. The rule says that after general debate of three hours it shall be in order for one gentleman of the House, the gentleman from Illinois [Mr. STERLING], to offer an amendment by way of a substitute. Why am I deprived of my constitutional right, that ought to be preserved, to offer an amendment to this bill? Why has the gentleman who has just left the floor, who said he would rather have a broader bill—why is he deprived of his right to offer an amendment to this bill? Why, out of a membership of 391, do we come only to the gentleman from Illinois and say that he shall be accorded the distinction of offering an amendment? Why should not this bill come before the House like any other bill and every Member who has an amendment to offer be allowed to offer it? Why should this bill, not much longer than your finger, be put through the House without any man having a right to even suggest an amendment? Is that liberty; is that freedom of representation? Are not my people just as good, just as intelligent, just as patriotic, just as wise as the people represented by the gentleman from Illinois [Mr. STERLING]? How about all you people over here? Do you believe this is a square deal? Do you think it is square to take this bill up and say, "Gentlemen, you must take this bill just as we have prepared it, or you must take an amendment that only one man in the world shall have the privilege of offering in its stead"? How many of you on this side of the House have had anything to do with the framing of that little piece of legislation?

Mind you, I do not criticize the men who did frame it. There are very many good things in it, but it is not perfect, and why should we tie our hands by the adoption of this rule that will deprive us of the right of offering amendments? I am in sympathy with the legislation, but if I were the author of it, it seems to me I would be usurping your privileges, your

people's privileges, if I should say to you, "I will draw this bill, and you must take it as I draw it or you must reject it."

That is not the way to legislate. That is not the way the people of this country expect us to legislate, and I want to say to you, my Democratic friends, it will be no answer before the people to say that the Republicans, when they were in power, pursued the same course. I condemned that method when my party was in power, and so did you. I am of the same opinion now. Why have you changed yours? Why not let this bill come before the House with the right of amendment? Why should we refuse to let every man here have the right to offer amendments? What does three hours of general debate mean?

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. NORRIS. My time is very short, but I will yield to the gentleman.

Mr. RUCKER of Colorado. The gentleman is not complaining that he has not had the opportunity to move an amendment or to bring in a bill or report because he is a member of the committee?

Mr. NORRIS. Exactly; but that does not make any difference. Although I am a member of the committee that reported it, I am excluded the same as my friend from Colorado is, and I ought to be. I ought to have no more privileges here than he, and no one else ought to have any more than I. I plead only for equality, and we ought to vote down this rule. [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HENRY of Texas. Mr. Speaker, let the House understand the attitude of the gentleman from Nebraska. The distinguished insurgent insurges on the slightest provocation. Let me say that when his party was in power in this House they would not let this injunction legislation be considered in any form. [Applause.]

Mr. Speaker, if the previous question is voted down and this legislation submitted to that side of the House, they would devour everything in the bill that is good.

The gentleman's motive for wanting the previous question voted down is to create confusion and gain delay of legislation we are about to pass. The gentleman from Pennsylvania [Mr. WILSON], who is a better friend to labor legislation than is the gentleman from Nebraska, has spoken favoring the previous question, and the gentleman from New Jersey has spoken in favor of adopting the previous question, and is for this bill because he knows that the provisions are correct, and the gentleman from Illinois [Mr. BUCHANAN], than whom there is no better friend to the laboring man in this country [applause], has spoken advocating the previous question and favors the bill. He is not so weak, nor is anyone on this side of the House, as to throw down the bars and let you gentlemen assault the good features of this legislation. If you are in favor of the measure, when the time comes, vote for it. We allow you to offer one amendment when you would not allow us to even consider the subject. You may do more, you may offer a substitute and, after that, a motion to recommit and assert your views as to the kind of legislation you think we should have. And when you do it, if it is not a better bill, we will stand ready to pass this one and vote you down. This legislation has been agreed to by those who really favor it, and they think it is of the best character obtainable at this time, and therefore the previous question should be adopted and the rule passed.

Mr. Speaker, I move the previous question.

Mr. MANN. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 174, nays 99, answered "present" 9, not voting 110, as follows:

YEAS—174.

Adair	Candler	Estopinal	Hammond
Adamson	Cantrill	Evans	Hardy
Aiken, S. C.	Carter	Faison	Harrison, Miss.
Alexander	Clayton	Farr	Harrison, N. Y.
Allen	Cline	Fergusson	Hay
Anderson, Ohio	Collier	Ferris	Hayden
Ansberry	Connell	Finley	Henry, Tex.
Ashbrook	Conry	Fitzgerald	Hensley
Austin	Covington	Floyd, Ark.	Hobson
Barnhart	Cravens	Foster	Holland
Bathrick	Cullop	Fowler	Houston
Bell, Ga.	Daugherty	Francis	Howard
Blackmon	Davis, W. Va.	Fuller	Hughes, Ga.
Boehne	Dent	Gallagher	Hughes, N. J.
Booher	Denver	Garrett	Hull
Borland	Dickinson	George	Humphreys, Miss.
Brantley	Dickson, Miss.	Glass	Jacoway
Broussard	Difenderfer	Goodwin, Ark.	Johnson, Ky.
Buchanan	Dixon, Ind.	Gould	Jones
Bulkley	Doremus	Graham	Kendall
Burke, Wis.	Doughton	Gregg, Pa.	Kent
Burleson	Driscoll, D. A.	Gregg, Tex.	Kinkead, N. J.
Byrnes, S. C.	Dupré	Hamill	Kitchin
Byrns, Tenn.	Edwards	Hamilton, W. Va.	Konop
Callaway	Ellerbe	Hamlin	Korbly
Lee, Ga.	Oldfield	Russell	Taylor, Colo.
Lever	O'Shaunessy	Saunders	Thayer
Lewis	Padgett	Sharp	Thomas
Linthicum	Page	Sherley	Townsend
Lloyd	Pepper	Sherwood	Tribble
Lobeck	Peters	Sims	Turnbull
McCoy	Post	Small	Tuttle
McDermott	Pou	Smith, J. M. C.	Underhill
McLaughlin	Rainey	Smith, N. Y.	Underwood
Macon	Raker	Smith, Tex.	Watkins
Maguire, Nebr.	Rauch	Stanley	Webb
Martin, Colo.	Redfield	Stedman	Wedemeyer
Moon, Tenn.	Reilly	Stephens, Miss.	White
Moore, Tex.	Roberts, Nev.	Stephens, Nebr.	Wickliffe
Morgan	Rothermel	Stephens, Tex.	Wilson, Pa.
Morrison	Rouse	Stone	Witherspoon
Moss, Ind.	Ruby	Sulzer	Young, Tex.
Murray	Rucker, Colo.	Sweet	
Neeley	Rucker, Mo.	Talcott, N. Y.	

NAYS—99.

Ainey	Fairchild	La Follette	Pray
Akin, N. Y.	Fordney	Langley	Prince
Ames	Foss	Lawrence	Prouty
Anderson, Minn.	French	Lenroot	Rees
Anthony	Gardner, N. J.	Lindbergh	Roberts, Mass.
Bartholdt	Garner	Loud	Roddenbery
Bowman	Good	McCreary	Slayden
Browning	Gray	McGuire, Okla.	Slemp
Butler	Green, Iowa	McKenzie	Sloan
Calder	Greene, Mass.	McKinley	Smith, Saml. W.
Cannon	Hamilton, Mich.	McKinney	Steenerson
Catlin	Hanna	Madden	Stephens, Cal.
Cooper	Harris	Malby	Sterling
Copley	Hayes	Mann	Stevens, Minn.
Crago	Helgesen	Miller	Towner
Crumpacker	Henry, Conn.	Mondell	Utter
Currier	Higgins	Moon, Pa.	Volstead
Curry	Hill	Moore, Pa.	Vreeland
Dalzell	Howell	Morse, Wis.	Wilder
Davis, Minn.	Jackson	Needham	Willis
De Forest	Kennedy	Nelson	Wilson, Ill.
Dodds	Kinkaid, Nebr.	Norris	Wood, N. J.
Driscoll, M. E.	Knowland	Nye	Young, Kans.
Dyer	Kopp	Payne	Young, Mich.
Esch	Lafean	Powers	

ANSWERED "PRESENT"—9.

Beall, Tex.	Fornes	Martin, S. Dak.	Talbott, Md.
Davenport	Gillett	Sparkman	Tilson
Dwight			

NOT VOTING—110.

Andrus	Gardner, Mass.	Legare	Richardson
Ayres	Godwin, N. C.	Levy	Riordan
Barchfeld	Goeke	Lindsay	Robinson
Bartlett	Goldfogle	Littlepage	Rodenberg
Bates	Griest	Littleton	Sabath
Berger	Gudger	Longworth	Scully
Bradley	Guernsey	McCall	Sells
Brown	Hardwick	McGillicuddy	Shackleford
Burgess	Hartman	McHenry	Sheppard
Burke, Pa.	Haugen	McKellar	Simmons
Burke, S. Dak.	Hawley	McMorran	Sisson
Burnett	Heald	Maher	Smith, Cal.
Campbell	Heflin	Matthews	Speer
Carlin	Helm	Mays	Stack
Cary	Hinds	Mott	Sulloway
Clark, Fla.	Howland	Murdock	Switzer
Claypool	Hubbard	Olmsted	Taggart
Cox, Ind.	Hughes, W. Va.	Palmer	Taylor, Ala.
Cox, Ohio	Humphrey, Wash.	Parran	Taylor, Ohio
Curley	James	Patten, N. Y.	Thistlewood
Danforth	Johnson, S. C.	Patton, Pa.	Vare
Davidson	Kahn	Pickett	Warburton
Dies	Kindred	Plumley	Weeks
Donohoe	Konig	Porter	Whitacre
Draper	Lafferty	Pujo	Wilson, N. Y.
Fields	Lamb	Randell, Tex.	Woods, Iowa
Flood, Va.	Langham	Ransdell, La.	
Focht	Lee, Pa.	Reyburn	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. BARTLETT with Mr. LONGWORTH.

For one week:

Mr. BROWN with Mr. LANGHAM.

Ending May 21:

Mr. BURGESS with Mr. WEEKS.

For two weeks:

Mr. SHACKLEFORD with Mr. DRAPER:

Until further notice:

Mr. CLARK of Florida with Mr. DANFORTH.

Mr. BEALL of Texas with Mr. HAWLEY.

Mr. HELM with Mr. RODENBERG.

Mr. JAMES with Mr. MCCALL.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. LITTLETON with Mr. DWIGHT.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. SISSON with Mr. TILSON.

Mr. SHEPPARD with Mr. BATES.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SABATH with Mr. MATTHEWS.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. PUJO with Mr. MCMORRAN.

Mr. RANDELL of Texas with Mr. SELLS.

Mr. KINDRED with Mr. PORTER.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. AYRES with Mr. BARCHFELD.

Mr. BURNETT with Mr. BURKE of Pennsylvania.

Mr. CARLIN with Mr. CARY.

Mr. CLAYPOOL with Mr. FOCHT.

Mr. COX of Indiana with Mr. GRIEST.

Mr. CURLEY with Mr. GUERNSEY.

Mr. DIES with Mr. HARTMAN.

Mr. DONOHOE with Mr. HAUGEN.

Mr. FLOOD of Virginia with Mr. HEALD.

Mr. GODWIN of North Carolina with Mr. HINDS.

Mr. GOEKE with Mr. HOWLAND.

Mr. GOLDFOGLE with Mr. HUBBARD.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. KONIG with Mr. HUMPHREY of Washington.

Mr. LAMB with Mr. KAHN.

Mr. LEE of Pennsylvania with Mr. LANGHAM.

Mr. LEGARE with Mr. LAFFERTY.

Mr. LEVY with Mr. MOTT.

Mr. LITTLEPAGE with Mr. MURDOCK.

Mr. MCGILLICUDDY with Mr. OLMSTED.

Mr. MCKELLAR with Mr. PATTON of Pensylvania.

Mr. MAHER with Mr. PICKETT.

Mr. PALMER with Mr. SULLOWAY.

Mr. PATTEN of New York with Mr. PLUMLEY.

Mr. RANSDELL of Louisiana with Mr. REYBURN.

Mr. ROBINSON with Mr. SIMMONS.

Mr. SCULLY with Mr. SMITH of California.

Mr. STACK with Mr. WARBURTON.

Mr. TAGGART with Mr. WOODS of Iowa.

Mr. TAYLOR of Alabama with Mr. SPEER.

Mr. WILSON of New York with Mr. SWITZER.

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. TILSON. Mr. Speaker, I would like to ask if the gentleman from Mississippi, Mr. SISSON, is recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. TILSON. I voted "no." I am paired with the gentleman from Mississippi, and I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. TILSON was called, and he answered "Present."

Mr. SPARKMAN. Mr. Speaker, I would like to ask if Mr. DAVIDSON voted?

The SPEAKER. The gentleman is not recorded.

Mr. SPARKMAN. I voted "aye," Mr. Speaker, and I wish to withdraw my vote and answer "present," as I am paired with Mr. DAVIDSON.

The name of Mr. SPARKMAN was called, and he answered "Present."

Mr. MARTIN of South Dakota. Mr. Speaker, I voted "no." I have a general pair with the gentleman from Alabama, Mr. RICHARDSON, and I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MARTIN of South Dakota was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

REGULATION OF INJUNCTIONS.

The SPEAKER. There are three hours of general debate, one half to be controlled by the gentleman from Texas [Mr. HENRY] and the other half by the gentleman from Illinois [Mr. STERLING].

Mr. HENRY of Texas. By the gentleman from Alabama [Mr. CLAYTON].

Mr. MANN. Mr. Speaker, there is nothing in the rule as to who shall control the time. It will have to be done by unanimous consent.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the time be controlled, one half by the chairman of the Committee on the Judiciary and the other half by the leading minority member on the same committee, Mr. STERLING.

The SPEAKER. The gentleman from Alabama asks unanimous consent that he control one half the time and the gentleman from Illinois [Mr. STERLING] control the other half. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, and 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

Mr. STERLING. Mr. Speaker, I desire to offer the substitute at this time and have it read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

A bill (H. R. 21486) to regulate the granting of restraining orders and injunctions.

Be it enacted, etc., That no injunction, whether interlocutory or permanent, shall be issued by any Federal court or judge without previous notice and an opportunity to be heard on behalf of the parties to be enjoined; but if it shall appear to the satisfaction of the court or judge, from the evidence or showing made, that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be entered of record, and shall define the injury, state why it is irreparable and why granted without notice, and also shall have indorsed thereon the date and hour of its issuance. Every such order issued without notice and an opportunity by the defendant to be heard shall expire within such time after service is made or notice given, which shall be made or given as speedily as possible, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed by the court or judge, for good cause shown, after previous notice and an opportunity to be heard.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is recognized.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that all gentlemen may have five legislative days in which to put in the RECORD remarks on the pending bill.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that all gentlemen shall have the

privilege of printing remarks on this bill for five legislative days. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman has consumed 56 minutes. The gentleman from Illinois [Mr. STERLING] is recognized.

Mr. STERLING. Mr. Speaker, I yield 40 minutes to the gentleman from Pennsylvania [Mr. MOON].

Mr. MOON of Pennsylvania. Mr. Speaker, the vice of considering this important bill under a special rule which limits debate upon its merits to the short space of one hour and a half on each side has already been made apparent to this House. At the very outset of this argument the limitation of time imposed upon me makes it impossible for me to discuss adequately the great underlying fundamental legal principles which should be carefully weighed by the House before any vote is taken upon the bill.

Three distinct reasons have been urged by the proponents of this rule as a necessity for speedy legislation upon this bill. It has been boldly proclaimed by the advocates of the bill that the United States courts are the creatures of Congress; that Congress has by legislation called them into existence, and that Congress has therefore the power to modify, control, or destroy their functions and to place all of the limitations it pleases upon their judicial power.

It has also been further asserted that these courts have abused that judicial power, that under existing laws they have employed the writ of injunction as an instrument of oppression to certain classes of the people, and that this unwarranted usurpation by the courts has created a pressing necessity for this legislation.

One speaker who has preceded me has, indeed, boldly declared that the courts of the United States have violated the elemental principles of justice, have substituted the equitable power of the court for the criminal processes of the land, have punished crime through the medium of the writ of injunction, and have therefore deprived the citizens of the United States of the most sacred of all of our fundamental rights—the right of trial by jury.

Mr. Speaker, it had been my purpose in this argument to answer fully each of these assertions, to controvert absolutely each of these three propositions, but the limited time at my disposal and the necessity for an extended investigation of the provisions of the bill, make it possible for me to refer only briefly to these declarations.

No more serious and dangerous error has been advanced in modern times than the proposition that the judicial power of the United States courts is a creation of the Congress, that the functions and power of our courts have their origin in or derive their vitality from the legislative branch of the Government. The dangerous and pernicious doctrine of these modern times which finds its pretext in the demand for the recall of judges and the recall of judicial decisions has its origin in this error. Mr. Speaker, no man who is familiar with the Constitution of the United States and who is familiar with the historical facts that led to the adoption of that Constitution can for a moment doubt the error of that contention. The keystone of the arch of our constitutional government rests upon the absolute coordination and equality of its three great departments—the legislative, executive, and judicial. The wise builders of that Constitution, taught in the school of experience in the stormy days that preceded it, recognized the essential necessity for a complete separation between the judicial, executive, and legislative branches of the Government; and the superlative feature of that great instrument and that in which it differed essentially from any other government ever established was the placing of the judicial power of the courts equal to and coordinate with the legislative and executive powers, and that complete independence was accomplished by writing into the Constitution, in Article III, section 1, this declaration:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish, etc.

The judicial power of our courts comes, therefore, from the Constitution of the United States and not from Congress. It derives its existence and its authority from the same source from which comes our legislative power. It is coordinate with and in all respects of equal potentiality to that power; and while the Constitution of the United States creates but one court and leaves to Congress the power to ordain such inferior courts as may be necessary for the operation of the Government, it is a fundamental principle of legal construction, established through a long line of judicial decisions and accepted as axiomatic, that these courts, when created and ordained, derive their judicial power from the Constitution and not from any act of Congress creating them. And therefore, Mr. Speaker, if it be found in the discussion of this bill that it seeks—as I am convinced it does—to strike down a part of the judicial powers of the courts vested by the Constitution, the legislation proposed by this bill is entirely beyond our power to enact.

But it is impossible, Mr. Speaker, for me to dwell longer upon this point, fundamental though it be, for I must proceed hastily to declare that the second proposition of the proponents of this measure is equally vicious and equally without reason, experience, or facts to sustain it. I refer to the assertion that the courts have abused their judicial power in the granting of injunctions; that they have made the injunctive processes of the courts an instrument of oppression for convicting men of crimes without the right of trial by jury, and have deprived them of their liberties without due process of law.

These assertions have been frequently made. They have been made the basis of political agitation, and have been industriously fomented to create a prejudice against our courts, but I stand here to assert their falsity and to declare to this House that they have never been established by evidence. I have been a member of the Judiciary Committee for six years. During that whole period of time bills seeking to deprive the courts of this power have been pending before that committee. Extensive hearings have been given to those favoring this legislation as well as to those opposing it. Frequent demands have been made by the committee of those making these assertions to produce the evidence before the committee to substantiate them. A few cases were presented, and an analysis of them utterly failed to establish the truth of the assertions. The fact is, Mr. Speaker, that the use of the injunction by the Federal courts is rarely resorted to. A careful examination of the records of the courts shows that from 1903 to 1912 only 25 injunctions were granted by the courts in labor cases, against 447 in other cases in which no complaint of any kind was ever made, and an analysis of the 25 cases in labor disputes demonstrates the fact that in every instance complete and impartial justice was done to both parties in the dispute. In the exceptional use of this great preventive writ, a writ absolutely essential to the administration of justice, mistakes may sometimes have been made, as they have been made and will be made in the future in every field of human instrumentality, but the declaration upon which the necessity for this drastic legislation is based is not true and therefore has not been proven.

It is true that a few men in the history of the Government have been punished by imprisonment for contempt of court for disobedience of the orders of the court in injunctive proceedings, and it is true that sometimes the acts complained of—acts which were employed in the violation of the injunction of the court—have been crimes, but no man familiar with judicial decisions and with the laws as administered by the courts would dare declare that the punishment for contempts for violation of the orders of the court have been made an instrumentality for the punishment of crimes. These crimes were a violation of State statutes, over which the Federal courts had no jurisdiction, and the fact that the violation of the order of the court for which the punishment for contempt was inflicted incidentally involved a crime against the State authorities is made the pretext for formulating these monstrous and false accusations against the courts of the United States. The whole argument to which I have referred is in effect an attempt to declare that the power of the court to protect the rights of the citizens of this country by the use of injunction should be denied and destroyed in certain classes of cases; that the efficacy of the courts to protect civil and property rights by the strong arm of equity should be curbed and restrained; and in this connection, Mr. Speaker, I desire to call the attention of the House to a statement made upon this subject by Justice Brewer of the Supreme Court of the United States in a public address made in Brooklyn in November, 1909:

> Government by injunction has been an object of easy denunciation. So far from restricting this power, there never was a time when its restricted and vigorous exercise was worth more to the Nation and for the best interests of all. As population becomes more dense, as business interests multiply and crowd each other, the restraining power of a court of equity is of far greater importance than the punishing power of a court of criminal law.
>
> The best scientific thought of the day is along the lines of prevention rather than those of cure. We aim to stay the spread of epidemics rather than permit them to run their course, and attend solely to the work of curing the sick. And shall it be said of the law, which claims to be the perfection of reason and to express the highest thought of the day, that it no longer aims to prevent the wrong, but limits its action to the matter of punishment?
>
> To take away the equitable power of restraining wrong is a step backward toward barbarism rather than forward toward a higher civilization. * * * Courts make mistakes in granting injunctions. So they do in other orders and decrees. Shall the judicial power be taken away because of their occasional mistakes? The argument would lead to the total abolition of the judicial function.

This is the publicly expressed opinion of one of the greatest and most conservative Supreme Court justices that has ever

adorned the bench. It is a brief but exhaustive summary of the efficacy and necessity of the writ of injunction, and completely answers all of the populistic declarations of interested parties that for political reasons are urging its destruction.

But, Mr. Speaker, I must pass from the consideration of these great questions and direct my attention entirely to the consideration of the bill before us. This bill is known as H. R. 23635 and was reported to the House on April 26, 1912, by a majority report made by Mr. CLAYTON, chairman of the committee, and a minority report in opposition to it representing practically the unanimous views of the minority, which was filed on May 3, 1912.

The bill itself seeks to accomplish two purposes. It first amends section 263 of the Judicial Code by substituting therefor the provisions of section 263 as provided in the pending bill. It then proceeds to amend section 266 of the Judicial Code by adding thereto sections 266a, 266b, and 266c.

The alleged scope of the bill is therefore to regulate the granting of injunctions. The power to grant injunctions is inherent in courts of equitable jurisdiction. The power is not possessed by all courts, but is an incident only of chancery jurisdiction and can be exercised only by courts clothed with that power or by legislative authorization. It is power possessed by the courts of the United States and is derived from the Constitution of the United States, which by section 2 of Article III provides:

> The judicial power of the United States shall extend to all cases in law or in equity arising under the Constitution. * * *

This inherent power of the Federal courts to protect all of the citizens of the United States in the enjoyment of all of the rights secured to them by the Constitution is therefore not bestowed by Congress, but is derived from the same high source that Congress derives its power to exercise the function of legislation.

Injunction is and always has been an extraordinary remedy to protect constitutional rights from invasion; it is preventive rather than remedial, and it can only be employed by the courts or the judges when it is necessary to prevent irreparable injury and when the complainant has no adequate remedy at law.

These two conditions must exist before any judge will grant an injunction. Every lawyer before me knows that this is elementary textbook law and that it is embodied in our jurisdiction by an unbroken line of judicial decisions. But when these conditions do exist, and when they are made known to the court or a judge by a proper presentation of facts, then the Federal power conferred upon our Federal courts by the Constitution of the United States in equity clothes them with a fundamental, organic, and inalienable power of protection which it is not within the power of Congress to destroy.

Now, Mr. Speaker, after these general observations, I will proceed to a consideration of the bill before us, and I shall direct my attention first to the proposed substitution of section 263 of the bill for section 263 of the existing judicial code, and in doing this a few words of explanation respecting the origin of the proposed substituted section will be necessary. And this in turn requires a brief explanation of the history of congressional legislation upon the subject of injunctions.

The original judiciary act of 1789 made no specific provisions for the granting of injunctions, but by a general provision in that act power was given to the courts to permit special writs to meet special exigencies, and whatever injunctions were issued prior to that time were based upon this section of the judicial act; but on March 2, 1793, a specific act relating to injunctions was passed by Congress, which is as follows:

> No injunction shall be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same.

This act continued in force until 1872, when the existing law upon that subject was passed. This act was carried into the recent judicial code of 1911 and now stands as section 263 of that code and is one of the sections that it is proposed to amend by the pending bill, or by the first section thereof. Mr. Speaker, from the earliest days of the Government down to 1872, notwithstanding the fact that the act of 1793 prohibited the granting of an injunction without notice to the adverse party or his attorney, restraining orders were constantly used by the courts without notice whenever the exigencies of the case required it. Following the earlier practice of the English courts, the distinction between restraining orders and injunctions was clearly recognized by the Federal courts. The statement of the majority of the committee in their report that the "will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts" is wholly without foundation in fact. This clearly recognized distinctive and necessary discrimination was acquiesced in by the entire bar of the country, and one of the earliest cases arising under the act of 1793 arose in my own city of Philadelphia before a court presided over by Justice Wilson of the Supreme Court, who had himself been one of the most active and influential men in the framing of the Constitution; and it is a curious historical fact that the case was heard in a room in the old statehouse adjoining that in which the Constitution of the United States had but a few years before been adopted. The case is the one reported in 2 Dallas, page 360, Schermerhorn v. L'Espenasse, in which a restraining order was issued to prevent the defendant from transferring a very large amount of the certificates of the bonded indebtedness of the United States, or receiving the principal or interest thereon, in violation of an agreement transferring the right to the same to the plaintiff Schermerhorn. In this early case, as I have before stated, the restraining order was issued without notice and was acquiesced in by Mr. Lewis, attorney for the defendant, then one of the leading lawyers in the country, who stated to the court that he understood that in this case and in a large number of other cases, an injunction must be issued before a subpœna was served, as there were various cases in which justice could not otherwise be obtained.

This practice, Mr. Speaker, of issuing restraining orders without notice, I repeat, was continued from the time of the passage of the act of 1793 down to the present time. Even Chief Justice Marshall, while sitting in circuit, granted such orders to prevent irreparable mischief where there was no adequate remedy at law; and it was universally recognized by the courts and by the bar that whenever a case was presented to a chancellor, where the plaintiff was without adequate protection of law, and where the injury sought to be restrained was irreparable, and where the giving of notice to the defendant to make the application might of itself be productive of the mischief apprehended by inducing the defendant to accelerate the act in order that it might be complete before the time for making the application had arrived, the chancellor must of necessity stretch forth the strong right arm of equity to prevent the mischief; and that that power was inherent and organic and derived from the Constitution of the United States which vested the courts with equitable power and was beyond the power of Congress to deny or defeat.

Mr. Speaker, I repeat that such was the state of the law until 1872, when the present law, known as the Carpenter Act, was passed, which repealed the act of 1793 and became thereafter the Federal law upon the subject of injunctions. This law is also very brief.

> SEC. 718 (now section 263 of the Revised Judicial Code). Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion, and such order may be granted with or without security, in the discretion of the court or judge.

It will be observed that a rigid interpretation of the language of section 718 would require that the granting of a restraining order by the courts must be preceded by a notice to the defendant of the granting of a writ of injunction. This was not the intention of the legislators, nor was that construction ever placed upon it by the courts. At the time of the passage of this act in the Senate in 1872 the author of the bill, Mr. Carpenter, publicly declared in his argument that his understanding of the powers of the courts to issue restraining orders in special cases could not be controlled by Congress, and this statement was acquiesced in by those who opposed the bill; and I repeat, Mr. Speaker, that in all decisions rendered by the courts since that time down to the present the inherent right of the court to grant a restraining order without notice to prevent irreparable mischief, when the exigencies of the case require it, was never denied nor disputed by the bar or bench of the country, and the courts continued to exercise this power to grant restraining orders without notice in a few cases where it was absolutely essential to protect civil and property rights.

But, Mr. Speaker, in recent years certain agitators attempted to foment public discontent among the masses by charging the courts with a violation of the strict letter of the law. The agitation and the declarations of these promoters were entirely unjustifiable, but the allegations were widely disseminated and resulted in occasional resentful denunciations of judges and courts of what was alleged to be an unwarranted abuse of judicial power.

President Taft, in his message to Congress of December, 1909, made the following recommendation:

> I recommend that in compliance with the promise thus made—

referring to the platform of the Republican convention of 1908—

> appropriate legislation be adopted. The ends of justice will best be met and the chief cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice

and a reasonable opportunity to be heard on behalf of the parties to be enjoined; unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

My judgment is that the passage of such an act, which really embodies the best practice in equity and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective.

After the receipt of this message, as I was at that time engaged on the subject of the revision of the judicial title of the Federal statutes, I took the matter up forthwith and prepared a bill which I submitted to the President, and he gave it his hearty and unqualified approval. This bill was widely published throughout the country with the President's statement that he approved fully of all of its provisions and that he hoped it would be passed by Congress without any alteration, amendment, or change whatever. This bill was introduced in the Sixty-first Congress, was referred to the Judiciary Committee, but has never been reported therefrom.

This bill was again introduced in the present Congress, and was proposed in committee as a substitute for the pending bill, and under the provisions of the rule under which this present discussion is proceeding, will be offered to the House by the Republican Members as a substitute for the same.

This bill, then, introduced by a Republican Member and indorsed by President Taft, represents, I believe, the attitude of our party upon the subject of congressional regulation of injunctions.

It is substantially section 263 of the proposed bill with one single exception, to which I shall allude hereafter. It does not in any material respect change the existing law with regard to injunctions. It merely clothes the court with the legal right to issue restraining orders, without notice, without resorting to the exercise of its inherent equitable powers to do so. It defines the requisites that must appear to the court as a ground for issuing the restraining order without notice. It requires the day of the issuance of the order to be indorsed upon it and requires the reason for its being granted without notice to be spread at large upon the record. It requires by law the complainant to be reasonably vigilant in maintaining his right to the remedy he has invoked. In other words, it embodies in concrete legal form the actual practice of the judges of the Federal courts, almost invariably pursued by them, in the granting of injunctions, and does eliminate the danger of all ill-considered and injudicious restraints, and erects an impregnable bulwark against the widely disseminated, resentful, but unwarranted, denunciations of the courts and judges.

Mr. Speaker, I repeat that this is, I believe, the attitude of the Republican Party upon this subject; a willingness that they have at all times shown to assent to any rational proposal to properly safeguard the issuance of injunctions against even the possibility of abuse. I repeat, in order that it may be distinctly understood, that this proposal is indorsed by the Democratic members of this committee by their proposal in this bill to amend section 263 by this literal transcript of the Moon bill, with the exception before alluded to.

The minority members therefore practically support this section, as before stated, and will, at the proper time, move to substitute that section, slightly amended, for the proposed bill and will ask the House to join them in that proposition.

Now, the only material difference between the Moon bill and section 263 of the pending bill, to which I desire now to call your special attention, is that the Moon bill provides that the restraining order issued without notice shall expire seven days after it is served upon the defendants. Section 263 provides that it shall expire not more than seven days after it is entered. That is the vital distinction, and it is vital.

Why, a restraining order is of no vitality until it is served; it is as inocuous as the paper on which it is written. It has no force, it is not in existence as far as it has any effect, as long as it is in the pocket of the officer or in the archives of the court. It is a harmless and inocuous paper itself. Its vitality only comes into existence the moment it is served, and if you are going to make a restraining order expire seven days after the entry, the way to let an order expire is to evade the service and get outside the jurisdiction of the court. Therefore, when any person has an idea that a restraining order is to be issued he may get out of the way and thus evade it. That is the vital distinction between the two.

They point out the fact that the President recommended that it should expire seven days after entry. They point out the fact that the Clayton bill itself embodied the recommendation of the President. I shall not attempt to state conversation between myself and the President, but I prepared this bill containing this vital distinction. It was submitted to the President. He examined it carefully and gave out to the country the statement that he approved every word of that bill and hoped that it would forthwith be passed by Congress.

Therefore the inference is irresistible that in that particular point, when the President's attention was called to it, he approved without qualification this change from his original recommendation.

Now, Mr. Speaker, I resume my discussion of the other section of this bill. This section is defective only in the respect of which I have spoken, and all that needs to be corrected is in that one essential particular, and then it would be good law. I want to repeat before I leave it, that this provision introduces nothing new in the law, but simply embodies in a statutory form the exact practice of all the Federal judges in granting injunctions.

I now pass to a consideration of the other sections of this bill, and desire to call the attention of the House to the fact that they are designed as amendments to a different section of the judicial code. They propose three additional sections to be added to section 266 of that code. They are numbered in order as section 266a, section 266b, and section 266c, and they are intended as new substantive provisions of law. What is section 266? It is not the general law relating to injunctions. Two hundred and sixty-six is what is known as the Overman bill. When we passed the Interstate Commerce Act, which, among other things, provided for the Commerce Court, there was great agitation about the Federal courts restraining the operation of a State law. There was an effort made to absolutely prohibit the Federal courts from prohibiting the operations of a State law. That was discovered to be absolutely unconstitutional. Under the fourteenth amendment, the States were absolutely prohibited from depriving people of the equal protection of the law, and therefore whenever a State statute did that the United States courts must perforce have jurisdiction and restrain it. What did we do? We said by section 266 that whenever the application was made to the Federal courts to restrain the operations of a State law one judge could not grant an injunction, that there must be three judges sitting and one of them must be either a supreme court justice or a circuit court judge. That is the law to-day, that is all. It is a regulation of injunctive power that is within the power of Congress. Now, this bill seeks to add three new sections to that. One of them, section 266a, which at length says that no restraining order shall issue except upon the giving of security. Well, I have not any objection to that. I want to say that is nothing but an unnecessary reflection upon the fairness of the chancellors of the United States. No single instance to establish its necessity ever was even hinted at before the committee. I have never heard a statement in all this agitation that any court has failed to perform its duty in that respect. The act of 1872, now section 263, gives discretion to do or not to do it. No living man ever made a statement before our committee or anywhere else that the court had not always required security when it was necessary; therefore this section is an unnecessary reflection against the judges; but it is all right; I do not object to it.

The next one is 266b, and let me call attention to that for a few minutes. It says:

> That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained.

And it also further provides, and this is to me the dangerous part of it:

> And shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

First of all, the issuance of injunction and the requisites of an injunction are essentially regulated by the equity rules of the United States courts. It has been said, indeed, in the majority report, that there is no law to-day requiring any particular form for an injunction. Our equity practice for nearly 60 years has been regulated by enacting a few fundamental principles and then leaving all the details of the practice to the rules of the Supreme Court of the United States. These rules and regulations have, therefore, the authority of law. Every lawyer here who practices in a supreme court knows that. The Supreme Court rules prescribe the essentials

of an injunction. No judge draws an injunctive order to suit his own will or his own caprice. Therefore every single order is regulated by law to-day. Now, I call attention of the majority side of this House to the fact that these rules forbid in an injunctive order unnecessary recitals. The object of every injunctive order is to make clear what the parties restrained have to do or what they must not do. Any injunctive order that does not do that so clear that the wayfaring man, though a fool, could not err therein, can not be held and never has been held to be properly drawn or to be of any legal force or effect, but these rules do say that a man shall not restate in that order the recitals of the bill; that you must state what the man must or must not do. Why, you confuse any man by making a restraining order if you do not do that. The existing practice absolutely requires that everything shall not go in. Now, bear in mind the uselessness of this provision. The first section already provides—that is one of the things provided in section 263; one of the things recommended by the President—that the judge when he grants the restraining order without notice should write in the record the kind of injury he was going to guard against and say why it was irreparable and why he granted it without notice. That is already provided for to be entered in the record of the court. Now, why provide for a useless repetition in the injunctive order of the court when it can only confuse the person sought to be restrained? Now I propose to pass very briefly upon the next paragraph of this section, as there are other gentlemen who will speak about it. I refer to the paragraph which limits the persons to be bound by the injunction. The gentleman from Illinois, in his query to the chairman of the committee, indicated by his question what everybody here has in mind—that the object of this bill plainly is intended to limit the scope of the injunction to somebody named in it or somebody known to the complainant at the time it is issued; somebody who at some time happens to be in active concert with them. But, Mr. Speaker, the intention of the injunction is to restrain an irreparable injury, to restrain an injury that can not be compensated for by law, to restrain every person under all conditions and under all circumstances that can be reached by a court of equity from doing the thing prohibited. Now, under the attempt to limit it by this legislation to known persons, or to persons in active concert with them, you are going to minimize, to narrow, and, in some instances, to destroy that power.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. I do.

Mr. SHERLEY. Will the gentleman permit me to say that I have in my hand the rules of practice in equity. Will the gentleman point out the rule which he says controls the practice in the issuance of injunctions by courts?

Mr. MOON of Pennsylvania. I can not do so, my time is limited and I can not be interrupted to do that.

Mr. SHERLEY. Can the gentleman even state the number of the rule?

Mr. MOON of Pennsylvania. No; I can not do that. But I am absolutely convinced of the fact that it is provided for in the rules of the court. The gentleman knows it as well as I do.

Mr. SHERLEY. I deny absolutely the statement the gentleman has made, and for that reason offer him the rules, so that he can present the rule he refers to to this House.

Mr. MOON of Pennsylvania. The rules do not say what an injunction shall——

Mr. SHERLEY. That does not answer the question that the rules of the Supreme Court declare exactly what an injunction shall contain.

Mr. MOON of Pennsylvania. They do so essentially but not in detail; but to return to the subject that I was discussing at the time of the interruption, I was endeavoring to show that there are many conditions under which men who are not parties, who are not agents, who are not in active concert with defendant, might, even with the notice of the restraining order, commit every act of irreparable mischief that order sought to prevent. Now, the only excuse for this provision is this. The only consequence inflicted upon a man who disobeys a mandate of a court in equity is punishment by contempt. Of course everybody recognizes that. Many men in times of excitement would not hesitate for a moment to openly, flagrantly, or defiantly violate court injunction but for the fear of that punishment. Now, the invariable rule, established by the Supreme Court, a rule of invariable application, is that no man can be punished for contempt for the violation of an injunctive order, who did not have a real, substantial, or accurate notice of the existence of that order and of the fact that he was purposely violating it. Therefore your effort to limit it to an enumerated number of people is exceedingly dangerous, and would permit the commission of many offenses by men who could not be named, and who could not be shown to be in active concert with those who are named, and is absolutely unnecessary, because the court can not punish them for contempt until they have actual notice.

Now, Mr. Speaker, the next section is the one to which I desire to call the particular attention of the House, namely, section 266c, which is as follows. If you gentlemen have not the bill before you, I beg to ask you to consider it carefully while I hastily read the section. Here we come to the real meat in this bill, here we come to its sinister motives, here we come to the introduction of a danger that requires and demands our most careful scrutiny.

> SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law.

Now, that seems absolutely harmless. You would say, on the face of it, "Mr. MOON, that is existing law." I say, if it is existing law, why do we want to do the futile and foolish thing of exposing ourselves to the ridicule of the courts by enacting existing law? Everybody will say, "Why, an injunction can not issue in any case except where there is no adequate remedy at law." That is true. An injunction can not issue in any case except to prevent an irreparable injury. That is true. I have textbook authorities here, which I will not take time to read. Every tyro and student of law in his first year knows that. He knows when you talk about an injunction its authorization requires two absolutely essential prerequisites, the first one of which is that there must be no adequate remedy at law, and, secondly, that the mischief must be irreparable. In other words, the injunction does not come into existence until ordinary legal means have become useless for protection. Why, the intervention of equitable protection is wholly dependent on the fact that a man has no adequate remedy at law. Now, therefore, you say and I say, why is it necessary to declare that in labor disputes a complaint shall not be entitled to a writ of injunction except to prevent irreparable mischief and when there is no adequate remedy at law, when that is already the law now in every case?

Ah, Mr. Speaker, the sinister object of that is found in another clause. It is found in the definition of the rights that are to be the subject of injunctive protection; you will find that in this particular class of cases—labor cases—that the injunction shall issue only to protect property and property rights. I want to pause there to make it clear. Every other right known to the law—civil rights, personal rights, political rights—will be absolutely beyond the power of protective relief in labor disputes. Now, understand that the definition given of injunctions by every standard authority—and I have them here and will put them in the RECORD, but will not take time to read them now, but nobody will contradict them—the definition given of the rights that the injunctive process is intended to protect are civil and property rights. This bill contains the sinister limitation in this particular class of cases of the protection of the injunctive process to property and property rights only.

Now, let me make that clear. Do not, gentlemen, get into your minds and say, "Oh, well, it only takes away the power to protect by injunction these civil, personal, or political rights. It leaves for them all the protection of the common law and the common-law courts. It simply strikes down the power to protect by injunction these great rights." Nothing of the kind. Do not be deceived. Understand that no injunction can issue in any case as long as there is legal protection for any rights; no injunction can issue as long as the damages to those rights are susceptible of calculation. No injunction can issue in these cases or in any cases until the protection afforded by the common law has broken down and is inapplicable. Therefore this limitation to property rights does not begin until there is no other protection left except the equitable protection. That is, in other words, by striking down equitable protection in labor disputes to civil rights and personal rights and political rights you take away all the protection they have under the Constitution.

Let me restate it. They could not come into equity at all until they had not any adequate remedy at law. They can not get into equity until their damages are irreparable. That is hornbook law. Therefore, for the protection of all rights except property rights in a labor dispute, every power under the Constitution and the law is absolutely swept away, except the power to punish for crime.

Mr. Speaker, the result is obvious. If you pass this bill, you denude the citizens of the United States of every vestige of

protection under the Constitution and laws of the land as soon as their rights are involved by a labor dispute, except as to the protection of property rights. Suppose some of your constituents desire to go into industrial pursuits. They buy a piece of land to build a factory, and in so doing they are protected by the Constitution and the law and the equity power of the courts in all the rights that they possess as to property, civil, personal, and political. They buy bricks to build that factory, and they buy the machinery to put into it, and in all of these transactions they do not denude themselves of legal or equitable protection at all. The full power of the Constitution and the laws of the land are open to them in a court of equity for protection. But the moment they employ labor to operate that industry, under this bill, that very moment they denude themselves of the protection of the Constitution of the United States, and the laws passed in pursuance thereof, to everything except their property rights.

Gentlemen, I am going to stop to tell you that that is absolutely unconstitutional. You can not do it. Would you do it if you could? You are going to create a class here that has greater rights or less rights under the law than the rest of the people. The class thus attempted to be exempted from the operation of the general law is the labor class and all other persons involved in labor contracts. Do you realize the extent to which contracts growing out of labor affect our life? Why, it was stated before our committee that there are 30,000,000 people in this country engaged in gainful occupations. It seemed to me like an overstatement, but the witness declared his ability to verify it. Why, gentlemen, our material greatness, our stupendous importance in the eyes of the world, and our national leadership in commerce and finance have been gained by our prominence as an industrial nation, and it is safe to say that three-fourths of our vast population have many diverse interests that are affected in vital ways by labor contracts or by questions affecting labor relations; and in this industrial Nation is it wise to say that three-fourths of our people shall be deprived of protection except for property rights?

Even though you should regard it wise, you can not do it, because it is unconstitutional. One of the primal objects of that Constitution was to secure to all men at all times the equal protection of the law, to prevent the creation of class distinctions. This has been so frequently declared by the courts that citation of authority is unnecessary, but let me read you what Justice Field said about the equal protection of the laws, this constitutional guaranty secured to all of the people. Let me tell you what he said about what every law must do and what all are entitled to.

In the case of County of Santa Clara v. Railroad Co., in Eighteenth Federal Reporter, speaking of this subject, he said:

And by equal protection is meant equal security to everyone to his private rights—in his right to life, to liberty, to property, and to the pursuit of happiness. It implies not only that the means which the laws afford for such security shall be equally accessible to him, but that no one shall be subject to any greater burdens or charges than such as are imposed upon all others under like circumstances. This protection attends everyone everywhere, whatever be his position in society or his association with others, either for profit, improvement, or pleasure. It does not leave him because of any social or official position which he may hold, nor because he may belong to a political body or to a religious society or be a member of a commercial, manufacturing, or transportation company. It is the shield which the arm of our blessed Government holds at all times over everyone—man, woman, and child—in all of its broad domain, wherever they may go or in whatever relations they may be placed.

That is the idea of the equal protection of the law that is evidenced by a great justice of the Supreme Court of the United States.

Why, Mr. Speaker, every act that has ever been attempted to be passed by a State to deprive the people of the equal protection of laws has been declared unconstitutional. I recall one in the State of Illinois—a leading case upon the subject, reported in 184 United States, page 540—entitled Connelly v. The Union Sewer Pipe Co.

The State of Illinois had passed one of the most sweeping antitrust acts ever passed by any State. It not only attempted to prevent combinations which sought to restrict prices, and not only made such a combination a criminal act, but it provided, further, that no suit at law to recover for the price of goods manufactured and sold in violation of the statute could be maintained. The defendants refused to pay for pipe that had been bought, on the ground that they were manufactured and sold in violation of the provision of this act. Section 9 of the act was as follows:

The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer and raiser.

The Supreme Court of the United States, in a vigorous opinion delivered by Justice Harlan, declared the act unconstitutional because it denied to persons within the jurisdiction of the court the equal protection of the laws, in violation of the fourteenth amendment. The language of the court upon this subject is as follows:

The fourteenth amendment, in declaring that no State shall deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws, undoubtedly intended that there should be no arbitrary deprivation of life or liberty, or arbitrary spoliation of property, but that equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights; that all persons should be equally entitled to pursue their happiness and acquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs, and the enforcement of contracts; that no impediment should be interposed to the pursuits of anyone except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others.

The similarity, Mr. Speaker, between the proposed provision of the pending bill, destroying equitable protection for essential rights to a large and distinctive class of our citizens and the Illinois antitrust act, which exempted from its provision certain classes of contracts, must be obvious and apparent to all, and the language of Justice Harlan declaring that act unconstitutional is in every essential principle equally applicable to the act we are asked to pass by the adoption of the present bill.

It is true that the cases which I have cited arose under the fourteenth amendment to the Constitution, which is a prohibition upon the States to enact legislation depriving the citizens of the States of the equal protection of the law; but it is universally conceded by all lawyers and men familiar with the trend of judicial decisions that the prohibition of the fifth amendment to the Constitution, which is a limitation upon the power of Congress to pass any act which shall deprive the citizens of the United States of life, liberty, and property without due process of law, is the exact equivalent of the fourteenth amendment; that, in other words, Congress has no greater constitutional right to deprive the citizens of the United States of the equal protection of the laws of the land under the salutary provisions of the fifth amendment to the Constitution than have the respective States the right to deny the same equal protection of the law to their own citizens under the provisions of the fourteenth amendment. While this particular point has never yet come before the Supreme Court for final decision, because Congress has never heretofore attempted to deprive our citizens of that equal protection, yet it has been established by analogy and will not be doubted or disputed by any lawyer upon the floor of this House.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman to ask him what case he is referring to?

Mr. MOON of Pennsylvania. From Connelly v. The Union Sewer Pipe Co., One hundred and eighty-four United States Reports.

Mr. CLAYTON. I thought he was reading from the well-known foundry case. I thought the gentleman was in search of the truth and I thought I saw evidence of the light of truth breaking in on him [laughter], and I wanted to give him the whole light.

Mr. MOON of Pennsylvania. I have read to the gentleman from the opinions of the Supreme Court, to which I go for all interpretation of principles, and in the light of which I stand, and which I think will utterly and absolutely condemn the spirit of this bill.

Mr. CLAYTON. That is a very great undertaking in this Congress.

Mr. MOON of Pennsylvania. I am willing to assume that obligation, but I would not have proposed it if the gentleman had not interrupted me.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STERLING. Mr. Speaker, I yield 15 minutes more to the gentleman from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. MOON] is extended 15 minutes.

Mr. MOON of Pennsylvania. Mr. Speaker, again I am reminded of the limitation of my time, and I must hurriedly pass to the last section of the bill. Gentlemen, the first paragraph of section 266c is vicious, dangerous, and unconstitutional, as I have shown you, but the next is worse, if possible. Let me call your attention now to the second paragraph of that section. It is as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or

to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

This hurried analysis I have given of the first paragraph of section 266c has, I trust, aroused your fears to the danger of such legislation and to its apparent unconstitutionality. But some of the more optimistic of you may say, "Well, at all events, even though we are denied the equal protection of the law, and even though we are denied the protection to our civil, political, and personal rights by that section, yet, thank God, we have our property rights protected." Oh, no, gentlemen, do not delude yourselves with any such false hope. Read this next paragraph and you will find that in a great multitude of important cases, when the citizens of the United States are in vital need of equitable protection, the courts are absolutely deprived of their power to protect even property rights. It says that in the protection of property rights certain enumerated acts shall never be enjoined. Do you catch the significance of that? I ask you to observe that those acts thus protected are every one of them successive steps in every strike, every boycott, every lockout that has ever been devised. They separate those acts and segregate them and place them separately beyond the power of the court to enjoin for any purpose; they enumerate a number which no court would ever think of enjoining independently, but they give each, step by step, until they enumerate in their successive order every single implement that has been employed by the cruelest, most tyrannical, most brutal, and most dangerous strikes and boycotts that human ingenuity has ever invented.

In other words, Mr. Speaker, the first paragraph of section 266c strikes down the power of our courts to protect in labor disputes any rights but the rights of property, and the second paragraph of that section, the paragraph we are now considering, strikes down absolutely the power of the courts to protect even property rights, when that protection requires them to restrain by injunction the performance of certain enumerated acts by men engaged in labor disputes, acts many of which are innocent in themselves and which no court would even independently enjoin, but which in combination have been and may at any time again become the most dangerous and destructive weapons of unlawful industrial warfare.

Permit me again, Mr. Speaker, to call the attention of the House to the fact that while this section only professes to deprive us of the right of equitable protection by injunction to all of our rights in labor disputes, yet to deprive us of this protection is to deprive us of all protection guaranteed by the Constitution, because the right to equitable protection does not begin until the power of the law to protect us is inadequate and impossible.

The obvious purpose of this paragraph, Mr. Speaker, is to legalize the modern strike and secondary boycott as instruments of industrial warfare, and to place the destructive machinery of these dangerous and cunningly devised weapons beyond the preventive power of our courts of justice.

Mr. Speaker, the right of men singly or in combination to strike for the purpose of increasing their wages, for bettering their condition, or for any other legal purpose; the right of men to refuse for any reason to work for another or to deal with him in any way is one of the highest and most sacred rights known to the law. It is a right that is at all times entitled to the absolute protection of courts of justice, and no court and no judge in the land would withhold that protection. It has been declared by the Supreme Court of the United States to be a personal and a property right guaranteed by the Constitution of the United States.

But, Mr. Speaker, every man acquainted with modern labor disputes knows that many organized strikes are not limited in their purpose or their conduct to a securing of those rights.

Mr. Speaker, the strike as an instrument in labor disputes assumes in its progress innumerable forms, but certain features are common to all of them. Various attempts have been made to define them. Some eminent authorities have gone so far as to say that a peaceful strike has never been conducted, that it is impossible, that in its very nature it aims at unlawful coercion of employees and of men seeking employment. A very fair and conservative analysis of the ordinary features of a strike is contained in the following statement gleaned from Federal decisions:

A strike is properly defined as a simultaneous cessation of work on the part of the workmen, and its legality or illegality much depends upon the means by which it is enforced and on its objects. It may be criminal or it may be part of a combination for the purpose of injuring or molesting either masters or men; or it may be simply illegal, as if it be the result of an agreement depriving those engaged in it of their liberty of action; or it may be perfectly innocent, as if it be the result of the voluntary combination of the men for the purpose only of benefiting themselves by raising their wages, or for other lawful purposes.

In every case the questions involved are—is it an innocent strike or is it a combination designed to cripple the employer's property, to obstruct him in the operation of his business, to interfere with other employees who do not wish to quit, or to prevent by intimidation or other wrongful modes or by any device the employment of others to take the place of those quitting, and not such as were the result of the exercise by employees in peaceable ways of rights clearly belonging to them and not designed to injure or embarrass others or to interfere with the actual possession and management of the property of the employer.

Any combination to interfere with the perfect freedom in the proper management of one's lawful business, to dictate the terms upon which such business shall be conducted by means of interference with property or with the lawful employment of others, are necessarily within the condemnation of the law.

It will be observed that while recognizing the existence of lawful striking combinations and clearly defining their entire legality for certain purposes, the court in these cases denounces as unlawful a combination designed to cripple the employer's property, to obstruct him in the operation of his business, to interfere with other employees who do not wish to quit, or to prevent by intimidation or other unlawful modes or by any device the employment of others to take the places of those quitting, or to interfere with the perfect freedom in the proper management of one's lawful business, and so forth.

These things, Mr. Speaker, are unlawful; they are beyond the protection of the ordinary processes of the law; they result in irreparable injury to property and property rights; they invade the personal and civil rights of many men; and they must be protected by a court of equity by the use of the injunction. Can any man for one moment seriously doubt that the acts enumerated in this section—acts intended hereby to be made absolutely immune from equitable protection or prevention—are acts intended to accomplish one or all of these illegal or inequitable objects? They are the very acts that have always been employed for this purpose; they are the successive steps of an illegal combination for an illegal purpose, and to simply label them as peaceful does not change their character or their effect. They are the elemental factors in every common-law conspiracy in labor disputes, and their organization and consummation creates in the most absolute sense a conspiracy in restraint of trade.

But, Mr. Speaker, my limited times does not permit me to give detailed illustrations of the dangerous and illegal acts that would be protected by the immunity from equitable relief guaranteed to a special class of our citizens by this paragraph. It would not only have prevented the courts in the past from preventing by injunction dangerous and destructive strikes that have menaced the peace and prosperity of our country, but would completely disarm them of all power to prevent the secondary boycott, which is conceded by all persons familiar with the subject to be the most brutal, despotic, and destructive power ever conceived by the ingenuity of man—an engine of oppression so dangerous that to strike down the power of the court to prevent it is the most dangerous limitation of power that it is possible to conceive.

For these reasons, Mr. Speaker, the provisions of this paragraph are dangerous and void. If passed by this House, and if it should become a law, I confidently venture the prediction that the trial courts of the land will be obliged to disregard it when it is attempted to be used as an instrument to inflict irreparable injury, and that the Supreme Court of the United States will declare it a usurpation of power by Congress.

But, Mr. Speaker, it is open to other fatal objections. Like the previous sections, it denies the equal protection of the laws; it is in the interest of certain classes, and, in addition to this, it is unconstitutional and impossible because it makes the protection of rights depend upon the character of the controversy and upon the sanctity of certain acts of the persons concerned therein and not upon the character and quality of the rights involved. In this respect it is a novelty in legislative history. Constitutions are created to protect human rights. Legislatures are organized to pass acts commending that which is right and prohibiting that which is wrong. The office of constitutional governments, therefore, and the functions of legislative bodies are to secure rights and to prevent and punish wrongs; and to accomplish these purposes every human instrumentality that interferes with the enjoyment of rights or the prevention of wrongs is of necessity placed under the ban of the law without regard to its individual quality or to its apparently inocuous character.

Mr. Justice Holmes has declared in the case of Aiken v. Wisconsin (195 U. S., 194) that—

No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law.

This paragraph boldly attempts to accomplish that purpose; to sanctify and place beyond the reach of the law certain specified acts of certain individuals, independent of any consideration of the plot or scheme of which these protected acts may be made a part. No matter if these acts, even though innocent in themselves, may become the successive steps in the destruction of the rights of the citizens of the United States, or may be made effective means in the infliction of dangerous and irreparable wrongs, they are attempted to be placed by this bill beyond the reach of judicial control, and therefore beyond the power of the Government to correct or to prevent. The legislative arm of the Government, therefore, deriving its sole power from the Constitution, could destroy by an act of Congress the very function which the Government was instituted to perform, namely, the protection of rights and the prevention and punishment of wrongs.

Why, Mr. Speaker, a great religious poet has heralded the millennium as the time when universal peace shall reign upon the earth, and has symbolized it by the beautiful figure of turning the sword into a plowshare and the spear into a pruning hook. The plowshare and the pruning hook have therefore, from time immemorial, become the symbols of peace, prosperity, and good will. They have been hallowed in song and in story as typical implements of the people of the ideal future. They are regarded everywhere to-day as the most harmless and peaceful implements of the most noble and honorable occupation known to man; but what would you think of an attempt to pass a law by Congress declaring that henceforth no act of any man if committed by a plowshare or a pruning hook should be prohibited or punished, and that these peculiarly sacred instruments should be placed absolutely beyond the regulative power of the law.

Such, Mr. Speaker, is the purpose of paragraph 2 of section 20 of this bill, and since the time allotted to me has about expired I shall close my argument by demonstrating to this House that this very proposal has been declared beyond the power of Congress by one of the most recent cases upon a kindred subject that has received the attention of the Supreme Court. I refer to the case of Gompers *v.* The Buck Stove & Range Co., reported in Two hundred and twenty-first United States, page 418, which was decided by the Supreme Court only a few months ago.

In that case the court had issued an injunction restraining the defendants from boycotting the complainant or from publishing or otherwise making any statement that the Buck Stove & Range Co. was or had been on the "unfair" or "We don't patronize" list of the defendants.

The complainants contended that the injunction had been violated; that the speeches, editorials, and publications made by the several defendants at different times were intended to continue the boycott and to republish the fact that the complainant was on the unfair list. The defendant contended that the injunction was unlawful, because it was not within the power of the court to abridge the liberty of speech or the freedom of the press.

The court, in commenting upon this, said:

But if the contention be sound that no court can under any circumstances enjoin a boycott if spoken words or printed matter were used as one of the instrumentalities by which it was made effective, then it could not do so even if interstate commerce was restrained by means of a blacklist or printed device to accomplish its purpose. And this, too, notwithstanding that the law provides that where such commerce is unlawfully restrained, it shall be the duty of the Attorney General to institute proceedings in equity to prevent and enjoin the violation of the statute.

The court then added:

The court's protective and restraining powers extend to every device whereby property is irremediably damaged or commerce is illegally restrained. To hold that the restraint of trade under the Sherman Antitrust Act or the general principles of law, could be enjoined, but the means through which the restraint was accomplished could not be enjoined, would be to render the law impotent.

If the right of free speech and the freedom of the press, which have special guaranties and immunities under many State constitutions, can not be protected as a device or instrumentality to inflict injury upon the citizens of the country, how much less can the acts enumerated in this paragraph be placed beyond the law when they are attempted to be used for that purpose?

But, Mr. Speaker, I must close. I have attempted hastily to point out to you the features of this bill. I have referred at some length to what I regard its most dangerous provisions, and I will leave the matter with the House with the statement that no matter how many men be swayed from their loyalty to the Constitution and from their reverence and respect for the courts by popular demagogues or by newly invented devices for obtaining expressions of the popular will, I shall stand in opposition to any measure, coming from any source or indorsed by any party, that aims at the weakening of the power of our courts to protect to the utmost the right to enjoy our lives, our liberties, and our property under the full protection of the law. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a paper by Mr. James A. Emery on this subject.

APPENDIX.

STATEMENT OF JAMES A. EMERY, ESQ., OF WASHINGTON, D. C., COUNSEL FOR NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. EMERY. Mr. Chairman, in view of the statement made by the proposer of the bill H. R. 11032, that it is substantially the measure commonly known as the Pearre bill, considered in a former Committee on the Judiciary, I ask that the two bills be inserted at the beginning of my statement, first the Wilson bill (H. R. 11032), and secondly the Pearre bill, a copy of which I will furnish, in order that the committee may realize by comparison the very marked differences between these two measures.

WILSON BILL.

(62d Cong., 1st sess. H. R. 11032. House of Representatives, June 2, 1911.)

Mr. WILSON of Pennsylvania introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill to regulate the issuance of restraining orders and procedure thereon, and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant, or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or patronage or good will in business, or buying or selling commodities of any particular kind or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other civil or criminal offense, or be punished or prosecuted, or damages recovered upon as such, unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual; nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definitions contained in the first section of this act.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

PEARRE BILL.

A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

SEC. 2. That in cases in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute, shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined under the provisions, limitations, and definition contained in the first section of this act.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

I have not, Mr. Chairman, the advantage of examining the record of discussion before this committee respecting this measure, but I did hear the proposer of the bill, Mr. WILSON, make a statement with reference to it at the last hearing of this committee.

I do not think that in the course of congressional legislation a more remarkable measure has been presented for the consideration of this committee. It is extraordinary not only for its admitted purposes, but for what it would actually effect through its provisions. The bill appears with the formal indorsement of the American Federation of Labor, and it is substantially declared that its object is to prevent the issuance of injunctions in trade disputes and to forbid the punishment of certain acts when done by labor combinations which the actors assert ought not, by their nature, to be restrained or punished,

and toward which they allege the law is oppressive in its character and has been oppressively administered by Federal judges.

Under the usual circumstances of discussion, I should first of all ask the committee to consider what occasion there is for complaint of this character and whether or not it is true that the present practice of issuing injunctions against some acts occurring in labor disputes and threatening civil and property rights is oppressive in its nature, and whether or not it has been improperly administered.

But before I ask the committee to consider that, which is the crucial test of the present complaint, I ask your attention for the terms of the measure itself, that you may realize it subverts rights of the most fundamental nature and greatly modifies legislation that has stood upon the statute books of this country for years, thus affecting existing law far beyond, I believe, the intention of its proponent.

The first section of the bill provides that in any "case" between an employer and employee, or between employers and employees, or persons employed and persons seeking employment, or in any "case" involving or growing out of a labor dispute, no injunction shall be issued by a Federal court except to protect property or a property right threatened with irreparable injury for which there is no adequate remedy at law. The second part of the first section thereafter proceeds to declare that for the purpose of this bill no right to continue the relation of employer and employee, or to assume or create such relation, or the good will of the business, or buying and selling commodities of any particular kind or at any particular place or at all, shall be "construed, held, considered, or treated as property rights."

You will observe that the first section, Mr. Chairman, is not, as the committee might gather from the statements of its proponent, confined to persons engaged in a labor dispute. It applies to any case between an employer and employee arising in a Federal court respecting the employment relation or which involves or grows out of a labor dispute. Consequently it would, first of all, affect a class of cases frequently arising, not only under the laws of the United States or treaties but under the laws of the different States, where, on account of diversity of citizenship, a Federal court is administering the law of the State.

Mr. NORRIS. If I may be permitted to interrupt, I think Mr. Wilson, as I remember it, in arguing on this bill, claimed that the first section could not have that broad a construction. He contends that it is confined entirely to labor disputes.

Mr. EMERY. I understand, Mr. NORRIS, that that is the declaration of Mr. Wilson, and that is probably his intention; but that is not the language of the bill, and I leave it to you gentlemen.

Mr. DAVIS. The various clauses of the bill are joined by the conjunction "or."

Mr. EMERY (reading):

"That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment."

It must be manifest upon the face of it that in its terms it distinctly applies to any case respecting the relations enumerated that arises in a Federal court. It does not even say in civil cases but because of the fact that it is an attempt to modify the conditions under which a Federal injunction is to be issued it manifestly would apply only to an equitable proceeding. I need not take the time of this committee to call your attention, experienced lawyers as you are, to many classes of cases in which the right of injunction is constantly and necessarily used, cases growing out of differences between employer and employee that have nothing to do with labor disputes. For instance, I noted just yesterday the application for the issuance of an injunction in a case where an employer sought to restrain a former employee from betraying a trade secret which he had acquired during the course of his employment. It would obviously be a case within the meaning of that section. Nor need I attempt to enumerate the variety of cases that arise between employers and employees over the performance of contracts of various kinds and character.

Mr. WEBB. Would not the irreparable-damage provision cure that?

Mr. EMERY. I am assuming that there would be an irreparable damage, because in the case I allude to, in which the injunction is sought, of course the pleading is that irreparable damage would be done by the betrayal of the trade secret unless its disclosure is enjoined.

Mr. WEBB. Then this law would not prevent the injunctive relief.

Mr. EMERY. This bill would prevent injunctive relief by the second part of the first section, because it provides that no right resting upon the continuance of the relation of employer and employee can be protected by an injunction; the limitation likewise applies to the buying or selling of commodities or the creation or continuance of the relation of employer and employee, as, for instance, in a numerous class of cases where a singer or other performer breaks a contract and undertakes to perform at another theater. At present while an injunction may not issue to compel the specific performance of the contract, it will issue in a proper case to prevent the person, in view of the contractual breach, from appearing under another manager. These are merely illustrations, Mr. Chairman, of the scope of this bill, relations which I believe are beyond the intention of its author, but necessarily affected by its terms.

Furthermore, one can not examine the first section without inquiring what is there in the nature of the employment relation or a trade dispute itself that would lay the foundation of a Federal jurisdiction. The measure does not refer to any dispute affecting interstate commerce or any other thing specifically confided to the protection of the Federal Government, but declares any "case" appearing in a Federal court between an employer and an employee shall, by the first section of this bill, be arbitrarily denied equitable remedies administered by the same court in every other case in which those relations described do not exist.

This measure further provides that no right to assume the relation of employer or employee or to continue it, no right to good will in business, no right to buy or sell commodities, or to engage in business of any particular kind or at any particular place, or at all, shall, in any dispute in which the employment relation exists, be subject to the equitable protection of a Federal court unless a property right or property is involved. The restraining power of a court of equity is therefore limited to a controversy in which property or a property right is involved. That is a novel proposition to a body of lawyers, for all the textbooks that have been written upon this subject and the uniform decisions of our Federal and State courts are to the effect that not only are property and property rights the legitimate subjects of equitable protection, but likewise civil rights, and even personal rights of many kinds, under many circumstances. I could multiply cases indefinitely to confirm that proposition if I thought it necessary; but I am sure it is unnecessary here.

But moreover, Mr. Chairman, the specified rights, which in the latter half of the first section of this bill are expressly excluded from the protection of a court of equity, are property rights of the most fundamental character. Rights which have been the frequent subject of adjudication, not only by all the courts of last resort in the various States of the Union, but of the Supreme Court of the United States itself. It has been uniformly held that the right to engage in any particular business at any particular place, the right to buy labor and to sell it, is a fundamental right of liberty and property possessed by each citizen. Indeed, the right of liberty and the right of property are frequently so inextricably interwoven as to be indistinguishable in their exercise. It has been noted a curious thing that the Declaration of Independence nowhere mentions property rights; yet it has been said again and again by judges that undoubtedly the right of property is itself included in the right to pursue happiness. Mr. Justice Brewer, in a celebrated address at Yale University in 1891, which appears in the June number of the Yale Review of that year, argued that in the Declaration of Independence the right to acquire, possess, enjoy, and dispose of property was included in the right to pursue happiness. So it has been held again and again in various legal controversies that the constitutional guaranty that no person shall be deprived of property without "due process of law" embraces the very rights which by this bill are withdrawn from equitable protection. I shall not take up the time of this committee by citing many decisions of this character, which could be multiplied indefinitely. I will merely offer one or two for purposes of illustration, and ask the permission of the committee to include in my remarks the other citations which I do not present to the committee now, that I may save its time and mine.

The CHAIRMAN. That will be granted to you, Mr. Emery.

Mr. THOMAS. What is your definition of a property right?

Mr. EMERY. I think a property right can broadly be said to be any right embracing the acquisition, use, or disposition of property in any form. Of course, there are forms of property created by statute, and there are other forms of property which antedate our organic law, and are not created, but are merely recognized by it. It is to that especial class of rights I now call your attention. Thus, in the standard case of Allgeyer *v.* Louisiana (165 U. S., 589), you will find the court says the constitutional guaranty embraces—

"the right of the citizen to be free in the enjoyment of all his faculties, to be free to use them in all lawful ways, to live and work where he will, and earn his livelihood by any lawful manner, to pursue any livelihood or avocation, and for that purpose to enter into all contracts that may be proper, necessary, and essential in his carrying out the purposes above mentioned."

Mr. THOMAS. Do you think that one man can have a property right in the labor of another?

Mr. EMERY. He can, by voluntary contract. I do not think there is any doubt of that; is there, Mr. Thomas?

Mr. THOMAS. I am not sure of that; I wanted your idea about it.

Mr. EMERY. If I enter into a contract with you to perform services for you, you surely have a property right in my service to the extent that I have agreed to deliver it to you for compensation.

Mr. THOMAS. If I were to break the contract, of course you would have an action at law against me.

Mr. EMERY. I presume so; but what would it be based upon? It would be based upon the loss you had suffered through my failure to perform that contract, and the court would be protecting your property right.

Mr. THOMAS. Would the court then issue an injunction to make me perform that contract?

Mr. EMERY. You mean if the specific performance of the contract involved human service?

Mr. THOMAS. Yes, sir.

Mr. EMERY. Ordinarily not. There are exceptional cases in which courts have issued injunctions for the specific performance of a contract of a special character.

Mr. THOMAS. According to that, a man can contract himself into being a slave.

Mr. EMERY. No; that is not the intention at all. But those cases are specific, and involve a very abstruse branch of equity jurisprudence very rarely enforced. For all practical purposes no contract for the performance of labor can be enforced by injunction.

Mr. MOON. The court never enforced a contract specifically in the case of a singer; they simply prohibited her engaging anywhere else.

Mr. EMERY. There is a case in New York——

Mr. MOON. Not compelling her to sing. It prohibited her from singing anywhere else.

Mr. EMERY. Of course, I say it is a marked exception to the ordinary rule.

Mr. NYE. Even if they did that it would be a mandamus and not an injunction.

Mr. EMERY. That is a form of injunction.

The CHAIRMAN. In the case of the singer in New York to which you refer the court did seek to compel the singer to perform the contract and sing for the particular other party to the contract.

Mr. EMERY. Yes, sir.

Mr. MOON. That has all been done away with now.

Mr. EMERY. Yes. I allude to that only as an exceptional case. The uniform doctrine of the American courts is expressed in the opinion in Arthur *v.* Oakes, written by Mr. Justice Harlan. This was an appeal from the decision in Farmers Loan & Trust Co. *v.* The Northern Pacific R. R. Co. (60 Fed., 803). In that case Mr. Justice Harlan held that no injunction would lie to compel men to remain at work, no matter if the anticipated quitting would result in loss of life or peril to property. This decision establishes a condition fundamentally different from that existing under the English law, for until the year 1875 it was possible, under Lord Eldon's act, passed in 1867, and under preceding legislation, to specifically enforce a contract for labor; and justices of the peace throughout England specifically enforced contracts for labor, and were empowered to punish the breach of a contract by a laborer as a crime. I shall later desire to call the attention of the committee to the statutes and the English practice on that subject, in order to show the committee that English legislation, which is offered here as a precedent, has no authority in law or fact.

Mr. NORRIS. I would like to ask you about that decision of Mr. Justice Harlan you have cited in your brief.

Mr. EMERY. I have no brief here; but I shall cite the decisions—Arthur *v.* Oakes, 63 Fed., 219.

Mr. NORRIS. I wanted to read it myself, and I would like to have the reference made.

Mr. EMERY. That decision by Mr. Justice Harlan is the standard case on that subject. It was rendered by him when sitting in circuit.

Mr. NORRIS. I understand that; but I wanted to read it again. I would like to have the reference in your remarks so that I can find it.

Mr. EMERY. I shall be glad to furnish it.

Mr. THOMAS. Do you think a thing is right just because a judicial tribunal or a number of judicial tribunals have declared that thing to be right?

Mr. EMERY. Declared what to be right, Mr. Thomas?

Mr. THOMAS. Any given thing, simply because a judicial tribunal declares a thing to be right.

Mr. NORRIS. As I understand, Mr. Emery is not contending that that is right, but that it was the former practice in England.

Mr. THOMAS. Because a court has decided a matter to be right, does it necessarily follow that that thing is right?

Mr. EMERY. I do not know whether Mr. Thomas is referring to a specific case now.

Mr. THOMAS. No; just a general question.

Mr. MOON. That is what Mr. Gompers is trying to find out.

Mr. THOMAS. My question is this: Because a court decides a certain thing to be right, or a number of courts decide a certain thing to be a principle of law, do you think necessarily it is right and correct?

Mr. EMERY. I must confess, Mr. Thomas, that under orderly government, under constitutional government, I can do but one thing, either bow to the decision of the court when I have exhausted all ordinary forms of appeal, or else turn to the legislature for relief; and in the meantime I must obey the law, or law ceases and anarchy begins.

Mr. THOMAS. That is what they are doing in this act, turning to the legislature for relief.

Mr. EMERY. Yes, sir; but I am at this time undertaking to call to the attention of the committee that there are certain rights which are beyond the reach of the legislature.

Mr. WEBB. That is, the declaration of what is property and what is not property.

Mr. EMERY. I say, there are fundamental rights of property—the property, for instance, which a man has in his own labor—beyond legislative invasion. The right of property carries with it the right to have that property protected, and to deprive a person either of the property itself or of the means of protecting it and to leave him with no remedy is to deprive him of a constitutional guaranty.

Mr. WEBB. Do you think we can declare that good will is not property?

Mr. EMERY. I do not.

Mr. WEBB. That is what I was getting your idea on; I wanted to hear you on that.

Mr. EMERY. But my contention, so far as this first section is concerned, would not rest on that. I contend you can not say that a man's own labor is not property or that a man's right to conduct a lawful business is not a property right.

Furthermore, Mr. Chairman, the first section is open to still further objection, on the ground that it undertakes to establish rights in accordance with the class of controversy involved and under the same circumstances to give a different set of rights to every citizen. Thus, if this first section were to be construed in accordance with the declaration of Mr. Wilson, persons engaged in labor controversies would not possess certain rights of property entitled to the protection of a Federal court, although the same rights would be entitled to equitable protection when assailed by persons not engaged in a labor dispute. The rights of each person would thus depend, not upon their nature, but upon the character of the controversy in which they were involved. A right of property guaranteed by the Constitution of the United States would be entitled to all of the protection courts could give it under every circumstance, except when it was assailed in the course of a labor dispute. But in that case the right of property would be lost at the surface of the labor dispute and possess no protection until it emerged, if it survived, in which event, by the magic of this bill, it would regain its submerged rights.

I therefore insist that the first section of the bill—apart from its ambiguities and from the endeavor to lay a foundation for a Federal jurisdiction upon a relationship unconnected with any subject matter of Federal control—is objectionable on two grounds: First, it undertakes to deprive persons in controversies of the character enumerated of all equitable protection for civil rights, and, secondly, it undertakes to make one set of rights and remedies with respect to those engaged in labor controversies and another for those not so engaged. And, finally, that it undertakes to absolutely destroy fundamental property rights which have been repeatedly held by the courts of the United States to be beyond the reach of congressional invasion.

Mr. MOON. The Supreme Court has already decided that that classification is unconstitutional so far as State legislation is concerned, under the fourteenth amendment.

Mr. EMERY. Absolutely. The position of the courts with respect to these rights is not new. It is as old as the existence of courts in England or the United States. Lord Brammwell, in the case of Regina v. Ernitt (10 Cox C. C., 592), calls attention to this when he says:

"No right of property or capital was so sacred or carefully guarded by the law of the land as that of personal liberty. That liberty was not liberty of the body only—it was also a liberty of the mind and will; and the liberty of a man's mind and will—to say how he should bestow himself, his means, his talent, and his industry—was as much a subject of the law's protection as was that of his body."

In the Slaughterhouse cases (83 U. S., 36) our own court said, again, through Mr. Justice Bradley:

"For the preservation, exercise, and enjoyment of these rights the individual citizen as a necessity must be left free to adopt such calling, profession, or trade as may seem to him most conducive to that end. Without this right he can not be a free man. The right to choose one's calling is an essential part of that liberty which is the object of Government to protect; and a calling when chosen is a man's property and right. Liberty and property are not protected where these rights are arbitrarily assailed."

And in the great decision written by Mr. Justice Harlan, United States v. Adair (208 U. S.), he reiterated the doctrine, which has been enunciated in the Federal courts time out of mind, and in all the courts of the United States which have had occasion to pass upon the issue involved, that the right of a man to enter into a contract for the sale of his labor and the right of another to enter into a contract for purchase of labor were at once rights of liberty and property; and Congress could not invade such rights without a violation of the fifth amendment. In that case, you will remember, the Government undertook to indict and punish one Adair, an agent of the Louisville & Nashville road, because he had discharged a man, or threatened to discharge him, on account of his membership in a union, in violation of a certain provision of the Erdmann Act. The court pointed out that the right to quit and the right to discharge were correlative rights, and you could not take away from the citizen the right to discharge without asserting the right to take away from him the right to quit. You could not curtail one end of the contractual power without curtailing the other end, so that every invasion of the right of the employers to discharge would be an invasion of the right of the employee to quit.

Mr. WEBB. Do they not say you could not do that as an incident to the interstate-commerce power in the Constitution?

Mr. EMERY. The issue raised by Mr. Justice Harlan was whether or not the provision was repugnant to the fifth amendment to the Constitution, and not the interstate-commerce clause. The question was not whether Congress could so act under the interstate-commerce clause, but whether or not, possessing the power to regulate commerce, they could, with the prohibition of the fifth amendment staring them in the face, take away from a citizen the right to exercise that right of liberty and property.

Mr. WEBB. But Congress based its power to pass such a law on the commerce clause of the Constitution, I believe.

Mr. EMERY. They based their right, yes. But the court said they could not exercise it because, under the system of checks and balances, of course, one provision of the Constitution set off against another.

Mr. NYE. This bill would run against an employee who sought to enjoin his employer from discharging him?

Mr. EMERY. Of course; or from blacklisting him, for that matter. It would favor a combination of employers who agreed among themselves that they would not employ a particular man themselves and would undertake to prevent his employment by others; that is, if the agreement arose out of a labor dispute.

Mr. NORRIS. The writ could not issue in that case.

Mr. EMERY. It could not lie for the other reason—that the man would not have any property right at stake. Under this bill his right to be employed would cease to be a right. He would have no right to enter into a contract with an employer; that could be protected from the interference of third parties by a court of equity.

But, Mr. Chairman, the second section of the bill is still more astounding in its proposals. It provides that in cases arising in the courts of the United States, or coming before said courts—and I should say here, Mr. Chairman, that as the word "cases" is not qualified we must look to the subject matter to ascertain whether it applies to civil or to criminal cases or to both, and from the subject matter included it obviously applies to both civil and criminal cases and to all courts of the United States. It would be a limitation not only upon the controversies of individuals but likewise upon those of the Government of the United States itself and upon States appearing in the Supreme Court of the United States.

Mr. THOMAS. Mr. Emery, do you contend that the legislature or Congress has not the right to limit a property right, define it, and say what it shall be?

Mr. EMERY. I do not question the right of Congress to limit some property rights, but there are others which are beyond the control of Congress. Of course, in the exercise of a property right, as distinguished from its ownership or possession, Congress can limit, as every legislature necessarily must, the uses of property, to secure the equal right of every citizen to the use and enjoyment of his property.

Mr. THOMAS. Can not State legislatures, for instance, absolutely say who shall and who shall not own property, certain kinds of property of their own; how they shall inherit, and so on?

Mr. EMERY. Our courts have been pretty busy, Mr. Thomas, for years, invalidating legislation which attempted to confiscate certain people's property or permitting a reasonable return on it. I am sure the gentleman does not contend for a minute that the Congress of the United States can say the property which A has should now belong to B. That is precisely what is done here.

Mr. THOMAS. I beg to differ with you about that. Can not Congress define and limit property rights?

Mr. EMERY. It can define and limit some property rights, but there are some that it can not. It depends on whether your definition is to be regulative or prohibitive.

Mr. MOON. It can also create some rights.

Mr. EMERY. It can, of course, create many. It creates many valuable property rights. Every time it grants a pension it creates a property right. Every time it permits an increase in the pension laws of Columbia it creates property rights. For many property uses of which we speak, quite apart from their tangible objects, have been held to be and are property. Thus we tax as property a corporate franchise, or a license, or a right to use a highway or a street.

The second section provides that in any case, whether civil or criminal, arising in the courts of the United States, or coming before said courts, no agreement between two persons either concerning the labor relation or concerning any act or thing to be done or not to be done, either in reference to or growing out of a labor dispute, shall neither constitute a conspiracy or be punished or prosecuted or become basis of an action for damage, unless the thing agreed to be done or omitted would be unlawful if done by one person. Needless to say, Mr. Chairman, no lawyer can hear that proposition without realizing that it is a subversion of the whole law of conspiracy, based as it is upon the belief that there are many things not unlawful for one person which become unlawful when numbers agree to do them. Thus, while any man may refuse to sell his product to another, it is quite a different thing if two or more persons agree not to sell to another. It is one thing for a man to refuse to deal with another; it becomes quite a different proposition when many agree not to deal with him until he does something they require him to do, or until he does something to another person which they demand him to do. That doctrine has been recognized since the foundation of English law, from the first statute on conspiracy, in the reign of Edward the First, to the last modification of it by the English Parliament in 1906.

Mr. MOON. It absolutely abolishes the distinction between conspiracy and the overt act, does it not?

Mr. EMERY. Absolutely; because, of course, it can neither be unlawful nor criminal for two persons to have a common intention to do the same thing until that intention is reduced to an agreement. When they agree to do an unlawful thing, the agreement itself, irrespective of any overt act, is either a crime or civilly unlawful, in accordance with the nature of the thing agreed to be done; and no other element enters until we consider the legality or criminality of particular means.

Mr. HOWLAND. In that connection, Mr. Wilson called our attention, arguing this same proposition, to these voluntary organizations, one of which I have in mind, for instance, where they refused to purchase eggs because they were so high priced, a voluntary organization. Another one was formed a year ago, which people very generally joined, refusing to purchase meat because of the high prices that the retailers were charging the public. Does that come under the head of conspiracy or boycott, or how do you differentiate those?

Mr. EMERY. In the first place, it is not an agreement directed against any person; it is an agreement like a pledge among a large number of people not to take a drink. It is not directed against any individual,

and does not affect any individual particularly. It passes out of the realm of the abstract, as it were, and enters into the realm of the concrete when made with reference to a particular individual.

Mr. HOWLAND. It applies to the corner butcher in a particular neighborhood.

Mr. EMERY. It applies to all butchers, like the resolution of a vegetarian society, that agrees not to eat meat.

Mr. MOON. A conspiracy is defined as an agreement to do an unlawful thing——

Mr. EMERY. Exactly.

Mr. MOON. Or an agreement to do a lawful thing in an unlawful manner. But an agreement not to eat meat is not an agreement to do an unlawful thing.

Mr. HOWLAND. That is another way of stating the proposition. The agreement is not to buy any meat.

Mr. MOON. That is not an unlawful thing.

Mr. EMERY. The agreement not to eat it would necessarily include an agreement not to buy it.

Mr. NORRIS. Would not the intention had by the parties govern?

Mr. EMERY. Of course.

Mr. NORRIS. If they should make an agreement not to buy meat of you, if you were a butcher, for the purpose of running you out of business——

Mr. EMERY. Exactly.

Mr. NORRIS. That would be a vastly different proposition.

Mr. EMERY. It is the only department of the law where the court enters into the conscience of the actor.

Mr. NORRIS. Yes.

Mr. EMERY. Intention is the dominant standard by which to judge the act of a combination, as has been said again and again by many courts.

Let me call the attention of the committee to the effect of section 2 of this bill upon existing legislation before presenting any legal objection to it. If this measure were the law, any agreement between two or more persons relating to the employment contract or with reference to any act or omission involving, growing out of, or in furtherance of a trade dispute would not be unlawful or criminal or render the parties liable in damages unless the thing agreed to be done or not to be done would be unlawful if done by one person. This privilege is not confined to the parties engaged in the trade dispute. It covers any agreement made by persons with reference to such dispute, whether they be engaged in it or not.

Now, Mr. Chairman, observe the legal effect of this provision upon the operation of the Sherman Act as it is now interpreted. At present I think it will be conceded that any one of the great meat packers may lawfully fix the price at which he will sell his own commodity, but if two or more packers make an agreement to fix the price of meat, we have a contract in restraint of trade—a Beef Trust—that may be prosecuted, fined, or dissolved. But if the packers of the United States or any number of the great firms engaged in that business—the Armours, the Swifts, or others equally well known—in furtherance of a strike or because of it entered into an agreement to raise the price of their product, either to meet the expense of the struggle or to make the consumer realize the cost of the strike to him and excite his sympathy for their interest, the agreement, this bill being the law, would be lawful, for, having grown out of a trade dispute, its legality would be no longer tested by the Sherman Act but by the standard of this bill, and the act of the combination raising the price of meat would not be unlawful if done by one person.

Suppose two or more of the railroads of the United States were again faced with the conditions created by the great Debs strike of 1894, many arteries of commerce hopelessly obstructed, cars idle on many tracks, property in the hands of the mob, the carriers unable to fulfill their contracts with passengers or shippers or perform the duties laid upon them by law. Let us assume the strike was precipitated by a demand for increased pay which the carriers believed their existing revenues would not permit them to grant, and in order to meet these demands they agreed to raise their rates, or suppose that they engaged new men to take the places of the old employees and found themselves heavily burdened with the cost of the strike, and for that reason they agreed to raise their rates. Now, I submit that it is not unlawful for one carrier to raise its rates, subject to whatever action the Interstate Commerce Commission may take, but it is unlawful for two carriers to agree to fix a rate. In this instance under either condition suggested the agreement would be born of a trade dispute. It would be in furtherance of it or had grown out of it, and under the standard established by this bill it could not be unlawful under the interstate-commerce act or the act of 1890, for the third section of this measure would have repealed every act or part of an act in conflict with its own terms and standards. Let me add another illustration calling to your minds the state of facts presented in the Toledo & Ann Arbor Railroad v. The Pennsylvania Co. (54 Fed. Rep., 730).

The plaintiff in that case was engaged in a trade dispute with its trainmen. It was the only carrier involved in that dispute, but under rule 12 of the Brotherhood, then in operation, the trainmen of all the other roads refused to handle the cars of the Toledo & Ann Arbor. The Pennsylvania road was required by law to afford equal facilities to the cars of all other carriers over its tracks. The employees of that road by refusing to handle the cars of the Toledo & Ann Arbor under threat of strike were conspiring to compel the Pennsylvania road to violate the law. The Pennsylvania road was thereupon enjoined from refusing to handle the cars of the Toledo & Ann Arbor, and the officers of the Railway Brotherhood were restrained from issuing or continuing in force any order or rule which required the employees in the service of the Pennsylvania road to refuse to handle the cars of the plaintiff. Under the second section of this bill, no such injunction could issue, because it would be perfectly lawful for any individual trainman to threaten to quit, or to actually do so, if the Pennsylvania road handled any cars which for any reason, good, bad, or indifferent, was objectionable to him.

It must therefore be evident that the Sherman Act, the interstate-commerce act, and every section of the Federal criminal code relating to conspiracy, agreements, or combinations would be modified or repealed by this bill to the extent that every combined action forbidden by them would be measured when done in connection or because of a trade dispute by the standard established in this bill.

It is an elementary principle of construction that a sovereign legislates with respect to its own jurisdiction. When the Congress legislates, it does so within the sphere of Federal authority. There are many acts of a criminal and unlawful nature which Congress has not made it an offense for an individual to do which is covered by statutes respecting conspiracy. There is no Federal statute making it a crime for an individual to destroy railroad signals, derail trains, or obstruct the movement of commerce, saving only the mails; yet conspiracies to this end undertaken in the course of a labor dispute can now be restrained or prosecuted. Under the provisions of this bill, and under the standard established by it, such acts would no longer be reachable within the Federal jurisdiction by the remedies now known to the law.

Mr. Chairman, the conditions to which I refer are not imaginary, but very real. They have been the incidents of great labor disturbances of the past and may belong to those of the future. Complaint has been recently made of labor conditions in the steel industry. Suppose a great struggle broke out there between employers and employees, and the manufacturers of steel entered into an agreement because of various circumstances connected with the struggle to raise the price of steel. Each manufacturer may now fix the price of his own commodity. Under this bill, if many or all agreed to do it in furtherance or because of a trade dispute in which they had been involved, the contract would be legal where it is now unlawful.

To turn again to the experiences of the past, you will remember that in 1894, during the Debs strike, the attention of Judge Grosscup, then sitting in the Circuit Court of the United States at Chicago, was called to a newspaper statement to the effect that certain railway managers were undertaking to employ men in the place of the strikers, but had agreed among themselves that they would not employ or undertake to employ men to operate the trains, in order that they might excite public sympathy in their behalf and cause the public to realize the distress of the labor disturbance more keenly than they did. Judge Grosscup called together the Federal grand jury in Chicago, directed their attention to this statement, and caused them to make an investigation of its truth, advising the grand jury that if any or all of the railroad managers had entered into an agreement of that character, it amounted to a conspiracy to prevent the operation of the railroads and the parties to the agreement were liable to indictment. But, Mr. Chairman, had this bill then been the law and had the condition described been a fact, the agreement would not have made any party to it liable for indictment, because it would have been and is perfectly lawful for the manager of any one road to discharge or refuse to employ any individual, and had the agreement alleged grown out of the labor dispute in the manner described it would have been perfectly lawful under the terms of the Wilson bill. So this measure would validate an agreement among railroads to prevent the performance of their own functions as common carriers, provided it was made to further their interest as parties to a trade dispute.

One might multiply the illustrations indefinitely, for the principle applies to every department of combined action, and you will observe that every agreement of the kind described in this bill is not only made proof against civil or criminal liability, but its exclusion is made secure against interference by the terms of the latter part of the second section, which provides that no such agreement shall be enjoined by any Federal court.

Mr. NYE. Is not the essence of a conspiracy an agreement, anyway?

Mr. EMERY. Yes.

Mr. NYE. And one man can not make an agreement with himself, can he?

Mr. EMERY. Evidently not, although I suppose some men do make agreements with their conscience and violate the contract.

Mr. WEBB. One gentleman the other day illustrated his objection to this legislation by saying that in case a big strike should occur and strike breakers were induced to go in and take the places of the strikers, and a strike breaker passing along the street should be accosted—or, not accosted, but if one of the strikers should point his finger at him and follow him down the street—that would probably not be a violation of the law; but if every one of the strikers should line themselves up along the street and point their fingers at him that would be a violation of the law, and ought to be a violation of the law, but would not be if this law was passed. What is your opinion about that?

Mr. EMERY. Certainly, Mr. Chairman, it validates any act resulting upon the intimidation of numbers which one person might lawfully do. It is well known that the mere presence of numbers of men assuming a threatening attitude, but uttering no word of speech, is a most powerful coercive influence. Mr. Justice Brewer said in his remarkable address before the American Bar Association on the "Movement of coercion":

"When a thousand laborers gather around a railroad track and say to those who seek employment that they had better not, and when that advice is supplemented every little while by a terrible assault on one who disregards it, everyone knows that something more than advice is intended. It is coercion, force; it is the effort of the many, by the mere weight of numbers, to compel the one to do their bidding."

The English reports likewise present many cases of criminal prosecution for intimidation by mere numbers, although the trade-disputes act of 1906 amended the conspiracy and protection of property act of 1875 so as to provide that it should not be unlawful merely to attend at or near a house or place where a person resides or works merely to obtain or communicate information. Thus a typical case, to pursue the illustration suggested by Mr. Webb, is that of Wilson v. Renton (1910 S. C. (J.) 32 Ct. of Just.).

This was a criminal proceeding under section 7 of the conspiracy and protection of property act of 1875, to which the amendment of the trade-disputes act of 1906, to which I have referred, was offered as a defense. It appeared that during a coopers' strike two strikers remained near the homes of two workmen who had not joined the strike, and when these two left their homes they signaled to a crowd which had gathered and followed the men back to work. It was held that there was no evidence of effort to obtain or communicate information, as permitted under subsection 1 of section 2 of the trade-disputes act of 1906. The defendants were convicted. These are common forms of intimidation peculiar to labor disputes which this bill would legalize within the Federal jurisdiction. Thus, too, a body of men might gather before a boycotted store, and there are many people who would not enter it under such circumstances because they feared annoyance or trouble. Indeed, Justice Brewer touched the very essence of intimidation in his description.

So I submit that it must be evident that section 2 of this bill would not only work a revolution in the law of conspiracy, but would seriously impair private and public rights by the modification its terms necessarily work on every legislative act in the Federal statute book predicated upon the existing theory of the acts of combinations and conspiracies, for you must observe that section 3 of this bill reads: "That all acts and parts of acts in conflict with the provisions of this act are hereby repealed." So that every measure of law now in existence in contradiction to the theory of this bill would be superseded by it.

Mr. MOON. What do you think of the constitutionality of this provision in operation?

Mr. EMERY. It must be obvious, Mr. Chairman, that it is open to the same constitutional objection as the first section. It undertakes to provide one standard of law for all agreements as to acts or omissions in reference to labor disputes, and another standard of law for the same acts when not done in reference to labor disputes. The same agreement made by the same individuals would be legal or illegal, criminal or innocent, according as it grows out of a labor dispute or does not. It has been repeatedly said that the equal protection of the law assures the protection of equal laws. This is precisely the type of invidious discriminating legislation condemned by Mr. Justice Harlan in the case of Connolly v. The Union Sewer Pipe Co. (184 U. S., 540), Ex Parte Drayton (153 Fed., 986), and in many familiar decisions of a similar nature.

Mr. WEBB. It is 5 minutes of 12 o'clock. Mr. Emery, how long will you want to conclude your remarks?

Mr. EMERY. Mr. Chairman, I have had many interruptions, and while I am very glad to answer questions, you can perceive that it deprives me of much time that I need.

Mr. WEBB. Yes; we all see that. We are very much interested in your argument, and we would be glad, if you think it will do just as well, to have you file a brief, and we will all be pleased to read it; or we might be able to give you a little more time now.

Mr. EMERY. Will you give me 15 minutes more and let me conclude with a brief?

The CHAIRMAN. Of course, there is no disposition on the part of any member of the committee not to hear Mr. Emery as long as possible, but in the very nature of things, we have had so many hearings and we have so many things to do that we can not, of course, give any gentleman as much time as he would like to have. The agreement was that you were to have one hour, and it was stated to you at that time what the circumstances were under which this committee was laboring. We have consumed perhaps more time than any other committee, at this session of Congress, with hearings, and our time is so constantly drawn upon that we have hardly had time to go into executive session to consider matters that ought to have been considered there. However, without objection, Mr. Emery will proceed for 15 minutes, subject to the understanding that if there is a call of the House the committee will go.

Mr. EMERY. Of course, Mr. Chairman, I believe that interrogatories during the course of a discussion of this character greatly contribute to the illumination of the discussion. Nevertheless, they frequently divert it and prevent an orderly presentation of argument. For that reason I shall ask the chairman to permit me, if I do not conclude within 15 minutes, to include other matter which I desire to lay before the committee.

The CHAIRMAN. You shall have that privilege. Of course, the committee assumes that you will not abuse the privilege, and that your extension will be reasonable.

Mr. EMERY. I have undertaken to analyze the terms and describe the effect of this measure and to indicate what seemed to me the insuperable constitutional objections to the proposals of this bill, but I have only suggested the serious consequences that would follow to the private citizen and to the public interest if Congress undertook to give what is here asked.

Let me now revert to a topic which, but for the extraordinary nature of this proposal, I should have presented first:

A revolutionary request of this character can be predicated on but one of two things: Either the law as it now is is oppressive in its nature or it is oppressively administered.

As a preliminary, Mr. Chairman, let me correct the exaggerated notion which prevails as to the frequency with which the Federal courts issue the writ of injunction in labor disputes. To hear the clamor against "government by injunction" one might imagine that one of the leading if not the chief occupation of a Federal court was the issuance of injunctions in labor disputes. There is a sort of delusion that the courts of the United States are constantly crowded by employers seeking writs of prohibition against labor unions, and that there is a sort of competition between them and the State courts to see who shall issue such orders most frequently.

Therefore, before I ask you to consider the nature of the circumstances under which the writ has been and is issued in labor disputes, let us pause and inquire how often applications for its use are made. I have during the last few years carefully watched the records of the Federal courts and have recently compiled some figures in respect to this matter. The Federal Reporter discloses that from January 1, 1903, to January 1, 1912, a period of nine years, 473 injunctions were issued by district and circuit courts of the United States, and of this number but 25 related to labor disputes, leaving 447 covering every other form of litigation. (For list of such cases see Mr. Emery's argument before Committee on the Judiciary, Feb. 14, 1912.)

But it may be said there are other reasons why the Federal Government should set an example in the matter, because the State courts issue injunctive writs in labor disputes in larger numbers than are justified, and restraining legislation in a Federal jurisdiction would offer a deserved example to the courts of the States.

Of course, such observations as I am now making leave out of consideration the justification or lack of justification for the issuance of such writs. But to show further the contemptuous exaggeration included respecting the frequency with which labor injunctions are being issued, in addition proof of the ease with which they may be obtained, I call your attention to reliable statistics from one of the great industrial States—Massachusetts. The data are supplied by the Massachusetts department of labor, in Labor Bulletin No. 70, for December, 1909, and is compiled by the Bureau of Statistics. It discloses that during 11 years covered by the investigation, from 1898 to 1908, there were reported 2,002 strikes. In 66 of these, or 3.29 per cent, the employers concerned sought injunctions restraining the strikers from doing certain acts complained of. In 46 strikes, or 2.24 per cent of the total number, injunctions were issued. In 9, or 0.44 per cent, there were proceedings for contempt of court. In 2 strikes of the 2,002 reported, there were convictions for contempt following the disobedience of a writ.

The CHAIRMAN. Were the injunctions in those cases issued by the Federal courts?

Mr. EMERY. No, sir; they were issued by the State courts of Massachusetts.

The CHAIRMAN. Were any issued by the Federal courts?

Mr. EMERY. In Massachusetts?

The CHAIRMAN. Yes; during that period you speak of.

Mr. EMERY. I do not remember a single one issued in that judicial district.

Mr. WEBB. What period of time does the data cover?

Mr. EMERY. With respect to Massachusetts, it includes 11 years, from 1898 to 1908, inclusive. That which I offered you respecting the Federal courts included the period from January 1, 1903, to January 1, 1912—nine years. In relation to this subject, let me in passing call your attention to a comment made not long since by the Supreme Court of the United States.

In the case of Ex parte Young, an action in which the attorney general of the State of Minnesota was cited for contempt, it was argued by counsel that if the power of the Federal courts to interpose by injunction in proceedings of the kind at issue were sustained it would mean a flood of injunctions, and the inferior Federal courts might fall under the temptation to misuse their power. To this the Supreme Court replied on March 23, 1908 (207 U. S.):

"To this it may be answered in the first place that no injunction ought to be granted except in a case reasonably free from doubt. We think such rule is and will be followed by all the judges of the Federal courts."

From this comment it must be evident that the Supreme Court neither was in possession of information nor has as yet been impressed in the course of its experience with instances in which Federal judges were abusing their power to issue injunctions in labor or other cases.

During the course of many discussions had before this committee concerning measures to regulate or limit the injunctive power of Federal courts we have again and again challenged those who charge those tribunals with abuses of power to produce their evidence before this committee.

In response to that challenge and to the reiterated request of members of the committee Mr. Gompers produced, three years ago, a body of manuscript which the committee caused to be printed under the title of "Injunction data filed by Samuel Gompers." Fully half the pamphlet is given over to matter having no relation to injunctions, including decisions referring to the eight-hour law, employers' liability, the maritime contract, the bakers' 10-hour case, and the Danbury hatters' decision, in which no injunction was involved, all of which decisions, while perhaps objectionable to Mr. Gompers, have, with reference to the issue before this committee, like the flowers that bloom in the spring, "nothing to do with the case." There were, however, some 18 injunctive orders covering the period between 1893 and 1907, but the orders were unaccompanied by any criticism, and no effort was made to specify any or all of the critic's objections.

I have examined all of these orders, making a brief analysis of each, and, with the permission of the committee, I shall file this statement with my remarks, including with it the list of Federal injunctions to which I have referred, issued during the period from January 1, 1903, to January 1, 1912. I have separated the orders issued in labor disputes during that period from all others, and arranged them so that the committee will perceive the comparison. You can thus observe at a glance the number and character of the Federal writs issued.

The CHAIRMAN. Without objection, you will have liberty to print what you wish.

Mr. EMERY. The statement is as follows:

ANALYSIS OF INJUNCTION DATA FILED BY SAMUEL GOMPERS WITH THE HOUSE JUDICIARY COMMITTEE, 1908.

[This data was unaccompanied by any comment or criticisms and comprehends 23 decisions, orders, and complaints relating to injunctions.]

In one instance the exhibit is merely a complaint in the case of the Grand Trunk R. R. Co. v. Gratiot Lodge et al. The case does not appear in the reports and upon the face of the complaint there is no evidence that even a restraining order was issued. In two other instances, Boyer v. The Western Union Telegraph Co. (124 Fed., 246) and Platt v. The Philadelphia & Reading R. R. (65 Fed., 660), decisions are presented in which petition for restraining orders were sought by certain labor organizations against employing corporations and denied. These obviously are not evidence of abuse of power by any judge in the issuance of injunctions. The right to discharge exercised in both cases is fully vindicated by the decision of the Supreme Court of the United States in Adair v. U. S. (208 U. S.), while the alleged blacklist in the Boyer case consisted of the opinion of a record maintained by the company itself in which was entered the cause of discharge.

In two other cases, Bender v. The Typographical Union and the Buck's Stove & Range Co. v. The American Federation of Labor, the injunctions were issued by the Supreme Court of the District of Columbia. In the Bender case a preliminary injunction was denied and the application for a permanent injunction granted after a full hearing and argument. From the final decree the respondents entered an appeal, which they subsequently withdrew of their own volition, thus confessing the futility of their own contentions.

In the Buck's case the preliminary injunction was issued two months and a half after the service of the motion to show cause, and on the motion to make the injunction permanent the defendants did not contest the decree. Exercising, however, a right of appeal, they found through it an appropriate remedy by use of which they secured a slight modification of the permanent injunction. Their chief contention appears to have been that a court of equity infringed upon the right of free speech and the press whenever it undertook to enjoin the publication of matter intended to further the prosecution of a boycott.

In support of this contention Mr. Gompers, Mitchell, and Morrison, in a proceeding for contempt which reached the Supreme Court of the United States, pleaded that the injunction was void because it had in the manner described infringed upon the freedom of speech and the press. This contention was met, set aside, and the injunction fully sustained in that respect by the Supreme Court. (Gompers v. Buck's Stove & Range Co., 219 U. S., 346.)

The remaining injunctive data consist of 18 orders issued by Federal courts between December, 1893, and November, 1907. They are here considered seriatim:

Farmers Loan & Trust Co. v. Northern Pacific Railroad.

(60 Fed., 803.)

It appears that the receivers of the Northern Pacific Railroad filed a petition seeking permission to put certain wage scales in effect January 1, 1894, and asking that certain defendants, members of the Brotherhood of Railway Trainmen, be enjoined against interfering with the operation of the road by combining and conspiring to quit its service for that purpose. An order in accordance with prayer of the complainant was issued December 19, and a motion to modify the same by P. M. Arthur, grand chief of the Railway Brotherhood, was heard February 15, 1894. On that date the order was modified by striking out the words "and from further recommending, approving, or advising others to quit the service of the receivers of the Northern Pacific Railroad on January 1, 1894, or at any other time." Further modification was refused.

Appeal was taken from this refusal, and in Arthur v. Oaks (63 Fed. Rep., 319) Mr. Justice Harlan, sitting in circuit, further modified the order appealed from. It was contended on this appeal that the court had exceeded its power by enjoining the employees of the receivers "from combining and conspiring to quit, with or without notice, the service of said receivers, with the object and intent of crippling the property in their custody or embarrassing the operation of said railroad, and from so quitting the service of said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad."

Mr. Justice Harlan held that the clause embodied two distinct propositions, one relating to combinations and conspiracies to quit the service of the receivers with the object or intent to cripple the property or embarrass the operation of the road in their charge; the other having no reference to combinations and conspiracies to quit or to the object and intent of so quitting, but applying to employees "so quitting" as to cripple the property or prevent or hinder the operation of the road. The appellate court sustained the order with respect to the first proposition and eliminated from it the latter phrase "and from so quitting the service of said receivers, with or without notice, as to cripple the property or prevent or hinder the operation of said railroad."

It is apparent from the elaborate decision of Judge Jenkins that he was facing with great embarrassment and for the first time the difficult problem of deciding how far a court might go in protecting property of a quasi public nature for the operation of which the court was responsible. The error made by the court resulted very evidently from a sincere effort to perform its duty and was fully corrected by the court of appeals, nor has any similar error been made in the issuance of the writ of injunctions since. The case is not an evidence of abuse of discretion, but a mistake corrected on appeal. A remedy was in the hands of the defendant and secured by its use a decision which strikingly vindicated the rights of the employees.

Ames v. The Union Pacific (Jan. 27, 1894).

In this case an injunction was issued on petition of the receivers of the Union Pacific Railroad in practically the language sustained by Mr. Justice Harlan in Arthur v. Oaks. Twelve days after this order was issued in Ames v. Union Pacific (60 Fed., 674), the court refused to approve a reduction of wages by the receiver or a change in the rules affecting working conditions until the employees had been notified of the proposed change and were given a proper opportunity to point out to the court any inequality or injustice threatened by such change.

Under these circumstances the order can not be legally or practically objectionable. It deserves, on the other hand, the approval of workingmen themselves for the evidence it supplies of considerate regard for the rights of the employees of the road.

Western Coal Mining Co. v. Puckett.

(Circuit Court of the United States for the Western District of Arkansas.)

The exhibit is a naked restraining order unaccompanied by the complaint or any other document throwing light on the action, nor does the case appear in any report. It is therefore uncertain, assuming the order to have been issued, that any objection was made by defendants at the time of its issuance or that any subsequent effort was made to dissolve or modify it. Upon its face, however, the order suggests an exceedingly serious situation, inasmuch as it enjoins the display of firearms and the marching of armed men over roads adjacent to the complainant's mines for the purpose of intimidating the complainant's employees. In view of the conditions which surround the exhibit, no criticism is sustained or sustainable.

Reinecke Coal Mining Co. v. Wood.

(Circuit Court of the United States for the Western District of Kentucky, 112 Fed., 497.)

In this case a restraining order was issued November 13, 1901, and promptly heard on November 25, motion for a preliminary injunction being granted after argument and hearing. The opinion discloses a remarkable condition. It appears that certain coal miners of Indiana and Illinois, members of the United Mine Workers, complained that certain miners belonging to their organization in Kentucky were not receiving the wage schedule fixed at Indianapolis, the Illinois and Indiana miners fearing they could not maintain their own schedule unless that of the Kentucky miners was increased. Agents of the union were therefore dispatched into Kentucky to bring about an increase in the pay of union miners there. As a result of this effort, operators—notably of Central City, Ky.—agreed to the schedule demanded provided it was adopted in a majority of the mines in another district, that in Hopkins County, where it appears nonunion men were chiefly employed.

From the evidence before the court it formed the opinion that the relations between the employers and employees in these nonunion mines were mutually satisfactory, and that for the most part the employees did not wish to join the union.

Under these circumstances it appears that the defendants and others invaded the Hopkins district, armed and in great numbers, establishing camps in the vicinity of the nonunion mines, which camps were maintained for many months, the roads and various approaches to the mines were picketed and patrolled for the purpose of intimidating nonunion miners and coercing them to join the union, and thus bring about a strike unless the union scale was adopted. The evidence disclosed that nonunion men were continually threatened and assaulted and the adoption of defensive measures caused instant collisions and disorder.

The court finds that the conditions sought to be brought about were "undesired and vigorously repelled by the employers and a vast majority of the employees." The court is evidently so impressed with the conditions presented to it that it remarks: "If this court can not in a case like this protect the rights of a citizen when assailed, as those of the complainant have been in this instance, there is a decrepitude in judicial power which would be mortifying to every thoughtful man."

The circumstances of record do not, therefore, disclose either in the facts of the case or in the terms of the order itself a cause for criticism, but rather a proper and necessary exercise of the court's power.

Wabash Railroad Co. v. Hannahan.

(Circuit Court of the United States for the Eastern District of Missouri. 121 Fed., 563.)

In this case a temporary restraining order was issued on a verified bill of complaint, and many affidavits alleging a combination and conspiracy by the Brotherhood of Firemen and Railway Trainmen to compel the exclusive recognition of their organization and the discharge by complainant of all nonmembers, this to be accomplished by the calling of a strike for that purpose, and it was further alleged and supported by affidavits that plaintiff's employees were entirely satisfied with their conditions of employment. Defendants filed an answer denying plaintiff's allegations, and especially that the employees were satisfied with working conditions, and declaring that defendants were engaged in good faith in bettering the condition of employees and that the strike they were parties to was sanctioned for the purpose of peacefully and lawfully accomplishing these things.

At the hearing the court vacated the restraining order, holding that the weight of evidence did not show an unlawful combination, but only a rightful purpose on the part of the Railway Brotherhood, acting through their representatives, to peacefully and lawfully quit the plaintiff's employ for the purpose of bettering their condition.

This case does not show the slightest abuse of discretion but, on the contrary, that the union involved was fully sustained in the lawful exercise of its rights and found in orderly procedure a complete vindication of its claims.

Mobile & Ohio R. R. v. H. E. Clark.

(Circuit Court of the United States for the Eastern District of Tennessee, May 11, 1903.)

The exhibit consists of a restraining order issued on the filing of a complaint May 11, 1903, and made returnable May 13, two days later. The case does not appear in the reports, and no record is offered to show what considerations led the court to issue the order in question, nor does it appear that it was contested or made the subject of any complaint at the time of its issuance. Under such circumstances, since the order is not objectionable on its face, it can not be perceived that there is just ground for criticism.

Newport Iron & Brass Foundry Co. v. Iron Molders' Union.

(Circuit Court of the United States for the Southern District of Ohio, Western Division, Sept. 22, 1904.)

The exhibit is an alleged copy of a final injunction evidently issued after argument and hearing. The case does not appear in the reports and as the defendants were evidently represented by counsel and were unable to sustain their contentions in court and made no effort at appeal, a ground for criticism is not apparent.

Kemmerer v. Haggerty (July 15, 1905).

(Circuit Court of the United States for West Virginia, 139 Fed., 693.)

This injunction was issued during the course of a strike of United Mine Workers against the Pennsylvania Consolidated Co., a West Virginia corporation, which was made a defendant, together with the mine workers involved, by certain nonresident stockholders. The corporation and the miners' organization were citizens of the same State, the corporation sought an injunction in the State courts against certain of the miners, alleging that they were interfering with the operation of the corporation's property by intimidating and coercing nonunion employees. At this point certain Pennsylvania stockholders of the corporation endeavored to obtain a Federal injunction for the same purpose, asserting to that end their diverse citizenship.

A temporary restraining order was issued on the filing of the stockholders' complaint, and immediately thereafter motion for a preliminary injunction was heard. The order was then vacated on the ground that the action of the nonresident stockholders was collusive and the court had no jurisdiction.

It is difficult to conjecture the character of the complaint against this action, for the court refused to do precisely what the employing stockholders desired it to do, and sharply rebuked and defeated their effort to establish a bogus jurisdiction for the purpose of obtaining a Federal injunction.

A. T. & S. F. R. R. v. Gee.

(139 Fed., 582, and 140 Fed., 153.)

The exhibit shows proceedings for contempt growing out of violations of an order issued in May, 1904. An examination of the record shows the order to have been issued during a strike of machinists against the Santa Fe road and shows that no effort was made by defendants to modify or vacate the order and that no objection was raised to it of any character by counsel or defendants. The opinion discloses picketing accompanied by intimidation and coercion and constant violence to persons and property. The court remarks:

"There would have been no occasion for its interference if there had been any honesty of purpose by the local authorities to maintain peace and order. Intimidation, threats, violence, and brutality were all winked at because of the belief on the part of certain police officers that they would be kindly remembered on future election days."

The contempt proceedings are remarkable for the leniency and consideration shown to the respondents. The defendants were cited in April, and after hearing the evidence in July the court took the matter under consideration, making an oral statement at the time, which, by direction, was sent to each defendant, the court stating therein that it was intended as a warning, and that in the pronouncement of its judgment the court would be governed to a considerable extent by the conduct of the defendants in the meantime. In October the court reviewed the previous proceedings and discovered that three of the defendants, after receiving copies of its written communication delivered in July, had continued to openly violate the court's order by intimidating employees. Three of the defendants were then found guilty.

If it be assumed that criticism is directed at the character of the order issued, that ground for objection, whatever it may be, is found now which apparently did not exist and was not made by the defendants at the time the order was issued. If the criticism is directed at the punishment for contempt, the record of the case discloses on the part of the court the most considerate conduct compatible with the enforcement of its authority.

Allis-Chalmers Co. v. Iron Moulders' Union.

(150 Fed., 155; 166 Fed., 45.)

The record in this case discloses that the application for a preliminary injunction was denied, the defendants' answer having substantially overcome the plaintiff. A supplementary application for injunction was filed three months later and granted after argument and hearing. The opinion showed the evidence disclosed picketing, accompanied by threats, intimidation, and much actual violence. The final decree was modified on appeal.

The criticism can not be said from the record of the case to disclose anything more than a defeated litigant's dissatisfaction with a decision of the court. The rights of the defendants are fully protected throughout by counsel, as the proceedings disclose, and the modification of the final decree shows the defendants in possession of an adequate remedy to correct trial error.

Pope Motor Car Co. v. Keegan.

(150 Fed., 148.)

The record discloses a temporary restraining order granted on the filing of complaint, with numerous affidavits and exhibits. Hearing on motion for preliminary injunction was had within eight days. At this proceeding argument was heard and oral evidence presented. A preliminary injunction was then allowed against such defendants as were shown to have participated in coercion and intimidation. The order is moderate in its terms and in the usual form, and the proceedings disclose the rights of defendants were fully protected by counsel and the court exceedingly strict in framing the order. Nothing can be found in the order or the proceedings not fully sustained by the uniform practice and decisions of the higher courts.

Nat'l Telephone Co. v. Kent.

(Circuit Court of the United States for the Northern District of West Virginia, 156 Fed., 173.)

In this case an original and amended bill were filed. On the amended bill, exhibits, and affidavits a preliminary injunction was granted. The defendants demurred to the bill on the ground that sufficient cause for the preliminary injunction was not presented. The court overruled the demurrer, holding that a boycott then being prosecuted was illegal, and that a newspaper joined as a defendant could be restrained from publishing matter intended to carry on the boycott.

The position assumed by the court in this case is fully sustained by the Supreme Court of the United States in the case of Gompers v. Buck's Stove & Range Co. (219 U. S., 340).

Rocky Mountain Bell Telephone Co. v. Montana Federation of Labor.

(Circuit Court of the United States, Ninth Circuit, District of Montana, 156 Fed., 189.)

The record discloses the injunction in this action was based upon a boycott directed against the telephone company during the course of a strike. The employees remaining in the service of the company were intimidated and assaulted, and by the same tactics others were prevented from entering its service, while a variety of abusive and threatening circulars were issued to merchants and business men, threatening the withdrawal of patronage from all merchants who used plaintiff's telephone lines during the trade dispute. Especially threatening circulars were distributed among plaintiff's actual female employees and applicants for employment.

The law of this case is fully sustained by familiar decisions of long standing, and the facts disclose a distressing condition in which women no less than men were subjected to threats and violence. It is a case which exceptionally justifies the issuance of an injunction, and, indeed, presents the writ in most beneficent operation.

Hitchman Coal & Coke Co. v. John Mitchell.

(172 Fed., 963.)

This case has been the subject of especial criticism, and was the occasion of a resolution by the Senate. The facts have been so continuously misrepresented that it is worthy of special consideration. In this case a restraining order was issued on the 24th of October, 1907, the last day of the court at the place of issuance, and set for hearing on the first day of the next term of court in that district, January 14, 1908. On that date counsel for defendants entered a motion to dismiss as to certain defendants not served with process, and asked for a continuance, which was granted until March 18, 1908, on which date counsel for defendants again asked a postponement, which was had at their instance until May 20, at which time further request for continuance by the defendants was refused and motion for a temporary injunction heard and granted, the counsel for defense stating "they did not desire to be heard in opposition to said motion, so far as the granting of a temporary injunction at the time was concerned, and not consenting, but objecting thereto."

So far, therefore, as the injunction in this case is criticized because of the lapse of time between its issuance and the hearing thereon, it must be evident that the critic makes a complaint which was not shared by counsel for the defense, who continued to cause the case of their own clients to be postponed until the court refused to continue it further.

During the period which elapsed between the granting of the restraining order and the return thereon, counsel for the defense had it within their power, if they thought the interval too great, to make an application for the advancement of the hearing or to make a motion for the modification or vacation of the order, and had they taken such action and their motion been refused, they would have had under the existing statute a ground of appeal, which appeal would have had precedence.

But the record discloses not only that they made no effort to do any of these things, but they were unwilling to join issue at every subsequent hearing, and after months of delay caused by their repeated requests for continuance, they offered no argument or motion on hearing.

As to the law in the case, it is indisputable with the facts disclosed. It appears that the Hitchman Coal & Coke Co. were owners of about 5,000 acres of coal lands equipped with a plant which produced about 1,400 tons of coal per day. The company had on hand at the time of this action contracts for future delivery to its full capacity. Prior to April, 1906, the company operated its mines under a trade agreement with members of the United Mine Workers. On that date a strike was ordered by that union, and the members thereof who were employees of the Hitchman Co. quit their employment. The evidence discloses that they distinctly stated they had no grievance against the plaintiff, but the strike order was issued on account of a difficulty with coal operators in another section of the country.

The plaintiff offered at this time, if the men would remain at work, to pay an advance in wages from and after April 1 that might be agreed to by the other coal operators with whom the United Mine Workers were at odds, but the men were not allowed to return to work on this condition. It then appears that for two months following the company was unable to operate its plant. Thereupon, being unable to effect an arrangement with its union employees, it began to employ nonunion men, and in order to protect itself against a repetition of the conditions which had resulted in the stopping of its operations, it required each new employee to agree not to join the United Mine Workers, a contract which they were entitled to require as a matter of legal right and which under the circumstances was justified by their experience as a matter of expediency.

Under these circumstances the United Mine Workers undertook by threats, intimidation, and persuasion to cause the new employees who had entered into the contract referred to, to violate that contract and join their union. These are the facts which the pleadings and the record disclose. Under these circumstances the injunction issue for the purpose of protecting the plaintiffs in the exercise of their right to employ such labor as they saw fit and to make and be protected in a contract which by expensive experience they had learned to be essential to the uninterrupted operation of their plant. The defendant mine workers undertook to procure a breach of these contracts, endeavored to reunionize the works and subject their control and operation to the will and policies of the union.

Surely nothing is more clearly settled than that equity will intervene to protect the inviolability of a contract against the malicious interference of third parties. This is precisely the point upon which the Supreme Court of the United States decided the case of Bitterman v. Louisville & Nashville Railroad (207 U. S., 205). This was an action brought against a combination of scalpers undertaking to procure breaches of contract by passengers who had agreed not to resell tickets purchased from the plaintiff company. The court held it an actionable wrong when one "maliciously interferes in a contract between two parties" to induce one of them to break the contract to the injury of the other. The conspiracy of the scalpers was enjoined, the precise issue upon which the writ of injunction issued in the Hitchman case. This action illustrates perhaps better than any other can why labor organizations desire a different standard for the issuance of restraining orders to protect property rights in labor disputes from that which exists in other forms of litigation, for with such a standard of law established the injunction issued in the Bitterman case could not have issued in the Hitchman case.

Mr. EMERY. To return again to the manner in which the writ of injunction has been used in labor disputes, it has been frequently urged in argument here that the restraint of boycotts by injunction and the punishment of a boycotting combination criminally is a novel thing, an example in itself of the improper extension of the equity jurisdiction against which complaint may be justly made.

I know of no period of time in which the boycott has not been unlawful, and I beg to submit to the committee probably the oldest judicial record of a boycott. It is taken from a case decided in the year 1221 A. D., and entitled "The Abbot of Lilleshall v. The Bailiffs of Shrewsbury." The record was published by the Selden Society in 1877, and the translation of the old law Latin goes like this:

"The Abbot of Lilleshall complains that the bailiffs of Shrewsbury do him many injuries against his liberty, and that they have caused proclamation to be made in the town that none be so bold as to sell any merchandise to the abbot or his men upon pain of forfeiting 10 shillings, and that Richard Peche, the bedell of the said town, made this proclamation by their orders. And the bailiffs defend all of it, and Richard likewise defends all of it, and that he never heard of any such proclamation made by anyone. It is considered that he do defend himself twelve-handed (with 11 compurgators), and do come on Saturday with his law."

There, Mr. Chairman, in those 10 lines of that ancient complaint the principles and practices of the modern boycott are clearly set out. Of course the old word "defend" means "deny." You will observe that the abbot sets up in his complaint that the bailiffs by combination are doing injury "against his liberty"; the abbot is claiming the right to have trade flow unobstructed to and from him, and to deal freely with his fellows; and he is restrained by a combination which, for some purpose of its own, is undertaking to penalize anyone who deals with him. He says "they have caused proclamation to be made." This is the ancient form of the modern "We don't patronize" list, and the "bedell" is performing the functions committed to Mr. Gompers in our day. Finally, you will observe that all the acts complained of are admitted to be illegal by both the beadle and the bailiffs, because they deny committing them. They do not undertake, as do our modern boycotters, to assert the right to penalize anyone who deals with the object of their ostracism. They say, "We did not do it." The beadle says he did not make the proclamation and did not hear anyone make it. Of course the plaintiff, being a man of church, did not settle the controversy by gage of battle but by wager of law.

Mr. THOMAS. What was the punishment?

Mr. EMERY. The punishment appears to have been a fine. It appears that in this proceeding they were held to answer. The further result I can not ascertain.

Mr. THOMAS. They were fined to begin with?

Mr. EMERY. Yes; they were held to answer and fined. The record is obscure and does not show the ultimate fate of the action.

Mr. THOMAS. Did they determine how much the fine was?

Mr. EMERY. I do not know the amount.

The advocates of legislation of this character continually point to the labor legislation of England as a precedent for their proposals, and, particularly, to the trade disputes act of 1906. I think it important that the committee should have this legislation before them, and to that end I ask to file as a part of this argument the English trade disputes act of 1906 and the conspiracy and protection of property act of 1875. The former enactment, so frequently called to your attention, is in its major aspects an amendment of the latter, and it is impossible to understand the effect of the act of 1906 upon the criminal or civil liability of English workmen in trades disputes, unless the two measures are considered together. Is there any objection to my request?

Mr. MOON. Certainly not.

The CHAIRMAN. Without objection, the acts referred to by you will be included as a part of your remarks and as a part of this hearing.

Mr. EMERY. They are as follows:

CONSPIRACY AND PROTECTION OF PROPERTY ACT, 1875, AND TRADE DISPUTES ACT, 1906.

[Ch. 86. An act for amending the law relating to conspiracy and to the protection of property, and for other purposes (Aug. 13, 1875).]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act may be cited as the conspiracy and protection of property act, 1875.

2. This act shall come into operation on the 1st day of September, 1875.

Conspiracy and protection of property.

3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute "between employers and workmen" [words "between employers and workmen" repealed by pt. 8, sec. 5, trade disputes act, 1906] shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offense against the state or the sovereign.

A crime for the purposes of this section means an offense punishable on indictment, or an offense which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offense punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

4. Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by act of Parliament the duty, or who have otherwise assumed the duty, of supplying any city, borough, town, or place, or any part thereof, with gas or water, willfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months, with or without hard labor.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up, at the gas works or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed shall cause it to be renewed with all reasonable dispatch.

If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding £5 for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this act shall be liable on summary conviction to a penalty not exceeding 40 shillings.

5. Where any person willfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury, he shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months, with or without hard labor.

Miscellaneous.

6. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, willfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall, on summary conviction, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding six months, with or without hard labor.

7. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

1. Uses violence to or intimidates such other person or his wife or children or injures his property; or

2. Persistently follows such other person about from place to place; or

3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

4. Watches or besets the house or other place where such other person resides or works or carries on business or happens to be, or the approach to such house or place; or

5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road—

shall, on conviction thereof by a court of summary jurisdiction, or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20 or to be imprisoned for a term not exceeding three months, with or without hard labor.

NOTE.—Last paragraph of this section repealed by second paragraph, second section, trade-disputes act, 1906. "Attending at or near the house or place where a person resides or works or carries on business or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section."

8. Where in any act relating to employers or workmen a pecuniary penalty is imposed in respect of any offense under such act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offense may, if they think it just so to do, impose by way of penalty in respect of such offense any sum not less than one-fourth of the penalty imposed by such act.

Legal proceedings.

9. Where a person is accused before a court of summary jurisdiction of any offense made punishable by this act and for which a penalty amounting to £20 or imprisonment is imposed the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offense by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offense and not an offense punishable on summary conviction, and the offense may be prosecuted on indictment accordingly.

10. Every offense under this act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction, and every penalty under this act recoverable on summary conviction may be prosecuted and recovered in manner provided by the summary jurisdiction act.

11. Provided, that upon the hearing and determining of any indictment or information under sections 4, 5, and 6 of this act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

12. In England or Ireland, if any party feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this act the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than 15 days and not more than 4 months after the decision of the court from which the appeal is made.

(2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof.

(3) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace, with or without sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court.

(4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody.

(5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeals thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon rehear and decide the information in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Definitions.

13. In this act—

The expression "the summary jurisdiction act" means the act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, entitled "An act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any acts amending the same; and

The expression "court of summary jurisdiction" means

(1) As respects the city of London, the lord mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room; and

(2) As respects any police court division in the metropolitan police district, any metropolitan police magistrate sitting at the police court for that division; and

(3) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

(4) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the summary jurisdiction act: *Provided*, That, as respects any case within the cognizance of such justice or justices as last aforesaid, an information under this act shall be heard and determined by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the lord mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

14. The expression "municipal authority" in this act means any of the following authorities; that is to say, the metropolitan board of works, the common council of the city of London, the commissioners of sewers of the city of London, the town council of any borough for the time being subject to the act of the session of the fifth and sixth years of the reign of King William IV, chapter 76, entitled "An act to provide for the regulation of municipal corporations in England and Wales," and any act amending the same, any commissioners, trustees, or other persons invested by any local act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company or contractor who has obtained authority by or in pursuance of any general or local act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this act be deemed to be a municipal authority or company or contractor upon whom is imposed by act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

15. The word "maliciously" used in reference to any offense under this act shall be construed in the same manner as it is required by the fifty-eighth section of the act relating to malicious injuries to property; that is to say, the act of the session of the twenty-fourth and twenty-fifth years of the reign of her present majesty, chapter 97, to be construed in reference to any offense committed under such last-mentioned act.

Saving clause.

16. Nothing in this act shall apply to seamen or to apprentices to the sea service.

Repeal.

17. On and after the commencement of this act, there shall be repealed:

I. The act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter 32, entitled "An act to amend the criminal law relating to violence, threats, and molestations"; and

II. "The master and servant act, 1867," and the enactments specified in the first schedule to that act, with the exceptions following as to the enactments in such schedules; that is to say,

(1) Except so much of sections 1 and 2 of the act passed in the thirty-third year of the reign of King George the Third, chapter 55, entitled "An act to authorise justices of the peace to impose fines upon constables, overseers, and other peace or parish officers for neglect of duty, and on masters of apprentices for ill usage of such their apprentices; and also to make provision for the execution of warrants of distress granted by magistrates," as relates to constables, overseers, and other peace or parish officers; and

(2) Except so much of sections 5 and 6 of an act passed in the fifty-ninth year of the reign of King George the Third, chapter 92, entitled "An act to enable justices of the peace in Ireland to act as

such, in certain cases, out of the limits of the counties in which they actually are; to make provision for the execution of warrants of distress granted by them; and to authorise them to impose fines upon constables and other officers for neglect of duty, and on masters for ill usage of their apprentices," as relates to constables and other peace or parish officers; and

(3) Except the act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter 7, entitled "An act to explain the acts for the better regulation of certain apprentices"; and

(4) Except subsections 1, 2, 3, and 5 of section 16 of "The summary jurisdiction (Ireland) act, 1851," relating to certain disputes between employers and the persons employed by them; and

III. Also there shall be repealed the following enactments making breaches of contract criminal, and relating to the recovery of wages by summary procedure; that is to say,

(a) An act passed in the fifth year of the reign of Queen Elizabeth, chapter 4, and entitled "An act touching divers orders for artificers, laborers, servants of husbandry, and apprentices"; and

(b) So much of section 2 of an act passed in the twelfth year of King George the First, chapter 34, and entitled "An act to prevent unlawful combination of workmen employed in the woolen manufactures, and for better payment of their wages," as relates to departing from service and quitting or returning work before it is finished; and

(c) Section 20 of an act passed in the fifth year of King George the Third, chapter 51, the title of which begins with the words "An act for repealing several laws relating to the manufacture of woolen cloth in the county of York," and ends with the words "for preserving the credit of the said manufacture at the foreign market"; and

(d) An act passed in the nineteenth year of King George the Third, chapter 49, and entitled "An act to prevent abuses in the payment of wages to persons employed in the bone and thread lace manufactory"; and

(e) Sections 18 and 23 of an act passed in the session of the third and fourth years of Her present Majesty, chapter 91, entitled "An act for the more effectual prevention of frauds and abuses committed by weavers, sewers, and other persons employed in the linen, hempen, union, cotton, silk, and woolen manufactures in Ireland, and for the better payment of their wages, for one year, and from thence to the end of the next session of Parliament"; and

(f) Section 17 of an act passed in the session of the sixth and seventh years of Her present Majesty, chapter 40, the title of which begins with the words "An act to amend the laws," and ends with the words "workmen engaged therein"; and

(g) Section 7 of an act passed in the session of the eighth and ninth years of Her present Majesty, chapter 128, and entitled "An act to make further regulations respecting the tickets of work to be delivered to silk weavers in certain cases."

Provided that—

(1) Any order for wages or further sum of compensation in addition to wages made in pursuance of section 16 of "the summary jurisdiction (Ireland) act, 1851," may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of the employers' and workmen act, 1875, and not otherwise; and

(2) The repeal enacted by this section shall not affect—

(a) Anything duly done or suffered, or any right or liability acquired or incurred under any enactment hereby repealed; or

(b) Any penalty, forfeiture, or punishment incurred in respect of any offense committed against any enactment hereby repealed; or

(c) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this act had not passed.

NOTE.—Sections 18 to 20, inclusive, relate to procedure, penalties, and appeal in Scotland, and section 21, the last of the act of 1875, relates to procedure in Ireland.

An act to provide for the regulation of trades-unions and trade disputes. [December 21, 1906.]

[6 Edw. VII, ch. 47.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I. The following paragraph shall be added as a new paragraph after the first paragraph of section 3 of the conspiracy and protection of property act, 1875:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

II. 1. It shall be lawful for one or more persons, acting in their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

2. Section 7 of the conspiracy and protection of property act, 1875, is hereby repealed from "attending at or near" to the end of the section.

III. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

IV. 1. An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

2. Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

V. 1. This act may be cited as the trade disputes act, 1906, and the trade-union acts, 1871 and 1876, and this act may be cited together as the trade-union acts, 1871 to 1906.

2. In this act the expression "trade union" has the same meaning as in the trade-union acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

3. In this act and in the conspiracy and protection of property act, 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or nonemployment, or the terms of the employment, or with the conditions of labor, of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section 3 of the last-mentioned act, the words "between employers and workmen" shall be repealed.

Mr. EMERY. With the indulgence of the committee, let me briefly call its attention to the condition of law and fact out of which the English legislation grew. I shall not take up your time with a discussion of the niceties of the common-law doctrine of conspiracy in its application to trade unions prior to the nineteenth century, a subject upon which scholars of the Temples are still divided, but from 1800 to 1824 a series of enactments known as the "combination acts" practically outlawed trade unions, making unlawful by statute any organization to fix wages.

In 1824 the combination acts were repealed and the widest privilege given to organizations of workmen by a statute of that year. This, however, exciting general alarm, was repealed in 1825, leaving the common law in force. Combinations of either masters or workmen to raise or depress wages were, in common-law proceedings between this period and 1870, held unlawful and sometimes criminal as in restraint of trade (Regina v. Druitt, 10 Cox C. C., 592; Hilton v. Eckersley, 6 E. and B., 47), while a combination to strike and a concerted withdrawal from employment were declared criminal. This doctrine undoubtedly survived from the legislation beginning with the statute of labors in 1349, in which the state asserted the right to fix wages, and consequently a combination to raise or depress them would be a conspiracy against the law.

During this period such labor organizations as existed suffered under the disadvantage of being unable to protect their own funds, because apart from the question of criminal responsibility they were deemed illegal organizations, as some of their purposes were held to be in restraint of trade. They could not therefore maintain an action in court, and thus a treasurer or other agent of the organization who embezzled its funds or retained them could not be proceeded against. (Hornby v. Close, L. R., 2 Q. B., 153, 1867; Farrer v. Close, L. R., 4 Q. B., 602, 1869.)

Great as were these disabilities of the trade union as an organization, the disabilities of the individual workmen were even greater at this period. For at common law, enforced in later years by a variety of statutes, a breach of contract on the part of the laborer was regarded as a criminal offense, while on the part of the master it was only a civil wrong. This condition grew out of ancient legislation beginning with the statute of labors in the fourteenth century, reenforced by the statute of apprentices in the seventeenth century, and strengthened by various enactments of the four Georges, which made it a criminal offense for a workman to depart from his service before the time agreed upon, or before the work he had undertaken was completed. Parliamentary returns in 1863 showed 10,000 cases of breach of contract prosecuted in the courts in a single year. At that time, and even under Lord Elcho's act of 1867, which undertook to remedy this condition, a contract of service could be specifically enforced. Even under Lord Elcho's act, which was avowedly remedial legislation, imprisonment for breach of contract of service remained to be enforced by a justice of the peace in "aggravated" cases.

These were the conditions which demanded parliamentary reform in England in the interest of workmen. Their counterpart never existed in this country. Neither the individual nor the organized workman has ever labored under these disadvantages here. A breach of contract has never been criminally punishable, and even in the earliest period of the trade-union movement in this country, when we were most affected by the English legal example in Pennsylvania, New York, and Virginia, the simple right to collectively withdraw from employment in furtherance of a lawful demand for changed condition of employment was always sustained by the courts.

But in England, until the passage of the trade-union acts of 1871 and 1876, workmen could not be said to have a legal right to organize or act collectively. Those statutes gave the trade-unions a limited legal right of existence by declaring "The purposes of any trade union shall not by reason merely that they are in restraint of trade be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise." This, and this alone, removed the ancient disabilities of the common law and the statutes. But on the same day of the passage of the trade-union act of 1871, there was likewise enacted the criminal-amendments act, which defined as criminal offenses all those acts of intimidation or coercion common to trade disputes.

This act was succeeded by the conspiracy and protection of property act of 1875, which displaced it. The act of 1875 was brought into being largely as the result of the decision in Regina v. Bunn (12 Cox C. C., 316), being a strike of gas stokers in the year 1872 against a London gaslight company. The men were prosecuted and convicted of conspiracy because of their joint breach of contract. This case made it evident that while other disabilities had been removed a strike in any form was still prosecutable as a conspiracy at common law, and to overcome this condition and permit a joint withdrawal from employment the section of the act of 1875, so frequently referred to here, was passed, providing "that an agreement between two persons to further a trade dispute should not be indictable as a conspiracy if the act when committed by one person would not be punishable as a crime." The legislative history of this act and the subsequent decisions of English courts showed that this provision of the act of 1875 had no other purpose than to permit men to jointly withdraw from employment without being indictable for conspiracy.

But this section I describe is not left to stand alone, but is subjected to very many exceptions, which by examining the act you will perceive greatly modify and limit its apparent privilege.

Nothing in it exempts from punishment any person guilty of conspiracy, for which a punishment is awarded by act of Parliament. Nor does it affect the law relating to riot, unlawful assembly, breach of peace, or sedition. And, further, you will observe that in section 7 it is provided "every person who with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority—

"1. Uses violence to or intimidates such other person or his wife or children, or injures his property; or

"2. Persistently follow such other person about from place to place; or

"3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

"4. Watches or besets the house or other place where such other person resides or works or carries on business, or happens to be, or the approach to such house or place; or

"5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road, may be imprisoned for a term not exceeding three months at hard labor or a fine not exceeding £20."

This is the law of England to-day, but more than that, and to this I especially direct the attention of the committee, the fourth section of the conspiracy and protection of property act of 1875, frequently enforced, makes it a criminal offense, punishable by £20 fine or three months at hard labor, for any person employed by a gas or water company to willfully break his contract of service, alone or in combination with others, if he have reasonable cause to believe that the probable consequence of his so doing will deprive some section of the community of gas or water; and the fifth section provides, under the same penalty, that if any person, in any employ, either by himself or in combination with others, willfully breaks his contract of employment, having reasonable cause to believe that his doing so will endanger human life or cause serious bodily injury or expose valuable real or personal property to destruction or serious injury, he is criminally punishable. These extraordinary criminal provisions, utterly unknown to the law of this country, would not, I submit to you, be accepted by any labor leader who is asking you to enact the principles of English labor legislation.

The English trade-dispute act of 1906, which you will observe by examination is partially an amendment of the conspiracy and protection of property act of 1875, permits under strict limitations "picketing" for observation only. The chief and most striking change in the civil law which it produced was to relieve the funds of a trade union from liability for the acts of its agents when done in furtherance of a trade dispute. So that in the matter of tort liability under these conditions, the British trade union is a privileged character. Thus, in an action for malicious prosecution by an advertising agent against the Amalgamated Society of Railway Servants (Bussy v. Society of Amalgamated Railway Servants, 24 T. L. R., 437, 1908) the court held that the statute of 1906 protected the funds of the trade union against any action in tort, and remarks, "From the humiliating position of being on a level with other lawful associations of His Majesty's subjects the statute of 1906 has relieved all registered trade unions, and they are now supra legens, just as the medieval emperors were supra grammaticum. The defendant societies are therefore entitled to judgment."

Let me give the committee one further example. I contend that it is the purpose of the second section of the pending bill to give precisely this privilege and special exemption from the law to agreements growing out of trade disputes, but before I call the committee's attention to the fundamental differences between the power of Parliament and that of Congress to arbitrarily confer such special privileges upon any selected class of citizens, let me offer you an example of the terrible injustice which such legislation can work upon the laborer who most needs protection from the terrible coercive power of a trade-union directing its whole force against the object of its displeasure. There appears in the English court of appeals cases that of Conway v. Wade, decided on July 17, 1908. The facts are thus stated by Mr. Justice Farwell: "The facts are simple. For 18 years the plaintiff has been a member of the laborers' union intermittently. Seven years ago he was fined 10s., but did not pay, and no action was ever taken against him for such default.

"In September, 1907, he rejoined the union and got his card of membership and showed his receipt to the defendant on September 25, who told him that it was all right and that he could go to work. On October 1 he was given higher wages as charge man. On October 2 the defendant told Baines, the foreman, that he had better stop the plaintiff or there would be trouble with the men, and he did so. The defendant is a district delegate of the laborers' union; he is not a laborer. It was no part of his duty to inflict a fine or to stop any man from working; he had no authority to call out the men without the sanction of the executive, and he had no such sanction. He gave no notice to the plaintiff, nor did he suggest that he pay the 7-year-old fine. There were two members of the union—Mullen and Greene—in the same town. Mullen, having been secretary of the branch to which the plaintiff's fine should have been paid, instigated the defendant to get the plaintiff turned out; then another man—Linney, a ship steward—told the foreman that if the plaintiff kept in the men would stop. The plaintiff saw the defendant and remonstrated and asked him if he would stop him wherever he went. The defendant replied, 'Certainly, I will,' and the plaintiff said, 'Have I got to starve? What shall I do?' and the defendant replied, 'Do what you like.'

"The jury found that the defendant by his threats intended to and did prevent the plaintiff from getting or retaining employment in order to compel the plaintiff to pay the 10s., and to punish him for nonpayment. But, briefly, the case is this: The defendant, who is not a workingman at all and who had no authority on behalf of any trade-union or others to do so, threatened to call out the men at Redheads in order to compel payment of a fine more than 7 years old, of a trifling amount, the payment of which he was not entitled to demand, the nonpayment of which was no business of his, at the invitation of two workingmen who objected to the plaintiff. He so threatened, with the intention and effect of depriving the plaintiff of all work and chances of work, and contemplated with such complaisant indifference a result that the man would have to choose between starvation and the workhouse."

The jury gave damages to the plaintiff Wade and the appeal was on the question of whether or not the defendant's act was done in furtherance of a trade dispute, the court of appeal holding it was, and the plaintiff had no recourse. In expressing this conclusion Mr. Justice Farwell said, "It was possible for the court to defend individual liberty against the kings and barons because the defenses rested on the law which they administered; it is not possible for the courts to do so when the legislature alters the law, for they can only administer the law. The legislature can not make evil good, but it can make it not actionable."

"* * * I regret the conclusion, because I think that it inflicts a cruel hardship on the plaintiff, and it is no consolation for him that far greater hardships will doubtless be inflicted in the future on persons more innocent than himself, persons who were not able to pay 10s. seven years ago. To use Lord Justice Romere's language in Giblin v. National Amalgamated Laborers' Union (72 L. J. K. B., p. 914—1903, 2 K. B. at p. 620), 'The conduct of the defendant is morally an unjustifiable molestation of the man. * * * An improper and inexcusable interference with the man's ordinary rights of citizenship.' But these rights have been cut away and the remedy for them destroyed by the legislature."

On appeal the House of Lords held that there was not a trade dispute in this case, because the defendant Wade was not authorized to act by the union, but the Low Lords signified their assent to the conclusion that had he been acting under the direction of the union there would have been no liability for procuring the malicious discharge of the plaintiff in furtherance of the trade dispute. I submit to the committee that it is unthinkable that the American Congress could ever accept as precedent for its legislation a law which gave to either an individual or a combination the right to maliciously procure, without civil responsibility, the discharge and prevent the future employment of a workman because of his refusal to meet the improper demands of any individual or collection of individuals. This very bill before you seeks that end. It undertakes to provide in the second section that no act of two or more persons done in furtherance of a trade dispute shall make the parties criminally or civilly liable in order to protect such combinations from criminal or tort liability.

The CHAIRMAN. I do not desire to interfere with the line of your argument, but as I understand you, you say that the workmen have the right to strike?

Mr. EMERY. Yes.

The CHAIRMAN. Then do you go further and say that those striking workmen have the right to picket; it is not contrary to law to picket?

Mr. EMERY. In any State in which there is no statute on the subject.

The CHAIRMAN. Not unless there is some State statute?

Mr. EMERY. If individuals without the menace of numbers go to a place where a strike is on merely for the purpose of obtaining information or peaceable communication with others, that is not unlawful.

The CHAIRMAN. It is a legal term, is it not, used in law books, "picketing" or "to picket"?

Mr. EMERY. But "picketing" has been given a variety of meanings. When indulged in by numbers that fact constitutes a menace frequently held illegal.

The CHAIRMAN. We understand "picketing" to mean that here are strikers and can they not persuade other people; to go where other people may be seeking to take the place of the strikers?

Mr. EMERY. Yes.

The CHAIRMAN. Without going upon the premises of the mill or factory, can they not in a peaceable way try to persuade other people not to accept the employment that the strikers have abandoned? That is not contrary to law, is it?

Mr. EMERY. Those things are qualified by a great many circumstances, Mr. Chairman, upon which the legality depends.

The CHAIRMAN. I said "peaceable" and "peaceful" and without any force.

Mr. EMERY. Yes. There arises in my mind a case within my personal experience occurring in California a few years ago where picketing was enjoined. It was the case of Pierce v. The Stablemen's Union, which afterwards went to the Supreme Court of the State of California and was sustained. In that case a livery stable was picketed during the course of a stablemen's strike, and during the hearing on the application for the injunction the captain of pickets testified on cross-examination that he had from 40 to 120 men constituting his picket line and patrolling up and down in front of the stable. The stable had a frontage of perhaps 75 feet on one of the principal streets of the city. The court held in that case, and very properly, that the picketing under the circumstances disclosed amounted to an obstruction of the street and the prevention of reasonable access to and from the stable being carried on under circumstances that intimidated not only those who remained at work or sought employment, but the actual and potential patrons of the stable. So you perceive that one definition of picketing may vary greatly from another.

The CHAIRMAN. Suppose there were a thousand men on strike from one establishment and 10 of the strikers should be in the neighborhood of that factory or establishment, but not on the premises themselves, and they should proceed in a perfectly peaceful way without overawing the people who appeared to be going to take the place of strikers, and without using any threats or violence, just simply saying to them: "We wish you would not take our places; we are striking for an increase in wages"; or "We are striking for some other good reasons and we wish you would not go and take our places." There is nothing unlawful in that, is there?

Mr. EMERY. No, sir; not as you state it.

The CHAIRMAN. Have there not been cases where judges have issued injunctions and cited men for doing that very sort of thing?

Mr. EMERY. I do not know of an instance, Mr. Chairman. If you will show me one I should like to see it.

The CHAIRMAN. I am asking you for information.

Mr. EMERY. No, sir; I do not know of an injunction predicated upon the conditions you describe. You refer to cases in which injunctions have been issued?

The CHAIRMAN. I am seeking for information and I am just putting that as an illustration.

Mr. EMERY. Each of these cases has its special circumstance and of course the remedy in equity accommodates itself to the peculiar characteristics of each case.

The CHAIRMAN. Of course, we understand that.

Mr. EMERY. Practically every case presents different circumstances.

The CHAIRMAN. But it is an abuse in some cases—a possible abuse I might say—that has given rise to complaint?

Mr. EMERY. Have you a case in mind, Mr. Chairman?

The CHAIRMAN. No; I have not myself, because I live entirely in an agricultural community where we do not have strikes and lockouts.

Mr. EMERY. Perhaps you have had them on your railroads, Mr. Chairman?

The CHAIRMAN. No; I do not remember in my section of ever having any railroad strikes.

Mr. EMERY. I recall some two years ago a very serious strike on the Central Railroad of Georgia, caused, I believe, by the system of promoting negro firemen.

The CHAIRMAN. That was in Georgia. I do not believe that condition ever obtained in my section.

Mr. THOMAS. Have you any objection to men charged with contempt being tried by a jury?

Mr. EMERY. I discussed that question at some length and should dislike to further inflict myself upon the committee in regard to it.

Mr. THOMAS. I did not happen to be present when you discussed it.

Mr. EMERY. Pardon me. I do oppose trial by a jury in contempt cases.

Mr. THOMAS. Then you think a man charged with contempt does not have the same right that a man charged with murder has? He can be tried by a jury.

Mr. EMERY. Yes, sir. There is no parallel between the cases.

Mr. THOMAS. You consider disobedience to a Federal injunction a graver charge than murder, do you?

Mr. EMERY. That is not implied. I think the Constitution of my country has provided two modes of procedure in the cases stated.

Mr. THOMAS. Is there any provision in the Constitution to the effect that a man tried for contempt may not be tried by a jury?

Mr. EMERY. I think that is the effect of a provision.

Mr. THOMAS. What is it?

Mr. EMERY. It is the well-known provision which extends the judicial power to all cases in law and equity.

Mr. THOMAS. In what way?

Mr. EMERY. If the gentleman will permit me, it would be very difficult to undertake a proper discussion of the issue which your inquiry raises under the circumstances of this hearing. I have fully expressed myself on that subject in an argument made before this committee.

While I desire to fully respond to the gentleman's inquiry, it is impossible to adequately do so at this time.

Mr. THOMAS. What you have said will be printed?

Mr. EMERY. Yes.

Mr. THOMAS. Then I will read it.

Mr. EMERY. It has been printed.

The CHAIRMAN. Then you think that in no case have Federal judges in labor disputes abused the process of injunction?

Mr. EMERY. Do you mean by the word "abused," Mr. Chairman, made error in the issuance of a writ?

The CHAIRMAN. I mean more than that, that they have issued an injunction where they should not have issued it, and that they have done things under the injunction process that they ought not to have done.

Mr. EMERY. I must answer, Mr. Chairman, that I have examined every case I have heard criticized, but I know of none which sustains the charge that any Federal judge has abused his power.

No doubt Judge Jenkins made an error in issuing the injunction in the case of the Farmers' Loan & Trust Co. v. The Central Pacific Railroad, which Mr. Justice Harlan corrected in the decision in Arthur v. Oakes; but in that case no one can read the elaborate and learned opinion of Judge Jenkins without being impressed with his sincerity and sense of responsibility. His decision involved the rights of a receiver through whom the court was operating a carrier, and he was confronted with the then doubtful question of how far the court could go in protecting property under its control. It is possible, although I think it most infrequent, that there are cases in which errors have been made and fully corrected on appeal, but I know of no case, if one exists, where it may be said that a judge issuing an injunction has abused his power.

But, sir, if it were true that this committee had before it several instances of judicial error in the issuance of injunctions, that would no more justify depriving the Federal judiciary of the power to continue to issue them in labor disputes and give the requisite constitutional protection to civil and property rights there assailed than it would justify legislation depriving judges of their power to issue injunctive or other writs in other forms of litigation because error had been committed in granting them. Judges are but human and subject to the frailties of the intellect, which we recognize by providing courts of appeal. I know of no case, nor have I ever heard one presented, which justified the charge that one, much less many, Federal judges have misused their power to issue injunctions in trade disputes, and I am anxious to have any member of this committee, or any one present, cite a case which sustains the charges made.

The CHAIRMAN. I am sorry that we can not give you more time, Mr. Emery.

Mr. EMERY. Relying on the permission of the committee, I beg now to revert to the English legislation upon which we are informed the second section of this bill is predicated. I have endeavored to give you a brief résumé of the circumstances which led to the present English legislation, and I have undertaken to briefly indicate the character and consequence of the recent legislative privilege conferred upon English trade unions. Their funds, I have said, were under the trade dispute act of 1906 protected from tort liability for the acts of their agents when done in furtherance of a trade dispute; but these peculiar and special privileges which, as the English courts have pointed out, place them in a position of legal superiority to all their fellow subjects, are granted by a Parliament without constitutional restraint, a Parliament which can not only confer special exemptions from the law upon any class in the community but upon any individual, and which can, and has many times in the past, placed disabilities upon individuals or classes of the King's subjects because of their industrial position, their religious belief, or any other reason that seemed good to the Parliament.

Mr. Bryce has very strikingly described the arbitrary powers of Parliament in the American Commonwealth, volume 1, page 32:

"The British Parliament has always been, was then, and remains now a sovereign and constituent assembly. It can make and unmake any law, change the form of government or the succession to the Crown, interfere with the courts of justice, and extinguish the most sacred and private rights of the citizen. Between it and the people at large there is no legal distinction, because the whole plenitude of the people's rights and powers reside in it, just as if the whole nation were present within the chamber where it sits. In point of legal theory it is the nation, being the historical successor of the folkmoot of our Teutonic forefathers. Both practically and legally it is to-day the only and sufficient depository of the authority of the nation, and is, therefore, within the sphere of law irresponsible and omnipotent."

So says the same author at another point:

"What are called in England constitutional statutes, such as Magna Charta, the Bill of Rights, the act of settlement, the acts of union with Scotland and Ireland, are merely ordinary laws, which could be repealed by Parliament at any moment in exactly the same way it can repeal the highway act or lower the duty on tobacco. * * * Parliament can abolish when it pleases any institution of the country, the Crown, the House of Lords, the established church, the House of Commons, Parliament itself." (Vol. 1, pp. 237–238.)

In the course of his dissenting opinion in the case of Robertson v. Baldwin (165 U. S.) Mr. Justice Harlan refers to these "profound differences between the American and so-called British constitution," and points out—

"No such powers have been given to or can be exercised by any legislative body organized under the American system. Absolute arbitrary power exists nowhere in this free land. The authority for the exercise of power by the Congress of the United States must be found in the Constitution. Whatever it does in excess of the powers granted to it, or in violation of the injunction of the supreme law of the land, is a nullity and may be so treated by every person. If the Parliament of Great Britain, her Britannic Majesty assenting, should establish slavery or involuntary servitude, the courts would not question its authority to do so, and would have no alternative except to sustain legislation of that character. A very short act of Parliament would suffice to destroy all the guaranties of life, liberty, and property now enjoyed by Englishmen."

Even the proponents of this legislation must realize what would happen if Congress possessed and exercised the powers of the British Parliament, which this bill endeavors to excite into being. The very constitutional restrictions which they seek to overcome, and which they would have you disregard, are those which create the most marked distinction between American and British Governments, and give to the citizens of the one a security not possessed by the subjects of the other. Within the memory of living men these very comparisons have been exemplified. Our Constitution forbids the passage of bills of attainder. Following the War of the Rebellion the Supreme Court of the United States was again and again called upon to protect the citizens of the States lately in rebellion against legislation amounting to acts of attainder growing out of the bitterness of the civil struggle. The British Parliament has passed, and may to this hour pass, bills of attainder, punishing unborn children for the alleged acts of their parents. Our Constitution guarantees a speedy trial to persons accused of crime. The Parliament may, and frequently has, authorized or permitted the indefinite imprisonment of individuals without trial, or even an accusation, and upon the mere suspicion of the executive. We forbid the taking of property without due process of law. The Parliament has and does arbitrarily confiscate private property without compensation. It is not within your power to pass ex post facto laws, but within your own memory certain Irish Parliamentary leaders were prosecuted, convicted, and imprisoned for making speeches made unlawful by act of Parliament after their delivery.

So, gentlemen of the committee, while it is true that English trade-unions enjoy special exemptions from the uniform operation of the law which it would not be possible to grant to members of trade-unions in this country without depriving other workmen who are not members of such organizations and other citizens generally of the equal protection of the law, it is equally true that the English legislation has grown out of special legal disabilities unknown to the American workmen and unusual circumstances of fact without parallel in this country.

But the legal privileges to which I referred are accompanied by legal disabilities which no trade-unionist of this country would care to accept. The British trade unions may not hold property, nor act through trustees, except it be registered under the trade-union act of 1871, and it has been frequently decided that that act is, as it were, the charter of combination for a registered trade union, and it can exercise no power not therein authorized. In this country a labor union is not required to incorporate or even assume any quasi corporate form. It remains a purely voluntary organization that may enforce any lawful rule upon its members, and it enjoys the fullest and freest rights of political activity. In Great Britain it was not long since decided in the case of the Amalgamated Society of Railroad Servants v. Osborne (House of Lords, July 21, 23, 28; Dec. 21, 1909) that a registered trade union can not lawfully apply its funds for the maintenance of members of Parliament to represent its interests. As a corollary to that judgment it was held in a very recent case (Wilson v. Amalgamated Society of Engineers, 2d Ch., Mar. 24, 1911) that as a trade union has no power to levy contributions upon its members for the purpose of securing parliamentary representation, they have, for like reasons, no power to levy contributions to secure representation on municipal and other local bodies other than boards of guardians. That is where the levy on the members is in effect compulsory. This decision, in express terms, leaves it an open question whether the Osborne case does not apply even to the administration of funds for parliamentary and municipal elections where the money is voluntarily subscribed by members of the union.

The point of all these comparisons between the legal conditions under which the British and American labor unions operate is that the legislative privileges conferred by the British Parliament upon British trade-unions are accompanied by legal and political disabilities which no American trade-union would accept. Yet the mode of argument adopted by the opponents of this legislation is to single out an exemption from the general law, conferred upon the British trade-unions, which it is not within the power of the American Congress to confer upon the members of the labor organizations in this country, without mentioning to the committee the various attendant disabilities accompanying these privileges and interwoven with them as a part of the complete legal system of trade-union regulation, the acceptance of which as a standard of legal right in this country no labor-union leader would dare to advocate in the presence of his own followers.

Let me now ask the committee to note the nature and circumstances of the equity jurisdiction exercised in labor disputes, observing that the rights protected are of the same character as those which are the object of remedial justice and intervention by equity in every other known form of legal controversy; that so far from being a novel exercise of the powers of the chancellor, the principles involved are as ancient as any known to equity jurisprudence, nor do they protect merely the rights of employers, but they do, and in almost every instance of their exercise are required to, protect the equal rights and privileges of employees. Indeed, with respect to this last point I may observe in passing that two of the most prominent cases governing the use of injunctions in labor disputes are those of Plant v. Woods (176 Mass., 492) and Pickett v. Walsh (192 Mass., 572). In the first case one labor union is seeking protection from the intimidating and coercive action of another labor union which questioned and orthodoxy of the first; and in the second case individual nonunion men are seeking to be protected in their right to continue their employment against the efforts of a bricklayers' union to cause their employer to discharge them unless they join the defendant union.

Now, what the the rights for which injunctive protection is sought in the course of labor controversies? Let me refer for description to the language of Judge Gray in the famous report of the Anthracite Coal Strike Commission: "The right and liberty to pursue a lawful calling and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means the destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers."

Man's property in himself is the first and most elemental of all property rights, a fact this Nation recognized in the noblest manner by the emancipation of the slave. But a man owns the labor of his head no less than that of his hand; of his pen no less than his pick; his professional learning no less than his knowledge of a trade. Every exercise of mind or body possessing value is property as much as the coat on my back or the watch in my pocket, the house in which I live, or the land whose fruits sustain my life. Nay, more, we dispose of what we have and buy the possessions of others only through agreement; thus the most commonplace, and, indeed, socially, the most indispensable, of all property rights is that of contract. These rights of property are universally recognized, not more by the technical decisions of generations of judges than by the common sense of mankind. So it is evident by our daily experience, apparent in our customs, embodied in our law, confirmed by our courts, and the practical judgment of civilized mankind, of which we are a part, that not only are land and chattels property but the rights by which we acquire and dispose of them, use them for our own profit and our neighbor's benefits, as well as the peculiar qualities and powers of mind and body that may be turned to our pecuniary advantage—all are alike property and entitled to protection as such from whatever source they may be assailed.

Whenever we use land and structures in commerce and industry, whenever we exercise personal rights in connection with them and seek to acquire a name for skill in manufacture, honesty and enterprise in trading, that custom may accrue to us, that esteem which we secure in the minds of others because of the quality of our product, the character of our skill, the promptness with which we pay our debts, and those circumstances and incidents that contribute to give us reputation in the judgment of the buying public is a property right as valuable as store and factory and skill themselves, and we term it the good will of business.

All these circumstances in action constitute a going business, a thing in action of the most valuable nature, which has been thus graphically described by a great court of New Jersey:

"Business does not mean stock or machinery or capital and the like. While 'business' can be done without these, in commercial language it is as distinct from it as labor is from capital. In speaking of the business that may be done by a merchant, banker, or railroad company, the mind does not contemplate or dwell upon the character or quality of the means used, but of the operation, whether great or small, complex or simple, numerous or few, for one or the other of these conditions may arise from much or little stock or capital. In other words, 'business' does not mean dry goods, nor cash, nor iron rails and coaches. Business is not those lifeless and dead things but the activities in which they are employed. When in motion, then one is said to be in business; and then it is that merchants and others speak of the profits of business."

The importance of the right to do business was splendidly emphasized by the Hon. W. G. BRANTLEY, a distinguished Democratic Member of the present House and former member of this committee, in a report made from the Judiciary Committee of the House on personal and property rights during the Fifty-ninth Congress. Mr. BRANTLEY said:

"It is well-nigh impossible, to my mind, to separate the right to do business from the business itself. It takes both to make a business. Financial loss, and perhaps bankruptcy and ruin, awaits every man who is denied the right to carry on the business in which his capital is invested."

The Wilson, Dingley, and Payne Tariff Acts each, in some of their provisions, recognize business as distinct from its tangible assets; so, too, the Sherman Act recognizes it by giving treble damages against violators of the act for injury done to business. So, too, you will find frequently cases in the Federal courts where ticket brokers have been enjoined from "scalping" railroad tickets on the ground that such conduct endangers the business of the railroad company by the interferences of these brokers or scalpers between the carrier and the original purchaser of the ticket, who is under contract not to resell it. This whole doctrine of restraint by injunction directed against third parties maliciously interfering with a business contract is fully set forth in a celebrated decision of the Supreme Court, Bitterman v. L. & N. Railroad (207 U. S., 222), and the committee will observe that the principle of law laid down there is the very one underlying and vindicating the interference of a court of equity in a labor dispute where there is a combination or conspiracy to procure or compel a breach of contract.

Now, all of these rights to which I refer are daily receiving equitable protection in every department of commercial litigation. Trade-marks, copyrights, trade names, unfair competition, betrayal of trade secrets, nuisances affecting the use of property, the protection of trust funds against dissipation, injunctions against waste, all sorts of rights, accorded by contract; these and many uses of property and the exercise of property rights too numerous to mention are the commonplaces of daily protection by injunctive remedy predicated upon the recognition of the great truth that in the commercial world the right of greatest value and necessity is the right to carry on a lawful business without unlawful interruption. It is only when these same rights are menaced in labor disputes that their protection excites any criticism or seems to cause any confusion of mind amongst labor leaders or legislators.

True it is that wherever the injunctive writ is sought the applicant must disclose and the court must find, as a condition of the fact in which the rights to be protected are so circumstanced that unless the writ issues, the irreparable damage will be done and there is no adequate remedy at law. "But," says the proponents of this legislation, "if the criminal law be enforced in labor disputes against those acts which are said to frequently accompany disturbances of this nature, a remedy is at hand." In response to that it might first be observed that the second section of the proposed bill removes the most common acts and conspiracies in furtherance of trade disputes, from the reach of the criminal law. But even if the criminal law be left in its present form, I have never heard it seriously contended, nor do I know of any decision or any textbook which holds the enforcement of the criminal law to be an adequate remedy for a person injured as against the wrongdoer. To fine, imprison, or execute a criminal satisfies the outrage done to the community, but it never has been known to compensate the individual against whom the act is directed.

But the proponents of this bill further say that the wrongdoers may respond in damages; there is a remedy. It has always been held that where many individuals join in the commission of a wrong requiring a multiplicity of actions to recover compensation, and where even in that event many remain unknown or financially irresponsible, it can not be said that the remedy at law is adequate; and if it is not, the damage accomplished is certainly irreparable.

But finally let us assume the ordinary circumstances of an average strike, accompanied by picketing and boycotting, hour after hour and day after day, taking any of the numerous cases in Federal and State decisions as an example. We may find workmen intimidated going to and from work, customers threatened with boycott if they continue to deal with an individual against whom the strike is directed; and not only are the parties to the combination effectuating these things severally irresponsible, and often unidentifiable, but the wrongs they commit are multiplied each hour and each day, so that the injury and damage inflicted is of a continuing nature which a thousand suits at law, if they were maintainable, could no more adequately redress than an action directed against a cyclone or a thunderbolt. To these practical circumstances no man of ordinary experience can blind his vision. Thus it will be evident from an examination of any one of the adjudicated cases involving a labor dispute that there is frequently a combination of circumstances working injury in a thousand forms, for which civil actions in tort are as inadequate as an action against a mob.

You are told that innocent acts are frequently enjoined, but the "innocent acts" are always described without reference to the circumstance of their employment. "No conduct," said Mr. Justice Holmes, in Aikens v. Wisconsin (195 U. S.), "has such absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to protect the punishment of the plot by law."

So the charge of enjoining innocent acts is always made without reference to the injunctive order in which they are alleged to have been restrained; or the order is presented and a phrase is taken here and there from its context and the charge pressed home by a superficial or fragmentary reading of particular injunctions. Thus I have noticed caustic criticisms of an order enjoining men from marching on the public highway, the critic making no reference to the fact that the defendants were so enjoined only if their purpose was to prevent other workmen equally entitled to the use of the highway from going to or returning from their work. It is frequently asserted that men are enjoined from "persuading" others to do or omit to do certain things, but I know of no order in which such a term is used except in connection with other phrases forbidding conduct of an unlawful character. Surely no rule of interpretation is better settled than that where a number of phrases are used, the concluding word of many terms is to be given construction as of the same general class as the previous phrases. Thus the word "persuasion" is sometimes used as a general inhibition of the kind of persuasion previously prohibited in a writ.

So, too, you are informed that injunctions are issued against acts which are crimes in order that through proceedings in contempt the persons committing such acts may be deprived of trial by jury. This charge, pressed with much plausibility, fades before the simple and easily made distinction between the various qualities present in every human act. The meanest man has no difficulty in realizing, for illustration, that every act of man has both a moral and a mental quality. The same act may conform to the laws of logic and violate the laws of morals. So, too, any act of one human being may, like a trespass, for instance, be at once the subject of criminal prosecution and a simultaneous civil action for damages. He who assaults another may be punished by the State for his crime and sued by the object of his wrongdoing for his tort. So an act forbidden by injunction may, when viewed through the spectacles of criminal law, likewise constitute a crime.

Said Mr. Justice Brewer in the Debs case (158 U. S., 595):

"The law is full of instances in which the same act may give rise to a civil action and a criminal action. An assault with intent to kill may be punished criminally under an indictment therefor or will support a civil action for damages, and the same is true of all other offenses which cause injury to persons or property. In such cases the jurisdiction of the civil court is invoked, not to enforce the criminal law and punish the wrongdoer, but to compensate the injured party for the damages which he or his property has suffered, and it is no defense to the civil action that the same act by the defendant exposes him also to indictment and punishment in a court of criminal jurisdiction. So here the acts of a defendant may or may not have been violations of the criminal law. If they were, that matter was for inquiry in other proceedings. The complaint made against them in this is of disobedience to an order of a civil court made for the protection of property and the security of rights. If any criminal prosecution be brought against them for the criminal offense alleged in the bill of complaint of derailing and wrecking engines and trains, assaulting and disabling employees of the railroad companies, it will be no defense to such prosecution that they disobeyed the orders of injunction served upon them and have been punished for such disobedience.

* * * * * * *

"In brief, a court enforcing obedience to its orders by proceedings for contempt is not exacting the criminal laws of the land but only securing to suitors the rights which it has adjudged them entitled to."

In the face of the demands made upon it, I beg this committee to ask, What is there in the nature of a labor dispute that should remove the persons and the rights involved from the same protection, the same remedies, the same constitutional guaranties that operate upon the same citizens in every other controversy? Is it that the right to a preventive remedy is in any sense inferior to the right to a compensatory remedy? Is the deterrence of wrong less important than its cure? The same great organic instrument of government confers jurisdiction in law and equity to the same court, in the same place, at the same time, and for the same purpose. The constitutional right to equitable remedies and procedure is equal in every respect to the right which each citizen possesses to the protection of a court of law. It is no less; it can be no more; nor can the right of any citizen be different from that of another citizen in similar circumstances; nor can a remedy be made to depend upon the character of the controversy and not upon the nature of the right assailed.

These propositions are self-evident. In this day and place they can require no elaboration of authority. I wish, therefore, to call to the attention of the committee but two cases on the general proposition of the right and duty of a court of equity to supply in labor disputes the protection which this legislation would destroy. The universal agreement of judicial authority on the points at issue is well stated in the case of Union Pacific R. R. Co. v. Ruef (120 Fed. Rep., 102), in which the court says:

"I have cited these authorities as being in part those which sustain the authority and duty to issue writs of injunction against violence to persons, against violence to property, against interference to business, against intimidation, and against the rights of contract and liberty. These authorities can not be reviewed within the limits of an opinion

of reasonable length. The rules to be deduced, with but a single exception, can not be in doubt, and the authorities are not in conflict, and it does not matter whether we turn to the English cases or the Federal cases decided on the circuit, to the decision of the appellate courts of the United States, to the supreme courts of the several States, or to the textbooks, old or modern, we find a uniformity so remarkable as seldom to be found in other branches of our jurisprudence.

"They are all in favor of the rights of contract, of freedom, of the rights of property, and that no combination of men shall be allowed to interfere with another man, partnership, or corporation. The courts can not hope to entirely foreclose discussion of these questions, but discussion is already nearly at an end by the courts, and by those having the slightest knowledge of jurisprudence. And capitalists and employers of labor, and employees alike, must understand that they must go elsewhere than to the courts for other results, and if they can not go with confidence to the courts, it is because they desire to go without conscience, and knowing that they have a controversy without merit."

If the members of the committee would glance at the same rule of law applying to the boycott by a combination of employers and the boycott by a combination of workmen, let them examine the cases of Montague v. Lowry (193 U. S., 38) for the former and Lowee v. Lawler (208 U. S., 206) for the latter. And the committee will find, perhaps, much to its interest, that the counsel for the boycotting employers makes, in his brief, the same vain argument to the Supreme Court which underlies the second section of this bill; that is, that whatever one man has a lawful right to do a combination ought likewise to have a legal right to agree to do.

Finally, as the last expression upon the subject, we have the utterance of the Supreme Court of the United States in the case of Gompers v. Buck Stove & Range Co. (219 U. S.), where the court, fully recognizing the right of men to organize and act collectively, fully vindicates the right and duty of a court of equity to protect an individual in the lawful exercise of his rights against the coercion of a powerful labor combination.

In that decision, in which all the members of the court concurred, Mr. Justice Lamar says:

"The court's protective and restraining powers extend to every device whereby property is irreparably damaged or commerce is illegally restrained. * * *

"Society itself is an organization and does not object to organizations for social, religious, business, and all legal purposes. The law therefore recognizes the right of workingmen to unite and to invite others to join their ranks, thereby making available the strength, influence, and power that come from such association. By virtue of this right, powerful labor unions have been organized.

"But the very fact that it is lawful to form these bodies, with multitudes of members, means that they have thereby acquired a vast power, in the presence of which an individual may be helpless. This power when unlawfully used against one can not be met except by his purchasing peace at the cost of submitting to terms which involve the sacrifice of rights protected by the Constitution, or by standing on such rights and appealing to the preventative powers of a court of equity. When such appeal is made it is the duty of government to protect the one against the many, as well as the many against the one."

As the committee may be interested in examining the leading cases involving these propositions, I supply a list for their convenience:

Quinn v. Leatham, 1st Appeal Cases, 1901, 495.
Casey v. Typographical Union, 45 Fed., 135.
Toledo & Ann Arbor R. R. Co. v. Pennsylvania R. R. Co., 54 Fed., 730.
Thomas v. Railroad Co., 62 Fed., 803.
Arthur v. Oakes, 63 Fed., 319.
Loewe v. California State Federation of Labor, 139 Fed., 83; also 189 Fed., 714.
In re Debs, 158 U. S., 564.
Bitterman v. L. & N. R. R., 207 U. S., 206.
Board of Trade v. Christie, 198 U. S., 236.
Loewe v. Lawler, 208 U. S., 206.
Gompers v. Bucks Stove & Range Co., 219 U. S., 340.
State v. Stewart, 59 Vt., 274.
State v. Glidden, 55 Conn., 46.
Hawarden v. Coal Co., 111 Wis., 545.
Jackson v. Stanfield, 137 Ind., 592.
Delz v. Winfree, Norman & Pierson, 80 Tex., 401.
Gray v. Building Trades Council, 91 Minn., 171.
Beck v. Teamsters' Union, 188 Mich., 545.
Pratt Food Co. v. Bird, 148 Mich., 632.
Purvis v. Brotherhood, 214 Penn., 348.
Doremus v. Hennessey, 176 Ill., 608.
Pickett v. Walsh, 192 Mass., 572.
Barr v. Essex Trade Council, 53 N. J. Eq., 101.
Crump v. Commonwealth, 84 Va., 927.
Lohse Co. v. Fuelle, 215 Mo., 421.

Since the purpose of this measure is not merely to deprive Federal courts of the power of equitable intervention in trade disputes, but likewise to change the rule of the criminal law with respect to conspiracies and combinations acting in furtherance of such disputes, I ask this committee to recall that the criminal condemnation of the boycott was secured from the Supreme Court of the United States by labor organizations themselves. In 1887 several members of the musicians' union, then affiliated with the Knights of Labor, all being residents of this city, refused or neglected to pay a fine levied against them by the Musicians' Union. They were expelled from the union. Notice was served upon them that no member of the organization would work in any orchestra in which they were employed, and through the Knights of Labor this determination was sent over the country, and every theatrical manager and orchestra leader was informed that the employment of these men in any capacity would precipitate a strike. So complete was the combination against them that they were unable to secure work, whereupon they complained to the district attorney of this city against certain persons who had been chiefly instrumental in putting this terrible combination into operation against them, and the parties accused were indicted on a charge of conspiracy. The indictment shows that the combination not only undertook to prevent them from securing work as musicians, but from securing employment in any capacity whatever.

The defendants were tried in the police court of this city without a jury and found guilty, whereupon Mr. Jackson H. Ralston, now counsel for Messrs. Gompers, Mitchell, and Morrison, applied to the Supreme Court of the United States for a writ of habeas corpus on behalf of Callam, one of the defendants then in the custody of the marshal, on the ground that the offense with which the defendant was charged was of so "heinous" a character that he was constitutionally entitled to a trial by jury.

Mr. Justice Harlan, in an elaborate opinion, concurred in by all his colleagues, held the point well taken and declared that the conspiracy of which the defendant was a party, to wit, a boycott directed against the employment of certain individuals, was an offense of so "heinous" a character that the defendant was entitled to a trial by jury. (Callam v. Wilson, 127 U. S., 540.)

Now, sirs, in conclusion, what is the purpose of this remarkable legislative proposal? No man can be familiar with contemporary events, nor with the trend of judicial decisions and statute law, without realizing that this is a deliberate effort to legalize combinations and conspiracies of a kind condemned, not only by the decisions of every State court of last resort, of every Federal court, of the Supreme Court of the United States, but likewise by the moral judgment of mankind.

At one stroke this measure would deprive the victim of the boycott, whether employer or employee, of the protection of the courts of law and equity and the criminal statutes which even now, in many instances, fail to effectually shield either the business man or the laborer from persecution and grievous injury and injustice. It is intended, and would, were it constitutional, validate the various assaults upon personal liberty and private property so eloquently and powerfully described in the report of Anthracite Coal Strike Commission, composed of both employers and representatives of organized labor:

"It becomes," said that body, "our duty to condemn another less violent, but not less reprehensible form of attack upon those rights and liberties of the citizens which the public opinion of civilized countries recognizes and protects. The right and liberty to pursue a lawful calling, and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means destruction of one of the greatest, if not the greatest, of the benefits which the social organization confers. What is popularly known as the boycott (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seek to work their will upon a single person, or upon a few persons, by compelling others to abstain from social or beneficial business intercourse with such person or persons."

The rights of 30,000,000 wage earners, seeking to earn their living under the conditions that please them best, are to be subjected to the coercion of 2,000,000 of their fellows, demanding that membership in the organizations which they control shall be a prerequisite to the exercise of the right to work without molestation or persecution. Thousands of employers engaged in every form of commerce and industry are to be left without legal remedy whenever they become the objects of attack, upon refusal to grant the demands of combinations possessing, in furtherance of trade disputes, the peculiar privileges to commit crime without punishment and damage without liability, which this measure promises. The power to issue injunctions, to protect personal liberty and property rights, is to be withdrawn from the courts of the United States and practically lodged in a labor federation issuing its own injunctions against employer and workmen, requiring them to conduct their business and earn their livelihood under conditions which the federation demands, and contempt of such orders is to be punished through the coercive influence of the combination, operating through its agents in every State in the Union and in every great city of those States.

The will of such a combination, unrestrained by legal remedy, civil liability or criminal responsibility, is to succeed the law of the land, and great combinations and conspiracies which have hitherto obstructed the movement of commerce or undertaken to fix the conditions of production and employment only to be met by the protecting shield of the law, or to find it withdrawn from the form of their victim. The public, no less than the private interests, would be at the mercy of such privileged assailants. The very States of the Union, impotent to obstruct interstate commerce, would find themselves inferior in power to mere voluntary associations of individuals promulgating, without restraint, rules for the conduct of interstate commerce which no sovereign State could issue. And such privileges are demanded at the very hour when the public mind has been amazed and shocked by an astounding confession that has revealed a vast labor combination operating in many States, and through many agents, and using the highest forms of physical force that modern science can place at the command of man for the purpose of compelling a great industry to conduct its operations under conditions demanded by that combination, or suffer continuous assaults upon the lives of its workmen and the most destructive attacks upon its property—attacks which, for reckless disregard of the safety of the general public, are probably without parallel in the history of crime.

We ask this committee not merely to reject but to rebuke the demands represented in this legislation. We submit to the committee that the measure is manifestly unconstitutional:

1. Because it undertakes to deprive the courts of the United States of an inherent equity jurisdiction.

2. Because it undertakes to deprive citizens engaged in labor disputes of fundamental, civil, and property rights guaranteed by the Constitution, and which can not be taken from them without a denial of due process of law.

3. Because it undertakes to make constitutional remedies and constitutional rights dependent for their use and protection upon the character of the controversy in which they are involved, and not upon the nature of the right itself.

4. It undertakes to arbitrarily deprive one class of citizens of rights to which they are equally entitled with every other class of citizens.

5. It undertakes in labor disputes to arbitrarily exempt one class of citizens from the uniform operation of the civil and criminal laws of the United States.

6. The English legislation suggested as precedent for this bill is without authority because of profound constitutional differences between the organic laws of Great Britain and the United States, and for the further reason that as a matter of history and fact the British legislation proceeds from special and peculiar circumstances and considerations and is accompanied by inseparable legal disabilities having no counterpart in this country.

Finally, were this measure free from constitutional objection its practical operation would irreparably injure the public and private interest. It would encourage the lawless, breed civil strife and disorder, withdraw protection from the law-abiding and be a lasting stigma upon the legislature which enacted it and the country which endured it.

Mr. CLAYTON. Mr. Speaker, I now yield 30 minutes to the gentleman from West Virginia [Mr. DAVIS].

Mr. DAVIS of West Virginia. Mr. Speaker, the subject the House has under discussion to-day is in no sense a new one. It has been fruitful of discussion and debate in this and other

forums for at least 20 years. It has formed the subject of declarations in party platforms, and not since, but frequently, has been alluded to in presidential messages. I congratulate the Democratic Party that an opportunity has now come to it to present genuine constructive legislation on this mooted topic and that it is prepared to grasp it. [Applause.]

Until I listened to the remarks of the gentleman from Pennsylvania [Mr. MOON], I thought I had some knowledge of both the origin and the history of this measure, some familiarity with its provisions and the reasons for them. I listen always to the remarks of the distinguished gentleman with great respect, and for his judgment I have so high an estimate that I distrust my own whenever I am forced to differ from him. In this instance, however, I do not only differ from his views on this matter, but I draw consolation rather than discouragement from his remarks, and treating them as an epitome of the worst which can be said against the pending bill I am confirmed in my belief in its justice and its equity.

Within the short space of time at my disposal I can not hope to fully cover so broad a subject. I must, therefore, address myself principally to a reply to the suggestions which the gentleman from Pennsylvania [Mr. MOON] has offered in opposition to this bill. The temptation to interrupt him in the course of his remarks was strong, but I refrained because I realized the impossibility of making a connected legal argument under such interruptions, and I must, therefore, claim for myself the same privilege which was justly claimed by him.

The history of government in America, Mr. Speaker, is written in phrases; an idea finds lodgment in the public mind; a wrong burns itself into the national consciousness; an aspiration communicates itself from soul to soul, until the pulse of the Nation is stirred by a common desire; but the wrong is not righted; the idea is not transmuted into action; the aspiration is unrealized until some happy phrase crystallizes public opinion and progress and reform result. So with the phrase "Government by injunction." In themselves the words are meaningless enough, for an injunction is necessarily a form of government; it is the direct exercise of govermental power by the judicial branch, and as such is as legitimate and as necessary as the making of laws by the legislature or their enforcement by the executive.

The legislator enacts the statutes, the executive gives his orders, and the judge, in a proper case, issues his injunction against the parties before him—all alike are necessary functions of government. But as a shiboleth and a slogan, the phrase has come to mean vastly more. It is the expression of a long-standing complaint, which with many has ripened into a deep-seated conviction, that the writ of injunction has been carelessly, if not wrongfully used; that it has been turned to purposes beyond its proper scope; and that an evil has sprung up which calls for legislative action. If, as the gentleman from Pennsylvania [Mr. MOON], in substance asserts, this complaint is the mere clamor of restless lawlessness, if this conviction is the mere prejudice of disappointed litigants, if it is simply the murmur of discontent from those against whom the processes of the law have been rightfully invoked, then we owe it to the country and to ourselves to disregard it and to dismiss the subject as one not calling for our attention. But if the complaint, both in origin and in volume, commands our respect, if instances of abuse in the use of this writ, in fact, exist, we shall fall short of our duty if we fail to discover these abuses and seek to correct them. Nor does it strengthen the argument on the part of the minority to assert that the only purpose of the bill now offered as their substitute and of the presidential messages upon which it purports to be based, is to still this clamor by a mere pretense of remedy.

Those who do not believe that party platforms are mere bait to catch gudgeons must feel themselves bound, no matter upon which side of this House they may sit, to legislate upon this subject. The Democratic Party in its platforms of 1896, 1900, 1904, and 1908 has promised this relief, and in the year 1908 the Republican Party, following as usual the Democratic lead, made a grudging and belated declaration to the same effect. From 1896 to this Congress the Republican Party has enjoyed undisputed control of both Houses of Congress and of the Presidency, and in all that time has put upon the statute books no word of remedial legislation on this matter. Yet I call the gentleman's attention to the fact that it was not in the year 1910, or even in 1909, that this subject was first called to the attention of Congress.

A Republican President, with whose remedies in the matter of court procedure I am fortunately not compelled to agree, called it to the attention of the Congress on the 5th day of December, 1905; on the 3d day of December, 1906; on the 3d day of December, 1907; on the 31st day of January, 1908; on the 25th day of March, 1908; and on the 18th day of December, 1908. His successor, taking a leaf from his book, recommended action in his messages of the 7th day of December, 1909, and of the 6th day of December, 1910. All of these messages fell upon deaf ears. Yet in them, over and over again, it was declared upon the authority of no less a person than the Chief Executive of the United States that these abuses did exist and that Congress should search for and apply the remedy. I have not time to quote in full the substance of any of these messages. A few sentences from some of them may be interesting. In his message of December 3, 1906, President Roosevelt said:

> There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation in carrying out schemes for its own aggrandizement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof—even when authority can be found to support the conclusions of law on which it is founded—may often settle the dispute between the parties; and, therefore, if improperly granted may do irreparable wrong. Yet there are many judges who assume a matter-of-course granting of a preliminary injunction to be the ordinary and proper judicial disposition of such cases; and there have undoubtedly been flagrant wrongs committed by judges in connection with labor disputes even within the last few years, although I think much less often than in former years. Such judges by their unwise action immensely strengthen the hands of those who are striving entirely to do away with the power of injunction, and therefore such careless use of the injunctive process tends to threaten its very existence, for if the American people ever become convinced that this process is habitually abused, whether in matters affecting labor or in matters affecting corporations, it will be well-nigh impossible to prevent its abolition.

Again, on December 3, 1907, he said:

> Instances of abuse in the granting of injunctions in labor disputes continue to occur, and the resentment in the minds of those who feel that their rights are being invaded and their liberty of action and of speech unwarrantably restrained continues likewise to grow. Much of the attack on the use of the process of injunction is wholly without warrant; but I am constrained to express the belief that for some of it there is warrant. This question is becoming more and more one of prime importance, and unless the courts will themselves deal with it in an effective manner, it is certain ultimately to demand some form of legislative action. It would be most unfortunate for our social welfare if we should permit many honest and law-abiding citizens to feel that they had just cause for regarding our courts with hostility. I earnestly commend to the attention of the Congress this matter, so that some way may be devised which will limit the abuse of injunctions and protect those whose rights from time to time it unwarrantably invades.

On January 31, 1908, he again declared:

> It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and the necessity of organized effort on the part of the wage earners, and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends.

While the recommendations made from time to time vary somewhat in detail, I presume no one will dispute that they establish, so far as the word of a President of the United States can establish it, the existence of a well-grounded complaint and the necessity for remedial legislation. It is late now to be told that the whole thing is baseless agitation.

But the gentleman from Pennsylvania [Mr. MOON], says that before the committee which had this bill under consideration there appeared not one man who put his finger upon any specific instance of abuse, and that in all the years in which he has sat as a member of that committee, no such abuse has been called to his attention. I would not in the least impugn either the integrity, intelligence, or industry of the gentleman; but if no such abuse has been called to his attention by others, the books of the law are wide open to him, and in their pages he could have read case after case that would have given him the light he sought. [Applause.] In a matter such as this, I agree that it will not do to content ourselves with general criticisms. We will not better the situation by mere declamation or denunciation; nor must we lose ourselves in the pursuit of academic theories. The thing to do is to go to the cases in which the courts have acted, and where their practice and procedure have failed to meet the standard, put our finger on the specific error and so far as we can, prevent its repetition.

The general principles which should govern courts in the issuance of injunctions have been often stated, but never better so than by Mr. Justice Baldwin, in Bonaparte v. Railroad Co. (217 Fed. Cas., 1617), when he said:

> There is no power, the exercise of which is more delicate, which requires greater caution, deliberation, and sound discretion or is more dangerous in a doubtful case, than the issuing of an injunction. It is the strong arm of equity, that never ought to be extended, unless in cases of great injury, where courts of law can not afford an adequate or commensurate remedy in damages. The right must be clear, the injury impending or threatened, so as to be averted only by the protective preventive process of injunction; but that will not be awarded in doubtful cases, or new ones not coming within well established principles, for if it issues erroneously an irreparable injury is inflicted, for which there can be no redress, it being the act of a court,

that of the party who prays for it. It will be refused till the court are satisfied that the case before them is of a right about to be destroyed, irreparably injured, or great or lasting injury about to be done by an illegal act. In such a case the court owes it to its own suitors and its own principles to administer the only remedy the law allows to prevent the commission of the act.

With the writ of injunction as so applied and administered there can be and ought to be no complaint. The adjective "beneficent," which has been so often applied to it, is well deserved, for in law as elsewhere, an ounce of prevention is better than a pound of cure; and just in proportion as the value and importance of the writ should be recognized so should its efficiency be safeguarded and its misuse be prevented. I accept the challenge of the gentleman from Pennsylvania [Mr. MOON], and assert that if the testimony of the witnesses before the committee did not disclose them, still the reported cases will show at least five glaring abuses which have crept into the administration of this remedy. I name them:

The issuance of injunctions without notice.
The issuance of injunctions without bond.
The issuance of injunctions without detail.
The issuance of injunctions without parties.
And in trades disputes particularly, the issuance of injunctions against certain well-established and indisputable rights.

These are the evils which this bill seeks to cure.

NOTICE.

Section 263, being the first section of the pending bill, is directed against the issuance of injunctions and restraining orders without notice. Both the majority and the minority of the committee agree with the President, and with the President's predecessor, that this is a practice which should be corrected. All realize alike that when an injunction is issued without notice it virtually deprives the defendant in many cases of his constitutional right to a day in court. The mere issuance of an injunction often achieves the purpose of the suit, and, if continued in force for but a short time, accomplishes all which the plaintiff could have hoped, and effectually destroys the defendant. When such an injunction has fallen, like a bolt from a clear sky, upon the unhappy litigant, punishing him beyond recovery before a hearing can be had, it is no wonder that he feels himself the victim of a rank injustice and that his sense of wrong sometimes blazes into fierce criticism of the courts and deep resentment against all forms of law.

In the earliest Federal legislation on this subject, the judiciary act of March 2, 1793, the necessity for notice upon the issuance of an injunction was recognized. Section 5 of that act was in the following language:

That writs of ne exeat and of injunction may be granted by any judge of the Supreme Court in cases where they might be granted by the supreme or a circuit court; but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same that the defendant designed quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving for the same.

So the law remained in substance until the act of June 1, 1872 (17 U. S. Stat., 197), cast it into its present form, as follows:

That whenever notice is given of a motion for an injunction out of a circuit or district court of the United States, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion. Such order may be granted with or without security, in the discretion of the court or judge: *Provided*, That no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order except within the circuit in which he is allotted, and in causes pending in the circuit to which he is allotted, or in such causes pending outside of the circuit as the parties may in writing stipulate, except in causes where such application can not be heard by the circuit judge of the circuit or the district judge of the district.

An examination will show that, notwithstanding these statutes, the courts in many cases have actually issued temporary injunctions without notice; and in still other cases, although ostensibly complying with the statute, they have issued so-called restraining orders having all the scope and effect of the injunction order itself, and have set down the motion for the injunction to be heard 60 days, 90 days, or even longer, after the issuance of the so-called restraining order. Thus by a mere matter of the use of names they have kept the word of promise to the ear but broken it to the hope, and nullified the entire purpose of the existing law.

I shall not stop to consider the criticisms which are offered upon the accuracy of the résumé of preexisting law contained in the report of the majority; all that is entirely aside from this discussion. All agree upon the evil, and all alike are seeking for some method to remedy it. There are certain minor differences, however, between the first section of the pending bill and the substitute introduced by the gentleman from Pennsylvania [Mr. MOON] and offered by the gentleman from Illinois [Mr. STERLING], but only two points of variance justify consideration. If the substitute offered by the minority should be adopted in its present form, it will, by necessary implication, repeal section 266 of the present Judicial Code, which relates to the issuance of injunctions suspending the enforcement of any statute of a State, and which provides a special procedure adapted to such cases. This section is preserved intact in the bill presented by the committee. The other material difference pointed out with entire candor by the gentleman from Pennsylvania [Mr. MOON], and as to which there is room for legitimate difference of opinion, is that with reference to the duration of a temporary restraining order which may have been issued in a case of emergency without prior notice. The bill provides that such a temporary restraining order must be forthwith entered of record. It can not be carried in the pocket of the litigant until, in his judgment, an opportune time has come to spring the trap which he has set for his adversary. The moment the signature of the court is affixed it must be presented to the clerk and made a matter of public record. Within 7 days thereafter of its own force and effect it terminates, unless, in case of peculiar hardship, the applicant may be able to show to the court good cause for an additional 7 days' extension, or 14 days in all; and if he applies for an additional 7 days, notice of such application must be given to those who have been previously served with the original order. This provision, as the gentleman concedes, complies literally with the message of the President under date of December 7, 1909, as also with the messages of his predecessor under date of March 25, 1908, and December 8, 1908; all of which recommend that the temporary restraining order should terminate within a fixed number of days after its date of issuance. But the substitute provides that instead of terminating within seven days from the date of issuance it shall terminate within seven days from the date of service, and this because it is suggested that it might be difficult, if not impossible, to have service upon the defendant within the original seven days and that he would not be bound by the order until such service had been had. What is the practical effect of such a modification? Suppose instead of 1 defendant there are 20.

The substitute measure does not provide that the order of injunction shall be immediately entered of record; the plaintiff may retain it, as I say, until, in his judgment, an opportune moment has come to spring his trap. Then in his own good time notice is served upon defendant A; some days later, notice is served upon defendant B; later still upon defendant C, and so on in succession upon each. As to each defendant the order is supposed to expire within seven days after its service, and service having been had on defendants on successive days, the temporary restraining order expires like a string of firecrackers exploding as to the defendants, one at a time, in the order of service upon them. This is the inevitable result of the substitute offered by the minority. Of course, inconveniences arising from the necessity for service of process are inseparable from all litigation. A man who can not secure jurisdiction of his adversary by service of process, whether it be summons, subpœna, temporary restraining order, or what not, will be unable to bring him within reach of the power of the court; but, if as suggested, the defendant is deliberately endeavoring to evade service of process in order to escape the effect of the temporary restraining order, it must certainly follow that in so doing he has removed himself from the sphere of immediate mischief and that immediate and irreparable injury from his action is no longer likely to ensue to the plaintiff. In evading the process of the court, he puts it out of his power to commit the injury.

SECURITY.

Section 263a of the bill provides that no restraining order or interlocutory order of injunction shall issue except upon the giving of security conditioned upon the payment of such costs and damages as may be suffered by any party wrongfully enjoined. It is certainly not unfair that he who seeks the extraordinary relief of the writ of injunction should indemnify his adversary, if it proves that he has secured it without right; for it is well settled that in the absence of an express undertaking to that effect, a plaintiff who has wrongfully secured a writ of injunction is liable to the defendant for nothing more than the costs of the suit, and this for the reason that while the injunction is issued at the application of the plaintiff, it is nevertheless in law the act of the court and not of the party seeking it. The only surprising thing is that to this time there has been no Federal statute on this subject. The only statutory reference to the subject of security upon the issuing of injunctions is contained in the act of 1873, and now appearing as section 263 of the Judicial Code, which permits restraining orders to be issued with or without security, as the court may

determine. As long ago as 1723 it was enacted in the then Colony of Maryland that bond should be required in all cases where an injunction was issued to restrain an action at law. This example was followed in the State of Virginia in 1787, in New Jersey in 1799, in New York in 1828, and in 1848 the statutes of the State of New York extended this requirement to all injunctions. In many others, if not in all the States, this example has been followed.

The only objection or criticism now offered to this section of the present bill is that it is utterly unnecessary and conveys an implied reflection upon the courts, since the courts have unanimously met its requirements. Foster on Federal Practice, a standard work, has been quoted by the gentleman with approval, in which I join. I cite it now as an authority to support this particular section and to show that certain of the Federal courts have not met this requirement, but have committed this particular violation of good practice. I read from First Foster's Federal Practice, page 753:

Later the practice (i. e., the practice as to security) "was extended to interlocutory injunctions granted upon notice to the defendant, first in special cases, then generally: and now they" (i. e., bonds) are usually required as a matter of course in England and in most of the United States, although in some of the circuits the Federal judges are accustomed to grant injunctions without such a requirement.

It is to correct that practice in some of the circuits—a practice which I think the gentleman joins us in condemning—that this provision of the bill is inserted.

FORM OF ORDER AND PARTIES.

The next clause of the bill, section 266b, has reference to the form and contents of the order. The complaint has been that the Federal courts have issued writs of injunction without detail and directed them to persons not properly before them. It is asserted again that there are no precedents which justify the enactment of this section; that the Federal courts have always in their injunction orders described the acts forbidden to be done with sufficient detail; and that it wholly ignores the rules of equity of the Supreme Court of the United States, which are alleged to prescribe with great minuteness the form and contents of the injunctive orders and are in conflict with the provisions of the bill. I challenge the gentleman from Pennsylvania [Mr. MOON], as the gentleman from Kentucky [Mr. SHERLEY] challenged him, to point to one word, letter, or syllable in the rules of equity prescribed by the Supreme Court of the United States, 94 in number, which either cover the scope of this section of the bill or are in conflict with it. It can not be that reference is made to rule 21, which provides that where an injunction is desired there must be a special prayer to that effect; nor rule 23, which renders it unnecessary to repeat the prayer for an injunction as a part of the prayer for process; nor rule 65, which in substance repeats the requirements of the statute as to notice on the issuance of injunctions; nor rule 93, which provides for the extension of an injunction order pending an appeal; nor rule 86, which simply declares that it shall no longer be necessary to set out in extenso either the bill or any other pleadings in any order entered by the court. Except this last rule, with the salutary provision which it contains and with which this bill in no sense conflicts, I assert that there is not within the equity rules one single sentence governing or controlling the contents of a writ of injunction.

As to the other stock objection, that the section seeks to correct an abuse which does not exist, I turn again, without stopping to quote other available authorities, to the first volume of Foster's Federal Practice, page 745, and read what will, I think, amply sustain the contention of the majority in this matter:

The writ should contain a concise description of the particular acts or things in respect to which the defendant is enjoined; and should conform to the directions of the order granting the injunction. * * * The defendants ought to be informed, as accurately as the case permits, what they are forbidden to do. It seems that a writ is insufficient which designates the acts sought to be enjoined by a reference to the bill without describing them. When a carrier has been adjudged to have violated the interstate commerce law, the court should only enjoin certain specific violations. An injunction should not be granted—

As a Federal court had done—

commanding the carrier in general terms not to violate the act in the future in any particular. The injunction should not include a direction—

As a Federal court had included—

after specific inhibitions forbidding the defendant to act by any other method or device, the purpose and effect of which is to restrain commerce as aforesaid.

I call upon the personal knowledge and information of every lawyer on this floor to verify the statement that a practice has been indulged in of including in these writs of injunction at the end of a specific and detailed statement of the acts sought to be enjoined, an omnibus or basket clause forbidding all other acts of similar character or referring for further details to the prayer of the bill, in the hope that anything which might have been omitted by the overzealous lawyer would be inserted or corrected by the courts when the time for the punishment of the defendant had arrived. If such an evil exists, and that it does the text which I have read demonstrates, this bill will correct it.

But for the second clause of this section—266b of the bill—the mildest adjective which has been found is that it is "sinister." As one reads it, it seems harmless enough. It says of the writ of injunction or restraining order that—

It shall be binding only on the parties to the suit, their agents, servants, employees, and attorneys or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

I insist, Mr. Speaker, that that language is an exact and accurate declaration of the law, both as it is and as it ought to be. And I further insist that this well-established law has been so ignored as to warrant legislative action. That the courts can act only upon persons who are parties to the suit is certainly a rule which ought to be agreed to as soon as stated. It springs from the basic and fundamental distinction between the judicial and the legislative branches of the Government, which consists primarily in this, that when the legislature acts its mandate, without direct notice or notice of any sort, is binding upon all the community alike. It speaks with a trumpet tone which all must hear and issues a command which all must revere and respect. The judicial branch of the Government, on the other hand, speaks only to those who are before it as parties to the litigation and to whose personal attention the order of the court must in some way be brought; and it has no more right to issue a command directed against the community at large than has the Czar of Russia to promulgate a ukase on American soil. Any violation of this rule is a flagrant transgression of the limit of judicial power.

The principle finds recognition in equity rule 48, prescribed by the Supreme Court of the United States, which is as follows:

Where the parties on either side are very numerous and can not without manifest inconvenience and oppressive delays in the suit be all brought before it, the court, in its discretion, may dispense with making all of them parties and may proceed in the suit, having sufficient parties before it to represent all the adverse interests of the plaintiffs and the defendants in the suit properly before it. But in such cases the decree shall be without prejudice to the rights and claims of all the absent parties.

It will be said again that no illustrations have been given of the violation of this principle. I think they can be furnished. If the gentleman will turn, for instance, to the case of Chisolm v. Caines (121 Fed., 397), he will find a writ of injunction issued by a Federal court in the State of South Carolina, presided over by a judge who has since gone to a well-deserved reward. [Laughter.]

Mr. TOWNSEND. You are aware as to where he has gone?

Mr. DAVIS of West Virginia. It is fair to say that this case is not typical of his judicial actions. Certain gentlemen had leased lands and marshes on the waters of Winyah Bay, in South Carolina, for a hunting and shooting preserve. A controversy arose over the title. An injunction was issued against the contesting claimants and their confederates enjoining them from entering upon the premises and frightening away the game. This injunction pretended to enjoin not only the defendants to the suit, but "all persons whomsoever." Copies of it were posted on the premises, and certain persons, one of whom happened to be a lawyer himself and a trial justice, but in no way associated with the defendants and not even charged to have been in confederacy with them, entered upon the sacred inclosures and shot some of the ducks which were hibernating there. They were punished for contempt of this injunction, although the court frankly stated that there was no charge whatever that they had combined or confederated with the defendants or were in any sense their agents or attorneys. Under any proper construction of the law the injunction was to them as nugatory as if printed in Italian and published in China.

Now, another case. In the case of Scott v. Donald (165 U. S., 107) a writ of injunction was applied for before the Circuit Court of the United States for the District of South Carolina in a suit having as its objective point the South Carolina dispensary law. It is interesting to notice that it was granted at the instance of James Donald, who purported to sue in his own behalf and on behalf of all other persons in the State of South Carolina as importers for their own use and consumers of wines, ales, and spirituous liquors, the products of other States and foreign countries. I do not know how many citizens of South Carolina were embraced within that description. [Laughter.]

The defendants, however, were certain parties named who were seeking to enforce the law and "all other persons claiming to act as constables, and all sheriffs, policemen, and other

officers acting or claiming to act under the South Carolina dispensary law." When that injunction was presented to the Supreme Court of the United States it very properly laid down the rule of law contained in this bill. I read from the opinion of the court:

The decree is also objectionable because it enjoins persons not parties to the suit. This is not a case where the defendants named represent those not named. Nor is there alleged any conspiracy between the parties defendant and other unknown parties. The acts complained of are tortious and do not grow out of any common action or agreement between constables and sheriffs of the State of South Carolina. We have, indeed, a right to presume that such officers, though not named in this suit, will, when advised that certain provisions of the act in question have been pronounced unconstitutional by the courts to which the Constitution of the United States refers such questions, voluntarily refrain from enforcing such provisions; but we do not think it comports with well-settled principles of equity procedure to include them in an injunction in a suit in which they were not heard or represented or to subject them to penalties for contempt in disregarding such an injunction. (Fellows v. Fellows, 4 John Chan., 25, citing Iveson v. Harris, 7 Ves., 257.)

The decree of the court below should therefore be amended by being restricted to the parties named as plaintiff and defendants in the bill, and this is directed to be done, and it is otherwise affirmed.

As an argument against this bill it has been urged that it would have prevented the issuance of the injunction in the famous Debs case. The merest scrutiny of the bill will show that this is not true. The Debs case, which was a suit brought by the United States in its own name to prevent obstruction of the mails and interference with interstate commerce occupied an entirely different field and was in no sense a suit involving the relation of employer and employee; and if the right to an injunction in that particular case is to be affected by legislation, it must be reached by some other method than that adopted in this bill. But I frankly concede that if this bill had been then in force one phrase in the Debs injunction would not have been used, and at least one instance of judicial usurpation would have been prevented. The order in that case was directed against certain defendants, who were named, and others combining and conspiring with them, and then against "all other persons whomsoever." In the use of this last phrase I maintain that the court spoke beyond the limits of its power. As to this a learned writer has said:

It is difficult to see how such injunctions can stand the test of precedent and principle. An injunction issues in a civil suit to any party who has been complained of, at least, and has had notice of the action of his adversary. To be obliged to wait until the injunction has been violated to determine against whom it was issued ought to be enough to show that it is not an injunction at all, but in the nature of a police proclamation putting the community in general in peril of contempt if the proclamation be disobeyed. Courts of equity were evidently not intended to possess such functions, and it must be regretted that Judge Grosscup, in his most commendable eagerness to offset the criminal inaction of Gov. Altgeld, should have been forced to such a legal anomaly. The power of a court to imprison for contempt of its orders or of the persons of its judges is an arbitrary one at best, and to stretch it as here in the time of disorders and almost panic in the immediate vicinity would seem to show that the court has been deserted by the calm judicial temper which should always characterize its proceedings. (8 Harvard Law Review, p. 228.)

Mr. MOON of Pennsylvania. Is that the opinion of a court?

Mr. DAVIS of West Virginia. It is not. It is an extract from the remarks of a learned commentator with reference to that particular proceeding, and I may say that the Supreme Court of the United States in no part of its decision in that case countenances the part of the order which I have just condemned. It was not brought in issue, for the reason that the party who finally appeared before the Supreme Court was a party named in the injunction and one as to whom this particular question could not arise.

TRADE DISPUTES.

The fourth clause of this bill, section 266c, is divided into two paragraphs. The first provides that in a trades dispute no injunction shall issue unless necessary to prevent irreparable injury to the property or property right of the party making the application, for which there is no adequate remedy at law; and that this property or property right must be described with particularity and the application must be verified. We are told as to this paragraph that it is infected with the incurable vice of being simply a reenactment of existing law, and yet but a few moments ago we were assured that the chief virtue of the Sterling substitute, or the so-called Moon bill, is that it is merely a reenactment and declaration of existing law or practice. The same characteristic, in other words, is a virtue in the substitute, but a vice in the pending bill. I submit that the same rule should be applied to both. This paragraph is criticized because it provides that the writ of injunction in labor disputes shall be limited to the protection of property and property rights. I am willing that the language of the bill shall be tested by the decisions of the Supreme Court of the United States and that by the decisions of that great court this bill may be justified or by the same decisions it may be condemned. What does that court say in the Debs case itself on this question of jurisdiction in the issuance of injunctions? A quotation of its language will show that it is perfectly true that the first clause of the fourth section of this bill is simply a declaration of an existing rule of law which the Supreme Court has announced.

Mr. STERLING. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman yield?

Mr. DAVIS of West Virginia. I have said I would not yield, but I will.

Mr. STERLING. The gentleman is about to refer to the Debs case?

Mr. DAVIS of West Virginia. I am, for a quotation only.

Mr. STERLING. No person was punished in the Debs case who did not have actual notice of the injunction.

Mr. DAVIS of West Virginia. That is perfectly true, I think; but I do not understand that the gentleman by that question means to justify the portion of the Debs order which was directed to the world at large.

Mr. STERLING. Not at all; and the gentleman can not say from reading the opinion that the courts would have punished any person for contempt who did not have actual notice.

Mr. DAVIS of West Virginia. It may be that the Supreme Court of the United States would not; indeed, I do not believe it would have justified such a punishment. I have heretofore cited the Debs case, however, as an illustration of the fact that the inferior courts in issuing the writ of injunction have at times transcended their power and should be curbed. [Applause.]

Mr. STERLING. I agree with the gentleman that that part of the order should not have been in the decree, but the gentleman does not pretend to criticize the court in punishing some one who was either not a party or who did not have actual notice?

Mr. DAVIS of West Virginia. Of course, I am not retrying the Debs case; I am discussing House bill 23635 and the subjects to which it refers, and I say the first paragraph of the fourth section of this bill does announce existing law; it is not aimed at the destruction of civil rights; it does not tear down the pillars of the temple; it simply announces a rule of law bearing no less sanction than the Supreme Court of the United States. I read from the decision in the Debs case:

Something more than the threatened commission of an offense against the laws of the land is necessary to call into exercise the injunctive power of the court. There must be some interference, actual or threatened, with property or rights of a pecuniary nature, but when such interferences appear, the jurisdiction of a court of equity arises and is not destroyed by the fact that they are accompanied by or are themselves a violation of the criminal law.

Mr. MOON of Pennsylvania. Will the gentleman yield?

Mr. DAVIS of West Virginia. I regret it, but I can not yield further.

The SPEAKER. The gentleman declines to yield.

Mr. DAVIS of West Virginia. Before I leave that particular topic, I find further sanction for the language of this bill in a bill introduced by no less person than the ranking member of the minority of the Judiciary Committee himself. The bill introduced by the ranking member of the minority of the Judiciary Committee, Mr. STERLING, on the 9th day of March, 1912, with reference to the issuance of injunctions and temporary restraining orders contains the language:

Provided, however, That if it shall be made to appear to the court or judge that delay will result in irreparable injury to property or property right, the court shall so certify on the back of the application, and in such case the injunction or restraining order may issue without notice.

And I think he will agree that the quotation I have read from the decision in the Debs case is a correct statement as to the limitation of the equitable power of injunction.

The second paragraph of section 266c of the bill is an effort to crystallize into law the best opinions of the best courts as to those things which may be lawfully done in a trades dispute without interference by injunction. This is criticized by the minority as a proposal without precedent in legislative history, but at the same time the minority say in their report upon the bill that:

Most of the acts thus recited are in themselves not amenable to the injunction process under existing law and practice. No court does or would enjoin them.

Perhaps the most careful and impartial study which has been made of the question of trades disputes in recent years is the Treatise on the Modern Law of Labor Unions, by W. A. Martin, published in the year 1910. As against those who deny that organized labor has any just grievance in this matter, I quote the language of this learned writer in his preface, in which he says:

There is, however, a great lack of harmony in the decisions relating to trade disputes, and many of them, it is believed, are erroneous in principle and oppressive and unjust to organized labor. In this category may be placed decisions which hold without qualification that strikes or threats of strikes to procure the discharge or prevent the employment of workmen are unlawful and criminal, as being unwarrantable interference with the business of the employer, and an invasion of the rights of the workmen against whom these acts are directed; denying unions the right to exercise disciplinary measures in accordance with their rules and by-laws, to compel insubordinate members to join in a lawful strike or continue on strike after going out; holding that all picketing is unlawful; enjoining unions at the instance of an employer against whom a strike is in operation from giving strike pay or using its funds in furtherance of picketing; requiring defendants against whom a writ of injunction, defective and ambiguous in its terms, has been awarded, to ascertain—or, more properly speaking, to attempt to ascertain—what is prohibited by reading the writ in connection with the bill.

If either statement be true, is it not an act of simple justice to say so? An uncertain standard for civil conduct or legal remedy is a constant invitation to misunderstanding and discord. When capital and labor clearly understand each other's rights, the first step on the road to industrial peace will have been taken. This bill is intended to promote that understanding. With the laboring men the country over demanding this reform; with Presidents and platforms, law writers, and even judges agreeing that it is necessary, why should any man be unwilling to grant this relief?

What reason is there for refusing to recognize the right of the employer to discharge his workman and the right of the workman to leave the service of his employer? These rights are above and beyond control by any process of injunction. Would any employer tamely submit to a court order which compelled him to retain in his service a man whose labor was no longer useful to him? Can any man be compelled to labor against his will? If the employer breaks a contract by discharging his employee, or if the employee breaks a contract by leaving his employer, the remedy is an action for damages. The process of injunction does not fit the case.

THE RIGHT TO STRIKE.

The right to strike has won its way against the judicial opposition of a hundred years. In the earliest reported case in England, that of Rex v. Journeymen Tailors of Cambridge (8 Modern, 10) it was held that a combination to raise wages by quitting work simultaneously was a criminal conspiracy and indictable accordingly. It took an act of Parliament to wipe this pernicious doctrine out of the English law. Many of the States in this country, notably Alabama, Connecticut, Colorado, Georgia, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, Montana, New Hampshire, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, West Virginia, and Mississippi, have forbidden by express statute the use of force, violence, or intimidation in trades disputes, but the right to strike and to persuade others by peaceful means to join in doing so is now too well established for argument. Of course, if that be true, gentlemen will say again, Why legislate about it? The answer is found in such orders as were issued by Judge Jenkins in Farmers' Loan & Trust Co. v. Northern Pacific Railroad Co. (60 Fed., 803), which Judge Harlan, sitting in the circuit court of appeals, very properly rebuked in the case of Arthur v. Oakes (63 Fed., 310). His language is worth repetition. He said:

If an employee quits without cause, and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform. And it may be assumed for the purposes of this discussion that he would be liable in like manner where the contract of service, by necessary implication arising out of the nature or the circumstances of the employment, required him not to quit the service of his employer suddenly, and without reasonable notice of his intention to do so. But the vital question remains whether a court of equity will, under any circumstances, by injunction, prevent one individual from quitting the personal service of another? An affirmative answer to this question is not, we think, justified by any authority to which our attention has been called or of which we are aware. It would be an invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States, or in any place subject to their jurisdiction. Courts of equity have sometimes sought to sustain a contract for services requiring special knowledge or skill by enjoining acts or conduct that would constitute a breach of such contract.

* * * * * * *

The rule, we think, is without exception that equity will not compel the actual, affirmative performance by an employee of merely personal services, any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for service of that character. The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services. Relief of that character has always been regarded as impracticable.

If newspaper reports are correct, within the last 12 months a similar injunction was issued from a court in the city of Des Moines, Iowa, and was heralded as a new and valuable discovery in the settlement of labor disputes. Can it be said that men whose rights are so infringed upon have no grievance?

THE RIGHT TO PICKET.

Or take again the question of the right to picket. The language of the bill with reference to "picketing" is borrowed from the English trades dispute act of 1906, and prohibits an injunction against—

attending at or near a house or place where any person resides or works or carries on business or happens to be for the purpose of peaceably obtaining or communicating information, or of peaceably persuading any person to work or abstain from working.

So well does this express the current of American judicial opinion on this subject that in Martin's Modern Law of Labor Unions, to which I have referred, it is said:

This statute might well be termed a codification of the law relating to peaceful picketing as laid down by a majority of the American courts.

To emphasize this statement, I ask your indulgence while I read two quotations of some length from Federal decisions. In the case of Pope Motor Car Co. v. Keegan et al (150 Fed., 148), the court uses this language:

To interfere by violence, by threats, or by intimidation, with others who are pursuing their natural and constitutional right to labor when and where they please, is always wrong and always unlawful. No sense of personal wrong, however great, however natural, or however excusable, can justify such interference. No offended sense of right, as, for instance, that another is unjustly "taking his job," gives warrant to such interference. The strikers themselves are entitled to no more rights than those whom they find working in their old places. Individual freedom is the chief of the rights of justice. It can not be said that a job is held except by mutual consent. It can not be claimed by any intelligent man that one holds his job whether his employer desires it or not. As well might we say that the workman, against his will, can be held to service by his employer.

But nothing can be better settled, either in law, in conscience, or in common sense, than that every man may seek or refuse work wheresoever he will; that workmen may combine for their mutual advantage; that they may persuade fellow workmen, or others, to leave their employment; but such persuasion must be such as to persuade by reason, and not compel by threat or violence, or intimidation. One of the forms of persuasion which, under proper circumstances, the law recognizes as permissible, is "picketing" by strikers; that is to say, the detachment of men to suitable places for the purpose of coming into personal relations with the new workmen, in order, if possible, to induce them, by means of peaceful argument, to leave the places which they have taken, for such natural and proper reasons as may appeal to men in such circumstances.

And again in Iron Molders' Union v. Allis-Chalmers Co. (166 Fed., 50), the rights of the parties to a trades dispute are summed up as follows:

The right of the one to persuade (but not coerce) the unemployed to accept certain terms is limited and conditioned by the right of the other to dissuade (but not restrain) them from accepting. For another thing that must not be forgotten is that a strike is one manifestation of the competition, the struggle for survival, or place, that is inseparable in individualistic society. Dividends and wages must both come from the joint product of capital and labor. And in the struggle wherein each is seeking to hold or enlarge his ground, we believe it is fundamental that one and the same set of rules should govern the action of both contestants. For instance, employers may lock out (or threaten to lock out) employees at will, with the idea that idleness will force them to accept lower wages or more onerous conditions; and employees at will may strike (or threaten to strike), with the idea that idleness of the capital involved will force employers to grant better terms. These rights (or legitimate means of contest) are mutual and are fairly balanced against each other. Again, an employer of molders, having locked out his men, in order to effectuate the purpose of his lockout, may persuade (but not coerce) other foundrymen not to employ molders for higher wages or on better terms than those for which he made his stand, and not to take in his late employees at all, so that they may be forced back to his foundry at his own terms; and molders, having struck, in order to make their strike effective may persuade (but not coerce) other molders not to work for less wages or under worse conditions than those for which they struck, and not to work for their late employer at all, so that he may be forced to take them back into his foundry at their own terms. Here, also, the rights are mutual and fairly balanced. On the other hand, an employer, having locked out his men, will not be permitted, though it would reduce their fighting strength, to coerce their landlords and grocers into cutting off shelter and food; and employees, having struck, will not be permitted, though it might subdue their late employer, to coerce dealers and users into starving his business. The restraints, likewise, apply to both combatants and are fairly balanced. These illustrations, we believe, mark out the line that must be observed by both. In contests between capital and labor the only means of injuring each other that are lawful are those that operate directly and immediately upon the control and supply of work to be done and of labor to do it, and thus directly affect the apportionment of the common fund, for only at this point exists the competition, the evils of which organized society will endure rather than suppress the freedom and initiative of the individual. But attempts to injure each other by coercing members of society who are not directly concerned in the pending controversy to make raids in the rear can not be tolerated by organized society, for the direct, the primary, attack is upon society itself. And for the enforcement of these mutual rights and restraints organized society offers to both parties, equally, all the instrumentalities of law and of equity.

With respect to picketing as well as persuasion, we think the decree went beyond the line. The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain

who are the men that their late employer has persuaded or is attempting to persuade to accept employment. Under the name of persuasion, duress may be used; but it is duress, not persuasion, that should be restrained and punished. In the guise of picketing, strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault. But from the evidence it can always be determined whether the efforts of the pickets are limited to getting into communication with the new men for the purpose of presenting arguments and appeals to their free judgments. Prohibitions of persuasion and picketing, as such, should not be included in the decree. Karges Furniture Co. v. Amalgamated Wood Workers' Union (165 Ind., 421; 75 N. E., 877; 2 L. R. A. (N. S.), 786); Everett-Waddy Co. v. Typographical Union (105 Va., 158; 53 S. E., 273; 5 L. R. A. (N. S.), 792).

But compare with these words such expressions as the intemperate language of a Federal judge in the case of Atchison, Topeka & Santa Fe Railway Co. v. Gee (139 Fed., 584), who said:

There is and can be no such thing as peaceful picketing any more than there can be chaste vulgarity or peaceful mobbing or lawful lynching.

THE SECONDARY BOYCOTT.

Gentlemen say that the effect of this bill is to legalize the so-called "secondary boycott." I deny it. In the first place, as the gentleman from Pennsylvania [Mr. WILSON] has said, the word "legalize" is misused. The bill does not pretend to be a code governing the conduct of trades disputes. All that is attempted here is to say that certain acts are not amenable to the process of injunction, whatever other rights or remedies may grow out of them; but within the acts enumerated by this bill, the secondary boycott is certainly not included.

It is not surprising, however, that gentlemen should fall into error on this subject when the courts themselves have not been always clear. The Supreme Court of the United States, in the late case of Gompers v. Bucks Stove & Range Co., calls attention to this conflict among the courts, and says:

The courts differ as to what constitutes a boycott that may be enjoined. All hold that there must be a conspiracy causing irreparable damage to the business or property of the complainant. Some hold that a boycott against the complainant by a combination of persons not immediately connected with him in business can be restrained; others hold that the secondary boycott can be enjoined where the conspiracy extends not only to injuring the complainant, but secondarily coerces or attempts to coerce his customers from dealing with him by threats that unless they do they themselves will be boycotted. Others hold that no boycott can be enjoined unless there are acts of physical violence or intimidation caused by threats of physical violence.

What is the secondary boycott? It can be summed up in a sentence as coercion in some form directed against a person who is not a party to the trades dispute, in order to force him to join in injuring one of the parties to the dispute. It is a clear invasion of the rights of neutrals. The law recognizes the fact that a man may employ whomever he chooses and may be employed as long as he will. When the relation of employer and employee ends, either may withdraw patronage or favor from the other; either may announce to his friends that he has so withdrawn; but neither can say to friend or foe that at the risk of personal injury they must, though unwilling, join in the conflict.

The language of this bill is:

from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do.

Does anything less than this protect the fundamental and constitutional rights of the parties concerned? I repeat that the essence of the secondary boycott is coercion directed toward a person not a party to the dispute. This bill does not countenance coercion toward anyone, and least of all toward third parties. I ask leave for another quotation from Martin's Modern Law of Labor Unions, pages 107 to 109, to which I have referred, in support of this position:

It is lawful for members of a union acting by agreement among themselves to cease to patronize a person against whom the concert of action is directed, when they regard it for their interest to do so. This is the so-called "primary boycott," and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute, and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men, the union has a right to say that its members will not patronize him. * * *

In a preceding chapter it has been shown that in aid of a lawful strike, it is lawful to use peaceable persuasion and argument to induce other workmen in the employ of the person against whom the strike has been declared, and not bound by contract for a definite term, to quit his service or to induce other workmen not in his employ not to enter his service. There is practically no dissent from this doctrine, and by parity of reasoning it is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands; and the same rule applies where the employer has locked out his employees. These acts may be consummated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injure by threats and coercion the proper rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott.

REQUIREMENT OF PEACEFULNESS.

It will be seen that all throughout the section there runs the requirement of peacefulness. Force, violence, intimidation, fraud, coercion—none of these will any man seek to justify, whether they be used in a trades dispute or elsewhere. They have occurred; no doubt they will occur again; but it is only fair to say that in many cases where they might have been anticipated they have not occurred at all; and I believe it equally fair to say that in many a labor dispute where turmoil, strife, and violence have arisen not the laboring men themselves, but lawless men in no way connected with them have seized the opportunity and the pretext to break the bonds of law and order. Lawless and criminal men have attached themselves to the organizations of workingmen, as they have done to every organized unit of human society since history began. But I for one will never believe that the great body of workingmen of this country—those who in the language of Jesus, the son of Sirach, "maintain the fabric of the world" and without whom "shall not a city be inhabited"—are any less devoted to free institutions, any the less friends of established order, any the more ready to violate the law than those of other occupations or different opportunities. Well might we tremble if it were otherwise.

Look at the English coal strike—happily, just ended. I read only the other day in a dispatch from London that the anarchist leaders are disgusted with what they are pleased to call the tractability of English toilers. Can history parallel their conduct? Nearly 2,000,000 workers out and not a single serious act of violence—nay, not an angry word spoken against the monarchy.

Read the address issued on the 13th of April last by the officers of the Anthracite Mine Workers to their men. It says:

The unanimous response of the anthracite mine workers to the suspension order and the peaceful manner in which they have conducted themselves since they ceased work, April 1, are most gratifying. Every colliery is idle; each and every man composing the great army of mine workers, numbering 170,000, ceased work. They will remain idle until a settlement of the wage scale is reached. The success of a movement of this kind, however, depends largely upon the orderly, law-abiding manner in which each and every man conducts himself.

And then the address goes on to warn the men to—

beware of any who counsel to violence in any form—

and calls upon them to conduct themselves in a law-abiding manner.

I denounce as a libel upon American citizenship the assertion that the laboring men of this country are ever ready at the word to break into lawlessness or that they sympathize with those who do. And I pity the man who takes such counsel of his fears as to be unwilling to recognize and accord to them by statute and in practice the full use of every legitimate weapon of offense or defense in all trade wars and the untrammeled exercise of every constitutional right. Not to do so is but to furnish to the demagogue and the agitator a genuine grievance to be magnified and a ready means with which to fan the flames of discontent, hatred, disorder, and violence. Let us see to it here and now that no such pretext hereafter shall remain to him.

CLASS LEGISLATION.

It has been suggested by those opposed to section 266c of this bill that it is class legislation. Such an assertion mistakes the meaning of the term. It is not legislation which confers upon the employer or the employee or upon those seeking employment any immunity or privilege which others do not enjoy, nor does it take away from either employer or employee any right which others might exercise. It does not even undertake to codify the rights of employer and employee in trade disputes, a thing which has been done elsewhere and may, soon or late, have to be done here.

It does undertake to regulate to a limited extent the procedure in cases arising from such disputes, but in doing so it simply announces rules common to other cases in equity, and it does declare that certain acts lying within the rights of the parties shall not be infringed upon by any injunction. Had these rules of procedure been uniformly followed, as they should have been; had these rights been uniformly recognized, as they should have been, there would have been little demand for this legislation, and less reason for its enactment; but the mere fact that it relates, in part, to a certain well-recognized class of cases makes it smack no more, perhaps not even so much, of class legislation as a dozen statutes already on the books. What, for instance, of the liability act as to common carriers and their employees, which affects both the rights and the remedies of those who stand in that relation; what of the proposed compensation acts for workmen employed by the Government or by the railroads; what, indeed, of the interstate commerce act itself, which defines the relative rights between the shipper on the one hand and the carrier on the other, and prescribes

their remedies? In this sense, what are your factory laws but class legislation for the benefit of mill hands; what your eight-hour day, your children's bureau, and so on down the long list of laws aimed to give relief for specific evils where relief is needed? I repeat that it is no objection to any law that it is intended to right the wrongs of any class, race, or section of society, so only it gives no more than equal and exact justice. Class legislation, in the vicious sense of the word, means special privilege, and special privilege only, and against this the Democratic Party has sworn eternal and unending war. This is both the letter and the spirit of the declaration made in the Democratic platform that—

We believe that the parties to all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

And this is the thought which underlies that provision of the bill forbidding an injunction against—

any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

CONSTITUTIONALITY.

It has been hinted, not argued, that this measure goes beyond the constitutional power of Congress as to the courts. Time does not permit a discussion of this phase of the matter. I must content myself with a mere quotation again from the Supreme Court of the United States in the case of In re Robinson (19 Wall., 505), having reference to the power to punish for contempt:

The power has been limited and defined by the act of Congress, March 2, 1831, and the act in terms applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt, but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying cases in which summary punishment for contempt may be inflicted.

CONCLUSION.

It is easy to be aphoristic on this whole subject. It is less trouble to deny the existence of any evil than to search it out and find means for its correction. It involves little effort to content ourselves with generalities—to declare in favor of the stability of the courts, the preservation of law and order, and the integrity of judicial power as essential to the peace, order, and well-being of civilized society. With such a declaration, no sane man can disagree. The courts of justice are, indeed and in truth, the bulwark of our liberties, and the Democratic platform well declares that—

we yield to none in our purpose to maintain their dignity.

On the other hand, there are those who, recognizing the need of reform, are ready to rush headlong after so-called remedies, which when put to the test will only aggravate the disease they are supposed to cure. With those who believe that by applying the doctrine of the recall to judicial officers the courts will be elevated, justice promoted, or free government made secure, I must differ—respectfully I hope—but none the less with all the vigor I can command. Herodotus tells us that King Cambyses, displeased at one of his judges, Sisamnes, for his giving of an unrighteous sentence, slew and flayed him, and cutting his skin into strips, stretched them across the seat of the throne whereon he had been wont to sit when he heard causes. Having so done, Cambyses appointed the son of Sisamnes to be judge in his father's room and bade him never forget in what way his seat was cushioned. This was the recall with a vengeance. But how much more unlucky the father or unhappy the son than would be any judge of sensitive honor over whose head there hung suspended the sword of dismissal in disgrace for any decision unpleasing to the popular will?

When the great Chief Justice John Marshall uttered his solemn and oft-quoted warning against an ignorant, a corrupt, and a dependent judiciary, he rightfully drew no distinction as to evil eminence between the three vices named, nor can I do so, unless indeed the poison of dependence be the most deadly of all. An ignorant judge may be informed, a corrupt judge may be detected and exposed, but a judge cowed into impotence or tempted to excess by dependence upon the constant favor of the appointing power or the continued smile of public approval is of all men most pitiable and most dangerous.

In an apparent effort to out-Herod Herod, a distinguished ex-President—eager as always to be newer than the newest, more original than the most original, and more progressive than the most advanced—has treated us to a variation of this theme and soberly proposes that in certain causes the decisions of the courts shall be reheard and revised by popular vote. The end sought by such a proposition from such a source is to accomplish what no other American has ever accomplished, and what patriots like Washington, and Jefferson, and Madison, and Monroe, and Jackson did not attempt, what Grant failed to attain, and what McKinley would have refused to consider had he lived. It is not a case surely where the end justifies the means, but at least it explains it. If a third term in the Presidency would be extraordinary and unique, the recall of judicial decisions would indeed be unique and extraordinary. But to those who think that this particular idea is actually new and because new is necessarily progressive, I commend the language of a great man, who, speaking of the forms of government, said that there is a—

form of democracy in which not by law, but the multitude have the supreme power and supersede the law by their decrees. This is a state of affairs brought about by the demagogues, for in democracies which are subject to the law the best citizens hold the first place and there are no demagogues; but where the laws are not supreme there demagogues spring up. For the people becomes a monarch and is many in one; and the many have the power in their hands, not as individuals, but collectively. And the people, who is now a monarch and no longer under the control of law, seeks to exercise monarchial sway and grows into a despot; the flatterer is held in honor; this sort of democracy being relatively to other democracies what tyranny is to other forms of monarchy. The spirit of both is the same, and they alike exercise a despotic rule over the better citizens. The decrees of the voters correspond to the edicts of the tyrant, and the demagogue is to the one what the flatterer is to the other. Both have great power, the flatterer with the tyrant, the demagogue with democracies of the kind which we are describing. The demagogues make the decrees of the people override the laws, and refer all things to popular assembly. And therefore they grow great, because the people have all things in their hands, and they hold in their hands the votes of the people, who are too ready to listen to them. Further, those who have any complaints to bring against the magistrates say "let the people be judges"; the people are too happy to accept the invitation, and so the authority of every office is undermined. Such a democracy is fairly open to the objection that it is not a constitution at all, for where laws have no authority there is no constitution. The law ought to be supreme over all, and the magistracies and the government should judge of particulars.

Strange to say, these words were not written by an American statesman in criticism of the speech of a presidential candidate at Columbus, Ohio. They were uttered 2,400 years ago by Aristotle, the wisest of the Greeks.

Believe me, there is a surer and a safer road. "If judicial processes may be abused, we should guard them against abuse." If in the multitude of precedents and the clash of conflicting interests the courts have wandered from the path, let us resolutely call them back to it and by a statute such as the bill under discussion let us say: "This is the way; walk ye in it." Criticism of the courts is rife; let us disarm it.

I desire, Mr. Speaker, in conclusion to content myself by quoting with approval the language of the great Italian statesman, Cavour, who said:

I am not an alarmist; nevertheless, without being one, I think we can see at least the possibility, if not the probability, of stormy times. Well, gentlemen, if you wish to take precautions against these stormy times, do you know the best way? It is to push reforms in quiet times, to reform abuses when these are not forced upon you by extremists.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CURTIS, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5030) to extend the time for the completion of dams across the Savannah River, by authority granted to Twin City Power Co. by an act approved February 29, 1908, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BOURNE, and Mr. FLETCHER as the conferees on the part of the Senate.

REGULATION OF INJUNCTIONS.

Mr. CLAYTON. Mr. Speaker, may I inquire how much time the gentleman from Illinois [Mr. STERLING] has consumed on his side?

The SPEAKER. The gentleman from Illinois has consumed 75 minutes.

Mr. CLAYTON. How much has he remaining?

The SPEAKER. He has consumed exactly half of his time—one hour and a quarter.

Mr. CLAYTON. So he has an hour and a quarter remaining. How much time has been consumed on this side?

The SPEAKER. The gentleman has 50 minutes left.

Mr. CLAYTON. I ask the gentleman from Illinois to consume at least 30 minutes of his time.

Mr. STERLING. I yield 30 minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, I am sure we all recognize the grave importance of the subject now before us. Whether the bill itself is so far-reaching in its importance as some think it is or not, the subject before the House is one, the importance of which can not be overestimated. Whatever may be the consequences of our action to us personally, we have no right to shrink from that duty which devolves upon us to deal with the subject as its importance requires. Daniel Webster, in his eulogy of Judge Story, said:

Justice is the great interest of man on earth. It is the ligament that holds civilized beings and civilized nations together; wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the progress and improvement of our race. And whoever labors upon that temple with usefulness and distinction; whoever helps to clear its foundations, to strengthen its pillars, to adorn its entablatures, or helps to raise its august dome still higher in the sky, connects himself in name and fame and character with that which is and must be as durable as the frame of human society.

We deal with the great principles of justice to-day, and perhaps only time will tell whether our action shall add strength and beauty to this great temple of justice, of which Webster spoke, or whether its tendency shall be to weaken, and perhaps finally destroy, that which is sacred to all men, and more so to the laboring and toiling masses of this country than to any other class in the world.

We may differ, and honestly differ. But we should face this issue just exactly as it is. The real issue here has not been, I think, frankly presented—the issue which involves, as many think, the industrial and social well-being of the country, and I may say its political well-being also. The real issue has not been presented to-day. Let us fairly consider it and let us know what it is.

The long hearings that were had before the Committee on the Judiciary upon the subject of injunctions and contempt of court were not had upon this precise bill that is now presented. The real contention of organized labor, as I understand, or the representatives of organized labor, is that there should be a radical change in the administration of the law, or in the interpretation of the law, and that the courts have encroached upon the fundamental rights of the citizen.

The Pearre bill, which was before Congress for several sessions, contained radical provisions to the effect that the right to do business, or the good will in business, was not such a property right as would authorize the issuance of an injunction. It contained another radical provision—that an act committed by several persons jointly should not be regarded as criminal or a violation of the law and should not authorize the right of injunction unless the act when committed by a single individual would be so regarded. These are essential and vital contentions, which, as I understand, the distinguished leaders of labor organizations have insisted upon.

I am not able to subscribe to these provisions, but these were the main provisions contended for, and the Wilson bill, introduced by the distinguished gentleman from Pennsylvania [Mr. WILSON], was really the bill which contained the provisions in the Pearre bill which I have referred to and which we considered in the Judiciary Committee. The Wilson bill was substantially the Pearre bill. I think the issue presented by organized labor should be fairly met and Congress should determine this great issue, for it is a great issue. If it be true that the law has been perverted and the courts have transgressed their authority on the equity side of their jurisdiction and to the detriment and oppression of the workingmen of America, that ought to be known. But this bill is far from the Wilson bill or the Pearre bill. Evidently the majority of the committee thought the demands of organized labor too radical and they reported in its place the bill now under consideration.

I do not know just why this bill was finally agreed upon by the majority of the committee and the Wilson bill so summarily disposed of, but this bill was at any rate substituted. There are some provisions in the present bill which are good, no doubt. If there is any means of correcting and improving the equitable procedure in the courts to the end of securing a greater degree of justice, I am certainly in favor of it. The great problem, it seems to me, is this, on the one hand to prevent abuses of the writ and on the other hand to leave in the courts all necessary power to prevent wrongs which nothing but a court of equity can prevent.

I know there has been much discussion here concerning the abuse of the writ. I do not care to enter into it. I know that labor leaders claim, and honestly claim, no doubt, that there have been numerous abuses. I know that the majority of the committee claim that there have been numerous abuses. In the long hearings we have had it seems to me there has been an almost total failure to show such abuses, although I have no doubt there are some and perhaps many. But even if there are, can we afford to change the administration of equity as it has been recognized for centuries? Is it safe to do so for the purpose of correcting whatever individual abuses there may be?

For my own part I have been reared and taught to respect, not alone justice in the abstract, but the human instrumentalities of justice through which it must be administered. And I believe in the courts; that judges are human; that they make mistakes; are sometimes governed too much, it may be, by passion I do not doubt, because I know that human nature is itself fallible. But I do contend that in the judiciary, with its courts scattered over the broad land in every locality, State and county, almost, as they are, with judges educated in the law and whose habits of thought lead them to study carefully questions coming before them, to ascertain the facts and reach true conclusions, we find the strongest element of national safety and stability. I claim that we have in the great judiciary of the American Nation our final hope and anchor. Whatever storms or danger the old ship of state may encounter, the judiciary will be the anchor and hope of the American people. [Applause.]

This House, sir, may be swayed by passion or prejudice, and so may the Senate, and so may the Executive. But, generally speaking, in the country at large, with this scattered judiciary of men who are high minded, men of integrity, honor, and learning, passion does not and can not sway the courts. It is the great steadying and conservative force of the Nation. In its preservation, its dignity, its honor, and its strength every honest citizen is concerned, the working classes most of all.

I say, therefore, Mr. Speaker, let us proceed with the utmost caution in any changes we may make in the law governing this great equity jurisdiction. Its function is to prevent wrong, and no one desiring to be free from any wrongdoing ought to fear it.

There are two principal criticisms upon the bill, which I will mention in the limited time I have. First, it seems to regulate the administration of equity rather according to the parties to the suit than the wrongs sought to be righted. In other words, the benefits sought are partial, and limited to that particular class of people who have been referred to in this debate as the working people of the country. I do not think the working people want special legislation, and no one, it seems to me, can read the bill and see how it emphasizes labor disputes and labor troubles without feeling that it is a bill shaped rather to accommodate certain parties than to deal with great principles applicable to everybody.

The second criticism is that it attempts to point out in advance those particular acts which shall not be enjoined. No human foresight or intelligence can do this with safety. It enumerates certain acts which are not now ordinarily the subject of injunction, but they are acts which under some circumstances may be vicious and dangerous to society.

My esteemed and learned colleague [Mr. MOON of Pennsylvania] pointed out in the report which we have signed where our courts have emphasized and called attention to the fact that an act innocent under some circumstances may be wrongful in others, and this bill attempts to make the whole question dependent upon an act which may be innocent of itself but may constitute a step in a conspiracy that would be subversive of all law and order and all that is essential to private rights or social safety. I take the ground that we had better

leave this great function of equity, imperfectly though it may be administered, than to attempt in our human intelligence to point out the specific acts which shall authorize a court of equity to act.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. NYE. I will; but I think my time is about out.

Mr. HUGHES of New Jersey. I do not want to take up the gentleman's time, but does the gentleman think whether an act is criminal or not should be left to the discretion of the courts, rather than an attempt on the part of the majority to set those acts down?

Mr. NYE. I will say to the gentleman I see no way in the world in the practical administration of justice but to place in some human functionary the decision of the question whether the act is criminal or not, and that is the province of equity. Equity is that great conscionable side of the court whose province it is to prevent wrongs rather than to punish them. I believe that as civilization advances it has become necessary and will continue to become necessary, perhaps, to extend this equitable function rather than to curtail it. The individual judge is responsible to his community and to his State and to his country for any abuse of such necessary discretion. I will insert at this point in the RECORD certain observations of the minority, as follows:

The second paragraph of section 266C contains, to our mind, the most vicious proposal of the whole bill. It enumerates certain specific acts and provides that no restraining order or injunction shall prohibit the doing of them. Most of the acts thus recited are in themselves not amenable to the injunction process under existing law and practice. No court does or would enjoin them, but to declare by law that these acts should under no circumstances be restrained, we do not hesitate to say, is a proposal without precedent in the legislative history of this country. No legislature has ever proposed that any act, however innocent itself, should be sanctified irrespective of the motive or purpose of the actor. "No conduct," says Mr. Justice Holmes in Aiken v. Wisconsin (195 U. S., 194), "has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

The majority have quoted various decisions in which particular acts under the pleadings presented to the court were held lawful and their prohibition denied. The same acts under other circumstances have been held unlawful and enjoined by the very courts, and in the course of the very decisions which the majority cites. Thus in Arthur v. Oakes (63 Fed. Rep., 310) Mr. Justice Harlan is quoted to sustain the proposition that no man can by injunction be required to perform personal service for another, and in that decision Justice Harlan eliminated from the injunction the words "and from so quitting the service of the said receivers with or without notice as to cripple the property or prevent or hinder the operation of said railroad." The majority must observe, however, that Mr. Justice Harlan likewise held, "But different considerations must control in respect to the words in the same paragraph of the writ of injunction, and from combining and conspiring to quit with or without notice the service of said receivers with the object and intention of crippling the property in their custody or embarrassing the operation of said railroad." Thus the same act of quitting is lawful under one set of circumstances and unlawful under another, because the concerted action in the first instance, in the opinion of Mr. Justice Harlan, "is a very different matter from a combination and conspiracy among employees with the object and intent not simply of quitting the service of the receivers because of the reduction of wages, but of crippling the property in their hands and embarrassing the operation of the railroad."

The majority undertakes to prescribe a set rule forbidding under any circumstances the enjoining of certain acts which may or may not be actuated by a malicious motive or be done for the purpose of working an unlawful injury or interfering with constitutional rights of employer and employee. In the same opinion Mr. Justice Harlan points out the impossibility of prescribing a set rule of this character and says, "The authorities all agree that a court of equity should not hesitate to use its power when the circumstances of the particular case in hand require it to be done in order to protect rights of property against irreparable damage by wrongdoers. It is as Justice Story said, 'because of the varying circumstances of cases that courts of equity constantly decline to lay down any rule which shall limit their power and discretion as to the particular cases in which such injunction shall be granted or withheld,'" and the authority proceeds, "there is wisdom in this course, for it is impossible to foresee all the exigencies of society which may require their aid and assistance to protect rights or redress wrongs. The jurisdiction of these courts thus operating by special injunction is manifestly indispensable for the purposes of social justice in a great variety of cases, and therefore should be fostered and upheld by a steady confidence." (Story, Equity Jurisprudence, sec. 959b; Arthur v. Oakes, 63 Fed., 328.)

Among the acts which the second paragraph of section 266C declares shall not be restrained is to prohibit any person or persons to terminate any relation of employment, or from ceasing to perform any work or labor or from recommending or persuading others by peaceful means so to do; of peaceably persuading any person to work or to abstain from working, or from ceasing to patronize or employ any party to such dispute or from recommending, advising, or persuading others by peaceful means so to do"; etc.

While many of these acts are in themselves entirely harmless and would never be enjoined by any court, yet under certain circumstances the same acts might become a weapon of lawless and destructive industrial warfare demanding the protection of the courts, this section would prevent the issuance of the injunction in the Debs case (In re Debs, 158 U. S., 564); it would prevent the issuance of the injunction in Toledo & Ann Arbor v. Pennsylvania Co. (54 Fed., 730); it would prevent the issuance of any injunction to restrain either workmen or employers who were the objects of the most vicious form of boycott that has been passed upon by the courts, or can be devised by the ingenuity of boycotters. It changes the remedies by which the Sherman Act may be enforced, inasmuch as if any of these acts enumerated in section 266C were the means employed to enforce the restraint of trade or to damage the interstate business of any individual or corporation no injunction could be obtained either by a private individual or by the Government against such acts.

In the Debs case a combination sought to paralyze the railroads of the United States and prevent the carrying of the mail until the railroad companies would agree not to haul Pullman cars because of a controversy between the Pullman Co. and certain of its employees who were not in the employ nor in any way related to the railroad companies. It is true there were acts of violence, but the general scheme was one of persuading all employees of the railroad companies to quit until the demands of the boycotters and strikers had been complied with.

In the Toledo & Ann Arbor case the famous rule 12 of the brotherhood provided that none of its members should handle the cars of any carrier with which members of the brotherhood were in a dispute. In that case the brotherhood employees of the Pennsylvania refused to handle cars of the Toledo & Ann Arbor because of a dispute between that road and some of the brotherhood, and they threatened to quit the service of the Pennsylvania road unless it agreed to violate the provisions of the interstate-commerce act by not affording equal facilities to the cars of another road. No violence was threatened. The brotherhood merely undertook to "peacefully persuade" the Pennsylvania company not to handle the cars of the other road under a threat of leaving their service—a thing which they had a perfect right to do to better their own condition, but not for the purpose of compelling the Pennsylvania Railroad Co. to violate the law.

The majority report quotes at length from the case of Pickett v. Walsh (192 Mass., 572), "and regret the necessity of limiting the quotations, because the whole opinion could be studied with profit." We agree with the majority that the whole opinion could have been studied with profit, since it condemns forms of "peaceful persuasion" from which the majority would withdraw equitable intervention. Speaking of the case before it, it says: "It is a refusal to work for A, with whom the strikers have no dispute, because A works for B, with whom the strikers have a dispute, for the purpose of forcing A to force B to yield to the strikers' demands. * * * It is a combination by the union to obtain a decision in their favor by forcing other persons who have no interest in the dispute to force the employer to decide the dispute in their favor. Such a strike is an interference with the right of the plaintiffs to pursue their calling as they think best. In our opinion, organized labor's right to coercion or compulsion is limited to strikes against the persons with whom the person has a trade dispute; or, to put it in another way, we are of the opinion that a strike against A, with whom the strikers have no trade dispute, to compel A to force B to the strikers' demands is unjustifiable interference with the right of A to carry on his calling as he thinks best. Only two cases to the contrary have come to our attention, namely, Bohn Manufacturing Co. v. Hollis (54 Minn., 223) and Jeans Clothing Co. v. Watson (168 Mo., 133)."

This case which the majority believe could be "studied with profit" is squarely against the proposal of their bill, and the two cases alluded to as being the only ones known to the court contrary to such view, for both have been overruled. Bohn Manufacturing Co. (54 Minn., 223) was overruled in Gray v. Building Trades Council (91 Minn., 171). The second case is alluded to by the majority of the committee in support of its contentions and the majority declare the logic of the court in that case "appears unanswerable." This "unanswerable" logic was overruled by the Supreme Court of Missouri in Lohse Patent Door Co. v. Fuel (215 Mo., 421).

The majority report also quotes in support of their contention from Vagelahn v. Gunter (167 Mass., 92), saying, "Justice Holmes, now of the Supreme Court of the United States, delivered the opinion." The opinion was delivered by Mr. Justice Allen and is squarely against the contention of the majority, Mr. Justice Holmes having delivered a dissenting opinion in which he stood alone. The majority have been driven to the necessity of quoting from other dissenting opinions in support of their opposition, and to these we do not deem it necessary to give attention.

It is said by the majority that no question of constitutionality is involved. We submit that if the measure is to be construed, as it evidently is, to prevent the application of injunctive relief to certain acts in disputes between employer and employee which may be part of a scheme or plan to work irreparable injury, which acts could be enjoined in any other department of litigation, it is obvious that the parties affected would be denied the equal protection of the law and due process of law, coming well within the rule laid down in Connelly v. The Union Sewer Pipe Co. (184 U. S., 540); Goldberg v. Stablemen's Union (149 Cal., 429); Pierce v. Stablemen's Union (156 Cal., 70); and Niagara Fire Insurance Co. v. Cornell (110 Fed., 816).

We do not consider the English act of 1906, which is quoted by the majority as a precedent for some of its proposals. There is no parallel whatever between the conditions at which the English act is aimed and the fundamental restrictions of the organic law of this country having no similitude in the constitution of the British Empire. The peculiar privileges conferred upon trades-unions by the English act of 1906 are accompanied by disabilities and criminal provisions of so drastic a nature that if they were offered as any part of the legislation of this country we should deem it our duty to oppose them in the interest of all workingmen.

We agree with the majority that "liberty and more of it is safe in the hands of the workingmen of the country." We are convinced of the merit and truth of that contention. We do not, however, believe that liberty is advanced in the person of any citizen by stripping him of remedial protection through processes which have received the deliberate and mature approval of the English-speaking race during all the centuries of its history. We can not believe that the due protection of person and property under constitutional guaranties and by remedies tested by time is "an impediment to progress," or that the destruction of the essential remedies by which person and property receive protection is "a great social advance." We believe with the President of the United States, in a famous statement made by him many years since to the American Bar Association. "It will not be surprising if the storm of abuse heaped upon the Federal courts and the political strength of Federal groups, whose plans of social reforms have met obstructions in these tribunals, shall lead to serious efforts, through legislation, to cut down their jurisdiction and cripple their efficiency. If this comes, then the responsibility for its effects, whether good or bad, must be not only with those who urge the change, but also with those who do not strive to resist its coming." (Address to American Bar Association at Detroit, 1895.)

I believe the world is advancing. I believe it is getting better. I am glad that this opportunity has come on the floor of this House for every man to meet and honestly consider this great question. The world is moving, and it is moving in a more fraternal and humane spirit. Law is crystallized public opinion. Silently, slowly, but ever surely, it springs from the public mind and conscience and finds its way to the statute books. Industrially, socially, and politically this potent influence is at work. It is more fraternal than heretofore. Your workmen's compensation bill, which will soon come before the House, marks a new era in the history of this country, no matter whether it be passed in its exact form or not. The legislation for safety appliances, children's bureau, shorter hours, and improved conditions of labor, generally, all point to better days. Greater than parties, greater than party success, and greater even than any legislation we can enact is this mighty influence. I have more confidence in its potency than in legislation which, like this bill, seems to interfere with great equitable principles and with the equitable administration of the courts of the country. I believe we are moving in the right direction.

Some of us may go down, and quite possibly I may, because I oppose this legislation which organized labor, under its leadership, to-day insists should be enacted. If I could be convinced that such legislation is wise or right, no one would more cheerfully support it. My personal and political interests would be served by supporting it, if I were to be governed by these. It is because I can not believe it wise or just or permanently beneficial to our people, or any portion of them, that I have opposed it in the committee and on this floor.

I do not believe that the coercive policies of the past will long continue; neither the oppression of the employer nor the resentment of the employee can settle permanently great questions that are at stake.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. NYE. My time is about out, but I yield to the gentleman.

Mr. BUCHANAN. Does the gentleman believe that when a workingman is charged with a crime that carries with it a penitentiary penalty or a prison penalty that he should have a right to a trial by jury?

Mr. NYE. Certainly; as to a crime I do. I recognize——

Mr. BUCHANAN. That is one of our present needs.

Mr. NYE. But I recognize, however, that the same act may be a crime which the public can actually and should actually punish and at the same time an offense against a court which the court, for the good administration of justice, must have the right to punish in order to protect itself. That, however, is not in this bill. The question of contempt is not in this bill, although very closely related. Gentlemen, there has been too much politics, too much shrinking from duty, in order that we may get votes. I am ready to lay down the public trust I hold if need be and close my brief service here. Personal consequences to me or to any of us are of little moment when compared with the permanent welfare of the country and all our people. Individuals may go up or go down, but the great tide of civilization moves on, I trust, to better conditions and to a more fraternal spirit. We are coming to recognize labor as the foundation of all; that it is the philosopher's stone that transmutes all substances into gold, and that it should have its just and righteous share of that which it produces, and because that feeling is growing in the human heart the future of the American laborer and the future of the employer, too, is brighter than it ever was before. Unity is to-day the motto and ought to be of our civilization. Coercive policies can not permanently prevail. Peace on earth, good will to men—all men. Gentlemen, I thank you. [Applause.]

Mr. CLAYTON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Fifty-nine minutes.

Mr. CLAYTON. How much time has the gentleman from Illinois [Mr. STERLING] remaining?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. STERLING] has 47 minutes.

Mr. STERLING. I think I have 57 minutes.

Mr. CLAYTON. Is that correct?

The SPEAKER pro tempore. The gentleman from Illinois has 47 minutes remaining.

Mr. CLAYTON. The gentleman from Pennsylvania used 1 hour and 15 minutes.

The SPEAKER pro tempore. And the gentleman from Minnesota [Mr. NYE] 28 minutes.

Mr. CLAYTON. According to my mathematics, 47 minutes is right.

The SPEAKER pro tempore. The Chair is advised that that is correct.

Mr. CLAYTON. And the gentleman from Illinois [Mr. STERLING] has 47 minutes, and I have how much?

The SPEAKER pro tempore. Fifty-nine minutes.

Mr. CLAYTON. I now yield 15 minutes to the gentleman from Kentucky [Mr. THOMAS].

[Mr. THOMAS addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I ask that the gentleman from Illinois [Mr. STERLING] consume at least 10 or 15 minutes of his time now.

Mr. STERLING. How many speakers has the gentleman on that side? I think the gentleman ought to exhaust all the time except for the closing speech.

Mr. CLAYTON. I have quite a number of gentlemen who want to speak.

Mr. STERLING. There is but one more speech to be made on this side, and I think the gentleman ought to reserve time for only one on that side to close the debate.

Mr. CLAYTON. I think that is quite fair, but I thought the gentleman was going to have several more speakers.

Mr. STERLING. Only one more.

Mr. CLAYTON. With that understanding, then, I will proceed with this side. I now yield, Mr. Speaker, to the gentleman from Kentucky [Mr. SHERLEY] 15 minutes. [Applause.]

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. SHERLEY] is recognized for 15 minutes.

[Mr. SHERLEY addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I believe I have 29 minutes remaining.

The SPEAKER pro tempore. The gentleman has 29 minutes.

Mr. CLAYTON. I yield 2 minutes to the gentleman from Iowa [Mr. KENDALL].

[Mr. KENDALL addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I am unwilling to commit this side of the House in opposition to this bill. The party, by its authoritative declarations, has declared in favor of this legislation. For almost a decade Republican Presidents have recommended it to Congress. It would be recreancy on the part of this side of the Chamber if they did not support a reasonable and fair measure presented, having the avowed purpose of this bill.

I do not believe that we can justify ourselves in opposing this bill upon any slight grounds or verbal criticism that may be made with regard to some of its provisions. After a somewhat careful consideration of its terms I am able to say that in my judgment it will do no harm to any property interest of a legitimate character in the United States; it will do no harm to the employer of labor nor to those who work for him, and it will be of incalculable good in settling disputed propositions that have been subject to controversy for many years. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker, I am in favor of the enactment of this measure, although in my judgment it does not go as far as a measure dealing with the injunctive process, in view of the abuses of it, should go. In my judgment the bill that would best serve the interest of the people of this country at this time is a bill that would draw a distinct dividing line between the property rights and personal relationship, leaving the adjudication of property and property rights to the equity courts and the adjudication of disputes in personal relationship to the law courts.

This bill does not do that, but it goes a long way toward adjusting the difficulties under which workingmen have labored when injunctions have been issued against them in labor disputes.

I take it that there is practically no opposition to any portion of this bill except the last section. In the brief time I have at my disposal I want to call the attention of the House to some of the provisions of the last clause of the bill, and will avail myself of the opportunity to extend my remarks in the RECORD, in order that I may more fully discuss the principles involved in the proposed legislation.

The gentleman from Pennsylvania [Mr. DALZELL] declares that the bill now under consideration exempts organizations of farmers and wage workers from the operations of the Sherman antitrust law, and for that reason he is opposed to the measure. The gentleman is mistaken in his conception of the scope of this bill. The only way in which this measure modifies the Sherman antitrust law is in limiting the use of the injunction process where no property right is involved.

There has been some doubt expressed as to whether or not the Sherman antitrust law was ever intended to apply to organizations of workingmen and farmers when dealing with their own labor or the products of their own labor; but whether or not it was intended to apply to organizations of that character, the fact remains that it has been applied to them. An examination of the debates in the Senate discloses the fact that the author of the law, Senator Sherman, did not intend it to be and did not believe that it would be applied to organizations of workingmen or farmers. In the debate on the bill in the Senate on March 21 and March 24, 1890, Senators Hiscock and Teller called attention to the possibility of the measure applying to organizations of that character. Replying, Senator Sherman said:

> The bill as reported contains three or four simple propositions which relate only to contracts, combinations, agreements made with a view and designed to carry out a certain purpose which the laws of all the States and of every civilized community declare to be unlawful. It does not interfere in the slightest degree with voluntary associations made to affect public opinion to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than farmers' alliances and farmers' associations. They are not business combinations. They do not deal with contracts, agreements, etc. They have no connection with them. And so the combinations of workingmen to promote their interests, promote their welfare, and increase their pay, if you please, to get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

There is a great difference in the effect upon the community between an association of farmers organized for their general welfare to protect themselves against the price of the products of their labor being arbitrarily depressed by the real combinations in restraint of trade, or associations of workingmen organized for the purpose of promoting their welfare and disposing of their labor power to the best advantage, and the combinations of those who deal in the products of labor for the purpose of being able to force down the price paid to the producer and force up the prices paid by the consumer. In the case of the former the welfare of the community is protected; in that of the latter the welfare of the community is injured.

The extension of the writ of injunction from the field of the protection of property rights into the personal relationship between man and man is a renaissance of the theory of government by discretion long since discarded by the Anglo-Saxon people.

For more than a thousand years there has been a continual conflict between the principle of government by law and the practice of government by discretion with the discretion vested first in the King and later in his representative, the chancellor or judge. Government by law is a government of democracy; government by discretion is a government of autocracy.

Injunctions in labor disputes are innovations in our modern jurisprudence. The original purpose for which injunctions were issued was to restrain parties to any dispute about the title or damages to property from interfering with the property in question, until the courts had determined the property rights involved. These restraining orders were made returnable at the next term of court, or at the session of court where the cases were to be heard and determined, and consequently were never permanent, expiring by their own limitations when the court had convened to determine the question at issue. That they are clearly intended to protect property rights and property rights only is demonstrated by the fact that the courts invariably insist upon a bond being furnished by the parties suing out the writ to indemnify the parties enjoined for any loss that may accrue to them by virtue of the writ having been issued. When such an order of court has been issued it is not a difficult matter for the court to determine the actual damages, if any, that have been sustained through the issuance of the injunction, thereby protecting the restrained parties against any unwarranted invasion of their rights, but when the court issues an injunction in a labor dispute, restraining persons in controversy with employers from doing those things that they have a legal and moral right to do, and as a result of that injunction the contest is lost to the workers, there is no court on earth that can determine the damage that has been sustained by the persons enjoined, and consequently they can not recover from the bond. When the court arrogates to itself the power to issue injunctions never contemplated by the rules of equity, and in direct violation of constitutional and statutory law, and assumes the right to issue injunctions for the purpose of enforcing criminal law, it departs from the domain of property rights and invades that of personal rights in a manner for which there can be no excuse except that the court thereby becomes the sole judge of the law and the fact, and, if the parties enjoined are declared guilty of contempt, the extent of the punishment. All of which is in direct violation of the fundamental laws of the land and the Anglo-Saxon concept of human liberty, as shown by the efforts of the people for more than a thousand years to destroy the arbitrary automatic power of kings and judges.

The peace of Wedmore, concluded between Alfred the Great and Guthram the Dane, A. D. 878, provided that "If a King's thane be charged with the killing of a man, if he dares to clear himself let it be before 12 King's thanes."

The great charter of human liberty, the Magna Charta of Great Britain, the basis upon which British and American freedom rests, in clause 39 declares:

> No freeman shall be taken or imprisoned, disseized, or outlawed, or banished, or any ways destroyed, nor will we pass upon him, nor will we send upon him, save by the lawful judgment of his peers or by the law of the land.

The Bill of Rights enunciated by the British Parliament for the protection of the common people and signed by William and Mary upon their accession to the British throne, as a condition upon which their title to sovereignty would rest, declares:

Paragraph 1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

Paragraph 2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

The Declaration of Independence declares: "That all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness," and it further assigns as one of the causes for the separation from the mother country and the establishment of an independent government, "for depriving us in many cases of the benefits of trial by jury."

The Constitution of the United States, which creates our judiciary, gives to it whatever power it can possibly exercise, and limits its jurisdictions, says, Article III, section 1: "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority."

First amendment. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Sixth amendment. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Ninth amendment. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Tenth amendment. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Thirteenth amendment, section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

It must be apparent to even the most casual investigators that the courts of the United States hold the same relationship to the Government of our country that the courts of Great Britain held and now hold to the regal power. No one will contend that any judge in Great Britain, either at the time of the adoption of our Constitution or since that time, could have any greater power than that conferred by regal authority expressed by the Parliament and approved by the King. It naturally follows that our courts can have no greater power than that granted to them by the Constitution.

When the Constitution granted to our judiciary jurisdiction in equity it was only such power in equity as arises under the Constitution and the laws, and it could not have conveyed any wider authority than that which existed in English jurisprudence at the time of the adoption of the Constitution, and the quotations cited from the Magna Charta, the Bill of Rights, and the Declaration of Independence absolutely deny the right of equity courts to create laws regulating the relations between man and man where no property right exists. Our Government is not only one of delegated powers but also of reserved powers. The same instrument that created the judiciary and delegated powers to it reserves all the powers that are not thus

delegated to the various States and to the people. When, therefore, any court assumes to exercise powers not delegated to it by the Constitution, it invades the rights specifically reserved by that document to the States and people.

Notwithstanding the constitutional limitations mentioned, modern injunctions have taken three distinct lines, two of which are unconstitutional, arbitrary, and unjust.

1. Injunctions are issued to protect property rights from irreparable injury where there is no remedy at law. That is the only province in which an injunction properly belongs.

2. Injunctions have unwarrantably been issued for the purpose of enforcing existing statutory and common law arbitrarily invading the jurisdiction of the legislatures and the law courts, thus wiping out of existence that protection against false accusations that freemen have fought for and forced from the hands of autocratic kings and tyrannical governments and defended at the cost of their lives, in many conflicts with royalty, the right of trial by jury.

When the legislative branch of the Government has specified the punishment for any violation of law, it has provided what, in its judgment, is an adequate remedy and means of protection, and having provided such remedy no court has any right to step in over the head of the legislature and provide another remedy.

3. Modern American courts assume the right to issue injunctions interfering with the personal rights of men in exercising free speech, free press, peaceable assemblage, and in their personal relationship with each other. The rights of free speech, free press, and peaceable assemblage are specifically guaranteed by the Constitution. They are the fundamental safeguards of a free people which neither courts, kings, nor cajolery should be permitted to destroy. The personal relationship between man and man comes clearly within the jurisdiction of the law courts and has no place in the courts of equity, unless upon the assumption by the courts that man is property, an assumption repugnant to the sense of right of all civilized communities and specifically forbidden by the thirteenth amendment to the Constitution of the United States.

As the judicial power extends only to cases in law and equity arising under the Constitution, the laws of the United States, or treaties made under their authority, it seems clear that, aside from equity proceedings growing out of the treaties, the only equity power which the judiciary can exercise is to be found in the original jurisdiction granted by the Constitution and such additional jurisdiction as may be conveyed by law. The original jurisdiction granted by the Constitution, aside from that already stated, is found in section 2 of Article III of the Constitution, which provides that it shall extend to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof and foreign States, citizens, or subjects. Even that power is limited by the eleventh amendment, which says, "The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State."

In all other cases the judicial power extends to cases arising under the law. Congress has on various occasions created courts and limited the jurisdiction of the courts thus created. That is true of the Court of Claims and the Commerce Court. There is no question in the mind of your committee of the constitutional power of Congress to limit the jurisdiction of the courts so that it will not extend to the writ of injunction in the cases mentioned in the bill. The extent to which the judicial power has been exercised in recent years in issuing writs of injunction in labor disputes in a manner which would not be considered if no disputes were in existence makes it necessary that some legislation of this character should be enacted. The first writs of this character issued restrained acts of violence only. From that they have gradually broadened until it has become the practice to enjoin men from inducing others to leave their employment or not to enter employment, or from assembling at, near, or within sight of the complainant's property, or from furnishing food, money, or other things of value to workmen on strike, or from moving strikers away from the strike locality, or from exercising the constitutional right of free speech or of free press, or from refusing to patronize people who are obnoxious to them.

It may be that some of these things which they are restrained from doing are wrong, and that they should not be permitted to do them; but if that be true, the legislative branch of the Government should prohibit by law the things that are wrong, and the law courts, not the equity courts, determine the fact of whether or not there has been any violation of the law. By any other course a grave injustice is done to that portion of our people who are least able to protect themselves.

During the Presidential campaign of 1908 Mr. Samuel Gompers, president of the American Federation of Labor, issued a circular letter to the members of that body, expressing his views and the views of organized labor generally on the use and abuse of the writ of injunction by which the equity courts have exceeded their jurisdiction and invaded the jurisdiction of the law courts and the legislative branch of the Government.

Mr. Roosevelt was then President of the United States. He immediately proceeded, in the form of a letter to Senator Knox, to criticize the position taken by Mr. Gompers.

In view of the criticisms of the courts which have been made by Mr. Roosevelt in his present campaign for the Presidency, his position at that time is of more than passing interest, and I therefore desire to include in the RECORD the circular letter of Mr. Gompers, the letter of President Roosevelt to Senator Knox, and an editorial from the American Federationist, written by Mr. Gompers, in reply to the letter of President Roosevelt.

CIRCULAR LETTER OF MR. GOMPERS.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., October 12, 1908.

Men of labor, lovers of human liberty, you are believers in the form of government described by the immortal Lincoln as government of the people, for the people, and by the people. You would not be true Americans if you were not. This form of government—the democratic form—is a government by law and is the direct opposite of the despotic form, which is government by discretion. Government by injunction is government by discretion, in other words, despotic. You would not willingly assist in destroying our present form of government in the United States, and I therefore assume that you would have the issue in this campaign stated plainly and simply, in order that you may do your duty.

The facts are that the judiciary, induced by corporations and trusts and protected by the Republican Party, is, step by step, destroying government by law and substituting therefor a government by judges, who determine what, in their opinion, is wrong; what, in their opinion, is evidence; who, in their opinion, is guilty; and what, in their opinion, the punishment shall be. It is sought to make of the judges irresponsible despots, and by controlling them using this despotism in the interest of corporate power.

In order to do this, it was necessary to proceed secretively to prevent opposition becoming too strong; some strained "justification," for it had to be sought in the Constitution of the United States. The Constitution provides that judges shall have jurisdiction in law and equity, and by extending the jurisdiction of judges "sitting in equity" all safeguards erected to protect human liberty are swept aside.

Instead of the accuser proving the guilt of the accused, the accused is compelled to show cause why he should not be punished. The absolute power, in specific instances, of a judge sitting in chancery (which is the real name for equity) is gradually extended over the several fields of human activity, and a revolution is perfected. We then have despotic government by the judiciary in place of government of, for, and by the people.

This revolution has already progressed very far. It is depriving the workers of their rights as citizens by forbidding the exercise of freedom of speech, freedom of the press, freedom of assembly, and the right of petition, if, in the opinion of the judge, the exercise of these rights may work injury to the business of some corporation or trust. It is applicable to the worker to-day, and will inevitably be made applicable to the business man at a later period.

The progress of this revolution must be stopped.

We must return to government by law in all instances where the revolution has been successful.

This virus and poison has not only attacked the judicial branch of government, but has in several instances entered upon the legislative field, by making laws which may be enforced by equity process; that is, the judge is by law authorized to—

Disregard all accepted rules of procedure and of evidence; to

Dispense with jury trial and substitute instead of these safeguards of human liberty his own opinion of what is right.

It was with these serious thoughts in mind that labor's representatives submitted to the party in power—the Republican Party—in 1906 labor's bill of grievances, and respectfully urged that necessary legislation be enacted. Nothing was done.

Injunction after injunction was issued forbidding men to assist each other, to give information to each other, and to do in unison those things which it was the undisputed right of the individual to do for himself.

In the meantime the dispute between the Hatters' Union and Mr. Loewe, of Danbury, was in progress from one court to another, until it reached the United States Supreme Court, where is was decided that—

Organizations of working men and working women, for mutual aid and assistance, are combinations in illegal restraint of trade under the so-called Sherman antitrust law.

That anyone injured thereby may recover threefold damages from the organizations, and if they have not the means, then from individual members thereof. Between this law, enforceable by equity process and the extension of the use of the writ of injunction, the individual freedom of the worker to combine with others for mutual aid and protection is swept away and his rights as a citizen disregarded and denied.

For all these steadily growing, dangerous tendencies there is but one remedy—legislation by the people through their proper representatives. Again we appealed to Congress, and again our answer was a distinct and emphatic "no."

We drafted and caused to be introduced in Congress specific bills to stay and remedy the evil, but to no purpose.

Labor was not only given an emphatic "no," but it was coupled with a statement by candidate for Vice President, Mr. SHERMAN, accepted and approved by the majority of Congress, that his party fully understood what was doing, and accepted all responsibility both for what it did and what it did not do.

It is no attack upon the judges to say that they are men with a fair average quality of human nature; that they are subject to the prejudices and passions of men. They can not divest themselves of their humanity by putting on the judicial ermine any more than can the king divest himself of his by putting on the crown.

Despotic power under the ermine is as dangerous as despotic power under the crown. To stay its progress, some remedy must be had, and we therefore appealed to the Republican convention at Chicago and were given the same answer in still more insulting language if that were possible. We asked for bread, and they showed us a whip, and in order to be certain that the whip will be effectually used the Republican Party nominated as its standard bearer Mr. William H. Taft, the originator and specific champion of discretionary government; that is, government by injunction. In passing, I may say that his nomination, under the circumstances, was logical. It would have been impossible for the party to find a more effective representative of its policy.

Labor's representatives then went to the Democratic Party. That party made labor's contention its own. It pledged its candidates for every office to those remedies which labor had already submitted to Congress. The standard bearer of the Democratic Party, Mr. William J. Bryan, entered fully into the essence of this struggle and declared that the real issue in this campaign is: "Shall the people rule?"

The Republican Party and its candidate stand for upholding and further extending into our country a despotic government vested in the judiciary.

The Democratic Party and its candidate stand for government by law vested in the people.

As an American citizen, in view of these facts, I have no choice—I have only duty. Duty to preserve with my voice, pen, and ballot that form of government for the preservation of which Lincoln said, "Men died at Gettysburg."

Human freedom and equality of all men before the law is the result of the struggle of the ages, and our holiest inheritance. This we must regain; this we must extend, so that it shall be a living, character-making, conduct-governing principle in American life.

Labor has been and will be accused of partisanship, but in performing a solemn duty at this time in support of a political party labor does not become partisan to a political party, but partisan to a principle.

As the campaign progresses, accusations, misrepresentations of all conceivable kind will come thick and fast. In answer to them all, I have but to say that men who have given a whole life's energy to the great cause of labor and who in all the years gone by have been found faithful, honest, and sincere are not likely to change their character all of a sudden. If we were desirous of either office or other emoluments, they could have been obtained with greater ease from the party in power.

I have said before and now say again that there is no political office in the gift of the American people, elective or appointive, that I would under any circumstances accept. Not that such offices could be lightly put aside by an American citizen, but that I believe I can do more for the ideas that I cherish and the work in which I am engaged, either as an official or as a member in the rank and file of the labor movement, and the threats of politicians to "burn brush fires" behind me wherever I may go; to "create rebellion" in the labor movement against me and bring about my defeat for the presidency of the Federation can have no influence upon my mind and can not alter my course. As workers and citizens we have our franchise; as citizens we must use it to protect and extend equality of all men before the law and secure individual liberty for all men.

And now, fellow workers and friends of human liberty, labor calls upon you to be true to yourselves and to each other, to stand faithfully by your friends and elect them, oppose and defeat our enemies, whether they be candidates for President, for Congress, or other offices, whether executive, legislative, or judicial.

Sincerely and faithfully, yours,

SAML. GOMPERS,
President American Federation of Labor.

LETTER OF PRESIDENT ROOSEVELT TO SENATOR KNOX.

WASHINGTON, *October 21, 1908.*

MY DEAR SENATOR KNOX: In your admirable speech of yesterday you speak of the action of Mr. Bryan and certain gentlemen claiming to be the special representatives of organized labor, foremost among them Mr. Gompers, to secure the support of laboring men for Mr. Bryan on consideration of his agreement to perform certain acts nominally in the interests of organized labor, which would really be either wholly ineffective or else of widespread injury not only to organized labor but to all decent citizens throughout this country. You have a peculiar right to speak on labor questions, for it was you, who, as Attorney General, first actively invoked the great power of the Federal Government on behalf of the rights of labor when for the first time in the history of the Government, you, speaking for the Department of Justice, intervened in a private lawsuit which had gone against the widow of a workingman and obtained an injunction secured from the Supreme Court a construction of the safety-appliance act which made it a vital remedial statute, and therefore has secured to hundreds of crippled employees compensation which they would not otherwise have obtained.

LETTER FROM GOMPERS.

The daily papers of October 13 contain an open letter from Samuel Gompers, president of the American Federation of Labor, appealing to workingmen to vote for Mr. Bryan.

In that letter are certain definite statements which interest the wider American public quite as much as those to whom Mr. Gompers makes his appeal. These statements warrant all you have said in your speech, and they would warrant you in asking Mr. Bryan to say publicly whether Mr. Gompers states correctly the attitude of his party and himself on a subject that is of vital concern to every citizen, including every business man as well as every farmer and every laboring man, who looks to the courts for the protection of his rights.

Mr. Gompers in his letter asserts that the judiciary of this country is destroying democratic government and substituting therefor an irresponsible and corrupt despotism in the interests of corporate power, and he further makes clear that the means by which he believes this alleged despotism has been set up in the place of democracy is by the process of injunction in the courts of equity.

Mr. Gompers in his letter states that his appeal to the Republican convention at Chicago for remedy against the injunction was denied, and he then goes on to state not only that the Democratic Party promised a remedy, but promised him the particular remedy that he had already asked of Congress.

His words are:

"Labor's representatives then went to the Democratic Party. That party made labor's contentions its own. It pledged its candidates for every office to those remedies which labor had already submitted to Congress."

The last sentence in this quotation indicates very definitely the specific remedies to which Mr. Gompers understands Mr. Bryan's party has pledged itself.

His statement now makes perfectly clear an important plank in the Bryanite platform which has heretofore seemed puzzling to a vast number of earnest-minded, thinking people who are sincerely interested in the steady advance and the legitimate aspirations of labor, and who carefully read both platforms to know precisely what hopes each held out for the improvement of the condition of wage earners.

That plank reads as follows:

"Questions of judicial practice have arisen, especially in connection with industrial disputes. We deem that the parties to all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved."

REMEDY PROMISED.

This is the plank that promises the "remedy" against injunctions which Mr. Gompers asked of Mr. Bryan's party. In actual fact it means absolutely nothing; no change of the law could be based on it; no man without inside knowledge could foretell what its meaning would turn out to be, for no man could foretell how any judge would decide in any given case, as the plank apparently leaves each judge free to say when he issues an injunction in a labor case whether or not it is a case in which an injunction would issue if labor were not involved. Yet this plank is apparently perfectly clear to Mr. Gompers, and in his letter to his followers he indicates beyond question just what he understands it to mean. He asserts that he has the requisite inside knowledge. His statement that it was Mr. Bryan's party—for it was Mr. Bryan who dictated the platform—pledged itself "to those remedies which labor had already submitted to Congress" is a perfectly clear and definite statement.

The "remedies" which Mr. Gompers has already submitted to Congress are matters of record and the identification of his "remedy" against injunctions in labor disputes is easy and certain. This "remedy" is embodied in House bill No. 94 of the first session of the Sixtieth Congress, the complete text of which is hereto appended.

The gist of the bill, as can be seen by referring to the complete text, is this:

First. After forbidding any Federal judge to issue a restraining order for an injunction in any labor dispute, except to prevent irreparable injury to property or a property right, it specifically provides that "no right * * * to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right."

Second. It provides that nothing agreed upon or done by two or more parties in connection with a labor dispute shall constitute a conspiracy or other criminal offense or be prosecuted as such unless the thing agreed upon or done would be unlawful if done by a single individual.

The bill here described is not only the "remedy" that Mr. Gompers has "already submitted to Congress," but it is the one and only remedy which he and those associated with him in his present movement have announced that they will accept in the matter of his grievance against the courts on the injunction issue.

FEDERATION ON RECORD.

The counsel for the American Federation of Labor and Mr. Gompers, its president, are both on record to this effect.

At a hearing before the House Committee on the Judiciary the counsel for the American Federation of Labor on February 5, 1908 (as appears from the printed hearings), stated:

"The bill was considered by at least two sessions of the executive council of that organization and unanimously approved. It was considered by two of its national conventions—the two latest—and by them unanimously indorsed. And in the face of many propositions to amend it, in the face of many proposed substitutes, in the face of pressure from every direction, from high sources and sources not so exalted, the organization has stood by and is to-day standing by this bill without amendments."

Mr. Gompers himself in discussing this bill before the same committee on February 28, 1908 (as appears from the printed hearings), went on record as follows:

"Events have demonstrated clearly to my mind that there is only one bill before the committee that can at all be effective to deal with this abuse, with this invasion of human rights, and that is the Pearre bill."

Further on in the same page of the hearings, Mr. Gompers states:

"I will say this, that I think I will try to make my position clear that the American Federation of Labor has so declared itself that it must insist upon the principles involved in the Pearre bill, and that I explained as best I could the position of labor—that we would rather be compelled to bear the wrongs which we have for a longer period than to give our assent to the establishment of a wrong principle, believing and knowing that time would give the justice and relief to which labor—the working people—are entitled."

DEMAND OF GOMPERS.

This bill, then, and none other, represents exactly the relief that Mr. Gompers demands in the way of anti-injunction legislation; and if the statement in his letter is correct, this bill represents what Mr. Bryan and his party are pledged to in the matter of anti-injunction legislation.

The injunction plank in the Bryanite platform may sound vague and hazy, but there is nothing vague or hazy about this bill.

It is more than a bill; it is a program of the most fixed and definite kind; and if Mr. Gompers is correct this bill becomes, as it were, an authorized appendix to Mr. Bryan's platform, or a footnote explaining in detail the briefer and vaguer injunction plank in that platform.

Does Mr. Bryan accept it as such?

Mr. Bryan should state publicly whether he in fact accepts the principle of this bill, which is the official program of Mr. Gompers and those who stand with him.

Mr. Gompers announces publicly that Mr. Bryan's party has made this program its own. Is Mr. Gompers correct in this statement?

Either Mr. Gompers is mistaken as to what Mr. Bryan's party has promised him in this matter of anti-injunction legislation or those who

drafted his party's platform in their haste failed to make the promise so clear that the general public would understand it precisely as Mr. Gompers understood it.

Mr. Bryan failed in his letter of acceptance to discuss this labor plank of his party's platform. So far as I am aware he has failed to discuss it since.

There should be such discussion as a matter of common fairness, not only to labor, but to all citizens alike. On a question of such grave consequence the people are entitled to know where Mr. Bryan stands.

Mr. Taft has repeatedly explained exactly where he stands in this matter of regulating injunctions.

Are we not entitled to know with equal clearness exactly where Mr. Bryan stands?

Mr. Gompers's public statements as to what his party has promised make it imperative that Mr. Bryan declare himself.

This bill, to the principle of which he says Mr. Bryan is pledged, declares that the right to carry on a lawful business in lawful way shall not be regarded as a property right or entitled to the protection of a court of equity through the process of an injunction, and that the right to such protection, which admittedly now exists under the law, shall be taken away.

WHAT GOMPERS PLANNED.

The counsel for the American Federation of Labor in his argument before the House committee on February 5, at which Mr. Gompers himself was present, gave a very frank illustration of what he and Mr. Gompers perceived to be the consequences of that provision of this bill which says that the right to carry on business shall not be entitled to protection as a property right.

His words are: "Suppose that working men by some operation or proceedings in the community (let us say by violence or persuasion or picketing away from the premises) reduce those works to a state of utter helplessness and there was not a wheel moving nor a process in operation and this company had no help at all—that would be an interference with his right to do business, and for that I say he has no right to be protected by injunction."

Is Mr. Bryan in reality pledged to this point of view?

Will he definitely say, either in writing or in public address, whether he believes with Mr. Gompers that the protection heretofore afforded by the courts of equity to the right to carry on a lawful business in a lawful way is despotic power, and that the judges who exercise that power are irresponsible despots?

So far as the second section of this bill is concerned it is perfectly clear that it would legalize the blacklist and the sympathetic boycott carried to any extent. It would legalize acts which have time and again been declared oppressive, unjust, and immoral by the best and most eminent labor leaders themselves.

Does Mr. Bryan believe that Mr. Gompers, that he and that part of the labor movement that agrees with him, has the right morally, and should be given the right legally, to paralyze or to destroy with impunity the business of an innocent third person against whom neither he nor they have any direct grievance simply because the third person refuses to join with them aggressively in a labor controversy with the real merits of which he may be utterly unacquainted, because he refuses to class as his enemy any and every other employer whom they point out as their enemy, because he refuses merely upon their peremptory order to excommunicate some other employer by ceasing all business relations with him? The blacklist and the secondary boycott are two of the most cruel forms of oppression ever devised by the wit of man for the infliction of suffering on his weaker fellows.

DESPOTIC POWER.

No court could possibly exercise any more brutal, unfeeling, or despotic power than Mr. Gompers claims for himself and his followers in the legislation which would permit them without let or hindrance of any kind to carry on every form and degree of the secondary boycott.

The anthracite strike commission, as fair-minded and distinguished a body of men as ever passed judgment on an industrial question, thus refers to the secondary form of boycott—that is, the boycott of innocent third persons for refusing to take an aggressive part in a controversy with which they have no concern:

"To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons whom he or they, with or without good reason, dislike. This may sometimes be unchristian, but it is not illegal. But when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse but to render the life of their victim miserable by persuading and intimidating others so to refrain such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law and merits and should receive the punishment due to such a crime."

The commission further states that this boycott can be carried to an extent "which was condemned by Mr. Mitchell, president of the United Mine Workers of America, in his testimony before the commission, and which certainly deserves the reprobation of all thoughtful and law-abiding citizens."

Does Mr. Bryan agree with Mr. Gompers that all existing legal restraint on the enforcement of every degree of the boycott should be withdrawn, that the industrial excommunication of the innocent merchant who refuses to render unquestioned obedience to the orders of Mr. Gompers should be legalized and encouraged, or does he believe with us and with Mr. Mitchell and other labor leaders who differ with Mr. Gompers in this matter that this form of the boycott is morally wrong, that labor at war should fight with its enemies and respect the rights of neutrals, that innocent third parties should not be coerced into taking sides in industrial disputes to which they are in no sense parties, under penalty of having their business attacked and destroyed?

Mr. Taft is perfectly definite on this proposition.

Where does Mr. Bryan stand.

The citizen who votes for or against Mr. Taft on this proposition does so with his eyes open and with a clear understanding from Mr. Taft himself of his position. He has frankly discussed this subject time and again with workingmen themselves, both in this campaign and prior to his nomination. He has been willing to express his position clearly and to assure workingmen that to protect them in their rights he is willing to go to the limits of what he considers justice, but that he will not go further. His definition of justice to labor does not, as we understand it, include either of the principles contained in Mr. Gompers's program, as set forth officially in this bill.

Does Mr. Bryan disagree with Mr. Taft on these propositions?

Will he state publicly, definitely, categorically, whether he accepts the program outline in this bill, as Mr. Gompers in his letters has assured the public that he does?

TRIBUTE FROM BRYAN.

Mr. Bryan's party platform paid a high tribute to our courts of justice. It stated:

"We resent the attempt of the Republican Party to raise a false issue respecting the judiciary. It is an unjust reflection upon a great body of our citizens to assume that they lack respect for the courts."

The "great body of our citizens" to whom this platform refers is admittedly Mr. Gompers and his followers.

Mr. Gompers, now Mr. Bryan's open and avowed ally, has in the better quoted attacked the Federal courts in unmeasured terms of reproach because by a long line of decisions the equity courts have refused to make an outlaw of the business man, because his right to carry on a lawful business under the peace of the law has been protected by the process of injunction, because, in a word, one of the most vital and most fundamental rights of the business world, the right of a business man to carry on his business, has been sustained and not denied by the processes of the courts of equity. This sweeping attack of Mr. Gompers upon the judiciary has been made in a frank and open effort to secure votes for Mr. Bryan.

Are these attacks made with Mr. Bryan's consent?

Do they meet with his approval?

Does he indorse them or does he repudiate them?

Mr. Bryan has frankly questioned Mr. Taft during the progress of this campaign, and very properly so, and has asked him to make clear his personal stand on public matters upon which the public was entitled to be enlightened.

In turn, with equal frankness and with equal propriety, Mr. Bryan should be asked to break a long-continued silence and make definite and certain his own position in regard to a matter that concerns not only business men and every decent law-abiding citizen, whether a wageworker or not, just as much as it concerns Mr. Gompers and that part of organized labor that stands with him.

There is no need of generalities, of vague expressions of sympathy for labor. Let Mr. Bryan simply confine himself to the anti-injunction plank of his party platform and tell us publicly, definitely and clearly whether he accepts or rejects the statement of Mr. Gompers that this plank pledges him to the principles of the bill for which Mr. Gompers stands and whether if elected he will endeavor to have this proposal enacted into the law. This is asked honestly in the interest of that large voting public which believes sincerely the promotion of every legitimate right and interest of labor, but which believes also that from the standpoint of the best interest of labor it neither requires nor is entitled to more than justice, and that the right to destroy business should not be formally recognized in the law of the land.

REALIZES RIGHT TO SPEAK.

I feel that I have the right to speak frankly in this matter, because throughout my term as President it has been my constant object to do everything in my power, both by administrative action and by endeavoring to secure legislative action, to advance the cause of labor, protect it from unjust aggression and secure to it its legitimate rights. I have accomplished something; I hope to accomplish more before I leave office; and I have taken special and peculiar interest in Mr. Taft's candidacy because I believe that of all the men in this country he is the man best qualified for continuing the work of securing to the wageworkers of the country their full rights. I will do everything in my power for the wageworkers of the country except to do what is wrong. I will do wrong for no man, and with all the force in my power I solemnly warn the laboring man of this country that any public man who advocates doing wrong in their interests can not be trusted by them; and this whether his promise to do wrong is given knowing that it is wrong or because of a levity and lack of consideration which make him willing to promise anything without counting the cost if thereby support at the moment is to be purchased.

WILL FIGHT ABUSES.

Just as I have fought hard to bring about in the fullest way the recognition of the right of the employee to be amply compensated for injury received in the course of his duty, so I have fought hard and shall continue to fight hard to deal with all abuses in the use of the power of injunction. I will do everything I can to see that the power of injunction is not used to oppress laboring men. I will endeavor to secure them full and equal justice. Therefore in the interest of all good citizens, be they laboring men, business men, professional men, farmers, or members of any other occupation, so long as they have in their souls the principles of sound American citizenship, I denounce as wicked the proposition to secure a law which according to the explicit statement of Mr. Gompers is to prevent the courts from effectively interfering with riotous violence when the object is to destroy a business, and which will legalize a blacklist and the secondary boycott, both of them the apt instruments of unmanly persecution.

But there is another account against Messrs. Bryan and Gompers in this matter. "Ephraim feedeth on wind." Their proposed remedy is an empty sham. They are seeking to delude their followers by the promise of a law which would damage this country solely because of the shown moral purpose that would be shown by putting it upon the statute books, but which would be utterly worthless to accomplish its avowed purpose. I have not the slightest doubt that such a law as that proposed by Mr. Bryan would, if enacted by Congress, be declared unconstitutional by a unanimous Supreme Court—unless indeed Mr. Bryan were able to pack this court with men appointed for the special purpose of declaring such a law constitutional. I happen to know that certain great trust magnates have announced within the past few weeks, in answer to the question as to why they were openly or secretly favoring the election of Mr. Bryan, that the laws that Mr. Bryan proposed, including especially this law, would be wholly ineffective, because the court would undoubtedly throw them out and that the promises to enact them could, therefore, be safely disregarded.

* * *

Sincerely, yours, THEODORE ROOSEVELT.

EDITORIAL FROM AMERICAN FEDERATIONIST.

PRESIDENT ROOSEVELT'S ATTACK ON LABOR ANSWERED BY SAMUEL GOMPERS.

So President Roosevelt has again thrust himself into the campaign. He not only becomes bitterly partisan, but must needs attempt to throw the weight and influence of his great office in the scales against the interests and equal rights with all other citizens to which the workers of our country aspire and are justly entitled. He makes a direct and specific attack upon labor.

The pretense that the attack is upon me is too thinly veiled to deceive anyone. He strikes over my shoulder at the hearts of the great rank and file of the workers and other liberty-loving citizens of our country.

So far as I am concerned, I have neither the inclination nor the desire to bask in the sunlight of President Roosevelt's "benevolent assimilation," by which he placates those by the big stick browbeats others, and by his sophistry hopes to fool the masses into supporting Injunction Judge Taft.

President Roosevelt says that Senator Knox has a peculiar right to discuss the principles involved in injunctions, because he as Attorney General prosecuted a civil suit for damages to an injured workman. That Senator Knox was the special counsel of the Pennsylvania Railroad and of the United States Steel Corporation would indeed qualify him to discuss the injunction abuse, but certainly only from the viewpoint of the friends of corporations who profit by the abuse of the injunction writ, as it brings advantage and profit to corporate greed and power.

But does President Roosevelt imagine that the workers of our country will accept his credential to Senator Knox as the spokesman of labor's rights in preference to those whom the great rank and file have themselves chosen as the champions and defenders of their interests and rights? No, indeed. In this connection, knowing the "peculiar" interest which the President manifests in his candidate, will the masses accept even him as the infallible judge of what are the principles of equal rights and liberty for which they contend?

But to consider at this time the subject of Senator Knox is of lesser importance, inasmuch as the President has thrust himself across the path, and I therefore propose to answer his diatribe of abuse and misrepresentation.

If the courts have not invaded human liberty, if they have not undertaken to protect corporate interests to the detriment of the people, why did President Roosevelt characterize Judge Grosscup's reversal of Judge Landis's $29,000,000 fine upon the Standard Oil Trust as "a gross miscarriage of justice"? Why did he, in his special message to Congress January 31, 1908, say:

"It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and the necessity of organized effort on the part of wage earners and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends." And further: "If some way of remedying the abuses is not found, the feeling of indignation against them among large numbers of our citizens will tend to grow so extreme as to produce a revolt against the whole use of the process of injunction."

In the same message he says he "considers it most unwise to abolish the use of the process of injunctions." The veriest tyro of a layman, much less one familiar with the injunction process, in his wildest dreams never suggested the abolition of the injunction process. It is not its abolition that labor desires but the restoration to its beneficent use from which it has been ruthlessly diverted; from the protection of property rights to the invasion of personal freedom.

I cite this to show the utter confusion of the entire matter of injunctions in Mr. Roosevelt's mind. In the one message he states a fundamental principle, then makes an absurd deduction, and in his attack on me goes back on it all.

When corporations secure injunctions against workmen with whom they are engaged in a dispute, the injunctions are based upon the theory that the carrying on of their business is a property right; that those workmen (strike breakers) whom they may have secured are necessary to carry on their business and that they have some sort of property right in those strike breakers, and the striking or locked-out workmen are enjoined from interfering, inducing, or persuading the strike breakers from leaving the employment of the corporations on the ground that such interference, inducements, or persuasion is an interference with their property and property rights.

Indeed, in the injunctions sought by the corporations, they further allege, quoting from one, "It is impossible for the plaintiff to obtain workmen, without whose assistance the property of the petitioners becomes utterly valueless for the purpose of their trade." When this claim was considered by the higher courts of Great Britain, all the judges agreed that the court had exaggerated its function and jurisdiction in issuing such an injunction.

The decisions of the higher courts of Great Britain were totally disregarded, and the decision of the lower court which was reversed accepted as the basis for the issuance of the injunctions in our country. The injunctions issued by Judge Taft, Judge Hicks, Judge Jackson, Judge Dayton, Judge Gould, and others are based upon the theory that along with the ownership of the mine, factory, workshop, transportation, a certain vested right exists in so much labor or patronage as is needed to make the operation profitable, and that this constitutes a form of property or property right in the laborer.

The relations between employers and employees are personal relations as distinct from property relations; that the rights of either party are personal rights, as distinct from property rights, no intelligent man dare dispute; and yet the courts, in extending their equity power, step in by the injunction process and filch from the toilers, because they are toilers, their rights as citizens and freemen.

Mr. Roosevelt has quoted a portion of the Pearre injunction bill, and I ask any fair-minded citizen to compare it with the provisions of the trades-dispute act passed by the British Parliament less than two years ago. Its main provisions are:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

"It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

"An action against a trades-union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

"Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute."

Surely Mr. Roosevelt would not pretend to say that the monarchy of Great Britain would confer upon the workers the lawful right to exercise "brutal, unfeeling, or despotic power"; and yet the provisions of the Pearre bill and the Wilson bill are not as broad or comprehensive in scope as the British trades-dispute act.

The mere fact that Mr. Roosevelt denounces a proposition as wicked does not so constitute it. Time and circumstances and party obligation have persuaded him to modify his judgment and his utterances. Surely it must bring unction to him to find his unwarranted attack on me so thoroughly appreciated by the New York Sun, which characterizes him for his past utterances in as severe language as that with which he now attacks me. The New York Sun charges him with apostasy to his record and welcomes him into the galaxy of CANNON, Littlefield, Van Cleave, and others of the same sort.

It is the purpose of the opponents of labor to vilify the labor movement through me, and Mr. Roosevelt now joins the chorus upon the pretext that I have attacked the Federal courts. As a man and as a citizen, I have nothing to retract, but I insist that despite great provocation I have always expressed my views and criticism—perhaps in strong, yet respectful, language. If anyone desires to look for criticism and arraignment of the Supreme Court of the United States, let him read the dissenting opinion of Justice Harlan in the Barry Baldwin v. Robert Robertson case. Let him read the opinions of the four dissenting justices when the Supreme Court declared the law limiting the hours of bakers in the State of New York to 10 unconstitutional. Let him read the four dissenting opinions of the Supreme Court's decision when the five justices declared the income tax unconstitutional. No severer indictments were ever expressed by any citizens of our country against the invasions of the people's rights and liberties.

But quite independent of the dissenting justices' opinions and arraignments, it is not amiss to quote the expressions of others equally qualified. Men of highest renown in the legal profession; men whose minds have remained unperverted by the glitter and grind of corporate greed and power; men who stand for justice and who apprehend the dangers to our Republic if personal, discretionary, and arbitrary government is permitted to take the place of government by law.

In October, 1897, Hon. W. H. Moody, now Justice of the United States Supreme Court, said:

"I believe in recent years the courts of the United States, as well as the courts of our own Commonwealth (Massachusetts), have gone to the very verge of danger in applying the process of the writ of injunction in disputes between labor and capital."

Hon. Thomas M. Cooley, president of the American Bar Association, said:

"Courts, with their injunctions, if they heed the fundamental law of the land, can no more hold men to involuntary servitude for even a single hour than can overseers with the whip."

Gov. Pingree, of Michigan, said:

"I consider government by injunction, unless stopped, the beginning of the end of liberty. Tyranny on the bench is as objectionable as tyranny on the throne. It is even more dangerous, because judges claim immunity from criticism, and foolish people acquiesce in their claims."

Judge M. F. Tuley, of the appellate court of Illinois, used these words:

"Such use of injunction by the courts is judicial tyranny, which endangers not only the right of trial by jury but all the rights and liberties of the citizens."

Gov. Sadler, of Nevada, said:

"The tendency at present is to have the courts enforce law by injunction methods, which are subversive of good government and the liberties of the people."

Hon. J. H. Benton, jr., of Massachusetts, said:

"The courts have gone too far. It is impossible for them to go on in the course they have taken and retain the confidence of the people or preserve their own powers. It is idle to say that the popular complaint on this subject means nothing, or that, as one judge has said, 'nobody objects to government by injunction except those who object to any government at all.' It does mean much. It means that the courts have, in the judgment of many of the most intelligent and thoughtful citizens, exceeded their just powers; that they have, by the so-called exercise of the equity power, practically assumed to create and to punish offenses upon trial by themselves without a jury, and with penalties imposed at their discretion. * * The people will not, and they ought not to, submit to decisions like those in the Northern Pacific and Ann Arbor cases (Taft's injunction)."

Prof. F. J. Stimson, of Harvard, one of the greatest legal authorities, in his new work on "Federal and State Constitutions," after citing many authorities, says:

"These are sufficient to establish the general principle that the injunction process and contempt in chancery procedure, as well as chancery jurisdiction itself, is looked on with a logical jealousy in Anglo-Saxon countries as being in derogation of the common law. * * * taking away the jurisdiction of the common-law courts and depriving the accused of his trial by jury."

Judge John Gibbons, of the circuit court of Illinois, declared that:

"In their efforts to regulate or restrain strikes by injunction, they (the courts) are sowing dragons' teeth and blazing the path of revolution."

In the last edition of his great book, that legal authority, High, "On Injunctions," says:

"Equity has no jurisdiction to restrain the commission of crimes or to enforce moral obligations in the performance of moral duties; nor will it interfere for the prevention of an illegal act merely because it is illegal, and in the absence of any injury to property rights, it will not lend its aid by injunction to restrain the violation of public or penal statutes or the commission of immoral or illegal acts."

I have quoted from these legal celebrities not with the hope of being able to convert the judgment of Mr. Roosevelt, but I have done so simply to conclusively prove to him how "wicked, brutal, and unfeeling" are these jurists and legal authorities. Mr. Roosevelt has placed me in good company.

Might I not recall Jefferson's prophecy, when he said: "It has long been my opinion that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary, an irresponsible body, working, like gravity, by day and by night, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped."

Of course, everyone knows that the President "strongly" urged every measure which he advocated, and then accepted what his political opponents in his own party chose to give him. It is general knowledge that he had a more liberal platform prepared for adoption by the Republican convention at Chicago and then accepted what they doled out. All know that the nomination of Mr. SHERMAN for the Vice Presidency was concocted by Senator Burrows and "Genial Uncle Joe" CANNON as a slap in the face to Mr. Roosevelt; but the President, because his injunction judge, Mr. Taft, has been nominated for the Presidency, now not only swallows the whole pot pourri, but must needs directly and indirectly attack me in the fight which my fellow workers and I are making in defense of equality before the law of the men of labor with all other citizens and for the establishment of human freedom.

Pray, what has transpired to have induced the President to change from a position of, at least, apparent friendship to bitter, indefensible antagonism? The Pearre injunction bill, which Mr. Roosevelt attacks, has been before several Congresses without a word of criticism or comment from him.

It has been my pleasure to have often had the privilege of discussing with President Roosevelt a number of the fundamental questions of right, justice, and moral and social uplift. Included in these discussions were the invasions of personal rights and human liberty by the courts in the injunction abuse. It is true that the President has not always fully agreed with my contentions, but he has never until the publication of his latest utterance hinted, much less charged, that anything which I advocated was lawless, unfeeling, despotic, brutal, or wicked; and yet the rights for which the workers of our country contend and which, as best I can, I defend and advocate have been as well known to him during the past several years as they are when he now so unjustifiedly undertakes to misrepresent my work, my motives, and my law-abiding citizenship. Surely that opinion was not always entertained by the President, as the following will show:

In the February, 1908, issue of the American Federationist I published the chapter "Some Equivocal Rights of Labor," from Hon. George A. Alger's book, "Moral Overstrain." The chapter of the book is as keen criticism of the courts of the country in their decisions affecting the rights, interests, and liberty of the workers as anything I have ever said or written. I quote this one brief paragraph of Mr. Alger's article:

"Stated as concretely as possible, the principal difference between the working people and the courts lies in the marked tendency of the courts to guarantee to the workman an academic and theoretic liberty, which he does not want, by denying him industrial rights, to which he thinks he is ethically entitled. His grievance is that in a multiplicity of instances the courts give what seems to him counterfeit liberty in the place of its reality."

Just before publishing that article I sent the following letter to the President:

WASHINGTON, D. C., *January 25, 1908.*

MY DEAR MR. PRESIDENT: I am greatly indebted to you for calling to my attention the chapter entitled "Some Equivocal Rights of Labor" in George A. Alger's "Moral Overstrain." I was so much impressed with it that I requested and secured permission from the publishers to republish this chapter in the American Federationist. It appears in the February issue, and I am taking the liberty of sending you herewith a copy of that issue, which you will please accept with my assurances of high regard.

Very sincerely, yours,

SAMUEL GOMPERS,
President American Federation of Labor.

To THEODORE ROOSEVELT,
President of the United States.

To which I received the following reply:

THE WHITE HOUSE,
Washington, January 27, 1908.

MY DEAR MR. GOMPERS: You may be amused to know that I have sent copies of the "Moral Overstrain" to Justices Day and McKenna. I am glad that you were able to use it in the American Federationist, and thank you for sending me the copy of the magazine.

Sincerely, yours,

THEODORE ROOSEVELT.

To Mr. SAMUEL GOMPERS,
President American Federation of Labor, Washington, D. C.

President Roosevelt quotes a statement made by the Hon. T. C. Spelling before the Judiciary Committee of the House. Without expressing an opinion at all up the quotation, it may not be uninteresting to call attention to the fact, without disrespect to Mr. Spelling, that he is not an attorney for the Federation now, and that very soon after his utterance, which President Roosevelt quotes, he was appointed as an expert for the Interstate Commerce Commission and later appointed in the Department of Justice; that a day or so after his latest appointment Attorney General Bonaparte gave out a statement to the press that he had appointed an expert on the law of corporations, and Mr. Spelling proudly showed me the interview.

Surely Mr. Roosevelt does "Mr. Mitchell and other labor leaders" an injustice when he say that they differ from me in the matter of the Pearre and the Wilson bills or the principles upon which they are based. Mr. John Mitchell, Mr. Frank Morrison, and I are now on trial to show cause why we should not be sent to jail because we exercised our constitutional rights, having violated no law of State or Nation. Will the President publicly justify Justice Gould's injunction and the contempt proceedings to send Mitchell, Morrison, and me to jail on the grounds for contempt which are put forward by the Buck's Stove & Range Co. under that injunction? The injunction issued by Justice Gould is based upon injunctions issued by Judge Taft, and Judge Taft's language is quoted by Justice Gould.

The fact of the matter is that President Roosevelt, having made Judge Taft the candidate of the Republican Party for President, and seeing that the "labor vote," which so often has been corralled, diverted, and perverted by the politicians, is now aroused and determined to deliver its own vote, that the toilers will not be cajoled, deceived, or browbeaten, has become desperate and angry, and in his anger, by the worst exhibition of demagogism, tries to instill into the employers and business men the fear that their property and business are in danger if a "square deal," implied by equality before the law and human freedom, are accorded to the workers with all other citizens. It is an exhibition of impotent rage and disappointment and an awful descent from the dignity of the high office of the President of the United States. No one but himself will be deceived as to the purpose of Mr. Roosevelt.

The workers and liberty-loving citizens are aroused as never before since 1861. The "Battle Cry for Freedom" is again taken up. Then it was for the Union and the abolition of black slavery; to-day it is for the Union, equal rights and freedom for all.

The gentleman from Pennsylvania [Mr. MOON] has undertaken to show that this measure is unconstitutional, because it is an invasion by the legislative branch of the Government with the inherent rights of the judiciary, which, he asserts, is a coordinate branch of the Government.

The judicial branch of our Government has no inherent rights. The only rights which it has are those specifically granted by the Constitution, or necessarily implied in such grants. Even in the determining of those questions the legislative branch of the Government was made supreme by the Constitution itself whenever it sees fit to exercise that supremacy. That fact becomes obvious when you realize that the power of impeachment was placed in the hands of Congress with no power placed anywhere to review or reverse its decisions.

An equal branch does not have power and jurisdiction over an equal branch of the Government. The superior branch of the Government has power and jurisdiction over the inferior branch, and the very fact that the power to impeach was placed in the hands of the legislative branch of the Government makes the legislative branch of the Government supreme.

With regard to the constitutionality of this measure, which has been attacked, I wish to say this: That, in my judgment, Congress has the power to define the jurisdiction of all courts on all questions which may come before the courts, except in so far as jurisdiction has been specifically granted by the Constitution itself; that on all other questions of jurisdiction the Congress has the power to determine and, by the impeachment process, to which I have just referred, the power to enforce its determination as to what the jurisdiction shall be. It has exercised that power on many occasions. It has created courts and given to those courts certain jurisdiction, and no jurisdiction beyond that which was specifically stated in the law creating the court.

If the contention be correct that the power of our judiciary extends to all cases in law and equity and the legislative branch of the Government can not change that condition, then the moment you create a Court of Claims or the moment you create a Commerce Court or the moment you create any other court that court would have entire jurisdiction in law and equity, and there would be no power on the part of Congress to limit the jurisdiction. But Congress has exercised the power of limiting the jurisdiction of courts, and, so far as I am aware or have been informed, there has been no power that has undertaken to say that Congress has not the right to determine what the jurisdiction of the courts it created should be. Now, if it has that power with the creation of a Court of Claims or a Commerce Court or any similar court, it has the same power with regard to our equity courts, and has the right to determine what their jurisdiction shall be and to what matters their jurisdiction shall extend. It has the right to say that their jurisdiction shall extend to certain things and shall not extend to certain other things, and, among others, it has the right to say that it shall not extend to the issuance of injunctions under certain terms and conditions.

It is asserted in circulars that have been sent to every Member of this House, and by Members in this House, that this bill undertakes to legalize the boycott; that it undertakes to legalize picketing, and because it undertakes to do that they are opposed to the measure.

This bill does not legalize the boycott or picketing. It does not deal with the question of the legality of either of them. What it does do is to prevent the equity court from stepping in in a case of peaceful picketing, or stepping in in the case of a boycott, and by the writ of injunction undertaking to adjudicate it. There has been a great deal of criticism of the use of the right to boycott by workmen in their trade disputes, and for that reason some men are opposed to a proposition that prevents the equity court from stepping in with the writ of injunction to prevent a boycott.

But, Mr. Speaker, I want to say to this House now that the boycott itself lies at the very foundation of our moral code, and if you take away the boycott, if you wipe out the boycott, your moral code itself fails. One of the first things that we teach our children, one of the first things that we were taught ourselves, is to shun evildoers; avoid evil communications; boycott those who are bad. There is no inherent wrong in the boycott. On the contrary, it is generally good; but there may be cases in which the boycott is wrong. There may be cases under which the boycott would work an injustice on some one, and if there are such circumstances they should be specified in the law and the law courts should deal with the violation of them and not the equity courts. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. CLAYTON. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, that there are stranger things than are dreamed of in your philosophy, gentlemen, was illustrated in the House of Representatives to-day, when, during the debate on the pending anti-injunction bill, the Speaker's chair was temporarily occupied by a Member whose service in the ranks of labor was terminated by a Federal injunction, and not only that, but by the most noted of the injunctions which served to make government by injunction an issue in this country, and resulting in the pending legislation. I refer to the Debs injunction.

I want to congratulate the workingmen of the United States upon the fact that after 20 years of agitation the Congress of the United States is to-day taking the first open practical step to settle the issue of government by injunction by throwing about this kingly judicial power certain safeguards and forbidding its use against certain acts which will lead to its disuse in labor controversies. When injunctions are not so readily issued they will not be so readily asked for.

The same thing will be true of the contempt bill, reported favorably by the Committee on the Judiciary, providing for trials by jury in cases of constructive contempt. There will not be so many such contempts.

I want also to congratulate the Judiciary Committee of the House of Representatives and the Democratic Party upon the courage, the honesty, and the promptness with which its official representatives at their first opportunity have redeemed this pledge made by the Democratic Party to the toilers of the Nation in its national platform 16 years ago, and which it has repeated in every national platform since that time, the platform of 1908 containing the following declaration upon the subject of labor and injunctions:

LABOR AND INJUNCTIONS—DEMOCRATIC PLATFORM.

Experience has proven the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platform of 1896 and 1904 in favor of the measure which passed the United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.

Questions of judicial practice have arisen, especially in connection with industrial disputes. We believe that the parties to all judicial proceedings should be treated with rigid impartiality, and *that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.*

A more faithful compliance with a platform pledge in both letter and spirit will hardly be afforded by the annals of Congress than the bill under consideration measured by the above declaration. It is true that the bill is not all that some of us would like and that some of us would ask, but it is more than many would give and, as one who has had bitter practical experience in the matter of government by injunction, I shall be well pleased and shall consider it a field day for the workingmen of America when so good and fair a measure as the pending bill finds its way upon the statute books of the United States.

NECESSITY FOR INJUNCTION LEGISLATION.

Mr. Speaker, in this debate some eloquent eulogies have been passed upon the courts of this country. It is not my purpose to place in the record of this debate a single sentence that would abate one jot or tittle of respect for the courts or obedience to the law and its orderly processes. When the question of my own obedience to the process of the courts was put to the judicial test and that, too, by the court out of which it issued, it is one of the proud and lasting recollections of my life that it was decided, even in a time of great public excitement, when the scales of justice, held in the hands of a single man, might well have tipped the other way and have placed an indelible stain upon my name as a law-abiding American citizen—it is, I say, my proud and grateful recollection, under these circumstances, that I, young in years, immature in judgment, and surrounded by conditions of great provocation and excitement, had yielded clear and absolute obedience to the law, and not only to the law, but to the orders of the court, which were based upon false and ex parte affidavits and issued without notice or a day in court to those whose rights as American citizens, whose liberties, whose future good name and welfare were to be thus imperiled.

But others, I am sorry to say, equally deserving, were not equally fortunate, and I could recite individual instances of gross injustices, which, after the lapse of 18 years, I can hardly recall with composure. Gentlemen opposing this legislation have said on the floor and have said in their report that not a single instance of "too ready issuance of injunctions"—I quote from the minority report—"not a single case upon which the opinion of the majority could be founded."

It was pointed out in reply by majority members of the committee that the books were full of cases. But there are cases not to be found in books. There are cases of these abuses to be found in human lives in every community throughout the United States; cases which led to a nation-wide agitation for reform in the issuance and use of injunctions in labor disputes; cases which made the abuse of the writ of injunction an issue in national politics, earning for it the significant name of "government by injunction," and of which both great political parties had to take cognizance, and one of which, the Republican Party, throughout its entire 16 years of undisputed control of the National Government in all its departments refused to frame or report or in any manner act upon any measure whatsoever to remedy the evil. And yet to-day, when the other great party, the Democratic Party, seizes upon this, its first opportunity to redeem the pledges it has been making during these 16 years of Republican inactivity, we find the reactionary leaders of the Republican Party which during its long period of power had throttled and suppressed this and other measures looking to the welfare of the workingmen of America deserted by their own following, so that out of their membership of 162 in this body they are able to muster but a pitiful handful in opposition to this bill. Only 31 Republicans and no Democrats voted against the bill on final passage.

Apparently the minority members of the Judiciary Committee, six out of seven of which signed the minority report against the bill, not only do not represent their own party sentiment on this question, but are too shortsighted to see their own inconsistencies.

The standpat leaders, like voices from the tombs, some of them just fresh from repudiation at the hands of their own party in the primaries, stand upon the floor of the House denouncing this measure as the death knell of the courts and constitutional government as though they really represented anybody but themselves.

GROSS INCONSISTENCY OF MINORITY MEMBERS.

After saying that the majority did not produce a single instance of abuse of the injunctive power, and I quote the language of the report as follows:

According to the report of the majority of this committee, this bill intends to correct "the too ready issuance of injunctions, or the issuance without proper precautions or safeguards." If the report is predicated upon the "too ready issuance of injunctions," it is singular that it does not disclose a single case upon which the opinion of the majority could be founded. We are well aware of the charges iterated and reiterated before congressional committees alleging abuses in the issuance of injunctions. We have not found any more evidence to support them in the past than we now find in the report of the committee.

They admitted in the following paragraph their willingness to correct the abuse which they say does not exist in the following language:

The minority Members have at all times been willing to assent to a rational proposal to further safeguard the issuance of injunctions against even the possibility of abuse, and have introduced a bill for that purpose.

That is to say there is no known case of abuse of the writ of injunction; but because of the possibility that such a case may arise in the future the minority have introduced a bill to safeguard against even this conjectural danger. As this same minority was a majority in the last Congress and did not undertake to report any such bill, it must follow that even the conjectural possibility of abuse referred to in their report must be of very recent origin, so recent, possibly, as their overwhelming repudiation at the polls in the last national election for the gross betrayal of this and other pledges made by their party to the American people.

Another inconsistency in the minority report is its reliance upon the English practice in support of its contention that the courts should retain the power to issue *temporary restraining orders* without notice. It may be remarked in passing that the principal difference between *temporary restraining orders* and *preliminary injunctions* is a mere jugglery of terms. Indeed, in practical effect, and so far as results frequently are concerned, *permanent injunctions* might be added to the list. It has been well said by members of the majority in debate, and it was expressed with singular felicity by the distinguished gentleman from West Virginia [Mr. DAVIS], that frequently the issuance of a *temporary restraining order* determined the entire issue in favor of the employer. In other words, the issuance of the *temporary restraining order* was in itself sufficient to break the back of the strike. American workingmen are inherently law-abiding. They fear and respect the power of the courts, and once that power is invoked against them dismay seizes upon their ranks and the weaker of them invariably capitulate, to the undoing of the stronger of them. The man

who does not know this does not know enough about the life and the conditions of labor to legislate upon the subject.

NO GOVERNMENT BY INJUNCTION IN ENGLAND—ENGLISH LAWS.

But while gentlemen of the minority rely upon the English practice of issuing temporary restraining orders without notice or hearing, they repudiate the acts of the British Parliament exempting organizations of labor from the English conspiracy laws; and when it is pointed out to them that the provisions of the pending bill which they consider the most objectionable were taken bodily from the statutes of England, they reply that while this is true, yet, to use their own language—

The peculiar privileges conferred upon trades-unions by the English act of 1906 are accompanied by disabilities and criminal provisions of so drastic a nature that if they were offered as any part of the legislation of this country we should deem it our duty to oppose them in the interest of all workingmen.

It may be noted, however, that while the leaders of organized labor in the United States have been convicted and sentenced to terms of imprisonment for alleged violations of the writ of injunction, the leaders of organized labor in England have not similarly suffered either under English judicial processes built up by the courts—court-made law or by English statutes.

It may be noted, too, that government by injunction is not and never has been an issue in England, although England is almost purely an industrial nation.

I shall insert at the end of my remarks not only the English act of 1906 just refered to, but the two acts of which it is amendatory, to wit, the trade-union act of 1871 and the trade-union act amendment of 1876. The three acts follow in the order of time.

I shall not discuss them except to point out that by sections 2 and 3 and succeeding provisions of the act of 1871 trades-unions were specifically exempted from the conspiracy laws, so that for the past 41 years members of trades-unions in England could not be criminally prosecuted for the very acts for which Samuel Gompers, Frank Morrison, and John Mitchell have been sentenced to pay heavy fines and suffer long terms of imprisonment, and could not be sued civilly and mulcted in treble damages as in the case of the Danbury hatters, whose very homes have been levied upon to pay the damages secured against them in that proceeding, the legality of which has been sustained by the Supreme Court of the United States as within the provisions of the Sherman antitrust law.

SHERMAN ANTITRUST LAW A FAILURE.

The Sherman antitrust law was enacted to protect labor from the unjust exactions of capital, but thus far it has only succeeded in protecting capital from the just demands of labor.

No "captain of industry," no "malefactor of great wealth," no representative of the "predatory interests" has yet had to appear before the Supreme Court of the United States to defend himself against a sentence of imprisonment for violating the Sherman antitrust law; no corporation has had to appear before the Supreme Court of the United States to defend itself against a judgment for treble damages.

Labor has had to do both of these things. These facts are significant. These facts throw light upon the agitation for judicial reform in this country.

Section 1 of the amendment of 1906 declares that—

an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable—

Which is substantially the same as the declaration in the Democratic national platform of 1908 that—

injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

The meaning of these provisions is the same.

ACTS WHICH CAN NOT BE ENJOINED.

Certain acts may not be enjoined at all, and in order that these acts may be clearly exhibited to the students of this debate they are succinctly stated as follows:

No restraining order or injunction shall prohibit any person or persons from doing any of the following acts, to wit:

1. Terminating any relation of employment.
2. Ceasing to perform any work or labor.
3. Recommending, advising, or persuading others by peaceful means so to do.
4. Attending at or near a house or place where any person resides, or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information.
5. Peacefully persuading any person to work or to abstain from working.
6. Ceasing to patronize or to employ any party to such dispute.
7. Recommending, advising, or persuading others by peaceful means so to do.
8. Paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value.
9. Peacefully assembling at any place in a lawful manner and for lawful purposes.
10. Doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

The last of the 10 classes of acts above enumerated really embraces all the others, and the entire series only particularize the somewhat more general provisions of the English amendment of 1906, and which itself only particularizes the provisions of the original English trades-unions law.

Speaking of the foregoing provision the Republican members of the Judiciary Committee, on page 7 of their report, say:

The paragraph contains to our mind the most vicious proposal of the whole bill.

"CLASS" LEGISLATION.

The pending bill is characterized in the minority report as—

impracticable, invalid, in the interests of a class rather than of the community, and proposes standards of legality without parallel or precedent in our legislation.

I have already alluded to the eulogies which these same gentlemen, who denounce the pending bill as "class" legislation, have heaped upon the courts. Singularly enough, but consistently enough, their speeches will be found devoid of like effusions upon the "class" referred to in the foregoing quotation from their report. I have affirmed, and I want to repeat my own adherence to the law and obedience to the orders of the courts, even when I believe them to be wrong; but I submit, in opposition to the views of gentlemen, that the courts are not the bulwark of our institutions nor the sheet anchor of our liberties, and neither is the Congress nor any other department of this Government; but that the sole hope of the perpetuity and the welfare of this country in the final analysis is the intelligence, the patriotism, and the prosperity of the so-called "class" referred to in the minority report:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.
Princes and lords may flourish or may fade—
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroy'd can never be supplied.

The hope of this country and its institutions is the preservation of the conditions which enable men from the ranks to rise to the highest positions in politics, in finance, in industry; the maintenance of a homogeneous democracy that will enable the boy at the plow and at the shovel to become the man upon the bench and in the forum and in all the high places of the country. Given this condition, all other things will be added.

The pending bill is an act—a very small act—looking to the preservation of this condition. Already the abuse of the writ of injunction and the consequent disfavor into which it has fallen has in a measure abated the use of it, and to that extent abated the necessity for this legislation. The workers, through their organizations, have in some measure already achieved an appreciable start toward emancipation from government by injunction, just as they have already established the eight-hour day for vastly greater numbers than have ever received the benefits of that great reform at the hands of Government, and just as, through organized effort, they have achieved many other great reforms and brought about many other safeguards and conditions of labor calculated to uplift and benefit and humanize not only themselves but, because of the vastness of their numbers and their basic position in society, all humanity.

But while it is true that labor through organization has blazed the way for these reforms and in a measure abated the benefit, if not the necessity, of legislative action, it is well that the lawmaking power should safeguard, in the manner proposed in this bill, the rights of the wage earners to organize and, in the furtherance of their efforts to better their condition, to do in a peaceful and orderly manner as members of such organization the things which they might do as individuals. This is all the pending measure seeks to accomplish, and nothing less should be offered or accepted.

ORGANIZED LABOR—ITS BENEFITS.

Nowadays when a man becomes eminent he is honored with a degree in some great institutions of learning. If he becomes preeminent, he is honored with another degree—honorary membership in a labor organization. Having never attained eminence, I have not been honored with the first degree, and, as for the second, I take great pride in the fact that my union card was earned in the ranks of labor. And when I cease to take pride in that fact, and when I cease to feel the deepest and most heartfelt interest in the great cause of humanity which it represents, I shall no longer be worthy of my own respect, to say nothing of the respect of my fellow men.

Organization is not only a benefit, but is the greatest single agency in the uplift of labor. I shall mention only a few of its more important benefits, not as I have learned of them from the lips or pens of others, but as I have learned them in actual experience.

Organized labor is first of all promotive of the brotherhood of man, giving the wage-earner an identity, a sense of unity

with his fellow man; a sense, I may say, of keepership of his brother that would be impossible under a condition where it was every fellow for himself, the devil take the hindmost.

It increases the efficiency and competency of labor. Each trade has its journal of craft instruction. These journals are, in fact, correspondence schools, giving the trades-unionist the theory and technique of his practical work, inculcating pride in his calling and urging him to self-study and improvement.

It makes better men of its membership, appealing to the best that is in them, developing character and raising their mental, moral, and physical standard. It makes for better citizenship, and good citizenship is the best and most enduring asset, the highest product, of any country.

Membership in a labor organization is a certificate of reliability as well as of competency. It is a well-known fact that many employers in the better organized crafts prefer union to nonunion labor. This may not grow out of any great love for organization, but the up-to-date employer knows that the chances are there is something wrong with the man who is not a member, and that somewhere in his make-up or in his record there is a weak spot that will put him beyond the pale of the confidence of the employer as it has put him beyond the pale of affiliation with his fellow workmen.

Nor are the benefits of organization confined to its immediate membership. As the rain falls alike on the just and the unjust so the standard of wages and conditions of labor accruing to organized effort indirectly benefit the unorganized. All values are relative, and it would be manifestly impossible to confine the beneficial results of the better conditions created by organization to its membership, just as impossible as it would be to confer all the benefits of a law of the land upon those who favored its enactment to the exclusion of those who opposed it or took no interest in it.

Nor are the benefits of organization confined to the wage-earners, whether within or without its folds. It is the greatest single factor to-day in giving stability to industrial conditions, thereby promoting peace and prosperity in the commerce and industry of the country. There may be those superficial enough to think that if there were no unions and no union contracts with employers there would be no industrial strife or trouble. Well, maybe there would not. Suppose we call it anarchy, such as was witnessed recently in the unorganized Pittsburgh district of Pennsylvania, and let it go at that.

Nor are the benefits of organization confined to employer and employee. Its beneficial activities reach out beyond these and to-day embrace the entire social and economic life of the people of this country. No civic movement to-day counts itself in battle formation and ready for the charge until the sturdy battalions of labor have fallen into line, and no movement for the betterment of humanity appeals to it in vain. Like all other human institutions, it has made its mistakes and has engaged in foolish crusades, but its mistakes have been of the head and not of the heart and have sprung from an excess of zeal in causes it believed to be right and not with any consciousness of wrong.

But organization is not only a benefit to labor; it is a necessity. Labor owes much to the form of government and political institutions under which we live, and it owes much to the rapid development and exploitation of that vast storehouse of natural wealth embraced within the boundary lines of the United States, but these are blessings and advantages enjoyed by all; and even under these conditions, to be found in no other nation and in no other age, the battle for bread, for a living wage, has become so fierce that the elective franchise and the bounties of nature combined have not sufficed to insure the workman his hire. Under modern industrial conditions, with their great combinations of capital, organization is the only practical method of dealing with the employer and is the strongest barrier between labor and serfdom; and that it is a fixed and lawful institution, both beneficial and necessary, is no longer open to question in the minds of reasonable and progressive men.

But with recognition of the right of labor to organize to secure better pay and conditions of life, even by that last source of recognition, the courts, there is still a strong tendency upon the part of the courts, and particularly the Federal courts, to restrict and deny the peaceful and orderly means by which these ends may be attained, and to deny them in ways so vital as to involve a denial of the dearest constitutional rights of American citizenship.

And while this condition is permitted to exist the entire structure of organized labor is in peril. Recently this country was shocked by the sentence of fine and imprisonment imposed upon Samuel Gompers, John Mitchell, and Frank Morrison, the official heads of the American Federation of Labor.

This sentence was imposed upon them for having violated the most arbitrary and outrageous order of court perhaps ever issued in this country; an order so sweeping as to forbid every member of that organization to even mention by word or pen the name of the Buck Stove & Range Co., the president of which, Mr. James Van Cleave, was, at the same time, the president of an organization which had for its primary object the destruction of the American Federation of Labor and, for that matter, all other labor unions. So radical and sweeping was the decision in which sentence was imposed for the alleged violation of this injunction, and so shockingly intemperate and manifestly prejudiced the utterances and manner of the judge, that it was set aside by the Supreme Court of the United States and will probably never be carried into effect.

But after four years of expensive and harrassing prosecution, the case is still hanging fire in the Federal courts of the District of Columbia, and the fate of the defendants, which involves the very life of organized labor in this country is still hanging fire, and the law under which these prosecutions were laid is still upon the statute books, a threat and a menace to the intelligent, patriotic, and law-abiding workingmen of America, and to the most priceless rights of American citizenship, including the rights of free speech, a free press, and trial by jury.

THE SHERMAN ANTITRUST LAW.

The right of the court to issue such an injunction, the right to enjoin the acts complained of, and not the guilt or innocence of the defendants, is the question of paramount importance to the workingmen of America.

The Supreme Court of the United States, in what is known as the Danbury Hatters case, on February 3, 1908, by Mr. Chief Justice Fuller, in an action brought by Loewe & Co., hat manufacturers of Danbury, Conn., under the Sherman antitrust law, claiming *three-fold damages* for injuries growing out of a peaceful labor dispute, declared the labor organization involved, the United Hatters of North America, which was affiliated with the American Federation of Labor—

A combination in restraint of trade or commerce among the several States, in the sense in which those words are used in the (Sherman) act, and the action can be maintained accordingly.

The Supreme Court further said that its—

Conclusion rests on many judgments of this court, to the effect that the act prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States or restricts in that regard the liberty of a trader to engage in business.

Under this decision, if the employees, in furtherance of their cause, advise persons not to purchase the employer's product, a thing they might do with impunity were no strike pending, they will be liable to *treble damages;* and if a court issues an injunction forbidding them to advise persons to purchase the employer's product and they violate this injunction, they are *guilty of a crime* for which, *without trial by jury,* they may be tried by the judge issuing the order and *sent to prison.* And yet some people persist in calling this a free and civilized country.

LABOR PATIENTLY ENDURES JUDICIAL OUTRAGES.

In Colorado a district judge tried in a few hours 15 striking coal miners and sentenced them all to one year's imprisonment for violating a strike injunction. It was shown afterwards that some of these men were innocent beyond question. Had they been charged with the violation of the criminal statutes of the State, they could have demanded and received separate trials, by jury; as they were charged with contempt of court, they were herded before the judge who issued the order, and with hardly a semblance of trial condemned to one year's imprisonment each. The highest testimonial I could pay to the law-abiding and law-loving character of the American workingman would be merely to point to the fact that he suffers such outrageous travesties upon justice to be perpetrated upon him. It is only highly civilized and law-loving men who would patiently endure such damnable outrages and violations of their natural and inherent rights as citizens of a free country.

When employers may send their attorneys into court and get weak and venal judges to serve their purposes in this manner, what inducement, or what necessity, is there for employers to treat with their employees? The fact is, the too ready issuance of injunctions in labor disputes puts a premium upon the creation of such disputes.

In the partial remedying of this unjust condition we are, as I have already stated, blazing no new trail in the world of industry, but only following haltingly in the footsteps of England, as we have done in the case of our employers' liability laws, and full justice will not be done until labor organizations are completely exempted in this country, as they are in England, from the operation of the monopoly and conspiracy laws.

MISSION OF ORGANIZED LABOR.

It is the mission of organized labor to be the principal factor in bringing about the full and complete emancipation of labor

from the antiquated laws which originated in a primitive condition of society when the wage-earner partook more of the status of a serf than of a freeman. There are those who take the pessimistic view that organized labor has passed the zenith of its usefulness, that it is incapable of playing a further great and useful part in working out the destiny of the people, and that it should now be discarded for some much more radical and political movement. I want to dissent from that view and to affirm the proposition that with the teeming issues of a practical character which are pressing for solution, the pending injunction bill, the contempt bill, the eight-hour law, workmen's compensation, mediation, conciliation, and arbitration of labor disputes, and many other beneficial and humane reforms—I want, I say, with all these issues pressing, to affirm the proposition that instead of having passed or even reached the zenith of its usefulness, this great power for good is only in its infancy. Its fate is in its own hands. May it continue worthy to play a great and good part in making this a better and a kindlier world in which to live.

ENGLISH TRADE-UNION ACT, 1871.

CHAP. 31. An act to amend the law relating to trades-unions. (29th June, 1871.)

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

1. This act may be cited as "the trade-union act, 1871."

CRIMINAL PROVISIONS.

2. The purposes of any trade-union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such trade-union liable to criminal prosecution for conspiracy or otherwise.

3. The purposes of any trade-union shall not, by reason merely that they are in restraint of trade, be unlawful, so as to render void or voidable any agreement or trust.

4. Nothing in this act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely:

1. Any agreement between members of a trade-union as such, concerning the conditions on which any members for the time being of such trade-union shall or shall not sell their goods, transact business, employ, or be employed.

2. Any agreement for the payment by any person of any subscription or penalty to a trade-union.

3. Any agreement for the application of the funds of a trade-union—

(a) To provide benefits to members; or

(b) To furnish contributions to any employer or workman not a member of such trade-union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade-union; or

(c) To discharge any fine imposed upon any person by sentence of a court of justice; or

4. Any agreement made between one trade-union and another; or

5. Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

5. The following acts; that is to say:

(1) The friendly societies acts, 1855 and 1858, and the acts amending the same;

(2) The industrial and provident societies act, 1867, and any act amending the same; and

(3) The companies acts, 1862 and 1867—

shall not apply to any trade-union, and the registration of any trade-union under any of the said acts shall be void, and the deposit of the rules of any trade-union made under the friendly societies acts, 1855 and 1858, and the acts amending the same, before the passing of this act, shall cease to be of any effect.

REGISTERED TRADE-UNIONS.

6. Any seven or more members of a trade-union may by subscribing their names to the rules of the union, and otherwise complying with the provisions of this act with respect to registry, register such trade-union under this act, provided that if any one of the purposes of such trade-union be unlawful such registration shall be void.

7. It shall be lawful for any trade-union registered under this act to purchase or take upon lease in the names of the trustees for the time being of such union any land not exceeding 1 acre, and to sell, exchange, mortgage, or let the same, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purpose of this section every branch of a trade-union shall be considered a distinct union.

8. All real and personal estate whatsoever belonging to any trade-union registered under this act shall be vested in the trustees for the time being of a trade-union appointed as provided by this act for the use and benefit of such trade-union and the members thereof, and the real or personal estate of any branch of a trade-union shall be vested in the trustees of such branch, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, which shall be transferred into the names of such new trustees; and in all actions, or suits, or indictments, or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade-union, without any further description.

9. The trustees of any trade-union registered under this act, or any other officer of said trade-union who may be authorized so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint in any court of law or equity touching or concerning the property, right, or claim to property of the trade-union; and shall and may, in all cases concerning the real or personal property of such trade-union, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, without other description than the title of their office; and no such action, suit, prosecution, or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation, or removal had not taken place; and such successors shall pay or receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade-union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the trade-union.

10. A trustee of any trade-union registered under this act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade-union, but shall be liable only for the moneys which shall be actually received by him on account of such trade-union.

11. Every treasurer or other officer of a trade-union registered under this act, at such times as by the rules of such trade-union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade-union, or to the members of such trade-union, at a meeting of the trade-union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustees shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers, and property of the said trade-union in his hands or custody; and if he fail to do so the trustees of the said trade-union may sue such treasurer in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said trade-union, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade-union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

12. If any officer, member, or other person being or representing himself to be a member of a trade-union registered under this act, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition obtain possession of any moneys, securities, books, papers, or other effects of such trade-union, or, having the same in his possession, willfully withhold or fraudulently misapply the same, or willfully apply any part of the same to purposes other than those expressed or directed in the rules of such trade-union, or any part thereof, the court of summary jurisdiction for the place in which the registered office of the trade-union is situate, upon a complaint made by any person on behalf of such trade-union, or by the registrar, or in Scotland at the instance of the procurator fiscal of the court, to which such complaint is competently made, or of the trade-union, with his concurrence, may, by summary order, order such officer, member, or other person to deliver up all such moneys, securities, books, papers, or other effects to the trade-union, or to repay the amount of money applied improperly, and to pay, if the court think fit, a further sum of money not exceeding £20, together with costs not exceeding 20 shillings; and, in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, the said court may order the said person so convicted to be imprisoned, with or without hard labor, for any time not exceeding three months: *Provided*, That nothing herein contained shall prevent the said trade-union, or in Scotland Her Majesty's advocate, from proceeding by indictment against the said party: *Provided also*, That no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offense under the provisions of this act.

REGISTRY OF TRADE-UNION.

13. With respect to the registry, under this act, of a trade-union, and of the rules thereof, the following provisions shall have effect:

(1) An application to register the trade-union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the registrar under this act.

(2) The registrar, upon being satisfied that the trade-union has complied with the regulations respecting registry in force under this act, shall register such trade-union and such rules.

(3 No trade-union shall be registered under a name identical with that by which any other existing trade-union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.

(4) Where a trade-union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the registrar before the registry thereof a general statement of the receipts, funds, effects, and expenditure of such trade-union in the same form, and showing the same particulars, as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the registrar.

(5) The registrar upon registering such trade-union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or canceled, shall be conclusive evidence that the regulations of this act with respect to registry have been complied with.

(6) One of Her Majesty's principal secretaries of state may from time to time make regulations respecting registry under this act, and respecting the seal (if any) to be used for the purpose of such registry, and the forms to be used for such registry, and the inspection of documents kept by the registrar under this act, and respecting the fees (if any) to be paid on registry, not exceeding the fees specified in the second schedule to this act, and generally for carrying this act into effect.

14. With respect to the rules of a trade-union registered under this act, the following provisions shall have effect:

(1) The rules of every such trade-union shall contain provisions in respect of the several matters mentioned in the first schedule to this act.

(2) A copy of the rules shall be delivered by the trade-union to every person on demand on payment of a sum not exceeding 1 shilling.

15. Every trade-union registered under this act shall have a registered office to which all communications and notices may be addressed; if any trade-union under this act is in operation for seven days without having such an office, such trade-union and every officer thereof shall each incur a penalty not exceeding £5 for every day during which it is so in operation.

Notice of the situation of such registered office and of any change therein shall be given to the registrar and recorded by him; until such notice is given the trade-union shall not be deemed to have complied with the provisions of this act.

16. A general statement of the receipts, funds, effects, and expenditure of every trade-union registered under this act shall be transmitted to the registrar before the 1st day of June in every year, and shall show fully the assets and liabilities at the date and the receipts and expenditures during the year preceding the date to which it is made out, of the trade-union; and shall show separately the expenditures in respect of the several objects of the trade-union, and shall be prepared and made out up to such date in such form and shall comprise such particulars as the registrar may from time to time require; and every member of and depositor in any such trade-union shall be entitled to receive, on application to the treasurer or secretary of that trade-union, a copy of such general statement without making any payment for the same.

Together with such general statement there shall be sent to the registrar a copy of all alterations of rules and new rules and changes of officers made by the trade-union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade-union as they exist at that date.

Every trade-union which fails to comply with or acts in contravention of this section, and also every officer of the trade-union so failing, shall each be liable to a penalty not exceeding £5 for each offense.

Every person who willfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies of rules or alterations of rules, shall be liable to a penalty not exceeding £50 for each offense.

17. The registrars of the friendly societies in England, Scotland, and Ireland shall be the registrars under this act.

The registrar shall lay before Parliament annual reports with respect to the matters transacted by such registrars in pursuance of this act.

18. If any person with intent to mislead or defraud gives to any member of a trade-union registered under this act, or to any person intending or applying to become a member of such trade-union, a copy of any rules or of any alterations or amendments of the same other than those, respectively, which exist for the time being on the pretense that the same are the existing rules of such trade-union, or that there are no other rules of such trade-union, or if any person with intent as aforesaid gives a copy of any rules to any person on the pretense that such rules are the rules of a trade-union registered under this act which is not so registered, every person so offending shall be deemed guilty of a misdemeanor.

LEGAL PROCEEDINGS.

19. In England and Ireland all offenses and penalties under this act may be prosecuted and recovered in manner directed by the summary jurisdiction acts.

In England and Ireland summary orders under this act may be made and enforced on complaint before a court of summary jurisdiction in manner provided by the summary jurisdiction acts.

Provided as follows:

1. The "court of summary jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners; that is to say,

(A.) In England,

(1) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute.

(2) In the city of London, of the lord mayor, or any alderman of the said city.

(3) In any other place of two or more justices of the peace sitting in petty sessions.

(B.) In Ireland,

(1) In the police district of Dublin metropolis of a divisional justice.

(2) In any other place of a resident magistrate.

In Scotland all offenses and penalties under this act shall be prosecuted and recovered by the procurator fiscal of the county in the sheriff court under the provisions of the summary procedure act, 1864.

In Scotland summary orders under this act may be made and enforced on complaint in the sheriff court.

All the jurisdictions, powers, and authorities necessary for giving effect to these provisions relating to Scotland are hereby conferred on the sheriffs and their substitutes.

Provided that in England, Scotland, and Ireland—

2. The description of any offense under this act in the words of such act shall be sufficient in law.

3. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offense in this act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

20. In England or Ireland, if any party feels aggrieved by any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than 15 days and not more than 4 months after the decision of the court from which the appeal is made.

(2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal and of the ground thereof.

(3) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace in the sum of £10, with two sufficient sureties in the sum of £10, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court.

(4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance as aforesaid, release him from custody.

(5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and if the matter be remitted to the court of summary jurisdiction, the said last-mentioned court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

21. In Scotland it shall be competent to any person to appeal against any order or conviction under this act to the next circuit court of justiciary, or, where there are no circuit courts, to the high court of justiciary at Edinburgh, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the act passed in the twentieth year of the reign of His Majesty King George II, chapter 43, in regard to appeals to circuit courts in matters criminal, as the same may be altered or amended by any acts of Parliament for the time being in force.

All penalties imposed under the provisions of this act in Scotland may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding three calendar months.

All penalties imposed and recovered under the provisions of this act in Scotland shall be paid to the sheriff clerk, and shall be accounted for and paid by him to the Queen's and lord treasurer's remembrancer on behalf of the Crown.

22. A person who is a master, or father, son, or brother of a master, in the particular manufacture, trade, or business in or in connection with which any offense under this act is charged to have been committed shall not as or as a member of a court of summary jurisdiction or appeal for the purposes of this act.

DEFINITIONS.

23. In this act the term "summary jurisdiction acts" means as follows:

As to England, the act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, intituled "An act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any acts amending the same.

As to Ireland, within the police district of Dublin metropolis, the acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland, "The petty sessions (Ireland) act, 1851," and any act amending the same.

In Scotland the term "misdemeanor" means a crime and offense.

The term "trade union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business as would, if this act had not passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade: *Provided*, That this act shall not affect—

1. Any agreement between partners as to their own business.

2. Any agreement between an employer and those employed by him as to such employment.

3. Any agreement in consideration of the sale of the good will of a business or of instruction in any profession, trade, or handicraft.

REPEAL.

24. The traded-unions funds protection act, 1869, is hereby repealed: *Provided*, That this repeal shall not affect—

(1) Anything duly done or suffered under the said act.

(2) Any right or privilege acquired or any liability incurred under the said act.

(3) Any penalty, forfeiture, or other punishment incurred in respect to any offense against the said act.

(4) The institution of any investigation or legal proceeding or any other remedy for ascertaining, enforcing, recovering, or imposing any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULES.

FIRST SCHEDULE.

Of matters to be provided for by the rules of trade-unions registered under this act.

1. The name of the trade-union and place of meeting for the business of the trade-union.

2. The whole of the objects for which the trade-union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such trade-union.

3. The manner of making, altering, amending, and rescinding rules.

4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.

5. A provision for the investment of the funds and for an annual or periodical audit of accounts.

6. The inspection of the books and names of members of the trade-union by every person having an interest in the funds of the trade-union.

SECOND SCHEDULE.

Maximum fees:	£	s.	d.
For registering trade-union	1	0	0
For registering alterations in rules	0	10	0
For inspection of documents	0	2	6

ENGLISH TRADE-UNION ACT AMENDMENT, 1876.

CHAP. 22. An act to amend the trade-union act, 1871. (30th June, 1876.)

Whereas it is expedient to amend the trade-union act, 1871: Be it therefore

Enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This act and the trade-union act, 1871, hereinafter termed the principal act, shall be construed as one act, and may be cited together as the "trade-union acts, 1871 and 1876," and this act may be cited separately as the "trade-union act amendment act, 1876."

2. Notwithstanding anything in section 5 of the principal act contained, a trade-union, whether registered or unregistered, which insures or pays money on the death of a child under 10 years of age, shall be deemed to be within the provisions of section 28 of the friendly societies act, 1875.

3. Whereas by section 8 of the principal act it is enacted that "the real or personal estate of any branch of a trade-union shall be vested in the trustees of such branch," the said section shall be read and construed as if immediately after the hereinbefore-recited words there were inserted the words "or of the trustees of the trade-union, if the rules of the trade-union so provide."

4. When any person, being or having been a trustee of a trade-union or of any branch of a trade-union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, is absent from Great Britain or Ireland, respectively, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the registrar so direct, then by the accountant general or deputy or assistant accountant general of the Bank of England or Bank of Ireland, as the case may be; and the governors and companies of the Bank of England and Bank of Ireland, respectively, are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

5. The jurisdiction conferred in the case of certain offenses by section 12 of the principal act upon the court of summary jurisdiction for the place in which the registered office of a trade-union is situate may be exercised either by that court or by the court of summary jurisdiction for the place where the offense has been committed.

6. Trade-unions carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office is situate; but copies of the rules of such unions, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries to be recorded by him, and until such rules be so recorded the union shall not be entitled to any of the privileges of this act or the principal act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

In this section "country" means England, Scotland, or Ireland.

7. Whereas by the "life assurance companies act, 1870," it is provided that the said act shall not apply to societies registered under the acts relating to friendly societies; The said act (or the amending acts) shall not apply nor be deemed to have applied to trade-unions registered or to be registered under the principal act.

8. No certificate of registration of a trade-union shall be withdrawn or canceled otherwise than by the chief registrar of friendly societies, or in the case of trade-unions registered and doing business exclusively in Scotland or Ireland, by the assistant registrar for Scotland or Ireland, and in the following cases:

(1) At the request of the trade-union to be evidenced in such manner as such chief or assistant registrar shall from time to time direct.

(2) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade-union has become void under section 6 of the trade-union act, 1871, or that such trade-union has willfully and after notice from a registrar, whom it may concern, violated any of the provisions of the trade-union acts, or has ceased to exist.

Not less than two months' previous notice in writing, specifying briefly the ground of any proposal, withdrawal, or canceling of certificate—unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the chief or assistant registrar to cancel the same forthwith—shall be given by the chief or assistant registrar to a trade-union before the certificate of registration of the same can be withdrawn or canceled, except at its request.

A trade-union whose certificate of registration has been withdrawn or canceled shall, from the time of such withdrawal or canceling, absolutely cease to enjoy as such the privileges of a registered trade-union, but without prejudice to any liability actually incurred by such trade-union, which may be enforced against the same as if such withdrawal or canceling had not taken place.

9. A person under the age of 21, but above the age of 16, may be a member of a trade-union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade-union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade-union.

10. A member of a trade-union not being under the age of 16 years may, by writing under his hand, delivered at, or sent to, the registered office of the trade-union, nominate any person not being an officer or servant of the trade-union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding £50 shall be paid at his decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator the trade-union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

11. A trade-union may, with the approval in writing of the chief registrar of friendly societies, or in the case of trade-unions registered and doing business exclusively in Scotland or Ireland, of the assistant registrar for Scotland or Ireland, respectively, change its name by the consent of not less than two-thirds of the total number of members.

No change of name shall affect any right or obligation of the trade-union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade-union or any other officer who may sue or be sued on behalf of such trade-union, notwithstanding its new name.

12. Any two or more trade-unions may, by the consent of not less than two-thirds of the members of each or every such trade-union, become amalgamated together as one trade-union, with or without any dissolution or division of the funds of such trade-unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

13. Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade-union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this act in respect of changes of name have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this act in respect of amalgamations have been complied with, shall be sent to the central office established by the friendly societies act, 1875, and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

14. The rules of every trade-union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade-union under the hand of the secretary and seven members of the same, shall be sent within 14 days thereafter to the central office hereinbefore mentioned, or in the case of trade-unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, respectively, and shall be registered by them: *Provided*, That the rules of any trade-union registered before the passing of this act shall not be invalidated by the absence of a provision for dissolution.

15. A trade-union which fails to give any notice or send any document which it is required by this act to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than £1 and not more than £5, recoverable at the suit of the chief or any assistant registrar of friendly societies, or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

16. So much of section 23 of the principal act as defines the term "trade-union," except the proviso qualifying such definition, is hereby repealed, and in lieu thereof be it enacted as follows:

The term "trade-union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

ENGLISH TRADE-UNION ACT AMENDMENT, 1906.

Chap. 47. An act to provide for the regulation of trades-union and trade disputes. (Dec. 21, 1906.)

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following paragraph shall be added as a new paragraph after the first paragraph of section 3 of the conspiracy and protection of property act, 1875:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

2. (1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade-union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

(2) Section 7 of the conspiracy and protection of property act, 1875, is hereby repealed from "attending at or near" to the end of the section.

3. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labor as he wills.

4. (1) An action against a trade-union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade-union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade-union to be sued in the events provided for by the trades-union act, 1871, section 9, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

5. (1) This act may be cited as the trade-disputes act, 1906, and the trade-union acts, 1871 and 1876, and this act may be cited together as the trade-union acts, 1871 to 1906.

(2) In this act the expression "trade-union" has the same meaning as in the trade-union acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade-union.

(3) In this act and in the conspiracy and protection of property act, 1875, the expression "trade dispute" means any dispute between employers and workmen or between workmen and workmen which is connected with the employment or nonemployment or the terms of the employment or with the conditions of labor of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section 3 of the last-mentioned act, the words "between employers and workmen" shall be repealed.

Mr. CLAYTON. Mr. Speaker, I now yield to the gentleman from Illinois [Mr. GRAHAM] eight minutes. I have eight minutes remaining, and I yield eight minutes to the gentleman.

Mr. GRAHAM. Mr. Speaker, this question has been so thoroughly discussed from the legal viewpoint that I feel justified in looking at it for a few moments from a different angle. I believe that there is real need for this proposed legislation and that the need for it is largely the result of the changed conditions which have come during the past 50 or 60 years, largely as a result of the invention and perfection of labor-saving machinery.

In natural opportunities this country stands without a parallel, so far as I know. Its immense area of rich agricultural land, its vast bodies of fine forest, its great measures of coal and oil and gas, its immense quantity of iron and copper and gold and silver, all waiting for the developing touch of labor, put our country in a class all its own.

Add to these natural opportunities the remarkable inventive genius of the American people, and the remarkable perfection of the machines they have invented for converting these natural opportunities into the form of concrete wealth, and then add to all that the productive power of the millions upon millions of laborers who came to our shores ready for work and willing to work, and you have a combination for producing wealth almost beyond the power of the imagination to conceive.

The result has been that our natural wealth has increased by leaps and bounds.

The census of 1900 estimated the natural wealth at about $110,000,000,000.

But how was that wealth distributed among the people?

That census gave us 12,500,000 families in the United States.

The unchallenged fact is that in the distribution of the national wealth more than half of it was owned by 125,000 families. In other words, 125,000 of these families owned more of the Nation's wealth than the other 12,375,000 families, or, in yet other words, 1 per cent of the families of the country owned more property than the other 99 per cent.

And owning so much of the country's wealth also includes owning largely the means of producing more wealth.

And during the past decade these conditions have doubtless become greatly intensified.

The consolidation of banking institutions and of life insurance companies and of trusts of one kind and another during the past 10 years has no doubt concentrated the wealth of the country in the hands of even fewer people who control not alone their own funds, but also vast amounts of trust funds placed in their hands and quite as serviceable to them as if their own.

This is not a mere theory, it is an actual condition, and must be reckoned with. As I said before, it results largely from the invention of labor-saving and wealth-producing machinery, and from the further fact that the laws were made in the interest of a favored few, who also managed to get most of the benefits accruing from these inventions.

While these machines and these millions of workers were creating wealth so rapidly, wisdom would have suggested legislative action to prevent the creation of an aristocracy of wealth, and, for the greater safety of republican government, secure a more general distribution of it, but instead of doing so, we legislated through protective tariff laws and patent laws, for the very purpose of gathering it into the coffers of a few only of our people. A result is, as I have stated, that to-day the great bulk of the wealth of the country is concentrated in the hands of a comparatively few of our people, and those few insist on running not only the business of the country but its politics also.

It is axiomatic that wealth is power, and hence that those who control the wealth of a country will to a corresponding extent exercise the power in that country.

Under our system of government the courts are to society almost what the rudder is to the ship. They have the last word as to the meaning of the laws enacted.

Then, too, in many ways judicial decisions give trend and direction to new conditions concerning which rights have to be determined before legislative action is had.

Hence if the great special interests could nominate the men who are to pass upon the laws and declare their meaning, it would not make very much difference who made the laws.

Fletcher, of Saltoun, said, "Give me the making of the people's ballads, and I care not who makes their laws."

He would have been more accurate had he said, "Give me power to name the men who construe the laws, and I care not who makes them."

If I am not mistaken there is a feeling pretty general among the people, and growing quite too rapidly, that the "big interests" wield altogether too great an influence in the selection of the men who occupy places on the Federal bench. In my opinion a great many, even of conservative people, think the Federal judiciary is recruited too largely from the ranks of those lawyers who have been the professional representatives of great interests, and that they have in some instances been so far affected by their professional environment as to forget the due and proper relations between the rights of persons and the rights of property. This result might naturally be expected. The training of years can not be put aside quickly. Their lives were spent fighting for the rights of property, and that point of view is apt to remain, for they continue human after their elevation to the bench.

This thought gives much sanction to the position urged by Mr. Bryan, that the indorsements of successful applicants for places on the Federal bench should be made public. As a result of this attempted deification of property and property rights there is to-day a very sharp conflict waging, and this bill is one of the results of that conflict.

A great man from my State, one of the greatest of Americans; nay, one of the greatest of men, said that on a question between the man and the dollar he stood for the rights of the man as against the rights of the dollar [applause]; and on that proposition I stand with him. Property rights are getting too much recognition at the expense of human rights, and this bill is simply an attempt to get back to where Abraham Lincoln would have us; it is simply an assertion of the rights of men as against the rights of property. [Applause.]

I am willing to acknowledge the great value of precedents in the administration of justice, especially wise and sound precedents, but I sometimes think we lawyers are too much wedded to and guided by precedents, especially when we are dealing with conditions essentially different from those under which the precedents were made. The eminent gentleman from Pennsylvania [Mr. MOON] tells us what courts and judges have said in the past, and argues as if he thought when a court has said something it should be as a law of the Medes and Persians. Without admitting the accuracy of his views as to what the courts have said, I maintain that under the conditions which confront us we have a right to take new ground and to meet new conditions by new remedial measures.

This bill is based on the theory that under the guise of restraining orders and injunctions the equity powers of the courts have been misused, if not abused, by Federal judges in the interest of property rights, and, as I have said, their former professional connection too often gives color to the charge and often inclines the public to believe it may be so. The belief is quite general, and some of the cases give it foundation, that Federal judges have stretched the equity powers of the court till they extend into the field of the common law, and even to that of the criminal law. This constitutes a serious invasion of the constitutional rights of the citizen, as it deprives him of the right of trial by jury in cases where he is entitled to it by the fundamental law.

In this struggle for human rights as against the rights of property those who are ranged on the side of the man against the dollar are not asking for anything they are not entitled to. They contend that they are not the aggressors. They are only defending rights they already had and which, through the aggression of their opponents, they are in danger of losing. They are not asking for special legislation; they only ask that they be not made the victims of special laws made by the courts through the unjust, unlawful, and unwise extension of its equity powers.

It is to prevent this unhappy result that this bill is offered, and it is wisely and conservatively intended to reach that situation, and is, in my judgment, a happy solution of the difficulty, giving to the man and the dollar the rights which each is entitled to.

I will not attempt a complete analysis of the bill, but I do desire to call attention to a few of the changes it makes.

In any system for the administration of justice there is no fact more important or fundamental than notice to the party to be affected. It is axiomatic that every man is entitled to his day in court. To deprive a man of his rights without notice and a chance to be heard is the grossest tyranny, unless giving such notice would work a greater injury to some one else.

Perhaps there is no severer indictment of the tyrant Nero than that he caused his imperial rescripts to be posted so high upon the walls of Rome that the citizens could not read them and then punished them for the violation of laws of which they had no proper notice.

The practice of issuing temporary injunctions without notice has grown to be too common. Often a temporary restraining order so issued was allowed to stand indefinitely, although supported by no evidence beyond a sworn statement that if it did not issue without notice irreparable injury would result. Under the provisions of this bill it will be necessary to state the facts showing how irreparable injury would follow if the order is not issued, and when issued the temporary order must at once be entered on the court record and remains valid for only seven days after entry. Under certain conditions it may be extended seven more days only without notice to the party affected.

Another cause for complaint has been that the injunction order often referred those affected by it to the bill of complaint for details as to what the court commanded them to do or not to do. As the court and court files were often far

removed from the place where the order was to be in effect, it was difficult for those concerned to know just what was prohibited. This bill cures that by providing that the order itself shall give the necessary information.

Under the present arrangement it is in the discretion of the judge whether he shall require the complainant to give bond. This bill prohibits the issuing of any injunction or restraining order until a good and sufficient bond is first filed.

Many restraining orders heretofore issued in labor disputes were so worded as to include everybody in the world. This bill limits the restraining order to the parties defendant and those acting in concert with them, and is binding only on those who in some way have actual notice of it.

It also contains a provision against compulsory personal service, vindicates the right of freedom of speech and of peaceably assembling in a lawful manner, and of doing anything which might lawfully be done if there were no labor dispute pending. The bill is, in my judgment, both wise and necessary. For years there has been a demand for it; Presidents have recommended it; measure after measure has been introduced and considered; but, until a Democratic House took it up, it continued to slumber peacefully in the appropriate pigeonhole.

To-day the Democratic House will breathe the breath of life into it and start it on its way. I hope it will soon find a place in the statute book, and that it will prove a buttress, a bulwark to protect human rights against the unjust encroachments of mere property rights. [Applause.]

Mr. McCOY. Mr. Speaker, it is not my purpose to speak of this bill as a lawyer or to discuss the legal aspects of it. The report of the majority of the Committee on the Judiciary and the very able arguments of the gentleman from West Virginia [Mr. DAVIS] leave nothing to be said in regard to the legal aspects of the measure.

What I should like to do is to call attention to and emphasize an unfortunate and, as it seems to me, a certain dangerous attitude which has been assumed and, I presume, is still held toward remedial legislation of this kind. In the report of the hearings on the matter of injunctions before the Committee on the Judiciary an attorney representing an association opposing the enactment into law of any of the propositions being considered by the committee disclosed the attitude that I have indicated. One of the members of the committee said to him:

I should like to ask you this question: In the course of an experience which has been more extensive than that of any other man I know, has it come to your observation that the writ of injunction in its issuance is abused in any way at all?

The reply was:

Never. They are really very hard to get.

He was asked further:

Is there any suggestion that it occurs to you to make for a change in the administration of the law?

And he replied:

No; not even the one contained in the proposition of Mr. MOON in the last Congress * * *.

The proposition of Mr. MOON is, I believe, what is now being offered as a substitute for the bill under consideration.

It is conclusively shown by what has been stated this afternoon by the gentleman from West Virginia [Mr. DAVIS] that abuses do exist, so serious that they have called forth messages from at least two Presidents of the United States, one of whom was formerly a Federal judge. It is a matter of common knowledge that many other judges declare that such abuses do exist, and any lawyer who has had occasion to keep posted as to the law of injunctions knows it, and, if he is frank, will so admit. Therefore the gentleman to whom I refer differs with the entire Judiciary Committee and with these judges and lawyers.

Employers of labor have a right to expect and demand that those attorneys whom they employ to guard what they believe to be their rights in matters of this kind shall advise them not only what the law is, but also when abuses have arisen what the law ought to be, and I repeat that it is most unfortunate that those who are learned in the law should not deem that they have a higher duty to perform than merely giving such advice as may, from a purely selfish point of view, seem to be in the interest of those by whom they are retained, namely, to endeavor to be real counselors on one of the gravest problems of the day.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to print in the RECORD the report of the committee on this bill, the acts of Congress relating to injunctions, and also the views of the minority on the same bill.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to insert in the RECORD the matter indicated. Is there objection? [After a pause.] The Chair hears none.

The reports referred to are as follows:

[House Report No. 612, Sixty-second Congress, second session.]

REGULATION OF INJUNCTIONS.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 23635:

The Committee on the Judiciary, having had under consideration H. R. 23635, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back with the recommendation that the bill do pass.

The too ready issuance of injunctions or the issuance without proper precautions or safeguards has been called to the attention of the Congress session after session for many years. The bill now reported seeks to remedy the evils complained of by legislation directed to those specific matters which have given rise to most criticism. These matters are so segregated in various sections of the bill that they may be separately discussed.

I.

The first section of the bill amends section 263 of the judicial code, which relates to two distinct steps in the procedure, namely, notice and security. But the amended section relates only to the notice, leaving the matter of security to be dealt with by a new section, 266a.

FORMER STATUTES.

In order to fully understand the subject of notice in injunction cases it is necessary to give an historical résumé of the subject. In the judiciary act of 1789, which was passed during the first session of that year, Congress having created the different courts according to the scheme outlined by Chief Justice Ellsworth, conferred upon the courts power to issue all writs, including writs of ne exeat (a form of injunction), according to legal usages and practice. In 1793, however, there was a revision of that statute, and among other things the same powers, substantially, were conferred upon the judges as before; but at the end of the section authorizing the issuance of injunctions was this language: "No injunction shall be issued in any case without reasonable previous notice to the adverse party or his attorney."

The law stood thus until the general revision of 1873, during which period the law expressly required reasonable notice to be given in all cases. But the will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts. The question frequently arose. The courts got around it in various ways, but usually by holding that it did not apply to a case of threatened irreparable injury, notwithstanding that its language was broad and sweeping, plainly covering all cases. Another form of expression often used is found in Ex parte Poultney (4 Peters C. C. C., 472):

"Every court of equity possesses the power to mold its rules in relation to the time of appearing and answering so as to prevent the rule from working injustice, and it is not only in the power of the court, but it is its duty to exercise a sound discretion upon this subject."

The court found a similar method of evading the sweeping prohibition of the revision of 1793, with respect to notice in Lawrence v. Bowman. (1 U. S. C., Alester, 230.)

But the earliest provision requiring notice came before the Supreme Court in 1799, in New York v. Connecticut (4 Dall., 1). Its constitutionality was not questioned. The only issue was as to the sufficiency of the notice, Chief Justice Ellsworth, for the court, saying: "The prohibition contained in the statute that writs of injunction shall not be granted without reasonable notice to the adverse party or his attorney extends to injunctions granted by the Supreme Court or the circuit court as well as to those that may be granted by a single judge. The design and effect, however, of injunctions must render a shorter notice, reasonable notice, in the case of an application to a court than would be so construed in most cases of an application to a single judge, and until a general rule shall be settled the particular circumstances of each case must also be regarded."

Here was a case in which, although no point was made by counsel on any question of constitutionality, the Supreme Court accepted the comprehensive requirement of the act of 1793 as binding on all the Federal courts.

Now we come to the present law, found in section 263 of the Judicial Code, and reading thus:

"Whenever notice is given of a motion for an injunction out of a district court the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge."

This was the law as contained in section 718 of the Revised Statutes, said section having been enacted in 1872. It simply embodies the practice of the courts with respect to notice, a practice established notwithstanding the nonconformity of the practice to the positive requirement of the act of 1793.

PROPOSED CHANGES.

But it will be seen that the giving of notice and requiring security, left by the present law to the discretion of the court, is by this bill a positive duty, except where irreparable and immediate injury might result from the giving of a notice or the delay incident thereto, in which case the court or judge may issue a temporary restraining order pending the giving of the notice. The concluding part of the amended section has an effect to safeguard parties from the reckless and inconsiderate issuance of restraining orders. Injuries compensable in damages recoverable in an action at law are not treated or considered by the courts as irreparable in any proper legal sense, and parties attempting to show why the injury sought to be restrained is irreparable would often disclose an adequate legal remedy. This provision requires the reason to appear in the order, but it should be read in connection with the new section 266b, requiring the order to be made by the court or judge to be likewise specific in other essentials, and section 266c, requiring that every complaint filed for the purpose of obtaining the order, in the cases there specified, shall contain a particular description of the property or property right for which the prohibitive power of the court is sought, and that such complaint shall be verified.

A valuable provision of the amendment is one that a restraining order issued without notice "shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record."

A legislative precedent for such legislation is found in the act of 1807, wherein it was provided that injunctions granted by the district courts "shall not, unless so ordered by the circuit court, continue longer than to the circuit court next ensuing, nor shall an injunction

be issued by a district judge in any case where a party has had a reasonable time to apply to the circuit court for the writ." (U. S. Stat. L., vol. 2, p. 418.)

If the views of President Taft on this subject have not changed, he will welcome an opportunity to approve a bill containing such provisions as those in the amendment governing notice, because in his message of December 7, 1909, to the regular session of the Sixty-first Congress, after a quotation from the Republican platform of 1908, he said:

"I recommend that in compliance with the promise thus made appropriate legislation be adopted. The ends of justice will best be met and the chief cause of complaint against ill-considered injunctions without notice will be removed by the enactment of a statute forbidding hereafter the issuing of any injunction or restraining order, whether temporary or permanent, by any Federal court without previous notice and a reasonable opportunity to be heard on behalf of the parties to be enjoined, unless it shall appear to the satisfaction of the court that the delay necessary to give such notice and hearing would result in irreparable injury to the complainant, and unless, also, the court shall from the evidence make a written finding, which shall be spread upon the court minutes, that immediate and irreparable injury is likely to ensue to the complainant, and shall define the injury, state why it is irreparable, and shall also indorse on the order issued the date and the hour of the issuance of the order. Moreover, every such injunction or restraining order issued without previous notice and opportunity by the defendant to be heard should by force of the statute expire and be of no effect after seven days from the issuance thereof or within any time less than that period which the court may fix, unless within such seven days or such less period the injunction or order is extended or renewed after previous notice and opportunity to be heard.

"My judgment is that the passage of such an act, which really embodies the best practice in equity and is very likely the rule now in force in some courts, will prevent the issuing of ill-advised orders of injunction without notice and will render such orders, when issued, much less objectionable by the short time in which they may remain effective."

II.

Section 266a simply requires security for costs and damages in all cases, leaving it no longer within the discretion of the courts whether any such security or none shall be given.

Prior to the said act of 1872 (contained in the revision of 1873) there appears to have been no legislation on the matter of security in injunction cases; not that security was usually required is a fact well known to the legal profession. It seems clearly just and salutary that the extraordinary writ of injunction should not issue in any case until the party seeking it and for whose benefit it issues has provided the other party with all the protection which security for damages affords.

It appears by the authorities, both English and American, to have been always within the range of judicial discretion, in the absence of a statute, to waive security, though better practice has been to require security as a condition to issuing restraining orders and injunctions.

The new section, 266a, takes the matter of requiring security out of the category of discretionary matters, where it was found by the committee on revision and permitted to remain.

For a discussion of the existing law on the question of security, we refer to Russell v. Farley. (105 U. S., 433.)

III.

Section 266b is of general application. Defendants should never be left to guess at what they are forbidden to do, but the order "shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained." It also contains a safeguard against what have been heretofore known as dragnet or blanket injunctions, by which large numbers may be accused, and eventually punished, for violating injunctions in cases in which they were not made parties in the legal sense and of which they had only constructive notice, equivalent in most cases to none at all. Moreover, no person shall be bound by any such order without actual personal notice.

EXISTING LAW AND PRACTICE.

There was heretofore no Federal statute to govern either the matter of making or form and contents of orders for injunctions. Of course, where a restraining order is granted that performs the functions of order, process, and notice. But the writ of injunction, where temporary, is preceded by the entry of an order, and where permanent by the entry of a decree.

The whole matter appears to have been left, both by the States and the Federal Government, to the courts, which have mostly conformed to established principles.

The most important of these was that the order should be sufficiently clear and certain in its terms that the defendants could by an inspection of it readily know what they were forbidden to do.

See Arthur v. Oakes, 63 Fed. Rep., 310, 25 L. R. An., 414; St. Louis Min., etc., Co. v. Co. c. Montana Min. Co., 58 Fed. Rep., 129; Sweet v. Maugham, 4 Jur., 479; 9 L. J. Ch., 323, 34 Eng. Ch., 51; Cother v. Midland R. Co., 22 Eng. Ch., 469.

It should also be in accordance with the terms of the prayer of the bill. (State v. Rush County, 35 Kans., 150; McEldowney v. Lowther, 49 W. Va., 348.) It should not impose a greater restraint than is asked or is necessary (Shubert v. Angelea, 83 N. Y. App. Div., 625; New York Fire Dept. v. Bennett, 4 N. Y. Supp., 206) and should be specific and certain. (Orris v. National Commercial Bank, 81 N. Y. App. Div., 631; St. Rege's Paper Co. v. Santa Clara Lumber Co., 55 N. Y. App. Div., 225; Norris v. Cable, 8 Rich (S. C.), 58; Parker v. First Ave. Hotel Co., 24 Ch. Div., 282; Hackett v. Baiss, L. R., 20 Eq., 494; Dover Harbour v. London, etc., R. Co., 3 De G. F. & J., 559; Low v. Innes, 4 De G. J. & S., 286.)

So it appears that section 266b really does not change the best practice with respect to orders, but imposes the duty upon the courts, in mandatory form, to conform to correct rules, as already established by judicial precedent.

That such provision is necessary and timely will appear upon an inspection of some orders which have issued.

For instance, take the case of Kansas & Texas Coal Co. v. Denney, decided in the district court for Arkansas in 1899. And here, as in most of such cases, no full official report of the case can be obtained, but a mere memorandum. In this case the defendants (strikers) were ordered to be and were enjoined from "congregating at or near or on the premises of the property of the Kansas & Texas Coal Co. in, about, or near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or preventing said employees from rendering service to the Kansas & Texas Coal Co. from inducing or coercing by threats, intimidation, force, or violence any of said employees to leave the employment of the said Kansas & Texas Coal Co., or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas & Texas Coal Co. in the operation of its coal mines at or near said town of Huntington, or elsewhere."

It will be observed that a defendant in that suit would render himself liable to punishment for contempt if he met a man seeking employment by the company in a foreign country and persuaded him not to enter its service.

The bill further provides that it shall be "binding only upon parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same." Unquestionably this is the true rule, but unfortunately the courts have not uniformly observed it. Much of the criticism which arose from the Debs case (64 Fed. Rep., 724) was due to the fact that the court undertook to make the order effective not only upon the parties to the suit and those in concert with them, but upon all other persons whomsoever. In Scott v. Donald (165 U. S., 117), the court rebuked a violation by the lower court in the following language:

"The decree is also objectionable because it enjoins persons not parties to the suit. This is not a case where the defendants named represent those not named. Nor is there alleged any conspiracy between the parties defendant and other unknown parties. The acts complained of are tortious and do not grow out of any common action or agreement between constables and sheriffs of the State of South Carolina. We have indeed a right to presume that such officers, though not named in this suit, will, when advised that certain provisions of the act in question have been pronounced unconstitutional by the court to which the Constitution of the United States refers such questions, voluntarily refrain from enforcing such provisions; but we do not think it comports with well-settled principles of equity procedure to include them in an injunction in a suit in which they were not heard or represented or to subject them to penalties for contempt in disregarding such an injunction. (Fellows v. Fellows, 4 John. Chan., 25, citing Iveson v. Harris, 7 Ves., 257.)

"The decree of the court below should therefore be amended by being restricted to the parties named as plaintiff and defendants in the bill, and this is directed to be done, and it is otherwise."

IV.

Section 266c is concerned with cases between "employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment."

The first clause of the new section 266c relates to the contents and form of the complaint. It must disclose a threatened irreparable injury to property or to a property right of the party making the application for which there is no adequate remedy at law. And the property or property right must be described "with particularity."

These requirements are merely those of good pleading and correct practice in such cases established by a long line of precedents, well understood by the profession and which should be but perhaps have not been uniformly applied. To show this it is only necessary to briefly state the applicable rules, citing some of the numerous authorities.

As the granting of an injunction rests in some degree in the discretion of the chancellor, allegations in the complaint should show candor and frankness. (Moffatt v. Calvert County Commissioners, 97 Md., 266; Johnston v. Glenn, 40 Md., 200; Edison Storage Battery Co. v. Edison Automobile Co., 67 N. J. Eq., 44; Sharp v. Ashton, 3 Ves. & B., 144.)

The omission of material facts which, in the nature of the case, must be known to the plaintiff will preclude the granting of the relief. (Sprigg v. Western Tel. Co., 46 Md., 67; Walker v. Burks, 48 Tex., 206.)

An injunction may be refused if the allegations are argumentative and inferential. (Battle v. Stevens, 32 Ga., 25; Warsop v. Hastings, 22 Minn., 437.)

The allegations of the complaint must be definite and certain. (St. Louis v. Knapp Co., 104 U. S., 658.)

The complaint must set forth the facts with particularity and minuteness (Minor v. Terry, Code Rep. N. S. (N. S.), 384), and no material fact should be left to inference. (Warsop v. Hastings, 22 Minn., 437; Philphower v. Todd, 11 N. J. Eq., 54; Perkins v. Collins, 3 N. J. Eq., 482.)

Facts, and not the conclusions or opinions of the pleader, must be stated. (McBride v. Ross (D. C.), 13 App. Cas., 576.)

An injunction should not ordinarily be granted when the material allegations are made upon information and belief. (Brooks v. O'Hara, 8 Fed. Rep., 529; In re Holmes, 3 Fed. Rep. Cases No. 1, 562.)

The complaint must clearly show the threats or acts of defendant which cause him to apprehend future injury. (Mendelson v. McCabe, 144 Cal., 230; Ryan v. Fulghurn, 96 Ga., 234.) And it is not sufficient to allege that the defendant claims the right to do an act which plaintiff believes illegal and injurious to him, since the intention to exercise the right must be alleged. (Lutman v. Lake Shore, etc., R. Co., 56 Ohio St., 433; Attorney General v. Eau Claire, 37 Wis., 400.)

The bill must allege facts which clearly show that the plaintiff will sustain substantial injury because of the acts complained of. (Home Electric Light, etc., Co. v. Gobe Tissue Paper Co., 146 Ind., 673; Boston, etc., Ry. Co. v. Sullivan, 177 Mass., 230; McGovern v. Loder (1 J. J. Ch., 1890), 20 Atl. Rep., 209; Smith v. Lockwood, 13 Barb., 209; Jones v. Stewart (Tenn. Ch. App., 1900), 61 Sev., 105; Spokane St. R. Co. v. Spokane, 5 Wash., 634; State v. Eau Claire, 40 Wis., 533.)

And it is not sufficient to merely allege injury without stating the facts. (Gifling v. Gibb, 2 Black, 519; Spooner v. McConnell, 22 Fed. Cases, No. 13245; Bowling v. Crook, 104 Ala., 130; Grant v. Cooke, 7 D. C., 165; Coast Line R. Co. v. Caben, 50 Ga., 451; Dinwiddie v. Roberts, 1 Greene, 363; Wabaska Electric Co. v. Wymore Co., Nebr., 190; Lubrs v. Sturtevant, 10 Or., 170; Farland v. Wood, 35 W. Va., 458.)

Since the jurisdiction in equity depends on the lack of an adequate remedy at law, a bill for an injunction must state facts from which the court can determine that the remedy at law is inadequate. (Pollock v. Farmers' Loan & Tr. Co., 157 U. S., 429; Safe Deposit, etc., Co. v. Anniston, 96 Fed. Rep., 661.)

If the inadequacy of the legal remedy depends upon the defendant's insolvency, the fact of insolvency must be positively alleged. (Fullington v. Kyle Lumber Co., 130 Ala., 242; Graham v. Tankersley, 15 Ala., 634.)

An injunction will not be granted unless the complaint shows that a refusal to grant the writ will work irreparable injury. (California Nav. Co. v. Union Transp. Co., 122 Cal., 641; Cook County Brick Co.,

92 Ill. App., 526; Manufacturers' Gas Co. v. Indiana Nat. Gas, etc., Co., 156 Ind., 679.) And it is not sufficient simply to allege that the injury will be irreparable, but the facts must be stated so that the court may see that the apprehension of irreparable injury is well founded. (California Nav. Co. v. Union Transp. Co., 122 Cal., 641; Empire Transp. Co. v. Johnson, 76 Conn., 79; Orange City v. Thayer, 45 Fla., 502.)

The plaintiff must allege that he has done or is willing to do everything which is necessary to entitle him to the relief sought. (Stanley v. Sibley, 10 Pet. (U. S.), 521; Elliott v. Sibley, 101 Ala., 244; Burham v. San Francisco Fuse Mfg. Co., 76 Cal., 26; Sloan v. Coolbaugh, 10 Iowa, 31; Lewis v. Wilson, 17 N. Y. Supp., 128; Spann v. Sterne, 18 Tex., 556.)

The second paragraph of section 266c is concerned with specific acts which the best opinion of the courts holds to be within the right of parties involved upon one side or the other of a trades dispute. The necessity for legislation concerning them arises out of the divergent views which the courts have expressed on the subject and the difference between courts in the application of recognized rules. It may be proper to notice, in passing, that the State courts furnish precedents frequently for action by the Federal courts, and vice versa, so that a pernicious rule or an error in one jurisdiction is quickly adopted by the other. It is not contended that either the Federal or the State courts have stood alone in any of the precedents which are disapproved. The provisions of this section of the bill are self-explanatory, and in justification of the language used we content ourselves with submitting quotations from recognized authorities. We classify these authorities by quoting, first, the clauses of the bill to which they have particular reference.

The first clause:

"Will no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do."

In Allis Chalmers Co. v. Iron Molders' Union (C. C., 150 Fed. R., 155), Judge Seaborn wrote:

"The conclusion to be drawn from the cases, as applicable to this controversy, is, I think, that the combination of the defendant unions, their members, and the defendant O'Leary, to strike, and to further enforce the strike, and if possible to bring the employers to terms by preventing them from obtaining other workmen to replace the strikers, was not unlawful, because grounded on just cause or excuse, being the economic advancement of the union molders and the competition of labor against capital."

In Arthur v. Oakes (63 Fed. R., 310, 317), Justice Harlan, for the court, said:

"If an employee quits without cause, and in violation of an express contract to serve for a stated time, then his quitting would not be of right, and he would be liable for any damages resulting from a breach of his agreement, and perhaps, in some states of case, to criminal prosecution for loss of life or limb by passengers or others, directly resulting from his abandoning his post at a time when care and watchfulness were required upon his part in the discharge of a duty he had undertaken to perform. And it may be assumed for the purposes of this discussion that he would be liable in like manner where the contract of service, by necessary implication arising out of the nature or the circumstances of the employment, required him not to quit the service of his employer suddenly and without reasonable notice of his intention to do so. But the vital question remains: Whether a court of equity will, under any circumstances, by injunction, prevent one individual from quitting the personal service of another? An affirmative answer to this question is not, we think, justified by any authority to which our attention has been called or of which we are aware. It would be a invasion of one's natural liberty to compel him to work for or to remain in the personal service of another. One who is placed under such constraint is in a condition of involuntary servitude—a condition which the supreme law of the land declares shall not exist within the United States or in any place subject to their jurisdiction. Courts of equity have sometimes sought to sustain a contract for service requiring special knowledge or skill by enjoining acts or conduct that would constitute a breach of such contract.

* * * * * * *

"The rule, we think, is without exception that equity will not compel the actual, affirmative performance by an employee of merely personal services, any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for service of that character. The right of an employee engaged to perform personal service to quit that service rests upon the same basis as the right of his employer to discharge him from further personal service. If the quitting in the one case or the discharging in the other is in violation of the contract between the parties, the one injured by the breach has his action for damages; and a court of equity will not, indirectly or negatively, by means of an injunction restraining the violation of the contract, compel the affirmative performance from day to day or the affirmative acceptance of merely personal services. Relief of that character has always been regarded as impracticable."

Sitting with Justice Harlan at circuit in that case were other learned jurists, but there was no dissent from these views.

In this connection we cite from the luminous opinion by Judge Loring delivering the opinion in Pickett v. Walsh (192 Mass., 572), a clear exposition of our views here expressed. We regret the necessity of limiting the quotation, because the whole opinion could be studied with profit.

"The case is one of competition between the defendant unions and the individual plaintiffs for the work of pointing. The work of pointing for which these two sets of workmen are competing is work which the contractors are obliged to have. One peculiarity of the case, therefore, is that the fight here is necessarily a triangular one. It necessarily involves the two sets of competing workmen and the contractor, and is not confined to the two parties to the contract, as is the case where workmen strike to get better wages from their employer or other conditions which are better for them. In this respect the case is like Mogul Steamship Co. v. McGregor (23 Q. B. D., 598; S. C., on appeal (1892); A. C., 25).

"The right which the defendant unions claim to exercise in carrying their point in the course of this competition is a trade advantage, namely, that they have labor which the contractors want, or, if you please, can not get elsewhere; and they insist upon using this trade advantage to get additional work, namely, the work of pointing the bricks and stone which they lay. It is somewhat like the advantage which the owner of back land has when he has bought the front lot. He is not bound to sell them separately. To be sure, the right of an individual owner to sell both or none is not decisive of the right of a labor union to combine to refuse to lay bricks or stone unless they are given the job of pointing the bricks laid by them. There are things which an individual can do which a combination of individuals can not do. But having regard to the right on which the defendants' organization as a labor union rests, the correlative duty owed by it to others, and the limitation of the defendants' rights coming from the increased power of organization, we are of opinion that it was within the rights of these unions to compete for the work of doing the pointing and, in the exercise of their right of competition, to refuse to lay bricks and set stone unless they were given the work of pointing them when laid. (See in this connection Plant v. Woods, 176 Mass., 492, 502; Berry v. Donovan, 188 Mass., 353, 357.)

"The result to which that conclusion brings us in the case at bar ought not to be passed without consideration.

"The result is harsh on the contractors, who prefer to give the work to the pointers, because (1) the pointers do it by contract (in which case the contractors escape the liability incident to the relation of employer and employee); because (2) the contractors think that the pointers do the work better, and if not well done the buildings may be permanently injured by acid; and, finally, (3) because they get from the pointers better work with less liability at a smaller cost. Again, so far as the pointers (who can not lay brick or stone) are concerned, the result is disastrous. But all that the labor unions have done is to say you must employ us for all the work or none of it. They have not said that if you employ the pointers you must pay us a fine, as they did in Carew v. Rutherford (106 Mass., 1). They have not undertaken to forbid the contractors employing pointers, as they did in Plant v. Woods (176 Mass., 492). So far as the labor unions are concerned, the contractors can employ pointers if they choose, but if the contractors choose to give the work of pointing the bricks and stones to others the unions take the stand that the contractors will have to get some one else to lay them. The effect of this in the case at bar appears to be that the contractors are forced against their will to give the work of pointing to the masons and bricklayers. But the fact that the contractors are forced to do what they do not want to do is not decisive of the legality of the labor union's acts. That is true wherever a strike is successful. The contractors doubtless would have liked it better if there had been no competition between the bricklayers' and masons' unions on the one hand and the individual pointers on the other hand. But there is competition. There being competition, they prefer the course they have taken. They prefer to give all the work to the unions rather than get nonunion men to lay bricks and stone to be pointed by the plaintiffs.

"Further, the effect of complying with the labor unions' demands apparently will be the destruction of the plaintiff's business. But the fact that the business of a plaintiff is destroyed by the acts of the defendants done in pursuance of their right of competition is not decisive of the illegality of the acts. It was well said by Hammond, J., in Martell v. White (185 Mass., 255, 260) in regard to the right of a citizen to pursue his business without interference by a combination to destroy it: 'Speaking generally, competition in business is permitted, although frequently disastrous to those engaged in it. It is always selfish, often sharp, and sometimes deadly.'

* * * * * * *

"The application of the right of the defendant unions, who are composed of bricklayers and stonemasons, to compete with the individual plaintiffs, who can do nothing but pointing (as we have said), is in the case at bar disastrous to the pointers and hard on the contractors. But this is not the first case where the exercise of the right of competition ends in such a result. The case at bar is an instance where the evils which are or may be incident to competition bear very harshly on those interested, but in spite of such evils competition is necessary to the welfare of the community."

To the same effect is Allis-Chalmers Co. v. Iron Molders' Union (C. C.) (150 Fed. Rep., 155), per Sanborn, J.

The consensus of judicial views as expressed in these cases and others which might be cited, is that workingmen may lawfully combine to further their material interests without limit or constraint, and may for that purpose adopt any means or methods which are lawful. It is the enjoyment and exercise of that right and none other that this bill forbids the courts to interfere with.

The second clause:

"Or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working."

This language is taken from the British trades dispute act of 1906, the second section of which is as follows:

"It shall be lawful for one or more persons acting on their own behalf or on behalf of an individual, corporation, or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from work."

This, it has been said, "might well be termed a codification of the law relating to peaceful picketing as laid down by a majority of the American courts." (Martin's Law of Labor Unions, sec. 173.) Upon the general subject the same author says:

"There are some decisions which hold that all picketing is unlawful, and it has been said that from the very nature of things peaceful picketing is of rare occurrence and "very much of an illusion," yet the view taken by the majority of decisions and which is best supported by reason is that picketing, if not conducted in such numbers as will of itself amount to intimidation, and when confined to the seeking of information such as the number and names and places of residence of those at work or seeking work on the premises against which the strike is in operation, and to the use of peaceful argument and entreaty for the purpose of procuring such workmen to support the strike by quitting work or by not accepting work, is not unlawful, and will furnish no ground for injunction or an action at law for damages. * * * That the views set forth in this section are correct does not admit of doubt. Indeed, it may readily be seen that the right almost universally conceded to striking workmen to use peaceable argument and persuasion to induce other workmen to aid them in their strike might, and very probably would be, most seriously hampered if the right of picketing were denied. "The right to persuade new men to quit or decline employment is of little worth unless the strikers may ascertain who are the men that their late employer has persuaded or is attempting to persuade to accept employment." While it is true that in the guise of picketing strikers may obstruct and annoy the new men, and by insult and menacing attitude intimidate them as effectually as by physical assault, yet it can always be determined from the evidence whether the efforts of the pickets are limited to getting into communication with the new men for the purpose of presenting arguments and appeals to their free judgment." (Martin's Modern Law of Labor Unions, sec. 169, pp. 233, 234, and 235.)

The third clause:

"Or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do."

The best opinion to be gathered from the conflicting opinions on this matter have been well summarized in the most recent textbook on the subject as follows:

"It is lawful for members of a union, acting by agreement among themselves, to cease to patronize a person against whom the concert of action is directed when they regard it for their interest to do so. This is the so-called 'primary boycott,' and in furtherance thereof it is lawful to circulate notices among the members of the union to cease patronizing one with whom they have a trade dispute and to announce their intention to carry their agreement into effect. For instance, if an employer of labor refuses to employ union men the union has a right to say that its members will not patronize him. A combination between persons merely to regulate their own conduct and affairs is allowable, and a lawful combination, though others may be indirectly affected thereby. And the fact that the execution of the agreement may tend to diminish the profits of the party against whom such act is aimed does not render the participants liable to a prosecution for a criminal conspiracy or to a suit for injunction. Even though he sustain financial loss, he will be without remedy, either in a court of law or a court of equity. So long as the primary object of the combination is to advance its own interests and not to inflict harm on the person against whom it is directed, it is not possible to see how any claim of illegality could be sustained." (Martin's Modern Law of Labor Unions, pp. 107, 108, and 109.)

"It is not unlawful for members of a union or their sympathizers to use, in aid of a justifiable strike, peaceable argument and persuasion to induce customers of the person against whom the strike is in operation to withhold their patronage from him, although their purpose in so doing is to injure the business of their former employer and constrain him to yield to their demands, and the same rule applies where the employer has locked out his employees. These acts may be communicated by direct communication or through the medium of the press, and it is only when the combination becomes a conspiracy to injury, by threats and coercion, the property rights of another that the power of the courts can be invoked. The vital distinction between combinations of this character and boycotts is that here no coercion is present, while, as was heretofore shown, coercion is a necessary element of a boycott. In applying this principle stated it has been held that the issuance of circulars by members of a labor union notifying persons engaged in the trade of controversies existing between such members and their employer and requesting such persons not to deal with the employer is not unlawful and will not be enjoined where no intimidation or violence is used." (Martin's Modern Law of Labor Unions, pp. 109 and 110.)

Said Mr. Justice Van Orsdel in his concurring opinion in Court of Appeals of the District of Columbia (the American Federation of Labor et al., appellants, v. The Bucks Stove & Range Co., No. 1916, decided Mar. 11, 1909):

* * * * * * *

"Applying the same principle, I conceive it to be the privilege of one man, or a number of men, to individually conclude not to patronize a certain person or corporation. It is also the right of these men to agree together and to advise others, not to extend such patronage. That advice may be given by direct communication or through the medium of the press, so long as it is neither in the nature of coercion or a threat.

"As long as the actions of this combination of individuals are lawful, to this point it is not clear how they can become unlawful because of their subsequent acts directed against the same person or corporation. To this point there is no conspiracy—no boycott. The word "boycott" is here used as referring to what is usually understood as "the secondary boycott," and when used in this opinion it is intended to be applied exclusively in that sense. It is, therefore, only when the combination becomes a conspiracy to injure by threats and coercion the property rights of another that the power of the courts can be invoked. This point must be passed before the unlawful and unwarranted acts which the courts will punish and restrain are committed.

"The definition of a boycott given by Judge Taft in Toledo Co. v. Penna. Co. (54 Fed., 730) is as follows: 'As usually understood, a boycott is a combination of many to cause a loss to one person by coercing others against their will to withdraw from him their beneficial business intercourse through threats that, unless those others do so, the many will cause similar loss to them.' In Gray v. Building Trades Council (91 Minn., 171) the word 'boycott' is defined as follows: 'A boycott may be defined to be a combination of several persons to cause a loss to a third person by causing others against their will to withdraw from him their beneficial business intercourse through threats that unless a compliance with their demands be made the persons forming the combination will cause loss or injury to him, or an organization formed to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and thereby cause him through fear of resulting injury to submit to dictation in the management of his affairs. Such acts constitute a conspiracy and may be restrained by injunction.' In Brace Bros. v. Evans (3 R. & Corp. L. J., 561) it is said: 'The word itself implies a threat. In popular acceptation it is an organized effort to exclude a person from business relations with others by persuasion, intimidation, and other acts which tend to violence, and thereby cause him, through fear of resulting injury, to submit to dictation in the management of his affairs.'

"It will be observed that the above definitions are in direct conflict with the earlier English decisions and indicate a distinct departure by our courts. This undoubtedly is in recognition of the right of a number of individuals to combine for the purpose of improving their condition. The rule of the English common law, from which we have so far departed, is expressed in Bowen v. Hall (6 Q. B. Div., 333) as follows: 'If the persuasion be used for the indirect purpose of injuring the plaintiff, or of benefiting the defendant at the expense of the plaintiff, it is a malicious act, which is in law and in fact a wrong act, and therefore a wrongful act, and therefore an actionable act if injury ensues from it.'

"From this clear distinction it will be observed that there is no boycott until the members of the organization have passed the point of refusing to patronize the person or corporation themselves and have entered the field where, by coercion or threats, they prevent others from dealing with such persons or corporation. I fully agree with this distinction.

"So long, then, as the American Federation of Labor and those acting under its advice refused to patronize complainant, the combination had not arisen to the dignity of an unlawful conspiracy or a boycott."

In Hopkins v. Oxley Stave Co. (83 Fed. R., 912), Judge Caldwell, in a dissenting opinion, said:

"While laborers, by the application to them of the doctrine we are considering, are reduced to individual action, it is not so with the forces arrayed against them. A corporation is an association of individuals for combined action; trusts are corporations combined together for the very purpose of collective action and boycotting; and capital, which is the product of labor, is in itself a powerful collective force. Indeed, according to this supposed rule, every corporation and trust in the country is an unlawful combination, for while its business may be of a kind that its individual members, each acting for himself, might lawfully conduct, the moment they enter into a combination to do that same thing by their combined effort the combination becomes an unlawful conspiracy. But the rule is never so applied.

"Corporations and trusts and other combinations of individuals and aggregations of capital extend themselves right and left through the entire community, boycotting and inflicting irreparable damage upon and crushing out all small dealers and producers, stifling competition, establishing monopolies, reducing the wages of the laborer, raising the price of food on every man's table and of the clothes on his back and of the house that shelters him, and inflicting on the wage earners the pains and penalties of the lockout and the black list, and denying to them the right of association and combined action by refusing employment to those who are members of labor organizations; and all these things are justified as a legitimate result of the evolution of industries resulting from new social and economic conditions, and of the right of every man to carry on his business as he sees fit, and of lawful competition. On the other hand, when laborers combine to maintain or raise their wages or otherwise to better their condition or to protect themselves from oppression or to attempt to overcome competition with their labor or the products of their labor in order that they may continue to have employment and live, their action, however open, peaceful, and orderly, is branded as a 'conspiracy.' What is 'competition' when done by capital is 'conspiracy' when done by laborers. No amount of verbal dexterity can conceal or justify this glaring discrimination. If the vast aggregation and collective action of capital is not accompanied by a corresponding organization and collective action of labor, capital will speedily become proprietor of the wage earners as well as the recipient of the profits of their labor. This result can only be averted by some sort of organization that will secure to collective action of wage earners. This is demanded, not in the interest of wage earners alone, but by the highest considerations of public policy."

In Vegelahn v. Gunter (167 Mass., 92), Justice Holmes, now of the Supreme Court of the United States, said:

"It is plain from the slightest consideration of practical affairs, or the most superficial reading of industrial history, that free competition means combination and that the organization of the world, now going on so fast, means an ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it is, or detrimental, it is inevitable, unless the fundamental axioms of society and even the fundamental conditions of life are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services and that of society, disguised under the name of capital, to get his services for the least possible return. Combination on the one side is potent and powerful. Combination on the other is a fair and equal way. * * * If it be true that the workingmen may combine with a view, among other things, to getting as much as they can for their labor, must the capital they combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has to support their interest by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control."

The logic of Justice Sherwood, of the Supreme Court of Missouri, in Marx & Haas Co. v. Watson (56 L. R. A., 951), appears unanswerable. He discussed the question from a constitutional standpoint, taking for his text the Missouri bill of rights, substantially the same as the first amendment to the Federal Constitution, saying (p. 956):

"The evident idea of that section is penalty or punishment, and not prevention, because if prevention exists, then no opportunity can possibly arise for one becoming responsible by saying, writing, or publishing 'whatever he will on any subject.' The two ideas—the one absolute freedom 'to say, write, or publish whatever he will on any subject,' coupled with responsibility therefor, and the other idea of preventing any such free speech, free writing, or free publication—can not coexist."

The opinion continues, after citing authorities, Federal and State, as follows:

"Section 14, supra, makes no distinction and authorizes no difference to be made by courts or legislatures between a proceeding set on foot to enjoin the publication of a libel and one to enjoin the publication of any other sort or nature, however injurious it may be, or to prohibit the use of free speech or free writing on any subject whatever, because wherever the authority of injunction begins there the right of free speech, free writing, or free publication ends. No halfway house stands on the highway between absolute prevention and absolute freedom."

The fourth clause:

"Or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value."

In at least two instances State courts (Reynolds v. Davis, 198 Mass., 294, and A. S. Barnes & Co. v. Chicago Typographical Union, 232 Ill., 424) have held that if the purpose of a strike was unlawful the officers and members of unions should be enjoined from giving financial aid in the form of strike benefits in furtherance thereof. But in the only case of the kind disposed of by a Federal court an entirely different conclusion was reached. In A. S. Barnes & Co. v. Berry (157 Fed. R., 883) it was held without exception or qualification that an employer against whom a strike was in operation could not have enjoined the officers of a union from giving its striking members strike benefits. The reason assigned was that—

"the strike benefit fund is created by moneys deposited by the men with the general officers for the support of themselves and families in times of strike, and the court has no more control of it than it would have over deposits made by them in the banks."

This decision is in harmony with two recent English decisions—Denaby, etc., Collieries v. Yorkshire Miners' Assn. (75 L. J. K. B., 384); Lyons v. Wilkins (67 L. J., ch. 383).

The fifth and sixth clauses:

"Or from peacably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

After all that can be asserted against the provisions of section 266c, or any provision of the bill elsewhere found has been said, we can truly say that it does not transcend or contravene the clear and conclusive

statement of the law as stated in National Fireproofing Co. v. Mason Builders Association (169 Fed. Rep., 260). Delivering the opinion of the court in that case, Judge Noyes said (p. 265):

"As a general rule, it may be stated that when the chief object of a combination is to injure or oppress third persons it is a conspiracy; but that where such injury or oppression is merely incidental to the carrying out of a lawful purpose it is not a conspiracy. Stated in another way: A combination, entered into for the real malicious purpose of injuring a third person in his business or property, may amount to a conspiracy and furnish a ground of action for damages sustained or call for an injunction, even though formed for the ostensible purpose of benefiting its members, and actually operating to some extent to their advantage. But a combination without such ulterior oppressive object entered into merely for the purpose of promoting by lawful means the common interests of its members, is not a conspiracy. A laborer, as well as a builder, trader, or manufacturer, has the right to conduct his affairs in any lawful manner, even though he may thereby injure others. So several laborers and builders may combine for mutual advantage, and so long as the motive is not malicious, the object not unlawful nor oppressive, and the means neither deceitful nor fraudulent, the result is not a conspiracy, although it may necessarily work injury to other persons. The damage to such persons may be serious—it may even extend to their ruin—but if it is inflicted by a combination in the legitimate pursuit of its own affairs is a damnum absque injuria. The damage is present, but the unlawful object is absent. And so the essential question must always be, whether the object of a combination is to do harm to others or to exercise the rights of the parties for their own benefit."

Any attack upon the policy of this section of the bill must be directed at its specific prohibitions; nor will any mere general criticism, or any attack which does not particularize herein, be worthy of serious attention. The ready and perfect defense to all such is at hand, and imposes no difficult task. Is there any reason why the complainant, seeking an injunction against workingmen, should not describe with particularity in his cause of complaint the nature of the threatened injury and the property or property right involved, as in other cases? Is there any reason why an injunction should issue at all involving or growing out of the relation created between employer and employee to prevent the termination of the relation, or advising and persuading others to do so, or to prevent the unrestricted communication and exchange of information between persons, or the giving of aid by financial contributions in any labor affair or dispute? Is there any reason, after a labor dispute has arisen and a socially hostile attitude has been created, for an injunction to prevent abstinence in patronizing or service by one party for the other's benefit, or the exercise of the right of free speech in advising or inducing such abstinence on the part of others? Is there, in short, any good reason why, after a dispute has arisen and the parties are "at arms length," a court of equity should interpose its strong arm merely because such dispute has arisen?

At its hearings the committee had the benefit of learned and illuminating arguments against the several bills. Counsel in opposition were patiently and respectfully heard, and the committee profited largely by having heard them, as is shown by the results of its labors. The bill does not interfere with the Sherman Antitrust Act at all; it leaves the law of conspiracy untouched, and is not open to effective criticism on any constitutional ground. The subject of the constitutionality of such legislation was exhausted at the hearings on the contempt bill (H. R. 22591), returned to the House with a separate report, in which all constitutional objections are fully met.

NO QUESTION OF CONSTITUTIONALITY INVOLVED.

This bill does not, any more than does the contempt bill, invade the jurisdiction of the courts or attempt legislatively to exercise a judicial function. It merely limits and circumscribes the remedy and procedure. While we here enter into no elaborate discussion of the authorities on this topic, yet, for convenience of reference, we insert a synopsis. On point of inconsistency between our theory of government and exercise of arbitrary power see Yick Wo v. Hopkins (118 U. S. Rep., 369). For a case in which Congress was held to have constitutionally exercised power to take away all remedy see Finck v. O'Neill (106 U. S., 272); and for a case where a statute taking away the power to issue an injunction in a certain case wherein the jurisdiction had been previously held and exercised was recognized without question as of binding force see Sharon v. Terry (36 Fed. Rep., 337). For a general statement of the proposition that the inferior courts of the United States are all limited in their nature and constitutions and have not the powers inherent in courts existing by prescription or by the common law see Cary v. Curtiss (3 How. (U. S.), 236, 254). The same principle still more elaborately stated and applied, Ex parte Robinson (19 Wall. (U. S.), 505).

Many decisions on the question of injunctive process and jurisdiction in labor cases are greatly influenced by, and, indeed, sometimes founded upon, precedents established when to be a wage earner was to be a servant whose social and legal status was little above that of slavery. But even England has preceded us in new views and policies herein. The English act of 1906, set forth at length in the headings, goes further than it has yet been deemed possible to go in this country in relieving labor, and especially organized labor, of legal burdens and discriminations. The Supreme Court has more than once protested against attempts by any branch of the Government to exercise arbitrary power, and the courts should, and probably will, welcome the definite limitations contained in this bill if it should be enacted.

The idea has been advanced, and ably supported in argument, by one of the proponents of this legislation that liberty, and more of it, is safe in the hands of the workingmen of the country. We are convinced of the merit and truth of that contention. The tendency toward freedom and liberalism from legal trammels and impediments to progress and to a great social advance is seen in nearly all civilized nations. It is an unpopitious time to oppose a reform like that embodied in this bill, in view of the fact that the abuses of power which it seeks to terminate have been, admittedly, numerous and flagrant.

[H. R. 23635, Sixty-second Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES,
April 22, 1912.

Mr. CLAYTON introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those parties to be duly served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any justice of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peacably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

ACTS OF CONGRESS RELATING TO INJUNCTIONS.

Act of September 24, 1789, "An act to establish the judicial courts of the United States":

"SEC. 14. *And be it further enacted*, That all the beforementioned courts of the United States shall have power to issue writs of scire facias, habeas corpus, and all other writs not specially provided for by statute which may be necessary for the exercise of their respective jurisdictions and agreeable to the principles and usages of law. And that either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment: *Provided*, That writs of habeas corpus shall in no case extend to prisoners in gaol, unless where they are in custody under or by color of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

"SEC. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States in any case where plain, adequate, and complete remedy may be had at law."

Act of March 2, 1793, "An act in addition to the act entitled 'An act to establish judicial courts of the United States'":

"SEC. 5. *And be it further enacted*, That writs of ne exeat and of injunction may be granted by any judge of the Supreme Court in cases where they might be granted by the supreme or a circuit court; but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same."

Act of June 1, 1872, "An act to further the administration of justice":

"SEC. 7. That whenever notice is given of a motion for an injunction out of a circuit or district court of the United States, the court or judge thereof may, if there appear to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion. Such order may be granted with or without security, in the discretion of the court or judge: *Provided*, That no justice of the supreme court shall hear or allow any application for an injunction or restraining order except within the circuit to which he is allotted, and in causes pending in the circuit to which he is allotted, or in such causes at such place outside of the circuit as the parties may in writing stipulate, except in causes where such application can not be heard by the circuit judge of the circuit or the district judge of the district."

Section 7 of the act of June 1, 1872, above quoted, is carried forward in section 717, section 718, and section 719 of the Revised Statutes (1873 and 1878), which are as follows:

"SEC. 717. Writs of ne exeat may be granted by a justice of the supreme court in cases where they might be granted by the supreme court, and by circuit justice or circuit judge in cases where they might be granted by the circuit court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

"SEC. 718. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security in the discretion of the court or judge.

"SEC. 719. Writs of injunction may be granted by any justice of the supreme court in cases where they might be granted by the supreme court, and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the supreme court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of the circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court."

The present law is contained in the following sections of the Judicial Code, approved March 3, 1911, and effective January 1, 1912:

"SEC. 129. Where upon a hearing in equity in a district court, or by a judge thereof in vacation, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or an interlocutory order or decree shall be made appointing a receiver, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving, or refusing to dissolve an injunction, or appointing a receiver, to the circuit court of appeals, notwithstanding an appeal in such case might, upon final decree under the statutes regulating the same, be taken directly to the supreme court: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the appellate court, or a judge thereof, during the pendency of such appeal: *Provided, however*, That the court below may, in its discretion, require as a condition of the appeal an additional bond.

* * * * * * *

"SEC. 263. Whenever notice is given of a motion for an injunction out of a district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

* * * * * * *

"SEC. 264. Writs of injunction may be granted by any justice of the supreme court in cases where they might be granted by the supreme court; and by any judge of a district court in cases where they might be granted by such court. But no justice of the supreme court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted elsewhere than within such circuit or at such place outside of the same as the parties may stipulate in writing, except when it can not be heard by the district judge of the district. In case of the absence from the district of the district judge, or of his disability, any circuit judge of the circuit in which the district is situated may grant an injunction or restraining order in any case pending in the district court where the same might be granted by the district judge.

* * * * * * *

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any justice of the supreme court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a Justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the supreme court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the supreme court or to a judge he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the supreme court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the supreme court or any circuit or district judge may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

[House Report No. 612, part 2, Sixty-second Congress, second session.]

REGULATION OF INJUNCTIONS.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, submitted the following as the views of the minority, to accompany H. R. 23635:

The undersigned members of the Judiciary Committee, to whom was referred the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," etc., which bill has been reported favorably, beg leave to submit herewith their views in opposition to the enactment of said measure.

The first section of the bill is intended as a substitute for the existing law on the subject of injunctions as found in section 263 of the Judicial Code, and the subsequent sections are intended to be supplementary to section 266 of the code.

According to the report of the majority of this committee, this bill intends to correct "the too ready issuance of injunctions, or the issuance without proper precautions or safeguards." If the report is predicated upon the "too ready issuance of injunctions," it is singular that it does not disclose a single case upon which the opinion of the majority could be founded. We are well aware of the charges iterated and reiterated before congressional committees alleging abuses in the issuance of injunctions. We have not found any more evidence to support them in the part than we now find in the report of the committee. We thoroughly believe, with the Supreme Court of the United States, "that no injunction ought to be granted except in a case reasonably free from doubt. We think such rule is and will be followed by all the judges of the Federal courts."

The minority members have at all times been willing to assent to a rational proposal to further safeguard the issuance of injunctions against even the possibility of abuse, and have introduced a bill for that purpose; but we can not consent to proposals which would operate to deprive the writ of half its efficiency in all cases and to determine its application in many instances by the character of the parties to the controversy rather than the nature of the wrong which is to be remedied. We think, furthermore, that the majority report is founded upon a misconception of the course of judicial decision respecting statutes regulating the issuance of injunctions, and that the legislation proposed is impracticable, invalid, in the interests of a class rather than of the community, and proposes standards of legality without parallel or precedent in our legislation.

To make our position clearer, we consider the bill in the order pursued in Report No. 612:

I.

Preliminary to a discussion of the bill, the majority gives an historical résumé of legislation respecting notice in injunction cases. We believe essential elements of that history have not received the consideration deserved from the majority, and we must disagree with them respecting conclusions drawn from both the legislation and judicial decisions of the past respecting that legislation.

On the 2d of March, 1793, was enacted legislation of which the following was a part:

"Nor shall any writ of injunction issue in any case without reasonable previous notice to the adverse party or his attorney of the time and place of moving the same." (Ch. 22, vol. 1, U. S. Stat. L., p. 334.)

The majority concludes:

"The will of Congress as thus expressed was completely thwarted and the statute nullified by the peculiar construction placed upon it by the courts."

It appears to us the majority and not the courts, have misconstrued the will of Congress. They overlook, as the court did not, the distinction described in all authoritative textbooks, familiar to every lawyer and pointed out with striking distinctness by the courts, between restraining orders intended to preserve the status quo to protect the subject matter of litigation and the preliminary and final injunctions which are issued, if at all, after hearing upon the application for the equitable remedy. That the statute in question should not be construed to prevent the issuance of restraining orders was natural and inevitable. It was a practice recognized by the English chancery from time immemorial. The early English textbooks speak of it as well understood and essential, as, for instance, Eden on Injunctions, 1821; Adams Equity, 1845.

Had the court construed the act of Congress to forbid the preservation of the subject matter of litigation until the respective rights of the litigants could be adjudicated, it would have obviously given a construction against the intents of justice. Indeed, the majority recognizes and admits this by its own proposal, for while it criticises the construction which permits the issuance of restraining orders without notice under special circumstances it provides in section 263 of its own bill for the doing of the very thing which it criticizes the courts for having done.

We call attention to the English practice, because it was early held respecting the judicial power of the courts of the Union in equity that:

"The usages of the high court of chancery in England whenever the jurisdiction is exercised govern the proceedings. This may be said to be the common law of chancery, and since the organization of the Government it has been observed." (Penn. v. Wheeling, etc., Bridge Co., 13 How., 563; Meade v. Beale, 1 Campbell's Reports, 339, C. C. M. D. Tawney, 1850; Loring et al. v. Marsh, 2 Clifford's Reports, 469.)

Thus, the courts did not "get around" the statute, as is suggested by the majority, but construed it in accordance with an immemorial practice of English jurisprudence which recognized the necessity of issuing restraining orders under special circumstances that the court might preserve the status quo, protect the subject matter of litigation, and preserve from destruction that upon which it was to pass judgment.

The report implies that the case of New York v. Connecticut (4 Dall., 1) upheld a construction which forbade the issuance of even restraining orders without notice. That issue is not presented in that case, decided in 1799. The practice was first recognized four years before in the case of Schermerhorn v. L'Espenasse (2 Dall., 360). In this case the defendants, merchants of Amsterdam, had executed to the complainant power of attorney to receive for his own use the interest due on $180,000 of certificates of the United States, bearing interest at 6 per cent from the 1st of January, 1788, to the 31st of December, 1790, amounting to $32,400. Notwithstanding this assignment, the defendants, on the 16th of June, 1792, received certificates for the interest and funded the amount at 3 per cent in their own names. The bill prayed relief according to the equity of the case and a restraining order to prevent the defendants from transferring the stock or receiving the principal or interest. On the bill exhibited of the power of attorney and affidavits to the effect that the stock was registered in the name of the defendants on the books of the Treasurer the restraining order was granted. No subpœna was served until Mr. Lewis, on behalf of the defendants, moved for a rule to show cause why the injunction should not be dissolved. The motion was refused. An examination of the record discloses that Mr. Lewis, counsel for the defendants, supported his motion for dissolution on two grounds:

"That the injunction was issued irregularly, as there was no affidavit made of the truth of the allegations contained in the bill."

In supporting this he said:

"He did not object because the injunction was issued before a subpœna was served, as there were various cases in which justice could not otherwise be obtained."

This proceeding was had two years after the passage of the statute of 1793 before a justice of the Supreme Court who had been a Member of the Congress which had enacted the statute; the hearing was held in a building adjoining that in which the act was passed and in the same district where the Congress was sitting. It demonstrates as no other case can the well-recognized equity practice in relation to temporary restraining orders, and shows the construction placed upon the statute by the profession and the court. In the meantime the practice of issuing restraining orders without notice under special circumstances of necessity was approved through the exercise of the power by the highest authority, including various justices of the circuit and district courts and Chief Justice Marshall (who is observed to issue an ex parte restraining order to prevent moneys alleged to have been improperly allowed by an administrator from being taken out of the country). (Green et al. v. Hanberry's Executors, 2 Brockenbrough's Reports, 405, Nov., 1820; Love v. Fendall's Trustees, 1 Cranch C. C., 34; Marsh et al. v. Bennett, 5 McLean, 117; Crane v. McCoy, 1 Bond's Reports, 422; Mowrey v. Indianapolis & C. R. Co., 17 Fed. Cas., 930.)

Too much space would be taken by the enumeration of cases of this character, and those cited are merely offered as examples.

Finally, during the debate upon the act of 1872, now section 263 of the Judicial Code, we find two of the most distinguished lawyers of the Senate expressing the recognized practice as follows:

"Mr. CARPENTER. I understand if any judge having the jurisdiction by law to grant an injunction has presented to him a bill in equity, fortified with proofs which entitle the party by the acknowledged and usual practice of a court of equity to have an injunction, the judge has no discretion to deny it.

"Mr. FRELINGHUYSEN. I think that elementary provision of the law even I may have been presumed to have heard and known of.

"Mr. CARPENTER. Therefore I was astonished to hear the Senator deny it.

"Mr. FRELINGHUYSEN. I did not deny it." (46 Congressional Globe, p. 2892.)

Thus we find the practice respecting restraining orders recognized by Congress, by the courts, and the profession throughout the history of our Government and its necessity appreciated by the majority from its incorporation in this bill. Indeed, we believe the right to issue a restraining order upon a proper showing of its necessity to protect a right of a pecuniary nature against irreparable damage is an essential part of the judicial power in equity. If a suitor over whom a court has jurisdiction by a bill in that court discloses a state of facts where irreparable harm is threatened and where, if notice were given, irreparable damage would be done before hearing could be had or decree entered, were deprived by the legislature of the right to such a remedy, we believe it would be equivalent to a legislative determination in advance that under no circumstances can a plaintiff disclose a threatened irreparable injury without adequate remedy at law demanding immediate equitable intervention. If the Congress undertakes arbitrarily to determine in advance what a suitor would otherwise be entitled to as due process of law in a court of equity, we believe he would be deprived of a guaranteed constitutional right.

The first section of the bill, with one material exception, is almost an exact copy of a bill introduced in the Sixty-first Congress, known as the Moon bill. This bill was reintroduced in the present Congress, and was supported by the entire Republican membership of the Judiciary Committee.

The exception referred to has reference to the provision for the operation of a restraining order granted by the court without notice. The Moon bill provided that the order should expire "within such time after service is made or notice given, which shall be made or given as speedily as possible, not to exceed seven days, as the judge or court shall fix." The proposed bill provides that "it shall expire at such time after entry as the court or judge shall fix, not to exceed seven days," etc.

A restraining order is of no effect until served, and under such a provision it would be only necessary for those having knowledge of the application to avoid service for seven days after the issuance of the order to defeat its purpose. We can conceive circumstances in which a few who might be served would notify other defendants to avoid it and on failure to make the order effective by service within seven days it would be necessary to give notice to all previously served before an extension of further time could be had. We can conceive of no more certain method of depriving a suitor of essential equitable protection. Many judicial districts of our country administer justice over vast areas in which the material circumstances of life must be taken into consideration. The proposal of this section is general. It applies to all forms of litigation, and in view of the physical as well as the personal difficulties attending the service of restraining orders under some circumstances we can not but believe that not only would many individual suitors suffer grievous injury, but we can from our public service and professional experience conceive many circumstances in which the public interest would be seriously jeopardized. All of these difficulties would be overcome if the restraining order should date from the time of service instead of the time of its entry.

II.

Section 266A provides that no restraining or interlocutory order shall issue except upon the giving of security against cost or damage.

Under the present practice this is within the discretion of the court, and while we should not be disposed to disagree with such a suggestion, we must again note that no reason is given for the suggested change which implies a failure upon the part of the courts to properly exercise this discretion. No evidence to this effect has been at any time submitted to the committee, nor do the majority offer any evidence to that effect as a reason for their action.

III.

Section 266B requires every restraining order or every injunctive order "to set forth the reasons for the issuance of the same to be specific in terms and describe in reasonable detail, and not by reference to the bill of complaint or other document the act or acts sought to be restrained"; it binds only the parties to the suit, "their agents, servants, employees, and attorneys or those in active concert with them, and who shall by personal services or otherwise have received actual notice of the same." This section is of general application. In support of this provision the majority point out that it is to be a safeguard against "dragnet or blanket injunctions," by which parties may be punished for contempt after "only constructive notice, equivalent in most cases to none at all."

Again, the majority asserts conditions as a basis for proposed legislation which are both unproven and unprovable. Nothing is clearer in the field of jurisprudence than the requirement that a respondent on a contempt charge must have actual notice of the existence of an order which he is accused of violating and that the order must have been unmistakably brought to his attention. (Bessette v. Conkey, 194 U. S.) All the Debbs cases, both in the circuit and district courts and on appeal, actually confirm this statement. The majority offer in proof of the necessity of their proposal merely an implication unwarrantedly reflecting upon the judiciary and without supporting proof of any character.

They have, moreover, properly provided in section 266 that every restraining order issued shall be accompanied by an entry stating the reasons for its issuance. It would be a useless waste of time to again set forth the reasons for the issuance of the order in the order itself, as is required by section 266B. Complaints are heard on every side against cumbersome and delaying procedure. This proposal multiplies the delays, difficulties, and inconveniences of procedure indefinitely. It requires every order to be a history, to repeat in irrelevant and cumbersome detail all the preliminary pleadings, and instead of enlightening the parties against whom it was issued the form suggested and the procedure prescribed would increase his confusion and doubt.

The majority point out that there is "no Federal statute to govern either the matter of making or form and contents of orders in injunctions," thereby inferring that this entire matter is left to the discretion or judgment of the judge granting the injunction. In this statement they entirely overlook the rules in equity of the Supreme Court of the United States binding upon all inferior Federal courts, prescribing with great minuteness and changed from time to time in accordance with the teaching of experience the forms of injunctive orders and forbidding the ceaseless repetition in decrees and orders of the contents of bills of complaint.

The effect of section 266B is to abolish the many rules in equity of the Supreme Court in conflict with it, representing the professional experience of a century, and amended from time to time to shorten procedure, increase the convenience, and protect the rights of litigants in the courts of the United States. The majority says section 266 does not change the best practice with respect to orders, but imposes the duty upon the courts in mandatory form to conform to correct rules as already established by judicial precedent. We respectfully submit that the equity rules of the Supreme Court express correct judicial precedents and that the majority have apparently overlooked this important fact.

The bill as reported would withdraw the application of the restraining order from parties not named in it and not in agreement with the parties named who may on their own initiative undertake its violation. Such cases are not uncommon. If the majority intend to exempt such violations of the order, they have created an unusual and remarkably privileged class of lawbreakers; if not, we are unable to discern the intention expressed in the limitation "in active concert with them."

IV.

The two paragraphs of section 266C must be read in connection with each other or their purpose and meaning are lost. The first paragraph provides that no judge or court of the United States shall issue any restraining order or injunction "in any case between an employer and employees, or between employers and employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning the terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right," etc. If this section is intended to withdraw civil rights from equitable protection in this class of cases, we must disapprove it as an evident effort to deny such protections as is given to civil rights in all other classes of cases, since it is axiomatic that it is the office of equity to protect by injunction, under proper circumstances, civil and even personal as well as property rights. We object to the implication contained in emphasizing controversies between employers and employees, or between employees or persons employed and seeking employment, and if the majority intends by this to indicate that such rights are to have less or different protection from the same rights when involving controversies of another kind we must emphatically disagree with the principle implied. For in this country remedies are to be predicated at all times upon the character of the rights which are threatened, and not upon the class or nature of the persons involved in the controversy.

We do not comment upon the many cases cited by the learned members of the majority in support of their views upon equity pleadings in this connection. We quite agree with the correctness of such decisions, but we draw from them quite a different conclusion from that implied by the majority. We think they prove what the majority evidently adduces them to disprove. To us they are evidence that the pleadings required with such particularity in the special class of cases involved in section 266C are required generally in all applications for equitable intervention. The majority are thus seen to be offering as proof of the need of special legislation for pleadings in a particular class of cases the fact that the courts have substantially required such conditions and pleadings in all classes of cases of which the kind enumerated are a part.

The second paragraph of section 266C contains to our mind the most vicious proposal of the whole bill. It enumerates certain specific acts and provides that no restraining order or injunction shall prohibit the doing of them. Most of the acts thus recited are in themselves not amenable to the injunction process under existing law and practice. No court does or would enjoin them, but to declare by law that these acts should under no circumstances be restrained, we do not hesitate to say is a proposal without precedent in the legislative history of this country. No legislature has ever proposed that any act however innocent itself should be sanctified irrespective of the motive or purpose of the actor. "No conduct," says Mr. Justice Holmes in Aiken v. Wisconsin (195 U. S., 194), "has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it be a step in a plot, neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

The majority have quoted various decisions in which particular acts under the pleadings presented to the court were held lawful and their prohibition denied. The same acts under other circumstances have been held unlawful and enjoined by the very courts, and in the course of the very decisions which the majority cites. Thus, in Arthur v. Oakes (63 Fed. Rep., 310), Mr. Justice Harlan is quoted to sustain the proposition that no man can by injunction be required to perform personal service for another, and in that decision Justice Harlan eliminated from the injunction the words "and from so quitting the service of the said receivers with or without notice as to cripple the property or prevent or hinder the operation of said railroad." The majority must observe, however, that Mr. Justice Harlan likewise held, "But different considerations must control in respect to the words in the same paragraph of the writs of injunction, and from combining and conspiring to quit

with or without notice the service of said receivers with the object and intention of crippling the property in their custody or embarrassing the operation of said railroad." Thus, the same act of quitting is lawful under one set of circumstances and unlawful under another, because the concerted action in the first instance, in the opinion of Mr. Justice Harlan, "is a very different matter from a combination and conspiracy among employees with the object and intent, not simply of quitting the service of the receivers because of the reduction of wages, but of crippling the property in their hands and embarrassing the operation of the railroad."

The majority undertakes to prescribe a set rule forbidding under any circumstances the enjoining of certain acts which may or may not be actuated by a malicious motive or be done for the purpose of working an unlawful injury or interfering with constitutional rights of employer or employee. In the same opinion Mr. Justice Harlan points out the impossibility of prescribing a set rule of this character and says, "The authorities all agree that a court of equity should not hesitate to use its power when the circumstances of the particular case in hand require it to be done in order to protect rights of property against irreparable damage by wrongdoers. It is as Justice Story said, 'because of the varying circumstances of cases that courts of equity constantly decline to lay down any rule which shall limit their power and discretion as to the particular cases in which such injunction shall be granted or withheld,'" and the authority proceeds, "there is wisdom in this course, for it is impossible to foresee all the exigencies of society which may require their aid and assistance to protect rights or redress wrongs. The jurisdiction of these courts thus operating by special injunction is manifestly indispensable for the purposes of social justice in a great variety of cases and therefore should be fostered and upheld by a steady confidence." (Story, Equity Jurisprudence, sec. 959B; Arthur v. Oakes, 63 Fed. Rep., 328.)

Among the acts which the second paragraph of section 266C declares shall not be restrained is to prohibit any person or persons to terminate any relation of employment, or from quitting or performing any work or labor or from recommending or persuading others by peaceful means so to do; of peacefully persuading any person to work or to abstain from working, or from ceasing to patronize or employ any party to such dispute or from recommending, advising, or persuading others by peaceful means so to do, etc.

While many of these acts are in themselves entirely harmless and would never be enjoined by any court, yet under certain circumstances the same acts might become a weapon of lawless and destructive industrial warfare demanding the protection of the courts, this section would prevent that the issuance of the injunction in the Debs case (In re Debs, 158 U. S., 564); it would prevent the issuance of the injunction in Toledo & Ann Arbor v. Pennsylvania Co. (54 Fed., 730); it would prevent the issuance of any injunction to restrain either workmen or employers who were the objects of the most vicious form of boycott that has been passed upon by the courts or can be devised by the ingenuity of boycotters. It changes the remedies by which the Sherman Act may be enforced, inasmuch as if any of these acts enumerated in section 266C were the means employed to enforce the restraint of trade or to damage the interstate business of any individual or corporation no injunction could be obtained either by a private individual or by the Government against such acts.

In the Debs case a combination sought to paralyze the railroads of the United States and prevent the carrying of the mail until the railroad companies would agree not to haul Pullman cars because of a controversy between the Pullman Co. and certain of its employees, who were not in the employ nor in any way related to the railroad companies. It is true there were acts of violence, but the general scheme was one of persuading all employees of the railroad companies to quit until the demands of the boycotters and strikers had been complied with. In the Toledo & Ann Arbor case the famous rule 12 of the brotherhood provided that none of its members should handle the cars of any carrier with which members of the brotherhood were in a dispute. In that case the brotherhood employees of the Pennsylvania refused to handle cars of the Toledo & Ann Arbor because of a dispute between that road and some of the brotherhood, and they threatened to quit the service of the Pennsylvania road unless it agreed to violate the provisions of the interstate-commerce act by not affording equal facilities to the cars of another road. No violence was threatened. The brotherhood merely undertook to "peacefully persuade" the Pennsylvania Co. not to handle the cars of the other road under a threat of leaving their service—a thing which they had a perfect right to do to better their own condition, but not for the purpose of compelling the Pennsylvania Railroad Co. to violate the law.

The majority report quotes at length from the case of Pickett v. Walsh (192 Mass., 572), "and regret the necessity of limiting the quotations, because the whole opinion could be studied with profit." We agree with the majority that the whole opinion could have been studied with profit, since it condemns forms of "peaceful persuasion" from which the majority would withdraw equitable intervention. Speaking of the case before it, it says: "It is a refusal to work for A, with whom the strikers have no dispute, because A works for B, with whom the strikers have a dispute, for the purpose of forcing A to force B to yield to the strikers' demands. * * * It is a combination by the union to obtain a decision in their favor by forcing other persons who have no interest in the dispute to force the employer to decide the dispute in their favor. Such a strike is an interference with the right of the plaintiffs pursue their calling as they think best. In our opinion organized labor's right to strike or combination is limited to strikes against the persons with whom the person has a trade dispute; or, to put it in another way, we are of the opinion that a strike against A, with whom the strikers have no trade dispute, to compel A to force B to the strikers' demands is unjustifiable interference with the right of A to carry on his calling as he thinks best. Only two cases to the contrary have come to our attention, namely, Bohm Manufacturing Co. v. Hollis (54 Minn., 223) and Jeans Clothing Co. v. Watson (168 Mo., 133)."

The case which the majority believe could be "studied with profit" is squarely against the proposal of their bill, and the two cases alluded to as being the only ones known to the court contrary to such view, for both have been overruled. Bohm Manufacturing Co. (54 Minn., 223) was overruled in Gray v. Building Trades Council (91 Minn., 171). The second case is alluded to by the majority of the committee in support of its contentions, and the majority declare the logic of the court in that case "appears unanswerable." This "unanswerable" logic was overruled by the Supreme Court of Missouri in Lohse Patent Door Co. v. Fuel (215 Mo., 421).

The majority report also quotes in support of their contention from Vagelahn v. Gunter (167 Mass., 92), saying, "Justice Holmes, now of the Supreme Court of the United States, delivered the opinion." The opinion was delivered by Mr. Justice Allen and is squarely against the contention of the majority, Mr. Justice Holmes having delivered a dissenting opinion, in which he stood alone. The majority have been driven to the necessity of quoting from other dissenting opinions in support of their opposition, and to these we do not deem it necessary to give attention.

It is said by the majority that no question of constitutionality is involved. We submit that if the measure is to be construed, as it evidently is, to prevent the application of injunctive relief to certain acts in disputes between employer and employee which may be part of a scheme or plan to work irreparable injury, which acts could be enjoined in any other department of litigation, it is obvious that the parties affected would be denied the equal protection of the law and due process of law, coming well within the rule laid down in Connelly v. The Union Sewer Pipe Co. (184 U. S., 540); (Goldberg v. Stablemen's Union (149 Cal., 429); Pierce v. Stablemen's Union (156 Cal., 70); and Niagara Fire Insurance Co. v. Cornell (110 Fed., 816).

We do not consider the English act of 1906, which is quoted by the majority as a precedent for some of its proposals. There is no parallel whatever between the conditions at which the English act is aimed and the fundamental restrictions of the organic law of this country having no similitude in the constitution of the British Empire. The peculiar privileges conferred upon trades-unions by the English act of 1906 are accompanied by disabilities and criminal provisions of so drastic a nature that if they were offered as any part of the legislation of this country we should deem it our duty to oppose them in the interest of all workingmen.

We agree with the majority that "liberty and more of it is safe in the hands of the workingmen of the country." We are convinced of the merit and truth of that contention. We do not, however, believe that liberty is advanced in the person of any citizen by crippling him of remedial protection through processes which have received the deliberate and mature approval of the English-speaking race during all the centuries of its history. We can not believe that the due protection of person and property under constitutional guaranties and by remedies tested by time is "an impediment to progress"; or that the destruction of the essential remedies by which person and property receive protection is "a great social advance." We believe with the President of the United States, in a famous statement made by him many years since to the American Bar Association, "It will not be surprising if the storm of abuse heaped upon the Federal courts and the political strength of Federal groups, whose plans of social reforms have met obstructions in these tribunals, shall lead to serious efforts, through legislation, to cut down their jurisdiction and cripple their efficiency. If this comes, then the responsibility for its effects, whether good or bad, must be not only with those who urge the change, but also with those who do not strive to resist its coming." (Address to American Bar Association at Detroit, 1895.)

JOHN A. STERLING.
R. O. MOON.
EDWIN W. HIGGINS.
PAUL HOWLAND.
FRANK M. NYE.
FRANCIS H. DODDS.

Mr. CLAYTON. Mr. Speaker, as I have only one more speech and have only nine and one-half minutes remaining, I am going to reserve that for my good friend from Arkansas [Mr. FLOYD] after the expiration of the time of the gentleman from Illinois [Mr. STERLING].

The SPEAKER pro tempore. The gentleman from Illinois has 47 minutes remaining.

Mr. STERLING. Mr. Speaker, I have listened with a great deal of interest to all that has been said on this bill. Gentlemen on that side of the House have devoted the entire time allotted to them to the discussion of that part of the bill which is contained in the substitute. Gentlemen should understand that the bill which is offered by the minority as a substitute is contained almost verbatim, with a single excepton, in the first paragraph of the bill that is offered by the majority. I submit to you, gentlemen, that every argument used on that side of the House has been in favor of that provision of the bill for which the minority stands and which they have presented to the House in the substitute bill. And they have made a splendid defense of that part of the bill. They have confined their time and their talk to a discussion of the bill about which there is no controversy. But in the beginning I want to take issue with the gentleman from Iowa [Mr. TOWNER], when he says that Republican Presidents have, in messages and in public utterances, indorsed the legislation proposed by the majority. In no message sent to Congress by any Republican President, and, so far as I know, in no public utterance, has any Republican President ever indorsed the provisions contained in the majority bill, excepting the provisions contained in the first section.

I agree with the gentleman from Alabama [Mr. CLAYTON] and the gentleman from West Virginia [Mr. DAVIS] that the provision in this bill providing that no temporary restraining order shall be issued without notice, except in cases where delay would result in irreparable injury to property or property rights, is a wise provision and ought to be placed upon the statute books. There is no controversy with the gentlemen on that side of the House with reference to the question as to a short time for final hearing when injunctions have been issued. It is purely a Republican proposition.

As the gentleman from West Virginia [Mr. DAVIS] stated, I did introduce into this House four years ago a bill providing for those very things. President Roosevelt and President Taft in almost every message they have sent to Congress have urged upon Congress the wisdom of making clear and explicit the provisions of law relating to notice and to early trial, and that

is the proposition which we offer to this House in the substitute bill.

None of the gentlemen on that side of the House have undertaken to defend the last two paragraphs of this bill. No one, except the gentleman from Pennsylvania [Mr. WILSON] has even tried to justify that part of the bill. The gentleman from West Virginia [Mr. DAVIS] and the gentleman from Alabama [Mr. CLAYTON] said nothing in favor of those provisions of the bill, and which, I submit to you, in spite of what those gentlemen have said, constitute a radical change in the law of the land.

Mr. DAVIS of West Virginia. The gentleman refers to the fact that "the gentleman from West Virginia" said nothing in justification of the last section of the bill. The gentleman, of course, will be fair enough to admit that the gentleman's time expired just as he began to discuss that section?

Mr. STERLING. I think that is true, Mr. Speaker, but the gentleman had 30 minutes, and he devoted the 30 minutes to defending the provisions of the bill about which there is no controversy and on which everybody, so far as I know, agree. He did it extremely well, too. So well that I shall say but little in regard to the substitute bill, which is the same as that part of the majority bill which gentlemen have so ably supported by their argument. It seems to me if he had any defense to make of the provisions of the bill that are in controversy he would have devoted at least a part of his time to that defense.

Mr. DAVIS of West Virginia. Will the gentleman permit an interruption?

Mr. STERLING. Yes, sir.

Mr. DAVIS of West Virginia. I take for granted that the gentleman heard the speech made by his colleague, the gentleman from Pennsylvania [Mr. MOON].

Mr. STERLING. I did, every word of it.

Mr. DAVIS of West Virginia. Did he gather from that speech of his colleague, the gentleman from Pennsylvania [Mr. MOON] was not attacking the first three sections of the bill, and they were not controverted by him?

Mr. STERLING. I dislike to take any of my time to reply to that question, but the gentleman from Pennsylvania said one thing with reference to the first section of their bill, and that is the exception that I noted. The gentleman from Pennsylvania spoke of the fact that the provision of the bill offered by the majority provided the seven days should begin to run at the time the entry was made, and the gentleman from Pennsylvania insisted that the seven days should begin to run from the time service is had. That is the criticism he offered on that bill.

Now, it is well to know, gentlemen, what the law is in this country before we undertake to determine whether this bill changes it or whether it ought to be changed. And I propose to read from a decision of one of the courts of the United States what I believe to be a clear, explicit statement of the law and of all the law on this question that is involved in the last two paragraphs of this bill.

Mr. Speaker, I read from the case of the Union Pacific Railroad Co. v. Ruef. The decision is rendered by Judge McPherson in the district of Nebraska, and it is contained in volume 120 of the Federal Reporter. I read, beginning on page 113. I do not read it because it is the decision of Judge McPherson, but I read it because it is the law as it has been enunciated by the Federal judges almost universally, and he states it so clearly and in such excellent language, that I read from this decision rather than go through the numerous other decisions that cover the same point in substantially the same language. The judge says:

I believe, and that without a doubt, that, in so far as propositions are involved in this case, the law is as follows:

(1) The defendants acted within their right when they went out on a strike. Whether with good cause, or without any cause or reason, they had the right to quit work for the Union Pacific Railroad Co., and their reasons for quitting work were reasons they need not give to anyone. And that they all went out in a body, by agreement or preconcerted arrangement, does not militate against them or affect this case in any way.

(2) Such rights are reciprocal, and the company had the right to discharge any or all of the defendants, with or without cause, and it can not be inquired into as to what the cause was.

(3) It is immaterial whether the defendants are not now in the service of the company because of a strike or a lockout.

(4) The defendants have the right to combine and work together in whatsoever way they believe will increase their earnings, shorten their hours, lessen their labor, or better their condition, and it is for them, and them only, to say whether they will work by the day or by piecework. All such is part of their liberty. And they can so conclude as individuals, or as organizations, or as unions.

(5) And the right is also reciprocal. The railroad company has the right to have its work done by the premium or piece system, without molestation or interference by defendants or others. This is liberty for the company, and the company alone has the right to determine as to that matter.

(6) When the defendants went on a strike, or when put out on a lockout, their relations with the company were at an end; they were no longer employees of the company; and the places they once occupied in the shops were no longer their places, and never can be again, exceptive by mutual agreement between the defendants and the company.

(7) No one of the defendants can be compelled by any law or by any order of any court to again work for the company on any terms or under any conditions.

(8) The company can not be compelled to employ again any of defendants, or any other person, by any law or by any order of any court on any terms or under any conditions.

(9) Each, all, and every of the foregoing matters between the company and the defendants are precisely the same, whether applied to the company or to the defendants.

(10) The company has the right to employ others to take the places once filled by defendants; and in employing others the defendants are not to be consulted, and it is of no lawful concern to them, and they can make no lawful complaint by reason thereof. And it makes no difference whether such new employees are citizens of Omaha or of some other city or State. A citizen of Chicago, or from any State in the Union, has the same rights as to work in Omaha as has a citizen of Omaha.

(11) Defendants have the right to argue or discuss with the new employees the question whether the new employees should work for the company. They have the right to persuade them if they can. But in presenting the matter they have no right to use force or violence. They have no right to terrorize or intimidate the new employees. The new employees have the right to come and go as they please, without fear or molestation, and without being compelled to discuss this or any other question, and without being guarded or picketed; and persistent and continued and objectionable persuasion by numbers is of itself intimidating and not allowable.

(12) Picketing in proximity to the shops or elsewhere on the streets of the city, if, in fact, it annoys or intimidates the new employees, is not allowable. The streets are for public use, and the new employee has the same right, neither more nor less, to go back and forth, freely and without molestation and without being harassed by so-called arguments, and without being picketed, as has a defendant or other person. In short, the rights of all parties are one and the same.

Now, gentlemen, that is the law in the United States. Who would change it? Is there anyone who will say that that law does not extend to every man equal rights, equal privileges, and equal opportunities? It is based on that principle, fundamental to our American institutions, that all men are equal before the law. He who would change its provisions must justify by good and sufficient reasons if he hopes for the approval of the American people.

Some gentlemen on that side urge that this bill makes no changes in the law as now administered. Indeed, the majority report from the Committee on the Judiciary suggests that it makes no change in the existing law. Then why pass it? Why encumber the statutes with legislation that makes no change in the laws as they are now? It is not sufficient to say that some of the judges have misconstrued the law as laid down in the decision from which I read. Is there any assurance that judges will not misconstrue the law as you offer it in this bill? Here is a plain, explicit provision of the law, which admits of no possibility of a doubtful construction. Courts will differ in their opinion as to the meaning of this bill. Gentlemen on the floor of this House honestly disagree as to its meaning and effect, and there will be judges who honestly construe it one way and other judges who will honestly construe it another way, and we will then have a diversity of judicial construction of the law which is now plain and explicit.

I say this bill does change the law. It takes away from both the employer and the employee the right of protection by injunction which they now enjoy.

In order to get it into the RECORD, I desire to read a paragraph from the Republican platform on this question, as follows:

We believe, however, that the rules of procedure in the Federal courts with respect to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing should be granted thereafter.

The substitute which we have offered is in strict harmony with that provision of the Republican platform. It is in strict harmony with the platform on which every Republican was elected two years ago. It is the fulfillment of the pledge we then made to the country. It is in strict accord with the letter of acceptance of President Taft and with every suggestion made by Mr. Roosevelt when he was President of the United States on this subject of injunctions. No man on the floor of this House can say that either of those gentlemen ever at any time made utterances in favor of legislation such as is provided in this bill.

In order to settle that question, Mr. Speaker, I desire to read from a letter written by Mr. Roosevelt when he was President to Secretary Knox. It is dated October 21, 1908. It was during the last presidential campaign.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman a question right in that connection?

Mr. STERLING. Yes.

Mr. CLAYTON. The letter which the gentleman is about to read is a letter that former President Roosevelt wrote in reference to what was known as the Pearre bill, is it not?

Mr. STERLING. Yes.

Mr. CLAYTON. And that is not the bill which is now under consideration.

Mr. STERLING. Let us see about that.

Mr. CLAYTON. This is an entirely different proposition.

Mr. STERLING. We will discuss that proposition too. What was known as the Pearre bill was at that time pending before the Judiciary Committee. It had been before the committee for two or three sessions, and I think has been before the committee ever since either under the name of the Pearre bill or the Wilson bill. After Mr. Pearre retired from Congress the bill came before the Judiciary Committee again, having been introduced by the gentleman from Pennsylvania [Mr. WILSON].

Now, the majority of the committee had started in to revise the Wilson bill, and the Wilson bill is in substance the same as the old Pearre bill. The Pearre bill provided for three things, and three things only that are material to this discussion. First, it related only to labor disputes; second, it provided that no court should hold that the right to do business in a certain place or in a certain way was a property right to be protected by injunction; third, it abrogated the offense of conspiracy. Now, that is what the Pearre bill provided and it is what the Wilson bill provides, and it is what this bill provides. The only improvement in this bill over the Pearre bill is that paragraph which contains the provisions covered by the bill which I have offered as a substitute.

Mr. DAVIS of West Virginia. The gentleman has said that not in any message of either President Taft or President Roosevelt was there any expression which justifies the course pursued in this bill. I take it the gentleman is familiar with the message of President Roosevelt of January 21, 1908.

Mr. STERLING. I have read it, but I do not want the gentleman to read it now in my time.

Mr. DAVIS of West Virginia. I wanted to ask whether the gentleman would give me time to read it.

Mr. STERLING. No; I will not give the gentleman time to read it now. The gentleman has called the attention of the House to it, and Members can read it for themselves. I propose to give to the House Mr. Roosevelt's views on the Pearre bill in his letter to Secretary Knox, which I mentioned a moment ago. Before reading it I want to say this: It is true that the bill which is now before the House does not expressly provide that no court shall hold that the right to do business is a property right, but it does provide a method—a legalized method—whereby that right may be destroyed, whether you call it a property right or whether you call it a personal right. And so I say, so far as the effect of this bill is concerned, it is on all fours with the old Pearre bill, that Mr. Roosevelt referred to in this letter and which he severely condemns.

Mr. MARTIN of South Dakota. Will the gentleman be definite and state what part of the bill he conceives does make that provision?

Mr. STERLING. Yes; I will later on. This is a very long letter, and I shall read only three paragraphs:

There is no need of generalities or of vague expressions of sympathy for labor. Let Mr. Bryan simply confine himself to the anti-injunction plank of his own platform and tell us publicly, definitely, and clearly whether he accepts or rejects the statement of Mr. Gompers that this plank pledges him to the principles of the bill for which Mr. Gompers stands, and whether, if elected, he will endeavor to have this proposition enacted into law.

The bill that Mr. Roosevelt refers to is the Pearre bill; and I assert here again, and make it as emphatic as I can, that this bill contains practically every bad feature that the old Pearre bill contained.

How can you gentlemen suggest that President Taft and Mr. Roosevelt had indorsed legislation of this kind? In this letter Mr. Roosevelt calls on Mr. Bryan to say to the people of the country whether or not he will stand for the proposition that is contained in the old Pearre bill, and, so far as I know, your candidate for President, Mr. Bryan, never said that he would stand for the propositions therein contained.

He goes on:

This is asked honestly in the interest of that large voting public which believes sincerely in the promotion of every legitimate right and interest of labor; but which believes also that from the standpoint of the best interest of labor it neither requires nor is entitled to more than justice, and that the right to destroy business should not be formally recognized in the law of the land.

REALIZES RIGHT TO SPEAK.

I feel that I have the right to speak frankly in this matter, because throughout my term as President it has been my constant object to do everything in my power, both by administrative action and by endeavoring to secure legislative action, to advance the cause of labor, protect it from unjust aggression, and secure to it its legitimate rights. I have accomplished something; I hope to accomplish more before I leave office; and I have taken special and peculiar interest in Mr. Taft's candidacy because I believe that of all the men in this country he is the man best qualified for continuing the work of securing to the wage-workers of the country their full rights.

I will do everything in my power for the wage workers of the country except to do what is wrong. I will do wrong for no man; and with all the force in my power I solemnly warn the laboring man of this country that any public man who advocates doing wrong in their interests can not be trusted by them, and this whether his promise to do wrong is given knowing that it is wrong or because of a levity and lack of consideration which make him willing to promise anything without counting the cost if thereby support at the moment is to be purchased.

WILL FIGHT ABUSES.

Just as I have fought hard to bring about in the fullest way the recognition of the right of the employee to be amply compensated for injury received in the course of his duty, so I have fought hard and shall continue to fight hard to do away with all abuses in the use of the power of injunction. I will do everything I can to see that the power of injunction is not used to oppress laboring men. I will endeavor to secure them full and equal justice. Therefore, in the interest of all good citizens, be they laboring men, business men, professional men, farmers, or members of any other occupation, so long as they have in their souls the principles of sound American citizenship, I denounce as wicked the proposition to secure a law which, according to the explicit statement of Mr. Gompers, is to prevent the courts from effectively interfering with riotous violence when the object is to destroy a business, and which will legalize a blacklist and the secondary boycott, both of them the apt instruments of unmanly persecution.

Those are the views of Mr. Roosevelt on the legislation which you propose, and if gentlemen can get comfort from them they are welcome to it.

Now, this bill provides that peaceful picketing shall be allowed. Peaceful picketing is now allowed. The law which I read from the decision of Judge McPherson, reiterated by the courts of this country over and over again, holds that peaceful picketing is lawful.

Mr. CLAYTON. Mr. Speaker, if it will not interrupt the gentleman I would like to ask him a question.

Mr. STERLING. I will yield.

Mr. CLAYTON. I observe that the gentleman has read what former President Roosevelt said in behalf of President Taft. Does the gentleman know whether former President Roosevelt still entertains that opinion?

Mr. STERLING. Oh, the gentleman can decide that question for himself. The gentleman can not divert me from the proposition now before the House by such a question.

Mr. CLAYTON. One more question.

Mr. STERLING. I will have to ask the gentleman to desist now.

Mr. CLAYTON. I do not wish to embarrass the gentleman.

Mr. STERLING. The gentleman will not embarrass me, but he is taking up my time.

Mr. CLAYTON. Oh, if the gentleman does not wish to yield.

Mr. STERLING. I will yield to the gentleman for one more question.

Mr. CLAYTON. I would like to know whether ex-President Roosevelt has changed his views in regard to the labor legislation or the labor question. He has changed his views in regard to President Taft.

Mr. STERLING. Mr. Speaker, I submit that the gentleman from Alabama is consuming my time unnecessarily.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). The gentleman from Illinois has the floor.

Mr. STERLING. Mr. Speaker, this bill, while it in terms permits peaceful picketing, which is already the law, also in terms admits of another kind of picketing, which is unlawful. I hope no man in this House, on that side or on this, will get the idea, whether he be, as some claim they are, special representatives of organized labor or not—I hope they will not get the idea that this bill is aimed only at the employer of labor in this country. It strikes just as fiercely and just as hard at the rights of the laboring men. This bill provides that one or any number of men can go to the home, to the very fireside of another, with or without his consent, for the purpose, as they call it, of conducting a peaceful picket. I say to you that that will do away with the protection that a large majority of the laboring men of the United States now have under the law of injunctions. It is just as much a violation of the rights of the men that labor as it is of the men that employ labor. This bill provides that any number of persons, who happen to disagree with another who desires to work, may go to his home or to the place where he works at the counter or in the shop or anywhere he happens to be, whether he consents or not, to prevail on him to cease work, and that act on the part of these fellow workmen can not be enjoined under this bill for the protection of the rights of the man that seeks to labor, the man that wants to labor. It deprives him of the protection of that right as well as the right of the protection of the men that employ labor in this country.

Another thing, gentlemen——

Mr. BUCHANAN. Will the gentleman yield?

Mr. STERLING. Yes; for a question.

Mr. BUCHANAN. Does not the present law and the police officials as a general thing in this country protect the rights of the laboring man when he wants to work?

Mr. STERLING. Yes, of course it does; but gentlemen who vote for this bill are voting to take away his right to this protection.

Mr. BUCHANAN. Oh, no.

Mr. STERLING. The man who wants to work has the right to do so under the law. I have read it to you, and it will not be disputed. He has the right to engage his labor on any such terms as he and the employer can agree upon. He has the right to go and come to and from his place of business. He has a right to be let alone if he so desires, the right to enjoy his hours of rest, a right to the peace and quiet of his own fireside under the law as it now is. But under this law he is deprived of the protection to these rights which the law now gives him.

Mr. BUCHANAN. Will the gentleman yield?

Mr. STERLING. No; I can not yield to the gentleman any more.

Mr. BUCHANAN. For just a question?

Mr. STERLING. I can not. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 11 minutes.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. STERLING. If I have the time.

Mr. WILSON of Pennsylvania. I would like the gentleman to point out the particular part of this bill that permits any man to enter another man's home.

Mr. STERLING. Right here is it. I will read it to you now, and settle the question:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be—

"Anywhere he happens to be," so says the bill. It makes no difference; he may be at his home, he may be at church, he may be at the counter, or at the anvil, or on his engine; he may be anywhere; yet under this bill others, one or many, may seek him out, whether he so wills or not, to persuade him to work or to abstain from working. That does not comport with my idea of liberty. It means liberty to no one. It means license to one man to interfere with the liberty of another. It is not equal protection under the law, and no part of American citizenship will resent it quicker than the laboring men of the country.

Gentlemen, you are deceiving nobody but yourselves on this proposition. I submit to you that the great rank and file of the laboring men of the United States are not demanding class legislation. Do not take the words of a man here and there who pretends to speak for labor. I say to you gentlemen on this side of the House and on that, whether you claim to be special representatives of labor or not, you are not any better representatives of labor than I am. [Applause.] Not a bit of it. I have in my heart the same sympathy for the laboring man that you have, and I say to you that the great rank and file of the American laboring people are not demanding class legislation.

Aye, Mr. Speaker, the very bulwark against class legislation in this country has been the workingmen. The men who toil, in the shop, everywhere, on the farms, on the railroads, in the mines, the workingmen everywhere have stood as the bulwark of safety in the United States against class legislation. Go to the man at the anvil, to the man on the engine, to the man in the mine, and at the plow; go to the man who toils, wherever you find him, and ask him if he is in favor of class legislation. He still believes in the principles of liberty and equality, and through him those principles will endure. He is wise enough to know and he does know that his safety, happiness, and prosperity rests on the Constitution, which secures to all men equal protection of the law.

This is class legislation. Argue, if you please, that Congress has the right to pass class legislation, but do you favor it even if it is constitutional? The Constitution provides that every State shall secure to all persons equal protection under the law. Shall Congress do less than is required of the States to preserve inviolate the principle that all men are equal before the law?

Mr. HUGHES of New Jersey. Mr. Speaker——

Mr. STERLING. I submit, Mr. Speaker, this bill strikes at the very foundation, at the very fundamental principle on which our free institutions are based. It strikes at the very principle on which American institutions rest. Aye, if the Constitution does not say it, the Declaration of Independence says that all men are equal under the law. Should you now abrogate that principle by passing legislation that applies only to a part of our American citizens?

The last sentence of this bill abrogates the offense of conspiracy. Conspiracy is a combination or agreement of two or more, the intent of which is to do another an injury. The bill provides that such offense can not be committed in a labor dispute. Do gentlemen pretend to say that American laboring men are asking for legislation of that kind? His will be the first hand lifted against such a proposition. In conclusion, I repeat this bill has all the objections that were contained in the bill to which President Roosevelt referred when he wrote the letter to Secretary Knox. Mr. Bryan, although called on in that letter to state his position, publicly never did, to my knowledge, defend the proposition that was contained in the Pearre bill. Gentlemen, you should read this bill before you vote for it. I know that there are men on that side who would never have voted for the Pearre bill. You will find this bill contains the same ideas and seeks the same end as that bill. If you do, some of you gentlemen will join with us in adopting this substitute bill, which should be the law of the land. [Loud applause.]

Mr. CLAYTON. I yield whatever time there is remaining to me to the gentleman from Arkansas [Mr. FLOYD]. I have 9½ minutes, I understand.

Mr. STERLING. Mr. Speaker, how much time had I left?

The SPEAKER. The gentleman from Illinois has five minutes remaining.

Mr. STERLING. I desire to yield half a minute to the gentleman from Illinois [Mr. McKENZIE].

Mr. CLAYTON. Very well, Mr. Speaker; I withhold my yielding to the gentleman from Arkansas.

Mr. McKENZIE. Mr. Speaker, I simply wish to ask unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. I wish to say, in all fairness to the gentleman from Illinois, I understood him to say that he had but one speech to make a while ago and insisted that I parcel out my time, which I did, he assuring me that he would have but one speech. After he has concluded that one speech, according to his previous statement, he now says he wants to yield five minutes to another gentleman.

Mr. STERLING. The gentleman from Illinois [Mr. McKENZIE], I think, wanted to say a word and extend his remarks in the RECORD.

Mr. CLAYTON. He has that under general leave. With the statement that it is only half a minute, I make no objection.

The SPEAKER. The gentleman from Illinois [Mr. McKENZIE] is recognized for half a minute.

[Mr. McKENZIE addressed the House. See Appendix.]

Mr. CLAYTON. Mr. Speaker, I yield now to the gentleman from Arkansas the 9½ minutes I have remaining.

The SPEAKER. The gentleman from Arkansas is recognized for 9½ minutes.

Mr. FLOYD of Arkansas. Mr. Speaker, I wish in the limited time I have to confine my remarks to this bill. It has been assailed on various grounds. It has been assailed as unconstitutional and revolutionary. It has been assailed by the gentleman from Illinois [Mr. STERLING] as being contrary to the interests of labor. Now, let us see. Take the first section of the bill. The legislation proposed therein was recommended by the President; it was drafted by the gentleman from Pennsylvania [Mr. MOON]. It was indorsed by the gentleman from Illinois [Mr. STERLING], and he now proposes to offer as a substitute for this entire bill the Moon bill, H. R. 21486, which is substantially incorporated as the first section of this bill. Wherein is that unconstitutional? Wherein is that revolutionary? Wherein is that wrong?

The second section of the bill provides that hereafter when injunctions are issued that the plaintiff in the action shall be required to give security. The law now permits the court in its discretion to require security. Wherein is that revolutionary? Wherein is that unconstitutional? Wherein is that wrong?

The third section of the bill embodies two propositions. It reads as follows:

SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

To the first part I have heard no objection urged. Against the second part gentlemen seriously protest. In reference to the issuance of injunctions in the latter portion of the section these words occur:

Shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall, by personal service or otherwise, have received actual notice of the same.

This provision forbids the blanket injunction.

That is objected to, and seriously objected to, by gentlemen on the other side. For what reason? Some say that it interferes with the judicial powers of the court. Others say that the courts do not enforce that provision anyway. What is the effect of the court issuing those blanket injunctions if they do not enforce their decrees against parties without actual notice? I will tell you the effect of it. It is the exercise by the courts, at the instance of the plaintiff or employers, of a kind of judicial intimidation over communities. [Applause on the Democratic side.] What valid objection to saying in the law that the court shall exercise no such power as that assumed and implied in the issuance of a blanket injunction? Now, as to the last proposition:

SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

It has been intimated that no one stood here and dared defend the last section of this bill. I defend it. I propose in the time at my command to devote the remainder of my remarks to the last section of the bill. And I will ask if you are opposed to the provisions of the bill as written, how many of you would favor the converse of the proposition? Suppose, instead of presenting the bill as it is written here, we change the language so as to read that hereafter in issuing injunctions the court shall have the power to prohibit any persons from terminating any relation of employment. How many of you will stand for that?—

or from ceasing to perform any work or labor—

How many of you would stand for that?—

or from recommending, advising, or persuading others by peaceful means to do so—

How many of you would stand for that?—

or from attending at or near a house or place where a person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working—

How many of you would stand for that?—

or from ceasing to patronize or to employ any party to such dispute—

How many of you would stand for that?—

or from recommending, advising, or persuading others by peaceful means so to do—

How many of you would stand for that?—

or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value—

How many of you would stand for that?—

or from peaceably assembling at any place in a lawful manner or for lawful purposes.

How many of you would stand for that?—

or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

How many of you would stand for the converse of the several propositions embodied in this section of the bill? Not one, and you know it. But the gentleman from Illinois [Mr. STERLING] in his last appeal makes an argument that no one has previously presented, and that is, that this bill is against the interests of labor, and he thereupon appeals to the friends of labor to defeat it.

My God, is it not strange that at the prolonged hearings had before the Judiciary Committee the representatives of capital appeared before the committee, opposing the legislation, and yet no representative of labor was there contending that it was against his interest, against the interests of labor?

Oh, the gentleman says it repeals the law of conspiracy. He says it authorizes an invasion of the home. As to that section, what interpretation, what construction can be put upon any language therein that would justify his assertion that it allows anybody to enter the home of any other person? No; the gentleman is in hard straits for arguments when he presents such suggestions as he does in opposition to this bill.

But he says that it repeals the law of conspiracy. This bill has nothing to do with the law of conspiracy. Conspiracy under the law is a crime. This bill proposes to repeal no criminal statute. All the criminal statutes stand on the books as they were written, and will so stand when this bill is adopted.

What does it do? It provides that the courts shall not by the injunctive process interfere with persons doing any act or thing which might lawfully be done in the absence of such a dispute by anybody who is a party thereto. You talk of class legislation. This provision simply provides that the courts shall not interfere by injunctions in preventing any persons who are parties to a labor dispute from doing what they may be permitted lawfully to do in the absence of a labor dispute, and you insist by implication upon leaving the law in such a condition that you will have one rule for the laboring man and another rule for other people. [Applause.] It is to that injustice that labor objects. It is to remedy that situation that labor has insisted for years on legislation against the abuse of the arbitrary injunctive process and of unwarranted injunctions by the Federal courts. [Applause.]

No, Mr. Speaker, this bill does not violate any provision of the Constitution. This bill is devoted entirely to questions relating to judicial procedure in injunction cases. Its object and purpose is not to confer upon employees or laborers any special privileges or any privileges not accorded to other citizens under like circumstances. It is a measure intended to secure justice to labor in its disputes with capital.

The opponents of this class of legislation express great and almost reverential respect for the courts. As a lawyer I have the highest respect for the courts, but I can not share in the opinion so often expressed of late to the effect that any attempt on the part of citizens, labor organizations, or Congress itself to secure judicial reforms is a reflection upon the courts. With the exception of a few short provisions in the Constitution defining judicial power and providing for the Supreme Court and such inferior courts as Congress may, from time to time, create and establish, our entire judicial system, together with all rules of procedure obtaining in our courts, are the work of Congress and the result of judicial interpretation. In the absence of congressional action, subject to the limitations of the Constitution, the courts have adopted certain rules and procedure of their own. In those court-made rules of procedure lies the greatest danger of judicial usurpation and abuse. It is as clearly within the power of Congress to correct an abuse growing out of rules and precedents of the courts as it is to repeal a statute of its own creation.

It is the contention of the advocates of this proposed legislation that such abuses have grown up under our system and now exist, and it is to correct such evils and in the interest of simple justice that this legislation is demanded. The gentleman from Pennsylvania [Mr. MOON] asserted that "Equity is to protect great industry and great interests." I deny that such is the proper function and province of equity courts. Equity courts were established in order that right and justice might be done in cases where there was no adequate remedy at law. It was never intended to be used as an instrument of injustice or oppression to any person or to any class. The friends of labor demand the passage of this bill in order that hereafter unwarranted and improvident injunctions shall not, at the behest of capital, be issued against labor; simply this and nothing more.

The SPEAKER. The time of the gentleman has expired. All time has expired. The question is on agreeing to the substitute offered by the gentleman from Illinois [Mr. STERLING].

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. STERLING. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. The Chair will count. Those in favor of taking a vote by the yeas and nays will rise and stand until they are counted. [After counting.] Fifty-two gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] One hundred and fifteen gentlemen have arisen in the negative—a sufficient number. The yeas and nays are ordered, and the Clerk will call the roll. Those in favor of the substitute will, when their names are called, answer "yea," and those opposed will answer "nay."

Mr. FULLER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FULLER. Can we not have the substitute bill reported?

The SPEAKER. Without objection, the substitute bill will be reported.

Mr. BLACKMON. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will call the roll.

The question was taken; and there were—yeas 48, nays 220, answered "present" 6, not voting 118, as follows:

YEAS—48.

Ames	Driscoll, M. E.	Humphrey, Wash.	Moon, Pa.
Anthony	Fairchild	Lafean	Moore, Pa.
Barchfeld	Fordney	Lawrence	Nye
Butler	Foss	McCreary	Payne
Calder	Gardner, N. J.	McKenzie	Roberts, Mass.
Cannon	Griest	McKinney	Sloan
Catlin	Harris	McLaughlin	Stephens, Cal.
Crago	Heald	Madden	Sterling
Currier	Henry, Conn.	Malby	Stevens, Minn.
Dalzell	Higgins	Maun	Vare
De Forest	Hill	Martin, S. Dak.	Volstead
Dodds	Howell	Mondell	Young, Mich.

NAYS—220.

Adair	Dyer	Hull	Pray
Adamson	Edwards	Jackson	Pujo
Aiken, S. C.	Esch	Jacoway	Ralney
Ainey	Estopinal	Johnson, Ky.	Raker
Akin, N. Y.	Evans	Jones	Ransdell, La.
Alexander	Faison	Kendall	Rauch
Allen	Farr	Kennedy	Rees
Anderson, Minn.	Fergusson	Kent	Roberts, Nev.
Anderson, Ohio	Ferris	Kinkaid, Nebr.	Roddenbery
Ansberry	Finley	Kinkead, N. J.	Rothermel
Ashbrook	Fitzgerald	Kitchin	Rouse
Austin	Flood, Va.	Knowland	Rubey
Barnhart	Floyd, Ark.	Konop	Rucker, Colo.
Bartlett	Focht	Kopp	Rucker, Mo.
Bathrick	Foster	Korbly	Russell
Bell, Ga.	Fowler	Lafferty	Sharp
Blackmon	Francis	La Follette	Sherley
Boehne	French	Langley	Sherwood
Booher	Fuller	Lee, Ga.	Sims
Borland	Gallagher	Lee, Pa.	Slayden
Bowman	Garner	Lenroot	Slemp
Broussard	Garrett	Lever	Small
Buchanan	George	Lewis	Smith, J. M. C.
Bulkley	Glass	Lindbergh	Smith, Saml. W.
Burke, Wis.	Good	Linthicum	Smith, N. Y.
Byrnes, S. C.	Goodwin, Ark.	Lloyd	Smith, Tex.
Byrns, Tenn.	Gould	Lobeck	Steenerson
Callaway	Graham	McCoy	Stephens, Miss.
Candler	Gray	McDermott	Stephens, Nebr.
Cantrill	Green, Iowa	McGuire, Okla.	Stephens, Tex.
Carlin	Greene, Mass.	Macon	Stone
Carter	Gregg, Pa.	Maguire, Nebr.	Sulzer
Cary	Gregg, Tex.	Martin, Colo.	Sweet
Clayton	Hamill	Matthews	Talcott, N. Y.
Cline	Hamilton, Mich.	Miller	Taylor, Colo.
Collier	Hamilton, W. Va.	Moon, Tenn.	Thayer
Connell	Hamlin	Moore, Tex.	Thomas
Conry	Hammond	Morgan	Towner
Cooper	Hardy	Morrison	Townsend
Copley	Harrison, Miss.	Morse, Wis.	Tribble
Covington	Harrison, N. Y.	Moss, Ind.	Turnbull
Crumpacker	Hartman	Murray	Tuttle
Cullop	Haugen	Needham	Underhill
Curry	Hay	Neeley	Underwood
Daugherty	Hayden	Nelson	Warburton
Davis, Minn.	Hayes	Norris	Watkins
Davis, W. Va.	Helgesen	Oldfield	Webb
Denver	Henry, Tex.	O'Shaunessy	Wedemeyer
Dickinson	Hensley	Padgett	Wickliffe
Difenderfer	Hobson	Page	Willis
Dixon, Ind.	Holland	Patton, Pa.	Wilson, Ill.
Doremus	Houston	Peters	Wilson, Pa.
Doughton	Howard	Post	Witherspoon
Driscoll, D. A.	Hughes, Ga.	Pou	Young, Kans.
Dupré	Hughes, N. J.	Powers	Young, Tex.

ANSWERED "PRESENT"—6.

Beall, Tex.	Davenport	Gillett	Tilson
Browning	Dwight		

NOT VOTING—118.

Andrus	Gardner, Mass.	McCall	Scully
Ayres	Godwin, N. C.	McGillicuddy	Sells
Bartholdt	Goeke	McHenry	Shackleford
Bates	Goldfogle	McKellar	Sheppard
Berger	Gudger	McKinley	Simmons
Bradley	Guernsey	McMorran	Sisson
Brantley	Hanna	Maher	Smith, Cal.
Brown	Hardwick	Mays	Sparkman
Burgess	Hawley	Mott	Speer
Burke, Pa.	Heflin	Murdock	Stack
Burke, S. Dak.	Helm	Olmsted	Stanley
Burleson	Hinds	Palmer	Steenerson
Burnett	Howland	Parran	Sulloway
Campbell	Hubbard	Patten, N. Y.	Switzer
Clark, Fla.	Hughes, W. Va	Pepper	Taggart
Claypool	Humphreys, Miss.	Pickett	Talbott, Md.
Cox, Ind.	James	Plumley	Taylor, Ala.
Cox, Ohio	Johnson, S. C.	Porter	Taylor, Ohio
Cravens	Kahn	Prince	Thistlewood
Curley	Kindred	Pronty	Utter
Danforth	Konig	Randell, Tex.	Vreeland
Davidson	Lamb	Redfield	Weeks
Dent	Langham	Reilly	Whitacre
Dickson, Miss.	Legare	Reyburn	White
Dies	Levy	Richardson	Wilder
Donohoe	Lindsay	Riordan	Wilson, N. Y.
Draper	Littlepage	Robinson	Wood, N. J.
Ellerbe	Littleton	Rodenberg	Woods, Iowa
Fields	Longworth	Sabath	
Fornes	Lund	Saunders	

So the substitute was lost.

The following additional pairs were announced:

Until further notice:

Mr. AYRES with Mr. HOWLAND.

Mr. DICKSON of Mississippi with Mr. PLUMLEY.

Mr. WHITE with Mr. WOODS of Iowa.

Mr. STANLEY with Mr. VREELAND.

Mr. SAUNDERS with Mr. UTTER.

Mr. RICHARDSON with Mr. STEENERSON.

Mr. MCKELLAR with Mr. SMITH of California.

Mr. MCGILLICUDDY with Mr. LANGHAM.

Mr. HEFLIN with Mr. PRINCE.

Mr. FIELDS with Mr. PICKETT.

Mr. DIES with Mr. REYBURN.

Mr. COX of Indiana with Mr. MCKINLEY.

Mr. CLAYPOOL with Mr. LOUD.

Mr. BURLESON with Mr. HANNA.

Mr. BRANTLEY with Mr. BARTHOLDT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PEPPER with Mr. WILDER.

Mr. SABATH with Mr. MCMORRAN.

Mr. REILLY with Mr. LONGWORTH.

For the balance of the day:

Mr. REDFIELD with Mr. KAHN.

Mr. DENT with Mr. WOOD of New Jersey.

Mr. HUMPHREYS of Mississippi with Mr. OLMSTED.

Mr. SCULLY (for the Clayton bill against the substitute) with Mr. BROWNING (against the Clayton bill and for the substitute).

The result of the vote was then announced, as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CLAYTON, Mr. MANN, and Mr. HENRY of Texas demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 243, nays 31, answered "present" 6, not voting 113, as follows:

YEAS—243.

Adair	Edwards	Johnson, Ky.	Ransdell, La.
Adamson	Ellerbe	Jones	Rauch
Aiken, S. C.	Esch	Kendall	Rees
Ainey	Estopinal	Kennedy	Reilly
Akin, N. Y.	Evans	Kent	Roberts, Mass.
Alexander	Faison	Kinkaid, Nebr.	Roberts, Nev.
Allen	Farr	Kinkead, N. J.	Roddenbery
Ames	Fergusson	Kitchin	Rothermel
Anderson, Minn.	Ferris	Knowland	Rouse
Anderson, Ohio	Finley	Konop	Rubey
Ansberry	Fitzgerald	Kopp	Rucker, Colo.
Anthony	Flood, Va.	Korbly	Rucker, Mo.
Ashbrook	Floyd, Ark.	Lafferty	Russell
Austin	Focht	La Follette	Sharp
Barchfeld	Foster	Langley	Sherley
Barnhart	Fowler	Lee, Ga.	Sherwood
Bartlett	Francis	Lee, Pa.	Sims
Bathrick	French	Lenroot	Slayden
Bell, Ga.	Fuller	Lever	Slemp
Blackmon	Gallagher	Lewis	Sloan
Boehne	Garner	Lindbergh	Small
Booher	Garrett	Linthicum	Smith, J. M. C.
Borland	George	Lloyd	Smith, Saml. W.
Bowman	Glass	Lobeck	Smith, N. Y.
Broussard	Good	McCoy	Smith, Tex.
Buchanan	Goodwin, Ark.	McDermott	Stack
Bulkley	Gould	McGuire, Okla.	Stedman
Burke, Wis.	Graham	McLaughlin	Stephens, Miss.
Byrnes, S. C.	Gray	Macon	Stephens, Nebr.
Byrns, Tenn.	Green, Iowa	Maguire, Nebr.	Stephens, Tex.
Callaway	Greene, Mass.	Martin, Colo.	Stevens, Minn.
Candler	Gregg, Pa.	Martin, S. Dak.	Stone
Cantrill	Gregg, Tex.	Matthews	Sulzer
Carlin	Griest	Miller	Sweet
Carter	Hamill	Mondell	Talcott, N. Y.
Cary	Hamilton, Mich.	Moon, Tenn.	Taylor, Colo.
Clayton	Hamilton, W. Va.	Moore, Tex.	Thayer
Cline	Hamlin	Morgan	Thomas
Collier	Hammond	Morrison	Towner
Connell	Hardy	Morse, Wis.	Townsend
Conry	Harrison, Miss.	Moss, Ind.	Tribble
Cooper	Harrison, N. Y.	Murray	Turnbull
Copley	Hartman	Needham	Tuttle
Covington	Haugen	Neeley	Underhill
Crago	Hay	Nelson	Underwood
Crumpacker	Hayden	Norris	Vare
Cullop	Hayes	Oldfield	Volstead
Curry	Heald	O'Shaunessy	Warburton
Daugherty	Helgesen	Padgett	Watkins
Davis, Minn.	Henry, Tex.	Page	Webb
Davis, W. Va.	Hensley	Patton, Pa.	Wedemeyer
De Forest	Hobson	Peters	White
Denver	Holland	Post	Wickliffe
Dickinson	Houston	Pou	Willis
Difenderfer	Howard	Powers	Wilson, Ill.
Dixon, Ind.	Howell	Pray	Wilson, Pa.
Doremus	Hughes, Ga.	Prince	Witherspoon
Doughton	Hughes, N. J.	Pronty	Young, Kans.
Driscoll, D. A.	Hull	Pujo	Young, Tex.
Dupré	Jackson	Ralney	The Speaker
Dyer	Jacoway	Raker	

NAYS—31.

Butler	Catlin	Driscoll, M. E.	Gardner, N. J.
Calder	Dalzell	Fairchild	Harris
Cannon	Dodds	Fordney	Henry, Conn.

Higgins	McCreary	Malby	Payne
Hill	McKenzie	Mann	Stephens, Cal.
Humphrey, Wash.	McKinley	Moon, Pa.	Sterling
Lafean	McKinney	Moore, Pa.	Young, Mich.
Lawrence	Madden	Nye	

ANSWERED "PRESENT"—6.

Beall, Tex.	Davenport	Gillett	Sparkman
Browning	Dwight		

NOT VOTING—113.

Andrus	Fornes	Littleton	Scully
Ayres	Foss	Longworth	Sells
Bartholdt	Gardner, Mass.	Loud	Shackleford
Bates	Godwin, N. C.	McCall	Sheppard
Berger	Goeke	McGillicuddy	Simmons
Bradley	Goldfogle	McHenry	Sisson
Brantley	Gudger	McKellar	Smith, Cal.
Brown	Guernsey	McMorran	Speer
Burgess	Hanna	Maher	Stanley
Burke, Pa.	Hardwick	Mays	Steenerson
Burke, S. Dak.	Hawley	Mott	Sulloway
Burleson	Heflin	Murdock	Switzer
Burnett	Helm	Olmsted	Taggart
Campbell	Hinds	Palmer	Talbott, Md.
Clark, Fla.	Howland	Parran	Taylor, Ala.
Claypool	Hubbard	Patten, N. Y.	Taylor, Ohio
Cox, Ind.	Hughes, W. Va.	Pepper	Thistlewood
Cox, Ohio	Humphreys, Miss.	Pickett	Tilson
Cravens	James	Plumley	Utter
Curley	Johnson, S. C.	Porter	Vreeland
Currier	Kahn	Randell, Tex.	Weeks
Danforth	Kindred	Redfield	Whitacre
Davidson	Konig	Reyburn	Wilder
Dent	Lamb	Richardson	Wilson, N. Y.
Dickson, Miss.	Langham	Riordan	Wood, N. J.
Dies	Legare	Robinson	Woods, Iowa
Donohoe	Levy	Rodenberg	
Draper	Lindsay	Sabath	
Fields	Littlepage	Saunders	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. SCULLY (in favor of bill) with Mr. BROWNING (against).

Until further notice:

Mr. COX of Indiana with Mr. LONGWORTH.

Mr. DONOHOE with Mr. WOODS of Iowa.

Mr. LAMB with Mr. CURRIER.

Mr. BROWN with Mr. FOSS.

Mr. HEFLIN with Mr. VREELAND.

Mr. DAVENPORT. Mr. Speaker, I desire to inquire whether or not the gentleman from South Dakota, Mr. BURKE, voted?

The SPEAKER. The gentleman did not.

Mr. DAVENPORT. I have a general pair with him, and I desire to withdraw my vote in the affirmative and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. DAVENPORT was called, and he answered "Present."

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye," as above recorded. [Applause.]

The result of the vote was announced as above recorded.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of South Carolina, indefinitely, on account of sickness in family.

To Mr. KITCHIN, for one week, on account of sickness in family.

To Mr. HANNA, for 30 days, on account of important business.

DAM ACROSS SAVANNAH RIVER.

The SPEAKER. The Chair lays before the House the following Senate bill, with House amendment.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 20, 1908.

Mr. ADAMSON. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked.

The SPEAKER. The gentleman from Georgia moves that the House insist on its amendment and agree to the conference asked.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees.

The Clerk read as follows:

Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate, asking the return of a bill.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 11, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

Attest:

CHARLES G. BENNETT, *Secretary.*

The question was taken, and the resolution was agreed to.

DAILY HOUR OF MEETING.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that until further order of the House the daily hour of meeting shall be 11 o'clock instead of 12.

The SPEAKER. The gentleman from Alabama asks unanimous consent that until further order of the House the hour of meeting shall be 11 a. m. instead of 12 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, I take it it is the intention to push forward the appropriation bills; but I think there ought to be one day in the week when the House meets at 12 o'clock so that Members of the House can have opportunity to attend to departmental work, and therefore I suggest to the gentleman whether he would not be willing to except from the provision Wednesday.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman the purpose of making this request is that it is the desire on this side of the House to drive the appropriation bills through practically to the exclusion of everything else until they are passed, and the purpose of asking the House to meet at 11 o'clock was to pass the appropriation bills. If the gentleman desires to do so I will modify my request.

Mr. MANN. I think it would not interfere with the gentleman's purpose.

Mr. UNDERWOOD. And I will ask unanimous consent that on each legislative day in the week, except Wednesday, the House shall meet at 11 o'clock, and on Wednesday it shall meet at 12.

The SPEAKER. The gentleman from Alabama modifies his request, and asks unanimous consent that hereafter, until further ordered by the House, on every day in the week except Wednesday and Sunday the House shall meet at 11 o'clock. On Wednesdays and Sundays the meeting shall be at 12. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, May 15, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General of the United States submitting estimate of deficiencies in appropriation required by the Department of Justice (H. Doc. No. 752); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War summitting estimate of appropriation for judgment rendered against Lieut. D. H. Biddle, United States Army, rendered against him for official acts by circuit court of Meade County, S. Dak. (H. Doc. No. 754); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimate of appropriation for rebuilding building No. 1, navy yard, Philadelphia, Pa. (H. Doc. No. 753); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation required by the War Department to provide medical and hospital supplies, etc., for relief of sufferers from floods in the Mississippi and Ohio Valleys (H. Doc. No. 755); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 19476) granting certain lands to the State of California to form a part of Redwood Park in said State, reported the same with amendment, accompanied by a report (No. 697), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes, reported the same without amendment, accompanied by a report (No. 698), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 23934) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army, reported the same without amendment, accompanied by a report (No. 700), which said bill and report were referred to the Private Calendar.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma, reported the same with amendment, accompanied by a report (No. 699), which said bill and report were referred to the House Calendar.

Mr. CONRY, from the Committee on Military Affairs, to which was referred the bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people, reported the same without amendment, accompanied by a report (No. 701), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo., reported the same with amendment, accompanied by a report (No. 702), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23834) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 703), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes, reported the same with an amendment, accompanied by a report (No. 704), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 18745) for the relief of Emma Louise Du Bois, heir of Amos Towle, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 24525) to preserve and protect human life in ocean travel; to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of California: A bill (H. R. 24526) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; to the Committee on the Public Lands.

By Mr. CALDER: A bill (H. R. 24527) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same; to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 24538) to establish a fish hatchery and fish-culture station at Lincoln, in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 536) authorizing the payment of the expenses of the Committee on the District of Columbia in making the investigation authorized by House resolution 154, to an amount not exceeding $10,000 in addition to that heretofore authorized; to the Committee on Accounts.

By Mr. GARRETT: Resolution (H. Res. 537) authorizing the Mississippi River Commission to investigate and report upon the cost of constructing a system of levees or embankments along said river in connection with those already constructed; to the Committee on Rules.

By Mr. BROUSSARD: Resolution (H. Res. 538) authorizing and directing the Mississippi River Commission to investigate and report upon the cost of constructing a system of levees or embankments along the Mississippi River, etc.; to the Committee on Rules.

By Mr. MADDEN: Resolution (H. Res. 539) providing for the consideration of House bill 22593, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 24528) granting a pension to Mary E. Macklin; to the Committee on Pensions.

Also, a bill (H. R. 24529) granting an increase of pension to William E. M. Oursler; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 24530) granting a pension to Eli Thomas; to the Committee on Pensions.

By Mr. BATHRICK: A bill (H. R. 24531) to correct the military record of Benjamin F. Lovett; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 24532) granting an increase of pension to Nathaniel Mead; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 24533) for the relief of heirs of Joseph Melancon; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 24534) granting an increase of pension to Julius Kloehn; to the Committee on Invalid Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 24535) for the relief of the heirs of Dr. John W. Kirk, deceased; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 24536) granting an increase of pension to Dominick Dacy, alias Michael Conners; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24537) for the relief of Charles Wouters; to the Committee on Naval Affairs.

By Mr. CARLIN: A bill (H. R. 24538) for the relief of James S. Garrison; to the Committee on War Claims.

Also, a bill (H. R. 24539) for the relief of the estate of William Knight, deceased; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 24540) granting an increase of pension to John T. Morgan; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 24541) granting a pension to James W. Banks; to the Committee on Invalid Pensions.

By Mr. DICKSON of Mississippi: A bill (H. R. 24542) granting pensions to the minor children of Capt. Devreaux Shields; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 24543) for the relief of John A. Wanless; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 24544) granting a pension to Mary Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24545) granting an increase of pension to Andrew Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24546) granting an increase of pension to William L. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24547) granting an increase of pension to Benjamin Puckett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24548) granting an increase of pension to William N. Perry; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 24549) granting a pension to Martha E. A. Ackerman; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 24550) granting an increase of pension to Nell Hughes; to the Committee on Pensions.

By Mr. LAFEAN: A bill (H. R. 24551) granting a pension to George Rodney Burt; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 24552) granting an increase of pension to John Breeding; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 24553) granting an increase of pension to Margaret Bunnell; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 24554) granting a pension to Amanda Fisher; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 24555) granting an increase of pension to Edward W. Clough; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 24556) granting an increase of pension to William H. Chenoweth; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 24557) for the relief of Paymaster Frederick G. Pyne, United States Navy; to the Committee on Claims.

By Mr. AIKEN of South Carolina: A bill (H. R. 24559) granting a pension to James T. Cape; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 24560) for the relief of the Milwaukee Structural Steel Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of representatives of every Jewish society of Wilmington, Del., against passage of the Dillingham bill and all other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of the mayor and the City Council of Los Angeles, Cal., relative to regulations of ocean steamers as to lifeboats and deck crews, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN: Petitions of U. S. Grant and other Sons of Veterans' camps and general memorial committee of Cincinnati, Ohio, relating to erection of monument to the late Gen. William Henry Harrison, President of the United States; to the Committee on the Library.

Also, petition of Independent Order B'rith Abraham and B'rith Sholom, of Cincinnati, Ohio, protesting against bills requiring literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AINEY: Resolutions of the Patriotic Order Sons of America, favoring passage of the Dillingham and other bills restricting undesirable immigration; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Petition of citizens of Warsaw, Kosciusko County, Ind., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BARTLETT: Resolutions of Independent Order of B'nai B'rith, of Macon, Ga., against passage of bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BROUSSARD: Papers to accompany bill for the relief of estate of Joseph Melancon, of St. Martin Parish, La.; to the Committee on Claims.

By Mr. BYRNES of South Carolina: Petitions of citizens of Fairfax, Barnwell, Allendale, Bamberg, Beaufort, and Denmark, all in the State of South Carolina, favoring legislation to give the Interstate Commerce Commission further power toward the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Barnwell, Allendale, Fairfax, Bamberg, Beaufort, and Denmark, all in the State of South Carolina, protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Resolution of the Patriotic Order Sons of America and Daughters of Liberty, of Brooklyn, N. Y., favoring passage of the Dillingham bill and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CANDLER: Petition of citizens of Mississippi favoring passage of bill providing old-age pensions for deserving men and women over 65 years of age; to the Committee on Pensions.

By Mr. CARY: Petition of Charles R. Van Hise, president of the University of Wisconsin, favoring the Rockefeller foundation; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Petition of the New York State Legislative Board, Brotherhood of Locomotive Engineers, Electric City Division, No. 382, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petitions of Polish National Alliance No. 265, Polish Mechanics No. 100, Azyteinis Pokka and St. Cassmiers Paigst, of Buffalo, N. Y., against passage of the Dillingham bill and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Chamber of Commerce of the State of New York, relating to the promotion of efficiency in the administration of the Federal Government; to the Committee on Appropriations.

Also, petitions of the Civic Club of Carlisle, Pa., and the Woman's Home Missionary Society of the Presbytery of Philadelphia, Pa., urging an appropriation of $105,000 for a pier at the Philadelphia immigrant station, Gloucester, N. J.; to the Committee on Appropriations.

Also, petition of the Rochester Chamber of Commerce, favoring passage of the 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petitions of the Allied Committees Political Refugees Defense League of America, New York; the United Hebrew Trades, New York; the Socialist Party, Branch No. 3, New York; citizens of Philadelphia, Pa.; and the United Polish Societies, Brooklyn, N. Y., protesting against the passage of the Dillingham bill (S. 3175) containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the Sons of the Revolution in the State of New York, favoring passage of Senate bill 271, for publishing all archives relating to the War of the Revolution; to the Committee on Military Affairs.

Also, petition of the National Civic Federation of Washington, D. C., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. FOSS: Petition of the First Russian Branch of the Socialist Party, of the city of Chicago, protesting against passage of the Root amendment to the immigration bill—any alien who conspires with others to overthrow a foreign government is liable to deportation; to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Petition of citizens of Middleburg, Pa., favoring passage of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

By Mr. FORNES: Petition of the Order of Railway Conductors and Brotherhood of Railroad Trainmen, of Philadelphia, Pa., favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of a citizen of New York City, N. Y., against passage of the Oldfield bill, to amend the patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of Isaac E. Lippincott, of Camden, N. J., favoring passage of House bill 1339, to grant increase of pensions to certain soldiers who lost an arm or a leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Illinois Manufacturers' Association, against legislation to amend patent laws; to the Committee on Patents.

By Mr. GOLDFOGLE: Resolutions of Ostroienka Lodge, No. 206, Order B'rith Abraham; United Borisower Lodge, No. 598, Independent Order B'rith Abraham; Fortschutt Lodge, No. 207, Order B'rith Abraham, of New York City, N. Y.; German-American Alliance of Philadelphia, Pa.; Allied Committee of the Political Refugee Defense League of America, of New York; Bernhard Baer Lodge, No. 27, Independent Order Ahawas Israel, of New York City; Repiner Lodge, No. 23, Order B'rith Abraham; Ahawas Sholem Anskey Pinsk; H. B. Lodge, No. 65, Independent Order Ahawas Israel; Juda Halewz Lodge, No. 204, Independent Order B'rith Abraham; Jessie Seligman Lodge, No. 103, Independent Order B'rith Abraham; Aaron Weiss Lodge, No. 244, Order B'rith Abraham; Orler Brotherhood Lodge, No. 291, Independent Order B'rith Abraham; Independent Minsker Lodge, No. 601, Independent Order B'rith Abraham; Jehuda Mezobish Lodge, No. 393, Order B'rith Abraham; Sons of Judah Lodge, No. 438, Independent Order B'rith Abraham; Joseph Held Lodge, No. 527, Independent Order B'rith Abraham; Kerdaner Association and American Progressive Lodge, No. 524, Independent Order B'rith Abraham; and Rozesishower Lodge, No. 521, of New York City, N. Y., against passage of Dillingham bill and amendments, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of the adjustment committee and Philadelphia (Pa.) Lodge, No. 511, Railroad Trainmen, urging passage of the so-called workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of citizens of Lancaster County, Pa., favoring passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Resolutions of the Commission Merchants' Association of New Haven, Conn., against passage of certain parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Resolutions of the Patriotic Order Sons of America, favoring passage of the Dillingham and

other bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Frederick Baruch, of San Francisco, Cal., against passage of anti-injunction bill which will legalize boycott; to the Committee on the Judiciary.

Also, petition of California Civic League, of San Francisco, Cal., favoring legislation to prevent such disasters as that of the *Titanic*; to the Committee on the Merchant Marine and Fisheries.

Also, petition of F. C. Drew, of San Francisco, Cal., favoring House bill 22589, to provide for purchase of a building for American embassy in the City of Mexico; to the Committee on Foreign Affairs.

Also, petition of the California Canneries Co., of San Francisco, Cal., favoring legislation to protect Mississippi Valley from floods; to the Committee on Rivers and Harbors.

Also, petitions of the Labor Council of San Francisco, Cal., against employment of nonunion men by W. B. Moses & Sons Co.; to the Committee on Labor.

By Mr. KORBLY: Petition of Benjamin Harrison Lodge, No. 587, Independent Order B'rith Abraham, Indianapolis, Ind., protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LAFFERTY: Petition of John H. White and other citizens of Portland and The Dalles, Oreg., favoring the passage of the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. LAFEAN: Papers to accompany House bill 19165, granting increase of pension to Samuel M. Pitzer, of Bendersville, Adams County, Pa.; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolutions of the Twenty-first Assembly District Socialist Party, of Brooklyn, N. Y., against passage of Root amendment to immigration bill relative to deportation of aliens, etc., and of the Patriotic Order Sons of America, favoring passage of Dillingham bill for restricting undesirable immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of the United Lithuanian Societies and Russian Branch of the Socialist Party, of Chicago, Ill., against passage of Root amendment to immigration bill for deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Square Deal Lodge, No. 752, Brotherhood of Railroad Trainmen, against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. McCOY: Resolutions of the Independent Order of King Solomon and Independent Order B'rith Abraham, Admiral Sampson Lodge, No. 192, and Independent Order of King Solomon, Jemelers Lodge, and citizens of Newark, N. J., against passage of Dillingham and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Philadelphia Stationers' Association, of Philadelphia, Pa., protesting against any change in the present patent laws; to the Committee on Patents.

Also, petitions of Morris Haber Lodge, No. 7; Hyman Lodge, No. 75; Marcus Jastrow Lodge, No. 152; Liberty Lodge, No. 12; Columbia Lodge, No. 19; United Minsker Lodge, No. 163; and Boruch Spinoza Lodge, No. 185, Independent Order B'rith Sholom, Philadelphia, Pa.; of Rabbi Sachs Lodge, No. 46, Independent Order, Ahawas Israel, Philadelphia, Pa.; of Samuel J. Randall Lodge, No. 8, Independent Order B'rith Sholom, Philadelphia, Pa., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of Baron De Hirsh Lodge, No. 535, Independent Order B'rith Abraham; of Wachuowker Lodge, No. 85; First Berschader Lodge, No. 79; Washington Lodge, No. 48; Has Acarmel Lodge, No. 60; Dr. A. R. Bickstein Lodge, No. 29; Harry Sacks Lodge, No. 57, and First Chotoneer Lodge, No. 80, Independent Order B'rith Sholom, all of Philadelphia, Pa., protesting against passage of the Dillingham bill (S. 3175), containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. POST: Petition of the Patriotic Order Sons of America, National Camp, favoring passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Connecticut Merchants' Association, favoring passage of bill for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Independent Minsker Association, at New Haven, Conn., against passage of the Dillingham bill and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Brotherhood of Railroad Trainmen, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of America's Organization of Automobilists, New York, favoring improvement of the highways; to the Committee on Agriculture.

Also, petition of the Committee of Wholesale Grocers, New York, favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Northwestern University School of Commerce, Chicago, Ill., favoring passage of bill providing an international commission to look into the high cost of living; to the Committee on Foreign Affairs.

Also, petition of E. A. M. Sweeney, of New York, protesting against passage of the Oldfield bill relative to abolishing restricted prices on goods; to the Committee on Patents.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Wm. H. Enhaug & Son, New York, protesting against passage of the Oldfield bill for preventing fixed prices on patent goods; to the Committee on Patents.

Also, petition of American Progressive Lodge, No. 521, Independent Order B'rith Abraham; Baranower Lodge, No. 243, Independent Order B'rith Sholom; Roeder Lodge, No. 24, Independent Order B'rith Abraham; Isidore D. Doctorow; and Hyman Sherman, all of New York, protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. THAYER: Petition of Lithuanian residents of Worcester, Mass., protesting against passage of Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of the Knights of Israel and the Independent Minsker Association, of New Haven, Conn., protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Central Labor Union of Meriden, Conn., favoring passage of the humanitarian bill (H. R. 16844); to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petitions of Oldmoral Sampson Lodge, No. 192, Independent Order B'rith Abraham; of Grand Lodge, Independent Order of King Solomon; of Arnold Weiss Lodge, No. 8; King Solomon Lodge, No. 1; Jewelers' Lodge, No. 12; Brisk Dilita Lodge, No. 11; Baruch Abi Klausib Lodge, No. 2; and Iron Bound Lodge, No. 15, Independent Order of King Solomon; and of Baron Rothschild Lodge, No. 105, Independent Order B'rith Abraham, all of Newark, N. J., protesting against passage of the Dillingham bill (S. 3175) containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. TUTTLE: Petitions of Morristown Lodge, No. 375, Independent Order B'rith Abraham, of Morristown, N. J.; of the Grand Lodge, Independent Order of King Solomon, of Newark, N. J.; of the Allied Committees Political Defense League of America, New York; of the United Hebrew Trades, New York; and of the United Hebrew Organization of New Jersey, protesting against passage of the Dillingham bill (S. 3175), containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of citizens of thirty-seventh congressional district of the State of New York, praying for legislation that will give the Interstate Commerce Commission power to regulate express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of United States Grand Lodge, Order B'rith Abraham, of Elmira, N. Y., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the thirty-seventh congressional district of the State of New York, opposing parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of United States Grand Lodge, Order B'rith Abraham, and Providence City Lodge, No. 143, Providence, R. I., against passage of the Dillingham and other bills containing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petitions of Liberty Lodge, No. 12; First Bershader Lodge, No. 79; Washington Lodge, No. 48; Dr. A. R. Bickstein Lodge, No. 28; Columbia Lodge, No. 19; Har Acarmel Lodge, No. 60; Star Beneficial Lodge, No. 112; Harry Sacks Lodge, No. 57; First Chatiner Lodge, No. 80; Sol Wederitz Lodge, No. 96; Louis Singer Lodge, No. 18; Ind. Preiaslower Lodge, No. 245; King Solomon Lodge, No. 101; Barneh Spinoza Lodge, No. 143; Wachmewker Lodge, No. 85; Benjamin Franklin Lodge, No. 38; Kanever Lodge; Benjamin Franklin Lodge, No. 327; and Royal Lodge, No. 440, Independent Order B'rith Abraham, of Philadelphia, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Pennsylvania, favoring passage of House bill 22339 and Senate bill 6172, against workmen being timed with a stop watch while at work; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Patriotic Sons of America, favoring passage of the Dillingham bill (S. 3175), containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolution of Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *May 15, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate the following communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

John W. Alves *v.* United States (S. Doc. No. 670);

Virginia Lape, administratrix of the estate of Wentz Curtis Miller, *v.* United States (S. Doc. No. 669);

Alexander Mackenzie *v.* United States (S. Doc. No. 668); and

Henry L. Abbot *v.* United States (S. Doc. No. 667).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary" approved March 3, 1911, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910; and

H. J. Res. 39. Joint resolution proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the State Association of Postmasters of Colorado, praying for the enactment of legislation providing that free city delivery be extended to all second and third class post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Ladies' Waist and Dressmakers' Local Union No. 25, International Ladies' Garment Workers' Union, of New York, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented a resolution adopted by the Chamber of Commerce of Philadelphia, Pa., favoring the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the General Conference of the Methodist Episcopal Church of Minnesota, favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ASHURST. I present a telegram in the nature of a petition in reference to Senate bill No. 1. I ask that the telegram lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *May 10, 1912.*

Hon. HENRY F. ASHURST,
Washington, D. C.:

Arizona Medical Association, at Bisbee, May 8, passed resolutions earnestly requesting you to lend every aid to the passage of Owen Senate bill No. 1 without malicious amendments, which will defeat its purpose. This association is composed of allopaths, homeopaths, and eclectics. Are unanimous in this respect.

W. WARNER WATKINS, *Secretary.*

Mr. SUTHERLAND presented a petition of Salt Lake Lodge, No. 106, International Association of Machinists, of Salt Lake City, Utah, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Woman's Auxiliary of St. Thomas's Church, of Hanover, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented the memorial of Alfred L. Gilbert, of Berlin, N. H., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Georgetown Citizens' Association, of the District of Columbia, favoring the enactment of legislation providing for the acquisition of certain land along the course of Rock Creek, which were ordered to lie on the table.

Mr. CATRON presented a memorial of the New Mexico Retailers' Association, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented memorials of sundry citizens of Florence, Darlington, and Hartsville, all in the State of South Carolina, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of members of the Southwestern Minnesota Medical Society, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of Sanford Hunt Camp, No. 19, Department of Michigan, United Spanish War Veterans, of Jackson, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. SHIVELY presented a petition of the Trades and Labor Assembly of Logansport, Ind., praying for the enactment of legislation prohibiting fraud upon the public by requiring manufacturers to place their own names upon manufactured articles, which was referred to the Committee on Manufactures.

Mr. O'GORMAN presented a petition of the United Trades and Labor Council of Buffalo, N. Y., praying for the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a petition of Major General George F. Elliott Camp, No. 84, Department of New York, United Spanish War

Veterans, of New York City, N. Y., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the war with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of New York, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Society of the Sons of the Revolution, of New York, praying that an appropriation be made for the preservation of the records of the War of the Revolution, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, Syracuse, and Brooklyn, all in the State of New York, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also presented petitions of Charlotte Center Grange, No. 660; of South Ripley Grange, No. 1032; and of Westfield Grange, No. 109, all of the Patrons of Husbandry, in the State of New York, praying for the establishment of a governmental postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts or lumber rafts through the open sea, which was referred to the Committee on Commerce.

He also presented a petition of the California Wholesale Grocers' Association, praying for the enactment of legislation to regulate the marketing of merchandise, which was referred to the Committee on Standards, Weights, and Measures.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Pensions, to which was referred the bill (S. 4568) granting an increase of pension to Annie R. Schley, reported it with an amendment and submitted a report (No. 754) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the amendment, submitted by himself on the 2d instant, proposing to appropriate $50,000 for the establishment of a system of roads in the Mount Rainier National Park, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4654) to regulate contracts for the future delivery of cotton, reported it with amendments.

LAND AT TWIN FALLS, IDAHO.

Mr. HEYBURN. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 2520) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes, and I submit a report (No. 753) thereon. I call the attention of my colleague, the Senator from Idaho [Mr. BORAH], to it.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Jones	Smith, Ariz.
Bacon	Curtis	Lodge	Smith, Ga.
Borah	du Pont	Martine, N. J.	Smith, S. C.
Bourne	Fall	Myers	Smoot
Bradley	Fletcher	Nelson	Sutherland
Brist-w	Foster	Oliver	Swanson
Brown	Gallinger	Overman	Thornton
Bryan	Gardner	Page	Townsend
Burnham	Gronna	Paynter	Warren
Catron	Guggenheim	Perkins	Watson
Chamberlain	Heyburn	Richardson	Wetmore
Clark, Wyo.	Hitchcock	Root	Williams
Clarke, Ark.	Johnson, Me.	Shively	Works
Crawford	Johnston, Ala.	Simmons	

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. A quorum of the Senate is present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 6833) for the relief of Manuelita Swope; to the Committee on Indian Depredations.

By Mr. DU PONT:

A bill (S. 6834) granting an increase of pension to William E. Vickers (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

(By request): A bill (S. 6835) for the relief of William A. Kinsolving; to the Committee on Claims; and

A bill (S. 6836) granting an increase of pension to Charles W. Ash (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6837) granting an increase of pension to Almira C. G. Stearns (with accompanying paper); and

A bill (S. 6838) granting an increase of pension to Mary E. Buchanan (with accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6839) granting a pension to Minerva Eveann Denley; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6840) granting an increase of pension to Harriet V. Tiernon (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6841) transferring the military reservation of Fort Thomas, Ky., from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Navy; to the Committee on Military Affairs.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL (H. R. 24023).

Mr. DU PONT submitted an amendment proposing to increase the salary of the messenger to the Committee on Military Affairs from $900 per annum to $1,440 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate $1,500 for the salary of shipping commissioner at Norfolk, Va., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PAGE submitted an amendment authorizing the Auditor for the State and Other Departments to credit Hobart J. Shanley with the sum of $1,501.75 for certain credits claimed and suspended for lack of itemization, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MESSENGER TO COMMITTEE ON THE UNIVERSITY OF THE UNITED STATES.

Mr. JOHNSTON of Alabama submitted the following resolution (S. Res. 312), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the University of the United States be, and it hereby is, authorized to employ a messenger at $720 per annum for the balance of the present session of Congress, to be paid out of the contingent fund of the Senate.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CLARK of Wyoming submitted the following concurrent resolution (S. Con. Res. 21), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

ELECTION OF SENATORS BY DIRECT VOTE (S. DOC. NO. 660).

Mr. BORAH. I present an article prepared by Senator JOSEPH L. BRISTOW on the direct election of Senators. I move that the article be printed as a Senate document.

The motion was agreed to.

POLICE AND FIREMEN'S RELIEF FUND.

The VICE PRESIDENT laid before the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, returned to the Senate in compliance with its request.

Mr. GALLINGER. I move that the votes whereby the bill was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 23635. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title, and referred to the Committee on the Judiciary.

AFFAIRS IN MEXICO.

Mr. FALL. I have here, Mr. President, an article printed in the El Paso Times of recent date referring to a matter which has been discussed in the Senate, and I would ask that the article be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JAPANESE MAKE A DEAL WITH OROZCO—MADERO SPY IN EL PASO JAIL TELLS OF PLOT—SAYS RED FLAGGERS GRANTED MIKADO'S AGENTS MAGDALENA BAY AND OTHER CONCESSIONS FOR WAR MONEY.

In consideration of the Magdalena Bay concession in Baja California, and whatever additional concession they see fit to take, according to the terms of an agreement signed by three representatives of the Japanese Government and Pascual Orozco in Chihuahua on March 9 last, the Japanese are to furnish the necessary sums of money to Orozco to carry his revolution to a successful termination, was the declaration yesterday of Peter F. Aiken, who was a Japanese spy in the Russo-Japanese War and later a spy for the Mexican Government.

Aiken is at present in the county jail in El Paso serving a six months' term, having been convicted at the recent term of the United States district court on a charge of making a shipment of munitions of war into Mexico in violation of the President's proclamation.

Full details of the transaction which led up to the signing of the agreement between Orozco and the Japanese, together with the names of the Japanese, which he could not at this time recall, are among the papers which Aiken asserted he forwarded to E. S. Rogers, formerly a Congressman from Minnesota, 204-205 German-American Bank Building, at the intersection of Fourth and Roberts Streets, St. Paul, following his arrest in El Paso on March 20.

Included among the papers, Aiken said, is his diary, in which are the names of the Japanese representatives and maps of Mexico prepared by him during the nine months he was in Japan after the close of the Russo-Japanese War, which specify the proposed points at which the Japanese asserted they would land in the event of a war with the United States.

Magdalena Bay figures prominently, he says, in the maps which are in the possession of Mr. Rogers, for it was at that point he declared the officers of the Japanese Army told him they would land their troops and establish a base for supplies preparatory to the invasion of the United States.

Aiken asserts that at that time he was regarded with full confidence by the Japanese Army officers, having rendered them valuable assistance during the war with Russia.

With reference to the alliance that Aiken declared was entered into by Orozco and the three representatives of the Japanese Government, whom he said were generals in that army, he asserted that the Japanese are now furnishing Orozco money to carry on his campaign, the other sources, he says, having been exhausted some time ago.

According to Aiken, who said he went to Chihuahua for the purpose of seeing Orozco and getting some money from him, he was taken to Orozco's headquarters by Gen. Emilio Campa.

Shortly after they had entered the Orozco's apartment at Chihuahua, Gen. Ines Salazar came in, followed by three Japanese. The Japanese carried a large map of Mexico, which they placed on the long table in the office before Orozco. Orozco, Aiken said, was seated, while the Japanese remained standing.

During the conference the map passed from one side to the other, being marked at each passing by the Japanese with red ink. The marking indicated the places which were to be given to the Japanese Government as consideration for the money to be furnished Orozco by them.

Magdalena Bay, Aiken said, was the first place marked by the Japanese. They selected other points, Vera Cruz being among them.

After the ceremony of marking was concluded the Japanese, Aiken said, drew forth two bulky parcels, containing legal cap paper, embodying the terms of the agreement. One was the original and the other the copy, and had already been signed by the Japanese.

Both were handed over to Orozco and he signed both, returning the original to the Japanese representatives. All then shook hands, and the Japanese departed.

During the continuance of the conference, Aiken said, Orozco displayed anxiety, and showed an eagerness to have the Japanese take their concessions and fulfill their promises of sending him the money for his revolution.

When the papers were signed, Aiken said, Orozco turned to two other Mexican red flag generals and remarked that he had made an excellent agreement.

Shortly after this, Aiken said, he encountered the Japanese representative at the Palacio Hotel, and there asked them for $100, which they gave him.

He asserted that the name of one was Togo, not the admiral, but a general in the Japanese Army. However, he said that the names of all were in his diary, and this he expected to have within a few days, having written to Mr. Rogers to forward his papers to him.

Orozco, Aiken declared, had told him that he felt from the very beginning that the Japanese Government would come to his support, and he had always favored an alliance with Japan, and that he was willing to give them Magdalena Bay or any other concession they wanted in order to secure their assistance in carrying on his revolution.

The Japanese left Chihuahua the next morning following the signing of the agreement, going in an automobile from Chihuahua to Torreon, the railroad connections between Santa Rosalia and Torreon being destroyed at that time.

Aiken has been in the employ of President Francisco I. Madero, having accepted, he asserts, his recent position of spy with the Government forces from the President. He stated that Madero always entertained a great dislike for the Japanese, believing that if they gained a foothold in Mexico they would overrun the country and this would result in either war with Japan or with the United States.

Orozco, Aiken stated, during the Madero revolution against Diaz had made a suggestion to Madero to the effect that the Japanese be given concessions in Mexico, but to these overtures Madero was firm in his denial.

At the close of the Russo-Japanese War, and while he was in Tokyo, Aiken said that the feeling there against the United States was very bitter, and that the Japanese at the time were preparing for an invasion of this country.

To this end, he said, they prepared maps of Mexico with a view of securing concessions from the Mexican Government, and from these maps he made his copies.

Aiken declares that the Japanese figure they could never waste time in taking the Philippines, which they could do without any serious trouble, but would land their troops at Magdalena Bay and other coast points of Mexico, and would then invade the United States.

With the Japanese spies that Japan has at present in the United States, Aiken says, they could organize a formidable army.

Aiken enlisted in the Japanese Army as a spy in Washington, D. C., being accepted by the ambassador of Japan, he says, after his first application.

Aiken was engaged as a spy by Diaz during the Madero revolution, and later figured in this capacity for Madero until his arrest and conviction here in El Paso.

His father is master mechanic of the Hillsboro-Northeastern Railway at Hillsboro, Wis., and his sister is principal of the high school at Glidden, Wis., he says.

Mr. FALL. Mr. President, I desire to make a statement with reference to the article which has just been read.

I would not ordinarily ask that a newspaper article should be read and printed in the CONGRESSIONAL RECORD, but this clipping came to me from as responsible and reliable a man as there is in the southwestern country. He is a man who is representing very large interests in Mexico, not the corporation interests but the interests of seven or eight thousand American colonists in the Republic of Mexico. Accompanying this newspaper article was a letter from this gentleman. I know him and have known him for years. I can vouch absolutely for his responsibility. I have not dared to send the letter to the desk and to ask to have that printed, because to publish his name in connection with this article with the contents of his letter might possibly cause very grave complications and might inure to his injury, as he is engaged in Mexico, and the interests of those whom he represents are altogether in the Republic of Mexico. It is under these circumstances alone that I would ask that a newspaper article be printed.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the Agriculture appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. BURNHAM. Mr. President, I desire to offer two amendments to the bill. First, on page 23, line 20, after the word "demonstrations." I move to strike out the words "and for" and to insert the word "in."

The PRESIDING OFFICER (Mr. ROOT in the chair). The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 23, line 20, in the committee amendment, after the word "demonstrations," it is proposed to strike out the words "and for," and in lieu thereof to insert the word "in," so that, if amended, it will read:

For farmers' cooperative demonstrations in the study and demonstration of the best methods, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURNHAM. Now, on page 88, line 3, after the word "when," I move to insert the words "officials and," to correspond with the fourteenth line in reference to the same subject.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 88, in the committee amendment, line 3, after the word "when," it is proposed to insert "officials and," so that if amended it will read:

That hereafter when officials and employees of the Department of Agriculture, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Mr. President, on yesterday at frequent intervals we were interrogated as to the remedy to be proposed

for the evils complained of. I send to the desk a proposed amendment, to follow the provisions relating to the forest reserves.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following the provisions relating to the Forest Service, it is proposed to insert the following:

Provided, That whenever after the passage of this act any State within which the United States shall have public lands, reserved or unreserved, except lands held in connection with actual Government use, shall by constitutional provision provide for acceptance of the grant and conveyance of the lands as herein provided and for the enactment of such land laws by the legislature of such State as shall in the judgment of the Congress, to which such constitutional provision shall be submitted, insure a wise and adequate control, administration, settlement, and disposition of such lands by the State, then the President shall, by patent, convey such public lands of the United States to the State within which such lands lie, and thereafter the lands so conveyed shall be the property of such State and shall be held, administered, settled, and disposed of by such State in accordance with the laws of such State.

That after the transfer of such lands to the State they shall be open to settlement and sale under the laws of said State.

That the States within which such lands are situated shall pay into the Treasury of the United States 5 per cent of the moneys received from the sale or rental of such lands by the State.

That no State shall, by law or otherwise, grant or dispose of any such lands to one person or association of persons or corporation in greater area or quantity than the amount as is now provided by the laws of the United States according to the use thereof.

That the grant and transfer of such lands by the United States shall include all coal, mineral, timber, grazing, agricultural, and other lands and all water or power rights and claims and all rights in lands of any character whatsoever.

Mr. HEYBURN. The effect of the amendment is to transfer the administration of the public lands of the United States to the respective States in which they are situated. A primary reason is that of convenience of administration and efficiency as well. The distance of the applicant and the subject of the application are so far removed to-day from the administrative center that great hardships and impossible conditions arise. The basis of most complaints is that, because of the distance of the applicants from the source of judgment, it is impossible both from a financial standpoint and one of physical possibility for them to comply promptly with the requirements.

I have read with much interest and amusement at times the provisions with reference to the entering of homesteads and the conditions imposed upon the parties seeking to enter homesteads.

It was suggested yesterday in the discussion of this question that when lands were to be eliminated from the forest reserves notice should be given of that fact and transmitted through various channels to the head of the department in Washington; that thereupon a survey and inspection or investigation would be made; and having been made and a report thereof transmitted, the rights of the party would be considered. The inquiry arose in my mind where would the applicant be during all of this time—living in his canvas-covered wagon at the border of the State or somewhere along the public highway and paying for the right of his poor old horses to graze upon the wild grass that grew along the highway? These are the conditions within the contemplation of the suggestion.

A man who wants a home can not wait for these conditions. It is a physical impossibility, as well as a financial impossibility oftentimes, for him to wait. He will go on to some other promised land and try to find a home elsewhere, and the State of his choice loses the opportunity for him to become a citizen and that which would flow from it.

Mr. President, that is in keeping with much of the administrative provisions against which we now protest. The man hunting a home is not, as a rule, if ever, possessed of any more than sufficient means to pay his expenses while going to the new home and during the period intervening before his selection and the productiveness of that home. The elimination of areas termed agricultural within forest reserves has been most frequently granted to those who are sufficiently wealthy probably to stop at a hotel in some neighboring town and wait until they could get a segregation authorized that would enable them to get some desirable piece of land, but it has no application and serves no useful purpose to the ordinary homeseeker at all.

I want that thought to rest in the minds of some Senators who intend to give their attention to this matter, because it is one of the greatest of all evils growing out of the system. I epitomize it in this way: They provide that a man hunting a home shall wait for inspection, classification, survey, and the routine performance of these duties before he knows whether he will get a home or not. My colleague [Mr. BORAH] yesterday read a letter from one of the officials that very well illustrates this proposition, but you can carry it away out beyond the party interested and mentioned in that letter into the general body of home seekers. That is the condition that we are confronted with. I am not going to spend time inveighing against it, because I only cite it as an illustration of the necessity for some change in the manner of acquiring homes.

That condition could not exist if the administration of the public lands was in the State government. It would not exist because it would be too close at hand, and some neighbor could conveniently call the attention of the State authorities to the matter or call it to the attention of the member of the legislature who went up from his immediate environment to the capital, or to any one of a dozen sources, and have it corrected, or he could telephone from one part of the State to another. There is no part of our State that is not connected by telephone, and he could call up an official and call his attention to the fact that he desired to settle upon this piece of land, and the State land board, or whatever it may be denominated, would adjust it, and they could do it in a few days instead of many months, as now.

So that this proposed transfer of jurisdiction would obviate those delays or that class of delays. It could be speedily determined. As now, you do not know who is in charge of the investigation. They will not allow you see the official report in the Land Office. You can get no line whatever on it until perhaps in two or three years you are officially notified in terse language that your application has been rejected.

I have files full of letters of actual cases of that kind, but inasmuch as I presume that many other Senators have the same class of communications, I will not encumber the RECORD by inserting them.

That is one of the reasons for transferring the jurisdiction over these lands to the States in which the lands are situated, because in the first place the applicant must be a citizen of the United States and he must be a resident of the State in which the lands are. That is his environment; that is the condition that must exist; and why should not the law be administered more conveniently in the State under the safeguards provided for by the proposed amendment?

Now, let me make plain what the proposed amendment is. It is, first, to transfer the jurisdiction to the State. It does that by transferring the title of the lands to the State, but the precautionary measure is that the State shall by constitutional amendment first, before it is entitled to these lands, provide to the satisfaction of Congress such basic law or principles of legislation as will insure against erratic legislation by the State or against the squandering or the waste of the land.

Now, in the Carey legislation we allowed the States to take title to the lands, subject to certain supervision remaining in the Government and subject to legislation by the States, but from my observation of the working of that law I think it is open to criticism that it is subject to changing legislation by the States.

Now, we simply transfer a satisfactory system of laws approved by Congress, guaranteed by the constitution of the State, which must meet with the approval of Congress, and then we turn over the lands to a well-equipped, well-guarded, and safe administration. We meet there the objection of erratic legislation; we meet there the objection that the States would squander the lands. Congress under this proposed amendment first establishes the organic law under which the States may act and protects against the possibility of the happening of these dire things.

Now, that is the second proposition.

Mr. SMITH of Arizona. Mr President, if the Senator will permit me, what provision does his amendment make as to the expenses of administration after the States have control?

Mr. HEYBURN. The State administers its lands now, and it provides within the law regulating that administration for certain payments, sufficient to compensate it for expenses. No profit is to be reaped by anyone; and the other is a question of fees. It provides also for the payment to the General Government of 5 per cent of the money received from the disposition of these lands.

Now, 5 per cent may or may not be the exact sum that would represent justice and fairness, but it is a tentative basis from which to consider this proposition about our character of legislation. That is in recognition of the fact that the State will make these lands taxable and will derive a benefit that to-day flows to no one, because they are not taxable either by the United States or by the State or State authority, and the State can well afford, when it sells a part of these lands, to pay 5 per cent of it to the Government of the United States in recognition of the fact that they have derived the lands and title and administrative power from the Government of the United States.

I want to dwell a moment on the reason for requiring a constitutional guaranty against reckless legislation or unwise

legislation. We have no right to presume that States will indulge in unwise legislation, but nevertheless it seems to me that a guaranty against it doing so is proper enough in a transaction of this magnitude. The forest part of the public-land system is a losing proposition to the Government and has been always. It is a bankrupt proposition to the extent of millions of dollars. We are gaining nothing by retaining the title or the possession or the administration of these lands, but, on the contrary, are paying the price of a great many things every year for this luxury.

I proposed this at a former Congress, as Senators who were here at that time will remember, and received considerable support for the then proposed amendment. But the objection was made continually that we can not turn these lands over to the reckless disposition of the States. Mr. President, we turned the lands of Florida over to it a half century ago, and has there been any charge that Florida has proven either incompetent or unfaithful in the administration of those lands? In the treaty by which we acquired Texas as a part of the Union we reserved to Texas the absolute uncontrollable right over the public lands or the lands within the State. Has there been any scandal or complaint that Texas has not wisely administered the public lands? If so, it has not come to my attention. There is every reason to believe that the State will more efficiently and wisely administer these lands, and I will briefly refer to that directly.

Now, those are the provisions preliminary to the transfer by the Government of the title to these lands, and I bespeak for them the careful consideration of Senators. Senators whose minds have not been directed to the consideration of this question I ask to take up with an open mind, having before them the necessity of some change in the system. To those who have considered this question I bespeak that further careful consideration of the choice between the two systems.

Now, the amendment provides that—

Then—

That is, when these things have happened, when we have submitted the charter of our power, the charter that limits us in legislating on the subject, and it shall have met with the approval of Congress, and Congress shall have authorized that upon those conditions and those guarantees the administration shall be transferred to the environment of the man and the land, then the President is authorized to patent the lands to the States. States are not to be sneered at as irresponsible bodies, and I make no exception. The integrity of one State and the ability of one State are as great as another. No States in this Union were comprised of foreign people with such sentiments. You will find in every State in the West that the leading minds and masters who made and who have managed the affairs of the State had their training, or the foundation for it, under the influences and the conditions of the best civilization, intelligence, and culture in the United States.

I said once before—and I have taken some pains to ascertain the facts—that I can find in our mines a larger percentage of college graduates from the great institutions of learning in the United States than in any township in any State lying between here and there. They are there for the purpose of taking on practical experience. Every summer a large number of students and many graduates of our State university come to the mines seeking positions, which are readily obtainable by them, for the purpose of adding to that which they have learned theoretically—the practical operation and application of it—and that is true of all the great States of the West.

Colorado has one of the best educational institutions in the United States that depends upon that source for its patronage and students, and I submit the inquiry as to whether or not we may not safely intrust the administration or execution of this law to that class of men, because they are leaders among men wherever they are. They learned the lesson of leadership in the environment of the East and the great country lying between the East and the West, and they exercise the result of what they have learned in that country, and you can trust them.

But this provides the limitations within which they can act. Now, what next comes is the transfer of the lands:

Then the President shall by patent convey such public lands of the United States to the State within which such lands lie, and thereafter the lands so conveyed shall be the property of such State—

Patents are then to issue from the State as they do now under the Carey Act—

And shall be held, administered, settled, and disposed of by such State in accordance with the laws of such State.

I might have said "the laws thereof," but I wanted to emphasize, under the circumstances, by repeating that term. But after the transfer of such lands to the State they shall be open to settlement. The main thing to be considered in regard to these lands is not that they should be owned or held by either the Government of the United States or the government of the State, but that they shall pass into individual ownership.

We use the term "sale" to cover the location of mining lands. That is the term used by the courts as to all that class of property. The lands are to be held for settlement and sale under the laws of said States.

Those lines I repeat will not be subject to change after Congress has accepted the constitutional provisions of the State limiting the manner and the scope of such laws:

That the States within which such lands are situated shall pay into the Treasury of the United States 5 per cent of the moneys received from the sale or rental of such lands by the State.

That is a question which does not need to be dwelt upon. As I say, it is in recognition of this grant, and I think it only fair that that should be one of the sources. It will of course terminate when the lands are all disposed of—

That no State shall by law or otherwise, grant or dispose of any such lands to one person, or association of persons, or corporation in greater area or quantity than the amount as is now provided by the laws of the United States according to the use thereof.

We have the homestead limit; we have the mining limit; we have limits of various kinds as to coal lands, and so forth. That is open to consideration. I have incorporated that language in the amendment as a tentative source of consideration during the pendency of this discussion.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Will the Senator from Idaho yield?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. I wish to ask the Senator from Idaho whether he thinks that under existing law the grant of sufficient coal land is permitted to enable an entryman to develop a coal mine?

Mr. HEYBURN. Yes; I do.

Mr. NEWLANDS. Does not the Senator think such an entry ought to be enlarged?

Mr. HEYBURN. I think it is sufficient, for the reason that the experience of a great many years has demonstrated the fact that coal lands may be opened up under such limitations. I have heard a good bit of discussion and suggestion here in regard to the necessity of larger areas. That started in a message from a former President embodying that suggestion. It was discussed at length in this body. I heard no good reason why there should not be an increased area. I will discuss that, however, when the time comes.

The next provision is:

That the grant and transfer of such lands by the United States shall include all coal, mineral, timber, grazing, agricultural, and other lands and all water or power rights and claims, and all rights in lands of any character whatsoever.

In other words, I want a complete elimination of these vexed questions from the legislation of this body. We want to send it where it can be determined under the laws of the State, in the courts of the State, subject to the jurisdiction of the United States courts, under the peculiar situation or condition of the parties.

Mr. President, the burden of procuring title to homesteads and other classes of public lands has grown so that men refrain from attempting to procure it. The prospector has practically disappeared. The prospector was the cornerstone and foundation of the mineral wealth of the United States. He was never a geologist. No scientific discovery of the precious metals was ever made in the United States that added to its wealth. Can any Senator or any geologist suggest an instance? I made the challenge in speaking before those men who insist that the scientific knowledge of geology is necessary to enable you to know where and to look up and find mining claims, and they never denied that fact. I repeat, no valuable discovery of mineral in the United States was ever made by a scientific man acting upon real or imaginary scientific purposes.

The prospector is a man belonging to a class that stands out by itself, and they have quit. They will not work under restraint. I will undertake to say that you will hear more and better real patriotic American citizenship around the camp fire of those prospectors when they travel over the mountains, guided by their own knowledge that can not be learned in any college—you will hear better American citizenship talked, you will hear better and broader principles of loyalty and love of Government than you will hear anywhere, I might say.

Mr. President, when these lands are opened to be prospected and settled and purchased, those men will go into the field again, or others in their stead. Nearly all the old prospectors have gone out of commission since the creation of these forest reserves. You could no more get one of them to go on a forest reserve to prospect under the supervision or control or dictation

or possible interference of a forestry officer than you could get him to come down here and put on evening clothes—not a bit. The Senator from Nevada [Mr. NEWLANDS] knows that.

What would old man Comstock have thought of scientific theories in regard to whether or not a vein could exist where he knew that it did exist? He did not care why it existed there. He had enough geological knowledge perhaps to know what the syenite footwall of a Comstock ledge meant, because he could stick his pick in it and he could strip it off and ascertain its dip and angle and do his work in the light of practical experience, and he did not have to look into any book to know it. He knew the minerals from long experience. He could estimate and judge of them and of their characteristics and quality and value about as accurately as the assayer could tell him.

Now, you have eliminated those people by this forest-reserve system. As I say, they will wear the shackles of no man. They will be subject to the carping criticism of no man. They will quit the business first. That is, the prospectors, men like Comstock and Kellogg and Jack Smith and John King. I could stand here and name those I have known until they would fill pages, men like old man Stevens, who discovered the existence of the mineral wealth of the Leadville Camp. I have heard geologists drawing $40 and $50 a day for testifying sit there and say that that ledge could not exist where Jack Smith said it did exist, and they would ask the jury to believe the scientific men. I have lived to see the prospector vindicated and the scientific man made the subject of joke who said that ore bodies could not exist; that the conditions were such that they could not exist at all.

I was in Leadville when the California and Nevada scientific men came there to examine those discoveries, and I heard them say there can not possibly be mines of any value here. They had never seen them of that kind in California or Nevada, and that was the limit of their wisdom. I heard them say that Friar Hill could not possibly have any value for mining purposes, and I saw it produce millions and millions of dollars almost at the grass roots. I saw the same in the Coeur d'Alene country from the Colorado men. I saw the same men who had disproved the wisdom of the Nevada and California experts confused in the Coeur d'Alene country because the conditions were different from those in Colorado or California. I know one of the richest mining men in the United States to-day who turned the Bunker Hill mine down for $35,000—and he had the money to pay for it—because it did not look like any mine he had ever seen and therefore it could not be worth anything.

Now, he was not a prospector. He was a mining man. There is all the difference in the world between a prospector and a mining man. A prospector is a hard-working citizen who goes out and takes his chances with climate and nature and poverty and hunger and spends his time in the discovery of mines. The mining man wears what we used to call a Thompson boot—that is, the fair-leather boots that laced up the side—and he parts his name in the middle, as a rule, and talks wisdom about geology, and he is trying to sell somebody else's property. That is the mining man as distinguished from the prospector.

Of course he goes out of business as mining ceases to be attractive to capital. The prospector goes out of business when any man dares to say to him your exercise of rights as an American citizen is subject to my inspection, approval, and control.

They have on this list of employees mining experts at so many thousand dollars a year. I am not going to stop to carp at the salary of some man, but those are the men—I was going to say in half a dozen cases that I could name, but I do not want to name too many people and things—who went to miners with whom I am acquainted and with whose property I have some acquaintance, and said to them, "You are wasting your time here. This will never make a mine. Get off here. You can not encumber the earth at this point. We are forestry inspectors, and this is the mining expert whom we have brought here to say whether or not you are justified in taking possession of this piece of property and expending your time on it."

In the days when mining was a great business in this country we had on the Supreme Bench of the United States some great men who had personal knowledge of mining and the methods relating to it. In the case of Chambers against Harrington the question came to them for decision if the court was to be the judge whether a man's discovery was good or if it was the man who staked his money, his labor, and his time. They decided in that case that whatever the miner was willing to spend his time and his money upon for purposes of development constituted a valid discovery of a mining claim. The courts have sometimes forgotten it. I had occasion 20 years or more ago to relitigate the question in the light of that decision against the opposing views of a court that undertook to insert the word "reasonable"—"with the reasonable expectation of finding ore." Chambers against Harrington said, "with the expectation of finding ore" and that left it, of course, to the judgment of the man who had the expectation to spend his labor upon it and his money. That supreme court held that they could read into the law the word "reasonable," "with the reasonable expectation of finding ore," but the Supreme Court of the United States settled that question. They held that the court could not write the word "reasonable" into the law.

Now, the Forestry Service is disregarding the law of the Supreme Court of the United States daily, and in a large number of cases, and is paralyzing the energetic arm and the intelligent brain of the prospector by holding that in their judgment he is not justified in spending his time or money upon it. They are disregarding the decision of the Supreme Court and they are silent when you call their attention to it.

That is the result of placing the power in the hands of the Forestry Service to say whether or not the prospector is justified in making a discovery and spending his time and money upon it. In arguing this case in those days I inquired whether or not it was reasonable to suppose that any man, poor as a prospector always is, anxious for speedy receipts, as a prospector always is, would waste his time in digging holes out in the mountains, oftentimes or generally many miles from comfort and civilization. There is no reason why he should. It is a little like the supposition that seems to be accepted that men go out and cut down trees for fun. There is nobody in this Chamber so energetic as either to cut down a tree for fun or to dig a hole in the ground or drill it in the rocks without reason—his reason, not somebody else's, not the substituted reason of a self-constituted critic, but the reason of the man who contributes the labor and assumes the responsibility.

I have felt justified this morning in dwelling some upon this, because it has resulted in closing up the source of mining and mineral wealth in this country to a very great extent. The only mines that are being worked to-day—there may be exceptions, but I speak generally—are those that were discovered before this black pall was thrown over the field of possibility. They are enlarging and extending the scope. They are controlling the market for mines and the product of mines by limiting the possibility of the development or discovery of mines. That is worth considering, when you realize that whatever we produce—and we certainly do produce a large quantity of it in this country—is the basis of our real wealth. We have a lot of promissory notes out, and they are good; but they are good because there is behind them the gold that results from the prospector's work. No gold mines have been discovered in Wall Street as yet that were open to location and purchase by the prospector.

So that is a great question, and I do not feel called upon to apologize at all for having taken the time of the Senate in presenting it. It is a live question, and it is involved in this amendment. It is involved in the bill under consideration. Its fate is written in the lines of those documents.

I wrote the other day to our western country inquiring in regard to prospecting as to whether those old men or others in that place were at work scouring the mountains to find mines, and I was told that they were not; that they had been compelled to retire from that occupation because they would not submit to the interference and supervision and criticism and dominion of the forest reserve representatives. Why should they submit? Right in the State of Idaho, in the county in which I live, we produce one-third of the lead produced in the United States. We produce vast quantities of silver and gold and copper. But we are producing it from the mines that we had succeeded in securing before the forest reservations were blanketed over that country.

The southern part of our county, which was only not developed along those lines because the area of the country was large and the people were few, is as rich in mineral resources as that from which we are now producing $22,000,000 a year. That is in one county, in one part of a county, in a small fraction of a county. But nobody will go in there in the forest reserve subject to its intereference, restrictions, and annoyances even to look for it. If you found it they would find a reason to make it undesirable, so much so, first, that you would not develop it; and second, that if you did nobody would buy it.

Men will not go within a forest reserve where they can not cut a stick of timber for ordinary accidental transient use without sending for a forest State ranger to some point difficult of ascertainment. They would not be bothered by it. They will say, "We will quit the mining business; the annoyances have accumulated to such an extent that we are not willing to subject ourselves to them"; and unless we can pass a compulsory

mining law that will compel men to prospect and other men to buy and operate the mines, it looks to me as though we were limited to existing conditions.

Send those prospectors back into that country by adopting this amendment so that those lands will be free and open to exploration, as Congress said they should be when they passed the acts of 1866 and 1872.

I will not undertake to characterize or to dwell at length upon the reasons that have brought about this condition. I can cite just one brief instance that may be a cue to it. A neighbor of mine, or at least a fellow townsman, had a mining claim, and a very good one. He had discovered it and worked upon it from 1884 up to 1892, when this occurred, and through his individual labor, or by it, he had opened up that mine until it had a splendid showing of ore. He went to one of the representatives of a large mining combination that had bought up a whole section of country and was mining it to great profit, and he said to him, "I would like to sell you my mine; you know it is a good mine." "Yes; I know it is a good mine; I think it is one of the best new properties in the camp, but," he said, "I can not consider the question of buying it with you until I have consulted with certain members of the Mine Owners' Association, because they have an arrangement for the limiting of the purchase and development of mines; they do not want new producing mines contributing to the market of metals and ores"; and he added, "I will let you know at a certain time." And he did. He then said, "I have consulted with a certain man"—who was a very large operator and one of the officers of this organization—and he said, "We have concluded not to purchase any more mines just at present." A little mine like that in the hands of an individual of limited capital is useless unless he can get the facilities for milling, transporting, and working his ore. The smelting combination limit the quantity of ore that will be purchased, and they have a system of discriminating as to what ores will be taken and what will not be taken. So, in a measure, they limit his market.

I am talking in the presence of men who know about these questions, and I shall assume that, if they are silent, they concur in what I am saying. The combination will limit your opportunities to mine the ore, transport it, and sample it, and they will limit the opportunity to sell it. They will say, "We will take so many tons from this mine, so many tons from that mine, and so many tons from another mine," and they tell them to what point they are to ship it. They will wire you, "Ship your ore this month to Kansas City," or "Ship 50 cars to Leadville," and so much to another point. They will tell you not only on what terms you may market it, but will tell you where you must send it.

That is a condition that is brought about very largely by the limitation of opportunity to discover new mines and open them up. They do not want new mines opened up unless they can control their output; they do not want new mines opened up unless they can control the disposition of the product of the mines.

I am speaking now of a combination. We have in our country individuals who are strong enough to disregard them, but the man who has spent his years and all the money he had to find the mine, who has only the find and not the realization, is not in a position to do it. Give those men free opportunity to open up mines, so that every morning when you pick up the newspaper you will be confronted with statements of new discoveries of mines, and you will break down these combinations. They did not exist as they exist to-day until after these prohibitive conditions were brought about. So much for that.

For that reason, I want the public mineral lands of the United States to go under the administration of the State governments, in order that those who live in the neighborhood, who know the conditions, and who are free to exercise their rights of citizenship, may have something to say about the terms and conditions upon which the discovery and location may be made.

Now, as to coal lands. The relation of the assets of the soil to the people of the United States is one that has been at times very much misunderstood or misstated. No thoroughly sane man would seriously propose that the Government own and operate the coal mines of the country. I have never heard anyone stand out for that contention. Conditions such as exist to-day in near-by States, and have existed in all parts of the United States within the last 12 months, amounting to a reign of anarchy and a disregard of law—by whom I need not say—are sufficient in themselves to afford a reason why the Government should not even consider the ownership of coal lands.

The object of the formation of this Government was to afford men opportunity to engage in gainful enterprise—individuals; it was not to form a government that should indulge in gainful enterprise. No one ever urged that as a reason for the making of the United States of America. The primary purpose was to give opportunity to the units of government. If the United States is justified in retaining the ownership of the coal lands and working them under any system, I care not what, it is equally justified in retaining and operating the farm lands, the fruit lands, the fisheries, and all other of the assets of the country.

Mr. President, I am going to ask for a vote upon this amendment at the proper time, and every Senator who answers to his name when the roll is called will be required to vote upon these questions. I might be met by the statement that all Senators know all about it and do not need to hear. They may be in the position of the apostle, or whatever he may be termed, in Arabia, who had a great reputation for wisdom and erudition. A concourse assembled for the purpose of hearing him. He came there, rose, and said, "How many of you know what I am going to say and how many of you do not?" They all rose in response to the first proposition. He walked away. The next time he came he propounded the same question, and in order to catch him they said, "None of us know," and he walked away. When he again returned he propounded the same question, and they said, "Some of us do and some of us do not." "Well," he said, "those who do can tell those who do not," and he walked away. [Laughter.]

Mr. President, I merely referred to that old legend in order to suggest that when a vote is called for I should like Senators to know upon what they are voting; and while I realize that this is the luncheon hour of the Senate, yet I feel it a duty to the cause for which I speak to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROOT in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, S. C.
Bacon	Davis	Oliver	Smoot
Borah	du Pont	Overman	Swanson
Bourne	Fall	Page	Tillman
Brown	Fletcher	Paynter	Townsend
Bryan	Gallinger	Perkins	Warren
Burnham	Gardner	Rayner	Watson
Catron	Gronna	Richardson	Wetmore
Chamberlain	Heyburn	Root	Williams
Clarke, Ark.	Johnston, Ala.	Shively	Works
Crawford	Jones	Simmons	
Culberson	Lodge	Smith, Ariz.	
Cullom	Martine, N. J.	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on important business. I understand he is out of the city, and so I make this announcement to stand for the day.

Mr. SMOOT. I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] is unavoidably detained from the Senate, but he has a general pair with the senior Senator from Virginia [Mr. MARTIN].

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. HEYBURN. I regret to have felt it necessary or proper to disturb Senators, and I hope I did not disturb them unduly in their luncheon hour. But I sit here week after week, month after month, and listen to their wisdom and give the questions they present that consideration which in the performance of my duty I must. I am presenting a great question, not that my presentation will add to or detract from its greatness, but I am presenting a question with a view of getting responsible action at the hands of Congress. The measures that I am submitting to-day will be the law of the land in the near future, and I am of the opinion that if the Senate will to-day give it that careful consideration to which it is entitled, they will avoid the necessity of much expense and vast labor on the part of the Government and of the legislative bodies—the two Houses. I am proposing a measure that will save to the Government of the United States millions and millions of dollars every year.

Now, I had said that when the rights to the assets of the country were being determined it was not in the aggregate but individually. The country has it already. They already have all the coal in the ground. You and I have an undivided interest in all the coal lands and the wealth within them and in all the forests, and there is no principle of law that would authorize Congress to give any part of it to any class of people. It belongs to all.

But I am speaking to the question of individual participation in the active use and development of the resources of the coun-

try, and that is the important question, and it is a question that some Congress is going to solve speedily. The withdrawal of men from attempting to take up land or discover mines or extract coal and ore will mean stagnation. It will mean an exaggerated form of the conditions that are to-day deplored by men who are content with a lachrymose contemplation of evils that exist in every direction. The remedy is not difficult. There is a man for every plow in this country. There is a man for every pick and shovel in this country. There is a man for every opportunity that exists. The difficulty of to-day is that some one, like a little thoughtless child, has encompassed its toys and possessions within its arms to exclude all other children from participating in them to save something.

We are a Nation considering how we may use things, not how we may save them. The saving is an individual proposition. The growth and development of this country do not depend upon savings. They depend upon the useful and gainful acceptation of these opportunities. That is what I speak for. Now, make available the coal lands either within our borders at home or in Alaska or elsewhere to American citizens with the same rights, and the American citizens will hold in their hands the solution of the development of coal lands, the production of coal to meet the necessities of people, and the American citizens, considered singly or in the aggregate, constitute the tribunal that must settle these questions.

Mr. President, I remember on this floor eight years ago when we were told by men who were responsible to Congress and to the people that the coal supply of the United States would be exhausted in 19 years 11 months 2 weeks and 3½ days.

They had figured it down. The visible coal supply in the United States to-day is greater than it ever was within the knowledge or conjecture of man. Do people mine coal and sink it in the sea? Do they mine coal not to be used? Do they mine coal for anything but use? Is there an abnormal reserve of mined coal in the country to-day? What would the people have done had it not been mined? On the question of evil in mining there is a lot of published talk about the waste of natural resources by a lot of irresponsible people who do not know how to think, who are talking to attract attention and to create the impression that they are possessed of great erudition. Turn them out and let them depend on their resources, without special favors, and they would starve to death.

Let us look at these questions in a reasonable manner. I repeat that inquiry: Where is the waste of lumber, the waste of coal, or the waste of water? Has it been burned up or destroyed. The amount of timber that was burned occupies about the same relation to the available timber remaining as does the point of a pin to the earth. I went out purposely to see it. I saw the fire. A fire always makes a big noise like these reformers and agitators. You might imagine that the whole country was crying out for relief; and I went out to look at those fields and went over them.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Along the lines of the suggestion of my colleague, with reference to the amount of timber in the country, may I read a brief article?

Mr. HEYBURN. Certainly.

Mr. BORAH. I read from an article in the Pocatello Tribune, a paper published in the State of Idaho, and the statement seems to come from Prof. Shattuck, of the University of Idaho:

IDAHO'S TIMBER WEALTH—ONE HUNDRED BILLION FEET AVAILABLE IN THE VAST FORESTS OF THE GEM STATE—ENOUGH TO BUILD 7,500,000 COTTAGES—STANDING TIMBER CAN NOT BE EXHAUSTED AT PRESENT RATE OF CUTTING FOR 140 YEARS—HEAD OF FORESTRY GIVES STARTLING FIGURES OF ONE OF IDAHO'S GREATEST RESOURCES.

SPOKANE, WASH., *April 9, 1912.*

Raw material available in the forests of Idaho for the manufacture of wood products is estimated at 100,000,000,000 feet board measure by Prof. C. H. Shattuck, head of the forestry department of the University of Idaho. This would provide sufficient lumber to erect more than 7,500,000 five-room cottages and several million cords of fuel wood.

"At the present rate of cutting, reported to be about 700,000,000 feet a year," Prof. Shattuck said in making the foregoing statement in the course of an interview here, "Idaho has a resource in its timber that can not be exhausted in the next 140 years. This computation does not include the annual growth.

"The present annual growth of our timber is estimated to be more than six times the lumber cut, and if the present policies are carried out the time will never come when the yearly timber cut will exceed the annual growth of wood in the State."

Prof. Shattuck said the State as a whole is yet in its infancy in the manufacture of wood, the amount of capital invested, and the number of men employed in the forests and mills. Capital invested in lumber manufacturing plants amounts to $17,872,478, or 55 per cent of the total investments in manufacturing in Idaho.

The value of the lumber products in 1910 was $10,680,210, or 47.7 per cent of the total value of all manufactures of the State; while 8,220 men were employed in the factories, 5,212, or 63.4 per cent, were dependent on wood-manufacturing establishments for employment.

The wood-manufacturing industry exceeded all others in Idaho in added wealth, contributing $7,344,532, or 58.8 per cent of a total of $12,479,647 in 1910.

Eight hundred and eight thousand dollars was expended by the United States Government in 1910 in protecting our forests from destruction by fire, and four of the fire-protective associations, composed of timber holders and sawmill operators, spent more than $100,000 in patrolling their timber lands and the holdings of private individuals of Idaho.

We protect our forests so that we may have the largest possible wood harvest. We have learned that for every thousand feet of lumber manufactured $8 is paid to wage earners, who must be clothed and fed, thereby stimulating other industries.

Men engaged in other industries are often inclined to feel they have no interest in forestry. Yet the prosperity of those engaged in any industry is largely dependent on the magnitude and success of other lines. For instance, if the entire population were engaged in farming, there would be little market for farm products. The farmer wants factories, where large numbers of wage earners who are consumers of his products may obtain the means to purchase what he has to sell. So it also is with the stock raiser and the fruit grower. Each must have a demand for his products to prosper. The factory owner has an advantage in being near large quantities of the raw material from which he manufactures his products.

If we multiply the figures given for Idaho's wood manufactures for 1910 by 6, the relative yearly growth compared with the annual cut, the result will indicate the actual possibilities of the lumber industry in Idaho and as it will be developed in a few years. The figures would show the value of our lumber products to be $64,135,860. This should stimulate every resident of the State to use his influence in protecting the enormous undeveloped resources of our forests.

So there is some chance of having some timber left after a decade.

Mr. HEYBURN. I am indebted to my colleague for producing the figures and the statement, unquestionably the result of intelligent investigation and consideration by an official of the University of Idaho. I understand Prof. Shattuck is connected with that institution.

We were sought to be stampeded here on each recurring Congress in the consideration of this bill by the statement that the timber of the United States would be exhausted in a certain number of years. More than half of that period has expired, and the timber of the United States is an increasing proposition. There is more timber to-day than there was 50 years ago. There is more timber in the State of Idaho than there was at any previous period. The cutting out of the large trees does not mash and destroy the trees that are coming on. It only gives them more sunlight and more opportunity to grow and develop.

Of course, I can not apply this to trees in the State of California, where I have seen and laboriously ascertained that some of them were more than 3,000 years old. I spent one Sunday afternoon at Guerneville counting the rings of one that had been sawed off. It had 3,200 indications of yearly growth, and it had grown out of the stump, the circle of which still remained, and the tree from which stump still lay on the ground with nothing but a bark, and on that tree there were indications of 2,800 years' growth. I computed the joint age of those two trees as 6,000, and they were in such a perfect state of preservation that they were being manufactured into great sticks and shingles and other useful articles.

We have reforestation in Idaho since I became a citizen of that State that is to-day merchantable timber, used for the timbering of mines and the building of cabins and all those useful purposes.

But I was speaking of coal. They have withdrawn in the State of Idaho a large area of ground, as possibly containing coal. I only wish they would find it. We would not object to their finding it, but do object to their withdrawing the land because coal may be there. We object to their preventing the investigation by the only people who will investigate, and those are the people who would gain something by it. A lot of Government experts investigate things without any interest in them except their salaries. A man who will investigate the public lands of the United States for the purpose of determining its wealth is the man who expects to gain something as the result of his investigation.

Mr. President, the public lands within the State of Idaho alone affected by the provisions of the reclamation act of June 17, 1902, amounted on February 1, 1910, to approximately 2,237,380 acres of land. That was a subterfuge.

We had succeeded in invoking the wisdom of Congress to the enacting of a law to prevent them from creating more forest reserves. So they changed the names, and they call them other things. Two million two hundred and seventy-seven thousand three hundred and eighty acres.

Of this area, approximately 1,327,280 acres are withdrawn from all forms of disposal under what is termed the "first form."

That is quoted.

The object of using that term and quoting it is to prevent the ordinary layman from knowing what they mean. They give

it a mysterious name and designation, and you have to hunt up a separate volume to find out what that word means; but it does mean 1,327,000 acres of land—

or as sites for reservoirs, sources of materials for construction, or protection of watershed areas.

This is a new item.

Approximately 950,100 acres are withdrawn under the "second form"—

That is quoted also—

as probably susceptible of irrigation and subject to entry only under the homestead laws as modified by the provisions of the act of June 17, 1902.

That is where they first attacked us. Then Idaho is also affected by another withdrawal—

The temporary power-site withdrawals, under supervisory authority, in the State of Idaho include approximately 115,000 acres of land along Salmon, Snake, Payette, Kootenai, Clark Fork, St. Joe, and Coeur d'Alene Rivers.

Then it gives the townships. I want to call attention to the invasion of the rights of the State in that regard. I will say that while I may seem tedious and occupy a good bit of time, I am going to make a record in regard to the merits of this legislation and the proposed amendment that will stand forever.

The VICE PRESIDENT. Will the Senator from Idaho suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on request of the Senator from North Carolina, the unfinished business will be temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, I was saying that, at the expense of being deemed tedious or tiresome, I intend to make a record in regard to this legislation that shall stand for the contemplation and intelligent observation of the people of the United States in and out of Congress so long as this question may be open. It is high time that it was exposed. The people have grown weary of promises of reformation in regard to it, and although I speak to none but the chairman, nevertheless the record will be made and it will reach the people.

Now, they have withdrawn this land for the purpose which they designate—temporary power sites. The muck rakers, speaking personally through their chosen journals and papers, have wrought the people up until they really believe that there is some great danger of the monopoly of the use or right to use the waters flowing in the streams or resting in the lakes of the country.

I know good people who are content to allow other people to speak for them and accept the speech as evidence of truth. I have had people say to me, "Would you allow the monopolies of the country to gather up all the water power and water-power sites?" I was asked this morning whether I am in favor of that, and if not, why I was speaking the way I did yesterday.

In the first place, there is no such thing as property in water in any State in the Union. No person or combination of persons can obtain title to water. It is one of the free elements of nature. No law ever undertook to make property rights in water. What they do give is the right to use water and to use it again and again. There is no such possibility as monopoly in water or water sites. Under the law of one State the constitution declares:

The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Not subject to the control of United States. That is a constitution. That provision was ratified by a Congress of the United States and is a part of the contract of statehood. Congress can not change the provisions of the constitution of a State. Congress can not repeal an admission act. Yet we have allowed these self-constituted guardians of the public domain to assume proprietorship over the waters of a State, and we have helped them by legislating so that the President, forsooth, may withdraw these waters and the use of them from entry and appropriation under the laws of a State.

The act which I have here and which is certified to the Senate upon a resolution that I offered asking for it recites that these withdrawals were made by the President of the United States. I do not stand here to criticize him in person, but I do stand here for the purpose of calling the attention of responsible Senators who must act under their oaths to respect and preserve the reserved rights of the States.

When Congress passed the admission act of Idaho it in express terms ratified the constitution. Idaho had made her constitution before she came here asking for admission, so that Congress was fully advised as to the wisdom and propriety of the constitutional provisions, and in express terms in the admission act ratified it as presented. I have read you section 1 of article 15 of the constitution of Idaho.

No man can reconcile this withdrawal or attempted withdrawal of waters and water-power sites with the contract writen into the Constitution. It can not be reconciled. There is but one conclusion, and that is that in reckless disregard of their duties under the law these intrusted agents of the people have undertaken to override the Constitution, and I am here to speak for the deliverance of a State from the hand of the spoiler.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I do.

Mr. WARREN. I will state that the provision the Senator has read from the constitution of Idaho I think prevails in almost if not in precisely the exact language in Wyoming and other States.

Mr. HEYBURN. I presume so.

Mr. WARREN. I may say that so far as I know we have by no legislative act changed the condition there.

Mr. HEYBURN. We could not change it. Of course it is applicable, and it is contained within the constitution of other States. But I was seeking to point distinctly this question by a reference to the section I have read. Will Senators sit here and disregard a question of that kind for any reason of convenience? They will not do it in violation of principle, I know, but are we to be the victims of convenience and comfort as a State?

Why, some day those will be the great States of the Union, greater than those that are now great. We have passed a number of States on the road in the few short years of our existence as to population, wealth, and productiveness. I make this appeal to the Senators who were elected to represent the Eastern States and whose committee meetings at this particular time prevent their presence in the Chamber. You can, however, rest safe in the assumption that when the power comes to us we will not exercise it in disregard of the rights of any State.

No State—and I say it without animadversion upon any—no State ever grew with the rapidity of the State I represent in this body. It had lain there undeveloped because there were not enough people to cover the ground that far out. They had not discovered its natural resources and the possibilities. But when they came they were a select body of men. The drones do not reach there to any great extent. Perhaps now and then one is blown upon the breeze and lights there, but the record of productiveness in our State indicates that we draw from the best blood of the East.

And yet you would say that we are not capable of administering the coal-land laws. We are entitled to be your market. Under the laws of the country, under the laws of nature, we are entitled to be your market for coal or any other product of our State. Take that into your minds and digest it. We have been your market for the fisheries of New England. We have afforded you a market for the coal of the Alleghenies for a century, or a part of it, as it may be. We have afforded you a market for the products of your looms and your factories. We have afforded you a market for that which you produced and we did not. Now, in the turn of fairness, we are entitled to the position which nature placed us in without carping or criticism.

Why should you come to be masters of the natural products within our responsible boundaries more than that we should invade your boundaries of State? The right is not in the geography; it is in the citizenship, and an American citizen in that far western country has equal rights with the citizen in any other part of it.

When you talk about controlling the coal fields of Wyoming or Colorado or Idaho or of the State of Washington, you must not lose sight of the fact that nature placed them in a position to be your market in which to buy. They are entitled to it. It is one of the assets of their sovereignty. It is also a market in which you may sell. Under the law of retaliation, if you deprive us of that right to be made a purchasing market, we should retaliate by refusing to be your selling market. But the Government was not based upon such principles and will not be so conducted.

So, I say, turn these lands over to the jurisdiction where God Almighty placed them. Turn the coal mines over to the jurisdiction within which they are found. Turn the mines of all metals over to the jurisdiction where they were placed. Suppose that we had not acquired that territory, as we did, under the Louisiana purchase, would you be to-day in a position to say whether its coal should be mined under lease or under contract or whether the title should pass in some individual? No country of tenants was ever a country worthy of much consideration.

We want master men in the American citizenship. We want men who own things for themselves and work for themselves as far as is compatible with the possibilities. The larger the proportion of men who work for themselves in any community in any State or any nation the higher the grade of civilization. They will step freer. They will hold their heads higher. I would rather buy coal of the man who owns the mine than of a man who had it under a lease from the Government of the United States, because I would be contributing to the prosperity of the American citizen individually rather than contributing to a fund to be played with.

So I have no apology to make for including coal within it, and I have wanted to express those views for the RECORD for a long time. I am not in favor of leasing coal lands. I am not in favor of building up a State or a community of hirelings. I want individual responsibility behind these enterprises.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. The Senator says that he is not in favor of leasing coal lands. I wish to ask him what he would do with the large areas of grazing lands.

Mr. HEYBURN. Now, Mr. President, just a moment. Last evening when the Senator was speaking of those questions some thoughts came into my mind, and I sought to contribute them to the subject he was discussing. He said he would rather not be interrupted, and he gave a very good reason for it, and I acquiesced. It was that he was coming to it. I am coming to that question.

Mr. NEWLANDS. I am very glad to have the benefit of the Senator's judgment upon that question——

Mr. HEYBURN. We have reached it.

Mr. NEWLANDS (continuing). For I think that by an exchange of views among the western men with reference to the various classes of lands we may probably arrive at some conclusion as to the code of law——

Mr. HEYBURN. So do I think.

Mr. NEWLANDS (continuing). That shall be applied to their government.

Mr. HEYBURN. That is the reason——

Mr. NEWLANDS. I think the Senator and myself——

Mr. HEYBURN. Just a moment. That is the reason why I thought an exchange of views at that time might possibly be beneficial, but I am at any time perfectly willing to take up a consideration of these questions for an exchange of views.

Mr. President, so much for the coal question, and I have only touched upon it. It is a great question and we will have it up for independent consideration during this session, I presume.

The mineral I have already discussed. The timber needs no discussion, because it is obvious that they have built up a fictitious idea and school in regard to timber that crumbles like a house of cards when it is touched. In the first place, they always come at you with the figures representing feet. It sounds large to say 200,000,000 feet. You can pile up 6 feet of timber of that desk. But they like to use figures in that way.

The fact is that we have in the State of Idaho probably the largest bodies of white-pine timber remaining in the world that are known, and we have had them there. I have been there nearly 35 years. Those who preceded me seem to have been free from the desire to destroy them, and I know that I may claim credit during the period I have inhabited the State of having respected that timber. I have neither burned it, nor cut it, nor wasted it, nor sought to obtain title to it or any part of it. I think if the disposition to plunder the public domain was as marked as it is pictured here there would not have been a stick of timber left in the State; they would have destroyed that which they could not use. The fact is nobody wants to destroy timber. There is nobody in the United States as much interested in its preservation as the people of Idaho, and there is nobody in the United States as zealous for its protection as the people of Idaho.

The trees are allowed to stand and grow until some necessity of use requires that they shall be used. I would keep more of it in my State, had I my way, than we do. Unfortunately, we ship probably 600,000,000 feet a year out of the State. We will need it in the State. We have about 1,200 individual sawmills in the State, and we have a few very large mills. I believe we have the largest sawmill in the world. The aggregate product of the small mills is about equal to that of the large ones. We have built cities and towns and communities and farmhouses and barns and fences and structures of all kinds out of that timber. Do you suppose that we would have built a tithe of them if we had had to go to some imported uniformed inspector to get permission to cut the timber? I would live in the cave of the bears before I would do it, and so would self-respecting American citizens. He will say, "Can you not get along without that tree there?" He will say, "Why do you want this tree?" when in your mind you have planned your house for your use or structure. You have considered this question, and here is a man who has arrived a few minutes before for the purpose of checking up what you chose in the exercise of your rights. He says, "You can not have that tree; you have got to take that one; and you must not cut any timber in this section"; and that may be the convenient place from which to draw the timber. Do you think I would settle or build anything within such a jurisdiction? Nor would any other man who was entitled to be an American citizen.

Now, Mr. President, I am going to pass that timber question for this time and go to the question of grazing. The first man engaged in an industrial enterprise of which we have an accurate record was a man who lived by grazing. He had vast quantities of stock. There is no record that he plowed any ground. I presume he did, however, but it was thought of small importance. Father Abraham was engaged in grazing stock upon the public domain. The best condition that exists is when grazing is reduced to inclosed areas. The sheep industry in Ohio demonstrates that. They raise more sheep to a given number of square miles in Ohio than we do on the broad plains of the West. You can raise more cattle upon inclosed areas than you can upon an unrestricted range.

I see the Senator from Nevada [Mr. NEWLANDS] acquiesces in that. Yet we hear men inveighing against settlement because it would restrict grazing areas. I am for settlement and the inclosure of land and the responsibility that follows it. Those conditions can be best brought about by a near-at-home administration. Grazing is included within agriculture, not within the strict technical definition but by general acceptance, and I have the authority of the Century Dictionary for it. As the word is now used it includes all of those attributes and accompaniments that go with farming or tilling of the soil. When a man tills the soil he must have pasture for the animals engaged in it. He must have pasture for all the animals that are necessary attributes to the country life—the horses, the swine, and the fowls. He has to have pasture land for them. Why should not one man engage in plowing all of his land for the cultivation of grain and his neighbor maintain a grazing farm for the purpose of producing hay to sell to the other man? This administration of the law (and I do not confine it to an individual but to a system) would classify the raiser of hay and those who graze upon the stubble after the hay was cut as not being engaged in agriculture. They would call it pasturage. Pasturage is not necessarily confined to wild land.

We have whole farms, many of them devoted entirely to pasturage, some of them on the cultivated grasses in part and in part on the native grasses. We have bunch grass all over the West that is more nutritious and has a greater sustaining power than has any cultivated grass. That is pasture land. Is the Government to seize the pasture land and hold it as such when all pasture land is susceptible of being converted into tillable land? Are the Government officers to designate and set aside areas for pasture purposes and thus withdraw them from settlement?

I know plenty of men who have settled on land that would have raised any of the grains and crops, who settled there for the entire and exclusive purpose of pasturing stock of various kinds. I have in mind a man who took up a piece of land for the purpose of entering upon the raising of chickens on a large scale. That would not come within the provisions of the definition of agricultural land as it is applied and sought to be enforced by these agents of the Government. In such cases, if they were to apply for a patent for that land as a homestead they would be required to show that they had cultivated a certain number of acres, when perhaps the best use that could be made of that land would involve no cultivation whatever. That is true of pasture land.

Why not let the land go into private ownership under the restricted areas, as they now are, and let the man use them for one purpose this year, for another the next, and for another the

next, according to the conditions that confront him? You can not do it under existing law. You have heard letters read here citing cases where men's homesteads were rejected because they had not cultivated a sufficient proportion of the land, when to have cultivated it would have defeated the purpose of the owner and would have been an unwise and foolish thing to do, because it was more profitable for the uses and the manner of use to which he put it. Let us get rid of that system. You will never get rid of these evils in the administration or the method of administration until you get rid of the law that creates them. You can not reform them; we have tried it for years. I would send such land to the State.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I am very much interested in what the Senator is saying regarding grazing lands. I judge that he takes the view that the law should provide for a homestead entry, and that the use to which that land should be put should be determined by the grantee and not by the grantor.

Mr. HEYBURN. Entirely; that is my position.

Mr. NEWLANDS. I quite agree with the Senator that we should have in view the creation of homes in the main with reference to our public domain, and that if a man can establish a home and support a family upon grazing land he should have a homestead for that purpose. If he can support a family by agriculture, he should have a homestead for that purpose. The Senator, however, realizes that in our country a homestead of 160 or 320 or even 640 acres, such as they have under the Kinkaid law, would not enable a man to support a family, because the land is so dry that the yield is very scanty.

Mr. HEYBURN. I would like to interrupt the Senator.

Mr. NEWLANDS. I would first like to ask the Senator from Idaho to what extent he is willing to go in the creation of a grazing homestead as to area and as to whether he thinks it best that that grazing homestead should be established under an absolute title or temporarily under some kind of a leasing system, so that hereafter, with the improvements in irrigation, and so forth——

Mr. HEYBURN. May I answer there? I will have forgotten the Senator's first question before I reach the other. In all probability. If the Senator will ask his questions so that I may answer them as I go along, I will say, in the first place, I would have the settler the sole judge. One man will succeed on a piece of land where another would fail. A man may raise bees and make a living on a piece of land without breaking an acre of it, where a man who did not know how to raise bees would fail.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the senior Senator from Idaho yield to his colleague?

Mr. BORAH. Will my colleague yield to me for a few minutes?

Mr. HEYBURN. Yes.

Mr. BORAH. In order that they may go into the RECORD, I want to state some facts concerning some recent withdrawals, which, it seems to me, may be worthy of consideration; facts which have been brought to my attention lately.

The National Forest Service, at the instigation of the Biological Survey, have withdrawn from sheep grazing in the State of Montana, in the Gallatin and Absaroka National Forest, an area of about 450 square miles. This withdrawn land is estimated to be capable of carrying from forty to fifty thousand sheep, and now it is to be devoted entirely to the grazing of elk which overflow from the Yellowstone National Park.

It is estimated that in and around the park there are approximately 50,000 head of elk; more, in fact, than can be maintained in that country. These elk are increasing at the rate of 10,000 head per year, and if it is the policy of the Forest Service to continue to protect them by these withdrawals, it will only be a few years until the grazing land of these Northwestern States will be gone, so far as sheep raising, cattle raising, and horse raising are concerned.

Within the last two months 15 of these elk from Jackson Hole country, in Wyoming, were loaded on a car and shipped to the Wallowa National Forest, in northeastern Oregon, and there placed in a pasture containing 2,550 acres which had previously been devoted to sheep grazing. The sheep in this instance were moved to another portion of the forest, but were it not for the withdrawal for elk conservation at least 2,000 additional sheep could there be grazed.

This constant withdrawal of land in the interest of conservation is each year limiting the available land upon which can be produced the meat supply so necessary for the people, especially in the present condition of the supply as measured by price; and it is one of the causes undoubtedly which is operating in that direction. The sheep that have been denied grazing in Montana would produce $350,000 worth of wool and mutton each year.

I put this into the RECORD, Mr. President, because I think it is one of the abuses which is being practiced by this power to withdraw these lands. While they can not any longer withdraw land in the State of Idaho, the country, generally, I presume, is interested in having these grazing lands open to the sheep which are to be raised upon the western plains and prairies, if at all, to any great extent; and it all has its bearing upon the proper development of that country. I presume that it is well to have some arrangement with regard to these elk; but it does seem to me that, if there is to be a survival of the fittest, we ought to give the chance to the animals which are so useful in so many different ways.

Mr. HEYBURN. Mr. President, I am indebted to my colleague for calling attention to the question. It is one that enters into the consideration of the measure before us. The withdrawal of every 5 acres of land means diminishing the possible meat product from that country. Of course I am giving a very liberal margin there; but the average will sustain that statement. If you withdraw 20,000,000 acres of land in Idaho that would in itself produce meat enough to control the meat market in Chicago.

Those lands carry native grasses to an extent scarcely found elsewhere. When I first went into the Coeur d'Alene country, in the winter of 1883–4, I had occasion to move around, look at the country, and ascertain what I thought of it. I found on the ridges and the sides of those backbones leading up to the peaks a native growth of white clover and timothy—timothy hay—growing there up to my shoulders, native, indigenous, and white clover that would make it difficult for an animal in packing along those ridges to pass without stumbling. Those conditions exist over thousands and hundreds of thousands of acres that are to-day withdrawn from use. Of course that has an effect upon the meat supply. The population of the United States grows; its productive area diminishes. I set one against the other. It should be, of course, just the other way. As population grows the productive area should grow; but we seem to have fallen into the hands of those who have no realization of that.

Mr. President, I do not want Senators, or those who may hereafter read what I say to-day, to fail in information and its application in regard to those questions. There is withdrawn in the United States over 200,000,000 acres of land. That is larger than some of the largest States. It contributes nothing to the grain supply; it could and would, but it does not. So that if supply and demand affect the price of grain, then, of course, the application is obvious. Two hundred million acres of land! Suppose only 20,000,000 acres of it would produce wheat—and that is the lowest possible estimate—20,000,000 acres of wheat would go far toward supplying the wants of our people; it would graze hundreds of thousands of food animals. That it does not do so enhances the value and the cost of those that are raised. The withdrawn lands will produce more in grain or animals or food products to-day than is produced or is needed. There is enough sugar-beet land withdrawn within these forest reserves to add a large per cent to the sugar-beet production of the United States.

Who is benefited? Let us see. I intended yesterday to give the figures as to who is benefited and to what extent. Here is the question of solvency. It cost to administer upon this misused and misappropriated estate last year $5,919,939.96. That is, for the three items of "investigations, administration, protection, and so forth, of national forests" and permanent improvements of national forests. That is what it costs.

Mr. GALLINGER. That covers all of the forests, I presume.

Mr. HEYBURN. Yes; that is for all the national forests. We received $2,026,906.15. There is a deficit there.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. The Senator will recollect that in that aggregate of expenditure last year there is included a little over a million dollars for emergency expenditures on account of the fires of the previous year.

Mr. HEYBURN. I observe that is noted in the statement here. There was a deficiency between the cost—the amount appropriated, rather, for I do not know whether it cost that or not, and it is not fair to use the term "cost" to the expenditure of that money—but the difference between what we ex-

pended and what we received was the difference between $2,000,000 and $6,000,000. We are not going to grow rich at that rate. Why do we hang on to so unprofitable a business? Is it in the hope that it may become more profitable?

When we commenced upon this wild scheme—I will go back to 1907—the appropriation was $1,827,189.51 and the income $1,571,059.44. There was a deficit of $250,000 there.

Mr. President, I have interjected this statement because I omitted yesterday to state those figures definitely. I will put the entire statement into the RECORD, with the permission of the Senate.

The VICE PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

Statement of expenditures by the Forest Service for national forest work and of receipts from national forest resources.

	Fiscal year—										Total.
	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	
EXPENDITURES.											
Investigations	$182,806.94	$284,752.96	$348,773.31	[illegible]	$233,428.76	[illegible]	[illegible]	$357,974.44	$343,439.71	$310,418.57	$3,020,437.30
Administration, protection, etc., national forests				[1] 286,516.86	933,478.39	1,459,621.04	2,526,098.02	[illegible]	3,752,316.91	5,325,836.97	17,251,333.20
Permanent improvements, national forests				2,762.18	[illegible]	78,788.27	392,169.19	599,471.62	[illegible]	273,684.42	2,169,152.03
Total expended	182,806.94	284,752.96	348,773.31	639,818.13	1,190,428.43	1,820,113.19	3,445,876.94	3,912,870.47	4,694,802.25	[illegible]	22,440,972.50
Unexpended balances returned to United States Treasury	2,633.06	7,107.04	1,271.37	2,369.53	971.78	7,076.32	11,913.89	19,596.78	49,695.63	24,958.56	126,938.95
Total appropriations	185,440.00	291,860.00	350,044.68	642,187.68	1,191,400.21	1,827,189.51	3,458,790.83	3,932,461.25	4,743,428.89	5,984,898.52	22,577,901.57
RECEIPTS.											
Timber sales: Interior Department	25,431.87	[illegible]	58,436.19	13,133.53							142,539.67
Agricultural Department				60,136.62	245,013.49	696,813.12	849,027.24	732,334.04	1,042,794.12	1,014,769.84	4,630,878.47
Grazing and other uses				6.00	522,206.47	874,246.32	[illegible]	1,074,946.63	1,047,353.96	1,012,136.21	5,534,150.31
Total	25,431.87	45,838.06	58,436.19	73,276.15	767,219.96	1,571,059.44	1,842,281.87	1,807,270.66	2,090,148.08	2,026,906.15	10,207,868.45

[1] Includes disbursements from February to June 30, 1905; national forests transferred to Department of Agriculture Feb. 1, 1905.
[2] Includes $1,086,500.89 emergency expenditures for fire fighting, etc.

Mr. HEYBURN. Mr. President, I am approaching the end of my remarks. It may be encouraging to some to know that; but I have not any conscience that rebukes me for having occupied the attention of the Senate so long.

I now come to the question of water powers and claims. I have read the constitutional provision of Idaho and called attention to the fact that, in disregard of it, they have undertaken to set aside and seize upon the assets of the State of Idaho. I called upon the department long ago for a statement as to the amount they have received for the use of that which they have pilfered from the State, but they have thus far failed to respond. I want to know how profitable this nefarious business in taking somebody's else property is. I want to know whether it is sufficiently profitable for the Department of the Interior to pilfer the resources of Idaho so as to make it overpowering in its influence upon Congress. When they take that which the primary or fundamental law of the land says belongs to Idaho and advertise it and assume to administer upon it, I know of no better word to use than "pilfer," which means to take from.

We have a lot of learned treatises and articles written by clerks in the various departments justifying their action and telling why they do it, but they are not satisfactory. What lands within any State, constituting the resources of the State, need any interference on the part of the Government regulating their use? There is an item in the paper this morning showing the quantity of State lands, lands granted to the State of Idaho by the direct action of Congress—not a contingent grant, but a perfected grant—which they have included within reservations and with regard to which they deny that the State has paramount right and title. The lands were granted to the State when it was created; they are named in the State constitution and in the admission act; and yet, notwithstanding that, a braggart band seize upon them, throw around them an imaginary line, and say, "These lands are reserved and withdrawn and subject to the sole administration of a bureau of the Government." Five hundred and twenty-eight thousand five hundred and seventy-nine acres were thus taken from the State of Idaho; that is, they thought they took them. They intended to, and we will give them credit for the intent. Within those lands a citizen of Idaho may not enter except with the permission of these artificial guardians. They strike terror into the hearts of very good people. Their presence is imposing. In the first place, in many instances, they speak a language that the native can not understand. Not long ago I stood upon the platform of a railroad and saw one of them come up. I was interested. He was a beautiful specimen. He had a jacket nicely braided, and it was a peculiar green that made you think of Robin Hood. He had a cap on, you know, with a little cockade feather in it, and he was walking along stiff-legged when some man addressed him. He looked around, like a German officer is said to look at a man, as much as to say, "Address me with some respect, sir." The man proceeded to say, "I should like to know"—when he was interrupted with the statement, "Do not bother me now; I am busy; I am going on this train"; and he went. That is the kind of men the people there have to come in contact with. I do not know what the mixture of dialects was, but it was not United States. To that condition we have allowed the people of a sovereign State to be subjected. I am sometimes tempted to be lawless.

If I were in the position of those people who have rights and dare to want to exercise them, I would make short work of that case. There ought to be an open and a closed season for them, just as there is for other game. [Laughter.]

Why, Mr. President, last year and the year before they devoted their energies—and I believe they are qualified for that purpose—to catching wild game. They take advantage of the bounty laws of the State, which provide for the payment of a bounty for the ears or some other part of certain wild animals, and they find time in the performance of their duty to collect a great many hundreds of dollars from the State treasury. Of course that is not accounted for; that is one of the emoluments of the office. I am speaking advisedly. I have the reports showing how much those people collected for the killing of wild animals in the State of Idaho.

Mr. President, I do not feel justified in dwelling very much in the way of personal attack upon those people as individuals. The system is wrong. I only speak of individuals to illustrate and bring before your mind the system in its working form, in its operation.

We want that State land placed within the jurisdiction of the State. It is now nominally within the jurisdiction of the State; it is an absolute grant; but they have taken possession of it; their uniform terrifies the civil officers of the State; and they are allowed to occupy it and to control those who would enter upon it. Even the governor of our State or the members of the legislature will not be permitted to enter upon that land.

Mr. President, when we acquired that land from Louisiana we did it under a contract by treaty which provided that the land should be always open and subject to settlement and that proper and sufficient laws should be enacted for it. We have violated that treaty. I say now that there are conditions existing in that area which are worse than any we could imagine

to exist had it remained a part of Mexico. The domination and offensive interference of this department or bureau of the Government could only be compared with the offensive interference and domination of a citizen by those in power in Mexico. It is something for the Nation to be ashamed of.

Will you keep it that way or turn it over to the States, in order that it may have the benefit of neighborhood consideration—home government? It pertains to the citizen of the State in his relation to the State as such citizen and not to his relation to any other jurisdiction.

I want homes. I would let the man select a home where he pleases. He can make but one selection. Senators lose sight of that fact. He can make only one selection, and he is pretty apt to see to it that he selects it according to his judgment. One man likes to occupy the forest; another the plains; another wants the benefits of living, running streams; another is content without them. I have known men to select their homes upon the arid plains from choice. I have known them from choice to select them far up in the fastness of the mountains. They did it in the exercise of a right guaranteed to them. We have been taking it away; we have been allowing some one to come along—some one unacquainted with the person or the circumstances or the capacity of the party interested—and lead him out and say: "You take that piece of land or none. I will withdraw your right of citizenship, unless you exercise it in accordance with my wishes or my judgment."

That is what we have to confront. The attempt—I will not say the attempt, the inclination of too many people to take charge of some other man and run him and control him in the exercise of his rights seems to be growing. The man who does it willfully is a coward. The man who enslaves another would himself be a slave if put in the hands of a stronger man.

The disposition to interfere with some other man's right of citizenship seems to be growing. There will be no individualism in this Government if we keep on. In public affairs the majority should rule and govern, but in personal affairs there is no minority or majority except in the balance of the mind of the individual; and you want to keep that distinction clear. The law should have nothing to do with the individual exercise of the individual rights. The law applies only when a man undertakes to violate it. Ninety people out of a hundred are not restrained by the law. They would do the same if there were no law on the subject. They would be just and fair and equitable in their dealings with each other in the absence of the law. It is only the smallest percentage of people who need the law for strength.

I am almost tempted to point that with existing conditions to-day, but I am afraid I would spread it out into a field that might be broader than the occasion would seem to warrant.

Mr. President, I do not know that the disposition of this body will prompt it seriously to consider a transfer of the jurisdiction of the public lands to the States, but I have sown seed which will light somewhere where it will find root and grow into the only condition that will solve this question.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN].

Mr. BURNHAM. The amendment offered by the senior Senator from Idaho involves the proposition of general legislation upon appropriation bills. It has not been estimated for and has not received the consideration of any committee, and therefore I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. FALL. Mr. President, the discussion of this particular matter contained in the pending appropriation bill has ranged over a very wide field. I must say that I have been surprised at the position taken by some of the Senators upon the propositions which have been discussed. I can not understand, Mr. President, why, in the opinion of any Senator, a man who seeks to acquire a homestead, a home upon the public domain, should necessarily be convicted of theft or be considered a thief because some portion or all of such homesteads might be what is classed as timberland.

I admit I can not understand the proposition from that standpoint. You can undoubtedly obtain photographs of timberlands, of lands growing magnificent timber, upon which homesteaders have sought to acquire homesteads. But it seems to be the impression among some Senators that lands which grow timber are not fit for homesteads. It seems to be the impression among some of the Senators here that if a man undertakes to acquire a hundred and sixty acres of land upon the public domain under the laws of the United States, and some inspector of the Land Office can take a photograph of his proposed homestead entry and show that upon the homestead entry there is growing timber, that necessarily that man must be in the employ of some great corporation and that his object is not to make a home for himself and his family, but that necessarily it must be to acquire the timber for the purpose of disposing of it to some malefactor of great wealth.

If that were true, I should like to know what would have been the condition of some of the greatest States in this Union to-day. The pioneer's first business in Illinois, Indiana, Kentucky, the great Middle West and the South has been to clear the timber from his land that he might grow crops upon it, and yet we are confronted here with the proposition to-day that if a man in the western country undertakes to acquire a homestead upon which there is growing timber, necessarily he must be branded as a thief.

Mr. President, we hear of thieves. We hear of the one man who, contrary to the law and the regulations, possibly, of the Interior Department, seeks to acquire 160 acres of timberland for the purpose, as is claimed, of turning it over to some great corporation. We have heard that, for instance, but I have heard no one here, except the Senators from Idaho, speak of the hundreds of thousands of citizens of this great Union of ours who are going down into the desert and trying to go into the mountain regions of the western country for the purpose of developing the country and making homesteads. Millions of homesteaders have taken up lands, and they have fought not only against all the local and natural difficulties, but fought also against the bureaucratic difficulties which Congress has placed in their way, because it is Congress which is to blame and not the executive department. These men who contend with all these things are never heard of except when it is claimed that one of them tries to acquire land for the purpose of selling its timber to some malefactor of great wealth. It is carried to such an extreme that I have known instances in my own State very recently where a man had a homestead, or at least a homestead entry, segregated from the public domain long prior to the Executive order constituting a forest reserve in that neighborhood, because on his 160 acres there happened to be 20 acres of as fine timber as can be shown in the photographs presented from the State of Oregon. Although he had segregated that land from the public domain by making a homestead entry upon it, the forest reserve having been thrown around his land, the officers of the service took forcible possession of it during his absence and said that he should not go into his own home or enter his own front gate.

I know it is hard for Senators to realize that things of this kind can happen in a free country. I know that it is almost impossible for the Senator from Mississippi to realize that such a report was made as was read here from a special agent of the Land Department with reference to an agricultural entry on a forest reserve. I know it is beyond reason, and that you Senators who do not come into actual contact with these conditions can not realize what we who are undertaking to develop the West have to contend with; not only, as I say, in overcoming the natural obstacles to settlement upon the public domain, but in undertaking to avoid the horde of special agents who hound us when we are undertaking to segregate 160 acres of land from the public domain.

I tell you, Senators, you have upon your statute books to-day a law allowing the head of a family to take 320 acres of desert land and to acquire title to it. I want to say to you that under the regulations thrown around that desert-land entry any man who undertakes to make a desert-land entry to-day in any State in this Union jeopardizes his liberty, and he is liable to be indicted, as hundreds and thousands of our people have been indicted, for attempting to steal the land from the United States Government, simply because they are compelled to comply with such restrictive regulations that it is impossible for them to do so. When they undertake to make final proof, a horde of special agents confront them in the land office—the land office established by the Government of the United States for the purpose of enabling the people to make homes, to segregate these public lands from the general public domain—and before these land offices appear special agents of the Interior Department, special attorneys general of the Department of Justice, and a horde of detectives to prove that this man has cultivated one-sixteenth or one-hundredth of a quarter of an acre of land less than he is supposed to have cultivated under the laws which you have passed presumably for his benefit.

I have advised client after client that he should not attempt to make a desert-land entry in the State of New Mexico because he laid himself liable to go to the penitentiary if he undertook it. He could not comply with the rules and regulations.

What would have been the condition of the great States of this Union—of Mississippi, for instance—if you had sought to throw around the public lands in Mississippi the same restriction that you have thrown around the timber lands in the Western States of the country?

I want to ask the Senator from Oregon if the forest-reserve law is good for his State, why the State does not acquire all the forest lands within its boundaries and retain them for future generations?

Mr. CHAMBERLAIN. I might answer that by saying that the lands that are not now in the forest reserves and which are in the Government of the United States have heretofore been covered up by railroad companies or timber syndicates.

Mr. FALL. And the Senator has in his possession now, as an exhibit to the remarks which I presume he will make, photographs of a little shack, photographs of log houses such as all our pioneers occupied, placed upon the forest reserves, and because there is standing timber shown in the photographs he would have us believe that those men are thieves who built the same character of log houses which our forefathers occupied in the development of all this great country.

I should like to know where my native State of Kentucky would have been. At least Abraham Lincoln would not have been born in the State of Kentucky if the present theory of certain Senators and of the Government had been carried out, because the great State of Kentucky would have been a forest reserve in itself, or at least that magnificent portion of it known as the blue-grass region of which all native Kentuckians are so proud. There would have been seven Senators who would have hailed from some other State than Kentucky occupying seats in this body to-day if the theories of the gentlemen who are advocating forest reserves and reservations of the public lands had been carried out.

What would have been the condition, as I asked awhile ago, of the native State of the Senator from Oregon, who, I believe, is a native of Mississippi? There they are asking to-day millions of dollars at the hands of this Government for the protection of their fields from the Mississippi floods, and they should have it. What are those fields? Hardwood timber covered every acre of it—timber more valuable than any tree or any acre or any hundreds or thousands of acres which ever grew in the State of Oregon or any other State west of the Rocky Mountains.

Our forefathers, our people for generations, have been cutting the forests and tilling the soil under the trees or where the trees grew. Millions and millions of dollars have they expended in extracting the stumps of the trees to make tillable fields and to make the ground productive, and to-day you are told that a man who undertakes to acquire a homestead under the public-land laws of the United States, if he seeks to acquire that homestead on land on which there is an acre of timber, he is presumably a thief and, if he does acquire it, should go to the penitentiary. That is the theory of these conservationists.

Mr. President, so far as I am concerned, if the Senator from Oregon or any other Senator here chooses to retain the forest reserves which have been established in his own State, let him do so. I think that it is contrary to our entire system of government; that this idea is entirely foreign to our system of government. Canada retains the old idea that the Crown minerals, the precious minerals, belong to the Crown and the Crown does not part with them when she gives to one of her citizens 160 acres or more of land. That idea is just as foreign to our institutions as is the proposition advanced by some of our representatives and which at least some of the gentlemen representing the so-called executive department of this Government are seeking to engraft upon our public-land law system.

The very difference, the distinction between our system and that of monarchial government, was that under monarchial forms of government the Crown minerals belonged to the Crown, and when they parted with the fee to the land they retained to themselves all the mineral known as precious minerals or Crown minerals—silver and gold, and in some places copper—iron, coal, and oil being excepted, the reservation being made, whether it was written in the contract or not, that the Crown owned the Crown minerals.

The United States Government, when it established public-land laws, provided that every citizen of the United States was a monarch; that the Crown minerals belonged to him as the uncrowned king of his 160 acres. But now we would have that entire system changed, and we would have the Crown minerals belong to the Department of the Interior or some one else and reserved.

I say to the Senator from Nevada that as one of the western Senators I am ready to get together for anything for the West, but we are so far apart that never could we shake hands upon a proposition to restrict the owner of his 160 acres, who has fought the natural enemies which he must overcome and has finally overcome even those enemies whom we have built up, whom we have pampered and fed. I will fight any proposition that does not give him the absolute, indefeasible fee to the land and all that is above it and all that is under it, including the waters which may lie upon it and which he may use for its irrigation.

Sir, any other system is not only absolutely wrong, not only unrepublican, but it is absolutely cruel, and to adopt some of the suggestions which have been offered here in the Senate will make of this great West a nation of tenant farmers.

Our whole Government has been built upon the theory, our whole public-land system until within the last few years has been built upon the theory, that every American citizen was a monarch; that he should have his 160 acres as a home for himself and his as long as he or they might live, and there should be no restriction upon the ownership of the land or upon the ownership of anything contained in the land or in the trees growing there or in the water existing thereon.

But another theory is advanced here in seriousness by Senators which to me is appalling. I can not conceive how any Senator understanding the working of our land laws, understanding the difficulties which our pioneers have to overcome now to acquire a home upon the public domain—I can not understand how any Senator or any official of this great Government would throw one obstacle in his way. I can not understand why a unanimous vote should not be cast here to give every man, woman, and child in the United States who will remove to one of those States 160 acres of land without requiring him to live upon it a day or a week or a month.

It seems to be the idea of some Senators that if you acquire 160 acres of the public domain you take it away. Where does it go? That land remains there. It is 160 acres of land, no longer of the public domain, but the property of some American citizen. It becomes taxable immediately. So long as it remains a portion of the public domain either in a forest reserve or whether a reserve at all, it produces no revenue, either to the United States Government or to the inhabitants of the States in which it is situated.

Mr. President, to discuss this conservation question, this reservation of public lands, from the practical standpoint of dollars and cents alone, if you pursue this policy which you have started out on; if you restrict the acquisition by the people of the public lands of homesteads in this western country of ours, I say to you as the representative of one of the most magnificent States in this great Union, with coal fields more extensive than those which exist in the entire State of Pennsylvania, with iron mines as extensive as can be found in the Old Range and the Mesabi Range—I say to you, pursue this policy a little further to its logical conclusion and you have admitted into this great Union of States a State which will necessarily come before Congress and ask you to appropriate for us the money with which to pay the salaries of our State officers and to conduct our courts. You leave us no taxable property. You have taken from New Mexico 10,000,000 acres out of 78,000,000 acres of the very best land, because timber does not grow where moisture does not fall. You have taken from New Mexico and the homesteaders of the United States 10,000,000 acres of the land which is best fitted for homes in the State of New Mexico. We, the people of New Mexico, build roads by which you may reach that land. We, the people of New Mexico, tax ourselves to establish public schools and to maintain them. We, the people of New Mexico, tax ourselves to support courts and to administer justice. Not one dollar does the United States give us of revenue from the forest reserves. Except 25 per cent of what we ourselves pay into the various reserves, we derive no benefit or income from the forest reserves.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. With pleasure.

Mr. HITCHCOCK. Will the Senator give the date when these 10,000,000 acres were, as he says, taken away from New Mexico or from the homesteaders?

Mr. FALL. Within the last 10 years.

Mr. HITCHCOCK. Will the Senator give the date?

Mr. FALL. They are still creating forest reserves; so I can not give any date. They have been at it for about 10 years, and they are still maintaining the practice.

Mr. HITCHCOCK. I assume, if it was taken away, the Senator must be able to state when it was taken away, and by whom.

Mr. FALL. I say within the last 10 years and by the executive department. I presume the Senator wants me to say by what President.

Mr. HITCHCOCK. The Senator might say that.

Mr. FALL. I can say to the Senator that a large portion of this public domain of ours was taken away under the Executive order of a man who I believe is one of the greatest men whom the United States has ever produced, Hon. Theodore Roosevelt.

Mr. HITCHCOCK. The Senator thinks he would be a desirable man to be elected again as President of the United States?

Mr. FALL. I think at least that he is a man to whom you can talk, and when you convince him or show him that a forest reserve should be withdrawn, I believe he will do it.

Mr. HITCHCOCK. Can the Senator state for what length of time those lands were open to settlement before there was that tragic taking away of those acres from homestead entry and settlement?

Mr. FALL. Some of them had been open for a great many years; but under the Cleveland administration of affairs, commencing about the year 1884, when most of the Americans began to go in there, they were hounded under the administration of the Interior Department during that administration, so that they were for years afraid to undertake to acquire 160 acres anywhere.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Will the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. Certainly.

Mr. CLARK of Wyoming. The Senator in his last statement has covered the ground I originally rose to call attention to. In my judgment this important matter is so far removed from year-to-year politics that it ought not to be considered in that connection.

It is known to every Senator on the floor that no matter what political party has been in power, this policy has been maintained. It is known to every man upon the floor that it was first inaugurated by a Democratic President under an act of Congress. It is known to everybody on the floor that it has been carried forward by the successors of that Democratic President under acts of Congress. What we are calling attention to is not that one political party or another has done wrong, but we are calling attention to the intolerable condition that exists with the hope that the Congress of the United States will at least rise out of the current of political consideration and give some attention to the welfare of the country.

Mr. FALL. I thank the Senator from Wyoming. Senators will acquit me of having attempted to interject politics into this discussion or of having referred to politics or to any President of the United States of my own motion.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Will the Senator yield to the Senator from Oregon?

Mr. FALL. With pleasure.

Mr. CHAMBERLAIN. I merely wanted to suggest, in reply to the Senator from Wyoming, that the Forestry Service was not created, I think, until after 1900, and that is the system, I believe, which is being so severely criticized.

Mr. CLARK of Wyoming. The first forest reserves that were made were made under President Cleveland.

Mr. CHAMBERLAIN. I am speaking of the creation of forest rangers and the forestry system as it is now.

Mr. CLARK of Wyoming. Of course, having made a forest reserve, somebody had to be employed to care for it.

Mr. FALL. If gentlemen want a political discussion, if they think there is anything to be made out of it, I want to say to them that I was in New Mexico during the Cleveland administration and that I could tell you some things of the administration of the land laws under that administration which would appall you. I can tell you things that occurred there then under that administration worse than anything which we have had since. If the Senate wants to listen to a discussion of matters of that kind, I can give it.

Mr. HITCHCOCK. Of course, the Senator realizes that Grover Cleveland will never again be President of the United States.

Mr. FALL. Some other gentleman will be elected.

Mr. HITCHCOCK. Possibly the Senator from New Mexico will be able to reconcile his great admiration for the ex-President, Theodore Roosevelt, with his strong criticism of probably his strongest and most dominant policy.

Mr. CHAMBERLAIN. Mr. President——

Mr. FALL. I do not——

Mr. CHAMBERLAIN. Will the Senator allow me just a moment? I do not want to be understood as criticizing Mr. Cleveland or anybody else for the creation of these reserves. I approve them. But while the conditions were so bad in New Mexico at the time the Senator suggests, I believe he was a part of the Cleveland administration.

Mr. FALL. During the second administration of Mr. Cleveland I was appointed on the bench of New Mexico. If the Senator wants personalities interjected into the debate, I will state that, without my asking for the appointment but upon the request of certain citizens of New Mexico, Mr. Cleveland did appoint me, without my knowledge, and I resigned just as soon as I could get out of it.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. FALL. With pleasure.

Mr. ASHURST. The distinguished Senator from Wyoming [Mr. CLARK] stated that President Cleveland was the first President to inaugurate forest reserves. I desire to state that under the administration of President Harrison the law was enacted providing that the President could create forest reserves, and I desire to read a part of that act. It is the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes." Under section 24 of that act, reserves were created by President Harrison. Among the last things that President Harrison did in his term of office was to create a forest reserve. It was done under section 24 of that act, which reads:

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. I do.

Mr. CLARK of Wyoming. The Senator from Arizona is not telling the Senator from Wyoming anything new. The Senator from Wyoming is very well aware of the time when the act was passed. The Senator from Wyoming is also aware that forest reserves were created under that law. He is further aware of the fact—which, perhaps, the Senator from Arizona is not aware of—that they were created under certain definite rules and regulations of the Interior Department, which provided that before a forest reserve should be declared the people should have an opportunity to be heard as to whether there should be a forest reserve created or not. Those rules provided that there should be publication made that such a reserve was contemplated. I remember perfectly well when that policy was first departed from, when millions and millions of acres were reserved. I want to say, however, before I refer to that, that Congress went so far as to provide a fund by which the President could investigate and send a commission over the Western States, finding proper places for forest reserves, and that that commission came back and made its report to the President.

The first that we knew of the wholesale creation of reserves was when we had read or discussed in the Senate the proclamation creating reserves upon which the commission themselves had confessedly never been, where they confessed themselves that they did not know whether there was timber in the proposed reservation or not. That was under the Secretary of the Interior in Grover Cleveland's administration.

I regret to say that that policy has been substantially pursued ever since. No attention whatever has been paid from time to time to the character of the land included in the forest reserves, and it does not make any difference whether it has been a Republican administration or a Democratic administration; the policy has been to create the reserves. That is what some of us are complaining of; and, my Democratic friends, it makes no difference whether you are wronged under a Republican or a Democratic administration; it makes no difference to me whether I am wronged under a Republican or a Democratic administration; I want, if possible, to have that wrong corrected, and it makes no difference to me whether it is corrected under a Republican or a Democratic administration. It is something that means life or death to the country. It is a matter that rises above the personality of any man. It is a matter that rises above the politics of any man.

I beseech Senators to deal with these questions as you would deal with your own hearthstones, because you are really dealing with ours. I beseech you not to pay attention to any political differences in this matter, but to consider what you would do for your own homes. That is what we are considering. Lay aside all idea as to the administration under which it was done. It makes no difference under what administration these wrongs were carried on; the only thing for me is to right them when I have the opportunity, with malice toward none, but with the earnest desire to make possible every man's right and to make possible a home for every man.

The VICE PRESIDENT. The Senator from New Mexico will proceed.

Mr. FALL. The Senator from Nebraska doubtless reserves to himself exactly what I reserve to myself. He may admire a man, and whatever he may think of the man politically he may not always agree with him. What I am here to say and to do on every occasion is under my convictions, and it makes no difference to me who is President of the United States or entertains convictions to the contrary. So I may admire a man as a great man, and I may not approve of some of his measures, some of his theories or ideas, and when I do not approve them, as a Senator in this body or as a private citizen out of these Halls I reserve the right to criticize him and to disagree with him.

Mr. President, as I said a while ago, if the Senators from Oregon and Nebraska care to have forest reserves created or maintained in their States, except as a citizen of the United States that is a matter of indifference to me. If they choose to maintain or to advocate or support the present policy, if they choose to turn their public domain into a grazing field to be parceled out by the Government, if they choose to deal with this bureaucratic Government which we have now for the next 15, 20, 40, or 100 years, in so far as we in New Mexico are concerned at least, it is their privilege. This is a great free government of States. But so far as New Mexico is concerned, I speak for New Mexico, Mr. President, irrespective of the politics of its citizens. I am going to speak directly to New Mexico and of New Mexico.

The Senator from Iowa asked a very pertinent question yesterday, why we did not offer some concrete suggestion; why we did not offer to the Senate of the United States something upon which they might act in granting us relief from the evils of which we complain. I will say to the Senator that I have only been here a short time, and it is very contrary to my own desire that I should be now attempting to address this body. I say to the Senator that I will offer at the proper time something which I consider should be adopted, something which will give us relief from the conditions under which we are now suffering. But at the present time, Mr. President, anything which we may offer in the nature of relief will very possibly meet with the fate of the amendment offered by the Senator from Idaho. It will go down under a point of order, as it may be called legislation. I shall offer an amendment to the present bill couched in such terms and, as I believe, so fair and just that no Senator here will raise the point of order against it. At least I hope that he will not. I propose to offer an amendment to this bill that in so far as the forest reserves in New Mexico are concerned the title may still remain in the United States, that they may still remain under the laws of the United States and under the rules and regulations of the Department of Agriculture, but I will ask the Senate to say that the administration of those forest reserves in New Mexico, at least, shall be placed in the hands of the State authorities, to be administered under the laws of the United States and the rules and regulations of the department, and under the authority of the Secretary of Agriculture, exactly as they are administered to-day.

Mr. SMITH of Arizona. If the Senator will allow me, Mr. President, what provision does he make for the expenses of the administration by the State?

Mr. FALL. That we will pay every dollar of the expenses and we will not come here before you asking you to appropriate one cent, and that we will administer those forest reserves under the laws of the United States, under the rules and regulations of the Department of Agriculture.

Mr. SMITH of Arizona. Can the Senator tell me how much the United States Government pays now from the Federal Treasury in support of the forest reserves in his State?

Mr. FALL. I have the figures here and I will read them in a few moments; but the Federal Government during the last three years has paid approximately $300,000 for the support of the forest reserves in New Mexico, and the people of New Mexico have paid $360,000 in addition for the maintenance of those forest reserves. We will take them for the income which we may get from them and administer them without one dollar of cost to the Government of the United States, and administer them under exactly the same rules and regulations which govern the administration of the forest reserves in every other State in the Union.

Mr. SMITH of Arizona. I presume the Senator would reserve to the State what the Government now takes?

Mr. FALL. Yes.

Mr. SMITH of Arizona. In other words, in the administration of your forest reserves you would take the contract as a State to administer a forest reserve just as it is now administered and it would cost the General Government nothing?

Mr. FALL. That is exactly covered in the proposed amendment which I shall offer.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. FALL. I do.

Mr. NEWLANDS. May I ask the Senator from what sources he would expect to obtain revenue?

Mr. FALL. I will show the Senator the figures and the facts, and I will convince the Senator, I think, absolutely that we can derive under the present laws an income more than double that which is derived now and administer the forest reserves to the satisfaction of the people of New Mexico and of the United States.

Mr. President, before reaching that part of my subject, I want simply to call the attention of Senators to the fact that laws which are passed for this great Union as a whole sometimes are not applicable to a certain subdivision of the Union. Homestead laws which are applicable to the people or to the lands of the great Middle West and of the South and even as far west as the great Rocky Mountain region and the State of Idaho are not applicable either in the State which I represent or which is represented by the Senator from Arizona.

Mr. SMITH of Georgia. They are not suitable.

Mr. FALL. They are not suitable, as suggested by the Senator from Georgia. These matters are lost sight of sometimes, Mr. President, in the deliberations of this body and of the other House of Congress, and they are certainly almost invariably lost sight of in the administration of the laws by the bureau which now governs the people of the United States in these matters.

Mr. President, New Mexico had her own laws, her own civilization, dealt with her own conditions, knew what they were and met them as they arose, long before the Pilgrims landed on Plymouth Rock. We have the oldest civilization in this great Union in the State of New Mexico. We have under the old Spanish laws the most wonderful system of communal government ever built up. The great Rio Grande, rising in Colorado and seeking its way to the Gulf, cuts New Mexico in half from north to south, and along every mile of that great river grants were made to the people who would go in there and colonize. There were communal grants under the system of government established by Spain, and I say it was the most beneficent system of government ever established on this continent. Those grants were made to actual settlers, not to one individual, not to some speculator who might colonize them, but they were made to actual settlers, who might go there and open and carve out of them homes.

Under the system of those grants the agricultural lands susceptible of irrigation were allotted in severalty by commissioners appointed by the granting power. As to other lands, the grants were always made large enough to take in more than the agricultural allotments. The other lands lying within the boundaries of those grants were divided into grazing lands and into timberlands. Under the system devised by these old Spaniards every man upon one of those grants owned in his own right in fee simple his little plot of agricultural land. Altogether, as a community, they owned an irrigation system which they took out of the rivers. Together, as a community, they owned the grazing privileges upon those lands extending beyond the confines of the particular allotments. As a community they owned the timberlands, from which they could get the necessary firewood and building material.

Now, came the great Government of the United States a few years since, after having recognized all these grants by solemn treaty, and established a court of private land claims for the adjudication of titles. Under technicalities of the law every one of those communal grants was cut absolutely down to an agricultural allotment in severalty. The grazing lands, which those people and their ancestors had used for 300 years, were taken away from them. The timberland, from which they obtained their fuel and their building material, was taken away from them.

What was done? The executive department of this great Government immediately threw forest reserves around those little allotments, and to-day if a descendant of one of those people who lived there 300 years ago desires to get firewood, to pick up limbs from the ground, fallen and dead timber, he must go sometimes 60 miles to some little fellow sent out from this great Federal Government of ours at Washington and seek from him a permit to pay a minimum of 60 cents a load for that fallen and dead timber and limbs fallen from the trees.

Senators talk about the German system. Mr. President, under the forestry system in Germany the peasants—and there are peasants there and we certainly hope that we will not have

a peasantry system here—the peasants go upon those forests and pick up the leaves from the ground for the purpose of making fire with which to cook their food. Every little twig as large as a finger is removed from the ground under the peasantry system in Germany, where they have the great magnificent forest reserves of which we have heard so much.

And here when an American citizen undertakes to take a stick of wood fallen from a tree he is fined and in some instances prosecuted in the United States courts. To-day the descendants of the people who came across the country in 1541 can not go away from their little homes without crossing an Indian reservation or a forest reserve, and when they strike the line of that Indian reservation or that forest reserve they are met by some hanger-on of one of these Washington bureaus who charges them for the water which they themselves drink, the water which their horses drink, the water which their sheep and their cattle drink in crossing over these lines, and then they charge them for the grass which the stock will eat in going to their ranges, either upon the public domain or upon the private lands belonging to the stock owners.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. With pleasure.

Mr. CHAMBERLAIN. Is it not true that the policy of the Forestry Service was to make a right of way through there, a confined right of way to drive cattle and sheep over to water, and that the cattlemen and sheepmen preferred to pay something to do away with that restricted right of way, so that they could graze their sheep and cattle to and from the water?

Mr. FALL. In New Mexico that is absolutely incorrect. I have here a letter from one of the very descendants of the men of whom I have been speaking, one of the prominent men of that State, in which he is complaining of the very fact that, while we tax ourselves to build the roads up to the lines of the forest reserves, those in charge of the forest reserves and of the Indian reserves will not build roads across their boundaries and will not let us do it; they will not let us tax ourselves to build the roads that they use, as I will read to satisfy the Senator. This refers partly to an Indian reservation:

> We have got to go out of business unless we can have the Indian reservation reduced to its former size—

He is writing me with reference to a particular Indian reserve, but he refers also to forest reserves—

> which, to say the least about its extension, is an outrage to the stockmen of this county; we wish you to take up this matter at your convenience and investigate what can be done to remedy this evil; also if it is going to take a good deal of time to secure the cancellation of the order extending this Indian reservation, we would welcome at least the roadway proposition.

Somebody should build a road across these reserve lands, he goes on—it may be of some interest to the Senate to have me read a little further—to say:

> The Indian Office has a gang of employees there watching the sheep herders, bulldozing them, and annoying them with their foolish rules and regulations, charging them exorbitant fees for crossing permits, and in every way making life miserable for the sheep men. There is an idea prevalent amongst these employees of the Government, prevalent almost in all the departments having anything to do with the public lands—Bureau of Forestry and Indian Department—that they must prejudice themselves first against the sheep and the owners thereof. Predatory animals, according to their notions, are not a circumstance when it comes to sheep.

These are the facts, Senators. The conservation of the natural resources of New Mexico means a restriction upon the individual; means that he must not acquire a homestead in the most habitable portion of the State; and means that upon such forest reserves and Indian reserves the gentle bear, the mountain lion, and the timber wolf are conserved, so that they may attack his herds, his cattle, and his sheep. That is conservation in New Mexico.

I was speaking, Mr. President, of the conditions relating to New Mexico particularly. I want to say a little something further about the geographical conditions. I said yesterday, while interrupting the Senator from Idaho, that timber in New Mexico grows not below an altitude of 6,000 feet. That is true. Merchantable timber, pine and other timber fit for use in commerce, fit for preservation for the future generations, of whom we so anxiously speak—timber of that character grows above 6,000 feet. I do not know what are the climatic conditions in Oregon; I am not undertaking to speak for Oregon; but I can say to Senators here that, in so far as New Mexico is concerned, the only land in the entire State of New Mexico which is fit for habitation—upon which a man can make a home without irrigating from water brought from the mountains or from the streams or dug out of the earth—is land above an elevation of 6,000 feet.

Where timber grows, moisture falls; where moisture falls, you can raise crops; where timber does not grow, it is because of the lack of moisture; and where timber does not grow crops will not grow, except through the aid of artificial irrigation. Those are the conditions that we have there.

I am not intending, Mr. President, to undertake to cover this whole public-land question; I am not going to undertake now to offer any solution of the difficulties which we are meeting every day, but I am referring to conditions as they exist in New Mexico. I am not going to ask you even to change the laws with reference to the administration of the forest reserves of New Mexico; I am simply going to ask you, as an act of justice, to give those forest reserves to the charge of the people who know what a forest reserve is.

I am going to impose upon the patience of Senators for a few moments to show what has been done with reference to the administration of forest reserves in the State of New Mexico. I have the figures here for the last three years; I can tell you what it has cost; I will show you what revenue we have derived; and you can see what you have been compelled to appropriate. Then I shall make the proposition, as I have suggested to you, that we will take these forest reserves, administer them under the same laws and the same rules and regulations, and before I get through I will convince you that we can not only do it, but that we can make good money out of it and not call upon you for a cent.

During the three years from about June, 1909, up to and including 1911, the New Mexico national forests produced a gross revenue of $360,213.09; from timber sales a total of $92,510.70; from timber settlements—where some man had inadvertently cut a tree, having crossed over the line—$157; timber trespass—where he had gone over and cut under a sawmill project—$3,000. You talk about this being a grazing country or a forest country, and yet while there was derived from timber sales $92,510.70, there was derived from grazing fees $253,556—this is a forest reserve—and for grazing trespass $3,000. But Senators know where the money goes; where the money that you are asked under this bill to appropriate for New Mexico goes.

This [exhibiting] is the column of expenditures. Salaries during the same time were $379,557; travel, $32,564; rent, $38,114; telephone construction, and so forth, $18,056; corral fences, $10,176.

Forest planting. Here is the great object of conservation. In the administration of a forest reserve you are supposed to take from that forest reserve only the dead or dying timber or the mature timber, leaving for future generations the natural growth of the timber as it comes, and for every tree which you take off you are supposed to put a tree back. What is the object of these forest reserves? For what purpose are they set aside? To maintain the natural growth of the timber as a method of obtaining revenue? You sell from the forest reserves the fallen timber, the wind-shaken timber, the mature timber, and you are supposed to replant, and where trees do not naturally grow to make them grow.

What else are we paying this money into the national forest-reserve fund for? For what other purpose are we paying in $360,000—the citizens of New Mexico, not the citizens of the United States generally? You are paying $300,000, but we ourselves are paying $360,000. For what purpose? Show us that they are making trees grow where no trees grew before, and we will pay the money cheerfully; we will tax ourselves to do it to protect our children as we have been taxing ourselves without any assistance from the United States Government for over 60 years since we came into the Union.

How much have they expended out of the total expenditure directly? Five hundred and ninety-eight thousand and thirty-five dollars and twenty-one cents—$360,000 paid in by the citizens of New Mexico. They have expended during all the time they have had charge of these forest reserves a total of $22,000 for reforestation—tree planting. They have expended a grand total in New Mexico of $22,000; and we, the citizens of New Mexico, ourselves have paid that $360,000, and the Congress of the United States have contributed to their salary list $300,000 more. They have actually spent $22,000, and they have actually grown, so they claim, 34 acres of trees!

This is a magnificent business enterprise. If you are not running this Forest Service as a business enterprise for the present and future generations, I ask you What is the purpose of the forest-reserve law? Why do you reserve these forests?

I say to you—and I know that I shall be criticized for giving utterance to such sentiments—I say to you, Senators, that better it were for New Mexico if every acre of this 10,000,000 acres of land in New Mexico had been stolen by some "malefactor of great wealth" than that they should remain in the condition in which they are at the present time, simply as a source of revenue for a lot of little clerks from a bureau in Washington. I say to you that if they were stolen, they could

not be removed; that if the timber were cut from them, it must be put to some use; that railroads would be built; that wagon roads would be built; that sawmills would be put up; that men would be employed; and little thrifty cities would grow up all over New Mexico, if we could use our forests. Under the present condition they are simply used, as I say, as a source of revenue, purely and simply to pay clerks, and a lot of incompetent clerks; men who never saw a pine tree grow outside of a lawn; men who never saw anything in the nature of grass grow except that which has been planted around your statues here in your public squares in Washington; men who never saw a cow except in a picture book; men who regard, as my New Mexican friend says, a sheep as a predatory animal; and such men are sent out there to administer for us this great domain.

Senators, I do not believe that, understanding these conditions, the Congress of the United States will perpetuate such a system of government.

Where do the streams rise from which come the life-giving waters of which the Senator from Nevada is always ready to speak? They rise in the mountains, where the moisture falls, where the snow falls, where the timber grows. These are the sources of our streams, and we are not objecting to such conservation as will prevent the denuding of those mountains of their timber. Thence these streams have their source.

Some of you do not know the conditions existing in the West; but I will say to you now that we have streams, bold, pure, and with a volume of water sufficient to irrigate hundreds of, and in some instances, thousands of acres of land, which, when they leave the foothills of the mountains, sink into the desert sand and are never seen again.

Some of you do not know that the southern portion of New Mexico and of Arizona is a great basin country, the last part of the American Continent to appear above the waters of the sea, the Continental Divide running through it, although it is the lowest part of the continent, and streams rising in Mexico flowing north almost to the American boundary and sinking in the sand, and streams rising in New Mexico, close even to the Rio Grande, which empties into the Gulf, flowing directly south toward the streams which are flowing from the north in Mexico and sinking into the sand.

Take the rivulet or the little stream of water by the use of which a homesteader could cultivate 40, 100, 200, or 300 acres, in connection with other homesteaders, rising in the mountains, in the forest reserves, flowing down the canyon, and instead of being used it sinks in the sand. Why? Because under the administration of the Forest Service the forest reserves have been invariably thrown around the foot of the mountains until they took in every drop of the living waters. At these places no trees grow; the boundaries may be 5, 8, 10, or 50 miles from a tree, but these gentlemen, with an eye to the main chance, knowing whence their salaries must come, anxious not to call upon Congress for too much money, have taken $253,000 in the last three years from the people of New Mexico for grazing permits, simply because otherwise the people of New Mexico could not get water for their stock. I say to you, Senators, now that not one-third of the revenue derived from forest reserves in New Mexico came from the timbered lands themselves. Without fear of contradiction, I can assure you that two-thirds of this $253,000 came entirely from lands which never had a stick of timber larger than your wrist growing upon them, and which never will have. The people are excluded; they can not take up a little homestead; they can not utilize these waters, because, although you call yourself a free citizen of the United States, you can not go upon a forest reserve, dig a ditch, and utilize the water which is sinking in the sand and not being used by anyone. Why? Because some representative of this bureaucratic Government will stop you when you cross the line and do as he did to another New Mexican friend of mine, not only collect from him $13 damages for trespassing, but then write a letter to this great bureau in Washington, have the case turned over to the United States Attorney General, and a criminal action brought against him for trespass where they said he had done $13 worth of damage.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. FALL. I yield.

Mr. NEWLANDS. I should like to ask the Senator whether the springs and small streams to which he refers are withdrawn as a part of the forest reservations or under an Executive order recently issued?

Mr. FALL. They are withdrawn under the forest regulations.

Mr. NEWLANDS. I find in the San Francisco Journal of Commerce of May 6, 1912, if the Senator will permit me, a statement which I should like to read, and perhaps he can explain it. It is as follows:

GOVERNMENT COMES TO RELIEF OF THE SMALL STOCK RAISERS.

Withdrawal of public lands for use rather than from use is the latest piece of practical conservation. The President, by Executive order, under the withdrawal law has withdrawn from entry many tracts of unappropriated public lands which contain springs or small streams. These watering places control the public range over large areas in Utah and Wyoming, and the withdrawal of these lands will in no wise interfere with the use of the springs or streams, but will, in fact, insure the possibility of public use. Control of watering places by strong private interests and the resultant monopolization of grazing on the public domain are believed to be prejudicial to public interest, and the President regards the setting aside of these watering places for public use as serving a distinct and beneficial public purpose, in harmony not only with the letter but with the spirit of the act of 1910.

The three withdrawals already approved by the President represent an aggregate area of about 80,000 acres in six counties in Utah and Wyoming, and include tracts of public land known from the records of the United States Geological Survey and the General Land Office to contain 248 springs and streams.

It is well known that in the Rocky Mountain and Pacific Coast States there are many large areas of excellent grazing land in which the number of places where water for man or beast can be obtained is relatively small. Sometimes the shortest distance between "water holes" is 10, 20, or even 50 miles. Some of these watering places are springs, some of them ponds of alkaline water, some of them small streams flowing down from adjacent hills or mountains and becoming lost on the edge of the desert. The lands in large part support a growth of grass and small brush which is excellent fodder for horses, cattle, or sheep, and as practically all these areas are Government land they are "free range" for whoever may care to graze his stock thereon. However, stock can not live without water, and unless watering places are available to a stock owner it is impossible for him to utilize the range.

As a result of these conditions it has come to be common practice in some parts of the West for a big cattle or sheep outfit to obtain possession of the few scattered water holes in a certain area and by this means to monopolize the grazing privilege almost as effectively as if it actually owned every acre of the area. In consequence the small stock owner has been placed at a serious disadvantage and in many localities has been forced out of business.

This practical development of the conservation policy in order to prevent monopolization of the public grazing lands will not only insure equal opportunity under present conditions, but it prepares the way for future legislation. Should Congress at any future time decide to pass a grazing law the retention of these watering places in public ownership will make the enactment of a satisfactory law possible; whereas if the water should pass into private hands the framing of a law providing for the control of grazing on the public domain would be useless, because the law itself would be inoperative.

The present action will really be beneficial to both large and small stock growers, although it will doubtless not be pleasing to those who desire to exclude rivals from the range by acquiring the watering places themselves. The competition and struggle for existence have in many places, however, grown so keen that even to the largest outfits the strife has become burdensome, and to some of them, at least, the removal of one of the causes of contention by the reservation of the springs and streams for the common use of all will be a decided relief. To the small stockman who has been fighting for existence and who has seen his grazing area diminish year by year as he has been barred from this spring or from that stream it will be welcome news that the Government has taken steps that will at least make the competition fairer.

This clipping was handed to me in connection with some discussion of this matter that arose yesterday with the Senator from Arizona [Mr. SMITH], who complained of the withdrawal of these watering places.

Mr. FALL. Answering the Senator as an Irishman would, I will ask him if he can tell me of any one instance in all his experience where anything, water, land, or timber was withdrawn from the public domain, segregated, and put in charge of the representatives of one of your governmental bureaus, that the people were ever able to use it without such restrictions as to render its use practically impossible.

Mr. NEWLANDS. All that I can say to the Senator is that I know of nothing to the contrary; but I can not say that I have had a very wide observation.

Mr. FALL. I am speaking, Mr. President, with due respect, from a personal, physical knowledge of the conditions and the country of which I am talking, gained from 30 years of experience, living with it, punching cattle over it, making homesteads on it, cultivating it, building ditches, cutting timber, trying to get railroads to go in, building them there at a cost of millions of dollars, and then having them stopped, having little towns which had been built up, some of them as beautiful towns as were ever built anywhere in any State of this Union, cut off and absolutely destroyed, because of the action of some representative of the Interior Department of the United States or of the Judiciary Department of the United States in bringing injunction suits and stopping those works, as they have been stopped from one end of New Mexico to the other. That has been my experience with this bureaucratic form of government. Never will it be extended one inch beyond what it is now, so long as my vote can prevent.

Mr. President, I have never heard of any such order as the one to which the Senator from Nevada has just referred. We know nothing about those orders; but we do know that the waters upon our public domain around the edges of the forest reserves and in the forest reserves have been withdrawn for

the purpose of paying an income through which Forestry Service employees might draw their salaries. Those are the conditions. We are familiar with them, and if the Senate will listen to me for a few moments I can tell you more about them. I am speaking of my personal knowledge. I have a spring adjoining my ranch in New Mexico, situated on the edge of the Sacramento Mountains, 1 mile east of the Mescalero Indian Reserve. A spring in that section is quite well known all over the country, because you make your day's journey, or did in the old days, from spring to spring.

This is one of the best-known watering places in New Mexico. It has been used and occupied by passers-by, cattlemen, sheepmen, and mining prospectors, particularly by mining prospectors, for 40 years; it has been patented for 27 years by the United States Government; but a few years ago this great, munificent Government of ours created a forest reserve south of the Mescalero Indian Reserve and included a strip 20 miles long from north to south on the west of the Mescalero Indian Reserve ranging from a quarter of a mile wide to three-quarters of a mile wide at the widest place. That strip took in every spring, every drop of water for that 20 miles, although every drop of it—every spring—was covered by patented lands belonging to citizens of the United States. There was not a stick of timber growing upon this land, and no attempt even was made to say that it could ever be grown there; there was no forest on it; and it was not adjoining a forest, but was merely a little tongue of land running along by the Indian reserve. It was included in the reserve simply for the purpose of taking in the springs and making the owners of those springs pay tribute to the Forestry Bureau of the great United States Government, for no good purpose, except for the great end of paying salaries. There is not enough ground in this little strip to graze stock upon; nobody pretends to graze stock upon this little strip of ground; but adjoining it there is a public domain embracing thirty, forty, or fifty thousand acres, which you gave to the Territory of New Mexico under the provision that they might lease it. It has been leased, and the lessees of that ground have been using the springs to which I have referred for watering their stock; but through the creation of a so-called forest reserve their stock was cut off. For what purpose? In order that they might be compelled to take out for grazing their stock upon this quarter of a mile of land an annual permit of 35 cents a head for a cow walking over that ground and 10 cents a head for the sheep—not really for grazing them, for the cattle do not go upon this forest-reserve strip except in going backward and forward from their usual grazing grounds to get water. That is a specimen of the administration of the forest reserves of New Mexico.

Mr. President, I am not going to continue this statement much further. I want to say that the Mescalero Apache Indian Reserve, of which I speak, adjoins on the north the Alamo Forest Reserve, both in my county in New Mexico. The forest on the Alamo Reserve, situated in this county, is about the same in extent as the Indian reserve.

Now, let us see how the two reserves are administered in so far as grazing is concerned, and I call your attention to this because I want to show you that I know what I am talking about when I say that New Mexico can take her forest reserves and make them pay a great income to her schools, to her courts, and for building roads, and yet not charge the Government of the United States one cent, and administer these forest reserves under the laws which you have passed and under the regulations which have been promulgated by the Secretary of Agriculture.

Four hundred and eighty thousand acres are contained in this Mescalero Reservation, and the Indians on that reservation have over 11,000 sheep, which they graze, belonging to themselves. They have, I will say, about 8,000 head of cattle. They have something like the same number of horses. All of the stock has free grazing.

Now, to take care of this stock, to see that the Indians, who are scarcely capable of handling their own business, have their business handled for them in a businesslike way, there is a stockman appointed and two Indians as his assistants, the Indians working for six months in the year. They are paid $480 a piece. The stockman is paid $1,000, and he looks after all of this Indian stock. He sees that under the laws of the United States and of New Mexico the sheep are dipped at least once a year, that they may enjoy health. He sees that the wool clip of the sheep is sold to the best possible advantage of the Indians. He sees that the lambs are sold to their best possible advantage. He and his assistants perform all this duty. Then the lands not used by the Mescalero Indians are rented or leased to citizens desiring them for grazing purposes.

The total cost of the grazing crew upon the Indian reserve is less than $1,500 per year, handling all their own stock and clearing $8,000 revenue from the present permits issued to other people. In other words, they derive an income of $6,500 net over and above all expenses from grazing permits issued to outsiders, after allowing the Indians an opportunity to graze free.

What is done on the Alamo Reserve? You are asked here not only to give them all they get, but you are asked to appropriate $6,500 per year for running that reserve; and I happen to know, although not from the report here, that the income from the entire Alamo Reserve is less than $2,500, while you are appropriating $6,500 for it.

Why is this? It is something they do not know. They could not tell you. I defy any Senator here to go to an agent on any forest reserve in Mexico—the Alamo or anywhere else—and get from him any information as to why this is. He does not know. He is ignorant about it. They grant simply permits, not leases. The consequence is that they will put 20 men with little herds of sheep or cattle all upon the same ground, all fighting over the same spring, all quarreling about water, all quarreling about the division of the range, throwing the sheep at large upon the range. They do not know what every cattleman knows and what every sheepman knows, that when you have a range fenced and divided into pastures the same range will run nearly four times as many as if it is an open range.

On the Indian reserve they have the range divided into pastures. They can pay more for grazing permits upon the Indian reserve because it is divided into pastures, and they can run two or three or four times as many sheep as upon the same number of acres just across the line where it is open.

So you will see that one reserve is administered with a proper conception of the question, and the other is administered for the purpose of paying salaries to a lot of 2 by 4 clerks.

Mr. NEWLANDS. May I ask what is the relative size of these two reserves?

Mr. FALL. I thought I stated that in my opening. The Alamo Forest Reserve is composed of two sections. That section of the Alamo Forest Reserve upon which sheep permits are issued is about the same area as the Indian reserve to which I have referred.

Then there is another forest reserve down on the Texas line which used to be known as the Guadalupe Reserve, but has lately been changed to Alamo, and it is administered from Albuquerque, the district office, by the same parties who administer the Alamo Reserve, and those parties are paid by the Congress out of the appropriation made, and I defy you or anyone else to find out how much they are paid.

Mr. NEWLANDS. Then I understand the Senator to contend that the Indian Service is conducted with much greater economy than the Forestry Service.

Mr. FALL. Yes, sir. I want to say that the Indian Service in that particular locality, in the Mescalero Indian Reserve, under the administration of Capt. Carroll, has been most successful from every standpoint.

Mr. NEWLANDS. Let me ask the Senator this: I believe he states that the administration of the Indian reserve is different from that of the forest reserve; that in the latter permits only are granted, and that the grazing area is covered by a number of proprietors of herds.

Mr. FALL. Without any system.

Mr. NEWLANDS. On the contrary, the Indian reserve is left to one interest.

Mr. FALL. Oh, no; to various interests.

Mr. NEWLANDS. But each interest is segregated in its holdings.

Mr. FALL. Yes.

Mr. NEWLANDS. Why should not that system be pursued by the Forestry Service?

Mr. FALL. That is just exactly what I have been complaining of, and what I am complaining of now—the administration of the forest reserves—because you send men from Washington to administer our forest reserves who do not know a cow when they see one and think a sheep a predatory animal.

Mr. NEWLANDS. The difference in the cost of the two systems does not arise from a disposition, perhaps a mistaken one from the official point of view, to give the small raisers, the owners of small herds, an equal opportunity to graze their stock?

Mr. FALL. Did you intend to use that word "equal"? Did you ever see the Use Book? It does not use the word "equal."

Mr. NEWLANDS. I do not know, I am sure.

Mr. FALL. The Use Book, adopted by the department for the administration of the Forestry Service, says that the little man shall have the preference right, not an equal right. It does not make any difference how long the other man has been there and whether he owns the water or does not, the little man shall have the preference.

Mr. NEWLANDS. I will ask whether that system of preferring the little man does not necessarily result in a more expensive administration of the range?

Mr. FALL. Not if it were properly carried out. If these corrals and fences on which they have expended something over $10,000 were for the purpose of protecting the range or getting a better income, it would not result in the expenditure of another dollar. But all these improvements are made for the benefit of the Government employees and not for the benefit of the Forest Service. Every corral is a fence for their saddle horses, and every improvement is for themselves individually.

Mr. SMITH of Arizona. The Senator speaks of better service in the immediate proximity between the Indians' side of this reserve and the forest-reserve side.

Mr. FALL. I am not saying much in favor of the Indians' side, either, I want the Senator to understand.

Mr. SMITH of Arizona. I was about to ask if that is not an exceptional case, and whether it is not due to an exceptional agent.

Mr. FALL. It is the result of having a man of common sense, who has studied the conditions and who in the employment of his men has employed practical cow and stock men instead of having a $60-a-month clerk from Washington to tell us how to run our range.

Mr. CRAWFORD. I want to find out whether I have the correct idea of this 35 cents a head. Do I understand the Senator to say that the 35 cents a head is paid, not for pasturage, but is paid simply for the use of a path connecting the pasturage with a spring, the pasturage being owned by the State and the spring being owned by a private individual?

Mr. FALL. Yes; in this way——

Mr. CRAWFORD. Is there a lease of some land or is it the easement of some cow path for which they pay 35 cents a head?

Mr. FALL. They ostensibly charge you a lease permit of 35 cents a head per year for the total number of cattle that will water at that spring. They know the cattle could not graze there without water. They are simply taking advantage of conditions, and they have thrown the forest reserve about it for that purpose.

Mr. CRAWFORD. It is, in fact, paying 35 cents for the use of the old cow path?

Mr. FALL. Yes; with the old cow going backward and forward.

If Senators will read this bill fully, they will find one or two remarkable things in it. There is a provision in it that none of this appropriation made for the construction and maintenance of houses shall be used for the maintenance or construction of houses used by the forest-reserve agent where such houses are situated on any inclosed field of a homesteader who had a homestead prior to the time that this forest reserve was thrown about it.

I am very grateful, and I want to express the gratitude of the people of my country, because in times past we have had the forest agent—if he concluded he needed a part of a homestead, not patented, although it had been segregated long before the forest reserve was thrown around it—to go bodily and take it—all our improvements; not in one instance, but in several.

The Senator from Nevada spoke to me a moment ago and asked if we did not want roads built. In the Lincoln Forest Reserve, in New Mexico, the people of New Mexico finally secured permission to build a road over an old public road built there since the days of Billy the Kid. They secured the gracious permission to build this road at their own cost, and they did it, connecting up several little towns and crossing a forest reserve.

It has not been a year since a neighbor of mine started across the forest reserve, traveling on the public road, and was stopped in the middle of the road and told that he must pay a crossing permit. He explained that he was going through to another place off the reserve and that he would not stop there that night; that he was traveling a public road, belonging to the State of New Mexico. Yet he was held up. They would not allow him to cross. He did cross, but it was over the protest of this particular representative of this bureaucratic Government that happens to have charge of that particular reserve. The man had an old-fashioned six-shooter, which is a pretty good argument, and he finally passed on.

These things are coming up every day. The matter which this man speaks of in this letter which he writes to me is only one of them. They build some of the most beautiful and romantic trails there you ever saw. They take the girls riding over a trail made simply for horses to travel. They do not want any public roads. If there are any built, we tax ourselves and build them ourselves.

I want to say just one word in closing. I am not going to weary your patience longer, Senators.

The Senator from Mississippi yesterday asked a very pertinent question, I thought. He asked the Senator from Wyoming as to the comparison between the administration of the public lands in the public-land States of the United States and the administration of the lands belonging to the great State of Texas. In my peregrinations I once punched cattle in Texas and New Mexico.

Mr. President, the State of Texas has, without any exception, passed the most drastic anticorporation, anticapitalistic laws of any State in this Union. They have gone so far in the matter of their legislation that railroads have threatened even to tear up their tracks and get out of the State. A great railroad system last year announced through the public press that they would not expend the money which they had in their treasury for further road building and the extension of their system in the great State of Texas.

The Texas Legislature passed an act which provided that any simple indebtedness should be deemed exactly the same as a bonded indebtedness when it came to a foreclosure. Their statutes are full of legislation of that kind. They have such restrictive legislation in the matter of corporation bonds and the issue of stock that every railroad which is going to Mexico and can get around the State of Texas goes around it, simply because if they go through any part of Texas they must have a separate bond issue, or if they undertake to make their general bonds applicable to all their lines, including those in Texas, then the bonds must pass the scrutiny of the railroad commission of Texas and be based on the physical valuation of the property.

All these laws, the most restrictive that any legislature has ever adopted, have been adopted by the State of Texas. Capitalists have been saying for years that Texas drove out capital, and yet Texas remains a great Empire State, one of the greatest States in this country; a State progressing in every line of commerce and of industry. Why? Because, sir, she owns her public lands. She owns every acre of land within her boundaries, and when she came into this great Union she reserved to herself the absolute title to every foot of the land within her boundaries. She has made mistakes, just as we have made mistakes. Lands were stolen from Texas, just as they have been stolen from the public domain. Millions of acres of land were given by the Texas Legislature in aid of railroad building, just as we gave millions and millions of acres for the Atlantic & Pacific, the Northern Pacific, the Union Pacific, and other railroad building in the United States. Millions of acres of the finest domain in the world were given away by the State of Texas, and yet she has the greatest public-school fund of any State in the Union. Yet she has the most magnificent courthouses in every little county throughout that great State—an ornament to the county seat—of any in the Union. She has built up her school fund, her courthouses, her public buildings, her great capitol—$15,000,000 paid for it in land—and yet she has given to the people coming into her borders the most liberal land laws ever given to any people.

Instead of restricting the homesteader, instead of saying to him, "We do not want you here; you can come to our boundary and turn and go back," she said "Come in, and instead of giving you a measly 160 acres we will give you 640 acres, and we will let you buy six sections of 640 acres each, at $2 an acre, and give you 40 years' time, at 3 per cent interest, to pay it." She has built up a magnificent Commonwealth. There are no happier or more prosperous people living in the United States than those who inhabit the great State of Texas, and it has been entirely due, and her prosperity has been traceable almost entirely, to her public-land system and the fact that she owned the land and through the ownership it was not tied down. Nobody ever suggested that her people should be a nation of tenant farmers, and I would pity the public man or the private citizen who would suggest to the people of Texas that they reserve the fee in the land.

I say to you, Senators, that the whole theory of this is wrong—absolutely wrong. I agree with the Senator from Idaho that these lands should be turned back to the people. His amendment should be adopted, giving to the people of the States absolutely the public land and let them deal with it.

That is the proper theory, and sooner or later you will come to see it. But in the meantime we people from the West are practical men. If we can not get what we believe is absolutely right, we feel that we are entitled to ask of you some measure of justice, and we ask you simply to give us the administration of the forest reserves in the State of New Mexico and let us administer them under the laws which you have already passed and any such laws as you may pass hereafter. We will not charge you one cent for it. Instead of over $100,000 per year,

as you are paying now, we will run them for the benefit of our people. We will pay the expenses from the revenue which we collect. Now, that is all we ask.

I want to read, if I have the permission of the Senate, the amendment which I propose to offer. It is to come on page 52, after line 14, of the committee amendment.

Amendment intended to be proposed by Mr. FALL to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, viz: On page 52, after line 14, insert the following:

"*Provided further*, That the management, supervision, and administration of the respective forest reserves within the State of New Mexico and of that portion of any such reserve partly within said State shall, subject to all the laws of the United States and of the general rules and regulations hertofore adopted by the Agricultural Department, be devolved upon the State government and officers of the State of New Mexico. The Legislature of New Mexico shall, if the provisions hereof are accepted by a resolution of such body, provide the necessary officers and employees for the care, management, and administration of each of such reserves or parts of reserves. The salary and expense accounts of such officers and employees and all expenses of such care, management, and administration, including reforestation, shall be paid wholly out of the funds derived from the lease of lands and grazing permits, sale of timber, and other sources of revenue from such forest reserves, and no part of any such or any other expense connected with the care, management, or administration of such reserves shall be paid out of the appropriations herein made or by the United States out of any other funds, and any funds remaining after the payment of all expenses as in the proviso set out, shall be paid into the treasury of New Mexico to be expended as provided by the State laws.

"The Secretary of Agriculture shall have the power and he is hereby directed to cause such reserves to be inspected from time to time and shall see that all laws and rules applicable to such reserves are enforced, and shall have the power to suspend any State official or employee failing to enforce such laws and rules and regulations, pending a hearing upon charges to be made by him under his direction to the governor of New Mexico, who shall promptly remove and appoint a successor to any such official or employee against whom such charges are sustained."

Now, Mr. President, I can not see why the Congress of the United States should not at least give us the administration, under the laws as they now exist, of these forest reserves. Take one item alone of expense last year. From the forest reserves in New Mexico last year they sold $42,000 worth of timber. Now not $1 of the expense of travel or salary or any overhead expense or any administration expense or any forest ranger's pay was charged up against these receipts, but there appears upon the return of expenses an item for the sale of timber $12,000—30 per cent over and above all charges of salary of employees, of traveling, of administration, and every other expenditure. Consider that as a business proposition. We can take it; we know how to handle it; we can take it under the supervision of your Secretary of Agriculture.

Mr. NEWLANDS. If the Senator will permit me, I should like to say this. The suggestion the Senator has just made is a most interesting one and one worthy of serious consideration.

I wish to ask the Senator whether he is prepared now to give his views as to what changes should be made in the existing land laws with a view to doing away with the evil legislation and administration to which he has referred. The Senator heard my contention yesterday, I believe, that the men of the West should confer together and shape a code of laws which they could submit to Congress for its consideration, and I would ask the Senator whether he is prepared now to state what his views would be regarding, first, the forest reserves, should they be continued in any form; second, should coal reserves be continued in any form; and, third, what should be done with the grazing lands, should they be vested in private ownership or kept as a public commons for grazing until provision is made, perhaps, for their irrigation or their settlement under other conditions? I am sure that we have now a very excellent opportunity for conferring together on this bill and exchanging views, and I should be very glad to have the experience of the Senator.

Mr. FALL. I will say to the Senator that I have views, and very decided views, upon each of those propositions, and those views I will take the earliest opportunity of enlightening the Senate upon; but to go into it now in the limited time which I would have would be useless. I would very much prefer that the Senator should excuse me.

I want to say, however, shortly, that never so long as I am here or have a vote anywhere else will I vote to reserve the public lands of the United States from the individual citizens of the United States. Never so long as I have a vote can we get together on any proposition looking to a compromise adverse to the system upon which this Government was founded and create a new system of peasantry—never will my vote be given and never can we get together upon any such proposition.

As to the question of utilizing these public lands and utilizing these grazing lands, my own idea is that a larger amount than the original homestead or even desert-land entry should be given as a grazing homestead, and that the absolute title should pass just as it passes now.

I think the Senator overlooks this proposition. He speaks of withholding minerals, for instance, and of withholding coal. How long are you going to withhold it? Will you ever allow a man a title to his land? Will you ever allow him to feel that his boundaries can not be crossed by anyone seeking to erect a derrick or dig a shaft on his grounds? The present land law places a limit. Under the present homestead laws you must reside for five years upon a homestead before you can get a patent, and at any time prior to the issue of the patent, when it is shown that the land is valuable for mineral, it can be taken and is taken for mineral purposes only.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator if his proposed amendment would have the effect, in case it was adopted, of opening up the reserved lands of New Mexico.

Mr. FALL. Not at all. As I said, I am simply a practical man trying to get something. I know I can not get what I want.

Mr. CHAMBERLAIN. So the Senator's amendment would maintain the present boundaries of the reserves as they now stand?

Mr. FALL. Absolutely; and under the law and rules and regulations. We will not interfere with them, because we can not. The Congress of the United States is not yet prepared to do full justice to the people of the West, for whom I speak. I hope and believe that before many years or before many months have rolled around the Congress of the United States will abolish the Department of the Interior of the United States Government and with it the Indian Office.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill will be proceeded with. The next passed over amendment will be stated.

The SECRETARY. On page 29, line 18, before the words "forest rangers," strike out "one hundred and ninety-eight" and insert "two hundred and fifty-two," and in lines 19 and 20 strike out the words "54 forest rangers, at $1,100 each," so as to read:

Two hundred and fifty-two forest rangers, at $1,200 each.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I understand that several other Senators desire to speak upon the bill. We can not conclude its consideration to-night. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 16, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1912.

COLLECTORS OF CUSTOMS.

John A. Thornton, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana. (Reappointment.)

Herbert W. Hawes, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine, in place of Daniel H. Moody, deceased.

POSTMASTERS.

ARKANSAS.

F. G. Briggs to be postmaster at Judsonia, Ark., in place of F. G. Briggs. Incumbent's commission expired April 28, 1912.

Clarence A. Dawson to be postmaster at Marked Tree, Ark., in place of Clarence A. Dawson. Incumbent's commission expired April 28, 1912.

John Edwards to be postmaster at Gurdon, Ark., in place of John Edwards. Incumbent's commission expired April 28, 1912.

Claude R. Ferguson to be postmaster at Huntington, Ark., in place of Claude R. Ferguson. Incumbent's commission expired April 28, 1912.

Charles L. Jones to be postmaster at Junction City, Ark., in place of Charles L. Jones. Incumbent's commission expired April 28, 1912.

R. M. Jordan to be postmaster at Fordyce, Ark., in place of R. M. Jordan. Incumbent's commission expired April 28, 1912.

M. B. Leming to be postmaster at Waldron, Ark., in place of M. B. Leming. Incumbent's commission expired April 28, 1912.

William T. Moore to be postmaster at Leslie, Ark., in place of William T. Moore. Incumbent's commission expired April 28, 1912.

Owen J. Owen, jr., to be postmaster at Conway, Ark., in place of Owen J. Owen, jr. Incumbent's commission expires May 23, 1912.

Fidelles B. Schooley to be postmaster at England, Ark., in place of Fidelles B. Schooley. Incumbent's commission expired April 28, 1912.

J. A. Steele to be postmaster at Lewisville, Ark., in place of J. A. Steele. Incumbent's commission expired April 28, 1912.

Mattie C. De Vaughan to be postmaster at Waldo, Ark., in place of Mattie C. De Vaughan. Incumbent's commission expired April 28, 1912.

CALIFORNIA.

Ernest L. Blanck to be postmaster at Fellows, Cal., in place of Harry J. Lawton, resigned.

Clarence Edwin Kendrick to be postmaster at Barstow, Cal., in place of Clarence Edwin Kendrick. Incumbent's commission expires May 26, 1912.

Harry E. Meyers to be postmaster at Yuba City, Cal., in place of Harry E. Meyers. Incumbent's commission expires May 26, 1912.

FLORIDA.

Morgan E. Jones to be postmaster at Miami, Fla., in place of Harry C. Budge. Incumbent's commission expired February 11, 1912.

GEORGIA.

Charles D. O'Kelley to be postmaster at Grantville, Ga., in place of Charles D. O'Kelley. Incumbent's commission expires May 23, 1912.

ILLINOIS.

Winfield S. Pinnell to be postmaster at Kansas, Ill., in place of Winfield S. Pinnell. Incumbent's commission expired December 11, 1911.

INDIANA.

John W. Foland to be postmaster at Frankton, Ind., in place of John Sharp, resigned.

KANSAS.

George W. Rains to be postmaster at Galena, Kans., in place of Charles L. Rains, deceased.

MICHIGAN.

John C. Corkins to be postmaster at Cass City, Mich., in place of Henry S. Wickware. Incumbent's commission expired May 14, 1912.

MINNESOTA.

Frank L. Walker to be postmaster at Alden, Minn., in place of Amy R. Walker. Incumbent's commission expired March 20, 1912.

MISSISSIPPI.

Malcolm S. Graham to be postmaster at Forest, Miss., in place of Malcolm S. Graham. Incumbent's commission expired March 6, 1912.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of Sidney M. Jordan. Incumbent's commission expires May 27, 1912.

Lewis M. Joyner to be postmaster at Agricultural College, Miss., in place of Lewis M. Joyner. Incumbent's commission expired April 28, 1912.

Andrew M. Patterson, jr., to be postmaster at Como, Miss., in place of Joe C. Craig, resigned.

MISSOURI.

Percy P. Hummel to be postmaster at Laddonia, Mo., in place of Percy P. Hummel. Incumbent's commission expires May 15, 1912.

John M. Mathes to be postmaster at Aurora, Mo., in place of Isaac V. McPherson. Incumbent's commission expires May 15, 1912.

Philip G. Wild to be postmaster at Spickard, Mo., in place of Philip G. Wild. Incumbent's commission expires May 22, 1912.

NEW JERSEY.

Theodore S. Moore to be postmaster at Stockton, N. J., in place of Theodore S. Moore. Incumbent's commission expired May 11, 1912.

NEW YORK.

Warren W. Ames to be postmaster at De Ruyter, N. Y., in place of Huet R. Root, deceased.

Albert Weed to be postmaster at Ticonderoga, N. Y., in place of Albert Weed. Incumbent's commission expired May 4, 1912.

OKLAHOMA.

Joel E. Cunningham to be postmaster at Konawa, Okla., in place of Joel E. Cunningham. Incumbent's commission expires May 26, 1912.

PENNSYLVANIA.

Fred V. Balch to be postmaster at Galeton, Pa., in place of Fred V. Balch. Incumbent's commission expires May 26, 1912.

Harry S. Noblet to be postmaster at Halifax, Pa., in place of Newton E. Noblet, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1912.

COLLECTOR OF CUSTOMS.

John Bourne to be collector of customs for the district of Dunkirk, in the State of New York.

POSTMASTERS.

MICHIGAN.

David L. Powers, Jonesville.

NEW YORK.

Frank E. Colburn, Medina.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 15, 1912.*

The House met at 12 o'clock m., and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in whom is all wisdom, power, and goodness, bear with our infirmities, pardon our shortcomings, be gracious near to us, and guide our wandering footsteps into paths of purity and good will, that we may be profitable servants unto Thee and unto our fellow men, now and always, in the spirit of the Lord Jesus Christ. Amen.

ADDRESS OF HON. WILLIAM C. REDFIELD (H. DOC. NO. 758).

Mr. THAYER. Mr. Speaker, I ask unanimous consent that there be printed in the RECORD the address of the Hon. WILLIAM C. REDFIELD on the "Progress of Japanese Industry," delivered last fall before the Japanese conference at Clark University, at Worcester, Mass.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech made by Mr. REDFIELD last fall before the Japanese conference at Worcester, Mass. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask the question whether or not this goes into the subject of the admission of Japanese into the United States and allowing them to become citizens of the United States?

Mr. THAYER. Not at all.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest to the gentlemen who ask unanimous consent at this time in the meeting of the House to print in the RECORD, that if they do so it be not in the ordinary course of proceedings, but in the part devoted to speeches held out of the RECORD. For instance, yesterday the gentleman from California [Mr. RAKER] inserted in the RECORD a speech, to which no one had any objection, but it interferes with those gentlemen who examine the RECORD daily to have such speeches come in the current proceedings of the House.

Mr. RAKER. Will the gentleman yield there?

Mr. MANN. I will.

Mr. RAKER. I will say to the gentleman that I think he is right, and I would have no objection to having that printed at the end of the proceedings, and I think this ought to be printed in that way

Mr. THAYER. I have no objection to the suggestion of the gentleman from Illinois [Mr. MANN].

Mr. McCALL. Mr. Speaker, I would ask the gentleman why it would not be better to have this printed as a House document? That would be in a form convenient for circulation. It is not in any sense a part of the proceedings of the House. That is the way outside speeches are printed in the Senate, and I would suggest the gentleman modify his request and ask that it be printed as a House document.

Mr. THAYER. I have no objection to that. I will amend my request.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] modifies his request and asks that the speech of Mr. REDFIELD be printed as a House document. Is there objection? [After a pause.] The Chair hears no objection.

EXTERMINATION OF RODENTS.

Mr. RAKER. Mr. Speaker, on March 12, 1912, the Committee of the Whole House on the state of the Union had under consideration the Agriculture bill (H. R. 18960), and at that time I made a motion to amend the bill by putting on an amendment calling for an appropriation for the extermination of ground squirrels and rodents affected by the bubonic plague. The Senate has considered the bill. I now have a full statement from the department showing the necessity of such appropriation, written for the benefit of the House, and I ask that I have unanimous consent to print the statement from the Treasury Department in regard to the matter.

Mr. MANN. I hope the gentleman will print it in the same way.

Mr. RAKER. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. RAKER]?

There was no objection.

The statement referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF ASSISTANT SECRETARY,
Washington, May 15, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR SIR: In accordance with your request, there is forwarded herewith a memorandum prepared by the Surgeon General of the Public Health and Marine-Hospital Service, relative to the necessity for the destruction of ground squirrels on Federal public lands in California, to prevent the spread of bubonic plague.

Respectfully,

R. O. BAILEY,
Assistant Secretary.

MAY 13, 1912.

Memorandum relative to the necessity for the destruction of ground squirrels on Federal public lands in California.

The present outbreak of bubonic plague in California was discovered in 1907, and during that year the infection was also found among ground squirrels in rural districts. As a result of the cooperation between the Public Health and Marine-Hospital Service and State and municipal health authorities the disease has been eradicated from cities in that State. The infection still prevails, however, among ground squirrels in rural districts.

The antiplague operations included the destruction of known foci of infection, the determination of the extent of the infection within the State, and general squirrel eradication. As a result of these efforts, there was established a squirrel-free zone around the cities of San Francisco, Oakland, Alameda, and Berkeley and vicinity, and the area of plague infection in counties of the State diminished. During the fiscal year 1911 plague infection was eradicated from 4 counties, leaving 7 counties infected out of a total of 45 counties in which antiplague operations have been conducted.

In the above operations the State and county authorities took an active part. In the fall and winter of 1910 the State board of health issued a circular letter to county boards of supervisors, calling their attention to a State law entitled "An act for the extermination of rodents," and requested their cooperation in the enforcement of the same. The medical officer representing the Public Health and Marine-Hospital Service visited the counties interested and addressed the supervisors on the importance of controlling the infection, and offered Federal aid if the boards would join in a general movement for the eradication of ground squirrels.

The county boards of supervisors adopted resolutions urging property holders to immediately take measures to destroy all rodents found upon their premises, and requested the detail of experienced Federal inspectors to assist the board in exterminating rodents. Inspectors were appointed by the county for duty in connection with the enforcement of the law and Federal inspectors were assigned to supervise the work.

The farmers generally have taken a great interest in the work, devoting much time and money in squirrel poisoning and eradication. There is record of the destruction during the fiscal year of 126,125 ground squirrels, 124,265 having been examined in the Federal plague laboratory in San Francisco and 55 found to be plague infected. The total slaughter of ground squirrels was undoubtedly very much greater than the above figures indicate, but many of the animals could not be recovered for purposes of bacteriological examination, poisoning having been largely used for the purpose of destruction.

The act of the California Legislature dated March 13, 1909, and entitled "An act for the extermination of rodents," provides that all persons owning or controlling lands in which rodents are found shall proceed in good faith to exterminate them. Private property owners have been very active in this matter, but difficulties have arisen in connection with infested Federal lands. Private owners find that it is both a waste of time and money to attempt to exterminate squirrels on lands adjoining lands of national parks and forest reserves. These possessions of the National Government are alive with rodents. During certain seasons ground squirrels migrate in large numbers from them to the ranches and farms in the lower valley. In view of this fact, the farmers in certain localities have refused to undertake to attempt to eradicate rodents on their premises until some eradicative work has also been undertaken on unoccupied portions of the public domain in that vicinity.

In April, 1911, inspectors appointed by the supervisors of Tulare County reported that the larger portion of the public lands in California was infested with ground squirrels, and stated that the farmers and ranchers could not comply with the act above mentioned on account of the fact that the Government lands adjoining private lands served for breeding places for ground squirrels, and that squirrels migrated from public lands to the private lands adjoining. This was followed later by resolutions passed by county boards of supervisors, which reiterated the above statement and requested the cooperation of the Departments of the Interior and Agriculture in the extermination of rodents on lands under their respective jurisdictions. Upon the receipt of the information above outlined from the officer of the Public Health and Marine-Hospital Service in charge of antiplague measures in California, the Secretary of the Treasury addressed letters to the Secretaries of Agriculture and Interior, outlining the situation and requesting their cooperation to the extent of causing the destruction of squirrels on land under their control. Letters were received from the Secretaries of both departments which stated, in effect, that instructions would be sent to the officers in charge of forest reserves and national parks to cooperate in this work, so far as authority in law and appropriations would permit.

The facilities for such work by those departments have evidently been inadequate, and provision should be made to enable them to eradicate ground squirrels in the public domain coincident with the eradicative measures on private lands adjoining.

The occurrences and continuance of plague among ground squirrels in the rural districts of California is a distinct menace, not only to the urban districts of California, but to other States and Territories in the Union. While the disease can be controlled and eradicated from cities in California and elsewhere, constant danger of reinfection from infected rural districts exists. Commendable progress has been made in lessening the area of infection in counties of California. The work must be continued by all parties, and sufficient appropriations should be provided for the Federal Government to free its own lands from infection, and to aid State and municipal authorities in eradicating the infection from the State generally. The problem is not only local, but national, and what may appear to-day to be a local infection is likely to spread and become a menace to public health and interstate commerce.

REPRINT OF BILL.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print 25,000 more copies of the bill H. R. No. 1. I am just informed that the supply is entirely exhausted.

Mr. RAKER. Mr. Speaker, will the gentleman yield to a question?

Mr. SHERWOOD. Yes.

Mr. RAKER. I have been unable to get any of these bills. I am informed they are all exhausted. Will not the gentleman modify his request and make the number of copies 50,000, so that some of us might get some of these bills to send out?

Mr. SHERWOOD. All right.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent to have 50,000 copies of House bill No. 1 printed.

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman certainly does not want the bill printed.

Mr. RUSSELL. He wants the law printed.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from California?

Mr. SHERWOOD. I do.

Mr. RAKER. I have made an inquiry and I find that they are all exhausted in the document room.

Mr. MANN. And yet 30,000 copies have already been printed.

Mr. RAKER. Yes; but they are all exhausted.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that 50,000 copies of the new pension law be printed.

Mr. MANN. Still reserving the right to object, I would like to ask the gentleman a question. As I understand, the Pension Office is getting out an application blank, and I think when the age pension bill was passed before, the application blank was printed on one side and the law on the other side.

Mr. RUSSELL. It is so done now. I have seen the blanks. I have got some of the blanks.

Mr. MANN. Now, it seems to me that it is desirable to have the application blanks printed in connection with the law. If that can be done I shall not make objection to the request of the gentleman from Ohio.

Mr. RUSSELL. The blanks are already printed or being printed.

Mr. MANN. Are they being printed in such numbers as the gentleman wants?

Mr. LANGLEY. I think they should be apportioned among the Members so that each Member may have his pro rata share.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I would like to know where these 30,000 copies that are spoken of have gone. I have not got any.

Mr. LANGLEY. Nor I.

Mr. MANN. Then you are not active. You could get them by going after them in time.

Mr. RAKER. I want to say to the gentleman that the first ones at the document room gets those.

Mr. LANGLEY. I suggest to the gentleman from Ohio that they be apportioned pro rata among the Members.

Mr. SHERWOOD. But a hundred Members do not want any.

Mr. LANGLEY. Then let them turn them over to those who do want them.

Mr. MANN. We can afford to print as many as are desired.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that 50,000 copies of the pension law founded upon bill No. 1 of the House be printed.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I object, unless it is provided that they shall be distributed pro rata.

Mr. HAMLIN. And deposited in the folding room and distributed from there.

Mr. MICHAEL E. DRISCOLL. Yes; distributed pro rata through the folding room.

Mr. SHERWOOD. The difficulty about that is that a hundred Members do not want any.

Mr. MICHAEL E. DRISCOLL. The people who want them should not be allowed to go and grab them up in the first instance and get them all, as they have done in the case of the 30,000 which were printed heretofore.

Mr. MANN. Let me suggest to the gentleman from New York that this is a very short law and very likely, on being sent out, the copies would not be sent out in large envelopes through the folding room as conveniently as through the Members in a small envelope under a frank. It is a great deal easier to send them out under a Member's frank in an envelope than under a frank slip through the folding room.

Mr. HAMLIN. But if they are in the folding room Members can send there and get them.

Mr. MANN. As soon as the application blank is available with the law printed on the back Members will not want the law by itself, but they will want the application blank with the law printed on the other side.

Mr. MICHAEL E. DRISCOLL. They ought to be distributed through the folding room, so that we can all get our share of them.

Mr. RAKER. Mr. Speaker, will the gentleman from Ohio yield?

Mr. SHERWOOD. Yes.

Mr. RAKER. Could not the gentleman make the request that 50,000 copies of this law be printed upon the back of the application that has already been approved by the Pension Bureau?

Mr. SHERWOOD. They have already been printed.

Mr. RAKER. If you print your 50,000 blanks and print the law on the back, you will not have to print the law separately. You save printing 50,000 copies of the law. You might just as well print the blanks and have the law on the back and have it all done at once.

Mr. LANGLEY. That will save our going to the Pension Office.

Mr. RAKER. It will save sending out two documents. It will be cheaper for the Government, more convenient for us, and handier for the pensioner to have the law right before him.

Mr. EDWARDS. What is the estimated cost per thousand of printing these laws?

Mr. SHERWOOD. We have no estimate.

Mr. LANGLEY. It is merely nominal.

Mr. SHERWOOD. I have been requested by at least 20 Members to have 50,000 copies printed, and these requests have been made in the last 24 hours. I have no estimates.

Mr. LANGLEY. It will cost only a few dollars.

Mr. SHERWOOD. It will cost only a very small amount.

Mr. EDWARDS. I understand the cost is nominal.

The SPEAKER. Does the gentleman modify his request about printing the law on one side and the blanks on the other?

Mr. SHERWOOD. If they have not been printed already.

Mr. RUSSELL. They have been printed, and the law is being printed on them now.

The SPEAKER. Is that the way it is being done now?

Mr. RUSSELL. Yes.

The SPEAKER. Why not go on in that way, then?

Mr. RUSSELL. They are printing them, anyhow; but I think there ought to be some copies of the law, besides. Some people want copies of the law who may not be entitled to the blanks. (Public, No. 155.)

The SPEAKER. The gentleman from Ohio asks unanimous consent to print 50,000 copies of the pension law which was based on House bill No. 1. Is there objection?

There was no objection.

LEAVE TO PRINT SPEECHES.

The SPEAKER. Until the Chair can communicate with the Committee on Printing the Chair will ask gentlemen who have leave to print speeches, or who get permission to have somebody else's speeches printed in the RECORD, to act on the suggestion of the gentleman from Illinois [Mr. MANN], which is eminently proper, and mark the speeches as they go to the Printing Office, "Print this at the end of the proceedings." The gentleman from Illinois is right in the suggestion that to print the speeches in the body of the proceedings has a tendency to confusion. Members do not want to read these speeches when they are hunting for something in particular.

FRIAR LANDS IN THE PHILIPPINE ISLANDS.

This being Calendar Wednesday, the Speaker laid before the House the unfinished business coming over from last Wednesday, being the bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Mr. JONES. Mr. Speaker, I would like to ask what is the parliamentary status of the two amendments which were offered, or rather which were read to be offered. If those amendments are pending, I would like to be heard in opposition to them. I understand that one of them is to be withdrawn, if it is considered as pending, but I wish to know whether they are before the House or have simply been read for the information of the House.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. OLMSTED] is pending. The amendment or substitute of the gentleman from Colorado [Mr. MARTIN] was simply read for information as a part of his remarks, with the statement that he intended to offer it, but the gentleman from Colorado [Mr. MARTIN] has notified the Chair that he is going to withdraw his amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I wish to say to the Chair and to the gentleman from Virginia [Mr. JONES] that I think I shall withdraw my substitute, owing to the fact that it goes to the public-land section of the organic law as well as the friar lands; but I want to say now to the gentleman from Virginia that it is my intention to make a motion to recommit the bill with instructions to strike out the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] which was incorporated in it on last Wednesday. I shall do that, if I get recognition, in lieu of offering the substitute which I had read last Wednesday.

Mr. JONES. Mr. Speaker, upon an examination of the RECORD I am somewhat in doubt as to just what the amendment is that the Chair stated to be pending. I thought perhaps the gentleman from Pennsylvania [Mr. OLMSTED] might desire to change or modify it in some respects.

The SPEAKER. Is the gentleman rising to a parliamentary inquiry?

Mr. JONES. I suppose it is in the nature of a parliamentary inquiry. The RECORD states, on page 6411, that the Clerk read the amendment in these words:

Amend, page 2, line 21, by inserting, after the word "holdings," the following:

"*And provided further*, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided."

And that the gentleman from South Dakota [Mr. MARTIN] rose and said:

The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

Now, as amended by adding the words "this act as hereby amended," the last line of the amendment would read:

Subject to the limitations and restrictions herein provided this act as hereby amended.

The amendment as thus amended is absolutely meaningless.

Mr. OLMSTED. If the gentleman from Virginia will permit, the amendment as actually offered by me appears on page 6076. It is true, however, referring back to page 6072, that I had agreed to modify it somewhat at the suggestion of certain gentlemen, and now if there be no objection, I will modify the amendment as printed on page 6076 by striking out the words "herein provided" and add in lieu thereof the words "in this act as hereby amended."

Mr. JONES. If the gentleman from Pennsylvania asks unanimous consent to make that modification, I shall have to object.

Mr. OLMSTED. I am quite content with the amendment as it is.

Mr. JONES. My reason for offering the objection is this——

The SPEAKER. The gentleman does not have to give any reason for his objection.

Mr. OLMSTED. I will withdraw the request, Mr. Speaker.

Mr. MORSE of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORSE of Wisconsin. I sent an amendment to the Clerk's desk during the consideration of this bill and supposed that it was pending, and I would like to ask whether or not the amendment is pending?

The SPEAKER. It is not.

Mr. MORSE of Wisconsin. I ask unanimous consent to offer the amendment now and have it pending.

Mr. OLMSTED. I have no objection to the gentleman offering an amendment, but I would like to have mine disposed of first.

Mr. MANN. The gentleman from Wisconsin will have the right to offer an amendment after the other amendment is disposed of.

The SPEAKER. Of course, and the Chair will recognize him.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. I desire to have the Speaker refer to my substitute, found on page 6083 of the RECORD, and state the parliamentary status of that substitute. There has been some question raised as to whether the substitute is actually pending.

The SPEAKER. The Journal Clerk informs the Chair that the Journal shows that that amendment is pending and that a point of order was reserved against it.

Mr. MARTIN of Colorado. That is my judgment of it.

The SPEAKER. The Chair will so hold if the Journal shows it. The RECORD also shows the fact.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the amendment offered by me be again reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert the following: "*And provided further*, That every citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations and restrictions herein provided."

Mr. JONES. Mr. Speaker, I desire to call attention to the fact that the Clerk has not read all of the amendment. The gentleman from Pennsylvania accepted as an addition to that amendment these words, "In this act as hereby amended," and the Speaker declared that inasmuch as there was no objection the change would be made. That is found on page 6072. I desire that the amendment as it is now before the House shall be read.

Mr. OLMSTED. Mr. Speaker, I asked, as is found on page 6072 of the RECORD, to have the amendment read for information. I did not offer it at all, but I did agree that I would be willing to accept the change suggested; but when I offered the amendment I offered it as it now appears on page 6076 and in the exact form in which it there appears.

The SPEAKER. What is the point that the gentleman from Virginia makes?

Mr. JONES. Mr. Speaker, the point I make is this, that the gentleman from Pennsylvania [Mr. OLMSTED] offered an amendment in the precise language as read by the Clerk. The RECORD is very clear upon the subject. A suggestion was made that that amendment should be amended. The Chair will find on page 6072 of the RECORD what took place, and the amendment as modified by the suggestion of the gentleman——

The SPEAKER. Where is the gentleman reading?

Mr. JONES. Mr. Speaker, I am reading from the last column on page 6072 of the RECORD of May 8, 1912. I will read what took place:

The SPEAKER pro tempore (Mr. RUCKER in the chair). The Clerk will report the amendment.

The Clerk read as follows:

"Page 2, line 21, after the word 'holdings,' insert:

"'*And provided further*, That in the sale of lands by the Philippine Government there shall be no restriction, limitation, or discrimination against any citizen of the United States.'"

Mr. OLMSTED. Without objection, I would change that amendment to an amendment in the form of the one which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

"Amend, page 2, line 21, by inserting after the word 'holdings' the following:

"'*And provided further*, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided.'"

Mr. JONES. I understand what the object is, but your amendment says that any citizen of the United States shall be permitted to buy any of the public lands of the Philippine Islands, and that would include the so-called public lands subject to the limitations and restrictions of this act.

Mr. OLMSTED. Yes.

Mr. JONES. It occurred to me that it possibly might mean subject to the restrictions and limitations of this bill, but you refer to the act which this bill would amend?

Mr. OLMSTED. Surely. And the act as it would be amended by this bill.

Mr. MARTIN of South Dakota. The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

The SPEAKER. The Chair will suggest that a simple way out of this snarl is for the gentleman from Pennsylvania [Mr. OLMSTED] to withdraw his amendment, which he has an absolute right to do, and then to offer the amendment in the shape he wants it.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman from Pennsylvania that it seems to me the simplest way would be for him to offer a substitute for his own amendment.

Mr. OLMSTED. Mr. Speaker, I was just preparing a substitute, which I desire to offer.

The SPEAKER. The gentleman from Pennsylvania offers a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Substitute: Page 2, line 21, after the word "holdings," insert the words:

"*And provided further*, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations of this act, as hereby amended."

Mr. JONES. Mr. Speaker, I make the point of order that the substitute is not germane to the bill before the House.

Mr. OLMSTED. I supposed that was the point which the gentleman was trying to make. Mr. Speaker, the amendment I did offer was made without any point of order being made against it, and this being a substitute, the substitute is germane to the amendment and therefore is in order.

The SPEAKER. The point of order of the gentleman from Virginia is overruled.

Mr. JONES. Mr. Speaker, I desire to be heard for a moment on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. JONES. Mr. Speaker, I wish to say in the first place that when this amendment was offered it was my understanding, and I think it was the understanding of the House, that it was simply read for the information of the House, as was the amendment offered by the gentleman from Colorado [Mr. MARTIN]. If that had not been my impression at that time, I would most assuredly have made the point of order that the amendment was not germane. It was because I regarded the amendment as simply read for the information of the House and that it was not before the House that I did not make the point of order.

In support of my contention, I wish to say that if this amendment had been before this House for its action the only business which the House could have transacted would have been its disposition. No effort was made to dispose of the amendment at all. The Chair recognized different gentlemen, the gentleman from Colorado [Mr. MARTIN] among others, the Chair stating specifically that he recognized the gentleman from Colorado [Mr. MARTIN] to speak upon the merits of the bill, and not upon the amendment. Mr. Speaker, under these circumstances I did not at that time make the point that this amendment was not germane.

Another point, Mr. Speaker, to which I desire to call attention is this. If I understand the rules of the House, amendments are not in order in the House until bills are read a second time.

This bill, as I understand it, has not been read a second time for amendment, and therefore——

The SPEAKER. The rule of the House is this: That under the situation that this bill is in a Member can offer an amendment to any part of it at any time that he can get recognition from the Chair, and the House can either vote on the amendment then or take time to discuss it. When the gentleman from Colorado [Mr. MARTIN] arose to address the Chair, the Chair does not remember whether he asked to make a speech on the bill or on the amendment; but it does not make a particle of difference.

Mr. MANN. Mr. Speaker, let me call the attention of the Chair to what the Chair did do at that time. On page 6076, middle of the page, first column, the gentleman from Pennsylvania [Mr. OLMSTED] said:

Mr. Speaker, I now offer again and desire to be heard on the amendment which was read some time ago and which is considered pending.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Then the Clerk read the amendment. At the bottom of the page the gentleman from Pennsylvania took the floor, and my colleague from Illinois [Mr. FOWLER] made the point of order that the gentleman from Pennsylvania was not entitled to the floor. The Speaker decided:

But the gentleman from Pennsylvania [Mr. OLMSTED] has offered an amendment, and he has the right to an hour on the amendment.

Mr. JONES. Will the gentleman let me ask him this question?

Mr. MANN. Certainly.

Mr. JONES. The gentleman read until he reached the amendment, but he did not read the amendment. Now, I want to ask him to read the amendment and to say whether or not it is the amendment which was before the House. I submit it is not the amendment which was before the House; that it is another amendment.

Mr. MANN. That may be, but that is pending and has not been disposed of.

Mr. JONES. The gentleman's amendment which you have before you is not the amendment——

Mr. MANN. Oh, well, whether it is correctly printed in the RECORD or not does not matter.

Mr. JONES. It is not a question of whether it is correctly printed in the RECORD, but it is not the amendment at all.

Mr. MANN. An amendment was offered by the gentleman from Pennsylvania, and he was recognized by the Speaker for an hour on that amendment. Now, whether the amendment is correctly printed in the RECORD or not does not make any difference. The Clerk at the desk has the amendment and the amendment has not been disposed of.

The SPEAKER. The parliamentary situation is that the gentleman from Virginia [Mr. JONES] did not raise any point of order against it. Nobody else raised a point of order. Now it is too late, in the opinion of the Chair, unless the gentleman from Virginia wants to be heard still further, to raise the point of order against this substitute, because it has been decided time and time again that if a proposition, which would have been subject to a point of order as not germane, is left in a bill or left pending without any point of order being made against it, it is subject to any amendment germane to the proposition itself even though such amendment to the amendment would not have been germane to the bill itself or to any part thereof. Of course the same rule applies to a substitute.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it. The point of order of the gentleman from Virginia is overruled.

Mr. MARTIN of Colorado. Mr. Speaker, in order to make the ruling of the Speaker perfectly clear, and particularly with reference to its effect on other pending amendments, I shall ask a question and ask the Chair to consider for a moment before answering the question in order to make a brief statement. I want to ask whether the Chair permitted the gentleman from Pennsylvania to offer his substitute as germane to the pending bill or as a substitute to the pending amendment to which the point of order was not raised? Now, in explanation of that question I will say to the Chair that the gentleman from Pennsylvania is in the inconsistent position of having raised the point of order against my substitute upon the ground it was not germane to the pending bill.

Mr. MANN. He did not offer it——

Mr. MARTIN of Colorado. And yet the gentleman offers a substitute which goes to identically the same subject matter; that is to say, to the public lands, so called, in the Philippine Islands. Section 15 of the organic law of the Philippine Islands related only to the public domain acquired from Spain. Section 65 relates to the friar lands. The gentleman has offered a substitute for his amendment which is not confined merely to the friar lands, but goes as well to the public domain, authorizing citizens of the United States to acquire not only friar lands, but public lands. Now, my substitute goes to the same lands, but instead of authorizing their acquisition, as his does, my substitute forbids their acquisition, so the principle involved would be identically the same. Now, it was for that reason I asked the Chair the question, whether he is permitting the substitute of the gentleman on the ground that it is germane to the bill or on the ground that it is germane to a nongermane amendment against which the point of order was not raised at the time.

The SPEAKER. If the Chair permits it at all, he is permitting it on the latter ground stated by the gentleman—that the original amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] was permitted to get into the position of advantage by nobody raising the point. The Chair is not deciding, and he is not required to decide, and he is not going to decide, under the circumstances, whether or not a point of order would have been good against the original amendment offered by the gentleman from Pennsylvania, because the proceedings have passed that stage.

Mr. MARTIN of Colorado. So, then, the point of order raised against my substitute is not necessarily determined by the ruling of the Chair upon the substitute of the gentleman from Pennsylvania?

The SPEAKER. The Chair did not understand the gentleman.

Mr. MARTIN of Colorado. I say the point of order raised against my substitute is not necessarily determined by the ruling of the Chair on the substitute of the gentleman from Pennsylvania [Mr. OLMSTED]?

Mr. MANN. You never offered a substitute.

Mr. MARTIN of Colorado. The Chair has decided that the Journal and RECORD show that my substitute is pending. I do not know whether I make myself clear to the Chair, although it is clear to me. The Chair has permitted the gentleman from Pennsylvania [Mr. OLMSTED] to offer his substitute for the amendment which he already had pending, against which the point of order could have been but was not raised.

The SPEAKER. The Chair has simply ruled——

Mr. MARTIN of Colorado. Now, I want to know whether that goes to the point of order raised against my substitute.

The SPEAKER. The Chair simply decided that the substitute of the gentleman from Pennsylvania for his own amendment could not be ruled out at this stage of the proceedings by the point of order made by the gentleman from Virginia [Mr. JONES] that the substitute is not germane to the bill.

Mr. MARTIN of Colorado. I understand that.

The SPEAKER. That is all the Chair decided. If the gentleman from Colorado [Mr. MARTIN] has any other point of order to make, the Chair will hear that.

Mr. MARTIN of Colorado. I understand now that the fate of my substitute is still undetermined?

Mr. JONES. That is unquestionably true, Mr. Speaker, unless the gentleman has withdrawn it. The Chair has not passed on it.

The SPEAKER. The Chair will ask the gentleman from Colorado a question, in order to get this matter straightened out. Was the substitute of the gentleman from Colorado simply a substitute for a particular section or was it offered as a substitute for the entire bill?

Mr. MARTIN of Colorado. It was offered as a substitute for the entire bill.

The SPEAKER. And the point of order was reserved?

Mr. MARTIN of Colorado. Yes, sir. The point of order was that my substitute was not germane to the subject matter of the bill.

The SPEAKER. The Chair is of the opinion that the House passing on that substitute of the gentleman from Pennsylvania for his own amendment in no way affects the status of the substitute of the gentleman from Colorado [Mr. MARTIN] for the whole bill.

Mr. OLMSTED. Yes, sir.

Mr. MARTIN of Colorado. That is what I wanted to make clear. This is the situation it raises, namely, that the gentleman from Pennsylvania [Mr. OLMSTED] offered a nongermane amendment——

The SPEAKER. Yes; and the House slept on its rights and let it become a matter to be considered. The amendment he now offers is germane to his amendment which he offered without any point of order being made against it.

Mr. JONES. Mr. Speaker, I desire to be heard on the merits of the amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is entitled to the floor if he wants it.

Mr. JONES. I may say to the Chair that the gentleman from Pennsylvania [Mr. OLMSTED] discussed this amendment for an hour and then yielded the floor.

The SPEAKER. The gentleman from Pennsylvania discussed his original amendment for an hour and then sat down without making any motion whatever about this bill, and therefore it swung back to the gentleman from Virginia [Mr. JONES]. But it is a new amendment to the amendment. It is his proposition, and he has a right to be heard on it first if he desires to be heard.

Mr. OLMSTED. Upon which, Mr. Speaker, I desire to be heard very briefly.

The amendment which I originally offered, or rather had read for information, as printed on page 6411, was perfectly plain to me, but the gentleman from Virginia [Mr. JONES] and some other gentleman thought it possible that it would not carry with it the restrictions in the act of 1902 as amended by this bill. So, to meet their desire, I proposed to change it so that instead of saying "as herein provided," it shall read, "the limitations and restrictions of this act as hereby amended," thus complying with their request; but when the amendment was finally offered, on page 6416 in the RECORD, it was read in its original form, and when this morning I asked unanimous consent to change it, the gentleman from Virginia [Mr. JONES] objected for the purpose of raising a fine point, which did not prevail.

Now, the total object of this amendment which I have just offered—this substitute—is to comply with their request and to make it perfectly plain that if any citizen of the United States buys land under this authority, he buys it subject to all the restrictions of the act of 1902, as amended by the pending bill.

The object of the amendment is that citizens of the United States shall not be excluded, if they want to buy 40 acres of land in the Philippines. It seems to me that no man can stand up and with any reason oppose such an amendment as that. I think it is the law now, but the gentleman from Virginia and some other gentlemen think that no citizen of the United States can buy land in the Philippines. If so, it is an outrageous position—an outrageous position for us to be placed in—and that situation ought to be changed; the sole object of this amendment is to change it. We are limiting here the amount to be purchased to 40 acres. What reason can any man give why a citizen of the United States can not buy 40 acres of land, if he has the money to pay for it, anywhere under the flag?

That is all I desire to say, Mr. Speaker, and I yield the balance of my time to the gentleman from Indiana [Mr. CRUMPACKER], if he desires to take it.

Mr. CRUMPACKER. I do not desire to speak on the amendment, but I desire to speak on the bill.

Mr. OLMSTED. Then, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. Mr. Speaker, in order that the House may clearly understand just what this amendment seeks to accomplish, I wish to state that the bill before the House simply proposes to amend section 65 of the organic act of the Philippine Islands. Section 65 does not contain a single word relating to the character of the persons who can acquire public lands or friar lands from the Philippine Government.

This amendment, to which a substitute is offered, would have been ruled out by the Chair without any question had the point been made that it was not germane to the matter embraced in this bill, and it is the consciousness of that fact which prevented the gentleman from Pennsylvania [Mr. OLMSTED] from withdrawing it and offering the amendment which is embodied in the substitute. The substitute is, in other words, merely a subterfuge for the purpose of getting before this House a proposition that is in no sense connected with or germane to the matter embraced in the bill before the House.

The fifteenth section of the organic act provides that the public lands of the Philippine Islands can only be sold—mark the words—"to actual occupants, settlers, and other citizens of the Philippine Islands." The gentleman from Pennsylvania [Mr. OLMSTED] admits, as the gentleman from Illinois [Mr. MANN] said on Wednesday last in offering this amendment, that the law now is that these lands can not be sold to others than actual occupants, settlers, and other citizens of the Philippine Islands; and therefore the object of the gentleman is not to change the law, or any line of the law, embraced in section 65, but to amend section 15 of the organic act, which prohibits the sale of any public lands to citizens of the United States.

The gentleman from Pennsylvania says that he desires merely to make plain the language of section 15; that he thinks it is already plain, but that I do not take the same view of it that he does, and therefore he wants to make it plain.

Mr. Speaker, the language of this law is so plain that, in my judgment, no intelligent man who wants to construe it fairly and honestly can possibly be mistaken as to its meaning. It says that the public lands can only be sold to actual occupants, settlers, and other citizens of the islands. To show that this language was not inadvertently used, to make it perfectly plain that the committee, of which the gentleman from Pennsylvania [Mr. OLMSTED] was a member when the organic law was before this House, as well as the Senate committee having the bill in charge, and the conferees on the bill understood perfectly the meaning of this language, I call attention to the fact that there is another section of this law which relates to mineral and coal lands. That section provides that mineral and coal lands may be purchased by citizens of the Philippines and by citizens of the United States; but no citizen of any foreign country can buy an acre of mineral or coal lands in the Philippine Islands. It was the purpose of the Committee on Insular Affairs, it was the purpose of Congress in enacting this law, that the agricultural lands should be held exclusively for occupancy by Filipinos; but when the committee came to deal with the mineral and coal lands it did not propose to exclude citizens of the United States, and so the law provides that citizens of the United States, as well as citizens of the Philippine Islands, may purchase the mineral and coal lands.

Mr. MANN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MANN. Is it the opinion of the gentleman that under the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED], if adopted, Filipino citizens taking these lands will have to be occupants in order to buy, but that American citizens could buy without regard to occupancy?

Mr. JONES. I suppose that to be the meaning and intent of the amendment offered by the gentleman from Pennsylvania. However, the gentleman who offered it has not informed me as to what he believes will be its effect.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. BUTLER. I recall the amendment that was offered by the gentleman from Pennsylvania [Mr. OLMSTED] and adopted by the House a week ago, under which, it seems to me, the subject of the sale of lands in the Philippine Islands will be largely regulated by the Philippine Legislature hereafter. Am I right in that?

Mr. JONES. The gentleman is right as to the 125,000 acres of friar lands; but, if the gentleman will pardon me, this amendment undertakes not to amend the bill which is pending before the House, but an entirely different section of the organic law; it undertakes to amend the fifteenth section and to permit any citizen of the United States to buy any of the public agricultural lands.

Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] seems to think that it is most remarkable that I should want to prevent citizens of the United States from purchasing the agricultural public lands of the Philippine Islands. I call the gentleman's attention to the fact—and I have refreshed my memory by reading every word that took place when these sections were before the House 10 years ago—that those who participated in the debate which then took place laid particular stress upon the fact the friar lands were purchased in order to provide homesteads for Filipinos, and that the purpose in limiting the disposition of the public lands was to effectually prevent their ownership and exploitation by aliens. At that time I offered an amendment to section 16 of the bill which, if adopted, would have prevented corporations from acquiring an acre of the friar lands and would have limited individuals to the acquisition of not more than 160 acres. Both the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Indiana [Mr. CRUMPACKER] voted against my amendment.

Mr. MANN. Will the gentleman yield?

Mr. JONES. I will.

Mr. MANN. Under the existing law if a citizen of the United States goes to the Philippine Islands in any capacity and desires to remain there and cultivate the soil, can he acquire any portion of these lands by purchase?

Mr. JONES. A citizen of the United States?

Mr. MANN. Yes.

Mr. JONES. Under the law as it now stands I do not believe he legally can, but I will say to the gentleman that the Philippine Commission, or rather the interior department of the Philippine Islands, under which these lands are administered, has never paid the slightest regard to the language under discussion. No discrimination has ever been made against citizens of the United States in the sale of public lands in the Philippines.

Mr. MANN. Not merely the friar lands?

Mr. JONES. I am speaking of the public lands.

Mr. MANN. Have citizens of the United States been able to acquire land in 40-acre tracts?

Mr. JONES. I think so. I know citizens of the United States have bought friar lands, and I am quite certain that they have acquired parts of the public lands. But this I know to be the case, that the Philippine authorities have held that they had a right to sell either the public lands or the friar lands to any citizen of the United States, and that the language which I have read did not preclude their doing so. There has been no investigation as to this particular subject. The congressional investigation which took place in the last Congress related solely to the disposition of friar lands in large quantities.

Mr. MANN. That was a question in reference to friar lands.

Mr. JONES. There is nothing before the House relating to the public lands.

Mr. MANN. There is now.

Mr. JONES. Yes; there is since the gentleman from Illinois suggested to the gentleman from Pennsylvania a method by which he might get it before the House.

Mr. MANN. I always give parliamentary advice to my side of the House.

Mr. JONES. The proposition embodied in the amendment, however, is not germane to the bill which the House is considering. It got before the House by a parliamentary device.

The gentleman from Pennsylvania [Mr. OLMSTED] says that my contention is that citizens of the United States can not purchase public lands in the Philippines. He is correct in this statement, but he also knows that every member of the minority of the Committee on Insular Affairs of the Sixty-first Congress, with possibly two exceptions, took exactly the same ground that I now take. He also knows that three members of the majority, namely, Messrs. Madison, of Kansas, HUBBARD, of Iowa, and DAVIS, of Minnesota, took precisely the same position.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MARTIN of Colorado. I want to make a partial answer to the question of the gentleman from Illinois with reference to the sale of public lands other than those of the Philippine Islands. On page 204 of the hearings is a list of sales of public lands to others than citizens of the Philippine Islands; and I will say that they were not only citizens of the United

States, but they were officials of the Philippine Government and were officials in the land department of the Philippine Government. On page 205 is a long list of leases of public lands, leased for a period of 50 years at the minimum rental allowed by law to citizens of the United States and to corporations organized by citizens of the United States, and that the majority of the officials were citizens of the Philippine Islands, including officials in the land department, the assistant director of public lands, and that these corporations were organized to develop and lease these public lands.

Mr. JONES. Mr. Speaker, I am very much obliged to the gentleman from Colorado for having furnished the specific information asked for by the gentleman from Illinois [Mr. MANN]. I was quite sure that citizens of the United States had actually purchased public lands, but my memory was not sufficiently clear to enable me to make the positive statement.

Mr. MARTIN of South Dakota. Mr. Speaker, do I understand the gentleman from Virginia to say that the Philippine Commission has interpreted section 15 of the organic act as not preventing a sale of parts of the public domain to people other than citizens of the Philippine Islands?

Mr. JONES. I am saying that identical thing.

Mr. MARTIN of South Dakota. Then, if the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] should be adopted, it would practically be a legislative indorsement of that interpretation.

Mr. JONES. That is precisely what it will be, and that, in my humble judgment, is the object which the gentleman from Pennsylvania has in view. The gentleman says that he does not agree with me, but his action in pressing this amendment shows to my mind that he thinks there is a good deal more in my contention than he is willing to admit; and the object of this substitute is not only to confirm every illegal act of the Secretary of the Interior and the director of public lands in the Philippine Islands, so far as they relate to sales of lands to citizens of the United States, but it will, if adopted, permit the sale of every acre of the public lands in the Philippines, which are the God-given inheritance of the Philippine people, to citizens of the United States.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. MORSE of Wisconsin. Then I do not understand how the gentleman connects the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] with the other section of the bill. It specifically refers to this section 65, which is the friar-land section.

Mr. JONES. Yes; but it relates to all Government-owned lands. Had it been confined in terms to the friar lands there would have been no question as to its being germane.

Mr. MORSE of Wisconsin. I understand that part of it. It seems to me that what he is seeking to amend is section 65.

Mr. JONES. The gentleman from Pennsylvania [Mr. OLMSTED] will be frank enough to tell the gentleman that he is seeking by his amendment to repeal the language of section 15, which confines the sales of public lands to actual occupants, settlers, and other citizens of the Philippines. Has the gentleman the amendment before him?

Mr. MORSE of Wisconsin. I have not.

Mr. JONES. Then I shall read it to the gentleman. The amendment says, following the last word in the bill:

And provided further, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government subject to the limitations and restrictions herein provided.

It will be seen that the language is "lands," not "friar lands."

Mr. MORSE of Wisconsin. Of course the limitations herein provided are 40 acres.

Mr. JONES. That is the construction which I have always placed upon the present law, and I think the gentleman agrees with me.

Mr. MORSE of Wisconsin. Then under the amendment offered by the gentleman from Pennsylvania no American citizen would be permitted to purchase more than 40 acres of any land.

Mr. JONES. This may be true as to the public lands.

Mr. MORSE of Wisconsin. Then where is the danger in it if that is true? If no American citizen can purchase more than 40 acres, what is the danger?

Mr. JONES. The gentleman is discussing the merits of the proposition. In the first place, I do not believe that we ought to change existing law in the Philippine Islands in this way. This bill was introduced for the purpose of construing one section of the law, and I do not think an attempt ought to be made, even if it can be done under the rules, to change one of the most important provisions of another and a different section which is not before the House except in so far as this amendment brings it before it. This provision of the organic law, or, rather, the whole act, was under consideration for five or six days.

Mr. COOPER. It was considered for one week.

Mr. JONES. And these sections were discussed at great length.

They were also discussed in the Senate at great length, and the conference committee had charge of the bill for a number of days, and it made a great many important changes in the law. It can not, therefore, be contended that the language which confines the sale of public lands to citizens of the Philippines was placed in the law without due consideration. Its meaning is certainly too clear and obvious to permit of any discussion. If this were not true, we would not now be considering this amendment.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. OLMSTED. Mr. Speaker, I desire to ask whether in the discussion of the organic act in 1902, at the time of its passage, there was any discussion of the proposition that citizens of the United States should not acquire land in the Philippine Islands?

Mr. JONES. Not one word was said on the subject. The language was so plain that nobody asked its meaning. There was no mistaking that the purpose was to confine the sale of agricultural lands to citizens of the Philippine Islands, but to permit citizens of the United States to purchase mineral and coal lands if they desired to do so.

Mr. OLMSTED. One more question. Is the gentleman opposed to allowing a citizen of the United States to buy 40 acres of land in the Philippines?

Mr. JONES. I am opposed to it. I think the policy of prohibiting the sale of the agricultural lands of the Philippines to aliens is a wise one. But if we permitted aliens to purchase 40 acres they might, and doubtless would, through the agency of dummies, secure a great deal more.

Mr. OLMSTED. The act prohibits that for five years.

Mr. JONES. For a certain length of time it does, but after the expiration of that period the lands can be alienated.

Mr. MORSE of Wisconsin. Right at that point, will the gentleman then not accept the amendment which I offer and which will prevent that very thing?

Mr. JONES. I will say to my friend that if I believed his amendment was constitutional, and if I believed it was wise to adopt so radical a policy as he proposes, I would not oppose it. I am as much opposed as is the gentleman to the exploitation of the Philippines, but I can not believe that we ought to undertake to limit the quantity of land which one individual may acquire from another individual. I am not willing to force a policy of this kind upon the Filipinos when I would oppose the same thing if attempted in the United States. The Government can and should dispose of the public lands in small bodies, but it would be very unwise to say that no citizen shall own more than a limited quantity of land. That would discourage thrift and enterprise.

Mr. JACKSON. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Kansas [Mr. JACKSON]?

Mr. JONES. I will.

Mr. JACKSON. If the gentleman is correct in his view that the substitute of the gentleman from Pennsylvania will ratify and confirm all the sales made to citizens of the United States, does not he also think that the gentleman's bill will ratify the sale of the San Jose estate?

Mr. JONES. No; that does not follow at all.

Mr. JACKSON. Where is the difference?

Mr. JONES. The bill before the House simply says that hereafter there shall be no sales of friar lands in excess of the limitations fixed in section 15. That is all. The gentleman from Colorado [Mr. MARTIN] would like to see an amendment adopted which would declare all sales made in excess of the limitations fixed in section 15 adopted, but he will not press that amendment simply because he knows it is not germane to this bill.

It is thoroughly understood that unless this bill passes the remainder of the friar lands will be disposed of without limitation as to quantity. The Secretary of War and even the President have given us so to understand. Hence the urgent necessity for the passage of this bill.

Mr. JACKSON. If the gentleman will permit, just a moment. I am inclined to agree with the gentleman in his statement, but it does seem to me, according to what the gentleman has said, that the substitute of the amendment of the gentleman from Colorado should be adopted.

Mr. JONES. The gentleman from Colorado is going to withdraw his amendment. There are a great many changes that I would like to see made in the organic law, but that is no reason why this change should not be made now. We can not accomplish everything at once. This bill was only designed to accomplish one thing, and gentlemen who favor it should not insist that it does not cover many other provisions of the organic law that they would like to see changed. There are a great many reforms which I would like to see adopted. The Committee on Insular Affairs has reported a bill which is now on the calendar which makes very radical changes in the government of the Philippine Islands.

Mr. JACKSON. Why not report that bill?

Mr. JONES. That has been reported, and it would have been called up on last Wednesday if the gentleman had not united with others who engaged in a filibuster to prevent its consideration.

Mr. JACKSON. I think the gentleman is mistaken about anybody filibustering.

Mr. JONES. I am not, because the gentleman who led the filibuster frankly admitted his purpose to me. Had I agreed not to call up the Philippine independence bill, much of the opposition to this bill would have disappeared.

Mr. JACKSON. That would not make this bill any better, would it?

Mr. JONES. Those who oppose this bill, as well as those who advocate it, agree that Congress ought by affirmative action declare its policy as to the disposition of the friar lands. However much we differ as to what that policy should be, we all agree that the intention of Congress should be made clear and definite, and that is all this bill seeks to accomplish.

Mr. JACKSON. It must be plain to the gentleman, from what he has already said to the gentleman from Pennsylvania [Mr. OLMSTED], that if we now pass an act which, as the gentleman says, is meant to interpret the act which has already been passed, that we greatly injure every chance the Philippine Government has to recover this San Jose estate.

Mr. JONES. The gentleman is entirely mistaken. He is too good a lawyer to hold that if we put a stop to the sales of friar lands in large quantities in the future we thereby in some way make it more difficult to have those which have illegally been made declared void. I can not appreciate the force of an argument such as this.

Mr. JACKSON. Why not write something in your bill to right the wrong.

Mr. JONES. This bill does not undertake, as I have already said, to right all the wrongs that have been committed in the Philippine Islands. The wrongs of which the gentleman complains will, in my judgment, have to be righted in the courts. But however this may be, I for one am anxious to pass this bill and thus put a stop to the sales of these lands.

Mr. OLMSTED. The gentleman from Virginia [Mr. JONES] has stated that there are reports of Mr. DAVIS and Mr. Madison covering his opposition in this matter. I wish to read three lines from that report:

> We believe that the amount that can be secured as a homestead should be increased to 100 acres, and that citizens of the United States not in the Philippine service should be qualified entrymen.

Mr. JONES. Does that change my statement? I did not say that Judge Madison thought the limit should not be increased. I said that he declared that the law as it stands to-day forbids the sale of public lands to citizens of the United States. If the gentleman has the Madison report before him he knows what I say is absolutely correct.

Mr. COOPER rose.

The SPEAKER. Does the gentleman from Virginia [Mr. JONES] yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. JONES. I will, but I want to reserve most of my time.

Mr. COOPER. I want to say a word right there in the way of an interruption.

Mr. JONES. Will not the gentleman speak in his own time?

Mr. COOPER. I was going to ask this question first: When Judge Madison said that the homestead area in the Philippine Islands ought to be increased to 100 acres, do you not think that he had forgotten that the testimony of Gov. Taft and of all the other witnesses was, and is, that 1 acre of that friar land is worth from 3 to 4 acres of land here? The homestead area of 100 acres would be the equivalent of 400 acres in this country. I am opposed to that, and so everybody else should be.

Mr. JONES. I will say that Judge Madison was not a member of this committee and not a Member of Congress when the organic law was considered. The gentleman from Wisconsin [Mr. COOPER] is perfectly correct when he says that the then governor of the Philippines stated that the Filipino could raise as much on 40 acres of his land as an American could raise on a homestead of 160 acres in the United States.

As I have endeavored to make plain, this amendment does not seek to change anything in section 65. It is an attempt to change the policy of Congress as set forth in section 15, which policy was and is that aliens shall not purchase the agricultural public lands in the Philippines. Speaking from the standpoint of the gentleman from Pennsylvania [Mr. OLMSTED], I can see no pressing necessity for the adoption of his amendment. The Philippine Commission places exactly the construction he does on section 15, and they are selling the public lands to citizens of the United States straight along, and nobody is attempting to stop them. My construction of the law need not, therefore, disturb the gentleman.

There is still another objection which I have to this amendment. It makes it obligatory upon the Philippine Government to sell the public lands to any American who may desire them. No matter how undesirable a citizen he may be his application can not be refused. He may have spent the greater part of his life in prison for land frauds, and yet no application he may make can be refused. The amendment would have accomplished the purpose of the gentleman much better, I take it, if it said that in the sale of the public lands no discrimination should be made against American citizens.

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has used 40 minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes; to the Committee on the Public Lands.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain lands for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and

H. J. Res. 39. Proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

NAVAL APPROPRIATION BILL.

Mr. PADGETT, by unanimous consent, by direction of the Committee on Naval Affairs, reported the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 710), was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

FRIAR LANDS IN THE PHILIPPINE ISLANDS.

Mr. QUEZON. Mr. Speaker, it is with great diffidence that I partake in the debate of the amendment offered by the distinguished gentleman from Pennsylvania [Mr. OLMSTED].

The United States acquired the public lands of the Philippines by treaty of peace with Spain, concluded in December, 1898. In the act of Congress entitled "An act temporarily to

provide for the administration of civil affairs in the Philippine Islands, and for other purposes," it was provided in section 12:

That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such lands or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said islands, to be administered for the benefit of the inhabitants thereof, except as provided in this act.

Thus the public lands of the Philippines were turned over to the Philippine Government to be administered for the benefit of the Filipino people.

By the provisions of section 15 of the same act the grant or sale and conveyance of these public lands by the Philippine Government is restricted to actual occupants and settlers and other citizens of the Philippine Islands, so that, no foreigner, nor even an American citizen, residing therein, is permitted to acquire any part or portion of said public lands. The object of the amendment of the gentleman from Pennsylvania, as he stated it, is that citizens of the United States shall not be excluded if they want public lands in the Philippine Islands subject to all the restrictions of the organic act.

Obviously, I am placed in a most delicate position. I can not, in discussing this matter, ask the Government of the United States not to give any portion of these lands to its own citizens. But I can make, and I feel justified in making certain points, leaving to the House the drawing of its own conclusions therefrom.

In the first place, Mr. Speaker, I wish to take exception to the statement of the gentleman from Pennsylvania that it would be an "outrageous" position for Congress to prohibit citizens of the United States to acquire public lands in the Philippines. I must say that I can not agree with the gentleman.

I believe that such a word as "outrageous" is hardly proper to qualify any action of Congress—the Congress of the United States—a body composed of the Representatives of 90,000,000 people, who are in the lead of progress and civilization; and least of all in this case, in which Congress for what it did, merited the respect and admiration of mankind, because in keeping the public lands of the Philippine Islands from its own citizens and reserving them only for the benefit of the Filipino people it has executed a generous action never surpassed in the history of any parliament in the world. [Applause.]

When I called the attention of the Insular Committee last year to the fact that the Philippine Government was permitting the acquisition of public lands in the Philippine Islands by citizens of the United States, which, I contended, was prohibited by the organic act, the secretary of the interior department of the Philippines, Mr. Worcester, took issue with me on the subject, and made the following suggestion, which reveals his trend of mind on Philippine affairs: "It would be rather remarkable, Señor QUEZON, if a sovereign country would refuse to sell its own lands to its own people. That would be an anomaly, would it not?" I answered, "Not at all. It is altruism on the part of the sovereign country to keep the lands of the acquired territory for the people thereof, and the refusal to sell the lands to the citizens of the sovereign Nation indicates that there is no intention of permanently annexing the acquired territory."

Why, Mr. Speaker, that which Secretary Worcester calls an "anomaly" is the proof that the United States is but temporarily in the Philippines, and that it has acquired the islands, not to exploit them, but for the purpose of helping the Filipino people, and of guarding their interests. [Applause.]

A few days ago the gentleman from Wisconsin [Mr. COOPER] in the course of his remarks on this bill said that the provision of the organic act creating the Philippine Assembly, which was so bitterly fought on the floor of this House, is the very provision that helped this Government to accomplish whatever success it had in the Philippine Islands. The gentleman might have added that the provision of the organic act which excludes everybody from acquiring public lands, except Philippine citizens, is the one provision that told the Filipinos, in deeds, not in words, that the policy of this Government in the Philippine Islands is a policy of self-denial and altruism, or, as it has been officially termed, the policy of "the Philippines for the Filipinos." [Applause.]

The adoption of the amendment of the gentleman from Pennsylvania would, of course, mean the reversing of this policy.

Now, the first point that I wish to make is this: Is Congress ready to depart from its policy—the Philippines for the Filipinos—adopted in 1902; has anything taken place since the passage of the organic act that warrants a diametrically opposite course in dealing with the islands; has Congress already decided that the Philippine public lands are not to be kept for the exclusive benefit of the Filipino people, but also for the benefit of citizens of the United States; what is the event, if any, that calls for a revolution in the humanitarian, just, and wise policy so far pursued by Congress with regard to the Philippines?

Let us consider the amendment of the gentleman from Pennsylvania from the standpoint of its practical results. Personally I have no objection to allowing any American citizen to acquire 40 acres of land in the Philippine Islands. I would say more than that. I would say that I shall be glad to have any citizen of the United States, residing in the Philippine Islands, acquire 40 acres of land for his farm, because every American living in the Philippines who acquires 40 acres of land, and farms it, will no longer be a citizen of the United States, but he will become a citizen of the Philippine Islands. [Applause.] He may not be legally a citizen of the Philippine Islands, for no one except a native Filipino can acquire that citizenship according to our present laws, but he surely will be, for all practical purposes, a Filipino. Ah, Mr. Speaker, the man who is firmly rooted in the soil of a country, through the ownership of a piece of land, which he works himself, that man becomes a real citizen of that country, all laws to the contrary notwithstanding. He becomes as thorough a patriot as any native-born inhabitant; and every American who wishes to be our brother, who wants to be a Filipino and to link his fate with that of our little but dear country is cordially welcome.

But, will the amendment of the gentleman from Pennsylvania have this desirable result at all? Will any American care to acquire 40 acres of public land in the Philippines for his home and his farm? I do not think so. In fact, though the Philippine Government, transgressing its constitutional limitations, has already legislated that American citizens may acquire homesteads in the Philippines, I know of not a single instance wherein an American has taken advantage of this privilege, and the explanation of this is obvious. The Philippines, as a tropical country, are not particularly adapted to be the permanent home of an American, and no one, for the mere sake of acquiring 40 acres of land, when he can obtain 160 acres for homestead in this, his own country, will care to undergo the hardships imposed by the Tropics upon the white people. Citizens of the United States resident in the Philippines are but temporary residents there. They do not hope to live and die in the islands. The whole American population is composed of two classes—employees and business men. The former have no time to farm 40 acres of land, and if they had, they should not be allowed to acquire Government land. The latter do not care to farm 40 acres of land.

What good, then, will this amendment do for the Americans in the Philippines?

I am afraid, Mr. Speaker, that if this amendment should pass it will not procure for the Philippines *bona fide* American settlers, but it will only be taken advantage of for the purpose of defeating the will of Congress to prevent the exploitation of large tracts of land in the islands by absentee landlords. [Applause.]

Mr. OLMSTED. Will the gentleman yield for an inquiry?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. In the law relating to Philippine lands there is this provision, after providing for sales of 16 hectares and not more—

that the grant and sale of such land, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee shall not alienate such lands or the title thereto.

That is the law now?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. My amendment is that any American citizen may purchase, subject to the conditions and restrictions of this act.

Mr. QUEZON. Yes, sir; I understand that.

Mr. OLMSTED. Therefore he would have to live on the land he purchased for five years continuously and improve it, and he could not sell it or mortgage it for five years. Now, does the gentleman from the Philippines object to the purchase of 40 acres of land by a citizen of the United States to live upon continuously for five years under the conditions of that act.

Mr. QUEZON. I have already stated, Mr. Speaker, that I have no objection to that proposition, but I also say that it will not work as the gentleman from Pennsylvania desires. No citizen of the United States will ever want 40 acres of land in the Philippines under those conditions, and the gentleman is wise enough to realize that I am right in my assertion. If all that the gentleman from Pennsylvania is seeking for is what he has just stated, he may just as well withdraw his amendment, for I can assure the gentleman that it will be

of no use. If the gentleman is trying to press his amendment because of the question of principle therein involved, then it would be a different matter. To what I have already said on that point I shall have something more to add later on.

The trouble, Mr. Speaker, comes, or rather will come if the amendment is adopted, from those words recited by the gentleman, "subject to the conditions and restrictions of this act," which words have become very famous during the last year or two, thanks to the various interpretations given to them by very distinguished lawyers.

As history repeats itself, it is more than probable that, some time after this amendment has been adopted, an unusually brilliant legal mind will give birth to a lucid and wonderful construction of that language, and to the astonishment of the gentleman from Pennsylvania, author of the amendment, who now knows what he means by it, we will learn that his amendment has authorized the Philippine Government to dispose of Philippine public lands in such manner that somebody from Wall Street will be owning thousands and thousands of acres of public lands in the Philippine Islands by virtue of said amendment. I know that the gentleman will think that my fears are rather fantastic, but it is well to profit from the experience of others, and the experience of the gentleman from Wisconsin [Mr. COOPER], as well as of the gentleman from Virginia [Mr. JONES], is fresh enough in our memory to be overlooked. We know that both of these gentlemen understood at the time of the framing of the organic act that the words "subject to the limitations and condition provided for in this act," used in section 65 thereof, meant that the friar lands could not be sold in excess of 40 acres to individuals and 2,500 acres to corporations; but they are now puzzled to hear that such language means nothing of the sort.

Again, if the gentleman from Pennsylvania should say that the language of the law is so clear in this case that there will be no opportunity for misconstruction of it, I would call the gentleman's attention to the fact that no section of the organic act is so plain in its language as section 75, which prohibits the ownership of more than 2,500 acres of land by corporations and declares it unlawful for any member of a corporation engaged in agriculture to be in any wise interested in any other corporation engaged in agriculture. Yet the recent investigation of the Insular Committee of the interior department of the Philippine Islands, conducted by the gentleman himself, has disclosed the fact that the letter and spirit of that section has been of no consequence in so far as preventing the Sugar Trust from owning about 65,000 acres of land in one tract in Mindoro.

Let me refresh the memory of the gentleman on this subject.

Mr. OLMSTED. The gentleman from the Philippines can not refresh my memory on that, because the Sugar Trust does not own an acre of land in the Philippines.

Mr. QUEZON. Well, the late Representative from Kansas, Judge Madison; the gentleman from Iowa, Judge HUBBARD; and the gentleman from Minnesota, Judge DAVIS, in their report on that investigation, said that those lands were not acquired by the Sugar Trust, but by "its next-door neighbor." [Laughter.]

Mr. OLMSTED. That is different.

Mr. QUEZON. I admit that there is some difference between my language and that used by the gentlemen whom I cited, but it is only in the form. The facts disclosed in that investigation, Mr. Speaker, are these. No sooner had the Payne-Aldrich bill been passed, which permitted the entrance into this country of 300,000 tons of sugar, free of duty, from the Philippines, than Mr. Welch, a man engaged in sugar business in Hawaii, Cuba, and Porto Rico; Mr. Havemeyer, a stockholder of the Sugar Trust; and Mr. Senff, a man who has been vice president of that trust, tried to acquire sugar lands in the Philippine Islands for the purpose of taking advantage of that tariff. They sent a man down there by the name of Poole, who bought from the Philippine Government the friar land known as the San Jose estate of 55,000 acres. As soon as these lands were acquired, the same gentlemen, Mr. Welch, Mr. Senff, and Mr. Havemeyer, organized the Mindoro Development Co. for the purpose of establishing a sugar central on that estate.

But the estate was 12 miles away from the only available harbor—the Bay of Mangarin—and this fact was an obstacle to the speedy and convenient transportation of the manufactured sugar from the factory to the market. The land lying between the estate and the bay was of the public domain of the Philippine Islands and it had an area of about 9,000 acres, an amount of land which they could not acquire by themselves under the law. Such expert sugar business men as these gentlemen are, who had experience in operating large sugar plantations in Porto Rico, where only 500 acres is the maximum allowed to be owned by corporations, were not of course going to be stopped in their new enterprise by such a small thing as the land and corporation laws of the Philippines. What did they do to acquire these public lands in spite of these laws? Nothing less than to organize three corporations in California, the stockholders of these corporations being the wife, brothers-in-law, relatives, and employees of Mr. Welch, the directing mind of the whole affair. These corporations, through the same man, Mr. Poole, who bought for Messrs. Welch, Senff, and Havemeyer the San Jose estate, purchased the public land desired, which, at the same time that it provided a means of communication between the San Jose estate and the bay, enlarged by several thousand acres more the area of the already immense San Jose estate.

Thus we have the sugar central of the Mindoro Development Co., owned by Messrs. Welch, Senff & Havemeyer, and managed by Mr. Poole, built for the purpose of manufacturing the cane raised on the San Jose estate and on the land of the three California agricultural corporations. Then the San Jose estate, owned by Messrs. Welch, Senff & Havemeyer, purchased through Mr. Poole and managed by Mr. Poole, for the purpose of raising cane to be manufactured by the Mindoro Development Co., and then the three California agricultural corporations, composed of the wife, brothers-in-law, relatives, and employees of Mr. Welch, whose lands were acquired through Mr. Poole and are managed by Mr. Poole, and are dedicated to the raising of sugar cane for the Mindoro Development Co., and to affording a right of way to the railroad which will transport the manufactured sugar from the San Jose estate to the Bay of Mangarin.

Now, Mr. Speaker, if these combinations are not a clear evasion of the land and corporation laws of the Philippines, which prohibit the ownership of more than 2,500 acres of land by a corporation and declare it illegal for the stockholders of one agricultural corporation to be interested in any shape or manner in any other agricultural corporation; if these facts which I have related and which are admitted as proven by all the members of the Committee on Insular Affairs, without a single exception, are not an evasion of those laws, then I want to know what would be an evasion of those laws. In fact, the whole transaction was not merely an évasion, but a violation of those laws. Note, Mr. Speaker, that the conclusion which all of us must derive from the stated facts, to wit, that the same men own the sugar central, the San Jose estate, and the three California corporations is admitted by Mr. Welch himself the moving spirit of the enterprise.

Here is what Mr. Welch said, declaring before the Committee on Insular Affairs on the investigation I am alluding to:

As far as the San Jose estate and the Mindoro Development Co. are concerned, there is a mighty close community of interest. We are practically the same; there is no getting away from that.

[Laughter.]

And answering a question about the three California agricultural companies, he said:

Yes; we are quite a family party.

[Laughter.]

Is it not evident, Mr. Speaker, that the provision of the land and corporation laws of the Philippine Islands meant nothing to "quite a family party," which was determined to own, hold, and operate from New York and San Francisco 66,000 acres of land in one tract?

Mr. JONES. Fifty-six thousand.

Mr. QUEZON. Including the California corporations, it is 66,000 acres.

What became of that wise policy of Congress of eradicating the system of absentee landlordism, and wherefor we bonded ourselves for $7,000,000? Perhaps some one may think that we are improving in our condition, for, instead of religious orders, our new landlords are society men, magnates of Wall Street. But Judge DAVIS, from Minnesota, and Mr. MONDELL, from Wisconsin, Republican members of the Insular Committee, do not take this view. They say:

The masters in place of being high-minded religious monks will be sugar lords, residing in America, and through their superintendents and foremen they will reduce the inhabitants of the lands to a condition of servitude.

Mr. Speaker, the beauty of the investigation, which we owe to the gentleman from Colorado [Mr. MARTIN], is that Congress has had an opportunity to see with its own eyes how the organic act has operated in the Philippines in so far as preventing the exploitation of the islands by absentee landlords. It will be interesting for the Members to hear what Senator Teller said on this subject in 1902, discussing the effect of the provision of the organic act, which prohibits the ownership of more than a certain number of acres of land by corporations. At that time the limit contained in the bill was 5,000 acres. Let me read the remarks of the Senator.

I want some one to tell me why a corporation should be permitted to take 5,000 acres of land there. If one corporation can take 5,000 acres, 10 corporations might each take 5,000 acres, and a hundred

corporations might each take 5,000 acres. There is no limit to the number of corporations that may go there, and after they have taken the land and got their title, if they should conclude to form a combination, they could do that, I suppose, although there is a provision here which says "This provision shall be held to prevent any corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture." That, I suppose, was put in the bill as a sort of sop to the people who might be afraid of consolidation but there is no man living in this day who has given any attention to the affairs of our country for the last two or three years who does not know that it will amount to absolutely nothing, and that if 50 corporations, having each 5,000 acres, should conclude to enter into a combination, they could do it in spite of all the Filipinos and all the United States besides.

It would, I am sure, gratify Senator Teller to know that by these remarks he has acquired a good title to be called a prophet, except that although he foresaw the possibility of combinations being made by companies after they had acquired these lands from the Government, he had not suspected that such combinations could be made before the purchase of the lands, for he always took it for granted that the Philippine Government would not, on the face of said combinations and the injunction of the law, dare to sell said lands to these corporations.

Mr. MANN. Will the gentleman yield for a question?

Mr. QUEZON. Yes, sir; with pleasure.

Mr. MANN. In reference to the amendment offered by the gentleman from Pennsylvania, which recommended the purchase of 40 acres by an American citizen, can the gentleman inform the House whether there has, in his opinion, been any violation of the law or the spirit of the law concerning the sale of 40 acres to persons who must occupy it for five years?

Mr. QUEZON. I do not know that there has been any violation so far. It has not been necessary. It has been easier and more effective and, no doubt, more profitable to violate the law concerning corporations.

Mr. MANN. The amendment of the gentleman from Pennsylvania does not affect at all the question of corporations, nor does the report of the bill affect the question of the purchase by corporations, which, I should agree with the gentleman, ought to be controlled. The gentleman says there may be an evasion of the law in reference to the sale of 40 acres, and cites what may be true—I do not know—an evasion of the spirit of the law by corporations. But, after all, what has that to do with this proposition?

Mr. QUEZON. I stated these facts merely to show how careless the Philippine Government has been in enforcing the land policy of this Government in the islands. If that was so when such policy was so strict as to prohibit the ownership of public lands by American citizens, what would the Philippine Government do when they see, from the adoption of the amendment of the gentleman from Pennsylvania, that Congress has adopted a principle with regard to the disposition of public lands in the Philippines opposite to the one pursued so far? The Philippine Commission would undoubtedly construe this action of Congress as indicative of a disposition to fall in line with its wishes on the matter.

Mr. MANN. Of course, that might be a matter of construction. Will the gentleman yield for one more question?

Mr. QUEZON. Yes, sir.

Mr. MANN. Do I understand that the organic law referred to prohibits, in the gentleman's opinion, an American citizen from purchasing 40 acres of land, but permits an American corporation to purchase 2,500 acres of land?

Mr. QUEZON. I do not think I quite understand the gentleman's question.

Mr. MANN. Do I understand the gentleman's construction of the organic law to be that the law does not permit an American citizen to purchase 40 acres of land which he may occupy himself, but does permit an American corporation to purchase 2,500 acres of land?

Mr. QUEZON. I do not believe that the law permits an American corporation to purchase 2,500 acres of land, but it has been allowed by the Philippine Government.

Mr. MANN. Does the gentleman say that the organic law does not permit an American citizen to purchase 40 acres of land?

Mr. QUEZON. Yes, sir; I do; nor does it permit an American corporation to purchase or lease 2,500 acres.

Mr. OLMSTED. Oh, I think the gentleman is entirely mistaken about that.

Mr. QUEZON. Well, that is a matter of construction, and I am not going into a legal discussion now. It is a question of opinion, and the gentleman's and mine seem to be generally at variance.

Mr. MANN. I will say that if the law does not permit an American citizen to purchase 40 acres of land, which he may cultivate himself and live upon, but does permit an American corporation to purchase 2,500 acres, then we ought speedily to amend that law.

Mr. QUEZON. When the organic act does not permit an American citizen to acquire 40 acres of land, it is inconceivable that it shall allow an American corporation to acquire 2,500 acres. That would not be consistent, and Congress is very consistent in its legislation.

Mr. MANN. That is very complimentary, but I am not sure that it is always correct.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. QUEZON. Certainly.

Mr. TOWNER. Did I understand the gentleman to say that the present Government of the Philippines was not disposed to act in the interest of the Filipino people?

Mr. QUEZON. I did not say so. I said that the Philippine Government does not sympathize with the policy of Congress regarding the disposition of the public domain in the Philippine Islands. Said Government does what it thinks the law ought to allow and not what the law does allow.

Mr. TOWNER. But is it not true that the Philippine Government is composed at least in part of the Philippine people themselves?

Mr. JONES. Mr. Speaker, will the gentleman permit me just one word there?

Mr. TOWNER. I do not know that it is necessary for the gentleman from Virginia to come to the rescue of the gentleman from the Philippines. He seems to be able to take care of himself.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. QUEZON. I yield to the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I think the gentleman will not object to my making this remark, because I wanted to suggest it a week ago. I think the gentleman was then laboring under a misapprehension. During the remarks of the gentleman a week ago he asked if those lands which were in the non-Christian Provinces were not entirely under the control of the Philippine Commission and those in the Christian Provinces under the control of the legislature. What I wanted to say to the gentleman is this: I think he was entirely correct as to the general proposition that the Philippine Commission has charge of the affairs of the non-Christian Provinces and the legislature of the Christian Provinces, but we have spoken of the Philippine Commission disposing of these lands. The commission is not disposing of them. It is the secretary of the interior. The commission is not doing it at all. The secretary of the interior and the director of lands in his department are disposing of these lands. The commission as a commission has nothing in the world to do with the lands either in the Christian or the non-Christian Provinces. It is one of the branches of the legislature, and I think the gentleman was laboring under a misapprehension the other day when he asked that question, and I desired to explain it to him.

Mr. TOWNER. Mr. Speaker, if the gentleman from the Philippines will permit this statement in his time——

Mr. QUEZON. Mr. Speaker, if the gentleman from Iowa will allow me, I desire to answer his question in addition to what the gentleman from Virginia has said. As I stated a few days ago, the Philippine Government is not really controlled by the Filipino people, but, on the contrary, it is practically controlled by the Philippine Commission, which is appointed by the President of the United States without the advice, much less the consent, of the Filipino people.

Now, the gentleman ought to know that while there may be some ground for the assertion that the Philippine Legislature is composed, at least in part, of the Filipino people themselves, there is not the least foundation for the assertion that the executive power of that government is shared in any wise or manner by the Filipino people. My complaint is that the executive branch of the Philippine Government is not carrying out the policy of Congress, or in other words, is not executing the provisions of the organic act regarding the disposition of Government lands in the Philippine Islands. To be more specific, my complaint is directed against the Secretary of the Interior, who is the head of the department responsible for the administration of Government lands in the Philippines, the Hon. Dean C. Worcester, and the Director of Public Lands, Mr. Sleeper. The Filipino people had nothing to do at all with the appointment of these gentlemen, and if they could they would have long ago removed both of them from their respective positions. Secretary Worcester is the most unpopular official in the Philippine Government, and has been so for a long time. During the last two years he has become obnoxious to the Filipinos owing to some uncalled-for remarks, which he made publicly, reflecting upon the character of the people at large. Besides,

his suit presented against the editors and owners of the newspaper El Renacimiento for libel, and wherefore he got many thousands of dollars from the defendants while the criminal case is still pending of appeal before the Supreme Court of the United States, has belittled him in the public eye. The article published in that paper, which Secretary Worcester denounced as libelous, as compared with the articles we read every day in the newspapers of this country denouncing public officials, would read like a praise, and yet in the Philippines, where we are supposed to have the same freedom of the press that you have here, but where the judges are appointed and kept in office at the pleasure of the Philippine Commission, an influential member of which Secretary Worcester is, that article caused the ruin of all the owners and editors of El Renacimiento and the conviction of the editors.

Mr. Speaker, it is unfortunate for the Filipino people, and equally unfortunate for the United States, that the man in charge of the most important department of the Philippine Government, the interior department, the department to which the care and administration of the natural wealth of the islands is intrusted, is a man who does not believe in the wisdom of the policy of Congress regarding the disposition of that wealth, and who has antagonized the people whose interests he is supposed to look out for.

I have nothing personally against Mr. Worcester. While even among Americans in the Philippines there are complaints against his lack of tact in dealing with the public, he has treated me with courtesy whenever, officially or personally, I had something to do with him. In fact, I am one of the few Filipinos who has been honored by being complimented in two official reports by the Secretary of the Interior. I mention this in order to disabuse the mind of anyone who may believe that I have any personal grievance against Mr. Worcester. I admit that he has a wonderful mind and is a hard-working man, but I can see very little benefit for the Filipino people to be derived from his industry and intellectual equipment, when the people have no confidence in him, when the people, rightly or wrongly, are convinced that he is not working for their welfare, and when, at least, in the administration of Government lands, it has been evidenced—what he has never tried to conceal—that he is not in accord with the policy of Congress and has not been very particular in executing it.

Mr. Speaker, I sincerely hope that the War Department may, at last, take notice of the fact that it is utterly impossible for this Government to carry out successfully the administration of the islands when the appointed officials are not supported by the Filipino people, much less when they become plainly objectionable to them. I have been urging for the last year that Secretary Worcester may be permitted to retire from his present position, with no avail. The War Department's position is that Mr. Worcester is an honest and competent man and that the opposition to him of the Filipino people, due to his lack of tact, is not a sufficient ground for asking his resignation. This view of the War Department is, I believe, wrong. Tactfulness is needed in a man if he is to be a successful administrator as much as any other quality. A public official is a servant of the people, and he ought to know how to treat the people. Secretary Worcester has been a member of the Philippine Commission ever since the occupation of the islands, and he has been so long accustomed to exercise an executive authority that I am afraid he has become a *ruler*.

Mr. TOWNER. Mr. Speaker, let me make this statement in regard to the matter. The administrative officers of the Philippine Government are under the direction and control, first, of the law, the organic law, which prescribes:

> That these lands may be held, sold and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

That gives the Philippine Government absolute power to dispose of those lands. If it is disposed of by the executive officers of the Philippine Government, they must act under the power which the Philippine Government has, composed not only of the commission selected by the Government of the United States, but by an assembly which is selected by the Philippine people themselves, and these lands can not be disposed of unless it shall be by the affirmative act of the lower branch of the Philippine Legislature. And that is the trouble with the gentleman's whole theory. Will the gentleman pardon me for another question?

Mr. QUEZON. Yes, sir; gladly.

Mr. TOWNER. I understood the gentleman to say that the law was being evaded which prescribed that no part of the public land shall be sold except in limitations of 40 acres to an individual. I was correct in that, was I not?

Mr. QUEZON. No; did I say that the law which limits the sale of public lands to 40 acres to an individual has been evaded?

Mr. TOWNER. Yes, sir.

Mr. QUEZON. I did not say so, unless the gentleman refers to my contention, seemingly admitted now by everybody as being correct, that the Philippine Government, in permitting Americans to buy 40 acres of land, violates that law.

Mr. TOWNER. I understood the gentleman to say so.

Mr. QUEZON. I spoke of the evasion of the law which prohibits the ownership of more than 2,500 acres of land by corporations.

Mr. TOWNER. Well, it make no difference; it is the provision of the general law with regard to the disposition of the public lands, and the gentleman said that the law has been evaded in the instance where these individuals who were related to the persons who had acquired 50,000 acres and who had also acquired, by a violation of the law, some 7,000 acres besides. Was I correct in so understanding?

Mr. QUEZON. I said, Mr. Speaker, that the late Judge Madison, of Kansas, Judge HUBBARD, and the gentleman from Minnesota, Judge DAVIS, are of that opinion, and that I agree with them. I will read to the gentleman what they say about it.

> The San Jose incident is one that should stand as a warning both to the Philippine Government and to the United States. Mr. Welch had no sooner acquired the San Jose estate for himself and immediate associates than he caused to be organized what was described in the majority report as the California corporation.
>
> The stockholders of these corporations are made up of his wife, brothers-in-law, business associates, and clerks. Of course, he is the dominating figure, and by the community of interest that is apparent in the situation there is, to all practical intents and purposes, a holding of about 62,000 acres of Philippine land by one person. It is possible that Mr. Welch and these California corporations and their stockholders have violated the inhibitions of section 75, against members of one corporation engaged in agriculture being interested in similar corporations, and in the light of the testimony developed in this hearing that matter should have the attention of the Philippine law officers.
>
> And on this same question the minority report says:
>
> Considering these astounding facts, it is difficult to escape the conclusion that the land laws of the Philippines are being evaded in a most shameless manner.
>
> [Applause.]

Mr. TOWNER. Now, if I may be permitted, I would like to have the gentleman say whether he is not now asking that these lands should be put under the same provisions that were thus evaded in the instance of which he spoke. In other words, he is asking that these friar lands shall be subject to the same laws that he says have been thus easily evaded in the instance that he mentioned. Is that true?

Mr. QUEZON. I am asking that the laws which regulate the sales of public lands and which, in my opinion, already regulate the sales of friar lands, be specifically applied to the friar lands in order to avoid further contention. But I am not asking that because those laws have been evaded in the case of public lands that they also be evaded in the case of the friar lands. [Applause.]

Mr. TOWNER. Certainly; I did not understand that the gentleman was asking that the land laws be evaded, but he is asking that these lands shall be placed under the same laws which were thus evaded.

Mr. QUEZON. Yes, Mr. Speaker, with the hope that by Congress taking this action, the Philippine Government will understand clearly that Congress meant to enforce its law in the Philippines with regard to the disposition of Government lands. That is my main object. I want this Congress to do something which will remind the Philippine Government that when Congress enacted the organic act, trying to prevent the sale of Government lands in large tracts, it did so, knowing what it was legislating for, and meaning that this legislation should be complied with by those in charge of the execution of the laws in the Philippines. [Applause.]

Mr. MANN. May I ask the gentleman a question——

Mr. QUEZON. Yes, sir.

Mr. MANN. For information which very likely has been answered before, as I have not heard all of the debate. In the cultivation and production of sugar in the Philippine Islands is it necessary to have large tracts consolidated under one management?

Mr. QUEZON. I do not think so, Mr. Speaker. Will the gentleman from Illinois [Mr. MANN] repeat his question?

Mr. MANN. I simply wanted to know, in the opinion of the gentleman, whether tracts of land held in small areas are available for the profitable production of sugar.

Mr. QUEZON. I think so. I believe that the sugar industry in the Philippines could grow without the necessity of selling Government lands in large tracts. In the first place, there are already in private ownership all the land needed to produce over 300,000 tons of sugar, which is the maximum of sugar that

his suit presented against the editors and owners of the newspaper El Renacimiento for libel, and wherefore he got many thousands of dollars from the defendants while the criminal case is still pending of appeal before the Supreme Court of the United States, has belittled him in the public eye. The article published in that paper, which Secretary Worcester denounced as libelous, as compared with the articles we read every day in the newspapers of this country denouncing public officials, would read like a praise, and yet in the Philippines, where we are supposed to have the same freedom of the press that you have here, but where the judges are appointed and kept in office at the pleasure of the Philippine Commission, an influential member of which Secretary Worcester is, that article caused the ruin of all the owners and editors of El Renacimiento and the conviction of the editors.

Mr. Speaker, it is unfortunate for the Filipino people, and equally unfortunate for the United States, that the man in charge of the most important department of the Philippine Government, the interior department, the department to which the care and administration of the natural wealth of the islands is intrusted, is a man who does not believe in the wisdom of the policy of Congress regarding the disposition of that wealth, and who has antagonized the people whose interests he is supposed to look out for.

I have nothing personally against Mr. Worcester. While even among Americans in the Philippines there are complaints against his lack of tact in dealing with the public, he has treated me with courtesy whenever, officially or personally, I had something to do with him. In fact, I am one of the few Filipinos who has been honored by being complimented in two official reports by the Secretary of the Interior. I mention this in order to disabuse the mind of anyone who may believe that I have any personal grievance against Mr. Worcester. I admit that he has a wonderful mind and is a hard-working man, but I can see very little benefit for the Filipino people to be derived from his industry and intellectual equipment, when the people have no confidence in him, when the people, rightly or wrongly, are convinced that he is not working for their welfare, and when, at least, in the administration of Government lands, it has been evidenced—what he has never tried to conceal—that he is not in accord with the policy of Congress and has not been very particular in executing it.

Mr. Speaker, I sincerely hope that the War Department may, at last, take notice of the fact that it is utterly impossible for this Government to carry out successfully the administration of the islands when the appointed officials are not supported by the Filipino people, much less when they become plainly objectionable to them. I have been urging for the last year that Secretary Worcester may be permitted to retire from his present position, with no avail. The War Department's position is that Mr. Worcester is an honest and competent man and that the opposition to him of the Filipino people, due to his lack of tact, is not a sufficient ground for asking his resignation. This view of the War Department is, I believe, wrong. Tactfulness is needed in a man if he is to be a successful administrator as much as any other quality. A public official is a servant of the people, and he ought to know how to treat the people. Secre-

Mr. QUEZON. No; did I say that the law which limits the sale of public lands to 40 acres to an individual has been evaded?

Mr. TOWNER. Yes, sir.

Mr. QUEZON. I did not say so, unless the gentleman refers to my contention, seemingly admitted now by everybody as being correct, that the Philippine Government, in permitting Americans to buy 40 acres of land, violates that law.

Mr. TOWNER. I understood the gentleman to say so.

Mr. QUEZON. I spoke of the evasion of the law which prohibits the ownership of more than 2,500 acres of land by corporations.

Mr. TOWNER. Well, it make no difference; it is the provision of the general law with regard to the disposition of the public lands, and the gentleman said that the law has been evaded in the instance where these individuals who were related to the persons who had acquired 50,000 acres and who had also acquired, by a violation of the law, some 7,000 acres besides. Was I correct in so understanding?

Mr. QUEZON. I said, Mr. Speaker, that the late Judge Madison, of Kansas, Judge HUBBARD, and the gentleman from Minnesota, Judge DAVIS, are of that opinion, and that I agree with them. I will read to the gentleman what they say about it.

> The San Jose incident is one that should stand as a warning both to the Philippine Government and to the United States. Mr. Welch had no sooner acquired the San Jose estate for himself and immediate associates than he caused to be organized what was described in the majority report as the California corporation.
>
> The stockholders of these corporations are made up of his wife, brothers-in-law, business associates, and clerks. Of course, he is the dominating figure, and by the community of interest that is apparent in the situation there is, to all practical intents and purposes, a holding of about 62,000 acres of Philippine land by one person. It is possible that Mr. Welch and these California corporations and their stockholders have violated the inhibitions of section 75, against members of one corporation engaged in agriculture being interested in similar corporations, and in the light of the testimony developed in this hearing that matter should have the attention of the Philippine law officers.

And on this same question the minority report says:

> Considering these astounding facts, it is difficult to escape the conclusion that the land laws of the Philippines are being evaded in a most shameless manner.

[Applause.]

Mr. TOWNER. Now, if I may be permitted, I would like to have the gentleman say whether he is not now asking that these lands should be put under the same provisions that were thus evaded in the instance of which he spoke. In other words, he is asking that these friar lands shall be subject to the same laws that he says have been thus easily evaded in the instance that he mentioned. Is that true?

Mr. QUEZON. I am asking that the laws which regulate the sales of public lands and which, in my opinion, already regulate the sales of friar lands, be specifically applied to the friar lands in order to avoid further contention. But I am not asking that because those laws have been evaded in the case of public lands that they also be evaded in the case of the friar lands. [Applause.]

Mr. TOWNER. Certainly; I did not understand that the gentleman was asking that the land laws be evaded, but he is asking that these lands shall be placed under the same laws which were thus evaded.

we can produce now with profit. If gentlemen who want to establish sugar centrals in the Philippines will establish them in the Provinces where the cane sugar is being raised by the Filipinos themselves, they would have enough cane for all the sugar that their central could manufacture every year, with profit to themselves and benefit to the people. In fact, Mr. Speaker, while I was in the Philippines, two years ago, I learned that the farmers of Negros were anxious to enter into an agreement with some one who would establish a sugar central in that Province to supply him with all the cane he wanted. I even favored the idea of having a sugar central established and operated by the Philippine Government, in a given territory wherein there are many small sugar-land owners, with a view of teaching these farmers the modern system of manufacturing the sugar, and later on selling the central to them.

Now, Mr. Speaker, I do not want to take much more of the time of the House, but I wish to——

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman a question along that line. Is it desirable that large sugar plantations should be established in the Philippine Islands at the present time or in the near future?

Mr. QUEZON. I do not think so, Mr. Speaker, and I have already expressed my opinion on the subject.

Mr. FOWLER. Is there not another crop which produces a larger income—to wit, copra—than sugar does to the tiller of the soil?

Mr. QUEZON. Yes, sir.

Mr. FOWLER. How does the income of the copra compare with the income of sugar on 40 acres of land?

Mr. QUEZON. There is no comparison.

Mr. FOWLER. Which is the greater?

Mr. QUEZON. The copra.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. QUEZON. Yes, sir.

Mr. COOPER. Will the gentleman permit me to answer the question which was asked of him by the gentleman from Illinois as to whether it is advisable to have large sugar plantations in the Philippines? I quote from what the Secretary of War said in a report to President Roosevelt on January 23, 1908:

Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle class tending to build up a conservative, self-respecting community from bottom to top.

That is also what the Committee on Insular Affairs thought in 1902 when they presented this bill. That is what everybody thinks who has really at heart the welfare of the people of the Philippine Islands.

Mr. QUEZON. Mr. Speaker, if what I have said has given the impression that I accuse the Philippine Commission of dishonesty of purpose in administering the affairs of the islands, I wish to efface that impression before taking my seat. I believe that it would be unjust to the commissioners to say that they mean to injure the Filipino people. I believe that they are doing what they think is the best for the Filipinos, and I am glad to add that, as a rule, the officials of the Philippines are of a high moral character. But it is not the question whether they mean well or not. My contention is that they have no right to determine what the policy of the United States in the Philippines shall be, for this is exclusively the right of Congress, and that it is the duty of the insular officials to execute faithfully and strictly the will of Congress.

After all, no one who is familiar with the history of colonial governments ought to be surprised to learn of the manner in which the act of Congress has been complied with in the Philippines by the Philippine Government. Colonial governments are by their nature essentially wrong, and sooner or later they degenerate into a government of man instead of a government of law. The instance of the officials in the islands, doing what they think the law should be and not what the law is, is an illustration of this fact, and the more emphasis is put upon the wisdom and honesty of those officials the better this instance illustrates the theory of that great statesman, John Stuart Mill, who said:

The government of a people by itself has a meaning and a reality, but such a thing as a government of one people by another does not and can not exist. One people might keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm to be worked for the profits of its own inhabitants; but if the good of the government is the proper business of a government, it is utterly impossible that a foreign people should directly attend to it.

Now, Mr. Speaker, there is one more point that I wish to make in connection with the amendment of the gentleman from Pennsylvania.

It is a good economic principle, universally admitted, that public lands should not be disposed of to foreigners. As Americans residing in the islands are not, according to the organic act, citizens of the Philippines, they are consequently foreigners. This being so, they ought to be excluded from the acquisition of public lands in the islands as much as any other foreigner. It must be borne in mind that although the Philippines are actually under the sovereignty and control of this Government by virtue of the treaty of peace with Spain, they have not been declared a permanent territory of the United States; but, on the contrary, the same Senate which ratified said treaty passed a resolution on the 14th of February, 1899, introduced by Senator McEnery, of Louisiana, the first paragraph of which is as follows:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

This resolution, coupled with the declarations made by Presidents of the United States and other officials of this Government are, and it is so understood by both the American and the Filipino people, expressive of a policy looking toward the severance of the political tie between the Philippines and the United States and the Filipinos and Americans.

It is this policy that inspired the section of the organic act, which the gentleman from Pennsylvania is trying to amend, for it is because of this policy that the Government of the United States has never considered the public lands of the Philippines as a part of the public domain of the United States, to be administered and disposed of for the benefit of the American people, but as the property of the Filipino people, kept in trust by the United States to be administered temporarily by the American Government in the Philippines for the benefit of said Filipino people until such time when the independence of the islands shall have been recognized and granted by this Government.

Let us see what Dr. Schurman, president of Cornell University, has to say on this subject. I read from one of his many instructive speeches on the Philippines:

Our sovereignty over the Philippines is simply a responsibility for administering a trust on behalf of the people until the people are so organized politically that they may undertake it for themselves. We speak of our territorial acquisition from Spain as "insular possessions," but do we own anything in the Philippines? The title to the public lands rests, indeed, in the United States, but we hold them in trust for the Philippine people and government. The word "possession" is a survival from barbarous times when conquering nations seized the lands of the conquered and levied tribute upon them.

The opinion of Dr. Schurman in this matter is not only weighty because he is internationally known as an authority in political economy, but because he was the first president of the first Philippine Commission, sent by President McKinley to the Philippine Islands as soon as the treaty of peace was concluded between the United States and Spain. President Schurman was, doubtless, informed of the sense in which this Government has assumed sovereignty over the Philippines.

In the light of the foregoing considerations, it would seem that the amendment of the gentleman from Pennsylvania can not be accepted, unless Congress has already decided that the Philippines are forever to be a Territory of the United States and that, therefore, Americans in the islands are entitled to recognition there, as much as they are entitled to recognition in any other State or Territory of the Union. This, of course, would mean the conferring of equal privilege on the Filipinos—that is, that they would be entitled to recognition in any State or Territory of the Union as much as any American citizen. In other words, if an American citizen should be allowed to acquire public land in the Philippines, the Filipinos, correspondingly, ought to be allowed to acquire public land in the United States, which, under the law as it now stands, they can not do unless they become, first, citizens of the United States, through the process that other foreigners have to undergo.

Now, Mr. Speaker, is the House ready to say that the Philippine Islands are to be permanently a Territory of the United States? Is the House ready to declare that the Filipinos are already on an equal footing with the American citizens and that they are, in fact, American citizens? Without first answering these questions affirmatively, the House can not consistently, with modern principles of government and in line with the laws of nature, approve the amendment of the gentleman from Pennsylvania.

Suppose you pass this amendment, and within this or the next session of Congress you enact into law the pending Philippine independence bill, would you then think that it would be right to allow American citizens, without requiring them to acquire Philippine citizenship, to obtain public lands in the Philippine Islands?

Just one word more, Mr. Speaker, and I am through. I hope the House has not understood me as being an anti-American. As I have stated in the beginning of my remarks, I should be very glad to see Americans in the Philippines owning and farming 40 acres of land, because every one who would own and farm that little piece of land would surely make the Philippines his permanent home, and whenever a man makes up his mind to live and die in one country he becomes as good a citizen of that country as any native thereof. I know of a few Americans who have decided to reside permanently in the Philippines, and they are a great help to us. I have just now in mind one of them, Mr. Frank W. Carpenter, the executive secretary. The Filipino people will be glad to enlist in the citizenship of the islands not only Americans but any foreigners who may desire to become Filipino citizens, and as a proof I cite the fact that we have been endeavoring, for many years, to have Congress amend the law regarding citizenship in the Philippines so as to permit anyone, who so desires, to become a citizen of the Philippines. We want good men to form a part of our body politic, and I do not know that there can be found anywhere in the world better men than the citizens of the United States. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from the Philippines [Mr. QUEZON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE PHILIPPINE INDEPENDENCE BILL SHOULD BE ACTED UPON BY CONGRESS.

Mr. QUEZON. Mr. Speaker, I shall avail myself of the courtesy of the House to insert in the RECORD as a part of my remarks a cablegram which the Hon. Sergio Osmeña, speaker of the Philippine Assembly, and also the foremost leader of the Nationalist Party in the Philippines, sent me on March 25, regarding the Jones bill providing for Philippine independence. The cablegram says:

THE FILIPINO PEOPLE FAVOR JONES BILL.

QUEZON, *Washington:*

In answer to your cablegram wherein you advise me of the terms and conditions of the bill providing Philippine independence, introduced by Congressman JONES, of Virginia, chairman of the Insular Committee of the House, I beg to express my cordial indorsement of same on behalf of the Filipino people as speaker of the assembly and president of the Nationalist Party. The Filipino people en masse have hailed with enthusiasm and gratitude the news of this first step taken in Congress toward the realization of their ideal—the independence of the Philippines—the granting of which has always been considered by said people as a national pledge of the United States to be presently redeemed. The Filipino people are now and always have been convinced of their capability of establishing and maintaining an independent government, amply able to meet all its internal as well as international obligations; and knowing that no foreign government, no matter how altruistic it may be, can ever suit the wants of the islands, nor secure the happiness of the inhabitants thereof, said Filipino people are and always have been urging the recognition of their God-given right to be independent. The Filipino people, as a people, took up arms and fought with the United States against Spain not only for the purpose of throwing off the yoke of Spain, but for the purpose of being free from all foreign control. The Filipinos took the side of the Americans in the Spanish-American War in the firm belief that the prebellum declarations of the United States, its political tenets, and the negotiations between Consul General Pratt and Gen. Aguinaldo meant the sure recognition of Philippine independence as soon as that war shall have been over. Fully alive to its rights, convinced of its capability, and desirous of enjoying its national freedom, the Filipino people have always urged on the American people the granting of its immediate independence.

The Filipino people realize, however, that the contention, made by opponents of Philippine independence that they are incapable of maintaining an independent government, can only be satisfactorily answered by deeds, and, for this reason, the proposal of Congressman JONES that eight years must elapse before the granting and recognition of absolute and complete Philippine independence seems to be a necessary measure to solve that contention definitely. In view of this and as a further proof of their national self-control the Filipino people defer to the postponement for that period of the realization of their cherished ideal.

Please convey to Congressman JONES the sincere gratitude of the Filipino people for his efforts to secure for them the blessings of that national independence which made the United States so happy and so great.

Let me also congratulate you upon your unceasing campaign to present before Congress and the American people the just cause of your country, which is very fortunate in having you as the spokesman of its national aspirations.

OSMEÑA.

This cablegram need not be commented upon. It is an authoritative indorsement of the Philippine independence bill.

But it is not only the speaker who has indorsed said bill. From all over the archipelago cablegrams have been sent praising it, either directly to Mr. JONES himself or to me, by individuals and entities embracing all classes of people. One of the cablegrams addressed to me is signed by Mr. Teodoro Yangco, one of the richest Filipinos, well known by American officials as a very patriotic as well as substantial and conservative citizen. Mr. Yangco's foremost interest is, naturally, to have in the islands a stable government, capable of maintaining public order and protecting the rights and properties of the inhabitants thereof. His indorsement of Mr. JONES's bill is not, therefore, prompted only by his love for the freedom of his country, but also by his conviction that such a government as that which said bill proposes to create will be competent to secure the liberty, happiness, and prosperity of the Filipino people. The cablegram reads:

QUEZON, *Washington:*

Meeting yesterday all classes Filipinos enthusiastically accepted Jones independence bill. Appointed committee representing all classes society. Beg you transmit Congress and American people our respects and confidence in their altruism and justice by passing Jones bill. Advise Legarda.

YANGCO.

When the business men thus join with the leaders of thought and the masses of the people in urging upon the Congress of the United States the passage of Mr. JONES's bill, there can be left no room for doubt as to the wisdom of said bill, at least, from the standpoint of the natives of the islands. The enthusiasm caused throughout the archipelago by the news of its mere introduction shows that the faith of the Filipino people in the United States has been revived with new vigor by this first step taken in Congress toward the granting of our national freedom.

Mr. Speaker, I do not know that the bill will be reached during the present session, but I sincerely hope that it will be acted upon, at the very latest, at the beginning of the next.

THE ANXIETY OF THE FILIPINOS AS TO THEIR FUTURE SHOULD BE SET AT REST.

I am not going to discuss now the provisions of Mr. JONES's bill, nor am I going to elaborate upon its wisdom and statesmanship. The report, No. 606, accompanying that bill, fully covers these points. The desire of the Filipino people to be independent from foreign yoke has been so invariably expressed in war as in peace that it need not be repeated. The capability of the Filipino people to establish and maintain an independent government has been the subject of such a great amount of literature and is, besides, so convincingly demonstrated in the same above-mentioned report, with arguments based upon facts, that further attempt of discussion here is useless. I shall simply note that Congressman JONES has personally been in the Philippines, making an impartial study of the condition of the people thereof, and, therefore, his report on the subject has a weight that can not be overestimated.

My concern at present is to insist that whatever differences of opinion there may be as to the wisdom of the Jones bill, it will not be fair to the people of the Philippines nor to the people of the United States to let that bill die of nonaction. The present undefined and indefinite relation between the United States and the Philippines is such as no similar precedent can be traced from in the history of this Nation. No colonial possession has ever been acquired by the United States. No colonial possession can ever be acquired by the United States, if it is to remain true to its traditions and to those principles upon which its very existence is founded. Territories have been acquired by this Nation either by purchase, as indemnity of war, or by agreement between the people of the United States and the people of the acquired territory, but in each and all these cases the acquired territory has been acquired with the understanding, from the very beginning, that it shall become permanently an integral part of the United States, to enjoy all the blessings of liberty enjoyed by the rest of the Union. Thus the political status of the heretofore acquired territories has always been settled at the outset. The form of government, from civil or military commission to territorial and statehood, was merely a matter of time, to suit the convenience and prejudices of the American people and their new brethren. The permanent relationship, never to be severed, was a question invariably decided prior to the acquisition.

Such is not the case with regard to the Philippines. The islands have been acquired by the United States as one of the accidents of the Spanish-American War. The Filipinos fought against the Spaniards as American allies not to become American citizens, much less American subjects, but to become citizens of their own independent government. This was known by the consular representatives of the United States in the Far East at the time when they sought and obtained the aid of the Filipinos, as it was also known by the commanders of the American Army and Navy who accepted that aid.

After the Spanish-American War was over, there came the question in the mind of the American people of whether or not the people of the islands were ready to establish and maintain an independent government of their own, but, while there were doubts as to this question, there was a concensus as to the fact that the former allies of this Nation could not be left under Spanish sovereignty without flagrant violation of the most elementary rules of fair dealing. Thus, in the treaty of peace,

Spain was forced to relinquish its sovereignty over the Philippines in favor of the United States.

To be sure, however, that the ratification of this treaty by the Senate of the United States did not mean the permanent annexation of the islands, a few days after said ratification took place, the Senate passed the following resolution:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into the citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States. But it is the intention of the United States to establish in said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands. (Passed the Senate on the 14th day of February, 1899.)

The first part of this resolution has not been amended in any shape or manner so far, and the second part has not been complied with. No declaration of annexation has been made as yet, nor any other definite or final disposition of the islands. For the United States to continue further without knowing and saying what should be done with the Philippines, in the interest both of the American and Filipino people, is not very complimentary to the wisdom of Congress. Twelve years have gone by since that resolution of noncommitment was passed. If Congress have at heart, as I know it has, the interest of the people of the United States and the people of the Philippines alike, and if the Members of both Houses are equal to their tasks, as I know they are, there is no reason why Congress should not have had ample time and opportunity to find out what "disposition" of the islands "will best promote the interests of the citizens of the United States and the inhabitants of said islands."

The Philippine independence bill and the resolution for the permanent neutralization of the islands, both of which have been reported by the Insular Committee and committed to the Committee of the Whole House, offer an opportunity for Congress to express its will as to the future destiny of the Filipino people. Friends, and enemies as well, of Philippine independence should welcome the early discussion of both the bill and the resolution. They should let the people of this and my country know where they stand, and, in the name of justice, I appeal to all Congressmen and Senators to set at rest the anxiety of my people.

Mr. TOWNER. Mr. Speaker, I sincerely sympathize with what I conceive to be the point of view of the representative of the Philippines. Primarily in his mind is the thought of independence for the Philippines. Anything that in the remotest degree, in his judgment, would retard that much-desired consummation of his hopes is to him wrong.

Mr. QUEZON. Mr. Speaker, may I interrupt the gentleman for just one question?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from the Philippines?

Mr. TOWNER. Certainly.

Mr. QUEZON. Does the gentleman think that that is wrong in itself—my position, admitting that that is what he describes it? Does he think that that is wrong?

Mr. TOWNER. What I am saying, Mr. Speaker, is not in reproach of the gentleman from the Philippines. If I were a Filipino, as I am an American, I would probably act and think as he does. [Applause.] But from the standpoint of an American citizen I believe the gentleman's fears are not well founded.

Mr. Speaker, I also sympathize with the idea of other gentlemen on the floor of this House who do not desire that the lands of the Filipinos shall be exploited by corporations for selfish and mercenary purposes, regardless of the interests of the people of those islands. I will go as far as any other one in saying that no single thing should be done that would in any way exploit those islands at the expense of their people. And, Mr. Speaker, our own history with regard to the government of those islands from the time that they came into our possession has been a sufficient answer to that. It has been in no single act a selfish administration. It has not only been generous in the extreme, but from first to last it has been actuated by the highest motives.

But we are met to-day, Mr. Speaker, with a most astounding proposition to an American citizen. We are asked here to-day, as Representatives of the American people, to say that no American citizen shall be allowed to go to the Philippine Government and buy there of the public lands 40 acres for fear that it will result disastrously to those islands and their people. If we take that position, we must imagine that every American citizen who may desire to go to those islands can go there only with the most selfish and mercenary purposes.

Mr. GARRETT. Mr. Speaker, will the gentleman permit?

Mr. TOWNER. Certainly.

Mr. GARRETT. Does the gentleman state the proposition with entire accuracy? It is already the law that one can not do so.

Mr. TOWNER. With regard to these lands?

Mr. GARRETT. If not, then the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] covers that.

Mr. TOWNER. The amendment of the gentleman from Pennsylvania [Mr. OLMSTED] is offered for the purpose of applying to this act that is contemplated to be passed, under the provisions of which an American citizen will be prevented from acquiring any part of these lands. Under the administration of the law so far there has been nothing to prevent an American citizen from acquiring a portion of these lands.

Mr. GARRETT. Under the administration of the law, no.

Mr. TOWNER. And the interpretation of it. And if this law is passed without this amendment the effect will be to prevent any American citizen from going to the Philippine Islands and acquiring 40 acres of that land.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MORSE of Wisconsin. I want to call the attention of the gentleman to a matter that escaped my notice for the time being, and I think has escaped the notice of the committee. It is the amendment adopted to the bill which provides that unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts, there shall be no such sale. We have given the Philippine Legislature the power to sell this land in any amount, under specific acts. Now, would the gentleman agree with me that by that amendment, and the other amendment if we adopt it, we give to American citizens the right to purchase many more acres than 40 acres, and surround that legislature with a lobby that they will be unable to resist?

Mr. TOWNER. I do not agree with the gentleman with regard to the lobby that they would not be able to resist. My imagination is not sufficient to carry me to that extreme; but I am not sure but the gentleman is right as to the effect of that amendment, if it should become a part of the law.

Mr. MORSE of Wisconsin. It has already been adopted, and has become a part of this bill.

Mr. TOWNER. I am not so sure as to what will be the effect of that law. Certainly the Members of this House, as it seems to me, can not afford to vote down an amendment of this kind. It is a reproach to American citizenship, to the manhood of America, that we will not allow an American citizen to buy a part of American land, held under the American flag, for fear of the ultimate consequences. It seems to me that to go to such an extreme as that is not warranted under any circumstances.

Now, Mr. Speaker, I have only this much to say with regard to this whole matter. Here is a little remnant of land consisting of 125,000 acres. This consists of only a few plantations, about 15 in number. It was proposed by the terms of this bill as originally presented that this land should not be disposed of by the Philippine Government, except in 40-acre tracts, to an individual. Now, if we adopt the amendment that has been prepared, it proposes that the Philippine Government may dispose of these lands as they may deem best in their own interest, and to that I entirely agree. Gentlemen here are asking this Congress to pass a law to give the Philippine Government absolute independence, to allow them to dispose of 60,000,000 acres of the public land as they choose, and yet would withhold from them, as this bill originally did, the right to dispose of only 125,000 acres for fear that they would not do it in their own interest; for fear that some lobby may surround them and seduce them from acting with regard to the best interests of their people. If the people of the Philippine Islands are not now capable of protecting their own interests with regard to the disposition of 125,000 acres of land, I am unable to understand how they can be allowed to dispose of 60,000,000 acres of land and undertake the entire government of the Philippine Islands besides.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MARTIN of South Dakota. Is it not the understanding of the gentleman that if this amendment is passed, permitting every citizen of the United States to purchase land, it will not be limited in its application to the remnant of these friar lands, but will be applicable to all of the public domain?

Mr. TOWNER. That is my understanding, but I was speaking generally of the bill as it was originally prepared. I have never regarded this proposition with the seriousness that some gentlemen do. I have not thought that it meant the exploitation of the islands to allow these 15 estates that were left to

be disposed of by the Philippine Government as it thought best. Two million dollars remain unpaid of the debt incurred by the Philippine Government for the purchase of these lands, and it was thought that if they could be allowed to dispose of this remnant as they chose in these tracts as they originally existed under the Spanish Government, that they would thus wipe out the unpaid portion of their debt. Certainly no gentleman in his own individual interest, having these lands to dispose of, would think for a moment of disposing of them otherwise, but that proposition is now cured by the amendment that has been accepted and will become a part of the bill, and now we have only left the consideration of this amendment. If this amendment shall not be adopted this Congress will say that we dare not trust an American citizen to purchase 40 acres of land in the Philippine Islands without endangering the interests of the people of those islands. I believe that reflection upon American citizenship is unwarranted and unpatriotic, and therefore I shall vote for the amendment offered by the gentleman from Pennsylvania. [Applause.]

Mr. JONES. Mr. Speaker, I ask unanimous consent that all debate on this amendment be concluded in 10 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I will have to object. I am a member of the committee and I would like to speak on this amendment.

Mr. CRUMPACKER. Mr. Speaker, I desire to speak on the bill.

Mr. JONES. I am not undertaking to interfere with the gentleman from Indiana [Mr. CRUMPACKER]. I want to dispose of the amendment, and I would like to ask the gentleman from Wisconsin [Mr. MORSE] how much time he desires.

Mr. MORSE of Wisconsin. Seven minutes.

Mr. JONES. Then, Mr. Speaker, I will modify my request.

The SPEAKER. The gentleman from Indiana has been recognized and is entitled to an hour.

Mr. JONES. I do not think the gentleman from Indiana wishes to speak on the amendment. I am sure that he wants to dispose of this amendment first and speak afterwards.

Mr. CRUMPACKER. Mr. Speaker, I beg to say that unless there is some limit put upon the debate of this amendment, I must speak upon this question if I speak at all. The debate has already taken a very broad range. I perhaps can occupy as wide a range as I desire to in following the gentlemen who have already spoken, but if a reasonable limit can be fixed on this amendment I will be glad to give way.

Mr. JONES. Then, Mr. Speaker, I ask that all debate on this amendment be closed in 20 minutes, 7 minutes to be used by the gentleman from Wisconsin and the remainder be controlled by the gentleman from Pennsylvania and myself.

Mr. MARTIN of South Dakota. Reserving the right to object, Mr. Speaker, I would like to have the gentleman's request specify that I may speak five minutes in opposition to the amendment.

Mr. JONES. I will give the gentleman from South Dakota a part of my time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this amendment and substitute be limited to 20 minutes, 7 minutes of that time to be used by the gentleman from Wisconsin and 13 minutes to be controlled and equally divided between himself and the gentleman from Pennsylvania [Mr. OLMSTED]. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Mr. Speaker, it was my intention, when the amendment was first proposed by the gentleman from Pennsylvania, to vote for it, but after examining once more the amendment which was adopted a week ago and which became a part of the bill I feel that it would not be wise to adopt the amendment. That amendment will be found on page 6413 of the RECORD. I will read it. You understand that this is a bill providing for the disposition of the remainder of the friar lands, and it puts them under the same law that applies to the other public lands—no more than 40 acres to be sold to an individual and no more than 2,500 acres to any corporation. But we have adopted this amendment:

Amend, page 2, line 6, by inserting, after the word "islands," the following:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts"

You see that takes away the 40-acre limit and the 2,500-acre limit and leaves the matter to the Philippine Government, which is composed of a lower and upper house, the upper house being appointed by the President of the United States, and the governor.

Mr. OLMSTED. But that only applies to friar lands.

Mr. MORSE of Wisconsin. Well, admitted that the amendment applies only to the friar lands, we are legislating only as to the friar lands. What are we legislating for? For the purpose of preventing the acquisition of large tracts of land by individuals or corporations, either foreign or domestic. There is no other end in view in this legislation—nothing whatever.

The charge has been made and amply proven that under the administration of the law large tracts of land have been going into the hands of certain people. I stated on the floor of the House that the people who purchased them were at the time of the purchase officers of the so-called Sugar Trust. That statement was questioned by the gentleman from Pennsylvania. I looked up the record and found I was correct. The hearings do show that the gentlemen admitted that they owned them all, and at the time of the purchase one of them at least was an officer and the others stockholders in the American Sugar Refining Co.—the so-called Sugar Trust.

Now, then, the object of this legislation is to terminate, for the good of the Filipino people, the accumulation of large tracts of land in single ownership, either corporate or individual.

I have here an amendment which I expect to offer, and to offer which the Speaker has promised to recognize me, which, if adopted, will, to my mind, make this bill of some value. If it is not adopted, I can not see any use of passing this legislation, particularly in view of the fact that we have opened up the subject even wider than it was opened before, because there was always in these friar transactions a question of title. There was always a question as to whether or not that land had been legally acquired. It is true they had the opinion of the Attorney General that it had been legally acquired, but as I understand the situation there has been no court decision to that effect and the title is still to that extent clouded.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a question?

Mr. MORSE of Wisconsin. Yes; for a short question.

Mr. TOWNER. That had reference merely to the interpretation of the law in so far as it affected the limitation on the lands, but there never has been any decision as to whether or not it was a violation of the law—in other words, a fraud—for individuals representing a corporation to procure lands that were for the benefit of the corporation.

Mr. MORSE of Wisconsin. That is probably true, but I do not care anything about the theory. The facts are that individuals did do that. These are the facts, and there is no man in this House who will question them.

Mr. TOWNER. The point I make is that because they did acquire the lands is no indication that they have any title, if they acquired them in fraud, as I believe they did.

Mr. MORSE of Wisconsin. That may be true, but we do not want to continue that kind of title acquiring in the Philippine Islands. Neither does anyone in this House want to continue that policy which we, by this legislation, are trying to change.

If the amendment to which I am addressing myself at this moment be adopted and becomes a part of this law, then you will put it within the power of the Philippine Government to grant not only to the Filipinos but to the American Sugar Refining Co., to Americans, and to anyone, individual or corporation, either there or here, land in any quantity that they may see fit to sell to them. A corporation under that law could go there and with the consent of the Philippine Government be permitted to buy all of the rest of the friar lands, one hundred and twenty-five thousand and odd acres. I say we would defeat the very object of this legislation that we are trying to enact, or, at least, we would put it within the power of the Government of the Philippine Islands to defeat the object of this legislation. Therefore, under those conditions, and in view of the fact that this amendment has been adopted and has become a part of the bill, I believe it is the duty of the Members of this House to defeat that amendment. I believe if we could arrange it so that 40 acres only could be acquired by an American citizen it would be a good amendment, because I think it would be of value to the Philippine people to have a few American citizens go in there and show them how to farm—people, for instance, from our States who are graduates of our agricultural schools. If a few of them could go in there and show them how to farm as we do in this country, it would be a very good thing, and this would be a very valuable amendment; but in view of the fact that the prior amendment has been adopted, I feel certain of the fact that the safety of the islands and the agrarian policy which we are trying there to establish would be conserved by defeating the amendment of the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, the gentleman from Wisconsin [Mr. MORSE], I think, is not quite correct as to the effect of the amendment adopted the other day, and the effect that this pending amendment would have if adopted. Nobody disputes the proposition that American citizens may now purchase friar

lands. This bill, however, proposes to make the friar lands subject to the same qualifications, restrictions, and conditions as now are imposed by law upon the sale of public lands; and it is contended that in the sale of public lands a citizen of the United States may not purchase under the existing law. The object of the pending amendment is simply to give to any American citizen the same right that a native Filipino would have to buy 40 acres of land.

Mr. GARRETT. Mr. Speaker, will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. GARRETT. Mr. Speaker, I should not like to let go unchallenged the statement of the gentleman from Pennsylvania that no one now believes that Americans can purchase the friar lands. Those of us who believe that the real intent and spirit of the organic act was that the friar lands should be subject to the same limitations as public lands do not believe now that an American citizen has the right to make a purchase of the friar lands.

Mr. OLMSTED. Mr. Speaker, I will accept the gentleman's statement, but the bill as it now stands, with the amendment adopted one week ago to-day, provides that nobody can purchase more than 40 acres of any kind of land belonging to the Philippine Government, unless the Philippine Legislature shall by legislation, hereafter to be enacted, permit him to buy more. The upper branch of that legislature consists of nine members, five Americans and four native Filipinos, while the lower branch is composed of Filipinos elected by the native Filipinos, and there could be no legislation enacted without the consent of both bodies.

Surely the gentleman from the Philippines himself and other gentlemen who are willing to vote that they are ready now, or will be very shortly, for self-government do not wish to vote in support of the proposition that they can not themselves be trusted to vote how many acres of land they will sell in any particular tract? To vote that way, in my judgment, is to negative the proposition that they are now or will be for a long time fitted for self-government. Unless that legislature, one branch of which is wholly composed of native Filipinos, selected by Filipinos themselves, shall vote otherwise, no man, under this bill as it now stands, with the amendment adopted last week, can buy more than 40 acres of land, and he has got to live on it five years continuously. Now, the gentleman from the Philippines did not observe the distinction between a resident and a citizen.

A man might go from Washington to the Philippine Islands and remain there five or six years and become a resident of the Philippines, but he would not be a citizen. He is not a statutory citizen under the provisions of the organic act which limits Philippine citizenship to native-born Filipinos and their descendants, and, of course, it is impossible for a man to change his ancestors. Therefore, unless we adopt this amendment which is now pending, it will be impossible for an American citizen to buy even 40 acres of any kind of land in the Philippine Islands.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Would the gentleman from Pennsylvania like to accept this amendment, that those acquiring lands shall become citizens of the Philippine Islands?

Mr. OLMSTED. That would not be germane to the bill before us. It is an entirely different subject. The law already provides that a man purchasing 40 acres must live on it continuously for five years, cultivate, and improve it. Mr. Speaker, the gentleman from the Philippines said himself only one week ago, as to the limitation of area, that he was in favor of this amendment, and yet to-day he speaks nearly an hour in opposition to it, and the reason he gives——

Mr. QUEZON. May I interrupt the gentleman?

Mr. OLMSTED. Certainly.

Mr. QUEZON. I do not know I gave that impression here. Personally I said this amendment ought not to be adopted, but if the purpose of the amendment was to be secured and only that purpose that I have no objection to it, but my fear is this will give an opportunity to do certain things which are to be deplored.

Mr. OLMSTED. Mr. Speaker, that fear has come upon the gentleman within the past week, for he distinctly said, and it is here in the RECORD, that personally he would have no objection if the area were restricted. Now it is limited to 40 acres unless the Filipinos themselves increase it, but they can do it under this legislation only as to the friar lands. Here is what he said, printed on page 5703 of the RECORD:

Mr. OLMSTED. Would the gentleman be willing to have this bill amended so that citizens of the United States could purchase the public lands?

Mr. QUEZON. Personally I would have no objection to it, provided the citizens of the United States shall be affected by the limitations of the organic act as to area.

The SPEAKER. The time of the gentleman has expired. The gentleman from Virginia is recognized for six and a half minutes.

Mr. JONES. Did the gentleman from South Dakota desire some time?

Mr. MARTIN of South Dakota. I do not want to take up the gentleman's time, but I would like to have five minutes.

Mr. JONES. I will yield that time to the gentleman.

The SPEAKER. How much time did the gentleman from Virginia yield?

Mr. JONES. Five minutes.

Mr. MARTIN of South Dakota. Mr. Speaker, the proposed amendment of the gentleman from Pennsylvania is very peculiarly drawn. It says that every citizen of the United States, not "may" but "shall" be permitted to purchase lands in the Philippine Islands. There is no limitation to the friar lands, which is the subject of the legislation of this bill. It is general in its language, and may apply as well to the public domain of the Philippine Islands as to this remnant of the friar lands. The provision of section 15 of the organic act plainly contemplates that as to the miscellaneous public domain of those islands it shall be disposed of only in small areas to actual inhabitants or citizens of the islands, and very properly, and yet this sort of legislative declaration by Congress would operate, I think, as an amendment to that portion of the organic act and would place a citizen of the United States in a position of demanding the privilege of purchasing under the limitations of this act a certain quantity of this land whether it was the policy of the Government of the Philippine Islands to dispose of it only to citizens of the islands or not. The amendment therefore is very remarkable in its language, and I think would work mischief for that reason if for no other. But my objection to the legislation goes much deeper than the phraseology of the amendment. I think it is fundamental to good government in any country that the agricultural lands upon which the primal industry of agriculture must be performed should be disposed of only to citizens of the country having the public domain. That is a condition of good government, a principle which we have protected in our own affairs from the foundation of the Government, and I have always considered it was one of the best instances of the statesmanship of the people of the United States that this policy ingrafted into the homestead act of 1862 was adopted at a time when the temptation to dispose of our public land to large landholders was very great.

One side of that great legislative controversy in 1862 contended that the Nation's life was in peril and that vast areas of the public domain ought to be disposed of at the greatest possible price as an asset of the war to defend the Union. But wiser and more farseeing statesmanship prevailed, and even under the limitations of the necessities of the case the men of that period adopted the policy that the public lands of the United States should forever be disposed of in small quantities to the actual home builder or empire maker who should go in advance and lay the foundations of the citizenship of this Republic.

We are the trustees of these Filipino people, and we ought not to ingraft upon them by legislation a policy we would not adopt in the management of our own affairs. And it is no criticism of American citizenship to say that we, the trustees of those people, in our legislative might and power will not place upon them provisions that would force them to recognize American citizens, or citizens of any other country than the Philippines, in a right to purchase portions of their agricultural lands. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULLOP). The gentleman from Virginia [Mr. JONES] has one minute and a half remaining.

Mr. JONES. Mr. Speaker, there is not one line or one word in the bill before the House relating to who shall or shall not acquire lands in the Philippine Islands. There is not a word in this bill that relates to who may or may not purchase private lands, public lands, or so-called friar lands.

The subject matter of the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely foreign to everything which is before the House in this bill. He seeks through his amendment not to change anything in this bill; not to change anything in the section of the law to which this bill relates; but to amend in a most important particular the organic law of the Philippine Islands. For that reason, if for none other, the House should vote down this amendment, for it

has absolutely nothing to do with the subject matter of the bill. It is, however, an admission, notwithstanding that the gentleman from Pennsylvania [Mr. OLMSTED] continually says that there are only a few persons who hold that citizens of the United States can not acquire agricultural lands in the Philippine Islands, that the law as it stands prohibits a citizen of the United States from acquiring a single acre of the agricultural public lands in the Philippine Islands. And it is because the gentleman believes in his heart that the interpretation placed upon this law, not only by the minority members of the Insular Affairs Committee in the Sixty-first Congress, but by Judge Madison and two others of the majority members of that committee, is the correct interpretation that he seeks to secure the adoption of this amendment. Now, I do not understand——

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania will state it.

Mr. OLMSTED. The question is now on the substitute amendment?

The SPEAKER. The Chair was going to state that.

Mr. OLMSTED. If that is voted down there will have to be a vote on the original amendment?

The SPEAKER. Yes.

Mr. OLMSTED. Then I will ask the gentleman from Virginia [Mr. JONES] that his substitute be treated as an original amendment so as to save two votes.

The SPEAKER. Unanimous consent is asked that the substitute be treated as an original amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. OLMSTED. Division, Mr. Speaker.

The House proceeded to divide; and during the division Mr. OLMSTED raised the point of no quorum.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. When the names are called, those who are in favor of the substitute will answer "yea," and those opposed will answer "nay." Of course the agreement is that the substitute shall be in place of the original amendment. The Clerk will call the roll.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

Page 2, line 21, after the word "holdings," insert:

"*Provided further*, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government subject to the limitations and restrictions of this act as hereby amended."

Mr. GARNER. Is that a substitute?

Mr. OLMSTED. Yes; that is what we are about to vote on now.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 66, nays 156, answered "present" 13, not voting 157, as follows:

YEAS—66.

Ames	Fuller	McCreary	Redfield
Austin	Gardner, Mass.	McGuire, Okla.	Roberts, Mass.
Bowman	Greene, Mass.	McKenzie	Smith, Saml. W.
Bulkley	Griest	McKinley	Steenerson
Burke, Pa.	Hamilton, Mich.	McKinney	Stephens, Cal.
Butler	Harris	McLaughlin	Sterling
Cannon	Hartman	Madden	Stevens, Minn.
Catlin	Heald	Malby	Thistlewood
Crago	Henry, Conn.	Mann	Towner
Crumpacker	Higgins	Matthews	Tuttle
Dalzell	Hill	Morgan	Volstead
De Forest	Howell	Needham	Vreeland
Dodds	Kahn	Nye	Wedemeyer
Driscoll, M. E.	Kennedy	Olmsted	Willis
Focht	Kinkaid, Nebr.	Payne	Young, Mich.
Fordney	Knowland	Powers	
Foss	Loud	Prouty	

NAYS—156.

Adair	Borland	Daugherty	Ferris
Adamson	Brantley	Davis, Minn.	Finley
Aiken, S. C.	Buchanan	Denver	Fitzgerald
Akin, N. Y.	Burke, Wis.	Dickinson	Foster
Alexander	Byrnes, S. C.	Dies	Fowler
Anderson, Minn.	Byrns, Tenn.	Difenderfer	Francis
Anderson, Ohio	Callaway	Donohoe	French
Ansberry	Candler	Doremus	Gallagher
Ashbrook	Carter	Doughton	Garner
Barnhart	Cary	Driscoll, D. A.	Garrett
Bartlett	Cline	Edwards	Good
Bathrick	Connell	Ellerbe	Goodwin, Ark.
Bell, Ga.	Cooper	Esch	Gould
Blackmon	Copley	Evans	Gray
Boehne	Cullop	Faison	Gregg, Pa.
Booher	Curry	Fergusson	Gregg, Tex.
Hamill	Lafferty	Page	Smith, J. M. C.
Hamilton, W. Va.	La Follette	Peters	Smith, N. Y.
Hardy	Lee, Ga.	Post	Stedman
Harrison, Miss.	Lee, Pa.	Pou	Stephens, Miss.
Harrison, N. Y.	Lenroot	Prince	Stephens, Tex.
Hay	Levy	Rainey	Stone
Hayden	Lindbergh	Raker	Sulzer
Helgesen	Linthicum	Rauch	Sweet
Hensley	Lloyd	Rees	Talcott, N. Y.
Holland	McDermott	Roberts, Nev.	Taylor, Colo.
Howard	McGillicuddy	Roddenbery	Thayer
Hughes, Ga.	Macon	Rothermel	Thomas
Hull	Maguire, Nebr.	Rouse	Townsend
Jackson	Martin, Colo.	Rubey	Tribble
Jacoway	Martin, S. Dak.	Rucker, Colo.	Turnbull
Johnson, Ky.	Moon, Tenn.	Russell	Underhill
Jones	Morrison	Saunders	Watkins
Kendall	Morse, Wis.	Sharp	White
Kinkead, N. J.	Murray	Sherley	Wilson, N. Y.
Konig	Neeley	Sherwood	Wilson, Pa.
Konop	Oldfield	Sims	Witherspoon
Kopp	O'Shaunessy	Slayden	Young, Kans.
Korbly	Padgett	Small	Young, Tex.

ANSWERED "PRESENT"—13.

Beall, Tex.	Gillett	McCall	Tilson
Browning	Hobson	McMorran	
Davenport	Houston	Smith, Tex.	
Dwight	Langley	Talbott, Md.	

NOT VOTING—157.

Ainey	Estopinal	Lamb	Richardson
Allen	Fairchild	Langham	Riordan
Andrus	Farr	Lawrence	Robinson
Anthony	Fields	Legare	Rodenberg
Ayres	Flood, Va.	Lever	Rucker, Mo.
Barchfeld	Floyd, Ark.	Lewis	Sabath
Bartholdt	Fornes	Lindsay	Scully
Bates	Gardner, N. J.	Littlepage	Sells
Berger	George	Littleton	Shackleford
Bradley	Glass	Lobeck	Sheppard
Broussard	Godwin, N. C.	Longworth	Simmons
Brown	Goeke	McCoy	Sisson
Burgess	Goldfogle	McHenry	Slemp
Burke, S. Dak.	Graham	McKellar	Sloan
Burleson	Green, Iowa	Maher	Smith, Cal.
Burnett	Gudger	Mays	Sparkman
Calder	Guernsey	Miller	Speer
Campbell	Hamlin	Mondell	Stack
Cantrill	Hammond	Moon, Pa.	Stanley
Carlin	Hanna	Moore, Pa.	Stephens, Nebr.
Clark, Fla.	Hardwick	Moore, Tex.	Sulloway
Claypool	Haugen	Moss, Ind.	Switzer
Clayton	Hawley	Mott	Taggart
Collier	Hayes	Murdock	Taylor, Ala.
Conry	Heflin	Nelson	Taylor, Ohio
Covington	Helm	Norris	Underwood
Cox, Ind.	Henry, Tex.	Palmer	Utter
Cox, Ohio	Hinds	Parran	Vare
Cravens	Howland	Patten, N. Y.	Warburton
Curley	Hubbard	Patton, Pa.	Webb
Currier	Hughes, N. J.	Pepper	Weeks
Danforth	Hughes, W. Va.	Pickett	Whitacre
Davidson	Humphrey, Wash.	Plumley	Wickliffe
Davis, W. Va.	Humphreys, Miss.	Porter	Wilder
Dent	James	Pray	Wilson, Ill.
Dickson, Miss.	Johnson, S. C.	Pujo	Wood, N. J.
Dixon, Ind.	Kent	Randell, Tex	Woods, Iowa
Draper	Kindred	Ransdell, La.	
Dupré	Kitchin	Reilly	
Dyer	Lafean	Reyburn	

So the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDREWS.
Mr. GLASS with Mr. SLEMP.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. COLLIER with Mr. WOODS of Iowa.

Until further notice:

Mr. WICKLIFFE with Mr. SIMMONS.
Mr. COX of Ohio with Mr. TAYLOR of Ohio.
Mr. WEBB with Mr. REYBURN.
Mr. ROBINSON with Mr. SMITH of California.
Mr. STEPHENS of Nebraska with Mr. PRAY.
Mr. SABATH with Mr. PLUMLEY.
Mr. RUCKER of Missouri with Mr. WOOD of New Jersey.
Mr. RICHARDSON with Mr. WILSON of Illinois.
Mr. REILLY with Mr. VARE.
Mr. MCKELLAR with Mr. WARBURTON.
Mr. LOBECK with Mr. SWITZER.
Mr. MCCOY with Mr. UTTER.
Mr. LEVER with Mr. SPEER.
Mr. LEGARE with Mr. PICKETT.
Mr. SMITH of Texas with Mr. PATTON of Pennsylvania.
Mr. KITCHIN with Mr. NELSON.
Mr. HUMPHREYS of Mississippi with Mr. MOTT.
Mr. HUGHES of New Jersey with Mr. MOORE of Pennsylvania.
Mr. HENRY of Texas with Mr. MONDELL.
Mr. HEFLIN with Mr. MILLER.
Mr. GRAHAM with Mr. LAWRENCE.
Mr. GOLDFOGLE with Mr. LAFEAN.
Mr. GEORGE with Mr. KENT.

Mr. FLOYD of Arkansas with Mr. HUMPHREY of Washington.
Mr. FLOOD of Virginia with Mr. HUBBARD.
Mr. DUPRÉ with Mr. HAYES.
Mr. DICKSON of Mississippi with Mr. HAUGEN.
Mr. DENT with Mr. HANNA.
Mr. DAVIS of West Virginia with Mr. GUERNSEY.
Mr. CURLEY with Mr. GREEN of Iowa.
Mr. DIXON of Indiana with Mr. GARDNER of New Jersey.
Mr. COX of Indiana with Mr. FOSS.
Mr. COVINGTON with Mr. DYER.
Mr. CLAYTON with Mr. CURRIER.
Mr. CARLIN with Mr. CALDER.
Mr. CANTRILL with Mr. BARTHOLDT.
Mr. BURNETT with Mr. BARCHFELD.
Mr. BURLESON with Mr. AINEY.
Mr. LITTLEPAGE with Mr. MURDOCK.
Mr. GUDGER with Mr. HUGHES of West Virginia.
Mr. GOEKE with Mr. HOWLAND.
Mr. GODWIN of North Carolina with Mr. HINDS.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. RANDELL of Texas with Mr. SELLS.
Mr. MOSS of Indiana with Mr. SLOAN.
Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. LITTLETON with Mr. DWIGHT.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. JAMES with Mr. MCCALL.
Mr. HELM with Mr. RODENBERG.
Mr. BEALL of Texas with Mr. HAWLEY.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SISSON with Mr. TILSON.
Mr. SHEPPARD with Mr. BATES.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. ALLEN with Mr. LONGWORTH.
Mr. FIELDS with Mr. LANGLEY.
Mr. PEPPER with Mr. WILDER.
Mr. PUJO with Mr. MCMORRAN.
Mr. PALMER with Mr. SULLOWAY.
Mr. CLARK of Florida with Mr. DANFORTH.
Mr. KINDRED with Mr. POSTER.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. SCULLY with Mr. BROWNING.
From May 11, one week:
Mr. BROWN with Mr. LANGHAM.
From May 3, two weeks:
Mr. SHACKLEFORD with Mr. DRAPER.
April 17 to May 21:
Mr. BURGESS with Mr. WEEKS.
May 15 to May 25:
Mr. STANLEY with Mr. ANTHONY.

Mr. KENDALL. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. DIXON, but I am sure he would vote in the negative if he were here, and I withdraw my pair, and vote "nay."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KENDALL, and he answered in the negative.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. CRUMPACKER rose.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for one hour.

Mr. CRUMPACKER. Mr. Speaker, I rise to speak in opposition to the bill now before the House for consideration. I was unable to be present on last Calendar Wednesday or on the Calendar Wednesday before, and I did not hear the arguments made for and against the measure on those days; but I have read every speech upon the question that has been published in the RECORD. I feel justified in saying a few words in this connection in relation to the amendment that was just voted down by the House, an amendment proposing to give American citizens the right to make homestead entries in the Philippine Islands under the organic law and in accordance with the conditions and limitations therein contained. Some seem to believe that a citizen of the United States residing in the islands is not allowed to locate upon and become the owner of a homestead of 40 acres of the public lands, simply because the law does not, by express terms, make him a citizen of the Philippine Government. My individual judgment is that citizens of the United States residing in the Philippine Islands are citizens of the Philippine Government within the meaning of the homestead law. This Government holds sovereign power over the Philippine Archipelago, and the title to the public lands in the archipelago is in the United States. Those islands were rescued from Spanish oppression by American valor, by the shedding of American blood. The Constitution of the United States declares that every person born within the United States or naturalized therein is a citizen of the United States and a citizen of the State where he resides. Territory within the jurisdiction of this Government is a State within the citizenship provision of the Constitution, and a citizen of the United States is a citizen of the islands under the flag while he resides in the islands. It is to me an absurd proposition to say that even the soldiers who fought under the flag in conquering Spanish authority in the archipelago do not possess the poor privilege of becoming residents of the islands and of taking up homesteads of 40 acres of land, on condition that they shall improve, cultivate, and live on the lands for five years, and upon the further condition that they shall not sell or encumber their holdings during that period. I voted for the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] to remove all possible doubt about the question in the minds of some Members and not because I thought there was any doubt about it myself.

Mr. Speaker, this whole friar-land question, it seems to me, has been enshrouded with a great deal of confusion and misunderstanding. It has been badly obfuscated. There is an attempt here to make a mountain out of a molehill. The bill presents a simple business question respecting the change of the law for the disposition of the remaining friar lands. In the course of the discussion some gentlemen who have spoken have taken occasion to cast reflections upon the administration of the Philippine Government, and particularly the administration of the public lands. We heard those same criticisms a year or two ago, and the last Congress authorized an investigation of the administration of public lands in the islands. That investigation was made by the Committee on Insular Affairs. It was exhaustive, it was thorough, it was impartial; and the result was that the administrative officers in the Philippines were absolutely vindicated. I will quote a paragraph of the report of the committee conducting that investigation from the summary:

> We find that the administration of lands in the Philippine Islands has been fairly and honestly conducted, and that the charges and insinuations to the contrary which have been made against the officials charged with the execution of the laws in relation thereto, whether officers of the Philippine Government or of the United States, are unwarranted and unjust.

That report was made by eight members of the majority and one of the minority of the committee, and the findings were concurred in by four other members in separate statements. The gentleman from Colorado [Mr. RUCKER], of the minority, made a supplemental statement in which he said:

> I fully concur in the foregoing report as far as it goes, but I desire to make the following additional suggestion.

Three other members of the committee, Messrs. HUBBARD of Iowa, DAVIS of Minnesota, and MADISON of Kansas, submitted supplemental views, in which they said:

> The committee has fully discharged its duty to make a complete and thorough investigation of the interior department of the Philippine Islands with regard to the administration of Philippine lands, and we concur in the findings of the foregoing, that there have been no sales of Philippine lands in violation of law, and that the officials having in charge the execution of the land laws of the Philippines have been honest and conscientious. They are not in our judgment subject to censure. Their task has not been an easy one. They have had many burdens laid upon them, not the least of which has been the interpretation of the provisions of the act of 1902, providing a civil government for the Philippines with regard to the lands they were administering.

Five out of nineteen members of the committee dissented.

I submit that no fair-minded man can go through the history of that investigation and read the testimony taken without reaching the conclusion that the handling of public lands in the islands constitutes as clean a page as can be found in all the annals of American administration.

It is an easy thing to criticize, an easy thing to find fault with conditions that exist 10,000 miles away, but it is difficult sometimes to disprove charges and insinuations against faithful public officers. My belief is that Congress ought to defer largely to the judgment and the fidelity of the men who have been selected to administer affairs in the Philippine Archipelago, men who are on the ground, men who know infinitely more than we can know respecting social, economic, and political conditions there and of the needs and wants of the inhabitants.

It seems to me we make a grave mistake when we undertake to legislate respecting details from American standards against the judgment and over the protest of those who are on the ground and charged with the responsibility of administration. How many Members of this House have personal knowledge of the conditions that prevail in the Philippines?

I undertake to say, Mr. Speaker, that the organic act has been interpreted and applied by the Philippine Government exactly as it was enacted by Congress, exactly as Congress intended it should be interpreted and applied. It was made by a Congress that was thoroughly familiar with conditions existing at that time and the reasons for the purchase of the friar lands and the manner of their disposition.

When this Government secured control of the archipelago under the Paris treaty there came to the United States something over 60,000,000 acres of public lands. Under that treaty the title to those lands was vested in the Government of the United States. When we came to make the organic law for the civil government of the islands, we made careful provision for the disposition of the public lands for the benefit of the people of the islands. In the course of my remarks when I refer to the "public lands" I mean those lands the title to which was vested in the United States by the Paris treaty, and when I refer to the lands purchased of the religious orders I shall designate them as "friar lands."

Congress outlined its land policy for the islands in the provisions in the organic law for the disposition of the public lands. It established the homestead policy and surrounded it with safeguards to prevent exploitation more effectually than was ever done for the protection of the public lands in this country. Limitations were fixed so there could be no "dummy" entries, as has been the case under the land laws at home. If any criticism can be justly made against the Philippine land laws it is that they are so rigid as to retard development. No opportunities were left open to speculators and exploiters.

But the mistake has been made by Members of the House in the discussion of this question in failing to discriminate between the public lands and the friar lands. Because some unoccupied friar lands have been sold in large tracts Members have spoken, protesting vigorously and vehemently against the exploitation of the public lands of the islands.

The distinguished gentleman from Wisconsin [Mr. COOPER] awhile ago quoted a statement from the report of Mr. Taft when he was Secretary of War, declaring that he was not in favor of using or permitting the use of the public lands in the Philippine Islands for sugar raising.

Mr. TOWNER. Will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. TOWNER. Was it not said in the quotation from Mr. Taft that he placed his disapproval upon the exclusive use of the public lands for sugar raising?

Mr. CRUMPACKER. That is the point I was coming to; he said he was not in favor of the exclusive use of all the lands for sugar raising, and he gave sound reasons for his objections. Is there anybody in this House or in this country advocating the exclusive use of the public lands of the islands for sugar plantations? Why, the entire area of the friar lands was only 400,000 acres as against over 60,000,000 acres of the public lands that can not be exploited; that can not be sold excepting under rigid limitations and conditions. Mr. Taft in that report, and in a number of other reports, recommended the establishment of a number of modern sugar mills in the islands. He said it would promote development; that it would be an object lesson to the natives; that it would stimulate enterprise and activity along right lines. Much of the friar lands was in small tracts, in possession of tenants. They were largely occupied, and the law requires that the tenants shall have the first right to purchase their holdings. The unoccupied and unimproved lands are those over which the controvery arises. Suppose the Government should sell all of the unoccupied friar lands in large tracts for the purpose of sugar production, would it amount to an exploitation of the public lands—200,000 acres out of 60,000,000 acres? Every objection that has been made to the sale of the unoccupied friar lands in large tracts is more than answered in the fact that there can be no oppression, no condition approaching serfdom, because if the natives do not care to work in the sugar mills there are 60,000,000 acres of public lands open to homesteads on easy terms and at a nominal cost.

It is the experience of sugar producers in the Tropics that one who goes to the expense of constructing a modern sugar mill must have several thousand acres upon which to produce cane, because reliance upon small farms for a cane supply is too precarious. The average sugar plantation in control of mill owners in Cuba is above 15,000 acres. Public lands in the Philippines can not be sold in larger tracts than 40 acres to an individual or 2,500 acres to a corporation. The public lands can be bought for $2 an acre, but no one would undertake to build a sugar mill on 40 acres of land, or on even 2,500 acres. The San Jose tract, which was sold to the Havemeyer syndicate, was surrounded with public lands equally as fertile, and which were for sale at $2 an acre. The San Jose tract sold for over $6 an acre, because it contained a number of thousand acres. If it could only have been sold in 40-acre tracts, it would have taken 50 years to dispose of it, and then it could not have sold for more than the public lands were offered for.

Discrimination must be made between the sale of public lands for homesteads, in 40-acre tracts, at $2 an acre, and the sale of large areas of unoccupied friar lands for sugar mills, at from $6 to $25 an acre. Discrimination must be made between the policy of selling the public lands at a small price for the encouragement of agriculture and the policy of selling the friar lands for the purpose of creating a fund with which to pay the bonds given for their purchase.

There has been much said about absentee landlordism, and it has been declared that it was the object of the Government in taking over the lands of the religious orders to break up the large tracts into small holdings. There was no such purpose in the mind of Congress in providing for the purchase of those lands. No one had any such idea. There was a condition, which has been referred to in the course of this debate, involving a bitter enmity on the part of the tenants of the friar lands against the friars themselves. It was not a matter of absentee landlordism, because the landlords were on the ground and the cause of the trouble. It was not a question of buying up large tracts of land with a view of cutting them up into small holdings, because there was no objection whatever to the quantity of land held by the religious orders, as there was an abundance of public land that natives could locate upon and use without interference. There were two large tracts, aggregating about 110,000 acres—the San Jose estate, which was purchased by Poole for the New York syndicate, and the Isabela estate—which were wholly unoccupied and unimproved, that it was not the intention of the Government to buy at all, because they were in no way the subject of friction or trouble. They were the largest tracts held by the friars, but they had no tenants.

I am authorized by President Taft to say that after the passage of the organic law he made a voyage to Rome with the view of negotiating for the purchase of the friar lands, and his first proposition was to exclude the San Jose and the Isabela estates from consideration altogether, as there was no need of buying those lands, because they were untenanted and the source of no trouble whatever.

If that proposition had been accepted, the title to the San Jose estate in Mindoro and the title to the Isabela estate in northern Luzon would have remained in the religious orders, and they could have sold both estates, even to the Havemeyers, without let or hindrance. But the representative of the friars very naturally refused to consider any proposition that did not include those large estates, so the Philippine Government was compelled to buy them in order to secure the lands that were held by tenants and about which the trouble existed.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. CRUMPACKER. For a question in that connection.

Mr. JONES. Then why was it that he did not buy the large estate on the Pasig River of 8,000 acres, which belonged to the friars, and that was very densely populated?

Mr. CRUMPACKER. There seemed to have been no trouble about that tract, and there has been no trouble there since.

Mr. JONES. Oh, there was trouble there.

Mr. CRUMPACKER. I am not ready to accept the gentleman's statement on that question. There has been no trouble over that estate. The small—or, as the gentleman calls it, the large—estate of 8,000 acres was kept by the friars for their own use. The basis of all difficulty between the friars and the tenants was agrarian and political. The friars were the parish priests in the islands, very largely, and they had absolute political authority in all municipalities in their several parishes. Mr. Taft described them in his statement before the committee as "Spanish policemen." The tenants were all devout Catholics. The friars collected rents from the tenants and used them for carrying on certain functions that pertained to the religious orders as such. In addition they imposed substantial exactions upon the tenants for the purpose of raising further funds to carry on the work of the church; and the tenants took the view that while the title to the lands was in the religious orders, they held the land in trust for the church, and that the rents of the lands should go to the maintenance of the church instead of to educational and other uses outside. They came to look upon those priests as the personification of all that was arbitrary and despotic in Spanish administration. I will quote briefly from Mr. Taft's statement. He said:

> There is another question connected with the friars that is far wider in importance because it affects the whole archipelago. That is the question of the friars' return to their parishes. The people are Catholics, and they are fond of their church, and the church is a great part

of their life. They have their fiestas, and the church takes part in almost every function in the family, and they have no disposition to leave the church. That they should have such a deep feeling of hostility against those persons who would administer the sacraments of the church—and they love the church itself—indicates that there was a very deep reason for their hostility. It would be found in the political power that the friars exercised in the last 50 years. They were the policemen of Spain. They exercised absolute power in every municipality within their respective parishes, and they were made responsible by the people for every act of oppression, individual or general, which might be charged to the Spanish Government.

That statement explains clearly the source of the trouble and the necessity of the Government securing control of the occupied lands to avoid conflict.

In 1896 there was an uprising among the tenants, and the priests were driven from their parishes. Upward of 50 of them were killed and 300 and over were put into prison. When the United States secured control of the islands, after peace had been established, following the Paris treaty, our Government was bound to protect the religious orders in the enjoyment of their property. The Philippine Commission knew that if proceedings were instituted to compel the tenants to pay rent to the friars for the lands it meant conflict; it meant insurrection and bloodshed. There is no way of estimating the sacrifice of human life and treasure that might have resulted in suppressing such an outbreak. Furthermore, it was of vital importance to assure the natives of our friendship and unselfish purposes in administering their affairs.

So it was decided that it would be cheaper and better from every standpoint to buy the lands and solve the difficult and ugly problem in that way, and Congress authorized the Philippine Government to make the purchase and issue bonds to raise the purchase money. Some have contended that the limitations contained in section 15 of the organic act were intended to apply to the friar lands, but I believe that no lawyer can carefully read that act and study the conditions under which it was made without reaching the conclusion that those conditions and limitations were never intended to apply to the sale of the friar lands. Those conditions and limitations were peculiarly adapted to a homestead policy. It might as well be said that if the Government of the United States should buy, say, 6,000 acres of land in this country for a rifle range and it should afterwards conclude to abandon the rifle range that the homestead laws would at once attach to the land. Those limitations were never intended to apply to the friar lands, because they are not adapted to public lands which have been acquired by purchase with the intention of selling them for enough to pay the purchase money. I expect to demonstrate before I finish my remarks that the friar lands were not intended by Congress to be sold under the homestead laws. I assert that there has been no public officer who has given an opinion upon the question who has not decided unequivocably that the limitations in section 15 and other homestead sections of the law do not apply to the friar lands. The law officer in the bureau of public lands in the Philippine Islands gave that opinion first.

The attorney general of the Philippine Islands, a native and an able lawyer, gave the same opinion, and later on, in connection with the San Jose estate, the Attorney General of the United States gave the same opinion. In the investigation made by the Committee on Insular Affairs in the last Congress all but 5 members of the committee out of 19, after a thorough and exhaustive investigation of the facts and the law, declared unequivocally that the conditions and limitations contained in section 15 did not and were not intended to apply to the friar lands. The organic act passed the Senate first. The Senate placed no limitation upon the quantity of friar lands that might be sold to a single individual, excepting that tenants should have the first right to buy their own holdings. The Senate bill authorized the Philippine Commission to make rules and regulations for the lease and other disposition of the public lands and required the commission to report those rules and regulations to the President for his approval, and if the President approved them that they should be submitted to Congress, and if Congress failed to amend or disapprove them at the following session they became law, but the Senate bill declared that a single homestead of public lands should not contain more than 40 acres, or its equivalent, in hectares. That was the only limitation in the bill. In another chapter, disconnected altogether from the public-land provisions, the bill took up the question of the friar lands and authorized their purchase and sale. It provided that those lands should be sold or disposed of in such manner as the Philippine Government might determine. They were not required to make rules and regulations for the disposition of the friar lands and send them back here for approval. The bill provided, however, that those lands should not be sold for less than the purchase price, an important thing to bear in mind. Furthermore, it provided that the proceeds of the lands should constitute a sinking fund for the purpose of paying the principal and the interest of the bonds issued for their purchase and that the interest on deferred payments for lands should be the same as the interest on the bonds. It was a simple business proposition for the Government to buy the lands to get rid of a troublesome question with the express intention of selling them first to the tenants, then the unoccupied portions to others for money enough to discharge the debt incurred in their purchase. The lands cost the Government $7,000,000. That looks like a small sum to the United States. Did you ever stop to reckon, Mr. Speaker and gentlemen of the House, how much that would be equivalent to here, considering our business and financial operations and the population and the per capita wealth of the two countries? Seven million dollars against the Philippine Government would amount to more than $700,000,000 against the United States. There are $2,000,000 of the bonds yet to be paid. It is a trifle; it is but a mere bagatelle from our standpoint; but we are not paying the money out of our own Treasury.

It is to be paid by the sweat and toil of the people of the Philippine Islands, and $2,000,000 is more for them to pay than $200,000,000 would be for the Government of the United States to pay. Congress concluded that the lands ought to pay the cost of their purchase.

It has been said that no one had in mind the sale of the lands for enough to pay the bonds. Mr. Taft, in explaining the situation to the Committee on Insular Affairs in 1902, said:

> What I mean is, if we buy the lands we put the title of the Government between the friars and the subsequent disposition of the lands, and that then the Government may, by liberal terms to the tenants, enable the tenants, by payments strung over a long number of years, to become the owners of the land. The payments can be arranged so that not much more than the rent would nevertheless pay for the land. And in that way I think the insular government could probably be made whole or nearly so. I think the plan proposed by the commission as adopted in the bill introduced by Mr. COOPER contemplates the establishment of a sinking fund out of the proceeds of the sales of the lands to the tenants to meet the bonds.

Those who say that we were not to treat this matter, in a measure, as a business proposition, and were to pay no regard to the sale of the lands with a view of discharging the bonds, know little about the considerations that prompted Congress to authorize the purchase and sale of the lands.

Mr. Taft, in discussing the unoccupied San Jose and Isabella estates, was asked by Mr. WILLIAMS, of Mississippi, now Senator, then a member of the Committee on Insular Affairs, if there was any necessity for the purchase of those two tracts. Mr. Taft said:

> No; the same necessity would not exist for the purchase of the Mindoro tract and the Cagayan tract. The Mindoro tract is a tract used for cattle only, and in a part of the Islands where there are practically no tenants, and where there is no feeling one way or the other, and so probably it would be the same with the Cagayan Valley.

It was expected that the lands would be sold for money enough to relieve the people of the islands of the burden of debt that they had incurred in their purchase, and everybody knows that they could not be sold for any such price under the conditions and limitations contained in section 15 that were in their very nature adapted to a homestead policy.

The Senate put no limitation on the quantity of the friar lands that could be sold to any one individual, excepting that which goes along with a provision that the occupants should have the first right to buy their holdings. When the bill came up in the House the gentleman from Virginia [Mr. JONES], who was then a member of the Committee on Insular Affairs—as a matter of fact, he is one of the charter members of that committee—realizing that there was no limitation on the friar lands, offered an amendment which appears on page 7443 of volume 35 of the RECORD, part 8, limiting the amount of friar lands that could be sold to one person. The House bill fixed 16 hectares, or 40 acres, as the size of a homestead of public lands.

The gentleman did not provide in his amendment that the same limitation should apply to the friar lands, but he proposed a limit of 40 hectares, or 100 acres, for those lands. He spoke in support of his amendment against the danger of monopolizing the lands unless there was some limit placed upon the amount that could be sold to one individual. Other speeches were made for and against the amendment. The gentleman from Wisconsin [Mr. COOPER], who was then chairman of the Committee on Insular Affairs, took part in the debate. He opposed the amendment and said there was a distinction between the friar lands and the public lands, and that limitations adapted to the public lands might not be applicable to the friar lands.

Mr. JONES. Will the gentleman permit a question just there?

Mr. CRUMPACKER. A question; yes.

Mr. JONES. The gentleman has referred to the fact that I offered an amendment. The gentleman knows, of course, that section 16, to which I offered the amendment, did not contain the words "subject to the limitations and conditions of this act," which are now in the organic act. That is true, is it not?

Mr. CRUMPACKER. I understand that. If the gentleman will give me the time I will explain that proposition, and I think I can make it clear.

Mr. JONES. The gentleman has quoted from me. If he will read a little further down he will find I used these identical words——

Mr. CRUMPACKER. I hope the gentleman will not quote from the RECORD, as my time is short.

Mr. JONES. I will yield the gentleman the time.

Mr. CRUMPACKER. If the gentleman will secure me an extension of time I will yield.

The SPEAKER. Does the gentleman from Indiana [Mr. CRUMPACKER] decline to yield?

Mr. JONES. The gentleman has agreed to yield.

Mr. CRUMPACKER. On condition.

Mr. JONES. The gentleman will find if he will read my remarks on that amendment I used these words:

> The result will be that the lands will become a part of the public lands of the islands and will be disposed of as this bill proposes those public lands will be disposed of.

That is what I always contended.

Mr. CRUMPACKER. The public lands could not be sold in larger tracts than 40 acres, and the gentleman proposed to sell the friar lands in 100-acre tracts. The Capitol Grounds are public lands of the United States; but does that mean that they are homestead lands or that they are salable? All lands the title of which is vested in the Government are public lands.

Mr. Lacey, of Iowa, who was then chairman of the Committee on the Public Lands in the House, and who, I think, was more familiar with the land laws than any other man in either branch of Congress, spoke against the Jones amendment, insisting that the question of the amount of friar lands that could be sold to one individual should be left with the Philippine Commission, who were on the ground and knew better than Congress could know what was best to do in that respect. The Jones amendment was beaten by a vote of 63 to 33.

The House knew there was no limitation in the bill upon the amount of friar lands that could be sold to one person, and after full discussion, by a vote of almost two to one, decided that there should be no such limitation, but that that question should be left to the discretion of the Philippine Government.

After the bill passed the House it went to conference, and concessions were made and the act of July 1, 1902, was the result. The Senate consented to the striking out of the provision that the friar lands should not be sold for less than the cost price. The House took the position that while it was expected that the lands would sell for enough to cover the bonds, yet it might be necessary in some instances to pay more than the lands were worth, and if that hard-and-fast provision were left in the bill it might defeat the sale of some tracts altogether, so it was decided to leave that question also to the discretion of the Philippine Government.

"The conditions and limitations" in the friar land sections of the act referred to such conditions and limitations only as were applicable to lands that were bought and held with the expectation that they would be sold for enough to pay the purchase price. "The conditions and limitations" meant those that were applicable. It was not the intention of Congress to import conditions and limitations into the friar land sections that were only applicable to a homestead policy. Everyone at all familiar with the situation knows that the friar lands could not have been sold for the purchase price under the public-land provisions at all.

All those problems have been fully investigated, and every public officer, every law officer, who carried the responsibilities of his oath of office, has upheld the Philippine Government in its disposition of the friar lands. I remember that when we entered upon the investigation in the last Congress the late Judge Madison announced, in the presence of the committee, that he was strongly inclined to believe that the friar lands should be disposed of under the conditions and limitations provided for the disposition of the public lands.

His mind was open to conviction, however, and before the close of the investigation he became convinced that his original impression was wrong. He declared unequivocally that there was not a court of respectable standing in America that would not hold that the conditions and limitations that are peculiarly adapted to the homestead policy were not applicable to the disposition of friar lands, and it was never the intention of Congress that they should be so applied.

The question is reduced to one of policy. Seventy per cent in point of value and 60 per cent in quantity of the friar lands have already been sold. Every foot of land sold has brought the cost price, plus the accumulated interest, together with the cost of administration. The sales have aggregated about $5,000,000. The tenants, who were the principal purchasers, bought in good faith under the law and paid for their lands, and it is now proposed to provide that the balance, the remaining 30 per cent of the lands, shall be practically given away. Is that fair and just to the taxpayers of the islands? Is it fair and just to the thousands of tenants who have bought and paid the full value for their lands? There may be 125,000 acres of unoccupied land yet unsold. The occupied lands are in small areas, as a rule, some of them a half acre, some an acre, some even 125 or 130 acres. They are substantially all disposed of. Each tenant took his holding and paid the price for it that the Government had to pay, with interest and the cost of surveying and administration.

If the Congress will permit the Philippine Government to continue under the policy so clearly and definitely embodied in the organic law, it will be only a comparatively short time until the balance of the friar lands will be disposed of and complete provision made for the payment of all the bonds, and that episode in the history of the Government will be a closed incident.

I refer again to the talk about absentee landlordism. If the friars had been absent from the islands there would have been no difficulty; there would have been no friction. There is no purpose or intention to exploit the public lands, but it is the intention to dispose of them in accordance with the organic act. If we close the door in the Philippines against American money and American enterprise, how can we hope that there will be any development in that fertile country? The eloquent gentleman from the islands [Mr. QUEZON] seems to be living in continual fear of Americanizing the islands. He opposes every proposition that looks toward American enterprise and the investment of American capital and the extension of American influence there. He has in mind immediate independence of the people of the Philippines.

Let me ask how in the name of common sense can those people be fitted for independence until the agencies of thrift and enterprise are at work, until there is substantial industrial freedom, and economic independence among the people. Our administration has done a great work in the archipelago. The Government there is in the hands of capable, honest, clean men. They know more about the situation there and the wants and needs of the people than we do. Let us stand by them unless we are morally sure they are making a serious mistake. They are simply doing what Congress said they should do when it passed the organic act in 1902, and they are making a magnificent success of it.

I should like to have the time to make some reference to Havemeyer and those associated with him in the purchase of the San Jose land. There has been no sale of land in the islands in violation of law either in letter or spirit. Havemeyer has not been outlawed. He is a young man 23 or 24 years of age. His misfortune perhaps was in the selection of a progenitor. The name Havemeyer is a bugaboo. If you want to stampede a bunch of politicians who are looking for reelection bring out the old scarecrow labeled "Rockefeller" or "Havemeyer" and the explosion will be instantaneous. I have no doubt that young Havemeyer could buy land in any State in the Union.

The charge that the American Sugar Refining Co., commonly known as the Sugar Trust, is interested in the purchase of the San Jose estate in the Philippines is absolutely unfounded. That estate contains about 56,000 acres in the wilds of the island of Mindoro. It was unoccupied and unimproved. The Philippine Government had to buy that land in order to get the lands that were occupied by tenants under the friars and which were the source of trouble. The truth is that the interests of the Sugar Trust are against the development of sugar production in the Philippines. The beet-sugar industries in this country, and particularly those in Colorado, Utah, and Idaho, have bitterly opposed every proposition to admit sugar into this country from the Philippine Islands free of duty. They sent an agent to the islands several years ago to investigate conditions there with a view of determining the resources of those islands that might be adapted to sugar production. That agent reported that while the islands were fertile and could be made to produce large quantities of sugar that under the crude and archaic methods used there was no probability of any considerable quantity of sugar being produced there for many years to come.

When the Payne tariff bill was up for consideration, the beet-sugar interests agreed to withdraw their opposition to the bill, if the quantity of sugar to be imported from the Philippines

should be limited to 300,000 tons a year. The bill went through, with that provision, without opposition from the beet-sugar men. When that bill became a law, a New York syndicate, headed by Horace Havemeyer, purchased the San Jose land, with the view of establishing a sugar plantation and a modern sugar mill thereon. Then the beet-sugar interest started sensational stories throughout the country and in the Philippines, to the effect that the Sugar Trust was intending to exploit the public lands in the islands and warned the people here and in the islands against the approaching danger.

That movement was started by the beet-sugar people, principally for the purpose of preventing the development of sugar production in the Philippines by modern methods, and thereby keeping out of our markets any considerable quantity of sugar that might come in free of duty. It was a scheme on their part to frighten the people and to cause Congress to amend the law so as to prohibit the production of sugar in the islands by successful methods. The Sugar Trust had no interest whatever in the San Jose property, either present or prospective. Horace Havemeyer, who was a member of the syndicate, was a director of the Sugar Trust at the time they made the purchase, and the board of directors protested against his investment in the Philippines and compelled him to resign as a director of the trust, which he did, and he gave up all the stock he owned in that institution.

The Sugar Trust owns a large if not a controlling share of the stock in the beet-sugar factories in the States of Colorado, Utah, and Idaho and it was to the interest of those concerns to keep Philippine sugar out of this country, so instead of the Sugar Trust attempting to exploit the Philippine Islands for its own selfish uses, it has permitted the use of its name as a scarecrow to stifle the development of sugar production in the islands.

The agent of the beet-sugar interests who investigated conditions in the archipelago, was present and attended all of the hearings during the investigation of the public-land question by the last Congress. Those interests sent out sensational stories to the people of the Philippines to the effect that the big monopolies of the United States were getting ready to absorb all of the public lands in the island and to reduce the people to a condition of peonage and serfdom, and if they succeeded it would forever prevent the political independence of the islands. Politicians and fomenters of enmity against the American administration in the Philippines, used those sensational but groundless statements for the purpose of exciting feeling in the minds of the natives against the United States. The fact is the Philippine Archipelago is being exploited by politicians here and there to advance their own selfish ambitions. They are willing to excite feelings of bitterness and hostility in the minds of the simple Filipinos against this country, if they can advance their own political interests by so doing.

This whole problem may be summed up in a few words. The natives in the islands were involved in a very bitter controversy with certain religious orders known as the friars. This Government concluded that it was best to buy the lands owned by the friars and sell them to the tenants, so as to avoid conflict and bloodshed. The organic law conferred authority upon the Philippine Government to purchase the lands. That Government bought the lands for $7,000,000 and issued bonds to pay for them. The law required that tenants be given the preference in the purchase of their own holdings. About one half the lands were occupied by tenants and the other half was unoccupied. Seventy per cent in value and 60 per cent in area of the friar lands have been sold. Every foot that has been sold so far has brought the full cost price to the Government plus the accrued interest and the cost of administration. Five million dollars of the $7,000,000 of bonds issued for the purchase of the lands have been provided, leaving $2,000,000 yet to be paid by the people of the islands. There are about 125,000 acres of the land yet unsold. If the Government of the Philippines shall be let alone, within a comparatively short time it will have disposed of every acre of the friar land at cost, and that debt will be entirely wiped out of existence and the people of the islands will be relieved of the burden of bearing it.

It was the intention of Congress that those lands should be sold for money enough to pay the bonds that were issued for the purchase of the lands. The unoccupied lands can not be sold for the cost price, excepting by selling them in tracts to suit purchasers. This was the intention in making the law, and it has been the policy of the Philippine Government in relation to those lands ever since. Every officer who is charged with the responsibility of administration in the archipelago opposes any change in the organic law respecting the friar lands.

Everyone familiar with conditions in the Philippines is of the opinion that it would be good policy to encourage the establishment of several modern sugar mills and plantations in the islands on the theory that it would aid in the industrial development of the archipelago and that it would instill a spirit of industrial enterprise in the inhabitants. Of the unoccupied friar lands, 200,000 acres could be devoted to sugar production on a modern scale to great advantage to the people. There are 60,000,000 acres of public lands in the archipelago, most of which are open to homestead entries on easy terms. Two hundred thousand acres devoted to the production of sugar would be less than one-third of 1 per cent of the public lands. There could be no exploitation of the lands and no oppression of the natives of the islands under a policy of that kind.

President Taft, while he was governor of the islands and while he was Secretary of War, repeatedly declared that he was opposed to applying all the lands in the archipelago to sugar production, but he always insisted that it would be good policy to have a number of modern sugar mills and plantations in the islands. Two hundred thousand acres of land devoted to sugar out of sixty million acres devoted to other products is a very modest proportion. The tendency would be to promote industrial development and increase the opportunity for labor and incidentally to increase wages. Wages have already more than doubled since the Americans have occupied the islands. The only part of the friar lands that is to be devoted to sugar production is the San Jose tract. A sugar mill on that land has already been constructed and is ready for operation. There is no doubt that it will be a great benefit to the people of the islands. The sale of the balance of the friar lands, in accordance with the organic law and the policy of the government thereunder, will relieve the people of the payment of the bonds yet unprovided for.

Every consideration of wisdom and prudence protests against a change of the law under which such satisfactory progress has been made.

Mr. MORSE of Wisconsin. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add, on page 2, in line 21, after the word "holdings," the following: "*Provided, however*, That no individual shall be permitted to acquire more than 2,500 acres of these lands."

Mr. JONES. Mr. Speaker, I make the point of order that this amendment is not germane.

Mr. MORSE of Wisconsin. I desire to be heard briefly on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MORSE of Wisconsin. Mr. Speaker, the amendment says:

Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of these lands.

The bill provides for the disposition of certain lands, the lands purchased by the friars, and this applies to these lands which are described in the same paragraph.

Mr. JONES. Mr. Speaker, I am not entirely sure that I understand just what is sought to be accomplished by this amendment. It would seem from the wording of the amendment that the proposition of the gentleman is that no individual shall be permitted to acquire more than 2,500 acres of the undisposed of friar lands. But I understand the purpose of the gentleman to be, although I doubt if his amendment would accomplish that purpose, that no individual shall acquire more than 2,500 acres of these lands from anybody; that no individual shall acquire more than 2,500 acres of the friar lands that may have already been sold by the Government to individuals. To illustrate, some 70 per cent of the 388,000 acres have already been sold, and the purpose of this amendment is to prevent any individual from acquiring more than 2,500 acres of those lands. Is not this the purpose of the gentleman from Wisconsin?

Mr. MORSE of Wisconsin. Yes; of the friar lands.

Mr. JONES. The gentleman admits this to be the purpose of his amendment. If the amendment provided that nobody could acquire more than 2,500 acres of friar lands from the Government, then it would be germane, but if its meaning is that nobody shall be permitted to acquire more than 2,500 acres of friar lands now owned by individuals, then it clearly is not germane. Some eight thousand and odd parcels of the friar lands have been sold to Filipinos, and those Filipinos under the law, after occupying them five years, can sell them to anybody. This amendment is intended to deprive these Filipinos of this right.

The SPEAKER. The Chair will suggest to the gentleman from Virginia that the effect of the amendment is one thing and whether it is germane is another.

Mr. JONES. I am stating the effect in order to show that the amendment is not germane. As I said in the beginning, I was

somewhat in doubt when the amendment was offered whether it was intended to apply only to the undisposed of friar lands, but the gentleman offering it frankly avows that his purpose in doing so is to prevent any individual from holding in excess of 2,500 acres of friar lands, no matter from whom acquired.

If it would accomplish this purpose it is, in my opinion, not germane to the subject matter of the bill.

The amendment is not intended to apply only to the 125,000 acres which the Government owns. It would be competent for Congress to say that these lands should not be disposed of in excess of 2,500 acres to any one individual, but, in my opinion, it is not competent for Congress, even if the amendment were germane, to say that land held in private ownership shall not be sold in excess of 2,500 acres. This would be in contravention of the treaty of Paris, I think.

But, as I have said, the amendment is not germane, because this bill, which it proposes to amend, simply seeks to limit the sale of the undisposed-of friar lands. This amendment is a very sweeping one. It not only provides that the Government shall not sell in excess of 2,500 acres to any individual, but that no individual can acquire from any other individual any part of the two hundred and sixty thousand and odd acres now held in private ownership, and therefore it is not germane.

The SPEAKER. The Chair will ask the gentleman this question: Does he or not think that if the Legislature of Missouri or Virginia or any other State came to the conclusion that it was dangerous for a citizen to own more than 160 acres of land in that State, it would be competent for the legislature to limit the amount that any individual could hold?

Mr. JONES. Such a law would not be constitutional in any of the States that have constitutions with which I am at all familiar. There may be States where such legislative action would be constitutional, but it has never been attempted in any State in the Union, so far as I know. Of course, it is competent to limit what a corporation may hold, because a corporation is a creature of the State. The State can say that a corporation engaged in the banking business shall only hold enough land upon which to build a banking house; or that one engaged in agriculture shall only own so many acres. But that is not the question here. I think, Mr. Speaker, that even if the Chair were to hold the amendment germane, and it should be adopted, it could not be carried into effect. I do not think Congress can limit the land holdings of an individual. It can, of course, limit the amount of land that an individual can purchase from the Government. I contend that this amendment is not germane, because it deals with a subject not embraced in this bill. It deals with the subject of private ownership of lands not acquired from the Government but from individuals. Therefore it is not germane to this bill.

Mr. TOWNER. Mr. Speaker, if I may be allowed a suggestion, the language of this amendment as it is presented certainly would operate only in futuro; it could not operate as to lands already sold, because lands already sold could not be acquired. This language applies only to the lands that are to be disposed of. Under the terms of the act as it now stands with the amendment that has been already accepted, the Philippine Legislature can dispose of these lands as it may desire. The gentleman now offers an amendment that not more than 2,500 acres can be acquired by any one individual. That places a limitation upon the act under consideration, and certainly must be germane. It seems to me there can be no question about its being germane to the bill that we have under consideration.

Mr. JONES. Mr. Speaker, just one word more. My remarks were predicated, of course, upon the statement of the gentleman offering the amendment. I asked him if his amendment applied equally to friar lands held in private ownership and those owned by the Government. The gentleman who has just spoken takes a different view from the gentleman from Wisconsin [Mr. MORSE], who seems now to have changed his mind on the subject. I suggest to him that if he wishes his amendment to apply only to undisposed-of friar lands, he should change it so as to make his meaning clear. When one gentleman places one construction upon the amendment and another gentleman places a different one upon it, I must accept the construction of the gentleman offering it.

Mr. MORSE of Wisconsin. Mr. Speaker, I did not know that the gentleman from Virginia [Mr. JONES] was a mind reader——

The SPEAKER. The Chair will ask the gentleman a question. Does this amendment mean that nobody shall acquire more than 2,500 acres of the unsold friar lands or that by no means whatsoever shall he acquire more than 2,500 acres of the friar lands which have been sold or may be sold?

Mr. MORSE of Wisconsin. My idea was that I could not limit the acquisition and make it germane to this bill unless it applied only to the unsold friar lands.

The SPEAKER. Then why not make the amendment say so?

Mr. MORSE of Wisconsin. I think it does. It refers to "these lands."

The SPEAKER. Let me read the language of the amendment:

Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of these lands.

Mr. MORSE of Wisconsin. That refers to the lands being disposed of under this bill.

The SPEAKER. If Members of Congress run afoul of each other about the meaning of this amendment, what is the reason that the court might not be somewhat confused about it, especially if the court consisted of more than one judge? A proposition that may be made clear ought to be made clear.

Mr. JONES. It could easily be made clear by making it refer to the lands unsold or undisposed of.

Mr. MORSE of Wisconsin. Mr. Speaker, let me call the attention of the Chair to this fact, that when the original law was passed, called the organic law, there was a provision which prevented a corporation from acquiring from any source more than 2,500 acres of land. I believe that was a wise provision and should attach also to an individual, but I recognize the fact that we are legislating only for these unsold friar lands, and with them in view I offered this amendment. It is not as extensive as I would like to have it, but I believe it is in order here. I believe it is germane, and I believe it is good legislation.

As to the reading, if the Chair thinks it would make the meaning clearer, I would be very glad to add the word "unsold," or have it refer to the unsold portion of these lands.

The SPEAKER. The Clerk will report the amendment as it would read with the words inserted.

The Clerk read as follows:

On page 2, in line 21, after the word "holdings," insert: "*Provided, however*, That no individual shall be permitted to acquire more than 2,500 acres of the unsold portion of these lands."

The SPEAKER. With those words inserted, the Chair will overrule the point of order made by the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I shall have to oppose this amendment, and I now ask unanimous consent that all debate upon the amendment be limited to 20 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I shall have no objection to that, providing I can have 10 minutes of that time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this amendment be limited to 20 minutes, he to control one half of that time and the gentleman from Wisconsin [Mr. MORSE] the other half. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire whether this is going to be the last amendment, or if the gentleman from Virginia intends to move the previous question after the disposition of this amendment, so as to have a vote upon the bill to-night?

Mr. JONES. Mr. Speaker, I give notice that I desire to move the previous question after we dispose of this matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wisconsin is recognized for 10 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I think everybody in this House by this time understands the meaning of this amendment. When we passed the organic act we provided that no corporation should acquire from any source—the Government or anyone else—more than 2,500 acres of land, and we did it to establish an agrarian policy there, the idea being that there was danger in large ownerships of land. Now, I realize the fact that even 2,500 acres is too large. I recognize the fact that 2,500 acres is too large an amount of agricultural lands. Understand, this does not apply to grazing lands, because these are agricultural lands almost exclusively. Now, the fact is that the law which limited the amount to 2,500 acres to a corporation was evaded, or if the law was not evaded, under the construction of the law which the gentleman from Indiana puts upon it and which the Attorney General put upon it, larger amounts than that were sold, nearly 60,000 acres going into one ownership. It seems to me that it is valueless to limit the amount of land that a corporation may hold to 2,500 acres when you permit the individual members of a corporation—the officers and stockholders—to acquire land in any amount that they may desire to acquire as individuals, because by so doing you defeat the very object of the act itself. I will, if I am given permission to extend my remarks, place in the RECORD the original act, known as the organic act, which limits the amount of land.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MORSE of Wisconsin. Yes; for a short question.

Mr. MARTIN of South Dakota. Is it the gentleman's idea that the amendment which he proposes would prevent the acquisition of more than 2,500 acres of land by individuals after the Government of the Philippines had parted with the land?

Mr. MORSE of Wisconsin. Yes; that is the intention.

Mr. MARTIN of South Dakota. I would suggest to him, in my opinion it would not reach that. It is simply a limitation of the giving of land by the Government to occupants of this remaining territory.

Mr. MORSE of Wisconsin. The gentleman's opinion and mine are at variance on that subject. I hope the gentleman is not right.

Mr. MARTIN of South Dakota. I would like to ask the gentleman also is it the gentleman's idea that this provision would prevent corporations from acquiring more than 2,500 acres of these remaining lands?

Mr. MORSE of Wisconsin. The provisions of the organic act prevent that. Now, if the gentleman from South Dakota understands in the first part of this bill we are enacting to-day we put all the friar lands in the same category as the other public lands, and the other public lands can not be sold to corporations. No kind of corporation anywhere in the islands can acquire from the Government or from private sources more than 2,500 acres of land. That is the organic act.

Mr. MARTIN of South Dakota. I suggest to the gentleman I believe that his amendment, confining that language to an individual, would probably be interpreted as not including corporations as to the remaining lands.

Mr. MORSE of Wisconsin. We have taken care of corporations under that. The general law of the islands—the constitution of the islands—takes care of the corporations. Now, no man, it seems to me, can object to this legislation on the ground that the amount is too small. The idea of a large number of ownerships, the idea of homesteads, the idea of every man owning a piece of land and having a house over his head, a place he can call his own, will be carried out to a larger extent under a law which limits the holding of land to a reasonable amount than a law which permits the accumulation of a large amount of land by individuals or by a corporation. The gentleman from Virginia [Mr. JONES], I suppose, will urge that under our treaty with Spain we have not the power to do this. I have read the treaty most carefully, and when he reads the treaty I want the membership of the House to pay attention to that treaty, because I do not believe it possible to read into that treaty anywhere any words which affect the disposition or the control or ownership of land. That is a power that is inherent in every sovereign.

The State, the Nation, has the right by virtue of its sovereignty to protect itself and so frame its land policy, its agrarian policy, that it may prevent this thing which we have tried to prevent by the introduction of this bill, and in doing that we do that which the British Empire is endeavoring to do. In Ireland they are carrying out that same provision which was done only a few decades ago in Germany, and our States, many of them, have enacted laws to prevent corporations from acquiring more than a certain number of acres of land. These laws have been upheld not by virtue of the fact that the corporations had to get a charter but by virtue of the fact that the State had the right to protect itself on account of the powers that are inherent within a sovereign State, and I do not believe there can be a single question of constitutionality raised against this provision.

Mr. REES. Mr. Speaker——

The SPEAKER pro tempore (Mr. RAKER). Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. REES. Suppose a man had 2,000 acres of land and should acquire through inheritance a thousand acres more? While I can see your position might be to the advantage of the Government, it does not seem to go far enough. There ought to be some other provision to take care of the cases of that kind.

Mr. MORSE of Wisconsin. I am inclined to think that the provision which would compel them within a reasonable time to sell might properly be added. I am inclined to think under a provision which, in the case of a foreclosure of a mortgage or in case of an inheritance, in those cases where the amount of land a man may acquire reached an amount greater than 2,500 acres, he would be required to sell the excess over that amount.

Mr. REES. Would it not be necessary to have such a proposition ingrafted?

Mr. MORSE of Wisconsin. Possibly not in the act itself. Possibly in the administration of the act.

Mr. Speaker, I reserve the balance of my time. I ask unanimous consent, however, first to extend my remarks in the RECORD by inserting parts of the organic act.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent to extend his remarks in the RECORD by inserting parts of the organic act. Is there objection? [After a pause.] The Chair hears none. The gentleman reserves the balance of his time, which is one minute.

Mr. JONES. Mr. Speaker, I am inclined to think that the interpretation which the gentleman from South Dakota [Mr. MARTIN] places upon this amendment is the correct one. As a matter of fact, in my own mind there is no doubt upon that subject. But assuming that the gentleman from South Dakota is wrong and the gentleman from Wisconsin [Mr. MORSE] is right, then there are two objections which I have to this amendment. The first objection is this: This bill, as has been said over and over again during this discussion, seeks to apply the limitations of section 15 to section 65. I have always believed that those limitations now apply, but the object of this bill is to make it clear, and therefore the measure under discussion substitutes for the words "subject to the limitations and conditions in this act" the words:

> Under the same limitations and restrictions as are provided for in this act for the holding, sale, conveyance, or lease of public lands in said islands.

If this bill is passed, therefore, without amendment, it will make it clear that an individual can not purchase in excess of 40 acres of friar lands. This proposed amendment would be in conflict with that provision of the bill, and what would be the effect of its adoption I am not prepared to say. The bill would then contain a provision saying no individual could purchase friar lands in excess of 40 acres and another placing the limit at 2,500 acres. For that reason I am opposed to it. But my main objection to the amendment is that it seeks to limit the area of the land which one Filipino may purchase of another Filipino for all time to come if the land had ever been a part of the friar lands.

For instance, a citizen of the Philippines who happens to own 2,490 acres of land can never buy from another Filipino 2 acres of land if these 2 acres were ever a part of the friar lands. I do not believe this House will ever indorse such an unjust proposition as this. If this amendment is adopted, a citizen of the Philippines desiring to purchase lands which would increase his holdings beyond 2,500 acres, a hundred years hence, would be obliged to find out whether those lands were ever a part of the friar lands. If they had ever been a part of those lands, he could not purchase them legally. I am opposed therefore to the principle embodied in this bill. It is an infringement of individual rights. Congress has the right to say as to public lands that they shall only be sold to individuals in certain quantities. It can say this of the friar lands or any other Government-owned lands, but I doubt if it can say the same as to lands held in private ownership. It certainly should not so say. The gentleman from Wisconsin [Mr. MORSE], if he owned 10,000 acres of land in the Philippines, could say that he would not sell more than 50 acres to one individual, but I doubt if Congress has the power to say that for him.

Mr. MARTIN of South Dakota. I quite agree with the gentleman; but he rather answers what the gentleman from Wisconsin wishes in the amendment rather than what is in there.

Mr. JONES. The gentleman from Wisconsin not only wishes it, but he believes it.

Mr. MARTIN of South Dakota. Now, this provision refers to the land in actual occupancy there. The limitation would not refer to any individual in these other lands. In the judgment of the gentleman, ought they not to have a limitation in the lands of the Government as to the actual occupants of those lands?

Mr. JONES. Well, in my opinion the law now provides—and this bill does not seek to change it—that there shall be no limitation upon the holdings of actual occupants.

Mr. MARTIN of South Dakota. It seems to be so interpreted, but should there not be a limitation upon that?

Mr. JONES. I think that a Filipino who is in actual occupancy of, say, 250 acres of land, which may have been occupied by his ancestors for a hundred years, and who is actually cultivating it, should be permitted to purchase it. I would not put any restrictions upon him. As a practical question, however, no limitation is necessary. I think no Filipino is now occupying any considerable quantity of the undisposed of friar lands. I am opposed to the policy which the gentleman from Wisconsin wishes to establish by his amendment. I do not believe it has been adopted by any civilized people on the globe. Whatever may be the effect of the treaty of Paris,

Congress should not attempt to impose the policy which this amendment is supposed to embody in the Philippines. The laws of Congress do not prohibit the buying of any number of acres of land in the District of Columbia, and I know of no State in the Union which puts a limitation on the land which an individual can acquire. The United States has for a hundred or more years placed the limitation of 160 acres upon a homestead entry. Congress can do this as to the public domain.

Mr. BUTLER. Let us have a vote.

Mr. JONES. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] has one minute.

Mr. JONES. I move the previous question on the amendment.

Mr. MANN. Will not the gentleman move the previous question on the bill—on both?

Mr. JONES. There are no other amendments pending. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Virginia [Mr. JONES] moves the previous question on the bill and the amendments to final passage.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I understand if that motion prevails I shall have the opportunity to make a motion to recommit.

The SPEAKER. The motion to recommit is in order when we get to the proper place.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Wisconsin [Mr. MORSE].

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLMSTED. I desire to make a motion to recommit.

The SPEAKER. The gentleman will suspend for a moment. The substitute of the gentleman from Colorado [Mr. MARTIN] was pending, with a point of order against it.

Mr. JONES. I understood, Mr. Speaker, that the gentleman from Colorado withdrew it.

The SPEAKER. The Chair understands that the gentleman from Colorado was going to withdraw it, but, as a matter of fact, he never did withdraw it.

Mr. MARTIN of Colorado. I left the substitute pending, I will say, Mr. Speaker, just to give me the opportunity for a moment, if I am in order——

The SPEAKER. The previous question has been ordered, and that would cut off debate; but the Chair had forgotten about that, and if the gentleman does not withdraw it, of course the House will have to vote on it, provided the point of order is decided in favor of the substitute.

Mr. MANN. I ask unanimous consent to set aside the vote by which the bill was ordered to be engrossed and read a third time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to set aside the vote by which the bill was ordered to be engrossed and read a third time. Is there objection?

There was no objection.

The SPEAKER. Now does the gentleman from Colorado [Mr. MARTIN] withdraw his substitute, or does he want a vote on it?

Mr. MARTIN of Colorado. Mr. Speaker, I will ask the gentleman from Pennsylvania if he will be so kind as to indicate the character of his motion to recommit. What I may do with reference to this substitute may depend somewhat upon the character of his motion.

The SPEAKER. Of course, this is proceeding by unanimous consent.

Mr. OLMSTED. If permitted, I will say that my motion to recommit will be with instructions to report back the bill with an amendment at the end of it providing:

> But nothing herein contained shall be construed to increase the amount of land which any corporation may hold.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman's motion does not shed very much light on my situation.

Mr. OLMSTED. That was not the purpose of it.

Mr. MARTIN of Colorado. I left my substitute pending in order to give me an opportunity, if I so desired, to say something with reference to the amendment of the gentleman from Pennsylvania [Mr. OLMSTED], which I think the House very mistakenly incorporated in the bill last Wednesday, permitting the Philippine Legislature to repeal or wipe out the limitations which this act seeks to impose upon the friar lands. In my judgment, Mr. Speaker, this House could, by two small amendments to the pending bill, absolutely wipe all of the Philippine lands from the statute books. One of these amendments was incorporated in the bill by agreement with the committee last Wednesday, and the other was overwhelmingly defeated by the House a little while ago—the amendment of the gentleman from Pennsylvania to permit citizens of the United States to acquire lands in the Philippine Islands.

Mr. MANN. Mr. Speaker, this matter was quite fully discussed the other day.

Mr. BUTLER. And has been voted on.

Mr. MANN. And we have just ordered the previous question. I am not willing to stay here to have it discussed again after three days spent on the bill.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman from Illinois [Mr. MANN] can not feel half as reluctant as I do to consume a moment of the time of this House on this proposition; but I would like to have leave to say this, because I propose to make a motion to recommit, if I may, even if required to offer it as a substitute to the motion of the gentleman from Pennsylvania: That I believe if the amendment adopted by the House last Wednesday had been discussed like the amendment offered by the gentleman to-day, it would have been more overwhelmingly defeated than the amendment of the gentleman was defeated in this House not more than an hour ago, and I believe further, gentlemen, we ought in some proper manner to eliminate that amendment from this bill before it passes this House and is transmitted to the Senate. And I submit, whatever the parliamentary rights of the situation may be, it is not fair to this House, it is not fair to the interests involved, that the gentleman from Pennsylvania [Mr. OLMSTED] should be permitted to take advantage of the parliamentary situation and prevent another vote upon his amendment. If that amendment had been adopted in the Committee of the Whole, the opposition to it could simply call for a separate vote upon it.

Mr. MANN. Mr. Speaker, the gentleman could have reached the matter at any time to-day without any trouble. It is too late to do it now. I ask for the regular order.

The SPEAKER. The regular order is the vote on the substitute of the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, the Chair has not decided the substitute out of order, and I have not been called to order yet as not discussing the point of order against the substitute.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls for the regular order, which is equivalent to an objection. This matter was proceeding by unanimous consent, and that is the only way in which it could possibly be debated, and he calls for the regular order, which ends the debate.

Mr. OLMSTED. Mr. Speaker, the point of order I now make against the gentleman's amendment which I did make the other day——

Mr. MARTIN of Colorado. What is the gentleman's point of order?

Mr. JONES. Mr. Speaker, the question before the House is my motion.

Mr. MANN. No; it is not.

The SPEAKER. No; the question before the House is the point of order of the gentleman from Pennsylvania [Mr. OLMSTED]. The gentleman will state it.

Mr. OLMSTED. My point of order is that the substitute amendment of the gentleman from Colorado [Mr. MARTIN] relates to the public lands and every other kind of lands. The pending bill relates only to the friar lands, section 64. The gentleman's amendment relates to section 15 of the act, and not only relates to all kinds of lands but provides a system of escheats, an entirely different subject, and provides for penal offenses upon subjects totally different from the pending bill, and is therefore not germane thereto.

Mr. Speaker, the rule is that no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

This bill is founded exclusively on section 65, which section relates only to lands in express terms on the face of it, lands purchased under the preceding section, which is the sixty-fourth section—purchased by the Philippine Government from private parties. New, section 15, which the gentleman's amendment proposes to amend, does not relate to these lands at all but to the lands purchased by the Government of the United States from the Crown of Spain. It is an entirely different matter.

The SPEAKER. As I understand the gentleman, this bill is confined entirely to the friar lands?

Mr. OLMSTED. Yes; to lands purchased under section 64, commonly called the friar lands. Section 15 relates exclusively to public lands acquired from the Crown of Spain.

The SPEAKER. Does the gentleman from Colorado desire to be heard on the point of order?

Mr. JONES. Mr. Speaker, the previous question has been ordered.

The SPEAKER. But a point of order is always debatable if the Chair desires to hear gentlemen.

Mr. JONES. After the previous question is ordered?

The SPEAKER. A point of order is a point of order after the previous question is ordered as it is before.

Mr. MARTIN of Colorado. Mr. Speaker, I think I could return the compliment against the gentleman from Pennsylvania, for he has offered an amendment that corporations shall not be affected by the pending bill, not only in respect to the friar lands, but the public domain and lands in private ownership—all kinds of lands in the Philippine Islands. So, in effect at least, the proposition embodied by the gentleman from Pennsylvania in his motion to recommit is not confined alone to friar lands.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Does the motion of the gentleman from Colorado relate to the amendment adopted a week ago?

Mr. JONES. No; it is on a different subject.

The SPEAKER. The Chair's understanding was that it was to be offered as a substitute for the bill.

Mr. MARTIN of Colorado. Will the Chair permit me just for a moment?

Mr. Speaker, I believe my substitute is germane to the subject matter of the bill, because the bill in terms incorporates the friar lands into the public domain of the Philippine Islands. My substitute not only declares the limitations upon the land in the public domain to apply to the friar lands, but provides for an escheat back to the Philippine Government in all cases in which the limitations have been exceeded. Now, it would be a very small matter to change this amendment and offer it to section 65. I submit that the very character of the pending bill incorporating these lands into the public domain, so that the public-land limitations will apply without so stating on the face of the bill, makes the substitute germane.

The SPEAKER. The Chair will take judicial notice of the fact that from the very beginning of our occupancy of the Philippine Islands the Crown lands have been considered as one thing and the friar lands as another; and the rules and regulations touching the Crown lands are different from the rules and regulations touching the friar lands. This bill, which has been discussed for three days, has reference entirely to the friar lands. The substitute offered by the gentleman from Colorado [Mr. MARTIN] not only affects the friar lands but it affects the Crown lands and every other sort of land that we own over there, if we own any; it also provides for an elaborate system of escheat, a subject that this bill has nothing in the world to do with. It also makes certain acts crimes, and provides penalties for the same. Therefore the substitute of the gentleman from Colorado [Mr. MARTIN] is ruled out and the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] is sustained.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. Am I in order to offer a substitute to section 65?

The SPEAKER. The previous question has been ordered and the amendment is out of order. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLMSTED. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania offers a motion to recommit with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. OLMSTED moves to recommit the bill H. R. 17758 to the Committee on Insular Affairs, with instructions to report the bill back to the House forthwith, with an amendment, adding at the end of the bill the words:

"But nothing herein contained shall be construed to increase the amount of friar lands which any corporation may hold."

Mr. MARTIN of Colorado. Mr. Speaker, I make the point of order against the motion to recommit that that is already the existing law in the Philippines, which fact the gentleman well knows. No one knows better than he that section 65 prevents the acquisition by a corporation of more than 2,500 acres of this land.

The gentleman knows the sales already made of these lands have been made under the guise of sales to individuals. If there was any one proposition contended for by the War Department, contended for by a majority of the Committee on Insular Affairs, contended for by the gentleman himself throughout the investigation of the sale of these friar lands, it was that this was a sale to an individual and not to a corporation, because they well understood that section 65 of the organic act protected these lands and all other agricultural lands, whether friar lands or public lands or private lands, from acquisition by a corporation to an amount in excess of 2,500 acres.

The SPEAKER. The Chair will ask the gentleman from Colorado if the only point he makes against the motion to recommit is that it reenacts existing law?

Mr. MARTIN of Colorado. Mr. Speaker, in my judgment this alleged motion to recommit is nothing more than a subterfuge. The gentleman has already altered it since he has read it to me for my information, by seeking to confine it to the friar lands. As the gentleman read that motion to recommit a few moments ago, it was not confined to any kind of lands.

Mr. COOPER. Mr. Speaker, the question results in this, whether a motion to recommit can resolve itself into a mere sham to take the place of a genuine motion to recommit. This is made by the gentleman from Pennsylvania, in my opinion, to prevent a motion to recommit to strike out the amendment which was adopted the other day, which never ought to have been adopted.

The SPEAKER. The Chair will state to the gentleman from Wisconsin [Mr. COOPER] and all parties concerned that a motion to recommit, the previous question having been ordered, is amendable, but is not debatable.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer a substitute for the motion to recommit.

The SPEAKER. The Chair will entertain a substitute provided it is germane to the bill. The Chair overrules the point of order made by the gentleman from Colorado [Mr. MARTIN] that the motion of the gentleman from Pennsylvania is out of order because it reenacts existing law. If that were true it might be a superfluous performance, but there is no parliamentary rule against reenacting all of the statutes. The Clerk will report the substitute for the motion to recommit offered by the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

That the bill be recommitted with instructions to report the bill back forthwith, with an amendment striking out the following language inserted as an amendment after the word "Islands," on page 2, line 6, to wit:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts."

Mr. MARTIN of Colorado. Mr. Speaker, on that I move the previous question.

Mr. OLMSTED. Mr. Speaker, I make the point of order that the motion to recommit offered by the gentleman from Colorado attempts indirectly to do what could not be done directly by the House—in other words, to strike out an amendment already adopted, upon which there are several authorities if the Chair cares to hear them. It has been ruled over and over again by various Speakers and Chairmen, that what has once been put into a bill by the House can not, either directly or indirectly, be taken out again.

Mr. HILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL. Mr. Speaker, I make it in order to broaden my information on the subject. As I understand the rule, after the bill has been engrossed and read a third time but one motion to recommit can be made.

The SPEAKER. That is true.

Mr. HILL. And if this substitute is offered it is indirectly making two motions to recommit.

The SPEAKER. It has been decided over and over again by Speaker Carlisle, Speaker Crisp, and I suppose all the rest of the Speakers, that a motion to recommit either with or without instructions is amendable, and of course that embraces a substitute, for a substitute is a species of amendment. In fact, it was ruled squarely once that it did embrace a substitute. Of course this condition attaches to it, that the matter in the substitute must be germane, that it would have been germane or in order as an amendment when the bill was pending.

Mr. MANN. Mr. Speaker, I would suggest that there is a very easy parliamentary way out of the difficulty. In the first place, the gentleman for two days might have moved to reconsider the vote by which the amendment was adopted.

Mr. MARTIN of Colorado. But the gentleman voted against the amendment and had no right to move a reconsideration.

Mr. MANN. It was adopted on a roll call. It was easy enough to get somebody to move to reconsider the vote. In the second place, I do not think the gentleman's substitute is germane to the motion of the gentleman from Pennsylvania to

recommit, but I do believe it would be germane to move to recommit the bill with instructions to strike out all after the word "that" and insert the following; that is, insert the original bill.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the amendment suggested by the parliamentary luminary from Illinois. [Applause.]

Mr. OLMSTED. Mr. Speaker, I make the point of order that two substitutes can not be in order at the same time.

Mr. MARTIN of Colorado. I am offering the original bill as a substitute, with instructions that the original bill be reported back forthwith, and on that motion I move the previous question.

Mr. OLMSTED. I make the point of order that two substitutes are not in order at the same time.

Mr. MARTIN of Colorado. And I withdraw my first substitute.

Mr. OLMSTED. I object to its withdrawal.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the original bill——

The SPEAKER. The gentleman from Colorado withdraws his first substitute——

Mr. OLMSTED. I object to its withdrawal.

The SPEAKER (continuing). And offers the original bill. He has a right to withdraw his original substitute.

Mr. MANN. I understand the gentleman offers instructions to report the amendment by striking out all after the word "that" and insert the following?

Mr. MARTIN of Colorado. Certainly. [Laughter.]

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Is the gentleman from Colorado entitled to withdraw an amendment or a substitute against which a point of order is pending? Can he withdraw it without unanimous consent?

The SPEAKER. He has as much right to withdraw that as any Member has to withdraw an amendment he has offered in the House.

Mr. OLMSTED. But can any Member withdraw it except by unanimous consent?

The SPEAKER. He can in the House, but he would have to have unanimous consent in the Committee of the Whole or in the Committee of the Whole House on the state of the Union.

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The Chair will entertain that in a moment——

Mr. OLMSTED. I desire to be understood——

The SPEAKER. Will the gentleman suspend for just a moment?

Mr. OLMSTED. Mr. Speaker, I do not want to lose my right to object to the amendment as not being germane to my motion to recommit and that it is otherwise out of order to strike out of a bill that which the House has put in. I do not want to lose that opportunity.

The SPEAKER. The gentleman will not lose the opportunity. The gentleman from Colorado moves the previous question on his substitute, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause in the original bill and insert the following:

"*Be it enacted, etc.*, That section 65 of an act entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' be amended so as to read as follows:

"'SEC. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the Government of the Philippine Islands, and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands: *Provided*, That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings.'"

Mr. OLMSTED. Mr. Speaker, I make the point of order that that is not germane to my motion to recommit or to the amendment contained in my motion, and, furthermore, it is an attempt to do indirectly what the House can not do directly, and that is simply to eliminate an amendment which the House has already voted into the bill.

Mr. MANN. Mr. Speaker, I take it that the amendment of the gentleman from Pennsylvania is germane to the bill if the bill is germane to the amendment. [Laughter.] I recollect in this House on one occasion when the House after consideration of a long bill in the Committee of the Whole House, where various amendments were adopted, that the gentleman in charge of the bill when it came back to the House offered an amendment striking out all after the word "that" and presenting to the House again whether it would pass the bill with amendments inserted in the committee or whether it would pass it without the amendments inserted in the committee. Now, the House has a right to vote upon the proposition to pass this bill with an amendment that has been inserted or to vote to pass it in the form of the bill as it came in the House without the amendment it inserted. That gives the House the latitude of determining—in fact, the very purpose of the motion to recommit, in the first place, was to permit the gentleman in charge of the bill, where an amendment had been inserted or some error had crept into the bill, himself to move to recommit with instructions in order that the error might be corrected or the amendment be eliminated.

And since my service in this House of Representatives, until the rules of the Sixty-first Congress were adopted, it was the practice of every Speaker to give to the gentleman in charge of a bill prior recognition, if he asked for it, on the motion to recommit, because the original purpose of that motion was to permit the gentleman to correct the bill. Now, here is a situation where the House, having gotten beyond the point where a change can be made in the bill except by unanimous consent or a motion to recommit, and the House desiring to correct a mistake in the bill, the motion to recommit comes in for the very purpose of permitting the House to vote as it desires to vote. [Applause.]

Mr. TOWNER. Mr. Speaker, I desire to say a word regarding the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED]. It seems to me we ought not to forget that there is a right recognized, as the Chair very well stated recently in a very notable case, of precedence on the part of a member of a committee to make this motion to recommit. That has been made by the gentleman from Pennsylvania [Mr. OLMSTED], who has been recognized by the Chair.

Now, if it shall be allowed that another Member of the House can, by an entirely different motion to recommit, offering it as an amendment or as a substitute, have it take the place of the one already offered by the gentleman who had the right of precedence, it deprives the latter of that right. And I desire to make this suggestion to the Chair by way of illustration. In the case recently before the House, where the Chair recognized the gentleman from Illinois [Mr. MADDEN] as entitled to the right of precedence to make the motion to recommit, one motion only being allowed, would it have been proper for the gentleman from Illinois [Mr. MANN] to have moved to offer his motion as a substitute and to have the right to a vote of the House on his motion to recommit?

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MANN. The "gentleman from Illinois" would not only have had the right himself to do it, which would have been exercised to offer a substitute for the motion of my colleague from Illinois [Mr. MADDEN], if my colleague had not moved the previous question and if the House on roll call had not adopted the previous question. We tried to defeat the previous question, for which I think the gentleman [Mr. TOWNER] voted, in order that I might offer a substitute for the motion to recommit.

Mr. TOWNER. But has not the previous question been ordered here?

Mr. MANN. Not on the motion to recommit.

Mr. TOWNER. Very well. That not being the condition, let me make this suggestion: If that be true, then there is no possible benefit to be derived by any gentleman having the right of precedence to make a motion to recommit.

Mr. MANN. It permits, in any case, a roll call.

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The Chair will rule on this question.

Mr. OLMSTED. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman, although——

Mr. OLMSTED. That being the case, I do not care to be heard. [Laughter.] However, if the Chair is inclined the other way, I would like to be heard.

The SPEAKER. The Chair is very much inclined the other way.

Mr. OLMSTED. Then I would like to be heard. In the first place, Mr. Speaker, this bill in the very concluding words of it, as it now stands, permits the actual settlers to acquire their actual holdings without regard to the extent of their said hold-

ings, and my very proper amendment, which I insert in that motion to recommit, provides that that shall not be construed to give corporations any authority to hold more than they are now authorized by law to do.

Now, the gentleman from Illinois [Mr. MANN] very wittily says that if an amendment is germane to a bill the whole bill is germane to the amendment. That is perfectly absurd, Mr. Speaker, as any man may readily see. Suppose you have an appropriation bill here with 200 sections in it. If an amendment is germane to one section of the bill, is the whole bill germane to that amendment? Never in the world. It is perfectly ridiculous. Here is an amendment of mine which is limited strictly to the holdings by actual occupants and settlers, provided, if they happen to be a corporation they can not hold more than the law now provides as to a corporation. It is a perfectly legitimate provision, and no sham, notwithstanding what the gentleman has said. The proposed substitute covers a whole lot of other things that are in the bill now, but that does not make them germane to my amendment with reference to corporations.

And I want to call attention to some authorities. I find in the Manual, at page 382, a motion to recommit.

The SPEAKER. What page?

Mr. OLMSTED. Page 382. The motion, after the motion to recommit—

may be amended, as by adding instructions—

And so forth—

but it is not in order to propose as instructions anything that might not be proposed directly as an amendment.

Now, does anybody contend that it would have been proper at any time to-day for the gentleman from Colorado [Mr. MARTIN] or any other gentleman to rise in his place and move to strike out the amendment that was put in a week ago to-day? That is all that his motion to recommit does.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania a question. Suppose the House or the Committee of the Whole House on the state of the Union inadvertently included in a bill a proposition that it is not willing to stand for, but is in favor of all the rest of that bill. Has the House no remedy except to go on and either vote for or against the bill unchanged?

Mr. OLMSTED. The House has no remedy except under the rules. There was no inadvertence about it in this case. It was on a yea-and-nay vote that that amendment was put in by a majority of three to one. Under the rule on that day or on the succeeding day a motion to reconsider would have been in order. But after that there is no way by which that can be got out of the bill except by unanimous consent or by defeating the bill.

Those are the precedents, uncontradicted for a century. It is not in order to propose by way of a motion to commit with instructions anything that could not be proposed in the House as an amendment to the bill.

Now, there are rulings by Speaker Carlisle, by Speaker Cobb, and by Speaker Reed to the effect that anything that has once been put into a bill by a vote of the House can not be taken out of it. You can add to it, but you can not take it out. The gentleman from Illinois [Mr. MANN], I am sure, must be familiar with those precedents. I have read them all during the day. If the Chair overrules this point of order, he will overrule a line of precedents set by all his predecessors from the foundation of the Government. You can not take this amendment out of the bill without violating the rules and the precedents. This proposed motion to recommit takes nothing out of the bill and proposes no change in it except to eliminate that amendment.

Now, I just happen to have here——

The SPEAKER. The Chair will ask the gentleman another question. Was the gentleman here on the day at the extraordinary session of this Congress when we had up the publicity bill, so called, and there was a large membership of the House in attendance, and it was a very hot fight, and the gentleman from Kansas [Mr. JACKSON] offered an amendment, which was adopted, and a few minutes afterwards the chairman of the committee having the matter in charge moved to recommit, with instructions to the committee to report it back forthwith, leaving out the Jackson amendment? Nobody raised any objection to it; the committee did immediately report it back without the Jackson amendment, and the House voted on roll call to sustain that action.

Mr. OLMSTED. That was all right. There was no point of order made. Furthermore, it was on the same day on which the amendment was adopted, and it amounted practically to a reconsideration, which can be made on that day or on the succeeding day, but it can never be made again. That is what this amounts to.

Now, here is a ruling of Speaker Crisp on a motion to recommit with instructions:

The Chair is of the opinion that it is not competent to do by indirection that which could not be directly done; that it is not competent for the House to direct the committee to do something which the committee itself could not do by reason of a rule restricting it from such action.

That is by Speaker Crisp. If I had the time, I could cite half a dozen rulings to that effect.

The SPEAKER. What is that?

Mr. OLMSTED. That is section 5533 in the fifth volume of Hinds' Precedents. The motion was made by Mr. De Armond, of Missouri, to recommit with instructions.

Mr. MANN. Mr. Speaker, I think the rule laid down by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely correct, and you can not offer a motion to recommit to insert anything that would not have been in order as an amendment. That is too well settled to controvert. But here was a proposition where the House in the consideration of a bill inserted an amendment in the original text of the bill. It was quite in order in the House at any time to have moved to strike out that portion of the text including the amendment and to have inserted in lieu thereof something else. It was quite in order, as was done in this case, for the gentleman to offer his substitute, which is an amendment, after the entire consideration of the bill, except the substitute, has been concluded. Now, the substitute is a mere amendment. We had presented to us—ruled out of order because it was not germane, but still with the right to offer it—a substitute amendment to this bill, and the substitue amendment might have been precisely the same amendment now proposed on the motion to recommit. The rule is—

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until such amendments have been disposed of.

The SPEAKER. Where is the gentleman reading?

Mr. MANN. I am reading from the Manual, page 397, section 805—

When a bill is considered by sections or paragraphs an amendment in the nature of a substitute is properly offered after the reading for amendment is concluded.

You can offer a motion in the way of a substitute when the first section or paragraph is read. You can offer it during the consideration of the bill and have it pending, or you can wait until the House or the Committee of the Whole has concluded the perfecting of the original text of the bill and then offer a substitute, which is an amendment. Now, that is all the gentleman from Colorado [Mr. MARTIN] has done. He now proposes an amendment, which is, in fact, a substitute for the bill and, being an amendment, would have been in order as an amendment, and, being in order as a amendment, is in order as a substitute. [Applause.]

Mr. GARRETT. Mr. Speaker, I am personally indifferent as to the fate of the amendment which was voted into the bill by the House. I voted for the amendment proposed by the gentleman from Pennsylvania because I saw no objection to it; but upon the parliamentary situation, it seems to me that as a common-sense proposition the gentleman from Pennsylvania [Mr. OLMSTED] is correct. I have not the precedents at hand. The amendment of the gentleman from Pennsylvania was put into the bill not by the vote of the committee, but by the vote of the House, if I remember correctly, upon a roll call. It represented the deliberate judgment of the House, presumably. It would have been in order, if any gentleman who voted for that amendment had changed his mind, to move to reconsider, and that would have been the regular and orderly way in which to proceed. But now we have what amounts to practically a motion to reconsider by a gentleman who voted against that amendment. It is a motion for a new trial, not under the rule of reconsideration, but by one who stood then as he stands now, after the deliberate judgment of the House has once been taken on a roll call upon the amendment. When is there to be an end to these propositions? Had it been in committee the situation would have been different, I concede; but the judgment of the House having been once taken, is not the submission of the motion to recommit simply giving to the gentleman the right to move to reconsider when he would not have had it under the regular rules of the House. I submit that to the consideration of the Speaker. It seems to me the common-sense reasoning of the proposition lies with the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, may I call the attention of the Chair to another authority? I had a whole list of them here, but some one has disarranged my papers. But I will call attention to section 5531 in the fifth volume of Hinds' Precedents. The previous question had been demanded on the passage of a bill. A motion was made to recommit the bill with

instructions to report the Senate bill for which this substitute had been adopted.

Mr. William M. Springer, of Illinois, made the point of order that the Senate bill was the text that the House had stricken out, and it was not in order to direct the committee to report that which the House had just rejected.

The Speaker, Mr. John G. Carlisle, sustained the point of order and held that it was not in order to move the recommitment of a bill with instructions to report matter which would not be in order if offered as an amendment in the House; that is to say, it would not be in order because the House had passed on it already. The House had just voted to strike out the text of the Senate bill and insert a new proposition, and it was not, therefore, in order to do directly by way of recommitment that which could not be done directly by way of amendment.

That covers both my propositions.

The SPEAKER. The Chair will ask the gentleman what he has to say about the statement made by the gentleman from Illinois [Mr. MANN], that during the consideration of this bill, at any stage of it, it would have been competent to have moved to strike out any language in the bill, including this very amendment of the gentleman from Pennsylvania, which was put in the bill.

Mr. OLMSTED. It is possible that some amendment of that kind might have been found, but this is not that amendment. This does not strike out anything but my amendment.

Mr. MANN. The Speaker does not know that.

Mr. OLMSTED. The Speaker does know it, because it appears from the reading of the amendment and the bill. If they proposed to strike out something else which my amendment perfected, that might be in order, but they do not propose to touch anything but my amendment, and that can not be done under the rules and precedents of this House.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

Mr. GARRETT. I will withhold the motion for a moment.

Mr. MANN. Mr. Speaker, I call the attention of the Chair to Jefferson's Manual, page 244, where, in reference to amendments, it is provided:

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition, for then it is resolved into the common case of striking out a paragraph after amending it.

Then there is a citation there that may be in the gentleman's favor.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

The question was taken, and Mr. GARRETT and Mr. OLMSTED demanded a division.

The House divided.

Mr. MANN. Mr. Speaker, pending the announcement of the vote, the previous question having been ordered on the bill, if the House adjourned, would it not come up to-morrow as unfinished business?

The SPEAKER. No; it would come up next Wednesday, the previous question having been ordered.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. This bill having occupied three days, will it come up on next Wednesday?

The SPEAKER. It will come up next Wednesday as unfinished business, the previous question having been ordered. The Chair would like to state that this is an exceedingly important question to be ruled on, and as far as the Chair knows it has not been raised for years, and the Chair hesitates a good deal about making an offhand ruling on a question that involves a fundamental proceeding of the House. On this vote the yeas are 53 and the noes are 44. The yeas have it, and the motion to adjourn is agreed to.

ADJOURNMENT.

Accordingly the House (at 6 o'clock and 5 minutes p. m.) adjourned until to-morrow, Thursday, May 16, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, pursuant to House resolution No. 398, statement showing the various buildings, etc., also the present water supply and its condition at the posts mentioned in said resolution for abandonment (H. Doc. No. 759); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for resurvey of land in Nebraska (H. Doc. No. 756); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of deficiency in appropriation for "Subsistence of the Army" for the current fiscal year (H. Doc. No. 757); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARTHOLDT, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 100) authorizing the President to instruct representatives of the United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference, reported the same with amendment, accompanied by a report (No. 705), which said bill and report were referred to the House Calendar.

Mr. GARNER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 21479) appropriating money to enable the President to propose and invite foreign Governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world, and to enable the United States to participate in said conference, reported the same without amendment, accompanied by a report (No. 711), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAIR, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 712), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 22090) to subject the lands in the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry, reported the same with amendment, accompanied by a report (No. 719), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 3850) to promote efficiency and economy in the administration of the Navy Department, reported the same with amendments, accompanied by a report (No. 715), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy, reported the same with amendments, accompanied by a report (No. 716), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREGG of Texas, from the Committee on Naval Affairs, to which was referred the bill (S. 1724) to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy, reported the same without amendment accompanied by a report (No. 714), which said bill and report were referred to the House Calendar.

Mr. KOPP, from the Committee on Naval Affairs, to which was referred the bill (H. R. 23832) to amend section 1440 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the House Calendar.

Mr. HOWARD, from the Committee on Labor, to which was referred the joint resolution (H. J. Res. 202) in reference to the

employment of enlisted men in competition with local civilians, reported the same with amendment, accompanied by a report (No. 718) which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 24214) granting a pension to Mrs. William L. Beverly, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROUSE: A bill (H. R. 24561) for the transfer of the military reservation of Fort Thomas, Ky., to the Navy Department; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 24562) to place fresh meats on the free list; to the Committee on Ways and Means.

By Mr. FERGUSSON: A bill (H. R. 24563) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901; to the Committee on Indian Affairs.

By Mr. BATHRICK: A bill (H. R. 24564) for the purchase of a site and the erection thereon of a public building at Akron, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: A bill (H. R. 24566) to appropriate $75,000 for the survey and resurvey of public lands in the State of Arizona; to the Committee on Appropriations.

By Mr. NELSON: A bill (H. R. 24567) to provide for the erection of a Federal building at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 24568) to refund the cotton tax realized to the Government under the various acts of Congress; to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 24601) providing for a national military reserve; to the Committee on Military Affairs.

By Mr. GARRETT: Resolution (H. Res. 540) authorizing the appointment of a committee to investigate the Mississippi River levees and defining its duties, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 24569) to correct the military record of Orvis P. Smith; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 24570) granting an increase of pension to John Richardson; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24571) granting an increase of pension to Adaline Townsend; to the Committee on Pensions.

Also, a bill (H. R. 24572) granting an increase of pension to Philena H. Miles; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 24573) granting an increase of pension to Margaret Berg; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 24574) granting an increase of pension to Jacob Zimmerman; to the Committee on Pensions.

Also, a bill (H. R. 24575) for the relief of the estate of John L. Shackelford; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 24576) to correct the military record of Joseph R. Berg; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 24577) granting an increase of pension to Edward Furrow; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24578) granting a pension to Isaac Gossett; to the Committee on Pensions.

Also, a bill (H. R. 24579) granting an increase of pension to Henry Fryman; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24580) granting a pension to John W. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24581) granting a pension to Ollo A. Linscott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24582) granting an increase of pension to James T. Piggott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24583) granting an increase of pension to Alice M. McCoy; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 24584) granting an increase of pension to Mary H. Atkinson; to the Committee on Invalid Pensions.

By Mr. LITTLETON: A bill (H. R. 24585) providing for the adjudication of claim of Elizabeth J. Graham by the Court of Claims; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 24586) granting an increase of pension to Samuel S. Epla; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 24587) granting an increase of pension to Samuel W. Smith; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 24588) granting a pension to Christine M. Dogherty; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24589) granting an increase of pension to Peter N. Hardman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24590) to remove the charge of desertion from the record of George F. Johnson; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 24591) granting an increase of pension to Pinckney D. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24592) granting an increase of pension to Elijah Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24593) for the relief of the heirs of William Britton, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 24594) granting an increase of pension to Franklin A. Minor; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24595) granting a pension to Henry H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24596) granting an increase of pension to Michael C. Bratton; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24597) for the relief of Mildred J. Bray; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 24598) for the relief of Jesus Silva, jr.; to the Committee on the Public Lands.

By Mr. STANLEY: A bill (H. R. 24599) for the relief of the estate of David O. Conn, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 24600) for the relief of the widow and heirs of James R. Veale, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of the National Association of Talking Machine Jobbers, Pittsburgh, Pa., opposing any change in present patent laws that may affect price maintenance; to the Committee on Patents.

By Mr. BRADLEY: Resolutions of the Patriotic Order of Sons of America, favoring passage of the Dillingham bill for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER (by request): Resolutions of L. L. L. Dunn Lodge, No. 222, Independent Order B'rith Sholom, of Chester City, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting increase of pension to Albert Butler; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 24534, granting an increase of pension to Julius Kloehn; to the Committee on Invalid Pensions.

By Mr. CARLIN: Papers to accompany bill for the relief of the estate of John L. Shackelford; to the Committee on War Claims.

By Mr. CALDER: Petition of W. J. Holliday & Co., Indianapolis, Ind., protesting against passage of House bill 16844, relative to having the manufacturers' brands on all goods sold; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Calder, Springville, N. Y., protesting against any change in the patent law that would affect the maintaining of resale prices; to the Committee on Patents.

Also, petition of Mrs. J. B. Beck, Taunton, Mass., favoring passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisner Manufacturing Co., New York, N. Y., favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. ELLERBE: Petition of citizens of the cities of Florence, Darlington, and Hartsville, State of South Carolina, favoring passage of bill to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175), containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petition of the Association of Jewish Women of Chicago, Ill., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175) containing literacy test; to the Committee on Immigration and Naturalization.

By Mr. FOSTER: Petition of citizens of Texico, Ill., favoring enactment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Isaac N. Roberts, of Rockton, Ill., favoring passage of House bill 1339, to increase pensions of soldiers of Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill (S. 3175), relating to educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Excelsior Bible class of Epworth Methodist Episcopal Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GALLAGHER: Petition of foreign societies of Chicago, Ill., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Resolution of the official board of Bethany United Evangelical Church, of Lancaster, Pa., favoring passage of House joint resolution 163, prohibiting sale, manufacturing for sale, and importation for sale of all beverages containing alcohol; to the Committee on the Judiciary.

By Mr. HANNA: Petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of John Dimvoochi, of Bottineau, N. Dak., favoring passage of House bill 16843, to increase the efficiency of the Army veterinary service; to the Committee on Military Affairs.

Also, petition of citizens of North Dakota, against passage of the Lever antifuture trading bill, relative to the marketing of grain; to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petitions of Pride of New Britain Lodge, No. 544, Independent Order B'rith Abraham, New Britain, Conn.; New Britain City Lodge, United States Grand Lodge Independent Order B'rith Abraham, New Britain, Conn.; and Dreifuss Lodge, No. 28, Independent Order B'rith Sholom, Hartford, Conn., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of the Young Men's Hebrew Association of Bridgeport, Conn., and Bridgeport Lodge, No. 479, United States Grand Lodge, Order B'rith Abraham, Bridgeport, Conn., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Betsy Ross Council, No. 19, Daughters of Liberty, of Bridgeport, Conn., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of Barnert Lodge, No. 158, United States Grand Lodge, Order B'rith Abraham, Paterson, N. J., protesting against passage of Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. JACOWAY: Petition of J. W. L. Smith and 70 other citizens of Faulkner and Pulaski Counties, Ark., favoring the passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LA FOLLETTE: Resolutions of the Socialist Party of Spokane, Wash., against passage of Root amendment to immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Pend Oreille Grange, Newport, Wash., urging establishment of a postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Washington, favoring passage of House bill 22339—anti-Taylor system bill—against use of the stop watch in Government works; to the Committee on the Judiciary.

Also, petition of citizens of Havillah, Wash., against the indictment of the editors of the Appeal to Reason at Leavenworth, Kans.; to the Committee on the Judiciary.

Also, petition of citizens of the States of Washington and Idaho, favoring passage of a sensible parcel-post system, etc.; to the Committee on the Post Office and Post Roads.

Also, resolutions of citizens of Waitsburg, Clarkston, Cashmere, Prescott, and Newport, State of Washington, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGLEY: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petitions of Wesley J. Knoggs, of Bay City, Mich.; William Riley and John Fraser, of Samsonville, in favor of House bill 1339 for increasing pension to Civil War veterans who have lost a limb; to the Committee on Invalid Pensions.

Also, petition of New York Milk Committee, New York, favoring the continuance of the commission on efficiency for the Federal Government; to the Committee on Appropriations.

By Mr. MAHER: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Polish National Alliance of Cleveland, Ohio, protesting against the Root amendment to the immigration bill relating to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Brooklyn, N. Y., against passage of the Oldfield bill to amend present patent laws; to the Committee on Patents.

By Mr. McKINNEY: Resolutions of citizens of Moline, Ill., against proposed changes in the patent laws; to the Committee on Patents.

By Mr. MATTHEWS: Petition of Independent Order B'nai B'rith, No. 609, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McHENRY: Resolution of Branch No. 1, Socialist Party, Shamokin, Pa., against the adoption of the Root amendment to the immigration bill, relative to the deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

By Mr. McCALL: Petition of Henry W. Blair, president of the National Anti-Third Term League of Washington, D. C., praying for an amendment to the Constitution prohibiting a third term to any person as President; to the Committee on the Judiciary.

By Mr. McDERMOTT: Resolution of citizens of Chicago, Ill., favoring circular No. 601, prohibiting the use of insignia and garb of any denomination in the Indian public schools; to the Committee on Indian Affairs.

By Mr. RAKER: Petition of citizens of California, favoring congressional investigation of the prosecution of the editors of the Appeal to Reason; to the Committee on the Judiciary.

Also, petition of citizens of California, favoring passage of Berger old-age pension bill for deserving men and women over 65 years of age; to the Committee on Pensions.

By Mr. REILLY: Petition of citizens of Meriden, Conn., favoring passage of House bill 22760 for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of Tiphereth Zion Lodge, No. 199, Independent Order B'rith Abraham, of Ansonia, Conn.; New Haven Lodge, No. 131, Independent Order B'rith Abraham, of New Haven,

Conn.; and Knights of Israel, of New Haven, Conn., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the New York Milk Committee, New York, N. Y., favoring continuance of the commission on efficiency of the Federal Government; to the Committee on Appropriations.

Also, petitions of Local No. 52, of the Lithuanian Socialist Federation of America, New York, N. Y., and Romener Lodge, No. 75, United States Grand Lodge, Order B'rith Abraham, New York, N. Y., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the New York Milk Committee, New York, N. Y., favoring the continuance of the commission on efficiency for the Federal Government; to the Committee on Appropriations.

Also, petitions of Kings County Lodge, No. 45, and Dr. Theodore Herzel Lodge, No. 107, Independent Order Ahawas Israel, Brooklyn, N. Y., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of 16,000 trainmen of Pennsylvania, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of William Schaad and 245 other citizens of New York, N. Y., favoring passage of the old-age pension bill; to the Committee on Pensions.

SENATE.

THURSDAY, *May 16, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

SAVINGS-BANK STATIONS (S. DOC. NO. 671).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 30th ultimo, a statement showing the number of savings-bank stations established, the amount of deposits received therein, the amount of withdrawals, the disposition of money received and where it is at present held, etc., which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Sixth Christian Church, the Church of the Holy Comforter, the Centenary Methodist Episcopal Church, the Brotherhood of the Centenary Methodist Episcopal Church, the Home Missionary Society of the Centenary Methodist Episcopal Church, the Sunday School of St. Andrew's Methodist Episcopal Church, the Bible School of the St. Andrew's Methodist Episcopal Church, the St. Andrew's Methodist Episcopal Church, Northminster Presbyterian Church, Northminster Presbyterian Bible School, Northminster Presbyterian Woman's Missionary Society, and the Emmanuel Presbyterian Church, all of Philadelphia, and of the Presbyterian Christian Endeavor Society of West Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Atlantic Coast Seamen's Union, remonstrating against the adoption of the so-called illiteracy test amendment to the immigration law, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Southern Illinois Millers' Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of the Commercial Association of Elburn, Ill., and the memorial of George A. Scherer, of Peoria, Ill., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Centennial Church, the State Street Baptist Church, the Epworth Methodist Episcopal Church, and the Court Street Methodist Church, all of Rockford, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Association for the Prevention of Tuberculosis, of Peoria, Ill., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. HITCHCOCK presented petitions of sundry citizens of Lincoln and Omaha, in the State of Nebraska, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were referred to the Committee on Education and Labor.

Mr. ASHURST. I present a telegram in the nature of a petition favoring the Owen medical bill. The telegram is short, and I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

PRESCOTT, ARIZ., *May 15, 1912.*

Hon. H. F. ASHURST,
United States Senator, Washington, D. C.:

The Yavapai County Medical Society heartily indorses the Owen bill and urge you to use every honorable means to secure its passage.

C. E. YOUNGT, *Secretary.*

Mr. BRANDEGEE presented resolutions adopted by members of the First New London Troop, Boy Scouts of America, of New London, Conn., favoring the enactment of legislation to protect the migratory wild fowl, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Connecticut, praying that an appropriation be made for the purchase of a new site for a post office in New York City, N. Y., which was referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE presented petitions of members of the board of health, and of the Humane Research Club, of Newport, R. I., praying for the enactment of legislation to regulate the interstate transportation of immature calves, which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of members of the District Medical Society, of Worcester, Mass., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. O'GORMAN presented a petition of sundry citizens of New York, N. Y., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry members of the congregation of Grace Church, Brooklyn Heights, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented resolutions adopted by the directors of the Clothiers' Association of New York, N. Y., favoring the enactment of legislation providing for the removal of the present post office and Federal courts building in that city, and for the restoration of the site to the city, which were referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BROWN presented resolutions adopted by the Nebraska Association of Commercial Clubs, in convention at Hastings, Nebr., favoring the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Erie, Pa., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Manufactures.

He also presented a memorial of the Chamber of Commerce of York, Pa., remonstrating against the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the McKean County Medical Society, the Fayette County Medical Society, the Luzerne County Medical Society, the Huntingdon County Medical Society, the Lawrence County Medical Society, the Armstrong County Medical Society, the Allegheny County Medical Society, and the Erie County Medical Society; of the Ohio Valley Academy of Medicine, of Bellevue; of the Academy of Medicine of Latrobe; and of Wendell Reber, of Philadelphia, all in the

State of Pennsylvania, praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., and a memorial of the Stationers' Association, of Philadelphia, Pa., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by members of the Military Order of the Loyal Legion of Pennsylvania, in convention at Philadelphia, Pa., favoring an appropriation for the erection of an equestrian statue at Washington, D. C., as a memorial to the late Maj. Gen. George Gordon Meade, United States Army, which were referred to the Committee on Appropriations.

Mr. FLETCHER presented resolutions adopted by the Illinois Federation of Women's Clubs, favoring the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the Ladies of the Maccabees of the World, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY. I present resolutions adopted by the Polish-American Societies of South Bend, Ind., bearing on legislation pending before the Senate. They are only a few lines, and I ask that they lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted by the representatives of the Polish-American societies in South Bend, Ind., May 13, 1912.

Whereas in the past the people of the United States have shown their sympathy with revolutionary movements for the establishment of democratic principles in other countries and also rendered substantial financial aid to such movements; and

Whereas Senate bill 3175, known as the Dillingham bill, provides for the deportation, without judicial hearing, of any alien who conspires for the overthrow of a foreign Government, and so makes it obligatory on our Government to send back, in many cases to certain death, not only the leaders but many of the humble followers of such movements; and

Whereas this same bill and House bill 22527, known as the Burnett bill, in providing for a literacy test for incoming aliens will not give this country any additional protection against the diseased, defective, and criminal classes and, contrary to the established policy of the country, would exclude many victims of social and political oppression; Therefore be it

Resolved, That we, the Polish-American citizens of South Bend, Ind., urge the Members of the Senate and House of Representatives to prevent the enactment of said bills into law; and be it further

Resolved, that copies of these resolutions be sent to the President of the United States, the Secretary of Commerce and Labor, and the Indiana Members of the House of Representatives and Senate.

GEO. J. KALCZYNSKI,
IGNATIUS K. WERWINSKI,
DYONISEY A. GORKA,
BRONISTAW TOBOLSKI,
PETER KOBZOREWSKI,
Committee of the Polish-American Societies in South Bend, Ind.

Mr. PENROSE presented a petition of Doctor L. S. Dunn Lodge, No. 222, Independent Order B'rith Sholom, of Chester, Pa., and a memorial of Moses Mendelsohn Lodge, No. 147, United States Grand Lodge Order B'rith Abraham, of Philadelphia, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of members of the Ohio Valley Academy of Medicine, of Bellevue, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, reported it without amendment and submitted a report (No. 756) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, reported it with an amendment and submitted a report (No. 757) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 758) accompanied by a bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 474. John Brannan.
S. 728. Hiram R. Smith.
S. 1035. John W. Currier.
S. 1648. Norman B. Van House.
S. 1658. Alexander Roe.
S. 1983. Harrison Stotler.
S. 2101. Oscar Graves.
S. 2639. Hattie A. Sears.
S. 2663. Joseph Cooper.
S. 2798. Livonia C. Becker.
S. 3048. John W. Groesbeck.
S. 3162. Stephen Jarvis.
S. 3383. Emily Donaldson.
S. 3548. John Weaver.
S. 3599. William C. Hart.
S. 3703. John Dow.
S. 3806. Henry T. Stuart.
S. 4087. James Grose.
S. 4232. Anna G. Lord.
S. 4522. James Nickell.
S. 4689. George Phinney.
S. 4770. Etta M. Hankinson.
S. 5011. Morgan M. Mills.
S. 5035. Mary I. Stauber.
S. 5066. Carrie R. Sparkiin.
S. 5105. James R. Helton.
S. 5370. Thomas F. Chafee.
S. 5537. Bradley Gilbert.
S. 5637. Luke Flynn.
S. 5666. Peter Walker.
S. 5667. Alexander F. Hays.
S. 5878. Edward Stapleton.
S. 5887. Silas M. Finch.
S. 5966. William Day.
S. 6006. William Thompson.
S. 6047. Olive J. Allen.
S. 6071. John T. Lance.
S. 6074. Jane Allen.
S. 6118. Albert M. Belcher.
S. 6121. Mary L. Wilson.
S. 6131. Isaac M. Brandon.
S. 6227. Calvin A. Cary.
S. 6234. William Johnson.
S. 6363. Ella G. Timoney.
S. 6476. John D. Wood, jr.
S. 6485. Martin Kennedy.
S. 6492. Eliza Ash.
S. 6493. Marion G. Blodgett.
S. 6498. Mary M. Culver.
S. 6538. Annette Farmer.
S. 6547. Anna R. Wellman.
S. 6548. Abram Burnett.
S. 6556. Charles W. Smith.
S. 6557. Henry C. Tiffany.
S. 6561. Stephen L. Sleeper.
S. 6566. Emma A. Prior.
S. 6577. Henry H. Brinkley.
S. 6601. John W. Palmer.
S. 6605. Samuel Priest.
S. 6615. Edgar Bullard.
S. 6619. Suel T. Gibson.
S. 6632. Hiram Campbell.
S. 6634. Charles Mays.
S. 6652. William A. Reeves.
S. 6653. Joseph R. Shannon.
S. 6657. Clara L. A. Read.
S. 6669. Curtis Stimpson.
S. 6670. James G. A. Middleton.
S. 6673. James O. Taylor.
S. 6674. Catherine J. Orr.
S. 6681. Sophfronia F. Cady.
S. 6695. James A. Wise.
S. 6698. William H. Hooker.
S. 6700. Henry Randolph.
S. 6749. Allen V. Webster.
S. 6839. Manerva Eveann Dealey.

LANDS IN CHUCKAWALLA VALLEY, CAL.

Mr. WORKS. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal., and I submit a report (No. 755) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and insert:

That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south,

range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, and 7 south, range 21 east; townships 5 and 6 south, range 22 east, Santa Bernardino meridian, State of California, shall be canceled because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1913.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

HEIRS OF GEN. JOHN SEVIER.

Mr. CRAWFORD. A bill (S. 746) for the relief of the heirs of Gen. John Sevier was introduced in the first session of the Sixty-second Congress and referred to the Committee on Revolutionary Claims. On May 7 the Senator from Tennessee, Mr. LEA, presented a number of petitions in support of that bill and they were referred to the Committee on Claims. I move that the Committee on Claims be discharged from the further consideration of the petitions and that they be referred to the Committee on Revolutionary Claims to accompany the bill.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6842) granting a pension to Mary J. York (with accompanying paper); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6843) for the relief of the heirs of William Crump, deceased (with accompanying paper); to the Committee on Claims.

By Mr. OLIVER:

A bill (S. 6844) granting an increase of pension to William H. Clouser (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6845) granting an increase of pension to William M. Whitaker; and

A bill (S. 6846) granting an increase of pension to Thomas S. Underwood; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; to the Committee on Commerce.

By Mr. CRANE:

A bill (S. 6849) granting an increase of pension to Melissa J. Sheffield; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6850) to establish a parcel-post system and to fix rates of postage on certain classes of mail; to the Committee on Post Offices and Post Roads.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 107) authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus Memorial Statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to appropriate $12,744.67 to reimburse the Winchester Repeating Arms Co. for expenses incurred in defending the suits for infringement of a patent, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. WATSON (for Mr. CHILTON) submitted an amendment proposing to increase the salaries of 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the three junior minority committees, from $1,200 each to $1,440 each, intended to be proposed to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $300,000 for the maintenance of Indian schools in Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was ordered to lie on the table and to be printed.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

LAND AT MAGDALENA BAY.

Mr. HITCHCOCK submitted the following resolution (S. Res. 313), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, directed to send to the Senate copies of letters from the attorney or others for the American syndicate interested in Magdalena Bay and copies of letters written in reply to the same by the department officials, referred to in the letter of the Secretary of State as published in Senate Document 640.

Mr. GALLINGER. I present a memorial signed by Henry W. Blair, well known to many Members of this body, and president of the National Anti-Third Term League, of Washington, D. C. I ask that the memorial be printed in the RECORD, if there be no objection.

The VICE PRESIDENT. Without objection, it is so ordered.

The memorial is as follows:

MAY 14, 1912.

To the Congress of the United States:

Respectfully represents your petitioner, president of the National Anti-Third Term League, of Washington, D. C.

Believing that the framers of the Constitution acted wisely in providing after long and careful deliberation that the term of the President should be for the period of four years, and that the unwritten law which prohibits any person to hold that office a third term should be made a part of the written Constitution, I do respectfully petition that during the present session you will submit to the States for their action a joint resolution proposing to amend Article II of the Constitution so as to provide that—

"No person who has held the office of President for two terms, or for any part of two terms, whether consecutive or otherwise, shall thereafter be eligible to be chosen to the office of President or Vice President."

Permit me to respectfully ask attention to the following considerations:

1. It should be in the power of the people to secure the services of a good President for two terms, or not exceeding eight years in all.

2. There is danger that the executive power would become too formidable to the other departments of the Government and to the liberties of the people if concentrated in even the most able and patriotic hands for more than two terms.

3. The hope of one reelection would stimulate the President to the wisest and most patriotic endeavor during his first term, whether really safe and fit for the office or otherwise.

4. During his first term the policies and measures and the official organization of administration would naturally be so fashioned that it would be difficult for even an unpatriotic Executive essentially to change them during a second term.

5. Frequent elections, or the power to recall or reelect officials, are essential to the preservation of our institutions. Impeachment is no practicable means of removing bad high officials, and the people ought not to be compelled to endure the burdens and perils of an incompetent or dangerous Chief Magistrate or of a party or policy which they disapprove for more than a single term of not exceeding four years.

6. Too frequent elections are burdensome to the people and produce weariness and indifference in the exercise of the primary duties of sovereignty.

7. There is no precedent, no test of experience in State or Nation for the restriction of the Executive to a single term, long or short, except in the constitution of the Confederate States, which would favor a shorter rather than a longer term.

Washington, Jefferson, Jackson, Lincoln, McKinley, Roosevelt, and other Presidents are on record in solemn disapproval of more than two terms, either "in form or substance," for themselves or any other person, and such was the expressed personal judgment and preference of President Grant, who yielded his own to others.

8. A third term initiates revolution in our form of government, leading directly through anarchy to monarchy and despotism. The war of 1861 was waged to divide our country into but two sections, both republics. The third term will insure the utter dissolution of the Union and interminable war before order is restored under a monarch or czar.

For these reasons I believe that the term of four years, fixed by the fathers and working well in practice for a century and a quarter, is the best which can be adopted. And your petitioner will every pray.

HENRY W. BLAIR,
President of the National Anti-Third Term League,
Colorado Building, Washington, D. C.

COURTS IN MISSISSIPPI AND MICHIGAN.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments as follows: Page 4, after line 2, insert:

"*Provided*, That an additional term of the United States District Court for the Western District of Michigan, northern division, shall be held at Sault Ste. Marie, Mich., on the first Tuesdays in January and July of each year."

Amend the title so as to read: "An act to amend section 90 of the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, and for other purposes."

C. D. CLARK,
KNUTE NELSON,
A. O. BACON,
Managers on the part of the Senate.

H. D. CLAYTON,
C. C. CARLIN,
JOHN A. STERLING,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. CHAMBERLAIN. Mr. President, the discussion of the agricultural appropriation bill has gone, it seems to me, far afield of the real question involved in it, and that is the question of the appropriation necessary to be made to carry on the work of the Forest Service for the current year. Inasmuch as it has so drifted, and many strictures have been indulged in with reference to the policy itself, and differing somewhat from the views expressed by my colleagues, I have felt that I ought to discuss the broader questions involved in the conservation of our natural resources as incident to the subject under consideration.

One of the Senators in his remarks expressed the hope that this would not drift into a political discussion, alleging that the question is not political and ought not to be, but is far above politics, involving, as he claimed, the very life of some of the States. I am in accord with him in expressing the hope that it will not be considered from a political standpoint at all, and that it will be considered from the broader economic viewpoint that is involved in the whole subject of the conservation of our natural resources.

Mr. HEYBURN. Will the Senator pardon me for interrupting him thus early? Does the Senator refer to the remarks which I made?

Mr. CHAMBERLAIN. I am referring now particularly to the remarks by the Senator from Wyoming [Mr. CLARK].

Mr. HEYBURN. Oh. I considered it a political question, not a partisan one.

Mr. CHAMBERLAIN. Some Senators do consider it a political question. I do not, and I think the consensus of opinion is that it is a great economic question. So I am in accord with the Senator from Wyoming in expressing the hope that it will be considered from this broader standpoint.

There is another reason why it should not be considered as a political question or as a partisan question. Both the great political parties of this country are committed to the question of the conservation of our natural resources. In order that there may be no question about that, I ask, without reading, to have embodied in what I have to say the plank of the Democratic Party adopted at Denver in its last national convention on this subject, as well as the plank adopted by the Republican Party in its national convention at Chicago.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

REPUBLICAN PLATFORM, 1908—CONSERVATION OF FORESTS.

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve of measures to prevent the waste of timber. We commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent and none will result in greater blessings to posterity. In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan just to all persons of the country of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign Providence.

DEMOCRATIC PLATFORM, 1908—NATURAL RESOURCES.

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain of home seekers, the protection of the national resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation, and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power and the preservation of electric power generated by this natural force, from the control of monopoly; and to such end we urge the exercise of all powers—national, State, and municipal—both separately and in cooperation.

We insist upon a policy of administration of our forest reserves which shall relieve it of the abuses which have arisen thereunder, and which shall, as far as practicable, conform to the police regulations of the several States wherein the reserves are located, which shall enable homesteaders as of right to occupy and acquire title to all portions thereof which are especially adapted to agriculture, and which shall furnish a system of timber sales available as well to the private citizen as to the large manufacturer and consumer.

Mr. CHAMBERLAIN. Both these great parties have declared unequivocally in favor of the conservation of the natural resources of the country, and therefore here at least it ought not to be considered from a partisan standpoint, if platforms are intended to mean what they say and are not to be abandoned as soon as a particular set of officials of the one party or the other get into power.

I take the position, Mr. President, that the Forest Service has been criticized, and very severely criticized, for a condition of things for which it is not at all to blame. I am willing to agree with both the distinguished Senators from Idaho in some of their criticisms. I am free to admit that in many individual cases the rangers on the forest reserves are too arbitrary. I am willing to go even further than that, and to say that in the administration of the land laws of the United States not only are the subordinate officers sometimes too arbitrary, but this criticism applies as well to the heads of the land and many other departments. Technical and arbitrary rulings not infrequently make it impossible for a man to perfect his title to public lands, where he is making an honest endeavor to acquire a home.

I am also willing to agree with the Senator from Idaho [Mr. BORAH] when he repudiates the suggestion that every man who attempts to secure a home in the West is a thief, and I only differ from him in this respect, that I do not think that that charge is generally made. Whenever and wherever it is made it is usually by persons who do not understand the situation in the West.

An investigation will disclose that where individuals have been guilty of fraudulently acquiring lands under either the homestead or preemption acts, and in a great many cases under the timber and stone act, they have been the homeless hirelings and agents of timber syndicates or others in the East who have been interested in acquiring a part of the public domain for speculative purposes. These agents are, as a rule, not citizens of the West. They are in many instances tramps, though I regret to say that sometimes reputable people have been sent from eastern cities by timber syndicates and lumber companies to acquire title under the public-land laws, conveying these titles when acquired to their employers for a prearranged consideration.

I do not propose to appear here as the defender of the forester or of those who are under him for his or their arbitrary or unjust acts. But I believe, Mr. President, Democrat as I am, in seeing that all of them, Republicans though they be, get a square deal so far at least as is possible for one or two of us to see that they get that square deal. I think that they have been unfairly and unduly criticized in the discussion of this bill, and I shall not hesitate to fix the responsibility for the

frauds that have been perpetrated against the Government where it properly belongs, and incidentally to show that the conservation movement had its inception in a desire to stop the further looting of the public domain. The Forest Service is but an agency to that end and they are trying to do their duty even if they do make mistakes occasionally.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I suppose the Senator means that they are appointed by the Republican administration, but they are not all Republicans, because some of them have not, in my opinion, been naturalized.

Mr. CHAMBERLAIN. Mr. President, I will not agree to the charge that some of the employees in the service are not naturalized. Under the rules of the department and under the civil-service regulations it is the duty of the department to appoint men from the classified service, and from the locality where the examinations are held, and in most of the cases these young men who are criticized as wearing cockades in their hats and snowy uniforms to terrorize the people are appointed generally, if not from the immediate community, at least from the State in which they perform their duties.

Mr. BORAH. Mr. PRESIDENT——

The VICE PRESIDENT. Does the Senator from Oregon yield further to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I do not know what the experience of the Senator from Oregon is, but I believe that the majority of the appointees in the State of Idaho never saw the State of Idaho until they received their appointment. This is true of the Forestry Bureau in our State, and it is true of the majority of them. We have some few there at the present time who lived in Idaho prior to appointment, but the majority of them, as if you will look at the list you will see, were never there until they received their appointment.

Mr. CHAMBERLAIN. That may be true in Idaho, Mr. President, but if it be true, then the rules of the department and the rules of the civil service have been violated in respect to that particular State, and timely complaint should lead to correction.

Mr. JONES and others addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield first to the Senator from Washington?

Mr. CHAMBERLAIN. I yield to whoever first addressed the chair.

Mr. JONES. I simply wish to suggest to the Senator that his statement that these employees are Republicans is hardly a fair statement and is hardly borne out by the last suggestion he has made that they are largely appointed under civil-service rules. I do not believe that the partisanship of the parties is taken into consideration at all.

Mr. CHAMBERLAIN. I used the term in the broader sense of the word. I meant that it was under Republican administration, and I do not want to even hold the Republican administration responsible for all the bad things that are done by any of the departments of government.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Wyoming?

Mr. CHAMBERLAIN. I do.

Mr. WARREN. I think if the Senator will look at the present force he will find that it is composed of both parties; it may be more largely of the Democratic Party than the Republican Party, and that is not saying anything against or for them, of course.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the senior Senator from Wyoming?

Mr. CHAMBERLAIN. I do.

Mr. CLARK of Wyoming. I wish to say in regard to the Senator's statement that the men are universally appointed from the State in which they are to serve; that, of course, I am not aware of the situation in the Senator's State, but in Wyoming that is far from a correct statement of fact. As a matter of fact, very few are appointed from the State in which I live, and for the very good reason that the people who live there, the residents, are largely practical men. They know how to fight fires; they know how to perform the duties of a forest ranger, but not many of them are able to pass or have passed the examination that is necessary to admit them into the Forest Service. I assume that to be true because there are so many who, if they could have gotten there, under the rules, would have done so. As a matter of fact, they do not come from the State in which they are appointed so far as Wyoming is concerned.

Mr. CHAMBERLAIN. If I am wrong, my information from the department is wrong, and before the discussion is closed I will, if an opportunity offers, request the Forester to write me a letter on the subject, and I will ask to have it embodied in my remarks. If I am wrong, I certainly do not intend to be, and I leave my statement to be corroborated or disputed by the statement of the Forester.

Now, Mr. President, I make the broad statement that the Forestry Bureau and the Agricultural Department are not responsible in the first instance for the wrongs which have grown up under the forest-reserve system. Congress itself is and has been responsible, and it is responsible now, wherever these evils exist, for it has it in its power to correct them, and it ought to correct them. As a matter of fact, there has not been a single piece of constructive or corrective legislation suggested except on the floor of the Senate in the heat of discussion, and that has not had the consideration it ought to have had when it affects so great a national question.

The act authorizing the President by proclamation to create forest reserves was passed March 3, 1891. The creation of these reserves was recognized as almost a necessity at that time, and the President proceeded, in pursuance of the power vested in him, to create these reserves in order to protect the great wealth of timber and mineral resources against monopolization by those who wanted to acquire them for speculative purposes.

In the creation of these reserves it became necessary, Mr. President, to include lands that were owned by entrymen under the several Federal statutes, railroad and wagon-road grants, and others who had acquired holdings before the reserve was created. Now, let us note the evolution and development of a great national wrong under an act that was beneficent in its purposes.

Occasionally there would be a homestead near the top of a mountain or on a mountain side or in an isolated valley at the time of an Executive proclamation creating a reserve. These holdings were, of course, not extinguished by the creation of the reserves; but where there was one private holder or one entryman under the land laws there were hundreds of thousands of acres that belonged to railroad and wagon-road grant companies and others who, through mesne conveyances, had acquired title from them.

Then began to be heard a plea in behalf of the poor entryman, who had a home in the center of a reserve without possibility of having any neighbors or churches or schools; that he ought to be protected, and allowed to surrender his little holding in the reserve, which could never be otherwise than isolated; and that he should be permitted to select in lieu thereof other lands outside of the reserve, where he would have the benefit of neighbors, schools, and churches. That was a plausible plea for the entryman; and nobody on earth could object to allowing that entryman to release his land to the Government of the United States and to select in lieu thereof an equal area in some other part of the public domain. The same plea is being made for the poor settler now as a reason for abandoning the forest reserve policy. It looks ominous, Mr. President. The unwritten history of that plea is, that it originated, not by the fireside of the poor entryman, but in the office of a great railroad company in the Middle West; it was gotten up, not for the benefit of the small holder but for the purpose of enabling the big grant corporations, railroads, and others, and their successors in interest to release their holdings within the forest reserves, and to take up in lieu thereof other vacant Government lands in other sections of the country, which were far more valuable for all purposes than were the lands within the reserves. This was the origin of the indemnity selection or lieu land law. It was conceived in iniquity and resulted in robbing the people of untold millions in land and money. On June 4, 1897, Congress passed what was known as the indemnity selection law, ostensibly in the interest of the entrymen who had his home within the forest reserve, allowing him and incidentally all others who had holdings within the reserves to release their holdings to the Government and to take up lands elsewhere in lieu of the lands which they might surrender to the Government.

Bear in mind that this law, ostensibly in the interest of the settler, was not confined to him. It would have been harmless with such a limitation. But it applied to the grant companies of all kinds and their successors in interest and millions of acres of land in these reserves, consisting of lava beds, denuded forests, and rugged peaks, were released under the act of 1897 to the United States, and lands valuable for agricultural purposes, for timber, for minerals, for coal, and for oil, surveyed and unsurveyed, were taken up in every State in the Union

where there were vacant lands by these companies that hastened to surrender their holdings within the reserve and to take advantage of a law which it was pretended was in the interest of the settler.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. I ask the Senator from Oregon to what particular scrip he now has reference?

Mr. CHAMBERLAIN. Generally. It did not make any difference, Mr. President, but I will speak of specific cases before I conclude.

Mr. BORAH. Upon whose recommendation, so far as the Forestry Bureau was concerned——

Mr. CHAMBERLAIN. The Forestry Bureau was not in existence in 1897.

Mr. BORAH. Upon whose recommendation, so far as that kind of a subject was concerned at that time, was this work done? Does the Senator from Oregon not know that those who were interested in conservation at that time earnestly advocated the proposition of making these forest reserves a whole, an integral, and eliminating all these lands from exchange?

Mr. CHAMBERLAIN. I beg your pardon. The conservation movement was then only in its embryonic state; it had not developed into any attempt upon the part of the conservationists to do any specific thing. It was because of the releases of these holdings within the reserves and the taking of valuable holdings out of the reserves in lieu thereof that gave birth, or at least impetus, to the conservation movement in its present form.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of South Carolina. When these holdings within the forest reserves were given up and other lands were taken, upon what basis of valuation was the exchange made?

Mr. CHAMBERLAIN. Absolutely none. They took anything; they could surrender a lava bed upon the top of the Cascade Mountains if within a reserve, go into any section where there were unappropriated public lands, and take up anything they could find, and the land did not even have to be surveyed.

Mr. SMITH of South Carolina. Acre for acre?

Mr. CHAMBERLAIN. Acre for acre.

Mr. CRAWFORD. Mr. President, I have been curious to know how such a thing as that occurred. I have unlimited confidence in the Senate and the other House of Congress, not only now, but during all the years that have gone, and I should like to know what explanation there is in a body of honest men recklessly leaving the bars down so that such a thing as this could occur?

Mr. CHAMBERLAIN. If the Senator will take the trouble to look back at the record, to the history of this legislation, he will find that in nearly every case the clauses authorizing these things to be done were slipped into the sundry civil appropriation bill or into the agricultural appropriation bill without any discussion, except as it might have taken place before the committee. That is the way the thing happened; but I am charitable enough to believe that Congress did not see at first the far-reaching effect of inserting these indemnity selection clauses in those appropriation bills. But if Congress was blind, the representatives of the grant companies were not. They knew and foresaw that what did happen would happen, and that what was ostensibly in the interest of the settler would be of much more vital interest to them.

Mr. SMOOT and Mr. CLARKE of Arkansas addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oregon yield?

Mr. CHAMBERLAIN. The Senator from Utah [Mr. SMOOT] first addressed the Chair, and I yield to him.

Mr. SMOOT. Mr. President, I would suggest to the Senator that at the time of the passage of the law to which the Senator has referred, granting the right to select lieu lands outside of the forest reserves for lands within, there were not very many private holdings within those forest reserves; but I know in some of the States, after the law was passed and was in operation perhaps for four years or more, there was a move made by men to enter lands and to make selections in forest reserves under State selections that were not agricultural in character, and the selections were made with no other view than to have them turned back to the Government, and in lieu of them to select lands outside.

Mr. CHAMBERLAIN. I will come to that, too, Mr. President.

Mr. SMOOT. I know that it happened in many States. I know that it happened in my own State. Men there made State selections, never thinking that the lands which they selected would amount to anything, but they were selected to secure lieu selections.

Mr. CHAMBERLAIN. I think that is true in some instances, Mr. President.

Mr. SMITH of Arizona. Mr. President, for my own information I should like to ask the Senator from Utah a question.

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Arizona. By what process did your State select lands within known reserves? That is a question in which I am very much interested, and I want to know how it is done.

Mr. SMOOT. They did not select within reserves.

Mr. SMITH of Arizona. How, then, could they get scrip for lands within the forest reserves and locate elsewhere?

Mr. SMOOT. We had school lands in all the reserves.

Mr. SMITH of Arizona. I know about the school lands.

Mr. SMOOT. Well, they can be selected, and the ones to which I have reference——

Mr. SMITH of Arizona. The State does not select its school lands; the law fixes what the school lands shall be.

Mr. SMOOT. I meant the entryman selected that particular school section and received title for it from the State, as the State had already received title to it when she received her lands from the Government.

Mr. SMITH of Arizona. I thank the Senator. I was asking for information.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arkansas?

Mr. CHAMBERLAIN. I do.

Mr. CLARKE of Arkansas. I think it would tend to a clearer understanding of just how this abuse came about to repeat a brief statement made by the late Senator from Montana, Mr. Carter. He said that in the construction of the act of 1897 the Secretary of the Interior made a ruling that was obviously correct, that it never was the intention of Congress that the railroads holding arid lands under their early grants should be permitted to surrender them wholesale and to take certificates that would enable them to file on better lands elsewhere in the United States. That ruling was accepted by the railroads for a number of years. Subsequently, Mr. Hitchcock, of Missouri, came to be Secretary of the Interior, and, without any sort of foundation for his action, he reversed that ruling and permitted the surrender of the railroad grants and the selection of lands elsewhere. Arkansas fell a victim to the extent of 270,000 acres of land to that ruling made by Mr. Secretary Hitchcock.

Mr. CHAMBERLAIN. I think, Mr. President, that is probably true, and I am willing to assume that Congress did not intend the act of 1897 to have as broad an application as was afterwards given to it, but, whether it did or not, it did have that application and it did have the effect that I now say was given to it.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. Was the act of 1897 a part of an appropriation bill?

Mr. CHAMBERLAIN. Yes, sir.

Mr. CUMMINS. And all the things which the Senator suggests have been done under it. It seems to me that it is a very fine object lesson just now that ought to lead the Senate absolutely to set its face against any legislation on an appropriation bill.

Mr. CHAMBERLAIN. That is not all, Mr. President; and I want to be distinctly understood as not charging any Senator in the past who participated in the enactment of these laws with having intentionally done anything unfair or unrighteous against the people of this country, even though it might be truthfully charged that they were exceedingly careless in the discharge of a duty of the highest responsibility.

Mr. SMITH of South Carolina. Knowingly.

Mr. CHAMBERLAIN. Knowingly; but it was done; and as a result of it, the people have lost not thousands but millions of acres of land in almost every State in the Union.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. CRAWFORD. The Senator has looked this matter up and proves himself to be well informed, and I want to find out what I can about it. How long was this looting process in being executed, and how comes it that after the discovery of this abuse the law was allowed to remain in force?

Mr. CHAMBERLAIN. I will show you, Mr. President, that Congress did know that this looting process was going on. Now, mind you, the act of 1897 had no restrictions at all. Anybody who had land within the reserves created by the President could upon relinquishing the same go and select other lands anywhere, whether surveyed or unsurveyed, provided only they were vacant and were owned by the United States.

Mr. SMITH of South Carolina. I should like to ask the Senator if previous to the act of 1897 the wagon-road grants and railroad grants of which the Senator speaks were then in existence?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of South Carolina. All of them were in existence?

Mr. CHAMBERLAIN. All of them.

Mr. SMITH of South Carolina. Previous to the act of 1897?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of South Carolina. What was the proportion of private holdings to these land grants at that time?

Mr. CHAMBERLAIN. A mere bagatelle.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. I do.

Mr. SMITH of Arizona. If the Senator is acquainted with that legislation—I was then in the other House, but my memory fails me very badly in regard to this matter—is it not true that every bit of this whole question of trading these railroad lands within reserves for land outside emanated from the department, just as everything about these forest reserves to-day emanates from the department, and is done because of the influence and the statement of facts presented by the department? Take the then Territory of Arizona—and I will not interrupt the Senator further—to which my colleague [Mr. ASHURST] alluded the other day; take the vast forest reserve of Coconino, which takes up almost all the taxable part of Coconino County. The railroads there owned vast tracts of land; a Dr. Perrin bought those tracts from the railroads after they had been denuded of all their timber, and the proposition came from the department that, in order to make this forest reserve one solid piece, instead of cutting it up like a checkerboard, other lands be selected outside; and it was resolved by Congress upon this information that the only way they could conserve the land was to give those people loose scrip, and they proceeded to go to California and to other States and put it on the best timber lands in the world. That all came about through the suggestion of the department itself.

Mr. CHAMBERLAIN. Mr. President, I am going to show the Senator after awhile that he is a little bit mistaken about that, and that some of it originated in his own State, although in the final analysis the responsibility for a great crime rested upon the Department of the Interior and not upon the Forestry Service, which was not then in existence.

Mr. SMITH of Arizona. I say it all originated in the department, in my judgment, for the very gentleman I am speaking about was the one who got the land through the Interior Department.

Mr. CHAMBERLAIN. I will come to that a little later on and will call the Senator's attention to a resolution of his own legislature and petitions from chambers of commerce and citizens in his State in reference to this very proposition.

Mr. SMITH of Arizona. That only makes it worse.

Mr. CHAMBERLAIN. Yes; but the Senator is estopped and the Senator's State is estopped from saying that the department did all the wrong, if his people or any of them assisted in inducing that to be done which was done and which is conceded to have been wrong.

Now, Mr. President, proceeding with what I was saying awhile ago, I want to show that Congress did know a little later that they let down the bars for the looting of the public domain, because in the acts of June 6, 1900, and March 3, 1901, also included in appropriation bills, they again legislated upon the subject and limited the right of selection to surveyed lands, thus cutting out the right of the entryman and of the grant corporations and their successors in interest to select unsurveyed lands in lieu of lands released in the reserves; so that Congress must have been advised in time to have stopped the nefarious business. I will say to the Senator from South Dakota that they began to realize that they had thrown down the bars too low, and they wanted to restrict the power of these people and companies who had lands located within the reserves to the selection of lands which had been surveyed in lieu of those which they were surrendering. This was only a partial restriction and did not correct the evil.

Mr. CRAWFORD. What year was that?

Mr. CHAMBERLAIN. That was in the act of June 6, 1900, and the act of March 3, 1901.

That is not all, Mr. President. This thing had become so notorious and so infamous in every western State that a demand went up everywhere that this old indemnity selection law should be abolished and repealed. What happened? On the 3d of March, 1905—I want the Senate to notice the wording of this repealing clause—there was passed and approved "An act prohibiting the selection of timber lands in lieu of lands in forest reserves," which is as follows:

Be it enacted, etc., That the acts of June 4, 1897, June 6, 1900, and March 3, 1901, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve.

If they had stopped there the act would have repealed the indemnity selection acts and would have stopped the looting of the public domain; but it goes on:

But the validity of contracts entered into by the Secretary of the Interior prior to the passage of this act shall not be impaired: *Provided*, That selections heretofore made in lieu of lands relinquished to the United States may be perfected and patents issue therefor the same as though this act had not been passed, and if for any reason not the fault of the party making the same any pending selection is held invalid another selection for like quality of land may be made in lieu thereof.

Here was a qualified repeal of the indemnity selection acts that were on the statute books at that time, but it excepted from the effect of the repeal contracts which had been made by the Secretary of the Interior. Now, I want to call your attention to what that innocent little exception meant to the people of this country.

It so happened that citizens of some of the States had petitioned for the creation of certain reserves shortly before that repealing act, and amongst other States the State of Arizona.

The Grand Canyon Forest Reserve, the first reserve established in Arizona, including the Grand Canyon of the Colorado and the Coconino Plateau, was established by President Harrison on February 20, 1893, following the recommendation of Secretary of the Interior Noble, based solely upon a report by Director Powell, of the United States Geological Survey.

It was about four years after the creation of this reserve that there was first presented to the General Land Office a definite and formal expression of public sentiment in favor of the extension of forest reserves to include and protect the watersheds and forests generally in Arizona. This expression was in the form of a memorial by the Legislature of Arizona dated May 5, 1897, praying that a sufficient area of the unclaimed and unappropriated timberlands in Arizona be set apart to retain needed water supplies in the interest of irrigation in that Territory. The memorial was assompanied by numerously signed petitions by citizens of Arizona praying for the reservation and protection of the timber in the San Francisco Mountains.

It will be noted——

Mr. SMITH of Arizona. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Arizona. Will the Senator permit an explanation right there?

Mr. CHAMBERLAIN. Certainly.

Mr. SMITH of Arizona. At that time we were attempting to cover all the lands we could in the Salt River Valley that are now covered by what is known as the Roosevelt Dam. There was a question whether the most populous of the whole Territory was to be run by railroads and private owners, cutting the timber from the San Francisco Mountains, which were alleged to be the original water supply of that valley, and this came up in the excitement of that time—whether or not they could cut the dead timber and whether or not that would so denude it as to affect the water supply. That was a local question with the people.

Mr. CHAMBERLAIN. I appreciate the explanation of my good friend, the Senator from Arizona, and I understand fully the needs of his people at the time of which he speaks. I am not disposed to blame them for their course, but I simply wanted to call attention to the fact that a petition in favor of forest reserves to include the watersheds and forests generally in Arizona came to the Secretary of the Interior from the Legislature of Arizona, as well as numerously signed petitions from citizens of that State, praying for the reservation and protection of the timber in the San Francisco Mountains.

The following persons and corporations had large holdings within the San Francisco Mountains Forest Reserve:

The Aztec Land & Cattle Co., the Saginaw & Manistee Lumber Co., William F. Baker, Messrs. Robert and E. B. Perrin, and the Santa Fe Pacific Railroad Co.

These were the people who owned lands within the San Francisco Mountains Reserves and within the Grand Canyon Reserve.

When the question arose as to the creation of this reserve, Binger Hermann, Commissioner of the General Land Office, made report and recommendation to Hon. E. A. Hitchcock, the then Secretary of the Interior, under date of August 12, 1898, and inclosed to him drafts of proclamations to establish the San Francisco Mountains and Black Mesa Forest Reserves. He recognized in his report the great public danger of including in these reserves the private holdings of individuals and corporations and allowing them to be used as the basis for indemnity selection, and called the particular attention of the Secretary of the Interior to this danger in the following language:

This question of the relinquishment to the Government of private holdings within forest reservations and the selection of unreserved lands in lieu thereof is assuming grave proportions and is a matter that will need very careful consideration by this department. It is showing itself in a number of different aspects, and I am giving the subject consideration with a view to presenting the matter to the department later. In the meantime it is important that the reservation in question should be made without delay. To guard against any complications that might arise by the inclusion of a large area of railroad lands, I deem it advisable that the region which includes lands granted to the Atlantic and Pacific Railroad should be put into a separate reservations; and I have, accordingly, prepared a proclamation reserving, in express terms, the even-numbered sections in the townships falling within the grant to the railroad, said reservations to be known as the San Francisco Mountains Forest Reserves, said sections containing a total estimated area of 975,360 acres. This makes a separate reservation of each even-numbered section, all grouped and known under the general name of the San Francisco Mountains Forest Reserves.

The lands below the granted limits of the railroad company I have embraced in a separate proclamation, describing the boundaries in the usual manner, the reservation to be known as the Black Mesa Forest Reserve, and embracing an estimated area of 1,658,880 acres.

It will thus be seen that in order to avoid this very danger he suggested, and there was created, what was known as the "checkerboard" reservation, by means of which the boundaries of the reservation cut in and around private holdings within its exterior limits, so that such holdings could not be used as the basis for indemnity selection. As soon as this was done, the Secretary of the Interior was besieged by interested and other parties to acquire title to these private holdings, so that they might be included within and become a part of the reserve. Negotiations were instituted by the Secretary of the Interior with the owners, whose names I have already given, which resulted in the abolishment of the "checkerboard" system, the acquirement of the private holdings by the Government, and the consolidation of the reserves, so that the persons whom I have mentioned were given the right to make selections in lieu of the lands surrendered by them to the Government.

Mr. SMITH of Arizona. I think the holdings of the companies of which the Senator speaks, and also of Dr. Perrin, to whom I alluded awhile ago, that all the holdings of the Saginaw Company and others, were railroad lands, and it was the simple question of the railroad companies——

Mr. CHAMBERLAIN. That does not alter the proposition I am urging here now. They bought them from the railroad companies and occupied practically the same position with the same right to indemnity selection as the railroad companies had.

Mr. ASHURST. Mr. President, I feel that in justice to the citizens of the county in which I then lived and in which the lands are situated I should say that my colleague [Mr. SMITH] when in the House protested against the wicked act of the Secretary of the Interior; that private citizens, at their own expense, came here and appeared before the Secretary of the Interior; and it was done over the protest of the citizens of Coconino County, and over the protest of my distinguished colleague, who was then representing Arizona in the House of Representatives as a Delegate from the then Territory.

Mr. CHAMBERLAIN. I believe that is true, and that my distinguished friend did protest against it as did others, but it was done by Mr. E. A. Hitchcock, then Secretary of the Interior, in the face of all protests, and the railroad and lumber companies and others surrendered to the Government of the United States lands which, in many instances, were absolutely denuded of timber and got the right to select other lands out of the public domain in lieu thereof. It was to protect these alleged contracts that the repealing clause in the act of 1905 excepted the contracts that the Secretary of the Interior had entered into with various private individuals. It did not name them. It would not have been policy to have named them in the repealing clause, because it would have aroused a protest in and out of Congress against legislation which had for its purpose the protection of the Santa Fe Railroad Co. and others instead of the protection of the citizens of the country.

Let us see how the contracts were protected by that repealing clause.

I might say, incidentally, that in 1910 I offered a resolution in the Senate calling on the Secretary of the Interior to furnish to the Senate of the United States not only a list with the description and location of the selections which were made under these contracts, but also the description of the base used. The response to this resolution is given in detail in Senate Document No. 612.

There was protected by that innocent little clause in that repealing act, excepting these alleged contracts, for the Santa Fe and other concerns which I have named, 1,264,882.75 acres of land. In other words, by those contracts there was given to these companies over a million and a quarter acres of land, in lieu of the turned-over land, while the lands selected were the best lands in Oregon, California, Arizona, and elsewhere. The States in which the selections were made are Alabama, Arizona, Arkansas, California and Colorado, Florida, Idaho, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

In other words, these companies and persons released to the Government of the United States lands which had been denuded of timber and selected lands in 22 States of the Union wherever they could find lands which were valuable, and usually they were timbered lands.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I do.

Mr. SMOOT. I wondered whether the Senator has a list of the lands affected by a bill introduced in Congress after the repeal of the law, asking that they be given the same privilege of exchange. Has the Senator the list in the document he has?

Mr. CHAMBERLAIN. No.

Mr. SMOOT. The bill did not pass, but it was asked for.

Mr. CHAMBERLAIN. It is a wonder they did not, because they usually got all they asked for.

The Aztec Land & Cattle Co. selected 127,000 acres in round numbers; I am not giving the exact number; William F. Baker, of San Francisco, selected 76,000 acres; Robert and E. B. Perrin selected 132,000 acres; and the Saginaw & Manistee Lumber Co. selected 39,000 and more; the Santa Fe, 439,226 acres; the Santa Fe Pacific selected 380,000, and so on. I will give the list in detail later.

Mr. FLETCHER. I think, under the circumstances, it would be a little bit enlightening at least to know who was Secretary of the Interior at that time, and whether these protests were brought to the attention of the President at that time as well as of the Secretary of the Interior.

Mr. CHAMBERLAIN. The old Latin maxim, *de mortuis nil nisi bonum*, appeals to me in this case. I want to observe it as far as it is possible consistent with the truth. It was Mr. E. A. Hitchcock who in his lifetime seems to have assumed that every man who undertook to acquire title to public land was a thief, and yet he was a party to the scheme, which I have described, to give away over a million acres of land by contracts he could have refused to make. Commissioner Hermann had called attention to these very dangers and had recommended the checkerboard arrangement for reserve creation, and he was removed from office at the instance of Mr. Hitchcock, as many believe, because he did not stand for these things but for the interest of the people of this country in reference to these indemnity selections.

Mr. WARREN. Do I understand the Senator to claim that these selections were made contrary to law?

Mr. CHAMBERLAIN. These last selections?

Mr. WARREN. The million-acre selection of which he speaks.

Mr. CHAMBERLAIN. I think there is a very grave question whether they were legally made or not.

Mr. WARREN. At the time the question was up—and I know it was discussed for days and days—we had a hearing before the Public Lands Committee, and the consensus of opinion of that committee was that it was under that law that these selections were made, and as soon as it was brought to the attention of the Senate the Committee on Public Lands recommended the passage of a law repealing it; and after that I know that there were another million acres in different parts of this country filed upon by railroads and individuals who wanted a special act allowing them the same privilege, because they had released lands to the Government and the contract had not been made for the transfer; but that bill failed, as the Senator well remembers.

FUJI MICRO SAFETY

Mr. CHAMBERLAIN. When I introduced the resolution in 1910 asking the Secretary of the Interior to certify to the Senate of the United States the lands which were excepted by virtue of the alleged contracts mentioned in the repealing act he did not certify any contract or contracts, but a volume of correspondence covering 206 pages, as disclosed by Senate Document 612.

Now, it may be that the Senator from Utah could read this mass of correspondence and conclude that there was a contract between the Secretary of the Interior and these various parties; but I think it is very questionable if the Secretary of the Interior had authority to make a contract, or, even if he had authority, that he made a valid contract, and the proper forum to determine that matter is the court, and the proper officers to institute the proceedings to have that determined are the officers of the Department of Justice.

Mr. SMOOT. That can be done now.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. Certainly.

Mr. CRAWFORD. I rise simply to make note of this fact, that the Senate, it seems to me, ought to notice. I refer to the outrageous discrimination and injustice that this grotesque policy works against a poor man with a family seeking a few acres of land for a home. It was during the period of this espionage, that treated every man with a family of children moving in a prairie schooner across the plains to get 160 acres of semiarid land for the purpose of building a home as a scoundrel, and the same administration that was putting this suspicion upon this humble seeker for a home was throwing the bars down for the Santa Fe Railroad Co. to select lieu lands in place of lava beds.

Mr. CUMMINS. May I ask a question here?

Mr. CHAMBERLAIN. Certainly.

Mr. CUMMINS. Under what law did the Secretary of the Interior make any contract of the character that has been suggested by the Senator from Oregon? In other words, what authority has the Secretary of the Interior to dispose of public lands or give any interest in public lands, except in the way pointed out by the statute?

Mr. CHAMBERLAIN. That is the reason I sugegsted to the Senator that I had doubts whether it was a valid contract.

Mr. CUMMINS. Suppose it is a contract. What authority has the Secretary of the Interior to make any contract in regard to that?

Mr. CHAMBERLAIN. I do not think he had.

Mr. CUMMINS. Then, of course, it is all void.

Mr. CHAMBERLAIN. Under the act of 1891 the lands were withdrawn in the first instance, and the proclamation was issued creating these reserves somewhere along about the latter part of the nineties.

Mr. SMOOT. Precisely. I thought what the Senator from Iowa wanted to know was under what law the Secretary of the Interior had been given any right to make this exchange of lands in a forest reserve for lands outside of a forest reserve.

Mr. CHAMBERLAIN. That is under the act of 1897.

Mr. SMOOT. I was going to say that the act of 1897 granted that authority. The question asked was as to whether the contracts had been made and whether they were legal or not; but I think if the Senator will look it up he will find that the contracts had been made by the Secretary of the Interior under the act of 1897.

Mr. CUMMINS. The Senator from Oregon did not recite in detail the act of 1897, but, as I understood him, it was an act which permitted one who held land in a forest reserve to surrender that land and receive a certain sort of scrip, and that gave to the scrip the privilege of entering an equal quantity of land somewhere else.

Mr. CHAMBERLAIN. Yes, sir.

Mr. CUMMINS. That law, however, gave to the Secretary of the Interior, if that is all there is of it, no authority to make any contract with anybody. It simply gave the authority to the holders of these lands in the forest reserves to surrender those lands. The Secretary of the Interior had nothing to do with the surrender of those lands except to take the surrender and issue the scrip, which in turn could be located upon land elsewhere. The sort of contract which is evidently contemplated in the 206 pages of forest contracts could not be a contract which arose out of the act of the parties under the law of 1897.

Mr. CHAMBERLAIN. The Senator has in mind just exactly the question that arose in my mind, and suggested to me the question as to whether or not these were valid subsisting contracts at the time of the selections.

Mr. CUMMINS. It is perfectly clear to me that they were not valid contracts, and that the Secretary had no authority to make them.

Mr. SMOOT. I should like to ask the Senator this question: Have the selections already been made? Have the railroad company and the different parties named ever made a selection of land somewhere else on the public domain?

Mr. CHAMBERLAIN. They had not made the selection until after this so-called contract was executed, and before its execution the railroad lands had been included in a reserve, against the suggestion of Commissioner Hermann for a checkerboard reserve.

Mr. SMOOT. I understand that before the repeal of the law all the selections had actually been made.

Mr. CHAMBERLAIN. No, sir.

Mr. SMOOT. As to the particular location of every piece of land. I do know that as to the 487,000 acres that were not allowed they claimed that they had transferred their right to the Government, but did not have time to make the selection, and therefore not having time to make the selection and having transferred their title to the Government they ought to be conceded the same rights as those who had made the selection. That is as I remember it.

Mr. CHAMBERLAIN. No; the selections were made of this one million and a quarter acres after the contract so called was finally agreed to.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. BORAH. As I understand the drift of the Senator's arguments—and if I understand it correctly, I am quite in sympathy with him—it is that by reason of a strained and unnatural construction the Secretary of the Interior permitted these transfers to be made, and the advantage which the corporation derived was by reason of exchanging lands which were practically worthless in a reserve for lands outside of the reserve. Is that correct?

Mr. CHAMBERLAIN. Yes; the Senator is correct.

Mr. BORAH. What I desired to know was, Is it the idea of the Senator that by reason of the construction of the Secretary of the Interior put upon these laws this was permitted to be done, and it was permitted to be accomplished under the peculiar construction which he gave to it?

Mr. CHAMBERLAIN. That is correct; but I am not willing to concede that he had the power. As the Senator from Arkansas said awhile ago, the construction placed on the act originally was that such selections were not contemplated under the act of 1897.

Mr. BORAH. Exactly. That is precisely the idea which I had. I say, therefore, it was a strained and unnatural construction and assumption of authority which in my judgment did not exist under the law at all, and it was by reason of that that he permitted it to be done.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of South Carolina. If I understand the argument of the Senator from Oregon, the act of 1897 authorized the consolidation of the lands where lands in a reserve were owned by parties. Was not that predicated upon the right, then, of some one, either the Secretary of the Interior or the parties owning these lands, to select in lieu of the lands turned over to the Government lands elsewhere, and did not that carry in the very act itself something of the nature of a contract?

Mr. SMITH of Arizona. If the Senator from Oregon will permit me, when they turned these lands back to the Government the Government issued scrip, and the scrip usually described the kind of land on which it could be taken.

Mr. SMITH of South Carolina. Within what limits?

Mr. SMITH of Arizona. Upon land anywhere in the United States under certain scrip. Under other scrip it was limited to certain lands. It might be scrip limited to a certain class of land, but under a roving general scrip you could locate anywhere.

Mr. SMITH of South Carolina. That was the point I wanted to get clear. If the railroad company or individuals should own land within a reservation and gave the land up in order that the Government reserve might have continuity, then there was issued to the parties so surrendering this property scrip which gave them the right to enter elsewhere. What were the limitations on that strip?

Mr. CHAMBERLAIN. There was no limitation at all under the act of 1897, for they could take surveyed or unsurveyed lands, timbered or untimbered, or agricultural, provided only it was Government land.

Mr. SMITH of South Carolina. Without regard to the relative value of the two pieces?

Mr. CHAMBERLAIN. Without regard to the relative value. Sometimes they surrendered lava beds that a crow could not fly over without a haversack to carry his rations, and took in lieu valuable timber lands, worth $100 to $200 an acre.

I ask permission, Mr. President, to insert here a list of lands selected in each State under these alleged contracts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Summary of areas selected, by States. Total area selected.

	Prior to Mar. 3, 1905.	After Mar. 3, 1905.	Selected area.	Base area.
	Acres.	*Acres.*	*Acres.*	*Acres.*
Alabama	161.92	.....	161.92	160.00
Arizona	19,640.47	5,564.87	25,205.34	25,108.89
Arkansas	73,586.75	373.85	73,960.60	72,889.05
California	171,577.99	26,254.80	197,832.79	197,310.41
Colorado	1,680.47	3,657.14	5,337.61	5,230.28
Florida	80.17	224.39	304.56	312.82
Idaho	28,154.09	27,086.65	55,240.74	52,550.30
Louisiana	2,326.57	1,238.46	3,565.03	3,548.70
Michigan	1,461.52	40.00	1,501.52	1,499.60
Minnesota	43,825.58	8,668.45	52,494.03	51,235.03
Mississippi	2,294.12	402.40	2,696.52	2,613.95
Montana	25,680.18	9,123.15	34,803.33	32,021.84
Nebraska	434.11	320.00	754.11	730.90
Nevada	5,485.20	7,839.52	13,324.72	13,051.90
New Mexico	440,069.58	17,652.02	457,735.60	456,975.91
North Dakota	4,901.36	7,742.34	12,643.70	12,359.85
Oklahoma	15,138.09	6,200.10	21,338.19	22,223.42
Oregon	182,989.02	30,406.21	213,395.23	211,741.95
South Dakota	199.90	3,318.63	3,518.53	3,535.51
Washington	39,420.47	14,061.45	53,481.92	53,132.27
Wisconsin	893.68	141.91	1,035.59	1,001.89
Wyoming	4,437.63	14,584.54	19,022.17	18,628.37
Total	1,064,452.87	184,900.88	1,249,353.75	1,264,862.75

Mr. CHAMBERLAIN. Congress has a chance yet to get busy in the matter of indemnity legislation. These are not the only acts which have been working to the detriment of the people of this country and in the interest of those persons and corporations who have had lands in forest and other reserves. I am going to call attention now to something that was done later to show you that notwithstanding the conservation movement and notwithstanding the attempt to withdraw these natural resources from monopolistic control Congress has been granting still further rights to land-grant corporations.

By the act of February 20, 1893 (27 Stats., 1063), or possibly by proclamation of the President of that date, the Pacific Forest Reserve in the State of Washington was created. On the 22d of February, 1897 (29 Stats., 896), the President created the Mount Rainier Forest Reserve in the same State.

It is a question in my mind whether, when the President simply issues a proclamation declaring these reserves, a selection can be made in lieu of lands within the reserve without additional legislation, because as a rule the proclamation near the bottom of it excepts certain lands and rights from the effect of the proclamation. Notice what was done after these reserves were created. I call attention to this because the Forestry Service has been blamed for all of it.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I yield.

Mr. NELSON. My recollection is, and I call the attention of the Senator from Oregon to it, that the Mount Rainier reserve was made pursuant to an act of Congress or a part of an act; that it was not created under the general law authorizing forest reserves to be created, but it was created under a special act. I have an impression, though I may be astray, that it was a part of an appropriation bill which contained that provision.

Mr. CHAMBERLAIN. The Senator may be right about that. I stated at first that it was an act, and then I was not sure but that it was a proclamation. The Senator is probably correct about the reserve having been created by an act of Congress. However, it does not make any difference for the purposes of what I am about to say. In any event the two reserves were duly created.

By virtue of the terms of the act of March 2, 1899 (30 Stats., 993), setting aside a portion of these two reserves as a public park—now, note this—the right was expressly given to the Northern Pacific Railroad Co. to select land in lieu of the lands granted to it by Congress and contained in the reserves above mentioned.

The act of 1899 had for its purpose, as disclosed by the title, the creation of a national park. That was the purpose of the act, and there is nothing in the title that disclosed anything to the contrary. Yet section 3 thereof contains this provision:

Section 3.—I want the Senators to notice this—

> That upon execution and filing with the Secretary of the Interior by the Northern Pacific Railroad Co. of proper deed releasing and conveying to the United States the lands in the reservation hereby created, also the lands in the Pacific Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral—

Mind you, it does not say anything about timber lands, but simply nonmineral—

> so classified as nonmineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved, and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection, lying within any State into or through which the railroad of said Northern Pacific Railroad Co. runs, to the extent of the lands so relinquished and released to the United States: *Provided*, That any settlers on lands in said national park may relinquish their rights thereto and take other public lands in lieu thereof to the same extent and under the same limitations and conditions as are provided by law for forest reserves and national parks.

Mr. CRAWFORD. What is the date?

Mr. CHAMBERLAIN. That act was passed March 2, 1899.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I do.

Mr. SMOOT. I believe the Senator was thoroughly familiar with the passage of that act and the reason why timberlands were not mentioned. The question was discussed, and it was decided that the lands in Mount Rainier owned by the railroad company were timberlands. Does the Senator remember it that way?

Mr. CHAMBERLAIN. The same claim is usually made that the lands which they were to surrender were very valuable. It was probably made here, whether true or false.

Mr. SMOOT. But I am asking whether the Senator really knows whether they were timberlands or not. I understood in this particular case that everyone admitted that they were timberlands.

Mr. CHAMBERLAIN. I think probably there were some timberlands, but I think if some one went through the park he would find a good deal of rock there, and a good deal of it absolutely precipitous and worthless.

Mr. SMOOT. I was not in favor of the law, and I did all I could to repeal it. I think it ought to have been repealed before it was. I am simply, in justice to the passage of this particular bill, saying that I have understood that it was conceded by all that they were really timber lands.

Mr. CHAMBERLAIN. I hope the Senator will understand that I am not criticizing the Senate that passed the bill. I am calling attention to the facts as they are, and to a condition of things that gave birth to this policy of conservation, which is now being denounced in such severe terms, and by gentlemen who represent my section of the country more ably, I am sure, than I, and just as honestly as I try to do.

Now, note what was done.

Mr. BORAH. I do not understand that anybody from the West has been upholding this transaction.

Mr. CHAMBERLAIN. No.

Mr. BORAH. Neither do I understand that they are criticizing the Forest Bureau for what the Senator is now discussing. I have always believed, and I took occasion to say the other day, that a large portion of this fraud and wrongdoing had its birth here in the department, and instead of prosecuting the people within the department they proceeded to prosecute the settlers upon the domain.

Mr. CHAMBERLAIN. The questions are correlated. You can not deal with one without dealing with the other, showing that these frauds have given birth to this movement for the conservation of national resources, which I am now insisting should be retained until the whole public-land laws are codified, revised, and made to conform to conditions as they exist to-day.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. CHAMBERLAIN. I yield.

Mr. CUMMINS. It seems to me that the explanation offered by the Senator from Utah hardly explains this last act. The Northern Pacific Railroad had a land grant covering a part of

Mount Rainier. I think the land grant extended to the top of Mount Rainier, although I am not sure about that. The act simply gave to the Northern Pacific Railroad Co. the privilege of surrendering any part of its grant within the National Park and locating the indemnity scrip upon some other land. If the Northern Pacific had a good piece of timber land it would not surrender it. If it had a barren piece of land it would surrender it and take a better piece if it had an opportunity to make the location.

Mr. CHAMBERLAIN. It did not have to release any unless it wanted to do so.

Mr. CUMMINS. So the option was given to the Northern Pacific Railroad Co. in that act to surrender perfectly worthless land and locate the scrip upon good land, either agricultural or timber land, as the case might be. I want the character of the act to be fully understood as we go along.

Mr. SMOOT. Mr. President, I admit that what the Senator says is absolutely correct, but does the Senator remember what the result was? Was it not all——

Mr. CHAMBERLAIN. I am going to tell you now.

Mr. SMOOT. Yes.

Mr. CHAMBERLAIN. Now, notice how skillfully that act is worded. Mr. President, in some of its essential particulars. The Northern Pacific Railroad Co. just had a little of its track in Oregon, running from Portland to Goble, about 18 miles. That is all the line of road it has in my State. Oregon had some of the most valuable timber land in the public domain at that time. They wanted this act to be so worded that they would not have to be confined to the State of Washington, but could go anywhere where their road happened to extend, and reach out and take a part of the public domain.

Now, notice this. They had the right of selection of lands lying within any State *in which or through which* the railroad of said Northern Pacific Railroad Co. runs. Those words "in which or through which" allowed the Northern Pacific to release the lands in the Rainier National Park and select lands in any of the Western States into or through which their road ran, and in Oregon, as I said, they had only about 18 miles. Now, what happened? The ink had hardly got dry on the signature to the act when the Northern Pacific Railroad Co. released in round numbers 450,000 acres of land to the Government of the United States and crossed over the line and selected a great portion of it in the State of Oregon. I have been informed, though I do not state it as a fact, that the Weyerhaeuser interests bought from the Northern Pacific Railroad the right of selection at the rate of $6.50 per acre, amounting in round numbers to nearly $3,000,000.

That was the result accomplished by the act of 1899. But that is not all of these indemnity selection acts.

Mr. SMITH of Arizona. Will the Senator pardon a question?

Mr. CHAMBERLAIN. Yes.

Mr. SMITH of Arizona. Has the Senator looked at this legislation to see whence this particular legislation emanated?

Mr. CHAMBERLAIN. You can never find out.

Mr. SMITH of Arizona. Were there not letters from the Interior Department; and, in fact, did not the Interior Department all through this legislation recommend the passage of the bills we are talking about in order to make a continuity and a oneness of the forest reserves?

Mr. CHAMBERLAIN. The Senator may be right, though I did not look into that feature of it. I really did not care where it came from. I wanted to call attention to the reckless character of legislation and to show what the conditions are as resulting therefrom.

Mr. SMITH of Arizona. I only asked for this reason——

Mr. CHAMBERLAIN. I want to keep out of the RECORD altogether the question as to whether it was done by Democrats or Republicans. I want the Senate to act impartially and without partisanship in this matter, and if possible to legislate so that these wrongs can not be perpetrated in future, and corrections made now.

Mr. SMITH of Arizona. In that sentiment I most heartily concur. Speaking from my experience as a Member of the other House and from my observation and reading of these matters, I want to emphasize the fact that if we did more of our own thinking and took less advice from gentlemen in the executive departments the West would have been far better protected than it has been. No inference I hope will be drawn that I am questioning the integrity of anyone; but I do question the ability of the Interior Department to tell the western Senators or western Representatives, or the western people, what is the best legislation for their country. This legislation crept through Congress by our taking the advice of the department instead of thinking for ourselves.

Mr. CHAMBERLAIN. Mr. President, I am heartily in accord with the views of the Senator from Arizona. I might go just a little bit further, and say it has come to this pass here in Congress that you can not get through a piece of legislation, as a rule, if it is opposed by any of the departments, and you can not stop the passage of a law if it is recommended by a department. Congress has practically surrendered its right to legislate. That is not universally true, but it is pretty generally true. As an indication of that, I want to say right here that I am heartily in favor of the bill known as the Borah bill for the relief of the homesteaders in the West. That bill is tied up in conference now, I am informed, because the Secretary of the Interior can not have his way in regard to amendments which he wants. If I am mistaken about this, the Senators can correct me. This procedure is followed not only in that case but in other cases as well. It is well to have the opinion of these bureau officers as to the facts involved in certain legislation which is proposed, but they go beyond giving the facts, Mr. President, and send up their opinion or recommendation that a bill be passed or that it be rejected. We have absolutely surrendered our rights to bureaucracy in this day and generation, and sometimes letters upon which Senators and Members of the House of Representatives act are written by a clerk in one of the departments drawing a salary of $60 or $75 a month, and all the Secretary of that particular department does is to sign his name without reading. But that is a digression, into which I have been drawn by the Senator from Arizona.

Further, with reference to these indemnity selections, there is still an opportunity for the Senate to correct a few evils. If Congress will do more legislating and less criticizing, we can still correct a great many evils and stop a great many leaks so far as the public domain is concerned.

There is another indemnity selection law that is in force which I venture to say many Senators do not know anything about, and I am frank to say I did not until very recently. Power is given under certain acts to exchange lands within the limits of Indian Reservations for lands outside of such reservations, and by executive order the exterior limits of such reservation may be extended, and the same right of selection is given within such extended limits.

Mr. CRAWFORD. What reservations?

Mr. CHAMBERLAIN. Indian reservations.

Now, I call the Senator's attention particularly to the act of April 21, 1904, 33 Statutes at Large, 211. So you see, instead of curing the evils which were pretended to be cured by the repealing act of 1905, we have extended the right in some cases to acquire more of the public domain, and under these extended limits of the Indian reservation there is now available as a base 2,013,346.22 acres, lands of individuals and others, which have been included in these reserves, that can be now used as a basis for indemnity selections; 433,130.70 acres have already been used, leaving practically a million and a half acres that can still be utilized as a basis for indemnity selections.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. CHAMBERLAIN. I do.

Mr. NELSON. I have just looked up the statute and find that the Mount Rainier Forest Reserve was created by a special act of Congress of March 2, 1899, and the act indicates by its phraseology that a part of the land had already been withdrawn under an Executive order. This act, however, included more than the former withdrawal—it created the forest reserve of Mount Rainier National Park, and provided for lieu-land selections.

Mr. CHAMBERLAIN. The Senator from Minnesota is doubtless correct. I am frank to say that I was not particular about whether that reserve was created by a proclamation or by act of Congress for the purposes of my argument.

Mr. President, there are numerous other indemnity selection acts that I am not going to take up the time of the Senate in discussing. I have discussed them thus far for the purpose of showing conditions as they existed at the time this conservation movement had its origin. Lands in nearly all the States of the Union had been and were being taken up and placed under monopolistic control.

Mr. Gifford Pinchot, former Forester, has been denounced here as a despoiler by one of the distinguished Senators who has discussed this subject. Mr. President, I say to you that, instead of criticizing him as a despoiler, the American people ought to erect a monument in his honor and engrave his name upon it as the man who originated the idea of placing these resources of the Government—timber, coal, iron, and oil—beyond the reach of monopolistic control, and saving them, not only for the generous use of our own generation but for generations yet

unborn, because to him more largely than to any other individual in this country it is due that the people of America were first aroused to the fact that our public lands and the things under them, including the water powers and everything else, were being taken up and monopolized by selfish interests. He aroused an interest and created a public sentiment that has made Congress do something to protect these natural resources. Therefore, even if I do agree with some of the criticisms which have been indulged in against the administration of the forest reserves, and with others that have been indulged in against other governmental bureaus, I must state that, in its larger view, Mr. Pinchot and those who have succeeded him have done a work that entitles them to the everlasting gratitude of the people.

Mr. President, we can see, in view of the looting of the public domain by these big corporations, why the idea of the conservation of natural resources had such an impetus given to it from the start. Really, it only sprung into importance in 1908, when the governors of the several States met here in Washington for the purpose of discussing the whole subject.

The growth of the conservation movement has been slow, but involving, as it does, a great moral question, it will never be retired from political or economic discussion until it has been rightly solved, and the party or the individual who opposes it must eventually be crushed by an outraged public opinion. So well is this recognized that you can not find anyone in public life upon whom responsibility rests in this important matter who will not claim that he is in favor of the conservation of our natural resources, and some there are who, while professing to believe in the doctrine, are nevertheless willing, on one pretext or another, to oppose any measure looking to the advancement of the cause.

It may not be inappropriate to call attention briefly to the evolution of the movement. As early as 1903 President Roosevelt appointed the Public Lands Commission. The first partial report of this commission was presented to Congress in a message by the President March 7, 1904, and the last was presented in the same way February 13, 1905. These reports deal at length with the antiquated land laws, and the abuses which have grown up under them, the sale of timber on the public lands, grazing thereon, and other kindred subjects. They contained many valuable suggestions, such as the repeal of the timber and stone act and the commutation clause of the homestead act. Attention was called to the frauds which had been and were being perpetrated under these laws, and if the recommendations of the commission had been followed by Congress a long stride would have been taken toward saving the public domain for the homesteader instead of allowing it to pass into the hands of speculators.

In 1907, the President created the Inland Waterways Commission and charged it with the consideration of "the relations of the streams to the use of all the permanent natural resources, and their conservation for the making and maintenance of prosperous homes."

Acting upon the suggestion of the Inland Waterways Commission, the President called a conference of governors of all the States and Territories, which was held at the White House in May, 1908. For the first time in history the executives of the sovereign States met with the Executive of the United States, and the occasion for that gathering was the consideration of the important problem of conservation. Acting upon the recommendation of the governors, all of whom recognized the importance of the great question they were called upon to consider, the President, on the 8th of June, 1908, appointed the National Conservation Commission, which thereafter proceeded to take the first inventory of the natural resources made by any nation in the world. The results of that inventory are recorded in the report of the National Conservation Commission, which the President transmitted to Congress with a special message in January, 1909.

Not only did Congress not then see fit to enact any legislation therein recommended, but unfortunately declined to print the report in sufficient numbers for its adequate distribution among the people. More disastrous than this, however, was the congressional enactment forbidding this or other executive commissions from pursuing their important work in the service of the people. This action, plainly designed to wipe out the National Conservation Commission, accomplished its purpose. It put an end to the activities of that commission, removing the only national organization which was dealing with the conservation question as a whole. Thus was presented the strange spectacle of a nation-wide movement, inaugurated by the governors of the States, the presidents of great organizations of our national industries, and other distinguished citizens, and heartily indorsed by the people of the country, by legislative enactment denied not only an appropriation, but even permission to continue its work.

That the conservation work is going on to-day is due to the approval of the people, crystallized into an organization formed by patriotic men and supported by individual citizens, whose desire it is that the conservation movement, to which such uniformly popular approval has been given, shall not fail, but shall go on until the principles for which it stands have been carried into practical effect. I refer to the National Conservation Association, the patriotic service of which to the Nation can not be too strongly emphasized.

I do not believe any Senator in these discussions has advocated or would advocate the release of the reserves; I do not believe the Senator from New Mexico, who insists upon State control, advocated the changing of the boundaries of any of them; I do not think either of the distinguished Senators from Idaho have insisted upon changing the boundaries of any of these reserves. Now, let us see what would happen if the policy were abandoned with the land laws in their present condition.

Mr. President, if we should abandon the present policy it would not be three months until every acre of timber in this country would be taken up by agents and hirelings of those whose interest it is to get them under monopolistic control. This is not guesswork. I call your attention to the very able argument of my friend, the Senator from Minnesota [Mr. NELSON], published in the Annals of the American Academy of Political and Social Science a year or two ago. He explained in a very few words how this was done then, and what he said would apply now:

> The mode in which these lumbermen have carried on their operations has been in the main, and in outline, this: They have in person or through agents and employees secured, by divers means, a large number of men and women in various parts of the country—people who knew nothing about such lands and who had no thought of acquiring the same—to apply to purchase and enter such lands, supplying them with money to travel from remote interior towns to examine and select the land and make the necessary application to purchase at the district land office, and supplying them with money to pay for the land, and then, after the purchase and entry were completed, procure a conveyance of the land to themselves for a moderate bonus. These dummy purchasers—for they were, in fact, in most cases nothing else—would be approached in the first instance like this: "I know where you can make some money by taking a timber and stone claim. It will cost you only $2.50 per acre, and you can easily sell it as soon as you get title for an advance of $200 or $300, or perhaps more." "But I have no money with which to go and examine and purchase the land." "That does not matter. I know a friend who will advance you the money and will take the land off your hands at a good profit as soon as you get title; but you must keep this matter to yourself." The temptation to make money in this easy way is so alluring that many act on the suggestion and thus become the instrumentality of the big lumberman. I remember how, a few years ago, a large number of lady school-teachers in a western city—the headquarters of some big lumbermen—were induced to "take up" timber and stone claims in Oregon, Washington, and California, more than 1,500 miles from where the teachers lived. Most of these lands afterwards passed into the hands of these lumbermen.
>
> A large portion of our timber lands in the Western States, outside of the Government forest reservations, has, in recent years, largely under operations such as I have mentioned, passed into the hands of large lumber syndicates, who have well-nigh secured a monopoly of our timber supply. There are still in various localities in the Western States bodies of timber land that ought to be preserved and conserved for the present and future welfare of the people of the United States. These lands ought not to be sold, but should be retained by the Government, and the timber on them should be conserved, and only the old and mature timber should, from time to time, be sold under suitable rules and regulations, to the end that our people may not become entirely helpless under the timber monopolies now hovering like a dark cloud over our country.

The charge of dishonesty is not against our western people, but against the representatives and hirelings of the big lumber companies and timber barons of the East, who sent school-teachers, as the Senator from Minnesota has stated, and people who were out of employment, to the West, paid their expenses out there, and got them to take up lands under the timber and stone act. Is not that so, I ask the Senator from Minnesota?

Mr. NELSON. The Senator is correct. The case I referred to in that article was one where a big lumber speculator who owns millions of acres in California, or some of his friends, induced a lot of school teachers in a western city to go and locate lands under the stone and timber act, and afterwards, in the cases where the entries were confirmed and allowed, the lands passed into the hands of that lumber man.

While I am on my feet, Mr. President, if the Senator will allow me, I beg leave to call attention to the law repealing the right to make lieu-land selections.

Mr. CHAMBERLAIN. The act of 1905?

Mr. NELSON. The act of 1905, and I call attention to it in connection with a statement the Senator made a while ago. The act is very brief and is as follows:

> That the acts of June 4, 1897, June 6, 1900, and March 3, 1901, are hereby repealed so far as they provide for the relinquishment, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve—

Here is the language to which I call particular attention—

but the validity of contracts entered into by the Secretary of the Interior prior to the passage of this act shall not be impaired.

As I understand, the Senator has examined this document and finds no contract. I remember very well when this bill——

Mr. CHAMBERLAIN. Pardon me. Let me say right there that I do not say there is no contract. I have not read the mass of papers with the critical care that a lawyer would give them ordinarily, but I say, from a hasty reading, I would not call them, taken together, a contract.

Mr. NELSON. If the Senator will allow me a little further in this connection—and I am not hostile at all to his view of the case—I remember very well when the bill repealing the lieu-land right of selection was before the Senate. I was a member of the Committee on Public Lands at the time, but not its chairman. I was heartily in favor of repealing the act, because I was familiar with the wrongs that had been perpetrated, to which the Senator from Oregon has called our attention. But while the matter was pending in the Senate, much to my surprise, attorneys appeared before the Public Lands Committee, claiming that they had contracts with the Secretary of the Interior in reference to forest reserves in Arizona. Those contracts were presented before the Committee on Public Lands. I did not think those contracts ought to have stood in our way, and I was in favor of an unconditional repeal, but it was evident there was so much opposition to that course that it was very doubtful whether we could pass any bill at all. I was, however, so anxious to have the bill passed repealing the lieu-land selections that I finally consented to it with those words in; but I thought then, and I still think, that the Secretary of the Interior had no right to make such binding contracts, and that we ought to have made no exception in the law. However, Senators who have been here for a number of years, and I might say also those who have been here for a short time, know that where there is a controversy legislation is oftentimes a matter of compromise. I was utterly opposed to that exception in this case, but I found we were in such a condition that if we passed a bill at all we would have to admit that exception, and I felt as though it were better to take part of a loaf than to have nothing at all.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. CHAMBERLAIN. I do.

Mr. NELSON. If the Senator from Oregon will allow me further, I will say that I thought then, and I still think, that whether or not there was a contract with the Secretary of the Interior, the Secretary of the Interior had no right to make such binding contracts.

Mr. CRAWFORD. I will inquire what was the nature of the contract which it is claimed did exist, but about which there seems to be some uncertainty?

Mr. NELSON. I have no distinct recollection of all the details, but I remember that two or three attorneys appeared before the Committee on Public Lands and read to us what they claimed was a contract. The facts, as I remember them—and I am speaking by the leave of the Senator from Oregon—were that at that time in Arizona there was much rather poor land, with straggling timber on the mountain top, which had been practically denuded. After the timber had been taken off the lands were of little value, and the railroad company, which had a lang grant there of every odd section, induced the Secretary of the Interior to withdraw those lands and create a great forest reserve, including the grant of the railroad company. It is claimed that he did that with the consent of the railroad company, and that they consented to the inclusion of all their odd sections within that forest reserve. As a matter of fact, their consent was a mere perfunctory consent. In my opinion they were mighty glad to get rid of those rocks and hills and sands from which the few trees which once grew there had been stripped. They could hardly have sold those lands for anything to actual settlers at that time; the lands were considered of no value, and it was a godsend for them to get the Secretary of the Interior to make a forest reserve and give them the right of lieu-land selection under the law. So, they succeeded; but I did not believe at that time, nor do I believe now, that the Secretary of the Interior had any right to make such a bargain, and if he did make such a bargain I do not believe it is a valid bargain. The railroad company should not have been allowed to make any lieu-land selection.

Mr. CHAMBERLAIN. Mr. President, I believe I was about to suggest what would happen if all these reserves were released. The distinguished Senator from Minnesota [Mr. NELSON], who understands the land laws as well as anybody in this body, showed in the article to which I have referred, that hirelings were sent from the East out into the West by the large lumber companies to acquire lands under the timber and stone act. They do not have to live on the lands to acquire title under that act; they simply go on the land, point out the corners, and make affidavit to that effect before the proper land office. I do not undertake to give the law in its essential details, but that is practically all it requires. Then they make the payment, get a final receipt, and in due course get title. That is the easiest law under which title can be obtained from the Government of the United States, and through it more fraud has been perpetrated against the Government than through any other instrumentality, unless it be the indemnity selection law.

If we release these reserves, Mr. President, there will be a horde of men go out from every State in this Union, paid by those who are interested in getting these lands under monopolistic control, and they will take them up under the timber and stone act, and as soon as they acquire title, deed them for an agreed consideration to the companies they represent. Just as soon as the strangle-hold of the Government is released there is no question as to what will happen. The best evidence of what will happen in the future is what has happened in the past. Let us look at what happened up the State of Washington.

There they had the Olympic National Forest, and in 1901 there were eliminated from this forest, upon the earnest petition of a great many people, 705,000 acres, on the ground that the land was chiefly valuable for agricultural purposes, as is claimed here—that the lands now within the reserves are all chiefly valuable for agriculture. Since the elimination, 523,720 acres have passed into the hands of owners who are holding it purely as a timber speculation. Three companies and two individuals own over 178,000 acres in holdings of 15,000 to over 80,000 acres each. Settlement has not followed. This is particularly true wherever there was any timber. Of the entire timbered area within this elimination not over 600 acres was under cultivation 10 years after it was opened to entry. The land is being held for the timber by the speculators who have acquired it.

That is a case where this thing has actually happened, if you can place any credence at all upon the statements of the forester and those in his employ.

Take another case. Just as soon as the Government released its strangle-hold on the Chugach Reserve in Alaska, distinguished gentlemen from New York and elsewhere went up there, not in person, but they had representatives there, and tried to get possession of the whole water front, and so great a scandal resulted from this attempted steal that it was finally nipped in the bud.

As another illustration of what is likely to happen, let me state another case. A few years ago, under a resolution passed by the Senate, the Attorney General of the United States instituted a proceeding in the State of Oregon to forfeit the land grant of the Oregon & California Railroad Co. because the grantee had failed to carry out the terms of the grant in that it sold the land in larger tracts and for larger sums per acre than were fixed in the act and to others than actual settlers. The suit had not progressed very far when bureaus were organized in St. Louis and other eastern cities to sell to parties who were willing to part with their money so-called preference rights to tracts of land within this grant as soon as the suit should be determined.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. Certainly.

Mr. BORAH. That was a pure bunco, because the preference rights to that were absolutely worthless.

Mr. CHAMBERLAIN. True, they were worthless.

Mr. BORAH. Of course neither the Forestry Bureau nor Congress would be responsible for that kind of a confidence game.

The Senator is absolutely right that they went about selling these preference rights, but there were no preference rights to sell. They did not amount to anything. One might just as well have sold a man a piece of earth for a gold brick.

Mr. CHAMBERLAIN. By so much the more would people be willing to engage in these methods of acquiring public lands if by paying their money they could acquire a right which would be valuable if the reserves were released and the present policy abandoned. There would be more unscrupulous speculators organizing bureaus and sending people out into the West to take up land under the timber and stone act, in the way and manner so graphically described by the Senator from Minnesota, and for the purpose of turning it over finally to timber syndicates.

There is no doubt in my mind as to what will happen. Oregon has suffered a great deal from the looting of its public lands, and so far as I am concerned, whether there is a single man in the State who agrees with me or not, I want to see the lands, except those which are suited for agricultural purposes, held just as they are until the Congress can get together and enact a reasonable and consistent code of laws covering the whole subject of the disposition of the public domain.

Mr. BORAH. The Senator excepting agricultural lands, I would agree with him exactly.

Mr. CHAMBERLAIN. I am glad the Senator agrees with me to that extent.

Mr. BORAH. I have expressed myself several times that if the agricultural lands were taken out of the reserve—lands which are actually agricultural—let them classify them, and classify them as agricultural lands if they are agricultural lands it would remedy one of the great grievances we have.

Mr. HEYBURN. And lands fitted for horticulture.

Mr. CHAMBERLAIN. I know the Senator from Idaho [Mr. BORAH] is reasonable, and there is no one in this body who knows more about conditions in the West than the Senator does, but this classification can not be made in a year. It can not be made in two years. It can not be made in five years. But I think the Senator will give the Forestry Department credit for attempting in good faith to have these lands listed, and they have listed many of them in a good many western States. I am impatient that they do not do it faster in my State, for there are still some agricultural lands in these reserves that ought to be listed for homestead entry.

Mr. BORAH. Perhaps the Senator and I have both suffered from the same impatience, but mine is a more accentuated degree, and we are both troubled with the same state of facts. I know they have made some movement in that direction, and I give them credit for it. It does seem to me that in the long time that the act of 1906 has been upon the statute books, that there is a vast area in my State that could have been classified and because of my concern in actually asking for a classification, I feel some times that criticism is due them for being too slow.

There is not any possible way for the Government to be cheated in any of these transactions, because it is within its power to classify them and if the timber land is timber land it should not be thrown open to entry. If the land is agricultural land no man can be cheated if a man goes there and makes a farm. So it is not asking the Government to take any chance whatever. The Government does not throw itself open to criticism for hasty action or for loose action or for that which may result in a fraud because if there is any doubt about the land not being agricultural, the Government can resolve the doubt in favor of itself.

Mr. CHAMBERLAIN. The Senator and I are not very far apart about that. The only thing we would probably differ about is the amount of agricultural lands within these reserves. There is not a great deal of it in Oregon, and I should like to see the officials act more speedily than they do, but when one stops to think of the immense amount of land involved, constituting an empire in itself, it will be seen that it is a physical impossibility to get over it quickly.

Mr. HEYBURN. Mr. President, I think I differ with the Senators who favor the classification of these lands by the Government. The person to classify the land is the man who is going to use it. He knows he has only one opportunity in his lifetime to select, and he knows whether or not he is going to select a piece of land which is going to waste that opportunity.

Agriculture is not the only consideration. There is horticulture. There are vast quantities of lands in forest reserves which would not make wheat fields because they have stumps and rocks and other objectionable features, but some of the finest orchards I have ever seen are in forest-reserve lands or lands similar to those within forest reserves.

Then again there is stock raising, stock breeding. Those industries do not necessarily prosper only on agricultural lands. Then there are shops for the manufacture of things; sawmills to supply the inhabitants with fence material and building material. They do not necessarily fall within the forest reserves.

Now, why confine it to agricultural lands and why send men to classify the lands who are not interested in their cultivation? Why send a man to classify them on behalf of the Government who knows nothing of the capacity of the settler to make a living and a home upon them? No bona fide settler is going to waste his one right to select public lands upon land that will not meet with his necessities or his pleasure.

A great many people want to live in the forest and only in the forest, and I would not live on an untimbered piece of land. I have never yet been tempted to take up any public land, but I would not under any circumstances live out in the open plain. I want trees and running streams and sloping land about me, such as those that exist in the forest. I might want to make an entry for the purpose of engaging in stock raising, or for the purpose of engaging in any of the arts and crafts outside of agriculture. Why should I not be allowed to do it? A homestead is not necessarily an agricultural tract of land. A homestead is where a man makes his home; and all men do not engage in raising crops. They may desire to engage in many industrial enterprises that would be upon the homestead. The trouble is we confuse the word "homestead" with an agricultural tract of land and the industry pertaining to it.

Now, if the Senator will just transpose the proposition so that the settler may, at the jeopardy of losing his right as a settler, select the land, then we would not be far apart.

Mr. CHAMBERLAIN. I realize the force of what the Senator says, but we have to judge the future by what has happened in the past with reference to the timbered areas in the reserves. We know what happened down in the San Francisco Mountains Reserve, of which I have spoken, where the lands were owned by big companies. They cut much of the timber off—absolutely denuded the land; and the interest of the public is a larger interest than that of an individual. We must guard against a possible repetition of this wholesale plunder of the remaining public lands.

Much has been said about Canada and the liberal character of its land laws and their tendency to induce emigration from our own country. It is questionable if the Canadian laws are any more liberal than our own, but the law there is not the sole cause of the present migratory movement. Briefly, their laws provide that—

(1) Only agricultural lands are open to homestead there, and timber reserves are created and maintained there as here. No entry for a homestead conveys any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals, within or under the lands covered by the entry, or any exclusive or other property or interest in or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry. (Sec. 8, p. 3, the Dominion lands act.)

(2) The minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof, by declaration or otherwise, that he is duly performing his homestead duties in each year subsequent to the date of his entry. (Par. 2, sec. 13, p. 7.)

(3) If an entrant for a homestead fails in any year to fulfill the requirements of this act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine: *Provided*, That any subsequent entrant for the same land may be required by the minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is canceled; and that the minister may, in his discretion, pay to the latter the amount of such compensation, in whole or in part. (Par. 2, sec. 15, p. 7.)

(4) If entry is obtained for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the minister may, within six months of its date, cancel the entry. (Par. 4, sec. 15, p. 8.)

(5) If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply or for the location or construction of any works necessary to the development of any water power or for the purposes of any harbor or landing, the minister may, at any time before the issue of letters patent, cancel the entry or withdraw from its application any portion of the land entered for, but where the land is required for the location or construction of works necessary to the development of any water power, only in so far as the land is necessary for that purpose. (Par. 6, sec. 15, p. 8.)

(6) Everyone is guilty of an indictable offense and liable to two years' imprisonment who buys, trades, or sells, or professes to buy, trade, or sell, land, or any interest in or control of land open to homestead entry, or for which homestead entry has been granted, before patent therefore has been issued. (Par. 9, sec. 15, p. 8.)

(7) Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, (*a*) to have held the homestead for his own exclusive use and benefit for three years from the date of entry, (*b*) to have resided thereon at least six months in each of three years from the date of entry or the date of commencement of residence, (*c*) to have erected a habitable house thereon, (*d*) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister, and (*e*) to be a British subject. (Sec. 16, p. 8.)

(8) Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent or the officer acting for him, or such other person as is thereunto authorized by the minister: *Provided*, That on any application for letters patent by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the minister may receive proof of the facts in such manner as he sees fit to require, and, upon being satisfied that the claim has been proved, may allow the claim and cause letters patent to issue accordingly. (Par. 2, sec. 25, p. 11.)

(9) Any person who receives consideration for abandoning a homestead, or who pays consideration for such abandonment, shall forfeit the right of homestead entry at the minister's discretion. (Par. 2, sec. 31, p. 17.)

The prime cause of migration to Canada is the fact that there is much more unoccupied agricultural land there than here. Conditions as to the public domain are more as they were in the United States a quarter of a century or more ago, and men who go there from the United States are taking advantage of high prices they can get for their holdings here to procure cheap lands in Canada. Then, too, the Canadian Government is doing much to induce immigration, and the railroads are cooperating in the granting of very low rates of transportation.

It will be noted from the brief abstract of the Canadian homestead law which I have given that the natural resources, including timber, are reserved from entry or acquisition. As a matter of fact the laws there are more stringent than in the United States, and if our own laws had been modeled after them the scandals that have disgraced our own administration of the public domain could never have occurred.

Our northern neighbors are profiting by our experience and are maintaining forest reserves on as large a scale as is done here. The only relaxation there is to be found in the shorter term of residence required of the homesteader and greater liberality with reference to absences from his entry, and if the Borah homestead bill, which has passed the Senate and House with certain amendments in each body and is now in conference, can be finally agreed upon, it will make our own law conform more nearly in respect to residence to the Canadian law, and will greatly relieve the situation as to the homesteader. I hope that the bill may be agreed upon and enacted into law.

Mr. TOWNSEND. Mr. President, being somewhat a stranger to the conditions in the West, I should like to ask whether there are in Idaho and other States agricultural lands not in reserves that can be taken up?

Mr. CHAMBERLAIN. There are some, of course, but the best public lands in the West have been taken up, so far as concerns lands for agricultural purposes, and that, as I have suggested, is one of the reasons for the trend of population to Canada.

Mr. HEYBURN. I should not like to have Idaho included in that statement.

Mr. CHAMBERLAIN. I will except Idaho at the request of the Senator.

Mr. HEYBURN. There are millions of acres of land in Idaho yet to be taken up under the land laws that are as good as any public land that has ever been thrown open to settlement, and many that would be taken up except that they have been reduced to forest reserves.

Mr. CHAMBERLAIN. Possibly I should qualify my statement to some extent as even applicable to my State in reply to the Senator from Michigan, because there is much land within the exterior limits of irrigation projects that is still subject to entry.

Mr. TOWNSEND. I think the Senator from Idaho must have misunderstood me, or I must have misunderstood his answer. I asked if there were any agricultural lands not included in reserves in those States which are fit for agricultural purposes.

Mr. HEYBURN. I understood the question. It was the answer I was answering.

Mr. CHAMBERLAIN. There are still some valuable agricultural lands in the West, but none, in my opinion, at least it is so in my State, such as there were 15 or 20 years ago. The best lands have been taken up except those that are brought under irrigation, and these are as fine lands as can be found anywhere, and there are a great many of those in Idaho as well as in Oregon.

Recurring now to the question of the listing of lands for agricultural purposes within the forest reserves, I have this report from the Forestry Service:

In district 2, whose headquarters is Denver, about 37 per cent of the tracts listed for entry under the forest homestead act have either not been entered at all or have never been settled upon. In New Mexico probably fully 22 per cent of the tracts listed have not been filed upon at all. A considerable portion of the tracts entered have been abandoned, although I have not precise data on this subject in those two States.

In district 4, with headquarters at Ogden, Utah, 33 forests show practically 16 per cent of the listed lands have been abandoned. This does not include the Pocatello National Forest, which shows 40 per cent abandoned.

In California the showing is even worse, where about 43 per cent of the listed tracts have not been settled upon or have been abandoned.

In Oregon and Washington about 27 per cent of the tracts listed for agriculture have been either not filed upon, relinquished, or abandoned.

Even in the State of Idaho, where it is so urgently insisted that there are so many acres of agricultural lands within the reserves, the Forester advises me that though the data secured from the district officers are not yet complete, the indications are that the number of claims either abandoned or not applied for after listing in northern Idaho is approximately 10 per cent and in southern Idaho 16 per cent, giving an average of approximately 13 per cent for the whole State.

This shows that even where listing is done, which the Senator from Idaho insists ought to be done, the land listed for agricultural purposes is either not taken or is taken and abandoned because the settler can not make a living upon it.

Mr. HEYBURN. I can give a reason that was called to my attention by some of them who have abandoned such lands. Men think they can live in solitude and endure it, but when they find they have located a piece of land where there is no possibility of community life they realize after a few months that they are mistaken. It is community life that induces settlement.

Mr. CHAMBERLAIN. I think possibly that has something to do with it, but in most cases it is abandoned because they can not make a living on the lands entered.

There is another reason that has not been suggested, for abandonment of these lands or for failure to enter them, and herein I concur in the criticism indulged in by Senators from Idaho. A settler enters a piece of land that is listed for agricultural purposes and stays on it the requisite number of years. Before a patent issues a report has to be made upon it by the inspectors of the Land Department. If the officials of the Land Office are not satisfied with that, they call on the forester for a report from his bureau, and if that is not satisfactory they call for a report from the Geological Survey, to see if there are any water-power privileges on it, and by this species of red-tapism the settler's rights are held in abeyance, and he never knows what the result is likely to be. He has to run the gauntlet of all the departments and this procedure ought to be corrected or abolished, and I am heartily in accord with the Senator from Idaho in criticizing it. That is not the law. If Congress will voice its protest against such methods so that there will be no mistake about what it means, these methods will be abandoned. This bureaucratic system ought to be done away with promptly, and who is going to do it if Congress fails in its duty?

Mr. SMOOT. It is a matter of administration, rather than of law.

Mr. CHAMBERLAIN. There is no question about that.

I have faith that the officers who are undertaking to administer the law will after awhile get all agricultural lands in the reserves listed, so that there will no question about their character.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Nevada?

Mr. CHAMBERLAIN. I yield.

Mr. NEWLANDS. When the Senator refers to lands that have been listed, what does he mean by that? Lands that have been taken out of the forest reserves?

Mr. CHAMBERLAIN. For settlement under the homestead forest act.

Mr. BORAH. The Senator does not mean the land has been eliminated from the reserve?

Mr. CHAMBERLAIN. Oh, no.

Mr. BORAH. If they had been eliminated from the reserve everything that we asked would have been done—that is, so far as these particular lands were concerned. It is keeping them within the reserves and doing the things which the Senator has just this moment spoken of, that we complain of.

Speaking for myself, I have never complained of the fact that the timber lands properly are reserved, if they are timber lands, but they have included these agricultural lands. They list them, and then the settler comes along, and he must go through all that process which the Senator from Oregon has just described, and by the time he is through with it, of course he is either bankrupt or discouraged, so that no one else comes into that country to participate with him, and the solitude of the situation drives him away himself finally.

Mr. NEWLANDS. Does the Senator attribute——

The VICE PRESIDENT. One moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on request of the Senator from North Carolina, the unfinished business is laid temporarily aside.

Mr. NEWLANDS. The Senator from Oregon, as I understand it, has referred to lands that have been listed, which I understand to be lands included within forest reserves that have been thrown open for settlement under the forest homestead act.

Mr. CHAMBERLAIN. Yes.

Mr. NEWLANDS. But he states that as to those lists a comparatively small percentage have been entered. I will ask him whether he attributes that very small percentage to the fact that the land is not really agricultural land, or does he attribute it to the impediments that are thrown in the way of settlement by the various inquiries which have been made by the special agents regarding water-power sites, and so on?

Mr. CHAMBERLAIN. Both. All combine to prevent a man from perfecting his homestead entry, and any kind of useless red tape that hampers him in perfecting his title comes near to making it impossible for him to carry out the purpose and spirit of the law. But the present system of administration, not the policy itself, I am criticizing, makes it so expensive that the settler sometimes abandons the land because he can not pay the expenses necessary to be incurred. He can not hire an attorney to look after his case in the local office, much less in the departments in Washington.

Mr. NEWLANDS. This listing, I understand, is being done by the Forest Service.

Mr. CHAMBERLAIN. It is being done under the Forester in conjunction with the Secretary of the Interior.

It is the bureaucratic method of administration that I join in criticizing, not the policy of conservation or the retention of the reserves. I believe that if our people will protest loud enough and long enough we shall get these evils remedied. When lands within the reserves are listed for agricultural purposes, they remain under the jurisdiction of the Forest Service until entered for homestead, and then they are under the jurisdiction of the Secretary of the Interior.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. Yes.

Mr. HEYBURN. The Senator has just anticipated a part of what I had in mind. We use the term "listing lands," but perhaps all will not understand the process of listing lands. I have in mind a settler who found a desirable piece of land. He had his family with him, and he was prepared to live an open-door life for a few months until he could get his land and build the shelter that would be necessary. He applied to have it listed. At the end of 18 months it had not been reported upon whether or not it would be listed. In the meantime he had to drive the team to take his family away, and he never did get that land. The process of listing lands is not a question of overnight. It is a question of months very often.

Then the lists are filed in the land office, which may be 50 or 70 miles distant from the land where the man wants to stay. What is he to do in the meantime? He does not know whether it is going to be listed or reported upon favorably or not. People will not go where they are liable to be subjected to such conditions.

Mr. CHAMBERLAIN. Mr. President, after the lands are listed they are still under the jurisdiction of the Forest Service. As soon as filed on they come under the jurisdiction of the Secretary of the Interior, and are subject to the homestead laws and the regulations governing them.

I think we of the West ought to protest against the adoption of any arbitrary or unjust rules which make it practically impossible for a man to complete his title.

I want to call attention, and ask to have inserted in what I have to say, to the areas in the national forests by States on June 30, 1910, and on June 30, 1911.

The VICE PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

National forest areas, in acres, by States.

State or Territory.	Gross area June 30, 1910.	Additions.	Eliminations.	Corrections Jan. 1, 1911.[1]	Gross area June 30, 1911.	Alienated area.	Net area June 30, 1911.
Arizona	15,214,745	512,065	915,665	+ 95,855	14,896,000	1,014,548	13,881,452
Arkansas	3,189,751	40	964,242	+ 211	2,225,800	1,041,878	1,184,012
California	27,968,510	732,378	883,400	− 82,033	27,735,455	6,631,396	21,104,059
Colorado	15,491,791		641,967	− 87,924	14,761,900	1,353,762	13,408,138
Florida	674,891			+ 79	674,970	336,010	338,960
Idaho	19,963,171	5,695	72,842	−252,669	19,643,355	1,503,920	18,139,435
Michigan	302,287			+ 1,550	303,837	147,561	156,276
Minnesota	163,373			+ 398	163,771	79,760	84,011
Montana	1,204,486			+ 264	1,204,750	360,277	844,473
Nebraska	19,474,596		114,575	− 55,021	19,305,100	3,112,596	16,192,504
Nevada	556,072			+ 628	556,700	35,635	521,065
New Mexico	5,109,415	447,838	97,523	− 9,083	5,450,647	226,093	5,424,554
North Dakota	11,140,123	608,834	742,776	+105,009	11,111,300	1,200,778	9,910,522
Oklahoma	13,940			− 20	13,920	7,696	6,224
Oregon	80,800	1,204	360	− 4	81,640	612	81,028
South Dakota	15,920,822			+228,078	16,148,900	2,408,761	13,740,139
Utah	1,294,440			− 6,740	1,287,700	213,940	1,073,760
Washington	7,411,157	298,163	78,318	+ 36,583	7,667,585	465,890	7,201,695
Wyoming	12,067,340		17,610	−305,050	11,684,680	1,770,366	9,914,314
	8,941,681		56,327	−191,811	8,693,543	273,046	8,420,497
Total in United States	166,109,621	2,806,267	4,585,905	−530,540	163,793,443	22,304,515	141,488,928
Alaska	26,761,626		12,400	+ 24	26,748,850	105,590	26,643,260
Porto Rico	65,950				65,950	32,975	32,975
Grand total	192,931,197	2,806,267	4,598,705	−530,516	190,608,243	22,442,080	168,165,163

[1] Due to new computations of acreage.

Mr. CHAMBERLAIN. Now, Mr. President, I come to the eliminations for the year ending June 30, 1911. It has been charged here that the Government officials keep adding to these forest reserves. The eliminations for the past year, including alienated area, were 24,214,693. So there was a diminution of these reserves from 166,103,621 acres, June 30, 1910, to 141,488,928 acres, June 11, 1911. These eliminations have been made as rapidly as the officials have been able to find out what lands ought to be eliminated as unfitted for the Forest Service and as best suited for agricultural purposes.

It is not an easy task for any body of men to do this work hurriedly.

One of the Senators from Idaho, the senior Senator, I believe, spoke of 100,000 people being in the employ of the Forest Service. I am sure he did not mean that.

Mr. HEYBURN. I said directly and indirectly. Yes, I meant that. I was corrected a little later by a Senator who said the number was 112,000.

Mr. CHAMBERLAIN. I do not think any such exaggerated statement as that will help the cause we are all interested in and about which we want the truth. I do not know how so many persons can be indirectly interested in the subject, but I do know that there are 3,256 men on the pay roll of the Forest Service.

Mr. HEYBURN. Three thousand two hundred?

Mr. CHAMBERLAIN. Three thousand two hundred and fifty-six employees to manage and look after it—nearly 200,000,000 acres of lands in the States, Alaska, and Porto Rico.

Mr. HEYBURN. The Senator has the wrong figures.

Mr. CHAMBERLAIN. If I am wrong the Forest Service will correct me. I have a statement from the service, and they say that they have 3,256 men. With a less number of men it is a physical impossibility to do this work properly.

Mr. HEYBURN. But the Senator will remember I stated the declaration of the then head forester was that they would

have—I think I will not be mistaken about it—more than 100,000 trained men fit for military service as a result of their system.

Mr. CHAMBERLAIN. That is probably another of the exaggerated statements of which I spoke awhile ago.

Mr. President, it seems to me that a wrong inference might be drawn by the Senate from the statements which have been made here with reference to the expense of the national forest work. I want to call attention to that for a moment. The items of expenditures and receipts are as follows:

Statement of expenditures by the Forest Service for national forest work and of receipts from national forest resources.

	Fiscal year—										Total.
	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	
EXPENDITURES.											
Investigations	$132,906.94	$284,752.96	$348,773.31	$349,520.09	$333,428.76	$281,693.85	$328,609.73	$357,974.44	$343,439.71	$310,418.57	$3,030,437.39
Administration, protection, etc., national forests	.....	.....	.....	[1] 288,516.86	923,478.39	1,490,681.04	2,526,088.02	2,965,423.01	2,752,316.91	5,335,886.97	17,281,353.20
Permanent improvements, national forests	.....	.....	.....	2,762.18	23,521.28	73,788.27	[illegible]	509,471.03	[illegible]	273,634.42	2,169,182.00
Total expended	132,906.94	284,752.96	348,773.31	[illegible]	1,190,428.43	1,830,113.16	3,446,876.94	3,912,870.47	4,094,592.26	[2] 5,919,930.96	22,440,972.59
Unexpended balances returned to United States Treasury	8,693.06	7,107.04	1,271.37	[illegible]	[illegible]	7,076.32	11,913.89	[illegible]	[illegible]	34,958.56	136,928.98
Total appropriations	185,440.00	291,860.00	350,044.68	642,187.68	1,191,400.21	1,837,189.51	3,458,790.83	3,932,461.28	4,743,628.89	5,954,889.52	22,577,901.57
RECEIPTS.											
Timber sales:											
Interior Department	25,431.87	45,838.08	58,436.19	13,133.53	.....	.....	.....	.....	.....	.....	142,839.67
Agricultural Department	.....	.....	.....	60,136.62	245,013.49	686,813.12	849,027.24	732,334.04	1,042,794.12	1,014,769.84	4,630,878.47
Grazing and other uses	.....	.....	.....	6.00	522,208.47	884,246.32	993,254.63	1,074,946.62	1,047,353.96	1,012,136.31	5,534,150.31
Total	25,431.87	45,838.08	58,436.19	73,276.15	767,219.96	1,571,059.44	1,842,281.87	1,807,270.66	2,090,148.08	2,026,906.15	10,307,868.45

[1] Includes disbursements from February to June 30, 1905; national forests transferred to Department of Agriculture Feb. 1, 1905.
[2] Includes $1,086,590.89 emergency expenditures for fire fighting, etc.

I want to call the attention of the Senate to the fact that there has been a gradual increase of the receipts from these reserves, bringing them nearer each year to a self-sustaining basis, and I have no doubt, and the Forestry Service has no doubt at all, but that the reserves will be self-sustaining after a while.

Mr. NEWLANDS. May I ask the Senator what is the total amount expended for the Forestry Service?

Mr. CHAMBERLAIN. Does the Senator mean last year or altogether?

Mr. NEWLANDS. Yes; in the last year.

Mr. CHAMBERLAIN. The expenditures of the Forestry Service last year were $5,919,939.96. This includes, however, $1,086,590.89, emergency expense for fighting the disastrous forest fires of 1910.

Mr. NEWLANDS. I will call the Senator's attention to the fact that if there were 100,000 men employed in that service, then the compensation of those men would amount to only $50 a year apiece, which I think demonstrates that the statement is somewhat exaggerated. If they would get about $500 a year each, it would make about $5,000,000 for the number of employees.

Mr. CHAMBERLAIN. In 1908 the total amount expended was $284,752.96 and the amount received was only a little over $45,000. There was a large expenditure and a small amount of receipts. But from that time down to the present the earnings have gradually approached the point where the service will be self-sustaining. In 1911, including over $1,000,000 that was appropriated for fighting fires in 1910, there was $5,919,939.96 expended and there was $2,026,906.15 received, or nearly 50 per cent of the expenses were repaid from receipts of timber sales, grazing, and other sources.

Mr. President, it has also been intimated that the moneys received are reexpended by the department and are to be added to the amounts appropriated by Congress. All the moneys received since 1905 have been paid into the Treasury and can only be used upon reappropriation by Congress like any other funds that are paid into the Treasury.

Now, Mr. President, with reference to the forest fires——

Mr. BORAH. Before the Senator leaves the point which he was discussing, and that is with reference to the fact that the department is becoming self-sustaining, on the face of it, of course, that is most desirable, but when you come to consider the benefits which are to be derived from the forests, and the effect which it has upon the masses of the people, it is not so fascinating, for the reason that the price of timber which they sold in 1891 for $1.98 a thousand board feet, in 1911 they increased to $2.56. So those who have to buy and who get the benefit are really paying the increased price, and what they are making upon these products is paid by the people who purchase them. We may delude ourselves as much as we desire, but we have a very expensive proposition upon our hands, and we have to meet the expenses.

Of course the Senator will understand that in that respect the bureau is not to be criticized, because Congress must declare some policy upon this matter. If the Government is to run the forest reserves upon the basis of securing the highest amount of revenue, it is evident that it is going to cut both ways. We can buy timber cheaper to-day from the timber companies than we can buy it from the Forestry Bureau. Their price in our country for stumpage is higher than the price of individual owners. So we get no relief from that source.

Mr. CHAMBERLAIN. I will say in reference to that, Mr. President, that the Forestry Service do not fix the price of lumber. They do not manufacture it at all. They only sell the stumpage, and the way they arrive at the value is laid down by the statute itself. They have not any choice. They are directed to sell it at its appraised value in the method pointed out.

Mr. HEYBURN. By whom?

Mr. BORAH. I have said to the Senator that in this particular matter the bureau itself is not subject to criticism, but the system, the policy which is now found to exist by reason of our laws, etc., ought to be modified or changed in some respect, or else we, the people in the West, are going to be up against the proposition of bearing this burden ourselves whether it is appropriated directly from the Treasury or whether we pay an increased price when the product is sold.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Oregon whether it is not advisable, instead of insisting that the stumpage should be sold at the appraised value or insisting upon it that coal should be fixed at a price that will give a profit to the Government, that these resources which are held within the control of the Government should be disposed of at merely nominal prices which are compensatory only of the administration. It seems to me that otherwise the Government itself will simply unite with the great corporations that are controlling the industries both in timber and in coal in keeping up the price.

Mr. BORAH. Mr. President, I could not gather the Senator's full statement. Does the Senator think that we ought to fix the price at which we sell timber the same as the price is fixed by these large companies?

Mr. NEWLANDS. No; I think it should be much less. At all events it seems to me the Government is simply engaged in the business of administering these natural resources in the interest of the people, and each unit that comes from these resources in the shape of so many feet of stumpage or so many tons of coal should be at the very lowest price that will be compensatory to the Government of the cost of administration, and these natural resources should not be administered in such a

way as to enable the great corporations to maintain excessive prices.

Mr. HEYBURN. Mr. President, if I may be permitted, I was looking for the data. I have not as yet put my hand on it. I had it. There was published recently a statement from reputable authority that there had been a conference between representatives of the Forestry Service and the lumber operators with regard to agreeing upon a scale of prices. I preserved that statement, and I do not think it will be denied. If it should be, I will then hunt up the statement. If the Government is going to enter into a combination in restraint of trade through an agreement with these large lumber interests I do not see how we are to benefit. I shall not rest now until I find that statement, and then I will challenge its verification.

Mr. SMITH of Arizona. If the Senator will permit me, is it not also true that in many instances—I am asking for more information—that the actual sale of this timber by the Forest Service is to the very lumber companies——

Mr. HEYBURN. That is the stumpage.

Mr. SMITH of Arizona. I say the timber that they sell at all goes from the reserve to the lumber mill.

Mr. CHAMBERLAIN. I will answer the Senator from Arizona in a few moments by showing the facts.

Mr. SMITH of Arizona. I was asking for information.

Mr. TOWNSEND rose.

Mr. CHAMBERLAIN. Does the Senator from Michigan wish to ask a question?

Mr. TOWNSEND. Is it true or not that the settler, the home owner in the region of these forests, is entitled to cut a certain amount of timber for his own benefit? If that is true, ought not the Forest Service to be credited with that?

Mr. CHAMBERLAIN. The Forest Service gives an immense amount of lumber, as is shown by the report of the Forester, both to the miner and to the settler.

Mr. TOWNSEND. Is that counted?

Mr. CHAMBERLAIN. Yes; it is counted at its appraised valuation.

Now, with reference to the question of the Senator from Arizona, I ask to have embodied in the RECORD as a part of my remarks the number of timber sales classified according to the amount and value thereof.

The statement referred to is as follows:

Number of timber sales classified according to amount of sale.

State or Territory.	Under $100.	$100 to $500.	$500 to $1,000.	$1,000 to $5,000.	Over $5,000.	Total number of sales.
Arizona	609	10	2	1	1	623
Arkansas	31	7	1	6	2	39
California	506	24	2	5	5	542
Colorado	782	51	13	16	4	866
Florida	7	.....	.....	.....	.....	7
Idaho	552	42	12	6	6	618
Minnesota	.....	3	.....	1	.....	4
Montana	1,137	59	15	9	3	1,223
Nevada	203	3	.....	.....	.....	206
New Mexico	241	8	3	4	5	261
North Dakota	2	.....	.....	.....	.....	2
Oklahoma	38	.....	.....	.....	.....	38
Oregon	210	5	2	3	3	223
South Dakota	159	11	1	3	1	175
Utah	287	10	3	4	2	306
Washington	69	25	6	6	6	92
Wyoming	133	7	2	2	2	145
Alaska	210	60	6	5	.....	281
Total for fiscal year 1911	5,144	327	70	73	39	5,653
Total for fiscal year 1910	4,925	269	70	36	38	5,398

Mr. CHAMBERLAIN. It will be noted that nearly 97 per cent of the sales of the past year were under $500 in amount, and that the increase in sales over those during the fiscal year 1910 was almost wholly confined to the smaller transactions.

It will appear from this statement that for the fiscal year 1911 for sales under $100 there were 5,144 contracts entered into; for sales from $100 to $500 there were only 327 contracts entered into; for from $500 to $1,000 there were only 70 contracts; from $1,000 to $5,000, 73 contracts; and over $5,000, 39 contracts. So the Senator will see that in very few instances were any contracts made with large concerns, but they sold to men of small means who probably lived in the vicinity of the particular forest reserve where the sale was made.

Mr. SMITH of Arizona. That was very gracious, and I was not speaking about those sales. The Senator does not mention the very ones my inquiry goes to. They will sell a few here for fifty and a few there for fifty, and then they sell a million.

In answer to the Senator from Michigan I will say I do not know it is the rule, but I am justified in the assertion by my friend from New Mexico [Mr. FALL] sitting by me, that it does not pertain to either of our States that a man can cut either for mining or domestic purposes upon any one of these forest reserves.

Mr. CHAMBERLAIN. I want to say that in Arizona there were 609 contracts of sale for less than $100 each and only one for over $5,000. It could not be that there were many sales to very large concerns.

Mr. SMITH of Arizona. How much was that one? That is the one I am asking about.

Mr. CHAMBERLAIN. I may say that the whole sale in Arizona last year was only $102,880.54.

Mr. SMITH of Arizona. There was no necessity of purchasing less. That is what I am still inquiring about. They had about all they needed last year, if I am not misinformed. I am only asking for information.

Mr. CHAMBERLAIN. I am giving the figures as they are contained in the report of the Forester.

Mr. WORKS. Mr. President, there seems to be some ancient history over the views of different Senators as to the price at which the timber should be sold. The Senator from Oregon [Mr. CHAMBERLAIN] says that the timber is appraised and its value fixed in that way. The Senator from Idaho [Mr. BORAH] says it is being sold for a higher price than the private corporations are selling it. The Senator from Nevada [Mr. NEWLANDS] says it ought to be sold for a less price. Now, I should like to know of the Senator from Oregon how the basis of the valuation should be arrived at in determining the price at which the timber should be sold.

Mr. CHAMBERLAIN. I will tell you how the department arrived at the basis of valuation.

Mr. WORKS. That is not my question, if the Senator will allow me. I was asking for his opinion as to what would be a proper basis for fixing the price.

Mr. CHAMBERLAIN. For the stumpage I would take as a basis the selling price of the manufactured lumber and deduct from it the cost of manufacture and a reasonable profit. That ought to give the fair stumpage value, and that is the way the value is arrived at now. There is no other way to get at it. Sometimes it may be a little higher than the stumpage value fixed by others, but I do not think that makes any difference. The Government ought not to be, and is not, in the lumber business. The sale of timber is merely for the disposition of fallen and ripe timber, to keep the forests safe against fire and in such condition that they will grow in the future.

Mr. BORAH. Mr. President——

Mr. CHAMBERLAIN. I hope the Senator will not interrupt me, for while I do not decline to be interrupted I find I am detaining the Senate much longer than I intended to, and for that reason I am anxious to get through. I desire to have put in the RECORD, Mr. President, the amount of receipts and disbursements from the reserves for the fiscal years 1910 and 1911, to show just what has been realized and what has been expended in this behalf.

The VICE PRESIDENT. Without objection, permission is granted.

The statement is as follows:

Comparison of receipts from the several sources for fiscal years 1911 and 1910.

Fiscal year—	Timber.		Grazing.	
	Total.	Per acre.	Total.	Per acre.
1911	$1,014,769.84	$0.00526	$935,490.38	$0.00401
1910	1,043,428.20	.00541	986,909.38	.00513

Fiscal year—	Special uses.		All sources.	
	Total.	Per acre.	Total.	Per acre.
1911	$76,645.93	$0.00040	$2,026,906.15	$0.01065
1910	59,810.50	.00031	2,090,148.08	.01084

Expenditures for administration and protection and permanent improvements during the fiscal year 1911 compared with 1910.

	Administration and protection.		Permanent improvements.	
	Total.	Per acre.	Total.	Per acre.
1911	$5,335,886.97	$0.02766	$273,634.42	$0.00142
1910	3,752,316.91	.01894	509,835.64	.00512

Mr. CHAMBERLAIN. Now, Mr. President, adverting again to the general policy of conservation, having referred at length to the conditions and causes which aroused the people to its necessity, I want to say to our southern friends that they are just as much interested in this as we are because in the final analysis—I do not care what anybody says to the contrary—if the timber areas at the upper stretches of the Mississippi River and its tributaries are denuded the same disastrous floods which are now devastating the Mississippi Valley may be expected every year.

I know that some very distinguished gentlemen here and elsewhere are insisting that it does not make any difference whether these areas are deforested or not; that there will be no greater downflow of waters from the upper stretches of the streams without timber than there is with timber. Every ordinary citizen knows better than that, because if the land is denuded and soil erosion takes place, as is bound to occur, leaving barren rocks where once there was a verdant forest, the melting snows, in conjunction with the rains and storms, must of necessity pour down with greater rapidity and with greater disaster than where the snows and waters are held back by the forest and the undergrowth, which act like sponges for their retention.

Mr. HEYBURN. The trouble is that it does not. The snow goes off in the timber before it does in the equivalent upon land. If the Senator will raise the curtains in his office and look out over the Oregon mountains he will verify it.

Mr. CHAMBERLAIN. Idaho is *sui generis*. That may be the case in Idaho, but it is different in Oregon and elsewhere.

Mr. HEYBURN. When this question was under discussion four years ago, I guess it was, I had occasion to go from Portland down to California with the Oregon mountains within plain sight on either side of the railroad, and I verified the conditions that existed in Idaho as to Oregon. I saw the snow lying on the bare mountain tops and ridges, but the timber had no snow in it. Why not? The snow in the timber is impeded in its fall by limbs of trees and it lies lightly upon the ground. The rain percolates from the trees upon it. Then the Chinook winds come along in Oregon and in Idaho. I have seen 3 feet of snow disappear in 12 hours by the Chinook wind after it was thus subjected to the falling rain through the tree tops.

Mr. CHAMBERLAIN. The Senator was looking at Mount Hood, I am sure, when he went through Oregon, and there the snow stays all the year round because of the great altitude.

Mr. HEYBURN. Oregon has a great many mountains besides Hood. Mount Hood is a good mountain.

Mr. GALLINGER. We do not have Chinook winds in New Hampshire, but I know that the snow remains in the forests of New Hampshire much longer than it does on the cleared lands—weeks and months sometimes. So I think the Senator's contention is right.

Mr. CHAMBERLAIN. I think so, too.

Mr. GALLINGER. The Senator from Idaho must be speaking of a peculiar condition of atmosphere. It may be due to the Chinook winds. We know nothing about those winds in our part of the country.

Mr. CHAMBERLAIN. That has been my experience. I have been over the mountains in my State frequently. We go up to a certain altitude where there is both forest and barren lands. The snow remains in that forest while 100 yards or 500 yards away there are barren places and the snow has melted; it has all gone down into valleys and streams below. There is no question about that, and I think that has been the experience of most of those who live in mountainous countries.

Mr. SMITH of Arizona. Can the Senator tell me whether during his investigation he has found what effect denuding the land of timber has on rainfall? I can say that I believe largely what the Senator has been saying; but I have been wondering whether or not, by denuding these lands, we would have the floods the Senator complains of because of cutting the timber, or if the rainfall might be lessened.

Mr. CHAMBERLAIN. Mr. President, there is a difference of opinion about that, as there is about all of these questions; but the hard-headed American citizen wants to get down to things as he sees them, as his every-day experience tells him they are in fact.

Mr. President, not only is the South interested in the preservation of the forests at the upper stretches of the Mississippi, in order to store the rainfall and melting snows, but they are further interested in it, with their great levee systems, in seeing to it that everything shall be done at these upper stretches to prevent the erosion of the soil and its washing down the streams. The contention of some is that in these denuded districts on the upper stretches of the Mississippi River and its tributaries, the soil has washed down so rapidly that it is actually making the levee system impracticable; in other words, the beds of the streams are filling up from the erosion of the soil on the upper stretches. It is common sense that that is true, too. If the waters come down rapidly—and they came down this year from all the streams at the same time—and there is nothing to retard them in their progress toward the sea, they are bound to take a great deal of soil and bound to fill up the streams, so that the Government is spending millions of dollars every year to protect rivers within their banks, and at the same time permitting the forests to be denuded at the headwaters, where they ought to be protected.

There is another subject to which I wish to call attention. The Senator from Idaho stated that all of these fires originated within the reserves. I know the Senator wants to be fair. These statements of his, he promises, are going over the heads of the newspaper men, and they are going to reach the people of the whole country anyway. While he is sending them out he ought to see to it that they are reasonably correct.

Take the disastrous fires of 1910. The total area burned over was 4,134,253 acres. The loss entailed was 6,508,360,000 board feet, valued at $14,889,724. The total number of fires was 5,201, of which 1,704, or 32.76 per cent, were caused by railroad locomotives; 724, or 13.62 per cent, by lightning; 668, or 13.23 per cent, by campers; and the balance were caused by brush burning, sawmills and donkey engines, miscellaneous sources, incendiarism, and unknown. In the same year Idaho had 526 fires in the national forests; 64 of these were on private lands inside of the forests; 154 originated outside the forest boundaries; 189 from locomotives of railroads; 162 from lightning; 16 from incendiarism; 90 from campers; 76 from brush burning; 7 from sawmills; 161 unknown; miscellaneous, 43; making a total of 744 fires. So it is not true that these young men with their green uniforms and cockade hats started these fires in the national forests as is charged by the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, I dislike to interrupt the Senator——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I do.

Mr. HEYBURN. But I am advised, on coming into the Chamber, that the statement I made yesterday with reference to no fires originating in the settlements is being challenged. I merely want to call the attention of the Senator to the fact that I was then speaking from very accurate and close observation of Idaho, and not of any other State.

Mr. CHAMBERLAIN. I, too, was speaking of Idaho, and from the record.

Mr. HEYBURN. That is all right. Now I will listen to the Senator.

Mr. CHAMBERLAIN. I have finished; but this report simply shows that the fires originated in other places than within the reserves.

Complaint is made about the immense expenditure for permanent improvements within the forests. The improvements that have been made are necessary for the protection of the forests, such as roads, paths, trails, telephone lines, fire lines, and bridges, in order to make all ranges and other stations easily accessible to each other and so that information, men, and material can be conveyed from one place to another with the greatest rapidity.

Mr. President, aside from the immense financial loss from fires in 1910, 78 lives were sacrificed in fighting those fires. I venture to say that if it had not been for the Forestry Service the fires would have been immensely more destructive than they were. Idaho alone lost $13,392,173. Other of the States lost singly almost as much, and all of them lost a great deal.

They now have in the national forests only 1,325 miles of road, 9,163 miles of trail, 7,380 miles of telephone lines, and about 350 miles of special fire lines. To properly patrol and care for this immense wealth of the National Government, they ought to have 80,000 miles of new trails and 45,000 miles of telephone lines, so as to put the different forests in close touch with each other and keep the whole department advised as to what is going on. The time is coming when this will be done—when it will be essential to be done—in order to protect the property of the Government, just as the individual would protect his own property against loss by fire. A wise public policy demands the annual expenditure of larger sums than are now being appropriated to protect the vast timber wealth of the country from destruction by fire.

To show that the people of this country are interested in the subject of protection, I call attention to the fact, Mr. President, that many of the Western States are cooperating with the Federal Government in the protection of the forests. Oregon is

doing it. Not only is the legislature appropriating money for the assistance of the State commission, but private owners as well are contributing of their means and cooperating with the Government and the State for the purpose of fighting and controlling the fires.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield.

Mr. WORKS. Mr. President, one of the most disastrous of the fires that occurred during the last year was in my State. I want, in this connection, to bear witness to the promptness and efficiency with which the Forest Service responded to the call for help under the circumstances.

I would like to say also, in connection with what the Senator from Oregon has just stated, that the State of California is aiding in the effort to provide means to prevent and control these fires. Our people regard it as of the greatest consequence to them and to their property that such appropriation shall be made. Not only is the State contributing in that way, but private owners also are contributing their money. The fruit associations levy regular assessments upon their members for the purpose of raising money and creating a fund for fighting fires and preserving their property in that way in connection with the National Government.

Mr. CHAMBERLAIN. Mr. President, I am glad to know that California is doing so, and the time is coming when all of the Western States will be driven to do so, and private timber owners as well.

The entire cost of the administration and protection of the national forests averages only 2½ cents per annum per acre, and that includes all expenses. In France such administration costs $1; in British India 7 cents, while in Prussia it costs $2.50 per acre per annum, and when there is deducted from the gross expense for maintaining the Forest Service the amount earned therefrom it only costs 1½ cents instead of 2½ cents per acre.

I have answered some of the strictures against the service and would like to have answered others, but I feel that I have already imposed on the Senate too long.

I want to say, in conclusion, that I have approved of the policy of the Government in maintaining these national reserves. I am not prepared to say to what changes I would assent, provided the Senators from the West would get together and frame a uniform code of laws for the management and disposition of the public domain. But while conditions remain as they are, while the timber and stone act remains in force, while these indemnity selection acts to which I have referred remain on the statute books, I shall vote now and at all times for the maintenance in their integrity of every forest reserve in the State of Oregon.

I want to say to the Senator from Idaho, although a vast portion of that magnificent Commonwealth is within the reserves—nearly one-fourth of ours is within the reserves—I would rather have that land held in the reserves, Mr. President, and not pay a dollar taxes to the State of Oregon for 40 years, than to have it get into the hands of speculators and under monopolistic control, for such control not only will mean the disposition of the timber, but the denudation of the forests absolutely, and it will mean the acquirement of the water powers and the water privileges of the States, besides the wealth of mineral of all kinds that lies buried beneath our mountains.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. CHAMBERLAIN. I yield.

Mr. BORAH. Speaking for myself alone, of course, as in part representing the State of Idaho, I agree perfectly with the statement of the Senator from Oregon. I think the forest reserves ought to have been created and ought to be continued until some policy is adopted by which the benefit can be transmitted to the people individually, if that can ever be done, and, I wish to say, in order that there may be no mistake about any criticism which I have made upon the Forest Service, that I do not desire the forest reserves to be abandoned; but I want, to begin with, that nothing but forests be included in the reserves. When that has been accomplished, so far as I represent the State of Idaho, I shall be glad to stand with the Senator from Oregon.

Mr. CHAMBERLAIN. I am satisfied that if the Senator from Idaho and I were all the persons to be consulted in this matter we could retire to our offices and in a very short while frame a law that would suit the people of our States; but there are other and conflicting interests that interfere with the proper adjustment of this matter. Here as in every case whenever you undertake to settle a matter for the benefit of the masses of the people, there are some special interests that intervene and interfere all the time with a proper adjustment of it, and, try as we may, Mr. President, to enact proper legislation, we will always find that there is some powerful interested source interfering and clogging the wheels of proper and appropriate legislation.

Mr. FALL and Mr. SMITH of Arizona addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oregon yield?

Mr. CHAMBERLAIN. I yield to the Senator from New Mexico first.

Mr. FALL. As I have been heard upon this subject before, and as the Senator is now referring to the interests which are always interfering, I want to say that we have some interests in New Mexico and in Arizona which do desire to be heard here, and which are interfering in so far as I am able to voice those interests.

Mr. CHAMBERLAIN. I hope the Senator will not think that I referred to any Senator in anything I have said.

Mr. FALL. Well, I did not understand what the Senator referred to, but I simply refer to his words. I desire, however, to cite one instance, Mr. President. I happen to remember that five years ago one mining company with which I happened to be connected, or in which I was interested slightly, just over the line from Arizona, paid to Oregon $641,000 for timber which was put in that one mine alone. That amount was paid for Oregon pine, carried down the coast, and shipped 1,000 miles overland by railroad, when the forests of Arizona and New Mexico lay within 60 or 100 miles. We could not, however, get timber for the mine from our own country and paid Oregon a toll of $641,000 in one year for timber going into that one mine.

Mr. CHAMBERLAIN. I am very glad that Oregon was able to help you.

Mr. FALL. So am I; but if you had put all your forests in Oregon in forest reserves, where would we have gotten any assistance?

Mr. SMITH of Arizona. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. CHAMBERLAIN. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I wanted to say to the Senator when I rose to my feet that I concur fully with the policy suggested by the Senator from Idaho. There is no purpose, so far as I know, on the part of the western people to have their mountains denuded of timber growth—and with us it grows nowhere else except on the mountains, and in our section conditions are different from conditions in other parts of the country—but the point I wish to make is that whenever you eliminate the scrip proposition, under which the denuded railroad lands have been traded for fine timber lands, and an entry of lands under the present land laws is alone possible, does the Senator suggest, or can the ingenuity of anybody suggest, that the law properly enforced would permit vast acquisition of the timberlands of the country?

Mr. CHAMBERLAIN. That is exactly what I say, Mr. President. If all the western Senators, or all Senators, so far as that is concerned, will get together and frame a reasonable and just code of laws for the disposition of the public domain, I am not prepared to say how far I might be willing to go toward making eliminations from the reserves; but, with the laws as they are, with these indemnity selection privileges given to great companies and corporations, with the stone and timber act remaining in its full integrity, and other laws by which title may be easily acquired, I shall oppose constantly the releasing of any of the lands within the Federal reserves, because I know what has happened in my State in the past and I know what would happen in the future. I know that immense bodies of land are now held by individuals and corporations; I know that the Weyerhausers and others have immense holdings in my State, which just as effectually retard the development of the State as do the lands held within the forest reserves. I am opposed to having that condition extended in my State at least, and will therefore be compelled to stand against any change in reference to the other States.

Instead of denouncing and criticizing the Forestry Bureau officials and undertaking to defeat a proper appropriation, as has been attempted to be done in the Senate, Mr. President, I think that the American people ought to take their hats off to the men who have inaugurated this movement; they ought to take their hats off to Mr. Graves, the present Forester, who is here devoting the best energies of his life to the protection of the great interests of the public; they ought to take their hats off to the young men in all the States of the West who are risking their lives and doing all in their power to protect the public

domain not only for the interest of those living, but for the interest of those who are coming after us.

Mr. President, differing from the administration in politics, as I do, I am yet willing to stand here and give them my support in every way possible, to defend them against unjust charges, to assist them to do their duty in the future as they have done it in the past; and I predict that the time is not far distant when the American people, with one accord, will extend to these men their appreciation of the efforts which they have made to protect the national resources of this country from the looting of monopolistic interests.

Mr. BURNHAM. Mr. President, I do not propose to occupy at any considerable length the time of the Senate. I can bring to this discussion no personal knowledge. Such knowledge as I have of the subject comes from reading and from information from the department.

It seems to me that there is a very wide difference of opinion here as to the conditions in the forests with reference to agriculture. The Secretary of Agriculture, through the Forest Service, represented to the committee that in the main the forests cover mountainous regions that are not adapted to agricultural purposes. That statement is before us in the form of a memorandum from the Chief of the Forest Service. A part of that statement reads as follows:

> The national forests are situated in the mountains, and on account of the rugged topography there are no large bodies of agricultural land left in the forests. There are, however, occasional small patches of land along the borders and at the confluence of streams and on occasional benches where the soil is deep enough for cultivation. The forest homestead act of June 11, 1906, had for its purpose to enable the Secretary of Agriculture to select those areas in the forests which are suitable for cultivation and to list them with the Secretary of the Interior for entry to settlers. The Forest Service has consistently encouraged the settlement of areas in the national forests suited for agriculture and already has listed for settlement over 1,000,000 acres for over 8,000 settlers.

I call attention to this fact as a refutation of the statement that the Forest Service is in any sense hostile to the interests of agriculture. Then the statement continues:

> This is in addition to the many eliminations made within the last two or three years, aggregating over 9,000,000 acres of lands which were found to be not suited for forest growth or more valuable for agriculture.

I wish now to read a further statement, because I want to be exact as to the causes for the rejection of applications for tracts under the homestead act:

> The charge is repeatedly made that when prospective settlers apply for the listing of tracts for agriculture, the Forest Service is reluctant to open them for settlement. This is not in accordance with the facts. It is true that the Forest Service has rejected a great many applications for tracts under the homestead act. The reasons for the rejections are that the lands applied for were not chiefly valuable for agriculture. In a great many instances applications have been made for lands having upon them a very heavy stand of timber, often from 10,000 to 50,000 feet per acre of timber, worth from $2 to $5 per thousand feet on the stump. It was not the purpose of Congress to permit the acquirement of a valuable timber stake under the guise of this law. The listing of lands with heavy stand of timber upon them is contrary to law, because they are more valuable for their timber and timber production than for agriculture. Furthermore, experience has shown that the listing of lands containing a valuable stand of timber does not result in actual homestead settlement, as in the majority of such cases the lands are sold for their timber value instead of being cleared and put under cultivation.

It seems that applications are made for other purposes, the real purpose being very different from that of a homestead. The statement continues:

> Applications are also made for other purposes than agriculture. Thus sometimes an applicant desires to get control of a water hole which controls the adjoining range over many thousands of acres. The Forest Service has declined to list such lands, but has insisted upon retaining them in public ownership for the benefit of the people.

Other special purposes are cited. Here is a matter to which allusion has been made by the Senator from Oregon [Mr. CHAMBERLAIN], namely, the large percentage of those who have made application and afterwards abandoned their selections. It shows the liberality of the Forest Service. Not only have they listed the lands that were desirable, so desirable that they were occupied, but they have listed a large number of those which were abandoned:

> In district 2, whose headquarters is at Denver, about 37 per cent of the tracts listed for entry under the forest homestead act have either not been entered at all or have never been settled upon or have been abandoned. In New Mexico probably fully 22 per cent of the tracts listed have not been filed upon at all. A considerable portion of the tracts entered have been abandoned, although I have not precise data on this subject in this State.
>
> In district 4, with headquarters at Ogden, Utah, 33 forests show practically 16 per cent of the listed lands have been abandoned. This does not include the Pocatello National Forest, which shows 40 per cent abandoned.

I think the Pocatello Forest is an Idaho forest, and there 40 per cent of the selections have been abandoned.

> In California the showing is even worse, where about 43 per cent of the listed tracts have not been settled upon or have been abandoned.

It seems to me that this shows that the Forest Service has been fair and liberal in its listing of lands for settlement for agricultural purposes. It has denied to those who are seeking lands for other purposes the listing and location of lands not chiefly valuable for agriculture.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. BURNHAM. Certainly.

Mr. CLARK of Wyoming. Of course, the Senator understands that when the Forester states that 22 per cent or 30 per cent of the former forest area has been listed as agricultural land and that only a small proportion of that area has been taken up that fact would be valuable only when it was ascertained when the lands were released from the forest reserves. Very likely that includes lands within national forests in my State, which in the last month have been released as agricultural lands. Of course, as yet, there has been no opportunity whatever to take up those lands.

If the Senator would give us a statement of the lands that, say, two years or three years ago were released, and then give an estimate of the percentage of those that have been taken, it would be more to the point, I should think. Of course, lands listed as agricultural lands and released from the Forest Service to-day can not be taken up to-morrow; neither could they be taken up next week or next year.

Mr. BURNHAM. But quite a percentage of these lands evidently have been abandoned after they had been taken possession of and occupied for more or less time.

Mr. CLARK of Wyoming. Yes; that is true. I myself can not see, under present conditions and circumstances, why anybody would want a home within a forest reserve; but still, some people do.

Mr. BURNHAM. They desire to go there; they know the conditions and go there with their eyes wide open.

Mr. CLARK of Wyoming. Exactly so; and the Senator and I very often have taken steps that we thought would be desirable, which have not proved to be so. The mere abandonment of land does not mean that it is not necessarily good agricultural land, and that after its abandonment by one man it will not be taken up by another. In northwestern Iowa, one of the most fertile portions of the entire country where the homestead law applied, I remember, when I was a young man, that whole counties were abandoned by homesteaders, and the people moved away from there. The final entry upon the homestead is not by any means necessarily made by the man who makes the original entry. The abandonment of homesteads is not unknown, and the abandonment of a homestead is not evidence, by any means, that the land is not suitable for cultivation.

Mr. BURNHAM. It would certainly seem to a person, outside from information such as I have laid before the Senate, that the lands abandoned could not be desirable for agricultural purposes and were therefore abandoned. The entryman went there for the purpose of settling down on a homestead; he knew the country; he knew there was no community life there; he went there with his eyes open, as I have said, and he abandoned it. I can conceive of no other reason for the abandonment.

Mr. CLARK of Wyoming. There might be the very reason the Senator cites there given by the Forester. For instance, a man may have found a supply of water where he thought he could make a home, but he leaves because he finds he can not get the water. The water has been taken away from the settler, because in the estimates of the United States Forestry Service he moved there to corral the water.

Mr. BURNHAM. It occurred to me that the locator was trying to get the water supply in order to control the use of the range.

Mr. CLARK of Wyoming. There can not be any profit from a monopoly of the water supply where individual parties are so far apart.

Mr. BURNHAM. But take it in the arid regions, where water is very valuable, might it not be very necessary for the use of the range?

Mr. CLARK of Wyoming. They are not in forest reserves, because arid lands are not included in forest reserves, because on them there is no timber.

Mr. BURNHAM. Well, in a country more or less arid there are some forests.

Mr. CLARK of Wyoming. Of course. The fact is that we can not reason out this matter. We can not come to any sane conclusion from a discussion of it. We can not say that a certain piece of land which has been abandoned is not fit for a home, because, I imagine, many good homes have been made in New Hampshire upon land which perhaps at this time new settlers would not take. It is timberland; it is land upon the

mountain sides; and I will hazard the statement that lands and farms in New Hampshire which 12 years ago were regarded as worthless are now coming into cultivation, or will again come into cultivation as the necessities of man may demand.

The mere fact that a man has abandoned a piece of land, thinking it not worth while to go on and make a home, under all the disadvantages that he had at that particular time, is no reason why a year or two from now, when conditions change, that land will not be a very desirable piece of land.

Mr. BURNHAM. That was the condition a few years ago, but of late years there has been a disposition to return to those homes, and they are occupied and very much improved.

Mr. CLARK of Wyoming. Exactly; and hence the Senator would not believe, because men abandoned those homes 20 years ago, that they were not fit for cultivation and he would not put them in a forest reserve. The man who goes on a piece of land after 20 years of abandonment finds that the man before him made a mistake, and he will go ahead.

Mr. BURNHAM. There has to be considered the drift toward villages and cities, and this accounts for a large part of the abandonment of those farms.

There are certain facts as to the area of these reserves which I wish to lay before the Senate, and perhaps more definitely than has before been presented.

These reserves are not wholly in the continental part of the United States. Two of these large forest reserves are in Alaska and one in Porto Rico. The whole area embraces 187,752,503 acres. Taking out the Alaska and Porto Rico areas, there are 160,937,703 acres. These forests are distributed over 20 States.

Mr. CLARK of Wyoming. I will say that I could take nearly 20 other States of the Union and distribute these forests over them, and there would not be left a place in those 20 States on which to build a schoolhouse.

The Senator says that these forests, containing 160,000,000 acres, are distributed over 20 States. It means a belt about 200 miles wide from Chicago to New York. I can take those 160,000,000 acres—and I will say here a great deal of our rich lands in the Mississippi Valley have been flooded—and it will take a strip of land 150 or 175 miles wide from the Gulf way up beyond the city of St. Louis. It does not do any good to belittle the amount of land in these forest reserves.

Mr. BURNHAM. I am speaking of this to give an idea of the amount of land involved.

Mr. CLARK of Wyoming. That is the reason I spoke—to give the comparative amount.

Mr. BURNHAM. Another matter that has been spoken of is in reference to the number of persons engaged in the Forestry Service. I think the Senator from Oregon correctly stated the number. It is 3,256. A question has been raised as to the locality from which these men are selected, and right here I want to read from a statement I have in order that we may be exact. The Forester says:

> The forest rangers are all recruited from local civil-service registers. Practical examinations are given in each national-forest State.

Mr. CLARK of Wyoming. Will the Senator please read that again?

Mr. BURNHAM. Certainly.

> The forest rangers are all recruited from local civil-service registers. Practical examinations are given in each national-forest State. In making appointments from a given local register the residents of the State are given preference. The charge that eastern men are brought on to fill ranger positions in Western States is therefore not true.
>
> The higher positions, such as supervisor and deputy supervisor, are filled by promotion. In case of vacancies men are selected who are thoroughly familiar with local conditions, and the best man is picked, regardless of whether he is a forest ranger or forest assistant or occupies some other position.

Mr. CLARK of Wyoming. As I interjected a sentence or two in the previous debate upon this particular point, I want to say that I believe recently an improvement has been made in this matter. I will say this, however, that notwithstanding the statement now made by the Forester, it is not a fact that the majority of the rangers in those States are local men, and I will explain why they are not.

Formerly there was no attention whatever paid to local appointments. The consequence was that while perhaps the examinations might be held in the forest States the candidates were not always residents of those States. The consequence was that where forest rangers were needed and where there was no eligible list the examination would not be held, but the appointees would be taken from eligible lists from some other part of the country. The consequence is that now few vacancies occur. Those few may perhaps now be filled from among the local people. I make that explanation so that the Senator can see that our former statement in the matter and the present statement of the Forester are not at all inconsistent.

The Forester does not refer to the time when these reservations were first organized and manned. He refers to the vacancies that now occur or where additional foresters or rangers are now required.

Mr. BURNHAM. Is not all being done that can now be done to give preference to the local people for the position of ranger?

Mr. CLARK of Wyoming. I am not prepared to say that that is not true at this time, but the unfortunate condition exists that there are no places to give the local people unless a man dies or resigns.

Mr. BURNHAM. There certainly must be many changes in a service of that number.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Mexico?

Mr. BURNHAM. Certainly.

Mr. FALL. Of course the Senator understands that the forest ranger has nothing to do with the administration of the reserve. Each reserve is in charge of a forester or deputy forester or supervisor. The rangers are the men who simply travel around the district or otherwise on the range and act under the orders of the supervisor or deputy supervisor.

I agree with the Senator and with that statement, in so far as the majority of the deputy forest rangers are concerned, but there are forest rangers and deputy forest rangers, and then there is a district supervisor of forestry for certain forest reserves.

But the ranger has nothing to do with administration. He obeys orders and looks after the grazing upon the forest reserves, or he fights fire in a case where such work is necessary, but he has nothing to do with the administration.

Our people do not complain of the rangers or their methods of doing their business or performing their duties, but the complaint is that instead of taking forestry supervisors or deputy forestry supervisors from the locality, they are taken generally from Washington City, from clerical positions in the department here and not from the locality at all. We have 10 forest reserves in New Mexico, and I think I know all the foresters in charge of them, and not one of those men is from New Mexico, to my knowledge. They are the men who administer the forest laws. We do not complain of the rangers themselves, but the rangers themselves, I can say to the Senator, complain of the forester and those under whom they work. They are not permitted to do the work that falls to them as they would do it if they had more discretion.

Mr. BURNHAM. The statement is here made:

> In case of vacancies men are selected who are thoroughly familiar with local conditions, and the best man is picked, regardless of whether he is a forest ranger or forest assistant, or occupies some other position.

And the idea stated here is that these places above that of ranger are filled as the result of promotion; that is, the ranger who becomes efficient, having occupied the position for some length of time, becomes available for promotion.

Mr. FALL. If there has been a promotion from a forest ranger to forest supervisor in New Mexico, I have never heard of it.

Mr. BURNHAM. That may be peculiar to New Mexico. This, of course, is a general statement.

I understand that the Forest Service has six districts and six district foresters. The whole Forest Service is divided into six districts and under the six district foresters are the supervisors, and under the supervisors, of course, come the employees and rangers.

Now, considerable has been said in regard to the disposition of the Forestry Service toward agriculture. I can not understand why the Forestry Service should be in any sense hostile to the agricultural service. It is a part of that service, and it seems very strange that the Forester should act in any way inconsistent with the interests of the homesteader. If any rules and regulations are at fault, undoubtedly they would be corrected as soon as attention is called to them.

There is another matter that is important, and I wish to call attention to it, because I have some definite information in regard to it, and that is with reference to the expenditures of this department.

The total expenditures of the Forest Service during the last 10 years—July 1, 1901, to June 30, 1911—were $22,440,972.50.

This amount was stated in the debate on the first day of the consideration of the bill as the expense of the service during a single year. Instead of that, it is not more than a quarter of that amount for any one year.

Of this there was spent before the transfer of the forests from the Department of the Interior $816,333.21, and since the transfer, in general investigations in forestry, $1,204,104.38, making a total for investigative work of $3,020,437.59.

I wish to call the attention of the Senate to items of expenditures and receipts.

It leaves as the cost of national-forest administration, protection, and improvement during those 10 years		$19,420,435.00
Against these gross expenditures should be credited the following assets:		
Receipts from the national forests	$10,307,868.45	
Permanent improvements and nonexpendable property inventoried (H. Doc. 681, 62d Cong., 2d sess., pp. 19–36)	2,501,043.03	
Permanent improvements and nonexpendable property added in 1911 (estimated)	400,000.00	
Expendable property, stock on hand (estimated)	100,000.00	
		13,308,911.48
Which leaves as the net outlay on account of the forests for the 7 years since the Forest Service took charge of them		6,111,523.52
Or an annual net cost per year of		873,074.79

Now, if the Senate will listen—I know it is tedious to read these figures, but I should like to have your attention for a moment—I have here a comparison of expenditures for the year 1910–11 with the year 1911–12: Salaries, 1911–12, $2,318,080; general expenses, $3,214,420; making the total of expenses for that year $5,533,100.

Now, in this bill the salaries proposed are $2,235,760; general expenses, $3,223,285—a total of $5,459,045.

The decrease in the salaries under the bill as proposed is $82,920; the increase in general expenses is $8,865, making a net decrease of $74,055.

Now, there are just a few figures more which I want to give; that is, the figures as to the receipts from timber sales.

The receipts from timber sales for the year ending June 30, 1911, were $1,014,769.84; grazing, $935,490.38; and for various special uses, miscellaneous, $76,645.93, making a total of $2,026,906.15. Deducting the receipts from the expenditures leaves a net balance of $3,506,193.85.

I had intended to occupy a little more time in the further discussion of this matter from the standpoint I have taken—the views of the department—but the hour is getting late. I simply want to add a word. We think that this bill, as it has come from the committee, after critical examination by the subcommittee and the committee itself, should meet with the approval of the Senate. It comes here in the interest of agriculture, in the interest of a great department of government, which it seems to me has served this country as faithfully as any department could. It comes from the Secretary of Agriculture, practically all from his estimates, and I submit there is no man living in this country to-day who has done more in a material sense for the interests of this country than the Secretary of Agriculture.

The bill comes here, so far as the Forest Service is concerned, with the approval of the Chief of the Forest Service, Mr. Henry S. Graves, alluded to by the Senator from Oregon as devoting his life to this great work. Graduated from Yale, he entered upon the study of forestry. He then went to Europe, England, France, and Germany, and studied especially the English policy of forestry in British India. He devoted a great deal of time here in the Forest Service before he came into that service as chief. He is admirably equipped for the duties of that office, and I submit that he is not here in any sense hostile to the interests of agriculture and the homeseeker. So far as the forestry part of the bill is concerned, we think it certainly should receive the approval of the Senate. The bill as a whole is submitted in the belief that it will be found reasonable in the amount of its appropriations, and that these amounts will sustain this great department in its labors for the agricultural interests of the whole country.

Mr. SMOOT. Mr. President, I intend to detain the Senate but a few moments, although much could be said on this most important question. I myself have been deeply interested in the question of forestry, and have studied it not only as applied to the United States, but I have been abroad, in England and in Germany particularly, and have visited the great forests of those countries. I have studied the administration of forests in foreign lands and in our country, and as far as the principle of forestry is concerned and the results obtained from it, I think it is of great interest to our country, and one of the policies adopted by our Government that will ultimately prove of greater benefit to the people at large than almost any of the other great questions which have been acted upon by Congress in the last 10 or 20 years.

The trouble in the past has been that every criticism that has been directed against the land laws of the United States has been in connection with and at a time when the discussion of the forestry policy was under consideration, and the Forest Service has been charged up with all the shortcomings of the land laws.

Most of the Senators, as we have heard them express themselves, are in favor of protection of our forests. The trouble is that within the forest reserves there have been included lands that are not timber lands, and if a proper classification of the lands now in the reserve can be made and a proper elimination from these forest reserves of all agricultural lands, I do not believe there will be very much opposition in the future to the great policy of preserving our timber lands within forest reserves.

Mr. President, I know that a policy of classifying the lands within the forest reserves is being considered, and I believe will be adopted by the Secretary of Agriculture in the immediate future.

I have a copy of a letter of April 11, 1912, addressed to the Secretary of Agriculture, signed by H. S. Graves, Forester, and I want to read the letter to show that this classification of lands is now under consideration, and that there is no doubt in the world that it will be followed out as a policy for the future. Mr. Graves in his letter says:

APRIL 11, 1912.

The SECRETARY OF AGRICULTURE.

SIR: It appears exceedingly desirable to undertake as rapidly as practicable the systematic classification of national-forest lands which are chiefly valuable for agriculture. Under the act of June 11, 1906, lands alleged to be valuable for farming are examined, as a rule, only upon specific application from persons desiring to enter them. This method is extremely expensive. Under it, with individual tracts examined from time to time over long periods, it is extremely difficult to make the classification systematic and uniform. Great economy would be effected and a more systematic and rational utilization of the agricultural lands still remaining in the national forests secured if this work could be placed upon the basis of systematic classifications on the various forests as rapidly as it is found practicable to undertake them. The approval by you of the classification of agricultural lands within each national forest which is examined would definitely fix the character of the land so classified in the same manner as the character of mineral lands is now fixed by classification made by the Geological Survey. The approved classification would furnish the basis for listing any lands in the forests concerned for agricultural entry as they might be applied for. This plan would go far toward eliminating the criticism now made of the policy followed by the department as to agricultural areas within the national forests.

If it meets with your approval, I shall be glad to begin the classification of agricultural lands within the national forests this season and carry it forward as rapidly as available funds will permit.

Very respectfully,

H. S. GRAVES, *Forester.*

Approved.

JAMES WILSON, *Secretary.*

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I do.

Mr. CLARK of Wyoming. I am glad the Forester is to begin the classification of these lands, for the Senator will readily see that even at the best the Forester could not succeed in the final classification of these lands for many, many years. When you consider the area, over 160,000,000 acres of land, as stated by the Senator from New Hampshire, you can imagine how long it will take to select from that area those lands that are useful for agriculture and those that are not. I will undertake to say that not in 50 years could it be done. The Senator knows how long it took to classify the mineral lands along the Northern Pacific land grant.

The whole forestry system was developed as a hothouse product, when it ought to have had a steady, healthy growth. When these forest reserves were created they were created without any knowledge on the part of the President or the Secretary of the Interior or anybody else as to whether they were forest lands or not.

They reached out and took in great stretches of country without knowing whether there was any timber on it or not, and the complaint now is that this land is still locked up under the original proclamation and that they let go a piece of it now and then, until finally they eliminate the agricultural lands, whereas as a matter of fact the right way to reach the situation is to rescind the proclamation heretofore made and then ascertain the exact boundaries of the areas to be put in forest reserves and put them in reserves.

The Senator very well knows that the reserves first created were created from a map in the Land Office—taking a map and running around six or seven or eight or nine hundred thousand acres at the head of streams, as they appeared on the map, thinking that the forests would naturally be there, whereas it was stated by those who had been over the land that there was not enough timber on those lands to justify their cutting.

The Senator very well knows that the very last large addition that was made to forest lands was made by a proclamation of the President before the Land Office had time to enumerate the sections and townships that were to be put in the reserve, and

that it was made absolutely without survey and information. Now, that is what we complain of. As I said, the pyramid is sitting on the top. What ought to be done is to secure accurate information before the forest reserve is created. Then there will be no necessity of this waiting year after year and year after year. As the Senator well said, no one objects to a proper forest reservation in this country, but not that you can lock up a whole vast area of country under the pretense that it is forest land and should be conserved as forest land, and then dribble out the little tracts of agricultural lands when men want them. The system ought to be revised.

I think if we have a Forest Service we ought to support it. I am not making any contention against the appropriations in this bill. I simply want to put on record the protest of certain Members of the Senate that the system is wrong, and it ought to be changed from the root up. This discussion will go on every year upon this bill. We are appropriating every year for the Forestry Service one-third or more of the whole volume of money that we appropriate for the great Agricultural Department. We do not think it is right, and we are going to continue to protest against it.

Mr. SMOOT. Mr. President, if the 160,000,000 acres that are included within the boundaries of the forest reserves proper in the United States were all the lands, such as mineral lands, agricultural lands, salt lands, grazing lands, oil lands, and coal lands, then the statement of the Senator would be correct, and I would myself believe it would take perhaps 50 years to classify them. But the Senator must remember that the great part of the lands within the forest reserves are mountainous lands, and it does not take any time to classify them as not being agricultural lands.

Mr. CLARK of Wyoming. Oh, Mr. President, I shall have to differ with the Senator, although he lives in a mountainous country, and so do I. I know very fine farms on the borders of his State and on the borders of mine, 7,000 feet above sea level.

Mr. SMOOT. Mr. President, there is no doubt about that; and there is nobody who can not classify a little piece of farm land in some little valley between two hills in the mountains as agricultural land. That is not going to take any great length of time.

Mr. CLARK of Wyoming. That is not what I refer to, Mr. President.

Mr. SMOOT. I am speaking of the great ranges of mountains that extend for miles and miles where there is not a foot of agricultural land to be found. I am not speaking of the lowlands or the rolling hills where there are agricultural lands, but I am speaking of the mountainous land which everyone knows is not agricultural land, and the great majority of the 160,000,000 acres within the forest lands are that class of lands. It will take no time to classify them.

Therefore, Mr. President, I believe the Secretary of Agriculture has now started upon a policy that should have been started upon years ago. I believe, also, that the policy to-day is not to add to forest reserves grazing lands or agricultural lands of any kind. I do not believe that there has been an addition made to any forest reserve in the last year, unless it has been upon petitions from the people who are living near the reserve.

Mr. CLARK of Wyoming. Mr. President, just one moment. The Senator very well knows that petitions of those living near the reserves are not always to be depended upon. The Senator very well knows that he himself within the last week, as well as I myself, failed to recommend the passage of a bill to this body which was sustained by the request of the people living near the reserve, where the request was made that there be added to the reserve certain land below the timber that was grazing land. The Senator knows very well that sometimes people with interested motives ask for legislation that they do not get. The people living near the forest reserve asked that that land be added to the forest reserve simply so that they could control it for their own grazing. So when the Senator says that a forest reserve is created or added to by petition, I say that is not an evidence that the reserve ought to be created or added to.

Mr. SMOOT. But I call the Senator's attention to the fact that if they were adding to these reserves as they have been added to in the past, the land would have been more than likely added to the reserve without asking Congress for authority to do so.

Mr. CLARK of Wyoming. I have an idea that it might have been added if they had not come to Congress.

Mr. SMOOT. I think not, because when the Secretary of the Interior was asked for his opinion as to whether there were any reasons why the bill should not be considered favorably and passed, he stated that it was a grazing proposition only, and it was upon that report that the Committee on Public Lands refused to report the bill favorably.

Mr. CLARK of Wyoming. The Senator will remember that the proper official also added that he had no objection to its being included in the reserve, although, in fact, he knew it was grazing land, and grazing land only.

Mr. SMOOT. Provided Congress should desire to do it.

Mr. CLARK of Wyoming. If the committee of the Senate had been as favorable to the forest-reserve proposition, we would have had an open, free example of the fact that lands might be added to forest reserves even when they are acknowledged not to be timberlands.

Mr. SMOOT. To show that those in favor of the forestry policy are not in favor of adding grazing lands to forest reserves I point to the fact that the Senator from Oregon [Mr. CHAMBERLAIN] voted against the bill. I believe there was only one member of the committee who voted for it. Therefore it is the policy of the committee, the policy of Congress, the policy of the Forestry Service, the policy of the Secretary of the Interior, the policy of the Secretary of Agriculture not to add to the forest reserve lands that are suitable only for grazing purposes.

Mr. President, there has been some criticism offered on the policy of the Forest Service in the matter of grazing permits. In the management of grazing on the national forests the ranges are divided in accordance with the needs and the conditions of each locality. In some forests the ranges are divided into individual allotments and in other forests in community allotments or general grazing districts used by a number of stockmen. Wherever fences are necessary for the proper control and handling of the stock they are allowed. Over 2,100 miles of drift fences have been constructed on the national forests for the purpose of improving grazing conditions and enabling the stockmen to better control their stock.

In many localities it has been absolutely impracticable to divide the ranges into individual pastures, for the reason that there was such a large number of small owners using the range. For example, in the Manti National Forest, in Utah, there are over 1,000 different owners grazing less than 20,000 head of cattle, or an average of less than 20 head each.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Certainly.

Mr. FALL. Do those owners reside on the forest reserve or off of it?

Mr. SMOOT. Some of them reside within the reserve, but most of them reside off the reserve.

Mr. FALL. How many individual owners does the Senator say there are?

Mr. SMOOT. There are over 1,000 owners of cattle using permits. The total of the permits amounts to about 20,000 head of stock, which means an average of not to exceed 20 head to each allotment.

Mr. FALL. Exactly. I want to say to the Senator that I have here or will have here in a moment or two some maps showing the forest reserves in New Mexico, where there are hundreds of homestead entries made in the one portion of New Mexico, where artificial irrigation is not necessary, and where the forest reserve was thrown around after those people got their patents; and now it is necessary for every one of them to have a permit before his milch cow can cross his fence. That is exactly the condition the Senator is speaking of.

Mr. SMOOT. I call the Senator's attention to the fact that every man who lives within the forest reserve has a preferential right against every other man in the State.

Mr. FALL. In other words, a preferential right to pay his money when his cow crosses his fence. That is what you mean by a preferential right.

Mr. SMOOT. Of course, if he grazes his cow on Government lands within the forest reserve he is charged whatever proportion other men are charged for grazing their cattle within the same reserve.

Mr. FALL. The Senator says "whatever proportion." Does he mean to say that he has any preference, that he gets his credit for any less? Does he not pay the amount fixed for that entire forest reserve?

Mr. SMOOT. Yes; I mean to say that if he has 160 acres of land in the forest reserve and has a permit to graze 20 head of cattle he is allowed credit for the grazing value of his land within the reserve, provided it is open and not fenced.

Mr. FALL. Certainly; and then his preferential right simply means that he has a first right to pay for a grazing permit.

Mr. SMOOT. Yes; and I know many men who buy land and live within a forest reserve for the very purpose of getting the preferential right. I say to the Senator that as far as the permits are concerned, they are transferable with the sale of sheep or cattle and are very, very valuable. The transfers——

Mr. FALL. Will the Senator permit me? If they are valuable, then why should they not belong to the people?

Mr. SMOOT. They do belong to the people.

Mr. FALL. By paying a toll for salaries.

Mr. SMOOT. Not a toll for the permits. Moneys are collected for grazing and sales of timber.

Mr. FALL. What becomes of the money that they pay?

Mr. SMOOT. Twenty-five per cent of it goes to the State and 75 per cent goes to the Government of the United States.

Mr. FALL. And where does it go from the Government of the United States? It goes for salaries for these people who collect the money from the people.

Mr. SMOOT. Mr. President, Congress decides the question whether it wants to appropriate money for the administration of the Forest Service or not.

Mr. FALL. I ask the Senator if it is not a fact that it goes back in salaries; that the people who collect 100 cents give 25 cents to the local people and retain 75 per cent for their salaries, and then they come here asking for a deficiency appropriation every year? Is not that a fact?

Mr. SMOOT. All the revenue from the forest reserves, whether revenue from grazing or revenue from the sale of timber or whatever it may be, of course goes into the Treasury of the United States, with a deduction of 25 per cent, which goes to the State in which the particular forest reserve is located.

Mr. FALL. But the Senator, in making the assertion that it goes to the Treasury of the United States, might leave it to be inferred for some other purpose than to pay the salaries or expenses of the Forest Reserve Service.

Mr. SMOOT. That particular money could be appropriated to the building of battleships or to pay the salary of the President of the United States——

Mr. FALL. Then I want to say——

Mr. SMOOT. Just a moment, and then I will gladly yield. I say it may go toward paying the salary of the President of the United States or any other expense of the Government. I am not claiming that the receipts from the forest reserves are sufficient to pay the expenses of administering the forest reserves. I made no such statement. But it has been the policy of the Government to create these reserves and it has been the policy of the Government to provide means for the maintenance of them.

Mr. FALL and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. SMOOT. I yield first to the Senator from New Mexico and then to the Senator from Idaho.

Mr. FALL. I wish to ask the Senator what is the ultimate object of this policy? What are you going to do with these reserves?

Mr. SMOOT. I thought the Senator understood that thoroughly.

Mr. FALL. I am sorry to say that I am ignorant, and I will be delighted to be enlightened by the Senator from Utah.

Mr. SMOOT. The policy of the Government in relation to the forest reserves is for the preservation of the timber—I mean in its broadest sense—and protection against monopoly of the timber within the reserves.

Mr. FALL. Why do you protect them, unless you expect to use them for the benefit of the people?

Mr. SMOOT. That is what is being done. The Forest Service is selling the timber just as fast as applications are made for it. I was very much surprised to hear the statement made by the Senator to-day in relation to a mine in New Mexico—that it was within 50 miles of standing timber on a forest reserve and yet the company could not get the privilege to cut a foot of the timber, but had to send some $600,000 to Oregon to buy timber to be used by the company for mining purposes. I ask the Senator, Did the company ever make application for the purchase of timber in the reserve that he spoke of?

Mr. FALL. I do not know whether it did or not.

Mr. SMOOT. Of course, if it did not make an application, it would not have the right to cut and remove the timber; but if it made application and the application was denied, I want to say that it is different from the policy followed by the Forest Service in any other forest reserve in the United States. I do not know of a forest reserve in the United States where there is standing matured timber and an application is made for it by a citizen or a company that the request has not been granted upon the payment of the stumpage value of the timber.

Mr. FALL. The Senator is so much wiser in that respect, as well as many others, than some of us that he doubtless knows how to do things on a forest reserve that we can not do. I made the assertion, and I make it again, that it is true. There are forest reserves in New Mexico and in Arizona within 50 miles of the Mexican border, and within 50 miles of that border, in one mine alone, $641,000 worth of Oregon timber was put in in 1907. That timber was brought from Oregon. If it could have been obtained from a forest reserve there, would not the people have obtained it there rather than bring it down the coast a thousand miles and then by railroads into New Mexico? Is that common sense?

Mr. SMOOT. Mr. President, I do not question the word of the Senator that that amount of timber was brought from Oregon and the money paid to Oregon for the lumber, but I ask the Senator whether an application was ever made by the company for the timber that he says was within 50 miles of the mine. I do not know whether it is true or not true that an application was made.

Mr. FALL. Nor do I know whether it is true or not true, but I know that the forest reserve in New Mexico sold $42,000 worth of timber last year. One Indian reservation alone has sold this year 130,000,000 feet of standing timber—more than all the forest reserves have sold for 5 or 10 years.

But I know further that, fortunately for the people of New Mexico, the land grants to railroads cover some timber and that companies have been able to purchase that land from the railroads, and the people of New Mexico can obtain lumber from the timber cut from such land. But if it were not for that, if those land grants had not been made before this forest-reserve policy was initiated, which the Senator is defending, so that the timber could be utilized, I presume that it would be necessary for us to go to Oregon for every board which we might put in a house.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. In just a moment. I wish to say to the Senator that I do not approve of a policy of the Forest Service that withholds timber from use by the citizens of any State in which the forest reserve is located.

Mr. FALL. Let us see——

The VICE PRESIDENT. Will the Senator from New Mexico please observe the rule? He must first address the Chair and get permission from the Senator having the floor before he can interrupt him.

Mr. SMOOT. I will say to the Senator that if such a thing has happened upon any forest reserve in New Mexico I will condemn it and say it is not right, and the regulations effecting that reserve should be changed.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Now, will the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield to the Senator.

Mr. FALL. The Senator from New Mexico had addressed the Chair, been recognized, and then taken his seat. Then the Senator from Utah addressed the Senator from New Mexico and the Senator from New Mexico arose to answer, as he understood, the question propounded by the Senator from Utah. Now, Mr. President, let us see if we can get at the idea of the Senator. That I may not be out of order again, I would ask the Senator to let me put my question and then he can answer it categorically.

First, what is Senator's idea of the policy or of the ultimate object to be obtained by these forest reservations? Is it or is it not a business proposition? Is it not for the purpose of disposing of the mature and fallen timber and reforesting those reservations so that the ordinary amount of timber may be preserved for future generations? In other words, that we may do exactly as Germany and some other foreign countries have done, that we may sell for the use of the people a certain amount of the timber each year of the mature stuff as it comes on, and at the same time reforest the area so that 20 or 50 or 100 years from now there may be possibly as much timber as there is at the present time upon that reserve? Is that the object?

Mr. SMOOT. The Senator has stated one of the objects of the forest reserve very clearly, and I will accept the statement of the Senator as being a true statement of one of the objects of the Forest Service.

As far as the business proposition is concerned, the only business that is connected with it is that the citizen or the corporation that applies for timber—that is, the mature or down timber—is compelled to pay a certain stumpage rate. Now, does the Senator object to that?

Mr. FALL. Mr. President, I will say to the Senator not only that I do not object to it but that is exactly my idea of

the policy which should be carried out. I do not object to the forest reserves. I join the Senator from Wyoming in saying that as to the preservation or the conservation, pursued properly, I would not object to it.

Mr. SMOOT. I can not see that the Senator and I are very far apart.

Mr. FALL. We are so far apart that there is no possibility of our getting together when the Senator defends the present policy of the department in the administration of the forest reserves.

Mr. SMOOT. I just told the Senator that I would condemn it as strongly as he could possibly condemn it if the policy was as stated by him, and I am surprised if such a policy has been carried out upon any reserve in New Mexico.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. I do.

Mr. CLARK of Wyoming. I regret to see that the Senator from New Mexico and the Senator from Utah can not possibly get together. I think that perhaps I can suggest a plan which, if the Forest Service would see fit to consider it, might settle this question of the timber.

The Senator from New Mexico says that several thousand dollars' worth of timber was brought from Oregon or Washington for mining purposes in New Mexico when timber lay right at their doors, and that they could not get it from the Forest Service, which had it in superabundance. I believe that this is the reason why they could not get it, and I think it is worthy of consideration in connection with this whole subject matter.

I believe that the way is open for the Forest Service to do what the Department of Justice has not been able to do, to do what the whole legal department of this Government has been unable to do, and that is to stop once and for all the imposition of the Lumber Trust, if there be such a thing in this country. Let the Government of the United States take this timberland, which is equal in acreage to the timberland that is held in private ownership, and offer it at a reasonable price to sawmill men; let the sawmill men go and work on the timber that ought to be sawed for the protection of the forests, and let them put that timber on the market at a reasonable profit. Then we will see whether or not New Mexico goes to Oregon and Washington for lumber. New Mexico will then buy the lumber that lies at her door.

The difficulty in the situation heretofore has been that when the Forest Service want to sell timber they do not sell it in relation to its cost of production. They sell it at the price which is fixed by the great lumber people. They do not compel the great lumber people to come down, but raise the price of their lumber to what the big lumber people charge.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New Mexico—because I am deeply interested in this question of refusal on the part of the Forest Service to allow timber to be cut from the reserve—whether the timber that he speaks of being within 50 miles of the mine was in New Mexico or was it located in another State?

Mr. FALL. It was in New Mexico and Arizona.

Mr. SMOOT. It was in both States?

Mr. FALL. Yes, sir.

Mr. SMOOT. Of course, if it had all been included in Arizona, there may have been some reason for not shipping it from one State to the other. I simply asked the question, however, for information, because I want to look up the question myself and learn if such a thing has happened, and if so, why. If the application was made and the company was refused the use of the timber for mining purposes or any other purpose, I think the action was wrong.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield.

Mr. FALL. I have stated to the Senator that I do not know whether an application had been made to purchase this timber or not. I know as a business man, and I think the Senator also knows as a business man, that a business concern will likely purchase timber at the nearest available point and for the best price it can be obtained. I think the Senator would agree, without the figures being placed before him, that it certainly should be possible for timber to be cut from a forest reserve in New Mexico within 50 to 100 miles of a mine, granting that a railroad reached the forest reserve, which it did, and that it could be sold as cheaply as it would be possible to transport that timber from the great timber fields of Oregon.

Mr. SMOOT. There is no doubt of it.

Mr. FALL. I simply state the fact. I know nothing about the application. I stated to the Senator a moment ago that I have some maps in my possession of certain forest reserves which I referred to yesterday. It is impossible to get these maps in the RECORD, but if the Senator is interested in this proposition I should like to show him just one or two of our forest reserves in New Mexico.

Mr. SMOOT. Does the Senator mean as to the extent?

Mr. FALL. The capacity and the private land entries, what they have undertaken to do in what they call a forest reserve.

Mr. SMOOT. As to the extent of withdrawals, does the Senator mean?

Mr. FALL. Yes. I mean to say that we have an agricultural country there which people are continuously entering for agricultural purposes, and the forest reserve has been so extended that it is impossible for them to take up any further these numbered sections.

Mr. SMOOT. Mr. President, I know that the policy has been from the very creation of forest reserves that wherever there has been a considerable amount of land entered by private individuals not to include the entries within the boundaries of a forest. By that I do not mean to say that there has never been an addition to a forest reserve in which there had been private holdings, because I know that there have been private holdings included in an addition to forest reserves. I know there have been ranches that have been used for years and years that have been included in an addition. I am fully aware of that.

Mr. HEYBURN. Even towns and villages.

Mr. SMOOT. The Senator from Idaho suggests that there have been towns and villages included within the forest reserves. Of course that has never happened in my own State, but I have heard the Senator from Idaho state it on several occasions.

Looking at the map of New Mexico, I notice that there are a great many quarter sections that have been entered by private parties, and there must be some good reason; there must be a reason, one that I can not explain from looking at the map, why the private holdings were added to the reserve; but, in my opinion, in a case where lands have been entered by private parties to the extent that this map shows, it would have been better to have left them out of the reserve.

Mr. President, in relation to the sale of timber in New Mexico and Arizona, there have been from fifty to seventy-five million feet sold annually by the national forests in New Mexico and Arizona. A great deal of that is for local consumption by mining companies. So far as I know, no application for timber from such companies has been denied, as I have heretofore stated. Therefore, I asked the question of the Senator whether the application had been denied, and the Senator said that he did not know. I say to the Senator that if the application was made, if the timber was matured—as I know it must have been, or the Senator would not make the statement he has—and if the application was refused it was a gross violation of the rules and regulations of the Forest Service and should be condemned.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I do.

Mr. FALL. Whether or not an application was made for the purchase of this timber, what has the Senator to say with reference to a policy which will exclude from the market the timber for which there is such a demand as I have instanced right at their doors? If they have the timber, could they not have sold it, and what was that policy when they did not offer to sell it?

Mr. SMOOT. I do not think there is a citizen in the United States but knows that wherever there is matured timber in a forest reserve an application can be made for it and the Government will gladly sell it. It can be cut into logs or lumber for local use, or shipped wherever desired. That is the policy of the Forest Service, as I understand it. If it has not been carried out, I condemn it just as strongly as does the Senator from New Mexico.

Mr. President, proceeding with the question of using fences on reserves, I will say it would be utterly impossible to fence the reserves in my State. But, upon the other hand, in the Nebraska forest, where the conditions absolutely require fencing for the control of the stock, the entire forest is fenced and divided into individual pastures. The Forest Service is governed very largely in this matter by the desires of the stockmen and undertakes to make divisions of the range in such manner as is satisfactory to them and will bring the best results.

In Utah it is impossible to fence, while in Nebraska it is best to fence. The policy of the Forest Service has been to fence in Nebraska and not fence in Utah. All the service desires is to get the best results from the grazing lands, no matter where located.

In cases where watering places located in the national forests are used in connection with range outside the boundaries, if the stockmen desire to allow the stock to cross at freedom and graze back and forth across the national forest lands, they are required to secure a grazing permit for a portion of their stock proportionate with the area of national forest lands within the range, but in no case is a charge made for the privilege of merely crossing the forest. The minimum rate for grazing cattle on the national forests is 35 cents per head, while the minimum rate charged for grazing on Indian reservations is $1 per head.

So far as limited grazing charges are concerned, I am in full accord with the Senator from New Mexico. I do not believe that the Forest Service should charge every settler who has a horse or a cow or a beef steer all that it is possible to get out of him. The policy has been, so far as the Forest Service is concerned, to charge per season 35 cents a head for cattle, while upon every Indian reservation in the country the price has been $1 a head.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. Certainly.

Mr. FALL. I want to say to the Senator, and that, too, speaking of what we all know personally—my ranch in New Mexico adjoins the Mescalero Apache Indian Reservation and the Alamo Forest Reserve. Unfortunately, I have not been able to secure a lease upon the Mescalero Apache Reserve; but I have secured permits for grazing upon the Alamo Forest Reserve and the Lincoln Forest Reserve. I want to say to the Senator from Utah that I would pay $1 per head for my cattle under the system on the Indian reserves, and I would rather pay 25 cents a head for my sheep under the policy pursued on the Indian reserves than to pay 20 cents for cattle and 5 cents for sheep under the policy pursued on the forest reserves.

Mr. SMOOT. Mr. President, then I will take my own State, and show the policy where the conditions are exactly the same. I know that in the State of Utah the forest reserve does not charge one-quarter for grazing sheep upon certain lands in Utah what it costs men who have bid for the grazing privileges upon similar lands. The only Government reclamation project in the State of Utah has some 52,000 acres withdrawn for construction purposes. For the last three or four years that 52,000 acres has been leased to the highest bidder, and the number of sheep that can be grazed upon it makes the cost of grazing each head of sheep nearly 30 cents, while the lands adjoining the withdrawal, as well as in any forest reserve in the State, are grazed by sheep at a rate not exceeding one-quarter of that amount.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I do.

Mr. WILLIAMS. I should like to ask the Senator from Utah if he does not think, if these forest reserves were turned over to the State of Utah—those that are situated in the State of Utah—that the State could manage them just as wisely and just as much in the interest of the people as the United States Government does?

Mr. SMOOT. I certainly think the State of Utah would do so. The Forest Service has never undertaken to sell the grazing privileges in the national forests on a commercial basis, which inevitably results in the grazing privileges falling into the hands of a few, but has undertaken to preserve a wide distribution of grazing privileges among the people dependent upon the use of the range and collect only a moderate charge for the grazing privileges.

I know that is the case as to all the forests of which I have made an examination.

The criticism was made by the Senator from New Mexico that private or county roads could not be constructed within the national forests. It is evident that the Senator has confused the national forests with the Indian reservations, as not only wagon roads may be constructed within the national forests, but rights of way for telephone and telegraph lines, railways, canals, irrigation ditches, and so forth, may be secured on the national forests under the existing law; but such rights of way may be secured on Indian reservations only by acts of Congress. Over 300 private and county roads were constructed within the national forests last year under the provisions of the existing regulations, and over 1,200 miles of such roads have been built within the national forests.

Mr. President, I expected to occupy but a few moments when I arose. I desire to again state to the Senate that it is not so much the question of the creation of forest reserves that has caused such bitter criticism, but the past administration—and much of it has been misdirected. There is not a western Senator who does not know that there should be changes made in the land laws, yet we have never been able to get together and agree upon a definite policy. I look to see the time when we shall agree upon such a policy. Whether it will result in turning over all the public lands to the States in which those lands are located, I can not say.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield further to the Senator from Mississippi?

Mr. SMOOT. Yes.

Mr. WILLIAMS. Does not the Senator from Utah think, in view of the fact that the public-land problem is a totally different thing in Arizona from what it is in Nebraska, and a rather different thing in New Mexico from what it is in Utah or Nevada, pretty nearly a different thing in every State, that the only really satisfactory way of having it attended to in the right manner is to have it attended to in different manners; and that, therefore, the only proper remedy for the existing evil is to turn the public lands over to the States in which they exist and let the States manage them, each one in accordance with local conditions?

Mr. SMOOT. Mr. President, it certainly would then rest upon the people of the State whether or not such lands were administered properly, or whether or not they were administered according to the desires of the people of the State. My opinion is that, with certain restrictions, they would be so administered.

Mr. WILLIAMS. But would the States not be very much more apt to administer them properly than the department at Washington, which would have to make all of these regulations under what is, upon the face of it, at any rate, a uniform law?

Mr. SMOOT. Mr. President, if western Senators and Representatives could agree upon some general policy—I mean a policy as to whether there should be any reservation in the granting of rights to settlers within the State—I believe that that would be the proper policy to pursue, and I believe Congress would agree to it. I hope to see the day when this question will be settled, and every year when the agricultural appropriation bill is up that we shall not have to thrash this same question over and over again. The land laws are not applicable to conditions in many of the States; but the difficulty is not so much with the law as it is with the administration of the law. I must admit, however, that the laws are such that the strictest examinations must be made, but they should be made all at once and not take years to accomplish.

Mr. WILLIAMS. If the Senator will pardon me, after all, if it is a Federal law it would have to be uniform. If you make public-land laws applicable to the conditions in Utah, they would not be applicable to Mississippi and Alabama, where there are yet a few public lands, though not many, or to Arkansas, where there are a great many. I see no way out of it except by local self-government and laws adapted to the conditions of each locality.

Mr. SMOOT. I notice that that idea is growing very rapidly in the United States.

Mr. President, I have not examined into the details of this bill; I have not had time to do so; and I do not know whether the appropriations contained in it are too large or too small. I have been so crowded with other work that it has been impossible for me to pay any particular attention to it; but I do know that although there has been a question raised as to the appropriation for the preservation of the timber through the fighting of fires, the appropriation for that purpose is a most important one.

Reference has been made to the fire loss of timber amounting to $25,000,000. I believe, estimating the stumpage value at a very low rate, that more than that amount was destroyed last year. Of course, I do not say that none of that timber would not have been destroyed if the appropriations for fire protection had been greater; but I do claim that if an appropriation had not been made the timber loss of this country last year would have been greater.

Mr. HEYBURN. Mr. President, I want to ask leave to insert in the RECORD in connection with this discussion a section of the original act creating the Department of Agriculture. It is contained in volume 12 of the United States Statutes at Large, page 387. I do it merely for the purpose of showing the

original intention of the creation of this department of the Government. It may be a surprise to some Senators. It was passed on May 15, 1862:

Be it enacted, etc., That there is hereby established at the seat of Government of the United States a Department of Agriculture, the general designs and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

That is the entire scope of the purpose of the department. At that time the principal officer was denominated the Commissioner of Agriculture. It so remained until February 9, 1889, when Congress enacted the law creating the existing Department of Agriculture, without extending its powers, but merely providing—

That the Department of Agriculture shall be an executive department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate.

Then the act provides for the officers. I merely read that to show the possible enlargement of a department of the Government by usage and ancient right.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee in line 19, on page 29, which the Secretary will again state.

The SECRETARY. On page 29, line 19, after the word "each," it is proposed to strike out "54 forest rangers, at $1,100 each."

The amendment was agreed to.

The next amendment passed over was, on page 32, line 10, after the word "and," to strike out "thirty thousand three" and insert "thirty-five thousand seven."

The amendment was agreed to.

Mr. NELSON. Are other amendments now in order, or have all the committee amendments been disposed of?

The VICE PRESIDENT. There remain some committee amendments which have been passed over.

Mr. NELSON. Very well.

The Secretary resumed and concluded the reading of the portion of the bill heretofore passed over.

The VICE PRESIDENT. That completes the committee amendments and the reading of the bill.

Mr. WARREN. There was an amendment, or possibly two amendments, passed over on page 88.

The VICE PRESIDENT. The Secretary advises the Chair that on page 53 an amendment was passed over. The amendment will be stated.

The SECRETARY. At the top of page 53 it is proposed to insert the following:

Any contract or agreement heretofore or hereafter made for the sale of timber or other products of the national forests may be modified, altered, or canceled by the Secretary of Agriculture upon the application of the purchaser whenever the purchaser shall show to the satisfaction of the Secretary that, owing to conditions beyond the purchaser's control and arising subsequent to the execution of the contract, the enforcement thereof will work serious hardship or injustice to the purchaser: *Provided*, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract: *Provided further*, That in no case shall the stumpage price stipulated in the contract or agreement be reduced by such modification or alteration: *And provided also*, That nothing herein shall be construed to limit the authority of the Secretary of Agriculture to modify, alter, or cancel any such contract or agreement for violation of its terms.

Mr. NEWLANDS. I wish to make an inquiry of the chairman regarding this amendment. Under it, as I understand, power is given to extend contracts for payment of stumpage, but not to vary the price—not to reduce the price.

Mr. BURNHAM. I wish simply to say in answer to the question that it authorizes the Secretary to extend the time. It does not authorize a change of price. The price will not be diminished, and in this bill it is said:

Provided, That the United States shall in all such cases be fully reimbursed for any expenses or damages incurred in connection with said contract.

It seems to me the Government of the United States would be protected.

Mr. NEWLANDS. I have no objection to the amendment, but I wish to inquire in this connection of the chairman what is the average stumpage price for lumber?

Mr. BURNHAM. I think $2.56 this year; $2.44 last year.

Mr. NEWLANDS. I wish to ask him whether the maintenance of that price—the price which is charged, as I understand, by other owners of timberlands, particularly the great combinations—does not have a tendency to maintain too high a price for the average cost of lumber.

Mr. BURNHAM. I think the price is based upon the market price in the first instance, and that is ascertained from the——

Mr. NEWLANDS. But if the market price is fixed by the Lumber Trust——

Mr. BURNHAM. I grant that.

Mr. NEWLANDS. Does it not mean that the Government is helping the trust to maintain the price?

Mr. BURNHAM. It is not the purpose of the Government.

Mr. NEWLANDS. It is not the purpose of the Government; I know that; but I was inquiring as to the effect of it.

Mr. BURNHAM. It may be indirectly, but the idea of the Government, as I understand, is to hold this merchantable timber so that it shall not be sold at a bankrupt price, less than it is worth.

Mr. NEWLANDS. I do not doubt that the intention of the department is all right, but I am merely inquiring as to the effect, and it seems to me it is an inquiry which should be considered by the Committee on Agriculture and Forestry when it considers the next agricultural appropriation bill.

I was struck with the thought of the Senator from Iowa that if the Government is to enter into a combination in restraint of trade we can not expect to reach an era of lower prices.

Mr. WATSON. Mr. President, I do not think the Senator in charge of this bill has fully comprehended the meaning of the amendment. The amendment reads:

Any contract or agreement heretofore or hereafter made for the sale of timber or other products of the national forests may be modified, altered, or canceled by the Secretary of Agriculture.

It looks to me that that is a very bad discretion to give to the Secretary; that it is unbusinesslike and improper, and we ought not to authorize him to change it.

Mr. BURNHAM. I do not care to debate the question at length. I will submit it to the Senate, if necessary. I understand the fact is that sometimes the contracts lose all effect because the contractor loses his market and the sale is lost. If he can go along with a little leeway with respect to time in which he is enabled to complete his contract, it is to the advantage of the Government. Several instances have been submitted to the committee as bearing out this contention.

Mr. LODGE. Does not this amendment do more than to enable the Secretary to extend the time?

Mr. BURNHAM. It is simply this: These contracts contain a provision that a certain quantity of timber shall be cut each year. The contract must be accomplished within a certain time. Now, if the contractor finds that he can not complete the cutting of so much timber within the year, he fails in his contract. The object here is to give another year, or two years possibly.

Mr. LODGE. But the language is "modify, alter, or cancel."

Mr. BURNHAM. It modifies it to that extent.

Mr. LODGE. It certainly is not limited to extending the time. If it said simply that the Secretary should have power to extend the time, that would be one thing. But this goes much further than that. I do not know anything about the merits of the amendment, for I am not sufficiently familiar with the subject.

Mr. BURNHAM. There is this provision: That whatever may be lost in expenses or in damages shall be reimbursed to the Government.

Mr. WATSON. I should like to ask a question. If the Government makes a bad contract and wants to get out of it, is there any way provided by this amendment to allow it to do so?

Mr. BURNHAM. The Senator knows very well that a contract may be one-sided. That is true.

Mr. WATSON. I shall object to this amendment and ask for a vote on it.

Mr. OVERMAN. Do I understand that if I made a contract last year to pay $2.54 for stumpage the Government has a right, if lumber should go up, to cancel that contract and make me pay $2.75?

Mr. BURNHAM. I understand that the contracts run for five years, and there is a chance under these contracts to readjust the amount according to the value of stumpage at the time.

Mr. WATSON. I make the point of order that the amendment proposes new legislation.

Mr. BURNHAM. I suppose the point of order is good.

The VICE PRESIDENT. The point of order is sustained. The next passed over amendment will be stated.

The next passed over amendment was, on page 53, line 18, after the word "millions," to strike out "one hundred and thirty thousand two hundred" and insert "four hundred and fifty-nine thousand," so as to read:

Total for Forest Service, $5,459,045.

The amendment was agreed to.

The next passed over amendment was, on page 88, line 2, before the word "dollars," to strike out "two hundred thousand" and insert "one million," so as to read:

Fighting and preventing forest fires in emergency: For fighting and preventing forest fires in cases of extraordinary emergency, $1,000,000.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. HEYBURN. There is objection to it. That is a committee amendment?

The VICE PRESIDENT. It is a committee amendment. The question is on agreeing to the committee amendment. Does the Senator from Idaho desire to discuss it?

Mr. HEYBURN. I do.

Mr. President, as it has been shown that it does not cost any such sum for that purpose, it seems to me it is reckless in the appropriation for fighting and preventing fires to raise it to $1,000,000.

Mr. WARREN. That is entirely an emergency appropriation.

Mr. HEYBURN. Then it should have inserted the words "or so much thereof as may be necessary."

Mr. WARREN. That is understood, of course. I think I said two days ago in debating the subject that the occasion of that amendment was the big fires which exhausted the appropriation of two years ago and created a deficiency, for which we provided something like $700,000 or $800,000 in the deficiency bill. For next year the department suggested that there should be $100,000 emergency appropriation——

Mr. HEYBURN. Made available?

Mr. WARREN. That it should be made available, in case it should be needed. They used of this the next year only $22,000, showing that the department was entirely within bounds in respecting it as an emergency clause. In case of a great emergency there would hardly be authority for the Secretary to incur the expense unless he did it as before under an emergency, which, I think, the Senator from Idaho thinks is precarious ground to tread upon in the expenditure of money.

Mr. HEYBURN. I only rose to suggest an amendment, to insert after the word "dollars" the words "or so much thereof as may be necessary." That goes to the question of the available balance in the Treasury against which appropriations may be made. Are we going to withdraw a million dollars in the beginning, without knowing whether we will need it or not? There is no reason on earth for withdrawing, on paper, from the available cash in the Treasury a million dollars, and by inserting the words "or so much thereof as may be necessary," those investigating the available balance in the Treasury will be put on guard. I move to insert the words "or so much thereof as may be necessary."

The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. After the word "dollars," in line 2, page 88, it is proposed to insert "or so much thereof as may be necessary."

Mr. BURNHAM. I accept it.

Mr. WILLIAMS. Do I understand that it is an increase of $800,000 in that item?

Mr. WARREN. It is not. We may have in a certain year a very extreme succession of fires. It cost last year $700,000 more than we had appropriated.

Mr. WILLIAMS. Is this a deficit?

Mr. WARREN. There was a deficit, and it was taken care of in the deficiency bill.

Mr. WILLIAMS. All right.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to. The next passed-over amendment will be stated.

The SECRETARY. On page 88, after line 19, it is proposed to insert the following words:

And in order to carry out the purposes mentioned in section 3 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," there is hereby appropriated and made available until expended so much of the maximum sums mentioned in said section for the fiscal years 1912 to 1915, inclusive, as shall remain unexpended at the close of each of said fiscal years.

Mr. HEYBURN. That is a very carelessly drawn amendment. In line 24 it gives authority to appoint a commission for the acquisition of lands for the purposes mentioned. Who is to appoint the commission?

Mr. GALLINGER. The commission is appointed under the law.

The VICE PRESIDENT. It is a mere recital of the statute.

Mr. GALLINGER. A mere recital of the statute.

Mr. HEYBURN. I understand that, but it does not follow that we must make a continuing appropriation for that purpose. We should appropriate such sum as is necessary to make effective the existing law. But this appropriates the money until expended. We are not in the habit of doing that in legislation. I move to strike out the words "as shall remain unexpended at the close of each of said fiscal years," to be found in lines 5 and 6, page 89.

Mr. GALLINGER. Mr. President, I am sorry the Senator from Idaho has thought it necessary to attack this little amendment. The law which was enacted and which was approved March 1, 1911, makes an appropriation in these words:

SEC. 3. That there is hereby appropriated, for the fiscal year ending June 30, 1910, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th of June, 1915.

Mr. President, under that law the first two annual appropriations have been turned back into the Treasury for the reason that the Geological Survey, which has something to do with the administration of this law, was not prepared to make report. So that $3,000,000 have already been lost. For the present year the Geological Survey has not reported on the White Mountain region, but will doubtless make a report in a few days. Lands have been purchased in the South, in two States of the South, I think, under this appropriation, and not an acre as yet has been acquired in the North. The amendment merely provides that the unexpended balance of the $2,000,000 of the present year, if there shall be an unexpended balance, may be applicable to the succeeding year. It takes no money out of the Treasury beyond that appropriated by this act from which I have read, but enables these forest reservations to get, after losing $3,000,000, the remainder of what was provided for in the statute I have quoted.

I think the Senator upon reconsideration will see that this is not bad legislation, and that we may well do it. Whether we are in the habit every day of doing that particular thing or not, it seems to me we can do this, and in this case we ought to do it; and I hope the Senator will not urge his objection.

Mr. HEYBURN. I had this in mind. This is the Appalachian——

Mr. GALLINGER. Yes; the Appalachian and White Mountain Reserves.

Mr. HEYBURN. And the sums appropriated have not all been expended. Under the law they should be returned to the Treasury. That is the rule which applies to all appropriations.

Mr. GALLINGER. The $3,000,000 has been covered back into the Treasury for the first two years.

Mr. HEYBURN. What is the sum involved in this amendment that would be continued?

Mr. GALLINGER. This commission, of which I happen to be a member, is authorized under the statute to spend $2,000,000 for the present fiscal year. The probability is that in view of the fact that a scientific bureau of the Government has taken an inordinate length of time to make a report upon it, that the $2,000,000 will not all be expended. Every dollar that has thus far been expended has been expended in certain of the Southern States, which I am glad was done, and there will unquestionably be a balance, greater or less, of the $2,000,000 not expended when the 30th day of June arrives. What we want to do, and what I think we ought to be permitted to do, is to apply that unexpended balance to the purchases of next year.

Mr. HEYBURN. Is not that a violation of the general law in regard to returning to the Treasury at the end of the fiscal year unexpended balances?

Mr. GALLINGER. I do not know about that. I am not familiar with that law.

Mr. HEYBURN. I have no desire to deprive this enterprise of necessary funds to carry out its purposes and would vote for such an appropriation as might be estimated for. But this violates the rule of estimates as well as the general law in regard to covering into the Treasury the balance unexpended at the end of the year. I think that the appropriation should be made direct.

Mr. GALLINGER. Supposing that by this provision in the pending bill we make a new law so far as this particular item is concerned. Have we not authority to do that?

Mr. HEYBURN. Have we ever done it?

Mr. GALLINGER. I do not know whether we have or not. It is extraordinary if we have not done it. I can not conceive of anything we have not done since I have been a Member of this body.

Mr. HEYBURN. I only speak in the interest of regularity in legislation making appropriations. This is a large unexpended balance.

Mr. GALLINGER. No; it may be much or small. The probability is it will be small. We are not asking you to give us the $3,000,000 that have already been lost. We are simply looking forward to the utilization of the $2,000,000 for the present year that under the law we are entitled to, but a portion of which

we will probably lose from the fact that the Geological Survey, as I say, has taken a very long time to make their investigation.

Mr. HEYBURN. We must concede that this $2,000,000 might now or between now and the ending of the present fiscal year be expended. The existing law authorizes that.

Mr. GALLINGER. If that should be done there will be no unexpended balance.

Mr. HEYBURN. Then what will we do for the next year?

Mr. GALLINGER. We will have $2,000,000 more for next year under the statute.

Mr. HEYBURN. This will give you $4,000,000 for you to expend if you do not spend all of the existing balance before the end of the present fiscal year.

Mr. GALLINGER. No. I think we have expended a million up to the present time.

Mr. HEYBURN. Out of the two millions?

Mr. GALLINGER. Yes.

Mr. HEYBURN. That is a million dollars' balance.

Mr. GALLINGER. That is simply a guess. I am not speaking accurately. We have made purchases in two or three Southern States to a considerable extent, and I have no accurate information as to the precise amount that has been invested in those projects.

Mr. HEYBURN. We have had this question up, and I think the Senator at that time was in accord with the views I express now, when the Forest Service retained in its hands the proceeds of forests and did not turn them into the Treasury. The question was very sharply debated here at that time as to whether or not they should carry them over into the next year, which they were then in the habit of doing; and I think the Senator joined with those who took a strong hand against carrying money from one year to another in the case of an unexpended balance of an appropriation.

I remember that some of the older Members of this body at that time made very strong protests against recognizing that policy of making appropriations.

Mr. GALLINGER. The Senator is wrong in giving me credit for having participated in that debate. I have not wasted any time on the discussion of the Forest Service. I have left that to other Senators. I have no recollection of even having expressed an opinion about it.

I do remember that when the irrigation service needed additional money, although I am not sure whether we reappropriated it or not, we gave an extension of some kind or other. I remember voting with a great deal of pleasure for that proposition, helping that service to accomplish what it had set out to do, but which it had not accomplished because, as it was generally considered, unfortunate management of the projects.

Mr. HEYBURN. I give the Senator from New Hampshire the fullest credit for having at all times shown a friendly disposition to support measures pertaining to the public lands, to the irrigation system, and to the interests generally of that undeveloped or new country.

Mr. WARREN. Will the Senator from Idaho yield to me?

Mr. HEYBURN. Certainly.

Mr. WARREN. So far as concerns the irrigation matter of which he speaks, the Senator is right. The Senator from New Hampshire has always been in favor of assisting along that line. But I may say that of that amount, $20,000,000 which we provided, not one cent has been used, and I do not believe it ever will be.

As to the matter of reappropriating, it is entirely an ordinary thing to do where a specific sum has been appropriated and the negotiations have not been concluded to reappropriate the unexpended balance, not on a proposition such as the Senator mentions, of forestry, where there is a continuing expense, for instance, the pay of the Army or something like that. We do not do that. But it is quite a common occurrence. For instance, where we provide for the purchase of a piece of land at a certain price we may have to go to the courts to secure title. At the end of the year it is quite common to reappropriate the unexpended balance. That applies here, except here you have the money—all that is needed. But reappropriation of unexpended balances is an ordinary proceeding.

Mr. HEYBURN. That is overlapping appropriations. That is what it amounts to. This money was appropriated in the last appropriation bill.

Mr. WARREN. It was appropriated in a special bill.

Mr. HEYBURN. It is an appropriation bill nevertheless.

I make no suggestions in regard to this for the purpose of antagonizing the scheme of the White Mountain and the Appalachian Forest Reserves. My attention was called to it, as it affected the general system of making appropriations. It is just as easy to appropriate the sum representing the unexpended balance in addition to the other appropriations as it is to inaugurate the new system of carrying over the old appropriation. In other words, making the appropriation of one Congress overlap that of another.

I shall not propose any amendment, but I do not feel that I have been mistaken in calling attention to this method of making appropriations.

The VICE PRESIDENT. Without objection, the committee amendment is agreed to. The next passed-over amendment will be stated.

The SECRETARY. On page 91, lines 5 and 6, strike out the words "fifteen million nine hundred and thirty-three thousand three hundred and sixty-six" and insert "seventeen million six hundred and fifty-six thousand nine hundred and seventy-six."

The amendment was agreed to.

Mr BURNHAM. I ask that the clerks be authorized to correct the totals.

The VICE PRESIDENT. The Senator from New Hampshire asks that the clerks be directed to correct the totals.

Mr. WILLIAMS. Would the Senator from New Hampshire mind explaining what that increase of $2,000,000 is for?

Mr. WARREN. It is to correct the footing of the whole bill.

The VICE PRESIDENT. Merely the footing.

Mr. WARREN. I think we should not adopt the amendment in the terms it is in. I think we should authorize the clerk to put in the proper figures as the footing of the bill when we get through with it. We may insert other items.

The VICE PRESIDENT. The thought of the Chair was that, at the suggestion of the Senator from New Hampshire, where throughout the bill amendments had been made which would change the footing, the clerks be authorized to correct the totals.

Mr. WARREN. That will be all right. There may be other amendments that may change the totals.

The VICE PRESIDENT. Without objection, the request of the Senator from New Hampshire is agreed to.

Mr. NELSON. On page 49, after line 4, I move to insert the amendment I send to the desk.

The SECRETARY. After line 4, on page 49, it is proposed to insert:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws, and the sum of $100,000 is hereby appropriated for the purpose aforesaid.

Mr. NELSON. Mr. President, my object in offering that amendment is to meet the violent criticisms that have been made against the Forestry Service. It is admitted and can not be disputed that large amounts of agricultural land suitable and proper for agriculture have been included within the limits of the national forests, and that while the law in general terms allows such lands to be taken for homesteads, yet under the existing practice there is an embargo upon the man who wants to take any of this land for homestead purposes. He must first make an application to the Forestry Bureau or the Secretary of Agriculture. Then the Secretary of Agriculture or the Chief Forester refers it over to the local forester, and he refers it to a ranger, and it takes from three months to a year before they finally find out and can determine whether that land can be taken as a homestead or not.

The purpose of this amendment is to require the Secretary of Agriculture to immediately select, segregate, and classify all the lands within forest reservations that are suitable and fit for agricultural purposes, and when they are thus selected and classified and segregated they are to be opened to entry and settlement under the homestead law. It is to get rid of the annoyances that the homestead settlers have now. That is the only purpose and object of the amendment.

Mr. BURNHAM. Mr. President——

Mr. HEYBURN. There is already appropriated——

The VICE PRESIDENT. The Senator from New Hampshire in charge of the bill has been recognized.

Mr. BURNHAM. I yield to the Senator from Idaho.

Mr. HEYBURN. If I am correct, there is already, according to my recollection, in the provisions of the bill quite a large appropriation for that purpose. I think the amendment offered by the Senator from Minnesota is entirely appropriate, and I would be glad to support it, but I think there is no occasion for an additional appropriation inasmuch as there is already an appropriation in the bill for doing that very thing.

Mr. NELSON. I make no point in the matter of the appropriation. I only want a positive mandate and direction to the Secretary.

Mr. HEYBURN. I have no objection to that.

The VICE PRESIDENT. The Senator from Minnesota, then, modifies his amendment.

Mr. NELSON. I suggest to make it $50,000 instead of $100,000.

Mr. HEYBURN. I think the Senator will find, upon investigating the bill, that it is entirely provided for. I think there is an item in the bill much larger than that mentioned by the Senator.

Mr. WARREN. There is an item of $50,000 for survey of agricultural lands within forest reserves.

Mr. NELSON. That is for another purpose.

Mr. WARREN. True; it does not carry the legislation that the Senator proposes.

Mr. NELSON. No; the appropriation should be made for this purpose, but I am willing to make it $50,000 instead of $100,000, and I modify the amendment accordingly.

The VICE PRESIDENT. The Senator from Minnesota modifies his amendment so that it will appropriate $50,000 rather than $100,000.

Mr. BURNHAM. This amendment is in accordance with the wish of the Forestry Service, as expressed in a letter read here to-day, and so far as I have authority I accept the amendment.

The VICE PRESIDENT. Without objection, the amendment will be agreed to. It is agreed to.

Mr. NELSON. I have another amendment following that, which I ask to be inserted at the end of line 16, on the same page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, at the end of the committee amendment already agreed to and at the end of line 16, insert:

That the Secretary of Agriculture is hereby authorized and directed to sell at actual cost to homestead settlers and farmers for their domestic use the mature dead and down timber on national forests.

Mr. NELSON. I wish to say about that amendment, it appears, if you will study the action of the Forestry Bureau, that they have been guided in the selling of timber on the forest reserves by the prices that the Lumber Trust has charged. They have aimed always to keep in harmony with the rates that they have fixed, and owing to the fact that most of the timber supply of the country now is either within these national forests or is owned by big lumber barons like the Weyerhaeusers and others, the result is that the national forests have given a monopolistic power to these lumber barons. The Forestry Bureau, in selling the timber, aims to keep in harmony with the prices fixed by the lumbermen, the men who own all the rest of the stumpage of the country.

The purpose of this amendment is to enable the homestead settlers and the farmers to secure the timber not for sale or speculation, but for domestic use at cost. I do not believe that the Government should exploit our timber for mere commercial purposes and hold it up and utilize it in the aid of the Lumber Trust.

Mr. WARREN I wish to ask one question. The Senator means that the Government shall practically contribute this dead timber to the actual homestead settlers, I presume.

Mr. NELSON. That is the object—the mature and dead and down timber for domestic use. Under the amendment they are not authorized to sell it or speculate in it, but they can acquire it for their own domestic use on their farms.

Mr. WARREN. I see no objection to the amendment. I was only wondering how the cost would be determined. The words used are "actual cost."

Mr. NELSON. Of course the Secretary of Agriculture determines that.

Mr. WARREN. The Senator's idea is that the cost would be limited by what? By the cost of administration or by the cost of getting out the timber itself?

Mr. NELSON. By the cost of getting out the timber, whatever it may be, whatever it may cost the Government to dispose of it—the actual cost. In other words, the purpose is that the Government shall not obtain a profit from that kind of people for that kind of lumber.

Mr. HEYBURN. I will ask that the amendment be read.

The VICE PRESIDENT. The amendment will be again read.

The SECRETARY. After line 16, on page 49, insert:

That the Secretary of Agriculture is hereby authorized and directed to sell at actual cost to homestead settlers and farmers for their domestic use the mature dead and down timber on national forests.

Mr. HEYBURN. To say "the actual cost" might lead to some misunderstanding. It is not supposed that the Government will take this lumber out of the forest reserves and deliver it outside?

Mr. NELSON. Oh, no; that is a matter of regulation. You can not insert all the regulations in a law. But there ought to be a way of ascertaining the actual cost. The object is to prevent them from selling this lumber in competition at the rate fixed by the Lumber Trust.

Mr. HEYBURN. There need be no cost except for the services of the man who supervises the transfer. The person using it should be authorized to go and get it.

Mr. NELSON. The department will establish the necessary regulations. We can not in a law lay down all the details.

Mr. HEYBURN. I desire to say, further, that the purposes should be extended. That class of lumber should be available not only for domestic uses, which I presume is intended to cover consumption, but for the building of houses and cabins and fences, and such purposes.

Mr. NELSON. That is domestic use. There is no doubt about it.

Mr. HEYBURN. Will the provision be sufficient?

Mr. NELSON. Domestic use for the settler.

Mr. HEYBURN. If that is to be understood——

Mr. NELSON. For buildings, stables, cabins, houses, and fences is domestic use for actual farmers. There can not be any doubt about that. I have aimed to put the law in broad and general terms. An intelligent Secretary of Agriculture will have no difficulty in administering that law.

The VICE PRESIDENT. Will the Senator include the words "forest reserves"? The Chair notices that the amendment does not say "reserves."

Mr. NELSON. They are known in the law now as national forests.

The VICE PRESIDENT. Very good.

Mr. NELSON. That is the technical name.

Mr. CLARK of Wyoming. Mr. President, I understood from the reading of the amendment that this is simply to provide for the use of those who are in communication with these reserves to go and get timber and take it out.

Mr. NELSON. It does not prescribe in what manner it is to be done. We can not lay down a rule.

Mr. CLARK of Wyoming. I ask, What is the design?

Mr. NELSON. The design is that it shall be furnished to them at cost, at what it costs the Government; whether inside or outside of the reservation makes no difference.

Mr. CLARK of Wyoming. I ask to have the amendment read again.

The VICE PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. On page 49, after line 16, insert:

That the Secretary of Agriculture is hereby authorized and directed to sell at actual cost to homestead settlers and farmers, for their domestic use, the mature dead and down timber in national forests.

Mr. JONES. I would like to ask the Senator from Minnesota whether, under that amendment, a settler near a forest reserve could go and buy timber, cut it, and haul the logs out to a local sawmill and have it sawed up to build a barn.

Mr. NELSON. That would be discretionary. I do not attempt to lay down any rules. I presume the Secretary of Agriculture would frame the proper rules for disposing of it, whether he would let the farmer go in the reservation and cut the timber and haul it out unsawed, or whether it might be sawed on the reservation. There are some cases where they have sawmills where they admit the big lumbermen who purchase the timber from the Government. They enable them to erect temporary sawmills there. It may be that a homesteader, a farmer, in the neighborhood will go in there and say, "I want certain timber for my domestic use on my little farm for fuel, for fencing, for a stable, a cabin, or for a house," and it is a matter of negotiation between him and the department whether he will take it there or the department will deliver it to him outside of the boundary of the reservation. You can not lay down any hard and fast rule. What would be proper in one case might not be proper in another.

Mr. JONES. Would the amendment permit the forest officers to sell lumber to a local sawmill for purely local and domestic purposes?

Mr. NELSON. It would not permit them to sell it to the sawmill, if the sawmill was speculating. It would permit a farmer to buy it and have it delivered at the local sawmill for his own use.

Mr. JONES. Of course. Then I do not see what the actual cost would be.

Mr. NELSON. The Senator on reflection ought to know that if in one case the Secretary permits the farmer to go in there and cut logs and haul them away the cost would be trifling. If the logs are taken outside and sawed, or suppose they are sawed by the Government either outside or on the edge of the reservation, and the farmer comes there and buys the lumber that is sawed, of course the cost would be higher. It all depends upon the manner in which the farmer acquires the logs or the timber and the manner in which the Secretary sells it.

Mr. JONES. But the Government is not running any sawmill? We do not expect to do that?

Mr. NELSON. They are, indirectly. They are selling the timber there and allowing them to saw it on the reserve in some cases.

Mr. JONES. I know that, but I want it so that the farmer can get that timber. I just want to get at the scope of the amendment. I do not understand that the Government will cut logs and take them outside.

Mr. NELSON. It is not necessary at all. They can pick out the logs or timber and say to the farmer, "Come and get it and haul it out."

Mr. JONES. That is what I think ought to be done.

Mr. NELSON. I have no doubt that is what they will do, but at all events you can not lay down a hard and fast rule. It is a matter that will have to be determined by regulations in each particular case.

Mr. JONES. But under what rule will the department determine the cost to the farmer?

Mr. NELSON. What rule would the Senator determine if he had charge of a reserve?

Mr. JONES. When I was ready I would let the man go in and get logs and haul them out himself.

Mr. NELSON. I ask the Senator what rule can be laid down in law? Can the Senator conceive of any rule we can lay down in law for determining the price?

Mr. JONES. I would not fix any price in that case. I would say, let the farmer go in and take it out under rules and regulations, without cost, except to himself. What I want to get at is——

Mr. NELSON. We leave it to the Secretary to fix the price, but it must be the actual cost price.

Mr. JONES. When there is not any cost there will be no charge unless they pay administration charges.

Mr. NELSON. There may be something in that. Whatever it may be, it is the actual cost.

Mr. JONES. I want to get for the RECORD just what is intended, because I am heartily in favor of the purpose of the Senator's amendment, and I think it ought to be made just as liberal as possible for the local settler.

Mr. NELSON. I do not think it is necessary in these cases to give it away absolutely, but when the farmer or homesteader who can go there and get timber and logs for his fences, for his stable, for his cabin, whatever slight cost the Government may have been to in the premises, he ought to be willing to pay, and it will be a moderate cost. At present that timber is sold in competition. It is sold at the same rate as the big lumbermen charge.

Mr. JONES. That ought not to be.

Mr. NELSON. And that ought not be. At all events, it ought not to be as against this class of people. As against people who speculate and deal in lumber, that is a different question, but this does not cover that. I use the word "domestic," however, and I think there can be no question as to the fair and reasonable meaning of that word. I have made it general; and it is always a good principle in law to deal in comprehensive general terms, like our Constitution of the United States, instead of going into details. If you go into details very much you are apt to run up against the old law rule, expressio unius est exclusio alterius.

Mr. JONES. I wish to ask the Senator a question. I want to understand it. Does the Senator understand that, under his amendment, a settler could not be refused the right to purchase saw logs or timber, on the ground that he has no way himself to work it up into lumber?

Mr. NELSON. No.

Mr. JONES. If he wants it for his own use and expects to take it down to the lumber mill and have it sawed up?

Mr. NELSON. There is no doubt about that.

Mr. JONES. That is what I wanted to have made plain.

Mr. GALLINGER. Mr. President, I had some doubt as to the propriety of this amendment until the Senator from Minnesota quoted the Latin axiom so felicitously; but I am inclined to think now that it is all right. I will ask the Senator if it might not be well to insert, after "the Secretary of Agriculture," the words "under such rules and regulations as he shall establish"?

Mr. HEYBURN. Mr. President——

Mr. NELSON. That will be implied, anyway, but I am afraid the Senator has called out my amiable friend from Idaho, when he proposes to insert those words. I wish the Senator would withdraw it.

Mr. GALLINGER. I think the words had better go in. It is the usual form. I ask the Secretary to report the amendment.

The VICE PRESIDENT. The Secretary will read the proposed modification of the amendment.

The SECRETARY. After the words "Secretary of Agriculture" insert the words "under such rules and regulations as he shall establish."

Mr. HEYBURN. Mr. President, I am going to take some risk in disappointing the Senator. I did not rise for the purpose of objecting to that, but I am inclined to think that the suggestion should go in the RECORD that this is in the nature of legislative competition with local business interests.

All around forest reserves you find towns and villages that are looking over the fence with envy because they are kept out. In all those towns you will find lumber yards, where men have invested money in mills for the manufacture of lumber with the view of selling it to the settlers when they come along to make their fences and to build their houses. Now, what are you going to say to the people within hauling distance, and I would say that might be said to be 30 or 40 miles? A man is going to build a barn, what we call in our country a good barn, which would cost, say, $4,000, and a house which would cost as much more. There would be $8,000, and one-half of it is lumber. One-half of every building of that kind is lumber and the other half is labor. Of course, he might be worth a million or he might be worth one hundred dollars. He would take advantage of this free lumber, and the better off he was the more apt he would be to do it, because he would own his team, and he would say, "Go up into the forest reserve and bring down the necessary lumber to build this house and barn and fence in this tract of land." The fences on that land would be worth $2.50 an acre. He would probably have to have a great deal of that sawed out at the local mill, but the sawmill might be entirely disassociated from the lumber yard, or there might be no sawmill there. He might get what we call a portable sawmill, which is rather easily procured and is not expensive at all. Many farmers maintain them on their places for general use. So he would run around the man who was attempting to establish and build up a business there. That man would not be within the scope of the generosity of this act.

He would have to either buy his lumber, at the prices that have been referred to, of the Forestry Service, and then compete with the man who got it for nothing, or would have to buy it somewhere else; but, in any event, he would have the cost of the manufacture on his hands.

I want to be just as generous to the settler as possible. I would be more generous and let him go in and build his house and barn and fences where the timber grew. Timber grows on rich soil; the richest soil we have is covered with timber, and very often with no more timber than is necessary to equip and maintain the equipment of a farm, but still it is covered with timber.

I have some doubt about this generosity. It sounds plausible, but it would be at the expense of the prosperity of the business men—that is, those who engage in the lumber business and all that pertains to it and sustains it. You would put a certain class of men at an advantage over those business interests. Everything that sounds generous and plausible is not necessarily fair in the distribution of the benefits of government. It is a very nice arrangement for the settler who is within hauling distance, but there is no limitation here. It might be that he would bring it down, put it on a railroad, and take it 200 miles away to build his house. If I were going to build a house over in Latah County somewhere, and I wanted to get free lumber, I would take advantage of this act, get the lumber out, put it on a railroad at one of these many stations, and haul it to the place of use.

It does not follow that the settler would have to haul it in a wagon or snake it with a horse, or anything of that kind. Men might start in to build a great many houses, as they do in those new towns. I have known a town there to grow from nothing to four or five thousand inhabitants in two years. Those people are not close to any forest reserve that has timber on it, but they are close to several forest reserves that have sagebrush on them. They would go over into the Sawtooth, say, which would be 50, 60, or 70 miles away; they would put the lumber on the railroad up there—there is a railroad that runs into that country—and they would run it into the city that I speak of. There is no provision in this amendment that would prevent them doing that. They would have it delivered to them either at the place where it was cut or at the edge of the reservation and haul it away. The enterprise that I speak of would take about 18,000 feet of lumber, or perhaps 20,000, to construct buildings, and 5,000 feet more for fences and incidental improvements. So he would get twenty or thirty thousand feet of lumber off a forest reserve 60 miles away, and he would have only the railroad freight to where he wanted to use it.

I would merely suggest that you pause long enough to inspect this amendment and see whether or not you are really going to benefit the neighborhood where the lumber is to be obtained.

Mr. CLARK of Wyoming. Mr. President, I am in general accord with the Senator from Idaho in regard to the forest-reserve proposition, but on this particular branch of it we are about as far apart as the poles. I should like to see this amendment changed; I should like to see it liberalized; I should like to see it changed to such form that the farmer, the settler, or the homesteader in the vicinity of a reserve needing dead, down, or matured timber for domestic purposes, and the Government having on that forest reservation dead, down, and matured timber which, in the interest of conservation, ought to be removed and used—I should like to have the Government say to that man, "Come and get it free of cost."

Mr. HEYBURN. So should I.

Mr. CLARK of Wyoming. That is exactly my view of it. Having that view of it, I move to strike from the amendment——

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wyoming yield to the Senator from Mississippi?

Mr. CLARK of Wyoming. With pleasure.

Mr. WILLIAMS. I should like to ask the Senator from Wyoming a question. We might furnish this lumber, it seems to me, free of cost to the man who got it, but could we furnish it free of cost? Here are all the people of the country paying for the rangers, guards, supervisors, and heaven knows what, and it seems to me it is much better that the lumber should be furnished to the man free of cost to the people of the United States than it is to furnish it free of cost to him.

Mr. CLARK of Wyoming. The Senator from Mississippi forgets, however, that so long as this dead and down timber is there——

Mr. WILLIAMS. This does not confine itself to dead and down timber.

Mr. CLARK of Wyoming. And matured timber which ought to be cut——

Mr. WILLIAMS. Yes.

Mr. CLARK of Wyoming. That that remaining upon the ground is a continual source of expense to the United States.

Mr. WILLIAMS. That would be very true if the amendment simply said "dead and down timber," but it does not. It gives men a right to get perfectly sound timber which is good for building purposes, and they certainly ought to pay for that. So far as the dead and down timber is concerned, that is good for nothing except to burn, and it would be a benefit to the forest reserves to have it hauled away; but it seems to me that there is nothing in the amendment which would prevent a man in a village or a town near there from getting his lumber free, if your idea were carried out—that is, free to him—but he would not get it free to me or to the remainder of the people of the United States, who are paying taxes to keep up this thing. I think it would be better to leave it as the Senator from Minnesota has left it—"at cost."

Mr. CLARK of Wyoming. I am perfectly willing to leave it that way, and shall perhaps not press my amendment; but I want to say to the Senator from Mississippi that his logic is exceedingly faulty, for the reason that the dead and down timber and the mature timber is a continual source of expense to the United States.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, how can the mature timber, which has been sold as the Senator from Minnesota has just told us at Weyerhaueser trust prices, be an expense? It is a source of profit.

Mr. CLARK of Wyoming. But, of course, the Senator——

Mr. WILLIAMS. It is enough to ask of the United States that they shall forego their profit upon the timber that they might otherwise sell. To go further and ask them to forego, not only the profit that they might make upon it, but all that they have expended in taking care of it, it seems to me is going a little too far.

Mr. CLARK of Wyoming. Mr. President, of course the position which the Senator from Mississippi takes and the position which I take are absolutely irreconcilable. He and I can never get together, nor can I ever get together with any other man on the proposition that the Government of the United States has a constitutional right to sell timber for profit. We never can get together on that proposition; but, Mr. President——

Mr. WILLIAMS. Mr. President——

Mr. CLARK of Wyoming. I decline to yield for the present. But, Mr. President, I do not want to jeopardize the amendment; I want to make it freer; I want to make it so that if a man wants to build a corral, a barn, a house, or a cabin upon his claim—the Government of the United States having hundreds of thousands of feet of lumber lying dead and down and mature, which is often a menace to the forest proposition—that the Government shall give that man the right to have it free of charge. I will move an amendment, which has been suggested by the Senator from Idaho beside me [Mr. BORAH], that instead of using the word "cost" in the amendment of the Senator from Minnesota to substitute the word "expense."

Mr. HEYBURN. That is good.

Mr. WILLIAMS. If the Senator from Wyoming has concluded, I wish to say that I do not suppose, of course, that he intends to make me say something which I have not said.

Mr. CLARK of Wyoming. Oh, no.

Mr. WILLIAMS. I have expressed no opposition to the amendment introduced by the Senator from Minnesota, nor have I expressed any desire that the Government of the United States should make a profit out of its citizens in connection with the public lands. What I have said is that it would be highly unjust that the Government should give away valuable timber to anybody. That is a totally different thing from making a profit out of it. I think the Senator from Minnesota has struck the middle way—which, as Horace says, is the best way—when he says that the Government shall let those people have this timber at the cost which it has been to the Government.

There is no difference that I can see between "expense" and "cost" unless it be the difference betwixt tweedledum and tweedledee. If the word "expense" is to be substituted for "cost," then you will have to go back and ask what real expense has been incurred by the Government in connection with this particular transaction; and when you have made an inquiry upon that subject and have obtained an answer your answer is the cost to the Government of the lumber.

Of course it is absolutely impossible for the Government to run back and keep an account for all time to determine what a particular piece of timber cost the Government. It might have to be merely approximated; there might be some forest reservations so expensively carried on that if the Government included all the charges the lumber would be worth $100 a cord; and from some of the criticisms of the manner in which this business has been handled in the West I think that that probably would be true. I am in favor of letting the people use the logs on the forest reservations, utilize the timber and everything else utilizable about them, but I am not in favor of taxing the entire people of the United States in order to furnish a few of them free of charge with something which otherwise they would have to pay a good round price for.

There is no difference that I can see between the position taken by the Senator from Minnesota and the position which I have taken. I am merely protesting against the idea of not charging anything for that which is costing a good deal; I am merely suggesting the idea that the Senator could not, if he wanted to, furnish this lumber to the settlers free of cost. He could furnish it free of cost to the settler, but it is already not free of cost to us.

Mr. CLARK of Wyoming. The expression was not "free of cost," I will say to the Senator.

Now, Mr. President, the very reason that I suggested a change in the wording of the amendment——

Mr. WILLIAMS. I do not think there will be any objection to the amendment offered by the Senator from Minnesota.

Mr. CLARK of Wyoming. I was going to say, if the Senator will be patient a moment, that I withdraw the first amendment I have proposed, because I see there is no disposition to allow a man to drive his wagon into a great forest and, without paying this great Government of the United States for value received, cut a load of timber or a load of logs. Therefore, I withdraw my suggestion that the settler ought to have it for nothing, because it is a part, as I see in the view of some, of this great domain that we are going to exploit for the financial benefit of the Government.

But the difference between the second amendment which I have proposed and the amendment of the Senator from Minnesota, the difference between the word "cost" and the word "expense," is shown by what the Senator says. If the word "cost" is left in, if the timber be furnished at cost, I am fearful that the cost will be along the line the Senator from Mississippi has suggested; it might run up as high as it is at the present time. I do not suppose that any of the timber that is now sold by the Government is sold for less than cost, if you consider the entire running expenses of the reserve. Therefore, I wanted to substitute the word "expense." I am perfectly frank to say, wishing that the word "expense" should mean

nothing except the expense to the Government in getting out the particular timber or lumber.

Mr. WILLIAMS. Then, the Senator means by that——

Mr. CLARK of Wyoming. But, there being objection to that, I withdraw my proposed amendment, and shall vote for the amendment offered by the Senator from Minnesota.

Mr. WILLIAMS. Mr. President, a word more, because I do not want anybody to think that I am trying to put upon him a rule which would be unjust. There are public lands in the State of Mississippi as well as in Wyoming. A man who goes in upon them for the purpose of cutting a tree and who cuts it and carries it out is prosecuted and sent to prison by the United States Government. So the rule about which I am talking is not peculiar at all. I do not see any reason why people should not be permitted to go upon public lands anywhere and cut timber at cost; but, notwithstanding the fact that this amendment confines this privilege to forest reserves and does not extend it to the people upon public lands in Mississippi and Alabama, I am perfectly willing to vote for it.

Mr. HEYBURN. Mr. President, I merely want to suggest in all seriousness that there is no limitation as to the distance from the reserve to the place where the lumber may be taken. You can, under this provision, get lumber from a forest reserve and carry it through a dozen cities and towns where they have lumber yards, commercial establishments; you can carry it beyond those cities and towns and build your house. You are giving an opportunity for a class of competition and advantage in business that ought not to be passed without notice. The Senate will doubtless adopt this amendment, but I should like it to be noticed in the RECORD that it is subject to these objections. You could get lumber from a forest reserve that surrounds the city where I live—the city of Wallace—take it a hundred miles, and pass through 12 commercial lumber yards. You could take it down to a town where a lumber yard has been built up with a view of supplying settlers who could pay for it.

Now, you can not very well in legislation recognize the degree of poverty that shall entitle a man to a blessing of this kind, and you can not in legislation say that a rich man may not take advantage of it. There will be some embarrassment grow out of it if it is adopted, as it doubtless will be; and I shall watch with considerable interest the report that comes to us a year or two years from now as to the use that is made of this amendment. There will be protests—of course they will be of no avail after we have enacted the law—but men with capital invested in business establishments there will object to it, and they have a right to be heard.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. FALL. Mr. President, on yesterday I gave notice that I would offer an amendment. I have nothing further to say upon the subject. I am aware that a point of order might be made against the amendment, but I hope that it will not be made and that the Senator in charge of the bill will allow a vote to be taken upon it.

The PRESIDING OFFICER. The Senator from New Mexico offers an amendment, which will be stated.

The SECRETARY. On page 52, after line 14, it is proposed to insert the following:

Provided further, That the management, supervision, and administration of the respective forest reserves within the State of New Mexico and of that portion of any such reserve partly within said State shall, subject to all the laws of the United States and of the general rules and regulations heretofore adopted by the Agricultural Department, be devolved upon the State government and officers of the State of New Mexico. The Legislature of New Mexico shall, if the provisions hereof are accepted by a resolution of such body, provide the necessary officers and employees for the care, management, and administration of each of such reserves or parts of reserves. The salary and expense accounts of such officers and employees and all expenses of such care, management, and administration, including reforestation, shall be paid wholly out of the funds derived from the lease of lands and grazing permits, sale of timber, and other sources of revenue from such forest reserves, and no part of any such or any other expense connected with the care, management, or administration of such reserves shall be paid out of the appropriations herein made or by the United States out of any other funds, and any funds remaining after the payment of all expenses as in the proviso set out, shall be paid into the treasury of New Mexico to be expended as provided by the State laws.

The Secretary of Agriculture shall have the power and he is hereby directed to cause such reserves to be inspected from time to time and shall see that all laws and rules applicable to such reserves are enforced, and shall have the power to suspend any State official or employee failing to enforce such laws and rules and regulations, pending a hearing upon charges to be made by him under his direction to the governor of New Mexico, who shall promptly remove and appoint a successor to any such official or employee against whom such charges are sustained.

Mr. BURNHAM. Mr. President, as that amendment is evidently a proposition involving general legislation on an appropriation bill, I must make the point of order against it.

Mr. HEYBURN. I desire to call the attention of the chairman of the committee to the provision with reference to renovated-butter establishments, on page 14.

Mr. BURNHAM. I ask what disposition was made of the point of order?

The PRESIDING OFFICER. The point of order has been entered, and debate is in order.

Mr. HEYBURN. I am now directing attention to an amendment that was adopted, on page 14.

Mr. WARREN (to Mr. HEYBURN). The point of order has not been ruled upon.

Mr. HEYBURN. I thought the Chair had decided the point of order.

The PRESIDING OFFICER. The Chair has not. The Chair was about to ask the Senator from New Mexico if he desired to be heard on the point of order. The Chair is ready to rule.

Mr. FALL. No, Mr. President; I do not think I care to be heard any further, except to say that there is a change proposed in the selection of the officials of the forest reserves in New Mexico, and that is the only change. At the present time they are selected by the Secretary of Agriculture. The amendment simply proposes that they shall be selected by the officials of New Mexico.

The PRESIDING OFFICER. The point of order is sustained.

Mr. HEYBURN. I desire to call attention to the amendment on page 14 which refers to establishments making renovated butter, and I ask the chairman of the committee whether or not the words "renovated butter" are intended to cover all oleomargarine establishments?

Mr. BURNHAM. I do not understand that that is the meaning of it. I understand it to apply to the butter that is brought together in a renovator.

Mr. HEYBURN. Would it not be well to include in the amendment the other establishments?

Mr. BURNHAM. That has not been brought to the attention of the committee.

Mr. HEYBURN. I move to insert after the word "renovated" the words "or artificial butter or oleomargarine."

I think there is no reason for excepting one class of establishments and including the others.

Mr. BURNHAM. I am not informed in regard to that, and therefore I can not accept the amendment.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 14, line 9, after the words "renovated butter," insert "or artificial butter or oleomargarine."

Mr. HEYBURN. It seems obvious that in providing for the inspection of renovated butter we should include all that class of products. There is no reason why we should include one and except the other.

Mr. WILLIAMS. I want to ask the Senator in charge of the bill whether there is not already a law—the oleomargarine law—providing for the inspection of places where oleomargarine is made?

Mr. HEYBURN. No.

Mr. BURNHAM. I do not understand the Senator.

Mr. WILLIAMS. Does not the existing oleomargarine law provide for the inspection of buildings where oleomargarine is made?

Mr. BURNHAM. I have that impression, although I am not sure.

Mr. HEYBURN. I think the Senator will not find it.

Mr. WILLIAMS. I suggest to the Senator that without intending to do it he may repeal some statute on the statute books.

Mr. HEYBURN. I do not think there is any law requiring the inspection of the buildings, but merely of the process.

Mr. WILLIAMS. I think if he will look into the law he will find there is, because when the United States undertook to tax it they took hold of the taxing power really as a means of inspecting.

Mr. HEYBURN. I would call the attention of the Senator to the difference between inspecting the product and inspecting the premises where the product is made.

Mr. BURNHAM. I know of two reasons for the amendment. One is to provide for an inspection with regard to the sanitary condition of the buildings and the other is to enable the Government to inspect the process of manufacture before it is completed.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Idaho.

The amendment was rejected.

Mr. SMITH of Arizona. Mr. President, I offer the following amendment.

The SECRETARY. On page 62, line 10, strike out "eighty-five" and insert "ninety"; in line 11 strike out "ten" and insert "fifteen"; and at the end of line 12 insert:

Five thousand dollars, of which sum, or so much thereof as may be necessary, shall be applied to the investigation of insects affecting the alfalfa plant in the Salt River Valley, Arizona.

Mr. SMITH of Arizona. That raises the appropriation only $5,000, and I have a resolution from the chamber of commerce which I will not trouble the Senate to have read, and also letters from the owners of great fields of alfalfa that tell of a fear of the invasion of an insect that is just now getting into the fields, which is very dangerous to them. It strikes me that it is very necessary that this money should be appropriated for that purpose as early as possible. Inasmuch as I have made no other request in connection with this bill, I should be glad to have the amendment adopted.

Mr. BURNHAM. As far as I have any authority I accept the amendment.

The amendment was agreed to.

Mr. FALL. I desire to offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after line 16, insert:

For necessary expenses in establishing and maintaining the breeding station for western saddle horses in New Mexico in cooperation with the College of Agriculture and Mechanic Arts, $25,000.

Mr. FALL. Mr. President, it seems that the President of the United States has just withdrawn in Dona Ana County, N. Mex., near which the College of Agriculture and Mechanic Arts is located, 200,000 acres of the public domain for a horse-breeding experiment station for the breeding of western saddle horses. There is a Government horse-breeding station in Colorado for the breeding of American carriage horses. The Government, as I understand, has been contemplating the establishment of a similar station for experimenting and breeding the western saddle horses for Cavalry purposes. It appears that this land has been withdrawn for these purposes. I can say that neither of the Senators from New Mexico had any knowledge that any such action was contemplated at this time; and I am only today in receipt of a telegram informing me that this action has been taken, the information coming from New Mexico. It appears, however, to be official. Mr. Hayes and I believe the president of the agricultural college has agreed that they should have $25,000 to start this breeding station. Certainly, if the Government is going to withdraw the land from entry and reserve it for some purpose, then something should be done with it. The land has been withdrawn.

Mr. WILLIAMS. Mr. President, I thought perhaps the Senator in charge of the bill would make a point of order. I believe the time has arrived when we should stop and inquire how far the Government of the United States is going to go. It seems now that we are to go into the horse-breeding business. The United States is full of people who are breeding horses. The Government is not needed in that business. There is nothing brand new about it.

After it goes into the horse-breeding business, I suppose it will go into the cow-breeding business, and after that perhaps the sheep and goat breeding business. It has already been suggested that we should go into the buffalo business. It seems to me it is about time to draw the line somewhere. It seems to me we might leave farming to the farmer.

As far as the Agricultural Department is concerned, as I understand, its functions consist in teaching how to farm and to some extent in carrying on experimental and demonstration farming for the purpose of teaching. But there is no teaching involved in going into the business of breeding horses or breeding cattle. Everything the teacher can teach on that subject can be taught by books and bulletins. It is not like introducing a new plant into a new territory and experimenting with it and reporting the results of the experiment. It does seem to me that we ought to stop somewhere, and this is a right good place to stop. Before we go into the question of stock and cattle raising business, it does seem to me we might pause and reflect. We might take from this Congress until about the next in pausing and reflecting. Sure I am if we go into it once there will never be any end of it.

I hope the amendment will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Mexico.

The amendment was rejected.

Mr. SMITH of South Carolina. On page 89, after line 13, I move to insert what I send to the desk.

I will state to the Senate that this measure has already passed the Senate, and it is for the purpose of expediting the department in carrying on the exposition provided for in the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 89, after line 13, it is proposed to insert the following:

That the Secretary of Agriculture be, and he hereby is, empowered to prepare from the several divisions of the Department of Agriculture an exhibit to be displayed at the Fifth National Corn Exposition, to be held in Columbia, S. C., from January 27 to February 9, 1913.

SEC. 2. That the said exhibit shall be of such nature as the Secretary of Agriculture deems appropriate: *Provided*, That the Secretary of Agriculture shall make such arrangements with the proper officers of the said exposition that the Department of Agriculture shall be at no expense for transportation of said exhibit to and from the exposition: *Provided further*, That the Secretary of Agriculture shall also make such arrangements with the proper authorities of said exposition that there shall be no expense to the department for any breakage or damage that may occur to the exhibit, nor for the living expenses of such appointees as he may see fit to send to said exposition to demonstrate the exhibit sent.

Mr. BURNHAM. As I understand this measure has already passed the Senate; it does not call for any appropriation; and I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MEMORIAL TO MAJ. BUTT AND MR. MILLET.

Mr. BACON. I ask leave out of order to introduce a joint resolution, which I ask may be read and referred to the Committee on the Library.

I will state, in order that it may not be misunderstood, that it is a joint resolution authorizing the erection upon the public grounds in the city of Washington of a joint memorial to the late Maj. Archibald W. Butt and Mr. Francis Davis Millet. It is one which does not propose that the Government shall be put to any expense at all. The memorial will be erected by friends of these departed gentlemen, and the only authority asked is that it may be placed upon some point to be selected in the public grounds other than the Capitol Grounds, the White House, and the Library, which are excluded.

The PRESIDING OFFICER. The joint resolution will be read as requested.

The joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial of simple and artistic form to Maj. Archibald W. Butt, United States Army, and Mr. Francis Davis Millet, vice chairman of the Commission of Fine Arts, officers of the United States who perished in the Titanic disaster: *Provided*, That the site chosen and the design of the memorial shall be approved by the President of the United States upon the advice of the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on the Library.

Mr. BACON subsequently said: It has been suggested to me by Senators that a reference of the joint resolution is probably not necessary, as there is no expense involved, and I will ask the Senate to agree to the immediate consideration of the joint resolution. It is upon that suggestion that I make the request.

Mr. BORAH. I hope the Senator from Georgia will let the joint resolution go to the committee. I may be entirely in error in regard to this matter, but I do not know why we should select out of that heroic group of men and women, all of whom displayed such wonderful courage, these particular parties upon whom to confer this indirect if not direct honor. I do not know that I caught the exact import of the resolution, but I should like any action Congress takes to be in recognition not of an individual but of the courage and self-surrender of all who disclosed such sublime poise and such lofty bearing in the presence of disaster and death.

Mr. BACON. I will say to the Senator that there is no purpose in this to exclude the friends of any other parties from making a similar request if they shall see fit to do so. This is simply a movement on the part of certain friends, at their own expense, to erect a memorial. It will probably be in the nature of a fountain, with perhaps some ornamentation in the way of a figure. As I said, it is to be erected at their own expense, and the only request is that it may be put on public

grounds somewhere in the city of Washington, excluding from that request the Capitol Grounds, the White House Grounds, and the Library.

I have no doubt, Mr. President, that there will be other movements looking to the erection of memorials to others, either jointly or separately, who were lost in that great disaster, but this certainly does not make any invidious distinction. It is simply granting to the friends of these particular parties the opportunity to utilize a small space upon the public grounds—of which there is a vast expanse—and that it shall be done without any expense to the Government. There is a movement, I am told, by the good ladies of this town to erect a memorial of a more general character to all of the unfortunate parties, or particular groups of them, and I have no doubt that we will be willing that that shall be done.

Mr. BORAH. Mr. President, I would not want to be understood for a moment as making the suggestion which I made by reason of any criticism that might be implied of these two individuals. I recognize that they did that which was calculated to call forth the admiration and the profound pride of not only their friends, but of everyone. But there have been so many suggestions in regard to this matter which have been purely individual, I should like to see a monument reared which would speak of the nobility of human nature as it was displayed there upon that ship, not only or alone in honor of the splendid soldier which Maj. Butt proved himself to be, but the nobility of human character which was exhibited upon the part of scores of men and women.

Mr. BACON. Hundreds.

Mr. BORAH. While I am not going to hold this matter up, I want to express my view in a single sentence—that it is the duty of Congress to manifest its admiration and its strong appreciation of that splendid group of men and women as a whole, and that when we permit personal acquaintance to intrude where universal praise and a world's wonder and admiration would pay unstinted homage to nobility of human nature, we are but poorly interpreting that unfortunate affair.

Mr. BACON. Mr. President, if this were a proposition that the United States Government should erect this memorial, the suggestions of the Senator from Idaho would be more convincing than they are at present. I suppose that the erection of this memorial at private expense will not in any manner interfere with the subsequent erection of a more costly and elaborate one, which shall commemorate the heroism and devotion of all those who lost their lives in that deplorable disaster.

I can see no possible foundation for the suggestion that there is anything invidious in it. When there has been a monument erected to a prominent military officer there has been no suggestion that that was an invidious distinction as against all other officers. As time went along the statues of other officers were erected. We have one out in front of the Capitol here which is of a more general character.

I understand, as I have said, that the ladies of this town are now engaged in the collection of a fund with a view to a general memorial, and possibly there may be some particular classes of those who suffered and died there who may have their heroism memorialized in another way.

I wish to suggest to the Senator, to show the peculiar propriety of this measure, that Maj. Butts and Mr. Millet were the only two on that ship who bore the commissions of the United States. Maj. Butt bore a military commission and Mr. Millet a civil commission. This is simply an effort on the part of their friends to erect in the Capital a modest but tasteful memorial, which shall be gratifying to all those who loved them and shall be an encouragement to all those who will wish in the future to emulate their heroism and their devotion on that trying occasion.

Mr. HEYBURN. May I ask the Senator a question? My attention was occupied and I was unable to hear the resolution. The monument is to be contributed, I understand, by private parties.

Mr. BACON. Exclusively so.

Mr. HEYBURN. And where is it to be?

Mr. BACON. On some point upon the public grounds of the capital found in the city of Washington, which may be selected by the Chief of Engineers, but the Capitol Grounds are excluded, the Library is excluded, and the White House Grounds are excluded.

Mr. HEYBURN. It merely occurred to me, and I would suggest, that the rank and relation of those men would recommend them to the consideration of a monument or memorial to be paid for out of the Public Treasury.

Mr. BACON. We are not asking for that. This is an absolutely private testimonial, in which it is expressly stipulated not only that the monument shall be constructed by funds provided by private individuals, but that there shall be no expense of any kind to the Federal Government.

Mr. HEYBURN. I understand. I should like to ask the Senator further whether any of the monuments in the District or city have been constructed by private individuals.

Mr. BACON. Certainly. I will tell the Senator of several. There is the monument to Gen. Albert Pike, which was constructed exclusively by the Masons, of which he was the head of the thirty-third degree, I think.

Mr. HEYBURN. Not the head.

Mr. BACON. I can name a number before I get through, if the Senator will permit me. There is the statue of Martin Luther, which was erected by private individuals.

Mr. HEYBURN. I only ask for information.

Mr. BACON. If the Senator will pardon me, since I started to mention them, there are several others. There is one on the Avenue to Benjamin Franklin, erected by Stilson Hutchins. There is another one near Scott Circle to Daniel Webster, erected by the same man. There is one of Longfellow, on Connecticut Avenue, erected altogether by private subscription. I understand that several of the equestrian statues of military officers of the Civil War have been erected by contributions from their fellow soldiers. There is one, I think, on Seventh Street, near the Avenue, which was erected by the Grand Army of the Republic. I presume there are dozens of them in the city. The different officers have been in that way memorialized by their comrades in the Army, by the Army of the Cumberland, and others. It is a most common thing, and nobody ever suggested when any one of those monuments was about to be erected that there was an invidious distinction as to any other party.

Mr. HEYBURN. I should like to complete my question. It is whether in each case those statues were erected only by the consent of Congress.

Mr. BACON. Absolutely. It is an impossibility that one should be erected in Washington without it. The only exception I know where there was a statue erected in Washington without the consent of Congress was when the statue of Frederick the Great was put up by an arbitrary Executive order without any consultation with Congress.

Mr. HEYBURN. I should like to ask the Senator if it is not true that the District government has assumed in one or two cases to erect statues without the consent of Congress?

Mr. BACON. It may be so; but, if so, I am not informed of the fact.

Mr. HEYBURN. It ought not to be so.

Mr. BACON. I am not informed of the fact if it is so.

Mr. HEYBURN. I am in thorough sympathy with the proposition here.

Mr. BACON. There is no authority for the erection of any monument within the District of Columbia or certainly within the city of Washington except on the authority of Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia for the immediate consideration of the joint resolution?

Mr. TOWNSEND. Mr. President, I am very much impressed with the general idea that has been presented here to-night, but it seems to me that this matter ought to go to the committee. It is something new that is brought up; a great many ideas have been entertained by various Senators, and I shall have to object to its present consideration.

The PRESIDING OFFICER. Objection is made.

Mr. BACON. I understand the objection of the Senator from Michigan sends it to the committee?

The PRESIDING OFFICER. That will be the order. The joint resolution will be referred to the Committee on the Library.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

HENRY E. BURNHAM,
W. O. BRADLEY,
ATLEE POMERENE,
Managers on the part of the Senate.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 17, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 16, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that we are created intelligent and industrious beings, that there are always problems to be solved, new fields to be explored, since idleness is a menace to the individual and to the Nation; we must move forward or retrograde. Help us therefore with new zeal and energy to meet the problems which confront us that we may develop our intellectual, moral, and spiritual being and leave the world a little better than we found it. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION OF PAIRS.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that where my name appears as paired on the Clayton anti-injunction bill on Tuesday, May 14, it may be stricken out of the Journal and the RECORD. I also ask permission to insert two telegrams explanatory of this request. I have standing orders that under no circumstances am I to be paired during my absence without my explicit instructions, because I do not think the pairs made up at the Clerk's desk are proper as showing the Member's attitude. On May 6, 1912, I telegraphed the pair clerk, "Please pair me in favor of the Clayton bill for trial by jury in injunction cases. This is the bill that comes up on Thursday." It was then thought that the bill would come up at that time. I telegraphed my secretary in the same way. The pair clerk being unable to get a live pair for me proceeded to make an ordinary party pair between absentees. On the first vote he paired me with the gentleman from South Carolina, Mr. ELLERBE, and on the second vote with the gentleman from Kentucky, Mr. STANLEY. Without a doubt both Mr. ELLERBE and Mr. STANLEY favored the Clayton bill. As I also was in favor of the Clayton bill, the pair made by the pair clerk not only was absurd, but also was contrary to my instructions. If I had been present I should have voted for the Clayton bill and against the substitute.

Therefore I ask that in those two places in the record of the proceedings of May 14, wherever I appear as paired that my name may be stricken out of the list of pairs. I also ask that the telegrams sent to my secretary and to the pair clerk be inserted as showing the true state of affairs.

The SPEAKER. Without objection, the corrections as suggested will be made and the telegrams inserted in the RECORD.

There was no objection.

The telegrams are as follows:

W. W. LUFKIN. HAMILTON, MASS., *May 6, 1912.*

Care Congressman A. P. Gardner, Washington, D. C.:

Please see that I am paired in favor of Clayton bill for trial by jury in injunction cases. HIGGINS, of Connecticut, might pair, or perhaps McCALL. If necessary consult CLAYTON, but anyway see that the thing is done.

A. P. GARDNER.

The PAIR CLERK, HAMILTON, MASS., *May 6, 1912.*

House of Representatives, Washington, D. C.:

Please pair me in favor of Clayton bill for trial by jury in injunction cases. This is the bill which comes up on Thursday.

A. P. GARDNER.

Mr. MANN. Mr. Speaker, I would like to have a minute or two.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Speaker, the matter of pairs is not so easy of solution as one might think. The other day when the pension bill was about to be voted upon one of the pair clerks came to me and said that he had a number of requests to be paired in favor of the pension bill, but that he had no one to pair against the pension bill. The question was whether to put in pairs as is usually done, without saying for or against, or whether he should leave the Members unpaired who were absent.

The matter was not free from difficulty. I did not desire to impose the obligation upon the pair clerk of deciding the question, and I said to one of the Republican pair clerks that I would assume the responsibility, and suggested to him that he pair absent Members in the usual way, not being able to secure the pairs that Members desired; and that, if objection was made to it, hereafter we would not be able to pair Members unless the pairs were actually made at the desk.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT. Mr. Speaker, I want to ask the gentleman if in his opinion the rule touching the matter of pairs ought not to be abolished?

Mr. MANN. I do not think so because I do not believe it would remain abolished very long.

Mr. GARNER. Why not?

Mr. MANN. It is absolutely impossible for many Members of the House to be present upon every roll call, and sometimes it is desirable from their standpoint and from the public standpoint to pair specifically on a bill. On the other hand, it is often very desirable for Members to have what is called a standing pair, a permanent pair, or a pair until further notice, so that Members, if they can not be present at the time, know that they are taken care of by the pair clerk.

Mr. GARRETT. Mr. Speaker, I concede that, but, after all, the matter of the pair is an individual matter, and it would not interfere with the making of pairs to abolish the rule.

Mr. MANN. It would interfere with their showing in the RECORD.

Mr. GARRETT. They do not now appear in the Journal.

Mr. FITZGERALD. The only rule is that they shall not be announced more than once on the same legislative day.

Mr. GARDNER of Massachusetts. Mr. Speaker, if the gentleman will permit, in this case which I have cited there is a very good illustration of the questions brought up by the gentleman from Tennessee [Mr. GARRETT]. I have given explicit directions never to be paired in my absence without written authority.

The pairs made up by the pair clerks nowadays mean absolutely nothing. They do not show whether a Member is "for" or "against" a measure. They merely show that one Member of the pair is a Republican and the other a Democrat. The only pair which means anything is a written pair which shows whether a Member is "for" or "against" a measure. That is the kind of pair which I telegraphed for.

Mr. MANN. Mr. Speaker, if the gentleman will permit, in his own case he has made a very fair statement. The gentleman sent a telegram directing the pair clerk to pair him in a certain way. It was impossible for the pair clerk to comply with that request. It was then up to the pair clerk to determine whether he would pair the gentleman at all, or not, nothing having been said about that in the telegram, and the clerk took the responsibility of pairing the gentleman. That has now been corrected.

Mr. GARDNER of Massachusetts. That has been corrected; but I am pointing out the absurdity of pairing a man who was for the bill with two other men who undoubtedly were also for the bill.

Mr. MANN. Mr. Speaker, I never have had occasion myself to make use of pairs at many times. In my first term in Congress I had a permanent pair with a gentleman on the other side who was called home by illness in his family, and during the entire session of Congress, a long session, I think I never voted at all.

Mr. SIMS. Mr. Speaker, I introduced a resolution in the last Congress and also in this Congress to prohibit the publication of pairs in the RECORD. It does not make any difference how

many pairs you make just so long as they are not made public. This whole pair business is a farce from beginning to end, and the publication of a farce serves no public or private good and ought to be abolished.

Mr. MANN. Mr. Speaker, I do not agree with the gentleman that it is a farce, but that is a question which is not before the House.

Mr. GARNER and Mr. FOSTER rose.

The SPEAKER. To whom does the gentleman from Illinois yield?

Mr. MANN. Well, Mr. Speaker, I am quite willing to be under examination.

Mr. FOSTER. Mr. Speaker, under the rule there is really no right to pair a Member unless the pair is signed.

Mr. MANN. I think that is the case.

Mr. FOSTER. And yet, of course, as a matter of convenience, Members are paired when they are absent without the signing of any pair.

Mr. GARNER. It is not a matter of convenience.

Mr. MANN. But if a Member goes to the pair clerk and says to pair him with a certain man, that he has an agreement with him, the Member would be insulted if he were asked by the pair clerk to produce his written agreement.

Mr. GARNER. Mr. Speaker, if the gentleman from Illinois will permit an interruption, does he not believe if we did away with the publication of these pairs in the RECORD a good many Members would stay here and be more attentive on the sessions of Congress?

Mr. MANN. No; I do not believe so. On the contrary, I think at the end of every roll call every Member of the House who had a pair would rise and say that he voted so-and-so, that he was in favor of such-and-such a proposition, but that some gentleman with whom he was paired was absent, who, if present, would vote the other way; and instead of having a short statement of pairs as we do now in the RECORD, it would cover a page every time we had a roll call, as it does practically every time they have a roll call in the Senate, where there is a much smaller number of Members than in the House.

Mr. SIMS. It is not necessary to make such a rule.

Mr. MANN. You can not avoid giving that courtesy to Members in some way.

Mr. SIMS. Let them drop the explanations in the box; that is all that is necessary; and not have them read on the floor at all. Let them drop them in the box.

The SPEAKER. The Chair will suggest to the two gentlemen from Tennessee that if they want an authority to back up their position they had better read Thomas Hart Benton's Thirty Year View, where he discusses this whole matter.

Mr. MANN. And he was not able to reform the Senate.

The SPEAKER. Oh, no; nobody can do that. [Laughter and applause.]

EXPLANATION OF A VOTE.

Mr. SAMUEL W. SMITH. Mr. Speaker, now that the question of pairs has been raised this morning, I ask the indulgence of the House for a moment.

On the 2d or 3d of May I was granted leave of absence for eight days, but at the same time took the precaution to arrange for a pair, and especially as to pension legislation. I arranged a pair before going away with Representative BATHRICK of Ohio, but for some reason unknown to me the pair was transferred between Representative BATHRICK of Ohio and Representative SISSON of Mississippi. The pair clerk informs me that as both Representative BATHRICK and myself were in favor of the bill he intended to pair me with some one who was against the bill, which he failed to do, and, of course, I did not know about it until my return to the House.

I voted for the pension bill when it passed the House, carrying several more millions than the bill which has been enacted into law, and if I had been here I should have voted for the bill or conference report.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 21.

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (H. R. 14082) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, announcing that the President had approved and signed bills and resolution of the following titles:

On May 7, 1912:

H. R. 12211. An act to amend the act of February 18, 1909 (35 Stat. L., p. 626), entitled "An act to create the Calaveras Big Tree National Forest, and for other purposes."

On May 9, 1912:

H. J. Res. 312. Joint resolution making appropriations for the relief of sufferers from floods in the Mississippi and Ohio Valleys;

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.;

H. R. 12623. An act to incorporate the American Numismatic Association; and

H. R. 19721. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

On May 11, 1912:

H. R. 1. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

PENSION BILLS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill S. 5624.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask that the statement be read instead of the report.

Mr. MANN. I suggest to the gentleman that he ask to have the report read, as it is much shorter.

Mr. RUSSELL. I ask to have the report read.

The SPEAKER. The Clerk will read the report instead of the statement.

The Clerk read the report, as follows:

CONFERENCE REPORT (NO. 688).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5624) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

HENRY E. BURNHAM,
W. O. BRADLEY,
ATLEE POMERENE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The bill as it passed the Senate contained a provision to grant an increase of pension to $65 per month to Henry G. Trimble, late of Company C, Third Regiment Kentucky Volunteer Infantry. This item was stricken out by the House and the bill sent to conference. The soldier is drawing a pension of $55 per month under the general law for loss of arm at the shoulder, incurred in line of duty. It appears that he has recently had a stroke of paralysis and is now helpless, and has an aged wife dependent upon him; and while the rate allowed by the Senate is in excess of that usually allowed in such cases, yet in view of all the circumstances of this case your conferees believe they

are justified in recommending that the House recede from its amendment and allow the item to remain in the bill, and so recommend.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on House bill 18335.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.

The Clerk read the report as follows:

CONFERENCE REPORT (NO. 708).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows:

In lieu of the matter inserted insert "fifty"; and the Senate agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 6, 8, 10, 11, 13, and 15 are amendments made by the Senate to correct the record in accordance with records of Pension Office and to strike out items relating to beneficiaries who have died since the bills passed the House, to all of which the House receded from its disagreement.

Amendment No. 2, the case of Edwin G. Owen, which passed the House at $60 per month: The Senate cut the amount to $50, and the House receded from its disagreement.

Amendment No. 3, the case of Martin H. Black: The House passed the bill at $60 per month. The Senate substituted $36 per month. The soldier had a service of more than three years. He is now disabled and practically helpless. The conferees agreed on the allowance of a rate of $50 per month.

Amendment No. 4, the case of John H. Mohler: The House passed the bill at $30 per month; the Senate reduced it to $24. The Senate recedes from its amendment.

Amendment No. 5, George Smith: The House passed the bill at $30 per month. The Senate cut it to $24. The Senate recedes from its amendment.

Amendment No. 7, Hiram S. Kenyon: The House passed the bill at $20 per month. After the bill was passed evidence was filed with the Senate committee showing that soldier had two services, and the Senate raised the amount to $30 per month. The House recedes from its disagreement.

Amendment No. 9, the case of Bridget McAloon, dependent mother of Peter McAloon: The House passed this bill at $50 per month. She is now receiving $30 under the general law, and the Senate struck the item from the bill. The House recedes from its disagreement.

Amendment, No. 12, John S. Cochrane: The House passed this bill at $30 per month. The Senate cut it out on the grounds that the soldier is now working for the railroad at $1.25 per day, hence he is not wholly disabled. The House recedes.

Amendment No. 14, Ellen M. De Coursey: The House passed this bill at $20 per month. It appears that the widow is getting $12 from the Government of the United States and $12.50 from the city of Boston as the widow of a policeman. The Senate struck the item from the bill on the grounds that she had an income of $24.50 per month, and the House recedes.

Amendment No. 16, Stephen D. Smith, dependent father of Franklin Smith: The House passed this at $20 per month. The beneficiary is drawing $12 under the general law, and the Senate struck the item from the bill on the grounds that they have repeatedly refused to grant bills to pension the dependent father of a soldier. The House recedes from its disagreement to this amendment.

Amendment No. 17, Arthur E. Gilligan: The House passed this at $30 per month. Additional evidence filed with the Senate committee is to the effect that the soldier is physically and mentally disabled so as to be helpless as a child and requires the aid and attendance of another person. The Senate increased the amount to $40, and the House recedes.

Amendment No. 18, Friedrich Miller: The House passed this bill at $30. The Senate reduced it to $24 on the grounds of short service. Soldier incurred a grievous disability in the service, and the Senate recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill 18337.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain dependent children of such soldiers and sailors of said war.

The report was read as follows:

CONFERENCE REPORT (NO. 706).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 19, 20, 23, 27, 28, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, and 29, and agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 3, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18, 21, 24, 25, 26, and 29 are amendments made to correct the record and to strike out items relating to beneficiaries who have died since the bill passed the House. In all of these cases the House recedes from its disagreement.

Amendment No. 2, Alva O. Brooks: The House passed this at $30. The Senate reduced the amount to $24 on the grounds that the soldier was not seriously disabled, and the House recedes.

Amendment No. 7, Richard H. Ely: The house passed the bill at $30 per month. The Senate cut it out on the grounds that it was a second special act, the soldier receiving at the present time $24 under an act passed a number of years ago. His physical condition is much worse, and the Senate recedes.

Amendment No. 10, Marion Finley: This item passed the House at $36. The Senate cut it to $24 without the additional evidence on which it was raised to $36 on the floor of the House. It appears that soldier is suffering from a malignant cancer of the face, and the Senate recedes.

Amendment No. 11, William Miller: The House passed this at $24 per month. The Senate cut it out on the grounds that the

soldier is receiving $12 from the Government as pension and $21 per month from a railroad. The House recedes.

Amendment No. 19, Robert N. Barton: The House passed this at $24 per month. The Senate cut the item from the bill on the grounds of short service. The soldier incurred disability in the service, and the Senate recedes.

Amendment No. 20, Thomas Addington: The House passed this at $50 per month. The Senate cut it to $36. The soldier is nearly 90 years of age and had a long service, and the Senate recedes.

Amendment No. 22, Francis J. Truesdale: The House passed this at $30 per month. It appears that the soldier is getting a salary of $80 a month at the present time, and therefore the Senate cut the item from the bill. The House recedes.

Amendment No. 23, John Williams: The House passed this at $30. The Senate cut it to $24 on the grounds of short service. Soldier is disabled, and the Senate recedes.

Amendment No. 27, John J. James: The House passed this bill at $36 per month. The Senate cut it out on the grounds of its being a second special act. The soldier's condition is much worse than at the time the first act was passed, and the Senate recedes.

Amendment No. 28, Pulaski T. Gaither: The House passed this bill at $30 per month. The Senate cut it to $24 on account of short service. The Senate recedes.

Amendment No. 30, Joseph Butcher: The House passed this at $30. The Senate cut it to $24 on the grounds of the soldier not being wholly disabled. His condition is serious, and the Senate recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 18954.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read as follows:

CONFERENCE REPORT (NO. 709).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15, and agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 2, 6, 8, 10, 11, and 14 are merely amendments to correct the bill or to strike out the names of certain beneficiaries who have died since the bill passed the House, and the House recedes.

Amendment No. 1, Joseph L. Day: The House passed this at $30 per month. The Senate cut the amount to $24 on the grounds that soldier had a very short service and was not disabled by reason of that service. The House recedes.

Amendment No. 3, Levi Taylor: The House passed this at $36 per month. The Senate cut the amount to $24 on account of short service. Soldier incurred disability in the service, and the Senate recedes.

Amendment No. 4, Mary E. Hitchcock: The House passed this at $20. The beneficiary is drawing $12, and the Senate cut the item out on the grounds that she did not marry the soldier until 1883 and is not seriously disabled. The House recedes.

Amendment No. 5, James P. Nesbit: The House passed this at $30. The Senate cut it to $24 on the grounds of short service and soldier not receiving any disability by reason of such service. The House recedes.

Amendment No. 7, Jacob Guy: The House passed this at $36. The Senate cut it to $30 on account of short service, and the House recedes.

Amendment No. 9, Mary Fox, dependent mother: The House passed this at $20, giving an increase of $8. The Senate cut the item out on the ground that it was adverse to granting increases to dependent relatives. The beneficiary is 86 years old, and the Senate recedes.

Amendment No. 12, Edward D. Bliss, dependent father of soldier: The House passed this at $20, giving an increase of $8. The Senate cut it out on the grounds that he is not seriously disabled or very old. The House recedes. The beneficiary is pensioned as the father of a Spanish War soldier, and the bill really belonged to the Committee on Pensions.

Amendment No. 13, Jerome S. Pinney: The House passed this at $30. The Senate cut the item out on the grounds that the soldier had a very short service and is receiving a salary of $300 or $400 per year and an annuity of $60 in addition to his pension of $12. The House recedes.

Amendment No. 15, William Dodds: The House passed this at $30. The Senate cut it to $24 on account of short service at the close of the war, and the House recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill H. R. 18955.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the report, as follows:

CONFERENCE REPORT (NO. 707).

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 7, 8, 9, 13, 15, 16, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 10, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 4, 6, 12, 18, 22, 25, 27, 29, 31, and 32 are merely corrections and cutting out items relating to beneficiaries who have died since the bill passed the House. The House recedes from all of these.

Amendment No. 2, Lewis B. Rex: The House passed this at $36. The Senate cut it to $30 on the grounds that soldier was not seriously disabled. He is a very old man, and the Senate recedes.

Amendment No. 3, Wilson F. Ball: The House passed this bill at $36. The Senate cut it to $30 on the grounds that the soldier had some income in addition to his pension. The House recedes.

Amendment No. 5, John S. Ponce: The House passed this at $20. The soldier was wounded in service, and the Senate raised it to $24. The House recedes.

Amendment No. 7, Judson B. Lupton: The House passed this at $36. The Senate cut it to $30. The soldier is an old man and had good service. The Senate recedes.

Amendment No. 8, Mary M. Heistler: The House passed this bill at $12 per month. The Senate cut it out on the grounds that she was a remarried widow. She was the wife of the soldier during his service, and the Senate recedes.

Amendment No. 9, Samuel E. Johnson: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier is not seriously disabled. The soldier had good service, and the Senate recedes.

Amendment No. 10, Nelson F. Abrams: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier was not seriously disabled, being rated at only $10 in his last examination. The House recedes.

Amendment No. 11, Hosea B. Brooks: The House passed this at $24. The soldier had a very short service at the close of the war and is getting $15 per month. The Senate cut the item from the bill. The House recedes.

Amendment No. 13, George R. Scott: The House passed this at $50. The Senate cut it from the bill on the grounds of its being a second special act. It appears that he is totally helpless, and the Senate recedes.

Amendment No. 14, Michael Holland: The House passed this at $30 per month. The Senate cut the item out on the grounds of his receiving $1,000 from the Government per year. The House recedes.

Amendment No. 15, John Bunting: The House passed this at $36 per month. The Senate cut it to $30 on the grounds that he did not require aid and assistance. It appears that the soldier is nearly blind and had more than three years' service. The Senate recedes.

Amendment No. 16, Adam Wolf: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier was not in a particularly bad physical condition. He had a long service, and the Senate recedes.

Amendment No. 17, Joseph H. Kirby: The House passed this at $36. The Senate cut it to $30 on the grounds that the service was at the close of the war and soldier's disabilities do not confine him to his home. The House recedes.

Amendment No. 19, Merlin L. Kirby: The House passed this at $20. The Senate raised it to $24. The House recedes.

Amendment No. 20, Dora Stevens: The House passed this at $12. The soldier's death was not due to service. The widow did not marry him until 1895, and the Senate cut the item from the bill. The House recedes.

Amendment No. 21, Robert Schumann: The House passed this at $30. The Senate cut it to $24 on the grounds that the soldier has some income and is not seriously disabled. The House recedes.

Amendment No. 23, Phillip Main: The House passed this at $30. The Senate cut it to $24 on the grounds that the service was short, soldier having served only about four months. The House recedes.

Amendment No. 24, Sarah Ann Williamson: The House passed this at $20 on account of helpless child. The Senate raised it to $24, and the House recedes.

Amendment No. 25, Darius Cook: The House passed this at $30. The Senate cut it to $24 on the grounds that soldier only served three months. House recedes.

Amendment No. 28, George S. Bristol: The House passed this at $36. The Senate cut it to $20 on the grounds of short service. The soldier received disability in the service, and the Senate recedes.

Amendment No. 30, John W. Arthur: The House passed this at $12. The Senate cut it out on the grounds that the soldier served only 61 days. The House recedes.

JOE J. RUSSELL,
CARL C. ANDERSON,
CHARLES E. FULLER,
Managers on the part of the House.

Mr. RUSSELL. Mr. Speaker, I move that the conference report be agreed to.

The question was taken, and the conference report was agreed to.

PRINTING OF REMARKS OF MAURICE SIMMONS.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a patriotic speech delivered by Mr. Maurice Simmons, of New York.

The SPEAKER. The Chair can not understand the gentleman.

Mr. DYER. I desire to insert in the RECORD a patriotic address delivered by Maurice Simmons, of New York. I desire to extend my remarks in the RECORD by inserting that address.

Mr. RAKER. Mr. Speaker, reserving the right to object, this will take the same course as those of yesterday?

Mr. DYER. Yes; be printed at the close of the proceedings of the House.

Mr. MANN. A course which was not taken by the speech inserted by the gentleman on yesterday.

Mr. RAKER. That is the reason I want to call the attention of the House to the fact that I called the Reporter's attention to it, and I notice it was not at the back of the RECORD, and I wanted to take occasion this morning, so far as it was concerned, to have it put in the back of the RECORD.

Mr. MANN. Yesterday morning it was said that the Members who had speeches of this kind should put them in the rear of the RECORD, having them marked, "Print this at the end of the proceedings."

Mr. BOEHNE. Mr. Speaker, I wish to serve notice now that I am going to object to any future insertions of speeches of this character.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. DYER] to print the speech he has referred to in the RECORD? [After a pause.] The Chair hears none.

PENSION BILLS.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri [Mr. HAMLIN] rise?

Mr. HAMLIN. I wish to call to the attention of the Chair that he has not yet announced the vote on the conference report.

The SPEAKER. The Chair thinks he did. The reading clerk——

Mr. HAMLIN. My colleague from Missouri [Mr. RUSSELL] interrupted the Chair and the Chair did not announce the vote.

The SPEAKER. The vote agreeing to the conference report carried. By a special agreement the gentleman from Georgia [Mr. ADAMSON] is recognized.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21969, designated and known as the Panama Canal bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ADAMSON. Mr. Speaker, pending that motion I would like to confer with the other side as to any agreement they may desire to make in regard to debate. I have only one suggestion myself, and that is that whatever general debate there is be limited to the subject under consideration and divided equally between those who favor and those who oppose the bill.

The SPEAKER. Does the gentleman desire to have any agreement as to the length of the debate?

Mr. ADAMSON. Yes, sir. I would like to hear from the other side.

Mr. BROUSSARD. Mr. Speaker, this bill is probably the most important piece of legislation that has to be considered by this Congress. It involves the establishment of civil government in the Canal Zone, it involves the abandonment of the plan by which the canal has been constructed, it contemplates the disbandment of the workmen who are there now as the work progresses, and the organization, out of a force of some 30,000 men now on the canal, of a permanent force for the operation of the canal. It involves the reduction of Executive orders that heretofore have been issued and by which the canal is being governed. It involves the creation of courts and the granting of jurisdiction to courts in order to deal with subject matters that may come up for an adjudication in the courts, both involving points of admiralty and civil administration. It involves the establishment of stations to furnish coal, and other matters, by the Navy.

The committee has agreed practically on every section of this law except two. One of them is with regard to the question whether tolls shall be imposed upon vessels engaged in coastwise trade. Upon that there is a minority report signed by five members of the committee. Then there is some disagreement as to another section of the bill, and that is as to whether steamships owned in whole or in part by railroad companies shall be permitted to use the canal.

And I think there ought to be considerable time for the discussion of these matters, important as they are.

The SPEAKER. Has the gentleman from Louisiana any suggestion to make as to the length of time?

Mr. BROUSSARD. I should like to have at least three days of general debate on this question.

Mr. GARNER. The gentleman from Louisiana [Mr. BROUSSARD] evidently does not understand the request of the gentleman from Georgia. The gentleman from Georgia is not undertaking to limit debate at this time. He is simply seeking to get an agreement that the debate shall be confined to the bill under consideration, and that the time shall be divided between those who favor it and those who are opposed. I can see no objection to that.

Mr. BROUSSARD. We can see no objection to it either, but I would like to know if we have enough time in which to consider——

The SPEAKER. It is not the time to fix the length of debate now.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest that the great appropriation bills ought to become laws before the 1st of July. They will either have to become laws by that date or else temporary action will have to be taken by Congress for the support of the Government service. After the middle of June there will not be very much work done by the House or by the Senate, if Congress remains in session, before the middle of July. I think it is quite possible for the House to get through with the appropriation bills and the Panama Canal bill and any emergency matters that may be pressing and still adjourn by the middle of June [applause], but it can not be done unless the House is willing to work between now and the middle of June.

Now, I suggest to the gentleman that if we are going to have a long debate on the Panama Canal bill—a long, general debate—we ought to have night sessions——

Mr. GARNER. That is right——

Mr. MANN. And finish the Panama Canal bill and have a final vote on it before Saturday night.

The SPEAKER. The Chair will state to the House in the same line with the remarks of the gentleman from Illinois—and the Chair thinks it will be an accommodation to the Members—that there are still four more appropriation bills to be considered—the naval appropriation bill, the Military Academy bill, the sundry civil bill, and the general deficiency bill—and the Members can make up their minds from experience, those who have been here, how long it will take to get through with those four bills.

Mr. MANN. We could pass the Military Academy bill in——

Mr. GARNER. Two hours——

Mr. MANN. In less than an afternoon, and we ought to be able to pass the naval bill in a couple of days, or three days.

The SPEAKER. Does the gentleman hope to pass that bill in three days?

Mr. MANN. If we have evening sessions, I think so.

Mr. BROUSSARD. I wish to inquire. Mr. Speaker, whether the general debate on this bill, if it is not ended to-day, will be displaced by any special business to-morrow?

Mr. MANN. That will be for the House to determine to-morrow.

The SPEAKER. The House can go on with this bill to-morrow if it wants to, or it can let the pension bills come up.

Mr. ADAMSON. Mr. Speaker, I want to say that I am perfectly willing to agree to any rule that is made as to night sessions if it is applied impartially to all the business of the House from now on. I am not myself insisting on long, general debate on this bill. I do not think it is worth a cent to stand up here and paw the air and talk to empty benches. [Applause.] I am in favor of general debate going on just as long as the House takes an interest in it, but as soon as the Members show a lack of interest in the general debate I want to begin the reading of the bill under the five-minute rule. That is the best way to enable the Members to understand the bill, anyway.

Now, I ask the other side if there is any objection as to the time, and whether they want any further agreement now than that which I have suggested? What I desire to do now is to arrive at some arrangement whereby general debate can be had on the bill and divide the time between those who are opposed and those who are in favor of it.

Mr. STEVENS of Minnesota. I think that is satisfactory to this side, Mr. Speaker.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I wish to say that the members of the Committee on Appropriations are not only interested in the matter in the sense that that committee is responsible for getting the supply bills through, but along with the other Members of the House the members of that committee would like to take some part in the consideration of a bill of this importance; and, speaking for myself, I agree thoroughly with what has just been said by the chairman of the Committee on Interstate and Foreign Commerce, that general debate in this House under modern practice is usually a waste of time. We have too much general debate and too little consideration of a bill under the five-minute rule. [Applause.]

I would be very glad to see an arrangement made by which we can have a time fixed when the bill can be finally voted on, and then have the major portion of the time between that date and now given to the consideration of the bill under the five-minute rule, when the best attention is paid to the discussion of legislation in the House.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. SHERLEY. I do.

Mr. GARNER. Under the suggestion of the gentleman from Georgia [Mr. ADAMSON], the chairman of the committee, if it should develop in a couple of hours from now that nobody was paying attention to the general debate in committee we could go back into the House as in Committee of the Whole and debate the bill under the five-minute rule for two days.

Mr. SHERLEY. I understand that. Perhaps it may be possible to have that arrangement later on as to the length of general debate, when some of us are busy with committee duties. I am willing to have three days' general debate, but I am not willing to waste time in addressing remarks to empty benches.

Mr. ADAMSON. I think the House should have ample opportunity for free general debate on this question, but I am willing to agree to the suggestion of the gentleman from Kentucky. But if we should have two or three days of general debate it means that the major portion of the Members will leave the House and only come back when debate is had under the five-minute rule.

Mr. SHERLEY. It might be that an agreement could be reached whereby there should be three or four hours of general debate, and then start in with the reading of the bill under the five-minute rule, and then the bill could be put upon its passage.

Mr. ADAMSON. Whenever the interest begins to lag in general debate we ought to be able to go back into the House as in Committee of the Whole and bring the general debate to a close and proceed under the five-minute rule. That is what we ought to do.

Mr. MANN. Regular order!

Mr. BROUSSARD. Mr. Speaker, I would like to ask the gentleman from Georgia [Mr. ADAMSON] what he understands by those favoring the bill controlling half the time and those opposing the bill?

The SPEAKER. The House will be in order. The gentleman from Louisiana wants to know what the chairman of the committee means when he speaks of dividing the time between those who favor and those who oppose the bill.

Mr. ADAMSON. I mean that those who advocate all the sections of the bill and all the propositions of the bill ought to have half the time; that those who are opposed to any part of the bill ought to have the other half of the time; and so far as I am concerned the gentleman from Louisiana [Mr. BROUSSARD] shall have half the time that I control.

Mr. BROUSSARD. That is perfectly agreeable.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Panama Canal bill.

Mr. BROUSSARD. Mr. Speaker, one more matter to which I should like to call attention. Would it not be possible under this arrangement to have a night session to-night?

SEVERAL MEMBERS. Yes.

The SPEAKER. This arrangement does not include that, but if a night session is desired the arrangement can be made.

Mr. ADAMSON. I have no objection to a night session if it is necessary.

Mr. BROUSSARD. Does the gentleman make that a part of his request?

Mr. ADAMSON. I have not yet done so. I suggest that we see how the debate runs along. Later in the day we can do it if it is necessary.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Panama Canal bill, and, pending that, he asks that one-half the time be used by those in favor of the bill and one-half by those opposed to any part of this bill.

Mr. ADAMSON. Mr. Speaker, I understand from the gentleman from California [Mr. KNOWLAND] and the gentleman from New York [Mr. CALDER] on the other side of the House, the ranking Members who signed the minority views, that it is perfectly agreeable to them to let the gentleman from Minnesota [Mr. STEVENS] apportion the time and divide with them, just as I divide with the gentleman from Louisiana [Mr. BROUSSARD].

The SPEAKER. That is a matter for the gentlemen to arrange among themselves.

Mr. MANN. I understand the gentleman to make that a part of his request?

Mr. ADAMSON. Yes.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks that he control half the time and asks that the gentleman from Minnesota [Mr. STEVENS] control the other half.

Mr. DOREMUS. Mr. Speaker, I am not thoroughly familiar with the practice, but it would appear to me that in common fairness this time should be controlled one half by those in favor of the bill and the other half by those who oppose the bill.

Mr. ADAMSON. If there was nobody against any section except that one, that would be very true, but other parts of the bill may be assailed.

Mr. DOREMUS. The gentleman from Georgia [Mr. ADAMSON] and the gentleman from Minnesota [Mr. STEVENS] are the chief exponents of section 5 and section 11 of this bill, and it does not appear right to me that the time should be under the control of those two gentlemen.

Mr. STEVENS of Minnesota. Mr. Speaker, the gentleman from Michigan is misinformed. I differ with the chairman of the committee on important propositions relating to that subject.

Mr. ADAMSON. I will yield time to the gentleman.

Mr. KNOWLAND. Mr. Speaker, as the ranking member who signed the minority views I want to say that while under ordinary circumstances I believe it is a bad precedent to give to those who favor the bill the control of the entire time, I have so much confidence in the ranking member of the committee on this side, the gentleman from Minnesota [Mr. STEVENS], that, knowing he will divide the time evenly, I shall make no objection under the circumstances.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Georgia.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection.

There was no objection.

Mr. ADAMSON. Mr. Chairman, I suppose as a matter of form, at least, as a perfunctory performance if nothing else, I am expected to make some statements to the House touching the provisions of the pending bill which I had the honor to report from the Committee on Interstate and Foreign Commerce. The committee has labored hard and faithfully to ascertain what is right and wise in the premises. It has succeeded, if not to its own satisfaction, in agreeing on a bill unanimously with the exception of two sections. I will say that the work of the committee is agreeable to the canal authorities with the exception of one section. That section the chief engineer did not object to on account of its merits, but because he did not believe that a great work like this ought to be blocked by any matter that could be otherwise disposed of without encumbering so great a project, and also that it might diminish the tolls and traffic in opening the canal. That is section 11, and, as I have mentioned that section, I will at this time call attention to the fact that the committee has perfected and will submit a committee amendment in the nature of a substitute for that section. I will ask the pages to place it on the desks of the Members at this time that they may have it in connection with the bill.

Section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may, on its own motion, or the application of any shipper, institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

I will state further, Mr. Chairman, that I had placed in the desk of each Member a complete copy of all the hearings in the form of a House document, containing all the evidence, all the statements of everybody who appeared before the committee, the bill reported, and all bills which were considered by the committee at this time, and the majority and minority reports of the committee. They will find them all in that book, and when they replace section 11 with this leaflet, which is now being circulated, they will have the whole matter as the committee understands it.

I will state to gentlemen that in going through the terms of the bill, if there is any matter upon which I am able to afford any information I will be glad to do it if gentlemen will call my attention to the subject upon which they wish to be enlightened.

It has been a very difficult subject. The construction of the canal was a great enterprise, the greatest of its kind ever attempted by man, and the legislation for its control and management and operation must necessarily be important and fraught with very great difficulties and differences of opinion. In fact, at the very outset of the enterprise there were so many intelligent men in this great country, which possesses more strong and educated minds than any in the world, now or at any time in the past, that they began at once to cast about and make suggestions. Selfish interests began to agitate, fancies of mind began an active career, and all sorts of notions and fads, and also some good ideas, were advanced.

The committee from the outset put its face steadfastly to the front, putting all things of that kind aside, insisting on, first, the construction of the canal, and then the solution of all questions incident thereto. In the very outset people began to talk about whether you could not use the canal for this private interest or that private interest, and if you could not use it for ship subsidy, forgetting that Congress for 100 years, though constantly importuned by a sleepless lobby, has refused to provide a ship subsidy; others, overlooking the millions of unoccupied acres of land in this glorious country, the best country and Government on earth, began to spin theories and build castles and build ideal forms of government and institute ideal republics in these tropical regions before we had gotten rid of the mosquitoes and the malaria and before we had made sure that we could live there long enough to build the canal or whether anybody could live there long enough to stay there and operate it, much less reside there for any length of time.

Some distinguished gentlemen proposed, before the dirt was ever broken very deep below where the French left it on Culebra, that we erect a great luminary of learning on the Isthmus to educate and enlighten everybody in Central and South America.

They filed resolutions and bills and said that nothing should be bought unless it was used as a basis for a particular business, particular lines of transportation and manufacture, and all that sort of thing.

But we kept straight ahead, looking out for the clearing of the jungle, the sanitation of the zone, the acquirement of the title to the land, the construction of the canal, and the preparation for its opening for the use of the Army and Navy of the United States, and, incidentally, when they were not using it, for the purpose of accommodating commerce and recouping the Treasury of the United States with whatever money we could derive therefrom. It is now thought that triumph is about to crown our efforts in the way of physical construction. The engineers have completed their work. The physical work is almost done. The dry excavation is about finished. The lake at Gatun is being raised this month. The system of dams and locks at each end of the summit level designed to receive the Chagres River and fill up the entire summit level of the canal and furnish water to operate the locks is about finished, or will be during the coming summer. The lake will be filled far enough to cover up the unexcavated places, and then the dipper dredges will do the balance. It will not be claimed that the canal is finished until the slides cease to come down at Culebra and one or two other minor places. It would not be fair to open the canal and say that it is finished and then have to stop and excavate the dirt sliding in and charge that up to maintenance. Until the slides have quit, and we have settled the banks—the slopes—we can not say that the canal is finished, and we ought to charge all of that up to construction and not to maintenance. When that is done it is expected that the canal will be opened for the use of our Army and Navy and for the public.

We have provided in the first section of the bill for defining the Canal Zone, and in that connection we name the canal and we name the zone. That is appropriate in the outset, especially for the reason that that canal is not in our own country.

If it had been on American soil, with an American port at each end, we would not have had to make any such definition. We would not have found it necessary to frame any such bill; we would have simply gone to work under an act of Congress, making appropriations, without consulting any other nation on the face of the earth, and we would have proceeded; and it would have been a domestic canal subject to our own sweet will, without any restriction, permission, let, or hindrance. But, unlike any other canal of the sort—and it is unlike any other of the sort in every respect—we were forced to go to a foreign country in order to dig that canal.

The only other two canals in history that can be compared with it are the Kiel Canal and the Suez Canal. The Kiel Canal was built by the Emperor of Germany very much as we have built ours, in one respect, as a Government canal primarily for the use of the Army and Navy. It is entirely in his own domain, under the jurisdiction of Germany at both ports, and he did not have to consult anybody else about it. He proceeded to construct it.

The Suez Canal is a great commercial canal, but is not comparable to ours in magnitude or in expense or in difficulties of construction. It is a commercial canal, and was reconstructed in modern times by a commercial company organized under the laws of France. The country in which it is constructed being too weak to build it itself, its financiers being unable to construct and operate it, it had to look abroad for capital. That capital was found in the various countries of Europe, a great many of them, away up in the teens. All of those countries united in a convention for the control and government and management and neutrality and neutralization of that canal. That canal was not originally constructed in that way. In ancient times, before the dawn of history, an Egyptian king started out to construct that canal. It is also in the Tropics, but he had slave subjects, and under the whip and lash he put them to work digging that canal. Incidentally he killed 140,000 of them in doing it. He did not dig it as we dug ours, to shorten the distance and make communication more easy, but he dug it in the longest way, in order to avoid the invasion of enemies thereby. Yet, fatally for him, he had to quit it, and an enemy did invade and seize it, and while in possession of the country, as a conqueror, Darius finished that canal; but in both these cases the canal was built under the domination of a Government and was entirely within the country of that Government.

The Panama Canal was the culmination of a long series of diplomacy, legislation, contracts, exploitation, efforts of financiers almost all around the world to construct a canal across the Isthmus.

No matter who might construct it, it had to be done by foreigners. None of those countries were able to do it, neither Colombia, New Granada, Nicaragua—none of them were able to construct that work. It was discussed by numerous monarchs in Europe for hundreds of years. We began to discuss it nearly a hundred years ago ourselves. We had ourselves so tied up in our relations with other countries, in addition to the fact that that was in a foreign country, that we were not at liberty to go ahead with it. Finally, by a reconstruction of the Clayton-Bulwer treaty, we did remove the objections to its construction by the United States Government in a foreign country by agreeing with England to retain all the provisions in the Clayton-Bulwer treaty as to neutralization and equal fair dealing and removing the humiliating proposition that we had to rely on other countries to sustain its neutrality and assuming ourselves the duty of opening, protecting, and maintaining the neutralization and the equality of the use of the canal. But it still remains in a foreign country, and it required a contract with the Governments of two countries to get permission to construct it. We are bound to comply with the terms of those two agreements, one with England in the Hay-Pauncefote treaty and the other the Republic of Panama. We had no right to do anything but build and operate the canal; therefore in the treaty and the canal act we provide for the control of the territory for the purpose of constructing, maintaining, and operating that canal, but still in accordance with the spirit in which we have proceeded through all these negotiations—that we are not looking for a place of colonization to gain influence and unfair advantage, but we were simply to construct a canal for the free and equal use of all the people interested in that canal everywhere, of every nation. Therefore we appropriately, in the first section of the bill, define the Canal Zone exactly in accordance with the treaties, naming the canal and naming the Canal Zone. In the second section of the bill we deem it proper, for a very good reason, to stop and legalize and ratify everything that has been done there. When we acquired the Canal Zone it was done rather suddenly. We had had long negotiations.

Congress was in session and we did not know just exactly what the final upshot of the whole thing would be. We wanted time to see what we were going to do there—what legislation ought to be enacted—so temporarily we reenacted or adopted and made applicable the old statute for the temporary government of Louisiana at the time we purchased that, and provided that it should expire by its own terms with the end of the Fifty-eighth Congress, and, for reasons which the House understood and deemed satisfactory, and which the gentleman from Illinois [Mr. MANN] will remember, that temporary act was allowed to lapse at the end of the Fifty-eighth Congress. The commission, which this House had always objected to, was turned out of office the next day and a new régime instituted. Our committee again went to Panama and looked over the situation. The Appropriations Committee began to make visits there annually, and under the stimulation of changed conditions the work proceeded, but occasionally gentlemen complained of a monarchy down there, of absolutism; that without law and authority the President had proceeded to administer the government and construct the canal, and that it did not become the institutions of a great free country to permit that. Our reply was, We have law enough to sustain it, it is ours, we bought and paid for it, and we had acts of Congress authorizing us to proceed and to build it so he certainly could get along until he got it built; that we were ready to legislate as much as necessary at the proper time, but that we are not ready to proceed to the enactment of a long and elaborate system of jurisprudence in a country where we did not expect to have any population,

where we did not expect at best to have anything but the canal, and the President, by the approval of Congress and the sanction of annual appropriations by Congress, has proceeded issuing Executive orders. Courts were established, and the officials were appointed under that temporary statute and have simply been continued by Executive order. In order to be sure that there can be no sort of criticism, no question of the legitimacy and regularity, we provide in the second section of this bill and approve all the laws now in force on the zone and recognize and sanction all the courts that are now on the zone. There we cut short the one-man power connected with the administration. That, of course, leaves it to the United States Government to make future legislation, the question of amending the laws, and the courts of law, and as to all civil institutions—everything of that sort remains with Congress.

We did not undertake in this bill to revise and reform the entire system of law. We did not have time to do it.

Mr. HARRISON of New York. Will the gentleman from Georgia [Mr. ADAMSON] yield for a question?

The CHAIRMAN. Does the gentleman from Georgia [Mr. ADAMSON] yield to the gentleman from New York [Mr. HARRISON]?

Mr. ADAMSON. With pleasure.

Mr. HARRISON of New York. I observe that section 2 provides that the Executive orders shall become laws until changed by Congress, but subsequent sections of the bill, as I read, go on to provide that the President shall make the laws. Is that to be a law of men instead of a law by Congress? The gentleman and I have had very sharp differences in the past in regard to the government of the zone, and I wish that he would explain to the House, if he deems wise, what will be the physical aspect of the zone after the canal is completed, what kind of people will live there, what extent of land will be covered by water, and what emergencies would arise that called for the application of laws?

Mr. ADAMSON. Mr. Chairman, the differences between the gentleman from New York [Mr. HARRISON] and myself have not been substantial differences. They have been as to the time of action only. The gentleman thought it necessary, or deemed it wise, to legislate before I thought we were ready to legislate. That is the only difference between us. I thought it wise to wait until this time when we knew that we were going to succeed triumphantly in our enterprise and remain on the zone to operate the canal forever. Then I thought it would be time enough to legislate for the people there. And now his question comes in opportunely, because I was just coming to the section that touches on his question. Section 3 authorizes the President to secure for the United States all the outstanding titles and possession to land which we have not already acquired.

The Gatun Dam is 6 or 7 miles out from Colon. We call our town Cristobal. At the Gatun Dam there will be another town. Farther over, at the other end of the summit level, which is about 6 or 7 miles from Balboa, the Pacific end of the canal, there will be another town. Between that town and Gatun, about 35 miles, will be the crest or the summit level of the canal. A part of that will be lakes. I believe about one-third of the area will be covered by water when those lakes are filled. That, of course, will cover all of the lowland. Under present arrangements I assume we have settled about all of those claims. The balance of the land in the zone which will not be covered by those lakes is hardly suitable for any sort of cultivation or farming in which an American citizen would indulge. It rains down there about nine months in the year regularly, and three or four hours a day for the balance of the time, as I have found by personal experience. The dry season is too short to produce and gather any kind of a crop that we want, and the wet season is not favorable to the production and cultivation of crops.

Mr. HAMLIN. Will my colleague permit me to make this suggestion right there?

The CHAIRMAN. Does the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HAMLIN. It developed in evidence before our committee that the Agricultural Department had made very exhaustive experiments down there, and had determined that it was not available for agricultural pursuits.

Mr. ADAMSON. In addition to the correct suggestion made by the gentleman from Missouri [Mr. HAMLIN], I will say that most of the land in addition, uncovered by the lakes, will be the hilly lands. There are short, sharp peaks, which are mighty pretty. If you had a number of them in your front yard they would be delightful. They are lovely to look at for a little while. But to live on a farm the year around the gentleman would not find it as delightful as Horace and other literary men in the past have tried to make us think.

Mr. BORLAND. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. BORLAND. Listening to the suggestion of the gentleman's colleague from Missouri [Mr. HAMLIN] that the Agricultural Department had made an investigation to determine the agricultural value of these lands, is it a fact that their investigations determined, as to the products of the Temperate Zone, that they could be raised there successfully?

Mr. ADAMSON. I would not undertake to decide that controversy. Of course, there are some products of the Tropics that would grow there if properly attended to, and I have no doubt if a man had lots of money and millions of resources and was acclimated to live in that country and he wanted to go there and turn loose measureless wealth on his agricultural experiments, he might have as good a time wasting money there as he could have anywhere else, and that, in my judgment, would be the upshot of the venture, because the evidence before us showed there have been no successful farming ventures of any sort in the zone. Some little farms up and down the Isthmus have proven profitable, but not on the zone.

But, Mr. Chairman, this is our proposition: We have bought or acquired jurisdiction over a strip 5 miles wide on both sides of the center thread of the canal for canal purposes, not for colonization and not for agriculture. You may find in many States of the South and West better land and more land than that, with a better climate for folks to live in, if you want to establish a colony.

Mr. BUCHANAN. But not with so much water.

Mr. ADAMSON. No; but you can find plenty of water if you go with me, and better land.

The primary object of the acquisition of that strip or zone was to construct and operate a canal, and the Government of the United States certainly has the right to acquire the title to all the land, and hold it, and own it until it starts the canal, and then exercise its own judgment and volition as to what use it will make of any of it that is not actually needed in navigating and operating the canal.

Mr. TILSON. Mr. Chairman, may I ask the gentleman a question right there?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Connecticut?

Mr. ADAMSON. Certainly.

Mr. TILSON. What does the gentleman say as to the possibility of living there after this lake is filled up, and after the partly submerged land has become a jungle again? Will it not produce mosquitoes and other insects and all sorts of animal life, up to the size of crocodiles, that will make it at least dangerous or undesirable to live there?

Mr. ADAMSON. Well, it is thought that when we lay out the United States barracks and parade grounds for the military there will not be very much ground left except what only a goat could travel over. [Laughter.] These hills, you must understand, are very steep and abrupt. They are going to try to find level and smooth land enough for the barracks for the troops that they have to have there for the military police and administration of the zone.

Mr. TILSON. I understand that much of the large lake formed by means of Gatum Dam will be very shallow water, and, being in the Tropics, it seems to me it would revert to a very dense jungle in a short time, and in this jungle there would be produced all sorts of enemies to health and human life that would make it uncomfortable and even dangerous for men to live on the zone even to operate the canal.

Mr. ADAMSON. The gentlemen who will operate the canal will live at the towns, where they have artificial means of comfort. They will have refrigerators and cooled air and screened houses and every civilized convenience and opportunity to keep them alive. They can live a little better there, and it is not expected that they will live between those dams at all. It is not intended that the jungle will be allowed to grow up again along the line of the canal. I suppose it will be necessary to keep most of it cleared occasionally in order to avoid intruders coming up covertly and doing mischief and being where they ought not to be.

Mr. MARTIN of Colorado rose.

Mr. ADAMSON. There is one thing that I omitted to state about the population of that zone, and that is that the water supply for all the towns and cities must come from those hills, and the health experts say it is not wise to permit any population to remain on those watersheds at all, as it would produce impurities in the water, and that that is an additional reason why there should not be any population there.

Now I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I only wish to observe that the fears expressed and the conditions described by the gentleman from Connecticut already exist in the Canal Zone. A thousand

feet away from the line of the railroad, or of the canal, there is nothing but a jungle now, filled with mosquitoes and all the tropical conditions of disease, and it could not be rendered any worse by reason of the fact that the Government might here and there destroy a little cluster of native huts up in the hills. I believe that some gentlemen have an impression that the whole Canal Zone is in such a civilized and cultivated state now that it is in danger of being reduced again to a jungle if we put the people out. But it is a fact, as I think everyone that has been there knows, that a stone's throw from the line of actual operations is just as much a jungle as it was when the Spaniards first went there 400 years ago.

Mr. ADAMSON. The natives, or squatters, or the Chinese, or mixed breeds, or whatever they are, had built their little towns right along the line of the Panama Railroad, which is also the line of the canal. Most of those towns will be flooded by the canal when the lake is filled, and of course those people have been bought out and have been removed. If they are not allowed to locate elsewhere in the zone they will not be there any more. The population there now, over whom our courts are operating, consists mostly of our officials and laborers, aggregating somewhere between 30,000 and 40,000 men.

Those laborers, as their time expires, will be returned to their homes. It is not expected that after the canal is opened there will be any population there on the zone except the American employees operating the canal, and their families.

Mr. BORLAND. Does not the gentleman think that, irrespective of that rough land up in the hills between the two dams, the bottom lands surrounding both ends of the canal will be very desirable for commercial purposes? This bill provides that all of the lands shall be acquired by the United States Government and condemned practically as a military reservation.

Mr. ADAMSON. Mr. Chairman, it is true that at the ends of the canal, around those cities, there is some pretty good land, and conditions will be somewhat different there. I think that probably the Government has most of the land that it wants at the ends of the canal. It has most of the land in the city of Colon. It has considerable land in the city of Panama. It is expected that there will be population in the cities at the two ends of the canal.

Mr. BORLAND. At Balboa there is a large tract of land that the Government does not own and does not claim to own. The part colored green on the map represents what the Government concedes to be private land.

Mr. ADAMSON. The committee think the Government has a right to acquire it and hold it if it needs it, and that it ought to be its own judge as to how badly it needs it or what use it ought to make of it, and whether it ought to keep it or not.

Mr. BORLAND. If the gentleman will yield for a question right on that point, this particular bill provides not only for the acquisition of all the land in the zone, but it also provides that no person shall be upon the zone without the permission of the military governor.

Mr. ADAMSON. Yes.

Mr. BORLAND. In other words, if the Government acquires all that land around the terminal at Balboa or at Cristobal nobody could be there without the permission of the Government, and there could be no commercial business carried on practically without favoritism.

Mr. ADAMSON. I do not think it would be much trouble for a man who ought to be there to secure the necessary permission.

Mr. BORLAND. That is not the question. The question is whether it would encourage commercial pursuits there to require special permission from the Government.

Mr. ADAMSON. We have not yet gone far enough to abandon canal purposes and take up commercial purposes. This committee is now trying to build a canal.

Mr. BORLAND. I understand that the gentleman from Georgia [Mr. ADAMSON] believes primarily in a military canal, and incidentally in a commercial canal.

Mr. ADAMSON. "The gentleman from Georgia" believes primarily in a canal, and in finishing it and opening it and operating it. Then, if there are any incidental things that Congress wants to do, there will be time enough to consider them.

Mr. MOORE of Pennsylvania. Mr. Chairman, referring to the exclusion of inhabitants from the zone, does not the gentleman think there would be some advantage in having the zone settled by Americans, if they could be induced to go there, with a view to policing the district and relieving the Government of the expense of so large a military establishment as seems to be necessary?

Mr. ADAMSON. I do not think there will be any trouble about inducing men to go there for their salaries; and instead of the gentleman finding people flocking there to make vicarious sacrifices and to work for the Government for nothing, he will find people congregating around there, just as they do everywhere else where Government pap is open for distribution, begging for salaries; and when they get salaries they will want promotions the next day.

Mr. MOORE of Pennsylvania. Conceding there is some truth in the gentleman's statement, might it not be a relief to the Government in the matter of the expense of maintenance, and particularly in the matter of protection, if the zone should be opened up for settlement by men who would attempt to till the soil?

Mr. ADAMSON. Mr. Chairman, if after the canal is opened and put in operation we should find it desirable to have American citizens there for any purpose, our position is that it will be time enough then to consider the subject. Meantime, pending the completion of the canal, we would like to complete the purpose of the acquisition of that jurisdiction by acquiring title and ownership to the land, in order that when we are in possession of it we may decide the very questions that gentlemen are now asking me. They are premature. The movement is premature.

Mr. MOORE of Pennsylvania. The gentleman from Georgia has given very careful attention to the cost of the maintenance of the canal; does he now consider it wholly a military enterprise that must be maintained by the Government, or does he admit the commercial and agricultural possibilities with a view to raising money from the enterprise to help maintain it?

Mr. ADAMSON. Mr. Chairman, the United States did not go to Panama to run a farm. We had lots of land at home for that purpose, and if the Government had any it would sell it out and give it away, as it has with a thousand million acres. It went to Panama, under the only constitutional warrant, to construct a canal as a war measure for the use of the Army and the Navy. I have no doubt a great many men in their minds gave their consent to it solely for commercial purposes. But I am talking about the constitutional warrant which authorized Congressmen on their oaths to vote for the bill. The Government went there to build it as a Government canal for the use of the Government. It may use it for commercial purposes, and we all hope that the prophets or apostles of peace who are optimistically proclaiming 50 years' millennium, while the nations are overrunning each other to increase their armament—I do hope that there will be long years of peace, and that during that peace, whether long or short, the United States can acquire a great deal of money from the tolls through that canal; that while it is not the business of Congress to foster all the details of local commerce in the various sections, I do hope that all the commerce of the United States will blossom like a rose and flourish like a trust. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield for another question?

Mr. ADAMSON. Certainly.

Mr. MOORE of Pennsylvania. This is a very important phase of the question. I am under the impression that a large majority of the people of the country believe that the opening of the Panama Canal will tend to develop the commerce of the United States, and help us to closer connections with the Latin-American Governments.

Mr. ADAMSON. I hope that will be done, although I never pinned my faith on the Panama Canal as the only instrument of doing that, but I think the people ought to do something in their private and collective capacity without making a packhorse of Congress by imposing their private and selfish interests upon everything that the Government seeks to put in motion.

Mr. MOORE of Pennsylvania. I am not striving to argue with the gentleman. From a perusal of the hearings it would seem that the chairman of the committee, who has given this matter careful study, has been of the opinion that the construction of the canal was almost wholly for military purposes and that if it were to be used for commercial purposes commerce in some way should bear a portion of the expense.

Mr. ADAMSON. I should think him an unfaithful public servant of the Government who would give away any assets of the people, and I am sure when the canal is used by any man, whether he calls himself commerce or what not, or goes through it, the Government is entitled to some compensation for his going through. I think he would be very selfish to try to take it away from the people.

Mr. MOORE of Pennsylvania. The construction of the canal at an approximate cost of $400,000,000 and an annual cost of maintenance of probably $25,000,000, was not done merely for the purpose of permitting some modern *Oregon* to pass through to be used in some war that is yet to happen.

Mr. ADAMSON. If the *Oregon* had not gone around the Horn to give the people an object lesson and arouse them to help us build this canal, it would not have been built for a hundred years.

Mr. MOORE of Pennsylvania. But as the *Oregon* did go around the Horn to protect the Government in a war and the people of the country did provide the money to construct this monumental work, to the great credit of the American engineers, is it not advisable that we should get something back, by letting the Army and the Navy and the country understand that this is not wholly a military enterprise, but that it was constructed as well for the development of the trade and commerce of the United States and to strengthen our commercial status abroad?

Mr. ADAMSON. I do not think the Army and the Navy regard it as entirely a military affair. I do not think they want to fight all the time, and I do not think they want to go through every day.

Mr. MOORE of Pennsylvania. They do not want to stay in the canal all the time, and I do not think we built the canal to keep them there.

Mr. ADAMSON. I think, however, that when we have a war and when it is necessary as a war measure to transfer vessels, the object of the digging of the canal primarily was to give them the benefit of it.

I think they agree with me further that when the exigencies of the Army and Navy do not require the use of the locks that we would put through, if the vessels applied for passage, about 48 vessels a day, and get the tolls from every single one of them and put those tolls into the Treasury of the United States, where the $400,000,000 came from that built the canal. [Applause.]

Mr. MOORE of Pennsylvania. That would help to replenish the expenditures.

Mr. ADAMSON. That is the doctrine of the committee, and the doctrine of the Army and Navy, I hope.

Mr. MOORE of Pennsylvania. Then it is not the purpose of the committee to discourage commerce through the canal, but rather to encourage it.

Mr. ADAMSON. No; it is not the doctrine of the committee to discourage commerce. We are in favor of it, and if the gentleman will read the bill a little further he will find a section providing that it be open to the world and that commerce be invited to come through and to pay tolls every time it does come through. [Laughter.]

Mr. MOORE of Pennsylvania. The gentleman, of course, knows that the expense of the military and naval establishment will be very great.

Mr. ADAMSON. I do not know about that; but it ought to be great enough to protect the canal. In our pride we thought we were strong enough not to rely upon the other nations of the world to provide for the neutralization, so we provided in the Hay-Pauncefoto treaty that we alone would be responsible for the neutralization of the canal; and it may be necessary for us to put men and guns enough there at some time to whip some nation that tries to interfere with that neutrality and equality. We do no know; but if any other nation should bristle up and say they were going to disregard that neutrality and do as they pleased with the canal, we could not, as we could under the Clayton-Bulwer treaty, call on England and some other nations to help, but we would be under the obligation ourselves of protecting the canal against all enemies, and we will have the right to put there just such force and such guns as we need to maintain that neutrality and equality as against anyone.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman what he means by the use of the word "neutrality" in that connection. He says that we propose to have guns and men enough there to insure that neutrality.

Mr. ADAMSON. Mr. Chairman, I do not know whether I am a good enough dictionary or not. I never have looked in an English dictionary many times in my life. What few words I did learn I learned as a boy from the Latin and a Greek lexicon.

Mr. SLAYDEN. I hope the gentleman will not think I am criticising him at all. I am asking him the question in all sincerity.

Mr. ADAMSON. And I am going to answer it.

Mr. SLAYDEN. I was asking for information, and the gentleman answers as though I were asking the question in a critical way.

Mr. ADAMSON. Oh, no, Mr. Chairman; I was excusing my own imperfection as a lexicographer. I am going to guess at it and give my friend an answer which I think he will agree with me is correct. I hope he will. I have great confidence in his judgment, both as a civilian and as a warrior, and he has been my candidate for Secretary of War for a long time. [Laughter and applause.]

Mr. SLAYDEN. Give us the right administration and we will attend to that.

Mr. ADAMSON. I think that "neutral" is properly applicable to a country or a man who stands aloof from a row, who does not want to have anything to do with it. He is generally hated and despised by both sides and accused by each of covertly helping the other. [Laughter.] That is his fate in politics and everything else. "Neutralization," as I would judge from what little diplomatic history I have read, would mean that somebody would undertake to see that an instrumentality or a route or an appliance, something that men or commerce and nations use——

Mr. SLAYDEN. The canal, for illustration.

Mr. ADAMSON. Yes; the canal, for illustration—and that is the thing we will apply the epithet to—that neutralization would mean that it would be open on equal terms to anybody and everybody on the face of the earth. And when we say we guarantee it, we mean that we are going to see that nobody is interfered with in the use of it.

Mr. SLAYDEN. The gentleman, of course, knows that there was talk of the neutralization of the canal by certain great powers of the world, thereby obviating the necessity for a strong military or defensive force on the canal?

Mr. ADAMSON. That is right; and that is the arrangement with the Suez and was the arrangement under the Clayton-Bulwer treaty.

Mr. SLAYDEN. And I had in my mind the idea that that was what the phrase "neutrality of the canal," or "neutralization," meant.

Mr. ADAMSON. That is the difference between the Clayton-Bulwer treaty and the Hay-Pauncefote treaty. Under the Clayton-Bulwer treaty neither the United States nor Great Britain was permitted to acquire any prestige or influence on the Isthmus; no other power was allowed to acquire any use or advantage in conditions or terms of traffic or treatment, and the nations of the world were to be invited to unite with England and the United States in an agreement to guarantee the neutralization of the canal.

But just after the United States had succeeded in doing what no other nation nor combination of nations on earth could do, whip the South, and just after they had driven France out of Mexico, why they up and jumped on poor old Spain that had not had one dollar nor a friend nor seen a victory for 300 years, and we got to be so cocky and got to be such jingoes that we said to England, We are not going to fool along with you at all; it is true you have got Canada, reaching from one ocean to the other as we do; it is true you have some possessions in the West Indies; it is true you have your guns frowning on us from stations from Labrador to the south seas, but we are not going to fool with you and will not meddle with you. We told Spain to get out and you had better let us alone; we are going to have that canal to use as we please. We got mighty biggity about that, and after several discussions and meetings, and so forth, and the rejection of some propositions, we secured a modification of the treaty. The modification is that section 8 in all its spirit and intendment shall be preserved. That neutralization shall be preserved; that equal treatment at the canal for people and vessels for all nations shall be preserved, but we abrogated the inhibition against fortifications, because we abandoned the proposition for a jointure of the nations of the world to protect the neutralization and allow the United States to assume the sole duty to carry out the identical provisions that formerly were to be protected by a combination of nations, and in spirit the same principle of neutralization that is in the Clayton-Bulwer treaty. Therefore, the United States, in consideration of assuming the entire responsibility in maintaining neutralization, is exempt from the prohibition on fortifications and can establish and use such military police and such military provisions and such force as is necessary to protect that canal against violence, lawlessness, disorder, or anything else that interferes with the neutralization that we guaranteed.

Mr. SLAYDEN. Then the difference is that under the old Clayton-Bulwer treaty that would have neutralized the canal, cooperating with England and other countries at the joint expense of the nations signatory, but now we undertake all the expense and concede the use and privileges of the canal to all upon the same terms.

Mr. ADAMSON. Yes, sir.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. MONDELL. I understood the gentleman to say that by the terms of the Hay-Pauncefote treaty we assume the entire obligation in maintaining the neutrality of the canal, whatever that may be. Does not the gentleman understand that England assumed practically the same responsibility and obligation that we did under article 3 of the Hay-Pauncefote treaty?

Mr. ADAMSON. No, sir.

Mr. MONDELL. Is not she just as much bound as we are to see that the canal shall not be blockaded or that no right of

war shall be exercised in it, no act of hostility committed? Is not section 3 just as binding on Great Britain as it is on us?

Mr. ADAMSON. I do not know that we would call her an accommodation indorser, but she probably would stand behind us if any other nation or combination of nations were about to overrun us. If we manifested that we were unable to carry out the policy that we saw fit to adopt, then I have no doubt on earth she would come to our assistance.

Mr. MONDELL. If we did not fortify the canal at all and there was an attempt made to blockade it or to commit an act of war, is not England already as much bound by the Hay-Pauncefote treaty to protect that act as we would be?

Mr. ADAMSON. Well, I suppose England would feel her obligation to help protect it if we failed.

Mr. MONDELL. But is not that what we agreed to do?

Mr. ADAMSON. What we agreed to do.

Mr. STEVENS of Minnesota. I think the gentleman is in error in regard to the application of the Hay-Pauncefote treaty. The application there is that England only agrees not to commit the acts provided for in article 3, and we agree not to commit the acts set forth in article 3, and nobody else who agrees to preserve the rules agrees not to commit the acts——

Mr. ADAMSON. If you will read it, you will see it says the United States adopts for its use.

Mr. STEVENS of Minnesota. But the power to enforce the performance of the Government is set forth in Article III, and so England has agreed.

Mr. ADAMSON. If the gentleman from Minnesota will look at the language there, he will find there is expressly stated the language the United States adopts for the neutralization of the canal.

Mr. MONDELL. I will not take the gentleman's time longer, as I expect to discuss the matter later, but it seems to me that the treaty places the same obligation on England that we assume.

Mr. ADAMSON. I will say to the gentleman from Wyoming that I had not yet reached the discussion of the treaty, and I did not care to discuss the fortifications at all, because the question of fortifying the canal is before another committee and has been passed on by Congress.

Mr. ALEXANDER. I want to challenge the statement made by the gentleman from Texas [Mr. SLAYDEN] to the effect that under our treaty with Great Britain we are bound to let the other nations use the canal on the same terms as American citizens. There is no such language in the Hay-Pauncefote treaty. The language says:

> Such conditions as to charges and traffic as shall be just and equitable.

Mr. ADAMSON. Mr. Chairman, we have not reached the question of ship subsidy yet, and I expect when we reach that point the gentlemen will have a fair opportunity to discuss it, and I prefer to go on with the structure of the bill and reserve that to the last; and when we reach that, if the gentleman wishes to ask any questions about it, I think I will be ready to answer him on that proposition.

Mr. ALEXANDER. I did not want that statement to go unchallenged.

Mr. ADAMSON. It will take more than a challenge; and if the gentleman overthrows the statement of the gentleman from Texas in that he will not only invade the United States Treasury, but overthrow all the treaties of the United States on that subject. The obligation binds us to "terms of entire equality as to charges and conditions of traffic as to the vessels and citizens of all nations."

Mr. ALEXANDER. I expect to answer the gentleman on that question.

Mr. ADAMSON. I will read the books to you on that subject. I will not read from the ship-subsidy papers on that subject, but from the treaty.

The fourth section authorizes the President, in finishing up the canal, to select and train from the operatives such men as he judges competent to organize into an operating force to man the locks and operate the canal, and it also provides that when the canal has proceeded near enough to completion to dispense with the present organization authorized to construct it, the present organization, including the commission, be dispensed with; that a governor of the Panama Canal be appointed, and such other officers as the President may deem competent, to operate the locks and operate the canal and serve the Government on the zone in the necessary capacities and to open the canal formally to the world. In providing that section——

The CHAIRMAN. The gentleman has used an hour's time. Does the gentleman wish the Chair to call his attention to it? The gentleman, of course, controls the time and can take as much as he pleases.

Mr. ADAMSON. I expect that I would better go on with the matter now.

Mr. MONDELL. Will the gentleman yield for a question? Does the gentleman intend to discuss during his opening remarks the question of reduction in the cost of transporting and the difference in the cost of production on the Atlantic and Pacific coasts by the use of the canal?

Mr. ADAMSON. I suppose, Mr. Chairman, that in the course of the debate either I or some other member of the committee will discuss that phase of the question. I have not reached it yet.

Mr. MONDELL. It is a very important question even early in the debate.

Mr. ADAMSON. If I fail to touch upon it, I will say to the gentleman from Wyoming. I hope the gentleman will, but if I do not forget it I expect to say something about it when I reach it.

Mr. Chairman, we did not follow the suggestion of the administration in this provision, but I think I am authorized to say that the substitution of our plan is entirely agreeable to the administration. The only difference between it and the suggestion of the administration is the one raised by the gentleman from New York [Mr. HARRISON]. The proposition in the administration bills—I do not know that I ought properly to call them "administration bills," but they were offered by those officials who have been connected with the constructing of the canal and governing the zone—at any rate, we proposed to legalize the present status, but decided it was time to change that plan and leave to Congress the subject of legislation and have Congress provide for the administration of justice and the jurisdiction of civil officers and all those things. Therefore, we provided that the President might appoint the governor of the Panama Canal, with the advice and consent of the Senate, and any other officers he may appoint who are necessary to operate the canal. And at the proper time, when the canal is finished and ready for use, the President shall have it formally opened and all the world invited to the canal.

Mr. HARRISON of New York. I find, on page 10 of the bill, that the President is authorized by the bill to make all the necessary rules and regulations and establish the procedure of the magistrates' courts and all such matters on his own motion and by Executive order in the future, just as he has been doing contrary to law in the past.

Mr. ADAMSON. In answer to that I will say to the gentleman from New York that the present law covers all those things. We have legalized and adopted them until Congress makes other provision. Until Congress makes that other provision, we intend that the provision that the gentleman from New York alludes to should authorize the President to supply any deficiencies in practice only.

Mr. HARRISON of New York. This is not an unfriendly question at all, I will say to the gentleman. Why did not the gentleman's committee do that now? We were promised eight years ago that it would be done.

Mr. ADAMSON. Those courts take the place of magistrates' and district courts under existing law, and we really found no objection to them. I do not think the gentleman would, if he examined them, and the language to which he alludes does not authorize the President to repeal or abolish any of them. He can not do it. But if there is any necessary rule of practice or any instrumentality that is unprovided for in making a change from one system to the other, we thought it wise that the President be allowed to bridge the hiatus, if necessary, by passing any of these little matters. But there is an existing system and code covering those courts and their jurisdiction, and, I think, covering everything. This provision that the gentleman speaks of is more in the nature of a catchall, or security, to throw out, so that if there is anything left we could pick it up and not suffer by it. That is all that amounts to.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Connecticut?

Mr. ADAMSON. Certainly.

Mr. HILL. I would like to ask this question of the gentleman: Does the bill leave it entirely discretionary with the President whether the canal shall be entirely under the control of an officer of the Army or of a civilian?

Mr. ADAMSON. A subsequent clause of the bill provides that upon the approach of war the governor of the Panama Canal shall surrender control to the Army officer on the zone designated by the President, and be obedient to him in all things touching the operation of the canal and the administration of the zone pending the war.

Mr. HILL. Why would it not be well to recognize that the canal itself is a war instrument, and accordingly have it under

the control of the Army all the time, and then there would be no change?

Mr. ADAMSON. There is a grave objection to that. The gentleman from Pennsylvania and I had a conversation about it, and he thinks it ought to be a civil affair and that the Army should be put in control of it only when we get into a fight.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. MANN. Would it be possible for the President to appoint an Army officer as governor of the canal?

Mr. ADAMSON. I think there is a statute that would require an Army officer to resign or be retired if he should accept ordinarily a civil office. If this office of the governor of the Panama Canal is held to be a civil office, such as ordinarily is covered by that statute, it would not be possible for the President to appoint an Army officer as governor of the canal under that statute.

Mr. MANN. That statute as it is?

Mr. ADAMSON. If it is.

Mr. MANN. I say "as it is."

Mr. ADAMSON. Then the Army officer would be ineligible, and it has occurred to me to submit to the committee at the proper time the propriety of offering an amendment providing that an officer of the Army or Navy or a civilian may be eligible without forfeiting his present position.

Mr. MANN. I hope the gentleman will offer that amendment and make it conform to the existing law in other cases, under which an Army or Navy officer or civilian officer may be appointed to a civil place of this kind and have his statutory salary deducted from the salary that is allowed.

Mr. ADAMSON. I had that in mind, and I thank the gentleman for calling my attention to it, because I would have forgotten to mention it if the gentleman from Illinois had not asked the question. If the committee agrees with me I will offer that amendment as a committee amendment, and if they do not I will offer it as an individual.

Now, that brings us, Mr. Chairman, to the opening of the canal and to section 5, which is one of the disputed sections. I will pass that for the present, and when I reach section 11 I will pass that also until I finish discussing the bill. Then I hope to be allowed to make a few remarks on those two sections in conclusion.

Section 6 authorizes the installation and operation of wireless telegraphy and keeping and furnishing to our troops and others all necessary supplies, coal, oil, repairs, and so forth.

Mr. Chairman, unless I am asked some questions about it I shall not say much about that section. We found, when we went to the Isthmus, that among a great many causes which brought about the failure of the French, one was the remoteness from home and the inconvenience of furnishing supplies and the means of living. We provided in the first place, after sanitation—after providing for the health of our employees there—to supply them with the necessaries of life and the comforts of life, without which we would not have been able to have secured and retained on the Isthmus the superb organization which we have maintained and under which we have so signally succeeded.

They consist of a lot of things that gentlemen can find explained in the hearings, that are ample not only for the purposes of construction, but are thought to be ample for all possible needs and demands of navigation for years to come. Of course, all will concede the value of the installation of wireless telegraphy, and there is no use to discuss that. They have on the Isthmus a magnificent laundry plant and a cold-storage plant and ice factory, and they propose to complete the necessary dry docks and all the necessary machine shops, if those which we already have are not sufficient, so that the nations of the world may understand that ships going by the Panama route can utilize their space for freight and passengers; that they can revictual and recoal there; that they can be repaired there; that they can be supplied with all necessary laundry facilities; that they can be supplied with everything necessary for the prosecution and completion of their voyages.

Mr. RAKER. On page 8 of the bill, under section 6, which you are discussing, I find this provision, which I should like to have explained:

> Moneys received in the ordinary course of business from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

Is not that a dangerous provision, and ought not the money all to be converted into the Treasury of the United States and then an estimate provided for what is needed, so that appropriations can be made as in other supply bills?

Mr. MANN. You could not run a laundry in that way.

Mr. ADAMSON. We gave careful consideration to that subject. It is a question both of banking and bookkeeping and the transfer of funds. It is a long way from home. We provide the initial appropriation to lay in those supplies. It is very troublesome, and might be fraught with inconvenience and privation, to have to wait for the return of money for a new supply.

Mr. MANN. Will the gentleman permit me to make a suggestion?

Mr. ADAMSON. Certainly.

Mr. MANN. We carry, for instance, in the Army appropriation bill every year a number of items for ice manufacture, laundry work, and other work of that character at certain Army posts, with the provision that the money received shall be used for the same purposes.

Mr. RAKER. Will the gentleman permit a suggestion right there? Here you are going into business on a very, very large scale; at an Army post it is only a small matter, relating to providing for the soldiers in the post.

Mr. MANN. But precisely the same principle is involved. It is impossible to tell how much coal will be used by vessels passing through the Panama Canal.

Mr. SLAYDEN. Mr. Chairman, is there not this difference? I have just read the paragraph to which the gentleman from California [Mr. RAKER] refers, and I was thinking it over, and evidently along the same lines that he is. Is there not this difference between that and an Army appropriation for ice and so forth, to which the gentleman from Illinois refers, that in this case they are going to put the Government into big business as a merchant and possibly into competition with citizens who may protest against it?

Mr. MANN. That is the case at the Army posts.

Mr. SLAYDEN. But we provide that they shall not compete with civilians.

Mr. MANN. Oh, well, but they do compete with civilians, if there are any civilians there. There is absolutely no other way of doing it.

Mr. RAKER. The question of competition would not be so much involved as the question of handling the funds. In other words, if the committee, by virtue of a thorough examination, have found good reason for this, I should like to have that fact presented. It seems to be an enormous undertaking and should be safely guarded.

Mr. ADAMSON. We consulted the departments, and their legal advisers, and we reached the conclusion that there was no danger of loss of any of the funds under existing provision of law, and we provided that once a year they should pay the balance into the Treasury, and we thought that to require them to make up a balance once a week or once a month and send it to Washington was a little cumbersome, in view of the security that we have under existing law, and it might result in having a shortage of supplies, in having to pay more, and might involve a loss of business. That is not the main desideratum, but it might discourage the patronage of that route. The object is not to run a business, but to induce custom to the canal.

Mr. RAKER. I want to agree with the gentleman on this proposition: The question is to get the most efficiency and the best work that can be done.

Mr. ADAMSON. Yes.

Mr. RAKER. But ought not there to be some restraints and some restrictions, that somebody should have control of that matter? Let me call attention to the sentence on page 8, line 15:

> Monthly reports of such receipts and expenditures shall be made to the President by the person in charge, and annual reports shall be made to the Congress.

In the meantime nobody is to take any action on it.

Mr. ADAMSON. I do not think you can do any better than to have monthly reports made, and then a provision that the surplus shall be paid into the Treasury once a year. That is ample security.

Mr. BUCHANAN. Are they not doing the same business there now?

Mr. ADAMSON. Of course.

Mr. BUCHANAN. What is the system and method of their doing the business now?

Mr. MANN. It is done through the Panama Railroad now.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. MARTIN of Colorado. Let me ask the gentleman from California if he can tell us what the difference is in respect to the matter under discussion and in the case of the sale of the public lands? Am I not right in saying that all the proceeds

of public lands stand permanently appropriated to certain uses, the disposition of which is handled by the department?

Mr. MANN. For reclamation purposes.

Mr. MARTIN of Colorado. Ninety-five per cent of the proceeds of the sale of public lands stand appropriated to reclamation projects and the other 5 per cent to schools and road purposes, and Congress does not annually appropriate the receipts.

Mr. RAKER. That is not the condition here.

Mr. MANN. Well, do not let us run off on that track.

Mr. MARTIN of Colorado. Is not that true?

Mr. MANN. It is true. If the gentleman will pardon me, I had something to do with the original framing of this law.

Mr. RAKER. If the gentleman from Illinois will pardon me, my object in asking these questions is to get at the purpose and intent of the legislation, so that we may intelligently vote and act on this matter.

Mr. MANN. This bill provides that the appliances, the buildings, or anything of that sort, may only be constructed out of the appropriations made by Congress. If you want to build a coal yard, Congress must first appropriate for it. But when it comes to the purchase and repurchase of coal for the supplying of passing vessels, you can not appropriate for that knowingly and intelligently a year or a year and a half ahead. Hence the bill provides that if you sell a thousand tons of coal to this vessel and receive the money for it, you can invest that money in the repurchase of more coal.

Mr. RAKER. Buy more coal?

Mr. MANN. Buy more coal and sell more coal and buy more coal and sell more coal.

Mr. ADAMSON. And report to Congress every month.

Mr. MANN. But you can not take the money and erect a building, or anything of that sort, because the bill requires that these things shall be constructed out of the money appropriated by Congress.

Mr. MADDEN. If the gentleman will allow me, I want to say that in the Post Office Department they spend $250,000,000 a year in this way. We do not have to reappropriate the money every time they want to buy a postage stamp.

Mr. HAMLIN. I want to say——

Mr. ADAMSON. I will yield to the gentleman.

Mr. HAMLIN. I want to say that I betray no secret of the committee when I say that I raised the very proposition that the gentleman from California raises here. As a general proposition I am not in favor of the provision, but it came to the knowledge of the committee, and we were confronted with this fact, and this House is confronted with the fact, that we are opening up a new canal and a new route of transportation. It would certainly be to our advantage and the advantage of the Nation to get all the traffic through the canal possible. It also came to the knowledge of the committee, just as the chairman of the committee has so well said, that if we provide facilities for coaling and victualing the ships in the Canal Zone it would be a great inducement to all the ships of the world to patronize the canal, because they can use the space in the ships for freight and passengers. If they had to coal and victual from Liverpool, say, to San Francisco, they would necessarily have to use the additional space for that purpose, and that would exclude freight and passengers.

Then it was the judgment of the committee that it would be a great inducement to ships to patronize the canal if we provided facilities in the zone for them to recoal and revictual when they reached that point. As the gentleman from Illinois has said, if we appropriate money to buy coal we can not anticipate in advance the number of tons that will be sold during the next year or the victuals that will be required the next year. We can only make an estimate, and hence we provide that if we have not estimated sufficient coal for their needs we provide that they may take the money that they have received for what they sell and replenish the supply and report it monthly, and at the end of the year report to Congress.

It seems to me, while I do not like the idea as a general proposition, that it is the only feasible thing that we can do.

Mr. STEVENS of Minnesota. And, Mr. Chairman, the gentleman from Missouri has omitted his own suggestion—which is a very valuable one—not only at the end of the year shall we report to Congress, but to pay in all of the profits made during the year.

Mr. HAMLIN. Certainly, that was my suggestion; that whatever surplus there should be would go into the Treasury.

Mr. RAKER. Mr. Chairman, the original question was that this very subject had been gone into, and because of its magnitude and because of the distance and because of the fact they must have money to buy and resell and buy again, this would be the safe way for the Government to get the best results for all concerned.

Mr. ADAMSON. Mr. Chairman, this bill has been made up as a sort of growth. The gentleman from Illinois [Mr. MANN] correctly states that he wrote this original proposition, and several other propositions in the bill; and when we came to consider them we conferred with the departments about it and got information everywhere we could, and we arrived at the best conclusion we could; and to arrive at the purposes to which the gentleman from California suggests, we want to do the best thing down there to handle the institution in the most profitable manner and induce the most custom from the ships of the world.

Mr. RAKER. Mr. Chairman, I want to say to the gentleman from Georgia that I have watched his course since I have been here, which has been but a short time, and I watched it particularly upon this bill, and it seems to me that his purpose and object is to give the best results to the world, the United States, and to all concerned that can possibly be had. [Applause.]

Mr. ADAMSON. Mr. Chairman, I am very much obliged to the gentleman from California and I am going to say something good about him at the first opportunity. [Laughter.]

Mr. CANNON. Will that happen in this lifetime?

Mr. ADAMSON. Well, Uncle Joe, I have had the provocation, but I have not had the opportunity. He deserves it, undoubtedly.

Mr. McLAUGHLIN. Mr. Chairman, the gentleman from Georgia has spoken of the different kinds of business that are to be carried on and of the establishments that are to be put into operation by the Government. The gentleman will recall the complaints that have been made by merchants and business men of the Isthmus, complaints to the effect that the Government is carrying on business in competition, unnecessarily so, with the business men of the Isthmus. Has the committee yielded in any measure to the demands made upon it by the merchants?

Mr. ADAMSON. Except to this extent: It gave a good deal of comfort and consolation by assuring the delegations who visited the committee upon that subject that after we had established our institutions there and put the canal in operation and prepared for the efficient supply of all the ships that sail that way, there would still be left, incidentally, for the merchants of Colon, infinitely more business than they had ever had before we went there.

Mr. McLAUGHLIN. I remember distinctly that when the representative of the board of trade was presenting his case to the committee he was asked if private capital would be ready to go into some of these enterprises, and he was prompt to assure the committee that the Beef Trust was ready to establish a cold-storage proposition there if the Government laid down the work.

Mr. ADAMSON. Yes; I have no doubt in the world that if the Government failed in its duty to establish a certainty of supply at reasonable prices, various trusts throughout the world existing or to come would immediately put up institutions and put up prices to the great detriment of our canal operation. The regular merchants to whom the gentleman referred were merchants of Colon who did not satisfy the committee that they would be able either to supply the demand of passing vessels or to hold the prices down in what they did supply, and the evidence has been before us in the hearings that the reason we had to establish these plants there to induce our own citizens and others to go there and work was that the regular supply was not sufficient in quantity, not sufficient in quality, not regular and certain, and far too exorbitant in price. It was a matter of necessity to build the canal, and it is infinitely more so to operate the canal and offer inducements to the world to take that route of travel.

Mr. STEPHENS of California. Mr. Chairman, I would like to ask the gentleman if there is anything in the bill or in the law which obligates the officials having charge of the Panama Canal Zone to sell for cash, or are promissory notes to be permitted to be taken?

Mr. ADAMSON. I do not know of any instance where officials are authorized to take notes for the Government.

Mr. STEPHENS of California. Would that be permitted under the law?

Mr. ADAMSON. If I were an official I would hate to take that risk.

Mr. STEPHENS of California. They would not be permitted to go into the credit business?

Mr. ADAMSON. I should think it would require express authority to go into the credit business.

Mr. BORLAND. Mr. Chairman, this bill does not provide for a continuation of the commissary, so called, does it?

Mr. ADAMSON. It provides that those things be supplied. The present plant, as the gentleman knows, can be enlarged or diminished at our pleasure.

Mr. BORLAND. Under the present arrangement the gentleman knows there is this cold-storage plant, a laundry, an ice-cream and coffee-roasting establishment, and then there is at each of the cities a general commissary where goods are sold at retail, everything from a paper of pins to grand pianos, for the employees of the zone. Now, this bill, as I understand it, preserves the power plant as to supplying sustenance for vessels, but makes no provision for a commissary. Is not that the case?

Mr. ADAMSON. Well, the gentleman has the language before him; I do not remember the details.

Mr. BORLAND. It was the commissary, as I recall, to which the merchants in Panama particularly objected.

Mr. ADAMSON. The only thing the bill seeks to do is to provide to passing ships the things necessary to prosecute their voyage. That is the thing we want to keep up in order to induce travel down there.

Mr. BORLAND. The commissary was a sort of retail store.

Mr. MANN. Such as ice, coal, meats, vegetables—those things that a vessel has to carry either in large bulk occupying space or in smaller bulk relying upon a retake.

Mr. BORLAND. The commissary sold garments, dress goods, household furniture, and all that sort of thing.

Mr. MANN. That is purely for the employees.

Mr. BORLAND. That has been done away with under the provisions of this bill?

Mr. ADAMSON. I think not.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. ADAMSON. I do.

Mr. BURKE of Pennsylvania. I do not know how seriously the gentleman intended his expression, that if the Government did not make certain provisions for these supplies the Beef Trust and other trusts possibly would come in and ultimately control the supplies and raise the prices. Is any of this legislation predicated in the bill upon any such apprehension?

Mr. ADAMSON. Well, I was answering the question some gentleman asked me, and I always act on Josh Billings's advice, that when he was not under oath about a particular matter and he found out what advice the man wanted he gave him such as he thought would please him. The gentleman made his speech and I thought I would answer him in the same vein. I do not know any particular trust that contemplates debouching on us down there at all; I do not know which one, but we are all satisfied that if we do not make arrangements to supply the passing vessels with all these commodities that they need to prosecute their voyages, there will be an accumulation of money that will make provision there, that will take advantage of their necessities rather than supply their needs by raising prices while they render the supply uncertain, and it might impair the enticement or weaken the enticement we are striving to offer to vessels to go via Panama. [Applause.]

Mr. BURKE of Pennsylvania. Will the laws prohibiting these things be more susceptible to violation by parties there than here?

Mr. ADAMSON. While you are bringing one of these suits you might lose tolls on a great many vessels.

Mr. McLAUGHLIN. If the gentleman will permit, I spoke as I did because I had read and heard of a statement made by a representative of the business men of Panama before the Committee on Interstate and Foreign Commerce at Colon or at Panama. The representative was complaining that the Government of the United States entered into and was carrying on a business that seriously interfered with what they said was the legitimate business of the merchants who resided on the Isthmus; and the representative was asked by a member of the committee in case the Government decided to give up some of the enterprises it had established and was carrying on if private capital would be allowed and would be able to take them up. The representative said yes; that it was suggested a short time before that the cold-storage plant be given up and the Government cease to carry it on, and that the merchants of Colon, or some one representing them, had at once received a communication from the Armour Co. and others, whom I understand are considered to be the Beef Trust of the country, offering to furnish the money to carry on that work. That is why I said I did not want to speak of the bogie trusts that frighten some people so much.

Mr. CANNON. If the gentleman will permit, speaking of cold storage and the Beef Trust and all the other kinds of trusts, which I am not responsible for, I want to ask the gentleman if, in the purchase of provisions and putting them in our cold-storage plant necessary to carry on the construction of the canal, did we patronize the Infernal Beef Trust, or is it not true that every pound of meat was bought under a contract and substantially came from the wicked packers in the United States; and if so, should not somebody be impeached? [Laughter and applause.]

Mr. ADAMSON. Mr. Chairman, with compliments to the gentleman on his descriptive language, and leaving him to rejoice in his own conclusions, I have to reply to him that we have done the very best we could under the circumstances every time. And if the gentlemen who constitute the trusts, so called, have us by the umbilicus and bring us to our knees and cause us trouble, even when we let out and invite contracts, I can only remind the gentleman that under present circumstances the delays of the courts, the law's delays, the differences of opinion as to what is a trust and who is a trust, and who wants to fight trusts, and who is against the trusts, and who is for the trusts, reminds me of an old lady in my town who was sick, and the preacher visited her very often to give her consolation. She claimed to have more religion than he did, and I have no doubt it is true. He asked her one day, "My dear sister, what in all of your Christian experience is the most consoling and comforting passage in that wonderful book, the Bible?" She replied to him, "I believe the most consoling and comforting passage in that book is, 'Grin and bear it.'" [Laughter.]

Mr. RUCKER of Colorado. We all know how frank the chairman of this committee is, and I simply want to put in an injection here to help him out of a little bit of a hole that I think he has gotten into. The gentleman is not in favor of the Government going generally into the commercial business, is he?

Mr. ADAMSON. I do not think that is the object.

Mr. RUCKER of Colorado. Is it not a fact that it is simply the exigencies of the occasion that require the Government to go into the commercial business to the limited extent of victualing these vessels that make there and coal there, so far as the gentleman from Illinois says, in the purchase of vegetables, and so forth? But, generally speaking, the gentleman is not in favor of the Government going into a commercial business against those who are in the commercial business down there and handling commodities that they may be able to sell to these passing vessels? Is not that true?

Mr. ADAMSON. Mr. Chairman, I have tried several times to give expression to what I thought was substantially the idea advanced by my distinguished friend from Colorado [Mr. RUCKER]. My infelicity of expression, perhaps, ought to be my only apology for not making it clear. But I thank the gentleman and appreciate his more expert use of the mother tongue, and thank him for giving expression to what I have always regarded as a fundamental doctrine, namely, that it was not the prime purpose in the creation of the American Government either to meddle with or compete with everybody's business, but run governmental affairs, and only incidentally do the things which the gentleman from Colorado says are made necessary by an exigency like this.

Mr. RUCKER of Colorado. Only one word, Mr. Chairman, in answer to the gentleman. I would not have said what I did except for the fact that the gentleman from Illinois [Mr. MANN] said that the commissary departments throughout the Army, and so forth, were in competition with civilians. Now, that is not true, because a civilian can not buy anything at an Army post from the commissary department.

Mr. ADAMSON. They are not supposed to do so down there.

Mr. MANN. The gentleman evidently has not read either the law or the bills relating to the military establishment.

Mr. RUCKER of Colorado. I know in certain cases, for instance, where there is a famine of coal, or where there is a famine of something, that the department has allowed civilians to buy from an Army post, but otherwise not. Now, the Government is running the commissaries down there for the benefit of the employees, and to that extent it is a departure from the rule that the Government shall not go into the commercial business.

Now, one other suggestion. I would not have said so, but that the gentleman from Georgia [Mr. ADAMSON] said also that these merchants in the zone would be after the Government to supply to these passing vessels all the things they needed, and then have a greater trade than they ever had before. I submit that is not an answer to it, and that the frank way to meet this question is that it is by the exigencies of the occasion that the Government be allowed to sell some few articles to these passing vessels.

Mr. MOORE of Pennsylvania. Mr. Chairman——

Mr. ADAMSON. The gentleman from Colorado is correct, Mr. Chairman, as to the use of the word "exigency." I believe it is an exigency requiring us to supply these things. Ships would not use that route unless they knew in advance just what supplies and accommodations they could secure. And no announcement from any individual would satisfy those ships, even if it were given in advance. But if the management of the canal, under the authority of the United States Government, announces that those supplies are there ready and at reasonable prices, to furnish to all on the same conditions and terms, there is a certainty there, and we can not get along without certainty. [Applause.]

Now I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Is not the real answer to the question propounded by the gentleman from Illinois [Mr. CANNON] as to the Government purchasing those supplies from the Meat Trust, this: That no one individual butcher, no one ordinary provision dealer could, under the circumstances, provide regularly the quantity of meat and supplies that are necessary for so large a body of men as are now on the Isthmus? Was not such a large combination necessary in order that the men might be properly supplied with food, and the work go on?

Mr. ADAMSON. The element of uncertainty would have been left in that condition, and we can not afford to have that.

Now, Mr. Chairman, the next section provides for the civil administration of the canal, section 7, and the establishment of the inferior courts to take the place of the present ones. The committee in the remaining portions of the bill attempted, having put the canal in successful operation, as we hope, up to this point, to do something that would not have been necessary if we had not provided for the abolition of the present organization, which would carry the present courts out of existence when the Canal Commission is dismissed. Therefore we deemed it necessary to go ahead and provide for a new administration, to come into power when the old one was discontinued. Therefore we provided as simply as we could that the governor of the Panama Canal should exercise the functions of the civil government; that the zone should be divided up into magistrates' courts, with one of the few towns in each subdivision, and that enough magistrates and constables should be appointed to serve those courts.

In a subsequent section——

Mr. FOWLER. Mr. Chairman, will the gentleman yield at that point?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. ADAMSON. Certainly.

Mr. FOWLER. I discover that you give the magistrates jurisdiction in civil cases to the amount of $300, and in criminal cases you do not in this bill give them the power to impose a fine above $25. I can not quite understand the reason for making that distinction, and I would be glad to have the gentleman explain that, if he will kindly do so.

Mr. ADAMSON. Ordinarily those matters would depend on the judgment of different individuals in reaching a conclusion, but in this case we adopted that because it is the existing law down there. We did not make any changes as to the criminal offenses. As to civil jurisdiction we made the change. We raised the jurisdiction.

Mr. FOWLER. Do not you think if you raised the criminal jurisdiction of that court above $25 to $300, as in civil cases, it would relieve the district court also?

Mr. ADAMSON. Well, the committee thought that cases above that should be tried in the superior courts.

Mr. FOWLER. Why did you not provide for trial by jury, so that both civil and criminal cases could be tried before a justice's court by jury?

Mr. ADAMSON. It was just a matter of judgment with us. We thought when the magistrate got through the civil case below $300, if the party wanted to appeal he could take it to the district court.

Mr. FOWLER. Does not the gentleman think it would be better to the individual litigant to give him the right of trial by jury in the justice's court, if he sees fit to require it, and not put him to the trouble of going to the district court in order to get a trial by jury, entailing upon him additional expense and cost? The litigant might be a poor man, and the gentleman knows the justice's court is the poor man's court.

Mr. ADAMSON. That is a matter of judgment that gentlemen may differ about. Of course, we do not expect to have much litigation down there at all. We do not expect to have anybody but American citizens of high class. We do not expect them to have that kind of trouble that mean folks have. We do not expect to have anybody there but the employees and their families.

Mr. FOWLER. I trust that the gentleman, in his wisdom, has seen through the situation and that it will turn out that way and that that territory will blossom like the rose and flourish like a trust. [Laughter.]

Mr. ADAMSON. We have tried to do the best we could, but I suppose there may be errors and imperfections in the bill that ought to be corrected.

Mr. SIMS. Mr. Chairman, will the gentleman yield there?

Mr. ADAMSON. Yes.

Mr. SIMS. The State of Tennessee is one of those States of the Union where the magistrates have jurisdiction of cases on notes and bonds as high as $1,000, and in other cases as high as $500, and no jury trial at all—and that is in the United States.

Mr. FOWLER. Does the gentleman think it is good policy?

Mr. SIMS. It works very finely. If the litigant wants to appeal the case, he can do so.

Mr. FOWLER. The gentleman means that a man in a justice's court can not get a trial by jury unless it is on an appeal after being defeated?

Mr. SIMS. Yes; and taking an appeal without giving bond.

Mr. ADAMSON. I will state to the gentleman that this district court sits at two places, and it will not be far away from the litigant who wants to make an appeal.

Mr. FOWLER. I understand. I was trying to get at the reason for the discrimination between the jurisdiction of the justice's court in civil cases and criminal cases, so far as the imposing of the amount of fine is concerned.

Mr. ADAMSON. We had to draw the line somewhere, and we agreed upon that amount.

Mr. FOWLER. And there was no particular reason for making that discrimination?

Mr. ADAMSON. One reason was that it is the present law.

Mr. FOWLER. I believe the gentleman said that. Would not the gentleman agree to an amendment in this bill giving the right of trial by jury in the justice's court if an individual requested it?

Mr. ADAMSON. If this House voted it, I would agree to it.

Mr. FOWLER. Does the chairman of this committee, in his wisdom, have any objection to that?

Mr. ADAMSON. I think we have got it in about as good fix as we can get it.

Mr. FOWLER. I do not want to amend the gentleman's bill, and if I ever get an opportunity I am going to nominate him for Secretary of the Navy, because I think he has done such good work in this bill, but I am trying to get at the right of the individual to have a trial by jury whenever he demands it.

Mr. ADAMSON. I am much obliged to the gentleman, but if it is all the same to him, when he gets ready to give me a good job, I wish he would let me select the job. [Laughter.]

Mr. FOWLER. I never expect to have the opportunity to select a job, but I am always ready to assist the gentleman in soliciting whatever job he may want, because I think he is worthy of whatever he asks.

Mr. ADAMSON. I thank the gentleman, but my colleagues here are so clever and good to me that I would rather stay in Congress than be connected with the Navy. It always makes me seasick to go on the water, and I could not conscientiously discharge my duties as Secretary of the Navy without looking into the details of the whole business.

Mr. FOWLER. It does not appear that the gentleman has ever been seasick while considering this bill.

Mr. ADAMSON. I will have to say something good about the gentleman from Illinois the next chance I get.

Mr. MANN. When we took control down there, the civil law, the Spanish law, being in force, there was no trial by jury at all for any criminal offense. By order of the President, trial by jury was allowed in felony cases, and when a former Panama bill passed the House in the last Congress, the House inserted the provision that in criminal prosecutions for felonies there should be the right of trial by jury. Perhaps it ought to be extended, although probably down there it would not work very well in the trial of these small offenses.

As I understand the bill, it authorizes the President to divide the Canal Zone into magistrate's subdivisions. Does the gentleman construe that that would authorize the President afterwards to resubdivide it?

Mr. ADAMSON. That was the intention, unless Congress provided differently. The whole matter——

Mr. MANN. It seems to me that ought to be clearly provided here, because if we are to acquire the land in the zone, the magistrate's subdivisions that may be needed now may not be needed after we acquire the land and devote it to other purposes.

Mr. ADAMSON. If the gentleman will notice, he will find that that section also authorizes the President to determine what towns shall exist. The old towns will be mainly flooded and swept away.

Mr. MANN. I understand.

Mr. ADAMSON. The President is to select what towns are to be allowed to exist, and accompanying that is the additional exercise of power by him to lay out the subdivisions, with a town in each one, and I would construe that to be a continuing power in the President, to create a subdivision whenever and wherever necessary; and if that involves the necessity of changing the boundary of a subdivision I should think it would be incidental to the other power.

Mr. MANN. It says:

And subdivide said Canal Zone into subdivisions to be designated by name or number

Mr. ADAMSON. I have no objection.

Mr. MANN. The gentleman is clearly of the opinion that after these conditions are changed there the magistrate's divisions will probably want to be different from what they are now?

Mr. ADAMSON. If that is not clear, it ought to be made so, of course.

Mr. BORLAND. Mr. Chairman, I want to suggest to the chairman of the committee that possibly if this bill has the effect of turning the Canal Zone into a military reservation and excluding practically all population from it except employees, none of these courts may be needed, and instead of the provisions not being broad enough, the committee may have gone into more particularity than the results will require. This bill requires that there shall be a magistrate's court in each town that is established. Now, the word "town" under those circumstances would not mean a commercial center. It would not mean a place where there was a collection of citizens engaged in private business. It might mean possibly one at Gatun and one at Paraiso or Pedro Miguel, and none others, except at Balboa and Cristobal, and it is possible that there are more courts provided than would be needed.

Mr. ADAMSON. Does the gentleman think if we had one on our hands we could not get rid of it?

Mr. BORLAND. If this bill becomes a sort of organic law, which requires certain courts, instead of leaving it to the President to create them when necessary, to that extent you limit the power of the President to make those regulations.

Mr. ADAMSON. I hardly think there is much trouble in that suggestion. I do not apprehend that the President will permit a town to be located and named unless in such a place as all conditions would promise permanency, and then around that make a district for the court. But that whole matter will be left to Congress. Congress will be here, and I hope most of us will be here, and anything further necessary to be done can be done.

Mr. BORLAND. I have no doubt the gentleman from Georgia will be here.

Mr. ADAMSON. It will be two or three years, anyway, before the canal is put in operation, and anything necessary can be attended to before that time.

Mr. BORLAND. I want to say that I do not believe in the military reservation theory. I believe that we will have commercial towns there and that Congress ought to legislate on a wider scale than is contemplated in this bill.

Mr. ADAMSON. I do not think the gentleman from Missouri has used the name that I gave. I do not call it a military reservation; I call it a canal zone. The Government of the United States is going to run that canal, and, incidentally, it is going to use the zone as an adjunct for canal purposes. The Government of the United States in conducting that canal will use it for war purposes when necessary, and the United States Government, I hope, will have a long period of peace in which commerce may use the canal to the great profit of the United States Treasury.

Mr. BORLAND. I concur fully in that hope, that we may use it forty years in peace to one of war.

Mr. KOPP. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. KOPP. The courts provided for here are to be permanent courts for all time.

Mr. ADAMSON. I think they will last until we change them. I do not think that any other nation will ever change them until we get ready.

Mr. KOPP. Well, what I meant to say was that these courts are not established for a temporary purpose.

Mr. ADAMSON. No; although they are established subject to a modification by Congress.

Mr. KOPP. Oh, certainly. Section 8 provides that "the rules of practice in such district courts shall be prescribed or amended by order of the President."

Mr. ADAMSON. That does not relate to statutory procedure. The statutory procedure is in the law and will be made applicable to these courts.

Mr. KOPP. I wanted the gentleman to explain what he meant by the language.

Mr. ADAMSON. There are always, as the gentleman knows, in every court rules that are not embodied in a statute.

Mr. KOPP. But they are usually prescribed by the judges themselves.

Mr. ADAMSON. These will probably be prepared by the judge or by the Attorney General, but signed by the President.

Mr. KOPP. What is the object of having the President do it? It is almost the unbroken practice to have the courts establish for themselves the rules of practice.

Mr. ADAMSON. The answer is that since we started to build the canal—and I think the gentleman from Illinois [Mr. MANN] is the only Member present on the committee with me at that time—we set out with the idea of making the President the executive officer responsible for the administration of everything on that zone. This committee did not want to connect it with any department of the Government, and the gentleman will notice that in writing the bill we have not connected it with any department wherever we could help it. We make the President responsible for everything and always have, and in preserving the symmetry of the bill and his sole responsibility, we require that the President shall sign the order to establish these rules. We expect the President to refer the question to the Attorney General, and then he will sign the order.

Mr. KOPP. But in providing a system in general for administrative matters that is absolutely correct. But when you are to establish a permanent branch of the judiciary coexistent with the district courts of the United States, it seems to me ill advised to provide that the rules and practices of the court should be in any wise under the direction of the executive department. They should be controlled by the same rules as other branches of the judiciary and established by the judges themselves.

Mr. HARRISON of New York. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HARRISON of New York. This is one of the matters referred to as continuing, in my judgment, the government of one man in the Canal Zone. I notice in that same section the admiralty jurisdiction of the court is to be the procedure and practice of the United States district courts.

Mr. ADAMSON. That is statutory.

Mr. HARRISON of New York. I would like to ask the chairman of the committee, who has given such an interesting series of answers to all of these questions, if he can tell me why it was that the committee did not adopt for the district court in the Canal Zone the laws or practice of the United States districts courts? If he will remember, that is substantially the proposition I made to the committee several years ago. In the magistrate's court, in view of the facts that developed that the zone will be practically bare of permanent population, I can conceive that this is a proper form of government.

But when it comes with questions such as felonies committed upon the Canal Zone, or with suits for civil damages for accidents in the canal, does it not seem to the chairman of the committee that it would have been wiser to adopt and apply to the Canal Zone the laws and the practice and the procedure of the United States district courts which were all familiar to us and which were on hand and entirely applicable?

Mr. ADAMSON. Mr. Chairman, as I stated to the gentleman, in answer to his other question about the magistrate courts, the procedure and practice of the circuit courts is already established by law on the zone. These provisions at present are not so material to practitioners here as they are to practitioners there. The practitioners there are familiar with the present statutes and laws. We legalized the old court in section 2, and in this section we abolish it and substitute the district court for the circuit court, and in a subsequent section we transfer all cases and jurisdiction to the court having like jurisdiction, which is this new district court, and we provide, as you will read, that the procedure and practice shall be the same. As I stated to the gentleman before, we did not have time now, two or three years in advance of the taking effect of this system, to revise all of this code of law. Congress will be here until that time and will have plenty of time to do that. We simply provide, if the President himself makes the change in the courts before Congress has had time to revise that code of law, that the old procedure now existing shall prevail until the change is made.

Mr. RAKER. If you would make that provision here, then there would be no question about it.

Mr. ADAMSON. Section 1 says until Congress shall otherwise provide.

Mr. RAKER. Let me read this to the gentleman.

Mr. ADAMSON. I have said in another place, until Congress shall otherwise provide, and if we had not said that, it would have been that way in any event.

Mr. RAKER. The rules of practice in such district court shall be prescribed or amended by order of the President.

Mr. ADAMSON. That does not mean a statutory procedure, but it means such incidental rules as the court may adopt, and they are simply rules of the court.

Mr. RAKER. I appreciate that. The rules adopted by the Supreme Court for the district courts are rules of practice of the court, and they are not statutory provisions.

Mr. ADAMSON. It is not even contemplated that the present rules of practice shall be changed unless it is necessary to add something to them in some way.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. FOWLER. Does not the judge of the court now have the power, and is it not the practice that he prescribes the rules governing the trial of cases in his court, or rather, governing his court and the manner in which he shall get at trials?

Mr. ADAMSON. If he does it, he does it under Executive order signed by the President.

Mr. FOWLER. Does not the district court do that now?

Mr. ADAMSON. There is not anything done there now except on the basis of an Executive order.

Mr. FOWLER. Is that all there is there now?

Mr. ADAMSON. That is all that there has been there since the Fifty-eighth Congress.

Mr. FOWLER. Is not that a matter of legislating by an Executive order?

Mr. ADAMSON. It was; but we had no law for it except that we bought and paid for the Isthmus and we gave the power to the President.

Mr. FOWLER. Does not the gentleman think we ought to change that and give that power to the court?

Mr. ADAMSON. We are going to when we get time. We have not yet had the time. We are just now providing to open the canal.

Mr. FOWLER. Why not substitute the words "the courts" instead of the word "President"?

Mr. ADAMSON. For the reason that I gave to the gentleman from Wisconsin [Mr. KOPP] that inasmuch as we had to trust somebody down there, we thought we would hold the President responsible for everything. It is symmetrical.

Mr. Chairman, I believe before I have gotten to it, of my own accord, that I have already been brought by other gentlemen to a discussion of the next section. I have also, in answer to questions, discussed section 9, which abolishes the district courts and transfers the jurisdiction. Section 10 has been already referred to by two or three gentlemen, and I have answered them. It prohibits trespassing on the Canal Zone or any injury or damage in any way to the locks. That prohibits anybody without authority being on the zone after the canal is open.

Mr. FOWLER. May not American citizens go there?

Mr. ADAMSON. Oh, yes; they will be given permission. We will give permission to everybody who ought to go there. There will be no trouble about that.

Mr. MARTIN of Colorado. Is the gentleman now discussing section 10?

Mr. ADAMSON. Yes.

Mr. MARTIN of Colorado. It just occurred to me to suggest whether it would not be advisable to except the ports at either end of the canal so as to permit persons to be within the defined boundaries of Cristobal and Balboa without written permission.

Mr. ADAMSON. We discussed that in the committee, and we concluded it would be easier just to issue a proclamation on the subject when necessary. We would rather exclude everybody and then admit those we want.

Mr. MARTIN of Colorado. I feel bound by the action of the committee in the matter, being a member of it, but this is one of the provisions of the bill about which I have not been so clear—the exclusion of everybody from all parts of the zone unless they are employees of the Government or have a written permit from the governor to be within the zone.

Mr. ADAMSON. Well, I do not think it says written permission, does it?

Mr. MARTIN of Colorado. But, if the gentleman pleases, for instance, a man would not have the right to get off a ship——

Mr. ADAMSON. You are mistaken about that.

Mr. MARTIN of Colorado (continuing). Without a written permission, as he would be within the zone; and if he got off, say, at Balboa, which is the Pacific port of entry, and started to walk up the street, he would be a trespasser.

Mr. ADAMSON. I think not. I think if we invite him to come and pay toll to go through he is there by our permission.

Mr. MARTIN of Colorado. I just made the suggestion as it occurred to me.

Mr. ADAMSON. I think it a great deal easier, if the gentleman from Colorado will permit, to establish a general rule and then use our discretion about what we shall do as to admissions.

Mr. MANN. Will the gentleman yield for a question in that connection?

Mr. ADAMSON. Yes.

Mr. MANN. This is an entirely new proposition?

Mr. ADAMSON. Yes.

Mr. MANN. Where does it come from, if I may be permitted to ask?

Mr. ADAMSON. I do not know whether anybody started it before I did or not, but I have been talking for it for 15 years, and Col. Goethals has been talking about it before the committee for some time.

Mr. MANN. I will not dispute the gentleman has been talking about it for 15 years, but I have been more intimate with the gentleman in connection with the Panama Canal than any other person, and I am sure I never heard him mention it before.

Mr. ADAMSON. I have said it 100 times.

Mr. MANN. I do not see how it is workable.

Mr. ADAMSON. I will try to show the gentleman.

Mr. MANN. I have no objection to giving the widest latitude of authority to somebody on the zone to keep people out. It may be desirable to do that by express law, but I do not see how it is possible to say that no one shall be in the zone without they get permission from somewhere all the time as a general proposition.

Mr. ADAMSON. Well, I do. Has the gentleman from Colorado another question?

Mr. MARTIN of Colorado. I believe not, but I think if such action as a proclamation of the governor is necessary to allow people to disembark from a ship and walk up the street of one of the ports of entry that is something we ought to look after in the substantive law.

Mr. ADAMSON. I do not think there is any trouble about it.

Mr. TALCOTT of New York. Has not the United States title to the land of the Canal Zone as well as jurisdiction over it?

Mr. ADAMSON. We have passed that section. We own most of the land now, but there is a little of it to which we have not acquired title. Of course we had jurisdiction over all of it, but not the title to all, and we have already passed the section in the bill authorizing the President to acquire title to the balance. What does the gentleman from Colorado [Mr. MARTIN] say to the other provision of the section in regard to the injury of locks—that men shall not have the privilege of going upon the canal for the purpose of injuring the locks?

Mr. MARTIN of Colorado. I had in mind a moment ago, while making my suggestion about trespassing, the idea that the provisions for protection of the locks could not be too rigid. I do not think that persons ought to be given the opportunity to do the irreparable damage that could be so easily done to the locks, but I submit, further, that the locks are the only part of the canal that could be injured by a person or any number of persons within the zone.

Mr. ADAMSON. We think an ounce of preventive may be better than a good deal of cure or punishment or reparation. We think that if these people are able to account for themselves there will be less danger of having the locks blown up.

Mr. BORLAND. Would not the locks more likely be injured by a man in an airship than on foot?

Mr. ADAMSON. I do not know about that. There are a lot of possibilities. The ways that are dark and the tricks that are vain of evildoers are multitudinous and multifarious and limitless in their inventive genius. Section 12——

Mr. HAMLIN. Will the gentleman yield at that point? Possibly the gentleman may have covered it before, but is it not true that the conclusion of the committee was that the zone would not be populated except by officers and employees of the canal, soldiers, and so forth, to police the canal?

Mr. ADAMSON. We except all that expressly.

Mr. HAMLIN. That is what I say. A great part of the Canal Zone could not be used for agricultural purposes on account of the lakes, and it would be mostly used for that purpose; toward the two ends——

Mr. ADAMSON. We are talking of trespassing.

Mr. HAMLIN. The balance is hills, and so forth, and there is no inducement for anybody to go there to make a home for himself unless he goes to either the Atlantic or Pacific end of the canal for commercial purposes. If that be true, he can get permission covering agriculture under this bill. The purpose of this is to prevent idle trespassers on the canal, who might

be there for some unlawful purpose, and it is very difficult to make an exception to the rule.

Mr. MANN. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. MANN. The Panama Railroad is to be operated by the Government after the canal is constructed, as I understand it?

Mr. HAMLIN. Whenever it is needed.

Mr. MANN. And it will run from Colon to Panama?

Mr. HAMLIN. Yes.

Mr. MANN. I have always assumed that many people going through the canal would prefer to get off the vessel at Colon, for instance, and go over on the railroad, a short ride, to Panama, and be there a few hours, and take the vessel from there; but under this provision they could not do it without getting permission.

Mr. HAMLIN. I think the gentleman is entirely in error. I think the gentleman from Georgia [Mr. ADAMSON] is entirely right in saying that any passenger coming by ship to the canal is invited there by the Government, and no court in Christendom, much less on the Canal Zone, would convict any man for being on that zone who is a passenger there and wanted to go over on the railroad.

Mr. MANN. Then a man who wanted to do mischief would be able to sail down there, and could do what he pleased.

Mr. HAMLIN. I concede that; but let us throw all the safeguards around it that we can.

Mr. MANN. But the gentleman who is invited to go there is invited to go through on the vessel that passes through the canal, and he is not invited to get off, and you do put a penal provision here against his going on the Canal Zone.

Mr. ADAMSON. We will print on all those railroad tickets that he has permission to ride.

Mr. HAMLIN. So far as doing damage is concerned, I will call the attention of the gentleman from Illinois to the fact that he might do damage although he remained a passenger on the boat.

Mr. MANN. That is true.

Mr. HAMLIN. We want to do the best we can to protect the canal.

Mr. MANN. I appreciate what the gentleman desires. I will not move to strike it out, so far as I am concerned.

Mr. ADAMSON. Section 12 carries out the treaty as to extradition of criminals. Section 13 provides that when war is imminent the governor of the Panama Canal shall be subject in all respects touching the operation of the canal or the jurisdiction of the Canal Zone to the Army officer designated by the President for that purpose. And section 14 names this as the "Panama Canal act."

Mr. HARDY. Does the gentleman intend to discuss section 11?

Mr. ADAMSON. Yes, sir; but not right now.

Mr. HARDY. I notice the gentleman skipped it.

Mr. ADAMSON. Mr. Chairman, I have stated to the House the details of the bill, shown its framework, and so far as I thought necessary the details, and have tried to answer good humoredly, if not satisfactorily, all questions that my colleagues have asked me. I have passed by two sections, and if I may have the attention of the committee for a few minutes, I will allude briefly to those sections. The first one is the toll proposition—section 5. That provides that the President shall fix and change tolls as often as necessary. The committee has not felt it was able, nor that Congress will be able, arbitrarily to fix tolls that would work to the satisfaction of the Government. We have several competitors for business down there. If we are to get any of the present business away from the Suez Canal, some of it may depend on tolls, though I have not myself been very optimistic as to the amount of the present traffic through the Suez Canal that we would be able to secure. There is what is called a zone, or batch, of traffic that the Suez Canal under normal conditions will hold. There is another portion that naturally and normally the Panama route would hold. There is a very small and very poorly defined, and perhaps indefinable, twilight zone of competition between the two. The Tehuantepec competition will be entirely eliminated, I believe, under almost any view we may take.

The Suez Canal, being owned by a French company under a concession from the Government of Egypt, and being guaranteed by some 15 or 16 European nations, the stock being owned by the leading commercial men of the leading nations of Europe, it stands to reason that, conditions being equal, those who are the virtual owners of that canal, and who in paying toll to that canal would be simply putting money in one of their pockets and taking it out of the other, would patronize that canal in preference to ours. The prospective volume of business at the Panama Canal is at present pure speculation. It is guesswork. We have had some eminent statisticians, and doctrinaries—and I do not use the word offensively—figuring on it, investigating it, but the best thing they do is to make suppositions and then base conclusions on suppositions. Some of them for one purpose figure out large business in order to show that we can afford to give away something to somebody. Some of them figure out large business in order to make us feel good about our investment and to feel good themselves. Some of them figure out large business because they want a large business, and it pleases them. Some figure it out because they actually believe it, and they take their own suggestions and pass them around and have them repeated by somebody else, and bandied back and forth until they become authority. Great propagandas on many other causes are carried forward in that same way. I know there is a great deal of business now going through the Suez Canal that we can not get. I can not understand how a Government that owns 30 per cent or more of the stock of the Suez Canal, and a number of other Governments who own all the balance of that stock, and who are directors in it, would give up that route from northern Europe to the Far East in order to come across a route almost as far, and in some cases farther, and pay tolls to us on our canal. That is a reasonable suggestion.

That is a reasonable suggestion. Of course northern Europe can reach the western coast of the United States through the Panama Canal easily. It can reach the northern part of the west coast of South America. The west coast of North America and the north coast of South America can reach the European ports in shorter sailing. As to the far eastern business people generally talk about Japan—and I do not want to scare anybody, or raise any yellow peril, or anything of that kind—but Japan can come across and go through the Panama Canal and go to the Atlantic coast of the United States more cheaply and quickly than by any other route. There is no doubt that there will be some business there.

It is estimated by experts that it costs about 10 cents a net ton per mile for a ship to sail, so that without getting lost in geographical figures, which are a mere matter of detail and which I do not want to bother about, any of you can figure out from the map or the globe the probable diversion as affected by the tolls on these different routes. But the proposition I make and lay down is that, the conditions being nearly equal, those who are virtually owners of the Suez Canal will patronize that canal in preference to the Panama Canal.

Mr. HAMLIN. Will the gentleman allow me to interrupt him right on that point?

Mr. ADAMSON. Yes.

Mr. HAMLIN. The gentleman spoke of Japan. Is it not true that from Yokohama to New York by way of the Suez Canal and by way of the Panama Canal there is only a difference of about 18 miles?

Mr. ADAMSON. Well, it occurs to me that Japan not owning any interest in either canal would take the one that was cheapest and quickest.

Mr. HAMLIN. But from Japan to one of the particularly important points—New York—it would be a toss-up, and that would be uncertain?

Mr. ADAMSON. That would be in the twilight zone; the competitive zone.

Now, so far as the Suez Canal is concerned, we know what that rate would be. We know that the tolls are now about $1.31 per net ton, and I believe, on the average, a net ton is space enough to hold about 2 tons of freight, or 2 freight tons.

Now, the Suez rate being at present $1.31½, or about that, and knowing that the order is that the rate will be lowered to $1, we know that by the time of the opening of the Panama Canal we can not hope to divert from the Suez Canal any of her business if we charge over $1 per net registered ton.

There is another thing to consider in that. The way they measure it over there is that they count more space on the ship than we do on ours, about one-fifth more, so that in reality, according to the way they measure most of their ships and the way we measure our ships of commerce, about 80 cents charged by our canal would be equal to their rate of $1, whenever it reaches $1, and it will reach that before very long. That question of amount we leave to the President to watch and determine and to change from time to time.

I have already stated that we think that the Tehuantepec route is taken out of the deal entirely. Their charges to foreign ships heretofore have been one-third of the freight that the ships charge for their voyage.

The other competitors are the railroads. There is one of them, I believe, in South America. There is the Straits of Magellan route, which Chile and the Argentine Republic try to say they preserve the neutralization of. The route around

the Horn, of course, is what we are trying to eliminate and remove the necessity for—some 10,000 miles difference from the northern Pacific points to the middle and Atlantic points between going around through the Straits of Magellan and going through the canal. So the matter that the people dread most is the competition with the railroads. The question is, Will the transcontinental railroads, which are accused of having opposed and delayed the construction of the canal so long, manage to prevent business going through the canal? Of course that depends on conditions. We think the evidence shows that the freight rates through the canal may be so low if honest conduct is maintained in the fixing of freight rates through the canal that it will be impossible for the railroads to compete as to most of the freight. That is one of the things that it is necessary for the President to study and understand. There is one consideration that must not be lost sight of. If there were a zone of competitive business that we could secure by reducing the tolls, we might reduce thereby the tolls on the business of which we were sure, so as to lose more income on that than we gained by reducing low enough to secure the competitive business.

I am discussing this as a representative of the United States of America with a view to operating an institution that belongs to the Government of the United States, that the Government of the United States is paying for out of the Treasury, and from which the Government of the United States has the right to derive money to return to its Treasury in order to reduce its expenditures.

I do not regard this great enterprise as entered upon for the sole purpose of carrying out the objects or forwarding the particular interests of any set of men or any class of men. If there is any kind of business in this country which is unprofitable, if there is any kind of business which is so necessary to the public that the people as a whole or the Government ought to contribute to its support and prosperity, the people are here all the time, and Congress is here most all the time of late. We ought to adopt a direct, square, honest method, and go at it in a separate bill and not attempt to hang it around the neck of this great enterprise on which we have expended so much money and on which the hopes of the world so largely depend. We ought to be allowed to open it, to consider the charges and customs of our competitors, to study the way to secure the business for that canal, and we ought to be allowed to run it in that way; and as the canal proceeds in its operation, and we see what business it does and how much profits are being returned, then it will be time enough for the United States to take into consideration any diversion of its receipts or any other incidental use to make of the canal or of the income therefrom.

Now, at the outset, when we were considering this canal, the very first proposition I heard in this House, when the bill was first up for a Nicaraguan Canal, was that the Isthmian Canal should be used to restore the American merchant marine to the sea. Well, in God's name, I believe in the American merchant marine. I think we ought to have all the ships we need. I think somebody ought to build them and run them. I think the people ought to patronize them. I think we ought to have them as we had them in the days of yore, when, like the wagoner, we could get a load both ways, and it paid to haul, and we sent out ships to every port, to every sea throughout the world.

I should love to see that again; but, gentlemen, can we not devise other means, if it is a failing industry, if it needs help, if it can not stand alone, if the Government must take it up and support it because it is unprofitable or because it does not pay profits enough? Why can not Congress devise some other means? Why can we not let this enterprise alone and operate the canal for the benefit of this Government and the benefit of mankind, and introduce some other bills to take care of American shipping? I would be glad to see you provide some other means to increase American exports. I should be glad to have some gentleman introduce a bill, and I should be glad to see Congress pass it, that every American bottom that goes to a foreign country laden with American exports and comes back laden with foreign goods in exchange therefor shall have those foreign goods admitted at a reduced rate of duty. That would not violate any favored-nation clause. It would not violate any treaty about the canal. It would not be treating anybody in the United States dishonestly. It would not be hampering a great enterprise by taking tolls from the Treasury that belong there according to the law and giving them to a particular interest. There is no trouble about that. There is another way it might be done. It is not my duty in advocating this bill to usurp the functions of other committees and tell them the way they ought to do these things. I am protesting against hampering our project, hanging a millstone around our necks by making us take care of their pet projects and their special interests, when they ought to do it in other ways if it is right to be done at all. I have suggested one way. That would not only help the ship-subsidy folks, without being called a subsidy, but it would help the American people. It would help American exports. It would help you send your products abroad. It would help you to buy goods cheaper.

If gentlemen want to do something to help the special interests of the ship industry, let them couple it with a plan to help the people, too. If these people will give a guaranty of cheaper rates, which they have never done in human experience, so that people will have the benefit of the reduced tolls, suppose they adopt the zone and commodity system. It is easy, without any violation of these clauses in the treaty, to adopt a zone system where you know the necessaries of life are produced which our people need, and say that ships loaded with them may come through at reduced rates. Gentlemen might say that that was a subterfuge, but it is not; it is open and aboveboard. It is legal, because in Russia and China the same things might be produced, but in practice would not be carried through the canal. These people would load with the things that we ourselves produce here. But, gentlemen, the only ships that they want to help are not the foreign ships, the only ships that the minority of the committee talk about are the coastwise ships, the ships already the most highly protected of any interest on earth. They have a monopoly of the coastwise trade of this country, whose commerce is greater than that of the commerce of all of the rest of the world put together, the commerce of the people that do more traveling and more commercial business than any nation on the face of the earth. They have as protection that no foreign-registered ship shall touch their business at all. They have it all.

I am not opposed to that. Some Members of our Congress are. Some want to invite the world into our domestic commerce. I do not, for this reason: Not that I want to enrich these people, none of whom are suffering, but because I do not want foreigners to do our domestic business. I want our own people to do our domestic business, and all the regret I have is that the rule is not now sufficiently conformed to, from what I learn.

Now, the coastwise trade had a great many witnesses before the committee. Some of them were good, high-toned men. It developed in these hearings that these men were not suffering; they were doing their business and making it profitable. They were building ships, but they had developed a practice which goes to show that no amount of tolls of the canal will affect their business or their charges to the people at all. They would scorn a combination. They would not be guilty of entering into a trust; by no means. But they are the most courteous and prudent gentlemen on the face of the earth; when one establishes a line between two ports, the others let him alone. [Laughter.] And if another company starts a new coastwise-ship line, it opens it between two other ports. When it was developed before the committee that the American-Hawaiian Line was able to go into the coastwise business and do every bit of the business through the canal that the Pacific coast would offer, we asked one of these coastwise gentlemen, who with great courtesy and prudence abstain from meddling with anybody else's rights, if he could not go through the canal and interfere with the Hawaiian Line and compete with it. He said that he did not think it would be good business. If that is the course that is to be taken, what is the use for us to give them tolls? Both gentlemen said that they were willing to take the tolls if they were given to them, but they could get on without them and did not care anything about them.

Mr. HAMLIN. Will the gentleman yield for me to read what was said on that subject from the hearings?

Mr. ADAMSON. Certainly.

Mr. HAMLIN. Mr. Dearborn, president of the American-Hawaiian Line, when before the committee, in discussing this question of tolls, and so forth, was asked this question:

Mr. HAMLIN. If I understand you on this question, the tolls, everything else being equal, you could carry trade through the canal at the rate you now get from Hawaii to New York and pay a dollar a net ton and make more money than you are now making on account of the transshipment?

Mr. DEARBORN. Yes; if rates of freight were unchanged.

Mr. HAMLIN. And, consequently, so far as you are concerned, the question of tollage is a negligible quantity?

Mr. DEARBORN. Yes; so far as any toll that has been considered.

Mr. KNOWLAND. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. KNOWLAND. Is it not also true that he said it would not make any difference to him because the tolls would be added to the price to the consumer?

Mr. HAMLIN. That is also true.

Mr. ADAMSON. I am glad of any interruption, Mr. Chairman, where I can shed any light, but the distinguished gentleman from California is beyond my capacity to enlighten him. He is the chief malefactor in the line of digression and diversion from legitimate uses of the canal, and has been leading in this insurrection and interfering with the course of the committee in the opening of this canal throughout our entire sitting. He is the apostle of the other side and will have ample time himself. I will simply reply to his statement by saying that several gentlemen have asserted in magazine and newspaper articles and elsewhere that the tolls would simply be added to the consumer, but nobody yet has ever proved it.

Mr. STEVENS of Minnesota. Mr. Chairman, let me ask the gentleman a question.

Mr. ADAMSON. And in his cross-examination he did not sustain it. I yield to the gentleman from Minnesota.

Mr. STEVENS of Minnesota. Does the gentleman recall that the testimony before the committee showed in substance that the amount of tolls at the rate of $1 per net registered ton, which is assumed as a basis at the beginning, would be practically from 40 to 60 cents per cargo ton, or between 2 and 3 cents per hundred pounds, and in view of that fact I would ask the gentleman how much of a reduction of tolls would reach the consumer with a reduction of 2 to 3 cents per hundred pounds?

Mr. KNOWLAND. Mr. Chairman, before the gentleman from Georgia answers that question I desire to amplify it by saying that at the outset we deny that it amounts to only 30 or 40 cents a ton. Tolls are based on net registered tonnage, upon total capacity of the ship, and if a ship goes through with half its space occupied that means that the cargo in that ship is charged a double rate, so that it would not be 40 cents a ton; and I have the figures to show that a majority of the ships do not go through loaded, which means that that in proportion is added to each ton.

Mr. ADAMSON. Mr. Chairman, answering the two gentlemen, I will state that the gentleman from Minnesota is, in my judgment correct. I have not much of a head for mathematics, and if I had I would not want to put the whole arithmetic in the RECORD.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Let me answer the other gentleman first, please. I do know that this gentleman and others disclosed the fact that the amount of tolls was absolutely immaterial to the freight rates and immaterial to the consumer, for this reason: They either get to cutting the rates and get them down so low it makes no difference what the tolls are, or they make a combination and hold the rates up at a certain price, so that it makes no difference what the tolls are. Those two propositions are established incontrovertibly in the hearings. I now yield to the gentleman from Indiana.

Mr. CLINE. Mr. Chairman, I want to ask the gentleman if it is not a fact that it was disclosed in the hearings that instead of a ship going through half loaded, as the gentleman from California [Mr. KNOWLAND] says, under the practice of the Suez measurement they carry all the additional tonnage they possibly can on uncovered deck, which is not computed in the measurement at all?

Mr. ADAMSON. Mr. Chairman, I do not dispute any of these statements that my interlocutors make. I recognize and remember some of them, but this is a voluminous record, and I can not recollect and swear to it all. I have put the record on the desk of every gentleman here, and I do not want to speak all day if I can help it.

Mr. MARTIN of Colorado. Mr. Chairman, I do not want to cut into the toll proposition now, but I simply wish to suggest that the gentleman from Georgia in eulogizing the gentleman from California [Mr. KNOWLAND] surely did not intend to slight the gentleman from Washington [Mr. HUMPHREY].

Mr. ADAMSON. Oh, he is not on the committee, and I do not want to talk about outsiders.

Mr. MARTIN of Colorado. I desire him to be duly credited with just as much pernicious activity on this subject as the gentleman from California.

Mr. ADAMSON. The gentleman from Washington is not a member of the committee, and I did not want to take liberties with him as I did with the others. He is a highly enthusiastic gentleman, however, and he has been so impregnated and infused and hypnotized with this heresy of ship subsidy in any possible form that he honestly believes that if you are not going to give his neighbors up there a ship subsidy on their ships you ought to fill up the canal at once.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MANN. Will the gentleman tell us whether the trade that was reported to have been made between the Pacific coast Members and certain southern Members concerning the election of Senators by direct vote extended also to the toll proposition?

Mr. ADAMSON. Mr. Chairman, I shall have to ask the gentleman to name his committee of investigation to find that out. I do not know the origin of the report. I suppose the gentleman, as the last man to mention it to me, can tell me where he got it, and I might trace it back. [Laughter.]

Mr. MANN. Oh, it was published in the newspapers and widely circulated on the floor of the House.

Mr. ADAMSON. I did not see it in the newspapers. I never talk about the newspaper men, because there are not only more of them in number, but they are bigger in size than I or my friends. They could talk about me or the gentleman from Illinois. Whenever they say anything in the newspaper that is not strictly accurate, I spread the mantle of charity over the poetic license that exists, because it is absolutely necessary to fill those large papers up with something, and if not enough truth happens to fill their papers those enterprising men have a right to fill up those columns by creating something. [Laughter.] The smartest men in the world, except drummers, are the newspaper men. [Laughter.]

Mr. HAMLIN. Do you except Congress?

Mr. ADAMSON. No. Now, Mr. Chairman, if I am not to be relieved by a further rest through questions of my colleagues, I will proceed. I referred to combinations, and I exonerated the coastwise trade from combinations. I have been told, however, about my friend Dearborn managing to cut rates enough on the American-Hawaiian Line to get a living amount of business away from the railroads without getting the rates low enough to do the people any good. Of course this is allegorical and metaphorical, but it has been supposed either he or an agent, for whatsoever a man doeth by another he doeth himself, had his ear close to the keyhole whenever the railroad authorities had a rate meeting in Chicago; and whenever a railroad rate was published the steamship rate, a few cents cheaper, appeared the next morning on a few leaders. That is not a violation of the anti-trust law. There is no trouble about that, but if shipowners can have this keyhole communication it demonstrates the greater facility with which they can find information enough with which to exercise their innate courtesy and not get in one another's way about the business. Now, there is great fear, and one of the hobgoblins in the question of a ship famine. There is conjured up a fear that there will be no ships to do the business, and there are some folks scared about there not being enough ships; and even as sane a man as my friend from Tennessee [Mr. SIMS] began studying about the policy of giving entry to the coastwise trade in order to allow all tramps to be taken into the use of the coastwise trade.

Mr. SIMS. As a matter of justice.

Mr. ADAMSON. The alarm of the gentleman is not well grounded at all. He ought to have studied the report of the Commissioner of Navigation and looked at the list of American coastwise ships. It is true the Commissioner of Navigation is not to be absolutely trusted when he makes a digression and goes off on a long ship-subsidy argument that he is not capable of sustaining when cross-examined before the committee, but when he gives a list of coastwise ships in the United States you can rely on that.

And I have figured out his own list, and according to his own figures there are several thousand ships and nearly 2,000 steamers. There are 150 of them according to the letter I put into the hearings from him that can go through the canal profitably, because they are above 3,000 or 4,000 tons. I ask any gentleman here who is good at figures just to count up and see if 33 per cent of them should use the canal, and say they have an average tonnage of 4,000 each, it would be two and a half million tons a year, and it would constitute, I tell you, regardless of the speculations of the optimist and regardless of the guesswork of doctrinaires, it would constitute the bulk of our business the first few years through the canal and pay the Treasury $2,500,000. Now, the proposition is that there will not be ships enough to do the business. Have you been to New York Harbor and to Boston and to Philadelphia and Baltimore and Savannah and Brunswick and Charleston and on the Great Lakes? Have you noticed that more business is done through the canal at the Soo than at Suez or will be done at Panama possibly for many years? Have you noticed the amount of coastwise business on the Atlantic coast, on the Gulf coast, on the Great Lakes, and even on the Pacific coast in the Pacific cities? It will not lead you beyond the verge of veracity if you assert that the coastwise trade on the Pacific itself, the cities, may be as great as the trade through the Panama Canal will

be, and so far as the coastwise trade is concerned going through the canal it will never be 10 per cent of the coastwise trade on the Gulf, the Atlantic coast, and the Great Lakes. Now, just look into these records, look into your business and steady common sense instead of going off on fads. There have been several widespread errors and some of them entered into honestly——

Mr. TOWNER. Will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. TOWNER. As I understand, the gentleman agrees that in fact the remitting or omitting of tolls on the Panama Canal would be in the end a subsidy? Is that true?

Mr. ADAMSON. It would be a great deal worse in my judgment. It is taking money already due the Treasury and giving it to a particular class of ships.

Mr. TOWNER. I understood that was the gentleman's provision. Then would the gentleman be in favor of opposing tolls on the Soo Canal, where the commerce is so tremendous, as he has just stated?

Mr. ADAMSON. I am coming to the gentleman's proposition just as hard as I can, and I tell him here that no tolls are charged on the Soo Canal.

Mr. TOWNER. It occurs to me, if the gentleman will pardon the statement, that that must be an exceedingly greater subsidy, if it is to be considered as a subsidy.

Mr. STEVENS of Minnesota. If the gentleman will permit, does the gentleman consider that the Soo Canal is on a parity with the Panama Canal in any particular?

Mr. TOWNER. I am speaking merely about the principle.

Mr. ADAMSON. That is based on an entirely different principle.

Mr. STEVENS of Minnesota. On an entirely different principle than the Panama Canal.

Mr. TOWNER. It occurs to me if the one is a subsidy the other should be considered so.

Mr. ADAMSON. My distinguished friend from Iowa, who is a fine lawyer and a good and genial gentleman, is in one of the categories I have mentioned. I have mentioned that some good and wise men have fallen into errors inadvertently. Prominent among those errors is the idea that the Panama Canal should be free because the American policy has been to make all American waterways free. In the first place, that is done by statute. Our statute makes all American waterways free. In the second place, those in which other countries are interested are made free by treaty. When it was not known where the origin of the Mississippi River was, but it was supposed it was in Canada, by treaty we made the navigation of the Mississippi River open to England as well as ourselves. When we built one canal on the Canadian border the Canadians built two. By treaty we agreed they should use ours and we would use theirs, and their border rivers would be navigable freely, and that our interests in the Great Lakes should be open freely also. So the border locks and the border canals are made free by treaty.

It is true with the Panama Canal that by treaty, whatever our practice, it must be uniform. The Panama Canal is built under two treaties. It must be operated by the terms of the treaties. We had to agree with England, which owns Canada, reaching from coast to coast, and owns possessions in the Caribbean Sea and the West Indies, and which claims she has as large interests in the Western Continent as we have, to be relieved from the Clayton-Bulwer treaty in order to build this canal. And we had to treat with Panama as to its construction, and we must build it and operate it in accordance with the terms of those treaties.

Now, as to the gentlemen who have propagated this erroneous statement and had it largely signed by unthinking bodies of men and commercial bodies and societies everywhere, who took the statement of leading men who were supposed to know and passed resolutions on them and sent them in here, if their doctrine be true, it proves entirely too much. I admit we are at liberty to make the Panama Canal free to all the world. If we propose to be that altruistic, and if we are able and willing to give all the vessels of the citizens of all continents free transportation, there would be no violation of any treaty in it. These gentlemen, if they pursue the logic of their contentions, are compelled to go to that extent. Then there will be no use for any toll keeper, no tollgates, and no tolls to be fixed on the Panama Canal. Let it all go free to the world. And that is what they prove, or they do not prove anything, in regard to their contention.

Let me go back to one thing, which I forgot on account of the interruption of my friend from Iowa [Mr. TOWNER], and that is the application of the tolls to a part of the coastwise trade of the United States. If it is true that we ought to give them a subsidy, if it is true that we ought to give them an amount of tolls, do you want to discriminate among them? Are they dishonest enough among themselves to have some of them get a benefit which some of them do not?

If those who do business all the time on the Atlantic coast, and the Gulf, and the rivers, and the Great Lakes get no subsidy, why should those who go through the Panama Canal on a longer cruise, on a longer haul, with greater freight and greater profits, be given a subsidy of three or four thousand dollars a ton?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. ADAMSON. Yes, sir.

Mr. HUMPHREY of Washington. Is it not true that the ships which go through the Soo Canal receive a subsidy, if your definition is a subsidy? Has not the Government built those locks, and does it not own and operate them? If it is a subsidy for them to go through the Panama Canal which the Government builds, why is it not a subsidy for them to go through a canal on the other border which the Government has built?

Mr. ADAMSON. Mr. Chairman, I am sorry that my friend did not listen to me. I tried to state that there was nothing in the treaty to prevent our remission of the tolls to all the ships of the world if we want to do it. That is a question for Congress to settle. The statement is made that the "Soo" is made free by the terms of the treaties themselves, and that we have a reciprocal benefit of using the Welland Canal, built by Canada, in return for their use of ours, just as the navigation of Lake Michigan is made free to navigation by treaty.

Mr. HUMPHREY of Washington. Will the gentleman yield further?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Washington?

Mr. ADAMSON. Yes.

Mr. HUMPHREY of Washington. I hope also that the gentleman will put the treaties to which he refers into the RECORD. I have not been able to find them.

Mr. STEVENS of Minnesota. I will say to the gentleman that I will put them in the RECORD before we get through. The gentleman need not worry.

Mr. HUMPHREY of Washington. Now, if the gentleman thinks that the giving of free tolls to our coastwise vessels passing through the Panama Canal is a subsidy, I will ask him whether the other 90 per cent that pass through the Soo Canal free of tolls are not receiving a subsidy for nothing. What is the difference between the Government building a harbor and allowing people to use it for nothing and building a canal and letting the ships use it for nothing?

Mr. ADAMSON. The 10 per cent that goes through the canal also uses the same harbors, if they wish to use them. They are all open and all are treated alike. I have explained to the committee that all our domestic waters and harbors are open, first, because we made them so by statute, and, second, because we made some thirty-odd treaties with the different nations of the world, making ourselves free to their harbors and making them free to ours.

I also tried to make it plain—and the treaties will be put into the RECORD by the gentleman from Minnesota [Mr. STEVENS]—that waters on the border and the rivers on the border, and harbors, some in our country and some in Canada, are made free by the two Governments. Before we found where the Mississippi River originated, thinking it might be in Canada, we made the navigation of that river free to English subjects. Great Britain would not have been interested in the matter if it had not been thought that she had the headwaters of that river in her own borders.

Now, 90 per cent of our coastwise trade will continue to enjoy the same privileges as the 10 per cent that will go through the Panama Canal. They work all the time for the benefit of the American people, building up and transmitting our commerce from port to port. Here is the one-tenth of those ships—10 per cent—that by agreement, as I have shown, goes through the canal, the one standing off for another; and the others do not compete with them; and here it is proposed to take $4,000 apiece, on the average, for every passage, out of the Treasury of the United States and give it to that 10 per cent.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Missouri?

Mr. ADAMSON. In a moment. I say, I do not care whether you call it a subsidy or a gratuity or a largess or a gift; but if you are going to give anything to the coastwise ships of the United States, give it to them all alike. Give them an equal and fair chance. But I protest that if you do it at all, you should

do it by a separate bill and a separate process. Do not take out of the Treasury the $4,000 per ship which the Treasury is entitled to, and give it to this 10 per cent.

Mr. ALEXANDER. Now, if the gentleman wants to do that and leave it to a future Congress to determine whether or not in the use of the Panama Canal we shall discriminate in favor of American ships, why does he use this language in section 5?—

No preference shall be given nor discrimination shown directly or indirectly to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.), and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

Now, that, to my mind, is an interpretation of our treaties with foreign countries, and the committee, in section 5, are undertaking to declare that policy. Are you not willing that that language shall go out of the bill, and leave it to a future Congress to determine the policy of this Government with reference to the canal, and interpret the treaties, and not have you interpret them for us in this language?

Mr. ADAMSON. Mr. Chairman, it would rather break the thread of my argument to go into that now. I am trying to get through with the economic discussion of this subject of the remission of tolls before I go to the treaty. When I reach the discussion of the treaty I will undertake to explain the situation to the satisfaction of the committee, if not to the satisfaction of the gentleman from Missouri.

I want to stick to the text I am on, if I can. Before leaving the proposition I want to emphasize the fact that if 33⅓ per cent of the coastwise ships go through that canal, giving the American coast of the Pacific Ocean a ship a day arriving and leaving, in all human probability it will accommodate their necessities for a long time to come. Any of you who are familiar with the sailing list of the ship companies and the business they do will find that they sail once a week, twice a week, or once every two weeks, and when it comes to sending a 4,000-ton ship there every day and another one back the same day, every day in the year, no man need have any doubt that for years to come that will accommodate all the coastwise trade of that coast.

But while the committee were satisfied that whether we desired it or not we are bound by the treaty, we based our action primarily on the fact that we were digging this canal at an immense expense, that we want to see it started successfully, that there is not business enough in sight to insure profits on it at the beginning; but we have a right to open it for all there is in it and run it for all it will bring for a few years and see what it will do, and we think that private and selfish special interests ought to postpone their claims and allow this great enterprise to go into operation and demonstrate its capacity before taking up any other question.

Now as to the treaty itself. While we based our action on economic questions and common sense, yet we are compelled in decency and honor to recognize the obligations of the United States.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HUMPHREYS of Mississippi. I understood from the gentleman's remarks a few moments ago that there was a combination among the shipping interests, a working agreement, under the terms of which only certain ships in the coastwise trade were to go through this canal, that the others would not. Is that true?

Mr. ADAMSON. Mr. Chairman, they all bitterly deny any combination, but they all admit the soft impeachment that they are very courteous any very prudent financially, and that when they see a track sufficiently occupied by a ship line they are so prudent that they will not put another line on that track, and one of them answered my question by saying he did not believe he would find it profitable to compete with the American-Hawaiian Line by going through the canal.

Mr. HUMPHREYS of Mississippi. Exactly.

Mr. ADAMSON. His opinion being that the American-Hawaiian Line itself would be able to transact the coastwise business of that canal.

Mr. HUMPHREYS of Mississippi. And that being true, was it the opinion of the committee that a free canal would give the American shipper lower freight rates, or, on the contrary, that the shipping companies themselves would pocket the $4,000 per ship?

Mr. ADAMSON. It appeared to us that not one cent of profit would ever go to the consumer if it did to the shipper, and it was not demonstrated to us that it would ever go to the shipper, even. But conceding that it was possible for them to find the shippers and give them their part of that toll, the shippers would be a very small part of the American people, and they would never be able to refund it to the consumer. So the argument fails at every step.

Mr. SIMS. Inasmuch as the coastwise lines do not now compete from port to port on the Atlantic coast, why should they change their whole policy and compete from port to port between the Pacific coast and the Atlantic coast?

Mr. ADAMSON. They have practically said they would not, that it would not be profitable.

Mr. SIMS. Certainly not.

Mr. ADAMSON. That it would not be good sense for them to do it.

Mr. KNOWLAND. According to the gentleman's logic I take it that he does not hold that a tariff tax would be a burden, or at least that if the tax was removed, the consumer would not get the benefit of its removal.

Mr. ADAMSON. That is a pretty long story on which there are some different opinions, and I do not have any idea that the gentleman from California and I could ever agree on it, either as a matter of fact, or conclusion, or principle.

Mr. TOWNER. Will the gentleman yield for an interruption?

Mr. ADAMSON. Certainly.

Mr. TOWNER. I dislike to interrupt the gentleman.

Mr. ADAMSON. I love to have the gentleman interrupt me.

Mr. TOWNER. I should like to have an explanation of a problem that has bothered me somewhat. I understood the gentleman to say that the difference in principle between the Welland Canal and the Panama Canal was that we have a treaty stipulation with Great Britain by which, in consideration for the use of the Welland Canal, we yielded the free use of the Soo Canal.

Mr. ADAMSON. They are all governed by treaty.

Mr. TOWNER. I understand so.

Mr. STEVENS of Minnesota. Mr. Chairman, I think the gentleman's statement is incorrect. I do not think the chairman of the committee understood it that way. That is not the arrangement.

Mr. ADAMSON. What I mean to say is that the use of each canal is governed by treaty.

Mr. STEVENS of Minnesota. That is correct.

Mr. TOWNER. Is it not true that the United States would have absolute power under our treaty with Great Britain to impose tolls on American ships?

Mr. ADAMSON. Is the gentleman talking about the Panama Canal?

Mr. TOWNER. In the Soo Canal.

Mr. ADAMSON. They would not violate a treaty against the interests of their own citizens if they would not against the citizens of another country.

Mr. TOWNER. The question of a subsidy is involved.

Mr. ADAMSON. You can call it what you please.

Mr. TOWNER. I think the gentleman does not understand me; I do not wish to interrupt him unnecessarily.

Mr. ADAMSON. That is all right.

Mr. TOWNER. This is the thought in my mind: If it is wrong now to remit tolls on the Panama Canal to American ships, then it is wrong to remit tolls on the Soo Canal to American ships.

Mr. ADAMSON. I do not think so.

Mr. TOWNER. Why not?

Mr. ADAMSON. It is right to conduct the Soo Canal according to the treaty and to conduct the Panama Canal according to the treaty.

Mr. TOWNER. There is nothing to prevent the exemption in either case.

Mr. ADAMSON. Oh, the gentleman is badly mistaken. I will put both treaties into the RECORD and he can see for himself.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to ask the gentleman one more question.

Mr. ADAMSON. Very well.

Mr. HUMPHREY of Washington. Before the gentleman leaves the question of tolls I would like to ask him this question: I understood him to say that he did not think a free canal would benefit the consumer, and he doubted whether it would benefit the shipowner.

Mr. ADAMSON. I said giving the tolls to the owner of a ship would not benefit a single consumer one nickel.

Mr. HUMPHREY of Washington. And the gentleman doubted whether it would benefit the shipper. Suppose you add 50 cents a ton to the product going through the Panama Canal, would not that enable all the transcontinental railways to add 50 cents a ton to every ton they carried on land of similar traffic, so that when you give a dollar by toll to the Government you enable the railroads to charge $10 for themselves?

Mr. ADAMSON. Those are questions of practice and detail, and no amount of talk or theory can adjust them. My proposition is that the canal tolls are going to be so low that they will not be affected by anything that we could normally get from the railroads, anyway, and that they will not be affected by anything the ships themselves do, for the ships would either by combination make the tolls immaterial to the shipper and consumer or they would by cutting rates make them immaterial to the consumer.

Mr. STEVENS of Minnesota. If the gentleman will pardon me, I want to add this one suggestion. These gentlemen assume that the present condition of blanket rates between the East and the West will continue, and if so, if the canal rates were reduced, the blanket rates would be proportionately reduced. The Interstate Commerce Commission, in all of its cases since the passage of the amendment of our friend from Illinois [Mr. MANN] relating to the long and short haul clause, has held that the blanket rates shall no longer be in effect and in its report has indicated its policy to abolish them, and if they are no longer put into effect and no longer allowed, the railroads can not reduce their through rates to the canal rates, because the intermediate rate and territory would not permit it. The whole system of rate making will be different between the Atlantic and the Pacific by the time the canal rates are in operation.

Mr. HUMPHREY of Washington. If that is true, the ships will carry the products through the canal.

Mr. STEVENS of Minnesota. The result will be to throw an immense mass of traffic through the canal and take it away from the railroads, and that can not be helped.

Mr. HUMPHREY of Washington. Why should it not be done?

Mr. STEVENS of Minnesota. It should be done, and we are glad to have it done; but it does not help them at all to reduce the tolls.

Mr. BOWMAN. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. BOWMAN. Suppose the rates are based on the cost of carriage, how much would they be reduced by any rates that might be made on merchandise and products that pass through the canal?

Mr. ADAMSON. I do not understand the gentleman's question.

Mr. BOWMAN. Suppose the rates upon the railroads are now fixed upon the cost of carriage, upon a reasonable return on the money invested, what effect would it have upon any rate which might be established across the canal? In other words, if the rates to-day are fixed upon the cost of carrying, any rate which you might apply across the canal could not lower those rates.

Mr. ADAMSON. Mr. Chairman, it might not lower the rates on the railroads, but the rates will be so low via the canal, according to the evidence before our committee, that a great deal of the business will go through the canal; and if it does that, the people will get the benefit of the cheaper rates, while the Treasury will get the benefit of the tolls.

I have now tried to demonstrate in line with the report of the committee that we ought not give any of these tolls to the small per cent of the shipowners or prospective shipowners in the United States engaged in coastwise trade, even if we could.

I come now to the other proposition, that in honor and decency we can not do it, if we wanted to, under the treaties which we have made. I know that gentlemen get enthusiastic and talk wild sometimes, and they have been filling up the newspapers and the magazines for years on this subject in anticipation of the opening of the canal, and one sometimes see the wild statement that it is a fight between the ships and the railroads. That is as silly as it is unfounded. The railroads and the shipowners frequently get friendly when it is financially to their interest to be friendly, and when it is financially to their interest not to be friendly they are not friendly. Money is kin all over the world and every last dollar is denationalized. There is not a dollar of it in circulation on the face of the earth that cares a continental for any flag on the face of the earth except in so far as the prospect is that that operation under that flag will double the dollar. The proof of that is in every ship line in the world, and in the stockholders and in the bondholders in them all over the face of the waters to-day.

There is another wild and foolish opinion expressed by those in respect to others who deny this right, that they are turning from American ships in favor of the ships of England.

Mr. MADDEN. Mr. Chairman, I notice there is a provision in this bill calculated to prohibit ships owned——

Mr. ADAMSON. Will the gentleman please wait until I reach that?

Mr. MADDEN. I just wanted to ask the purpose of putting that in the bill.

Mr. ADAMSON. When I get to it I will tell the gentleman, but I hate to have my most beautiful sentences punctured and dislocated by questions, shot right into the middle, that ought more properly to apply to some other subject of the bill.

Mr. MADDEN. I thought the gentleman was on that point now.

Mr. ADAMSON. No; I am proceeding to show it would not be polite in us, after making a solemn treaty not to do so, to show discrimination in favor of some ships as against others. As I said, Mr. Chairman, some people excitedly say that those who are in favor of observing this treaty are favoring England. Well, I was sort of a jingo when we started in to try and dig this canal and wanted to drive England away, but I found we had to notice treaties, not only through the respect and veneration we should have for international law but because it might not be prudent to be getting up unnecessary jars with foreign powers, unless it was somebody that we could whip easily.

It is unfortunately true, or fortunately, if you can so state it, that England came here and was our mother. We might not have been here if she had not come here first. She did not get off the nest and leave as soon as we wanted her to. The bees got ready to swarm and we told the original hive to leave and let the young swarm stay here and grow up with the country. I reckon we made a mistake when Cornwallis surrendered that we did not have there our friend from California, Mr. KNOWLAND, and our friend from Washington, Mr. HUMPHREY, and Brother ALEXANDER, so that they might put a codicil to that surrender and fix up the treaty of amity and commerce that we later made with England, whereby she would get out of these regions and let us have Canada and all her possessions in the West Indies. I do not see what business she has there, unless it is to help her make money, and I do not know that I like to have her putting the lines over us any more than anybody else. I think we ought to be able to run things on our own continent, if we can, but somehow or other when we got Cornwallis to surrender and got a treaty of independence we felt pretty friendly over it. We then proceeded to make a treaty with the old lady about how we would behave, and with some 30 other nations. Then, after the war of 1812, not being properly advised by the gentlemen who know of late days how to construe treaties in favor of our own ships, we made another mistake and let her off again without taking Canada and all these things away from her.

It is a physical and historical fact that I deplore. I assure my friends on the Pacific coast I am no tory. I believe I would fight England, I would as soon invade her, if I were a fighting machine, as any other country, if I thought that I could whip her. But, gentlemen, you have to look these facts in the face. But that was our position in 1812, and then along later than that Mr. Clay got to help run the Government and other great men, and they kept on making treaties and kept on talking about canals, and they finally made the Clayton-Bulwer treaty. It authorized a canal for commercial purposes. It was not a Government canal for governmental purposes, and we were prohibited from doing hardly anything at all except to help furnish the money and help England guarantee the neutralization of the canal, and I will show you some utterances by which to show you how these things were dealt with and how these things were put in the treaty. That was for an Isthmian Canal. The whole of the first section pledges that neither country will acquire any influence at all or use any advantage that either may possess—

With any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

The fifth section contains most specific language:

If both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other.

Now, section 6:

That of constructing and maintaining the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all.

Some of them say, What are you reading them for? That section has been superseded. Let us see whether it is or not. The preamble of the treaty which we made superseding this treaty is as follows:

By whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the

construction of such canal under the auspices of the Government of the United States without impairing the "general principle" of neutralization established in article 8 of that convention.

Now, what is article 8 of that convention? I read three or four of the other sentences to show the idea presented in that treaty.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they thereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

But, gentlemen say, the Hay-Pauncefote treaty supersedes that treaty and provides that the Government of the United States may construct and manage a canal as the owner thereof. I call attention to the fact that that other section, where it is authorized to operate and maintain a canal as the sole owner and constructor thereof, and so forth, also contains the qualification, "subject to the terms of this treaty," and the terms of this treaty are that article 8 of the Clayton-Bulwer treaty shall be unimpaired.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, it might be inferred from the gentleman's reference to the Clayton-Bulwer treaty that the United States was to construct a canal. The Clayton-Bulwer treaty did not necessarily contemplate the construction of a canal by the United States, but by any other party or nation.

Mr. ADAMSON. Not by any nation, but by private capital.

Mr. MOORE of Pennsylvania. The terms of the treaty would apply to anyone undertaking the construction of a canal.

Mr. ADAMSON. Of course, the United States and England guaranteeing the neutrality and equality. Now, Mr. Chairman, there is one other error that gentleman have fallen into, and that is, they make a discrimination as to coastwise and foreign shipping.

I will call attention to the fact, but I will not take the time to read the treaties, as the gentleman from Minnesota has collated all of them, and has an unanswerable demonstration on the subject, and as I have spoken on the subject, I am going to ask him to put those in his speech.

Mr. HAMLIN. I want to call your attention and the committee's attention to another fact, that when we entered into a treaty with Panama we especially, in article 18 of that treaty with Panama, recognized section 1 of article 3 of the Hay-Pauncefote treaty, to which you referred, in this language:

The canal, when constructed, thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with, all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Mr. ADAMSON. The same obligation exists from us to Panama as existed from us to Great Britain.

Mr. ALEXANDER. If the gentleman will permit, I wanted to call attention to the fact that while you may regard that as correct, in section 5 of this you provide the Government of Panama shall use the canal free of toll.

Mr. ADAMSON. I will come to that.

Mr. HOBSON. I want to ask the gentleman a question.

Mr. ADAMSON. Will you let me answer the gentleman from Missouri [Mr. ALEXANDER] on that question, and hold your question a minute? In answer to the statement of the gentleman from Missouri [Mr. ALEXANDER], the right of a constructor and owner and manager, who would put tolls into one pocket and take them out of the other with his own hand, certainly would allow the constructor, owner, and manager, standing the expense and taking the returns, to pass his own individual ships free. And therefore the ships of the United States Government are passed through free. By these treaties, and pursuant thereto, the United States had a right to make a contract with any Central American power and to insure a canal right through the country. In order to do so they had to make a contract. Inasmuch as the United States was compelled to contract for the place to dig that canal, I think it could operate as constructor and owner and pay the expense and take the profit; it had to make terms, and it had to make terms it could comply with, and it should comply with them when it made them. It duly made a contract with Panama, and it created, in order to do it, a Republic for its own purposes; and the first article of the treaty is that, "We will uphold and maintain the sovereignty of this Republic forever." We put in the treaty that guaranty to begin with, and then they make a contract to the effect, "I will use your land and you give me the perpetual right to use it, and give you so much money, and after nine years so much money annually, and I will allow your Government ships the free use of the canal, because you are substantially in partnership with me; you are, at least, a quasi owner; you are the owner of the land on which I have got to dig the canal, and I have got to treat with you in order to dig it, and I have got the right to give you the free use of the canal for your Government ships."

Mr. SIMS. Is it not the right of the Panama Government to retain instead of the United States Government to bequeath?

Mr. ALEXANDER. You are urging those as reasons why we violate the terms of the Hay-Pauncefote treaty?

Mr. ADAMSON. No, sir. I think, Mr. Chairman, there is no violation of the Hay-Pauncefote treaty. The United States as constructor gives her the right for the valuable consideration of the land on which to construct the canal, to use the canal freely for all official vessels—and only the constructor in the language of the treaty.

Mr. STEVENS of Minnesota. If you will allow me, I think I can explain. The treaty with Great Britain provides in article 3 for two essential things: First, equality; and, second, neutralization. In article 4 it provides for a change of the territorial sovereignty of the Panama Zone. The treaty provides, in substance, that the United States is responsible: First, for equality; second, for neutrality; and third, that the zone itself shall not be interfered with so far as neutrality is concerned. The burden is on the United States for doing those things. It is expressly provided it shall be on the United States by providing in article 2 that it shall have the exclusive right for providing for the regulation and management. Now, that has been construed more carefully and elaborately by Secretary Hay, who framed the treaty, and by Senator Davis, of Minnesota, the chairman of the Committee on Foreign Relations, who reported the treaty, and by Lord Lansdowne, the British foreign minister, who framed the treaty on the part of Great Britain. And that treaty was this: The burden was on the United States for strengthening the canal and for that right we had the right to fortify. The burden is on us to say that the canal shall be kept sanitary, and that the burden of obligation shall be taken from us in part and be put upon the Government of Panama, as we had a right to do before the Hay-Pauncefote treaty.

In addition we made an agreement with Panama that Panama should establish ports of refuge at her own expense and keep them open at all times, as we had the right to do under the terms of the Hay-Pauncefote treaty. Then we exacted from Panama that she should enforce the provisions of article 4 to maintain her own sovereignty, and she can maintain her own sovereignty and peace along the canal, and sanitation along the canal, and pass her own ships through; and by that provision, pursuant to the Hay-Pauncefote treaty, we made that agreement with Panama that she should take those matters up and take them off our hands and save us from the incurrence of that expense. So that the gentleman from Missouri will easily see that the provisions of the Panama treaty are for directly carrying out the provisions of the Hay-Pauncefote treaty.

Mr. ALEXANDER. In other words, they are giving us value received in exchange for free tolls?

Mr. STEVENS of Minnesota. Not at all. We are responsible for the conditions in the Hay-Pauncefote treaty. In carrying out that responsibility we are compelling Panama to bear part of the expense and we bear the other part of the expense. In other words, we are enforcing provisions 2, 3, and 4 of the Hay-Pauncefote treaty.

Mr. ALEXANDER. In exchange, as I say, for that we are giving them free tolls?

Mr. STEVENS of Minnesota. Only to that extent, and not in that sense.

Mr. ALEXANDER. But if we build the canal, is not that a sufficient consideration for us to give our vessels free tolls?

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Alabama?

Mr. ADAMSON. I do.

Mr. HOBSON. Will the gentleman tell me whether, in his judgment, irrespective of the matter of subsidy or equal tolls charged to the vessels of all nations, the payment of the tolls of American ships passing through by the American Government would be in violation of the spirit of the treaty?

Mr. ADAMSON. I was coming to that proposition, Mr. Chairman, as soon as I had finished the statement I was engaged in making. I was calling the attention of the committee to the mistake which gentlemen make in differentiating under the treaty between coastwise trade and foreign ships. The rule will be found by reference to the treaties which the gentleman from Minnesota [Mr. STEVENS] will call to the attention of the House, that whenever in these treaties of amity and commerce and navigation a distinction is to be made, it is done in express terms. It will be found in thirty and odd of our treaties that where it was desired to make a distinction it was expressly stated that "the coastwise trade is exempted from the operation of this treaty."

That exemption is not made in any of the four or five treaties that have been made touching the Isthmian Canal at any point or any railroad on the Isthmian Canal except in two papers—in the treaty with Granada and in the treaty with Panama. In the treaty with Nicaragua some language is used something like this, except some of it is made stronger: "Citizens of foreign countries shall not pay any higher tolls than are charged to our own citizens." Every one of these isthmian treaties with the Central American States uses the language I have suggested except one treaty with Mexico and one concession from Nicaragua, which use either the same or stronger language than the treaty with England. Some of them expressly say that, as between the citizens of those countries and foreign countries, the tolls shall be the same; no higher for the foreigners than for natives. The only exception to the thirty and odd treaties is the Mexican treaty in regard to the Tehuantepec route. It is based on a substantial reason. Mexico built the railroad between two of its own ports, on its own territory, and paid the expense itself, and so in its treaty of amity and commerce and navigation with us Mexico expressly stipulated that all foreign countries should be treated alike, but expressly stipulated that foreign nations should not be treated on the same basis as its own citizens.

There is one concession from Nicaragua which did the same thing that Mexico did, and that was that inasmuch as she was doing the work between two of her own ports she would let foreign nations all fare equally, but not equally with the subjects of Nicaragua.

Now, I am making this statement because it is argued in relation to that discrimination that while the treaty may bar us from giving these free tolls to ships in foreign trade, yet so far as the coastwise trade is concerned, it is admissible, because they are not in competition with the ships of foreign countries and are not to be considered therewith.

Mr. CLINE. Mr. Chairman, I think perhaps the gentleman has simply omitted to call the attention of the committee to the fact that when the first Hay-Pauncefote treaty was sent to the Senate for ratification by Mr. McKinley in December, 1900, the Senate attempted to amend that treaty with this language:

ART. 3. The United States reserves the right, in the regulation and management of the canal, to discriminate in respect to the charges for traffic in favor of the vessels of its own citizens engaged in the coastwise trade.

That amendment was defeated by a vote of 27 to 43 in the Senate, by which the Senate recognized the binding force of the original treaty unless it was relieved by direct legislation.

Mr. ADAMSON. I think I put that in the majority report.

Mr. KNOWLAND. Will the gentleman allow me to make this observation right there——

Mr. ADAMSON. I prefer that the gentleman put it into his own speech. I know what he intends to say.

Mr. KNOWLAND. The amendment in favor of fortification of the canal was voted down by a larger majority than that, and yet we are fortifying the canal.

Mr. ADAMSON. Now, Mr. Chairman, I come to the last proposition on this subject. The gentleman from Missouri [Mr. ALEXANDER] asked me a question and the gentleman from Alabama [Mr. HOBSON] asked me a question. The gentleman from Missouri asked me why it was that certain language is in the bill. I am afraid the gentleman has not given that attention which he should have been giving for the last 15 years to the treaties which have been ratified or he would not have asked the question. The gentleman from Missouri asked me about the following language and asked me if I would not agree to strike it out:

No preference shall be given or discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, etc.

This was complained of in the minority report. I wish to say, without giving away any secrets of the committee, that the section as originally drawn had a good deal more in it than that, and it was objectionable to a great many people on and off the committee; and as the committee was deciding the case on economic grounds, and not attempting to foreclose the consideration of a treaty for future generations, we tried to strike out everything that was objectionable, and thought we had; and in apologizing for this I think when I explain the sources from which it came some of the gentlemen will forgive me if it was an infelicity in the use of language.

As I have stated before, a great many bills have been introduced on this subject, and there has been a sort of evolution and growth, a little of this man's bill and that man's bill and the other man's bill creeping in. The language used was unconsciously taken from other bills, most of which had been introduced by statesmen in sympathy with the minority report, who could not have intended the language in the sense attributed to it by the minority report. For instance, in House bill 17589, introduced by that great persistent apostle of discriminating tolls, the gentleman from Washington [Mr. HUMPHREY], on page 2, beginning on line 9, the language is used beginning:

No preference shall be given to the vessels of any nation, its citizens or subjects.

The same language is used by Senator JONES in Senate bill 2455, Sixty-second Congress, page 6, line 4. In House bill 31436, introduced in the Sixty-first Congress by an able and distinguished leader of this House, whose position on this subject I do not seek here to locate, incorporated provisions which made discrimination possible.

The House passed House bill 12316, a bill for certain purposes, and sent it over to the Senate, where it was referred to the Committee on Interoceanic Canals, dominated by that prince of the advocates of discrimination, Senator FLINT, who wrote the committee report, reporting the bill back into the Senate with sundry amendments, among which the same language was used complained of in the minority report on page 7, beginning on line 1. That language could not have been used with the meaning ascribed to it here by the minority report. In the amendments reported by Senator FLINT, the advocates of discrimination went to the limit and provided expressly for free tolls for any vessel engaged in the coastwise trade. Happily for its credit, the Senate never acted on that bill.

Now, the gentleman from Alabama [Mr. HOBSON] asked me a question, and he does not seem to be here to listen to my answer; but I will answer his question anyway.

Mr. HAMLIN. He fired and fell back.

Mr. ADAMSON. Our contention for the construction of the treaty, it seems to me, has been admitted by most advocates of discrimination who have introduced bills, the gentleman from California [Mr. KNOWLAND], the gentleman from Washington [Mr. HUMPHREY], the gentleman from Michigan [Mr. FORDNEY], Senator LODGE, and Senator FRYE, and others who have sought to provide that the tolls imposed upon American vessels should be refunded out of the Treasury. The same position has been taken by such of our Cabinet officers as have been betrayed into the advocacy of preferential treatment. The able and distinguished Commissioner of Navigation, who devoted so much of his last report to misinformation on the subject of ship subsidy, makes Senator FRYE's bill the basis of his argument, and argues himself and all the balance of the minority out of court by proposing to admit that the treaty expressly prohibits discrimination at the canal, but providing that the Government refund to them their tolls out of other money.

The same position has been taken by certain Cabinet officers who have been betrayed into the advocacy of preferential treatment. Two or three gentlemen had sought to differentiate between American ships engaged in foreign trade and those engaged in the coastwise trade, for which differentiation there is no authority in law, precedents, or reason.

Now, as to whether this Government can provide preferential assistance to its ships, domestic or foreign, whether a foreign Government may provide assistance to their ships, domestic and foreign, are questions entirely foreign to our consideration here. We have demonstrated by treaty, and there is no getting around it, that an erroneous action by Congress might involve our country in a serious criticism and trouble with the powers of the world by not maintaining our honor. The bills I have cited, introduced by great men, and the quotations I have made by Cabinet officers and others recognize the proper construction of the treaty and propose that the Government provide other preferential assistance for their ships.

It seems to me, Mr. Chairman, that the best and the logical course, if they deserve and need help, is to rest on that proposition, recognize the inviolability of our treaty obligations, and use the powers of Congress otherwise to make any provision they wish or can get Congress to make to help their ships, foreign and domestic.

It is true that other Governments have made treaties to help their ships, but in every case the ships help the Government. Some have helped mail ships, but the mail ships hauled the mail. Some have helped passenger ships, but the passenger ships helped the Government. France once made an arrange-

ment with sailing ships to haul freight, but there was a quid pro quo for the Government.

The only proposition I have ever heard from these suppliants for this gratuity from the Government is that "We will build the ships and you will give us our tolls, twice on every trip, and after 50 years of peace, if war comes on and you need our old rotten hulks you can have them, provided you give us a high price for them; and if we can not agree we will have arbitration that will fix a high price and we will get the money." What kind of a quid pro quo is there in that? If they are honest and want to do the right thing when they ask us to give them the tolls they should agree that they will haul the soldiers, that they will haul munitions of war, that they will carry passengers when we have passengers to carry, and that we will give them the credit for the tolls so that they can be partly or wholly paid for. That would look somewhat honest on its face.

Mr. HOBSON rose.

Mr. ADAMSON. I want to say to the gentleman from Alabama that I answered his question while he was out. I cited a long list of most distinguished advocates for the preferential and differential rates to give American ships their tolls, in which there were a number of Senators and Representatives of the highest character and ability, among whom were some of our brethren on the other side. Senator LODGE, Senator FRYE, the Commissioner of Navigation, Cabinet officers, in which they proposed that we concede the inviolability of the treaty, but provide to pay or refund, as the gentleman stated. I say that is a different proposition. I say if Congress wants to provide for plenary aid to the American shipping——

Mr. HOBSON. If I understand the gentleman correctly, he would find no objection or obstruction in the treaty to prevent our Government paying the tolls of our ships, those tolls being levied equally with tolls levied upon other ships.

Mr. ADAMSON. Mr. Chairman, if I ever fall from grace and vote to give away the public money to any private shipowners I do not think I would mention the canal. I would just provide that by certain means these ships should have so much help.

Mr. HOBSON. We all understand the gentleman's views on that question, but on the matter of the treaty, has he taken into consideration the fact that a similar practice is indulged in in connection with the Suez Canal?

Mr. ADAMSON. I answered that while the gentleman was out.

Mr. HOBSON. I was necessarily absent to answer a telephone call, but so much wisdom falls from the lips of the gentleman from Georgia that one needs to be here constantly to get it all.

Mr. ADAMSON. I do not know much about the wisdom that falls from my lips, but it is to the credit of the gentleman from Alabama that he has so much to disseminate that he has to be in a good many places to shed it about. I do not censure him because he is popular.

Mr. HOBSON. I thank the gentleman; but do I understand that the gentleman recognizes any obstacle in the treaty obligations of our Government to paying the tolls of our vessels? I mean not only the treaty, but the spirit of the treaty.

Mr. ADAMSON. Mr. Chairman, I believe if we would introduce this bill in the language of some of those introduced that the tolls paid by American shipping shall be immediately paid back to the ships at the canal we would as grossly violate the treaty as if we remitted the tolls directly, because that would be a subterfuge that any Englishman would be smart enough to discover, and he would kick about it; but if Congress is able to devise any scheme by which it will help American shipping, by which it will contribute to their lines or operations and make no mention of the canal, and steer entirely clear of the treaty, the gentleman could reach his purpose.

Mr. HOBSON. Mr. Chairman, I can not quite see yet an answer to my question. The gentleman is aware evidently that a practice exists not only on the part of the British Government——

Mr. ADAMSON. No; I am not.

Mr. HOBSON. Whereby tolls paid by their ships going through the Suez Canal and through canals under which there are treaty obligations are returned——

Mr. ADAMSON. I am not aware of it. Some wild statements have been made upon that subject, but they did not stand the glare of cross-examination. As I stated in the gentleman's absence, foreign Governments have made arrangements with ships, and some of them have paid enough to pay canal tolls. It is calculated, and the language of the Commissioner of Navigation is in some cases that it is estimated to be enough to cover that, but in only one or two occasions have they expressly said that they are paying enough for the canal tolls. And further, in answer to the gentleman's proposition, I call his attention to the fact that the people who built the Suez Canal are not a government. I called attention earlier in my statement to the fact that that canal is not in charge of any government, that it is simply built under a guaranty of neutralization, that several Governments took stock in a French corporation—or the citizens of various countries; and there can be no possible analogy between the situation and management of that canal and the management of the Panama Canal in a foreign country, built by the American Government under strict treaty stipulations with two powers that at the canal everybody shall be treated alike and equally. It is impossible under the treaty for the canal to be made an instrument of settling the differences and inequalities of the commercial affairs of other countries or matters in other parts of the world. The point is that under the treaties the United States is bound at the canal to operate that canal physically on exactly equal terms, without seeking to inquire into the domestic conditions in the various countries of the world, or to inquire who pays subsidies or who protects coastwise shipping or what inequality exists here or there or elsewhere.

Mr. HOBSON. Mr. Chairman, I hate to impose on the gentleman's good nature, but I can conceive how the British Government, or some other Government, might proceed to pay out of its treasury the tolls levied by our Government upon their ships passing through the Panama Canal. I want to get the gentleman's idea, because he has investigated this matter so thoroughly. I want to get his interpretation as to whether our Government by an appropriation of Congress could appropriate for the specific purpose of paying the tolls of our ships through the Panama Canal, and whether that action of our Government would be in violation of the spirit of the treaty?

Mr. ADAMSON. I have answered the gentleman——

Mr. HOBSON. An answer yes or no would please me very much.

Mr. ADAMSON. I have answered distinctly time and again that if the gentleman made it evident in the act which he was passing that it was a subterfuge to avoid the terms of the treaty it would be discovered by an Englishman as quickly as it would by a Yankee. You can not fool either of them about commercial matters. But as a friend of the gentleman and as a lawyer willing to serve him, if he desires to have my services, I would say that if he wants to accomplish that purpose, if he can pass a bill through Congress to give any particular set of men that much money, if he will just draw the bill and say give them that much money without saying that it is to get around the treaty or avoid paying canal tolls, then neither England nor anybody else could say a word against it.

Mr. HOBSON. And if we did say that it was to pay our tolls——

Mr. ADAMSON. It would be a subterfuge, and I believe if we wanted to do that we could not do it. And I believe, Mr. Chairman, that on this floor right here in this House—and here is one of them weighing 200 pounds—there are gentlemen who would be just as proud to see a great American commerce whitening the ocean with its sails as any of these gentlemen who shed crocodile tears about the decadence of the American merchant marine.

Mr. HAMLIN. The gentleman agrees with me, does not he, if any kind of subsidy should be given these coastwise ships, primarily to reimburse them for tolls paid to pass through the canal, it would be a violation of the spirit of these treaties?

Mr. ADAMSON. I say it is a violation of the treaty; and to pay the money back to them after they pay it in is a subterfuge and an evasion.

Mr. HAMLIN. And if we pass an act remitting the amount actually paid it would be just as bad.

Mr. ADAMSON. Why, certainly.

Mr. HOBSON. Would the gentleman object, in connection with his remarks about aiding vessels in the merchant marine, to saying whether he would vote for the aid of the general merchant marine above the discriminating duties?

Mr. ADAMSON. The gentleman was not in the House when I began my remarks. I said to the gentleman from Missouri [Mr. ALEXANDER], before you came in, that I want to help build American shipping.

Mr. ALEXANDER. I did not hear that.

Mr. ADAMSON. Yes, sir; in the beginning of my speech that we wanted to help build——

Mr. HOBSON. I will remind the gentleman that the committee reported out favorably at the last Congress a bill, part of which provided for a discrimination of 5 per cent reduction

on dutiable goods brought in American bottoms, and a discrimination of 2 per cent ad valorem placed upon goods brought free in American bottoms.

Mr. ADAMSON. My statement to the gentleman from Missouri improves it greatly. I said these ships which went away from here loaded with American exports and brought back foreign goods should have the foreign goods admitted at a lower rate of duty, because that would benefit the people as well as the shipping trust. [Applause.]

Mr. FOWLER. I would like to ask the gentleman one question before he closes.

Mr. CANNON. Before the gentleman concludes I want to ask——

Mr. ADAMSON. There is another section on which I have not touched.

Mr. CANNON. That is section 11.

Mr. ADAMSON. Yes, sir; that is the one I now want to talk about.

Mr. CANNON. I will be very glad if the gentleman will do so.

Mr. ADAMSON. Mr. Chairman, I will tell the committee frankly about the genesis and history of that section 11. The insistence of certain gentlemen for help to our coastwise ships for various reasons, some of which I do not care to state or guess at, included among others the complaint——

Mr. BUCHANAN. Mr. Chairman, I ask for order.

Mr. ADAMSON. If I may be permitted to conclude I would like to do so. The committee has been good to me.

The CHAIRMAN. The gentleman from Georgia will proceed.

Mr. FOWLER. I would like to ask the gentleman what he regards as Panama vessels. Does that include any vessels except——

Mr. ADAMSON. The bill expressly states Government vessels if there are any.

Mr. FOWLER. Not vessels owned by any individuals living in Panama?

Mr. ADAMSON. No; the Government; and the Government is a part of us. Mr. Chairman, as to section 11, I was going on to say that the people who are clamoring and delaying and hampering the opening and management of this canal use as one of their arguments that the railroads are going to run other ships out of business and put their ships on the canal and drive everybody off, and then raise their rates so that the canal would not do us any good commercially. The President put something about that in one of the messages; it was put in bills by four or five gentlemen, and I confess, inadvertently, I supposed they knew what they were doing; and I put it in a bill of mine about railroad ships going through the canal. But we studied the treaty, and we decided that at the canal we had to do the square thing as to all ships which came there, without regard to who owned them or where they came from, providing other nations observed our rules.

That is all there is. Those are all the conditions. Perhaps citizens of our own country might complain if we violated the treaty against them, just as well as the citizens of another country. We decided we did not know just what was going to happen—what the railroads were going to do to us there—and, furthermore, we thought if railroads engaged in interstate commerce were doing that it was the business of Congress to regulate them and manage them and keep them out of mischief. While we could not go to the canal and make it an instrument of discrimination, we could amend the interstate-commerce law so that the railroads that we regulated should not compete with themselves by putting ships on that canal in mock competition with themselves and drive other ships off of the canal. We put in this bill a provision, and we have all studied it, and we thought it would improve it a little; and we have submitted a committee amendment to the House as a substitute for that section, when we get to it.

I was willing to leave it out of the Panama Canal bill, along with the contention for free toll for American ships, and go on and provide for the opening and operation of the canal, the management of the zone, and having two or three years yet in which to watch events, wait and see what ought to be done to regulate the ships and railroads, and do it in due time. But there was such insistence that something should be done that we did take it up in the only possible and legal way under the treaty, and that which we submit in the substitute which we will offer when we reach section 11 is the sense of the majority of the committee as the way to deal with that question. While we may or may not deal with it in the Panama bill, we have got to deal with it some time in interstate commerce and coastwise trade. The question is coming up, and we have got to face it. The people in the country and the people in the vast areas through the interior of the country are not going to consent that they forever, by taxation, will have to keep up water courses and rivers and harbors for railroads to put ships on there in competition with their own tracks, in competition with their own commerce. I know of some lines, without having to refer to the evidence in the record, where a long line of steamships, supplemented by short railroads in the interior, make the same rates as a long railroad between the same towns and same sections. This condition will have to be met some time. It is 10 times more material to the coastwise trade and interior than the use of the Panama Canal. The Panama Canal is going to be a small thing compared with the difficulties in the United States coastwise trade. If the committee saw proper to keep it in this way, we would like to adopt it. If it does not, the committee will in the future deal with it as a separate amendment to the act to regulate commerce.

Mr. MALBY. Will the gentleman give way for an inquiry?

Mr. ADAMSON. I will, but I would be glad to stop.

Mr. MALBY. I appreciate the gentleman's desire, because I know he must be very tired. Has the gentleman read section 11?

Mr. ADAMSON. Are you not reading the substitute?

Mr. MALBY. I am reading the bill as furnished by the Clerk.

Mr. ADAMSON. I sent the gentleman a substitute this morning.

Mr. MALBY. I have not seen the substitute bill, but my inquiry relates, however, to the effect of section 11. That applies to all railroads owning stock or an interest in a line of steamboats, irrespective of the fact whether they use the Panama Canal or not.

Mr. ADAMSON. I would not give a cent for the provision to affect the Panama Canal alone if I could not make it useful in all the coastwise trade. It would not be worth a bawbee. The canal business presents only 10 per cent of the trouble.

Mr. MALBY. My only suggestion was that it is a very important matter to be considered in a bill regulating the government and traffic on the Canal Zone.

Mr. ADAMSON. I thought so, and I have explained to you how it got in there.

Mr. MALBY. Mr. Chairman, of course I have not had time to read the substitute, but, it does apply to all the railroad and shipping lines outside of the Panama Canal line. Would it not be well for the chairman of the committee to explain it before we get to the five-minute rule, where we would have only five minutes to discuss one of the most important subjects in the entire bill?

Mr. ADAMSON. I beg the gentleman's pardon, but I thought I had just explained it.

Mr. MALBY. I have listened to the gentleman, and to my mind it does not seem to be an explanation of such an important matter as this.

Mr. ADAMSON. Will the gentleman intimate what it is?

Mr. MALBY. I would like to know on what theory the committee proceeds to deny to a railroad company, as a part of its general system, necessary for the running of the railroad itself, a right to own a shipping line which is an extension or a feeder upon which the railroad itself absolutely, in many cases, depends for its transportation of freight. Why should you deny to them any ownership over that line, any more than you would deny to the railroad a right to extend its rails across to the very market where the ship goes?

Mr. ADAMSON. I answer the gentleman by denying his premise absolutely. No railroad has any right to run a ship line to the exclusion of real competition through the watercourses that ought to be competitive with itself. It is not true that railroads have built up waterways. Naturally ships were the original means of transportation, and the railroads have, through manipulation of capital, managed of late years to drive ships off of the watercourses along their own lines and put their own ships on them. I have no objection to their running ships where, as the gentleman says, they are feeders, to gather up and distribute business. That is all right. But when they propose to get possession of that watercourse that runs parallel to the railroad and take the business and raise the rates by excluding other ships prevents that and kills competition, and that course of action will be prevented some time, if it is not done in this bill. [Applause.]

Now, we have amended that in the substitute by making the Interstate Commerce Commission the judge or arbiter as to when a ship is in competition and when it is not. The commission could tell whether the ship line was operating in violation of the section or not. If it is all right to run it, let it run; but there is no use in taxing the people hundreds of millions of dollars to open up water channels on the delusive

assumption that we are going to get cheaper transportation, which the figures show ought to be one-fifth of the cost of the railroad transportation, and then allow the railroads to take charge of all the business that ought to be competitive with them and raise the water rates to their own level. [Applause.]

I thank the committee for its kind attention to me. I did not want to talk as long as I have talked, but my brethren were kind to me.

Mr. MALBY. Will the gentleman allow a suggestion?

Mr. ADAMSON. I want to hear the speeches of others, and let somebody else have a showing. I suggest that the gentleman from New York ask the next speaker the question he has in mind.

Mr. MALBY. I would rather ask the chairman of the committee, because he knows.

Mr. ADAMSON. I will take the floor some other time, and then I can answer the gentleman.

Mr. MALBY. Just one question. I am familiar somewhat with the railroads operating through the State of New York, and——

Mr. ADAMSON. I can not agree that the gentleman shall make a speech.

Mr. MALBY (continuing). And I would like to inquire what particular objection there is against the railroads running through New York and having a terminal at Buffalo also having a line of steamships operating on the Great Lakes? I can assure the gentleman that he is mistaken in his premises that there is no diminution in the price of freight transportation, because the rates between New York and Chicago are lower by water than they are by rail.

Mr. ADAMSON. The gentleman will have a chance to speak later.

Mr. MALBY. Under the rules we have not very much opportunity.

Mr. ADAMSON. I will see that the gentleman gets time during the debate.

Now, I hope that the gentleman from Minnesota [Mr. STEVENS] will put in the RECORD those treaties that he referred to. I have promised that he would. Then, I would like to yield to the gentleman from Michigan [Mr. DOREMUS] after he has finished. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, do I understand that the gentleman from Georgia desires to use more time now?

Mr. ADAMSON. Does the gentleman from Minnesota ask me a question?

Mr. STEVENS of Minnesota. I desire to know if the gentleman from Georgia desires to use more time now.

Mr. ADAMSON. No. I yielded to the gentleman from Minnesota, and when the gentleman finishes, if I am not in the Hall, I want to yield to the gentleman from Michigan [Mr. DOREMUS].

Mr. STEVENS of Minnesota. How much time has been used by the gentleman from Georgia, Mr. Chairman?

The CHAIRMAN. Four hours and 17 minutes.

Mr. STEVENS of Minnesota. Then I yield one hour to the gentleman from California [Mr. KNOWLAND], if he desires. Mr. Chairman, I should think that it would be in order that some of the time could be now occupied on this side. I desire to yield to the same side represented by the gentleman from Michigan [Mr. DOREMUS]. They can arrange it among themselves.

The CHAIRMAN. The Chair is endeavoring to ascertain what the gentleman from Michigan [Mr. DOREMUS] desires.

Mr. DOREMUS. I will say to the gentleman from Minnesota that under an arrangement that the gentleman from Georgia [Mr. ADAMSON] had with the gentleman from Louisiana [Mr. BROUSSARD] I am, at his request, controlling the time for those on this side of the House who are opposed to the majority report.

Mr. STEVENS of Minnesota. Does the gentleman desire to use more time of the gentleman from Georgia?

Mr. DOREMUS. No; I think not.

Mr. STEVENS of Minnesota. Then I will take some of the time, and will yield one hour to the gentleman from California [Mr. KNOWLAND], if he so desires.

Mr. KNOWLAND. Mr. Chairman, having presented to the House the minority report upon the pending bill, providing for the operation of the Panama Canal, signed by both Democartic and Republican members of the Committee on Interstate and Foreign Commerce, it may be well for me to explain, for the benefit of those who perhaps have not read either report, that we dissent from the views of the majority touching but one section of the bill—section 5—dealing with the important question of tolls. The bill contains 13 other sections, over which there is practically no disagreement among the members of the committee. At the proper time we shall propose certain amendments to this section.

While opposing section 5, I shall support the remaining sections of the bill, and particularly section 11, which can not be too strongly commended, because it seeks to protect the people of the United States against a railroad-controlled canal. With no intention of disclosing committee secrets, I may say that I feel somewhat responsible for this section, a claim which I think my colleagues on the committee will not dispute. This statement is made without disparagement to others who were active in this important contest to prevent transcontinental railroads from minimizing the competitive value of the Panama Canal.

Before entering upon a discussion of the toll question, I feel that it is incumbent on me, as the Pacific coast Representative of this committee, to frankly state to the House and country some of the reasons which prompted practically all the leading commercial bodies of the Pacific coast to insist that the pending bill contain a provision to protect shippers against the abuses growing out of the control by railroads of competing water lines.

The Mann bill as reported to this House in 1910 contained a provision, which I offered in the committee, somewhat similar to the present section 11, preventing railroad corporations from owning or controlling water lines. That section was stricken out on the floor of the House as the result, I think I am safe in declaring, of the opposition of certain railroad interests. In order to prevent, in part at least, the stifling of water competition, I offered the following amendment from the floor, which the House adopted by a vote of—ayes 106, noes 77:

> Whenever a carrier by railroad in competition with a water route or routes shall reduce the rates on the transportation of any kind of traffic it shall not be permitted to increase such rates unless, after hearing by the Interstate Commerce Commission, it shall be found that such proposed increase rests upon changed conditions other than the elimination of water competition.

This amendment, with but slight change in phraseology, remained in the bill and is now a part of the interstate-commerce act. Its effect has been generally beneficial, but it fails to go far enough to meet conditions that will exist with the opening of the Panama Canal. In a speech before this House on April 10, 1910, anticipating the problems shippers would be called upon to face unless legislation was enacted of the character now proposed in section 11 of the pending bill, I said:

> Four hundred million dollars will be the cost of the Panama Canal. Will there accrue to the Nation benefits commensurate with such vast expenditures? Not unless we, as representatives of the people, enact legislation that will curb the power of the railroads to destroy the water competition, which, by the expenditures of these millions, we are seeking to develop. * * *

With the near approach of the opening of the canal the necessity for restrictive legislation is even more imperative than it was two years ago. I have no patience with those who contend that we should postpone the consideration of the subject of railroad owned or controlled water lines until the canal has been in operation for a few years. Why should we delay action until the transcontinental railroads have, perhaps, acquired, at the cost of millions of dollars, steamships to engage in domestic commerce through the canal in fake competition with themselves? To obtain relief from Congress under such conditions, with the railroad steamships in full operation, would be far more difficult than to now definitely announce a policy by the enactment of the pending provision dealing with this subject. Fair and full notice would thus be given to the transcontinental railroads that they must not attempt this method of throttling competition. [Applause.]

The people of California have not appealed to Congress for protection against imaginary dangers. Their experience of 30 years with railroad-controlled water lines is responsible for the demand, voiced through the leading commercial organizations in every section of the State, that Congress, in the pending bill, provide against the possibility of the railroads impairing the value of the Panama Canal as a regulator of transcontinental freight rates. Let me briefly review the causes which have so influenced public sentiment on the Pacific coast.

Between 1877 and 1892 the Pacific Mail Steamship Line, which was carrying freight in alleged competition with the railroads between San Francisco and New York via the Isthmus of Panama, was paid a monthly subsidy by what was known as the transcontinental railway pool, ranging between $110,000 and $75,000, the amount of the subsidy for these 14 years reaching the enormous total of $14,555,000. These monthly payments were in part for space in the steamers of the Pacific Mail, which space was frequently not filled; but the object of the subsidy was attained, and California shippers were deprived of the benefits of water competition. After 1892 this direct method of controlling water traffic was discontinued. A congressional investigation in 1893 had exposed the methods of this railway

pool. The report of that special House committee, after pointing out how the payment of a monthly subsidy by the transcontinental railroads covering a period of 15 years had stifled competition via the Isthmian route, concluded by directing attention to the necessity of providing against similar abuses in the future, and this warning, sounded nearly 20 years ago, was strikingly prophetic of present-day conditions and needs with the canal nearing completion. Let me quote the significant concluding paragraph of this congressional report:

> Your committee can not refrain from calling attention to what seems an obvious deduction from the facts shown—that it is to the interest of the United States that the American people should absolutely control some outlet across the Isthmus at some point which shall be used for the benefit of American trade in general as an open and continuous competitor, affording no opportunity for entangling subsidies from great competing lines or chance of falling into the grasp of any monopoly through stock manipulation.

In 1893 the business men of San Francisco organized the North American Navigation Co., inaugurating a line of steamers between San Francisco and Panama. Fortunately there had been a rupture between the Panama Railroad Co. and the Pacific Mail, which made it possible for the new steamship line to make arrangements for through shipments to New York from San Francisco across the Isthmus.

Mr. MARTIN of Colorado. What year was that?

Mr. KNOWLAND. Eighteen ninety-three.

For 15 months this line operated, but was compelled to discontinue as the result of a relentless war made upon it by the transcontinental railroads. The cost of the maintenance of this line to the merchants of San Francisco was $300,000, but it has been carefully estimated that the savings in reduced freights for that period amounted to $10,000,000 to the State of California. For the period during which this line was in operation the railroads reduced both east and west bound freight rates on an average about 50 per cent, but the rates were again raised when this opposition was eliminated. I will say in this connection, that under my amendment to the commerce act adopted in 1910 that could not be done at the present time, but there is no law to prevent a railroad-owned steamship line from lowering the rates and again raising them.

Mr. RAKER. In other words, the railroads reduced their rates and drove them off the ocean, and then raised them again as soon as they were driven off?

Mr. KNOWLAND. Yes.

Mr. MARTIN of Colorado. Is the gentleman going to discuss present conditions with reference to independent water lines on the Pacific coast?

Mr. KNOWLAND. Yes; I am going into that.

Mr. MARTIN of Colorado. In competition with the transcontinental railroads?

Mr. KNOWLAND. Yes; I am going to take that up.

It may be urged that all this is ancient history and that similar practices have not been attempted in recent years. It is probably true that subsidies have not been paid. Under present laws the existence of such a railway pool would be impossible. It is charged, however, that indirectly the same results are now accomplished by the railroads as in the days when they resorted to more direct methods. About 1902 the Southern Pacific Railroad Co. obtained control of the Pacific Mail. This transcontinental railroad now holds 100,100 shares of the capital stock of the steamship company out of a total of 200,000 shares, a bare majority, but as effective for its purposes as if it held it all.

An analysis of the volume of freight moved by the Pacific Mail after the Southern Pacific acquired a controlling interest is significant. During the year 1903 the east-bound freight amounted to 28,882 tons. For a period of four or five years following 1902 the Pacific Mail had no opposition via the Isthmian route. The amount of freight carried eastward by this company gradually diminished, as shown by the records of the Panama Railroad Co., which I have before me, running down as low as 8,700 tons for the year 1909. There appears to have been no great effort put forth for east-bound freight. It is claimed that preference was always given to shipments for Central American ports. Twenty-six days was the schedule time between San Francisco and Panama, but the boats were generally late.

In January, 1909, the transcontinental railroads made a general and marked advance in freight rates which aroused Pacific coast shippers, causing them to look around for relief and impressing them with the necessity of obtaining genuine water competition. With the advance of the transcontinental rates the Pacific Mail, in conjunction with the Panama Railroad Co., owned by the Government of the United States, gave notice of an intended increase. The shippers of California, through Mr. William R. Wheeler, then Assistant Secretary of Commerce and Labor, protested against this synchronical and sympathetic advance on the part of the water carriers. The matter was taken before the Secretary of War, and his attention directed to the fact that the Panama Railroad Co. was purchasing ballast at Colon for its steamers for every trip north bound, but in face of this fact the management of this company had decided to raise rates and continue to buy ballast when a lower rate would have resulted in an increased freight movement, obviating the necessity of purchasing ballast. Secretary of War Wright, upon the showing made, directed that there be no advance in rates, and, as a matter of fact, a reduction was made, a flat rate of $8 per ton for all east-bound freight going into effect. This action, resulting in a greater differentiation between water and rail rates, making the water route more attractive to shippers, stimulated the east-bound freight movement, which increased in 1910 to 33,482 tons, as compared with 8,700 tons for the fiscal year ending June, 1909.

In 1911, with the California-Atlantic Steamship Line in the field, operated in genuine competition with the Pacific Mail, the east-bound freight movement for that fiscal year increased to 105,577 tons, of which the Pacific Mail carried 47,892 and the California-Atlantic 57,685 tons. This competing company put on a direct line of steamships to Panama, forcing the Pacific Mail to follow suit. Prior to this time it had taken the Pacific Mail steamers between 26 and 30 days to make the run to Panama owing to the numerous calls at Central American ports. With their direct line they cut the time to 12 days. The California-Atlantic Line was fast becoming too formidable a competitor and the necessity of driving this rival off the ocean became apparent. Casting about for an effective method it was determined to temporarily reduce rates to a figure that would be unprofitable, the railroad-owned line, backed by strong financial interests, being certain that it would survive the war. The Pacific Mail had always claimed that an $8 rate was unremunerative, but in face of all previous contentions the rate was lowered to $5.

Mr. MICHAEL E. DRISCOLL. Five dollars between what two points?

Mr. KNOWLAND. Between New York and San Francisco.

Mr. MARTIN of South Dakota. I was about to ask that, but the question of the gentleman from New York has covered the point on which I desired information.

Mr. KNOWLAND. This reduction to $5 resulted in a telegraphic protest from the traffic bureau of the Merchants' Exchange of San Francisco.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. KNOWLAND. Yes.

Mr. MARTIN of Colorado. The gentleman said the Southern Pacific Railroad proposed to put on through the Pacific Mail Steamship Co. a $5 rate for the purpose of crushing out the independent competitor—the California & Atlantic Steamship Co. I presume the gentleman will agree with me that a $5 rate would crush out the independent company.

Mr. KNOWLAND. I think it would have made it very hard for them to continue.

Mr. MARTIN of Colorado. Will not the gentleman concede that that would be a hard rate for the transcontinental railroad?

Mr. KNOWLAND. I will ask the gentleman to defend the railroad in his own time.

Mr. MARTIN of Colorado. Does the gentleman think the railroad could meet a $5 rate?

Mr. KNOWLAND. You will always find them able to take care of themselves.

Mr. MARTIN of Colorado. Will the gentleman permit a further question?

Mr. KNOWLAND. Yes; if it is brief.

Mr. MARTIN of Colorado. Mr. Wheeler said that an $8 a ton rate was satisfactory to our shippers, and no shipper, as far as my knowledge goes, has asked for a $5 a ton rate. Now, bearing in mind there was already an $8 per ton rate, the statement was further made by Mr. Wheeler that after the completion of the Panama Canal that the shipping traffic would not have to give up one-third——

Mr. KNOWLAND. Did the gentleman rise to ask a question or to repeat a part of his speech? I have promised certain time to gentlemen on this side, and I have only a given time. I am willing to yield for a short question at any time, but I do not want gentlemen to take up my time, not that I have any personal objection, but it will be taking the time of other gentlemen.

Mr. MARTIN of Colorado. I will be as brief as possible; I have no desire to encroach on the gentleman's time with a long question. As I said, Mr. Wheeler stated that the water traffic would not have to give up one-third of the earnings to the rail-

road when the Panama Canal was completed. Now, the gentleman knows as well as I do that that means with free tolls of water transportation they could make a $5 rate through the Panama Canal.

Mr. KNOWLAND. I have not entered into the question of tolls; I am discussing section 11. The gentleman can discuss the question of tolls when we get to it. If he has anything to say on the railroad provision of the bill I would be glad to answer him.

Mr. MARTIN of Colorado. I wanted to ask whether on that state of facts the railroads could meet that rate.

Mr. KNOWLAND. They will take care of themselves.

Responding to this appeal from the San Francisco Traffic Bureau, the Government of the United States, a connecting carrier, refused to allow this temporary reduction, the object of which was so palpable, and compensatory rates were established. With the canal completed and open to traffic and the United States no longer a cocarrier, the Government could not promptly and effectively meet a similar situation.

As the day approached for the Panama Canal to be opened to traffic it was to be expected that transcontinental railroad interests would study with the greatest care the probable effect of this all-water route upon transportation by rail. It was likewise realized that if the shrewd and farsighted men in control concluded that the canal was likely to become a dangerous competitor they would cast about for a method whereby its effect might be neutralized. That a carefully devised plan of neutralization has been determined upon is the opinion of commercial organizations on the Pacific coast and elsewhere, who have been keeping in close touch with the situation. This brings us to a discussion of the present-day activities of the Pacific Mail Steamship Co. and a study of its plans for a line of steamers to be operated through the canal.

This company, a majority of whose stock is held by the Southern Pacific Railroad, announces its intention of building four new steamers of 37,000 tons displacement, carrying about 500 passengers and 10,000 tons of freight, the cost of each steamer to be $3,000,000, a total investment for the four steamers of $12,000,000. These steamers, if built, are to operate between New York and Pacific coast ports through the canal, then proceed to the Hawaiian Islands, Japan, the Philippines, and finally Hongkong. The people of the Pacific coast do not object to railroad-owned steamships engaging in foreign trade, and a line to the Orient, to South America, or to any other foreign port is desirable, but they do emphatically protest against using this foreign line as an instrumentality to neutralize the beneficial effects of the Panama Canal as a competitor of the transcontinental railroads, which they fear is the purpose of the Pacific Mail Steamship Co. The evidence before our committee strengthens this belief. According to the managers of the Pacific Mail, the money centers of New York refuse to finance the building of these ships if Congress adopts any provision against railroad-controlled lines. We must not mention the word "railway" or Wall Street will not advance one dollar. The frankness of the vice president and general manager of the Pacific Mail, Mr. R. P. Schwerin, who appeared before our committee, was certainly commendable, although somewhat startling. Let me read from the testimony, so that the House may judge for itself as to the accuracy of my statements:

The CHAIRMAN. You don't propose to monopolize the ports and terminal facilities of any port in the world, or conspire with others to do that?

Mr. SCHWERIN. If I was big enough to do that I would be master of the world.

The CHAIRMAN. It is not your intention to do that?

Mr. SCHWERIN. No, sir.

The CHAIRMAN. Then, if it is not, how can it hurt you if we simply enact a statute prohibiting those things only?

Mr. SCHWERIN. It won't hurt at all, Mr. Chairman, if you leave out the word "railway."

The CHAIRMAN. How can we distinguish between railroads or ships unless we say the railways, ships, or any other person or corporation?

Mr. SCHWERIN. That is all right, but leave out the word "railway."

* * * * * * *

The CHAIRMAN. Why strike out the word "railway," if you can get finances enough, if you are not guilty?

Mr. SCHWERIN. You can not build ships without money, sir.

* * * * * * *

Mr. CULLOP. Now, then, if they require that the word "railway" be left out of these, they mean to have some advantage by it. They mean to claim that a person, that some person or by some other name, lets the railroad escape. This puts the railroad in or any other person, association, or corporation.

Mr. HAMLIN. But if a railroad owns ships and does not violate the provisions of this act, it does not hurt them any.

Mr. SCHWERIN. You would not get any money under this bill.

Mr. HAMLIN. If a railroad intends to obey the law, then no reasonable man can assert that they will be hurt any by this law, can he?

Mr. SCHWERIN. I don't know, sir, whether you have tried to raise any money for a venture on the ocean, but my idea is this: That if there is anything in this bill that would cause any criticism as to the future safety of the investment, let the merit of the investment or its operation stand on the soundest basis, you will not interest capital. The fact that there is any doubt will make it an undesirable investment and unpopular with investors. Any American marine venture is doubtful enough in itself.

There are those who will be only too delighted if I fail. If I fail they will congratulate themselves, and I am here making this fight cleanly, as an American, to keep our flag on the ocean, and they do not want me to succeed.

Mr. HAMILTON. If you were divorced from the Southern Pacific Railroad—your company—couldn't you raise money just as well?

Mr. SCHWERIN. No, sir; I couldn't get $1.

* * * * * * *

Mr. CULLOP. Did you go to the people, in your application for a loan, who are interested in the Southern Pacific Railroad?

Mr. SCHWERIN. Interested in the railways of this country, I suppose, directly or indirectly. I haven't the slightest idea what their interests were in the railways.

This testimony is illuminative and should impress upon the House the wisdom of providing in this bill, as the committee has done, against the ownership by railroads of competing water lines. The provision does not debar railroads from owning steamships engaged in foreign trade. The inhibition applies only to water lines engaged in interstate commerce which compete for traffic with the railroads by which they are owned or controlled. Can it be questioned that a railroad controls a water line under these circumstances with any other object in view than to minimize competition?

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. KNOWLAND. Yes.

Mr. HUMPHREY of Washington. What the gentleman has been saying has suggested a question to me that I have not seen discussed anywhere in any of these hearings, and that is, Is there anything in the bill now before the House that would prevent the Canadian Pacific Railway, which has its terminals at Boston and New York, and also at Seattle, as well as at Vancouver, from owning ships and running them through the canal? They already have several ships heavily subsidized by the British Government. Is there anything now that will prevent them from having the privilege that you propose to take away from a competitive American line? Perhaps I did not state that exactly, because they would not be permitted to stop on the coast, but on the line that you propose they could start from Vancouver, bring their vessels around through the canal, come to New York, load from their own wharf, and go back the other way, which is practically a coastwise trade.

Mr. KNOWLAND. Of course, no Canadian line can enter directly into coastwise trade. I have heard the same question raised that the gentleman has just asked. My answer to that would be this: We have a condition in our own country to meet first, and I believe that we should now face that situation. If in the future it develops that Canadian railroad-owned lines are doing the same things that our railroads have done in the past, I believe then Congress can meet the situation which then arises, but for the present I think that we should at least see that our own house is set in order and that our shippers are protected. In my opinion, section 11 covers Canadian railroad-owned steamship lines, as these lines all come under our Interstate Commerce Commission.

Mr. HUMPHREY of Washington. Does not the gentleman think that we ought in this bill at the same time make the same prohibition against foreign railroads that we do against our own?

Mr. KNOWLAND. Some question our right to do it under the treaties. There is no question as to our right to regulate our own interstate commerce, and let us do at once that about which there is no question.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. KNOWLAND. Yes.

Mr. HARDY. Mr. Chairman, I need not say that I am thoroughly in accord with the purpose of this amendment, as the gentleman knows from our past conversations, but is there anything in this section 11 that will prevent the same individuals from organizing and owning stock of a railway company, on the one hand, and organizing and owning stock of a ship line, on the other? Is there any way of preventing that?

Mr. KNOWLAND. If the gentleman will read the bill, I think he will find there is. As I recall it, it provides against stock ownership also. That is correct, is it not, I will ask the gentleman from Minnesota [Mr. STEVENS]?

Mr. STEVENS of Minnesota. Yes.

Mr. TOWNER. The language is:

By stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner.

Mr. HARDY. But that is an inhibition that is directed solely to the company, and the same stockholders may be the owners of both companies. You prevent a railway company from owning stock in a water line, but you do not prevent the

same stockholders that own stock in a railway company from owning stock in a water line.

Mr. KNOWLAND. We prevent any control, directly or indirectly; and I think that would cover it. As far as I am personally concerned, if the gentleman can frame any amendment that would strengthen the language, I should be very glad to give it my support.

Mr. HARDY. I am afraid your language is so indirect that it will not affect the purpose.

Mr. KNOWLAND. If the gentleman can make it any stronger, he will have my support.

Mr. RAKER. The proposed amendment reads as follows:

From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner).

Would not that cover just the things the gentleman has suggested?

Mr. KNOWLAND. I am inclined to believe that it would.

Mr. HARDY. I will study over that and see if I can not improve the language, but I think the gentleman is mistaken.

Mr. MICHAEL E. DRISCOLL. Would that mean that an ordinary man could not own a little stock in one company and still have a little in the other?

Mr. KNOWLAND. I do not think that it goes as far as that.

Mr. HARDY. Just one moment. I do not think that a railroad company would be owning an interest in a ship line because one of its stockholders owned an interest in a ship line; and if the railroad company would not be owning any interest in a ship line because its president owned an interest, then it would not own it by stockholders, because the railroad does not own what its stockholders own.

Mr. KNOWLAND. I hope the gentleman will give that careful study and correct it if he can.

Mr. CULLOP. Mr. Chairman, the gentleman from California [Mr. RAKER] did not read all of the provision upon this subject, and I will insert the section:

From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Mr. KNOWLAND. It is claimed that the Pacific Mail Line would be in competition with other water lines operating through the canal, and consequently could not stifle competition. With the knowledge that one of the most powerful transcontinental railroads controlled a line of fast steamers of large carrying capacity and with the history of the throttling of water competition on the Pacific coast during the past 35 years fresh in mind, would investment in a competing line through the canal be attractive? How long would the opposing line survive a rate war?

It has been suggested that to place all water carriers under the control of the Interstate Commerce Commission would solve the problem of regulating Panama Canal traffic, and I will say, in justice to Mr. Schwerin, that he is willing that the steamers of the Pacific Mail be placed under the jurisdiction of the commission. This suggestion opens up a big question. There has always been strong opposition on the part of shippers against placing water lines in port-to-port traffic under the control of the Interstate Commerce Commission. In attempting to regulate water rates the commission would find conditions vastly dissimilar to those which obtain as to rail rates. Railroads must secure rights of way, and the building of a road, exclusive even of its equipment when completed, involves the expenditure of millions of dollars. Conditions make railroads natural monopolies. They control the rails. When in former years they combined and fixed rates the public had no redress. In marked contrast the ocean is an open highway. No right of way can be obtained. Steamers can be chartered with small capital. The movement of crops and many other conditions influence charters. The tramp is an important factor.

For the commission to attempt to regulate rates under these varying conditions would present almost insurmountable difficulties. Having in mind conditions likely to arise with the opening of the canal, with special reference to the governmental control of railroad-owned ships, the President recently referred to the commission the question of placing water carriers under its jurisdiction, hoping this might solve the problem. It was the unanimous opinion of the commission that the most effective way of meeting the situation would be by a statute prohibiting the ownership by railroads of water lines with which they compete for traffic. Under these conditions it seems to me that Congress can well afford to accept the recommendation of the commission, which, through long experience in dealing with these problems, is better qualified to pass intelligent judgment upon the questions involved than any other body or individual.

In discussing section 11 I have dealt with the situation in California only, but it is well known that in many other sections of the country similar conditions exist, and there could be cited innumerable illustrations on the Great Lakes, the Atlantic and Gulf coasts, and along our largest rivers where railroads are controlling water lines with but a single object in view. It seems to me that conditions throughout the country warrant legislation as drastic as proposed. With the opening of the canal the necessity increases. The hour is at hand for the announcement of a definite policy on the part of the Government of the United States relating to the control of competing water lines by railroads. [Applause.]

While the minority in its report has set forth at some length its views favoring free tolls for American ships engaged in commerce between the States, I nevertheless desire before concluding to briefly discuss several phases of this important question. It is a fact worthy of the notice of the House and country that in all the wide discussion touching our right, under the Hay-Pauncefote treaty, to favor our coastwise ships in the matter of tolls, that the only voices raised to question this right have been those of Americans. Every department of this Government from which an expression has been had upholds the position of the minority in its interpretation of the treaty. If Members will examine the CONGRESSIONAL RECORD of February 25, 1911, a little over one year ago, which contains the debate upon the question of our right to fortify the canal, they will find that this same Hay-Pauncefote treaty was then conveniently quoted, and the assertion made by speaker after speaker opposed to the policy of fortification, that by the language of this treaty with Great Britain we had surrendered our right to fortify the Panama Canal, built by American money and American skill and upon what is practically American soil.

Mr. STEVENS of Minnesota. May I interrupt the gentleman a moment?

Mr. KNOWLAND. Yes.

Mr. STEVENS of Minnesota. Is there anything in that debate showing that at the time of the negotiation and ratification of the Hay-Pauncefote treaty that Secretary Hay, on behalf of the United States, and the British foreign office, through the foreign minister, Lord Lansdowne, both agreed, under the treaty as it stands, the United States did have a right to fortify?

Mr. KNOWLAND. That was disputed in the debate. I have the Senate document, published several years ago, which contains copies of the correspondence between the representatives of the United States and Great Britain, and I find no such acknowledgment on the part of England of our right to fortify.

Mr. STEVENS of Minnesota. I presume the gentleman would like me to put the language in the RECORD?

Mr. KNOWLAND. In the gentleman's own speech.

Mr. STEVENS of Minnesota. I will do that.

Mr. KNOWLAND. Gen. Keifer, for instance, a former and able Member of this body, who led the fight against the erection of fortifications, after calling attention to the action of the Senate in voting down several amendments while the treaty was pending reserving to this Government the right to fortify, said:

Nothing can be more conclusive of the Senate's understanding and desire that this treaty forbid fortifications, even though the canal should be built at the expense of the United States.

But we are now fortifying the canal, for Congress wisely decided by a large majority upon that policy. Again we find that Americans, not Englishmen, are flaunting this same treaty in our faces and proclaiming that we have by this instrument waived our right to regulate our domestic commerce. By the provisions of this bill, as has been clearly pointed out, we hasten, for fear that some doubt may exist in our favor, to declare in express terms that we surrender even before we are asked. Such an attitude seems indefensible. [Applause.]

For the benefit of our American friends who appear so anxious to interpret the Hay-Pauncefote treaty to mean that we are estopped from favoring American coastwise shipping in the matter of canal dues, I desire to quote some British authorities who take directly the opposite view. The London Morning Post, one of the leading papers of Great Britain, early in January of this year published a series of articles dealing with the question of canal tolls, taking the ground that there was a question as to whether our Government had the right under the treaty to favor American ships in the foreign trade.

As to the coastwise trade, our right, they declared, was unquestioned. Editorially this paper said:

The proposal—the free use of the canal to American ships in the coastwise trade—does not really concern other countries, since the coasting trade of the United States is already restricted to native shipping.

Probably the most eminent British authority in shipping matters, Sir Owen Philipps, president of the combined British steamship lines, including the Royal Mail, the Pacific Steam Navigation Co., and Lambert & Holt, all engaged in business with the Atlantic and Pacific coasts of South America, said in an interview:

As regards American ships trading exclusively between United States ports on the Atlantic and the ports of that country on the Pacific—trade which is exclusively confined to steamers built in the United States—British vessels would not be adversely affected if in this case United States ships were allowed to pass through the canal free of dues.

Another English shipping expert, who did not desire his name used, was quoted in the Post as follows:

Practically all the American shipping is now engaged in the coastwise business, and whether they are able to carry goods a little cheaper does not matter to us in the least. Any reduction in the canal dues—

Now mark carefully the words which follow, for, in my opinion, they prove that this Englishman was exceptionally well posted as to conditions in the United States and familiar with the real influences at work—

will only enable the shippers to compete with the transcontinental railways of the United States. That, I believe, is the point of the whole thing.

If the shipping interests of England are not complaining, as these articles in the London Post go to prove, why such anxiety in the United States? What influences are so solicitous over "our solemn treaty obligations"? I need not answer.

In the early history of railroad building this Government, in an effort to encourage capital to construct lines across the continent and thus bring the Atlantic and Pacific coasts into closer commercial and political union, made enormous land grants to these transcontinental railroads; the Union Pacific and the various branches receiving, according to the Department of the Interior, 19,136,991.84 acres. The Central Pacific Co. received 6,300,865.69 acres; the Sioux City & Pacific Co., 42,001.95; and the Northern Pacific, 33,279,866.99, a grand total for these transcontinental roads of 58,760,326.47 acres, the present value of which runs into the billions. I am not criticising the policy of the Government in making these grants, for the building of the roads was necessary, and without this aid would unquestionably have been postponed, but a charge emanating from these sources that free tolls would be a Government subsidy to shippers and shipowners comes with poor grace. [Applause.]

The minority contends that there is no more excuse or reason for charging a toll upon American ships that will pass through the canal engaged in commerce between the States than to impose a charge upon American craft using the waterways of the country upon which our Government has expended $627,098,236 in improving. In this connection I wish to publicly commend the consistency of one Member who joined in the majority report, Mr. MARTIN of Colorado, for on March 20, after the majority report had been submitted and coincidently upon the very day that the views of the minority were presented, he introduced House bill 22342, which I hold in my hand, providing for the levying of a toll upon all water craft, excepting only rowboats, making use of any navigable waters of the United States upon which the Government has heretofore expended or shall hereafter expend money upon improvements. He includes rivers, harbors, lakes, bays, and creeks, as well as canals. If we are going to inaugurate this policy at Panama, then why not pass Mr. MARTIN's bill? We will at least be consistent.

Some of our friends from the interior express alarm lest free tolls would benefit the Coast and Gulf States, or those immediately adjacent, to the disadvantage of their sections. This argument has been advanced for the purpose of arraying the interior of the country against the proposed policy. In my opinion no Representative from an interior State can read the decision of the Interstate Commerce Commission in what is known as the Reno case without becoming convinced that the history of rate making as reviewed in that report bears out the contention that water rates are invariably reflected into the interior. On page 355 of that report (Opinion No. 1623) the commission says:

It is the admission of the carriers themselves that the rates which they make from Chicago to the Pacific coast terminals are established in order that the manufacturers and jobbers of the West may compete on a level with the jobbers and manufacturers who have the advantage of a location on the Atlantic seaboard.

Mr. STEVENS of Minnesota. Does not the gentleman know that the whole system of rates has practically been abolished by the Interstate Commerce Commission?

Mr. KNOWLAND. I do not. Rates will continue to be regulated by water competition, regardless of their decision.

Mr. STEVENS of Minnesota. Did not the Interstate Commerce Commission state in its report and in its decision made only a few weeks ago that the whole system of blanket rates will be practically abolished under the long-and-short-haul clause? And if that is true, the gentleman himself must realize the railroads can not reduce their coast rates to compete with the water rates.

Mr. KNOWLAND. I do not think there is any doubt in the world the railroads will always meet the water rates, as they have for the past 30 or 40 years.

Mr. STEVENS of Minnesota. Does the gentleman think that the intermediate territory, the mountain territory, the interior territory, is going to permit the coast to recoup by making higher rates into the interior?

Mr. KNOWLAND. I know this: We are now shipping by water from New York into Montana by using water and rail, and the lower the toll rate the greater will be the advantage to the interior. We can get along on the coast. The toll will affect the interior country and determine how much benefit they will receive from the Panama Canal.

Mr. STEVENS of Minnesota. Does not the gentleman know that that very class of rates are those that have been condemned by the Interstate Commerce Commission as contrary to the long-and-short-haul clause, and they will not be allowed to continue, and will be abolished before the Panama Canal will have any effect?

Mr. KNOWLAND. I think the gentleman is in error.

Mr. STEVENS of Minnesota. All the gentleman has to do is to read the decision in the case.

Mr. KNOWLAND. I have read the decision very carefully.

Mr. HUMPHREY of Washington. The gentleman speaks of shipping as far east as Montana. I want to call attention to the fact that we are now sending certain products down the coast, across the Isthmus, up to Philadelphia, and back as far west as Duluth, to compete with rail rates from Seattle to that point—back to the center of the country.

Mr. KNOWLAND. Again, on page 364 of this same opinion:

From the date of the first transcontinental tariff that we have upon the files of the commission Chicago has never paid a higher rate to reach a Pacific coast terminal than has New York, either upon classes or commodities. The water competition of the seaboard has never been strong enough since 1887 to compel a reduction of rates from New York which the lines out of Chicago did not feel fully justified in meeting at that point.

Many manufactured articles that would find a Pacific coast market are not produced directly on the Atlantic or Gulf coasts, but at interior points, and the rate of toll might be a determining factor in making it possible to reach these markets. Pacific coast products, including citrus fruits, could reach interior points at reduced freight rates with free tolls, to the advantage of the consumer. I will frankly admit that any toll within reason would probably not prevent the two coasts from using this water route. But the toll may limit the opportunity of the producer or manufacturer in the interior to reach the coast, or, on the other hand, to purchase certain water-borne products.

It is claimed that a toll of $1 per net register ton would amount to only between 40 or 50 cents an actual ton, and would be such a small tax as to be negligible. This line of reasoning is tantamount to a declaration that a tax is not a burden, and I am inclined to refer this question to my Democratic colleagues in the hopes of starting something. In this connection, however, I would call attention to the fact that all ships will be charged upon their net registered tonnage, and that in many instances, according to figures which I have obtained, they go to sea loaded to less than their net register capacity, and this would increase the toll proportionately upon the freight actually carried. In short, the figures which I have obtained refute the statement that a rate per net registered ton would result in a lower rate for freight actually carried. At $1 per net registered ton, according to these figures furnished me by one of the witnesses who testified before our committee, of sailings from Boston, it is shown that this rate, instead of amounting to but 50 cents per actual ton, averages from $1.25 to $2.50 per ton of freight carried.

Mr. MADDEN. If the gentleman will permit, I want to know if it is a fact that the net registered tonnage is only about half the average tonnage of the commodities carried in a ship.

Mr. KNOWLAND. I think that is entirely incorrect. For instance, you take in a case of lemons and oranges——

Mr. MADDEN. I am talking about the average now.

Mr. KNOWLAND. I have a list here which I will put in the RECORD, which shows that, taken on the average, the ships—and this is a list of those sailing from Boston—carried less actual cargo than their net register capacity.

The tabulation is here given:

Line.	Year.	Number of sailings.	Net registered tonnage.	Average cargo carried.	Assumed rate per net register ton.	Corresponding rate per ton weight carried.
Cunard	1909	27	9,075	3,790	$1.00	$2.50
Cunard (8 months)	1910 1911	28	9,075 11,200	4,600	1.00	+2.50
Warren	1910	10	3,275	3,405	1.00	.95
Leyland, Liverpool	1910	62	6,100	4,586	1.00	1.32
White Star, Liverpool	1910	27	8,000	2,820	1.00	2.83
Leyland, London	1910	35	3,500	3,000	1.00	1.17
Leyland, Manchester	1910	34	3,210	2,800	1.00	1.14

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. KNOWLAND. Yes.

Mr. MARTIN of South Dakota. The net registered tonnage is based upon the basis of 100 cubic feet, is it not, to the registered ton?

Mr. MICHAEL E. DRISCOLL. It is exactly 100 cubic feet.

Mr. MARTIN of South Dakota. Did not our expert witnesses, Dr. Johnston and Mr. Chamberlain, of the Bureau of Navigation, and other witnesses, substantially agree that the net registry ton of 100 cubic feet, with an average cargo, meant practically double that tonnage in actual cargo?

Mr. KNOWLAND. They said in some cases—if the ship was full. If it was not full, you would pay on the net register capacity of the ship. There are many other commodities on which it costs more for each ton because of the bulk. For instance, on pig iron you could get more tons in a net registered tonnage of a ship's space.

Mr. MARTIN of South Dakota. Is this not a fair synopsis of the testimony, that, taking one tonnage with the other and in the passing of commerce the ships in usual course, they carry practically double the tonnage of actual freight represented by the net registered tonnage?

Mr. KNOWLAND. That was Dr. Johnston's statement.

Mr. MARTIN of South Dakota. Was there any dispute of that in the testimony?

Mr. KNOWLAND. There was none of us who knew anything about it.

Mr. MARTIN of South Dakota. And Mr. Chamberlain said the same thing.

Mr. KNOWLAND. Practical operation is what we have to consider, and I have taken an average of ships, which I think is a good test.

Mr. MICHAEL E. DRISCOLL. You have taken certain ships that are satisfactory to your side?

Mr. KNOWLAND. I have taken actual ratings from Boston.

Mr. ESCH. In view of the fact that citrous fruits are now being shipped by fast routes and can be diverted en route, do you anticipate that much citrous fruit will be carried between the Atlantic and Pacific seaboards by sea?

Mr. KNOWLAND. They figure there will be a considerable amount carried in vessels which have cold-storage facilities. There may not be as much as many people imagine, I admit, but there will be a large movement in vessels properly equipped, and the fruit will reach a territory quite a way inland.

Mr. ESCH. But it would be rather confined to the coast lines, would it not?

Mr. KNOWLAND. It would reach quite a way into the interior, I think.

Mr. ESCH. You know that you can go a good many miles in a day by fast freight.

Mr. KNOWLAND. You would have a diversion from New Orleans, which would supply a large southern country; and from Boston, and from Philadelphia.

Congress at this session will consider no legislation of greater importance or more far-reaching in its effect. The bill provides for the operation of this great canal, the most gigantic engineering project of the age, and upon the form of the legislation will depend in some measure at least the success, commercially, of this mighty enterprise. It is generally conceded that we can expect little from our foreign trade under present conditions, for we have practically no ships. To-day we carry scarcely 9 per cent of our ocean commerce, foreign ships carrying 91 per cent. We have some coastwise shipping which we should seek to increase, but there are those who would destroy even this remnant of a decadent merchant marine. The pending legislation, in the opinion of many who have given careful study to this question, offers an opportunity for Congress to aid our merchant marine and in small measure at least revive the shipbuilding industry. This can be done, and the revenues from the canal, as has been clearly shown by the testimony, be still sufficient to pay more than double the expenses of operation and maintenance. It is squarely up to Congress whether we will grant to the United States the fullest possible measure of advantage incident to the opening of this American canal or permit foreign nations to reap all the benefits, conceding to them now, as we must, the greater share. I am proud to raise my voice and cast my vote in favor of according to American citizens every opportunity the canal offers for the development of domestic or foreign commerce, and if a doubt exists, as some contend, touching our right under the treaty to so favor our own citizens, instead of voluntarily coming down and surrendering, like Davy Crockett's coon, I for one would at the outset give to the United States the benefit of the doubt. [Applause.]

Mr. MADDEN. I would like to ask the gentleman a question right there as to the statement which he makes to the effect that he is in favor of giving equal opportunity to every American citizen, in view of his opposition to allowing ships owned by railroads to pass through the Panama Canal.

Mr. KNOWLAND. I would not be in favor of treating any American citizen equally if I thought he was endeavoring to stifle legitimate competition.

Mr. MADDEN. The gentleman has no right to suppose anybody would do that.

Mr. KNOWLAND. The resolutions and telegrams are as follows:

RESOLUTIONS AND TELEGRAMS INDICATING PUBLIC SENTIMENT THROUGHOUT THE COUNTRY IN FAVOR OF FREE TOLLS THROUGH THE PANAMA CANAL FOR AMERICAN SHIPS ENGAGED IN COASTWISE TRADE AND AGAINST THE USE OF THE CANAL BY STEAMSHIP LINES ENGAGED IN INTERSTATE COMMERCE WHICH ARE OWNED OR CONTROLLED BY RAILROADS WITH WHICH THEY COMPETE FOR TRAFFIC.

Resolutions unanimously adopted by the Lakes-to-the-Gulf Deep Waterways Association at the sixth annual convention, Chicago, Ill., October 12, 13, 14, 1911:

"The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal."

Resolutions unanimously adopted by the National Rivers and Harbors Congress which convened in Washington in December, 1911, consisting of over 1,200 delegates, representing every State in the Union:

"We submit that waterways improved or created by the Federal Government by the use of money contributed by the whole people of the United States should be free for the use of American ships in fair and open competition and on equal terms, without the payment of tolls, but we contend that a water carrier owned, controlled, or operated by a competing land carrier is unfair competition, and in order to preserve to the whole people the benefits of continued fair competition so that the beneficent influence of open waterways shall not be nullified by hostile interests, we recommend the enlargement of the powers of the Interstate Commerce Commission, to the end that the commission may more effectually regulate competing land and water carriers and competing water carriers and provide for the interchange of traffic."

Resolutions adopted at a meeting held in Washington December 6, 1911, composed of delegates representing civic and commercial bodies of the Pacific coast, cities on the Gulf of Mexico and the Atlantic coast, and the cities of Philadelphia, Newark, Trenton, Richmond, Buffalo, St. Louis, Cincinnati, and Pittsburgh:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in time of war, and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations, and particularly with Great Britain;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope, on the one hand, and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never dreamed of before, and thus will reduce the cost of a large number of articles of daily use and necessity to the consumer;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping:

"*Resolved*, That the conference for Panama Canal free tolls for American coastwise commerce strongly and urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

The Boston Chamber of Commerce adopted resolutions similar to the above.

Resolutions passed by delegates representing the various chambers of commerce of the Pacific coast held in San Francisco, Cal., October 2, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural

methods and to prevent monopoly of transportation means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and, incidentally, to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

—

Resolutions adopted at the forty-second annual meeting of the National Board of Trade, Washington, D. C., January 18, 1912:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal, for the benefit of its own people, as a military measure for the naval protection of either coast in time of war, and for facilitating its domestic and foreign commerce, as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent heretofore found impossible, and thus will reduce the cost of a large number of articles of daily use and necessity;

"*Resolved*, That the National Board of Trade urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted preferential tolls in passing through the Panama Canal; *Provided*, That when such vessels are owned, controlled, or operated, directly or indirectly, by any land transportation line or lines, no preferential tolls shall be granted to the vessels so owned, operated, or controlled."

Resolutions adopted by the Navy League of the United States at convention held in city of Washington, February 23, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy—amongst other things of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; and of encouraging the upbuilding of our merchant marine, which has practically disappeared from the foreign trade: Be it

"*Resolved*, That although it is the sense of this meeting that the question of tolls through the Panama Canal is one beyond the scope of this league's present activities, yet be it further

"*Resolved*, That as we believe the war-time efficiency of our Navy will depend, in part, on the existence of a fleet of merchant vessels available as naval auxiliaries, we heartily approve of any legislation directly or indirectly aiding in building up the American merchant marine, and we believe that if Congress in its wisdom, deems it advisable to levy tolls, that these tolls should be returned to the ships, either in the coastwise or foreign trade, for the purpose of assisting in rehabilitating that merchant marine."

—

Resolution adopted by Philadelphia Chamber of Commerce, December 14, 1911:

"Whereas the Government of the United States is constructing, entirely at its own cost, the Panama Canal for the benefit of its own people as a military measure for the naval protection of either coast in the time of war and for the facilitation of its domestic commerce as well as for the furtherance of the commerce of the world;

"Whereas the coastwise commerce between the ports of the United States is confined by law to vessels registered under the American flag, so that regulations established by the Government of the United States for the use of the canal by such vessels will not conflict in any way with the treaty obligations of the United States with other nations;

"Whereas there is a great and growing demand for cheaper and freer interchange of commodities between the States of the Pacific slope on the one hand and those bordering on and tributary to the Atlantic and Gulf coasts, including all the States along the Mississippi and its navigable branches, on the other;

"Whereas the opening of the canal, through the continuous and direct water transportation it will afford, will give the people of this country opportunities to interchange commodities of the different districts to an extent never contemplated before, and thus will reduce the cost of a large number of articles of daily use and necessity;

"Whereas ample precedents exist for exempting the domestic commerce of the United States from the payment of tolls for passage through the canal; and

"Whereas the operation of the canal under this condition will greatly stimulate and increase American shipping;

"*Resolved*, That the Philadelphia Chamber of Commerce urgently recommends that vessels engaged in domestic commerce between ports of the United States shall be granted free passage through the Panama Canal."

—

Resolutions adopted by commercial bodies of the State of Washington, November 3, 1911:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things to provide for the national defense; to open up the shortest possible water route between the ports of the United States and between the United States and foreign countries; to prevent monopoly of means of transportation between the various sections of the Union; and to provide such transportation to the people of the United States at the lowest possible cost; to build up and expand our commerce with foreign nations; and, incidentally, to encourage the upbuilding of a now decadent merchant marine; and

"Whereas it is of the utmost importance to the State of Washington, and to all the States bordering on the Pacific Ocean, that their products—lumber, shingles, salmon, fruits, hops, wool, and other products—be most widely distributed at the least possible expense throughout the United States: Now therefore be it

"*Resolved by the following civic bodies of the State of Washington, viz: The New Seattle Chamber of Commerce, the Tacoma Commercial Club and Chamber of Commerce, the Olympia Chamber of Commerce, the Bellingham Chamber of Commerce, the Everett Chamber of Commerce, the Port Townsend Commercial Club, the Aberdeen Chamber of Commerce, the Hoquiam Chamber of Commerce, the Bremerton Commercial Club, the Raymond Commercial Club, through their representatives in conference assembled*, That there should be no tolls charged through the Panama Canal to vessels flying the American flag engaged in coastwise traffic of the United States; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows: 'I can not close this reference to the canal without suggesting as a wise amendment to the interstate commerce laws a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.' Be it further

"*Resolved*, That a copy of these resolutions be sent to each Senator and Representative of the States west of the Rocky Mountains and of the States bordering on the Atlantic and Gulf of Mexico and of the States in the Mississippi and Missouri River Valleys, and that these resolutions be accompanied by a request to the Senators and Representatives of the State of Washington to support and vote for such arrangement of tolls."

—

Resolutions adopted by New Orleans Progressive Union, February 9, 1912:

"(1) The New Orleans Progressive Union indorses the proposition that American vessels engaged in coastwise trade shall pay no tolls in passing through the Panama Canal.

"(2) Should it be found necessary that American ships engaged in foreign trade shall pay tollage, the United States Government, by drawback, rebate, or otherwise, shall refund amount to such American vessels.

"(3) In the fixing of tolls for vessels passing through the Panama Canal the President shall have the right to reduce tolls to meet competition or other conditions that may arise, after 90 days' notice.

"(4) If the conditions at any time be found that the canal should be entirely free, that the rebate referred to in section 2 shall nevertheless continue to American vessels."

—

Resolutions adopted by Central Labor Council of Portland, Oreg., October 10, 1911:

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through the canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we approve of amendments to the present interstate-commerce laws provisions prohibiting railroads under their jurisdiction from owning or controlling ships engaged in the trade through the Panama Canal, to the effect that the people of the United States may have the benefits resulting in competition between the Atlantic and Pacific seaboards, for which purpose this canal was primarily intended."

—

Resolutions adopted by the Merchants' Association of New York, March 5, 1912:

"Whereas the United States, by act of Congress, passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now therefore be it

"*Resolved*, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be and hereby is approved; and be it further

"*Resolved*, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic

coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

—

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

"*Resolved*, That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests, and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

"*Resolved*, That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

—

Resolutions adopted by the Maritime Association of the port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

"*Resolved*, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

—

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

"*Resolved*, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved*, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports passing through the Panama Canal as coastwise commerce of the United States and free of tolls, and if treaty provisions or commercial conventions which have provisions for termination by notice from either party will permit, to also consider the making of the Panama Canal free to all vessels of American registry."

—

Resolutions adopted by the resolutions committee of the Waterway Conference of the Southern Commercial Congress, and unanimously approved and adopted by the Southern Commercial Congress at its convention at Nashville, Tenn., on April 10, 1912:

"We favor the adoption of a law by Congress granting the use of the Panama Canal to American ships engaged in coastwise commerce free of toll and the prevention of the use of the canal by any steamship line owned or controlled by a railway or any monopolistic interest.

"We favor such legislation as is necessary to induce the construction of a merchant marine for the United States and the carrying of American commerce in American ships under the American flag."

—

Resolutions passed at meeting of the Mobile (Ala.) Chamber of Commerce and Business League, held Monday, March 18, 1912:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of the great national policy, amongst other things, of providing for the national defense; of opening up the shortest possible water route between the respective coasts of the United States and foreign countries; to provide, through natural methods and to prevent monopoly of transportation, means for transportation between the various sections of the foreign nations and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That it is the sense of this meeting that there should be no tolls charged through this canal to vessels coastwise flying the American flag: And be it further

"*Resolved*, That we heartily approve the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting, as a wise amendment to the interstate-commerce law, a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'"

—

Resolution adopted by Board of Trade of Tampa, Fla.:

"Whereas the Government of the United States has expended nearly $700,000,000 for the improvement of rivers and harbors and the construction of canals, and by act of Congress, passed 1884, declared as follows: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas the Panama Canal was built by American money, American genius, and American enterprise, and with the understanding by the American people that the canal would be operated for their benefit, primarily because of the military and economic necessities of the entire United States and for commercial benefit of the whole country; and

"Whereas the imposition of tolls or charges for the use thereof of American boats engaged in American commerce would in many instances prohibit the shipping of American products from coast to coast, the interchange of products of the Pacific and the Atlantic and the Gulf, therefore defeating the very ends for which the American people indorsed the tremendous project and the expenditure of nearly a half billion of American dollars in the building of the Panama Canal: Therefore be it

"*Resolved by the board of governors of the Board of Trade of Tampa, Fla., in session April 24, 1912*, That we object and protest in strongest terms against this language in section 5 of the House bill 21969: 'No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or its subjects, other than to vessels belonging to the Government of the United States.' And be it further

"*Resolved*, That this section of the bill be so amended that preferential treatment may be accorded American vessels of commerce, or at least those engaged in the coastwise trade; and be it further

"*Resolved*, That public interest demands the passage of section 11 of said bill, so that the relations between carriers by water and carriers by rail may be established on a proper basis.

"(SEAL.) "F. C. BOWYER, *President*.

"Attest:

"W. B. RIVELL, *Secretary*.

—

MARCH 16, 1912.

RECOMMENDATIONS OF RAILROAD COMMISSION OF CALIFORNIA IN RE PANAMA CANAL BILL.

After a public hearing and a careful investigation into the law and the facts, the Railroad Commission of the State of California makes the following recommendations in the matter of the Panama Canal bill now pending before Congress:

"(1) We recommend that vessels owned, operated, or controlled by railroads and engaged in whole or in part in coastwise trade be barred from the Panama Canal, and suggest the advisability of extending this principle so as to make it unlawful for any railroad to own, operate, or control any common carrier by water with which such railroad does or may compete for traffic between points within the United States.

"Under the decision of the United States Supreme Court on the so-called commodities clause in the interstate commerce act, in the case of United States *v.* Delaware & Hudson Co. (213 U. S., 366), we believe there can be no doubt as to the legal right of the Government to compel a railroad to sell its holdings in a steamship line. We can find no valid reason in governmental policy against this recommendation. The inevitable result of permitting railroads to own, operate, or control competing steamship lines through the Panama Canal, as shown by the history of the coastwise traffic of this country, will be to crush out every independent line, to give to the railroads the control of the Panama Canal and consequently to keep freight rates higher than they normally would be. We would refer in this connection to the decision of the Interstate Commerce Commission in the case of Railroad Commission of Nevada *v.* Southern Pacific Co. (21 I. C. R., 329), decided on June 22, 1911, in which case the history of steamship competition in this country is fully explained.

"(2) We recommend that American shipping engaged in coastwise trade through the canal be exempt from the payment of tolls.

"Under the decision of the United States Supreme Court in the case of Olsen *v.* Smith (195 U. S., 332) it is clear that the United States may carry out this recommendation. The provision in section 1 of article 3 of the Hay-Pauncefote treaty to the effect that "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise"—whatever the full effect thereof may be—certainly does not apply to coastwise traffic for the reason that as American vessels may alone engage in such traffic there can be no question of discrimination as against the vessels of other nations. The Olsen case squarely sustains this position.

"The remission of tolls on vessels engaged in the coastwise trade will make it possible for them to lower to that extent the freight rates which they would otherwise have to charge, and in this way the American people will secure a reduction in freight rates to which they are clearly entitled as the result of the tremendous sums which they have expended in the construction of the canal.

We use the words "American people" advisedly. We do not concede that the lower freight rates between coast points brought about by water competition through the canal can in any wise injure interior localities. On the one hand, the free movement of traffic between coast points not only will operate for the benefit of these localities, but such benefit will be reflected far inland and the general prosperity of the country will necessarily result. On the other hand, lower freight rates to coast points will not operate disadvantageously to the interior by increasing rates to and from interior points. It is well established that railroads may not lower their rates to meet competition to such an extent as to burden other traffic. If rightly regulated, the railroads of the United States must give reasonable rates to all points, and reasonable rates are all that they can be forced to give. The fact that a less than reasonable rate is put in by railroad companies voluntarily to meet water competition does not justify such railroad in putting any different rate in effect elsewhere than it could legally put in if it did not meet such competition. The result, then, of free competition through the canal will be a lower rate to coast points than would otherwise prevail, which lower rate to the coast points will have its effect to that point in the interior where the local freight rate from the coast to such points plus the steamship rates equals the transcontinental rate from the opposite coast point. Much of the interior, therefore, will be better off than it now is and none of it can be worse off, because, as we have stated, the railroads must accord the same reasonable rate when they meet competition as they are allowed under the law to give when they do not meet such competition.

(3) We recommend that American shipping engaged in foreign trade and using the Panama Canal be likewise exempted from the payment of tolls or that subsidies equivalent in amount, at least, to those paid

by other Governments to their ships using the canal be provided by the United States.

Otherwise, the United States, which built the canal at a tremendous outlay, will be the only nation whose vessels are sailing through the canal without Government assistance. We do not believe that there is anything in the Hay-Pauncefote treaty to prevent such action on the part of the United States. The treaty provides that the rules of neutralization to govern the canal are to be substantially the same as those which govern the use of the Suez Canal. The vessels of Great Britain and other nations using the Suez Canal receive subsidies from their Governments, and no one has ever contended that the principle of equality in the use of the canal is thereby violated. In the same way the United States can clearly pay subsidies to her vessels using the Panama Canal, and what she can do directly by the payment of subsidies she certainly can do indirectly by the remission of tolls in the same amount.

We respectfully direct the attention of California's Representatives in Congress to these recommendations and urge that they do all in their power to secure their adoption in the Panama Canal bill.

JOHN M. ESHLEMAN,
H. D. LOVELAND,
ALEX GORDON,
MAX THELEN,
E. O. EDGERTON,
Railroad Commission of California.

—

RESOLUTION IN RE PANAMA CANAL TOLLS.

Resolved by the Los Angeles Chamber of Commerce, That we reaffirm the statement of the principles and policy involved in the resolutions adopted by this chamber as a member of the Associated Chambers of Commerce of the Pacific Coast, October 2, 1911, as follows:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things, of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation and means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That there should be no tolls charged through the Panama Canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefit of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.'

"*Resolved*, That the recent action of the majority of the Committee on Interstate and Foreign Commerce of the House of Representatives in relation to Panama Canal tolls is at variance in all essential particulars with the foregoing statement of the principles and policy, which, in our opinion, should govern legislation on this subject, and we desire to emphasize the protest which this chamber has heretofore made to this proposed action of Congress by transmitting a copy of this resolution to every Member of the House of Representatives and to every United States Senator."

I hereby certify that the above is a true and correct copy of the resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, March 13, 1912.

H. Z. OSBORNE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

—

LOS ANGELES, CAL., *March 12, 1912.*

Hon. JOSEPH R. KNOWLAND,
House of Representatives, Washington, D. C.:

Los Angeles Chamber of Commerce reiterates its earnest and solemn protest to placing a tollgate at entrance to Panama Canal to collect tax in name of toll against American commerce and shipping engaged in coastwise trade, thus discriminating against people of Pacific coast by levying tax that is not exacted against vessels or craft engaged in similar coastwise commerce in Soo Canal, Erie Canal, and various rivers made navigable at Government expense in which Pacific coast bears its proportionate share. This chamber is also absolutely opposed to permitting ships owned or controlled wholly or in part by railway companies to engage in coastwise traffic through Panama Canal.

THE LOS ANGELES CHAMBER OF COMMERCE,
H. H. OSBORNE, *President.*

—

OAKLAND, CAL., *March 13, 1912.*

Hon. JOSEPH R. KNOWLAND,
Washington, D. C.:

Oakland Chamber of Commerce to-day adopted following:

"*Resolved*, That Oakland Chamber of Commerce is in favor of such legislation as will prevent the operation through canal of ships in coastwise trade owned or operated in combination with railroads which will prevent equalizing effect upon rates of water route.

"*Resolved*, That Oakland Chamber of Commerce urges upon Congress such laws as will exempt from canal tolls all ships sailing under American flag engaged in coastwise traffic."

Please notify Members of California congressional delegation.

OAKLAND CHAMBER OF COMMERCE,
A. A. DENNISON, *Secretary.*

—

ALAMEDA, CAL., *March 13, 1912.*

J. R. KNOWLAND,
Washington, D. C.:

We heartily indorse your efforts for congressional action for the remission of tolls for American ships in the coastwise trade, realizing that the benefits to be derived for this coast will otherwise be nullified. We are all proud of you with the position you have taken in this vital matter.

H. ROSENTHAL,
President Alameda Chamber of Commerce.

—

SAN JOSE, CAL., *March 21, 1912.*

Hon. JOSEPH R. KNOWLAND, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: At a regular meeting of the board of directors of the San Jose (Cal.) Chamber of Commerce we unanimously passed the following resolution:

"*Resolved*, That this chamber of commerce is opposed to the operation through the Panama Canal of any railroad owned or controlled ship engaged wholly or partly in coastwise traffic; also that we strongly urge upon the Senators and House of Representatives the enactment of laws that will exempt from canal tolls all ships sailing under the American flag engaged in coastwise traffic."

Yours, very respectfully,

JOS. T. BROOKS,
Secretary-Manager.

—

SEATTLE, WASH., *March 13, 1912.*

This bureau is unalterably opposed to the operation through the Panama Canal of any steamship line owned, operated, or controlled, directly or indirectly, by a railroad engaged in interstate commerce. We trust every effort will be used to prevent it. If not prevented, canal will be useless in controlling transcontinental rates, and will in no wise benefit interstate commerce between States bordering on United States littoral.

TRANSPORTATION BUREAU OF THE
NEW SEATTLE CHAMBER OF COMMERCE.

—

The following resolution was unanimously adopted by the Northwestern Association of Box Manufacturers by a regular vote of the members at Portland, Oreg., on the 22d of March, 1912:

"Whereas the Government of the United States is constructing the Panama Canal, entirely at its own cost, for the benefit of its own people, as a military measure, and for the facilitation of its domestic commerce, as well as for the furtherance of the commerce of the world; and

"Whereas in so far as respects domestic commerce in the United States the Panama Canal is a part of the interrelated waterway system of the United States; and

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions, or charges, or traffic, or otherwise, because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce; and

"Whereas it is necessary in order to secure to the people of the United States the benefits of the competition between the eastern and western seaboards of the United States, through said canal, and on other waterways of the United States, that railroad owned or controlled steamship companies should not be permitted to use said canal, and that railroads should not be permitted to own, control, or operate competing lines of water carriers on the waters of the United States—

"*Resolved*, First. That there should be no tolls charged to vessels or on their cargoes engaged in domestic commerce between ports of the United States passing through the Panama Canal.

"*Second*. That a law be enacted making it unlawful for railroads to own, lease, operate, or control any competing steamship or other water lines on or through the Panama Canal or other waterways of the United States or between the ports thereof."

—

Resolutions of the Merchants' Association of New York, adopted May 7, 1912:

"Whereas the waterways of the country, including the Panama Canal when completed, are largely the creation of national expenditure, and are valuable in proportion as they are utilized for transportation; and

"Whereas the extent of their utilization is largely influenced by the charges imposed upon the traffic which avails of them, which charges should be regulated by the competitive conditions which should normally and fairly exist; and

"Whereas it is the declared policy and the duty of the Government to safeguard the independence of such competition, and laws enacted for that purpose have been construed by the Supreme Court of the United States to prohibit a consolidation under one control of different railroad lines competing for the same traffic; and

"Whereas it is evident that a consolidation of control of transportation over a water route and a land route which are parallel and competitive would imply an advantage which would not inhere in the control of either route independently, and that independent transportation by water would thus be placed at a disadvantage by such joint control, which would tend to destroy the benefit to the public which free competition would afford; and

"Whereas it has transpired in proceedings before the Interstate Commerce Commission in the Spokane and other rate cases that efforts are being made to minimize the natural advantages arising from location on the seaboard and from less expensive transportation by water, which efforts, if successful, would tend arbitrarily to divert both the distributive and manufacturing business from the seaboard; and

"Whereas the history of control by railroads of water lines competitive with such roads discloses a general tendency to eliminate independent competition by water, resulting in a subsequent increase in the rates charged for water transportation: Therefore be it

"*Resolved*, That the Merchants' Association of New York approves the principle embodied in section 11 of the proposed act of Congress, known as H. R. 21969, which prohibits the ownership or control by a railroad line of facilities for transportation by a water route competing for the same traffic, and urges that it be enacted into law."

AMERICANS LIVING IN ENGLAND.

At a meeting of the London (England) Section of the Navy League of the United States, on Friday, March 29, 1912:

Moved by F. C. Van Duzer:

"Whereas the opening of the Panama Canal will unquestionably effect great changes in our coastwise trade, leading to an increasing demand for an efficient merchant marine;

"Whereas the new canal route will be open to ships of all nations, involving increased protective measures for the proper safeguarding of American interests, which must comprise a strong merchant marine as a necessary auxiliary to an efficient navy;

"Whereas the American merchant marine is at the present time decadent and the Navy League has repeatedly passed resolutions in favor of general measures having for their object the restoration of the American merchant marine: Be it therefore

"*Resolved*, That this meeting of members of the Navy League of the United States in London views with concern the present inefficiency of the American merchant marine to cope with the trade of its own country; that, with special regard to developments likely to occur in connection with the opening of the Panama Canal, it urges upon the Navy League at home to continue to use every effort within its power for the promotion of legislative measures calculated to raise the American merchant marine to a footing commensurate with the needs, present as well as future, of our coastwise trade (but, above all, to endure a naval auxiliary fleet), and by subsidies, remission of canal dues, or otherwise, as the high discretion of Congress may determine, to so encourage private enterprise in the shipping industry at home as to insure the service becoming a powerful auxiliary to our naval arm."

Seconded by Arthur G. Glasgow.

Carried unanimously.

Signed on behalf of the governing committee,

THOMAS L. FIELD, *Chairman.*
FRED M. FISK,
Honorable Secretary.

—

SALEM, OREG., *March 13, 1912.*

The effect of the ownership or control of competing water lines by rail lines in this country is too well known to require any extended explanation. This control and ownership has practically eliminated water competition and largely minimized water transportation. There are bills now pending in Congress containing provisions which forbid the ownership or control, directly or indirectly, of competing steamer or boat lines by rail lines. Some bills limit it only to use of steamers using the Panama Canal. We believe the law should be general in its scope. We respectfully solicit your support of the bills now pending advocating laws forbidding such ownership or control. We know of nothing that is more detrimental to the development of water transportation than is the ownership or control of competing water lines by rail lines.

RAILROAD COMMISSION OF OREGON.

The CHAIRMAN. The gentleman from Michigan [Mr. DOREMUS] is recognized for one hour.

Mr. STEVENS of Minnesota. The time of the gentleman from Georgia is to be charged to his colleague [Mr. ADAMSON].

The CHAIRMAN. So the Chair understands.

Mr. DOREMUS. Mr. Chairman, I desire at the outset to make a few general observations that will explain my attitude on the pending bill before entering upon a discussion of its merits.

The five members of the committee who signed the minority report parted company with their colleagues because of a firm conviction that to tax interstate commerce at the Panama Canal would be an unwarranted departure from a long-established policy and would deny to the American people the full and complete benefits to which an investment of $400,000,000 clearly entitles them. [Applause.]

To my mind this is the most important and far-reaching question that has come before Congress in a generation. The naked issue that confronts this House is whether the Panama Canal is to be run in the interest of the taxpayers and consumers of the United States or in the interest of the transcontinental railroads that have always opposed the canal and would now destroy its beneficial use to the American people. [Applause.]

In my judgment, Mr. Chairman, it would mean political suicide for any party or any individual who votes to make this great canal, built at such tremendous expense, less than a free and unfettered competitor of railroad transportation. [Applause.]

If we could have a referendum on this question of a free waterway to interstate commerce, absolutely divorced from railroad influences, nine-tenths of the American people would vote "Yes" and the railroads would vote "No."

The canal should not only be a free waterway for our domestic commerce, but no railroad-owned or railroad-controlled boat engaged in interstate commerce should be permitted to poke its nose into the locks. [Applause.]

I repudiate the specious plea that this great question should await a future solution. The time to play fair with the American people is now. Let us not do the wrong thing to-day and trust to a future Congress to right the wrong. [Applause.]

It is said that by the Hay-Pauncefote treaty we have bartered away to a foreign government our constitutional power over interstate commerce through the canal. On that proposition I refuse to run up the white flag of surrender. I deny that the control of our domestic affairs has been transferred from Washington to the Court of St. James. [Applause.]

If we are going to allow the English press to construe the Hay-Pauncefote treaty for us and permit the railroads to dominate the canal we might better have sunk our four hundred millions of dollars in the bottom of the sea.

I am opposed to allowing a coterie of Wall Street parasites to dictate the canal policy of Congress. [Applause.] The Pacific Mail Steamship Co. is owned and controlled by the Southern Pacific Railway. Mr. R. P. Schwerin, vice president and general manager of the Pacific Mail Steamship Co., went down to Wall Street recently for the purpose of securing a loan for the construction of four boats to be operated through the canal. He was informed that he could not have the loan if Congress was going to enact Panama Canal legislation hostile to the interests of the transcontinental railroads. (Panama Canal Hearings, vol. 4, pp. 1051–1070.)

Not only that, but Mr. Schwerin also stated before the committee that if his steamship company divorced itself from the Southern Pacific Railroad he would still be unable to obtain the loan. I call attention to the following testimony of Mr. Schwerin, found on page 1062 of the Panama Canal Hearings, volume 4:

Mr. HAMLIN. But if a railway owns ships and doesn't violate the provisions of this act, it does not hurt them any.

Mr. SCHWERIN. You won't get any money under this bill.

Mr. HAMILTON. If you were divorced from the Southern Pacific Railroad—your company—couldn't you raise money just as well?

Mr. SCHWERIN. No, sir; I couldn't get one dollar.

This testimony shows clearly that Wall Street will loan no money to a railroad-owned ship company if Congress discriminates against railroad-owned boats, and that if a ship company divorces itself from the railroad it can obtain no money, for in that event it might become an independent competitor of the railroads. In other words, Congress must admit the railroads into the Panama Canal upon equal terms with everybody else or no money will be forthcoming with which to build ships for traffic through the canal. Thus would these patriotic gentlemen throttle competition with the railroads and rob the American people of the legitimate fruits of their $400,000,000 investment. The issue, Mr. Chairman, is clearly drawn with the country on one side and these great financial interests on the other.

I hope this House will meet the issue squarely and serve notice upon the railroads and their Wall Street allies that they must keep their hands off the Panama Canal. [Applause.]

For the first time in American history it is proposed to erect a tollgate in the path of interstate trade. I believe that if this House does its duty it will apply the torch to section 5 of this bill and burn it up. Let the conflagration be so complete that a like proposal will never find its way to the floor of this House. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, will it bother the gentleman if I ask him a question?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Minnesota?

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. Section 3 of the general bridge act provides that any company desiring to use a railroad bridge, built under the railroad-bridge act, shall pay for it, the same as is provided by the law under which the Panama Canal was built; that is, we authorize a railroad that builds a bridge to charge for the use of it in interstate commerce.

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. So that this Congress does authorize charges, levies tolls, and imposes taxes in interstate commerce, does it not?

Mr. DOREMUS. Yes. The gentleman is entirely right. The mistake he makes is in confusing a proposition of that kind with the Panama Canal, which is a Government-owned proposition, and the tax proposed to be imposed is a Government-imposed tax. If they had proceeded under the old Clayton-Bulwer treaty and permitted an American company or private individuals to build the canal, of course everybody would have had to pay tolls for the use of the canal. But this is an entirely different proposition. The canal is not being built by a private corporation. The Government simply permits a private corporation to charge a reasonable toll for the use of the improvement.

Mr. STEVENS of Minnesota. Article 1 of the canal treaty provides as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares—

So that the treaty provides for three different methods of construction.

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. The gentleman will admit that under the last two methods there might be tolls charged. The

gentleman claims that under the first method there can not be tolls charged. What is in the treaty that provides for a different arrangement or rights or obligations as to one of those methods as distinguished from any other?

Mr. DOREMUS. I will say to the gentleman that at the time that treaty was entered into nobody in this country or anywhere else contemplated that anyone other than the United States would build that canal. All hope of a private corporation building it was abandoned years ago.

Mr. STEVENS of Minnesota. But the treaty makes those three provisions. Will not the gentleman explain how that was?

Mr. DOREMUS. When I come to that I will do that, if my friend will permit me to proceed.

I trust that the Members of this House understand fully the real significance of section 5 of this bill. By that section it is deliberately proposed that an American vessel, flying the American flag, laden with American products, and bound from the port of one State to the port of another State, shall be stopped at a tollgate and compelled to pay a tax before it may proceed to its destination.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield there? If that ship, bearing those goods from one port to another, does not pay the tolls, who will pay them?

Mr. DOREMUS. I would rather my friend from New York would wait a minute, because I will come to that if I am only given the time. I will show just how much money we expect to get out of the coastwise trade and out of the foreign trade. I will come to that in regular order.

Mr. MICHAEL E. DRISCOLL. I hope the gentleman will discuss that.

Mr. DOREMUS. I will be glad to do that.

To state the proposition in another form, it is proposed to erect an artificial barrier in the path of free exchange between the States of the products of the American farm, forest, mine, and factory. It is unnecessary to say that this proposal is new and revolutionary. It is at war with the fundamental policy of this Government for 125 years—a policy which, coupled with a national system of internal improvements, has made the domestic commerce of the United States the marvel of the civilized world.

We have expended in the improvement of rivers and harbors and the construction of canals, exclusive of the Panama Canal, the sum of $627,098,236.05. (Report of the Secretary of the Treasury to the President of the Senate, Mar. 6, 1912. S. Doc. No. 382, 2d sess. 62d Cong.)

If we are now to abandon our historic policy of free commerce between the States, why not erect tollgates on the Mississippi River, in the improvement of which we have expended $123,088,909.05—or nearly one-third of the estimated cost of the Panama Canal? Why not burden our merchant marine at the harbors of Philadelphia, Baltimore, Boston, New York, Savannah, New Orleans, Galveston, and other places, in the improvement of which the Government has expended many millions of dollars? If this is to be our policy, why not erect a tollgate at the Soo Canal, through which 41,653,488 tons of shipping passed in 1911? We have expended upon the Great Lakes and waterways connected therewith, including the Soo Canal and locks, the sum of $110,015,381.04. The commerce that passed through the Soo Canal in 1911 exceeded the world's commerce through the Suez Canal in 1910 by 25,000,000 tons. This tonnage, nearly all of which was domestic traffic, also passed through the Detroit River, upon which the Government has expended nearly $10,000,000. Why not build a tollgate there?

The reasons which actuated the majority of the Committee on Interstate and Foreign Commerce to recommend tolls upon our coastwise trade at the Panama Canal are found in the report that accompanied this bill. Therein we are informed that free tolls to our domestic merchant marine would be a "subsidy" to the shipowner, because it would take money from the American people and give it to a small special interest. This would be a strange doctrine, Mr. Chairman, to be embraced by this House, a majority of whose Members profess the faith of their Democratic fathers and proclaim their unfaltering devotion to our ancient institutions.

I hold in my hand a volume containing the laws enacted at the first session of the First Congress under the Constitution. This volume is gray and musty with age, but within its ancient covers are reflected, in my opinion, more wisdom on the subject of our merchant marine and the development of American commerce than is contained in all the propositions that have been advanced in Congress during the intervening years. The first act found in this volume is an act to regulate the time and manner of administering certain oaths—an unimportant measure. The second act, introduced by James Madison, approved July 4, 1789, is an act for levying duties on goods, wares, and merchandise imported into the United States.

This act aimed to raise revenue for the support of the Government, protect our infant industries, and encourage the upbuilding of our merchant marine. This latter purpose was accomplished by providing for a discount of 10 per cent of the tariff duties upon imports into this country in ships built and owned by American citizens. Not satisfied with this, Congress provided in the same act for special discrimination in favor of American vessels in the trade of the Far East. It provided that if tea was imported in American ships direct from India and China, it paid a duty of 6 cents a pound for Bohea, 10 cents for Souchong, 20 cents for Hysou, and 12 cents for all other green varieties. If, however, tea was imported in a foreign ship, it paid a duty of 15 cents for Bohea, 21 cents for Souchong, 45 cents for Hyson, and 27 cents for other varieties. The effect of this discrimination in favor of our own shipping will be understood when it is stated that on a cargo of 100,000 pounds of assorted teas, an American ship sailing from China or India would pay duties of $10,980, while a foreign ship would pay $27,800 for a like cargo.

The effect of this law upon American shipping was instantaneous. The report of the American Institute of the city of New York stated in 1828 that "so complete has been this security that your committee believes that there has not been a single pound of tea imported since the passage of the law in question which has not been imported in an American bottom." (Marvin's American Merchant Marine, p. 41):

> Between 1789 and 1828 Congress passed numerous laws intended to protect and encourage American shipbuilding. Under these wise and salutary measures our merchant marine grew rapidly. On December 31, 1789, our total shipping registered for the foreign trade was only 123,893 tons. It had increased to 346,254 tons in 1790 and to 576,733 tons in 1796. (Report of Commissioner of Navigation for 1900.)

I have carefully examined the debates in Congress that preceded the passage of the act of 1789, and have found no intimation or suggestion that a reduction of 10 per cent in duties on goods carried in American vessels would take money from the pockets of the people and give it to a special interest. The Members of that Congress knew that a tax collected at the customhouse would be borne by the consumer, and that a lower duty in favor of goods carried in American ships would relieve the consumer and at the same time encourage the upbuilding of our merchant marine. Give us more "subsidies" that leave money in the pockets of the people and at the same time develop American industries.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield there?

Mr. DOREMUS. I yield.

Mr. MICHAEL E. DRISCOLL. Would this policy of removing the tolls help our American merchant marine in the least, except our local commerce, of which we now have a monopoly? If the gentleman is in favor of something for our merchant marine on the high seas, I am with him, and the Republican Party is with him on that proposition.

Mr. ALEXANDER. Will the gentleman permit?

Mr. DOREMUS. I yield to my friend from Missouri.

Mr. ALEXANDER. It may be interesting to note at this point that the Republican Party in 1896 declared in favor of discriminating duties in favor of American ships, although since that time every proposition presented to Congress by them has been in favor of a subsidy.

Mr. HUMPHREY of Washington. That is not correct.

Mr. DOREMUS. I will say in that connection that this great arm of our merchant marine, known as our domestic merchant marine, exceeds that of any nation upon the face of the globe; and I know my friend from New York will take equal pride with me as he contemplates that splendid fact, and I propose if within my power to encourage it still further. But my time is passing and I will have to hasten on.

The third act passed by the First Congress, approved July 20, 1789, was an act imposing duties on tonnage. It provided that on all ships built within the United States and belonging wholly to a citizen or citizens thereof a tonnage duty of 6 cents per ton should be levied. It provided that all ships thereafter built in the United States, belonging wholly or in part to subjects of foreign powers, should pay a duty of 30 cents per ton, and that all other ships should pay duties at the rate of 50 cents per ton. It also provided that no ship built within the United States and belonging to a citizen or citizens thereof, should, while employed in our coasting trade, pay tonnage duties more than once in any year. At the present time no tonnage duties are imposed upon vessels engaged in our coastwise trade. This policy of encouraging our merchant marine culminated in 1817 in a law that prohibited foreign vessels from engaging in our coastwise trade. It was, however, the legislation of 1789 that laid the foundation of our long-continued policy of preserving our domestic trade to American vessels, and this policy, supported by our ablest

statesmen in all parties, has given the United States the greatest domestic merchant marine on the globe. Under the stimulus of this early legislation, the tonnage of our coastwise shipping increased from 68,607 tons in 1789 to 245,295 tons in 1800. It reached the one million mark in 1838, and has continued its rapid growth up to the present time. In 1911 the tonnage of our coastwise trade reached the splendid volume of 6,720,313 tons.

In the Fifty-eighth Congress the Democratic minority, while opposing a direct subsidy from the Treasury to American ships, favored a return to the ancient system of discriminatory duties as best calculated to restore our merchant marine. I quote the following from the report of the minority members of the Merchant Marine Commission, presented in 1905:

> A return to the discriminating duty policy appears to be generally favored, as shown by the hearings of the Merchant Marine Commission at the most important ports on the Atlantic, Pacific, and Gulf coasts, and on the Great Lakes. This was the policy of the fathers of the Republic, under which our shipping interests were so marvelously developed in our early history. Under this policy merchant ships flying the American flag were seen in every important port of the civilized world, and, under its fostering care, our ships carried more than three-fourths of our exports and imports. (Rept. 4136, pt. 2, 58th Cong., 3d sess.)

This was the voice of Democracy, speaking through its chosen Representatives, in the Fifty-eighth Congress. What will be its position now, when, for the first time in American history, it is proposed to hold up at a tollgate an American vessel engaged in interstate trade and exact from it the same tribute we demand from a foreign vessel flying a foreign flag?

My Republican friends, how are you going to vote on this proposition? This is not a partisan question. Two Republicans and three Democrats signed the minority report, advocating no tolls on American ships engaged in interstate commerce. Are you gentlemen, who in the past have advocated direct subsidies from the Treasury in order to encourage our merchant marine, going to vote against this preference to American shipping? I sincerely hope not.

We are told in the majority report that—

> we may rightfully appropriate from the Treasury for the benefit of all the people, but giving public funds to special interests would be an unauthorized diversion and in politics and morals amounts to a misappropriation of the people's money.

Against this declaration I am perfectly willing to place the historic policy of this country, acquiesced in for so many years by the great leaders of all parties, and leave the question to the sober and deliberate judgment of the Members of this House. The party now in control of this House nor any of its leaders, past or present, have ever taken the view advocated by the majority of the committee, that a discrimination in favor of American shipping was a "subsidy" drawn from the pockets of the people. There is no difference in principle between a discrimination by a remission of duties at a customhouse and remission of duties at a tollgate. Both tolls and tariff duties are burdens upon consumption, and when remitted operate to leave money in and not take it out of the pockets of the people.

In the majority report we find the following strange proposition:

> Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal. * * * Yet it is selfishly demanded that those few ships (for only a few will be needed) shall be given their tolls in the interest of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. DOREMUS. Yes.

Mr. RAKER. I find this on page 6 of the report:

> Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal, making longer journeys, charging correspondingly more freight and passenger rates, and making infinitely more money, yet it is selfishly demanded that those few ships (for only a few will be needed) shall be given their tolls in the interests of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution.

Mr. DOREMUS. That is part of what I just read. Now, assuming, for the sake of argument, that the percentages given are correct, the answer is that the 90 per cent of our coasting trade referred to are already enjoying the same privilege that we now ask shall be conferred upon the remaining 10 per cent that will use the canal. In other words, it is the majority of the committee who would unjustly discriminate, for they would withhold from the 10 per cent the privilege that is now freely given to the 90 per cent.

There is another proposition in the majority report to which I wish to refer. That majority report, in my judgment, is one of the most extraordinary documents that ever emanated from a committee. We are told that when "we go to voting away the Government's money and credit to special interests they prefer some method more fair and equitable." I know my friend from Minnesota [Mr. STEVENS] did not have anything to do with writing that.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. DOREMUS. I will.

Mr. HUMPHREY of Washington. I would like to call attention to the fact that most of the 90 per cent about which the majority seem so solicitous is owned by railroads, and that the 10 per cent that will go through the canal it is proposed to divorce entirely from the railroads.

Mr. DOREMUS. If we can.

Mr. MICHAEL E. DRISCOLL. I want to say, if the gentleman from Michigan will permit, that the majority are not solicitous about the 90 per cent of the shipping but the 90,000,000 people who must pay for running the canal if the ships do not pay anything toward it. We are solicitous for all the people against a few shipowners who want a donation.

Mr. HUMPHREY of Washington. If we are to judge by the report, you are solicitous for the 90 per cent of the shipping.

Mr. DOREMUS. It is indeed a novel proposition with which we are confronted in this bill. From the foundation of the Government we have pursued a consistent and undeviating policy of free trade between the States and of discrimination in favor of our own commerce. The minority of your committee are contending for a great fundamental principle. Political parties have divided upon questions of commercial policy in regard to foreign trade from the beginning, but never until the present hour has anyone had the temerity to suggest that we erect an artificial barrier in the way of the free exchange of commodities between our own people. The wheat and corn of the West, the cotton and tobacco of the South, the manufactures of the East, the iron and coal of our mountain ranges, and the lumber of all sections have penetrated the farthest confines of the Republic, and neither the commercial nor the taxing power of Congress has ever been employed to intercept or impede their progress. This policy, wisely ordained by the founders of the Government, has been one of the great contributing causes of our marvelous growth. It has developed all sections of our country and benefited all classes of industry. It has made possible the present civilization of the Pacific coast and rendered the Panama Canal a military necessity and a commercial desirability.

EFFECT OF TOLLS UPON FREIGHT RATES.

The majority of the committee want to compel American vessels in the coastwise trade to pay something for the use of the canal. They overlook the fundamental economic truth that, if this bill becomes a law, the tolls will not be paid by the shipowner but by the American people. Congress has not the power to compel vessels engaged in the coastwise trade of the United States to contribute to the Public Treasury for the use of the canal. If tolls are levied they will be added to the freight and the people will pay the freight. Does anyone imagine that, if a steamship company is required to pay $5,000 or $10,000 in tolls upon a cargo of merchandise shipped from one American port to another American port, those tolls will not be impressed upon the freight rate and passed on to the consumer? A tax, Mr. Chairman, whatsoever its form or name, that restricts the free interchange of commodities is paid by the purchaser of the commodities. When did it come to pass that a tax of 75 cents upon a ton of coal levied at the customhouse is paid by the consumer of coal, and a tax of 75 cents levied upon a ton of coal at a tollgate is not paid by the consumer of coal? Who is the founder of this new school of political economy that teaches that a tax of 50 cents or $1 on 1,000 feet of lumber is a burden on the home builder if paid at the customhouse and not a burden on the home builder if paid at a tollgate? What Member of this House is willing to father the doctrine that a tax is a burden when called a tariff, but a blessing when called a toll?

With reference to interstate commerce, the American people have always been free traders. We have always had plenty of protection against foreign countries. Are we now going to supplement this system by protecting ourselves against each other? Are we going to protect the lumber of the Pacific coast against the lumber of the South? Are we going to protect the products of one State against the products of another State?

My firm conviction is that we had better pause long and consider seriously before we embark upon such a policy as this.

This question affects not only every ton of American freight that passes through the Panama Canal but every ton that is carried by the transcontinental railroads. Every burden placed upon interstate commerce through the canal impairs its usefulness as a competing route with transportation by rail. This is true not only as to freight rates between coast-to-coast points but as to rates from interior points to the coast, for the through

rate from coast to coast controls to a large extent the rate from interior points to the coast.

Before the construction of railroads to the Pacific the manufactures and other products of the East reached San Francisco via Cape Horn. In order to take away from the water carriers the traffic from the eastern seaboard, the railroads found it necessary to make a rate that compared favorably with the rate via Cape Horn. This was a primary consideration that in those days fixed the rail rate from the eastern seaboard to the Pacific. The next water-transportation route was via the Isthmus of Panama. Traffic was shipped by steamboat from New York to Colon, carried across the Isthmus by rail to Panama, thence by steamboat to San Francisco.

Then came the route from East to West through the Straits of Magellan. By this time the steamboat was fast supplanting the sailing vessel, and the time consumed between New York and San Francisco via this route was from 60 to 90 days. To-day the route most frequently used is via the Tehuantepec Railroad, owned by the Mexican Government, and running across lower Mexico, a distance of 180 miles. It receives the freight from New York at Coatzacoalcos, transfers it across the country to Salina Cruz, from which point it is taken by steamer to San Francisco and other Pacific coast points. The water rate by these various routes has always been, according to the Interstate Commerce Commission, somewhat lower than the rail rate from New York to San Francisco; and the commission has found—and of that there can be no question—that this water transportation has limited the rate which would be obtained by rail carriers between New York and Pacific terminals. (Twenty-fifth Annual Report Interstate Commerce Commission, p. 28.)

Manufacturing in this country is no longer confined to States bordering on the Atlantic Ocean. Aided by the policy of free commercial intercourse between the States, manufacturing plants have sprung up all over the great Middle West. These plants turn out the same products and are seeking the same markets as those located in the eastern section of the country. In this connection I quote the following from the Twenty-fifth Annual Report of the Interstate Commerce Commission, on page 29:

Suppose, for example, that a manufacturing plant located at Chicago produced the same article manufactured by a similar plant in New York City. In order that this article may reach San Francisco from Chicago by water, it must first be transported to New York, where it is taken by a steamship. The cost of carriage by this route is, therefore, greater from Chicago than from New York, and if the force of water competition were to be alone considered, the rate from Chicago to San Francisco ought to be higher than the rate from New York by the amount of the interior rail rate from Chicago to New York. The Chicago manufacturer, however, insists that his rate by rail to San Francisco should be lower than the rate by rail from New York, for the reason that the traffic when taken up at New York moves through Chicago and is hauled 1,000 miles farther, at a correspondingly additional expense. It is for the interest of the rail line which begins at Chicago to apply a lower rate from Chicago then is applied from New York, since if the traffic originates at Chicago that line obtains the entire freight money, while if the traffic originates at New York it must divide the transportation charges with its connections east of Chicago, which bring the traffic from the Atlantic seaboard.

The manufacturer of automobiles in Detroit must have a rail rate to the Pacific coast that will be fairly competitive with the water rate given the manufacturer of automobiles on the Atlantic seaboard. The furniture manufacturer of Grand Rapids must have a rail rate to the Pacific coast that will be fairly competitive with the water rate of eastern manufacturers of furniture. The bath-tub manufacturer at Chicago demands a rate by rail to the West that will enable him to compete with the bath-tub manufacturer at New York who uses the water route. These examples might be multiplied indefinitely. The manufacturers of Detroit, Grand Rapids, Chicago, St. Louis, and other cities must meet the market competition of their eastern rivals, and to enable them to do so the railroads must meet the competition of the water route. If this is not done, both manufacturers and railroads will lose the business.

The majority of the committee would have us believe that free tolls to our interstate commerce would affect only a small section of the country. We are told in their report that "only a small per cent of the American people will ship freight in considerable quantities through the canal." No man can predict with any degree of accuracy the volume of traffic that will pass through the Panama Canal. There are those of us who believe that we have not built this canal at an enormous cost in vain, but that this great enterprise will in the course of time revolutionize existing transportation conditions. Certainly the American people, who with common accord have been willing to bear the vast expense incurred in its construction, are entitled to all possible benefits therefrom.

In justice to the American people Congress should not, by the levying of tolls, discourage transportation through the canal and thus impair its usefulness as a competing route with transportation by rail. I have endeavored to show that the benefits of free tolls to our domestic commerce will not be confined to the two seaboards, but will extend to that immense section of our country east of the Rocky Mountains. The Panama Canal will operate as a natural regulator of rates throughout this entire section. This will be true for the reason that the railroads operating between intermediate points and the Pacific coast will not permit a lower rate from coast to coast points to take their business from them. As stated in the minority report—

Free tolls can not but minimize rail freight rates on all the manufactures of the Atlantic seaboard and the Middle West, the products of the great Mississippi Valley, and those of the Pacific coast to the ultimate advantage of the producers and consumers throughout the entire country.

It is predicted by those whose familiarity with the transportation problem entitles their opinion to great weight, that if the canal is made a free competitor of the transcontinental railroads complaints before the Interstate Commerce Commission under the long and short haul clause will ultimately cease. Surely, Mr. Chairman, this consummation would be of infinitely more benefit to the people than the proposed scheme of taxation, which, in the form of tolls, would exact from the consumer a contribution for the support of the canal.

I trust the argument that free tolls would subsidize a comparatively small part of our merchant marine will not obscure the overshadowing question of whether this canal shall be operated for the benefit of all the people, or favor the great transcontinental railroads that opposed the canal from the beginning and would control it now if they could. With the utmost respect for those who differ with me on this question, their horror of a subsidy reminds me of the old lady who with her eyes intently fixed upon the flyspecks on the ceiling was unable to see the accumulation of dirt upon the floor.

Assuming that freight rates through the canal will be fixed by competitive conditions, a toll of $10,000 upon a cargo of merchandise en route from New York to San Francisco will increase by $10,000 the amount the transcontinental railroads may charge for a similar service. I do not think this proposition can be successfully assailed. It will also increase the rates the rail carriers may charge from the interior, for, as heretofore pointed out, the through rate controls the rate from intermediate points. This being so, it becomes a question of whether Congress is willing to tax interstate shipping at the canal in order to get a comparatively small amount of revenue while enabling the railroads to collect from the American people many times that amount in freight rates. I recognize nothing that would justify Congress in enacting a law that would favor the railroads at the expense of the American people.

Now, in reply to the question asked by my colleague from New York [Mr. MICHAEL E. DRISCOLL], I will say that section 5 of this bill provides that the tolls to be levied shall not exceed $1.25 per net registered ton nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The unwise and un-American feature of this section is that any attempt to lower the tolls on coastwise vessels to meet the actual cost of operation and maintenance would have to be followed by an equal reduction of tolls levied upon foreign vessels. That a much lower toll than $1.25 would pay the cost of maintenance and operation is clearly shown by the testimony of Dr. Emory R. Johnson, the Government's special commissioner on Panama Canal traffic and tolls. Dr. Johnson estimates that 10,500,000 tons of shipping will pass through the canal during the first year of its operation. Of this total only 1,160,000 tons will be interstate traffic. (See statement of Dr. Johnson, committee hearings, p. 705.) According to this estimate the remission of tolls to our interstate commerce would result in a revenue loss to the Government, on the basis of $1 per net registered ton, of only $1,160,000, leaving a gross revenue of $9,340,000. The conservative estimates of Col. Goethals show that it will cost to operate and maintain the canal, including sanitation and civil government, the sum of $4,000,000. It will thus be seen that the surplus for the first year on the basis of these estimates will be $5,340,000. This, of course, does not take into account the interest on the bonds. Indeed, if we attempted to levy a toll sufficiently large to pay this fixed charge and the cost of maintaining the military establishment on the zone, it would amount to a prohibition against the use of the canal by the commerce of the world. This canal is a military necessity. It will unify our naval fleet and practically double its efficiency. In view of this fact, if the canal is to be charged with the expense of military protection, it should also be credited with the vast sum that will be saved in the cost of battleships. I agree thoroughly with Col. Goethals that the cost of its construction should be written off the books as a charge

against the national defense. The surplus earnings could then be converted into a sinking fund for the purpose of retiring the debt at maturity, and whatever additional sum is found necessary should be paid by the American people through the usual and constitutional methods of taxation.

I desire now to discuss the claim that the Hay-Pauncefote treaty prevents the United States from favoring American vessels engaged in interstate commerce. The preamble of the Hay-Pauncefote treaty recites that it is—

desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention.

For a proper understanding of what was meant by the words "general principle" of neutralization mentioned in the preamble of the treaty, it will be necessary to refer briefly to the Clayton-Bulwer treaty and the circumstances that surrounded its ratification. The discovery of gold in California emphasized the desirability of constructing a transisthmian canal to connect the Atlantic and Pacific Oceans. The route most generally considered at that time was via San Juan River and Lake Nicaragua. In 1849 a treaty was entered into by the United States and Nicaragua whereby the Government of the latter conceded to an American company the right to build a canal from San Juan, on the Caribbean Sea, through the San Juan River and Lake Nicaragua to the Pacific. Two obstacles, however, stood in the way of this company's successful prosecution of the undertaking. One was the British pretensions in Nicaragua, and particularly to the so-called Mosquito coast, over which Great Britain claimed to exercise a protectorate, and the other was the lack of the necessary capital in this country.

It would serve no useful purpose to dwell upon the claims and counterclaims with reference to British pretensions in Nicaragua, Costa Rica, and the Mosquito Coast. It will suffice to say that they were deemed by this Government of such importance that in 1849 Mr. Clayton, Secretary of State, entered into negotiations with the British Government that resulted in the ratification of the Clayton-Bulwer treaty in 1850. By this treaty the two Governments engaged to cooperate in guaranteeing the neutrality of a ship canal, to be open to the world and common to all nations. This convention contemplated that the canal should be built by a private corporation, and declared that neither the Governments of Great Britain nor the United States would ever obtain or maintain any exclusive control over the canal; that neither would erect or maintain any fortifications commanding the same or occupy, fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, and the Mosquito Coast, or any part of Central America. By this treaty the two Governments assumed a joint protectorate over the canal and the private corporation which, it was expected, would undertake the work. By article 7 of the Clayton-Bulwer treaty they determined that they would give their support and encouragement to such persons or company as might first offer to commence the canal with the necessary capital and the consent of the local authorities. This undoubtedly had reference to the American company which had already obtained its concession from the Government of Nicaragua. At this time, however, two other routes had been suggested—one through the Mexican Province of Tehuantepec and the other through the Isthmus of Panama. For this reason alone another article was added to the treaty. This was article 8, the "general principle" of which, under the Hay-Pauncefote treaty, it is our duty not to impair. This article reads as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

For the purpose of this controversy it would avail nothing to follow this celebrated treaty on its troublous journey from 1850 to 1902, when it was abrogated and superseded by the Hay-Pauncefote treaty. To-day not a vestige of the conditions that surrounded the making of the Clayton-Bulwer treaty remains. All hope of constructing the canal by private individuals or corporations was long ago abandoned. Great Britain claims no protectorate, sovereignty, or dominion of any kind over the Isthmus of Panama. The canal is being built on territory that belongs to the United States in perpetuity, by virtue of a treaty with the Republic of Panama. No questions exist involving the integrity of the Monroe doctrine.

By the Hay-Pauncefote treaty Great Britain has voluntarily withdrawn her protection of the canal to which she obligated herself in the former treaty. The Panama Canal is a distinctly American enterprise, and the United States is its sole owner, builder, and protector. What, then, is the "general principle" of neutralization established by article 8 of the Clayton-Bulwer treaty mentioned in the preamble of the Hay-Pauncefote treaty?

Strictly speaking, the term "neutralization," when applied to a canal, refers to a condition under which the canal would be closed to the ships of war of belligerents. The term, however, has come to be used in a broader sense than this, so as to include an arrangement whereby protection is sought to be guaranteed against hostile attack or hostile interruption, while the same freedom of use is sought to be assured in war as in peace. No doubt, however, the leading motive of agreements of neutralization is to secure exemption from hostile attack and a corresponding prohibition of distinctive hostile use. When by article 9 of the treaty of Vienna provision was made for the "neutrality of the Free Town of Krakow and its territory," it was declared in the same breath: "No armed force shall be introduced upon any pretense whatever." When by article 11 of the treaty of Paris the Black Sea was "neutralized," the maintenance of armaments upon it was forbidden. In the neutralization of Luxemburg it was stipulated that the city of Luxemburg should no longer be treated as a federal fortress. By a treaty between Austria, France, Great Britain, Prussia, and Russia, signed at London November 14, 1863, the Ionian Isles were united to Greece and were neutralized.

Article 3 of the treaty declares that—

as a necessary consequence of the neutrality to be thus enjoyed by the United States of the Ionian Islands, the fortifications constructed in the Island of Corfu and in its immediate dependencies, having no longer any object, shall be demolished.

The treaties of March 30, 1856, November 2, 1865, and March 13, 1871, having effected the neutralization of the Lower Danube and of the works constructed in aid of its navigation, the treaty of Berlin of July 13, 1878, provided that—

all the fortresses and fortifications existing on the course of the river from the Iron Gates to its mouths should be razed and no new ones erected.

The Argentine Republic and Chile, by their treaty of July 23, 1881, declare:

The Straits of Magellan are neutralized forever, and their free navigation is guaranteed to the flags of all nations. To insure this neutrality and freedom, it is agreed that no fortifications or military defenses which might interfere therewith shall be erected. (Moore's International Law Digest, vol. 5, p. 207.)

Referring to the Clayton-Bulwer treaty, we find that by article 5 the contracting parties engaged to "protect it from interruption, seizure, or unjust confiscation" and to "guarantee the neutrality thereof so that the said canal may forever be open and free and the capital invested therein secure." It was, however, expressly understood that the guarantee of protection and security was given conditionally and might be withdrawn by both Governments or either Government if both or either of them should consider that the persons or company undertaking or managing the canal had established regulations concerning traffic contrary to the spirit and intention of the convention, either by making unfair discriminations or by imposing oppressive exactions or unreasonable tolls.

Construing articles 5 and 8 of the Clayton-Bulwer treaty together we can not escape the conclusion that the United States and Great Britain engaged to protect and guarantee the neutrality of the canal whichever route was finally selected, reserving to themselves, however, the right to withdraw that protection and guaranty if the private corporation operating the canal should discriminate against either. They also engaged that the canal should be open on equal terms to the citizens and subjects of every other nation which was willing to unite with the United States and Great Britain in their joint protection of the canal.

As heretofore observed, under the Hay-Pauncefote treaty there is no joint protectorate over the canal. Neither Great Britain nor any other nation is obligated to cooperate with the United States in protecting the canal nor is the right of the citizens and subjects of any other nation to the equal use of the canal conditioned upon any agreement by that nation to cooperate for its protection. By article 3 of the present treaty, the canal is to be free and open without discrimination to the vessels of commerce and of war of all nations observing the rules which the United States has adopted as the basis for the neutralization of the canal.

The original draft of the Hay-Pauncefote treaty, as transmitted to the Senate by President McKinley, contained the following:

ART. 3. The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.

The article above quoted was stricken out in the Senate. The attitude of Great Britain with reference to this action is reflected in the subsequent negotiations as to amendments by the memorandum of Lord Lansdowne of August 3, 1901, wherein he said:

The omission of the article inviting the adherence of other powers placed this country in a position of marked disadvantage compared with other powers. While the United States would have a treaty right to interfere with the canal in time of war or apprehended war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention of 1900, Great Britain alone would be absolutely precluded from resorting to any such action or from taking measures to secure her interest in and near the canal.

In the same communication Lord Lansdowne said:

While indifferent as to the form in which the point is met, I must emphatically renew the objections of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would, therefore, suggest the insertion in rule 1, after "all nations," of the words "which shall agree to observe these rules." This addition will impose upon other powers the same self-denying ordinance as Great Britain is desired to accept and will furnish an additional security for the neutrality of the canal, which it will be the duty of the United States to maintain.

The attitude of the United States toward the last suggestion is shown in the communication of Lord Lansdowne to Mr. Lowther of September 12, 1901, in which he said:

With regard to the changes suggested by His Majesty's Government, Mr. Hay was apprehensive that the first amendment proposed to clause 1 of article 3 would meet with opposition because of the strong objection entertained to inviting other powers to become contract parties to a treaty affecting the canal. If His Majesty's Government found it not convenient to accept the draft as it stood, they might perhaps consider favorably the substitution for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules" the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and instead of "any nation so agreeing" the words "any such nation." This, it seemed to Mr. Hay, would accomplish the purpose aimed at by His Majesty's Government.

Writing to Lord Pauncefote on October 23, 1901, Lord Lansdowne said:

Mr. Hay has suggested that in Article 3, Rule 1, we should substitute for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules," etc., the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause as a consequential amendment, to substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, while they stopped short of conferring upon other nations a contractual right to the use of the canal.

I desire now to call the attention of the House to another significant feature of the negotiations that preceded the formal acceptance and ratification of the treaty. Article 2 of the original draft of the treaty, as transmitted to the Senate, reads as follows:

The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople, October 29, 1888, for the free navigation of the Suez Maritime Canal; that is to say.

In the final draft the words "the high contracting parties" were stricken out, and the words "the United States" inserted. Referring to this change Lord Lansdowne, in his memorandum to Mr. Lowther, of August 3, 1901, says:

In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

These negotiations seem to demonstrate clearly that Great Britain, recognizing the United States as the sovereign owner and sole protector of the canal, and fully conceding our exclusive right to provide for its regulation and management, was contending only for equal treatment with other powers observing the rules adopted by the United States as the basis for the neutralization of the canal; and this, Mr. Chairman, in my opinion, based upon the investigation I have made of the question, is all there is to the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty, and which the United States agreed should not be impaired. Not by the wildest flight of the imagination can it be conceived that this "general principle" would be impaired by any preference the United States might see fit to give American vessels engaged in interstate commerce. Would anybody seriously contend that under this treaty Great Britain would not have the right to subsidize her own vessels using the canal or repay the tolls charged them for such use? On the contrary, would it not be the height of impertinence for this Government to attempt to dictate to Great Britain or any other nation the treatment they should accord their own shipping? The treatment that other nations may see fit to give their own vessels is none of our affair; and, for a better reason, it is no concern of any other nation what preference we give to our own vessels using a canal built, owned, and controlled by ourselves alone. We discharge our obligation to the world when we exact equal tolls and accord equal treatment to all nations, their citizens, and subjects that observe the rules the United States has laid down for the neutralization of the canal.

That portion of article 3 of the present treaty which it is claimed would be violated by passing our interstate commerce through the canal without the payment of tolls reads as follows:

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

The language of the subdivision just quoted shows plainly that the purpose was to prevent discrimination against any nation. Since 1817 no foreign vessel has been permitted to engage in our coastwise trade. This being so, any exemption Congress sees fit to make in favor of American vessels engaged in that trade would not and, in the very nature of things, could not be a discrimination against any nation, its citizens or subjects. In other words, no treatment that we may accord our own vessels could affect in any way, either for better or for worse, any foreign nation.

The United States having adopted as the basis of the neutralization of the Panama Canal the rules embodied in the convention of Constantinople for the free navigation of the Suez Canal, it may be proper to consider for a moment the construction that the powers signatory to that convention have placed upon it. It should be understood that the Suez Canal was built by a private corporation through territory over which the Ottoman Empire exercised the attributes of sovereignty. While a portion of its stock is at present owned by the British Government through purchase from the Khedive of Egypt, the canal is operated by a private company. It has been the practice of some of the powers that signed the treaty of Constantinople to favor by subsidy or otherwise their own vessels using the Suez Canal. According to the report of the Commissioner of Navigation for 1911, the Russian Government in 1908 appropriated the sum of $334,750 for the purpose of repaying the tolls exacted of Russian vessels passing through the canal to and from Russian ports. The right of Russia to do this under the treaty of Constantinople has passed unquestioned, yet we are confronted at the threshold of this controversy with the strange proposition that the United States, having adopted the rules of the convention of Constantinople, are prevented from doing the same thing that other nations under that convention have done. The construction that the powers signatory to the treaty of Constantinople have given that instrument clearly supports our right under the Hay-Pauncefote treaty to favor our own shipping; and if we have the right to collect the tolls at the canal and repay them, we certainly have the right to remit them in the first instance. As stated in the minority report:

It is unnecessary to resort to a device or subterfuge in order to do indirectly what we have a right to do directly.

Mr. ALEXANDER. Will the gentleman yield?

Mr. DOREMUS. Yes.

Mr. ALEXANDER. Let me suggest that Russia and Austria-Hungary do pay the tolls of their ships going through the Suez Canal.

Mr. DOREMUS. That has been done for years, and I thank my friend from Missouri for calling my attention to it.

Mr. CULLOP. I did not quite understand the question of the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. I said that Russia and Austria-Hungary paid the tolls for their ships going through the Suez Canal.

Mr. CULLOP. Yes; but there is a difference between the Suez Canal and the Panama Canal. The Suez Canal is owned by a private corporation and the Panama Canal is owned by the Government.

Mr. ALEXANDER. The gentleman is mistaken. The stock in the Suez Canal is owned by the British Government.

Mr. CULLOP. It is owned by people living under the British Government.

Mr. DOREMUS. The bill now under consideration expressly reserves the right of the United States to pass its own ships of war through the canal without the payment of tolls, notwithstanding the fact that the treaty provides—

the canal shall be free and open to vessels of commerce and of war of all nations observing these rules on terms of entire equality.

The minority of your committee confess their inability to see the consistency of the position assumed by the majority of the committee that free tolls to our ships of commerce would violate the treaty, but that free tolls to our ships of war would not violate the treaty. In attempting to justify the right of the United States to exempt our war vessels from the payment of tolls, while denying our right to exempt our vessels of commerce, the majority of the committee take refuge behind article 2 of the treaty which gives the Government of the United States—

all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

Let us examine this for a moment. The full text of article 2 reads as follows:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscriptions to or purchase of stocks or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

It will be observed that, subject to the provisions of the present treaty, this Government has the exclusive right of providing for the regulation and management of the canal; and one of the provisions of the present treaty is that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality. If this language is to be so construed as to prevent us from preferring our ships of commerce, it must also apply with equal force to our ships of war. In other words, under any fair construction of the treaty we can not exclude from its provisions vessels of war and include vessels of commerce. Either we have the power to exempt both from the payment of tolls or the power to exempt neither.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ADAMSON. How much more time does the gentleman want?

Mr. DOREMUS. About 10 minutes.

Mr. ADAMSON. I will yield to the gentleman 10 minutes more.

Mr. MANN. Mr. Chairman, may I inquire whether it is the intention of the chairman to have the committee rise when the gentleman from Michigan has concluded?

Mr. ADAMSON. Mr. Chairman, we have been unable to find any gentlemen who wish to go on and speak this evening, and therefore it will not be necessary to ask for an evening session.

Mr. MANN. What time does the gentleman want the House to meet to-morrow?

Mr. ADAMSON. We have already agreed to meet at 11 o'clock.

Mr. MANN. I know that, but I did not know but what the gentleman might want to meet earlier; say, at 10.

Mr. ADAMSON. I think that would be a little early, but I am willing.

Mr. DOREMUS. The contention that an exemption in favor of our coastwise trade would violate the Hay-Pauncefote treaty is due to a misconception of the purpose of the treaty. It will be pointed out in this debate that many of our treaties relating to commerce and navigation expressly reserve our coastwise trade from their operation; and this will be made the basis for an assumption that the absence of this reservation in the Hay-Pauncefote treaty shows an intention on the part of the high contracting parties not to exempt our coastwise trade. The majority report that accompanies this bill calls attention to the fact that when an amendment to the treaty was offered in the Senate expressly reserving to the United States the right to discriminate in favor of vessels of its citizens, it was rejected by a vote of 43 to 27. There is, of course, no record showing the reasons that led the Senate to reject the proposed amendment. The majority did not point out the fact that the Senate also rejected several amendments permitting the United States to fortify the canal, yet the canal is being fortified and the Government of Great Britain recognizes our right to fortify under the treaty.

Mr. ADAMSON. The answer to that is that in the new copy of the treaty Great Britain yielded to the military police and fortification propositions, but never did yield on the other.

Mr. DOREMUS. That is my friend's statement, and I shall pass on.

In the absence of any record to the contrary, it is fair to assume that both proposed amendments were rejected because the Senate believed the United States possessed the power to fortify the canal and exempt American commerce without expressly reserving that power in the treaty.

There is an inherent distinction in nature and purpose between a treaty of commerce and navigation and the Hay-Pauncefote treaty. Treaties of the first-mentioned type are made for the purpose of securing reciprocal liberty of commerce and navigation between the contracting parties. The Hay-Pauncefote treaty was entered into for the purpose of facilitating the construction of a ship canal connecting the two oceans. Our treaties of commerce and navigation are reciprocal in character. The Hay-Pauncefote treaty, to all intents and purposes, is largely unilateral. In other words, we get nothing from other countries in return for opening up this great canal to the commerce of the world. The only condition we exact is that all nations, their citizens and subjects, shall observe the rules which we have adopted as the basis for the neutralization of the canal. By our treaties of commerce and navigation we obtain the right to enter the ports, places, and rivers of foreign countries and in return grant their citizens and subjects the same privilege in our own ports, places, and rivers. Our present agreement with Canada, regarding the use of the Soo and Welland Canals, is a reciprocal agreement. By it we permit the free use of the Soo Canal by Canadian vessels and receive our quid pro quo in the free use of the Welland Canal by American vessels. In every treaty of commerce and navigation in which we reserve the coastwise trade from its operation the reservation is merely declaratory of the law of 1817, excluding foreign vessels from that trade.

Our treaty of commerce and navigation with Great Britain contains no reservation of our coastwise trade for the reason that it was entered into before the navigation act of 1817 was passed. In that treaty it was provided that—

no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

The Supreme Court of the United States in the case of Olsen v. Smith (195 U. S., 332) held that this treaty was not violated by either a State or Federal statute that exempted the coastwise trade of the United States from the payment of pilotage charges on the ground that such an exemption did not operate to produce a discrimination against British vessels. The fact that in that case the court was construing a statute of the State of Texas does not lessen its value as an authority. An act regulating pilotage and fixing pilotage charges with reference to vessels engaged in trade between the States is an exercise of the power to regulate commerce, a power which, however, the Supreme Court has held, may be exercised by the State until Congress has acted. I think it will be conceded that the Legislature of the State of Texas would have no more power to enact a law that violated a treaty with Great Britain than would the Congress of the United States. From the investigation I have been able to give this question, I am satisfied there is nothing in the Hay-Pauncefote treaty that tends to impair in any way the power the people have conferred upon Congress to regulate commerce by favoring American vessels engaged in interstate trade.

Mr. LEVY. Mr. Chairman, may I interrupt the gentleman?

Mr. DOREMUS. Certainly.

Mr. LEVY. Do I understand the gentleman to say that he is in favor of excluding ships that are owned or partly owned by American railroad companies from the Panama Canal?

Mr. DOREMUS. I am in favor of excluding from the Panama Canal every railroad-owned or railroad-controlled boat that is engaged in interstate commerce. I think the presence of a railroad-owned or railroad-controlled boat in the Panama Canal is a menace to the free and open competition to which the American people are entitled. [Applause.]

Mr. LEVY. Is it not true, then, that very few steamships flying the American flag will go through the Panama Canal?

Mr. DOREMUS. I do not think so.

Mr. LEVY. Oh, the gentleman does not think so!

Mr. DOREMUS. I will answer the gentleman. I do not believe the American people are investing $400,000,000 in this proposition in vain. I think, of course, that no man can predict

with any degree of certainty either the character or the volume of traffic that may pass through that canal.

Mr. LEVY. Then you would exclude the American flag from going through the canal?

Mr. DOREMUS. I will say in answer to that question that while I want to develop the American merchant marine, I do not want a merchant marine controlled and dominated by the transcontinental railroads of the United States. [Applause.]

Mr. LEVY. We are very poor in shipping, and does not the gentleman think that we ought to encourage those persons who supply the money for steamships? We have no steamship lines at all at the present time.

Mr. DOREMUS. I will say in answer to that that we had better try and get along for a little while without the assistance of the railroads and their Wall Street allies, and if we find, then, that we can not get along without them, it will be time to change that policy. [Applause.]

Mr. LEVY. Then the gentleman means to say that the only line that can go through there is a Canadian steamship line?

Mr. DOREMUS. Mr. Chairman, I can not yield any longer.

Mr. LEVY. I think the gentleman ought to yield, inasmuch as he has made the statement that he has made.

Mr. DOREMUS. Mr. Chairman, I can not yield further.

Mr. Chairman, we stand to-day upon the threshold of the opening of this great canal, the most stupendous enterprise of this or any other age. About to realize the dream of years, the heart of every American thrills with pride as he contemplates the successful prosecution of this great work under the American flag. In dedicating it to the perpetual use of all mankind let us preserve inviolate the great principle of free commerce between the States and thus guarantee to the American people the full and complete benefits to which they are honestly entitled. [Prolonged applause.]

Mr. HILL. Mr. Chairman, I desire to ask the gentleman from Michigan a question.

Mr. ADAMSON. Mr. Chairman, he has yielded the floor.

Mr. HILL. I do not care whether I ask the chairman of the committee the question or the gentleman from Michigan.

Mr. ADAMSON. I have yielded the floor, but, Mr. Chairman, I will be very glad to inform my friend if there is anything in the world that I know that he does not know.

Mr. HILL. I do not know about this question, and I do not know how I am going to vote. I would like to ask the gentleman this question for information. Under the provisions of this bill a railroad-owned steamship, owned by the Grand Trunk or by any of the Canadian lines, could start from Halifax and run to Victoria through the canal, while an American railroad-owned steamship could not start from Boston and go to San Francisco?

Mr. ADAMSON. Mr. Chairman, there is not a man in the world, except JIM MANN, who knows everything at once, though some may know many things. We are not attempting in a canal bill to solve all of the commercial questions that may affect this country and the world. My construction and the only rational construction of this treaty is that at the canal we can not solve any of these questions, that we have to treat everybody and every ship and every man alike that comes through that canal. The question the gentleman asks relates to a question of commerce, not touching the canal, and in a proper place I am willing to deal with all such questions.

Mr. HILL. Does not this bill deal with them?

Mr. ADAMSON. This bill contains a provision in section 11 which disposes of the question as to interstate-commerce railroads using ships in coastwise trade, which includes, of course, the use of the canal.

Mr. HILL. But does it not give to a Canadian steamship line owned by a railroad privileges that it does not give to an American steamship line owned by a railroad?

Mr. ADAMSON. It does not give any privileges to anybody. It prohibits some people whom we have control over from doing things.

Mr. HILL. But allows other people over whom we do not have control to do those same things.

Mr. ADAMSON. If there is any way of reaching the other trouble, if there is any other trouble, that can be done by a proper amendment to the commerce laws, if it can be reached at all. We can not do everything in a canal bill. Gentlemen are mistaken if they thought that I arose to make another speech.

Mr. MURRAY. Mr. Chairman, may I have two minutes to ask the gentleman from Michigan [Mr. DOREMUS], who has evidently given a good deal of time and thought to this subject, a question?

Mr. ADAMSON. The gentleman says he has quit. He wound up with his peroration. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21969, the Panama Canal bill, and had directed him to report that they had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, for one week, on account of illness in his family.

To Mr. FRANCIS, for one week, on account of death in family.

RETURN OF BILL TO SENATE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
May 15, 1912.

Resolved by the Senate (the House of Representatives concurring), That the President is requested to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

Attest:

CHAS. G. BENNETT, *Secretary.*
By H. M. ROSE, *Assistant Secretary.*

The question was taken, and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that Mr. KNOWLAND, Mr. DOREMUS, and myself, who have spoken, have leave to extend our remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p. m.) the House adjourned to meet to-morrow, Friday, May 17, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent on trade in cotton goods in Russia (H. Doc. No. 760); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting special supplemental estimate of appropriation for repair of roads in Yellowstone National Park (H. Doc. No. 761); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RUCKER of Missouri, from the Committee on the Judiciary, to which was referred the resolution (H. Res. 488) requesting the Attorney General to transmit certain papers with reference to Leslie J. Lyons, reported the same without amendment, accompanied by a report (No. 721), which said bill and report were referred to the House Calendar.

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16651) authorizing the Secretary of War to grant freedom to certain of the Apache prisoners of war now being held at Fort Sill, Okla., and giving them equal status with other restricted Indians, and for other purposes, reported the same with amendment, accompanied by a report (No. 724), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2588) to promote the efficiency of the Naval Militia, and for other purposes, reported the same with amendment, accompanied by a report (No. 728), which

said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana, reported the same without amendment, accompanied by a report (No. 725), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 21094) to create a commission on industrial relations, reported the same with amendment, accompanied by a report (No. 726), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill (H. R. 4011) amending sections 2541 and 2543 of the Revised Statutes of the United States, defining the boundaries of the customs collection districts of Philadelphia, Pa., and Bridgeton, N. J., and establishing ports of entry and subports of entry therein, reported the same without amendment, accompanied by a report (No. 722), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FORDNEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 17679) to make Bay City, Mich., a subport of entry, reported the same with amendment, accompanied by a report (No. 723), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAGO, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 720), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps, reported the same without amendment, accompanied by a report (No. 727), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. THOMAS: A bill (H. R. 24603) to erect a statue of Jefferson Davis in the Jefferson Davis Home Park, at Fairview, Ky.; to the Committee on the Library.

By Mr. ELLERBE: A bill (H. R. 24604) to authorize the construction of a bridge across Goose Creek, S. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT: A bill (H. R. 24605) to authorize and direct the Mississippi River Commission to make certain examinations and surveys in the State of Tennessee, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Kentucky: Joint resolution (H. J. Res. 316) authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus Memorial Statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 24606) for the relief of John W. Cupp; to the Committee on Claims.

By Mr. BARTLETT: A bill (H. R. 24607) for the relief of the legal representatives of James McVicker, deceased; to the Committee on War Claims.

By Mr. BURKE of Wisconsin: A bill (H. R. 24608) granting a pension to Mary J. Schmidt; to the Committee on Invalid Pensions.

By Mr. CONNELL: A bill (H. R. 24609) granting a pension to William Haubennestel; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 24610) granting a pension to Michael McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24611) granting a pension to John Y. Thornton; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24612) for the relief of Augusta G. Evans; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 24613) granting an increase of pension to Charles L. Arnold; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 24614) for the relief of Jose T. Santillanes; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 24615) for the relief of J. H. Stolper; to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 24616) granting an increase of pension to Jane Grace; to the Committee on Invalid Pensions.

Mr. HAMILTON of Michigan: A bill (H. R. 24617) granting an increase of pension to Ova O. Nutting; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 24618) granting an increase of pension to Anna A. Bolan; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 24619) granting a pension to Mary L. Reynolds; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 24620) for the relief of Oren H. Kunce; to the Committee on Claims.

By Mr. HAYES: A bill (H. R. 24621) for the relief of James W. Newton; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 24622) granting an increase of pension to Mary S. Obernier; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Petition of the B'nai Israel Congress, Anderson, S. C., protesting against the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Patriotic Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the American Purity League, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Resolutions of Polish citizens of South Bend, Ind., against passage of the Dillingham and Burnett bills, relative to literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Wireless Association of Pennsylvania, Philadelphia, Pa., protesting against passage of House bill 15357, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Mining Congress, Washington, D. C., favoring passage of House bill 17260, to create a bureau of mines; to the Committee on Mines and Mining.

Also, petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of T. M. Powell, Wilkes-Barre, Pa., relative to House bill 22300, relating to naturalization; to the Committee on Immigration and Naturalization.

By Mr. BROWNING: Petition of citizens of Camden County, N. J., favoring old-age pensions for deserving men and women over 65 years of age; to the Committee on Pensions.

Also, petition of the Patriotic Order Sons of America, of New Jersey, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Resolution of Jacob Zuckerman Lodge, No. 34, Independent Order B'rith Abraham, of Cleveland, Ohio, against passage of the Dillingham and Burnett bills, restricting

immigration; to the Committee on Immigration and Naturalization.

By Mr. CATLIN: Petition of engineers of the city of St. Louis, favoring passage of the employers' liability act, recently passed by the Senate; to the Committee on the Judiciary.

Also, petition of Local No. 42, International Association of Machinists, of St. Louis, Mo., and Local No. 30, United Brotherhood of Leather Workers on Horse Goods, urging passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petitions of United Jewish Charitable and Educational Association; Western Pride Lodge, No. 136; Jewish Branch of Socialist Party; Lieutenant Marrix Lodge, No. 88, Independent Order B'rith Abraham; Pride of the West Lodge, No. 106; and Ethical Branch, No. 440, Workmen Circle, all of St. Louis, Mo., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of officers of the Society of Theo. Lenartoweir Branch of Polish Americans, against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hamburg, Orchard Park, and Springville, Erie County, N. Y., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Orchard Park Supply Co., of Orchard Park, N. Y., and citizens of the State of New York, favoring regulation of express rates and express classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of Congregation Adeth Yeshnum, Syracuse, N. Y., and Onondaga Lodge, No. 250, United States Grand Lodge, Order of B'rith Abraham, Syracuse, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of C. C. Lockett, St. Louis, Mo., protesting against passage of House bill 21969, for preventing the use of the Panama Canal by steamship companies in which railroads are interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that would effect price maintenance; to the Committee on Patents.

Also, petition of the American Mining Congress, Washington, D. C., for passage of House bill 1726, for creating a bureau of mines; to the Committee on Mines and Mining.

Also, papers to accompany bill granting an increase of pension to John B. Harris, Company M, Fifth Regiment Iowa Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Celsus G. Gross, St. Louis, Mo., veteran, Spanish-American War; to the Committee on Pensions.

Also, petition of the Patriotic Order Sons of America, Reading, Pa.; the Junior Order United American Mechanics, New York; and the American Purity Federation, Washington, D. C., favoring passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the general assembly, Order Knights of Labor, favoring passage of House bill 20840, known as the Redfield bill, an amendment to provide for both pension and retirement of policemen and firemen; to the Committee on the District of Columbia.

By Mr. ESCH: Resolution of the American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade of New York City, N. Y., against changes in the present patent law; to the Committee on Patents.

By Mr. EVANS: Petition of the Junior Order United American Mechanics of New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr FOSS: Resolution of the American Purity Federation, favoring passage of the Dillingham immigration bill containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the St. Benedict's Men Society and citizens of Chicago, Ill., against Stephens resolution of inquiry concerning Government institutions in which American citizens wearing the habit of various religious orders are employed; to the Committee on Indian Affairs.

Also, petition of Cook County Cabinet, National Union, Chicago, Ill., favoring a more rigid enforcement of existing laws pertaining to inspection of excursion and passenger steamships on navigable waters; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Jewelers' Board of Trade of New York, N. Y., against any change in the present patent law; to the Committee on Patents.

By Mr. FULLER: Petitions of John H. McGee, of Ironton, Ohio, and William Riley, of Yonkers, N. Y., favoring passage of House bill 1339 granting increase of pension to Civil War veterans who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the American Mining Congress, favoring passage of House bill 17360 to create a bureau of mines, etc.; to the Committee on Mines and Mining.

Also, petition of the National Association of Talking Machine Jobbers, protesting against the proposed amendments to the patent laws; to the Committee on Patents.

Also, petition of Illinois Manufacturers' Association, favoring the Cullom amendment to the river and harbor appropriation bill relating to raising and strengthening of levees in the city of Cairo, Ill.; to the Committee on Rivers and Harbors.

By Mr. HAYES: Petitions of the National Association of Talking Machine Jobbers, Pittsburgh, Pa.; the National Jewelers' Board of Trade, New York, N. Y.; A. Muller, San Francisco, Cal.; James R. Lester & Co., Sonora, Cal.; the A. D. Walsh Co., Redwood City, Cal.; and Sanborn Vail & Co., San Francisco, Cal., protesting against any change in the patent laws that would affect maintenance of resale prices; to the Committee on Patents.

Also, petitions of the German-American Alliance, Philadelphia, Pa.; the United Hebrew Trades of New York, N. Y.; and the Allied Committees of the Political Refugee Defense League of America, New York, N. Y., protesting against passage of the Dillingham immigration bill (S. 3175) containing the literacy test, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the San Joaquin & Sacramento River Improvement Association, San Francisco, Cal., relative to improvement of the Sacramento River; to the Committee on Rivers and Harbors.

Also, petition of the International Longshoremen's Association, Tacoma, Wash., favoring passage of House bill 11372, for making sea travel less dangerous; to the Committee on the Merchant Marine and Fisheries.

Also, petition of State of California Board of Charities and Corrections, favoring the creation of Federal commission on industrial relations; to the Committee on Appropriations.

Also, petition of District Council of Painters of San Francisco, Cal., protesting against policy of W. B. Moses & Son, of Washington, D. C., for not using union men on Government work; to the Committee on Labor.

Also, petition of the Chamber of Commerce of Sacramento, Cal.; Thomas A. Quinlan, Fraser & Peterson, Imperial Gas Engine Co., Henry C. Peterson, Standard Gas Engine Co., and Union Gas Engine Co., of San Francisco, Cal., protesting against passage of House bill 18788, for requiring all boats 40 feet or more in length to have two licensed pilots; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Golden Gate Harbor, No. 40, San Francisco, Cal., favoring passage of House bill 18788, requiring all boats 40 feet or more in length to have two licensed pilots; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of citizens of Hartford, Conn., favoring passage of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HUGHES of New Jersey: Petition of the Junior Order United American Mechanics, of Baltimore, Md., favoring passage of House bill 22527, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade of New York City, N. Y., against changes in the present patent laws; to the Committee on Patents.

By Mr. LAFEAN: Petition of True Blue Council, No. 186, Daughters of Liberty, of East Prospect, Pa., and Betsy Ross Council, No. 119, Daughters of Liberty, of Gettysburg, Pa., favoring passage of the Gardner and Burnett bill, for amending immigration laws; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the National Jewelers' Board of Trade of New York City, N. Y., against any change in the present patent law; to the Committee on Patents.

Also, petitions of Charles T. Coleman, corporal, Company B, Seventy-fifth Regiment New York Volunteer Infantry, Canton, Ill.; Jesse Burkett, Company M, Fifth United States Cavalry; William A. Evans, Company F, Eighty-third Illinois Volunteer Infantry; S. D. Frank, Company A, One hundred and tenth Ohio Volunteer Infantry, of Troy, Ohio; and the Maimed Veterans of Lincoln, Nebr., favoring passage of House bill 1339 and Senate bill 1514, relative to veterans who lost limbs, etc., in the Civil War; to the Committee on Invalid Pensions.

Also, resolutions of the American Purity Federation and the Junior Order United American Mechanics, of New York, N. Y., favoring passage of the Dillingham bill, restricting immigration; and of B'nai Elisser Lodge, No. 277, and Elisser Liebermann Lodge, No. 131, of Brooklyn, N. Y., against passage of the Dillingham bill containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that would affect price maintenance; to the Committee on Patents.

By Mr. McGILLICUDDY: Petition of Cigarmakers' Union, No. 273, of Rockland, Me., favoring passage of House bill 19133, relative to operation of postal express; to the Committee on the Post Office and Post Roads.

Also, petition of Laymen League, Universalist Church, Rockland, Me., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Paris, Me., favoring passage of Senate bill 5474 and House bill 19133; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Resolutions of Dr. Herman Adler Lodge, No. 238, Independent Order B'rith Sholom, of Brooklyn, N. Y.; Jacob Gordin Lodge, No. 66; Dr. Sabato Morais Lodge, No. 9, and Moses Montieflove Lodge, No. 21, Independent Order B'rith Sholom, of Philadelphia, Pa., against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Philadelphia Chamber of Commerce, of Philadelphia, Pa., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the W. W. Conde Hardware Co. and others, of Watertown, N. Y., against passage of the Oldfield bill, favoring change of the patent laws; to the Committee on Patents.

Also, resolutions of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of the Junior Order United American Mechanics of Baltimore, Md., and the American Purity Federation, favoring passage of the Dillingham bill; and of Kings County Lodge, No. 45, and Doctor Theo. Herzel Lodge, No. 107, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, of New York City, N. Y., against change in the present patent law; to the Committee on Patents.

By Mr. REILLY: Petition of Waterbury Hebrew Benefit Association, No. 1, Waterbury, Conn., protesting against the passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty, of Belford, N. J., favoring passage of the Gardner and Burnett bills, containing educational test, etc., for immigrants; and of United Hebrew Lodge, No. 502, Independent Order B'rith Abraham, of Perth Amboy, N. J., against passage of the Dillingham and Burnett bills, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Papers to accompany House bill 24187, granting an increase of pension to George R. Stearns, of Spring Creek, Pa.; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Lenshizer Mollino Lodge, No. 75, Independent Order Ahawas Israel, New York, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of F. Blumenthal Co., New York, relative to bill requiring manufacturers to place brands on all goods made by them; to the Committee on the Judiciary.

Also, petition of the Committee of Wholesale Grocers, New York, favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Wireless Association of Pennsylvania, Philadelphia, Pa., protesting against passage of House bill 15357, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect maintenance of prices; to the Committee on Patents.

By Mr. TALCOTT of New York: Petitions of the American Purity Federation, favoring passage of the Dillingham bill; and of Schuyler Lodge, No. 254, Independent Order B'rith Abraham, of Utica, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, of New York City, N. Y., against change in the present patent laws; to the Committee on Patents.

By Mr. TILSON: Petition of the Junior Order United American Mechanics, New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petitions of Moses Montifiore Lodge, No. 21; Independent American Lodge, No. 35; Jacob Gordon Lodge, No. 66; Rabbi Herman Adler Lodge, No. 10; Dr. Sabatio Morais Lodge, No. 9; Old Constantine Lodge, No. 17; and Marcus Jastrow Lodge, No. 152, of Independent Order B'rith Sholom, of Philadelphia, Pa.; and Jacob Gordon Lodge, No. 169, Independent Order Ahawas Israel, of Philadelphia, Pa., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the American Purity Federation, Washington, D. C., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Bernard Rothberg Lodge, No. 515, Independent Order B'rith Abraham, New York, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

SENATE.

FRIDAY, *May 17, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

COTTON-GOODS TRADE IN RUSSIA (H. DOC. NO. 760).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. O'Dell, containing the result of his investigation of the cotton-goods trade in Russia, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution (No. 21) of the Senate requesting the President of the United States to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD presented a petition of the Brotherhood of Locomotive Engineers, of Huron, S. Dak., praying for the enactment of legislation granting the privileges of second-class postage rates to the publications of fraternal associations,

which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Commercial Association, of Wilmot; of the South Dakota Retail Hardware Dealers' Association, and of sundry citizens of Lake Andes, Mobridge, and Montrose, all in the State of South Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented a petition of Mascoma Grange, Patrons of Husbandry, of West Canaan, N. H., and a petition of Winnesquam Grange, No. 198, Patrons of Husbandry, of East Tilton, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Winnesquam Grange, No. 198, Patrons of Husbandry, of East Tilton, N. H., remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the congregation of the Grace Methodist Episcopal Church, of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Illinois Federation of Women's Clubs, and a petition of sundry citizens of Media, Ill., praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the City Council of Elgin, Ill., praying for the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Oglesby, Ill., praying for the establishment of free mail delivery in towns, cities, and villages with a population of 1,000 or over, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry retail merchants of Moline, Ill., praying for the enactment of legislation to codify, revise, and amend the laws relating to patents, which was referred to the Committee on Patents.

He also presented a memorial of the Board of Trade of Peoria, Ill., remonstrating against the enactment of legislation providing for the Federal inspection of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. BRISTOW presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the passage of the so-called Kenyon "red-light" injunction bill, which was referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of McPherson, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Government buildings and ships, which was referred to the Committee on Public Buildings and Grounds.

Mr. TOWNSEND presented a petition of sundry veterans of the Spanish War, residents of Traverse City, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. WETMORE presented a memorial of the Young Men's Hebrew Association, of Providence, R. I., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Maryland, remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. BRIGGS presented memorials of sundry citizens of Closter, Hoboken, Montclair, Newark, Englewood, Paterson, Jersey City, and Atlantic City, all in the State of New Jersey, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New Brunswick, Deckertown, Newark, Lebanon, Morristown, and Montclair, all in the State of New Jersey, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

He also presented petitions of the Associated Fraternities of America, of Lincoln, Nebr.; the Ancient Order United Workmen, Brotherhood of American Yeomen, Mystic Toilers, of Des Moines, Iowa; of the Woodmen of the World of Omaha, Nebr.; of the Improved Order of Heptasophs of Baltimore, Md.; of the Ladies of the Modern Maccabees of St. Louis, Mich.; of the Railroad Trainmen of Cleveland, Ohio; of the Supreme Tribe of Ben-Hur of Crawfordsville, Ind.; of the Catholic Order of Foresters of Chicago, Ill.; and of the Knights of the Maccabees of Newark, N. J., praying for the enactment of legislation extending the privileges of second-class postage rates to the publications of fraternal societies and organizations, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Perth Amboy, Paterson, Atlantic City, Newark, Hoboken, and Camden, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Newark, Hackensack, and Verona, all in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Summit, N. J., praying for the enactment of legislation for the protection of migratory and insectivorous game birds, which was ordered to lie on the table.

He also presented a petition of the Society for the Prevention of Cruelty to Animals of Paterson, N. J., praying for the enactment of legislation to regulate the interstate transportation of immature calves, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Bloomfield, Camden, Riverton, and Newark, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill, which were ordered to lie on the table.

He also presented a petition of the Russian Caviar Co., of New York City, N. Y., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of the Central Labor Union of Meriden, Conn., praying for the enactment of legislation requiring manufacturers to place their name on articles manufactured by them, which was referred to the Committee on Manufactures.

He also presented a memorial of the Merchants' Association of Connecticut, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Hartford, Conn., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Myrtle Hive, Ladies of the Maccabees of the World, of Ansonia, Conn., praying for the enactment of legislation granting to publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of New Haven Lodge, No. 131, Independent Order of B'rith Abraham, of New Haven; of Charter Oak Lodge, No. 610, Independent Order of B'rith Abraham, of Hartford; of the Knights of Israel of New Haven; of the Independent Minsker Association of New Haven; and of the Young Men's Hebrew Association of Bridgeport, all in the State of Connecticut, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which were ordered to lie on the table.

He also presented a memorial of the New Haven Trades Council, of Connecticut, remonstrating against the so-called Taylor system of shop management, which was referred to the Committee on Education and Labor.

He also presented a petition of the Cigar Manufacturers and Wholesale Dealers' Association, of Meriden, Conn., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Stamford, Conn., praying that an appropriation be made for the purchase of a new site for the post office in New York City, N. Y., which was referred to the Committee on Public Buildings and Grounds.

Mr. O'GORMAN presented resolutions adopted by the North Side Board of Trade, of New York City, N. Y., and resolutions adopted by the Board of Trade and Transportation, of New York City, N. Y., favoring the enactment of legislation to provide for the acquisition of a site or sites for a Federal courthouse in the southern district of New York, and for a post office for the southern part of Manhattan, in the Borough of Manhattan, city of New York, which were referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 6380) to incorporate the American Hospital of Paris, reported it without amendment and submitted a report (No. 760) thereon.

He also, from the same committee, to which was referred the bill (S. 2598) changing the name of Maine Avenue and providing for a new location for Maine Avenue, submitted an adverse report (No. 761) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. LODGE. From the Committee on Finance I report back the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with an amendment in the nature of a substitute, and I submit a report (No. 763), which I ask may be printed and the bill go to the calendar. I desire to state that the minority of the committee will later present their views.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CULLOM. I am directed by the Committee on Finance, to which was referred the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, to report it adversely, and I submit a report (No. 765) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SIMMONS. Mr. President, I desire to state that the minority of the Committee on Finance will at a later date file their views with reference to the bills reported this morning concerning sugar and the income tax.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 764), accompanied by a bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 56. Joseph Morris.
S. 190. William P. Mandeville.
S. 347. John A. Connolly.
S. 394. Frederick L. Jones.
S. 427. Ann O. Burt.
S. 432. James A. Bean.
S. 440. Ulysses J. Wannemaker.
S. 516. Cora E. Ruttinger.
S. 565. Robert H. Parker.
S. 757. Benjamin A. Yates.
S. 794. Leslie Harding.
S. 840. Philip C. Elbert.
S. 842. Le Claire H. Evans.
S. 1136. Libbins W. Davis.
S. 1480. Joseph L. Cooper.
S. 1481. James Tompach.
S. 1634. Anderson Wright.
S. 2074. Thomas Roy.
S. 2416. Jennings J. Pierce.
S. 2476. Joseph P. Sullivan.
S. 2533. Mary Lillie Bauskett.
S. 2557. Albert W. Kelley.
S. 2616. Andrew L. Weatherford.
S. 3029. Gomecindo Sallas.
S. 3188. Roscoe C. Tartar.
S. 3210. Paul Lemm.
S. 3581. Andrew Knight.
S. 3589. Otto Paulson.
S. 3659. Sarah F. Maynard.
S. 3715. Tivis C. Simmons.
S. 4583. Florence H. Ridgway.
S. 5815. Catharine Huber.
S. 6048. John K. Jamieson.
S. 6117. Emily J. Chambers.
S. 6138. Chauncey S. Pratt.
S. 6409. John Mooney.
S. 6437. Benjamin F. Downen.
S. 6607. Martin J. Tunney.
S. 6608. Lydia Blanke.
S. 6667. Susie C. Hellner.
S. 6668. Samuel H. Craig.

Mr. WORKS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, reported it without amendment and submitted a report (No. 766) thereon.

Mr. McLEAN, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (S. 6109) for the protection and increase of State game resources, reported it without amendment and submitted a report (No. 767) thereon.

UNVEILING OF COLUMBUS MEMORIAL.

Mr. GALLINGER. From the Committee on the District of Columbia I am directed to report back favorably with an amendment the joint resolution (S. J. Res. 107) authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus memorial on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling, and I submit a report (No. 762) thereon. I ask for the present consideration of the joint resolution.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 2, line 3, after the words "*Provided further*," to strike out the remainder of the joint resolution and insert:

That the United States or the District of Columbia shall be put to no extra expense of any kind thereby, and that the structures shall be removed by the said committee on unveiling within 10 days following the unveiling ceremonies, and the site cleared of all débris and put in as good condition as before the erection of the structures.

So as to make the joint resolution read:

Resolved, etc., That the Secretary of War and the Commissioners of the District of Columbia are hereby authorized to grant permission, under such restrictions as they may deem necessary, to the citizens' general executive committee of the Columbus memorial unveiling, for the use of any public space under their respective jurisdictions in the city of Washington on the occasion of the unveiling of said statue, which will take place on June 8, 1912: *Provided*, That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of said committee on unveiling, and in accordance with plans and designs to be approved by the engineer commissioner of the District of Columbia and the officer in charge of public buildings and grounds: *Provided further*, That the United States or the District of Columbia shall be put to no extra expense of any kind thereby, and that the structures shall be removed by the said committee on unveiling within 10 days following the unveiling ceremonies, and the site cleared of all débris and put in as good condition as before the erection of the structures.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

J. KENNARD & SONS CARPET CO.

Mr. STONE. From the Committee on Finance I report back favorably without amendment the bill (S. 4007) for the relief of the J. Kennard & Sons Carpet Co., and I submit a report (No. 759) thereon. This is a unanimous report recommending its passage. It is to refund some penalties imposed on importations of linoleum. Would there be objection on the part of any Senator to having the bill read and taken up now?

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the J. Kennard & Sons Carpet Co., of St. Louis, Mo., a corporation of the State of Missouri, the sum of $2,427.88, the same being the amount of penalties heretofore assessed against and collected from said company on account of customs duties in the months of April, May, July, and August, 1907.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I do not rise to object, but in the absence of any report I suggest that the Senator introduce the letters from the department.

Mr. STONE. I have made a report, with the letters.

Mr. HEYBURN. I did not suppose it was possible for the Senator to have prepared a report so quickly.

Mr. STONE. The report consists mainly of the letters that were read before the committee this morning.

Mr. HEYBURN. They ought to go in the RECORD in connection with the bill.

Mr. STONE. I ask to have the report inserted in the RECORD.

The VICE PRESIDENT. Without objection, the report will be inserted in the RECORD following the consideration of the bill. The Chair hears no objection to the present consideration of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The report this day submitted by Mr. STONE is as follows:

This bill is for the relief of J. Kennard & Sons Carpet Co., of St. Louis, Mo., to refund to the said company $2,427.88, the amount of the penalty assessed and collected from the same company on account of customs duties during the months of April, May, July, and August, of 1907. This company is a thoroughly responsible and in every way highly reputable establishment of long standing in St. Louis. The facts of this case are fully stated in the subjoined letter of the Secretary of the Treasury, Mr. MacVeagh, to the chairman of the Finance Committee, in which he inclosed copy of letter he had written relative to the same matter to the chairman of the Committee on Claims of the House of Representatives.

The Finance Committee by unanimous vote recommends that the bill pass.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 5, 1912.

The CHAIRMAN COMMITTEE ON FINANCE,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, transmitting a copy of bill (S. 4007) for the relief of A. J. Kennard & Sons Carpet Co.

In reply to your request for an expression of opinion regarding its merits, I have to inclose a copy of a report made to the Committee on Claims on November 25, 1910, upon bill H. R. 27153, for the same purpose.

At the request of the chairman of the Committee on Claims of the House of Representatives, the files of this department were transmitted to that committee on January 26 last, and they have not yet been returned.

This department sees no objection to granting the relief proposed in this bill.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

NOVEMBER 25, 1910.

The CHAIRMAN OF THE COMMITTEE ON CLAIMS,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your reference of the 14th ultimo of H. R. 27153, a bill for the relief of the J. Kennard & Sons Carpet Co., of St. Louis, Mo., to refund to the said company $2,427.88, the amount of a penalty assessed and collected from the same company on account of customs duties during the months of April, May, July, and August of 1907.

The facts, as they appear from the records on file in this department, are as follows:

Between the dates of March 23 and August 9, 1907, J. Kennard & Sons Carpet Co. entered at the port of St. Louis nine different shipments of linoleum imported from England. The invoices on which entries were made showed the price at which the merchandise was purchased with various discounts and a freight allowance of 40s. per ton, which was deducted from the values of the merchandise as stated in the invoice.

On some of the entries the importers deducted the entire freight allowance from the invoice value, while on other entries one-half of the freight allowance was deducted.

Upon appraisement by the local appraiser the freight allowance deducted by the importers was added back to make market value, and upon reappraisement by a single general appraiser and by a board of three general appraisers the entire amount deducted as a freight allowance was added to make market value, together with an addition of 2s. per bale for packing charges. Pursuant to the requirements of section 13 of the act of June 10, 1890, the surveyor liquidated the entries upon the values returned by the Board of General Appraisers and assessed an additional duty of 1 per cent for each 1 per cent that the appraised value exceeded the entered value, as required by section 32 of the act of July 24, 1897, the total amount of such additional duties being $2,427.88.

The importers applied to the department for a remission of the additional duties so assessed, but as it appeared that the undervaluation was not the result of a manifest clerical error, this department was without authority to remit the additional duties assessed in accordance with the law.

It appears that linoleum sold in England was invoiced at a price including the freight from the point of shipment in England to the place of delivery in the United States; that for a number of years prior to July 1, 1907, it had been the practice in appraising linoleums to deduct the amount of freight from the purchase price of same to ascertain the foreign market value thereon; and that, in accordance with this practice, the importers in making entry of linoleums always deducted the freight allowances, and declared in their entry the invoice value of the merchandise less the amount allowed them for freight from England to the place of delivery in the United States.

The published reports of reappraisements for the week ended June 24, 1907, Reappraisement Nos. 10879, 10881, and 10948 show reappraisements on linoleums wherein the deduction of freight was allowed. All reappraisements of linoleums made subsequent to July 1, 1907, however, show that the deductions for freight were disallowed.

This department has no record of the evidence upon which the Board of General Appraisers changed their ruling and decided that the freight charges should be added to make the market value, nor whether these importers had notice of the change of the rule of the general appraisers as to the market value of this merchandise.

It does appear, however, that it was the practice of these importers to enter their merchandise at the value which had been affirmed by the Board of General Appraisers as the correct market value, and that there was no intention on their part to undervalue the said merchandise or to evade the payment of duty thereon.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

FORT GRANT MILITARY RESERVATION, ARIZ.

Mr. SMITH of Arizona. The bill (S. 6799) granting to the State of Arizona the Fort Grant Military Reservation for an industrial school, and for other purposes, was referred to the Committee on Military Affairs. I find that that reservation has been turned over to the Interior Department and is now subject to that jurisdiction. I therefore ask the reference of the bill to the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

ANNA I. WOOD.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 303, to report it with an amendment, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 2, after the word "pay," to insert "from the contingent fund of the Senate," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to Anna I. Wood, widow of the late Thomas Wood, laborer of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6852) to place C. T. Dulin on the retired list of the United States Army; to the Committee on Military Affairs.

A bill (S. 6853) granting a pension to Patrick Moore; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 6854) granting an increase of pension to Smith Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6855) granting a pension to Abbie W. Myrick (with accompanying paper); and

A bill (S. 6856) granting an increase of pension to Charles F. Wellman (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6857) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party; to the Committee on Military Affairs.

A bill (S. 6858) granting an increase of pension to Cyrus E. Prindle (with accompanying papers);

A bill (S. 6859) granting an increase of pension to Frederick Richards (with accompanying papers); and

A bill (S. 6860) granting an increase of pension to Elroy S. Jennings (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 6861) granting an increase of pension to William L. Baird (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6862) providing for the payment of interest to certain States on the amount contributed to the reclamation fund by such States; and

A bill (S. 6863) to provide for the expenditure of a portion of the reclamation fund in the States in which such fund originates; to the Committee on Irrigation and Reclamation of Arid Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment relative to the wages of workmen, clerks, and other employees at the assay office at Seattle, Wash., etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $800 for the salary of a shipping commissioner at Bath, Me., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment relative to the appointment of three assistants in the reading room, Library of Congress, at $900 each, and two assistants at the charging desk, at $1,200 each, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the transportation of foreign mails from $3,748,400 to $3,757,400, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. WARREN submitted an amendment providing for the widening, when necessary, and surfacing of roads in the Yellowstone National Park leading from Mammoth Hot Springs to the north boundary line, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

EIGHT-HOUR LAW.

Mr. BORAH. I desire to state that on Monday next, after the routine morning business, I will ask the Senate to consider House bill 9061, known as the eight-hour bill.

REPEAL OF RECIPROCITY ACT.

Mr. HEYBURN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911.

Mr. STONE. Mr. President, of course in due time I will have no objection to considering the bill, but I will ask the Senator to consent to let it go over for to-day.

The VICE PRESIDENT. Does the Senator from Idaho withdraw the request?

Mr. HEYBURN. Let it stand on the objection. That is an objection to present consideration.

The VICE PRESIDENT. It is an objection, but the Senator from Missouri put it so nicely the Chair thought perhaps he did not wish to put it in the form of an objection. The bill goes over on the objection of the Senator from Missouri.

REPORTS RELATING TO COTTON.

Mr. SMITH of South Carolina. I ask for the consideration of the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton. The bill is on the calendar and was objected to when called up before, and now there is no objection to it, I understand. It will lead, I presume, to no discussion. It is simply to change the date from June to July for the acreage report, and all concerned, both North and South, are interested that the bill shall be passed.

The VICE PRESIDENT. The Senator from South Carolina asks for the present consideration of House bill 14052, which will be read for information.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I should like to know what special occasion there is for considering the bill at this time. Unless there is some——

Mr. SMITH of South Carolina. The Secretary of Agriculture, I will say to the Senator from Idaho, desires to avoid the expense incident to getting the June preliminary report, which is subject to correction, under the law, in July. The bill proposes to make one report, which will give the final acreage seeded to cotton.

Mr. HEYBURN. I will not object to anything that proposes to make one blade of grass grow where two have heretofore grown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out section 2, lines 8 to 13, inclusive, on page 1, in the following words:

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Mondays in August, September, and October of each year, showing the condition of the cotton crop of the United States on these respective dates.

So as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture be directed to cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Monday in July of each year, showing by States and in total the number of acres of cotton then in cultivation in the United States.

SEC. 2. That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December 1, an estimate of the total production of cotton in the United States for the current crop year.

SEC. 3. That all acts or parts of acts inconsistent with the foregoing provisions be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The VICE PRESIDENT. Without objection, the sections will be renumbered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE METAL SCHEDULE.

Mr. SIMMONS. I ask the Senate to proceed to the consideration of House bill 18642.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent to now consider the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. WATSON. Mr. President, in what I say at this time I shall speak entirely from a business man's point of view. While I do not underestimate in the least the importance of the larger and more abstract problems of government, I am more interested in those which have to do with its practical conduct under existing conditions of constitutional development and of legislative control. There are many lessons of economy, system, and attention to the work in hand that can be learned by administrators and legislators from men who have been occupied chiefly with commercial affairs and can be helpful in insuring, to some extent, the proper and profitable transaction of business. Much has been heard within the past year or two of economy and efficiency in the public service. Many broad and somewhat vague statements on that subject have been indulged in; many extreme assertions have been made. But, whatever may be done in reorganizing the administrative conduct of affairs, it is certain that much more may be accomplished by the legislative branch of the Government. It would be possible to transform our whole system, to reduce its cost enormously, and to cut down in corresponding proportion the burden resting upon the public if we were willing to shape legislation along the lines of greatest economic effectiveness. I shall endeavor to show how far, in my judgment, the present system of tariff legislation, as illustrated by the schedule of duties now under consideration, departs from the standard of businesslike administration.

The first practical question concerning the tariff is to what extent that system conforms to the system of government in this country. Nothing is more productive of friction and waste in the operation of any concern, whether governmental or commercial, than an attempt to employ methods which do not agree with the purposes for which it was created or out of harmony with the essential principles of its organization. The present tariff system of the United States is subject to this criticism. It was begun in 1789 as a source of revenue, and for that purpose alone; it was continued in the tariff acts of 1816, 1824, and 1828 for the purpose of promoting one set of industries and one part of the country at the expense of another; and it was sad experience which, after 1832, forced the country to a gradual abandonment of the protective idea and a return to the revenue principle in the tariffs of 1846 and 1857. Only the exigencies of civil war could have restored the protective system in all its unfairness and with all of its inconsistencies and jokers. It has continued to the present day as the result of peculiar conditions in American politics, combined with the powerful influence of manufacturers who were resolved to maintain the advantages they had gained through war-revenue legislation.

Mr. President, it has long been the opinion of many able lawyers that our customs system is distinctly opposed to the intent of the Constitution of the United States. That document authorizes Congress to lay imposts, duties, and excises, and under this provision the levying of tariff duties for a revenue purpose can be fully justified. Indeed, the organization of the United States upon its present basis was partly, at least, dictated by a desire to render uniform the systems of duties

which were then in vogue in the several colonies. But this is far from being an assertion that the tariff as at present used represents a constitutional exercise of the taxing power. The confessed purpose of many of the duties now levied is that of redistributing the property of the community by enabling domestic manufacturers to charge higher prices for their goods than they otherwise could. As the Supreme Court of the United States has expressed the matter in the leading case of Loan Association *v.* Topeka (20 Wall., 655)—

> We have established, we think, beyond cavil, that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not.

But easy or hard, Mr. President, the fact remains that the levy of taxation for a purpose which is not public is an unconstitutional exercise of power. This view is sustained not merely by the case which I have cited but by a long line of unbroken decisions running through the history of our highest tribunal. I am aware that there are those who would hasten to defend the tariff as at present levied upon the ground that, though admittedly protective, the protection has been sought for a public purpose or that it results in public benefit. That I absolutely deny. But even though it be granted that the purpose of the protection is a public one, and even though it be conceded—what by no stretch of the imagination can be admitted—that the effect of the protection is generally beneficial, it still remains true that the collection of duties for such a purpose would not be warrantable. This point was fully covered in the case of Lowell *v.* The City of Boston, in which that city was restrained from issuing its bonds to raise a fund for use by way of loans in rebuilding the portion of the city destroyed by fire in November, 1872. Certainly here was a worthy object, one fully in the interest of the community, yet involving an appropriation of public funds to private purposes. As such it was held unconstitutional by the supreme judicial court of the Commonwealth (111 Mass., p. 444), and this point of view has been repeatedly sustained by the Supreme Court of the United States.

Neither can it be alleged by those who would apologize for protection that it may be constitutionally sustained because the use of this method of taxation for a private purpose—the upbuilding of private enterprises—is merely incidental to the use of the taxing power and does not involve a direct diversion of the funds thus collected after they have reached the Public Treasury. Our courts are equally as clear in their holding that the use of this power of taxation for the purpose of redistributing property or of discriminating between persons is as unfair and as unconstitutional as if the money had been paid out of the Public Treasury to advance the interests of one class in the community at the expense of others, provided such use of the power is the chief purpose and not a mere incident to its exercise. Even in the classical case of Veazie Bank *v.* Fenno (8 Wall., p. 533), involving the 10 per cent tax on State-bank notes imposed by Congress for the admitted purpose of preventing the circulation of the notes, the Supreme Court of the United States, contrary to general assumption, failed to uphold the tax in this light. True, it essentially sustained the 10 per cent tax as the exercise of a special power bestowed by the Constitution—that of regulating the circulation of money. But it declined to rebut the argument of counsel for the bank that the use of taxation for the purpose of injuring or impairing the privileges of the bank was unconstitutional. To this argument it merely replied that "the judicial can not prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged power." The unlimited power of the character of taxation thus vindicated was not, however, and has never been regarded as incapable of being wrongly exercised. If the power of the courts to restrain the unconstitutional exercise of the taxing authority be relatively feeble, there is the more reason for keeping the legislation which embodies it within the limits required by the plain dictates of the Constitution.

Not being a lawyer, I should not care to discuss the constitutionality of the tariff if the question were simply academic. But the unjust use of tariff duties for the purpose of changing the direction of industry is as unbusinesslike as it is unconstitutional. As legislators we should aim at a better conception of the Government of the United States as a business concern organized for the performance of specified duties in a businesslike way and without any unnecessary expenditure or waste of resources. To secure this desirable result thoughtful men who are not wholly controlled by considerations of self-interest, or what is popularly known as "politics," are essential to the administration of laws as well as in making laws. It is the fundamental law of business that an enterprise shall be self-sustaining and that it shall not unnecessarily draw upon its resources at one time or prevent itself from gaining access to them at another. How does the tariff stand from this point of view? Experience shows that it is a most unreliable source of revenue. During the past 20 years it has alternately produced a surplus and a deficit. The possession of the surpluses has invariably led to extravagance and inflated expenditures. The deficits have necessitated the issuance of bonds or the imposition of additional taxes, which combine with the tariff to produce another inflation. It was a condition of this kind, inherited by President Cleveland in 1893, which necessitated the bond issues of his administration in order to supply the shortage of revenue due to the unduly protective McKinley tariff law, with its provision for enormously expensive sugar bounties. Viewing the United States Government as a business corporation organized for the distinct purpose set forth in the Constitution, I do not hesitate to say that it is the duty of Congress to collect from the people the funds which are needed to sustain that Government in the most economical manner by the use of the taxing power in such a way as will least reduce the resources of the community and yet subject them to the smallest tax or strain necessary.

With our enormously inflated rates of duty, it is an obvious demand of common sense that Congress should at the earliest opportunity set itself to the reduction and equalization of the various schedules. This, Mr. President, is not a suggestion of free trade, which, I think, is impracticable at the present time, however desirable it may be in theory. The Treasury could not endure the loss of much, if any, of the present customs revenue. But, Mr. President, I am perfectly certain that the people of the United States properly demand an immediate and thorough readjustment of duties so as to eliminate, so far as possible, all special protection, place our producers upon a competitive basis, and reduce duties to a point where our manufacturers will have to expect competition when unreasonable or unfair advances in prices are attempted. I do not believe that this program contains the slightest element of danger to the business community. On the contrary, it would positively strengthen industry, eliminate many unwholesome and dishonest practices, and call forth resources and economies which are not now resorted to because of the absolute monopoly of our domestic market. It would, moreover, meet the main evil of the present situation. That evil, Mr. President, is nothing more nor less than uncertainty. Far too much has been said about the effect of reduction of the tariff in interfering with business; far too little about the effect of continued discussion and debate upon the temper and capacity of business men. There can be no doubt that the chief danger to business at present is not the danger of reduction, still less the actual reduction of rates, but it is the uncertainty by which the whole subject is attended and surrounded. I do not believe that the best plan to secure tariff quiet is to let the tariff alone. That is not possible. The country is aroused. It will not endure the indefinite continuance of the existing schedules. It absolutely insists upon reasonable and immediate revision. The pressure upon Congress for action will continue until the demand is met and satisfied by sincere, businesslike legislation. From such legislation the business of the country has absolutely nothing to dread.

Yet, in spite of the manifest demand for this kind of honesty in the treatment of the subject, it seems almost impossible to secure rational consideration of the question of reducing duties, still less a moderate degree of fairness in the discussion of any particular bill. The House of Representatives some weeks ago sent to the Senate a measure reducing the tariff on steel. But this bill has received no attention on the floor until within the last few days, and its consideration in the Finance Committee of this body has been largely partisan and one-sided.

Mr. President, I regret to say that I find what almost amounts to pig-headedness and intolerance with reference to tariff reduction that it is difficult indeed to understand. It has often seemed to me during the recent hearings before the Finance Committee that a self-respecting man could not appear as a witness if he intended to suggest the desirability of reducing duties. Both before the Finance Committee, and in times past before Republican Ways and Means Committees of the House of Representatives, nothing has so surely subjected a witness to sarcasm, distortion of his remarks, and even personal insinuation, not to say insult, as the suggestion that the duties in some existing schedule were higher than they ought to be. Protectionist members of these committees have apparently constituted themselves defenders and advocates, if not counsel, for manufacturers whose object was not merely that of preventing an injurious general reduction in the tariff duties, but who were insistent upon being sustained in their enjoyment of special tariff favors which enabled them to market their own

products at prices far above those possible under any reasonable system of duties. I regret that such an attitude should ever be adopted by those who are placed in a judicial or legislative position and whose duty it is to hold the scales even, that they may obtain the evidence needed in the revision of existing law. The correction of this evil is demanded by the people of the country as well as by business principles, and has no special reference to the tariff question, although the latest and perhaps the worst illustration of it has been furnished in the partisan tactics lately adopted toward witnesses before the Finance Committee.

But the refusal to give the slightest heed to tariff reform is not solely confined to Congress.

I have no intention, Mr. President, of offering any improper criticism of the Chief Executive of this Nation. Yet it remains true that President Taft and ex-President Roosevelt have cooperated with the opponents of tariff revision in this body to prevent the enactment of any satisfactory measure designed to relieve the public of its present great burden. The President has had much to say of tariff revision, yet when actual measures have reached him he has not scrupled to return them with a veto. His only positive action for the reduction of the tariff during his term of office has been negotiation of the reciprocity treaty with Canada. A bill carrying this treaty into effect was passed by the Senate and the House of Representatives largely by the aid of Democratic votes given merely because of the belief that the reciprocity proposal was at all events a step forward.

How unfortunate it was, Mr. President, that the Executive of this great country should have been practically driven to a "deal" in order to get votes for his reciprocity agreement with Canada by agreeing to veto the tariff bills that were to be sent to him at the special session. Yet this is the sole possible explanation of the remarkable conduct of President Taft in refusing to the country the relief from tariff oppression to which it was entitled. Very early in the special session President Taft allowed it to be definitely understood that the session had been called solely for the purpose of authorizing the Canadian reciprocity agreement, and that he was not prepared to consider or accept any measure that might come to him upon other subjects. It was a matter of common knowledge among the Republican Members of Congress that President Taft had taken this position simply because he believed that the reciprocity arrangement would tend to reduce the cost of living, and would thereby relieve or check the outcry against unreasonable duties which was then growing too loud to be ignored. True, the Executive technically based his vetoes upon the absence of a report from the Tariff Board upon any of the schedules then sent him.

But the President of this Nation can not expect Members of this Congress to entertain for the views of the Tariff Board a greater regard than he himself displays. In framing the Canadian reciprocity agreement he entirely ignored the Tariff Board, for he did not call its members into consultation until after the agreement had been shaped. Although they supplied him with a report which showed an average difference in the cost of production of news print paper between this country and Canada of $4.45 per ton, he persisted in urging upon Congress the enactment of a measure which would have resulted in making pulp and paper free of duty. He did more than this, for he secured the reconstruction of the reciprocity measure in such a way as to make this reduction upon pulp and paper entirely independent of the action of Canada in accepting the general agreement, and this removal of the duties upon tax-free pulp and paper is to-day actually in effect, resulting in admitting into this country entirely free of duty about 70 per cent of the total importations of those articles from Canada. How grotesque and absurd it was, then, for the Executive to request Congress to await the reports of the Tariff Board before acting upon the subject which had been committed to its charge by an unmistakable popular mandate. No adequate explanation of President Taft's position can be afforded, except the unfortunate necessity to which he was subject of obtaining the votes of certain members of his own party by guaranteeing to certain special interests a further continuance of the tariff duties which the President himself had denounced as absolutely "indefensible," and which were recognized by the country over as being hopelessly obsolete, unfair, and ill adapted to present conditions. I hope the same outcome will not meet the pending bill, although definite reports prevail throughout this Chamber that the President will veto any measure revising the tariff on iron and steel, no matter how reasonable may be its terms, because of the lack of a report on that subject from the Tariff Board.

In what position does this place the Commissioner of Corporations, who for more than four years has been engaged, with the aid of a large staff of expert assistants, in investigating the steel industry? He has examined the subject from every point of view and has recently devoted a large volume to the publication of an analysis of the cost of producing iron and steel. Does not the President's attitude imply that no inquiry can be accepted as final on the iron and steel schedule unless it is conducted by specially chosen agents who are "reliable" on the tariff question? How does this attitude affect the Immigration Commission, which spent nearly $800,000 in preparing for Congress a report in which the iron and steel industries figured to a very large degree? Where does it leave the Bureau of Labor and the staff of trained economists and investigators employed by that organization in several important studies of iron and steel?

All of this information giving definite and convincing evidence of the need for reduction in the iron and steel schedule has been so ably presented by the Senator from Iowa that I will not even attempt to quote it. The threat of veto under these circumstances, irrespective of what the terms of the proposed bill may be, shows an utter indifference to the idea of tariff revision put forward by the administration as one of its cardinal policies and convicts it at once either of political deceit and evasion or of absurdity.

It is well known that reformation of the tariff is an article of faith with those who are known as "Progressives." Yet, I remember that the archprogressive of all, who is now pushing his own campaign for a third term in the Presidency, was in the White House for seven years without ever lifting a finger to secure a revision of the tariff. It can not be said that this total indifference on the part of former President Roosevelt was due to ignorance, for as far back as 1902 he considered the propriety of recommending to Congress the appointment of a tariff commission, whose duty it should be to prepare a revision of the schedules upon which some action might be based.

But while Mr. Roosevelt was insistent and persistent upon all kinds of legislation and in his general efforts to regulate all forms of business activity, he could not be induced even to make a genuine demand for the tentative notion of reform which he had thus conceived. He allowed one of the worst tariffs ever placed on the statute books—the Dingley Act of 1897—to continue in operation absolutely without disturbance throughout the whole seven years, which, as he himself announced, are to be considered two terms in the White House. This is Mr. Roosevelt's record as a tariff reformer. It should be borne in mind by those who are now sending abroad his criticisms of President Taft's action in signing the tariff act of 1909 and in praising that unfair and partisan enactment as "the best ever." There is nothing to be expected from President Roosevelt with reference to the tariff should he again enter the White House. Experience has shown him as one who had not the courage to attack this fundamental problem, knowing, as he did, that the foundations of his party supremacy were laid upon tariff favoritism and special privileges.

Efforts to secure action in this very Chamber have shown that the same form of particularism and localism, characteristic of the ultra-standpat tariff leaders on the Republican side of the Chamber, is equally characteristic of some of the progressives. They were not willing to assent to reciprocity, because it reduced the rates on grain and agricultural products generally in that northwestern region where they expected to capture votes. They are not willing to-day to join with Democrats in an attempt to reduce the duties on raw wool. The flockmasters of Wisconsin, Wyoming, Washington, and other States have the same influence with them as do the manufacturers of pig iron and steel rails with the gentlemen who are now seeking to uphold the present rates of duty in the metal schedule. The Senator from Idaho, who is apparently so earnest in his assault upon the trusts, will not consent to a cut in the duties on lead and zinc, notwithstanding that these necessary substances are to-day largely regulated in price by one of the greatest trusts in the United States.

No; there is nothing to be hoped by the public from those whose progressivism is halted by the interest of those manufacturers and growers among their constituents who are to-day profiting from abnormal duties and whose fortunes are built up by the receipt of excessive prices for the wool the poor man needs for his blankets or for the metals that furnish the material for a hundred other necessaries of life.

It would seem, Mr. President, that there is little to be expected by way of tariff revision, either now or in the future, which can reasonably be foreseen from any source other than the Democratic Party. To that party the country owes every genuine effort to secure the reduction of the tariff within recent years. From that party and from that alone comes the impulse for the actual reduction of duties to-day. And it was no mis-

taken understanding of the industrial situation that led to the presentation of a bill for the reduction of the rates on iron and steel before any other schedule at this session of Congress. President Taft had rejected measures dealing both with cottons and woolens. He had called for scientific information on every schedule that was to be dealt with. On the steel schedule and the steel industry in general there was such information in abundance. Steel is the chief requisite of manufacture. Except for the products of our farms and our mines, which are perhaps more fundamental to industry, it lies absolutely at the root of all other industrial undertakings, since it supplies the raw material of production. To-day the country is suffering from high prices for iron and steel products—prices that have been exacted as the result of combinations and agreements. To-day the average rate of duty under existing laws is about 36 to 37 per cent, including in the average all items affected by the metal schedule. We propose to reduce it to about 19 to 22 per cent. What reason is there for this action? What good arguments are there against it?

In 1901 the United States Steel Corporation was chartered with a total capitalization of $1,400,000,000. At the end of its first 10 years of existence this corporation has added to its investment in tangible property about $500,000,000, or an average of $50,000,000 a year. The Bureau of Corporations estimates that the total investment of the concern in 1900 was $698,960,756, or substantially only 50 per cent of the total capitalization with which it started. The same authority estimates its investment in tangible property in 1910 as $1,186,982,038, the difference being about $448,000,000. Whether we accept the estimate of the Bureau of Corporations as to the value of the property in 1901 or not, the fact remains that nearly half a billion dollars has been added to the actual tangible investment during the first 10 years of the concern's life. There has been an average earning of 12 per cent on the total invested property during the decade in question, the gross average earnings amounting to not less than $112,856,498 annually. Of this great sum the half billion to which reference has already been made has been used to reduce the discrepancy between real valuations and par values, while more than that amount has gone as dividends upon the vast volume outstanding of securities. Charles M. Schwab, one of the foremost steel experts in the country, in an authorized interview in a New York paper, Saturday, May 11, predicted that the earnings of the United States Steel Co. in the next 10 or 15 years would be more than $200,000,000 annually. What a compliment it is, Mr. President, to the ability and capacity of those who organized and conducted the United States Steel Corporation that they have been able to pay handsome returns upon so immense a volume of outstanding securities with less than 50 cents on the dollar of actual tangible property behind them. What a tribute it is to the charitable attitude of the United States Government in permitting and maintaining conditions that practically prohibited importation of many of the classes of manufactures controlled by the United States Steel Corporation. It is a part of the general beneficence which has led Congress to create conditions whereby manufacturers and parts of the country that enjoyed special favor at the hands of the legislative body could successfully and without interference levy a tribute upon the consuming classes for the sake of their own prosperity.

But, Mr. President, it is often stated that while the United States Steel Corporation has been successful in maintaining itself and in paying dividends upon its immense burden of stocks and bonds, as the Bureau of Corporations has so clearly shown, the same does not hold good of the so-called independent interests. Professional apologists for excessive tariff rates have told us that a reduction of the tariff designed to curb the trusts will have no effect except that of driving out the so-called "small" men in the industry and of leaving the larger concerns to occupy the field. It seems to me that this argument positively passes the limit of human credulity. Can it be believed that foreign manufacturers situated at a distance and subject to all the disadvantages of cost of transportation, to say nothing of inferior natural resources in the production of steel and iron, would be able to subject these independent concerns to an extremity of competition that had not been visited upon them by the monopoly with which they must compete at home? The logic of the case is all against so violent and impossible a conclusion. But fortunately, Mr. President, we have the actual facts in the case to show the absurdity of such an assertion. The Bureau of Corporations has carefully compiled the percentage of each kind of iron and steel product as compared with the total output of the United States that is turned out by the so-called independent companies. From this computation it appears that in the aggregate the percentage of the total production of the United States controlled by the steel corporation fell off heavily between 1901 and 1910. Its proportion of the production of nearly all steel products, with the exception of steel rails, very sharply declined, while its production of iron ore during the same period fell from about 60 per cent of the total to about 51 per cent. The conclusion is inevitable that the independent interests are amply able to maintain their position against the United States Steel Corporation, whether with or without the tariff. If they can maintain themselves against the steel corporation, they can maintain themselves against any steel-manufacturing organization in the world. They have nothing to fear from a change in the tariff any more than has the steel corporation itself.

Another excellent index to the present strength of the iron and steel industry is seen in the remarkable success had by the domestic producers in building up an export trade. The compiled figures which I herewith submit show the extent of this movement and indicate that the total exports of iron and steel and their products were $230,725,351 in 1911, against $14,716,524 in 1880, or a growth of more than 16 times in 32 years.

Value of exports of domestic metals and manufactures thereof, for selected years from 1880 to 1911.

[Compiled from reports of Bureau of Statistics, Department of Commerce and Labor.]

Article.	Year ending June 30—							
	1880	1885	1890	1895	1900	1905	1910	1911
Aluminum, and manufactures of				$58,161	$244,091	$173,459	$666,937	$1,320,018
Babbitt metal				263	76,145	67,215	156,396	261,418
Brass, and manufactures of	$183,468	$538,118	$467,313	784,640	1,988,737	3,035,764	4,355,561	6,230,042
Cars, carriages, other vehicles, and parts of	1,407,625	1,864,528	4,746,673	2,382,714	9,905,610	10,610,457	20,630,859	30,534,931
Automobiles, and parts of						2,481,243	11,190,220	15,509,220
Automobiles							9,548,700	12,965,040
Parts of							1,641,520	2,544,180
Cars, passenger and freight, and parts of	582,723	[illegible]	2,689,698	868,378	3,542,077	3,154,008	3,715,099	8,254,711
For steam railways					2,558,323	1,934,592	2,192,292	5,472,648
For other railways					[illegible]	1,219,656	1,522,817	2,782,063
Cycles, and parts of					3,583,140	1,378,428	620,760	883,300
Wheelbarrows, pushcarts, and hand trucks						276,117	534,576	571,200
All other carriages, and parts of	823,702	1,495,475	2,058,980	1,514,336	2,809,784	3,320,641	4,570,204	5,316,627
Clocks and watches, and parts of	1,483,237	1,345,940	1,686,136	1,204,005	1,977,694	2,316,414	2,588,931	3,126,771
Clocks, and parts of	1,398,742	1,209,048	1,344,047	[illegible]	1,190,674	1,192,246	1,260,218	1,565,901
Watches, and parts of	95,495	136,892	351,089	[illegible]	787,620	1,124,168	1,228,713	1,560,870
Copper, and manufactures of:								
Pigs, ingots, bars, plates, and old	667,243	3,339,897	[illegible]	[illegible]	55,772,166	[illegible]	53,924,809	98,705,394
All other manufactures of	126,213	107,536	129,285	547,243	2,080,794	4,430,065	4,379,591	5,107,802
German silver							104,244	41,073
Iron and steel, and manufactures of:								
Iron ore	11,027	12,891		6,000	[illegible]	561,077	1,637,049	2,406,291
Pig iron	54,115	192,859	200,872	277,056	3,124,753	828,123	1,353,580	2,473,130
Hoop, band, and scroll iron	15,461	7,705	520	6,411	70,196	127,193	[illegible]	
Scrap and old, fit only for remanufacture					740,495	270,224	281,825	794,683
Bar iron	26,382	43,605	65,328	143,221	[illegible]	1,190,901	648,965	694,770
Bars or rods of steel—								
Wire rods					513,866	592,732	789,193	829,204
All other					1,444,522	1,470,859	3,468,473	4,486,705
Billets, ingots, and blooms of steel	15,233	15,674	15,884	90,471	441,605	4,515,586	1,192,565	4,102,138
Rails for railways, of steel	47,490	[illegible]	346,104	[illegible]	8,356,448	10,291,442	10,546,180	11,377,444

Value of exports of domestic metals and manufactures thereof, for selected years from 1880 to 1911—Continued.

Article.	Year ending June 30—							
	1880	1885	1890	1895	1900	1905	1910	1911
Iron and steel, and manufactures of—Continued.								
Sheets and plates—								
Iron		$31,764	[illegible]	$32,936	$549,975	$316,449	[illegible]	$[illegible],545,985
Steel		3,803	15,949	66,256	1,249,576	2,788,571	6,120,065	8,563,840
Tin plates, terneplates, and taggers' tin					19,062	880,810	912,171	2,489,094
Structural iron and steel					2,835,588	3,622,320	5,800,551	8,683,851
Wire		242,948	780,222	1,277,479	5,962,400	6,264,918	[illegible]	10,189,968
Barbed								4,322,311
All other								4,074,655
Builders' hardware and tools							14,160,439	17,064,813
Locks, hinges, and other builders' hardware	$31,118	1,186,654	1,985,794	2,483,606	5,915,929	5,402,036	6,561,153	7,759,509
Saws		1,108,474	1,865,603	1,984,612	267,923	596,889	919,483	1,137,787
Tools, n. e. s.	926,882				3,465,072	5,467,923	6,679,803	8,167,517
Car wheels	86,103	92,698	103,782	140,010	106,829	177,638	410,291	367,453
Castings, n. e. s.	222,276	386,179	653,102	562,988	1,576,174	1,330,228	2,061,028	3,213,737
Cutlery	71,122	91,290	102,851	154,410	296,795	437,388	906,683	1,083,891
Firearms	2,286,091	1,700,635	797,564	786,903	1,403,915	1,399,120	2,373,662	2,916,217
Machinery, machines, and parts of	3,490,410	3,794,795	5,954,776	16,826,098	55,485,495	63,063,051	79,899,361	104,528,722
Adding machines								845,902
Brewers' machinery								175,461
Cash registers					813,096	2,036,107	2,920,517	3,224,895
Electrical machinery					4,340,992	7,290,932	6,048,263	8,024,628
Laundry machinery					441,562	518,800	831,614	1,233,613
Metal-working machinery (including metal-working machine tools)					7,193,390	4,332,665	5,975,503	9,626,965
Mining machinery							5,400,420	7,017,495
Printing presses, and parts of	251,227	177,111	317,336	189,627	1,219,774	1,470,186	2,065,299	2,854,210
Pumps and pumping machinery					3,112,525	3,116,088	3,110,908	3,562,458
Refrigerating machinery (including ice-making machinery)								616,187
Sewing machines, and parts of	1,649,367	2,898,698	2,793,780	2,260,139	4,541,774	6,104,279	7,513,852	9,039,840
Shoe machinery					1,163,265	1,273,015	1,239,789	1,633,670
Steam and other power engines, and parts of—								
Locomotives	466,313	732,403	1,280,606	2,379,519	5,592,403	3,617,010	2,404,619	3,953,648
Stationary	136,087	137,675	305,478	220,375	673,197	991,852	5,098,785	4,042,793
Traction							2,333,803	3,627,837
All other engines, and parts of	115,213	218,169	580,354	385,335	1,782,771	2,297,218	3,741,290	4,424,301
Sugar-mill machinery								2,590,739
Typewriting machines					2,607,544	4,745,285	8,239,510	9,778,498
Windmills							1,494,813	1,929,991
Woodworking machinery						613,578	1,242,841	1,827,933
All other				11,493,093	21,913,202	24,656,086	22,247,535	24,407,744
Nails and spikes	287,009	246,385	471,760					
Cut				283,646	647,711	404,400	407,904	434,798
Wire					2,124,528	1,793,220	1,705,026	2,364,671
All other, including tacks				210,192	278,709	397,974	613,004	737,131
Pipes and fittings					7,024,888	8,148,187	9,574,748	10,735,167
Radiators, and cast-iron house-heating boilers								[illegible]
Safes					149,637	286,305	351,835	436,437
Scales and balances	199,412	273,961	318,749	*292,918	535,040	674,771	834,800	1,061,388
Stoves, ranges, and parts of	91,473	[illegible]	251,877	248,199	535,385	855,223	1,294,797	1,582,387
All other manufactures of	4,247,960	2,670,134	3,194,825	5,706,668	15,322,922	11,183,892	18,908,525	[illegible]
Total iron and steel and manufactures of, not including ore	14,716,524	16,592,155	25,542,208	32,000,989	121,913,548	134,728,363	179,133,186	230,725,351
Lead, manufactures of	49,899	123,466	184,317	216,087	205,786	499,509	481,333	729,900
Pigs, bars, and old				60,514	14,081	2,508		
All other				155,573	191,705	497,101		
Nickel, nickel oxide, and matte				316,638	1,219,812	3,196,622	4,532,897	6,004,414
Manufactures of					447	97,083	[illegible]	
Total nickel and manufactures of				316,638	1,220,259	3,293,705	4,613,705	6,004,414

But creditable as has been this development of the foreign trade, it should be remembered that the farming interests of the country have done much more to develop our trade with foreign countries. According to the latest figures of the Bureau of Statistics in the Department of Commerce and Labor our exports may be classified by groups, as follows:

Exports classified by groups.

Groups.	March—				Nine months ending March—					
	1911		1912		1910		1911		1912	
DOMESTIC.										
Foodstuffs in crude condition, and food animals	$10,226,770	Per ct. 6.45	$8,364,632	Per ct. 4.13	$93,383,652	Per ct. 7.02	$81,259,417	Per ct. 5.17	$87,713,041	Per ct. 5.19
Foodstuffs partly or wholly manufactured	23,777,494	14.98	29,729,318	14.68	203,232,973	15.27	206,164,953	13.12	251,185,606	14.87
Crude materials for use in manufacturing	38,796,489	24.45	73,006,747	[illegible]	466,703,040	35.08	622,097,872	39.58	614,970,057	36.41
Manufactures for further use in manufacturing	27,345,645	17.23	29,297,966	14.47	200,232,850	15.05	225,640,158	14.35	247,853,418	14.68
Manufactures ready for consumption	57,499,206	36.24	61,219,109	[illegible]	361,219,535	27.15	430,731,671	27.42	481,841,972	[illegible]
Miscellaneous	1,024,852	.65	809,455	.40	5,692,856	.43	5,676,268	[illegible]	5,645,359	.33
Total domestic	158,670,456	100.00	202,517,247	100.00	1,330,464,906	100.00	1,571,590,239	100.00	1,689,209,453	100.00
FOREIGN.										
Free of duty	1,964,100	60.33	1,751,129	[illegible]	13,299,180	59.77	14,338,414	57.64	12,648,895	55.92
Dutiable	1,298,648	39.67	1,168,486	40.02	9,138,711	40.73	10,544,806	42.36	9,575,319	[illegible]
Total foreign	3,262,748	100.00	2,919,615	100.00	22,437,891	100.00	24,883,220	100.00	22,224,214	100.00
Total exports	161,933,204	.....	205,436,862	.....	1,352,902,797	.....	1,596,473,559	.....	1,711,433,667	.....
Excess of exports	22,891,276	.....	48,865,924	.....	168,501,672	.....	441,695,504	.....	508,314,675	.....
Total imports and exports	300,975,132	.....	302,067,800	.....	2,537,213,922	.....	2,751,251,614	.....	2,914,582,659	.....

Our farmers have thus done far more to bring about a favorable balance of trade than have our steel and iron manufacturers. The testimony of all recent investigations, the showing of the Bureau of Corporations, the hearings before congressional committees, bear out the view that an effective, well-organized, and well-located steel plant has nothing to fear. The growth of the independent business proves it.

But, Mr. President, I am not an extremist. I do not urge an immediate breach with the policy which has been developed in this country throughout a long series of years. I should be glad if the Christian Science doctrine, advocated by the Senator from California, could be applied to our industrial system. I am confident that if our manufacturers would only think they had the power to stand alone they could do so. But since they will not, it would be too radical a departure from the past to deprive them suddenly of all the protection they have heretofore enjoyed. The bill which is now before us does not propose to do that. It retains an adequate rate of duty upon practically every product throughout the whole list except those whose manufacturers have unmistakably demonstrated their power to control the trade and whose products are exported from the United States instead of being imported, and those fundamental raw materials which are needed by the industry, and protection to which can serve no purpose except to enable their owners to draw a monopoly profit through their control of ore deposits. On the average, the bill fixes a rate estimated at from 19 to 22.4 per cent ad valorem. This is a reduction of but 15 per cent from the level of the rates fixed in the present law. The substitute measure which has been prepared by the Senator from Iowa compromises between the levels of duty afforded by the present law and the bill which has been passed by the House of Representatives, since it would fix an estimated average ad valorem of perhaps 25 per cent. There can be no question that a rate of 20 per cent on the average is ample. Upon the convincing argument made by the Senator from Iowa himself I believe that a jury would fix the average at less than 20 per cent. However, 20 per cent furnishes a sufficient measure of protection to those less efficient plants which may have been depending upon the tariff and gives them an opportunity to readjust their business affairs on such a basis as will correspond to the altered rates of duty.

A reduction only to the extent proposed by the Senator from Iowa would, in my judgment, be entirely unsatisfactory. It would not remove a sufficient proportion of the present tariff burden to enable us to get relief from existing high prices. I think, moreover, that the measure proposed by the Senator from Iowa is unwise in many of the rates which it includes, and that this maladjustment of rates is in itself enough to call for the rejection of the measure, even if the general or average level of duties should be deemed sufficient.

But there is another and more important reason why the bill proposed by the Senator from Iowa can not be considered acceptable. It seeks to abandon the ad valorem basis of duties proposed in the House measures and to return to the specific system. Mr. President, in my judgment, the use of the ad valorem system in the House bill was one of the features which most genuinely entitled it to approbation. The system of specific duties embodied in existing laws has been thoroughly discredited. It has tended to put the protective rate up to an unreasonably high point, relatively speaking, whenever iron and steel prices fell, while it has kept them at a relatively low point whenever they rose. Thus it has tended, on every occasion, to defeat all possibility of importations, no matter how strongly the conditions prevalent at the time might call for them. The customary apology for specific rates is that they are easier to assess in those cases where values are difficult to ascertain and that they avoid undervaluation. That may be true in certain instances. But there is no difficulty in establishing the worth of a consignment of steel rails. They have a known market price which is as well recognized as the price of wheat. It is not necessary to quarrel about the valuation of a consignment of pig iron. There is no need of a difference of opinion regarding the price of an importation of wire nails. The ad valorem system can be applied to the steel schedule with as little difficulty as it can to any schedule throughout the tariff. It should be so applied. And whatever the rates of the bill to be adopted by the Senate may be, they should be prescribed on a basis of valuation rather than of weight. There is still another consideration which militates strongly in favor of the House bill and against that of the Senator from Iowa. The House measure placed upon the free list a number of important articles. These were not chosen for reasons relating to protection or free trade. Like many other items in the iron and steel schedule, they needed no protection. They were placed upon the free list for the same reasons which control in the making of any free list. Their fundamental necessity in carrying on the agricultural operations of the country and the desire, so far as possible, to exempt them from that control of prices which is rendered easier by the existence of tariff duties were the reasons for relieving them of duty. The barbed wire, cotton ties, nails, machinery, and other products which were relieved of duty in the House bill should undoubtedly be left upon the free list. The Senator from Iowa has restored them to their dutiable position. He has, in my judgment, acted erroneously in so doing.

While I am stating my views with respect to the duties on steel, I desire to call attention to an amendment to the pending measure which I wish to submit and for which I ask the attention of this body. This amendment provides that the President of the United States shall be vested with authority to suspend any given rates of duty statutory at the time the action is taken if, from considerations of public policy, he may deem best to take such action. The necessity for such action has been demonstrated over and over again within the past few years, but I shall allude to but two instances in support of it. During the disastrous coal strike in 1902 conditions would have been very much relieved had it been possible for the Executive at that time to admit coal free to the United States by the exercise of an authority bestowed upon him through some express provision of law. As it was, an effort was made to admit the coal under as favorable conditions as possible through interpretations of the law which permitted it in some cases to enter without payment of duties. The relief thus given was, however, only very limited and the process was hampered by the difficulty of administrative officials in complying, at least technically, with the terms of the existing act.

In this instance there could have been no possible objection to the admission of the coal free of duty, even from American producers who believe in a tariff upon coal. The freer importation of coal would have tended simply to have relieved suffering without in the least degree affecting home industry. Another striking example is afforded by the experience of the past winter in the importation of potatoes. A short crop last season led to a rapid advance in price, the charge reaching a maximum of $1.25 per bushel wholesale during the winter. This shortage led to the control of the supply in the Middle West, and prices were raised to such an extent as to render the importation of potatoes profitable and necessary. I have here a tabular statement which I shall insert in my remarks showing the increase of importation for the first three months of 1912 as compared with the same period of 1911 that took place last year as a result of the monopolization of the domestic supply:

Imports of potatoes (except sweet potatoes) into the United States during the first 3 months of 1911 and the same period of 1912.

Month.	1911		1912	
	Quantity.	Value.	Quantity.	Value.
	Bushels.	*Dollars.*	*Bushels.*	*Dollars.*
January	20,876	21,912	1,706,214	874,206
February	24,570	32,697	2,505,751	1,270,589
March	23,294	32,767	2,532,060	1,274,270
Total, 3 months	68,740	87,376	6,744,025	3,419,065

In fact, prices have been so regulated that potatoes could be shipped in from abroad and distributed on a competitive basis without loss as far west as the Ohio River. Beyond that point the territory was controlled by certain Chicago monopolistic interests, which had succeeded in purchasing the available western supply, and who so often have shown themselves to be experts in controlling the prices of foodstuffs. In this instance a satisfactory showing to the President of the United States establishing the existence of such a combination in the potato market should have been sufficient to bring about the issuance of an order suspending the tariff on the imported article in the interests of the consuming public had the amendment which I am advocating been at that time a part of the law. That the President can constitutionally exercise the function of suspending tariff duties under specific conditions is well established, having been sustained by the Supreme Court in leading cases—Fields *v.* Clark, Boyd *v.* United States, and Steinbach *v.* United States (United States Reports, vol. 143, pp. 649, etc.). In those cases, Mr. President, it was held by the court that Congress could vest the President with power to suspend the application of a tariff duty under conditions which should be set forth in the law, his function being purely ministerial and involving no infringement whatever upon the exercise of the legislative power which is constitutionally exercised by Congress alone.

How would this provision operate in the case of a schedule such as that now under consideration? It is a notorious fact that steel prices have been sustained by combinations formed for the express purpose of determining the rates of sale of the different items. This has been fully established by the elaborate and careful inquiry into the condition of the steel industry which has been conducted during the past winter by a special committee of the House of Representatives. This, in fact, is one of the chief grounds of complaint mentioned in the bill filed by the Department of Justice in its suits against the United States Steel Corporation. How much more effective would it have been had President Taft been in a position to inform the masters of the steel industry that further persistence in the agreements which were being used to maintain the high level of prices would be followed by a complete suspension of the tariff on all items thus affected?

For years past it has been known upon the most unquestionable authority that American sewing machines and other articles of similar description, including agricultural implements, have been sold abroad at prices very much less than those realized for them in the United States. At the present time a tariff duty of 30 per cent is levied upon sewing machines and other articles of a similar description. Would not it have been far more effective than a suit to penalize the National Cash Register Co. for its monopolistic practices had the President been able to say to it that the suspension of the tariff duties upon the product would immediately follow further persistence in the illegal agreements used for the purpose of maintaining excessive prices to consumers? I do not think the question is open to a moment's debate. I have shown that it is not possible for the United States under present conditions to abolish the tariff, since our Federal finances are so largely based upon the customs-revenue system. But it is entirely within the limits of practicability to remove the danger which inheres in all tariff duties by bestowing upon the administrative authorities the power which I demand for them, in order that they may be effectively armed against combinations expressly designed through increased prices to increase the cost of living.

Add this proviso to the proposed House bill for the revision of the steel schedule; enact the measure promptly into law, let the President give it his approval, and the question of steel duties can be laid aside for a period of years. The industry will not suffer in the least. This will not, however, occur, in my judgment, until next year, when our tariff schedule will be signed by a Democratic President.

If there be factories that are so inefficiently conducted that they can not subsist without public bounty afforded through the maintenance of exorbitant rates of duty on their product, it would be far better for the country that they should cease their operations rather than endeavor to sustain themselves under artificial conditions, which can sustain them only at the cost of a handicap to all industries that are forced to depend upon them for material. Give up the fiction that American labor and American manufacturers can not do as efficient work as those of other countries. There is no truth in such a statement. Our most successful industries are those in which we have accepted the competition of the world; our least successful those in which we have protected inefficiency and placed a handicap upon capacity. The steel industry has prospered in the past partly because its protection has been steadily reduced. It has not been able to hide behind the tariff wall to the same extent as was true of the woolen textile business or sugar refining. But, Mr. President, it has reached the point where, after 15 years of enjoyment of high duties, it is amply able to endure a reduction and will profit instead of suffering from it. The tentative reduction afforded by the tariff of 1909 need not be considered for it amounts to nothing. We cut the protection afforded by that measure, but we did not lower it beyond the point where a domestic manufacturer did not have absolute control over all things in sight. The time is ripe to take more genuine and more effective action. The country demands it; the Democratic Party will act next year.

Mr. SMOOT. Mr. President, I am not feeling as well as I wish I were to-day, but this bill has been on the calendar for some time and I know that all members of the Finance Committee are anxious that it should be disposed of at the earliest possible moment. It is for that reason that I shall begin to-day what I have to say and finish my remarks at some future time.

I do not claim that all the rates in the present steel schedule are just what they should be. I know that conditions in business have changed and do change as years pass by. But, after listening to the testimony given before the Finance Committee, I am positive that, without additional information, it would be unwise to undertake a revision of this schedule, a schedule that involves nearly 25,000 industrial concerns in this country, an industry that is employing a million and a half workmen, an industry which produces in manufactured articles nearly $4,000,000,000. I think that Congress should hesitate before radically changing present duties, especially if the information at its command and the testimony which has been given before the committee will not justify such a change.

We have before us the House bill, and the majority of the Finance Committee of the Senate has reported that bill adversely. Since the bill was reported to the Senate the Senator from Iowa [Mr. CUMMINS] has offered an amendment to the House bill. I asked the Senate to have printed a comparison of schedule C—that is, a comparison of the rates as provided in the House bill, the rates of the present law, and the rates provided in the Cummins amendment, as well as the equivalent ad valorems of each. That information, Mr. President, has been laid upon the desk of every Senator and, no doubt, Senators have in turn studied the comparisons.

But I wish to call the attention of the Senate to one thing that I have noticed particularly in the comparison. I speak now of the House bill and the amendment offered by the Senator from Iowa [Mr. CUMMINS]. I notice that a great many of the items in the amendment offered by the Senator from Iowa carry a less rate of duty than the House bill. That is the case more particularly upon the heavy steel products, while the House bill upon the greater number of items carrying a lower rate than that provided in the Cummins amendment is upon the highly finished products of the industry—that is, upon the items made by the smaller concerns of the country; and I believe that, taking the industry as a whole, there are more men employed in making the higher finished products that carry a lower rate in the House bill than does the amendment offered by the Senator from Iowa than there are in making the heavy steel products.

Let us examine the comparison and note some of the rates in the amendment of the Senator from Iowa that are lower than those in the House bill.

First, iron in pigs. The equivalent ad valorem provided for in the Cummins amendment, that is, the total, is 6.16 per cent, whereas the bill of the House carries 8 per cent.

Ferro-manganese, the next item. The House provides an equivalent ad valorem of 15 per cent, the Cummins amendment 2.63 per cent, while the present law provides an equivalent ad valorem duty of 6.52 per cent; in other words, ferro-manganese in the Democratic bill has been increased over the present rate by nearly 250 per cent.

The next item is chrome or chromium. The Cummins amendment provides for an equivalent ad valorem duty of 4.88 per cent; the House bill for a duty of 8 per cent.

The next is slabs, blooms, loops, or other forms less finished than iron in bars. On these the Cummins amendment provides an equivalent ad valorem duty of 6.21 per cent; the House bill carries a duty of 10 per cent.

In that same paragraph items in which the manufacture of charcoal is used as fuel the Cummins amendment provides an equivalent ad valorem duty of 8.71 per cent; the Democratic House bill of 10 per cent.

Bar iron, bars, and billets in the manufacture of which charcoal is used as fuel the Cummins amendment provides an equivalent ad valorem duty of 7.95 per cent; the House bill of 10 per cent.

On muck bars the Cummins amendment imposes an equivalent ad valorem duty of 9.74 per cent; the House of 10 per cent.

On flat iron not less than 1 inch wide nor less than three-eighths of an inch in diameter, bars or shapes of rolled or hammered bar iron, the Cummins amendment provides an equivalent ad valorem duty of 6.47 per cent, whereas the House bill imposes 10 per cent.

On round iron, not less than seven-sixteenths of an inch in diameter, the Cummins amendment imposes an equivalent ad valorem duty of 7.22 per cent, and the House bill 10 per cent.

The next item is beams, girders, joists, angles, channels, T T columns and posts, and other items valued at nine-tenths of a cent per pound or less the Cummins amendment provides an equivalent ad valorem duty of 11.50 per cent, and the House provides 15 per cent; valued above eight-tenths of a cent per pound and not above 2 cents, the Cummins amendment provides 15.78 per cent, and the House provides 20 per cent.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Gladly.

Mr. CUMMINS. The Senator from Utah will not fail to notice that the classification in the amendment that I have

proposed is not the same as that in the act of 1909. The structural iron and steel in my amendment are not divided according to value.

Mr. SMOOT. I was going to call attention to that.

Mr. CUMMINS. And therefore the conclusion that the Senator draws based upon imports could not be at all accurate.

Mr. SMOOT. Mr. President, I was going to call attention to the fact that in the Senator's amendment the value above 2 cents and not above 3 cents per pound and the value over 3 cents per pound is 15 per cent, instead of 15.78 per cent.

On the next item, circular saw plates, the Cummins amendment provides for an equivalent ad valorem duty of 4.23 per cent, whereas the House bill provides 15 per cent.

The next item is anchors or parts of anchors, on which the Cummins amendment imposes an equivalent ad valorem duty of 11.98 per cent, while the House bill provides 15 per cent.

Take the total of the ad valorem duty on hoop, band, or scroll iron or steel and the total equivalent ad valorem duty in the Cummins amendment is 11.81 per cent and in the House bill 15 per cent.

On sheets of iron or steel polished, planished, or glanced, the Cummins amendment provides an equivalent ad valorem duty of 15 per cent and the House bill 20 per cent.

On bands and strips—that is, cold rolled and not polished—the Cummins amendment provides for an equivalent ad valorem duty of 2.79 per cent and the House bill 20 per cent.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Gladly.

Mr. SIMMONS. The Senator from Utah is discussing the fact that the House bill carries higher duties upon certain bulky and heavy articles of iron and steel than the amendment of the Senator from Iowa. I wish to suggest to the Senator from Utah that the Senator from Iowa, in framing his amendment, sought in fixing the duties, I imagine, to cover what he regarded as the difference between the cost of production here and abroad, applying as best he could the Republican platform adopted at Chicago with respect to duties. The Democrats do not believe there is any difference in the cost of production here and abroad on these heavier forms of steel and iron; on the contrary, they believe these heavier products are very often produced cheaper here than they are abroad. From their standpoint, there was no necessity of imposing a duty for the purpose of measuring the difference between the cost of production here and abroad. Under the Democratic theory of raising revenue to run the Government by customs duties, the Democrats were of the opinion, and they are still of the opinion, that there is no reason why the steel and iron industry of this country should not contribute its part toward maintaining the expenses of this Government. The duties fixed by the Democratic bill were based upon the idea of requiring this industry to contribute its reasonable share toward the expenses of the Government. Whether or not they have been successful, they have sought in fixing these duties to put them at a figure that would produce the greatest amount of revenue.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I simply want to renew at this time a statement that I have more than once made in the discussion of the general subject. First, I premise that there are certain duties in my amendment which unquestionably are lower than the duties prescribed in the House bill; but there is nothing more inaccurate, nothing more misleading than to attempt to convert specific duties into ad valorems upon the basis of the imports in the past where the paragraph which is the basis of the computation comprises a wide range of articles. Take the paragraph to which the Senator has just referred; it covers probably a hundred different classes of articles, and when you take the imports under that paragraph you have not separated them into their various parts and ascertained what particular kind of commodity has been imported. The customhouse or the Treasury Department simply collects all the imports under the paragraph and the value of the imports as given under the paragraph; and that is the way in which you compare the specific duty with the ad valorem duty.

The Senator from Utah is not in the least to blame for this. It is a comparison that has been made a hundred times here; but I want simply to warn Senators that it does not necessarily mean anything; it does not show exactly what the operation will be under the two schedules. I do not believe that anybody can convert specifics into ad valorems where the paragraph under consideration embraces a great number of articles having different values.

Mr. SMOOT. Mr. President, answering the Senator from Iowa first, I will say that, if he will notice, nearly every item to which I have called attention has been specifically reported as to its value, as to the amount of each particular shipment corresponding to that value, and also the amount of duty collected and the rate of duty applied. Speaking of the last item to which I referred, strips and plates of iron or steel, there is only one duty upon them.

Mr. CUMMINS. I referred to the items of hoop iron and band iron.

Mr. SMOOT. And circular saws?

Mr. CUMMINS. And things of that kind. That was the particular paragraph I had in mind when I made the remark.

Mr. SMOOT. The Senator said the last paragraph.

Mr. CUMMINS. I should like to ask the Senator, while I am on my feet, where he got his information with regard to imports under these various paragraphs and the duties paid upon them

Mr. SMOOT. I got them from the reports of the Treasury Department.

Mr. CUMMINS. Where are they? In what form are they? I have never seen any such report in which there has been any careful or logical separation of the various articles imported.

Mr. SMOOT. Mr. President, I thought I had the report from the Treasury Department here.

Mr. CUMMINS. I think the Senator from Utah will find he is not altogether mistaken, but somewhat in error when he says that he can divide these things into their component parts.

Mr. SMOOT. There is no question about it in my mind. I have studied the reports of the Treasury Department day after day and night after night, and there is no doubt, for instance, in the case of this report which shows that of steel circular saw plates valued above 4 cents and not above 7 cents per pound there was imported 332,549.50 pounds, their value being $20,432.50 and the value per unit of quantity being 6.1 cents. The duty under the present law is $1\frac{1}{10}$ cents per pound.

Mr. CUMMINS. The Senator has simply taken that from the report of the Ways and Means Committee of the House, as found in the tables which accompany the House bill. That is the information upon which the Senator has made his statement.

Mr. SMOOT. Yes; but I will guarantee, Mr. President, that the Senator can call upon the Treasury Department for the reports, or, if I had my papers here, I could take every paragraph under any schedule of the tariff act and for every year show the total amount of importations, the quantity, the value per unit, and the amount of duty collected.

Mr. CUMMINS. Mr. President, it may be that the Senator from Utah can get that information; I have not tried to get it at this session, but in two separate years I did try to get that information and was advised that it was not accessible; that is, the Treasury Department itself did not have any such information and did not keep the books so that it could be known.

However, before I sit down—for I do not intend to further interrupt the Senator in this part of his speech—I will say that the duties proposed in my amendment have not been fixed with any reference to the imports, save occasionally. I have gone to the imports to ascertain what general proportion of the business has been done abroad, as compared with the business at home, in order to correct what might be a false conclusion reached from other calculations. The duties in my amendment have been ascertained solely with reference to the cost of production here and abroad in view.

Mr. SMOOT. Mr. President, I understand the theory upon which the Senator from Iowa has framed his amendment, even if he had not just stated it, because upon the floor of the Senate many times and in private conversation I have heard him state that the duties imposed in his amendment were the duties which he thought measured the difference between the cost of production in this country and abroad.

Mr. CUMMINS. Precisely.

Mr. SMOOT. I believe that the Senator in fixing the rates in his amendment has fixed them upon the information he considered the most reliable.

Now, answering the Senator from North Carolina (Mr. Simmons), I believe that he has also stated correctly the position of the Democratic party in making a tariff bill. But I want to call his attention to the fact that in making this tariff bill on that basis the party has protected and more than protected the Steel Trust in many of its products and failed to protect the American manufacturer on most of the highly finished goods.

Mr. SIMMONS. Will the Senator from Utah permit me for a moment? I should like to make an inquiry of the Senator. He says the duties fixed by the House protect and amply protect the steel industry.

Mr. CUMMINS. The Steel Trust.

Mr. SMOOT. I say in some items it does; in some items it does not.

Mr. SIMMONS. I would be glad if the Senator would specify those items, and tell us whether he is in favor of and will vote for the reduction which the House bill makes.

I assume that the Senator will answer that he will, because the Senator has said that the rate fixed by the House afforded ample protection, and as he does not want more than ample protection he would be willing to vote for it.

Mr. SMOOT. In many items I would gladly vote to reduce the rate fixed by the House. Take, for instance, ferromanganese, which is manufactured only by the Steel Trust. There is not another concern in the United States that manufactures a pound of it. Under the present law the equivalent ad valorem duty is only 6.5 cents, and the Democratic party has imposed a duty of 15 per cent, and I might as well say now that this solicitude for the trusts on the part of the Democratic Party does not apply only to this schedule.

Take the chemical bill: We find the Democratic House took particular pains to select from a paragraph of the present tariff bone black and place it on the free list, although it has carried a duty for years past. Who are the principal users of bone black? The sugar refineries of this country and the greatest of all, the Sugar Trust.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. Of course, there can be no doubt in the world about the fact that the Democratic Party is peculiarly the friend of the trusts, and there can be no sort of doubt about the sincerity and earnestness with which the Senator from Utah really believes that!

But, to come back to our mutton, where he and the Senator from Iowa were, I want to ask the Senator from Utah if the variation of values in steel circular plates is not between 4 and 7 cents, and if under the law of 1909 the duties were not $1\frac{1}{10}$ cents per pound. I want to ask the Senator from Utah how he could possibly arrive at the equivalent ad valorem of $1\frac{1}{10}$ cents a pound upon a product varying in price from 4 to 7 cents a pound, unless he could at the same time tell precisely how much of the 4 cents per pound, how much of the 5 cents per pound, how much of the 6 cents per pound, and how much of the 7 cents per pound product were actually imported. In other words $1\frac{1}{10}$ cents per pound, as applied to a product worth 4 cents, would be within a shade of 50 per cent ad valorem, whereas upon that part of it worth 7 cents it would be within a shade of one-half as much. I notice the next grade under the same schedule varies in price from 7 to 10 cents, and the next one from 7 to 13 cents. In other words, when he comes to convert a specific duty into an ad valorem—let us take 1 cent as an illustration. Suppose that that specific duty of 1 cent was paid upon a 4 cents per pound valued product. That would be precisely 25 per cent, would it not? Suppose it were paid upon an 8 cents product. It would be precisely $12\frac{1}{2}$ per cent, would it not? Suppose part of what was imported was the 4 cents product and part of it the 8 cents product and all conglomerated, how could the Senator say that his deduction to an ad valorem equivalent is at all accurate?

Mr. SMOOT. That could not be accomplished if we did not know what the amount of the duty collected was. But in every shipment is given the amount of duty collected, the number of pounds and the value per pound, and this being so, the equivalent ad valorem for every shipment is easily ascertained in any particular paragraph.

Mr. WILLIAMS. What does the Senator from Utah say is the ad valorem equivalent of $1\frac{1}{10}$ cents per pound specific duty under this heading "Steel circular saw plates" above 4 cents and not above 7 cents per pound.

Mr. SMOOT. I have not the figures before me to tell exactly what the equivalent ad valorem is.

Mr. WILLIAMS. Let us take the Cummins bill. What is the specific under the Cummins bill, or is it a specific duty?

Mr. SMOOT. The equivalent is 4.23 per cent.

Mr. WILLIAMS. What is the specific duty?

Mr. SMOOT. Seven-twentieths of 1 cent per pound.

Mr. WILLIAMS. Seven-twentieths of 1 cent?

Mr. SMOOT. Yes.

Mr. WILLIAMS. Now then what equivalent ad valorem do you make that amount to?

Mr. SMOOT. 4.23 per cent.

Mr. WILLIAMS. Under this heading "Steel circular saw plates."

Mr. SMOOT. The equivalent is for the whole paragraph.

Mr. WILLIAMS. Oh; then if the Senator will pardon me, it is worse than I thought. I thought he could come pretty near it if he undertook to make an equivalent between 4 and 7 cents, because the variation in price and therefore the variation in ad valorem there is only 75 per cent, but if he is undertaking to make the ad valorem equivalent on articles beginning at 4 cents in price and going up to 40 cents in price then it is clearly impossible.

Mr. SMOOT. The Senator evidently thinks that the equivalent ad valorem is applied to the rate per pound. The equivalent ad valorem is applied to the amount that is collected on the shipment and the quantities of those shipments. That is how the equivalent ad valorem is arrived at.

Mr. WILLIAMS. But in calculating upon the basis of the quantity of shipments, how could you tell how much of it was 4 cents a pound, and how much of it was 32 cents a pound, and how much was 40 cents, and you can not indicate any ad valorem equivalent upon any specific article.

Mr. SMOOT. In answer to that I can say to the Senator that there were 332,549 pounds at the value of 4 cents and not above 7; that there were 436,411 pounds valued above 7 cents and not above 10 cents a pound; that there were 65,243 pounds valued at above 10 cents and not above 13 cents per pound; that there were 1,288 pounds valued at 16 cents and not above 24 cents per pound; that there were 537 pounds imported at a value above 24 cents and not above 32 cents per pound; that there were 622 pounds valued above 32 cents and not above 40 cents per pound; and that there were 125 pounds imported valued above 40 cents per pound.

Mr. WILLIAMS. I understand.

Mr. SMOOT. These are the quantities that are imported and for every importation the specific value of the shipment is known, and not only that the value must be known before the Government can collect its revenues. The revenue quantity and value being known, the equivalent ad valorem of the shipments can be easily ascertained.

Mr. WILLIAMS. But it is not upon the report of the shipment that the Senator has based his reduction to an equivalent his equivalent. It is upon the mass of all of these various articles. The Senator surely will admit that when you put a specific duty upon a given thing, upon all goods of a certain class, running from 4 cents a pound, let us say, to 32, just as an illustration, the ad valorem equivalent upon the 4 cents part of it is just eight times what it is upon the 32 cents part of it.

Mr. SMOOT. As far as concerns the comparisons, I want to say to the Senator that, even if his statement were correct, it would make no difference, because as far as this comparison is concerned the quantities of the shipments, the value of the same, and amount of duties collected on all the shipments are used in both cases.

Mr. WILLIAMS. Ah! With this difference, if the Senator will pardon me: When he puts a specific duty upon products of widely variant value, he has brought into operation the principle of taxing the cheaper part of the product at the highest ad valorem and the highest priced of the product at the lowest ad valorem, necessarily; whereas an ad valorem duty is of course in keeping with the value, whatever the value may be. It is a fixed percentage.

Mr. CUMMINS. I do not intend to take up the proposition just made by the Senator from Mississippi. That involves the whole merit——

Mr. SMOOT. Of the two systems.

Mr. CUMMINS. Of the specific, as compared with the ad valorem system. But I do want to start with a full understanding with regard to the conversion of these specific duties into their equivalent ad valorem duties.

I have no confidence whatever either in the conclusion to be drawn from these comparisons or in the former tables of similar import. Take the very commodity the Senator from Utah is now discussing. It is a very simple one and will illustrate precisely what I mean—pig iron. Pig iron, if imported from England, will come in under a value of from $10 to $17 a ton. The Payne-Aldrich bill fixed a duty on pig iron of $2.50 per ton. The report of the Treasury will show the number of tons of pig iron imported, and the amount of duty collected upon those imports, which, of course, is simply reached by multiplying the number of tons by the amount of duty.

Anyone can see that it is wholly impossible for the Treasury Department or for a Senator to determine the equivalent ad valorem duty upon these imports, unless the Customs Department would keep the invoices showing the foreign value of each ton of pig iron. The Treasury Department does not do that, and it has no information of that sort; at least it so reports to me.

Mr. SMOOT. Mr. President, I do not want that statement to go uncontradicted.

Mr. CUMMINS. If the Senator from Utah can produce that information he will have been able to get access to a source of knowledge that I have never been able to find, and I have industriously tried to find it, because I have known that a great many of these conversions from specific duties into ad valorem and contrary have not been accurate. I believe if you will turn to the report of the Treasury with regard to pig iron you will not be able to tell me, and you can not tell the Senate, the per ton foreign value of pig iron and the amount imported into this country from abroad.

Mr. SMOOT. There certainly must be a misapprehension on the part of the Senator from Mississippi, and also on the part of the Senator from Iowa, in this matter.

Referring to the steel circular-saw plates, now take this comparison and see how it is arrived at. It gives the amount of importations, it gives the value of the importations, and it gives the value per unit of the quantity.

Now there are seven brackets. If the Senator from Mississippi were correct, if you would add those seven values per unit together and divide them by seven that would be the average, would it not?

Mr. WILLIAMS. No. That would be the average percentage of that which constituted the total product. It would not be anything else.

Mr. CUMMINS. Allow me to ask who ascertained those units of value? That was done by a clerk of the Ways and Means Committee.

Mr. SMOOT. No; these values are the amounts that were collected by this Government upon the imports, and I can show, as I said before, that the imports were reported by the Treasury Department. Now, I say that that does not give the average, nor in this calculation does it pretend to. You add the values of the units in quantities together and it would be $1.80½. Divided by 7 that would give about .26, but it is not 26 cents, because all of the different shipments, as to value, were not equal. But what does it give? It gives 8.3 cents, showing that every shipment was taken into consideration as to the quantity and the value of the shipment, and the equivalent ad valorem is based upon all the shipments and upon the prices paid for each of the shipments.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. Will the Senator from Utah explain what interest the Government of the United States has in the value of a shipment upon which it lays only a specific duty ascertained by weight or measure?

Mr. SMOOT. They have the same interest in that that they have in the gathering of statistics on any subject affecting the United States. Take, for instance, any kind of statistics as to the amount of manufacture, as to importations, and as to exportations. What interest, I may ask the Senator, has the United States in finding or keeping track of exportations from this country?

Mr. CUMMINS. It does not keep the track of them in the sense named by the Senator from Utah. If we export pig iron, confining ourselves now to the first subject under consideration, the Government does not ascertain whether that pig iron is worth $8 a ton or $9 a ton or $10 a ton.

Mr. SMOOT. Not as to exportations.

Mr. CUMMINS. Nor as to imports.

Mr. SMOOT. But they do ascertain the number of pounds that are exported.

Mr. CUMMINS. Undoubtedly.

Mr. SMOOT. And they do ascertain the number of pounds that are imported and the value of those importations, and whether the article be free or whether it be dutiable.

Mr. CUMMINS. If the Senator from Utah is right with respect to this, it is the most gratifying information that has come to me, and I believe will be the most useful information that can come to the Senate. If the Senator from Utah, as respects the metal schedule, will secure from the Treasury Department a table which will show precisely what has been imported and the value of each shipment that has come into this country within the last two years, I will be his debtor for all time to come. I have never been able to get any such information as that, and I would like very much to have it laid before the Senate and the country. Will the Senator from Utah agree to do what he can before this debate shall close upon the metal schedule to put that information before the Senate of the United States?

Mr. SMOOT. Mr. President, I have only to call the attention of the Senator to the fact that when the tariff was under discussion in 1909 the Ways and Means Committee had a book, I suppose of 2,000 pages, although I am not positive as to that, showing the importations under every schedule, the value, the rate of duty, the amount of duty collected. I remember very well that the Treasury Department was asked to furnish the committee with the amount and value of shipments on many items as they arrived, and this was after the House had passed the bill.

Mr. CUMMINS. Mr. President——

Mr. SMOOT. And I will say to the Senator that I have no doubt but what I can get from the Treasury Department the daily statement showing the amount of importations, their value, the amount of duty collected, as well as showing the amount of exportations from this country of every item mentioned in the schedules of the tariff law.

Mr. CUMMINS. There is no difficulty whatever about getting the information with regard to exportations not as to value, but as to amount and measurement. The book to which the Senator from Utah refers, and that was commonly used in the debate of 1909, does not furnish the information that I have in view, and the table that has been prepared by the Ways and Means Committee of the House does not furnish the information. I have never seen any publication, I have never heard of any publication, that did furnish it. Now, I will be glad if the Senator will get it. I want him to understand just what I want, because I think it will be very illuminating if we could once get it. Referring again to pig iron, I want to discover just how much pig iron came in here that was worth $10 a ton; just how much came in that was worth $10.50 per ton and $11 per ton, and $12, and $14, and so on.

I do not want to duplicate the information we already have. We already have the bracket information to which the Senator from Utah refers, but that does not help us to turn specific duties into ad valorem duties. We can not do it accurately unless we have each individual shipment and the value of that shipment abroad.

Mr. LIPPITT. Mr. President, if the Senator from Utah will yield for a minute; as long as this subject has been introduced into the debate, I wish to state that I agree with the Senator from Iowa in what he says in regard to getting very detailed information in reference to the shipments. The most puzzling thing that confronts anyone in studying these tariff figures is the bunching of a number of items under one heading, so that it is impossible to distinguish what figures apply to each distinct article that comes under that group.

I think no greater improvement could be made in future tariffs, if the time ever comes when it is possible to make tariffs of any kind, than to provide that the report of the Treasury Department in regard to imports shall be given in much greater detail than it is at the present time. It is not necessary, as the Senator from Iowa says, that each shipment shall be given, but that at least articles of similar kinds shall be in some way grouped together, so that when we come to study the imports we can find out what figures to apply to the articles of each kind.

Mr. SMOOT. I will simply say again, Mr. President, that when the tariff was under discussion in the year 1909 I do not believe there was a day that I did not ask for certain information as to the importations in this country of the different items under the schedule that I was then considering, and I had them furnish me the information up to within 15 days of the time asked for, showing the amount of the importation, the value per unit, the amount of duty collected, and the equivalent ad valorem of the same.

Mr. CUMMINS. I ought to say that I do not want anything I have suggested here to be construed into a criticism of the Treasury Department. I think it very gladly and very expeditiously furnishes all the information it has. I do not think it has the information to which I have referred; at least I have been so informed more than once.

Mr. TOWNSEND. Mr. President, referring to the statement of the Senator from North Carolina [Mr. SIMMONS], I understood him to say, in describing the principle which governed the Democratic Party in fixing the tariff rates, that they had no regard to protection, and in fixing some of the duties they had actually placed them higher that the difference in the cost of production between this and the competing country.

Mr. SIMMONS. Mr. President, the Senator from Michigan misunderstood me. I said that the Senator from Iowa in arriving at the rate fixed in his bill was governed by the application of the theory of the Republican platform as to the difference between the cost of production here and abroad. I stated that the Democratic Party recognized, in fixing tariff rates, no such principle as that; that we propose to levy rates for the purpose of obtaining revenue to pay the expenses of the Government.

Mr. TOWNSEND. I supposed I had so put my question to the Senator. That is what I intended to do. The Senator further stated that some of the duties fixed in this bill by the Democratic Party are higher than the difference in the cost of the product.

Mr. SIMMONS. No; I did not. I said some of them were higher than the rates in the bill prepared and introduced by the Senator from Iowa, and that if his bill measures the difference between the cost of labor here and abroad accurately, then the rates in the House bill on a few of the heavier articles would be a little higher than the difference between the cost. That is what I said, Mr. President. And the Senator must not forget that part of my statement in which I said that we levy duties for the purpose of raising revenue and for that purpose we fix the rate at the highest point where it will, in our judgment, yield the largest amount of revenue.

Mr. TOWNSEND. Let me put it another way, then. If it be true that the Senator from Iowa has fixed the duties equal to the difference in the cost of production and the House bill raises those rates, then in the House bill in certain instances the rate is higher than the difference in the cost of the product.

Mr. SIMMONS. That would undoubtedly be true as to a few of the heavier articles if the rates provided in the bill of the Senator from Iowa accurately measures this difference.

Mr. TOWNSEND. Then the Senator from North Carolina further stated that the reason why that was done was to enable these manufacturers to pay a part of the expenses of the Government.

Mr. SIMMONS. I said, Mr. President, that there was no reason why the steel and iron industry in this country should not contribute toward the expenses of maintaining the Government, and that in levying duties for the purpose of raising revenue to support the Government I knew no reason why they should be exempt from the application of that rule.

Mr. TOWNSEND. If the duty in the House bill should be higher than the difference in the cost of production, can the Senator from North Carolina tell me how under such a duty the producer or manufacturer in this country would contribute to the expenses of the Government?

Mr. SIMMONS. Mr. President, I used that term in the sense that here is a product produced in this country and in order to get revenue we levy a duty upon that product. It may be that the consumer of that product would be the one who would pay the amount of duty, but the consumer of iron and steel in this country is not entitled to exemption from contribution toward the payment of the expenses of the Government.

Mr. SMOOT. Right in that connection, if the duty is higher than the present duty, and the present duty excludes importations, I should like to ask the Senator how the importations would get into the country to raise revenue with which to pay the expenses of the Government.

Mr. SIMMONS. What duty does the Senator refer to? I did not say higher than present law, but than the Cummins bill.

Mr. SMOOT. All duties mentioned; ferromanganese, for instance.

Mr. SIMMONS. That is the only duty the Senator has referred to in this bill as being higher than in the Payne-Aldrich bill.

Mr. SMOOT. I can give others.

Mr. SIMMONS. That is the only one the Senator has referred to up to this time.

Mr. SMOOT. It is the only one I have had a chance to refer to.

Mr. SIMMONS. I asked the Senator a little while ago, and he has not answered the question yet; if he would please specify the instances in this bill where we had raised the rate. He suggested a little while ago that we had used protective rates, and I asked him to please single out those instances and state to the Senate whether he would vote for those particular items in the bill. The Senator has referred only to ferromanganese, and he refers to that because the tariff in the present bill is higher than the duty in the Payne-Aldrich bill. The Senator knows that result was accomplished by transferring ferromanganese from the metal schedule to the alloy schedule.

Mr. SMOOT. No; I do not.

Mr. SIMMONS. Ferromanganese is an alloy. It is a sort of medicine which is used in tempering steel and iron. The Democrats thought that that ought to be taken from the metal benefit of the manufacturers of iron and steel, and put in the alloy schedule along with affiliated articles.

That same thing happened when the Payne-Aldrich bill was schedule, where it has no place, at the instance of and for the under consideration. I do not know whether it has been brought to the attention of the Senate or not, but it is a fact that the House bill in 1909 placed ferromanganese in the alloy schedule exactly as the present bill places it in the alloy schedule. When that bill came into the Senate ferromanganese was taken out of the alloy schedule and put into the metal schedule, thereby increasing the rate of duty upon that article.

Now, Mr. President, the Senator says that the United States Steel Corporation does not import ferromanganese.

Mr. SMOOT. No; I did not say that, Mr. President.

Mr. SIMMONS. That is true, Mr. President.

Mr. SMOOT. No; it is not true.

Mr. SIMMONS. The United States Steel Corporation makes its own ferromanganese. It is the only concern in this country that does make ferromanganese, and it will not sell to the independents a single pound of its ferromanganese. So far as the United States Steel Corporation is concerned it is not affected in the slightest by any duty, however low or however high it may be, upon ferromanganese. It makes all its ferromanganese, and it does not sell its competitors any of that product.

Mr. SMOOT. The Senator reports a bill carrying 15 per cent, and every independent manufacturer in this country will have to pay 15 per cent in order to obtain ferromanganese he is compelled to use in making steel and iron that goes in direct competition with the product made by the Steel Corporation.

Mr. SIMMONS. Ferromanganese brought in does not compete with any ferromanganese made in this country except that made by the Steel Corporation; and it does not compete with that, because the Steel Corporation makes all it consumes and will sell none to anybody else. We have fixed the duty upon a revenue-bearing basis.

Mr. SMOOT. I will ask the Senator if the 15 per cent on ferromanganese does not increase the cost of steel to the independent manufacturers of this country?

Mr. SIMMONS. Not according to my theory. According to the Senator's theory, yes, but not according to my theory. The Senator's contention is that the manufacturers of this country shall have all their raw material free upon the idea that it increases the price of the product.

Mr. SMOOT. The Senator is absolutely wrong. I think he has heard me say time and time again that I am not one of those who believe in free raw material. I believe in a duty upon everything whether it is free raw material or whether it is a manufactured article if the free raw material is produced in this country.

Mr. SIMMONS. The Senator and his party entertained that idea in the bill which they framed in 1909. According to the importations of the last two years, nearly 75 per cent of the importations that came in in 1910 and 1911 were the raw material of the manufacturer, and only about 20 or 25 per cent of those things that your tariff law permitted to come in free are bought and consumed in the homes of the people.

Mr. SMOOT. The Senator must remember that the products that were admitted into this country free were products that are not produced in this country. For instance, silk, indigo, tea, coffee, and hundreds of articles none of which we produce in this country.

But I notice that the House passed a chemical bill transferring article after article not produced in this country that have been upon the free list for years and placing them upon the dutiable list. We will discuss that question when we come to the chemical schedule, and I think the Senator will be one who will ask that those articles at least that are used in the South which are now upon the free list and made dutiable in the House bill be transferred from the dutiable list back to the free list.

Mr. President, I could go on and make comparisons of perhaps 20 or 30 other items, but I think that I have called attention to items sufficiently to show the Senate just what I stated in the beginning.

The Senator said that I had only mentioned ferromanganese as one item where the House bill rate is higher than in the present law. I have later in my speech and in regular order a number of inconsistencies to call the Senate's attention to in this bill, but while passing let me call attention to just one other item so that the Senator from North Carolina will not say I only mentioned ferromanganese, and then I will content myself with further references as I have already stated.

Mr. President, we notice in paragraph 12 of the House bill the following:

Wire rods—Rivet, screw, fence, and other iron or other steel wire rods, whether round, oval, flat, square, or in any other shape, and nail rods in coils and otherwise, 10 per cent ad valorem.

The equivalent ad valorem duty provided for in the Cummins bill is 2.49 per cent; in the House bill, 10 per cent; in the present law, 7.05 per cent.

Another very significant fact in relation to this schedule is that cotton-bale ties are made free and the same iron, if it is in rolls, uncut, unprepared for use, carries a duty.

So, Mr. President, I call attention of the Senate to these few comparisons and inconsistencies and proceed to another part of the discussion.

Freight rates cut a great figure in the cost of placing the manufactured article in the centers of trade, especially upon the heavy manufactures of steel and iron. In passing, I desire to call attention to transportation rates now in force, to show that the foreign manufacturer of Germany, Belgium, and England has a decided advantage in reaching the great centers of distribution for these manufactured products along the eastern and southern coasts of our country. The freight rates from Pittsburgh mills to the United States North Atlantic ports and the United States Pacific ports, as compared with foreign freight rates to the same ports are as follows:

On rails to North Atlantic ports, $2.60.

To Pacific coast ports——

Mr. SIMMONS. From what point?

Mr. SMOOT. From Pittsburgh mills. Then I want to compare the rates with the ocean rates to all of the United States North Atlantic ports, showing that in the delivery of many of the heavy steel products the foreigner has the advantage in our own markets and markets where there are millions of tons of steel used.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. Why should the manufacturer at Pittsburgh desire to ship steel rails to New York or to any part of the Pacific coast for domestic use?

Mr. SMOOT. Pittsburgh, I believe, to-day ships a great deal of her product to the eastern seaboard and especially to the southern seaboard.

Mr. CUMMINS. I agree to that. She ships a great deal there for export, but not for domestic use.

Mr. SMOOT. Yes; for domestic use.

Mr. CUMMINS. Because domestic use would simply require the steel rails to be started back west again in order to reach the point at which they were to be laid.

Mr. SMOOT. That would be true if all the steel rails were used at western points.

Mr. CUMMINS. They are all used either west of the Atlantic Ocean or east of the Pacific Ocean.

Mr. SMOOT. That is absolutely true.

Mr. CUMMINS. That is all that I suggested.

Mr. SMOOT. New York is west of the Atlantic Ocean.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. Certainly.

Mr. OLIVER. I will say that while there are comparatively few steel rails shipped from Pittsburgh to eastern ports, because between Pittsburgh and the East there are a number of plants making rails, and the eastern railroads naturally take their supplies from those mills, the argument of the Senator from Utah will apply to a vast extent of steel products of which rails are only an example. For instance, I think the majority of iron products made in Pittsburgh to-day go east rather than west.

Mr. SMOOT. I think the advantages in transportation rates apply to all the heavier products, including rails, plates, structural steel of all kinds, bar iron, tin plate, sheet iron, plain wire, wire rods, nails, pig iron, billets——

Mr. CUMMINS. Mr. President, I have not compared them, but I ask the Senator from Utah for information. Are the rates in the schedule before him different from the rate I presented the other day from the Interstate Commerce Commission?

Mr. SMOOT. I have not compared them closely. I hardly think there will be any difference.

Mr. CUMMINS. There was no difference in the rate on steel rails from Pittsburgh to New York?

Mr. SMOOT. No; I think the Senator will——

Mr. CUMMINS. The rate I gave the other day was $2.00.

Mr. SMOOT. That is correct. And from the foreign mills to the United States at the same ports of entry it is $2.85, and from the foreign mills to the Pacific coast it is $7.50, while from the Pittsburgh mills to the Pacific coast it is $13.50. I admit that that is not a fair comparison, and I mention it incidentally to show that on account of the rates the Pacific coast is buying most of its structural steel, iron, and rails from foreign countries. I am not asking that there be a rate of duty imposed equalizing the freight rates and that will protect that particular part of the United States. I do not ask it, nor do I expect a Senator in this body to support such a proposition.

Mr. SIMMONS. Do I understand the Senator to say that the Pacific coast is now buying most of its iron product abroad?

Mr. SMOOT. Mr. President, I stated that the Pacific coast to-day is buying a great part of its structural steel and iron and steel rails from abroad.

Mr. SIMMONS. Mr. President, I have not the figures with reference to the importations of structural iron, but I have figures I think reasonably accurate with reference to the importation of pig iron. Although we, in this country, are producing about 27,000,000 tons of pig iron a year, I do think they imported on the Pacific coast last year but 40,000 tons. Now, I should like to ask the Senator, as a matter of information before he leaves that subject, what does he claim are the importations of structural iron and steel and other iron products not manufactured on the Pacific coast?

Mr. SMOOT. Mr. President, I have not the figures here; I can not tell exactly what they are; but the Senator from North Carolina was at the hearings and he must remember——

Mr. SIMMONS. I will ask the Senator, for in the hearings I heard no such statement as the one he has made.

Mr. SMOOT. That was testified to, and I do not think a Senator who has studied this question closely and knows where the importations come from will deny the fact.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SIMMONS. Will the Senator from Utah permit me to interrupt him further?

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. SMOOT. I will yield first to the Senator from North Carolina.

Mr. SIMMONS. I have not claimed to have studied the subject accurately and that was the reason I was asking the Senator from Utah the question for information. Now, I understand the Senator to say that he is speaking from the hearings before the Finance Committee. I do not remember that anybody stated before the Finance Committee that the bulk or any very considerable part of the iron and steel used upon the Pacific coast was brought from abroad. I did understand them to say that just after the earthquake which occurred there, when there was a very great demand, there was for a while a considerable amount of structural iron and steel imported.

Mr. SMOOT. Mr. President, for the information of the Senator from North Carolina, I will say that I know personally that there is a great deal of structural iron and steel shipped into San Francisco from foreign countries.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. In just a minute, if the Senator please.

In relation to pig iron, the statement was that there were only about 42,000 tons shipped to the Pacific coast. Where did it come from? China. Why was not there more than 42,000 tons imported? Because of the fact that the industries located there are not using more. China has the Pacific coast market for pig iron to-day, and I am of the opinion it will not be very long until she will take a portion of our eastern market as well. Mr. President, a Chinaman is paid about one-fifteenth as much in an iron mill in China for what an American can be hired for. The Chinaman can do just as much work at a blast furnace; he can handle just as many pounds; he can watch the mechanical work just as well as can an American laborer. Many scout the idea of the yellow peril. I look for the day to come, Mr. President, when there will not be a person in the United States who will not demand protection from a people whose standard of living is that of the Chinese.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I will say that I think I can enlighten the Senator from North Carolina [Mr. SIMMONS] as to the importations of structural steel, but not alone upon the Pacific

coast, because I have not the importations segregated, but speaking from memory alone——

Mr. SIMMONS. I asked about the Pacific coast because we are discussing that branch of the subject.

Mr. OLIVER. If the Senator will allow me to proceed, I will proceed in my own way.

Mr. SIMMONS. I simply wanted to know if the Senator was going to be specific about the importations on the Pacific coast?

Mr. OLIVER. I ask the Senator not to interrupt me now, but to let me complete what I intend to say.

Mr. SIMMONS. I will not interrupt the Senator any further now, nor about anything else, if the Senator objects to interruptions.

Mr. OLIVER. The importations of structural steel in the year 1909—the last year of the Dingley law—amounted, as I remember, to about 8,000,000 pounds. The imports in the year ending July 1, 1911, amounted to something like 28,000,000 pounds. I do not know what part of that went to the Pacific coast or what portion of it went to other parts of the country, but I do know that the imports during the last year amounted to something like three or four times as much as the imports during the year immediately preceding the enactment of the Payne-Aldrich law.

Mr. WILLIAMS. Mr. President, before the Senator from Pennsylvania sits down I should like to ask him a question.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi for that purpose?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. Would the Senator from Pennsylvania mind giving the exports of structural steel for those same years, putting them in parallel columns?

Mr. OLIVER. I have not the figures for the exports here, Mr. President, but I would be very glad to give them to the Senator, or to give him any other information for which he asks and which is in my possession.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Certainly.

Mr. GORE. I should like to ask the Senator from Pennsylvania if he stated that the importations of structural steel had been larger since the enactment of the Payne-Aldrich law than they were prior to the enactment of that measure?

Mr. OLIVER. They were several times larger.

Mr. GORE. Was not the duty on structural steel increased in that law?

Mr. OLIVER. The duty on structural steel was reduced by the Payne-Aldrich law.

Mr. BACON. Will the Senator from Pennsylvania permit me to ask him a question?

Mr. OLIVER. Certainly.

Mr. BACON. Is it not true that the duty on structural steel which was cut to certain lengths was made absolutely prohibitory, and that it was announced upon the floor of the Senate that that was the intention?

Mr. OLIVER. If any part of the duty was prohibitory some part of it was certainly not prohibitory, because the imports of structural steel as a class has largely increased.

Mr. BACON. But the Senator has not answered the question I asked him. The Senator went on to state what was the relative rate of duty under the different laws and said it had been reduced, and I asked him the question whether it were not true that the duty on structural steel cut to certain lengths, or cut to lengths with a view to assembling in a certain way, had not been made absolutely prohibitory, and if the statement was not made by the then Senator from Rhode Island that the intention of it was to make it prohibitory?

Mr. OLIVER. Mr. President, whatever is in the RECORD the Senator from Georgia can revert to in order to learn what he desires. I can not say what the then Senator from Rhode Island said, but I do know that the duty on structural steel not assembled or fitted was reduced in that law, I think, from four-tenths to three-tenths, though I am not quite certain of the figures, but as to steel assembled or fitted coming under what is known as the basket clause, how much of that has been imported I do not know, but I do know that on the structural steel provided for in paragraph 121 of the Payne-Aldrich bill the duty was reduced and that the imports of that steel were largely increased.

Mr. BACON. Well, Mr. President, the Senator still does not reply. I understood the Senator to say that he does not know what the then Senator from Rhode Island said; but is it or is it not a fact that the Senator does know that the duty upon the particular class of structural steel which has been mentioned as cut or assembled steel was very largely increased and that the avowed purpose of that increase was to make the duty prohibitory?

Mr. OLIVER. I can not say that, because I am not armed with the facts.

Mr. CUMMINS. I think I shall be able to answer the question of the Senator from Georgia so that the matter may be clearly understood.

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. Prior to the passage of the Payne-Aldrich law the duty on all forms of structural steel was $10 per ton. The Payne-Aldrich law divided structural steel into three classifications. On the first, structural steel, neither punched, fitted, nor assembled, under a certain price, the duty is $6 a ton and under a certain other price the duty is $8 a ton. With respect to those two classifications the duty was reduced in the law of 1909. With respect to all other structural iron and steel, however, that which was punched, fitted, or assembled, the duty was made 45 per cent ad valorem. That meant an increase upon that form of the product of from $8 to $10 a ton. I think Senators who were in 1909 will remember that very clearly, because we had an animated discussion with reference to it.

While I am on my feet may I ask the Senator from Utah a question?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I am glad to hear the Senator say that he does not expect that we can levy duties on pig iron or any such material that will protect us against a disparity in freight rates charged by the railroad companies across the continent and charged by the steamship companies from Germany or England. I have no fear of China, because when China takes the United States with her pig iron she will have already taken Germany and Great Britain and their pig iron; but I want to remind the Senator from Utah—and I am sure he is just as much interested in this as I am—that there is an easy way to protect the Pacific coast from the inroads of any foreign country with regard to pig iron. Just north we have unlimited coal fields that are precisely as good as those in Pennsylvania, Ohio, or West Virginia; we have in California an abundance of iron deposits, and all we need is the fuel to convert that ore into all forms of iron and steel. Now, all that we have to do is to be little patriotic at this session and open up the coal fields in Alaska so that coke can be brought to California, in order to enable her to abundantly protect the Pacific coast with a reasonable duty upon these various iron and steel products.

Mr. SMOOT. Mr. President, in relation to structural steel, I will state that there were two brackets made in the law of 1909, or, in other words, values per pound, upon which the duty was levied. The first bracket included structural steel valued at nine-tenths of a cent per pound or less, and the other structural steel valued above nine-tenths of a cent per pound. Under the last bracket clause there were imported into this country during the fiscal year 1911, 24,605,085 pounds. That was a decided increase of the importations over those of any preceding year.

Mr. WILLIAMS. Was the duty increased under the last bracket?

Mr. SMOOT. No; the duties under those two brackets were decreased.

Mr. CUMMINS. I might say, Mr. President, that the first bracket was a pure pretense. There is no structural steel, and there was not at that time, that was worth as little as $18 a ton, for the ingot out of which it is rolled is worth $18 a ton. The bracket was put in there, as I always thought, simply to answer a demand for a reduction in duty without really accomplishing it. The other is an operative bracket, and it was a reduction of $2 per ton upon that kind of steel.

Mr. SMOOT. Well, the Senator does not mean to intimate by his statement that I was going to try to cover up anything in this matter, does he?

Mr. CUMMINS. No; not at all.

Mr. SMOOT. I was going to tell the Senate exactly what the importations were.

Mr. CUMMINS. It seems to me I remember the Senator from Utah admitted that on the floor of the Senate when I charged it in 1909.

Mr. SMOOT. Mr. President, I certainly told the Senate then that there was an increase on all structural steel not included in the two brackets as mentioned. No doubt of it, and the reason for it was that, under the ruling of the department, all fabricated steel came into this country under the rate intended for unfabricated steel. Window frames, doors, sash,

and all steel products entering into the construction of a building were made in Germany, fitted together there, then taken apart and shipped to this country in the knockdown. On arrival they were put together and were then ready to be placed in the great buildings in this country. I know the Senator will remember the case that was referred to at the time the Payne bill was under discussion; I refer to the Singer Building in New York. It was frankly and freely admitted that upon that class of fabricated steel there was an increase of duty, but there was not an increase upon structural steel, such as girders and all kinds of channels, T's, and everything that goes toward making a great fire-proof structure.

Mr. BACON. Now, will the Senator kindly state——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Certainly.

Mr. BACON. Will the Senator kindly state the product in this country of structural steel in the year when he says there were 24,000,000 pounds imported?

Mr. SMOOT. I have not those figures at hand.

Mr. BACON. The reason I ask is that I think when that amount is ascertained, while it sounds very large to talk about 24,000,000 pounds being imported, that was a very small fraction of the total number of tons produced in this country. Of course, structural iron and steel are very heavy compared with the weight of other articles in relation to value.

Mr. SMOOT. I will admit what the Senator says is absolutely true.

Mr. BACON. And, while the figures will show, I presume, that assembled structural steel was not imported at all under the prohibitory duty which the act of 1909 placed upon it, the structural steel of other kinds imported, while it sounds very large to talk about 24,000,000 pounds, was a small fraction, almost a negligible fraction, as compared with the total quantity of structural steel produced in this country.

Mr. SMOOT. But, Mr. President, under the 45 per cent duty, importations have not been excluded; they still come into this country.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes.

Mr. SIMMONS. I have the figures here which the Senator said he did not have accessible. The Senator from Pennsylvania [Mr. OLIVER] was correct a little while ago when he said that in 1910 about 24,000,000 pounds of structural iron and steel were imported. Twenty-four million pounds was the importation in that year. That is equivalent to a little over 11,000 tons, hardly enough to build one of the great skyscrapers of New York. The value of that——

Mr. OLIVER. The amount was a little over——

Mr. SIMMONS. I will not yield to the Senator for the present, but I will do so a little later.

The value of that importation in 1910 was $322,303. The amount of structural iron and steel produced in this county in that same year was 2,124,000 tons, valued at $65,000,000.

Mr. SMOOT. That is right. I now have the figures.

Mr. SIMMONS. So that we imported last year about $323,000 worth of this material and we produced in this country during the same time $65,000,000 worth of this material, and the Senator is afraid that a slight reduction of this duty may result in the capture of the American market by the foreign producer!

Mr. SMOOT. The Senator, after I yielded to him——

Mr. SIMMONS. I beg the Senator's pardon; I did not mean to make a speech.

Mr. SMOOT. No; I do not object. I am glad to yield to any Senator. I have no desire to shut off debate, but what I was going to say was——

Mr. SIMMONS. One word more, if the Senator will allow me. I think I owe him an apology. Probably the reason I injected this little speech was because of the heat that had been injected by the Senator from Pennsylvania.

Mr. SMOOT. Mr. President, I have no objection whatever to the speech. The only thing that I object to is that the Senator imputes to me something that I have not claimed. Structural steel was brought into the discussion at this particular time not by me; I have not reached the rate on structural steel and did not mention it except in connection with the freight rate. This whole matter came up without any desire on my part to discuss the rate of duty imposed upon structural steel.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Certainly.

Mr. McCUMBER. Mr. President, a few moments ago there was considerable discussion between the Senator from Utah and the Senator from North Carolina as to the comparative amount of structural iron and steel used on the Pacific Coast. I want to insert right here the testimony of Mr. Pigott, or at least a few sentences of his testimony, which will explain that situation. Mr. Pigott is a manufacturer of structural iron and steel in Seattle, Portland, and San Francisco, and in the course of his testimony the following occurred:

Senator McCUMBER. Do you know, in the rebuilding of San Francisco and in the late very great building in Los Angeles, what proportion of this character of steel that was used there in their buildings came from Germany and what proportion of it came from your mills.

Mr. PIGOTT. About one-half. Our representatives at San Francisco and Seattle and different points on the Pacific coast, from the figures they have given us, indicate that even under the present tariff half of the bars that are used in San Francisco are imported.

Senator McCUMBER. How about Los Angeles; do you know about that?

Mr. PIGOTT. Exactly the same condition does not exist there—but to a more or less degree—from the fact that San Francisco, being a larger shipping town, has the advantage of numerous vessels plying in and out, and therefore more competition.

Senator McCUMBER. Then, under present conditions, in your field of consumption Germany, or Europe, comes in and takes one-half of the American trade?

Mr. PIGOTT. Yes, sir.

That shows that the American manufacturers in the West who compete on about the same freight rates are unable to secure more than one-half of the business at their very doors and in the places in which their factories are located.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I do not intend to discuss this matter from my point of view in the midst of the speech of the Senator from Utah; but I must remind the Senator from North Dakota of the fact that the iron industries on the Pacific coast have nothing but scrap iron and other light material to deal with——

Mr. McCUMBER. They have pig iron imported from China.

Mr. CUMMINS. Outside of a very little pig iron which they import from China, but very very little. So I do not think it is wonderful that they can not——

Mr. SMOOT. But that pig iron is imported at a very low rate.

Mr. CUMMINS. At a very low rate. But I do not think it is possible for them to take merely scrap iron, manufacture large products out of it, and compete with the world or their own country in products manufactured from pig iron. The only way in which we could protect those industries would be to levy a duty upon the product that would measure the difference between the freight rate from our eastern coast across the country and the freight rate from England, Germany, or France, across the ocean, to our western coast.

Mr. McCUMBER. Oh, no, Mr. President.

Mr. CUMMINS. In order to do that we would have to multiply the present duties once or twice, and I do not think the Senator from North Dakota even hopes to be able to protect the western coast of our country until there is some way in which the production can be developed there, and their industries carried on substantially as are the industries in the eastern part of our country.

Mr. McCUMBER. No, Mr. President; no one would claim that, so long as we must pay from $7 to $9 per ton in freight from Pittsburgh to any one of the Pacific coast points of consumption. We should levy a tariff sufficient to allow Pittsburgh the western trade. No one will claim that; but when we can import pig iron, costing but $7.50 a ton in Hankow, and bring it at a very low freight over to San Francisco, Seattle, Tacoma, and Portland, we ought to give such protection as will enable those who import the iron from that cheap source of supply to compete against Germany and England for the trade right at the doors of their factories. That is all we claim.

Mr. CUMMINS. I agree, Mr. President, with the general conclusion that has been reached by the Senator from North Dakota. If our western coast could get the pig iron from China, which it can not, it would convert that pig iron into the steel products, if it had the fuel, which it has not, and compete with any country in the world with our present duty. The difficulty is, first, that China has not the pig iron to export, and the second difficulty is that our western people have not the coal with which to do business. I hope they very soon will have; and, as I suggested a few moments ago, if we adjourn this Congress without making some provision whereby the western coast can supply itself with the cheap and excellent

coal lying in Alaska, we will fail in one of the great duties which is incumbent upon us.

Mr. SIMMONS and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Utah yield?

Mr. SMOOT. I will first yield to the Senator from North Carolina and then to the Senator from Nevada.

Mr. SIMMONS. I simply wish to ask the Senator from Iowa a question. I desire to ask the Senator if he thinks that after the opening of the Panama Canal there will be any difficulty in the manufacturers of the Birmingham district competing on the Pacific coast in the heavier products of iron and steel?

Mr. CUMMINS. I suppose that when the Panama Canal is completed we may be able to get steel from New York or from Mobile to Seattle or San Francisco under a freight rate as low as obtains, and possibly a little lower than obtains, from Germany, France, or England to those places. That depends, too, upon our diligence at this session of Congress——

Mr. SMOOT. And the tolls charged.

Mr. CUMMINS. As to whether the railroads of the country will own the ships going through the Panama Canal or whether they will be independent instrumentalities.

Mr. SIMMONS. Mr. President, a few days ago, if the Senator will permit me a moment, my attention was called to the fact that at that very time a large steamer was being loaded at the Port of Wilmington in my State with steel rails manufactured in Birmingham and hauled across four States, to be exported and sold in Peru and Chile.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Yes; I yield.

Mr. NEWLANDS. The Senator from Utah a few moments ago was explaining the duty imposed upon assembled structural steel; that form of steel which is cut and punched and ready to be put together in a building. I will ask him whether the duty on that class of steel, as I understand from the Senator, is to protect the structural iron workers in the building trades?

Mr. SMOOT. Yes; those engaged in the fabrication of the structural steel. Just those engaged in the fabrication; not the structural steel itself.

Mr. NEWLANDS. Yes. Can the Senator inform me how many men are engaged in that industry in the United States?

Mr. SMOOT. That is, in the fabrication?

Mr. NEWLANDS. Yes.

Mr. SMOOT. I could not say, but there are a great many thousands of men engaged in it.

Mr. NEWLANDS. Could the Senator tell me how many men are employed in the entire steel industry?

Mr. SMOOT. I have it here, but I can not turn to it immediately. I intend to refer to it presently, but there are employed in the making of all the items covered by this schedule nearly a million and a half men.

Mr. NEWLANDS. And those men have votes, I presume?

Mr. SMOOT. Yes; a great many of them have.

Mr. NEWLANDS. Of course, some of them are foreigners. If the Senator will permit me, I wish to call attention to one fact. I have been advocating for many years a sliding scale of reduction, with a brake, and I have had two purposes in view. One was to avoid unnecessarily imperiling the industries of the country, and the other was to avoid scaring away the voters from the Democratic ticket.

I observe that in this schedule we are affecting the interests of about a million and a half workers. The statement of statistical information regarding the iron and steel schedule furnished by the Finance Committee and lying on our desks informs us that the total steel products consumed in this country amount to about $1,722,000,000.

Mr. SMOOT. Oh, no; that is not correct.

Mr. CUMMINS. That is an error.

Mr. NEWLANDS. I have added the amounts here under the different paragraphs, and that is what it amounts to.

Mr. SMOOT. You have added it wrongly.

Mr. NEWLANDS. How much was it?

Mr. SMOOT. Between three and four billion dollars.

Mr. NEWLANDS. Very well. This is probably accounted for by the fact as that to certain classes of steel there are no statistics as to consumption here.

Mr. SIMMONS. As to that particular class, it is one billion and a half. The Senator from Nevada is correct.

Mr. NEWLANDS. I find the domestic consumption of all classes of steel is not stated here. Assuming that the total domestic consumption of steel products amounts to about three billion dollars, as the Senator from Utah says, it is evident we admit into this country foreign importations to the extent of only $51,000,000.

Mr. SMOOT. That is, of a certain class.

Mr. NEWLANDS. Fifty-one million dollars these statistics show as a total.

Mr. SMOOT. That is the small part of it; that is the heavy manufactured steel, and not the importations of all of the higher finished products.

Mr. NEWLANDS. Then may I ask what is the value of the statistical table which is furnished to us?

Mr. SMOOT. The value of it is in just what it purports to be, and if the Senator will examine it carefully he will find that the tabulations there are correct as to the items that are mentioned.

Mr. NEWLANDS. But on page 15 I call the attention of the Senator to the fact that there is a recapitulation as to all classes of steel imports, and the value of the total dutiable imports for 1911 under the bill H. R. 18642 is given as $51,000,000.

Mr. SIMMONS. That is correct for a year.

Mr. NEWLANDS. For a year; $51,000,000 is a very small percentage of $3,000,000,000.

Now we will assume that the House bill goes into operation and it seeks to maintain a duty of only 22 per cent in place of the average present duty of 35 per cent and yet it is expected, from this table, to obtain just about the same revenue that we now secure.

Mr. SMOOT. That will require an additional——

Mr. NEWLANDS. That would mean that we would have to have importations of nearly $90,000,000 instead of importations amounting to $51,000,000, and it means that as to that extra $40,000,000 of steel products American workers are to be displaced and foreign workers substituted.

I want to know from my Democratic friends, who are eager to have not only immediate reductions, but very considerable reductions, what effect it will have upon the voters engaged in these industries to tell them that so large an amount of American labor is to be immediately displaced?

Now, recollect, that is only one of the industries, and yet the same reasoning applies to all. I believe we should do that which our platform calls for—that we should have a sliding scale with a brake; that brake so adjusted as not to permit a very large immediate increase of foreign importations; and that we should have regard to our platform, which has repeatedly declared that our reductions should be accomplished in such a way as not to imperil the interests of the American workingman or to seriously impair American industry.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I desire to reassure the Senator from Nevada that I sincerely hope that his party will not succeed in the coming campaign. Nevertheless I do not want its friends to be frightened to death. And therefore I beg to give him the assurance from a long study of this subject and great familiarity with the Democratic bill that there will be no more importations under the Democratic bill than there have been under the Republican bill. The duties are all prohibitive, practically, and therefore he need not fear that a single man will lose a day's work or that his wages will be diminished by a single dollar.

Mr. NEWLANDS. I am very glad to receive that assurance from the Senator from Iowa, whose familiarity with the subject we all know. But I ask, then, the further question, whether, if the amount of importations is not to be increased and the amount of the duty is reduced one-third, we can expect the same revenue that we now receive, or whether that revenue will not be reduced from about $18,000,000 to $11,000,000 or $12,000,000?

Mr. CUMMINS. The revenues will undoubtedly be diminished to some extent, but I have not been concerned in that part of the subject. All that I want is that the domestic prices shall be reduced for the benefit and the relief of the people.

Mr. NEWLANDS. Let me state——

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. Will the Senator permit me just one moment to complete my statement? The Senator will permit me to state that the statistical table must then be incorrect, for, if under a tariff duty of 22 per cent, substituted by the House bill for the average present duty of 35 per cent, the revenue will be $17,000,000 as against the existing revenue of $18,000,000, as declared by this statistical table, the importations must increase to between eighty and ninety million dollars.

Mr. CUMMINS. Perhaps some political economist or statistician or politician—I do not know who—has estimated that

by the pending bill imports will be increased from $50,000,000 to $70,000,000. I differ with that political economist or statistician. I do not think the imports will increase in that way.

Mr. NEWLANDS. Then if this does not increase the imports the revenue will be less than $12,000,000, and it is well for us to understand that as we go along, for that means a reduction of $12,000,000 in existing revenue.

Mr. SMOOT. I wish to say that I differ entirely with the Senator from Iowa, for I believe, if the Democratic bill passes, the importations not only will increase $25,000,000, as estimated by the Democratic House, but they will increase $100,000,000. I do not say that they will increase that amount upon the items affected by the amendments offered by the Senator from Iowa, but take the highly finished products, every rate is reduced by the Democratic bill, and the rates are cut until they will drive not a few hundred concerns into bankruptcy, but will close the doors of thousands of small mills in this country. I will predict that, and I believe it as positively as I believe the sun will rise to-morrow morning.

Mr. CUMMINS. I think I ought to have confined my statement to the heavier forms of iron and steel, because I do believe that the duties in the Democratic bill upon the heavier forms—better organized forms of manufacture—are too low.

Mr. SMOOT. Now, Mr. President——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Certainly.

Mr. NEWLANDS. Of course, I regard the statement of the Senator from Utah as to the disastrous effects of this reduction as very much exaggerated.

Mr. SMOOT. That may be the Senator's opinion, but I have given him mine.

Mr. NEWLANDS. It is perfectly apparent, if we are to get the same revenue—$18,000,000—from steel that we have derived heretofore, that under this new duty we will have to make importations to the extent of about $80,000,000 instead of importations to the extent of $51,000,000, and that the labor producing that $30,000,000 worth in this country will be displaced.

I want to see this tariff reduced, and I want to see it materially reduced, and I want to see it reduced by the only party that is bent upon the reduction—the Democratic Party.

Mr. SMOOT. That will not be accomplished yet awhile.

Mr. NEWLANDS. I want to see that party come into full and complete power in order to make the reduction, and I do not want that party to make an announcement before election that will so alarm the men who are employed in these various industries, and whom we are told aggregate 1,500,000 in the steel industry alone, that they will cast their votes against the Democratic Party and deprive it of all opportunity for usefulness.

For this reason I wish to make a gradual approach toward the final reduction which ought to be accomplished, and I believe that a sliding reduction, with a percentage reduction each year extending over a period of 5 or 10 years, with a brake so adjusted, under a rule fixed by Congress, as to stay the reduction temporarily at least when a wave of foreign importation threatens to invade the country, will bring the result we seek to accomplish more satisfactorily than any other process.

I have been in Congress now for nearly 20 years, during which we have been talking about reductions of the tariff, without substantial result, whereas by a reduction of 5 per cent annually we can accomplish a reduction of 50 per cent of the tariff in 10 years, and by a reduction of 10 per cent annually we can accomplish a reduction of 50 per cent in the next 5 years, and we can provide such a brake in this reduction as to stay it when an invasion of foreign goods is imminent. I would rather undertake a gradual course of reduction under the rule laid down by the Democratic Party, with reference to a gradual reduction so accomplished as not to disturb this vast army of wage earners and not to seriously interfere with domestic industries, than I would any radical action now which might so scare the workers as to prevent the Democratic Party from coming into power. I am aware that the steel schedule is one of our most indefensible schedules, but the statistics before me have suggested these remarks, and I present them in the hope that the Democratic Party will handle this subject of tariff revision and reduction in such a gradual and progressive way as to invite confidence in its wisdom and constructive capacity.

Mr. SMOOT. I am not worried as to what is going to happen to the Democratic Party, nor do I care what one Democrat may think as to what will happen to it; and if I had full confidence in the fear expressed by the Senator from Nevada, that to pass this bill would destroy the party, I think the proper thing, perhaps, would be to assist its passage.

But, Mr. President, I want to say that in my estimate of the importations into this country if the Democratic bill became a law is not based entirely upon my knowledge of the business, but we had before the committee laboring men who had worked in mills in foreign countries, who knew conditions in foreign countries—knew them not from hearsay but from actual experience—and they testified to the fatal effect the rates provided for in the Democratic bill would have upon American mills were they put in force. My statement is based upon opinions of men who should know.

Now, Mr. President, when I was diverted——

Mr. SIMMONS. Will the Senator yield for a question?

Mr. SMOOT. Certainly.

Mr. SIMMONS. Do I understand the Senator as saying that these laborers who had visited Europe and worked in the mills of Europe made the statement he has just quoted?

Mr. SMOOT. They did not visit Europe. They were born there. They were brought up in the mills in Europe. They knew just what they were paid per day in Europe, compared it with the wage received in this country for the same class of work, and they testified before the committee that if the rates as provided in the Democratic bill were put into force the manufacturers in this country would be ruined.

Mr. SIMMONS. If the Senator will permit me, my recollection is that the laborers who came before the committee and testified to having worked in Europe, or having been in Europe and acquired information, confined their statements to the difference between the wages per diem paid in the factories of Europe and in the factories of this country.

Mr. SMOOT. The Senator certainly must not have been at all the hearings.

Mr. SIMMONS. They did not profess, as I understand, to be able to compare the entire cost of production here with the cost of production abroad, but based their statements upon the theory that a lower per diem wage was paid in the factories of Europe than was paid in the factories of America.

Mr. SMOOT. That is all I am basing my statement upon, and the items I am speaking of are items in the manufacture of which there is from 50 to 90 per cent labor. I am not speaking of pig iron. I am not speaking of steel rails. I am speaking of the highly finished products, and I say that the rates provided in the Democratic bill if put in force will drive American manufacturers of these articles out of business.

Mr. SIMMONS. If the Senator will permit me, what did Mr. Schwab say when he was testifying before the committee? He declared that the wage per diem in this country was about twice as high as it is in Europe.

Mr. SMOOT. He so stated.

Mr. SIMMONS. But this same man had testified only a short while before, in the steel investigation, that while the per diem wages in this country were twice as high as in Europe, the cost of producing the heavier forms of iron and steel there was about as high as it is here.

Mr. SMOOT. I want to say to the Senator that we do not have to take Mr. Schwab's word as to what the rate of wage is in this country and in Europe. I will take the report made by the British Board of Trade, appointed by the Parliament to gather statistics as to the wage paid in this country, in Italy, in Germany, in Austria, in France, as compared with the wage paid in England, and from it I can prove to the Senator that the wage paid in this country is more than double what it is in England.

Mr. SIMMONS. If the Senator will permit me, I have not disputed that the per diem was higher here than it is abroad. What I am contending for is while the per diem rate is a little higher in this country, the cost of the product is not measured by the per diem, and the cost of production in this country of the heavier products of steel is about the same as abroad.

Mr. SMOOT. I say again that a man who is laboring in Germany—or why should I say a man? Let me say a man or a woman laboring in Germany, making all kinds of chains, scissors, knives, and cutlery of all kinds can produce in these higher finished products just as many dozen in 24 hours as can be produced in this country. Men who have worked in both countries producing these goods so testified before the committee.

It is true, Mr. President, that a few short years ago the handling in great quantities of the ore and the pig iron and in the making of steel rails in this country was done in a way that it did not cost as much per ton or per unit as it did in a foreign country, but that condition does not exist to-day, and the testimony showed that this class of goods to-day is manufactured

in foreign countries in the same way and with as improved machinery as in this country.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes; I yield.

Mr. GORE. John W. Gates testified before the Industrial Commission that the mills of the United States supplied 60 per cent of all the wire used in England. Now I would like to know how that could be done if the cost of production is greater here than there?

Mr. SMOOT. I am very tired, and I am not feeling very well, but I am going to cover that subject from A to Z. It is not a question of tariff; it is not altogether a question of what it costs to make an article. It is a question of keeping a company's mill running even if it gets cost for its product or even less. I have made goods, and in some cases made more than my regular trade demanded, and have shipped them to a market where they would not interfere with my regular market. I did not care so much about the price as I did to get rid of them, for if I could get cost out of them I was ahead. Why? Because the overhead expenses, the taxes, the insurance, the administration charges were the same whether I manufactured a million dollars' worth or whether I manufactured $500,000 worth. The extra quantity made cheapened the goods I sold to my regular trade, and gave the employees a chance to work every day in the year. This same thing is being done by many mills in this country. It costs just about as much to run 2,000 tons a day from blast furnaces as it does to run 500 tons a day.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. SHIVELY. The statement the Senator has just made is decidedly interesting, and ought to be illuminating on this question. The Senator says that what he has just stated is a part of his personal experience as a business man. The Senator states that he has manufactured goods; and do I understand that he stated that he sold them abroad?

Mr. SMOOT. No; not abroad.

Mr. SHIVELY. The surplus?

Mr. SMOOT. Not abroad.

Mr. SHIVELY. Where was the surplus market to which the Senator refers?

Mr. SMOOT. The surplus market we had was San Francisco and eastern points.

Mr. SHIVELY. That is to say, the Senator had a certain circle of regular customers or trade?

Mr. SMOOT. Yes; in Chicago, New York, Baltimore, Cincinnati, and other large cities.

Mr. SHIVELY. And having supplied that at his price, he sold the surplus outside of that market at a lower price.

Mr. SMOOT. In some cases; in others it may have been a class of goods that were of such a style that the trade did not want them.

Mr. SHIVELY. The Senator is now speaking from personal experience. What class of goods was that? Give an instance of them.

Mr. SMOOT. I was speaking particularly of woolen goods.

Mr. SHIVELY. So you had one price in one part of the country for your regular trade, and another price for what you regarded as the surplus product of your mills?

Mr. SMOOT. No; I had one price for the goods that were demanded all over the United States, but if there was a surplus stock I had to get rid of, that there was no special demand for, I would not go into the regular market and offer that to the regular trade. I had to sell them somewhere, if at no more than cost and sometimes even less.

Mr. SHIVELY. What temptation was there to manufacture that class of goods in your mills?

Mr. SMOOT. The manufacturer makes mistakes the same as a merchant or the same as other people. The Senator must know that. The manufacturer may undertake to make a piece of goods from a particular sample, and for some unaccountable reason the colors do not blend and the goods are not salable. I have seen a slight difference in the shade of the threads used to form a pattern spoil the goods for the regular trade, and could only be sold as seconds.

Mr. SHIVELY. I did not understand, however, that the Senator was doing that. Those things were more or less accidental. He was not operating in that way in order to keep the mill running the whole year round, was he?

Mr. SMOOT. No, of course not; but when you talk about the exportation of manufactured steel and iron, I want to tell the Senator that in Germany the industry is under one head, one syndicate. All orders come through it and they make the local price. Every exportation is reported to this syndicate, and the amount of loss occasioned by any and all exportations is made up to the exporter and paid out of a fund collected by the syndicate. Germany wants to protect and does protect her local market. They are protected against all the world. Not only that, a syndicate in Germany seems to be a virtue, but we send men to jail in this country who would form one, and I am not complaining of that——

Mr. SHIVELY. Do you think it is right?

Mr. SMOOT. I am not complaining of that——

Mr. SHIVELY. Do you think it is right to send them to jail?

Mr. SMOOT. I approved the law. I am only calling attention to the fact that the men who manufacture these goods in this country have to meet conditions of that kind.

Mr. President, I will show by the report of Mr. Pepper, the gentleman the Senator from Iowa referred to so often, that these bounties, if you may call them such, have been paid to German manufacturers on exportations to foreign countries; sometimes as high as $7.80 per ton on finished products.

The American manufacturer is up against a bounty-paid competitor, paid by a country that not only protects her local market, but she has made up her mind that the German laborer shall make the goods for the world as far as possible, and they do not care what system is adopted to accomplish it.

Mr. SHIVELY. I presume the Senator has the statistics?

Mr. SMOOT. I have.

Mr. SHIVELY. What were the German exports of iron and steel and the manufactures of iron and steel for the last year?

Mr. SMOOT. I do not want to begin the discussion of that question now. I am tired. As I said in the beginning, I am not feeling well; I should like to continue at some other time.

Mr. SHIVELY. I, of course, do not want to take the Senator's time——

Mr. CUMMINS. I hope the Senator from Indiana [Mr. SHIVELY] and the Senator from North Carolina [Mr. SIMMONS] will allow the bill to be laid aside temporarily. I am sure that the Senator from Utah is proceeding under considerable difficulty.

Mr. SMOOT. Before that is done, I should like to have inserted in the RECORD, so as to complete what I was discussing when interrupted, the freight rates upon the different items from the Pittsburgh mills to the United States North Atlantic ports and to the United States Pacific coast ports, and the rates from foreign mills to the United States North Atlantic ports and to the United States Pacific coast ports.

The PRESIDING OFFICER. Without objection it will be so ordered.

The table referred to is as follows:

Freight rates.

	From Pittsburgh mills—		From foreign mills—	
	To United States North Atlantic ports.	To United States Pacific coast ports.	To United States North Atlantic ports.	To United States Pacific coast ports.
Rails	$2.00	$13.50	$2.65	$7.50
Plates	3.58	17.92	3.00	8.75
Structural	3.58	17.92	3.00	8.75
Bars	3.58	17.92	3.00	8.75
Tin plate	3.58	14.83	3.23	8.25
Sheet	3.58	21.28	3.00	8.75
Plain wire	3.58	19.04	2.25	8.75
Wire rods	2.60	17.92	2.85	7.50
Nails	3.58	19.04	3.00	8.75
Pipe	3.58	12.88	3.00	8.75
Pig iron	2.45	14.00	2.50	7.50
Billets	2.60	14.56	2.50	7.50

Mr. McCUMBER. Mr. President, the Senator from North Carolina [Mr. SIMMONS] seems to have not always remembered accurately everything that is in the testimony, and he seems to differ quite often with the Senator from Utah as to what the testimony shows. A short time ago, if I understood the Senator from North Carolina correctly, he stated that those who testified before the committee and who represented the labor side of the question did nothing more than give the comparative wages in the old countries and in this country, and they did not state what the effect would be upon them. I may have been in error, but that was my understanding.

Mr. SIMMONS. I wish to say that my statement was made from the testimony that I heard. I do not claim that I heard all the testimony, because I did not.

Mr. McCUMBER. I want to call the Senator's attention to two paragraphs. One is from Mr. Durkee, who represents the laborers employed in the manufacture of cutlery. On page 576, in the resolution which he presented, he says:

> We would call attention to the fact that the present rate, as shown by the importations of the past year, is not too high.

The present rate is 45 per cent, and the reduction is to 25 per cent. He proceeds:

> And that any reduction in the rate would mean an increase in importation and a closing of the factories here or a reduction in wages to meet the lower prices.
>
> Being mindful of the hardships entailed on us and our families by previous tariff reductions, we would therefore earnestly request you to use your best efforts for the retention of the present duty.

Then, turning to the testimony of Charles J. Pilling, who also represents the laborers employed, he says, on page 579:

> The surgical-instrument industry of this country is one that has been worked up by skilled laborers, and nothing but skilled laborers. The cost of manufacturing surgical instruments is nearly all labor and very little material. If the duty is reduced, it will mean the destruction of the industry in which these laborers are engaged. Already, to-day, about 75 per cent of the surgical instruments used here are imported into this country at the 45 per cent rate, so we do not know where we would be at the proposed 25 per cent rate.

His reasons for opposing it are that the manufacturer would receive less, and his answer, which I think very apt, was as follows:

> Protecting the laborer, of course, does affect the manufacturer. The manufacturer can not get along without the laborer, and the laborer can not get along without the manufacturer.

There is testimony of the same character right along in the following pages. Those who are engaged as laborers, with the knowledge that in that particular industry, the manufacture of surgical instruments, for instance, a very high class of manufactures, about 75 per cent of the articles used here are imported under a 45 per cent duty, can see that a reduction to a 25 per cent duty, as it seems to me anyone else can see, might possibly take up the other 25 per cent of the consumption in the United States.

Mr. SIMMONS. I understand the Senator to say that he was reading from the testimony of a factory laborer.

Mr. McCUMBER. Yes.

Mr. SIMMONS. I can readily see that laboring men working in the factories in this country and also in the factories of foreign countries would be able to give some reliable testimony as to the difference in the wage scale per diem or per year here and abroad. I can not see that the testimony of a laborer in a factory as to the cost of production, as contradistinguished from the per diem cost of labor, would be of very great value.

I want to say to the Senator that in speaking a little while ago I was speaking with reference to a case of which I had recollection.

Mr. McCUMBER. Certainly. I understood that.

Mr. SIMMONS. Some of the laboring people came before the committee probably when I was not present and their testimony escaped my attention, but my recollection was that the men who spoke purely as laborers, who had been abroad and who came back with a knowledge of the wages abroad as compared with the wages in this country, spoke in reference to the per diem wage or the per month wage or the per annum wage. For myself, I would not regard the testimony of a laborer in a factory upon the question of the total cost of production here and abroad as of very great value.

Mr. McCUMBER. Right there, Mr. President, let me suggest to the Senator that those representatives of the laborers in those factories have as clear and accurate and as close a technical education as any one else dealing with the subject. They make it their study, perhaps, more than any Senator does to know exactly what effect previous laws changing the duties have had upon the matter of importations and the effect of any duty upon those importations. I believe that we get just as accurate information from the intelligent men who represent the labor element in the manufactories as we will get from the manufacturers themselves.

Mr. SMOOT. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. SIMMONS. I have no objection to that provided no one else is ready to go on this afternoon.

Mr. SMOOT. I have understood that no one else is ready.

Mr. SIMMONS. Otherwise I do not wish to have the unfinished business displaced by anything.

Mr. SMOOT. I understood that no one is ready to go on to-day, and an executive session, I understand, is desired.

Mr. SIMMONS. I make no objection under the circumstances, if no Senator indicates his purpose to go on.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER (Mr. BACON in the chair). Without objection, the unfinished business will be temporarily laid aside.

Mr. SIMMONS. I understood the Senator from Utah to say that an executive session is desired.

Mr. SMOOT. Yes; I understand that an executive session is desired.

Mr. GALLINGER. Mr. President, the Senator from Utah informs me that he is not in robust health, and he would prefer to complete his argument on Monday rather than to-morrow. A large number of Senators, an unusual number of Senators, have made an appeal that we should adjourn over until Monday. Personally I have no preference in the matter, but in deference to the requests that have come to me from both sides of the Chamber, I thought I would make the motion, and the Senate could do with it as it pleased.

Mr. SIMMONS. Mr. President, I hope that will not be done. I do not, of course, want to insist on the Senator from Utah going on to-morrow, but I think the Senator from Missouri [Mr. STONE] will be ready to go on to-morrow. We are very anxious to facilitate action upon this bill.

Mr. GALLINGER. I am quite as anxious as anyone.

Mr. SMOOT. I have not any desire whatever that the bill shall go over until Monday on my account. I think I will be ready to go on to-morrow.

Mr. GALLINGER. Then I will not make the motion.

Mr. SMOOT. If there is any objection——

Mr. GALLINGER. There is objection.

Mr. CUMMINS. Mr. President, I could not hear the suggestion of the Senator from North Carolina. Will he repeat it? I very much hope that the suggestion of the Senator from New Hampshire will be accepted by the Senate. There is some work some of us want to do which we find it pretty hard to do when we continue in session during every day of the week from 12 o'clock until 6 or 7, as we have been doing for the last few days. I really think that we will make progress if we adjourn, when we do adjourn, until Monday.

Mr. SIMMONS. I desire to say to the Senator from Iowa that I am not insisting upon a session to-morrow to press the Senator from Utah to speak.

Mr. SMOOT. I understand that.

Mr. SIMMONS. There are other Senators who, I am advised, will be ready to speak to-morrow.

Mr. SMOOT. I understood that the Senator did not mean to press me to speak to-morrow. I am perfectly aware of that. But, as far as I am personally concerned, I have no doubt that on to-morrow I will feel better than I feel to-day, and I will be perfectly willing to go on. The only question that arose was not with me but with others, and it was just as the Senator from Iowa states. I know, of course, that I shall have to work all day Sunday to get my mail answered. It has been piling up for the last week. But I am perfectly willing to have a session to-morrow.

Mr. SIMMONS. I should like to inquire of the Senator from New Hampshire if there is any possibility of an agreement to take a vote on a day certain?

Mr. LODGE. Not the slightest. I can answer the Senator that.

Mr. SIMMONS. If we can do that——

Mr. LODGE. There is not the slightest prospect of an agreement; that is, at present.

Mr. SIMMONS. Not the slightest prospect of an agreement?

Mr. SMOOT. Not at present—later; not at present.

Mr. WILLIAMS. It seems, then, that the only possible way by which we can secure a vote is to keep in session all the time possible.

Mr. LODGE. That it is perfectly easy to do, if you have a majority to do it.

Mr. GALLINGER. Mr. President, I had intended to make the motion out of deference, as I said before, to an unusual number of Senators on both sides of the Chamber, but I do not want to make it if the Senators in charge of the bill feel that Senators are ready to proceed to-morrow. I will be glad to have the Senator from North Carolina——

Mr. STONE. Mr. President, I should like to ask a question suggested by the remarks of the Senator from Massachusetts, and more particularly because of the words he used.

The PRESIDING OFFICER. The Chair is informed that it is impossible for the reporters to hear Senators.

Mr. STONE. I rather gathered from what he said that possibly it was not the intention on the other side to let us have a vote on this bill.

Mr. LODGE. Oh, not at all; I did not say that. I said there was no prospect of an agreement at present.

Mr. GALLINGER. I will venture——

Mr. LODGE. It is rather early to make an agreement. A great many of us desire to be heard on the bill. It is a measure too important to be hurried.

Mr. GALLINGER. I will venture to suggest to the Senator from Missouri I feel sure there will be no undue delay in the matter of agreeing to a vote. Certainly I want a vote on all these bills. But as long as Senators desire to discuss them of course we can not force a vote; it is impossible for us to do that.

Mr. STONE. We have been discussing this bill now for weeks.

Mr. LODGE. Oh, no; there have been but two speeches made on it.

Mr. STONE. It has been before the Senate.

Mr. LODGE. It has been before the Senate, and there has been an appropriation bill up all the time. The Senator from North Carolina [Mr. SIMMONS] has made a speech, and the Senator from Iowa [Mr. CUMMINS] has made a speech upon this bill. Those are all the speeches which have been made until to-day.

Mr. WILLIAMS. There was plenty of time for other Senators to have made speeches, if they had wanted to do so.

Mr. LODGE. I do not see the time. We have spent four days in the continuous discussion of the agricultural appropriation bill.

Mr. STONE. Of course, if Senators on the other side do not want to let us vote on the bill, if that is really the policy of our friends on the other side, it will develop pretty soon, and we ought to begin to have that development now, so that we will have some idea as to what we are going to do. We are in a minority. We can not force the majority.

Mr. CLARK of Wyoming. Mr. President, I understood from the statement of the Senator from North Carolina that it is probably the wish of the Senator from Missouri to go on with the discussion to-morrow.

Mr. STONE. I said that I could do so.

Mr. CLARK of Wyoming. If that is true or if there is any Senator upon the other side who desires to go on with the discussion, I do not believe we ought to adjourn over, because I think we ought to close this matter up as soon as we can. I know that I am right in assuring the Senator from Missouri that there is no desire to delay it, and if we can take it up and do anything with it to-morrow I am not in favor of adjourning over.

Mr. WILLIAMS. If no Senator is ready to go on with it, can we not go ahead with the reading of the bill?

Mr. CLARK of Wyoming. I have no objection.

Mr. WILLIAMS. The Senator from Utah said he would be ready to go on to-morrow, and the Senator from Missouri is ready to follow him.

Mr. CLARK of Wyoming. If there is any Senator ready, I shall not be in favor of an adjournment over.

Mr. GALLINGER. Under the circumstances I will not make the motion to adjourn over. Some other Senator may make it if he chooses.

Mr. CLARKE of Arkansas. Mr. President, I want to say a word. We have been here continuously now for the past two weeks in close attendance on the sessions. A good many of us have gotten behind with our routine work and the time will not be lost, I feel satisfied, taking into consideration the time consumed in the consideration of this bill, if we would spend to-morrow otherwise; and in the end we will find we have made real progress.

I think the sentiment here on this side is that there should be an adjournment over. Of course I do not want to antagonize the wishes of any of our Members of this side, or the other side, for that matter, and any courtesy which usually prevails in the Senate will still prevail here. What I have to say is not in antagonism to it, but I give it as my opinion that we will make real progress by adjourning over to-morrow.

I hope the Senator from New Hampshire will not withdraw the motion, but will give the Senate an opportunity to express itself on the subject.

Mr. CUMMINS. Mr. President, I am sure no one would accuse me of any desire to delay the consideration of this bill or a vote upon it, but I think unless some Member of the Senate has made such arrangements as that it will be more convenient for him to speak to-morrow than upon any other day, we ought to adjourn until Monday. We have been here continuously now for a good many days, and our adjournments have been rather late in the afternoon. There is a great deal of work every Senator has to do that can not be done in the Senate Chamber. There are some of us, at least, who do not want to leave the Senate while it is in session.

I hope, therefore, that the Senator from New Hampshire will adhere to his motion, for I believe it will be and is the wish of a great majority here to adjourn until Monday.

Mr. GALLINGER. Mr. President, under the circumstances, in view of the appeal that has been made from both sides of the Chamber, I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. WILLIAMS. Upon that I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from New Hampshire moves that when the Senate adjourns to-day it adjourn to meet on Monday next. The Senator from Mississippi calls for the yeas and nays upon that motion. Is there a second? [After a pause.] The yeas and nays are not ordered.

Mr. STONE. Mr. President, can we not have a division? I should like to have Senators stand up and be counted.

The PRESIDING OFFICER. As many as desire to sustain the call for the yeas and nays will rise and stand until they are counted. [After a pause.] Five only have risen, which is not sufficient to sustain the call. The question is on the motion of the Senator from New Hampshire that when the Senate adjourns to-day it be to meet on Monday next at the usual hour.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 45 minutes spent in executive session the doors were reopened.

PRIVILEGES OF THE PRESS GALLERY.

Mr. HEYBURN submitted the following resolution (S. Res. 314) for consideration:

> *Resolved*, That any paper publishing the proceedings of an executive session of the Senate, or what purports to be the proceedings of an executive session, shall not be entitled to the privileges of the press gallery of the Senate; and that the Sergeant at Arms of the Senate be instructed to exclude from the press gallery any representative of any paper publishing such report who may be found therein.

Mr. CLARK of Wyoming. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, May 20, 1912, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate May 17, 1912.

POSTMASTER.

INDIANA.

John O. Motto to be postmaster at Winona Lake, Ind., in place of Vernon G. Lamb, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 17, 1912.

PROMOTIONS IN THE NAVY.

Lieut. Francis Martin to be a lieutenant commander.
Lieut. Emil P. Svarz to be a lieutenant commander.
Lieut. (Junior Grade) Harry L. Pence to be a lieutenant.
Ensign Harlow T. Kays to be a lieutenant (junior grade).
Boatswain Birney O. Halliwill to be a chief boatswain.
Lieut. Commander Robert K. Crank to be a commander.
Lieut. Commander Stanford E. Moses to be a commander.
Asst. Surg. Glenmore F. Clark to be a passed assistant surgeon.
To be assistant surgeons in the Navy:
Charter C. Wood, and
Cline H. Dragoo.

POSTMASTERS.

CALIFORNIA.

E. E. Brown, Maricopa.
Minnie E. Chalmers, Niles.
Franklin L. Glass, Martinez.

IDAHO.

H. H. Hamilton, New Plymouth.

ILLINOIS.

Archibald W. Fletcher, Highland Park.
William Hawley, Dundee.
Daniel McArthur, Glencoe.
Paul Spitzer, Techny.
Don A. Spurr, Wilmington.

IOWA.

Daniel J. Adlum, Missouri Valley.
Ezra Bradford, Wellman.
Stephen M. Brinton, Brighton.
Jacob Kiefer, Hazleton.
Ozro J. Kramer, Schaller.
Hiram E. Morrison, Seymour.
Thomas J. Ochiltree, Morning Sun.
Alma G. Ott, Riverside.
William G. Ross, Fairfield.
Peter S. Narum, Waukon.

KENTUCKY.

Marvin W. Barnes, Elizabethtown.
Terry T. Hanberry, Eddyville.
Joseph Insko, Augusta.
D. U. Poole, Greenville.
Llewellyn F. Sinclair, Georgetown.
John B. Weller, Bardstown.
Wallace R. Wood, Elkton.

MAINE.

Vesta P. Carle, Woodland.

MASSACHUSETTS.

Charles E. Wallace, Fitchburg.

MONTANA.

Lawrence Hauck, Philipsburg.

NEBRASKA.

Gust Abrahamson, Holdrege.
Loree V. Styles, St. Edward.

NEW HAMPSHIRE.

Leander Patterson, Antrim.

OREGON.

William E. Tate, Wasco.

SOUTH CAROLINA.

Lawrence O. Harper, Honea Path.

WEST VIRGINIA.

John E. Houston, Davis.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 17, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, help us to realize the great responsibility of life, for "it is the truth of God, working through the personality of man, which has been the salvation of the world." Inspire us to put our personality into our work on the side of right and truth and justice, that we may enhance the real values of life and thus increase our efficiency for good to the honor and glory of Thy holy name, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT—DAMS ACROSS THE SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker, I ask the Speaker to lay before the House the conference report on the bill S. 5930. It will only take a moment.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River, by authority granted to the Twin City Power Co. by an act approved February 20, 1908.

Mr. MANN. I reserve a point of order.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. I desire to reserve a point of order upon the report, and I would like to ask the gentleman whether in making the report the conferees have not changed the text of the bill as it passed both Houses?

Mr. ADAMSON. Well, I do not think we have. In fact, there was a proviso added to the Senate bill. We struck out by amendment in effect the most substantial and only thing in that proviso applicable to this case. The conferees receded by taking out the entire proviso.

Mr. MANN. But the gentleman did make a change. I do not know; I may make a point of order if I get a chance to examine it, but I would like to have a chance to examine it.

Mr. ADAMSON. I have no objection if the gentleman has not had time to examine it, and I will withhold the request.

The SPEAKER. The gentleman withholds the conference report.

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, I move, then, in order to test the pleasure of the House about a matter I am not at all contrary about myself, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) known as the Panama Canal bill.

Mr. POU. Mr. Speaker, I would like to ask a question. The gentleman is well aware that this day is set apart under the rules for the consideration of bills on the Private Calendar. I would like to ask if he is not willing to yield to-day for the consideration of the Private Calendar. I will say to the gentleman that there are a large number of bills from the Committee on Claims, and the gentleman is well aware this session is drawing to a close, and while his motion, we all know, is a preferential motion, if the committees which have charge of these appropriation bills and bills like that of which the gentleman has charge now continue to insist upon displacing the Claims Committee, why all there is to it is that these matters will not have consideration during this session of Congress.

Mr. ADAMSON. Mr. Speaker, while I am not aware, as the gentleman suggests, that the session is rapidly drawing to a close, I do hope and trust he is correct in his supposition to that effect. As to my willingness to withdraw this motion and yield to the Claims Committee, it is not a question of my personal pleasure. So far as I am concerned, I would yield anything personally to the distinguished gentleman from North Carolina [Mr. POU]. I stated in making the motion that I simply wished to take the pleasure of the House. I will state, however, and it is no betrayal of secrets, that there was a kind of conference among a number of us the other day, looking to the very purpose that the gentleman suggests as to early adjournment, and those present thought if we could pass this canal bill and the appropriation bills, and get them over to the Senate, that pending the consideration of the conference reports there might be ample time to consider the matters that the gentleman from North Carolina refers to and many others.

The SPEAKER. The question is, Shall the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21969?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. POU. Division, Mr. Speaker.

The House divided; and there were—ayes 28, noes 13.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

OPERATION OF PANAMA CANAL.

Mr. ADAMSON. Mr. Chairman, the situation at present is that I am about three hours ahead in the distribution of time on this side of the aisle, and I will ask the gentleman from Minnesota [Mr. STEVENS] to consume some time.

Mr. STEVENS of Minnesota. Mr. Chairman, how much time has the gentleman from Georgia taken?

The CHAIRMAN. Five hours and 27 minutes.

Mr. STEVENS of Minnesota. How much time has been charged to me?

The CHAIRMAN. One hour.

Mr. STEVENS of Minnesota. I yield an hour to the gentleman from Wisconsin [Mr. ESCH].

Mr. HUMPHREY of Washington. Mr. Chairman, I would like to inquire of the gentleman from Minnesota [Mr. STEVENS] if he feels that is carrying out the agreement? There have been five hours in favor of the bill and two against. What is the object of the gentleman in exhausting all the time in favor of the bill and dividing up the last part of it?

Mr. MANN. The last two speeches were made on the gentleman's side.

Mr. STEVENS of Minnesota. Whatever has been charged to my side has been used by the gentleman from California [Mr. KNOWLAND]. I am willing to carry out the agreement, but necessarily prefer members of the committee.

The CHAIRMAN. Will the gentleman from Minnesota [Mr. STEVENS] withhold his statement until the bill is reported? The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. MARTIN of Colorado. I do not understand that the time of the gentleman from Michigan [Mr. DOREMUS] is charged up to the support of the bill.

Mr. ADAMSON. Oh, yes. Each side of the House has to divide between the two factions.

Mr. MARTIN of Colorado. The time so yielded to the gentleman from Michigan [Mr. DOREMUS] by the gentleman from Georgia [Mr. ADAMSON] at that time was used against the bill.

Mr. ADAMSON. I will keep the division straight between the gentleman from Michigan and myself.

Mr. FOSTER. What the gentleman from Colorado [Mr. MARTIN] is getting at is that all this 5 hours and 27 minutes has not been used by those who favor the bill entirely.

Mr. ADAMSON. I understand that. I am keeping account of that.

Mr. KNOWLAND. I think the situation is this: The agreement was that the time should be equally divided between those who signed the majority report and those who signed the minority views. The agreement with the chairman of the committee was that half of his time should be given to the gentleman from Louisiana [Mr. BROUSSARD] and half of the time on this side be given to me. Now, there has been used up to this time 4 hours and 27 minutes by those in favor of the bill, but at least in opposition to one section there has been used but 1 hour and on the other side but 1 hour and 10 minutes, so that in reality this side has still 2 hours more, divided between the Democratic and Republican sides, before the majority should really get in again.

Mr. STEVENS of Minnesota. Mr. Chairman, the time can not be divided that way. As the Chair and the committee have noted, I have tried to keep my agreement faithfully. I yielded an hour to the gentleman from California, and I now yield an hour to the gentleman from Wisconsin, on the opposite side. The next hour will be controlled by the gentleman from California [Mr. KNOWLAND] and the next hour by myself, and the gentleman from Georgia will then deal out the time as agreed with his colleagues. I think that is in a spirit of utmost fairness. It gives them the same time as on the other side of the Chamber. On the other side I can not control the time. But I think the gentleman is doing the best he can under the circumstances.

Mr. HUMPHREY of Washington. Does the gentleman think this is in harmony with the agreement with those in favor of the bill who consumed so much time at first? Have you seen it done before on the floor of the House? I never have since I have been here.

Mr. MANN. The gentleman from Georgia [Mr. ADAMSON], in charge of the bill, consumed 4 hours and 27 minutes nominally. A large share of that time was really consumed by gentleman opposed to the bill, because the gentleman from Georgia was in charge of the bill.

Mr. SIMS. Certainly it was.

Mr. ADAMSON. Two-thirds of my time was consumed in that way.

Mr. MANN. I do not see how the gentleman can complain.

Mr. HUMPHREYS of Mississippi. Those who are in favor of the bill want to take the time first, and it ought to be divided up equally.

Mr. MANN. I think the gentleman's statement is a very unfair statement.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield an hour to the gentleman from Wisconsin [Mr. ESCH]. The next hour will be controlled by the gentleman from California [Mr. KNOWLAND], who opposes a provision of the bill.

Mr. ESCH. Mr. Chairman, I shall not in this address devote much time to the contentious sections of the bill, namely, sections 5 and 11. I wish now to call attention to the larger aspects which this legislation presents, and to that end I wish to consider the effect of tolls on the world's traffic using the Panama Canal.

This legislation ought to have been passed a year ago. There is great need of its speedy enactment now. The chairman of the Isthmian Canal Commission ought to be given speedy authority to mould the present labor force on the Isthmus into the operating force which is to take charge of the work when the canal is opened to traffic. This authority should be given to him early, so that he can select out of the present labor force the most efficient men to constitute the permanent operating force.

Another reason for the speedy consideration of this legislation arises out of the fact that the shipping world is entitled to at least two years' notice as to the tolls and the regulations affecting traffic through the Panama route. We are advised that merchant ships will be able to pass through the canal by the latter part of 1913. There is therefore now barely time enough for the world's shipping to make contracts for the construction of new ships, the establishment of new lines, and complete trade arrangements. The Isthmian Canal Commission and the Secretary of War have been receiving urgent appeals to know what the tolls are to be on the Isthmus, so that the shipping lines can guide their course accordingly.

I stated that I wished to consider this matter in the wider and broader aspect—the relation of tolls to the world's traffic—and in considering this phase of it I wish to present a map on which are marked the routes of travel now carrying the majority of the world's commerce and the new routes which the Panama Canal will make available. There is no doubt in my mind but that the Panama route will secure a monopoly of the traffic on the west coast of both North and South America. The greatest fact connected with the canal is the shortening of distance and the lessening of time; and time and distance are the elements to-day which largely control the routes of ships. When it is realized that the construction of this canal will save the circumnavigation of South America in traffic between the North Atlantic and Pacific seaboards, its importance is at once realized; and when that saving is reduced to miles, and the amount is known to be about 8,000 miles, the monopoly of the Panama route as against any other competitive route also becomes readily apparent.

In order more clearly to realize the importance which the shortening of distance and of time will have on commerce it is necessary to reduce it to dollars and cents. That brings us to the consideration of the unit of toll charges at the canal. What shall that unit be? Vessels are measured by different systems. There is the displacement measurement, which represents the weight of water in tons which a vessel will displace when fully loaded and equipped and ready for sea. This is the system adopted by all maritime nations in the measurement of warships and is the system we will apply at the Isthmus of Panama.

There is the gross tonnage measurement of ships, which represents in cubical contents of 100 cubic feet per ton all the inclosed portions of a vessel. There is also the net tonnage measurement, which represents what is left of gross tonnage after there has been deducted the spaces for coal bunkers, engines, boilers, and shafting.

The net tonnage system of measurement is the one used by most nations in the fixing of tolls. It is the system applied at the Suez Canal, and as a result of the testimony presented before our committee by experts the committee feel inclined to favor the net-tonnage system as the basis for the measurement of tolls at the Isthmus.

Besides these several systems of measurement there is what is known as the weight or measurement tonnage, the weight tonnage representing the number of long tons which can be carried in the net tonage of a vessel; measurement tonnage being the amount of the cubical space expressed in tons, allowing 40 cubic feet to the ton.

The net-tonnage system is the one which concerns us in the administration of the Panama Canal, and it is the system which will be adopted there without doubt, although this bill gives the President the discretion of adopting gross or displacement tonnage, net tonnage, or any other form as, in his judgment, seems best. He also is given the discretion of using displacement tonnage in the measurement of war ships using the canal.

Having thus determined the unit of measurement for the tolls at the Isthmus, it will be necessary next to determine the cost of that unit per day for vessels at sea, in order to determine in dollars and cents the advantage in using the Panama route over any other competitive route.

Dr. Emory Johnson, the special commissioner on Panama traffic and tolls appointed by the President, than whom there is no more reliable expert, has made an exhaustive examination of this subject, and has consulted with shipowners and shipbuilders and has deduced this formula, that the cost per net register ton per day at sea is 10 cents for the average vessel of 10 knots per hour. He found that 10 knots, a knot being equal to 1⅛ statute miles, was the most profitable speed of freight-going ships the world over. This unit cost embraces not only coal cost, cost of victualing the ship, and wages of the crew, but also the proportionate cost of interest, depreciation, maintenance, and insurance. In fact, he took into the calculation all possible elements of cost and deduced therefrom the formula of 10 cents per net registered ton per day at sea.

The testimony also shows that vessels which can most profitably use the canal will be vessels of 4,000 tons net register or more. Those of less tonnage can not use the canal to best advantage.

If then we take a vessel registering 4,000 net tons, the dues or tolls at the canal, if fixed at $1 per ton, will amount to $4,000, and her cost at sea per day $400. Having gotten some idea of the cost of the ship per day, and the cost of the tolls at the

canal, we are more readily able to understand the advantage in dollars and cents resulting from the use of this canal as against competitive routes.

In this connection we can declare without fear of contradiction that $1 a net registered ton will give to the Panama route a monopoly of the traffic between our Atlantic and Gulf seaboard and the Pacific coast of North and South America and the Hawaiian Islands.

I wish to call attention to the further fact that the Panama route can not expect to receive any tonnage developing on the north coast of South America, and in fact but little developing on the entire east coast of South America. In other words, the great ports of Rio Janeiro, Montevideo, and Buenos Aires will have little or no use for the Panama route. The territory in South America which will be benefited by the canal is that narrow strip extending from Panama to the Straits of Magellan, a distance of 4,000 miles, and lying between the summit of the Andes and the Pacific Ocean, a strip small territorially, but extremely rich in minerals and other resources.

The Pacific coast of North America will use the Panama route for its commerce with the Atlantic and Gulf seaboard. At present the Tehuantepec route, crossing Mexico, is a rival of the Panama Railroad; but that rivalry will cease upon the opening of the Panama Canal. It now costs $3.50 per cargo ton to cross the Isthmus of Tehuantepec, which will amount to about $7 per net registered ton. The Tehuantepec Railroad gets one-third of the through rate. Therefore the rate at Tehuantepec being $7 per net registered ton, as compared with $1 per net registered ton at Panama, the difference in favor of Panama will be $6 per net registered ton. There can be consequently no competition between the Panama Canal and the Tehuantepec Railroad route. The extremely large percentage of wastage and breakage resulting from twice breaking bulk still further handicaps the Tehuantepec route.

I have here Table I, prepared by Dr. Johnson, showing distances and time saved via the Panama Canal as compared with the Straits of Magellan between the Atlantic-Gulf ports of the United States and the west coast of South America.

TABLE I.—*Distances and time saved via the Panama Canal as compared with the Strait of Magellan between the Atlantic-Gulf ports of the United States and the west coast of South America.*

To—	From New York.						From New Orleans.					
	Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—				
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.
	Miles.						*Miles.*					
Callao	6,250	28.4	25.2	21.2	18.1	15.7	7,245	33.0	29.7	24.7	21.1	18.4
Iquique	5,939	23.1	20.9	17.3	14.8	12.9	6,134	27.8	25.0	20.8	17.7	15.4
Valparaiso	3,747	16.3	15.1	12.5	10.9	9.2	4,742	21.4	19.3	16.0	13.8	11.8
Coronel	3,296	14.7	13.2	10.8	9.3	8.1	4,294	19.4	17.4	14.4	12.3	10.7

A vessel from New York to Callao, on the west coast of South America, would save 6,250 miles as against the Strait of Magellan route. In days saved this would represent 28.4 days for a vessel traveling 9 knots per hour, 25.2 days for a vessel traveling 10 knots, and 15.7 days for a vessel traveling 16 knots. Fourteen and sixteen knot vessels are, as a rule, passenger steamers, and these will not to any large extent in the early years of the Panama route use that route. As the per diem cost of such steamers is much higher than that of the freight steamers, it will take a less number of days saved at sea to pay the canal tolls; hence in time we may expect fast vessels to use the canal.

If it costs a 4,000-net-register-tonnage ship $400 per day, then 10 days saved in sailing time would equal $4,000, or the amount of tolls the ship would have to pay. A vessel from New York to Callao, which is 6,250 miles nearer New York by the Panama route than by the Strait of Magellan, saving 25.2 days if a 10-knot vessel, would have an advantage of 15.2 days by way of profit by reason of the use of the Panama route, or over $6,000.

The next port south of Callao of importance is Iquique, 5,239 miles near New York by way of the Panama route than by way of the Strait of Magellan, representing a saving of 23.3 days for a 9-knot ship and 20.9 for a 10-knot ship. This port of Iquique is important, because it is the great nitrate port of South America; near by and within easy reach of tidewater are the great nitrate fields of northern Chile.

Last year 2,500,000 tons of nitrates were shipped from this port, 500,000 tons coming to the United States to be made into fertilizer and 2,000,000 tons being sent to Europe. These 2,500,000 tons of nitrates required in their shipment a vessel capacity of 1,000,000 net registered tons. At $1 a ton the export of nitrates alone through the Panama Canal would have developed a revenue of $1,000,000.

To Valparaiso, the great port of the west coast of South America, the distance saved via the Panama route over the Magellan route would be 3,747 miles, representing a saving of 16.8 days for a 9-knot ship and 15.1 days for a 10-knot ship.

Coronel, the southernmost port in Chile, except Punta Arenas, 400 miles south of Valparaiso and about 1,000 miles north of Magellan, is important because it is the only port on the west coast of South America where native coal can be secured. I hope, if I have time, to discuss the importance of coal and coal costs as affecting the traffic that can use the Panama route.

If Table I be examined, it will be found that New Orleans is nearer these South American ports on the west coast via the Panama Canal than from New York by about 1,000 miles, giving to New Orleans and other Gulf cities just that much advantage in the saving of time and distance.

Remembering that 10 days saved in sailing time will equal or make good the canal tolls with a 10-knot ship, every one of these South American ports to which I have referred can profitably use the Panama route as against the route through the Strait of Magellan.

I wish next to direct your attention to Table II:

TABLE II.—*Distances and time saved via the Panama Canal as compared with the Strait of Magellan between European ports and the west coast of South America.*

To—	From Liverpool.						From Antwerp.						From Gibraltar.					
	Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—				
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.
	Miles.						*Miles.*						*Miles.*					
Callao	4,043	18.2	16.3	13.5	11.5	10.0	3,903	17.6	15.8	13.1	11.5	9.7	3,327	14.9	13.3	11.0	9.4	8.1
Iquique	3,932	13.1	11.7	9.7	8.3	7.1	3,794	12.4	11.1	9.2	7.8	6.8	2,216	9.7	8.7	7.2	6.1	5.2
Valparaiso	1,540	5.8	5.3	4.5	4.1	3.5	1,402	5.0	5.3	4.3	3.5	3.1	924	3.3	2.9	2.3	1.9	1.6
Coronel	1,089	4.5	4.0	3.4	2.7	2.3	[illegible]	2.9	3.4	2.8	2.3	1.9	373	1.2	1.0	.8	.6	.05

The distances are longer than between the Atlantic and Gulf seaboard and this west coast, and the savings in days are less, but the demonstration of advantage in favor of the Panama route is almost as conclusive. For instance, from Liverpool to Callao—Liverpool, representing a typical port of England, is nearer to Callao by way of the Panama route than by way of the Strait of Magellan by 4,043 miles, representing a saving of 18 days for a 9-knot ship, 16.3 days for a 10-knot ship, and exactly 10 days for a 16-knot ship, while Iquique, the great nitrate port, is nearer by 2,932 miles, representing a saving of 13.1 days for a 9-knot ship and 11.7 days for a 10-knot ship.

Valparaiso, the objective port for most of the west South American trade, will be nearer to Liverpool by way of Panama than by way of the Strait of Magellan by 1,540 miles, representing a saving of 6½ days for a 9-knot ship and 5.9 days for a 10-knot ship. You will notice, therefore, that as to Valparaiso there is a saving in time of less than 10 days, practically only 6 days, representing $2,400 in money equivalent. But as the canal tolls on our typical ship of 4,000 tons net register would be $4,000, there would be a handicap of $1,600 against the ship using the Panama route. The question is, Would that ship go through the Panama Canal instead of going to Liverpool by way of the Strait of Magellan?

I believe, and the experts declare, that the Panama route will be preferred for the following consideration: The Strait of Magellan is over 200 miles long. The shores are rocky and precipitous and there are few aids to navigation. In the winter time floating ice abounds and there are dangerous cross currents. It is a dangerous passage at any time. The rate of marine insurance on vessels from Europe to the west coast of South America is higher through the straits than it would be through the Panama Canal. It is impossible now to give the amount of this difference, but it will be appreciable. Whatever it will be, it ought to be deducted from the $1,600 handicap on the vessel that uses the Panama route. Again, a vessel leaving Liverpool or Antwerp or Gibraltar for Valparaiso by way of the east coast of South America would have few ports of call, and would, therefore, have less opportunities for taking on or discharging cargo, whereas if it took the Panama route it would have ports like Guayaquil, Callao, Iquique, Valparaiso, Coronel, and even Punta Arenas on the Strait of Magellan.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Certainly.

Mr. MARTIN of South Dakota. The gentleman concludes, I take it, that practically all the traffic with western South America and northern ports would pass through the Panama Canal.

Mr. ESCH. What does the gentleman mean by northern ports?

Mr. MARTIN of South Dakota. I mean Atlantic and Gulf as well as European ports.

Mr. ESCH. Yes.

Mr. MARTIN of South Dakota. What sum does the gentleman consider, figured in net registered tonnage, might reasonably be expected in the first year?

Mr. ESCH. In 1910 the foreign commerce of the west coast of South America with Europe amounted to 3,128,000 net registered tons, and it is safe to assume that that entire tonnage would use the Panama route, thus developing a revenue of $3,128,000. Another advantage in using the Panama route between Europe and Valparaiso or return is the fact that coal can be gotten cheaper than by way of the east coast of South America and through the Strait of Magellan. In fact, from the figures that are given the saving in coal alone by the use of the Panama route might be enough to pay the canal tolls. On this account we conclude that the Panama Canal, with a rate of $1 per net registered ton, will secure practically all of the traffic developing along the west coast of South America with Europe, barring possibly a portion from Coronel down to the straits. It is easy to conceive that if a vessel at Valparaiso can secure a full cargo it might go home by way of the Strait of Magellan, or if it could secure part or full cargo at Montevideo, Buenos Aires, or Rio de Janeiro for Europe. Another fact to be considered is this: Passenger traffic with Valparaiso from Europe might go down the Atlantic coast to Buenos Aires and then go over the trans-Andean railroad, which has been opened within the year, to Valparaiso and Santiago, but the cost for railroad fare from Buenos Aires to Valparaiso would be so great as to make this route practically prohibitive for all save emergency traffic.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. MANN. In the comparison which the gentleman has made I notice he has not called attention to the matter of the amount of vessel space required for coal by the two routes. Would it not require much more vessel space for coal going down the east coast of South America than it would going by way of the Panama Canal and recoaling at these different points?

Mr. ESCH. Mr. Chairman, the gentleman's suggestion is a proper one, and I had intended to develop it in connection with another branch of the subject. However, the idea suggested is this: If a vessel coals at Southampton for Valparaiso by way of the Magellan route it would have to take on a large supply of coal, thus diminishing its freight capacity. If a vessel can coal frequently at near-by stations it need use but a small space for coal and leave a large space for freight tonnage, thus increasing its freight earning capacity.

By use of the Panama route a vessel, say from Southampton, can coal at St. Thomas in the Danish West Indies, or St. Lucia in the Bahama Islands, and proceed to Panama, where it could take on coal at either Cristobal or Balboa and then cruise down the west coast and get coal at any of those ports. That is an added argument why vessels from Europe will be induced to use the Panama Canal.

Mr. MADDEN. I would like to ask the gentleman about the difference in the cost of the coal as between the starting point of the ships and the various coaling points to which he has called our attention. Would the difference in cost be sufficient to recompense the ship for the loss of freight that might be earned by reason of taking a full cargo of coal to supply it for the whole trip, as against coaling at the different points?

Mr. ESCH. I think that the best practice among shipowners is to seek to leave the port of clearance with a small cargo of coal and reload at intervals, thus permitting it to carry the maximum of freight-earning tonnage.

Mr. MADDEN. The point I want to get the gentleman to tell us about, if he will or can, is whether the difference in the price of coal at Liverpool or Southampton and Valparaiso is sufficient to offset the freight receipts which might be secured by a ship on account of leaving the port of Southampton with a small quantity of coal.

Mr. ESCH. Well, it would be very difficult to determine that in dollars and cents, owing to the fact that rates of freight vary very materially and the coal cost varies very materially.

Mr. MADDEN. But the gentleman must remember that freight has to be paid on the coal that is taken on board ship at Valparaiso, and freight must be paid on coal taken on board the ship at Panama or paid on coal taken on board at any other point of the West Indies—St. Thomas or any other place. Now, that freight must be added to the cost.

Mr. ESCH. I have figures here giving the coal cost at the various stations of the world and along the four great competitive routes which I will describe, and if I have the time I will be glad to take up that phase of it.

Mr. MADDEN. That side of the question is one that is very interesting.

Mr. ESCH. Yes; it is interesting. I wish next to call attention to Table III, showing the relation of Panama Canal tolls to the traffic between the Atlantic-Gulf seaboard of the United States and Australia and New Zealand.

TABLE III.—*Relation of Panama tolls to the traffic between the Atlantic and Gulf seaboards and Australia and New Zealand.*

To—	From New York.						From New Orleans.						Remarks.
	Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—					
		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	
	Miles.						*Miles.*						
Adelaide	1,746	7.5	6.7	5.6	4.6	4.0	3,258	14.6	13.1	10.8	9.2	8.0	Difference between routes via Panama, Tahiti, Sydney, and Melbourne, and via St. Vincent and Cape of Good Hope.
Melbourne	2,770	12.3	11.0	9.1	7.7	6.7	4,282	19.3	17.3	14.3	12.2	10.7	Difference between routes via Panama, Tahiti, and Sydney, and via St. Vincent, Cape of Good Hope, and Adelaide.
Sydney	3,932	17.7	15.8	13.1	11.2	9.7	5,444	24.5	22.2	18.4	15.7	13.7	Difference between routes via Panama and Tahiti, via St. Vincent, Cape of Good Hope, Adelaide, and Melbourne.
Wellington	2,493	11.0	9.9	8.1	6.9	6.0	3,498	15.8	14.0	11.6	9.9	8.6	Difference between routes via Panama and Tahiti and via Strait of Magellan.

The commerce of Australia and New Zealand is developing with very great rapidity. In 1909 the foreign commerce of Australia amounted to $550,000,000, an increase of $200,000,000 over the preceding decade. New Zealand's foreign trade in 1909 amounted to $175,000,000, an increase of $75,000,000 over the preceding decade. The commerce of our Atlantic and Gulf seaboard in 1910 with Australia and New Zealand amounted to $46,000,000, an increase of 68 per cent over the preceding decade. The importance of our canal securing an increasing share of this traffic between our Atlantic and Gulf seaboard and Australia and New Zealand ought to be apparent. I have here Table III, giving the saving in distance and days from New York to Adelaide on the south shore of Australia by using the Panama route as against the Cape of Good Hope route. The difference is 1,746 miles, showing a saving of 7¼ days for a 9-knot ship and 6.7 days for a 10-knot ship. If Adelaide were the port of destination a saving in time of 6.7 days for a 10-knot ship would not be a large inducement for a vessel to pass through the Panama Canal and pay tolls. It might instead go around the Cape of Good Hope. At the present time our traffic between the Atlantic and Gulf seaboards and Australia is by means of line vessels around the Cape of Good Hope. That is a much longer route than even the Straits of Magellan. The Panama route will be the shortest. From New York to Melbourne, on the southeast shore of Australia, the saving by using the Panama route as against the Cape of Good Hope route, would be 1,710 miles, represented by a saving of 12.3 days for a 9-knot ship and 11 days for a 10-knot ship. From this it would appear that a vessel could profitably use the Panama route and have one day's saving of time at sea to its credit. Sydney, on the east coast of Australia, and its greatest city, a city of 500,000 people, will be 3,932 miles nearer to New York by way of the Panama route than by way of the Cape of Good Hope, represented by a saving of 17.7 days for a 9-knot ship and 15.8 days for a 10-knot ship. Sydney, therefore, which all line vessels and most chartered vessels or tramps make, would determine the homeward route and not Adelaide or Melbourne.

It is thus seen that it would be profitable to use the Panama route, because there would be a margin of profit or of saving of 5.8 days for a 10-knot ship, after deducting 10 days saving in time to neutralize or compensate for the canal tolls. Wellington or Auckland, in the New Zealand Islands, would be nearer to New York by way of the Panama route by 2,493 miles over the route by the way of the Straits of Magellan, representing a saving of 11 days for a 9-knot ship and 9.9 days for a 10-knot ship. Even as to Wellington, the Panama route would be preferable to the Magellan route. What course a vessel will take after arriving at one of the ports of Australia for the home journey will depend not merely upon the saving of distance and of time, but upon other factors, such as facility of securing traffic and cargoes en route and on the cost of coal. However, Dr. Johnson believes that New Zealand could stand a toll of a dollar per net registered ton and the Panama Canal get at least 50 per cent of its traffic. A vessel in a south Australian port which had to leave Australia in ballast or with partial cargo would doubtless sail up to the East Indies, to Java or Sumatra or Singapore, for a cargo of Java coffee or sugar and then proceed through the Suez route back home, or it might possibly return home by the way of the Cape of Good Hope.

Table III shows that New Orleans will be nearer these ports of Australia via the Panama route by about 1,500 miles over New York, amounting to a saving for a 10-knot vessel of about 6 days. Even with Adelaide, such vessel would save 13.1 days as against the Cape of Good Hope route. The Panama route ought to secure in traffic between our Atlantic and Gulf seaports and Australia a fair percentage of that commerce and ought to secure at least 50 per cent of the growing commerce of New Zealand.

I next wish to call your attention to Table IV, showing the effect of tolls at the Isthmus of Panama on the traffic between Europe and Australia and New Zealand.

TABLE IV.—*Effect of tolls at Isthmus of Panama on traffic between Europe and Australia and New Zealand.*

To—	Via—	From Liverpool.						Remarks.
		Distance.	Distance saved via shorter route.	Days saved via shorter route for vessels of—				
				9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	
		Miles.	*Miles.*					
Adelaide	Panama	13,478	2,336	10.8	9.7	8.1	6.9	6.1	Via Panama, Tahiti, Sydney, and Melbourne.
	Suez	11,142							Via Aden, Colombo, and King George Sound.
Melbourne	Panama	12,986	1,312	6.1	5.4	4.6	3.9	3.4	Via Panama, Tahiti, and Sydney.
	Suez	11,654							Via Aden, Colombo, King George Sound, and Adelaide.
Sydney	Panama	12,395	150	.69	.62	.52	.44	.39	Via Panama and Tahiti.
	Suez	12,235							Via Aden, Colombo, King George Sound, Adelaide, and Melbourne.
Wellington	Suez	12,889	1,564	6.7	5.9	4.9	4.2	3.5	Via Aden, Colombo, King George Sound, and Melbourne.
	Panama	11,425							Via Panama and Tahiti.

Here the distances are longer and the percentages will be less. A line which is equidistant from Liverpool by either the Panama or Suez route runs through Yokohama, about 200 miles east of the island of Guam and about 150 miles east of Sydney, Australia. All east of this line, therefore, would be nearer Europe by way of the Panama route, and all west of it, which would include the continent of Australia and most of the east coast of Asia, would be nearer by way of the Suez route. The question arises, will Australia and New Zealand give any of their commerce with Europe to the Panama route? It may expect to get some portion of this tonnage, but the Panama route would have to meet sharp competition with the Cape of Good Hope route and with the Suez route. The question of tolls and coal costs will be largely determinative as to the route.

Mr. BOWMAN. And some difference in insurance.

Mr. ESCH. There is some difference in insurance. At present the bulk of cargo from Europe to Australia passes around the Cape of Good Hope and does not pass through the Suez Canal. The Suez Canal is used largely by line steamers carrying fast mail and passengers. The 10-knot vessel carrying cargo prefers the Cape of Good Hope route to the Suez route, because it will have no tolls to pay, because of the cheap coal of Natal, South Africa, and because the Cape of Good Hope route is only about a thousand miles longer than the Suez route. We may expect some vessels outbound from Adelaide or Melbourne or Sydney, and especially New Zealand, to return to Europe by way of the Panama route.

New Zealand furnishes much cargo tonnage, especially in the line of frozen meats, and cargoes of frozen meats—refrigerated cargoes—will seek to go to Europe by the cooler route. The cooler route would doubtless be by way of Panama as against the route through the Suez Canal. The Red Sea, 1,300 miles in length, has almost torrid heat and is swept by the blasting winds from the desert, hence it is more difficult to carry refrigerated tonnage through the Suez route. We can expect a small tonnage from Australia and a considerable tonnage from New Zealand to pass through the Panama route to Europe.

Mr. LEWIS. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Maryland?

Mr. ESCH. Yes.

Mr. LEWIS. You are just referring to the Suez Canal and the probability of some Panama traffic being diverted from that point.

Mr. ESCH. Yes.

Mr. LEWIS. May I ask the gentleman the character of the rates fixed for traffic on the Suez Canal, whether they are law-made rates or statutory rates that may not be changed by an administrative tribunal, and in that respect do they differ from the rates proposed in this measure now?

Mr. ESCH. The Suez rates are made by the company that practically owns and operates the Suez Canal. They are not statutory rates. The rates put in force on the Suez Canal on January 1 of this year were 6¾ francs per registered ton, amounting to about $1.30. But the Suez tonnage is measured by the Suez measurement, which differs from the British and American measurement in that it does not allow as large a deduction for bunker, engine, and other space as is allowed under

the British and American measurement. Therefore the net registered tonnage at Suez is higher than it would be at Panama, and the same ship going through the Panama Canal would pay less tolls than if it passed through the Suez Canal. In other words, the $1.30 per net registered ton at Suez would amount to $1.53 at Panama.

Mr. MANN. Does not the Danube measurement which is used on the Suez Canal include 80 cubic feet to the ton, while the American measurement allows 100 cubic feet?

Mr. ESCH. Yes; that is also a factor in making the net-tonnage rate at Suez higher than our proposed rates at Panama, and this difference of $1 Panama rate and $1.53 equivalent Suez rate will be quite a determining factor in the routing of vessels.

I wish next to call attention to Table V, showing the relation of tolls on traffic between our Atlantic and Gulf seaboards and the region between Yokohama and Singapore, on the east coast of China, including the Philippine Islands.

TABLE V.—*Effect of tolls on traffic between Atlantic and Gulf seaboards and Yokohama and Singapore, including Philippine Islands.*

To—	Via—	From New York.						From New Orleans						Remarks.
		Distance saved.	Days saved for vessels of—					Distance saved.	Days saved for vessels of—					
			9 knots.	10 knots.	12 knots.	14 knots.	16 knots.		9 knots.	10 knots.	12 knots.	14 knots.	16 knots.	
		Miles.						*Miles.*						
Yokohama	Panama	3,708	16.9	15.2	12.6	10.7	9.3	5,766	25.9	23.3	19.3	16.5	14.4	Via San Francisco.
	Suez													Via Colombo, Singapore, Hongkong, and Shanghai.
Shanghai	Panama	1,876	8.1	7.3	6.0	5.1	4.4	3,813	17.1	15.4	12.7	10.8	9.4	Via San Francisco and Yokohama.
	Suez													Via Colombo, Singapore, and Hongkong.
Hongkong	Panama	18						1,919	8.4	7.5	6.2	5.2	4.5	Via San Francisco, Yokohama, and Shanghai.
	Suez													Via Colombo and Singapore.
Manila	Panama	41						1,978	8.6	7.7	6.4	5.4	4.7	Via San Francisco and Yokohama.
	Suez													Via Colombo and Singapore.
Singapore	Panama	2,484	11.0	9.8	8.4	6.9	5.9	547	2.0	1.7	1.4	1.1	.9	Via San Francisco and Yokohama.
	Suez													Via Colombo.

Mr. RAKER. If the gentleman will permit me, the discussion came up yesterday that England had to do with this Suez company and owned the majority of the stock in it; that is, the Suez Canal. Is there anything in that?

Mr. ESCH. English citizens own some of the stock.

Mr. RAKER. But the English Government itself has nothing to do with the company?

Mr. ESCH. I think not. It is not owned by the Government.

Mr. MARTIN of Colorado. The English Government owns a lot of the stock, but the company is under the control of a private company.

Mr. ESCH. This trade area between Yokohama and Singapore is largely within the influence of the Suez route. However, the northern portion of it may safely be considered as within the influence of the Panama route.

Mr. MARTIN of Colorado. From where?

Mr. ESCH. For instance, from New York to Yokohama it is nearer by 3,268 miles through the Panama Canal than by the Suez route, representing a saving of 17 days for a 9-knot ship and 15.2 days for a 10-knot ship; while Shanghai, on the Chinese coast, will be nearer via Panama than via Suez by 876 miles, represented by a saving of 8.1 days for a 9-knot ship and 7.3 days for a 10-knot ship. Hongkong, down the Chinese coast, will be nearer New York by way of Panama than by way of Suez by only 18 miles, and Manila will be nearer by only 41 miles.

In other words, the line equidistant from New York by way of Panama or Suez runs through Peking, China, through Hongkong, practically through Manila, and through the west-central part of Australia. Everything, therefore, on the east coast of Asia east of that line would fall within the influence of the Panama route, and all west of it, from Hongkong to Singapore, would fall within the influence of the Suez route. Can we hope for or expect any traffic from this region to use the Panama Canal?

Yes, we can, for the reason that the distances to Yokohama and even Shanghai show a saving in days of travel at sea almost equivalent to the number necessary to offset the canal tolls, but Hongkong and Manila are practically the same distance by either route, and therefore other factors, aside from distance, would determine the course of the vessel outbound from either of these two ports. As Manila is a possession of the United States, and as the coastwise-trade laws apply to it, we may expect to get most of the traffic of the Philippine Islands across the Pacific through the Panama Canal to our Gulf and Atlantic seaboard.

Mr. MARTIN of Colorado. Will the gentleman permit a question?

Mr. ESCH. Yes.

Mr. MARTIN of Colorado. It would be impossible to state this matter of distances any more clearly than the gentleman is stating them; but I will ask if it is not the fact that all ports in western Pacific waters, not only the Asiatic ports, but the Australasian islands, are in the Suez Canal zone from all European ports?

Mr. ESCH. The next table will give the distances and show that very fact.

Mr. MARTIN of Colorado. I assume that that is what your chart will show, that all Asiatic and Australasian ports are in the Suez zone from all European ports.

Mr. ESCH. This red line shows that all west of it is within the influence of the Suez route for European ports.

Mr. MARTIN of Colorado. In addition to that, as a practical proposition, these ports are nearly all in a competitive zone as between New York and European ports?

Mr. ESCH. Yes; there is an overlapping territory along the coast of China.

Mr. MARTIN of Colorado. Even from New York we have got to fight Europe for all the traffic that we get in this zone?

Mr. ESCH. Yes. Another thing: The Suez influence is well established, because it is a route that has been traveled since 1869. The banking facilities and trading companies along it also tend to attract and hold the traffic with Europe through the Suez route, so that, as the gentleman from Colorado [Mr. MARTIN] well says, we will have to fight for whatever traffic we are able to get from, say, Shanghai down to Singapore; but Table V also shows that New Orleans would have an advantage over New York of about 2,000 miles to Yokohama, Manila, and the great ports of China, permitting her to offer strong competition to vessels using the Suez route.

Mr. SIMS. In case the Suez Canal should reduce its charges the competitive zone will naturally move east to that extent.

Mr. ESCH. Certainly; and it will be, to the extent of the reduction, a potent influence in determining the course of vessels, except line vessels, which can not deviate from their course. It would have a large influence on chartered vessels or tramps.

Mr. LEWIS. I wish to inquire as to the character of rate making on the Suez Canal. Is it entirely free, as it would be with a private railroad company, to change the rates? If so, has there been much change in rate making through the canal in the last generation?

Mr. ESCH. The directors of the Suez company—I think it is the Suez Maritime Co.—fix the rates from time to time. From 1869 to 1884 the rates remained practically at 10 francs a registered ton. After 1884 changes were made every few years, until in January, 1912, the rate was reduced to 6.75 francs a net registered ton, and the directors will doubtless in the near future make a still further reduction to meet the competition of the Panama route, so that I look to see the time when they

will reduce the rate to $1 a net registered ton, as we have proposed to fix it at Panama.

Mr. LEWIS. They can make those reductions without regard to any governmental action.

Mr. ESCH. Without regard to any governmental action——

Mr. LEWIS. Or action of the British Parliament?

Mr. ESCH. Or action of the British Parliament.

Mr. KENT. Are they under any sort of obligation to levy uniform tolls?

Mr. ESCH. Yes; under the Suez agreement the tolls are equal to all nations, without discrimination.

Mr. FOWLER. Will the gentleman discuss the dangers attending the navigation through these two great highways?

Mr. ESCH. Which two does the gentleman mean?

Mr. FOWLER. I mean the Suez Canal and the Panama Canal.

Mr. ESCH. I have already described the Magellan route.

Mr. FOWLER. Yes; I know the gentleman has.

Mr. ESCH. The Suez route would be more dangerous than the Panama route for oriental trade, on account of the terrific storms that sweep over the Indian Ocean. Crossing the Pacific we have comparative freedom from storms. We, however, would have the disadvantage of a stormy passage possibly across the North Atlantic.

Mr. MARTIN of South Dakota. Can the gentleman tell the committee whether the insurance rates as between these two competitive routes, where they are real competitors, would be to the advantage of the Panama route?

Mr. ESCH. Oh, certainly; and it would be an advantage to the Panama route as compared with the Magellan route and as compared with the Suez route where it crosses the Indian Ocean.

Mr. MARTIN of South Dakota. Will the gentleman state why the advantage will be with the Panama route in the oriental trade? It is on account of the voyage over the Pacific, is it not?

Mr. ESCH. That is comparatively a safe voyage as compared with the voyage by the Suez Canal and across the Indian Ocean.

Now, I wish to call your attention to Table VI, showing the relation of tolls at Panama on the traffic between Europe and Yokohama and Singapore, including the Philippine Islands.

TABLE VI.—*Relation of tolls on traffic between Europe, Yokohama, and Singapore, including Philippine Islands.*

To—	From Liverpool.						Remarks.	
	Distance shorter via Suez than via Panama.	Days saved for vessels of—						
		8 knots.	10 knots.	12 knots.	14 knots.	16 knots.		
	Nautical miles.							
Singapore	6,946	21.6	20.4	23.8	20.2	17.5	Panama route via San Francisco and Yokohama.	Suez route via Colombo.
Manila	4,421	19.3	17.9	14.8	12.6	11.0	Panama route via San Francisco and Yokohama.	Suez route via Colombo and Singapore.
Hongkong	4,172	18.3	16.3	13.3	11.9	10.1	Panama route via San Francisco and Yokohama.	Suez route via Colombo and Singapore.
Shanghai	2,776	12.1	11.0	9.1	7.8	6.8	Panama route via San Francisco and Yokohama.	Suez route via Colombo, Singapore, and Hongkong.
Yokohama	694	2.7	2.4	1.9	1.5	1.3	Panama route via San Francisco.	Suez route via Colombo, Singapore, Hongkong, and Shanghai.

As already stated, the red line on the map passing through Yokohama marks the line which is equidistant from Liverpool by way of either route, and as all the Chinese coast lies west of that line it is normally within the influence of the Suez route.

There are regions that we can not influence, so far as traffic goes, nor can we seduce traffic from the Suez route to or from such regions to the Panama route. The Suez route will have absolute monopoly of all traffic on the east coast of Africa and the east and west coasts of India, and the Malay Peninsula, Java, and possibly Sumatra. We can not hope to break into that zone of traffic. On the other hand, the Panama route will have zones where it will be supreme and where the Suez route can not encroach.

In regard to this traffic between the Chinese coast and Europe, both the Magellan route and the Cape of Good Hope, can be ignored because they are too long to enter into competition. We may expect some vessels outbound, securing cheap coal at Yokohama, to cross the Pacific on the arc of the great circle to Tacoma, Seattle, or San Francisco; thence down the coast to Panama and on to Europe. The reverse movement may also be true; that is, vessels may seek to cross the Atlantic from Europe in the hope of getting a cargo on our Atlantic seaboard and proceed through the canal to San Francisco or the Sound cities and cross the Pacific to Yokohama, Shanghai, or Manila.

At present there is considerable traffic across the Atlantic to European ports where cargoes are transshipped to vessels bound for the Orient through the Suez Canal. When the Panama Canal is opened that movement may be exactly reversed, and vessels from Europe may be willing to take cargoes at cheap rates across to New York, Baltimore, and Philadelphia and there have them transshipped to vessels passing through the Panama Canal bound for the Orient. So that even as to these two trade areas we may expect a small share of the traffic. This concludes my consideration of the relation of tolls to the traffic of the various trade areas affected by the opening of the new route at Panama.

But there is another potential factor which determines the route of vessels, namely, the cost of coal. The greatest cost of a vessel at sea is the cost of its fuel. Last year there were 75,000,000 tons of coal sold to ocean-going vessels, representing a cost of $250,000,000.

I wish now, if I have the time, to show coal costs along these various competitive routes in order to show the advantages of the Panama route based upon cheaper coal costs. A vessel starting from Southampton with Welsh coal, probably the best coal used by ocean-going craft, can secure that coal at Southampton for $5.06 a ton trimmed. It can take on a sufficient supply to carry it to the Straits of Gibraltar, where there is another coaling station, and it can buy Welsh coal there for $5.28 to $5.76 a ton. Then it can proceed to Algiers, on the north coast of Africa, and get Welsh coal there for $5.40 a ton. It could then proceed to Port Said, the northern entrance to the Suez Canal. Port Said is one of the greatest coaling stations in the world. Last year there was shipped to that port from England one and one-quarter million tons of Welsh coal. It is there sold to vessels by several dealers, and the competition between the dealers serves to keep the price down. Coal at the coaling stations along the older routes of travel is sold by contract from dealers, and vessel owners make yearly contracts with these dealers, securing a cheaper rate than is charged to the occasional vessel or tramp steamer. Good and ample coaling facilities can be found along the entire Suez route, and they are better than along any other route. At Port Said the cost of Welsh coal, 1912 contract prices, is $6.12 to $6.24 per ton. The occasional vessel or tramp steamer would have to pay about $6.50. Please bear this in mind when we come to consider the cost of coal at Panama.

Mr. MADDEN. Will the gentleman yield?

Mr. ESCH. Certainly.

Mr. MADDEN. What is the coal worth at the port of shipment?

Mr. ESCH. Five dollars and six cents at Southampton, which would be a little more than the cost at Cardiff.

At Port Said or Suez the vessel can take on coal enough to carry it to Colombo, on the island of Ceylon.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ESCH. Can not the gentleman from Minnesota yield me a little more time?

Mr. STEVENS of Minnesota. The gentleman will remember that I yielded an hour to the gentleman from California, and I could not grant him any more. The gentleman will remember the colloquy that I had with the gentleman from Washington [Mr. HUMPHREY], and how he insisted upon me yielding. I yielded an hour to the gentleman from California, and it is up to him. If he cares to yield time to the gentleman, very well.

Mr. KNOWLAND. Mr. Chairman, if the gentleman from Washington is willing to have it taken out of his time, I have no objection.

Mr. HUMPHREY of Washington. Oh, I do not want to have it taken out of my time.

Mr. BUTLER. But, as I understand, general debate has not been limited.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be permitted to proceed for 15 minutes.

Mr. MANN. That can not be done.

Mr. HUMPHREY of Washington. Then I will ask the gentleman from Minnesota to yield the gentleman 15 minutes.

Mr. KNOWLAND. Mr. Chairman, I am willing to take it out of our time if it will not be taken out of the time of the gentleman from Washington. The gentleman from Wisconsin has not taken up the question of tolls, and I think it is no more than fair that our side should let him have the time. [Applause.]

Mr. STEVENS of Minnesota. Very well, with that understanding I will yield to the gentleman 15 minutes.

Mr. ESCH. Mr. Chairman, I am very grateful to the gentleman and to the House. At Colombo Welsh coal first comes into competition with foreign coal. At Colombo Welsh coal is sold, under 1912 prices, for $8.16 a ton. The Bengal or native coal is sold for $5.16 a ton, while the Natal coal, brought up from South Africa, can be had for $6.12 per ton, all f. o. b., trimmed. From Colombo the vessel could proceed, for instance, to Singapore, another of the great coaling stations along the Suez route. At Singapore Welsh coal can be obtained for $8.40 per ton. Australian coal, brought up from the Newcastle fields, near Sydney, can be obtained for $5.76 to $6 per ton, while Japanese coal can be obtained for $5.40, f. o. b. At Yokohama the cheap Japanese coal, known as Yubari lump, can be had for $5.40 a ton.

Let us now consider coal costs by way of the Cape of Good Hope route. A vessel would again coal at Southampton with Welsh coal at $5.06 a ton. It could coal again at Cape Vincent, where it would have to pay $7.50 for Welsh coal. It could then proceed to Cape Town or to Durban, South Africa, where Natal coal could be obtained as cheaply as $3.28 to $3.48 a ton, free alongside ship. It could then proceed to Australia and obtain coal at Melbourne, on the south coast, Newcastle or southern Australian coal, for $4.50 a ton, free alongside ship. Then it could proceed to Sydney, which is only 60 miles from the great Newcastle coal fields, and get the best quality of southern coal for $3.84 a ton.

Proceeding now by way of the Magellan route, the vessel would again coal at Southampton and recoal at St. Vincent, possibly, and go down to Montevideo, where it could get Welsh admiralty coal by paying $10.32 a ton. It could also get native coal at Coronel, Chile, over on the west coast of South America, at $5.00 per ton.

Let us now consider the coal cost by way of our proposed Panama route. The secretary of the Isthmian Canal Commission has just sent me the contract prices for the delivery of coal at Panama from Newport News. The contract made by the Government last month is at the rate of $2.70 per ton for coal at Newport, with a contract price of $1.39½ per ton to carry it down to Cristobal and unload it from the hold of the vessel. The cost, therefore, delivered at Cristobal for the current year will be $4.09½ per ton. If the Government makes an overhead charge of, say, 50 cents per ton to cover depreciation and a small profit, coal could be sold at $4.59½ per ton to passing ships.

Mr. NYE. Is that substantially the same quality of coal?

Mr. ESCH. Our New River and Pocahontas coal has 5 per cent less heat efficiency than the Welsh coal, the Welsh coal being the best bituminous coal used by steam vessels. Then it will cost 50 cents a ton to take this coal through the canal and deliver it at the coaling station at Balboa, so when the canal is finished, under present contract prices, we may safely state that coal can be sold at a small profit by the Government at Cristobal at $4.50 a ton and at Balboa, on the Pacific side, for $5 per ton. Proceeding through the canal and up the west coast the vessel can recoal at San Francisco. Comax coal from British Columbia at San Francisco is sold at $6.90 per ton. Carbon Hill or Washington coal can be gotten at Seattle for $4.15 and the best Comax lump, at Comax or Union, British Columbia, for $5 per ton. This gives the coal cost from the Atlantic seaboard to the Pacific coast. To-day coal is sold at New York for $3 to $3.25 per ton and at Newport News for $3 per ton. A vessel passing through the canal gets cheap coal at the Isthmus, and can get a fairly good supply at cheap rates at the Sound; it can then cross the Pacific and get a good supply of cheap Japanese coal at Yokohama or Nagasaki, taking on enough to make the trip down to Shanghai or Manila and return. Homeward bound it can secure a supply at the same rates. A review of the coal situation leads to this conclusion:

The coal cost along the Suez route will be probably higher than the coal cost along the Panama route, and the coal cost along the Cape of Good Hope route will be cheaper than along the Magellan route. In order to show what a factor the cost of coal is in determining the route of a vessel, I wish to give you an illustration. Last year a steamer of 4,640 gross tons—2,927 net tons—with a speed of 10½ knots, made the round trip from New York to Manila by way of the Suez Canal. It consumed 4,475 tons of coal, costing $20,868.75. Maj. Wilson, chief commissary officer at the Isthmus, estimated what that same vessel's coal cost would be if it had gone through the Panama route by way of San Francisco and Yokohama. He estimated that according to the 1911 prices the total coal consumption would be about the same in amount, but the cost would be $18,222, a saving of $2,646.25. Had the 1912 prices prevailed the saving would have been $3,164, or more than the canal tolls on this vessel at the Isthmus. Finally, the relative efficiency of various coals can be shown by the daily consumption of a given vessel. The relative steaming value for a vessel of 3,550 gross tons is as follows: It would burn 22 tons per day of best No. 1 Cardiff coal; 25 tons of Tyne or Lancashire (English) coal; 29 to 30 tons of Indian (Bengal) coal; 29 to 30 tons of Japanese; 24 to 25 tons of Newcastle (Australian); 30 tons of Coronel (Chile); only 24 to 25 tons of Sterling, New River, or Berwind White (American); 26 tons of Alabama coal. From this it is evident that our American coals compare very favorably in heat efficiency with the coals produced elsewhere and sold on other routes. This concludes consideration of coal costs in relation to traffic on the Panama and competitive routes.

Mr. RAKER. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. RAKER. In figuring these costs by the Panama route up north thence to Yokohama, the gentleman has not figured what it would be if we were able to develop the coal fields of Alaska, has he?

Mr. ESCH. That is a factor that can not be determined until we develop our coal fields in Alaska. I wish to call attention in that connection to this significant fact, that the arc of the great circle route passes only a few miles south of the available coal fields of Alaska, and in time it may be possible to develop these fields and establish a coaling station on one of the Aleutian Islands, thus aiding the traffic which we hope to get.

A word as to the probable traffic which will pass through the canal. In Dr. Johnson's first report, published in 1901, he gives an estimate of the possible tonnage which could have used the canal during the year 1899 had the same been open. He found that a possible net registered tonnage of 4,801,075 tons could have passed through the canal that year. In 1910 he made another investigation and found that a possible net tonnage of 8,328,029 tons could, or possibly would have used the canal that year, showing an increase of 66½ per cent in 11 years. He estimates that if the same percentage of increase were to continue during the five years from 1910 to 1915, a total traffic of 10,500,000 net registered tons would be available for passage through the canal during 1915. If, during the decade following the formal opening of the canal in 1915, a rate of increase of only 60 per cent is maintained, we could reasonably expect that in 1925 a total of 17,000,000 net registered tons would pass through the canal, but it is too much to expect that during the first year of operation, 1915, there will be 10,500,000 net registered tons of available traffic which will use the canal. It will take several years for steamship lines to fully establish themselves, and only actual trial can develop the full advantages of the Panama over the Suez and other competitive routes. Moreover, it will require time to fully establish and supply coaling stations along the new route. The traffic during the first few years through the Suez Canal was disappointing. During the first year, 1870, only 486 vessels passed through that canal, and in 1871 only 765. The average net tonnage per vessel for these two years was less than 1,000 tons.

At a dollar per net registered ton the revenue from tolls during the first year of operation, 1915, would amount to $10,500,000, provided the total net registered tonnage estimated as available for the use of the canal would pass through it, but such revenue can not be expected. It will fall short for the first few years. According to the testimony of Col. Goethals and other experts, the annual cost of operation of the canal, including sanitation, policing, and so forth, will amount to $4,000,000. The interest

on the bonds which have been and will hereafter be issued to meet the cost of construction will amount, at 3 per cent, to $11,250,000, or a total of over $15,000,000. Therefore, for some years after the opening of the canal, the total revenues will not meet the cost of operation and the fixed charges. This is taking no account whatever of the cost of maintaining an armed force on the Isthmus and manning the defenses which are now being constructed there. If such expenses be added, the total cost will approximate $30,000,000 per annum. Even if the cost of maintaining the armed force and the fortifications be entirely charged off, a large revenue will have to be derived from tolls to meet the cost of operation and fixed charges, and a charge of a dollar per net registered ton, including charges on vessels of the United States engaged in coastwise trade, will be insufficient for some years to meet the same. While our Government has no design to make the canal a revenue producer, good administration would dictate that such revenue be secured from its operation as would meet the cost of operation and of fixed charges with the least detriment or discouragement to commerce seeking to use the same.

The work of the great engineers on the Isthmus is about concluded, a work worthy of the admiration of the world. It remains for us as legislators to do our part to fittingly supplement their work to the end that the success of the canal may be complete.

Under the dome of St. Paul's Cathedral in the city of London is the tomb of Sir Christopher Wren, the greatest of English architects. On that tomb is a tablet on which is inscribed:

If you would see his monument, look about you.

If I had my way, I would construct on "a peak in Darien," on the summit of the Cordilleras, on the very brink of Culebra, a monument of brass or enduring granite in honor of Col. Goethals and his splended staff. [Applause.] And thereon I would engrave this testimonial:

If you would see their monument, look about you.

[Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.

The message also announced that the Senate had agreed to reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bills of the following titles:

S. 3624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

OPERATION OF PANAMA CANAL.

The committee resumed its session.

Mr. KNOWLAND. Mr. Chairman, I yield one hour to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman and gentlemen, I have just listened with a great deal of pleasure and a great deal of profit to the very able speech of the distinguished gentleman from Wisconsin [Mr. ESCH].

What time I shall take I shall devote entirely to the question of the tolls, as this is a question that vitally affects, in my judgment, not only the Pacific coast, but the use of the canal by the entire country.

This question of the Panama Canal tolls, it seems to me, can be stated in a single sentence: The People *v.* The Railroads.

This is the entire case of the Panama Canal, so far as tolls are concerned. This is the case. The court is the American Congress. It is for us to decide this contest between the people and the railroads. I care not at what angle you may look upon the question. I care not in what shape the arguments may come. I care not from what apparent source springs the opposition. I care not what reasons may be given or what pretense may be advanced in favor of tolls for coastwise ships through the Panama Canal, it all comes back to this: The People *v.* The Railroads.

I have never belonged to that class of men who have denounced corporations because they were corporations; that have denounced great interests because they were great interests; that have believed that any great business was evil simply because it was large. I have never belonged to that class of men who seek every opportunity to stand upon the floor of the House and proclaim that they are the friends of the people. I have never been one of those who have condemned and denounced the railroads of this country.

I have never been one of those who have denounced those who have constructed and run our railroads. In fact, I have always believed, and believe now, that many of the men engaged in the building and construction of railroads have been great benefactors of the people; that this country owes to them a debt of gratitude. I would not to-day injure the railroads in the least degree. I believe that they should be permitted to make a legitimate profit. I believe that the prosperity of the railroads is largely the prosperity of the entire country, and that you can not injure the railroads without injuring the whole people of this Nation.

But believing all this is no reason why I should not be opposed, as I am unalterably opposed to the railroads controlling the Panama Canal. I believe that we have constructed the Panama Canal primarily for the purpose, from a commercial standpoint, of having competition between the railroads and the ships that shall run through the canal. Every attempt to impose tolls upon the coastwise trade is an attempt to throttle this competition and to that extent benefit the railroads.

Who has asked for tolls upon coastwise trade? The railroads. Who has appeared before the Committee on Interstate and Foreign Commerce and asked that tolls be placed upon our domestic trade? No one. What business interests have appeared before that committee opposing free tolls? No one.

It is most remarkable that this great committee of the House should make a report against free tolls when no one interested has appeared before them and argued against the proposition, when no interest in all this country thought it worth while to appear before that committee and protest that free tolls would injure them. What does canal tolls mean? It means that much obstruction to commerce. It means taking just that much from the people to give to the railroads. Every dollar paid in tolls means several dollars paid to the railroads. It is a dollar given to perpetuate the greatest and most powerful monopoly that ever existed in this country.

Canal tolls is an effort to take from the American people the benefit of the many millions that we have spent in the construction of the canal and transfer this benefit to the great transcontinental railroads. The railroads of this country did everything within their power to prevent the construction of the canal, and now, by the assistance of the majority of the Interstate and Foreign Commerce Committee, it is proposed to turn over to them the benefits of this canal after it has been constructed.

Many people of this country and perhaps many Members of this House may think that there exists to-day competition between the water and the rail transportation companies. That is a great mistake. No such conditions exist now, and no such conditions ever have existed in this country. Most of the regular steamship lines that ply up and down the Atlantic coast are absolutely controlled by the railroads. Most of the steamship lines that run up and down the Pacific coast are controlled absolutely by the railroads. Most of the steamship lines upon the Great Lakes are absolutely controlled by the railroads. Do you suppose that there is any competition between the railroads and these railroad-controlled lines of steamships? The statement of the fact answers the question conclusively to any sane man. No amount of subterfuge or evasion can conceal the truth. There never has been any real competition in this country between rail and water traffic. This is fully shown by an examination of the history of water transportation, and it is also fully shown by an examination of the interstate-commerce reports. The American people had hoped, and they had a right to hope, that the completion of the Panama Canal would mean the end of this complete monopoly of transportation, both on land and sea, by the railroads. People of this country hoped that, at least between the two coasts, we would have competition, and that at last we would have an opportunity by actual trial to see what would be the result of competition between rail and ship. Such competition will do more than all courts and commissions to regulate traffic and to produce a fair and reasonable rate for shipper and consumer. But now it is proposed, at the request of the railroads, and of the railroads alone, so far as the records show and so far as the hearings show, to forget the interests of the American people and, in violation of every principle heretofore followed by our Nation, to protect the railroads of the country by imposing a tax upon domestic traffic, which in the last analysis is the American public.

It is the first time, so far as I know, in the history of this Republic, except in time of war, that it is proposed to place a tax upon domestic commerce, and this proposal is made, not

because money is needed in the National Treasury, but to protect the greatest monopoly that exists in the Nation. The majority of the committee that made this report may think that they have deceived the American people by their arguments that the canal must be made to pay for itself, by the statement that our treaties prevent our giving free tolls, by the sophistry that a tax is not a burden upon commerce, but while they may deceive themselves and possibly may deceive the majority of this House, yet nine-tenths of the people of this country believe as I believe—they know as I know—that canal tolls are for the benefit of the transcontinental railroads, and for no one else.

All through the hearings upon page after page is found this line of argument in the form of questions submitted by those who favor the bill as reported: "Will not ships, if permitted to go through the canal free, be able to carry freight so low that the railroads can not compete with them?" The solicitude of the majority of the committee as shown by these hearings for the railroads was truly and touchingly pathetic. No one, so far as I know, has attempted to show that such competition would seriously injure the railroads. While Mr. James J. Hill, if he is correctly reported, has said, in his opinion, that such competition would not injure the railroads or seriously interfere with their business, it is my understanding that experts before the committee testified that not more than 10 per cent of the traffic carried by the railroads would be directly affected by vessels running through the canal. It can not greatly injure the railroads if we are to believe the only evidence we have upon the subject, and if we are to exercise common and ordinary judgment, but it might reduce their earnings.

This is the foundation of the objection to free tolls, if we have a free canal for coastwise trade it will take away from the railroads just that much of their power to arbitrarily fix freight rates. It will tend to destroy their absolute monopoly. It will give us an opportunity for the first time in the history of this Nation to know what is the result of real competition between freight carried by land and water.

But, suppose for the sake of the argument, that free tolls would bring a ruinous competition. Suppose that a large portion of the traffic could be carried so much more cheaply by ships than the railroads that the railroads could not compete. Would that be a public evil? Is not the public entitled to the cheapest rate obtainable? What are we building the canal for? To reduce rates as much as possible or simply to reduce them to a point where the railroads can profitably compete? When before in the history of this Nation has it been proposed to ask the assistance of Congress by way of law to protect one domestic industry from the competition of another domestic industry?

Many enlightened people of this Nation protest to-day, and always have protested, against protecting by law an American industry even against the competition of a foreign industry. The most radical protectionist has never gone so far as is now proposed by this majority report—to exercise the power of the Government to protect one American industry from another American industry.

As I have said before, I have never been one of those who have denounced what is called the "interests," but in the 10 years that I have been a Member of Congress the proposition that comes from the committee to impose tolls upon domestic traffic passing through the Panama Canal is the most indefensible and the most shameless attempt that has ever been made to turn over at the expense of the people a great public work for the benefit of the private interests.

BENEFIT OF TOLLS.

Who will be benefited by free tolls and who will be injured? Who has appeared before the committee and pointed out, or attempted to point out, that if free tolls are granted they will be injuriously affected? No one. It has been secretly circulated about the Halls of Congress that if free tolls are given some unusual calamity, like the San Francisco earthquake or the sinking of the *Titanic*, will befall somebody and somewhere. But who and where and why? This awful foreboding is so appalling that no one speaks of it except in whispers, and none has been so bold as to commit to print his thoughts upon the subject. From day to day those favoring a free canal have been assured that if we only knew the facts, that if we only understood the situation, we would see the error of our way, but none has yet had the courage to attempt to enlighten us. Two fearful things have been whispered: First, that the railroads have threatened to increase interior rates if free tolls are given; second, that free tolls will injure the jobbing trade of Chicago.

If there is anyone who believes that this is true, they should long since have given their reasons to the House and to the public, and they should do so now. As to the railroads increasing their rates, it is self-evident that this is not true. Who ever knew a case whereby one competitor lowering his rates compelled the other to increase his? It is just as true as the law of gravitation that the lowering of the water rate tends to lower the rail rate. To say that free tolls—that is to say, lower water rates—will mean higher rail rates will be as absurd as to contend that the apple Newton saw did not fall but ascended. The action of the majority of the committee all the way through the hearing distinctly showed that they did not believe that rail rates would be increased, for their actions demonstrated that they constantly saw the appalling shadow of a rate so low that it would injure the railroads if they were compelled to meet it.

Will the jobbing interests of Chicago suffer by a free canal? I doubt it. No evidence, at least, has been made public so far as I know to prove it. It is true that the head and front of the opposition to free tolls has come from the railroads and Chicago interests; and the Chicago interests, like the railroad interests, have not seen fit to take the public into their confidence and show to them how they would be injured. But suppose it would limit the Chicago field of jobbing trade. Suppose that the field of trade of New York, Boston, and Philadelphia should be extended westward. Suppose that the field of trade of New Orleans, Galveston, and other Gulf cities should be extended northward. Suppose that the field of trade of San Francisco, Portland, and Seattle should be extended eastward. Would this be any reason to keep up freight rates and place an additional burden upon 80,000,000 of people to benefit a few in the jobbing business located in Chicago?

If it be true—and I do not believe it—that Chicago, because of its location, would be injured by free tolls, then it has no more reason to complain than has any other city that is not favored by being on tidewater.

The majority of the committee attempts to show that competition through the canal will benefit only that portion of the country near deep water, while the whole country is to pay for the canal.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield.

Mr. MICHAEL E. DRISCOLL. The gentleman said that these tolls collected at the canal would not be put into the Treasury. Where would they be put?

Mr. HUMPHREY of Washington. One dollar would be put into the Treasury and ten into the treasury of the railroads.

Mr. MICHAEL E. DRISCOLL. I am talking now about the actual tolls collected. We will take care of the railroads later on. Where will they be put?

Mr. HUMPHREY of Washington. If you put these tolls in the Treasury, you take them out of one pocket of the people and put them in another, and you simply add the cost of the transaction.

Mr. MICHAEL E. DRISCOLL. Is it not the other way? If they do not pay the tolls, money is taken out of the Treasury to operate the canal, and the people must pay from one pocket or the other, either by a tax to pay for the deficit or the people who use the canal pay it. The question we are up against is whether the people who get the special benefit directly, for the ships and the shippers, should pay that little expense or whether the people who do not get any direct benefit should pay it. That is the contention, and I wish the gentleman would discuss that—whether all the people shall pay or the people who get the benefit shall pay?

Mr. HUMPHREY of Washington. If the gentleman will give me the opportunity, I shall be pleased to do so. The majority attempts to show that the competition through the canal will benefit only that portion of the country near deep water, while the whole country has to pay for the canal.

They claim that this competition through the canal will not affect interior rates. If this be true, then why the agitation of Chicago? Her field of trade is not along the seacoast. Evidently Chicago does not believe that a free canal will affect freight rates only along the ocean edge. But suppose, for the sake of the argument, that we admit that a free canal would only lower freight rates and increase trade near deep water. If you will look at the census report you will see that 46,117,000 of the people of this country live within a hundred miles of deep water. What, then, becomes of that vast majority that we have heard so much about that lives somewhere in the far interior that has paid so much toward the construction of the canal who will be benefited by it so little? One of the members of the committee favoring the report said in the hearing that not one-third of the population of the United States would be benefited by the construction of the canal, yet considerably more than one-half of the population live within a hundred miles of deep-water transportation. You draw a line south from Chicago to the Ohio River, thence west to the Rocky Mountains, thence north to the Canadian boundary and you will have practically all of the territory of the United States where freight rates and trade

are not directly and powerfully influenced to-day by the water and rail rates between the Atlantic and the Pacific coasts by way of the Isthmus. Approximately speaking, the rates to-day from the Pacific coast to the Atlantic by way of the Isthmus, and from ports on the Atlantic as far west as Chicago, and from ports on the Gulf to the interior points and as far north as the Ohio River, are the same as direct rail rates from the Pacific to these points. In other words, it costs less to-day to send a thousand feet of lumber from Seattle to Philadelphia by way of the Isthmus and from Philadelphia back westward to Indianapolis than it does to send it directly by rail from Seattle to Indianapolis. It costs less to send a ton of canned salmon from Seattle to New Orleans by way of the isthmus and from New Orleans northward approximately to the Ohio River than it does to send it directly from Seattle by rail to these points. It is cheaper to reach practically all points in Texas and Oklahoma by way of the isthmus than it is directly by rail from Seattle to these points. In some instances rail and water rates meet even much farther west.

And what I say as to Seattle applies to other Pacific coast points as far south as San Francisco. Take as an illustration the rail and water rates meet as far west as Duluth on canned salmon. On soda ash the rate from Hutchinson, Kans., to the Pacific coast is the same as the rate from New York to the Pacific coast by the Isthmus. In this case we have the water rate fixing the freight rate miles eastward from the Pacific coast.

To explain more fully I will refer to the map showing the rates on two of the chief commodities of the Pacific coast—fir lumber and canned salmon—that are shipped to the eastern portion of the United States. I will show the various rates to different points by all rail and by water and rail across the Isthmus of Panama to Atlantic and Gulf ports, and from these ports to various points in the interior. The figures marked "R" is the direct mail rate from the Pacific coast to points mentioned. The figures marked "W & R" is the rate by water and rail, by way of the Isthmus. The figures marked "R, W & L" is the rate by way of the Isthmus, then by rail to the Great Lakes, and by the Great Lakes to the point mentioned.

Now, to explain more fully what I mean, I will illustrate here on the map, because I have heard a great deal of argument to the effect that only the portion of the country along the coasts will be benefited. I am quoting from the actual statements made from the tariff rates on fir lumber and on canned salmon, the most recent I could get, which were of December of last year. You take lumber to-day from Seattle, and it will come down here to the Isthmus of Panama, be transferred on the cars, and carried 103 miles by rail across the Isthmus, come up here to Philadelphia by another boat, and be carried back west to Pittsburgh by the railroads for 49 cents a hundred, while the direct rail rate from Seattle to Pittsburgh is 68 cents a hundred.

Now, take another illustration. You take Concord, and you will find that the all-rail rate is 75 cents.

The water rate is 55 cents. Take it as far west as Cincinnati, the all-rail rate is 64 cents. The water rate is 60 cents.

Mr. MARTIN of Colorado. What is called the water rate?

Mr. HUMPHREY of Washington. The water rate is the rate by water from Seattle to the isthmus, then across the Isthmus of Tehuantepec by railroad, and from there to New York by water and back to the point mentioned in the interior by rail. That is what I mean by water route, although it is both rail and water.

Mr. MARTIN of Colorado. I wanted to know the route.

Mr. HUMPHREY of Washington. That is the route. Now, for the sake of illustration, I will take Indianapolis, between Illinois and Indiana, is about where these two rates meet; at that point the two rates are the same. Take the rate to Indianapolis as an illustration. The all-rail rate from Seattle, and when I say Seattle I mean all Pacific coast ports, for the rate is the same from all, on lumber is 63 cents, while the water rate is 61 cents.

Mr. MOORE of Pennsylvania. Does not that charge include the rate across the Isthmus of Tehuantepec?

Mr. HUMPHREY of Washington. Yes; it includes the entire cost of sending the lumber from Seattle to those points that I have mentioned.

Mr. BOWMAN. What is the Panama Railroad rate on lumber?

Mr. HUMPHREY of Washington. That I do not know. Now, you take canned salmon, which is one of the big industries of the Pacific coast, amounting to $30,000,000 last year, and you can send that product to New Orleans and up the Mississippi to St. Louis cheaper than you can ship it direct by rail. A short time ago a cargo of barley was sent from the Pacific coast across the isthmus and up to New Orleans and up to St. Louis for considerably less than the direct rail rate.

Now, as an extreme illustration of cases where you use water again, you take the canned salmon. It comes to New York by the water route and goes up to Buffalo, and there is again placed on a vessel and goes out to Duluth, and there practically meets the direct railroad rate from Seattle at that point.

Now, what becomes of your argument that only the people along the Pacific coast and the Atlantic coast and Gulf coast are benefited by the canal rates if you can to-day bring lumber and many other products down to the Isthmus and there transship them and carry them 103 miles by rail and place them again in ships and bring them to Atlantic and Gulf ports and then take them back west a thousand miles and up north a thousand miles from these ports as cheaply as you can send them direct? What becomes of the argument that only the two coasts of the country are going to be benefited by the Panama Canal?

Mr. NYE. Will the gentleman permit an interruption?

Mr. HUMPHREY of Washington. Yes.

Mr. NYE. What is the relative cost of the transshipment across the Isthmus as compared with the total cost?

Mr. HUMPHREY of Washington. I do not know. I want to call the attention of the committee to the fact that if you take this space indicated by the yellow line on the map, it approximately represents to-day the only portion of the United States where rail and water rates do not meet and where they are not directly affected; that is, for a distance of 300 or 400 miles south of Chicago, and thence west to the Rocky Mountains, and thence north to Canada.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Minnesota?

Mr. HUMPHREY of Washington. Yes.

Mr. MILLER. The gentleman has in detail mentioned the relatives rates on lumber. Of course, that is a commodity that can always be carried in bulk very cheaply, and a commodity which lends itself very readily to water transportation, and, therefore, the water cost of transporting a commodity of that kind is very much less than the rail cost of transporting other commodities, like grain or ore or manufactured goods. Can the gentleman give us any statistics showing the relative costs of transporting general merchandise, as we might call it, or dried fruits or cotton fabrics or woolen fabrics, if anything of that character should be desired to be transported?

Mr. HUMPHREY of Washington. No; when I started on this subject I specifically stated this was on certain freight and that on other commodities the difference is not so great. The water rates are not so much different from the rail rates on many commodities. I am now speaking particularly of the great commodities of the Pacific coast that we want to get into these markets, on the Atlantic, and the great Middle West, and those great commodities are our lumber and our canned salmon.

The other way, going back to the Pacific, the greatest purchases, perhaps, are steel and machinery that come from Pittsburgh, Cleveland, and the Middle West, all of which, after the canal is open, can reach the Pacific coast at a cheaper rate by water than they now reach it by rail.

Mr. MILLER. Take commodities manufactured in the East, to be transported to the west coast, and the same rule which the gentleman has indicated in reference to lumber would not apply.

Mr. HUMPHREY of Washington. Yes, it would; on certain commodities.

Now, I want to call the attention of the committee to this fact, that whenever you reduce these rates along the coast, interior rates must be reduced. I have heard arguments made here upon the floor of the House that if we reduce the rates to the coast the railroads will probably increase the interior rates to make up their losses; but this is the first time that I have ever heard the argument made that one competitor lowering his rates must compel the other to increase his. To show you the absurdity of that statement, suppose that we reduced the rates until the rate from New York as far east as Spokane and over into Idaho and Montana, and in all that portion of the country, is less than it is from Chicago. Chicago will either reduce her rates or New York will take that market from her. We know what Chicago will do, what she must do; she must meet the New York rate to the advantage of the buyer and seller.

Now, the argument has been made, and admitting for the sake of argument that it is true, that the east coast and the west coast will be more directly benefited by the canal, and by the remission of tolls, than will the interior, a proposition which I do not admit, except for the sake of argument. Suppose it were true. Can anyone demonstrate, for instance, that the people upon the Pacific coast are as directly benefited by the Soo Canal and by the improvement of the Great Lakes as the people

in that portion of the country nearer the Lake ports? If you are going to adopt that argument, then why should not a special rate be placed upon shipping that goes through the Soo Canal?

Can anyone demonstrate that the many millions that we have put into the Mississippi River and its tributaries—more millions than we have put into the Panama Canal, and we are still putting in other millions—can anyone demonstrate that those millions directly benefit the Pacific coast and the Atlantic coast as much as they do the Mississippi Valley? Yet the Atlantic and the Pacific coast help to pay for those improvements. If you are going upon that theory, why do you not place a charge upon the vessels that run up and down the Mississippi River? I exclude the Missouri, because, in spite of all the millions we have spent on it, there are no vessels upon it.

Mr. MARTIN of Colorado. The gentleman is getting away from a point where I would like to ask him a question.

Mr. HUMPHREY of Washington. I will yield.

Mr. MARTIN of Colorado. The gentleman has stated that the interior points will derive some of the benefits of the lower rates that will result from the Panama route. I want to ask the gentleman if he does not think that such a lowering of rates as he anticipates to coast points, and as he thinks ought to be brought about, will greatly intensify the rate struggle between coast and interior points which has resulted in the enactment of the long-and-short-haul clause of the interstate-commerce law?

Mr. HUMPHREY of Washington. I do not know that I understand the gentleman's question. I will ask him to make it as brief as he can.

Mr. MARTIN of Colorado. One of your people said yesterday that the Panama Canal would completely wipe out this age-long struggle between the coast cities and the interior points over the difference in rates against the interior points, whereas it seems to me that the inevitable result will be greatly to intensify that struggle.

Mr. HUMPHREY of Washington. If the gentleman means to ask whether or not it will intensify the struggle for the reduction of freight rates between the railroads and the ships that run through the Panama Canal, my reply to him is that that is what we want.

Mr. MARTIN of Colorado. Why are the Pacific coast cities in the Supreme Court of the United States to-day fighting the long-and-short-haul clause, fighting the decisions of the Interstate Commerce Commission in the back-haul cases, fighting Spokane and Reno and similar inland points?

Mr. HUMPHREY of Washington. I am not arguing these cases in the Supreme Court.

Mr. MARTIN of Colorado. They are doing it, are they not?

Mr. HUMPHREY of Washington. I do not know what they are doing, and whatever the fact may be about that it has no relation to the argument which I am making.

Now, I want to answer about the interior not being benefited by the reduction of rates; we know that water and rail rates by the isthmus are made now as far west as Indianapolis and as far north as St. Louis in competition with the railroads. If you lower the water rate when you go through the Panama Canal, as must be the case, then you open up this territory in the Middle West to a market they have never had before. The products from the Pacific coast will then go up into this portion of the country, into places where they have never been before; and on the other hand you take the people who manufacture in Pittsburgh and Cleveland and all that great manufacturing country, they can get their product out to the Pacific coast for less than they ever did before.

Free tolls means free competition. It means free commerce. All sections of the country will be benefited by the canal, and all sections should bear the burden of its construction and maintenance.

When you say that if you reduce the freight rates on the coast of the United States that the rates in the interior will not be reduced, you might just as well say that if you reduce the level of the water along the edges of a great lake that the interior of the lake will not be reduced. One is to dispute the law of gravitation; the other is to dispute the law of trade. So that while trade will continue between the coasts the people in the Middle West will get lower rates and new markets.

Mr. MARTIN of Colorado. I wish the gentleman would allow me to interrupt him again.

Mr. HUMPHREY of Washington. Very well.

Mr. MARTIN of Colorado. Speaking as one from the interior, I do not pretend that we will not benefit in some measure by the construction of the Panama Canal, but the gentleman and every Member present knows that for years the railroads have charged and claimed the right to charge a higher rate to interior points than to water points, and the courts of this country have permitted them so to do by nullifying the long-and-short-haul clause of the interstate-commerce law and recognizing the claim that the railroads had to make the higher rates in order to sustain the losses they met at the water points. Now, then, the gentleman, notwithstanding the great reductions that will be made in the cost of coastwise transportation through the canal, wants the little additional amount of reduction that will come from free tolls to be paid in part by the people of the interior country, who have put up with these unduly high rates all these years.

Mr. HUMPHREY of Washington. Will the gentleman from Colorado yield to me now? [Laughter.]

Mr. MARTIN of Colorado. If the gentleman will answer my proposition, I will yield gladly, and I will not ask him another question. [Laughter.]

Mr. WARBURTON. If the gentleman from Washington will pardon me, I would like to have the gentleman from Colorado suggest wherein that theory has ever been advanced in any court, as he states.

Mr. HUMPHREY of Washington. I am arguing the question presented here and not the questions in court with which I am not familiar.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE of Pennsylvania. Referring to the troubles of Reno and other thickly populated parts of the western country——

Mr. MARTIN of Colorado. Oh, Portland is fighting Spokane, and——

Mr. HUMPHREY of Washington. I thought the gentleman from Colorado agreed not to ask another question.

Mr. MOORE of Pennsylvania. I would like to have the House and the gentleman from Colorado know what the Boston Chamber of Commerce reported three years ago. You gentlemen from the West, whose railroads were built largely of capital coming out of the East, ought to know it. In New England to-day, according to the Boston Chamber of Commerce, presumed to be one of the best-posted commercial institutions in the country, the coal bill is $100,000,000 per annum, and the actual value of that coal at the mines is $30,000,000 per annum. The freight paid for the limited railroad facilities to get that coal into New England is the remaining $70,000,000 per annum, which means that the man who works in New England has to pay a little more freight in proportion to the facilities for getting fuel and raw material than does the man in Reno. I thank the gentleman from Washington for giving me this opportunity.

Mr. MARTIN of Colorado. It seems it makes a difference on which side a gentleman makes a speech in the time of the gentleman from Washington. [Laughter.]

Mr. MOORE of Pennsylvania. I merely wanted to show that if you have troubles in Reno, there are troubles also along the east coast, where improved canals and waterways might help us.

THE REPORT.

Mr. HUMPHREY of Washington. I desire to call attention to one of two statements made in the report. In many respects this report is the most remarkable that has been filed by a great committee since I have been a Member of this House. I refer solely to that part that is devoted to canal tolls. This portion of the report seems to have been prepared for the express purpose of trying to conceal the facts by fervid denunciation and lurid adjectives. This part of the report sounds like the harangue of a professional agitator, delivered from a soap box on the street corner. By attacking and denouncing the imaginary ships that may go through the canal, by repeating over and over again the word "subsidy," the majority attempts to conceal from the public that canal tolls means largely to hand over this great work to the railroads for their use and benefit. It may not be assumed that the committee are as ignorant of our navigation laws as this report would indicate. Again and again it is attempted to show that free tolls would be solely for the benefit of the ships that might pass through the canal. Yet after repeating this statement time and time again the committee makes this solemn assertion as if they had discovered a new and great truth:

> We found from the hearings that the coastwise ships which will pass through the canal do not need the remission of the tolls.

Who ever disputed this fact? The committee did not, however, have the courage to add what is self-evident, that free tolls would not benefit the ships in the coastwise trade which will pass through the canal. Who ever contended that it was necessary for coastwise ships to have free tolls? No shipowner ever did. No one, so far as I know, has ever so testified. No man, so far as I know, has ever been guilty of making a contention so stupid.

Surely it can not be seriously contended by full-grown men that a fact had been discovered that anyone disputed when

they said that they had found that the ships in the coastwise trade going through the canal did not need free tolls.

But when they made this statement the majority destroyed every argument that they had made against tolls, for their sole argument has been that free tolls would be a subsidy paid to coastwise ships going through the canal. So long as our coastwise laws remain unchanged it is a matter of indifference to the ships that pass through the canal whether they are charged tolls or not.

This is the testimony of every shipowner that has spoken upon the subject. This is common sense so plain that none will dispute it. This trade is reserved for American ships. If one ship pays a toll, so does the other. All ships are kept on an equality. The matter of tolls does not concern the coastwise ship in the least. It is simply added to freights, and the people pay it. When the ship adds it to the freight the railroad also adds it to the freight on every ton of similar products that they carry. Here lies the fundamental objection to canal tolls. It is not so much the remission of the tolls that go through the canal as it is a remission of a part of the freight on similar traffic carried by the railroads. Tolls are not a burden upon the ship that carries the products, but upon the consumer and the producer.

Many times in this report in sophomorical language the majority cries out that to give free tolls would be an unjust discrimination and a great injustice to 90 per cent of our coastwise vessels that now run up and down our coasts but will not use the canal. Listen how anxious and solicitous they are about the railroad-owned ships in the coastwise trade:

> Ninety per cent of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent of all these coastwise ships will use the canal, making long journeys, charging correspondingly more freight and passenger rates, and making infinitely more money, yet it is selfishly demanded that those few ships—for only a few will be needed—shall be given their tolls in the interests of interstate trade, while the 90 per cent rendering service just as valuable in interstate commerce would not participate in the contribution.

If the argument of the majority be true, all the coastwise vessels are now participating in a subsidy. Every coastwise vessel receives a subsidy when it runs into one of our subsidized harbors. Why should not a coastwise ship stop and pay tolls to reimburse the Government for improving the harbors it uses? If remission of tolls is a subsidy, then every vessel that goes through the Soo Canal receives a subsidy. Why should these vessels not stop and remit to the Government the money it has expended to construct this canal? Why should this canal be free and the Panama Canal charge tolls? We have subsidized the Mississippi River and its tributaries in a greater amount than we will expend for the construction of the Panama Canal. And all these many millions have been expended for politics more than for the benefit of navigation.

If remission of tolls is a subsidy, then every vessel running on our interior rivers is receiving a subsidy. Why does not some subsidy hater, some railroad despiser, some special-privilege denouncer, some self-proclaimed protector of the people rise and exercise his privileges and his vocabulary in demanding that the Government be repaid this vast subsidy that is given to the 90 per cent of the American vessels now running in our coastwise trade and upon our lakes and rivers? Why are the majority so strenuously against a subsidy, if remission of tolls be a subsidy, for the few ships that may pass through the canal and so tenderly solicitous about giving the 90 per cent of American vessels that never will go through the canal a subsidy? Far be it from me to suggest that this pathetic cry for justice repeated time and time again in the majority report for the 90 per cent that now receive a subsidy, if remission of tolls is a subsidy, is in the least degree inspired by the fact that most of this 90 per cent that now receive a subsidy belong to the railroads of the country, and that the 10 per cent that may hereafter go through the canal may not belong to the railroads. It is always a credit to men to desire to protect the weak and defenseless, and the majority of the committee should be honored for defending the defenseless and helpless railroad-owned vessels and seeing that they are not discriminated against by private-owned vessels in this hour of their extreme peril.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. HUMPHREY of Washington. I have only a short time; yes.

Mr. MICHAEL E. DRISCOLL. Since the gentleman is so anxious to save American ships this little item of toll, why does not he say a word for the American ships in the foreign trade and get them a little help from the Government? Why does he not say a word for them?

Mr. HUMPHREY of Washington. I did say a good many words on the floor of the House in favor of American ships, but according to my recollection the gentleman from New York was opposed to assisting them.

Mr. MICHAEL E. DRISCOLL. No; I was not opposed to it, because they need it and the coastwise ships do not need it.

Mr. HUMPHREY of Washington. They do not need it, and are not asking for it, and they do not want it.

Mr. MICHAEL E. DRISCOLL. They were before the committee, and were asking for it like beggars.

Mr. HUMPHREY of Washington. Name one.

Mr. MICHAEL E. DRISCOLL. Dearborn.

Mr. HUMPHREY of Washington. He expressly said that he did not care for tolls.

Mr. MICHAEL E. DRISCOLL. He was there.

Mr. HUMPHREY of Washington. And I challenge the gentleman now to stand on the floor of this House and point in the hearings to a single shipowner who asks for tolls, or anybody else.

Mr. MONDELL. They did not have the nerve.

Mr. HUMPHREY of Washington. They did not have the nerve to ask for what they did not want, and they would not go there and write themselves down as being so stupid.

Mr. MICHAEL E. DRISCOLL. Then what did they appear there for—the people of California and from the gentleman's part of the country—unless they were for it?

Mr. HUMPHREY of Washington. The people from my country appeared there and asked the committee to give us some competition between the railroads and the ships that will run through the canal. [Applause.]

Mr. MICHAEL E. DRISCOLL. I will admit they said they were going to shift all of the benefit to the people, but I know they would not, any more than the railroads would. Do you suppose that they would pass over that 50 cents a ton to the common people throughout the country?

Mr. HUMPHREY of Washington. Oh, we know what it is on the Pacific coast to be at the mercy of railroads without competition, and we thought that when we dug the canal that at last we were going to get some competition, some release from the railroad monopoly.

Mr. MICHAEL E. DRISCOLL. Oh, you want the benefit of it all.

Mr. DOREMUS and Mr. MONDELL rose.

Mr. MONDELL. Mr. Chairman, will the gentleman yield now?

Mr. HUMPHREY of Washington. I can not yield to the gentleman at present. I will yield to a member of the committee.

Mr. DOREMUS. Will the gentleman permit me to ask the gentleman from New York [Mr. MICHAEL E. DRISCOLL] one question—a short question? [Laughter.]

Mr. HUMPHREY of Washington. I would, but you would get into an argument and take up my time.

Mr. DOREMUS. Oh, no; I would not. I will ask the gentleman from New York if he will vote for an amendment to this bill providing for free tolls for American vessels engaged in foreign trade?

Mr. MICHAEL E. DRISCOLL. Why, certainly; I would vote for a subsidy large enough to pay it, but not directly for free tolls.

Mr. DOREMUS. You will?

Mr. MICHAEL E. DRISCOLL. And I will vote for more than that. I have always voted for subsidies for our American vessels that were trying to get some headway, to get some foothold in foreign trade. The gentleman from California [Mr. KNOWLAND] wants to strike down the one steamship company now engaged in foreign trade—the American-Hawaiian Co. He wants to drive it out of business and give more to these coastwise companies that have a complete monopoly now.

TOLLS A BURDEN ON COMMERCE.

Mr. HUMPHREY of Washington. We are informed by the majority of the Committee on Interstate and Foreign Commerce that a reasonable toll upon domestic trade is not a burden; that a small toll upon commerce does not make any difference in the freight rates; that it will be absorbed by the carriers; and that it will make no difference to the producer or the consumer. A good deal of space is taken up by the committee trying to demonstrate the correctness of this argument. That is trying to show that two and two under certain circumstances do not make four, or, in other words, the committee would have you believe that if you can only make enough noise while you are doing it, that it is perfectly easy to perform the ancient trick of lifting yourself over the fence by your own boot straps. When you consider that the Panama Canal is owned and controlled by the Government and that no private monopoly of the canal can exist, and then say that tolls upon the coastwise traffic, however small, is not a burden upon commerce, then you say that a tax is not a burden upon the people. If the argument of the committee is true and 40 cents a ton is not a burden upon commerce, then is 50 cents a ton a burden? If 50 cents a ton will still be absorbed by the carrier and is

not a burden upon commerce, will a dollar a ton be? If not, just where does the burden begin? At just what point does the transportation company begin to shift the burden from themselves and make it show in the freight rate? Just where does the carrier shift the burden from himself to the consumer? If the argument of the majority is sound, then we should tax all our transportation companies, both by land and sea, because it would not affect the rates which would be paid entirely by the companies and not by the people. If their argument is true, then we should tax the vast tonnage of the Great Lakes that passes through the Soo Canal, because such tax would be no burden upon commerce. It would be paid entirely by the ships going through the canal. It would be no burden upon the people and it would repay the Government the millions it has spent and is still spending in constructing and operating that canal.

If the argument of the majority of the committee is correct we should at once place an enormous tonnage tax on all our oversea traffic, for it would all be absorbed by the ships that carry the trade. It would not be a burden upon the people. It would not affect freight rates, and in this instance at least we would make the foreigner pay something to the United States in return for the millions that this Government has spent in improving our rivers and harbors, mostly for the benefit of these foreign ships.

A tax, says the majority, is no burden upon the people. It is borne directly and solely by the interests upon which it is laid. This argument is radiant with hope and promise to us all, for if it is true then all the burdens of government should be borne by the great interests upon which the taxes are laid and the people pay nothing. If the argument of the majority of the committee upon this proposition is correct then anyone who possesses a dollar can soon become a millionaire by changing it often enough from one pocket to the other. It is hard to argue seriously a proposition so absurd as that a toll is not a charge upon commerce. Every charge and every toll of every kind and description upon commerce is a burden. The very statement of this proposition demonstrates the truth. Every toll laid upon traffic through the canal is an obstruction to commerce. Make this toll high enough and you as completely obstruct the Panama Canal as if you were to permanently close one of the great gates of the giant locks. And every rate, from the lowest to the complete closing of the canal, is just that much of an obstruction. It interferes to that extent with commerce. It interferes to that extent with the fullest use of the canal. In other words, it takes from those who own the canal just that much benefit. Every charge that is made on an American vessel in the coastwise trade passing through the canal, whether that charge be great or small, will eventually show itself in the freight rate and will eventually be paid by the American people. The amount of the charge will make no difference in the certainty and the sureness of the result. With a mind that deceives itself with the delusion that a tax, however small, is not a burden upon commerce and eventually borne by the people it is useless to argue. It is worse than a waste of words to attempt to convince anyone who holds such views, for such mind is beyond improvement and has absorbed more than earthly wisdom.

Mr. MONDELL. Will the gentleman yield now?

Mr. HUMPHREY of Washington. Yes; I yield now to the gentleman from Wyoming.

Mr. MONDELL. The gentleman argues that the tolls will be reflected in the rates. I have not heard any part of his argument that substantiates that. That is his statement. If that is true, would it not help also if, in addition to expending $400,000,000 for building the canal and several millions for maintaining it, we also furnish coal free to these vessels while they go through? And if we furnish them free tolls, why not give them free coal? And why should we not also pay the wages of the sailors from coast to coast?

Mr. HUMPHREY of Washington. Of course, the gentleman sees the sophistry of his argument. It is such that it does not need an answer. The question is this: Why are you going to make a different rule in regard to the Panama Canal from what you do in regard to other waterways? Why do you place the burden upon all of the people in respect to the other waterways of the country and then in the case of the Panama Canal make an exception?

Mr. MONDELL. Is the gentleman in favor of making the Panama Canal free to all traffic as all of the other waterways are free?

Mr. HUMPHREY of Washington. Why, Mr. Chairman, I am surprised at the gentleman. Does the gentleman mean to tell me that all of our waterways are free for foreign ships?

Mr. MONDELL. I never heard they were not.

Mr. HUMPHREY of Washington. I can tell the gentleman that he is very much mistaken.

Mr. MONDELL. Why are they not?

Mr. HUMPHREY of Washington. Because we make them pay for them. That is why.

Mr. MONDELL. In what way do they pay for the use of the harbor of New York?

Mr. HUMPHREY of Washington. In the way of tonnage tax, pilotage charges, and various other charges.

Mr. MONDELL. They pay exactly what the domestic ships pay.

Mr. HUMPHREY of Washington. The gentleman is again mistaken.

Mr. MONDELL. If the gentleman would not mind another question, why should an American ship between San Francisco and New York be given an advantage over an American ship between New York and Valparaiso?

Mr. HUMPHREY of Washington. Have I advocated that?

Mr. MONDELL. That is the gentleman's proposition.

Mr. HUMPHREY of Washington. The difference is simply this, if the gentleman will permit me, because the trade between this coast and the east coast is domestic traffic.

Mr. MONDELL. It is a monopoly, and you give the benefit to the American shipowners competing with all the world, and would not give the advantage——

Mr. HUMPHREY of Washington. I have never said anything of the kind. I do not believe it; I am not in favor of it. Now, the gentleman will please not put anything in my mouth I have not said.

Mr. MONDELL. The gentleman said he is in favor of giving the American ships free tolls, no matter where they go.

Mr. HUMPHREY of Washington. Certainly.

Mr. MONDELL. That is the gentleman's position?

Mr. HUMPHREY of Washington. It is. Is that plain enough?

Mr. MONDELL. I would ask the gentleman, now, to give us the reasons, which he has not suggested up to this time.

Mr. MALBY. Will the gentleman give way for a question?

Mr. HUMPHREY of Washington. I can not yield now.

Mr. MONDELL. But does the gentleman think under the terms——

Mr. HUMPHREY of Washington. I do not want to be discourteous, but I refuse to yield to anybody until I have finished.

Mr. MONDELL. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I can not.

TREATIES.

Our treaties in relation to the canal is the wall behind which the committee seeks to protect itself from public condemnation in attempting to use the canal for the use and benefit of the railroads. The majority of the committee would have you believe that we can not charge tolls without violating our solemn treaty obligation, placing deep-toned emphasis on the "solemn." Who contends that a free canal would violate our treaties? The railroad attorneys. Anyone else? Yes; some of the foreign shipping nations, our commercial rivals, after being prompted by the railroads, have made this claim. Has anyone else? If so, it has not been made public. What great legal mind appeared before the committee and gave such an opinion? What authorities have been cited? As no interest has asked for tolls except the railroads, so no one in this country has urged the treaties as an obstacle for a free canal except the railroads. Yet the committee tells us that the interest of the people imperatively demands that we charge tolls upon our own ships, and that the sacred honor of the Nation would be violated if we did not charge our own vessels the same that we charge the vessels of other nations. This eagerness to favor other nations at the expense of our own country under pretense of the treaties is so transparent as to almost challenge the good faith of the committee.

If you will take the facts surrounding the treaty and the wording of the treaty itself, it is clear that it was the intention of the makers of that treaty that the United States could do as she wished with her own ships, both in the foreign and in the domestic trade. All that the treaty means or ever was intended to mean was that the United States should treat all other nations alike. If the treaty had intended that we should charge our own vessels the same as we charge the vessels of other nations, it would have so stated in plain and unequivocal language. There is ample precedent for believing this. This is the usual language used in our treaties in relation to shipping made with other nations. Why, then, was it not used in this most important treaty? In the treaties which we have with other nations in regard to our port charges the language is:

> That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

There can be no mistaking this language. Why was it not employed in the making of our treaty with reference to the canal if we so intended? These treaties and this language was undoubtedly familiar to those who negotiated the treaty. Then, why was it not used? There could be, there is, but one reason: Because it was not intended that the United States should not use the canal, so far as our own ships were concerned, as she pleases. As the United States was to build the canal, pay for it, own it, operate it, and defend it, it was intended that the United States should use it as her own, and that is the language of the treaty. The treaty says that the United States shall "enjoy all the rights incident to such construction." What are those rights? We need not stop to give them all, but the most important of all these rights was that of using the canal for the use of her ships. If that right is not one of the "incidents to construction," for what purpose did we build the canal? The United States agreed to this and to this only: That she would treat all other nations—not as she treated herself but all other nations—"on terms of entire equality."

Mr. MONDELL. Now will the gentleman yield?

Mr. HUMPHREY of Washington. No; I can not. I will not yield until I have finished.

No one ever dreamed of placing any other construction on the treaty until the railroads, defeated in their attempt to prevent the building of the canal, raised this question to destroy the result of its construction.

The language of the treaty is as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If it was intended that the vessels of the United States should pay the same as the vessels of other nations, especially in view of the fact that it was to construct and own the canal, certainly it would have so stated. The most strained construction of the wording of this section does not bear out the contention that we can not use the canal without charge so far as our own vessels are concerned. In fact, the majority of the committee convict themselves of inconsistency if not insincerity when they make this contention, for they themselves propose by this bill to admit vessels "of war" owned by this country through the canal free, and yet the treaty says "vessels of commerce and of war."

And still the committee contends that the treaty would be violated by admitting free vessels of commerce and not of war, when exactly the same provision is made in the treaty with reference to vessels of each class. They attempt in vain to explain this difference in their report, but it is an explanation that does not explain.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I can not.

But I confess that all things are possible to any mind that can conceive that this Nation would, under any circumstances, even in the least degree consult other nations in regard to her domestic affairs, and yet the majority of the committee contends that we can not even exempt from tolls ships in the coastwise trade, a trade with which foreign nations have nothing whatever to do. I have yet to hear of any legal mind that makes such contention. Even the committee did not have the courage to rely upon the treaties for imposing tolls in the coastwise trade, but sought various other pretexts to justify them for placing this tax upon domestic commerce.

There can be no discrimination against any man in the conduct of any business in which he has no part and can not have any part. No nation can claim that it is discriminated against in a trade in which it is not engaged and in which it can not engage. This is axiomatic. So far as the coastwise trade is concerned the Supreme Court of the United States has already settled the question in the case of Olsen *v.* Smith (195 U. S., 332). The Supreme Court has squarely decided that it can not be in violation of our treaty to give free tolls in the coastwise trade. In that case the Supreme Court was construing the treaty to which I have heretofore referred, in which the language was:

That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

It will be noted that the language here is much stronger than that of the Panama Canal treaty. Yet the Supreme Court decided in that case that it was not discriminating against a British vessel for this country to charge a British vessel a tonnage tax for coming into a port where American vessels engaged in the coastwise trade were admitted free.

The language of Mr. Justice White, now Chief Justice of the United States Supreme Court, upon this subject in that case is explicit and conclusive, and is as follows:

Neither the exemption of coastwise vessels from pilotage resulting from any law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

The majority of the committee say that this case is not in point. They could say nothing else. It is significant that they neither attempt to answer the argument nor to explain why it does not apply. The lone assertion that it is not in point has little weight and carries little conviction when no reason is given for making the assertion. That a case is not in point is the only reply that is left for a lawyer to make when he denounces a decision so plain and so clearly in point that it destroys his case. This statement on behalf of an attorney is always an admission that the case is decisive and against him. This is the answer of the majority, because it was the only one that could be made. Suppose that we had said in our treaty in relation to Panama that we would not charge other vessels "higher or other duties" than we should charge "vessels of the United States" for using the canal, that language would have been immeasurably stronger than the language of the treaty, and yet under exactly that language our coastwise trade could still go through the canal free without violating the treaty either in letter or in spirit. The coastwise trade is our own trade. It is our domestic commerce, and what we do regarding it, as Judge White points out, does not in any way concern foreign nations and does not in any way discriminate against them.

Let us be fair and not attempt to deceive either ourselves or the people in regard to this question. If you believe that tolls should be imposed so that the canal may be self-supporting, then say so. If you believe that tolls should be imposed so that the coasts shall bear more than their portion of the burden because they are more greatly benefited, then say so. If you believe that it would not be to the best interests of this country to have complete and unobstructed competition between the railroads and the ships going through the canal, then say so.

But if you expect the American people to have faith in your sincerity when you say that our treaties prevent free tolls from being given to our domestic trade, then you are doomed to find that you are greatly mistaken. No nation of the world other than the United States would for a moment entertain the suggestion that we did not have the right under existing conditions to make the canal absolutely free for any vessel, either of commerce or of war, that flies the American flag. Imagine, if you can, England or Germany or Japan building a canal, paying for it, controlling it, and then refusing to use it for their own commercial advantage and stopping to ask the other nations of the world whether they had the power to run their own ships through their own canal without paying themselves tolls. It is beyond comprehension that any one of these nations would think of placing a burden upon their own commerce. Can you imagine a member of the legislative body of one of these great commercial nations under such circumstances standing up and under the pretext of such a treaty arguing against the interests of his own country? Would he not at least leave that task for others? Nowhere except beneath the Dome of this Capitol is such spectable possible—so plainly indefensible and so astonishingly unpatriotic. No nation would have had the assurance when the treaty was being negotiated to have said to us, "You build the canal, you pay for it, you operate it, you defend it, you protect it, and then admit us to use it on exactly the same terms that you use it yourself." Such a proposition is inconceivable to any normal mind. It is little short of a national scandal that Congress now proposes to cowardly surrender the benefits of the canal. By doing this we admit to the other nations of the world that we lack either the courage or the intelligence to care for the interests of our own country.

FREE TOLLS ARE NOT A DIRECT BENEFIT TO AMERICAN SHIPS IN THE COASTWISE TRADE.

It is perfectly clear that a free canal for coastwise trade would be a benefit to commerce, but not in particular to ships that would carry that commerce. As I have before said, if tolls are imposed upon one ship they are imposed upon another, so that an exact equality is maintained between all ships that would pass through the canal. Yet, for the sake of the argument, admit that tolls on coastwise trade would be only making a private industry—that is, American ships—pay for using a public canal. Why should this be done? One of the great purposes of the canal is a military one. They tell us that it will double the efficiency of our Navy, a statement which, I think, is very far from the fact; but, if it is true, why should a single industry be compelled to bear the burden of the canal that was constructed primarily for the common defense? Would it not

be as just to select any other single industry and compel it to support the Government? Why not, then, select some other single industry and compel it to support half the expense of the Army? When the canal is completed it will be part of our coast line, which will be on the south what the Great Lakes are to-day on the north. Why charge vessels for the use of the canal on our southern border any more than we charge for the use of the canal on our northern border? Why should we charge ships for the use of the Panama Canal any more than we should charge for using the Mississippi River? We have already spent more millions in improving the Mississippi River and its tributaries than we have spent in the construction of the Panama Canal, and as the years go by we will spend more millions to continue the improvement of the great waterways of the Mississippi Valley than we will to maintain and operate the Panama Canal. Why, then, should we not charge the vessels that use these rivers, improved at Government expense, tolls if we are to charge tolls for the use of the Panama Canal? In each and all of these improvements of our rivers and harbors we were inspired by the same purpose that we were in building the Panama Canal, so far as commerce is concerned, and that was to reduce the cost of transportation.

There is a great fleet of vessels on the Great Lakes. They use a canal built and owned and operated by the Government at the cost of many millions. Why should not this great fleet of vessels, owned mostly by the railroads, pay a toll for using this canal? There is but one consistent answer that can be made to these questions, but this answer no man who favors placing a toll upon ships passing through the Panama Canal dare make, and that consistent answer, which is the real answer, is this: That the railroads of the country own or control practically all the regular lines of steamships that use all the waterways of this Nation, and thereby the railroads are enabled to fix freight rates and prevent competition. The railroads fear that they will not be able to control the Panama Canal; that they will not be able to monopolize this waterway; that there may be some real competition, so they desire to lessen this competition as much as possible by having tolls charged, and the higher it is the better it will suit the railroads. And this is the real reason why there is a demand for tolls to-day. You let it be known that the railroads of this country own and control the lines of steamships that will be operated through the canal in the coastwise trade and all objection to a free canal for domestic trade will disappear within 24 hours.

FOREIGN SHIPS IN THE COASTWISE TRADE.

Free tolls, while they would not benefit the ships that go through the canal in the coastwise trade for the reasons already stated, they would greatly benefit American shipping. Free tolls would add to the amount of commerce that would go through the canal in the coast-to-coast trade, and would thereby necessarily increase the American tonnage and the number of American ships. The greatest and most beneficial effect upon American shipping that free tolls would have would be that it would establish the policy of the Nation in relation to the toll question, and it would be a guaranty to the American people that the coast-to-coast trade would be reserved to American ships. As it now is, the American citizen wishing to buy ships does not know what the policy will be. He hesitates to place his orders in American yards because he fears that eventually he may have as his competitors either foreign ships flying foreign flags or foreign built ships running under the American flag. His fears are well founded.

Already a bill has been reported to this House giving to foreign-built ships every privilege of the canal that shall be given to American-built ships engaged in the foreign trade. Should this bill become a law and much foreign tonnage be purchased by American citizens and Congress still hesitate to give American ships in the coastwise trade free tolls, few American ships will be built for the use of the canal. And some day, not far distant, the canal will be ready for use and there will be no American ships to use it, traffic will be waiting to be transported, and immediately there will be an insistent demand that foreign-built ships be admitted to this trade. We know by experience with the Philippines that this is true. We know that Congress could not resist the demand then, and it would not long resist, in all probability, the demand that would be made for foreign-built ships through the canal. This proposition to admit foreign ships to the coastwise trade already has many advocates in Congress, both in the House and in the Senate. Herein lies the greatest menace of all in the proposition to impose canal tolls and in the delay of Congress in declaring for discrimination in favor of American ships. Most other mistakes if we made them could and would soon be remedied, but if once foreign ships are admitted to coastwise trade it would be a great national calamity that we would not soon remove. The admission of foreign ships to the coastwise trade means not only the destruction of our great shipbuilding industry by making desolate places of our shipyards, of the complete disappearance of our flag from the sea, but it would also place us completely at the mercy of foreign nations, not only in matters of commerce, but also in time of war. It would make us as helpless and as subservient to the will of other nations as China has been for the past century.

The foreign steamship combine and the transcontinental railroads of this country, the two most powerful influences and monopolies in the world, are working together toward this common end—the admission of foreign ships to the coastwise trade. Why is this true? Because they have a common interest. One desires to do the carrying and the other wishes to avoid competition.

It is a fact to-day, denied by no one, that all the foreign steamship lines of the world engaged in over-seas trade belong to rings, pools, conferences, and combines that fix rates and prevent competition. The rate that every passenger and that every pound of freight must pay to-day that goes from our ports to the other ports of the world beyond the sea is fixed in advance by agreement. In the fixing of these rates American interests are not represented and American interests are not considered. There is no competition whatever between the vessels of foreign nations engaged in the deep-sea trade.

Foreign vessels to-day completely dominate the commerce of the oceans, and they have but one rule that regulates the rates that they charge, and that is the old rule of "all the traffic will bear." These foreign steamship combines have at least a "gentlemen's" understanding with our railroads, and they always have had. This combine of foreign ships largely controls freight rates even upon the railroads in this country. All these facts are known to-day by everyone. The railroads are well aware of the fact that they would have no competition through the canal if foreign ships controlled this trade. The matter of fixing freight rates would be certain and easy. If foreign ships controlled the trade through the Panama Canal the rate would always be exactly the highest the interstate commerce would permit the transcontinental railroad to charge engaged in the same traffic. It is by no means a remote possibility that foreign nations will capture the coast-to-coast trade through the Panama Canal. This is the belief of the foreign steamship combine, and there is no better judge of the probabilities of the action of Congress than this great monopoly. No other interest in the world follows more closely the action of this body, and no other interests spend more money to influence public opinion than this same foreign steamship combination. As evidence of their belief that they will control this trade, foreign steamship lines are spending millions in the construction of ships for this purpose and in the purchase of new terminals in this country largely based upon this hope. Judging by their actions the foreign shipowner has more hope of the coastwise trade being destroyed than does the American shipowner that it will be preserved. One of the leading railroad and shipping men in America told me a few days ago that he felt absolutely certain that with the opening of the Panama Canal would come the admission of foreign ships into the coastwise trade. Under such circumstances can you expect American citizens to buy American ships in anticipation of the opening of the canal? If Congress will promptly declare for a free canal for American ships immediately our yards will be busy constructing ships for this trade, and however much that trade may prove to be, sufficient American ships will be found to carry it.

Here is an opportunity to largely restore the American flag to the sea, and it will not cost the American people a single dollar, but, on the contrary, by doing it we will save to the American consumer and the American producer countless millions.

TOLLS SHOULD NOT BE LEVIED TO PAY THE EXPENSE OF OPERATING THE CANAL.

One argument for tolls upon the canal is that it is a great public work, built at Government expense, and that the traffic passing through it should be taxed to help pay the cost of maintenance. Those who make this argument treat the canal as if it were a private proposition, built for private gain. Herein lies the foundation of their error. They forget that the canal is a public achievement, built by the public for the public benefit. When you place a toll on domestic trade you take it in the first instance from one industry—in this case shipping. This industry adds this toll to the freight, and this is again paid by the consumer, so that all that is accomplished is the cost of collecting and again disbursing what the people in any event must pay; but by this circuitous way the burden is increased instead of lessened.

A firm in my State bought a large tract of timber some distance from Puget Sound, and in order to move this timber economically to tidewater they built a railroad of several miles in length for this purpose. According to the opinion of those who claim that the Panama Canal should pay for itself this logging firm lost a large amount of money in the operation of their railroad. They showed a lack of business judgment. They should have erected a number of stations along this line and placed men in charge and have compelled traffic that went over this road to pay so much per ton in order to make the road pay for its construction and operation. At least they should have made it pay running expenses. This same firm again showed lack of business judgment because another logging company having a large tract of timber in that neighborhood was permitted to haul their logs over the railroad owned by the other firm. The firm that owned the railroad made the absurd and unexplainable mistake of charging their neighbor for the use of this railroad and at the same time did not charge themselves for using their own property.

The gentlemen who are urging canal tolls in order to benefit the people ought to go into the logging business and build a railroad, and they would soon become millionaires by charging themselves as much for using their own property as they charge their neighbors for making the same use of it. The proposition to charge canal tolls is just as absurd and lacks as much of sound economic judgment as would that of the logging firm if it had charged itself for using its own railroad which it had constructed at its own expense. If a charge must be made for using the canal, then let that charge be borne by the ships of foreign nations. Why should not these foreign ships bear the entire burden of the canal so far as its commercial advantages are concerned? Foreign nations have paid nothing for the construction of the canal. They will pay nothing for its maintenance. They will pay nothing to defend it. If war ever comes and it is necessary to protect the canal, the United States will have to bear that burden alone. Why should not American vessels go free through the canal and foreign vessels pay the expense of its maintenance. So far as has yet been shown by any expert a reasonable toll upon foreign vessels alone would pay for the operation and the maintenance of the canal. Why should any American citizen object to this being done?

WHAT THE PEOPLE EXPECTED.

It was the hope and the belief of the American people that the completion of the canal would be the commencement of building up a great commerce between the two coasts to the benefit of the entire country. It was hoped that freight rates in domestic commerce everywhere upon land and sea would be reduced. It was hoped that at last we would in one trade at least have real competition between rail and water. It was hoped that after the expenditure of many millions that the complete control of the domestic commerce of this Nation, both on land and sea, by the railroads would be broken, but if tolls are to be imposed these purposes will be largely defeated. The people will find that they have spent their money principally for the benefit of foreign nations and for the enrichment of transcontinental railways.

Remember that when by the imposition of tolls you increase the freight rates upon any commodity through the canal you at the same time in the same amount increase the freight rates upon that commodity that is carried by the railroads, or, in other words, when you increase the freight rate by canal tolls upon water-borne traffic you to the same extent increase the freight rate upon all similar traffic carried by the railroads. To illustrate, suppose the tolls imposed amount to a dollar per thousand upon lumber, then you add a dollar to the price of every thousand feet of lumber carried not only through the canal, but a dollar to the price of every thousand feet of lumber carried over land by the railroads. In other words, for every dollar you collect by placing a tax upon American ships that go through the canal and place in the National Treasury you collect a hundred dollars from the American consumer and put it into the treasury of the railroads. Suppose by canal tolls you collect a hundred thousand dollars a year upon lumber for the benefit of the United States Treasury, you at the same time enable the railroads to collect a million dollars from the American people for the benefit of themselves. We should not lose sight of this primal fact that when we increase the canal rates we increase the land rates. Suppose you increase the tolls on the Panama Canal upon canned salmon until it increases the cost of a case of salmon a dollar. You take a dollar for every case that goes through the Panama Canal and put it in the National Treasury, but you thereby permit the railroads to collect a dollar from every case of canned salmon that is shipped by the railroads and put it in their own treasury.

And all this money that goes into the National Treasury and all that goes to the railroads is paid by the consumer and the producer. So even if you admit that canal tolls are for the benefit of the people in order to get a hundred dollars for them you permit the railroads to get a thousand dollars for themselves. The railroads know that this is true. The great commercial bodies of the country know that this is true. The people of the country know that this is true. Everybody knows that this is true except the majority of the Interstate and Foreign Commerce Committee of the House of Representatives, and even they will discover it when the people have had an opportunity to reason with them.

The chairman of the committee, Mr. ADAMSON, in a speech yesterday afternoon made a sarcastic reflection upon the commercial bodies that have declared in favor of a free canal, but I notice he did not produce any resolutions passed by any commercial body of this country condemning it, and, so far as I am informed, there is but one commercial body in the United States that declared against a free canal.

I close this argument as I began. This is the case of the People *v.* The Railroads. Never since I have been a Member of Congress has there been such a transparent and indefensible attempt to legislate in behalf of any great private interest, without regard to the public welfare, as has been displayed in the bill that has been reported to the House proposing that in the use of the Panama Canal ships flying the American flag shall be taxed the same as those flying a foreign flag. Shall we have competition between the steamship lines running between the two coasts and the transcontinental railroads? Shall our commerce be increased and our freight rates lowered? Shall we have dug the canal for the benefit of the American people who have paid for it and own it and must protect it, or shall we have expended all these millions for the benefit of other nations and for the benefit of the railroads? This is the question that we must answer to the American people by our votes upon this bill. [Applause.]

I insert an article on the subject of canal tolls by Gen. H. M. Chittenden, one of the foremost engineers in the world and one of the clearest and ablest writers in the country, taken from the Forum for April, 1912. He states that it is as capable of demonstration as any principle in mathematics, that it is fallacious to place tolls upon domestic commerce. I commend to each Member of this House a careful reading of this argument:

THE CASE AGAINST PANAMA CANAL TOLLS.

(Gen. H. M. Chittenden.)

If any railroad company or other business corporation should discover that a certain policy which it was pursuing was seriously curtailing its revenues, it would alter that policy unless there were controlling reasons why it could not do so. Now, it is a fact, as capable of demonstration as any fact in mathematics, that the levying of tolls upon our coastwise trade through the Panama Canal will produce this very effect so far as the people of the United States are concerned. It will cost more than it will come to. It will be more than the folly of taking from one pocket to put into another. It will strike at the very root of utility of the great work itself.

Why do the public not see this? Precisely because the vast majority are victims of what a great philosopher has called "the illusion of the near." We are influenced, controlled, led by what is near at hand, by what we can actually see or hear or feel. We are too indifferent or too deficient in insight to reason upon things which lie beyond our immediate vision. We see revenue pouring in in dollars and cents enough to pay expenses and yield a substantial surplus. That is a definite, tangible fact—and a satisfying one. Why look further? Why inquire whether the policy pursued is doing all the good it should do, or possibly doing more harm than good? A bird in the hand, etc.

Now, with private enterprise, conducted according to the accepted standards of business ethics, this is sound argument. A net revenue sufficient to pay substantial dividends is pretty good evidence that a business is doing what was expected of it. Collateral relations are immaterial to the case. If indirect benefits flow to outsiders, they do not enter the calculation. If injury is being done, it most likely falls on competitors and may even be an apparent source of gain. This is accepted as good doctrine in private business; but it is a capital error, though one constantly committed, to apply this doctrine to public enterprise. The two are fundamentally different. Collateral or indirect results, which in private business can not ordinarily be taken account of at all, may be and often are more important in public enterprises than the direct results. This failure to discriminate between the two cases is the greatest handicap from which public work suffers to-day. It is one thing to say that a railroad company, if it is to succeed, must have a direct revenue in excess of all expenditures; it is a very different thing—in fact, a wholly erroneous principle—to apply any such rule to a great public work like the Panama Canal.

Yet this is precisely the argument which now seems to prevail in Congress; and, what is more remarkable, finds its inspiration in the Canal Zone itself. "Make the canal support itself and ultimately pay off its cost." Well and good so far. But—"Do this by means of tolls upon commerce passing through the canal." Absolutely fallacious and, in greater or less degree, according to the amount of the toll, destructive of the very ends for which the canal is being built. This remark is here applied specifically to the coastwise trade of the United States. The application of the principle to foreign commerce will be considered further on.

We said that this proposition as applied to Panama was as capable of demonstration as any principle in mathematics. This is true, even without taking account of certain indirect benefits which are themselves sufficient to justify the canal project, but which can never be made a definite source of revenue. Let us, however, refer to them in passing.

It is estimated by the Secretary of War that the effect of the canal in increasing the value of the Navy as defender of two coasts is nearly equivalent to an equal expenditure on the Navy itself if there were no canal. This may be a high estimate, but its value in this respect is certainly equivalent to an outlay on the Navy of not less than $200,000,000.

But the supreme and far-reaching influence of the canal will be upon the development of the country. There is no dissenting voice to the proposition that its beneficial influence will be felt in all sections, though, of course, more directly on the Pacific slope than elsewhere. A great barrier to the free movement of the world's commerce will have been removed. The rivers and canals of the East and the railroads leading in from the coasts will cooperate with the great water route to bring all sections of our broad land closer together and closer to our sister nations. Commodities which now find only limited markets because of the handicap of high freight rates will come into greater use. Immigration will pour into the Pacific States, that kind of immigration that is wanted, and the development of the whole country will be accelerated. No one can doubt this. We can not measure the magnitude of this movement in definite figures, but it will be the most important result of all growing out of the construction of the canal.

If the late Mr. Harriman had built the canal (as it is said that he intended to do if the Government did not) and had financed it in the usual way, he could not, of course, have given much weight to these indirect benefits. They would have been of no use in paying dividends. He could have looked no further than the ships actually passing through the canal, and upon every one of these, regardless of nationality or character of commerce, he would have levied tribute. But how different is the situation with the Government. Is it not altogether probable that, if it were never to collect a cent of revenue from the commerce passing through the canal, the indirect benefits resulting from that work would still justify the immense cost? In any event, is it not a logical absurdity to maintain that the only way in which the Government can be recouped for this outlay is by laying tolls upon commerce passing through the canal?

However, let us leave these matters out of consideration and take only the actual commerce passing through the canal, and let us consider the problem of making this commerce pay the cost and maintenance of that work. We purpose to demonstrate that the true solution of this problem lies in making the canal absolutely toll free, so far as our coastwise trade is concerned, and to this end we shall consider first the toll itself, and secondly its effect in restricting the volume of traffic through the canal.

There are two ways in which the cost of the canal can be met—one from the General Treasury and the other, in part at least, by tolls. In either case the burden falls ultimately upon the consumer of the luxuries or necessities of life. In the one case a large percentage comes from luxuries pure and simple (as distinguished from necessities); in the other it comes almost entirely from necessities—coal, lumber, grain, fruit, building material, and the manifold commodities whose price will be affected by the tribute exacted at Panama. There is no escape from this fact. The canal cost must in any event be paid by indirect taxation, and the fact that in one case it finds direct expression in the form of tolls collected does not alter the truth. Do not be victimized by the "illusion of the near." Do not imagine for a moment that by paying the cost of the canal from tolls collected you are lifting so much as one cent of the burden from the shoulders of the people. On the other hand, the most superficial analysis will show that a toll will impose that burden where it can least easily be borne. At the very best it is no better than taking from one pocket to put into another.

Consider, now, the effect of tolls upon the utility of the canal itself. In its commercial relations the purpose of the canal is to remove a great barrier to the movement of the world's trade. Manifestly the maximum value of the canal will come from the widest possible actual use made of it. Anything which restricts that use will limit the value of the work itself. Now, the direct effect of a toll is to restrict such use. It is perfectly conceivable that the toll might be so high as to form a barrier as effective as Culebra Hill itself. On the other hand, it is certain that with no toll the actual tonnage of traffic (or the truth as to usefulness of the canal) will be at a maximum. Where between those two extremes the utility of the canal shall fall will depend upon the rate of toll imposed. The fact that the toll may be small does not alter the principle. A dollar a ton will keep millions of tons annually away from the canal and either prevent its transport altogether or throw it back on the railroads. In either case the public will suffer a direct loss. The canal is a conserver of energy. It enables results to be accomplished at less cost than without it. It is really a productive agent of immense force. Whatever restricts its use increases the cost of production and imposes a corresponding burden upon the people.

This same consideration is the foundation of the free public highway system in most civilized countries. The highway toll has given way to the logic of facts. Whatever is saved in public taxation through tolls on such traffic is more than lost in increased prices and restrictions of use. If it were possible to deduce from current experience any general rule of practice, it would seem to be that routes of traffic—whether purely artificial, like highways and canals, or partly artificial, like improved natural channels—are generally held free to public use where the user owns and operates the means of locomotion, but are generally subject to a toll where the public owns and operates the plant, as in the case of public ferries or railroads. But there is, of course, no absolute rule. The one thing that experience has demonstrated beyond peradventure is that a tribute laid on the use of the highway itself, whether land or water, costs more than it comes to.

It is scarcely necessary to add that it is this principle which underlies the policy of absolute freedom of traffic on all the river and harbor works of the United States. That policy, which is the growth of long experience, was formulated into legislation in the act of Congress of July 5, 1884, as follows: "No tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing water craft through any canal or other work for the improvement of navigation belonging to the United States." This enactment was not paternalism. It did not originate from any desire to dole out charity to the people. It was based upon the practical consideration that all money gained in tolls would be lost somewhere else, and that much more would be lost through inevitable restriction upon the use of such works. The policy has proved as beneficent as it is wise. Take, for example, the great Sault Canal—greatest of all canals in the volume of commerce carried. The traffic which passes that canal enters the economic life of every citizen of the Republic. To impose tolls upon it would yield a direct revenue to the Government, it is true, but it would take far more from the people. Such a policy would result in loss, not gain.

We may now restate our two fundamental propositions on this Panama toll question: First, that tolls will not relieve the people of the burden of paying for the canal, but will place that burden where it can be least easily borne; second, that tolls will restrict the use actually made of the canal and will thus deprive the public of a portion of the legitimate fruitage of their sacrifice. In both cases the public will get the worst of it. So far as our coastwise trade is concerned, we should treat the Panama Canal exactly as we do the Sault Canal. There is absolutely no difference in principle.

Pacific-coast sentiment, in close touch with which this article has been prepared, is a unit that our coastwise trade be given free passage through the canal. To the people of this coast the canal holds out a hope which it would be difficult to overestimate. It means to a large degree the abolition of the barriers of mountain and river and vast distances which separate them from the rest of the world, and a nearer approach to those sources of supply and of population upon which the development of their country for a generation to come must largely depend. To see the fruition of their hopes so close only to be robbed of it by the erection of an artificial barrier in place of the natural one now almost removed would be to spread a black cloud of disappointment and resentment over this entire region.

To the Atlantic coast the question is of scarcely less importance. In its search for world markets the East will find nowhere else on the globe a better than on the Pacific coast. For there is an empire-building people sprung from its own loins—a people who do more work that counts, who will buy more per capita and produce more to sell in return, than an equal number of any foreign nation. It is the market best of all worth saving, best worth fostering. Here surely is a public question in the settlement of which the East and West should stand shoulder to shoulder on common ground.

The railroads may be consistent in their opposition on the ground of self-defense, but they are certainly shortsighted, if not entirely mistaken. Taking the railroads of the country as a whole, it is a question if the increased revenue due to local haul to and from the coasts will not more than overbalance the loss to the interior haul across the country. Whether this is so or not, the increased development of the country under the impetus of the canal, if left to its full and legitimate effects, will certainly more than make up any loss. The railroads should rise to a patriotic view of this question, laying aside their narrow traditional self-interest, and join hands with the rest of the country in securing to the people the utmost good of which the Panama Canal will be capable. It is no angry threat, but simply a candid warning that a contrary policy will exasperate public sentiment, rearouse suspicions of the past now happily somewhat allayed, lead to the renewal of antirailroad legislation, and hasten the day of Government ownership.

Let us now consider the question of foreign commerce. Do not the principles above laid down apply with equal force to that also? Unquestionably. But there is this countervailing fact, that foreign nations have borne no part of the cost of the canal, and ought therefore, in common equity, to pay something for the privilege of using it. There is no difference of opinion as to the justice of a reasonable charge for this privilege. This fact, however, does not relieve traffic of the evil effects of the toll system, which will certainly restrict the use of the canal, and thus diminish its value to the world at large. Is there any practical way to overcome this difficulty and at the same time compel the foreign user of the canal to bear his proper share of its cost?

The practice already followed by certain governments of rebating tolls on the Suez Canal is one method that suggests itself and one which would accomplish the purpose if generally applied. But if not generally applied it would produce all the evil effects of a discriminating tariff and would be far from realizing ideal freedom in the use of the canal. Moreover, it would not relieve the canal authorities or passing ships of the delay, annoyance, and expense of toll collections.

It has been suggested as an effective solution of the problem that an international convention be entered into whereby the canal should be made free to the world's commerce, each nation paying the United States yearly from its own treasury a sum proportionate to the commerce passing the canal under its own flag, the charge to be based upon the actual cost of maintenance and operation and such a percentage of the cost of construction as would pay off the debt within a specified period. This would be a strict interpretation of the principle of free use of river and harbor works as applied in the United States. The problem is one which may well engage the attention of the world's best minds. The great principle to be kept constantly in view is that tolls mean restriction of use, and the restriction of use means less than the highest result. Some way should be found for making Panama and Suez as free to the world's commerce as if nature herself had excavated the channels, as free as are the Straits of Gibraltar or Magellan.

Mr. CALDER. Mr. Chairman, the great problem that is occupying the attention of the business world is the question of transportation. This Government in the creation of the Interstate Commerce Commission sought to regulate transportation over railroads, and in subsequent legislation amendatory of the interstate-commerce act has increased the powers of the Interstate Commerce Commission to an extent not dreamed of by the authors of the original act, so that to-day the commission has power not only to pass upon the question of rebates, practices, and regulations of all descriptions, but also passes upon the sufficiency of rates, and has the right under the law to fix same. As a result of this legislation we have done away with unfair methods and have prohibited a condition of affairs whereby one shipper could be favored over another, thus placing every shipping concern and every railroad in the United States on an equal footing with the other. All of this has been of the greatest benefit to the railroads. It has stopped the giving of free transportation; it has stopped ruinous competition, and to-day no honestly conducted railroad would agree for a moment that they would favor its repeal.

In the consideration of section 5 of the Panama bill we are dealing with a subject of as great importance to the shipping interests of the country as Congress did in the consideration of the interstate-commerce law and in the amendments thereto. In the effort to encourage traffic through the canal we are establishing a competitor with the railroads in which every part of the United States is vitally interested. I represent on

this floor a district in the city of New York. As a result of the opening of the Panama Canal that city will become within a short period easily the greatest commercial center in the world. The granting of free tolls to the ships in the coastwise trade will unquestionably add some to the commercial importance of that city, but it is of small moment compared to its effect upon the agricultural and manufacturing business of the entire country. It has been well said in the minority report:

The tolls imposed at the canal will be added to the freight paid by the American people who consume the commodities. We hold this proposition to be fundamental; and viewed in this light, free tolls to our coastwise trade would not be a subsidy to shipowners, but a concession to the American people.

Every ton of merchandise carried through the canal is that much merchandise taken from the transcontinental railroads, thereby compelling the transcontinental roads to compete with the canal. The effect of this, it seems plain to me, would be to compel the transcontinental roads to meet the competition of the canal, thereby lessening freight rates between points within the country. The impression seems to prevail that the only people to be benefited by the free tolls in the coastwise trade are at points on the Atlantic and Pacific coasts. Careful consideration of the proposition will convince everybody, I am sure, that any reduction in freight rates forced by sea competition between New York and San Francisco is contemporaneously applied between Chicago and St. Paul, Kansas City and St. Louis, and, in fact, every city of the Middle West on the one hand and the Pacific coast cities and towns on the other. The selfish interests of the railroads serving the Middle West is the strongest possible guaranty of the perpetuity of this already established rate-making system. If, by reason of free tolls to vessels in the coastwise trade, freight rates between New York and Seattle would be less than if tolls were charged, they will by the same measure be less between St. Paul and Chicago, Omaha and St. Louis, and Kansas City on the one hand and Seattle and Portland, San Francisco and Los Angeles on the other. In all of the hearings before the Committee on Interstate and Foreign Commerce on the subject of free tolls no one appeared in advocacy of American ships engaged in the coastwise trade paying tolls.

THE RIGHT OF CONGRESS TO GRANT FREE TOLLS TO AMERICAN SHIPS IN THE COASTWISE TRADE.

Coastwise trade is, and was at the time of the negotiations of the Hay-Pauncefote treaty, restricted by law to transportation exclusively in American ships, and ships of all other nations were and are prohibited from engaging therein; therefore it appears that coastwise commerce in the very nature of things can not be affected by the terms of the treaty which relates to tolls. That provision reads as follows:

The canal shall be free and open to vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions and charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It seems clear that the general statement in this clause regarding "terms of equality" is defined and limited by what follows, and therefore it becomes the attitude of the United States only to so adjust the question of tolls—

that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions and charges of traffic or otherwise.

In this phase the question of the application of tolls relates to four classes of commerce:

First. Commerce between nations other than the United States passing through the Panama Canal.

To this class the full force of the treaty provision applies, and tolls must be so adjusted that vessels of all nations observing the rules of neutrality shall enjoy the free and open use of the canal on terms of equality; that is, with equality of tolls.

Second. Commerce between the United States and foreign countries passing through the canal in foreign ships.

It seems clear that the United States is under the same treaty obligations as to tolls because the commerce carried is the foreign commerce of the United States, and more particularly because the vessel is owned by a foreign country.

Third. Commerce between the United States and foreign countries passing through the canal in ships of the United States.

There is a difference of opinion concerning the obligations arising from the treaty in reference to this class of commerce, and there is well-grounded opinion among many people that it should also go through the canal without paying tolls, many holding that the clause referred to in the treaty might easily be construed to permit, not to forbid, this. The minority of the Committee on Interstate and Foreign Commerce have not discussed this phase of the subject in their report, and I believe it is an open question.

Fourth. Commerce between parts of the United States which under the long-standing law must be confined to transportation in vessels of the United States.

This constitutes a kind of commerce in which no ships of any foreign nation are permitted to engage and, therefore, whatever the Government should do in reference to tolls thereof in the Panama Canal could not in the very nature of the case constitute any "discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise," as stated in the treaty. Hence, so far as the treaty obligations are concerned, the United States is morally and legally entitled to make such provisions concerning tolls on coastwise commerce passing through the canal as it may desire, including exemptions from all tolls if thought wise. Under these conditions coastwise commerce is strictly a part of our internal domestic commerce, any regulations concerning which can not constitute discrimination against other nations or other subjects.

Many eminent legal authorities agree that the provisions of the treaty do not relate to our coastwise commerce and, therefore, it may be exempted from tolls. I am informed that the Secretary of War, Mr. Stimson, goes further even, stating that as a legal proposition he has no doubt whatever that the Hay-Pauncefote treaty gives full liberty of action to the United States and would permit us to do whatever we pleased in relation to either our ocean or coastwise trade. Having this freedom of action, as I believe, the question passes from one of treaty obligation to one of commercial expediency and propriety.

DOMESTIC COMMERCE SHOULD BE FREE.

The policy of the Federal Government relative to the freedom of commerce, as declared by act of Congress, adopted in 1884, and still in effect, which reads:

No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States and that may hereafter be acquired or constructed.

The United States has expended on waterway development of various kinds $693,914,237.08 up to 1911. This enormous expenditure has been made under the policy stated before at the general expense of the whole country, although the direct benefit in most instances has accrued to the particular locality in which each individual project was located. In spite of this fact, however, no section advocates or would permit a change in this general policy.

Commercially the Panama Canal will directly benefit a greater portion of the country than any other waterway improvement ever undertaken. All the coast, all sections tributary thereto of inland waterways which have their ultimate outlet in the ocean or Gulf, together with the vast area served thereby, are directly benefited. If freedom from tolls on commerce is guaranteed in the waterways of lesser general benefit, how much more just it is that the same freedom for commerce passing through this work of greater general benefit should be provided for. Incident to the opening of the canal, in response to the impending economic and military needs of the whole Nation, comes the question of the terms upon which commerce, other than our coastwise commerce, may be accorded the privilege of using that waterway. By all other nations the canal can not be considered simply as an artery of transportation, and to them the peculiar economic and military benefits referred to above can not accrue. Therefore it is but just that those people of other nations who actually use the canal as such an artery of transportation should pay a larger toll for the actual service rendered, levied upon the actual ships passing through.

In cases, however, of our own coastwise commerce, it appears to me on the broad national grounds above mentioned that no tolls whatsoever should be levied upon our ships engaged therein. In my opinion, the fact that this particular improvement, made across the Isthmus of Panama and not in the territorial confines of the original United States, should make no difference. The Canal Zone is part of our territory and subject to our use and jurisdiction. It seems to me that the same policy should apply to that waterway as applied to those constructed or improved in any of the thirteen original States or in the territory subsequently acquired. While freedom from tolls on coastwise commerce is a direct benefit to a very large proportion of the territory of the United States, such freedom is in direct harmony with a general waterway policy as declared by Congress, and should therefore become the fixed policy in the case of the Panama Canal.

THE EFFECT OF FREE TOLLS ON AMERICAN SHIPPING.

The idea that free tolls should be established solely for the benefit of American shipping and the suggestion that if this

policy was carried out the only beneficiary would be the shipping interests is, in my judgment, erroneous and entirely misleading. The primary object of free tolls is to cheapen the cost to the people on the Pacific coast of the productions of the people of the Middle West, the East, and Atlantic coast of the United States through the reduction in transportation charges that such exemption from tolls will effect, and vice versa, that it will cheapen the cost to the people in the Middle West, the East, and the Atlantic coast parts of the United States of the products of the Pacific Coast States that the reduction in transportation rates that the exemption of vessels in our coastwise trade would effect. The benefit to such American vessels is merely incidental to the much larger objective—the benefit to the people of the United States as a whole, in giving them a larger market in the one case for their products and in the increase of consumption inevitable in the reduction of the cost of such products. It is true that we give a monopoly of our home trade to American ships, built by American workmen, of material taken from American mines and American workshops, and manned by American seamen, paid American wages, and treated like human beings; and it is also true that the United States Government has given to the railroads of the United States in the way of land grants over 157,000,000 acres of public lands and to the trans-Pacific road companies alone over 58,000,000 acres of land, which is equal in area to all of New England and New York State combined. It is hardly a seemly thing for the railroads, either secretly or openly, to oppose the granting of this benefit to vessels using the canal, considering the vast contributions to them in the way of guaranteeing their bonds and the granting of untold millions in the way of land by the United States to aid in the construction of their roads. It will be quite impossible for the vessels enjoying the use of the Panama Canal free to ever be relieved from a sum the total of which would approximate the interest upon the amount of these donations to the transcontinental railroads.

The trifling proportion of continental traffic that would be transferred from the railroads to ships passing through the canal would be much more than offset—very much more than offset—by the increased business that the railroads would enjoy in moving the products of the country to the seaboard, in shipment from one coast to the other, and in moving the products so carried by ships from the seaboard to the interior of the country. The great point is that reduced transportation charges not only attract commerce but they create commerce. As to the incidental benefit to American vessels that would follow their exemption from tolls, this would consist entirely in the increased traffic that would use the canal in the coast trade; that is to say, if tolls are imposed upon vessels in the coast-to-coast trade, there will doubtless be a substantial tonnage carried by such vessels. Then the increase due to exemption from tolls would measure the benefits that American vessels could enjoy therefrom, and it would not by any means measure the amount of the exemption in the matter of rates that vessels would enjoy. The statement that if the vessels were exempted from tolls the total benefits would go into the pockets of the vessel owners and not the producers or the consumers of the merchandise thus carried is entirely erroneous. Of course, if freight rates were pooled or their amount fixed by agreement between the carriers—a thing not to be thought of in view of the safeguards with which Congress seemed determined to surround the merchandise thus carried—then such a condition might follow. If the railroads are to be permitted to freely use the canal in the coast trade with their own vessels, and pursue the tactics for which they have been notorious in effacing competition, such a condition might obtain. But there seems to be small chance of the railroads being permitted to exert any such baneful influence upon traffic. The ships that use the canal will be in active competition with each other, and the rates they will charge will be based upon any sum of reasonable profit to them; the competition between them will render any excessive charges quite impracticable. Considering that we have ceased to build ships for foreign trade because our Government has been unwilling to extend the protective system to vessels in foreign trade, thus denying them the right they should enjoy in common with all producers of goods in the United States that are subject to foreign competition, our domestic trade alone now affords opportunity for the retention and preservation of our maritime rank.

The opening up of the Panama Canal affords a signal opportunity for a substantial increase in American shipping, for increase in the type of seagoing ships that would be most useful to the Nation in time of need. In contemplation of the increased trade in the canal, a number of new vessels have been ordered constructed. The American-Hawaiian Steamship Co. are having constructed three great vessels, the Pacific Mail Steamship Co. are contemplating the building of three more; in fact, only yesterday I was informed that all the shipyards of the east coast are fast filling up with orders for new vessels in expectation of a largely increased trade immediately on the opening of the canal. To the extent, therefore, that the United States facilitates freedom of trade and the increase of trade through cheap rates of transportation between the coasts, to that extent it increases the demand for seagoing vessels of the United States and brings to its support a reserve marine that may yet prove invaluable to the Nation. This I regard as a consideration of the greatest importance, and I venture to hope that in the consideration of this legislation the House will appreciate the importance of this phase of the question.

THE ATTITUDE OF THE STATE OF NEW YORK ON THE MATTER OF FREE TOLLS.

The advanced and enlightened position that the State of New York has taken in the matter of water transportation facilities and the generation that has passed since our canals were free from tolls—by a majority of 322,000 in 1882—through an amendment to the State's constitution, should receive the most careful consideration of Congress, and especially from every Member from the State of New York and the Middle and Northwestern States. Since we freed our canals from tolls their ordinary repair and maintenance has averaged a cost of over a million dollars a year. In addition to small sums for lock enlargement and duplication, there have been appropriated the following sums for the enlargement of our canals since they were freed from tolls: In 1895, $9,000,000; in 1903, $101,000,000; and in 1909, $7,000,000, making a total of $117,000,000 for enlargement, plus $30,000,000 for ordinary repair and maintenance, a grand total of $147,000,000 the State of New York has expended and is expending upon the canals that the people 30 years ago, by a majority of 322,000, declared to be free of tolls.

If the single State of New York can afford to expend $147,000,000 in the enlargement and maintenance of its canals in 30 years, free of all tolls or charges to vessels or freight carried over it, can not the United States afford to exempt vessels in at least the coast-to-coast trade from tolls in using the Panama Canal? The population and wealth of the State of New York form not over one-twelfth of the entire United States—population, one-tenth, and wealth about one-twelfth—so that if the United States should free the Panama Canal from any tolls on any vessels using it, the total cost of the canal's construction, together with all the money the United States has expended upon river and harbor improvements, would not approximate a sum proportionately as large as the State of New York has expended. Is the position of the State of New York as a result of this enlightened policy suggestive that these vast expenditures for its toll-free canals has been to the injury of the State or any of its inhabitants? On the contrary, the State of New York has achieved the position it now occupies as the Empire State of the Union chiefly as a result of its advanced and enlightened policy of improving and enlarging the canals and freeing them from all tolls. The people of the entire State gladly bear the entire burden of these charges, as likewise they will willingly bear their full share of the cost of maintaining the Panama Canal for the benefits that accrue to the people as a whole. This is a wise policy. It is the policy of the State of New York as adhered to for nearly a century in building and maintaining its canals, and for 30 years of improving and maintaining them free of all tolls. Bear in mind that the improved canals of that State will accommodate boats of 1,000 tons and over, an accomplishment that is expected by a great majority of the people of the State of New York will greatly redound to the benefit of all its people and clearly to those of the Middle and Northwestern States.

The reduction in transportation charges that it is expected will be effected through our improved canals will far more than repay the people of the State for the sums they expend upon their enlargement and maintenance free of all tolls. In the election of 1911 the people of my State agreed to bond themselves in the sum of $19,800,000 for the construction of canal terminals—depots for the handling and temporary care of freight carried on its canals. New York is the first State in the Union to take so advanced a position as to construct freight terminals for water-borne traffic, and this is all a part with the enlightenment of its people and their appreciation of the estimable advantages of cheap transportation. In all of the discussion of free canals and enlarging canals the benefit to canal boats and barges have kept their relative secondary or incidental position; the direct benefit to the vessels has never been a claim advanced for any of the work undertaken. Why, then, should benefit to vessels using the canal be given such prominence and the benefits to the people through reduced freight

charges and greater consuming ability as a consequence almost be lost sight of?

Mr. Chairman, I will submit as an appendix to my remarks the following resolutions adopted by the great commercial bodies of the State of New York favorable to the views of the minority on the question of free tolls through the Panama Canal for American vessels engaged in the coastwise trade:

Resolutions adopted by the Merchants' Association of New York, March 5, 1912:

"Whereas the United States, by act of Congress passed in 1884, made the following declaration of policy regarding tolls or charges relative to waterways acquired or constructed by the Federal Government: 'No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use of and benefit of navigation now belonging to the United States, or that may be hereafter acquired or constructed'; and

"Whereas, under that policy, which is still in operation, the United States has expended on local waterway developments nearly $700,000,000 at the general expense of the whole country; and

"Whereas the Federal Government, in addition to its vast expenditures of public funds upon internal and seacoast waterways, for the use and benefit of all sections and of all the people, free from imposition of tolls or charges for the use thereof, has also made vast grants of public lands of incalculable present value to the transcontinental railways to promote their construction and the interests of the whole country, especially of the sections which they directly serve; and

"Whereas the Panama Canal is constructed primarily because of the military and economic necessities of the entire United States, and when completed will be of direct commercial benefit to a larger area of the country than any other waterway ever constructed or improved by the Federal Government; and

"Whereas the extension of the general policy of freedom from tolls to the domestic coastwise commerce of the United States passing through the Panama Canal can not create a discrimination against any other nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise because of the fact that no such nation has been or now is permitted by law to engage in such coastwise commerce, which law was in operation and contemplation at the time of the negotiation and ratification of the Hay-Pauncefote treaty; and

"Whereas the provision of the Hay-Pauncefote treaty appears to relate to the avoidance of discriminations between the nations and therefore does not pertain to our domestic coastwise trade, in the treatment of which there can be no such discrimination as prohibited in said treaty: Now therefore be it

"*Resolved*, That the report of the special committee on tolls on coastwise commerce passing through the Panama Canal, dated February 26, 1912, be, and hereby is, approved; and be it further

"*Resolved*, That the Merchants' Association of New York opposes the proposition of imposing any tolls whatsoever upon the domestic coastwise commerce of the United States passing through the Panama Canal, unless it be determined, by competent authority, that the imposing of such tolls is required in fulfillment of our treaty obligations."

Resolutions adopted by the Chamber of Commerce of the State of New York, March 7, 1912:

"*Resolved*, That the Chamber of Commerce of the State of New York earnestly urges the President of the United States and the Congress, while honorably carrying out all existing treaties or obligations entered into with foreign countries, to arrange the tolls on the Panama Canal so as to carefully protect American interests, and bring about the upbuilding of our merchant marine; and that we advocate, as a measure to this end, that the rates of toll on vessels engaged in the coastal trade shall be not over one-third the rates charged on vessels engaged in deep-sea business, or free if necessary to accomplish purposes desired.

"*Resolved*, That copies of this resolution be forwarded to the President, the Secretary of War, the Secretary of the Navy, and to all Members of the United States Senate and the House of Representatives."

Resolutions adopted by the Maritime Association of the Port of New York, July 12, 1911:

"Whereas, from present indications, the Panama Canal will be ready for use by merchant shipping in about two years' time; and

"Whereas it is necessary that those contemplating the operation of vessels through the canal should be informed at the earliest possible moment regarding the regulations that will govern said operation, so that sufficient time will be given to conform with every requirement: Therefore be it

"*Resolved*, That Congress be strongly urged to enact at this session such legislation as will enable the President to fix the tolls to be charged for the use of the canal, it being the consensus of opinion of this committee that in the fixing of said tolls American vessels should be exempted from all charges."

Resolutions adopted by the New York Board of Trade and Transportation, December 13, 1911:

"Whereas the Panama Canal is being constructed by the United States Government, and the people of the United States are paying the whole cost thereof, and will be obliged to pay the cost of maintenance and repairs, whether the revenues are adequate or not; and

"Whereas the people of the United States have entered upon this great work chiefly for the benefit that it will be to our own commerce; and

"Whereas the construction of the Panama Canal by the United States will not give to the American people the full measure of benefits they are entitled to if our commerce is compelled to pay the same tolls that other peoples are required to pay: Therefore

"*Resolved*, That, having expended so large a sum in constructing the Panama Canal, the people of the United States are entitled to receive the fullest possible advantages therefrom; that other nations should be permitted to use the canal upon reasonable terms alike to all; that American vessels in the foreign trade should pay the same tolls as vessels of other nations, unless existing treaties would permit such American vessels to pass free; that the commerce of the United States passing between United States ports should be allowed free passage through the Panama Canal in all ships of American registry and should be regarded and regulated as coastwise commerce of the United States.

"*Resolved*, That we petition the Government and Congress of the United States to give the most serious consideration to the enactment of laws declaring commerce between American ports, passing through the Panama Canal, as coastwise commerce of the United States, and free of tolls, and, if treaty provisions or commercial conventions which have provisions for termination by notice from either party, will permit to also consider the making of the Panama Canal free to all vessels of American registry."

Mr. ESCH. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

FREE TOLLS IN COASTWISE TRADE ARE IMPOSSIBLE. SUCH A POLICY WOULD VIOLATE OUR SOLEMN TREATY OBLIGATIONS AND PLEDGES, IMPERIL OUR VAST INTERNATIONAL INTERESTS, INTRODUCE COMPLICATIONS IN FOREIGN AND DOMESTIC AFFAIRS LIKELY TO BE SERIOUS, EVADE JUST PROPORTION OF HEAVY PUBLIC BURDENS BY THOSE RECEIVING THE GREATEST BENEFITS AND BEST ABLE TO BEAR THEM, AND UNFAIRLY FAVOR PRIVATE AND SECTIONAL DEMANDS AS AGAINST THE BROAD NATIONAL INTERESTS AND WELFARE.

Mr. STEVENS of Minnesota. Mr. Chairman, my discussion will be confined to section 5 of the bill, which relates to the tolls and charges for vessels in their passage through the canal.

It was the judgment of the majority of the Committee on Interstate and Foreign Commerce that the section as reported, providing that all vessels should be treated alike and on the same basis, was necessary and for the best advantage of the people and the Government of the United States and for the welfare of the canal itself.

REASONS AGAINST FREE TOLLS.

Substantially, the reasons for this action are as follows:

First. Because the treaty obligations of the United States require "treatment on terms of entire equality, without discrimination, of all nations," including our own in the use of the canal; and any violation of these obligations would be a betrayal of the faith and honor of our Government and a reversal of the traditional policy of our Nation toward the canal since the inception of the enterprise.

Second. Unfair discrimination in favor of our own ships, which would violate international pledges, would seriously injure our foreign trade, not only with the nations on the Pacific, which would be most affected, but also with other nations which would resent our violations of pledges and discrimination, and in turn would retaliate against our commerce and people.

Third. Discrimination or free tolls for American ships in coastwise trade would not build up the American merchant marine because the rate of toll, $1 per net registered ton, would amount to between 40 and 60 cents per cargo ton, which would not be sufficient to encourage or warrant the construction of new vessels, and would not reduce prices to consumers, being only 2 or 3 cents per hundred pounds. Again, under existing laws, American vessels have a monopoly of the coastwise trade. This monopoly is further restricted by section 11 of this bill, prohibiting ships owned or controlled by competing railroads engaging in coastwise traffic through the Panama Canal. In addition, the enforcement of section 4 of the interstate-commerce act, known as the "long and short haul" clause, will gradually tend toward distance tariffs, which will diminish railroad competition in the coast-to-coast traffic, and so help the canal traffic. These reasons render coastwise subsidies unnecessary to develop the coastwise business.

Fourth. The annual expense in caring for the canal will be an enormous burden upon the American people for all future time. Testimony shows that this expense for operation, maintenance, protection, and interest charged on the investment for the canal will be between $25,000,000 and $30,000,000 per annum. If the additional cost for naval protection, replacement, and retirement of the particular forces be added, such amount will be increased to between $40,000,000 and $50,000,000 per annum. Thus the annual expenditure for the construction of the canal can never be reduced and may be much increased. The canal will reduce freight rates from coast to coast from 25 to 50 per cent, and it is only fair that this vast commerce, so greatly benefited by the construction of the canal, should bear its fair share of the enormous burden of caring for it.

Fifth. The main effect of discrimination, or free tolls for American ships in the coastwise trade, would be to help the great mercantile interests of the coasts in competing with their trade rivals of the interior. The reduction of freight rates by the opening of the canal, will greatly help the business interests of the coasts in extending their trade territory and proportionally diminish that of the interior competing with them. Blanket rates to the coast will be in large part discontinued, and the railroads can not be allowed to reduce to the low rates provided by water competition, because of the injurious effects to the intermediate territory. Under these circumstances, it would not seem to be fair or just, to levy an additional burden

on the country in order to have free tolls for the purpose of still further diminishing the trade of the interior, and proportionally increasing the competitive capacity of the coasts. It would not seem fair, to levy taxes upon a section of the country to use in strangling and reducing its own natural business. That would be the necessary and almost only effect of free tolls in coastwise trade.

Sixth. Free tolls and discrimination against other nations in violation of treaty obligations would incite resentment and reprisals against our commerce and interests in the use of other international waters under the control of some one nation suffering from our discrimination. It would revive the old contention of Canada discriminating against American interests in the use of its canals in the region of the Great Lakes, and might cause a loss of many millions annually and injuriously affect the Central West, already discriminated against by the operation of the canal.

II.

CONSTRUCTION OF TREATIES.

It necessarily is of prime importance, to examine the exact text of the treaty obligations of this country with others concerning the canal, to ascertain precisely what may or may not be done under such agreements.

No fair or sensible man desires to have his Government deliberately violate its solemn obligations and pledges to the other nations, concerning the use of the Panama Canal. But honest and intelligent men may fairly and justly differ as to what such agreements and pledges actually are. This shall be my endeavor to ascertain and place of record as concisely and clearly as possible.

In this investigation, and in the interpretation and construction of these treaties, there must be adopted the ordinary fair and just rules which have for many years, and among all civilized nations, been used for such purposes; and which would be applied to all other treaties as well as to these, to all other nations as well as to our own, and to all occasions when the interest of our Nation and people would be best served by the rule adopted, as well as when they would seem to be injured by such rules. These rules should bear impartially upon all, and at all times, and be so fair and reasonable and just as to receive the common acceptation of civilized mankind. We can not afford to follow any other course, at the inception of this great enterprise. But we should endeavor to find out exactly what the situation is, and construe in our own favor whatever we fairly and justly can, with the object always to advance all the interests of our own people and seek the just advantage of our own Nation as much as we possibly can do, and as much as should be decently done.

We must realize always, that the rule which we insist upon in any situation will most certainly be invoked hereafter in other situations and controversies; and we must be willing to do in these cases as we might be willing to have done hereafter in any other cases, in which we might be involved.

TREATIES.

The United States has entered into two treaties concerning the use and control of the Panama Canal which are now in force. The first, with Great Britain, known as the Hay-Pauncefote treaty initiated by Secretary of State Hay in 1898, was signed in Washington November 18, 1901, ratified by the Senate December 16, 1901, and proclaimed by the President February 22, 1902.

The second treaty was with Panama, signed at Washington November 18, 1903, ratified by the Senate February 23, 1904, and proclaimed by the President February 26, 1904. This treaty by article 18 provides for the operation of the canal on the terms provided by the treaty with Great Britain, so there is no need to separately discuss its provisions. The text of the Clayton-Bulwer treaty and of the Panama Canal treaty and all its sections and provisions, as promulgated and now in force, are annexed to and made a part of these remarks.

The section in the treaty with Great Britain which is the center of this controversy is section 1, article 3, as follows:

The canal shall be free and open to the vessels of commerce and war of all nations, observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This language is plain on its face; and from its terms there can be no inequality or discrimination in favor of or against any vessels, citizens, traffic, or country, but all must be treated exactly alike, subjected to the same tolls, charges, and conditions, without any distinction.

SOME CONSTRUE DIFFERENTLY.

Apparently clear and plain as is this provision, yet some public officials, many patriotic and intelligent citizens, commercial and public organizations, and an influential portion of our press strongly and sincerely contend that an exception must be implied from this plain and clear language, by which vessels of the United States engaged in coastwise trade can be authorized to have free or discriminating tolls in their use of this canal.

The reasons claimed for this exception are in substance two: First, because the laws of the United States give a monopoly in our coastwise trade to vessels constructed, owned, and operated by American citizens, and other vessels are prohibited from engaging in such constwise trade or in any part of it; consequently the constwise vessels constitute a peculiar class under our laws, so that no foreigner can complain as to any preference or discrimination granted to our own ships in such trade, in which they can not compete. Secondly, it is urged that under the provisions of article 2 of the treaty, the United States may have all the rights incident to the construction of the canal and the exclusive right of regulation and management of it. And in the making of such rules and regulations that discrimination can be shown to domestic vessels and trade.

RULES AND REGULATIONS NOT ADEQUATE.

This last reason and argument is not seriously considered by intelligent students, because such regulations and management must be by the very terms of the same article, "subject to the provisions of the present treaty," which includes the section above cited. If this section allows such discriminating rules, they can be made to favor our own domestic commerce. If that section does not allow any such preference, then they can not be fairly adopted. So the question finally and decisively must be determined upon the fair, just, and reasonable interpretation of section 1, article 3, as to whether the coastwise trade of the United States can be fairly excepted from its plain terms declaring equality and forbidding discrimination.

SOME EXCLUDE ALL AMERICAN SHIPS FROM TREATY.

Some public-spirited citizens would go so far as to demand that foreign as well as coastwise shipping should be excepted from this section, and that there should be implied the word "other" between the words "all" and "nations" in the second line of the section. This would make the section refer only to the vessels of all other nations except the United States, and so exclude our foreign commerce from the terms of this section.

But this contention is not seriously urged, and has no reason or precedent for such a violent wrenching of all language, precedent, rules of interpretation, and policy; and so has not been seriously considered. The main controversy must be as to whether the section as it stands, fairly and justly excepts constwise commerce from its provisions. And to that I shall confine myself, in discussing the treaty obligations of the United States with reference to the Panama Canal; and it is certain that if no exception as to constwise trade can be fairly made from the terms of the treaty, then the same situation must exist as to foreign commerce.

ALL SECTIONS CONSIDERED TOGETHER.

At the outset, a fair and clear interpretation of the language of the treaty itself should be ascertained to find what basis exists within its terms, for an important exception from its plain provisions. Section 1, article 3, should be considered together with article 2, which provides three methods for constructing the canal. First, by the United States itself at its own cost; second, by individuals or corporations whom the United States might assist by loan or gift of money; third, by individuals or corporations with whom the United States may cooperate through subscription to or purchase of stock or shares. Article 2 is as follows:

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Necessarily the rules as to the use of the canal prescribed in section 1, article 3, must apply in the same way to all of these methods of construction and to whichever one of them may be adopted. There is nothing in the treaty indicating any different treatment of American coastwise vessels, whether the canal be constructed by private corporations or by the Government itself. This being true, with no provision in the treaty granting any preferential right or privilege, but, on the contrary, the strongest kind of language forbidding it; it must be difficult for any impartial person to fairly contend, that a corpo-

ration constructing the canal at its own expense and operating it for a profit, as the Suez Canal was constructed and is operated, can, under these circumstances and conditions, be compelled to give free passage to a large class of vessels possibly yielding a larger profit to their owners, owned by other corporations or interests not named, described, or excepted anywhere in the treaty.

SUEZ PROVISIONS.

It should be noted here, that article 12 of the convention, described in this treaty, governing the use of the Suez Canal, provides for "equal use" by all nations without advantage or discrimination in favor of any; expressly "reserving the rights of Turkey as the territorial sovereign." In the Panama treaty there is no reservation, but, on the contrary, the strongest prohibition against such discrimination. While the Suez treaty was careful to provide for such discrimination, expressly as was desired for the territorial sovereign. Under the ordinary rules of construction, where the Suez Convention is used as a basis for the Panama treaty, there would also be no exception unless expressly provided for. Such exception has not been made, but just the contrary language is used in the Panama treaty requiring treatment of entire equality without any discrimination, with very good reason and consideration for its deliberate use.

NO REASON FOR EXCEPTION.

It is submitted, that under this treaty any corporation constructing and operating the canal under this provision, could and would not be compelled to relinquish without consideration, any of its legitimate revenues to another corporation owning and operating American ships in the coastwise trade.

Exactly the same rule must apply to the construction and operation by the United States as by a private corporation doing the same thing, because the same language and the same authority and rules apply to both. There can be no exception in one case, unless it can also be an exception in the other.

It can hardly be argued that the United States might exact as a condition of any grant, aid, or subscription that there should be a preference or discrimination to its coastwise trade; because that very thing is expressly forbidden by the broad terms of section 1, article 3, prohibiting any such exception or condition.

STOCKHOLDER WOULD HAVE SAME RIGHT.

Any other stockholder or guarantor could have as much right to exact his own private conditions for his own private advantage, with the result that the enterprise would face ruin from the start. The treaty gives the United States, as a stockholder or guarantor, no other rights than any other interest also assisting in the enterprise. A British, German, French, or Japanese steamship company might subscribe, own, and hold large blocks of stock or bonds in a corporation provided in section 2, and with equal right under the treaty might demand a preference for its vessels as an exception on account of such ownership. Of course, such a demand would be absurd and unjust, and yet equally valid and equitable as a similar demand and exception for the United States. The terms of the treaty and the existing situation would seem to practically and legally make the United States a corporation sole, for the purpose of constructing, operating, and managing the canal with exactly the same rights, obligations, and responsibilities which would pertain to any other corporation provided for by the treaty, doing exactly the same thing under the treaty.

This discussion is academic, because no such condition for a preference here exists; but it illustrates the fallacy of seeking to imply an exception in favor of our coastwise trade, when the plain provisions of the treaty so clearly exclude any such unfair discrimination.

III.

TREATIES—NEUTRALIZATION.

It has been agreed expressly in the treaties, and always understood among the nations, that the basis for the beneficial use of the canal must be its neutralization in time of war and peace, so that there shall be a certainty that peaceful commerce at all times can enjoy its privileges. This policy signifies impartiality so far as conduct and operation are concerned, and carefully abstaining from acts to aid either belligerent in time of war. With special reference to the canal, it signifies that it is not to be made the object of attack by any power, nor distinctively employed by any nation as a means of or base for hostilities.

RULES FOR NEUTRALIZATION.

Article 3 of the Hay-Pauncefote treaty sets forth the rules for such neutralization, first and as the foundation, "entire equality of treatment between all vessels of all nations without any discrimination;" next, "that the canal shall not be blockaded or used for war or any acts of belligerents; third, that the waters and plant of the canal be included within the neutralization." These provisions are the substance of the rules laid down by the Suez convention concerning that canal; and the essence and practice as to that and all other neutralized waters has been the perfect equality of treatment of all vessels, traffic, and persons as an integral part of their neutrality and operation.

NO EXCEPTION IMPLIED.

If by implication an exception must be made as to coastwise vessels, so far as equality is concerned, and they in that way can be treated differently from all other vessels, the same rule as to exception by implication must also obtain as to neutralization of them. The two attributes can not and should not be separated. In fairness and justice and from the reason of things, they belong together, because no nation is under any moral obligation to observe the rules of neutrality as to commerce receiving discriminating terms as against its own, when the plain language of the treaty provides for equal treatment without discrimination. This being true, our coastwise commerce in and about the canal, if not on an equality with other commerce, would not be neutralized and would be subjected to different rules from all other commerce, as to the acts of belligerency set forth in article 3.

EQUALITY AND NEUTRALIZATION.

Prof. John Bassett Moore, perhaps the highest authority on this subject, has said that—

equality of tolls has also been treated as a feature or perhaps rather as a condition of neutralization. Little need to be said on the subject since a discriminating policy, even if it did not lead to the building of another canal, would merely provoke retaliation in some form and prove in the end to be impracticable.

The opinions of other notable authorities are invariably to the same effect.

[Extract from the report of Senator Davis of Minnesota, from the Senate Committee on Foreign Relations, recommending the ratification of the Hay-Pauncefote treaty.]

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That the United States would not if they could obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind.

That while they aim at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other great commercial power.

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by the way of the port and river San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interest independently of aid and despite of her opposition or hostility.

It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our produce, armies, mails, and other property through the canal, we offer to dedicate the canal to the equal use of mankind.

As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations.

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Co., had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this great act, or has had grounds of complaint against it. No American will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and will have the cordial approval of the American people.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries, would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations it would not be creditable to our country to accept them.

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

In this convention we stipulate against the blockade of the canal by any nation.

In conditions that may not be entirely remote we would find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

IV.

PREAMBLE AND "GENERAL PRINCIPLES."

One of the most important considerations in the construction of this section 1, article 3, as to "equality of treatment without discrimination," and as to whether an exception concerning our coastwise vessels can be implied from it, must be from the language of the preamble of the treaty. This preamble is in terms:

"The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed, etc."

CONSTRUCTION OF PREAMBLE.

It is a fundamental principle of construction of all documents that such a preamble shows first of all the reason for the making and existence of the agreement, document, or act; and secondly, that the language of the document, treaty, etc., should be so construed, if reasonably possible, to give effect to such purpose. (Moore, 5 Dig. Int. Law, p. 249.)

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intentions of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction words are to be taken in their ordinary meaning as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

Haauenstein *v.* Lynham (100 U. S., 483–487); Goefy *v.* Riggs (1890, 133 U. S., 258–271). See to the same effect, United States *v.* Auguisola (1 Wall., 352).

That a construction of a treaty most favorable to its execution, as designed by the parties, will be preferred.

United States *v.* Payne (2 McCrary, 289; 8 Fed. Rep., 883).

A treaty is not only a law, but also a contract between two nations, and, under familiar rules, it must, if possible, be so construed as to give full force and effect to all its parts.

Goetze *v.* United States (1900, 103 Fed. Rep., 72).

The reason of the law or of the treaty—that is to say, the motive which leads to the making of it and the object in contemplation at the time—is the most certain clue to lead us to the discovery of its true meaning; and great attention should be paid to this circumstance whenever there is question either of explaining an obscure, ambiguous, indeterminate passage in a law or treaty, or of applying it to a particular case. When once we certainly know the reason which alone has determined the will of the person speaking, we ought to interpret and apply his words in a manner suitable to that reason alone; otherwise he will be made to speak and act contrary to his intention and in opposition to his own views. (Vattel, book 2, chap. 17, sec. 287.)

It is important to ascertain what is the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty, which must not be impaired by this treaty. This article 8 speaks for itself, substantially as follows:

The Governments of the United States and Great Britain having not only desired in entering into this convention to accomplish a particular object, but also to establish a "general principle," they hereby agree to extend their protection by treaty stipulations to any other practical communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications—should the same prove to be practical, whether by canal or railway—which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charge or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

It will be noted that the "general principle" is established and embraces, first, protection to the canal; second, that the charges therein shall be just and equitable; and third, that it shall be open to the citizens and subjects of the United States and Great Britain on "equal terms" and also shall be open on like terms to the citizens and subjects of other nations willing to grant the same protection to the canal as do Great Britain and the United States.

SAME AS IN PANAMA TREATY.

These are the same provisions as article 3 of the Hay-Pauncefote treaty, and on their face there can be no possible exception of our coastwise commerce. Not only the language of the section but the very reason for the existence of the language forbids such exception, because Great Britain and some other nations had commerce competing with that of the United States, both foreign and coastwise. It was the evident and proper design of this treaty to place all such competing commerce on exactly the same basis, so that there should be no disadvantage or particular advantage on account of this canal to the commerce, coastwise or foreign, of any one nation. This was the object of the whole treaty, and especially of this particular section.

Great Britain and Canada have a large commerce directly competing with some of our coastwise commerce through the Panama Canal, and undoubtedly they undertook to protect such commerce and its interests by insisting upon its equal treatment with all competing commerce in the use of all interoceanic waterways.

The report of the Senate Committee on Foreign Affairs submitting the Hay-Pauncefote treaty clearly shows the true policy and intent of this section in both treaties and has been set forth at some length.

SECRETARY OLNEY CONSTRUES.

Secretary of State Olney in 1896, in a memorandum on the Clayton-Bulwer treaty, said (Moore, 3 Dig. Int. Law, p. 207):

As article 8 expressly declares, the contracting parties by the convention desired not only to accomplish a particular object, but to establish a general principle. This general principle is manifested by the provisions of the first seven articles, and is that the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike.

CLAYTON-BULWER TREATY PROVISIONS.

The preceding articles of the treaty, which show the intent and purpose of the general principle, are as follows:

Article 1, in part:

Nor will the United States or Great Britain take advantage of any intimacy or use any influence, etc., for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce and navigation through the said canal which shall not be offered on the same terms to the other.

Article 5, in substance:

The contracting parties further engage that they will guarantee the neutrality thereof, which protection may be withdrawn if unfair discriminations are made in favor of the commerce of the one over the commerce of the other.

Article 6, in part:

The contracting parties engage to invite every State, etc., to enter into stipulations concerning the constructing and maintaining the said canal—for the benefit of mankind, on equal terms to all—and of protecting the same.

GENERAL PRINCIPLES CONSTRUED.

These all show exactly how the term "general principles" must be construed with reference to the Hay-Pauncefote treaty, that "equality of treatment of all vessels, foreign and domestic, constwise and all," must be an integral condition for neutral treatment and a guaranty of protection for the canal.

CONTINUOUS POLICY GOVERNMENT.

This has been the invariable construction of these treaties and of the policy of the United States from the beginning down to the present. It should further be noted as to the action of our Government in carrying out the "general principle," thus construed and defined in these treaties. President Roosevelt in his message of December 4, 1901, transmitting to the Senate the Hay-Pauncefote treaty, which was ratified and is now in effect, described it as "A convention without impairing the general principle of neutralization established, etc., in article 8 of that convention." Further, on the 22d day of February, 1902, in the proclamation making such treaty effective, President Roosevelt,

in the preamble to it, again sets forth the existence of the "general principle" of neutralization, which was to be maintained by such treaty, and in the final statement of the proclamation is found this clause, "*to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.*"

NOTIFIED WORLD TREATY OBEYED.

Thus the United States Government at once in the proper way notified the world in the exact language of the treaty itself of its intention to observe and fulfill every article and clause thereof.

To show clearly the policy of our Government, it is well to place here the exact terms of article 3, section 1: "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, etc."

The United States by its President and Secretary of State at once notified the world that it would be the first nation to observe these rules. And it is hardly becoming now for our good citizens to violate such pledge, reverse such policy, abandon the traditional and honored principles, so solemnly agreed to and announced, merely for the sake of granting a bonus or subsidy to some business interests, which for nearly a hundred years under our laws, have enjoyed a monopoly, free from foreign competition, and by this very measure are still further protected by the exclusion of strong domestic competition.

V.

NEGOTIATIONS FOR HAY-PAUNCEFOTE TREATY.

In the construction of the controverted clauses of any document, it is always of prime importance to know exactly what the persons themselves who framed it, intended by the language which is subject to dispute; and when they have set forth their own views as to its intention and meaning, and have given good reasons for it, usually such facts have been conclusive as to the construction, whenever the language has fairly allowed.

The negotiations for the modification of the Clayton-Bulwer treaty and which resulted in the framing of the Hay-Pauncefote treaty were commenced by Secretary of State John Hay by a letter, December 7, 1898, to Hon. Henry White, chargé at London, and the reply of Mr. White, of date December 22, 1898. These letters are described in Third Moore, Digest International Law, page 210, note A. Another letter of Mr. White, of January 4, 1899, also refers to the same subject.

CONDITION FOR EQUALITY.

From these letters, it appears in at least three different places, that the first and necessary condition of a treaty must be that all vessels of all nations must receive in the canal, the same terms and treatment as American vessels. This condition was emphasized more than any other one provision, and descriptive references were forwarded to make it clear, that such clause must include all vessels of all classes, foreign and coastwise, so there could be no mistake about the meaning of any language in the treaty.

Secretary Hay and our Government readily agreed to such condition, and nobody objected to it, because it has always been the consistent, continuous, and historic policy of our Government for more than 50 years, to do that identical thing. Practically the only exception is the Nicaraguan treaty. That will be referred to hereinafter in proper order.

TREATY SO FRAMED.

So Secretary Hay, with the approval of President McKinley and the proper officials of the United States, prepared the Hay-Pauncefote treaty and submitted it to Great Britain. In it were placed the clauses, heretofore referred to, maintaining the general principle of "equality and neutralization," and expressly setting forth in as clear and explicit language as possible "that the vessels of commerce and war of all nations should be treated on terms of entire equality, so that there shall be no discrimination against any such nation, its citizens or subjects, in respect of the conditions or charges of traffic or otherwise." Not a hint of any exception for our coastwise commerce, or any other exception; but on the contrary, the correspondence showed that all intended clearly and beyond question that all vessels, commerce, and citizens must be treated exactly alike.

Surely this preliminary history, these negotiations, the language itself, the preamble, and then the proclamation, in terms following and adopting the language, and the evident and admitted reasons for all of them, should be sufficient to show that no ambiguity or implication of any other meaning could possibly exist. In ordinary cases it would be sufficient, and no further question could be raised. But one additional fact still further reenforces this history and construction.

PROCEEDINGS IN SENATE.

When the first Hay-Pauncefote treaty was before the Senate for ratification on December 13, 1900, the following proceedings appear on page 15, Senate document 85, Fifty-seventh Congress, first session: "On the question to agree to the amendment proposed by Mr. Bard, to wit: Strike out article 3 and substitute the following: '*Article 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.*'" It was determined in the negative: Yeas, 27; nays, 43.

SENATE REFUSED PREFERENCE.

This would also seem to show conclusively that no such a provision was intended to be in the treaty or could in any way be implied or inferred from its terms, or such an amendment would not have been offered. The fact that it was rejected shows that the Senate understood such fact, that it did not want such provision but desired to preserve and maintain the general principle of "equality and neutrality" and preserve the uniform and continuous policy as to the canal for more than 50 years. This action of the Senate was so overwhelming that no attempt was made by anyone to offer such an amendment to the second treaty.

ATTEMPT TO OFFSET.

To explain and offset this conclusive evidence that no discrimination was intended by the Senate or should be had for the coastwise trade, the minority, on page 4 of the minority report, inserted a sentence from a private letter of Senator Bard which states:

When my amendment was under consideration *it was generally conceded* [the italics are his] by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

It is very evident that Senator Bard was the only Senator who had such an understanding. Those who voted with him and desired such a policy certainly did not so believe or they would have so declared and would not have so voted. Those who voted against him evidently did not so understand, from statements which some of them have made personally, and from the official action of the others. Six of the Senators who voted with Senator Bard and seven who voted against him are yet in the Senate, and their views can be expressed on this very measure.

SENATOR BARD DID NOT UNDERSTAND.

The very best illustration that Senator Bard did not understand what actually were the views of those who opposed his amendment is shown by the fact that Senator Frye, of Maine, and Senator LODGE, of Massachusetts, who had charge of the treaty in the Senate, and both of whom were probably consulted in its negotiation and preparation, voted against the amendment of Senator Bard. Both of these Senators were very prominent members of the Senate Committee on Foreign Relations, which had long discussed this whole policy, and especially this very treaty, and both have been foremost in their efforts to promote the American merchant marine for many years and had long experience and great ability; yet both of them seem to have construed the provision of this treaty entirely different than did Senator Bard, because both of them introduced the following bill with reference to tolls on the Panama Canal:

A bill (S. 3632) to provide for the payment of tolls and transit charges of public vessels of the United States and merchant vessels of the United States passing through the Panama Canal.

Be it enacted, etc., That all tolls and transit charges which may hereafter be imposed on public vessels of the United States and on merchant vessels of the United States for passing through the Panama Canal shall be paid from any money in the Treasury not otherwise appropriated, and there are hereby appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose; and such appropriations shall be deemed permanent annual appropriations.

This clearly shows that these eminent and experienced Senators, the recognized champions of the coastwise commerce, and members of the committee which passed upon and reported this treaty, voted and acted upon the belief that all vessels, all commerce of all kinds and of all nations, must in the passage of the canal be treated exactly alike and on the same terms; and that there can be no exception or discrimination possible under the treaty in favor of our coastwise trade; but that any aid for that purpose must be by direct action of Congress by proper appropriations and express legislation therefor such as in form has been proposed by both of them.

UNSOUNDNESS OF VIEWS.

There can be no question as to the soundness of such views or the patriotism or wisdom of the eminent men who held them. Finally, to show how much Senator Bard actually knew about that subject, in comparison with the other Senators who had a great interest and knowledge of it, it is only necessary to examine his legislative proposition as it appears from the records

of the Senate. Senate Document No. 85, Fifty-seventh Congress, first session, page 15, shows the following:

On the question to agree to the amendment proposed by Mr. Bard, to wit, strike out article 3 and substitute the following:

"ART. 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in coastwise trade."

The text of the treaty shows article 3 of the original treaty to read as follows:

The contracting parties will immediately upon the exchange of the ratifications of this convention bring it to the notice of the other powers and invite them to adhere to it.

This shows that the amendment was not germane as offered, was not in the right place, was not proposed to the right article or section, and, finally, article 3 had already been stricken out of the treaty on a motion by Senator Foraker, and there was no such article in existence to which Senator Bard could offer his substitute in the terms of his motion. (S. Doc. No. 85, p. 13, above referred to.) Yet this evident misinformation, carelessness, and lack of knowledge of what was actually going on concerning a very important matter, is offered as a basis for reversing the policy and history of our Nation and violating its solemn pledges to the world.

MERCHANT MARINE COMMISSION.

It is to be noted also in this connection that the Merchant Marine Commission, appointed under an act of Congress in 1904, made its report after exhaustive hearings concerning the improvement of the American merchant marine. Many plans were suggested for legislation for such purpose, and the commission consisted of very warm friends of the navigation interests; and various plans were outlined for the use of the canal construction to aid American shipping. But not one of them at that time had the hardihood to put forward a plan of preferential tolls for our ships in the canal, at the very time when the treaty was fresh in the mind of everybody.

VIEWS OF SECRETARY HAY.

As a very important part of this discussion are the views of Secretary of State John Hay, upon the Hay-Pauncefote Treaty, as submitted to the Senate in a confidential memorandum in December, 1901, as published in the New York Sun of January 27, 1911. The memorandum was quite lengthy, but its substance is as follows:

(1) With this is submitted the new treaty, which declared the neutrality of canal for the use of all nations "on terms of entire equality."

This is the treaty now in force, and it was then adopted without amendment.

(2) The United States alone adopts the rules as a basis for neutralization; and adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing its absolute neutrality without the assistance of Great Britain or any other nation.

(3) It was considered that war between the contracting parties or between the United States with any other power would have the ordinary effect when not specifically otherwise provided; and remit both parties to their original and natural right of self-defense, and give the United States the clear right to close the canal against the other belligerent, and to protect and defend it by whatever means might be necessary.

(4) The whole theory of the treaty is that it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances it was thought fair to omit prohibition of fortification.

(5) The sixth clause of article 3, referring to plant, etc., was inserted so that it should come within the rules of neutrality and should be respected at all times by all nations.

This illustrates the effect of the United States insisting upon a construction which withdraws its coastwise trade from the effect and provisions of the treaty.

(6) The general principle of neutrality was reaffirmed, preserved, and secured against any change of sovereignty of Panama.

(7) The President takes the position that the United States built the canal at its sole cost for the equal benefit of all nations.

(8) The general principle of neutralization and equality has always been insisted upon by the United States, and it has recognized in this way the justice of the request of Great Britain on condition that she surrendered important national and material interests in the abrogation of the Clayton-Bulwer treaty. So that this general principle and its application to the sovereignty of Panama should be maintained.

(9) These rules (based on neutralization and equality) are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer treaty

(10) Upon the consideration and at the same time to put all powers on the same footing, by complying with the rules of neutrality, this section 1, article 3, was framed and adopted.

MEMORANDUM EXCLUDING ANY EXCEPTIONS.

From this elaborate and carefully prepared memorandum upon which the Senate acted in ratifying the treaty, it is clearly evident that neutrality and equality can not be separated in the construction of the treaty. That both were considered as necessary for its existence, and that Great Britain requested both as a consideration for its consent to the abrogation of the Clayton-Bulwer treaty, and that Great Britain was entitled to so request because she surrendered important material and national interests by so doing; that this was considered just as well as a continuation of our historic policy; that the United States has the burden of operation, maintaining, and defending the canal in any way it may deem best. At the time of the negotiation of the Hay-Pauncefote treaty Great Britain had some joint interests with the United States in the control of any canal constructed under the provisions of the Clayton-Bulwer treaty which the United States were extremely anxious to extinguish. On the other hand, the United States would build and control the canal solely and by itself, and Great Britain desired such condition should not be used to discriminate against its commerce, interests, or people. So an agreement was made in the form of a treaty that on condition that the joint interest and control of Great Britain should cease the commerce, interests, and people should have equal treatment with us in the use of the canal.

It is impossible for anyone to examine the elaborate and judicious statement of Secretary Hay, and then honestly and sincerely spell any exception from this memorandum as to the treaty, by which our coastwise trade shall be excluded from its provisions as to equality and neutrality. Nobody so thought at the time. It can not be done now, by any reasonable construction used anywhere else in the world, and any such forced construction would hereafter return to plague us a hundredfold, as to other matters of vast importance.

VI.

"EQUALITY OF TREATMENT" DEFINED.

It is admitted in this controversy that the exact meaning and construction of the words, section 1, article 3, "on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise," is the crux of the controversy, as to whether the American coastwise trade be included within the language as it reads, or be excluded by necessary and agreed implication.

The minority report on page 5 intimates that the interpretation of the majority is in favor of the foreign shipping interests. This is so obviously untrue as to not even require mention or denial. But it is essential to know exactly how the United States Government itself, has construed similar language with reference to such questions, since such terms appear in most of our treaties in the clauses concerning commerce and navigation.

CONSTRUCTION FORCED BY UNITED STATES.

It is fortunate that this exact question has been determined by the forced construction and contention of the United States itself concerning a treaty, also with Great Britain, relative to the canals and channels of the Great Lakes; in which the political departments of our Government, executive and legislative, contended successfully against the strenuous objection of Canada and Great Britain. The United States insisted that the words "on terms of equality" *did include* both coastwise and foreign commerce, trade and navigation, exactly as the majority of your committee has reported. Canada and Great Britain insisted to the contrary that the words "equality of treatment" *did not include* coastwise and domestic trade, commerce and traffic, exactly the position of the minority of your committee. This contention continued through several years, covered larger interests probably than would be affected by the provision as to the Panama Canal for many years in the future, was participated in by two Presidents and three Secretaries of State and both Houses of Congress, was finally won by our Government and admitted by Great Britain, that the words "on terms of equality" did include coastwise as well as foreign commerce; and that coastwise trade could not by implication be excepted from such language in any treaty by the nation which desired it. Our legislative acts declaring and insisting upon such construction are now on our statute books, are in force and ready for business, if Great Britain should again refuse to agree to our construction of such language with reference to the use of the canals about the Great Lakes.

TREATY PROVISIONS.

By article 27 of the treaty of Washington of May 8, 1871, Great Britain agreed to urge upon the Dominion of Canada, to secure to the citizens of the United States the use of the canals in the Dominion of Canada "on terms of equality" with the inhabitants of the Dominion.

In 1888, and again in 1891, representations were made by the United States that the stipulated equality in the use of the canals was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years, by an annual order in council issued before the opening of lake navigation, a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof. The effect of this system, which violated, as the United States maintained, the stipulated

equality, was aggravated by the ultimate denial of any rebate on cargoes transhipped, as often as necessary, for the passage through the canal from larger to smaller vessels if the transfer was made in a United States port. On April 4, 1892, a new order in council was issued, which, while fixing the canal tolls at 20 cents a ton on freight of all kinds, allowed a rebate of 18 cents on wheat, Indian corn, peas, barley, rye, oats, flaxseed and buckwheat originally shipped and actually carried to Montreal or any port east thereof in case such products were exported, and provided that the right to the rebate should not be lost by intermediate transshipment if it took place in Canada. By another order in council, dated April 11, 1899, and mentioned by the United States as a discrimination, the toll on cargoes bound eastward was reduced from 20 cents to 10 cents a ton, while the full rate was continued on cargoes bound westward.

The Canadian Government argued that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty.

The United States replied that the treaty guaranteed equality of treatment not merely to vessels of the United States, but also to their citizens; that this equality was violated by the system in question, since it required grain bound to the United States ports to pay 10 times as much toll as grain bound to Montreal and discriminated against American vessels, ports, consumers, and trade routes.

This contention was carefully investigated by Secretary Bayard, who was impressed with the justice of the claims of the shipping interests of the United States. President Cleveland then called the attention of Congress to this discrimination in his regular message, found in Foreign Relations, 1888, first volume, page 863, and by a special message to Congress August 23, 1888, House Executive Document No. 434, Fiftieth Congress, first session, page 7. The Canadians gave no heed to our demands, but continued to adhere to their construction of the treaty as to these discriminations. The administration of President Harrison again called attention of Congress to this condition, in Foreign Relations, 1892, page 277, and President Harrison submitted to Congress a special message on June 20, 1892, Senate Executive Document No. 114, Fifty-second Congress, first session, setting forth the substance of the controversy, including an elaborate report and argument on this subject by our Department of State. There is here inserted excerpts from the messages of President Harrison and the reports of the officials of the Department of State clearly stating the controversy, and its analogy to the controversy concerning the Panama Canal is obvious.

President Harrison in his message to the Senate, June 20, 1892, said, in part:

The report of Mr. Partridge, the Solicitor of the Department of State, which accompanies the letter of the Secretary of State, states these discriminations very clearly. That these orders as to canal tolls and rebates are in direct violation of article 27 of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both without favor, upon grain carried through to Montreal, or transshipped at a Canadian port to Montreal. The treaty runs:

"to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concessions on the part of this Government made in the same article of the treaty, and which have been faithfully kept. It is a matter of regret that the Canadian Government has not responded promptly to our request for the removal of these discriminating tolls.

The papers submitted show how serious the loss inflicted is upon our lake vessels and upon some of our lake ports. In view of the fact that the Canadian commissioners still contest with us the claim that these tolls are discriminating and insist that they constitute no violation of the letter or spirit of article 27 of the treaty, it would seem appropriate that Congress, if the view held by the Executive is approved, should, without delay, and yet with promptness, take such steps as may be necessary to secure the just rights of our citizens.

Secretary of State Blaine in a letter to President Harrison April 15, 1892, in part said:

It is obviously in violation of the provisions of the twenty-seventh article of the treaty of 1871.

Solicitor of State Department Partridge to Secretary of State Blaine, April 14, 1892, stated in part:

Although the circumstances in the case required that article 27 of the treaty of 1871 should take the form which it did, it can not be doubted that it was intended to secure thereby complete equality to the citizens of each country in the use of the canals of the other necessary to the navigation of the Great Lakes and the St. Lawrence River.

This order discriminates against our citizens in at least three respects:

(1) In that it makes the toll on grain for export from Montreal and other Canadian ports east of Montreal 2 cents per ton, while the toll on grain for export from American ports is 20 cents per ton.

(2) In that even the lesser rate is refused on grain for Montreal and ports east, if it has been transshipped at a Canadian port.

(3) In that the 2-cent rate only is levied on grain for Montreal and ports east from any Canadian Lake Ontario port, while the 20-cent rate is exacted on grain for the same destination from American Lake Ontario ports. This is a new discrimination not contained in the order of March 23, 1891.

Recently this subject was again presented to the department quite fully by a memorial from the Lake Carriers' Association of Buffalo, N. Y., dated September 18, 1891. Since then memorials have also been received from the Milwaukee Chamber of Commerce, Chicago Board of Trade, the Cleveland Board of Trade, the Detroit Board of Trade, the Oswego Board of Trade, the Rochester Chamber of Commerce, and from other associations and individuals

It does not relieve the position of the Dominion Government with respect to the grain rebate, that considerable of the grain carried to Montreal and the East is shipped from ports of the United States, and that, the transportation of such grain being open to American vessels, they can secure the rebate on the same conditions on which it is given to Canadian vessels. * * * An equality in the use of the canals to American vessels would not alone satisfy the conditions of the treaty. The distinction between the vessel and the cargo is recognized by the Canadian Government, which exact distinct tolls for each. Neither does the treaty provide for equality in tolls only. The conditions imposed upon the use of the canals discriminate against American shippers and consumers, American transportation companies and routes, and American ports. This present practice of the Canadian Government is probably even a greater discrimination against our citizens than if directed against our vessels.

President Harrison in his message to the Senate July 1, 1892, said in part:

The position taken by this Government, as expressed in my previous communication to the Senate, that the equal tolls and regulations of which complaint has been made are in violation of our treaty with Great Britain, is not shaken but rather confirmed. There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of Canadian regulations.

Mr. Herbert, of the British legation, Washington, D. C., to Acting Secretary of State Wharton, June 24, 1892, stated in part:

The effect of this order in council is to fix the rate of toll on all of the specified products passing through the Welland Canal and the St. Lawrence canals, without discrimination as to nationality. Vessels of both countries are entitled to the rebate and also to tranship, provided that such transshipment be made at a Canadian port. If, however, the transshipment takes place at an American port, the vessel loses its right to the rebate. And the loss of rebate would apply equally to both Canadian and American vessels. In like manner, the vessels of neither country would obtain rebate should they land at a point short of Montreal, either on the American or Canadian side. * * * In favoring their national route the Canadian Government do so on precisely the same conditions with regard to both nations, and they contend, therefore, that they have acted in accordance with the obligations which Great Britain has requested them to take under article 27 of the treaty of Washington. The stipulation in that article is that the United States citizens shall use the Canadian canals on terms of equality with the people of the Dominion. And this equality is, in the opinion of the Canadian Government, preserved by the imposition of the same conditions and the granting of the same privileges, with the same restrictions, to vessels of both nationalities.

A memorandum by Assistant Secretary of State Adee, June 28, 1892, contained in part:

If the object were to favor the use of the Canadian canals and that object was carried out impartially, citizens of the United States would have little or no cause to complain. Moreover, the defense of the Canadian Government is confined to alleging that no discrimination, in fact, is made between Canadian and United States vessels carrying the favored cargoes through the canals, when the treaty of Washington makes the treatment of citizens the sole test of equality in the use of the canals. That the order does favor and is intended to favor the citizens of Canada at the expense of citizens of the United States is clear, looking at the order as a whole. Were the purpose of fostering the Canadian export trade accomplished by a bounty to the vessels carrying grain cargoes from the St. Lawrence ocean ports the case might be different, but the purpose is effected by levying differential tolls in and for the use of the Welland and St. Lawrence River Canals, so that the encouragement of the export trade is converted into such a discrimination against the enjoyment of the canals by citizens of the United States as the treaty of Washington expressly aimed to guard against.

As to this the Canadian reply merely says "the loss of rebate would apply equally to both Canadian and American vessels," thus narrowing the contention to the equal treatment of vessels and ignoring the engagements of the treaty as to the equal treatment of citizens.

* * * The order is in this regard a naked discrimination against the American citizen, for the enforcement of which the canal tolls are employed as a convenient instrument.

As to the traffic passing through the St. Lawrence River canals, a third discrimination exists which is in absolute and open violation of the intent of the treaty, for if the starting point of the grain cargo for export be a Canadian Lake Ontario port, the toll is but 2 cents per ton, while the 20-cent rate is exacted on grain for the same destination from the American Lake Ontario ports. * * *

The Canadian Government is, therefore, silent as to this, perhaps the most intentionally vexatious discrimination against the stipulated privilege of citizens of the United States to use the Canadian canals "on terms of equality with the inhabitants of the Dominion."

PROCEEDINGS OF CONGRESS.

Bills providing for retaliation against such discrimination on the part of Canada, and representing the views of the Department of State, were introduced in the Senate by Senator Davis, of Minnesota, chairman of the Committee on Foreign Relations, and in the House by Representative Blount, of Georgia, then chairman of the House Committee on Foreign Affairs. The committee favorably and unanimously reported such bill without amendment, and Judge Blount, in his report, indorsed and

included the very able and comprehensive report of Solicitor Partridge and Assistant Secretary of the Department of State Adee, and in addition stated as follows:

The treaty of 1871 permits Canadian citizens the use of St. Marys Canal on the same terms as our own citizens. It opens St. Clair Channel on the same terms. This the Canadian enjoys in all his comprehensiveness. It was expected that the Welland and other canals in Canada would be open to American citizens on the same terms.

This would enable the traffic which debouches from our territory into the Great Lakes to find an outlet into Ontario ports and the Atlantic Ocean on equality as to charges with the Canadian citizen. The same principle would apply as to products and tonnage on the return traffic. Following the report of Solicitor Partridge, Mr. Blount concludes: "All efforts to secure a just interpretation of all treaty rights of American citizens have been met in a spirit of evasion, avoidance, and delay. Such conduct is notably dishonest in purpose and deceitful in method, but almost reaches the point of contumely and insult."

This vigorous language characterizes the exact construction of a treaty and the exact contention now made by the minority of your committee.

PROCEEDINGS IN HOUSE.

On the 21st day of July, 1892, the bill came before the House for consideration, and Judge Blount, the chairman of the committee, and Mr. Hitt, of Illinois, the ranking Republican member of the committee, both discussed the bill, calling attention to the outrageous discriminations and violation of the treaty by Canada and urging this measure of retaliation. Following are extracts from their remarks upon this bill, found in CONGRESSIONAL RECORD, Fifty-second Congress, first session, page 6531 et seq.

Mr. Blount said in part:

The President of the United States has in two messages during this session of Congress called the attention of the Congress of the United States to the conditions of the rights of American citizens in the use of the Welland, St. Lawrence, and other Canadian canals. The twenty-seventh article of the treaty was intended to give our own citizens the same right to use these canals that was accorded to the citizens of Canada.

It was claimed on the part of the Canadian Government that as the rebate applied to "vessels," and our vessels were covered by its terms, provided their cargoes took the lines indicated by the order, there was absolute "equality"; but the language of the treaty shows that it had relation not only to vessels but to citizens. It was intended for the benefit of the consumers in our own country; it was intended to give advantages to our ports; it was intended to give advantages to our transportation companies. The Canadians have sought by this technical construction to evade the spirit of the treaty. The proposition in the pending bill is to allow the President of the United States to prescribe tolls to be levied at the St. Marys Canal on products passing through there, and also to provide that those tolls shall not operate against American vessels plying to ports within our own territory.

The object is to apply to Canadian citizens using that canal a rule similar to that which the Canadians apply to American citizens using their canals. It is expected that in this way we shall secure a recognition of our rights under the treaty. It is believed that the result of this course on the part of our Government will be to put an end to the delay and evasion which has characterized the negotiations of the Canadian commissioners with our State Department upon this subject and to compel on the part of Canada a recognition of our rights under the treaty.

* * * The President of the United States, interpreting this treaty, says:

"The treaty runs to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with inhabitants of the Dominion. It was intended to give to consumers in the United States, to our own people engaged in railroad transportation, and to those exporting from our ports, equal terms in passing their merchandise through these canals."

If this is a correct interpretation—and I believe it is—why should we submit to a ruinous and wrongful interpretation?

The bill provides simply for the application of the same rule laid down by the Canadian authorities in reference to their own merchandise—nothing more, nothing less. Let them conform to the terms of the treaty, and the President has no power. But we have had first one evasion and then another; we have had delays and misunderstandings. But no Canadian, if he and his government act rightly, is harmed thereby.

Mr. Hitt said in part:

Mr. Speaker, this bill is one which deeply concerns our people in the Northwest and the North and the exporting cities of the East. It is intended to prevent the continuance of a gross injustice, to redress by retaliation a great wrong to the grain interest, to secure a treaty right to which we are entitled and for which we have paid and are paying. Our people send their vast crops to the East by lake and by canal and by concurrent railroads for export. These crops pass in almost immeasurable volume by water during the season of water navigation. The passage from Lake Erie to Lake Ontario is by the Welland Canal. By our treaty with Great Britain, the words which have just been read to the House, we are entitled to "the use of that canal on terms of equality with the inhabitants of the Dominion of Canada."

We keep faith; but while we do this how is it upon that Welland Canal, upon which we are entitled to equality of treatment? Every ton of cargo that passes through the Welland Canal to the American port for export is, in fact, charged exactly ten times the toll that is exacted upon the cargo that is to be exported from a Canadian port. That is the interpretation which a Canadian ministry gives to the words of a treaty so simple that a child could not mistake its meaning.

Yet the provisions in the Canadian treaty requiring equality and prohibiting discrimination were not nearly so clear and comprehensive as in the Panama treaty. The bill was then passed unanimously. In the Senate it was favorably reported from the Senate Committee on Foreign Relations by Senator Frye, of Maine, and was passed unanimously by the Senate on the 22d day of July, 1892, and signed by President Harrison on the 26th day of July, 1892.

RETALIATION.

Under it, on the 18th day of August, 1892, President Harrison issued a proclamation making retaliation for such discrimination. This caused Canada and Great Britain to recede from their action and revise their previous obnoxious construction of the provisions of the treaty. So, on the 21st day of February, 1893, the President withdrew the retaliation. Thus was established by the action of both Governments, the construction by legislative and executive action that the words "equality of treatment" includes both coastwise and foreign trade as to all vessels, citizens and subjects, ports and places, and trade and routes and traffic.

LAW YET IN FORCE.

The act of retaliation is yet on the statute books of the United States, Twenty-seventh Statutes at Large, page 267, being chapter 248, Fifty-second Congress, first session; and may be found on page 153, Navigation Laws of the United States, 1907, and is construed by the War Department as yet in force and can be made effective at any moment should the occasion require.

CONSTRUCTION BY UNITED STATES.

Here is a recent authoritative construction by the United States itself, and by all its political departments on behalf of our own citizens, our own commerce and interests, that the words "equality of treatment" in the British treaty of 1871 included both coastwise and foreign trade and vessels, citizens, ports, and traffic. This contention and construction was insisted upon by Presidents Cleveland and Harrison and by Secretaries of State Bayard, Blaine, and Foster. The House and Senate committees by report, and the two Houses separately and unanimously sustained such construction and contention, and their act is yet upon the statute books and expresses the legislative and executive judgment and will upon such subject. Great Britain and Canada yielded reluctantly to such construction, but they finally acquiesced, and for 20 years it has met the acceptation of all.

SAME OFFICIALS IN BOTH TREATIES.

During this controversy, many of the American and British officials took part in this matter, who subsequently participated in the framing and ratification of the Hay-Pauncefote treaty. They were familiar with all of the phases of the exhaustive contention; and this may explain the extremely careful and definite terms in the Hay-Pauncefote treaty on this point, as against the shorter and more doubtful language in the earlier treaty of 1871. The language of the latter was to secure the citizens of the United States the use of the canal, etc., on "terms of equality with the inhabitants of the Dominion." This language, by agreement and through our own construction, includes coastwise and foreign vessels, commerce, citizens and subjects, places and ports, routes and traffic. Many of these same officials five years later, began the draft of a new treaty between the same nations, concerning the Interoceanic Canal, which was concluded eight years later; in which is found the language, "the canal shall be free and open to the commerce and war vessels of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise." It is to be noted that the language is far broader and stronger to prevent any possible discrimination or difference than in the earlier treaty; and undoubtedly was so done in view of the very controversy above described, and to prevent any possible recurrence of misunderstanding in the future.

RELIGIOUS OBSERVANCE OF TREATIES.

The minority stated, on page 7 of their report, that they—

Believe in the religious observance of our treaty obligations as essential to the maintenance of our own self-respect and the confidence and friendly regard of the other nations, but we refuse to assent to the mere suggestion, to say nothing of the bold declaration, that by the Hay-Pauncefote treaty we have without consideration bartered away to a foreign nation the constitutional power of the United States to regulate commerce between the United States, and encourage the upbuilding and growth of our domestic shipping.

In other words, these gentlemen seem to believe that it would be a religious observance of our treaty obligations to insist upon the construction of the treaty between the United States and Great Britain, concerning canals, and so forth, on the Great Lakes, so that the words "equality of treatment" must include all coastwise vessels, trade, ports, and citizens (of both nations), and that such construction must be continued in force so it may be effective at any time now and in the future.

SIMILAR TERMS CONSTRUED.

But in another treaty also between the United States and Great Britain, made eight years later, concerning Panama

waters, in which very many of the same officials of both nations participated, that the words "on terms of entire equality * * * so that there shall be no discrimination against any nation, its citizens or subjects in respect of charges or conditions of traffic or otherwise," much stronger and broader language, must not include our own coastwise vessels, citizens, subjects, commerce, trade, routes, and traffic, but must include those of Great Britain.

It is unfortunate that Mr. Pecksniff could not now be embodied, so that he could sincerely congratulate the minority of the committee upon this delicious exposition of hypocrisy and humbuggery.

OPINION OF SECRETARY HAY.

The minority states that—

We have without consideration bartered away to a foreign nation the constitutional power of the United States to regulate commerce between the United States and encourage the upbuilding and growth of American shipping.

As against such assertion, it might be well to place the carefully considered statements of Secretary of State Hay to the Senate previous to the ratification of this very treaty—

that Great Britain by this treaty surrendered important national interests, and as a consideration for which, and in further carrying out the historic and unvarying policy of our country, we place in this treaty beyond dispute the general principles of "neutralization and equality."

Senator Davis in his very able report upon this same treaty strongly supports the position of Secretary Hay.

This plain enunciation of principles sustained the full contention of our Government less than 10 years before, that such language included the foreign and coastwise vessels, citizens and subjects, ports and places, traffic and routes of both nations.

It may be charitable to ascribe to the minority ignorance of our recent history and of the basis for important public action, as stated by the high responsible officials of our Government.

But the policy of our Nation in its treatment of the greatest public work of the ages can not well be predicated upon the combination of that, together with the greed of some petty commercial interests who hope to gain some profit by betrayal of the honor of their country.

VII.

SUEZ CANAL RULES.

It is an elementary rule in the construction of treaties and statutes, that where the provision in question has been copied from those of another nation or state, where such provision has received a careful construction, that such construction would be of great value in considering the proper construction of the borrowed section. In this instance article 3 of the treaty provides "that the United States adopts as a basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal. That is to say," then follow the six sections laying down the rules of neutralization and equality which shall apply to the Panama Canal, as may be seen from the text of the treaty annexed to these remarks.

SUEZ ARTICLES.

The article in the Suez convention relating to charges and tolls is as follows:

ART. 10. The high contracting parties, by application of the principle of equality as regards the free use of the canal (a principle which forms one of the bases of the present treaty), agree that none of them shall endeavor to obtain, with respect to the canal, territorial or commercial advantage or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

Other sections contain substantially the same provisions as in the other sections of article 3 of the Hay-Pauncefote treaty.

CONSTRUCTION OF RULES.

These sections have always been construed to forbid any discrimination in favor of or against the coastwise vessels or trade of any of the contracting nations; and though Great Britain really has the controlling voice in the management of the canal, and France is the headquarters of the management, yet their vessels pay and are treated exactly the same as all others. Of course, Turkey is specifically excepted. But in the case of the Panama Canal, there was no specific exception and none can be fairly implied, any more than in the case of the Suez Canal.

It is true that some nations do pay specific amounts to their own steamship companies to help defray the tolls and charges at Suez, and some propose to do the same at Panama. This is clearly allowed by the provisions in both treaties, and Secretary Adee, in his argument upon the Canadian controversy, clearly pointed out the difference between the payment of a bounty or a subsidy directly to the vessel, citizen, or traffic from the Public Treasury; and that of the remission of tolls to a particular class as an act of favoritism. Each nation can regulate its own policy as to the former method; while as to the latter, the public action would be entirely within the power of one nation. In the payment of subsidies or bounties, each nation determines its own policy for itself. And so all are placed upon an equality, exactly as provided by the treaty must be done. But if one nation, controlling the canal, determines to let through its own vessels free of tolls for any reason which may seem good to it, at once a gross inequality and discrimination arises which the treaty clearly prohibits. This is the difference between the policies, which is substantial and conclusive; and in all justice ought to be observed, as the United States pledged it would do with reference to this treaty.

Equality can only be obtained by actually compelling all vessels to be treated exactly alike as they pass through the canal; and unless this equality can be obtained, neutrality can not be. They must accompany each other necessarily and so do, unless expressly agreed and reserved as in the case of Turkey as to the Suez Canal. So, if the construction and application of the Panama treaty follows the construction and application of the Suez treaty, upon which it is based and after which it is framed, then there can be no exception or implication in favor of or against anybody or interest; but all must be treated exactly alike, as both treaties expressly provide, and as the Suez management actually does.

The Commissioner of Navigation, in his annual report for 1911, on page 12, stated as follows:

The river and harbor act of 1884 was passed in the full knowledge that Congress, of course, could have imposed tolls on all vessels using any of the improved waterways on which so much has since been expended, just as Germany imposes tolls for the navigation of the Kaiser Wilhelm Canal. It was passed with the knowledge that if it chose to impose such tolls Congress must impose them on American vessels as well as foreign vessels, for the United States and all other maritime nations make no discrimination on account of the flag.

And, further, on page 17, he said, in part:

Our treaties of amity, commerce, and navigation usually contain a special article on the coastwise trade. Thus article 13 of our treaty of February 21, 1911, with Japan, our latest important treaty, provides:

"The coasting trade of the high contracting parties is excepted from the provisions of the present treaty and shall be regulated according to the laws of the United States and Japan, respectively."

There is no such article in the Hay-Pauncefote treaty, and there is no need to read such an article into the treaty. Within its concise provisions the Frye bill has provided fully for the coastwise trade as well as for foreign trade and for merchant vessels as well as for public vessels of the United States. That bill, in brief, is based on the belief that in accord with our treaties every nation, including the United States, will contribute to the support of the canal in proportion to the use it makes of it. Each nation is free to choose the manner in which it will make its contribution. All other nations, of course, will adopt the same method of making the contribution in behalf of their vessels of war, namely, by direct appropriation from their treasuries. Nations will differ as to the manner in which they will provide for the contributions in behalf of their vessels of commerce. Some will require each shipowner to pay, himself, the tolls on his vessels and look to his freight and passengers to recoup himself. Other nations will pay subsidies to some of their ships or navigation bounties to all of them sufficient to pay in whole or in part the canal tolls. Still others will appropriate specified amounts to pay the tolls of specific steamship companies. The Frye bill proposes that the American people shall pay and American merchant ships and their cargoes shall not pay tolls, but shall enjoy the navigation of the canal precisely as they now enjoy untaxed the navigation of a thousand improved American harbors, rivers, lakes, and canals.

These citations, from one of the most intelligent, ablest, and strongest advocates of assistance by Congress for our merchant marine, show conclusively that any assistance must be granted by appropriations therefor by Congress, and that it can not be honorably or decently done by remission of tolls to our own vessels in contravention to the express terms of our treaties.

VIII.

CANAL TREATIES WITH LATIN COUNTRIES.

The continuous and historic policy of the United States as to equality of tolls on the Panama Canal, can be well understood and illustrated by its previous action concerning this subject with the various Latin-American countries. There are two phases: First, the negotiations, treaties, and attempted agreements between the United States and the various Latin nations, with reference to the construction of the canal. Second, the construction and contention of the United States in such treaties and agreements, with reference to equality of treatment between the citizens, commerce, and vessels of the United States and the various nations.

LIST OF AGREEMENTS.

Following is a partial list of treaties, attempted treaties, and negotiations between the United States and the various Latin-American nations, with reference to the construction of an interoceanic canal; United States with New Granada, ratified June 10, 1848; United States with Colombia, concluded January 14, 1869; United States with Colombia, concluded January 26, 1870; United States with Colombia, concluded August 8, 1873; United States with Colombia, concluded February 17, 1881.

All of these treaties contained in substance the provision in the thirty-fifth article of the original treaty of 1846, securing to

all nations the free and equal right of passage of the interoceanic waterway.

The United States with Honduras, concluded July 4, 1864. Same as in the preceding treaties with New Granada. United States with Nicaragua, concluded June 21, 1849; United States with Nicaragua, concluded September 3, 1849; United States with Nicaragua, concluded November 16, 1857; United States with Nicaragua, concluded June 20, 1869; United States with Nicaragua, concluded February 28, 1877.

These contain either the language of the New Granada treaty of 1848 with reference to tolls, or such as the following: "For all vessels on equal terms in every respect as between each other." This has been invariably construed by all nations and all administrations, as embracing both coastwise and foreign vessels and commerce of both nations.

TREATY FOR COASTWISE PREFERENCE.

The treaty of the United States with Nicaragua, concluded December 1, 1884, known as the Frelinghuysen-Zalaya treaty, contained the provision "equal tolls for the vessels of all nations." "Excepting the vessels of the contracting parties engaged in the coastwise trade."

The draft of this treaty is very important to consider in this controversy for this reason, that it conclusively shows that all previous treaties containing the words "equal terms" or their equivalent, *included both coastwise and foreign vessels and trade*, and that the United States did not contend or expect that a construction of such terms could imply that its own coastwise trade was to be necessarily excluded by implication. No one thought of such a construction. But on the contrary, when it was desired by our Government that its coastwise trade should be excluded from the general provision as to "equal terms to all nations," it was found necessary to expressly provide for such exclusion, as was done in the Frelinghuysen-Zalaya treaty. This was the rule which was followed in the controversy between the United States and Canada over the treaty of 1871, above referred to, and it is also the rule of construction of the Suez convention, in which the rights of Turkey were expressly reserved.

This additional fact is significant also that, together with the express exception of its coastwise trade, there is no provision in the treaty for its neutralization, showing that our officials realized that such could not be granted by the nations where favoritism is openly exacted.

GENERAL RULE CONSTRUCTION.

It is the general rule in the construction of all treaties and among all nations that the general rule should include all matters fairly within its terms and that any exception from the policy must be expressly noted. Never has this rule of construction been seriously controverted, until in the present discussion concerning tolls in the Panama Canal.

The United States negotiated with Costa Rica, in 1876; with provisions the same as Nicaragua.

FAVORED-NATION CLAUSES.

The treaties of Costa Rica and Nicaragua with other nations contained the most-favored-nation clauses, which would have extended the privilege for free or preferential tolls to the coastwise trade of most nations, under the old canal treaties, if such a principle had been adopted as is contained in the minority report. This suggestion alone, would have ruined any chance for the construction of an interoceanic canal by any company. Yet the terms of those treaties are not as sweeping concerning equal treatment, as the general requirement for "entire equality, without discrimination as to any such nation," etc., in the Hay-Pauncefote treaty.

CONSTRUCTION BY UNITED STATES.

It is next important to ascertain in what manner the United States has itself construed and insisted upon a construction of those treaties with Latin America, with reference to the rights of equal treatment between its own citizens and those of the other nations. The basis of nearly all of the Latin American treaties with the United States is the original treaty with New Granada of 1846, ratified in 1848. The treaty was lengthy, but the substance of it, so far as this controversy is concerned, is contained in article 35, which provides, in substance, "that the citizens, commerce, and navigation of the United States shall be subject to the same tolls, charges, and duties as the citizens of New Granada." Under this treaty, soon after its ratification, there was much commerce, coastwise in character, principally to California, and many charges of discrimination and unfair treatment were made by citizens of the United States against New Granada and Colombia. (See pp. 103, 115, 119, 123, and 124, vol. 3, Moore Dig. Int. Law.)

TREATMENT NOT EQUAL.

The basis of the complaints were nearly always that the Republic of New Granada or the representatives of its local governments did not treat the citizens or commerce or mails of the United States on the same or on equal terms with its own.

The United States Government has always been strenuous and continuous for such contention and construction, not only with the Latin countries but with Canada; and such contentions then related principally to the same class of trade, which now demands preferential treatment at our own hands, that between the two coasts, as our own domestic commerce. At that time those engaged in such business demanded that our Government should construe the treaties, as requiring the Central American nations to treat our people, vessels, and trade exactly as they did or should their own. Now the same class of domestic commerce strongly urges us to reverse such a policy, and abandon such traditions in the construction of far stronger and broader language in the Panama Canal treaty, promising entire equality and forbidding any discriminations, which we have sacredly pledged ourselves to observe by the words "to the end that the same and every article and clause thereof may be observed and fulfilled by the United States and the citizens thereof."

COASTWISE TRADE SEEKS DEFENSE.

The coastwise trade between the two coasts had a right in years past to demand the full protection of our Government and its treaties, that their provisions for equal treatment should include and defend them in the coastwise business in their immensely profitable ventures and in the wonderful development of our western shores. But what could be more shameless now, when it seems to be for their profit, that they seek an abandonment of the just and historic construction of the language "equality of treatment," a reversal of our policies and traditions which in the past they so besought and have so benefited them, so that they may now gain a little something additional, by the violation of the principles of justice and fair dealing?

IX.

GENERAL TREATIES WITH OTHER LATIN AMERICAN NATIONS.

No treaty or public act of any nation can be considered or construed separately and independently and by itself. It must be realized that it is only a part of a continuous history and policy of a Government. The greatest future development through the opening of the Panama Canal is expected to be on the Pacific Coast; and the region where the United States would have a natural advantage in the extension of its commerce would be with those nations which have ports on the Pacific. The relations between these governments and our own must be of prime importance in the consideration of what benefits can be hoped and expected through the opening of the canal. These nations have expressed themselves many times and in many ways, as most friendly with the United States, and have been profoundly grateful to our Government for the construction of the canal and conferring such inestimable benefits upon them and mankind.

RESOLUTION OF GRATITUDE.

Perhaps this is best expressed by a resolution adopted at the Pan American Conference at the City of Mexico on the 22d day of January, 1902, as follows:

The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the highest degree beneficial to the development of commerce between the American States and other countries of the world.

That splendid evidence of good feeling has continued, and the trips to and through those nations of Secretaries Root and Knox have greatly increased and intensified it, and they are now ready to meet and greet the United States, its people, and commerce on terms of the utmost cordiality, to the mutual advantage of all. This sentiment has been expressed most forcibly and felicitously by Secretary Knox in his brilliant address at San Francisco on the evening of Tuesday, May 7.

COAST LINES OF NATIONS.

The following nations front on the Atlantic and Pacific coast lines: Great Britain, United States, Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, while Salvador, Ecuador, and Peru have connections by waterways which may not be of much importance. As Secretary Knox, in his address, stated:

In the case of those States fronting on the two oceans, like Colombia, Panama, and four of the five Central American Republics, its immediate effect, like that so far as the United States and Mexico are concerned, is to give them a virtually continuous water frontage on both seas.

These nations have a deep interest in the treatment of their coastwise trade through the Panama Canal, and of the construction by the United States of the canal treaties, as to the treatment of their and our coastwise trade.

THEY KNOW CONSTRUCTION OF TREATIES.

They are well acquainted with the section in the canal treaty providing for "terms of entire equality, without discrimination, to all nations observing the rules," and they well know the traditional policy of the United States in its insistence that the language "terms of entire equality" must include both foreign and coastwise trade, unless the coastwise be specifically excepted; and they know that no such exception exists in the canal treaty. They are well informed as to the consideration and potent reasons as set forth in the official utterances of our Government and responsible officials, as to why "equality to all" was justly promised and granted by the language of the treaty. They know, too, that in the treaties between the United States and several of these nations may be found the following article:

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each, etc., shall enjoy all the rights, privileges, and exemptions in navigation and commerce which native citizens do and shall enjoy, etc. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively according to their own separate laws.

The following nations have a similar article in their treaties with the United States: Brazil, Central America, Ecuador, Colombia, Guatemala, and Salvador, and the others have something similar, expressing about the same idea.

ARTICLE REQUIRES EQUALITY.

The substance of the article is, that commerce and navigation of the two nations shall be on a basis of perfect equality and reciprocity, and the citizens and commerce of the two nations shall enjoy the same rights, privileges, and immunities. The Panama Canal treaty is equally broad in its treatment of commerce and the citizens of all nations on terms of "entire equality without discrimination."

It would seem in all fairness that the construction of all such treaties should be that the same privileges, rights, and immunities should extend equally to all trade and commerce of all these peoples and of all of these nations; and if there be desired any exception to such general terms that such exception be plainly and fairly set forth. That is exactly what was done as to the coastwise trade in every other treaty except the canal treaty. In other treaties it was agreed that all commerce and navigation, except coastwise, should be treated exactly alike. In the canal treaty it was so agreed with no exception, so it would seem the general terms would include the coastwise business because not expressly excluded. The proposition for such an exception was often discussed and contended for, and was once contained in one of the drafts of a treaty with Nicaragua; but the treaty before us does not contain it. It would seem impossible to justify such construction as contended by the minority, on any basis of fair and honest dealing with those nations and peoples. But if we do so except our coastwise trade, in all fairness we should equally except the coastwise trade of all of these nations with whom we have had such relations in the past.

IMPOSSIBLE FOR EXCEPTION.

And this would be impossible, because the favored-nation clauses would thus practically embrace nearly all nations. This would leave only tolls on exclusively foreign commerce, and the large part of the necessary revenues of the canal would be lost. Yet that is the only fair deduction from the construction and demands of the minority; or forfeit the respect of all these other nations as well as our own self-respect. If we do not follow such a course, then complaints as to the unfairness and discriminations and violations of our various treaties will at once commence.

NATIONS WILL DISCRIMINATE.

Various nations will at once begin to discriminate in some way or other, against the citizens and commerce of the United States in favor of their own citizens and commerce, and in favor of citizens and commerce of their friends and those who treat them fairly. When we point to our treaty rights and ask for redress, we will be met with our own construction of the words "entire equality of treatment of all nations without discrimination," as implied by exempting our own citizens and commerce from its effect. They can then inform us, that similar language in their treaties must also exempt their own citizens and commerce from the obligations of them; that if we implied that exceptions can exist when we want to make them; they can also insist upon their existence when they want to make them in favor of their own people.

RIVAL NATIONS INCITE.

Rival nations in the commercial world, can and undoubtedly would use such a situation and such a construction as a means to excite hostility and discrimination against the United States, our people, and commerce; and they could easily use the cloak of local interests by such construction, to really bring about a discrimination for their own benefit. This condition may be expected, if we refuse to abide by our own agreements and violate the plain principles of fair dealing and decency.

SUCH CONSTRUCTION INJURES OUR PEOPLE.

The construction of the Panama Canal treaty, as it would be by the minority, would bind the hands of the Government and render it helpless to protect our own people and commerce in such a class of cases. The losses which must ensue to our own people and from the humiliation to our Nation, would be many times greater than any possible benefit which could possibly accrue from any policy of evasion and dishonesty. Indeed, it would be probable that every commercial organization which now demands such discriminating construction of our canal treaty, would be foremost to complain when their own medicine should be administered to their own members and interests, under similar language in the commercial treaties with other nations. It might be well to look before we leap in this tremendously important matter of construction of this treaty.

It is always well to remember that honesty and fair dealing of our own with other nations will be productive of the peace, good will, advancement, and prosperity to all people and to all nations; and this broad and patriotic policy and its attending results has always been the fond hope of the promoters of this great work from its beginning.

X.

TREATIES WITH OTHER NATIONS.

A somewhat similar situation exists with the other commercial nations of the world. The language of most treaties is nearly the same, and the same construction is given to the terms used in these agreements. Everyone who is interested, realizes what these customary terms mean, and the foreign and political departments of this Government have always followed the accepted usage of all commercial nations, in interpreting such terms and construing such provisions. It has been the uniform course of our Government, of Presidents and Secretaries of State, ambassadors and ministers, of Congress and courts to construe the terms "equal treatment," "equality of treatment," "on equal terms," and "equal and equality," referring to commerce, trade, and navigation as including all of the class and excluding none by implication unless expressly reserved, so there can be no misunderstanding about it.

TERMS GENERAL AND INCLUSIVE.

This is evident, since an examination of the treaties of the United States and the general terms in those agreements, referring to commerce and navigation, is nearly always general and inclusive; and the general terms have been invariably construed to include coastwise commerce within such provision. That this is true must be realized, because whenever it has been desired to exclude coastwise business from the general language as to commerce and navigation, express words to such effect have been inserted in such treaties. The list of commercial treaties, containing such reservations of coastwise commerce, is given in the testimony of Commissioner Chamberlain, page 878, volume 3, Hearings before the House Committee on Interstate and Foreign Commerce on the Panama Canal. Unless such exception be expressly made, it is evident that the general rule laid down in the treaty must apply to both foreign and coastwise trade.

CANAL TREATY WITHOUT QUALIFICATION.

In the canal treaty, the terms were most general, with no qualifications or exceptions. The language included all nations, all vessels, all trades, all citizens, with no discrimination against any of them or exception in favor of any nation, trade, or interest. This rule was inserted not only because such had been the historic and uniform policy of our country as to the interoceanic waterways, but because in all fairness and justice it should be done by us when other nations had yielded to us valuable rights, at our request, for this purpose. Under these circumstances, and viewing the long and uniform course of diplomatic dealings of this country, whereby coastwise trade was expressly excluded from the provisions of our treaties when it was desired that it should so be excluded, and when not so expressly excluded, should be deemed to be included within the broad and general provisions, it does not seem possible that any exception now can be fairly implied from such plain language, or admitted by the authorities of any nation.

XI.

MINORITY OBJECTIONS.

USE OF CANAL BY WAR VESSELS OF THE UNITED STATES AND PANAMA.

The minority urges strongly that because the pending bill provides for the free use of the canal by vessels of war of the United States and Panama, that equally we could provide for its free use by domestic vessels in coastwise trade. As a basis for such contention is a statement "that such a construction is inconsistent with the very purpose of the canal, which was conceived primarily as a military necessity." Those who signed such a statement seem to be unfamiliar with the history and purpose of our interoceanic canal. There are here cited some expressions from our statesmen who had the responsibility of conducting the affairs of this Government with reference to the canal to show the fallacy and error of such a statement.

Senate resolution, 1835:

* * * The construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulations the free and equal right of navigating such canal to all such nations. * * *

House resolution, 1839:

* * * For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal to all nations.

This resolution was unanimously agreed to by the House.

Treaty of 1846:

* * * Any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens. * * *

President Polk's message:

It will constitute no alliance for any political object, but for a purely commercial purpose in which all the navigating nations of the world have a common interest.

In entering into mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution (of March 3, 1835) to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus.

Secretary of State Lewis Cass:

While the rights of sovereignty of the local governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world, and demanding its careful attention and, if need be, its efficient protection. In view of these interests and after having invited capital and enterprise from other countries to aid in the opening in these great highways of nations under pledges of free transit to all desiring it, it can not be permitted that these Governments should exercise over them an arbitrary and unlimited control, or close them or embarrass them without reference to the wants of commerce or the intercourse of the world. Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

The President hopes that by the general consent of the maritime powers all such difficulties may be prevented, and the interoceanic lines, with the harbors of immediate approach to them, may be secured beyond interruption to the great purposes for which they were established.

Negotiations of Secretary of State Fish:

* * * A Darien Canal should not be regarded as hostile to a Suez Canal; they will be not so much rivals as joint contributors to the increase of the commerce of the world, and thus mutually advance each other's interests. * * *

We shall * * * be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy completion of an interoceanic communication, which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantages to one over another of those who guarantee its assured neutrality. * * *

* * * the benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags, with the cargoes on board, on equal terms in every respect as between each other. * * *

Secretary of State Blaine's instructions to Mr. Lowell:

* * * Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations. * * *

Lord Granville's reply:

* * * such communication concerned not merely the United States or the American Continent, but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use; * * *

President Cleveland's message, 1885:

* * * Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *

* * * These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

Secretary of State Olney's memorandum, 1896:

* * * That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike. * * *

* * * Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor.

Message of President Roosevelt in submitting treaty:

* * * It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty of interference of any outside nation from any quarter. * * *

The very basis for the acquisition by our Government of the Canal Zone, and the acquiescence of the nations in such action, was that it was an act of international eminent domain for the welfare of the world and the equal benefit of the commerce of all nations, and not for our national and selfish purposes.

President Roosevelt's special message, January 4, 1904:

* * * Under the Hay-Pauncefote treaty, it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumes the position of guarantor of the canal and of its peaceful use by all the world.

Secretary of State Hay's note of January 5, 1904:

* * * The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations, in accordance with our traditional policy. * * *

Lord Salisbury described the Suez Canal "a natural right of passage for the commerce of the world"; and his great rival, Gladstone, added:

We can not undertake to do any act inconsistent with the acknowledgment, indubitable and sacred in our eyes, that the canal has been made for the benefit of all nations at large, and that the rights connected with it are matters of common European interest.

Practically the same doctrine has been the basis of every action of our own Nation relative to the Panama Canal. From the resolution of Henry Clay, in 1837, through every administration it has been uniformly asserted that our interoceanic canal would be one of the great highways of the world, open, free, and neutral to all nations alike.

The report of Senator Davis, of Minnesota, for the Senate Committee on Foreign Relations in 1900, favorably recommending the ratification of the Hay-Pauncefote treaty concerning the Panama Canal, sets forth at length the views of a long line of American statesmen and the reason for the faith within them.

CANAL IS FOR COMMERCE.

This canal is a great commercial enterprise, primarily and properly, and is more liable to be a military liability than an asset in the case of necessity, unless very expensive and extensive military preparations be made to prevent such a contingency. But since the minority does question the right to pass war ships of the United States and Panama through the canal free of tolls, it is well to place the reason for such action of record, so there can be no error about it.

RIGHTS OF OWNERSHIP.

Article 2 of the treaty provides, "and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal." The United States thus has and can enjoy all the rights incident to ownership, which are admittedly to use the canal for its own public purposes and to discharge its own public functions of sovereignty. Among such is clearly the right to use public vessels, its own war vessels, to uphold and promote its own welfare in any manner it deems proper, and be accountable to no one for any such action. That is a conceded and necessary right of ownership.

VESSELS OF WAR AND OWNERSHIP.

But the minority states that vessels of war and commerce of the United States are put on even terms by the provisions of the treaty. It is true that section 1, article 3, does put them on even terms, and if that were all of the treaty, doubtless the minority would be correct. But sections 2, 3, 4, 5, and 6, article 3, must equally be considered with section 1. These provide in substance for the neutralization and defense of the canal, its territory, works, and operations. Article 2 also confers upon the United States the exclusive right of regulation and manage-

ment. Article 4 prohibits a change of sovereignty of the Canal Zone, affecting the principle of neutralization or obligations of the parties.

CANAL NEUTRALIZED.

It is recognized that the canal, its works and operations, are to be neutralized and not internationalized; that is, it shall be neutral in the sense that it shall not be used as a basis for war by any nation, and that no act of war shall be committed against it by any nation, and that at all times it shall be open on equal terms to all nations observing its rules. These rules, this status, this operation, immunity, sovereignty of the zone, and obligations must be enforced and protected by some competent force against violation. It is agreed by the nations that this shall not be an International burden like the Suez Canal, but confided to the United States alone. It is our duty to defend and enforce it and its privileges. That is conceded.

MEMORANDUM OF SECRETARY HAY.

In his confidential memorandum to the Senate, while the second Hay-Pauncefote treaty was pending, Secretary Hay set forth the views of our Government as to these matters. This memorandum has been discussed at length in those remarks, and need not be here repeated, especially as similar views are contained in the memorandum of Lord Lansdowne, the British foreign minister, from which is quoted the following:

The new treaty, as submitted, declared the neutrality of the canal, for the use of all nations on terms of entire equality; and placed upon the United States alone the burden and responsibility of enforcing such neutrality and the rules and regulations for its management. Under the treaty, as it stands, the United States would have the clear right to close the canal against any hostile nation and to protect and defend it by any necessary means. For these reasons there has been omitted the prohibition against fortification.

In the new draft the United States intimated their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal would henceforth be assumed by the Government of the United States. The change of form is an important one, but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures that may be necessary to protect it against lawlessness and disorder, His Majesty's Government is not likely to object to it.

In view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer convention is confirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the isthmus which connects North and South America.

As to this, I understand that by the omission of all reference to the matter of defense, the United States Government desires to reserve the power of taking measures to protect the canal, at any time when the United States may be at war, from destruction or damage at the hands of an enemy or enemies. On the other hand, I conclude that, with the above exception there is no intention to derogate from the principle of neutrality laid down by the rules. As to the first of these propositions, I am not prepared to deny that contingencies may arise when not only from a national standpoint of view, but on behalf of the commercial interests of the world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

CONCLUSIONS OF BOTH FOREIGN OFFICES.

These statements of both Secretary of State Hay and the British foreign office, made at the time of the framing of the Hay-Pauncefote treaty, contemplated and agreed that the United States should and would be solely responsible for the enforcement of the rules, of neutrality, of the open, free, and equal use, and of sovereignty of the Canal Zone. This naturally and necessarily would require force, and consequently Congress has adopted the policy of fortifying the Canal Zone. Naturally and necessarily such a policy need not be confined to the land forces. Equally must the sea and naval forces be used whenever necessary in the judgment of the United States. For that conclusive reason, it is provided that the ships of war of the United States shall pass through at all times free of charge.

Perhaps the clearest and most forcible statement concerning this situation was made by Secretary Knox in his San Francisco address, as follows:

FOR ALL NATIONS' USE.

Our treaties, in so far as they relate to the canal, contemplate its full and unimpeded pacific use by all nations. The United States, as the occupant and administrator of the territory traversed by the canal, assumes for itself the sole right to see that the canal shall not be misused to defeat that end. Our national policy in this respect is declared by those treaties, wherein we have announced that as a basis for carrying it out the United States adopts substantially the rules for the navigation of the Suez Canal. If any belligerent violates those precepts of the law of nations upon the territory controlled by the neutral State, as the zone is controlled by the United States, the neutral has the right to prevent such violation, just as he would have the right to prevent it on any part of his sovereign territory. That right is an inherent attribute of sovereignty.

NEUTRALITY OF TRANSIT.

The neutrality of transit, which is the particular shade of neutrality intended by the American declarations, can be practically maintained only by the responsible party in possession, and it is the inherent right of the United States to maintain it, precisely as it is to maintain the innocent freedom of transit through any part of its territory. For all purposes of sovereign administration, the canal is American territory and a part of the coast line of our country. It stands to reason that the "neutrality" imported by the generous donation which we make to the world of the impartial privilege of transit and of the use of our own property to that end could not have meant and can not mean that the United States, if at war, would have to abstain from sending warships through the canal or, on the other hand, be constrained to allow the enemy to use it on equal terms with ourselves. The mere statement of such a proposition is its self-reduction to an absurdity.

SAME RIGHTS FOR PANAMA.

Practically the same reason exists as to the war ships and public vessels of Panama, as provided in the treaty with Panama. In addition to maintaining its sovereignty as described in the treaty, Panama also agrees to suitably maintain sanitation and peaceful conditions near the canal, as well as places of refuge for vessels, to be freed from dues by Panama. These obligations are incidental to the general provisions of articles 3 and 4 and should be properly enforced and administered by Panama itself. To enable that Government to properly perform its duties provided by the treaties, and for the evident benefit of commerce of the world, and to save expense and trouble to the United States, and to carry out the provisions of the treaty with Panama, the pending bill provides for free use of the canal by the public vessels of Panama, engaged in such proper public purposes.

Yet such a necessary and concededly proper use of the canal by our public authorities is taken as an argument to violate its rules and our treaties, to reverse our national policies, offend our neighboring nations, imperil our trade, and invite the scorn of honest men because of our greed and perfidy.

XII.

OBJECTIONS OF MINORITY.

DECISIONS OF THE UNITED STATES SUPREME COURT ON THE BRITISH TREATY.

The minority report on page 6 claims that the decision of the United States Supreme Court in the case of Olsen v. Smith (195 U. S., 332) can be construed as a basis for their contention, that by implication the Panama Canal treaty excludes coastwise vessels from its provisions as to equality of tolls. The contrary is the case, and the decision, in fact, sustains the view of the majority as heretofore expressed. The Supreme Court has repeatedly held that in construing treaties of the United States as to political and public questions, that it is bound to follow the construction given to them by the political departments of the Government, whose duty it is to negotiate and prepare such treaties and to administer and enforce them; that is, by the legislative or executive departments. (See J. C. B. Davis's Rules for Construction of Treaties, Rule I; Butler on Treaty Making Power of United States, secs. 391 and 460. Cases cited.)

So, in construing the language in the Panama Canal treaty with reference to a public question, the court would be bound to follow the practical and uniform construction relating to public and political policies already given to similar language in other treaties by the Presidents, departments, and diplomatic officials, and by Congress itself. The policy as to treatment of our whole coastwise commerce, certainly, is such a public question. This is exactly what the court did in the Olsen v. Smith case, cited by the minority.

It should be noted, that since the treaty of 1815, as construed by the Olsen-Smith case, covered only the subject of vessels and required the same treatment as to them, from and to the same port; the Canadians argued and acted as though the treaty of 1871 only covered the subject of vessels, though the language there was "equality of treatment as to citizens, subjects," and so forth.

So, in the controversy above described, the Canadians did treat American vessels identically the same as they did Canadian vessels; and upon this they claimed that they fulfilled the treaty; that it did not mean more and they could discriminate as to all else. Our Government insisted vigorously that the words "equality of treatment," and so forth, was far broader than "vessels" and than the scope of the treaty of 1815; and included traffic, ports, routes, citizens, and subjects, and that all must be treated equally and alike. That contention prevailed, and is now the basis of the construction and action by our Government as to all such language, which is substantially the provision in the canal treaty.

CASE OF OLSEN V. SMITH.

Texas had a statute requiring compulsory pilotage for all vessels entering its ports, but excepting domestic steam vessels in coastwise trade, as provided by section 4444, Revised Statutes United States. The court held, that as to a British vessel coming from a foreign port, such exception did not constitute a violation of the treaty between Great Britain and the United States containing the language "no higher or other duties or charges shall be imposed in any port of the United States on British vessels than those payable in the same ports by vessels of the United States." The reason for such holding was substantially stated in the opinion, as cited in the minority report; that it is allowable under such language to consider different classes of vessels—those from foreign ports would be one class and domestic steam vessels in coastwise trade would be another class; and that such treaty was not violated because vessels of the class in the foreign trade were included within compulsory pilotage, while domestic steam vessels in coastwise trade might be exempt from it. This is obviously true, because the reasons for the existence of the two classes under the laws as to the compulsory pilotage are entirely different. But that is not all the case presented under the canal treaty.

DIFFERENCE BETWEEN CASES.

The British treaty of 1815 was one of the very oldest entered into by our Government, and by its express terms and its unvarying construction has included only the subject of "vessels" within its scope. But the canal treaty includes not only vessels but citizens and subjects, ports and places, routes and traffic, in both coastwise and foreign trade; as such language in the canal treaty has been construed by the proper authorities of our Government, the legislative and executive departments, in the cases of the Canadian treaty of 1871 and in the Central American treaties concerning commerce and trade across the Isthmus. This construction bears upon the exact language of the treaty under discussion, and the subjects which would be at once affected by the legislation; while the language of the treaty considered in the Olsen-Smith case is entirely different from the canal treaty, and covers only the single subject of vessels.

Further, the Supreme Court in the Olsen-Smith case held substantially that the treaty applied to vessels of the same class and from the same port to the same port; and that when vessels were of another class and from a different port, a different application of the treaty under the peculiar circumstances *already indicated by Congress* might be made. And this has been the practical construction of such treaties by the executive departments of our Government, for many years past. The Canadian case showed that this obvious defect in such treaties concerning coastwise navigation by including the subject of vessels only, has been corrected in nearly all subsequent treaties. The words "no higher or other duties or charges shall be imposed in the same port on vessels of the United States" are narrow and obsolete in scope, including only the one subject of vessels; so that much broader language was later used, such as found in the Canadian treaty of 1871. "shall enjoy use on terms of equality with the inhabitants, etc." That has been construed now by agreement of both Governments to include all vessels, ports, traffic, routes, citizens, and subjects; and such construction has been officially adopted by our Government. But the later treaties go much further to insure identical treatment in all respects. The canal treaty provides that "the canal shall be open to vessels of all nations observing these rules on terms of entire equality, so there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions on charges of traffic or otherwise." This is certainly broad enough to cover by its terms all phases of commercial intercourse and action.

Practically this same language is contained in the latest British treaty of 1910 concerning the canals of the Great Lakes.

COURT FOLLOWS CONSTRUCTION.

The Supreme Court has always followed the practical construction of the political departments as to provisions dealing with political and public questions, and undoubtedly will so continue, and the exclusion of the coastwise trade of one nation from the provisions of the treaty, and discriminating against such trade of the others, is a public and political question, which must be decided by the political powers of our Government. So that the case cited has no practical bearing upon the question here being considered. Yet it sustains the contention of the majority when understood in its bearing to the other treaties and policy of the United States. The court holds that under such treaty it is allowable to separate the vessels into classes, and that as to some classes compulsory pilotage may be charged; and as to the class of domestic steam vessels in the coastwise trade, that a law of the State exempting them would be sustained.

DECISION FOLLOWS CONGRESS.

That decision practically follows the judgment of the political departments, by which Congress established and the executive departments have enforced such law as to the different classes under such treaty. Several such classes should be considered with reference to this subject.

Under the laws, the compulsory pilotage would apply to all American and foreign steam vessels in foreign trade, coming from the same foreign port to the same port in the United States. It would also apply to all sail vessels in both coastwise and foreign trade. It would also apply equally to all steam vessels of all nations, including the United States, sailing from the same port in the United States to the same port in the United States, unless, under the Federal law, the United States steam vessels should be engaged in coastwise trade and had on board a licensed pilot who must be an American citizen, and was duly licensed as competent under the laws of the United States. In such case only, the American vessel would be exempt from compulsory pilotage. If a British steam vessel should also engage an American citizen as a duly licensed and competent pilot under the laws of the United States, and should proceed in ballast from one port of the United States to another port of the United States where compulsory pilotage is exacted, and then should be compelled to pay such pilotage where an American steam vessel under similar conditions would not, in such case it might be considered whether or not the vessels were treated the same and the treaty be violated. But no such case has been presented, and neither Congress or the courts have considered such a class. And until such case is presented, there can be no basis for the contention of the minority that by implication from such decision all coastwise trade and commerce is excluded from the treaties; and consequently the same construction should obtain as to the Panama treaty. A small, local class might be excluded for a good public reason, which would not violate the purpose or effect of the treaty, while the exclusion of a broader and more general class would so violate the treaty and the purpose of its existence.

A further examination of the treaty, the decision of the court, and the general situation as to commerce and navigation under such treaties, will still further strengthen the contention of the majority.

REASONS FOR CONTENTION.

It will be noted that in the various commercial treaties which the United States has made with other nations as to coastwise navigation and commerce, there are three different classes of arrangements:

(a) Where there is an express reservation of all coastwise trade applying to all articles, and the whole treaty.

(b) Where there is an express reservation of the coastwise trade applying only to one article and one subject and not to the whole treaty.

(c) Where there is no reservation or exception contained in the treaty or in any part of it, and yet Congress has made some exception in its legislation affecting commerce and navigation, in the operation of such treaty.

(Treaties are referred to by Commissioner Chamberlain, vol. 3, Hearings, p. 878.)

It is thus important to examine the conditions, and ascertain the fair and just rule which should prevail as to the action and construction of Congress and our Government, with reference to these three classes of arrangements. It is obvious and must be conceded, that under the first class, where there is a general express exception of the whole of the coastwise trade from the whole treaty, that Congress can do anything it pleases with reference to our coastwise trade. It violates no agreement and nobody can take umbrage at its action, whatever it may be.

NEXT CLASS NOT SO BROAD.

It is also obvious and must be conceded, that when the coastwise reservation relates only to one article or subject of the treaty, that Congress can do as it pleases concerning anything within the scope of such article or subject. As to the rest of the treaty to which the express reservation does not apply, the rule would be the same as to that concerning the third class, where there is no express exception or reservation at all.

RESERVATION NARROWER.

As to the third class, where there is no express exception or reservation; it is obvious that it would not be fair or just to allow such a wide scope or breadth of action, as where there is such an express exception. The exception and reservation implied from a treaty, should by no means equal the scope of the express exceptions on the same subject contained in other treaties. Otherwise, all express exceptions and reservations would be useless and injurious, because in a way limiting the effect. So in all fairness, such exceptions and reservations, by implication from the general terms of a treaty, are necessarily confined to such subjects as do not violate or contravene the express provisions of a treaty and the reasons for its existence; and should be such as may be necessary to promote the general purposes of the treaty.

PURPOSES OF TREATY.

The general purposes of a treaty of commerce and navigation, such as the British treaty of 1815, were to promote commerce and navigation between the two nations, on a basis of justice, equality, and reciprocity. Whatever will accomplish such re-

sults and will not violate the express provisions and purposes of the treaty is allowable under it, and can be fairly implied from its terms by either nation.

One of the necessities of commerce and navigation is competent pilotage in strange ports. To insure this, many nations and States have provided for compulsory pilotage, so there should be an assured compensation, adequate to secure and maintain a needed supply of pilots. Under the broad terms of most treaties, this would apply to all vessels alike, unless express exception be made.

RECOGNIZED EXCEPTIONS.

But it is recognized and admitted by everybody, that steam vessels in coastwise trade make many voyages in a year to the various ports between which they ply; and because of the numerous and regular trips and the character of them, are obliged to have pilots on board and attached to the vessel amply competent to do the work. But if such steam vessels in regular coastwise business, with competent pilots on board, were compelled to pay the same compulsory pilotage which others must do who only seldom need them, it would be extremely burdensome, if not ruinous to the business. But the business is a public necessity and should be encouraged and not unjustly burdened or ruined. So that such an exception as to a class of coastwise steam vessels with competent pilots, is necessarily implied in such treaties, for the purpose of promoting commerce and navigation and not violating the express provisions of them. It is just and reciprocal and for the benefit of everybody, and is so recognized by the leading maritime nations. This is the public construction of such treaties, by the political departments of the Government. It is this construction which has been sustained by the Supreme Court in the Olsen-Smith case.

OTHER EXCEPTIONS.

A similar class of exceptions exists with reference to tonnage taxes on vessels. The treaties provide, in substance, that all vessels similarly situated must be treated alike. Congress has so provided substantially, but because of entirely different conditions, and for the purpose of aiding and promoting and not of burdening or stifling commerce, has divided tonnage taxes into several distinct classes, as shown by the navigation laws of the United States.

This does not discriminate against or treat any nation unequally with our own. All vessels within each class are equally treated. Moreover, the classification is just and reasonable and one founded on natural and necessary conditions, which all men recognize. Such a classification in legislation is entirely justified, and will promote the very commerce which it is the purpose of the treaty to do. All nations recognize this fact, and will do this very thing. They are compelled to so do by the exigencies of their affairs. Every little petty difference as to conditions can not and should not be specified in a general treaty. But the general purpose and object of justice, equality, and reciprocity must always be observed. The same rules which we claim and apply to our own vessels, must always be admitted and recognized to apply to other nations. There has never been any difficulty about the classes of legislation which should be excepted from such general provisions. They concerned local and municipal matters of a limited scope, which do not contravene the purpose or effect of the general provisions or purposes of the treaty.

Applying this method of construction to the Olsen-Smith case and to the tonnage statutes, it is evident they do not infringe the general purposes of the treaty, to promote commerce by justice, equality, and reciprocity.

PANAMA TREATY OTHERWISE.

But the exception to the Panama Canal treaty which the minority proposes would clearly operate to the contrary. It would constitute a gross discrimination against vessels, citizens, commerce, places and ports, routes and traffic of our neighboring nations. It would help one competitor and trade over a vast region as against another; it would develop one section of our continent as against another; it would affect, directly or indirectly, a vast number of industries and interests of several nations; it would do the very thing which treaties are framed to avoid and prevent, and which in the end might precipitate a more serious conflict. The maritime Provinces of Canada could complain against a discrimination in favor of their competitors in a similar line of business in the New England States. The Central American States and Mexico could similarly complain against discrimination favoring the competition in which they might be interested adverse to them along the southern boundary of the United States. Especially would the northwestern and western Provinces of Canada complain against a discrimination against them and in favor of their competitors in the Pacific Northwestern States.

These are large matters of international importance and of the very nature which treaties are made to regulate and protect and prevent from more serious contentions. They do not concern local privileges, but a broad national interest.

The exception to be applied by the minority is not a petty local and municipal one, as these others concerning pilotage and tonnage have been. The exception of our coastwise commerce would affect a considerable part of the commerce of many nations, and do the very thing which our statesmen for more than 70 years have solemnly promised should not be done. The implied exception from compulsory pilotage of steam vessels, with native pilots in the coastwise trade, would not affect adversely the interest of any nation, and most of them do exactly as we have done and for the same reason. Because of these facts, the Olsen-Smith case, concerning part of an extremely limited class necessary to promote the purpose of the treaty, does not help the minority; but clearly does sustain the position of the majority of your committee, since it recognizes the rule that a proper construction of any treaty for public purposes must be made by Congress, exactly as was done in the Canadian matter.

CONGRESS HAS CONSTRUED TREATY.

In the clearest and strongest manner Congress has indicated its construction of such language as "Equality of treatment," contained in the Canadian and in the other canal treaties. It has held that the Canadian practice of preferential reductions were a violation of that treaty, and it provided retalination for such action. While this continues on the statute books, it is submitted that, first, the similar language of the canal treaty must be construed in the way Congress directed as to the Canadian treaty; second, that exclusion by implication of coastwise business can not be made when Congress has so recently and by a law now in force decided to the contrary upon similar conditions; third, that the doctrine of exclusion by implication from the general terms of inclusion can never extend to such a class as the general coastwise commerce of a nation, which would violate the very purposes of the existence of the treaty and every pledge made in its negotiation and ratification.

XIII.

OBJECTION OF MINORITY AGAINST CUSTOMARY POLICY.

The minority vigorously argues that vessels using the canal should not pay for its use with any more reason than the vessels using the Soo Canal and other waterways of the United States should pay for such use, and that the historic policy of this country of free and equal use of its waterways should be so construed as to embrace the Panama Canal. It is true that all of the waterways of the United States are free and open to all vessels and commerce of the world on equal terms, and are free from any tolls against vessels and commerce.

This is done by virtue of treaties, by which the vessels and commerce of other nations receive the same and equal treatment in our waters as our own vessels; and in return our vessels and commerce receive the same and equal treatment in the waters of other nations as their own vessels.

By the act of Congress of 1884 there are no tolls or charges in our waterways against any vessel or commerce, including foreign and domestic, coastwise and oversea.

But no one seriously proposes such a policy of free tolls to everybody in the use of the Panama Canal. Our people do not believe that it would be just to them to expend about $400,000,000 for the construction of the canal, and anywhere from $25,000,000 to $50,000,000 annually in properly caring for it throughout the long future; and then receive no revenue from the commerce so greatly benefited by such vast expenditure. Our public revenues are greatly needed for other public purposes, and no foreign nation seriously asks us to consider such an absurd and extravagant proposition as free tolls to everybody.

Yet if we do not adopt such a policy of treating all nations equally and alike in the granting of free tolls, then we shall radically change our historic policy and treat some nations differently, discriminate in favor of ourselves and against the others, contrary to our expressed pledges as declared in the treaties, and contrary to our historic policy as expressed in our statutes and through our political leaders.

MINORITY URGES RADICAL CHANGE.

The minority urges that this radical change from our historic policy be made. The reason for this is given because it has not been our policy to levy tolls on interstate commerce, and because the Panama Canal is but the extension of our domestic waterway system and of our national coast lines. This general proposition is entirely erroneous for three reasons:

First. Congress has always authorized public improvements which in terms levy a toll on interstate commerce, such as

canals, bridges, and so forth. Every session enacts such laws, and they can be found in every volume of our statutes. No one can successfully deny such statement.

Second. The Panama Canal is not an extension of our domestic waterways system, and is not on the same basis as our domestic waterways. On the contrary, nearly every one of the eminent statesmen from the beginning of the enterprise has based his support and the policy of this Nation on the theory that this interoceanic canal is a world enterprise, a highway for the world's commerce, and so forth, and so is on an entirely different basis than any other of our waterways. This has been elaborately discussed in section 6 of these remarks.

The popular use of the term that the Panama Canal is "only an extension of our national coast line" causes confusion in the understanding of the rights and obligations concerning the use of the canal by our own vessels. President Hayes first expressed it as "virtually an extension of our coast line," while Secretary of State Knox, in his address at San Francisco, referred to it as "for all purposes of sovereign administration the canal is American territory and a part of the coast line of our country."

Neither of these responsible officials attempted to place its status as to international obligations the same as that of our own continental coast line or area, as those favoring free tolls seek to do. But if such were really the case, as they contend, then, in escaping from the Scylla of the provision of "entire equality without discrimination," including our coastwise trade under the canal treaty, they would be liable to fly into the Charybdis of the condition set forth by the Commissioner of Navigation in his last report, page 15:

> A long line of treaties point us to equal tolls or no tolls on American and foreign vessels entering the improved harbors of New York, New Orleans, San Francisco, and every other harbor, river, lake, or canal within the United States.

So that if the extreme contention without qualification concerning the extension of our national coast line to Panama be adopted, it might result in infinite perplexities not now realized by those who so jauntily use the term.

Third. The solemn treaties creating international obligations concerning this enterprise require us particularly to treat all other nations equally and alike with ourselves. These treaties differentiate this from all other waterways, and no one can fairly question the application of them and the entire difference between this and the various domestic waterways. This has been fully discussed, and it is not necessary to be here repeated. In his recommendation to the Senate, a short time before the adoption of the Hay-Pauncefote treaty, Secretary of State Hay in substance stated there was a consideration on the part of Great Britain for this principle of equality, neutrality, and protection assumed by us, and that is in the yielding of important material interests through the abrogation of the Clayton-Bulwer treaty. That of itself differentiates this from all other waterways under the control of our Government.

But on page 2 of the minority report it argues that—

> Free tolls at the Panama Canal to our coastwise trade would be the same kind of a "subsidy" that was granted to 41,000,000 tons of shipping that passed through the Soo Canal in 1911. It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because American vessels are accorded the same treatment by the Canadian Government at the Welland Canal. By virtue of a reciprocal arrangement we receive our quid pro quo for passing Canadian vessels through the Soo Canal free of charge.

ERRONEOUS STATEMENTS.

This statement and assumption as to the policy as to the Soo and Canadian Canals is entirely erroneous, and it is only necessary to examine the treaties between Great Britain and the United States to perceive such misstatement and fallacy.

Article 27, treaty of 1871, between the United States and Great Britain, contains the language already quoted with reference to the use of such canals.

Article 1 of the treaty proclaimed May 13, 1910, between Great Britain and the United States contained similar terms, quoted hereafter.

It will be perceived that there is no provision or hint of conditional reciprocal use of the American and Canadian canals; that is, that the United States should furnish its described waterways for use of Canada on condition that Canada should furnish its described waterways for use of the United States. On the contrary, it is expressly agreed in the 1871 treaty that they should be used "on terms of equality," and in the 1910 treaty "navigation shall continue free and open and equally to all vessels," and so forth, "rules and regulations shall apply equally alike," and so forth, "and they shall be placed on terms of equality."

This does not provide for conditional reciprocal use of one upon the express condition of the same kind of use for the other, but for use of both on terms of equality, though Congress in its retaliatory statutes, above described, does require that Canada should observe its treaty relations equally and reciprocally with us, or if it does not so do, the United States will not respect the express terms of the treaty and enforce the provisions of reprisal. The term "reciprocal" as used generally with respect to treaties does not carry the same meaning as the term "reciprocal" used by the minority with reference to the treaty arrangements with Great Britain concerning the Canadian waterways. The minority use the word as indicating a mere conditional exchange of physical privileges by which we use Canada's waterways on condition that on the same terms Canada can use our waterways. This is not the proper definition of "reciprocal" as applied to such treaty or most other treaties. As Secretary of State Blaine indicated in his memorandum in reference to the Canadian agreement, reciprocal use as to such treaty would include interpretation and construction of such treaty, the status of the parties, and equality as to conduct. By that it is meant that all the waterways of both parties are to be used by both on exactly the same basis. Equality of use of all is to be reciprocal and not the use of one on account of equal use of the other.

The Panama treaty provides for use "on terms of entire equality, so there shall be no discrimination as to conditions and charges of traffic," and so forth. The provisions and conditions are essentially the same in all of these treaties, and they must be construed by the same rules of fairness and justice, and all require the same result. It should be noted also that the Canadians do not now use our Soo Canal to any extent, since they have a far better one of their own, which we use more than they do. There could not be much reciprocity about such a condition where the Canadians have practically no use for our canal.

The general principles of reciprocity, equality, justice, and fairness underlie all these and other treaties. They were framed to produce such results, and it is the purpose of all civilized people and governments to accomplish these beneficent purposes.

XIV.

WOULD INJURE FOREIGN TRADE.

It has been shown by the statements from the most eminent leaders of our country, who have had the responsibility for the direction of the affairs for an interoceanic canal, that it was primarily designed to promote and protect our trade and commerce. Such has been the hope and expectation of all of our people, who have been glad to expend nearly $400,000,000 in its construction, and who are equally ready to expend as much as may be necessary to operate, maintain, and defend it. But such benefits to our people and to their trade and commerce, very largely will depend upon the policy adopted by us in the management and operation of the canal.

PROMISES TO WORLD.

We have promised the world that this canal would be constructed and maintained for the benefit of the commerce of the world, without any unfair advantage or preference to anybody. We have entered into treaty obligations by which all nations, commerce, people, and ports are to be treated equally and without discrimination; and we, greatest of all of the nations, notified the world that the United States, first of all, intended to observe and be bound by these rules and obligations. Yet now, for the sake of a possible and contingent benefit to a small industry and to a small section and small interest in this country, it is proposed to violate such treaties, obligations, and pledges and discriminate against other nations and in favor of one of our own interests. The nations other than the United States having coastwise or other connections by water between the two oceans are Canada, Mexico, Guatemala, Honduras, Nicaragua, Costa Rica, Panama, and Colombia.

COMMERCE OF COASTWISE NATIONS.

These nations have an annual commerce with the United States of more than $700,000,000 annually. We greatly expect, that this will be vastly increased by the opening of the canal. But if we violate our agreements and pledges to these nations—discriminate against them, their citizens, commerce, and trade by means of such violation of the canal treaty—we must naturally expect, deserve, and will justly receive condemnation, reprisals, and retaliation from all of them. They have a direct interest in competition with us, and we promised them equal and just treatment and terms; and now it is asked that we abandon it when some local selfish interest demands it. More than that, such action would incite other rival commercial nations to stir up resentment against us, and to use our own action and our own construction of the treaty as a means indirectly to help our competitors and injure our commerce. This would inevitably follow.

OUR FOREIGN TRADE.

The latest statistical abstract shows that the foreign commerce of the year 1911 was as follows:

Exports	$2,049,320,199
Imports	1,527,226,105
Total	3,576,546,304

And all of this commerce, in some way or other, might be subjected to petty discrimination and disadvantages which foreign nations or their local governments might impose, and which would be without redress under our own construction of the words "equal treatment." Further, it has been estimated that of the exports more than $1,200,000,000 consists of manufactured goods in which our industrial interests are in severe competition with the like interests of rival nations; and that the citizens of this country have investments abroad in foreign countries of more than $2,000,000,000.

DISCRIMINATION EASY.

It is easy to conceive, that if we initiate a policy of reversal of construction of well-known words like "equality of treatment," and insist that domestic concerns can have a preference under such language, and put such a policy in effect upon the Panama Canal; that it will be the beginning of like construction by the nations affected and of a similar policy of retaliation and reprisals against this competitive commerce, and the interests of our own people. We lay ourselves open without redress by just such a contention as this. Such a policy and its legitimate consequences would injuriously affect nearly every industry and hamlet in our land, and cause a disturbance and lack of confidence which should not be underestimated. We seek an extension of our foreign trade, to employ our people and develop our resources. Nothing in the long run would tend more to produce the contrary effect, than to unsettle the confidence in our national good faith and honor among the people and nations of the world. It would be reflected back upon us at once, and our own people and industries and interests would suffer most.

Undoubtedly the Members of this House have all received a copy of the circular letter issued by Mr. Charles M. Everest, president of the Vacuum Oil Co., complaining strongly and justly against unfair discrimination against his company by the Austrian Government, which is clearly violating the terms of its treaty with the United States. The basis of the claim is unequal treatment of the American company as compared with its own citizens.

This complaint would be but a sample and a beginning of what would come from the business interests of this country on account of similar unfair discrimination by other nations.

At the present time our Government has a just basis to demand fair and equal treatment from any Government so violating its treaty agreements, and, if necessary, to make reprisals. But if we ourselves initiated a policy of unfair discrimination, notwithstanding our international pledges, we can not then complain at the same treatment of our citizens by other nations.

OTHER POLICIES AFFECTED.

It is not well for us to forget that, although our great commercial rivals among the nations have in a way assented to our national declaration of policy known as the Monroe doctrine, yet they are not very cordial in their assent. But they do resent the present application of it, that the European nations can do practically nothing in Central and South America without the permission of the authorities in Washington. This is irksome to them, and they would at once take advantage of this opening to prejudice the very nations we seek to help and protect, by calling attention to our breach of faith, our selfishness and greed, and by one means or another imperil our interests and prestige.

SUCH POLICY BASIS FOR HOSTILITY.

This unfortunate policy could be the basis for all sorts of unfortunate complications and misunderstanding; and inevitably result in the loss of sympathy and assistance from those nations with whom we should be on terms of the closest intimacy and mutual benefit, through the operation of the Panama Canal.

If any considerable part of these things should become true, the canal would become a curse to our people instead of the vast blessing which we have so fondly believed might come from it. It would be a strange commentary, that at a time when the United States Government has been sincerely seeking to establish and maintain the most cordial relations of amity and good will, not only with South and Central American Republics but with the other nations of the world; that greedy, private, and sectional interests should even seriously try to overthrow them all, and excite suspicion and ill will and reprisals, which might require years to straighten and allay. It should certainly be realized that such a course would do much to disturb our friendly international relations, and injure foreign trade and prevent the extension of our commerce on the Pacific and elsewhere. No one should minimize the evils of it. The whole country, all of our people and all of their vast and varied interests, are vitally concerned in such a proposition. Whenever the attention of the whole country is directed at such unfortunate possibilities, to assist the greed and narrowness of a few, the chance for evil is usually averted. The majority of your committee has perceived it, and has notified the nations of the world that the obligations and good faith of the United States will be maintained to the letter, so far as lies in our power. We have faith to believe that as they have ever done, our people will preserve their own integrity and self-respect, and deserve the decent respect and good will of all mankind.

XV.

REMISSION OF TOLLS WOULD NOT CORRESPONDINGLY DEVELOP THE AMERICAN MERCHANT MARINE.

There are two principal reasons given by the minority of the committee why tolls on coastwise vessels should be remitted. First, to develop and upbuild the merchant marine of the United States and cause the construction of new vessels, which would not be built except for such remission. Second, so that freight rates would be reduced to the consumer. As to the first proposition, the testimony before the Committee on Interstate and Foreign Commerce was practically unanimous that free tolls in coastwise business would cause the building of but few, if any, additional ships in the United States. See testimony of Mr. McGregor, president San Francisco Chamber of Commerce, page 997, volume 4, hearings; testimony of Mr. Raymond, manager of steamship lines, page 551, volume 1, hearings; testimony of Mr. George S. Dearborn, president American-Hawaiian Steamship Co., page 567, volume 1, hearings; Mr. D. E. Skinner, president Port Blakely Lumber Co., page 1046, volume 4, hearings. And none of the testimony anywhere has been stronger, than that it would be only one of several important factors toward the upbuilding of our merchant marine.

These were all of the practical business men who appeared before your committee. They are all actually engaged in large business enterprises, and are well acquainted with existing conditions, and nearly all of them appeared before the committee to favor the policy of remission of tolls to our constwise trade.

REASONS FOR FAILURE.

The reasons for such improbability of development are obvious from the present situation. For nearly a century the coastwise trade of the United States has been confined to American vessels; and the coast-to-coast trade has always been considered a part of the coastwise business. In addition to such monopoly for this class of ships, section 11 of the pending bill prohibits ships owned or controlled by railroads competing in our interstate commerce between the coasts. So that the monopoly to the American vessels is still further restricted by excluding all ships owned by powerful rival interests; thus diminishing the ability of others to compete and the number of ships which can do so; and giving to those who remain in the coastwise shipping business, an advantage equaled by few industries in the world.

LONG AND SHORT HAUL CLAUSE.

Still further and yet even more important, the long and short haul section of the interstate-commmerce act, section 4, has been construed and probably must be construed as prohibiting any more blanket rates between eastern points and the Pacific coast; and the Interstate Commerce Commission in its last annual report has strongly indicated its policy of fixing a different basis of rates for these competing railroads from and to the Pacific coast. See also Opinion No. 1830, filed on the 21st day of March, 1912, in which Commissioner Prouty stated such policies, on page 165; also decisions in the Intermountain Rate cases.

INTERMEDIATE STATES WILL OBJECT.

The intermountain and interior States will very vigorously object to as low railroad rates between the coasts as formerly existed, if done at their expense and to their disadvantage; which will naturally throw much additional business upon the water carriers. This will vastly increase business for the canal beyond the expected and natural increase, which will necessarily come by reason of the opening of the canal, and the decrease of the water rates for transportation, and improvement of facilities.

RATES OF TOLL.

The rates of toll through the canal will be so low as not to be burdensome; and even if remitted would not to any extent increase business or the number of ships. The bill provides

for a maximum toll on the basis of $1.25 per net registered ton, and for a minimum toll of the proportional share of operating and maintaining the canal.

The testimony of Dr. Emory R. Johnson, Commissioner Chamberlain, and Col. Eugene T. Wilson all show the net registered ton, to include between a ton and a half to two and a half cargo tons, or, on the average, about one and two-thirds cargo tons would equal a net ton, which it is generally understood will be the basis for tolls at first. The proposed toll of $1 per net registered ton will amount to no more than 40 to 66 cents per cargo ton, or between 2 and 3 cents per hundred on the freight actually carried. It is obvious that this small reduction would not cause the construction of additional vessels for the coastwise trade, and so these practical men testified to your committee.

AMPLE TONNAGE ASSURED.

The testimony of Dr. Johnson and Mr. Dearborn shows the probability of an ample supply of tonnage for the coastwise trade, so that no subsidy or bonus is needed to secure such a supply. (Mr. Dearborn, p. 580, vol. 1, hearings; Dr. Johnson, p. 710, vol. 2, hearings.)

MONOPOLY NOT TO BE SUBSIDIZED.

It certainly would be a strange proceeding now, when the public mind is so aroused against special privileges, for Congress to continue a monopoly of a vast business to a certain class, and in addition to restrict that monopoly further, by excluding from such business all vessels operated or owned by wealthy and powerful rivals. And then yet further, by the interstate-commerce law, prevent the railroads from competing with such vessels as to a very large volume and class of carriage; and then, beyond all, grant a bonus and a subsidy to this favorite and restricted monopoly of $1 per net registered ton, every time it passed through the canal, which has and must cost the people so much of their treasure.

This is an accurate statement, and should bring the blush of shame to those who seek such special privileges for themselves, at the expense of a generous people.

REDUCTIONS TO CONSUMERS.

A similar condition exists as to the reduction of prices to the consumer on account of the remission of coastwise tolls. Mr. Skinner, Mr. McGregor, and Mr. Raymond testified on this point, and the only authentic statement to show a reduction of prices to the consumer, was on page 549, volume 1, hearings, when it was thought that lumber might be sold 25 cents per thousand cheaper in New York on account of free tolls.

The small toll of 2 or 3 cents per 100 pounds would obviously never reach the consumer, and would amount generally to 1 per cent or 2 per cent of the cost of the goods. Some exceptions might reach 5 per cent. But in general the proportion of freight to the cost would be so low as not to appreciably affect the consumer. (Testimony Col. Wilson, p. 126, hearings.) It would be completely absorbed by the transportation or distributing agencies, as stated in the testimony by several witnesses. They do not need this bonus and benefit, since they will be so greatly helped by the opening of the canal and the general reduction of rates on transportation.

BLANKET RATES CAN NOT CONTINUE.

The minority report assumes that freight rates will continue on the same basis as heretofore, after the canal shall be finished. Everyone knows, who will speak sincerely, that this will not be true. The coasts will largely benefit from the necessary reductions. The interior may benefit slightly or not at all. The railroads can not be compelled to reduce rates below the cost of carriage, and the interior points affected by a reduction of railroad rates, will certainly and vigorously object to a severe reduction on through coast rates by the railroads, to be recouped by an advance or a maintenance of local rates when otherwise there should be a reduction.

RAILROADS NOT AFFECTED.

The minority has vigorously raised the cry that imposition of tolls will help the railroads, by maintenance of the coast rates for the transcontinental lines. This is obviously done to conceal their own intentions to violate our treaties and betray the good faith and honor of our Nation; and cover any injury to commerce by reprisals, because of our own national perfidy. It is to be hoped that some benefit may be received by reason of the great reductions, which may ensue because of the opening of the canal. But it is also certain, that such effect will not be caused by the retention or remission of 2 or 3 cents per 100 pounds on freight charges through the canal. It will only be received through the vast increase of commerce, foreign and domestic; and the tremendous development of our country which will be created by means of this additional and cheap communication.

This increase can not be expected by a policy of creating hostility and reprisals among the nations, but rather by the natural and friendly understanding and intercourse which benefits all.

XVI.

COMMERCE PARTICULARLY BENEFITED—SHOULD BEAR ITS SHARE OF BURDEN.

The construction of the Panama Canal is and will ever continue to be a very costly public work to the American people. In the original bill of 1902 a limit of cost of $135,000,000 was provided for. Now the testimony shows that a limit of cost of $400,000,000 is necessary, excluding interest on the investment. It has been necessary that Congress should make annual appropriations, as set forth on page 396, Report of the Isthmian Canal Commission for 1911, as follows:

Statement of appropriations by Congress.

Purchase of canal rights, June 28, 1902		$40,000,000.00
Purchase of Canal Zone rights, Apr. 28, 1904		10,000,000.00
Construction of canal:		
June 28, 1902		10,000,000.00
Dec. 21, 1905		11,000,000.00
Feb. 27, 1906—		
Construction of canal	$5,340,786.00	
Reequipment of Panama R. R.	650,000.00	
		5,990,786.00
Construction of canal, June 30, 1906:		
Expenses in the United States	368,242.69	
Construction, engineering, and administration	21,018,537.24	
Civil administration	968,200.00	
Sanitation and hospitals	2,101,435.15	
Reequipment of Panama R. R.	1,000,000.00	
		25,456,415.08
Construction of canal, Mar. 4, 1907:		
Expenses in the United States	253,000.00	
Construction, engineering, and administration	20,366,000.00	
Civil administration	825,000.00	
Sanitation and hospitals	2,034,000.00	
Reequipment of Panama R. R.	1,385,000.00	
Purchase of Panama R. R. bonds	2,298,367.50	
		27,161,367.50
Construction of canal, Feb. 15, 1908:		
Expenses in the United States	18,600.00	
Construction, engineering, and administration	11,990,400.00	
Sanitation and hospitals	169,900.00	
		12,178,900.00
Construction of canal, May 27, 1908:		
Expenses in the United States	176,000.00	
Construction, engineering, and administration	26,085,000.00	
Sanitation and hospitals	1,575,000.00	
Civil administration	241,000.00	
Reequipment of Panama R. R.	1,100,000.00	
Payment to P. B. Banton for injuries	10,000.00	
		29,187,000.00
Construction of canal, Mar. 4, 1909, construction, engineering, and administration		5,458,000.00
Construction of canal, Mar. 4, 1909:		
Expenses in the United States	225,000.00	
Construction, engineering, and administration	29,368,000.00	
Civil administration	630,000.00	
Sanitation and hospitals	2,715,000.00	
Reequipment of Panama R. R.	700,000.00	
		33,638,000.00
Construction of canal, Feb. 25, 1910, civil administration		76,000.00
Construction of canal, June 25, 1910:		
Expenses in the United States	210,000.00	
Construction, engineering, and administration	35,300,000.00	
Civil administration	795,000.00	
Sanitation and hospitals	1,550,000.00	
		37,855,000.00
Construction of canal, Mar. 4, 1911:		
Expenses in the United States	180,000.00	
Construction, engineering, and administration	43,100,000.00	
Civil administration	680,000.00	
Sanitation and hospitals	1,600,000.00	
		45,560,000.00
Total for canal construction		293,581,468.58
Armament of fortifications, Mar. 4, 1911		1,000,000.00
Seacoast batteries, Canal Zone, Mar. 4, 1911		2,000,000.00
Private acts for relief:		
Elizabeth G. Martin, No. 97, June 17, 1910	1,200.00	
Marcellus Trozell, No. 174, Jan. 13, 1911	1,500.00	
W. L. Miles, No. 196, Feb. 13, 1911	1,704.18	
Chas. A. Caswell, No. 248, Mar. 2, 1911	1,056.00	
		5,460.18
Total appropriations by Congress		296,566,928.76

Including defenses and subsidiary works, the limit of $400,000,000 will be nearly or quite reached in the actual expenditure by future appropriations when the canal shall be opened. The annual cost of caring for the canal, including the interest and defense after it is once in actual operation, will

not differ much from the annual appropriations for constructing it, excluding the interest. On page 415, volume 1, Hearings Interstate and Foreign Commerce Committee, Col. Goethals testified concerning the future cost of operation, maintenance, sanitation, and protection of the canal, that the approximate cost, including interest, would be about $27,000,000 annually.

In his testimony before the Senate Committee on Interoceanic Canals, Dr. Emory R. Johnson testified, concerning the annual cost of caring for the canal, that it would cost for the same matters about $30,000,000 annually.

ITEMS NOT CONSIDERED.

It will be noted that none of these accounts as to expenses consider two very important and necessary items: First, the cost of naval protection to the canal and its works and the additional naval expenditures consequent upon the canal; second, the additional expense to the military establishment which must in the future be incurred to have ready for duty a fresh and suitable supply of troops, to replace those who suffer from deterioration from tropical service, and the pensions and retirements consequent upon tropical service.

ADEQUATE NAVAL PROTECTION.

Everyone realizes that naval protection is as necessary in the canal as military protection, and it must be at all times adequate or it is useless. There must be a certainty of communication between the continental United States and the Panama Zone within a reasonable time and under all circumstances, or the canal will prove to be an awful military liability instead of a military benefit to the country. No testimony has been taken, and opinions greatly differ as to what naval force will be necessary in the near future to accomplish this purpose. It will doubtless change from time to time, according to conditions. But it is entirely safe to assume that this additional naval expense to the United States will be several millions of dollars each year.

TROPICAL SERVICE FOR SOLDIERS.

It is commonly known also that soldiers suffer from prolonged tropical service and incur disabilities for which they are retired or pensioned; also that they can not remain longer than two or three years in the Tropics without being replaced by new or fresh troops. In order to recuperate they must have a prolonged service in the United States to recover their strength and efficiency.

There will be needed about 8,000 men to garrison and protect the canal. The Army also must have troops in the Philippines, Hawaii, and Alaska which also must be replaced from time to time as shall be necessary.

It would not seem that the present Army is large enough to properly garrison and protect these places, and have a sufficient number of troops in the United States to replace them as may be necessary, and maintain the Army at a proper standard of efficiency. It seems inevitable that additional forces must be supplied some time in the future on account of this increased necessity for tropical service.

INCREASED COST.

No one can now foretell the amount of such increased cost. But competent officials who have devoted much thought to the subject of expense in connection with the Panama Canal, estimate that in the not far distant future, the total expense for the proper operation, maintenance, sanitation, care, and protection of the canal, including interest, naval and military increases, and consequent expenses, will be between $40,000,000 and $50,000,000 per annum. The appropriation bills in the future will not be reduced from the period of construction; and including these other items just described, in the future they will probably be considerably larger, on account of the annual expense of fully caring for the canal.

MILITARY EXPENSES PUBLIC CHARGE.

Everyone admits the propriety and desires to defray all expenses for the national defense from the general Public Treasury. But, as has been shown, this canal was not constructed as a military necessity, but as a general commercial benefaction. The necessary defense for it must be paid by the Public Treasury, the same as all other defensive expenditures are paid. But the commerce which will be so largely benefited, in all fairness, should be willing and glad to pay its share of the benefit it receives directly from this vast and constant expenditure.

Dr. Johnson, in his testimony before your committee, on page 705, volume 2, Hearings, estimated at the beginning about 10,500,000 tons of shipping might use the canal in 1915. Col. De Vol, the chief quartermaster of the canal work, in a very carefully prepared pamphlet, estimated that in 1915 the commerce would be about 7,000,000 tons. Col. Church, an English authority, in a carefully prepared article in the Journal of the Royal Geographic Society, in March, 1902, estimates a much smaller tonnage and increase of business than does Dr. Johnson; as does also the late Joseph Nimmo, former Chief of the Bureau of Statistics.

Dr. Johnson and Mr. Dearborn estimated that there might be a reduction of freight rates of about 25 to 50 per cent.

Joseph N. Teal, Esq., of Portland, Oreg., most competent to speak on the subject of transportation, in a pamphlet sent to the committee, estimated a reduction of 25 to 50 per cent.

EVIDENT REDUCTION.

It is evident, then, that there will be a considerable reduction in freight rates and a saving to the commerce which will pass through the canal and to the people who are directly benefited by such commerce. So it is a natural and a proper question, Why should not this commerce, so largely and directly benefited by such expenditure, bear its proportion of the tremendous annual burden of caring for the canal? Why should it shrink from its fair share of the obligations, evade its duties, and seek to shift them upon the rest of the people, who do not receive such direct benefits from the canal? This share would be but slight and not at all injurious to the commerce affected. Dr. Johnson, in his testimony, shows that it would only be 5 per cent or less of the total freight rate and 10 per cent of the savings effected by the use of the canal. Col. Wilson showed a small ratio of freight to the value of the goods, so the canal dues would be yet a smaller proportion to the benefit received. Surely this is a petty share and contribution, when the rest of the people are compelled to pay so much for all future time for the benefit of this very commerce.

TOLLS NOT BURDENSOME.

No one desires to levy a toll which shall in any way diminish the use of the canal or in any way impair its real benefit to the American people or prevent it aiding tremendously in the development of our western coast. But when the people realize the enormous expenditures which have been and must be made on this account, and the very great benefit which will directly flow to the commerce which will use it, it does seem, in all fairness, that such commerce should do its fair share.

XVII.

UNFAIRNESS OF FREE TOLLS IN COASTWISE TRADE.

Everyone must concede, as a fundamental proposition, that it is no part of the function of the General Government to directly and purposely discriminate in favor of one part of the country as against other parts of the country; to directly subsidize the business of one part of the country so that it can compete thereby on unequal and more advantageous terms with the other parts of the country. On the contrary, it has always been and is regarded as the business of the Government to prevent and forbid unfair discrimination and treatment between different sections of our common country.

This principle is set forth in several clauses of the Constitution, and is made effective in numerous statutes. The general purpose and function of our Government is clear, to prevent discrimination, and prevent sectional inequalities and injustices, so far as possible.

COASTWISE BUSINESS.

Dr. Johnson estimated that the coastwise business by water between the Atlantic and Pacific coasts would be about 1,150,000 tons annually; and that there would probably pass through the canal in 1915, 10,500,000 tons. The Interstate Commerce Commission, in its opinion in the intermountain rate cases, estimated the coast-to-coast commerce at about 4,000,000 tons annually. The commission further estimated that of this vast commerce at least 93 per cent was capable of water carriage, thus leaving 7 per cent which must be transported exclusively by rail. It has been further estimated that of the competitive products used in intermediate country, fully 75 per cent probably came from the territory of the Central West, between the Allegheny and the Rocky Mountain States; and about 25 per cent was produced along the Atlantic seaboard. This has resulted from substantially the following conditions: That the cost of production of the various articles is about the same in all of this vast competitive region; and that if the cost of distribution and transportation should also be practically the same, then the competition would be on substantially even basis from the different sections of the country to the intermountain and coast territory. This has been the result of years of friction and discussion, and is at present the situation as to most products.

LONG-AND-SHORT-HAUL CLAUSE.

But the amendment to the long-and-short-haul clause—section 4—of the Mann-Elkins bill of 1910, and its enforcement as to the intermountain territory and elsewhere in the cases recently decided by the Interstate Commerce Commission, will completely change this situation, long before the canal will open for real business.

The policy of that law is to prohibit higher rates for a shorter than for the longer haul, and this principle will be obliged to be enforced by the Interstate Commerce Commission in some form or other. (Report of Interstate Commerce Commission for 1911. See decisions Commissioners Prouty and Lane in the intermountain rate case and opinion of Commissioner Prouty, Mar. 21, 1912, No. 1830, p. 165, already cited.)

SUCH SITUATION RECOGNIZED.

Everyone must recognize such fact and situation. When that shall be done, the railroads will not make reductions to the coasts on the noncompetitive business. It would not be just or necessary. On the competitive business from eastern points the commission has indicated that its policy will be, first of all, to abolish the blanket system of coast rates from the eastern and central sections of the country; next, that it will permit the railroads to meet water competition between the coasts within certain limitations, by establishing zones of territory where the railroads may charge a percentage of 25 per cent, 15 per cent, or 7 per cent, respectively, less to the Pacific coast than to the intermountain country. The power of the commission to do this, in this way, is assailed, and the question as to such authority is now before the Supreme Court. But if the commission can not accomplish this result in this particular way, it certainly will by another method; and, if necessary, undoubtedly Congress would extend its present powers, because there is a substantial justice in its main conclusion.

REDUCTION BY WATER COMPETITION.

These reductions of railroad rates to the coast as compared to the intermountain territory, are solely on account of existing water competition. The commission, from the zone substantially east of the Alleghenies, authorizes a reduction of 25 per cent for the coast rates from those to the intermountain territory, of 15 per cent for the coast rates from the zone next west, mainly to Chicago, and 7 per cent from the zone next west, substantially to the Missouri River, excluding the St. Paul and Omaha territory. That is its best judgment as to the effect of existing water competition concerning the territory within such zones. The remainder of the country must have equal rates to the mountains and coast; or, in other words, such territory is not affected by water competition on the ocean. That is the best judgment of the Interstate Commerce Commission as to the policy and justice of public action under existing conditions; and in that way it is expected that a part, at least, of the present system of competition will be preserved.

EFFECT OF OPERATION OF CANAL.

But when the Panama Canal shall be finished and in operation, as we have already considered and as the commission has stated in its reports, it may be fairly expected that rates from coast to coast on the 93 per cent of competitive products which can be carried by water, will be still further reduced from 25 per cent to 50 per cent.

REDUCTION WILL CHANGE RATES.

This will greatly change the absolute rates, and still more the relative and competitive rates between the various competitive sections and interests. If the estimation of the Interstate Commerce Commission be approximately correct as to the value and effect of existing water competition upon the traffic of the different territorial zones, then the proportions of present advantage to the sections would be 25 per cent to the eastern, 15 per cent to the next, 7 per cent to the next, and nothing to the westernmost competitive zone.

EFFECT OF CANAL.

If now the Panama Canal shall increase the value and effect of water competition from 25 per cent to 50 per cent by reducing water rates by such a proportion, as is admitted, then the same proportion would increase to the eastern zone from 25 per cent now to about 31 to 38 per cent; of the next zone from 15 per cent now to about 18¾ per cent to 22½ per cent; and of the next zone from 7 per cent now to 8¾ per cent to 10½ per cent; and the next zone not at all. It is very probable that the great increase of facilities and number of competitors will much further increase these differences between the different sections of the country. This clearly gives the eastern competitors a very great and increasing advantage over those from the Central States to reach the rich and increasing trade of the Pacific coast and the intermountain country. But the minority on this point argues that the western railroads will be obliged to also reduce their competitive rates to equally care for their competitive business.

RAILROADS CAN NOT REDUCE.

A little reflection will show that this can not possibly be done as to a very large volume of competitive business. First of all, the commission would not allow such reduction, as such policy would be grossly discriminating against the intermediate territory, which would not be just or fair. The intermediate people would bitterly complain, as they have in the past, and such gross discrimination could not be permitted to exist against them. Next, the railroads could not stand such reductions in their revenues to meet the water rates to the coasts and at the same time maintain only reasonable intermediate and local rates. The expenses of operating of railroads is necessarily increasing, and that can not be avoided. The public demands safety in transportation, and that requires vast expenditures for competent labor, equipment, facilities, and so forth, merely to be safe. The public will demand adequate facilities which must be increased in the very near future, and that will also require vast expenditures, which can only be met by means of ample revenues. These can not be realized if the railroads reduce their rates proportionally to the reduction caused by the canal. The wages paid to railroad employees can not possibly be reduced, and more than likely must be from time to time increased. That is just and proper and must be expected. The public and the railroad managements are beginning to prepare for such necessary conditions.

COMPETITIVE RATES NOT MUCH REDUCED.

The railroads will not be permitted to reduce their competitive coast rates so as to be out of fair proportion to their intermediate and the intermountain rates, and recoup by raising or maintaining local or intermediate rates which would otherwise be reduced. In other words, the competitive coast rates, because of new water competition on account of the Panama Canal must and should not be reduced at the expense of the rest of the country. If the revenues warrant, reductions ought to be made. But with an increased wage to labor, increased facilities at enormous cost and increased taxes exacted by public authorities; it is not reasonable to expect such reductions. Under this situation, it is evident that a much larger proportion than at present of the 93 per cent, the competitive proportion possible to be carried either by rail or water, will then be transported through the canal; and of course the Atlantic coast territory, as the producers, will get the benefit of such reduction of rates and consequent increase of business. This will necessarily much reduce the proportion of the competitive products now forwarded by and sold to the Pacific coast from the Central West; and proportionally increase that portion now produced and sold from the Atlantic coast. That is to be expected and nobody can complain, as such will be the direct and necessary result from the opening of the Panama Canal.

CONDITIONS EXTEND COAST TRADE.

This changed condition will also extend eastward the trade territory of the Pacific coast cities, and to the same extent diminish the trade territory of the cities of the Central West. These cities in this vast and productive region can not meet the greatly lowered water rates through the canal on many products now furnished to the coast, and the railroads will not and can not place them upon the existing competitive equality. No one can foretell the extent of the loss of territory and trade of the central western cities or of the corresponding gain of the coast cities. But such a condition is to be fairly expected and no one can fairly complain.

REAL COMPLAINT.

Now comes the real and just complaint. All of this territory, east and west, north and south, pays its fair proportion of the enormous expense of construction and annual operation and maintenance of this canal. The eastern and western sections receive very large and direct benefits at once, which, we trust, will be tremendously increased. The central sections are but slightly benefited and some not at all. Is it not fair, then, that the commerce itself, which is so largely benefited and the benefits so unequally distributed should pay its fair share of the annual burden of maintenance and operation? If it does not so pay its fair share, and free tolls be allowed on the coastwise trade; the only effect would be to enable the eastern producer to lay his goods on the coast from 2 to 3 cents per hundred cheaper in consequence of such free tolls, and by that means to place his central western competitors under this additional handicap. Then it would also enable the Pacific coast competitors to push their trade territory just a little farther eastward, so far as the 2 or 3 cents per hundred of free tolls would permit them. This additional territory so gained by them, would be taken from the existing trade territory of the Central West; solely by reason of this reduction of rates on account of free tolls. It would thus directly operate to discriminate and subsidize the coast producers and merchants, as against the Central West producers and merchants. This would be the sole and main effect.

The lumber producers on the Puget Sound claim that they should have this advantage to meet the cheaper freights of the

Canadian competitive territory. The customs tariff was levied to meet that exact situation, and these gentlemen want a protective tariff and free tolls both, even though our treaties prevent. Properly their argument would lead rather to free ships than free tolls, and they then would be placed upon an equality as to expense of transportation.

NO RAILROAD QUESTION.

The railroad question and welfare has nothing to do with this matter. The railroads will live and do business anyway. They will earn their revenues anyway. If they do not in one way, they will in another. The real loss of trade will not seriously affect them, as they can recoup in other directions. But it is entirely different with the industries in the Central West. If their competitive territory be seriously reduced, if their business be permanently lost, there can be no such redress, and to that extent it will interfere with the prosperity and advancement of that vast and patriotic section of the country.

EFFECT FROM TOLLS.

This section is entirely willing to pay its fair share of all public expenses in and about the canal, and it expects to see its competitors legitimately profit and advance by them. But it is unwilling to have such competing commerce exempted from its fair share of the public burdens, and especially from the burden conferring such direct and enormous benefits upon it, especially when such exemption and favoritism will unfairly reduce their trade and diminish their territory to that extent, more than is naturally or properly necessary. Free tolls would be but taking their own money to use in strangling and injuring their own business. It is taking the public money from the Central West, to use in dwarfing its development and impairing its legitimate advancement and influence.

NOT UNDERSTOOD.

It is difficult to believe that the business interests of the coasts realize this gross unfairness and injustice. It is difficult to conceive that the business man of any section of the country will deliberately plan to extort public funds from a competing section of the country and then use such funds to subsidize and extend their own private business and proportionally injure that of their competitors. This has not been tried before in this country and should not be sought now. We want the business interests of the coasts to receive their legitimate and tremendous advantages which will accrue them by reason of the construction of the Panama Canal. But it does seem to be the grossest injustice to continue to tax the Central West for all time, to build up and advance their already greatly favored rivals of the coasts, at the expense of competing territory which has generously and patriotically done its full share for the benefit of the whole country.

XVIII.

CONSEQUENCES OF VIOLATING TREATY RELATIONS AND PLEDGES.

On the 22d day of February, 1902, through a proclamation of the President of the United States, so authorized by the Constitution to do, the United States solemnly pledged itself that "such treaty and every article and clause thereof may be observed and fulfilled with good faith by this United States and the citizens thereof." What should properly be included in such obligation and pledge has been discussed. But it is now important to realize and summarize briefly some of the unfortunate consequences which would ensue, if the United States deliberately violated such solemn agreements. First, it would change and unsettle the construction of most of the existing treaties of commerce and navigation of the United States with other nations of the world. In most of them are employed the words "terms of equality," "equal terms," "like terms," and so forth; and the construction of such language has uniformly been that the provisions to which such "equal terms," and so forth, applied, must operate identically the same upon the two contracting parties. By the plan of the minority it is proposed to change such uniform and sensible construction of the words "terms of entire equality," and so forth, "so that there shall be no discrimination," and so forth; and hereafter by such words imply an exception of our own domestic commerce. If that be conceded, then fairly must the same be also conceded to the other contracting parties, and the treaties now in force would have an entirely different effect than at present.

WATERWAYS AFFECTED.

There are important straits connecting oceans or seas used by international commerce where the United States has insisted upon the application of the general principles of neutrality and equality; among them may be noted the Strait of Canso and the Strait of Magellan. Both of these are very important to our commerce, and it has always been the policy of our Government to insist upon equality of treatment and neutrality in their use. The treaties with the various nations practically provide for such use. The Panama Canal does not stand on entirely the same basis, because constructed at the expense of this country. But our Government has solemnly pledged its use on practically the same basis of that of these straits. If such general principle be violated by us in the use of the Panama Canal, it may be fairly expected that similar occasions may arise in the future, where the nations of Great Britain, controlling the Strait of Canso, and Chile, controlling the Strait of Magellan, if they shall be denied equal treatment and find their commerce discriminated against by our Government in the use of our great international highway at Panama, may also in same way give our commerce a dose of our own treatment in the use of their international waterways.

SOO CANAL.

For example, the largest and most important part of water traffic of this country is upon the Great Lakes, where last year there passed through the Soo Canal 62,363,218 tons, valued at $654,010,844, as shown by the last report of the Chief of Engineers, page 892. There passed through the American Canal, in 1911, 12,544 vessels, carrying 23,624,553 short tons of freight and 36,021 passengers; and through the Canadian Canal 6,854 vessels, carrying 32,804,286 short tons of freight and 33,670 passengers. Freight money paid for the year was $38,710,904. Of this freight carried 94 per cent was in American vessels and 6 per cent in Canadian vessels. The average number of vessels passing through the locks per day were as follows:

Through Poe Lock (depth of water in lock, 18.5)	38
Through Weitzel Lock (depth of water in lock, 12.9)	25
Through Canadian Lock (depth of water in lock, 19)	32

These figures show conclusively that the Canadian and the foreign business through these locks is of slight consequence, but that the bulk of it is the coastwise commerce of the United States. The Canadian vessels carried only 6 per cent of the total traffic, while the Canadian Lock passed 32,804,206 short tons and 33,670 passengers, as against 23,625,553 short tons and 36,821 passengers, for both American locks.

AMERICAN VESSELS USED CANADIAN LOCK.

It is evident that the large American vessels used the Canadian Lock to a very great extent. This is unquestioned, and the reasons are that frequently conditions of navigation make it more convenient and even important to so do; and still more important, the Canadian Lock has a depth of 19 feet, while the Poe Lock has 18.5 feet. The Canadian Lock has 6 inches more water, and each inch will transport on the average about 100 additional tons of freight; and by this the earning capacity of each freighter so using such depth could be increased from $75 to $100 for each trip, or double such sum for the round trip, and for a season would amount for each vessel between $2,500 to $3,000. (S. Doc. 105, 62d Cong., 1st sess., p. 15.)

VALUE OF CANADIAN CANALS TO THE UNITED STATES.

Last season 6,854 vessels passed the Canadian lock, and it is probable that at least two-thirds of them were American. So that the value of such use in additional freightage caused by the added depth alone would amount to fully $10,000,000 for the season.

On the Welland Canal the latest Canadian statistics show that the quantity of freight annually passed in American vessels from United States ports to United States ports has varied from a minimum of about 300,000 tons to a maximum of 775,000 tons; and that last year the Welland Canal passed in Canadian vessels 921,321 tons and American vessels 774,108 tons.

These figures show the importance of both waterways to the domestic commerce of the United States, far exceeding the importance of the Panama Canal concerning domestic trade.

TREATY PROVISIONS APPLIED.

There has already been discussed the provisions of each treaty; and if the United States insists on the policy and right to discriminate in its favor through the Panama Canal, equally under similar language in the Canadian treaty, can Canada discriminate in favor of its coastwise trade and against our coastwise trade on the canals of the Great Lakes? Canada did vigorously contend for just such a construction as the minority advocates, and undoubtedly would welcome it now. But it must be realized that such a construction and discrimination would affect many millions of people and hundreds of millions of traffic annually; and in the very region where the opening of the Panama Canal will admittedly discriminate against it as compared with its competitors.

WEST NEEDS CANADIAN CANALS.

The Central West needs the free and equal use of the Canadian canals and the St. Lawrence River, and must have them for its development and welfare. The existing conditions are satisfactory and conducive to prosperity. But such a change as advocated by the minority might precipitate a conflict which

would be disastrous in the extreme, and injure still further the great section already yielding by the canal more than its share to its competitors on the coasts. The Canadian commerce upon the Great Lakes no longer has use for our Soo Canals, and need no longer fear the reprisals of our statutes providing for discrimination in case Canada refuses to agree to our construction of the treaties relative to the canals. If Canada shall see fit to adopt, in reference to its Soo and Welland Canals, the exact construction the minority contends for the use of the Panama Canal, our commerce would be nearly helpless. Canada could use its own Soo Canal and would not mind any discrimination in the use of our Soo Canals. If we discriminated in the use of the St. Clair Channels, Canada could retaliate in the use of the St. Lawrence River. This but illustrates the dangers of such a policy sought by the minority.

It is submitted that such possibilities for evils to large sections of our country should not be precipitated by selfish interests, and they are passing the limits in their greed to help some petty special benefits.

POLICIES ENCOURAGE TROUBLE.

Such a condition would be likely to extend over the whole domain of our diplomatic relations in our use of foreign and international waterways. A deliberate breach of international good faith as to this most important treaty, would subject this Nation to suspicion everywhere—at home and abroad—of unreliability and perfidy. No nation could deal with us on the assurance that our most solemn agreements would be respected in case selfish private and local interests could persuade to the contrary. No one could safely trust our national agreements, in the fear that greedy and influential interests might at any time compel a violation of them. Such an example would impair the moral character of our own people and subject our public action in domestic and international matters to the severest test of corrupt pressure. The time to stop this greed and narrowness and consequent injury to our people and our Nation, is at its inception.

REPUTATION INJURED.

Such a reputation, lack of respect, and unreliability would injure our foreign relations of all sorts, and foreign nations would discriminate against us whenever possible. No one can overestimate the benefit of the highest credit and character in the world's affairs. Throwing it away now, as sought by the minority, would cost our people beyond measure and require years to recover, after its realization.

The domestic commerce itself would suffer also. The conditions of "equality and neutrality" are the basis of international agreements. When equality is not agreed to, then must "neutrality and fair dealing" cease also. If our coastwise trade be not subject to such rules of equality and neutrality; no one could foretell the evil consequences which might ensue in case of war, which might involve the Canal Zone. No nation would sympathize with its plight; and all the world would be glad to see it suffer; since it, by its own selfishness, would not be protected by the rules of the canal treaty and by the rules of neutrality.

REQUIRE LARGER MILITARY FORCE.

Such a condition of discrimination and dissatisfaction would require an enlarged armament and still more expensive military and naval preparations; to properly protect the coastwise commerce, from which the rules of neutrality are withdrawn and against which there would be constant and just discrimination and resentment. No one can foretell the difficulties to us, but we would begin to realize the benefit of preserving inviolate our faith and honor, and maintaining in all fairness and justice this international agreement and our pledges solemnly undertaken.

TRUE POLICY.

The true policy of Congress and our Government should be to treat every nation, all trade, every vessel, and citizen with the same fairness and equality. This will insure the largest use of the canal, the most agreeable sentiment toward it in the world's commerce. The majority of the committee has endeavored to do this and that commerce shall not be burdened in any way by it. Under these conditions we are confident that with the good opinion of the world, the natural and tremendous increase of our foreign and domestic commerce and development, will compensate our people for their vast expenditures.

The triumphs of the decade of construction are a just pride of a sensitive and mighty people, but this brightness will fade and these glories resolve to ashes, unless a similar constructive genius and an unswerving integrity shall compel these labors and sacrifices to contribute to the Nation's honor and prosperity. Our people must cast aside their prejudices and local self-interest, realize to the full their broad responsibilities and obligations, and appreciate the breadth and magnitude of the tasks and problems which confront them; if they do then, as in the past, we can face the future with confidence, that the most gigantic work of the ages will add its full share to the welfare and fame of our common country.

Treaties and acts of Congress relating to the Isthmian Canal.

Convention as to ship canal connecting Atlantic and Pacific Oceans, 1850. (Clayton-Bulwer treaty.) Concluded April 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850. (Treaties and Conventions, 1889, p. 440.)

ARTICLES.

I. Declarations as to control of canal, occupation of territory, and commercial advantages.
II. Neutrality of canal in case of war.
III. Protection of construction.
IV. Mutual influence to facilitate construction.
V. Guarantee of neutrality.
VI. Cooperation of other States.
VII. Mutual encouragement to speedy construction.
VIII. Protection to other communications.
IX. Ratification.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honorable Privy Council, knight commander of the Most Honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Brittanic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people for the purpose of erecting or maintaining any such fortifications or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE II.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guaranty are granted conditionally and may be withdrawn by both Governments or either Government if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guaranty without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass, between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations and expended time, money, and trouble on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking, it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE VIII.

The Governments of the United States and Great Britain, having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of, as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on the terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE IX.

The ratifications of this convention shall be exchanged at Washington, within six months from this day, or sooner if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington, the 19th day of April, A. D. 1850.

JOHN M. CLAYTON. [SEAL.]
HENRY LYTTON BULWER. [SEAL.]

Treaty between the United States and Great Britain to facilitate the construction of a ship canal. Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE II.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE III.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE IV.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE V.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of February, A. D. 1902, and of the independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY,
Secretary of State.

Mr. Chairman, I wish to be notified at the end of 30 minutes.

Mr. Chairman, in addressing this committee this afternoon as briefly as I can, I shall confine myself to the subject of the treaty rights of our own and the other nations concerning the canal; but, before discussing that subject, I wish to say just this about what has been said by the preceding and other speakers in favor of free tolls, concerning the help to the transcontinental railroads, that provision in the bill would be. I desire to say that all the testimony is before the House; every word of it. Nobody appeared before the committee against the proposition of free tolls among those interested, though our traffic expert, Dr. Johnson, and Col. Goethals, chief engineer of the canal, so testified. The only witnesses who appeared

before the committee, interested in the subject, were those in favor of free tolls. So this committee will realize that if there were any one class of men in this House who have not desired under any circumstances to help any railroad or any special interests through the operation of the Panama Canal it would be the majority members, as to this bill on both sides of the aisle, of the Committee on Interstate and Foreign Commerce.

The chairman, the gentleman from Alabama [Mr. RICHARDSON], the gentleman from Tennessee [Mr. SIMS], the gentleman from Missouri [Mr. HAMLIN], the gentleman from Colorado [Mr. MARTIN], the gentleman from Texas [Mr. SMITH], the gentleman from Illinois [Mr. SABATH], the gentleman from Maine [Mr. GOULD], the gentlman from Ohio [Mr. GOEKE], the gentleman from Wisconsin [Mr. ESCH], the gentleman from New York [Mr. MICHAEL E. DRISCOLL], the gentleman from South Dakota [Mr. MARTIN], and the gentleman from Michigan [Mr. HAMILTON], I have only to name them to the Members of this House to give this House the full assurance that those men have guarded and will guard the interests of the people to the utmost limit, and would allow nothing to be contained in the bill for the purpose of helping the interests of the transcontinental or any other lines or any other special interests. I think it only justice to them to have some statement like this placed in the RECORD. [Applause.] The majority of the committee believe that the reasons why we should not have free tolls are national and not local. With the exception of the very excellent address of the gentleman from Michigan, who takes a broad international standpoint, the other addresses have been simply local and designed to help special local interests on the Pacific coast, and that has been their standpoint in considering this matter. I wish to address this committee on the important questions from the broad national standpoint as worthy of the greatest engineering triumphs of the ages. The reason why we did not have free tolls are in substance these: First, because such a policy would clearly and plainly violate the solemn pledges of our Government and our international good faith.

Second. Such a policy would improperly and greatly injure the interests of our country among the other nations of the world, would greatly injure and impair our foreign trade, and injure our investments and interests in other countries.

Third. The policy of free tolls in the coastwise trade would not add one single vessel to the American merchant marine, as testified before our committee and which is contained in the testimony, and it would not make any appreciable difference to the consumers of the country, and so would not subserve any public purpose for our people.

Fourth. The enormous expense of operating that canal is little realized. Col. Goethals testified that the annual expense, including interest, would be between $27,000,000 and $28,000,000. Dr. Johnston testified before the Senate committee that the expense would be about $30,000,000 per annum. Other eminent authorities have testified, taking into consideration all the different phases of the expense caused by the canal, that the annual expense, including interest, would be between $40,000,000 and $50,000,000 per annum. Everyone realizes there would be a very great reduction of freight rates—anywhere from 25 to even 60 or 70 per cent. Why, in all fairness, should not this commerce, so greatly benefited by that reduction of freight rates, pay its share of the enormous burden, maintained throughout all time, of $40,000,000 or $50,000,000 per year upon the American people?

Fifth. These gentlemen, in discussing the economic features, all assume that the present system of blanket freight rates from the East to the coast will continue. The Interstate Commerce Commission in not less than three recent cases and in their last report have clearly indicated that their policy in the future would be to gradually abolish the blanket rates and establish a system of zone rates or something of that sort. If that be true, the present system by which the Central West competes with the coast would be abolished, because the coast rates, on account of water competition, would be lower than the interior rates, as they ought to be when the canal shall be finished. And when that shall be done it will benefit the coast producers and the merchants very much more than it can possibly benefit the interior merchants and producers. That benefit is just, and ought to be expected; but why, in addition, should the merchants and producers of the Pacific coast ask—in addition to these tremendous benefits which they are bound to receive from tolls, so that they can discriminate still further against the producers and merchants of the Central West—to take additional trade territory away from them? That is not natural, fair, or just. And yet that is practically the only effect of free tolls—to subsidize the coast interests at the expense of the interior.

Mr. MADDEN. Will the gentleman yield to a short question at that point? I was wondering whether this bill made any regulation for the making of rates by water by the Interstate Commerce Commission.

Mr. STEVENS of Minnesota. No; it does not.

I am about to discuss the subject of treaties, but I am just outlining in a general way why we should not have free tolls.

Now, six. The language of this treaty concerning the Panama Canal is almost identical in language with other treaties concerning not only the canals upon the Great Lakes, but other international waterways in which we are interested; and if the policy be adopted of providing by an implication—remember, by an implication—that our coastwise trade can be excluded, that same construction can be fairly allowed to other treaties concerning other national waterways. Consider the national waterways of the Great Lakes. The Canadian Soo last year passed 32,000,000 tons, three-fourths of it American tonnage. The Welland Canal last year passed 775,000 of American tonnage—all of this American trade. Now, if we discriminate against Great Britain under this treaty as to their coastwise trade, under similar language Canada and Great Britain can discriminate against us upon the coastwise trade of the Great Lakes, very much more important than the trade which can go through the Panama Canal. Now, those are in brief——

Mr. DOREMUS. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. DOREMUS. I merely wanted to ask the gentleman if he recalls the last time Canada attempted a thing of that kind.

Mr. STEVENS of Minnesota. I will show that to the gentleman very clearly after a little.

Mr. DOREMUS. I wish he would explain that.

Mr. STEVENS of Minnesota. I will before I get through. I do not think the gentleman will be exactly satisfied with the situation, but I will be glad to do it.

That is the outline of the reasons why we ought not to have free tolls. In discussing the provisions of the treaty—and that is what I shall address myself to this afternoon—it is well to understand what the treaty is. The main proposition in this controversy is the treaty between Great Britain and the United States, made in 1901, and known as the Hay-Pauncefote treaty, which covers the Panama Canal. The Panama treaty contains the same, in substance, and discussion of the English treaty will cover the whole subject. The contention is concerning the provisions of article 3, containing six different sections. The first section of such article is the main section in dispute, and I will read the substance of it, so that the committee can have it clearly in mind.

The canal shall be free and open to the vessels of commerce and of war of all nations—

No qualification or exception—

of all nations observing these rules—

Notice that—

on terms of entire equality—

Notice that—no qualification or exception—

so there shall be no discrimination against any such nation or its subjects or its citizens in respect of the conditions or charges of traffic or otherwise.

In other words, the language of that section is just as plain as can be that the charges as to all vessels, of all nations, their citizens, their subjects, shall be on terms of entire equality, without any discrimination against anybody.

Clearly that covers every nation observing these rules. It covers all kinds of trade observing these rules. The language is plain.

But these gentlemen insist that there must be something else implied from that. The gentleman from Washington [Mr. HUMPHREY] insisted that the words "other nations" do not include the United States at all; that it excludes both coastwise and foreign trade. As I gather from the minority report, they only imply that the coastwise trade shall be excluded. They deduce that by implication, so that whatever basis they rest upon must be by implication from the plain terms of the treaty. There must be an exclusion of such coastwise trade by implication. It certainly is not directly provided.

There is nothing in the treaty itself that allows free tolls. It must be an exception implied by the general conditions of the treaty, and that is the only possible way.

Now I shall discuss that phase of the subject and, first, the intrepretation of the treaty itself. Article 1 provides that the canal may be constructed in either one of three different ways: First, by the United States itself directly, at its own cost; or, second, by a gift or loan of money—that, I presume, is by a guaranty of bonds to individuals or corporations—and, third,

by subscription to or purchase of stocks or shares, such as has been done by some nations as to Suez Canal.

There are three different ways by which the canal itself can be constructed. Now, I doubt if any of these gentlemen have the hardihood to assume that if the canal were to be constructed by a private corporation, as the Suez Canal was constructed, there would be any implication in this treaty by which that private corporation would be obliged to give free tolls to private vessels. I doubt if anyone would have the hardihood to assume that. And yet the language of the treaty and the rules and regulations of the treaty are identical concerning the three different methods of construction. The United States by this treaty is created as a corporation solely for the purpose of constructing and operating that canal, with identically the same provisions, the same responsibilities, and the same rights as though that canal had been constructed by a private corporation.

Now, this treaty and all its provisions are based on the Suez conditions. The Suez Canal was constructed by a private corporation, just exactly as this might have been constructed by a private corporation. The language of the Suez treaty, I say, is almost identical with this one in many respects; and this provision is based on the Suez rules, and nobody can contend that the Suez Canal can be compelled or allowed to give a preference to any vessel of any nation. On the contrary, there is an express prohibition against it, with one exception. Section 12 of the convention concerning the Suez Canal provides that the rights of Turkey, as the territorial owner, are expressly excepted. There is an express exception for Turkey, whereas there is no express exception in this case for the United States. So that it is clear that if any express exception had been desired for our own vessels, based on the analogy of the Suez Canal, it ought to have been stated. But it was not stated, and in all fairness, under any rules of construction, no express exception should be implied.

Now, second, article 3 is the main article in this treaty. It regulates the operation of the canal, the method of tolls, and the method of neutralization, and the last five sections regulate the method of neutralization. It will be noted that the two subjects belong together—equality of tolls and treatment and neutralization.

The two things are integrally connected. They are connected necessarily, for the reason that if any nation has a preference, and if any nation is at a disadvantage on account of that preference, such a nation which is at the disadvantage necessarily would not be willing to concede that neutrality should exist to the nation that is favored. Necessarily that is so all over the world in every treaty which has been made, that equality should coexist with neutrality, and the two are always placed together. I will insert in the RECORD very many cases and the remarks of very many of our statesmen and publicists to the point that neutrality and equality are inseparable.

Now, if by implication you exclude the coastwise trade from the provision as to equality, you necessarily exclude it from the exception as to neutrality. You do that necessarily, because they belong together, and that is clearly stated in the report of the Senate Committee on Foreign Relations, which reported the original Hay-Pauncefote treaty, in which Senator Davis, probably one of the great international lawyers of his day and generation, covered that point in a short clause, which is found on page 12 of the Senate report on the Hay-Pauncefote treaty:

> In conditions that may not be entirely remote we should find this provision, in letting our ships through the canal free from capture by our enemy, of great security to our coastwise trade.

And the same matter is discussed by Prof. John Bassett Moore, probably the most eminent of our publicists, in holding that if an exception be made as to equality, that exception must also be made as to neutrality. And yet the very essence of the existence of the treaty is that there must be both equality and neutrality.

Again, there has been discussion of the language of the preamble to this treaty and its connection. Now, everybody knows what a preamble is for. It is mainly for two purposes: First, to show the reason for the existence of the instrument and why it was made effective; and, next, to show how it should be construed, to make effective the reasons for its existence. Those are the two things that a preamble is for.

This preamble provides, in substance, that this treaty is made without impairing the general principles of neutralization established in article 8 of the Clayton-Bulwer treaty. Now, what does article 8 provide as the general principle? It provides three things: First, that there should be equality between the vessels of Great Britain and the United States—equality as to all vessels, not coastwise merely, but equality as to every kind of vessel; second, that there should be neutrality; and, third, joint protection. But gentlemen say it might be inferred that the word "equality" in this article 8 is so broad that coastwise vessels might be excepted, the same as it is desired to except them from the Hay-Pauncefote treaty. It is fortunate that that very word has been construed by the action of our own Government.

In 1895 Secretary of State Olney, of the last Cleveland administration, in his memorandum concerning the construction of these words, as to what constitutes "general principle," stated that these terms can be best understood by examining the previous seven sections of the Clayton-Bulwer treaty and ascertaining the reasons for its existence and the meaning of the terms and how they should be applied.

Now, the chairman of the committee [Mr. ADAMSON] yesterday read into the RECORD three different provisions of the Clayton-Bulwer treaty, in article 1, article 5, and article 6. I will place them in the RECORD; but they provide, in substance, that the making of this treaty and the existence of this canal shall be to secure the utmost equality—perfect equality, I think, is the term used—of the ships of all nations, and especially of Great Britain and the United States; and the language is expressly used, so that the ships of neither one, neither the United States nor Great Britain, shall be placed at a disadvantage or particular advantage on account of the existence of the canal. In other words, the making of the canal shall not operate in any possible way to place our ships at an advantage of Great Britain or the ships of Great Britain at an advantage of the United States.

Mr. LEWIS. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. LEWIS. I want to inquire whether the Suez Canal was subject to the same treaty attachments and obligations that are spoken of now with reference to the Panama Canal?

Mr. STEVENS of Minnesota. Practically, and the Hay-Pauncefote treaty is based upon the Suez treaty, with practically the same obligation.

Mr. CANNON. Will the gentleman allow a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. CANNON. We exclude all countries from our coastwise trade?

Mr. STEVENS of Minnesota. Yes.

Mr. CANNON. It is not proposed to open it to any country?

Mr. STEVENS of Minnesota. Not that I know of. I hope not.

Mr. CANNON. How is it possible that this treaty should cover the coastwise trade so far as the tolls are concerned? It is free of cost on our seashore through our possession of the Panama Canal, and how can it be claimed, even granting, for the sake of the argument, that the gentleman's construction is not a strained one as to the foreign commerce—how can it be held that, as we monopolize our coastwise trade, Great Britain would be able to complain, by any construction of the treaty, that we could not relieve that coastwise trade from tolls?

Mr. STEVENS of Minnesota. I should be glad to answer the gentleman, but I would like to do it in my own way by continuing as to the construction of the treaty itself.

Mr. CLINE. Will the gentleman yield for a question right in that line?

Mr. STEVENS of Minnesota. I will yield to the gentleman.

Mr. CLINE. According to the rule of implication, if we purpose to relieve our own coastwise trade, is it not fair to include in it the other party to this contract, and also include the coastwise trade of Canada?

Mr. STEVENS of Minnesota. Yes; and I will discuss that at some length in a few moments. Now, gentlemen, the point I am trying to make is that the Clayton-Bulwer treaty provided clearly that the vessels of Great Britain should be treated just the same as the vessels of the United States, both coastwise and foreign; that that is the general principle which is provided, and that is shown in the preamble. In other words, the words "general principle" in the preamble required that there should be entire equality of treatment of all vessels, all traffic, and all trade, and in a few minutes I will show that that has been the construction put upon it by the United States itself as to the coastwise trade as applied to these words, and that is why I asked the gentleman from Illinois to wait for an answer to his question.

The United States itself has construed these identical words in the canal treaty and that in the Clayton-Bulwer treaty as requiring that the coastwise trade should be included in its terms and can not be excepted. I think that will answer the gentleman when I show him what the Congress and our Government has done.

But one thing more as to the making of the treaty.

Mr. FORDNEY. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Yes.

Mr. FORDNEY. Is it not true that England rebates the tolls collected from her vessels?

Mr. STEVENS of Minnesota. Yes; and that is entirely valid under these treaties. We could do the same thing.

Mr. MARTIN of Colorado. I do not agree with the concession the gentleman from Minnesota has just made, that England rebates the tolls collected at the Suez Canal.

Mr. STEVENS of Minnesota. Perhaps I made my statement a little too broad. The gentleman from Michigan asked if it is not lawful under the treaty to have that done.

Mr. MARTIN of Colorado. No; I beg the gentleman's pardon; the gentleman from Michigan asked the gentleman from Minnesota if England did not rebate the tolls through the Suez Canal on her vessels.

Mr. STEVENS of Minnesota. Well, that is immaterial to this discussion.

Mr. MARTIN of Colorado. I shall undertake to show, when I get time, that England does not rebate the Suez Canal tolls.

Mr. STEVENS of Minnesota. Now, Mr. Chairman, a few words concerning the origin of the treaty and what was intended to be accomplished by the treaty. The treaty was initiated in 1898 by Secretary Hay himself, after the war with Spain had been finished. It was initiated by letters to the American Embassy in London, asking the American Embassy there to ascertain from the British foreign office upon what basis a new treaty could be made to supplant the existing Clayton-Bulwer treaty. The British foreign office made its statements, and they are on the files of the State Department and open for inspection by anybody who wishes to see them. The British foreign office stated clearly three things: First, that the British vessels of all kinds must be treated on even terms with our vessels of all kinds. There is no qualification or exception about it. It was a fair proposition. Second, there must be perfect equality; and, third, that the charges must be fair, just, and equitable.

Secretary Hay at once replied that these conditions were fair because they were a part of the historic policy of this country for more than 50 years—that the treatment must be identical among the vessels of all kinds, coastwise and foreign. Now, Secretary Hay stated that and the British foreign office agreed to that.

Mr. MADDEN. Was the word "coastwise" used?

Mr. STEVENS of Minnesota. It was used in a memorandum to us by Secretary White in the State Department. The treaty was framed in accordance with these provisions embracing this language. After I describe the conditions on the Great Lakes the gentleman will see why this language appears.

Mr. CANNON. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. CANNON. Was this pending the negotiation of the treaty, this construction of it, or after it was negotiated?

Mr. STEVENS of Minnesota. It was pending the negotiation—before it was negotiated.

Mr. CANNON. Then it was a mere part of the sparring back and forth.

Mr. STEVENS of Minnesota. No; but they agreed to it.

Mr. CANNON. Is it in the terms of the treaty that they agreed to it?

Mr. STEVENS of Minnesota. Yes.

Mr. CANNON. Using the word "coastwise"?

Mr. STEVENS of Minnesota. No; that is not necessary, as the gentleman will see in a few minutes as we proceed.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. CULLOP. After that was done, when the treaty came before the Senate for ratification, it was then and there so construed, was it not?

Mr. STEVENS of Minnesota. Yes.

Mr. CULLOP. And an amendment was offered not to include the coastwise trade, and was voted down by a vote of 23 to 46.

Mr. STEVENS of Minnesota. Mr. Chairman, I am very glad that the gentleman from Indiana has recalled that to my mind. On page 16 of Senate Document No. 85 Senator Bard, of California, offered an amendment that coastwise business should be excluded. That was voted down.

The CHAIRMAN. The Chair will inform the gentleman from Minnesota that he has now consumed 30 minutes of time.

Mr. STEVENS of Minnesota. I shall take 10 minutes more, Mr. Chairman.

Mr. MANN. Mr. Chairman, may I ask the gentleman whether the memorandum to which he refers in the State Department was submitted to the Senate with the documents that were submitted?

Mr. STEVENS of Minnesota. It was submitted in a memorandum of Secretary Hay himself.

Mr. CANNON. In that same connection, will the gentleman also explain, touching the language to which he refers, if it is not true that the talk about the coastwise trade in the negotiations referred to the coastwise trade of Canada through the canal and not the coastwise trade of the United States?

Mr. STEVENS of Minnesota. Not at all. The only memorandum that exists in the State Department is a memorandum attached to the letter of Henry White, the chargé at London, and that memorandum states the view of the British foreign office, that there must be, as I think they say, perfect equality of all vessels.

Mr. MANN. Was that memorandum submitted to the Senate?

Mr. STEVENS of Minnesota. Secretary Hay submitted a lengthy memorandum of his own to the Senate, a very lengthy memorandum. The files of the State Department, of course, were not sent up there, but the memorandum contained the views I have just stated.

Mr. MANN. And that memorandum is printed?

Mr. STEVENS of Minnesota. Yes.

Mr. MANN. What I wish to inquire is whether the gentleman was calling attention to some secret information in the State Department which was not submitted to the Senate.

Mr. STEVENS of Minnesota. No; it is a matter of public record, and is noted in Moore's International Law. That is how I found it.

Mr. MANN. I think it was not submitted to the Senate. It was not before the Senate.

Mr. STEVENS of Minnesota. I do not suppose those identical papers were.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. ADAMSON. Mr. Chairman, I do not wish to contribute unnecessarily to the consumption of the gentleman's time, but before he gets away from his colloquy with the gentleman from Illinois [Mr. CANNON] I wish to call his attention right in this connection to the well-established rule, supported by unbroken precedent, and he can publicly challenge it now, forever, everywhere, that whenever a treaty is formed and no express mention is made therein of a distinction between coastwise and foreign trade there is no difference in the treatment, and every time an exception is made a reason exists and is shown for it.

Mr. STEVENS of Minnesota. The gentleman is entirely right, as I will show clearly.

To follow the suggestion of the gentleman from Indiana, Judge CULLOP, the conclusive reason under ordinary circumstances, when an amendment exempting coastwise trade is offered to a general provision which would include the coastwise trade, is that the Senate evidently did intend to retain the coastwise trade within the general provisions of the treaty. That is the natural use and construction of such language. The minority met that by a private letter from the late Senator Bard, of California, in which he stated that of course the Senate understood that the terms of the treaty might imply that coastwise trade be excepted just the same as fortifications. As to that there is only this to say: Senator Bard's amendment was offered in terms to article 3 of the treaty.

Article 3 provides, in substance, that the United States shall invite other nations to adhere to the terms of the treaty, and therefore Senator Bard offered an amendment to an article of the treaty which was not germane and of no consequence at all, and only a page before of this very pamphlet it shows that article 3 had been already stricken out on a motion of Senator Foraker, and that Senator Bard knew nothing about it. So Senator Bard's statement was known in the Senate or believed in the Senate that the implication excepted coastwise trade. It can be realized, the value of such a statement, since he did not know that there was not any such article in the treaty to which he offered the amendment. Further than that, there are 13 Senators in the Senate now who voted against it. Senator Frye from Maine and Senator LODGE offered bills as to Panama Canal tolls directly the contrary to the views expressed by Senator Bard, but in accordance with the views of the gentleman from Michigan, that the treaty does not allow inequality or discrimination; that the treaty does not allow discrimination in tolls; if we desired to help our coastwise trade it must be done by a direct appropriation from the Treasury. Now, those bills are a part of the files of this Congress and I will insert them in my remarks.

Mr. KNOWLAND. If the gentleman will permit me, I will read out of my own time from a letter of Senator Bard to me. In this letter which I have from Senator Bard he says:

I find I have omitted to say that when my amendment was under consideration it was generally conceded—

And he underscores the words "it was generally conceded"—

by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce forbidding the discrimination for charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment.

Mr. STEVENS of Minnesota. Mr. Chairman, I say that Senator Bard knew nothing about it, as is evidenced by a man who offers an amendment to a section that is not in existence. The fact that the most eminent Members of the Senate who voted on the subject entirely disagreed with Senator Bard, who did not believe it was proper to give them free toll, and two of them have introduced bills; and one bill is now pending in the Senate, based on the fact that the treaty did not allow a discrimination as to coastwise trade.

Mr. KNOWLAND. Does my colleague think that Senator LODGE does not believe that we can do this?

Mr. STEVENS of Minnesota. I say Senator LODGE has a bill pending in the Senate, based on the same proposition advanced by the gentleman from Michigan, that in order to help our coastwise trade we can not do it by free tolls, but it must be done by direct appropriations from the Treasury, and I will insert that bill in my remarks.

Mr. KNOWLAND. Senator LODGE authorized a gentleman in this city to telegraph to the railroad commission of California that he believed that could be done.

Mr. STEVENS of Minnesota. I will place in the RECORD the matter and the gentleman can judge just as he pleases. His official record is to the contrary, and if the gentleman's information concerning Senator LODGE is about as reliable as that concerning Senator LODGE I hardly think that a great international work can be based upon that sort of information.

Mr. KNOWLAND. The gentleman does not question the reliability of this letter?

Mr. STEVENS of Minnesota. Oh, no.

Mr. ALEXANDER. If I understood the contention of the gentleman, we can not discriminate in favor of American shipping or the coastwise over foreign trade.

Mr. STEVENS of Minnesota. That is my contention.

Mr. ALEXANDER. I take it you concede this Government may, out of the Treasury, appropriate money to pay the tolls of American ships going through the canal.

Mr. STEVENS of Minnesota. Oh, yes; I think there is no doubt about it.

Mr. ALEXANDER. Would not that be a violation of the treaty to do that, but if we can do that indirectly, in other words, in the first instance, if we charge ships going through the canal a certain toll and then we reimburse them out of the National Treasury, is not that a violation of the treaty and can not we do that directly that you concede we can do indirectly?

Mr. STEVENS of Minnesota. Well, I am very glad to answer that, because the same thing is done at Suez, and the reason for it is this: The treaty provides that all nations, our own and others, must be placed on a basis of equality; that is, when we pass through the canal we are to be all treated just exactly alike. Now, each nation determines for itself when it reaches that canal as to its own policy of helping its ships through there based on an equality so far as going through the canal is concerned, but if our Nation insists on giving free tolls to its own ships on the canal, it then places itself on an inequality, and treats itself then differently from the way other nations are treated.

So that the very moment we place ourselves on a different class than the other ships of other nations, we place ourselves in a different situation from other nations. We treat them and their ships upon inequality, and the treaty requires equality, and that can only be done by allowing each nation to decide for itself what it shall do for its own shipping at the entrance of the canal. That is the doctrine of the regulation at Suez and that is the doctrine as to this canal.

Mr. MOORE of Pennsylvania. Will the gentleman then explain why subsequent to the two treaties with Great Britain a treaty was entered into with the Government of Panama by which free tolls were allowed to vessels belonging to that Government?

Mr. STEVENS of Minnesota. I will get to that. But now I want to say a word as to the fortifications.

Mr. MOORE of Pennsylvania. Will the gentleman take that up?

Mr. STEVENS of Minnesota. I will be very glad to do so and follow it next.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEVENS of Minnesota. Ten minutes more, Mr. Chairman.

There was a prohibition against fortifications in the original treaty and then a sort of contradictory amendment in the Senate allowing defenses in a sort of way. And when these provisions were stricken out both Secretary Hay and Lord Lansdowne, the British foreign minister, sent memoranda, and in both of them it was stated that the language of the treaty as it now stands allowed fortifications, and the burden was upon the United States itself to defend that canal, its neutrality, and guarantee its protection in its own way. I will place those views in the RECORD.

But if the burden is upon the United States to use its land and naval forces to protect the canal, to protect its neutrality, and to protect its rights, it can use in the management of the canal those public vessels belonging to the Government which may be necessary to be used for canal purposes, as set forth in the treaty. And for that reason the United States has a right to send its war vessels through the canal, and the same right and necessity exists for sending the vessels of the Republic of Panama through the canal, for the purpose of making effective the purposes of the treaty.

Now, article 4 of the treaty provides that the sovereignty of the zone, the change of sovereignty, shall not affect the rights under the treaty. So the burden is upon the United States to see that article 4 is enforced, that the sovereignty of the zone is protected, and the rights under the sovereignty are protected. In order to do that and carry it into effect we provide that Panama shall protect its own sovereignty, subject to the general protection of the United States. In our treaty with Panama we stated then, "You do your own policing, you provide your sanitation, provide harbors of refuge for all vessels free of expense, and the vessels and forces necessary to protect such things," and for that purpose we let the public vessels of Panama which are required by that treaty through the canal free of expense.

Mr. MOORE of Pennsylvania. It is only a question of whether we could make that exception in our own behalf.

Mr. STEVENS of Minnesota. We do. We let our own public vessels, owned and used by the Government for public purposes, not private vessels, with nothing to do with commerce and trade and nothing to do but to protect the sovereignty of the canal, go through free of toll.

Mr. HUMPHREY of Washington. Will the gentleman yield? In the treaty the vessels of commerce and of war are in the same sentence and connected together, are they not, in which it says "vessels of commerce and of war"?

Mr. STEVENS of Minnesota. Certainly.

Mr. HUMPHREY of Washington. How can you let war vessels through free and not let commercial vessels through, when exactly the same language is used in the treaty as to both?

Mr. STEVENS of Minnesota. For this reason: The words "public vessels" in the bill, including Government vessels, are for the purpose of defending the canal and its neutralization. In the treaty those words refer to those vessels not necessary to protect the canal. Lord Lansdowne and Secretary Hay agreed clearly upon this point, that under the treaty the United States clearly had the right to use its own forces, including war vessels, to protect the sovereignty of the United States and of the zone and to regulate the management of the canal, to preserve neutralization, and all those things. It is as necessary for us to use our own war vessels for protection and defense, just the same as we use our own public vessels for carrying out the purposes of the canal management under the treaty.

Mr. MOORE of Pennsylvania. Does the agreement as to the Suez Canal allow vessels of commerce belonging to Turkey to pass through on more favorable terms?

Mr. STEVENS of Minnesota. It makes an exception as to the territorial sovereign. Turkey can do as it pleases under such an express exception.

Mr. MOORE of Pennsylvania. Then, Turkey is not on all fours——

Mr. STEVENS of Minnesota. It is. If we desired an express exception, we should have said so at the time. We did not say so at the time.

Mr. MOORE of Pennsylvania. In other words, we have lost our chance?

Mr. STEVENS of Minnesota. The gentleman has stated the matter accurately. We have lost our chance. Now, one thing more——

Mr. FORDNEY. Would not it be right that you should have the privilege to rebate tolls to the American ships?

Mr. STEVENS of Minnesota. I did not say that. I say we have no right to pass them through free and pay them afterwards. We have the right to rebate them under just such a bill as has been introduced by the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Then, conceding that again, would we not have the right to have American vessels enter into an agreement with this Government that their ships shall be used as auxiliaries to our Army and Navy, and for that consideration receive a rebate of the tolls?

Mr. STEVENS of Minnesota. Well, Mr. Chairman, the language of the bill is very direct. It says "public vessels of the United States." Whatever shall be necessary for the protection of the canal, for the protection of the sovereignty of the United States and of Panama, as applied to the canal, undoubtedly could go through free. But that is for the executive departments or the canal authorities under the bill to decide.

Now, one thing further. These gentleman have very generally argued that the Clayton-Bulwer treaty was wholly superseded, and that there was no contract, no reason, no consideration for the existence of the Hay-Pauncefote treaty, and that we got the worst of the bargain, and that there is nothing in it for us to enforce, so far as coastwise trade is concerned.

Let me call the attention of the committee to this: When Secretary Hay was obliged to negotiate for this treaty he was confronted with this situation: Under the existing treaty, as all our administrations had admitted, Great Britain had certain rights, territorial rights, shadowy in a way, but she had rights of joint protection and control of any interoceanic canal. It was absolutely necessary, the United States and most of our statesmen believed, to get rid of those rights. Now, Great Britain, on the other hand, said: "We will give you the sole right to build the canal and run it in your own way, provided you take equally as good care of our commerce as you do of your own," so that when we came to make the bargain, we said: "You yield the right of joint protection over the canal, and any shadowy right you may have in Central America, and we in our turn will yield our preferential rights in behalf of our own commerce and place yours and ours on the same basis."

The words of the treaty carry out exactly that bargain. Now, let me read the final result of the action of the United States. When President Roosevelt submitted the Hay-Pauncefote treaty to the Senate he stated in his message that this treaty did not impair the general principle of neutralization which I have described. When he finally promulgated the treaty he stated in his proclamation of promulgation that this treaty did not impair the right, under general principles of neutralization of treating all nations alike under these treaties, and then he added these significant words:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States, have caused the said convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In the exact language of the treaty itself the President of the United States bound us solemnly and morally, as a Nation and as a people, to observe every article and clause of that treaty and all the terms thereof. So that our own Government, our own officials, our own history, the very reason for the existence of the treaty itself, compel us to treat all vessels of trade, either coastwise or foreign, alike.

Mr. WILDER. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. I yield to the gentleman from Massachusetts for a question.

Mr. WILDER. Is there anything in the Clayton-Bulwer treaty or in the Hay-Pauncefote treaty that lets England in any way into our coastwise trade?

Mr. STEVENS of Minnesota. No, sir.

Mr. WILDER. Then, manifestly unequal things are not equal, and if England can not get into our coastwise trade under any circumstances, how can England be put upon a par or equality with our own coastwise trade? She is not in it at all, and if she is not in it at all, how can there be any discrimination against her where she is not involved?

Mr. STEVENS of Minnesota. I will tell the gentleman. The treaty was made to cover just this point: England desired that her commerce should not be placed at a disadvantage with our commerce; she desired that her citizens should not be placed at a disadvantage with our citizens, on account of the construction of the canal. Now, the citizens of the Maritime Provinces have in many ways competing business with the citizens of New England. The people of Mexico and Central America have competing business with the citizens of our Middle West and the southern Gulf States, and the citizens of the British Provinces on the Pacific coast have competing interests with our citizens on the Pacific coast.

Especially the people of the northwest Pacific coast of the United States have competing business interests with the Canadian Pacific coast. Now that treaty was framed for the purpose of allowing all British vessels and British business interests and British citizens to have exactly the same rights through that canal and at the canal that similar interests of our own people have had. In other words, that in the use of the canal their competing trade should not be placed at a disadvantage with our competing trade, and that was the very reason why Great Britain consented to that treaty and yielded its own rights so that that should be done, and we agreed that it should be done.

Mr. WILDER. Quite right; but the line of demarcation clearly is where we come in competition with British vessels.

Mr. STEVENS of Minnesota. The gentleman is entirely wrong, and if he will allow me and will be patient I will reach that point and show him that our Government itself has decided that exact contention directly to the contrary. I will come to that right now.

The CHAIRMAN. The gentleman has consumed 50 minutes.

Mr. STEVENS of Minnesota. Mr. Chairman, 10 minutes more.

The CHAIRMAN. The gentleman has 10 minutes more.

Mr. STEVENS of Minnesota. In 1871 the United States concluded at Washington a treaty with Great Britain concerning the use of the canals on the Great Lakes. Article 27 of that treaty reads as follows:

Her British Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.

Now, let me read the canal treaty. Remember the Canadian treaty provides the use of the Canadian canals "on terms of equality." The canal treaty provides:

All nations observing these rules on terms of entire equality, so there shall be no discrimination.

Under that British treaty concerning the Canadian canals a very serious dispute arose in 1888. Canada insisted that the words "terms of equality" did not include its coastwise trade, because the coastwise trade of Canada is confined to Canadian interests, just the same as the coastwise trade of the United States is confined to United States vessels. Accordingly the Canadian Government framed rules in council providing for the export of grain; that the tolls on the Welland Canal should be 20 cents a ton; that if the grain that went through that canal was exported from Montreal or east of it a rebate of 18 cents per ton should be allowed on such exports; and then provided later that if that grain was transshipped in Canada the 18 cents should be allowed, but that if it were transshipped in the United States the rebate would not be allowed, but that the whole 20 cents must be paid. At that time there was a great competition beween the Canadian ports on Lake Ontario and the American ports on Lake Ontario as to such transshipment, and the American business interests along all of the Great Lakes, at Duluth, Chicago, Detroit, Buffalo, and Cleveland, all passed resolutions, just as similar ones have passed resolutions now, only they took the opposite position then from what they take now. At that time the Chamber of Commerce of Detroit stated:

We believe that it was the intent of the twenty-seventh article of the treaty of Washington to secure to both American and Canadian vessels and citizens equal advantages in the use of the Welland Canal, the same as is granted to all vessels passing through the St. Clair Flats and Falls of St. Mary.

In other words, these chambers of commerce then took the position that the Canadians had no right to discriminate in favor of their local business, in favor of their local vessels, in favor of their coastwise business and of their own citizens under the words of the treaty "equality of treatment."

The Lake Carriers' Association, probably then and now the largest association of vessel owners in the United States, took very strong opposition to the action of the Canadian Government, and submitted many memorials to the Cleveland administration. President Cleveland investigated the matter very carefully through Secretary Bayard, and sent a message to Congress, in which he insisted that we did not get equal rights with Canadian vessels, because our ports, our trade, our traffic, and our citizens were being discriminated against, because the action of Canada violated the words "on terms of equality." The Canadian Government did nothing, but continued its discriminations, as described.

The matter continued into the administration of President Harrison. President Harrison in due time transmitted two messages to Congress, in which he took the same position as did President Cleveland, that the words "equality of treatment" covered everything—vessels, citizens, ports, routes, traffic, everything. The Canadian Government stated that the

words "equality of treatment" only covered vessels. The negotiations went along until 1892, when President Harrison sent a final message to Congress, which I have here, setting forth all of these facts.

There were two bills introduced in Congress, one in the House and one in the Senate. In the House it was introduced by the Representative from Georgia, Mr. Blount, the chairman of the Committee on Foreign Affairs, and in the Senate by Mr. Davis, of Minnesota. In the meantime the House Committee on Rivers and Harbors had passed a resolution denouncing the discrimination and demanding the facts, and Secretary Blaine set forth these facts in a reply to the Committee on Rivers and Harbors, in which he said that Canada was guilty of obvious discrimination under the treaty. The House Committee on Foreign Affairs in a report stated, in substance, the facts that I have stated to you, and finally concluded its report with the strongest language, denouncing the unfairness and perfidy of the Canadian Government.

Remember that Canada was, as stated by a committee of this House, making identically the same contention that is now made by the minority, that the coastwise trade of Canada was not included within the words "treatment of equality."

When the bill came before the House Judge Blount, of Georgia, discussed the bill elaborately, and I will put some of his remarks in the RECORD. These will be found on page 6531, volume 126, of the RECORD of 1892. He stated in substance that the treaty forbade Canada to discriminate in favor of its coastwise trade, business vessels and citizens. He accused them of discrimination in favor of some things—that they violated the provisions of the treaty requiring "equality of treatment."

Mr. Hitt, Republican minority Member at that time, took exactly the same position, and he discussed that also elaborately and to exactly the same effect, and these can be found also in this volume.

The House then passed the bill unanimously and it went to the Senate. Senator Frye reported a bill which was passed in the Senate unanimously, and is on the statute books to-day, and that is the statute which was called to my attention by the gentleman from Michigan. That provided in substance that if Canada does not observe the reciprocal rules of equality of treatment—in other words, if Canada does not grant us equality of treatment with her own citizens in the use of her canals—we would discriminate against her in tolls through the Soo Canal.

The basis of the statute and the reasons for its existence are that the language "equality of treatment" covers coastwise and foreign trade, citizens and vessels.

Remember that was in 1893. Five years later almost the same officials of both nations undertook to frame the Hay-Pauncefote treaty. Sir Julian Pauncefote represented Great Britain during all of that time and subsequently in the Hay-Pauncefote treaty. Mr. Hay was not in public life, but Mr. Adee, who framed the major part of the report sent in by President Harrison in 1892, was in the State Department then and during the framing of the Hay-Pauncefote treaty, as he is now. Senator Davis introduced the original bill in 1893 for Canadian discrimination, and made the report on the Hay-Pauncefote treaty in 1900. Senator Frye and Senator LODGE were also in the Senate.

In this House the Member who transmitted most of the complaints was Representative PAYNE, of New York. Many Members of the House will remember that such was the contention, and no question was raised by anyone in this country that the words "equality of treatment" did not embrace Canadian coastwise trade. In fact, such was the insistence of our Government for five years through two administrations, two Presidents, three Secretaries of State, and no one ever objected to this construction in the Senate and the House that the words "equality of treatment" covered both coastwise and foreign trade, all citizens and all vessels. That is the why such language, only stronger, was placed in the Hay-Pauncefote treaty, while the words in the treaty I have spoken of—that of Washington—was equality of treatment. The Hay-Pauncefote treaty contains corresponding words, "entire equality of treatment," so that there should be no discrimination.

The CHAIRMAN. The gentleman from Minnesota has spoken one hour.

Mr. CANNON. I hope the gentleman will be given time to complete his remarks.

Mr. ADAMSON. The gentleman has control of his own time. But I think before he concludes he ought not to leave the subject of this contention without reminding the gentlemen on the other side of the old story in the spelling book that has never been reversed, that it depends on whose bull is gored on how loud they holler. [Laughter.]

Mr. STEVENS of Minnesota. Now, Mr. Chairman, I wish to show the effect of the construction of the Hay-Pauncefote treaty, as claimed by the minority. Remember there is another treaty of 1910, almost identical, the appropriate section of which I will place in the RECORD.

Remember, the construction of the words "equality of treatment" was required by us as embracing both coastwise and foreign trade and was forced by our Government against the contention of Great Britain and the contention of Canada. Such construction is on our statute books to-day by the act of Congress and the two administrations of our Government. Such is the law. Suppose we reverse ourselves by this other treaty with Great Britain at Panama. Suppose we say that although on the Great Lakes the words "equality of treatment" must cover for both Nations vessels coastwise and foreign, all trade, all ports, all citizens, yet in Panama, with the same nation, a similar treaty containing the words "entire equality of treatment, so there shall be no discrimination," excepts our own coastwise trade. What will Great Britain and Canada have to say? Canada will say, "Very well, gentlemen, we accept your construction of your own treaty, but we will put into force the old discriminations against you on the Great Lakes which we contended for before under the same construction you insist upon now, and then see what will happen."

Mr. Chairman, it should be borne in mind that there are three canals at the Soo—two owned by the United States and one owned by Canada. The Canadian canal is by far the best of the three, because it is 6 inches deeper and broader, and the currents around White Fish Point are a great deal better for its use. With the 6 inches of additional depth advantage in the Canadian canal vessels are enabled to carry about 100 tons per inch additional freight. If you will examine a Senate document of the last session, you will find that a board of engineers estimated that each inch will carry about 75 to 100 tons of iron ore or like freight, which is worth on each trip about $100 for each vessel and for the year $2,500.

There were 6,500 vessels, carrying 32,000,000 tons, passed through the Canadian Soo last year, while through our two canals there passed only 23,000,000 tons. Ninety-four per cent of all the commerce which passed through the Soo canals was American coastwise commerce, while only 6 per cent was Canadian commerce. It is obvious that more than two-thirds, probably three-fourths, of all that commerce that passed through that Canadian canal was our domestic coastwise commerce.

Mr. SLAYDEN. And originated with us.

Mr. STEVENS of Minnesota. Yes; and it ended with us, most of it being coal and grain and lumber. If we discriminate against Canada and Great Britain at Panama, Canada has an equal right for the same reason under similar treaty agreements to discriminate against us in the Soo Canal and also in the Welland Canal. Last year there passed through the Welland Canal 775,000 tons of American coastwise trade. Canada could then proceed to discriminate against us as to 24,000,000 tons or so of our coastwise trade passing through the Canadian Soo, and 775,000 tons of our coastwise trade passing through the Welland Canal. If you gentlemen force that discrimination in Panama against Canada, then Canada will have exactly the same right to force that discrimination against us in the Great Lakes, and I submit to this committee that is too important a matter to trifle with merely for the sake of helping a few merchants and shipowners engaged in the domestic trade of this country. [Applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. MARTIN of South Dakota. Mr. Chairman, the gentleman has already shown the committee that probably the American shipping yearly passing through the Canadian Soo Canal is somewhere in the neighborhood of 25,000,000 tons.

Mr. STEVENS of Minnesota. Of our coastwise commerce.

Mr. MARTIN of South Dakota. And the estimates of our own coastwise trade through our own canal at Panama, which is involved in this proposition, are only about 1,160,000 tons.

Mr. STEVENS of Minnesota. Yes.

Mr. MARTIN of South Dakota. In other words, we are risking very much to gain very little.

Mr. STEVENS of Minnesota. That is the point.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman now yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. HUMPHREY of Washington. As I understand it, we agreed that Canadian vessels should use our canal and in turn that our vessels should use their canal.

Mr. STEVENS of Minnesota. On the contrary, just the opposite. The gentleman is incorrect about that, as he is in most of his other statements about this matter.

Mr. HUMPHREY of Washington. What I want to ask is this question. They give us something down there. We use their canal and they use ours.

Mr. STEVENS of Minnesota. They do not use ours at all. That is where the gentleman is incorrect, as I say, as usual.

Mr. HUMPHREY of Washington. Does the gentleman deny that our vessels do use the Canadian locks?

Mr. STEVENS of Minnesota. I have just tried to prove that twenty or twenty-four millions of tons use them every year.

Mr. HUMPHREY of Washington. I thought the gentleman disputed that fact.

Mr. STEVENS of Minnesota. No; I did not. As I say, the gentleman, as usual, is in error. [Laughter.] I think I know what he is striving to get at. He is trying to say that Canada does not use the American canals?

Mr. HUMPHREY of Washington. Does the gentleman deny that they use our locks?

Mr. STEVENS of Minnesota. I say they do not appreciably. I do not mean to say that some Canadian vessels do not go through our Sault Canal. Of course they do. They have got a better canal of their own and they use it generally, but once in a while a stray vessel will go through our canal. The situation is this: There is nothing in this treaty agreement with Great Britain concerning Canada that that Government shall have the right to use our Sault on the condition that they give us the right to use their Sault. There is no such provision. The provision is that each Government treats the other on terms of entire equality in the use of all canals.

Mr. HUMPHREY of Washington. The Government has never charged any toll on their own ships going through the canal?

Mr. STEVENS of Minnesota. No.

Mr. HUMPHREY of Washington. They do not have to go into a treaty to let their own ships go through there?

Mr. STEVENS of Minnesota. No.

Mr. HUMPHREY of Washington. And they have never charged toll?

Mr. STEVENS of Minnesota. No; but the gentleman knows that if we charge any tolls on that canal we shall have to charge Canada as well as ourselves and ourselves the same as Canada, and that is the point where a great many gentlemen seem to misapprehend. We admit we have the right to say that every vessel shall go through the canal without any tolls at all, but if we charge tolls on Canada we have to charge on ourselves as well as anybody else. And that is exactly the situation at Panama. We can let all vessels go through free, but if we charge any tolls all must be treated alike.

Mr. HUMPHREY of Washington. Perhaps the gentleman will answer this while he is at it. I would like for the gentleman to read the short opinion in the case of Olsen *v.* Smith.

Mr. STEVENS of Minnesota. I will discuss that very thing right now.

Mr. HUMPHREY of Washington. I hope the gentleman will do so.

Mr. STEVENS of Minnesota. The case of Olsen *v.* Smith, upon which the gentleman relies, is this: In Texas is a law requiring compulsory pilotage as to all vessels, with an exception that as to American vessels in the coastwise trade that such vessels shall be exempt from compulsory pilotage. The question was raised in the courts as to whether that Texas statute was valid, on account of violating the treaty with Great Britain. Remember, this question arose concerning a British vessel coming from a foreign port as against an American vessel coming from a home port. This is the question that was presented to the court of Texas, which then went to the United States Supreme Court.

The United States Supreme Court held in substance this: That the law of Texas, with the exception, which was the exception provided by an act of Congress, incorporated in the State statutes, especially because it was an act of Congress regulating interstate commerce, did not violate the English treaty, which provided that there should be the same charges and dues, if I remember rightly, on English vessels as on our own vessels—that is, from the same port to the same port. The Supreme Court decided in substance that Congress had established different classes of vessels under such construction; sail vessels might constitute a class; that steam vessels in foreign trade might constitute a class; that steam vessels in the coastwise trade might constitute a class; and that Congress had the right under the treaty, if such class of vessels did not violate the terms and provisions and purposes of the treaty, to except such a class from the operations of the treaty as necessary for the purpose of promoting the purposes of the treaty. That is the substance of the decision; and right here let me say there are three kinds of provisions in our treaties in reference to our coastwise trade: First, a general clause of exception of all coastwise trade from the provisions of all parts of the treaty; second, an exception to one particular article of the treaty with reference to coastwise trade; and third, where there is no exception at all. Now, everybody knows that where we expressly and in terms except the coastwise trade from the treaty we can do anything we please concerning such coastwise trade, and nobody can complain. When we except a part of the treaty, say one article, from the operation of the coastwise laws, we can do anything we please concerning that article, but as to the rest of the treaty we are subject to the general provisions, with exceptions by implication.

Now, when we come to the third class of exceptions by implication nobody will pretend an exception by implication will be as broad and as general as an express exception excepting the coastwise trade. So that the courts and diplomatic officials have construed that implied exceptions embrace such a class as carries out the purpose of the treaty and does not violate the terms of the treaty.

The CHAIRMAN. The 10 minutes of the gentleman has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I will have to take 10 minutes more to answer this question. Everybody knows that these treaties of commerce and navigation are made for the purpose of promoting commerce and navigation. That is the purpose of the treaty. Everybody knows that compulsory pilotage is needed in very many ports where there is not business enough to earn good pilots a sufficient living, unless they can charge practically all the vessels which use that port and use that harbor.

For that reason compulsory pilotage is used all over the world for the purpose of furnishing an adequate supply of pilots absolutely necessary for commerce and navigation, and that was the reason for the use of compulsory pilotage at Galveston. Everybody knows, too, that in the coastwise trade of any country steam vessels make many trips, some of them several a day and some of them several trips a week, and that many of these vessels are small with a small business. If those coastwise vessels were subject to the same law of pilotage as foreign vessels, possibly making one trip a year, they could not pay, and such business would probably be abandoned.

The result is that by the common acceptation of all the nations steam vessels in coastwise trade are excepted from pilotage laws, and in this country we have this additional provision that such vessel must itself carry a pilot duly licensed by our Government, which requires that he shall be an American citizen. So that this exception, provided by the statutes of the United States, substantially requires that where an American steam vessel in the coastwise trade has a pilot who is an American citizen, such vessel need not be under compulsory pilotage for these reasons. Now, that kind of provision carries out the purpose of the treaty of navigation. It provides business to help foreign trade. It carries on domestic trade. Instead of violating that treaty, it practically carries out the provisions of it. Now, the United States Supreme Court has held always in construing the provisions of the treaty wherever it affected the general broad question of public or political importance, that it would follow the action of the political departments of the Government; that is, of the executive department or the legislative department. Now, the legislative department has construed that provision as to compulsory pilotage by providing that steam vessels in coastwise trade having on board a licensed American citizen is but carrying out the purposes of our treaty. Under that same uniform construction of the Supreme Court, always since we have had a Government, if any occasion should arise the court would be bound to follow the construction of Congress concerning the Canadian treaty, just as it followed the construction of Congress as to compulsory pilotage.

I think it is evident that that case instead of helping the gentlemen in the minority helps us, because it shows that the courts will follow as to the political and public questions the practical construction of the political departments of our Government.

Now, just note the difference. The exception in that case of compulsory pilotage concerned only a little municipal regulation for the purpose of helping all commerce and competing with none. These gentlemen ask an exception which would cover the trade of continents, which would cover the trade of millions of people and of thousands of vessels. The very purposes of treaties, that all trade should be compelled to be on an equality, compelled to be neutral, fair, and just, are the very purposes for which treaties are created. But the exception which is discussed in this Smith-Olsen case is for the purpose merely of carrying out a municipal regulation and performing some necessary local service.

Mr. DOREMUS. Will the gentleman yield for a brief question? Is it not a fact that in the Olsen case the Supreme Court

based its decision upon the express ground that it was no concern of Great Britain what treatment we accorded our coastwise trade?

Mr. STEVENS of Minnesota. No, sir.

Mr. DOREMUS. Has the gentleman got the opinion there?

Mr. STEVENS of Minnesota. No, sir.

Mr. DOREMUS. It is an easy matter to settle that question.

Mr. STEVENS of Minnesota. The court did not discuss it. I am discussing what the Supreme Court has followed in construing these treaties.

Mr. KNOWLAND. Will the gentleman give me time to read a few lines from this decision?

Mr. STEVENS of Minnesota. Certainly; read anything you want.

Mr. KNOWLAND. I will read:

Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

Mr. STEVENS of Minnesota. Is that what the gentleman wanted to read? That is exactly what I have been contending, namely, that Congress has a right concerning every treaty to establish different classes, to provide for a class of foreign trade in sailing vessels; it has a right to fix a class of steam vessels in coastwise trade, with American pilots, for the purpose of carrying out the treaty; not for the purpose of violating it. That is the essence of the whole question. The exception must not violate the language or purposes of the treaty. But it should, on the other hand, make them effective. The court said that Congress was doing right. And Congress said that such is the proper course in that kind of treaty to treat that sort of business. Congress has indicated its views in a similar way as to the language of the Canadian treaty.

Mr. DOREMUS. Is it not a fact that for a great many years no tonnage duties have been levied on the steam vessels in coastwise trade, and still they are levied on the vessels of Great Britain, and Great Britain has never complained of that treatment?

Mr. STEVENS of Minnesota. And I will venture to say there are six or eight different classes of tonnage duties. I do not know how many there are, but I know there are several. But every single one of those classes is either an act of Congress, setting forth a distinct public policy, or else is an exception which contributes to the carrying out of the purpose of the treaty for the promotion of commerce and navigation and the general purposes of peaceful trade. I thought I had covered that. There is one other class of treaties upon which I desire to address the committee for just a moment.

The United States has negotiated many treaties concerning an interoceanic canal, probably a dozen with the different nations of Central and South America, and I have set them forth specifically in my remarks. In every single one of those treaties there is a provision providing for "equal treatment" or "entire equality of treatment," or "perfect equality of treatment" between our business and their business and between our vessels and their vessels and between our people and their people. Now, the United States has construed these words also. In the treaty of 1884 between the United States and Nicaragua, known as the Frelinghuysen-Zelaya treaty, there was this provision in substance, that the commerce and navigation of the two nations should be treated on terms of equality, provided that the coastwise trade is expressly excepted. In other words, in that treaty it was declared, according to the uniform interpretation of those words, that "equality of treatment" covered both coastwise and foreign trade; and when we desired to exclude our coastwise trade from the operation of a canal treaty we had to do it with a special exception, and that was exactly what was done in the Frelinghuysen-Zelaya treaty.

It was also expressly provided in that Frelinghuysen-Zelaya treaty that the canal should not be neutralized, knowing that the nations of the world when they could not secure equality of treatment of the canal would not consent to neutralization also; so that the two must go together.

The construction of that treaty also provided that where we desired to except coastwise trade from the import of the words "equal treatment," or "entire equality," or "perfect equality," we had to expressly say so. And I will defy anybody, in the course of 100 years of the diplomatic relations of this country with all the nations of the world, to show one single exception. On the contrary, a long line of statesmen who for 50 years have written and spoken concerning the Panama treaties have taken the position that this canal was to be built for all the nations of the world and for the commerce of everybody, and that everybody should have equal treatment in passing through the canal.

Up to within the last two or three years nobody had even dreamed that coastwise trade could possibly be excepted. Nobody ever thought that coastwise trade could be excepted until the selfishness and greed of the merchants and shipowners of the coasts in the last few years have tried to imply that exception from the plain language.

Now, let me show you what it means. Remember that there are probably 30 or 40 different treaties of this country containing similar terms. Remember that if we once begin to imply that "equal treatment" leaves out our citizens, other countries will imply the same thing and insist that "equal treatment" will also leave out their citizens.

Undoubtedly Members of this House within the last week have had presented to them copies of a pamphlet from the Vacuum Oil Co., of New York, declaring that they have been discriminated against in their business by the Government of Austria, which is under obligations to treat that company equally with its own citizens. Now, if we once initiate the policy of providing that our commerce and trade and our people shall be excluded from the words "equal treatment," other nations will treat us exactly the same as we treat them. That is what Austria seems to be doing right now, only, like David Harum, it seems to be doing it first. Think, gentlemen, what it means. The foreign trade of this country amounts to more than $3,500,000,000 annually. More than a billion and a quarter of that is made up of manufactured products competing with similar products of other nations. Other nations would be glad to have an opportunity and an excuse to discriminate against us. More than $2,000,000,000 of American capital is invested abroad. These interests ramify into every hamlet and village of our land and they concern many millions of our people scattered over every State. All our people are interested in the equal treatment that our commerce shall receive everywhere all over the world, wherever our trade extends, and unless our commerce and interests are protected equally and fairly we know they will shrink and shrivel beyond measure. If we once initiate a policy of discrimination in favor of our own people and adopt that method, we will find that it will return to plague us a thousandfold, because other nations will go us many times better. If we shall benefit by the canal at all, it will be chiefly by increasing our trade on the Pacific Ocean, as has been so splendidly shown to the committee this afternoon by the gentleman from Wisconsin [Mr. ESCH]. What will every one of those nations having treaties with us containing such words do if we notify them that, although we have pledged ourselves to observe the rules and articles in our canal treaty, yet we intend to violate them, so far as we are concerned, by letting in our coastwise commerce free and discriminating against their coastwise commerce? What will they do? They will discriminate against us in return. Our competitors in Europe will expect and help them to discriminate against us. Such a policy will injure us a thousandfold.

Gentlemen, at the beginning of this great enterprise we can not afford that kind of business. There is only one thing which we can do and that is to observe the good faith that we have pledged to the nations of the world, to observe the good faith which is clearly expressed and promised in the treaty, and to observe the good faith that we owe to ourselves. And when that canal shall be opened to everybody, all nations, all trade, on terms of entire equality and justice, then the canal will be a benefaction to us and to mankind. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, I do not know whether I have drawn the right inference from the remarks of my friend from Minnesota [Mr. STEVENS] regarding the neutrality of the canal. Does the gentleman hold that if we practice discrimination against other nations, those powers will not consent to the neutralization of the canal?

Mr. STEVENS of Minnesota. I think that would be the only possible inference from the doctrine laid down by the publicists and our own authorities.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FINLEY having taken the Chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18960. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.; and

S. J. Res. 107. Joint resolution authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus Memorial Statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton.

OPERATION OF PANAMA CANAL.

The committee resumed its session.

Mr. STEVENS of Minnesota. I yield to the gentleman from South Dakota [Mr. MARTIN] 30 minutes, and then the other side will take charge.

Mr. MARTIN of South Dakota. Mr. Chairman, the gentleman from California [Mr. KNOWLAND], my colleague upon the committee, and the gentleman from Washington [Mr. HUMPHREY], I think quite disingenuously, have undertaken to leave the impression with this committee that this is a controversy between the railroads and the people. The railroad bugaboo is exploded often enough on the hustings, without being made the basis of promoting a bad cause in the House of Representatives, and the unfairness and the absolute inapplicability of the insinuation to this controversy is so apparent that perhaps it ought to have a passing notice.

In my judgment the railroads of the United States are practically indifferent as to whether there shall be free passage through the Canal or a toll of $1 per net registry ton. The railroads are vitally interested in the question as to whether they may own, directly or indirectly, the ship-transportation companies and therefore practically stifle competition through the canal. This committee has taken up that subject and has put into this bill, and the majority of the committee in this report are standing for a provision which prevents and forbids railroad companies, either by common stock ownership or in any other manner, from being interested in lines of shipping engaged in this coastwise trade which might be competitive with the transcontinental railways. And I hope I will be indulged to say that a bill introduced by myself upon that subject is the basis, almost in its exact language, of the first paragraph of section 11, which settles that competitive policy as against the railroad companies. The people of the Pacific coast are vitally interested in that question, as is any citizen who desires to see absolutely free commerce on the high seas, in order that we may have absolutely competitive conditions with the railroad companies between the coasts. But this question whether 50 cents a ton, the highest that it is anticipated will be put upon the actual cargo or freight ton upon the commerce going through that canal in the coastwise trade, is an absolutely insignificant consideration, which does not in any sense go to the core of this question of competition.

I have not placed my opposition to the proposition for free tolls for the coastwise traffic upon the basis of the legal side of the argument, although it does seem to me that the legal argument so masterfully made by my colleague upon the committee, the gentleman from Minnesota [Mr. STEVENS], who has just taken his seat, is practically unanswerable. And now that it has been made a demonstration that the Government and the people of the United States are vastly more interested, not only because of the international right of this proposition, but because of our own financial interests in maintaining that doctrine, I have, from this moment forward, no concern as to what this House or this Congress will do upon the subject, because we are asked, by virtue of showing a little additional favoritism to some coastwise commerce on the seas, which is estimated by our experts will amount in the first year to about 1,160,000 tons, to risk important advantages which we now enjoy in our coastwise commerce on the Lakes of something like 25,000,000 tons in our relations with Canada. I think that if the Canadian Government were the real party to the Hay-Pauncefote treaty, which it is in effect, as well as Great Britain, the applicability of the argument of the gentleman from Minnesota [Mr. STEVENS] to the coastwise trade would be appreciated, because a moment's reflection will show how vitally the Canadian people are interested in that proposition. They have many products that enter into direct competition with the products on our Atlantic and Pacific coasts. For example, a boat starts from Seattle loaded with salmon bound for New York. A British vessel starts from Vancouver loaded with salmon from their own great fisheries upon that coast. Under the doctrine here proposed, the destination of both boats being New York, it being in strictly competitive commerce—the Canadian people with our own—the Canadian boat would have to pay toll and the American boat could pass through free. So I think a little reflection will show that the Canadian people are interested in this coastwise proposition.

But I base my argument for the brief time that I shall address the House upon other considerations altogether—on the question of policy and fairness in the adjustment of the relations growing out of this great canal enterprise. I oppose free tolls, although I may say that in the first instance, before these hearings, my inclination was toward the idea of free tolls to the American coastwise trade. I was possessed of the general idea that there was something the matter with our merchant marine, and perhaps by giving it some favoritism in connection with the coastwise trade we might promote the merchant marine. I have come through the investigation with an entirely different idea of the situation.

There is something the matter with the American merchant marine, but it is more deeply seated than the little question of 50 cents a ton upon the cargoes of the vessels. I was talking a few days ago with a prominent shipbuilder of the United States. He said that the great handicap to a vessel flying an American flag in the merchant marine grows out of the original cost of the vessel. The proposition of labor on the high seas is an element, but not nearly so important as the original investment. The coal question is a larger factor than the labor upon the ship in its operation, but back of it all is the fundamental difficulty that the American ship costs from 40 to 50 per cent more to purchase or build in the United States than it does abroad, and this gentleman gave a reasonable explanation of that. He says the ships made on the Clyde and in the foreign shipbuilding yards generally are standardized; that they are made after a general plan and pattern. You go to a certain shipbuilder on the Clyde and tell him that you want a ship of a certain size or a certain shape, and he will say, "I do not make that kind of a ship, but there is another place a little way up here where they do do that kind of work." The work is standardized and the cost of production is thereby much reduced. The shipbuilder said that the American yards have not become standardized from the fact that the types of vessels are of such great variety. But he says that that problem is being solved, and that when American yards are standardized, each yard building its own type of ships, that then the conditions at home and abroad will not be so very wide apart.

But that is a diversion. I oppose free tolls to coastwise vessels because it is unnecessary for the American merchant marine and because it is unfair to the people of the United States. We ought not to impose on the American people a tax for the benefit of that particular limited portion of our industry upon the seas.

The American coastwise trade is already a monopoly. No foreign ships can engage in it. It is not only theoretically, but practically, a monopoly. One line of ships working on the coast will stop at certain points and another line at certain other points, so that while passing up and down the same general territory there is very little competition one with another. If we were to favor any particular part of the merchant marine, we ought to favor the part that needs assistance, that part which undertakes to fly the American flag in foreign commerce. These gentlemen from the Pacific coast and the Atlantic coast urge free tolls for the American coastwise trade, but they do not go further and advocate free tolls for the vessels that fly the American flag in the foreign trade. If we were to give free tolls by discriminating in favor of the American ships, we should favor those ships that engage in the South American trade, encourage the ships, when the canal is opened, that are in foreign commerce, and not these coastwise ships that no foreign ships can compete against. The ships that start from New York and Boston to cultivate that splendid trade which we ought to build up on the western coast of South America must compete with the shipping interest of all the world. And if we were, in this legislation, at the very start to establish any policy favoring one branch of the American shipping over another, for one I would favor collecting the toll from the coastwise ships that have a monopoly of the trade and give it for the encouragement of the American merchant marine that has the courage and hardihood to enter the commerce of the high seas and open the markets of foreign countries for our vast, growing manufactures and for our surplus products of the farms.

What will be the effect of the opening of this canal upon the coastwise shipping? Most beneficial in every way. The testimony before the committee clearly shows that the moment that canal is in operation the lines of ships that carry commodities

between the two coasts—the Pacific and the Atlantic—and return will gain by going through the canal in the cost of transportation in the neighborhood of $4 per ton for actual cargo of freight carried.

Mr. Dearborn, the president of the American-Hawaiian Co., one of the most important shipping companies plying in this traffic, a company which is building now some 12 or 13 new ships to increase their ability of transportation to the extent of something like 500,000 additional tons per year, practically stated their operations by way of Tehuantepec of unloading upon the one side and taking across by the railroad and reloading on ships on the other side, as compared with passing through the canal, which they can do when the canal is open, ought to account for a saving to them of in the neighborhood of $4 per ton. What does that mean upon the rates between the two oceans. Citrous fruits from California now distributed altogether by rail cost $25.76 a ton, or $1.15 a hundred, from Los Angeles to New York. Mr. Teal, an authority upon that subject, calculates that as soon as this canal is open refrigerated boats can be started with citrous fruits at Los Angeles and landed in New York for $7 per ton. The transfer across the Tehuantepec route is impracticable. Not much fruit is shipped that way. The freight that does go by Tehuantepec perhaps cost between San Francisco and New York on an average of something like $10 per ton. Reduce that down by $4, as Mr. Dearborn says it can be done, and they can be carried at $6 per ton. The railroads, it seems to me, can not possibly compete with this water transportation for any commerce that will bear the allowance of the time necessary for the route, and this Panama route is going to shorten the time of transportation even over the Tehuantepec route by practically one-third. The same witness, Mr. Dearborn, states they now take from San Francisco to New York practically 30 days upon an average for their trips, and although the distance run to Panama will be longer, so much time is lost in loading and unloading and transferring across the Isthmus at Tehuantepec that he estimates 10 days can be cut off that trip and that boats between San Francisco and New York and New York and San Francisco can make the trip in 20 days instead of 30 days. What does that mean? It means the increasing of the earning capacity of the boats practically by one-third, by the saving of one-third of the time, which is an additional advantage to the shipping through the Panama Canal, over and above the $4 saving already referred to.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. HAMLIN. I want to also remind the gentleman that in Mr. Dearborn's testimony he said that the fact that they could go through the canal without breaking cargo was a very great item as compared to their being compelled to transfer now at Tehuantepec on account of breakage and stealing, and so forth.

Mr. MARTIN of South Dakota. There are necessarily very serious losses in that way.

Mr. KENDALL. How long does it take to go through the canal?

Mr. MARTIN of South Dakota. About 12 hours for the transfer through the canal. It takes that many days to unload at Tehuantepec and send it across the Isthmus and reload on the other side.

That ship company, I say to the credit of American enterprise, is making a success of the business now, and will make a greater success when this canal is in operation. It encountered very great losses at first in its effort to handle that trade. A very large portion of their cargo is sugar, and the natives of that southern country have a sweet tooth, and the result was that the company lost literally tons of sugar in transfer across the Isthmus at Tehuantepec. My understanding from his testimony—I do not desire to be unfair—is that this saving of $4 between the two routes in favor of Panama covers a fair estimate of their loss in the transfer at Tehuantepec.

Mr. BARTHOLDT. The difference of cost to which the gentleman from Missouri called attention is included in the $4?

Mr. MARTIN of South Dakota. I think so. I think that is a fair interpretation of the testimony. After opening up a transportation route which gives the seaboard States on both oceans practically a clean reduction of $4 per ton in the transportation of every ton of cargo that can be induced to go by way of water, the gentlemen from the Pacific coast are here insistent, as though the very life of the coast depended upon it, that in addition to that $4 per ton we must add another 50 cents per net cargo ton to repay the expense of going through the canal.

I proceed now to state that in my judgment it would be grossly unfair to the general interests of the people of the entire country to do that. This canal is being built. It is not yet being paid for.

The cost of the canal will be approximately $375,000,000. Congress has authorized the Department of the Treasury to issue bonds covering the entire cost. As a matter of fact, 2 per cent bonds to the extent of $85,000,000 have been issued, and we have issued quite an amount of 3 per cent bonds, and undoubtedly the balance of the issue will be at 3 per cent. What will be the cost per year, the necessary cost for operating this canal in the interest of the commerce of the world? Col. Goethals and his expert engineers have already calculated the necessary organization of force for operating the canal, and they estimate that the cost of operation, with a fair allowance for maintaining sanitation and civil government, will be upon the average $4,000,000 per year. Two per cent interest on our $85,000,000 and 3 per cent interest on the balance up to the cost would amount to $10,393,679 per year, making the necessary outlay that the people of the United States must pay every year upon that enterprise $14,393,679 for operating and interest, without any allowance for the military and naval force necessary to police and protect the canal. Col. Goethals estimates that the military force and the military operations necessary will cost $8,500,000 per year and that the naval expense will be $1,200,000 per year; altogether, military and naval expenses, $9,700,000 per year, making a total of a little over $24,393,679, the best estimate we can obtain thus far of what it will cost a year to maintain that canal. Now, personally, I am willing to take a very liberal view of this situation in the interest of commerce. I am willing to say that perhaps never, certainly not for several decades, should we charge anything against that enterprise for military and naval force. We maintain about a certain amount of standing Army and Navy, and I do not know but that it may just as well be engaged in maneuvers and in operations in that part of the world as anywhere else, and, so far as I am concerned, that may be eliminated. But I think that no patriotic financier would very seriously urge that as long as we have interest to pay upon those bonds we ought not properly to recoup the interest we pay out upon that investment, together with the operating expenses. What are the estimates as to what will be the traffic through the canal? We have had estimates from different sources, and, personally, I think that the figures of Dr. Johnson, the commercial expert from the Pennsylvania University, who has been in the employ of the Government for some years in connection with this canal question, are as reliable as any advance estimates can be, and he estimates that the business of the canal for the first year of its operation will be 10,000,500 tons net register. I think there is a general agreement between the members of the committee and with the departments of the Government interested in these matters that probably the first experimental toll that should be put upon ships going through the canal should be $1 per net register ton, which would be approximately 50 cents per cargo ton. In this bill the President is limited to not more than $1.25 per net register ton and not less than enough to pay operating expenses.

If those figures are right as to the tonnage that will go through the canal, we would have the first year receipts of $10,000,000, out of which we could pay $4,000,000 operating expenses and would have $6,000,000 to apply upon our $10,000,000 of interest. Now, personally, I believe that for the first 10 years' operations of the canal we ought not to be ambitious to do more than pay the operating expenses and the interest. If the world's commerce through the Panama Canal shall increase sufficiently, I believe at the end of the first decade a portion of the income can be applied upon the principal, and certainly no American citizen can object if in the course of several decades the principal itself could be wiped out. Certainly we would be derelict in our duty as Representatives if we do less than provide by these tolls for the operating expenses from the beginning.

Mr. KNOWLAND. Will the gentleman yield?

Mr. MARTIN of South Dakota. I do.

Mr. KNOWLAND. Is it not a fact we could more than double the operating expenses and still not tax every coastwise ship on the estimated tonnage?

Mr. MARTIN of South Dakota. I am inclined to think we could. The coastwise tonnage is not a large item.

Mr. MADDEN. It is only about a million and a half tons a year.

Mr. MARTIN of South Dakota. The estimates of the first year's coastwise trade is 1,000,000 tons. It is an item insignificant in amount in comparison to the importance of treating the great commercial nations of the world with absolute impartiality in the operation of the canal.

Great Britain may send large shipping through that canal in its trade with the Orient, or she may divert her oriental shipping elsewhere if offended by our giving certain preferences to our coastwise trade which we deny to the Canadian coastwise

trade, and I think this would result in a loss in revenues to the canal.

Mr. CANNON. Will the gentleman allow me? Canadian coastwise trade is foreign trade from Canada to some other nation?

Mr. MARTIN of South Dakota. It may be from Canada to some other nation, or it may be from Canada to the United States.

Mr. CANNON. That is foreign trade.

Mr. MARTIN of South Dakota. But that is merely a name, and it affects the commerce of Canada just as surely as though you give it some other name. At the beginning of my remarks I gave an illustration of the reason why Great Britain and Canada are interested in this proposition.

A shipload of salmon may start from Vancouver to New York, and a shipload of the same commodity may start from Seattle to New York, each interested in that commerce. The Canadian would have, to begin with, our tariff wall to get over, which is one handicap, and in addition it would have very good reason to complain if in its efforts to get through the canal to its legitimate port it must pay 50 cents per freight ton upon its entire cargo and a competitor from Seattle pass through free of toll.

Mr. CANNON. But if the gentleman will allow me, the same argument would let all the commerce of all the world through. Canada, a foreign government, a part of Great Britain, passes through the canal to our markets. That is just as much foreign as if Japan passed through the canal to our markets. Therefore, it seems to me, with all due respect to the gentleman, that his illustration is not an apt argument for the reduction of a tax on our coastwise trade.

Mr. MARTIN of South Dakota. I will answer the gentleman that I think it as an apt argument. When my good friend from Minnesota [Mr. STEVENS] was making his argument those who were asking for free toll on the coastwise trade admitted that we were not at liberty to give free toll to foreign trade. Of course a very specious suggestion could be made, which was made by the gentleman from Massachusetts, that foreign ships could not enter into our coastwise trade now and are not interested in it.

Mr. CANNON. The gentleman's idea is that if the United States——

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. MARTIN of South Dakota. I would like 10 minutes more.

Mr. STEVENS of Minnesota. The gentleman from South Dakota wants 10 minutes more. Will the gentleman give his consent?

Mr. ADAMSON. There are some gentlemen who want to get away on the boat to-night.

Mr. MARTIN of South Dakota. I will close in five minutes if you will yield me that.

Mr. ADAMSON. I yield to the gentleman five minutes more.

Mr. STEVENS of Minnesota. And I yield five minutes additional, Mr. Chairman.

Mr. MARTIN of South Dakota. I may say, Mr. Chairman, that this question of absolute legal right under the treaties to make distinction in favor of our own coastwise trade has not seemed to me to be a matter of very vital importance, anyway. I think most of those who argue in favor of it concede that as to our foreign trade and our ships entering into foreign trade we are not in a position to make a concession of that kind. That is the position of the Commissioner of Navigation, who was an urgent advocate of free tolls to all American ships, whether in the coastwise trade or otherwise. If we want to get these subsidies or these special considerations for American ships, or have a monopoly of any particular trade, let us do it by an indirect provision, appropriating to them the amount of the tolls, although it is a type of morals in diplomacy that I concede I do not subscribe to with any enthusiasm; that when you get away from home and deal with foreign nations you can do what we never allow one American citizen to do against another—that is, to do by indirection what you promised not to do.

If the gentlemen on the Pacific coast do not think they are going to get a sufficient benefit by this canal, offer an amendment here which will donate the amount of tolls as subsidy to the ships. But when you do that give it to the ships that go into the South American trade, because they have no monopoly of transportation and our coastwise boats have.

Mr. ADAMSON. I hope the gentleman will not offer them encouragement to offer an amendment to this bill. Let them stand on their own proposition if they want it.

Mr. MARTIN of South Dakota. I think that any suggestion that I may make in reference to the matter will not be followed by the free-toll advocates. They are smart enough to make it themselves if it can be made to work.

I say this: That if we are going to give any further privileges or subsidies to the coastwise States or communities, who are in the very nature of things to be the chief beneficiaries from this canal, it is not necessary to give them everything we can scrape together right now. We do not know what is to be the effect of this canal on the commerce of the United States. It is largely experimental; it is largely conjectural.

It is in evidence that of the trade going from the Atlantic to the Pacific coast by the transcontinental railways, at least 90 per cent is a class of commerce that can be accommodated by going by boat; and while our experts think that not over 10 per cent of the transcontinental freightage, the through freight, is going to go by boat, yet I think they are too low in their estimates. If 90 per cent of the traffic between the Atlantic seaboard and the Pacific can go just as well by boat as by rail it certainly will go by boat, for water transportation does not cost over one-third of transportation by rail. I think we had better hold free tolls in reserve out of consideration for the balance of the people until we know whether the great benefits of this vast enterprise are going to be distributed over the country with anything like equality.

It is not impossible but that, if we put through free the coastwise trade by means of the Panama Canal, the through freight carried now by the transcontinental railways would be so far diverted the other way as to make it impossible for those railroads to operate, depending alone upon the interior commerce, without a large increase in freight rates for local or intermediate traffic.

And we of the intermediate States, from Indiana to Nevada, and from Canada to Mexico, may find, if we throw down the last card that we have in this game at the very outset—we may find ourselves taxed to pay the interest on this great indebtedness, which inures mostly to the benefit of the coastwise trade—that we will be further taxed by increased freight rates between the coastwise cities and intermediate States. And, in my judgment, it is an absurd policy on our part now, in addition to giving these coastwise States a reduction of $4 a ton in their transportation, to listen to their cry and to their demands for 50 cents more per ton at the opening of the canal.

If, as we hope, this great enterprise shall operate for the benefit of the people of the entire Nation, and we find that by making an additional concession of free tolls to the shipping companies—for this is a question purely of the whole people on the one side and the shipping companies on the other—if we find that we can make further compensation to them by subsidy or otherwise, we should wait until it can be shown that this can be done in justice to the people of the entire country without unduly magnifying the benefits to be derived from this great undertaking by the people of the coastwise localities. [Applause.]

Mr. ADAMSON. Mr. Chairman, by direction of the gentleman from Louisiana [Mr. BROUSSARD] I yield one minute to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Chairman, I do not desire at this time to discuss this proposition at length, but I am in favor of anything that will build up our merchant marine. My friend, Lewis Nixon, of New York, who has given great study to this proposition, addressed a letter to the New York Chamber of Commerce on the 6th day of February last, and I ask leave to incorporate in my remarks that letter to the chamber of commerce.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent to extend his remarks in the RECORD by the insertion of a letter. Is there objection?

There was no objection.

Following is the letter referred to:

LETTER TO THE PRESIDENT AND MEMBERS OF THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK, IN DISCUSSION OF THE REPORT AND RESOLUTIONS OF THE COMMITTEE ON FOREIGN COMMERCE ON PANAMA CANAL TOLLS.

[By Lewis Nixon.]

NEW YORK, *February 6, 1912.*

To the President and Members of the Chamber of Commerce of the State of New York.

GENTLEMEN: The report of the committee on foreign commerce and the revenue laws on Panama Canal tolls in the Monthly Bulletin of March, 1912, is so misleading in its general tenor that a short analysis is called for in the national interest.

I must leave the city for a few days, on the 6th of March, and so can not be present at the meeting on the 7th; hence must use this means of calling attention to the statements contained therein.

The report of the commissioner of navigation has been garbled to bolster up what appears to me an unpatriotic conclusion and misleading statements made as to treaty obligations.

Your committee says:

"When the Panama Canal was first considered it was not anticipated the cost would be as great as the finished result will show."

Many prominent engineers pointed out the certainty of exceeding the first estimates. Once committed to this enterprise, it was known that

the United States could not turn back. At any rate, the fact that it will cost far in excess of the sum that our people thought they were to invest in such an enterprise is hardly a good argument in favor of our not forcing those chiefly benefited to pay at least a part of the unexpected expense.

There are extensive quotations from the Clayton-Bulwer treaty, although this treaty, born in misrepresentation and continued in breach of faith, is no longer binding and is not even published in the 1904 Compilation of Treaties in Force, issued by the Department of State.

In quoting article 1 of this supplanted treaty you will note certain * * * after the words "agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof."

What is omitted by the committee is as follows:

"or occupy, fortify, or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, or the Mosquito coast or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, or the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same."

I can not believe that the members of your committee are so unacquainted with American history as not to know that the conversion of English lumber camps on the eastern coasts of Honduras and Nicaragua into what was practically British territory, through virtue of occupation in anticipation of the building of the Nicaraguan Canal, was considered by American statesmen of that period as a virtual abandonment by us of the Monroe doctrine, as it was and is to the present day.

So, acting in good faith and believing Great Britain would keep her promise, as supplied above, though omitted by your committee, the treaty was ratified and proclaimed. In 1848 England, under the mask of Mosquito Indians, seized and occupied Greytown. After the treaty was once signed England continued in possession, even supporting the farce of a Mosquito Indian king.

Just so long as it seemed possible that the Nicaragua Canal would be built England continued in possession, getting the Austrian Emperor to bolster up her claims by indorsing Great Britain's guardianship of the coast, Great Britain then converting the lumber settlement of Belize into a Crown colony. In 1881 and 1882, when work was being vigorously carried on upon the Nicaraguan Canal under Menocal, we find an English syndicate busily engaged in railroad building and English influence reflecting upon the good faith of the United States in the capital of Nicaragua, saying that our country would not keep its promises, and holding out the hope to Nicaragua that the Republic would be given the sovereignty of the coast. Local discontent was freely used as an excuse for interference and to betray treaty promises. In 1894, after work was abandoned in Nicaragua, that part of the Mosquito coast lying abreast of Nicaragua was converted into the Department of Tolaya of the Republic. But England still occupied Belize. It will be noted that no mention is made in the Clayton-Bulwer treaty of fortifications in the West Indies. We had no territory there, but England did.

It was upon the flimsy foundation of this dead treaty that many Americans based their contention that we had no right to fortify the Panama Canal. This Clayton-Bulwer treaty, while not in any sense binding now, contemplated a canal through territory alien to both the contracting parties, although, as we see, England, in spite of promises written into the treaty, kept her grip on contiguous territory.

But the Panama Canal is through our territory, under own flag, and is paid for by us as a Nation.

Now, as to another altogether misleading and inexcusable statement. The committee says:

"This treaty (Clayton-Bulwer) was further extended in 1901 between those respective Governments."

Your committee should know that this is misleading. The Clayton-Bulwer treaty was replaced by the Hay-Pauncefote treaty and is no longer to be taken into account. The only common idea is that of neutrality.

The statement of the committee is evidently meant to give the impression that the treaty of 1901 supplemented the treay of 1850.

That there shall be no doubt as to the facts, I quote article 1 of the Hay-Pauncefote treaty, which says:

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850."

So long as the Hay-Pauncefote treaty exists we acknowledge two masters for the Canal Zone, and under any and all definitions in international law the delegation to the United States, in article 3 (Panama treaty, 1903), of the sovereignty of such canal is meaningless, as a divided sovereignty over territory under our flag should be impossible under the circumstances.

And yet we are told by the committee that the Hay-Bunau-Varilla of 1903 reaffirms the treaty of 1850, though this treaty confirms our right to use land and naval forces and fortifications to protect the canal.

So the conclusion is drawn by the committee as follows:

"It would therefore appear that unless these treaties (1850, 1901, and 1903) can be abrogated by consent of both parties, the United States could not honorably discriminate in its favor as against Great Britain."

Yet this report is to be taken as a basis for a vote by this Chamber upon the operation of one of the most important works ever undertaken by our Government.

Ignoring the fact the President of the United States finds nothing in the Hay-Pauncefote treaty to forbid favoring our own vessels, ignoring the fact that the superseded treaty of 1850 to which the committee harkens back for a frail foothold of argument was violated by Great Britain, we find the committee even ignoring the facts of the Hay-Pauncefote treaty. Let us quote direct from this treaty and drag no ill-odored bag across the scent.

Section 1 of article 3 says:

"The canal shall be free and open to the vessels of commerce and of war to all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens and subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

Section 5 of article 3 says:

"The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent."

No one could possibly construe such plain statements as in any way but that we are to open the canal "to the vessels of commerce and of war to all (other) nations on terms of entire equality."

All I think will admit that the constitutional authority for building the canal exists in the war power of the United States. Two Presidents have confirmed this view in their statements that this canal is an addition to our war power, as it admits of quick transfer of our naval forces from one ocean to the other.

Yet the committee says that under section 1 of article 3 of the Hay-Pauncefote treaty that we can not discriminate in favor of our own commercial vessels in the matter of tolls or otherwise, and therefore we can not do so in regard to our own war vessels so that if during war with a foreign power we find an enemy's ship in the canal we can not chase it out, and if it leaves such waters we must wait 24 hours before giving chase. Being given under article 2 "the exclusive right of providing for the regulation and management of the canal," if engaged in war, our warships finding themselves in the canal, must chase themselves out.

Such interpretation is a reflection upon the general intelligence of the community and we can well understand how the statesmen of other nations hold their tongues in their cheeks at our gullibility and our desire to begin charity abroad. And yet such ridiculous interpretation is a logical sequence to the committee's unqualified reading of section 1, article 3.

The report of the committee thus far is an unanswerable argument in favor of immediate abrogation of the Hay-Pauncefote treaty on the score of infringement of our sovereign rights, violation of the Monroe doctrine, and incompatibility with the constitutional operations of the canal. We wanted to get rid of the Clayton-Bulwer treaty, as its existence was a reflection on our national self-respect, but why it was necessary to ask a European nation's permission to build and control a canal through our own territory, under our own flag, and with our own money, I am at a loss to understand. Treaties are the supreme laws of the land, but no more so than our Constitution, which we may amend and our laws which we may repeal. At any rate, the treaty for our present purposes means only that we shall treat the vessels of all other countries under our rules on terms of equality, though even this interpretation limits disadvantageously our sovereignty, as I think there should be preferred treatment for the vessels of all the western Republics, even Canada, as against European or Asiatic vessels.

However, we shall now follow other arguments, or, rather, examine their premises.

The committee states:

"The Suez Canal since its opening has charged the same rate of tolls to all nations, though its stock is practically owned by Great Britain and France."

With delightful ingenuousness we are to be led to the conclusion that a canal through territory foreign to both France and England operated by a company in which they both own stock is the same as a canal built, owned, and operated by a government in its own territory, and that only the altruism of England and France prevents their operating it in their own interest. The Suez Canal has paid for itself several times and now pays about 30 per cent per annum, but we hear no movement on the part of the chief user to make it free to all vessels.

The committee says that "It is asserted and generally credited that some governments make returns to their shipping passing through the Suez Canal in the nature of subsidies that in whole or in part offset the canal tolls."

I can see no use for the phrase "generally credited" except to give the impression that such belief is unwarranted.

Following this, that we may get a fuller light upon what the committee would have us believe, we find the committee saying:

"As many of the steamships availing of these subsidies do not pass through the Suez Canal, it can hardly be asserted with fairness that the subsidies are given for canal purposes. Your committee does not feel that it is called upon in this report to discuss the question of subsidies, but to adhere strictly to the question of tolls."

But the committee implies a doubt, draws a conclusion, and then abandons the line of thought.

Why not discuss the question if such discussion be enlightening? Other nations do directly rebate Suez Canal tolls and the committee must know it and know, too, that the subsidies which it tries to make general are in most cases directly voted to equalize such tolls. So why run away from the issue, or must we only provide a free feast of commerce, to which all the world is bidden to partake, at our expense?

The Russian Government in 1909 appropriated 650,000 rubles in exact terms to pay the tolls of the merchant steamers of the Russian volunteer fleet, both for tonnage and for all men, women, and children carried.

The British P. & O. Co. receives in subsidies enough to nearly pay all its canal dues, although it operates through the canal a number of boats apart from mail steamers.

The North German Lloyd receives an annual subsidy on its vessels using the canal of $1,385,000. Japan pays a subsidy of $1,336,947 to the Nippon Yusen Kaisha for its steamers through the Suez to Europe.

The Massageries Maritimes, the largest French company using the Suez Canal, was paid for its lines to China, Japan, Australia, and Madagascar $2,145,000 in subsidies.

Austria specifically provides by law for payment of Suez tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe.

The Swedish Government calculates its subvention to the Svenska Ostasiatiska Kompaniet to represent the amount of tolls paid by the ships of the company for passing the Suez Canal. I think the above not only pertinent, but enlightening.

Let us again quote from the committee's report:

"Although the Commissioner of Navigation in his report just issued favors the payment by the United States Government of tolls upon American vessels, he makes the following statement: 'It is not questioned that the traffic of the Panama Canal should supply revenue for its maintenance and possibly in time for the partial amortization of the expense incurred in construction. Toward this revenue we must ourselves contribute in some way, for even if our treaty obligations will permit us to impose upon foreign nations the entire burden of paying for the canal, not for an instant would there be a disposition to adopt so ungracious a policy or, in fact, could it be commercially feasible.'"

Of course this is all qualified, but it is a very fine distinction in commercial ethics which forbids charging a fair price for services rendered when there is no compulsion as to usage and vessels will only pass through the canal when it is to their advantage to do so.

However, since the committee seems to draw comfort and inspiration from the utterances of the Commissioner of Navigation, I will quote him further: "A deliberate conclusion to tax directly American shipping to pay for the maintenance of that canal when no tolls are imposed on vessels, American or foreign, for the use of our other improved highways will be well-nigh inexplicable save as the definite surrender of the oceans to others by the United States except as we may use its waters from time to time for the maneuvers of our war fleets."

This has an American ring about it.

Further quotations will prove that the Commissioner of Navigation has not "the opinion that tolls should be charged and to all alike," as the committee rather too hastily concludes.

The committee again quotes from the commissioner, though with what object it is hard to judge:

"A long line of treaties binds us to equal tolls on American and foreign vessels entering the improved harbors of New York, New Orleans, San Francisco, and every other harbor, river, lake, and canal within the United States."

Of course they do. I do not deny that we give much for nothing and that we have been worsted in practically every one of our commercial conventions.

But such river and harbor improvements are for our own commerce, while the canal may be used by vessels that never reach one of our ports and in direct competition with us.

A policy deliberately adopted which aids other vessels in our trade undoing is monstrous to contemplate. Does the committee wish the chamber to think that there is no difference in their respective effects upon the national economy between the Panama Canal and Ambrose Channel?

While swallowing the camel of $24,550,000 tolls on the Suez Canal for 1910, the committee strains at the idea of $14,500,000 for the Panama Canal.

As the best and fullest use of the canal for several years will be by foreign vessels, why not let those vessels, which from our inadequate equipment will reap the greatest profit and develop their own countries' trade, pay charges in proportion to advantage obtained? The Suez Canal started with tolls of 10 francs per gross ton, with a surtax, but they are now about $1.30 per net ton. There is every reason why we should start with an adequate toll, which can be lowered as the volume of travel increases.

It will be found necessary in all probability to write off the cost of the canal and to be content for at least a number of years to pay operating charges of all kinds, and by a surtax to raise a sum for insurance against accidents, such as earthquakes or other troubles, renewals, and wear and tear.

On such a basis $1 per gross ton would be sufficient. The net ton is not a true measure of the bulk or volume of the vessels, and hence the gross ton should be employed as being the more equitable standard by which to gauge charges. The committee knows the difference between gross and net tonnage, but ignores it. The surtax might be levied on passengers or goods which do not come from or go to United States ports.

As regards the coasting trade, there is a vast difference between domestic and foreign transportation. It is claimed that the coasting rates will serve to regulate railroad rates. We have from the beginning preferred our coasting vessels by constitutional regulation of trade, and our coasting trade is prosperous, and with naval orders keeps alive the shipbuilding industry.

There is no question in anyone's mind as to our right to prefer our coasting vessels, such preference being within the constitutional power to regulate commerce.

The committee is here to be criticized more than at any other part of its report, for while not passing upon preference for the coasting trade it shuts out such preference in its resolution by recommending a toll of $1 per ton on all tonnage passing through the canal.

Let us see how the committee disposes of this most important problem:

"The question of American shipping doing a coastwise tonnage passing through the canal free of tolls is a most difficult one to solve. There is a great diversity of opinion, and until this matter has been definitely determined by our Government in relation to the existing treaties with Great Britain and other countries your committee does not feel qualified to pass upon it."

But does the committee give their country the benefit of the doubt and qualify their recommendation? Not at all. They ask the chamber to pass the following resolution:

"*Resolved*, That the Chamber of Commerce of the State of New York favors a rate of $1 per ton on all tonnage passing through the canal, and urges upon Congress to take early action upon this important matter."

Not a single exception. The committee interprets the treaties and settles the coasting-trade preference at one blow. How the chancelleries and the shipping rings of our European rivals will rejoice at the sounding of such attack upon American shipping by New York's great chamber of commerce.

I am not building vessels any more and can not be charged with a selfish interest in this great question, but I am at a loss to understand why I find myself so often combating un-American policies. We see our dependence upon the oceans progressively increase, and while we rail at a monopoly on land we look with complacency upon the growth of an all-powerful monopoly upon the seas in the ships of our commercial and political rivals and in the arts and accessories of navigation.

This chamber should go much further in its recommendations.

The Spooner Act provided for building the canal, but not for its operation. The splendid work done by Goethals and Gorgas and the great men on the Goethal staff, such as Hodges, Devol, and Sibert, should not be lost in usefulness to the Nation. A plan of control, including the physical, such as upkeep and operation; sanitary; fiscal and civil, such as schools, courts, and police, must be studied. This chamber should have views upon such questions which would be of use; at any rate it can urge upon Congress the importance of an early determination.

But in the adjustment of tolls we shall see the greatest measure of good or ill for the American merchant marine. If you are not willing to aid in the building up of our merchant fleet through differential tolls, that is a question of conscience alone. But do not quiet that conscience by believing that any treaty stands in the way of preferring our own.

I oppose the resolutions offered because the premises upon which they are based are misleading and incompetent and the resolutions themselves carelessly drawn and harmful.

I beg to submit the following substitute resolutions:

The Chamber of Commerce of the State of New York, having considered the problem of tolls upon the Panama Canal, recommends as follows:

1. That for the next 10 years the interest on the canal bonds shall not be charged against the tolls.

2. Foreign vessels in the foreign trade to pay a toll of $1 per gross ton register if of foreign build; foreign vessels built in the United States to pay 30 cents per ton; United States vessels in the foreign trade to pay 20 cents per ton; United States vessels in the coasting trade to pay 10 cents per ton; no charge to be made for United States men-of-war; men-of-war of other nations to be charged as merchant vessels; vessels in ballast to pay half rates.

3. Any surplus over operating expenses from the sum above collected shall be placed in a special fund, to be expended for canal purposes or amortization of bonds, as decided by Congress.

This sum shall be further added to by a surtax on all vessels not carrying cargoes to or from United States ports of 10 cents per gross ton, regardless of flag; and on all passengers not coming from or going to American ports on the vessel which brings them to the canal there shall be a charge of $2 each.

4. That this chamber urge upon Congress the need of immediate legislation fixing the control of the Canal Zone and the operation of the canal.

I need not point out to the chamber the delicate ground upon which it stands in accepting a report of a committee as a basis for action, which report attempts to construe a treaty in such a way as to hamper our country in disputes which may arise under this treaty in the future.

I have not hesitated to put facts strongly before the chamber, as I have considered it my duty to do as an American citizen, glorying in my selfishness in my country's interests.

I am always ready to discuss such questions and am sending a copy of this letter to each member of the committee.

I trust that it will be found that in the rush of other duties they have not fully weighed the questions upon which they report and that they may go more fully into the subject before committing themselves to a policy the only arguments for which are un-American arguments.

Very respectfully,

LEWIS NIXON.

Mr. HUMPHREY of Washington. Mr. Chairman, I make a similar request, and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, at the instance of the gentleman from Louisiana [Mr. BROUSSARD] I yield 30 minutes to the gentleman from Missouri [Mr. ALEXANDER].

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Chairman, it is impossible for me in the time allotted to me to discuss this question as I would like to. I wish to discuss it from the standpoint of the American merchant marine. I will say, in passing, that I am not undertaking to reflect the views of the committee of which I have the honor to be chairman, for I do not know the views of the committee as a whole. I do know, however, that the members of the Committee on the Merchant Marine and Fisheries are all very anxious to do something to restore our American merchant marine in the foreign trade.

It is true that our coastwise merchant marine is greater than that of any other nation, and if we include our coastwise merchant marine we have a larger merchant marine than any other nation save Great Britain; but it is a source of humiliation to American citizens that more than 90 per cent of our foreign trade is carried in foreign ships and has been for many years past. I will not undertake to go into the causes of the decline of our American merchant marine. They are many and have often been discussed on this floor. But with this bill pending I could not let the occasion pass without suggesting to the majority of the Committee on Interstate and Foreign Commerce that, if it may be done consistently, they should be willing and anxious to respond to this demand and concede something to our American merchant marine.

Mr. SABATH. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. SABATH. Will the gentleman suggest what could be yielded to our American merchant marine in this bill that would benefit it?

Mr. ALEXANDER. If the gentleman will be patient, I will try to elucidate that question.

So far as the general features of this bill are concerned, they have my approval, so far as they relate to the administration of the Canal Zone, although the bill lodges vast and almost autocratic power in the Executive; but I recognize the peculiar situation in the Canal Zone and in the administration of the canal, and I am not disposed to question the wisdom of this legislation for that reason.

I wish to say, further, that I am in entire accord with the committee in the legislation proposed by section 11 of this bill, and I shall support the substitute for section 11 that will be offered by the committee.

I do not believe that the railways of the country should own and operate ships; and while this bill is intended primarily to provide for the administration of the Canal Zone, as it has undertaken to legislate upon this other question which I regard as a large and important question, I shall support the substitute for section 11, which I understand will be offered by the chairman of the committee [Mr. ADAMSON], because it is a notorious fact that our coastwise trade, both on the Atlantic and on the Pacific, is controlled by the railroads; that there is not a line of ships between New York and Galveston or on the Pacific Ocean that is not controlled for the most part by the railroads of the country. So long as that is true, we can not have that open competition between the waterways and the railroads that all thoughtful men agree is necessary.

Mr. HAMLIN. Will my colleague yield just there?

Mr. ALEXANDER. Yes.

Mr. HAMLIN. I want to call the attention of my colleague to the testimony before the committee that the American-Hawaiian Steamship Co., of which Mr. Deering is president, is an independent company, not one dollar of the stock or interest in which is owned by any railroad.

Mr. ALEXANDER. Where does that line operate?

Mr. HAMLIN. In the coastwise trade. I want to call the attention of my colleague further to the fact that he says he does not object to tolls being levied upon the coastwise trade. He has not asked for free tolls. Not one dollar of the stock in that company is owned by any railroad company, so he says.

Mr. HUMPHREY of Washington. Will the gentleman yield on that point?

Mr. ALEXANDER. Yes.

Mr. HUMPHREY of Washington. If I recall, it appears in the hearings; but, whether it appears in the hearings or not, it is a fact that that steamship line is operated in connection with a railroad.

Mr. HAMLIN. Oh, no; that is not in the hearings at all.

Mr. HUMPHREY of Washington. That is a fact.

Mr. ALEXANDER. Their relations are so intimate with the railroads that there has never been any friction between them. There is no competition between them, and from all appearances they are in perfect accord. Yet that company has been quoted from time to time as a justification for canal tolls. Just as soon as they do come in competition, just as soon as they do make a lower rate than the railroads, then there will be friction between them; and, like most other lines that have dared to do so, it would not be long until they would be put out of business. But whatever that relationship may be, it is one of comity and friendship, and there is no fraction between them.

Mr. HAMLIN. In the interest of accuracy of record, I want to say that the testimony by Mr. Dearborn is undisputed that there is a competition between his ships and the transcontinental railroads, and that they always cut under the railroad rates. He said he kept his ear to the ground, and when the transcontinental railroad companies made a rate his company made a lower rate, and that not one dollar in his company is owned by the railroad companies; and that statement was not disputed before the committee.

Mr. ALEXANDER. I undertook to read the testimony, but I did not read it in full, and I am unable to state what the fact is in that regard, but the committee of which I am chairman is charged with an investigation of the relationship existing between these different shipping lines, and we may reveal a different state of facts.

Now, I do object to section 5 of the bill, or that part which undertakes to commit us to the doctrine that under our treaty relations with Great Britain we may not discriminate in favor of American shipping. If it was intended that this question should go over for future consideration, why undertake in this bill to make a declaration of that kind? Why try to commit Congress to the doctrine both with reference to the coastwise and our foreign trade? Hence I object to this language in section 5:

> No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

I say if it was the intention that this question should go over and be considered by future Congresses, that language has no place in this bill. The question should be left open for discussion and consideration in the future.

I must confess that the situation here is an anomalous one. I would think that an American citizen, a Member of this Congress, jealous of the rights of his own country and his own flag, would leave it for some other nation to contend that we may not discriminate in favor of American shipping in the matter of tolls on the Panama Canal. I can very well understand why the railroads do not want this discrimination. I can very well understand why the foreign shipping interests do not want this discrimination. But, so far as I am advised, the Government of Great Britain is not contending that we may not discriminate in favor of American shipping in the tolls in the use of the Panama Canal. Hence, I say, this eloquence and this zeal is misplaced.

Mr. KNOWLAND. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. KNOWLAND. Further than that, it is a fact that the leading shipping authorities of Great Britain admit that we have the right to discriminate in favor of our coastwise vessels.

Mr. ALEXANDER. I take the statement of the gentleman from California as correct; I am not advised on that question.

Mr. SABATH. Will the gentleman yield?

Mr. ALEXANDER. For a very brief question.

Mr. SABATH. How would this provision benefit the foreign steamship business?

Mr. ALEXANDER. Is it not the gentleman's opinion that if we discriminate in favor of American ships in the use of the canal we would benefit our ships in the foreign trade?

Mr. SABATH. The foreign ships are excluded from doing any business in our coastwise trade.

Mr. ALEXANDER. I am not talking about coastwise trade alone; I take the larger and broader view. I say we should discriminate in favor of American shipping, both in the coastwise and in the foreign trade. That is my view. [Applause.] The greater necessity is in the foreign trade, because in that direction is the greater need to extend our commerce. There is an absence of American ships in the foreign trade. True, our American ships have a monopoly of the coastwise trade, and to save my life, after having heard these learned arguments, I still can not understand how they can justify the claim that we are bound by treaty not to discriminate in favor of American ships in the coastwise trade when foreign ships are excluded from the coastwise trade.

The gentleman from Minnesota [Mr. STEVENS] in his very able speech has undertaken to prove that it will be a violation of the terms of the Hay-Pauncefote treaty for us to discriminate in favor of our vessels in the coastwise trade, and to support his contention refers to the Welland Canal. Yet the two cases are not paralleled in any respect.

We have never asked Canada to let us share in her coastwise trade. Her vessels have a monopoly of that trade, as do our vessels of our coastwise trade. The trade between the United States and Canada on the Great Lakes is foreign trade. The Welland Canal connects international waterways—Lakes Erie and Ontario. The canal is built on Canadian territory and is under the control of the Dominion Government. It is true that in 1888 and again in 1891 representations were made by the United States that the stipulated equality in the use of the canal was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years, by an annual order in council issued before the opening of lake navigation, a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. TOWNER. I would suggest to the gentleman that I think it would be of advantage to everybody if he would also insert in his remarks the history of the controversy with the Dominion of Canada with regard to the Welland and Soo Canals. I think the facts regarding that ought to be in the RECORD.

Mr. ALEXANDER. I shall do that.

Mr. TOWNER. I entirely agree with the gentleman that they in no wise carry out the intention of the gentleman from Minnesota [Mr. STEVENS].

Mr. ALEXANDER. I quote from Moore's Digest of International Law, volume 3, page 681, the history of that controversy:

> In 1895 the United States and Canada each appointed three commissioners to confer on the question of the feasibility of building such canals as should enable vessels engaged in ocean commerce to pass to and fro between the Great Lakes and the Atlantic Ocean. This action was taken on the initiative of the United States under an act of Congress approved March 2, 1895. (For. Rel. 1895, I. 705–707; report of Mr. Olney, Secretary of State, to the President, Dec. 7, 1896, For. Rel. 1896, lxxiv.)
>
> QUESTION AS TO TOLLS.
>
> In 1888 (a) and again in 1891, representations were made by the United States that the stipulated equality in the use of the canals was denied in Canada. The tolls charged on grain, flour, and certain other articles passing through the Welland Canal amounted to 20 cents a ton, but for some years by an annual order in council issued before the opening of lake navigation a rebate of 18 cents a ton was granted on grain carried to Montreal or points east thereof. The effect of this system, which violated, as the United States maintained, the stipulated equality, was aggravated by the ultimate denial of any rebate on cargoes transshipped, as often as was necessary, for passage through the canal from larger to smaller vessels if the transfer was made in a United States port. On April 4, 1892, a new order in council was issued, which, while fixing the canal tolls at 20 cents a ton on freight of all kinds, allowed a rebate of 18 cents on wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat originally shipped and actually carried to Montreal, or any port east thereof, in case such products were exported, and provided that the right to the rebate should not be lost by intermediate transshipment, if it took place in Canada. (b) By another order in council, dated April 11, 1890, and mentioned by the United States as a discrimination, the toll on cargoes bound eastward was reduced from 20 cents to 10 cents a ton, while the full rate was continued on cargoes bound westward.
>
> The Canadian Government argued (1) that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty, and (2) that, as article 30 of the treaty of Washington, granting a reciprocal participation in special coasting trade and bonded-transit privileges, expressly authorized the United States to suspend those privileges in case Canada should deny the equal use of the canals under article 27, and as article 30 had been terminated on notice given by the United States, the agreed penalty for discrimination which might exist had already been exacted. (c) The Canadian Government proposed, however, as a compromise, to abolish all rebates on condition that the free and equal use of the Sault Ste. Marie Canal should be maintained, and that article 30 of the treaty of Washington should be restored (d).
>
> The United States replied (1) that the treaty guaranteed equality of treatment not merely to vessels of the United States, but also to their citizens; (2) that this equality was violated by the system in question, since it required grain bound to United States ports to pay 10 times as much toll as grain bound to Montreal, and discriminated against American vessels, ports, consumers, and trade routes; (3) that the termination of article 30 of the treaty of Washington by a notice in conformity with article 33 thereof, could on no theory be held to have forever exhausted the power of the United States to retaliate for any failure of Canada to observe the engagements of article 27; and (4) that clear rights conferred on citizens of the United States by treaty could not be purchased by concessions which the same treaty did not require (a).
>
> The matter was submitted by the President to Congress, (b) and by an act approved July 26, 1892, it was made his duty, whenever he should be satisfied that the passage through the Canadian canals of vessels of the United States, or of cargoes or passengers bound to a United States port, was prohibited, made difficult, or burdened by tolls which, in view of the free passage permitted to all vessels through the St. Marys Falls Canal, he should deem unjust and unreasonable, to suspend by proclamation such free passage and impose tolls, not exceeding a certain amount on vessels of subjects of the discriminating Government or on cargoes or passengers in transit to its ports. A proclamation, dated August 18, was issued August 20, 1892 (c).
>
> It specified as the particular ground for action the rebate allowed under the order in council of April 4, 1892, in favor of the Montreal route and Canadian transshipments, this preferential treatment constituting, as was declared in correspondence, "the concrete condition of disfavor to citizens of the United States, which the President was constrained to examine and act upon"; (d) and directed the collection after September 1, 1892, of a toll of 20 cents a ton "on all freight * * * passing through the St. Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations."
>
> By a Canadian order in council of February 13, 1893, it was directed that "for the season of 1893 the canal tolls for the passage of the following food products: wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat, for passage eastward through the Welland Canal be 10 cents per ton, and for passage westward through the St. Lawrence Canals only 10 cents per ton; payment of the said toll of 10 cents per ton for passage through the Welland Canal to entitle these products to free passage through the St. Lawrence Canals."
>
> On the strength of assurances that this order was in full substitution of the expired orders of 1891 and 1892, and involved the abandonment of all provisions as to rebates or against transshipped goods, the President, February 21, 1893, issued a proclamation suspending that of August 18, 1892 (a).
>
> By an order in council, dated April 17, 1896, all fees previously exacted from vessels navigating inland waters, when entering or clearing above Montreal, were abolished. It was stated that the Canadian Government, while maintaining its former contention that certain charges exacted in the United States ports from Canadian vessels constituted a discrimination in favor of United States ships, took the action above stated in order that no cause for friction with the United States authorities in regard to the matter should exist (b).

It will be noted that Canada would not at first yield to the contention of the United States, but contended that its orders in council did not infringe the treaty, but proposed, however, as a compromise to abolish all rebates on condition that the free and equal use of the Sault Ste. Marie Canal should be maintained and that article 30 of the treaty of Washington should be restored.

Article 30 of the treaty of Washington, granting reciprocal participation in special coasting trades and bonded-transit privileges, and expressly authorizing the United States to suspend these privileges in case Canada should deny the equal use of the canals under article 27, had been terminated on notice given by the United States.

The President and the Canadian Government failing to come to an agreement, the matter was submitted to Congress, and the act of July 26, 1892, was passed, providing that so long as the President should be satisfied that the Canadian Government should discriminate against vessels of the United States in the passage through the Canadian canals certain tolls should be charged the vessels of Canada for passage through the St. Marys Falls Canal.

The result was that the Canadian Government, by order in council of February 13, 1893, made a new regulation satisfactory to the United States, and on the strength of assurances that this order was in full substitution for the expired orders of 1891 and 1892, the President, on February 21, 1893, issued the proclamation suspending that of August 18, 1892, which was based on the act of July 26, 1892.

Later, the Canadian Government, by order in council dated April 7, 1896, abolished all fees previously exacted from vessels navigating inland waters when entering or clearing above Montreal. Thus the controversy was happily ended.

Nevertheless it clearly appears that Canada never did concede that she had violated any of the treaty rights of the United States. The only way we forced her to make concessions to us was by the Congress passing the act of July 26, 1892, by which we gave Canada to understand that if she did not concede to us reciprocal treatment in the use of the Welland Canal we would deny to her the free passage of her vessels through the St. Marys Falls Canal.

Just what that controversy and its settlement has to do with our right to grant to American vessels free tolls in the use of the Panama Canal, I repeat, I am unable to understand.

It might be bad policy for us to do as contended by the gentleman from Minnesota [Mr. STEVENS], but it can not be seriously contended that we violate the terms of any treaty between ourselves and Canada in doing so, and it can not be seriously contended that Canada should be accorded equal treatment with American vessels engaged in the coastwise trade in passage through the Panama Canal under the Hay-Pauncefote treaty, unless such treatment may be claimed for the vessels of Great Britain and of all other nations that may apply therefor.

That we have the undeniable right to discriminate in the matter of Panama Canal tolls in favor of vessels of the United States engaged in the coastwise trade and, if we elect to do so, grant them free tolls, is settled by the decision of the Supreme Court of the United States in the case of Olsen *v.* Smith (195 U. S., 332). In that case the treaty with Great Britain expressly provided that—

> No higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

The court held that this treaty was not violated by either the Texas statute or section 4444 of the Revised Statutes of the United States, exempting coastwise steam vessels from the payment of pilotage charges.

Mr. Justice White, now Chief Justice, speaking for the court, said:

> Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States." Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

This decision, it seems to me, should settle the question once and for all. But in the absence of any decision by this great tribunal, it should be plain that we have the right to treat our vessels engaged in the coastwise trade as we please, in view of the undisputed fact that no foreign vessel may participate in that trade, and it is no concern of theirs how we treat our vessels in the coastwise trade, whether we grant them free tolls or not.

But it was not my intention to give this phase of the subject more than a passing notice.

The gentlemen entertaining the contrary view, however, have expressed their contention with such earnestness and plausibility that I have felt it my duty to give it more extended notice.

But my contention is that we may not only discriminate in favor of vessels of the United States engaged in the coastwise trade, but that we may discriminate in favor of vessels of the United States engaged in the foreign trade in the matter of tolls in the use of the Panama Canal, and, following my thought on that subject, is it not a little remarkable that the President of the United States, having in view our treaty with Great Britain, should deliberately announce in a message to Congress that, in his opinion, we have a clear right to discriminate in favor of our shipping, not alone in the coastwise trade, but in the foreign trade as well. I quote from the message of President Taft

to the Congress in December, 1911 (62d Cong., 2d sess., H. Doc. 343), in which he says:

I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone, but when we are dealing with our own ships, the practice of many governments of subsidising their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. CLINE. I will ask the gentleman if the President does not say the tolls would have to be paid at the canal, and they could be recouped by legislation, and that that was lawful; and does he not say it in that identical communication?

Mr. ALEXANDER. No; his language is:

I am confident that the United States Government has the power to relieve from the payment of tolls any part of our shipping that Congress may deem wise.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. MANN. I hold in my hands a letter from the Secretary of State—Secretary Knox—and also a letter from the Secretary of War, Mr. Dickinson, the latter stating that a bill which I introduced which would permit a discrimination in tolls both as to coastwise trade and to foreign trade carried in American bottoms, met the approval of the President of the United States—all approving that proposition under the treaty.

Mr. TOWNER. Will the gentleman from Illinois not put that also in the RECORD?

Mr. MANN. I may insert them in the RECORD when I make some remarks.

Mr. ALEXANDER. The Secretary of War, Hon. Henry L. Stimson, in his last annual report, page 54, is equally clear in his opinion that the United States may legally and morally relieve American vessels from payment of tolls for use of the Panama Canal without violating the provisions of the Hay-Pauncefote treaty. I quote his language:

Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances to my mind leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form—provided the tolls for other nations are kept reasonable, as we have also covenanted to do—whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place.

The Secretary of Commerce and Labor, Hon. Charles Nagel, in his annual report, pages 102 and 103, entertains the same opinion. His statement is as follows:

Every State in the Union with navigable waters crossing its boundaries furnishes precedents of congressional appropriations for the establishment and maintenance of improvements at the continuing expense of the Federal Treasury and without a dollar's help from the vessels which enjoy the advantages of such improvements. Where the future of American shipping is at stake, and the domestic commerce of both seaboards and the Gulf is involved, there is no apparent reason to depart from a principle which has been so constantly invoked. * * *

The Panama Canal is being built in the belief that it will benefit all sections of the country and nearly every form of American industry. Our merchant ships and shipyards are as essential to the Nation as our battleships. They have at least a claim to equal consideration in canal legislation and appropriations with other American industries. Every argument to tax the American merchant ship which uses the canal would apply with equal force to a tax directly on American cotton, lumber, fruit, coal, grain, and other cargo carried by the ship through the canal. It is feasible to use the canal for the promotion of American navigation in a manner consistent with treaty obligations, with precedent at home and abroad, and with our fixed policy of untaxed navigation on improved waterways.

When the gentleman from Minnesota, in answer to my question, answered "that our Government might refund to American vessels all or part of the tolls paid by them for passage through the Panama Canal, whether in the coastwise or foreign trade," he gave away his whole case, for it is absurd to say that if by the terms of the treaty we may not discriminate against foreign shipping in the matter of tolls we can secure the same result in this direct manner. I say it would not be honorable to do it in that way. It would be a subterfuge and would not be recognized by any self-respecting nation. So that when that concession is made on the part of the proponents of this bill they virtually give away their case.

As I say, I do not intend to further discuss the question whether or not this Government may grant free tolls to our vessels in the coastwise trade without reference to whether or not we may do so in the foreign trade. If the provisions of the Hay-Pauncefote treaty were without doubt, if they were clear and unequivocal that we could not discriminate in favor of our vessels in the foreign trade, I do not believe it could be seriously contended for one moment that we may not grant free toll to our vessels in the coastwise trade, and that was the view of the Supreme Court of the United States.

The gentleman from Minnesota [Mr. STEVENS] contends with equal force and eloquence that we may not discriminate in favor of our vessels in the use of the Panama Canal in the foreign trade, and on that question I wish to join issue with him.

He casts aside the opinions of the President of the United States, of the Secretary of War, of the Secretary of Commerce and Labor, all distinguished lawyers, as of little weight in the solution of the question.

He seems to overlook another important fact. Although the position of our President on this all-important question has been known for many months, and the question has been given great prominence in the press and magazines of the country, no word has come from the British Government or any other maritime nation, so far as I am advised, that we may not grant to America a less rate of the tolls than to foreign shipping, or for that matter free passage through the Panama Canal. I attach great significance to this circumstance, for if there is any plausible ground on which the position of our Government in this matter might be questioned I fancy Great Britain and other maritime nations would be quick to seize upon it.

I can readily understand why our transcontinental railroads and the foreign shipping interests might support this contention, prompted by selfish interests, and I am not finding fault with them for doing so, but I have been cudgeling my brain to find a plausible reason why my esteemed friend, the distinguished chairman of the Committee on Interstate and Foreign Commerce, and the majority of that committee should press that view with so much zeal and eloquence. I believe them sincere in their desire to help our merchant marine. I am inclined to think their error lies in misunderstanding the influence and effect the opening of the canal will have upon the future of our merchant marine, and their judgment is controlled by a wish to make the canal pay as a commercial enterprise. In both views I believe they are mistaken. As I view the situation the canal, if wisely administered, will be a valuable asset in the building up of our merchant marine and in the extension of our foreign trade in American ships, not only in South America but to the Orient and other parts of the world.

The gentleman from Minnesota in his construction of the Hay-Pauncefote treaty gives great significance to the language in the preamble to that treaty, that the contracting parties agreed that the canal should be built "without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty."

Now, from that language, "without impairing the general principle of neutralization established in article 8 of that convention," he gives those words very great weight in construing the articles of that treaty. In fact, he reads them into the treaty and would make them a part of the treaty. To my mind that is indefensible. If we want to have an interpretation of those words, or if we want to interpret those words to see what effect they had or what scope they shall have given in the treaty, let us go to the treaty itself. Now, there has been much said on the question of neutralization, and yet that is a term of wide significance which does not allow a definite meaning and which can not be applied to any specific treaty and made a universal rule of action. It has been violated time and time again in our treatment of the Panama Canal, and to accept those words as a justification for the position of the committee that we may not discriminate in favor of American ships in the use of the Panama Canal, to my mind is entirely untenable. Why, if we take the Clayton-Bulwer treaty as a basis, or if we undertake to interpret article 8 of that treaty and translate the spirit of that treaty into the Hay-Pauncefote treaty, we violate it in many respects. We violated it in our treaty with Panama, because we expressly provide that ships of the Government of Panama shall pass back and forth through the canal free of toll. It is nothing to say that her shipping in tonnage is negligible. We are contending for a principle, and if the contention of the gentlemen on the other side is correct, then we have violated the spirit of that treaty in granting this concession to Panama. If we grant it to Panama we can grant it to the various Governments of South America, but my contention is that we do not violate the treaty in that regard. Then, again, in the fortification of the canal we violate the principle of neutrality in its broad definition.

We are going further. We propose to place a military force on the canal. Is that simply to police the canal and maintain order on that 10-mile strip that has been conceded us by the Government of Panama? Is it possible that we are going to an annual expense of about $10,000,000 for Army fortifications simply for the purpose of policing the canal? Will it be necessary to expend a larger sum for that purpose after the canal is completed than now with many thousands of people engaged in the construction of the canal? Certainly not. There are those on this floor who have contended we could not fortify the canal; that it would be a violation of the treaty with Great Britain. At the same time, unchallenged by Great Britain, we are fortifying the canal. We are going ahead to place an army on the Canal Zone unchallenged by Great Britain, not simply for the purpose of policing the canal alone, but to protect it from hostile attack by any foreign nation. Not content with the declaration of Great Britain that it shall be regarded as neutral, not content with treaties that may be negotiated with foreign nations by which the neutrality of the canal may be recognized, we are preparing, by force, to protect our rights in the Canal Zone and to that great canal. But it is said if we grant discriminating duties to American ships we are violating the rule of equality. Now, just one moment on that question. We are spending $400,000,000 in the construction of that canal. Four per cent interest on that amount would be $16,000,000 a year. We propose to pay, according to the estimates of these gentlemen, from forty to fifty million dollars a year for its protection, maintenance, and operation, and yet notwithstanding that vast expenditure, to which no foreign nation has contributed one penny, notwithstanding the fact that the canal is being built on land to which the Government holds the absolute title, it is solemnly contended here, under the Hay-Pauncefote treaty, that we have no right to discriminate in favor of American ships by granting them the use of that canal at a less toll than we grant to foreign ships. The proposition is wholly untenable, to my mind. Gentlemen talk of the doctrine of equality. How could any foreign nation have the courage to make such a claim in view of these facts?

And yet that is the contention of these gentlemen, and they press it with great zeal. Why they should do it, I do not know, unless prompted by the considerations to which I have already referred.

Mr. SULZER. Or anybody else.

Mr. ALEXANDER. I do not understand it. And the other doctrine—that when you levy a toll it does not affect the price of the commodity to the consumer; that it will be absorbed in the rate—is another specious contention. They would have us believe that this barrier is a blessing and that to remove it is a curse and that it is a distinct disadvantage to the American people if we open that waterway and make it free to our shipping between the Atlantic and Pacific coast.

I am quite willing, so far as I am concerned, that our shipping, both in the coastwise and foreign trade, may pay some amount of toll; that they shall contribute toward the maintenance and operation of the canal, but I do insist that when these tolls are framed they should distinctly give an advantage to our American merchant shipping. [Applause.]

But to return to the construction of the Hay-Pauncefote treaty. To learn the terms of the treaty we should refer to the treaty itself. Article 2 provides that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscriptions or purchase of stock or shares, and that subject to the provisions of the present—the Hay-Pauncefote, not the Clayton-Bulwer—treaty, the Government of the United States shall have all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Could language be more clear and free from ambiguity than this?

But it is said that article 3 of the treaty places it beyond peradventure of doubt that in the levying of tolls we must observe the rule of equality as between ourselves and other nations. To do so by giving that rule the interpretation contended for by the gentleman from Minnesota, we must require the following considerations: First, that the canal is built on American territory, purchased at an expenditure of $50,000,000; second, the annual payment to the Republic of Panama of $250,000, beginning February 26, 1904; third, the expenditure of $400,000,000 in the construction of the canal; fourth, the annual expenditure of $40,000,000 to $50,000,000 in the defense, maintenance, and operation of the canal. But how could other nations share the benefits of the canal with us on terms of entire equality unless they would come in and share with us this great burden? [Applause.]

And yet without consideration and assumption of any obligation on their part other than to observe such conditions and charges of traffic as shall be just and equitable what do we, in article 3 concede to other nations? First, that "the canal shall be free and open to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in the conditions or charges of traffic, or otherwise; that such conditions and charges of traffic shall be reasonable; second, that the canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. And yet these, with some minor provisions, are the rules adopted by the United States as the basis of neutralization of the Panama Canal, according to the very terms of the treaty, and referred to as substantially embodied in the convention of Constantinople, signed on the 28th day of October, 1888, for the free navigation of the Suez Canal.

If it was the intention of the framers of the treaty that vessels of the United States should pay the same tolls for use of the canal why did not the framers of the treaty say so in unmistakable language? Why provide, referring to foreign nations, that the United States should make the conditions and charges of traffic just and equitable? To my mind the only answer is that the right of the Government to fix the tolls for its own shipping was so apparent and fully recognized that the only concession that could be reasonably insisted on was that other nations should be treated fairly and equitably in that regard.

Then, too, the British representative no doubt had in mind the interpretation given to the convention of Constantinople and the fact that the Turkish Government, whose authority was recognized in Egypt at the time the concession was made to De Lesseps to build the Suez Canal, might pass its vessels through the canal free of tolls; that the Russian Government pays the tolls of the merchant steamers of the Russian volunteer fleet; that the British Pacific & Orient Co. receives in subsidies nearly enough to pay all its canal dues; that the North German Lloyd receives an annual subsidy on its vessels using the canal of $1,385,000; that Japan pays a subsidy of nearly equal that amount to the Nippon Yusen Kaisha for its steamers using the Suez Canal; that Austria-Hungary specifically provides by law for payment of Suez Canal tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe; that subsidies are paid by the French Government to its largest company using the canal amounting to about $2,500,000 annually.

In the light of these facts it could hardly be contended that our Government may not remit all or part of the tolls of its vessels using the canal, and it is no cause for wonder that foreign nations are not demanding that our Government should charge the same tolls for American ships as for their own.

Again it is contended by a majority of the Committee on Interstate and Foreign Commerce, led by their able chairman in his inimitable and facetious style, that if we favor our shipping in the matter of tolls for use of the Panama Canal we will be granting them subsidies; something justly obnoxious to a majority on this floor, if not to the American people. I have been as much opposed to subsidies to our merchant marine as the gentlemen who make their claims. I believe there is a better way to rehabilitate our merchant marine, and as one of the means of doing so the committee of which I have the honor to be chairman has reported to the House a bill for free ships for the foreign trade and for free material, which I hope will be passed before this session closes.

But if the contention of the gentleman is correct the policy of the Government in reference to our great harbor and inland waterways is all wrong.

The river and harbor act of 1884, section 4, provided:

No tolls or operating charges shall be levied upon or collected from any vessel, dredge, or other water crafts for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constituted.

We have uniformly followed the policy enunciated in that act through all the years since its passage. Has our policy been a mistaken one? Have we erred in not charging tolls at every lock and dam built and harbor deepened at the national expense?

The Secretary of the Treasury recently sent to the Senate a letter transmitting the information that from the foundation of the Government to the close of the fiscal year ending June 30, 1911, a total expenditure upon rivers and harbors and canals—excluding the Panama Canal—is $627,098,236.05.

Of that sum, $121,142,554.41 has been expended upon the Mississippi River, $11,425,056.90 upon the Missouri River, and $23,548,338.15 upon the Ohio River, while the State of New York has appropriated a total of $147,000,000 for the enlargement and maintenance of her canals since the State declared them to be free of all tolls.

The balance of the six hundred and twenty-seven and odd millions of dollars has been expended in the improvement of other waterways than those mentioned and in deepening the harbors of the Great Lakes and our Atlantic, Gulf, and Pacific seaboards.

The present river and harbor bill as it passed the House carries an authorization for the expenditure of $20,000,000 to secure a 6-foot channel in the Missouri River between Kansas City and its mouth. When completed shall steamboats and other water crafts be charged tolls for the privilege of navigating the Missouri River?

Locks and dams have been built across the Mississippi River at Keokuk at a great outlay of money. Shall all steamboats and other water crafts using the locks be charged tolls?

Immense sums are being spent for locks and dams on the Ohio River to improve the river for navigation. Shall a toll-gate be erected at each lock and tolls be demanded of steamboats and other water crafts passing through them?

By the deepening of the harbor at Duluth and other ports on the Great Lakes and by the erection of locks and canals the cost of transporting a bushel of wheat from Duluth to Boston and New York has been reduced, we are told, in the last 50 years from 30 cents a bushel to less than 6 cents, while the movement of ores has been reduced to a very low figure.

Yet all these improvements were made out of the National Treasury. That they were wise and have contributed to the general welfare can anyone doubt?

Are we not all in favor of the freest interstate commerce, and should we make any distinction between that secured by the improvement of our inland waterways and the removal of an obstruction to waterway traffic between the Atlantic and Gulf States and those of the Pacific Ocean? And will not the Panama Canal give added value to our inland waters as carriers of our domestic and foreign commerce? To state the proposition is to give the answer. And yet, from this viewpoint, it would be quite as reasonable to charge American vessels for the use of our inland waterways and harbors as for the passage through the Panama Canal, and the failure to do so in the one instance is as much a subsidy as the other.

Mr. Chairman, I have not discussed what tolls, if any, should be charged American vessels using the canal. Experience will best solve that question. I have undertaken to combat, and I hope successfully, the contentions of the majority of the Committee on Interstate and Foreign Commerce that we have no right to permit American vessels to use the canal at a less toll than that charged foreign shipping. I would remove instead of adding to the handicap of our merchant marine.

I would give to our merchant marine every possible benefit in the competition of this, the world's greatest engineering triumph, to the end that some day—and I trust that day is not far distant, when a generous share of our commerce in the world's trade will be carried in ships carrying the American flag. [Loud and prolonged applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. MARTIN] is recognized.

Mr. MARTIN of Colorado. Mr. Chairman, surely in Panama has the stone that was rejected by the builder become the head of the corner. For this once pestilential sink hole of the American Continent was reserved the great project. Its successful completion will not be an incident; it will be an epoch, and its construction will be an epic. The builders of the Panama Canal, like the victors of a great war, will live in its memories; and already the men who are constructing it are organizing their veterans' association, so that in after days they, like soldiers who have served upon the field of battle, may gather about their camp fires and talk of the times when they were on the canal.

For myself, I believe I can say I would rather build the Panama Canal than be President. In the centuries to come the figures of Presidents will be like a row of telegraph poles across the plains; their names will be known only to bookmen. But the doers of such deeds as the Panama Canal will be far less numerous.

After a campaign of eight years, led by the brilliant Frenchman, De Lesseps, fresh from the triumph of the Suez Canal and inspired by the glory and the experience of that great achievement, the people of France fell exhausted amid the poisonous swamps and disease-laden jungles of Panama. And now, after another campaign of eight years, under the leadership and engineering genius of the greatest engineers in the world—and I am glad to say that after having been over that great project twice I feel that it is going successfully and satisfactorily forward under the most competent management obtainable—but even after this eight years of campaign, backed by the financial resources of this mighty Nation, backed by a Treasury such as De Lesseps and France never dreamed of, the titanic struggle still goes on, and the end is not yet.

Mr. Chairman, I am glad of the opportunity that I have enjoyed to twice personally visit this great project and go over it and inspect it closely and get its incomparably gigantic proportions photographed forever upon my mind. And I am proud and grateful of the fact that as a member, one of the rank-and-file members, so to speak, of the Interstate Commerce Committee I have been permitted to play, or think I was playing, ever so small a part in the legislation which is to provide for the permanent government, the operation, maintenance, regulation, and sanitation of this great engineering project. And I am sorry that my contribution to this debate must be largely in the nature of a contribution to the CONGRESSIONAL RECORD.

It is very obvious that that inspiring line—

The applause of listening senates to command—

was not called forth by any occasion such as the present, and for that reason I want to thank the gentlemen who have given way to me in order that I may "say my little say" and put the rest of it in the RECORD and get out of town.

But, Mr. Chairman, I do want to make some permanent contribution to this record, and it seemed, singularly enough, as I listened to the debate—and there have been some very able discussions on this question—that each member of the committee seems instinctively to have followed along a line of his own, a line entirely different from all other Members, so if this rule holds good throughout the debate we will be favored by very extensive and comprehensive literature upon the subject of the Panama Canal.

It has been my ambition to make my contribution to the literature of this debate in the way of the arrangement, in available form, of the testimony adduced before the committee in the hearings upon which the controverted features of this bill rest. Perhaps when this measure is considered in the other body, perhaps when it is considered in the country at large, perhaps when these debates shall be analyzed by future Congresses in the far years to come, when all the gentlemen here present have ceased to be Members of this body, the preservation in succinct form of the testimony and statements upon which the majority of the Committee on Interstate and Foreign Commerce based their action in framing this bill will be of far more value in sustaining that action than anything that may be said here by Members on the floor in debate.

PROBLEMS OF THE CANAL.

All the problems in this legislation group naturally about the two main questions of permanent organization and transit regulations. Permanent organization has to do with the future form of government of the Panama Canal and the Canal Zone, and transit regulations have to do with the terms and conditions under which vessels may use the Isthmian waterway. The questions are few and minor which do not fit readily into the one or the other of these principal subdivisions.

The temporary government of the Canal Zone was established and carried on by or under the orders of the President of the United States by virtue of a general grant of plenary power to the President by the Congress of the United States, which grant of power expired by limitation with the life of the Fifty-eighth Congress. For more than seven years now the military, civil, judicial, and constructing powers of the Canal Zone have gone on successfully by Executive order, without organic or statutory guidance or limitation.

Within a few specified limitations, and these, with the exceptions which I shall hereafter specifically point out, of minor importance, the Executive will be given practically the same free hand in forming the permanent as in forming the temporary government of the Panama Canal and the Canal Zone. Upon the form of government the pending bill goes into detail only in the matter of the judicial establishment, which, of course, will not be of primary importance within the bounds of a zone in which the United States will be the sole proprietor and in which only officials and employees of the United States will be permitted to reside.

OUTLINES OF THE BILL.

Section 1 of the bill fixes the boundaries of the Canal Zone and provides for land additions thereto and land eliminations therefrom, by means of exchanges with the Republic of Panama.

Section 2 ratifies and confirms all previous acts of the President in building the canal and in governing the zone.

Section 3 authorizes the President to extinguish all adverse property titles in the zone.

Section 4 authorizes the President at any time to discontinue the temporary organization by abolishing the Isthmian Canal Commission and form a permanent organization, under a civil governor, with powers and duties to be prescribed by the President.

Section 6 provides for the installation of wireless telegraphy and the establishment of dry docks, wharves, coal supplies, repairs, and facilities for maintaining and operating the canal, all of which are to be handled by the Government.

Sections 7, 8, and 9 provide for the judicial establishment, including trial by jury in all criminal cases above a misdemeanor.

Section 10 provides for the exclusion from the Canal Zone, except under permit of the governor, of all persons not in the employ of the United States.

Section 12 provides for the extradition of fugitives from justice.

Section 13 provides for military control of the canal during the imminence or existence of war in which the United States is engaged.

There were no material differences of opinion in the committee upon any of these sections, and as the committee is unanimous in its support of these sections as they now stand, any controversy over them will be minor. I am not clear as to the policy of excluding all save officials and employees of the United States from the Canal Zone, but as half of it will be under water and nearly all of the remainder is a worthless jungle, it is a matter of small moment.

Section 5 fixes the tolls through the canal, and section 11 excludes from the canal water lines owned or controlled by competing railroads, and these are the two sections which have developed marked differences of opinion and policy.

RAILROAD-OWNED WATER LINES.

Section 11 of the pending act, by amending the interstate-commerce law, forbids railroad ownership or control of competing water carriers, which provision necessarily includes the Panama Canal, since the isthmian waterway will be a competitor of the transcontinental railroads.

Having actively supported section 5 of the pending bill, providing for the levying of uniform tolls upon all vessels, foreign and domestic, which provision is vigorously combated by certain coast cities, and particularly on the Pacific, I have felt disposed to permit the advocates of free tolls to write section 11.

DEMANDS OF THE SHIPPING INTERESTS.

But while acquiescing in this demand of the representatives of the Pacific coast—and it is principally confined to the three coast States of California, Oregon, and Washington—I must observe that a survey of the demands of the friends of the water carriers in the domestic trade acquits these interests of anything in the nature of undue modesty. Indeed, a survey of these demands, coupled with the advantages already secured to domestic water carriers by law, may well raise the question whether water transportation is a business or a charity.

Under the coastwise laws domestic shipping is given an absolute monopoly of the transportation of persons and property between American ports. When the Panama Canal is completed none but an American vessel may transport passengers and freight through it from one coast of the United States to the other, in addition to which absolute and exclusive monopoly domestic shipping now asks a free shipway through the Panama Canal and the exclusion from the canal of domestic vessels owned or controlled by competing railways. I shall show later that every boat line in the coastwise trade occupies its own exclusive water route termini and traffic territory, without either competition or supervision, and that there will be substantially no competition among water carriers through the Panama Canal, but I summarize now these demands of the coast cities, and particularly of the Pacific coast, in order that you may see at a glance their sweeping scope and character and more carefully sift the justice of these demands.

Absolute protection against foreign shipping is already secured by law to the domestic water traffic. Absolute protection against railroad owned or controlled water carriers is proposed in the pending law. On the other hand, lack of law likewise guarantees domestic shipping freedom from Government supervision or control. Given these three unqualified and extraordinary advantages, one might be led to think that there would exist sufficient inducement and opportunity to establish and maintain coast to coast traffic through the Panama Canal, but it appears that the conditions precedent to such consummation will not be completely established until in addition domestic shipping may pass through the canal without paying even the expense of lifting the vessel from sea to sea.

UNIFORM FAILURE OF PROHIBITORY LEGISLATION.

I will dismiss the railroad problem for the present with these observations: There are two principles for the Government of commercial and industrial agencies, to wit, prevention and regulation. I do not hesitate to take my stand squarely upon the side of regulation. The history of preventive legislation in the United States has been a history of failure. So far as securing benefits to the people are concerned this method has been as barren of results as the sands of the Sahara. The tale of preventive legislation is told in the Northern Securities merger case, in the dissolution of the Standard Oil and Tobacco Trusts, in the whole history of the Sherman anti-trust law, which is a history of paper victories. By reading the law and the decrees you read the death of trusts and monopolies, but you will turn away from the printed page and look in vain for a single substantial benefit from any such law upon the statute books of this country or any decision under it. But the Sherman anti-trust law is not any more barren of real results than will be the proposed railroad provision in the Panama Canal act.

Both Federal and State laws in this country absolutely forbid and enforce the prohibition against joint or interlocking ownership or control of competing railways. The objects to be attained by this prohibition are competition in service and competition in rates, but, in the final analysis, competition in rates, since the saving in money is the sum of the benefits to the shipper and consumer. The utter failure of this prohibition of joint or interlocking ownership or control to secure this ultimate object led to Federal supervision and control of interstate railways. We still enforce the law against mergers and pooling, but without any results whatever in the shape of competition. There is no law to prevent one transcontinental railroad from hauling freight at a less rate than another, but you may start a car of freight from New York for San Francisco, and it makes no difference what route is taken, or linking of routes, or whether it skirts Canada or the Gulf, or goes straight across the continent, the rate upon every road will be absolutely the same to a cent to its destination on the Pacific coast; and it makes no difference whether the traffic originates in Boston or New York, or Philadelphia, or Baltimore, or Washington, or Charleston, or Atlanta, or New Orleans, or St. Louis, or Chicago, or Kansas City, or Omaha, or Denver, and terminates in Tacoma, or Seattle, or San Francisco, or Los Angeles. The rate will be the same to a cent from any of these points of origin to any of these points of destination.

These are facts which can not be gainsaid, and I shall leave them without further comment until I come to present the facts which will as conclusively demonstrate that there will be no more competition among water carriers through the canal than there is among transcontinenal railroads, and upon which I shall predicate the argument that there will be no competition between the rail and water carriers. I prove that there is no rail competition. I prove that there will be no water competition; and I shall argue from these and other facts that there will be no competition between rail and water. But if Congress, in shirking the task it must eventually undertake of regulating domestic traffic and rates, sees fit to cripple and limit transportation through the Isthmian Canal to gratify certain coast cities which hope to benefit hereby, I shall have no quarrel with the proposition. I voted in committee for the provision as it stands in the law, and I shall vote for it in the House. We want the lowest rates the traffic will bear through the Panama Canal, and in the absence of any practical system or method to secure this result I am willing to vote for a provision that is at least a declaration of intention.

I shall now proceed to the consideration of that proposition, which is the sine qua non of domestic shipping, that without which, according to their allegations, not their proof, the Panama Canal can not be a success as a factor in domestic commerce—the question of free or preferential tolls.

Section 5 of the pending bill provides that the toll shall not exceed $1.25 per ton based upon net registered tonnage, nor be less than the cost of maintenance and operation of the canal, and that no preference shall be given or discrimination shown to the vessels of any nation, its citizens or subjects, except vessels owned by the Governments of the United States and Panama. A minority of the Committee on Interstate and Foreign Commerce have submitted a report in favor of free passage to American shipping through the Panama Canal.

This question was given exhaustive hearings by the committee; indeed, the gentlemen signing the minority report, which is nonpartisan, being signed by three Democrats and two Republicans, will join the majority of the committee in saying that no interest desiring to be heard was denied the privilege or curtailed in its exercise. In discussing this question I shall not place the burden upon the proponents of free tolls,

but shall assume and undertake to show, not upon the reports filed, but upon the facts developed in the hearings, that the very right of this controversy is with the provisions of the pending bill.

MAY WE GRANT FREE TOLLS TO DOMESTIC SHIPPING WITHOUT VIOLATING TREATY RIGHTS?

At the very outset of the question of giving preferences or showing discriminations in favor of domestic shipping has been raised the point whether we may do so without violating the Hay-Pauncefote treaty, entered into between the United States and England prior and preliminary to the taking over and building of the Panama Canal by this Government. The controversy on this point arises out of the construction of section 1, article 3, of the treaty, which reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

This provision is construed by some members of the committee to forbid the granting of preferences or showing of discrimination to American shipping, either domestic or foreign, either by granting free or preferential tolls or rebates.

I want to say this, Mr. Chairman: That while I am with the majority upon the proposition that the Panama Canal tolls shall be uniform and universal, that there shall be no exceptions in favor of domestic shipping, yet I do not, as some of the majority Members do, base my position upon the proposition that this Government may not, if it sees fit so to do, discriminate in favor of domestic shipping. [Applause.]

I have given this question some thought, but not much study or research, but from the thought I have given it and upon principle I am not inclined to take the position that we may not grant preferences to American domestic shipping or rebates to American foreign shipping. I distinguish between the right and the policy involved. I may not consider it necessary or sufficiently beneficial to grant a free waterway to American domestic shipping or rebate of tolls to American foreign shipping, but it does not follow that I would deny my right so to do. Further than that, I am of the opinion that we have a distinct and unquestionable right to deal with our domestic shipping through the Panama Canal as we may see fit and to rebate tolls and all other charges to our foreign shipping without any violation whatsoever of treaty rights.

I listened to the gentleman from Minnesota [Mr. STEVENS] this afternoon with great attention as he discussed the treaty. Not only is he a very able man, but a man who is peculiarly well qualified to discuss the particular question that he did discuss. I do not believe that there is any abler man or one better qualified on the committee or in either body to discuss that particular question than the gentleman from Minnesota.

And yet I propose to say this: That even if it was a question of doubt whether we could discriminate in favor of American shipping, as some claimed it to be whether we could fortify, I do not believe the American people would take kindly to the view that we could not. I fear that the view that our hands are thus tied by that treaty would not accord with the spirit and the sentiment with respect to this matter that are entertained by the people of this country. [Applause.] So I prefer, Mr. Chairman, to base my opposition to free tolls entirely upon other grounds.

I will admit that I have not made a deep research into that aspect of the question. I will admit that my views are rather the result of random thinking than of research. But it has occurred to me from the start that, so far as domestic shipping was concerned, this situation was analogous to that known in law as damnum absque injuria if, indeed, the rights and claims of foreign nations, if they have any rights and claims, rise to the dignity of that doctrine of damage without injury, of damage for which the injured party has no standing for redress. The shipping of other nations is absolutely excluded from the coastwise trade. The shipping of other nations can not participate in it, and I have been at a loss to understand substantially, laying aside all refinements of reasoning, how they could be heard to complain about a matter in which they have no rights or interests whatsoever.

OUR STATUS DUAL—SOVEREIGN AND PROPRIETARY.

But I want to make a suggestion at this point that I believe is new to this debate. There may be nothing in it. It applies to both sides of this controversy. It is is: That I believe in the minds of most, if not all, of us there is a confusion—and I will say that the idea is so new to me that it is not yet fully formulated in my own mind. There is a confusion as to our status over the canal; there is a confusion as to the status and capacity of this Government with relation to the canal.

The debates indicate that gentlemen look at that work in every aspect from the standpoint of government, from the standpoint of the exercise of sovereignty; whereas I believe, and I venture to think, it will be so determined in the future that our principal relationship to the Panama Canal is one of proprietorship and not of sovereignty.

TOLLS NOT A TAX.

One of the objections with which we were met at the very outset of this controversy was that this was the first instance in American history in which a tax was levied upon interstate commerce. Gentlemen from the Pacific coast made that claim. I have the language from the hearings of the Commissioner of Navigation, who seems to be the evangel of free tolls, that this is the first attempt to levy a tax upon interstate commerce. Mr. Speaker and gentlemen, this is not the levy of a tax on interstate commerce at all. This Government is not, in its sovereign capacity as a Government, levying any tax whatever upon commerce through the Panama Canal, and I have had one of the best attorneys, in my judgment one of the most competent men in the United States, who has investigated this subject, and who is utterly opposed to my views with reference to the payment of tolls, admit that I am right on the proposition that this is not a tax by a sovereign but a charge by a proprietor for the use of the Panama Canal.

Mr. HARDY. Will the gentleman permit a question right on that point?

Mr. MARTIN of Colorado. I will.

Mr. HARDY. Would there be any difference in principle between asking the Government to carry freight along the Isthmian Railway free of charge and asking the Government to carry it along its canal free of charge? Is not the principle just the same? In other words, it is a charge for a service performed.

Mr. MARTIN of Colorado. So far as it occurs to my mind at this time, there is no difference in principle.

Mr. LAFFERTY. Would not that same argument apply to traffic on the Mississippi River, or on the Columbia River, or any other river where money is appropriated to make the navigation easy?

Mr. MARTIN of Colorado. For reasons that I am not going into at this time in this discussion, I propose to deny that suggestion, and take the position that the Panama Canal stands absolutely without parallel in the history and experience of the world. It must be dealt with upon its merits and not by analogy with some proposition like dredging a river.

Mr. HARDY. Will the gentleman allow me just briefly to answer the statement of the gentleman from Oregon?

Mr. MARTIN of Colorado. I am very sorry, but I have only 30 minutes.

Mr. HARDY. I realize that.

Mr. MARTIN of Colorado. To resume where I left off, if I can, the levying of tolls for the passage of ships through the Panama Canal is the charge of a proprietor for the use of an instrumentality owned in a proprietary manner and not the levying of a tax by a sovereign.

Mr. RAKER. Will the gentleman yield right there for a question?

Mr. MARTIN of Colorado. I will.

Mr. RAKER. Will the gentleman explain what is in his mind as to the difference between sovereignty over what the United States owns and its proprietorship of what it owns? The gentleman draws a distinction.

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. I should like to have the gentleman explain that.

Mr. MARTIN of Colorado. I think if our ownership and operation of the Panama Canal and the fixing of rules and regulations were sovereign instead of proprietary, then we would be bound to charge the vessels of all nations alike; but we own that canal. We are building it; we are paying the cost of building it; we are going to pay the cost of operation. We will stand all losses, if any, and all the burden of total failure, if that shall result. If we want to go into our own pockets as a proprietor and pay the charges for the passage of certain boats through that canal, that is our loss. So I base our right to charge tolls or to exempt from tolls upon our proprietary status, just the same as the private company that owns and operates the Suez Canal can permit the vessels of nations to go through upon which the tolls are rebated or as a private company could do at Panama had a private company constructed the canal, without any complaint from the nations which rebate no tolls at all. That does not furnish any ground for complaint that the Suez Canal is violating the terms of equality and neutrality agreed upon by the nations in the convention of Constantinople.

Mr. SULZER. Will the gentleman answer this question: If the Government of the United States has not sovereign rights over the Panama Canal, what Government on earth has?

Mr. MARTIN of Colorado. We have sovereign rights over it. Our capacity down there is dual. We are protecting the Panama Canal and guaranteeing its neutrality and equality as a sovereign, as a Government, but we are operating it as a proprietor, just the same as a private company would. We were authorized under the treaty to have it built by a private company. Supposing that under that treaty we had had the Panama Canal constructed by a private company, the same as the Suez Canal was constructed. Will any gentleman claim that it could not have run its own boats through there free of charge, or, which is the same thing, rebated the tolls to them? Will any gentleman claim that it could not have run the boats of nations through there which rebated all the tolls or half the tolls or none of the tolls, just as is being done in the case of the Suez Canal?

IDENTITY OF SUEZ AND PANAMA TREATY PROVISIONS.

Then again, this treaty provision embodies the substance of the convention of Constantinople, governing the terms and conditions of the operation of the Suez Canal, the signatories to which convention are as follows: Great Britain, Germany, Austria-Hungary, Spain, France, Italy, the Netherlands, Russia, and Turkey.

One of these signatories, Russia, appropriates directly for the repayment of Suez charges to Russian vessels; another, Austria, appropriates for the repayment of certain Austrian lines; and all of the signatories have subsidized lines running through the Suez Canal. Some of them, however, as in the case of England, subsidize only their mail lines, leaving the freight lines to pay tolls without reimbursement. Yet England, for instance, with her unsubsidized freight lines, does not complain that Russia or Austria are permitted to repay all tolls through the Suez Canal. Indeed, in the case of England, which is the principal stockholder in the Suez Canal and owning nearly one-half of such stock, it may be doubted whether its mail subsidies have any reference whatever to the payment of Suez Canal tolls. England subsidizes her mail lines whether they use the Suez Canal or not. The fact remains, according to the American Commissioner of Navigation, that some of the signatories to the convention of Constantinople rebate all of the tolls through the Suez Canal; others rebate in part, while in the case of still others it is not shown what is done; yet no complaint is heard that the canal company is not enforcing equality of terms in its usage. If a nation wishes to repay charges against the vessels of its citizens in whole or in part, that is the business of the nation, and every other nation may do the same thing; and that is equality of terms. If there is an American ship line between New York and the Orient and this Government wishes to rebate the Panama Canal charges and does rebate them, it is doing neither more nor less than England may do with an English boat line through the canal to the Orient or than France or Germay or any other nation may do with the boat lines of its citizens or subjects. These would be terms of entire equality, involving no discrimination in respect of the conditions or charges.

In this connection, and reasoning by analogy, it must be borne in mind that the treaty says that "the canal shall be free and open." Now, no Member will take the position that this means free of tolls or other just charges. This, like all other provisions, merely means that the canal shall be open to transit by the vessels of the nations of the world, and open to them upon terms of equality with all other nations; and the meaning for which I contend is that given by the signatories of the convention of Constantinople to the first paragraph of that agreement, which reads as follows:

ARTICLE 1. The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

My position, therefore, with reference to this preliminary provision is that we may do as we please with reference to our domestic shipping, and that we may reimburse our foreign shipping; and I do not believe that this construction of the Hay-Pauncefote treaty would ever be questioned by the other signatory, the Government of England, or by any other nation; and I prefer to stand on the proposition that the treaty was entered into by Great Britain with full knowledge and acceptance of the conditions with respect to our domestic water traffic and with respect to the practices under the Suez treaty.

TREATY RIGHTS NOT DETERMINED BY PENDING ACT.

But I can not linger on this subject, and I am not a sufficient authority, and it makes but little difference whether I am right or wrong, but I believe that I have suggested an idea, dimly formed in my mind, which will take form in abler minds interested in the subject and determine some of these questions now in controversy.

I shall dismiss this point by quoting from the report filed by Mr. ADAMSON, the chairman of the committee:

While many members of our committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign, the majority of the committee voting for uniform tolls authorize and request the statement, positive, plain, and unequivocal, that no language of this section was chosen or used for the purpose of foreclosing discussion and differing opinions on that question. They authorize the express affirmation that this provision is adopted for present use, disclaiming all intention to declare in this section any construction of the language of the treaty or to establish any precedent or permanent legislative policy or to bind any future Congress should it be deemed expedient or adjudged competent to adopt a different basis.

Thus showing that the majority have expressly disclaimed passing upon the rights of the United States on this subject under the Hay-Pauncefote treaty.

Mr. BROUSSARD. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. BROUSSARD. In at least three different acts of Congress the Mississippi River has been declared to be a highway—the act by which Louisiana drafted her constitution, the act by which she was admitted into the Union of States, and a subsequent act creating the Territory of Missouri. Now, I would like to ask the gentleman if the argument he makes in regard to the canal, in view of these acts of Congress, if the same rule could not be made applicable to the Mississippi River?

Mr. MARTIN of Colorado. The gentleman knows that the United States does not own the Mississippi River, nor a drop of water in it.

Mr. BROUSSARD. I do not know any such thing.

Mr. MARTIN of Colorado. The United States only exercises the right to preserve and protect navigation in these navigable rivers, and has no proprietary rights in them whatever.

Mr. BROUSSARD. I disagree with the gentleman.

Mr. MARTIN of Colorado. The United States owns the Panama Canal. It is making a river where God Almighty did not make any. And this river will cost so much to make and maintain it, the United States may, as a matter of business policy, when there is no substantial reason to the contrary, levy some moderate charge for the use of it and to pay a part of the enormous cost of its upkeep. In other words, the principle in this case is exactly the same as it is in the case of charging for the use of the Eads Bridge at St. Louis. Is that a tax on interstate commerce? Is there any difference in principle in getting a train from land to land and in getting a boat from water to water? There is no more exercise of sovereign power involved in these canal tolls than there is in the rules of the Eads Bridge Co. in charging railway trains for getting across the Mississippi River. The Panama Canal is not a natural waterway any more than is the Hudson tunnel a natural roadway. It is and ever will be a very costly artificial waterway. That we can mix sense with sentiment and by charging only a tithe of the vast saving it will effect to water transportation and without restricting or crippling that transportation, either domestic or foreign, I shall undertake to show.

Mr. LAFFERTY. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes; make it short.

Mr. LAFFERTY. In regard to the locks built up in the navigable rivers of the United States, the United States is proprietor of the locks and charges no tolls.

Mr. MARTIN of Colorado. Perhaps at some time they may.

Mr. LAFFERTY. And yet the gentleman has introduced a bill which is entirely revolutionary in that matter.

Mr. MARTIN of Colorado. The Government has been putting millions of dollars into one of these rivers for the benefit of the Anthracite Coal Trust fleets.

Mr. LAFFERTY. Is not the gentleman's argument based upon a new and revolutionary bill which he has introduced here?

Mr. MARTIN of Colorado. No, sir; that has nothing to do in this case. I am not influenced by that in the least; and I want to say that there is no man that has given any consideration whatever to this legislation who is any more heartily in favor of the Panama Canal than I am myself. I claim to be a simon-pure Panamaniac on this subject, and I want the canal to be a grand success from every standpoint—navigation, traffic, and everything else.

Mr. Chairman, I am sorry to say that if I had stuck to my text I might have succeeded in making some more definite contribution to this discussion, and if the Chair will indulge me for 10 or 15 minutes longer time than was allotted to me I will promise to stick to the text and say something that has not been said in this debate but has a direct bearing upon these

issues and will have a bearing on the information of Members concerning it.

Mr. CLINE. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Yes.

Mr. CLINE. Suppose it had been constructed by an individual or a corporation, would not the treaty of 1901—the Hay-Pauncefote treaty—operate as an organic law for the operation of the canal?

Mr. MARTIN of Colorado. Yes; the same as it would by the Government. And in that case who will say that the private company would be required to pass domestic shipping free; and would domestic shipping ask such a thing?

Now, Mr. Chairman, I would like to direct attention to the Suez Canal——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I would like to have 5 or 10 minutes more.

Mr. ADAMSON. The gentleman from Colorado is himself a party to the agreement that we have already made.

Mr. MARTIN of Colorado. I will admit that my arrangement to leave town renders it my own fault that I do not get more time, but I would like 5 minutes more.

Mr. ADAMSON. The gentleman from Indiana takes the same boat that the gentleman from Colorado is to take, and I have agreed to yield to him 30 minutes.

Mr. MARTIN of Colorado. Can I have 5 minutes?

Mr. ADAMSON. That would be 35 minutes, if I should give the gentleman from Colorado 5 minutes.

Mr. MARTIN of Colorado. Just give me five minutes more in order that I may outline what I expect to prove.

Mr. ADAMSON. Mr. Chairman, I yield the gentleman five minutes more.

Mr. MARTIN of Colorado. Mr. Chairman, I want to say this. There were a number of gentlemen representing ship interests who appeared before the Interstate Commerce Committee, some of whom advocated free tolls as a necessity, and some of whom said they would accept them as a donation, if given; but I want to say that not one single person who appeared before the Committee on Interstate and Foreign Commerce could sustain any one of the following three propositions:

First. That free tolls were necessary to furnish the Panama Canal with shipping facilities.

Second. That free tolls were necessary to enable shipping through the Panama Canal to strongly and effectually compete with the transcontinental railways; or,

Third. That free tolls to domestic shipping through the Panama Canal would even tend to build up an American merchant marine.

If this donation to the Shipping Trust—and it was shown in the hearings that the ship owners had a trust that ought to make the Railroad Trust green with envy—will not accomplish either one of those three things, what in the name of common sense is to be accomplished by free tolls through the Panama Canal? It was testified even by the Commissioner of Navigation—and I shall set out his testimony in full in the RECORD—that there is to-day one existing company, the American-Hawaiian Co., that has shipping facilities in excess of the Panama Canal traffic, that if the Panama Canal were to be thrown open to-morrow this one company has more ships than there would be traffic for in the canal, and in addition to that they are building five more big ships.

Mr. MANN. What is the company building them for?

Mr. MARTIN of Colorado. Because there is a presumption that the traffic will enlarge by the time the Panama Canal is open, that there will then be a sufficient traffic for the new vessels, and further, of course, that the canal is going to create traffic. But in addition to that, there are about 200 more vessels in the coastwise trade, a large number of which are of sufficient capacity to use the Panama Canal, and I will say again, in answer to the gentleman from Illinois, that notwithstanding I voted for section 11 of the bill, I do not believe in it. I believe that it is utterly ineffective. I do not believe you are going to get competition in rates through the Panama Canal, by means of this section, by shutting out railroad-owned boats, because all of the preventive legislation that has ever been passed in the history of this Nation has been a failure. I believe the true remedy is regulation. It does not matter who puts the boats in there, let them put them in there just as we let people put capital into the building of railroads, and then regulate them as we do the railroads, and until that is done I make the prediction that all of the prohibitions that you can write into the statutes of the United States will absolutely fail to secure the very thing you are striving to secure, namely, competition.

And I am glad to be in such distinguished company on this proposition as Dr. Emory R. Johnson, the expert appointed by the President to study canal traffic and tolls, as shown by the following dialogue between Dr. Johnson and the gentleman from California [Mr. KNOWLAND], who says that the coast people are, consistently enough, opposed to regulation of water traffic as in the case of the railroads:

SHIPPING INTERESTS OPPOSED TO REGULATION.

Dr. JOHNSON. This raises the question of the importance of the regulation of coastwise transportation between our two seaboards, and suggests to my mind the wisdom of the policy of regulation instead of the policy of artificial restriction of the use of the canal.

Mr. KNOWLAND. What do you mean by that?

Dr. JOHNSON. I mean that I would allow all ships to go through under equal conditions, and I would have such regulations as would insure the equal and free use, under fair terms, of the canal by all ships, whatever the owners.

Mr. KNOWLAND. Do you mean by that you would put them under the interstate-commerce act?

Dr. JOHNSON. That would be the logical thing to do; yes.

Mr. KNOWLAND. The very thing our people oppose on the coast.

Dr. JOHNSON. There is opposition to that?

Mr. KNOWLAND. Yes; by the very people who complain against the control of the canal coastwise traffic by railroad-owned lines; the contention being that if placed under the interstate-commerce act, there will be less competition; that rates will be fixed which all lines will adopt, and that there will be practically no competition where there should be on such an open highway.

Dr. JOHNSON. That raises a large question, Mr. KNOWLAND. My fear is that, inasmuch as most of the traffic between our two seaboards (to limit discussion to that) will be handled by lines of vessels, with the exception of eastbound cargoes of lumber, the rates of the several steamship lines will be fixed by conferences more or less formal, and that the necessity for the Government regulation of rates to prevent unreasonably high rates will be found to be evident.

That Dr. Johnson's fear is well founded is shown by the fact that we now have no competition in either coastwise or foreign trade. Certainly when the law of the land can not enforce competition between rail carriers, but must regulate them, it would appear futile to hope that lack of law on the sea would result in better conditions between water carriers.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman why he voted for that proposition if he does not believe in it?

Mr. MARTIN of Colorado. I will say this: I voted for that proposition because these modest gentlemen representing the water lines have now an absolute and exclusive monopoly of the domestic shipping—the coast-to-coast trade—given them by law, and in addition to that they want free tolls through the Panama Canal and the exclusion of every boat that is owned and controlled, in whole or in part, by a railroad. Having beaten them on the question of free tolls, I yielded to them on the other, weakly, perhaps, to show that I was not influenced in my position on tolls out of consideration for the railroads, and I believe other gentlemen did the same.

Mr. ADAMSON. Mr. Chairman, I would like to ask the gentleman one question. On the theory that one good turn deserves another, ought not the enjoyment of one discrimination to deserve another? [Laughter.]

Mr. MARTIN of Colorado. That seems to be the theory of the minority of the committee, I will say to the distinguished gentleman from Georgia.

THE SUEZ AS A GUIDE.

While the Suez Canal has cost to date only about one-third of what will be the total initial cost of the Panama Canal, it will be extremely profitable to briefly review the experience of the Suez, which has performed the same function of severing the continents and uniting the seas in the eastern world that will be performed by the Panama Canal in the western world. From my study of this question, I believe the president of the Suez Canal has said truly that these two canals will complement rather than compete with each other, and the history of the one, which is a history of tremendous success, can not fail to shed much light upon what may be reasonably predicated of the other, whose operation is not yet begun.

THE SUEZ A GREAT BUSINESS SUCCESS.

The most thorough presentation of the case for free tolls that has been made is to be found in the annual report of the Commissioner of Navigation for the fiscal year ended June 30, 1911. This report also contains much valuable information about the Suez Canal. It shows, among other things, the annual net tonnage and annual receipts of the Suez Canal from the beginning, from which it appears there has been a steady growth in both tonnage and receipts, the tonnage having increased from 6,576 in 1869 to 16,581,898 in 1910, while the receipts in francs from ship tolls increased from 54,400 in 1869 to 130,436,547 in 1910.

I shall insert at this point the table to which I have referred. (Hearings, p. 815):

Yearly return of shipping and tonnage that passed through the Suez Canal from its opening until the year 1910, together with the transit receipts.

Year.	Number of vessels.	Gross tonnage.	Net tonnage.	Rate of transit dues (per ton).		Transit receipts.
				Fr.	c.	Francs.
1869	10	10,557	6,576	10	0	54,400
1870	486	654,915	436,608	10	0	5,159,327
1871	765	1,142,200	761,467	10	0	8,993,733
1872	1,082	1,744,481	1,160,743	10	0	16,407,591
1873	1,173	2,085,072	1,367,767	10	0	22,897,319
1874	1,264	2,423,673	1,631,650	11	0	24,886,383
1875	1,494	2,940,708	2,009,984	13	0	28,886,363
1876	1,457	3,072,107	2,098,771	13	0	29,974,998
1877	1,663	3,418,949	2,355,447	12	50	32,774,344
1878	1,593	3,291,535	2,269,678	12	50	31,098,229
1879	1,477	3,236,942	2,263,332	12	0	29,666,060
1880	2,606	4,344,519	3,057,421	12	0	36,840,467
1881	2,727	5,794,491	4,136,779	11	50	51,274,362
1882	3,198	7,122,125	5,074,808	11	0	60,545,892
1883	3,307	8,051,307	5,775,891	10	50	65,847,812
1884	3,264	8,319,067	5,871,500	10	0	62,378,115
1885	3,624	8,985,411	6,335,752	9	50	62,207,439
1886	3,100	8,183,313	5,767,655	9	50	56,527,390
1887	3,137	8,430,043	5,903,024	9	50	57,862,370
1888	3,440	9,437,957	6,640,834	9	50	64,832,273
1889	3,425	9,605,745	6,753,187	9	50	66,167,576
1890	3,389	9,749,129	6,890,094	9	50	66,884,000
1891	4,207	12,217,966	8,698,777	9	50	83,422,101
1892	3,559	10,806,401	7,712,028	9	50	74,452,436
1893	3,341	10,753,798	7,650,068	9	0	70,667,361
1894	3,332	11,283,854	8,039,175	9	0	73,776,827
1895	3,434	11,833,637	8,448,383	9	0	78,103,717
1896	3,409	12,039,858	8,560,283	9	0	79,269,904
1897	2,986	11,123,403	7,899,373	9	0	72,830,545
1898	3,503	12,962,631	9,238,603	9	0	85,294,769
1899	3,607	13,815,991	9,805,630	9	0	91,318,772
1900	3,441	13,699,237	9,738,152	9	0	90,623,600
1901	3,609	15,163,233	10,823,840	9	0	100,386,397
1902	3,708	15,694,359	11,248,413	9	0	103,720,020
1903	3,761	16,615,309	11,907,288	8	50	103,620,268
1904	4,237	18,661,092	13,401,835	8	50	115,818,479
1905	4,116	18,310,442	13,134,105	8	50	113,866,796
1906	3,975	18,810,713	13,445,504	7	75	108,161,896
1907	4,267	20,551,982	14,728,434	7	75	116,000,096
1908	3,795	19,110,831	13,633,283	7	75	108,432,235
1909	4,239	21,500,847	15,407,527	7	75	120,642,677
1910	4,533	23,054,901	16,581,898	7	75	130,436,547

Beginning with 1881 as a period, it will be seen that while the traffic of the Suez Canal during the past 30 years has increased just exactly fourfold, the receipts from tolls have increased considerably less than threefold. This failure of receipts to maintain a proportionate increase with tonnage, coupled with the enormous profits of the Suez Canal, to which I will next refer, contain a valuable reason as to what may be expected of the Panama Canal with a rate of tolls so moderate as not to affect at all the volume of its traffic and will not increase to the consumer the cost of goods thus transported, except, as I shall prove, to the extent to which the shipper may voluntarily share with the consumer the sum of 2 cents or less per 100 pounds of freight, and the consumer to whom such a saving would be an object will not be an ultimate consumer, but a middleman well equipped for the absorption of such portion of the toll as the shipping interests may voluntarily pass on to him.

PROFITS OF THE SUEZ CANAL.

The foregoing table of the annual traffic and receipts of the Suez Canal does not alone tell the story of its great success. Perhaps that success can be shown in no more striking and significant manner than by calling attention to the fact, as shown on page 228 of the commissioner's report, that the receipts from ship tolls in the Suez Canal for the year 1898—hearings, page 814—were 82,657,421 francs; while on page 224 of the report it is shown that the profits available for distribution for the year 1910 were 82,427,042 francs; in other words, that the profit available for distribution in 1910 was practically the same as the total receipts in 1908.

I have found it not only a saving of labor, but in some instances instructive to quote copiously from the hearings upon the subject of tolls, and if it shall appear that a disproportionate number of the statements quoted were in answer to questions propounded by myself, I may explain by saying that I took an especial interest in this feature of the canal legislation.

A brief but very instructive colloquy bearing upon the great success and profitable character of the Suez enterprise is to be found in the hearings—pages 812–813—and I shall insert the same at this point in my remarks. It shows that up to and including the year 1910 the total cost of constructing and improving the Suez Canal was approximately $131,000,000, while the profit for distribution for the year 1910 alone exceeded $16,000,000. This was not only a dividend of 12 per cent upon the entire investment in the Suez Canal from the beginning, but it was a dividend of 31 per cent upon the capital stock of the Suez Canal; and this notwithstanding the fact that the Suez Canal tolls have been reduced just one-third since 1884.

Mr. MARTIN of Colorado. The Suez Canal has been a very profitable enterprise?

Mr. CHAMBERLAIN. Of late years; originally it was not. If you will look at that same statement to which I was referring (Table 2, upper right-hand column) you will notice that in 1867 to 1868 the company had to issue a large number of bonds; that was to complete the canal. In 1871, 1880, and 1887 they made other loans. Those loans of 1880 and 1887 were rather in the nature of improvements. The earlier ones were to make the thing go at all.

Mr. MARTIN of Colorado. Of course, I am referring to the canal since it was completed. It has been a tremendously profitable enterprise, as I indicated, for instance, by the figures in the upper left-hand column of Table 2, showing that the total investment up to the close of the year 1910 was approximately 656,178,000 francs, or approximately $131,000,000. Last year the profit for distribution, for the fiscal year ending December 31, 1910, was 88,000,000 francs, or in round numbers $16,000,000. Now, that was a dividend, as you see, of 31 per cent——

Mr. CHAMBERLAIN. It is 158 francs on a 500-franc share.

Mr. MARTIN of Colorado. A dividend of 31 per cent on the capital stock, but it would also be a dividend of about 12 per cent on the entire investment, including the construction, improvement, and so forth, of the canal. Now, another indication of great success on the part of the canal is that whereas it had for the year 1881 a net transit tonnage of about 4,000,000 net tons, in 1910 it had 16,500,000, and it shows almost without exception a constant and rapid increase of tonnage. This, I think, establishes the fact that the Suez Canal has been and is a very profitable institution, notwithstanding the fact that only beginning with January 1, 1912, the present month, it has reduced its tolls to what would be $1.30 in American money, but which under the system of ship measurement in all other parts of the world would amount to $1.50. That is a fair statement of the entire case.

Mr. CHAMBERLAIN. That is, I think, an admirable statement. I think that is one of the matters which it is very important for this committee to bear in mind, that any time the administration of the Suez Canal wishes to reduce those tolls it could cut them down. You can figure it out for yourselves. They could cut it down to a great deal less than the current rate, even to a dollar, on a ton basis, and still pay what in this country would be regarded as a very fair dividend.

The Suez Canal, it may be explained, and as shown by the above table, began with the toll rate of 10 francs per net ton, which would be equivalent to $1.95 in American money. That rate has been gradually reduced in accordance with the charter provisions of the company until on January 1 of this year, to which time the table does not reach, it was placed at 6¾ francs, the equivalent in American money of $1.30½. The committee received exhaustive instruction upon the question of the different methods of measuring ships. The net ton is the universal rule of measuring ships of commerce for the purpose of tolls, tonnage dues, and such charges. The principal variations in this system are due to the different practices in making deductions of certain spaces in the ship. I can not take the time of the committee to explain or discuss gross tonnage, net-weight tonnage, dead-weight tonnage, and displacement tonnage, but I shall insert at this point in my remarks the essential parts of a brief explanation furnished the committee by Capt. Charles A. McAllister, engineer in chief of the Revenue-Cutter Service:

TONNAGE DEFINITIONS.

There are two kinds of tons—vessel tons and cargo tons. Each of these two kinds of tons is used with several different meanings.

VESSEL TONNAGE.

Vessel tonnage is of four kinds—displacement, gross register, net register, and dead-weight capacity.

The *displacement tonnage* of a vessel is its weight in tons of 2,240 pounds and is equal to the weight of water displaced by the ship when floating. From the plans and drawings required for the construction of a vessel may be determined the number of cubic feet of water which the ship will displace at any given draft. The weight of a cubic foot of water being known, the displacement tonnage is thus readily determined. Displacement tonnage is used to designate the size of war vessels, but is not employed in merchant shipping.

A *register ton* is a purely arbitrary unit—100 cubic feet. The *gross register tonnage* of a vessel is obtained by dividing by 100 the number of cubic feet of the entire closed-in capacity of the ship. A vessel has 1 gross ton for each 100 cubic feet of its entire capacity.

To determine the *net register tonnage* of a vessel, there is deducted from the entire capacity of the hull the space occupied by the crew, master's cabin, steering and anchor gear below deck, boatswain's stores, chart house, and spaces occupied by propelling power (engines, boilers, shaft tunnel, fixed coal bunkers). These deductions having been made, the net register tonnage is ascertained by dividing the number of cubic feet in the remaining space by 100. In an up-to-date freight steamer, as measured by British, American, or German rules, the net register is somewhat less than two-thirds the gross register. In the case of a high-speed passenger vessel, so much of the capacity of the ship is taken up with propelling machinery, fixed coal bunkers, crew space, etc., that the net register tonnage may be less than half, sometimes not more than one-third, of the gross register.

The *dead-weight tonnage* of a vessel is the number of tons of 2,240 pounds that the vessel is capable of carrying when loaded to its maximum draft.

Ordinarily the dead-weight tonnage is from 2½ to 2¾ times the net register tonnage.

CARGO TONNAGE.

The cargo ton is of two classes—weight and measurement. The *weight ton* employed in ocean commerce is either the English long ton, of 2,240 pounds, or the metric ton, of 2,204.62 pounds.

A large share of the cargo carried by ocean vessels is shipped not by weight but by *measurement tonnage*, 40 cubic feet being considered a

ton. In the statistics of ocean freight both the long ton of 2,240 pounds and the measurement ton of 40 cubic feet are indiscriminately included, and thus it is not possible to ascertain from published statistics of ocean cargo tonnage the actual weight of traffic moved upon the high seas.

The President is authorized by the bill to adopt any system of measurement he may see fit; but, excepting war vessels, which will be charged for on the basis of displacement tonnage, he will adopt the universal rule for ships of commerce, which is known interchangeably as net tonnage or net register tonnage. The Suez Canal, by making scant deductions of the ship spaces which are subtracted from the gross tonnage in order to ascertain the net tonnage, produces about 20 per cent more net tonnage than does the English or American systems. For this reason the present rate of $1.50 per net ton through the Suez would be equivalent to $1.60 through the Panama Canal. When it is borne in mind that the maximum will be $1.25, which, applied to the different methods of tonnage measurement, will govern the two canals, it will be seen to be equivalent to a rate of $1 through the Suez Canal. It will necessarily be some years before the Suez Canal reduces to the rate at which the Panama Canal will begin; and if the Panama Canal begins, as I hope it will, with a rate of $1, it is not likely that it will ever be met by the Suez.

NATURAL MONOPOLY OF THE SUEZ.

A brief, but comprehensive and admirable, table furnished by Commissioner Chamberlin indicates, however, that the Suez has a natural monopoly over the majority of the traffic it now transits, which can not be taken from it by the comparatively slight difference in rates, even though the Panama rate is fixed at $1, and it can not very well be less. This table covers a period of 20 years, and shows, in connection with the explanatory colloquy following it, that the Suez Canal has a natural and undeniable monopoly of more than one-half of its present traffic and probably two-thirds of that traffic:

Territorial transit movement 1890–1910.

[Net tonnage expressed in 1,000 tons.]

Year.	East coast of Africa and islands.	Bombay and west India.	Calcutta and east coast of India.	Sunda, Siam, Philippines, and Dutch East Indies.	China, Cochin China, and Japan.	Australia and Oceania.	Other countries.	Total tons.
1890	159	1,998	1,862	879	928	716	348	[illegible]
1891	219	2,610	2,397	1,113	1,167	799	888	8,098
1892	222	2,083	2,152	896	1,105	795	379	7,712
1893	172	2,239	1,833	1,028	1,234	798	355	7,659
1894	193	2,106	2,242	970	1,347	798	383	8,039
1895	357	2,015	2,417	1,069	1,400	840	416	8,448
1896	269	1,649	2,411	1,085	1,578	871	697	8,560
1897	303	1,369	2,419	1,033	1,705	845	325	7,899
1898	341	2,034	2,052	1,068	1,851	820	492	9,238
1899	378	1,846	2,892	1,265	2,175	922	418	9,896
1900	484	1,128	2,763	1,372	2,756	864	451	9,738
1901	382	1,675	3,106	1,504	2,710	972	475	10,824
1902	397	1,982	3,478	1,529	2,496	981	405	11,268
1903	477	2,405	3,481	1,435	2,665	926	518	11,907
1904	450	3,033	4,096	1,722	2,665	924	602	13,492
1905	482	2,623	3,722	1,671	2,943	995	698	13,134
1906	484	2,557	3,817	1,537	3,396	1,155	996	13,445
1907	454	3,329	3,828	1,798	3,373	1,318	716	14,728
1908	476	2,193	3,769	1,945	3,486	1,264	567	13,[illegible]
1909	454	3,114	4,214	1,655	3,874	1,544	552	15,407
1910	510	3,359	4,300	1,987	3,977	1,704	745	16,582

PANAMA ZONE.

A course of instruction in the geography of the world from the standpoint of navigation and ship commerce under the tutelage of such men as Commissioner of Navigation Chamberlain and Prof. Emory R. Johnson, of the University of Pennsylvania, who was detailed by President Taft to make a survey of all ocean traffic with relation to the Panama Canal, and who, with Mr. Chamberlain, presented this matter exhaustively to the Interstate Commerce Committee—such a course of instruction, I repeat, is disappointing to the Panama enthusiast. The Pacific Ocean is a huge body of water, and it is a great distance across it to the lands upon and beyond its western shores and even to the islands within its western waters.

According to the statements of Dr. Johnson, all of Australia, New Zealand, the Philippines, India, and China—indeed, all of the Eastern Hemisphere—are closer to all European ports by the Suez than by the Panama route. This, of course, means that traffic from all European ports to all Asiatic ports will find the Suez the shorter route. The only natural monopoly of the Panama Canal will be that which the Atlantic coast will enjoy over the western coast of the American Continent, from Alaska on the north to Chile on the south. Even the Pacific coast of the United States will derive no advantages whatever with respect to Atlantic South American ports by reason of the Panama Canal, since the ports on the northern coast of South America, the coasts of the Guianas and Venezuela, are closer to Plymouth than to San Francisco.

TOLLS UPON DOMESTIC SHIPPING.

It is not my purpose to go into the question of foreign Panama Canal traffic, whether in American or foreign bottoms. It is my purpose to devote myself principally to tolls upon domestic shipping traffic. But I have deemed it beneficial to an understanding of the smaller question to which I shall address myself, to take a glance at the canal in its larger aspects and relations to the water traffic of the world. With this observation I shall return to the question of domestic tolls, and first to the testimony of the Commissioner of Navigation with relation thereto.

The report of the Commissioner of Navigation contains a number of statements in substance and effect that not only are free tolls through the Panama Canal necessary to furnish it with domestic shipping, but the commissioner even went so far as to say that free tolls were necessary to preserve American shipbuilding and the coastwise trade. During the hearings I quoted some of these statements to the commissioner and requested him to state the facts upon which he based his conclusions. That Mr. Chamberlain did not sustain either his contentions as to the necessity or the benefits of free tolls, or that free tolls were necessary to the preservation of the coastwise trade, I may safely leave to be drawn from his answers. On page 8 of his report the commissioner said:

A deliberate conclusion to tax directly American shipping to pay for the maintenance of that canal when no tolls are imposed on vessels, American or foreign, for the use of our other improved waterways will be well-nigh inexplicable, save as the definite surrender of the ocean to others by the United States except as we may use its waters from time to time for the maneuvers of our war fleets.

On page 9 of the report the commissioner says:

The present statutory reservation of the coasting trade between Atlantic and Pacific ports to American vessels will not alone suffice to create the shipping needed for the coasting trade through the canal, for that reservation could not be regarded as longer secure in the face of a decision by Congress to select American navigation alone to bear the direct burden of supporting a canal, military in its first great purpose, and for the general welfare in its second. Only the most venturesome capital would trust itself to shipbuilding and shipowning for canal purposes.

On the same page the commissioner says:

If they (American shipping interests) are named as the sole American direct contributors to the cost of the canal, the conclusion will be inevitable that Congress has decided definitely for some years to come that shipping must shift for itself, regardless of the consideration which may be shown to other industries, for a tariff can not be framed without intentional or unintentional favors.

In connection with this particular paragraph, let it not be forgotten that the particular interest involved, to wit, American domestic shipping, is not only protected from Canadian shipping competition by the highest tariffs in the world, but is protected from competition against all the vessels of the world, Canada included, by a law that in terms prevents all foreign vessels from engaging in our domestic water traffic.

Then the commissioner, on page 22 of his report, referring to the Frye bill, which provides for the free use of the Panama Canal by American shipping, makes this statement:

Its rejection—

Meaning the Frye bill—

therefore, can be construed in no other manner than as the deliberate declaration of the purpose of the United States to abandon ocean navigation. That declaration must be followed sooner or later by opening that navigation in all its phases to foreign ships and closing American shipyards on the seaboard.

All the foregoing statements were read in conjunction to the commissioner, who was then asked to detail his reasons for making them—the facts upon which they were based. All of the colloquy going to show whether or not the commissioner sustained his position follows:

FROM THE TESTIMONY OF COMMISSIONER OF NAVIGATION IN SUPPORT OF HIS PROPOSITION THAT FREE TOLLS ARE ESSENTIAL TO DOMESTIC SHIPPING THROUGH THE PANAMA CANAL AND TO THE PRESERVATION OF AMERICAN SHIPBUILDING AND THE COASTWISE TRADE.

FIRST—TOLLS A TAX ON INTERSTATE COMMERCE.

Mr. MARTIN of Colorado. What do you mean by the statement that if we impose tolls on American shipping through the canal even the coastwise trade can be regarded as no longer secure, following upon the statement which I read into the record that it will drive American shipyards and American shipping, even in the coastwise trade, from the high seas?

Mr. CHAMBERLAIN. Those statements should all be joined together precisely as you have joined them. Those extracts fit in together very well.

Mr. MARTIN of Colorado. I want the matter stated fairly from your standpoint.

Mr. CHAMBERLAIN. It is a better way of stating those propositions than the way they were placed in my report. It is better to assemble them in that way. The reason those positions were taken is: *In the first place*, it is, so far as I can recall, the first case where Congress in time of peace has contemplated a *tax on interstate commerce*. The

traffic through the canal, of course, must be divided into three branches—laying aside warship navigation—commercial traffic through the canal comprises three branches. In the first place, there is domestic commerce—the commerce between our two coasts which is interstate commerce. *In the second place*, there is the commerce between the ports of the United States and foreign ports in either hemisphere, which is our foreign commerce. *In the third place*, there would be the traffic through the canal which is exclusively foreign, with which we will have nothing to do, which will constitute about one-third of it. To take up just now the coastwise commerce—that is, interstate commerce pure and simple—so far as I can recall, this is the first proposition in time of peace to impose a Federal tax on interstate commerce. In the Civil War, of course, there were a great many of such taxes imposed, and necessarily so. There were a few such taxes imposed in the Spanish War. I think there were some charges on passenger tickets, although I am not sure but those were combined—

Mr. MARTIN of Colorado. You speak of canal tolls as imposing a tax on interstate commerce. I suppose you are aware of the fact that railroad companies pay for the use of Eads Bridge at St. Louis, and that there are, no doubt, other situations in which the railroad companies pay a charge, not a tax, for getting their trains across rivers and across navigable waters, bays, harbors, and so forth, under conditions that can be properly and legitimately claimed, I think, to be analogous to what we are doing down there in Panama in getting them across the land. There will be no difference in principle between getting a ship from water to water and a railroad train from land to land in interstate commerce.

Mr. CHAMBERLAIN. No.

The CHAIRMAN. I want to call your attention, Mr. MARTIN, to the fact that the Government of the United States was willing for commerce to take this canal in order that they might use it, but commerce would not built it; money was too cowardly, or something was the matter. Finally, we had to build it. We were willing for them to build it and pay tolls on Government ships, but they would not do it.

Mr. MARTIN of Colorado. I do not know that the chairman was here when the foundation was laid for this line of questioning, and I want to repeat briefly: The Commissioner of Navigation, who is a very responsible and high authority on this proposition—in my judgment the highest and most responsible and best qualified in the service of the Government, far above the Secretary of War or the Secretary of Commerce and Labor, with all due respect to those gentlemen; they are not experts in this line and he has made a report which is an exhaustive study and presentation of this whole subject and in which he has gone on to say that if we impose a toll on the coast-to-coast trade through the Panama Canal that trade can be regarded as no longer secure, and that finally American shipyards and American coastwise trade will be destroyed. I want him to explain to us just how that result will be brought about.

Mr. CHAMBERLAIN. The first reason I have stated. I was not aware of, and I do not know exactly yet, the nature of these charges for a bridge across the Mississippi for the use of a railroad. So far as I recall, I stated that the Panama toll proposed is the first peace tax on interstate commerce of which I was aware. It seems that there is some tax for the use of a bridge.

Mr. MARTIN of Colorado. You would not regard it as a tax if it were by a private owner. You are assuming it to be a tax simply because the United States owns it.

Mr. CHAMBERLAIN. It is a Federal tax, isn't it?

Mr. MARTIN of Colorado. No, sir; it is a charge by the United States as a proprietor.

SECOND—NO OTHER IMPROVEMENT CHARGED FOR.

Mr. CHAMBERLAIN. *In the second place*, section 4 of the river and harbor act of July 5, 1884, provides, "No tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation now belonging to the United States or that may be hereafter acquired or constructed." (Hearings, pp. 873–876.)

Mr. MARTIN of Colorado. My question is. How will the Panama Canal tolls destroy the American coast-to-coast trade, which shipping has an exclusive and absolute statutory monopoly?

Mr. CHAMBERLAIN. My reply thus far, Mr. Chairman, has been, first, I understand that this proposed canal toll is the first peace tax on interstate commerce. My second suggestion was that it is the first instance where Congress undertook to impose, in form at least, a tax on American vessels—of course foreign vessels, too, but this discussion is confined to American vessels—for using improved waterways and canals.

The CHAIRMAN. I understand he wants you to answer a concrete question as to how the tolls will affect the shipping.

Mr. CHAMBERLAIN. I can not get at that, Mr. Chairman, by yes or no.

Mr. MARTIN of Colorado. I want to know how tolls are going to have that result.

Mr. KNOWLAND. I think the witness should be allowed to answer in his own way.

The CHAIRMAN. Now, as to the effect which charging tolls would have in killing American merchant marine, I would like to have the explanation how that is possible.

Mr. KNOWLAND. Let the witness answer the question in his own way.

The CHAIRMAN. That is the question now. Let us have the answer to that, please, in you own way. How will the charges of equal tolls on the canal kill American merchant marine? That is the question. I want you to answer the question in your own way.

Mr. CHAMBERLAIN. This is getting to resemble, if I may be allowed to make the remark, the wireless interference with which we are dealing in another committee. [Laughter.] In my opinion—and I know that all the members of the committee will not agree with me—every dollar in tolls collected from ships from one seaboard to the other—please understand that I am talking about American vessels in the coastwise trade and nothing else—every dollar that is imposed on that trade is, to the extent of that dollar, a reduction in the value of the canal as a competing transportation route with the railroads. (Hearings, p. 880.)

THIRD—WILL WEAKEN CANAL AS COMPETITOR OF RAILWAYS.

Mr. MARTIN of Colorado. *Your third reason* why the tolls on American coast-to-coast shipping through the Panama Canal will destroy that business is that it will lessen or weaken the ability of our coast-to-coast shipping to compete with the transcontinental railroads. That is a fair statement? * * * The authorities seem to agree that the cost of water transportation is about one-third of that of rail transportation. They also seem to agree—and I cited to the committee in questioning these witnesses Pacific coast publications which are in harmony with you on the free-toll proposition for the coast-to-coast shipping, giving specific rate statements indicating the correctness of this proportion of cost of water to rail transportation, showing that whereas now the fruit rate from the Pacific coast to the Atlantic coast is $27.56 a ton, at which rate they ship about 1,000,000 tons annually from the Pacific coast to the Atlantic coast, that fruit can be transported by means of the Panama Canal at a cost of about $7 per ton. * * *

Now, if there is no toll charged, these shipments for which these companies now charge $27.56 a ton can be transported via the canal for about $7 a ton. The proposition seems to be clearly established, and the matter has been brought out in these hearings, that traffic can be transported by way of the Panama Railroad now for about $8 or 9 a ton. Now, admitting these statements I have made to be even approximately correct, do you take the position that in order to render the Panama Canal competitive there must be donated to the water shippers a toll amounting to about $1 per net registered ton, which would be upon the actual cargo about 40 cents a ton, there being on the average two and one-half tons of actual cargo in the net registered ton space of 100 cubic feet; about 40 cents per ton, or, resolved down to the lowest unit, about 2 cents a hundred? I say, assuming the statements I have made and the figures I have given to be approximately true, are you going to take that position?

Mr. CHAMBERLAIN. I have not taken the position in my report or anywhere else, so far as I am aware. The position I took was stated as concisely as I can state it in the stenographer's notes, and I would rather have it put in just that way. A number of those statements are about matters with which I am not familiar. I think that doubtless on the whole your relative rate statement is a pretty fair statement, but that does not alter the proposition that to whatever extent the toll is imposed—whether it is 1 cent or $1—it does reduce to that extent, as any tax does, the utility of the canal as a competing factor in the commerce between the two seaboards.

The CHAIRMAN. Isn't it true, Mr. Chamberlain, that when we add the toll to the water rate it is still less than half the possible railroad rate?

Mr. CHAMBERLAIN. Absolutely true, and it will continue to be true. It may be unappreciable; a tax of 1 cent would not amount to anything at all, but you might as well have no canal at all as to have a tax of $10. Now, between those points there is a fair tax. That is an elementary proposition.

Mr. MARTIN of Colorado. Any charge might reduce the profit of the shipowners, but it would not necessarily cripple water transportation as a competitor of railroad transportation; it would not necessarily cripple it and prevent it from carrying traffic through the canal, would it, unless it was exorbitant?

Mr. CHAMBERLAIN. I did not say cripple; I said diminish—there is all the difference in the world between the two.

Mr. MARTIN of Colorado. Then you might turn the argument around and say that if you give the shipping interests free tolls, so that their competitive ability will not be crippled or diminished, then the railroad necessarily will be crippled as a competitor of water transportation?

Mr. CHAMBERLAIN. I will refer you to the Railway Age or any number of other papers, particularly papers devoted to railroad interests. It is precisely the position they would take. (Hearings, pp. 881–882.)

FOURTH—WILL DENY SHIPPING FACILITIES TO MINOR PORTS.

The fourth reason for the position which I have taken is that thus far, except by one company, so far as I am aware, there has been no substantial provision made for the use of the canal in the coastwise trade, and that unless, when the canal is ready for business in about two years from now, there is adequate provision for coastwise transportation—not only that transportation which the American Hawaiian Line will furnish between New York and San Francisco and Honolulu, with their large and their very fine ships, which will probably be very nearly adequate for that purpose.

The American Hawaiian Co. is the one company which is now substantially equipped to carry on the canal coastwise business. They have a fine fleet of ships. It is a fleet of ships that is built up to carry sugar from Hawaii. They are building five new ships now, and when those are completed, which will be early in 1913, that fleet will be capable of carrying about 1,200,000 tons of cargo in the course of a year from the Atlantic to the Pacific or from the Pacific to the Atlantic. * * * This fleet will cover the situation so far as the trade between San Francisco and Hawaii and New York and possibly New Orleans on the other side is concerned. But there will be an insistent demand from the smaller ports, and it must be met, and it ought to be met. (Hearings, pp. 882–883.)

Mr. CHAMBERLAIN. In the case of these smaller ports, having only occasional cargoes and not having regular lines of communication for transportation through the canal to the Pacific ports and vice versa, the demand will be inevitable—I won't undertake to say that it will not be justified—"If the American ships are not here we must have foreign ships." The claim will be made, "Here is this canal, built at enormous cost; we can not be barred out from the use of the canal." (Hearings, p. 890.)

Mr. MARTIN of Colorado. Your conclusion is, in addition to all the statements that have been made, that the one essential to the securing of ships that will gather up and transport the traffic from these little ports is free tolls? In the absence of free tolls, the conclusion from your argument is that that can not be done? If that is not your conclusion, what is it? We will have ships to handle the traffic from those ports, and those ships will have an absolute monopoly, to handle the traffic between these large ports. But here are these small ports; no big ships will put into them unless they can be given the right to take this traffic through the canal free. Therefore, in order to favor these small ports in this respect, having to treat them all alike, we must throw the canal open to the traffic of all the ports?

Mr. KNOWLAND. Do I understand the witness to state that for all the large ports on the Pacific and Atlantic coasts, under present conditions, there will be adequate shipping facilities for the increased commerce expected?

Mr. CHAMBERLAIN. *Absolutely*; the present commerce is what I am talking about. I think I made the statement that the tonnage of the American Hawaiian fleet is capable of transporting 1,200,000 tons avoirdupois from one coast to the other, and that is more than the present actual transportation, as I understand it. (Hearings, p. 891.)

COMMISSIONER'S TESTIMONY FOR FREE TOLLS SUMMARIZED.

I have endeavored in the foregoing quotations to assemble all of the reasons given by the commissioner before the committee to support his allegations and to assemble them as fully and fairly as the commissioner concedes I assembled the

quotations from his reports. The commissioner in his report asserted that free tolls would be necessary to furnish the canal with domestic shipping and to preserve American shipbuilding yards and the American coastwise trade. In marshaling his reasons, four in number, for these assertions, his position is boiled down to the single small proposition that free tolls will be necessary to furnish certain minor ports with shipping facilities.

At page 891 he make the distinct and final assertion that—and I quote verbatim—

The tonnage of the American-Hawaiian fleet is capable of transporting 1,200,000 tons avoirdupois from one coast to another, and that is more than the present actual transportation, as I understand it.

Commissioner Chamberlain's estimate of the capacity of the American-Hawaiian line to furnish shipping facilities for the Panama Canal in the domestic trade is fully borne out by the testimony of Mr. George S. Dearborn, the able president of that company, whose testimony, to which I shall refer later, was a distinct pleasure to the committee, sounding, as it did, the first optimistic note in these hearings and holding out the first assurance that the Panama Canal, when completed and opened for traffic, will not go begging for ships.

Commissioner Chamberlain, by his own statements, has disposed of any claim that free tolls will be necessary to furnish the Panama Canal with ships. One existing company alone, as admitted by the commissioner and as shown hereafter, will be able to do this at the outset, and there are others, as I shall show, already in existence, so that we may anticipate from the beginning not only a sufficient service but competition for traffic, a competition, however, that will not, in my judgment, extend to rates. I have had the ablest advocates of free tolls admit to me that the boat lines using the Panama Canal will not compete as to rates among themselves, but these same gentlemen contend that there will be real competition between the water and rail lines. Some charity may be felt for the makers of such an illogical contention, when it is borne in mind that to concede a lack of competition between rail and water lines would be to admit themselves out of court upon their claim for free tolls.

The commissioner's first reason that Panama tolls will be, to quote his language, "a tax on interstate commerce," I have already disposed of. I think but few advocates of a free waterway will take such ground.

His second reason, that an act of Congress forbids tolls or operating charges upon vessels using waters improved for navigation by the Federal Government, carries but little force when extended to such an extraordinary, such an unparalleled project, as the Panama Canal. This reason, I might suggest, may be more logically used by those who take the position that the canal shall be free to the vessels of the world; and, indeed, it has been advanced as an argument for a free shipway by no less a person than Mr. John Barrett.

The commissioner's third reason, that tolls will lessen or destroy the ability of the Panama Canal to compete with the transcontinental railroads, I shall pass by for the present, to be considered in connection with the testimony of persons who are especially concerned and who assume to speak by the card. It may be noted, however, that the commissioner in mentioning very low and very high tolls, made the following significant statement:

Now, between those points there is a fair tax.

The commissioner could not avoid this statement at the time and place. He had been going over this question exhaustively before the committee. His postulates had been searched by them. These postulates did not stand the full test, as, indeed, they could not, no matter by whom formulated. And with the frankness of a reasonable mind, recognizing at least a partial truth in the opposing position, he was constrained to say:

Now, between those points there is a fair tax.

Indeed, while the commissioner's report clearly gives the impression that he is unqualifiedly for free tolls and regards free tolls as absolutely essential to the success of the Panama Canal from the domestic standpoint, he still further qualifies that impression by quoting at the hearing (p. 873) the following from page 8 of his annual report:

It is not questioned that the traffic of the Panama Canal should supply revenue for its maintenance and possibly in time for the partial amortization of the expense incurred in construction. Toward this revenue we must ourselves contribute in some way, for even if our treaty obligations will permit us to impose upon foreign nations the entire burden of paying for the canal, not for an instant would there be the disposition to adopt so ungracious a policy, or, in fact, could it be commercially feasible?

The only logical deduction to be drawn from this statement is that it suggests the imposition of some charge upon domestic shipping using the canal. All of the matter following it, however, points, not toward any contribution at all upon the part of domestic shipping, but toward free tolls. When, therefore, the commissioner at the hearings quotes from his report for the express purpose of rebutting the inference that he demands an absolutely free shipway for American shipping, he simply confuses his actual position and renders it unfit as to what his exact opinion may be. In this respect, however, the commissioner does not differ from other advocates of free tolls. Not one of them was able to sustain this position. The two most enthusiastic advocates of free tolls who appeared before the committee so signally failed to sustain their position that they held out the transcript of the hearings for correction for more than a month and finally prevailed upon the committee to accept a completely rewritten version of their testimony.

The commissioner's fourth reason for free tolls, which I have already mentioned, is that this exemption will be necessary to furnish the minor ports with shipping. I submit that the commissioner's elucidation of this point is unsatisfactory and unconvincing, so much so that I am unable to present more than a meager and fragmentary record from the hearings. Indeed, these ports are almost conjectural. No list of them was given to the committee, although inquiry was made concerning them, and they are not even of sufficient importance to be touched by any of the several boat lines in the coastwise trade. In addition, it is conceded by the commissioner that sea traffic from these minor ports does not now exist, but must be conjured into existence by means of free tolls. With all due respect to the opinion of the commissioner, I do not consider his fourth and final proposition at all convincing or his position with respect thereto tenable.

SUEZ CANAL SUBSIDIES.

Too much attention and importance can not be given to the report of the Commissioner of Navigation. It is the most elaborate effort that has been made in support of free tolls and is clothed with the sanction of that bureau of the Government which was enabled to foster, promote, and develop the shipping industry of the United States. Among other arguments resorted to by the commissioner are certain subsidies granted by European Governments to certain ship lines using the Suez Canal.

On page 15 of his report appears the following statement:

About 25 per cent of the Suez Canal tolls on foreign merchant vessels are now paid in one form or another from the treasuries of the nations whose flags those vessels fly, respectively.

This is advanced as an argument in behalf of some such treatment by this Government of American shipping through the Panama Canal. It would appear that the percentage, to wit, 25 per cent, would rather be an argument to the contrary, but an analysis of the commissioner's figures set out on pages 16 and 17 of the report do not sustain even this small percentage, and upon such analysis it does not appear that any subsidies are paid to vessels using the Suez Canal as compensation for toll charges, except by the Governments of Russia and Austria. Russia, it is said, rebating in full and Austria rebating under certain limited conditions. For instance, on page 16 it will be noted that in the year 1910 the fleet of the British Peninsular & Oriental Steamship Co., the largest using the canal, its tonnage for that year aggregating 1,214,200 net tons of the total of 16,581,900 net tons transiting the Suez Canal, paid out in tolls £357,989 and received in subsidies £297,143. This showing, however, is followed by the following significant statement:

The subsidy is paid to its mail steamers, but it operates slower boats.

The plain meaning of this statement is that the freight vessels of the English companies using the Suez Canal receive no subsidies whatever. The subsidies are all paid to the mail steamers, and the mail steamers of the English steamship lines are subsidized whether they use the Suez Canal or not. The report, therefore, in this particular borders upon the danger of being misleading. These data are stated in such manner as to be susceptible of the construction and of conveying the impression that 25 per cent of the Suez Canal tolls are rebated in the form of subsidies by the Government whose flags these vessels fly, when an analysis of the report makes it doubtful whether in the case of England, for instance, which owns approximately one-half the stock of the Panama Canal and whose vessels furnish it with a greater proportion of its traffic than any other country, repays any toll charges per se whatever, but it is perfectly clear that no toll charges are paid freight vessels. As there will be no passenger or mail coast-to-coast traffic through the Panama Canal, it is clear that the action of the British Government furnishes an unqualified argument against subsidies or rebates to American shipping through the Panama Canal. I shall conclude this topic by inserting the following colloquy with reference to it from the hearings (p. 979):

Mr. J. A. MARTIN. I want to get back to this subsidy proposition. I think the disclosure in your report that the British company operates slower boats through the Suez Canal, which are not subsidized and which carry the freight, removes the entire foundation upon which you base your argument for free tolls through the Panama Canal, to wit, that England is subsidizing her ships through the Suez Canal, but I want to analyze the report a little further. You say, on page 15, as follows:

"About 25 per cent of the Suez Canal tolls are now paid in one form or another from the treasuries of the nations whose flags those vessels fly, respectively. In some instances the appropriation is made in terms to pay the Suez tolls, as the Russian budget in 1909 carried an item of 650,000 rubles ($334,750) to pay the tolls of the merchant steamships of the Russian volunteer fleet."

I find further on that you include in that 25 per cent the £297,143 6s. 8d. of subsidies paid by the British Government to the Peninsular & Oriental Steamship Co.:

Mr. CHAMBERLAIN. Undoubtedly.

Mr. J. A. MARTIN. And that you include in that 25 per cent the subsidy paid to every ship that goes through the Suez Canal without regard to what the subsidy is paid for?

Mr. CHAMBERLAIN. Every one that is specified.

Mr. J. A. MARTIN. You mention here the British Peninsular & Oriental Steamship Co., £297,143 6s. 8d.; the North German Lloyd, $1,385,150; and you go on down and conclude with the statement that "without giving other available details enough doubtless has been presented to warrant the statement that the subsidies and bounties paid to foreign steamships through the Suez Canal were over 25 per cent of the Suez tonnage receipts of 127,203,395 francs in 1910." So, in the first place, while the mere payment of 25 per cent of the tolls through the Suez Canal by the Governments whose ships operate through that canal would be a rather slim foundation for an argument for free tolls through the Panama Canal, yet, as a matter of fact, when you come to analyze these figures, it does not appear that a single dollar of these amounts that are set out here was specifically paid for the purpose of repaying those ships for Suez tolls.

The CHAIRMAN. Except Austria.

Mr. J. A. MARTIN. None of these companies get Suez Canal toll rebates, except Austria's.

The CHAIRMAN. The witness said that it was estimated to be equivalent to it. It is not in the contract?

Mr. J. A. MARTIN. I do not think it is any disparagement of the commissioner's integrity to say that he has made in this report a statement calculated to convey the impression that over 25 per cent of the Suez Canal tolls are rebated directly or indirectly to the ships using that canal.

COMMISSIONER OF NAVIGATION V. THE SECRETARY OF WAR.

I have gone at considerable length into the report and testimony of the Commissioner of Navigation, but I have not given it greater attention than its importance warrants. His official position lends weight to his views, which have been widely published, and will be much quoted and relied upon in the future in the event tolls are levied upon domestic shipping, to show the injury thus done such shipping and the benefits that would have flowed from the contrary course. I would not for a moment seek to minimize the good work done by the commissioner. I have not met a Government official more zealously devoted to his work. There is no question but what he is heart and soul for an American merchant marine, and he is not one who proposes that the causes which have driven the American flag from the seas, to wit, prohibitive tariffs and Chinese navigation laws, shall remain in force and operation while the effect shall be relieved or overcome by Government bounties.

The commissioner recognizes the necessity of and recommends reforms in these respects. But I can not concede that he has made out any case at all for a free canal. Under analysis, his showing with reference to Suez toll subsidies dissolves. He admits frankly that when the canal opens the domestic shipping facilities will exceed the available tonnage. He also admits that American shipping must bear some share of the burden of the canal and that there is a fair rate, but he does not shed any light upon what either the share of the burden or the rate ought properly to be. I believe and I submit that the fair share and the fair rate will be found by the Executive within the limits fixed in the pending bill.

If any favors are to be shown American shipping through the canal, I would incline rather to the view of the Secretary of War, who in his address before the Commercial Club at Kansas City on November 14, 1911, said:

This question of tolls has thus far been discussed mainly with respect to our coastwise traffic. This coastwise trade presents a special problem. In one respect it has less need of a canal subsidy than our foreign trade, because it already has a Government monopoly. While our vessels engaged in foreign trade have been virtually driven off the ocean by foreign competition, our coasting trade still exists, because no other than American vessels are permitted by law to engage in it.

The Secretary's principal reason for favoring the coastwise trade is railroad competition. But even upon this proposition he qualifies by saying:

Experience may show that our coastwise lines can meet their railroad competition without this additional aid. To give it under such circumstances would not lower rates; it would simply add to the profits of the shipowner.

If there has been any one point clearly established by the testimony on this question, as I shall now proceed to show, it is that the coastwise lines can meet their railroad competition without the aid of free or preferential tolls.

WATER V. RAILROAD TRANSPORTATION COST.

A substantial part of the canal propaganda rests upon the relative cheapness of water as compared with rail transportation. All advocates of free tolls will tell you in one breath that water is vastly cheaper than rail transportation and in the next breath that the water can not meet the rail competition unless they are donated a sum, which the facts all accord in showing does not equal one-half, nor one-quarter, I might say not one-tenth of the difference in transportation cost in favor of the water carrier.

When several of the advocates of free tolls were before the committee, and particularly when the gentleman from Washington [Mr. HUMPHREY] was before it, I marshaled quotations from a number of publications and authorities going to show that the cost of water transportation, not the charge, mind you, but the cost, is on an average but one-third that of rail transportation, quoting only the figures of coast publications and representatives which are clamoring for free tolls.

I shall insert at this point in my remarks a summarization of some of these statements as they were presented to Mr. HUMPHREY and appear in the hearings with his replies; these statements having been summarized to him in this manner for the purpose of ascertaining his opinion, conceding the statements to be even approximately true, whether free tolls were necessary in order to enable the canal to compete with the transcontinental railroads. Mr. HUMPHREY is here to speak for himself. He was not able to say to the committee and he will not be able to say to the House that free tolls are necessary to enable the canal to compete with the railroads. And if it is not necessary, then what tangible, sensible purpose is to be accomplished by it? Nobody would dare propose that the railroads should be given any handicap or advantage over the canal; then, why should the reverse be asked? If, with a reasonable toll charge, the canal will have sufficient vessels, and these vessels can compete strongly and effectively with the railways, and can transport from coast to coast at one-half or less of the actual cost of railroad transportation, this would appear to be a fair solution of the problem, and this solution is so apparent that its opponents, when pinned down to facts, when smoked out of the haze of glittering generalities with which they are prone to invest the subject, can not get away from it.

I may say in passing that the quotations I am inserting not only contain figures quoted by free-toll publications showing, for instance, the rail fruit rate from the Pacific to the Atlantic coast to be more than $27 per ton, while it may be transported via the canal at a cost of $7 per ton, but statements before the Senate Commerce Committee by Mr. B. N. Baker, who organized and for 20 years successfully conducted the Atlantic Steamship Co., show the rail cost to be from three to four times the water cost:

RAIL COST THREE TIMES THAT OF WATER.

Mr. J. A. MARTIN. Fruit is transported by means of the transcontinental railroads from the Pacific coast to the Atlantic coast at $25.76 a ton. There is about 1,000,000 tons of this fruit traffic annually, which could be shipped from Los Angeles to New York via the Panama Canal at a cost of $7 a ton. I quoted from Collier's Weekly of September 30, 1911. I also quote from the testimony of Mr. B. N. Baker on Senate resolution 98, Sixty-second Congress, before the Senate Committee on Interstate Commerce, November 20, 1911, page 255. Mr. Baker is considered the leading authority on this question in the United States, the only man who has demonstrated that he could make good in the shipping business. He organized and very successfully conducted for 20 years a large steamship line on the Atlantic Ocean, which he sold to the American interests some years ago. He lives in Baltimore. [Reading:]

"This is my opinion, and I think the opinion of every steamboat man would confirm it—the suggestion I made was $7. (We always name a rate per 40 cubic feet for refrigerated space.) That cost was about $7 a ton, plus the tolls. I think it can be done for that. I would like to enter a large contract if I could do it for that much. That is such a small percentage—about 33⅓ per cent of the present rail rate—and it is business of an enormous volume.

"The present rate by rail is $1.15 and icing, which makes it, I figure, about $27.50 per ton, on the basis of a steamship ton.

"The ACTING CHAIRMAN. $1.15 a hundred?

"Mr. BAKER. Yes, sir. That would make about a third of a rate—a $7 rate."

That was his statement on the toll question generally.

The CHAIRMAN. He has tried to organize a steamship company, and the object he has is that all would get rich running steamship lines.

Mr. HUMPHREY. You notice that he did not do it. (Hearings, p. 1075.)

Mr. J. A. MARTIN. I want also to quote the statement from the Manufacturers' Record of September 7, 1911 [reading]:

"That the Panama Canal would enable the manufacturers and producers on the Atlantic and Gulf coasts to put their goods in the Pacific coast trade at about one-third of the present freight rate."

I want also to quote from the New York Evening Post of September 8, 1911, as follows:

"Many people will ask why the Government has placed such unusual restrictions upon successful bidders for mail contracts. The answer is that the Panama Canal, when completed, will bring San Francisco by water within 14 days of New York, less time than now taken by transcontinental freight trains, and with no expensive roadbed equip-

ment to maintain. Steamboats will be able to handle coast-to-coast business at a much lower rate than the railroads."

I want to quote from the Seattle Post-Intelligencer of September 16, 1911, as follows:

"The actual cost of moving goods by water from the Atlantic seacoast to the Pacific coast when the canal is completed will be far below the actual cost of moving freight by rail."

Mr. HUMPHREY. I think that is right. Nobody can dispute that.

The CHAIRMAN. If that is correct, how can the railroads compete with the canal rates?

Mr. HUMPHREY. They do it all the time.

Mr. J. A. MARTIN. I want to quote again from Mr. Baker's testimony, the same document that I referred to before, at page 264, as follows:

"Mr. BAKER. The almost universal basis is that you can haul 3 miles of water freight for the cost of hauling 1 mile by rail. All the original old prorating agreements in the Atlantic Transport Co. was on that basis, up to 3,000 miles, the distance from New York to European points generally. Longer than 3,000 miles, when we took goods, for instance, down to Durban, South Africa, via London, then they would demand of us that we would carry the longer water distance for a rate that would be much less, or 4 to 1, so that anyone can make a calculation on this basis. The distance from New York to San Francisco via the Panama Canal will be practically 5,300 miles. That would be equivalent to one-third the number of miles of rail—what it would cost to take it that distance.

"When you come to the transcontinental traffic and crossing the two ranges of mountains (even taking the longer distance in the nearly level route of the Southern Pacific), it costs rather more per ton per mile to operate over the heavier grades and mountains than it does that way.

"Senator NEWLANDS. But you only have 3,000 miles by one route and you have over 5,000 miles by water.

"Mr. BAKER. It would be equivalent to 9,000 miles by water. The difference between those two would be the general saving.

"When you come to certain classes of commodities, there is a greater difference than that. You take what are known as the commodity rates. Take lumber, for instance—a ship coming around there, about a 12-knot ship, with lumber from Seattle—I have not the exact distance—you ought to bring lumber on that 12-knot boat at about $6 a thousand; $6 a ton. You ought to be able to do it, plus any canal tollage."

The first question I want to ask the witness on that statement of facts, assuming these facts to be approximately true—he may deny the assumption as much as he pleases—but, assuming the facts that I have stated to be approximately true and assuming that the toll rate through the Panama Canal will be fixed on the net registered-ton basis, about $1 per net registered ton, which is about 40 cents per actual cargo ton, or about 2 cents per 100 pounds, and, taken in connection with the absolute monopoly given the coast-to-coast trade by our Federal laws, do you take the position that the donation of this toll to the coast-to-coast shipping is necessary in order to enable it to be honestly competitive with the transcontinental railroads?

Mr. HUMPHREY. I do not know whether it is necessary or not, but it would be that much advantage. * * * I am not familiar with railroad rates, but I do not think that you need worry about the railroads being driven out of business. I think that they can take care of themselves. (Hearings, p. 1076.)

FURTHER TESTIMONY SHOWING THAT REASONABLE TOLLS WILL NOT AFFECT CANAL.

Other testimony, and testimony going chiefly to other points, sustain the main fact in the foregoing quotations—the fact that water is so cheap as compared with rail transportation that the imposition of a moderate toll upon the former will have no bearing whatever upon the competitive ability of the waterway.

But this proposition need not rest alone for demonstration upon what men may say as to what the isthmian route can do, but it can also be demonstrated by what that route has done. It can be shown—and I shall insert the testimony from the hearings to that effect at this point—that freight has been transported right along from coast to coast as low as $8 per ton, which included the railroad rate and the cost of the two transfers involved.

Several gentlemen gave such testimony, among them Mr. William R. Wheeler, manager of the traffic bureau of the San Francisco Chamber of Commerce. Mr. Wheeler stated that in order to meet the monopoly enjoyed by the Southern Pacific Railroad Co., which controls the rail situation from California east and controls the Panama situation by its ownership of the Pacific Mail Steamship Co., there was organized the California & Atlantic Steamship Co., which only last year carried 115,000 tons of eastbound traffic via the Panama route at $8 per ton; that in order to destroy its competitor the Pacific Mail Steamship Co. cut the rate to $5 per ton, and that but for the intervention of the President, who required the Pacific Mail Steamship Co. to restore the $8 rate, the competing line would have been put out of business.

Mr. Wheeler, in showing the great advantage of the canal, stated among other things that the American-Hawaiian Steamship Line, for example—

will not have to give up one-third of its earnings to its railroad connection—

And admits—

There will be a great reduction even with a reasonable toll. There is no doubt about that.

Nevertheless and notwithstanding which Mr. Wheeler, like other coast representatives, and naturally so—I do not blame them in the least—wants free tolls; but, like his fellow workers in the cause, he wants free tolls without being able to show that he ought to have them.

Later on I shall take up separately the testimony of President Dearborn, of the American-Hawaiian Line, letting that very capable gentleman speak for himself as to the great advantage to his company of the Panama Canal over its present situation, in which it is required to pay one-third of its total receipts to the Mexican Government for its use of the Tehuantepec Railway.

GREAT RATE REDUCTIONS, EVEN WITH REASONABLE TOLLS.

Mr. WHEELER. The Pacific Mail Steamship Co., in addition to its trans-Pacific line, operates a line from San Francisco to Panama, and the capital stock of that company is controlled by the Southern Pacific Railroad Co. The Southern Pacific holds just a bare control, 50½ per cent, or $10,010,000, of the par value of the total capital stock. That line up until two years ago was the sole connection of the Panama Railroad & Steamship Line, operating between New York and Panama. The tariff of this line was based upon the transcontinental rail tariff. Any advances made in the transcontinental rail tariffs were immediately reflected in corresponding advances in the Panama route rates. Through the efforts of the organization which I have the honor to represent we were successful in first divorcing those rates from the transcontinental rates, and, second, in making it possible for a competing line to engage in the traffic between San Francisco and Paama, so that the Panama Railroad & Steamship Line has now two Pacific cocarriers operating between San Francisco and Panama.

Mr. DRISCOLL. Will you give the name of the other company?

Mr. WHEELER. The California & Atlantic Steamship Co. The result is that while in the fiscal year 1909, when the Pacific Mail Steamship Co. was the sole line upon the Pacific in connection with the Panama route to San Francisco, it carried but 8,728 tons of east-bound traffic, hardly a full shipload for one of Mr. Dearborn's largest vessels; in the fiscal year 1911 there was carried in east-bound traffic via the Panama route more than 115,000 tons.

Not long after the competing line went on—within a few months—a rate war was started. The Pacific Mail Steamship Co. put the rate upon California products, *which had been $8 per ton, down to $5 per ton.* It was obvious that the purpose was to run the line off, because the rate of $8 per ton was a satisfactory rate to our shippers.

Mr. E. W. MARTIN. Between what points was that?

Mr. WHEELER. Between San Francisco and New York. *The rate of $8 a ton was satisfactory to our shippers. No shipper, so far as my knowledge goes, had asked for a $5 a ton rate.* Had the administration not been prevailed upon to bring about a restoration of rates there is no doubt that the California & Atlantic Steamship Line would have gone to the wall. The fight lasted several months, but the rates are now restored on that line. (Hearings, p. 504.)

Mr. E. W. MARTIN. Does the Southern Pacific Railroad Co. still maintain its controlling interest in the Pacific Mail Steamship Co.?

Mr. WHEELER. According to my last advices it does. At any rate, it did up to a few weeks ago.

The CHAIRMAN. Do you know of any other railroad company that contemplates running a line of ships on the canal?

Mr. WHEELER. No; I do not know of any railroad company that contemplates putting ships there. I do not know that the Pacific Mail Steamship Co. contemplates running ships through there.

The CHAIRMAN. You apprehend, though, that the Southern Pacific might find it desirable to run ships through there?

Mr. WHEELER. I think that would be a very natural result of opening the canal, provided no inhibitory legislation is passed. The Southern Pacific Railroad Co. has a fleet of vessels on the Atlantic engaged in traffic between New York, New Orleans, and Galveston. It has the control of the Pacific Mail Steamship Co. on the Pacific operating between San Francisco and Panama. It would not be difficult, of course, to connect up those two services.

The CHAIRMAN. How large a fleet have they in each ocean?

Mr. WHEELER. I think that the fleet engaged in the Panama service consists of about nine vessels. Is that right, Mr. Dearborn? You know better than I do about that.

Mr. DEARBORN. I should think about 9 or 10.

Mr. WHEELER. It is my impression that it is about that number. As to the fleet on the Atlantic, I do not know. They have the service to New Orleans and Galveston.

The CHAIRMAN. You say that they go to New Orleans and Galveston—

Mr. DEARBORN. They have two services—one to Galveston, which takes all the transcontinental freight, and another to New Orleans handling freight for that territory—local freight. That is my understanding. (Hearings, p. 505.)

Mr. SABATH. What is the present average rate between New York and San Francisco?

Mr. WHEELER. By steamer do you mean?

Mr. SABATH. Yes.

Mr. WHEELER. I should say that west bound the average rate to-day is perhaps $12. Is that about it, Mr. Dearborn?

Mr. DEARBORN. I think it is higher than that. On an average it would be about $14.

Mr. SABATH. That is west-bound traffic?

Mr. DEARBORN. West bound.

Mr. SABATH. What is the average east-bound rate?

Mr. WHEELER. The average east-bound rate is about $10.

Mr. DEARBORN. I think it is less than that. I think it is about $8.50.

Mr. SABATH. After the canal is completed, with that saving taken into account by the steamship companies, what do you think the west-bound rate will be?

Mr. WHEELER. I would say that the reduction when the canal is completed, when Mr. Dearborn's line, for example, *will not have to give up one-third of its earnings to its railroad connection*, and likewise when no division has to be made at Panama with the Panama Railroad Co. or steamship line——

The CHAIRMAN. And no goods smashed up in transferring.

Mr. WHEELER. And no goods smashed up in transferring—I think that those rates will come very near being cut in two. That is my opinion.

Mr. SABATH. Then the coastwise trade between the two oceans will be benefited to the extent of about 50 per cent?

Mr. WHEELER. I should say so, provided no tolls are charged.

Mr. SABATH. That at 50 per cent would be about $7 one way and $4 the other way. Will the tolls make any difference really, or will not the coastwise trade be benefited to the extent of about 40 per cent, even if we do charge a dollar per ton? Do you see what I am trying to find out?

Mr. WHEELER. As I understand it, you mean whether there will not be an ample reduction without waiving the tolls.

Mr. SABATH. And bounties.

Mr. WHEELER. *There will be a great reduction even with a reasonable toll. There is no doubt about that.* But by the measure of the toll if it is waived——

Mr. SABATH. There will be a still greater benefit.

Mr. WHEELER. There will be a still greater benefit. (Hearings, p. 529.)

FREE TOLLS WILL NOT BENEFIT CONSUMERS.

If free tolls are not necessary to furnish the canal with vessels and enable them to do business against the railroads, the only conjectural remaining reason for the exemption would be that the removal of the rate would to that extent benefit the consumer. Appreciating this situation, the advocates of free tolls, as a matter of course, loudly protest that it is the intention to benefit only the consumer and not the shipowner, and they admit of no question but what the consumer will get the benefit of free tolls. Obviously to do otherwise would be fatal to their contention. But even on this proposition they failed before the committee, as they must fail in practical experience.

Among other witnesses who appeared before the committee was Mr. H. H. Raymond, vice president and general manager of the Clyde Steamship Co. and the Mallory Steamship Co., who said frankly that he did not believe the matter of a reasonable toll would make any difference to the consumer. The matter was put to him point blank as follows:

Mr. STEVENS. You know that it would not make any difference to the consumer, do you not?

Mr. RAYMOND. I do not believe that it would.

Mr. Raymond believed that it would benefit the shipowner, encourage shipping, and in this way benefit the public. I shall insert at this point a very interesting and instructive colloquy between the gentleman from Minnesota [Mr. STEVENS] and Mr. Raymond on this point:

Mr. STEVENS. It has been stated a great many times—the records of our committees are full of such statements. If that be true, how much difference to the ordinary consumer would a rate of 50 cents per net ton make on goods transported from the Atlantic to the Pacific, or from the Pacific to the Atlantic?

Mr. RAYMOND. I could not answer.

Mr. STEVENS. *You know that it would not make any difference to the consumer, do you not?*

Mr. RAYMOND. *I do not believe that it would.*

Mr. KNOWLAND. Then who would get the advantage?

Mr. RAYMOND. The American ship—the American public.

Mr. STEVENS. The American public—in what way would the American public get the advantage of it?

Mr. RAYMOND. They would not have to pay so much on the high commodities—on the heavy commodities. I am talking about the freight rates on your clothes.

Mr. STEVENS. If the rate was 55 cents per ton how much cheaper would it be to the American who buys lumber?

Mr. RAYMOND. I do not know. The American who buys lumber would probably buy it 25 cents a thousand cheaper.

Mr. STEVENS. How much cheaper would the American who bought lemons and oranges in California get them?

Mr. RAYMOND. I do not believe they would come through the canal.

Mr. STEVENS. The people on the coast are figuring on that. You think they are mistaken about that?

Mr. RAYMOND. I do.

Mr. STEVENS. How much cheaper would wool and stuff like that be?

Mr. RAYMOND. I do not know.

Mr. STEVENS. So that you could not give us any idea?

Mr. RAYMOND. No.

Mr. STEVENS. The most is that you can figure we will get lumber 25 cents a thousand cheaper?

Mr. RAYMOND. I do not know anything about the commodities; I am not a merchant; I am a transportation man.

Mr. STEVENS. So that you would not be willing to hazard any judgment of your own?

Mr. RAYMOND. No, sir.

Mr. STEVENS. As to how it would affect the man who finally buys the stuff and has to pay for it?

Mr. RAYMOND. No.

Mr. KNOWLAND. Except you would make the statement that whatever toll was remitted would be a benefit to the consumer?

Mr. RAYMOND. Absolutely.

Mr. STEVENS. That is just what I have been trying to find out.

Mr. RAYMOND. We have not any rates that give an unreasonable dividend. In fact, you can go into any business and make more money out of it than you can make out of the steamship business. (Hearings, p. 549.)

ATLANTIC COASTWISE BOAT LINE MONOPOLIES—NO COMPETITION.

But Mr. Raymond's testimony went to another proposition which, in my judgment, was even more illuminating and instructive and even more in the nature of fact rather than opinion, and that was his explanation to the committee that there are five different steamship lines in the Atlantic coastwise trade south from New York, no two of which have the same termini or traffic territory. As explained by Mr. Raymond, each of these lines enjoys an exclusive and undisputed monopoly of its own water route, port terminl, and traffic territory. I can not take time to read this testimony, but it absolutely disposes of the idea that there is any competition whatever among the boat lines in the Atlantic coastwise trade:

TESTIMONY OF MR. RAYMOND, OF THE MALLORY AND CLYDE LINES.

Mr. MARTIN of Colorado. There are two lines that you are vice president of—the Clyde and Mallory.

Mr. RAYMOND. The Clyde does not go to Galveston, Tex.

Mr. MARTIN of Colorado. The Clyde does; does it not?

Mr. RAYMOND. No, sir.

Mr. MARTIN of Colorado. The Mallory and Morgan?

Mr. RAYMOND. The Mallory and Morgan?

Mr. MARTIN of Colorado. Do go from New York to Galveston?

Mr. RAYMOND. Yes, sir.

Mr. MARTIN of Colorado. Is there any difference in the rates between New York and Galveston on these two boat lines?

Mr. RAYMOND. Yes, sir.

Mr. MARTIN of Colorado. Is not the fare identical?

Mr. RAYMOND. There is only one line that handles passengers, and that is the Mallory; there is no competition.

Mr. MARTIN of Colorado. From New York to Galveston?

Mr. RAYMOND. The Morgan does not handle passengers; no, sir.

Mr. MARTIN of Colorado. How many lines are there between New York and Key West handling passengers?

Mr. RAYMOND. Only one.

Mr. MARTIN of Colorado. What is that?

Mr. RAYMOND. The Mallory.

Mr. MARTIN of Colorado. Are there any places on the coast where the Mallory has competition in the matter of hauling passengers?

Mr. RAYMOND. Not that I know of.

Mr. MARTIN of Colorado. It hauls them all—how does it come that the Mallory has no competition?

Mr. RAYMOND. Because nobody else has put any money into that service; that is all.

Mr. MARTIN of Colorado. The Clyde does not carry passengers?

Mr. RAYMOND. The Clyde carries passengers, but it does not go to Galveston.

Mr. MARTIN of Colorado. Does it go to any of the ports that the Mallory goes to?

The CHAIRMAN. *It pays better to divide the ports up.*

Mr. MARTIN of Colorado. Is that the way it is done?

Mr. RAYMOND. No.

Mr. MARTIN of Colorado. Let us see; we have got *three lines* out of New York—the *Clyde*, the *Mallory*, and the *Morgan*. Now, how many lines have we got in the coastwise trade going out of New York in addition to the Mallory, Morgan, and Clyde Lines?

Mr. RAYMOND. Out of New York?

Mr. MARTIN of Colorado. Yes, sir.

Mr. RAYMOND. The *Ocean Steamship Co.*

Mr. MARTIN of Colorado. That is four.

Mr. RAYMOND. The *Old Dominion*; that is, coming south.

Mr. MARTIN of Colorado. That is what I mean.

Mr. RAYMOND. Coming south from American ports?

Mr. MARTIN of Colorado. That is what I want, in order not to scatter too much.

Mr. RAYMOND. The Old Dominion.

Mr. MARTIN of Colorado. *That is five.* Are there none of those carrying passengers into the same ports from New York, down along the Atlantic coast and return?

Mr. RAYMOND. No, sir.

Mr. MARTIN of Colorado. What do they do, then—have they just divided up the territory between themselves?

Mr. RAYMOND. No.

Mr. MARTIN of Colorado. I do not understand why there is not an explanation for this. We have got the facts in a measure, but not the explanation as to why there is just one boat line in the coastwise trade of the Atlantic carrying passengers between New York and all these coast points around to Galveston and the Gulf.

Mr. RAYMOND. The explanation is that two would not pay.

The CHAIRMAN. I think that is a good one.

Mr. SIMS. How is it about the *freight?*

Mr. RAYMOND. *The same.*

The CHAIRMAN. Five or six lines and no two of them run between any two points?

Mr. RAYMOND. These lines here all originated years and years ago by private capital—merchants and other people did not see that they wanted to compete because where one could live two could not.

The CHAIRMAN. They were wisely located with a view to profit.

Mr. MARTIN of Colorado. This is rather an interesting line of testimony, I think. Your Mallory Line, then, hauls all the passenger traffic from New York south—the Atlantic coastwise passenger trade and around into the Gulf?

Mr. RAYMOND. That is your statement, not mine.

Mr. MARTIN of Colorado. I have understood it to be yours.

Mr. RAYMOND. No, sir.

Mr. MARTIN of Colorado. Hauls all of it, then, to certain ports.

Mr. RAYMOND. *Handles all the passengers to the ports to which it operates where no other passenger line does.*

Mr. MARTIN of Colorado. Tell me this, then: Are not ports divided as to carrying passengers and to which no other passenger lines operate?

Mr. RAYMOND. I testified to that in the beginning.

Mr. MARTIN of Colorado. Those that you named are the ones that it goes to—the Mallory Line?

Mr. RAYMOND. Yes, sir.

Mr. MARTIN of Colorado. Which ports does the Clyde Line go to and to which the Mallory Line does not go to?

Mr. RAYMOND. The *Mallory*, if you want it, goes to the following ports, or operates, rather, between the following ports: *New York* and *Key West*, New York and *Tampa*, New York and *Mobile*, New York and *Galveston*; it *handles passengers* and *cargo to all of those ports.*

The *Clyde* operates between *New York* and *Philadelphia*, and between *Boston* and *Charleston*, *New York* and *Jacksonville*, *New York* and *Wilmington*—all those other places that I named in the beginning; and they carry passengers only to two ports, Charleston and Jacksonville.

Mr. MARTIN of Colorado. What is the *Morgan* Line in the way of freight and passenger?

Mr. RAYMOND. They operate *freight* and *passenger* service between *New York* and *New Orleans?*

Mr. MARTIN of Colorado. What is this *Ocean Steamship Line* and what has this Ocean Steamship Line got?

Mr. RAYMOND. Between *New York and Savannah.*

Mr. MARTIN of Colorado. Did you name another besides the Ocean?

Mr. RAYMOND. Not coming south—the *Old Dominion* between *New York* and *Norfolk.*

Mr. MARTIN of Colorado. How did this division of territory come about between these five lines?

Mr. RAYMOND. It is perfectly natural.

Mr. MARTIN of Colorado. Natural growth?

Mr. RAYMOND. Natural growth.

AMPLE SHIPPING FACILITIES AWAIT OPENING OF CANAL.

The testimony of Mr. Raymond also goes to create a suspicion, which is strengthened by the statements of others, that there will be but little, if any, more competition, even in the matter of service, to say nothing of rates, from coast to coast than now exists in the Atlantic coastwise trade. Mr. Raymond makes it clear that neither of his lines are contemplating any conquest over canal traffic, and the impression is gathered from Mr. Raymond that none of the five Atlantic coastwise lines will put a single boat through the Panama Canal. They each have their little monopoly and are going to keep it. They are not going to invite trouble by poaching on other preserves. The American-Hawaiian Line, which is now doing the principal trans-Isthmian traffic, may continue so far as these Atlantic coast lines are concerned. If the American-Hawaiian has any competition, it must come from one or two small independent Pacific coast lines, whose boats are shown by the Commissioner of Navigation to be too small for that trade, or its competition must come from the Pacific Mail Steamship Co., which will put a fleet of big steamers through the canal if not prevented by law.

The two coastwise lines under the management of Mr. Raymond operate about 45 boats. Some of these exceed the 4,000 tonnage, which Mr. Raymond concurs with Commissioner Chamberlain and others in saying is the practical minimum for canal traffic. He estimates that there are 200 vessels, all told, in the Atlantic coastwise trade south of Boston. According to Mr. Raymond there should be nothing in law to prevent any of his boats of sufficient tonnage from transiting the canal, as he is positive in his statements that his lines are not owned or controlled by railroad companies. On the whole, therefore, it would appear that the supply of available shipping facilities for the canal will far exceed the demand, and that if the great majority of existing American boat lines do not engage in that traffic it will be because they prefer to follow the rule of the sea, upon which discovery and occupancy gives the better right. I attach hereto the list of vessels of the American-Hawaiian fleet, 18 in number and ranging in gross tonnage from 4,408 to 8,671 tons, a sufficient tonnage for canal traffic (hearings, p. 884):

American-Hawaiian fleet.

Name of vessel.	Speed, in knots.	Gross tonnage.	Net tonnage.
Californian	12	5,707	3,716
American	12	5,591	3,643
Hawaiian	12	5,597	3,651
Oregonian	12	5,597	3,651
Nevadan	13	4,408	2,824
Alaskan	12	8,671	5,621
Nebraskan	13	4,408	2,824
Texan	13	8,615	5,606
Kansan	12	7,913	5,131
Arizonan	12	8,671	5,621
Virginian	13	7,914	5,077
Missourian	13	7,914	5,077
Mexican	13	8,579	5,578
Colombian	13	8,579	5,598
Isthmian	13	5,404	3,468
Kentuckian	13	6,606	4,016
Georgian	13	6,606	4,016
Honolulan	14	7,059	4,421
Total		123,839	79,548

Besides, the above company contracted, since August, for five more ships, *Pennsylvania*, *Pennsylvania*, *Minnesotan*, *Montanan*, and *Dakotan*, two of which are to be 8,000 gross tons, 4,000 net tons, 11 knots (all approximate), and the remaining three doubtless of similar types to the above, all to be delivered in 1912 and 1913.

I also append the list of the Pacific Mail Steamship Co., which is owned by the Southern Pacific Railway Co., nine in number, ranging in gross tonnage from 2,076 to 3,532:

Pacific Mail Steamship Co.

Name of steamship.	Year built.	Gross tonnage.	Net tonnage.	Date of sailing.
Peru	1892	3,528	2,338	
Pennsylvania	1873	3,344	2,567	January 3.
Aztec	1884	3,508	2,266	January 15.
City of Para	1878	3,532	2,564	January 31.
San Jose	1882	2,080	1,538	January 3.
City of Sydney	1875	3,016	1,965	January 13.
Acapulco	1873	2,592	1,759	January 23.
Kansas City	1889	3,679	2,183	
San Juan	1882	2,076	1,496	

And also the list of the California-Atlantic Steamship Co., an independent line, seven in number, ranging from 1,838 to 3,753 gross tons:

California-Atlantic Steamship Co.

Name of vessel (chartered).	Year built.	Gross tonnage.	Net tonnage.	Date of sailing.
Navajo	1911	2,755	1,711	January 8.
Mackinaw	1890	2,573	2,005	January 20.
Pleiades	1900	3,753	2,982	January 28.
Stanley Dollar	1908	1,838	955	
Riverside	1908	1,838	955	
Lochinaw	1886	1,923	1,377	
George W. Fenwick	1907	2,030	1,398	

SUMMARY OF VESSELS AVAILABLE FOR THE PANAMA CANAL.

The testimony as to vessels available for the domestic Panama service is considerably scattered, and it may prove of some service to investigators to collect and present it in succinct form.

Easily at the head of the list will stand the American-Hawaiian Line with its 23 vessels of about 10,000 gross tonnage each.

The Luckenback Line consists of approximately 10 vessels of 4,000 to 6,000 tons. Some of these vessels have been plying via the Strait of Magellan. Like the American-Hawaiian Line, the Luckenback is capable of enlarging.

The Pacific Mail Steamship Co. has a fleet of approximately 10 steamers on the Pacific and is said to be awaiting the action of Congress as to whether it will permit railroad-controlled vessels to use the canal before undertaking the construction of some very large vessels for this trade. Notwithstanding the "if" now in the way of the use of the canal by the Pacific Mail Steamship Co., to wit, the proposed prohibition of the use of the canal by railroad-controlled boats, I venture the prediction that the Pacific Mail Steamship Co. will find a way to enter the Panama route. It will enter the Panama route or cease to exist, and it is not in the logic of things that the steamship line which has for more than 20 years past been supplying practically all of the Pacific coast traffic to the Panama Railroad should go out of business when the canal opens and turn this traffic over to others. This, I think, will hardly occur.

The same prediction may be hazarded of the California-Atlantic Steamship Co., with its present Panama-Pacific fleet of seven boats, which was organized to fight the Southern Pacific-Pacific Mail in the Panama trade, and which Mr. Wheeler testifies it is doing successfully.

It is claimed that the tonnage of the Pacific Mail and the California-Pacific Lines is somewhat light for the coast-to-coast service, which calls for vessels of about 4,000 gross tons, but there is little doubt the heavier of them would traverse the canal with the cargoes they are now delivering to the Panama Railroad at Balboa, and that they will build larger vessels.

The Mallory and Clyde Lines, it has also been pointed out, now have a number of vessels in the Atlantic coastwise trade of sufficient tonnage to enter the canal route if they elect to do so. And there are doubtless others.

THE AMERICAN-HAWAIIAN STEAMSHIP CO.

That the Panama Canal, while exacting a reasonable toll from domestic shipping, will be fully able to compete with the transcontinental railroads, to cause substantial reductions in transcontinental rail rates, and to wrest a part of their present traffic from the transcontinental roads, is clearly established by the testimony of Mr. George S. Dearborn, president of the American-Hawaiian Steamship Co.

In 12 years this company has built up a fleet of 18 steamers of about 10,000 gross tons each, and which now handles an annual traffic of 750,000 tons from the Hawaiian Islands and the Pacific coast, but principally from the Hawaiians, and the company is now constructing 5 more of these large steamers, so that, against the opening of the Panama Canal, the American-Hawaiian Steamship Co. will be ready to supply it with a fleet of 23 large steamers, with a carrying capacity of 1,500,000 tons annually, which is larger than the existing coast-to-coast water tonnage.

CAN PAY TOLLS AND COMPETE WITH RAILROADS.

Upon the question of the present and future capacity of his steamship company and to what source it will look for additional traffic, Mr. Dearborn said:

We are prepared to-day to almost double our tonnage through the canal with the ships we are building, and if we did not believe we could make such rates as would divert to us 750,000 tons more from the railroads we would not build the ships. With the ships we are building and the shorter time we could make through the canal, if our

plans are carried out, we will acquire double the quantity of freight we are getting to-day. We are getting all we can handle to-day. When it comes to the canal, if we are building these ships to take 750,000 tons more from the railroads, we have got to lower the rate.

I challenge the production from all the mass of testimony in either House of Congress touching the traffic and competitive possibilities of the Panama Canal that will equal in significance, that will compare in the number and importance of the facts embraced, with the statement I have just read.

GREAT ADVANTAGES OF THE CANAL.

Mr. Dearborn had just stated that his company would not require free tolls in order to do business through the canal. In answer to a question as to whether he could pay a dollar per net registered ton through the Panama Canal and do even better than he is now doing across the Tehuantepec route, Mr. Dearborn said:

Sure; there is no argument about that. The no-toll business is a matter of principle. We would not spend $1 in any propaganda for no tolls, because the shipper is going to pay for it. It is an operating expense.

With the paying of tolls, therefore, as a factor in his calculations, and implied in the paragraph which I have read, that single paragraph may be resolved into the following highly important facts:

First. The American-Hawaiian Steamship Co. can pay canal tolls at $1 per ton.

Second. It can double its present traffic of 750,000 tons.

Third. It proposes to take this tonnage from the transcontinental railroads.

Fourth. It will lower its rates to get this tonnage from the railroads.

Fifth. Even at its existing high rates the steamship company is getting all the business it can handle.

Sixth. The railroads must lower their rates, notwithstanding which some of their existing traffic will be divided with the canal.

This important testimony, which serves concretely to put the Panama Canal before us as a vital factor in domestic commerce, followed a question as to the cost to the American-Hawaiian Co. of its Tehuantepec railway connection, and I shall insert here the brief colloquy leading up to the statement that I have read in full and analyzed.

SHIPPER WILL PAY TOLLS—AN OPERATING EXPENSE.

Mr. MARTIN of Colorado. Would you mind telling us this—about what your Tehuantepec transshipment costs you per net registered ton?

Mr. DEARBORN. That would take some figuring.

Mr. MARTIN of Colorado. You are able to do business now, and you are building your business up, I think, fairly satisfactorily, at the rate you are acquiring ships, from Hawaii to New York, and from the Pacific to the Atlantic coast, notwithstanding the cost of the Tehuantepec transshipment?

Mr. DEARBORN. Yes.

Mr. MARTIN of Colorado. And it simply occurred to me that if you could do that, you could pay, say, a dollar per net registered ton through the Panama Canal and do even better than you are doing now.

Mr. DEARBORN. *Surely; there is no argument about that.*

Mr. MARTIN of Colorado. *You do not have to get free tolls through the Panama Canal?*

Mr. DEARBORN. *The no-toll business is a matter of principle. We would not spend one dollar in any propaganda for no tolls, because the shipper is going to pay for it. It is an operating expense.*

Mr. MARTIN of Colorado. Just like "Jones pay the freight," the shipper pays railroad taxes?

Mr. KNOWLAND. Your contention is that any toll would come out of the shipper?

Mr. DEARBORN. That is it.

Mr. MARTIN of Colorado. Would your Tehuantepec transshipment cost be considerably more than a dollar per net registered ton?

Mr. DEARBORN. Certainly.

I will tell you what answers that question. We are prepared to-day to almost double our tonnage through the canal with the ships we are building, and if we did not believe we could make such rates as would divert to us 750,000 tons more from the railroads we would not build the ships. With the ships we are building, and the shorter time we could make through the canal, if our plans are carried out we will acquire double the quantity of freight we are getting to-day. We are getting all we can handle to-day. When it comes to the canal, if we are building these ships to take 750,000 tons more from the railroads, we have got to lower the rate.

NOW PAYING ONE-THIRD TO MEXICAN RAILWAY.

The question, however, did not bring the information sought at that point, but later this most material and instructive information was fully developed by the gentleman from South Dakota [Mr. MARTIN], and I shall insert it in my remarks at this point:

Mr. MARTIN of South Dakota. Approximately, can you indicate to the committee about what is the cost to your company for the transportation of dead-weight tonnage over the Tehuantepec route, including the cost of loading and unloading, the cost of transportation, and such habitual damages that you must pay by reason of the transfer?

Mr. DEARBORN. I would not want to make an offhand statement.

Mr. MARTIN of South Dakota. Just an approximation.

Mr. DEARBORN. You would have to take averages.

Mr. MARTIN of South Dakota. I mean averages, considering the entire business as a mass proposition.

Mr. DEARBORN. We were making estimates the other day; on 750,000 tons of freight our net profit was a few cents a ton. On the total freight we have it is about 20 cents a ton.

Mr. MARTIN of South Dakota. On your whole business?

Mr. DEARBORN. On the whole business.

Mr. MARTIN of South Dakota. I am trying to ascertain how much of your expense is represented by the transfer at Tehuantepec. In other words, how much would you pay, in the course of your business, per ton, if you did not have the charges for the transfer at Tehuantepec?

Mr. DEARBORN. Now, you take sugar and other merchandise. Of course, sugar being dead-weight cargo and easier to handle, you get much lower rates. I should say, on an average, it must be something like $4 a ton. I should say——

Mr. MARTIN of South Dakota. I wanted it translated into cost.

Mr. DEARBORN. About $4 a ton.

Mr. MARTIN of South Dakota. That is your estimate on sugar cargo.

Mr. DEARBORN. That is on the whole. (Hearings, pp. 576–577.)

IMMENSE SAVING AND PROFIT TO SHIPPERS OF CANAL ROUTE.

Mr. MARTIN of South Dakota. I am pleased to say that it struck me all through the witness's testimony that we are arriving at some very impartial statements of facts. It has been claimed here by numerous witnesses, if not by their statements, at least by inference, that the question of applying a dollar net tonnage for the toll, which would be 40 or 50 cents dead-weight tonnage, might be the difference between attracting or driving away the American shipping industry as an element in coastwise trade, and, of course, your statement is quite different.

Mr. DEARBORN. Yes, sir.

Mr. CULLOP. What was the answer? Is the answer in the record?

Mr. DEARBORN. Yes, sir.

Mr. MARTIN of Colorado. I will ask you again, along the line of my colleague's questioning with reference to the $4 per ton approximated to be the cost of transshipment over the Tehuantepec route. I understood that to be $4 per dead-weight ton of 2,000 pounds?

Mr. DEARBORN. That is right.

Mr. MARTIN of Colorado. Now, the Panama charge will be a net-registered ton, we will assume, and this net-registered ton will hold about 2½ dead-weight tons, ordinarily, so that he would pay only 40 cents per dead-weight ton.

Mr. MARTIN of South Dakota. In the question I asked, the answer to which Judge Cullop has thought, perhaps, was not given in the record, I asked, whether, supposing that the toll through the canal, for an estimate, might be considered as $1 per net ton, which I suggested, would be something like 40 or 50 cents in dead-weight tonnage.

Mr. DEARBORN. That applies to dead-weight cargoes. Take a cargo of sugar, which would load a ship to a dead-weight capacity. I say then that proportion would be right. Take our west-bound cargo, where our ship has only little dead-weight cargo, the toll applied to a ton of dead weight carried in the ship would be settled.

West bound we have about 50 per cent of her dead-weight capacity.

Mr. MARTIN of South Dakota. And east bound you are practically carrying your capacity?

Mr. DEARBORN. Yes. So that there is less tax per ton on sugar than there is on the other freight?

Mr. MARTIN of South Dakota. And the solution of that part of the problem would be that east bound your net-weight tonnage would vary much less than your west bound; you might be carrying more measurement of tonnage, and be carrying less in actual tonnage?

Mr. DEARBORN. Yes.

Mr. MARTIN of South Dakota. The question that I was asking and about which there might be some doubt in the record was in substance this: It being understood that the committee might consider the subject of putting a toll to the amount of $1 per registered ton for transportation through the Panama Canal, which would, on a ship carrying its full cargo, mean 40 or 50 cents per ton, whether in your judgment that would be a controlling consideration as between the encouragement or discouragement of coastwise trade through the canal to determine whether it would be a profitable business or not?

Mr. DEARBORN. The lower the toll, the less the resistance of the movement of trade.

Mr. MARTIN of South Dakota. Naturally.

Mr. DEARBORN. Naturally it would result in a greater volume of business, to the extent that the business would be enlarged or contracted by the rate of toll.

Mr. MARTIN of South Dakota. Of course. That follows. If you are now carrying on your business by the Tehuantepec route, with a practical cost of transfer something like $4 per dead-weight ton——

Mr. DEARBORN. Yes.

Mr. MARTIN of South Dakota. And you can, by the opening of the canal, even if we put a dollar toll upon the net tonnage, you can carry the business through there at 50 cents to $1 cargo tonnage, according to how you happen to be loaded, it would seem to be self-evident that the putting of the toll on there would not be a controlling factor in determining whether you would go through the canal?

Mr. DEARBORN. No. That is why I wish to deal with that on business lines. *It would be ridiculous to treat the canal toll, as applied to domestic trade, on these lines. If you are going on the lines of what the traffic would bear, it would stand very much more.* (Hearings, pp. 577–578.)

RESUME OF CANAL ADVANTAGES.

This testimony shows that the American-Hawaiian Co. is paying the Mexican Government for transferring its cargo by rail across the Isthmus of Tehuantepec at the rate of $4 per cargo ton of 2,000 pounds. The same ton, say for instance of sugar, at a toll rate of $1 per net registered ton, would go through the Panama Canal for just 40 cents. That is the difference in cost between the canal and the railway, but it is only one of the canal advantages. To unload the ships at one side of the Isthmus, put the cargo in railway cars, transfer these cars across the Isthmus, unload them and reload the cargo in another ship takes time. According to the testimony it takes one-third of the entire time, or about 10 days out of a 30-day trip, and the boats must lie idle and return without cargoes, and the cargoes in the railway transshipment are more or less wasted and damaged, so that it is no exaggeration to say that if the Panama toll rate were to be made $4 per

cargo ton instead of 40 cents, or were to be made $5 or even $6 per cargo ton, it would still be preferable in every way to the present Tehuantepec route. It is no wonder that shipowners may smile at the question as to whether the moderate toll rate proposed for the Panama Canal will injuriously affect its traffic.

Mr. Dearborn, however, while admitting that he does not need the tolls to enable him to do business or compete with the railroads, and while further concurring with Mr. Raymond, the manager of the Clyde and Mallory Steamship Lines, that the consumer would not be affected one way or another by the presence or absence of a reasonable toll, nevertheless furnished the committee prior to his examination with a printed statement in which he expressed the opinion that free tolls should be provided as an inducement to investment in the coastwise shipping business. In the same statement it is remarked that while the Pacific Coast States would derive the great benefit for which all of the country would be taxed, still the country would be benefited in obtaining Pacific coast products at lower prices. I refer to this printed statement principally as a basis of comment that these ex parte statements, when put to the test, always fail to produce any sustaining facts. Indeed, there is nothing in the exhaustive testimony of Mr. Dearborn to support a conclusion or even a probability that free tolls will result in the construction of a single ship for the canal route. Mr. Dearborn's company is constructing five ships in anticipation of the opening of the canal, and this without any reference whatever to the question of tolls. Mr. Dearborn is only human, and if the Federal Government proposes to make his company a present of the service which is now directly costing it $4 per cargo ton and indirectly perhaps half as much more, it is hardly to be expected that Mr. Dearborn will protest.

I do not wish, however, to have preserved in the record of this legislation a single remark which could be construed as even dealing lightly with any statement made by Mr. Dearborn, either in print or to the committee. I believe the entire committee, regardless of their attitude upon the question of tolls, experienced in listening to him a thrill of assurance that upon the completion and opening of the Panama Canal there would be a magnificent fleet of ships flying the American flag, waiting for its great lock gates to swing open and receive them. A spirit of optimism pervaded the committee on listening to this gentleman, who impressed everybody with a feeling of confidence and respect for his capability. Mr. Dearborn himself is the explanation of the great success of his company; his optimism, his quickness of mind, his grasp of the situation, his personality, all combined not only to explain the American-Hawaiian Steamship Line, but to assure the committee that when the great engineer who is constructing the canal had completed his work, a great shipper would be ready with a splendid line of boats to furnish it with traffic.

DISINTERESTED TESTIMONY ON THE TOLL QUESTION.

All the testimony thus far considered was adduced by interested persons, by those engaged in domestic shipping or the representatives of coast ports. I do not believe it is necessary to look beyond this testimony to justify the levying of a reasonable toll, such as is contemplated upon domestic shipping. Indeed, this testimony shows affirmatively, it affirmatively establishes from the lips of the shipowners themselves, that free tolls is not a vital factor in any problem concerning the Panama Canal. If the Government wishes to establish a free shipway for vessels in the domestic trade, it may do so, but it must do so with the knowledge and understanding that the sums involved—two or three or four or five million dollars per annum, as the case may be and as the traffic develops—will be net to the shipowners and to nobody else.

The Panama Canal will be too great a benefit to vessels which are now required either to round the Horn or tranship by rail and too great a burden of expense to the Government to permit of any such purely sentimental policy as free tolls.

This proposition, already satisfactorily established, is more clearly shown when we consider the very valuable treatment of this problem by Dr. Johnson, the investigator assigned to this specific task by the President of the United States. Dr. Johnson is responsible to no one but the President and has no incentive but the development of the truth; and when such an authority treats the Panama Canal as a proposition of sense and not of sentiment, and as the result of his long, patient, and scientific study of the question, recommends the payment of tolls upon domestic equally with foreign commerce, the laity may well give pause and consideration to his views.

TRAFFIC AVAILABLE ON OPENING OF CANAL.

Dr. Johnson estimates that upon the opening of the Panama Canal there will be an available annual traffic of 10,500,000 tons; that approximately only one-tenth of this volume will consist of coast-to-coast traffic, or a little more than 1,000,000 tons, although there will be in movement at that time more than 4,000,000 tons of coast-to-coast traffic, from which it follows that the railroads will continue to handle approximately three-fourths of the coast-to-coast traffic, although it is estimated by Interstate Commerce Commissioners that more than 90 per cent of the coast-to-coast traffic will be competitive in character; that is to say, traffic which may move either by land or water. I shall insert at this point a partial but interesting and instructive analysis of Dr. Johnson's estimates as made by members of the committee during his testimony:

Mr. KNOWLAND. I would like to ask regarding that 10,500,000 tons, how much of that do you figure would be coast-to-coast commerce?

Dr. JOHNSON. The Panama traffic of 1910 is put down at 418,000 tons net register. The American-Hawaiian Steamship Co.'s traffic is credited with 363,000 tons, and there are 172,000 tons of traffic through the Strait of Magellan. The total would be 950,000 tons net register.

Mr. KNOWLAND. About 11 per cent?

Dr. JOHNSON. Yes, sir; a little over 11 per cent.

Mr. KNOWLAND. A very small proportion?

Dr. JOHNSON. Very small. One reason for thinking that these figures may prove conservative in future years is that very soon after the opening of the canal there should be a very large increase in the coast-to-coast movement of American traffic.

The CHAIRMAN. Have you figured what portion of it would be foreign commerce of American ports?

Dr. JOHNSON. Over half of this total here consists of foreign commerce that would not touch the shores of the United States.

The CHAIRMAN. I asked you what per cent of it represents the foreign commerce of the ports of the United States, ships that touch at the ports of the United States and foreign countries, is not that the large bulk of the commerce we may expect?

Dr. JOHNSON. I find that 33.8 per cent of the total trade available for the canal in 1909–10 consisted of the foreign commerce of the United States.

Mr. KNOWLAND. These figures for 1915—950,000 tons—are exclusively coast to coast from American port to American port?

Dr. JOHNSON. Yes, sir; 1909 and 1910.

Mr. KNOWLAND. Of the 950,000 tons, 418,000 is via Panama?

Dr. JOHNSON. That is Panama traffic. The American-Hawaiian Steamship Co. had 363,426 tons net register of Tehuantepec traffic, and there were 172,855 tons net via the Strait of Magellan, making in all some over 950,000 tons net, or 11 per cent.

Mr. STEVENS. You have made no estimate here of the traffic that may be taken away from the transcontinental railroads by the canal.

Dr. JOHNSON. I have not referred to that. The statistical tables do not make any conjectures as to what will be taken away from the railroads or as to what the growth of the coastwise business will be after the opening of the canal. We have preferred to keep on the basis of solid facts and simply refer to the limitations of the data presented.

Mr. STEVENS. What was the estimate of coast-to-coast business over the transcontinental lines and other lines, as shown by the testimony before the Interstate Commerce Commission in the Long-and-short-haul cases?

Dr. JOHNSON. About 3,000,000 tons.

Mr. STEVENS. What would that amount to in 1915 if the same ratio of increase were taken which you estimate—about 6 per cent a year?

OVER 90 PER CENT OF TRAFFIC COMPETITIVE.

Dr. JOHNSON. I assume those figures for 3,000,000 cargo tons by rail must have been for a period as early as 1908, and that would mean a period of seven years. I should say the increase would be over 40 per cent, which would thus be 4,200,000, or four and a half million tons, possibly. Of course, the committee will understand we are now talking about tons of 2,000 pounds, not vessel tons.

Mr. STEVENS. I am speaking of cargo tons shown by testimony that existed, say in 1908, and by the same estimate will exist for transportation in 1915, which should be an amount probably in excess of 4,000,000 tons. Now it is estimated by quite a number who have testified here, Mr. Dearborn and Mr. Skinner and others, that there will be a substantial reduction of rates on the coast-to-coast business due to water transportation. If that be true, have you any judgment as to what proportion of that could be taken by water rather than by rail? Now, this is just a matter of conjecture entirely, outside of your——

Dr. JOHNSON. The traffic men say there is comparatively little traffic that may not theoretically move by water, as well as by rail, west bound.

Mr. STEVENS. What did Commissioner Lane say?

Dr. JOHNSON. I think all but about 7½ per cent consisted of traffic which might not move by water.

Mr. STEVENS. So over 90 per cent of the traffic is competitive in character?

Dr. JOHNSON. Yes, sir.

Mr. STEVENS. So if it can be made competitive in rates and facilities, have you any estimate as to the amount which might be carried by water?

Dr. JOHNSON. I do not think any traffic expert will venture to make an estimate, because it is not the rate which controls the route taken so much as it is the character of the service performed. It often happens that a shipper may prefer a higher rate by a rail line which takes his goods from his shop or warehouse and delivers them to the factory, store, or warehouse of the consignee without cartage and without transfer; I think only experience can demonstrate the actual division of this competitive traffic between the water and rail routes.

Mr. HAMLIN. I understand that 950,000 tons, in round numbers, is the estimate for 1909 and 1910?

Dr. JOHNSON. Yes; and of course that is effected by the 26 per cent increase to 1914–15.

Mr. HAMLIN. For instance, in making your 10,500,000 tons estimate, how much of it is the coast-to-coast business?

Dr. JOHNSON. Of that ten and a half million tons, 1,160,000.

Mr. HAMLIN. Then, in other words, of the 10,500,000 tons estimated for 1915 but 1,160,000 tons is coast to coast?

Dr. JOHNSON. Less than one and a quarter millions.

Mr. HAMLIN. So that in the total revenue it is very small?

Dr. JOHNSON. Your statement is correct. But the traffic moving from coast to coast in 1914, at the time of the opening of the canal, may and probably will be larger than that. The American-Hawaiian Steamship Co. will have a fleet whose passage through the canal will add 500,000 tons to the net register tonnage of canal traffic.

BUSINESS METHODS IN FIXING PANAMA TOLLS, AND WHY.

While acknowledging the Panama Canal to be a great military and naval asset, we are reminded by Dr. Johnson that—

It will not be that without a large addition to our already heavy military expenses—

And that its protection—

will involve an annual outlay little, if any, less than the cost of operating the canal and paying interest on the investment.

And these two items, by the way, total the snug sum of not less than $16,000,000 annually, to meet which will require just the present traffic of the Suez Canal, which it has been 40 years in developing, at $1 per net ton.

So Dr. Johnson would treat the canal as a business proposition, quoting from the message of the President to Congress on December 21, 1911, as follows:

I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal, and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

Continuing, Dr. Johnson says:

Considered as a commercial highway, the canal may logically be managed so as to yield a revenue that will cover operating expenses, interest on the investment, and eventually the amortization of the principal of the canal debt—

And that—

The evidence, both as to the volume of probable traffic and as to the ability of the Panama Canal to compete with alternative routes, indicates that tolls can be imposed which will neither burden nor unwisely restrict commerce and which will yield revenues large enough to meet the running expenses of the canal and, to quote the President's words, "ultimately to meet the debt which we have assumed."

The tolls at Panama need not be heavy. They need not exceed 5 or 6 per cent of the average freight charge paid by shippers on traffic using the canal. I suppose it will be agreed by everyone that a Panama toll equivalent to 50 or 60 cents per ton of cargo in the ship, cargo upon which the freight rate will average $10 per ton, will not be a high charge.

The canal will cost the United States $375,000,000, much of which sum has been, or will be, secured by borrowing money. The interest and principal of this debt must be paid either from funds secured by general taxes or from the revenues derived from canal tolls. Being a nation of practical people, it is probable that we shall adhere to sound business principles in the operation of the canal and in levying tolls.

FREE TOLLS NOT NEEDED.

That the payment of the moderate charge suggested by Dr. Johnson will not impair the canal as a competitor of the transcontinental railroads and that relieving shipowners of its payment would inure but little to the consumer is made clear in the following discussion:

Mr. COVINGTON. This morning in your testimony you said that toll charges on the canal will have no effect on commerce moving from the Atlantic to the Pacific ports of the United States, or the reverse, except in so far as the toll will be such as to secure freight which would otherwise move from one coast to the other by rail. What effect will that condition have upon the necessity for preferential rates to be given to the coastwise trade of the United States?

Dr. JOHNSON. The advantage to the commerce of the United States by relieving the coastwise carriers of Panama Canal tolls would, in my judgment, be slight. First, I think the toll will be a comparatively light burden to be borne, and, second, I think the burden, such as it is, will be borne by the steamship companies, whose rates may be expected to be adjusted with reference to the railroad rates and thus will not be upon a ruinously low basis. From the point of view of American commerce there is little, if anything, to be gained by relieving the coastwise carriers of the payment of reasonable tolls. Do I answer your question?

Mr. COVINGTON. That answers it to an extent. I believe I understood you to say this morning, in answer to some one, that there would be practically no necessity for preferential rates in favor of American vessels to induce American commerce to use the Panama Canal route as a means of transportation of freight from the one coast to the other.

Dr. JOHNSON. I believe that to be true. I was not aware that I said it, but I think it is a fact.

Mr. COVINGTON. I may have gathered that impression from——

Dr. JOHNSON. In other words, the opening of the Panama Canal will largely increase the possible commerce between our two seaboards, and the law in the trade world is that the demand for facilities is met by the creation of a supply of facilities. I see no reason to doubt that, if there is an active demand for more shipping between our two seaboards, the demand will be met. If we maintain our present navigation laws, that demand will be met by American capital building ships in American yards. If we open our coast-to-coast business to foreign shipping, of course the demand will be met almost entirely by the use of ships built abroad, as far as new ships are needed to meet the demand.

ONLY EXTREMELY HIGH TOLLS WOULD AFFECT THE CANAL.

Perhaps no more effective statement, considered in the light of the surrounding circumstances, could be made upon the question of the effect of tolls upon domestic shipping than that made by Dr. Johnson at the outset of his discussion of the effect of tolls upon traffic. In his usual scientific and systematic way he had divided the world's water traffic, leaving out the domestic traffic, into six sections. In his exhaustive discussion Dr. Johnson at no time suggested as high a rate as the present Suez rate of $1.30 per net ton and usually no higher than $1. Bearing in mind, then, that Dr. Johnson had in view the Suez rate and his own repeated illustrative figure of $1 per ton, he said:

It is not necessary to consider the effect of tolls upon the traffic through the Panama Canal between the north Atlantic and the west coast of North America, because that is commerce over which the Panama Canal has an absolute monopoly, and tolls much higher than could be borne elsewhere would have no effect in diverting traffic from the canal. The only effect of extremely high tolls would be to keep traffic to the rails, instead of allowing it to go by water.

The CHAIRMAN. That is the only way tolls can materially affect the coastwise trade in so far as they may be affected by competition with the transcontinental railways?

Dr. JOHNSON. Yes; that is so.

This is only another way of stating the same fact had in mind by the Secretary of War, when he said that "In one respect the coastwise trade has less need of a canal subsidy than our foreign trade."

It is secured by a Government monopoly from water competition and could be affected only by such high tolls as would prevent it from competing with land transportation, and Dr. Johnson had no such rates in mind when speaking as above. And he not only had in mind, but had mentioned, rates the sum total of which upon the vessel cargo will be small indeed in comparison either with the present cost of rounding the Horn or of hauling to the Panama or Tehuantepec railways in one vessel, transferring to the rail, then to another vessel. The toll will be but a minor part of the saving to the ship's owner, as clearly shown by the testimony, and it would be pandering to sentiment, not adhering to sense, to make this molety also a bonus to an unregulated shipping combine. I do not believe it will be done.

OBJECTS OF THE CANAL.

There are those who, seizing upon everything as a peg upon which to hang an argument for free tolls, point to the increased efficiency of the Navy as a justification for charging the canal up entirely to the national defense. It is an inadequate view of the canal, not sustained by history, to even connect it until very recent times with the military defense of the United States.

There are those who regard the canal as primarily an instrument of commerce between the Atlantic and Pacific coasts of the United States. But this view is no older than the discovery of gold in California, and Tracy Robinson, in his history of Panama, quotes another authority to the effect that at and prior to the time of the construction of the first transcontinental railway across the United States the Pacific coast of the United States was furnishing the Panama railroad one-sixteenth of its traffic. So this position is also inadequate.

My views upon the question of tolls are not determined primarily by either of these considerations. It has been the dream of navigation since the circumnavigation of the American Continent to pierce the Isthmus with a shipway. When this dream first troubled the mind of man neither coast of the United States was known even to exist. The dream was to pierce the narrow neck that stood as a barrier against ships which would sail to the unknown lands beyond the sunset and the seas. The dream was to make a gateway to the East.

Then, as civilization spread from the very spot where the canal is now building, up and down the shores of the two oceans, the Isthmus became increasingly a barrier to intercourse between the coasts, until to-day it is a universal obstruction; and the dream, now about to be realized, is the severing of two continents and the opening of a new highway on the seas, for the benefit not merely of the two coasts of one country or for a handful of shipowners, but of all the world.

There is a noble basis in sentiment for the contention of John Barrett that it should be treated as a natural waterway, free in every sense of the word to the vessels of the world. But it is going to be the most expensive waterway in the world to maintain as well as to construct; and since it can not be universally free, the next best and most unselfish thing to do is to equally distribute, among all the vessels of the world, the cost of maintaining it.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I have always understood that the Panama Canal was constructed for a purpose other than the one to which some of the gentlemen on this floor have attempted to dedicate it. I understood at the inception of the agitation for the Panama Canal that it was not a mere local affair, as these coastwise-trade gentlemen seem to have in mind, but that it was a great international affair; that it was to be constructed not for the purpose of carrying the products and commodities of

the United States from coast to coast alone, but that it was to give an outlet for the surplus of the products of the United States to other countries throughout the world, open their markets and make them accessible to our people, and thereby dispose of our surplus and accelerate our production; that after we had supplied the wants of our people at home and had a surplus to put upon the markets of the world, by the construction of the Panama Canal we could send them to other countries cheaper and in less time and compete with other countries successfully. This was the primary purpose for the construction of the Panama Canal. This great object made the construction of it possible. And yet the gentlemen to-day who are advocating here free ships through the canal for the coast-to-coast trade are diverting this great commercial artery of commerce to a mere local purpose from its original international object. It was never intended, when the treaty was made, that any discrimination should be made in favor of vessels passing through the Panama Canal carrying articles from one coast to the other. That is a mere afterthought which has been injected into this proposition by selfish interests and by gentlemen who believe in subsidizing the ships of this country. It is another form of subvention or ship subsidy, and the argument made here for it to-day is merely a subterfuge to divert the attention of the people of the country from the real object of the measure they propose. It is a ship subsidy in a new costume.

I desire to call the attention of the committee, to sustain the proposition that it was never intended to make any discrimination between the coastwise trade and other trade, to an amendment which was offered in the Senate at the time of the ratification of the treaty, and the construction that was put upon it then by the United States Senate and the construction that went out to the entire world it should have; and I want to know now, after that construction has remained upon that treaty for 11 years, has been so published to the world, has been acquiesced in by this Nation, whether we are acting in good faith if we now place a different construction upon it at the behest of selfish interests and to serve only certain localities of the United States. Shall it be diverted from its world-wide purpose and localized? Can a great Nation, the most powerful in the world, now change the construction from the one that was placed on this instrument 10 years ago, when the treaty was confirmed in the United States Senate? If it is done, what will be our position in the estimation of the great powers of the earth? On this very question I desire to call attention that at the time when the United States Senate was construing the treaty in question to mean the same as Secretary Hay had construed it when it was made—that no discrimination could be made—Senator Bard, of California, in the Senate contended that the discrimination ought to be made and offered an amendment for that purpose as follows:

ART. III. The United States reserves the right in the regulation and management of the canal to discriminate in respect to the charges on traffic in favor of vessels of its own citizens in the coastwise trade.

This amendment was voted down by a vote of 27 to 43. Thus it placed its construction upon it.

Mr. HARDY. Will the gentleman yield?

Mr. CULLOP. I have but a limited time, and I must decline to yield for that reason only. Certainly when this identical question was under discussion and if then it was the construction put upon this provision of the treaty, language which was entirely free from ambiguity, that construction should not be changed now, but should be observed. If that was not the proper construction, what must have been the position of the Senator who offered that kind of an amendment to the treaty? It would be a reflection on him to hold otherwise. When the vote was taken there were 27 in favor of incorporating that provision in the treaty and 43 against it. This ought to convince every man of the true construction given it by that body at the time it was made. The sentiment was almost two to one that no discrimination should be made, and that sentiment ought to prevail here and now. Yet, as I said before, when the Panama Canal is about to be completed, when the people of this country, not only on the coasts, but in the interior of the country, have poured $400,000,000 of their hard-earned money into the construction of this canal, selfish interest to-day comes in and wants to repudiate the treaty under which it was built and say to the world, we are changing this treaty and now construe it differently.

Mr. DOREMUS. Will my colleague yield?

Mr. CULLOP. I have not the time; if I had I would be very glad to do so, and I would like to debate it with any man who takes the other position. Now, the question is, Shall we be guilty of repudiating the position that was taken when the treaty was written by the authorized representative of the United States delegated to make it and by the United States Senate when it confirmed it? Shall we repudiate that provision after it has stood unquestioned for 11 years and every nation of the world has been notified that such was the construction that this country placed upon it? I ask gentlemen when they come to vote upon this question, Are they willing to repudiate the position that their country has taken from the time this treaty was made down to the present hour? If that provision was open to the construction that is sought to be put upon it here to-day by selfish interests, who want to gain an advantage in the use of this great artery of commerce, what would be the position of the United States before the great powers of the earth hereafter when other great international questions are to be settled and set forth to the world? Can this House, can the Senate, or could the Executive indorse a measure that would turn down the position of this country for 11 years upon that proposition? But some gentlemen have said that the Suez Canal is operated in this or that way. Let me say to those gentlemen that the operation of the Suez Canal is not a parallel to this proposition at all. It is a private corporation; it is not owned by any Government on the face of the earth. The Suez Canal has its principal office at Paris; it was built by purchase of stock as a private enterprise and has always been so operated. I will read the part of the hearings bearing on that matter, which will clear up that question and remove all doubt on that subject:

Up to December 31, 1910, the Suez Canal, with its accessories, improvements, and extensions, represented a total investment from the beginning of 656,178,271 francs, or $126,642,406.35, almost exactly one-third of the estimated cost of the Panama Canal on the day when it shall be opened to commerce. The Suez Canal is almost exactly twice the length of the Panama Canal, but the flat, sandy soil of Egypt presents none of the obstacles which engineering at Panama by deep cuts and massive locks has mastered. The stock of the corporation consists of 379,421 shares of a par value of 500 francs ($96.50).

Where was the ownership? It was asserted here yesterday that the English Government was in the control of the Suez Canal. That is a mistake. There is no Government on the face of the earth which manages or has the power to manage the operations of the Suez Canal or control it. The policy of its management has always been to avoid this or to permit any country to hold a controlling interest.

Mr. RAKER. Will the gentleman yield to just one question right there?

Mr. CULLOP. I have not the time. If I had, I would.

Now, let us see what interest the English Government has in it. Before I pass to that, however, I want to show why the stock of the Suez Canal is so valuable. Last year it paid a dividend on its $126,000,000 and more of investment of 31 per cent, a very alluring investment to capital. This is the reason why the English people paid more than par for the stock. I read again from the hearings concerning their ownership of stock:

In 1875 the Khedive of Egypt, owner of 176,602 shares, was embarrassed and sold his holdings for £4,000,000, or $110 a share, to the British Government, which is by far the largest shareholder.

That stock, bought by the minister representing the British Government, is not held as Government stock, but it is divided among the investors as private individuals and is so owned by them.

Mr. RAKER. Just one question right there.

Mr. CULLOP. I have said to the gentleman from California that on account of my limited time I can not yield.

Mr. RAKER. Very well.

Mr. CULLOP. I would be glad to yield if it were otherwise.

Mr. RAKER. I thank the gentleman from Indiana. I appreciate it.

Mr. CULLOP. Now, then, they have another provision concerning its management to the effect that whenever it will earn a dividend of more than 25 per cent a year they reduce the tolls. That is one of the provisions which the management has incorporated into the government of the corporation itself. And the tolls have been reduced from time to time on account of the enormous dividends that the company, or the canal, was earning.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Will you not let me have a little more time?

Mr. ADAMSON. I will let you have three minutes in order to compensate for the interruptions you have had.

Mr. CULLOP. I thank the gentleman. Now, then, what does the giving of free tolls to the ships in the coast-to-coast trade mean? The ships engaged in that business already have a monopoly of that trade under the navigation laws of the United States. It is simply a bonus, a subvention or gratuity, given to them, which the people of the country have to pay. My Democratic friends, our party from time immemorial, let me say, has pledged itself against any form of a ship-subsidy scheme.

The proposition of free tolls has been adroitly made here, in order to both confuse and prejudice the public mind, that to charge tolls on vessels engaged in coast-to-coast trade would be to the advantage of the transcontinental railroads, alleging such roads were favorable to such a policy. This is a most unreasonable proposition, and one artfully foisted into this debate. But it has no foundation in fact. Sir, the converse of the proposition is true, and there is sound reason in support of this contention. The great trunk lines control to-day water navigation both on the rivers and oceans. The great common carriers of both are one great community of interest organized and operated to stifle competition in transportation both on land and sea, and their efforts in this respect have been wonderfully successful as everybody knows and which all regret to admit. But it is true, ah, too true, for the good of a great majority of the people, who are compelled to pay their unjust and unreasonable charges. These roads now own the controlling interest in the ocean liners plying in our coast-to-coast trade; they control the dockage; they are masters of the situation; give free tolls, or, better stated perhaps, exempt them from tolls in the use of the Panama Canal, and what a magnificent sum is contributed to their earnings; what a princely gratuity is donated them, all at the expense of the American taxpayers, without giving any assistance to the ultimate consumers. It is an additional profit unearned, which by legislation they secure.

But suppose the great railroad lines do not own or operate, either by direction or indirection, the vessels engaged in this trade, and by adopting the free-toll proposition the cost of transportation is reduced that amount. The railroads will then reduce their charges for freight from coast to coast the same amount in order to get traffic, but they will then increase their charges on freight carried in the interior of the country an equal amount to make up for their loss in coast-to-coast business, and while it would help the people on both coasts it would be done at the expense of the people living in the interior of the country and the railroads would lose nothing. Would this be just and fair to the people of the entire country? Is not the proposition indefensible? Why should the people of the interior of the country be so unjustly imposed upon for the benefit of the people living on the coasts? This would be the result; and against the adoption of a policy which would produce such unjust conditions I protest. The railroads doubtless are more than anxious for the adoption of the free-toll proposition, because through it splendid opportunities are afforded them to reap golden rewards.

I want to say a word or two before closing about section 11. I held a different view about the use of the canal until it was developed at the hearings that certain financial interests were attempting to manipulate the control of the use of the canal. Mr. Schwerin, of California, the manager of the Pacific Mail Co., came before the committee insisting that in order to build four additional ships to the fleet of their company for operation through the Panama Canal it would have to borrow $12,000,000. The majority of the stock of his company is owned by the Southern Pacific Railroad Co. He testified that for more than 60 days they had tramped the streets of New York trying to get this loan by the floating of their bonds upon their entire property—good security, as everyone knows. He said he was notified that if the word "railroad" occurred in this bill not a dollar could ever be raised to build ships for the Panama Canal. This was the ultimatum issued by powerful interests, which covet the control of this great project.

Gentlemen of the committee, that is the proposition which confronts us and is the great influence against which we have to contend. Its power no one denies and none will attempt to minimize. The question, then, is, Shall we sit here in the capacity of legislators and let any man or set of men, I care not where they come from, dictate the policy of legislation on this great subject in their own interest or prevent its success if we do not frame a bill or enact a law as they demand? Upon what meat does such a Cæsar feed? Why has he grown so fat? By what right has he or his company to say to 93,000,000 people composing the American Republic, "If you do not legislate as we direct, we will see that the business project which you are about to launch shall be a failure"? The financial interests defy us by such a threat, and for one I believe it time to notify them such a stand on their part is unwise and dangerous. It was then, and not until then, that I was thoroughly convinced that there was a money trust in this country, and that the legislation in this bill could not be too drastic to meet the requirements of the hour upon that subject. [Applause.]

The right to use it should be limited and restricted, that its great purpose may be realized to our people and that they may enjoy the benefits which were promised them in return for the great expenditure they have made in its construction. I can conceive of no greater wrong that could be done the people now than by failing by proper legislation to protect their interests and prevent them from being forfeited. This section is directed at the preservation of competition in the use of the canal in order that great transportation interests may not gain control and stifle it. Its adoption is essential, in my judgment, to insure this great object and to restrain the greed and avarice of these great interests from dominating its use. Its adoption will assure the people, the world, that this great project is to be operated for the benefit of the country, the purpose to which it was dedicated; to promote industry and maintain the prosperity of our people; and that persons with selfish designs shall not thwart the great purpose for which it was constructed, to promote the general welfare of all. In view of the attempts by special interests to dictate the legislation on this subject this provision is made necessary, and I hope it will be adopted, in order that the people may be assured that this, the greatest of all projects ever undertaken by man or nation, is to be maintained for the common benefit of a liberal and progressive people. [Applause.]

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. ADAMSON. Mr. Chairman, I intended to ask that privilege for all who speak to-day. I will ask it now, Mr. Chairman, that all who addressed the committee to-day be allowed that privilege.

The CHAIRMAN. It is not in order in the committee.

Mr. ADAMSON. I intended to do that in the House when we got back into the House. I will do it when we go into the House. I understand, Mr. Chairman, that gentlemen on the other side want to use some time. I do not see the gentleman from Louisiana [Mr. BROUSSARD] or the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, I would like to use an hour now.

Mr. STEVENS of Minnesota. I will yield an hour to the gentleman from California at any time.

Mr. KNOWLAND. I will yield that hour to the gentleman from Iowa [Mr. TOWNER]. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for one hour.

Mr. TOWNER. Mr. Chairman, I am pleased to agree with the committee as to most of the provisions of this bill. I agree with the committee that the future government of the Canal Zone should be in effect a continuation, a development, and an adaptation of the present system; that the zone should be occupied, as far as possible, only for military, naval, and canal purposes; that the Government shall supply coal, provisions, repairs, dry-dock facilities, and so forth, and do so on business principles, to earn a profit by attracting traffic; that power should be given to acquire additional necessary territory; that the existing judicial system should be confirmed and extended. I approve the provisions for the protection of the canal, and I especially approve the action of the committee in investing a large discretionary power in the President.

I especially approve of the principle sought to be established by the eleventh section, that railroad companies shall not be allowed to destroy competition in our coastwise trade or to neutralize the benefits that will come to the people because of reduced rates on transcontinental and interior transportation through the unrestricted use of the canal. Such legislation is in line with the message sent to Congress December 6, 1910, by President Taft, who then said:

I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railways from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefits of the competition in trade between the eastern and western seaboards which this canal was constructed to secure.

I congratulate the committee on the wisdom and far-sighted statesmanship shown in most of the provisions of the bill submitted. It is because I so greatly appreciate and admire the act as a whole that I regret that I can not assent to all its terms. I am compelled to differ from the committee as to some of the provisions of the bill, but such changes being adopted as I believe the House must after consideration deem wise, I hope the bill will pass and become a law. I am confident that if it does it will be considered as not only one of the most important measures adopted by the present Congress, but one of the great acts of constructive statesmanship of the century, worthy as a piece of statecraft to rank with the completion of the canal as a physical and engineering accomplishment, to the lasting credit and honor of American enterprise and statesmanship. [Applause.]

TOLL CHARGES.

The fifth section of the bill relates to toll charges for vessels using the canal, and from some of the provisions of that section I am compelled to dissent.

The section provides that—

No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal.

The effect of this provision is to give free passage only to the Government-owned vessels of the United States and Panama. It subjects all American-built and American-owned vessels, whether engaged in foreign or domestic trade, to the same rates and charges as foreign ships. It gives no encouragement to American shipping, and it subjects the American coastwise trade to burdens and conditions never before imposed upon it through all the years of our Nation's history. It appears that the committee must have adopted this most unwise and unpatriotic view under the belief that we are forbidden by our treaty stipulations to give any preference either to American vessels engaged in the foreign trade or to American vessels engaged in our domestic commerce.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from California?

Mr. TOWNER. Certainly.

Mr. RAKER. Having discussed the question of tolls and exceptions, now, as a matter of fact, as to this pretended exception of American war vessels and vessels belonging to the Panama Railroad Co., that is not an exception in fact, because the Panama Railroad Co. stock belongs to the United States except as to one share. Is not that a fact?

Mr. TOWNER. I believe that is true.

Mr. RAKER. And the exception really amounts to nothing?

Mr. TOWNER. From the gentleman's standpoint, yes; but it is important, because of other considerations.

Mr. RAKER. I just wanted to call the attention of the gentleman to the matter at that point.

Mr. TOWNER. It is true the committee disclaims an intention to thus interpret the treaty adversely to American interests. But the fact remains that if this provision of the committee bill is adopted we will thus interpret it by this first expression of governmental authority, and there is no doubt but all the nations of the world, whose interests in such matters would be adverse to our own, will be quick to take advantage of such fact. No disclaimer by members of the committee of such intention, and no declaration they make that their action is not to be considered a precedent or the declaration of a policy will or could prevail as against a deliberate surrender of a privilege, which in spite of the committee's statements, I assert exists in favor of American shipping and American commerce, if we but exercise our rights under our treaties as interpreted by well-established principles of international law. [Applause.]

TREATY OBLIGATIONS.

If an interpretation of the Hay-Pauncefote treaty is not intended by the bill, its language is most unfortunate. The language of the treaty is:

There shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

The language of the bill is:

No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects.

It will be readily seen that the terms of the bill are but a recasting of the language of the treaty, using many of the same words and phrases, and intended on its face to carry exactly the same meaning. If it is adopted in its present form we shall be guilty of the incredible folly of giving away a right that was not claimed, and of forcing the relinquishment of a privilege that was not demanded. We shall, by the adoption of such act, place an interpretation upon the treaty which no other nation has presumed to insist upon, and which so interpreted would bind us to our own disadvantage.

It has been said this afternoon by gentlemen on the floor of this House that this matter is of no considerable importance, that only about 1,000,000 tons of our coastwise trade would be affected by it. But gentlemen should remember that if we by this act thus interpret this treaty, we shall bind ourselves throughout all future years by that interpretation, and no matter what may be the conditions that exist, we shall be without power to grant to our coastwise trade any discrimination in its favor if we now accept this interpretation of the treaty. Therefore it is of supreme importance to the United States that we should not thus interpret it.

And if it is not of considerable importance to these gentlemen, why do they argue so strenuously against it? If it will not make very much difference anyway, why is this effort made to impose upon our coastwise trade in this particular instance a burden that was never placed there before? And if we shall by this interpretation of the treaty by our own official act stop our hands from further action regarding this matter, we will be doing not only a foolish thing, but one that we have no right to do with regard to the future interests of our country.

Mr. POWERS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Kentucky?

Mr. TOWNER. Certainly.

Mr. POWERS. Under our present laws, covering our coastwise traffic, is it not true that the carrying of freight from one American port to another must be done by Americans and not by foreign vessels? That is true, is it not?

Mr. TOWNER. That is true.

Mr. POWERS. Now, if that is true, the carrying of our stuff by coastwise trade from one American port to another, since it is not in competition with foreign countries, can not be considered as a discrimination?

Mr. TOWNER. Yes; that is true, and I will discuss that feature shortly.

In the committee report it is stated that—

Many members of the committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign.

This must certainly be true, for it would appear that nothing less than such belief could have induced the committee to have thus sacrificed American to foreign interests. But, fortunately, it is an unfounded belief, and there is nothing in our treaty obligations that will prevent allowing preferential or free tolls to ships of American registry, either coastwise or foreign.

AN AMERICAN CANAL.

No elaborate argument is required to prove this. We are, of course, permitted to use the canal, which is our property, purchased and built with our money and located on our territory, as we think best in the interest of our people, except as we may be restrained by our treaty obligations.

Article 2 of the Hay-Pauncefote treaty with Great Britain provides that the United States shall construct the canal, and that it shall—

have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

It will be noticed by gentlemen that the language quoted is the particular portion of the treaty that relates to the privileges and obligations of the United States. It also declares what powers she may exercise with regard to it, and the power is given to her exclusively to control and regulate and govern the canal.

Now I come to article 3, which provides:

The United States adopts, as to the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

I would like just here to call attention to this distinction, which seems in the minds of some gentlemen not very plain or clear. We were not only negotiating a treaty with Great Britain, but we were entering upon an obligation through her with all the other nations of the world that might come under the terms of this treaty, and any nation that desires to use this canal must come under the terms of this treaty in order to do so; and so in effect this treaty that we thus made was a treaty between the United States, building the canal, and the other nations of the world who were to use it.

Now, having stated the things that the United States might do with regard to the canal, it states the things that the United States promises to do, and how the United States will treat other nations.

The United States can not give a privilege to England that it would not grant to Germany. It can not treat the South American countries in a more favorable way than it does the European countries, although many of us would like to do so. It must treat them all upon terms of equality.

I appeal to gentlemen recognizing the situation as it was, is it not a strained construction to put upon this treaty to say that after having said the United States will build it, pay for it, put it in operation, place it upon her own purchased territory, fortify it, govern it, control it, regulate it through all the years to come, that it should have all these powers, and then, when it says with regard to the other nations of the world that they shall not be discriminated against, that they shall be treated upon terms of equality, that such language means that the United States shall not use it for her own people and her own purposes as she may choose? [Applause.]

Such conditions and charges of traffic shall be just and equitable. The United States can not demand unreasonable tolls from England or from Germany or from any other nation. The tolls that she fixes must be reasonable and they must be equitable. Under this provision what does the United States undertake to do? It must keep the canal open to all nations. It can not allow the vessels of commerce or of war of one nation to use it and refuse its use to another. It can not give special privileges to France and refuse them to Russia. It is apparent the language of the provision has reference to the manner in which we shall treat foreign nations and does not apply to our domestic concerns. It refers to ships of other nations and not to our own.

Secretary Hay, in his memorandum to the Senate following the negotiation of the treaty and contrasting its terms with those of former treaties, said:

The whole theory of the treaty is that the canal is to be an American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and to be managed, controlled, and defended by it.

We never had any such treaty as that before. The previous treaty was not such a treaty. We never entered before into an agreement by which we agreed to build the canal and pay for it, by which we agreed that we should be responsible for it, and maintain and govern and keep it free to the nations of the world forever; and therefore the restrictions of former treaties can not bind us now.

RIGHT TO REFUND.

It should be noted that while the matter of the fixing of toll rates has been a subject of international consideration for months, although it has been discussed in foreign journals on the assumption that America would give her own shipping preferential or free tolls, no nation has filed a protest against such action on our part.

It should be further noted that the treaty refers to the provisions of the convention of Constantinople regarding the use of the Suez Canal as a basis for the present treaty. Under the Suez Canal provisions nearly all European nations refund the tolls paid either directly or indirectly. Russia, Austria-Hungary, and Sweden directly refund such tolls, and Germany, France, Holland, Japan, Italy, and Spain do so indirectly, through their subsidies to their national mail lines using the canal. Spain has already taken steps to provide for the payment out of her national treasury of whatever tolls her ships shall be required to pay for the use of the Panama Canal.

Spain is now building vessels to engage in this trade. She thinks that with her associations with the Spanish-American countries in South America she ought to control a large part of this trade, and as an encouragement to her shipping, in order that her trade may be developed, already she has passed a law giving to her ships that may engage in such trade and use the Panama Canal a refund of whatever tolls may be required to be paid by them for such use.

Mr. LAFFERTY. Then, to all intents and purposes, this will be a free canal to Spanish ships?

Mr. TOWNER. Certainly, and probably to every other nation in the world, because that is the policy of nearly all of them.

Mr. BOWMAN. I should like to get clearly in my mind the gentleman's idea with relation to the situation regarding the canal. Is it not this: Just as a railroad might have the right when building its line to carry material in connection with the construction or might transport its own employees and officers without charging them anything, and yet be obliged to give rates which would not discriminate against anyone outside.

Mr. TOWNER. The gentleman's illustration is exceedingly happy. It would be a singular condition that would exist if the United States should persist in this attempted policy—the other nations of the world paying the tolls of their ships using the canal and the United States, which built and owns it, demanding tolls from its own vessels.

It would probably be better in form, and save any possible protest, that tolls from American vessels engaged in foreign commerce should be collected in the first instance; but these may be and should be refunded. To so refund the tolls paid would be purely a question of domestic policy and would not be in contravention to our treaty obligations.

Mr. POWERS. In the gentleman's judgment could American ships engaged in foreign commerce go through the canal without paying the same toll as the others without violating the treaty?

Mr. TOWNER. I am not sure about that, and there is a contention regarding it. It seems to me that if the United States has the power to refund the tolls it would have a right to remit them absolutely; but other gentlemen think otherwise, and as it is a matter of comparatively no consequence, I think perhaps it would be better that we do it in the usual form, as is done in case of the Suez Canal, in order to save any protest that might be made. I am very confident that the United States has the power to relieve all American ships from tolls, enther directly or indirectly.

President Taft said in his message of December 21, 1911:

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It is our money that built it. We have the right to charge tolls for it. These tolls must be the same to everyone; but when we are dealing with our own ships the practice of many governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls or an equivalent remission of tolls can not be held a discrimination in the use of the canal.

In his report for 1911 the Secretary of War said:

An examination of the treaty and the surrounding circumstances to my mind leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its own vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal.

Mr. SABATH. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. SABATH. The gentleman agrees with the President that we could not do it directly, but it might be done indirectly.

Mr. TOWNER. I agree with the President as far as foreign commerce is concerned, and I am not sure but that was probably in the mind of the President when he had reference to it.

Mr. SABATH. That it should not be done directly.

Mr. TOWNER. In regard to foreign commerce.

Mr. SABATH. If it should not be done directly, does the gentleman think it would be fair on the part of the Government to do it indirectly?

Mr. TOWNER. I know it would be fair to do it under the terms of the treaty stipulation. I know there could be no question about that, because the treaty stipulates that it shall be done under the terms of the Suez Canal, and under the terms of the Suez Canal almost every nation using it refunds the toll.

Mr. SABATH. Is there any evidence that the canal management of the Suez Canal refunds any tolls to the English ships?

Mr. TOWNER. Oh, no, sir; I think not; the English Government owns a majority of the stock, and the English Government pays subsidies to its ships in one form or another.

EXEMPTING OUR COASTWISE TRADE.

The right of the United States to exempt from tolls American ships engaged in domestic commerce is stronger than with regard to American ships engaged in foreign trade.

Mr. CONNELL. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. CONNELL. According to the gentleman's argument, as I understand it, with Spain and other nations paying the tolls for their vessels, if America should impose tolls on American ships, we would be the only ones that paid tolls through the canal.

Mr. TOWNER. That is exactly what our condition would be. Besides that, we would be interpreting the treaty with Great Britain to our disadvantage in that regard, and she would probably insist that having once so interpreted it that we could not afterwards change our interpretation of it.

Mr. SABATH. There is nothing in this bill to preclude our Government from subsidizing our ships if we so desired, is there?

Mr. TOWNER. I think not, but the argument that is urged here is that we can not, in view of our stipulations, either directly or indirectly, refund these tolls. But I desire now to speak of our domestic and coastwise commerce.

Indeed, there is little doubt but we have a right to exempt them in the first place from the payment of tolls. The coastwise trade of a nation is subject exclusively to local control. It is not a subject about which any foreign nation has a right to interfere. Indeed, our law prohibits any foreign vessel engaging in such trade. Revised Statutes, 4347; Navigation Laws, section 270, provides:

No merchandise shall be transported by water, under penalty of forfeiture thereof, from any port of the United States to another port of the United States * * * in any other vessel than a vessel of the United States.

It is manifest that there could be no discrimination against vessels that were already by law excluded from entering such commerce on any terms. It is apparent also that the treaty could have no possible effect on such commerce, and was not so expected or intended.

President Taft has well said: "We built the canal as part of our coast line."

Our laws now provides (R. S., 4220; Navigation Laws, sec. 158) that—

No vessel belonging to any citizen of the United States trading from one port within the United States shall be subject to tonnage, tax, or duty, if such vessel be licensed, registered, or enrolled.

That has been the settled policy of the country for years, and the proposition contained in this bill to reverse this policy and to charge American ships engaged in interstate trade tolls for the use of an American canal built by the American people on American soil is un-American and abhorrent. Fortunately, the question as a question of law has been settled by the Supreme Court of the United States.

In Olsen v. Smith (195 U. S., 332) our Supreme Court passed upon this treaty provision—

That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

I submit to the committee that this language is much stronger than the provisions of the Hay-Pauncefote treaty that we have now under consideration.

The State of Texas passed a law providing lower pilotage charges on American vessels engaged in domestic commerce than on vessels engaged in foreign commerce. A British vessel protested on the ground that this discrimination was in violation of the treaty rights, and particularly in violation of the provision cited. The Supreme Court in deciding the point said:

Neither the exemption of coastwise vessels from pilotage resulting from any law of the United States, nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that, because by the law of the United States steam vessels engaged in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

I was somewhat amused by the ingenious argument of the gentleman from Minnesota [Mr. STEVENS] this afternoon. He said it is true the Supreme Court in that case had decided against the treaty regulating our coastwise commerce, but did so upon the grounds that such action was only a determination of different classifications. An examination of the case will show that the question of classification had nothing to do with the pivotal point determined, which was that it was not a matter of concern to Great Britain what charges were made or conditions imposed in regard to our coastwise trade. We could do as we pleased with it, since they were prevented from entering upon it; and the decision in that case is an absolute determination by our own Supreme Court that no matter what may be the provisions of a treaty with relation to our foreign trade it could not be applied to our coastwise and domestic trade, because the regulation of such trade could not be within the contemplation of the parties, since one of them could not under any circumstances enter it.

In that case it was accordingly held that the State law exempting coastwise vessels from pilotage charges was not in violation of the treaty. For the reason that foreign vessels can not on any terms enter our coastwise trade, the question as to tolls as to our vessels using the canal is purely a local one. The question of discrimination or inequality of treatment can not arise. The terms of a treaty can not be held to apply to a subject about which one of the parties has no interest whatever and could not be injured, whatever action is taken.

The localization of the coastwise trade and the exclusion of it from foreign influence or interest is shown in the now well-established principle of international law that if a nation opens its coastwise trade to foreign ships, such foreign ships entering into such coastwise trade will be regarded as ships belonging to the nation under whose coast trade it operates and may be captured by the enemy of that country in time of war as if it were a hostile ship.

SUMMARY OF LEGAL STATUS.

Viewed with regard to its legal aspects, the question of our right to charge tolls may be summed up as follows:

Foreign ships engaged in foreign commerce must be treated alike; there must be no discrimination in favor of any nation. The same rule applies to foreign ships engaged in commerce between American and foreign ports. American ships engaged in foreign commerce or in commerce between American and foreign ports, may be charged the same rates as foreign ships in the first instance, but the amounts thus paid may be refunded in part or in whole by the Government.

American ships engaged in our coastwise or domestic trade between American ports may be exempted in whole or in part from payment of tolls.

The whole question as to the legal objections to free tolls may be summed up in two propositions: First. The question is hardly a debatable one, since everyone admits that we may refund the tolls if we impose them. There is no serious difference between an exemption in the first instance and a collection first and a refunding afterwards. The final result is the same. Second. If the question is debatable, we ought not to give away a right before it is claimed. We ought not to yield a principle that is not demanded. It will be time enough to yield when we are required to do so, either through diplomatic negotiations or upon the determination of an arbitral court.

Every patriotic American must rejoice that we are thus free to consider the question of tolls for American ships on its merits and as a clear question of national policy. Everyone should be glad that we are not restrained by our treaty stipulations, either technically or in spirit, to give to American shipping the favorable consideration which it deserves. Everyone should welcome the opportunity to develop our policy in harmony with our past history and take such action as must be for the best interests of the American people. [Applause.]

THE REVENUE ARGUMENT.

I will now ask your consideration of the merits of the question as a matter of policy. In doing so we can not follow a better course than to consider the objections as urged in the committee's report. In that report the chairman has anticipated every argument presented yesterday and to-day on the floor of the House. All that has been said here is but an amplification of the arguments which he has so earnestly and so ably presented.

First, it is urged we shall need the money which we will derive from the tolls. Building the canal is a tremendously costly undertaking; its continued maintenance will be a constant drain on our resources, and we will need every dollar we can get to reimburse the Government. It is sufficient answer to this argument to call attention to the fact that we did not build the canal as a commercial enterprise, as a profitable investment. We did not expect to make it pay as a business proposition. The distinguished chairman of the committee has said that we never would have undertaken to build the canal if the *Oregon* had not been compelled to make her memorable voyage around the southern cape. I do not agree that we would never have undertaken it, for if we had not done so European nations would, and this we could not have permitted. But I do agree that the demonstration thus made, that our Atlantic and Pacific seaboards were 10,000 miles apart, gave the needed impulse to our act and hastened its undertaking. But we thought then principally of the fact that by digging the canal we should double the efficiency of our Navy and strengthen our military power; commercial considerations were only secondary and incidental.

The financial outlook is not by any means discouraging. It is estimated by the experts that approximately 10,500,000 tons of commerce annually will pass through the canal following its opening. At the proposed dollar rate this will yield an annual revenue of $10,500,000. Deduct the 1,600,000 tons of coastwise commerce, which we desire to exempt, and there is $8,900,000 remaining. The estimated cost of maintenance is $4,000,000. Thus the revenue will more than twice pay the expense of running the canal. It is true that no account is here made of interest on the bonds nor of the expense of maintaining our naval and military establishment there.

There will be nearly $5,000,000 surplus to apply to these at the beginning, the revenues will rapidly increase, and the expenditures will remain approximately stationary.

SPECIAL INTERESTS.

It is urged that as the shipping interests are in a "combine," to thus aid them is to legislate in favor of "special interests."

It is sufficient answer to say that if trusts exist in American shipping it is our duty to dissolve the trusts and free the shipping. What we want is free competition in the American coastwise trade, and we can not do more to secure this than to make and keep our commerce free to American ships. It may be suggested that every dollar of tolls imposed at Panama is a contribution to the transcontinental railways. Are gentlemen urging such action in the interests of these trusts and combines? In fact, the danger that American shipping will be controlled by trusts comes principally from the railroads who desire, by controlling the coastwise trade, to thus prevent water competition in order that they may thus maintain rates. It is for this reason that the section in the bill was inserted which will enable the Interstate Commerce Commission to prevent such control.

To allow the railroads to operate ships would destroy competition in rates by driving out all independent ships. The independent competitor would be dependent entirely on the revenues received from his vessels. The railroad vessels would be operated only as a part of their systems. They could put the price down even below the cost of carriage until they had driven their independent competitors from the field and then make rates high enough to protect the transcontinental lines in their desired schedules of rates. The railroad-owned vessels would thus become commerce destroyers.

It should be remembered that railroads do not embark in ocean commerce for its own sake, but only for such purpose as will enable them to limit or destroy competition, to increase rates and consequent dividends.

I am glad the bill affords a remedy for this. Under its terms we will prevent either railroad or trust control of our coastwise trade and thus secure not only reasonable rates on water transportation but also the benefits that will come from reductions on railway transportation compelled by water competition.

BENEFITS.

It is argued that it will be of no benefit either to the ships or to the people to remit the tolls.

It is contended that a toll of $1 per net ton will not be large enough to appreciably affect the traffic. But it is shown that vessels, in order to profitably use the canal, will be of from 4,000 to 10,000 net registered tonnage. A charge of $4,000 to $10,000 on a single voyage is not an inconsiderable item. It is almost self-evident that to thus reduce the expense of a contemplated expedition will directly and to that extent encourage it and thus stimulate the enterprise. This will be of direct benefit both to the shipowner and to the shipper.

The observation is hardly necessary that every increased item in the cost of transportation while paid in the first instance by the shipper is added to the cost of the product and is paid eventually by the ultimate consumer. Thus the burden of the toll charged is borne by the people and not by the shipowners. It is a tax on them and not on the ships.

Experts agree that as a general proposition heavy freight can be transported by water at one-third the cost of railway carriage. If that be true, the inauguration of water as a competitor of railway transportation must necessarily bring reductions in railway transportation rates.

It is admitted by transportation experts that the establishment of water transportation will bring about a readjustment, a classification of traffic by which the heavier and cheaper commodities will go to the water carriers. For instance, lumber, a great necessity of the interior, is now transported by rail from the Columbia and Puget Sound regions to Iowa and Illinois. The principal cost to the consumer is the cost of transportation. If lumber can be shipped through the canal to New Orleans and thence barged to Iowa and Illinois points on the Mississippi, the transportation cost can be reduced more than two-thirds.

An experimental shipment of barley from San Francisco was recently made. It was carried by ship to Panama, thence by rail across the Isthmus to Colon, thence by ship to New Orleans, and thence by barge up the Mississippi to St. Louis. The cost of carriage was $4,200 less by this method than was charged by the railways. It is manifest that if the shipment could be made without breaking bulk from San Francisco through the canal to New Orleans, and thence by barge to its destination, the transportation cost could be still further reduced.

No other example is necessary as to the effect of water competition on railway rates than the reduction of rates on the railways east of Chicago by the competition of water transportation on the Great Lakes and the Erie Canal. They have been forced down by such competition to reasonable figures.

No reduction of transcontinental rates can be made that will not be reflected by the rates to and from interior points, and the great Mississippi Valley will not only profit directly by her opportunity for river rates, connecting at New Orleans with ocean shipping, but also by the reflected reductions compelled by transcontinental competition.

IS IT A SUBSIDY?

It is asserted over and over again that to exempt our coastwise shipping is to subsidize it. The contention that free tolls is a subsidy is strenuously urged. Indeed it may be said that the strength of the opposition to free tolls lies in that cry. Subsidy is an unpopular word, and to label anything a subsidy is to discredit it.

But free tolls is not in any sense a subsidy. If to make free a Government improvement for the use of American citizens is a subsidy, then all public improvements are subsidies. Hundreds of millions have been spent on all kinds of public improvements all over the land. Harbors have been improved, rivers dredged and canalized, canals have been constructed—all have been made free to American citizens because paid for by their money, and yet these have not been regarded as subsidies. It is impossible to equalize the benefits of any public improvement. In the view of gentlemen here if a discrimination is shown a subsidy is established. On that line of reasoning a discrimination is made against the people of Indiana whenever a post office is built in Ohio. If that is logical, a discrimination is made against California whenever an Atlantic port is improved.

What do gentlemen propose? Is it suggested that we shall charge our people for the use of every improved waterway? Then support should be given the bill of the gentleman from Colorado [Mr. MARTIN], who proposes to exact tolls from every American ship for the use of every harbor, river, and canal on which the United States has put any improvement of any kind. That is at least logical. It would tax interstate commerce; it would impose a burden on trade between the States; but it would do no more than is proposed by this bill.

The Soo Canal connects Lakes Superior and Huron. Through it passes an almost incredible commerce. Thirty-six million tons passed through it last year. Why not tax that commerce? That canal was built by the Government. It is maintained at large expense by the Government. But no one proposes tolls there. Is the exemption from tolls there a subsidy? And if not there, why at Panama?

A TAX ON INTERSTATE COMMERCE.

But the question is not one of subsidy. To impose tolls on American ships at Panama is to tax commerce. In spirit, if not in letter, the Constitution prohibits any restraint or tax or imposition on commerce between the States. Under certain circumstances the Government has allowed private companies to build a bridge or improve a waterway and allowed the imposition of a toll for its use. But that is upon the theory that the private interests, having made the investment and thus relieved the Government of that cost, were entitled to charge a toll to reimburse them. Never before has it been proposed that the Government, having made an improvement, should charge its citizens for its use. Our internal commerce has been our greatest national achievement. It is not only greater than that of any other nation, but it is nearly equal to that of all Europe. Whatever our tariff policy may have been with regard to foreign trade, here we have free trade on a scale of almost inconceivable magnitude. Now, for the first time, we are asked to abandon that policy and impose a duty on our internal commerce. And, strange to say, that proposition comes from that side of the House where hitherto the advocates of the greatest obtainable measure of free trade were found. It is a strange position to advocate restrictions and burdens on domestic commerce but to favor freedom in foreign commerce; to advocate the desirability of relieving the people as far as possible from burdens on our foreign commerce, but to impose it on our domestic.

AMERICAN INTERESTS.

It is particularly noticeable that in this debate all appeals to American interests are deprecated and condemned. It has been said as applicable to those who think that American interests are entitled to consideration by an American Congress that "patriotism is the last refuge of a scoundrel." It has been said that we never hear of the American flag in this House but there is some sinister motive behind it. Singular sentiments these coming from Representatives of the American people! And remarkable certainly must be conditions that would warrant condemning as demagogic all arguments for the protection and preservation of American interests!

It may be thought by some gentlemen that the only persons professing patriotism in America to-day are scoundrels, and that no expression of love for the American flag is now made unless to cover graft. But there are some of us who refuse to accept such a belief. There are some of us who even confess to a belief that there is still some patriotism in the land; that there are still to be found among our people those who love the flag and what it represents. There are some of us who believe that the day has not yet come when it is necessary to apologize for an honest endeavor to protect and preserve the interests of the American people. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21969) to

provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and had come to no resolution thereon.

Mr. ADAMSON. Mr. Speaker, it is my purpose to make a suggestion about a recess and further procedure under the pending bill.

Mr. LAMB. Will my colleague yield?

Mr. ADAMSON. I will.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments to the bill (H. R. 18900) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and ask for a conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. LAMB, Mr. LEVER, and Mr. HAUGEN.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BURKE of South Dakota, indefinitely, on account of illness.

To Mr. TAGGART, indefinitely, on account of illness.

To Mr. DAUGHERTY, for 10 days, on account of sickness.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; to the Committee on the Public Lands.

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.; to the Committee on Claims.

S. J. Res. 107. Joint resolution authorizing the granting of permits to erect reviewing stands in connection with the unveiling of the Columbus memorial statue on the Union Station Plaza to the citizens' general executive committee of the Columbus memorial unveiling; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ANTIOPTION BILL.

Mr. LAMB, from the Committee on Agriculture, by unanimous consent, was granted leave to file the views of the minority on the bill (H. R. 18323) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations. (H. Rept. 681, p. 2.)

PANAMA CANAL—RECESS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the House take a recess until 8 o'clock p. m. for the purpose of debate on this bill, to continue not later than 11 o'clock to-night, and that on to-morrow, when the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, the general debate shall not continue for longer than two hours, after which the bill shall be read under the five-minute rule, and that when sections 5 and 11 are reached they be passed to the end of the bill for consideration.

Mr. MONDELL. Is not the gentleman proposing to close general debate before those desiring to discuss the bill have been given an opportunity to do so?

Mr. ADAMSON. We are providing for three hours to-night and two hours to-morrow. That makes five more hours, and I think that will be sufficient to meet all the requests I have had as to time.

Mr. MONDELL. Evening debate to empty benches is not very profitable and satisfactory to anybody. It is no more effort than to print in the RECORD, except that a man has an opportunity to talk to the galleries, which do not vote on the subject.

Mr. MANN. I apprehend there will be more people here to-night than there were here during the latter part of the afternoon.

Mr. ADAMSON. I have known some mighty good speeches to be made here at night sessions. I have made them myself. My motion will provide five hours' debate.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House take a recess until 8 o'clock to-night, and that the general debate on this canal bill shall run not longer than 11 o'clock p. m. and shall be entirely confined to the bill; that when the House resolves itself into the Committee of the Whole House on the state of the Union to-morrow for considering this bill there will be only two hours of general debate on it; then, when under the five-minute rule section 5 and section 11 are reached, they shall be passed informally and without prejudice to the end of the bill.

Mr. ADAMSON. That is right.

The SPEAKER. Is there objection?

Mr. RAKER. Reserving the right to object, will the gentleman answer a question?

Mr. ADAMSON. You are cutting off the time for supper under this recess proposition.

Mr. RAKER. I know; but what I want to know is, will there be any disposition to urge an early vote on the bill under the five-minute rule, so there will be no opportunity to present the matter fully as to sections 5 and 11?

Mr. ADAMSON. Our expectation is that most of the time will be devoted to those two sections. We do not anticipate much difference as to the other sections.

Mr. RAKER. As to those two sections, there will be no disposition to rush it through and limit it, will there?

Mr. ADAMSON. Not in my mind or heart.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair will appoint Mr. HAMILTON of West Virginia to preside to-night as Speaker pro tempore.

Accordingly (at 6 o'clock and 15 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock the House was called to order by Mr. HAMILTON of West Virginia, the Speaker pro tempore.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Panama Canal bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of House bill 21969.

Mr. ADAMSON. Mr. Chairman, by direction of the gentleman from Louisiana [Mr. BROUSSARD], I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND]. [Applause.]

Mr. BORLAND. Mr. Chairman, as the time approaches for the completion of the Panama Canal it becomes important to turn our attention to the problem of the permanent government of the little stretch of territory which is destined to play an important part in the future military and commercial history of the world.

The acquisition of the zone and the construction of the canal have proceeded so rapidly that we have scarcely had time to consider the questions bearing upon permanent control and occupation. Thus far we have regarded the zone as an immense

construction camp under military discipline. The people on the zone are mainly those whom we have brought or sent there for the purpose of constructing the canal, the work being done under the supervision of officers of the United States Army, and the purpose to be accomplished the digging of the canal with the greatest possible expedition, efficiency, and economy. When the construction days are over, however, a form of government adapted to such temporary conditions must give way to something of a permanent nature. The views of public men on the question of a permanent government will differ, according to their ideas of the paramount purpose of the canal. One view will be dominated by the idea that the canal is primarily a military necessity, the other view by the thought that its highest purpose is the promotion of peace and commerce.

We have had in the brief discussion on this bill the most brilliant argument, the most learned debate that it has been my fortune to listen to in this House; some of the most masterly speeches, replete with information and erudition. The speech to-day of the gentleman from Wisconsin [Mr. ESCH] was a remarkable presentation of facts governing the movement of the great commerce in the civilized world. Scarcely a factor that enters into the movement of that commerce and the channels which it will seek, or ought to seek, seems to have been omitted by him in his wonderful grasp of the subject. But in all of that remarkable address, which showed how the Panama Canal could be made of permanent usefulness to the commerce of the world, I listened in vain for one word that showed how a single, solitary vessel carrying the American flag would go through the canal. He told us how Liverpool could use the canal to reach the markets of South America. He told us how Europe could reach the Orient. He told us how England would be brought in close touch with her colonies. But nowhere was a single flag bearing the Stars and Stripes going through the canal.

As the canal approaches its completion the American people will look upon it as either a pure military necessity, the cost for which must be charged off as other items of military expense are charged off, or they will look upon it as they have been taught to look upon it—as a great agency for the promotion of American commerce. If the present bill, unamended and unmodified, becomes a law in relation to the Panama Canal, the net result is that we have spent $400,000,000 for no purpose on earth except to bring a battleship once in 40 years from the Pacific Ocean to the Atlantic Ocean in time of war. [Applause.] Every nation on the globe, with its ships, can use the canal to the same advantage as ourselves, and, in addition, we have even excluded ourselves from the ordinary advantage that every nation claims for its purely coastwise commerce.

If our treaties will not bear the construction that the coastwise commerce, at least of the United States, is entitled to preferential rates in the canal, then we are worse off than we would be if we had not built the canal, for we have put forever the carrying trade and monopoly of the commerce of South America into the hands of the English and the Germans.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BORLAND. I am glad to yield to the gentleman.

Mr. MICHAEL E. DRISCOLL. Does any gentleman here who opposes section 5 make any argument in favor of free tolls for our ships going to the western coast of South America?

Mr. BORLAND. Yes.

Mr. MICHAEL E. DRISCOLL. Who is the man.

Mr. BORLAND. I am

Mr. MICHAEL E. DRISCOLL. The gentleman is the first one, and I believe he would not have said so if I had not suggested it.

Mr. BORLAND. I will make what argument I can in regard to it. The cost of the canal is $400,000,000. The interest on that at 3 per cent is $12,000,000. The majority report of the committee says it is necessary that somebody pay for this canal, and gives this as a reason for charging tolls to American ships. The report further says that by the highest estimate placed on the tonnage that will go through the canal by no possibility can it pay the interest on the cost of the investment; therefore it is only possible for us to get any return from our investment by encouraging American commerce from the east coast to the west coast of America. We are told that we are bound by the Hay-Pauncefote treaty not to discriminate in favor of American ships as to the coastwise trade of the west coast of South and Central America. We are told that we have no such control over the commerce going to the Orient as will place us in any advantageous position in comparison with the subsidized ships of England or of Germany, and that the sole dividend the American people can draw on that $400,000,000 investment is the possible encouragement of shipping going through the canal between the east and west coasts of America.

If there be not that dividend, then there is no dividend from the $400,000,000 invested except the possible saving of the expense, once in 40 years, in taking a battleship around Cape Horn. We all hope that the need of such expenses of taking battleships from one coast to the other will be on rare occasions and very few and far between.

Mr. MICHAEL E. DRISCOLL. Will the gentleman allow an interruption?

Mr. BORLAND. Yes.

Mr. MICHAEL E. DRISCOLL. The gentleman does not claim that even if the tolls have to be paid there will be any failure of the commerce between the eastern and western coasts of America to go through the canal, does he?

Mr. BORLAND. No.

Mr. MICHAEL E. DRISCOLL. It will go through anyway, so that the tolls proposed are really of no account. The canal will be patronized just the same for all the commerce there is between one coast and the other.

Mr. BORLAND. I am not sure that I understand the gentleman's question. If I understand him, he says that even if the tolls have to be paid, the canal will be patronized as to all the commerce there is.

Mr. MICHAEL E. DRISCOLL. Certainly.

Mr. BORLAND. And that therefore it is useless to remit the tolls?

Mr. MICHAEL E. DRISCOLL. Except to the people who will ultimately have to pay them. We take the position that somebody must pay a certain amount of money, and that the people who get the most direct benefit are the ones who ought to pay, rather than the people who do not get the direct benefit. Whatever has to be paid will be taxed back upon the people. That is our position.

Mr. BORLAND. Has not the gentleman refuted his own argument? I understand the gentleman to say that if the ships going through from the Atlantic to the Pacific pay the tolls, the amount will be so negligible in quantity that they would not be of any consequence in supporting the canal.

Mr. MICHAEL E. DRISCOLL. I did not say that.

Mr. BORLAND. I understood the gentleman to say that the amount would be negligible.

Mr. MICHAEL E. DRISCOLL. I say that the tolls on the commerce coming through the canal after it is in operation will be negligible compared with the benefits that will be conferred upon commerce.

Mr. BORLAND. What commerce? That is what we are trying to get at.

Mr. MICHAEL E. DRISCOLL. Ships coming from one coast to the other. In other words, any man who owns a ship and can now compete with the railroads will get at least $4 a ton benefit by going through the canal. He can pay one-half dollar a ton to the Government for going through the canal and save $3.50 on every ton of cargo. He will get $3.50 benefit on every ton and will give the Treasury 50 cents benefit on a ton of actual cargo, so that the amount charged per cargo ton—50 cents—is negligible. That is what they say. That is what Mr. Deering says.

Mr. BORLAND. As I still understand the gentleman, he says that the amount of the tolls will be negligible either to the ship or to the Government. If they are negligible to the ships, they are of course negligible to the Government, and the amount of tolls we collect could very well be dispensed with, because they would be relatively unimportant in comparison with the enormous amount of the investment. But I want to take the gentleman's words at their face value. Suppose that a 4,000-ton ship only saves $4,000 or a 10,000-ton ship only saves $10,000, that it only amounts to $1 a ton on the load of that ship, I ask the gentleman how far inland will that carry each ton of that freight brought by the ship? How much farther will it carry it into the interior of the country to compete with the transcontinental railroads? Every 50 cents a ton that is taken off is of that much advantage in reaching farther and farther into the interior and productive regions of the country. [Applause.] For the great problem that has always confronted the people of the Mississippi Valley, I want to tell gentlemen of this committee, has not been the question of producing, but the question of transporting. We want to get our stuff to the seaboard at the cheapest price possible, and then get it into the markets of the world.

If we have to produce it in competition with the markets of the world, if we must sell our goods in Europe under conditions with the highest competition, we must figure that every penny it costs us to get our goods to the seaboard and to Liverpool is so much out of the pockets of the producer, and so much out of the pockets of everyone from the small merchant up, whose prosperity depends on that of the producer.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BORLAND. Mr. Chairman, I prefer not to yield further at this time, because my time is so limited. I desire to refer in that connection to some of the other features of this bill very briefly, because I do not expect to occupy the attention of Members very long. I have read the report of the committee that the tolls that can be collected from the coastwise vessels are negligible. If they are negligible, and if we have an investment of $400,000,000, the interest on which is accumulating at the rate of $12,000,000 a year, and there is any possibility that by remitting those tolls as to coastwise vessels, we can increase the number of coastwise vessels; then, that is one dividend, at least, that we ought to draw from the construction of the canal.

I believe further that if we do not have this method of encouraging the coastwise ships of this country, the carrying trade will remain as it has been—under foreign flags. I believe that gentlemen will be back here demanding some sort of a subsidy, not only for coastwise vessels, but to all vessels, in order to encourage again the American flag upon the ocean.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield there?

Mr. BORLAND. Certainly.

Mr. MICHAEL E. DRISCOLL. I desire to state to the gentleman that I have always been in favor of a subsidy for our ships engaged in foreign commerce, and I would be for it again, even more than you are asking for it for this interstate commerce.

Mr. BORLAND. I will say that I am not in favor of a subsidy.

Mr. MICHAEL E. DRISCOLL. So far as commerce needs it, but interstate commerce does not.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CLINE. How does the gentleman demonstrate that the remission of the proposed toll of 50 cents a ton will have any influence in developing coastwise shipping?

Mr. BORLAND. Frankly I do not think that that thing can be demonstrated in advance. I think any gentleman can take a piece of paper and formulate theories and figures on that subject to his heart's content, and those who favor charging the tolls can sit down and figure out that the toll is absorbed somewhere and does not reach the consumer. I have seen gentlemen figure that out in regard to a protective tariff. Gentlemen have figured out that all kinds of charges placed on commerce are absorbed somewhere, but my belief is that ultimately the consumer in domestic commerce pays the entire cost of transportation added to the article produced, and that in foreign commerce, where we come in competition with foreign people, the American producer pays the entire cost of transportation, and that there is no absorption of it at all.

Mr. RAKER. Suppose in the freight from New York to San Francisco we could deliver at San Francisco at a dollar a ton cheaper, or vice versa, is it not possible that we will get the benefit, the intermountain States, by getting an opportunity to get our produce cheaper, and thereby get more and cheaper products?

Mr. BORLAND. I think so. I think the Pacific coast will be able to go back farther into the interior and take more products from the Pacific coast there and around to New York in that way.

Mr. RAKER. And the same way with the eastern coast.

Mr. BORLAND. With the eastern coast the same.

Mr. KNOWLAND. And with the southern coast also.

Mr. HAMLIN. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Certainly.

Mr. HAMLIN. Of course, the gentleman understands that our coastwise trade is protected now by coastwise laws.

Mr. BORLAND. Yes.

Mr. HAMLIN. And that no foreign ships can enter into the coastwise trade. Our coastwise trade has a monopoly. Does not my colleague believe that, whether we charge them a dollar per net registered ton or let them go through free, there will be just as many ships engaged in the coastwise trade as there is cargo to transport?

Mr. BORLAND. No; I do not. I live on great transcontinental railroads, and I realize that the carrying facilities of the railroad in competition with the water haul are such that, even at the higher rates on account of the regularity of service and the promptness of delivery, the railroads have an advantage.

I know that you have got to put the water carriage at the lowest possible point in order to compete with the transcontinental railroads. Every expense you put upon the water carriers is so much advantage to the transcontinental railroads, added to their natural advantage.

Mr. HAMLIN. We are taking off that water carriage $4 a ton by giving the canal.

Mr. BORLAND. The fact we are now taking off the $4 a ton by saving the land haul across the Isthmus, to that extent encouraging shippping through the Panama Canal for coastwise vessels, the remission of tolls ought to be another encouragement to increase the carrier trade for the entire western country.

Mr. HAMLIN. In regard to the objection the gentleman made awhile ago as to the competition between the water and railroad carriers, I will call attention to the testimony taken before the committee, when his associate upon this proposition, the apostle of free tolls—I refer to the gentleman from Washington [Mr. HUMPHREY]—was asked this question. I quote:

The actual cost of moving goods by water from the Atlantic seacoast to the Pacific coast when the canal is completed will be far below the actual cost of moving freight by rail.

Mr. HUMPHREY. I think that is right; nobody can dispute that.

Now, if that be true, is there any other competition from the transcontinental railroads?

Mr. BORLAND. The transcontinental railroads, the rail carriers, can get business at a higher rate than the water carriers. There are natural reasons why that is true, too numerous to enter into here. Every advantage that the water carrier can have to secure more trade is to that extent a more active competition with transcontinental railroads. Then another well-demonstrated fact: Every advantage the water carrier is deprived of is that much added weight in favor of the transcontinental railroads.

Mr. HAMLIN. If they can carry and pay these tolls for less money than it actually costs the railroads to haul, will not this traffic go by water?

Mr. BORLAND. No. I think I have answered that correctly. I said the railroads can get the business at a higher rate, because they carry winter as well as summer; they have regular deliveries, they have a way of soliciting trade, they take a carload and deliver it at a man's back door or deliver it at a man's warehouse, or deliver it at a grain elevator, and there are a thousand reasons I have not the time to go into why the rail carrier gets the business. You have to put the water carrier on a level of rates much below the railroad before they can compete with the railroad. Now, I do not wish to spend any more time on that question.

Mr. KNOWLAND. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman.

Mr. KNOWLAND. I think the gentleman referred to freight between coast to coast. Now, naturally the lower the toll the more advantage the interior will get because the shipments will be made by rail to the interior and the advantage of the water route will be reflected; it always has been for the last 30 years.

Mr. BORLAND. I want to call the attention of the committee again to the fact that unless some advantage is derived by coastwise shipping there is absolutely no dividend from the construction of the Panama Canal at the cost of $400,000,000. I hope that not only will we be able to encourage shipping by giving free tolls to the American ships, but I hope we will find a way of actually reaching and controlling the markets of Central and South America, and do that without the necessity of a ship subsidy such as has been hinted at here. The only way in which that can be done in my judgment is by the good old democratic principle of a preferential low tariff for goods coming in in American bottoms. Every American ship should have this advantage, and every ship that wants to ought to be able to fly the American flag and be placed under the American navigation laws, no matter where the ship is built. [Applause.] We believe in free ships to sail under the American flag wherever American trade can be carried. I believe every Central and South American country ought to be told that "the door of trade is no longer closed against you in America; you are no longer driven to seek your markets in Europe; you are no longer driven to seek your banking in Europe; you are no longer driven to buy your goods for a return cargo from Europe, but now you shall have an offer to an open door into this country. We will take a part of your goods here. We will buy something from you in America. We will take a little of your hardwood or your oils or your gum, your natural-forest products and tropical fruits, and such other things that can be shipped here and can be used by the application of American capital and labor." Then, when they get a shipload coming in this direction, and their bank account is here and their credit here, then they will begin to deal with the American merchants. If we subsidize every ship on the ocean to carry the mail to South America and did not allow goods to come back in that ship, it would be a useless and extravagant proceeding. I am opposed to this proposition to subsidize somebody to carry the American flag.

If we would take this $400,000,000 of investment and allow the American business man to get a preferential rate out of it, to get a preferential use, so far as our treaties will justify; if we would seek the friendly commerce of the Central and South American States; if we would invite their trade to come here and would not close our doors to them by a prohibitive tariff; if we would not drive them to Europe to sell their goods and keep their bank accounts; if we would not build a canal for the free use of England and of Germany; if we would turn some American capital and effort through the Panama Canal by means of preferential rates on goods coming in American bottoms this whole question of subsidy would be solved. [Applause.] Here we are not only asked to spend millions of dollars for the canal and to maintain it and protect it and then allow 98 per cent of it to be turned over to England and Germany, our shipping rivals, but we are not to allow the coastwise vessels to go through with a less toll than the English vessel pays in going from San Francisco to Liverpool. That is the principal point I want to make on that particular clause.

I want to discuss now, in some detail, the history and government of the Canal Zone to show why I oppose the military reservation theory.

The plan to construct an interoceanic canal at or near the Isthmus of Panama first assumed importance during the gold rush to California in 1849. The result was the Clayton-Bulwer treaty of 1850 between Great Britain and the United States. This treaty contemplated that such a canal would be constructed, probably in Nicaragua or Costa Rica, and that the work would be undertaken by a private company organized under the authority of one or the other of the signatory powers. The controlling motive of this treaty was clearly commercial; it expressly restrained each nation from fortifying the canal or from occupying, colonizing, or exercising sovereignty over any country through which the canal might be constructed, and it was contemplated that other civilized States should be invited to join in the treaty for the protection and neutralization of the canal.

No canal was begun under this treaty. Meanwhile American capitalists had constructed the Panama Railroad, which proved a very valuable property. Later a French company, headed by the celebrated engineer Compt de Lesseps, secured a concession from the Government of Colombia for the construction of a commercial canal across the Isthmus. This canal was actually begun and nearly 80,000,000 cubic yards of excavation made. The failure and subsequent bankruptcy of this company was due to causes partly natural and partly administrative. The thousands of French stockholders lost their money, and after a legal receivership the concessions and property, including the Panama Railroad, passed into the hands of a small band of speculators who acquired the property for a song, with the design of selling it to the United States Government.

In 1901, after the War with Spain, the United States sought and obtained from Great Britain a new convention known as the Hay-Pauncefote treaty, which superseded the Clayton-Bulwer agreement. This treaty provides that an interoceanic canal shall be constructed entirely by the Government of the United States, or by private corporations with its aid; that the basis of the neutralization of the canal shall be the rules adopted for the free navigation of the Suez Canal; and that no change of territorial sovereignty or of the international relations of the country or countries traversed by the canal shall affect the general principle of neutralization. This treaty omits all mention of fortifications. From this omission it is assumed that our Government regained the right to fortify the canal at the expense of agreeing with Great Britain to waive the terms of the Clayton-Bulwer treaty. In other words, Great Britain has conceded to us the right to construct a canal entirely at our own expense and to fortify it as we please, provided that we never charge her ships more than we charge our own, and that we allow her at all times free use of the canal facilities on the same terms as ourselves. As Great Britain has the largest merchant marine in the world, equal to the combined merchant marine of several other countries, it is manifest that as a commercial proposition she will make $10 profit out of the construction of the canal to our $1, and this without any expense to her in either constructing, policing, or protecting the canal. She is quite satisfied that we should restrict our use of the canal to military purposes, so long as we are bound by treaty to accord her every commercial advantage.

The next step in the construction of the canal was the passage of the so-called Spooner Act of January 28, 1902. By this act the President was given power to acquire the property of the new Panama Canal Co., or the alternative of constructing a canal through Costa Rica or Nicaragua. He was empowered to appoint a commission to be charged with the duty of constructing the canal. It is a matter of common history that the negotiations following this act led to a revolution by which the State of Panama seceded from the Republic of Colombia and entered into a treaty with the United States which cleared the way for the acquisition by the United States of the property of the new Panama Canal Co. This treaty between the United States and Panama was proclaimed February 26, 1904, and is the basis of all of the present rights of the United States in the Canal Zone.

The powers of this Government as a sovereign are defined by article 3 of the treaty, as follows:

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

It may be noticed that this article does not confer actual sovereignty upon the United States, but provides that this Government shall possess all the rights, power, and authority within the zone as if it were sovereign of the territory, to the entire exclusion of the exercise by the Republic of Panama of any such power or authority. This wording is as obscure as the wording of article 2, by which the grant of land is made to this Government. In article 2 the Republic of Panama grants to the United States "in perpetuity the use, occupation, and control of a zone of land." Justice Brewer properly decided that such a grant necessarily carried the fee title, as it entirely excluded the rights, present or reversionary, of any other proprietor. He well stated that the absence of technical words of conveyance could not alter the nature of the title. The same reasoning should apply to the right of sovereignty in section 3 of the treaty. If the United States has all the rights, power, and authority within the zone which it could possess and exercise if it were sovereign of the territory, and it is to exercise these powers to the entire exclusion of the enjoyment by the Republic of Panama of any such rights, power, or authority, it is manifest that there is but one sovereign over the zone and that is the United States. It occupies, therefore, with relation to the Canal Zone the same position that it occupies with relation to the Louisiana Purchase, Alaska, or any other added territory. By the treaty its powers of sovereignty are expressly extended beyond the limits of the Canal Zone for certain purposes. In section 7:

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

Following the ratification of the treaty with Panama an act was passed, approved April 28, 1904, to provide for the temporary government of the Canal Zone. Section 2 of this act follows:

That until the expiration of the Fifty-eighth Congress, unless provision for the temporary government of the Canal Zone be sooner made by Congress, all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Canal Zone, and all the rights, powers and authority granted by the terms of said treaty to the United States shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of said zone and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

This act, which remains substantially unchanged, contains the whole law for the civil government of the zone. It seems to have been assumed that the powers of civil government were vested in the Canal Commission. In fact, the President, on May 9, 1904, issued a letter of instructions to the Secretary of War outlining a plan for such civil government. The Canal Commission has been created and had formulated a complete civil government for the Canal Zone, including courts, police, fire and sanitary regulations, fees and licenses, schools, public works, and other necessary branches. The commission originally acted as the legislative body of the zone. Between August 16, 1904, and March 1, 1905, the commission enacted a number of laws, which are published in book form and numbered from 1 to 24, inclusive. After that time this method of legislation was abandoned and no other acts—or ordinances, as they are called—of the commission have been passed. General legislation has been enacted from time to time under the form of Executive orders signed and promulgated by the President. These Executive orders relate to every possible phase of civil life and cover every known branch of legislation from the qualifications to practice a profession to the procedure for the administration of an estate. In the aggregate they form a large

and undigested mass of legislation, in the main fragmentary acts torn from the statute books of various States, which govern in the points expressly covered the conduct and rights of the persons within the zone. As to matters not covered by any specific Executive order the law applicable to rights of individuals is extremely hazy. It seems to be assumed, in accordance with the settled principles of private international law, that where one country acquires sovereignty over a territory which has enjoyed a system of local laws established by a civilized government the local laws shall continue to prevail until they are supplanted by express legislation of the new sovereign. According to this principle there is a vague and ill-defined body of laws, supposed to have been in force under the Colombian Government and to have remained in force after the revolution establishing the independence of Panama. This body of laws, as is the case in all Latin-American countries, is an evolution from the civil or Roman law. Unfortunately this body of laws is a sealed book to the judge sitting in the American courts of the Canal Zone. So far as I am aware few of the judges on that bench have been able to read the Spanish language or have had any knowledge through experience or study of the Colombian law. In but one instance, so far as I know, has it been appealed to as the basis of a decision in the American courts. In a recent case it was decided that a person injured on the Panama Railroad by the negligence of its employees had no right of action against the railroad company, because under the principles of the Colombian law the employer is not legally responsible for the negligence of his employee.

This chaotic condition of the law and of private rights is emphasized by two decisions of the Supreme Court of the United States. In the case of Coulson v. The Government of the Canal Zone (212 U. S., p. 553) it was decided that a writ of error to review a judgment of the Supreme Court of the Canal Zone must be dismissed for want of jurisdiction. No written opinion was filed, but the effect of this decision is that the judgment of the Supreme Court of the Canal Zone is final in all cases, and there is no power of review in the Supreme Court of the United States or any other tribunal. Another phase of the same question was presented in the case of Kaufman v. Smith (206 U. S., 610), in which the Supreme Court of the United States held:

> The questions involved in this case as to the right of the Government to collect duties on merchandise coming into the United States from the Canal Zone, under the act of March 2, 1905, have already been settled by the case of Downes v. Bidwell (182 U. S., 244), and the writ of error is dismissed for want of jurisdiction.

Downes v. Bidwell is the celebrated case in which the Supreme Court of the United States decided that the Constitution did not extend to the island of Porto Rico. The Supreme Court therefore holds, in accordance with that case, that the Constitution of the United States does not extend to the Canal Zone.

By a gradual but very natural encroachment, all of the power, legislative, executive, and even judicial, within the Canal Zone has been transferred to and absorbed by the chairman and chief engineer of the Canal Commission. I say judicial, not only because there have been no cases in the zone courts against either the commission or the railroad company but that have been promptly reversed by the Supreme Court of the Canal Zone, but because I have seen a copy of a letter from the chairman and chief engineer of the Canal Commission to one of the judges of the circuit court refusing to recognize the authority of a receiver of private property appointed by a decree of said court. In other words, we have in the zone a complete and perfect type of a benevolent despotism. A benevolent despotism may work very satisfactorily for a short time amid the enthusiasm of a great scientific work which calls out all that is best in the patriotism and professional ambition of men, and especially where the benevolent despot is drawn from and centers upon himself the public sentiment of 93,000,000 people, who have been trained by a century and a half of self-government. After the enthusiasm of the construction work is over, however, and public attention is diverted to other matters, it is perfectly manifest that such a system of government would be the worst possible, not only for the governed, but also for the governors, and especially for the public.

It may be said that it will be difficult to frame and enforce a suitable government for such a territory with such a population. Conceding the difficulty, are we to assume that the only solution is to drive the population off at the point of a bayonet? Every foot of land in the Canal Zone not actually needed for the operation of the canal should be sold, not leased, but sold in fee to American citizens. Preference should be given to the employees of the canal. As to government, the form should first be that of a Territory, with a governor appointed by the President, but without a legislative assembly. One United States court should be established, with the usual provision for review by a circuit court of appeals and by the Supreme Court of the United States. Legislation should be enacted for the zone by Congress in the same manner that legislation is now enacted for the District of Columbia. It has long been the desire of American lawyers to secure, under national authority, a complete codification of the laws of this country, especially upon commercial subjects. Commendable efforts have been made by the American Bar Association to secure uniform State laws upon commercial papers, bills of lading, and so forth. Here is an opportunity for both practical and experimental legislation that may well challenge the attention of the American Bar Association. When England acquired India, a vast country of petty sovereignties, with a decayed civilization, she found it necessary to enact codes of laws on commercial subjects for the use of the British subjects who were developing India commercially; hence the English contract act, the English evidence act, and so forth. No such opportunity has been before presented to our country to codify and enact, under the authority of Congress, an advanced and complete commercial code for the use of American citizens. It is a subject worthy of the thought of the entire bar. Such a code applicable to Panama could be made a model for the commercial codes of each of the 48 States and would have its influence upon the commercial life of the entire world. It would establish a uniform system of commercial rights which would bring us into touch with all of our neighboring countries and form the basis of an international code of commerce. Such an international code is the great need of the present day and the biggest contribution that the legal profession can at this time make to the advancement of civilization. [Applause.]

So much for the powers of the United States as sovereign. Its rights as a private proprietor are founded on other sections of the treaty.

The second article of the treaty provides:

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

By this article a grant is made by the Republic of Panama of all right, title, and interest it has in the land embraced in the strip, containing approximately 400 square miles, extending from the Caribbean Sea to the Pacific Ocean. It seems to be intended, and has been construed, to be a grant of the full title to all public land claimed by the Republic of Panama within the zone. This question was squarely decided in Wilson v. Shaw (204 U. S., p. 33), in which case suit was brought to restrain the officers of the United States from expending money in the construction of the canal on the ground, among others, that the United States did not own the land upon which the canal was being constructed. On this point Justice Brewer, in delivering the opinion of the court, said:

> It is hypercritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this Nation, because of the omission of some of the technical terms used in ordinary conveyances of real estate.

By the sixth article of the treaty the Republic of Panama grants to the United States the right to acquire by purchase or eminent domain any lands or other property within the cities of Colon and Panama, which may be considered necessary for canal purposes. By the eighth article of the treaty the Republic of Panama grants to the United States all reversionary interest which it may have as successor to the Republic of Colombia in the property and franchises of the new Panama Canal Co. This treaty having resulted, as was contemplated by both parties, in the purchase by the United States of the property of the new Panama Canal Co., has made the United States the proprietor not only of all the public land within the Canal Zone, but of all the private property of the new Panama Canal Co. in the zone and in the cities of Panama and Colon, and the reversionary interest of the Republic of Panama in all the land and other property of the new Panama Canal Co. The Federal Government claims, therefore, that it now owns the fee title to the public land in the Canal Zone, together with several valuable pieces of real estate in the city of Panama and nearly all the real estate in the city of Colon. The city of Colon is built almost entirely upon land, the ownership of which was in the new Panama Canal Co., and which is leased to the persons constructing and occupying the buildings. The United States, since the acquisition of this property, has still further improved it by the construction of new docks, warehouses, terminals, and other facilities.

The United States has further enlarged its holdings of real estate within the Canal Zone by extinguishing, through the

power of eminent domain, the private titles in such portions of the land as are taken or damaged by the construction of the canal and the filling of the lake. None of the real estate acquired by the United States has been sold. A system of leasing has been adopted under the authority of an act of Congress approved February 11, 1909. By this act the President is authorized to grant leases of public lands in the Canal Zone not needed for actual use by the canal, for a period not exceeding 25 years, and in tracts not exceeding 50 hectares. The terms and conditions of the lease were left to the discretion of the President, but the lessee must be the head of a family, over 21 years of age, and the lease must be made in good faith, for the purpose of actual settlement and cultivation.

At this time, as we approach the completion of the project and its practical operation, we must choose between the only two systems of administration that will be possible. If the canal is regarded as primarily a military enterprise, with only such commercial advantages as are incidental, then the Government might be purely military and placed under the arbitrary control of a military governor, accountable only to the President. This seems to be the view of the present chairman and chief engineer of the Isthmian Canal Commission. As a logical result, he advises that the entire zone should be cleared of inhabitants when the canal is completed, except the employees engaged in its operation and soldiers quartered there for defense. Of course he believes that a large number of soldiers should be maintained there, together with fortifications and land batteries sufficient not only to repel an attack by sea, but to withstand any possible invading force that might approach by land. The entire zone is to be made a military reservation, which would necessitate the acquisition by the United States of the title to all the private land which it does not now own. The United States now owns, according to the highest claim, about 60 per cent of the land in the zone, so that to turn the zone into a military reservation it would be necessary to acquire the remaining 40 per cent.

I say the United States "claim to own," because that claim is not admitted. We admit a private ownership of about 40 per cent, represented by the land marked there in green on the map. We claim all of that marked in yellow as railroad concession and all marked pink as public land, but, in fact, a large amount of that is in possession of people who claim it themselves, and if we undertook to acquire it we would find a large number of claimants with whom we would have to settle.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I would like to have about 15 minutes more.

Mr. ADAMSON. That rests in the discretion of the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Chairman, I yield 15 minutes more to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Thank you.

Under the treaty with Panama the value of private land acquired by the United States in the zone must be fixed by a joint commission appointed by the Government of the United States and the Government of Panama, composed equally of Americans and citizens of Panama. Only one such commission, known as the Denby Commission, has been appointed during the life of the treaty. This commission awarded to private owners prices below what they claimed, but greatly in excess of what the United States officers contended were reasonable. The result is that the chairman and chief engineer of the commission is strongly opposed to any further joint commission under the treaty, and has followed the good old soldierly way of seizing the lands necessary to be used and leaving the private owner to litigate as long as he chooses. Under any plan, however, it is apparent that the acquisition of the remaining 40 per cent of the land within the zone would be made at enormous expense. To further emphasize his views, the chairman contends that the presence of a producing and trading population on the zone would greatly impair its military strength, and even hints that it might introduce an element of danger; further, that the land itself is worthless for the purpose of cultivation. It may be said that these views are not shared by other military members of the commission.

Again, it is inevitable that warehouses and other business establishments of great shipping centers will spring up at each end of the canal. By the peculiar terms of the treaty with Panama the cities of Colon and Panama, while geographically within the zone, are excluded from American jurisdiction. From this it results that the limits of these cities are carefully defined and are completely surrounded by American territory. Hence, the growth of these cities, resulting from an overflow of their commercial population, must be upon American territory. To one who is used to commercial affairs and who has made an actual personal observation of conditions at both ends of the canal, it is almost inconceivable that the military occupation theory can be carried out in practice. It would leave absolutely no room for the cities to expand except by sufferance, which, in plain English, means by favoritism toward those who could secure locations upon the military reservation.

I am frank to say that after three visits to the zone and a fairly careful study of its commercial and physical characteristics, I am entirely opposed to the military reservation theory. The land is not remarkably good, but it will produce in paying quantities all of the tropical products, including bananas, oranges, lemons, limes, grapefruit, mango, casaba, guava, coconut, chocolate bean, coffee, pineapples, and rubber. The principal drawback of the Tropics is not the unproductiveness of the soil, but the difficulties of transportation and the unhealthfulness of the climate. The land within the zone enjoys a very fortunate situation both as regards transportation and sanitation. It will have the most remarkable transportation facilities of any tropical district in the world, and I believe that every foot of available land would be eagerly taken up by our American employees as fast as the construction force is disbanded. In fact, our employees are now going just beyond the edge of the zone into the Republic of Panama and investing their money in tracts of land there with the intention of remaining. If a force of white Americans can be induced to live in the zone along the route of the canal, even though they employed largely Jamaica negro labor in operating their plantations, it would not be a menace, but might be an aid to the protection, repair, and operation of the canal.

After we have acquired the lands of the zone, then the bill provides that no person shall go on or be upon the zone without the permission of the military government.

Now, if there must be a military reservation, and nobody can be on the zone without the permission of the governor, that means that every location on the zone is a matter of permission or of sufferance or of favoritism, if you choose to call it so. That condition, it seems to me, is absolutely incompatible with any considerable growth of South and Central American trade.

When the canal is completed, a vessel entering from the Caribbean Sea will proceed about 8 miles on a sea level to the foot of the Gatun Dam. At this point it will be raised by a flight of three locks to the level of the lake. The lake will be 165 square miles in extent, dotted with beautiful islands and surrounded by the luxuriant verdure of the Tropics. A sail of 23 miles across the lake will bring the vessel to the entrance of the cut at Bas Obispo. From thence there will be more than 9 miles of narrow canal through the Culebra Cut to Pedro Miguel, whereby means of one lock the vessel is lowered to the little lake of Miraflores. At this point two more locks permit the vessel to reach ocean level on the Pacific, from whence a journey of 7 miles brings it out to the Bay of Panama at Balboa. The time consumed in this trip would enable the passengers to cross the Isthmus by railroad and reach Panama several hours ahead of the ship to transact business or to entertain and amuse themselves. The trip will be a very beautiful one, especially in the dry season of early winter, and the zone may easily become one of the most delightful winter resorts in the world. It may be dotted from end to end with beautiful hotels, equipped with American conveniences, surrounded by spreading verandas, and shaded by stately groves of palms. Every amusement would be within the reach of the winter guest—horseback riding, canoeing, golf, tennis, sailing, surf bathing, deep-sea fishing, and numerous exploring trips to neighboring islands.

But above and beyond all this in the minds of most Americans, that great mass of our citizens whose money has paid for the construction of this great work, is the thought that the supreme importance of the canal consists in the fact that it will open up new channels of trade to American commerce. If we can count on the friendship and trade of our South American neighbors and turn to our own shores some of the wealth that is flowing year by year to Europe, we shall perhaps regain many fold the enormous cost of the canal. This means that the canal ports will soon be busy with American commerce, crowded with American merchants, and rapidly building up with American warehouses and branches of American commercial establishments. It is hardly to be conceived that we should handcuff ourselves through the medium of a military reservation and turn the best commercial advantages of the canal over to England, Germany, and our other commercial rivals.

I want to read to the House briefly the reply of a high official of the canal on that point. He said:

> For defensive purposes of the locks and dams we will require everything from Paraiso to the sea and from the locks to the Canal Zone lines. We ought not to allow settling of any kind to come between the earthworks that we contemplate constructing for the defense of the

locks and the locks themselves, nor ought we to allow the occupation of any of the land over which an enemy must pass in order to reach these earthworks. That, then, practically limits the Canal Zone from Paraiso to the Gatun Lake, so far as the south side of the Isthmus is concerned, and from Gatun Lake to the Atlantic on the other side. If it were not necessary to protect the canal, the terminal cities which Judge Peaille spoke of this morning would be advisable, and it is possible that necessity may force us to it later on. The proper military protection of this canal is against any such establishment of cities at the terminals.

Now, I submit, gentlemen, that we have gone plenty far enough under the Hay-Pauncefote treaty, in turning this canal over to the English and German merchants, after we have dug the canal at our own expense. We have gone plenty far enough in encouraging shipping to come in that direction and take away the commerce of Central and South America. We can not afford to go as far as to cut off our coastwise trade with the western coast of North America, and we can not afford to go so far as to exclude commerce from the Canal Zone under the guise of military protection. This military protection, of course, is the professional idea of the gentlemen who have been constructing the canal. It may be that the training of their profession is responsible for such views. No man can go on the canal with enough dynamite in his pocket to blow up the locks, and, if he did, the ordinary policing of the locks for the distance of a couple of miles would be amply sufficient for all purposes. It is sufficient for the Treasury of the United States, and it will certainly be sufficient for the locks at Gatun. If any hostile nation or hostile individual undertook to blow up the locks, he would probably swoop down there in three or four minutes in an airship and drop enough explosives into the locks to blow them up anyway. It is not the man on foot who is a source of danger; it is the man in the air, and that is no stage joke either, because similar things have actually been done. So that we can not protect the locks by earthworks.

England does not try to police the Suez Canal. Nobody has ever undertaken to police or protect a work of that magnitude. After we have constructed it and dedicated it to the commerce of the world there is absolutely no reason why we should be compelled to police it. I believe there ought to be great commercial cities at both ends of that canal, containing great American warehouses, filled with American manufactured goods, with American banking facilities, American mercantile facilities, American transportation facilities, American insurance facilities, and every facility that this country can furnish to encourage all of the Central and South American trade to seek American aid and an American market. Unless the American people get that kind of a dividend out of the Panama Canal, or if they get nothing out of it except once in 40 years the transportation of a battleship from one coast to the other, they will feel that the $400,000,000 expended has been spent in vain.

I am very glad that these gentlemen on the west coast States have maintained this fight for free tolls, at least for American commerce; but we ought to go much further than that. We ought to provide for preferential duties on all goods coming in American bottoms. We ought to encourage by every possible means a financial and mercantile connection with every Central and South American country, and then the American people—not the Pacific coast alone, but every American producer and every American business man—will begin to realize a dividend upon that $400,000,000, which will vastly increase the prosperity, wealth, and power of our beloved country. [Applause.]

Mr. ADAMSON. Mr. Chairman, at the suggestion of the gentleman from Louisiana [Mr. BROUSSARD], I yield 15 minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, the Panama Canal when completed will be one of the great wonders of the world. It will be another monument to American genius and American industry. It was built under the auspices of the American Government, it has been paid for by American citizens, and while it is intended to be of benefit to the whole world, I submit that the country which built it and under whose control it will stay, and the people whose money has paid for its construction, are entitled to more than an equal share in its benefits. [Applause.] And yet, what you are proposing here to-day will give a vast percentage of its benefits to foreign countries; and foreign countries realize this fact so well that in every maritime nation in the world ships are being built and money is being invested in shipping companies for the Panama Canal trade.

It is bad enough to realize the fact that has saddened so many American travelers, who have gone all around the world without seeing an American flag or an American ship, and now you propose to limit still further the possibilities of an American merchant marine by placing restrictions upon the shipping that is to go through the canal, restrictions which under no possibilities can be enforced against the ships of any foreign nation. Do you realize that the Canadian Pacific Railway Co. controls $20,000,000 of investments in steamships? Its great steamships on the Atlantic and Pacific will all be able to ply through the Panama Canal, and not one of these ships can be subjected to these restrictions under the Hay-Pauncefote treaty between this country and Great Britain.

Mr. RAKER. Will the gentleman yield?

Mr. LEVY. Yes.

Mr. RAKER. Is it not a fact that the very moment they land their cargoes on American soil they have to pay an import duty?

Mr. LEVY. Yes; as between foreign countries; but they have the whole of Canada from the Atlantic to the Pacific coast.

Mr. RAKER. But if they pay the tolls through the canal and then when they undertake to land their products from Canada on either side when they come into the United States they have to pay a toll and revenue tax.

Mr. LEVY. A revenue tax for going through the canal?

Mr. RAKER. Oh, no; when they land their products in the United States.

Mr. LEVY. I am not talking about landing cargoes in the United States. I am discussing the matter of carrying goods from one point in Canada through the canal to another point in Canada. But these steamships could carry goods into the United States on payment of tolls and duties.

Mr. KNOWLAND. Does not the gentleman know that section 11 prevents the Canadian ships from going through the canal?

Mr. LEVY. How can that be? You may make restrictions, but you can not enforce them because of the plain terms of the treaty we have made.

Mr. KNOWLAND. The act covers any railroad company that comes under the Interstate Commerce Commission, and every Canadian road comes under the Interstate Commerce Commission.

Mr. LEVY. But that provision of this act is clearly inconsistent with the terms of the treaty.

Mr. KNOWLAND. Railroads entirely in Canada would not come under the Interstate Commerce Commission.

Mr. LEVY. That is what the Canadian Pacific does.

Mr. KNOWLAND. This provides what they shall not do in the United States.

Mr. LEVY. I do not agree with the gentleman; I do not believe that you can control such a foreign railroad.

Is it possible that we are going to be so blind as to allow another nation to get the cream of the wonderful commercial possibilities which will be opened up by the inauguration of the Panama Canal? The moment you forbid an American ship owned or partly owned by an American railroad company to use the canal you strike one more blow at the American merchant marine and eliminate practically all ships that are flying our flag to-day. [Applause.]

Why should there be objection to an American railroad company building and owning steamships? No private enterprise can attempt, nor will attempt, to build steamships under our present navigation laws; but the great railroad companies build them for the purpose of relieving congestion and taking care of freight at their terminal points. They are to-day the only means of keeping the American flag on ships and sustaining, at least to some degree, the American merchant marine. Are they not regulated sufficiently now by the Interstate Commerce Commission, and is it possible that the misguided hatred of railroads can go so far as to forbid them doing what will be of the utmost benefit to trade and American interests? Is it not enough that the pernicious hindrances to American railroads have already stopped the building of thousands of miles of railroads in this country; and shall we now pass a law that surely will prevent the building and operating of American ships, while other countries are getting ready to take advantage of the new opportunities of trade which the Panama Canal will create?

Mr. CLINE. Mr. Chairman, I think the gentleman is not opposed to the railroads owning shipping going through the canal.

Mr. LEVY. No; I am not.

Mr. MURRAY. I understand, however, that the gentleman from New York believes in adequate and complete regulation by some governmental commission of railroad-holding companies.

Mr. LEVY. Yes.

Mr. KNOWLAND. Will the gentleman yield?

Mr. LEVY. Yes.

Mr. KNOWLAND. I will say in that connection that the Interstate Commerce Commission recommend this provision and say it is the most effective method of regulation.

Mr. ADAMSON. Mr. Chairman, I do not think the gentlemen ought to quarrel among themselves. Whether a railroad should rob the people by freight rates or the steamship company shall rob the people by taking the money out of the Treasury is equally pernicious. They had better make common cause in their raid on the Treasury and their assault on the treaties.

Mr. LEVY. The Canadian Pacific Railway, with its 16,000 miles of railroad from the Atlantic to the Pacific coast, has diverted an enormous amount of trade from American railway interests on account of the large opportunities and splendid advantages it enjoys under the Canadian Government, and now you propose to allow it the same benefit on the sea and through our own canal that it has on land. Only a short time ago this company placed an order with the Fairfield Shipbuilding Co., of Glasgow, for two steamships 570 feet long and 68 feet beam, with a speed of 18 knots per hour, to supplement the fleet now engaged in the Pacific trade. The approximate cost of these steamers will be over $2,000,000 each. They already have 16 magnificent steamers in the Atlantic service, 4 in the Pacific service, and 21 on the Pacific coast service—all available for the Panama trade and ready to grasp the opportunity that you are seeking to make us throw away.

Mr. CLINE. Mr. Chairman, I do not want to charge up against the gentleman my inability to understand him. What remedy does the gentleman propose? Is he sorry that we built the canal?

Mr. LEVY. No; but I do not believe in putting in all these restrictions. [Applause.]

The CHAIRMAN. The Chair takes it that the gentleman from New York does not care to be interrupted.

Mr. ADAMSON. If I take any of his time, I will return it to him fourfold. I did want to suggest that the gentleman from Indiana probably never heard of the man who dug a well and had to buy water to fill it. [Laughter.] Now, when the Government has built a canal, the Ship Trust demands that we hire them to furnish commerce and patronage and that they be allowed to loot the Treasury in addition to being paid otherwise therefor.

Mr. LEVY. Europe and Asia are also interested, and it is conservatively estimated that at least 1,500 ships are in process of building throughout the world for the Panama trade. We have lost magnificent opportunities in South America by neglecting our merchant marine and allowing Germany, England, and other countries to attract trade which should have properly come to us; and now it is proposed to carry out the same policy with regard to the great Pacific trade, which the Panama Canal will open up to us and turn that carrying trade over to foreign bottoms. I can not see either patriotism or sound business sense in the proposition at all, and it is incomprehensible to me that there can be any doubt or question on this matter.

The further proposal to place these shipping interests under the control of the Interstate Commerce Commission is most vicious and ridiculous. It takes from six to nine months for the Interstate Commerce Commission to render a decision in domestic railway matters. How long do you suppose it will take them to reach a decision in questions affecting shipping? Is any man blind enough to think that any shipper will wait for the Interstate Commerce Commission rulings when he can obtain a quicker ruling and an immediate service from the competing foreign lines?

The story of our maritime decline is a sad enough one as it is. Eighty-six years ago the percentage of American carriage in foreign trade was 92.5; when the Civil War began, 65.2; when it ended, 27.5; in 1892, 13.3; and it has been steadily declining until now it is only about 8 per cent. If you will allow the Interstate Commerce Commission to get a fair chance at it, I have no hesitancy in predicting that it will take a still further tumble if it is not entirely swept off the surface of the seas.

And, Mr. Chairman, it should not be forgotten that opportunities once lost are extremely hard to regain; and even if some future Congress should show more wisdom and more patriotism than we are showing to-day, the steamship companies of other nations, which, as stated above, are bending every energy and are keenly alive to the vast changes the canal will make in sea carrying trade, will have so intrenched themselves in the firm control of this trade that it will be next to impossible to dislodge them. And it can not be repeated too often that if you carry out the policy outlined here to-day you are making foreign nations the chief beneficiaries of this canal, which is about as wise a proceeding as it would be for a man to build a large and expensive garage fully equipped with every device for the care and maintenance of automobiles, and then going out and hiring the motor cars he needed for his transportation. And the Panama Canal stands in this further position that it is the last, almost desperate, chance we have of retrieving our position as a deep-sea trading nation. Our coast trade has been one of our proudest possessions and one of the most valuable assets of the people of the United States for so many years that to allow this incomprehensible and unjustifiable hatred of railroads to eliminate the last vestige of our mechant marine will most certainly be emphatically and severely rebuked by the American people when they once become cognizant of what this legislation really means.

Even now before the canal is open thousands of our citizens are visiting it on ships that fly a foreign flag and paying tribute to a foreign country. When they see the wonderful work that is being done on the canal they are thrilled with pride at the showing of American skill and American energy, but the great majority of them on their return, along with the patriotic pride that they felt in American achievement in the Panama Zone, bring back also a feeling of shame and deep humiliation when they remember that on the trip going and coming from start to finish they did not see the American flag on an American built and owned steamship.

Do you suppose for one moment that foreign nations will not do the same with the ships of theirs that will pass through the Panama Canal as they now are doing with the ships of theirs that pass through the Suez Canal? Just let us for a moment examine. The Russian Government in 1909 appropriated 650,000 rubles in exact terms to pay the tolls of the Russian volunteer fleet both for tonnage and for men, women, and children carried. The British Pacific & Orient Co. receives in subsidies enough to nearly pay all its canal dues, although it operates through the canal a number of boats apart from the mail steamers. The North German Lloyd receives an annual appropriation on its vessels using the canal of $1,385,000. Japan pays a subsidy of $1,336,947 to the Nippon Yusen Kaisha for its steamers through the Suez Canal to Europe.

The Massageries Maritimes, the largest French company using the Suez Canal, was paid for its lines to China, Japan, Australia, and Madagascar $2,145,000 in subsidies. Austria specifically provides by law for payment of Suez tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe. The Swedish Government calculates its subvention to the Svenska Ostasiastika Kompaniet to represent the amount of tolls paid by the ships of the company for passing through the Suez Canal.

In the meantime, while every foreign government is helping and will continue to help its steamship companies, knowing well that every dollar expended will be returned in tenfold, you not only are against helping, but you are in favor, apparently, of absolutely hindering American ships from competing on any kind of basis with these foreign subsidized lines. I will not say, nor is the question involved, that we should subsidize our steamship lines, but I do object, always have objected, and always will object to allow our Interstate Commerce Commission to penalize them.

Let us see for a moment how well the steamship lines pay in England. The advance in the combined net profit in 1911 over 1910 was over 26 per cent, and with two exceptions every concern in the big group of English ships participated. And even the two exceptions did much better in 1910. I append two tables, the first one showing a dozen representative companies for the last two years, net profit being struck after deducting debenture service, depreciation, and insurance allowances and other changes written off revenue:

Company.	Net profit.		Ordinary dividend.		Carry forward.	
	1911	1910	1911	1910	1911	1910
			Per ct.	Per ct.		
Cairn Line	£35,900	£2,100	6	Nil.	£12,800	£5,300
Cunard Steamship	222,900	203,200	7½	6	87,300	60,300
Elder Dempster & Co	103,000	134,700	10	8	24,900	23,200
India General Navigation	59,300	54,000	6	5	10,700	7,200
Isle of Man Steam Packet	21,900	11,500	6½	6	6,900	4,100
King Line	8,700	400	5	Nil.	1,500	2,300
Mercantile Steamship	48,600	38,500	10	5	1,200	1,000
Moor Line	33,200	18,400	10	5	2,700	1,400
Neptune Steam Navigation	15,900	23,500	10	5	2,200	2,100
Pacific Steam Navigation	131,300	78,100	8	5	8,700	6,000
Royal Mail Steam Packet	122,100	96,100	5	3	11,100	4,000
Sutherland Steamship	15,400	3,000	7½	5	10,800	1,100

The second table compares the gross receipts of the various companies in 1911 with those of 1910:

	1911	1910	Increase.
Cairn Line	£129,400	£27,600	£101,800
Cunard	3,103,600	3,097,400	6,200
Elder Dempster	236,900	228,600	8,300
India General	153,200	148,100	5,100
Isle of Man	243,800	163,000	80,800
King Line	41,700	24,500	17,200
Mercantile	62,100	42,500	19,600
Moor Line	113,900	66,100	47,800
Neptune	43,700	37,300	6,400
Pacific	135,700	108,800	26,900
Royal Mail	293,100	181,600	111,500
Sutherland	52,400	9,900	42,500

Among the most successful of the companies is the Pacific Steam Navigation. The latter's report has just appeared, and part of the greatly increased earnings is reflected in the former's accounts through its predominant holding of share capital. Gross profit is up £20,900, and net profit £53,200. So that this company will be in a most favorable condition for the Panama Canal trade.

The liner tonnage of England is actively employed all the year, and especially with the emigration movement to Canada, and that emigration movement to Canada will continue and increase very largely in the next few years, and inevitably increase the earnings of the Canadian Pacific Railroad both in freight and passenger traffic enormously, giving them a still further power to use its great resources in extending their steamship lines to use the Panama Canal, while our railroad companies come under the restrictions of the Interstate Commerce Commission, and the further restrictions, which you are placing upon them by this legislation, will be eliminated as a factor in competing on the sea with our British competitors.

One of the excuses made for this legislation is that it is to discourage monopoly of domestic traffic by placing these restrictions on the railroads, yet a careful study of its real effect will readily show that instead of discouraging monopoly it can easily have the effect of fostering and promoting steamship monopoly, since it would forbid a railroad from establishing a steamship line in competition with an existing independent line, and it certainly would not restrict and might even promote industrial monopoly through the control by large corporations of steamship lines. But the main object and the most serious fault in the entire matter is the advantage that it gives to foreign steamship companies and the tribute it will make Americans pay to foreign Governments.

It means less business for American shipping lines, with the natural result of less business for American industrial enterprises; it means more wages not only to foreign seamen, but to foreign workmen in every field of industrial endeavor; it means taxing the American people for the benefit of people who contribute nothing to the wealth or prosperity of our country; it means a still further decline in the training and development of American sailors, and it will make it still more difficult to man the ships of the United States Navy with American bluejackets. It is not only unnecessary from a commercial and industrial standpoint, but it is—and I regret that I must say so in all candor—unquestionably and undeniably unpatriotic.

While we stand, and hope to stand in all the years to come, on friendly terms with every great nation in the world, yielding to all fair opportunity to compete with us in the markets of the world, it is not selfishness, but the natural and patriotic desire of a nation to take care of its own; to see that we, who bear the burden, who made possible, by our energy and by the wealth which our citizens contributed, this great engineering feat of modern times; it is not selfish for us, I say, to claim our just and fair share of the fruits that will accrue from this enterprise.

Americans have long had the deserved reputation of being good business men. Our factories turn out the finest products in the world; commercial methods are of the very best; and I submit to you gentlemen that there is no reason why we should not apply the same sound American common sense to this question and desist from these constant disturbing attacks on business which are menacing the very industrial life of this Nation. We should spend a little less time in this sort of destructive legislation, for it can be called nothing less, and do a little more constructive work along lines that will make business better, that will increase both our output and its distribution; and while helping our merchant marine and giving our railroads a living chance to expand and to progress, at the same time increase the demand for labor and bring the natural prosperity which belongs to our country and should to-day be ours. [Applause.]

Mr. ADAMSON. Mr. Chairman, I will ask the gentleman from Louisiana or the gentleman from California if he has another speaker this evening.

Mr. BROUSSARD. We have no other one to-night, and we will ask the gentleman from Georgia to proceed if he has any other one here.

Mr. ADAMSON. That being the case, Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE] 30 minutes.

Mr. CLINE. Mr. Chairman and gentlemen of the committee, I feel that I ought to make an apology to the members of this committee, for the reason that all the gentlemen who address the committee must necessarily traverse the ground with which you are already familiar.

The only justification I have for attempting to use a short space of time is the justifiable pride that any citizen may have in taking a little part in the discussion of legislation that indicates the approach of the completion of the greatest exhibition of genius and skill that the American people have ever exhibited. The completion of the canal that opens up a new pathway for the commerce of the world that has been the dream of all nations for the last 50 or 75 years is about to see its realization through the efforts of the American people, and is one of the greatest achievements since the organization of the Government.

Mr. Chairman, in order that I may occupy as little time as possible, I am going to confine myself to the notes that I have made, and I desire to discuss simply the questions involved in section 5 of this bill, the question of tolls.

I desire at the outset to express my approval of this bill and my purpose to support the same. The completion of this monument to the genius, skill, and ability of the American people in bringing into use this new pathway for the world's commerce is of such immense importance as to require by this body the most careful consideration of those measures intended to secure its most comprehensive and widespread usefulness.

A government for the zone should first be established with responsibility definitely fixed for the exercise of the functions with wisdom and experience.

One of the absorbing questions involved in this legislation is the problem of tolls for use of the canal and the manner of laying them. Gentlemen, in the report on this bill, disclaim any attempt to construe the language of the treaty of the United States with Great Britain lying at the very bottom of the building of the canal and establish by "such construction any precedent or permanent legislative policy or to bind any future Congress, should it be deemed expedient or adjudged competent, to adopt a different basis." There can be no abandonment of the proposition to construe the language of the treaty, and if the national honor is regarded of any consequence the terms of the treaty must be consulted in fixing the rates. Why should we lay uniform rates of tolls or no tolls at all? Because we promised as a condition precedent to any authority to build the canal in the most solemn compact the Government could enter into, a compact that the Government declares to be the supreme law of the land, to administer no "discrimination against any such nation or citizen or subjects in respect to conditions of charges or traffic or otherwise." That promise was made by properly constituted authority and confirmed by the Senate of the United States. I propose to inject into this discussion as a part of my remarks a little history of that transaction. Before what is known as the Hay-Pauncefote treaty was adopted, no authority existed for the United States to enter any part of Panama to construct a canal. For the very purpose of laying the authority to do so, our Government negotiated a modification of the Clayton-Bulwer treaty that provided against either Great Britain or the United States engaging to construct or own any canal or interest in any canal across the Isthmus. This modification in the form of a new treaty was negotiated and confirmed by the Senate on February 22, 1902, and before the British Government would assent to the proposition it made us consent to these provisions, viz:

> The canal shall be free and open to the vessels of commerce and of war, observing these rules (those of neutrality) on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable. (Art. 3, clause 1, of the treaty.)

That was the result of the modification of the treaty. Now, what is the next thing we did? We entered into a treaty stipulation with the Republic of Panama in which we agreed to do these things for the privilege of constructing the canal across their territory. I quote from the treaty of 1902:

> The United States of America and the Republic of Panama, being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, and the Congress of the United States of America having passed an act, approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention, etc.
>
> ART. 1. The United States guarantees and will maintain the independence of the Republic of Panama.
>
> ART. 18. The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Governments of Great Britain, and the United States on November 18, 1901. (The Hay-Pauncefote treaty.)

These are the preliminaries, briefly stated, that this Government had to arrange before she had any authority to enter upon this undertaking. Panama was indirectly a party to the construction of the canal because she was in a position to dictate the terms of the enterprise, and because we assented to them

we are bound by them. I want you to notice that Panama, as well as the United States, reaffirmed their purpose in the treaty with each other to respect the terms of section 1, article 3, of the Hay-Pauncefote treaty and made such terms and their observance a part of the condition for the right to build that was conferred by the Republic of Panama on the United States.

Gentlemen say that the original purpose of the construction of the canal was for strategic purposes in time of war and that commerce was a secondary matter. That can not be true, for many reasons not necessary to state. These treaties to which I have called your attention show conclusively that the canal was a commercial project of the widest possible scope, and the very provision in the Hay-Pauncefote treaty declaring that the canal should be "free and open to vessels on terms of entire equality" reflects the very purpose in the minds of the high contracting parties that the strategic value was incidental to its construction, and the terms were made definite as to every element of contract necessary for the successful administration of the great commercial highway.

That opinion is confirmed by the fact that President McKinley, in the message he sent to Congress, made no suggestion to have the Panama Canal constructed for the purpose of creating a strategic point in time of war, but the tenor of all the presidential messages for the last 70 years was to create a highway for trade across the Isthmus of Panama, and in all the conventions that had been held, and in all the declarations that have been made by interested parties, the paramount question arising was to benefit the trade of the nations of the world and to cut off the long detour around Cape Horn, so that there might be a better market for us and for other nations to the East for that purpose.

For more than 00 years the purpose of establishing an interoceanic canal has been the subject of presidential messages. I quote from the former Clayton-Bulwer treaty to show that we did not originally construct the Panama Canal for the sole and only purpose of a strategic point in time of war, and that the idea of creating the Panama Canal for military purposes only, did not arise out of the fact that we were unable to get the *Oregon* around the Horn for early active service in the Spanish-American War. The Clayton-Bulwer treaty of 1850 contained these provisions:

> ART. 6. And the contracting parties likewise agree that each shall enter into a treaty stipulation with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this great convention, namely, that of constructing and maintaining the said canal and ship communication between the two oceans for the benefit of mankind on equal terms to all and of protecting the same.
>
> ART. 8. It is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions thereupon than the said Governments shall approve of as just and equitable; and that the same canal or waterways being open to the citizens and subjects of the United States and Great Britain, on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Treaties are construed like any other contract, and I invite the attention of the committee to the rule laid down in this country and recognized by all authority on international law:

> It is a general principle of construction of treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties, to secure equality and uniformity between them, as they are contracts between individual nations. In their construction words are to be taken in their ordinary meaning, as understood in the public laws of nations, and not with any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. (Hauenstine v. Lynham, 100 U. S., pp. 483–7; Godfrey v. Riggs, 133 U. S., pp. 258–71.)

There is no ambiguity in the terms of the Hay-Pauncefote treaty, and consequently no room for any construction by intendment. The language is clear, direct, unequivocal, and the meaning is not to be clouded by "any artificial or special sense" imposed upon the terms.

Did England so understand the Hay-Pauncefote treaty? Certainly she did, and had faith in our observance of its conditions. On its ratification she dismantled her fortifications in Jamaica and moved away her stores and munitions of war and practically abandoned her holdings as a strategic point. Would she have done that if she had understood that the solemn compact she entered into with her great rival for trade and supremacy contained an ambiguous provision through which we could work a discrimination against her in freight rates, and that we stood ready to repudiate and trample under foot our obligations? Would she have voluntarily added an additional handicap of free tolls against her coastwise trade on this continent and in favor of our coastwise trade when we already had the advantage against her of 3,000 miles in travel to the markets of the South American Republics and the Orient? She believed in the unstained honor of this Republic, for she had dealt with us for a century in another compact on our northern border between Canada and ourselves, and she had a right to rely upon our integrity as a Nation, and that integrity will not now be compromised.

I want to pause here long enough to state that I do not concur in the opinion of the gentleman from Colorado [Mr. MARTIN] with reference to the construction of the canal being of a proprietary character. The negotiations for the construction were made with the sovereignty of the United States, and the United States acted in that sovereign capacity, and the only provision that was made in the treaty was that it might determine that the canal should be constructed by the United States, an individual, or by a corporation. The United States chose to build it herself. Admitting that it had that right under the treaty to turn the work over to a private person or a corporation, it would still be controlled by the organic act which constituted the agreement between the United States and Great Britain as to the manner under which it should be constructed, and the responsibilities of the Government entering into that contract and that agreement rested solely in the sovereignty of both nations. It could not enlarge its province and take to itself any of those incidents that attach to a proprietary nature or character from the simple fact that it determined to commit the building to a person or corporation, because back of that would rest the right of the Government of the United States in its sovereign capacity to control the manner in which the canal should be constructed and the manner in which the toll should be collected, and all of the agreements in this contract between the United States and Great Britain rested for their performance in the sovereignty of the United States and not in its contractual relationship.

Contrary to the assumption by the gentlemen opposing the fifth section of this bill, the United States does not own the canal absolutely, in the sense of having an absolute title, a perfect, indefeasible title. She obtained her interest in the territory through which the canal runs by treaty, not by purchase, and the terms under which she got it are set out in the grant and constitute a limitation defining what we got the grant for. Suppose the United States should conclude to abandon the canal for lack of commerce, or because of the expense of maintaining it, or for any other reason, would any man assert that the United States, which has acted solely in her sovereign capacity, could claim any further interest in the zone that is now under her sovereignty and conditional ownership? Would not Panama on such abandonment succeed to our present rights? The United States could not confer upon herself or her assigns any greater or different power than what she derived under the treaty, nor could she under the claim of proprietorship in the construction of the canal in the slightest degree affect or limit her liability as a sovereign power under the treaty.

But to return from the digression to the proposition of free tolls, demanded by the east and west coasts for their especial benefit: This proposition is confronted with another phase of the subject. Our navigation laws are now in force as they were when this treaty was entered into. That they were included in the understanding that there was to be no discrimination in favor of our coastwise shipping is clear to presume, for no power entering into such a compact could doubt that the vast fields for trade in South America would invite our coastwise shipping.

Is it to be supposed for an instant that Great Britain would have consented to free tolls for our ships engaged in that coastwise trade and shut the market doors of the South American Republics in her own face through such discrimination against herself at her own election? This statement will not be rejoined in that the coastwise shippers would not engage in the South American trade. Those vessels now doing business on the Atlantic coast have an absolute monopoly of the traffic, both passenger and freight, and have already investigated the subject, with a view of engaging in that trade. So also has the American-Hawaiian Line, that now owns eighteen 10,000-ton vessels and has five more in process of construction. Nor will it be objected that a different rule would prevail in case the coastwise trade shifted to the South American trade, for the difficulties of administering the law in that event would be too complex to be practicable to charge for southern trade and not for coastwise trade in the same vessel. The claim that the canal was inspired for commercial reasons, instead of to establish a strategic ground in case of war, is supported for another reason. Our individual trade would not support such an enterprise or justify the expenditure of $400,000,000. We are in no position to donate this mighty highway to the world's trade, and no nation expects us to do it—to control and defend it without pay. Governments expect and are anxious to remunerate us for the use of the canal and pay the charges without discrimination against them. The Government ought to lay a rate sufficiently

low to attract not only our own trade but the trade from foreign countries to that gateway.

The greatest element of wealth in any nation is its trade. The nation that has no great foreign commerce has no great enduring history. The trade of the South American Republics and the Latin Republics last year amounted to $4,000,000,000. We took about 20 per cent of that trade. They are lying right at our doors. Why should not we have 90 per cent of it? If we cut through the Isthmus of Panama, we bring ourselves 3,000 miles nearer to those markets than any of the nations of western Europe. We handicap the nations of western Europe by 3,000 miles of travel in our favor, and the vast amount of trade that is yet in its infancy will be our trade, and this country never did a wiser stroke of policy, despite the statement of my friend LEVY to the contrary, than when we created the Panama Canal and opened up that vast territory of South America to the trade of this country. Let me say another thing, and that is this: That the rates of the Suez Canal will determine the rate we put upon the Panama Canal. Why? It was developed in the hearings that the railroads got as high as four times as much for transportation from coast to coast of merchandise as we could carry it for by water. If that is true, then there would be no real competition between water and rail routes. If we increase our foreign trade, we must do it by handing over to those parties who would prefer coming through the Panama Canal a lower rate of duty, a lower rate of toll, so that it will be profitable to travel that distance instead of going through the Suez Canal. There is between us and the Suez Canal a zone of trade that both the Suez and ourselves will bid for. How shall we get it? Only by offering such a preferential rate as will induce them to leave the Suez Canal and come our way, and that preferential rate must be so low that the difference between the Suez and our rate will not be eaten up by time and distance. That proposition being true, then we can make the rates so low for toll that it will not affect our coastwise shipping and at the same time give us absolute control of the South American trade as far south as Chile, so far as any of the nations of western Europe are concerned. Four billions of trade and we got only 20 per cent last year!

Mr. ESCH. The gentleman means 400,000,000.

Mr. CLINE. Four billions I said, all the export and import trade of the Latin Republics, and we got 20 per cent of it.

Mr. HAMLIN. But in that is included trade on the eastern as well as the western coast.

Mr. CLINE. Yes, sir; all the trade.

Mr. HAMLIN. To open the canal would help us in getting the trade on the eastern coast?

Mr. CLINE. No, sir; but the principal trade of South American Republics for us is on the western and northern coasts—that is the valuable trade.

Mr. HAMLIN. I was thinking it was on the other side. I may be in error on that.

Mr. CLINE. I presume I might refer that question to the gentleman from Wisconsin [Mr. ESCH], who is certainly an authority on that proposition. Now, as to the question as to whether this was built as a strategic point. I think the American people will come to understand this proposition in reference to this canal and that is it will serve not only as a strategic point in time of war, but it will be a highway for increasing our commerce. Personally I am for peace instead of war. I want to say that the proudest page in the record of the present administration, that has been cursed by scandals which were entailed from a previous administration, is that the historian may write over the name of William H. Taft, as President of the United States, that he gave his sincerest efforts to the cause of universal peace. [Applause.]

Mr. SABATH. They have not very much of it just now, have they? [Laughter.]

Mr. CLINE. I want to know whether England understood this proposition. Did she understand that this great American Republic was going to be bound by its obligation to her? Had she the right to believe that we were bound when we agreed to maintain the neutrality of Panama and her independence and to maintain equal trade relations with the world and with her? She has coastwise shipping in Canada right north of us; she has coastwise shipping in Canada on the north and west of us. She closed the gate of the canal to herself and opened it to us under the contention of the gentlemen who oppose the first section of article 3, and that has given us the advantage of free tolls when we also had an advantage against her of 3,000 miles in distance. It is not to be presumed at all. Now, I have not heard any of the gentlemen who have argued this proposition tell the committee just how the remission of tolls was going to advance the local merchant marine. The evidence disclosed this fact: That the entire coastwise trade, both on the Atlantic and on the western coast, was absolutely supplied at the present time; that there was no use for any more ships for the amount of trade we now have. And the hearings developed another fact, and that is this: That the men who operate the local merchant marine and coastwise trade had a monopoly of the business. Those steamship lines running out of New York—the Clyde, the Mallory, the Morgan, the Ocean Steamship Line, and the Old Dominion—divide up the passenger traffic and the freight traffic, and no two of those lines run to the same point on the Atlantic coast.

Mr. KNOWLAND. I think the gentleman is mistaken about that.

Mr. CLINE. I will just read a little from the hearings and find out.

Mr. SABATH. That was the evidence before our committee.

Mr. KNOWLAND. In some instances they do and in other instances they do not.

Mr. CLINE. The vice president of the Clyde Co. gave the information that they have a perfect working agreement. I think the other members of the committee will bear me out.

Mr. ADAMSON. Where they went to the same point they have an entirely different service.

Mr. CLINE. I am not going to be bound by anybody's recollection. I am going to read the record.

I am going to call your attention to a little evidence in this matter. I quote from the hearings, pages 543–544, from the statement made by Mr. Raymond, vice president and general manager of the Clyde Steamship Co. and the Mallory Steamship Co., of New York:

Mr. MARTIN of Colorado. Let us bring Mr. Sabath's questions home now.

The CHAIRMAN. Yes; we want to know what the fact is.

Mr. MARTIN of Colorado. There are two lines that you are vice president of—the Clyde and Mallory.

Mr. RAYMOND. The Clyde does not go to Galveston, T

Mr. MARTIN of Colorado. The Clyde does, does it no'

Mr. RAYMOND. No, sir.

Mr. MARTIN of Colorado. The Mallory and Morgan?

Mr. RAYMOND. The Mallory and Morgan?

Mr. MARTIN of Colorado. Do go from New York to Galveston?

Mr. RAYMOND. Yes, sir.

Mr. MARTIN of Colorado. Is there any difference in the rates between New York and Galveston on these two boat lines?

Mr. RAYMOND. Yes, sir.

Mr. MARTIN of Colorado. Is not the fare identical?

Mr. RAYMOND. There is only one line that handles passengers, and that is the Mallory; there is no competition.

Mr. MARTIN of Colorado. From New York to Galveston?

Mr. RAYMOND. The Morgan does not handle passengers; no, sir.

Mr. MARTIN of Colorado. How many lines are there between New York and Key West handling passengers?

Mr. RAYMOND. Only one.

Mr. MARTIN of Colorado. What is that?

Mr. RAYMOND. The Mallory.

Mr. MARTIN of Colorado. Are there any places on the coast where the Mallory has competition in the matter of hauling passengers?

Mr. RAYMOND. Not that I know of.

Mr. MARTIN of Colorado. It hauls them all—how does it come that the Mallory has no competition?

Mr. RAYMOND. Because nobody else has put any money into that service; that is all.

Those six lines are in a position to freeze out any other lines. That is what they are for.

Mr. MARTIN of Colorado. The Clyde does not carry passengers?

Mr. RAYMOND. The Clyde carries passengers, but it does not go to Galveston.

Mr. MARTIN of Colorado. Does it go to any of the ports that the Mallory goes to?

The CHAIRMAN. It pays better to divide the ports up.

Mr. MARTIN of Colorado. Is that the way it is done?

Mr. RAYMOND. No.

Of course you would not expect a man to admit that.

Now, I want to take the following examination from the record:

Mr. MARTIN of Colorado. Let us see; we have got three lines out of New York—the Clyde, the Mallory, and the Morgan. Now, how many lines have we got in the coastwise trade going out of New York in addition to the Mallory, Morgan, and Clyde lines?

Mr. RAYMOND. Out of New York?

Mr. MARTIN of Colorado. Yes, sir.

Mr. RAYMOND. The Ocean Steamship Co.

Mr. MARTIN of Colorado. That is four.

Mr. RAYMOND. The Old Dominion; that is, coming south.

Mr. MARTIN of Colorado. That is what I mean.

Mr. RAYMOND. Coming south from American ports?

Mr. MARTIN of Colorado. That is what I want in order not to scatter too much.

Mr. RAYMOND. The Old Dominion.

Mr. MARTIN of Colorado. That is five. Are there none of those carrying passengers into the same ports from New York, down along the Atlantic coast and return?

Mr. RAYMOND. No, sir.

Mr. MARTIN of Colorado. What do they do then—have they just divided up the territory between themselves?

Mr. RAYMOND. No.

Mr. MARTIN of Colorado. I do not understand why there is not an explanation for this. We have got the facts, in a measure, but not the explanation as to why there is just one boat line in the coastwise trade of the Atlantic carrying passengers between New York and all these coast points around to Galveston and the Gulf.

Mr. RAYMOND. The explanation is that two would not pay.

The CHAIRMAN. I think that is a good one.

Mr. SIMS. How is it about the freight?

Mr. RAYMOND. The same.

Mr. RAKER. Will the gentleman permit a question right there? Was it drawn out in the hearings that there was an understanding between these five companies that they were not going to the same ports?

Mr. CLINE. Has my friend an idea that they are going to take the stand and admit anything of the kind?

Mr. ADAMSON. They said they had sense enough to do it without any understanding.

Mr. RAKER. This is serious. Did the committee seek to find out, or were they able to find out, whether there was a written agreement between them?

Mr. CLINE. It was a gentlemen's agreement, an agreement which does not go into writing, so that the Interstate Commerce Commission or anybody else can get hold of it.

Mr. NYE. It never does go into writing.

Mr. ADAMSON. I remind the gentleman right there that he said it was probable he would not run through the canal in competition with the American-Hawaiian Line, because it would not be prudent or advisable to compete with them, as they could handle the business.

Mr. CLINE. And I recall that some gentleman in the committee inquired whether it was possible for foreign traders to compete with local coastwise trade if they had an opportunity, and this same Mr. Raymond said: "We never have seen a time when we were not able to take care of ourselves in the business." I say it comes with poor grace for any man to stand up before an intelligent committee as the advocate and sponsor of a class of men that have been able to get together and control all the coastwise shipping of this country; and when we open up 8,000 miles of new coast lines, with the market of the whole continent for them, so that they can control them in preference to all the other nations of the world, it is not becoming for them to ask that we give them a preference in toll in the canal that cost this Government $400,000,000, when they are able, without relief from toll, to control the market.

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. CLINE. Yes, sir.

Mr. RAKER. I understand, now, from the gentleman's statement, he being one of the committee——

Mr. CLINE. I am not one of the committee. Oh, no. I beg the gentleman's pardon.

Mr. RAKER. I will change my question. From your statement and study and examination of the matter, there was no evidence to show that there was an agreement, in writing, or a favorable agreement, or a verbal agreement, between these companies as to the coastwise trade. That is a fact, is it not?

Mr. CLINE. Oh, it was not developed in the hearing, so far as I have been able to read, that there was a formal agreement. There was no evidence developed that the gentlemen running these six lines had gotten together in some office in New York and entered into a written contract that they would divide up the passenger and freight traffic among themselves, and that each of them took a copy of it and advertised their meeting in the papers. There was no evidence of that, but the fact developed that they had done so, whether in pursuance of a contract or not.

Mr. RAKER. Was there any evidence to show that anyone, or any individual or association, had been seeking or trying to do this coastwise trade, and that these particular companies now in existence were working together so as to drive them off the coast?

Mr. CLINE. Well, my friend, do you know what the Gould system of railroads in the Southwest did to some men who were undertaking to start a new, independent railroad there?

Mr. RAKER. Yes.

Mr. CLINE. That is what these gentleman are able to do. Nobody would undertake to put money into a concern when there were five or six companies that already occupied the field, with power and inclination to crush any competition.

Mr. SABATH. The evidence showed that they had bought out all the smaller companies from time to time and thereby killed any possible competition that might have existed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLINE. Let me have five minutes more.

Mr. ADAMSON. I think the interruptions that the gentleman has been subjected to entitle him to five minutes more. I think his speech itself entitles him to five minutes.

Mr. CLINE. Thank you. Now, Mr. Chairman, I wish I had time to examine the brief that I hold here, otherwise denominated the "Report of the Commissioner of Navigation."

Mr. ADAMSON. An obiter dictum.

Mr. CLINE. Yes; a brief that was filed by the Commissioner of Navigation for the local shippers of this country; a brief that no lawyer could prepare in less than two months; and the commissioner went absolutely outside the province of his official duties, that of Commissioner of Navigation, and every conclusion drawn from the gentleman's argument by himself was shot full of holes on his cross-examination before the committee.

Among other deductions he made was that if the tolls were put on American shipping it would not develop, and no shipmasters were making preparations for the Panama trade. As a complete refutation of that proposition I propose to quote from the hearings again:

The CHAIRMAN. Are you building any new ships?

Mr. RAYMOND. We built three last year; we are building two now.

The CHAIRMAN. How large are they?

Mr. RAYMOND. The ones we built last year were 5,000-ton boats; the one that is building now depends on the measurement afterwards; she will be somewhere between six and seven thousand tons.

The CHAIRMAN. Most of your ships would be large enough to do business through the canal, if you could find inviting opportunities in the Pacific Ocean, I presume, would they not?

Mr. RAYMOND. Some of them.

The CHAIRMAN. I believe it has been stated 4,000 tonnage is as small as could be economically operated through the canal. I do not know how true that is.

Mr. RAYMOND. As a practical man, I should say not less than that, and it would be better to be more.

The CHAIRMAN. With those preliminary statements, if there are any words of comfort or any assistance that you can give this committee affecting this legislation, I would like to have it.

Mr. MARTIN of Colorado. You have studied the west coast of South America?

Mr. RAYMOND. I say that we have made some investigation of it.

Mr. MARTIN of Colorado. Was that based on the theory that there would be a greater development from the opening of the canal to the west coast of South America than to the west coast of North America?

Mr. RAYMOND. No. We are in the steamship business for transportation, and it is the duty of those that manage the property, as I view it, to keep informed, and it is only as a matter of information that we are looking into this question at all, not with any definite view of engaging in it at once.

Mr. MARTIN of Colorado. But, agreeing entirely with what you say, what caused your investigation of the west coast of South America rather than the same coast of North America?

Mr. RAYMOND. That is a matter I would prefer to answer to the directors of my company and not to a public committee.

I now quote from the testimony of Mr. Dearborn, representing the American Hawaiian Steamship Co. I refer to pages 558–559, and ask the attention of the House to this convincing statement by Mr. Dearborn, the president of the company:

This steamship company has within 11 years created a fleet of eighteen 10,000-ton high-class freighters, all from American shipyards, and is building five additional steamers, and, in the belief that any canal tolls which may be levied will permit of its use, has announced that it will abandon the Tehuantepec route and divert its ships through the canal.

Why, he said, "We are going to go through the Panama Canal, and the toll question is not going to cut any figure with us, because we have done business across the Isthmus of Tehuantepec and made money, and we know we can do better, regardless of what the tolls are, through the Panama Canal.

Mr. KNOWLAND. It is true that he said the tolls did not make any difference, because they would come out of the consumer.

Mr. CLINE. Well, the tolls always come out of the consumer, do they not?

Mr. KNOWLAND. I am glad to have the gentleman admit that. The gentleman's Democratic colleagues have not admitted it.

Mr. CLINE. The freighter takes what he has to pay out of the consumer.

Now, Mr. Chamberlain proceeded to say that if you reduced the tolls you would destroy the coastwise shipping. He said that in the face of the fact that he knew that the water rate was only one-third of what the rail rate was now; and some of the members of the committee were inquisitive enough to try to find out what system of logic led him to arrive at that conclusion. I want to read three or four questions from the hearing. The first it this:

Mr. MARTIN of Colorado. My question is, How will the Panama Canal tolls destroy the American coast-to-coast trade, which shipping has an exclusive and absolute statutory monopoly?

Mr. CHAMBERLAIN. My reply thus far, Mr. Chairman, has been, first, I understand that this proposed canal toll is the first peace tax on interstate commerce. My second suggestion was that it is the first instance where Congress undertook to impose, in form at least, a tax on American vessels—of course, foreign vessels too, but this discussion is confined to American vessels—for using improved waterways and canals.

The CHAIRMAN. I understand he wants you to answer a concrete question as to how the tolls will affect the shipping.

The question that was put up was how the tolls would affect the shipping. The answer was:

Mr. CHAMBERLAIN. I can not get at that, Mr. Chairman, by yes or no.

Mr. MARTIN of Colorado. I want to know how tolls are going to have that result.

Of course our good friend the gentleman from California [Mr. KNOWLAND], who championed the commissioner, was beginning to get restless in his seat by that time, and he said:

I think the witness should be allowed to answer in his own way.

Of course, the witness had not been attempting to make any answer yet.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ADAMSON. I yield two minutes more to the gentleman, as he has been interrupted.

Mr. CLINE. Then the chairman of the committee put this question:

The CHAIRMAN. Now, as to the effect which charging tolls would have in killing American merchant marine, I would like to have the explanation how that is possible.

Observe the mental agitation that the gentleman from California was going through at that time.

Mr. KNOWLAND. The commissioner was able to take care of himself all right.

Mr. CLINE. Every point that he undertook to sustain in his brief was abandoned by his own testimony.

Mr. KNOWLAND. That is the gentleman's opinion.

Mr. CLINE. It was the opinion of every man around the table, and it was the opinion of the gentleman from California, or he would not have interjected those interruptions.

Mr. KNOWLAND. I did not want answers put into his mouth. That was all I objected to.

Mr. CLINE. He ought to have had some answers put into his mouth. Now, listen to the embarrassment of a man at the head of the Bureau of Navigation of this country, who had spent months in preparing this brief. Hear what he says:

Mr. CHAMBERLAIN. This is getting to resemble, if I may be allowed to make the remark, the wireless interference with which we are dealing in another committee, etc.

Mr. KNOWLAND. You do not finish reading his answer.

Mr. CLINE. The rest of it is just like what I did read. There is no ground for the proposition. Now, just one word more, to say that the man who did more to construct the Panama Canal and had more to do with it than any other living man, Mr. Roosevelt, said in the February number of the Outlook that the tolls must be paid at the canal and there must be no discrimination.

Mr. RAKER. Is that going to settle the question?

Mr. CLINE. I hope not, but in reply to the suggestion that because other countries may appropriate tolls and therefore we ought to abandon the treaty, I have to say that we can not interfere with the local legislation of another country; we do not go to the German Reichstag, or the British House of Commons, or the French Chamber of Deputies, to see what they wish to do with reference to the toll question on this canal, but when their vessels approach the canal they must surrender to the conditions laid down in the Hay-Pauncefote treaty, which I believe this Government will enforce to the full letter. [Applause.]

Mr. KNOWLAND. Was the article in the Outlook signed by Mr. Roosevelt?

Mr. CLINE. It was on the editorial page, and I suppose he was responsible for it.

Mr. KNOWLAND. He denies any such statement.

Mr. CLINE. Where does he deny it?

Mr. KNOWLAND. He denied it through a California friend.

Mr. CLINE. Is his denial in print?

Mr. KNOWLAND. No; it is not in print, but it is over his signature.

Mr. CLINE. Put the canal on a business basis instead of upon a gratuity plan. Shipping corporations that can not pay a reasonable toll and do business can not do business if the toll is remitted. It is conceded that if the tolls are assessed it will not be detrimental to the shipping interests because the consignor will be assessed the additional amount; it is also agreed that if the tolls are remitted that the shipping concerns will get the gratuity and not the shipper or the consumer, because in the distribution it would be inconsequential and for the further reason that the rates will be kept to the limit that the business will carry.

This great Government has been good to the coastwise trade. It has shut out the foreign shipper from our local business, and properly so, and given the coastwise shipper a monopoly of the business. We have taxed this great people four hundred millions to open up 8,000 miles of additional coast line for them, and given them a position so that they could control vast fields of new business, amounting into the hundreds of millions annually. Not satisfied with that exhibition of generosity by a great Government, they "abuse our patience" by dividing up all the business on the Atlantic seaboard among themselves so as to eliminate all fair and honest competition to which the people who made this contribution in their interest are entitled. With these concessions handed over to them without money and without price, with the command to go forward and do the trade well-nigh of this Western Hemisphere, they have the unspeakable nerve to ask us not only to go down into our pockets and pay the interest on the immense debt, to pay the running expenses and the cost of constantly protecting and providing this great pathway for their business, but they demand that we pay for them the price of passing through this canal.

I wish, in closing, to refer briefly to the statement of the minority. One of the most remarkable statements in this controversy is contained in the opening page of its report. This is the language:

This great canal, built for the American people by American money, genius, and enterprise should be forever a free and untrammeled competing route with transportation by land.

Mr. Chairman, that is the kind of a half truth stated as the basis of an argument that carries in its form the virus of a willful misstatement. The Panama Canal is not fully an American canal, though built with American money. Let us be candid in this discussion. It belongs to the commerce of the world. To its use and its protection are applied the principles of international law. It is not a waterway within our own States and territory wholly under our jurisdiction without any limitation whatever. Before we built the Panama Canal we went into a foreign country and invoked the highest constitutional power under this and another Government in a formal negotiation with a distant sovereignty for the mere right to enter upon such an enterprise. We were compelled to go from that sovereignty, which imposed limiting restrictions upon us, to another Government separated from us also by a foreign State to obtain further consent and engage in additional reciprocal obligations before we could begin. Those conditions absolutely distinguish the Panama Canal from a mere domestic improvement. A companion statement to the one above is the further observation that—

It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because the American vessels are accorded the same treatment in the use of the Welland Canal.

That is not a correct statement of the fact. We use the Welland Canal without toll and the Canadians use the Soo Canal without toll, not because of any reciprocal arrangement, but because the right is fixed by treaty stipulations and on no other grounds. If the Canadian Government attempted to charge American vessels a toll for passing through the Welland Canal, our vigorous protest which we would immediately make would be based upon our stipulations in our treaty with them and upon no other grounds and not upon the fact that they were using, free of toll, the Soo Canal.

When we arranged with the Panama Republic for the right to build the canal they had it in their power to prescribe the terms upon which we might enter upon such an undertaking; they did it and we acceded to those terms and now we should obey them. Every declaration made not only by the President, but by Mr. Roosevelt when he was President, declared the enterprise to be international in its intended use.

But gentlemen themselves do not agree as to the method in getting the money out of the Treasury. Some of them who want this subsidy, like Mr. Lewis Nixon, of New York, and his associates, have no regard for treaty stipulations. They would create a stampede for the tolls, regardless of our treaties. They would break down all barriers, if they are correctly reported in the press, wipe out all agreements, and appropriate the necessary money. I do not believe in that sentiment, Mr. Chairman, even if there is some popularity for it in the country. I do not believe in a doctrine if a legislature gets in the way, brush it aside; if the courts get in the way, brush them aside; and if you get a decision on a constitutional question that does not suit you, go down to the corner grocery and reverse it. I believe in the integrity of this Government in all of its undertakings. As I said, there are men in high authority who wish to make a feint at a compliance with the terms of the compact. Secretary of War Stimson, this year, at Kansas City, before the Commercial Club, discussing the toll question, said:

I think the United States has a clear right to appropriate to the vessels, paying the same sum paid into its Treasury by these vessels in the form of canal tolls.

That statement is very wide of the real question. What is the real proposition involved, anyway? Stripped of all its subterfuge, its sophistry, its buncombe, it is the unmasked stalking horse for ship subsidy that has so frequently been driven out of this Capitol, only to return again at the next session under a different guise. The time has passed when this Government proposes to grant a gratuity to private interests—to cooperating capital—that already skulks in the shadow of a prosecution for violating the Sherman antitrust law. It will refuse to be a party to such combinations to fasten a tighter grip on the business of the country by way of the Public Treasury. Such indirect appropriations to these masterful institutions are wrong in principle, and the injustice can not be cured by taking the circuitous route suggested by the Secretary of War. I submit that the language of the President in his late message on this subject is open to the same objection, both in its tone and in its conclusion. This is his language:

We own the canal. It was our money that built it. We have a right to charge tolls for its use.

It does not follow, simply because we have the sheer power to do these things, that we are not hedged about by certain limitations. We have a right to charge tolls, but not to discriminate in making the charges; and the President admits our contention, in the further discussion of the matter, in the use of this language:

These tolls must be the same to everyone; and when we are dealing with our own ships the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls and equivalent remission of the tolls can not be held to be a discrimination in the use of the canal.

This is an unworthy subterfuge to milk the Public Treasury, and the statement is not in harmony with the facts. No great commercial nation, either Germany or England, our greatest competitors, votes a subsidy to their commercial and merchant vessels except in the nature of mail subsidies or as subvention to certain naval lines, both of these services being a public service and not a private enterprise.

Mr. ADAMSON. I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I have prepared with some care a discussion of a very important, and in my opinion the most important, question in connection with the Panama Canal, a question that perhaps is not entirely pertinent to the legislation before us, to wit, the question of fortification of the canal. I do not intend to inflict that discussion on this small, but select audience. At some future time I hope to have the opportunity to show what monumental folly it is and will continue to be to attempt to fortify and protect this great waterway with 16-inch guns and bayonets. Of all the errors that the American people have fallen into, or that they are liable to fall into, I think none can be more profound than that of attempting to create of the Isthmus of Panama a heel of Achilles, a point which every foreign enemy which we shall ever have in all our history will strike when it is entirely practicable to protect the canal without a gun and without expense.

I hope, when the appropriation bill is before the House, to have an opportunity to discuss that question at length.

It has been suggested that we have already entered upon the plan of fortification of the canal, and therefore it is useless to discuss that question. We have already wasted a million or two down there, and we have in all a $3,000,000 appropriation to draw on. But no question is ever settled until it is settled right. I do not hope that anything I shall say will prevent this Congress from making another appropriation, but I do believe that before that appropriation is used the American people will wake up to a realization of the folly of attempting to protect the canal with guns.

Gentlemen have noted that all those who have discussed the canal have talked about its neutralization, and yet we propose to plant 16-inch guns at each end of it, and talk about a fortified canal being a neutralized canal.

Failing in the opportunity of discussing at such length as I should like to the question of fortification, I did not intend to enter into this discussion at all, and I would not have done so except for the astounding fact that gentlemen who represent the localities of the organizations to be directly affected seriously urge the proposition that the American people, who have spent $400,000,000 in the construction of this great waterway, shall give to the chief beneficiaries of it for all time the opportunity of going through it without even paying for the grease used in turning the gates of the locks. [Laughter and applause.]

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Is not it provided in the subdivision 7, article 2, of the Hay-Pauncefote treaty that no fortifications shall be erected commanding the canal or adjacent territory?

Mr. MONDELL. I regret I have not time to discuss the treaty at length. I base my argument not at all upon our treaty rights, because I have discovered with regard to fortifications, as we have discovered within the last two days in regard to the question of tolls, that there are a considerable number of gentlemen who in this matter are in the attitude of the gentleman from Texas who inquired, when the suggestion was made to him that the Constitution stood in the way of a certain measure he favored, "What is the Constitution between friends?"

Mr. ADAMSON. He was from New York.

Mr. MONDELL. Well, wherever he was from, he represented very clearly the attitude of the gentlemen from the Pacific coast, and to some extent from the Atlantic coast, who, in the face of opportunity to do something for a few of their constituents, are willing to say, "What is a solemn treaty obligation in the presence of an opportunity to grab something?"

And so I shall not, in the brief time that I have to discuss the question of tolls, talk about our treaty obligations, though they are writ so plain that a wayfaring man, though he be a fool, can not fail to understand them if he wants to have these obligations carried out. [Applause.]

Every line, every syllable, every word, of all that has been done from the beginning with regard to this canal pledges this great Nation to equal opportunities and equal treatment to the ships of all flags and citizens of all nations.

Mr. RAKER. Will the gentleman yield right there?

Mr. MONDELL. Yes.

Mr. RAKER. The gentleman has given the subject a good deal of thought——

Mr. MONDELL. I have not, as a matter of fact, for I did not intend to discuss it.

Mr. RAKER. There are just two questions that I have been intending to ask the gentleman. First, under the Clayton-Bulwer treaty of April 19, 1850, if a private individual had built the canal, under the provisions of that treaty all foreign powers would have had an equal right to go through the canal. That is conceded, is it not?

Mr. MONDELL. I did not catch the gentleman's question; I was otherwise engaged.

Mr. RAKER. Under the Clayton-Bulwer treaty of April 19, 1850, if a private individual or a corporation had built the canal, and built it under its provisions, they would have been entitled to equal and exact treatment—every nation—would they not?

Mr. MONDELL. I have not the treaty before me, but we are not building the canal under the Clayton-Bulwer treaty; and, in any event, I am not discussing treaty relations, because the gentlemen from the Pacific coast do not seem inclined to regard the treaties anyway.

Mr. RAKER. Will the gentleman give me three questions, and I will quit? If that is conceded, if this private individual or corporation had built the canal, will the gentleman from Wyoming say they could not have run a line of ships through this canal?

Mr. MONDELL. I have not conceded anything. I have not the time in the very brief time I have to discuss the treaty relations.

Mr. STEVENS of Minnesota. Does the gentleman from California think that under the treaty and his statement that a line of ships having a flag of some nation would not be treated the same as every other ship?

Mr. RAKER. No; but if this private individual or corporation had built the canal would not he or it have been entitled to run a line of ships through it?

Mr. STEVENS of Minnesota. They would have to fly the flag of some nation or they would be considered pirates. If they had the flag of any nation, then they must be treated just exactly as ships under the flags of any other nation. The gentleman seems to assume that a man can be a pirate, just as all of these people do.

Mr. RAKER. Suppose they were flying the flag of America, then they would have gone through the canal without paying any tolls.

Mr. STEVENS of Minnesota. No; the gentleman is wrong, as most of his class are in that respect.

Mr. MONDELL. Mr. Chairman, I am very good-natured, but, really, my time is very brief.

The CHAIRMAN. The gentleman from Wyoming declines to yield further.

Mr. RAKER. No, Mr. Chairman, he has not declined to yield. Just one more question and I am through.

Mr. MONDELL. I will say to the gentleman again that I do not propose to spend a lot of time going into a detailed discussion of what the Clayton-Bulwer treaty proposes; nor do I intend to discuss at any length what the treaty under which we are working provides, although I do say that in my opinion that treaty prohibits us from preferential tolls; but realizing that treaties and treaty obligations seem to have no weight whatever with the gentlemen on either coast, I am going to discuss the question of tolls from an entirely different standpoint, and the

opinion is that there is not a word nor a line in any treaty—Bulwer-Clayton, Hay-Pauncefote, or Panama—that gives us the right to do what the gentleman desires we shall do with regard to American shipping.

Now, Mr. Chairman, furthermore——

Mr. RAKER. Mr. Chairman, I do not want to interrupt, but I have been seeking from the gentleman on this question at least an answer to this matter, and I think that this House ought to be able to get it and somebody ought to be able to give it to us, even if it does take a little time.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Mr. Chairman, my time is limited——

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. Mr. Chairman, I am not entering upon a discussion of treaties. The gentleman and those who agree with him have had an infinite amount of time in which to discuss our treaty obligations, and they have ended their argument in this way: The gentleman from California [Mr. KNOWLAND], who sits near me, closed his argument with a statement that whatever our treaty obligations were or might be, they should be construed in favor of the proposition for which he stood, and the gentleman from Washington [Mr. HUMPHREY] wanted to know by what right the Secretary of State and the Senate of the United States had made a treaty under which we could not give preferential rates to American shipping. That is the way the gentleman's side has treated this question; and as they propose to flaunt treaties and are ready to trample upon them, I shall place my argument entirely upon the question of the propriety of doing the thing. If they insist upon it, I will admit, for the sake of argument, that all of the treaties, every one of them, have written across them in letters a yard high a statement that you can grant preferential tolls, and still I say it should not be done. [Applause.]

Mr. KNOWLAND rose.

Mr. MONDELL. Mr. Chairman, I am sorry that I can not yield.

Mr. KNOWLAND. But the gentleman does not want to misquote me.

Mr. MONDELL. I did not misquote the gentleman, because almost the gentleman's closing words were that whatever we might think about the treaty we should resolve any doubt with regard to it in favor of the policy that he proposes.

Mr. KNOWLAND. I said if any doubt existed——

Mr. MONDELL. Then I will let it stand at that.

Mr. KNOWLAND. I want to say in that connection that every department of the United States Government that has written or passed upon this question maintains that we have that right under the treaty.

Mr. MONDELL. Oh, Mr. Chairman, the gentleman does not expect me to accept that statement as being true.

Mr. STEVENS of Minnesota. Mr. Chairman, I can not let that statement of the gentleman from California go unchallenged. I think the contrary is true, that every department of our Government that has construed these words has construed them exactly in the opposite way from the contention of the gentleman from California.

Mr. KNOWLAND. What department is there that has done that?

Mr. STEVENS of Minnesota. The Department of State, the records of this House, the records of the Senate——

The CHAIRMAN. The gentleman from Wyoming declines to yield. The gentleman from Wyoming has the floor.

Mr. ADAMSON. Let me make a suggestion; I will yield the gentleman another minute; the members of the committee who have studied this question and taken precedence in place for debate have opened themselves to the questions of their colleagues and have invited the most scrutinizing interrogations. When we yield time to gentlemen who are not on the committee and who do not profess to be able at all times to answer any of these questions and have only a limited time, I do insist that they ought to be allowed to utilize the time given them.

The CHAIRMAN. The Chair thinks there can be no question of the fact that a gentleman can refuse to yield if he desires to do so, and the gentleman from Wyoming refuses to yield.

Mr. MONDELL. Mr. Chairman, I want to be courteous, and I would be glad to answer these questions if I had the time. I started out with the proposition I did not propose to discuss our treaty rights, and immediately the gentlemen from California, who are in favor of trampling our treaty rights under foot, want that question discussed. That is the question they want discussed now, though they have had hours to discuss it. I propose to show how outrageous it is without regard to treaty

As far as treaty rights are concerned, I say again that the first paragraph of section 3 of the Hay-Pauncefote treaty makes it so plain that any man who wants to interpret it fairly can not fail to interpret it as against the proposition laid down and advocated by the gentlemen from California, but whether that be true or not this is the proposition: We have spent $400,000,000 of the money of the American people. To do what? To reduce by 8,000 miles the distance from San Francisco to New York, and approximately that distance between the Atlantic and the Pacific seacoasts generally. To reduce by 25 to 35 days the sailing distance between the Atlantic and Pacific coasts; to reduce by one-third to three-quarters the cost of shipping from the Atlantic to the Pacific coast, and yet gentlemen from the Pacific coast stand here, the Pacific coast that has been voted in this House an opportunity to celebrate the completion of that magnificent work, as the gentleman from Washington did to-day, and talk about our doing nothing for American shipping by this great outlay and suggesting that nothing will be done unless we give coastwise shipping the right to pass through the canal free, taxing all the American people for all time to come for its care and its maintenance. To-day you can not ship oranges from Los Angeles to New York for less than $26 to $28 a ton——

Mr. RAKER. Do you want to know why?

Mr. MONDELL. They can not be shipped around the Horn at all under ordinary conditions. They can be shipped through the Panama Canal for $8 or $9 a ton without any regard to what the rate of toll may be, and yet the gentlemen from the Pacific coast are here saying to us that after having given them the opportunity to reduce freight rates $20 a ton the people of the United States generally shall pay for putting those ships through the canal. Every case that has no foundation has to have a bogie man, and this case has its bogie man, and they attempt to stampede gentlemen by saying, at the beginning of their argument, this is a question of the people as against the transcontinental railroads. No argument to prove in what way the transcontinental railroads are interested, no argument in support of the assertion but that bare statement reiterated and wrung in in all its changes in the hope that somebody will be stampeded by it. It is a question between a few favored shippers and the people of the United States. To all intents and purposes, so far as 95 per cent of all the shipping that will go through the canal is concerned, there is absolutely no such thing as competition between the steamships through the canal and the railways across the continent. There can not be any competition. How can there be a competition between the railway traffic at $12 to $25 a ton and traffic through the canal at $8 or $9 at the most? The only competition there will be and can be for the bulk of the business is the competition between the steamships themselves.

The building of this canal, the expenditure of our millions, has given the Pacific coast an opportunity such as never came to a community in all the tides of time; but, not satisfied with this, they want to load upon the people of the United States generally the cost of taking their ships through the canal. The Panama Canal is a glorious monument to American genius, to American industry, and it will be beneficial to all the country in a way. It is our pride and our glory, both those of us who dwell in the interior as well as those who dwell on the seacoasts, but the benefits in the main will come to those who dwell upon the two coasts and in the vicinity of them, and heaven knows they are getting quite enough out of this canal, without calling upon the people of the country generally to pay the cost of its operation. Carried to its logical conclusion, the argument of the gentleman from California [Mr. KNOWLAND] would amount to this, that if the Government were to condemn and secure ownership of a piece of railway somewhere the shipper who might use that piece of railway for his particular traffic should have the right to run over it without cost. Built with public money, why should not the public have the benefit of it, or the particular part of the public that he represents?

The argument is made that this is part of our coast line. It is in no sense a part of our coast line. The argument is made that, being a part of our coast line, in the sense that traffic from one coast to the other passes through it, therefore it ought to be free, as all our waterways are free. Our waterways are free, and the country generally receives a benefit of the remission of all charges.

But here is a great work far from our coast line, the great benefit of which, however, will accrue to those who have the monopoly of coastwise trade. As a matter of fact, it would be perfectly just to charge shipping from the Atlantic to the Pacific and from the Pacific to the Atlantic coast of the United States

it would not cost any American citizen, except the man who owns the ships, a dollar.

Gentlemen have argued in favor of these lower rates on the theory that the American people were going to get the benefit of the remission of tolls, but they have not given us a single argument to prove that contention—not one—and any man who has given the matter any study at all knows perfectly well that the shipper never will know the difference between a toll of $1.25 a ton and no toll at all.

Mr. CLINE. Or the consumer, either?

Mr. MONDELL. I thank the gentleman. The shipper at the one end and the consumer at the other will never know the difference. I know there are a few large shippers in addition to the owners of steamships who desire to enjoy this graft—a few large shippers of automobiles, and such things—who think they will get some sort of benefit from free tolls. They never were more mistaken in their lives. Does anybody imagine that an automobile shipped from Detroit will be landed in San Francisco any cheaper because of the remission of $1.25 a ton toll through the canal? And if that were true, does anybody imagine that the man who bought the automobile would ever know from the price he pays whether it went through the canal or went across by the railway?

Mr. NYE. If, strictly speaking, the cost is paid either by the consumer or shipper, or both, naturally and logically should not the commerce itself pay the cost of the improvement for the benefit of commerce?

Mr. MONDELL. That is very largely true. Or, putting it another way, have not the American people done quite enough for the commerce between the Atlantic and the Pacific seaports when they have shortened the distance 8,000 miles, shortened the time 26 days, and shortened the rate by one-half or two-thirds? And should not the people interested at both ends—both the shippers and the consumers and the steamship people—be satisfied with that splendid gift from the American people and not ask them for all time to come to furnish them a free passage through the canal? [Applause.]

There has been a great deal of declamation in regard to this. Why, one gentleman said, "Why do we spend four hundred millions of our money and get no benefit?" I blush for an American citizen who feels that way. Have we not done a good deal for the commerce of the country when we have shortened the distance as we have, shortened the time as we have, and reduced the cost as we have? And how much more do these gentlemen want the people of the United States to do to benefit their particular section and to benefit particularly a few steamship owners in their locality? For, in the long run, they are the only men who will be benefited.

The gentleman says few, if any, steamship men came before the committee and demanded a remission of tolls. Why, certainly not. No intelligent steamship man would have the nerve to come before that committee and stand the cross-examination he would have to stand there in the attempt to make his case. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ADAMSON. Mr. Chairman, if the gentleman from Louisiana [Mr. BROUSSARD] has no other speaker yet, or the gentleman from California [Mr. KNOWLAND] has no speaker, I will yield the balance of the time this evening to the gentleman from Missouri [Mr. HAMLIN], a member of the committee. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is recognized for 58 minutes.

Mr. HAMLIN. Mr. Chairman, I will assure the committee that I do not think I will tire it by taking too much time to-night. This is a great question, and I would like to be able to discuss it at some length, but the ground has been covered so thoroughly that it would seem there is not much left for me to say.

I have been here for several years, and I do not hesitate to say that I never heard any debate that has displayed as much real ability as has this debate yesterday and to-day. I feel that it is due the chairman of the committee which reported this bill [Mr. ADAMSON] to say that he started this discussion off by making one of the few great speeches that I have heard on this floor. [Applause.] And certainly the ranking Republican Member on the committee [Mr. STEVENS of Minnesota] did not fall one whit behind him. [Applause.] Neither does the gentleman from Wisconsin [Mr. ESCH], another member of the committee, who spoke to us this morning, suffer any by comparison. [Applause.] And I might go on down the line and say the same thing of the other gentlemen who have spoken on this question and not be accused of throwing bouquets at anybody. I believe

great debate.

The ground has been thoroughly covered, and I confess my inability to measure up to the standard that has been set, but I do not want this occasion to pass without saying a few things in relation to this great question.

We are about completing what ought to be and doubtless will be regarded as the eighth wonder of the world. I had read a great deal about the Panama Canal, and I had seen pictures of it and talked with parties who had visited the Isthmus. I thought I had a very good conception of that wonderful undertaking. But last winter I went with the committee down to the Isthmus and very carefully inspected that wonderful piece of work, and it was so much greater than I had anticipated or thought that it almost staggered my comprehension. Rivers and mountains have been defied. A great ridge has been thrown from hill to hill across the Chagres River—they call it the great Gatun Dam. Locks have been provided whereby great ships may be hoisted 85 feet in the air and sent 35 miles on an artificial lake and then dropped to the ocean level and sent on their way across the Pacific Ocean—an accomplishment which is a monument to American engineering. France failed in the undertaking. Eminent foreign engineers said it was impossible to construct a lock canal. It remained for American genius, for a man born on American soil, to go down there and overcome those difficulties and give mankind the greatest piece of work the world has ever seen. [Applause.]

And your committee in attempting to bring about legislation for the control and management of this canal has been prompted by no other purpose than to introduce and present to this House legislation such as we think ought to be adopted in order to properly operate, control, and protect this great canal.

It is not necessary for me to attempt to discuss any portions of this bill except section 5. All the other sections seem to be practically agreed upon. It is true that my colleague from Missouri [Mr. BORLAND], who spoke to the committee to-night, did raise some questions about giving preferential tolls to ships other than those engaged in the coastwise trade, but he was outside of the contention made by the Members who have filed a minority report, and I presume that the committee is not giving any serious thought to his contention. The opposition, or rather the nucleus for the opposition, is made up of those Members who signed the minority report. That report is signed by my friend from California [Mr. KNOWLAND], and by the gentleman from Michigan [Mr. DOREMUS], the gentlemen from New York [Mr. CALDER and Mr. GOLDFOGLE], and the gentleman from Louisiana [Mr. BROUSSARD].

Of course these gentlemen are in favor of free tolls for our coastwise vessels from principle, but it is an interesting coincident that they each reside in the section of country near where the coastwise vessels are active.

My friend from Michigan [Mr. DOREMUS] can, without leaving the soil of his native State, paddle his feet in the limpid waters of either Lake Michigan, Lake Huron, or Lake Erie. My friends from New York City [Messrs. CALDER and GOLDFOGLE] can, without leaving their dooryards, look out on "Liberty enlightening the world." My friend from Louisiana [Mr. BROUSSARD] hails from a State the southern boundary of which ebbs and flows with the tide on the Gulf of Mexico. And my friend from California [Mr. KNOWLAND] knows the alligators and crocodiles in the Pacific Ocean by name.

The gentleman from Michigan [Mr. DOREMUS] opened up the debate for those representing the minority report, being put forward as their spokesman, and I am willing to state that they made no mistake in selecting him as their advocate, for he did himself proud.

But I think he unconsciously—because I do not believe he meant consciously to do it—was hardly fair in his statement, for he sought to put the majority members of the committee in a position which they are not entitled to occupy. You will read between the lines an intimation, at least, that the majority of the committee had a little too much consideration, perhaps, in reaching their conclusions for the transcontinental railroads in this country, and I am quite sure that the gentleman knows, and every gentleman on the committee knows, that there was nobody that stood more firmly against railroads owning steamships that would prevent competition through the canal than the men who are standing for the majority report at this time in this House. [Applause.]

I want to call attention just in connection with that to one statement that he made, and in doing that I will jump a little bit ahead of what I intended to say in the regular order. I quote from the gentleman from Michigan [Mr. DOREMUS]. He said:

> I am opposed to allowing the Wall Street parasites to dictate the policy of Congress.

I believe that is true, but why are you standing here pleading for free tolls for coastwise ships? Wall Street wants free tolls for the coastwise trade. They finance these coastwise ships, and it is Wall Street that wants free tolls as much as the owners of these ships. Are you not playing right into the hands of Wall Street?

I am not in favor of permitting Wall Street to dictate to Congress how it shall shape its legislation. I do not charge for one moment that the gentlemen signing the minority report were influenced by Wall Street, but I only call attention to the fact that the evidence was adduced before the committee that Wall Street did finance the building of these ships, and the contention of the gentlemen who are in favor of free tolls, if it amounts to anything, is that they want free tolls in order to encourage the building of more ships, and in that contention they are in entire accord with Wall Street.

Mr. KNOWLAND. Will the gentleman yield right there?

Mr. HAMLIN. I will.

Mr. KNOWLAND. It is the intention of the minority, at least of "the gentleman from California," to keep out the Wall Street ships controlled by railroad interests.

Mr. HAMLIN. And in that the gentleman from California and myself entirely agree; but I say these ships are financed by Wall Street, and Wall Street wants free tolls, and so do you. I am not charging that gentlemen were prompted by any wishes of Wall Street, but in this instance they find themselves in accord with Wall Street. In the last analysis you want more ships, do you not, in the coastwise trade? The evidence before the committee is that they are financed in Wall Street, and you can get them financed more easily by enacting the legislation that they want; and, in addition to other things, they especially want free tolls.

Mr. KNOWLAND. That is only as far as the Pacific Mail was concerned.

Mr. HAMLIN. Oh, it applies to all ships built in this country.

Now, Mr. Chairman, I want to call attention to one thing that seems to have been overlooked in this debate, and that is this fact: We have been proceeding in this argument apparently upon the theory that the Government owns the Panama Canal. In one sense that is true. In another sense it is not at all true. Do not mistake my meaning. It has been said upon this floor publicly and privately that because the Government of the United States owns this canal it has a right to discriminate in favor of American ships and ought not to charge tolls to its coastwise vessels. That is not absolutely true. I concede that if we were to build a canal from Chicago down to the Mississippi River, which we are contemplating, and I hope we shall build some day, that being wholly within United States territory, wholly within our control, the concern of no other nation upon the face of the earth, we would have a right to discriminate in favor of our own ships or the ships of any other nation, and I have no doubt we would not charge any tolls to American ships throught that canal.

But by what right are we on the Isthmus of Panama? We are outside of the territory of the United States. We have gone into a project at a place that we would have had no right to go if the other nations had objected; and knowing that fact, we first obtained the consent of certain nations by solemn treaty permitting us to go and build there a canal. And while we speak of owning it, and in a general way we do own it as far as controlling it is concerned, it is my judgment that if we should to-morrow conclude that this canal proposition was an absolute failure, and should pull up stakes and leave it, and go away and abandon it, we would then have no more right there than if we had never gone upon the Isthmus. If we owned it in the sense that you own your farm or your house and lot, it would be ours whether we abandoned it or whether we did not. But we do not so own the Canal Zone.

Mr. RAKER. On what theory does the gentleman reason in that way?

Mr. HAMLIN. On the theory that we have no rights there except such as we have acquired by treaty. The gentleman must understand that if we were to abandon that project and go away from there we would lose all our rights down there. It would certainly revert to the Republic of Panama. We could not sell and transfer our sovereignty to that Canal Zone now without the consent of the Republic of Panama.

Mr. STEVENS of Minnesota. Are there not provisions in both treaties that substantially carry out the contention of the gentleman from Missouri? I refer to section 4 of the Hay-Pauncefote treaty and section 1 of the Panama treaty.

Mr. HAMLIN. There is no question about it, and I want this committee not to fail to get that idea into their heads. Then I think we can see why it is that we are not able to discriminate in favor of American ships in Panama, as we could do if that canal was built within the limits of the United States.

Let us see what our rights down there are. Some gentlemen say, as my friend from California in substance said the other day, that even if we have this kind of a treaty, it is a foolish treaty, and in substance that we ought not to observe it, that we ought to ignore it. I say that all the reasons in the world, moral and otherwise, bind us to that treaty, because the only right under heaven that we have down there is by virtue of that treaty. In that sense we own the canal, and in no other sense in the world do we own it.

Another thing: I believe that the treaties in this case are binding upon us. I am not going to tire you by going all over that again.

I just want to call your attention to one or two things in this treaty. Here is the proclamation following one of the treaties:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive rights of providing for the regulation and management of the canal.

Now, if we had bought that land, and had a fee-simple title to it, we would not need to get a treaty from any other nation in order to build that canal. We could do with it just as we pleased. But we never got that, and we do not have it to-day. You must not get it into your minds that we absolutely own that zone 10 miles in width across the Isthmus.

Now, listen to the conditions:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say—

And it points out specifically that—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

Now, do you tell me that under the conditions I have mentioned we did not agree that we would not show any discriminatory rates in favor of our own ships? But a gentleman said to me to-night, "Suppose we owned a railroad, do you tell me that we would not have a perfect right to transport property on that railroad free and not charge for freight, and yet charge other shippers freight rates for shipping their stuff?" That is just exactly where the mistake is made in this proposition. We can put Government ships through the canal without the payment of tolls, but we have no right to put John Smith's or Bill Jones's ship through there simply because he happens to be an American citizen. [Applause.]

Mr. RAKER. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. RAKER. The lines found on page 2, commencing at line 21, are as follows:

The President is authorized to acquire by treaty with the Republic of Panama any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and may, in like manner, exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

If the Government, under the provisions of this bill, should abandon the title to all of the lands within the Canal Zone not now owned or claimed in private ownership, does the gentleman contend that we would not be in a position to dispose of the land and property as we saw fit, even if the canal was not built or was not used?

Mr. HAMLIN. These gentlemen have this mistaken idea, that we may acquire additional lands by treaty or exchange by treaty, but when we acquired the zone 10 miles wide across the Isthmus by treaty there were private individuals who had some claims against the Panama Government. Of course, these people could not be robbed of their rights; somebody must pay them or they would be robbed of their property.

Now, in making provisions for depopulating the zone, we believe it is necessary for the Government of the United States to own all the land, and then if my friend from Indiana has a home down there the Government can not dispossess him without paying him something for his improvements and his rights, whatever they may be there; but that does not give us any greater rights than we got out of the treaty.

Mr. SABATH. If a man owned a title to the land, it would not give us any greater right than we got by treaty.

Mr. HAMLIN. No; we hold the strip of land in perpetuity by virtue of the treaty, and if we acquired every foot of land, so far as private ownership is concerned, and then abandoned the project, or moved away, it would go back to the Panama Government.

Mr. CLINE. We got the land under the treaty for a certain purpose and the limitation was set out in the grant.

Mr. HAMLIN. Certainly; and I am glad the gentleman called my attention to it. We got the land for a certain purpose, and that was a public purpose. We did not build the canal for the United States alone; we built it for the world, and the world has got an interest in it, in a way. There is no question about it, and we could not handle it as we could a canal wholly within the jurisdiction of the territory of the United States.

Here is the proposition in a nutshell, on our right to collect tolls or not collect tolls on coastwise trade: It seems to me that your representative who opened up the debate for you on this proposition, who fired the big gun—and I make no invidious comparison—gave your whole case away in answer to a question by the gentleman from Minnesota the other day. I refer to the gentleman from Michigan [Mr. DOREMUS]. On the right to collect tolls, Mr. STEVENS of Minnesota asked him this question:

Mr. STEVENS of Minnesota. Section 8 of the general bridge act provides that any company desiring to use a railroad bridge, built under the railroad-bridge act, shall pay for it, the same as is provided by the law under which the Panama Canal was built; that is, we authorize a railroad that builds a bridge to charge for the use of it in interstate commerce.

Mr. DOREMUS. Yes.

Mr. STEVENS of Minnesota. So that this Congress does authorize charges, levies tolls, and imposes taxes in interstate commerce, does it not?

Mr. DOREMUS. Yes. The gentleman is entirely right. The mistake he makes is in confusing a proposition of that kind with the Panama Canal, which is a Government-owned proposition, and the tax proposed to be imposed is a Government-imposed tax. If they had proceeded under the old Clayton-Bulwer treaty and permitted an American company or private individuals to build the canal, of course everybody would have had to pay tolls for the use of the canal. But this is an entirely different proposition. The canal is not being built by a private corporation. The Government simply permits a private corporation to charge a reasonable toll for the use of the improvement.

Is that the proposition you stand for—that if we had permitted, as we could have done, the building of this canal by a private corporation that then you would not be here asking the Government to compel that private company to give to your ship-owned companies these tolls, but because it was the people of the United States who built the canal you are ready to make a raid upon the Treasury and say that we must give up these tolls, that it is an outrage, an infamous outrage, to impose upon the traffic a toll charge of a dollar or a dollar and a quarter a ton? If it were some private corporation and you were dead sure that it would go into the pockets of some private concern, you concede the right of that concern to charge toll through that canal. You forget the interest of the poor consumer, for whom you have shed crocodile tears here the last two days for fear that the Government will charge toll there that may ultimately be paid to the consumer; but if it shall be paid to the private corporation, you do not contend it ought not to be charged.

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. KNOWLAND. I presume the gentleman is very much in favor of the project of a deep waterway from the Lakes to the Gulf?

Mr. HAMLIN. I think I should be glad to see that built.

Mr. KNOWLAND. If that is constructed, we will have the right there to impose a toll, which a private corporation probably would do. Is the gentleman in favor, if that waterway is completed, of imposing a toll? It does not benefit the people on the coast.

Mr. HAMLIN. Mr. Chairman, when we get to that proposition, if the gentleman from Missouri [Mr. HAMLIN] is then in Congress, he will try to deal with it as it seemeth best to him. At present I am dealing with the Panama Canal, a project 2,000 miles from our shores. If it is right to impose this burden on transportation, as you characterize it, if a private corporation had built the canal, why is it not right to charge it when the people of the United States built it?

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit the interruption, I think it will fit mighty pretty right there to suggest that section 8 of the Clayton-Bulwer treaty, under which the private company would have been authorized to construct the canal, is preserved and eternalized in the preamble to the Hay-Pauncefote treaty under which the canal has been constructed.

Mr. HAMLIN. Yes; that is true; but I was arguing the ethics of the thing, or trying to. We can not concede the right to charge tolls provided those tolls go to a private corporation, but claim if they go into the Federal Treasury then they ought not to be paid. The people of this country have contributed $400,000,000 toward the building of that canal drawn from every section of the country. Have they not a right to compel the ship companies who get the benefit of the canal to contribute toward the cost of operation and maintenance of the canal? Who is it going to benefit when you come right down to the question of dollars and cents? It will not benefit the people living in the interior sections of the country. It is ridiculous for gentlemen to talk about the steamship companies, if they can save $1 a ton toll through the canal, giving the benefit of that dollar to the people throughout the interior of the country on their freight from the seaboard to their homes. Once it has gotten into the pockets of the ship company they are not going to part with it and contribute that toward the freight rates into the interior of the country. The railroads, the moment the goods get to shore, will charge all that the traffic will bear and all that the Interstate Commerce Commission will permit them to charge for hauling this freight into the interior. So that there is no reason to tell me that we people living in the interior of the country are to be benefited in dollars and cents by giving the coastwise trade free tolls.

Mr. KNOWLAND. Mr. Chairman, I presume the gentleman voted for free sugar?

Mr. HAMLIN. I did.

Mr. KNOWLAND. Does the gentleman believe that the difference between the present tariff on sugar and free sugar will go into the pockets of the consumer or into the pockets of the Sugar Trust?

Mr. HAMLIN. I hope and expect that it will go into the pockets of the consumer.

Mr. KNOWLAND. What is the difference between the two propositions?

Mr. HAMLIN. There is all the difference in the world. You put this $1 a ton toll in the pocket of the Shipping Trust. There is nothing to make them turn it loose. Importers of sugar will compel the Sugar Trust to reduce the price.

Mr. LOBECK. Mr. Chairman, if the rate on wheat is lowered 5 cents a hundred from Missouri River points to New York, it means 3 cents a bushel to the producer, does it not?

Mr. HAMLIN. I have not figured it out. Your figures may be correct.

Mr. LOBECK. When you lower the freight somebody gets the benefit.

Mr. HAMLIN. There is no question about that.

Mr. LOBECK. When I can sell something as a merchant at my door for 5 per cent less than ordinarily, and I sell it for 5 per cent less, I make just as much money or a smaller investment in the business.

Mr. HAMLIN. There is no question about that.

Mr. LOBECK. Whenever you reduce the freight rate somebody is going to benefit, and indirectly the consumer gets it.

Mr. HAMLIN. Does the gentleman think that the remission of the toll of $1 a ton through the Panama Canal will enable him to get goods in Omaha by the railroads from New York any cheaper than he gets them now?

Mr. LOBECK. If I can buy for $1 a ton less in the port of New York on account of reduction in the freight, I can lay that down at $1 a ton less in the city of Omaha. [Applause.]

Mr. HAMLIN. The gentleman can not do that; that is the trouble. The railroads will charge you all they are allowed to charge without regard to the water rate.

Mr. LOBECK. I want to submit it will not increase the freight rate from New York to Omaha, and if my New York importer can sell me at $1 less I will lay it down at Omaha at $1 less.

Mr. HAMLIN. The gentleman is not foolish enough to believe he would make $1 difference in the goods he is buying?

Mr. LOBECK. If the man in San Francisco sells delivered in New York City for $1 a ton less by reason of $1 less charge he will sell for $1 less in New York, and I buy his merchandise to the Missouri River for $1 less. My freight rate will not be decreased to the Missouri River.

Mr. HAMLIN. But the San Francisco merchant does not get the benefit of this $1 toll. It is the Shipping Trust.

Mr. SABATH. What reason has the gentleman to believe the rate will be lowered $1 a ton to the Omaha merchant?

Mr. LOBECK. I said if they reduce the freight rate $1 a ton I would buy it for $1 a ton less.

Mr. SABATH. You have had experience with railroad lines and steamship lines——

Mr. LOBECK. Not steamship lines.

Mr. SABATH. With railroads, and whenever the conditions are so whereby it is possible for them to reduce a rate 15 per cent or 20 per cent, do they do it? I say, do they do it?

The CHAIRMAN. Does the gentleman from Missouri yield further?

Mr. HAMLIN. Yes; I will yield.

Mr. LOBECK. If they do not reduce I do not get any reduction, but if the reduction is made my customer or I get the benefit.

Mr. HAMLIN. The gentleman, it seems to me, is laboring under a misapprehension.

Mr. LOBECK. Possibly.

Mr. HAMLIN. The gentleman tries to make a personal application to himself. The gentleman would not likely buy any goods, living in Omaha, as he does, that came from the Panama Canal; therefore personally he or his section of the country would get no benefit. But let me call the gentleman's attention to this fact: Now, we are told in the hearings that the average freight rate across the continent by the railroads is $25.76 per ton. Now, the evidence is that by water it would be about $6 per ton. Does the gentleman believe——

Mr. KNOWLAND. More than that.

Mr. HAMLIN. Well, say $8 per ton.

Mr. KNOWLAND. Ten dollars.

Mr. HAMLIN. Well, say $10 per ton. Does the gentleman believe that if there were no tolls charged that that rate would be any less than $10?

Mr. KNOWLAND. Just that much lower.

Mr. HAMLIN. We might as well get down to common sense. If the railroads are charging $25.76 a ton now, they can not meet the rate of $8 or $10 per ton, can they?

Mr. LOBECK. The railroads of this country have met it.

Mr. HAMLIN. No. Here is your chief apostle on free tolls, Mr. Humphrey, who answered this question:

Question. The actual cost of moving goods by water from the Atlantic seacoast to the Pacific coast when the canal is completed will be far below the actual cost of moving freight by rail.

Mr. HUMPHREY. I think that is right; nobody can dispute that.

If that is true, does the gentleman think the railroads can meet that rate?

Mr. LOBECK. The railroads across the continent have met the rate——

Mr. HAMLIN. But your own expert says they can not meet it. Does the gentleman believe the steamship companies are going to be generous enough simply because they get free tolls to reduce their tolls another dollar a ton?

Mr. LOBECK. The man on the Pacific coast is going to sell New York delivery so the New York man can deliver.

Mr. HAMLIN. Oh, no.

Mr. LOBECK. He has done it heretofore. They all buy merchandise from Europe and sell me delivery at New York.

Mr. HAMLIN. We are not buying from Europe. Let us approach this question in a little broader way.

Mr. LOBECK. You have argued here by lowering tariff rates we would have more importations.

Mr. HAMLIN. Let us discuss this subject from a little broader standpoint.

Mr. LOBECK. All right.

Mr. HAMLIN. Now, say we do not charge any toll; who gets the benefit?

Mr. LOBECK. That lowers the freight rate, will it not?

Mr. HAMLIN. Who gets the benefit, taking your view of it?

Mr. LOBECK. Finally, the consumer.

Mr. HAMLIN. The consumer of those particular goods; the goods which go through the canal?

Mr. LOBECK. Whatever it is.

Mr. HAMLIN. Certainly. That would be only a very small percentage of the 90,000,000 of the people of this country getting any benefit, would it not?

Mr. LOBECK. Oh, I do not know about that.

Mr. HAMLIN. But there would not be enough traffic coming through that canal to supply the one-hundredth part of the people of this country.

Then take your own argument that those particular consumers did receive some infinitesimally small benefit, what are you going to do with the other eighty-and-odd millions of people of this country who are taxed every year to contribute money to pay the running expenses and the interest on the money we have expended in building the canal who get no benefits by reason of free tolls?

Mr. LOBECK. Now, I want to answer that. Kansas City has asked that the Missouri River be improved so that you can have water transportation from the Mississippi River up to Kansas City, at the cost of $20,000,000. Why? Because they will have competition with the railroad by water, so that the producer west of the Missouri River, and you people in Missouri, and all along, north and south, will get a lower rate, which will mean 3 cents a bushel on all the grain produced, and for every shipment from the East and West the rate will be lower. That is why you have asked Congress to improve the Missouri River. Yes, and the people along the Missouri River expect to get some benefits from it.

Mr. HAMLIN. And that is exactly what we are giving the people of the United States in the building of this canal, namely, lower freight rates across the entire country. And yet you are not satisfied with that. As the chairman suggested to-night, after you have built the well you want to charge us for the water you put into it.

Mr. LOBECK. You are asking to spend——

Mr. HAMLIN. We did not build the Missouri River. God Almighty built that.

Mr. LOBECK. You are asking to spend twenty millions of the people's money——

Mr. HAMLIN. And we spend money on harbors and docks, for the use of which we do not charge anything. These rivers are free as the air.

Mr. LOBECK. But you do it for the general good.

Mr. HAMLIN. Yes; but I can not let the gentleman take all of my time. I want to be generous, but I can not let him take all the time allotted to me.

Mr. LOBECK. Excuse me. I just wanted to get some information.

Mr. HAMLIN. I do not believe that the little sum of $1 per ton, which means only about 50 cents an actual ton, because it is to be a net registered ton—and the fact is that most of these ships will carry about twice as many tons as the net registered ton that the ship shows, and so the actual rate will be about 50 cents a ton for coming through the canal—I do not believe that this small charge will make any appreciable difference in the price to the consumer.

Mr. LOBECK. Whatever it is, it is a reduction.

Mr. HAMLIN. It is so infinitesimally small that the consumer could put in his eye all he could save out of that. He would never notice it; but in the aggregate it would mean something to the people of the United States to help them pay the expenses of the running of this canal.

Now, another proposition advanced by the free-toll people is that we want to encourage the building of more ships. Of course some of our people own ships, and whether we charge them toll or do not they will provide to carry whatever traffic is to be carried; but no man is going to be foolish enough, I apprehend, to contend that a dollar or 50 cents a ton that they might save in the tollage in the canal will induce them to build any more ships to ply between the Atlantic and Pacific coasts. He must have other reasons and motives for building it, and not the saving of 50 cents or a dollar a ton.

I will put it on broader ground. This canal is being built by the American people to-day at large expense, and they have a right to make a charge for shipment through that canal to recoup some of the expense that they are put to in maintaining that canal and operating it. We have protected the coastwise shipping by law. They have an absolute monopoly of the coastwise traffic, and, as Mr. Dearborn, the president of the American-Hawaiian Line, who impressed me as being a man very fair and frank, said:

If you will only keep your coastwise laws and do not repeal those, we do not care anything about the toll. We can pay the tolls. It is a small matter, and we are willing to pay it, and we can do it and then compete with any rates the transcontinental railroads can make in this country.

That is true. I have not a particle of doubt about it.

Mr. RAKER. Will the gentleman yield on that question?

Mr. HAMLIN. Yes.

Mr. RAKER. You mean by "monopoly of the coastwise trade" that the American vessels, floating the American flag, have the monopoly?

Mr. HAMLIN. I mean vessels engaged in the coastwise trade.

Mr. SABATH. No other vessels are permitted.

Mr. RAKER. I understand. I appreciate that. He says that there is a monopoly of the coastwise trade.

Mr. HAMLIN. By the coastwise vessels.

Mr. RAKER. That means that as many as may desire may go into that business?

Mr. HAMLIN. I mean that vessels of other nations can not enter into the coastwise trade. Now, then, we have given them that monopoly, and if we treat each one of those fellows fairly and equally, where is the complaint? Let us be perfectly frank about that. To illustrate, you three gentlemen are engaged in the coastwise trade. None of these other gentlemen over here can compete with you, because they are excluded by law.

Mr. RAKER. Yes, sir.

Mr. HAMLIN. And you have got an absolute monopoly. Of course, others could come in and engage in the coastwise trade, but an outsider can not do so, hence they have the absolute monopoly. You all agree to that.

Now, then, where is the calamity to you if we charged a dollar a ton on every ship? There is no discrimination; there is no harm done; it is entirely equal; no favoritism shown. Then the only excuse under heaven for giving your people, the owners of these coastwise ships, the advantage of a dollar a ton tollage is to encourage you to build more ships, and that is ridiculous. Of course, that would not be an incentive to you, because it is not big enough, but it is simply a stepping-stone toward a ship subsidy, in fact it is a ship subsidy in the worse form—a thing I am absolutely opposed to, and that is all there is to it.

Mr. LOBECK. Mr. Chairman, I do not find any fault with the idea that all vessels should be treated alike, but I am astounded by the argument that the lowering of freights does not benefit either the producer or the consumer.

Mr. HAMLIN. Oh, the gentleman has listened absolutely in vain to me if he thinks that I have stated any such thing.

Mr. LOBECK. It has been the argument heard here to that effect.

Mr. HAMLIN. I do not argue that at all, but I say that if the consumer gets the benefit of this dollar toll, or if he has got to pay that dollar toll—and concede that he does—it is so infinitesimally small that he could not realize it one way or the other, and then, on the other hand, it would be only a very small fraction of the American people who——

Mr. LOBECK. It is 5 cents a hundred.

Mr. HAMLIN. Well, it is only those who happen to consume the goods that are hauled through the canal who would be affected by it. But if you do not charge any tolls, the expenses of operating and maintaining the canal go on down there just the same. You have got to pay the interest on the bonds. How, then, are you going to get your money? Are you going to take it from every man, woman, and child in the United States, or are you going to make the shipowners pay it? You are willing to stand here and advocate the placing of a burden on every man, woman, and child in the United States, but you say please do not put 5 cents extra on somebody living along the Pacific coast that happens to consume the goods that are hauled through that canal.

I do not stand for that doctrine. I believe that my people deserve some consideration. My people, who will not be benefited a particle by reason of the coastwise trade, should not be taxed to pay the operating expenses of the canal. I am glad we have got the canal. We are proud of it. It will reflect glory on this Government for all time to come. But when you come down to this measly question of tolls, after we have given you a monopoly and shortened the distance 8,000 miles from coast to coast, then you come here begging and whining and asking us to give you free tolls through the canal.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. SABATH. It seems to me that there is a gentleman here who is under the impression that the freight rates, due to the Panama Canal, will be increased. Now, for the information of the gentleman from Nebraska [Mr. LOBECK], will the gentleman kindly inform us again what the saving on freight will be between, we will say, San Francisco and New York on each ton?

Mr. LOBECK. You could illustrate by the saving accomplished over the method of hauling by ox teams in the West and by the railroads to-day.

Mr. SABATH. No; what the rate will be when the Panama Canal will be completed?

Mr. LOBECK. That is why you are building the canal, to lower the rates to St. Louis and the neighborhood where the gentleman lives.

Mr. HAMLIN. That is exactly what they are going to do. Here is testimony that the rate through the canal, for instance, on lumber, will not exceed $6 a ton, and yet it is $25.76 by rail; and it is now conceded——

Mr. LOBECK. It used to cost just as much to haul corn from central Illinois up to Chicago as it now does from there to the seacoast.

Mr. HAMLIN. But as we give you benefit and as we give you comfort and as we give you conveniences, you want us to give you more; and after a while you will be like the old man to whom they offered to give some corn. He said, "Is it shelled?" They said, "No." Then he said, "Drive on." [Laughter.]

Mr. LOBECK. I mean that the producer shall get every cent that he can for what he is going to sell.

Mr. ADAMSON. I am glad to hear the gentleman from Nebraska announce a sound sentiment when he says one object in digging the canal is to reduce freight rates. I had inferred from the argument of those who were assaulting the Treasury that it was to fill up the pockets of the Ship Trust. I want to ask the gentleman in that connection if it is right, because we have built this canal to shorten distance and reduce freight rates, that we be compelled to pay a bounty of $4,000 or $5,000 a ship out of the Treasury of the United States and give it to the Ship Trust, would it not be right to give to the passengers who go through the canal the price of their passage instead of making them pay?

Mr. HAMLIN. Certainly it would, on the same principle; and I have no doubt if my friend from Nebraska [Mr. LOBECK] should go through there he would want us to pay his passage.

Mr. ADAMSON. Suppose we should give American citizens their passage free and should charge foreign passengers, what would you say to that? Would that be equal conditions and charges?

Mr. LOBECK. I have not said I was either for or against free tolls; but I have been listening to the argument made here that when freights are reduced, whether in the shape of a reduction of tolls or anything else, it does not benefit some one. The gentleman from Wyoming [Mr. MONDELL] made that statement this evening, and he knows better, because he has shipped goods out into his country by ox team when there was no railroad.

Mr. HAMLIN. If it will reduce freight rates $6, $7, $8, or $9 a ton, will it not benefit transcontinental freight rates all over the country?

Mr. LOBECK. That is what I have been trying to get into the gentleman's head.

Mr. HAMLIN. I have always conceded that, and I tell you we are giving you that. How much more do you want?

Mr. LOBECK. Everything the Lord will give us.

Mr. ADAMSON. That is true.

Mr. HAMLIN. I believe that is so; but we on the committee have some regard for the Federal Treasury and for the balance of the people of this country.

Mr. LOBECK. I believe that.

Mr. HAMLIN. Now, let us get back to a little common sense.

Mr. LOBECK. All right.

Mr. HAMLIN. This bill provides that the tolls shall not be more than $1.25 a ton and shall not be less than the actual cost of the operation and maintenance of the canal, in the option of the President. That is based on the idea that it will cost somewhere in the neighborhood of a dollar a ton to put a ship through that canal. If the shipping company does not pay that cost, the people must pay it. A ship can not be put through that canal without cost. Who pays it? If you do not charge a toll, who will pay the cost of putting that ship through?

Mr. KNOWLAND. The same person who pays for the improvement of rivers and harbors.

Mr. HAMLIN. It is taking it out of the pockets of the American people, and on whom you have no mercy at all. As long as you can make the American people pay you will stand up here and ask to have money put into the pockets of some private ship company and taken out of the pockets of your fellow citizens. I could not go home and look my people in the face without blushing if I admitted that I stood up here and said, "Let us take a dollar a ton out of the pockets of the American people for putting privately owned ships through the canal in order to give the money to some privately owned ship company."

Mr. LOBECK. But the gentleman could go home with a smile on his face when he got a good appropriation for the Missouri River.

Mr. HAMLIN. Of course, I am always glad to get appropriations for the Missouri River, for it benefits all the people along that great river, and not some private monopoly. I am willing to get an appropriation to improve your rivers and harbors, too; but I could not go home with a smile on my face if I stood up here and said I wanted to charge to the American people what it cost to put a ship through the Panama Canal and put that money in the pocket of the Shipping Trust. I say let the company owning the ship pay the tolls. I am willing that this canal should be built at the expense of the American people; but when you have expended $400,000,000 to marry the Pacific and Atlantic Oceans and shorten the distance 8,000 miles from coast to coast, in God's name what more do you want? Do you want us to buy the coal to run your ships?

Mr. KNOWLAND. Your southern markets get the benefit of it.

Mr. RAKER. You say we built the canal to marry the Atlantic to the Pacific. Was it not stated by the chairman of the committee [Mr. ADAMSON], and has it not been one of the main contentions in the arguments for this bill, that the prime, principal, and important consideration was for the Army and the Navy?

Mr. HAMLIN. Oh, no.

Mr. RAKER. And that the question of commerce was not considered of primary importance?

Mr. HAMLIN. I do not think he made a statement of that kind. I did not so understand him at all.

Mr. RAKER. Is it your contention that one of the prime objects of building this canal is for the benefit of commerce?

Mr. HAMLIN. That was the prime object, undoubtedly.

Mr. ADAMSON. I did not hear all of that colloquy. I understand the gentleman from California [Mr. RAKER] accuses me of something in this connection.

Mr. HAMLIN. Yes.

Mr. RAKER. No; I did not accuse the gentleman of anything, but as I understood his statement when he started out, it was that one of the principal things, or one of the main things, rather, that the canal was conceived and built for the purposes of the Army and the Navy.

Mr. ADAMSON. I took 4 hours and 15 minutes to run a kindergarten here and reiterated my position about a dozen times. I will refer the gentleman to the RECORD and he will find that I made no such statement as that.

Mr. HAMLIN. The gentleman from Georgia did not make any such statement; the gentleman from California must have misunderstood him.

Mr. SABATH. There are some gentlemen who do not want to understand.

Mr. HAMLIN. Now, Mr. Chairman, I have occupied more time than I intended. I am thoroughly convinced, looking at the question from every standpoint, and at every phase of it, that every interest will be taken care of; that it is equitable and just to let whatever traffic goes through the canal pay equal toll, and that will not, we are afraid, in the next few years any more than pay the cost of operation, if it does that.

We have built a wonderful canal and if you have not seen it you ought to. We are proud of it, and we are going to maintain it, but I do not believe that the American people ought to continue to be taxed every year for the benefit of the few people who happen to operate ships through the canal. [Applause.]

In conclusion I will say: How any gentleman who claims to be opposed to ship subsidy, and especially my Democratic brethren, can be in favor of giving this advantage to our coastwise vessels, I can not understand.

In our last national platform, on this subject we said:

> We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

It will actually cost about $1 a net registered ton to put the vessels through the canal. If you do not make these shipowners pay it, you will have to take the money out of the Public Treasury to pay it. It is safe to say that the average vessel going through the canal will be about 7,000 net registered tons. This will mean, if you give the vessels free tolls, that it will cost the people $7,000 every time we put one of these vessels through the canal. Will that not be "an additional burden upon the people"?

You can not get away from this proposition that somebody must pay for putting these ships through the canal. Will you make the Shipping Trust, who will get the benefit of the canal, pay it, or will you put their vessels through at the expense of all the people?

I am opposed to ship subsidy in any form and shall vote to make the owners of these ships pay the tolls through the canal. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAMILTON of West Virginia having taken the chair as Speaker pro tempore, Mr. LAZOWN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21969, to provide for operation of the Panama Canal and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken up to this time on the bill be permitted to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that all Members who have spoken on the bill may extend remarks in the RECORD—for five days?

Mr. ADAMSON. No, Mr. Speaker; I do not ask for leave to print, but simply for those who have spoken to extend remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Saturday, May 18, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 21963) to make Fort Covington, N. Y., a subport of entry, reported the same without amendment, accompanied by a report (No. 730), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMMOND, from the Committee on Ways and Means, to which was referred the bill (S. 4572) to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports, reported the same without amendment, accompanied by a report (No. 735), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREGG of Texas, from the Committee on Naval Affairs, to which was referred the bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, reported the same with amendment, accompanied by a report (No. 732), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, reported the same with amendment, accompanied by a report (No. 734), which said bill and report were referred to the House Calendar.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana, reported the same without amendment, accompanied by a report (No. 736), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 731), which said bill and report were referred to the Private Calendar.

Mr. HAMMOND, from the Committee on Ways and Means, to which was referred the bill (H. R. 2359) to refund certain tonnage taxes and light dues, reported the same without amendment, accompanied by a report (No. 733), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOBSON: A bill (H. R. 24623) providing that certain civilian professors at the United States Naval Academy shall be commissioned as professors of mathematics with the rank of lieutenant commander; to the Committee on Naval Affairs.

By Mr. GARRETT: A bill (H. R. 24624) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 24625) authorizing the Secretary of the Interior to lease and amend existing leases of coal and asphalt deposits on the segregated mineral-land area in the

Choctaw and Chickasaw Nations, State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. RUSSELL: A bill (H. R. 24627) appropriating money for the protection of levees and improvement of the channel of the Mississippi River between Cape Girardeau, Mo., and Donaldsonville, La., by revetment of caving banks; to the Committee on Rivers and Harbors.

By Mr. CARTER: A bill (H. R. 24663) to reimburse taxes of which the State of Oklahoma was deprived by the recent Supreme Court decision entitled "G. W. Choate et al. v. M. E. Trapp"; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ANTHONY: A bill (H. R. 24628) granting an increase of pension to William R. Gladman; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 24629) granting a pension to James Spear; to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 24630) granting a pension to William H. Simmons; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 24631) granting a pension to Joseph L. Titman; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 24632) granting a pension to Charles S. Allen; to the Committee on Pensions.

Also, a bill (H. R. 24633) granting a pension to John P. Murphy; to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 24634) to remove the charge of desertion from the military record of Samuel J. Maund; to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 24635) granting an increase of pension to William Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24636) granting a pension to Sarah Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24637) granting an increase of pension to Lewis Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24638) granting an increase of pension to Levi D. Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24639) granting an increase of pension to Alfred Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24640) granting an increase of pension to James Kees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24641) granting an increase of pension to Robert Lock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24642) granting an increase of pension to Caroline Miller; to the Committee on Pensions.

By Mr. COX of Indiana: A bill (H. R. 24643) granting an increase of pension to Thomas J. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24644) granting an increase of pension to Jacob Schmidt; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24645) for the relief of James E. Speake; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 24646) granting a pension to John W. Smith; to the Committee on Pensions.

Also, a bill (H. R. 24647) granting an increase of pension to John W. Baldwin; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 24648) for the relief of the estate of St. Clair Ogg; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 24649) granting an increase of pension to John Steiger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24650) granting an increase of pension to Daniel C. Derby; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 24651) granting a pension to James Hanna; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 24652) granting an increase of pension to Axel E. Anderson; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 24653) granting an increase of pension to William H. Kremer; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 24654) for the relief of Charles E. Brown, alias Winthrop Hersey; to the Committee on Military Affairs.

By Mr. PAYNE: A bill (H. R. 24655) for the relief of Henry Stewart, surgeon, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. POWERS: A bill (H. R. 24656) for the relief of John M. Bryant; to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 24657) for the relief of William E. Horton, major, United States Army; to the Committee on War Claims.

Also, a bill (H. R. 24658) for the relief of the estate of R. G. Potter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24659) granting a pension to Harry W. Stehle; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24660) granting an increase of pension to Matthias M. Canning; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 24661) for the relief of James Parsons; to the Committee on Military Affairs.

Also, a bill (H. R. 24662) granting a pension to Francisca Ortega; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 24664) granting an increase of pension to Jonathan Davis; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24665) granting an increase of pension to John S. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24666) granting a pension to Stephen M. Wood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of the National Jewelers' Board of Trade of New York City, N. Y., against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

Also, memorials of the Junior Order of American Mechanics of the State of New York, favoring passage of the Dillingham bill, and of Harlem Lodge, B'rith Abraham, of New York, against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of Local No. 30 of the United Brotherhood of Leather Workers on Horse Goods, of St. Louis, Mo., protesting against the use of stop-watch system on Government employees; to the Committee on Labor.

Also, petitions of the United Hebrew Trade of New York, Jewish Charitable and Educational Union, St. Louis, Mo., and United Jewish Charitable and Educational Association of St. Louis, Mo., protesting against the passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Col. Menman Post, No. 496, Grand Army of the Republic, State of Missouri, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, petition of citizens of the State of Missouri, favoring passage of House bill 22339 and Senate bill 6172, against workmen being timed with a stop-watch while at work; to the Committee on the Judiciary.

By Mr. BARTLETT: Resolutions of Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BATES: Petition of citizens of Erie County, Pa., and vicinity, favoring passage of the Berger old-age pension bill for deserving men and women over 65 years of age; to the Committee on Pensions.

Also, petition of E. H. Utley, Pittsburgh, Pa., favoring passage of the Page agricultural bill; to the Committee on Agriculture.

Also, petition of F. C. Southworth, Meadville Theological School, Meadville, Pa., favoring passage of the Hughes-Borah bill for creation of commission on industrial relations; to the Committee on Rules.

Also, petition of the Humane Society of North Warren, Pa., favoring passage of the Hamilton bill (H. R. 17222); to the Committee in Interstate and Foreign Commerce.

Also, petition of Paul Leewitz, Erie, Pa., favoring House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of W. J. Sell, Erie, Pa., and Isaac Mondereau, of Meadville, Pa., against passage of the Oldfield bill, proposing to change patent laws; to the Committee on Patents.

Also, petition of editors of the Watchmen of the World, Erie, Pa., praying for better post-office rates on publications of fraternal orders; to the Committee on the Post Office and Post Roads.

By Mr. BOWMAN: Petition of Tenth Biennial Convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa.; Daughters of Liberty, West Hazleton, Pa.; and American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect maintenance of prices; to the Committee on Patents.

Also, petition of Chinese Consolidated Benevolent Association, of San Francisco, Cal., and Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Tenth Biennial Convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa.; and Junior Order United American Mechanics, New York, both favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the New York Board of Trade and Transportation, of New York City, N. Y., against passage of House bill 19844, requiring manufacturers to place their own name upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL: Resolutions of the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLINE: Statement and affidavit of William Holmes, a resident of the National Soldiers' Home of Tennessee, a private in Company A, Eleventh Indiana Battery, Light Artillery Volunteers, in the Civil War; to the Committee on Invalid Pensions.

Also, general affidavit of Sarah Rogers, of Dekalb County, State of Indiana, widow of Charles L. Rogers, late of Company A, One hundredth Regiment Indiana Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14204, for increase in pension of William Watson, of Garrett, Ind., a private in the Fifth Ohio Cavalry during the Civil War; to the Committee on Invalid Pensions.

Also, resolutions of the Polish-American Society of South Bend, Ind., against passage of Senate bill 3175 and House bill 22527, providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. COX of Indiana: Resolutions of the Polish-American societies of South Bend, Ind., against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Resolutions of the Farmers' Union and Brotherhood of Railroad Trainmen of Harrisburg, Pa., and Junior Order United American Mechanics of New York City, N. Y., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolutions of Young Men's Hebrew Association of Syracuse, N. Y., against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of tenth biennial convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. EVANS: Resolution of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill, and of the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Municipal Council of Chicago, Department of Illinois, United Spanish War Veterans, Chicago, Ill., favoring passage of House bill 17470, known as the Crago bill, providing for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. FULLER: Petition of the Chinese Consolidated Benevolent Association of San Francisco, Cal., against passage of the Dillingham bill, providing for literacy test for immigrants, etc., and Brotherhood of Railroad Trainmen, favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the First Baptist Church of Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Charles T. Coleman, of Canton, Ill., and W. J. Knaggs, of Bay City, Mich., favoring passage of House bill 1339, to grant increase of pensions to certain soldiers of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Jewelers' Board of Trade, New York City, N. Y., against any change in present patent laws that may affect price maintenance; to the Committee on Patents.

By Mr. GALLAGHER: Resolutions of Roumania of Chicago Lodge No. 170, Independent Order B'rith Abraham, and First Russian Branch of the Socialist Party and others, of Chicago, Ill., against passage of the Dillingham bill, providing literacy test, etc., for immigrants, and the Root amendment for deportation of aliens, etc., and Junior Order United American Mechanics of New York City, N. Y., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Cook County Cabinet, of Chicago, Ill., favoring investigation of conditions on excursion steamers on the inland seas; to the Committee on the Merchant Marine and Fisheries.

By Mr. GLASS: Petition of the Farmers' Union of America, Shawnee, Okla., and the tenth biennial convention of the Brotherhood of Railroad Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GREGG of Pennsylvania: Resolutions of the Brotherhood of Railroad Trainmen, in convention at Harrisburg, Pa., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution by the House of Representatives of the United States, relative to information in possession of the Secretary of Commerce and Labor concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa., in 1910 and 1911; to the Committee on Labor.

By Mr. GRIEST: Resolution of American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Cigar Leaf Tobacco Association, favoring House bill 21958, to exempt from internal-revenue taxation certain cigars allowed workmen in cigar factories; to the Committee on Ways and Means.

By Mr. HANNA: Petition of R. C. A. Taylor, Hillsboro, N. Dak., and C. H. Hofstrand, Brinsmade, N. Dak., favoring passage of House bill 16843 for increasing the efficiency of the Army veterinary service; to the Committee on Military Affairs.

Also, petitions of citizens of Napoleon, N. Dak., favoring enactment of the Sulzer parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Portland Farmers' Elevator Co., Portland, N. Dak., and citizens of Munich, N. Dak., protesting against the passage of the Lever antifuture trading bill; to the Committee on Agriculture.

Also, petition of manufacturers of and dealers in ginger ale, soda waters, and sweetened beverages of Bismarck, Grand Forks, Fargo, Minot, Wahpeton, and Jamestown, N. Dak., favoring total elimination of the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of the Daughters of Liberty, of Southington, Conn., favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of citizens and voters of Philadelphia, Pa., and American Purity Federation, favoring passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Resolution of Star of Israel Lodge, No. 101, Independent Order B'rith Abraham, New York City, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KONOP: Petition of Frank Wendrick and others, protesting against the anti-Taylor system bill (H. R. 22339); to the Committee on the Judiciary.

Also, petition of George Walter Brewing Co. and others, protesting against passage of bills for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of a practical and efficient parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of the Long Island Game Protective Association, of New York City, N. Y., favoring passage of the McLean-Weeks bill (S. 6497), for protection of migratory birds; to the Committee on Agriculture.

Also, petition of Abraham Lincoln Council, No. 14, of the Junior Order United American Mechanics, Brooklyn, N. Y., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of John Durar & Sons (Ltd.), New York, N. Y., protesting against the passage of the Works bill; to the Committee on the District of Columbia.

Also, petitions of the Italo-American Alliance of the United States of America, Philadelphia, Pa., and Nash Cohen Lodge, No. 19, Independent Order Ahawas Israel, Brooklyn, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of Francis A. Gaskill, Vale, N. J., and D. A. Falconer, Lexington, Ky., both favoring passage of House bill 1339, for increasing pension of veterans who lost an arm or a leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Petitions of American Purity Federation and Patriotic Order Sons of America, favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Resolutions of Junior Order United American Mechanics of Maryland and Junior Order United American Mechanics of New York State, favoring passage of the Dillingham bill, and Palestina Lodge, No. 237, Independent Order B'rith Abraham, of Philadelphia, Pa., and the Italo-American Alliance of the United States of America, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of National Jewelers' Board of Trade, of New York City, against certain proposed patent legislation; to the Committee on Patents.

By Mr. MOTT: Resolutions of American Purity Federation and Farmers' Union, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of National Jewelers' Board of Trade, of New York City, against passage of any bills changing patent law which will deny the right to parties to control retail price of their product; to the Committee on Patents.

Also, petition of Junior Order United American Mechanics, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, resolution of Young Men's Hebrew Association of Providence, R. I., against passage of the Dillingham bill and Burnett bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Max Ferder Lodge, No. 171, Independent Order B'rith Sholom, Pawtucket, R. I.; New England Lodge, No. 292, Independent Order B'rith Abraham, Woonsocket, R. I.; and Providence City Lodge, No. 143, United States Grand Lodge Independent Order B'rith Abraham, Providence, R. I., all protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Solomon Podworsky, of Auburn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

By Mr. REILLY: Resolution of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of A. Goldfaden Lodge, No. 505, Independent Order B'rith Abraham, New York City, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Petition of citizens of Chicago, relative to the sectarian-garb case; to the Committee on Indian Affairs.

Also, petition of the National Union, Chicago, Ill., relative to conditions on passenger boats at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Square Deal Lodge, No. 752, Brotherhood of Railroad Trainmen, asking postponement of action on the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of citizens of Buffalo, N. Y., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of M. Breitlant Lodge, No. 99, Independent Order B'rith Abraham, New York, N. Y.; Charles Feigenbaum Lodge, No. 72, Independent Order Ahawas Israel, New York, N. Y.; and Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against passage of House bill 22725, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Long Island Game Protective Association, New York, favoring passage of McLean-Weeks bill (S. 6497), for Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of Mutual Benefit Association, New York, favoring passage of House bill 23241, relative to conditions in the United States customs; to the Committee on Ways and Means.

Also, resolution of the retail merchants of Boonville, Oneida County, N. Y., against fixing of prices by manufacturers; to the Committee on the Judiciary.

Also, resolution of the Farmers' Union, favoring passage of Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Farmers' Union, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of practical and efficient parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Pride of Brooklyn Lodge, No. 40, United States Grand Lodge, Order B'rith Abraham, of Brooklyn, N. Y., against passage of the Dillingham bill and Burnett bill, providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Long Island Game Protective Association, of New York City, N. Y., favoring passage of the McLean-Weeks bill (S. 6497), providing for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Italo-American Alliance of the United States of America at Philadelphia, Pa., against passage of the Dillingham and other bills, providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 18, 1912.*

The House met at 11 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God and our Father, fit us for the new duties of the new day by bringing us in rapport with Thee, that forgetting self in an earnest and patriotic desire to do great things for a great people, these Thy servants may demonstrate the wisdom of popular government through its chosen Representatives in the Congress now assembled. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

REGULATING THE LOANING OF MONEY.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill H. R. 8768, and ask for a conference.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

To regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia.

The SPEAKER. The gentleman from Kentucky ask unanimous consent that the House nonconcur in the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of Kentucky, Mr. ADAIR, and Mr. DYER.

LEAVE OF ABSENCE.

Mr. LINTHICUM, by unanimous consent, was given leave of absence for three days, on account of important business.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. Gen. BINGHAM was the father of the House. When he died the gentleman from Pennsylvania [Mr. DALZELL] succeeded to that title. It is an extraordinary situation, and therefore the Chair assigns the gentleman from Pennsylvania [Mr. DALZELL] to preside to-morrow in the House as Speaker pro tempore at the eulogies on the life, character, and services of Gen. BINGHAM.

TO AMEND AND REENACT SECTION 5241, REVISED STATUTES.

Mr. HENRY of Texas. Mr. Speaker, I offer the following privileged resolution from the Committee on Rules

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 541 (H. Rept. 737).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of H. R. 24153.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

Mr. HAMLIN. Mr. Speaker, what is the bill?

The SPEAKER. To amend the national banking law.

Mr. HENRY of Texas. It is the Pujo bill.

The SPEAKER. The gentleman from Texas moves the previous question.

The question was taken, and the previous question was ordered.

The resolution was agreed to.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill, H. R. 24153, to amend and reenact section 5241 of the Revised Statutes of the United States.

Be it enacted, etc., That section 5241 of the Revised Statutes of the United States be amended and reenacted so as to read as follows:

"SEC. 5241. No association shall be subject to any visitatorial powers other than such as are authorized by this title, or are vested in the courts of justice, or such as shall be or shall have been exercised or directed by the Congress or either branch thereof."

Mr. PUJO. Mr. Speaker, for the information of the House, I would like to have the report upon this bill read, to be included as a part of my remarks.

Mr. CANNON. Mr. Speaker, will the gentleman yield? Do I understand the bill is now up for consideration?

Mr. PUJO. For one hour. Mr. Speaker, I desire to say that I will yield one-half of the time to anyone who is opposed to the amendment, and that at the end of one hour I shall move the previous question.

Mr. CANNON. I do not know that I shall want any time, but it may be a very important matter, and I would like to understand thoroughly what is being done. This is an amendment to the law?

Mr. PUJO. An amendment to section 5241 of the Revised Statutes of the United States.

Mr. CANNON. And unanimous consent has been given to consider it?

Mr. PUJO. Oh, no; we have a rule from the Committee on Rules.

Mr. CANNON. And the rule has been adopted?

Mr. PUJO. Yes.

Mr. CANNON. And the bill is to be considered for an hour, and then under the five-minute rule?

Mr. PUJO. I take it that under the rule the question will come to a final vote at the end of one hour without any intervening motion or amendment.

Mr. CANNON. I have been very busy about other matters, and I did not even know that a rule had been adopted. I apprehend I shall have no objection to the bill, but I would like to understand what it does. It amends a national-bank law?

Mr. PUJO. Yes; section 5421 of the Revised Statutes of the United States, adopted in 1864.

The SPEAKER. The parliamentary situation is this: The gentleman from Louisiana has one hour, and if he consumes it all and any gentleman gets the floor, then that gentleman will have an hour, and that may be kept up until Members become tired.

Mr. GARNER. But if the gentleman from Louisiana moves the previous question and the previous question is adopted that will end it.

The SPEAKER. But the previous question has not yet been ordered.

Mr. PUJO. Mr. Speaker, I announced in obtaining recognition that at the end of an hour I would move the previous question. I shall be very glad to divide one-half of that time with anyone who desires to discuss the bill.

Mr. CANNON. It might develop that perhaps more time ought to be had. I have great confidence in the judgment of the gentleman in amending the act, but still it affects so many banks and is so important to the business interests of the country that I would like to know what it is about.

Mr. PUJO. Mr. Speaker, I repeat my request for unanimous consent that the report upon the bill be read in my time.

The SPEAKER. Without objection, the Clerk will read the report. (H. Rept. 695.)

The Clerk read as follows:

The Committee on Banking and Currency, to which was referred H. R. 24153, to amend and reenact section 5241 of the Revised Statutes of the United States, having had the same under consideration, beg to report the bill with the recommendation that it do pass.

The purpose of this bill is to amend and reenact section 5241 of the Revised Statutes of the United States. This section now reads as follows:

"No association shall be subject to any visitorial powers other than such as are authorized by this title or are vested in the courts of justice."

The Committee on Banking and Currency, under the provisions of House resolution No. 429, as amended by No. 504, has been directed to investigate the financial and monetary conditions in this country, particularly with a view to ascertaining whether or not there is an undue and improper concentration of money, the uses to which and the manner in which its influence has been exercised, and the result of such exercise.

In view of the wording of the section referred to, a doubt has arisen as to whether any national banking association would deny the right of a committee of Congress to investigate its affairs or its relations to other financial institutions. No information has come to the committee officially that any national bank would take that position, but in order to remove the doubt and to prevent the investigation from becoming abortive by being tied up in litigation, the committee deems it advisable that the amendment offered in the bill be adopted, to wit:

"Or such as shall be or shall have been exercised or directed by the Congress or either branch thereof."

The section, if the amendment is carried, will then read as follows:

"No association shall be subject to any visitorial powers other than such as are authorized by this title or are vested in the courts of justice, or such as shall be or shall have been exercised or directed by the Congress or either branch thereof."

The committee does not believe that it was the intention of Congress, when this section was originally enacted in 1864, to strip itself of its power to investigate national banking associations, authorized by Federal law, and to merge and concentrate such power into the hands of the comptroller and such examiners as he might appoint for that purpose.

The scope of the present amendment will be to reinstate in the Congress—the House of Representatives and the Senate—the right to investigate national banking associations.

The committee does not concede, as a legal proposition, that this right can not be exercised under the inquisitorial power of Congress, yet because of the doubt expressed by eminent attorneys in that behalf and of the affirmative argument that the statute, as it now reads, operates as a bar to an investigation except through the comptroller's office and examiners, it is considered best to submit the matter to the judgment of the Congress, so that there will be no legal interference with the work of the committee, acting within constitutional and legal authority.

Mr. PUJO. Mr. Speaker, in addition to the report I have but little to add. I prepared that report under the direction of the committee, and I want to say further that this is a unanimous report. It is believed by the committee, and it has been, as stated in the report, suggested to the committee that the doubt of power in the committee is just as fatal as if that power did not vest in the committee to make the investigation.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. PUJO. Certainly.

Mr. AUSTIN. Is it the purpose of the committee to publish the hearings and to expose to the public all of the information that it received in reference to the conduct of national banks?

Mr. PUJO. In answer to the question of the gentleman from Tennessee, I desire to say that the committee has not taken formal action; but expressing my individual views, the reports from the financial institutions will be official documents, and it is not intended that they shall be published ad libitum so that rival institutions may take advantage of one another in the way of information which may be thereby obtained.

Mr. AUSTIN. Will not the hearings of this committee be published, similar to the hearings of the other investigating committees, and is not that practically giving the information to the press of the country?

Mr. PUJO. The hearings will be published, but the information obtained from financial institutions, unless it is of a public character, ought not to be made public.

Mr. AUSTIN. Will not the committee have the right, if this law is amended as the gentleman proposes to amend it in this bill, to publish and expose to the public all of the private or confidential business transactions of every national bank in the United States?

Mr. PUJO. I do not so understand it. Under the Constitution our power is limited. We can not invade personal or private rights, but it would be a very extreme statement to say that a national banking association, a creature of the Congress, could not be investigated by a committee of either branch of the Congress. Under the law as it now reads it is a question,

and eminent counsel have expressed doubt whether, under the provisions of section 5241 of the Revised Statutes adopted in 1864, the entire power of Congress was not converged and concentrated in the Comptroller of the Currency, with power to administer oaths, to appoint examiners, and order visitations of national banking associations.

Now, this is a serious question. The Congress of the United States has ordered this committee, under two resolutions, by almost unanimous action, to investigate the financial and monetary system of this country, with a view of determining whether there is an undue and improper concentration of money or credits, so that proper laws may be enacted to correct the evils, if any exist. A few years ago, in New York, an investigation of the insurance companies was had, and many good laws have been enacted since that time protecting the policy holders; and, in my judgment, it was now the intention of Congress, in vesting the power to make this investigation, that the committee should have full power. Now, if the Congress is in earnest, if it desires the information, and wants a fair and full investigation, it should add strength to the arm of the committee and take back the power that should never have been parted with when the national banking act was adopted.

Mr. GARNER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Texas?

Mr. PUJO. Yes.

Mr. GARNER. I most heartily agree with the gentleman from Louisiana that this committee ought to have all the power it desires. This is the third effort the committee has made to secure that power. Does the gentleman from Louisiana think this will be the last time he will have to ask Congress to assist him to get power?

Mr. PUJO. I do not know; but I will answer the gentleman from Texas by saying this: I do not know from whence the influence has come, but there is powerful influence being exercised and pressure brought to bear to prevent the investigation of this question.

Mr. AUSTIN. Will the gentleman, in that connection, tell us where the demand and the pressure comes from demanding this investigation or asking this investigation?

Mr. HENRY of Texas. The House of Representatives.

Mr. PUJO. The House of Representatives, and by virtue of the provisions of resolution 429, as amended by 504 and originally inaugurated by a colleague of yours, a fellow-Republican, Mr. LINDBERGH.

Mr. GARNER. Will the gentleman be kind enough to tell us where this wonderful pressure is coming from against this investigation?

Mr. PUJO. Oh, those things are intangible; you can not place them. I will say this, Mr. Speaker, that unless we have this power this inquiry should not be continued. We have no right to spend the money of this Government in a futile and useless inquiry, as has sometimes been done in the past.

Mr. CANNON. Will the gentleman yield?

Mr. PUJO. With pleasure.

Mr. CANNON. I have great confidence in the gentleman from Louisiana. This is an investigation touching important business institutions of the country and it might become very mischievous unless conducted in good faith, with an eye to enacting legislation for the benefit of the country and for the benefit of our banking system, which dovetails into all business relations. I could conceive, if the investigation is conducted merely for the purpose of headlines in the newspapers, a "suppressio veri", or "suggestio falsi," if that is the quotation of the maxim, that it might do harm. I do not recall the personality of the committee. The House of Representatives has undertaken an investigation. I am not intimately acquainted with the gentleman from Louisiana, but I have been his colleague, and I would be perfectly willing to concede, so far as he is concerned, that any investigation he would control would be conducted in the best of faith; not for political advantage, to be used in a presidential campaign, but in good faith to ascertain the facts. In the ascertainment of those facts, however, concerning many, many thousands of banks having relation to many other thousands of banks carrying on the business of the country you might put such a bank or banks, touching their private business, at a disadvantage by furnishing information that might be used by their competitors.

I apprehend that a majority of this House will agree to the legislation, but in agreeing to it as one Member of the House, after hastily examining the bill, I do so with the expectation that this will be an investigation in good faith, for the purpose of using the information so as not to harm improperly men engaged in a business dovetailing with all other businesses and embarrass them at the hands of some competitor or competitors who would seek to use the information to overthrow legitimate competition.

Mr. GARNER. Will the gentleman from Illinois yield right there?

Mr. CANNON. One moment, if the gentleman will allow me?

Mr. PUJO. Certainly.

Mr. CANNON. Therefore, having the confidence which I have in the gentleman who is the chairman of this committee, it seems to me that I am prepared to support the bill.

Mr. PUJO. I will yield to the gentleman from Texas [Mr. GARNER] to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. GARNER. Does the gentleman from Illinois believe that any Member of this House could assume for a moment that a committee of this House was going into an investigation of this character for any other purpose than for the good of the General Government and for the purpose of ascertaining facts upon which to base legislation?

Mr. CANNON. Is the gentleman on the committee?

Mr. GARNER. No, sir.

Mr. CANNON. I will say to the gentleman that I would be slow to so believe, and yet I will say to the gentleman that in almost 40 years' service in this House I have seen, time and again, investigations conducted to suppress the truth or to defeat half of it, and seen it dwelt upon in headlines of sensational papers, and I trust that this investigation will not be so conducted.

Mr. GARNER. Have not most of those investigations been made by the Republicans of this House?

Mr. CANNON. This is a Government of the people through organizations called parties, and in hot blood and in campaigns sometimes—and I do not claim that either side could be convicted of a monopoly under the antitrust act—the investigation sometimes becomes a farce, and sometimes is conducted in good faith.

Mr. BARTLETT. May I suggest to the gentleman that sometimes when started in good faith they are stopped by very high authority? [Applause.]

Mr. CANNON. Oh, yes; by forces that operate; but neither great party organization can claim a monopoly. The great mass of the people in both parties want to be fair.

I thank the gentleman from Louisiana [Mr. PUJO] for his courtesy.

Mr. PUJO. Resuming my remarks, I will say to the distinguished gentleman from Illinois [Mr. CANNON], who has just concluded, and who made inquiries touching the nature, character, scope, and purpose of this investigation, and entertaining for him that great respect which every Member of Congress feels for him personally as an able legislator, that I reflect the views of the subcommittee having in charge this investigation—that it will be conducted in good faith, with an eye single to the discovery of abuses, so that we may have legislation in the future to protect the interests of the people.

Mr. CANNON. That is, if legislation is needed.

Mr. PUJO. If legislation should be needed. I desire to say further, Mr. Speaker, and in answer to the inquiry of the gentleman from Illinois [Mr CANNON], that I have been on this committee for nearly 10 years, having had the honor of being appointed by the gentleman from Illinois, when he was Speaker of the House, a member of that committee. I have always taken the position that the question of financial and monetary conditions is not political but scientific. However, I realize that all matters that have to be passed upon and thrashed out by the Houses of Congress are apt to be tinged sometimes with politics.

But it is the purpose of this investigation, as I understand it, to find if additional legislation be necessary. It might be suggested, for instance, that a law should be passed that would prevent trust companies from owning a majority of the stock in a national banking association, to prevent the control of deposits, so that ventures might not be underwritten with the money of depositors. There may be many instances of that character developed by such an investigation. It is a question of doubt whether we have the power, and I want to be frank and free with this House, that unless this power be granted the inquiry ought not to be continued. We may be stopped at any time—that is, a witness can decline to testify. He may be brought before the bar of the House, and then may take advantage, if held for contempt, of habeas corpus, and take the case to the Supreme Court of the United States, and thus retard the investigation.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. ELLERBE). Does the gentleman from Louisiana yield to the gentleman from Georgia?

Mr. PUJO. Yes.

Mr. EDWARDS. I notice in the report here that from the language, in view of the wording of the section referred to, a doubt has arisen as to whether any national banking association would deny the right of a committee of Congress to investigate its affairs or its relations to other financial institutions.

Mr. PUJO. Yes.

Mr. EDWARDS. And no information has come to the committee officially that any national bank would take that position, and so forth. Now, I would like to ask the chairman of the committee whether or not any attempt has been made yet by the committee to investigate the affairs of any national bank?

Mr. PUJO. I will say, in answer to the gentleman from Georgia [Mr. EDWARDS], that we have sent out, with the assistance of experts, to every financial institution in the United States, 30,000 of them, inquiries far beyond the form used by the Comptroller of the Currency. These returns are coming in daily. They are being analyzed and classified in order that the committee might have some data with which to start the investigation. They are not all in yet. It is a large undertaking, but we expect to have them all tabulated in a little while, as soon as all the returns are in.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Louisiana yield to the gentleman from Georgia?

Mr. PUJO. I yield to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, referring to the resolution under which the gentleman's committee is proceeding, and for which I voted in the caucus, and for which I voted in this House—a proper resolution—the gentleman understands that by this bill, which has been reported, he is simply authorized to pursue, as a matter of course, further inquiries of the business of the national banks than the present law gives you power to investigate? Under the present law there is no right of inquiry or visitation allowed, so far as national banks are concerned, except that stated in the act to be exercised by the Secretary of the Treasury, through the Comptroller of the Currency, by certain designated and appointed agents known as bank examiners.

The purpose of this act is to permit Congress, or either House, in an investigation to inquire into the business of the national banks, a thing which it would not have authority to do by reason of the existing statute, referring solely to the national banks.

Now, the resolution under which the gentleman's committee is proceeding, leaving out the long string of high-sounding "whereases" contained in it, authorizes the committee to inquire into other businesses than the national banks, as, for example, the business of trust companies and insurance companies. The gentleman, of course, does not think that this gives him or his committee any additional powers over those State-organized institutions than that he has without this bill.

Mr. PUJO. Not at all, sir. It applies only to the national banking associations.

Mr. BARTLETT. Yes; and I apprehend—that is, if we stand by what we know to be the law at the present time—Congress could not empower you to investigate a State-organized institution, such as a trust company or banking company, unless it came in some way within the jurisdiction of matters concerning which the Congress had the right to legislate. So that as to this bill—for which I will vote, because I have the utmost confidence in the gentleman and his committee—the gentleman will not get any additional authority over any financial institutions except over the national banks, and it is known in the business world that large business undertakings and enterprises, such as the building of railroads and various other things, steam and electric railroads, and the issuance of bonds, and all those things, are financed not by the national banks, but by the trust companies that are organized under State laws. That is true as a general thing, is it not?

Mr. PUJO. That is generally true.

Mr. BARTLETT. And the resolution gives you no power over them, and the resolution authorizing the investigation can give you no power over them?

Mr. PUJO. That is true; and in further reply to the gentleman from Georgia I will say that the purpose and intention is that there will be no legal interference with the work of the committee when acting within constitutional and legal authority.

Mr. BARTLETT. I am perfectly willing to leave that to the gentleman from Louisiana and his subcommittee.

Mr. NORRIS and Mr. JACKSON rose.

The SPEAKER pro tempore. Does the gentleman from Louisiana yield?

Mr. PUJO. I yield to the gentleman from Nebraska [Mr. NORRIS] for a question.

Mr. NORRIS. I have no objection to the gentleman yielding to the gentleman from Kansas first.

Mr. PUJO. I leave it to you gentlemen to determine.

Mr. JACKSON. I want to call the attention of the gentleman to a matter in connection with what the gentleman from Georgia [Mr. BARTLETT] has said. This bill would confer upon the committee inquisitorial power as to a national bank—that is, as to the corporate entity—but it would not give the gentleman's committee any additional authority to compel witnesses to testify.

Might it not be true that, having the power to investigate into the business affairs of the corporate entity, you would still lack the power to compel individual witnesses to testify? It seems to me that is a matter to which the gentleman's committee should give special attention, for the reason that, as I understand the law at the present time, there is no power in the hands of this committee to compel any individual person in the country to testify, if he claims immunity, because he would make himself liable to criminal prosecution. I understand that this House is without power to confer that authority upon a committee, except by a law passed through both House of Congress. Ought not the committee now, as a part of this bill, or by a separate bill if it be found necessary, to prepare for the time when some individual will refuse to testify on the ground that he will make himself liable to prosecution for a criminal offense?

Mr. PUJO. In reply to the gentleman, I will state that the resolutions referring this matter to the committee for investigation have given us all the power that can be given under the Constitution of the United States—the right to summon witnesses, administer oaths, and examine them. Now, it is hornbook law that you can not make a man criminate himself, and we would have to amend the Constitution of the United States in order to bring a witness before a committee and make him criminate himself.

Mr. BUTLER. You would have to change the Bill of Rights.

Mr. PUJO. I say, we would have to amend the Constitution of the United States.

Mr. JACKSON. Oh, no; not at all.

Mr. PUJO. In my judgment as a lawyer we have all the power in this committee that can be vested by the Congress of the United States.

Mr. JACKSON. Oh, no.

Mr. PUJO. I want to say further, in answer to the gentleman, and somewhat in reply to the gentleman from Illinois [Mr. CANNON], that I am not a financier. I am a banker only in a very relative sense. I have been able to gain a subsistence by the practice of the law, and it is my belief that we have all the power in this resolution that can be given to us under the Constitution of the United States.

Mr. JACKSON. If the gentleman will permit me, I think he is somewhat in error in his statement of the law, that it would be unconstitutional to compel a witness to testify.

Mr. PUJO. You must give him an equivalent.

Mr. JACKSON. You must give him immunity.

Mr. PUJO. Judge Humphreys decided in the packers' case that you can not get something for nothing. You must give a man an equivalent. If he comes and gives you information that would punish him in the courts, you must give him freedom for that as an equivalent.

Mr. JACKSON. Certainly.

Mr. PUJO. That is horn-book law.

Mr. JACKSON. That is the point to which I am trying to call the gentleman's attention, that the general statute which attempted to give that immunity to witnesses before congressional committees has been set aside by the Supreme Court of the United States as being insufficient.

Mr. PUJO. Yes.

Mr. JACKSON. Believing that the gentleman's committee wants to get at the bottom of this entire subject, ought not the committee to bring in a bill at this time conferring upon all congressional committees of the House full authority to examine witnesses under complete immunity from prosecution? I notice in the press that the Steel Trust investigation committee is already up against this question. It is subpoenaing witnesses now who refuse to testify on the ground that they would become liable for criminal offenses.

Mr. PUJO. I will state in answer to the gentleman that that matter was fully considered when resolution 504 was reported to the House. We had an immunity clause in it; but in order to get through with this investigation we realized that there was no possible chance of passing it, because it had to be the joint action of both Houses of the Congress of the United States and approved by the President.

Mr. JACKSON. So will this bill have to be signed by the President.

Mr. PUJO. Yes; but we take it that if the House of Representatives passes a bill which seems so obviously fair, giving the power to the creator to examine what its creatures are doing, no one will raise any objection to it.

Mr. JACKSON. The gentleman will understand me as not complaining about this bill.

Mr. PUJO. I understand that.

Mr. JACKSON. I am only suggesting to the gentleman why it would be the best thing to have a similar bill put through both Houses at the same time upon a matter which may be so important before this investigation is concluded.

Mr. PUJO. It might be well, but we have no steering committee to whom we can refer matters of this kind. It was hard enough to get the simple proposition through.

Mr. JACKSON. Is not the gentleman himself a steering committee on this proposition?

Mr. PUJO. Only in so far as it relates to our power. I think, as a legal proposition, that we have the right to bring a witness here. I believe we have all the power that can be vested in a committee by resolution of the House in one of its agencies under the Constitution of the United States. We can not get more power without going through the procedure that the gentleman suggests.

Mr. JACKSON. The only thing I sought to call the gentleman's attention to was that if this bill is important why not make a clean sweep of it and put through both bills?

Mr. PUJO. We can not take up but one matter at a time; the other matter is one that affects many committees.

Mr. JACKSON. I think the gentleman will find that it affects his committee and his witnesses before he gets through.

Mr. PUJO. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has 27 minutes.

Mr. PUJO. I desire to give time to anyone opposed to the bill. I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. If it is not improper, I would like to ask a question about the pending bill. Is the primary object of this bill to obtain information from the comptroller?

Mr. PUJO. No; we have that power now.

Mr. MANN. The comptroller is entitled to obtain information from national banks.

Mr. PUJO. Yes.

Mr. MANN. Have you a right to acquire that information to lay before the committee?

Mr. PUJO. We have; but investigations by bank examiners are published in the newspapers, and we do not need that, but we feel that there are many other things that we do need.

Mr. MANN. I take it that the comptroller has the power to obtain a great deal of information which he has no power to make public.

Mr. PUJO. That is a mooted question.

Mr. MANN. Is it the intention of the gentleman's committee to have these investigations carried on in the shape of public hearings?

Mr. PUJO. Yes.

Mr. MANN. And give this information out to the world?

Mr. PUJO. I can only speak for myself. I would think it very improper to give private information, information relating to private affairs, to the public.

Mr. MANN. How can the gentleman's committee avoid giving it to the public? It is secured through public hearings.

Mr. PUJO. There is no desire to avoid giving it to the public.

Mr. MANN. But the gentleman says that he considers that it may be improper to give certain private information to the public, and yet how can he avoid giving it to the public? That is the very essence of the proposition.

Mr. LLOYD. If the gentleman will pardon me, is it not a fact at the present time that you are seeking valuable information—not in public hearings—and that the information you will gather under this law, if enacted into law, will be information which will not appear in public hearings and will not be published in the proceedings of the committee?

Mr. PUJO. The committee can make that an executive document.

Mr. LLOYD. Is not the information already obtained information which is not in the form of hearings?

Mr. PUJO. Certainly; we have only had one witness examined.

Mr. MANN. That is true; but you have not got the inquisitorial powers in reference to banks; and when you secure information it belongs to the House; it does not belong to the committee. I have no objection to the gentleman's committee having full power, but have gentlemen on the committee worked out a scheme by which they can obtain information with reference to national banks, which can be made public in such a way as not to identify a particular bank? Is it not the purpose of the gentleman's committee to go into the financial negotiations with particular banks and make that public?

Mr. PUJO. The committee has expressed no purpose as a committee. As a legislative proposition, as an agency of the House, in anything the committee does, the House can control.

Mr. MANN. Will the gentleman allow me to make a formal suggestion to him about the bill?

Mr. PUJO. Yes; if the gentleman pleases.

Mr. MANN. The bill refers to Congress, "or either branch thereof." I suggest that he make it read "either House."

Mr. PUJO. The Constitution, I know, says either House, but it is my opinion that it is wrong.

Mr. MANN. The Constitution refers in a dozen places to the "two Houses of Congress." There is a question as to what a branch of Congress is.

Mr. PUJO. I would not think so, but I have no objection. I saw it after it was framed, and I objected to the word "House" being used, because I thought it was a misnomer, and I so consider it. The "Senate" is not a House.

Mr. MANN. The House of Representatives is one House of Congress and the Senate is the other House of Congress. The distinguished gentleman who wrote the Constitution continually refers to "both Houses of Congress," "each House of Congress," and to "the other House of Congress," referring to the Senate.

Mr. PUJO. I think he knew more about it than I do, and as the gentleman from Illinois is his particular representative here to-day, I will ask unanimous consent to make the change. [Laughter.]

Mr. MANN. Besides, I do not want to see the gentleman have the comeback again.

Mr. PUJO. I thank the gentleman. Does the gentleman from Nebraska wish me to yield to him?

Mr. NORRIS. I shall not now go back to what I had in mind. The gentleman has entered upon another subject.

Mr. PUJO. If there is no one else who desires to speak upon the bill, I shall ask unanimous consent to move the amendment suggested by the gentleman from Illinois. Mr. Speaker, I ask unanimous consent to amend the bill as it now stands, in line 10, by striking out the word "branch" and inserting in lieu thereof the word "house."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 10, strike out the word "branch" and insert the word "house."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PUJO. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I did not support either one of the previous propositions looking to this investigation, and on the passage of this bill I expect to be counted in a hopeless minority; but I believe in a man having the courage of his convictions on all public questions, and while practically a new Member, I have never dodged a responsibility in this House. I have never failed to go on record on every vote or roll call. There is no demand for this investigation as far as the district I represent is concerned; and while the statement has been made here this morning that the House of Representatives ordered this investigation by practically a unanimous vote, where is the Member who can state that he had an appeal from his constituents to enter upon this investigation? It is no answer to me to say that an insurgent Member of Congress favored or introduced this bill. Is there a demand for it? And if so, where does the demand emanate? Where does it come from?

Mr. EDWARDS. Is the gentleman in favor of the initiative?

Mr. AUSTIN. Not in national affairs. I am a stand-pat Republican and believe in the old-time Republican principles. [Applause.]

The gentleman having this investigation in charge confesses to this House that he is not a banker. Is there a banker on this committee that is going to engage in the most far-reaching and important of the many investigations ordered by this House? Is there a trained and experienced banker on this committee which is intrusted with this important work?

Mr. BYRNES of South Carolina. I will state to the gentleman that there are 2 of the 11.

Mr. AUSTIN. Two out of twenty-one! There are 21 members on the Committee on Banking and Currency.

Mr. PUJO. The gentleman from New York, Mr. VREELAND, is the president of one of the big banks, but I will state that he is not on the subcommittee.

Mr. BYRNES of South Carolina. There is the gentleman from Missouri, Mr. DAUGHERTY, and the gentleman from West Virginia, Mr. BROWN.

Mr. PUJO. And the gentleman from Delaware, Mr. HEALD, is an old banker.

Mr. AUSTIN. Then we have 4 bankers out of 21 members on the committee.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. HENRY of Texas. Mr. Speaker, in the first place I will say to the gentleman from Tennessee that your Secretary of the Treasury has demanded an investigation of the Money Trust.

Mr. AUSTIN. Oh, yes; and our Secretary of the Treasury is reported in a public speech in New York as favoring ultimate free trade in this country, and yet that does not commit me or the balance of us to that political heresy. [Laughter and applause.]

Mr. HENRY of Texas. I did not mean to make the gentleman attack one of the officials of his administration.

Mr. AUSTIN. And I do not want the Secretary of the Treasury held up to me as an example of what I shall do here as a sworn representative of the people.

Mr. HENRY of Texas. Then I shall hold somebody else up to the gentleman as an example.

Mr. AUSTIN. And, besides, the Secretary is too fresh from the Democratic Party to be quoted to me as to what I should do on this proposition. [Laughter and applause.]

Mr. HENRY of Texas. If the gentleman will yield further, I shall give him some more information, because it is evident that he needs information.

Mr. AUSTIN. I want information touching the qualification of this committee as to bankers upon it.

Mr. HENRY of Texas. I will tell the gentleman about that later, but first want to say that if he will come to my committee room I will show him numbers of letters from bankers throughout this country who want to get from under the domination of the Money Trust in New York City; and in the next place I will show the gentleman numerous telegrams and letters and petitions from people all over the United States who want to get from under the domination of the Money Trust.

Mr. AUSTIN. Will the gentleman tell me how many letters and telegrams he has received from his own constituents upon this subject?

Mr. HENRY of Texas. Oh, I do not know. Many hundreds of them. Again, I assume that the representatives of the people are qualified to investigate the affairs of the national banks of the country, the mere creatures of the Government under the law.

Mr. AUSTIN. Mr. Speaker, we are going into an investigation affecting the credit, the public confidence in the financial system of this country, and involving the weal and happiness of every class and condition of our people. We are touching a subject that may involve us at any time in a disastrous business panic, and we are asked to go headlong into it without limit or restriction.

We are being urged to do it, not from our districts, not from the bankers or business men of any district in the United States, and I challenge any Member of this Congress to state here that this demand comes from any business element of this country. You are not only touching the vital business interests of this country in this investigation, but you are fooling——

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. PUJO. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on this subject——

Mr. AUSTIN. Mr. Speaker, I thought, under the rule, I had an opportunity, being in oppositon to this bill, to speak just as long as the gentleman having the bill in charge.

The SPEAKER. No; the rule is when the gentleman from Louisiana exhausted his hour, if he does not move the previous question, then the gentleman from Tennessee, or any other gentleman who can catch the Speaker's eye, will be recognized for an hour.

Mr. PUJO. I have never yielded the floor, but I yielded to the gentleman from Tennessee five minutes.

Mr. AUSTIN. Mr. Speaker, I want to submit I was interrupted by the gentleman from Texas and other gentlemen——

Mr. PUJO. Mr. Speaker, how much time have I left of the hour?

The SPEAKER. The gentleman has 15 minutes left.

Mr. PUJO. I will yield five minutes more to the gentleman from Tennessee, and then move the previous question——

Mr. NORRIS. I would like for the gentleman to yield me five minutes if he can do so.

Mr. PUJO. I will yield five minutes, then, to the gentleman from Nebraska, but I do not surrender the floor. I yield five minutes to the gentleman from Tennessee.

Mr. AUSTIN. Mr. Speaker, I do not wish in my statement about the personality of this committee to reflect upon the patriotism or the ability or the good faith of any member of that committee, but I do claim that in dealing with an interest affecting every national bank in this country, an interest affecting every stockholder in every national bank in this country, an interest affecting countless thousands of American citizens who are depositors in every national bank in this country, we ought to stop, we ought to hesitate, pause, and consider where we are going in this investigation.

Why, we have had investigations by the Monetary Commission for years, costing thousands of dollars, yet we are asked for another investigation, with the expenditure of additional thousands of dollars, when we have already piled up here in numerous volumes the findings and the hearings of the Monetary Commission. Every particle of information this committee ought to have in this investigation can be found in the office of the Comptroller of the Currency, and if not found there can be obtained there through the comptroller. I have no interest in any bank, never owned a share of stock in one, but I want here and now to enter a protest against this investigation that does not mean anything good or valuable to the business interests of this country. I hope this House will not intrust any committee with the power carried in this bill, especially when that committee has employed two lawyers who have, I understand, stated their position in the public press and who, in my opinion, are not seeking and will not seek as the representatives of that committee to guard and protect the vast interests involved in the daily hearings that will come before this committee and the public hearings that are open to the public press of the country.

Mr. PUJO. Mr. Speaker, I desire to say for myself and on behalf of the committee that the policy of this investigation has been directed by Congress. I have never seen any statement of counsel associated along the line suggested by the gentleman from Tennessee, and I think if such publications have appeared that they are absolutely erroneous.

Mr. AUSTIN. Well, I am glad to hear the gentleman say for the attorneys employed by the committee that the public reports do not correctly state their position or their opinions in reference to this investigation.

Mr. PUJO. I do not know what the public reports are, and I could state better if they were before me. Now I yield five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. AUSTIN. I yield back whatever time I may have remaining.

The SPEAKER. The gentleman from Tennessee yields back one minute.

Mr. NORRIS. Mr. Speaker, the gentleman from Tennessee [Mr. AUSTIN], in my judgment, has given some good reasons why this bill ought to be passed and this investigation ought to take place, but he has departed from his usual course. He has forgotten that this investigation will cost some money, and it is the first time I recall the gentleman from Tennessee opposing any resolution that will take money out of the Public Treasury. [Laughter and applause.]

Mr. AUSTIN. Mr. Speaker, if the gentleman will permit me, I want to use this money in another direction.

Mr. NORRIS. Well, the gentleman has evidently lost sight of the fact that this investigation is going to cost some money. Now, Mr. Speaker, the gentleman says that it is not the first time the suggestion has been made. It has been made here and in the public press that an investigation of this kind will have a tendency to bring on a panic; that the control of the business of the country and the money of the country are now in the hands of men who, if you undertake to investigate them, will bring on a panic. If that be true, then surely we ought to have the investigation. [Applause.]

If that be true——

Mr. CONNELL. Will the gentleman yield?

Mr. NORRIS. I prefer not to yield, inasmuch as I have only five minutes. If that be true, then we certainly ought to know who it is that controls the finances of the country and how they control them. There has been a demand for this investigation. I have seen letters by the hundreds, not only from ordinary individuals and business men, but from bankers themselves, who are under the control of financial influences that they know are not right, and who want to get from under that control.

Mr. HENRY of Texas. Will the gentleman yield to a question?

Mr. NORRIS. The gentleman from Minnesota [Mr. LINDBERGH] can supply the gentleman from Tennessee with demands for this investigation from almost every post office in the United States that will take him months to read.

Mr. HENRY of Texas. In connection with what has been said by the gentleman from Tennessee [Mr. AUSTIN] and what is being said by the gentleman from Nebraska [Mr. NORRIS], what might afford an additional reason for this investigation is that the Republican Party is not controlled by a trust. Is there anything in that?

Mr. NORRIS. The gentleman brings in a question that I would like to discuss for an hour. He has brought into this a partisan proposition that his own colleague, Mr. PUJO, wisely and patriotically said he wanted to keep out. There are trusts controlled by men who are Republicans, and there are trusts controlled by Democrats. Does the gentleman think for a moment that the Republican Party has a monopoly of all the trust men?

Mr. HENRY of Texas. I do not want to cause any trouble in the Republican Party.

Mr. NORRIS. I am not afraid of trouble in the Republican Party, either. I have seen a good deal of it and made some of it [laughter and applause], and it has resulted in good, in my judgment, both to the Republican Party and to the country. I want to say to the gentleman that when it comes to the proposition of a man being in favor of a monopoly or being a criminal, or anything of that kind, you can not consider partisan politics, and the man who undertakes to make this investigation along partisan lines is not doing his patriotic duty; I do not care whether he is a Democrat or a Republican. If there is something wrong, let us find it out and let us go to the bottom of it, whether it hurts a Democrat or whether it hurts a Republican. [Applause.] If there is nothing wrong, it will hurt nobody; and if there is, this committee ought to make such an investigation to develop what the facts are. [Applause.]

Mr. PUJO. Mr. Speaker, I now move the previous question on the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States.

Mr. JACKSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. JACKSON. To inquire how much the gentleman has left of the hour.

The SPEAKER. Six minutes.

Mr. JACKSON. Will the gentleman from Louisiana [Mr. PUJO] yield me a minute?

Mr. PUJO. I was going to make a further request—that anyone who desires to print on this question have that privilege.

Mr. JACKSON. I do not desire to print. I want to make an observation.

The SPEAKER. The gentleman from Louisiana [Mr. PUJO] moves the previous question on the bill as amended.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PUJO, a motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, and, pending that, I wish to make a further request. Under the agreement we made when we reached sections 5 and 11, in considering the bill under the five-minute rule, they will pass to the end of the bill.

The SPEAKER. That is all understood.

Mr. ADAMSON. I want to make one request, in accordance with the agreement, that when we reach those sections the gentlemen who want to offer amendments may file those amendments.

Mr. MANN. That will be done in committee.

The SPEAKER. That will be done in the committee.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent that all amendments to be offered to sections 5 and 11 be printed, so that the gentlemen may inform themselves concerning them.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent that amendments to sections 5 and 11 be printed.

Mr. BROUSSARD. My request is to have those amendments printed separately, so that a Member might understand the different amendments.

The SPEAKER. That is exactly the question the Chair was going to put.

Mr. MANN. Reserving the right to object, I take it that the two requests made indicate that it is not the purpose to make a final disposition to-day of sections 5 and 11; and if it is the purpose to let them go over, I would suggest that the gentlemen be authorized to propose amendments to be printed in bill form as proposed amendments—if that is the purpose.

Mr. UNDERWOOD. Mr. Speaker, I would like to say to the gentleman from Illinois [Mr. MANN] and the gentleman from Louisiana [Mr. BROUSSARD] that I hope this bill will be completed to-day. [Applause.] I have no objection to the request of the gentleman from Louisiana, but if his request contemplates that the bill shall not be considered to-day I shall certainly oppose it—that is, if the bill can be concluded in the regular order. As I understand the proposition, there are only two paragraphs to this bill about which there is any real contention, and it seems to me that it is possible for the House, by sitting a little late to-night, to dispose of the bill in Committee of the Whole and give the right of way to an appropriation bill on Tuesday, and I hope very much that that will be carried out.

Mr. ADAMSON. Mr. Speaker, I can not tell—and no living man can tell—just exactly what this day or any other day may bring forth. The gentleman from Louisiana [Mr. BROUSSARD] and I agreed, inasmuch as we had secured unanimous consent about passing over the two contested sections—5 and 11—to the end of the bill, that when those two sections were reached in their order gentlemen could offer amendments to these two sections and have them pending to inform the House what they were; and I asked unanimous consent for that purpose. I did not intend and do not intend to intimate a foreclosure of the question to-day as to when we can finish the consideration of the bill. So far as I am concerned, I have done my duty and am ready to vote now, but do not wish to take advantage of anybody. I want everybody to have a full chance and opportunity and to vote just as I do—just as he pleases—when we get through. The object of my request for unanimous consent is equally applicable, no matter how far we may travel to-day. I agree with the wish expressed by the gentleman from Alabama [Mr. UNDERWOOD]. I would like to get through as soon as we can.

Mr. MANN. But, Mr. Speaker, if the amendments are disposed of to-day, there is no object in asking unanimous consent that they be printed in the RECORD, because they will be printed in the RECORD when offered. I can see no object in making the request at this time. Now, I suggest to the gentleman, if the amendments are undisposed of when the House adjourns to-night, that after the committee rises this afternoon is time enough to make the request that any proposed amendments may be printed in the RECORD or in bill form.

Mr. ADAMSON. Mr. Speaker, I did not mention the printing in the RECORD, because I thought of this possible contingency: Inasmuch as all the speakers have indicated that there is little matter of contest on the other sections, we may reach No. 5 in a few minutes, and even if it is reached again at the heel of the bill and considered to-day before we adjourn, we would like to have information when it is reached so that we would know, when we are considering them, what the amendments are.

The SPEAKER. The day's RECORD will not be printed until night.

Mr. ADAMSON. I did not say printed to-night. I said that when the sections are reached Members may offer them, and we will have them pending.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that, when sections 5 and 11 are reached, anybody having an amendment to them can have the privilege of offering it then and there, and have it pending.

Mr. MANN. But that would not require the offering of the amendment at that time.

Mr. ADAMSON. No; not at all. It would not shut out anybody.

The SPEAKER. Of course, those two things have no connection with each other. Is there objection to the request of the gentleman from Georgia [Mr. ADAMSON]? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BROUSSARD. Mr. Speaker——

The SPEAKER. Will the gentleman from Louisiana [Mr. BROUSSARD] please make his request over again?

Mr. BROUSSARD. My request, Mr. Speaker, is for unanimous consent to have these amendments printed in the RECORD, and separately, so that Members may have the use of them, provided, of course, we do not conclude the consideration of the bill to-day.

The SPEAKER. The request of the gentleman from Louisiana [Mr. BROUSSARD] for unanimous consent is this: That in the event this bill is not disposed of to-day, including sections 5 and 11, all pending amendments be printed in the RECORD——

Mr. ADAMSON. They will be printed, anyhow——

The SPEAKER. And separately as a document. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, in the form in which the request comes, if the bill is not disposed of, I see no objection to printing the amendments; but I hope the bill will be disposed of tonight.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Panama Canal bill. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of House bill 21969, and the Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ADAMSON. Mr. Chairman, the gentleman from Louisiana [Mr. BROUSSARD] and I have arranged to yield to the gentleman from Illinois [Mr. MANN] and I now yield to him 45 minutes.

Mr. MANN. Mr. Chairman, I do not desire at present to consume so much time, and I ask the Chairman to notify me at the end of 20 minutes.

Mr. Chairman, it is a source of gratification to me personally that I was in at the beginning, and am in practically at the end, of the legislation for the construction and the operation of the Panama Canal. I entered the House in the Fifty-fifth Congress, went on the Committee on Interstate and Foreign Commerce, and found on that committee that one of the questions which was of greatest importance was providing some method for the construction of an Isthmian Canal.

The Maritime Canal Co., which had proposed to construct the canal at Nicaragua, was then asking for assistance from the Government. There had been prior to that time no proposition that the Government should construct the canal, and the Clayton-Bulwer treaty of 1850 specifically prohibited the Government from constructing the canal or from operating it.

The gentleman from Georgia [Mr. ADAMSON] stated the other day that, in his opinion, the canal would not have been constructed in the course of a century, possibly, if it had not been for the celebrated trip of the battleship *Oregon*. I do not agree with him in regard to that, but I have no doubt that trip made the country realize more closely than ever before the advantage it might be to our country from a military standpoint to have the canal constructed.

With the Clayton-Bulwer treaty still pending, prohibiting the construction of the canal by the Government, in December, 1898, Col. Hepburn, of Iowa, the chairman of the Committee on Interstate and Foreign Commerce, introduced a bill providing that the Government of the United States should construct and defend a canal, he taking the position that the Clayton-Bulwer treaty had been abrogated by the action of Great Britain shortly after the treaty went into force.

The committee had a good many hearings and discussions on the subject, and finally decided that a canal should be constructed and protected by the Government. At the next Congress Col. Hepburn again introduced his bill. It was reported favorably and was passed by the House, and the State Department of the United States had brought home to it directly the proposition that Congress was likely to pass a bill in flat violation of the terms of the Clayton-Bulwer treaty unless that treaty were abrogated or modified by a new treaty.

Mr. Hay, the then Secretary of State, proceeded to negotiate the first Hay-Pauncefote treaty, which expressly provided that no fortification should be constructed on the canal. That treaty was rejected or withdrawn, and the Hay-Pauncefote treaty now in force was agreed upon and confirmed and published to the world.

That treaty did not specifically provide that no fortification should be erected. When it was before the House for determination as to whether we would fortify the canal I happened to be the Chairman of the Committee of the Whole House on the state of the Union, and I was required to pass on the point of order whether we were authorized to make an appropriation for the fortification of the canal.

Mr. Chairman, as I hope I shall not speak very long and as I do not propose to go very extensively into the papers which could be produced, and many of which have been produced, I desire to say, both in connection with the toll question and in connection with the fortification question, that I think I have read and studied every document which has ever been put in print on the subject and some which have not. I reached the conclusion that the Government of the United States under the Hay-Pauncefote treaty had the right to fortify the canal, and I reached the conclusion that under the Hay-Pauncefote treaty the Government of the United States had the right to prefer in toll charges the American merchant marine, whether it be in coastwise or foreign trade. [Applause.]

The treaty provides:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality."

Gentlemen will notice that there is no exception from the language used that the vessels of all nations, both of commerce and of war, shall be treated on entire equality. And the question involved is whether the term "all nations" means all other nations except the United States and the country in which the canal is constructed or whether it includes the United States and the now Republic of Panama or the then Republic of Colombia.

It must be perfectly patent to anyone that the language used in the treaty was not intended to cover all war vessels of all nations alike. It must be perfectly patent to anyone that the term in the treaty was not intended to cover vessels owned by the Government of the United States or under its lease for the carrying of coal through the canal for future use. It must be perfectly patent to anyone that the terms of the treaty did not intend to cover all vessels owned by the Government for the operation of the canal itself.

Immediately following this treaty we negotiated a treaty with the Republic of Colombia. That treaty never went into effect, but we negotiated it, and afterwards we negotiated a treaty with the Republic of Panama, providing as to the treaty with Panama—

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind.

That was our construction of the Hay-Pauncefote treaty when we immediately thereafter made the treaty with the Republic of Colombia and afterwards with the Republic of Panama; in other words, that the Hay-Pauncefote treaty, which said that vessels of all nations should be treated alike, did not refer to vessels owned by the Republic of Panama or which were engaged in transporting its troops or munitions of war.

Mr. NORRIS. Will the gentleman yield there?

Mr. MANN. I should prefer to go ahead, if I may.

Mr. NORRIS. All right.

Mr. MANN. That was one exception to the general provision of the treaty which it was perfectly patent to everybody ought to be made; and no nation, much less Great Britain, has ever filed any suggestion that under the original Hay-Pauncefote treaty we did not have the right to give a preference, or no charges at all, to the vessels of the Republic of Panama.

Then, as to war vessels, the treaty provides that the vessels of all nations in commerce or war shall be treated alike. There is no distinction between the two. And yet no one has the hardihood to-day to claim that the war vessels of the United States passing through the Panama Canal must pay the tolls the same as the war vessels of other nations. My distinguished friend from Minnesota [Mr. STEVENS] attempted to relieve that situation by saying that we were authorized to protect the canal by policing it. It is perfectly patent that there is an exception as to war vessels of the United States going through the canal, differentiating the war vessels of the United States from the war vessels of other countries. And yet the language of the treaty is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

There is no distinction between war vessels and merchant marine; and if we have the right to except the war vessels of the United States from the terms of that provision of the treaty, by a parity of reasoning we would have the right to except the merchant marine of the United States or of its citizens.

The question arose early in this matter as to whether, even if we were bound by the terms of the treaty to collect the same rate of tolls upon our own merchant marine that we required

of the merchant marine of other nations, we might not rebate that and pay it back.

Some of the European Governments pay the tolls of their merchant marine passing through the Suez Canal, and no nation has ever suggested that under the terms of the international agreement a nation could not pay the tolls directly to a vessel of its own merchant marine passing through the canal, thereby practically relieving that vessel from the payment of tolls. It was suggested that the United States might adopt that course, and I think it was generally concluded that we had the power, if we desired, to grant a subsidy directly in money to repay to a merchant vessel the amount of tolls it had paid to go through the canal.

But we own the canal. The money that comes in tolls comes to our Treasury. The money which would be paid out in that way would come out of our Treasury. What object is there in requiring one of our war vessels to pay tolls going through the canal into the treasury down there, to be turned into the Treasury of the United States with one hand and taking the money out with the other hand and placing it on the warship with which it may pay the tolls? And yet with a strict construction of the treaty that would be necessary. It is so absurd on its face that no one pretends that we need to go through the rigmarole of taking money out of the Treasury, placing it in the hands of the paymaster on board a naval vessel, letting him turn it into the hands of the collecting officer on the canal, and letting the collecting officer turn it into the Treasury of the United States, to keep going round and round in the same manner, accomplishing nothing. The same would be true of the merchant marine if we have the power to pay back to the merchant vessel which has paid the toll. It is different from the situation that would be presented if a corporation owned the canal. We are the owners of the canal. That which we have the right to do in one manner indirectly we have the right to do in another manner directly. [Applause.]

I took the position, after as careful an investigation as it was possible to make, that we had the right to give the preference to the American marine. [Applause.] I was present at a conference at the White House, where was President Taft; the Secretary of War, Mr. Dickinson; the Secretary of State, Mr. Knox; and some other Members of the House and Senate. At the end of that conference I undertook the preparation of a proposition to be enacted into law.

The Secretary of War, Mr. Dickinson, undertook the preparation of a similar proposition. At that time the House had passed a bill providing for the government of the Canal Zone and other purposes. That bill was pending in the Senate, last winter a year ago, and the proposition was to amend the House bill pending in the Senate so that the operation of the canal might be included in that bill. Mr. Dickinson prepared his draft of the bill and I prepared my draft.

The CHAIRMAN. The Chair will state to the gentleman that he has consumed 20 minutes.

Mr. MANN. I shall take 10 minutes more. Mr. Dickinson submitted his draft to me and I submitted my draft to him and the President, and I am frank to say, with some degree of modesty, I hope, that I approved the judgment of the Secretary of War—Mr. Dickinson—and of the President—Mr. Taft—when they both said they thought that my draft of the bill was the one to be agreed upon. [Applause and laughter.]

I hold in my hand a letter from the Secretary of War—Mr. Dickinson—which I shall insert in the RECORD, which referred to a letter that he had transmitted to me with his original draft of a bill:

Referring to my letter to you of January 3, 1911, suggesting certain amendments to the bill to provide for the government of the Canal Zone and for the construction of the Panama Canal, I have to advise that I had a further conference to-day with the President and that it will be satisfactory to him if the bill is amended as follows.

And what follows is the draft of the bill which I had drawn. On January 14 I received this letter from the Secretary of State concerning the same draft of bill:

In accordance with your suggestion, I have conferred with the Secretary of War with reference to the amendments to the canal bill to which you referred, and agree with the judgment already expressed to you by the President and the Secretary of War, that they improve the bill.

Upon that, on the same day, I introduced a bill in reference to the tolls on the canal and for the furnishing of supplies. My proposition was, as expressed in the bill, that the Government of the United States, by legislation through Congress, assume that it had the right to give preferential rates or no charges at all to the American merchant marine, or any vessels owned by the Government, its citizens, or subjects. [Applause.] My bill proposed to limit the rate of tolls to $1.50 at the highest and 50 cents at the lowest, other than for vessels of the United States and its citizens and vessels of the Republic of Panama, with the further right to make lower rates for vessels of the United States engaged in the coastwise trade, subject to the provision that no rate should be made lower than the estimated cost of operation of the canal. [Applause.] In other words, that any coastwise vessel should pay the cost of locking it through the canal. The bill also reserved the power to fix rates on the same basis for our foreign merchant marine. My bill further provided that in fixing the coastwise rates at the estimated cost of locking through the canal, that that lower rate should not apply to any vessel owned or controlled directly or indirectly by any railroad or any combination to control rates.

Mr. Chairman, if I am called upon to vote in the House as between the proposition in the bill which in my judgment practically declares that we construe the Hay-Pauncefote treaty to forbid us making preferential rates, I shall vote against the proposition in favor of the proposition of no tolls for coastwise trade. [Applause.] However, this matter, being a matter involving treaty rights made between the United States and Great Britain, in the end may have to go to some tribunal like The Hague tribunal for final determination. We would not, and neither would Great Britain, desire to have a war—the suggestion is impossible—over a matter of this kind. We would not desire on our side to violate any faith involved in a treaty with Great Britain or any other power [applause], but the bill which I introduced assumes that we had that power. We construed it that we had the power. We did not assume that we did not have the power. We left it with the President to determine the rates, thereby leaving it, if necessary, for diplomatic negotiations before the rates were determined. If we declare that we will give preferential rates to our coastwise trade and Great Britain objects to that construction of the treaty with any force it may become necessary to let some international tribunal determine that construction. I do not believe, myself, that Great Britain would make any objection. We have expended and will have expended before the canal is completed $400,000,000 out of the National Treasury. It is our money. For 400 years the people of the world had desired the construction of the Isthmian Canal. Private enterprise was wrecked in attempting to provide the canal. We undertook it. Who will say that it was not practically making a Christmas present to the world? I always looked at the construction of the canal, not as a matter of military necessity, not as a matter of commercial necessity, but as a tribute which this young, powerful, and rich Nation had made to the civilization of other nations which have contributed so much to our civilization and our happiness. [Applause.] And yet when we have constructed the canal at our expense I think no nation in the world would say for a moment that we did not have the right to grant a preference to our own vessels and the vessels of our own citizens. What other nation in the world would have constructed the canal and expected that its own citizens could get no preference? For what reason should we charge the same rate of toll for vessels passing from New Orleans to Los Angeles that we charge for vessels passing from Liverpool to Australia? It is a part now practically of our internal waterways. We have a right, and I do not believe that Great Britain would make any protest so long as we treat all foreign nations and their vessels upon equal terms and with equal rights. [Applause.] I yield back the balance of my time.

Mr. ADAMSON. Mr. Chairman, how much time has the gentleman from Illinois used?

The CHAIRMAN. Thirty minutes.

Mr. ADAMSON. I will say to gentlemen on the other side it is understood we will reserve 40 minutes for concluding general debate, and I understand the gentleman from Illinois [Mr. CANNON] is now to be recognized.

Mr. STEVENS of Minnesota. It is understood that the gentleman from Illinois [Mr. CANNON] should have some time.

Mr. MANN. Mr. Chairman, I ask unanimous consent to extend my remarks by making some insertions.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks by making some insertions. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Under leave to extend my remarks, I herewith insert letters from Secretary of War Dickinson and Secretary of State Knox:

WAR DEPARTMENT,
Washington, January 6, 1911.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to my letter to you of January 3, 1911, suggesting certain amendments to the bill to provide for the government of the Canal Zone and the construction of the Panama Canal (H. R. 12316), I have to advise that I had a further conference to-day with the President and that it will be satisfactory to him if the bill is amended as follows:

First. In the caption, after the word "construction," add the words "and operation."

Second. On page 2, line 19, strike out the word "and" before the word "completed" and insert after the word "completed" the words "and operated."

Third. On page 3, lines 22 and 23, strike out the words "who shall be learned and skilled in the science of engineering."

Fourth. Insert after section 4, as new sections, the following:

"SEC. 5. The President is hereby authorized to prescribe and, from time to time, change charges for the use of the canal. Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge: *Provided, however*, That in fixing the charges for the use of the canal the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, or the rates of which for freight or passenger traffic are under the direct or indirect control of any railroad company, or the directors or stockholders of any railroad company who are acting in the interest thereof, or who are seeking to avoid or reduce the effect of competition of ocean traffic between the Atlantic and Pacific coasts of the United States upon railway rates, or which is owned or controlled by any company or person who has entered into any agreement with any railroad company, either directly or indirectly, as to the rates to be charged, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further*, That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama) observing the rules set forth in article 3 of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by article 18 of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects.

"SEC. 6. The President is further authorized to establish, maintain, and operate dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies to passing vessels, in accordance with appropriations made from time to time by Congress, as a part of the operation of the said canal, and moneys received in the ordinary course of business from the conduct of such business may be expended and reinvested for such purposes without being covered into the Treasury of the United States, and such moneys are hereby appropriated for such purposes, and monthly reports of such receipts and expenditures shall be made to the President by the person or persons in charge, and annual reports shall be made to the Congress."

Fifth. Renumber sections 5 to 9, inclusive, making them numbers 7 to 11, inclusive, respectively.

This is personal in a letter to you of January 3, 1911.

I have written a similar letter to Senator Flint.

Very respectfully,

J. M. DICKINSON,
Secretary of War.

—

DEPARTMENT OF STATE,
Washington, January 11, 1911.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN: In accordance with your suggestion, I have conferred with the Secretary of War with respect to the amendments to the canal bill to which you referred, and agree with the judgment already expressed to you by the President and the Secretary of War that they improve the bill.

Very sincerely yours,

P. C. KNOX.

I also insert H. R. 31436, introduced by me January 14, 1911, which bill was introduced for the purpose of putting in print the propositions prepared by me and referred to in the letters from Mr. Dickinson and Mr. Knox as amendments to the Mann bill for the government of the Canal Zone and the construction of the Panama Canal (H. R. 12316), which had passed the House and was then pending in the Senate:

A bill (H. R. 31436) to provide for the operation of the Panama Canal, and for other purposes.

Be it enacted, etc., That the President, through one of the executive departments of the Government to be designated by him, or otherwise, in his discretion, shall provide for the operation of the Panama Canal, now being constructed by the United States to connect the waters of the Atlantic and the Pacific Oceans.

SEC. 2. That the President is hereby authorized to prescribe and from time to time change charges for the use of the canal. Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge: *Provided, however*, That in fixing the charges for the use of the canal the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, or the rates of which for freight or passenger traffic are under the direct or indirect control of any railroad company, or the directors or stockholders of any railroad company who are acting in the interest thereof, or who are seeking to avoid or reduce the effect of competition of ocean traffic between the Atlantic and Pacific coasts of the United States upon railway rates, or which is owned or controlled by any company or person who has entered into any agreement with any railroad company, either directly or indirectly, as to the rates to be charged, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further*, That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama) observing the rules set forth in article 3 of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by article 18 of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects.

SEC. 3. That the President is further authorized to establish, maintain, and operate dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies to passing vessels, in accordance with appropriations made from time to time by Congress, as a part of the operation of the said canal, and moneys received in the ordinary course of business from the conduct of such business may be expended and reinvested for such purposes without being covered into the Treasury of the United States, and such moneys are hereby appropriated for such purposes, and monthly reports of such receipts and expenditures shall be made to the President by the person or persons in charge, and annual reports shall be made to the Congress.

I also insert, as a matter of historic interest, copy of the bill introduced by Hon. William P. Hepburn, then chairman of the Committee on Interstate and Foreign Commerce of the House, on December 12, 1898, providing for the construction by the Government of the United States of an isthmian canal:

A bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire by purchase from the States of Costa Rica and Nicaragua full ownership, right, title, and jurisdiction to such portion of territory now belonging to said States of Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean, and such sum as may be necessary to make such purchase is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full and complete title to and jurisdiction and sovereignty over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown by way of Lake Nicaragua to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth so that it may be used by vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto, and the Secretary of War shall construct such safe and commodious harbors at the termini of said canal and such fortifications for defense as will be required for the convenience and safety of all vessels desiring the use of said canal.

SEC. 3. That in making surveys for said canal and harbors the Secretary of War shall detail such number of engineer officers of the Army as may be necessary and may require of them the performance of such professional duties as he may desire.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have the President is authorized to guarantee to said States the use of said canal and harbors upon such terms as may be agreed upon for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $140,000,000, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the work herein authorized, said money to be drawn from the Treasury from time to time as the same shall be needed upon the warrants of the President, based on estimates made and verified by the chief engineer in charge of the work and approved by the Secretary of War.

I also insert extracts from minutes of meetings of the Committee on Interstate and Foreign Commerce of the House of the Fifty-fifth Congress relating to the construction of an isthmian canal:

MINUTES OF MEETINGS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, FIFTY-FIFTH CONGRESS, THIRD SESSION.

FRIDAY, DECEMBER 9, 1898.

Committee met in regular session, Mr. Hepburn in the chair. Informal discussion of the Nicaragua Canal was had, but no official action was taken, as a quorum of the committee was not present. Adjourned.

—

TUESDAY, DECEMBER 20, 1898.

The committee met in regular session, Mr. Hepburn in the chair. Called to order at 11 a. m.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Bennett, Barham, Hawley, MANN, McAleer, Hinrichsen, ADAMSON, and Mr. Chairman—11. Absent, Wanger, Joy, Stewart, Lovering, Davey, and DAVIS—6.

Mr. Corliss moved that the committee proceed to the consideration of the subject of a Nicaragua Canal.

Mr. Hawley offered as an amendment, that the second Tuesday of January, 1899, being the 10th of January, be set apart for the consideration of a bill to be prepared by the Subcommittee on Canals, providing for the construction of a canal connecting the Atlantic and Pacific Oceans, and that said bill shall have the right of way until disposed of.

Mr. Bennett moved as a substitute for the original motion and amendment, that the general subject of the Nicaragua Canal be taken and considered.

After extended discussion, the original motion and amendment, together with the substitute therefor, having been withdrawn, on motion of Mr. Corliss it was agreed that the committee take up for consideration the entire subject of the Nicaragua Canal, including all bills relating thereto, before the committee, and that it be made a special order for Tuesday, January 10, 1899, and it was so ordered.

—

TUESDAY, JANUARY 10, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Joy, Corliss, Bennett, Barham, Hawley, MANN, Lovering, Davey, Hinrichsen, ADAMSON, and Mr. Chairman—13.

Tuesday, January 10, being named as the time for considering the construction of the Nicaragua Canal, the chairman announced that this being a special order, it would be the first business taken up.

The following resolution was offered by Mr. Hepburn:

Resolved, That in the opinion of this committee:

First. A canal and waterway from the Atlantic to the Pacific should at once be secured.

* * *

Second. That said waterway should be constructed by the United States.

Third. That it should be constructed upon territory over which the United States has ownership and sovereignty.

Fourth. That it should be constructed as works of rivers and harbors are, by a commission such as is charged with the improvement of the Mississippi River.

The above resolutions were taken up and considered by sections. Part 1 was unanimously agreed to. Part 2, after discussion, on motion of Mr. SHERMAN, proposition 2 was amended by adding thereto the words: "Or under its supervision and control."

The yeas and nays being demanded on the adoption of the amendment: The yeas were, Messrs. SHERMAN, Joy, Bennett, Lovering, Barham, Hawley, and Davey—7. The nays were, Messrs. FLETCHER, Corliss, Hinrichsen, ADAMSON, DAVIS, and Mr. Chairman—6, and so the amendment was adopted.

Pending the discussion of part three, Mr. Corliss moved that the committee adjourn until 10.30 a. m., Wednesday, the 11th. Motion lost.

Mr. Bennett moved that when the committee adjourn it be until 10.30 a. m., Friday, January 13, and that the further consideration of the construction of the Nicaragua Canal be continued as a special order. Motion agreed to.

On motion of Mr. FLETCHER, the committee adjourned.

—

FRIDAY, JANUARY 13, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Joy, Corliss, Bennett, Stewart, Barham, Hawley, MANN, Lovering, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and Mr. Chairman—16.

* * * * * * *

A letter from Britton & Gray, of counsel for the "New Panama Canal Co.," asking that a hearing be granted the representatives of said company, was laid before the committee by the chairman.

On motion of Mr. Corliss, Tuesday, January 17, was agreed upon for hearing of representatives of above-named company.

On motion of Mr. Bennett, Wednesday, January 18, was fixed for hearing of the Grace Syndicate for building the Nicaragua Canal and Thursday for a hearing by the Maritime Canal Co.; thereafter the hearings on the Nicaragua Canal project were to close, and the committee proceed to formulate a bill for the construction of the Nicaragua Canal.

* * * * * * *

—

TUESDAY, JANUARY 17, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Bennett, Stewart, Barham, Hawley, MANN, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and Mr. Chairman—14.

The chairman announced that the committee were ready to hear the representatives of the New Panama Canal Co. who desired to be heard.

William Nelson Cromwell, general counsel of the New Panama Canal Co., being introduced, addressed the committee. At the conclusion of his address, Col. Henry L. Abbott, United States Army, retired, being sworn, gave the committee information concerning the engineering department and construction of the canal.

The hour of 12 o'clock, the committee took a recess until 2 o'clock, when Col. Abbott resumed his statement. He was followed by Mr. Curtis, counsel for the company. Pending the discussion, the committee adjourned until Wednesday, January 18, at 10.30 a. m.

Wednesday, January 18, committee met pursuant to adjournment. Mr. Bennett stated this meeting was especially called for a hearing on the part of Messrs. Edward and Edward F. Cragin, representing the construction of the Interoceanic Canal.

Mr. David McClure, counsel for the so-called Grace Syndicate, was introduced and made a statement in behalf of the concessionaires. Pending the hearing the committee adjourned until Thursday, January 19, at 10.30 a. m.

—

THURSDAY, JANUARY 19.

This being the day set apart for hearing of representatives of the Maritime Canal Co., of Nicaragua, Mr. Hiram Hitchcock, president of the company, was introduced and proceeded to make his statement concerning the affairs of his company. He was followed by Prof. Lewis M. Haupt, and at the conclusion of his statement the committee adjourned until Friday, January 20, at 10.30 a. m.

—

FRIDAY, JANUARY 20.

Mr. Cragin, representing the so-called Grace Syndicate, resumed his statement before the committee and introduced Mr. Frank H. Washburn, who proceeded to give a detailed account of the operations of the company, their relation to Nicaragua and the United States. He was followed by Mr. Cragin, who submitted printed extracts showing the position of Nicaragua. Also message of the President of Nicaragua, together with a translation (typewritten) of the contract between the Government of Nicaragua and the Atlas Steamship Co. (Ltd.), dated at the city of Managua, September 20, 1897, all to be attached to and become a part of the hearings had before the committee.

Hon. Warner Miller, being present, was invited to give the committee any information he deemed proper touching the operations of the Maritime Canal Co. He was followed by J. W. Miller, of New York, whose statement closed the hearings on the subject of the Panama and Nicaragua Canal, and, at 3.30 p. m., the committee adjourned.

—

TUESDAY, JANUARY 24, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Bennett, Stewart, Barham, HAWLEY, MANN, Lovering, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and the Chairman—15.

Committee proceeded to consider the bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Pending the discussion, Senate act 4792 was read for the information of the committee.

Part 4 of the resolutions previously submitted by the chairman, Mr. Barham moved to strike out the words "by purchase," in line 4 in bill. No vote having been taken, Mr. Davis asked leave to have the bill H. R. 11599 considered; and after a brief statement from him in explanation thereof, the matter was submitted to the whole committee.

On motion of Mr. Bennett, the committee adjourned.

—

FRIDAY, JANUARY 27, 1899.

Committee met in regular session at 11 a. m., Mr. Hepburn in the chair.

Members present: Messrs. Joy, Bennett, Stewart, Barham, HAWLEY, MANN, Lovering, McAleer, Davey, Hinrichsen, ADAMSON, Davis, and the Chairman—14.

Hon. Joseph H. Walker, Representative in Congress from the State of Massachusetts, being present, was invited to address the committee on the general subject of the construction of the Nicaragua Canal. He opposed the construction of the canal by the Government and strongly urged that the work could be done quicker, cheaper, and better by individuals working through a corporation.

* * * * * * *

The motion pending to strike out the words "by purchase," in line 4, section 1, of the bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans—motion by Mr. Barham to amend the motion by also striking out the words "full ownership, jurisdiction, and sovereignty," in lines 5 and 6 in same section. No vote having been reached on Mr. Barham's motion, and pending a general discussion of the different measures before the committee on the subject of constructing Isthmian Canal, a motion to adjourn was agreed to.

—

FRIDAY, JANUARY 31, 1899.

Committee met in regular meeting, Mr. Hepburn in the chair.

Members present: Messrs. FLETCHER, SHERMAN, Corliss, Stewart, Barham, HAWLEY, MANN, Lovering, Hinrichsen, ADAMSON, Davis, and the Chairman—12.

* * * * * * *

The bill (H. R. 11095) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans, being the regular business pending, the committee proceeded to the consideration of the same.

Mr. ADAMSON offered the following amendment to section 1 of the bill as a substitute for the amendment offered by Mr. Barham on January 27, in line 5, after the word "Nicaragua": "For and in behalf of the United States, such portion of territory now belonging to Nicaragua and Costa Rica, or either of them, as may be desirable and necessary on which to excavate, construct, control, and defend." Agreed to and adopted. To which Mr. SHERMAN gave notice that he would offer the following amendment:

"Fifth. That authority is hereby given the President to negotiate, by commission or otherwise, with Nicaragua and Costa Rica, or with any individual company or association, for the purchase or use of lands, water rights, privileges, contracts, concessions, or other property deemed necessary or expedient to facilitate the immediate construction of an interoceanic canal from the Atlantic to the Pacific."

The hour of 12 o'clock m. having arrived, the committee adjourned, under the rules, the pending business being the further consideration of the bill H. R. 11095.

—

FRIDAY, FEBRUARY 3, 1899.

Committee met in regular session, Mr. Hepburn in the chair.

Members present: Messrs. Fletcher, Sherman, Wanger, Joy, Corliss, Bennett, Stewart, Barham, Hawley, MANN, Lovering, McAleer, Hinrichsen, ADAMSON, and Mr. Chairman.

* * * * * * *

The bill (H. R. 11095) providing for the construction of a canal connecting the Atlantic and Pacific Oceans was called up, and Mr. Barham offered the following amendment: "Amend by striking out on page 2, in lines 1 and 2, the words 'full and complete title to and jurisdiction and sovereignty over.'" The amendment was agreed to.

According to notice given at the regular meeting of the committee, Mr. Sherman called up the amendment proposed by him:

"Fifth. That authority is hereby given the President to negotiate by commission or otherwise with any individual company or association for the purchase or use of any lands, waters, rights, privileges, contracts, concessions, or other property deemed necessary or expedient to facilitate the immediate construction of an interoceanic canal from the Atlantic to the Pacific."

On the question being put on this amendment, it was rejected by viva voce vote.

Mr. Hawley offered the following amendment:

"And the President is further authorized and empowered to acquire such interests in the property, rights, and franchises as are now held by the Maritime Canal Association, under a concession from the Republics of Nicaragua and Costa Rica, or any subsequent concessionaires, if in his judgment they are necessary to the construction of the canal under said concessions."

The question being put on this amendment, it was rejected by a viva voce vote. Mr. ADAMSON offered the following amendment:

"That the President of the United States be, and is hereby, authorized to acquire by purchase from the States of Nicaragua and Costa Rica for and in behalf of the United States such portion of territory now belonging to Nicaragua and Costa Rica, or other of them, as may be necessary or desirable on which to excavate, construct, control, and defend."

On the question being put on the adoption of the amendment, it was agreed to.

I also insert a copy of the bill H. R. 2538, introduced December 7, 1899, at the beginning of the Fifty-sixth Congress, by Col.

Hepburn, then chairman of the Committee on Interstate and Foreign Commerce of the House:

A bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea, near Greytown, by way of Lake Nicaragua, to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest draft now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto; and the Secretary of War also shall construct such safe and commodious harbors at the termini of said canal, and such fortifications for defense, as will be required for the convenience of all vessels desiring the use of said canal.

SEC. 3. That in making surveys for said canal and harbors, and in constructing the same, the President shall detail such number of engineer officers of the Army and Navy and shall employ such civil engineers as may be necessary, and may require of them the performance of such professional duties as he may desire.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $140,000,000, or so much as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion of the work herein authorized, said money to be drawn from the Treasury from time to time, as the same shall be needed, upon the warrants of the President, based on estimates made and verified by the chief engineer in charge of the work and approved by the Secretary of War.

I also insert copy of the bill H. R. 2538, providing for the construction by the United States of an isthmian canal by the Nicaraguan route as it passed the House on May 2, 1900:

An act (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary, on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Breto, on the Pacific Ocean. Such canal shall be of sufficient capacity and depth as that it may be used by vessels of the largest tonnage and greatest depth now in use and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal, and such provisions for defense, as may be necessary for the safety and protection of said canal and harbors.

SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors and in the constructing of the same and employ such persons as he may deem necessary.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Costa Rica or Nicaragua the President may have the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is further hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, defense, and completion of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed in the aggregate $140,000,000.

I also insert my ruling as Chairman of the Committee of the Whole House on the state of the Union of the House of Representatives on February 25, 1911, on the subject of the right of the United States, under the Hay-Pauncefote treaty, to fortify the canal.

The CHAIRMAN (Mr. MANN). The Chair is prepared to rule. The Clayton-Bulwer treaty of April 19, 1850, contains this provision in article 1:

"The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America," etc.

For many years there were bills pending, some of which were reported, in reference to the construction of an isthmian canal, a number of them relating in recent years to the Nicaraguan Canal in aid of the Maritime Canal Co. On December 12, 1898, the Hon. William P. Hepburn, who was then the chairman of the Committee on Interstate and Foreign Commerce, the committee of this House which had jurisdiction of legislation relating to the Isthmian Canal, introduced a bill which for the first time proposed that the Government itself should construct the canal. That bill provided, among other things, that the President of the United States "be, and he is hereby, authorized to acquire by purchase from the States of Costa Rica and Nicaragua full ownership * * * of certain territory on which to excavate, construct, and defend a canal of such depth and capacity," etc.

That was at the third session of the Fifty-fifth Congress. At the first session of the Fifty-sixth Congress, on December 7, 1899, Mr. Hepburn introduced another bill to the same effect, that the President, etc., be authorized to acquire territory on which to excavate, construct, and defend a canal of such depth and capacity. Following the introduction of that bill on the 5th of February, 1900, a treaty was signed by Mr. Hay and Sir Julian Pauncefote, commonly known as the Hay-Pauncefote treaty, which referred to the Clayton-Bulwer treaty, as follows:

"The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objections that may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in article 8 of that convention," etc.

Among other provisions in the Hay-Pauncefote treaty was this in article 2:

"The high contracting parties, desiring to preserve and maintain the 'general principle' of neutralization established in article 8 of the Clayton-Bulwer convention, adopt as the basis of such neutralization the following rules."

It will be noticed that this article places the responsibility for maintaining the principle of neutralization not upon the United States alone, but upon the United States and Great Britain. Paragraph 7 of article 2 of that treaty contains this provision:

"No fortification shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

When that treaty was submitted to the Senate of the United States various amendments were suggested in the Senate, but in the end the treaty was not ratified by either party. Following the sending of that message to the Senate of the United States and its consideration in the Senate on May 3, 1900, Col. Hepburn introduced this bill:

"A bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

"That the President of the United States be, and he is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity," etc.

Here were bills pending in Congress, one of which was reported before the treaty had been agreed upon and ratified between the United States and Great Britain abrogating the Clayton-Bulwer treaty, providing that the United States should construct and defend or protect a canal. The first Hay-Pauncefote treaty did not contain a provision directly abrogating the Clayton-Bulwer treaty. There was then before the two countries a proposition presented by a legislative committee of this House having control of the subject, a proposition that the United States should construct and defend or protect an isthmian canal and a provision that the Clayton-Bulwer treaty could be, if not abrogated, changed to allow that.

The Hay-Pauncefote treaty, which was finally ratified, contained a provision that the high contracting parties agree that the present treaty—that is, the last Hay-Pauncefote treaty—shall supersede the aforementioned convention of the 19th of April, 1850, the Clayton-Bulwer treaty.

The Clayton-Bulwer treaty, therefore, is entirely abrogated. Article 2 of the Hay-Pauncefote treaty provides that the United States, not the United States and Great Britain, but the United States adopts as a basis of neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople of October 28, 1888, for the free navigation of the Suez Canal. That is to say, the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions, of charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

And there are various other rules. Article II of that treaty provides that—

"The canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money by individuals," etc.

And that—

"subject to the provisions of the present treaty, the United States shall have and enjoy the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal."

Paragraph 2 of article 3 provides:

"The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

And the provision which was in the first Hay-Pauncefote treaty, "that no fortification shall be erected commanding the canal or the waters adjacent," was deliberately left out of the treaty which was ratified.

The present occupant of the chair has endeavored to read all of the correspondence which has been published in any form upon this subject, and has no hesitation in saying that, in his opinion, it was the design in the treaty to leave to the Government of the United States the right to determine how it should police the canal and what regulations it should make.

Following the ratification of the Hay-Pauncefote treaty, which was ratified in November, 1901, came an act of Congress based upon the Hepburn bill, which had passed the House and for which a substitute was made in the Senate. That act, commonly known as the Spooner Act, is the act of June 28, 1902. It provided:

"That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, and extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon, a canal of such depth and capacity," etc.

Another provision of that act is section 5, reading:

"That the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act."

The route finally determined upon was the Panama Canal route, and it is said that the convention or treaty entered into between the United States and Panama would permit the United States to fortify the canal.

Article 18 of the treaty between the United States and Panama provides:

"The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened under the terms provided for in section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by Great Britain and the Government of the United States, dated November 18, 1901."

But the neutralization under the treaty (the Hay-Pauncefote treaty) to be maintained by the United States, not by the United States and Great Britain.

It is said that the limit of cost has been exceeded. The original limit of cost for the canal was based upon the estimate of the engineers, but when Congress adopted the lock-type of canal at the time it did, it was well known that the original limit of cost would be exceeded.

The chairman is not now certain what provision was made at that time in reference to the limit of cost, but in the Payne tariff bill it was provided, among other things, in reference to the issuance of bonds, that there might be issued the additional sum of $200,500,000 of bonds, which sum, together with the $84,631,000 already borrowed by the issuance of 2 per cent bonds under section 2 of the act of June 28, 1902, equals the estimate of the Isthmian Canal Commission of the amount required to cover the entire cost of the canal from its inception to its completion; and if there be no other change of authorization it is quite certain that the adoption of this estimate by the authority to issue bonds to cover the estimate of cost would be, of itself, an adoption of the estimate.

The Chair personally has been very much at sea in reference to the desirability of fortifying the canal, but in deciding the point of order the Chair does not pass upon that in any respect. It seems to the Chair that whereas it is provided that the United States shall preserve the neutrality of the canal for the benefit of all nations alike, and that the United States shall provide military police upon the canal to preserve it from disorder, and whereas Congress has provided that the Government shall construct, maintain, operate, and protect the canal, it is quite within the power of the House to determine in what way it should be protected, and whether fortifications are necessary. If fortifications are necessary for protection, then the items in the bill are in order. [Applause.] The Chair therefore overrules the point of order. [Applause.]

Mr. STEVENS of Minnesota. How much time does the gentleman from Illinois want?

Mr. CANNON. Twenty minutes; and I may want a little more.

Mr. STEVENS of Minnesota. The gentleman from Georgia has made arrangement as to time——

Mr. ADAMSON. Let the gentleman from Illinois begin with 20 minutes.

Mr. STEVENS of Minnesota. I yield the gentleman from Illinois 20 minutes.

Mr. CANNON. Mr. Chairman, I shall not undertake to discuss how far we may go under the treaty in saying that in the coastwise trade all ships flying the American flag may pass through the canal without the payment of toll. I quite agree with the gentleman, my colleague [Mr. MANN], touching the construction of that treaty, and I am gratified that I had the pleasure of listening to his remarks and that the House also had an opportunity of hearing his views. The United States is a great big country, and domestic affairs, during my service in the House, have kept me so busy that I have not had much time to devote to our foreign relations, so that I do not profess to be fully competent to discuss our foreign relations and I am not an expert regarding the treaties we have made with other countries of the world. But I want to inquire, in the first place, as to toll on our ships in the coastwise trade when they pass through the Panama Canal. I want also to inquire regarding the amendment in section 11 amending section 5 of the commerce act and prohibiting any railway or other common carrier from having any interest in any other common carrier by water when the railway or other carrier is a competitor with any other carrier by water. Now, there is a cleavage between the gentleman from California, Representative KNOWLAND, and the gentleman from Minnesota, Representative STEVENS. They agree in some respects and in others they disagree. I listened with great pleasure yesterday to the gentleman from Minnesota [Mr. STEVENS] make one of the most admirable speeches that I have ever heard in the House, but after all it seemed to me that the speech rested upon a shadow for a foundation. And what a magnificent building he did build considering the foundation. [Laughter and applause.] Ours is a representative Government. We all respond to public sentiment and the interests primarily of our constituency. Therefore I can see how the gentleman who represents St. Paul, Minn.—and it is ably and patriotically represented—would hold a different view as to the real or supposed interest of the gentleman who represents the Golden Gate than is held by that gentleman himself. The gentleman who represents the Golden Gate ably and interestingly insists that the coastwise trade of the United States is barred to all the flags of all the world; that we own the Panama Canal and that the people on the Pacific coast are interested in having coastwise trade pass through that canal without the payment of tolls.

I was greatly interested and I applauded when he said that the waterways of the great Republic were without toll for American ships in the coastwise trade and interstate-commerce trade. I was aware that that was the case, and I am glad it is. They will always be free so far as my vote is concerned. I followed him when he spoke about the dollar a ton that this bill would levy on our ships passing through the canal, and the burden that would impose on that part of our interstate trade which will go by water from Cairo, from the upper Mississippi River, and from the Ohio down to the Gulf, and in fullness of time pass through the canal and to the Pacific coast, and how that additional burden, if imposed, would protect the transcontinental railways which run through the district represented so ably by the gentleman from Minnesota [Mr. STEVENS]. That is to say, that in the competition with the transcontinental railways that dollar a ton on water-borne commerce would cut some figure that would affect all the interstate commerce of this great country.

Do gentlemen stop to think that this great country—I have frequently made this statement, but it is apt to make it again—has an annual production of thirty thousand millions of dollars, more than 90 per cent of which is consumed and goes to market by water and by railway in the United States? Out of that thirty thousand million dollars' worth of products only two thousand million dollars' worth goes to foreign markets. We produce in the United States more than one-third of all the products of all the civilized world; and when you put an exceptional burden of a dollar a ton on the coastwise trade it affects every ton substantially that goes into our internal commerce, whether it goes by rail or by water. [Applause.]

I will drop that part of it right there and come to one other thing. The first amendment in section 11 prohibits any competing railway or common carrier from having any interest in a common carrier by water; that may be wise and it may not.

I never owned a share of stock in a railway in my life, so that I think I may be permitted to discuss very briefly that matter without somebody saying that I stand for the interests; that I stand for the railroads, and so forth, and so forth. I do not stand for them except as they are necessary to our civilization and development. I want to utilize them.

Now, a ship in the coastwise trade, flying the American flag, is a ship without regard to who owns it. Here are several transcontinental railways running from one ocean to the other, great corporations engaged in a great commerce. If, perchance, they are competitors with carriers by water, it is, under the provisions of the proposed amendment, a misdemeanor, with a severe penalty, for them to own any interest, directly or indirectly, in any such water carrier. Suppose that provision goes on the statute books—carriers by rail do not have all the money in the world—and there enters into the coastwise trade some one who by superior ships and superior service should succeed in monopolizing the great bulk of freight passing from one coast to the other. Where is your remedy? You could not prosecute under the Sherman Antitrust Act unless you could show there was a combination in restraint of trade. If the interstate-commerce law does not do so now, it ought to be amended so as to cover our coastwise trade. I do not believe it covers that trade now. The railways in the United States, one-half of those in all the world, conducting our great transportation business must charge reasonable rates. Why? The law says so. We have the power to require them to do so. Well, what are reasonable rates? We have created a commission to determine what are reasonable rates; otherwise, we would not get along very well. There is no reason, in my judgment, why that legislation should not cover the coastwise trade as well. The Constitution is broad enough. It gives Congress the power to regulate commerce among the States and with foreign nations.

Now, what does this amendment do? Let us come down now to brass tacks, as we used to say when we were schoolboys,

Canada has ports on the Pacific—Vancouver and Prince Rupert, farther north, and others yet to come, no doubt—and she will soon have three or four transcontinental lines connecting the Pacific and the Atlantic. Under existing treaties you can not shut Canada out from passing through the Panama Canal.

True, she would have to pay the tolls; but, mind you, our own transcontinental railway people—who are just as wicked and no more wicked than similar people in Canada—will not be permitted, without a daily penalty, to own any vessel that passes through the canal or have any interest in any vessel which would constitute a competing line. Does the same prohibition apply in the case of the Canadian railways?

Mr. KNOWLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. CANNON. I will yield for just a question.

Mr. KNOWLAND. I want to call the gentleman's attention to this fact—that the act provides that any railroad subject to the act to regulate commerce——

Mr. CANNON. Precisely——

Mr. KNOWLAND. Every Canadian railroad comes under the interstate-commerce act of the United States, and consequently they would be barred.

Mr. CANNON. Is it possible——

Mr. ADAMSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. I want to answer the question of the gentleman from California first.

Mr. ADAMSON. I will give the gentleman three minutes more.

Mr. CANNON. By virtue of what treaty, by virtue of what sovereign power can we subject the railways of Canada to our legislation?

Mr. KNOWLAND. They have already submitted themselves by coming under the interstate-commerce act of the United States.

Mr. CANNON. How long would it take them to get out?

Mr. KNOWLAND. Then they would have to cease doing business in the United States.

Mr. CANNON. Let me give you a case. The Canadian Pacific Railway owns a fleet of steamers. So do other railways. Here is Seattle and here is Vancouver and a little farther down is San Francisco. Our transcontinental railways can not own or operate ships on water routes that compete with railroad routes. Canada is a foreign country and under existing treaties can engage in commerce from Vancouver, say, or any other Canadian port, with all ports in the United States. The Canadian railways own great fleets of steamers which could take on cargoes in Canada, pass through the Panama Canal, and distribute them in every harbor of the United States. That would be foreign commerce, and I apprehend would result in building up Vancouver, the terminus of the Canadian Pacific Railway, and other railway terminal points on the Canadian coast, as the Canadian railway-owned ships could carry not only Canadian products but American products which seek Canadian ports for shipment, while under the provisions of this bill our railroads are prohibited from owning or operating vessels that could engage in such trade. So if this provision is retained in amendment 11 Canada and Canadian railways can do something in our coastwise trade which our railways can not do.

I merely suggest whether it is wise, after all, to enact that clause. I tell you now that, in my judgment, all the common carriers engaged in interstate commerce upon land or water must be placed under the administration of the Interstate Commerce Commission or some other power created by Congress. [Applause.] That is the only remedy, in my judgment. Therefore I am willing to see this provision amended to that effect.

Now, I want to discuss just for a minute before I sit down one other matter in section 11. There are quite a number of valuable provisions in this section. It amends section 6 of the commerce act. Now, a, b, and c, in section 11, are very desirable amendments, because they provide for the connection between the railways and the waterways. The language is well drawn, as it seems to me, and I can support them very cheerfully.

Now, let us come to a in the amendment. I shall support that very cheerfully. It is a regulation of foreign commerce, and is as follows:

If any rail carrier subject to the act to regulate commerce enters into an arrangement with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise—

And I am glad the words "or otherwise" are inserted there—

for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country.

We could go further in regulating commerce with foreign nations and declare that the rate should be reasonable and put in a condition that that commerce should not be entered upon unless the rate charged conforms with what is found to be a reasonable rate by our Interstate Commerce Commission.

Now, I think that I have said about all I desire to say touching this matter.

I have been amused at the majority report. It is an able report, ably defended by the distinguished chairman of that great committee [Mr. ADAMSON], Smiling Jim, whose ability is greater than he knows. [Applause.] I listened to his speech with great pleasure; but, bless my soul, he says that under the treaty you can not let our coastwise trade go through our canal without payment of toll. Oh, no, gentlemen say, that would be a violation of the equality provision of the treaty. Then in the next breath they say, "Yes, you must make our ships pay tolls, and then you can legislate the money back to them by way of a rebate." But when you come to that legislation, here comes old Subsidy. [Laughter.] It reminds me of the old chestnut about the doctor throwing his patient into fits and then curing the fits. The gentleman from Georgia throws the House into a subsidy fit. He knows how one shall put 10,000 to flight, and that if you cry "subsidy" many will run.

But that argument has been substantially answered. If it is a subsidy in this case, it is a subsidy in the case of that great commerce which passes through the Soo Canal, which some one has said is of greater tonnage than all the foreign commerce of the world. I do not know whether that is true or not.

Mr. ADAMSON. That is true.

Mr. CANNON. The gentleman says it is true.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like about three minutes more.

Mr. ADAMSON. I understand the gentleman from Ohio [Mr. WILLIS], to whom I promised 5 minutes, does not desire the time, and I will yield to the gentleman from Illinois 3 minutes more, which makes 26 minutes in all. I did not want the gentleman to stop at 23.

Mr. CANNON. I am just 26, so the 26 minutes agrees exactly with the number of years old that I am. [Applause and laughter.]

I am not afraid of subsidy. I would subsidize our foreign tonnage if I thought we could do it successfully. The practical difficulty is this: If without a cent of expense to us for their construction ships were given to us to sail under the American flag, how long could we run them, when it costs twice as much to run an American vessel as it costs our foreign competitors for similar service on the great highway of the ocean? Still I am willing to venture along the coast of South America, as that is near by, and the Panama Canal is to be opened. I would even, allunde this legislation, give a subsidy to ships engaged in that trade; but we monopolize, of course, our coastwise trade, in which a great and growing tonnage is employed and will continue to be employed. It is pretty important that we have somewhere ships upon the sea that will train the seamen who in the event of trouble can man our battleships. Therefore, as we are supreme concerning our own coastwise trade, it is important that it should be maintained as it is, and not burdened, because it gives enough employment in large part to beget the construction of ships at our shipyards. It is necessary for us to have shipyards, and, thank God, we have them. I am a friend of the coastwise trade, and from the standpoint of a great public policy, touching the building of ships, touching the commerce in our coastwise trade, I will not vote to burden it as has been suggested by my friend [Mr. STEVENS of Minnesota], whose outlook, as it seems to me, is a little narrower than the one I happen to have now. I think very likely if I lived at St. Paul I might have the same sentiment, even if I could not build so magnificent a foundation upon a shadow as my friend did. I do not believe this House of Representatives will do otherwise than let ships engaged in our coastwise trade go through the Panama Canal as they go into the harbors of New York and San Francisco and upon the Sound and into New Orleans and into all our seacoast harbors, free—without tax. That is only simple justice and sound public policy. [Applause.]

Mr. ADAMSON. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. One hour.

Mr. ADAMSON. I yield to the gentleman from New York [Mr. MALBY] 20 minutes, and that is all there is for him and he need not ask for more.

Mr. MALBY. Mr. Chairman, while I know at this day and age that a public official courts suspicion of his motives even if he suggests a fair deal for railroad companies, yet in the general interest of the public itself I desire to point out why section 11 of H. R. 21969 should not be adopted. This bill is entitled:

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

The constitutions of many States in the Union, upon the ground of public policy and justice, would absolutely prohibit any other subject from being considered in this bill than that stated in the title, and it could not embrace more than one subject.

The fact that the Constitution of the United States does not contain this prohibition does not, in my opinion, in any degree lessen the impropriety of loading down various bills with several different subjects not in any manner related to the main proposition. Such legislation is absolutely indefensible upon any ground and should never be tolerated except as a last expedient.

I have been led to believe from the boastful expressions frequently reiterated by our friends on the other side that when they got into power there would be such liberty of legislation under the rules that everyone would have an opportunity, as a matter of personal right, to secure a hearing upon any subject at all worthy of consideration.

I have therefore been pained to observe that almost every important bill is now brought before us under a special rule reported by the Rules Committee. These rules have prohibited any amendments and limit consideration to a point where adequate consideration is impossible and legislation almost a farce. In addition to that, the real subject embraced in a bill is disfigured with boils and carbuncles, so that it is difficult to determine which is the major premise in the bill under consideration.

Certainly the subject embraced in the title of this bill alone is large enough, and important and difficult enough of solution, to call for our very best efforts without still further complicating the questions therein contained by the introduction of another subject entirely foreign to the one embraced in this bill, and in particular when the new matter relates to one of the most complicated and difficult subjects which this Congress can be called upon to deal with. I refer to section 11, which proposes to amend the interstate commerce law, which has not relation whatsoever to the subject matter dealt with in any other portion of the bill and which from its very great importance nevertheless affects every portion of this country and directly and indirectly all of the people and many their personal interests.

This provision of the bill is still further complicated by an amendment proposed yesterday, the effect of which it is difficult to determine, and upon which, as I am advised, no representatives of the railroad companies have had an opportunity to be heard. From a brief examination of its provisions, it would seem to provide, and it does state—

That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

The bill also provides that no railroad company shall charge a domestic common carrier by water any greater sum for the carrying and forwarding of their freight than that charged to the carriers of any foreign country, which is entirely a new departure and contrary to present practices. The amendment offered yesterday also provides that all railroads shall, under the direction of the Interstate Commerce Commission, establish physical connections between the lines of the rail carriers and the dock of the water carriers by making suitable connections, and that this provision shall extend to cases where the dock is owned by those who are not common carriers, either by rail or water; and establish through routes over rail and water lines; and provides further that if any rail carrier now subject to the act to regulate commerce enters into arrangements with any water carrier, operating from a port in the United States to a foreign country, that the Interstate Commerce Commission may require such railroads to enter into similar arrangements with any and all other lines of steamships operating from said port to the same foreign country.

That is to say, part of section 11 provides that any and all railroads which now own or have any stock or other interest in a company or corporation which is engaged in water transportation, or who lease, operate or control, or have any other interest whatsoever, either directly or indirectly, in any such water transportation company, shall be guilty of a violation of law for each day such relations may exist after July 1, 1913; in other words, such railroad companies must at any cost and sacrifice, however great, separate themselves from the ownership and control of any and all interests in any water transportation company whatsoever.

Neither does it matter whether the railroad company proposes to use the Panama Canal or not; in fact, most of the railroad companies of the country to which the bill applies will never make use of the Panama Canal.

The other portions of the bill to which I have called attention are likewise of the greatest and most far-reaching importance, the extent and effect of which it is difficult and impossible, without further information, to determine, or even approximate.

When it is attempted to inject a subject of such importance as this is into a bill which has absolutely nothing to do with this matter, it becomes necessary to inquire why it is attempted to force this provision into the Panama bill, where it has no proper place.

If the matter embraced in this amendment is a proper subject for legislation, why is it not treated as it should be, in a separate bill, where it could be given that careful consideration which its importance to the various interests affected thereby demands?

We are told by the gentleman from California, and the proponent of this amendment, that he fears that the great continental railroad lines will destroy independent competition in the use of the Panama Canal, and if he is correct in this, and I by no means concede that he is, why has he not confined his amendment to those railroad companies who may use the Panama Canal, and not have it apply to all the railroads of the country, who will never use it, and who are not interested in its operation in any way? I think, however, that he scarcely appreciates how far-reaching his amendment is, or how injurious to commerce it might prove to be if enacted into law.

All the great trunk lines of the East which have connections north, south, and west throughout the land would be affected by it, for I believe it to be true that all of the great trunk lines of the country, east and west, would be affected by the provisions contained in his amendment.

I know that the New York Central, the Erie, the Delaware, Lackawanna & Western, the Lehigh Valley, and the Pennsylvania are each interested in water transportation in such a way as to be affected by this proposed measure. Each of these lines has extensive and costly terminals upon the Atlantic seaboard and at Buffalo, N. Y., as well as at most of the other important ports on the Great Lakes, consisting of extensive docks, warehouses, elevators, and lines of steamboats and canal boats, which act as feeders and greatly assist the railroad companies in the handling of their immense traffic, both east and west, and without which it would be impossible for them to handle it at all, and the portion which they could handle without the assistance of their water transportation would be at an increased expense to the general public, and result in a great and unnecessary delay in the transaction of their transportation business.

These eastern railroad lines are now wholly unable to handle all traffic which now comes to them without the aid of their steamship lines and other connections. Most of the wheat, corn, oats, barley, and rye, as well as large quantities of iron ore and coal, is now of necessity handled very largely and more cheaply by their water transportation than it could be possibly done by the railroad companies.

All will appreciate the necessity of the railroad companies, in a measure at least, having such control and ownership over water transportation which is operated in connection with its own lines, and where it must and does assume responsibility to insure to the general public the safe, immediate, and economical transportation and handling of its passengers and freight.

It must be able to say what freight it shall carry and be able to direct its operations so that it will be in harmony with the general business conducted by the railroad in order to produce satisfactory, as well as the best, results. To separate the railroad companies from their water lines with which their general transportation business has been intimately connected and conducted from the beginning would seriously interfere with their business affairs and result in great inconvenience and loss to the general public, as well as financial loss to their stockholders; and all of this to no good purpose. Besides, there is no demand for this legislation from anyone, East or West, who is interested in transportation. Those who are interested in transportation, as most every one is sooner or later and in

one way or another, desire all the facilities which they now enjoy for that purpose.

So far as competition is concerned between the railroads and the various steamboat lines plying upon the Great Lakes and the River St. Lawrence and the Atlantic Seaboard, the competition is at all times very keen and sharp, which results in the carrying of freight as cheaply as, if not cheaper than, anywhere else in the world, and to the general satisfaction of those who do not want their freight carried at less than cost.

There is a limit to the capacity of our trunk lines running east and west in the carrying of freight, and it would be utterly impossible for them to handle the great mass of freight moving eastward were it not for the assistance of the water transportation on the Great Lakes.

The ownership of the railroads and their connection with water transportation has not in the slightest degree, so far as I have ever heard or been advised, interfered with competition among independent shippers in these waters, and besides all this, there is not a single Canadian railroad which does not have connections with inland water transportation companies, as well as the high seas, for the Canadian Pacific Railroad Co. and its steamship lines nearly encircles the earth, and it would be manifestly unfair and place our railroad companies under great disadvantage if they were denied by law this same privilege.

Just to illustrate how the provisions of this bill might act in an unjust and foolish as well as most harmful manner, I will call your attention to the fact that the Ogdensburg & Lake Champlain Railroad is a small line of railroad constructed from Rouses Point, at the head of Lake Champlain, to Ogdensburg, on the river St. Lawrence, having a length of 120 miles. It to-day owns and operates a line of steamships between Ogdensburg and Chicago and intermediate points, from which it derives substantially all its freight traffic. It has large elevators and warehouses constructed at Ogdensburg, which are filled up with corn and other produce during the wintertime, which is distributed throughout New England by its railroad connections during both the summer and the winter. It is a great convenience to the general public in northern New York and throughout all New England; but if it were obliged to abandon its steamboat lines it would undoubtedly pass into the hands of a receiver, and a great and necessary public service be completely destroyed, and besides all this an active competitor of the other great trunk lines would have been eliminated.

Another case which I have in mind is that of the Delaware & Hudson River Railroad, running from Pennsylvania through New York to Montreal, which some years ago constructed a line of railroad from Albany to Rouses Point, N. Y., a distance of about 200 miles, for the most part along the foothills of the Adirondack Mountains. There is little or no freight or passenger traffic over a large portion of this route. The income received would not and did not pay the running expenses of this portion of their line, and nothing whatsoever was earned for dividends, or interest, either to the stockholders or the bondholders. It sought to remedy these conditions, and so purchased a small steamboat line, doing business between Whitehall and Plattsburg, N. Y., and Burlington, Vt., which was then doing an interstate-commerce business. The steamboat business did not pay, neither did the railroad business, until after their combination. The railroad company not only rebuilt its steamboat line, but materially added to it, so that it became an effective means of transportation in connection with the railroad, as well as a paying one. Still further to help develop the enterprise into a paying one, the railroad built a hotel on the banks of Lake Champlain at a cost of more than $300,000, with the result that to-day these joint enterprises are paying a moderate interest on the investment; but as separate-going concerns neither of them would pay. Just why these relations should be thoughtlessly and ruthlessly destroyed I can not imagine. Certainly no public interest is to be served; but, on the contrary, great damage would result to the general public and much property deprived of its present productiveness and finally destroyed.

I understand that it is claimed that section 11 attempts to remedy such evils as I have specified, in that it confers jurisdiction on the Interstate Commerce Commission to determine questions of fact as to whether competition between railroads and steamboat lines is beneficial or detrimental to the public interest; and if found beneficial and not harmful, that they may continue to exist and be jointly operated as heretofore.

An examination, however, of the bill will clearly demonstrate that this is not so, for the only power conferred upon the Interstate Commerce Commission is to determine the question of fact as to competition or the possibility of competition between railroad companies and water carriers; and if it appears that there was or could be competition between such lines, then their existing relations, whether detrimental to the public interest or not, must be dissolved, and hence no discretion is vested in the Interstate Commerce Commission whatsoever.

Neither, in my judgment, should the Panama Canal be made free to American ships doing a coasting trade or a transportation business wholly within the United States. I know that it tickles the fancy and arouses thoughtless enthusiasm to proclaim that the American flag must be restored to the seas, and that hence no tax should be levied upon its use of the Panama Canal; but might I modestly inquire upon what theory those who use the Panama Canal for the transportation of their trade demand a free use of the canal, when it is estimated that it will cost the people of this country $25,000,000 a year to maintain it? Why should the people pay the shipper's transportation instead of his paying for it himself, for is it not apparent that for every dollar which the Government fails to collect from those who ship through the Panama Canal it must of necessity take a dollar out of the Treasury of the United States to defray that expense; in other words, why should the people pay for private use and private transportation?

Is there any more reason why the Government should construct a canal which has cost $400,000,000, and will cost $25,000,000 a year to maintain, to be free to shippers, than it would be for the Government to construct, own, and operate at its own proper cost and expense a railroad from San Francisco to New York, which would cost no more to either construct or operate than it has and will the Panama Canal? My judgment is that neither proposition can be justified upon any principle, and in particular to favor water transportation as against railroad transportation, for it is known to all that no railroad company can carry freight as cheaply by rail as it can be carried by water. It would simply and necessarily result in the railroad companies being obliged to make good their losses by overcharging some one else who now pays much more than those who now enjoy water transportation. [Applause.]

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to thank the chairman of our committee for yielding to me so much time, and to say that if you will give me your attention I will try and close my remarks in less time than has been granted me.

In this debate a very large proportion of the time has been consumed in the discussion of section 5, mostly in the consideration of the legal or international question. I do not propose to spend any time on that or on the Clayton-Bulwer treaty or the Hay-Pauncefote treaty or anything that pertains to them. When the matter was up before the committee and the form of the bill was being considered, I was one of those who, while I favored the tolls on coastwise commerce as provided in the bill, was strongly opposed to any reference to the treaties. I did not want to foreclose our Government in the future [applause] from regulating the tolls in case it wants to do so.

Mr. KNOWLAND. Will the gentleman yield there?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. KNOWLAND. Does the gentleman think we do it in the bill?

Mr. MICHAEL E. DRISCOLL. I do not think so. At least the gentleman knows that direct reference to those treaties was stricken out of the bill.

Mr. KNOWLAND. No; I did not.

Mr. STEVENS of Minnesota. If the gentleman will permit, did not the committee offer to strike out that very portion and it was objected to by the gentleman from California?

Mr. MICHAEL E. DRISCOLL. Yes; that is as I recollect it.

Mr. KNOWLAND. That is not a fair statement.

Mr. MICHAEL E. DRISCOLL. The majority—I mean the 16 out of the 21 members who were in favor of tolls—were disposed to strike out of the bill any reference to the treaties and any part of the bill which might indicate that this Government is bound by treaty to give the same rights through the canal to foreign ships as to our ships. I am one of those who was in favor of leaving that out of the bill, and therefore do not propose to discuss it here. I will confine myself to this question of tolls on the merits, just as if we have as much power, as a Government, to regulate the tolls, to discriminate between nations, as we have power over this Capitol Building. I will confine my remarks to the fairness and equity of this bill on the question of tolls between the shipowners and shippers, on the one side, and the people, on the other, who have paid for the construction of the canal and who will have to pay for its protection.

Gentlemen who oppose the tolls say that it is a departure from the policy of this country to levy tolls or any other

charges against our commerce. My answer is that it is a new proposition. It is the first time the Government has been called upon to face a question like this; and since it is new and different from any other question which the Government has been called upon to consider, we must meet it with judgment and fairness to all and in the interests of the whole people, as against the demands of a few who are especially interested.

Let me now refer to the remarks of the gentleman from Washington [Mr. HUMPHREY] and the gentleman from California [Mr. KNOWLAND], my colleague on the committee. They both said and repeated over and over again that this is a question of the railroads versus the people. The gentleman from Washington [Mr. HUMPHREY] yesterday opened his speech with an emphatic declaration that it is a question of the railroads against the people, and that the 5 men who signed the minority views are with the people, and the 16 who approved the majority report are in favor of the railroads and against the people.

Mr. KNOWLAND. I do not think the gentleman is hardly fair as far as any statement I made is concerned.

Mr. MICHAEL E. DRISCOLL. The gentleman was not as bold about it as was the gentleman from Washington, but both tried to give that impression.

Mr. KNOWLAND. I do not think it was necessary to put it in at all.

Mr. MICHAEL E. DRISCOLL. There are degrees of gall and cheek in this Pacific coast crowd and a few others who are not willing to pay even $1 a net registered ton, which is the necessary expense of passing their ships through the canal when they once reach the locks, but insist on putting that burden on the people in addition to the $400,000,000 for the construction of the canal, and $20,000,000 a year in addition for its protection. I say there are different degrees of greed and selfishness, and my friend from California [Mr. KNOWLAND] is not quite as nervy as my other friend from the Pacific coast [Mr. HUMPHREY].

Let me refer in a few words to the personnel of the Committee on Interstate and Foreign Commerce that the Members may judge for themselves whether the 16 who favor tolls or the 5 who oppose them are really the friends of the people. I will not individually consider the 16 members for the gentleman from Minnesota [Mr. STEVENS] did that yesterday in a very able manner; and I leave it to the membership of this House to say whether, by reason of their records in the House and in the districts they represent, they would be inclined to favor the railroads or any other special interests as against the interests of the country at large.

Now, let us consider the five gentlemen who signed the minority report. Mr. BROUSSARD is from Louisiana, the most overwhelmingly Democratic State in the Union. Only yesterday I noticed in the papers that the Republicans had not cast enough votes to entitle the party's name or emblem to be placed on the ticket; that there is not even a skeleton of the Republican organization now in existence in that State. The gentleman is a Senator now, or is soon to be, and, although from this very strong Democratic State, according to my recollection, has generally voted for Republican tariff bills simply because the sugar business is a very large interest in his State and he wants to protect sugar. Steamship people and shippers of New Orleans are against tolls, and Mr. BROUSSARD is for a free canal. I find no fault with him for this. It is human nature. Syracuse was built around the salt wells of Onondaga and the manufacture of salt was its largest industry in its early days. Every Member of Congress who ever represented that district favored as high tariff duties as he could get on salt for the benefit of his district.

My colleague Mr. GOLDFOGLE resides in Manhattan and my colleague Mr. CALDER in Brooklyn. One is a Democrat and the other a Republican. Both are Representatives from Greater New York, the largest commercial center in the world. Its chambers of commerce, boards of trade, and transportation companies adopted resolutions for a free canal, and these gentlemen signed the minority views. The gentleman from Michigan [Mr. DOREMUS] comes from Detroit, a great and prosperous city, whose commercial bodies very likely are opposed to any tolls on the canal. In his remarks he said that it would be political suicide for any party to favor such tolls. It is fair to assume, therefore, that it is not policy for him to favor the tolls provided for in this bill.

The gentleman from California [Mr. KNOWLAND] represents the aggressive shipowners and shippers of his State who were strong advocates of an Isthmian Canal and demanded that San Francisco be selected as the city in which to celebrate the completion of that great project, and had their way. They now are very much interested in shifting all of the burden and expense of maintaining and operating the canal on the Government, while they will be special beneficiaries of this waterway.

Would it not be a fair statement to say that the question before us is one of a coastwise shipping monopoly versus the people, and that those five gentlemen are the friends and advocates of this shipping monopoly and that the sixteen are trying to protect the rights and interests of all the people?

Our opponents repeatedly inquire why we insist on tolls on coastwise traffic through the canal when nobody appeared before our committee and asked for it. It is true that nobody representing the ninety-odd millions of people in this country who pay for the construction of the canal did come before the committee, but representatives of the steamship companies and the shippers did appear before the committee and demand that no tolls be imposed. The toiling millions of the country are busy trying to earn a living to support their families and pay their taxes and have no time to appear before committees of Congress. They send their representatives to this body to look after their interests and expect them to do it; and it seemed to us that it was our duty to protect their rights against the representatives of aggressive and greedy special interests who came before the committee and demanded that they get a gratuity at the expense of the whole people.

I will now explain to you how we arrived at the rates to be charged for the use of the canal as recommended in this bill. The committee went to the Canal Zone during the Christmas holidays, viewed the great work in progress, held many hearings, acquired much information from Col. Goethals and other able men who are engaged in the construction of the canal, and listened to advice from many people. After that we gave hearings from day to day to shipowners, shippers, and representatives of commercial organizations and several Government officials and experts. The gentleman from Wisconsin [Mr. ESCH] yesterday delivered a very instructive and interesting address, embodying the substance of the evidence taken before the committee on the comparative advantages of the Suez and Panama Canals and the sources of the traffic which may be reasonably expected to patronize our canal in case of low rates and convenient supplies of coal and other ship necessaries. As a result of that thorough and comprehensive investigation, and on advice of experts, the committee recommended this maximum rate of $1.25 per net ton. That is about 6 cents per ton less than the rates now charged on the Suez Canal, but it is expected that the rates on the Suez Canal will be lowered in the near future.

Our rate was made low in order that we may get as large a proportion as possible of the traffic from what is known as competitive territory between the Suez and Panama Canals. As explained by the gentleman from Wisconsin [Mr. ESCH], that embraces the coast of Asia from Hongkong easterly and northerly, Japan, a part of Australia, and New Zealand and the islands of the Pacific east of the Philippines, and as far south on the west coast of South America as ships can afford to go by way of the Panama Canal and pay the tolls. Our canal would be sure of the traffic between the eastern part of North America and the western coast of South America to a considerable distance to the southward at much higher rates than proposed in this bill. It would also be sure of all the traffic between the western coast of North America, including the British possessions, United States, Mexico, and Central America, and the eastern coast of North America and Europe if the tolls were several times those proposed.

To explain a little more fully with reference to our coastwise trade. Ship companies are now competing with the transcontinental railroads between our eastern and western coasts and are doing a considerable part of the traffic, especially in heavy materials. But at present they are at very great disadvantage because when a ship sails from San Francisco to the Isthmus her cargo must be unloaded, transported across the Isthmus by rail, and reloaded onto a ship on the Atlantic coast, and thence to New York. According to the evidence of Mr. Dearborn, representative of the American-Hawaiian Steamship Co., it costs $4 a ton to transfer the freight from one coast to the other by rail. In addition to this expense, which is deducted from the ship's total freight receipts, she is tied up 10 days during the unloading of one cargo and the loading of another. When she will pass through the canal she will save that 10 days and do from one-fourth to one-third more business in a year. My own judgment is that a ship company will be able, when the canal is completed, to transport freight from San Francisco to New York for one-half the rates per ton she receives now. But I will not base my argument on any doubtful statement of facts. She will save the $4 per ton cargo now paid for unloading, transporting across the Isthmus by rail, and reloading. The rates we propose amount to just about half a

dollar per cargo ton, which is necessary to pay the expense of putting the ship through the locks and canal from ocean to ocean. Therefore after paying those rates she will save $3.50 per cargo ton. That ship competes now quite successfully with the transcontinental railroads under her present disadvantages. When the canal is completed and in operation she will, after paying the tolls proposed, save $3.50 on every ton of cargo from coast to coast, and will be able to transport freight from our western to our eastern coast for less than the actual cost of transportation by the railroad companies.

The gentleman from Washington [Mr. HUMPHREY], in his statement before our committee, distinctly admitted that. If this ship and all others will not absorb this benefit of $3.50 per ton, but will allow it to pass on and the merchants will allow it to pass through to the ultimate consumers, they will be well satisfied. I myself am not quite optimistic enough to believe that will be done. The ship companies will absorb all they can, and the shippers and merchants, wholesale and retail, will absorb a large part of the remainder; and it is doubtful if a very large proportion of this $3.50 profit on each ton will go to the benefit of the people generally.

If the canal were owned by a corporation which owed no obligations to anyone or to any country, and could fix such rates as the traffic would bear, and was bent on making all the money it could, it would charge at least $4 a ton on cargo freight on all traffic from the western coast of North America to the eastern coast of North America and to Europe and vice versa; and the ship companies would pay it because they would have to. They could pay it and transport this freight very much cheaper than they do now. But since the rates provided in the bill are the same to all and very low, in the hope of getting traffic in competition with the Suez, the trade from coast to coast in our country is in great luck, because the rates are only a trifle compared with what it costs now to transfer the cargoes across the Isthmus by rail.

Aside from the cost of construction of the canal and its protection, it will cost at least $5,000,000 a year to maintain and operate it, sanitate the zone, and maintain a civil government on it. It is estimated that the rates proposed in this bill will be about enough to pay the necessary expense of passing the ships through the canal, leaving no surplus for the protection of the zone or for the interest on our bonded indebtedness for its construction. Our opponents urge that since the Government improves rivers and harbors and charges no tolls for the benefits received by our coastwise vessels, therefore it should not charge tolls on the canal, which they claim will be a part of our coast line. To that we answer that after the rivers and harbors are improved no further expense of maintenance and operation on the part of the Government is required, whereas with respect to the canal the Government will have incurred the expense of its construction and fortification, and will continually incur the expense of its protection by detachments of our Army and Navy for which it expects no return at all events for many years to come. But it will be required to bear the running expenses of the canal and of passing ships through it. That process may not be generally understood. When a ship enters the canal, say, from the Atlantic side, and moves up to the Gatun locks, three in number, she is then taken in charge by the canal officials and put through the locks by electrical machinery and appliances and out into Gatun Lake. She then sails under her own steam to the first lock on the Pacific side, of which there are three. The canal officials again take her in charge and pass her through the locks until she is in the canal on the Pacific side, when she puts on her own steam and passes out into the ocean. It is estimated that this service of passing the ship through the canal and all attendant expenses will amount to about $1 per net registered ton, the rate which will probably be fixed by the administrative officers under this bill if enacted into law. It is proposed to charge this rate on all ships, foreign and domestic.

We submit that it is only fair that the ship, which gets this special benefit in putting her through the canal, should pay the expense of that service. That expense must be paid in one way or another, either out of the Treasury of the United States or by the ship that gets the benefit of the service; and we contend that the ship should pay this trifling expense for that service and the great benefit and advantage she gets from the canal over present conditions, rather than that all the people should pay it in taxes.

Our adversaries admit that this will be a great benefit to coastwise ships. They admit that with the canal they will be able to transport freight from coast to coast cheaper than the actual cost to the railroad companies, but they say if this toll is collected it will be added to the cost of the freight and will come out of the people who consume the commodities. The toll of half a dollar a ton of cargo freight is 2½ cents on the 100 pounds, and we believe that all of that will be absorbed before it gets to the ultimate consumer.

But suppose the shipowners and merchants will be as honest and fair as their advocates here promise and will allow all of this 2½ cents per hundred pounds of freight to go to the ultimate consumers, we contend that those who get that benefit should pay for it. Since it must be paid either by all the people in the way of tax through the Federal Treasury or by the particular people who live along the coast line and get the benefit of that little reduction of freight, those who get the direct benefit should pay for it and not the people throughout the balance of the country who do not get such benefit.

I am in favor of a parcel post and have been for years; but I believe that, if established, it should be made to pay expenses; that if the expense must be paid by all the people in the form of tax to make up the deficit caused by a parcel post in the Post Office Department or by the people who patronize it and get the direct benefit from it, every man should be required to pay the actual expense of the service which he gets, thus saving the department from a deficit and the masses of the people from additional taxation.

Again and again our opponents have spoken emphatically against what they are pleased to call a tollgate on this great national waterway. They refer to it as a tollgate, because ordinary tollgates on country roads, maintained by private corporations, are not popular with the masses. But let me remind gentlemen that they should not speak with derision just now of the tollgate, because only a few days ago this House, by a substantial majority, established a tollgate on every rural free-delivery route in the whole country, and placed at every such tollgate a local collector who will exact from the Government from $15 to $25 a mile a year for the use of the road for one horse and wagon. Verily our old Uncle Samuel is in hard luck. Last week the grangers picked one pocket by establishing tollgates against his rural free-delivery carriers, and now it is proposed to pick another of his pockets by refusing to permit a tollgate on the Panama Canal.

Mr. KNOWLAND and Mr. GOLDFOGLE rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I will yield first to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. I am one of those who joined in the minority report, as my colleague will remember.

Mr. MICHAEL E. DRISCOLL. You were very quiet about it, though. I think it is a half-hearted support that my friend gives it.

Mr. GOLDFOGLE. I give it my support fully, because I believe the coastwise trade ought to be exempted from the payment of tolls. I want to ask my colleague if he does not believe that if we provide for free toll to the coastwise vessels flying the American flag and plying only between American ports, the consumer will get the benefit of that exemption?

Mr. MICHAEL E. DRISCOLL. I will answer that now.

Mr. GOLDFOGLE. It is not the coastwise vessel but the ultimate consumer that will get the benefit.

Mr. MICHAEL E. DRISCOLL. That is the stock argument of the shipowners and great merchants who do the shipping. They all say that the benefit they will get by not paying any tolls will all percolate down through the shipowners, shippers, and merchants to the ultimate consumers. As I have explained heretofore, I do not believe that will happen. If the shippers and merchants pass on to the ultimate consumers the $3.50 per cargo ton which they will receive in addition to other advantages, I think the public will be satisfied. I do not believe they will do that, and if they get this additional gratuity of 50 cents a ton, they will absorb the most of that.

Mr. NYE and Mr. KNOWLAND rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I will first yield to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. I want to correct the gentleman in one statement.

Mr. MICHAEL E. DRISCOLL. Now, excuse me. If the gentleman wishes to ask me a question I will yield, otherwise not.

Mr. KNOWLAND. This is in regard to a statement the gentleman made. He spoke of the gentlemen from the Pacific coast as if they were the only ones. Every leading commercial organization in New York have passed resolutions to that effect.

Mr. MICHAEL E. DRISCOLL. The Pacific coast people are the nerviest ones, the greediest ones, and the most selfish.

The coastwise ships now have a complete monopoly of coastwise trade. Foreign ships are not allowed to compete with them and they do not compete among themselves. There are

many coastwise ship companies between which the coast and the business are divided. I do not say that they are organized into a trust, or that they have an express agreement to let each other alone and not interfere in each others' territory; but that is what happens. Each line has a monopoly of the trade of the ports between which its ships ply. What is true of the ship companies on the Atlantic and Gulf coasts is equally true of the Pacific coast. There is no competition between them. They do not interfere with or compete with each other. Each has its own territory and its own business, and I here make the prediction that when the canal is open, and whether absolutely free to them or not, they will not compete. They will divide the territory and business between them, as they are doing now, and make tremendous profits by reason of the great benefit and advantage which the canal will give them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. MICHAEL E. DRISCOLL. I want to yield to the gentleman from Minnesota [Mr. NYE] first.

Mr. NYE. I was going to ask the gentleman if he would allow me to suggest what his colleague from New York [Mr. GOLDFOGLE] said about the consumer. I might suggest that there is no reason why the consumer of goods should want something for nothing. I must expect to pay the legitimate cost of the transportation of what I buy, just as much as I pay for the article itself, and all men ought to be willing to do that. If the cost of the canal is a legitimate tax upon commerce, every man who enjoys the benefit of that commerce ought to be willing to pay.

Mr. MICHAEL E. DRISCOLL. That is exactly the gist of our side of this contention.

Mr. MADDEN. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Now I will yield to the gentleman from Illinois.

Mr. MADDEN. The question I wanted to ask the gentleman from New York was this: Was there ever anything in the hearings developed before the committee to show that the coastwise ship companies always have a representative at any meeting held by the railroad companies at which rates are fixed?

Mr. MICHAEL E. DRISCOLL. I would not want to say as to that.

Mr. MADDEN. Is it not a fact that they always do have a representative at such meetings, and that they always fix their rates about 20 per cent below the railroad rates?

Mr. MICHAEL E. DRISCOLL. Somebody said that all the steamship lines now are connected with railroads in business. The statement was made here. I do not know whether it is correct or not.

Mr. HUMPHREY of Washington. If the gentleman will permit an interruption, I will say I made that statement, and it is true, I think, however, so far as the Pacific coast is concerned, after looking up the matter, I did overstate it there.

Mr. MICHAEL E. DRISCOLL. Then, that is another reason why you should not favor giving them any more advantage by way of subsidy than they now have.

I will restate some of the facts I have been over before, and try to make the argument so clear that gentlemen who have not read the evidence will see the absolute fairness of our contention. It now costs $4 per ton of freight to transfer it from ship to ship across the Isthmus. This expense will be saved when the ship floats through the canal, and the goods will not be damaged by breaking bulk twice; and the ship will do nearly one-third more business in the year by reason of not being tied up at the Isthmus during the process of loading and unloading. There are two tons of cargo freight in one net registered ton. This bill provides for tolls not to exceed $1.25 per net registered ton. That is the maximum. The chances are that the administrative officers will, on the start, fix a rate not exceeding $1 per net registered ton, which is equivalent to not more than half a dollar per ton cargo on the average.

All of the people built the canal and will fortify and protect it. We might as well charge off the $400,000,000 to profit and loss or to national defense, also the interest on the money, and the $20,000,000 a year that it will cost to protect it by detachments of our Army and Navy. It will cost, at a fair estimate, not less than $5,000,000 a year to maintain the canal, operate it, and sanitate and maintain a civil government on the zone. It will require 5,000,000 net registered tons at $1 a ton to pay this $5,000,000 expense. Since the Government will give the shipowners and shippers the benefit of $400,000,000 for the construction of the canal and $20,000,000 a year for its protection, we submit that the shipowners should pay the actual cost of passing their ships through the canal. That is all we ask, and we believe our contention is fair and just. While the canal will be as free as the rivers and harbors improved by the Government, we believe that the ship companies, the shippers, and people who get the greatest and most direct benefit of this cheap transportation at the expense of all the people should pay this trifling expense toward the maintenance and operation of the canal.

Mr. KNOWLAND. The gentleman's State of New York has built the Erie Canal at a cost of $130,000,000. Do they charge any dues for the use of that canal?

Mr. MICHAEL E. DRISCOLL. I will answer that question, and I will differentiate the Erie Canal on principle from this proposition.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. I do not object to yielding to the gentleman, but I can not run along on several lines at the same time.

Mr. HUMPHREY of Washington. I knew the gentleman would not object, because I yielded to him yesterday.

Mr. MICHAEL E. DRISCOLL. I will yield to the gentleman now, since he insists.

Mr. HUMPHREY of Washington. I have been trying to follow the gentleman's line of argument, and if I understand it correctly it is that the ships will pay the tolls; that is, that they will bear the burden. As the gentleman knows, the coastwise trade of the United States is a monopoly.

Mr. MICHAEL E. DRISCOLL. The gentleman admits that, does he not?

Mr. HUMPHREY of Washington. I do. No foreign ships can engage in our coastwise trade, and all the ships in the coastwise trade are kept upon a level, regardless of whether the tolls are charged or not. Under those circumstances, the coastwise trade being a monopoly, does the gentleman think the shipowner is going to bear that burden himself? Will he be that much of a philanthropist or will he pass it on?

Mr. MICHAEL E. DRISCOLL. I will get to that. That is substantially the same argument that the gentleman from New York [Mr. GOLDFOGLE] made.

Mr. ADAMSON. I want to remind the gentleman from New York [Mr. MICHAEL E. DRISCOLL] that his time is very limited. I do not object to his losing time to gentlemen who want information, but I am well acquainted with the two gentlemen who are interrupting him, and I wish to say that they can not learn anything from him, and do not intend to, but they want to confuse his argument.

Mr. HUMPHREY of Washington. I think that is a very unkind statement on the part of the gentleman from Georgia, considering the way in which I yielded to the gentleman from New York.

Mr. MICHAEL E. DRISCOLL. I will answer the gentleman's question by and by. I have already answered it once in reply to my colleague [Mr. GOLDFOGLE].

Mr. HUMPHREY of Washington. Then I withdraw the question. I have not been here all the time.

Mr. MICHAEL E. DRISCOLL. And now I will refer to the question submitted by the gentleman from California [Mr. KNOWLAND], who says that the State of New York, where I was born and raised, and which I, in part, represent here, took off the tolls on the Erie Canal.

Mr. KNOWLAND. Expended $130,000,000 and took off the toll.

Mr. MICHAEL E. DRISCOLL. We have expended a much larger sum on canals in the State of New York, and at present we are charging no tolls. But why? The Erie Canal was opened up to navigation in the year 1826. At that time the railroads were not very far developed. What is now the New York Central consisted of several short railroads operated by several different companies. After awhile Cornelius Vanderbilt, who was a genius in railroading, connected these various parts of track between Albany and Buffalo, and made them into the New York Central. After a few years a double track was laid, then four tracks. Later on the West Shore Road was built parallel with the New York Central and parallel with the canal. Those two roads and the canal run from Buffalo to Albany in a strip not anywhere I think over a mile wide, and in most cases not more than half a mile apart. The two railroads and the canal are right close together.

Mr. AKIN of New York. And within a few feet of each other in some places.

Mr. MICHAEL E. DRISCOLL. What was the result? At first the boatmen on the canal made money and business was very lively, but as the New York Central developed its road and reduced the cost of carrying freight it cut into the canal business and by degrees drove the boatmen out of business, and as their old boats rotted down they could not afford to buy new ones, and so the canal was practically abandoned. Then it was up to the State of New York to do one of two things—to entirely

abandon the canal and not take care of the feeders that pour the water into it—let it become an open, miasmatic, disease-breeding ditch, an eyesore to the whole State—or take off the tolls in the hope that the boatmen would still continue to use it.

Mr. HUMPHREY of Washington. The tolls were not an obstruction to commerce, were they?

Mr. MICHAEL E. DRISCOLL. They could not compete with the New York Central and pay tolls.

Mr. KNOWLAND. The tolls amounted to a very small sum, did they not?

Mr. MICHAEL E. DRISCOLL. They were not heavy. What did they do next? They took off the tolls in 1883 in order to help the boatmen and keep the canal in existence. Then, along in the nineties, we appropriated $9,000,000 to improve the canal, to deepen it where it needed deepening, in order that the boatmen might haul larger loads and compete in business with the New York Central.

And yet they got the worst of it. They were not the kind of competitors to the New York Central lines which Buffalo and New York wanted; and a few years ago our State bonded itself for $101,000,000 to build what is known as the barge canal, which will float steam barges and carry larger cargoes and compete with the New York Central lines.

You people in the West, let me say right here, owe to New York a great obligation, greater than you are willing to recognize, because we paid for the canals, paid for keeping them up, and they have tended to reduce the freight rates not only on the New York Central, but on all the trunk lines running to the Atlantic seaboard, and the western people have gotten the benefit of these reduced rates for business in the Mississippi Valley and even farther on.

Now, why did we take off the tolls? Because the canal could not run without this help, and the boatmen needed it. I would not be in favor of putting any tolls on the commerce going through the Panama Canal if it were really a burden on the shippers—if they needed it to compete with the railroads. But they are now competing without the canal. In one lump they will get $4 a ton benefit. Out of that, all we ask them is to pay one-half dollar a ton on their freight for putting them through the canal.

Mr. POWERS. If the gentleman will pardon me, they not only compete with the $4 they have, but they are delivering the goods at cheaper rates.

Mr. MICHAEL E. DRISCOLL. Yes; so they can reduce the cost of transportation of freight from coast to coast $4 a ton and make a much bigger profit than they make now, because every ship will do from a quarter to a third more business than she is now doing, for the reason that she is tied up now nearly one-third of the time at the Isthmus.

Now, is that a parallel case with our Erie Canal? We took off the tolls on the Erie because the boats needed the help. We help in the Panama Canal the shippers and the shipowners to the extent of $4 a ton, which they meet now, and only ask them to pay the half dollar for the expense of running their ships through the canal, and this they refuse.

Mr. WARBURTON. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Yes.

Mr. WARBURTON. The State of New York has spent very large sums to build the canals which they now give over to the use of the shippers. If the State of New York can afford to do that, can not the Government of the United States afford to spend $4,000,000 and give the shipping free tolls?

Mr. MICHAEL E. DRISCOLL. The State of New York has built the canals and sustained them in order to keep them in existence.

Mr. WARBURTON. The gentleman says the State makes them free.

Mr. MICHAEL E. DRISCOLL. I can not say about what it will do with the barge canal; that will be for the wisdom and judgment of the State. But if the barge owners can make a big profit and pay tolls and compete with the railroads I have no doubt the people will require them to pay tolls. We do not want to drive the railroads out of business any more than we want to drive the canals out of business. What we want is healthy, genuine competition. We did not give the canal boatmen the benefits of no tolls in the first instance for the simple reason that they did not need it. They tried to live and compete with the railroads, but could not do it, and then we took off the tolls, for it was necessary to do so to keep them in existence.

Mr. HILL. And that will not bring it back. The largest part of the business has everlastingly gone from the gentleman's canal—that is, the lumber trade—which has been entirely diverted to the extreme west and to the south, and the taking off of the tolls or the putting of them on will never in this world bring back that trade, which was more than half of the entire trade of the Erie Canal.

Mr. MICHAEL E. DRISCOLL. That may be true. Mr. Chairman, to refer to what I started to say at the outset, when I was sidetracked by many questions, because the gentleman from Washington [Mr. HUMPHREY] is here, I recall that he made the statement that this is a question of the railroads against the people, and that he is for the people and we are for the railroads. My friends at home would smile if they heard anybody say that I am for the railroads as against the people. I have never in my life ridden a mile on a pass. I have never received a penny worth of favor, directly or indirectly, from any railroad. I have never received a dollar in fee from any railroad, nor do I own a share of stock in any one of them. I have tried many cases against the railroads, and when I get out of Congress I expect to try more if I get them. That is my relation with the railroads, and yet I am told that I am for them. I am not their friend in the sense that I would give them any undue advantage over shipowners, shippers, or anyone else. Neither am I their enemy in the sense that I would favor legislation that would tend to destroy or cripple them. I have never joined the anvil chorus against them for temporary popularity and votes. They have done much to extend our civilization and develop the magnificent resources of all our country. Were it not for the transcontinental railroads the most of your Pacific coast would yet be an unexplored wilderness and a sunburned and useless desert.

You are making this cry and appealing to the prejudice of the Congress and the country against the railroads in order to graft for your steamships and your shippers and your Pacific coast. [Applause.] This graft would inure to the benefit of only a small proportion of our coastwise ships. The gentleman from Georgia [Mr. ADAMSON] stated that only about 10 per cent of the ships engaged in our coastwise trade will pass through the canal, and that statement has not been challenged. You assert that this bill is in the interest of Wall Street parasites, and yet Mr. GOLDFOGLE and Mr. CALDER, the two gentlemen from New York City on the Interstate and Foreign Commerce Committee, are persistently against it. You are masquerading under the American flag in order to get this extra gratuity for your little crowd of selfish shipowners and shippers. [Applause.]

During this debate we have been entertained by a stream of patriotic declamations, largely from Pacific coast orators, about the American people, the American canal, the American flag, and American ships. You are trying to snuggle up to the American people that you may the more easily deceive and take advantage of them. You are trying to conceal your little coterie of shipowners and shippers in the ample folds of Old Glory that their bristles may not be discovered. You ring the changes on the canal, the crowning glory of engineering and scientific skill. You iterate and reiterate that it was built by American money, American genius, and American enterprise and that the American people should get the benefit of it. We quite agree with you, with the qualification that the ninety-odd millions of the American people who will have to pay for this grand canal should get a little of that benefit and that a small fraction of 1 per cent of the American people should not get it all. You are indeed generous as well as patriotic. You would concede to the American people all the glory of this great project if you could get all the gold.

If you are really patriotic and would like to have our flag survive on the ocean, why have you not said a word for our ships that are trying to continue in foreign commerce in competition with the ships of other nations? Why have you not urged the remission of tolls for them? They are sadly in need of help and our coastwise vessels are not. They will do all the business there is to be done. When the canal is open they will take nearly all the coast-to-coast traffic from the railroads if they care to do so.

The gentleman from California [Mr. KNOWLAND] stated, with tears in his voice, that only 9 per cent of our foreign commerce is carried in American ships, and yet with equal earnestness he demands that the Pacific Mail steamships, which have been carrying most of this 9 per cent of our foreign commerce and struggling with fierce foreign competition to keep our flag on the high seas, be denied the use of the canal on any terms, for the owners of those vessels do not object to the rates of tolls proposed in this bill, and only ask that they be permitted to use the canal on equal terms with all other ship companies, foreign and domestic. Is this your brand of patriotism, and does this illustrate your anxiety to keep the American flag on our merchant marine on the high seas?

The issue between those who are supporting this bill and those who are opposing it is simply this: Its advocates insist that since the people at large pay for the construction, fortification, and protection of the canal those who use it should pay the necessary expenses to the Government of passing their ships through it; that this expense is properly a part of the freight charges and should be paid by those who buy and consume the goods, and should not be shifted onto the Government and ultimately on all the people in an additional tax.

We repeat that the shipowners who propose to use the canal now have a monopoly of coastwise trade and will have it after the canal is in operation; that they can afford to pay this trifling charge of about half a dollar on a ton of freight and make enormous profits; that if these tolls are remitted they will be absorbed before they get to the ultimate consumers; that the expense of putting ships through the canal must be paid either out of the Federal Treasury or by the ship companies. If paid from the Treasury, all the people will have to pay it in the form of tax. If paid by the ship companies, it will fall on those who get the immediate and direct benefit. We say that the ship companies should pay this moderate expense in the form of tolls. Our opponents say that all the people should pay it in the form of taxes. The vote will indicate who are the friends of the people and who are the friends of the selfish coastwise shipping monopoly.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. MICHAEL E. DRISCOLL. Not all of my time?

The CHAIRMAN. All time has expired, and the Clerk will read.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excepting and excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Farfamenco, and any lands and waters outside of said limits above described which are necessary or convenient, or from time to time may become necessary or convenient, for the construction, maintenance, operation, sanitation or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized to acquire by treaty with the Republic of Panama any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and may, in like manner, exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

Mr. HILL. Mr. Chairman, I move to strike out the last word for the purpose——

Mr. WEEKS. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman of the committee to ask a question. Whether in his judgment it is wise to give the President of the United States authority to dispose of in any way land belonging to the United States without any restriction by Congress or some other power?

Mr. ADAMSON. Well, it is not our intention by this section to provide he can do that. There are two reasons for that last sentence of the section, which is, I suppose, what the gentleman alludes to.

Mr. WEEKS. I do.

Mr. ADAMSON. One is, the northern terminus of the canal at Colon is mighty closely mixed up with our town of Cristobal there. The harbors up to this time have been so near that we have never finally adjusted just exactly the harbor lines and boundaries. We do not know but we might need a little treaty work or purchase or exchange of a little land. The other reason is that the present arrangement for paying for this land we condemn is not satisfactory, and we hope the President will fix a treaty to provide better means as to that.

Mr. WEEKS. One more question. Is it proposed to exchange the land fronting on the Pacific south of the city of Panama in the Canal Zone for the frontage which it is desired to obtain in Colon?

Mr. ADAMSON. Well, there has been rumored such a tale to that effect, but I do not know there is any contemplation of it myself. That was not the purpose of putting this in the bill. It may be, I will say to the gentleman from Massachusetts, desirable to the Republic of Panama we should aid them to secure another port in the territorial limits of their Republic, and we may want to help them do that.

Mr. WEEKS. One other question. Would the chairman of the committee object to striking out the words "in like manner," line 1, page 3, and insert "except with the consent of Congress"?

Mr. MANN. That would be impracticable.

Mr. ADAMSON. I do not see how that is practicable. We want him to do whatever is necessary without any unnecessary specifying. Sometimes he can do better without making too much publicity and noise and discussion. I do not think there is any danger in authorizing him to do this. It is rather a small matter, but it may be large in consequences. We discussed this pretty thoroughly in the committee and fixed it in this way.

Mr. MANN. Will the gentleman yield?

Mr. ADAMSON. Certainly.

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] is recognized.

Mr. HILL. Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD? Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. May I submit, just a moment? Night before last I asked the chairman of the committee a question, whether a railroad owning a steamship line starting from Halifax and going through the canal to Victoria, owned by the Grand Trunk Railroad, could not go under the terms of this bill where a steamship line owned by a railroad in the United States—could not start from Boston and go to Seattle. He gave me no reply then, but since then he has told me both roads are under the control of the Interstate Commerce Commission. Now, I ask him as supplemental to that question if that is true of that traffic—in other words, has the Interstate Commerce Commission any control whatever over a steamship line starting from Halifax and going to Victoria, purely a Canadian trunk line in direct competition with an American trunk line, or if they only have control over such traffic as comes on their lines through the United States?

Mr. ADAMSON. My understanding was that the railroad section has not yet been reached, and it will be postponed when it is reached, and I do not understand that it will be in order to discuss this subject under this section of the bill.

Mr. HILL. I understand that; but I wanted to get the information before I extended my remarks. I will postpone it, however.

Mr. ADAMSON. I want to say to the gentleman, though, by unanimous consent, that the highly esteemed Associated Press said that I snapped the gentleman off. I did not snap anybody off.

Mr. HILL. I wanted certain information. I do not understand that there was any discourtesy. I will say, furthermore, that on that evening after the House adjourned the gentleman kindly indicated the information to me.

Mr. ADAMSON. I then told the gentleman privately that the transactions of those railroads were subject to the act to regulate commerce, which they are. They have filed schedules and prices and rates, just like our railroads, and if they have any American connections they are all subject to the Interstate Commerce Commission.

Mr. WEEKS. May I ask the gentleman from Georgia [Mr. ADAMSON] a question? I direct his attention to line 21, page 2, and inquire if that would necessitate that any treaty which the President made relating to this subject be submitted to the Senate for ratification?

Mr. ADAMSON. Yes. I think he could go ahead and make the treaty without our telling him to do so and submit it to the Senate.

Mr. WEEKS. Could he make a treaty without it being ratified by the Senate?

Mr. ADAMSON. No, sir; not without the consent of the Senate.

Mr. MANN. You answered the other way a moment ago.

Mr. ADAMSON. I said he could proceed to negotiate a treaty without our expressing it in a statute. But he would have to submit it to the Senate in either event.

Mr. MANN. Mr. Chairman, as I understand this last provision of section 1, not about the treaty, but about the exchange of land, it is for the purpose of permitting the President to acquire practically all the land in the Canal Zone which would be affected in any way whatever by the operation of the canal.

Mr. ADAMSON. There is another section that more fully provides for it than that. The object of this section, I will say to the gentleman from Illinois, was twofold. One to authorize the President to change the harbor limits around the city of Colon and the other was we would like for him to modify that treaty under which we have been condemning the land.

Mr. MANN. Of course, the condition as to the treaty is one thing. That has to be ratified by the Senate in any event, and I am not sure but it would have to be ratified by the House. But the provision as to the exchange of land or land under water is by itself and must be for some purpose.

Mr. ADAMSON. That is it. That is a prudential provision.

Mr. MANN. It would authorize the President to exchange land which we own in Colon, as the owner of the Panama Railroad, for land on the Canal Zone which we need in operation of the canal but do not now own.

Mr. ADAMSON. That is right. It is to perfect the use of our property.

Mr. MANN. The language of this bill is not to exchange land or land under water in Panama, but I suppose it is not intended to permit the President to exchange any land in the United States, such as the Capitol Building, for instance, for land in the Canal Zone?

Mr. ADAMSON. Hardly.

Mr. FITZGERALD. Does this cover the situation on the Pacific end, where under a so-called modus vivendi the President and Secretary of War made some suggestion by which, if I recall correctly, Panama has now possession of certain lands which the United States needs and must pay for?

Mr. MANN. This, of course, will permit an exchange of titles.

Mr. FITZGERALD. Will it ratify the action of the administration in that respect? There was a situation, if I recall correctly, although I have not looked the matter up, on the Pacific side. There were some lands under adjustment, and Panama got the best of the trade, and now we wish them back and will have to pay for something we originally had.

Mr. ADAMSON. We were endeavoring to draw language to authorize the adjustment of such things as that. If we did not do it accurately, it was our misfortune to draw it in that way.

Mr. STEPHENS of California. Mr. Chairman, I move to strike out the last word of the section. Under a misunderstanding the time in which I was to address the committee this afternoon was given elsewhere, and therefore I ask unanimous consent that I be allowed to address the committee at this time for 10 minutes on the general bill.

Mr. ADAMSON. I will ask the gentleman if he desires to discuss the bill generally or any particular section?

Mr. STEPHENS of California. In general.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] asks unanimous consent that he may address the House for 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] is recognized for 10 minutes.

Mr. STEPHENS of California. Mr. Chairman, no citizen of the United States asks that the Hay-Pauncefote treaty be violated or abrogated. No patriotic citizen would sanction its violation. Hence the absorbing question to-day is, Will the Hay-Pauncefote treaty be violated if we give free passage through the Panama Canal to our own coastwise ships?

It was claimed yesterday by the distinguished gentleman from Minnesota that Article X of the Constantinople convention gave to Turkey the right of free tolls through the Sues Canal for her Government and commercial vessels, and that if the convention had not so stated such free passage would have been in direct violation of the agreement.

If nothing could be done unless stipulated in the articles of agreement, in the clauses of the identical instrument itself, did not the United States violate the Hay-Pauncefote treaty within a short time after its proclamation by agreeing to give free passage through the canal to Panaman Government vessels when no mention of such possibility had been made in our treaty with Great Britain?

Did we again violate the Hay-Pauncefote treaty when Congress passed the necessary legislation and appropriations for fortifying the canal, no mention of our right to do so having been made in the treaty? These were matters in which England and the balance of the world were vitally interested, yet no real objection was made by any power on earth, for all recognized the territorial rights and responsibilities of the United States. If England and the world could find no valid objection to the free passage through our canal of the Government vessels of the United States and Panama, laden with soldiers, munitions of war, and supplies; if they could not and did not enter complaint when we made ready to fortify the canal, then indeed have we every right to assume that neither England nor any other nation will every seriously question our right to pass free our own coastwise merchantmen through our own canal, dug in our own soil, paid for with our own money, owned in detail and in toto by the United States, and to be operated and maintained for all time to come by the United States alone.

If England raised no objection to our doing certain things not mentioned in the treaty in which she is vitally interested, she can never object to granting free tolls to that part of our own commerce of which she never can under any circumstances have a part.

If we have any moral or legal right to fortify the canal, or to give free passage to vessels belonging to the United States or to Panama, then have we equal or even greater right to give free tolls to at least that part of our own commerce in which no ship of any other nation can ever participate? We have the right and it is our duty to exercise it.

Gentlemen on the floor have said that the question of free tolls was purely local and was interesting and beneficial to Pacific coast people only.

The transportation of the products of this country should and does benefit the grower, the transportation company, the consumer, and all those connected directly and indirectly with the labor and the marketing thereof. The Atlantic coast, the Pacific coast, the Gulf coast, the Lake shores, the Middle East, and the Middle West will all benefit by a reduction in transportation rates.

Low water rates can not long obtain without causing some similar reduction in rail rates, and whether a blanket scheme or zone plan of railroad rates is in existence, the effect of low water rates from coast to coast will be felt throughout the length and breadth of the land.

I believe that free tolls will not only add greatly to the prosperity of those who live and do business beside or near our seashores and great rivers, but that it will be of even greater benefit, individually and collectively, to those who live in interior communities, far removed from either ocean or great river.

The West and the Middle West will not only gain through reduced blanket or zone rates following low water rates, but will be an extraordinary gainer through the quick development of every square mile of territory adjacent or tributary to the overland railroads.

When the volume of through overland business is lessened, because of coast-to-coast water competition, then the great transcontinental railways will hasten into intense cultivation and promotion of their own territorial resources. Farmers and factories and new communities will be encouraged, new railroad lines—feeders to the main lines—will be built, and a prosperity greater than any yet seen will come to those who now are mistakenly fearful.

The building of the second transcontinental railway did not lessen or stop the growth along the first one, nor did the third one injure either the second or the first, nor the fourth one decrease the prosperity in territories adjacent to either of the others; indeed, the coming of each new road really and truly added to the business and the general welfare and prosperity of all communities near the previously built overland lines.

Low-rate interoceanic communication will develop the interior as well as the coast sections of our country.

AS TO OWNERSHIP OF STEAMSHIP LINES.

We of the Pacific coast know what railroad-owned steamships mean. We have lived for more than 30 years under railroad domination. We long to be free, and we will be free. The Southern Pacific Railroad Co. owns a little more than half of the stock of the Pacific Mail Steamship Co. and has controlled it absolutely.

For many years the Pacific Mail steamships were the only ones carrying freight or passengers between Panama and the United States. Whenever another line was organized the Pacific Mail would at once reduce its rates one-half or two-thirds and starve out its competitor. For 20 years the Pacific Mail steamers stopped at only one port in the United States—San Francisco. It did not and would not stop at Fort Harford, Hueneme, Santa Barbara, San Pedro, Los Angeles, Redondo, or San Diego—all United States Pacific ports between San Francisco and our southern boundary.

"Not enough business to warrant" was the excuse it made; yet Los Angeles territory in 1911 produced: Citrus fruits, 46,400 carloads; vegetables (carloads), celery, 2,000; cabbage, 600; tomatoes, 250; potatoes, 1,200; onions, 400; cauliflower, 700; lettuce, 150; sweet potatoes, 50; assorted, 1,000. Nuts, 9,000 tons; cantaloupes, 1,625 carloads; raisins and dried fruits,

6,000 tons; canned goods, 760,000 cases; olives, pickled, 1,000,000 gallons; olive oil, 500,000 gallons; beet sugar, 200,000,000 pounds; wine and brandy, 3,500,000 gallons; petroleum, 74,000,000 barrels; beans, 65,000 tons; cotton, 8,000 bales; barley, 45,000 tons; and received from the East thousands of carloads of building and general supplies of every kind.

"Not enough business" at Los Angeles, a city having 102,000 people in 1900, 201,000 in 1905, 319,000 in April, 1910, and 400,000 in December, 1911!

"Not enough business" at Los Angeles, a city whose building permits amounted in value to more than $1,000,000 monthly for 10 years past, and totaled more than $23,000,000 in 1911!

"Not enough business" at Los Angeles, a city whose postoffice receipts grew from $200,000 in 1900 to $1,646,000 in 1911, and whose bank clearings advanced from $114,993,000 in 1900 to $946,000,000 in 1911!

"Not enough business" at the American ports above mentioned! Yet from 15 to 25 stops were made at places and ports having from a few hundred to a very few thousand people along the west coast of Mexico, between the United States and Panama, that had no Southern Pacific rail lines.

"Not enough business" was only an excuse; the reason for not stopping was that the Southern Pacific Railway owned and controlled the Pacific Mail steamships, and it was far more profitable to the Southern Pacific Railroad to decrease the tonnage by water and increase it by rail from United States ports, so long as other steamship lines could be kept off the ocean.

I will place in the RECORD a telegram dated March 12 from and resolutions adopted March 14, 1912, by the Los Angeles Chamber of Commerce, an organization with a membership of 3,300 of the best business men in southern California:

LOS ANGELES, CAL., *March 12, 1912.*

Hon. WM. D. STEPHENS,
House of Representatives, Washington, D. C.:

Los Angeles Chamber of Commerce reiterates its earnest and solemn protest to placing a tollgate at entrance to Panama Canal to collect tax in name of toll against American commerce and shipping engaged in coastwise trade, thus discriminating against people of Pacific coast by levying tax that is not exacted against vessels or craft engaged in similar coastwise commerce in Soo Canal, Erie Canal, and various rivers made navigable at Government's expense, in which Pacific coast bears its proportionate share. This chamber is also absolutely opposed to permitting ships owned or controlled wholly or in part by railway companies to engage in coastwise traffic through Panama Canal.

THE LOS ANGELES CHAMBER OF COMMERCE,
H. Z. OSBORNE, *President.*

RESOLUTION IN RE PANAMA CANAL TOLLS.

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., March 14, 1912.

Resolved by the Los Angeles Chamber of Commerce, That we reaffirm the statement of the principles and policy involved in the resolutions adopted by this chamber as a member of the Associated Chambers of Commerce of the Pacific Coast, October 2, 1911, as follows:

"Whereas the building of the Panama Canal was undertaken by the people of the United States in pursuance of a great national policy, amongst other things, of providing for the national defense, of opening up the shortest possible water route between the respective coasts of the United States and foreign countries, to provide through natural methods and to prevent monopoly of transportation and means for transportation between the various sections of the Union at the lowest possible cost, to build up and expand our commerce with foreign nations, and incidentally to encourage the upbuilding of a now decadent merchant marine: Be it

"*Resolved*, That there should be no tolls charged through the Panama Canal to vessels coastwise flying the American flag; and be it further

"*Resolved*, That we heartily approve of the legislation recommended by President Taft in his message to Congress of December 6, 1910, reading as follows:

"'I can not close this reference to the canal without suggesting as a wise amendment to the interstate-commerce law a provision prohibiting interstate-commerce railroads from owning or controlling ships engaged in the trade through the Panama Canal. I believe such a provision may be needed to save to the people of the United States the benefit of the competition in trade between the eastern and western seaboards, which this canal was constructed to secure.'

"*Resolved*, That the recent action of the majority of the Committee on Interstate and Foreign Commerce of the House of Representatives in relation to Panama Canal tolls is at variance in all essential particulars with the foregoing statement of the principles and policy which, in our opinion, should govern legislation on this subject, and we desire to emphasize the protest which this chamber has heretofore made to this proposed action of Congress by transmitting a copy of this resolution to every Member of the House of Representatives and to every United States Senator."

I hereby certify that the above is a true and correct copy of the resolutions adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, March 13, 1912.

H. Z. OSBORNE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

And now I beg to read to you the following letter and recommendations of the Railroad Commission of California:

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
San Francisco, March 16, 1912.

Hon. WILLIAM D. STEPHENS,
House of Representatives, Washington, D. C.

MY DEAR MR. STEPHENS: Inclosed herewith you will find a copy of a resolution which was passed by the railroad commission at a meeting this morning with reference to the Panama Canal bill which is now pending before Congress. Before taking action the commission held a public hearing and made a careful investigation, on its own initiative, into the law and the facts. We believe that all three recommendations are sound in law and policy alike and would urge you strongly to do whatever you can to secure their incorporation into the Panama Canal bill.

Thanking you very much for your assistance in this matter, we remain,

Respectfully,

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
By MAX THELEN, *Commissioner.*

RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,
San Francisco, March 16, 1912.

RECOMMENDATIONS OF RAILROAD COMMISSION OF CALIFORNIA IN RE PANAMA CANAL BILL.

After a public hearing and a careful investigation into the law and the facts, the Railroad Commission of the State of California makes the following recommendations in the matter of the Panama Canal bill now pending before Congress:

(1) We recommend that vessels owned, operated, or controlled by railroads and engaged in whole or in part in coastwise trade be barred from the Panama Canal and suggest the advisability of extending this principle so as to make it unlawful for any railroad to own, operate, or control any common carrier by water with which such railroad does or may compete for traffic between points within the United States.

Under the decision of the United States Supreme Court on the so-called commodities clause in the interstate-commerce act, in the case of United States v. Delaware & Hudson Co. (213 U. S., 366), we believe there can be no doubt as to the legal right of the Government to compel a railroad to sell its holdings in a steamship line. We can find no valid reason in governmental policy against this recommendation. The inevitable result of permitting railroads to own, operate, or control competing steamship lines through the Panama Canal, as shown by the history of the coastwise traffic of this country, will be to crush out every independent line, to give to the railroads the control of the Panama Canal, and consequently to keep freight rates higher than they normally would be. We would refer in this connection to the decision of the Interstate Commerce Commission in the case of Railroad Commission of Nevada v. Southern Pacific Co. (21 I. C. C. R., 329), decided on June 22, 1911, in which case the history of steamship competition in this country is fully explained.

(2) We recommend that American shipping engaged in coastwise trade through the canal be exempt from the payment of tolls.

Under the decision of the United States Supreme Court in the case of Olsen v. Smith (195 U. S., 232), it is clear that the United States may carry out this recommendation. The provision in section 1 of article 3 of the Hay-Pauncefote treaty to the effect that "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions of charges of traffic or otherwise," whatever the full effect thereof may be, certainly does not apply to coastwise traffic, for the reason that as American vessels may alone engage in such traffic there can be no question of discrimination as against the vessels of other nations. The Olsen case squarely sustains this position.

The remission of tolls on vessels engaged in the coastwise trade will make it possible for them to lower to that extent the freight rates which they would otherwise have to charge, and in this way the American people will secure a reduction in freight rates to which they are clearly entitled as the result of the tremendous sums which they have expended in the construction of the canal.

We use the words "American people" advisedly. We do not concede that the lower freight rates between coast points, brought about by water competition through the canal, can in any wise injure interior localities. On the one hand, the free movement of traffic between coast points not only will operate for the benefit of them localities, but such benefit will be reflected far inland and the general prosperity of the country will necessarily result. On the other hand, lower freight rates to coast points will not operate disadvantageously to the interior by increasing rates to and from interior points. It is well established that railroads may not lower their rates to meet competition to such an extent as to burden other traffic. If rightly regulated the railroads of the United States must give reasonable rates to all points, and reasonable rates are all that they can be forced to give. The fact that a less than reasonable rate is put in by railroad companies voluntarily to meet water competition does not justify such railroad in putting any different rate in effect elsewhere than it could legally put in if it did not meet such competition. The result, then, of free competition through the canal will be a lower rate to coast points than would otherwise prevail, which lower rate to the coast points will have its effect to that point in the interior where the local freight rate from the coast to such point plus the steamship rates equals the transcontinental rate from the opposite coast point. Much of the interior, therefore, will be better off than it now is and none of it can be worse off because, as we have stated, the railroads must accord the same reasonable rate when they meet competition as they are allowed under the law to give when they do not meet such competition.

(3) We recommend that American shipping engaged in foreign trade and using the Panama Canal be likewise exempted from the payment of tolls, or that subsidies equivalent in amount at least to those paid by other Governments to their ships using the canal be provided by the United States.

Otherwise the United States, which built the canal at a tremendous outlay, will be the only Nation whose vessels are sailing through the canal without Government assistance. We do not believe that there is anything in the Hay-Pauncefote treaty to prevent such action on the part of the United States. The treaty provides that the rules of neutralization to govern the canal are to be substantially the same as those which govern the use of the Sues Canal. The vessels of Great Britain and other nations using the Sues Canal receive subsidies from their governments and no one has ever contended that the principle of equality in the use of the canal is thereby violated. In the same way the United States can clearly pay subsidies to her vessels using the Panama Canal, and what she can do directly by the payment of subsidies she certainly can do indirectly by the remission of tolls in the same amount.

We respectfully direct the attention of California's Representatives in Congress to these recommendations, and urge that they do all in their power to secure their adoption in the Panama Canal bill.

JOHN M. ESHLEMAN,
H. D. LOVELAND,
ALEX GORDON,
MAX THELEN,
E. O. EDGERTON,
Railroad Commission of California.

Mr. Chairman and gentlemen, free tolls and free oceans for coastwise shipping is the wish of the people. You and I know the American people well enough to believe that nothing short of free tolls and free oceans will ever satisfy them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of California. I ask permission, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, I have listened to the remarks of the gentleman from California [Mr. STEPHENS] and other remarks from time to time from gentlemen from all over the country, and I have read a great many editorials and press dispatches on this subject of the railroads and the Panama Canal. I think we are making pretty good progress in this country. I am in harmony with the gentleman on the question of tolls, but sometimes I wonder, as I have lived somewhat beyond the generation in which I grew up, whether gentlemen forget what has been done in this country.

I recollect when in the construction of the Northern Pacific Railroad they halted when the work was half finished, and it was a burning question in this House whether there was not some way to compel them to finish. There had come a touch of hard times, but they did finish, and I recollect very well when the golden spike was driven that gave us the first transcontinental railroad. I recollect that away back in 1850 that man was said to be a dreamer who expected to see the two oceans united by rail. I have seen land grants made, although I was not in Congress when they were first made, to the transcontinental railroads. I have seen land grants given to the Illinois Central Railroad when those magnificent black acres were not even located with 70-cent military land warrants. The value came to those lands with the construction of the railroad.

Then, in my recollection, I have seen the United States grow in population from 20,000,000 to nearly 100,000,000 people. How anxious we were to get the railroads! How we agonized! Now we see them cross the deserts and tunnel the mountains.

I have great respect for the men who had the courage and for the country that had the good sense and the courage to support them in the days of their infancy. They would not do everything that we all wanted them to do, but, after all, they did dead work for a long time. It is one thing to sell a cent or a half-cent commutation ticket and make a trip every 15 minutes and quite another thing to have the work of the tracks and the trains three-quarters dead work.

With all the magnificent progress we have made, looking backward as well as forward, and imagining what the future of the country may be, I am not inclined to criticize much what this railroad may have done or what that railroad may have done when struggling for existence. I am glad that they have done well, but they could only have done well through the development of the country.

I am glad that the Golden Gate and Los Angeles are now connected by the great bands of iron with 20,000,000 other people in the United States. I am glad the citrus fruits come to us. I am glad that they come cheaply. We might get them a little cheaper if we were not broad enough in our citizenship and legislation to protect them from competition by a very round rate of duty. It is all right, I presume, but once in a while I grow weary when some people, who are younger than I am, think they can obtain political advantage in abusing the "wicked railroads." When the time came to regulate the freight charges and the passenger charges, as the population increased, when they did things we thought they ought not to have done and charged too much, we passed an interstate-commerce law, and our respective States are now legislating on that subject.

I just wondered whether my California friend, whom I have heard once or twice criticize pretty severely the existing conditions, would be willing or glad to tear up the railroad tracks that reach from the Atlantic to the Pacific. I am with him as to the canal, and I am with him as to tolls, but let us give a little credit to that generation that has crossed over, which led in making all these things possible. [Applause.]

Mr. WILLIS. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] is recognized.

Mr. WILLIS. Mr. Chairman, in view of the discussion that has been heard here, relative to the power of this Government to grant free tolls to American shipping, or as to whether by the Hay-Pauncefote treaty it has deprived itself of all power in the premises, even to grant free tolls or reduced rates of toll——

Mr. ADAMSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Georgia?

Mr. WILLIS. Yes.

Mr. ADAMSON. I want the distinguished gentleman from Ohio to have opportunity to debate this subject, but under the agreement we had we thought we would try to get along with the uncontested sections, and then when we have finished them, have some debate on the others.

Mr. WILLIS. I was temporarily absent from the Chamber, and did not know that such an arrangement had been made. If the gentleman desires I can postpone my remarks.

Mr. ADAMSON. We thought we would get along with the uncontested portions of the bill, and have more liberal debate when we reach these sections.

Mr. GARNER. Do I understand the gentleman from Georgia to mean that when we reach section 5 and section 11, he intends to tail them at the end of the docket, and take them up after the so-called uncontested sections have been disposed of?

Mr. ADAMSON. It has already been ordered that when these two sections are reached they be passed without prejudice and come up last in the consideration of the bill. I think it is right that there should be a little more liberality of debate on those two sections.

Mr. WILLIS. I do not object, and if it is desirable I will withhold my remarks until we reach that page in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until Congress shall otherwise provide.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This section confirms and ratifies the laws, orders, regulations, and ordinances heretofore adopted and promulgated in the Canal Zone and makes them binding until Congress shall otherwise provide.

It seems to me that if we ratify the laws which have been already promulgated in the Canal Zone by order of the President, and propose practically to give the President the responsibility of managing the canal and the Canal Zone, he ought to have authority to change these laws, orders, regulations, and ordinances from time to time. It is practically impossible for Congress to do it.

Now, I understand the objection to letting the President run the zone as he pleases, and yet it is not a mere personal matter. There will be, from time to time, the necessity of making minor changes in the ordinances, orders, regulations, and perhaps the laws upon the Canal Zone. It is not proposed here to give the parties responsible for the government there even the power that the District Commissioners have now in the District of Columbia while Congress itself is in session. You could not make a change of a police order. You could not make a change of an order in reference to licensing saloons or anything of the sort. You can not make any change of any kind. The laws, ordinances, regulations, and orders now in force will become in practice what the laws of the Medes and Persians were in theory. Theoretically they changed not. They have been changed, but practically these Canal Zone laws and regulations can not be changed unless you confer power upon somebody to make the changes, because it is not practically possible for Congress to make police regulations or to change police regulations from time to time on the Canal Zone.

Mr. WEEKS. Before the gentleman from Illinois takes his seat I should like to ask him why it is not as practicable for Congress to make laws for the Canal Zone as it is to make laws for Alaska?

Mr. MANN. Well, because it is not practicable for Congress to make laws for Alaska we have just provided a Territorial legislature for Alaska, and everyone knows that the management of the government of Alaska has never been satisfactory, certainly not since people were there.

Mr. HAMILTON of Michigan. And even then they had an extension of the Oregon Code in relation to Alaska.

Mr. ADAMSON. Exactly what you have here. You have a confirmation and extension of every law that is now in existence there.

Mr. HARRISON of New York. Mr. Chairman, I desire to be recognized in opposition to the amendment. The gentleman from Illinois contends that it is not practicable for Congress to make laws for the Canal Zone. The impracticability in the past has consisted of a jealousy on the part of the friends of the Panama Canal Commission, both in the Senate and in the House. There is no difficulty in the way of our making the laws for the Panama Canal Zone, and I welcome section 2 in this bill as a resumption by Congress of its constitutional duty of making the laws. Ever since the expiration of the Fifty-eighth Congress there has been no legal government on the Panama Canal Zone. The President has been legislating by Executive order. There is serious doubt whether Congress has the right to direct the President expressly to perform its functions of enacting laws. There is no doubt in my mind that we have been to blame for leaving the situation as it is. The President has been less to blame than Congress. He could perhaps do no more and no less than he has done, but Congress has been to blame in failing to enact laws for the Panama Canal Zone. I doubt whether in the history of international law there has been any other de facto government, such as has existed for six or seven years on the Canal Zone, except perhaps one which was called into existence by some military necessity.

That this extralegal government has existed on the Canal Zone is the fault of Congress. We have permitted the government down there to be a government of man and not a government by law, and section 2 of the bill proposes to cure that defect. I welcome, as I say, a resumption by Congress of its constitutional duty of passing the laws.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words. I want to concur with the gentleman from New York in regard to section 2, confirming these Executive orders and existing courts. The first idea seems to have been on the Canal Zone that the Canal Commission would act as a sort of legislative body, and would pass necessary ordinances to govern the population that was there. The commission actually did for about six months enact what they called ordinances, that are now published in book form, running from No. 1 to No. 24, ordinances of the commission. Thereafter, for some reason or other, the enactment of these ordinances by the commission ceased—whether because they could not go on as a legislative body, or because of some disagreement between the administrative officers, or for some other reason—but thereafter they began to have Executive orders, issued by the President, presumably at the suggestion of the chief engineer of the canal as he saw, from time to time, some necessity for a legal abyss that must be filled.

These Executive orders, if gentlemen have taken the time to examine them, will be found to be fragmentary statutes, torn out of the statute books of every State in the Union that happened to seem to fit the case, upon all questions of civil rights, from the right to practice a profession to the administration of estates of deceased persons. They are the most chaotic, ill-digested mass of legislation that any section of the world is laboring under to-day. We are undertaking to confirm those, because the people are now living under them. Where there is a gap and a question comes up in one of the local courts, and there is a gap in that particular in the chain of Executive orders, the principle of international law is supposed to apply, that where one nation acquires territory that is under a code of laws established by a civilized government, that code of law is supposed to continue until it is superseded by the express legislation of the new sovereign State. So these gaps are supposed to be filled up by the Colombian law. But it does not fill the gaps at all, because it is a diverse system of jurisprudence, as we all know.

So the American judge down there can not administer the Colombian law. I do not know but one case where he ever tried to do it, and that was a recent case where a passenger was injured on the Panama Railroad and he undertook to sue the railroad company, and they held that he could not, because he had proved the express negligence of the engineer, and under the Colombian law there was no doctrine of respondeat superior and the negligence of an employee was not chargeable to the employer.

Mr. RUCKER of Colorado. Did that case go to the supreme court?

Mr. BORLAND. It is in the supreme court of the zone now. The duty of Congress will be, under this section, to provide a form of legislation down there. If we are going to have a military zone, with everybody excluded except by the express permission of the military governor, we will not need any code of laws; but if we are not to have a military zone, as I hope we are not, if we are going to have commercial towns there and independent American trades, as I hope we will, we will have to have a commercial code. We will have to have some such code as England made for the Empire of India; we will have to provide a codification of laws, with perhaps the aid of the American Bar Association, or some other body, and have a codification of American laws and pass them as England made the evidence act applicable to the commercial cities of India. There is no reason why Congress could not and should not legislate for the Canal Zone as it does legislate for the District of Columbia.

Therefore for the time being there seems to be nothing else for the committee at present in presenting the bill to do but to ratify the fragmentary legislation, the Executive orders that have been issued, applicable to the zone.

Mr. MANN. Mr. Chairman, for the purpose of making a slight contribution to history I rise to oppose the gentleman's motion. When we acquired the Canal Zone we passed a law which was practically the duplicate of the law for the first government of the Louisiana Purchase, authorizing the President to exercise the civil, military, and judicial functions on the zone until the end of the then Congress. That Congress expired; but before its expiration I had introduced a bill for the government of the Panama Canal Zone. That bill went through the House, passed the Senate with an amendment, and was in conference. The conferees on the part of the House and the conferees on the part of the Senate were deadlocked. There did not seem to be very much chance for an agreement. In the closing hours of that Congress President Roosevelt sent for the conferees on the part of the House and the conferees on the part of the Senate, or a portion of them, and a consultation was had with reference to the conference. Neither side seemed willing to concede. I asked the President, "Suppose there is no agreement and no law passed providing for government on the Panama Canal Zone, and the existing law which ends with this Congress expires, what will be done upon the Canal Zone? Will you have nerve to have order preserved there under your directions or will you let chaos reign there because the two Houses of Congress do not agree on the methods to be prescribed?" The President said that if Congress did not provide any law for the continuation of the government on the Canal Zone he would take the responsibility as President of the United States and supreme over the Isthmian Canal Commission and in charge of the construction of the canal and preserve order and government on the Canal Zone, a position which it was entirely proper for him to take and which showed that he was willing to meet a responsibility when it came before him.

On several occasions since then the House has passed a bill providing for the government of the Canal Zone, and on every occasion, when my distinguished friend from New York [Mr. HARRISON] was a Member of the House, he opposed the bill, not because he did not believe in having a government on the Canal Zone, but because he believed in a different method of providing for the government. We now have a government there, and they have had it ever since. Some people call it—as the gentleman from Georgia [Mr. ADAMSON] did on yesterday—absolutism.

Mr. ADAMSON. I said it had been so denominated. I justify the conduct of the President myself in continuing the government.

Mr. MANN. The gentleman and I have always agreed in reference to it, that the President could do nothing else. At first, under the original authority, the Isthmian Canal Commission made ordinances and laws, but when the authority of Congress had expired and the President assumed jurisdiction, whenever they made orders after that it was by order of the President, because that was the only responsibility they have. The criticism that I made a moment ago was that while we ratify all those orders we make no provision whatever for any change, slight or otherwise, in those laws or orders on the Canal Zone until Congress shall hereafter provide.

The Clerk read as follows:

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

Mr. BORLAND. Mr. Chairman, I move to strike out the section. That section is not very long and its purpose is very clear. It is to permit the President, without any further legislation, to acquire all of the land we do not now own in the Canal Zone. I call attention to the map which is here before us, showing in colors the Canal Zone. As I understand it, that map shows in pink the land that was formerly Government land of the Republic of Colombia which became the public land of the Government of Panama after the revolution. The land which is marked in yellow is claimed to be concessions belonging to the New Panama Canal Co., which passed by its sale to the United States Government; and the land shown in red, as I understand it, is land expressly acquired since by treaty, by condemnation, or purchase from private owners for various purposes, for the cuts and fills, and so on, of the canal. So that the United States Government claims now to be the owner, either as assignee of the New Panama Canal Co. or by the treaty with the Panama Republic, of all of the land which is not colored green. In other words, it claims to be the owner of about 60 per cent of the land now in the zone. About 40 per cent of the land in the zone the United States admits is in the ownership of private individuals, but a great deal of that in pink and yellow is under private occupation. The treaty provides for a commission to be appointed, composed one-half of citizens of Panama and one-half of citizens of the United States.

There has been only one of those commissions held so far as I know—I think that is correct—which is known as the Denby Commission, which passed upon a number of claims and paid out a large amount of money in awards, much larger than American officials thought was right and much smaller than the claimants were asking. The results of that commission were so unsatisfactory to the Canal Commission and the chief engineer that he bitterly opposed any more commissions under treaty, and I understand that he has followed the good old soldierly way of taking the land needed and leaving the parties to litigate. A great many of the claims on litigation will probably have to be paid. How much they will involve nobody knows. It is certain there is one place where we paid $90,000 for the claim of a mere occupier after the Supreme Court of the Canal Zone said the party in possession had no title to the land whatever. How much those other claims are I am not able from memory or from data in my possession at present to say, but I do know that the 40 per cent to be acquired will cost an immense amount of money for which no possible justification can be urged at this time. We have acquired all the land necessary for the construction of the canal, for cuts and fills, and borrow pits and overflows, and all necessary results of construction. Now, of whatever land we did own, none has been sold. We passed an act of Congress in 1909 providing that 25-year leases might be made on Government land down there under certain conditions. It is provided that the man desiring a farming lease must be a householder, a head of a family, and it must be for agricultural purposes, and there are other conditions, but there is no provision for the sale. There has been an insistent demand there among discharged employees or employees about to leave the canal for the right to buy this Government land, and not having that right they have been going outside the line of the Canal Zone in every direction and buying it there; that is, the white American employees. It never seemed to me incompatible with the purposes of the safety of the canal that they should be permitted to buy land on the zone in preference to any other American citizen, and it certainly seems to me that reasonable quantities of such land——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent that I may have five minutes additional.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I do not want to be unkind and cut off gentlemen, and do not want to begin an oppressive system. However, I want to give notice that, while I will not object this time, I will after this commence to object. I did not want to object to Uncle JOE, because he is an old patriarch; but I am going to begin to object.

Mr. BORLAND. I will say to the gentleman from Georgia that I appreciate his courtesy in the matter, and yet I think that this is quite an important matter in this bill that, in the overshadowing importance of the question of rates and some of these other matters in the bill, has been entirely overlooked, and it has not consumed any of the time of the House in debate. It is a matter that is going to involve a tremendous liability upon the people of this country, and will add to the cost of that canal considerably. I think that section 3 is one of the important sections in the bill, and I think that the House can justly give 10 minutes to it, or possibly even more time than that. Now, the Committee on Appropriations of the House will be asked, if this bill is passed in its present form, to begin to provide annual appropriations for the purpose of purchasing chunks of land. How much that is going to figure up, how many years in the future it will continue, not a man in this House can tell. The more the facilities down there increase and the more the canal is used, the higher the price of land will be, because it is just exactly like here in the city of Washington, that every time the United States Government undertakes to buy more land it finds out that the Government has improved the land up to a higher value, and we must pay more money for it. There is not any reason, so far as I have been able to see from observation from three trips down there, why any more land should be acquired by the Federal Government. There is no reason given for it except the report of the Chief of Engineers to the effect that he wants to erect earthworks around each available point of the canal. Now, earthworks are a form, I suppose, of military protection.

I do not personally believe that earthworks are going to protect that canal, even if there are 8,000 soldiers behind them. I do not believe, if we could clear off every foot of that land and put it entirely under military supervision that that would have the certainty of protecting the canal, because it is only 5 miles at the farthest point to any one of those locks from foreign territory. If anyone is going to destroy them at all, it is not going to be a man who walks down there with a handful of dynamite in his pocket, but it is going to be some fellow who will sneak down there in the night with an airship and drop enough dynamite on it to drive it to kingdom come. So it is doubtful whether the surrounding of the canal with earthworks is going to protect the locks or the clearing off of the 5-mile zone is going to protect the locks. The greatest protection to the locks may be the presence of a commercial and agricultural population, if we can induce such a population to go there. The greatest protection to the locks will be a commercial city there, in which every citizen is interested.

Mr. SABATH. The gentleman has visited the zone and has seen the land. Is he under the impression that he can secure American settlers to settle upon this land?

Mr. BORLAND. The very gentleman who stated that the land was of little value stated a little further along in his hearing that he was having constant applications to let them for that purpose.

Mr. SABATH. Who was the gentleman who made that reply?

Mr. BORLAND. Col. Goethals. And I will say that here is a road built by the United States Government, half at its own expense and half by English capitalists, that leads to a plantation that is owned by English capitalists, who grow large quantities of chocolate beans and rubber trees.

Mr. SABATH. It is really the only foreign corporation there?

Mr. BORLAND. I understand there is one down at Frijoles. I have not been at all of them.

Mr. SABATH. You have not been present at all the hearings.

Mr. ADAMSON. Mr. Chairman, I move that the debate on this amendment shall close in 10 minutes.

Mr. BORLAND. I would like to have five minutes more.

Mr. ADAMSON. I can not do that.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that all debate close in 10 minutes. Is there objection?

There was no objection.

Mr. ADAMSON. I yield to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, in my opinion my colleague from Missouri [Mr. BORLAND] has an entirely erroneous idea as to why we are on the Isthmus of Panama. We did not acquire this 10-mile strip across the Isthmus for agricultural purposes. We acquired it there for the purpose of building a great Isthmian Canal and to enable vessels to pass from one ocean to the other in the interests of commerce and as a military necessity whenever that occasion should arise. But I do not believe that we ought to give any considerable consideration to the idea of agricultural pursuits on that zone. The evidence before the committee was very clear that it would be a failure for that purpose.

Mr. ADAMSON. If we did, it would only be our people.

Mr. HAMLIN. I recall that the evidence showed that the Agricultural Department expended a considerable sum of money in experimenting down there in the growing of Temperate Zone products, such as Americans would have to have if

they lived there, and that was an absolute failure. We might grow a little rubber or might grow some of the tropical plants, but that is not what Americans would want; and I do not believe that any American wants that Canal Zone populated by anybody but Americans, if it is to be populated at all.

But I want to call the committee's attention to this fact: When you get right down to the absolute facts in the matter it is only about 6 or 7 miles from Colon up to Gatun Dam, and then for over 30 miles that whole zone is practically inundated by the lake. Something like 150 square miles will be covered by water in order to make a lake where the vessels will float from the Gatun Dam over to the locks on the other side, and there is only a small portion of that zone that could be used for agricultural purposes. I do not want to be understood as claiming that this canal was constructed for military purposes only. I do not believe that. But I believe we had two purposes, and one was a military purpose and the other a commercial purpose—commercial in this, that we were providing a way for sending the ships from one ocean over to the other. We had no idea of agricultural pursuits, and none can be conducted there with any profit, it seems to me. I am sure not by Americans. And it is my judgment that as to this little narrow strip of land across that zone it is absolutely necessary and perfectly essential to the Government to control every foot of it. Then, if we want to use it for this purpose or for that other purpose we may do so. But I believe that we ought to extinguish the title of those private parties who claim to own some title to this land.

Mr. BORLAND. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. HAMLIN. Yes.

Mr. BORLAND. Has the gentleman any estimate of what it will cost to extinguish those titles?

Mr. HAMLIN. I have not.

Mr. ADAMSON. It can be safely said that it will be less than the $400,000,000 that is to be expended on the canal. [Laughter.]

Mr. HAMLIN. We had no real estimate as to what the construction of the canal would cost when we commenced, but this acquisition of land is in connection with that general project on the Isthmus.

Mr. BORLAND. The gentleman has been down there and has seen this land?

Mr. HAMLIN. Yes. But the gentleman ought not to "strain at a gnat and swallow a camel." His argument last night was that we ought to put all American ships through the canal free, at the expense of the American people; and yet when we are talking about acquiring title to the military reservation down there he raises his hands in holy horror and assures us that it will cost too much.

Mr. BORLAND. That is not a parallel case, to buy land that we do not need.

Mr. HAMLIN. We may need it.

Mr. BORLAND. Can the gentleman show on the map a single piece of land that we need that we have not already acquired?

Mr. HAMLIN. I would say that the gentleman might with equal reason get up and argue that we have too much land surrounding this Capitol; that we can not use it and do not need it and ought to dispose of it.

Mr. ADAMSON. Mr. Chairman, I want to make peace in Missouri by offering the suggestion to the warring colleagues that the ship companies, if given their tolls, will make enough money to pay for all this land. [Laughter.]

Mr. HAMLIN. I am satisfied that the Government would lose enough tollage, if we would put private ships through the canal free of charge, as my colleague wants us to do, to pay for all the land we may acquire on the zone.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. HAMLIN. I do.

Mr. GARNER. I have heard a great deal about the Shipping Trust and the shipping monopoly. If that exists, have we not laws to destroy it? And if it does exist, why is it that the Department of Justice has not taken action to destroy it?

Mr. ADAMSON. It is not under the jurisdiction of our committee.

Mr. HAMLIN. I was going to suggest to the gentleman from Texas that he direct his inquiry to the Department of Justice.

Mr. GARNER. Can not the gentleman give a reason why, if this Shipping Trust is an unlawful monopoly, the Department of Justice has not taken steps to stop it?

Mr. HAMLIN. I will ask the gentleman if he is ready to vote to this Shipping Trust a greater monopoly still by giving them free tolls through the canal?

Mr. GARNER. As to that, I will say that I am in favor of giving to American ships free tolls. When a ship carries the Stars and Stripes it ought to go through the American-built canal free.

Mr. ADAMSON. And the beneficiaries will put their money in ships carrying any flag that guarantees a financial inducement. They care nothing for a flag, they want graft.

Mr. HAMLIN. Mr. Chairman, the proposition I am arguing now is this, that I believe that this House and this committee ought to see to it that all the land that is embraced within this Canal Zone shall be under the control of the United States Government, and then we can do what we wish with it.

Mr. BORLAND. Of course it is all under the control of the United States Government now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri [Mr. HAMLIN] may proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the gentleman from Missouri [Mr. HAMLIN] may proceed 10 minutes more. Is there objection?

Mr. HAMLIN. I am much obliged to my colleague from Georgia, but I do not desire any extension, Mr. Chairman.

Mr. MANN. I shall be constrained to object.

Mr. ADAMSON. The gentleman from Missouri does not desire to continue.

Mr. BORLAND. Mr. Chairman, I move to strike out the last five words. This debate, it seems, can not get away from the discussion of the control of the Shipping Trust and get down to the proposition that this Government ought not to spend money to buy land that it does not need. My colleague from Missouri [Mr. HAMLIN] says the Government ought to control every foot of land that the Canal Zone is on. I say the Government does control every foot of land that the Canal Zone is on, and owns every foot of land that is needed for the operation of the canal.

Mr. HAMLIN. Will the gentleman permit me to ask him one question?

Mr. BORLAND. Yes.

Mr. HAMLIN. Does the gentleman, as a lawyer, assert that we own anything down there except by virtue of the treaty?

Mr. BORLAND. Oh, yes; we own everything.

Mr. HAMLIN. Oh, no; I say not, except by virtue of the treaty.

Mr. BORLAND. I will answer the gentleman very briefly. When the building of the canal was first proposed some gentlemen in Chicago—I do not know who—brought a suit against some officer of the United States Government to enjoin the payment of money for the construction of the Panama Canal, on the ground that the United States did not own the land upon which the canal was to be built, and cited the words of the treaty, which the gentleman from Missouri seems to have in mind, that we acquired that zone for the purpose of the occupation, use, operation, and sanitation of the canal. Justice Brewer, in handing down the decision of the Supreme Court of the United States, said that the absence of technical words of conveyance had no effect upon the title, but that the title to the zone was in fee in the United States. [Applause.] Now, if the gentleman, who is a member of that committee, has not read that case, he ought not to endeavor to call me to account, if he does not know whether the Government owns any land in the Canal Zone.

Mr. STEVENS of Minnesota. Then what was the necessity for article 4 of the Hay-Pauncefote treaty, which provided that no change of territorial sovereignty in Panama should interfere with the use of the canal?

Mr. BORLAND. The gentleman might have asked the Supreme Court of the United States that question.

Mr. STEVENS of Minnesota. There is the plain provision in the treaty that the gentleman seems to disregard.

Mr. BORLAND. I understand that the language of the treaty in regard to sovereignty is just as ambiguous as the language in regard to ownership of the land. It says we shall have the use, occupation, and control of the land, and Justice Brewer said that meant the fee title of the land. And the treaty says that we shall have the sovereignty of the zone as though we were sovereign of the territory within which said

lands are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority, and that means the complete sovereignty of the zone, because no other sovereignty is possible.

Mr. HAMLIN. Will the gentleman yield for one other question?

Mr. BORLAND. It will have to be a brief one.

Mr. HAMLIN. I will make it a brief one. Does not the gentleman concede that if we were to pull up stakes there to-morrow and abandon that canal, all of that land would immediately revert to the Republic of Panama?

Mr. BORLAND. No, sir; I do not, because the treaty itself says that no act we can do in failing to build the canal shall forfeit our rights under that treaty.

Mr. MANN. And we have purchased a large amount of land there and become the absolute owner of it.

Mr. BORLAND. Certainly. We have acquired land there by condemnation. We own every foot of land on which the canal is built, and we have sovereignty over every foot of land in the 10-mile Canal Zone.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. BORLAND. I prefer not to, but I will yield to the gentleman.

Mr. TOWNER. Does not the gentleman believe that when we flood any land there we will have to pay for it in any event?

Mr. BORLAND. Yes; I will say to the gentleman that if there is a foot of land that is going to be flooded, they will come here and ask Congress to pay for it, and we will pay for it, of course; but we are asked by this bill to authorize the President to go and buy all the land, whether it is needed for any purpose on earth or not, and no man in this House who is asking that can tell how much it will cost or how much land it will take. Any man who has been down there knows that all the land necessary for the building of the canal and the flooding of the lakes has already been bought and paid for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I withdraw the pro forma amendment, but I have a substantive amendment pending, to strike out section 3, and I ask for a vote on that amendment.

The CHAIRMAN. The question is in favor of the motion of the gentleman from Missouri to strike out section 3.

The question being taken, on a division (demanded by Mr. BORLAND) there were—ayes 24, noes 40.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk began the reading of section 4.

Mr. BORLAND. Mr. Chairman, I want to propose an amendment to section 3, to limit it to land actually necessary.

Mr. ADAMSON. The treaties and the act of Congress already limit it to that by giving us authority to secure a strip of land for canal purposes, and there is not a word of authority for any other purpose.

Mr. BORLAND. Mr. Chairman, I ask leave to submit my amendment.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The Chair is of the opinion that the gentleman rose too late.

Mr. DYER. I submit that the gentleman was trying to get recognition.

Mr. FOSTER. But not until after the Clerk had begun to read.

Mr. KENDALL. He had read two or three sentences.

The CHAIRMAN. The Chair thinks there is no question but that the Clerk had begun to read.

Mr. SIMS. Mr. Chairman, recently we returned to a section by unanimous consent when gentlemen wanted to offer amendments. It seems to me the gentleman ought to be allowed to offer his amendment. If we do not like it, we can vote it down.

Mr. KENDALL. But the gentleman rose too late.

The CHAIRMAN. The Chair thinks it should be done by unanimous consent, and that the proper course for the gentleman to pursue is to ask unanimous consent.

Mr. MANN. Mr. Chairman, I submit that the Chair ought not to take advantage, and does not desire to take advantage, of any gentleman seeking to offer an amendment. Members on the floor have no control over the Clerk. The Clerk starts to read. He does not see the Member who rises. He keeps on reading, but it is not the fault of the Member on the floor. The gentleman from Missouri rose promptly——

Mr. ADAMSON. I do not want to be illiberal. Gentlemen on the floor have told me within an hour that I was not strict enough about this. I feel kindly toward my friend and want everybody to have a fair chance. I will not object at this time if the gentleman says he was trying to offer an amendment.

Mr. BORLAND. I was, and I desire to submit an amendment to section 3, to strike out the words in line 15 and 16:

To declare by Executive order that—

And to insert in lieu thereof the words:

To acquire.

And in line 17 to strike out the word "is," so that the language will read:

That the President is authorized to acquire all land and land under water within the limits of the Canal Zone necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants.

That will permit the President to acquire such lands as is necessary for the operation and maintenance and sanitation of the canal.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in lines 15 and 16, the words "to declare by Executive order that" and insert in lieu thereof the words "to acquire," and in line 17 strike out the word "is."

Mr. BORLAND. Now, Mr. Chairman, by the first section of the bill the President is authorized, in line 21, to acquire by treaty with the Republic of Panama any additional land or land under water not already granted.

Mr. ADAMSON. Mr. Chairman, I wish the gentleman would allow me to interrupt him long enough to ask that all debate on the amendment close in 10 minutes.

Mr. BORLAND. I think I can make my statement in five.

Mr. MONDELL. I will say to the gentleman from Georgia that I would like to have an opportunity to offer a substitute for the gentleman's amendment.

Mr. ADAMSON. My request does not cut that out.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on this amendment be closed in 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, several Members around me say that the amendment has not been fully reported. I ask that the amendment be again reported.

The Clerk again reported the amendment.

Mr. BORLAND. Now, Mr. Chairman, by paragraph 1 of this bill the President is authorized to acquire by treaty with the Republic of Panama any additional land or land under water not already granted or which was excepted from the grant that he may deem necessary, and so on.

That gives him a right to acquire by treaty such land of the sovereignty as is necessary for the proper maintenance of this canal. If section 3 is limited, as it ought to be, to the President to acquire by private purchase land necessary for the operation of the canal, or to extinguish the title to land, that ought to be entirely sufficient, and then if there appears to be any land in the future that we need the President has authority to get it by treaty, or by agreement to purchase, or by condemnation of private owners.

There is no reason why section 3, standing alone and having no effect on the general purpose of the bill, should not be limited to the purchase of land actually needed for the operation of the canal. There is no reason why we should embark or commit the Federal Government to embark on a general purpose of obtaining land not needed for the maintenance, operation, or sanitation of the canal. If my amendment is adopted, then when the time comes for the Appropriation Committee to appropriate for a particular purpose Congress will have some opportunity to determine upon the propriety and necessity for the purchase.

Mr. TOWNER. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. TOWNER. Under the amendment as the gentleman proposes who will have the authority to determine what is necessary?

Mr. BORLAND. Unquestionably the Executive authority.

Mr. TOWNER. The President?

Mr. BORLAND. Yes.

Mr. TOWNER. I call the gentleman's attention, then, that his amendment is unnecessary, because that is the case under the present status. The language is:

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants.

Mr. BORLAND. The gentleman has mistaken the idea of my amendment. I do not want the President to declare that all land is necessary whether it is or not, but I want him to say that such a particular part of land is necessary, and then

he will exercise the judgment of an administrative officer in selecting the land that is necessary. Under the original language of the section the President will feel himself empowered to declare that all the land is necessary. We might as well have said not that the President is authorized to do so, but to declare it necessary ourselves, because that is the effect of the language that I am trying to strike out.

I want to limit it so that it will be the duty of the executive officer, as he ought to do when he is spending the public money, to exercise his judgment. Let him say, "Here is a piece of land that we need, that we can not get by treaty, and we will buy it from the private owner." Congress has never refused to appropriate for necessary expenses of the canal. Under this language as it now stands, we are embarking upon a general purchasing scheme, the outcome of which nobody can understand. We do not claim we need the land now, and we do not know that we will ever need it, and yet we are embarking on the purchase of land at a time when we are not embarking on other public expenditures on account of the condition of the public funds.

Mr. MONDELL. Mr. Chairman, I desire to offer as a substitute for the amendment offered by the gentleman from Missouri the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 17, strike out the word "is" and insert the words "may be."

Mr. ADAMSON. Does the gentleman offer that as a substitute or as an amendment to the amendment of the gentleman from Missouri?

Mr. MONDELL. I offer it as a substitute for the amendment, and when I have the opportunity I shall be very glad to explain why.

Mr. ADAMSON. Mr. Chairman, we are not entering upon any new enterprise in this at all. We are proposing to do what ought to have been done long ago, and what probably would have been done but for obstacles which have grown greater all of the time, and will continue to grow greater the more we neglect the matter. If the people authorized to secure that zone purchased any land that was unnecessary for the construction, maintenance, sanitation, and operation of that canal; if the act was not ultra vires, then it was a very wrong thing for them to do or a very great mistake on their part. Our only authority by treaty under the Spooner Act was to acquire the land necessary for this purpose. It may not be necessary to put a warehouse on every acre of it, but the officers in charge of the canal construction, and almost everybody who has been down there, with whom I have conferred, except the gentleman from Missouri [Mr. BORLAND], agree that for the protection and sanitation of that canal it was necessary to acquire this zone, and in order to perfect that protection it is necessary to own the land itself. Why? Because we do not want any undesirable citizens there. We have the right to acquire all that over which we have secured jurisdiction until the canal opens, and determine just what use we shall make of it in connection with the sanitation, operation, and protection of the canal.

We can not afford, after having made our expenditures, after having staked so much, to have any undesirable or dangerous citizens or neighbors there. We have the right to go ahead and acquire the title to that land for the purpose of using it as an incident or annex to the canal purpose, as contemplated in the original enterprise. As to what it costs, that is a bagatelle as compared with what the canal costs and what it is worth, and while the canal costs $400,000,000, we hope in its benefits to us and to mankind it will be worth billions of dollars. Compared with its cost and value, the cost of acquiring this land for our safety and protection there, to have absolute ownership and control of the contiguous property within the Canal Zone, which we acquired for the express purpose, will be very little. We have the right to purchase it and we ought to do it as rapidly as possible, because, as the gentleman suggests, it is getting higher in price all of the time, and more difficult to acquire; but whatever it costs it is small in comparison to the magnitude of the enterprise, and we ought to acquire it as fast as we can. The officials there assured us that with this legislation much of it could be acquired, and the more of it we acquired cheaply and by private contract the better it is and the less there will be for us to secure through the operation of these commissions. We think we have done the wise thing, and I hope that neither the amendment nor the substitute will prevail.

Mr. MONDELL. Mr. Chairman, I am a good deal in sympathy with the position taken by the gentleman from Missouri [Mr. BORLAND]. I would not, however, go as far as he does. I do not think it will ever be likely that we shall want to acquire any considerable portion of the lands within the Canal Zone that are now in private ownership. It seems to me it would be a very great mistake to do so, and my amendment was offered for the purpose of modifying the notice that shall be given to all the world as to our intention in that regard. But since I offered the amendment the gentleman from Illinois [Mr. MANN], who is almost always right, although he is very wrong in regard to some matters connected with this legislation, has suggested to me that under the treaty we can only acquire lands required and necessary for the construction, maintenance, operation, and protection of the canal, and therefore, not knowing in advance what lands we may need, it is necessary to make the declaration as to all the lands. In that view of the matter, in which I concur, after further consideration I shall be compelled to withdraw my substitute. At the same time, while I shall vote against the amendment of the gentleman from Missouri, I express the hope that this declaration, which under the treaty seems to be necessary, will not be interpreted by the Executive as warranting him or as a direction to him to acquire any considerable amount of land on the Canal Zone other than that we now control. I do not believe it will be wise to expend a large amount of money for the acquisition of land for which we have no use. I think it would be a very great mistake to attempt to control by ownership a major portion of the lands on the zone, for I can not understand how we would ever have any use for them, but inasmuch as it is necessary to make the declaration that the lands are necessary in order that we may acquire such lands as we may need, I shall support the item as it stands in the bill.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to withdrawn the substitute. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Missouri.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BORLAND), there were—ayes 14, noes 38.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the canal. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. Vacancies shall be filled in the same manner, except that in the recess of the Senate the President may make an ad interim appointment. All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the President, removable at his pleasure, with salaries to be fixed by him. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Mr. ADAMSON. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the sentence ending with the word "Canal," in line 15, page 4, the following:

"Any of the persons appointed or employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act."

The CHAIRMAN. Does that follow the first word "Canal" or the second word "Canal"?

Mr. ADAMSON. After the sentence ending with the word "Canal."

Mr. MANN. Should not the amendment come in after the word "him," first line, page 5?

Mr. ADAMSON. I do not think it makes much difference; it is a pretty good place where I put it. I think the gentleman from Illinois will see it fits in there very well.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I desire to offer another committee amendment to page 5, line 1.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 1, after the word "him," insert the following:

"But salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salaries or compensation paid for the same or similar services to persons employed by the Government in continental United States."

Mr. ADAMSON. Mr. Chairman, I think it is generally understood by gentlemen that we have been having to pay a differential of more than 25 per cent—I think from 30 to 75 per cent in some cases—down on the canal, and gentlemen have thought it was wise to put some limitation upon the amount of salaries to be fixed for these minor offices. The law fixes the office of the governor, but the President, under the terms of this section, is to fix the salaries of the minor employees of the canal, and it is thought that the maximum of 25 per cent differential will be sufficient to enable the President to secure competent services on the Isthmus.

The question was taken, and the amendment was agreed to.

Mr. WEEKS. Mr. Chairman, I offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, section 4, strike out from the beginning of the section down to and including the word "authorized," in lines 9 and 10, and substitute therefor the following "the President is authorized to discontinue the Isthmian Canal Commission July 1, 1913, and."

Mr. WEEKS. Mr. Chairman, my purpose in offering that amendment is to have a distinct termination of the canal commission. The greatest work that the members of this commission ever were engaged in, or ever will engage in, is the construction of this canal, and now they desire that they may remain there until the work is practically completed. I do not think that the President would be likely to abolish the commission before that time, but I recognize the fact that the committee undoubtedly wishes to cut off expenses as rapidly as possible. I do think the wish of this commission, who have done a work there which redounds to the credit of the whole country, should be thus gratified in that they might remain there until that work is completed, which, in their opinion, will be about the 1st of July, 1913. For that reason I have offered the amendment.

Mr. ADAMSON. That question was thoroughly discussed pro and con in the committee, and we consulted with the chief engineer on the subject, and came to a full understanding, after full assurances from the powers that be, that there would be no violence done to any such gentleman who won such glory with Col. Goethals on the Isthmus. Although I have been always opposed to the Isthmian Canal Commission, I would not be willing at this late date, after they have gone through toil and trial, to deny them a chance to enjoy any of the rewards and glory. The gentleman from Illinois was thoroughly satisfied on the subject, and so is the gentleman from Minnesota, and I think there is a general understanding as to that, and I think we can rely on it as it is.

Mr. SIMS. Mr. Chairman, I was very much interested in the amendment proposed by the gentleman from Massachusetts [Mr. WEEKS]. That is, I wanted to put that provision in the bill when in committee, and for the very same reason that the gentleman from Massachusetts has mentioned, except I gave other and additional reasons before the committee. Now, there is always a possibility of a little jealousy existing even between great men, and I think I saw some evidence of it while on the Isthmus. This bill, as originally drawn, provided that the commission should not be abolished until the canal was completed, but after the chief engineer visited Washington and had some discussion with some of the members of the committee, of which I was not one——

Mr. ADAMSON. You were informed of it, though?

Mr. SIMS. I was informed of it after they had it. He impressed upon them the necessity of authorizing him to form his organization for permanent operation out of the material there now, and assured them there was no purpose to do anything that would be an injustice to any of those great engineers and other members of the commission who are there now and have been with the work from the time the Army officers took charge. I was so determined in the matter to do justice to these gentlemen that I held out until the gentleman from Minnesota [Mr. STEVENS], a member of the committee, had a conversation with the President of the United States, Mr. Taft, and in pursuance of that conversation received a letter from the President. This letter was written by the President at the time the bill was being considered by the committee, when I was making the same contention that the gentleman from Massachusetts [Mr. WEEKS] is now making for his amendment:

THE WHITE HOUSE,
Washington, February 28, 1912.

MY DEAR MR. STEVENS: You have spoken to me with reference to the effect of vesting the President with power to create and maintain a government on the Isthmus, dispensing with the commission. My own impression is, without desiring to grasp more power than I have, that it is unnecessary to continue the form of the commission, but I beg to assure you that whether you continue it or not, it would be my purpose to maintain the present organization and the present efficient management with Col. Goethals at the head and including the heads of departments, without permitting any radical change of any kind.

I do not object to the present condition at all, but I think it is wise to have legislation looking to the completion of the canal and its maintenance under such elastic conditions as gives the President the power contemplated in the law which you are considering. This is not for the purpose of changing what is now going on, but merely for the purpose of preparing for the future under a new condition that will come to exist when the canal is completed.

Sincerely, yours,

WM. H. TAFT.

Hon. F. C. STEVENS,
House of Representatives.

Mr. ADAMSON. Col. Goethals explained to me afterwards that the word "departments" there was an inadvertence, and that the "heads of divisions" were meant and would be protected.

Mr. SIMS. Upon the assurance of the gentleman from Minnesota [Mr. STEVENS] that the President had no idea of permitting anything of this sort, should such an intention exist, then I desisted from pressing my amendment. But I want to say, as emphatically as I know how to say it, that I never would have agreed to put it in his power to destroy this commission before this canal was completed if there was a little mean purpose behind it upon the part of anyone to humiliate any of those great engineers or other officers. And if the President or any man who succeeds him does not live up to what that letter implies, I shall be sorry the longest day I live that I did not insist that the commission should be retained, with no other motive than to prevent anybody who might have some little jealous streak in his nature to wreak vengeance on some great man of whom he was jealous.

But I can not believe that the President of the United States now, or any other who may succeed him, in view of this letter and the knowledge that this bill would not have passed in this form if it would permit the chief engineer or any governor to do what I was afraid might be done without such an understanding.

Mr. LA FOLLETTE. I would like to say to the gentleman that it is possible if there is a new President inaugurated next March for him to change the entire personnel.

Mr. SIMS. It is possible if we should elect a man mean enough to do it.

Mr. ADAMSON. He can do it under the law now if he wants to. Any President can wipe out every member of the commission at any time.

Mr. SIMS. I would gracefully yield to the power of the President to do what the gentleman from Georgia says if he did it of his own motion and at his own suggestion in the interest of the public service; but I never want to see it done at the suggestion of some officer or some member of the commission, in order that he may by doing so humiliate some other member of the commission.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] rose to his feet a little while ago, and the Chair will recognize him if he wishes to be recognized.

Mr. MANN. Mr. Chairman, the President has power to remove any of the commissioners at any time, and make any change that he may desire.

Personally I have always been opposed to the form of the Isthmian Canal Commission. The House did not favor it when it was created, and has repeatedly voted to abolish it. And in saying that I want to say that I think I am on terms of very close friendship with Col. Goethals, with Maj. Sibert and other members of the commission.

Mr. SIMS. Col. Sibert?

Mr. MANN. Yes; Col. Sibert now. He used to be Maj. Sibert. There has been, possibly, at times friction between members of the commission, and I have heard it stated privately on the floor of the House in years gone by that if the commission were abolished, Maj. (now Col.) Sibert might lose his position. I should not have favored that, because while I consider Col. Goethals the greatest engineer that this country has ever produced, yet I am quite willing to concede to Col. Sibert the greatness which he possesses, especially as to the work upon the locks for the canal.

Several years ago, when this matter was before the House—two years ago—I went to the President and asked him squarely whether it would be his intention, if the Canal Commission were to be abolished, to dispense with the services of the gentlemen then performing their respective functions upon the canal, and especially whether he would be willing to dismiss for any reasons Maj. Sibert. He, entertaining the same views, apparently, concerning these gentlemen that I have now expressed, stated that so far as he had control of the matter—and of course he would have absolute control of the matter—if the commission were abolished he intended to maintain Col. Goethals in his position and Maj. Sibert in his position.

Mr. SIMS. Include Col. Gorgas in it, too.

Mr. MANN. Well, Col. Gorgas was also mentioned, and he is in the same position. Now we have gone ahead with the Isthmian Canal Commission. It has been a success, although there have been times when trouble was almost on the point of breaking it up. I believe that the gentlemen who have directed the canal down there are entitled to remain in their positions, whether they are called canal commissioners or engineers in charge, and share the glory which comes with the opening of the canal. [Applause.]

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the last word.

Mr. BORLAND. The amendment of the gentleman from Massachusetts [Mr. WEEKS] is to preserve the present commission in existence until 1913. It does not make any specific mention, as I understood it, of the rest of the force, but aims simply to preserve the present commission in existence.

Now, the committee have provided that the President, at such time as his judgment approves, may dispense with the commission and thereafter complete the canal by the employment of such persons as are necessary. It does seem, under that, that the President can have the authority, and will exercise it, probably, to continue the members of the commission in their respective offices of responsibility and honor, so far as is necessary to the completion of the canal. There is absolutely no question about that, and Maj. Sibert, and Dr. Gorgas, and Maj. Gaillard, or any others of those gentlemen down there who have been acting on the commission may remain. It is somewhat of a rigid body, composed of a number of men who are receiving a salary of $14,000 a year. One of these men—and I do not mean to be invidious in making a comparison—is not an active engineer but is appointed to the position of civil governor of the zone. Now, the civil governor of the zone looks after the police and schools, and the roads, and the saloon licenses, and things like that; that is, he is supposed to do so, and he is supposed to pardon a few offenders out of the workhouse. But as a matter of fact we are paying him $14,000 down there for the performance of duties that do not compare with the duties of a mayor of a town in the States up here of 2,500 or 3,000 inhabitants. Down there they have no difficulties, or revenue, or taxation, or elections, or special improvements, or any other problems that confront a mayor in the States—a mayor of a town of 2,500 inhabitants—who receives for his services $1,500 or $2,000 a year. Such a mayor is doing practically all the work that is being done down there on the zone by a commissioner who receives $14,000 a year. And I want to say that during the last few years, to my certain knowledge, there has been a gradual accumulation of civil power in the hands of the chairman of the commission, so that now the governor of the Canal Zone has not even authority to pardon a prisoner out of the workhouse. I do not know of a single, solitary administrative act that he has the authority to perform without the previous permission of the chairman of the Isthmian Canal Commission.

Now, those are all matters that the committee probably had in mind in providing that the President should go ahead and complete this canal by the commission as far as necessary, and then provide for its completion by the officers actually necessary. I concede that it would be desirable to abolish the commission technically. The commission never was designed practically for the construction of that canal. When it was appointed, it was found that it would not work, but we filled the places with active engineer officers, who would do some of the constructive work, and call themselves commissioners. Now that we have done away with all except the shell of the commission, and simply have left some $14,000 salaries, the sooner we do away with the name of the commission and put it into the actual hands of those men who are building it the better it will be. There is no danger that this President or—I was going to say any other President—will do any injustice to the men who have actually attained any of the glory in the construction of that great work.

Mr. ADAMSON. I hoped that the gentleman before he sat down would mention the reorganization which is effected by section 4, in which the salary of the governor is reduced to $10,000 a year. Col. Goethals anticipates economies to the extent of $40,000 a year in the reduction of salaries.

Mr. BORLAND. Yes; there is no reason for the $14,000 salaries of the commissioners.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts [Mr. WEEKS].

The question being taken, the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend, on page 4, line 25, after the word "President," by inserting the words "or by his authority."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 4, line 25, by inserting, after the word "President," the words "or by his authority."

Mr. ADAMSON. I thought that was understood.

Mr. MANN. The provision in the bill is that all of the appointments shall be made by the President. That would require commissions from the President. Of course, I take it that is not necessary.

Mr. ADAMSON. I took it that that was understood. Of course, if it is not understood it is all right to insert those words.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment was agreed to.

Mr. MANN. Now, Mr. Chairman, I offer another amendment. To strike out, in line 25, page 4, the words "with salaries to be fixed by him" and insert:

And the compensation of such persons shall be fixed by the President or by his authority until such time as Congress may by appropriation act or other law regulate the same.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 25, strike out the words "with salaries to be fixed by him" and insert: "And the compensation of such persons shall be fixed by the President or by his authority until such time as Congress may by appropriation act or other law regulate the same."

Mr. ADAMSON. That is acceptable to the committee.

The question being taken, the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, on page 4, line 19, after the word "of," I move to strike out the word "ten" and insert in lieu thereof the word "five."

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 19, strike out the word "ten" and insert in lieu thereof the word "five."

Mr. FOWLER. Mr. Chairman, the governors of the different States of the Union get a salary on an average perhaps of less than $5,000 annually. These governors under modern politics are required to make two strenuous campaigns, one for the nomination and the other for election.

There are but few States in this Union which pay salaries to their governors of $10,000, yet these officers are elective in character and entail upon the candidates in two strenuous campaigns an outlay of exceedingly large sums of money. Now, it is proposed in this bill to give to a man who stands in the same place as the governor of a State, to wit, governor of the Canal Zone, $10,000 a year, a princely salary, which does not cost him one penny to get. I have repeatedly in this House seen amendments offered for the purpose of equalizing salaries to public servants, and I have just as often seen these amendments voted down. I want to say that the time is coming when the people are going to force a better equality between the wage earner, or the employee who earns his living by the sweat of his brow, and those who stand at heads of departments. We had just as well get our ears to the ground, for the people are determined to make a change. A big officer with a big salary is like a big trust with a big income, both want to be our masters and reduce the many to a condition of servitude.

I want to commend the committee for fixing the salary at $4,000 a year less than we pay to each of the canal commissioners, but a further reduction can be made, without doing violence to the salary of this new appointive office.

Mr. Chairman, a salary of $5,000 is a princely salary to pay to the governor general of that little zone down there. What are the arduous duties, what are the things that call for anything except ordinary intellect and ordinary ability? What is there connected with the government of this zone that is greater in its character, that requires more force, more intelligence, more ability than that of a governor of one of the States of this Union? [Applause.] And yet, Mr. Chairman, there are few governors that get a salary of $10,000 a year, even in the big, populous States with a complex government.

Now, Mr. Chairman, I do not know what the House will do with my amendment, but I do say that I believe it ought to be adopted. The idea of giving such excessive salaries to men because they may be at the head of some affair ought, in my opinion, to be changed to a salary commensurate with the duties. Mr. Chairman, this is a salary greater than was paid to members of the Supreme Court of this country until recently.

[Applause.] It is greater than that paid to the Members of Congress to-day, and, in my opinion, the salary ought to be cut from $10,000 to $5,000. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer another amendment. On page 4, line 19, strike out the word "ten" and insert the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 19, strike out the word "ten" and insert the word "eight."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 5, noes 37.

Mr. FOWLER. Mr. Chairman, I ask for tellers.

The question of ordering tellers was taken.

The CHAIRMAN. One gentleman has arisen in the affirmative, not a sufficient number, and tellers are refused.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. ADAMSON. Mr. Chairman, I want to call attention to one matter. In lines 20, 21, and 22, several gentlemen who are good lawyers have called attention to the fact that that language is unnecessary, because the general law makes adequate provision for such cases. The language is:

Vacancies shall be filled in the same manner, except that in the recess of the Senate the President may make ad interim appointment.

I am inclined to think, without recently reading the general statute, that that is covered by the general law; and by making this additional enactment, if it is covered by the general law, we might get up some confusion. It was our idea to make assurance doubly sure, but if the law already provides for the case, there is no good reason for putting it in here.

Mr. GARNER. Nobody seems to have the law here. Why not wait until we see what the general law is?

The CHAIRMAN. Does the gentleman from Georgia offer an amendment?

Mr. ADAMSON. I would like to strike it out now or else pass it and return to it; but I think it is right to strike it out now, and if we should find that there was any mistake about it we could have it corrected at the other end of the Capitol before it becomes a law.

Mr. MANN. It is quite certain that such a provision as this should be changed. This would obviate the necessity of a Senate confirmation of an ad interim appointment.

Mr. ADAMSON. I will move to strike that out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, strike out all of lines 20, 21, and a part of line 22, to and including the word "appointment."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, this brings us to section 5, which is to be passed, and if any Member has an amendment to offer now is the time for him to do so.

Mr. DOREMUS. Mr. Chairman, I offer a substitute for section 5.

The Clerk read as follows:

Strike out section 5 and insert in lieu as follows:

"That the President is hereby authorized to prescribe, and from time to time change, the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903: *Provided, however*, That under regulations prescribed by the President, a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton, as nearly as the same may be determined, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The toll for each passenger shall not be more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels through the same, or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

"Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the District Court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation."

Mr. MANN. Mr. Chairman, do I understand that the amendment offered by the gentleman from Michigan [Mr. DOREMUS] is an amendment to the text or a substitute for the text?

The CHAIRMAN. It is a substitute for the text.

Mr. DOREMUS. As I understand, Mr. Chairman, the amendment which I have offered in the nature of a substitute will be pending.

The CHAIRMAN. As the Chair understands it, all we can do is to have the various amendments read and have them published in the RECORD and they will be considered as pending.

Mr. GOLDFOGLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, section 5, on page 5, by inserting, between the word "Panama" and the word "which," on line 9, the words:

"And also coastwise vessels registered under the American flag plying only and exclusively between ports in the United States."

Mr. SIMS. Mr. Chairman, I offer an amendment to the substitute offered by the gentleman from Michigan [Mr. DOREMUS], which I send to the desk and ask to have read.

The Clerk read as follows:

Amend substitute as follows:

"That section 4347 of the Revised Statutes as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic and on the Pacific through the Panama Canal."

Mr. SULZER. Mr. Chairman, I offer the following amendment to section 5, which I send to the desk and ask to have read.

The Clerk read as follows:

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, toll charges for the use of the Panama Canal by all vessels, except those flying the flag of the United States and the flag of the Republic of Panama, which excepted vessels shall be charged no tolls. Charges may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce, but the tolls shall not exceed $1.25 per ton, based upon net registered tonnage for ships of commerce, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal: *Provided, however*, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal. The toll for each passenger shall be not more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels passing through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting lighting, pilots, and pilotage in the canal or the approaches thereto through the adjacent waters.

Such rules and regulations shall expressly deny and forbid the use of the Panama Canal to all the classes of vessels the passage of which through the Panama Canal, or any part thereof, is made and declared unlawful by section 11 of this act.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

Mr. SULZER. Mr. Chairman, I desire to have that amendment pending, and at the proper time I desire recognition to speak upon it.

Mr. MANN. Mr. Chairman, I offer the following amendment to perfect the text, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the word "Canal," page 5, line 6, down to the word "Canal," page 6, line 5, and insert:

"Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton. American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of Article XIX of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies, without the payment of any charge: *Provided, however*, That in fixing the charges for the use of the canal the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further*, That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama), observing the rules set forth in Article III of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by Article XVIII of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects."

The CHAIRMAN. Are there any other amendments?

Mr. BARTHOLDT. Before we pass section 5, I would like to ask the gentleman from Georgia a question.

Mr. ADAMSON. We are not considering that section now.

Mr. BARTHOLDT. I understand that; but I ask the question now because——

Mr. ADAMSON. The agreement was that the section should be passed, but that amendments should be filed.

Mr. BARTHOLDT. I ask for information because I may have to offer an amendment if the gentleman's answer is not satisfactory.

Mr. ADAMSON. It was agreed not to consider this section at this time.

Mr. BARTHOLDT. It will take but a moment. I merely want to know whether the President, in the gentleman's judgment, would be authorized to grant commodity rates under this language. My question is based on this situation: Certain Americans own large deposits of iron ore in Mexico. At the rate of $1.25 per registered ton it will be impossible to bring that ore into the market. In other words, it will not be possible for these people to compete with the Atlantic seacoast with the producers of iron ore from other places, but if the President could discriminate between the value of the different kinds of commodities, why in that case their ore would probably be charged less than heavy Japanese silks or diamonds or watches, or things of that kind.

Mr. ADAMSON. Mr. Chairman, I do not understand what is before the House.

The CHAIRMAN. This debate is proceeding by unanimous consent.

Mr. ADAMSON. This is not debate. My friend, the Doctor, is making some remarks about some men in Mexico bringing iron ore into the United States.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. I understood, under the agreement entered into by unanimous consent in the House that while amendments are offered now and they are being read that after we pass and return to section 5 that amendments at that time will still be in order?

The CHAIRMAN. Yes; amendments will still be in order.

The Clerk read as follows:

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized to establish, maintain, and operate dry docks, repairs shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for its own vessels, and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received in the ordinary course of business from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

Mr. ESCH. Mr. Chairman, there is a typographical mistake there which I wish to correct by amendment. In line 24, page 7, the word "repairs" should be "repair."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 24, strike out the letter "s" in the word "repairs."

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. There is another one at the top of page 8, in line 2, the words "its own" ought to be "our official," and I move to correct that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 2, strike out the words "its own" and insert in lieu thereof the words "our official."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases of every character in which the principal sum claimed does not exceed $300, and all criminal cases wherein the fine that can be imposed could not exceed $25, imprisonment could not exceed 50 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate, and all other matters and proceedings which are now within the jurisdiction of the municipal judge or the municipal courts. Such magistrates shall also hold preliminary investigations in charges of felony and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, with salaries to be fixed by the President. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, appeals therefrom to the district court, and the disposition, treatment, and pardon of misdemeanor convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

Mr. ADAMSON. Mr. Chairman, in line 6, page 9, I move to amend by inserting after the word "subdivide" the words "and from time to time resubdivide." That insert ought to be in parentheses, I think. The idea is that this being a new thing, in the nature of an experiment, our hope is it will grow instead of decreasing, and if necessary we want him to change the boundaries.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the word "subdivide," insert, in parentheses, the words "and from time to time resubdivide."

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I move to amend the section by striking out all after the word "defined," line 10, page 9.

Mr. ADAMSON. There is one other amendment I would like to offer to perfect this before parting company with it forever.

Mr. BORLAND. Let this be read.

The CHAIRMAN. Will the gentleman from Missouri kindly state his amendment again?

Mr. BORLAND. Mr. Chairman, I do not wish to displace the chairman of the committee with his committee amendment.

Mr. ADAMSON. Mr. Chairman, I had overlooked in reporting the other amendment; this is a mere verbal amendment.

The Clerk read as follows:

Page 9, beginning with line 10, strike out all after the word "defined," in line 10.

Mr. MANN. Do not you want to strike out the last three words of the section about notaries public?

Mr. BORLAND. I think that is in the existing law. I yield to the gentleman from Georgia without losing my time for debate.

Mr. ADAMSON. Mr. Chairman, if this is to go out, we want it to go out in good shape, and I find in the text the word "municipal" occurs twice in line 21, a clerical or typographical error. It should be "district," and I move to strike out the word "municipal" in the two places where it occurs, in line 21, page 9, and insert in lieu thereof in both places the two words "present district," so it will read "the present district judge or the present district courts."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 21, strike out the word "municipal" and insert in lieu thereof the words "present district."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Would the gentleman from Missouri like to be heard on his amendment?

Mr. BORLAND. Yes. My amendment strikes out the portion of this section which creates magistrate courts in each of the towns. The section goes on with a good deal of particularity in providing for their constables and rules governing their duties and governing the court, and so on, to be defined by the President.

Now, as I understand, most of those details that are in there are already the existing law, either by Executive order or otherwise, relating to the district courts now in operation, and by section 2 of this bill, already adopted by the House, we provide that the existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until Congress shall otherwise provide. It provides that all Executive orders in existence shall be recognized. Now, if Congress is going to provide a plan of courts down there and a scheme of government, this is only a very small fragment of it, and does not seem to be at all necessary in this bill at this time. It has either too great particularity or not particularity enough. There is no reason on earth in this bill, the main purpose and object of which seems to be to open the canal, and provide means of fixing tools, and provide for the accommodation of passing ships, and so on, to provide how much the fine shall be in a municipal court or what their limit of civil jurisdiction shall be. There is absolutely no reason for it, and no reason was given for it except we are following the terms of Executive orders applying to courts that we are continuing in operation. Now, the only purpose of this section will be that, whatever orders the President may make in the future, he can not avoid appointing a municipal judge and constable in each one of these towns. There are a certain number of jobs and salaries that will be fixed in this organic law. Whatever other orders are made, those orders seem to be preserved in this law. It seems to me if we have reserved by section 2 the right and power to preside over the Canal Zone and provide a system of government, as we will of necessity have to do, we at that time can provide how much the fines will be, how many constables we will have to appoint, and so on. There is no reason for providing for it in advance in this particular bill. All of that section after the word "defined," on lines 9 and 10 of page 9, relates to these particular provisions in regard to magistrate courts. Now, there is only one provision of that that the gentleman from Illinois [Mr. MANN] suggested might be covered by existing law, and that is the three lines of the section on page 10 to the effect that the governor may appoint all notaries public.

But I am positive those are covered by continuing Executive orders which will continue in existence until Congress shall change them, so there is no reason for that. When Congress does legislate on the Canal Zone it should legislate on each of these particular provisions.

Mr. ADAMSON. Mr. Chairman, it is impossible to cripple liberties and powers by anything we have put in this bill. Gentlemen, I think, appreciate the fact that these courts have all been abolished by previous sections already passed—that is, when the reorganization occurs the existing courts expire, and the whole organization of that court can go out of existence. Therefore it was necessary for us to authorize something in their place.

Mr. BORLAND. Where does the gentleman find these courts are abolished? It says expressly that they shall continue in existence until Congress shall otherwise provide.

Mr. ADAMSON. In section 4 it is expressly provided that when the President gets ready he will dismiss the commission, and the whole institution down there goes out of business.

Mr. BORLAND. Then, what is the meaning of the language in section 2, that these courts shall continue in operation until Congress shall otherwise provide?

Mr. ADAMSON. If the gentleman will withhold his questioning, I can make it plain to him. In order to bring everything to a decent close after the period of construction, we provided that he dismiss all the existing organizations when the time approached for it. That having been done, we had to provide for the governor and for the officers acting with the governor. And we have done that. And then we had to decide what we would do about the courts.

We attempted to economize a little by reducing the court machinery. In place of three systems of courts—the district, the circuit, and the supreme—we make one inferior court and one district court. We do not fix the pains and penalties for all crimes, nor the rules of recovery, or anything of that sort. We simply tried to use language that will put the business of three courts in two courts; that is all; and we had to use some of this particularity because we had to change a little the jurisdiction of one or two of these courts in order to make the business of three courts fit into two. And we followed that up a little later on by transferring the present business of the existing three courts into the two new courts, whichever one has jurisdiction of like cases, so that I think if the gentleman from Missouri [Mr. BORLAND] will read the sections together he will find there is no trouble in the world about it. The new magistrate's court does a little more than the present district court. It has a little more jurisdiction than the present district court, and the new district court has part of the jurisdiction of the present circuit court and some of the present supreme court jurisdiction, so that the two new courts that we provide take in all the jurisdiction of the existing three courts and a subsequent section provides for the transfer of all pending cases. That is the explanation of it.

Mr. BORLAND. Before the gentleman takes his seat I would like to ask another question. If the President exercises his power under section 4 of discontinuing the Canal Commission and discontinuing the present organization, does the gentleman say that that will have the effect of abolishing the court?

Mr. ADAMSON. Section 2 says that all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the canal are ratified and confirmed as valid and binding until Congress shall provide otherwise; and then the existing courts established in the Canal Zone by Executive order are recognized and confirmed, to continue in operation until Congress shall otherwise provide. The President shall organize the new system as the canal approaches completion, including the system of governing the canal, and governing the zone, and running the courts, and we have tried to make them more simple and economical. I think we have improved the judicial system.

Mr. BORLAND. I think the gentleman's view as to that is approved of by everybody. There are too many courts down there, but if the existing courts are recognized by Executive order until Congress provides otherwise, the President or the commission, under the authority of section 4, would be authorized by the same provision, of course, to abolish the courts?

Mr. ADAMSON. We first ratify everything that is there, and authorize the President, as the canal approaches completion, to abolish the present régime and introduce a new régime, and in trying to put three courts into two we had to use a good deal of language. It is as clear and simple as we could make it. I have no doubt that in time it can be improved. We will have all the future to do it in. It may be three years before it can be done. At any rate, I am willing to cooperate with the gentleman from Missouri in making all the improvements we can.

Mr. BORLAND. It would do no harm to strike out the magistrates' courts.

Mr. ADAMSON. If you do that you will have to readjust the whole arrangement by which we are putting three courts into two.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I move to strike out the following words in line 5, page 10, namely, "with salaries to be fixed by the President," and insert in lieu thereof the amendment that was adopted at the end of line 25 on page 4. Will the Clerk report it? The same reason applies to this.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Page 10, line 5, strike out the words "with salaries to be fixed by the President" and insert the following:

"And the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by appropriation act or other law regulate the same."

Mr. ADAMSON. We accept that amendment.

The question being taken, the amendment was agreed to.

Mr. FOWLER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 9, line 22, after word "courts," by inserting the following:

"*Provided*, That either party in civil actions and the defendant in criminal actions shall be entitled to a trial by jury, on request, of not less than six lawful men, to be drawn from the town in which the trial is held."

Mr. FOWLER. Mr. Chairman, as I understand, when this bill goes into effect it will do away with the existing courts as they now are carried on in the Canal Zone. This bill seeks to establish, as the chairman of the committee has said, two different kinds of courts. One is the magistrate's court and the other is the district court. In no place in this section is it provided that the litigants may have the right to trial by jury. It will be seen in line 11 that the magistrate's court has exclusive original jurisdiction——

Mr. RAKER. Will the gentleman yield for a question right there?

Mr. FOWLER. Yes.

Mr. RAKER. If you should provide here—

Provided, That each party shall be entitled to a trial by jury—

Would not that settle the whole question, and then the rules and regulations governing the court would apply?

Mr. FOWLER. I do not know just what the rules and regulations of the court are. It is very difficult, from the reading of this bill, to tell whether there are any other provisions except those contained in this bill, after the present régime of the court is superseded. For that reason I have sought to get the right of trial by jury inserted in this bill. [Applause.]

The bill provides, in line 11, as I was saying, that the magistrate's court has exclusive original jurisdiction of all civil cases wherein the amount does not exceed $300. It also has exclusive original jurisdiction in all criminal cases where the fine does not exceed $25 and where the additional punishment does not exceed 30 days' imprisonment.

Mr. GOLDFOGLE. May I ask the gentleman a question?

Mr. FOWLER. Yes.

Mr. GOLDFOGLE. I listened to the reading of the gentleman's amendment, and it seemed to me that it provided that the trial by jury should be on the request of six men. Did the gentleman mean that?

Mr. FOWLER. Oh, no.

Mr. GOLDFOGLE. The amendment reads that way.

Mr. FOWLER. The reading of the amendment can be construed as any gentleman sees fit, but the legal construction is that either party in civil cases or the defendant in criminal cases may secure a trial by jury on request. No such construction as the gentleman suggests can be placed on the amendment without doing violence to it.

Mr. ADAMSON. Will the gentleman allow me to ask him a question?

Mr. FOWLER. Certainly.

Mr. ADAMSON. When we limit the original jurisdiction in the criminal cases to a fine of $25 or 30 days, and in civil cases to $300 with the right of appeal to the district court, which is held within a few miles of the place where any man resides on the zone, does not the gentleman think we have adequately safeguarded the rights of any man?

Mr. FOWLER. Mr. Chairman, this bill does not even provide for an appeal with the right of trial by jury.

Mr. ADAMSON. The gentleman is mistaken.

Mr. BUTLER. It does in the next section.

Mr. GOLDFOGLE. There is a provision for an appeal to the district court on page 10, in line 9; and then on page 11, lines 14 and 15, it provides for a jury in every civil and criminal case, on the demand of either party.

Mr. FOWLER. I took the language on page 10 to mean an appeal to another court—the district court. Mr. Chairman, I ask unanimous consent for five minutes longer on this question.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, in reply to the distinguished gentleman from Georgia, the chairman of the committee, I do not think any man ought to be subjected to a criminal prosecution without having a trial by jury. [Applause.] In this case you provide that a man may be tried for a criminal offense, that he may be convicted and a fine of at least $25 imposed, and a jail sentence not to exceed 30 days imposed also.

Now, that may all take place by a star-chamber court of one man; we have seen in America here the trouble with courts that are appointed by Executive power in this country, and we have seen the laboring man brought into court and fined without a trial by jury, because the presiding judge has said that a blanket injunction has been violated.

Now, Mr. Chairman, I say I do not think any legislative body ought ever to provide for a court or trial of a man without giving the right of trial by jury. This amendment provides for trial by jury on the request of the litigants of the suit, and if they are in favor of a trial of the case by the court, it gives them the right of a trial by the court. If they desire a trial by jury, that right ought never to be taken away from any man, I care not who he is. It cost the shedding of blood to wrench from the hand of old King John in 1215 the right of trial by jury. [Applause.]

Now, Mr. Chairman, while Congress is preparing for a system of courts I do not think it ought ever to deny to any citizen the right of a trial by jury.

Now, I desire to ask the distinguished gentleman, the chairman of this committee, wherein he has provided for a trial by jury in any court in the Canal Zone for such cases?

Mr. ADAMSON. The next section commands the judge to provide for jury trial in certain cases.

Mr. FOWLER. In which section?

Mr. HAMLIN. Page 11, commencing with line 10:

Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party.

Mr. FOWLER. Yes; but that is in the higher court. The justice court is the poor man's court, and was intended to be instituted for the purpose of reaching the poor man at his own door, and not to transport him across the sea for trial. Now, while it is intended by that provision to provide for a trial by jury, it is in the higher court, the district courts, and deals with cases originating in that court. It affords no relief to the litigant in the magistrate's court.

Mr. Chairman, I desire to extend my remarks on jury trial in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD; is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I offer a substitute for the amendment, as follows:

That the right of trial by jury in both civil and criminal cases shall be preserved.

Mr. Chairman, this might seem at first blush to be a somewhat unimportant matter, but I want to call the attention of the committee to the provision that the gentleman from Missouri has just read, and I want to read it to this committee. It begins with line 10, on page 11:

Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party.

Now, you are not only depriving the man of the right of a trial by jury in the magistrate's—justice's—court in a criminal case, you not only deprive him of the right of trial by jury in the magistrate's—justice's, for here the magistrate's court stands for what we generally call a justice's court—court where the amount involved does not exceed $300, but you tell him that he can appeal to the district court, and then in plain language you say to him, "You are deprived of the right of trial by jury upon the case which you have brought to the district court by appeal, because the language in this act specifies that no jury trial shall be had in either civil or criminal case unless that case has 'originated' in the district court."

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. BORLAND. I would like to ask the gentleman if we passed this bill providing that nobody shall be or go upon the Canal Zone without the permission of the military governor, what on earth good would it be to give any man a right of trial by jury on the Canal Zone?

Mr. RAKER. Then why are you legislating here and putting this into the bill?

Mr. BORLAND. Oh, I am not.

Mr. RAKER. But we are assuming that there is going to be a court, and we are assuming that there is going to be criminal trials and also civil trials involving property to the extent of $300.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. BARTLETT. Of course it is well known in the matter of a trial by jury in criminal cases that it involves, first, an

indictment by a grand jury as well as a trial by a traverse jury.

Mr. BAKER. Not necessarily.

Mr. BARTLETT. Not in California, the gentleman means. In California you can try a man on an accusation for murder. You do not require an indictment by a grand jury. That is the fact.

Mr. BAKER. No; that is not the fact.

Mr. BARTLETT. When did you change the law?

Mr. BAKER. We provide for a trial on information in California: that before a defendant can be placed upon trial in a superior court on a criminal charge, a magistrate, who may be a judge of the supreme court of the State, a justice of the court of appeals, a judge of the superior court, or a justice of the peace shall first hold a preliminary examination, and——

Mr. BARTLETT. I will ask the gentleman this question: Do you not try people in California for the highest offenses without an indictment of the grand jury?

Mr. BAKER. I will answer that question——

Mr. BARTLETT. Oh, an answer yes or no will do.

Mr. BAKER. Oh, I can answer it as a fact. In California, under our new constitution adopted in 1879, we adopted a provision saying that a man could be tried by indictment and on information, and information may be filed by the district attorney after examination had in a magistrate's court, and the magistrate may be a justice of the peace or he may be a judge of the superior court and he may be a judge of the district court of appeals or a judge of the supreme court. After he has heard the case and the evidence and has gone into the case fully, the magistrate may then say that he believes there is sufficient cause by which this man should be placed upon trial. All the evidence must be taken down in writing when it is a murder trial. Then the case goes before the district attorney and he must investigate it, and it is then in his judgment to say, in addition to that of the magistrate, whether or not he will file an information. If he believes from the evidence that a crime has been committed and the party charged is guilty thereof, he then files an information and the defendant is placed on trial. The Supreme Court of the United States, in the case of Hurtado against The United States, held that that was the equivalent of an indictment. Now, getting back to the facts in this case——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAKER. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Is it not true in the case referred to—the Hurtado case in the Supereme Court of the United States—that that court decided that under the constitution of the State of California a man could be placed on trial for murder without an indictment of the grand jury?

Mr. BAKER. By indictment or by information after examination by a magistrate.

Mr. BARTLETT. And did not Judge Harlan dissent in that case from the opinion of the court, because he said that in criminal trials the guaranty of right of trial by jury under the Constitution of the United States meant by indictment by a grand jury as well as trial by a traverse jury?

Mr. BAKER. Mr. Chairman, I do not want to be diverted from the facts involved here. That case has been decided and reaffirmed. I want to drive home this point: You are asked here to pass a law that a man in a civil case which involves his property to the extent of $300 is not entitled to a trial by jury; and if he is charged with a criminal offense he may be put on trial, and is not entitled to a trial by jury; and in addition to that I believe you will be unable to find in any State of the Union where a man, having appealed from a judgment of an inferior court to the higher court, is denied the right of trial by jury in that court, as you give to him in any other nisi prius court, or court of first instance, or, in other words, the trial court of record.

It does seem to me if we are going to establish a principle of law or a legislative declaration that will say that you are going to wipe out the rights of a man to a trial by jury and then prevent him from a retrial in a superior or district court, it is not right; is not fair. And let me call your attention to this fact further. Every man who has practiced law knows, or whether he has practiced law or not if he has been around a court he knows, when a man in a lower court is defeated he loses his standing, he loses his friends, and they all go and say, "You had better compromise this; the judgment is against you." If he is convicted in a magistrate's court, they say, "Oh, well, you had better lie down and quit." But in this case you have had another condition. You have said to him if he appeals that he is not entitled to a trial by jury or, in other words, trial by his peers, the same as a man who has been charged with an offense only greater in degree, because you fix the penalty, say, at $25 or $50 more than the man who has been charged in the lower court. It seems to me that this guaranteeing the right of a trial by jury in the magistrate's court, both civil and criminal cases, ought to be granted. Then, when you get to section 8, on page 11, line 14, the word "originating" should be stricken out so that a man who has appealed may have the same right as a man who has commenced a case in the district court originally. I believe the committee intended that, but the language is imperfect. They have been going over the question of coastwise trade, they have been going over the subject of whether the railroads should have anything to do with the running of this canal, and they have overlooked the rights of the men who are there doing the work and who might seek a remedy in the courts or, on the other hand, who might be compelled or driven into court to ask for their rights.

The CHAIRMAN. The substitute has not been read by the Clerk. Will the gentleman please send up his substitute that it may be read?

Mr. BAKER. I will read it. I did not have time to write it, I was in such a hurry. "The right of trial by jury in both criminal and civil cases shall be preserved."

Mr. SAUNDERS. Mr. Chairman, I would like, with his permission, to ask the gentleman from Georgia a question. It was the intent of this bill to permit the litigant in the inferior court the right of appeal to the district court?

Mr. ADAMSON. Yes, sir.

Mr. SAUNDERS. It also was the intent of the bill to permit the litigant or defendant appealing to the district court to have a trial by jury.

Mr. ADAMSON. No, sir; it was not so intended by the committee.

Mr. SAUNDERS. On that point——

Mr. ADAMSON. If the gentleman will pardon me, I just rose to state to the committee the position of the Committee on Interstate and Foreign Commerce on that question, and then I am perfectly willing for the gentleman to make any remarks he wishes.

Mr. TAYLOR of Colorado. Will the gentleman yield to me there? Suppose there is a change of venue ordered?

Mr. ADAMSON. I do not think we devoted much attention to that.

Mr. TAYLOR of Colorado. If they took a change of venue from one court in the zone to another, when they get to the other court can they get a trial by jury?

Mr. ADAMSON. I do not think I even studied that when I was in a justice court in Georgia—a change of venue from one justice court to another.

Mr. TAYLOR of Colorado. Well——

Mr. ADAMSON. There is this court, what I reckon Blackstone would call a court of dirty feet——

Mr. BUTLER. Dusty feet.

Mr. ADAMSON. No; dirty feet.

Mr. FOWLER. I would like to ask the gentleman a question.

Mr. ADAMSON. I have not got to say anything yet.

Mr. FOWLER. Before the gentleman proceeds I want to get——

Mr. ADAMSON. That is what I got up for, to state the situation, otherwise I would not have gotten up.

Mr. FOWLER. I want to know if the cases which are provided for in the magistrate's court can ever be tried in an appellate court or a court of appeals except upon an appeal? In other words, can it originally be instituted in a court of appeals?

Mr. ADAMSON. Mr. Chairman, as I stated some time ago on the floor we have tried to economize by reducing the number of courts and the number of officers on the zone. Now, when we finish the canal and begin operating it we expect to reduce the population there by about 90 per cent.

We do not expect to have a large class of criminals there. We are going to have a high class of population of American citizens with their families, such a population as we have at home. And we are not going to operate a canal there with a view of encouraging litigation in any of the courts, high or low, and we calculated that with the changed conditions most of the business would be the higher business in the new district court, and that the jurisdiction of this magistrate's court, a newly created one, would not entail very much business on that court. And we calculated it was in the nature criminally of the police-court jurisdiction. Almost every city in this country sends men to the rock pile and fines them more than this every day. They do it here in Washington, and every

city you can name, and in smaller towns than Panama and Colon.

Mr. FOWLER. They do not do it in Illinois. They try them by jury there.

Mr. ADAMSON. We try to guard the interests of such people as they are, but if even an American citizen visits that country and gets drunk or commits any other indiscretion and is arrested, I take it he will pay $25 and leave rather than stand a jury trial. If the people who are there want a trial, they can appeal to the judge of the district court, who will be a fine lawyer, and will be as fully competent and adequate to take care of the interests of the party as a jury in the magistrate's court would be.

It is simply a matter that this committee worked on, exercised its judgment on, expressed its opinion on, and, taking the matter as a whole, decided that the wisest thing we could do was not to give them the magistrate's jurisdiction under the present law, and we raised his civil jurisdiction to $300, and instead of encumbering that court with jury trials, allow the people to appeal to the district judge and let the district judge correct any errors that may have occurred.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will report the substitute offered by the gentleman from California [Mr. BAKER].

The Clerk read as follows:

And the right of trial by jury in both civil and criminal cases shall be preserved.

Mr. SAUNDERS. Mr. Chairman, I would like to call the attention of the House to the situation that is presented by this bill. I do not agree with the gentleman from Illinois [Mr. FOWLER] that jury trial ought to be given in the magistrates' courts. We know that in the States small cases, both civil and criminal, are tried by magistrates without a jury, but I believe that in all these States a right of appeal is allowed from the trial court to some court of record, in which a jury trial will be afforded. The gentleman from Georgia [Mr. ADAMSON] has given no reason why the class of citizens whom he says will reside upon the Isthmus hereafter should be denied the right of trial by jury which they enjoy at home.

Under this bill, the "nice citizen" to whom the gentleman from Georgia [Mr. ADAMSON] refers, might be fined $25, and sent to jail for as much as 30 days. Should they appeal from this finding they would be denied the right of jury trial in the district court. Is there a parallel to this in any State of the Union? Why should American citizens, because, forsooth, they may happen to be upon the Isthmus of Panama, be denied the right of jury trial, under an act by which we are undertaking to establish American jurisprudence in that territory?

I perfectly agree as if I have stated that there is no need for juries in the magistrates courts, but in case of appeal to the court of record jury trial should be afforded. The maximum amount for which suit may be brought before a magistrate is $300. A litigant who has a claim for $301 can bring his action in the district court, and in that event has a right to a trial by jury. A suitor who has a claim for $300 or less is compelled to resort to the petty court. Should he lose in that court and take his appeal, he sees his neighbor with a claim of $301, demanding and securing a jury, while his appeal must be submitted to a single judge. What reason has been offered on this floor for this distinction? Such a distinction is not made at home. So far as I am aware, there is no State in this Union in which a man who has been sent to jail for 30 days, is denied the right of jury trial, on an appeal taken to a court of record.

Mr. BAKER. In addition to the condition of not over $300, we should not forget that interest can be added, and it excludes the jurisdiction and the costs.

Mr. SAUNDERS. I see the point the gentleman makes. The real amount in controversy might be as much as $500, and still the right of jury trial would be denied on the appeal.

Mr. BAKER. In one case in California, about seven years ago, the amount recovered in a case that went on appeal was over $30,000. It originated in a justice's court on a note under $300.

Mr. ADAMSON. Will the gentleman from Virginia [Mr. SAUNDERS] permit a question? If the gentleman from Virginia desires to put a check on this magistrate's court——

Mr. SAUNDERS. I have spoken to little purpose if——

Mr. ADAMSON (continuing). I would suggest to the gentleman that he could serve his purpose better by striking from lines 14 and 15 the words "originating in said court."

Mr. SAUNDERS. That is the point to which I am addressing myself. It is that section of the bill that should be amended.

Mr. ADAMSON. But we do not think it wise or necessary to go to that expense, because we believe they can secure substantial justice without it.

Mr. SAUNDERS. I do not agree with my friend. I am a firm believer, both as a practitioner, and as a judge, in jury trials. [Applause.]

Mr. MANN. Has the gentleman ever heard any complaint in reference to trying cases in Panama?

Mr. SAUNDERS. I have not.

Mr. MANN. The gentleman is familiar with the fact that in the city of Colon and in the city of Panama all cases are tried without a jury, is he not?

Mr. SAUNDERS. I am not speaking of Spanish jurisprudence. It has been distinctly pointed out that we hope to secure a high standard of American citizenship on the zone. The gentleman from Georgia [Mr. ADAMSON] said we would have a high type of American citizens there.

Mr. MANN. The object of this bill is to provide for the government of Americans on the zone. The theory of this bill is to eliminate all other people on the zone. There are a number of Spanish communities still on the zone, but they will be eliminated after awhile. They have been used to the Spanish jurisprudence.

Mr. SAUNDERS. I understand. But we are not concerned with the Spanish courts, or the methods of Spanish jurisprudence on the Isthmus. They are bad enough. Should I be on the Isthmus, or any other Member on this floor, or any American citizen, who has been used to a jury trial, and while there become involved in litigation, we would want a trial by jury. We would not regard the argument as sufficient that we should be deprived of jury trial, because the Spanish citizens of the Republic of Panama, were not familiar with the use of the jury in misdemeanor trials, or civil litigation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS. I ask unanimous consent to proceed for three minutes further.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. SAUNDERS. I am perfectly familiar with the courts on the Isthmus. I have been to the Isthmus of Panama several times, and from what I have heard of the local courts, they often furnish a travesty on justice. But we are not establishing Spanish courts, but courts that will try American citizens, and controversies between such citizens. The Americans who will find themselves on the Isthmus, are entitled to have that system of courts, and those forms of trials with which they are familiar at home. The American jury is good enough for American citizens anywhere, and everywhere that the flag flies. As I have said, I do not contend that juries should sit in the petty trial courts. We are not accustomed to afford jury trials in such courts in the United States.

Mr. FOWLER. We do.

Mr. SAUNDERS. But when an appeal is taken in those cases in which it is conceived that an injustice has been done, will anyone tell me why this appeal should not be tried by jury in the court of record? Yet this bill expressly provides that only the suitors who bring their suits in a court or record shall have a right of trial by jury. The suits must originate in that court. In other words, it is clearly intended to deny a trial by jury in those civil and criminal cases which reach the district court by appeal.

I submit that no suggestion of economy should operate to forbid a trial by jury under such circumstances. The expenditure of a small amount would afford a jury trial to all the appellants from the petty courts. It would be poor economy to deny trial by jury in such cases, in order to save a few dollars. It is not sound policy, or good government to deny to our people in a remote land those rights which we regard so highly when at home, in the States. [Applause.]

Mr. FOWLER. Mr. Chairman, there is no chance——

Mr. ADAMSON. Mr. Chairman, what is pending before the House?

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. FOWLER], and the substitute to that amendment offered by the gentleman from California [Mr. BAKER]; and debate on them both is pending.

Mr. ADAMSON. Do I understand that we are going to yield to the gentleman from Virginia [Mr. SAUNDERS] to strike out those words relating to the district court?

Mr. FOWLER. Mr. Chairman, I want to strike out the words originating on page 11, line 14. But I first wanted to get passed the amendment which I offered.

Mr. ADAMSON. If the gentleman is going to do the other, he does not need the present one.

Mr. FOWLER. Mr. Chairman, I do not agree with any of the gentlemen here that the right of trial by jury ought to be taken away from a man in the justice's court. Now, Mr. Chairman——

The CHAIRMAN. The question is first on the substitute offered by the gentleman from California [Mr. RAKER].

Mr. FOWLER. Mr. Chairman, as I understand the rules, I have the right to close the debate on this amendment.

The CHAIRMAN. The Chair thought the gentleman wanted to offer an additional amendment.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMLIN. How far have we read?

The CHAIRMAN. We have read section 7.

Mr. HAMLIN. We have not read section 8?

The CHAIRMAN. No.

Mr. HAMLIN. Then the gentleman's motion is premature.

Mr. ADAMSON. I suggest to the gentleman that he wait until we reach section 8 and conform to the suggestion of the gentleman from Virginia [Mr. SAUNDERS].

The CHAIRMAN. If the gentleman will allow the Chair, under the rule the Member offering the amendment is entitled to five minutes, and then there may be five minutes in opposition, but unless unanimous consent is given, that closes the debate on that amendment.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent to speak upon this question for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent that he may speak for five minutes. Is there objection?

Mr. ADAMSON. Mr. Chairman, I think the committee understands the gentleman's position, so far as his argument is concerned. If we can just find out what he wants, I should like to know what his amendment is.

Mr. GOLDFOGLE. I ask that the amendment be again reported.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend page 9, line 22, after the word "courts," by adding the following:

"*Provided*, That either party in civil actions and the defendant in criminal actions shall be entitled to a trial by jury, on request, of not less than six lawful men, to be drawn from the town in which the trial is held.

Mr. ADAMSON. Mr. Chairman, if the gentleman will not withdraw that amendment, let us vote it down and go on, and the gentleman can offer it at the other place.

Mr. SABATH. The jury trial is provided on the next page, in the next section.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] has asked unanimous consent to speak for five minutes. Is there objection?

Mr. ADAMSON. I think we all understand his amendment.

The CHAIRMAN. The Chair hears no objection.

Mr. FOWLER. Mr. Chairman, it has been said on the floor of this House that the right of trial by jury is not given in magistrates' courts in the States of this Union. Gentlemen who have made these statements are certainly not familiar with the practice in the different States of the Union.

Mr. SAUNDERS. I say in most of the States.

Mr. FOWLER. In my own State of Illinois, where freedom flourishes, there is not a trial court but gives a man the right to a trial by jury, and I am in favor of extending that right to all people over whom the flag of freedom floats. It would be a disgrace to that national flag to say that it floats over any citizen of the United States who is deprived of the right of trial by jury. [Applause.] Now, gentlemen, I do not want you to trifle with this question. If you are going to deliberately vote down my amendment, do it like gentlemen, and do not come here and try to destroy the effect of our efforts to secure trial by jury in a jurisdiction over which you are establishing a court. The people of Panama are just as much entitled to trial by jury as the people in any other State or Territory of this Union.

Mr. LAFFERTY. Will the gentleman yield for an observation?

Mr. FOWLER. Not now. Mr. Chairman, the right of trial by jury can never be had in the justice's court in this jurisdiction, because that court has original, exclusive jurisdiction over a certain class of cases. That class of cases can never be instituted in the higher court—the district court, as it is called. If that class of cases can not be instituted in the district court, then they never can be tried by a jury, according to the provisions of this bill. You say you have provided for a jury in section 8, but in that section you only provide for a jury for cases that originate in the district court, and the cases that originate in the justices' court will never be tried by a jury anywhere. [Applause.]

I desire to call the attention of the House to the sixth amendment to the Constitution, styled, Article VI, which preserves inviolate the right of trial by jury in the district wherein the crime is charged to have been committed, compulsory process to compel witnesses to attend and testify in defendant's behalf, and counsel for his defense are equally provided for in this article. All three of these constitutional rights are ignored in this bill. Article VII reads as follows:

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Not only are defendants charged with crime deprived of the benefits of this provision of the Constitution, but litigants in civil suits are also deprived of the rights and benefits of Article VII, which provides for the trial by jury in all cases where the amount exceeds $20. Here are the provisions of that article:

ART. VII. In suits at common law where the value in controversy shall exceed $20 the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I should like to be recognized for just an observation.

Mr. ADAMSON. I move that debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman can not take another gentleman off the floor to make that motion.

Mr. LAFFERTY. I yield to the gentleman to make that motion.

The CHAIRMAN. The gentleman from Georgia moves that debate on this section and all amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RAKER. Mr. Chairman, there are several other amendments. Let it be simply on this amendment.

Mr. ADAMSON. My proposition does not shut out amendments, but only debate.

Mr. GARRETT. The question ought to be put on the motion of the gentleman from Georgia.

The CHAIRMAN. The question was put and it was agreed to.

Mr. LAFFERTY. Mr. Chairman, in regard to the practice as to a jury trial in magistrates' courts I desire to say that in the majority of the States of the Union juries are allowed in the justice of the peace courts. There are certain courts known as police courts, or municipal or magistrates' courts, where juries are not allowed, and possibly a few cases where in courts of justices of the peace, which is a species of State court, the jury is not provided for. But here we are creating a justice court for the Panama Canal Zone, and I for one favor the allowing of trial by jury on the demand of the defendant, or either of the parties in a civil suit, the same as we have in the States.

The CHAIRMAN. The question is on the substitute offered by the gentleman from California [Mr. RAKER] to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 8, noes 39.

So the amendment was lost.

Mr. RAKER. Mr. Chairman, I move to amend by adding after the word "courts," page 9, line 22, the following:

That the right of trial by jury in civil cases shall be preserved.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 22, after the word "courts," insert the following:

"That the right of trial by jury in civil cases shall be preserved."

Mr. ADAMSON. That is merely an academic declaration, and we might as well vote it down.

The question was taken, and the amendment was rejected.

Mr. RAKER. Now, Mr. Chairman, I desire to offer the following:

Add, after the word "courts," page 9, line 22, the following:

"The right of trial by jury in criminal cases shall be preserved."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 22, after the word "courts," insert the following:

"The right of trial by jury in criminal cases shall be preserved."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I raise the point that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois raises the point that no quorum is present. The Chair will count.

Mr. FOWLER. Mr. Chairman, in view of the necessity of haste in this bill I will withdraw the point of order. [Applause.]

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases and of all causes in equity and admiralty and all cases at law involving principal sums exceeding $300 and of all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district judge shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, or the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said court. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the Government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, or until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, who shall receive a salary to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of $5,000 per annum.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. Early in the afternoon I sought to address the committee relative to the question of tolls, but I learned that by unanimous consent that subject was to go over until the last thing in the discussion. I hope that I may be indulged at this time very briefly notwithstanding that agreement, because I find that it will be impossible for me to be here when that portion of the bill is reached, and I wish to make a few remarks upon that subject.

Mr. MANN. Is the gentleman going to leave the city?

Mr. WILLIS. Yes; I am going to leave the city. I am going to Ohio. Mr. Chairman, I desire to make some brief remarks about the toll question and insert in the RECORD a portion of the message of the President of the United States on that subject; also a portion of the statement made by the Secretary of War on the question of tolls.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD.

Mr. WILLIS. In his annual report for 1911, and in his address before the Commercial Club of Kansas City on November 14, 1911, the Secretary of War made the following statements on the subject of canal tolls:

RIGHT OF UNITED STATES TO PAY TOLLS ON AMERICAN VESSELS.

Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances to my mind leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal, Spain, has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form (provided the tolls for other nations are kept reasonable, as we have also covenanted to do), whether the United States should make this appropriation out of her own Treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place. In either case the money in question belongs to the United States.

Closely involved in this question of fixing the tolls is the question whether the United States has the right to pay the tolls on American vessels using the canal. There has been criticism against even the suggestion of this possibility. There was similar criticism a few years ago against the proposition to fortify the canal, until the publication of Secretary Hay's correspondence with Lord Lansdowne revealed the frankness of our negotiations on that subject with Great Britain and showed how clearly Great Britain had recognized our right to fortify the canal. The United States will deal with its sister nations in perfect frankness and in absolute fulfillment of its treaty pledges. There will be no violation of our treaties; neither will there be any evasion of them. When the facts as to this question are examined, they are, in my opinion, so clear as to leave no doubt or question as to the right of the United States, both legal and moral, in this respect. The clause of the Hay-Pauncefote treaty which governs the question is a declaration by the United States which expressly adopts the rules governing the Suez Canal. It provides:

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

Now, in the case of the Suez Canal, it has never been considered a violation of this rule of neutralization for a nation to pay the tolls upon the vessels flying its flag. This is done directly by the Governments of Russia and Austria-Hungary, which have made appropriations for the express purpose of paying the tolls of vessels of their merchant marine. Furthermore, substantially every other European Government appropriates from its treasury and pays to vessels using the Suez Canal, in the form of subsidies, sums of money fully or partly equivalent to the tolls of the canal. In the case of Germany, France, Japan, Italy, and Spain, the amount thus appropriated is regularly more than sufficient to pay the tolls. In the case of Great Britain the subsidies paid to the Peninsula & Oriental Co.—the principal line which uses the canal—amount to nearly six-sevenths of the tolls. These subsidies were not all limited to mail steamers; many of them were paid likewise on freight steamers.

It is perfectly clear, therefore, that when the Panama Canal is opened, the English vessels which use it, the German vessels which use it, the vessels of practically all of our competitors which use it, will be in receipt from their respective Governments of sums of money, either given them directly for the purpose of paying their tolls or perfectly applicable in their discretion to such use. It will be impossible for the United States to prevent this; for, under the Suez rules which we have thus adopted for Panama, such payment does not amount to a discrimination or a violation of the terms of entire equality for which those rules provide. Is, then, the United States, which built the canal, to be the one nation whose vessels can not have such assistance? Will any rule of construction of the Hay-Pauncefote treaty or any rule of honor prevent the United States from adopting a similar course?

Will anyone contend that the almost universal system of governmental assistance to a merchant marine has been limited, in our case, by the Hay-Pauncefote treaty—limited, not by plain and express covenant, but by indirection and implication? Would Great Britain dream of making such a contention against the United States when she herself is paying annual subsidies to her merchant marine of between six and seven million dollars a year? Has the United States, in her covenant to "insure the neutrality of the canal on terms of entire equality," so shackeled her own powers that she can not resort to the universally established methods which her competitors will use in respect to their vessels passing through the canal? Does equality to all other nations mean inequality to the United States? The answer is self-evident.

The clause was never intended to forbid a nation to assist her own marine with her own funds. By it the United States barred herself from using her power over the canal to injure the trade of another. She could not isolate or discriminate in any way against another in that other's use of the canal. But it was never dreamed that she could not use the resources of her own Treasury in favor of her own vessels.

I think, therefore, that the United States has a clear right to appropriate to the vessels, paying the same the sums paid into its Treasury by those vessels in the form of canal tolls. This being so, there is no difference, save in form, whether she makes this appropriation out of her Treasury to such vessels by receiving the money from them first and repaying it to them, or by simply relieving them from the payment of those tolls. In either case the money in question belongs to the United States. In either case it amounts to a gift by the United States of her own funds to the vessels in question.

The existence of the right is clear; the need or wisdom of its assertion presents a broad question of policy. The exercise of this power must depend upon the conclusion, based upon full understanding of the facts, that the national interests will be furthered by securing this advantage to American vessels engaged in trans-Isthmian trade.

Mr. ADAMSON. Mr. Chairman, I will state that when we get back into the House I am going to ask unanimous consent for all gentlemen who addressed the committee to extend their remarks in the RECORD.

Mr. WILLIS. Mr. Chairman, I wish to be indulged briefly, and I thank the committee for the courtesy of their attention. If I had had the opportunity I should have liked to make some extended observations on this question of tolls, which seems to me to be of tremendous importance. But I wish to take the time of the committee only to say, without going into the advisability of free tolls or preferential tolls for American ships, without going into the question as to whether we ought to grant free tolls or not, without going into the question as to whether we ought to grant preference to American ships, that in my judgment it is purely and simply and solely a question that concerns this country alone. I do not admit, Mr.

Chairman, that by any treaty that this Government has entered into with any foreign power, there is any nation on this earth that has anything whatever to say about what we shall do with reference to our own domestic questions. [Applause.] If we want to give our American ships preferential rights we have the right to do that. If we want to remit the tolls absolutely we have the right to do that. If we wish to remit the tolls as to the coastwise ships and not as to the others, or if we desire to remit tolls wholly or in part as to the ships engaged in the foreign trade and not as to the coastwise ships, that is purely a question of domestic policy that concerns us here in the United States of America, and no other nation has anything to say about it. [Applause.]

A significant thing, Mr. Chairman, is the fact that there is not any other nation that is objecting, there is no other nation that is proposing to say anything about it. Everybody admits the justice and the truth of what the President says here. The President says in his message:

We own the canal. It was our money that built it. We have the right to charge tolls for its use.

He then goes on, and in a portion of his message, which I shall insert in the RECORD, states that it is purely a question of policy for us to determine. In his message to Congress on December 21, 1911, the President said:

POWER EXISTS TO RELIEVE AMERICAN SHIPPING.

I am very confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, an equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear. The experiment in tolls to be made by the President would doubtless disclose how great a burden of tolls the coastwise trade between the Atlantic and the Pacific coast could bear without preventing its usefulness in competition with the transcontinental railroads. One of the chief reasons for building the canal was to set up this competition and to bring the two shores closer together as a practical trade problem. It may be that the tolls will have to be wholly remitted. I do not think this is the best principle, because I believe that the cost of such a Government work as the Panama Canal ought to be imposed gradually, but certainly upon the trade which it creates and makes possible. So far as we can, consistent with the development of the world's trade through the canal, and the benefit which it was intended to secure to the east and west coastwise trade, we ought to labor to secure from the canal tolls a sufficient amount ultimately to meet the debt which we have assumed and to pay the interest.

Away back in 1852 certain foreign nations sought to induce this country to enter the famous tripartite agreement, by which we would bind ourselves that we would never under any circumstances seek to get control of Cuba; but Edward Everett, then Secretary of State, wisely answered France and England that while we did not propose to annex Cuba, while we did not propose to conquer Cuba or buy Cuba, he gave notice to those great powers of Europe—to France and England—that if we did want to buy Cuba or annex it or conquer it, it was none of their business; that it was an American problem, which we would settle without reference to the wishes of those European powers. And so I say in conclusion regarding tolls on the Panama Canal that it seems to me this is a question that is purely an American problem; whether we shall remit a part of the tolls is a question for our country alone. It is an American problem, an American canal, planned by American engineers and American brains and dug by the American people with American money. It is a part of the United States, and we have a right to do with it as we please. [Applause.]

Mr. HAMILTON of West Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 11, strike out all after the word "district," in line 13, down to and including the word "party," in line 15, and insert the following:

"And upon the demand of either party in a civil case where the amount in controversy exceeds $20, and in all criminal cases upon the demand of the defendant, a trial by jury shall be had."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 11, line 13, strike out the words "and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party" and insert in lieu thereof the following:

"And in any civil or criminal case in said court a jury shall be afforded on the demand of any party."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 18, noes 39.

Mr. FOWLER. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Illinois demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Eight gentleman have risen, not a sufficient number, and tellers are refused.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-nine Members are present, not a quorum.

Mr. ADAMSON. Mr. Chairman, it is manifest that some gentlemen are impatient and do not wish to remain here longer, and I am very anxious to finish the uncontested portions of the bill. I have yielded to the gentleman from Illinois [Mr. FOWLER] more than to anybody else to-day, and I think it ungracious in him to force us to quit at this time. We can finish in 15 minutes if he will withdraw his demand and let us go on and read the uncontested portions of the bill.

Mr. MANN. Mr. Chairman, it is too late to withdraw the point of no quorum. There is only one of two things that can be done.

Mr. ADAMSON. Then, Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21969, for the government of the Panama Canal, and had come to no resolution thereon.

The SPEAKER. It turns out that the gentleman from Pennsylvania [Mr. DALZELL], whom the Chair designated to preside to-morrow, is out of the city, or will be, and therefore the Chair appoints Mr. GREGO of Pennsylvania to act as Speaker pro tempore to-morrow at the memorial exercises to the late Representative HENRY H. BINGHAM.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all members who have spoken on the bill have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent that all gentlemen who have spoken on the bill have the privilege of extending their remarks.

Mr. MANN. For how long?

Mr. ADAMSON. Just to revise and extend what they have said.

The SPEAKER. On the subject of the bill.

Mr. ADAMSON. Yes; on the bill; simply to extend the speeches they have made. Now, Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. If the House adjourns to-night under the present parliamentary situation, would it be in order, under the Speaker's recognition, or would I be recognized, to move to go into the Committee of the Whole House on the state of the Union on Monday, or would that be suspension day, and considered as sacred?

The SPEAKER. Monday is Unanimous Consent Calendar day and suspension of the rules.

Mr. ADAMSON. Then I will explain to the Speaker, we have been deprived of some time this evening on account of it being Saturday evening and Members being scattered, and I would like to ask if it would be agreeable to everybody to recoup a lost hour by meeting at 10 o'clock on Tuesday.

The SPEAKER. If the gentleman asks unanimous consent, the Chair will put the question.

Mr. ADAMSON. I do.

Mr. MANN. I think we had better meet that situation on Monday. It might be possible that we can go ahead with this bill on Monday.

Mr. ADAMSON. All right; I will withdraw the request.

Mr. GARRETT. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Under the unanimous-consent order which was made a few days ago it was provided that the House should meet at 11 o'clock, except on Wednesdays——

Mr. MANN. And Sundays.

Mr. GARRETT. Does that mean the House will meet at 11 o'clock to-morrow?

The SPEAKER. No; the request was to except Wednesday, and, on the suggestion of the Chair, Sunday was included to save that very point.

Mr. BROUSSARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. I want to know if under the unanimous consent secured this morning to print these amendments it includes the printing of them in a separate document?

The SPEAKER. Yes. The gentleman from Kentucky [Mr. THOMAS] requested the Chair, as he is going to leave town, to ask unanimous consent that he might have 20 days in which to extend his remarks on a subject on which he had already gotten leave for five days to extend them, and he did not have time to do it. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, what becomes of the request of the gentleman from Louisiana?

The SPEAKER. He did not make any request, he asked a question.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the amendments and substitutes which have been offered or been proposed to section 5 be printed as proposed amendments in bill form.

Mr. BROUSSARD. That, I understand, was already granted this morning.

Mr. MANN. No. Was that granted as to bill form? I think it was document form this morning.

The SPEAKER. The Chair's recollection is that the grant this morning included printing both in the RECORD and as a document.

Mr. MANN. Neither one is of any value. To print in bill form is of value to the House.

The SPEAKER. Well, does the gentleman prefer that request now?

Mr. MANN. I made that request.

The SPEAKER. As to sections 5 and 11?

Mr. MANN. To print the different amendments separately in bill form.

The SPEAKER. On which amendment?

Mr. MANN. All of the amendments to section 5, or substitutes for section 5.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all the amendments to section 5 or substitutes therefor, which have been offered, shall be printed in bill form as proposed amendments.

Mr. SULZER. And also in the RECORD.

Mr. MANN. That has already been ordered.

The SPEAKER. Is there objection?

Mr. DOREMUS. Does that include the substitutes?

The SPEAKER. Yes. Is there objection?

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If the gentleman desires to have read an amendment, could not he under this same provision introduce that bill and have it printed for Tuesday just the same?

The SPEAKER. The Chair supposes he could. He has the right to introduce any sort of a bill, and it would be printed if you had it now. The Chair does not know how long it takes for the office to print it.

Mr. ADAMSON. Has anybody any objection to my moving to adjourn?

The SPEAKER. The gentleman will suspend until we get this point cleared. Is there objection to the request made by the gentleman from Illinois [Mr. MANN] to print the amendments on section 5 and the substitutes therefor in bill form as proposed amendments? [After a pause.] The Chair hears none.

PRINTING OF NEWSPAPER ARTICLES IN RECORD.

Mr. RAKER. Mr. Speaker, the Post Office bill is over in the Senate, and there is in that bill the question of parcel post, good roads, and requiring of the owners of newspapers to publish their names. I have an article published on the 11th of this month in the Sacramento Bee, of California, one of the leading papers of that State, upholding the action of the House and appealing to the Republican Senate to put it on, and I ask that this may be printed in the RECORD, at the end thereof, to show the position of California upon the amendment of the House to that bill.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman from Indiana [Mr. BOEHNE] gave notice the other day that he would object to any such request as this, as I understood him. As this is a late hour, I will object until he is present.

WOMAN SUFFRAGE (H. DOC. NO. 762).

Mr. FINLEY. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from South Carolina offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 532.

Resolved, That 16,000 copies of the hearings before the Committee on the Judiciary, Sixty-second Congress, second session, March 13, 1912, entitled "Woman Suffrage," serial No. 2, be printed for the use of the House document room.

The report (No. 740) on House resolution No. 532 was read, as follows:

Mr. FINLEY, from the Committee on Printing, makes the following report to accompany House resolution 532:

The Committee on Printing, having had under consideration the House resolution (H. Res. 532) providing that 16,000 copies of the hearings before the Committee on the Judiciary, Sixty-second Congress, second session, March 13, 1912, entitled "Woman Suffrage," serial No. 2, be printed for the use of the House document room, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $466.04.

Mr. MANN. Well, I suppose it is worth it.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PRINTING OF NEWSPAPER ARTICLES IN RECORD.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry. I want to know if it appears in the RECORD whether it is the statement of the gentleman from Illinois [Mr. MANN] that hereafter there is to be no unanimous consent for printing of articles in the RECORD by Members on this side of the House.

The SPEAKER. While that is not a parliamentary inquiry, the Chair will answer it. That was not the statement of the gentleman from Illinois [Mr. MANN]. The gentleman from Illinois stated that the gentleman from Indiana [Mr. BOEHNE] stated a day or two ago he had gotten tired of this kind of thing and was hereafter going to object, and that because Mr. BOEHNE was not here and it was late in the evening, for the present the gentleman from Illinois [Mr. MANN] would object.

Mr. RAKER. I misunderstood the gentleman.

Mr. SABATH. I am confident that the gentleman from Indiana [Mr. BOEHNE] would not object.

Mr. KENDALL. Do you speak for him?

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p. m.) the House adjourned until Sunday, May 19, 1912, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUBEY, from the Committee on the Public Lands, to which was referred the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, reported the same with amendment, accompanied by a report (No. 739), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes, reported the same without amendment, accompanied by a report (No. 738), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 24667) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. ROBINSON: A bill (H. R. 24668) providing an appropriation to check the inroads of the Arkansas River at Pine Bluff, in Jefferson County, Ark.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 24669) authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing

the storm drainage system, as well as the sanitary sewer system, of the city of Hot Springs abutting the Hot Springs Reservation, Ark.; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 24670) to establish a mining experiment station at Moscow, Idaho, to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. DAVENPORT: A bill (H. R. 24671) to provide for the expenditure of a portion of the reclamation fund in the States in which such fund originates; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 24672) providing for the payment of interest to certain States on the amount contributed to the reclamation fund by such States; to the Committee on Irrigation of Arid Lands.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24673) directing the sale and disposition of the surplus lands of the Chilocco Indian Reservation in Oklahoma; to the Committee on Indian Affairs.

By Mr. CANNON: A bill (H. R. 24674) providing for the purchase of a site and the erection of a public building thereon at Hoopeston, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. AINEY: A bill (H. R. 24675) granting pensions to certain widows of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: Resolution (H. Res. 542) requesting information from the Secretary of Agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 24676) for the relief of Capt. Edward T. Hartmann, United States Army; to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 24677) granting an increase of pension to Louise Taylor; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 24678) granting a pension to John Brecker; to the Committee on Pensions.

Also, a bill (H. R. 24679) granting an increase of pension to Frederick Charles Sammons; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24680) granting a pension to Thomas A. Williams; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 24681) granting an increase of pension to James Linnedy; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 24682) granting an increase of pension to James F. Beath; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24683) granting an increase of pension to George W. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24684) granting an increase of pension to Granville H. Hutchinson; to the Committee on Invalid Pensions.

By Mr HAMILL: A bill (H. R. 24685) to indemnify the Academy of the Holy Cross, city of Washington, D. C., for damages sustained by reason of the lowering of the grade of Upton Street near Connecticut Avenue; to the Committee on the District of Columbia.

By Mr. LEVY (by request): A bill (H. R. 24686) for the relief of Alice C. Sawyer; to the Committee on War Claims.

By Mr. MATTHEWS: A bill (H. R. 24687) granting a pension to Grace E. Benford; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 24688) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

By Mr. ROUSE: A bill (H. R. 24689) granting an increase of pension to Elizabeth T. Hardeman; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24690) granting a pension to Charles Beattie; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 24691) granting a pension to Mary J. Marvin; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 24692) for the relief of John J. Troxell; to the Committee on Military Affairs.

By Mr. DANFORTH: A bill (H. R. 24693) granting an increase of pension to John W. Manning; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Lodge No. 2, I. O. B. B., favoring passage of the Dillingham and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Resolutions of the Brotherhood of Railroad Trainmen, the American Purity Federation, and the State council, Junior Order of United American Mechanics, of the State of New York, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Jewelers' Board of Trade of New York City, N. Y., favoring the maintenance of prices on patent products in the retail market; to the Committee on Patents.

Also, resolution of Lodge No. 498, Independent Order B'rith Abraham, of Gloversville, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the North Side Board of Trade, of New York City, N. Y., favoring Senate bill 4774, to provide for the acquisition of sites for Federal court and post-office buildings in State of New York; to the Committee on Public Buildings and Grounds.

By Mr. BARTLETT: Petition of the Farmers' Union, favoring passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Daughters of Liberty, West Hazleton, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BOEHNE: Petition of Polish citizens of South Bend, Ind., protesting against the passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petitions of the Tenth Biennial Convention of the Brotherhood of Railroad Trainmen; the Junior Order United American Mechanics, Albany, N. Y.; the American Purity Federation; and the Farmers' Union of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin (by request): Petition of the Brotherhood of Railroad Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER (by request): Petition of the Daughters of Liberty of West Chester, Pa., favoring passage of the Gardner and Burnett bills, providing educational test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Farmers' Union of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CANNON: Resolutions of the American Purity Federation, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Edward M. Methe and other citizens of Danville, Ill., favoring passage of House bill 22339, the anti-Taylor-system bill; to the Committee on the Judiciary.

By Mr. CATLIN: Resolution of the Brotherhood of Railroad Trainmen of Harrisburg, Pa., and the Junior Order of United American Mechanics of the State of New York, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Randof Sholom Lodge, No. 53, and Israel Lodge, No. 228, of St. Louis, Mo., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLAYTON: Petition of the Farmers' Union of America, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Petition of the Patriotic Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DANFORTH: Resolutions of Flower City Lodge, No. 281, and Sons of Israel Lodge, No. 311, Independent Order of B'rith Abraham, of Rochester, N. Y., against passage of the

Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Monroe County committee on mental hygiene, of Rochester, N. Y.; the Farmers' Educational and Cooperative Union of America; and the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petitions of citizens of Boston, Mass., and Buffalo branches of the Polish Roman Catholic Union, Buffalo, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to the improvement of the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturing Association, relative to the preventing of importation of injurious insects; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to control of floods of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to an amendment to the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturing Association, of Cincinnati, Ohio, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHAEL E. DRISCOLL: Petitions of Samuel Lodge, No. 241; citizens' mass meeting; and Council of Jewish Men, of Syracuse, N. Y., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railroad Trainmen of Harrisburg, Pa., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Mutual Benefit Association, New York, relative to bettering conditions in the United States customs service; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FARR: Petition of Henry Longman and 22 others, of Jermyn, Pa., favoring the building of one battleship a year; to the Committee on Naval Affairs.

Also, petition of citizens of Fleetville, Pa., favoring a system of postal express; to the Committee on the Post Office and Post Roads.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Carbondale, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: Petition of New Mexico Retailers' Association, against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

Also, resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Grace Methodist Episcopal Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Heath & Milligan Manufacturing Co., of Chicago, Ill., against proposed abolishment of Commerce Court, etc.; to the Committee on Appropriations.

Also, petition of P. L. Strong, of Lansing, Mich., favoring passage of House bill 1339, to grant increase of pensions of certain soldiers of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of John J. Smith, of Sunbury, Pa., and Jesse Burkett, of Troy, Ohio, favoring passage of House bill 1339, granting increase of pensions of certain survivors of Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: Resolution of the Brotherhood of Railway Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petitions of American Israelite Lodge, No. 187; Winberg Lodge, No. 44; Galizia Friedman Lodge, No. 71; Erste Dombrower Lodge, No. 72; Lazar I. Brodsky Lodge, No. 581; H. Karlstadt Lodge, No. 581; and Markowitz Lodge, No. 472, Independent Order B'rith Abraham, New York City, N. Y.; and of the Markower Young Men's Aid Society, of New York, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GOULD: Petition of International Association of Machinists, of Waterville, Me., and citizens of Sedgwick, Me., favoring passage of House bill 19133, for postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of members of the Socialist Party of Portland, Me., against the Root amendment to immigration bill, relative to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also (by request of Mr. HINDS), petition of citizens of Brunswick and Portland, Me., favoring passage of bill to establish postal-express system; to the Committee on Interstate and Foreign Commerce.

Also (by request of Mr. HINDS), petition of members of Termess Tribe, No. 28, Red Men, of Freeport, Me., favoring passage of House bill 16313, to erect a memorial to the American Indians, in the District of Columbia; to the Committee on Public Buildings and Grounds.

Also (by request of Mr. HINDS), petition of members of Order B'rith Abraham of Portland, Me., against passage of House bill 22527 (Burnett bill), restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request of Mr. HINDS), petition of M. A. Gordon, of South Berwick, Me., against passage of House bills 23192 and 23193, proposing changes in the patent law; to the Committee on Patents.

By Mr. HAMILTON of West Virginia (by request): Petition of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of the Daughters of Liberty of Danbury and Bridgeport, Conn., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Resolution of the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Resolutions of the Patriotic Order Sons of America of Reading, Pa.; the American Purity Federation of Washington, D. C.; and the Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of New Jersey Lodge No. 50, I. O. A. I., of Jersey City, N. J., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Moses Mendelsohn Lodge, No. 91, Independent Order B'rith Abraham, Brooklyn, N. Y., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' Union, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of H. H. Holley, Brooklyn, N. Y., favoring passage of Senate bill 6497, relative to protecting migratory game birds; to the Committee on Agriculture.

Also, petition of Asa Parshall, of Howell, Mich., and Edward T. Clark, of Chicago, Ill., favoring passage of House bill 1339, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of Polish-American citizens of South Chicago, Ill., and allied Polish national societies of Pullman, Kinsington, and Roseland, Ill., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the executive committees of the Illinois and Chicago Civil Service Reform Association, relative to sections 4 and 5 of House bill 24023, legislative, executive, and judicial appropriation bill; to the Committee on Appropriations.

Also, petition of citizens of Chicago, Ill., protesting against Stephens resolution, relative to the sectarian-garb case; to the Committee on Indian Affairs.

Also, petition of the National Jewelers' Board of Trade of New York, protesting against any change in the patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of Cook County cabinate, of Chicago, Ill., favoring investigation of conditions on excursion steamers on the inland seas; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Stockton, Cal., favoring provision being made for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the Chicago Association of Jewish Women, Chicago, Ill., and of Roumania Lodge, No. 170, Independent Order B'rith Abraham, Chicago, Ill., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petition of Anshe Russia Congregation, Newark, N. J.; Italo-American Alliance of United States, Philadelphia, Pa.; Eggert Lodge, No. 61, Independent Order B'rith Sholom, Newark, N. J.; Success Lodge, No. 233, Independent Order B'rith Sholom, Newark, N. J.; Moses Montefiore Lodge, No. 14, Independent Order of King Solomon, Newark, N. J.; Newark Progressive Lodge, No. 528, Independent Order B'rith Abraham, Newark, N. J.; United States Grand Lodge, Essex Lodge, No. 82, Independent Order B'rith Abraham, Newark, N. J., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Newark Master Plumbers' Association, Newark, N. J., favoring passage of Hamill bill, relative to a pension for Government employees who have served 30 years and are 60 years or age or over; to the Committee on Pensions.

Also, petition of the Board of Trade of Paterson, N. J., favoring the passage of the 1-cent letter rate bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Patriotic Order Sons of America and Anthony Wayne Council, No. 159, Junior Order United American Mechanics, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Loomfixers' Union, No. 366, of Lewiston, Me., favoring passage of House bill 19133 and Senate bill 5474, for postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY: Resolutions of the several Independent Order B'rith Abraham lodges of Boston, Mass.; Lithuanian societies of Boston, Mass.; Lithuanian Socialist Federation of America; Chinese Benevolent and Protective Association of San Francisco, Cal.; Italo-American Society, of Philadelphia, Pa.; and Polish societies of New York, against passage of the Dillingham and Burnett bills, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Farmers' Union, of Shawnee, Okla., and the American Purity Federation and Junior Order United American Mechanics of New York, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Labor League of Massachusetts; various citizens of Boston, Mass.; Knights of Unity Lodge, Independent Order B'rith Abraham, Boston, Mass.; Samuel Salant Lodge, Independent Order B'rith Abraham, Boston, Mass.; and Boston Socialist Club, Boston, Mass., protesting against passage of House bill 22725, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of the American Purity Federation; Junior Order American Mechanics, of New York; Farmers' Union of America; Patriotic Sons of America, and citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the San Francisco Chamber of Commerce, relative to improvement of levees on the Mississippi River devastated by floods; to the Committee on Rivers and Harbors.

Also, petition of the Sierra Club, protesting against passage of House bill 21954, providing for a change in the western boundary of the Yosemite National Park; to the Committee on the Public Lands.

Also, petition of citizens of California, favoring provision for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of California, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Woman's Home Missionary Society, Stockton, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Petition of United States Grand Lodge, Kol Jacob, No. 381, and Jewish Charities, of Minneapolis, Minn., against passage of Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Preston Woman's Christian Temperance Union, of Preston, Minn., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Providence Progress Lodge, No. 591, Independent Order B'rith Abraham, Providence, R. I., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Local No. 132, Leather Workers on Horse Goods, Providence, R. I., protesting against use of stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Farmers' Union of America and citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of Junior Order United American Mechanics, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Long Island Game Protective Association, New York, favoring passage of McLean-Weeks bill (S. 6497), for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Wireless Association of Pennsylvania, of Philadelphia, Pa., protesting against passage of House bill 15357, for regulating radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Petition of the Humbolts Chamber of Commerce, Eureka, Cal., favoring passage of House joint resolution 284, relative to establishing the Redwood national park; to the Committee on Agriculture.

By Mr. SCULLY: Petition of Lakewood Lodge, No. 540, Independent Order B'rith Abraham, of Lakewood, N. J., against passage of the Dillingham and Burnett bills restricting immigration; and of Daughters of Liberty, of Belford, and Atlantic Council, No. 154, Junior Order United American Mechanics, of Point Pleasant, N. J., favoring passage of the Dillingham bill and other bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Eatontown, N. J., favoring order of discontinuance of the wearing of religious garb in Indian schools and disapproving action of President Taft in revoking the same; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: Petition of the Farmers' Union, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of cattlemen and Boards of Trade of Fort Worth and Canyon City, Tex., protesting against House bill 512, relating to meat inspection; to the Committee on Expenditures in the Department of Agriculture.

By Mr. SULZER: Petition of Mutual Benefit Association, Fifth Division, Surveyor's Office, United States Customs, Port of New York, favoring passage of House bill 23241 and for bill to increase the pay of customs watchmen; to the Committee on Ways and Means.

Also, petition of the committee of wholesale grocers, of New York City, N. Y., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WEBB: Resolution of the Junior Order United American Mechanics, of New York, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Petition of Local No. 124, Bartenders' League, of Trenton, N. J.; Cigar Makers' Union, No. 428, of Trenton, N. J., urging passage of the anti-Taylor-system bill (H. R. 22339) prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of bill appropriating $240,000 for investigation of the white-slave trade; to the Committee on Appropriations.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of the District excise bill; to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of injunction and abatement bill; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 19, 1912.*

The House met at 12 o'clock noon and was called to order by Mr. GARDNER of Pennsylvania, Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the life and light of men, the dispenser of every good gift, author of the immortality of the soul, which links the now with the then, soothes the dying, comforts the living, makes heroes of men in times of peril, and promises that perfection which we all long for; there is something finer in every man than anything he says or does. Make us conscious of Thy presence as we thus gather to pay our tribute of love and respect to the gallant soldier, the faithful servant, who in war and in peace served his State and Nation with fidelity, efficiency, and thus proved himself worthy of the confidence reposed in him, and has been summoned to the larger fields of endeavor. Help us to look forward with confidence to his friendly greeting where partings never come, "and when the tongue is eloquent no more the soul shall speak in tears of gratitude." In the spirit of the Lord Jesus Christ, who taught us to pray: Our father who art in heaven, hallowed by Thy name. Thy kingdom come. Thy will be done in earth as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors; and lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was being read by the Clerk, when, at the request of Mr. MOORE of Pennsylvania and by unanimous consent, the further reading was dispensed with.

The Journal was approved.

THE LATE REPRESENTATIVE HENRY H. BINGHAM.

Mr. VARE. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 543.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to the memory of Hon. HENRY H. BINGHAM, late a Member of the House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were considered and agreed to.

LEAVE TO EXTEND REMARKS IN THE RECORD.

Mr. MOORE of Pennsylvania. Mr. Speaker, a number of the Members of the House who desired to speak to-day are necessarily absent, and I ask unanimous consent that those who wish to do so may have the privilege of extending remarks in the RECORD upon the life, character, and services of the late Gen. BINGHAM.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that those who desire may extend remarks in the RECORD on the life, character, and services of Gen. BINGHAM. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, among the rich treasures of the Capitol is Rothermel's celebrated painting of the Battle of Gettysburg. Riding beside the gallant Hancock is the form on horseback of a 22-year-old boy, weighing not more than 110 pounds, enveloped in the smoke of the fire of the greatest battle of American history. That boy was Gen. HENRY H. BINGHAM, in whose honor we are met to-day.

Those who went forward in 1861 in the war of the Union—those from the South to defend the cause in which they believed, those from the northern tier of States who felt it incumbent upon them to preserve the Union—were the flower of the youth of the Nation. Their average age did not exceed the age of manhood, and this boy of 22, brevetted from time to time for gallant service on the field of battle until he had become a brigadier general, was one of those who braved the dangers of war that the Union might be spared.

Those of us who live in peace and in plenty in these times of progress, prosperity, and great national development have but to picture in the mind's eye the boys leaving the farm, the boys leaving the factory, the boys leaving the mother's side, the boys separating themselves from wives and sisters, to fully understand the debt we still owe to the brave young men who went forth into unknown fields, to survive, perhaps to perish, that we might now enjoy the blessings of their victory.

HENRY H. BINGHAM was one of these boys. They who fought upon the side of the Union fought foemen who were valiant and "worthy of their steel." One of the few survivors of those against whom they contended at Gettysburg was our distinguished colleague from Virginia, Capt. JOHN LAMB. I had hoped Capt. LAMB would speak at these services this morning. He fully intended to do so, but the message now lying on my desk indicates that a sudden affliction has prevented his appearance here to pay his tribute to the gallantry, and the heroism, and the bravery of the "boy" upon the other side, upon whom the laurels of victory ultimately fell. They were brave men, and chivalry is in order now.

I have in my hand the statement of one of those who participated in the Battle of Gettysburg, as BINGHAM did, and as LAMB did, one since passed to his reward, as all of the great soldiers are now rapidly passing to their reward, who depicted in a brief paragraph the scene which Rothermel portrayed in his famous painting. In his work upon the "Medal of honor men," Gen. St. Clair A. Mulholland recites this thrilling narrative:

The writer remembers Companion BINGHAM while in the Army and on the staff of that great soldier and son of Pennsylvania, Winfield Scott Hancock, called the "Superb," and one scene of the war he vividly recalls. It was on July 3, 1863, at Gettysburg, when, preceding the charge of Pickett's division of 18,000 men, on the line held by Hancock and the Second Corps, 127 Confederate cannon played on that line from 1 until 3 o'clock. Men and horses were torn to atoms, cannon dismounted, and ammunition chests one after the other blown up. The smoke of the artillery shrouded the battle field, the roar of the batteries shaking the earth and reechoing through the mountains of the Blue Ridge. It was a scene of wild tumultuous war, such as our country or the world seldom sees. In the midst of the storm, coming through the battle smoke, riding through our batteries that covered the ridge on which the Second Corps was formed, the flag of the Second Corps was seen and around was grouped half a dozen of the bravest and best of the Army—Hancock, the "Superb," commander of the corps and of the whole left of the Union line, Capt. William Mitchell, his adjutant general, Capt. R. P. Bronson, Capt. Isaac Parker, and Capt. HENRY H. BINGHAM—the corps flag flying and borne aloft by James Wells, of the Sixth New York Cavalry. The little group with Hancock at their head rode the entire length of the Second Corps line, from Zeigler's woods on the right to the extreme left, near Little Round Top. Slowly the little party rode along the terrible crest, while shot and shell roared and crashed around them. Every once in a while, as they passed along, winding through the masked batteries, Hancock would pause, say a word of encouragement to the men who were waiting to receive the attack of Pickett's thousands, and win the victory that marked the end of the war. And so from the extreme right to the extreme left of his command, nearly a mile, and back again, under the fire of 127 guns, rode the little group. The sight of the flag and of Hancock and his staff, calm, fearless, and confident, did much to nerve the stout hearts of the men of the Second Corps and aid them in winning, an hour later, the most important victory of the century.

Mr. Speaker, here is a story for the boys of the present generation. The thrilling scenes described by Gen. Mulholland are about to be recounted, after 50 years, upon the battle field of Gettysburg. The anniversary of the great battle is soon to be celebrated, and deeds of heroism and self-sacrifice on the part of brave and gallant boys of sixty-one and sixty-five—boys with aspirations equal to any of the present time—will be told and retold to inspire confidence in the Nation they fought to preserve.

The HENRY H. BINGHAM, captain upon the staff of Hancock, the "Superb," at Gettysburg, riding through the smoke and peril of a constant fire along the ridge, about to be attacked by the boldest chargers who ever faced a foe, a mark for the sharpshooters of the enemy, was the same HENRY H. BINGHAM who served in this House with us and our seniors for 33 long years. He was the same BINGHAM who performed here acts of service and devotion to his country, which stamped him a citizen in peace equal to the intrepid hero we knew him to have been in war.

There were some of you who came in contact with the courtly "Father of the House" who, unfamiliar with his earlier history, may not have observed in this quiet, modest gentleman the soldier who rode by Hancock's side in the most terrible conflict of the century. Gen. BINGHAM was wounded at Gettysburg, and that wound was a constant reminder to him throughout his civil life of this great conflict in which he took so honorable and conspicuous a part. At Spotsylvania he was again wounded, and also at Farmville. On another occasion he was captured by the enemy, although he escaped through the night. In him we had the soldier, the hero, and the citizen.

There are others, Mr. Speaker, who will dwell, I hope, upon the military phase of the career of Gen. BINGHAM. He had more to do than to fight the battles of his country. He had a great civic service to perform. Continuing his service in the Army until 1866, he was chosen to be the postmaster of the city of Philadelphia. He had been carefully educated and was a man of the finest instincts and of the strongest family ties. A college graduate, who donned the shoulder straps to do battle for his country, he was well equipped for civil life when the war was over. As postmaster of Philadelphia he endeared himself to the people, as he did also in other public offices to which he was elected. So well, indeed, did he fulfill his duties that when it came time to fill a vacancy in these Halls there was but one name upon the lips of the people of the old first district. That was the name of the gallant young soldier who had wrought so well in war and performed so well in peace.

He came to Congress more than 33 years ago. The story of those 33 years is the story of the Nation's greatest progress. We have grown from 50,000,000 people to be a Nation of 91,000,000; grown until the influence of the Stars and Stripes has made itself felt in every clime and until the possessions of the United States are a part of every hemisphere. Gen. BINGHAM participated in this growth and in this development.

Men grow old and we are prone to forget. The sere and yellow leaf comes only too quickly. Do we treasure well the memory of those who served us well? What was the part of our colleague in the development of the Nation? He was chairman of the Committee on the Post Office and Post Roads when the people were demanding better conditions in the postal service. It was under his administration as chairman of that committee that the letter postage of to-day was reduced from 3 cents to 2 cents. It was during his conduct of the affairs of that committee that the present postal rate for newspaper matter was established. He aided in the reduction of that rate, and thus in the dissemination of knowledge throughout the land. Have the newspapers remembered the service of the gallant hero and the quiet statesman who helped to inaugurate these reforms? Has the public, now exceeding 91,00,000 people, a full conception of the service of this man whom we have just laid to rest? And these were but few of the public benefactions which he inspired.

Mr. Speaker, I hold in my hand an article upon the life of Gen. BINGHAM, by one of the talented writers of the city of Philadelphia, which he loved so well, an extract from which would seem appropriate.

Says Mr. William Perrine, in the Evening Bulletin, of Philadelphia:

It has been very seldom that Members of the American Congress have held their seats longer in a continuous service than the late Gen. BINGHAM held his as a Member for the first district of Pennsylvania in the course of 33 years. The district which he represented was largely the same, regarding the locale of his constituency, as it was when he was first elected. He entered the House when Hayes was President of the United States; he was there when the passions of the Civil War and the reconstruction period were still bitter in both parties, and he made his advent at a time when Simon Cameron, who was about to pass the scepter of Republican authority to his favorite son, was still as a master spirit to the Pennsylvania delegation. Samuel J. Randall, William D. Kelley, Charles O'Neill, and Alfred C. Harmer were then the other Members from the Philadelphia districts; all of them passed long ago into the great beyond, and BINGHAM, who was the youngest among them when he became their colleague, now sinks into his grave at more than threescore and ten. Every man who was an active and powerful leader of either the Republican or the Democratic Party when he went into Congress no longer exists or has disappeared from public view. He had become one of the very few Members who could look back to the time when Blaine, Conkling, Morton, Sherman, Logan, Allison, and their comrades in leadership shaped the policy of the Republican Party, and Thurman, Hendricks, Tilden, Bayard, Voorhees, Cox, and their comrades exerted a like control over the Democratic Party. It was thus, toward the last, that there was a general disposition to contemplate him, in his political personality, if not also in his habits of thought, as a survivor or relic of a somewhat remote past.

Mr. Speaker, a wealth of memories crowd upon us as we peruse this summary of the passing years. How much was done by these men in the intervening span that is not forgotten in the confusion of modern ambitions and asperities?

When he departed this life Gen. BINGHAM was the "Father of the House," as we denominate those longest in consecutive service. His position in that regard was peculiar in that he succeeded several other distinguished men, all of whom had come from the city of Philadelphia—Kelley, Randall, O'Neill, and Harmer. The city of Philadelphia elected men whom it could keep in this House. It sent them here, telling them that if they performed their duties well they might remain. Apparently they performed their duties well. No other State presents a record like this.

And if we deal with the services of our lamented colleague in a purely local sense we may say that he endeared himself to the great industrial and commercial interests of the people whom he represented. Many of us have wrought here earnestly and long for improvements which the Nation should provide in our home environment. Each of us has striven to do the best he can that his State may be honorably or even profitably represented in this House. The noble River Delaware, concerning which much has been said in recent years—the greatest commercial inland river of this country—was for many years the pet project of Gen. BINGHAM. The Philadelphia Navy Yard, which has been the subject of more or less discussion because of its favored position along the coast and its availability in the event of war, was one of those projects to which he devoted his time and his attention. The Delaware River, with but 20 feet of depth or thereabouts when William Penn settled the city of Philadelphia, was advanced in depth to 26 feet largely through the activity of Gen. BINGHAM in his earlier years of service. Smiths and Windmill Islands, which impeded progress between the city of Philadelphia and the city of Camden, N. J., were removed in his time.

As one who has taken up the work which he laid down, I desire to pay this tribute to Gen. BINGHAM; He has not sometimes received that full measure of appreciation which his great services to the port of Philadelphia warranted.

Mr. Speaker, Gen. BINGHAM was not only the "Father of the House"; he was popular with the House and had the friendship of his colleagues. A man may have courage and ability to commend him to popularity, but Gen. BINGHAM had more than that. He was able, he was strong, he was forceful; he was chosen for party councils, and he advised well; he was a Nestor among his fellows; a safe guide; he was a great writer of platforms and principles. His advice was always sought. Honors were offered him, many of which he declined. But it requires more than ability, more than strength, more than wisdom, to commend a man to popularity and to enable him to hold it as Gen. BINGHAM did. He had personal friendships, and they clung to him devotedly. What was there in his character, then, stronger and better than the attributes I have mentioned? Perhaps the word "courtesy" describes it best. Shall we call it gallantry? Shall we call it chivalry? No; let us call it courtesy, kindness, thoughtfulness of others. Gen. BINGHAM had had his afflictions. Bereavement came upon him in his early life as a husband and father and made its impress upon his whole life. They intensified the love he bore for an only sister.

As soldier, statesman, or party councilor, Gen. BINGHAM was always the gentleman. Was he called away on official journeys from the House, then every other night he wrote to that dearly beloved sister, that she might know he was well; that she might know his love still abounded. Was he busily engaged in the work of the House, then every other night that letter of endearment was written to cheer her who loved him, who watched his course, who trusted in his future, and who devoted herself to his welfare. In every act he was kindly and generous, and the friends who knew him well knew best his true and steadfast qualities of heart and mind.

It is said of Gen. Grant that on one occasion, when stories were being told to while away the time in camp, the spinner of a yarn began with the admonition "You know, there are no ladies present." Quick as a flash, it is said of Grant, he replied, "But you should remember that ladies are always present." It was so with Gen. HENRY H. BINGHAM, soldier, statesman, civilian, friend. His thoughts were free from guile. To him it was understood that ladies were always present. He was always the courteous gentleman—obliging, helpful, sincere—indeed, we may speak of him as a manly man of the truest type.

Mr. CRAGO. Mr. Speaker, several centuries before the Christian Era, Pericles, the soldier, statesman, and philosopher, said:

This whole earth is the sepulcher of famous men; not only are they commemorated by columns and inscriptions in their own land, but in foreign lands dwells an unwritten memorial of them, graven not on stone, but in the hearts of the people. Make these your example, and esteeming courage to be freedom, and freedom to be happiness, weigh not too nicely the perils of war.

Mr. Speaker, Gen. HENRY HARRISON BINGHAM, a Representative of Pennsylvania for a period of 33 years, died at his home in Philadelphia March 23, 1912. To-day we meet in this sacred, solemn service in honor of his memory in order that we may here record our estimate of the many virtues his life exemplified. By reason of his official connection with the One hundred and fortieth Regiment Pennsylvania Volunteers, a regiment recruited in Greene, Washington, and Beaver Counties, Pa., an organization which took a prominent part in the great Civil War, I am proud of this opportunity, on behalf of that section of the great Commonwealth of Pennsylvania and on behalf of the veteran members of that regiment who yet survive and are to-day honored citizens of the district I represent, to add my humble tribute of veneration and respect to the memory of Gen. BINGHAM as citizen, soldier, and statesman.

In the year 1862, while a student at old Jefferson College, Canonsburg, Washington County, Pa., he, with other students and citizens, assisted in recruiting Company G of the regiment afterwards designated as the One hundred and fortieth Pennsylvania. At the organization, August 22, 1862, he was mustered into service and commissioned first lieutenant of his company. September 9, 1862, he was promoted to captain.

He was wounded at Gettysburg during the first day's fight, July 2, 1863, and was again wounded at Spotsylvania Court House, May 12, 1864, and at Farmsville, April 7, 1865. He was promoted to major September 20, 1864, and brevetted lieutenant colonel, colonel, and brigadier general April 9, 1865.

Time does not permit me to give here any extended account of the heroic work of this regiment. During the long, dark years from 1862 to 1865 these men did their part in the great conflict, and Chancellorsville, Gettysburg, Spotsylvania, and Cold Harbor tell more eloquently than words can describe of their sacrifice laid so gladly on the altar of this Republic.

The death of Gen. BINGHAM is but another reminder of how rapidly the men whose lives connect us with that memorable period of half a century ago are passing to the spirit world, leaving a new generation, who know not the cost of that great contest, to administer the affairs of state.

With the death of William McKinley it is quite probable that there passed away the last one who took an active part in the Civil War who will ever occupy the presidential chair.

In the death of Gen. BINGHAM Pennsylvania has lost her last Member of this body who served in that grand army.

In the councils of state such men as these, tried as they had been in the crucible of fire, will be missed. They knew the price of liberty and of free government; they legislated and planned for a Nation and for principles for which they had offered life itself. Let us hope that succeeding generations of men who shall mold public opinion, make and execute our laws, may be characterized by the same lofty purpose and the same patriotic motives which inspired these men in all their public duties.

It was the good fortune of Gen. BINGHAM to live to see the cause for which he fought justified by the men with whom he contended; to see all sections of our country united under one flag; to see that flag floating triumphantly over the ruins of a former despotic government, placed there by the loyal hands of men from the North, South, East, and West, a symbol of a reunited Nation, a notice to the world that we stand as one people in defense of liberty and against oppression.

Gen. BINGHAM in his life work was a citizen who loved his country and her institutions; a soldier brave, and true to the cause for which he fought; a patriotic statesman, striving ever for the highest ideals in government. He, like the immortal Lincoln, respected the law as he found it, and saw in our Constitution and laws a great bulwark of human rights instead of a mere bundle of naked legal truths.

Within these historic walls on this peaceful Sabbath morning, surrounded as we are by the evidences of the resurrected life of nature, while the blossoms and flowers proclaim the glad tidings of spring, beauty, and life, it is most fitting and proper that we should speak and think of one who has gone from this life to that other higher and better, where death shall be no more. Here finite knowledge ends, but faith breathes the prayer that in that great beyond, that spirit world of sunshine and life eternal, he rests in peace, happy in the knowledge that his work was not in vain, and that his life, so woven into more than half a century of the history of our country, has added luster to the Nation he loved and served so well.

[Mr. FITZGERALD addressed the House. See Appendix.]

Mr. BATES. Mr. Speaker, HENRY H. BINGHAM was one of the most distinguished men who have sat in this House during the present generation. He was a patriot, a soldier, a statesman, a scholar, and a gentleman. He was a graduate of an American college. He had received the highest degrees for scholarship, having been pronounced a doctor of laws by one of the oldest colleges in this country. He was a member of the bar of Pennsylvania. He was a lieutenant in the Union Army, serving in the One hundred and fortieth Pennsylvania Volunteers. He was seriously wounded at the Gettysburg fight in sixty-three, again at Spotsylvania in sixty-four, and again at Farmville, Va., in sixty-five. He was a major, a lieutenant colonel, a colonel, and a brigadier general, having received these promotions for distinguished gallantry. He was given the medal of honor for special gallantry on the field of battle. He was appointed by the President postmaster of Philadelphia. He was twice elected by the people clerk of the courts at Philadelphia. He was a delegate to almost every Republican national convention for the past 40 years. He was elected from the first congressional district of Pennsylvania to 17 consecutive Congresses, serving longer consecutively, we believe, than any other man in the history of the country.

In all these varied positions, both civil and military, in which he served the people of Pennsylvania and the Nation at large he brought to each duty an earnest purpose, born of a desire to fulfill and accomplish the highest measure of usefulness for those whom he represented and so faithfully served.

One who has filled and successfully filled the offices of trust and responsibility which I have recounted must be denominated truly great. Especially is this true when the scenes of his activity and achievement are among people of the highest patriotism and most conspicuous private and public virtue.

I have called him a patriot. He was one of those who, when he believed that the integrity of his country had been assailed, marched to the front without hesitation. At the age of 22 years he was a major for gallantry in battle. At the age of 25 he was a brigadier general. He had three times received terrible injuries in battle, once narrowly escaping with his life. He had offered all that he was, all that he could be, for the life of his country, for the honor of its flag.

Members of Congress who served with him will never forget his ability, his tact and never failing urbanity when in charge of an appropriation bill on the floor of this House. His memory of details was of such a nature that he was able not only to explain and elucidate the item of the appropriation under discussion but could go back one, two, three, or five years and state with minuteness the provisions of the former bills on the topic under consideration. He was a student of detail. The information he possessed, together with his sound, normal conception of what was needed in legislation, and added to this his uniformly courteous demeanor, made him one of the most useful and efficient legislators on the floor of this House. Gen. BINGHAM can be called a tribune of the people. Many distinguished men pass from the House of Representatives to the Senate or even to higher positions beyond. Pennsylvania has contributed many exceptions to this rule. To the triumvirate, Thaddeus Stevens, William D. Kelley, and Samuel J. Randall, can now be added the name of HENRY H. BINGHAM, as members of a select company of the great commoners whose pulses beat in unison with the pulse of the people and to whom hereafter she will always point with pride.

Gen. BINGHAM'S public career was long, faithful, honest, and useful. Philadelphia more than any part of Pennsylvania has been conspicuous for her steadfastness in retaining tried and trained Representatives, and he was an example of the carrying out of this policy. No district in the State received more careful or efficient service. I believe the characteristics I have mentioned were natural to the man. He who was for so many years the "Father of the House" falls. But all earthly work must end. Humanity is a procession. Our words of farewell to a fellow workman should not alone be those of grief that man's common lot has come to him, but of pride and joy for all the good he has accomplished. Men so weave themselves into their hour that for the moment it seems as though much will be interrupted if they depart. "One generation passeth away and another generation cometh; but the earth abideth forever." The progress of the race goes on, and we realize in every step more and more its upward tendency. We are all agents, great or small, in a mighty purpose. If we and all things are not working together for good, if our life is but a breath exhaled and then forever lost, our work means little.

Gen. BINGHAM was a man of broadest sympathies; his attitude was that of a true American. Always kindly, courteous, and a man of refined tastes, with a high character and integrity which was never questioned, he was an example of unselfishness and a devoted public servant. The boyish patriotism which led him to the Army in the Civil War remained with him throughout his life and inspired all his public service.

Mr. VARE. Mr. Speaker, political friendship and personal intimacy of many years and a solemn sense of duty as the suc-

cessor of the late Hon. HENRY H. BINGHAM impel me to address the House at this time. On the day set apart as a memorial to him, and when so many former associates are paying deserved and eloquent tribute, I crave your indulgence for a few moments, that I may express on behalf of the great constituency of the first congressional district of Pennsylvania the regret we have at the passing of one whom we so long honored ourselves in electing to Congress.

Few men have the capacity, the ability, and the inclination to live such useful careers as Gen. BINGHAM. Born in a sphere where he might have indulged his whims and fancies and led a life of ease, he chose rather to fit himself by close application and rigorous denial for a life of service to society and further appreciation of a family name that had been long highly esteemed in a community where the finer attributes are recognized and valued.

He was graduated with high honors from college when he had scarce attained his majority, and was about to assume the practice of the law when the call to arms changed the life course he had planned, as it did the career of so many of the choicest flowers of our now happily reunited country. For four years, as I have heard him recount, he was almost constantly in the saddle when he was not in the hospital. Small of stature, he was possessed of a vitality and a constitution that enabled him to recover quickly and to endure hardships under which greater frames might have succumbed.

Successively brevetted for distinguished gallantry as major, lieutenant colonel, colonel, and brigadier general, and three times wounded, he finally won what was even more highly prized than official preferment—the medal for special gallantry. As in private life, so in the field, Gen. BINGHAM was the brave, courteous, chivalrous gentlemen you always found him. Mentally and physically exceptionally endowed, he knew not fatigue nor cared to lag, no matter what the burden or the length of the race.

Small wonder that, when he was finally retired from military service—and that was not until the summer of 1866—that an appreciative people should demand recognition of such gallant service. And then he entered upon that civic career which ceased only with his death.

His first civil appointment of moment was that of postmaster of Philadelphia. Five years he administered this responsibility so ably that there are those to-day who recall it with admiration. Then he was elected clerk of the courts, and in 1878 was chosen to represent his district in the Forty-sixth Congress and was reelected with unfailing regularity and with such majorities as indicated the esteem and affection in which he was held.

In the great, broad field of national politics Gen. BINGHAM was a prominent figure; he represented a district that has elected a Republican Congressman by large majorities continuously for more than half a century, Gen. BINGHAM having served for the last 34 years, the longest period of continuous service of any Member who ever held a seat in this American Congress. In practically all the national conventions of the Republican Party since 1876 he served as delegate. His wisdom in shaping the party's policy was always conceded, and to him was due the stirring appeals which appeared in many State and National platforms. His memory was remarkable and his diction as trenchant as it was perfect.

Of his labors, worth, and accomplishment as a Member of Congress it is unnecessary for me to recall, for most of you know of them even far better than I do. As a man, I speak as I found him; he was the soul of honor, loyal to the uttermost, a gentleman under all circumstances. He was impartial in his service to his fellows, giving special consideration to the most humble of his constituents.

To me a trait, of which few of you may be aware and which appealed powerfully to me, was his touching devotion to an invalid sister, much older than he. He was ever solicitous, ever mindful of her, and his first thought when he came to Philadelphia was to see to her comfort and happiness.

I can recall Gen. BINGHAM going to and fro throughout his district, meeting old and young. To the young he was always Gen. BINGHAM, and to the old, who shook him by the hand, he was "HARRY" BINGHAM. He was a kindly man and an affectionate man. He was always anxious to make his fellows happy. On several occasions I visited his home, as he did mine, and I can assure the Members of this House that the most humble citizen of his district, regardless of color, race, creed, or nationality, was just as welcome as the more successful, and received the same courtly attention at the fireside of my distinguished predecessor.

In the galaxy of virtues there is to me none higher than love of family and home. Without gratitude and affection the attainment of mountain heights of success would be barren of compensation.

A soldier brave as the bravest; a statesman honored and able; a friend ever courteous and thoughtful; a Congressman whose long and uninterrupted service was in itself sufficient recommendation and incentive—we do well to pause a moment and pay a tribute to the memory of my distinguished predecessor, the late Gen. HENRY HARRISON BINGHAM.

Mr. BARTLETT. Mr. Speaker, there have departed forever from these Halls in the years that I have been a Member of the House many Members, but none has left it with sweeter recollection of gentleness and chivalry, of kindliness and manliness, than the late Gen. HENRY H. BINGHAM, of Pennsylvania. I did not intend to say anything upon this occasion, and what I say must necessarily come spontaneously from the heart. In the many years that I have been a Member of this House there have been frequent occasions of bitter partisan debate and strife. There were times when sectional lines were drawn tight. There were times when bitter words were said on one side and answered upon the other. Brave and true and chivalrous soldier as he was, I never once had occasion to feel the slightest offense at any word Gen. BINGHAM uttered. He knew no sections. Brave and chivalrous soldier as he was, courtly gentleman as he was, he maintained his own opinions firmly, courteously, but never with intent to give offense to others. He but illustrated the characteristics of those valiant soldiers upon either side of our recent internecine struggle. He was brave as the bravest upon the battle field, gentle as the gentlest, and kind as the kindest when it was over. Not only that, but I would speak also of his intercourse with the younger Members of this House. I was a young Member of the House when I came here. I met him frequently, and finally, in the last session and in this, served upon the same committee of which he had so long been an honored member. I can say to his friends, and to those who mourn him to-day, and to his constituents, that no man from any part of this great country of ours acted more the great man than did he, the courtly knight, the gentleman that he always showed himself, whose memory will linger, like the essence of sweet flowers, long, long years to come.

Mr. Speaker, he was one of the great Army of the Union that withstood with bravery the furious assault of the Confederates upon the famous field of Gettysburg; that battle which settled the destinies of this country; that battle which was the high tide of Confederate success and the turning point in the history of this Republic.

A week ago there assembled in the city where I live the remnant of the magnificent armies that followed Lee and Jackson and Johnston and the other illustrious Confederate leaders and generals. Mingled with them there from all over this country were Union soldiers who went there to enjoy the hospitality of the people of my home, and as the 16,000 Confederate soldiers marched through the streets of my city, under the flag of the Confederacy, it is true, there never was a murmur or suggestion that they were not as true now to the flag of this Union of ours and as loyal to it as they were to the flag for which they fought so valiantly. They unanimously passed a resolution that on the fiftieth anniversary of that great battle of Gettysburg they would meet the remaining survivors upon this historic field and again together celebrate in peace and not in war the recollections of exhibitions of valor and chivalry on the part of American soldiery, as great as ever seen on any field of battle in the history of time.

And there are many who will meet there that will look in vain for the genial face, the pleasant smile, and the clasp of the fraternal hand of HARRY H. BINGHAM.

Mr. Speaker, the earth that holds him dead bears not upon it living a truer, lovelier gentleman.

Mr. AINEY. Mr. Speaker, it is with faltering speech that I attempt to follow the eloquent and merited tributes which have been paid to the memory of the distinguished son of Pennsylvania, former Member of this House, the late Gen. HENRY H. BINGHAM.

I can not speak of him, as have the gentlemen who preceded me, out of a wealth of personal association, but I may add at least a word to record the remembrance of his kindly greetings upon my entrance as a Member of this body, a few short months ago, as he met me one day near this door to my right.

The heart of man grows more tender, more hopeful, yea, more optimistic, as it gives thoughtful consideration, upon occasions like this, to the fact that the qualities which bind together the men of our great country, qualities which, after all, go to make up our ideal in man, are those attributes of the heart which speak in tones of broadest sympathy and kindliest interest.

How distinctively American was he! A true type, hardly to be produced elsewhere than on American soil. Other nations

have brought forth warriors and other countries have had their statesmen, but rarely in any other environment may there be found that marvelous combination—a great man of war and a great man of peace.

It has been recounted to-day how he, with a loyalty and patriotism that weighed not fear, held not back the tender of his life when his country needed his assistance. In the darkest hour, when it seemed as if the night would never pass, it will not soon be forgotten that he was in the forefront, uniting his efforts with those other brave men who turned the tide at the Battle of Gettysburg, where hope for a reunited country lifted her grief-stained face and the sun arose again upon another day.

So this man of war became the man of peace. For over 30 years his words of wise counsel have helped in the affairs of state. With him the war was over, he had no room in his heart for bitterness, and he set himself to the greater tasks of peace. No narrow sectional or political lines could bind his heart or narrow the scope of his patriotic desires. His conceptions of his duty were greater than any limitations imposed by territorial subdivision. His was a mind that refused to recognize a demarcation between North and South; and by his broad and patriotic nationalism he won a recognition which found expression to-day in the eloquent words of the gentleman from Georgia [Mr. BARTLETT].

The harmony of man's life can not be seriously marred where the dominant note is kindness. To be great in small things is to my mind the supreme test of real greatness. Here, too, he excelled. With an unruffled brow, a genial smile, a kind word, and an extended hand he made his journey through life and won from all the high encomium—a chivalrous, courtly, kindly gentleman.

It should not be forgotten that during the period of his public services the pent-up miracles of a thousand years have broken forth, until now the elements have yielded a ready obedience to man's comfort and pleasure. The population has increased by leaps and bounds. Our national and political life had to be adjusted to these changed conditions, and in this transformation his voice and counsel were heard in this Hall of Congress.

The memory of our great men constitutes a part of our national treasure. By recounting their noble deeds we keep alive the patriotic spirit without which our country would soon pass away. Their unselfish, faithful, and loyal services will bring to generations yet unborn a deeper sense of their responsibility toward and love for the institution symbolized by the old Stars and Stripes, whereby will be insured its perpetuity; an unfaltering belief that though dark clouds may sometimes hang heavy and obscure her sky the morrow's sun will drive away the darkness and she will pursue her path of destiny.

Of our country it has been said:

> We have journeyed in safety through the wilderness and crossed in triumph the Red Sea of civil strife, but the foot of Him that led us hath not faltered nor the light of His countenance been turned away.

Gen. HENRY H. BINGHAM was a great man, a gallant soldier, a man of peace, a splendid statesman, a loyal citizen. Not least of all, he was a kindly hearted, sympathetic gentleman.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a further mark of respect to the memory of the deceased, the House will now stand adjourned.

Thereupon (at 1 o'clock and 10 minutes p. m.) the House adjourned until Monday, May 20, 1912, at 11 o'clock a. m.

SENATE.

MONDAY, *May 20, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

THE NAVAL ACADEMY (S. DOC. NO. 672).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 10th instant, certain information relative to the maximum capacity of the United States Naval Academy for the accommodation of midshipmen and also the number of midshipmen in attendance during each of the last five years, etc., which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

DRY LAND HOMESTEADS (S. DOC. NO. 673).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 8th instant, certain information relative to the number of homestead entries made in each State and in the aggregate under the enlarged homestead acts approved February 19, 1909, and June 17, 1910, which was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. JOHNSON of Kentucky, Mr. ADAIR, and Mr. DYER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the General Conference of the Methodist Episcopal Church, held at Minneapolis, Minn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Maritime Association of the Port of New York, favoring an appropriation for the installation and maintenance of wireless telegraph stations on all light vessels along the coasts, which was ordered to lie on the table.

He also presented petitions of the congregations of the Mount Washington Methodist Protestant Church and the Presbyterian Church of Pittsburgh, Pa.; of the Presbyterian and Methodist Episcopal Churches of Oxford, Ala.; and of the Woman's Christian Temperance Union of Montgomery Center, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of Branch 7, Socialist Party of New York City, N. Y.; of Manhattan Lodge, No. 7, Brotherhood of Machinists, of New York City, N. Y.; and of the District Grand Lodge, Independent Order of B'nai B'rith, of Cincinnati, Ohio, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, favoring the enactment of legislation providing for a civil-service basis for certain branches of the Diplomatic and Consular Service; for the adoption of certain amendments to the Sherman antitrust law; against the importation of nursery stock except through the Department of Agriculture; for adequate Government relief for the sufferers

from floods in the Mississippi River districts; and for the opening of the Panama Canal free to American shipping engaged in coastwise domestic trade, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of the congregation of the First Baptist Church of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Cook County Cabinet, of Chicago, Ill., praying that an immediate investigation be made as to conditions existing on excursion steamers on the Great Lakes with reference to the safety of passengers, which was referred to the Committee on Commerce.

He also presented a memorial of the Rock Island County Retail Druggists' Association, of Illinois, remonstrating against the enactment of legislation to prohibit a resale price on patented articles, which was referred to the Committee on Patents.

He also presented a memorial of the Mutual Building and Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a petition of Woodlawn Auxiliary, No. 238, Ladies of the Maccabees of the World, of Chicago, Ill., and a petition of the Illinois State legislative board, Brotherhood of Locomotive Engineers, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Christian County Medical Society, the Gallatin County Medical Society, and of sundry physicians of Quincy, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE. I present resolutions in support of the immigration bill. They are very brief, and I ask that, with the few names appended, they may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States:

While we are aware that there is a world-wide rise in the cost of living and that there are local causes of disturbance and distress which need correcting, we none the less believe that distressing conditions in the United States are greatly aggravated by the fact that the less skilled classes of labor are subjected to an artificial and unnecessary competition. This competition is due to the unlimited importation from numerous parts of the world of laborers often induced to come here by persons interested financially in their coming whose controlling interest is not in the personal welfare of the immigrant or in the general welfare of the country.

We believe the evidence to be conclusive that under these conditions the maintenance of a proper American standard of living among the laboring classes of our country is impossible in this State or in any other State subject to these same conditions. We therefore most respectfully urge that this overshadowing menace be not ignored by you and that you relieve this situation by limiting the importation of labor to a point where the American standard of living among great bodies of laborers shall no longer be broken down.

A. Lawrence Lowell, LL. D., president Harvard University; Richard M. Maclaurin, president Massachusetts Institute of Technology; Henry A. Garfield, president Williams College; T. N. Carver, professor of political economy of Harvard University; C. J. Bullock, professor of economics, Harvard University; O. M. W. Sprague, assistant professor of banking and finance, Harvard University; Wm. Z. Ripley, professor of political economy, Harvard University; John F. Tobin, general president of the Boot and Shoe Workers' Union; John Golden, president United Textile Workers of America; James Duncan, first vice president American Federation of Labor and president Granite Cutters' Union; Arthur M. Huddell, business agent Building Trades Council; Henry Abrahams, secretary Central Labor Union of Boston and secretary International Cigar Makers' Union; Robert A. Woods, settlement worker, author, etc., South End House, Boston; Henry Lee Higginson, senior partner of Lee, Higginson & Co.; Alfred D. Foster, president New England Mutual Life Insurance Co.; Philip Stockton, president Old Colony Trust Co.; Richards M. Bradley, of Bradley & Tyson; Francis E. Hart, vice president Old Colony Trust Co.; John F. Moors, of Moors & Cabot; Henry B. Cabot, of Moors & Cabot; and many others.

Mr. LODGE. I present resolutions adopted by the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., which were agreed to with only two opposing votes, 806 delegates being present. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Willis and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

Mr. TOWNSEND. I present 16 memorials adopted by as many municipal and commercial bodies of Michigan, and various memorials signed by over 4,000 farmers and others, remonstrating against the passage of the House bill in reference to the sugar schedule. I ask that one each may be read.

The VICE PRESIDENT. Without objection, the Secretary will read one each of the memorials.

The Secretary read as follows:

To the Honorable Senate and House of Representatives of the United States:

Whereas the House of Representatives has recently passed a bill removing all customs duty from sugar entering the United States; and

Whereas this bill is now being considered by the Senate; and

Whereas such a bill if enacted into law would destroy the domestic beet and cane sugar industries of the United States; would reverse our governmental policy toward Hawaii, Porto Rico, and the Philippines, thereby endangering the prosperity of those islands; would virtually abrogate our treaty with Cuba, thereby injuriously affecting our export trade to that island, now amounting to over $60,000,000 a year, and endanger the peace and prosperity of the Republic of Cuba; and

Whereas such legislation would deliver to the sugar-refining industry of the United States—90 per cent of which is officially declared to be controlled by one company—the monopoly of the sugar business in this country: Therefore be it

Resolved by Cass City Improvement Association, That we protest against the passage of a law placing sugar on the free list, and urgently request our Senators and Representatives in Congress to use all legitimate methods to defeat any tariff legislation which shall injuriously affect the development of the domestic sugar industry of the United States.

We believe that the official reports of the Department of Agriculture conclusively demonstrate that this country, with proper fiscal legislation, is able to produce all the sugar its people can use, and that it is better economic policy to produce our sugar at home than to buy it abroad.

Adopted at a regular meeting of Cass City Improvement Association April 2, 1912. There were 130 members present at this meeting.

JAS. H. HAYS, *President.*
P. A. SCHENCK, *Secretary.*

To the Honorable Senate and House of Representatives of the United States:

The undersigned, citizens of Michigan, respectfully protest against the removal of the duty on sugar as provided for in the bill which recently passed the House of Representatives. We petition Congress not to pass any legislation which shall interfere with the development of the beet-sugar industry of the United States. We believe there is enough land in this country adapted to the culture of beets to provide all the sugar which our citizens can use, and that under favorable laws the beet-sugar industry of this country will develop with great rapidity. Our citizens are more interested in this industry than ever before, and have learned from actual experience that the culture of beets improves other agricultural conditions. In view of these facts we ask that no legislation be passed which shall in any way check the development of this important industry.

The VICE PRESIDENT. The memorials will be referred to the Committee on Finance.

Mr. SUTHERLAND. The Brotherhood of Locomotive Engineers, in session at Harrisburg, Pa., representing the locomotive engineers of every State in the Union, adopted, on the 17th

instant, a resolution approving the workmen's compensation bill which recently passed this body. The resolution is embodied in a letter which I send to the desk. It is very brief, and I ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read the letter.

There being no objection, the letter was read and ordered to lie on the table, as follows:

WASHINGTON, D. C., *May 18, 1912.*

Hon. GEORGE SUTHERLAND,
United States Senate.

MY DEAR SENATOR: It affords me pleasure to furnish to you herewith a quotation from a resolution that was yesterday adopted by the Grand National Brotherhood of Locomotive Engineers, now in session at Harrisburg, Pa. This resolution will speak for itself and needs no comment from me.

"*Therefore be it resolved*, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill."

I am, with sincere respect,
Yours, very truly, H. E. WILLS,
Assistant Grand Chief Engineer and
Acting Joint National Legislative Representative.

Mr. SUTHERLAND presented a telegram in the nature of a petition from sundry citizens of Ogden, Utah, members of the medical profession, praying for the passage of the Owen health bill, which was ordered to lie on the table.

Mr. WILLIAMS presented a petition of sundry citizens of Holly Springs, Miss., praying for the enactment of legislation to prohibit the transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Holly Springs, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented resolutions adopted by the Board of Trade of Elizabeth, N. J., favoring the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. GARDNER presented petitions of local granges of North Yarmouth, Hiram, Woolwich, Bethel, Levant, Portside, and New Portland, all of the Patrons of Husbandry; of the Journeymen Barbers' Union, of Augusta; of the Boot and Shoe Workers' Local Union, of Belfast; of Cigar Makers' Local Union, of Bangor; of Loom Fixers' Local Union, of Lewiston; of the International Quarry Workers, of Hallowell; of Cigar Makers' Local Union, of Rockland; of the International Brotherhood of Locomotive Engineers, of Bangor; of the International Association of Machinists, of Waterville; of Medway Local Union, No. 152, International Brotherhood of Paper Makers, of East Millinocket; and of sundry citizens of Paris, Sedgwick, and Caribou, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Laymen's League of the Universalist Church of Rockland, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of William H. Taft Lodge, No. 541, Independent Order B'rith Abraham, of Lewiston, Me., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of South Thomaston, Rockland, and Knox County, all in the State of Maine, praying that an appropriation be made for the continuance of the office of shipping commissioner at Rockland, Me., which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Bath, Me., praying that an appropriation be made for the continuance of the office of shipping commissioner at that city, which was referred to the Committee on Appropriations.

Mr. HITCHCOCK presented a memorial of the Nebraska State Homeopathic Medical Society, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented resolutions adopted by the Business and Professional Men's Association of North Platte, Nebr., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by members of the Owen Roe Club, of New York City, N. Y., remonstrating against the appointment of a commission and against the proposed appropriation of $7,500,000 for the purpose of celebrating the 100 years of peace with England, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of sundry citizens of Stratham, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented the petition of Robert B. Wolf, of Berlin, N. H., and the petition of Rev. Arthur W. Shaw, of Goffstown, N. H., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which were referred to the Committee on Territories.

He also presented a petition of Union Pomona Grange, Patrons of Husbandry, of Manchester, N. H., and the petition of George T. Gerry, of Claremont, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Federated Improvement Association of Los Angeles, Cal., favoring the enactment of legislation authorizing a change in the course of trans-Atlantic ships far to the south of the Newfoundland Banks during certain seasons of the year, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade of Sierra Madre, Cal., favoring an appropriation for the destruction of the Mediterranean fly, which were ordered to lie on the table.

Mr. RAYNER presented petitions of 50 citizens of Baltimore, Md., remonstrating against the passage of the Owen medical bill, which were ordered to lie on the table.

Mr. BRIGGS. I present a petition signed by Jesse Lawson, president of the National Emancipation Commemorative Society, and by sundry citizens of the District of Columbia and Virginia, praying that a charter be granted to that society. I ask that the petition be referred to the Committee on the Judiciary and that the heading thereof be printed in the RECORD.

There being no objection, the petition was referred to the Committee on the Judiciary and the heading thereof was ordered to be printed in the RECORD, as follows:

A petition praying the passage of bill (S. 5113) introduced by Senator BRIGGS, of New Jersey, granting a charter to the National Emancipation Commemorative Society of the United States of America.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled.

GENTLEMEN: We, the undersigned citizens of the United States, do by these presents humbly petition you to pass at the earliest practicable moment bill (S. 5113) granting a charter to the National Emancipation Commemorative Society of the United States of America, organized for the purpose of holding a national jubilee at Washington, D. C., in celebration of the fiftieth anniversary of the issuing of the emancipation proclamation by Abraham Lincoln on September 22, 1862, and for the cultivation of patriotism and mutual improvement in the promotion of industry, art, literature, and education.

Mr. BRIGGS presented petitions of the Royal Neighbors of America, Kansas City, Kans., and of the Ladies of the Maccabees of Port Huron, Mich., praying for the enactment of legislation granting the privileges of second-class mail matter to publications of fraternal societies, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Orange and Woodbury, in the State of New Jersey, praying for the appointment of a commission on industrial relations, which were referred to the Committee on Education and Labor.

He also presented petitions of the Hudson County Veterinary Practitioners' Club and sundry citizens of Ridgewood, Glassboro, Jersey City, Newark, Freehold, and South Orange, all in the State of New Jersey, and of sundry citizens of New York City, N. Y., praying for the enactment of legislation to consolidate and increase the efficiency of the veterinary service, United States Army, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Bridgeton and Rutherford, in the State of New Jersey, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of East Orange and Murray Hill, in the State of New Jersey, praying for the

establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Camden, Garfield, Paterson, and Keansburg, all in the State of New Jersey, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also presented memorials of sundry officers of building and loan associations of Belmar, N. J., and of the New Jersey League of Building and Loan Associations, remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Newark, Vineland, Flemington, Dover, Trenton, New Brunswick, Point Pleasant, Palisade, Madison, Montclair, Asbury Park, Bound Brook, Hampton, Salem, Jersey City, Elizabeth, Lakewood, East Orange, and Rockaway, all in the State of New Jersey; of the National Board of Trade, Washington, D. C.; and of sundry citizens of New York City, N. Y., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented a petition of the Board of Trade of Paterson, N. J., and a petition of the Chamber of Commerce of Trenton, N. J., praying for the adoption of a 1-cent letter postage, which were referred to Committee on Post Offices and Post Roads.

Mr. O'GORMAN presented resolutions adopted by the National Jewelers' Board of Trade, remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, relative to the importation of nursery stock, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the improvement of the Diplomatic and Consular Service, which were ordered to lie on the table.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, favoring the adoption of an amendment to the Sherman antitrust law, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the National Lumber Manufacturers' Association, in convention at Cincinnati, Ohio, praying that an appropriation be made for the control of floods in the Mississippi River and its tributaries, which were ordered to lie on the table.

Mr. CURTIS presented sundry telegrams in the nature of petitions from citizens of Kansas City and Emporia, in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BROWN presented a memorial of the Nebraska State Homeopathic Medical Society, remonstrating against the establishment of a department of health, which was ordered to lie on the table.

Mr. SHIVELY presented a petition of members of the Woman's Home Mission Society of Bristol, Ind., praying for the enactment of an interstate-liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Merchants' Association of Laporte, Ind., and a memorial of the Retail Merchants' Bureau of the Chamber of Commerce of South Bend, Ind., remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

Mr. BURNHAM presented a petition of White Mountain Camp, No. 6, United Spanish War Veterans, of Berlin, N. H., praying for the enactment of certain pension legislation, which was referred to the Committee on Pensions.

He also presented petitions of Local Grange No. 204, Patrons of Husbandry, of Charlestown; of Union Pomona Grange, Patrons of Husbandry, of Manchester; and of the Chamber of Commerce of Manchester, all in the State of New Hampshire, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Grange No. 204, Patrons of Husbandry, of Charlestown, N. H., remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. I am directed by the committee appointed by the Senate to investigate whether in the election of WILLIAM LORIMER as a Senator from the State of Illinois there were employed corrupt methods and practices to submit the following report (No. 769).

In doing this I desire to call the attention of the Senate to the fact that at the end of almost every paragraph in the report there has been included in brackets a reference to the body of the testimony where the evidence upon which the finding is based may be found.

With the report I am also sending to the desk the testimony and records of the public hearings, comprised in eight volumes, with a digest index to the same, which the Senate will find very convenient in referring to any particular part of the evidence or the record.

The VICE PRESIDENT. Does the Senator from Vermont desire to have the evidence printed, or simply the report?

Mr. DILLINGHAM. The report.

The VICE PRESIDENT. The report will be printed and lie on the table.

Mr. DILLINGHAM. I think there are a sufficient number of copies of the evidence to supply the demand of the Senate.

Mr. SMOOT subsequently said: Was the minority report in the Lorimer case offered?

The VICE PRESIDENT. The views of the minority have not yet been submitted.

Mr. LEA subsequently said: Mr. President, I present and ask to have printed the views of the minority members of the Lorimer investigating committee. (Rept. No. 769, pt. 2.) The minority views are signed by the Senator from Indiana [Mr. KERN], the Senator from Iowa [Mr. KENYON], and myself.

Mr. GALLINGER. I ask that they be printed in connection with the report of the majority, so that it will make one document, if agreeable to the Senator.

Mr. LEA. I will be very glad to have that done.

The PRESIDING OFFICER (Mr. PAGE in the chair). Without objection, that order will be made.

Mr. LEA submitted the following resolution (S. Res. 315), which was ordered to lie on the table and be printed:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

OMNIBUS CLAIMS BILL.

Mr. CRAWFORD. I am directed by the Committee on Claims, to which was referred the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, to report it with amendments, and I submit a report (No. 770) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I desire to submit the views of the minority of the Finance Committee upon the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which is the chemical-schedule bill. The report was prepared by the Senator from Maine [Mr. JOHNSON].

The VICE PRESIDENT. The views of the minority will lie on the table and be printed. (Rept. No. 636, pt. 2.)

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6612. A bill for the establishment of a fish-cultural station in the State of Tennessee (Rept. No. 772); and

S. 6590. A bill to establish a fish-cultural station in the State of New Mexico (Rept. No. 773).

Mr. JONES, from the Committee on Fisheries, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6203. A bill to establish a fish-cultural station at Monte Ne, in the State of Arkansas (Rept. No. 774); and

S. 6414. A bill to establish a fish hatchery and fish station in the State of Maryland or in the State of West Virginia (Rept. No. 775).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 6744. A bill to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex. (Rept. No. 776); and

S. 6745. A bill to provide for the erection of a Federal building in Las Cruces, N. Mex. (Rept. No. 777).

GOOSE CREEK BRIDGE, SOUTH CAROLINA.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C., to report it without amendment, and I submit a report (No. 768) thereon. I call the attention of the Senator from South Carolina [Mr. TILLMAN] to the bill.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT WILMINGTON, N. C.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 6693) authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, and I submit a report (No. 771) thereon.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The Committee on Public Buildings and Grounds reported an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to convey to the board of education of New Hanover County, State of North Carolina, the following-described tract of land, being a portion of the marine-hospital reservation in the city of Wilmington, which, in the opinion of the Secretary of the Treasury, is no longer needed for marine-hospital purposes, to wit, 34$\frac{1}{10}$ acres of land, more or less, covering six whole and three one-half city blocks, lying east of Tenth Street, in the city of Wilmington, county of New Hanover, and State of North Carolina, such conveyance to be upon condition that the land shall be used exclusively for industrial school purposes, the title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GARDNER:

A bill (S. 6865) granting an increase of pension to Lyman C. Putman (with accompanying paper); to the Committee on Pensions.

By Mr. GARDNER (for Mr. JOHNSON of Maine):

A bill (S. 6866) granting an increase of pension to James A. Dunton (with accompanying paper);

A bill (S. 6867) granting an increase of pension to Elias H. Davis (with accompanying papers); and

A bill (S. 6868) granting an increase of pension to Frank H. Oliver; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6869) for the relief of heirs or estate of Michael Emonet, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 6870) to correct the military record of Calvin O. Tyler, alias John Wood; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 6871) granting an increase of pension to George W. Jones (with accompanying paper);

A bill (S. 6872) granting a pension to Martha R. Brown (with accompanying papers); and

A bill (S. 6873) granting an increase of pension to Willis Dobson; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6874) for the relief of Alfred H. Weaver; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6875) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909; to the Committee on Patents;

A bill (S. 6876) to amend an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," approved August 13, 1894; to the Committee on the Judiciary; and

A bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 6878) granting an increase of pension to Zachariah T. Fortner (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6879) to correct the military record of David H. Smith; to the Committee on Military Affairs;

A bill (S. 6880) granting a pension to Sarah L. Orr; and

A bill (S. 6881) granting an increase of pension to Hiram F. Stover; to the Committee on Pensions.

RAILROAD IN ALASKA.

Mr. JONES introduced a bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. JONES. I ask that the bill be referred to the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the reference will be to the Committee on Public Lands.

Mr. BRISTOW subsequently said: I notice that the bill which was introduced by the Senator from Washington [Mr. JONES], providing for the construction of a railroad in Alaska was referred to the Committee on Public Lands. The chairman of the Committee on Territories is not here, but being a member of that committee, it seems to me it should go to the Committee on Territories.

The VICE PRESIDENT. That was the Chair's original idea, but the Senator from Washington asked that it be referred to the Committee on Public Lands.

Mr. JONES. I desire to suggest to the Senator from Kansas that the bill also provides for a reservation of public lands. Such bills have heretofore been referred to the Committee on Public Lands. I remember that at the last session of Congress the matter went to a vote in the Senate, and the Senate decided to refer the bill to the Committee on Public Lands rather than the Committee on Territories.

Mr. BRISTOW. I should like to have the reference withheld until the chairman of the Committee on Territories can be present. I know he feels that that committee has jurisdiction of this question, because he has himself introduced a number of matters relating to it. He is detained from the Senate on business of the Senate. I should like to have the reference withheld until he can be here.

Mr. JONES. I will state that prior to the bill introduced by the chairman of the Committee on Territories a similar bill had been introduced by me and referred to the Committee on Public Lands. I would suggest that if the chairman of the Committee on Territories desires to take up the matter when he comes in, of course that can be done, but I should like to have the reference go on, because the Committee on Public Lands is having hearings in regard to this matter and is considering the matter very carefully.

Mr. BRISTOW. I ask that the bill be not referred until the chairman of the Committee on Territories can be present.

The VICE PRESIDENT. Is there objection to the bill lying on the table for the present?

Mr. JONES. I object.

The VICE PRESIDENT. Objection is made.

Mr. JONES. I think the reference has been made to the Committee on Public Lands.

The VICE PRESIDENT. The reference has been made. It can be changed by motion.

Mr. BRISTOW. I move that the Senate reconsider the vote by which the bill was referred to the Committee on Public Lands.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Kansas. [Putting the question.] The noes appear to have it.

Mr. BRISTOW. I ask for a division.

Mr. BACON. I should be pleased—my attention was diverted for a moment—to be informed what the question is, Mr. President.

The VICE PRESIDENT. The question is on reconsidering the vote by which the bill, the title of which will be stated, was referred to the Committee on Public Lands.

The SECRETARY. A bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes.

The VICE PRESIDENT. The question is on the motion to reconsider.

The motion was not agreed to; there being, on a division—ayes 16, noes 16.

Mr. GRONNA. Mr. President, my attention was diverted. I did not understand the question.

The VICE PRESIDENT. The vote has been announced, and it is now too late to except to the vote.

Mr. GRONNA. I call for a division.

The VICE PRESIDENT. A division has been had. The question was put upon a division.

Mr. HEYBURN and Mr. BRISTOW called for the yeas and nays.

The yeas and nays were ordered.

Mr. HEYBURN. Now, Mr. President, the matter is open for discussion.

The VICE PRESIDENT. It is.

Mr. HEYBURN. Briefly, this proposed legislation does not deal with Territorial government, and the Territory under no conditions at any time has any jurisdiction over the lands within its boundaries. Those lands have always been subject to the jurisdiction of the Committee on Public Lands. All the legislation that has been had in the past has come from the Committee on Public Lands, whether it be a railroad-land grant or the building of a railroad or whatsoever, because those are things that pertain to Federal jurisdiction over the subject matter of common interest; that is, the lands. No Territory has ever had any jurisdiction over its lands; and why should a bill go to the Committee on Territories that affects the question of the disposition of the public lands?

Mr. BRISTOW. Mr. President, I desire to state to the Senate that this is not primarily a question of the disposition of public lands; that is an incident probably that is put into the bill; but it is a bill providing for the construction of a railroad in the Territory of Alaska. The Committee on Territories have had hearings on that very question; there have been a number of parties who have appeared before the committee which has under its consideration the subject, and the chairman of the committee has presented to the Senate petitions in favor of such proceedings. The chairman is absent this morning. I am merely a member of the committee, and take the matter up because I know that the committee has under consideration this subject. I do not think the bill should be introduced and referred to another committee when the Committee on Territories is considering the subject at this time.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Yes.

Mr. HEYBURN. Just a moment, to make the suggestion that whatever appropriations are made, they will come out of the general funds of the Government and not out of any Territorial funds or funds available for expenditure within the Territory.

Mr. SMOOT. Mr. President, a similar bill was introduced by the Senator from Washington long before the bill was introduced by the Senator from Michigan, and referred to the Committee on Territories. The Committee on Public Lands have had this matter under consideration; they have had hearings upon it, and another hearing is set for next Wednesday, at which the Secretary of the Interior is asked to be present. There are men here not only from Alaska, but from other parts of the United States, who will appear at that meeting next Wednesday. The bill involves a question of public lands and not the administration of affairs in Alaska. Therefore, the bill, I think, properly belongs to the Committee on Public Lands.

Mr. LODGE. Mr. President, I am not a member of either of these committees, but the matter of an Alaskan railroad seems to me to be strictly Territorial business, even if public lands are attached to it. To put aside the merits of the case, the chairman of the Committee on Territories, who has introduced bills relating to this subject, and whose committee has had hearings upon it and taken an interest in it, is absent. In his absence, to push this reference through, when the request has been made here by a member of the committee that the bill be allowed to lie upon the table until the chairman of the committee at least can be heard—I think it is rather unusual to refuse such a request as that and force the reference at this time, in the absence of the chairman of one of the committees.

Mr. CULBERSON. Mr. President——

Mr. HEYBURN. Mr. President, I rise to make an explanation.

The VICE PRESIDENT. The Senator from Texas first addressed the Chair.

Mr. CULBERSON. In order that we may know exactly what is before us, I ask that the bill be read.

Mr. HEYBURN. Would the Senator from Texas permit me to make an explanation. I only spoke on this matter because the chairman of the committee was not at that time present. Had he been present or had I known of his presence I would not have interfered.

The VICE PRESIDENT. Without objection, the Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 6864) to provide for the construction and operation of a railroad in Alaska, the reservation of public lands, and for other purposes.

Be it enacted, etc., That the President is hereby authorized and directed, through the Alaska Railway Commission hereinafter provided for, or otherwise, to cause to be surveyed and located the most practicable, feasible, and desirable line or location for a railroad from some point on tidewater, or, if deemed preferable, from some point on and connecting with an existing railway line, to the Bering River coal fields in Alaska, and when such line is located to cause to be constructed, completed, and operated thereon a standard-gauge railroad, with the necessary equipment, docks, wharves, and terminal facilities. That the President is authorized for the purpose aforesaid to employ such persons as he may deem necessary and to fix their duties, powers, and compensations.

SEC. 2. That to enable the President to construct the railroad and works appurtenant and necessary thereto, as provided in this act, there is hereby created the Alaska Railway Commission, to be composed of five members, who shall be nominated and appointed by the President, with the advice and consent of the Senate, and who shall serve during the pleasure of the President, and one of them shall be named by the President as chairman of said commission. Of the five members of said commission at least three shall be learned and skilled in the science of engineering, and of the three at least one shall be an officer of the United States Army and at least one other shall be an officer of the United States Navy, the said officers being either upon the active or retired lists of the Army or of the Navy. Said commissioners shall each receive such compensation as the President may prescribe until the same shall have been otherwise fixed by Congress. In addition to the members of said commission the President is hereby authorized, through the said commission, to employ, in the ascertainment of the location of said railroad, and in the construction, completion, and operation of the same, any of the engineers of the United States Army at his discretion, and likewise to employ any engineers in civil life at his discretion, and any other persons necessary for the proper and expeditious prosecution of said work. The compensation for such engineers and other persons employed under this act shall be fixed by said commission, subject to the approval of the President. The official salary of any official appointed or employed under this act shall be deducted from the amount of salary or compensation provided for or which shall be fixed under the terms of this act. Said commission shall in all matters be subject to the direction and control of the President, and shall make to the President annually, and at other periods as may be required either by law or by the order of the President, full and complete reports of all their acts and doings and of all money received and expended in the construction of said work and in the performance of their duties in connection therewith, which said report shall be by the President transmitted to Congress; and the said commission shall furthermore give to Congress, or to either House of Congress, such information as may at any time be required, either by act of Congress or by the order of either House of Congress. The President shall cause to be provided and assigned for the use of the commission such offices as may, with the suitable equipment of the same, be necessary and proper in his discretion for the proper discharge of the duties thereof. The commission shall acquire by purchase or condemnation all property it may deem necessary for the purpose of carrying out the provisions of this act, including any existing lines of railway, with the equipment, wharves, docks, bridges, and other facilities that it may deem desirable to secure in order to carry out the purposes of this act, and the power of eminent domain in Alaska is hereby conferred upon such commission, which may sue and be sued in the name of the Alaska Railway Commission. The President, through the commission, shall obtain an exclusive right of way over the public lands in Alaska for such railway upon filing its map of location in the General Land Office, and the President may in this manner or otherwise make reservation of such public lands for stations, terminals, and other purposes in connection with the construction and operation of such railroad as he may deem necessary and desirable; and he may utilize in carrying on the work herein provided for any and all machinery, equipment, instruments, material, and other property of any sort whatsoever used, purchased, or acquired by or under the direction of the Isthmian Canal Commission, so far and as rapidly as the same is, in the judgment of the Isthmian Canal Commission, no longer needed in its work; and the said Isthmian Canal Commission is hereby authorized to deliver said property to said Alaska Railway Commission, and no charge shall be made therefor.

SEC. 3. That the President, through the said commission or otherwise, shall proceed as promptly as possible to segregate as a coal reserve for the Government and its various departments 10,000 acres of coal land in the Bering River coal fields, and shall designate and reserve the same in such tracts as to include therein the largest quantity of the best quality of coal, having due regard to economical mining and transportation, and the lands contained in such reserve shall not be subject to

sale or lease or any other disposition according to the laws of the United States. That the President, through said commission or otherwise, as he may deem best, shall, in connection with the construction and operation of said railroad, develop and operate a coal mine or mines within the area so reserved in the Bering River coal fields and deliver the coal mined at such point or points as may be necessary for the purposes of the Government, and he is authorized, through said commission or otherwise, to provide all the necessary facilities of all kinds and character to accomplish this purpose: *Provided*, That any coal mined and not needed for Government purposes may be sold to the public at not less than 6 per cent more than the cost at the place of delivery, such cost to be ascertained and determined by the commission.

SEC. 4. That any line of railroad designated and constructed under the provisions of this act may connect with the line of any existing railroad in Alaska, and, in such case, the existing line shall be operated in connection with the new line as a through route with through rates upon a fair and reasonable apportionment of revenue and expenses.

SEC. 5. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditure), the sum of $4,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States, in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 50 years from such date, and bearing interest, payable quarterly in gold coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor; but no commissions shall be allowed or paid thereon, and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 6. That it is the intent of this act to authorize and empower the President to do any and all things necessary to carry out and accomplish the purposes herein provided for.

SEC. 7. That the President, through said commission or otherwise, is also authorized and directed to cause such surveys for additional railroad lines, extensions, or branches to be made in order that he may recommend to Congress such action as he may deem advisable with reference to the extension of the railroad herein provided or the construction and operation of new lines or branch lines.

Mr. BACON. Mr. President, as I understand, the question before the Senate is whether the bill shall be referred to the Committee on Public Lands or to the Committee on Territories. Before I vote I should like very much to know which committee is least apt to report this bill favorably, because that is the committee to which I should like to have it referred.

Mr. BRISTOW. I desire to state that the question now is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. The chairman of the Committee on Territories is not present; I know that committee has been considering this matter, and I ask that the action be reconsidered and that the bill lie on the table pending action until he can be present.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. CULBERSON. Mr. President I only wish to say that evidently the primary object of this bill is to construct a railroad in Alaska. Whatever there may be in it with respect to public lands is merely incidental to the main purpose of building a railroad and in my judgment the bill ought obviously to go to the Committee on Territories.

The VICE PRESIDENT. The question is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate. I therefore withhold my vote.

Mr. GARDNER (when the name of Mr. JOHNSON of Maine was called). My colleague [Mr. JOHNSON] is necessarily absent from the Chamber. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand that the Senator is necessarily absent from the city on account of severe illness in his family, and I therefore withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] is detained from the Senate on account of serious illness in his family. He is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. GALLINGER (when Mr. NEWLAND'S name was called). I am requested to announce that the senior Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Ohio [Mr. BURTON].

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. As he is not present, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. As he does not seem to be present, I withhold my vote. If he were present, I should vote "yea."

Mr. CHILTON (when Mr. WATSON'S name was called). My colleague [Mr. WATSON] has a pair with the senior Senator from New Jersey [Mr. BRIGGS]. My colleague is unavoidably detained from the Chamber.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence, I withhold my vote. I ask that this announcement stand for the day.

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. BRANDEGEE. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withdraw my vote.

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS].

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber.

Mr. HEYBURN (after having voted in the negative). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present, and I inquire if he has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I am satisfied that if my colleague, the Senator from Alabama [Mr. BANKHEAD], were present he would vote "nay."

Mr. HEYBURN. Then, upon that statement, I will allow my vote to stand.

The result was announced—yeas 31, nays 23, as follows:

YEAS—31.

Ashurst	Crawford	Hitchcock	Rayner
Bacon	Cummins	Kern	Reed
Borah	Curtis	Lea	Stone
Bourne	Foster	Lippitt	Shively
Bristow	Gallinger	Lodge	Swanson
Bryan	Gardner	Martine, N. J.	Tillman
Chilton	Gore	Myers	Warren
Clarke, Ark.	Gronna	Overman	

NAYS—23.

Bradley	Fall	Nixon	Smoot
Catron	Fletcher	Oliver	Sutherland
Chamberlain	Heyburn	Page	Thornton
Clark, Wyo.	Johnston, Ala.	Perkins	Townsend
Cullom	Jones	Sanders	Works
Dillingham	McLean	Smith, Ariz.	

NOT VOTING—41.

Bailey	Dixon	Newlands	Smith, Ga.
Bankhead	du Pont	O'Gorman	Smith, Md.
Brandegee	Gamble	Owen	Smith, Mich.
Briggs	Guggenheim	Paynter	Smith, S. C.
Brown	Johnson, Me.	Penrose	Stephenson
Burnham	Kenyon	Percy	Watson
Burton	La Follette	Poindexter	Wetmore
Clapp	Lorimer	Pomerene	Williams
Crane	McCumber	Richardson	
Culberson	Martin, Va.	Root	
Davis	Nelson	Simmons	

So Mr. BRISTOW'S motion to reconsider was agreed to.

The VICE PRESIDENT. The bill will lie on the table subject to the presence of the chairman of the Committee on Territories.

Mr. BACON. I do not object to that course, but I intended to move that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. The Senator from Kansas asked that the bill be referred to the Committee on Territories.

Mr. BACON. It is of such importance and involves such tremendous expenditures, including an issuance of United States bonds, that I think it ought to go to the Committee on

Finance. But I will not make the motion now, because of the absence of the chairman of the Committee on Territories.

THE JUDICIARY.

Mr. CRAWFORD. I introduce a joint resolution proposing an amendment to the Constitution, which naturally will go to the Committee on the Judiciary, but I ask that it may lie on the table, as I intend in the near future to address the Senate upon it.

Mr. HEYBURN. Let it be read.

Mr. CRAWFORD. I ask that it be read at length.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely:

Amend said section 1 to read as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior court, shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

The VICE PRESIDENT. Without objection, the joint resolution will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to pay former employees of the Forest Service the amount recommended by the Secretary of Agriculture for injuries incurred in fighting fires in the Coeur d'Alene National Forest, in Idaho, August, 1910, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Arizona submitted an amendment relative to the rates to be fixed by order of the Interstate Commerce Commission, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN ALLOTMENTS.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 1332) regulating Indian allotments disposed of by will, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. TOWNSEND submitted an amendment intended to be proposed by him to the amendment submitted by Mr. CUMMINS to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

THE NATIONAL BANKING SYSTEM.

Mr. SMOOT. I ask that 200 additional copies of Senate Document No. 538, Sixty-first Congress, second session, be printed for the use of the Treasury Department.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 200 additional copies of Senate Document 538, Sixty-first Congress, second session, on Crises in the history of the national banking system, be printed for the use of the Treasury Department.

PRIVILEGES OF THE PRESS GALLERY.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 314) submitted by Mr. HEYBURN on the 17th instant, which was read and referred to the Committee on Rules, as follows:

Resolved, That any paper publishing the proceedings of an executive session of the Senate, or what purports to be the proceedings of an executive session, shall not be entitled to the privileges of the press gallery of the Senate; and that the Sergeant at Arms of the Senate be instructed to exclude from the press gallery any representative of any paper publishing such report who may be found therein.

LOANS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments and consent to the conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURNHAM. I move that the Senate insist upon its amendments and that the request of the House of Representatives for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 24153. An act to amend and reenact section 5241 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Finance.

EIGHT-HOUR LABOR LAW.

Mr. BORAH. I ask unanimous consent to call up for present consideration the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The VICE PRESIDENT. For the purpose of discussion?

Mr. BORAH. For the purpose of consideration.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 9061) entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Before consent is given I will ask the Senator if it is his purpose to have final action to-day. I understand the Senator from New York [Mr. ROOT], who is absent, desires to be present when the bill is considered, and I do not know that he will be here to-day.

Mr. BORAH. I have an understanding with the Senator from New York that I will not press the bill to final disposition in his absence, but there are amendments that can be disposed of to-day. I shall not ask for a final vote in the absence of the Senator from New York.

Mr. GALLINGER. I will further inquire from the Senator whether it is his intention to explain the provisions of the bill which are in controversy?

Mr. SIMMONS. That will not interfere with the unfinished business?

The VICE PRESIDENT. No. Is there objection to the present consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes?

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. GALLINGER. Let it be read for information.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill. The bill has been read, and the Senator from New Hampshire asks that it be read for the information of the Senate. Without objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. BORAH. Mr. President, the law relative to an 8-hour day as it now stands upon the statutes of the United States is as follows:

That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to 8 hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than 8 hours in any calendar day except in case of extraordinary emergency.

The other provisions of the law perhaps it is not necessary to read, but I will insert them in the RECORD, being sections 2 and 3, which I have not read.

The sections referred to are as follows:

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Mr. BORAH. This bill, in brief, Mr. President, provides for an extension of the principles as found in the statute at the present time. In other words, the present law only applies to work actually carried on upon the public works. This bill is intended to cover all contracts which are made by the United States or the District of Columbia or any Territory or by and on behalf of the United States, the District of Columbia, or any Territory wherein mechanics and laborers are employed. The bill relates only to future contracts and not to present contracts, as has been apparently understood in some places or by some people.

Secondly, the bill covers, as I have said, all contracts made by the United States or the District of Columbia, or upon behalf of the United States or the District of Columbia. The contracts to be made by the Government or upon its behalf shall contain a provision that no employee of the contractor shall labor or be permitted to labor more than 8 hours per day, or of the subcontractor having a contract under the original contractor.

The bill further provides a penalty of $5 per day for every violation of the law upon the part of any individual; that is to say, if an individual works or is permitted to work more than 8 hours a day upon any contract or subcontract having to do with this class of work, there shall be withheld from the contract price $5 for each violation, which amount is to be retained. The parties who hold the contract have the right to appeal, in the first place, to the head of the department which may have been charged with the particular work; secondly, he may appeal from the final order, or, rather, submit his claim to the Court of Claims for final determination in case he is not satisfied with the determination made by the head of the department.

The law excepts from its operation all contracts for transportation by land or water and all contracts for the transmission of intelligence and such materials or articles as may be purchased usually in the open market, except armor and armor plate.

It also provides that any work which has been done heretofore by the Government, or which may be carried on by the Government, when done under contract, shall come under section 1 of the bill; that is to say, under the inhibitions of that section.

The bill also provides that—

The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision—

Still reading from the bill—

in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

Briefly, these are the terms of the bill. As I stated, its purpose is to extend the 8-hour principle to all contracts made upon the part of the Government for carrying on its work.

I ask that the bill may be read now for committee amendment. There are one or two to be offered.

Mr. GALLINGER. Are there committee amendments?

The VICE PRESIDENT. No committee amendments have been reported.

Mr. BORAH. I desire to suggest a slight amendment which I suggested the other day. Perhaps it will not be necessary to have the bill read.

Mr. LODGE. The bill does not need to be read again for that purpose.

Mr. BORAH. Very well; then I will suggest the amendment.

In section 2, page 3, line 25, after the word "of," I move to insert "section 1 of," so as to read:

With the terms and provisions of section 1 of this act.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. Mr. President, I wish to offer an amendment. It is an amendment that is printed, but which I modified a little at the end to make the phrasing better. It ought to come at the end of section 1. It says in the print "insert in section 2."

The VICE PRESIDENT. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. Add, at the end of section 1, the following proviso:

Provided, That in order to permit a Saturday half holiday to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

Mr. LODGE. Mr. President, if I may say a word in explanation, the laws regulating the hours of labor in the State of Massachusetts, and I know in some other States, fix the limit by the week; and in my State that is very important because the custom is almost universal of giving a half holiday on Saturday, which those who are employed much desire to retain.

Under this bill, without some such amendment as mine, it would be necessary to abandon the half holiday on Saturday in order to have the 8-hour day throughout the week. This amendment does not increase the number of hours of the week; it fixes it at 48 hours; but it allows them so to divide the 48 hours as to obtain work 3 hours on a Saturday and have the rest of the day. I know it is generally desired by all in employment in my State, and I can not see that it at all affects the purpose of the bill.

Mr. BORAH. Mr. President, the principle which is covered by the amendment of the Senator from Massachusetts was considered at length by the committee and was advocated by a number of parties coming before the committee. The committee had very extensive hearings upon all features of the bill, legal and as to policy also, and among other propositions which were urged or suggested and discussed was this proposition of a 48-hour week.

But, in the first place, there is not a universal call by any means upon the part of those most interested in the bill for the change—that is to say, comparatively few have the provisions with reference to a Saturday half holiday.

Again, the bill does not necessarily do away with the half holiday if they have a mind to so arrange it.

But the basic objection is the fact that it destroys the principle upon which this bill is built, and that is that the employes should not be required to work more than 8 hours upon any particular day, and it does not accomplish the purpose for which the measure is promoted to say that a man shall not work more than so many hours in a week. It leaves in the control of the employer both the question of the time per day to a very large extent and also the question of the unit of employment so far as wages are concerned.

While I do not propose to enter into an extended discussion of the question, the matter has been considered by the committee, and I am opposed to the adoption of the amendment.

Mr. REED. Mr. President, I should like to ask the Senator from Massachusetts if the language of his amendment would not be better if it provided "in cases where a half holiday is allowed."

Mr. LODGE. I am perfectly willing to have it modified in that way.

Mr. REED. I think as it is now it is not quite specific. I ask the Secretary to send me the amendment. Without the document I can not exactly express it. The amendment reads:

That in order to permit a Saturday half holiday to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The thought I have is covered by the language, but it seems to me it should read that in case where a Saturday half holiday is permitted to laborers and mechanics engaged on such work an employment of not more than 48 hours per week, and so forth.

Mr. LODGE. I am not sure that that will not be a better arrangement of the language. What I want to get at is the substantive change. It would work a great deal of hardship in my State. It would not make any difference as to the pay. The pay is by the hour almost invariably in all great industrial establishments. As to the principle of a certain number of hours a day, there is no objection to that in the world, but it seems to me that to insist on an arrangement which would deprive men of their half holiday on Saturday, which is almost universal in my State and many others, and compel them to work the whole of Saturday when they would much prefer to arrange it as it is now arranged, is making the bill unnecessarily drastic. It seems to me there might be some liberty allowed to men themselves to have what they want.

Mr. HITCHCOCK. I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. He states that the law of Massachusetts provides for 48 hours a week. Is not that applied only in those cases where the laborers are paid by the week?

Mr. LODGE. Oh, no; the pay is by the hour. The law of Massachusetts is 54 hours a week for the manufacturing establishments. It is much lower than in any other State.

Mr. HITCHCOCK. So that the sacrifice of the Saturday half day is at the expense of the workingmen?

Mr. LODGE. Not in the least. They are paid by the hour; it makes no difference to them any day when they work those hours. Their pay is not affected by it. It is only a question of what arrangement they like best.

Mr. HITCHCOCK. My impression is that the 48-hour week has generally been made to apply to them.

Mr. LODGE. There is no 48-hour a week law in my State, though there may be in other States. I know our 54-hour a week law is the lowest there is in manufacturing establishments.

Mr. HITCHCOCK. The Senator says that the law in Massachusetts limits the number of hours to 54 for a week.

Mr. LODGE. To 54 for a week.

Mr. HITCHCOCK. Is that the basis of their day's work?

Mr. LODGE. Oh, no; a basis of six days.

Mr. HITCHCOCK. Six days; five days of nine hours and——

Mr. LODGE. One day of three hours.

Mr. HITCHCOCK. And one day of three hours.

Mr. LODGE. Of course on Government work the 48 hours would apply. I do not mean to exclude the 48 hours on Government work, because the 8-hour law of the United States applies in navy yards and arsenals. I refer to the State law.

Mr. BORAH. Will the Senator from Massachusetts permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. What protection would there be under the Senator's amendment, or what power would the laborer have to insure an 8-hour day? He would have 48 hours a week, but he might have a 12-hour day, and it is against that which we are contending.

Mr. LODGE. The amendment provides that no day shall exceed 9 hours.

Mr. BORAH. Precisely; but he might be made to work 12 hours in 1 day.

Mr. LODGE. The language of the amendment limits it to 9 hours.

Mr. BORAH. Very well; but that eliminates the principle on which the bill is framed, and that is the 8-hour day. If we were constructing it upon a 9-hour basis, it would be a different proposition; but they have the power under this to employ men 9 hours instead of 8.

Mr. LODGE. And 3 hours on the remaining day.

Mr. BORAH. It turns, then, upon the proposition of whether we want a 9-hour day instead of an 8-hour day.

Mr. LODGE. Not at all. It can not be over 48 hours; it can not go over 8 hours a day. It simply allows them to arrange 48 hours a week in the manner they prefer, and it gives them a half holiday Saturday and their Sunday.

Mr. BORAH. But if a man is engaged in that kind of employment where he ought not to work over 8 hours a day, this would be no protection to him at all.

Mr. LODGE. It limits it to 9 hours.

Mr. BORAH. Yes; exactly.

Mr. LODGE. Well, of course, that is a thing which I should think they might decide for themselves.

Mr. BORAH. Mr. President, you might just as well say that they might decide whether they shall be employed 12 hours or not.

Mr. LODGE. It make no possible difference to the corporation, of course, whether the men work 48 hours in 6 days or whether they work 5 days for 9 hours, and 3 hours on the sixth day. The corporation gets the 48 hours' work, so it makes no difference to the employer at all.

Mr. BORAH. In view of that suggestion, and as I am satisfied the laboring man would rather have 8 hours a day, I do not see the necessity for urging it, because very few of them have advocated the proposition. It practically destroys the principle of the bill in order to get that afternoon holiday. They would prefer to have the principle established and waive that afternoon if they must do so.

Mr. LODGE. That is not the information that I get, which comes to me from great establishments. Of course, great establishments would not be affected at all by this law where they do no Government work; but great establishments like the Fore River shipyard, where there are some four or five thousand men employed, prefer this arrangement. All I can say about it is that it seems reasonable and fair.

Mr. OLIVER. Mr. President, I will say that this matter has been brought to my attention by a manufacturer who does a large amount of Government work. In his establishment the Saturday half holiday is an established institution, and I am assured by him, and I believe it is the case, that the men employed in that establishment, and in all other establishments, would very much prefer to have a Saturday half holiday, as they have it now, than to have the 8-hour day established.

Mr. BORAH. Does the Senator from Pennsylvania know of any considerable sentiment of that kind expressed on the part of the laboring men?

Mr. OLIVER. If time is granted, I think I can obtain almost the unanimous sentiment to that effect of the men who work in that establishment and in many other establishments. I say that the laboring men with whom the Senator has been conferring are not the men who work, but the men who assume to represent the men who work, and that the actual workers are not so insistent upon this shortening of the day as they are to have a liberal time at the end of the week for rational enjoyment.

Mr. BORAH. The Senator from Idaho has been conferring with some men who have been worked in some of the institutions to which the Senator from Pennsylvania doubtless refers for 12 hours a day and 7 days in the week; and it is to avoid the recurrence of such brutal treatment of the laborers of this country that this bill is being inaugurated and urged.

Mr. OLIVER. Mr. President, the establishment to which I have referred is to-day working upon a day not exceeding 9 hours. The men quit work every evening, and they do not go to work until the next morning; they quit work at 12 o'clock on Saturday, and they do not again go to work until Monday morning. If the Senator refers to a 12-hour day, I have nothing to say in its defense; but in any ordinary establishment doing Government work I do not see any objection to a reasonable 9-hour day. I believe the men will be happier, will be more prosperous, and at the end of the year will be better off with a day of 9 hours and a reasonable holiday on Saturday afternoon than they will if they are cut down to 8 hours and forced to work all day on Saturday or, in the other alternative, lose the pay for 4 hours of the week, when they themselves would prefer to be at work.

Mr. LODGE. Mr. President, I should like to modify the amendment, if there is no objection, to conform with the suggestion of the Senator from Missouri, so that it will read:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The PRESIDING OFFICER. The amendment as proposed to be modified will be stated from the desk.

The SECRETARY. At the end of section 1 it is proposed to add the following proviso:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

Mr. LODGE. Mr. President, under the amendment as proposed to be modified by the Senator from Missouri it is a matter to be entirely left to the decision of the men and the employers. As to the employers, it is a matter of indifference; the interest is wholly that of the men.

Mr. WILLIAMS. If I have heard the amendment correctly, it says "provided a Saturday half holiday be given."

Mr. LODGE. "That if a Saturday half holiday is given."

Mr. WILLIAMS. Yes. That does not work out mathematically. If the men are worked 9 hours a day for 5 days that is 45 hours.

Mr. LODGE. Yes.

Mr. WILLIAMS. Now, upon the basis of 9 hours a day for 5 days that would be 45 hours, and a half of Saturday would be 4 hours, making 49 in all, whereas they would be due to work only 48 hours.

Mr. LODGE. The 48-hour limitation, of course, would prevent more than 3 hours on Saturday. The custom is to work 3 hours on Saturday, making all the other days 9-hour days. It is an easy matter to arrange.

Mr. WILLIAMS. Now, if the Senator from Massachusetts will pardon the interruption just for a sentence, I think the object of making an 8-hour day provision is to keep from putting too great a continuous strain upon the human machine. If it be thought that 8 hours is a sufficient strain to put upon

a man in any one day—and I think it is; I think old Sir Matthew Hale was very wise when he said that a day ought to be divided into three equal parts, 8 for work, 8 for sleep, and the other 8 for rest, food, and edification—if that be the case, and then you make a limitation of 48 hours a week, it enables a man to be overstrained continuously in one day. It might be fixed so that for 4 days he would work 10 hours a day, and on 1 day he would work 8 hours. It seems to me it would be better to make the limitation 8 hours a day; and in the course of time the Saturday half holiday will come with the 8-hour day. It must come after a while, as it has come in England and will come here.

I do not know but that if I were working I would prefer to work 9 hours a day and have my Saturday 4 hours off; but it seems to me that in the ultimate interest of the laboring people, knowing, as I think I do, that the Saturday half holiday has got to come anyhow, it is better to confine the labor to 8 hours a day.

Mr. LODGE. Well, Mr. President, it seems to me, speaking of my own feeling and experience, that I would a great deal rather have my half day than to work every day for 8 hours. It seems to me that is a common-sense arrangement and the most agreeable way of working out the matter. I know that is the feeling of the men who work in our great shipyards. They much prefer such an arrangement. Of course, if it is fixed at 8 hours a day and 48 hours a week, the reduction is a very heavy one, in any event, in the number of working hours, and it will be absolutely necessary for the men to work all of Saturday. It is only in the interest of the men that I offer the amendment.

Mr. SUTHERLAND. Mr. President, I believe very thoroughly in the 8-hour day. I have been an advocate of it for many years. As a member of the legislature of my own State in 1896 I had the honor of assisting in the preparation and enactment of the 8-hour law of that State applying to mines and smelters, which was held to be constitutional by the Supreme Court of the United States in the case of Holden *v.* Hardy. At that time I investigated the subject somewhat, and I became convinced that the 8-hour day for men engaged in employments of that character would, in the end, turn out to be for the benefit of both the employer and the employee.

I would make this line of division—it is not a very accurate line; not a line that could probably be laid down in exact words in legislation; but, roughly speaking, I would make this line of division—wherever a man is engaged in mechanical work or in manual work which requires the use of the same muscles, or substantially the same muscles, hour after hour, I would make the 8-hour day compulsory, because when a man has worked at one task calling into play the same muscles and straining his attention for 8 hours, he has done as much as the average man ought to be called upon to do. I would not apply that to the farm, because upon the farm the man is engaged in the open air; he is engaged in a multitude of tasks. One portion of the time he is raking hay; another part of the time he is doing something else; his work is diversified, so that different muscles are brought into play, and there is no need in an employment of that kind of enforcing the 8-hour day. But in mechanical pursuits I believe thoroughly that the 8-hour day in the end will be better for both the employer and employee, because while I think a man might do more work in 10 hours than he could do in 8 for 1 day or for 2 days, in a year a man will do more work and better work if he is working 8 hours each day than if he is working 9 hours each day.

I know that men employed in mines and smelters in my State would very much prefer to take the 8-hour day as now provided by our law for each day in the week than to be compelled to work 9 hours upon some days and have a half holiday on Saturday. I think the hour at the end of the day gained by the man in each day is far better for him than a half a day gained at the end of the week. A man who is enabled to quit work at 4 o'clock instead of at 5, making that hour each day, at the end of the year, I think, would be far better off than the man who is compelled to work 9 hours each day except on Saturday. Therefore, while I do not know the exact conditions which prevail in Massachusetts and some of the other States, I am very thoroughly in favor of the general principle of the 8-hour day. We can not make such a law that will be effective unless it is compulsory; we can not very well leave it to an arrangement between the employer and the employee, because in a contest of that kind I think the employee would usually be at a disadvantage as compared with the employer. I shall therefore vote against the proposed amendment.

Mr. REED. Mr. President, I simply want to say a word or two. If I thought the amendment offered by the Senator from Massachusetts was against the principle of the 8-hour day, contended for so long by laboring men, and particularly by union labor, I would not support the amendment. I am impelled to give it my support, because I have received a considerable number of communications from laboring men in my State asking for this very modification. I am not prepared to say that they represent the general sentiment of labor, but I have received communications of that nature and nothing to the contrary, and it leads me to believe that—at least so far as my own immediate constituency are concerned—they prefer the half holiday.

The arguments that these men have advanced, very briefly, are that by the grant of a half holiday on Saturday they are enabled to close up whatever business transactions they have for the week and to prepare themselves for their day of rest on Sunday; that frequently they desire to take little excursions out of the city for Sunday; that they can prepare for them, and even can leave their homes and gain some additional pleasure at the week end which they could not obtain if they were compelled to work until Saturday evening.

These men say to me that it does not invade the principle of the 8-hour day, because they obtain in the aggregate the limitation upon their hours of labor, and that is what they desire. Forty-eight hours a week is not too great, in their opinion, for men to work, or, at least, they have not advanced to the point where they are asking a greater limitation; but this division of the 48 hours, in their judgment, would be more advantageous to them. I want it to be clearly understood that I do not undertake to say this represents the views of labor. It simply represents them so far as I have heard them.

The argument, of course, that they might be compelled to work too long hours a day—10 or 12 or 15—until they have labored the aggregate of 48 hours is not sound, because the amendment which is offered expressly limits the number of hours to 9 a day.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Just allow me to conclude my sentence. It was for those reasons that I was led to feel that the amendment would be one which would be welcomed by the laboring classes. I yield to the Senator from Idaho. I have not concluded; but I will endeavor to answer any question which he may desire to ask.

Mr. BORAH. The Senator will concede, I think, that the practical effect of this amendment would be to establish a 9-hour day instead of an 8-hour day.

Mr. REED. No; I do not think you would be fair in saying that, because the employer is expressly required to grant the half holiday unless he gives the 8-hour day. The amendment as it is now prepared limits the day's work to 8 hours unless there is actually the half holiday granted. That was undoubtedly the intention of the amendment as originally drawn and probably would have been its construction; but it is clear now.

Mr. BORAH. As a practical working proposition, however, the employer could employ a man for 9 hours a day and pay him the same as he otherwise would pay him for 8 hours a day.

Mr. LODGE. Oh, no.

Mr. BORAH. I think he could.

Mr. LODGE. The men are paid by the hour in all the industries that I know of.

Mr. BORAH. If you are employing a man who is paid by the hour, that may be so, but I am speaking of a large class of another kind of employees, where the unit of employment would be 9 hours instead of 8 hours.

Mr. LODGE. Of course if the purpose of this bill is to deal with wages—and I do not so understand; I thought the purpose was to deal with the hours of labor—that introduces a new element. The payment is so generally by the hour that I should not think it would have any effect at all, but if they have got to pay for 48 hours a week, what difference does it make to them how they do it?

Mr. BORAH. If they work by the hour, the Senator from Massachusetts is quite correct in his position, I presume; but if they do not the result would be as I have indicated. In any event it would certainly establish a 9-hour day instead of an 8-hour day, and so it resolves itself into a question of whether a person is in favor of a 9-hour day or an 8-hour day.

Mr. REED. Mr. President, I do not think that argument is as fair as the arguments ordinarily advanced by the Senator. The bill expressly provides that the hours of labor shall be limited to 8 hours a day, provided, however, that if a half holiday is given, then the time granted on the half holiday may be worked out on the other days of the week. That is all it means. It means an 8-hour day figured for a week on the average. The employee does a little more on some days and

nothing on Saturday afternoon. It is the principle of the 8-hour day.

As I view it, I would not be willing for a moment to assist any movement or any amendment which I thought militated against the establishment of an 8-hour day. The only man who could be injuriously affected by this measure would be the man who worked just one or two days during a week and then was discharged, or was employed only temporarily. Under the bill, if a man is employed by the week and works 8 hours a day, he has worked 8 hours a day at the end of the week. Under the amendment at the end of a week if he has worked 48 hours his labor stops. In either event the hours of labor are limited to 48 a week; but the amendment permits the employer and the employee to provide for a little different division of the time; that is all.

So far as I am concerned, if the laboring men of the country have thoroughly made up their minds that it will impinge upon the principle they are contending for to permit this division of time, I would allow them to have their way about it, but I do know that there is a growing disposition in more States than Massachusetts for a half holiday, particularly during the long, hot days of the summer. In many employments—in nearly all public employments—it has grown to be a custom to grant a Saturday half holiday at least during the hot months of the summer. That enables the men to leave their places of business at noon on Saturday; to take their families on many little excursions to the country; to visit adjoining cities and villages. It gives them time to go to places where they would not go if they had to work all day on Saturday, and it enables them to close up during the afternoon the business of the week; to do their shopping and their trading. Stores in most cities are now closed, particularly in the hot months, at 5 or 6 o'clock in the afternoon and some of them even earlier on Saturday. I think we are moving toward that condition; and so believing, I have felt, and I still feel, that this amendment is in the interest of the men. If it is not, of course it ought not to be adopted.

Mr. HITCHCOCK. Mr. President, it seems to me that the chief objection to the amendment proposed by the Senator from Massachusetts is that it introduces a complication and a confusion into what in the pending bill is a simple proposition. There are no doubt a number of laboring men, and possibly some laboring organizations, who would like to establish the Saturday half holiday. There are others who think that the Saturday half holiday is little to be desired; so that there is a division of opinion upon the merits of the Saturday half holiday. In my opinion the Saturday half holiday applies to a limited number of occupations and is desirable chiefly in occupations which are not involved in this bill.

Mr. LODGE. If the Senator will allow me, the occupation chiefly involved in this bill, of course, is that of shipbuilding. That employs the largest number of men on Government work, and it is those men who want the half-holiday arrangement.

Mr. HITCHCOCK. I think not. This bill applies to Government work, whether in shipyards, in the construction of Government buildings, in the building of Government canals, or to doing Government work upon the rivers or upon the harbors or anywhere else. It applies only to Government work done under contract.

Mr. LODGE. I understand that. If the Senator will allow me, I grasped the fact that it applies to Government work, but it does apply very largely to shipbuilding yards, and those now have the half holiday, I think, almost universally.

Mr. HITCHCOCK. That may be. I do not dispute that fact; but still my proposition remains that it applies to Government work of all kinds done by contract.

Mr. SHIVELY. Does the Senator understand that it will apply to Government work wherever it happens?

Mr. HITCHCOCK. Yes.

Mr. SHIVELY. Not only in Government establishments, but in any institution that has a contract for doing such work for the Government.

Mr. HITCHCOCK. I think that is true.

Mr. LODGE. I did not mean ships being built in navy yards, but in private establishments. The navy yards have the 8-hour law now.

Mr. HITCHCOCK. I understand it applies to all persons employed on Government work, and that they shall work only 8 hours, and this bill undertakes to extend that law to contractors working for the Government.

Mr. LODGE. When I spoke about ships, I did not refer to navy yards.

Mr. HITCHCOCK. I understand that.

Mr. LODGE. I referred to private yards that are building ships for the Government by contract. They employ by far the largest number of men.

Mr. HITCHCOCK. The struggle to obtain an 8-hour day is a well-defined struggle among the laboring class. It has been gaining ground steadily for a number of years, and many who were radically opposed to it have come to realize the moral and physical benefit it confers upon the industrial class. Practically speaking, it is supported unanimously by all those who belong to the industrial classes. This bill is to carry that desire and that reform into effect, and I think it would be something in the nature of a misfortune to complicate it by introducing the side issue of a Saturday half holiday.

Mr. BORAH. Not only has it been found to be beneficial to the workingmen, but a great many large employers of labor have learned that they get equal work and an equally efficient amount of work from the 8-hour day.

Mr. HITCHCOCK. That is very true, and that has been testified to by employers of labor. If it be a fact that the ninth hour is an evil to the man who is compelled to work that hour, that evil will exist during the 9 hours contemplated by the Senator from Massachusetts just as much as it would exist if it were to cover 6 days. And I think we ought to stand by the proposition that what we propose to do in this legislation is to carry into effect in Government work, whether done directly by the Government or indirectly, by contract, is to abolish the tired hour and introduce the model workday of 8 hours only.

Mr. REED. I want to ask the Senator if he does not think that the Sunday rest helps to qualify a man for another struggle the ensuing week?

Mr. HITCHCOCK. I think it helps very materially.

Mr. REED. And if that period of time is extended for another half day would not that be carried over the week and help to compensate for the extra hour a day? To state it fairly, do you not think it will at least alleviate the hardship of the extra hour?

Mr. HITCHCOCK. It would be an alleviation undoubtedly, but I do not believe that the Saturday half holiday is sufficient compensation for the 5 extra hours work on the other 5 days of the week. I believe if we propose to guarantee to those who do Government work this up-to-date civilized reform of relieving them of the tired hour, we ought to do it in this bill, and not allow ourselves to be diverted into what I think is a side issue.

As the Senator from Idaho has suggested, the 8-hour law once in effect may result in some important modifications, and as the Senator from Mississippi [Mr. WILLIAMS] has stated, so I believe that ultimately we will have in this country the 8-hour day as the limit and possibly in many occupations we will have in addition to that the Saturday half holiday also, on the basis of an 8-hour day and not upon the basis of a 9-hour day.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. Certainly.

Mr. STONE. I desire to ask one question. I understand the amendment proposed is permissive in its effect; that is to say, if enacted into law an employer engaged on some public work and his employees might enter into an agreement among themselves whereby the half holiday would be given on Saturday in return for an additional hour's work each day during the remainder of the week. Now, in the absence of an agreement of that kind, the law providing for 8 hours would apply absolutely and unconditionally, if that is correct. If that is the provision of the amendment, would the Senator deny that opportunity to the workingmen? They will be the most concerned and will, I should think, be the first of all who would ask for this arrangement, if it is asked for at all, for I can not see what difference it makes to the employer if he gets 8 hours' labor a day in any event.

Now, would the Senator deny to men in any particular employment and to an employer the right to make an agreement of this kind, if the men thought it was for their best interest and they desired it?

Mr. HITCHCOCK. The position of the Senator from Missouri is that when you open that door to this right you assume that the men are unanimously in favor of one proposition or another. It would seem to be unreasonable to deny to the men, if they were unanimously in favor of a Saturday half holiday, the privilege of agreeing to it; but we know as a practical proposition that if one of the shipyards in Massachusetts to which the Senator referred desires to continue its Saturday half holiday and submitted the proposition to the men and half the men so employed voted in favor of the Saturday half holiday the others might be under a practical compulsion to accept it in order to hold their positions. It is for the protection of the men themselves against entering upon the practice which we believe to be injurious that this bill is proposed at this time.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

Mr. LODGE. I simply desire to request that the amendment which has been under discussion may be printed as modified, so that it will be clearly before the Senate.

The VICE PRESIDENT. Without objection, the amendment will be printed as modified.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	du Pont	Lippitt	Reed
Bailey	Fall	McLean	Richardson
Borah	Fletcher	Martine, N. J.	Sanders
Bourne	Foster	Myers	Shively
Bradley	Gallinger	Newlands	Simmons
Bryan	Gardner	Nixon	Sutherland
Catron	Gore	O'Gorman	Swanson
Chamberlain	Gronna	Oliver	Tillman
Clarke, Ark.	Heyburn	Overman	Townsend
Clelon	Hitchcock	Page	Wetmore
Cummins	Jones	Paynter	Williams
Dillingham	Lea	Perkins	Works

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate.

Mr. MARTINE of New Jersey. I have just received from the Senator from South Carolina [Mr. SMITH] a message requesting me to announce to the Senate his absence owing to a death in his family. I have no further knowledge of particulars, but I beg to make the announcement as requested.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is absent from the Chamber on official business.

The PRESIDING OFFICER (Mr. PAGE in the chair). Forty-eight Senators have answered to their names. A quorum of the Senate is present. The Senator from Utah will proceed.

Mr. SMOOT. Mr. President, at the conclusion of my remarks on Friday last I was discussing the question of freight rates. I did not have a chance to conclude what I had to say upon that subject. I have a table showing the United States domestic freight rates from Chicago to New York, Buffalo, Mobile, New Orleans, San Francisco, and from Pittsburgh to those same points, also from Birmingham to the same points upon rails, pig iron, billets, and finished products, and also the foreign freight rates from the mills, factories, and furnaces in Germany and England to the principal ports of the United States, inland and ocean-freight rates combined, from foreign mills to New York, Mobile, New Orleans, and San Francisco upon the same products. I do not desire to take the time of the Senate to go through those rates, but I submit the table.

United States domestic freight rates.

	Rails per gross ton.	Pig iron per gross ton.	Billets per gross ton.	Finished products per 100 pounds.
From Chicago to—				
New York	$4.70	$4.62	$4.95	$0.30
Buffalo	2.80	2.80	2.00	.18
Mobile	4.00	6.272	6.272	.28
New Orleans	4.00	6.272	6.272	.28
San Francisco	11.00	1.50	1.60	.80
From Pittsburgh to—				
New York	2.60	2.45	2.65	.16
Buffalo	1.65	1.75	1.80	.11
Mobile	4.44	6.72	6.72	.20
New Orleans	4.44	6.72	6.72	.20
San Francisco	13.50	14.00	16.44	.85
From Birmingham to—				
New York	.....	5.92	5.95	.20
Buffalo	.....	4.90	4.90	.....
Mobile	2.50	2.75	2.75	.12
New Orleans	3.00	3.00	3.00	.13
San Francisco	11.75	13.20	13.20	.75

[1] Per 100 pounds.

Foreign freight rates from the mills, factories, and furnaces in Germany and England to the principal ports in the United States (inland and ocean freight rates combined).

	Rails per gross ton.	Pig iron per gross ton.	Billets per gross ton.	Finished products per gross ton.
From foreign mills to—				
New York	$2.85	$2.85	$2.85	$3.00
Mobile	3.35	3.35	3.35	3.50
New Orleans	3.35	3.35	3.35	3.50
San Francisco	7.50	7.50	7.50	8.75

Ocean freight rates from Great Britain and North Sea ports.

To—	Boston.	New York.	Philadelphia.	Baltimore.
Iron ore	$1.75	$1.75	$1.63	$1.63
Pig iron	1.50	1.50	1.50	1.50
Rails	1.63	1.63	1.56	1.63
Billets	1.65	1.65	1.63	1.65
Bars	1.75	1.75	1.75	1.75
Plates	1.75	1.75	1.75	1.75
Structural	1.85	1.85	1.85	1.85
Sheets	1.85	1.85	1.85	1.85
Tin plates	1.85	1.85	1.85	1.85
Rods	1.75	1.75	1.75	1.75
Wire	1.75	1.75	1.75	1.75
Tubular products	1.75	1.75	1.75	1.75

In connection with the rates given in the table, perhaps I had better call particular attention to what they really mean to the American manufacturer. The result, if the House bill became a law, would be that the foreign manufacturer would monopolize the entire business in the heavy steel products within a section varying from 50 to 200 miles wide, extending from Maine to Texas, from California to Washington, along the entire seaboard of the United States. In this zone it would be impossible for domestic manufacturers to compete with foreign manufacturers at the present American manufacturing cost in the whole of the six New England States, about one-half of the State of New York, the whole of New Jersey, Delaware, Maryland, most of Virginia and North Carolina, the whole of South Carolina, the whole of Florida, the greater part of Georgia, a part of Mississippi, most of Louisiana, practically all of Texas, New Mexico, and Arizona, as well as Oregon and Washington.

Mr. President, from a glance at the map we can see where the manufacturers of these heavy products are located and that a great part of the American market would be open, not upon an equal basis with the foreign manufacturers, but the manufacturers of this country would be absolutely at a disadvantage. Included in this area there are marketed nearly 1,000,000 tons.

The fact has been referred to in this discussion that there have been mammoth fortunes made in this industry, that they have not been measured by millions, but hundreds of millions of dollars. Mr. President, if anyone will study the history of this great industry, he will find that those who have made these enormous fortunes were the pioneers in this industry. They were the men who created it and gave it birth in this country. They were the ones who have through creative powers perfected it until it is the greatest industry as to the quantity of goods manufactured of any in all the world. They started at a time when steel rails were selling in England at $96 per ton. At that time there was a duty upon rails of $28, and ever since steel rails have been gradually falling in value.

Mr. President, under the conditions existing to-day, Mr. Andrew Carnegie could not make the money he has made in the past. Under present conditions Mr. Schwab could not make the money that has been made by him and his associates in the past. He so testified before the committee. Mr. Schwab, in his testimony, stated that he had labored with the Bethlehem Steel Works a great part of his life and his pride was to build it up and make it a model institution, and up to the present time he had not drawn one cent in dividends. He also said that he could lose all he had invested in the company and not affect him much, as he could live without it and did not have an heir to leave his wealth to.

I thought at the time Mr. Schwab made that statement how much happier and contented a man must be who is blessed with a wife and children, bending every energy that his labors might be crowned with success and encouraged by those who actually love him and always ready to share with him success or failure, wealth or poverty, general applause or public condemnation than one without an heir, even though he has been successful in making millions. Wealth, though measured by

millions, is not the greatest gift to man and in but few cases brings real happiness.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I wish simply to correct what I think is an inadvertance on the part of the Senator from Utah. I do not remember that Mr. Schwab testified that he had given his life to the Bethlehem Steel Works or that he had been connected with that institution during the greater part of his life. Mr. Schwab's association with the Bethlehem Steel Works is of very modern origin and he made his fortune, as the Senator knows, in connection with another enterprise and with other associates.

Mr. SMOOT. That is true, Mr. President. His association with the Bethlehem Steel Works has not been as long as I stated. I will correct that statement, but I desired to have it appear that he spent most of his life in this industry and that he is familiar with every detail of it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator from North Carolina.

Mr. SIMMONS. I think, Mr. President, that while the Bethlehem Steel works, now capitalized at about $15,000,000, last year paid 10 per cent dividends on the $15,000,000, the stockholders have never subscribed and have never paid in outside the earnings of the company except about $300,000.

Mr. SMOOT. The Senator has made that statement once before and I would——

Mr. SIMMONS. I read that from a letter of Mr. Schwab.

Mr. SMOOT. I have been unable to find out where he secured the information, because Mr. Schwab testified that not only all the profits made by the company had been put back into the industry, but other large sums of money besides.

Mr. SIMMONS. I made that statement from the authority of a letter which I read from Mr. Schwab himself.

Mr. SMOOT. Does the Senator mean to say that the Bethlehem Steel Co. declared a dividend payable to the stockholders last year of 10 per cent?

Mr. SIMMONS. That is my recollection.

Mr. SMOOT. I think the Senator is mistaken in that regard.

Mr. SIMMONS. I can not be mistaken about the letter which I read from Mr. Schwab, in which he stated——

Mr. SMOOT. I know in the testimony of Mr. Schwab he stated that he had never taken a penny out of the business—not one penny.

Mr. SIMMONS. It is true unquestionably that he said he had never received a penny out of the business. The earnings of the plant have gone into improvements and into enlargement and expansion, but the fact I state, and I think it sustained by the letter which I will try and find and read a little later, is that the stockholders had contributed but $300,000 of this enormous plant capitalized at $15,000,000, and the result of that $300,000 in actual cash the stockholders have to-day a plant worth $15,000,000.

Mr. SMOOT. That is for about 50 years.

Mr. SIMMONS. No; not at all.

Mr. SMOOT. I have not the testimony of Mr. Schwab here, but the Senator can turn to it and see exactly what he said in relation to that matter. However, I do remember positively that he said he had not drawn a penny from the earnings of the company and every dollar that had been made from the time it started had been put back into the business. Mr. President, deposit money in a savings bank and compound the interest every three months or every six months and see what it will amount to in 50 years and you can then have an idea of how rapidly a business will increase, if successful, by allowing its profits to accumulate.

Mr. CUMMINS. Mr. President, I think the Senator ought to do Mr. Schwab full justice in regard to this matter. I do not think Mr. Schwab said or intended to say that the Bethlehem Steel Works had never paid dividends. I think he meant to say that after he had left the Carnegie Co., and after the organization of the United States Steel Corporation and during his association with the Bethlehem Steel Works, and he became, I think, one of its large owners at that time, he had not taken dividends from this organization. I do not believe he intended to say that there never had been anything paid on capital during the history of this concern.

Mr. SMOOT. Perhaps I had better read the testimony, Mr. President, as I have it here.

Senator STONE. What is the per cent of profit on the product to the stockholders?

Mr. SCHWAB. Most of the stock belongs to me, and I am sorry to say I have never taken a penny out of the concern the years I have owned it.

Senator WILLIAMS. Do you mean by that you have made no profit, that you have put it back in the business?

Mr. SCHWAB. I have not made sufficient profit to feel that the best interests of the concern justified me in taking a dividend.

Senator WILLIAMS. So you have put it back in the business—increased the business?

Mr. SCHWAB. I have put it into bettering the business. People speak of 20 and 25 per cent being an unusual profit on a manufactured product, too great a product in the manufacture of iron and steel. I want to say if they will study the history of the industry to see how plants have had to be rebuilt every 5 or 10 years, new processes introduced, they will take a different view. I know of no concern in these 30 years making 20 per cent profit that has been able to pay its stockholders one-third of it.

Senator STONE. Can you tell me this, how much you have taken out in the form of a dividend?

Mr. SCHWAB. Yes. I can tell you the earnings if you would like to know that.

Mr. CUMMINS. I think the Senator from Pennsylvania [Mr. OLIVER], who is intimately acquainted with all these developments, could tell the Senate exactly when Mr. Schwab acquired his ownership in the Bethlehem Steel Works.

Mr. SMOOT. You mean in the present company?

Mr. CUMMINS. In the present company.

Mr. CUMMINS. He was not connected with it before——

Mr. OLIVER. I think it was about 1903 or 1904.

Mr. CUMMINS. That was my recollection.

Mr. SMOOT. Now, Mr. President, all the examinations made of the difference between the cost of producing steel products in this country and in a foreign country, and all the information that we have in this regard is virtually a one-sided proposition, and in order to show how impossible it is to obtain information of the cost of production in a foreign country, I will read from Herbert Knox Smith's report on page 8.

Mr. McCUMBER. Before the Senator reverts to that, may I call his attention to what Mr. Schwab's testimony was concerning his own plant? He states on page 302, speaking of his own plant:

In taking the earnings, year by year, of our plant—which is typical of the industry—I find, for example, in 1908 our earnings were 2.66 per cent on the stock; in 1906, 2.54; in 1909 they were 12.22. That was a good year. In the last two years they have been about 6.75 per cent. But the average of the whole business for all this period is 4.3 per cent earnings upon the stock.

Mr. SMOOT. I will call attention in a few minutes to some of the earnings of the great steel companies of Germany and England, and what dividends they are paying.

Mr. CUMMINS. I think the Senator from North Dakota, if the Senator from Utah will permit me, has not made clear what relation the stock bears to the investment. I venture to say that the stock upon which he said the returns have been small is nominally four, five, or six times the amount of the independent capital invested in the business.

Mr. McCUMBER. I think not. I remember clearly the evidence in that case and I am certain, as I recall the evidence, that there was a very close relation between the amount of stock issued and the actual cash which has gone into the business. In another section of the testimony that is covered in full, and I am very certain the Senator is in error even in supposing that stock is a half greater than the amount of the capital invested.

Mr. CUMMINS. I am unable to sustain my statement at this moment. I am not now speaking of the accumulated investment growing out of the earnings, but I feel very sure that the independent capital invested in this enterprise is not one-fifth of the present capitalization.

Mr. SMOOT. Mr. President, continuing the testimony of Mr. Schwab, Senator STONE said:

I would like to have the net earnings.

Mr. SCHWAB. From 1905 up to 1911, inclusive, my company earned $9,871,000 net; that is 7 years. That is after deducting all bond interest, fixed charges, etc. That left for my stock, after deducting depreciation, in those 7 years, an average of 4⅞ per cent.

Senator STONE. On the stock?

Mr. SCHWAB. On the stock.

Senator STONE. What is the amount of the bonds?

Mr. SCHWAB. Twenty-five millions.

Senator STONE. And thirty millions of stock?

Mr. SCHWAB. Thirty millions of stock.

Senator STONE. What is the interest on the bonds?

Mr. SCHWAB. Some 5 and some 6 per cent; an average of 5½ per cent.

Senator STONE. Are you a large owner of the bonds?

Mr. SCHWAB. Yes, sir.

Senator STONE. Do you own most of them?

Mr. SCHWAB. No, sir; I have sold the bonds. I still have some for sale.

Senator STONE. You have a good, large salary list to be paid to what you call the overhead men?

Mr. SCHWAB. Yes; a fairly good salary list.

Senator STONE. What is your salary?

Mr. SCHWAB. I have none.

Senator STONE. You work for nothing?

Mr. SCHWAB. Yes.

Senator GALLINGER. You have some places for high-class men now, have you not?

Mr. SCHWAB. I have; yes.

Senator STONE. Who are the stockholders?

Mr. SCHWAB. They are very widely scattered.

Senator STONE. I did not mean to say stockholders—I meant directors.

Mr. SCHWAB. Do you want the names of the directors?

Senator STONE. Yes.

Mr. Schwab then gives the names. I thought I could turn to the testimony of Mr. Schwab to show just what had been paid for stock in actual cash in the formation of the company, and also what had been credited in the shape of dividends. I am quite sure the Senator will find that he is mistaken when he says it is only one-fifth of the stock issued.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. If the Senator will permit me, I have not the letter here but I will read from the CONGRESSIONAL RECORD where it is incorporated in a speech made in the other House by Representative PALMER. He says, after citing some tables:

These conditions obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909:

"The capital stock of the Bethlehem Steel Co. amounts to $15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at $50 par. While nominally only $1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus."

Then the speaker makes the following statement:

Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace relining reserves and considerable redemption of funded debt, the comfortable amount of $1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to $1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of $300,000 contributed in cash and $14,700,000 earned profits.

Mr. SMOOT. Mr. President, I know nothing of the statement. All I know is that it is not correct, as Mr. Schwab testified before the committee that the total capitalization of bonds and stocks in the company was $55,000,000.

Referring again to the question of obtaining information as to what goods cost in foreign countries, Herbert Knox Smith, in his report, makes this statement:

The bureau made a comprehensive investigation into the costs of the raw materials and finished products of the iron and steel industry in the United States, the principal results of which are presented in this report. It also attempted to get similar costs of manufacture in the chief foreign producing countries, but, while much information of a general character was obtained relating to the subject, it was found impossible to obtain any comprehensive information as to the costs as shown directly on the books of account.

So, Mr. President, I am not here disputing the cost of producing pig iron or steel rails or billets in this country, as shown by the report of Herbert Knox Smith, for before making the report the mills in the United States were visited, freedom was given to Mr. Smith or his representatives to examine the books of all the companies, and every possible facility was offered him to ascertain the actual cost of producing these articles in this country. I accept the statement in all the reports made by Herbert Knox Smith; but, on the other hand, the testimony of Herbert Knox Smith and of Mr. Charles M. Pepper, the only two men who have made a statement relative to the cost of goods abroad, says that it is impossible to get accurate information of the cost of making goods in a foreign country. The German manufacturer or the English manufacturer is not going to let a man from this country go into his establishment and examine his books to find out what it costs to make an article when he knows the information is sought for the purpose of levying a duty upon the article sufficient to protect the American manufacturer as between the cost in this country and the cost abroad.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Yes; I yield.

Mr. CUMMINS. Assuming that it is impossible, what does the Senator from Utah intend to do about it? Does he intend never to make any revision of this schedule? Does he intend to permit the duties that are now in it to remain indefinitely? We must be able to do something somehow; we must rely on some testimony procured somewhere at some time. What is the program of the Senator from Utah in view of the fact that it is impossible to secure access to the books of foreign manufacturers?

Mr. SMOOT. Mr. President, I think before we undertake to revise the steel schedule we ought at least to be in possession of the same kind of information that we are in possession of in relation to the wool and cotton schedules; or in other words, I think that there ought to be a Tariff Board report. The only information we have is the report made by Mr. Smith and Mr. Pepper. Mr. Pepper was not sent to Europe to study the cost of producing steel abroad; he was a special agent representing the Department of Commerce and Labor sent to report upon trade conditions. That is the only authority he had, as I am informed. I will say, without fear of contradiction, that Mr. Pepper has never claimed that he knew what it cost to produce pig iron, billets, or steel rails in a foreign country.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. I am not in the confidence of Mr. Pepper nearly so much as is the Senator from Utah. I only know what Mr. Pepper's mission abroad was by referring to his report. I assume that he reported upon the subject he was commissioned to examine and investigate. He did report upon the cost of making these things abroad.

Mr. SMOOT. He reported upon what the trade said the cost was.

Mr. CUMMINS. Yes; and almost every man who goes to Europe reports upon what somebody else says is the cost. It is the only avenue of information he has.

The Senator from Utah speaks of the Tariff Board report upon wool. I said the other day that I held that report in high regard, but I may be permitted to put my judgment against that of the Senator from Utah at least; and I say that the report of Mr. Pepper, in regard to foreign cost of pig iron and subsequent forms of iron and steel, is a great deal more satisfactory to me than the report of the Tariff Board respecting the foreign cost of wool. The Tariff Board says, with regard to Australian wool, for instance, after pointing out some instances in which wool is produced there for less than nothing, that probably the cost in Australia, taking it as a whole, is a few cents a pound, and the Senator from Utah and myself will presently be called upon to apply our doctrine of protection upon that statement with regard to the cost of producing wool in Australia, that it costs a few cents. I think that is all the information the Tariff Board could acquire; I do not believe it could have discovered more if it had spent years in Australia. It says, in regard to the wool industry in South America that the cost is from 4 to 5 cents—somewhere along there. I do not conceal from myself the meagerness of our information with regard to these costs; but we have all the evidence we will ever get, and we can supplement it by very satisfactory proof with regard to the conditions of trade and prices at which iron and steel sell abroad. That is, I think, one of the most satisfactory supplements that we can bring to our aid in determining the parity or disparity which exists between the foreign manufacturer and our own.

I hope the Senator from Utah, because we have not that same nicety of information with regard to the books of our rivals in other countries that we have in regard to our own, will not take the position that these duties having been imposed by somebody at some time without any such information, we must allow them to remain for all time.

Mr. SMOOT. No, Mr. President; the Senator will find that I am perfectly willing that there should be a change wherever it is shown or can be shown that there are rates that are oppressive or excessive; but I do believe that the testimony and all the information that we have before us show that the rates that are imposed now—50 per cent in many instances—under the act of 1909 are not really excessive.

Mr. CUMMINS. Mr. President, that is a perfectly logical position to take, but I hope that the Senator will not take the position that he outlined before. I believe if the burden of proof as to foreign cost is on anybody, it is rather upon the manufacturer than upon the users of iron and steel; and if we get all the information we can and find it difficult to reach an accurate conclusion, then those who are benefited by the duty ought to supply whatever there remains of knowledge upon that subject.

Mr. SMOOT. We must not forget, Mr. President, that the manufacturers of this country have freely and voluntarily opened their books for examination as to the cost of their products. They are perfectly willing at any time for the Government to know exactly what it costs to produce goods in this country. Now, let us see from the reports what it does cost to manufacture pig iron in Germany and in England, and let us take the report of Mr. Pepper and see if the present rate is not justified by that report. I will take the amount of wages required in producing steel rails and bar iron from the iron ore to the finished product, then apply the principle that it costs

double in this country, so far as wages are concerned, what it does in a foreign country and then see what the present rates are as compared with that difference.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator.

Mr. SIMMONS. Mr. President, I would like to inquire of the Senator whether there is anything in Mr. Pepper's report which shows that the iron and steel manufacturers of Germany and Great Britain refused to give him such information as he desired in the investigation which he was sent by the department there to make? I do not know how that is, but my impression is that the report made by Mr. Pepper upon foreign cost was very full; that it was a detailed report, and my impression is that he had no difficulty in getting reasonable information. I do not know whether or not they opened their books, as some of our manufacturers have done, and put them at his command. I do not remember as to that, and I wish to ask the Senator if there is anything that shows that Mr. Pepper was denied reasonable information as a basis for making his calculations?

Mr. SMOOT. There is no statement in the report that he was denied this information by the foreign manufacturers, but it is stated that the information obtained came from disinterested trade authorities; or, in other words, Mr. Pepper has taken the statements of trade papers.

Mr. SIMMONS. Would not the Senator consider disinterested trade authorities as tolerably reliable sources of information?

Mr. SMOOT. I do not think they know any more about the cost of manufacturing steel and iron in Germany or in England than do the trade papers of this country know about the cost of manufacturing steel and iron in any American mill.

Mr. SIMMONS. I have understood, Mr. President, that in England there is a fuller and probably a franker disclosure of manufacturing conditions, which is accessible to the trade associations there, than we have in the United States.

Mr. SMOOT. It is not accessible to the general public. It may be to the syndicate that controls these particular products.

Mr. SIMMONS. If the Senator will allow me to ask him another question, I understood him to say that probably Mr. Pepper did not have access to the sources of information sufficiently to enable him to make an accurate and reliable report, because the manufacturers would not furnish it to him. Does the Senator think that the Tariff Board would be any more likely to get that information than a special agent sent over there for the purpose of making an investigation? Of course, Mr. President, if the Senator will permit me one minute further, neither one of them would have any authority or any right to demand anything of the English manufacturers. It would be a matter of grace in both instances. Now, can the Senator give us any reason for believing that the manufacturers of Europe would be any more likely to open their books and to make full disclosures to a board investigating for the purpose of regulating the tariff than they would to a special agent investigating for the purpose of ascertaining general information?

Mr. SMOOT. Answering the Senator, I will state that if the Tariff Board was making the investigation it would send to Europe men who are familiar with the business from beginning to end and would know whether the report was fair upon its face or not. Mr. Pepper knows nothing of the details of a rail mill. He was correspondent for certain newspapers in this country; and while I do not say a thing against him as a man or question his honesty, I do say this, there is not a man living who is not familiar with the details of a business who could go and make an intelligent and accurate report upon it, as well as a man who has been trained all his life in the business and knows every process and every step necessary to be taken from the production of the iron ore on to the finished product. Therefore I say that the Tariff Board if they were given the power and the time would select a man of that kind, and he could make a more accurate report than a man who knows nothing of the business.

Mr. CUMMINS. Mr. President, I should like to interrupt the Senator from Utah just once more.

Mr. SMOOT. I have no objections.

Mr. CUMMINS. I know the Senator ought to be permitted to go along with his speech, but I think it is due to Mr. Pepper that we should see precisely what he says with regard to the origin of his information. I will read from page 10 of his report:

> In 1908 the conditions as to cost of production approximated closely those which obtained in 1903–4, the general opinion of the trade being that they were a little higher, about in proportion to the difference in the selling price, which in the case of Cleveland pig averaged $14.40 for 1908, as against $12.94 in 1904. The figures of Mr. J. Stephen Jeans, secretary of the British Iron Trade Association, may be taken as trustworthy. According to Mr. Jeans, the cost per ton of making pig iron in the two chief British districts approximates as follows:

Mr. SMOOT. The source of information is as I stated.

Mr. CUMMINS. Precisely. That is the only place to which any American can ever go to ascertain what it costs to make these articles abroad.

Mr. SMOOT. Then there is no need of going to Europe. I can sit in my office and get the very identical report that Mr. Pepper speaks of. There is no need of going abroad for that kind of information.

Mr. CUMMINS. The report of the Tariff Board on wool convinces me that there is absolutely no necessity of sending a man abroad to secure the foreign cost.

Mr. SMOOT. If that is the case, then we can never find out what is the foreign cost, and I believe we can approximate the cost as near as the reports we have. The Senator read from Mr. Pepper's report on the British iron industry, and I quoted from his report on Germany's iron and steel industry.

Mr. McCUMBER. Have we not some basis at least from which to arrive at an estimate of the cost of production when we know the wholesale cost at the point of export? We can always assume at least that the product is not sold for less than it cost to produce it, and we can make a fair estimate of what would be a reasonable return upon the investment. If we find that steel rails at the point of export in Germany range wholesale about $25.50 per ton, and we find that in this country we produce them for from $22 to $23 per ton, and we assume that 10 per cent would not be an excessive profit for the German manufacturer to make, then taking off 10 per cent from $25.50 per ton you would get a fair estimate of the cost of production in a foreign country; and if that is true then the cost of production in a foreign country, compared with the cost of production in this country is very much below ours, then it would be impossible to give away much of the amount called for in either of these substitutes.

Mr. CUMMINS. That is a most amazing process of ascertaining the cost. We meet Germany in the neutral ports for the sale of steel rails, and we sell them in those ports and markets at exactly the same price as Germany sells them, and a little less, and yet the Senator from North Dakota would take the export price of steel rails at these same markets and take our domestic prices of steel rails in order to reach a comparison. I would a great deal rather trust the process of the Senator from Utah in ascertaining both the foreign cost and the domestic cost than that suggested by the Senator from North Dakota.

Mr. McCUMBER. The Senator has to admit, I think, that as a rule the German manufacturer year in and year out is not selling his goods at less than cost for export, where the exports constitute by far the larger quantity of what he manufactures. It is an entirely different proposition. As a matter of fact, in order to keep the mills running in this country, it may be that 5 per cent of the output is sold abroad and that 5 per cent may be sold at what it costs to produce it, in order to dispose of the surplus and keep the workingmen employed during all the time.

That is not true in the case of Germany. They sell a great deal more abroad than they do for home consumption. Therefore their wholesale price for export will ordinarily include a fair and reasonable profit upon the cost of production, differing entirely with the conditions in this country, and I have not taken this as a single case.

Mr. CUMMINS. The Senator from North Dakota I think still fails to comprehend the situation. The United States Steel Corporation exports 20 per cent of its entire product, and it makes a product for export precisely as it makes it for domestic use. It is a legitimate and a continuing part of its business. It does not sell abroad at less than cost. It sells at practically the same price as at home, if it can get that price. But to say the United States Steel Corporation sells 20 per cent of its entire product abroad and sells it as a mere incident, in order to keep its factories open and running, I think is to ignore the evidence all about us. The United States Steel Corporation has almost doubled its capacity for certain kinds of production, notably steel rails, in order to supply its markets abroad.

Mr. McCUMBER. I thought the Senator would have to fall back upon the United States Steel Corporation in order to get the basis for the lowest possible price. In speaking of the 5 per cent of exports of the United States, I was speaking of the entire product of the United States, and I think I am borne out in the proposition that taking the entire product, not more than 5 per cent is exported.

I agree with the Senator that the United States Steel Corporation can produce steel rails and pig iron and everything in

the matter of steel manufacture for less than any other institution in the United States, and I may agree that it is possible that they need no protection whatever; but assuming they produce 40 or 45 per cent of the entire American product, we can not base our tariff duties upon the one institution that can produce the very cheapest, when by so doing we would cripple every other establishment and give to that corporation a monopoly of the trade in the United States.

Mr. SMOOT. I think from a business standpoint that the United States Steel Corporation would be justified in selling 20 per cent of its product of steel rails abroad, even if they obtained only cost, for this reason——

Mr. CUMMINS. Would Germany also be justified——

Mr. SMOOT. For the reason that the United States Steel Corporation have mills that do nothing else than turn out steel rails. They start with the ore, and the process is continuous until it comes out in a finished rail. In order to do that they have to keep the mills running all the time, and in keeping the mills running all the time the cost of their product is reduced, and if they get only cost out of the 20 per cent exported, they have reduced the cost of producing the other 80 per cent.

Mr. CUMMINS. May I ask the Senator from Utah another question? It happens that although the capacity of the United States Steel Corporation and its business have grown tremendously since it was organized in 1901, it is true that the capacity and the business of the so-called rival companies or the so-called independent companies has increased more than that of the United States Steel Corporation.

Mr. SMOOT. That applies not so much to steel rails and structural steel as it does to the other products in the steel industry—wires, nettings of all kinds, the higher finished products of all kinds; in fact, the independents have almost been compelled to go into this class of manufacture——

Mr. CUMMINS. I think the Senator from Utah has chosen an unfortunate illustration. The one thing upon which the United States Steel Corporation has pretty nearly a monopoly is wire.

Mr. SMOOT. That is, the plain wire. I am speaking of wire netting and all of the products made from wire.

I fully agree with the Senator from North Dakota that it is impossible for the independents to manufacture rails with the capacity they have as cheaply as it is done by the United States Steel Corporation. No one doubts that. The testimony shows that in some cases the independents have been compelled, in order to keep their plants going, to sell goods abroad and to sell them at less than cost. I do not believe the Senator from Iowa objects to that; but that under certain conditions would say that a manufacturer is justified in doing so, although I have not heard him express himself on the floor of the Senate on that subject.

Mr. CUMMINS. I do object, however, to the fact that they do sell abroad being used as evidence that they are selling that part of the commodity or that part of the article at cost or below, for they are not doing anything of the sort.

Mr. SMOOT. The Senator never heard me say that that was the basis on which I was going to figure.

Mr. SIMMONS. Does the Senator from Utah mean to say that the United States Steel Corporation is selling steel rails abroad at less than cost?

Mr. SMOOT. Sometimes they do; other times they do not.

Mr. SIMMONS. Does the Senator mean to say that that is a practice of theirs?

Mr. SMOOT. The practice of the United States Steel Corporation is to sell all the steel rails its mills produce, and in order to keep the mills running all the time, so as to make the goods as cheaply as it is possible to make them, and if the market in this country or in foreign countries is such that it has to sell rails below cost, it does so at times.

Mr. SIMMONS. My recollection is that Mr. Gary, chairman of the steel company until recently—I believe he is now; he has been chairman of it, I know—in the hearings before the House committee——

Mr. SMOOT. That was in 1909.

Mr. SIMMONS. That is not too long ago; that is only recently. He testified that they were getting about the same price abroad as they get at home, or a little bit higher.

I call the attention of the Senate to the fact, in connection with the argument just made by the Senator from North Dakota, that only a small per cent of the product of these factories is sold abroad compared with the percentage of the total product; that that statement is not correct as applied to steel rails is shown by the fact that our exports of steel rails are very nearly as great as those of Germany or England.

Mr. SMOOT. I am fully aware of that. I know what are the exportations of this country and what are those of Germany.

Mr. SIMMONS. The argument of the Senator could not apply to steel rails, whatever force it might have with some other product.

Mr. SMOOT. I am not arguing along that line to arrive at the cost of steel rails——

Mr. SIMMONS. But you were discussing the subject of the exportation of steel rails.

Mr. SMOOT. That is right.

Mr. SIMMONS. What I am saying is that we exported in 1910 ten million and a half dollars' worth as against England's $13,000,000 and as against France's $12,000,000.

Mr. SMOOT. The Senator does not know the facts if he makes such a statement as that. The production in this country is many times greater than that of England or Germany.

Mr. SIMMONS. That may be true.

Mr. SMOOT. The $13,000,000 of steel rails exported by England is 70 per cent of all she manufactures, and I have no doubt that the $12,000,000 worth that Germany exports is over 50 per cent of all she manufactures.

Mr. SIMMONS. The United States to-day is the third exporter in quantity of steel rails in the world.

Mr. SMOOT. Nobody doubts that, but what she does export, even if she is the third country in point of exports, is only a small percentage of what she produces and uses for home consumption.

The Senator from North Dakota was right. The great exporter is the United States Steel Corporation, and it exports not to exceed 20 per cent of its production, and there are only a few independents who export at all. So, the exports, taking the industry as a whole, not confining it to the steel corporation, but including all the independents as well as the steel corporation, amounts to only 5 per cent of the amount produced in this country.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Certainly.

Mr. REED. It is just for information. I understand the Senator to say it is a fact that large quantities of steel are sold in Europe at a less price than it is sold here, and, of course, I am referring to the steel made in this country. Do I correctly understand the Senator?

Mr. SMOOT. No, I never made the statement in that way.

Mr. REED. I certainly, Mr. President, understood the Senator to say——

Mr. SMOOT. I will say this—that large quantities of steel rails are exported by Germany and England at a less price than they are sold in their local markets.

Mr. REED. I am discussing the other question, and I want to know if I was right when I understood the Senator to say that steel rails were shipped from this country and sold in Europe for less than it cost to produce it in this country, plus freight, and to justify that by the argument that the mills had to be kept constantly going. Am I correct in that?

Mr. SMOOT. Technically I suppose not, but to other countries, yes. In other words, in the making——

Mr. McCUMBER. Will the Senator permit me? I do not think the Senator from Utah understands the Senator from Missouri. The Senator from Missouri speaks of exporting rails from the United States to Europe.

Mr. REED. Yes; I think the Senator understands the question.

Mr. McCUMBER. How many rails are exported to Europe?

Mr. REED. There is a very small percentage going to Europe.

Mr. SMOOT. Rails are shipped to Central America, South America, and Mexico. That is why I said "technically." I understood the Senator to mean from the United States.

Mr. McCUMBER. That is a different proposition.

Mr. REED. I hardly think the Senator from Utah in defense of the Payne-Aldrich bill needs a prompter or a suggester of any kind; but if it is necessary, I will modify my statement so as to include South America.

Mr. McCUMBER. Exclude the others.

Mr. REED. I understand the Senator to say it is a fact that large quantities of steel are exported from the United States to other countries and sold at less than the cost in this country. Is that correct?

Mr. SMOOT. It is not a large quantity in comparison with the amount manufactured in this country, but I will say yes; there are considerable quantities of steel rails manufactured in

this country and exported to other countries and in some cases sold for less than cost.

Mr. REED. You say it is not a large quantity in comparison, but still a considerable quantity of it.

Mr. SMOOT. Yes.

Mr. REED. Can the Senator give us an idea of the amount—I am asking for information, and he has studied the bill—that is actually sold abroad at less than cost of production in this country.

Mr. SMOOT. That I could not say, nor I do not think anybody else could give the aggregate amount.

Mr. REED. Can the Senator give us an approximation?

Mr. CUMMINS. May I act as prompter for a moment?

Mr. SMOOT. Willingly.

Mr. REED. I will accept.

Mr. CUMMINS. While it might seem to make for the position I take in regard to this schedule, the truth is that very little of our steel product is sold abroad more cheaply than it is sold at home. Our people are able to compete with the whole world, without reducing their prices in other markets, and the instances in which they sell abroad more cheaply than at home are rare. We supply Russia, both in Europe and in Asia; we supply Asia and South America with these heavy steel products at prices that yield our producers a very satisfactory profit. I do not think that they do sell any very large amount of their product away from home at substantially less than they sell their products at home.

Mr. REED. I know that is the view of the Senator from Iowa.

Mr. SMOOT. But it is not——

Mr. REED. But I was trying to learn the views of the Senator from Utah, because I regard the Senator from Utah as the real spokesman on the Republican side of the Chamber upon this and other important matters.

Mr. SMOOT. I do not claim that distinction.

Mr. REED. No; but we grant it gladly. Does he now stand in the Senate and admit it is true that American manufacturers of steel do sell a considerable portion of their product abroad for less than it costs to produce it?

Mr. SMOOT. If the Senator will take out "considerable" I will agree to the statement just made, and I have already stated to the Senate why it was done.

Mr. REED. Will the Senator accept the word "substantial" in lieu of the word "considerable"?

Mr. SMOOT. No; I will not accept it, because it is only a small amount of the total produced in this country.

Mr. REED. Did I not understand the Senator to say that they sold it abroad to keep their mills going?

Mr. SMOOT. They do.

Mr. REED. And if they do, then is it not a substantial amount?

Mr. SMOOT. It may be a ton, a thousand tons, or a million tons.

Mr. REED. The Senator does not mean to say that one ton of steel——

Mr. SMOOT. No; I do not. I mentioned one in a comparative way and now withdraw it.

Mr. REED. Would keep the mills running, and if they do not sell that the mills would close. Neither would he say that 1,000 tons would do it or 10,000 tons would do it or 100,000 tons, speaking seriously, and the Senator always seeks to be accurate in his statements.

Mr. SMOOT. I said offhand a "ton," but I will say to the Senator a million tons.

Mr. REED. Then we have gotten to the point where the manufacturers will sell 10 per cent of their exports below the cost of production.

Mr. SMOOT. I understand they do sell a part of it below the cost of production. We will let the record speak for itself as to the amount.

Mr. REED. If they sell abroad below the cost of production, somebody has to make up that loss.

Mr. SMOOT. Oh, no; Mr. President——

Mr. REED. And is not that necessarily the man who buys the part of the product that is not sent abroad? And does not that result in taxing the American consumer, charging him a higher price than he ought to pay, in order that goods may be sold abroad for less than their cost?

Mr. SMOOT. The Senator certainly has not been in the Chamber or has not listened to what I had to say, or he would not expect me to go over that ground again.

Mr. REED. I am asking the Senator——

Mr. SMOOT. Let me tell the Senator one thing.

Mr. REED. I am asking the Senator to give me a concrete answer.

Mr. SMOOT. I will.

Mr. REED. Does not that result in higher prices being paid by the American consumers, who have been taxed for 50 years to protect these concerns?

Mr. SMOOT. No; it does not; and if the Senator will give me his attention for a moment I will tell him why.

Mr. REED. I will be glad to.

Mr. SMOOT. If he will he will not ask the question again.

Mr. REED. If the Senator can evolve a theory that fits those facts, and does not take the money out of some one's pockets, and if it is not our pockets, in the last analysis, I shall regard him as having performed the greatest intellectual feat of this century.

Mr. SMOOT. Mr. President, I will try and satisfy the Senator. As I have said to the Senate before, the only way to produce steel rails or the products of steel of all kinds is to keep the mill running full time. It costs just as much for labor at the blast furnaces, the overhead charges, yearly salaries, interest, and the taxes upon the property to produce 500 tons per day as it would 2,000 tons per day. Now, can not the Senator see that if the company did not have a market to take the 2,000 tons, daily production, and only had a market to take 1,500 tons, that it would cost more per ton to produce the 1,500 tons than it would the 2,000 tons, and therefore the American consumer is not compelled to pay a higher price for what he buys on account of selling goods abroad at cost, but on the contrary ought to buy them for less; and not only ought he to but he does, and every laboring man employed in the mill receives the advantage of continuous employment.

Mr. REED. Would the Senator kindly figure out how much money a mill makes by selling out of a total production of 10,000,000 tons 2,000,000 tons at a loss of $2 a ton.

Mr. SMOOT. In making that 2,000,000 tons, if sold at a loss, there no doubt would be 40,000,000 tons more made, and the amount that would be made on the 40,000,000 tons, by running the mill to its fullest capacity, would not only make up what was lost on the 2,000,000 tons, but many, many times over; and I should think the Senator could see that.

Mr. REED. Would the Senator pardon one more question? Does the Senator think there would be anything morally wrong in their cutting that price on steel to the American consumer and letting him have the benefit of it instead of giving it to the foreigner?

Mr. SMOOT. I do not know but that they do sell it for less to the consumer in this country. In fact, competition has been so keen, according to the testimony, that they have been compelled to.

Mr. REED. They have lost considerable money? I think I had better call on the Senator from Iowa to now prompt the Senator from Utah.

Mr. SMOOT. The Senator needs to call on some one.

Mr. GALLINGER rose.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. Certainly.

Mr. GALLINGER. I have not been able to hear the entire argument of the Senator from Utah. I will ask the Senator if he concedes that 2,000,000 tons of steel were sold abroad at less than cost?

Mr. SMOOT. No. That is the example the Senator brought up. It was a hypothetical question.

Mr. GALLINGER. If the Senator will turn to the report of the Industrial Commission, published some years ago, I think in volume 17, he will find that that commission, after a very exhaustive research, came to the conclusion that between 1 and 2 per cent of our products were sold abroad at less than in this country.

Mr. SMOOT. That is approximately what I stated, though I did not give the exact figures.

Mr. GALLINGER. If the Senator will refer to a document which I had printed some two or three years ago, I think, having called on the Secretary of State to ascertain, through the United States consular officers, what the practice was on the part of the countries with respect to selling abroad at a less rate than the domestic price, he will find that the reports show that there is scarcely a country in the world that does not make an export price less than the domestic price for their surplus products.

Mr. REED. The Senator is speaking more in answer to my inquiry than perhaps in regard to the remarks of the Senator from Utah. I take it that the real burden of his remarks are to this effect, that as other countries sell their surplus abroad for less than they sell it at home, that justifies this country in going abroad to meet that competition.

Mr. GALLINGER. If there is not a demand on the part of our citizens for that surplus, I think they should do that.

Mr. REED. Then the situation comes to this: European countries—let us say England and Germany for illustration—can ship to South American countries, sell for less than it costs to produce, and this country can sell in Europe for less than what it costs, and the citizens of Europe and South America get the benefit of the extremely low prices, but when you undertake to bring in the steel from England—a part of its surplus—and to sell it here your tariff wall is at a point where no man can bring it in and sell it so that our people can get the benefit.

Mr. GALLINGER. We meet the same condition exactly in England. We run against a tariff wall in Germany higher than ours.

Mr. REED. Every nation in the world gets the benefit of this process, and we bar ourselves from the effects of competition and low prices, and a tariff is put on to protect those gentlemen from the very competition they meet elsewhere.

Mr. GALLINGER. I do not agree to that at all. It is a mere moiety that is sold abroad, and the question whether any of it is sold at less than cost——

Mr. REED. The Senator was not here when the Senator from Utah conceded that it was done in order to keep their mills running and that it amounted to a large sum.

Mr. SMOOT. I should like to again inform the Senator from Missouri that not only does Germany have a protective tariff wall, but in order to secure the trade of the world she pays a bounty upon the export of steel products.

Mr. REED. Yes.

Mr. SMOOT. In England the same thing is true.

Mr. BACON. I do not like to interrupt the Senator, because he has been interrupted so much, but right on the line, I should like to ask him a question or two.

Mr. SMOOT. I have no objection.

Mr. BACON. Do I understand the Senator to take the position that the sale of steel rails, coming down to that specific article in foreign countries at less price than they are sold at in the United States, is an exceptional affair, or on the other hand is it true that there are regular quotations at the mills of one price for the domestic consumer and another for the export trade?

Mr. SMOOT. There is no question but that prices in Germany——

Mr. BACON. I am not talking about Germany. I am talking about the United States.

Mr. SMOOT. I think where American manufacturers are compelled to export, in many cases they are compelled to quote lower prices for exportation than for the market in this country.

Mr. BACON. The Senator misapprehends my question.

Mr. SMOOT. Possibly.

Mr. BACON. I understood from the colloquy which the Senator had with the Senator from Missouri and others that the proposition is this: That the occasions upon which steel rails are sold at a less price abroad than they are sold at home are exceptional, and that it is necessary to do so in order to keep the mills running, but it does not relate to the regular prices of rails sold by producers in the United States to foreign consumers. I do not know whether I make myself clear. I understand the Senator to mean this: That the occasions upon which the producers of steel rails in this country sold their steel rails at a less price to foreign consumers than they sold to American consumers were exceptional; in other words, it was not the rule, but that it was done only upon occasions to keep the mills running.

Now, the question I ask the Senator, if he made that statement which I understood to be his statement, is it not true that there are two regular quotations at the mills in this country, one price for the domestic consumer and a much lower price for materials that are to be sold for export.

Mr. SMOOT. Mr. President, of course if the demand for steel rails in this country was such that it would take the full product of all the mills, there would be no steel rails exported, and the price would be the same.

In answer to the other question which the Senator asked, as to whether——

Mr. BACON. I do not think that is any answer to either question that I asked.

Mr. SMOOT. In connection with it, then, I will say I have never heard it testified to, nor do I believe it to be a fact, that the regular quotations of the manufacturers of this country are one price for this country and another price for a foreign country, but such quotations are made only in exceptional cases, as stated by the Senator.

Mr. BACON. Now, I want to ask the Senator this question. Does the Senator know that there has been any change in the rule in that regard in the last eight years. In other words, has there been any change in the policy in that matter?

Mr. SMOOT. There were three or four of the independent manufacturers, and by the way none but independent manufacturers appeared before the committee, who testified that there was no such thing as two prices, one for this country and one for foreign trade, but no one who testified as to when the change was made or whether there had been such a practice in the past.

Mr. BACON. Now, will the Senator permit me not simply to put in the RECORD, but to have read to the Senate two letters, one from the president of a railroad company and the other from the general manager of another railroad company, in which the explicit statement is made and the narration given of the circumstances in their own experience upon which that statement is based. Will the Senator permit me to have that read?

Mr. SMOOT. I would rather have the Senator read them in the RECORD in his own time and his own speech.

Mr. BACON. I do not now offer to do it, because I would not impose them on the Senator. That I will do hereafter in order that he may not be unduly interrupted. I will state to the Senator that I have those two letters, one from the president of a railroad company, in which he narrates that he was a president of a railroad which lay partly in the United States and partly in Mexico, and how it was that the regular quotations to him were such that it cost him $5 a ton more for rails bought to be laid in the United States than it did for rails bought the same day to be laid in continuation of the line in Mexico; and in the other the general manager of the other company gives his experience, in which he attempted to buy rails for his road where a certain price was quoted to him, and where he attempted to get a lower price without stating where he was to ship them, or rather without stating that he was to use them in the United States, and where he had been compelled to pay $5 more for rails to be laid in the United States than he would have had to pay from the same mill if he was going to ship them in South America. I will put those letters in later.

Mr. CUMMINS. I am interested very much in that statement. May I ask the Senator from Georgia about the date of the letters?

Mr. BACON. Yes, sir.

Mr. CUMMINS. Are they recent?

Mr. BACON. That is the reason why I asked the question. The letters were written eight years ago.

Mr. CUMMINS. How long ago?

Mr. BACON. In 1904. At that time we were selling rails in Mexico for $10 a ton less than we were selling them at home regularly.

Mr. CUMMINS. I do not know; that may have been one of the exceptional cases the Senator from Utah speaks of; but the letter I have from the Boston railroad, of which I have spoken, figured out in the different prices quoted that the difference was about $5 a ton as a regular thing.

Mr. SMOOT. Mr. President, I know nothing of this particular case. I know that in England and in Germany, when rails are being exported, in many cases the purchaser is required to execute a contract assuring the syndicate that the goods exported will not be shipped back into England or Germany, or the country from which they were shipped.

I can not say as to what the manufacturers of this country eight years ago were compelled to do to secure the Mexican business, or what may have been the system at that time, but I know that the testimony shows that to-day there is no such system being practiced.

Mr. CUMMINS. Mr. President, I think the whole situation has changed in the last 8 or 10 years with regard to our prices abroad. The truth is that at this time, if the order is a large one at all, the agent of the manufacturer has visited the country in which the rails were to be used and has entered into a contract for the manufacture and delivery of the rails. Of course, he gets all he can get—sometimes the full price in America; sometimes being compelled to sell below the price here. The rails are not a part of an undesigned surplus. The rails are manufactured after the order is given. That is true of nearly all large orders of steel rails.

This notion of sending abroad a surplus that has accumulated because business happens to be depressed at home is purely fanciful. All these articles are manufactured after the order has been given, and if the order had not been given they would never have been manufactured.

Now, if the Senator will pardon me one single remark more——

Mr. SMOOT. I should like to answer that, and then I will yield to the Senator. The Senator may think the notion is fanciful, and that those are the regular orders of the trade, but he must admit if the $10,000,000 or $12,000,000 were not exported, the mills could not run in this country to their full capacity.

Mr. CUMMINS. I do more than that. I admit if we had not a large exportation the mills would not have been built. The mills were built for the purpose of furnishing the countries across the sea with a certain amount of our product.

The only quarrel I have with the Senator from Utah is that he seems to see this sort of situation, that we have a certain capacity for manufacturing, for supplying the needs of our own country; a period of depression comes, a surplus accumulates, and because it is cheaper to operate the plant at or about its full capacity, therefore we ought to be permitted to sell that surplus abroad that is not taken by reason of the depression at home for any price that we can get for it.

That is true. That is a perfectly sound proposition. But when the manufacturer looks over his own country and the world, too, and comes to the conclusion that he can supply a certain output or supply a certain demand and constructs his factory with reference to that demand, foreign as well as domestic, then it becomes, as it seems to me, exceedingly illogical to claim that it is either good business or good morals for him to run his factory for the foreign trade in order to produce cheaper for the domestic trade. That is the only difference I have with the Senator from Utah.

Mr. SMOOT. I do not know where the Senator gets his information. I know that the men before the committee did not make any such statement, that they were building and increasing their plant for the purpose of securing the foreign trade.

Mr. CUMMINS. You made no inquiry of them. Everybody knows they had increased their capacity. The United States Steel Corporation has invested $500,000,000 since it was organized in increasing its capacity and has made it out of the earnings of the company. Jones and Laughlin have increased their capacity——

Mr. OLIVER. Jones and Laughlin testified before the Finance Committee that they did not export.

Mr. CUMMINS. Very well, they do not need to export; but they have increased their capacity and they have increased their output, and that is true of every steel company of considerable proportions in the United States. They have all increased their capacity in the last eight or nine years.

Mr. SMOOT. I hope the American factories will continue increasing——

Mr. CUMMINS. So do I.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I do.

Mr. REED. In connection with the statement made by the Senator from Iowa, I noticed yesterday in reading the trade reports in a large number of papers, particularly those from Pittsburgh, the statement contained in all was to the effect that the demand for steel has increased so that the mills are now compelled to work to their utmost capacity.

Mr. SMOOT. I also have a report this morning showing the net earnings of all the corporations of our country, showing $115,500,000 less in the earnings of the corporations for 1911 than they were the preceding year.

Mr. REED. I am speaking about orders now on the books.

Mr. SMOOT. It may be true of one particular company. One firm may have large orders now, but the general industry as a whole is not booming as the Senator would intimate.

Mr. REED. I want simply to be clear. I do not know whether the general industry is booming or not. I am not a spokesman for the steel industries of this country. I simply make the statement contained in several of the papers yesterday, and notably in the Pittsburgh papers, that the orders for steel rails were such now that they were going to be worked to their utmost capacity.

Mr. SMOOT. I hope that is true, Mr. President, because I want to see them working to their utmost capacity.

Mr. BACON. Mr. President——

Mr. SMOOT. I yield to the Senator from Georgia.

Mr. BACON. The remark I wish to make is that if it be true that the larger part of the steel rails exported are sold at the same price they are sold in the United States, it seems to me the conclusion is very irresistible that they can compete with the foreign producer in spite of the fact that they have to make these prices at home.

Mr. McCUMBER. Mr. President, will the Senator allow me to reply to the query of the Senator from Georgia?

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator from Georgia must remember that a great proportion of our exports are into Canada. We are able to compete even with the British manufacturer with his differential in Canada on account of freight rates. We have the benefit, of course, of proximity, of immediate deliveries. We can sell for a very much lower price because, first, we can get immediate delivery in response to their orders, and secondly, we can utilize the Great Lakes to a greater extent than they can, and we can therefore supply the Canadian northwest as against Germany or Great Britain and still have the regular American price.

Mr. REED. Mr. President, if we can compete in Canada then why can we not compete in the United States?

Mr. McCUMBER. For the same reason that we can not take rails to San Francisco and compete with Germany, because water transportation is very much cheaper and we have the advantage of the water transportation. The British merchant must unload in the eastern sections and send by rail, and the expenses are so great that we can beat him there.

Mr. REED. Then it comes to this; that we have to ship steel rails, say a thousand miles into Canada by railroad; you can there meet English competition, but you can not meet English competition at the door of your own factory, and you have got to be protected.

Mr. SIMMONS. Mr. President——

Mr. SMOOT. Mr. President, I very much prefer to go on if there is no objection on the part of the Senator.

Mr. SIMMONS. I rose to say just a word.

Mr. SMOOT. Very well; I yield.

Mr. SIMMONS. I understood the Senator from North Dakota [Mr. McCUMBER] to make the point that we are unable to compete with the Canadian markets, notwithstanding there is a differential in favor of England of 35 per cent, because of a freight-rate advantage. I think that is the statement of the Senator from North Dakota.

Mr. McCUMBER. Freight rates, proximity, and immediate delivery.

Mr. SIMMONS. Mr. President, we would seem to have no advantage in freight rates as against England and Germany in Mexico, and yet we are importing to Mexico several times more steel rails than England is importing to Mexico.

Mr. SMOOT. The Senator from North Dakota referred to the fact that quite an amount of our exportations of steel rails go into Canada. The question of freight is quite an advantage when shipping to Canada.

Mr. SIMMONS. Exactly.

Mr. SMOOT. It is somewhat similar as to South America.

Mr. SIMMONS. There we compete, notwithstanding there is no advantage in freight rates in our favor, and the tariff conditions are exactly the same. We sell more of the products, not only steel rails but the general products of iron and steel and the manufactures thereof in Mexico than England does or Germany does, and if we can go to one of the neutral markets where freight rates are alike, where tariff rates are alike, and there compete with them, as the Senator from Missouri [Mr. REED] says, why, in the name of Heaven, can we not compete with them in our own market?

Mr. SMOOT. There is no need of my going over that question again. It has been thrashed over three or four times during this discussion. I think Senators pretty well understand it. It is not a question altogether as to what rails cost; it is a question of getting a market. That is what manufacturers have done in the past and what they will continue to do, if necessary to keep their mills running.

Mr. Pepper's report shows that the cost in the Luxemburg district, Germany, is $11.42 for pig iron and $17.13 for steel. I again call attention to the fact that that cost price is in the Luxemburg district, Germany, and he says the average estimate was $11.42 for pig iron.

Mr. Pepper, speaking of the general average price of pig iron, says it is agreed that pig iron in the Cleveland district has been made at a net cost of $8 per ton by some of the companies controlling collieries as well as ore mines and have exceptional facilities for production.

I want Senators to keep in mind those figures, because if they will take the $14.01 that Herbert Knox Smith says it costs to produce pig iron in this country, and the testimony of Mr. Schwab that it costs $14, and deduct the $11.42 from the Smith cost, it leaves $2.50. The present rate on pig iron is $2.50.

Mr. President, there has been a good deal said in relation to the intercompany profits in this country, Senators stating, or intimating at least, that that class of profits was not taken into consideration in arriving at the cost in England and Germany.

Let us see whether that is the case or not. Herbert Knox Smith at page 13 makes this statement:

> The bureau deducted these intermediate "transfer" profits for all the important simpler products. The resulting "revised cost" must, however, be handled with great caution. The margin between this revised cost and the selling price is, of course, much larger than the margin over the "book cost."

We have the American book cost, for Herbert Knox Smith had authority to examine by himself or his representatives every concern in the United States. The companies books were opened to them and the report gave the absolute book cost, giving the detail cost of every item of every description that entered into the cost of production of pig iron.

The report continues—

> that larger margin must cover all the stages of production, and therefore a much larger investment. The profit above the "book cost" of a subsidiary is to be applied simply to the investment of that company. On the other hand, the profit above the revised cost of an integrated company, carrying through many stages of production, *must be set against that entire investment.*

And again, it was contended that there had been a great reduction in freight rates amounting to 70 cents a ton since the report of Herbert Knox Smith, and that should be deducted from cost as reported by him. Let us see what Herbert Knox Smith says on this subject:

> Another fact of great importance in considering the present costs of Lake ore, as well as the probable costs for the next few years, as distinguished from the comparison for the two periods covered by the foregoing table, is found in the recent change made in the rail rates on ore from the Mesabi and Vermilion Ranges. During the latter part of 1911 (and since the publication of the first part of this report) the Steel Corporation announced reductions in the rail rates for the Mesabi and Vermilion Ranges as follows: The Mesabi rate was reduced from $0.80 per gross ton to $0.60 per gross ton, and the several Vermilion rates of $0.90 and $1 per gross ton were reduced to a flat rate of $0.60 per gross ton. Just what effect these reductions will have on the cost of ore at lower Lake ports depends, of course, on the particular tonnages shipped from each range. For the mines whose costs for the period 1907 to 1910 are comprised in the foregoing table (Table 10) the reduction in average freight rate would be about $0.17 per ton, and this would result in a reduction in the average cost at lower Lake ports of an equal amount per ton. Taking the average book costs of the period 1907 to 1910 as a basis, the cost of ore at lower Lake ports would be reduced thereby from $2.70 per ton to $2.53, and this ore cost would be $0.05 per ton lower than the average cost for the period 1902 to 1906, namely $2.58 per ton.

That is what Herbert Knox Smith reports in relation to the reduction of rates.

Mr. BACON. Will the Senator permit me to make a correction of what I said a moment ago?

Mr. SMOOT. Yes.

Mr. BACON. I was stating from memory in regard to the letters when I said the difference was $5 between the cost quoted for rails to be used in the United States and the cost quoted for rails to be used in other countries. I was mistaken. It is $9 difference; not $5. I have just looked over the letter. It is $9 more at the same mills for parties who wish rails to be laid in the United States than they would be sold to the same parties if they were going to ship them to Honduras.

Mr. SMOOT. That would depend entirely upon the price required to secure the order at Honduras. To-day there could not be that wide difference between a foreign price and local price. The market price is generally known to-day.

Mr. BACON. What is the market price now?

Mr. SMOOT. The market price to-day is about $28.

Mr. BACON. Very well. The market price then was $29. That was the domestic price, and it was $20 for the same article at the same mill on the same day to the same purchasers if they were going to ship to Honduras.

Mr. SMOOT. If that is the case the rails were sold below cost.

Let us take the figures now of the cost of steel rails shown by Herbert Knox Smith on page 30 of his report, viz. $22.23, and accepted by the Senator from Iowa as being correct, and I am perfectly willing to accept the same. Then take the report of the cost on pig iron, as shown by Mr. Pepper, $11.42. The difference between the cost of rails in this country and the cost of pig iron is $8.22, the American conversion cost. Then take $11.42, the Luxemburg cost of pig iron, and add a conversion cost of $8.22. You get $19.64 as the cost in Germany of the steel rails, providing the conversion cost is no greater in Germany than in this country. Deduct that from $22.23—the American cost—and you have a difference of $2.59.

Mr. President, I do not wish at this time to go into the question of cost further than this, but will refer to the cost of labor required to make pig iron and bar iron from the iron ore to the finished product.

Mr. CUMMINS. Mr. President, I shall interrupt as rarely as possible, but I do not want the Senator from Utah to understand or to say that I admit the total cost of steel rails is $22.23.

Mr. SMOOT. Then, Mr. President, I am mistaken, because I thought the Senator accepted the figures of Herbert Knox Smith, and Herbert Knox Smith reports that——

Mr. CUMMINS. Herbert Knox Smith does not give that as the cost of steel rails.

Mr. SMOOT. Let us see if he does not.

Mr. CUMMINS. The mill cost is $20.97.

Mr. SMOOT. That is outside of the intercompany cost.

Mr. CUMMINS. No, the mill cost, including the intercompany profits, is $20.97 per ton. The way the Senator from Utah gets the $22.23 is by adding $1.26 a ton, which is put in a column called additional costs.

Mr. SMOOT. I ask the Senator to state what constitutes the additional cost.

Mr. CUMMINS. And those costs are not in the corresponding table of the English production.

Mr. SMOOT. How does the Senator know they are not?

Mr. CUMMINS. Because it says they are not.

Mr. SMOOT. The Pepper report does not say so.

Mr. CUMMINS. I think so.

Mr. SMOOT. Here is what the report says as to cost of pig iron and steel in the Luxemburg district: "$11.42 for pig iron and $17.13 for steel." There is not a word said that the additional costs spoken of by the Senator are not included in these costs.

Mr. CUMMINS. Of course, I do not want to interrupt the Senator from Utah by a running debate, but I assert it is easily proven, plainly observant, from the mere reading of Mr. Pepper's report that these additional costs of $1.26 are not in his calculation as to the cost of steel rails.

Mr. SMOOT. The costs that Mr. Pepper gives are from certain trade journals. I want to say that if the additional costs to which the Senator refers were not made a part of the cost, the company not taking them into consideration would go into bankruptcy very soon. They are just as much a part of the costs as the purchase price of the iron ore.

Mr. CUMMINS. I agree to that, Mr. President, and therefore I add $1.20 to the English cost table as given there.

Mr. SMOOT. The report gives the cost, and it does not contain a word as to whether there is any part of the reported cost not accounted for. If we are to arrive at the cost, every item of cost must be considered, whether it be labor, or materials, or expenses, such as interest, overhead charges, depreciation, and so forth. Those are all elements in the cost of producing a finished product.

Mr. CUMMINS. Well, Mr. President, suppose they are—although I have not said so and do not agree to it—then the cost in the United States is $22.23 a ton, and the cost in England is $23.35 a ton. Where does the Senator from Utah find in that any cause that we need to protect it by a duty of $3.93 per ton?

Mr. SMOOT. I have said, Mr. President, that Mr. Pepper states that it cost $11.42 for pig iron; add to that $8.22, the American cost of conversion, and that makes $19.64. The Senator, himself, from his own figures, will see that the conversion cost is not more than $8.22.

Mr. CUMMINS. The Senator from Utah reminds me of the attempt of a famous orator from Maine to divide a verse of Scripture. I will not repeat that incident, but if the Senator from Utah will simply examine on page 10 he will find that the cost of pig iron in England, according to Mr. Pepper, is $13.35, and the cost of the steel ingots is $18.49, while the cost of steel rails is $23.35.

Mr. SMOOT. I am not comparing, as the Senator from Iowa is doing, the low cost in this country with the high cost in England, nor am I going to take the low cost in the foreign country and compare it with the high cost in this country and say that that is the difference between producing goods in this country and abroad.

Mr. CUMMINS. I did not say that, but the Senator from Utah will certainly have to take the cost of the pig iron out of which steel rails can possibly be made. He is taking up, if I understand him right now, the cost of pig iron in England out of which steel rails never have been made, and, although I am not an expert, I believe never can be made.

Mr. SMOOT. Mr. President, I am not speaking of English steel rails; I am taking the cost in the Luxemburg district, as stated by Mr. Pepper in his report, viz, $11.42; and the Senator knows that the Luxemburg district produces pig iron from which steel rails are made.

Mr. CUMMINS. I know that there is a pig iron made in the Luxemburg district out of which steel rails can be made, but the only place in which Mr. Pepper refers to the cost of steel rails is on page 10 of his report, and it is the cost in England to which he refers; and he gives that cost as $23.35,

He is either right or wrong, and I should like to know from the Senator from Utah whether he believes that Mr. Pepper is right or wrong with regard to that statement.

Mr. SMOOT. The trouble with the Senator from Iowa is that he is quoting the highest prices given by Mr. Pepper in his report on the British iron and steel industry, and I now call his attention to Mr. Pepper's report on the German iron and steel industry——

Mr. CUMMINS. Very well.

Mr. SMOOT. And I am quoting figures given by Mr. Pepper in his report on the German iron and steel industry.

Mr. CUMMINS. I did not in my discussion refer to that report, but I am perfectly willing to do so. However, what I should like to ask the Senator from Utah is, whether he accepts with equal confidence Mr. Pepper's report with regard to the cost of steel rails in England?

Mr. SMOOT. I can not do that for the purpose of comparison because of the very fact that Mr. Pepper, as well as Herbert Knox Smith, states that it is impossible to get the actual book cost.

Mr. CUMMINS. I suppose, then, it is just as impossible to get it in Germany as it is in England?

Mr. SMOOT. It is just the same, and therefore, so far as the report is concerned——

Mr. CUMMINS. Therefore the Senator from Utah accepts Mr. Pepper when he testifies according to the Senator's liking, but repudiates him when he testifies in an opposite way.

Mr. SMOOT. No, Mr. President; I do not want the Senator to put me in that attitude, nor am I going to be placed there, either, without giving the reasons for the statements I have made as to the cost of production in Germany, as shown by the Pepper report. I do not claim the figures I have given are the actual book cost of pig iron or steel rails, but used the cost as reported by Mr. Pepper as a basis; but I do not believe that the reported cost in the Pepper report is absolutely correct nor does Mr. Pepper believe so himself. We all accept the cost price as reported for this country, because it is the actual book cost.

Mr. CUMMINS. Does he think it is too high or too low?

Mr. SMOOT. He has not said, and therefore we can not tell.

Mr. CUMMINS. It is quite as likely, then, as I assume, that the cost of the item is too low as that it is too high.

Mr. SMOOT. That is not very likely. The foreigner knew the information was being secured for the purpose of making an American tariff, and it would be unreasonable to suppose he would place his cost below the actual cost of production. I would hazard a guess that it would be as high as he thought it would be believed.

Mr. CUMMINS. Yes; he went there for the purpose of getting information upon which the committee in 1909 could act.

Mr. SMOOT. Yes.

Mr. CUMMINS. That committee was not noted for its desire to reduce the duties, as I remember.

Mr. SMOOT. Mr. President, we did reduce the duty on steel rails and many other of the steel products 50 per cent.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. REED. I merely want to ask the Senator from Utah a question for information.

Mr. SMOOT. The Senator from Missouri may ask me a question if he desires.

Mr. REED. I should like to ask the Senator from Utah, and, if he will permit me, to ask the Senator from Iowa, whether they are both now agreed that this report of Mr. Pepper's which both of them have quoted is utterly unreliable?

Mr. SMOOT. I did not say it was utterly unreliable. I said it was the best information that Mr. Pepper could secure from the sources at his command; but it is not the actual book cost, and no one can get that cost from the foreign manufacturer, in my opinion.

Mr. CUMMINS. I want to say to the Senator from Missouri that it is entirely unreliable both as to England and as to Germany, but I accept it as the very best evidence we have, and I know of no reason for discrediting it in any respect.

Mr. SMOOT. Nor was I trying to discredit it, but was using the figures for comparison, knowing they were the best we had at our command.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Mr. President, I should like to proceed if there is no special——

Mr. SIMMONS. Of course, if the Senator does not care to be interrupted, I will not interrupt him.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes; I yield to the Senator from North Carolina.

Mr. SIMMONS. I simply want to ask the Senator, as a matter of information in connection with the figures he gave awhile ago, if he had considered the table in the report of the Bureau of Corporations, on page 66, which is headed as follows:

Table 16. Average book cost per gross ton of heavy Bessemer rails, and cost excluding transfer profits for all companies, 1902–1906.

That shows the total book cost of heavy Bessemer steel rails at $21.27. Excluding transfer profits, it shows the cost of heavy Bessemer rails at $18.80.

Mr. SMOOT. But the report also gives the following information:

The following table gives the book costs of heavy Bessemer rails, and the same costs after the elimination of antecedent transfer profits.

You might just as well ask what is the cost of steel rails without any overhead charges; what is the cost of steel rails without any interest; what is the cost of steel rails without any charge for depreciation; or what is the cost of steel rails without taking any of the ordinary expenses into consideration or what the mere cost of running the metal through the blast furnace is as to eliminate transfer profits. That is not the kind of cost we are trying to arrive at.

Mr. SIMMONS. I will ask the Senator, in all of these tables where the transfer profits are eliminated, if that does not refer to the accumulated profits that have been added by the company and its subsidiary companies—for instance, profits on mining of the ore, on its transportation, on its conversion into pig iron and that into ingots, and so forth?

Mr. SMOOT. If a company spends $10,000,000 building a railroad for the purpose of hauling its ore, that does not signify that it does not cost the company more than is actually paid out in wages to employees to haul it. It is no reason why the company investing the $10,000,000 should have no return on the investment, and if it did the manufacturer of steel or the Senator from North Carolina would never invest money in that way.

Mr. SIMMONS. But, Mr. President, suppose we take the case of the steel corporation. They own the iron mines and the ore mines; they extract the ores at a certain cost, and they add a profit for that process. They own the railroads which take the steel rails from the upper Lake ports, and they add a profit for that. They own the steamboats that do the carrying from the upper ports to the lower Lake ports, and they add a profit for that transportation. Then they take the ore to the furnace and convert it into pig iron, and they add a profit for that. Then they convert the pig iron into steel rails, and they add another profit for that. The same organization owns all of the instrumentalities of production from the ore in the ground to the finished steel rail, but in getting at the ultimate cost this concern that is the owner of all these instrumentalities and has done the whole work from the beginning to the end adds a profit at every stage, as I understand. I am not making this calculation myself, but Mr. Herbert Knox Smith in making this calculation, taking into consideration the fact that the steel company made a profit at every point, at every stage of integration added a profit, eliminates those various profits in estimating the cost of the finished product. Is not that the process by which he has reached this result, I will ask the Senator?

Mr. SMOOT. Of course, if you do not consider the interest upon such an investment "cost," and if every expense attached to the manufacture of steel is not "cost," then the price named by the Senator perhaps could be construed as actual cost; but a corporation is not going to put millions and millions of dollars into a property without some assurance of profit. If the United States Steel Corporation is the purchaser of an iron mine, some claim that their iron ore does not cost them more than the actual labor in extracting it. This is a mistake, for every ton of ore that is extracted is lost to them, so far as the value of the mine is concerned. The ore can not be replaced. It is drawing upon the capital and not using dividends.

Mr. SIMMONS. Mr. President, there is no disagreement between the Senator and myself from his standpoint and from my standpoint. The proposition that I laid down is that Mr. Herbert Knox Smith, in trying to determine what was the cost to the United States Steel Corporation and to the larger steel corporations that own the ore, the factories, and the furnaces which take the ore and convert it into steel rails, did not allow for any profit in any of the intermediate stages of production. Of course, under that process when you come to determine what would be a reasonable profit to allow to the larger corporations which own all of these intermediate agencies of production, you would have to consider the capital invested in iron ore, in boats, in railroads, and blast furnaces, as well as in the plant

which finally converts it into steel rails. All I was calling the Senator's attention to was the fact that Mr. Herbert Knox Smith, following these processes in ascertaining the cost of producing steel rails, had reached the conclusion that the actual cost of producing steel rails, eliminating all profits, was $18.80.

Mr. SMOOT. Mr. President, all the independent companies in this country do not own iron mines; they do not own railroads; they do not own boats to transfer the ore; and we are not making a tariff bill to protect the United States Steel Corporation alone. We are making a tariff bill——

Mr. NELSON. Mr. President, do I understand the Senator to say that the United States Steel Corporation does not own any railroads or any mines?

Mr. SMOOT. No. I said all the independent companies do not. The United States Steel Corporation does, of course.

Mr. NELSON. They own railroads, mines, and everything else, except the grace of God.

Mr. SMOOT. The Senator refers to the United States Steel Co. I was speaking of the independent companies. It has been stated time and time again that the United States Steel Corporation could make steel rails cheaper than can any other company in the United States, but on that account are we going to destroy, by tariff legislation, the independent manufacturers of this country? The representatives of the United States Steel Corporation did not come near our committee during the hearings and did not give a word of testimony. Those who were affected most by this bill were the independent manufacturers of this country; they were the ones who testified before the committee.

Mr. President, I was going to discuss the question of pools and syndicates in foreign countries, as reported by Mr. Pepper, showing how they handle this business, but I see that the time is fast passing, and I have not even started upon the discussion of the different paragraphs. Therefore I shall allow the remarks I made on Friday last on this question to suffice and ask the privilege of putting into my speech the statement made as to the pools and syndicates, not only in Germany but in England, by Charles M. Pepper in his report upon the steel industry of those two countries.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[From report of Charles M. Pepper on the German iron and steel industry, found in H. Doc. No. 1353, 60th Cong., 2d sess.]

TRUSTS AND SYNDICATES.

The influence of the combinations, which are variously described as trusts, syndicates, or kartells, is exhibited very clearly in the different branches of the iron and steel trade. From the first stage, which is the coal in the ground, to the last stage, which is the making of the most highly finished articles, between 75 and 80 syndicates are concerned in the manufacture and sale of iron and steel products. This industry, therefore, furnishes an excellent means of judging how the principle of combination is worked out in the industrial and commercial system of Germany.

OPERATIONS OF THE SYNDICATE SYSTEM.

All the syndicates are governed by statutes of their own making, which, if they have not the force of statute law, at least have the same effect on the organizations for which they are devised. The details of these regulations are rarely made public, but their general nature becomes known through their operation. A common model apparently has served for the majority of them, the adaptation being made to the special circumstances of the particular industries which may be formed into a syndicate.

The A B C of the syndicate system as applied to the iron and steel industry is concentrated in the following group: The coal syndicate, the coke syndicate, by-product syndicates, raw-iron syndicates, and steel-works syndicate.

Coal, which is as much raw material to the iron and steel industry as is the iron ore, is effectually controlled by the Westphalian Coal Syndicate. The coal industry enjoys no protective tariff duties, as do most of the finishing industries. There is, moreover, the competitive supply of the coal fields of the United Kingdom, with easy water transportation to the German ports and to many of the inland points through the river and canal systems. Nevertheless, the Westphalian Coal Syndicate enjoys a substantial monopoly of supplying coal to the iron trade.

ORIGIN OF THE SYSTEM.

The germ of this syndicate was disclosed in 1878, when a number of the leading mines formed a combination to raise prices to a remunerative level by preventing overproduction. This agreement related to the prices of gas coal, and it was supplemented three years later by one for the control of open-burning coal. For several years thereafter various combinations were made for restricting the output, but they were usually local in their sphere, and their efforts to regulate the selling prices were not wholly successful. A stronger organization was the Mine Owners' Syndicate, which was formed in 1891. This, however, went to pieces in the following year during a period of severe industrial depression. It was succeeded by the Coal Group, which had been established as far back as 1880. Out of the two organizations grew the Rhenish-Westphalian Syndicate, which was formed in 1893 and renewed at various periods, the last one being December 31, 1905, when an agreement was reached for 10 years, or until January 1, 1916.

WORKING MACHINERY AND METHODS.

The working machinery of the syndicate is through a stock company with a small capital, whose shares belong to the owners of the coal mines in the combination. Shares can not be transferred except by the consent of the association.

THE POWERFUL STEEL SYNDICATE.

The "Stahlwerks Verband" (steel works union, or steel syndicate), which occupies an intermediate position between the coal syndicate and the manufacturers of finished products, is not directly affected by the raw-iron situation, since its organization extends until June 30, 1912. It can not, however, remain entirely unaffected. The steel syndicate is in many respects the most powerful and the most completely organized of all the groups of affiliated industries. It has 31 members, of whom nearly one-half are in the Dortmund district, and its individual members are known to the trade the world over. Some account of its organization and methods is of general interest. The administration and executive headquarters are at Dusseldorf, where a large staff of accountants and other employees is maintained.

The policy of the association is controlled by the general assembly, which is composed of all the members. There is an administrative council, but the practical work is carried on by an executive committee. The base of the contract among the members—that is, the participation—is for each 1,000 tons of products, which are described in detail. The contract covers all that the members of the syndicate produce of the following articles: (a) Raw steel (ingots); (b) puddle loops; (c) finished products derived from raw steel and puddle loops.

EXPORT POLICY AND BOUNTY.

The export policy of the syndicates is so essential a feature of the whole system that it requires a brief description. The practice appears to be that the bounty is not paid on the consumption of their own products to the different syndicate members, but rather to the consumers; that is, the reduced rates are in the nature of a premium to the buyers. In 1902, when the recovery was beginning from the severe depression which had followed the boom of 1900, the Westphalian Coal Syndicate and its allied combinations and the raw-iron, half-finished iron and steel, and girders industries established a clearing house with headquarters at Dusseldorf for the special purpose of arranging the premiums on exports. The general principle was laid down that the export premium must, as a rule, not exceed the difference between the foreign and the inland prices, with a reduction of 1 per cent of the premium to cover the working expenses. The application of the principle has become very intricate, and it is doubtful if the members themselves fully understand the workings of the Dusseldorf Clearing House. However, they are clear that exports are promoted by granting premiums, and numerous instances are given of the amounts of these premiums.

The payment of the bounties is worked out somewhat as follows: The coal syndicate pays a bounty to the members of the raw-iron syndicates who own no collieries and who as customers help to work off the coal produced; the members of the steel syndicate, who produce no raw material of their own and who purchase from the raw-iron syndicates, in turn become entitled to a bounty from them, and the process is continued through the multifarious finishing industries which are buyers of the half-finished products of the steel syndicate.

During the active period from 1905 to 1908 the maximum bounty paid per ton on coal was 36 cents; on raw iron, exclusive of coal bounty, 60 cents; half finished goods, inclusive of bounty on coal and raw iron, $3.60; girders of all kinds, inclusive of bounty on coal and raw iron, $7.80. These bounties are reduced, discontinued and restored, and modified from time to time according to the state of the home and foreign markets, but the system is too intricate to be followed in all its details.

EFFECT OF THE SYSTEM.

The effect of this export system is, to some extent, a matter of opinion. In substance it is defended on the ground that while foreign sales are frequently made below cost prices they are not below the actual cost, the general average being made up from the total receipts of both the home and the foreign markets. Nevertheless, in some cases, in order to decrease the overproduction, or to protect the foreign market, it is admitted that sales are made below actual cost. Some anomalous instances are shown of the policy, as in the case of semi-manufactured raw material, which is exported and then reimported at a lower price than the home consumer can obtain. In general the objection made by the finishing industries is that by shipping what should be their raw material abroad at lower prices than it is sold for at home, their international competitors are able to build up business at their expense, and that one class of home industries therefore suffers seriously by the policy. In its broad aspect there is no disposition to deny the syndicates the credit for preventing excessive rises during boom periods, and equally for preventing rapid falls in periods of depression. This is called the "leveling process" and is exploited by all the syndicates in justification of their methods. Since the present depression it is pointed out that the fall in the prices of articles not included in the export-bounty arrangement has been far more rapid than with those included, and numerous examples confirm this claim. In further illustration it is cited that the establishments which expected to profit by the demoralization resulting from the impending dissolution of the raw-iron syndicates found their own products reduced in greater proportion.

POPULARITY OF THE SYSTEM.

In spite of a constant stream of criticism and interrogation it can not be said that as a whole the German people are opposed to the system which is so thoroughly a part of their industrial development. Their fondness for minute organization finds full scope in the syndication, and sometimes their ingenuity proves superior to what seems to be insuperable natural possibilities. Generally, it may be said that both Government and people are committed to the policy of securing a proportion of the export trade for all industries, usually one-third. Often the objection to the foreign prices is not that they are lower than home prices, but that the margin is too great.

[From Report of Charles M. Pepper on the British Iron and Steel Industry, found in S. Doc. No. 42, 61st Cong., 1st sess.]

THE HOME MARKET AND POOL INFLUENCE.

The British home market for rails is naturally a small one, there being little new building and the renewals on the existing lines not being excessive. The home trade is also divided through the agency of a pool. This is a very close combination, with headquarters in London and a regular office with expert accountants in charge. The business is managed by a board which is in session all the year, which fixes prices and which makes the allotments to the various companies, so that the railways in buying rails have not the benefit of selection.

When a railroad is in the market for rails, the pool fixes not only the price but the companies by which the deliveries shall be made. A Scotch railway company which was in the market in the beginning

of the present year for an order of 27,000 tons had no voice in designating what proportion of the order should go to the different rail mills. The representatives of the companies put their respective claims strenuously before the board, but none of them sought to question the allotment, which was divided among the north of England and Scotch mills. Several years ago the Scotch mills, which were making chiefly girders, saw an economic advantage in turning out rails as well. It was claimed that they could not roll rails at their mills. Some of them, however, began to do it and also to ship the rails abroad, thus disturbing the balance of the International Rail Syndicate. The result was that they were taken into the British Rail Pool and now have their allotment in all the contracts for Scotland, sharing this with the north of England mills. Allotment is also made them for the export trade. It is understood that the British Rail Pool acts as the intermediary for the smaller mills in their relations with the International Syndicate. The quoted prices of rails since the beginning of 1909 has been £5 5s. to £5 10s. ($25.55 to $26.76) per ton.

COMBINATIONS AND POOLS.

Besides the rail pool there are combinations in other branches of the British iron and steel industry for both the home and the foreign market. The Scotch manufacturers have taken the lead in making these agreements, sometimes forcing the English mills to join with them. The situation is accurately described in the annual review of the Scotch iron and steel industry for 1909 by a leading trade journal, The Iron and Coal Trades Review, January 1, 1909, as follows:

"The course of prices during the year has been downward, but the fall was more pronounced for export than for home business. This is accounted for by the combine system, which controls prices for the home market. The whole of this free-trade country is honeycombed with combines, and these include most branches of the iron, steel, and metal trades. The late severe depression has tested these combines, and in some cases they have broken down. The tube makers, for example, are cutting each other's throat at the present time, and, locally, there are rumors that the bar-iron makers are not quite a happy family. The Scotch steel makers have kept well together and, besides, have a working arrangement with their brethren in England. Since trade fell away it was found advisable to curtail production, and this was accomplished by the closing down of one important steel work under subsidy."

Price conventions or trust agreements exist in the galvanized-sheet industries, the Midland marlebar makers, and other industries. One of the most effectively enforced combinations is that between the south of England and the Scotch makers of steel plates and angles. The Scotch steel plate makers work as a unit as to prices for both the domestic and the foreign markets, and the home consumers pay the prices which are fixed by the combination according to the varying conditions of the trade. So thorough is this agreement that it is allowed for in the wage agreements which are entered into with the trades-unions. Under the trades-unions' agreements in fixing the sliding scale of wages, the selling price governs, and in relation to ship plates, etc., the adjustment is made on the basis of both the home selling price and the export price.

In dull times, when the home demand is restricted and foreign business is wanted badly, a difference of $5 on a ton is about the average between home and foreign prices, but sometimes even a greater discount is made to the foreign buyer. An example of the higher prices which the Scotch home consumer pays is given in the following quotation from the commercial columns of the Glasgow Evening Citizen of February 17:

"For export orders competition is excessively keen and prices are scarcely cut. Proof of this is afforded in the fact that this week a quantity of steel bars (for which the local official rate is £7, less 5 per cent) have been sold by makers at £5 15s. less 5 per cent, or at a drop of 25s a ton, a transaction that has taken the trade by surprise."

HOME AND FOREIGN PRICES.

As an example, in pipes and tubes, which are also controlled by the combination, a large machinery-importing house on the Continent gets quotations which are below the quotations for the British market, and obligates itself not to ship any of the material back to Great Britain. In transactions of this kind the material, instead of being sold f. o. b. British ports, is sold free Hamburg, or Rotterdam, or Antwerp, as the case may be.

The formation of these trade combinations, both as to home and foreign trade, is growing among the British manufacturers. It is usually described as a "movement toward cooperation." The success of the International Rail Syndicate is cited as the justification for entering into other international syndicates. The subject received wide discussion in September, 1908, on the address of the chairman of the executive committee of the United States Steel Corporation to the British Iron and Steel Institute.

Mr. SMOOT. Mr. President, a great deal has been said in relation to dividends which have been paid by the iron and steel manufacturing companies in this country. I want to say that the dividends of the steel companies of the United States are not so high as are those in Germany. For instance, Mr. Pepper says:

The capital stock of the Harpener Co. is 72,200,000 marks ($17,183,600). On this it paid the regular dividend of 4 per cent, with an extra dividend of 7 per cent, or 11 per cent in all, the total dividend payment amounting to 7,942,000 marks ($1,890,196).

The Phoenix Co., which is located at Laar, near the junction of the Rhine and Ruhr Rivers, is engaged in coal mining and the various branches of the iron industry.

Mr. Pepper goes on to tell how much the company produced in coal, and so forth, and says:

The company paid a dividend of 11 per cent, or 11,000,000 marks ($2,618,000).

The Hoesch Iron & Steel Works, of Dortmund, paid a dividend of 14 per cent, or 2,352,000 marks, for the year 1907–8.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. Yes; I yield to the Senator from New York.

Mr. O'GORMAN. Can the Senator state whether the same methods of capitalization apply in Germany that characterize the capitalization of the United States Steel Trust?

Mr. SMOOT. As to the United States Steel Trust, I can not say, but I can say they apply to most of the independent manufacturers in this country.

Mr. O'GORMAN. I suppose the Senator from Utah will concede that the capitalization of the German companies represents the actual capital invested in those enterprises?

Mr. SMOOT. Or capital and increases by way of profits.

Mr. O'GORMAN. Legitimate increases.

Mr. SMOOT. Just the same as is the case with most of the independent companies in this country.

Mr. O'GORMAN. They do not represent inflated and fictitious values, such as have characterized the formation of many of the corporations in the steel industry in this country?

Mr. SMOOT. I can not say as to how many, because I do not know, but——

Mr. O'GORMAN. With that concession, the statement now being made by the Senator from Utah as to the relative rate of dividends is not very illuminating or instructive.

Mr. SMOOT. Well, Mr. President, I know that the independent companies, as they have testified before the committee, claim that their capital stock represents actual cash paid in and profits that may have been added. That is exactly the system that is followed in Germany. I am not comparing the dividends of the German companies with the United States Steel Corporation, but I am comparing them with the independent companies in the United States.

The Republican members of the Senate in discussing tariff rates must take into consideration the declaration made upon the tariff question in the Republican national platform adopted at Chicago nearly four years ago. In order that we may know just what that declaration is, I want to read it now, and then follow with a presentation of the facts covering each paragraph, and see whether the proposed rates of duty in the House bill or the substitute offered by the Senator from Iowa are in conformity with the declaration of the Republican Party.

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries, * * * the aim and the purpose of the Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wageworkers of this country, who are the most direct beneficiaries of the protective system.

I quote from the national platform of the Republican Party adopted in 1908, to which the people of this country overwhelmingly declared their approval.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield.

Mr. O'GORMAN. Do I understand the Senator from Utah to avow his belief now in the doctrine enunciated in the Republican national platform of four years ago, that tariff laws should be enacted to guarantee a profit to men engaged in the manufacturing industries?

Mr. SMOOT. I believe in a tariff that will protect all of the industries of this country, as the platform of 1908 declared.

Mr. O'GORMAN. Will the Senator state why manufacturers should be guaranteed a profit in their enterprises when the millions of Americans engaged in other activities have to meet the competition of the world and are not fortified by a Government guaranty of successful operation?

Mr. SMOOT. There are no industries in this country that are protected by a tariff that does not indirectly benefit every man and woman whom the Senator has in mind.

Mr. O'GORMAN. By raising prices?

Mr. SMOOT. Not by raising prices, but by seeing to it that American workmen are employed in the manufacture of the goods to supply the American market, and in return purchase the products of the field and farm, and of those to whom the Senator has referred to as having no protection.

Mr. O'GORMAN. Who guarantees the profits of the merchant who deals in those commodities, if I may ask the Senator from Utah?

Mr. SMOOT. Well, Mr. President, that is entirely a different proposition. The merchant can sell either local or foreign made goods and make his profit; the manufacturer can not.

Mr. REED. Mr. President, he has a foreign competitor, has he not, when a man comes to our shores and opens a shop right beside him?

Mr. SMOOT. Well, Mr. President, if a foreigner does business in this country by opening a shop beside the American merchant, he must pay the same duty upon his goods as the American merchant and must pay taxes, American wages,

American advertising rates, and must abide by the laws of this country.

Mr. BACON. Mr. President, if the Senator will pardon me, he made a very broad statement a moment ago, and I should like to be enlightened in regard to it. The Senator, as I understood him, said that the protective tariff benefited every person—the Senator made no exception whatever—in the United States. Am I correct?

Mr. SMOOT. Yes; and I think I am correct in that statement.

Mr. BACON. Well, for a good long time, ever since I have taken any interest in public affairs and have had occasion to give some examination to economic questions, it has been a matter of very serious concern in my section of the country that the men—and I will remark in passing that I am referring to the same matter about which I had a colloquy with the Senator from Iowa [Mr. CUMMINS] a few days ago——

Mr. SMOOT. That was in regard to cotton?

Mr. BACON. Yes. It is a matter of very serious concern that the man who raises cotton, the producer of cotton, has to pay prices very much increased by a high tariff on every single article which he uses in the production of cotton. All of his farming implements, his plows, his hoes, and all other agricultural tools, all his chains, all of his harness, and every other thing which is necessarily used in the production of cotton, is very much increased in price, and, not only so, but all the clothing which he and his family wear, and everything which they consume outside of that which they raise themselves, and outside of such things as the tariff may not be able to reach, are very much increased in price to him, if not doubled in price—the pocketknife, the scythe blade, every piece of agricultural machinery is raised in price, not in a small degree but tremendously. I happen to know a little about these prices, as I am myself a jacklegged farmer, not a professional farmer, and how they have been increased within the last few years. Now, that is a matter of concern because of the fact that the price of cotton, that which the cotton farmer produces, is not correspondingly raised by the tariff; but, on the contrary, he has to take as payment for what he produces a price which is fixed in the markets of the world and which is not influenced by the tariff. How does the Senator square that condition of affairs with the statement which he has just made?

Mr. SMOOT. I take issue with the Senator in the statement he has made wherein he says that the price of cotton is not influenced by the production of manufactured cotton goods in this country. If the manufacturers of cotton goods in this country were all destroyed or were not allowed to manufacture such goods or could not do so profitably, for no matter what reason, the cotton grower of the South would not get as much for his cotton as he does.

Mr. BACON rose.

Mr. SMOOT. I know the Senator will say that the price of cotton paid the southern grower is made in Liverpool——

Mr. BACON. It undoubtedly is.

Mr. SMOOT. That is a disputed question. If England, Germany, and France had the buying of all the American cotton, with no sale for it in a home market, I do not believe the American grower would receive as high a price for his cotton as he does; no doubt there would be a combination in those countries such as there is in the iron and steel trade, and they would pay to the producer of cotton in the country the price fixed by the combination.

Take the cotton mills of the South, located right at the door of the cotton grower. The grower is paid a higher price for his cotton than he gets in Liverpool. He has an advantage by having the mill at his door, and the fact that the mill is built there is due entirely to the tariff, and if it was not for the tariff, the cotton mills of North Carolina, South Carolina, and Georgia would not be located there to-day.

Mr. BACON. I wish to say a word simply. That is a latter-day contention and absolutely untrue, something never heard of until this matter has gotten into a condition where the interests of the country at large are a little more regarded than they were in former days, when to a considerable extent the public eye was limited in its range to certain parts of the country to the exclusion of others.

Mr. SMOOT. I have never——

Mr. BACON. Such a thing as that the price of cotton is not fixed in the markets of the world is a latter-day contention. The contention, in the first place, that the mills are the result of the protective tariff, which has encouraged their erection, and that for that reason the price of cotton has been raised is as far-fetched an argument as I can conceive of. The Senator knows very well—of course every man who has had any business experience knows—that the supply and demand are the great factors in fixing prices whenever there is no artificial stimulant or barrier. The world consumes the cotton which its needs require, and it takes a certain supply of manufactured cotton to meet the needs and demands of the world; and if there were not a cotton factory in the United States and if the Southern States raised the cotton necessary for the manufacture of the required amount, that cotton would be manufactured elsewhere.

Mr. SMOOT. Providing the people could buy it in this country, and this is one of the greatest markets in the world.

Mr. BACON. Why could they not buy it?

Mr. SMOOT. Close the cotton factories in this country, throwing their employees out of employment and forcing them into some other fields of endeavor, and see what the result would be in this country.

Mr. BACON. Undoubtedly if you take any existing industry and suddenly throw out those who are employed in it, there would be a great convulsion and a great disaster. But suppose there never had been one and these same people had been engaged in other remunerative industries, as they would have been, would they not have money with which to buy cotton cloth?

Mr. SMOOT. They would not be in this country. They would be in foreign countries.

Mr. BACON. No, Mr. President, this great country with its great resources and rapid development has called upon the adventurous people of the world to aid in the development of this country, half of which has not yet been developed.

Mr. SMOOT. That has all been accomplished, or at least a large part of it, under the protective system. Let me give you a picture of the growth of the United States in figures.

Mr. BACON. All of which I know is due to the Senator and his party for what they have been doing for a half century. It is not due to the resources of the country; it is not due to the activities and industry and perseverance of our people; it is not due to the sunshine or rain or fertile soil or inventive genius or active, untiring work and industry of our people; but it is solely to the fact that we have a protective tariff.

Mr. SMOOT. Is it not rather strange, Mr. President——

Mr. BACON. I hope the Senator will let me conclude.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). Does the Senator from Utah yield to the Senator from Georgia. The Senator from Utah has the floor.

Mr. SMOOT. I say is it not strange for anyone to claim that the tariff has nothing to do with our growth and prosperity when we look back upon the years 1893–1897?

Mr. BACON. Oh——

Mr. SMOOT. Just a moment—and compare those years with the four that followed, and we will see that in the latter period the American people saved $450,000,000 and deposited in the savings banks more than they did in the preceding four years.

Mr. BACON. What about 1907?

Mr. SMOOT. I will compare any four years in the history of this country when the Republican Party has been in power with four years of Democratic rule, and I say that the deposits in savings banks have increased more when the Republican Party has been in power than when the Democratic Party was in power.

Mr. BACON. That is a very old story which has been thrashed out in this Chamber a good many times.

Mr. SMOOT. I know the Senator does not like the comparison. Most Democrats do not.

Mr. BACON. I wish to ask the Senator one question. If it be true that with no tariff on cotton, by reason of the fact that we have cotton manufactures, the price of cotton is kept up, why would it not be equally true, if we had free wool, that the price would be kept up by the fact that we had woolen manufactures? Why does the Senator insist on a duty on wool if it be true that the factories in the country are sufficient to keep up the price of it?

Mr. SMOOT. I, myself, believe——

Mr. BACON. I do not wonder the Senator hesitates before replying.

Mr. SMOOT. I do not hesitate. I, myself, believe that if the wool was grown at the door of the mill and manufactured, the same as cotton is grown at the door of the mill in the South, there would be a higher price paid for the wool than the grower would be able to get by selling in a foreign market; but the comparison is not an apt one because the difference between the cost of producing wool in this country and producing it in a foreign country is greater than the cost of producing cotton here and abroad.

Mr. BACON. Yes; but for the Senator to stand here and say that because we have cotton factories in this country it compensates the producer of raw cotton for all the burdens

that that tariff lays upon him, in the fact that the general tariff so raises the price of the raw cotton to such a great extent, leads inevitably and irresistibly to the conclusion that if you will apply the same rule to the woolen manufactures that the compensation to the grower of wool would be so great by reason of the fact that we have woolen factories, that that increase in the price of wool would be ample without any tariff to protect the wool.

Mr. SMOOT. Mr. President——

Mr. BACON. If the Senator will let me finish, because I have not quite completed the proposition. Of course I have the floor by his courtesy alone.

Now, the proposition of the Senator is this—and he must go back and apply the whole of it—that the fact of the influence of the general tariff upon other articles so raises the price of raw cotton that it will compensate in the increased price of raw cotton occasioned thereby for all the burdens that the grower of cotton has to bear on the articles he has to consume. That is the proposition of the Senator, because he has said that in its benefits the tariff compensates every man, and that includes the grower of cotton, for the burdens which he has to bear. If that is true, it would be equally true that the producer of raw wool would be fully compensated, even if his product was without a protective tariff, by reason of the fact that the tariff on other articles would so increase the price of wool as to fully compensate him for the burdens which he bears in paying increased prices by reason of the tariff on all the articles he consumes. One must stand by one as well as the other. The Senator says it would be true if wool were at the door of the factory. Wool is as much at the door of the factory as is cotton.

Mr. SMOOT. I did not say so.

I call the Senator's attention to this point: He does not take into consideration the fact that in the United States there is more cotton grown than it is possible to use in this country.

Mr. BACON. Of course.

Mr. SMOOT. And we have to ship the cotton to a foreign country. But that is not the case with wool.

Mr. BACON. Will the Senator pardon me a moment?

Mr. SMOOT. Wait until I get through.

Mr. BACON. It is in order to ask him if I understand him. Do I understand the Senator to say more wool is grown in this country than we can use?

Mr. SMOOT. No. I said there was more cotton raised in the United States than it is possible for the United States to use in her manufactures.

Mr. BACON. That is a different proposition.

Mr. SMOOT. But that is not the case with wool.

Only two-thirds of the wool used by the manufacturers of woolen goods in this country is produced in the United States, and therefore we are compelled to go abroad and purchase wool; and I do not think the Senator will claim that wool can be produced in this country as cheaply as it can be in Australia and South America or in any of the great wool-producing countries of the world.

Mr. BACON. There have been annually between 3,000,000 and 4,000,000 bales of cotton produced outside of the United States and produced by the cheapest labor in the world—in India.

Mr. SMOOT. All of which is not as much as the American crop exported every year.

Mr. BACON. Of course not.

Mr. SMOOT. If the time ever comes when the cotton produced in this country is not sufficient to supply the cotton mills of this country and there is cotton raised in the world that competes in price with American cotton, I will be one who will be only too glad to have a duty placed on cotton.

Mr. BACON. I do not want to bring the Senator to that conclusion; that is not what I am after.

Mr. SMOOT. I know that is not what the Senator is after.

Mr. BACON. Yes.

Mr. SMOOT. But that is my conclusion and that is my position.

Mr. BACON. The Senator would do that, but that does not affect the question which the Senator raised, and of which he made such a strong enunciation—as to the influence on the price of raw cotton of the tariff on the articles which the cotton producer has to consume.

I want to make one other observation to the Senator, but I am afraid I am interrupting him unduly, but it is simply to complete this matter and then I will not interrupt him further: If it were true that the general tariff had the very great influence upon the price of raw cotton which the Senator contends, then it would necessarily be true that the continuance of the protective tariff generally on other articles would steady the price of cotton. The Senator does not say it would be a slight influence. The Senator does not contend that it has a slight influence. His contention is that it is a very great influence, and when the cotton grower has to pay 30 or 50 per cent—more often 50 than 30; sometimes 100 per cent—more for the articles he consumes than he otherwise would have to pay, and when the Senator says that as the result of that he has such an increased price for his cotton as to compensate him for the great burden, the Senator, of course, means that that is a very great compensation.

The point I want to call the attention of the Senator to is this: If it has, as it were, this tremendous influence, and no slight influence, we would not have the great fluctuations in the price of cotton that we have had. The protective tariff on other articles would steady its price. Less than 18 months ago the price of cotton was from 15 to 20 cents a pound and with the same tariff law on the books it is this year down to 7 and 8 cents a pound. Why does not the protective tariff hold up the price of cotton? And with the protective tariff what it is now I have seen cotton go to 4 cents a pound. Why did not the protective tariff hold up the price of cotton like it does the price of steel rails and other articles directly protected?

Mr. SMOOT. The Senator is entirely mistaken in the statement that the tariff holds up the price of everything that is protected. That is not the case. Supply and demand is a great regulator of prices. It is true that in normal times and under normal conditions the tariff acts as a protection to the American manufacturer.

Mr. BACON. Yet the tariff has kept up the price of steel rails for 10 years at $28 a ton, and even through a panic they were not sold for less.

Mr. SMOOT. I will ask the Senator if steel rails can be made cheaper to-day than 10 years ago.

Mr. BACON. Well, I do not suppose they can be.

Mr. SMOOT. Then why do you expect steel rails to be less in price?

Mr. BACON. And cotton can not be made any cheaper now, when it is selling for 7 or 8 cents, than when it was selling, 18 months ago, at 15 to 20 cents.

Mr. SMOOT. The tariff has not advanced the price of rails. The price of rails in Germany and England is higher than it was 10 years ago.

Mr. BACON. I do not doubt that. But there is no doubt about the fact that the tariff has kept up the price of rails, unless the Senator is ready to assert that steel rails can not be made cheaper in England than they are made here.

Now, the tariff has undoubtedly prevented steel rails from coming into this country. I have not looked up the statistics of the last few years, but I know when we had the tariff debate here three years ago I did look into them, and I remember that our importation of steel rails was an absolutely negligible quantity. Why? Simply because the tariff shut the door and does not permit those who can make them at cheaper rates to bring them into this country. But it shuts no door to the producer of cotton. It compels him to buy the things he consumes in a protected market, while he sells his product in the free markets of the world, and not the market of a protected country.

Mr. SMOOT. The Senator says the cotton grower pays about 50 per cent more, and in some cases 100 per cent more, for what he consumes than does the foreigner.

Mr. BACON. I did not say that. I did say from 30 to 50 per cent, more often 50 per cent than 30, and sometimes 100 per cent.

Mr. SMOOT. I thought the Senator said at most times 100 per cent.

Mr. BACON. The Senator can look at the RECORD and see.

Mr. SMOOT. Let us see if your contention is true.

Mr. BACON. Yes.

Mr. SMOOT. Let us take what a man wears and eats. Does the southern man pay more for anything he eats than the man in Germany?

Mr. BACON. I believe it is true that he does not, and for two reasons. He eats the same articles, which I will mention in a moment, but he produces largely what he eats, and so far as other articles of food are concerned, which he does not produce, while the advocates of the protective system make the claim that the prices to the agriculturist producing the other articles are enhanced by reason of it, except in rare instances like the present, when there is a shortage in the potato crop——

Mr. SMOOT. Shortage happens in most every kind of crop, even the cotton crop.

Mr. BACON. The tariff had nothing to do with that. The Senator asked me about what these people consumed. I am telling him what they eat is not very much increased by the tariff, because they produce largely what they consume in the

way of food, and I do not think the tariff has very much influence on most of their other articles of food. It does have upon certain articles, such as sugar and some other things, the price of which has been very largely increased. But when you come to clothing, its cost, I say, is very nearly double. Of course you can find quotations for articles of clothing which are very cheap, but you take the same things, grade for grade, and quality for quality, and the cost of clothing in this country is about 50 per cent to 100 per cent greater than elsewhere. The blankets under which a man sleeps, and the carpets on his floor, and all the other things essential, not only to luxury but to comparative comfort, have been decidedly increased, and in some instances doubled in price.

Mr. SMOOT. Let us take up the question of cost, item by item, and compare prices paid in America and in Europe. Sugar: The American people buy their sugar cheaper than it is purchased in any civilized country, with the exception of England.

Mr. BACON. I do not want to go off on that.

Mr. SMOOT. I am mentioning the articles the Senator himself mentioned. I will say further that every shoe the American consumer purchases, he buys cheaper than the consumer pays in any other country. The cotton goods he wears, his overalls, shirts, and underwear, are just as cheap in this country as in any other country.

The laboring man in this country can buy a ready-made suit of clothes that will fit him better, look better, and wear as long at as low a price as the foreigner pays for his suit.

The Senator from Georgia can not purchase a tailor-made suit as cheaply. The Senator, if he wishes to get a suit of clothes, has them made to order by a tailor that will charge him $55 for the suit, the cloth in which will net the manufacturer not more than five to six dollars. That same cloth made into a suit by a ready-made-clothing manufacturer would retail to the consumer for not more than $17 to $18, and allowing the retail-clothing merchant a large profit as well. The Senator can purchase a tailor-made suit or overcoat in London cheaper than in America, for the tailor in London does not charge for making them what the tailor in the United States does. The Senator knows this to be a fact. He can do the same in France. The cost of the cloth in a tailor-made suit or overcoat has mighty little to do with the price at which it is sold.

Mr. BACON. If the Senator will pardon me——

Mr. SMOOT. Let us proceed with other items——

Mr. BACON. Let me say something about clothing before you go to wool.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I yield.

Mr. BACON. The Senator applies the argumentum ad hominem. We all clothe as we—that is, we all wear like grades of cloth——

Mr. SMOOT. I say no.

Mr. BACON. The Senator will not even permit me to complete a sentence.

Mr. SMOOT. If the Senator is going to answer me, I want him to base his statement upon what I did say. I said the cost of clothing was not so much the cost of the cloth as it was the cost of the making.

Mr. BACON. I entirely differ with the Senator. What I want to call his attention to is that under the present system of the protective tariff, as the Senator, I think, will recognize—he speaks of the advantage which comes to those of us in circumstances enabling us to get the best class of goods—if I recollect aright the figures that we had before us three years ago, the tariff on the common article of goods, the tariff on the articles which the common people have to wear, the tariff on the cheaper class of woolens, the tariff on the cheaper class of ready-made clothing, the tariff on the cheaper class of blankets, and everything of that kind which our factories mostly produce, and which the common people use, is very much higher than the tariff on the higher class of goods such as the Senator wears and such as his family uses.

Mr. SMOOT. I want to say to the Senator that he certainly has not examined the actual results of the tariff on this class of goods as demonstrated by the report of the Tariff Board. The Tariff Board reports show plainly that the class of cheap goods spoken of by the Senator, with an equivalent ad valorem duty of over 100 per cent and with very few importations into this country, the competition has been so keen between American manufacturers of this class of goods that the price they have been sold at not one-third of the duty imposed by the present law has been taken advantage of.

Mr. BACON. Would not the Senator hold in such a case that the duty was three times as high as was necessary?

Mr. SMOOT. This comes from assessing the duty on the basis of the goods being all wool when they have but little wool in them. The cheap blankets the Senator speaks of, which he says the poor people buy, are not all-wool blankets, and competition in this country is so keen that in many cases mills have failed in trying to make them.

Mr. BACON. Then the Senator——

The PRESIDING OFFICER. The Chair will have to ask Senators to address the Chair before interrupting.

Mr. BACON. It is my fault.

Mr. SMOOT. The Senator from Utah is not interrupting. I am perfectly willing to yield at any time to the Senator from Georgia, and if the Senator from Georgia desires to further interrupt me I am not going to object.

Referring again to cheap blankets, if the Senator will examine the price at which the blankets are imported into this country, he will find their appraised value about 24 cents a pound. Are they wool? Everyone knows they are not. There is enough wool in the blanket to make the American people believe they are a wool blanket. It is a deception, and the present law provides that if such goods are imported they must be assessed as all wool.

I do not know whether the present system of levying duties on woolen goods will be changed or not; but if not, I do not think it will make much difference in the cost of cheap blankets to the American people, because the competition between American manufacturers has been so sharp that in the past they have been sold in many cases at actual cost.

Now, I wish to proceed and enumerate other articles the southern planter pays no more for than the foreigner does, and not only that——

Mr. BACON. Before the Senator passes from that——

Mr. SMOOT. When we get to the end of the list we will find that he does not pay for the bulk of what he consumes and wears much more than the laboring man has to pay in England, Germany, and France; this does not apply to luxuries, but to goods used by the laboring people. And what does he get in return? The best market in all the world for his labor and for what he sells.

Mr. BACON. For his cotton?

Mr. SMOOT. Yes; for his cotton. It is the best market in all the world for his cotton. There is no doubt of it.

Mr. HEYBURN. To buy in and to sell in.

Mr. SMOOT. Yes; as the Senator suggests, to buy in and to sell in.

Mr. BACON. If the Senator will pardon me right there, the idea of the cotton planter being indebted to the protective tariff for a market in which he sells his raw cotton is something that I think the Senator will find it very difficult to convince anyone who has to pay the cost of production and has received the price of his sales.

If the Senator will pardon me just a moment, the Senator went on and I could not of course interrupt him, but I want to say a word in connection with what he said in regard to the low price of articles of clothing, blankets, and so forth, in this country by reason of competition. If there is any such very great benefit coming to the American people as the very low price which he has mentioned, of which I confess I do not think the American people themselves have been very sensible, it is not due to the protective tariff. If it is so that they can sell goods under keen competition at one-third of the amount of the tariff, which I understood to be the statement of the Senator, if they can afford to sell their goods under competition at one-third of the amount of the tariff, then the tariff must be imposed in order to enable them, whenever conditions will permit them to do so, to sell at 300 per cent more than would compensate them in the manufacture and sale of the goods.

Mr. SMOOT. The Senator is assuming something that is absolutely impossible. As I have stated to the Senate many times, there can not be a trust in the woolen industry. There are over a thousand different mills in the United States, and I tell the Senator now that all those mills are competing for American business, and their success in keeping their mills running depends greatly upon the selling samples they produce in the opening of the heavy-weight or the light-weight season. No two mills make the same line of samples and finish them the same. Therefore, one year a mill may make samples that the trade demands and secure all the orders that it can possibly fill. The next year the samples of the same mill may be a failure on account of pattern and finish. The colors may not blend. The styles may be wrong. One year the mill will be prosperous, the next the reverse.

Mr. BACON. Mr. President, if the Senator will pardon me a moment, I will try not to interrupt him again. I do not say I will not, but I will try not to do so. The Senator is rather

provocative of interruptions, but I will endeavor not to interrupt him, because I feel that I have trespassed upon his courtesy fully as much as I would be justified in doing.

I want to say, in leaving the discussion or colloquy, that it is a little surprising to me sometimes how a man forgets certain things. I recollect something the Senator said three years ago that was so very remarkable it astonishes me that I had forgotten it; but I had forgotten it until the Senator repeated it to-day. It is that he believes the protective tariff in regard to the class of goods he was discussing is a humanitarian purpose and that purpose is not to benefit the manufacturers of this country, but to protect the consumers in this country from fraud to be perpetrated by manufacturers in foreign countries.

That was the statement the Senator made three years ago. It is a most astounding one, and it is astonishing to me that I should have forgotten it. I do not think I will ever forget it again.

Mr. SMOOT. The Senator can put his own construction upon any statement I have made. While I am not going to object to his construing for his own satisfaction any remarks made by me, I want to say that I never made such a statement that it was from a humanitarian standpoint that the tariff upon low grade goods was imposed.

Mr. BACON. The Senator did not use the word "humanitarian."

Mr. SMOOT. No; of course I did not. Mr. President, it is too big a question to go into at this particular time, but I could tell the Senator exactly the reasons for it.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. The Senator has just observed that the United States is the best market in the world, both to buy in and to sell in. He makes that statement in the midst of an argument in which he proved that goods are as cheap here as they are anywhere else and as high everywhere else as they are here.

Mr. SMOOT. We were discussing the question of cotton and what advantages and disadvantages the man has who raises the cotton.

Mr. GORE. The Senator observed that shoes were as high in other countries as they are here; that cotton was as high in other countries as it was here; that clothing was as high in other countries as it was here; and I was just wondering what special advantage there was in the United States which rendered it the best market in the world, both to buy and sell in.

Mr. SMOOT. Does the Senator want me to answer?

Mr. GORE. Yes; I would like to know how you make that discrimination. It is a finer discrimination than I am able to make.

Mr. SMOOT. The articles mentioned by the Senator are not the only ones manufactured in the United States and sold as cheaply as similar goods in foreign countries. Out of the total manufactured products in the United States we consume in this country nearly 93 per cent. These goods are made by American workmen, consumed by American citizens, the happiest, most contented, and most prosperous people upon the face of the earth and——

Mr. GORE. Mr. President——

Mr. SMOOT. I want to say to the Senator that if we destroy the protective system there is only one result, a lowering of the American standard of living to that of European countries. I never want to live to see that day, nor do I want my children to live to see the day when the standard of living in America and the wages paid to American workmen will be the same as paid in foreign countries. I do not refer to China or Japan, but to such countries as England, France, and Germany. I noticed a little while ago the French railroad employees struck for an increase of wage from 80 cents to a dollar a day. I hope to God the time never will come when American railroad employees will be compelled to work for even a dollar a day.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. Is that the reason why this is the best market in the world?

Mr. SMOOT. That is one of the reasons, Mr. President, and there are others that I can give to the Senator, if he wants to know.

Mr. GORE. It is true that the railway employees in the United States receive much higher wages than the railway employees in France.

Mr. SMOOT. Yes; and the employees of every other industry.

Mr. GORE. That is true, protected and unprotected, and the highest wages paid in the United States are in the unprotected industries.

Mr. SMOOT. Does the Senator say that the highest wages paid in the United States are in unprotected industries? What are the unprotected industries?

Mr. GORE. As a general rule, I will say. Perhaps there might be several exceptions.

Mr. SMOOT. I do not think the Senator wants that statement to go to the country.

Mr. GORE. I insist that as a general rule the wages in the unprotected industries in the United States are better than those in the protected industries. Take the cotton mills or the woolen mills or the steel mills. There the wages are not so high as the wages of carpenters, stonecutters, bricklayers, and the employees in many other industries in the United States.

Mr. SMOOT. What would carpenters and masons and all other laboring men do in this country if they did not have a market for their labor created by a protective tariff? Mr. President, referring to what the Senator said in relation to the wage paid in cotton mills and in woolen mills and the steel industry, I want to say to the Senator that the wages in all of these industries in this country are more than double what they are in any other country in the world.

Mr. GORE. That is entirely true, Mr. President, not only of protected industries but of unprotected industries. I merely make the point that our laborers enjoy comparatively as high wages in the unprotected as in the protected industries when compared with laborers in foreign countries. That is true on the unprotected cotton farms. The wages paid to farm hands in the South are just as high, compared with the wages paid to farm hands in India and in Egypt, as the wages paid in the cotton mills are higher compared with the wages paid to the employees of the cotton mills in France, Germany, and England.

Mr. SMOOT. Certainly the Senator must know that the wage paid in protected industries is what keeps up the wage of those who are employed in unprotected industries. Throw them out of employment, take them from the protected industries, and I will assure the Senator that not only their wages, but the wages of everyone employed in the unprotected industries in this country, will fall immediately.

Mr. GORE. Mr. President, the same argument was made in England when the proposal was made to go from high protection to free trade that is now advanced by the Senator, but it did not work out. Wages have advanced in England during her free-trade policy, and wages are higher in free-trade England than in protected France; they are higher in England than in protected Germany. How does the Senator reconcile that undeniable fact with his contention that high wages in the United States are due to protection?

Mr. SMOOT. The policy of the German Government is to give her people employment by manufacturing goods not only for her own people, but for the world. Germany must, of necessity, find a foreign market for the great bulk of her manufactured goods. She levies duties to prevent the importation of goods that can be made by German manufacturers, but, on the other hand, she is compelled to export more than half of all that she produces and not 3 or 4 per cent, as we do. In order that she may accomplish this, her wage scale must be no higher than the wage scale of the country that she sells to or the country that she becomes a competitor of.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. GORE. The cotton goods and woolen goods and clothing and shoes manufactured and sold by Germans sell as high as those manufactured in this country, do they not?

Mr. SMOOT. Mr. President, of course their cotton costs them as much as——

Mr. GORE. I mean the finished product.

Mr. SMOOT. Well, I can not say that they are all the same. I know the price of ordinary plain cotton goods at the present time is about the same in this country as it is in Germany.

Mr. GORE. Shoes and clothing?

Mr. SMOOT. Shoes, of course. The protective tariff——

Mr. GORE. Protection has really nothing to do with these prices.

Mr. SMOOT. Yes, it has. I suppose this country leads all the world, not only in the production of shoes, but it leads all the world as to styles; and if there is no change in the style of shoes made in a foreign country, there is no chance whatever that they will take the American market even with free trade.

Mr. GORE. I think the Senator is entirely right on shoes and everything else.

Mr. SMOOT. No; not on everything else, because the Germans to-day lead the world in the styles of manufactured woolens and many other lines of manufacture. She can manufacture cotton goods just as well as they can be manufactured anywhere else in the world, but she does not manufacture shoes equal in style to those made in the United States.

Mr. GALLINGER. But she may, after a while.

Mr. SMOOT. Yes; and especially if she knew our market would be free to her.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. GORE. The point I am getting at is this: If the cost of production is less in Germany, France, and England on cotton goods, shoes, clothing, and woolen goods, how are they able to sell them at as high a price as we are?

Mr. SMOOT. I spoke of plain cotton goods. The American has one advantage in making these to-day. We have in many mills an automatic device for changing the shuttles without stopping the loom not yet introduced into Germany. German manufacturers will adopt this in time. This is only used on looms making plain cloths. The great bulk of cotton goods imported into this country are the finer grades and higher-priced goods, and they are made in France, England, and Germany cheaper than they can be made in this country.

Mr. GORE. This loom will greatly reduce the cost of production both here and abroad.

Mr. SMOOT. It has reduced the cost here and will abroad, when introduced.

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

* * * the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage earners of this country, who are the most direct beneficiaries of the protective system.

I quote from the national platform of the Republican Party adopted in 1908, when the people of this country overwhelmingly declared their approval of such tariff principles.

According to the Cyclopedia of Political History, by John J. Lalor, American protectionists have more generally favored specific duties, while American free traders have contended for ad valorem duties. This cyclopedia points out that the greatest obstacle in the way of making duties ad valorem is the impossibility of arriving at the proper valuation of the goods to be taxed. In discussing the defects of the ad valorem system this author says:

It can easily be seen how many opportunities there are for fraud; how easily, on the one hand, the Government may lose enormous sums by the carelessness or venality of its officers; how easily, on the other, commerce may be impeded or destroyed by the arbitrariness of the officials. The United States Government loses enormous sums every year by undervaluation. In the case of silk goods it is estimated that the Government loses from 15 to 20 per cent on account of undervaluation, in spite of the most earnest efforts to prevent it. But worse than this loss is the delivering over of trade and commerce to the mercy of a set of officials. To leave an opportunity of arbitrary interference on the part of officials is to introduce into commerce an element which can never be estimated. Even the storms and winds of ocean may be subjected to an estimate of probabilities, but the whims of a bureaucracy defy all attempts at computation. This uncertainty bears hardest on the small importer, for if he gets into trouble with the customs officials he has neither time nor money to carry on the contest. He must make a compromise immediately or be ruined. As a result the man of small capital must disappear from the ranks of importers, as he has, in fact, disappeared in America. There is another objection to the system of ad valorem duties. It prevents even the wholesale dealer from taking full advantage of the fluctuations of trade, for the duties must be paid according to the ruling market price, and even if a merchant has purchased a lot of goods at favorable prices he must pay just as much duty as if he had paid the ordinary price, and he is thus deprived of a part of his gain. In this manner the very foundation of all healthful trade is constantly undermined. If we add to these points two other considerations we shall readily understand why ad valorem duties are gradually disappearing from the tariffs of civilized nations.

The first of these is that we need officials of a much higher grade to administer a system of duties ad valorem than to administer a system of specific duties, and that they must consequently be paid much higher wages. The United States Government must now pay very large salaries to a great number of experts, most of whom could be dispensed with under a system of pure specific duties. The second is that, as the vigor of a system of ad valorem duties depends more completely on the administration, there is always danger that the customhouses of the various cities will vie with each other in leniency in order to attract trade from one port to another. Some charges of this sort have been made in our own country by the officials of one city against those of another.

Mr. R. H. Inglis Palgrave, author of an English Dictionary of Political Economy, also points out the defects of an ad valorem tariff system. Mr. Palgrave says:

At first sight this form of taxation appears the more equitable one. In practice, however, customs duties ad valorem have been found to work out with great inequality, and also to be inconvenient to levy for various reasons, among which are the following: (1) The difficulty of ascertaining correctly the values of the goods charged with the duty; (2) the opening to fraud; (3) the delay and hindrances caused to importers and others.

Mr. Leon Day, in his Dictionnaire des Finaces, says of ad valorem duties as used by the French Government:

The experience which the French customs service had with ad valorem traffic from 1860 to 1880 demonstrated that this system, while it is deductive in theory, is unsatisfactory in practice. More than any other system it encourages frauds because of the difficulty of recognizing inaccuracies in declarations. It robs the treasury, which is deprived of a part of the customs dues; it causes injury to honest merchants whom it involves in litigation, and tends to dishonest competition on the part of unscrupulous traders. It is only advantageous to the fraudulently inclined.

A German authority, the Handwörterbuch der Staatswissenschaften, has this to say of ad valorem duties:

The technical accomplishment of assessment of duties according to the value of the merchandise suffers from great inefficiency. The declarations of the person responsible are not always reliable and the customs authorities only seldom capable to correct their deficiencies. The regulations and other precautionary measures promulgated, as a rule, are ineffective. In order to prevent undervaluation by the owner, officials of the treasury have been authorized, in some cases, to make an addition, usually 10 per cent, to the declared value, as a vorverkauferecht (literally, first sale right) or right of purchase. Also expensive bureaus have been established to ascertain permanent or average market values of merchandise (official values, fluctuating values), or, as a last resort, in doubtful cases persons with expert knowledge on the subject have been requested to value the merchandise. These persons have, however, given their services unwillingly. The expense of these elaborate supervisory bureaus for controlling importations have made it necessary to curtail the number of bureaus and to permit importations at but few places, which gives rise to unhealthy centralization. All these circumstances have made the assessment of ad valorem duties, as a whole, very unpopular, yet recently, at least, they have again been partially adopted.

In regard to the specific system, the Handwörterbuch der Staatswissenschaften says:

Measure or specific duties (weight and piece duties) are assessed according to the measure, weight, or number of pieces of the imported merchandise. They are easier, simpler, and cheaper to collect, cause less burden on commerce, less drudgery and litigation, give less inducement to frauds, and can be easily collected at a great many customs stations.

It is thus to be seen that the tariff authorities have agreed upon the impracticability of a tariff system based exclusively upon ad valorem duties. As I have said before, nearly all the leading nations use specific duties almost entirely, ad valorem duties being resorted to only in certain special cases. These countries are Austria-Hungary, France, Germany, Great Britain, Italy, Russia, Spain, Sweden, Switzerland, Mexico, Brazil, and Venezuela. Canada, Japan, and certain South American countries have tariff systems in which ad valorem duties seem to predominate. The Underwood bill would place the United States in the latter group of countries, so far as its tariff system is concerned, if we are now to adopt an ad valorem basis which the foremost commercial nations have discarded.

Mr. GALLINGER. Mr. President, if the Senator from Utah will yield to me——

Mr. SMOOT. I yield to the Senator.

Mr. GALLINGER. I desire, before moving to proceed to the consideration of executive business, to suggest, in view of the remarks of the Senator from Oklahoma [Mr. GORE], that it is rather astonishing to me to find any Senator in the year 1912 arguing that the protective policy of the Republican Party is not a benefit to the people of the United States. We had a great many woolen mills in New Hampshire in 1892. We had free wool as a result of a Democratic tariff law, and more than one-half of our woolen mills went out of existence in three years. During those four years of low tariff the laboring men and others in the little State of New Hampshire drew out of our savings banks over $12,000,000 to meet the common necessities of life; and I say it is rather astonishing to me that anybody should argue that the protective policy is not an advantage to all classes of people of this country. But we will discuss that later on.

I now, Mr. President, if the Senator will yield to me, as he is tired——

Mr. SMOOT. I will yield the floor for the day.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

PHASES IN POLITICAL SITUATION.

Mr. STONE. I desire to give notice that on to-morrow, Tuesday, following the routine morning business, or at the earliest practical moment thereafter, I will submit some remarks on the modern Damon and Pythias and correlated subjects pertaining to current American politics.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 21, 1912, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1912.

COLLECTOR OF CUSTOMS.

Herbert W. Hawes to be collector of customs for the district of Wiscasset, in the State of Maine.

APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Daniel Edward Murphy.
Kenna Granville Eastham.
James Powers Yancey.
George Elmer Arnemann.
Raymond Eugene McQuillin.
De Forest Willard Morton.
Francis Clinton Vincent Crowley.
George Everett Adams Reinburg.
George Herbert Timmins.
Daniel Allman Connor.
Clarence Donald Lang.
Philip Coldwell.

FIELD ARTILLERY ARM.

To be second lieutenants.

Percy Deshon.
Julian Francis Barnes.
Harold Cornelius Vanderveer.
Clift Andrus.

INFANTRY ARM.

To be second lieutenants.

Matthew John Gunner.
James Ripley Jacoba.
Robert Scott Lytle.
Henry Terrell, jr.
Thomas James Camp.
Frank Cadle Mahin.
Lawrence Sprague Churchill.
Dale Francis McDonald.
Paul Kimball Johnson.
Edward Hiltner Bertram.
Hayes Adlai Kroner.
Allen Stuart Boyd, jr.
Bruce Wedgwood.
Harry Lewis Twaddle.
John Henry Harrison.
Clarence Leonard Tinker.
William Robert White.
Donald Bridgman Sanger.
Martin Francis Scanlon.
William Hanson Gill.
Lee Hayne Stewart.
Harry Gants.
Herbert Edward Pace.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Capt. William P. Jackson, to be major.

POSTMASTERS.

CALIFORNIA.

Charles H. Bartholomew, San Diego.
Ernest L. Blanck, Fellows.
Clarence Edwin Kendrick, Barstow.
Harry E. Meyers, Yuba City.

FLORIDA.

Morgan E. Jones, Miami.

ILLINOIS.

Winfield S. Pinnell, Kansas.

MINNESOTA.

Frank L. Walker, Alden.

PENNSYLVANIA.

Fred V. Balch, Galeton.
Ida M. Kaye, Monaca.
John H. Martin, Clearfield.
John Roland, New Holland.
Thomas Stephens, Coopersburg.
Bert L. Venen, Springboro.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 20, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the source of life, the fountain of wisdom, the inspiration of all good, renew our life, imbue us plenteously with wisdom, and fill our hearts with purity that we may choose wisely, act nobly, that our work may be well pleasing in Thy sight and redound to the good of mankind. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous Consent Calendar day, and suspension of the rules, and so forth.

REMOVAL OF RESTRICTION FROM LANDS OF ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The SPEAKER. Who is in charge of this bill? The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be amended by adding at the end thereof the following: "This section shall apply to the lands of all deceased allottees who died prior to the passage of this act," so that section 9 of the said act as amended will read as follows:

"SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land——

Mr. STEPHENS of Texas. Mr. Speaker, this is quite a long bill, and I ask unanimous consent that we discontinue the reading of the bill until the gentleman from Oklahoma [Mr. CARTER] appears. This is his bill, and it is desirable that he be present when the bill is considered.

The SPEAKER. There are only a few more lines, and the reading can be finished now and save trouble hereafter.

The Clerk concluded the reading of the bill, as follows:

Provided, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hereof, for the use and support of such issue during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April 26, 1931, the land shall then descend to the heirs according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section. This section shall apply to the lands of all deceased allottees who died prior to the passage of this act.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to pass over this bill informally without prejudice until the gentleman from Oklahoma [Mr. CARTER] comes in.

Mr. MANN. I understand that passes it over for the day.

Mr. STEPHENS of Texas. I would rather have it passed over to-day than to have it called up in the absence of the gentleman from Oklahoma [Mr. CARTER].

BRIDGE ACROSS THE MISSOURI RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6100) to allow the Great Northern Railway Co. to construct a bridge across the Missouri River, in the State of North Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near the mouth of the Little Missouri River, and not farther south than the south line of township 148 north, of the fifth principal meridian, in the State of North Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE YELLOWSTONE RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Yellowstone River, in the county of Dawson and State of Montana, at a point suitable to the interests of navigation, and not farther south than the south line of township 21 north of the Montana principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the comma after the word "River," and striking out all of lines 8, 9, and 10, and the words "Montana principal meridian," in line 1, page 2, and inserting in lieu thereof the following: "At a point suitable to the interests of navigation, to be selected by the said company and approved by the Secretary of War, either in Mackenzie County, N. Dak., or Dawson County, Mont."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INCREASE OF PENSIONS TO MEXICAN WAR SURVIVORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14054) to increase the pensions of Mexican War survivors in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the rate of pension to survivors of the Mexican War who are now on the pension roll, or who may hereafter be placed thereon, under the acts of January 29, 1887, March 3, 1891, February 17, 1897, and February 6, 1907, shall be $30 per month.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RUSSELL. Mr. Speaker, as I understand it, the general pension bill that was recently passed includes the same provisions as are included in this bill, and that being true I do not see any use in passing this bill.

Mr. MANN. I will say to the gentleman that this bill provides for a pension of $30 per month to Mexican War veterans.

Mr. RUSSELL. And under the bill that has been passed they will get $30 per month.

Mr. MANN. Not unless they were of a certain age and had served two years.

Mr. FOSTER. Not unless they had served 60 days. It says "60 days."

Mr. MANN. I know, but not at $30 a month.

Mr. FOSTER. Yes; $30 a month.

Mr. MANN. To Mexican War veterans?

Mr. FOSTER. Yes; all Mexican War veterans who have served 60 days will receive $30 a month.

Mr. SULLOWAY. Mr. Speaker, Mexican soldiers who served 60 days are entitled to $30 a month without reference to age.

Mr. GARNER. That is under the general bill, which applies equally to the veterans of the Mexican War and the Civil War. Mr. Speaker, may I interrupt the gentleman from Missouri?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Texas?

Mr. RUSSELL. Yes.

Mr. GARNER. The same rule in the law recently passed, known as the Sherwood bill, applies to the veterans of the Mexican War as to those of the Civil War.

Mr. RUSSELL. My understanding is that Civil War soldiers must have served 2 years and be 75 years of age to be entitled to $30 per month, but only 60 days in the case of the Mexican War soldiers; all of the survivors of that war are now over 75 years of age.

Mr. MANN. Is it not $30 a month?

Mr. FULLER. It is $30 a month to all Mexican soldiers in the law that was recently passed.

Mr. GARNER. There are mighty few of them left.

Mr. RUSSELL. Mr. Speaker, I think the provisions of this bill are already covered by the general bill.

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to pass over this bill without prejudice. Is there objection?

There was no objection.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The next business on the Calendar for Unanimous Consent was the bill S. 2117, an act to promote the efficiency of the Public Health and Marine-Hospital Service.

Mr. MANN. Mr. Speaker, without reading this bill, I would like to reserve an objection.

Mr. FOSTER. In the last Congress there was a bill passed the House increasing the efficiency of the Public Health and Marine-Hospital Service containing a provision, if I remember right, authorizing the Public-Health Service to issue certain bulletins and do certain work in addition to what they are already doing. I observe by this bill that all that provision contained in the bill which was introduced and passed at the time the gentleman from Illinois [Mr. MANN] was chairman of the committee is left out of this bill, so that there is no provision in it with reference to that matter whatever. I would like to ask the chairman if he can give some reason why that was not included?

Mr. ADAMSON. During the last session of Congress there were protracted and voluminous hearings on the subject of health before our committee. Under the lead of the gentleman from Illinois, then our able and distinguished chairman, we prepared a bill in the nature of a verdict made up by us as a jury on the trial of all the issues and put in everything that the committee was willing to put into it. We thought it was the best arrangement to promote the efficiency of the Public-Health Service already established and working so well, inasmuch as the representative of every department was willing that everybody else should be put into the Department of Health except his own bureau, but did not want his own bureau put in. But the committee unanimously reported and brought into this House the bill. Gentlemen on my side of the Houses, affecting to be more ultra-Democratic than I was, objected to it because it invaded private and local affairs, and they made a bitter fight on it.

Now, when we came to make up the bill this time we left out everything that had been fought. We put in only the provision to increase the salaries in order to endeavor to hold the surgeons and officers in the service. We thought that was necessary for the efficiency of the service, and we postponed the disputes about everything else for future bills.

Mr. FOSTER. So the gentleman's idea was that to increase the efficiency it was only necessary to increase the salaries of the officers to increase the service to the people of the United States?

Mr. ADAMSON. We had for a long time been considering the question of equalizing the salaries. Some complained that they did not get enough, that other departments outbid them, and took away the men whom they had trained. They begged us to increase the salaries enough to hold them, and we tried to do it in good faith because we believed that the plea was just. I am perfectly willing for every one of the other provisions to go into the bill. I did not want to bring them in and have a fight, and so we brought in the provisions that were uncontested.

Mr. FOSTER. There was no objection as far as the Marine Hospital was concerned to putting the provisions in?

Mr. ADAMSON. Oh, no. I am willing and they were to pass the bill just as the gentleman from Illinois and I agreed upon it, as it was passed through the House at the last session, but other Members are not.

Mr. FOSTER. The gentleman from Georgia remembers that the bill that was passed under the suspension of the rules by two-thirds majority had this provision in it, and so it could not have been a very severe fight.

Mr. ADAMSON. Well, they fought it pretty hard, with their tongues at least.

Mr. FOSTER. It passed under suspension of the rules.

Mr. ADAMSON. Yes; and I am willing to do it now.

Mr. FOSTER. I am sorry that the gentleman did not do it this time.

Mr. ADAMSON. I could not do it; I was not the boss; I only preside over my committee. [Laughter.] I do not run it entirely.

Mr. SIMS. Mr. Speaker, I want to say that I was opposed to the reporting of the bill without some increase in the work. I am not opposed to the increase in salaries.

Mr. ADAMSON. I will be candid and honest; if you pass this bill as it is, and the Senate will restore to it every provision in the Mann bill, I will not object.

Mr. FOSTER. The Mann bill was so important, so far as the public-health bureau is concerned, that it seems to me that this bill ought not to pass without those provisions.

Mr. ADAMSON. If the gentleman will ask unanimous consent to put them in I will not object.

Mr. FOSTER. I think the bill ought not to pass without that provision in it.

Mr. MANN. Mr. Speaker, reserving the right to object, this bill increases the salaries more than the Mann bill did in the last Congress, and leaves out the most valuable part of that bill. It is impossible, in my judgment, to consider this bill by unanimous consent, because it ought to be amended in order to make it more valuable to the country.

The SPEAKER. The gentleman from Illinois objects.

Mr. ADAMSON. Mr. Speaker, I want to say that I was conscious of the positions of the two gentlemen from Illinois, but I think it is due to the gentleman from Alabama, who reported the bill, and in my absence, when I was at home on leave of absence on account of sickness, placed it on the Unanimous Consent Calendar. The gentleman from Alabama reported the bill, and I was going to say, if I could have the opportunity, that he is absent from the city and I would like to defer action till his return.

The SPEAKER. There is nothing before the House, the gentleman from Illinois objects, and the bill will be stricken from the calendar.

INTERPARLIAMENTARY UNION FOR INTERNATIONAL ARBITRATION.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 19239) authorizing an appropriation for the Interparliamentary Union for International Arbitration.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to pay to the Secretary of State, out of any money in the Treasury not otherwise appropriated, the quota of the Congress of the United States as its contribution toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to know what is sought to be accomplished by this bill.

Mr. BARTHOLDT. I will be glad to make an explanation in the absence of the chairman of the committee, Mr. SULZER. This bill authorizes an appropriation for the maintenance of the International Bureau of the Interparliamentary Union at Brussels, Belgium. It is a matter peculiarly our own. It is not an executive affair, it only concerns the national legislative bodies of the world. All the parliaments of the world are now represented in the organization, as is the Congress of the United States since the year 1904, and all the congresses, all parliaments are contributing toward the maintenance of that international bureau.

Two years ago the Congress provided for the first time an appropriation of $2,500 as our share, which had been estimated in accordance with the population of this country, and this year when I offered an amendment to the diplomatic bill favorable to the proposition a point of order was made against it, but it was inserted in the Senate and it is now a law. So Congress has already appropriated twice for that purpose. This bill merely contemplates putting the authority of law behind such an appropriation, and is merely an authorization.

Mr. FITZGERALD. What does the bureau do that is of any value toward the promotion of peace?

Mr. BARTHOLDT. This bureau is conducting the affairs of the Interparliamentary Union.

Mr. FITZGERALD. What is that—a voluntary association of members of different parliaments?

Mr. BARTHOLDT. It is a voluntary association.

Mr. FITZGERALD. Then why should they not maintain their own headquarters?

Mr. MANN. Do not they have enough expenses to pay now?

Mr. FITZGERALD. No; I think not. They want Congress to appropriate $50,000 to conduct the convention this year in the United States, and they have reported a bill for that purpose.

Mr. BARTHOLDT. Mr. Speaker, I think I can satisfy the gentleman on that point. The members of the national legislative bodies who belong to the Interparliamentary Union are paying out of their own pockets every year the expenses of travel to the locality where the union meets. That is a considerable personal sacrifice which these members make for the benefit of a great cause.

Mr. FITZGERALD. What have they ever accomplished?

Mr. BARTHOLDT. They have accomplished a great deal. That is a long story, Mr. Speaker. I think the Interparliamentary Union is responsible for the meeting of The Hague conferences, the first as well as the second, and The Hague conferences, to my mind, have accomplished a great deal. I think the gentleman is conversant with that.

Mr. FITZGERALD. Mr. Speaker, I shall not get into a controversy with the gentleman from Missouri as to the responsibility for the creation of The Hague conferences, but with a very slight modification this would make a permanent indefinite appropriation out of the Treasury of the United States toward the maintenace of this quasi official bureau.

Mr. MANN. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. The gentleman does not expect or intend, if this bill shall be passed by the House, that it shall be amended in the Senate so as to make a permanent indefinite appropriation?

Mr. BARTHOLDT. No; that is not our intention.

Mr. FITZGERALD. I am not sure whether some enterprising gentleman may not construe this as making a permanent indefinite appropriation in any event.

Mr. BARTHOLDT. There is no such intention whatever.

Mr. FITZGERALD. I know, but Congress frequently unintentionally does things that could never possibly be done if we knew exactly what would happen afterwards. How many countries participate in maintaining this bureau?

Mr. BARTHOLDT. Twenty countries are now contributing.

Mr. FITZGERALD. That is $50,000. What do they do with that money in this bureau?

Mr. BARTHOLDT. Mr. Speaker, I would like to make a further explanation, so that this matter may be understood.

Mr. FITZGERALD. But the gentleman says that 20 countries are contributing; and if they contribute the same as the United States, $2,500——

Mr. BARTHOLDT. But they do not. That is our pro rata share, in accordance with the population of the United States.

Mr. FITZGERALD. Oh, then, as usual, the United States pays the lion's share of the expense.

Mr. BARTHOLDT. The United States pays about as much as Great Britain does, and France pays a little less, and Germany pays a little less, and, of course, the small countries, like Switzerland and Denmark and Norway, pay still less. Many of the parliaments of the other countries have gone so far as to even defray the traveling and other expenses of their delegates to these conferences.

Mr. FITZGERALD. That will be the next step here, if we go far enough. We are progressing a little every day.

Mr. BARTHOLDT. When that is suggested, I think we will consider it.

Mr. FITZGERALD. I think the gentleman has already suggested it. He introduced a bill, which has been reported favorably, to appropriate $50,000 to transport the foreign and domestic representatives to this conference about the United States, and that comes about as near to paying the expenses of the delegates as we can go at this time.

Mr. BARTHOLDT. The gentleman is mistaken. It is not for transportation or traveling expenses at all. That appropriation of $50,000 is asked for the purpose of extending the hospitality of the United States to five or six or seven hundred members of foreign parliaments who come here when the next conference is held, and I want to say that it will not be held this year.

Mr. FITZGERALD. I understand what that means. That puts it in a little nicer English. It is extending the hospitality to foreign visitors and paying the traveling expenses of those participating in the convention, both from this country and abroad.

Mr. BARTHOLDT. Of course I may be mistaken, but if small countries like Switzerland or Denmark or Holland or Belgium could entertain such distinguished visitors in a proper manner, I had an idea that probably the United States could afford to do the same thing.

Mr. FITZGERALD. I have no doubt it is a great benefit and will greatly further the civilization of other countries to have distinguished representatives of this body visit and sojourn in those countries indefinitely, if possible.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, will not the gentleman reserve his objection and agree to strike out of the bill the words "out of any money in the Treasury not otherwise appropriated," so that it would be only an authorization for an appropriation?

Mr. FITZGERALD. Mr. Speaker, in this Congress three or four bills have been called to my attention, and possibly there are others that have not been called to my attention, that have been introduced, the purpose of which, as stated in the reports, is to enable appropriations for specific purposes to be in order upon appropriation bills, appropriations which under the rules of the House are not now in order. I do not believe it is desirable to enact legislation that will make in order upon bills that carry annually the money necessary to maintain the Government appropriations for all sorts of enterprises which really have very little relation to the maintenance of the Government. That is the chief reason for my objection.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; to the Committee on Interstate and Foreign Commerce.

STEAMSHIP "DAMARA."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22907) to provide American registry for the steamer *Damara*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer Damara, rebuilt at San Francisco, Cal., from the wreck of the British steamer Damara, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects, and the bill will be stricken from the calendar.

STREET RAILWAY, SOUTH HILO, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

The Clerk read as follows:

A bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

Be it enacted, etc., That wherever in this act the following words and phrases appear, or are used they shall be held to have the following meaning, unless the context clearly indicates otherwise:

(a) "Association" shall mean and include Leland S. Conness, W. H. Johnson, and their associates and assigns, or such corporation as may be organized by them to take over and exercise the rights and privileges conferred by this act.

(b) "Governor" shall mean the governor designated as such in the organic act.

(c) "Superintendent" shall mean the person from time to time acting as the superintendent of public works of the Territory of Hawaii referred to in the organic act, or any lawful successor in power or duty.

(d) "Railway" shall mean the rails, tracks, roadway, with its appurtenances, appliances, and connections, and the poles and underground or overhead equipment, which may be placed in, along, or upon the highways, streets, roads, thoroughfares, and places on the island of Hawaii, under the provisions of this act.

(e) "District" shall mean that portion of the island of Hawaii which is included in the political subdivision known as the South Hilo district, as now defined in act 84 of the Session Laws of 1909.

(f) "Board" shall mean the board of supervisors elected for the county of Hawaii, and acting under the provisions of act 30 of the Session Laws of 1905 and all amendments thereto, or any lawful successor in power or duty.

SEC. 2. That, subject to the provisions, conditions, requirements, and limitations in this act contained, the right and authority is hereby granted to the association to take over and exercise the rights and privileges conferred by this act; to construct, maintain, and operate a railway and railway system, for the transportation of passengers, freight, mail, and for other purposes, upon and along the streets, roads, and places hereinafter described and indicated, either of single or double track, or partly single and partly double track, with such curves, switches, turnouts, spurs, poles, wires, with underground or overhead conductors of power, and all equipment, appliances, and appurtenances as may from time to time be necessary or suitable for the efficient use and operation of a street railway system. The railway shall be laid, constructed, maintained, and operated upon and along the following streets, roads, and places in said district, namely:

(a) From a point on Front Street extension not over 2 miles from the county bridge across the Wailoa River, along said Front Street extension, and along Front Street to its intersection with Waianuenue Street; thence mauka along Waianuenue Street and the extension thereof for a distance of 3½ miles; and along any road, street, or highway hereafter laid out or constructed between said Front Street extension and the water front.

(b) From a point on said Front Street extension over, across, and through the Government land of Waiakea, subject to existing leasehold rights therein, to any wharf or wharves hereafter constructed in Kuhio Bay, upon such exact location as may be approved by the superintendent.

(c) From the intersection of Cocoanut Island Road with Front Street extension, along said Cocoanut Island Road to Wharf Street, and along any road or street now or hereafter laid out or constructed and leading from said Cocoanut Island Road.

(d) Along Wharf Street from its junction with Cocoanut Island Road to its junction with Front Street, and along the unnamed street leading from Wharf Street to Front Street extension parallel with the Wailoa River.

(e) From a point on the Volcano Road not exceeding 1 mile on the Puna side of the Waiakea mill, along said Volcano Road to Volcano Street, and along said Volcano Street to its junction with Bridge Street, thence along Bridge Street to its intersection with Waianuenue Street.

(f) From the intersection of Waianuenue and Pitman Streets, along said Pitman Street to Wailuku Street, thence mauka along Wailuku Street to the junction therewith of Wainaku Road, thence along said Wainaku Road to Honolii Gulch.

(g) Whenever the majority of adult persons who are bona fide residents within a distance of 500 feet from any street or road, or section of any street or road, in said district shall, in writing, petition the association to construct a railway upon or along said street or road, or section of street or road, and the governor shall approve thereof, such railway may be constructed thereon and thereafter maintained during the unexpired term of this franchise.

SEC. 3. That the motive power for the operation of said railway, for any and all purposes, shall be electricity, applied either by the overhead trolley system or the underground conduit system, or by storage batteries, or by such other method or methods as may be an improvement upon either, or the motive power may be supplied by compressed air or such other motive power as the association may from time to time elect, subject always to the prior consent and approval of the governor: *And provided also*, That the railway may be operated in part by one motive power and in part by another or others, with the consent and approval aforesaid: *And provided further*, That no car, engine, or other vehicle emitting smoke, steam, or offensive odors to such a degree as to be a public nuisance, or, with animals attached, shall be operated or used upon the tracks of the railway.

SEC. 4. (a) The railway, together with all its branches, parts, and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places where laid; and the location in the streets shall be such as may be directed or approved by the board, subject to the provisions of this act.

(b) All passenger cars shall be of approved and modern construction for the comfort, convenience, and safety of passengers, and be provided with fenders and brakes, and in the case of cars weighing more than 30,000 pounds, with air brakes of the best pattern, with proper lighting and signaling appliances, and with proper numbers, route boards, or signs, all as shall be approved by the governor, which approval may from time to time be modified in accordance with the best engineering practice.

(c) The association shall pay all expenses and damages and save the Territory and any subdivision thereof harmless and indemnified from all loss, cost, damage, and expense occasioned by or arising from the construction, maintenance, use, and operation of the railway; and shall also make and pay for all grading, filling, paving, repairing, and other work occasioned by or required for the construction, alteration, maintenance, use, or operation of the railway and every part thereof.

And the association shall so provide for their electric current and provide such conductors thereof, and of return currents, that avoidable injury or deterioration shall not occur, nor be done to the water pipes, sewer pipes, gas pipes, or other property of the Territory, or of any political subdivision thereof, or of any person or corporation, and shall save the Territory and any such subdivision or any person or corporation harmless and indemnified from all loss, cost, damage, and expenses by reason thereof.

(d) In constructing or repairing said railway not more than one block shall be closed to traffic at any one time, and all established crossings shall be maintained or substitute crossings provided during the progress of the work, and the work in any block shall be carried on continuously until completed.

Whenever any road or street shall be less than 18 feet in width in surfaced roadway the track of the railway (except switches or turnouts) shall be laid as nearly as possible parallel with but not upon said surfaced roadway.

(e) The construction of the railway shall be commenced and, at least, the sum of $20,000 shall have been expended or contracted to be expended within two years after the approval of this franchise by the Congress of the United States, and at least 2 miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement.

Within 90 days after the approval of this act by the Congress of the United States the association shall execute and deliver a bond to the county of Hawaii in the sum of $5,000, to be approved by the governor as to form and sufficiency, conditioned for such completion, equipment, and complete operation of at least 2 miles of said railway within said two years; and in case of a failure to comply with these requirements this franchise shall cease and be null and void.

At least 2 additional miles of the railway shall be completed, equipped, and ready for operation within six years from the approval of this franchise by the Congress of the United States, and in case of failure

to comply with such requirement the privileges granted by section 2 of this act shall cease as to any streets, roads, thoroughfares, or places not then occupied.

Provided, That if there is any period during which work shall be suspended by reason of actions, suits, or injunctions, impeding or delaying the construction or use, the time so lost shall not be counted as part of the periods of limitations above specified.

The tracks shall not exceed 4 feet 8½ inches in width between the rails, and the style of rail to be used, the manner and detail of track foundations, substructures, and construction shall be subject to the approval of the board: *Provided, however*, That the weight of such rails shall not be less than 56 pounds per yard and that the tracks shall be laid flush with the streets, and the paving, grade, and macadamizing of the entire space between the tracks, and between the outside rails of double tracks, if more than one track be laid, and for one foot outside of the outer rails, and switches, turnout, and siding, and outside the rails wherever occupied by the track or substructure, shall correspond and be maintained at all times with the grade and the approved paving, or macadam of the adjoining portion of the street, except as otherwise directed by the board: *Provided, however*, That when the tracks shall be laid parallel to but not upon any surfaced roadway, the above provision relating to paving and macadamizing shall not apply. The board may in writing require any work to be done or repairs made to conform to the requirements of this section, and the same shall be made by the association within a reasonable time from the receipt of such order.

Whenever it shall be necessary to cross the tracks of any other railway or railroad, the association may construct and lay down, at their own expense, proper crossings and intersecting tracks, laid in a workmanlike manner and according to the best engineering practice, removing the rails so crossed for that purpose; but such removal and construction shall be so done as to interfere as little as possible with the traffic of such other railway or railroad; and after such crossings are laid the expense of maintenance thereof shall be borne equally with the owners of said track.

Trolley wires shall be of a height of not less than 16 feet above the street. All guard wires above and on both sides of the trolley wires shall be such as the board may deem expedient or necessary. The size and location of such wires and the manner of supporting them shall be subject to the approval of the board.

That the association at all times shall maintain and operate such number of cars upon the railway for the carriage of passengers as the public convenience may require.

That the board, with the approval of the governor, from time to time may make reasonable general rules governing the speed at which cars may be operated, and with like approval may make reasonable special rules of similar character for particular sections of the roadway; for each violation of any such rule the association shall be subject to a fine of not more than $100, to be recovered in the district court of South Hilo, at the suit of the county attorney of the county of Hawaii, or its successor, or any other person to the use of the county of Hawaii, or its successor: *Provided, however*, That nothing herein contained shall be construed as exempting the association from liability for loss, damage, or injury to persons or property occasioned by the association in operating its railway, whether the rate of speed of cars shall or shall not be in excess of the limits prescribed in such rules.

That the association may charge, as rates of fare for transportation of passengers upon the cars of the railway, the following: For a continuous trip anywhere between any two extreme points within a radius of 3 miles from the intersection of Front and Waianuenue streets, not to exceed the sum of 5 cents: *Provided*, That children under 12 years of age, going to and from school, shall not be required to pay over half fare, for which purpose tickets shall be sold: *And provided further*, That children under 4 years of age, accompanied by a paying fare, shall be allowed to ride free. Rates of fare outside of such radius may be fixed from time to time by the association, subject to the approval of the governor.

On a continuous trip persons riding upon the cars shall be entitled to receive transfers from one car to another within the radius above mentioned at any point or points where one line of the railway connects with, crosses, or intersects any other line thereof without the payment of extra fare for such transfer: *Provided*, That such passenger shall take the first available car passing the transfer point for which such transfer has been issued.

Policemen, firemen, and letter carriers, when on duty and in full uniform, shall be entitled to free passage over any of the lines of the railway.

The association, its agents, and employees in charge of any car may refuse passage to any person or persons who refuse to pay the lawful fare, or any drunken, disorderly, or diseased person or persons, or vagrants or criminals, and may eject with force, if necessary, any such person or persons from the car.

If the association, or any agent or employee thereof, shall demand or charge a greater sum of money for fare on the cars of the association than the fare fixed by this act the association, such agent, or employee shall forfeit to the person thus overcharged the sum of not more than $25, to be recovered in a civil action in any court having jurisdiction thereof.

Upon the trial of an action for any of the sums forfeited as provided above proof that the person demanding or receiving the money as fare or for the sale of a ticket was at the time of making the demand or receiving the money engaged in an office of the association, or on any vehicle belonging to it, shall be prima facie evidence that such person was the agent, servant, or employee of the association to receive the money and the ticket mentioned.

That the association, with the approval of the governor, shall make reasonable and just regulations concerning the operation of the railway, and on failure of the association to make the same within a reasonable time after the receipt of written notice from the governor so to do the board, with the approval of the governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the governor.

The cars lawfully occupying and using the railway shall have the right of way upon its tracks, with due regard and warning to other vehicles and to pedestrians, except that in case of fire such right shall yield to fire engines and patrol, and in cases of emergency to the police authorities.

Sec. 9. That the entire plant, system, tracks, rolling stock, poles, wires, conduits, and other apparatus of the association shall at all times be subject to inspection by the board or its representative designated for that purpose.

Sec. 10. That the association shall also have the power to acquire, construct, maintain, and operate at such place or places as may from time to time be deemed necessary, adequate power stations or houses and such other buildings and structures as may be convenient, necessary, and desirable for the conduct of its business, and may install and use therein machinery for such purpose.

Sec. 11. That the association may acquire, take, hold, sell, or otherwise dispose of any property, real, personal, or mixed, deemed necessary, convenient, desirable, or incidental to the proper conduct of its business and shall have the power to borrow money when deemed expedient, and secure the payment thereof, with interest, by mortgage or by the issuance of bonds secured by deed of trust, of all or any portion of its property and the franchises and privileges granted or obtained by virtue of this act or otherwise, together with all future acquired property, as well as income and receipts from whatsoever source derived, in such form and under such terms as may be deemed advisable. Nothing herein contained, however, shall operate to prevent the association from obtaining the usual business credits and making promissory notes without security.

Sec. 12. That the association shall have the right to condemn lands, leaseholds, and other property for sites for power stations, or houses and buildings, and for rights of way for poles, lines, wires, cables, conduits, pipe lines, frames, and other appliances for the generation, transmission, distribution, and supply of electricity, railways, tracks, and other like purposes necessary for the full enjoyment, operation, construction, and maintenance of the railway system authorized or permitted under the terms of this act, and all proceedings therefor shall be as near as may be in accordance with the provisions of chapter 64 of the Revised Laws of Hawaii, and all amendments thereto now or hereafter made.

Sec. 13. That any person who shall willfully or intentionally injure, molest, or destroy any of the poles, lines, wires, or other appliances, railways, tracks, or the material or property belonging thereto, or shall without permission or authority of the association connect or cause to be connected by poles, wires, or any device anything with the wires, cables, or conductors of the association, for the purpose of obtaining current for light, heat, or power, shall be guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction thereof, shall be punished by a fine not exceeding $100, or by imprisonment not exceeding six months: *Provided, however*, That nothing herein contained shall be deemed to affect the right of the association to recover by action at law damages for any injury done by such unlawful action.

Sec. 14. That whenever the association refuses or fails to do or perform or comply with any act, matter, or thing requisite or required to be done under the terms of this act, and shall continue so to refuse or fail to do or perform or comply therewith after reasonable notice given by the governor to comply therewith, unless other provision is herein specifically made, the board shall, with the consent of the governor and the attorney general, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this act, and all rights and privileges granted thereunder, forfeited and declared null and void.

Sec. 15. That the rights, privileges, and franchises hereby granted to the association shall continue until the expiration of the term of 50 years from the date of the approval of this act by the Congress of the United States, subject only to the limitations in this act contained.

Sec. 16. That all property of every kind and nature forming or used as a part of the railway and power system of the association, including this franchise, shall be exempt from any and all taxation under the laws of the Territory of Hawaii until the expiration of 10 years from and after the approval of this act by the Congress of the United States.

Sec. 17. That the association shall, within one month after the expiration of each calendar year, file with the board a detailed statement showing all of its receipts and expenditures during the preceding calendar year; and all of its books, papers, records, and accounts shall, at all reasonable times, be open to inspection by the governor, the board, and their respective agents appointed for such purpose.

The association shall not issue stock, nor shall it incur indebtedness, to an amount in excess of the actual cost of its property and 10 per cent in addition thereto.

The association shall pay each year to the county of Hawaii, or such other political division as the legislature shall from time to time indicate, an amount equal to the amount, if any, which it shall pay in dividends in excess of 8 per cent for that year upon its capital stock, and in any event shall so pay each year, after 10 years from the approval of this act by Congress, not less than 1 per cent of its gross receipts.

Sec. 18. That this franchise may at any time be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States; and the rights, privileges, and powers by this act conferred shall not be construed to be exclusive.

Sec. 19. That the Territory of Hawaii, the county of Hawaii, or any political subdivision thereof, within or including the district of South Hilo, may at any time after the expiration of 20 years from the date of the approval of this act by the Congress of the United States, and upon six months' notice in writing to the association, given pursuant to proper authority, acquire by purchase and the property of the association, subject to the then existing charges thereon. The amount to be paid to the association for such purchase shall be determined by a commission of three persons, one to be appointed by the association, or in case it should fail to do so within 20 days after requested to do so by the government, then by the chief justice of the Supreme Court of Hawaii, one by the purchaser, and the third by the two so appointed, or in case they should fail to agree upon the third member within 20 days, then by said chief justice, but such amount shall in no case exceed the actual cost of the property and 20 per cent in addition thereto less the charges thereon.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price, as aforesaid, the same shall be paid to the association.

Sec. 20. That this act shall go into effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States,

such approval to be secured within four years from the date of this act becoming law.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I want to know something about the time limit of this franchise. How long does it run?

Mr. FLOOD of Virginia. I did not hear what the gentleman said.

Mr. BUCHANAN. I desire to know the limit of time for this franchise.

Mr. FLOOD of Virginia. Well, they have to begin work in one year.

Mr. BUCHANAN. How long does this franchise continue?

Mr. FLOOD of Virginia. Fifty years.

Mr. BUCHANAN. I see here in one section:

That the association may acquire, take, hold, sell, or otherwise dispose of the property, real, personal, or mixed, deemed necessary, convenient, desirable, or incidental to the proper conduct of its business.

Mr. FLOOD of Virginia. From what section is the gentleman reading?

Mr. BUCHANAN. Section 11.

Mr. FLOOD of Virginia. What is the gentleman's question?

Mr. BUCHANAN. I object to giving that right and I object to giving the franchise for that length of time, and therefore I object to the consideration of the bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. FLOOD of Virginia. Could the gentleman reserve his objection?

Mr. BUCHANAN. I will reserve my objection.

Mr. FLOOD of Virginia. Mr. Speaker, this bill, if the gentleman has followed it, is hedged about by as many conditions as any bill that ever granted a franchise. Here is a town of about 7,000 people and this company proposes to build an electric railway line for the benefit and convenience of these 7,000 people. I do not know in this country of any town of 7,000 people that has no interurban connections that can get an electric line built in it. This franchise allows this company to make 8 per cent on their capital actually invested, and of all above the 8 per cent 75 per cent goes to the county of Hawaii and 25 per cent to this company. The only grant in here that is liberal is the one for 50 years, and it does seem to me, considering the benefits to accrue from this franchise to the people of this little town, that the gentleman may forego his right to object upon a proposition that is considered proper by everybody who is charged with the duty of legislating for those people.

This bill, when introduced in the House, had already been passed by the Legislature of Hawaii and had received the approval of Gov. Frear and the general public of the Territory. It is intended to provide cheap transportation for the town of Hilo, the second city of Hawaii. At the present time the only means of communication is by Japanese bus or hack, the lowest rate being 15 cents, and from that up to 75 cents, for the service which will be given by a street-car company for a single 5-cent fare.

While the bill had received the approval mentioned above, at the suggestion of Gov. Frear a number of amendments have been made for the purpose of safeguarding the public interests. One of the most important of these limits the amount of stock which may be issued to that paid for in cash and $50,000 additional. This effectually prevents the watering of stock, which has been done in so many cases of similar companies. In addition to this, the franchise virtually limits the dividends upon the stock to 8 per cent. Should the company pay over that amount, it must pay to the Territory three times the sum so paid to its stockholders. Another amendment of importance forces the company to extend its lines in any desired direction in case it shall be shown to the satisfaction of a designated board that the company, with such extension, will be able to pay this 8 per cent dividend. The force of these two amendments results in the restriction of the dividend paid, while the amount of capital stock can not be increased save by the issuance of more stock which must be paid for in cash. All features of the new forms of franchise acts, as they have been adopted in various cities in the United States in recent years, are included in this franchise.

According to the census of 1910 the town of Hilo had 6,745 inhabitants. The town is alone and without surrounding towns to which connection might be made, and only the fact that water power for the generation of electricity may be obtained enables the construction of a street railroad. There is no town in the United States of the size of Hilo, and without interurban connections, which is supporting a street-railroad system. For this reason the term of 50 years, which is the ordinary length of street-car franchises, is short rather than long. A shorter term, combined with the restriction of capital stock and of dividends, would prevent the financing of the system.

The equipment and construction, as called for under the franchise, is first class in every way, and the company is required to make all such repairs and improvements as may be reasonably called for by the Government. It is further provided that the system may be bought by the Government at the end of 20 years at a price not to exceed the actual cost plus 20 per cent. One year is allowed for the completion of the financial arrangements before construction starts, and four years for the completion of 4 miles of track, which will be ample for the town under existing conditions.

Within the year it is expected that the large section of Government land now under lease and located about 2 miles from Hilo proper will be open for homes. At the present time at existing prices it is practically impossible for a man in moderate circumstances to buy a home in Hilo. With cheap transportation a poor man could buy one of these Government lots, erect a small house, and thus own his home, being able to travel back and forth to his work for 10 cents a day. Without a street-railroad system this would cost him a minimum of 30 cents a day with a maximum of a dollar, which would render the transportation charge so high as to effectually prevent his taking up the land. A further reason for a street-car system comes in the fact that there is now under construction a new deep-water wharf, located 2 miles from the Hilo post office, for which quick and cheap transportation will be necessary. The Hilo Board of Trade, in a meeting held in February, passed special resolutions indorsing the street-car franchise, and especially that section permitting the system to carry freight. A line of the Hilo Railroad Co.—steam-car service—will run to these new wharves, but it was felt that the competition of the street-car company in the handling of freight would make sure cheap rates and good service.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. FLOOD of Virginia. Yes.

Mr. MOORE of Pennsylvania. Is it not true that one of the purposes of building this railroad is to enable the workingmen who live in the town and whose employment would be at the water terminus to go back and forth without paying the charges they now have to pay for conveyance?

Mr. FLOOD of Virginia. That is true.

Mr. MOORE of Pennsylvania. And is it not essentially an advantage to the men who derive their bread and butter from this Government contract on the coast and who must necessarily go back and forth to the town, some miles away, and who now, if they ride, must ride in vehicles for which they are charged at the rate of 25 or 50 cents per head?

Mr. FLOOD of Virginia. It is even stronger than the gentleman suggested.

Mr. CANDLER. If the gentleman will permit, I was there, and my recollection is I paid 50 cents.

Mr. FLOOD of Virginia. There is, as I have just said, a large tract of land between the thickly inhabited part of the town of Hilo and where they are going to build the new wharf. That land is Government land and at present under lease; in a short time the lease will expire and it is the purpose to open this land up to small settlers, to laborers at this wharf and laborers in the town. Now, these men if they have to go to work in this thickly settled part of the town or at the wharf have to pay a transportation cost at present of from 30 cents to $1 for a round trip. This road will transport them back and forth for 10 cents a round trip. I was going on to say, every person who has had to deal with this matter—the Legislature of Hawaii, the governor of the Territory, the Delegate representing it, and the Committee on Territories, after long and arduous labor and careful consideration of this measure—has indorsed it.

Mr. FITZGERALD. Has the gentleman ever been to Hilo?

Mr. FLOOD of Virginia. I have never been there.

Mr. FITZGERALD. Does the gentleman think they can make 8 per cent on a railroad built there?

Mr. FLOOD of Virginia. I have never been there, but I should think it is extremely doubtful. I think the men who are financing this enterprise are taking a great risk and I think if we turn down this bill we are not acting in the interest of the people of Hawaii, because here is a proposition to give them cheap transportation facilities which they could not get without some measure of this kind.

Mr. CONNELL. Mr. Speaker, I trust the gentleman from Illinois will not insist upon his objection to this bill. I think the very best answer that can be made to his objection is the fact that it means a development along the line of American

ideas in every way on that island, and I ask to read from the report of the committee, which epitomizes the whole matter, which, I think, will be satisfactory to the gentleman from Illinois.

The necessity for a street railway in Hilo, Hawaii, which is a town of but 7,000 inhabitants, according to the census of 1910, arises from two facts—that the various sections of the town lie far apart and public transportation at present may only be had by Japanese bus or by hacks at high rates, and the fact that a cheap means of transit is necessary to connect with new Government wharves which are being constructed 2 miles from the town proper. In the latter case, under the terms of this bill, the fare will be but 5 cents as against a minimum of 25 cents under present conditions. In addition to this, the installation of a street railway system will give easy access to a large tract of Government land which may by this means be developed for residence and homesteading purposes and which otherwise would be almost impossible to settle on account of the lack of transportation facilities. The franchise is one which was approved by the Legislature of Hawaii with but one dissenting vote and received the official approval of the governor of the Territory.

If the gentleman will examine the report he will find that this franchise is hedged about as carefully as legal ideas or an honest consideration of the development of that country can possibly make it.

Mr. BUCHANAN. What is the gentleman reading from?

Mr. CONNELL. I am reading from the report of the committee on this bill.

Mr. BUCHANAN. Does this bill provide any limit of charges? I have not noticed any limitations.

Mr. CONNELL. No; it does not provide any limit of charges, but that follows in the development of the railroad. It does provide, however, that if all the things to be done under this franchise are not lived up to in every particular it may be repealed.

Mr. BUCHANAN. Mr. Speaker, I never saw a company yet looking for a franchise, no matter how profitable it was, that they did not do it under the cover of benefit to the public in that locality. They usually use the working people for a buffer in many of their schemes to secure franchises. I am willing to concede that my colleagues who have considered this probably know more about it than I do. But I want to say, a 50-year franchise sounds to me as though it is a dangerous proposition to concede to any company. I believe that is too long a time.

Mr. FLOOD of Virginia. I will ask the gentleman this question: If there is a town of 7,000 people in his community, with no interurban connection, that has a street railway of the character of the one in this bill?

Mr. BUCHANAN. I want to say to the gentleman in this connection, that we are putting electric lines all through the country, and he knows as well as I do that the companies to whom are granted those franchises and operate those street railways claim that they are doing it for public good, and collecting dividends on watered stock for the benefit of the public.

Mr. FLOOD of Virginia. This provides there can be no watered stock. You have not read this bill.

Mr. BUCHANAN. I have just listened to the Clerk read it.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. FITZGERALD. I wish to make this statement: I am not familiar with the terms of the bill, but five years ago I was in the Hawaiian Islands. The town of Hilo is the only town on the island of Hawaii, the largest island of the group. I think in 20 minutes to half an hour I walked all over this little community. It had an open roadstead. Back in the country are sugar plantations, and they are also attempting to raise coffee on one side of the island. The Government has built a breakwater in order to make the harbor safe. Conditions are such that before the breakwater is built vessels must lie there, with steam up, and during the prevailing storms must go to sea.

The Government wharf is being built at that breakwater. So far as I am personally concerned, if anybody would be willing to put money into a street railway in that community in the hope that he would ever make money out of it, I think it would be such a benefit to the community, and its prospects would be so slight, that I would give him a franchise without any restrictions. There is no possible great development there. It is a small, insignificant town. They say there are 7,000 inhabitants, but I think its population is from 7,000 to 10,000. The gentleman from Kansas [Mr. CAMPBELL] and myself walked all over this community in half an hour one evening after dinner. Were it not for the fact that the dock is to be built off the breakwater, about 2 miles away, I do not think it would be possible to find enough places to which to run this railway in order to get people who would ride.

I am not familiar with the terms of the bill, but if anybody can be encouraged to put money into transportation facilities on these islands, I think we should help them as far as possible to do.

Mr. LEWIS. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Maryland [Mr. LEWIS]?

Mr. BUCHANAN. Yes.

Mr. LEWIS. Mr. Speaker, I think legislation of this sort ought to pass. It ought, however, to receive the same sort of attention as if it were a franchise being granted to a corporation in the city of Washington, under our tutelage and care. There are two propositions involved in the measure that would come in for the first order of consideration if this were a home subject. The first is, whether the capitalization may be watered. The second is on the question of the rates of fare to be charged, and who should have the whip hand in determining those rates—the Government or the grantee of the franchise. I have two amendments, which I purpose offering if that state be reached, looking to the improvement of the bill on those lines.

First, now, in regard to watered stocks, there is no minimizing the circumstance that in this country we have reached an aggravated condition with regard to the so-called fictitious capitalization of public utility corporations. I wish to challenge the statement by any Member of this House that the privilege of watering stock and bonds is a privilege of real value even to capital. It has been a curse to the public welfare. It is true this bill provides——

Mr. FLOOD of Virginia. May I interrupt the gentleman?

Mr. LEWIS. In just a moment. It provides that the stock may be watered to the extent of $50,000.

Mr. FLOOD of Virginia. I would like to interrupt the gentleman.

The SPEAKER. Does the gentleman from Maryland yield to the gentleman from Virginia [Mr. FLOOD]?

Mr. LEWIS. I do, with pleasure.

Mr. FLOOD of Virginia. After we get the bill up the gentleman will have an opportunity to offer his amendments, and we will then consider them. The question now is whether the bill will come up by unanimous consent.

Mr. LEWIS. I hope the House will give consent to its consideration, because it is an outrage to deny the people of Hawaii the government we have taken away from them. We ought to give them the privilege of a hearing.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. LENROOT. If the gentleman withdraws his objection, I simply wish to reserve one.

Mr. YOUNG of Kansas. Mr. Speaker, while this bill was being considered in the committee I took the very position the gentleman from Illinois [Mr. BUCHANAN] now takes relative to the length of time of the franchise proposed to be granted to this company or corporation—which is 50 years, and entirely too long a period. I maintained that position until I was entirely satisfied that the committee had amended the original bill and so hedged it about with all the safeguards that it was possible for the ingenuity of the committee to invent for the protection of the people of the town of Hilo, and that the people would be entirely protected in every way, including the regulation of the charges for fares, the same being limited to 5 cents, and that the earnings of the company could not be above a fair rate, which is stipulated in the bill to be 8 per cent; and a fair share of the earnings above that rate should be for the benefit of the city. The bill being thus safeguarded and it appearing from the evidence before this committee, which was to the effect that the bill, being so safeguarded that the enterprise could not be successfully financed with a shorter term of the franchise, and while I am very much opposed to the granting of a franchise generally for so long a period, yet under the peculiar conditions existing upon the Hawaiian Islands, as shown by the hearings of the committee, I am of the opinion now that to make the franchise less in time than stated in the bill, with it hedged about as has been done and fully safeguarded, it would be equivalent to denying the people of that locality the street railway that they desire, for I am firmly of the belief that the project could not be financed if the time of the franchise was lessened; and I hope the gentleman from Illinois [Mr. BUCHANAN] will withdraw his objection.

Mr. CANDLER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. BUCHANAN. Yes; I yield to the gentleman.

Mr. CANDLER. Mr. Speaker, I simply want to state to the House and to the gentleman from Illinois that I had an opportunity at one time to be in this little city of Hilo, and the conditions as stated by the gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, practically exist there. The statements made in the report of the committee, I can state from my personal knowledge, are substantially, if not absolutely in toto, true and correct. Therefore it seems to me that if the people of this community, this small place of 7,000 people, are willing to invest their money in an enterprise for their own development and for the development of their community and the surrounding country, they at least ought to have an opportunity to do so, especially in view of the fact that the legislature of the islands of Hawaii has passed this bill practically unanimously—as I understand it, with but one dissenting vote—and it has been approved by the governor of the islands, and certainly it is a matter that should have the consideration of the Congress of the United States, when those people can not act and can not move without the approval of Congress. To deny them the right even of consideration in the House of Representatives, it seems to me, is not a rule which should be applied to a bill of this character.

As stated by several members of the committee, it has been hedged about by every possible means, and so far as the limitation of the charter is concerned, limiting its existence to 50 years, we have charters in perpetuity in many of the States of the Union, and there are few, if any, States that grant charters requiring less than 50 years. I think that provision is sufficient, and therefore I hope the gentleman from Illinois [Mr. BUCHANAN] will at least withdraw his objection and permit the House to consider the bill.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. BUCHANAN. Yes.

Mr. RAKER. I would like to ask the chairman of the committee a couple of questions in regard to the matter. What is the kind and character of the capital that is going into this enterprise?

Mr. FLOOD of Virginia. It is money. [Laughter.]

Mr. RAKER. Is that as definite and intelligent an answer as the gentleman expects to give to the question?

Mr. FLOOD of Virginia. It is as intelligent as the question.

Mr. RAKER. Mr. Speaker, under those circumstances, I object to the consideration of this bill.

The SPEAKER. The gentleman from California objects.

Mr. FLOOD of Virginia. That is in keeping with the gentleman's conduct—to defeat a great public enterprise because he is angry with me.

Mr. RAKER. Mr. Speaker, I am not angry with my distinguished colleague from Virginia, and to assure him that he has misjudged me I withdraw my objection.

The SPEAKER. The gentleman from California [Mr. RAKER] withdraws his objection.

Mr. RAKER. I asked the gentleman, plainly and fairly, what kind and character of capital is going to be invested in this enterprise, meaning, undoubtedly, whether it was American capital or foreign.

Mr. FLOOD of Virginia. I am not prepared to answer. I made all the inquiries I could in reference to that, and my opinion is that the bulk of it will be American capital. I was informed by the gentleman from Georgia [Mr. BRANTLEY] that friends of his in Baltimore would be willing to finance this franchise if it was granted in the way it was asked for by the Legislature of Hawaii. We have put on a number of restrictive amendments since then, and my opinion now is that it would be a combination of Hawaiian and American capital that would build the railroad.

Mr. RAKER. What I wanted to know, Mr. Speaker and gentlemen of the committee, was whether or not the Japanese Government or any other Government was interested, through their agents, in building this railroad.

Mr. FLOOD of Virginia. I am satisfied that neither the Japanese Government nor Japanese capital is interested in this enterprise.

Mr. RAKER. I want to say that about 75 per cent of the residents of Hawaii are Japanese.

Mr. FLOOD of Virginia. Oh, the gentleman is mistaken about that.

Mr. RAKER. I am quite certain I am not mistaken. I have the Government report in which that statement is plainly made.

Mr. FLOOD of Virginia. Not 75 per cent?

Mr. RAKER. Practically from the report of the Department of Commerce and Labor, which has not been published yet, that statement is made, that 75 per cent of the residents of Hawaii are Japanese. I do not know why the report has not been made public, but I have a copy of it in my office, and I can show it if there is any question about it in this House.

Mr. FLOOD of Virginia. The gentleman is mistaken about that.

Mr. RAKER. I think not.

Mr. FLOOD of Virginia. It is true that a large proportion of the population are Japanese, and there may be some Japanese who will put their money in this franchise. I do not know about that. But the Japanese as a whole are not financing it. I understand that it is to be financed by American and Hawaiian capital combined.

Mr. RAKER. Now, Mr. Speaker, one other question, if the gentleman from Illinois [Mr. BUCHANAN] will permit. It is this: Whether or not the city of Hilo has any electric plant now? Has this city any electric plant?

Mr. KALANIANAOLE. They have an electric-light plant.

Mr. RAKER. Owned by the city or by private individuals?

Mr. KALANIANAOLE. By private individuals.

Mr. RAKER. Why could not the city take up the question of putting in a railroad and running it by electricity?

Mr. FLOOD of Virginia. I do not suppose the city would care to undertake it. They have not the money to do it. It is going to be a difficult matter to raise three or four hundred thousand dollars to build an electric railway line in a town of 5,000 or 6,000 people without any interurban connection.

Mr. SLAYDEN. Is it to be what we call an interurban line?

Mr. FLOOD of Virginia. No; there is no interurban line about it.

Mr. SLAYDEN. Is there any other line that would connect with it?

Mr. FLOOD of Virginia. There is not. The wharves are 2 miles from the town of Hilo. This road is going to be run between the town and the wharves, and we hope that the intervening territory will be built up. There is a large tract of Government land that will soon be thrown open for settlement between the town and the wharves, and it is the hope and expectation of the Hilo people that it will be taken up by the working people if they can get back and forth to this intermediate territory for the small sum of 10 cents for transportation both ways.

Mr. SLAYDEN. It is expected that they will get cheaper and more sanitary homes, is it?

Mr. FLOOD of Virginia. Very much cheaper, because they can not get any homes at all in Hilo at present. I presume they will be more sanitary, and they can get from their homes to their work under this proposition for a railroad for 10 cents a day, whereas now it costs them 30 cents or a dollar.

Mr. SLAYDEN. Will it cheapen the cost of transportation to the people in that community over what it is compared with present conditions?

Mr. FLOOD of Virginia. There is not the slightest doubt about that. The only method of transportation from the town of Hilo to the wharves, 2 miles, is by Japanese busses, and the cost is from 15 to 50 cents one way.

Mr. SLAYDEN. And under this proposition they will get one way for 5 cents?

Mr. FLOOD of Virginia. Five cents one way and 10 cents both ways.

Mr. HUMPHREYS of Mississippi. And it is Japanese money that is now invested in these busses.

Mr. LEWIS. How many miles of railway are necessary under this proposition?

Mr. FLOOD of Virginia. The bill provides that they shall build 4 miles within a specified time, and, in addition, if the board of supervisors of Hawaii think it is necessary to build more, the company shall build the additional road.

Mr. LEWIS. It is contemplated to build 4 miles now?

Mr. FLOOD of Virginia. Yes.

Mr. BUCHANAN. Mr. Speaker, a 50-year franchise usually arouses my suspicion that somebody is going to get more than they are entitled to, but after the statement by the chairman of the committee and other Members as to the necessity for this legislation and the difficulty of getting it constructed under a shorter franchise, I shall, although reluctantly, withdraw my objection. There are some features about the bill that I do not like because they are not in harmony with my ideas.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] reserved an objection to the bill.

Mr. LENROOT. Mr. Speaker, two weeks ago I objected to this bill, but since that I have examined it, and I propose to offer three amendments, two of which are acceptable to the chairman of the committee. With the understanding that he will support those two amendments, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, unless some one desires to have a vote on some amendment considered separately, as there are 15 or 16 committee amendments, I ask unanimous consent that the committee amendments may be reported altogether and disposed of altogether.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the committee amendments may be read and disposed of together. Is there objection?

There was no objection.

The Clerk read the committee amendments, as follows:

Page 3, line 12, strike out the word "shall" and insert the word "may."

Page 7, line 19, after the word "within," strike out the words "two years" and insert the words "one year."

Page 7, line 19, after the word "the," strike out the word "approval" and insert the word "passage."

Page 7, line 20, strike out the word "franchise" and insert the word "act."

Page 7, line 24, strike out the word "approval" and insert the word "passage."

Page 8, line 2, insert, after the word "dollars," the words "with good security."

Page 8, line 3, after the word "form," insert the word "security."

Page 8, line 10, strike out the word "approval" and insert the word "passage," and strike out the word "franchise" and insert the word "act."

Page 8, strike out all of lines 15, 16, 17, 18, and 19 and insert:

"*Provided*, That if there is any period during which work shall be suspended by reason of bona fide actions, suits, or injunctions, instituted through no fault of the association, but causing delay in the construction or commencement of operation of said railway, the time so lost shall not be counted as part of the periods of limitations above specified.

"Additions and extensions of the railway shall be constructed by the association and, when so constructed or constructed by others, shall thereafter be maintained and operated by it whenever, after notice and an opportunity to be heard, it shall be directed so to do by a committee consisting of the governor, the secretary, and the chief justice of the Territory, the circuit judge of the fourth circuit, and the chairman of the board of supervisors of the county of Hawaii, or other officer designated by the legislature: *Provided*, That the commission shall not so direct unless in its opinion the earnings of the association when operating such additions and extensions, together with its previously existing railway system, will be sufficient for its reasonable expenses of maintenance and operation, interest and sinking fund on its indebtedness, and dividends of 8 per cent per annum on its issued stock; and the commission may likewise permit the association to cease the maintenance and operation of any portion of the railway wherever in its opinion conditions so warrant or require."

Page 10, after line 18, insert the following:

"Upon the failure of the association to perform such work within a reasonable period of time after the receipt in writing of such requirement, the board may in its discretion proceed with said work or repairs, and the cost of the same shall be charged against the association and shall constitute a lien on the profits and assets of the association."

Page 11, line 20, after the word "may," insert the words "in the opinion of the governor."

Page 16, line 3, strike out the word "or" before the word "houses," and after the word "buildings" insert the words "necessarily pertaining thereto."

Page 16, after line 13, insert the following:

"The association shall be, and is hereby, granted a right of way along and across, under and over, the roads, streets, bridges, and thoroughfares in the county of Hawaii for such poles, wires, conductors, and conduits as may be necessary and suitable for the transmission of electrical and other power from such power stations as may be hereafter constructed and equipped for the use of said railway to such point or points as it may see fit to deliver such power for use upon its lines."

Page 18, line 2, strike out the word "approval" and insert the word "passage."

Page 18, line 9, strike out the word "approval" and insert the word "passage."

Page 18, strike out all of lines 18 to 25, inclusive, and on page 19, lines 1 to 3, inclusive, and insert the following:

"The association shall not issue stock in excess of the amount paid to it therefor in cash and $50,000 additional, nor shall it issue bonds at less than 90 per cent of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditure.

"The association may pay, out of any earnings available for the purpose, after paying its expenses of operation and maintenance, interest and sinking fund on its bonds, and any other expenses properly payable out of earnings, cumulative dividends upon its stock at the rate of 8 per cent per annum, and shall pay each year to the county of Hawaii, or such political division as the legislature shall from time to time designate, an amount equal to three times the amount, if any, which it shall pay in dividends in that year in excess of such cumulative dividends."

Page 20, line 4, strike out the word "approval" and insert the word "passage."

Page 21, strike out all of section 20.

Mr. FLOOD of Virginia. Mr. Speaker, I submit the following additional committee amendment.

The Clerk read as follows:

On line 22, page 16, strike out the period, after the word "lines," and insert in lieu thereof a colon; after said colon add the following:

"*Provided, however*, That the lease or grant of any water power or other water privilege to the association by the Territory of Hawaii, or its officials, for the purpose of producing electricity, or other purpose, shall be made to the association only in the event of its being the highest responsible bidder therefor, at public sale, after due advertisement and notice of such proposed sale by the proper officials of the Territory."

The SPEAKER. The question is on agreeing to all the committee amendments.

The committee amendments were agreed to.

Mr. LEWIS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend section 7 by adding, at the end of line 8, page 13, the following:

"*Provided*, That the board, subject to the approval of the governor, shall have power from time to time to revise and reduce the rates of fare promulgated under this act or by the association."

Mr. FLOOD of Virginia. We will accept that amendment.

The amendment was considered and agreed to.

Mr. LEWIS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend section 17, by striking out, in line 5, page 19, the words "fifty thousand dollars."

Amend section 17, by adding, after the word "of," in line 4, page 19, the following: "One hundred and fifteen per cent of."

Mr. FLOOD of Virginia. Mr. Speaker, as to the first amendment I should like to raise a point of order.

The SPEAKER. What point of order does the gentleman make?

Mr. FLOOD of Virginia. Mr. Speaker, it is an amendment to an amendment which has already been adopted by the House, and, therefore, is not in order.

The SPEAKER. The point of order is overruled.

Mr. LEWIS. Mr. Speaker, just a few words of explanation in regard to this amendment. We are all familiar with the fact that public-utility corporations usually issue bonds and stock. Frequently, in this country, distinguishable from other countries in the world, the stock is all, or nearly all, water. Under the terms of this bill the road might be built by the issue of bonds, as to which under the bill 10 per cent can be water. That is, a bond can be issued for $100 on $90 of subscription, and therefore you have 10 per cent of water capitalization possible on the bonds. With regard to the stock, the bill now provides that no stock shall be issued except for money actually subscribed, excepting "an additional $50,000," which, in terms, may be water. The road might be built with bonds, and then $1,000 of stock bona fide paid for might be issued, when under the terms of this bill $50,000 of the stock might be issued as pure water, or about $12,500 a mile on the contemplated cost of construction of 4 miles. The amendment proposed is this: That they will be limited in issuing stock to 15 per cent more than the money actually paid in. Thus they can issue $115 of stock for $100 of actual money subscribed for stock. It is important, I may say to the House, in the way of example, that we give this subject proper consideration. Whether in striking the line at 15 per cent as the permissible margin of fictitious value for the needs and purposes of the promoter I have fixed the line right, I do not have the assurance to say; but I do say this: That the time has come when this national assembly ought to take up this subject and indicate the national policy. Are we to go on forever, or as long as private control of these public utilities last, allowing promoters to issue counterfeit capital—a procedure I may say that does not obtain in any of the countries of Europe? This amendment is directed specifically to that point; that a restriction of the amount of water in this stock, if stock be issued, shall be fixed at 15 per cent maximum, and that watered stock shall not be issued except to the extent of 15 per cent of the amount subscribed for stock.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LEWIS. Certainly.

Mr. MARTIN of South Dakota. As to the form of the gentleman's proposed amendment, I understood it is to strike out the words "fifty thousand dollars."

Mr. LEWIS. Yes.

Mr. MARTIN of South Dakota. Ought not the word "and," in line 5, and the word "additional," in line 6, be stricken out in order to make sense?

Mr. LEWIS. Possibly so; yes. Of course I would gladly accept any amendment of that kind. This amendment that I have offered was hastily drawn. As amended it would read:

The association shall not issue stock in excess of 115 per cent of the amount paid to it therefor in cash—

And so forth.

I think the word "and," in line 5, and the word "additional," in line 6, ought to be added to my amendment, and I ask unanimous consent that that be done.

Mr. MARTIN of South Dakota. I would like to ask the gentleman further whether he considers the Congress of the United States in legislative enactment ought to recognize and make

valid the issuance of any amount of water in a public utilities corporation?

Mr. LEWIS. I do not understand that by this amendment we would be doing that. We will be fixing a limitation upon the natural excesses of the promoter, and that is all.

Mr. MARTIN of South Dakota. Is it not practically a governmental approval of 15 per cent of watered stock?

Mr. LEWIS. Yes; and is only pardonable because otherwise there would be $50,000, which might mean 90 per cent of water in the amount of stock issued, or about $12,500 a mile of the road to be built.

Mr. FLOOD of Virginia. Mr. Speaker, I hope the House will not adopt this amendment. The Committee on the Territories very carefully considered this matter and reached the conclusion that $50,000 as a promoter's bonus was not extravagant; that the people who were getting up this corporation and were going to make a very considerable investment in this small town would be at a large expense. This bill granting the franchise first had to go through the Territorial Legislature, and then they have had men here who appeared before our committee, and who are still here, with the hope of getting the bill through the House and the Senate, and this $50,000 covers everything in excess of the money that is to be actually expended in grading, railroad ties, equipment, and so forth. All of the proceeds of the stock issue must be expended in constructing the road and equipping it, and in addition to that, $50,000 of stock will be sold as surplus, or promoter's bonus. We considered this was not a very liberal proposition from the standpoint of the men who were getting up this enterprise. The bill was carefully considered by a subcommittee. They went carefully into it, and this provision that is incorporated here is the suggestion of the governor of Hawaii. It is not the proposition that passed the legislature. That bill authorized a watered stock of 120 per cent, but the governor thought that was entirely too much, and we agreed with him; and the governor of Hawaii suggested this, and the committee, after careful investigation, decided to give this company this bonus of $50,000.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. MARTIN of South Dakota. What is the mileage of the proposed road?

Mr. FLOOD of Virginia. It must build 4 miles in a specified time, and it must be extended whenever a commission, consisting of the governor and the chief justice and the members of the board of supervisors, decide that it shall be extended.

Mr. MARTIN of South Dakota. Then in the original construction of 4 miles this would be permitting a water of $12,500 per mile.

Mr. FLOOD of Virginia. Exactly.

Mr. MARTIN of South Dakota. I suppose the issue of bonds is to construct the road?

Mr. FLOOD of Virginia. The issue of bonds and stocks; yes.

Mr. MARTIN of South Dakota. And there is nothing to compel these promoters to buy more than a thousand dollars' worth of stock for cash and then have practically the whole control of the road by virtue of fictitious stock?

Mr. FLOOD of Virginia. Why, it will take between $250,000 and $300,000 to construct this road and the power plant to run it with.

Mr. MARTIN of South Dakota. Will not that be done by the issue of bonds?

Mr. FLOOD of Virginia. Yes; but the issue of bonds will be somewhere in the neighborhood of $300,000, and we provide a bonus here of $50,000.

Under the amendment offered by the gentleman from Maryland the bonus will be $45,000. It might be more than $50,000, because here is a commission of Hawaiian people authorized to force this company to extend its line whenever they think the community demands and the facts justify it.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FLOOD of Virginia. I will.

Mr. SLAYDEN. The question of the gentleman from South Dakota [Mr. MARTIN] indicates that he believes that a market has been secured for these bonds. I understood him to say that the road would be built from the proceeds of the sale of bonds. Now, is there any certainty that the bonds of an enterprise of that nature in a small town, in an island such as this, will be sold as high as 90 cents on the dollar?

Mr. FLOOD of Virginia. Well, the bill provides they can not be sold for less.

Mr. SLAYDEN. Suppose the capitalists are not willing to take them at that figure?

Mr. FLOOD of Virginia. Then the enterprise fails.

Mr. SLAYDEN. The railroad will not be built.

Mr. FLOOD of Virginia. The enterprise fails. Now, I hope this amendment will be voted down, because I do not believe that this enterprise can be financed if it is hedged about with any more conditions than the Committee on Territories have already hedged it about with.

Mr. LEWIS. I would like to ask the gentleman before he takes his seat, Is the gentleman willing that the American Congress shall give an example of a franchise openly authorizing fictitious and counterfeit stock?

Mr. FLOOD of Virginia. I do not believe there is any fictitious stock about it. In order to finance this franchise it will cost something. Lawyers' fees have to be paid; men went to Honolulu, and some came here to give information to the committee—all of this costs. They will have to employ men to finance their scheme, and I do not believe there would be very much of the $50,000 left. As to going on record, I am perfectly willing to go on record in the encouragement of an enterprise such as this to help develop an island in the mid-Pacific.

Mr. CANNON. Has the gentleman ever visited Hilo?

Mr. FLOOD of Virginia. I never have.

Mr. CANNON. Some years ago I did. It is stated in the report there are about 7,000 people at Hilo. It is on the western side of the island, as I recollect, and they get about 300 or 350 inches of rain annually, and on the eastern side of the island about 4 or 5 inches—a dense forest, a tropical country. The gentleman has cause to believe that somebody would build this road?

Mr. FLOOD of Virginia. Yes, sir; we made inquiry into that.

Mr. CANNON. If the gentleman is satisfied, I will vote for it, but the Lord knows, with this population and considering the country, I would not want to buy any of the bonds or take any stock, and I merely want to suggest to the gentleman, considering the conditions down there, if there is the faintest hope that anybody will furnish the money to build this road it is not necessary to burden the legislation with something by way of precedent constituted by the American Congress to prevent the watering of that stock.

Mr. FLOOD of Virginia. I fully agree with the gentleman from Illinois, and I will say this, that I entertained the doubt that the gentleman does that anybody would finance this enterprise, and I was informed by my friend from Georgia [Mr. BRANTLEY] that friends of his in Baltimore who had investigated the question said they would aid in the financing of it. I fully agree with the gentleman that this bill ought not to be weighted down with any further limitations or conditions. I hope that this amendment proposed by the gentleman from Maryland [Mr. LEWIS] will be voted down and the amendment as proposed by the governor of Hawaii, which we have incorporated in this bill, will be adopted by this House.

Mr. MANN. Mr. Speaker, ordinarily in this country a city council or village board determines the franchise of a street railway, but here, having granted a Territorial legislature to the Territory of Hawaii and reserving our authority over franchises, we quibble and quarrel over the terms of a franchise for the building of a street railway in a town in Hawaii. Now, there is not a Member in this House who would invest one dollar. If it were in this country, the town of Hilo would determine the terms on which the company would build under the act of the legislature, but we will not permit the town of Hilo to say anything about it; we will not permit the Territorial legislature to determine in regard to it; but we seek to inject into the bill every fad and fancy of every gentleman who has particular or peculiar views in regard to street railway franchises. If anybody is willing to put his money into this street car company upon the terms of this bill as reported from the committee, it is a tribute, not to the intelligence but to the fairy imagination of the people who invest in it.

Mr. LEWIS. Will the gentleman yield before he takes his seat?

Mr. MANN. Certainly.

Mr. FLOOD of Virginia. I would like for the Speaker to hear me on the point of order.

The SPEAKER. The gentleman does not have to be heard. The Chair did not understand the gentleman's point of order, either because the gentleman did not fully state it or because the Chair did not understand it; but the gentleman's point of order against the first amendment was good. There is a ruling exactly in point on page 388, volume 5, Hinds' Precedents, section 5766, and the gentleman from Pennsylvania [Mr. OLMSTED] was in the chair in the Committee of the Whole House on the state of the Union. That identical question was raised and was passed on, and the Chair sustains the point of order on the first amendment, and will now put the question on the second amendment.

Mr. FLOOD of Virginia. Mr. Speaker, I would like to have the second amendment again reported.

The second amendment was again reported.

Mr. FLOOD of Virginia. There is an amendment from line 4 down to 18, an amendment which the House has already adopted, and this is an amendment to the amendment.

The SPEAKER. That is true; the gentleman did not raise a point of order on the other.

Mr. FLOOD of Virginia. But I raise it now.

Mr. LEWIS. Too late, and too late on the other, too. The gentleman accepted the other amendment.

Mr. FLOOD of Virginia. As soon as I heard the amendment read, I asked to have it reported; I did not know what the amendment was.

Mr. LEWIS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. Mr. Speaker, explicitly I declined to reserve my right to object to this measure and may have influenced in some degree another——

Mr. FLOOD of Virginia. Mr. Speaker, I withdraw my point of order.

The SPEAKER. The question is on the amendment to the amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Upon a division (demanded by Mr. LEWIS) there were—ayes 6, noes 47.

So the amendment was rejected.

Mr. LENROOT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 17 by adding the following after line 18, on page 10: "No member of the association, or of any assignee or successor of the same, and no stockholder or officer of any corporation securing any or all of the rights herein granted to the association, shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, for the construction of any part of the railway or for the supply of its rolling stock.

Mr. FLOOD of Virginia. I agree to the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOOD of Virginia. Mr. Speaker, I wish to ask unanimous consent that the amendment offered by the gentleman from Maryland [Mr. LEWIS] be voted on in view of the statement he made about his not objecting to the consideration of the bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the first amendment offered by the gentleman from Maryland be voted on. Is there objection? [After a pause.] The Chair hears none.

The amendment was again read.

Mr. LEWIS. That is not the one.

Mr. FLOOD of Virginia. The first amendment was agreed to. Is that the condition of the Journal?

Mr. LEWIS. Mr. Speaker, I think we ought to be clear about that.

The SPEAKER. Which amendment now are the gentlemen talking about?

Mr. LEWIS. The first amendment, on page 13, section 7. The gentleman from Virginia [Mr. FLOOD] accepted that. I want to know if that is the condition of the record.

The SPEAKER. Let us find out how the matter stands. How many amendments did the gentleman from Maryland [Mr. LEWIS] offer?

Mr. LEWIS. I offered two, on as many separate sheets.

The SPEAKER. There were two amendments on one sheet?

Mr. LEWIS. Yes.

The SPEAKER. The gentleman, then, offered three.

Mr. MANN. The first amendment the gentleman offered was agreed to.

The SPEAKER. The first amendment the gentleman from Maryland offered was agreed to.

Mr. LEWIS. But this situation arose, as I understood it: The gentleman from Virginia [Mr. FLOOD], after accepting it, suggested a point of order against it.

The SPEAKER. That was on the first amendment on the second sheet.

Mr. MANN. That was the $50,000 amendment.

The SPEAKER. The $50,000 amendment. Is that the one? The first amendment was adopted without any contest.

Mr. FLOOD of Virginia. Now, we understand, Mr. Speaker, we can go ahead.

The SPEAKER. The Clerk will read the first amendment on the second sheet.

Mr. FLOOD of Virginia. No; not the first amendment on the second sheet but the amendment on the separate sheet.

The SPEAKER. The gentleman's first amendment was agreed to without any objection.

Mr. FLOOD of Virginia. The gentleman does not care to have the amendment on the second sheet voted on.

The SPEAKER. Then the request of the gentleman from Virginia [Mr. FLOOD] is superfluous.

Mr. FLOOD of Virginia. Yes; I withdraw my objection.

The SPEAKER. The Clerk will report the amendment of the gentleman from Wisconsin [Mr. LENROOT].

The Clerk read as follows:

Amend section 8 by adding the following after line 17, page 14: "If at any time there shall be constituted by or with the authority of Congress of the United States a public utility board for the regulation of public utility corporations in the Territory of Hawaii, the power of making the regulations given by this section shall be vested in said board."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FLOOD of Virginia. The committee agrees to that amendment.

The SPEAKER. The committee can not agree to anything.

Mr. FLOOD of Virginia. I wanted to state to the Chair the agreement between the gentleman from Wisconsin [Mr. LENROOT] and the committee.

The SPEAKER. That is all right.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Speaker, I move to strike out section 15 of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, strike out all of lines 4, 5, 6, 7, 8, 9, and 10.

Mr. LENROOT. Mr. Speaker, just a word with reference to this amendment. Section 16 exempts all the property of this corporation from taxation for a period of 10 years. I am opposed to this, not because I believe this exemption would mean exorbitant profits to this street railway, for I share the belief with the gentleman from Illinois [Mr. MANN] and others to a very large degree that it is very questionable, indeed, whether this is an undertaking that offers any prospects of financial success. But, Mr. Speaker, I am opposed to the principle, either in this bill or in any other bill, of exempting property of any public utility from taxation. In the first place, if this corporation can not offer sufficient inducements without this provision, then it ought not to exist at all. If it is going ahead to create property there, then this exemption from taxation means a bonus to this company by the taxpayers of the Territory of Hawaii for the construction of this road. It is wrong in principle. I am opposed to its being in this bill, and I shall oppose it in any bill.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LENROOT. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, noes 33.

So the amendment was rejected.

Mr. MONDELL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 18, page 19, insert as a separate paragraph: "That the construction and operation of the railways shall, except as otherwise provided herein, be at all times under the supervision and control of the board."

Mr. FLOOD of Virginia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FLOOD of Virginia. I would just like to know what that amendment is an amendment to.

The SPEAKER. The Clerk will again report the amendment.

The amendment was again read.

Mr. MONDELL. Mr. Speaker, I do not think that——

Mr. FLOOD of Virginia. Reserving a point of order, Mr. Speaker——

Mr. MANN. It is not subject to a point of order.

Mr. MONDELL. If I may have the attention of the chairman of the committee for just a moment, I wish to say that I find no provision in the bill, from a rather hurried examination of it, relative to the general supervision and control of these operations. From a hasty reading of the bill I do find some provisions in regard to the supervision by the board of certain matters; that is, the board can regulate the speed of the cars and other matters. There are some provisions with regard to

supervision to be exercised by the governor, but there is nothing in the bill, so far as I have been able to find, that provides for a general supervision of the operations, either as to construction or as to operations subsequent to the construction, by anybody; and the gentleman will note that there are many acts to be performed under this bill that should be supervised by somebody.

Mr. FLOOD of Virginia. Did the gentleman hear the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]?

Mr. MONDELL. As I understood the gentleman's amendment, it provided for supervision in case there should be a public-utilities board established in the future. But there is already a board of supervisors in the county of Hilo, island of Hawaii, and that board, or the municipal corporation itself, if there be one, should have general supervision and control of these operations.

Who is to say whether the trolley wires shall be elevated above the street the distance required by this bill? Who shall say how the poles shall be placed and how the wires shall be strung? Who is to supervise this work as the authorities of a municipal corporation always supervise such work of construction?

Mr. FLOOD of Virginia. Mr. Speaker, let me read to the gentleman the eighth section of the bill, on page 14. It provides—

That the association, with the approval of the governor, shall make reasonable and just regulations regarding the operation of the railway, and on failure of the association to make the same within a reasonable time after the receipt of written notice from the governor so to do the board, with the approval of the governor, may make such regulations. All regulations may be changed from time to time as the public interests may demand, at the discretion of the governor.

Mr. MONDELL. I do not think that section covers the matters that I have in mind at all. Those regulations would be as to how frequently the cars shall run, and matters of that kind.

Mr. COOPER. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Wisconsin?

Mr. MONDELL. I do.

Mr. COOPER. Do I understand the gentleman from Wyoming to ask who would regulate the height of trolley wires? That is found on page 11, under section h.

Mr. MONDELL. There is a provision there that the trolley wires shall be of a certain height. There are many provisions in the bill as to what the company shall do, but——

Mr. COOPER. It says "with the approval of the governor," in section 8.

Mr. MONDELL. Let me call the gentleman's attention to a very important provision on page 16—the provision which grants to the association the "right of way along and across, under and over the roads, streets, bridges, and thoroughfares in the county of Hawaii for such poles, wires, conductors, and conduits as may be necessary," and so forth. There is no place in the bill where there is any provision as to who shall supervise that work and the exercise of that very wide authority to use the streets of the city of Hilo, and there should be somebody, some individual or some corporate body, whose duty it would be to supervise that grant—that very wide grant of power and authority.

Mr. FLOOD of Virginia. That is done in section 9. That shall be done by the board of supervisors of the county of Hawaii.

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Oklahoma?

Mr. MONDELL. Yes.

Mr. DAVENPORT. I would like to ask the gentleman this question, if he will examine section 4—whether he does not think supervision is properly given by that section?

Mr. MONDELL. I do not pretend to have gone over the bill as carefully as the gentleman who prepared it, but I find this: That in various places in the bill there are provisions for the supervision of certain acts, but there is no general authority in the bill for any general supervisory power and control—none whatever—and there are many acts provided for which would be absolutely without any supervision at all unless there was an amendment.

Mr. DAVENPORT. I will ask the gentleman further if the provisions of the bill are not so constructed as to give general supervisory power over all acts? If it is not given by implication, it is specifically provided for by section 4.

Mr. MONDELL. No; just one moment. If this were a municipal corporation making this grant, the supervisory control of the municipal corporation would follow as a matter of course. But Congress is making this grant, and Congress has no such supervisory control, and in the absence of a specific provision for such supervisory control there is none, and they could go on the streets and tear them up as they saw fit, and they could place their poles along the streets as they saw fit, and the only way by which that could be controlled would be by bringing a suit in court.

Mr. FLOOD of Virginia. The gentleman would not make that statement if he had read the bill.

Mr. DAVENPORT. The gentleman, if he will read the bill, will find that the power is vested in the board of supervisors.

Mr. MONDELL. If the gentleman will point out any place where there is a general power of supervision vested in the board of supervisors or anyone, I will withdraw my amendment.

Mr. DAVENPORT. Section 4 provides that—

(a) The railway, together with all its branches, parts, and connections, shall be thoroughly and substantially constructed according to the best modern practice, with rails level with the surface of the street where laid, and in such manner as to cause the least obstruction to the free use of the streets, roads, and places where laid; and the location in the streets shall be such as may be directed or approved by the board, subject to the provisions of this act.

Mr. MONDELL. There are certain definite provisions and specific things with regard to which the board has control.

Mr. DAVENPORT. Each provision is subdivided.

Mr. MONDELL. But there is no supervision or control at all except where it is specifically provided here and there.

Mr. DAVENPORT. You will find in another subdivision in relation to the superintendent where it says that it shall be done so as not to interfere with the water pipes or the sewers or the public travel.

Mr. MONDELL. Yes; but there are many things which would occur in connection with the use of the streets with regard to which there is no supervision.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MANN. Is there any doubt that, except as provided in this bill, if it becomes a law, all of these matters are subject to the jurisdiction of the Territorial legislature with reference to the use of the streets and everything else in connection therewith?

Mr. MONDELL. I have doubt about it, inasmuch as we have withheld from the Territorial legislature the power of providing for franchises.

Mr. MANN. Providing for franchises, but we have not taken from them the control over their streets.

Mr. MONDELL. But Congress has given the company a very broad authority without any limitation whatever as to general supervisory control; I doubt if the Territory of Hawaii would have anything to say about it. It has been deemed necessary in several places in the bill to give the board specific control, but there is no provision made for general control and supervision. If it is necessary to make the provisions for control which have been made here, is not it necessary to make provision for control in all cases?

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Speaker, I want to suggest to the gentleman from Virginia that, as I understand the amendment of the gentleman from Wyoming, it is only to the effect that except as otherwise provided in the bill the regulation shall be made by this board. Now, if the gentleman from Virginia is correct in his construction, this amendment can do no possible harm. If the gentleman from Wyoming is correct in his construction, then certainly the amendment ought to be in the bill.

Mr. MANN. Would it not directly and flatly conflict with the provision that gives the governor authority over certain regulations?

Mr. LENROOT. Not at all, because that is excepted.

Mr. MONDELL. The amendment specifically provides "except as otherwise provided in the act."

The SPEAKER. The time of the gentleman from Wyoming has expired. Does the gentleman from Virginia withdraw his point of order?

Mr. FLOOD of Virginia. Yes; and I ask for a vote.

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Speaker, on page 12, line 22, I move to strike out the word "four" and insert the word "five," so that the bill will read "children under 5 years of age shall be allowed to ride free," and so forth.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 22, strike out the word "four" and insert the word "five."

Mr. BUCHANAN. Mr. Speaker, I desire to amend the amendment by striking out the word "five" and inserting the word "six."

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman what is the rule that obtains generally throughout the country on that subject?

Mr. BUCHANAN. If my memory serves me right, it is for children under 7 in Chicago.

Mr. FLOOD of Virginia. I will say that the prevailing rule is 5 years, as I am informed, and if so, I will say that that amendment will be agreeable.

Mr. RAKER. The gentleman from Missouri [Mr. RUSSELL] says it is 6 years in his State and the gentleman from Massachusetts [Mr. CURLEY] says it is 5 in Massachusetts, and I thought that 5 would be equitable and right.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from California.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Speaker, I move to amend, on page 18, line 8, by striking out the words "10 years" and inserting in lieu thereof the words "1 year."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 18, line 8, strike out the words "10 years" and insert the words "1 year."

Mr. FLOOD of Virginia. Mr. Speaker, I will say that the opinion of the committee was that the very best which this road could expect to do would be to pay a dividend at the end of 10 years; that it would be at least 10 years before it could pay running expenses and a dividend. For that reason we thought it right to exempt the road from taxation for 10 years. The bill provides that at the end of 20 years, if the people of Hilo want to own this road, they can condemn it and take it for the actual cost of the road, plus 20 per cent, the cost to be ascertained by a commission appointed by the authorities there. The evidence was undisputed; those who appeared before the committee and those who wrote to the committee were of one accord—that they could not expect this road to pay its running expenses for a number of years, and that in all probability it would not pay the running expenses for 10 years; and in order to encourage the enterprise, in order to get the road built for the convenience and benefit of the people, in order to enable the incorporators to raise the money to put it there, we exempted it from taxation for 10 years, and we think that that exemption ought to be given to them.

Mr. FOWLER. Mr. Speaker, I do not think any corporation should undertake to build any great enterprise unless it has funds sufficient to pay the ordinary taxes which the Government imposes on property, and for that reason I hope this amendment will pass.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were 12 ayes and 33 noes.

So the amendment was rejected.

Mr. FOWLER. Mr. Speaker, on the same page, 18, line 8, I move to strike out the word "ten" and insert in lieu thereof the word "five."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was lost.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The amended bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. LEWIS. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. LEWIS moves to recommit the bill to the Committee on Territories with instructions to report forthwith with the following amendment:

"Amend section 17 by striking out, in line 5, page 19, the words 'and fifty thousand dollars additional,' and amend section 17 by adding after the word 'of,' in line 4, page 19, the following:

"'One hundred and fifteen per cent of.'"

The SPEAKER. The question is on the motion to recommit with instructions.

The question was taken; and on a division (demanded by Mr. LEWIS) there were—ayes 4, noes 36.

Mr. LEWIS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, the Clerk will call the roll, and the question will be taken on the motion to recommit.

The question was taken; and there were—yeas 29, nays 192, answered "present" 12, not voting 159, as follows:

YEAS—29.

Barnhart	French	Lenroot	Ruhey
Bartlett	Garner	Lewis	Sabath
Buchanan	George	Lindbergh	Smith, J. M. C.
Clary	Goodwin, Ark.	Littlepage	Stone
Collop	Hamlin	Oldfield	Sweet
Dougherty	Howard	Rainey	
Floyd, Ark.	Jacoway	Robinson	
Fowler	Kent	Rodenberg	

NAYS—192.

Adair	Ellerbe	Kinkaid, Nebr.	Reilly
Adamson	Esch	Knowland	Roberts, Mass.
Ainey	Evans	Konig	Rouse
Akin, N. Y.	Faison	Konop	Rucker, Colo.
Alexander	Farr	Kopp	Russell
Anderson, Minn.	Ferguson	Keeley	Sells
Anderson, Ohio	Ferris	Lafferty	Sisson
Ashbrook	Finley	Lawrence	Slayden
Austin	Fitzgerald	Lee, Pa.	Slemp
Ayres	Flood, Va.	Lever	Smalldon
Bartholdt	Fordney	Lloyd	Sloan
Bell, Ga.	Foss	McGillicuddy	Small
Blackmon	Foster	McKenzie	Smith, Saml. W.
Boehne	Fuller	McKinley	Smith, N. Y.
Booher	Gallagher	McKinney	Smith, Tex.
Borland	Gardner, Mass.	McLaughlin	Speer
Bowman	Godwin, N. C.	Macon	Stedman
Brantley	Good	Madden	Stephens, Cal.
Bulkley	Green, Iowa	Maguire, Nebr.	Stephens, Miss.
Burke, Wis.	Greene, Mass.	Mann	Stephens, Nebr.
Burleson	Griest	Matthews	Stephens, Tex.
Burnett	Gregg, Pa.	Mondell	Sterling
Butler	Gregg, Tex.	Moon, Tenn.	Stevens, Minn.
Byrnes, S. C.	Hamilton, Mich.	Moore, Pa.	Sulloway
Byrns, Tenn.	Hamilton, W. Va.	Morgan	Sulzer
Candler	Hammond	Morrison	Taggart
Cannon	Hardy	Morse, Wis.	Talcott, N. Y.
Catlin	Harrison, Miss.	Moss, Ind.	Taylor, Ala.
Cline	Hartman	Murray	Taylor, Colo.
Collier	Haugen	Needham	Thayer
Connell	Hawley	Neeley	Towner
Cooper	Hay	Nelson	Tribble
Copley	Hayes	Nye	Turnbull
Crumpacker	Helgesen	Padgett	Tuttle
Curley	Henry, Conn.	Page	Underhill
Dalzell	Hensley	Palmer	Underwood
Danforth	Higgins	Patten, N. Y.	Utter
Davis, Minn.	Hill	Payne	Warburton
Dent	Holland	Peters	Watkins
Denver	Hughes, Ga.	Pou	Wedemeyer
Dickinson	Hughes, N. J.	Powers	White
Dixon, Ind.	Hull	Pray	Wickliffe
Dodds	Humphrey, Wash.	Prince	Wilson, Pa.
Donohoe	Humphreys, Miss.	Pronty	Witherspoon
Doughton	Jackson	Rainey	Wood, N. J.
Driscoll, M. E.	Jones	Ransdell, La.	Young, Kans.
Dupré	Kahn	Redfield	Young, Mich.
Edwards	Kendall	Rees	Young, Tex.
	Kennedy	Reilly	

ANSWERED "PRESENT" 12.

Browning	Davidson	Glass	McCall
Campbell	Dyer	Graham	McMorran
Davenport	Gillett	Hardwick	Moon, Pa.

NOT VOTING—159.

Aiken, S. C.	Driscoll, D. A.	La Follette	Baush
Allen	Dwight	Lamb	Reyburn
Ames	Estopinal	Langham	Richardson
Andrus	Fairchild	Langley	Riordan
Ansberry	Fields	Lee, Ga.	Roberts, Nev.
Anthony	Focht	Legare	Rodenberg
Barchfeld	Fornes	Levy	Rothermel
Bates	Francis	Lindsay	Rucker, Mo.
Bathrick	Gardner, N. J.	Linthicum	Saunders
Beall, Tex.	Garrett	Littleton	Scully
Berger	Gaston	Lobeck	Shackleford
Bradley	Goldfogle	Longworth	Sharp
Broussard	Gould	Loud	Sheppard
Brown	Gray	McCoy	Sherley
Burgess	Griest	McCreary	Sherwood
Burke, Pa.	Gudger	McDermott	Slemp
Burke, S. Dak.	Guernsey	McGuire, Okla.	Smith, Cal.
Calder	Hamill	McHenry	Sparkman
Callaway	Hanna	McKellar	Stack
Cantrill	Harris	Maher	Stanley
Carlin	Harrison, N. Y.	Malby	Steenerson
Carter	Hayden	Martin, Colo.	Switzer
Clark, Fla.	Heald	Martin, S. Dak.	Talbott, Md.
Claypool	Heflin	Mays	Taylor, Ohio
Clayton	Helm	Miller	Thistlewood
Conry	Henry, Tex.	Moore, Tex.	Thomas
Covington	Hinds	Mott	Tilson
Cox, Ind.	Hobson	Murdock	Townsend
Cox, Ohio	Houston	Norris	Vare
Crago	Howell	Olmsted	Volstead
Cravens	Howland	O'Shaunessy	Vreeland
Currier	Hubbard	Parran	Webb
Curry	Hughes, W. Va.	Patton, Pa.	Weeks
Davis, W. Va.	James	Pepper	Whitacre
De Forest	Johnson, Ky.	Pickett	Wilder
Dickson, Miss.	Johnson, S. C.	Plumley	Willis
Dies	Kindred	Porter	Wilson, Ill.
Difenderfer	Kinkead, N. J.	Post	Wilson, N. Y.
Esterhaus	Kitchin	Pujo	Woods, Iowa
Draper	Lafean	Randell, Tex.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. HEFLIN with Mr. PATTON of Pennsylvania.
Mr. WEBB with Mr. WOODS of Iowa.
Mr. SHERLEY with Mr. WILSON of Illinois.
Mr. SHARP with Mr. WILDER.
Mr. ROTHERMEL with Mr. VARE.
Mr. O'SHAUNESSY with Mr. OLMSTED.
Mr. MCKELLAR with Mr. VREELAND.
Mr. MCDERMOTT with Mr. TILSON.
Mr. MCCOY with Mr. SWITZER.
Mr. LOBECK with Mr. STEENERSON.
Mr. LINTHICUM with Mr. SMITH of California.
Mr. LEVY with Mr. ROBERTS of Nevada.
Mr. LEGARE with Mr. REYBURN.
Mr. KITCHIN with Mr. PLUMLEY.
Mr. HENRY of Texas with Mr. PICKETT.
Mr. HAYDEN with Mr. OLMSTED.
Mr. HARRISON of New York with Mr. MURDOCK.
Mr. GUDGER with Mr. MOTT.
Mr. GOLDFOGLE with Mr. MILLER.
Mr. GARRETT with Mr. MALBY.
Mr. DANIEL A. DRISCOLL with Mr. MCCREARY.
Mr. DIFENDERFER with Mr. LAFEAN.
Mr. DIES with Mr. HUGHES of West Virginia.
Mr. DAVIS of West Virginia with Mr. HOWELL.
Mr. CRAVENS with Mr. HINDS.
Mr. COX of Indiana with Mr. HEALD.
Mr. COVINGTON with Mr. HARRIS.
Mr. CLAYTON with Mr. GUERNSEY.
Mr. CLAYPOOL with Mr. GRIEST.
Mr. CLARK of Florida with Mr. FOCHT.
Mr. CARTER with Mr. MCGUIRE of Oklahoma.
Mr. CARLIN with Mr. DE FOREST.
Mr. CALLAWAY with Mr. CURRY.
Mr. BATHRICK with Mr. CURRIER.
Mr. ANSBERRY with Mr. CRAGO.
Mr. AIKEN of South Carolina with Mr. AMES.
Mr. BEALL of Texas with Mr. BARCHFELD.
Mr. RANDELL of Texas with Mr. GARDNER of New Jersey.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. COX of Ohio with Mr. TAYLOR of Ohio.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. DAVENPORT with Mr. BURKE of South Dakota.
Mr. LITTLETON with Mr. DWIGHT.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. JAMES with Mr. MCCALL.
Mr. HELM with Mr. RODENBERG.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. SHEPPARD with Mr. BATES.
Mr. ALLEN with Mr. LONGWORTH.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. PUJO with Mr. MCMORRAN.
Mr. FIELDS with Mr. LANGLEY.
Mr. SCULLY with Mr. BROWNING.
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. KINDRED with Mr. PORTER.
Mr. GOEKE with Mr. HOWLAND.
Mr. HARDWICK with Mr. CAMPBELL.

For one week:

Mr. LEE of Georgia with Mr. HANNA.
Mr. BROWN with Mr. LANGHAM.

From May 3 and ending two weeks hence:

Mr. SHACKLEFORD with Mr. DRAPER.

From May 16 and ending two weeks hence:

Mr. CANTRILL with Mr. LOUD.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

From April 17 and ending May 21:

Mr. BURGESS with Mr. WEEKS.

From May 15 and ending May 25:

Mr. STANLEY with Mr. ANTHONY.

From May 18 and ending May 20:

Mr. KINKEAD of New Jersey with Mr. WILLIS.

Mr. MCCALL. Mr. Speaker, I am paired with the gentleman from Kentucky, Mr. JAMES. I voted "no." I would like to change my vote and vote "present."

The name of Mr. MCCALL was called, and he answered "Present."

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. SCULLY. I voted "no." I would like to change my vote.

The name of Mr. BROWNING was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors, and further proceedings under the call will be dispensed with. The question is on passing the bill.

The question was taken, and the bill was passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWN was granted leave of absence for three days, on account of sickness in family.

GRANT OF LANDS, SCHOOL PURPOSES, POWELL, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyoming.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue patent conveying block 31, town site of Powell, on Shoshone reclamation project, Wyo., to school district No. 2, Park County, Wyo.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF LANDS FOR SCHOOL SECTION WITHIN AN INDIAN OR OTHER RESERVATION, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

Mr. RAKER. Mr. Speaker, in regard to this bill, the title of which has just been read by the Clerk (H. R. 19344,), the gentleman from Illinois [Mr. MANN] has not had time to examine it, and I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 19344 be passed without prejudice.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Under the rule is it competent to make such a disposition of a bill upon the Unanimous Consent Calendar?

The SPEAKER. Yes; the Chair thinks it is.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I desire to know whether passing a bill upon the Unanimous Consent Calendar with a view to returning to it is in accordance with the spirit of the unanimous-consent rule?

The SPEAKER. Well, the Chair thinks it is, and that has been the uniform practice. The first time the question arose was on a bill that the chairman of the Judiciary Committee [Mr. CLAYTON] had up, and for some reason or other he was detained at his room or somewhere else, and that bill was at the head of the calendar, and it was asked that it be passed over until he could return to the Hall, and the matter was thrashed out, and it was decided that that was the proper practice, and it has been continued ever since.

Mr. BARTLETT. Mr. Speaker, the purpose of the Unanimous Consent Calendar is to give precedence to bills in the order in which they are filed. Now, if this bill is not disposed of, then it takes precedence over other bills that probably would be considered. And the fact it is disposed of in a different way instead of as provided by the rule, if objection is made and it goes off, we are putting it back again——

Mr. MANN. This bill has already been stricken from the calendar once and could not go back again. That is the reason the gentleman asked to have it passed over. I will be frank with the gentleman. I would not let it go through by unanimous consent to-day but the gentleman says he has a letter from the Department of the Interior that might and may persuade me so that I will not object hereafter.

Mr. BARTLETT. Well, I have no objection, of course, under those circumstances.

The SPEAKER. Is there objection to passing this bill without prejudice? [After a pause.] The Chair hears none and it is so ordered.

USE OF RECLAMATION FUND IN CONSTRUCTION OF BRIDGE ACROSS SNAKE RIVER, WYO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21171) authorizing the use of the reclamation fund in the construction of a bridge across Snake River, Wyo.

The Clerk read as follows:

A Bill (H. R. 21171) authorizing the use of the reclamation fund in construction of a bridge across Snake River in Wyoming.

Whereas in the administration of the reclamation law the United States Reclamation Service has constructed at the outlet of Jackson Lake, Wyo., and the source of the Snake River a retaining storage dam; and

Whereas the use of this dam to store the flood waters of Jackson Lake and the Snake River watershed, and the release of the surplus waters thus stored into the channel of the Snake River for utilization in irrigating lands under reclamation projects, maintains high water in the Snake River at all periods of the year; and

Whereas through the maintenance of high water the Snake River, previously fordable for a large part of each year, in its course through the Jackson Hole region is now rendered unfordable at all times, and at times when large volumes of water have been discharged existing ferries have been swept away and rendered useless, and the residents of the Jackson Hole region and the towns and settlements of Jackson, Grovont, Cherry, Elk, and Zenith cut off from the railroad and other communication for freight and travel: Therefore

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, as may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know if I can get some information from the distinguished gentleman who introduced the bill. This bill proposes to pay for one half of the construction of a bridge out of the reclamation fund. The Senate passed a bill the other day, I believe—I am not sure whether it passed, but the gentleman can inform me, perhaps—to pay for this bridge out of the general funds in the Treasury. Am I correct?

Mr. MONDELL. I know such a bill was reported, but I am not informed whether it passed or not.

Mr. MANN. I took it for granted the gentleman would be informed if it had passed.

Mr. MONDELL. The last I heard of it it had not passed, I will say to the gentleman.

Mr. MANN. It was up for consideration in the Senate.

Mr. MONDELL. Well, I do not know as to that.

Mr. MANN. I do.

Mr. MONDELL. The gentleman, as usual, is well informed.

Mr. MANN. But I would not say it passed, but that is my recollection, and I had supposed the gentleman would know. Now, there is quite a difference whether this bridge shall be paid for out of the reclamation fund or whether it shall be paid out of the general fund. I would like to ask the gentleman whether if this bridge is made necessary by reason of reclamation work, as stated in the report, and is to be paid out of the reclamation fund, why it should not be charged to the reclamation projects which cause the necessity for it?

Mr. MONDELL. Does the gentleman desire an answer to all the questions or the last question first?

Mr. MANN. I do not care how the gentleman answers them.

Mr. MONDELL. It is my personal opinion, and that was the view taken by the House committee, that the bridge should be constructed out of the reclamation fund, and it would follow without any specific provision in the bill, I think, that it would be charged to the projects using the water.

Mr. MANN. Then would the gentleman be willing to accept this amendment: "*Provided further*, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects, the construction and development of which have caused the necessity"?

Mr. MONDELL. I certainly should have no objection, because I have assumed if the bill passes that is what would follow—that is, that the Reclamation Service would have no other option than to charge it to the project using the water.

Mr. MANN. I think if the gentleman is willing to accept the amendment I shall not object, although I am very much afraid when the bill goes over to the other end of the Capitol and then comes back again it will come back with all the bill stricken out after the enacting clause and providing that the bridge shall be constructed out of the General Treasury funds.

Mr. MONDELL. I do not think we should have a change of that kind.

Mr. FITZGERALD. The report on this bill shows the construction of this dam has affected the conditions of travel only two months in the year, or two and a half months. Why should the United States pay one-half the cost of building the bridge?

Mr. MONDELL. The gentleman indicates that he gives greater weight to the report of the Reclamation Service than to the report of the committee.

Mr. FITZGERALD. That may be true, but I assume those who made this investigation for the Reclamation Service were at least on the ground, and the members of the committee were not and could not have been.

Mr. MONDELL. If the gentleman will allow me, because I am very familiar with the conditions——

Mr. MANN. There are instances where a bridge is only needed one month in the year, yet it has to be built.

Mr. FITZGERALD. It will not be needed when this railroad is completed, and they think it may be built in a short time.

Mr. MONDELL. The building of a railway has nothing to do with it.

Mr. FITZGERALD. There is another matter. The gentleman suggests he is willing to have the cost of providing the bridge apportioned to those who have taken up lands under the reclamation projects. If I read the report correctly, the lands irrigated from this particular reservoir are located outside the State of Wyoming.

Mr. MONDELL. Yes; but I will say to the gentleman that on the reclamation project known as the Shoshone project in my State the Reclamation Service has spent over $60,000 for roads and bridges, which have been charged to settlers in my State.

Mr. FITZGERALD. If they have that power, why not exercise it in this instance?

Mr. MONDELL. They feel that they have reached a rather shadowy zone. They think they have the power to do this, but the bridge is some distance from the reservoir on one side and some distance from the land to be irrigated on the other, and the service did not feel, under the circumstances, like taking the responsibility for doing what it would have done if the crossing had been in the immediate vicinity of the work, although the fact that there is some distance between the reservoir and the land irrigated should not in justice change the situation at all.

Mr. FITZGERALD. What per cent of the portion of the lands irrigated would be affected and to what extent would the value of the lands that would be taken be affected?

Mr. MONDELL. I assume there are at least 200,000 acres of land that will be irrigated from the waters of the Snake River.

Mr. MANN. They can afford to build a bridge.

Mr. FITZGERALD. Then this bill provides that this money should be paid out of the reclamation fund. My recollection is that the reclamation fund was depleted, and the Congress was required to advance not less than $20,000,000, and the issuance of bonds for the purpose of obtaining that money was authorized.

Mr. MANN. The reclamation fund is constantly having money poured into it.

Mr. FITZGERALD. And more constantly having it poured out.

Mr. MONDELL. It would simply be charged against the project, and there is money in the fund.

Mr. MANN. I believe in charging money against the project.

Mr. FERRIS. I would like to hear the amendment of the gentleman from Illinois again. I think I am opposed to the whole performance here.

Mr. MANN. The amendment is:

Provided further, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects, the construction or development of which have caused the necessity for such bridge.

Mr. FERRIS. Are the settlers in that particular project able to have any more piled to their present charge per acre for irrigation service?

Mr. MANN. If we believe——

Mr. FERRIS. I am opposed to passing a bill by unanimous consent, letting the reclamation fund, which belongs to the various States, any longer to be diverted and sent off on different missions. Surely no one intended the reclamation fund to be used for bridges, roads, and so forth.

Mr. MANN. That is the purpose of this amendment.

Mr. FERRIS. For instance, our State contributed about $6,000,000 to this fund and as yet has never had anything expended. We are anxiously asking that something be expended. Here we are appropriating $20,000,000 to reimburse a depleted fund, and they come along here and ask to build a bridge out of it.

Mr. MONDELL. If the gentleman has studied the question, he will see that we are not depleting the fund. The gentleman certainly does not want the irrigation of lands to interfere with

the highways of those not interested or helped. Now, let me call the gentleman's attention to this fact, that no reclamation project has been built in the United States where it was not necessary to build roads and bridges. The gentleman certainly would not have the Reclamation Service tear up the whole countryside, dig great channels, and not restore the roads as they were. And the service is doing that all the time.

Mr. FERRIS. The gentleman would feel most gracious if he could get one cent in his State for irrigation and we would build our own roads and bridges.

Mr. MANN. That is what they all say in advance.

Mr. FERRIS. There is yet much land to irrigate, and here you are trying to build bridges out of the funds of the people and the Federal Government reclamation funds. No such diversion ought to be thought of or proposed seriously.

Mr. MONDELL. The settlers pay for this bridge.

Mr. MANN. As to the question of the lake, if the reservoir backs up the water so a bridge must be built, it seems to me it is properly chargeable to the cost of that project.

Mr. FERRIS. Let me ask the gentleman from Illinois a question. I was not in the committee when this bill was reported. If the gentleman's amendment is adopted, will every cent of the cost of that project be reimbursable and be returned to the reclamation fund, as the reclamation laws provide?

Mr. MANN. It will.

Mr. FOSTER. That is, outside of the State of Wyoming.

Mr. MANN. It will all be returned, the same as in other reclamation projects.

Mr. FERRIS. We will have, you think, as good an opportunity to get this back as we have the other spent for legitimate reclamation?

Mr. MANN. A better opportunity to get this back than most of them.

Mr. FERRIS. There is such a thing as demanding so much of a settler he will never pay any part of it. What does the project cost per acre in this particular project?

Mr. MONDELL. There are three or four projects in Idaho, and I think the highest is comparatively low.

Mr. MANN. The limit of this expenditure is $18,000.

Mr. FERRIS. This is not to be taxed to three or four different projects, is it?

Mr. MONDELL. It will be charged to the land watered by water from the Snake River impounded in Jackson Lake.

Mr. FERRIS. Did the gentleman, or did he not, accept the amendment of the gentleman from Illinois?

Mr. MONDELL. Oh, yes; because I think that would do what would occur in any event.

Mr. TAYLOR of Colorado. If the gentleman from Oklahoma will yield——

Mr. FERRIS. I have not the floor.

Mr. TAYLOR of Colorado. The committee understood, as the gentleman from Wyoming said, that it would be chargeable to that project or to projects irrigated by the river below this project, and if there is any question about it, I think it would be perfectly proper to accept the amendment of the gentleman from Illinois.

Mr. FERRIS. If the amendment is adopted, so that the reclamation fund will be reimbursed, what is the amount per acre on top of the reclamation charge?

Mr. TAYLOR of Colorado. We have not figured that out. If there are 200,000 acres and you distribute $18,000 over them, you can figure it out.

Mr. FERRIS. There probably is not that much. What acreage will this be assessed against?

Mr. MONDELL. I think one Government project on that river has 150,000 acres, and one of the private projects has almost as much, and there are other projects on the river besides.

Mr. FERRIS. What would be the legal effect of incorporating an amendment on this bill now imposing a charge on the settlers after they already had an irrigation ditch constructed for them? How could we legally impose such a condition upon them?

Mr. MONDELL. Those charges are being added all the time.

Mr. FERRIS. I have this in mind: Suppose I, as a settler, go into an irrigation scheme with the Federal Government, and I agree to reimburse the Federal Government for its outlay in 10 annual installments, and the Federal Government agrees with me that the cost will not be more than $60 an acre, or whatever the cost may be—a definite sum. Then can such an amendment as the gentleman from Illinois suggests add on five, ten, or fifteen dollars more per acre without my consent?

Mr. TAYLOR of Colorado. They are doing that all the time.

Mr. FERRIS. If that be the case, this will result in only one thing, and that is the diverting of $18,000 from the reclamation fund.

Mr. MONDELL. It is not diversion of the fund, but use of the fund for an entirely proper purpose.

Mr. SMITH of Texas. This is a part of the legitimate cost of the project.

Mr. FERRIS. But what has the gentleman to say about this proposition: Suppose five years ago the Federal Government went out into Wyoming, or into Arizona, or wherever it is, and put in a reclamation project under a contract that they should have that irrigation done at $34 an acre, for example. What right has the Federal Government to come in later and say, "You must pay your proportionate part for a bridge costing $18,000 in addition"?

Mr. SMITH of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. I do not think I have the floor, Mr. Speaker.

Mr. MONDELL. Would not the Reclamation Service under such circumstances have the right to change the amount to be paid by each settler?

Mr. MANN. The Reclamation Service has not the power to do that.

Mr. SMITH of Texas. But the Reclamation Service can not foresee the total cost of these projects. A great many things arise after they begin construction and after they have contracted with the farmers and water users—things that they can not foresee—and the cost of the project may be much more than it was estimated it would be in the beginning. And yet the contracts with the water users are being adjusted from time to time to cover these additional costs, and this is not at all unusual. Really this is an advantage to——

Mr. FERRIS. How many bridges has the Government built out of the reclamation fund, in the past 10 years, of $60,000,000 they have expended?

Mr. SMITH of Texas. About 32 projects are being constructed——

Mr. FERRIS. How many bridges?

Mr. SMITH of Texas. I do not know as to that.

Mr. MARTIN of South Dakota. Mr. Speaker, I think I can throw some light on that if the gentlemen care to know. The building of bridges is a common necessity in these irrigation works. For instance, in the Bellefourche project in my own State there is what is called the main diversion canal, which carries the water from the river to the storage reservoir—6 miles—and that crosses a public highway, because of the existing public highways, every mile. It goes through a country where no bridges were needed until they cut that deep and wide canal, and in the construction of the irrigation enterprise the Government would, of course, put a bridge over the canal on every highway where they constructed a canal through; otherwise the highways could not be used.

Mr. FERRIS. Do they do that as a part of the original project or after the project is completed?

Mr. MARTIN of South Dakota. They did it as part of the original project.

Mr. FERRIS. That is another matter altogether and not in point. The facts stated do not fit this case at all. This is simply a case of diverting funds, and it ought not to be done now or in the future. There has been too much favoritism already in that fund. I think, Mr. Speaker, we had better not divert any more of this fund. If they have general power to build roads and bridges it ought to be taken from them at once. As soon as I get time I think I shall interest myself in that matter and try to repeal any such powers.

Mr. MONDELL. I will say to the gentleman that roads and bridges are constructed, being built by the Reclamation Service, where in the construction of their works they flood roads or otherwise render them difficult or impassable. In this particular case the service does not consider the damage done so direct that they are justified in building the bridge or contributing toward it without the direction of Congress.

Mr. FERRIS. I object, Mr. Speaker.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] objects, and the bill is stricken from the calendar.

RAILWAY THROUGH CERTAIN PUBLIC LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Clinton & Oklahoma Western Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma be, and the same is hereby, empowered to survey, locate,

construct, maintain, and operate a railway, telegraph and telephone lines through the following public lands, to wit: The southwest quarter of section 29, township 14 north, range 20 west of the Indian meridian, and the southeast quarter of section 30, township 14 north, range 20 west of the Indian meridian, in the State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of the Interior.

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph and telephone lines, and for no other purpose, a right of way 50 feet in width through said public lands, reserved for Indian school purposes, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said public lands a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of the Interior: *And provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of the Interior.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill is to grant a right of way to a railroad company to construct and operate a railway through certain public lands. There is no provision requiring that any compensation shall be paid by the railway company for the use of this 150-foot strip. Would not the gentleman from Oklahoma be willing to amend the bill so that the railway company shall pay what shall be reasonably fair for this land?

Mr. MORGAN. Mr. Speaker, I will state that on the 22d day of June, 1910, Congress enacted a law granting a right of way through an Indian reservation to an electric railroad without requiring the company to pay for the right of way. In drawing up this bill I followed the precedent of that bill.

Mr. MANN. How wide was that right of way?

Mr. MORGAN. That was 50 feet.

Mr. MANN. And this is 150 feet.

Mr. MORGAN. No; only where they have sidetracks. It is 100 feet following the general route of the railway.

Mr. MANN. This is 100 feet, then. The gentleman thinks that because we imprudently gave away a strip 50 feet wide, therefore we should imprudently give away another strip 100 feet wide?

Mr. MORGAN. I will state, Mr. Speaker, that this little reservation is probably 50 or 60 miles from a railway. There is a company trying to build a little railroad up through that country. The citizens and the farmers generally donate the roadway and the towns give a big bonus. It is difficult to get capital to work there. I do not think the railroad would have any serious objection to the amendment suggested by the gentleman from Illinois.

Mr. MANN. I have already discussed the matter with the gentleman from Oklahoma and told him that I should object unless he offered an amendment. I presume the gentleman has the amendment, and if he does not offer it I shall object.

Mr. MORGAN. In view of the possibility of it being objected to on that ground, I have prepared an amendment, which I will offer.

The SPEAKER. Is there objection to the further consideration of the bill.

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 8, after the word "lands," insert the words "for Indian school purposes."

The committee amendment was agreed to.

The Clerk read as follows:

On page 2, line 8, strike out the word "fifty" and insert the words "one hundred."

The committee amendment was agreed to.

The Clerk read as follows:

Page 2, line 12, after the word "roadbed," insert the words "and sidetracks," and in line 13, after the word "hundred," insert the words "and fifty."

The committee amendment was agreed to.

The Clerk read as follows:

On page 3, line 2, after the word "the," insert the word "construction."

The committee amendment was agreed to.

Mr. MORGAN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend, line 4, page 3, by striking out the period after the word "interior," and insert the following words, to wit, "and pay for such roadway the appraised value therefor, which shall be ascertained under such rules and regulations as shall be prescribed by the Secretary of the Interior, and the proceeds thereof shall be used by the Secretary of the Interior for the use and benefit of the Cheyenne and Arapahoe school.

Mr. FOSTER. Mr. Speaker, may I inquire of the gentleman if the word "roadway" includes the sidetracks as well as the roadway in his amendment? It simply says "the roadway." I would like to ask whether that includes the side tracks?

Mr. MANN. There would be no side tracks unless there was a station.

Mr. MORGAN. I should think the side tracks would be a part of the roadway.

Mr. FOSTER. Would not the gentleman be willing to amend the amendment by including side tracks?

Mr. MORGAN. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I do not think that is necessary. The only difference is that the ordinary roadway is 100 feet wide, and where there are side tracks required it is 150 feet wide, so it is all roadway; the whole matter is under the control and discretion of the Secretary of the Interior.

Mr. FOSTER. The only question is whether the word "roadway" includes all the side tracks.

Mr. STEPHENS of Texas. I think if the gentleman examines lines 12 and 13, page 2, where it provides for the construction and maintenance of the roadbed and side tracks not exceeding 150 feet in width, he will see that they are both included.

Mr. FOSTER. It says "the roadway 100 feet," and then it speaks about the "roadbed and side tracks."

Mr. STEPHENS of Texas. The gentleman understands that it is all the same construction, the only difference being that where there are side tracks the roadway is 150 feet wide, and the other parts of the road are only 100 feet wide.

Mr. FOSTER. As long as you use the words "roadbed and side tracks" it seems to me that the words "side tracks" ought to go into the amendment.

Mr. STEPHENS of Texas. I do not think it is necessary.

Mr. FOSTER. Is the gentleman from Oklahoma willing to include the words "side tracks" in his amendment?

Mr. MORGAN. Yes. Mr. Speaker, I move to amend the amendment by inserting after the word "roadway" the words "and side tracks."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Insert, after the word "roadway," in the first line of the amendment, the words "and side tracks."

The amendment to the amendment was agreed to.

The SPEAKER. The question now recurs on the amendment as amended.

The question was taken, and the amended amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COUNCIL FOR NATIONAL DEFENSE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 1399) to establish a council of national defense.

The Clerk read the bill at length.

Mr. HAY. Mr. Speaker, I reserve the right to object.

Mr. SISSON. Mr. Speaker, I will object. If the gentleman from Alabama wishes, I will reserve the right to object.

Mr. HAY. Mr. Speaker, I reserved the right to object for the purpose of asking the gentleman from Alabama a question.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] and the gentleman from Virginia [Mr. HAY] both reserve the right to object.

Mr. HAY. I would like to ask the gentleman from Alabama if he would object to having this bill, in the event it is now considered by the House, referred to the Committee on Military Affairs? In view of the fact that there is more of the national defense under the jurisdiction of the Committee on Military Affairs than there is under the committee which considered this bill, does not the gentleman think that it ought to be referred to the Committee on Military Affairs?

Mr. HOBSON. Does the gentleman mean that it shall be referred to the Committee on Military Affairs for a report?

Mr. HAY. Yes; referred to the committee for its consideration.

Mr. HOBSON. Will the gentleman be kind enough to state what changes or amendments he would like made to it?

Mr. HAY. It is impossible for me to do that, but I would like to have the Committee on Military Affairs have an opportunity to consider the bill and to make any changes in it that the Committee on Military Affairs might deem advisable.

Mr. HOBSON. The gentleman is perfectly correct in saying that the Committee on Military Affairs is very largely involved in the bill, as is a number of other committees, including the Committee on Foreign Relations, the Committee on Appropriations, as well as the Naval Committee. Of course, any one of these committees would have legitimate jurisdiction. I requested its reference to the Naval Committee. I do not see why the gentleman should ask it to be sent to his committee any more than to have it sent to the various other committees involved. I would have no objection, except as a matter of time.

Mr. HAY. I would have no objection to its being considered by the Committee on Foreign Affairs or the Committee on Appropriations.

Mr. MANN. Does not the gentleman think it ought to be sent to the Committee on Public Safety? [Laughter.]

Mr. HAY. Yes; if there was such a committee, I think it should be. But if the gentleman objects to that course being taken, I should be compelled to object to the present consideration of the bill.

Mr. HOBSON. The gentleman recognizes that if it is referred to the Committee on Military Affairs that is equivalent to its not being considered.

The SPEAKER. The matter is not debatable. The gentleman from Virginia objects, and the bill will be stricken from the calendar.

MAKING ASHTABULA, OHIO, A SUBPORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 2228) to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That Ashtabula, Ohio, be, and the same is hereby, established a subport of entry in the customs collection district of Cuyahoga, Ohio, and that the privileges of the first section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Ashtabula, Ohio.

The SPEAKER. This bill is on the Union Calendar.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

LIFE-SAVING APPARATUS ON OCEAN-GOING STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4400 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, public vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers to or from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer in any of the ports of the United States respecting any of the provisions of the sections aforesaid.

"That there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality: *Provided*, That the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued."

SEC. 2. That section 4488 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4488. Every steamer navigating the ocean or any lake, bay, or sound of the United States shall be equipped with such lifeboats, floats, rafts, life preservers, ring buoys, water lights, ring-buoy lights, line-carrying projectiles, and the means of propelling them, and such other life-saving and fire-fighting devices as will best secure the safety of all persons on board such vessel in case of disaster, and in addition thereto steamers navigating the ocean shall be provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and every such vessel shall have such lifeboats provided and equipped with suitable boat-disengaging apparatus so arranged as to allow such boats to be safely launched while such vessel is under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water; and every vessel shall be equipped with a searchlight of sufficient power to be an efficient aid in the safe navigation of said vessel in the nighttime.

"The Board of Supervising Inspectors shall fix and determine by their rules and regulations the character and equipment of lifeboats, floats, rafts, life preservers, ring buoys, searchlights, water lights, ring-buoy lights, line-carrying projectiles and the means of propelling them, and such other life-saving and fire-fighting devices that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer of water in case of heavy leakage, the capacity of such pumps or appliances being suitable to the navigation in which the steamer is employed, but shall have no discretion whatever with respect to the number of lifeboats on steamers navigating the ocean, such number to be determined solely by the actual capacity of such lifeboats to carry and transport at one time all of the passengers and members of the crew licensed to be carried on board the vessel.

"Every vessel subject to the provisions of this title shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew. It shall be unlawful for any such vessel to sail from any port of the United States without first obtaining from the local inspectors a certificate specifying the number of passengers and crew licensed to be carried on board, and that such vessel is fully equipped as hereinbefore provided.

"Every captain, owner, and charterer of such vessel, and, when the owner or charterer shall be an association or corporation, every executive officer and every resident general agent of such association or corporation for the time being actually charged with the control and management of the operation, equipment, or navigation of such vessel, who shall knowingly and willfully cause or allow or permit such vessel to sail from any port of the United States without being equipped as hereinbefore provided, and without obtaining the certificate hereinbefore provided, shall, upon conviction, be fined not less than $1,000 nor more than $5,000, and may, in addition thereto, be imprisoned not exceeding 10 years, in the discretion of the court.

"Any person who knowingly or willfully manufactures or sells, or offers for sale, or has in his possession with intent to sell, life preservers containing metal or other nonbuoyant material for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell, any other material commonly used for the preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall, upon conviction, be fined not more than $2,000 and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

SEC. 3. That section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after July 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and carrying 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, under all atmospheric conditions safe for an operator to work.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

"That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart."

SEC. 4. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean-going cargo steamers shall take effect on and after July 1, 1913.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. JONES. Mr. Speaker, reserving the right to object, I desire to make a statement. There are a number of us who, notwithstanding that this is a very important bill and one that ought to be considered at some length, will raise no objection to its consideration provided an amendment I desire to offer is acceptable to the committee. I have submitted this amendment to the gentleman from Missouri [Mr. ALEXANDER], who is chairman of the committee, and he agrees with me that it ought to be adopted. I will read the amendment for the information of the House, and I wish to add that so far as I am concerned, if it can be understood that it will not be opposed, but will be accepted by the committee when the time comes to offer it, I shall not oppose consideration of the bill. Otherwise I shall feel obliged to do so.

I propose to amend section 2, on page 3, in line 18, by inserting after the word "ocean" the words:

Except such as are exclusively engaged in fishing, which steamers shall only be equipped with such boats as in the opinion of the Board of Supervising Inspectors are adequate to the safety of every member of the crew licensed to be carried on such fishing steamers.

The section as drawn would require that all fishing steamers on both the Atlantic and Pacific coasts should be equipped with life boats, although they are not licensed to carry passengers, and, as a matter of fact, do not carry passengers. There are a great many important fishing industries located along both these coasts that own steamers engaged exclusively in the fishing business.

These steamers carry on the average, I think, from 25 to 30 men in their crews. Each one is equipped with large seine boats, built after the style of whaling boats, which are regarded by the sailors who use them as being stronger and safer than so-called lifeboats. If they were required to carry lifeboats they would have no place to put them unless they discarded the seine boats, and then, of course, they would have to go out of the fishing business. No one of the steamers carries less than two boats, and these boats are capable usually of carrying as many as 50 or 60 men. I know that some of them are capable of carrying 60 persons, and I think they are all about the same size and capacity, so that one of them is capable of carrying double the total number of the crew of the steamer. If the steamers were required to carry lifeboats, no sailor would ever in case of disaster enter one of them, for he would prefer the boat which he has been accustomed to all of his life.

Mr. FITZGERALD. Would these boats not be construed to be lifeboats within the meaning of this act?

Mr. JONES. I think not.

Mr. FITZGERALD. Why not?

Mr. JONES. I have not examined the law which this bill amends, but I think the lifeboats are required to be constructed in a certain way—with water-tight compartments, for instance.

Mr. FITZGERALD. I think not. I think the term "lifeboat" is a generic term, used to designate boats carried on vessels to be used in case of emergency.

Mr. JONES. These are not carried, I would say, primarily for the purpose of saving life, but for the purpose of laying out seines.

Mr. FITZGERALD. And are of the type of lifeboat?

Mr. JONES. They are so constructed that they are, in fact, excellent lifeboats, but I do not think of the type prescribed by the regulations for what are known in the law as lifeboats.

Mr. MANN. Would not this bill also require, if they were lifeboats, that the vessels should carry suitable boat-disengaging apparatus, so that these boats could be launched while the vessel was under full speed?

Mr. JONES. I think that is true.

Mr. MANN. That is impossible on a fishing boat.

Mr. JONES. Yes. And yet, of course, these steamers have apparatus by which their boats are lowered, because in the fishing season they are constantly lowered. The seines are laid out by the boats and not by the steamers. As soon as the lookout on the steamer reports the presence of a large school of fish, the boats are lowered into the water and they carry the seines around the fish. These seines are called purse nets, because they are constructed after the fashion of the old silk purse.

I am somewhat familiar with this subject, because the menhaden fishing industry is a very large and important one, and there are a great many fishing steamers owned in the district which I have the honor to represent. In one little town in my district there are perhaps as many as 20 or 30 of them owned.

Another objection to requiring fishing steamers to have lifeboats, although that which I have given is an insuperable objection, is that there is at this time such a demand for lifeboats that it would be impossible to procure them for several months to come. The fishing season would be over before they could possibly be procured, which would result in immense loss to the owners of the steamers and throw thousands of sailors and other employees out of work.

Mr. Speaker, therefore, with the understanding that the committee will accept my amendment when the time comes to offer it, I shall make no objection to the consideration of the bill.

Mr. MANN. Mr. Speaker, I still reserve the right to object.

Mr. WEEKS. Mr. Speaker, I reserve the right to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois, the gentleman from Massachusetts, and the gentleman from Pennsylvania reserve the right to object.

Mr. MANN. Mr. Speaker, I had intended to ask a question or two about this bill, but I think it is too important a measure to pass by unanimous consent. There are a good many things in it that probably ought to be amended and certainly ought to receive special consideration, therefore I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. ALEXANDER. Mr. Speaker, I hope the gentleman from Illinois will not object. I think he is aware that the calendar is in such a condition that it is hardly possible for us to get this measure up on a call of committees on Calendar Wednesday, and if there are any amendments suggested that meet the approval of the House I certainly will not oppose them, and as this is a matter of large public importance, one that demands consideration, I hope the gentleman from Illinois will not object. If he has any amendments to suggest, I am sure the House will take time to consider them, and if they meet the approval of the House they will be adopted.

Mr. MANN. Mr. Speaker——

The SPEAKER. Of course this conversation is taking place by unanimous consent.

Mr. MANN. Well, I reserved the right to object. It is now after 3 o'clock and the House has been in session on the Unanimous Consent Calendar for four hours and the Unanimous Consent Calendar has not been half completed. If this bill were taken up for consideration, it will occupy the balance of this afternoon and for some time probably besides that, and it seems to me that is hardly fair to the other gentlemen who have bills on the Unanimous Consent Calendar. I do not have any, but the gentleman has some other bills on the calendar, one of which I believe duplicates a part of this.

Mr. ALEXANDER. No; it is not on the calendar.

Mr. MANN. I think this bill requires some things which the Government of the United States has no right to require and requires some of doubtful propriety, although I would have no objection whatever for the consideration of the bill if time would permit. Therefore I feel constrained to object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

BRIDGE ACROSS RUSSELL FORK OF BIG SANDY RIVER, MILLARD, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at or near Millard, Ky.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across the Russell Fork of the Big Sandy River, at a point suitable to the interests of navigation, at or near Millard, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Of course, the bill H. R. 24025 is stricken from the calendar.

BRIDGE AT OR NEAR COUNCIL BLUFFS, IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

The Clerk read as follows:

Be it enacted, etc., That the act to authorize the Central Railroad & Bridge Co. to construct a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, and amended February 27, 1909, and June 25, 1910, is hereby amended so as to give to the Central Bridge Co., of Council Bluffs, Iowa, all the authority and rights granted under said act, if the actual construction of the bridge authorized by said act is commenced within one year and completed within three years from the date of the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. RAKER. Mr. Speaker, I reserve the right to object.

Mr. MANN. Does the gentleman from California desire to ask something on this bill?

Mr. RAKER. Yes; I would like to have an explanation from the gentleman in charge of it.

Mr. GREEN of Iowa. I would be pleased to give an explanation.

Mr. ADAMSON. I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, in order that gentlemen may fully understand the nature of this bill and the reasons for introducing it I will have to make a brief statement concerning it. Council Bluffs, as gentlemen of the House are doubtless aware, has seven great trunk lines centering into it, largely engaged in transcontinental traffic. Five of those lines use this bridge exclusively, one uses it to a large extent, and one other of those lines, the Illinois Central, uses another bridge a considerable distance north of the city, which is not available for general purposes.

Mr. ADAMSON. If the gentleman will permit me to suggest to him, I think two or three gentlemen are laying for me now to ask me why you have not built this bridge sooner and why you have had to ask for a renewal of the grant three or four times, and while the gentleman is on the floor I hope he will furnish me the information, or to the House, before they ask me to explain to them why it is you have had to come back three of four times for a renewal of the grant.

Mr. GREEN of Iowa. I was just coming to the matter to which the gentleman alludes. The construction of a bridge there is a very important matter, and likewise it is a very expensive matter. It costs in the neighborhood of a million and a half dollars to build a bridge there, as I understand, and it is not easy to raise the money. This company has heretofore been given leave to construct this bridge, but was unable to raise the funds within the time fixed. It is a great undertaking to provide the necessary funds, and the reason for its necessity is that this bridge, which now extends to Council Bluffs and which is used by these trunk lines for all this enormous traffic which passes over it, is wholly insufficient for that purpose. Transcontinental traffic is often delayed as much as two hours—even mail trains and passenger trains—and sometimes longer on account of the congestion of traffic over this bridge. On account of the transcontinental traffic, either mail, passenger, or freight, we ought to be willing to give an opportunity to some one to construct another bridge, as the Union Pacific Railroad so far does not seem willing to give the additional facilities which are necessary to accommodate this traffic. The large amount of money that is to be raised and the fact that this local company seems to be the one that is undertaking, and the only one that is willing to undertake it, has made considerable difficulty in raising the necessary funds. About the time they got their arrangements made and completed the time expired, and——

Mr. RAKER. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. RAKER. I see this act was authorized back on February 1, 1908. Has there been any effort made to build the bridge or any work done up to the present time?

Mr. GREEN of Iowa. There has been no work done or this act would not be necessary.

Mr. RAKER. Well, they might have started work and not completed it within the time of the act.

Mr. GREEN of Iowa. That is true, but there has been no work done except the work of endeavoring to finance it.

This proposition is not quite as alluring an opportunity to finance as we might wish, owing to the fact that the traffic over the bridge might be largely under the control of the Union Pacific Railway Co. Nevertheless, the urgent necessity for the bridge exists, not only for this railway traffic, but also as a means of communication between the cities. And it is the urgent desire of the cities of Omaha and Council Bluffs that this bridge be constructed, and that further opportunity should be given to this company to enable them to proceed with the construction.

Mr. RAKER. The gentleman would consent, undoubtedly, to add at the end of this act, on line 3, page 2, the following amendment, to be known as section 2:

The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GREEN of Iowa. That was in the original act, which was amended.

Mr. RAKER. We want it in this act, too.

Mr. GREEN of Iowa. Very well.

Mr. RAKER. You would consent to that, would you?

Mr. GREEN of Iowa. I will consent to that.

Mr. ADAMSON. That is in the old act?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. This is a new one now.

Mr. GREEN of Iowa. I hope, on account of the urgent need for this bridge, the gentleman will not insist on an objection. The company believes that it now has the arrangements made to obtain the necessary funds to construct the bridge.

Mr. ADAMSON. There seems to be no other reservation, Mr. Speaker.

Mr. MANN. Mr. Speaker, I would like to offer an amendment as to the right to alter, amend, or repeal.

Mr. GREEN of Iowa. The gentleman from California [Mr. RAKER] has already asked that that be added, and I consented to it. Will the gentleman from California [Mr. RAKER] propose his amendment?

Mr. RAKER. We have not got the right yet to proceed.

Mr. ADAMSON. There is no objection, Mr. Speaker.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. ADAMSON. I have no objection to adding another section to the effect "that the right to alter, amend, or repeal is expressly reserved."

Mr. RAKER. Mr. Speaker, I offer the following amendment:

Add a new section at the end of line 3, page 2, to read as follows: "SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RUSSELL FORK, MARROWBONE, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across Russell Fork of the Big Sandy River at a point suitable to the interests of navigation, at or near Marrowbone, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPTURED AND ABANDONED PROPERTY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16820) to revive the right of action under the captured and abandoned property acts, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the right of action is hereby vested in the legal representatives of the original owner, if deceased, in the courts of the United States under the provisions of the captured and abandoned property acts, and the said acts be, and the same are hereby, revived for two years after the passage of this act, including all cases of seizure under said acts or under color thereof, without regard to the limitation in said acts: *Provided, however*, That when any of such claims have been filed with the Secretary of the Treasury or in the Court of Claims, or with Congress, or any committee thereof, and proof taken in relation thereto, the testimony so taken, whether upon the part of the United States or the claimant, when the witnesses are dead or can not be found, may be read in evidence as if taken regularly in the case.

SEC. 2. That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty, and to all suits which have been instituted in said court for the proceeds of property under the provisions of said act of March 12, 1863, and the acts amendatory thereof, which have been heretofore dismissed by the Court of Claims for the want of jurisdiction thereof or other cause; and all suits for the proceeds of such property which have been so rejected or dismissed by said court for want of jurisdiction or other cause shall, on motion of the claimants or their heirs or legal representatives, be reinstated on the docket of the Court of Claims and proceeded with according to law under the provisions of this act.

SEC. 3. That all judgments rendered under said act shall be paid to the original owner or to his legal representatives by the Secretary of the Treasury as soon as may be after the same is rendered, out of any moneys in the Treasury not otherwise appropriated. All petitions filed under this act and by authority thereof shall be verified by the petitioner, and he shall make oath therein that nothing has been received for or on account of the said claim, or any part thereof, from the United States; and all of said petitions shall be heard, tried, and disposed of by said court within two years after the passage of this act; and all judgments rendered under said act, and any and all payments thereon, shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claim.

SEC. 4. That any and all departments of the Government shall furnish to the claimant or the counsel for the United States, in any and all claims filed in said court by virtue of this act, copies duly certified, under seal of the department, of any and all papers or documents in the custody of the department in respect to said claims which contain evidence in support or defense thereof.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in just what respect does this

differ from the so-called Bartlett amendment, which was inserted in the judiciary act conferring jurisdiction upon the Court of Claims?

Mr. BYRNES of South Carolina. The Bartlett amendment provided for the revival of the right of action in all cases wherein the property was taken after June 1, 1865. And this revives the right of action in those cases where the property was taken before June 1, 1865. It is reported unanimously by the War Claims Committee.

Mr. MANN. And removes the ground of defense of disloyalty?

Mr. BYRNES of South Carolina. As the chairman of the committee suggested to me, that defense never existed as to captured and abandoned property.

Mr. MANN. The bill expressly provides:

That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty.

Mr. SIMS. If the gentleman will permit me, the decision of the court holding the question of disloyalty did not apply was subject to a great many definitions as to the charge of disloyalty.

Mr. BYRNES of South Carolina. Under the decisions of the court I do not think it would be necessary to prove loyalty in these cases. Reference to the decisions is made in the report of the committee, which reads as follows:

By the act of March 12, 1863, known as the captured and abandoned property act, and acts amendatory thereof, the Secretary of the Treasury was authorized to appoint special agents to collect captured and abandoned property in the States then in insurrection, the proceeds thereof to be paid into the Treasury of the United States. The act provided that the property to be collected under it "shall not include any kind or description which has been used, or which has been intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war."

Nine districts were established, and an agent appointed for each. A large amount of property in the States in insurrection was seized and the proceeds, amounting to over $30,000,000, reported to the Secretary of the Treasury. The money was treated as a trust fund under the control of the Secretary. Under joint resolution approved March 30, 1868, it was provided that all moneys derived from the sale of captured and abandoned property "which have not already been actually covered into the Treasury shall immediately be paid into the Treasury of the United States." The balance covered into the Treasury under this resolution was $20,971,790.96.

The third section of the act of March 12, 1863, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, *and that he has never given any aid or comfort to the present rebellion*, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof." (12 Stat. L., 820.)

Under this provision a considerable number of claims were preferred to the Court of Claims and judgments recovered.

The following is believed to be a substantially correct statement of the payments that have been made from the amount covered into the Treasury under the said resolution of March 30, 1868:

On judgments under act of Mar. 12, 1863	$9,852,936.95
On judgments against Treasury agents	65,276.79
Disbursed for expenses under joint resolution of Mar. 30, 1868	242,149.34
Paid on special acts of relief	451,125.38
Paid by Secretary of Treasury under act of May 18, 1872	195,896.21
On judgment Court of Claims, Duffy, Report C. C., 24-75	15,270.00
Under private act, 25 Stat., p. 1310	32,669.20
Under private act to Briggs, paid Mar. 20, 1894	88,104.21
Total	10,943,439.08

Deducting the above amount from the amount covered into the Treasury under the resolution of March 30, 1868, it will be seen that the sum now in the Treasury, and undisposed of, is $10,028,351.88.

The sole purpose of this bill is to extend the limitation upon the jurisdiction of the Court of Claims for a period of two years to entertain suits to recover the proceeds of the property of claimants where it can be established that such proceeds were actually covered into the Treasury of the United States under the act of March 12, 1863, and the acts amendatory thereof, and at the same time to safeguard every right and proper interest of the Government. This money does not belong to the Government. Proper legislation should be enacted with a view to distributing same to its owners.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson *v.* The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suits to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced and when it was too late for the claimants to derive any benefit from the decision.

It was not until 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of Klein *v.* The United States (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, *was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.*

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, *and for those whom it should thereafter recognize as entitled.*"

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, *though then hostile, might subsequently become loyal* appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. *The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon.* * * *

"*The restoration of the proceeds became the absolute right of the persons pardoned* on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of the United States *v.* Padelford (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment which simply awards to the petitioner what is his own.

This decision in the Klein case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of Haycraft *v.* The United States was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds in trust, as decided in the Klein case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that, Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (Haycraft *v.* The United States, 22 Wall., 81.)

While the Haycraft case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the Haycraft case was based, viz. that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court, to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—*parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement.* It requires no argument to prove that a right may exist where there is no remedy for its enforcement, and this was, and is to-day, the precise predicament

of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived, and neither the court nor the claimants, in order to enable each to act, required anything more than this: *The one the privilege to sue and the other the right to entertain and determine such suits.*

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue or under color of said acts, from suit at common law, or any other mode of redress whatever, before any court other than the Court of Claims."

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes construed together provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the Haycraft case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants should be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864—that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions, and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court, without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections 1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitations in the act of March 12, 1863, and that these sections would not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticize further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the lawmaking power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested, if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Government which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the Nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the Nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than 30 years the Government has had the use of this money.

For more than 40 years the claimants have been appealing to Congress for relief, and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Rept. No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (H. Rept. No. 2508, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (S. Rept. No. 1634).

The same in the Fifty-seventh Congress, first session (S. Rept. No. 1292).

The same in the Fifty-eighth Congress, second session (S. Rept. No. 1861).

The same in the Fifty-ninth Congress, first session (S. Rept. No. 3290).

The same in the Fifty-ninth Congress, second session (H. Rept. No. 7540, from the Committee on War Claims, on H. R. 25400).

Your committee report back the bill and recommend its passage.

Mr. MANN. Mr. Speaker, when the House agreed to the Bartlett amendment a year or two ago, and in conference it went into the law, every claim agent and claim attorney in this town became as active as an ant in a squirming hive. They commenced to discover these claims. They have been working very hard ever since that time to get under all the claims that were allowed. This bill would take $10,000,000 out of the Treasury, which would not go to anybody that it really belonged to, and therefore I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 8788) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD as the conferees on the part of the Senate.

PUBLIC BUILDING, HURON, S. DAK.

The next business on the Unanimous Consent Calendar was the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee [Mr. AUSTIN] why is the limit of cost recommended to be increased in this bill?

Mr. AUSTIN. I will ask the gentleman from South Dakota [Mr. MARTIN] to answer that question.

Mr. MARTIN of South Dakota. Mr. Speaker, the plans and specifications for this Government building called for the con-

struction of a building of what is known as New Bedford stone, and when the bids were in the lowest bid came within $6,000, or about that, of constructing the building of that material. The Treasury Department then modified the plans so as to have the stone used on three sides and brick upon the fourth side, but reserved the right to substitute the stone called for in the contract.

This building is in the center of the town of Huron, a very sightly place, and if constructed without this increase of appropriation it would have to be constructed one side of brick and the other three sides of stone. The foundations are now in. It is an emergency item and is to be provided for at this session in order to preserve the symmetry of the building.

Mr. FITZGERALD. What is the limit of cost?

Mr. MARTIN of South Dakota. In the neighborhood of $70,000 or $75,000. I can not state it exactly offhand. It is in the home town of one of the Senators from our State, and I am not as familiar with the facts as I would be if it were otherwise.

Mr. FITZGERALD. Why should this building be of Bedford stone?

Mr. MARTIN of South Dakota. That is a good article of construction. The building should be uniform in architecture, otherwise it would be entirely out of symmetry. The department has recommended that the building be constructed as originally designed.

Mr. FITZGERALD. Mr. Speaker, this is one of a great many instances that have been called to my attention in this Congress in which the following situation develops: The Congress authorizes a public building and fixes the limit of cost; the building is designed and the specifications are prepared, and then it is said that the building can not be built within the limit of cost fixed by Congress. Either the building is so designed that it can not possibly be constructed within the limit of cost fixed by Congress or the materials selected are of such a character that they can not be obtained within the limit of cost.

The city of Boston is now asking an increase of $300,000 in an appropriation——

Mr. MADDEN. It frequently happens in the construction of a building that you can not get plans and specifications made that will come exactly within the appropriation.

Mr. FITZGERALD. An increase of $300,000 is asked in a building that should have cost $1,500,000. After some investigation it appears, in my opinion, that the increase is necessary, because the architect proceeded upon the theory that the original appropriation asked for, $1,800,000, should have been put into the building, although he was informed that the amount of money available would be $1,500,000.

In the city of New York there is another building now under construction where bids were invited, and none of the bids were within the amount that the department asserted could be apportioned for the building. Alternates were then substituted, and the result was that the contract was finally awarded to one of the bidders who was not originally the low bidder. I suggested to the Secretary of the Treasury that he should either reject all the bids and invite new bids or else he should refer the matter to Congress before the contract was made; or if he made a contract for the building with the alternates substituted, it would be built in that way and no other. Within two or three days after the contract was made a representative of the architects visited me for the purpose of enlisting my aid in obtaining an appropriation of $300,000 additional, to put back the items eliminated and to restore the situation to what it had been before the alternates were substituted.

I do not know how many other such instances there are, but it seems that the business of the Government in constructing these public buildings is so conducted that it is impossible to get the law obeyed and buildings constructed within the limit fixed by Congress. I have come to the conclusion that, so far as I am concerned, I shall not consent to increasing the cost of any public building in any instance except in cases where, after the building has been authorized, there arises such a change of conditions in the community as to necessitate increased accommodations over those contemplated when the authorization was originally made. Somebody should be responsible; somebody should be held responsible for these conditions.

If the gentleman from Illinois were to employ an architect to design a building and that architect came and recommended that he make a contract to erect a building, three sides of one character of construction or material and the other side of a different character of material, with a reservation in the contract that the owner might, if he desired, substitute on the fourth side the material that was to go on the other three sides, there would be a change of architects. If the gentleman from Illinois would do otherwise under such conditions, I would be glad to hear him tell of it. It is absolutely indefensible that our public-building business should be conducted in such a manner as makes it ridiculous at times.

Mr. MADDEN. Is it not a fact, if this building is to be constructed in a public square, and three sides are to be built of stone and one side to be built of brick, that the effect would be incongruous?

Mr. FITZGERALD. It is ridiculous. If the specifications require a particular stone for construction and the bids are in excess of the limit fixed by Congress, some other material should be substituted.

Mr. MADDEN. Bedford stone is the cheapest stone in the United States, the most easily secured, the most easily cut, the most desirable in every way, and the best stone that can be used, aside from granite, for the construction of a building. It is almost as cheap as brick and very much more ornate and more lasting, and I do not think the gentleman from New York ought to stand here for a mere paltry sum of $6,000 to destroy the beauty of a building of stone in the middle of a public square in the great city of Huron, S. Dak.

Mr. FITZGERALD. Unless we can have public buildings so designed and constructed that they can come within 10 per cent of the authorization before they are constructed, I am afraid I shall have to object.

Mr. MANN. Does not the gentleman think that he has feathers enough in his hat this time by not having a public building bill, so that he can let a few little trifling matters of chicken feed go through? [Laughter.]

Mr. FITZGERALD. The trouble about it, Mr. Speaker, is that there are a number of gentlemen who are in almost the same position. A whole procession of Members of the House can be found nearly every day between the floor of the House and the Committee on Appropriations asking for just such legislation as here proposed. We ought to have some knowledge of the number of cases that are to be attended to at this session of Congress, and how much such work will cost. My attention was called to a public building the other day, erected in a western State, occupied only three weeks, costing $50,000, that was falling down. A request was made for an appropriation of $20,000 or $30,000 to put foundations under it to keep the building from collapsing. There are two or three cases before the committee where public buildings have been erected with entrances so far from the grade of the street that unless something is done to provide money to construct steps from the street to the building nobody will ever be able to get into them unless they are expert climbers. No business establishment of the Government should be constructed in this manner. I desire to fix the responsibility for such conditions. The situation is absolutely indefensible, and for the present I shall be constrained to object to this bill.

Mr. LLOYD. Mr. Speaker, may I ask the gentleman what is the size of this town?

Mr. MARTIN of South Dakota. Between 7,000 and 8,000 inhabitants now.

Mr. LLOYD. In 1910?

Mr. MARTIN of South Dakota. In 1910.

Mr. LLOYD. What are the receipts of the Government?

Mr. MARTIN of South Dakota. About $30,000.

Mr. FITZGERALD. And $75,000 is insufficient to give them the facilities in proportion to the public business!

Mr. AUSTIN. This bill is to give them a fourth side of stone instead of brick.

Mr. FITZGERALD. Well, the town is sufficiently small to enable all of them to approach the building from the three other sides. [Laughter.]

Mr. BURNETT. Mr. Speaker, as acting chairman of the committee, I desire to make a brief statement. I think the Committee on Public Buildings and Grounds has been very careful.

Mr. FITZGERALD. I am not criticizing the committee, but the situation.

Mr. BURNETT. I understand; but I want to state the situation. The committee has been very careful and conscientious in reporting anything that was not an emergency case. In this case the foundations of the building are almost completed and the entire superstructure we expect to be inclosed the present summer and fall. If it is continued in its present form, it will have three sides of the building of stone and the fourth side of brick, which will be an unsightly building. All sides of the building are almost equally exposed. If it had been in a condition where work could have been continued without injuring the work already done, I believe the committee would not have made the report.

Mr. FITZGERALD. I want to call the attention of the gentleman to the fact that the report says that the foundations are not completed.

Mr. BURNETT. But they are nearly completed.

Mr. FITZGERALD. They have not started to erect the superstructure. If anything was to be done, the thing to do was to file such modification in the specifications as would require the use of a uniform material.

Mr. BURNETT. I understand the contract has been let and the contract could not be abandoned; the contractors would have to go on with the work. If they did not build it of stone, they would have to go with stone on three sides and the fourth side of brick. As I say, this was an emergency case.

Mr. MARTIN of South Dakota. I think the gentleman from New York should realize that every case should be considered on its own merits. The Committee on Public Buildings and Grounds are very conservative and do not report anything unless it is an emergency matter. Here is a case where the foundation is practically completed, as the architect of the Treasury has reported within a week. They have reached a place where they must know whether to complete it in stone or the fourth side in brick. I want to say to the gentleman from New York that in this case the citizens of Huron, in order to have a better building for the Government, in which to house the departments of the Government, have donated in the neighborhood of $15,000 without any cost to the Government whatever.

Mr. EDWARDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDWARDS. Did I understand the gentleman from New York to make an objection?

The SPEAKER pro tempore (Mr. Cox of Ohio). The Chair was under the impression that the gentleman from New York reserved his objection.

Mr. MARTIN of South Dakota. I think under conditions of this kind, where the department has a general land office for the Government, a post office, a permanent signal office, that this is an emergency case.

Mr. FITZGERALD. My recollection is that the recommendation has been made from time to time to abolish that general land office at South Dakota, and my recollection is that when we passed the legislative bill no provision was made for it, so that the necessity for accommodation of that kind no longer exists. I can not understand the theory upon which any official of the Government should make such a contract with this reservation in it to substitute stone on the fourth side at some other time, the intention being to build up a situation where Congress might be coerced by such persuasive arguments as have been advanced increasing the limit of cost. I shall have to object for the present.

The SPEAKER pro tempore. The gentleman from New York objects, and the bill will be stricken from the calendar.

UNITED STATES IMMIGRATION STATION.

The next business on the Unanimous Consent Calendar was the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of $35,000.

Mr. SABATH. Mr. Speaker, reserving the right to object, I desire to ask the gentleman what site has been selected now for the immigration station?

Mr. TOWNER. The site already selected, under a misapprehension—or rather a mistake made in the language of the act passed—was really selected for a detention station. The object of the bill was for the purpose of selecting and purchasing an immigration station. The present detention station is about eight blocks from the river front; and, of course, an immigration station ought to be placed on the river front.

Mr. SABATH. Is it not a fact that the last appropriation was made for an immigration station?

Mr. TOWNER. No; not under the act.

Mr. SABATH. What was the amount in the last bill?

Mr. TOWNER. I do not remember the amount, but it was less than this.

Mr. BURNETT. The language of the act was for an immigration station, and it was construed by the department to mean a detention station.

Mr. SABATH. I so understood, and everyone else did, that the appropriation was for an immigration station.

Mr. BURNETT. One hundred and thirty thousand dollars was appropriated, and a lot was selected some six squares away from the water's edge, where the boats land.

Mr. SABATH. Who selected that site at that time?

Mr. BURNETT. I think it was selected by the Supervising Architect of the Treasury Department, and perhaps in connection with him some employee of the Secretary of Commerce and Labor. As I recollect, $14,000 was expended for that site. A number of the members of the committee, I think, perhaps, six, visited Baltimore, and we found that the site was six or seven squares away from the water's edge.

Mr. SABATH. The members of what committee?

Mr. BURNETT. Of the Committee on Public Buildings and Grounds, from which the bill was reported.

Mr. EDWARDS. Mr. Speaker, will the gentleman from Illinois permit me to interrupt here to ask a question of the chairman of the committee?

Mr. SABATH. Certainly.

Mr. EDWARDS. Mr. Speaker, I would like to ask the acting chairman of the Public Buildings and Grounds Committee how it happens that these special bills from the Public Buildings and Grounds Committee are coming in on this calendar when it has been established by a majority of the committee that we would not at this session have a public buildings bill at all?

Mr. BURNETT. I will answer that.

Mr. EDWARDS. It would seem to me that to permit bills of this character to go through will have the effect, at least, of placing in an embarrassing position a great many Representatives on the floor of the House, who will be deprived of securing any building bill.

Mr. BURNETT. I will say to the gentleman that no one is placed in any embarrassment greater than the members of the committee, because we knew if we established precedents that were not really emergency, we would be swamped with applications of the kind. Hence the committee has steered clear of cases that are not emergency cases. In this case there is no appropriation from the Treasury Department. It is simply an exchange of one site for another, and in case they do not get an even exchange, then the amount in excess is to be taken out of the original appropriation and applied to the purchase of the site.

Mr. EDWARDS. I take it, then, that the gentleman's committee considered the bill just objected to on the calendar and the one under consideration at present as emergency cases?

Mr. BURNETT. That is it exactly; and this one, we think, is peculiarly so, because of the fact that the accommodations at Baltimore are congested and are in a very bad condition. As all gentlemen know, I have been in favor to a very great extent of restricting immigration, but I have always been in favor of giving decent accommodations to the people brought here. The accommodations at that detention station are vile.

They have a detention station there that is congested, and this site was purchased, as the department seemed to think, for a new detention station. The department selected it in an insanitary section of the city, up there where there are a number of industrial plants, where the slime and other effluvia are very bad. The gentleman from Maryland [Mr. LINTHICUM], who introduced this bill, is unfortunately away on account of the illness and perhaps the death of his brother in St. Louis. For that reason I am especially asking the careful consideration of the House.

Mr. SABATH. Mr. Speaker, I do not find any fault with the gentleman for introducing the bill. What I desire to know is, who is responsible for originally selecting this poor site and paying for it this large sum of money, when they should have known it could not be used for that purpose?

Mr. BURNETT. I think the criticism of the gentleman is just.

Mr. SABATH. This is not the first time that this has occurred. The same thing occurred in Philadelphia, where they were obliged to change the site two or three times before they finally selected the proper site.

Mr. BURNETT. I think the selection of this site, even for a detention station, was inexcusable. That is the way the department excuses itself—that they understood it was not for a general immigration station, but was merely a detention station.

Mr. SABATH. So the gentleman agrees with me that they are not competent in selecting the proper sites for a public building.

Mr. BURNETT. I think they manifested bad judgment in selecting this.

Mr. SABATH. And some change ought to be had in the department.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. FITZGERALD. There are about 30,000 immigrants coming to Baltimore every year.

Mr. BURNETT. I think so, on an average.

Mr. FITZGERALD. Before this station was authorized the practice had been for the immigrants to leave the steamer and board the train right at the steamer?

Mr. BURNETT. Yes. The trains run right in there on a siding; but even that is congested.

Mr. FITZGERALD. Was not the original purpose of the appropriation to provide a place where those immigrants who were not passed could be detained pending whatever further investigation and examination were necessary?

Mr. BURNETT. That was the construction of the department.

Mr. FITZGERALD. Is not that the fact? I remember the legislation and I remember the discussion.

Mr. BURNETT. The legislation, as I remember, on the bill, was providing for an immigration station. I think I have it before me.

Mr. FITZGERALD. Leading up to the authorization, was it not a fact that provision was desired for those immigrants who were not passed, and had to be detained some place? The shed that was there at the terminal was not deemed proper or adequate, and it was not desired to keep them on board the steamers.

Mr. BURNETT. That is true; but the station where they board the train does not belong to the Government. It belongs to the Baltimore & Ohio Railroad or one of the railroads, and they disembark and go at once into that and up into the train. Off some distance from there, 2 blocks from there, is this detention station that is totally inadequate, even for a detention station, and even putting it on that ground I think the site selected is totally inadequate. The intimation was made to us down there that perhaps ground would be donated; if not, it could be bought without any great cost very near the water's edge.

Mr. FITZGERALD. It would not be donated. I know enough about this station to know it must be bought, if it be acquired at all.

Mr. BURNETT. As far as the members of the committee who visited the place are concerned, they felt there were some grounds near Fort McHenry that above all others would be the most valuable for that purpose, already belonging to the Government, if objection was not made.

Mr. FITZGERALD. What has been done in this case? Has anything been done other than to purchase the site?

Mr. BURNETT. Nothing but the purchase of the site in this case. This bill is not to add any other appropriation.

Mr. FITZGERALD. Let me ask the gentleman one other question, as he is the chairman of the Committee on Immigration. If this change be made, will it be necessary to enlarge the scope of the general station so as to require much greater facilities than were contemplated at the time the original scheme was adopted?

Mr. BURNETT. Well, I myself have expressed the opinion there ought to be a much better station there. If the gentleman will visit those rooms there and see how congested those people are, he will be impressed with the idea they do need a larger station than they have there.

Mr. FITZGERALD. I think perhaps some station may be necessary, but I believe, in view of the number of immigrants who come to Baltimore and the manner in which they are handled, all that is necessary is some place where those who are not passed may be detained. If it is proposed, instead of following the practice now followed, to first put them in the station and then examine them there and then release them as they may pass, it will take over a million dollars to provide the facilities required.

Mr. BURNETT. Oh, not for the station there.

Mr. FITZGERALD. For a station accommodating 30,000 immigrants a year?

Mr. BURNETT. I do not think the station at Philadelphia has ever cost half of that. I will ask the gentleman——

Mr. FITZGERALD. It has not yet, but they have not got what has already been authorized completed, and although the acquisition of a station at Philadelphia was authorized they went to New Jersey and located at Gloucester and paid——

Mr. BURNETT. I think the contract has been let under the authorization at Philadelphia, as far as that is concerned.

Mr. SABATH. Will the gentleman permit?

The SPEAKER. To whom does the gentleman yield?

Mr. BURNETT. I believe the gentleman from Iowa [Mr. TOWNER] has the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, so long as the Philadelphia station has been brought into this discussion, I think it is only fair to say that up to the present time the Philadelphia station has not cost a million dollars, but only the $250,000 which was appropriated, and, by the way, $100,000 of that went for good old Democratic buildings and ground purchased at Gloucester. The $150,000 above the cost of site has been applied to the construction of a pier and buildings, and when, through the grace of the Committee on Appropriations, of which the distinguished gentleman from New York [Mr. FITZGERALD] is chairman, we shall receive $105,000 more, we will be able to finish up the work and provide a station at that point that has long been needed for the credit of the Immigration Service and the protection of the unfortunates who come from abroad.

Mr. MADDEN. I desire to say, in regard to the immigrant station at Chicago, we can not get any expression from any committee of the House on the subject at all.

Mr. SABATH. I wish to say to the gentleman from Illinois that both of these gentlemen who are chairmen of these two committees have promised me that they will aid——

Mr. FITZGERALD. Does the gentleman include me? I made no promise.

Mr. MADDEN. I am opening up a nest of information, and I have been trying to get information for a long time. The chairman of the Committee on Appropriations says he has no jurisdiction; the chairman of the other committee says he has no jurisdiction, and the gentleman from Chicago [Mr. SABATH] says he does not know which committee has jurisdiction over it, and so we do not know where to go to get information that will lead us to the proper committee and a successful conclusion. It has been said that the Government has not the money——

Mr. SABATH. The Republicans have expended all in the last session; that is the trouble.

Mr. MADDEN. The Democrats have been talking economy and spending more money than the Republicans ever dreamed of.

Mr. FITZGERALD. Mr. Speaker, I did not expect that this so-called Chicago immigration station was to be discussed here. The fact is, however, that the administration is Republican. The only activity and the only information conveyed to the Congress about the necessity for an immigration station at Chicago is that which has originated from the Chicago Club and the two gentlemen from Illinois who have spoken here to-day. While the head of the department has written them letters, no estimate has ever been submitted to the Congress, and no official communication of any kind has been submitted to the Congress. If there be any criticism for the failure of the legislative body to act, it falls upon those charged with the responsibility of informing the House of the necessities of the public service, and they are Republican officials.

Mr. MANN. Mr. Speaker, would it be in order to ask a question about the bill now before the House?

The SPEAKER. The Chair thinks it would.

Mr. MANN. I was not able to hear a while ago the private conversation that was being carried on over on the right of the Speaker, and perhaps what I am inquiring about may have already been discussed in that private conversation. I would like to ask the gentleman in charge of the bill what this present site cost?

Mr. BURNETT. My recollection is $14,000.

Mr. MANN. What committee reported the authorization?

Mr. BURNETT. The Committee on Public Buildings and Grounds.

Mr. MANN. Is the gentleman quite sure about that?

Mr. BURNETT. Yes; $130,000 is my recollection that was reported.

Mr. MANN. I was under the impression the Committee on Immigration authorized these stations.

Mr. BURNETT. No; the Committee on Immigration has not for a number of years reported any of these authorizations.

Mr. MANN. At that time your committee reported $14,000 authorization for this station?

Mr. BURNETT. No; $130,000 for the station, and $14,000 of that $130,000 was for the purchase of a site.

Mr. MANN. Who selected this site?

Mr. BURNETT. Well, that is a matter of outside information.

Mr. MANN. That is a matter of information that somebody knows, and I want to know.

Mr. BURNETT. I will state to the gentleman what my information is with regard to it. An agent of the Treasury

Department and of the Department of Commerce and Labor both went over to look it over and make a selection. Now, Mr. Taylor, Supervising Architect, told me that he was there, and members of the Committee on Public Buildings and Grounds went recently to look over it, and Mr. Taylor was with us; and my recollection is he stated at the time there was only one other site there and that it was clear out of reason.

Mr. MANN. Now, as a matter of fact, the Supervising Architect is not the man to determine where the site shall be for the Department of Commerce and Labor, for this station is under the control of the Department of Commerce and Labor, and they have to select it. Now, the gentleman proposes, without any report from the Department of Commerce and Labor, to dispose of the site which the Department of Commerce and Labor has selected for $14,000, and purchase a site that will cost $49,000.

Mr. AUSTIN. I would like to say in answer to the statement that some one representing the Department of Commerce and Labor—representing the Immigration Bureau—was present when the first site was selected. Then, when the Committee on Public Buildings and Grounds recently visited Baltimore and looked over the proposition of selling or disposing of the site purchased a couple of years ago, the representative of the Department of Commerce and Labor—the head of the Immigration Bureau of the Department—and Col. Taylor, Supervising Architect of the Treasury Department, accompanied the members of the Committee on Public Buildings and Grounds, and personal inspections were made of the present site and of the proposed new site. And the representatives of both of those departments agreed to the unanimous opinion of the members of the committee who visited Baltimore that the present site ought to be disposed of and a new site purchased; so that, in fact, whether it is in the report presented with the bill or not, the representatives of the Treasury Department and the Department of Commerce and Labor were present and agreed that a change ought to be made.

Mr. SABATH. They agreed that the present site is not the proper site?

Mr. AUSTIN. It is located too near a number of fertilizing plants in Baltimore, which makes it highly undesirable for a detention and hospital station.

Mr. SABATH. So the ones who originally selected the site did not use good judgment?

Mr. AUSTIN. They made a mistake, in my judgment.

Mr. MANN. It seems to me when a site is selected by the Department of Commerce and Labor it is not quite a profitable thing to dispose of that site by a site that will cost many times as much solely on the report of the Treasury Department.

Mr. BURNETT. I will say it was by both departments. If the gentleman will read the report——

Mr. MANN. I have read the report, and there is nothing in it about the Department of Commerce and Labor.

Mr. BURNETT. The Department of Commerce and Labor did not desire to take charge of it, and recommended that the Secretary of the Treasury do so, and the bill was amended in that way.

Mr. MANN. I am not talking about that part of it. Why did the gentleman not refer the bill to the Secretary of Commerce and Labor for a report upon a matter which they have to do with instead of referring it to the Secretary of the Treasury, who merely holds the nominal title to the property after acquired?

Mr. BURNETT. We did so.

Mr. MANN. Where is the report?

Mr. BURNETT. The Department of Commerce and Labor desires that they take charge of the matter. The bill was originally referred to the Treasury Department.

Mr. MANN. That has nothing to do with the site question. Until the gentleman can produce a report from the Department of Commerce and Labor I shall object.

Mr. MOORE of Pennsylvania. Does not this answer the gentleman fully? This is in the report:

> The committee amended the bill on the recommendation of the Secretary of Commerce and Labor, so as to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site.

Mr. MANN. That is merely changing the authority of ownership from the Secretary of the Department of Commerce and Labor to the Treasury Department, because the title to this property comes through the Treasury Department. That is a formal amendment. That has nothing to do with the merits of the case.

Mr. MOORE of Pennsylvania. But this says the Secretary of Commerce and Labor was consulted and approved of it.

Mr. AUSTIN. Mr. O'Keefe, who was of the Department of Commerce and Labor, was detailed to appear before the Committee on Public Buildings and Grounds and give his views as to the disposition of the present site; and he was there to confer with the committee as to change of site.

Mr. MANN. I have no doubt at all of that. I think we ought to have a written report.

The SPEAKER. Is there objection?

Mr. TOWNER rose.

Mr. MANN. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman from Illinois reserve his objection still further?

Mr. TOWNER. He reserves the right to object until I can make a statement. The gentleman from Maryland [Mr. LINTHICUM] is not present. This is his bill, and therefore I hope the gentleman from Illinois [Mr. MANN] will reserve his objection and that the bill may be passed without prejudice at this time.

Mr. MANN. The gentleman can put it on the Unanimous Consent Calendar again.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] object?

Mr. MANN. I do.

Mr. BURNETT. Mr. Speaker, I think I have the report from the Secretary of Commerce and Labor, if the gentleman will reserve his objection.

Mr. MANN. Well, the gentleman can put the bill on the calendar again.

FIVE CIVILIZED TRIBES.

The SPEAKER. The Clerk will report the next bill.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that this bill be passed. It was introduced by the gentleman from Oklahoma [Mr. CARTER], and he is at home ill.

The SPEAKER. Is there objection?

There was no objection.

RELIEF OF SOLDIERS AND SAILORS WHO ENLISTED OR SERVED UNDER ASSUMED NAMES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman who has charge of this bill——

The SPEAKER. Who has charge of the bill?

Mr. SABATH. If I am not mistaken, that is the present law.

Mr. MANN. The gentleman is mistaken. The present law covers the Civil War, but does not cover the Spanish War.

Mr. SABATH. Well, I passed a bill in the Sixty-first Congress that covers the Spanish War people.

Mr. MANN. I think the gentleman is mistaken in reference to what he has passed, although I will not say that. The Mexican War veterans are not covered by it, and I think the Spanish War veterans are not covered by the existing law. I know they are not covered by the Revised Statutes.

Mr. FITZGERALD. I think the gentleman from Illinois [Mr. SABATH] is correct that his bill covered the Spanish War veterans. This bill goes further and covers the honorably discharged soldiers and sailors of the Civil War and of the Mexican War, and the gentleman's bill covered the Spanish War.

Mr. MANN. It illustrates the desirability of referring bills of this kind to a department. Perhaps if this bill had been referred to the department for a report, they would have given us information on the subject.

Mr. SABATH. I have no objection to the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

INTAKE TOWER, MISSISSIPPI RIVER, ST. LOUIS, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of St. Louis, a municipal corporation organized under the laws of the State of Missouri, is hereby authorized to construct, own, maintain, and operate an intake tower and water conduit therefor within the channel of the Mississippi River at said city of St. Louis, and near the northern limits thereof, to be used in connection with the waterworks of said city: *Provided*, That the location and plans of said intake tower and conduit shall be subject to the approval of the Secretary of War: *And provided further*, That the navigation of the said river shall be in no way obstructed thereby.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

On page 2 add a new section, as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MANN. Mr. Speaker, I would like to inquire of the gentleman from Missouri [Mr. BARTHOLDT] whether this would involve in any way the relations, friendly or otherwise, between Chicago and St. Louis concerning the Chicago Drainage Canal?

Mr. BARTHOLDT. Mr. Speaker, in answer to the gentleman's question I will say that the tomahawk has been buried between Chicago and St. Louis. [Applause.]

Mr. ADAMSON. Down the creek from Chicago?

Mr. BARTHOLDT. I want to say, in explanation of the bill, that in accordance with the statement made by the water commissioner of St. Louis, Mr. E. E. Wall, the city needs an additional supply of water.

Mr. SABATH. What? Is the gentleman serious? [Laughter.]

Mr. MANN. With Anheuser-Busch in full operation? [Laughter.]

Mr. BARTHOLDT. The two gentlemen from Chicago may have no taste for it; but we need it not only for household purposes, but also for drinking purposes. The water commissioner says that—

For about 18 years the city of St. Louis has been dependent upon a single intake and tunnel for its entire water supply. At any time during these years or, in the future, unless other provisions are made, any accident interfering with the passage of water through this tunnel would have meant a disastrous water famine for the city of St. Louis. Serious troubles have been experienced almost every winter since it was built, and on one or two occasions the city's supply was in danger. This was especially true in January last, when the combined circumstances of extreme cold weather, and exceedingly large quantity of floating ice, and the low stage of the river actually prevented the waterworks from getting from the Mississippi River one-half the necessary water for its use during a period of nine days. Had there not been at the beginning of this period in storage some 400,000,000 gallons of water the city would have suffered severely.

I believe it is unnecessary, Mr. Speaker, to read the whole letter. This explanation ought to be sufficient to entitle us to the consideration at the hands of Congress which we ask.

The SPEAKER. Is there objection?

Mr. ADAMSON. Mr. Speaker, in addition to the explanation made by the gentleman, I will say that, while it is down the creek from Chicago to St. Louis, it is on the other side of the river, and this and other circumstances have enabled the gentleman to satisfy the committee that they will never call upon the Government to incur the expense of purifying the water before they take it in.

Mr. BARTHOLDT. I thank the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE RED RIVER OF THE NORTH, OSLO, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

The Clerk read the bill, as follows:

Be it enacted, etc., That the council of the village of Oslo, in the county of Marshall, in the State of Minnesota, and their assigns be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River of the North, at a point suitable to the interests of navigation, at or near the village of Oslo, in section 36, township 155 north, of range 51 west, fifth principal meridian, in the county of Marshall, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VALIDITY OF CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21826) validating certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries made prior to September 1, 1911, under the provisions of the act of February 19, 1909, by persons who, before making such entries, had acquired title to less than 160 acres of land under the homestead laws, be, and the same are hereby, validated: *Provided*, That said entries are in other respects in conformity with the homestead laws.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman why this bill was not referred to the department for a report on it?

Mr. PRAY. Well, there is a long letter printed and before the House. I will say to the gentleman, which is, in effect, a comprehensive report from the Secretary of the Interior——

Mr. MANN. Not about this bill——

Mr. PRAY (continuing). And which fully explains the entire situation; and this bill is drawn in conformity with that report. The bill I introduced and the Secretary's report were carefully considered together by the Public Lands Committee, and the committee amendment, in my judgment, makes the bill conform absolutely to the Secretary's report.

Mr. MANN. Well, there is a letter from the Secretary of the Interior, addressed to the gentleman, giving the situation, but giving no reason whatever for the passage of this bill and not expressing any opinion on the merits of the proposition at all, there being no bill then introduced.

Now, does not the gentleman think that we are entitled, on a matter of this sort, that proposes to overrule a decision of the department, to have an expression of opinion from the department on the subject?

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. PRAY. I will say to the gentleman that the Secretary in his report states very clearly his reasons for favoring this legislation, and a comparison of the bill and report will show that his recommendations have been followed to the letter, and furthermore that the enactment of this legislation will not overrule the decision of the department. If the gentleman from Illinois will give me an opportunity to make a further explanation——

Mr. MANN. I thoroughly understand the situation.

Mr. MONDELL. If the gentleman from Illinois has read the last paragraph of the letter of the Secretary he will see that he suggests just this kind of legislation.

Mr. MANN. I have read the whole report carefully. I wonder if the gentleman has.

Mr. MONDELL. It seems to me that that is very clearly an approval of what the committee proposed to do.

Mr. PRAY. What feature of it does the gentleman from Illinois care to know about? The letter of the Secretary was before the Public Lands Committee.

Mr. MANN. Before the bill was introduced.

Mr. PRAY. The bill was introduced following the report, and the committee offered an amendment which was adopted, and the bill was thereupon made to conform to the suggestions of the Secretary as disclosed in his report. It would appear to me that there can be no doubt about the facts. The bill and report are before the House and, I believe, in exact accord. It does not overturn the decision of the department in the Storaasli case. It simply validates the entries made before the Storaasli decision was rendered, which entries, previous to this decision, had been allowed and held valid by the department.

Mr. MANN. We will not dispute as to the meaning of the language. The gentleman says that it does not overturn the decision of the department. I had said that it did. I do not care whether it did or not. The department decided that these people could not get an enlarged homestead, and the bill gives it to them. I should say that that was turning the decision upside down.

Mr. MONDELL. If the gentleman will remember, the department said they could do this and these filings were made under regulations of the department and were accepted subsequently under the rulings of the Land Office. The Secretary's office had not passed on the matter, but the Land Office accepted the filings.

The Secretary's office later decided, very properly, that the filings were not properly accepted, but if so, as he says in the letter, in view of the fact that the filings were made with the knowledge of the Land Office, and accepted by the Land Office, they would approve legislation which cured these cases, and that is what this legislation is. It is to cure the cases where the entrymen fell into error by reason of the department or the Land Office ruling in that manner.

Mr. MANN. Let me see whether I understand the situation. Here is a man who had taken up a homestead of 159 acres. The law provided that if he had not taken up a homestead he could take an additional amount of 160 acres. Thereupon they said that because he was short 1 acre he could take 160 acres more. Is not that correct?

Mr. MONDELL. No; not exactly. The words of the law provide that any person who is a qualified entryman under the homestead laws of the United States may enter under the provisions of this act. A man is a fully qualified entryman unless he has exhausted his rights under the homestead law. This man who took three 40-acre tracts is a qualified entryman and therefore he may take an enlarged homestead. What the Land Office held was that if a man had taken four 40-acre tracts——

Mr. MANN. If he was short an acre.

Mr. MONDELL. If he lacked an acre he was still a qualified entryman.

Mr. MANN. That is what I said; I did not take so many words to do it in, but I said the same thing.

Mr. MONDELL. That was held, and they said that this thing might be done.

Mr. MANN. Yes; and now I propose, if you want to pass a bill by unanimous consent, that you shall have the written opinion on the bill from the department itself on the subject.

Mr. MONDELL. If the gentleman will read the last paragraph of this letter——

Mr. MANN. I have read it.

Mr. MONDELL. It suggests that this very thing can be done.

Mr. MANN. I think the gentleman can obtain the opinion of the department without any trouble.

Mr. PRAY. I certainly can and could have done so before if I had thought that there would be the slightest objection to the bill or that it would be necessary to have two reports from the Secretary covering the same subject matter.

Mr. MANN. The gentleman has heard me say forty times on the floor that bills of this kind would not pass by unanimous consent unless they had been referred to the department for a report.

Mr. PRAY. There were a number of entrymen under the act of February, 1900, who had taken title to homesteads of less than 160 acres under former entries, and the department accepted these filings and held that they were valid. The settlers occupied and improved their homesteads and supposed that they were within their rights, because the department had said so. A year or two afterwards the Secretary handed down the decision in the Storaasli case, which held the second entries for cancellation. We have here a report of the Secretary clearly expressing his approval of such a bill as is now pending. Anybody who will take the time to read this report will be convinced that the homesteaders ought not to be deprived of their property because of an erroneous ruling. The last decision is, of course, the correct one; but these people entered these lands and have complied with the law, and should be protected.

Mr. MANN. When you get down to bedrock, the gentleman knows perfectly well that these men were intending to take advantage of the Government under what they thought was a technical construction giving them the right to take 159 acres of land and then an enlarged homestead of 160 acres beside. They took advantage of the technical construction of the act to get an additional 160 acres, knowing that they were not morally entitled to it, although they thought they had a legal title to it. Now, then, they claim that they are morally entitled to it. Before that can be done the department must give its opinion upon it.

Mr. PRAY. The department has already expressed an opinion on the subject and has furnished a complete statement of the case from beginning to end. Otherwise I would not have placed the bill on the Unanimous Consent Calendar. Here is a favorable report from the department and also a favorable report from the committee.

Mr. MANN. I have read what the department has said, and it is like expressing an opinion of court before the case comes before the court. I prefer to have the opinion of the court when the case is before it and it has the responsibility of deciding it. I do not take much stock in department letters written to a Member of Congress about something which the Member of Congress is interested in.

Mr. MONDELL. If this letter of the Secretary is not an approval of this bill, I do not know what kind of an approval the department could give.

Mr. MANN. It may be a declaration that they will approve the bill, but it is not an approval of this bill, because this bill was not introduced until after the letter was written. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

CONDEMNED BRONZE OR BRASS CANNON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.

The Clerk read the bill, as follows:

A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver to the city of Dolton, in the State of Illinois, for the use of the George W. Spencer Post, No. 489, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

To Appleton City, in the State of Missouri, for the use of the Appleton City Academy, one condemned fieldpiece or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

To the town of Elizabeth, W. Va., for the use of the Grand Army post at that place, two condemned bronze or brass fieldpieces, with their carriages, same to be subject at all times to the order of the Secretary of War.

To the city of Lebanon, Tenn., two condemned bronze or brass cannon or fieldpieces, with their carriages, same to be subject at all times to the order of the Secretary of War.

To the city of Pittston, Pa., for the use of the State armory, two condemned mortars or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

To the town of Sheridan, Wyo., for use at John Schuler Post, No. 67, Grand Army of the Republic, two condemned 12-pound bronze cannon, now at the Rock Island Arsenal, Rock Island, Ill., the same to be subject at all times to the order of the Secretary of War.

To the city of Orange, State of New Jersey, two condemned bronze or brass cannon or fieldpieces, with their carriages, for use on the lawn of the Orange city common, in said city, the same to be subject at all times to the order of the Secretary of War.

To the city of Gallatin, State of Missouri, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be mounted and used in the courthouse square in the said city, and to be subject at all times to the order of the Secretary of War.

To the State of New York, the condemned brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga, the same to be subject at all times to the order of the Secretary of War.

To the city of Madison, S. Dak., two condemned bronze or brass cannon, the same to be subject at all times to the order of the Secretary of War.

To the city of Marianna, Ark., two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the town of Covington, Va., two cannon or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

To the city of Kingwood, W. Va., two condemned bronze or brass cannon, the same to be subject at all times to the order of the Secretary of War.

To Forest City, State of Missouri, one small condemned bronze cannon, with its carriage and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Holton, Kans., one condemned cannon, with its carriage and cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Olney, Ill., two condemned bronze cannon, mounted on carriages, for use at Eli Bowyer Post, No. 92, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

To the city of Louisburg, Kans., an obsolete piece of ordnance, together with its carriage or mounting, and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Beaver Dam, Wis., two condemned bronze or brass cannon or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

To the city of Hanover, Pa., two condemned 12-pound bronze cannon for use at Major Jenkins Post, No. 99, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

To the town of Wise, Va., two condemned cannon, with a suitable outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

To the city of Danville, Pa., one condemned bronze or brass cannon or fieldpiece for use at Goodwich Post, No. 22, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from West Virginia a question. As I understand the law now, the Secretary of War is authorized to give away the old iron cannons?

Mr. HAMILTON of West Virginia. Yes.

Mr. SHERLEY. And was authorized to sell brass cannon.

Mr. SLAYDEN. That is right.

Mr. SHERLEY. And he has actually put a price on the cannon which represents simply the value of the metal in the cannon.

Mr. SLAYDEN. That is right.

Mr. SHERLEY. These obsolete pieces are now being used by the Ordnance Department, are melted up and the brass used in recasting, and I would like to know why we should embark upon this proposal to give away all of the ordnance that is not standard and up to date?

Mr. HAMILTON of West Virginia. This is not a bill making a gift at all.

Mr. SHERLEY. That is exactly what it is.

Mr. HAMILTON of West Virginia. We had before the committee the very proposition to which the gentleman refers, because of the statute to which he refers.

Mr. SHERLEY. It is an absolute gift, so far as the practical effect is concerned. Of course the bill provides that they shall be subject to the order of the department, but the sending out of a piece of cannon which is of value simply for the brass that is in it, although saying it is not giving it away because the Secretary of War can send for it at some subsequent time is just as much a gift as if it were given in fee.

Mr. HAMILTON of West Virginia. It might have that effect in fact, but it would not in law.

Mr. SHERLEY. We are dealing with the fact and not simply with technical law.

There is one paragraph in the bill which seems to me to be justifiable, and that is that providing that the condemned brass fieldpieces and one brass howitzer, captured from Gen. Burgoyne at the Battle of Saratoga, shall be given to the State of New York. Those are historic fieldpieces, and it is highly proper that they should be given away; but I do not think it is proper, where there is no sentiment respecting a piece, that the Government should give that much property of the United States away. The result will be, if you are going to give these cannon to these various cities, that you can not in justice deny the claim of any other locality or community in the land, and Congress will be overwhelmed with proposals to have given to different localities ordnance that is not standard. When you get rid of all the very old pieces, then you will give away those not quite so old. Unless the gentleman is willing to strike out all of the bill except that paragraph relating to the particular historic pieces captured from Gen. Burgoyne, I shall feel constrained to object.

Mr. MANN. What is the gentleman's suggestion?

Mr. SHERLEY. My suggestion is that those pieces that are historic, which were captured from Gen. Burgoyne, should very properly be given to this particular State; but I do not think that the rest of the bill has sufficient merit to pass it by unanimous consent.

Mr. BARTLETT. There is a separate bill for that purpose upon the calendar.

Mr. MANN. But these are cases where Grand Army posts have a burial ground in a cemetery, and it is quite out of the question, I think, for them to raise even $150 with which to purchase one of these cannon.

Mr. SHERLEY. That might be; and it might be very desirable to give to the Grand Army posts as such—and I am not prepared to say that I would object at all to the giving to the Grand Army posts as such—for such use, obsolete cannon, but I shall feel constrained to object to an omnibus bill of this character. Each gentleman who has had an application from his home district has very properly put in an individual bill, and then the Committee on Military Affairs has thrown them all in hodgepodge and brought out this bill, distributing all the ordnance that is obsolete, and that does not necessarily mean very old cannon. It means a gun that is not standard. I know from a talk with the Chief of Ordnance that he at present uses these guns by recasting them, and that they have a distinct value.

Mr. MANN. That is true; but will they not have a more distinct value in the way of patriotism if placed in some of the cemeteries at the time of memorial and other exercises? The cost is not very much to the Government.

Mr. SHERLEY. I thoroughly agree with the gentleman, if that were the proposition before the House, but it is not the proposition. The proposition is not to give them to Grand Army posts nor for the erection of these cannon at certain cemeteries. The proposition is to give practically to every organization and municipality that has made the request.

Mr. MANN. I think these, as a rule, go to cemeteries.

Mr. SHERLEY. Let us read the bill a little and see whether they do or not.

Mr. MANN. Whether it is named in the bill or not, I think that is the case.

Mr. HAMILTON of West Virginia. Yes; nearly all of these are for Grand Army posts, and the committee gave them to the towns because there would then be some authority to take care of them.

Mr. MANN. And some authority to call upon if the department wanted them back.

Mr. HAMILTON of West Virginia. Yes. That satisfied the gentleman from Texas [Mr. SLAYDEN], who will explain that matter.

Mr. SLAYDEN. Mr. Speaker, I will say to the House that my objection was to the terms of the gift as proposed, and I suggested that if they were given they should not be given to individuals nor to private corporations, but to public or municipal corporations.

Mr. HAMILTON of West Virginia. That is right. Here is one of them given to a certain town for the benefit of the Grand Army post that will come within the exception just as well as those given to the State of New York.

Mr. SHERLEY. Yes; but the very fact that that is expressed would indicate, according to all the laws of construction, that in those cases where it does not say it is for the benefit of a post it was not intended they should be for the benefit of posts.

Mr. HAMILTON of West Virginia. Well, I do not say that is true in every case, but in every one I remember that is true.

Mr. SHERLEY. Well, on the face of the bill there is nothing to indicate that except in a very few cases——

Mr. HAMILTON of West Virginia. But in those few cases——

Mr. SHERLEY (continuing). There does not seem to have been any recommendation made by the War Department on the matter. The report does not show that the bill ever was submitted to the War Department. Can the gentleman state what ordinance there is?

Mr. HAMILTON of West Virginia. The gentleman from New York [Mr. PATTEN] made this report and left here this afternoon. He asked me to take charge of this matter. These bills were referred to the War Department. I understand that only such of the separate bills as the War Department approved were put in this omnibus bill. Now, it seems to me, if the gentleman wants to sustain himself in his objection that he would suggest an amendment making it apply to such cases where it is not specified on its face it is for Grand Army posts——

Mr. SHERLEY. I am perfectly willing to permit an amendment that will eliminate everything except that.

Mr. HAMILTON of West Virginia. And let the bill go before the House for consideration. I would not want to agree to the amendments, because, in my case, the only one I have, in there it is so specified, and I would hate to stand here representing the committee and ask something for myself that I can not give to everybody else.

Mr. PALMER. If the gentleman will permit, I would like to ask him this question: If the House considers the bill by unanimous consent, would the gentleman have any objection to an amendment which would extend the list of Grand Army posts which would receive the benefits of the act? I have a request from a Grand Army post in my district which is doubtless as much entitled to a pair of these bronze cannon as any Grand Army post mentioned in the bill. Would there be any objection on the part of the gentleman to permitting such an amendment?

Mr. HAMILTON of West Virginia. I have no objection, but as another member of the committee, and one of the post prominent members, has that objection, he will no doubt oppose it.

Mr. PALMER. Why is the gentleman proposing to discriminate between Grand Army posts?

Mr. HAMILTON of West Virginia. It is not myself. This has been done by the committee. I assure the gentleman that if his bill came before the committee I would vote for it.

Mr. PALMER. I can show the gentleman that my case is equally deserving as any of the cases mentioned in the bill.

Mr. HAMILTON of West Virginia. As I stated awhile ago, it puts me in a very peculiar situation here, because my own bill meets the approval of gentlemen who have raised objection.

Mr. PALMER. It seems to me if we are going to pass a bill like this, you ought to include in it all the Grand Army posts which desire to have these bronze cannon shipped to them, and where a Member on the floor makes the statement that a Grand Army post desires a pair of these bronze cannon he ought to receive the same consideration as if he appeared before the committee. We are all exactly in the same situation. If the gentleman will assure me there will be no opposition to an amendment, I will not object to the consideration of the bill.

Mr. SLAYDEN. I can assure the gentleman there will be.

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from West Virginia a question. I have two Grand Army posts in my district which made the same request, and if this bill is not open to amendment I am sure I will object.

Mr. SLAYDEN. I assure the gentleman it is not going to be open to amendment.

Mr. RAKER. Will the gentleman yield? I want to say to the gentleman I have a post in my district, at Redding, Cal., that has for one of its members Gen. Chipman, who is now judge of the court of appeals, and he is the only man who ever represented the District of Columbia in this House. He represented the Government back in 1865 and 1866, and that post desires one of these cannon or two of these cannon.

Mr. SLAYDEN. Mr. Speaker, in order to make this matter perfectly clear, I want to say I am not willing, with the limited information we have on hand as to the supply of obsolete ordnance, to open this measure to amendment, and I shall interpose all possible objection to its being so opened.

The SPEAKER. Is there objection?

Mr. BARTLETT. Do I understand the gentleman to object?

Mr. SLAYDEN. I shall object to any amendment to it.

Mr. BARTLETT. Then, Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. The gentleman from Georgia objects, and the bill will be stricken from the calendar.

INCREASE OF TERRITORY BY CONQUEST.

The next business on the Calendar for Unanimous Consent was H. J. Res. 100, authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The Clerk read as follows:

Resolved, etc., That the President is hereby authorized to instruct the representatives of the United States in the next International Peace Conference to express to the conference the desire of the United States that the nations represented in the conference shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask what power this confers upon the President which he does not now possess?

Mr. McCALL. Well, Mr. Speaker, I do not know that I can enlighten the gentleman from Illinois.

Mr. MANN. Well, if the gentleman can not enlighten me upon it there is nothing further to be said.

Mr. McCALL. I do not know that I could, because the gentleman may not be capable of being enlightened. [Laughter.]

Mr. MANN. By the gentleman from Massachusetts.

Mr. McCALL. It would amount to an expression of opinion on the part of Congress. We desire the President to do these things, but can not instruct him, because the President is a coordinate branch of the Government. This is simply a respectful way of expressing our opinion, which would undoubtedly be recognized by the President as effective. I do not think it is a nebulous resolution at all. It has in view the accomplishment of a very definite purpose, and that is to submit to the next peace conference a proposition that the nations in their treaties recognize the territorial boundaries of each other just as the nations of Europe have recognized the boundaries of Switzerland, which has preserved the integrity of that Republic for nearly a century. It is what we have done in effect in the case of China, which, under the leadership of the United States, taken by Mr. Hay, in which he was supported by Germany, we agreed that China should not be subject to partition, as I understand it.

Mr. MANN. When does the next Hague conference meet?

Mr. McCALL. I understand in 1915.

Mr. MANN. That is some time from now. The gentleman introduced his resolution on May 16 of last year, and after considering it for one year less one day the Committee on Foreign Affairs struck out all after the resolving clause and inserted a new resolution.

Mr. McCALL. Yes.

Mr. MANN. As this is a very important matter, and the conference does not meet for three years, I think it would be well to let it go over and see whether we might not wish to suggest some changes from what the Committee on Foreign Affairs did.

Mr. McCALL. Will the gentleman permit me, before he objects, just to say a word?

Mr. MANN. I withhold the objection.

Mr. McCALL. The Interparliamentary Union, of which the gentleman from Missouri [Mr. BARTHOLDT] is one of the leading spirits, has this matter under consideration and meets next fall.

Mr. MANN. It does not meet this year?

Mr. BARTHOLDT. It does.

Mr. MANN. I thought it was postponed.

Mr. FITZGERALD rose.

Mr. McCALL. I see that the gentleman from New York [Mr. FITZGERALD] also desires information.

Mr. FITZGERALD. I wish to ask the gentleman whether he would consent to an amendment, inserting on line 12, page 2, after the word "conquest":

Nor to encourage rebellion or secession of citizens or subjects, or subordinate political jurisdictions.

I ask if it would not be probable, in view of what was done by this Government only a few years ago in connection with a neighboring friendly power to the south, that some such instruction by the representatives of the United States might not be instrumental in referring to The Hague Tribunal the controversy now existing between Colombia and the United States.

Mr. MANN. Is that a part of a scheme to collect the twenty million or thirty million dollars? I did not suppose they had my friend from New York [Mr. FITZGERALD] on their staff.

Mr. FITZGERALD. I am not partial to paying very large sums of money for any purpose, but in view of the outrageous and indefensible action of the United States toward the helpless Republic of Colombia, which expected protection from the United States——

Mr. MANN. And was trying to hold us up.

Mr. FITZGERALD (continuing). I am inclined to believe that, instead of being a party to the destruction of that Government in the stealing of its territory, we ought to make proper reparation; and it is indefensible to say that because the Congress of Colombia did not act readily and quickly in response to the desires of the Chief Executive of the United States that it was either trying to hold up the United States or was not exercising the rights its people should exercise in the determination of what it should do.

Mr. McCALL. In reply to the gentleman from New York [Mr. FITZGERALD], I would say I regret that he has seen fit to remind us of our shame. I would go further. I believe that we should pay Colombia for the territory of which we despoiled her. But it does not follow from that that we are to keep ourselves at all in the position of going on and robbing other weak powers. That is no argument at all.

Mr. FITZGERALD. Would it not be a good thing to put a declaration in the preamble of treaties, as well as this declaration that is suggested here, that afterwards we would keep faith?

Mr. McCALL. I do not think the gentleman's point is a good one against the passage of this resolution.

Mr. FITZGERALD. I am not urging it against the passage of this resolution. I say we ought to consider the propriety and advisability——

Mr. MANN. Both gentlemen are trying to get the Colombia claim allowed, and I am against it. A rottener claim never "came over the pike."

Mr. FITZGERALD. The gentleman is a reactionary.

Mr. McCALL. If the gentleman from New York [Mr. FITZGERALD] will report an appropriation to pay Colombia for preventing her from maintaining her title to territory which we had guaranteed to her, I should certainly vote in favor of the appropriation. It is one of the most dishonorable transactions in the history of this country.

Mr. FITZGERALD. I do say that for Colombia to be permitted to go into The Hague tribunal in reference to its claims against the United States is proper. And I would be prepared to act——

Mr. SLAYDEN. Will the gentleman from Massachusetts yield?

Mr. McCALL. I will.

Mr. SLAYDEN. I hope very much that this resolution will be permitted to pass. I am much interested in it. It is a principle for which, in a feeble way, when occasion offered, I have contended for some years. In 1910 I had the honor of proposing before the Trans-Mississippi Commercial Congress, a great

association comprising all the business organizations west of the Mississippi River to the Pacific Ocean in the United States, a resolution embodying precisely this principle. Although that organization on that occasion was devoted to the specific purpose of considering purely American projects, it recommended that the President of the United States and the Secretary of State be requested to negotiate with all American Governments for a treaty embodying that principle. It passed unanimously. I then threw it into the shape of a House resolution, and it has been reported to this House twice from the Committee on Foreign Affairs with a recommendation that it do pass. No harm can come from it that I can see, but much good may come.

Mr. SHERLEY. Will the gentleman yield?

Mr. SLAYDEN. I will.

Mr. SHERLEY. Does the gentleman think it will be a reflection upon the action of the Senate?

Mr. SLAYDEN. I am restrained by the proprieties from expressing my opinion on that.

Mr. SHERLEY. Inasmuch as the Senate refused to take up the peace treaties, will this be a reflection upon that august body? It may be that they will lay it to a certain individual.

Mr. SLAYDEN. Is not that lese majeste?

Mr. ADAMSON. Mr. Speaker, are the gentlemen prepared to decide whether they will be able to give directions to the next President or not?

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts seems to have the floor.

Mr. McCALL. I yield to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I merely want to say in reference to this resolution that it has been carefully considered by the Committee on Foreign Affairs. It is here with a unanimous recommendation. That same committee is considering the Panama-Colombia difficulty, and whether it will report at this session or not I do not know, but it certainly has devoted a good deal of time to an investigation of the affair.

Surely the gentleman from New York [Mr. FITZGERALD] will not expect the American delegates to stand before The Hague conference and slap their own faces; but that is exactly what they would do if they were to admit at that conference that the separation of Panama from Colombia or the declaration of its independence involved a steal on the part of the United States. It has absolutely nothing to do with this question.

If the House will bear with me just for a moment more, I want to say that the plan proposed in the pending resolution is originally an American proposition. It is now so considered all over the world. In 1908 the American delegation to the Interparliamentary Conference held at Berlin proposed the plan in these words: That the nations should mutually agree to recognize their national independence first, their territorial integrity secondly, and their sovereignty in domestic affairs thirdly. The resolution when it was offered by us met with considerable opposition from certain countries, namely, such as were not quite satisfied with the present territorial status quo. France, for one, because she is still not entirely reconciled to the loss of Alsace-Lorraine. Denmark was another country that objected.

But our argument, Mr. Speaker, was that if there are some nations who object to an agreement of this kind, they should not retard all the other nations, if those others were willing to enter into a peace agreement of that nature. And upon this showing, Mr. Speaker, the parliamentary council, in October last, at Paris, unanimously passed this resolution. It will be proposed to the Interparliamentary Union at Geneva, Switzerland, this fall, and undoubtedly it will receive the sanction of that great body, which is now composed of over 3,000 lawmakers of the world.

Now, this binds us to absolutely nothing. It leaves it to the discretion of the President as to whether he wants to give such instructions or not. It merely authorizes him to give such instructions, although it is true, as the gentleman from Illinois [Mr. MANN] suggests, that he has that authority now. But it is a declaration of policy on the part of the people of this country as against the policy of conquest, which has been the cause of nearly all the wars that have been waged in the last hundred years. And I think this Nation should be found in the forefront, in fact, taking the lead in declaring by its chosen representatives in favor of so pronounced a step toward more permanent peace.

Since it was proposed in Berlin it has been called by leading newspapers of our country the most practical proposition toward a condition of permanent international peace, and I regard it so. If we could have arbitration treaties by which we could agree on the plan proposed in the resolution, I think permanent peace would be almost assured to the world. I hope this resolution will pass. [Applause.] And just another word. Arbitration is a splendid plan as a substitute for war, and there is probably no one within the sound of my voice who does not believe in it. But it is to be resorted to only in case of trouble; that is, when dissension and disagreement already exist. Our first aim should be, therefore, to avoid trouble altogether and to remove causes of friction wherever we find them. And this is the purpose of the pending resolution. If the great powers of the world, who will again meet in conference at The Hague in 1915, could be induced, through the influence of the American delegation, backed as they would be by Congress and the enlightened sentiment of America and the civilized world, to adopt our plan the possible causes of war would be minimized to such an extent as to make gradual disarmament a very practical question, and the relief of the people from intolerable burdens an irresistible demand. [Applause.]

Mr. MANN. Mr. Speaker, like my friend from Missouri [Mr. BARTHOLDT] and my friend from Massachusetts [Mr. McCALL], I am a man of peace, but I doubt whether peace will ever be accomplished in this way.

I am watching like a cat watches a rat the claim of the Republic of Colombia against the United States. I believe that the action which this Government took in recognizing the new Republic of Panama was justified by every consideration which could be brought to bear. [Applause on the Republican side.] I am not willing at this time to lend any countenance in any way whatever to any claim that the Republic of Colombia, which was trying to hold up this country and trying to destroy the French Panama Canal Co., has any right before us, and I object. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

LOAN OF FIELDPIECES CAPTURED FROM GEN. BURGOYNE AT SARATOGA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21218) to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be hereby authorized to loan to the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga, for the purpose of mounting them on the battle field of Saratoga as suitable trophies of the battle.

With the following committee amendment:

Amend, page 1, line 5, by striking out, after the word "captured," the word "by" and inserting in lieu thereof the word "from."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. SLAYDEN. Mr. Speaker, that should be "captured from Gen. Burgoyne," not "captured by" in the title.

The SPEAKER. That can be amended after the bill is passed.

The question is, Shall the bill pass?

The question was taken, and the bill was passed.

The title of the bill was amended so as to read: "A bill to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga."

GEORGE WASHINGTON MEMORIAL BUILDING.

The next business on the Calendar for Unanimous Consent was the bill (S. 5494) to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people.

The Clerk read the bill, as follows:

Whereas George Washington, on July 9, 1799, said: "It has been my ardent wish to see a plan devised on a liberal scale which would spread systematic ideas through all parts of this rising Empire," and it was Washington's wish to materially assist in the development of his beloved country through the promotion of science, literature, and art, and with the firm conviction that "knowledge is the surest basis of public happiness"; and

Whereas the changing conditions that time has brought require new methods of accomplishing the results desired by Washington and now a necessity of the American people; and

Whereas at the present time there is not any suitable building in the city of Washington where large conventions or in which large public functions can be held, or where the permanent headquarters and records of national organizations can be administered; and

Whereas a building should be provided in which there shall be a large auditorium, halls of different sizes where all societies pertaining to the growth of our best interests can meet, and such as it is deemed desirable may have permanent headquarters; and

Whereas the George Washington Memorial Association is now engaged in obtaining funds for the erection and endowment of a building suitable for the purposes above set forth, to be known as the George Washington Memorial Building: Therefore

Be it enacted, etc., That a building is hereby authorized to be erected in the District of Columbia, to be known as the George Washington Memorial Building.

SEC. 2. That the control and administration of said building, when erected, shall be in the Board of Regents of the Smithsonian Institution.

SEC. 3. That the George Washington Memorial Association is authorized to erect said building in accordance with plans to be prepared under the supervision of the Commission of Fine Arts, said building to be fireproof, faced with granite, and to cost not less than $2,000,000; it shall have an auditorium that will seat not less than 6,000 people, and such other smaller halls, reception rooms, office rooms, etc., as may be deemed necessary to carry out the purposes for which the building is erected. And the said George Washington Memorial Association shall in addition provide a permanent endowment fund of not less than $500,000, to be administered by the Board of Regents of the Smithsonian Institution, the income from which shall, as far as necessary, be used for the maintenance of the said building.

SEC. 4. That in order to carry into effect this act permission is granted the George Washington Memorial Association to erect said building in the north end of the reservation known as Armory Square, bounded by Sixth and Seventh Streets west and B Street north and B street south. The south front of said building is to be on a line with the south front of the new National Museum Building, in the north end of the Smithsonian Park; and the said land is hereby set apart for that purpose.

SEC. 5. That said building may, among other purposes, be used for inaugural receptions and special public meetings authorized by Congress.

SEC. 6. That Congress may alter, amend, add to, or repeal any of the provisions of this act.

The SPEAKER. Is there objection?

Mr. HARDWICK. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman in charge of the bill what is the value of this lot that it is proposed to give away?

The SPEAKER. Who is in charge of this bill?

Mr. AUSTIN. The gentleman from North Carolina [Mr. GUDGER], who I notice is absent.

Mr. BURNETT. Mr. Speaker, in the absence of the gentleman from North Carolina I do not care to take charge of the bill, because I am free to say that I do not give it my enthusiastic support. I suggest that it be passed over without prejudice.

Mr. MANN. What was the gentleman's inquiry?

Mr. HARDWICK. I wanted to know the value of the property that was to be given away.

Mr. MANN. I wanted to make some other inquiry of the gentleman in charge of the bill.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks that the bill be passed over without prejudice.

Mr. MANN. Why?

The SPEAKER. Because the gentleman from North Carolina [Mr. GUDGER], who was in charge of the bill, is absent.

Mr. MANN. Well, there is no trouble about it, if the gentleman is absent. It can come up again.

Mr. COOPER. I would like to ask the gentleman from Alabama if the lot spoken of in this bill is the old Pennsylvania Railroad station lot.

Mr. BURNETT. I think so. I was not present at the time of the hearing and am not very familiar with it.

Mr. MANN. It is.

Mr. FITZGERALD. When was it named Armory Square?

Mr. MANN. This is in front of Armory Square; this is not Armory Square. This is to put a building in what is called the Mall, this way from the National Museum, on the same front, to take up a lot of space that is now used as a park. It is where the Pennsylvania Railroad station used to be, between Sixth and Seventh Streets. There is no guaranty in it that they will commence to build, and the Government of the United States will have to finish the building or leave it unfinished.

Mr. FITZGERALD. There is a guaranty that they will not begin construction until $1,000,000 is subscribed, and that there will be a $2,000,000 building.

Mr. MANN. There is no guaranty that there will be 10 cents raised.

Mr. FITZGERALD. No beginning is to be made until they have a million dollars.

Mr. AUSTIN. Five hundred thousand dollars of the erection fund is already subscribed.

Mr. FITZGERALD. That is on paper.

Mr. MANN. Not a cent paid in.

Mr. AUSTIN. There is an amendment which they agreed to before the committee that no work should be commenced until a million dollars was subscribed and paid into the treasury.

Mr. MANN. Who determines that?

Mr. AUSTIN. The Regents of the Smithsonian Institution.

Mr. MANN. They have nothing to do with the erection of the building.

Mr. AUSTIN. Then what is the gentleman's question—who determines what?

Mr. MANN. When a million dollars is paid into the treasury?

Mr. AUSTIN. That can be easily ascertained. The amendment provides that the actual construction of the building shall not be undertaken until $1,000,000 shall have been subscribed and paid into the treasury of the George Washington Association.

Mr. MANN. But who determines when it is done?

Mr. AUSTIN. A certificate of the treasurer stating that the money had been received, or a certificate from the bank in which the guaranty fund will be placed is sufficient to prove good faith and that the money is actually on hand.

Mr. GARRETT. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GARRETT. Does it provide for a $2,000,000 building?

Mr. AUSTIN. It provides for a $2,000,000 public building, the title of which is to be in the regents of the Smithsonian Institution, with an endowment fund of half a million dollars to take care of the current expenses. There never was such a generous proposition submitted to this House, and there is no reason why it should not receive favorable consideration.

Mr. GARRETT. Where is the other million to come from? This provides that a million dollars must be raised, and it provides for a $2,000,000 building.

Mr. AUSTIN. Let me say that the president is Mrs. Henry F. Dimock, of New York, sister of the late Secretary Whitney, of the Cleveland Administration. The vice presidents of the association are Mrs. Daniel Manning, Mrs. Henry R. Mallory, Miss Bessie J. Kibbey, Mrs. Charles J. Bell, and Mrs. Frederick McGuire, and the secretaries are Mrs. Nelson H. Henry and Miss Florence Guernsey. Mrs. Frank Northrop is treasurer, and among the advisory board are Senator Elihu Root; Dr. S. Weir Mitchell; Dr. William Welch; Gen. Horace Porter; Dr. Edwin Alderman, of the University of Virginia; Dr. Ira Remsen, of Johns Hopkins; Dr. Henry Fairfield Osborn; Dr. John A. Wyeth; and Dr. Thomas Nelson Page.

Mrs. Dimock has, as stated, already secured gilt-edge subscriptions to the extent of $500,000 and, if we will encourage her by donating this site, will secure the balance and, in my opinion, put this meritorious proposition through. She is a talented, public-spirited, and patriotic woman, and Congress should cooperate with her by the passage of this bill, which has already passed the Senate.

Mr. GARRETT. I recognize the distinguished personnel of this organization and the excellent personnel of the organization. I do not make any question whatever about that. The question which I ask is, How is it contemplated that the second million dollars shall be raised? It is provided that there must be a million dollars before construction work begins. The bill does not provide that the title shall not pass, does it?

Mr. RAKER. The title never passes.

Mr. GARRETT. Is it expected that the Government will ever be called upon to appropriate for this building?

Mr. AUSTIN. Not a dollar.

Mr. GARRETT. What assurance has the gentleman from Tennessee for stating that?

Mr. AUSTIN. The assurance of the officers of this association who evidence their good faith by raising a million dollars before construction begins.

Mr. RAKER. Will the gentleman yield?

Mr. AUSTIN. I will yield to the gentleman.

Mr. RAKER. Would it not be appropriate here to amend this bill by providing that the construction shall not begin until $2,000,000 is provided for, and then provide for some officer by name to determine that fact? Then you will have the thing entirely arranged. Have a provision that until the certificate of this officer is first obtained that the $2,000,000 is subscribed and paid in they shall not start to turn a sod of ground. If that provision is put in, I think no better thing could be done than to permit such a building on that corner, costing $2,000,000, for the purposes named.

Mr. AUSTIN. I have no objection to the bill being properly amended so as to meet any just or reasonable criticism.

Mr. HARDWICK. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the bill is stricken from the calendar.

STANDING ROCK INDIAN RESERVATION.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

Union Calendar, No. 218 (S. 109), an act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

Mr. MANN. Mr. Speaker, the Clerk read, "Union Calendar 218." I hold in my hand Union Calendar 219, and I would like to know if this is the bill which is under consideration.

Mr. STEPHENS of Texas. This is Senate bill 109.

The SPEAKER. The Clerk informs the Chair that there is a typographical error.

Mr. FOSTER. Mr. Speaker, I object, so it will not be necessary to read the bill any further.

Mr. MANN. Mr. Speaker, there are several errors of that kind, typographical and otherwise, upon the calendar, and I hope that the clerk who has charge of that will correct them, so that the numbers of the calendar will be correct according to the numbers on the bills.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects.

Mr. STEPHENS of Texas. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. FOSTER. Certainly.

Mr. STEPHENS of Texas. Mr. Speaker, I desire simply to state that this is a bill of the gentleman from South Dakota [Mr. BURKE]. It is in accordance with a bill that has already passed, opening most of this reservation for settlement. This is only a balance that should be opened, and the bill has passed the Senate unanimously and has been reported unanimously from the committee. I know of no reason why the bill should not become a law. I hope that the gentleman from Illinois will not object. The gentleman from South Dakota [Mr. BURKE] is at present in a sanitarium in Indiana.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I understand the gentleman from Texas wants to pass this bill over for the present on account of the sickness of Mr. BURKE of South Dakota. I have no objection to that.

Mr. STEPHENS of Texas. I would rather do that.

The SPEAKER. The gentleman from Texas asks unanimous consent to pass this bill without prejudice on account of the sickness of Mr. BURKE of South Dakota. Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, if the gentleman from Illinois [Mr. FOSTER] is going to object to the bill for the present we can not prevent it, but I was desirous very much, on account of the absence of my colleague, at his request, to dispose of this bill at this time.

The SPEAKER. Is there objection to passing the bill without prejudice? [After a pause.] The Chair hears none and it is so ordered.

FIRST BAPTIST CHURCH, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6472) to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant, relinquish, and convey, by quitclaim deed, for and in consideration of $100 cash, to the First Baptist Church of Plymouth, Mass., that portion of the Burn's lot included in the Federal building site in said city, to the south of the continuation of the southerly boundary line of the next adjacent property conveyed to the United States by said First Baptist Church, and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

REDWOOD PARK, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19476) granting certain lands to the State of California to form a part of Redwood Park in said State.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to transfer by patent all of the vacant lands owned by the United States in townships 8 and 9 south, ranges 3 and 4 west, Mount Diablo meridian, in the State of California, to the said State of California, on condition that the said lands be added to and form a part of the Redwood Park now owned and maintained by said State.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill covers certain lands in townships 8 and 9 south, ranges 3 and 4 west, and it is to donate them to the State of California. That seems to be a proper thing to do. I notice that the department says that the lands in township 8 are a considerable distance from the reservation and probably would be of no

Mr. HAYES. Mr. Speaker, I have no objection to that. The total amount in township 9. Would not the gentleman from California be willing to eliminate that?

Mr. HAYES. Mr. Speaker, I have no objection to that. The lands in township 9 are a considerable distance from the present boundaries of the park, and I see no objection to the request of the gentleman from Illinois.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "State" add the following:

"*Provided*, That this act shall not interfere with valid existing rights initiated by settlement on any of said lands under the public-land laws prior to February 10, 1902, and maintained in accordance with the law under which initiated up to the date of the passage of this act, if proper application to enter said lands be made within 90 days from date of approval hereof: *Provided further*, That whenever these lands cease to be used as a public park by the said State of California the same shall again revert to the United States."

Mr. RAKER. Mr. Speaker, I want to call the attention of the House to the fact that the Secretary of the Interior recommended this amendment as to the reserving of valid existing rights up to a certain date, and the committee felt that they should put on this amendment suggested by the Secretary of the Interior and the amendment suggested by me as one of the members of the subcommittee appointed to consider this bill, and the subcommittee recommended this subsequent amendment, namely:

Provided further, That whenever these lands cease to be used as a public park by the said State of California the same shall again revert to the United States.

We felt that when the State ceased using it for a public park, and a public park only, then the land should return to the United States as Government land. That, therefore, protects the Government. The committee felt that the bill in that condition ought to pass.

Mr. CANNON. How much is this—how many sections?

Mr. RAKER. Only about 800 acres——

Mr. MANN. Thirty-nine hundred and eighty-five; the gentleman is only off a little over 3,000 acres.

Mr. RAKER. I mean about 4,000. The California Redwood Park, now owned by the State of California, and the land covered by this bill amounts to 3,985.25 acres. The report of the Secretary of the Interior upon this bill was made to the Committee on the Public Lands, and is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I am in receipt of your request for a report on H. R. 19476, granting certain lands to the State of California.

This bill is identical with S. 5361, upon which this department, on March 6, 1912, reported as follows to the Committee on Public Lands, United States Senate:

This bill directs the Secretary of the Interior to issue patent to the State of California for all vacant lands owned by the United States in Tps. 8 and 9 S., Rs. 3 and 4 W., Mount Diablo meridian, in California, on condition that said lands be added to and form a part of the California Redwood Park, now owned and maintained by said State.

The Redwood Park, consisting of lands acquired by the State of California through purchase, lies in secs. 29, 32, and 33, T. 8 S., R. 3 W., secs. 4, 5, 6, 7, 8, and 9, T. 9 S., R. 3 W., and sec. 1, T. 9 S., R. 4 W., Mount Diablo meridian, and contains about 4,000 acres.

The townships named in the bill were surveyed and plats duly filed about 40 years ago, and the lands were subject to entry until February 10, 1902, when this department withdrew them from settlement and entry pending their proposed donation to the State for park purposes. In T. 9 S., R. 4 W., are 3,025.23 acres still unappropriated; in T. 8 S., R. 3 W., however, there is only one 40-acre tract remaining vacant; in T. 8 S., R. 4 W., there are 480 acres, and in T. 9 S., R. 3 W., there are 440 acres.

The unappropriated tracts in T. 8 S., Rs. 3 and 4 W. (namely, NW. ¼ NW. ¼ sec. 23, of the first-named township, and NE. ¼ SW. ¼ sec. 9, N. ½ NW. ¼ sec. 10, NE. ¼ NW. ¼ sec. 13, NE. ¼ and N. ½ S. ½ sec. 21, of the last-named township) are so widely scattered and at so great a distance from the park that it is not thought that they would be of use in connection therewith. However, this department does not desire to interpose any objection to the pending bill, and recommends its enactment into law.

It would appear that some provision should be made for the protection of the right of persons who may have made settlement upon portions of the land prior to the withdrawal of February 10, 1902, and whose period for making entry had not then expired. It is suggested, therefore, that the bill be amended by adding the following proviso:

"*Provided*, That this act shall not interfere with valid existing rights initiated by settlement on any of said lands under the public-land laws prior to February 10, 1902, and maintained in accordance with the law under which initiated up to the date of the passage of this act, if proper application to enter said lands be made within 90 days from date of approval hereof."

Very respectfully,
SAMUEL ADAMS,
First Assistant Secretary.

I trust there will be no objection to the consideration of this bill. The entire State is interested in it. It will always be preserved as and for a public park for the use of all the people of the United States, improved and beautified by the citizens of California at the State's expense, and if at any time in the future it should not be so used it then reverts to the United States and becomes a part of the public domain, to be disposed of as the wisdom of Congress shall approve. The more "beauty spots" we preserve the better it is for our people. We want more playgrounds, and this will be one of them. Let us do all we can to conserve these natural parks, and when we find a State willing to assist we should encourage its laudable efforts.

Mr. HAYES. If township 8 is stricken out, there are only about 3,400 acres.

Mr. MANN. There are 3,985 acres.

Mr. RAKER. I did not get through with the matter. The gentleman is right as to the amount provided in the bill as it stands.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I ask unanimous consent, or suggest that the gentleman from California ask unanimous consent, to consider this bill in the House as in Committee of the Whole, it being on the Union Calendar.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from California asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out, in line 5, at the end of the line, the words "eight and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the words "eight and" at the end of the line.

The question was taken, and the amendment was agreed to.

Mr. HAYES. Mr. Speaker, I ask unanimous consent that the word "California" be inserted between the word "the" and the word "Redwood," line 9, page 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, insert the word "California" between the word "the" and the word "Redwood."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill granting certain lands to the State of California to form a part of California Redwood Park in said State."

On motion of Mr. HAYES, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

The Clerk read as follows:

A bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

Be it enacted, etc., That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce, or are monopolizing or attempting to monopolize any part of such trade or commerce, in violation of such act, the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States; whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

SEC. 2. That a penalty of $25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in section 1 of this act, for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and which court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

SEC. 3. That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," on satisfactory evidence to him that any vessel performing such a service under such contract is, at the time of performing such service, owned, operated, or controlled by any person or persons who, in any proceeding, civil or criminal, instituted by the Government of the United States, have been adjudged by a court of the United States to have violated the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that said vessel performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceeding.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I desire to inquire of the gentleman what is the purport of this bill and whom it is desired to reach? I notice that the bill reads, "To protect American trade and American shipping from foreign monopolies." Is it the intention of this bill to protect American trade from foreign monopolies or also from our own shipping monopolies?

Mr. HUMPHREY of Washington. I will say to the gentleman, both. I was going to ask unanimous consent, if the bill should pass, to strike out the word "foreign." That remained in the bill after the bill was changed.

Mr. SABATH. Now, this appears to be a very important measure, and as I have noticed the gentleman states that he and the committee have overlooked the amending of the bill as it should be amended, and believing that perhaps there may be several other provisions in the bill that ought to be amended, I believe the gentleman, in addition to what I have stated, should explain to the House what he aims at or what the bill really means.

Mr. HUMPHREY of Washington. I will be very glad to explain the bill to the gentlemen. This bill, I may say for the benefit of the House, was drawn by the Attorney General in the present form in which we now have it. The failure to strike out the word "foreign" was an omission when the bill was changed. Now what this bill means is simply this, that if any combination, either foreign or domestic in shipping, is convicted of a violation of the Sherman antitrust law, then in the decree there may be entered up a provision preventing any ship used for the purpose from entering or clearing from any American port, and the purpose of the bill is to perfect the remedy. Under the law as it exists to-day you can enter such a decree, but only against the persons owning the ship. Now I think it would be a very great advantage to enter that decree against the ship itself, and every member of our committee agrees to this. The bill is unanimously reported, and the chairman, Judge ALEXANDER, and Mr. HARDY, of Texas, and myself, saw the Attorney General and conferred with him in regard to the matter.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. FITZGERALD. Suppose the conditions described by the gentleman were to exist and one of those vessels bound for some port in some country other than the United States was compelled to put into a port of the United States in distress. The penalty would run against that vessel.

Mr. HUMPHREY of Washington. Not unless suit had been brought against the vessel and it had been adjudged to be in violation of the law, and if under those circumstances it come into our port, having violated our law, why should the vessel be permitted to clear until it has paid its fine?

Mr. FITZGERALD. I think this bill goes further than that. These vessels might have departed to some other port. If such a vessel enters or clears an American port after the decree and is subject to a decree, it might be compelled to enter a port of the United States because of distress at sea. Now, the question to my mind is, would it not be a gross injustice to penalize a vessel under such conditions.

Mr. HUMPHREY of Washington. I do not think that any such occasion would arise; but if it did, I would see no objection to it. After they had been adjudged guilty of violating our laws, if they came in our port under any circumstances, why should they not be punished?

Mr. MOORE of Pennsylvania. There has been some question recently about our ability to reach foreign vessels concerning which there may be a controversy, such, for instance, as would arise from the sinking of the *Titanic*. There is not any doubt about our ability to reach such vessels if the companies controlling them should own real estate at any of the ports of the United States, is there?

Mr. HUMPHREY of Washington. I would say, according to the decision of the district court in New York recently, there is no question about our being able to reach any of these vessels that come to our ports.

Mr. MOORE of Pennsylvania. We certainly can if they own property in the United States.

Mr. HUMPHREY of Washington. That is a decision of the court in New York in any event.

Mr. MOORE of Pennsylvania. If this bill passes it means no more nor less than this, that if it is determined by an action in court and by the judgment of a court that a foreign vessel or a company owning a foreign vessel is engaged in such a combination as is herein set forth it is subject to the penalties herein imposed, and not otherwise.

Mr. HUMPHREY of Washington. It adds an additional remedy, as I have attempted to explain. Under the law as it exists now, in the opinion of the Attorney General, there could be a decree preventing the clearing or entering the vessel against the owner of the vessel, but if this is passed they can enter the decree against the vessel itself, and the Attorney General thinks that would be of great advantage.

Mr. MOORE of Pennsylvania. It contemplates the abrogation of contracts by the Postmaster General for carrying the mails. That, of course, is a very important amendment.

Mr. HUMPHREY of Washington. That can not be done until they have been adjudged to have violated the laws.

Mr. MOORE of Pennsylvania. Then such a contract could not be abrogated until it was determined by a court proceeding that there was such a combination as is offensive to this law.

Mr. HUMPHREY of Washington. That is correct. And I want to call the gentleman's attention to the fact that there are three suits of that character now pending—two against foreign shipping and one against domestic shipping—running from Puget Sound to Alaska, and it would have application to all of these suits.

Mr. HARDY. I would suggest to the gentleman that the title of the bill ought to be changed so as to get it right.

Mr. HUMPHREY of Washington. I was going to ask unanimous consent to amend the title after the bill passed.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to ask in regard to the language of the third section. You undertake there to authorize the cancellation of any contract entered into by the Post Office Department relative to the carrying of the mails; but it does not seem clear to me that you limit the cancellation of the contract with those ships that are used in pursuance to an agreement that is contrary to the law prohibiting a monopoly. I have tried to follow it so as to get a perfect understanding in regard to it.

Mr. HUMPHREY of Washington. It was given a great deal of consideration.

Mr. SHERLEY. That may be; but either one of two things must happen. We must either abrogate our functions and accept the gentleman's statement, or the Attorney General's statement, or somebody else's statement, or we must undertake to understand the bill.

Mr. MANN. The language provides that vessels owned by any person or corporation that has been adjudged guilty of violation——

Mr. SHERLEY. That is just it. I am not prepared to say you ought to carry the punishment that way. A man may be the owner of a ship, using it in an entirely separate business, and he may be adjudged in violation of the antitrust law in some other business.

Mr. MANN. If the gentleman will pardon me, the bill also provides, in addition to that, that the vessel must be used for the purpose of carrying out the objects and purposes of the law.

Mr. SHERLEY. It does not say that in section 3, and I want to find out——

Mr. MANN. The gentleman will find that in line 9, where it says:

And that said vessels performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceedings.

Mr. SHERLEY. The gentleman is right. I found the word "contract" related to a Government contract and not an unlawful contract, and did not notice the concluding lines.

Mr. MANN. Which was very natural.

Mr. HUMPHREY of Washington. As I said to the gentleman, we did put in a great deal of time to perfect the language of this bill. It may not be right, and we would like to invite criticism of it.

Mr. SHERLEY. The trouble is that it is impossible, at 20 minutes to 6 o'clock, with a handful of people here, really to consider a question of this kind. What the gentleman is asking is that we take it on faith.

Mr. MANN. The bill is well drawn. It is very carefully drawn. There is no question about that.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield to me?

Mr. HUMPHREY of Washington. Certainly.

Mr. TAYLOR of Colorado. Will the gentleman yield?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Colorado?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. I will wait until the gentleman from Colorado has finished.

Mr. TAYLOR of Colorado. I wanted to suggest and inquire of the gentleman from Illinois [Mr. MANN] why we did not have a certificate of good character upon this bill from the Attorney General in the form of a written opinion indorsing it, so that it would be in the record here and would be a legal document that we can read and digest a little.

Mr. MANN. I think the gentleman is right—that it ought to be there.

Mr. TAYLOR of Colorado. In a matter of this importance I think the Attorney General, whether he wrote the bill or not, ought to go on record as fathering it, giving some reason why this should be enacted here.

Mr. MANN. The gentleman is endeavoring to be sarcastic at my expense.

Mr. TAYLOR of Colorado. No; I beg the gentleman's pardon; I am not.

Mr. MANN. There is a great deal of difference between a bill involving local legislation and a bill about some land somewhere.

Mr. TAYLOR of Colorado. I have no doubt this has received more consideration than a local bill.

Mr. MANN. I have no doubt it has.

Mr. HUMPHREY of Washington. I will say that the Attorney General wrote the report and was present at the meeting of our committee in person.

Mr. TAYLOR of Colorado. Is there a published hearing on this bill?

Mr. HUMPHREY of Washington. Yes; I think so.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. ALEXANDER. There were hearings had before the committee, but they are not printed. This presents a question of law, and——

Mr. TAYLOR of Colorado. I beg the gentleman's pardon. Very often the hearings are printed on an important bill.

Mr. ALEXANDER. I mean in this case. The bill as originally introduced by the gentleman from Washington [Mr. HUMPHREY] provided that any foreign vessel entering an American port—a vessel that might be in one of these combinations in violation of the Sherman antitrust act—should be subject to the penalties provided in this bill. It did not meet the approval of the committee. We referred the bill to the Department of Justice, suggesting that it should apply to domestic as well as foreign combinations. A communication was received by the committee from the Department of Justice, suggesting a substitute bill for the original bill introduced by the gentleman from Washington [Mr. HUMPHREY]. That bill did not meet the views of the committee, and by request the Attorney General appeared before the committee, and the provisions of the bill were thoroughly discussed and certain amendments were suggested. The Attorney General then took the bill back to the Department of Justice and gave it thorough consideration and returned the bill to the committee substantially in the present form, and it was reintroduced by the gentleman from Washington [Mr. HUMPHREY].

Now, if there is anything in the bill that gentlemen do not understand, the gentleman from Washington and I and other members of the committee present will undertake to explain it. However, I may say it was designed to meet this situation: Under the Sherman antitrust law the court may in a decree declare a combination to be unlawful. The committee thought that it should be put beyond question that the court in the decree might not only declare the combination to be unlawful, but might specifically declare that the ships used as instruments to violate the law might be prohibited from entering or departing from an American port so long as that combination existed, and if they should attempt to enter or depart during that time they should be subjected to the penalty provided in the bill.

Mr. SHERLEY. Will the gentleman yield?

Mr. ALEXANDER. In a moment. Now, the question came up: How could the law be administered? Simply in this way: If a foreign ship that was declared by the court in the decree to be in an unlawful combination should enter or undertake to depart from an American port, or if a company owning such a ship wanted that ship to enter or depart from an American port,

the burden would be upon it to show that it was no longer in that combination. The burden would not be imposed on the Government to show that the ship or the company owning it was in that combination—a burden which you will readily understand would be an onerous one on the Government—but would rest with the owner of the vessel.

Now, it has been said that if we undertake to enforce such a penalty in view of the fact that 90 per cent of our foreign trade is carried in foreign ships, we may stop them from departing from American ports and we will not have the means of carrying our foreign commerce. The answer is that these ships are dependent for their profits on our commerce and it is up to us whether or not, in view of that situation, we will let them continue to violate the law and trample it under foot or face that contingency. In my view, rather than be shut out of this remunerative trade, rather than have their ships rot at the docks or seek other less profitable trade, they will obey the law. The purpose of this bill is to strengthen the Sherman antitrust law.

Mr. TAYLOR of Colorado. I am not criticizing the purpose of the bill so much as I am a bill of this importance, involving grave legal questions, as suggested by the gentleman from Kentucky, rushing it through under unanimous consent, without any opinion of the Attorney General to go in the RECORD, to be referred to hereafter.

Mr. ALEXANDER. I feel authorized to say that this bill has the approval of the Attorney General.

Mr. TAYLOR of Colorado. I do not doubt the gentleman's word at all, but it ought to be on record so that the Congress of the United States would know what that opinion is and have a chance to refer to it hereafter. I have observed that bills that have not involved one-millionth part as much as this bill have been called up and somebody bobbed up and insisted that there should be a departmental report on it in the RECORD.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, still reserving the right to object, I would like to ask the gentleman this question: Whether there was considered the proposition on how far we had the right to determine that a contract of foreign owners of a foreign ship, legal in their country, should be made illegal by our laws, so as to permit us to prohibit the use of our ports to such ship. We have various treaty engagements with most of the maritime nations of the world, guaranteeing equality of treatment of their vessels and our own, and without having any opinion, I want to know if that phase of this matter was considered.

We have handicapped shipping, both American and foreign, in as many ways as possible, and frequently have done it without knowing that we were doing it. If we could repeal most of the maritime laws, which are archaic—a hundred years old—we would get a merchant marine that the gentleman from Washington talks about so much and which he desires to create at the expense of the Public Treasury. What I am concerned about is whether all the angles of this important bill have been considered.

Mr. MANN. Mr. Speaker, I think there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, it is evident there is no quorum present, and I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 21, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State submitting estimate of appropriation to be included in the sundry civil appropriation bill to pay expenses of delegates of the United States to the International Conference on Maritime Law, to meet at Brussels in 1912 (H. Doc. No. 763), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 6412) to regulate radio communication, reported the same without amendment, accompanied by a report (No. 741), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 2626) granting an increase of pension to Soloman D. Stutz, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24694) directing the Secretary of War to have inscribed emblems or insignias of secret orders on monuments and gravestones of deceased members of secret orders in the national cemeteries of the United States; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky (by request of the United States district attorney for the District of Columbia): A bill (H. R. 24695) to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 24696) to prevent the use of mails for certain purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 24697) to regulate the operation of automobiles in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 24698) to incorporate the Virginia Terminal Co.; to the Committee on the District of Columbia.

By Mr. AINEY: A bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on Claims.

By Mr. REDFIELD (by request): A bill (H. R. 24700) to promote the efficiency of the customs service and to establish the customs guards; to the Committee on Ways and Means.

By Mr. KAHN: A bill (H. R. 24701) to authorize the entry and patenting of lands containing asbestos under the placer mining laws of the United States; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 24702) for the erection of a public building at the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. BULKLEY: A bill (H. R. 24703) to extend the authority to receive certified checks drawn on National and State banks and trust companies in payment for duties on imports and internal taxes to all public dues; to the Committee on Ways and Means.

By Mr. ALEXANDER: Resolution (H. Res. 544) providing for the immediate consideration of certain bills; to the Committee on Rules.

By Mr. NELSON: Resolution (H. Res. 545) authorizing the appointment of a committee of five Members of the House of Representatives to inquire into the expenditure of public moneys for press bureaus, postage, stationery, etc., by the Department of Agriculture and by other departments; to the Committee on Rules.

By Mr. SMITH of Texas: Resolution (H. Res. 546) authorizing the payment of expenses of the Committee on Irrigation of Arid Lands, or a subcommittee thereof, which may be incurred by such committee in sitting at places other than the city of Washington; to the Committee on Accounts.

By Mr. DONOHOE: Concurrent resolution (H. Con. Res. 52) providing for lowering flags to half-mast on Government buildings and reservations at a certain hour on Memorial Day; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24704) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24705) granting an increase of pension to William H. Schnittger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24706) granting an increase of pension to Caleb H. Bryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24707) granting an increase of pension to Mark Clinger; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24708) granting an increase of pension to Millard F. De Geer; to the Committee on Pensions.

By Mr. DIFENDERFER: A bill (H. R. 24709) granting a pension to Loretta J. Wilkinson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24710) for the relief of the heirs of John R. Burgstiner; to the Committee on War Claims.

Also, a bill (H. R. 24711) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Darien, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24712) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Sylvania, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24713) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the county of Bryan, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24714) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Springfield, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24715) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Millen, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24716) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Lyons, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24717) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Reidsville, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24718) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Swainsboro, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24719) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Hinesville, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24720) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Savannah, in the State of Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 24721) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Statesboro, in the State of Georgia; to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 24722) to correct the military record of Robert A. Crider; to the Committee on Military Affairs.

By Mr. GREEN of Iowa: A bill (H. R. 24723) granting an increase of pension to Mary Eckert; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 24724) to remove the charge of desertion from the military record of George F. Schoepp, alias George Schmidt, and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24725) granting a pension to T. C. Jackson; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24726) granting an increase of pension to James H. Barker; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 24727) granting an increase of pension to Samuel E. B. Abbott; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 24728) granting an increase of pension to James W. Cail; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 24729) for the relief of the heirs of Thomas E. Roberson; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 24730) granting an increase of pension to William G. Lane; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 24731) for the relief of the estate of Phersby R. Sheppard; to the Committee on War Claims.

By Mr. SLOAN: A bill (H. R. 24732) granting an increase of pension to Sarah I. Smith; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24733) granting an increase of pension to John B. Williams; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 24734) granting an increase of pension to Elizabeth A. Morris; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Polish societies of America, against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Memorial of the Jewish Community (Kehillah) of New York City, opposing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of citizens of Philadelphia, Pa., adopted at a public meeting, favoring Senate bill 3175, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Ohio: Petitions of C. M. Parker, Lincoln, Nebr.; Charles T. Coleman, Canton, Ill.; William Young, Franklin, Ind.; Jesse Burkett, W. A. Evans, and S. D. Frank, Troy, Ohio; and Wesley J. Knaggs, relative to increase of pensions for maimed veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of Sherman Council, No. 1, Junior Order United American Mechanics (Inc.), of New York City, N. Y., favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Paul Brown Lodge, Borough of the Bronx, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Petition of the Cleveland Chamber of Commerce, favoring appropriation of $200,000 to continue the work of promoting economy and efficiency in the Federal departments; to the Committee on Appropriations.

By Mr. BROWNING: Petition of the Farmers' Union and Brotherhood of Railway Trainmen, of Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the United Israelite Society of Wisconsin against passage of the Dillingham and other bills providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of the La Cross Board of Trade, La Crosse, Wis., favoring minority report on section 5 of the Panama Canal toll bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: Petition of citizens of the State of Massachusetts favoring passage of House bill 22339 and Senate bill 6172, against the Taylor system of stop watch; to the Committee on the Judiciary.

Also, resolutions of the Farmers' Union, the Patriotic Order Sons of America, the American Purity Federation, and the Brotherhood of Railroad Trainmen favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of Independent Order B'rith Abraham lodges and other societies of the State of Massachusetts, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of State Council, Junior Order United American Mechanics of New York; Brotherhood of Railroad Trainmen; American Purity Federation; Farmers' Union of America; citizens of Philadelphia, Pa.; Patriotic Order Sons of America, and Daughters of Liberty, of Pittsburgh, Pa.; favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the National Lumber Manufacturers' Association favoring adoption of bill to prohibit importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the Rice-Stix Dry Goods Co., of St. Louis, Mo., favoring continuance of the Tariff Board; to the Committee on Appropriations.

Also, petition of the Merchants' Exchange of St. Louis, Mo., and National Lumber Manufacturers' Association, indorsing the Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of the Wireless Association of Philadelphia, Pa., favoring passage of House bill 15357, a bill to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Lumber Manufacturers' Association, favoring amending of the Sherman Antitrust Act, and support movement toward placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

Also, petitions of the National Lumber Manufacturers' Association, favoring passage of bill to open the Panama Canal free to American ships, and of the St. Louis Hotel Men's Association, of St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Farmers' Union, citizens of Philadelphia, Pa., and the Brotherhood of Railroad Trainmen, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of the Allied Committee of the Political Refugee Defense League of America; National Liberal Immigration League; United Polish Society, of New York City, N. Y.; Gmina Polska Polaczonych Tow Polsko Narodowych; Workmen's Circle; United Hebrew Trades of New York City; Italo-American Alliance of the United States of America, of Philadelphia, Pa.; Chinese Consolidated Benevolent Association, of San Francisco, Cal.; lodges of Order of B'rith Abraham, and other societies of St. Louis, Mo., against passage of the Dillingham and other bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, St. Louis, Mo., in opposition to the passage of the Federal exclusive compulsory workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of citizens of Missouri, favoring passage of the anti-Taylor system bill (H. R. 22339); to the Committee on Labor.

Also, petition of the Missouri State Dental Association, Clinton, Mo., favoring passage of Senate bill 5177, relative to certain patent laws; to the Committee on Patents.

By Mr. ESCH: Memorial of a public meeting of citizens of Philadelphia, Pa., favoring Senate bill 3175, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Memorial of the Italo-American Alliance of the United States, of Philadelphia, Pa., opposing Senate bill 3175, providing for a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the New York Milk Committee, favoring appriation for continuance of Commission on Efficiency and Economy; to the Committee on Appropriations.

Also, memorial of the National Jewelers' Board of Trade, of New York, N. Y., opposing legislation that would deny patentees the right to control retail prices of their product; to the Committee on Patents.

Also, memorials of the Order United American Mechanics of the State of New York and convention of Farmers' Union, for immigration restrictive legislation; Junior Order United American Mechanics, favoring the Dillingham bill providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Long Island Game Protective Association, favoring legislation for the protection of migratory game birds; to the Committee on Agriculture.

By Mr. FULLER: Petition of Asa J. Miller, Westfield, Vt., and Francis A. Gaskill, Vale, S. Dak., favoring passage of House bill 1339, granting increase of pension to Civil War veterans who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the State Street Baptist Church, of Rockford, and the Woman's Christian Temperance Union and others, of Tonica, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Purity Federation, favoring passage of the Dillingham bill (S. 3175) providing literacy test for immigrants, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Illinois and Chicago Civil Service Reform Association, against sections 4 and 5 of House bill 24023, the legislative, executive, and judicial appropriation bill, relating to civil-service employees, etc.; to the Committee on Appropriations.

By Mr. GALLAGHER: Memorial of the Woman's Trade Union League of Chicago, Ill., favoring House bill 11372, for greater safety in ocean travel; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Polish Roman Catholic Union of Chicago, opposing the Dillingham bill providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of Netter Lodge, No. 156, Order B'rith Abraham, of Chicago, Ill., opposing the Dillingham bill, providing a literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of lodges of Order B'rith Abraham, of New York City, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Petition of 71 voters of Woodbine, Iowa, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of the Cigar and Tobacco Dealers' Mutual Protective Association, of Salt Lake City, Utah, favoring the passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Bingham Miners' Union, Bingham Canyon, Utah, protesting against the restricting of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Salt Lake Lodge, No. 106, International Association of Machinists, favoring the passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. HUGHES of New Jersey: Memorial of the Jewish Community (Kehillah), of New York City, opposing legislation requiring a literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Board of Trade of Elizabeth, N. J., favoring Senate bill 4308 and House bill 17736, providing a reduction in letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of Bellingham Lodge, No. 512, of Bellingham City, Wash., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of Chinese Consolidated Benevolent Association and of C. H. Tribe, of San Francisco, Cal., in opposition to the passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of David Starr Jordan and 17 other individuals and companies, favoring passage of House bill 20118, for the establishment of bonded districts at the ports of the United States; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring the passage of the Sulzer bill for improving the Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., in opposition to House bill 21100, to codify, amend, and revise the laws relating to the judiciary; to the Committee on Immigration and Naturalization.

Also, petition of A. G. McCarthy and C. J. Auger, of San Francisco, Cal., protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of the Henry R. Worthington Co., San Francisco, Cal., in opposition to House bill 21969, for restricting certain American ships through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Martin, Dangers & Camm, San Francisco, Cal., favoring standard barrel amendment to Tuttle bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Retail Druggists' Association of San Francisco, Cal., in opposition to the passage of the Richardson bill; to the Committee on the Judiciary.

Also, petition of the Griffin & Skelley Co., San Francisco, Cal., favoring appropriation relative to the care of the Mississippi floods; to the Committee on Rivers and Harbors.

Also, petition of G. A. Emselen, jr., of San Francisco, Cal., favoring price-maintenance bill; to the Committee on Patents.

Also, petition of 41 members of the Jewish Community of New York City, against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring appropriation for improving levees of Mississippi River; to the Committee on Rivers and Harbors.

By Mr. KONOP: Petition of citizens of Pittsfield, Chase Angelras, and Maple Grove, Wis., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of W. H. Ainsworth, Company K, Forty-third Regiment New York Volunteers, Columbus, Ohio, and of Augustus Cadregin, Endicott, N. Y., favoring passage of House bill 1339, granting an increase of pension to veterans of the Civil War who have lost a limb; to the Committee on Invalid Pensions.

Also, petition of William A. Schaber, Mount Ephraim, Ohio, favoring passage of House bill 1339, granting increase of pen-

sion to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to amendment to the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, favoring the free use of the Panama Canal by American boats; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to the control of floods in the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to the preventing of importation of injurious insects; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, Cincinnati, Ohio, relative to improving the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. MARTIN of South Dakota: Petition of the Chinese Consolidated Benevolent Association, of San Francisco, Cal., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics, New York, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Central Labor Union of Lewiston, Me., favoring passage of Senate bill 5474 and House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of the Council of Jewish Women of Philadelphia, Pa., against passage of the Dillingham bill, containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa., and the Farmers' Educational and Cooperative Union of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Memorial of the Fullerton (N. Y.) Chamber of Commerce, in favor of House bills 22580 and 20044, providing for United States ownership of buildings for its representatives in foreign countries; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to Panama Canal legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the National Lumber Manufacturers' Association, relative to amending the Sherman antitrust law; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to importation of injurious insects; to the Committee on Agriculture.

Also, memorial of the National Lumber Manufacturers' Association, relative to United States consular and diplomatic service; to the Committee on Foreign Affairs.

Also, memorial of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. RAKER: Papers to accompany House bill 23656, granting an increase of pension to Herschel W. Howland; to the Committee on Invalid Pensions.

By Mr. REDFIELD: Petition of members of the fifth division United States customs, port of New York, favoring passage of House bills 23241 and 23638, for relief of said workers; to the Committee on Ways and Means.

Also, petition of A. W. and W. Bohn, Frank Moses, Robert S. Moses, Julian Moses, and James Mosca, favoring passage of Senate bill 6108 and House bill 22703, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Long Island Game Protective Association of New York, favoring passage of the McLean-Weeks bill (S. 6497) for Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Farmers' Union and citizens of the State of Pennsylvania, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Committee of the Political Refugee Defense League of America, New York City, N. Y., against passage of the Root amendment relative to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, to open the Panama Canal free to American ships engaged in coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, for the adoption of a bill relating to the importation of nursery stock; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association for adoption of relief measures for the prevention of the overflow of the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, supporting the movement toward placing on a civil-service basis the subordinate classes of the Diplomatic and Consular Service; also, for an amendment to the Sherman antitrust law, to enable the formation of associations and combinations for the purpose of engaging in trade with foreign countries; to the Committee on Foreign Affairs.

Also, petition of the Wireless Association of Pennsylvania, opposing certain features of the bill (H. R. 15357) to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Milk Committee, favoring an appropriation for the continuance of the commission on efficiency; to the Committee on Appropriations.

By Mr. REILLY: Resolutions of the Independent Vilner Association of New Haven, Conn., against passage of bills containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ROBERTS of Massachusetts: Petition of citizens of the State of Massachusetts, favoring passage of the Berger old-age pension bill for deserving men and women past 65 years; to the Committee on Pensions.

By Mr. SMITH of New York: Petition of the Buffalo Chamber of Commerce, of Buffalo, N. Y., relative to Government aid in extending the season for shipping on the Great Lakes; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. STEPHENS of California: Petition of R. H. Dow, mayor of Santa Monica, Cal., and the Federated Improvement Association of Los Angeles, Cal., favoring immediate steps toward the protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Tehuda Levy Lodge, No. 429, and Hirsch Liska Lodge, No. 66, of New York City, and Amity Auxiliary Circle, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, at Cincinnati, Ohio, urging wise and generous relief measure for flooded districts along the great central rivers; to the Committee on Rivers and Harbors.

Also, resolution of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of bill against importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of Fridler & Hanan, of New York City, N. Y., against passage of the Oldfield bill, for changes in present patent laws; to the Committee on Patents.

Also, petition of the Savannah Cotton Exchange, of Savannah, Ga., favoring owning by United States of buildings for proper housing of its representatives abroad, and of the National Education Association, of Cincinnati, Ohio, favoring passage of Senate bill 5735, for inquiring into high cost of living, etc.; to the Committee on Foreign Affairs.

Also, resolutions of the National Lumber Manufacturers' Association, favoring amendment of the Sherman Antitrust Act and the movement to place on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

By Mr. TAGGART: Petition of citizens of Kansas City, Kans., against the Root amendment, for deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Major Rankin Post, No. 489, of the Grand Army of the Republic, in the second congressional district of Kansas, favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

Also, resolution of the county superintendents of the State of Washington, favoring passage of Senate bill 3, known as the Page bill, which provides for the training of teachers of agriculture, etc.; to the Committee on Agriculture.

Also, petition of Vineland Grange, No. 163, and of citizens of Blue Mound and Greeley, Kans., favoring passage of the Haugen bill (H. R. 21225) and opposing Lever bill (H. R. 18493); to the Committee on Agriculture.

By Mr. UNDERHILL: Resolution of the National Lumber Manufacturers' Association, at Cincinnati, Ohio, urging opening of Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the American Purity Federation, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Lumber Manufacturers' Association, in Cincinnati, Ohio, favoring passage of bill prohibiting importation of nursery stock, etc., by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring adoption of wise and generous relief measures for flooded districts along the great central rivers; to the Committee on Rivers and Harbors.

Also, resolutions of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring movement toward placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes, and amendment to the Sherman antitrust law, which forbids combinations in restraint of trade with foreign countries; to the Committee on Foreign Affairs.

By Mr. UTTER: Petition of the Junior Order United American Mechanics, the Farmers' Union of America, and the American Purity Federation, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade, New York, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Immigration and Naturalization.

Also, petition of the Rhode Island Branch of the Women's Auxiliary of the Protestant Episcopal Church, favoring passage of the bill for medical and sanitary relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of Max Feder Lodge, No. 171, Independent Order B'rith Sholom, Pawtucket, R. I.; Italo-American Alliance of the United States of America; Ahavath Sholo Lodge, No. 88, Independent Order B'rith Sholom, Providence, R. I.; Rhode Island State Lodge, No. 130, Independent Order B'rith Abraham; Providence Progressive Lodge, No. 591, Independent Order B'rith Abraham; and Woonsocket Lodge, No. 118, Independent Order B'rith Sholom, of Woonsocket, R. I., protesting against passage of the Dillingham bill; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Joseph Levy Lodge, No. 113, Independent Order B'rith Abraham, of Brooklyn, N. Y., against passage of the Dillingham bill providing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, favoring movement toward placing Diplomatic and Consular Service on a civil-service basis; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, urging adoption of wise and generous relief measures relative to floods along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of the bill prohibiting importation of nursery-stock cuttings or any other articles by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring amendment to the Sherman Antitrust Act that associations and combinations not having to do with domestic trade may, under proper restrictions, be formed for the purpose of engaging in trade with foreign countries; to the Committee on Foreign Affairs.

Also, resolution of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, requesting the opening of the Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *May 21, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Mary W. Monteith, widow of George Monteith, deceased, *v.* United States (S. Doc. No. 691);

James Montooth *v.* United States (S. Doc. No. 689);

Caroline S. Morgan, widow of Thomas J. Morgan, deceased, *v.* United States (S. Doc. No. 688);

Penelope Morton, widow of James Morton, deceased, *v.* United States (S. Doc. No. 687);

Susannah D. Parker, widow of Charles A. Parker, deceased, *v.* United States (S. Doc. No. 686);

Thomas W. Sanderson *v.* United States (S. Doc. No. 685);

John H. Eno *v.* United States (S. Doc. No. 684);

A. H. Freeman, James A. Freeman, Margaret E. French, Lucy A. Todd, Alice Bogart, and Florence I. George, sole heirs of Green C. Freeman, deceased, *v.* United States (S. Doc. No. 683);

William H. Feagans *v.* United States (S. Doc. No. 682);

William K. Githens, administrator of William H. Githens, deceased, *v.* United States (S. Doc. No. 681);

Jennie Hancock, widow of John Hancock, deceased, *v.* United States (S. Doc. No. 680);

Mary B. H. Hardie, widow of John Hardie, deceased, *v.* United States (S. Doc. No. 679);

Charles W. Kennedy *v.* United States (S. Doc. No. 674);

Allen P. Morey, son and sole heir of Gideon F. Morey, deceased, *v.* United States (S. Doc. No. 675);

Robert F. Nolan, Everett C. Nolan, and Mary E. Whisenand, children and sole heirs of Francis Nolan, deceased, *v.* United States (S. Doc. No. 676);

Mary E. Slankard and Ellen Ritter Moore, sole heirs of Joshua Ritter, deceased, *v.* United States (S. Doc. No. 677); and

Julia Y. Flaig and Annie F. Sharp, sole heirs of Barnett C. Young, deceased, *v.* United States (S. Doc. No. 678).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota; and

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

The message also announced that the House had passed the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 14052) authorizing the Secretary of Agriculture to issue certain reports relating to cotton.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13366. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people;

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State;

H. R. 21218. An act to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga;

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming;

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 22090. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky.;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The message further transmitted to the Senate resolutions (H. Res. 543) of the House on the life, character, and public services of Hon. HENRY H. BINGHAM, late a Representative from the State of Pennsylvania.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Socialistische Liedertafel of New York, remonstrating against the adoption of the so-called literacy test amendment to the immigration law, which was ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of sundry citizens of Philadelphia, Pa., favoring the adoption of the immigration bill as passed by the Senate, which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the B. Glowacki Loan and Building Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Johnsonville, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Clinton County Medical Society, the Schuyler County Medical Society, the Clionion Society, of Pontiac, and of sundry citizens of Griggsville, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the Woman's Trade Union League of Chicago, Ill., praying for the enactment of legislation providing for the safety of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

Mr. GALLINGER presented a petition of members of the Woman's Club of Concord, N. H., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Central Labor Union of the District of Columbia, favoring the enactment of legislation providing for the acquisition of the Washington Gas Light Co. and its properties by the United States Government, which were referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented memorials of sundry citizens of St. Albans, Montpelier, Brattleboro, and St. Johnsbury, all in the State of Vermont, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. HEYBURN presented a memorial of sundry citizens of Preston, Idaho, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN. I present a resolution adopted by the International Brotherhood of Locomotive Engineers, indorsing the workmen's compensation, the restriction of immigration, and the anti-injunction bills. I ask that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Wills and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

Mr. O'GORMAN presented a petition of sundry citizens of Brooklyn, N. Y., praying for the passage of the so-called 8-hour bill, which was ordered to lie on the table.

He also presented resolutions adopted by members of the Owen Roe Club, of New York City, N. Y., remonstrating against the appointment of a commission and against the proposed appropriation of $7,500,000 for the purpose of celebrating the 100 years of peace with England, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the New York County Lawyers' Association, of New York, praying that an appropriation be made for the purchase of a new site for the erection of a Federal building in New York City, which were referred to the Committee on Public Buildings and Grounds.

Mr. SUTHERLAND presented a memorial of Utah Lodge, No. 139, Independent Order B'rith Sholom, of Salt Lake City, Utah, remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Salt Lake County Medical Society, of Utah, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. RAYNER. I present a memorial remonstrating against the passage of the Owen medical bill. The memorial is signed by a number of citizens of Maryland. I ask that it lie on the table and be printed in the RECORD, together with the signatures thereto.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, together with the signatures, as follows:

To the Congress of the United States:

We, the undersigned citizens of the United States, do earnestly ask Congress not to pass Senate bill No. 1, known as the Owen bill, or any similar medical legislation.

Jas. North, 411 Patapsco Avenue, Brooklyn, Md.; Gust. J. Kordula, 1411 Hanover Street; Adele F. Baldwin, 222 St. Paul Street; Chas. F. Biemiller, Rosedale and Windsor Mill Road; Harry Levy, 630 Columbia Avenue; David S. Weglein, 2114 Brookfield Avenue; Margaret Taylor Speer, 1524 Bolton Street; Geo. W. Smith, Mount Royal Avenue; Marie A. Baldwin, 2223 St. Paul Street; Martha B. Benson, 1402 Eutaw Place; H. S. Williams, Hotel Lexington; Mrs. H. S. Williams, Hotel Lexington; Fred W. Hummel, 2033 West Lafayette Avenue; Fred Ziegler, 111 East Lafayette Avenue; Herbert F. Ziegler, 111 East Lafayette Avenue; Philip M. Gibson, 2119 West North Avenue; Wm. E. Bell, 1902 Park Avenue; Francis Lee Webb, 119 West Lafayette Avenue; B. Hoffmann, 120 North Patterson Park Avenue; Louis W. Klunk, 1550 Argyle Avenue; G. H. A. Stroebel, 802 Ridgely Street; S. H. Dennison, 215 North Washington Street; Wm. A. Keith, 919 South Charles Street; W. S. Freeburger, 2134 Wilkens Avenue; Walter L. Anderson, jr., 903 Pennsylvania Avenue; Harry Butler, 23 East Hamburg Street; Frank Blackeby, 19 East Randall Street; W. L. Anderson, sr., 903 Pennsylvania Avenue; August F. C. Damm, 2216 Eastern Avenue; Charles Schraum, 1117 Ward Street; George F. Sadler, 208 Fort Avenue; William H. Easta, 16 West Barney Street; George Worch, 1122 Light Street; Jos. A. Winkel, 661 West Lee Street; George Laugrith, 1703 Light Street; Wm. T. Smith, 832 Mangold Street; William Bromwell, 1536 Light Street; William E. Benson, 1211 Plum Alley; Howard Cavanaugh, 910 Bevan Street; Robert Fraley, 6 East York Street; Benjamin P. McCabe, 1602 Sharp Street; George Zapp, 942 Sharp Street; Andrew S. Shelby, 39 Jenkins Lane; Lee A. White, 2924 Walbrook Avenue; William I. Ransom, 2032 Fountain Street; William F. Russell, 908 Bevan Street; Walter Herian, 812 Ridgely Street; Chas. R. Leutner, 814 Ridgely Street; Laura B. Fingan, 1301 Argyle Avenue, and Mrs. G. H. A. Stroebel, 802 Ridgely Street, Baltimore, Md.; and Miss Marian G. Page, 1713 De Salles Street, Washington, D. C.

Mr. RAYNER presented a memorial of Samuel Dorf Lodge, No. 160, Order B'rith Abraham, of Baltimore, Md., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PERKINS presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the enactment of legislation providing for the improvement of the levees on the Mississippi River, which were referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of San Miguel, Cal., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Merchants' Association of Pasadena, Cal., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Downey, Cal., remonstrating against any reduction of the duty on sugar, which was ordered to lie on the table.

He also presented resolutions adopted by the Chamber of Commerce of Sacramento, Cal., favoring the enactment of legislation to set aside 1,000,000 acres of public lands for the purpose of raising funds to build good roads, etc., which were referred to the Committee on Public Lands.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of San Francisco, Cal., favoring the enactment of legislation providing for the establishment and regulation of bonded districts at the ports of the United States, which were referred to the Committee on Finance.

Mr. STONE presented telegrams in the nature of memorials from sundry citizens of St. Louis, Nevada, and Kirksville, all in the State of Missouri, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Butler, Mo., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. PENROSE presented resolutions adopted by the Manufacturers' Association of Erie, Pa., favoring the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which were referred to the Committee on Foreign Relations.

He also presented a petition of members of the Commercial Exchange, of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of employees in the civil service, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE presented a memorial of the Connecticut Merchants' Association, remonstrating against the establishment of any parcel-post system which will be other than self-sustaining, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Fairfield County Fish and Game Protective Association, of Connecticut, praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. BRADLEY presented a petition of sundry citizens of Elizabethtown, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of sundry citizens of Middlesex, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WARREN. I present a resolution, adopted by the Brotherhood of Locomotive Engineers, in favor of the anti-injunction bill, the immigration restriction bill, and the workmen's compensation bill. I ask that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution adopted May 17, 1912, at Harrisburg, Pa., by Brotherhood of Locomotive Engineers, over 800 delegates being present. Adoption of resolution followed many days' discussion of Senate workmen's compensation bill, which has passed Senate; Dillingham immigration bill (S. 3175), which has passed Senate; and anti-injunction bill, which has passed House.

Whereas as there are now pending in Congress the following bills in the interest of labor, the passage of which our joint national legislative representative is expected to and is aiding in securing: The anti-injunction bill, in which every member of the Brotherhood of Locomotive Engineers is surely interested, which has passed the House and is now pending in the Senate; an immigration restriction bill, favored by the various labor and civic organizations throughout the country and which surely ought to be by this convention, that has passed the Senate and is now pending in the House; and the workmen's compensation bill, that has passed the Senate and is now pending in the House; and

Whereas there has appeared in the CONGRESSIONAL RECORD statements made by a member of this order, from which we quote the following paragraph:

"Believing that the individual members should get behind those officers (grand officers) and give them their undivided support and loyalty and show our friends in the Senate, viz, Senator REED, Senator ASHURST, Senator JEFF DAVIS, Senator OVERMAN, and a few others whom he terms the force opposing them, that we are behind them. In other words, that we are a lot of cattle following the Judases to the slaughtering pens. He says, 'What would you think of a local chairman who was adjusting a grievance for his division, and a member should give the facts and try to influence others against that chairman?' I ask him, 'What would you think of a chairman who was working in with the railway company to reduce your wages from 300 to 800 per cent?' That is what Wills and his grand officers are doing, working hand in hand with the railway companies to reduce your compensation from 300 to 800 per cent. He says, 'It looks to me to be on the same principle as that of a soldier shooting an officer in the back who was bravely leading them in a charge or attack upon the enemy.' What brave general does he mean? Those of the militia or those of the Regulars that led their soldiers against the union miners of Colorado, the striking railway men in 1904, or those brave generals that led their soldiers against the women and children in Lawrence, Mass., this last year? Does he style Wills and the other grand executives with those brave generals? If he does, I do not question him;" and

Whereas such matter as quoted, left unchallenged, interferes with our prestige as an organization and with our national legislative representative in the work to which he has been assigned: Therefore be it

Resolved, That this convention unqualifiedly indorse the action of our joint national legislative representative, Brother H. E. Wills, in his efforts to secure the enactment of the anti-injunction bill, the restriction of immigration bill, and the workmen's compensation bill.

REPORTS OF COMMITTEES.

Mr. CUMMINS. On behalf of the Committee on the Judiciary I report back favorably with an amendment the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, and I submit a report (No. 778) thereon. It is the resolution relative to the presidential term.

The VICE PRESIDENT. The resolution will be placed on the calendar.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the amendment submitted by himself on the 10th instant proposing to increase the salary of the messenger to the Committee on Claims from $900 per annum to $1,440 per annum intended to be proposed to the legislative, etc., appropriation bill (H. R. 24023), reported it without amendment, submitted a report (No. 779) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6565) to provide

for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona, reported it with an amendment and submitted a report (No. 780) thereon.

Mr. THORNTON, from the Committee on Naval Affairs, to which was referred the bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, reported it without amendment and submitted a report (No. 781) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses, reported it without amendment and submitted a report (No. 782) thereon.

PRACTICE OF OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. The bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia, now on the calendar, was reported under circumstances that require its recommittal. I had promised certain physicians that they should have a hearing on the subject, which I had forgotten at the time. I therefore move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 6882) for the relief of Sarah A. Clinton and Marie Steinberg (with accompanying paper); to the Committee on Claims.

A bill (S. 6883) granting a pension to Jacob Korby (with accompanying paper);

A bill (S. 6884) granting an increase of pension to Horace A. Hitchcock (with accompanying paper);

A bill (S. 6885) granting an increase of pension to Mary C. Brown (with accompanying papers); and

A bill (S. 6886) granting an increase of pension to Thomas Ryan (with accompanying paper); to the Committee on Pensions.

By Mr. CRAWFORD (for Mr GAMBLE):

A bill (S. 6887) providing an appropriation to check the inroads of the Missouri River in Clay County, S. Dak. (with accompanying paper); to the Committee on Commerce.

A bill (S. 6888) granting an increase of pension to Charles H. Robinson (with accompanying paper); and

A bill (S. 6889) granting an increase of pension to Martin O'Dowd (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6890) granting an increase of pension to Enoch Medaker (with accompanying papers); and

A bill (S. 6891) granting an increase of pension to Philip T. Simmonds (with accompanying papers); to the Committee on Pensions.

By Mr O'GORMAN:

A bill (S. 6892) granting an increase of pension to Ollie M. Croghan; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6893) for the erection of a public building at the city of Tucson, State of Arizona; to the Committee on Public Buildings and Grounds.

A bill (S. 6894) granting an increase of pension to Bert O. Brown; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 6895) granting an increase of pension to Lydia M. Cole (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton to insert certain claims in said letters patent dated May 9, 1899; to the Committee on Patents.

A bill (S. 6897) granting an increase of pension to Philip Mehring (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6898) granting a pension to John J. Ledford (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan:

A bill (S. 6900) granting a pension to Mrs. Merritt Lewis McMahon; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6901) to correct the military record of Samuel Vansells;

A bill (S. 6902) to correct the military record of John Amson;

A bill (S. 6903) to correct the military record of Jacob Scott (with accompanying paper); and

A bill (S. 6904) to correct the military record of J. B. McCall (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6905) granting an increase of pension to P. F. Walter (with accompanying papers);

A bill (S. 6906) granting a pension to Thomas H. Brown (with accompanying papers);

A bill (S. 6907) granting an increase of pension to Mary E. Symms (with accompanying paper);

A bill (S. 6908) granting an increase of pension to Hardy H. Hickman (with accompanying paper);

A bill (S. 6909) granting an increase of pension to Hiram F. Stover;

A bill (S. 6910) granting an increase of pension to William R. Comstock;

A bill (S. 6911) granting an increase of pension to Alvin B. Foss;

A bill (S. 6912) granting a pension to J. H. Riley;

A bill (S. 6913) granting an increase of pension to Isabella B. Hinton;

A bill (S. 6914) granting an increase of pension to Dudley N. Storey; and

A bill (S. 6915) granting a pension to Sarah Jane Scurlock; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6916) for the relief of R. S. Thornton; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 6917) granting an increase of pension to Oliver C. Swarthout (with accompanying papers); to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 6918) increasing the cost of erecting a United States post-office building at Hillsboro, Tex.; to the Committee on Public Buildings and Grounds.

THE LAND OFFICE (S. DOC. NO. 692).

Mr. CHAMBERLAIN. I have a copy of an address by Hon. Fred Dennett, Commissioner of the General Land Office, delivered in Washington, D. C., May 7, 1912, on the occasion of the one hundredth anniversary of the establishment of that office, the subject being "The problems of the Land Office that have been the problems of the Nation." I ask that the address be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

INDIAN LANDS IN OKLAHOMA (S. DOC. NO. 690).

Mr. CURTIS. I ask that the decisions of the Supreme Court of the United States relative to the allotment of and taxes on certain Indian lands in Oklahoma, also relating to the conveyances and the cancellation of the conveyances, deeds, and mortgages thereon, be printed as a Senate document.

The VICE PRESIDENT. Without objection, it will be so ordered.

YELLOWSTONE RIVER BRIDGE, MONTANA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana, which was, on page 1, line 7, after "River," to strike out all down to and including the word "meridian," in line 11, and to insert "at a point suitable to the interests of navigation, to be selected by the said company and approved by the Secretary of War, either in Mackenzie County, N. Dak., or Dawson County, Mont."

Mr. MYERS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people; and

H. R. 21218. An act to loan to the State of New York the brass fieldpieces and one brass howitzer captured from Gen. Burgoyne at the Battle of Saratoga.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State;

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming; and

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1909, as amended;

H. R. 22990. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky.; and

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to call up House bill 9061.

The VICE PRESIDENT. The Senator from Missouri [Mr. STONE] gave notice of an intent to address the Senate at this time.

Mr. BORAH. I had not noticed it.

Mr. STONE. Mr. President——

Mr. LEA. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Smith, Ariz.
Bacon	Curtis	Myers	Smith, Ga.
Borah	Dillingham	Nelson	Smith, Mich.
Bourne	du Pont	Nixon	Smoot
Bradley	Fall	O'Gorman	Stone
Brandegee	Fletcher	Oliver	Sutherland
Bristow	Foster	Overman	Swanson
Bryan	Gallinger	Page	Thornton
Burnham	Gronna	Penrose	Tillman
Catron	Heyburn	Perkins	Townsend
Chamberlain	Hitchcock	Rayner	Warren
Chilton	Johnston, Ala.	Richardson	Wetmore
Clark, Wyo.	Jones	Root	Works
Clarke, Ark.	Kern	Sanders	
Crawford	Lea	Shively	
Cullom	Lodge	Simmons	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present.

PHASES IN POLITICAL SITUATION.

Mr. STONE. Mr. President, any man having even a meager knowledge of ancient lore will recall the story of Damon and Pythias and the story of David and Jonathan. Each of these stories were stories of beautiful friendship wherein the love of men for each other has had few parallels in the annals of mankind. The unselfish affection that Damon and Pythias had for each other and that David and Jonathan had for each other has in each case been made the subject of song and story, and their adventures and sacrifices in the cause of friendship are among the most beautiful and elevating of human traditions. It is not now my purpose, however, to speak at length of these illustrious characters or to dwell upon the lofty examples they set before mankind except by way of contrast. A few years ago the American people and the civilized world were given to understand that here in our dear country we had a reproduction of these glorious traditions of the far distant past. We were led to believe that the combined and consolidated spirits of Damon and Jonathan, one of these lovely twain, had come out of their haven of rest and taken refuge in the corpus of Theodore Roosevelt, and that the combined spirits of David and Pythias had in like manner come to rest on the ample bosom of William Howard Taft as the Abraham of his day. Thus in happy conjunction both of these old stories of ancient lore and love were reproduced here in this new world of ours for the edification and uplifting of the human race. But things have happened since, and are happening now, to demonstrate in a way the fickleness of human affairs and the difference between men of ancient and modern times. For years the susceptible and too gullible American people were felicitous in the thought that these two supposedly great Americans were indissolubly united in patriotic devotion to the public welfare—

> Two souls with but a single thought,
> Two hearts that beat as one.

And so it continued until the slimy, poisonous serpent of ambition crawled across the path they were walking and divided them. This serpent was the same old serpent who invaded the Garden of Eden. He comes into the world off and on, and too often in diverse forms and with many varieties of temptation. In this instance he appeared as the vaulting angel of ambition, pointing each of these mighty men and erstwhile devoted friends to the dazzling bauble of temporal power. Both had tasted the bittersweet of power and liked it overmuch. Both were tempted and both fell. Each craved too much the limelight and the luscious plum of place and power. As a result both threw sweet friendship to the winds and poised their spears for a mortal combat for the thing—this thing of power—each most desired. For years they had walked arm in arm along flowering paths and under blue skies bending low. Then came this satanic angel of ambition waving his hands, and, presto! change! a dark cloud spread over the sky. Instead of peace we have had war—war with knives and knives to the hilt. As a consequence of this ferocious contest the country and the world has been treated to a series of spectacular vaudeville stunts in politics without a parallel in our history and which I devoutly hope will not be again repeated. This titanic struggle has been waged between the most eminent leaders of one of our great political parties—the Republican Party—which for the most part has, unfortunately and under many beguiling but false pretenses, controlled the destinies of the Nation for more than a generation. It has been waged between candidates for the nomination of this party to the great office of President. One of these candidates is now President of the United States and another has been President. And besides these two there is still another conspicuous Republican leader, Mr. LA FOLLETTE, now a Senator in Congress, who seeks this exalted station. This struggle has been and is being waged with a maddening ferocity between these exceptionally distinguished men and their closest and most trusted allies and confidential advisers.

Mr. President, passing over the personal and party aspects of this miserable squabble, is it not truly a sad spectacle we are witnessing? These world-famed party leaders have been for months circling the country, running from ocean to ocean, appealing to their party friends, State by State, for support of their respective candidacies; and in transitu day after day, many times repeated, abusing each other like pickpockets in language akin to the vernacular of a fish market or even something worse. The world outside looks on aghast, and the press and the reading public of Europe and all the enlightened nations everywhere criticize, cartoon, laugh, and taunt. If, indeed, the sainted dead are permitted to look down and view the transitory scenes of this world in which they were once mighty actors, what think you Washington, Jefferson, Lincoln, and other great Presidents of the past would think of the things their astonished eyes might behold? Can you imagine George Washington, Thomas Jefferson, or Abraham Lincoln gadding about the country running a campaign for the Presidency of the United States as a candidate for constable might run his campaign in one of the red-light districts of a great city? We have heard many harsh and sometimes thoughtless and unjust things said about the Senate and about the House of Representatives. But may not Senators and Representatives now well ask their censorious constituencies to look upon the scenes being daily portrayed in the course of this curious personal and party conflict, conscious always that the world is also looking on, and when they can almost hear the gibes and jeers that come from every land, and say for which department of the Government they most feel the hot red blush of shame on the cheek.

Mr. President, I have thought it might be well to put into the CONGRESSIONAL RECORD for the benefit of some future historian who might desire to write about this remarkable period in our history some of the polite exchanges of compliments between the great leaders of the Republican Party who are seeking the doubtful honor of a nomination by that party to the Presidency. I have thought also this might in some way both adorn a tale and point a moral. I wish to put some things of future historical importance in easy and convenient form. My purpose is to preserve important data for the historian of the future, and I hope no man will accuse me of any ulterior or partisan pur-

pose. It is difficult to determine what to select, where to begin, or where to end, for the field is so wide and full of interest.

Perhaps I had as well begin in this way: The President and his immediate friends have declared that former President Roosevelt in his present contest is backed by a syndicate of multimillionaire trust magnates, with George W. Perkins at the head, and that this syndicate seeks corruptly to control the Republican Party through the use of money. This is charged by a Republican President, seeking reelection to his great office, against a former Republican President, who is his chief rival for their party nomination.

Then comes Senator ROBERT MARION LA FOLLETTE, butting in, and contributes his testimony upon this particular count in the indictment which the President prefers against his predecessor. I read the following clipped from the Washington Star of May 18 and which was repeated in other publications:

In his opening speech, delivered at Bowling Green, about 20 miles out of Toledo, Senator LA FOLLETTE challenged Col. Roosevelt to make public forthwith a complete list of those who had contributed to his campaign and the amounts they had contributed. The challenge came coupled with the assertion that three men closely identified with Wall Street—

Mark you, I am reading now what a Republican Senator, himself a candidate for the Presidency, said about one of his rivals—

namely, George W. Perkins and Judge E. H. Gary, of the United States Steel Corporation, and Dan R. Hanna, son of the late Senator Hanna, had furnished a campaign fund of $1,000,000, which was being freely spent for the purpose of getting delegates for Col. Roosevelt.

"I am prepared—

He said—

"to furnish at any time a complete list of donors to my campaign fund, with the amount contributed by each. I think Col. Roosevelt, who is soliciting votes in the Ohio primaries, should be equally frank with the people."

Think of that. A million dollars furnished by a syndicate of multimillionaire trust magnates to promote the candidacy of this self-appointed champion of the people; a million dollars scattered broadcast to control State primaries and conventions to select delegates to a national convention; a million dollars to buy a nomination. That is what is meant, if anything is meant, by this charge that Taft and LA FOLLETTE make against Roosevelt. I ask my Republican friends over there if any of them impeach these witnesses? Do they call them in question? If you can not believe these men, then who among the whole Republican tribe, outside of this Chamber, can be credited?

Roosevelt admits on the stump that these trust magnates named by LA FOLLETTE are supporting him and contributing to his campaign. He does not say how much they have given. Taft says they have contributed an "enormous sum," and LA FOLLETTE says they have contributed a million dollars. Roosevelt admits that they have supplied him with the sinews of war, but to what extent he does not say. To this specific count in the indictment, naming the amount of the contributions, he pleads by remaining silent. Remember there is an old saying that silence is in substance a confession.

George W. Perkins organized the Harvester Trust. President Taft charges that Mr. Roosevelt when President suppressed the activities of the Department of Justice, when that department was moving to indict and prosecute the Harvester Trust and its chief officials, and he said this in a way that could only mean that Mr. Roosevelt was influenced in his course by improper considerations.

Mr. President, I have here a statement recently issued from the White House by Mr. Hilles, the President's private secretary, with respect to this Harvester Trust prosecution. This statement is really a historical fulmination, and I wish to read it into the RECORD that it may be preserved for future use. It is as follows:

The story of how President Roosevelt suppressed the case against the Harvester Trust for purely partisan purposes is told in a statement made public last night by Charles D. Hilles, Secretary to President Taft.

Mr. Hilles included in his statement one made by United States Attorney Townsend, who conducted an inquiry into the affairs of the Harvester Trust under direction of Charles J. Bonaparte, Mr. Roosevelt's Attorney General. Mr. Townsend recommended that proceedings be instituted against the Harvester Trust, but his recommendation was ignored.

The Hilles statement demonstrates that at one stage of the negotiations in connection with the Harvester Trust Attorney General Bonaparte showed disgust over the evident determination of President Roosevelt to compromise with George W. Perkins and his associates. The Hilles statement, which is a highly interesting historical document, is as follows:

Secretary to the President Hilles gave out the following statement at the White House last night:

"I have come to Washington to get United States Attorney Townsend's statement in reference to the Harvester Trust. It shows conclusively that President Roosevelt compelled his Attorney General to discontinue the harvester prosecution in the fall of 1907, 18 months prior to the colonel's retirement from office. It was reported to me that much interest in the incident has been awakened in Ohio, not alone on the part of those who object to oppression by a monopolistic corporation, but particularly on the part of those who were shocked at the suppression of the facts and the effort to shift the responsibility when the facts were brought to light.

"President Roosevelt's term expired two years after the matter had been placed in the hands of the prosecuting officer as the result of an investigation. It is quite apparent from the record that civil and criminal proceedings were about to begin; that about a year and a half before President Roosevelt went out of office George W. Perkins took a hand in matters, and that in a remarkably short time thereafter the whole matter was suppressed, stifled, strangled, or put through some other process which, by whatever name you call it, I have no doubt was quite satisfactory to the Harvester Trust. If anybody was responsible for it besides President Roosevelt and officials acting directly under his instructions it does not appear from the record.

"Mr. Townsend began his inquiry in the spring of 1906, and on February 21, 1907, Mr. Bonaparte transmitted Townsend's report to United States District Attorney Sims at Chicago, instructing him to take up the matter with a view to the institution of criminal prosecution against the individuals and corporations implicated, Mr. Townsend having recommended prosecution.

"Sims wrote that if the report 'proves to be correct, it is my judgment that civil proceedings can be successfully maintained against the Harvester Trust,' and that probably evidence could be secured to convict the corporation and possibly a number of the individuals concerned.

"There was delay, of which Senator Hansbrough complained to President Roosevelt, and Mr. Bonaparte wrote to the Senator that the case would receive immediate attention. An effort was made on the one hand to proceed with the prosecution; on the other hand, to secure delay through a protracted investigation by the Bureau of Corporations. In his written statement Townsend says that in the spring of 1908 he was abruptly ordered to the Pacific coast to begin another investigation and was, therefore, compelled to drop the Harvester matter. He says:

"'Attorney General Bonaparte told me the reason why I had not been authorized to institute the Harvester Trust suits. Shortly after I left Washington, in the spring of 1907, the Harvester Trust people in some way learned of my report and asked permission of Attorney General Bonaparte to file a written statement by way of defense. Mr. Bonaparte considered this statement (of the Harvester Trust) not only insufficient by way of defense but as a direct admission of all the essential facts, showing a violation of the antitrust laws.

CALLED ON ROOSEVELT.

"'Shortly afterwards Mr. Perkins (the organizer of the Harvester Trust) called upon Mr. Bonaparte, in company with Herbert Knox Smith and, I think, Cyrus H. McCormick—

Cyrus H. McCormick is the executive head of the Harvester Trust—

"'They requested Mr. Bonaparte to accompany them on a visit to President Roosevelt for the purpose of persuading the President to refrain from prosecuting the Harvester Trust. Mr. Bonaparte refused to do so, upon the ground that the written statement filed by the Harvester Trust was in effect a confession of a violation of the law, and therefore he (Mr. Bonaparte) would not stultify himself by temporizing with the subject in any manner. Thereafter Mr. Perkins and Mr. Smith—and I think Mr. McCormick—went out and interviewed President Roosevelt and succeeded in persuading him not to prosecute the Harvester Trust, and shortly thereafter President Roosevelt instructed Attorney General Bonaparte not to take action.

"The suppressed papers show also that George W. Perkins was referred to as the representative of the 'far-reaching Morgan interests,' and that Mr. Perkins said to Commissioner Smith that if the Harvester Trust was to be attacked, then the Morgan interests were 'going to fight,' whereupon Mr. Smith wrote to President Roosevelt that 'it is a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests.' President Roosevelt had sent the report to the Attorney General with these directions, 'Please do not file the suit till I hear from you.'

"Col. Roosevelt met the damaging disclosure by saying that Mr. Taft, as a member of his Cabinet, advised the action that subsequently was taken. He even alleged that if his memory served him, Mr. Taft made the motion in Cabinet meeting which resulted in substituting an investigation for a prosecution.

RECORDS BROUGHT IN.

"The records of the War Department were then introduced by President Taft to show that in the fall of 1907, during the full period of the correspondence, he was absent from the country in the Philippines and elsewhere. Col. Roosevelt then shifted his ground and said that President Taft approved the suppression of the suit after his return in January, 1908.

"This last charge is disproved by the record, which shows that on November 7, 1907—Mr. Taft was out of the country from early in September until December, 1907—Mr. Herbert Knox Smith, Commissioner of the Bureau of Corporations, telephoned Mr. Perkins, 'at the President's order,' that the President took the view that the bureau's investigation should come before the suit. Why, then, would the matter be brought before the Cabinet for serious discussion in January, 1908?

"If it was brought before the Cabinet in January, then Mr. Perkins had a 'scoop' of 60 days on the President's confidential advisers. It is significant, too, that the order directed Commissioner Smith to communicate with Mr. Perkins, of J. P. Morgan & Co., and not with the president or attorney of the Harvester Trust.

Mr. President, what do these accusations amount to?

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. STONE. I yield.

Mr. REED. I would not interrupt the Senator, but in connection with just what he is saying I want to call his attention to Senate Document No. 616, which contains the address of Mr. Roosevelt delivered at Boston, Mass., on April 27, 1912, which was printed from a copy furnished by the Senator from Montana [Mr. DIXON], manager of Mr. Roosevelt, and I direct attention to this language:

A VOICE. How about Perkins?

ROOSEVELT. Perkins? He is for me. You can't—I will tell you. Wait a minute. You can't put a question to me that it will embarrass me to answer for one moment. [Great applause.]

A VOICE. Go to him! Go to him!

ROOSEVELT. Wait a moment. I know that kind well. And you can guarantee that any supporter of mine comes out in the open and supports me. [Applause.] And you can guarantee also that after he has supported me, and I have accepted his support, I won't repudiate him afterwards.

Mr. STONE. Now, Mr. President, I will complete the question I was asking when my colleague interrupted me with his very pertinent contribution to this encyclopedia of current political literature.

Mr. GORE. I desire to ask the junior Senator from Missouri whether Mr. Roosevelt was alluding to Mr. Perkins or to Mr. Harriman.

Mr. REED. In this particular instance he was alluding to Mr. Perkins, although I also think I ought to say in fairness that he seems to have a different theory with reference to standing by Mr. Perkins than he did with reference to standing by Mr. Harriman.

Mr. STONE. I was about to propound this question: What did the President's private secretary mean to convey to the public mind when he gave out these statements? Did he mean to impute to Roosevelt an improper motive in taking the action he did? Every intelligent man can determine that for himself, but I think he can determine it in only one way.

Now, Mr. President, here is what Director MCKINLEY, the manager of the Taft campaign, has to say in a statement issued by him and published on Sunday morning last. He says:

In Massachusetts he (Roosevelt) charged that President Taft had made the motion in Cabinet meeting to suspend the proposed suit against the Harvester Trust. It was definitely established from public and private records that this decision was reached by President Roosevelt himself in the first week of November, 1907, at which time President Taft was, and had been, absent on a trip to Japan and the Philippines almost a full month. When cornered on this proposition Mr. Roosevelt crawled—

Crawled—

and said that he had consulted Mr. Taft about it both before and after he had made that trip.

Then he goes on and, in substance, charges Col. Roosevelt with being convicted by the records of an intentional misrepresentation. He "crawled" out, changed his base, and changed the form of his accusation. That comes pretty nearly putting the redoubtable colonel in his own Ananias club. But the Senator from Montana [Mr. DIXON], manager of Col. Roosevelt's campaign, not to be outdone, comes back with a counter attack, and says:

Nothing more despicable and degrading has ever occurred in the history of American politics than the attempt of Mr. Taft through deliberate—

Deliberate—

knowing and sustained falsehood to misrepresent the facts regarding the case of the International Harvester Co. and to avoid personal responsibility for nonaction in the courts by the Government against that company. The statement issued at the White House last night is but a piece of the mendacity that has characterized the entire Taft utterance on this subject.

Behold Damon and Pythias at war! It is a spectacle for the gods. I call that hot stuff. I will not attempt to decide as to Taft's cognizance of or his connection with this shameful transaction. These two distinguished party leaders can settle that between themselves. It is not a part of my function to act as arbiter. But this disgraceful quarrel has at least made some facts clear beyond dispute. These facts may be stated as follows:

First. The Harvester Trust was organized in violation of law.

Second. The Department of Justice was taking steps to prosecute the trust when Perkins appeared to protest and to threaten, saying, among other things, that if the administration fought him and the Morgan combination they would fight back. Secretary Hilles calls particular attention to this in the statement I have quoted.

Third. President Roosevelt put a stop to the steps being taken by the Department of Justice to prosecute the trust.

Fourth. Perkins and his combination were shielded by White House interference.

Fifth. Perkins and his crowd are now backing Roosevelt with all their influence and a big part of their cash.

LA FOLLETTE says with a million dollars.

Mr. President, are the American people, indeed, so far lost to national honor, pride, and patriotism as to look with patience, aye, to look without indignation, upon things of this character? Let self-respecting Republicans remember, as I have said, that these are not Democratic accusations, but they are festering secrets that have been laid bare by this frightful quarrel between a Republican President, aroused to uncontrolled resentment, and a Republican ex-President, insane with uncontrolled ambition.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Missouri yield to the Senator from Alabama?

Mr. STONE. Certainly.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Missouri, even supposing the contention of Mr. DIXON and ex-President Roosevelt was true that President Taft had advised a cessation of the prosecution against the trust, would that make any difference?

Mr. STONE. Not so far as Roosevelt is concerned. It might involve Taft as misstating the fact, for he denies that he was consulted. Roosevelt says he was consulted; Taft says he was not. It is a question of veracity.

Unfortunately, the Harvester Trust case is not the only instance of its kind. I wish to read another extract from the speech delivered a few days ago by Senator LA FOLLETTE at Bowling Green, Ohio. The newspaper report I hold here is as follows:

After making the assertion that the three capitalists had raised this huge campaign fund to aid Col. Roosevelt, Senator LA FOLLETTE denounced the colonel for not enforcing the Sherman antitrust law while in the White House.

Proceeding he said:

"When Roosevelt became President," said the Senator, "he found awaiting action by the Government 140 criminal conspiracies representing corporations having less than $1,000,000,000 capitalization. Before the end of his administration these open violations against the law had increased until they represented corporations having a capitalization of more than $31,000,000,000. As a result, it is almost impossible for any President to crush the criminal trusts now without injury to legitimate business."

The uncomplimentary compliments these Republican candidates are bestowing on each other are numberless as well as without a parallel in political billingsgate. Here is a choice tidbit from Roosevelt's speech at Marion, Ohio. He said:

I notice that yesterday Mr. Taft attacked what I said about the tariff. What I proposed is perfectly feasible. Mr. Taft says he does not understand my proposition. I don't think he is capable of understanding it.

Mr. Taft has forgotten the plain people, who gave him his office and to whom he is responsible. He is well meaning but means well feebly. Under Mr. Taft the tariff has been treated from the standpoint of affording benefit only to the manufacturer.

I think the colonel is entirely correct about that; but the same was true while he was President. Col. Roosevelt continued:

And Mr. Taft has acted against the interests of the farmer and the wage earner. He has acted against the interests of the plain people. Mr. Taft has discovered now that I am dangerous to the people. Mr. Taft never discovered that I was dangerous to the people until I discovered that he was useless to the people.

How different was this May day in Ohio from the sweet Damon and Pythias May day of three and a half years ago! Then everything was lovely and the goose hung high, and the air was full of the music of friendship, confidence, and love. Now a stormy and blighting change has come over the spirit of their dreams.

On the same day that Roosevelt delivered the philippic I have just read, Taft gave forth this tearful jeremiad:

The memory of the names Mr. Roosevelt has called me still lingers in my ears. Since the time he began his personal attacks on me he has used all the epithets he could think of, and all the names in the calendar, such as no President has ever been subjected to by a man who has had two terms in that office.

But his lamentation was followed by wrath. He wiped his tears away and proceeded to blister Roosevelt with epithets. He called him an egotist, honey-fugler (whatever that is), a neurotic, and so on. A neurotic is a lunatic. Oh, it is beautiful!

Then Director MCKINLEY springs again into the arena on Sunday morning with the following:

Mr. Roosevelt is not running as a Republican at all. He is running as Theodore Roosevelt for the office of dictator of the Republic. He is now trying to dictate to the Republican Party what it shall do at Chicago. I hate to spoil Mr. Roosevelt's dream of unlimited power and to curb his consummate gall, but if he expects the Republican Party to nominate him for President, granting for the sake of argument that he had a chance of the nomination, he has picked out the wrong party.

In saying this MCKINLEY but reiterated what his chief, the President, had himself said repeatedly.

Then LA FOLLETTE butts in again with this well-timed compliment. This I clipped from the Washington Times. The report says:

Fully 8,000 persons heard LA FOLLETTE last night when he referred to President Taft as an "amiable, easy-going fat man" and denounced Col. Roosevelt as the violator of an oath of office sworn on "the same Bible Lincoln kissed."

That, too, is pretty hot stuff.

He scored both Taft and Roosevelt for "dragging" the honor of the Presidency into the "mire" of personal vilification.

I do not know just what to think of the gentle and amiable example of moderation set by the distinguished Senator.

The President, however, caused no enthusiasm equal to that which the Wisconsin Senator created when he held illegal business combinations responsible for the present national unrest. Roosevelt, he charged, allowed hundreds of such combinations to be formed after he had sworn as President to enforce the Sherman law, which forbade them.

LA FOLLETTE here repeated his charge made in Chicago yesterday that a fund of $1,000,000 had been raised to nominate Roosevelt by George W. Perkins, Judge Gary, Dan R. Hanna, and other trust magnates.

In last Sunday morning's paper I find that President Taft renews his attack on Dan Hanna, one of Roosevelt's chief financial backers, charging him and his great corporation with having been indicted for violating the law against rebates. In Sunday morning's Washington Post the President is quoted as saying in a statement given out at Cincinnati Saturday night:

Mr. Roosevelt says that Dan Hanna's indictment for rebates was for a mere technical violation of the law and involved no moral delinquency. The fact is that the discontinuance of the criminal prosecution of Mr. Hanna personally was part of a settlement in which the companies represented by Mr. Hanna paid $143,000 of fines. This would seem to exceed a mere technical violation of the law.

Mr. Roosevelt has not seen fit to answer the question whether, if he is nominated and elected, he will discontinue the Steel Trust suit and the Harvester Trust, nor has he answered the question whether he will accept a fourth term.

This assault is met by the following message of defiance and warning, sent from Cleveland, near which city Roosevelt rested on the Sabbath. I read from the Washington Post of May 20:

Last night Hanna traveled from Ravenna to be on the stage when Roosevelt spoke. Should the former President be renominated and reelected, it is quite certain that Hanna will be a powerful factor in Ohio politics, and some are bold enough to predict that there may be a second Hanna named as United States Senator when the expected new deal in Republican affairs is made. This, of course, means the retirement of Senator THEODORE BURTON, who is not in the graces of Roosevelt.

Poor BURTON! We will miss him.

Taft further says in his Cincinnati statement given out Sunday morning, May 19, that Roosevelt considers himself the Republican Party, and that a failure of the national convention—

to comply with his views and wishes puts those doing so in the attitude of bolters finds no parallel in history save in the famous words of Louis XIV, "The state, I am it."

"It is on a par with his declaration that 'I typify and embody' the progressive sentiment of the age."

But long before that, back in April, Roosevelt had fired a fusillade at Worcester, Mass., in which he accused the President of exposing private, confidential correspondence, and so forth.

Here is what he said:

Mr. Taft, without my permission, has quoted entire letters from me, written in answer to letters of his which were marked "confidential." I shall so far avail myself of his example as to quote four lines of a letter from him to me which was not marked "confidential." It was written shortly after he became President. It runs:

"I can never forget that the power I now exercise was voluntarily transferred from you to me and that I am under obligation to you to see to it that your judgment in selecting me as your successor and bringing about the succession shall be vindicated, according to the standards which you and I in conversation have always formulated."

It is a bad trait to bite the hand that feeds you.

No other man in this country was as much interested as I was in having Mr. Taft succeed. No other man with my principles and convictions has supported him for so long a time and has so bitterly regretted being unable to support him for a longer time. I eagerly sought every opportunity to stand by him, and long after I felt deep in my heart that he was unfit to lead his people I refused to acknowledge the fact to myself, and struggled to convince myself that he was fit, and clutched at every opportunity to back him up.

Until less than a year ago I kept desperately hoping that either Mr. Taft himself would at least show himself reasonably fit for the task before him, or that if he failed, some one else would arise to whom the people could turn. Reluctantly I made up my mind that Mr. Taft could not do the task, and I became convinced that the people of the great West felt that I would be untrue to them if I refused to act as their standard bearer.

I do not think that Mr. Taft means ill; I think he means well. But he means well feebly, and during his administration he has been under the influence of men who are neither well meaning nor feeble. It is this quality of feebleness in a normally amiable man which preeminently fits such a man for use in high office by powers of evil.

On yesterday, in Ohio, Taft said this of Roosevelt:

Mr. Roosevelt said last Saturday in Cleveland that if he was not nominated he was going to bolt. He says, "I am the Republican Party, and therefore if you get enough votes in the convention to nominate some one else, it makes you the bolters and I remain the Republican Party."

He would then be saying, "I am the Government; I am the people; I am the whole thing." Gentlemen, it is unsafe to give a third term to a man of his unsound constitutional views, his impatience of legal restraint, his exaggerated ego, his desire for power.

There used to be a king in France known as the grand monarch, who said, "The state, I am it; I am the state"; and that is what Theodore Roosevelt is saying about the Republican Party.

Well, as a matter of fact, is not Roosevelt the Republican Party? If not, then what is the Republican Party?

After reading this last Taft pronunciamento the pugnacious Roosevelt comes back with a counter charge, saying that Taft is a feeble brother, incapable of understanding intricate public questions like the tariff, and that Taft did not discover that he, Roosevelt, was dangerous to the people until he, Roosevelt, discovered that he, Taft, was useless to the people. I might add that Roosevelt did not discover that Taft was useless until Taft discovered that Roosevelt was dangerous, and maybe both are right in what they say. Upon that I decline to pass judgment, although I have a well-defined opinion.

Mr. President, I might go on with this and multiply these delightful compliments bestowed by these Republican chieftains on each other almost without limit, but I think the service already rendered is sufficient, and so I will lay aside the remainder of my collections for another day.

Mr. President, if I regarded this unseemly wrangle between these Republican leaders merely from a partisan standpoint, I might exclaim:

Lay on, Macduff;
And damn'd be him that first cries, "Hold, enough!"

But the shame of it all fills me with disgust and takes from the performance any pleasure I might derive over any possible party advantage because of it. The spectacle of three of the most eminent men in our public life, largely made so by the strange fortunes of politics, engaging in a contest of this character, so far below the standard that ought to distinguish the efforts of men promoting ambitions so high and honorable, brings our Government and people before the world in a way that ought to make every true American ashamed. I am striving to speak with moderation and with the least offense, although my heart swells with indignation that these men should put this unseemly blot on our escutcheon. However, I feel compelled, out of a sense of justice, to say that President Taft was evidently reluctant and slow to enter upon this ruffian fight. Innately Taft is a gentleman and averse to saying or doing anything incompatible with the dignity of his office or the good name of the country which has so highly honored him. I regret that he did not resolutely continue in the course he first thought he should follow, and ignore the exasperating assaults made upon him and his administration; but it seemed as if sensational attacks were making headway against him, and so, rather than hold aloft the standard that should always mark official and national dignity and lose, he unfortunately determined to return blow for blow. Out of all this has come this black chapter in American history.

What the end will be I can not tell. The last word in this tragic chapter will be written at Chicago. I say the last word will be written at Chicago because I can not believe that after this storm of strife and exposure the American electorate will consent to return the Republican Party to power. I paraphrase an old adage with this: "That when Republican politicians fall out the people have a better chance of getting what is due to them."

Of course I know there are thousands of men who for one reason or another will say that they would rather have any kind of Republican than any kind of Democrat for President. It is not difficult to understand that the men who say this have greater love of party than of country, or greater regard for some selfish interest than the national good. I can not believe, however, that the great body of American men and women so distrust one-half at least of the American people—by which I mean the Democratic Party—as to prefer to give to any kind of Republican President the great powers of that great office than to confide those powers to a Democrat professing the doctrines of Thomas Jefferson and Andrew Jackson.

Briefly let me contrast the dignified course of Democratic candidates for the presidential nomination with the course of Republican candidates as I have outlined that. Speaker CLARK, Leader UNDERWOOD, Gov. Marshall, Gov. Baldwin, and Gov. Burke have all remained steadfastly at their posts of official duty; and while Gov. Wilson and Gov. Harmon have made numerous speeches in different parts of the country, none of these distinguished Democrats has ever spoken a word in disparagement of his rivals. All of them have assumed a course so in accord with the highest political ethics and propriety that every one of them stands above reproach. Contrasting the records the Republican and Democratic candidates have made in this campaign, what Democrat—aye, what proud American—will not say that the course taken by the Democratic candidates is infinitely on a higher plane and more in accord with what patriotic Americans would desire than the course taken by Republican candidates?

Mr. President, I wish I could ask every American citizen this question: Look upon the picture made by these Republican candidates and then upon the picture made by these Democratic candidates and see which you like the best. Moreover, I would like to ask them in all good conscience to say whether they would rather trust the welfare and good name of the American Republic to a Democrat who has said no word nor committed any act to the Nation's discredit or to a Republican who has brought the American nationality into the shadow of shame.

EIGHT-HOUR LABOR LAW.

Mr. BORAH. I ask unanimous consent to call up for present consideration the bill (H. R. 9061) limiting the hours of daily

service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum, because certain Senators interested in this legislation are out of the Chamber.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Kern	Root
Bacon	Cullom	Lea	Sanders
Bailey	Cummins	Lodge	Shively
Borah	Dillingham	McLean	Simmons
Bourne	du Pont	Myers	Smith, Ariz.
Brandegee	Fall	Nixon	Smith, Mich.
Bristow	Fletcher	O'Gorman	Smoot
Bryan	Gallinger	Oliver	Stone
Burnham	Gore	Overman	Sutherland
Catron	Guggenheim	Page	Swanson
Chamberlain	Heyburn	Paynter	Townsend
Chilton	Hitchcock	Perkins	Warren
Clark, Wyo.	Johnston, Ala.	Reed	
Clarke, Ark.	Jones	Richardson	

Mr. JONES. I desire to announce the unavoidable absence of my colleague [Mr. POINDEXTER].

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. BORAH. Mr. President, I asked leave that House bill 9061 be taken up, but since doing so some Senators have suggested that as we have only 20 minutes left of the morning hour in which to proceed to-day, we would not be likely to accomplish anything; so, with the notice that I will call the bill up as soon as the routine morning business is closed tomorrow morning, I will not ask for its consideration at this time. Several Senators think there may be some unobjected bills upon the calendar under Rule VIII which can be disposed of at this time, and that we will make some headway by proceeding with the calendar.

AMERICAN HOSPITAL AT PARIS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6380) to incorporate the American Hospital at Paris.

The bill was read, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HITCHCOCK. I should like to inquire with respect to the provision that the property of the corporation shall not be subject to taxation. Of course that applies to taxation in the District here.

Mr. GALLINGER. Yes.

Mr. HITCHCOCK. What is the practice in France? Would it be subject to taxation there?

Mr. GALLINGER. I confess I can not answer the question. I should think not, it being purely a charitable institution. The hospital has already been built by private contributions.

Mr. President, the reasons for the enactment of the bill are stated in a letter from Mr. Henry White, our late ambassador at Paris, and there is likewise a letter from our consul general. Mr. White says:

And the reason for the great desire of its directors and founders, with which I heartily sympathize, for the incorporation by act of Congress, is that it may be in a position to accept legacies, buy more lands when needed (both of which conditions have actually occurred), and which under French incorporation it could not do.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask that the report of the committee be printed in the RECORD in connection with the passage of the bill, and likewise the letter from Ambassador White.

The PRESIDING OFFICER. If there be no objection, it is so ordered.

The report submitted by Mr. GALLINGER on the 17th instant is as follows:

[S. Rept. 760, to accompany S. 6380.]

The Committee on the District of Columbia, to whom was referred the bill (S. 6380) to incorporate the American Hospital of Paris, having considered the same, report thereon with a recommendation that it pass.

The reasons for the proposed incorporation are set forth in the following letter from the consul general of the United States in Paris:

CONSULATE GENERAL OF THE UNITED STATES,
Paris, May 4, 1912.

Hon. JACOB H. GALLINGER,
Chairman Senate Committee on the District of Columbia, Washington, D. C.

SIR: As one of the members of the board of governors of the American Hospital in Paris, I have been informed that a bill has been introduced into the Senate, by Senator O'GORMAN, the purpose of which is to secure for the American Hospital of Paris a charter under the laws of the District of Columbia.

I venture to add my earnest request and hope that the charter asked for may be granted. The American Hospital here is one of the most beneficent and necessary institutions in Paris and renders service which can not be estimated in terms of money. It has already saved many precious lives and furnishes a retreat where American citizens taken suddenly ill and being in need of medical or surgical treatment can be cared for under the conditions they are accustomed to enjoy at home.

The charter is necessary in order to enable the hospital to receive legacies by will and in order to give it a better standing in France.

The hospital is sustained, of course, by voluntary contributions, supplemented by the very moderate fees which are collected from patients who are able and willing to pay same. Destitute Americans receive treatment free of charge.

Hoping your committee will consider favorably the proposition which has been laid before it,

I have the honor to be, etc., FRANK H. MASON,
Consul General.

The following letters in regard to the bill have been received from the Secretary of State and the Commissioners of the District of Columbia:

DEPARTMENT OF STATE,
Washington, April 25, 1912.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, United States Senate.

SIR: I have the honor to acknowledge the receipt of the communication of April 20, 1912, from the clerk of your committee, transmitting a bill (S. 6380) to incorporate the American Hospital of Paris, and requesting, by your direction, the views of this department touching the merits of the bill and the propriety of its passage.

In reply I have the honor to state that this department is not informed regarding the proposed hospital and has therefore no comments to make respecting the bill further than to say that a precedent would seem to be found in the act approved March 3, 1905, incorporating the American Academy in Rome, and that the bill would, of course, have no operative effect in France other than the recognition which might be given by France to foreign acts of incorporation, and as to this the department is not advised.

With respect to the legal aspects of the bill, it would seem more appropriate to refer it to the Department of Justice.

I have the honor to be, etc., P. C. KNOX.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 22, 1912.

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia, United States Senate.

DEAR SIR: The Commissioners of the District of Columbia have the honor to make the following statement with respect to S. 6380, Sixty-second Congress, entitled "A bill to incorporate the American Hospital of Paris," which you referred to them with request for their report touching its merits and the propriety of its passage.

The object of this bill is to maintain a hospital in the city of Paris and to furnish medical and surgical aid and care to the citizens of the United States; and it is authorized to take by purchase, gift, grant, devise, and bequest, and to hold, mortgage, lease, transfer, and convey, for the purposes of said corporation, any real and personal property in the United States of America and in France as may be deemed necessary for the wants or development of the corporation, or any of them.

It seems to be a matter entirely within the Federal jurisdiction and for Congress to say whether such a charter should be granted and whether the right to so acquire an unlimited amount of real and personal property in the United States should be permitted.

The commissioners know of no objection to the bill unless the proposed grant of authority to acquire such property should prove inimical to judicious public policy.

Very respectfully,
BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

The letter of Mr. Henry White is as follows:

1624 CRESCENT PLACE NW.,
Washington, May 20, 1912.

DEAR SENATOR GALLINGER: I am much interested in a bill now, I believe, in the hands of your committee (District of Columbia) for the incorporation by Congress of the American hospital in Paris.

It is an institution which serves a very useful purpose for our many compatriots in that city when they fall ill. It was built by voluntary contributions of Americans and is very well conducted; and the reason for the great desire of its directors and founders, with which I heartily sympathize, for its incorporation by act of Congress is that it may be in a position to accept legacies, buy more land when needed (both of which conditions have actually occurred), and which under French incorporation it could not do.

Possibly all this may have been explained to you before, but I have thought it well, being personally cognizant of the hospital and of its reasons for troubling Congress in the matter, to write you a line. I shall be happy to call upon you and give further explanation if needed.

Yours, very sincerely,
HENRY WHITE.

FISH-CULTURAL STATION IN ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 6203) to establish a fish-cultural station at Monte Ne, in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with amendments.

Mr. KERN. I did not hear the conclusion of the bill as to the amount of money the State of Arkansas is to contribute.

Mr. CLARKE of Arkansas. The same amount as is contributed anywhere else—nothing.

Mr. KERN. I will ask that the Secretary read that part of the bill again.

The Secretary read as follows:

Provided, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill, the State of Arkansas, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the lawn and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

Mr. GALLINGER. I would call the attention of the Senator from Arkansas to the phraseology of the bill. It says, "in accordance with this bill." I think it ought to be "in accordance with this act."

Mr. CLARKE of Arkansas. I think so, too.

Mr. GALLINGER. I suggest that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 3, strike out the word "bill," and insert "act."

The amendment was agreed to.

Mr. CLARKE of Arkansas. There are certain committee amendments.

The PRESIDING OFFICER. The Secretary will state the committee amendments.

The amendments of the Committee on Fisheries were, on page 1, line 5, to strike out "at Monte Ne," and in line 9, after the word "equipment," to insert "at some suitable point to be selected by the Secretary of Commerce and Labor," so as to read:

That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish a fish-cultural station in the State of Arkansas, and for said purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of site, construction of buildings and ponds, and equipment at some suitable point to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Arkansas."

TESTAMENTARY DISPOSITION OF INDIAN ALLOTMENTS.

Mr. GORE. I ask unanimous consent for the immediate consideration of the bill (H. R. 1332) regulating Indian allotments disposed of by will.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made.

LEVEE AND DRAINAGE DISTRICT NO. 25 IN MISSOURI.

Mr. REED. I ask unanimous consent for the present consideration of the bill (H. R. 21500) to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT DOUGLAS, ARIZ.

Mr. SMITH of Arizona. I ask consent to call up the bill (S. 6174) for the erection of a public building at the city of Douglas, State of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 2, page 2, to strike out "seventy-five" and insert "thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion in the city of Douglas, Ariz., of a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use and accommodation of the United States post office, Federal court, and other Government offices, upon ground already purchased by the Government for such purpose and now owned by the United States, the cost of said building not to exceed the sum of $130,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President, for a couple of days past I have undertaken to discuss the rates in the proposed metal schedule. But instead of being able to do so, through interruptions, we have discussed everything but the rates under consideration, from the high cost of living to the effect the tariff has upon the price of cotton paid the planter of the South. So I now ask that I be allowed to proceed to discuss the measure which is before the Senate. I wish it distinctly understood, however, that I have not objected to interruptions, but I feel that the Senate desires to secure an early vote on the metal schedule, and I therefore very much prefer to continue without interruption along the line I have mapped out in opposition to the House bill.

Mr. President, the act of August 5, 1909, was based on the best information possible to obtain at that time as to the difference between the cost of production at home and abroad. The success of this revision is fully demonstrated in the continued prosperity of the country. For the first time in its history Congress accomplished a general reduction of tariff duties without destroying a single American industry or lowering the standard of living of any American wage earner.

In preparing the act of 1909 the Ways and Means Committee conducted hearings covering every industry and interest affected by the tariff. That committee was in session almost continuously for eight months, during which time hundreds of witnesses were called before it and every person, whether he was a producer or a consumer, a manufacturer or a wage earner, was afforded an opportunity to appear before the committee and explain fully his views on the tariff. No such an exhaustive inquiry into tariff matters was ever made before by Congress. The printed hearings on the Payne bill fill nearly 9,000 pages. These hearings were available to every Member of Congress in the consideration of that measure. In preparing the tariff bills submitted to the present Congress no hearings whatever have been held by the proponents of these measures. No opportunity has been given by them to the industries and wage earners of the country to show how they would be affected by the rates which were fixed upon by some individual or group of two or three individuals without any adequate or scientific investigation of the subject.

A Tariff Board was first created by the tariff act of 1909, which provided that the President could employ such persons as may be required to assist him in securing information for carrying out the maximum and minimum provisions of that act and to assist other officers of the Government in the administration of the customs laws. The sundry civil appropriation bill, approved March 4, 1911, contained an appropriation of $225,000 to enable the President to secure tariff information as provided for in the act of 1909, and in addition thereto provided that this information should include such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as authorized by the act of 1909. The President was also authorized by this appropriation act to employ such persons as may be required to secure the tariff information desired, and he was given the broad authority to use the appropriation "to enable him to do any and all things in connection therewith authorized by law."

At the time the sundry civil appropriation bill containing this provision was pending, a bill creating a permanent Tariff Board was also before Congress. A Tariff Board bill had passed each House of Congress, and it was confidently believed at that

time that such a board would be created. The sundry civil appropriation bill, therefore, included a provision that if a Tariff Board was established by law the appropriation of $225,000 should be available to meet the expense of such board. The appropriation bill also contained the following provision, which became law, and which clearly shows that it was the intention of Congress that a Tariff Board, if created, should gather information for the use of Congress and submit reports to Congress:

The Tariff Board, if established by law, shall make report to each House of the Congress on the wool and woolen schedule not later than the first Monday in December, 1911.

The Tariff Board bill failed of enactment into law owing to a Democratic filibuster in the House during the closing hours of the Sixty-first Congress. As the differences in the Tariff Board bills which had been passed by the Senate and the House were but slight, the President believed it was the desire of Congress that a Tariff Board should be created in accordance with the general provisions of the bill that had failed of becoming a law only through the filibuster of a few Members of the House. The President, therefore, appointed a Tariff Board of five members, appointing two members of such party affiliations as would have fulfilled the statutory requirement had the tariff bill become a law. In compliance with the provisions of the sundry civil act this board submitted a report on the wool and woolen schedule to Congress last December. Therefore, to all intents and purposes, the Government has just such a Tariff Board as would have been established had the Tariff Board bill become a law in the Sixty-first Congress. That bill passed the Senate by a vote of 56 to 23, every Republican Senator except one voting for it, together with four Democratic Senators.

I want to call to your attention the report of the National Tariff Commission Association, which obtained permission from the President to investigate the methods of the Tariff Board. This organization, after a thorough investigation, made the following report, which, I believe, alone justifies Congress in waiting for the Tariff Board to complete its study of tariff subjects before undertaking the revision of any of the present schedules:

Our committee finds that the Tariff Board is composed of able, impartial, and earnest men, who are devoting their energies unreservedly to the work before them; that the staff has been carefully selected for the work in view; is efficiently organized and directed, and includes a number of exceptionally competent, technical experts; that the scale of salaries is reasonable, indeed very moderate, and all of their expenditures are closely scrutinized and equally reasonable; that the work of the board, vast and intricate in detail, is already highly organized, well systematized, running smoothly, and that Congress and the people can now wait the completion of that work with entire confidence that it is progressing as rapidly as consistent with proper thoroughness, and that it will amply justify all of the time and expense which it entails. We believe that the value of the work when completed will be so great and so evident as to leave remaining no doubt as to the expediency of maintaining it as a permanent function of the Government for the benefit of all the people.

American industries and wage earners had been led to believe that there would be no further disturbance of business by tariff legislation until the Tariff Board had completed its investigation of trade conditions at home and abroad. The American people had every reason to feel reassured by the Payne Act that the prosperity of the Nation was safeguarded in the pledge that future tariff legislation would continue to keep open our factories for the employment of American wage earners. But no sooner had the American manufacturer and workman settled back with a sigh of relief over the fact that the revision of 1909 had permitted him to keep his factory and his job, than agitators, importers, as well as newspapers and magazines disappointed in not receiving free print paper, immediately began a wicked crusade against the tariff act, claiming the rates were an increase over the Dingley rates; stopping at nothing and hesitating at no kind of misrepresentation to impress the people of this country with the idea that they were being robbed by the provisions of the act. I deny that the average rates of the act of 1909 are an increase over the Dingley rates. On the contrary, they are a reduction.

Without giving the country a fair chance to test the tariff act of 1909 and readjust itself to the new rates, and without waiting for the Tariff Board to complete the investigation of a single one of the tariff schedules, renewed assaults were made on the protective-tariff system, which has built up the enormous manufacturing industries of the United States and has given the American workingman the highest wage and the best living of any workman in the world. It is proposed to call a halt in the country's progress and return to the stagnation of business that almost ruined the country under the last Democratic tariff. I have carefully studied the amendment to the act offered by the Senator from Iowa and I have failed to find in all the changes proposed by him where the ultimate consumer will be benefited.

Lest the people of the United States have forgotten, I want to read to the Senate a statement showing the condition of the United States at the time the Gorman-Wilson Tariff Act was repealed in 1897 as compared with our wondrous assets of to-day. This statement should convince any fair-minded person that the country has prospered exceedingly well under the Republican tariffs and Republican administrations since the election of President McKinley in 1896, and that every man, woman, and child in the United States has shared in this wide-spread prosperity:

Progress of the United States since repeal of last Democratic tariff act (Gorman-Wilson) July 24, 1897.

From United States Statistical Abstract.	1897	1911
Wealth	a $77,000,000,000.00	b $107,104,211,917.00
Wealth per capita	a $1,117.01	b $1,318.11
Money in circulation	$1,640,983,171.00	$3,214,002,360.00
Circulation per capita	$22.30	$34.23
Bank clearings	$54,179,545,030.00	$150,373,480,000.00
Individual bank deposits	$5,094,735,370.00	$15,906,274,710.00
Depositors, savings banks, number of	5,201,132	9,597,195
Excess of ordinary disbursements over receipts	$18,082,454.00	
Excess of ordinary receipts over disbursements		$47,234,377.03
Imports of merchandise:		
Free	$381,933,243.00	$776,972,509.03
Dutiable	$382,792,169.00	$750,253,596.00
Total	$764,730,412.00	$1,527,226,105.00
Per cent free	49.94	50.87
Crude material for use in manufacturing imported free of duty	$180,127,286.00	$400,521,730.00
Manufactures ready for consumption imported free of duty	$34,426,808.00	$64,927,575.00
Average ad valorem rates:		
On dutiable merchandise..per cent	45.17	41.22
On free and dutiable.....do	21.80	30.29
Exports of merchandise	$1,050,993,556.00	$2,049,320,199.00
Production of commodities:		
Wool, pounds	259,153,251	318,547,900
Wheat, bushels	530,149,168	621,338,000
Corn, bushels	1,902,967,933	2,531,488,000
Cotton, bales	10,897,857	11,965,963
Sugar, beet, pounds	84,080,640	1,020,344,000
Sugar, cane, pounds	644,175,323	686,640,000
Coal, long tons	176,776,070	447,853,909
Lead, short tons	212,000	372,237
Farms and farm property, value of	$30,439,901,164	c $40,991,449,080
Farm products, value of	$4,717,059,973	$8,417,000,000
Petroleum, gallons	2,539,971,672	8,801,334,016
Iron ore, long tons	17,518,045	c 56,889,734
Pig iron, long tons	9,652,680	23,649,547
Steel, long tons	7,156,957	c 26,094,919
Zinc, crude, short tons	86,963	252,479
Manufacture of iron and steel:		
Wages	d $120,846,348	e $187,807,288
Value of products	d $804,034,918	$1,377,151,817
Imports	$16,494,559	$35,984,303
Exports	$57,497,872	$230,725,352
Manufacturing industries:		
Wage earners, average number	c 5,308,406	c 6,615,043
Wages	c $2,322,333,877	c $3,427,037,884
Value of products	c $13,004,400,143	c $20,672,051,870
Tin plates:		
Imports, pounds	230,073,693	95,319,730
Production, pounds	574,779,520	1,619,006,000
Cotton manufactures	c $332,806,156	c $623,391,813
Wool manufactures	c $296,980,484	c $507,165,710
Railways:		
Passengers carried	489,445,198	c 971,683,199
Freight carried, tons	728,900,275	c 1,849,900,101
Postal receipts, gross	$82,666,462	$237,879,824
Immigrants arrived	230,832	878,587
Commercial failures:		
Number of	f 15,068	13,441
Amount of liabilities	f $226,096,834	$191,061,655

a 1895. b 1904. c 1910. d 1899. e 1900. f 1896.

Has the American farmer any reason to complain of Republican tariffs under which the value of his farm property and farm products each have increased 100 per cent since the last Democratic tariff?

Have the people of the United States any reason to complain of Republican tariffs under which their deposits in national banks have increased three-fold and their deposits in savings banks have more than doubled since the last Democratic tariff?

Has the American consumer any reason to complain of Republican tariffs under which the imports of merchandise free of duty have doubled since the last Democratic tariff?

Has the American wage earner any reason to complain of Republican tariffs under which exports of his products have more than doubled and his wages have increased more than a billion dollars since the last Democratic tariff?

Do the people of the United States want to return to the days of Democratic tariffs, when the factory windows were boarded up and the bread lines were long and hungry?

That the Democratic Party has in mind the revival of its ancient tariff fallacies, which always have resulted in business depression and idle workmen whenever tried, is certain from the tariff program its leaders have adopted. No sooner had that party gained control of one branch of Congress than it began a series of attacks on the tariff that have caused such fear and trembling among the business interests of the country. I do not want to be an alarmist, but I feel it my duty to warn the people of the United States that the industries and wage earners of this country are now facing one of the greatest crises in their history. It soon must be decided whether the workingmen of the United States are to be reduced to the level of those of Europe and Asia by forcing American manufacturers to compete with the products of foreign labor without an adequate measure of protection for their own employees.

The first tariff bill passed by the Sixty-second Congress was the so-called "farmer's" free list, which was intended to admit free of duty all agricultural implements, cotton bagging, cotton ties, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, cement, and lime. This bill passed the House on May 8, 1911, and the Senate on August 1, 1911. It was well known at that time by the proponents of this bill that the Tariff Board was hard at work gathering information for the assistance of Congress when it should undertake a scientific revision of the schedules affected by the so-called free list. However, the free-list bill was passed by Congress, as were the other tariff measures of last session, without asking or waiting for any report from the Tariff Board or without any available information other than that which Congress had at its command when the tariff was revised in 1909. The President well said in his veto of the free-list bill, "The bill is so carelessly drawn that it would inevitably lead to the greatest uncertainty as to what articles are or are not covered by its various conditions. This would impose a burden on the administrative branch of the Government, create disastrous uncertainty in commercial circles, and lead to a burdensome amount of litigation."

Another Democratic tariff bill which passed last session was that reducing the duties on wool. This bill passed the House on June 9, 1911. It was defeated in the Senate, but after a hasty revamping of its schedules on the floor of the Senate a compromise measure was agreed to on August 15, 1911. Again the President exercised his right of veto, clearly pointing out the lack of adequate information that the proponents of the measure had upon which to base rates affecting the very life of an industry in which more than a million people are engaged and more than a billion dollars of the country's capital is invested. The President very properly suggested that Congress should await a report, which it had asked the Tariff Board to submit at the beginning of this session, before entering upon a revision of the wool schedule.

The third tariff bill of last session was that which purported to revise the duties on cotton. This measure was passed by the House on August 3, 1911, but before it passed the Senate, on August 18, 1911, it was elaborated into the partial revision of not only the cotton schedule but also the chemical and the metal schedules. Upon none of these schedules had any information been submitted to Congress in addition to that which it possessed when the Payne bill was enacted into law. Again the President was compelled to use his veto to protect the industries of the country from log-rolling tariff revision. Engaged in the cotton industry alone are 379,000 wage earners whose annual wages amount to $146,000,000. The capital invested in cotton industries in 1909 amounted to $821,000,000 and the value of cotton products in that year was $629,000,000.

In compliance with the direction of Congress and the promise of the President, the Tariff Board submitted its report on the wool schedule December 20, 1911. This report contains the most valuable information in regard to wool and the manufactures of wool ever presented to Congress, yet it was absolutely ignored by the passage of the wool bill on April 1, 1912, which is identical with the measure adopted by Congress last session when it had no information whatever upon which to base a scientific revision of the wool schedule. The agitation in regard to the wool tariff already has cost the industries covered by Schedule K $150,000,000. Not more than 40 per cent of the woolen cards of the country are running to-day, and now it is proposed to force even this 40 per cent into idleness by ruinous competition with the cheaper labor and cheaper products of foreign countries. Not only has the Democratic Party refused to avail itself of the opportunity to assist in a scientific revision of the wool schedule by making use of the Tariff Board's report, but up to this hour it also has completely ignored the Tariff Board's report on the cotton schedule which was submitted to Congress on March 26, 1912.

Casting aside the Tariff Board's reports on wool and cotton, the Democratic Party rushed pell-mell in the revision of the sugar, chemical, and steel schedules, which the Tariff Board still has under investigation and upon which it has not submitted any reports to Congress as yet. In other words, an attempt is being made at a political revision of the tariff schedules instead of a scientific revision. I do not believe the people of this country want their prosperity treated as a "houn' dawg" and kicked about to further the political interests of any individual or any party. Yet that is the very situation which is now confronting the country.

Solely for campaign purposes it is proposed to place sugar on the free list in the hope that a possible temporary reduction in the price of sugar will gain a victory for the Democratic Party at the coming election. This free-sugar bill can have no other effect than to ultimately transfer the larger part of $54,000,000 of annual revenue from the Public Treasury to the pockets of the Sugar Refining Trust. It will absolutely ruin the beet and cane sugar producers of the United States. I want to call your attention to the fact that the production of beet sugar by the farmers of this country has increased from 84,000,000 pounds in 1897, when the last Democratic tariff was repealed, to more than a billion pounds last year. If the free-sugar bill becomes a law this entire industry will be wiped out. No one will suffer more by it than the American farmer.

The chemical schedule as adopted by the House transfers $42,000,000 worth of raw materials from the free list of the present law to the dutiable list as an additional burden on the American manufacturer. In other words, the chemical industries of the United States will have to pay higher duties on their raw materials, thereby greatly increasing the cost of their finished products, which, in turn, will have to compete with increasing imports of foreign products on which duties have been lowered.

There is a significant item in the chemical bill, as passed by the House, which shows the close alliance between the Democratic Party and the Sugar Refining Trust, whose profits will be increased by nearly $50,000,000 a year by the free-sugar schedule. The item to which I refer is bone black, large quantities of which are used by the Sugar Trust in the refining or decolorization of sugar. That is practically the only item in the chemical schedule of interest to the Sugar Refining Trust. Under the Payne Act the Sugar Trust is required to pay a duty of 20 per cent on its importations of bone black, but the chemical schedule as passed by the Democratic House places bone black on the free list, for which the Sugar Trust is undoubtedly very grateful.

The metal bill, which, along with all the other tariff measures passed by the Democratic House, is not based upon any adequate or scientific inquiry into the cost and production at home and abroad. At the outset let me call to your attention the magnitude of the industry which is now placed in jeopardy without an opportunity to have its cost of production investigated and reported upon by a nonpartisan board of tariff experts. This measure is commonly called the iron and steel bill. As a matter of fact it includes not only iron and steel but every metal known to commerce—gold, silver, nickel, copper, lead, bronze, zinc, aluminum, tin, quicksilver, and antimony. Under the schedule of metal and the manufactures of metal are included everything from artificial limbs to areoplanes. According to the census of 1905, 1,171,824 wage-earners were employed in the manufacture of metals affected by this bill. Wages in that year amounted to $652,109,633, and it is conservatively estimated that this amount of wage has increased at least 25 per cent since 1905. The metal industry consisted of 21,650 establishments having a capital of $3,157,388,329, and the products of these establishments were valued at $3,130,253,195 in that year.

I ask permission to have printed as a part of my remarks a table of census statistics of industries affected by Schedule C showing the number of establishments, capital, wage earners and wages, cost of materials used, and value of products, including custom work and repairing, for each of these industries. These statistics are for the year 1905. It is estimated that the amounts given should be increased at least 25 per cent to indicate the magnitude of these industries at the present time.

The VICE PRESIDENT. Without objection, permission is granted.

The table referred to follows.

Census statistics of manufactures in the United States, grouped in conformity with the schedules of the tariff law of 1897, including articles classified under section 6 and the free list.

Schedule, tariff law of 1897, and industry, census of manufactures, 1905.	Number of establishments.	Capital.	Wage earners and wages.		Cost of materials used.	Value of products, including custom work and repairing.
			Average number.	Wages.		
SCHEDULE C.—*Metals and manufactures of.* (*Pars. 181 to 193.*)						
Artificial limbs	104	$442,206	842	$221,913	$136,543	383,731
Automobile bodies and parts (Schedule D)	57	2,528,613	1,810	980,003	1,493,227	3,328,472
Automobiles	121	20,555,247	10,239	6,178,950	11,658,138	26,645,064
Babbitt metal and solder	75	4,128,645	569	337,507	10,863,752	13,003,838
Bells	21	881,634	539	253,188	463,377	1,003,243
Bicycles and tricycles	101	5,863,458	3,319	1,971,403	2,628,146	5,153,243
Brass and copper, rolled	25	32,942,594	10,909	5,733,487	33,798,683	51,912,853
Brass castings and brass finishing	520	23,492,943	11,305	6,208,241	16,170,153	29,671,923
Brassware	229	18,930,472	10,078	5,176,759	7,631,943	17,499,056
Bronze castings	27	1,856,737	798	501,054	1,683,831	2,622,495
Cars, steam railroad, not including operations of railroad companies	73	88,179,047	34,058	20,247,821	75,657,126	111,175,319
Cars, street railroad, not including operations of railroad companies	14	12,975,703	4,730	2,839,579	8,341,444	10,844,193
Cash registers and calculating machines	32	7,557,972	4,079	2,442,001	1,515,980	9,875,020
Clocks (Schedule B)	39	9,793,170	7,249	3,514,185	3,077,574	8,868,033
Coppersmithing and sheet-iron working	1,989	31,944,237	22,535	13,785,693	27,147,954	56,082,020
Cutlery and edge tools	254	20,809,821	14,545	7,076,019	6,028,165	16,614,923
Electrical machinery, apparatus, and supplies	784	174,068,043	80,466	31,841,521	66,836,923	149,809,350
Electroplating	312	1,286,905	1,943	1,002,835	747,331	2,935,014
Enameling and enameled goods	92	17,975,456	9,537	3,642,322	7,152,090	15,709,242
Engraving and dieinking	305	1,210,673	1,573	1,032,232	376,403	2,422,487
Files	62	5,866,255	2,276	1,514,412	1,310,978	4,301,745
Firearms	30	10,376,294	6,224	3,722,850	1,728,012	8,275,553
Fire extinguishers, chemical	23	337,607	178	107,540	223,003	581,973
Foundry and machine-shop products	5,993	845,024,825	348,260	196,247,431	278,074,203	685,901,393
Galvanizing	38	2,600,471	1,256	623,012	4,744,465	6,418,850
Gas and lamp fixtures	263	20,205,937	8,141	4,237,391	7,395,207	17,560,393
Gas machines and meters	89	5,601,157	2,074	1,532,247	2,612,907	5,630,973
Gold and silver, leaf and foil	83	1,071,562	1,402	662,813	1,476,111	2,605,233
Hand stamps	224	1,231,866	976	511,808	564,729	2,017,591
Hardware	445	52,884,078	31,713	14,580,549	16,631,214	45,770,171
Hardware, saddlery	82	4,319,131	3,395	1,623,893	1,830,108	4,821,725
Horseshoes	8	1,227,437	232	125,659	285,742	794,941
Instruments, professional and scientific	225	5,362,930	3,437	1,823,205	1,350,153	5,377,751
Iron and steel, blast furnaces	190	236,145,520	35,078	18,934,513	178,941,918	231,822,707
Iron and steel, bolts, nuts, washers, and rivets, not made in rolling mills or steel works	88	18,912,546	8,030	3,642,288	7,807,239	14,687,103
Iron and steel, doors and shutters	24	1,119,542	604	407,320	601,754	1,477,215
Iron and steel forgings	136	28,246,474	5,665	3,429,190	5,732,315	12,110,395
Iron and steel, nails and spikes, cut and wrought, including wire nails, not made in rolling mills or steel works	76	8,741,916	3,681	1,684,077	4,686,340	8,922,891
Iron and steel pipe, wrought	27	13,052,806	5,416	2,472,721	12,745,619	17,430,012
Iron and steel, steel works and rolling mills	415	700,152,310	207,562	122,491,923	441,294,432	673,935,023
Japanning	32	595,003	425	187,736	242,238	697,060
Lamps and reflectors	142	7,795,527	4,429	2,170,520	3,082,551	8,999,874
Lead, bar, pipe, and sheet	32	5,015,161	543	405,025	7,910,190	9,277,452
Locomotives	15	38,421,048	24,805	15,793,432	27,702,939	59,552,033
Needles, pins, and hooks and eyes	46	5,331,939	3,965	1,595,923	1,583,644	4,730,513
Ordnance and ordnance stores	4	3,278,190	289	196,993	131,613	557,931
Pens, gold	16	446,933	309	225,454	274,235	692,020
Pens, steel	5	575,788	651	204,778	103,005	473,847
Phonographs and graphophones	14	8,743,618	3,397	1,683,903	4,161,135	10,237,075
Plated ware	60	15,830,480	6,281	3,360,425	5,448,619	12,138,893
Plumbers' supplies	185	20,239,463	10,753	5,900,361	9,923,810	21,542,445
Printing materials (Schedules D and M)	77	1,008,889	357	239,095	372,489	1,237,163
Safes and vaults	31	7,326,133	3,488	2,162,245	3,211,335	7,861,069
Saws	89	11,287,816	4,650	2,707,423	4,035,530	9,819,787
Scales and balances	85	8,512,993	3,133	1,754,789	1,633,150	6,002,614
Screws, machine	26	4,133,141	1,965	941,859	950,027	2,711,600
Screws, wood	7	5,967,446	1,488	555,330	731,542	2,135,844
Sewing machines and attachments	46	26,695,294	12,671	7,464,325	8,107,363	20,989,870
Silversmithing and silverware	96	23,901,545	8,380	5,265,040	9,010,095	20,707,701
Smelting and refining, lead	32	63,822,813	7,573	5,374,691	108,958,076	185,826,533
Smelting and refining, zinc	31	23,701,598	6,524	3,856,495	17,028,418	24,701,240
Smelting and refining, not from the ore	65	9,837,238	1,712	994,931	13,789,803	17,402,987
Soda-water apparatus (Schedule B)	37	3,414,676	1,469	834,705	1,923,935	4,634,235
Springs, steel, car and carriage	52	4,016,453	2,476	1,242,553	2,741,764	5,741,835
Stamped ware	174	23,107,753	13,560	5,669,459	10,524,880	21,954,040
Steam fittings and heating apparatus	176	28,541,509	11,690	6,581,578	10,435,332	24,910,857
Stencils and brands	103	683,367	530	285,458	171,787	793,421
Stereotyping and electrotyping	146	3,297,546	2,679	1,993,057	1,032,053	5,005,338
Stoves and furnaces, not including gas and oil stoves	415	52,971,105	29,728	17,823,434	18,463,865	54,409,103
Stoves, gas and oil	70	9,951,711	3,676	1,946,489	3,786,763	7,723,697
Structural ironwork	775	76,598,507	34,276	19,760,210	47,452,069	90,944,697
Tin and terne plate	36	10,913,239	4,647	2,393,070	21,375,714	25,233,360
Tinfoil	14	1,917,839	766	303,307	1,887,745	2,794,828
Tinware	377	92,555,896	16,919	6,842,491	26,248,253	41,892,803
Tools, not elsewhere specified	584	22,919,371	11,643	6,048,587	7,249,567	20,407,372
Type founding	21	4,916,723	1,446	883,595	745,176	2,727,759
Typewriters and supplies (Schedules L and M)	66	16,641,892	6,232	3,468,784	1,870,261	6,640,495
Vault lights and ventilators (Schedule B)	24	240,809	222	154,334	160,604	454,466
Watch and clock materials	17	425,838	385	182,475	107,361	428,692
Watchcases	28	12,649,771	4,221	2,170,507	4,428,627	8,626,504
Watches	14	19,499,931	10,724	6,024,400	2,258,663	11,866,490
Wire	25	14,898,817	4,737	2,858,743	20,062,487	37,914,419
Wirework, including wire rope and cable	649	26,893,614	13,379	6,099,869	17,856,211	34,098,495
Total	21,650	3,157,388,329	1,171,824	652,109,633	1,766,123,776	3,130,253,195

Mr. SMOOT. In addition to this immense industry, the metal bill affects 47,000 wage earners employed in the production of iron ore, whose wages amounted to $29,731,000 for the year 1909. Four hundred and eighty-three iron mines in operation that year produced ore valued at $107,000,000. The capital invested in iron mines in the United States amounted to $299,350,000. The metal bill also affects the livelihood of 21,603 lead and zinc miners, whose wages in 1909 amounted to $10,507,931. Nine hundred and seventy-seven lead and zinc mines in operation during 1909 produced ore valued at $29,416,047.

An unwise revision of the metal schedule, however, not only involves the prosperity of the industries directly related to that schedule, but also will be felt by every producer and business interest in the country. The farmer, who has more than doubled his wealth in the last 15 years, will be one of the first to feel the effect of more than a million and a quarter wage

earners being reduced approximately to the standard of living that now obtains in Europe. I know the people of this country do not want to return to the days of 1893 to 1897, but just as sure as we undertake a revision of the tariff that is not based upon the principles enumerated in the Republican platform which I have quoted, just so certain are we going to have our streets swarming with idle men with no means of satisfying their hunger, even at the reduced price the American farmer will be compelled to accept for his products.

Bills now pending before the Senate and those passed at the last session of Congress are a confession in themselves that their authors have no adequate information upon which to base a scientific revision of the tariff. Without possessing any further information than they had last session, the proponents of House bill 18642 have increased 43 paragraphs above the rates which they adopted last session as the proper tariff to be placed upon the imports of metals and manufactures of metals. If the rates in the bill now pending before the Senate are right, then the rates in the bill vetoed by the President last session were wrong, and his veto is amply justified by the bill which the House has passed this session. No one will contend that the conditions affecting the production of metals have so changed in the last eight months as to warrant any different tariff rates at this time than were required by the same conditions last August.

If a duty of 9 cents a ton was a fair and honest rate to be placed upon imports of iron ore last August, what justice is there in placing iron ore on the free list at this time?

If a duty of $1.50 a ton was a fair and honest rate to be placed upon imports of pig iron last August, what justice is there in imposing a duty of $1 a ton upon pig iron at this time, as provided for in the amendment of the Senator from Iowa, or $1.27 a ton, as provided for in the House bill?

If a duty of $5 a ton was a fair and honest rate to be placed upon imports of structural iron and steel last August, what justice is there in imposing a duty of only $3 a ton on structural iron and steel at this time?

If a duty of $2.10 a ton was a fair and honest rate to be placed upon railway bars last August, what justice is there in imposing a duty of $2.50 a ton on railway bars at this time?

If a duty of 60 cents a ton was a fair and honest rate to be placed upon imports of scrap iron last August, what justice is there in imposing a duty of 50 cents a ton on scrap iron at this time, as provided for in the Cummins amendment, or $1.04 a ton as provided for in the House bill?

These are only a few instances of the kaleidoscopic changes that have taken place in the proposed revisions of the metal schedule as submitted to the present Congress. Is it any wonder that manufacturers are driven to despair in their vain effort to ascertain what their fate will be from day to day? No industry can continue nor can the people remain prosperous under such conditions. In justice to the country, tariff doctors should at least refrain from prescribing new nostrums until they are able to agree among themselves as to what is the proper remedy to administer patients.

A brief comparison of the free-list bill and the Cummins amendment to the cotton-chemical-metal bill of last session, together with the metal bill and the amendment proposed by the Senator from Iowa this session, will convince anyone that the proponents of these measures are not agreed even among themselves as to what constitutes the difference in the cost of production at home and abroad. Until this fact can be ascertained by a thorough and comprehensive investigation of conditions surrounding the production of metals and manufactures of metals, both in the United States and foreign countries, I insist that no general revision of Schedule C should be undertaken by Congress.

It is a fact beyond debate that in the preparation of the Payne bill duties on the metal schedule were reduced more than on any other schedule of that measure. These rates, in numerous instances, were reductions of fully 50 per cent. The duties of all the articles in 40 out of the 60 paragraphs in the Dingley Act were reduced by the Payne Act. The duties upon articles covered by 8 other paragraphs were reduced in part and increased in part, while no changes were made in the rates covered by 18 paragraphs. In only 3 paragraphs were rates increased. This, as everyone knows, constituted a substantial revision downward of the metal schedule.

From the extensive hearings held by the Finance Committee this session of Congress it is very apparent that no further reduction can be made at this time in many of the paragraphs without seriously affecting American industries which employ hundreds of thousands of wage earners. The representatives of 248 different industrial concerns located in 18 States appeared before the Senate committee to protest against the proposed revision. Representatives of organized labor also made vigorous objection to the bill, declaring that it was unfair and unjust to American workmen.

These hearings clearly showed that the metal industry of this country has not yet readjusted itself to the radical reductions that were made by the Payne bill. Manufacturer after manufacturer submitted facts and figures to the committee showing that he is making little or no profit on his products at this time, endeavoring, as he has done, to maintain the standard of American wages in competition with the products of the cheaper labor of Europe. The importations of articles covered by the metal schedule increased 43 per cent for the year 1911 under the Payne bill, as compared with the importations for 1909 under the Dingley Act, the total importation of metals and manufactures of metals in 1911 amounting to $58,756,521.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield?

Mr. CUMMINS. I do not intend to interrupt the Senator from Utah if he desires to go forward with the discussion without interruption.

Mr. SMOOT. I would like to finish without interruption, and then I will be glad to take up any question with the Senator.

Mr. CUMMINS. Of course, interruptions afterwards are impossible. On the very point the Senator was just discussing there are some very significant facts, and I thought I would bring them to his attention; but I will not interrupt him if he wishes to proceed without interruption.

Mr. SMOOT. The pending bill, according to the estimate of the Ways and Means Committee, will further increase the importations under this schedule fully $25,000,000 a year, while reducing the revenue of the country more than $1,400,000. In other words, foreign laboring men will reap the benefit of $25,000,000 of additional products that would otherwise give employment to American workingmen. It is quite possible that the increased importations under Schedule C may reach $100,000,000 if the proposed revision is adopted. That would close scores of American factories and throw thousands of American workmen out of employment. So the Senate can understand just what that means and the number of men it would throw out of employment.

I have ascertained the number of American workmen receiving employment through the manufacture of 1,000 tons of steel rails, and the approximate number of employees in the direct service of the steel manufacturing companies, including allied departments, such as ore mining, coal and coke producing, and rail and lake transportation of ore only for rails made in the Pittsburgh district. To make 1,000 tons of rails is required 5,200 men employed for one day. So, Mr. President, whenever that 1,000 tons are increased by 10 or any other number you can multiply the number of men as stated by the same figures, and it will show the number of American workmen who would be thrown out of employment and whose employment would be given to laborers in some other country.

In addition to the above there are also workmen employed by interests not allied with steel manufacturers, and they engage in furnishing service and material of some kind to steel companies, used by the latter in connection with the production of steel rails, but there is no means of estimating what number this might be.

What has the country to gain by any such revision? Certainly the American consumer is not going to profit much by lowering the standard of living for the workingmen of this country.

I call your attention to the fact that, while there has been a general advance in prices of 14½ per cent during the last 10 years, the prices of metals and implements have advanced only 3.6 per cent. In the same 10 years, from 1900 to 1910, the prices of farm products have advanced 39.8 per cent; food prices have advanced 19.7 per cent; lumber and building materials, 19.6 per cent; cloth and clothing, 12 per cent; fuel and light, 6.9 per cent; and house-furnishing goods, 5.3 per cent.

While on this subject of prices I want to emphasize the fact that in the same 10-year period the prices of drugs and chemicals have declined 2.9 per cent. The figures I quote here are taken from the Report on Wages and Prices of Commodities presented to the Senate by a select committee which investigated that subject in 1910. (S. Doc. No. 847, 61st Cong.)

The following table from the same report shows the average wholesale prices of metals and implements in March, 1910, as compared with the average prices in March, 1900. This table clearly indicates the downward trend in the prices of these products, the small average increase being due to one or two

items that are not materially affected by any of the proposed revisions of the tariff:

Wholesale prices—Average price in March, 1910, compared with average price in March, 1900.

Group and article.	Price in March, 1910. Higher than in March, 1900.	Price in March, 1910. Lower than in March, 1900.
Metals and implements:	*Per cent.*	*Per cent.*
Axes, M. C. O., Yankee		23.0
Bar iron, best refined, from store (Philadelphia market)		16.8
Barb wire, galvanized		43.6
Chisels, extra, socket firmer, 1-inch	2.8	
Copper, sheet, hot rolled (base sizes)		7.3
Doorknobs, steel, bronze-plated	141.0	
Files, 8-inch mill bastard		15.5
Hammers, Maydole No. 1½	11.0	
Lead, pig		1.6
Lead pipe		2.5
Locks, common mortise	100.0	
Nails—		
Cut, 8-penny, fence and common		25.0
Wire, 8-penny, fence and common		40.9
Pig iron—		
Bessemer		23.3
Foundry No. 1		21.7
Foundry No. 2		23.4
Gray forge, southern, coke		15.6
Planes, Bailey No. 5, jack plane	13.3	
Quicksilver	1.5	
Saws—		
Crosscut, Disston No. 2	(1)	(1)
Hand, Disston No. 7	2.8	
Shovels, Ames No. 2		14.0
Silver, bar, fine		14.0
Spelter, western	21.7	
Steel billets		16.7
Steel rails		30.9
Steel sheets, black, No. 27		21.7
Tin, pig		4.0
Tin plates, domestic, Bessemer, coke		20.7
Trowels, M. C. O., brick, 10½ inch	(1)	(1)
Vises, solid box, 50-pound	11.1	
Wood screws, 1-inch, No. 10, flat head		17.6
Zinc, sheet	14.8	

[1] No change.

I quote the following from the Report on Wages and Prices (S. Doc. No. 847, 61st Cong.), showing that the tariff has not been responsible for the advance in prices, this conclusion having been reached by the select committee after a thorough and painstaking investigation of the subject:

The tariff seems to have been no material factor in causing the advance in prices during the past decade. The greatest advances have been made in commodities upon which the tariff has little or no effect, and the absolute removal of the tariff on many of these commodities could not have afforded relief at the present time, for the reason that prices of these commodities, with a few exceptions, were as high or higher in other countries than in the United States.

The advance in prices during the past 10 years appears to have no relation to tariff legislation. Beginning with January, 1900, wholesale prices in general declined slightly, and the decline continued through July, 1901. Beginning with August, 1901, prices advanced very slowly through March, 1903, and then remained steady through May, 1905. Beginning with June, 1905, there was a marked increase through October, 1907. Beginning with November, 1907, prices began to decline and the decline continued through August, 1908. Beginning with September, 1908, prices steadily advanced until the highest point during the 10 years was reached in March, 1910.

The advance in 1909 as compared with 1900, by groups of articles, was as follows:

	Per cent.
Products of the forests advanced	40.3
Products of the farm, crude, advanced	36.1
Products of the farm, manufactured, advanced	24.2
Products of mines and wells advanced	13.5
Products of manufactures advanced	5.7
Products of the fisheries advanced	5.1
Imported products declined	1.7

The groups of articles which have shown the greatest advance—the products of the forests and the products of the farm—are those for which there has been practically no change in tariff during the past 10 years. Neither have there been any changes during the past 20 years which could in any way account for the increase in price. The tariff acts of 1894, 1897, and 1909 have made no changes which to any appreciable degree measure the changes in prices which have taken place.

The American workingman will be the first person to suffer from the destruction of the Republican protective-tariff system, which has for many years assured him a higher standard of living than that of any other workingman in the world. This is especially true of every wage earner in the metal industry. From 30 to 90 per cent of the cost of metal products is paid directly to labor. The laborers in this industry would suffer more from a reduction of their wages than the employees in almost any other industry affected by tariff schedules, for they would be forced to the level of practically the lowest wage earners in Europe. I want to say that the men employed in blast furnaces, rail mills, and steel mills are entitled to every dollar they now receive, and I would be glad to see their wages doubled if the industry could afford to pay them such an amount. There is absolutely no disputing the fact that the American workingman now receives the highest wages of any workingman in the world. In the metal industry American workmen receive fully double the wages paid for similar classes of labor in foreign countries.

I submit the following summary of wages paid in the leading branches of the iron and steel industries of the United States as compared with wages paid to the same class of labor in Germany, the German wages being based upon the report of an inquiry by the British Board of Trade into the conditions of the working classes in the principal industrial towns of the German Empire and presented to the British Parliament April 10, 1908:

Summary of wages paid in the leading branches of the iron and steel industries of the United States as compared with wages paid to the same class of labor in Germany.

Branch of iron and steel industry.	United States. High.	United States. Low.	United States. Average.	Germany. High.	Germany. Low.	Germany. Average.
Blast furnaces	$2.50	$1.86	$1.95	$1.10	$0.79	$0.93
Bessemer steel works	6.03	1.86	2.50	2.23	.69	.93
Open-hearth steel works	8.00	1.69	2.60	2.23	.69	1.06
Blooming and billet mills	5.60	1.69	2.37	2.23	.68	.97
Rail mills	6.33	1.75	2.30	2.23	.68	.91
Sheared-plate mills	8.80	1.71	3.05	2.43	.69	1.44
Merchant iron and steel mills	10.24	1.86	2.65	2.43	.81	1.15
Wire-rod mills	11.54	1.76	3.50	1.22	.73	1.45
Wire mills	4.60	1.47	2.30	1.34	.73	1.14
Tube and pipe mills	5.39	1.50	1.86	2.84	.81	1.65
Sheet mills	10.78	1.68	2.80	2.52	.73	1.26
Tin-plate mills	9.57	1.57	3.21	2.55	.73	1.49
General average (all plants)	7.71	1.70	2.61	2.12	.74	1.14

The following table shows the approximate average wage per day paid employees in the metal industries, foreign and domestic, indicating an average increase for the United States over England of 94.7 per cent in blast-furnace work and an increase in the rolling mills of 103 per cent over England:

Approximate average labor rates, foreign and domestic, per day.

	Foreign countries. England.	Foreign countries. Belgium.	Representative domestic labor rates.	Domestic rates, increase. Over England.	Domestic rates, increase. Over Belgium.
Blast furnaces:					
Blowing engineers	$1.37		$3.50	$1.53	
Bottom fillers	1.12		2.20	$1.08	
Top fillers	1.27		2.47	$1.20	
Keepers	1.82		2.75	$0.93	
Keepers' helpers	.97		2.20	$1.23	
Skip engineer	1.18		2.60	$1.42	
General labor	.91		1.00	$0.09	
Average increase, per cent				94.7	
Rolling mills:					
Roller	7.20	$1.90	15.62	$8.42	$11.72
Catcher	1.68	.86	5.96	$4.28	$4.70
Heater	3.60	1.05	6.16	$2.56	$5.11
Average increase, per cent				103	565
Puddle mill:					
Boiler	2.16		3.90	$0.74	
Scrapper	2.16		4.10	$1.94	
Average increase, per cent				62	
General:					
Engineers	1.44	.86	3.25	$1.81	$2.39
Pipe fitters	1.27		2.45	$1.18	
Mechanics	1.15		2.75	$1.60	
Labor		.57	1.55		$0.98
Average increase, per cent				118.9	[illegible]

Authority.—United States Daily Consular and Trade Report of November 14, 1908. Foreign Correspondence Reports and British Report of Strikes and Lockouts of 1891; First Report on Wages and Hours of Labor, 1893, and Report on Changes in Rates of Wages, etc., 1907; Present Pay Roll Rates in Effect Mahoning Valley District (Ohio and Pennsylvania).

There has been considerable misunderstanding as to the wages paid employees of the metal industry, owing to the fact that many of the compilations on this subject have been based upon the minimum wage scale rather than upon the actual wages paid to these employees. In this connection I call the attention of the Senate to the statement of Mr. Charles M. Schwab, of the Bethlehem Steel Co., at the hearings held before the Senate Committee on Finance this session. Mr. Schwab stated that

the average earnings of every man and boy employed by the Bethlehem Co. last year amounted to $789.88. This average included the apprentices but excluded all salaries of importance which might bring the average high by reason of large salaries of officers, superintendents, and so forth. The Bethlehem Co. employs between 14,000 and 15,000 workmen. Mr. Schwab declared he did not know of any industry in which the average wages of workmen under conditions of those in the metal industry were as high or as good. Pointing out the unfairness of labor statistics based upon the minimum wage scale, Mr. Schwab stated that 80 per cent of the workmen employed by his company were under the bonus system, which compensated them considerably in excess of the minimum wage allowed employees who did not have the ability to earn a higher wage. Workmen whose minimum wage was 13.5 cents per hour during the month of December actually earned 21.1 cents per hour, according to Mr. Schwab.

Mr. Schwab was fully corroborated in these statements by Mr. John A. Topping, chairman of the board of directors of the Republic Iron & Steel Co., which employes 12,500 workmen. Mr. Topping informed the committee that the rates of wages paid workmen in the iron and steel industry are "not less than double, and in may cases three times, the rates of wages paid in foreign countries with whom we have to compete." Unless adequate protection is established, declared Mr. Topping, a loss in wages of $100,000,000 per annum is a practical certainty.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. HITCHCOCK. I do not intend to interrupt the Senator, but only to call his attention to a discrepancy in his statement hanging on the wall there.

Mr. SMOOT. On what?

Mr. HITCHCOCK. The statement in the table relating to wages and production in the steel industry.

Mr. SMOOT. Mr. President, if the Senator is going to discuss that question, I should like to proceed further in the line of what I have been saying, and then I will take it up.

Mr. HITCHCOCK. I will call attention to the figures.

Mr. SMOOT. I will have to insert the figures. I should like very much to go on and make this statement consecutively, and then I shall be glad to debate the question with Senators.

Mr. HITCHCOCK. It is on the question of wages, which the Senator is now discussing.

Mr. SMOOT. I will very gladly refer to that as soon as I get through with my remarks.

Mr. Topping produced the last annual report of the Republic Iron & Steel Co. showing that the average earning power of its employees was more than $760 per annum, or approximately $2.40 for each working day. He declared that the average was as high, if not higher, than labor rates of any other important industry of the country. Mr. Topping submitted figures to show that the rate of wages paid in the United States averages from $1.70 for common labor to $10 and $15 for more highly skilled workmen. He asserted that the rate of wages paid in the steel trade, to-day averages an advance of approximately 30 per cent during the last decade, and living conditions of to-day are decidedly better than have been ever before known. Mr. Schwab also stated that there had been only one year since 1900 when the wages of workmen in the general steel industry had not advanced.

I regret to say it is true that in some branches of the iron and steel industry workmen have been required to labor 12 hours a day and 7 days a week. This has been largely due to metallurgical conditions, especially in the blast furnaces. I hope that a movement, inaugurated by the American Iron and Steel Institute, to relieve employees from the requirement of working seven days a week will be successful. It is absolutely certain, however, that, if these workmen are to be freed from the inhuman requirement of working seven days a week, no changes should be made in the tariff that will force them to compete with the seven-days-a-week laborer of Europe.

Mr. MARTINE of New Jersey. Mr. President, on the question of wages, as the Senator from Utah is speaking of wages, will he permit me to make a suggestion? I will detain the Senator but a moment.

Mr. SMOOT. Yes.

Mr. MARTINE of New Jersey. I ask whether the difference in wages between our country and Germany is not being fast equalized?

Mr. SMOOT. No, Mr. President; the difference in wages between this country and Germany in this very industry is as great as it ever was.

Mr. MARTINE of New Jersey. I have it upon the very best authority—that of the president of the Ingersoll Sargent Rand Drill Co., a company employing 8,000 wage earners, in a letter from him, in which he states that in Germany—and he has just come from there—the average wages of the German worker in the metal industry have increased 20 per cent in 10 years. That is certainly a far larger increase than there has been in the wages of men working in that industry in this country. He asserts, further——

Mr. SMOOT. The Senator makes that statement off hand, without knowing the facts, for the testimony that we had before our committee was that during the last decade the wages have in many branches of the industry increased in this country 30 per cent.

Mr. MARTINE of New Jersey. In 10 years?

Mr. SMOOT. During the last decade.

Mr. BORAH. Within 10 years.

Mr. MARTINE of New Jersey. I make this assertion on the authority of William L. Saunders, president of the Ingersoll Sargent Rand Drill Co., a company which has in its employ 8,000 hands.

Mr. SMOOT. Mr. President, I do not care what Mr. Saunders said. Whenever he makes the statement that the wages are equalizing themselves in Germany and in this country——

Mr. MARTINE of New Jersey. I did not say that.

Mr. SMOOT. Or are one-half the wages paid in this country he says something that is not true.

Mr. MARTINE of New Jersey. Well, as I have stated, my proposition is on the basis of Mr. Saunders's assertion that wages have increased 20 per cent in the past 10 years in Germany.

Mr. SMOOT. That is in Germany, and they have increased 30 per cent in the United States.

Mr. MARTINE of New Jersey. You have not any verification that the wages have increased 30 per cent in the metal industry in 10 years.

Mr. SMOOT. Of course, Mr. President, I simply say that the man who pays the wage earners and who has to meet the pay rolls says the increase has been that much, and I would just as lief take his word as the word of some one that knows nothing about it.

Mr. MARTINE of New Jersey. I do not want you to take mine.

Mr. SMOOT. I did not say the Senator's word.

Mr. MARTINE of New Jersey. That is all right.

Mr. SMOOT. I did not refer to the Senator.

Mr. MARTINE of New Jersey. I did not want to interfere in the matter, but I felt, in justice, those facts ought to be brought out.

Mr. SMOOT. Mr. Schwab said to the committee that there is no one who would more cheerfully subscribe to the fact that steel manufacturers want very high wages in America than he.

I want high wages for all—

said Mr. Schwab.

Only five days a week, if you will, but we must be placed in a position where we can do it. I think it ought to be six days a week for every man; but this is a practical problem that steel men have worked over and pondered over and are experimenting on to-day to see how it can be done.

It is agreed, however, that although laborers in the blast furnaces were required to be on duty 12 hours, generally speaking, not more than 15 per cent of the time was put in in actual labor, as the blast furnace casts its metal only once in every 4 or 5 hours. During the intervening periods these workmen have little or nothing to do.

Mr. Topping told the committee that the 12-hour system was established by the employees themselves and was not an institution of the manufacturers. He recalled having tried to put into effect a three-turn shift in the sheet and tin mills of the Republic Co. some years ago. To quote Mr. Topping:

The unions that were then in control objected to that plan, because it meant the introduction of more apprentices, more new factors in the union, and they perhaps could not control labor as well with that condition if apprenticeship increased as they could with the restricted number that they had under control.

Mr. Topping also said that the men did not work 12 hours continuously, and that they preferred to remain on duty 12 hours rather than actually work a less number of hours, because a reduction in hours would mean a decrease in the rate of pay per day. "We will do well to maintain what we have," said Mr. Topping, "and we can not maintain it, in my opinion, if we have any change in this schedule as proposed by the Underwood bill." He stated that in one of the plants of the Republic Co. there were employed 6,545 men, who largely had the choice of their own hours of work. Of these, 240 work 8 hours, 9 work 9 hours, 2,352 work 10 hours, 465 work 11 hours, and 3,479 work 12 hours. The average increase in wages paid by the Republic Co. since May 1, 1910, amounts to 4.7 per cent.

The following table shows, in the form of percentages, the advance in wages and the changes in hours for the metal industry during the period from 1900 to 1907 as compiled from Bulletin 77, July, 1908, of the United States Bureau of Labor:

Wages and hours of labor in 1907 compared with 1900.

[Compiled from Bulletin 77, July, 1908, of the United States Bureau of Labor.]

Industry.	Wages per hour in 1907.		Hours per week in 1907.	
	Higher than in 1900.	Lower than in 1900.	Higher than in 1900.	Lower than in 1900.
	Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Agricultural implements	23.7	.....	.....	3.9
Iron and steel, bar	18.8	.....	0.6	.....
Iron and steel, Bessemer converting	24.8	.....	.....	.9
Iron and steel, blast furnace	11.6	.....	.8	.....

The advance since the year 1907 has been, in many branches of the industry, about 10 per cent.

Many American manufacturers assert that if they could employ labor as cheaply as foreign manufacturers do they would be able to compete with them in the markets of the world. There was a time, a number of years ago, when American manufacturers had considerable advantage over their foreign competitors in the greater efficiency of American workingmen and the greater ingenuity of American inventors in producing marvelous labor-saving machinery. To-day, however, those foreign countries that are our closest competitors in the world's market have duplicated practically all the modern machinery possessed by American manufacturers and have trained their employees to practically the high standard of efficiency which long distinguished the American workingman. This is especially true in the iron and steel industry.

In this connection I want to quote from the statement of Mr. Schwab to the Senate committee at its recent hearing:

I have upon numberless occasions stated that, with equal conditions, steel could be manufactured as cheaply in the United States as in any country in Europe. This has been construed by many people into a statement upon my part that steel was made as cheaply, or could be made as cheaply, in the United States as in any country in Europe. That I do not believe to be true.

Some years ago, in the development of the steel business, American ingenuity and American methods made it possible for us to produce with some advantage over competitors abroad. However, the practical knowledge and possibilities of manufacture are now reduced to such a minimum that it is possible for people in any country to adopt the methods that prove successful here, or for us to adopt the methods that prove successful elsewhere; and the only real items that enter into competitive manufacture to-day are local conditions with reference to the supply of raw materials and labor. The mechanical appliances and the metallurgical processes throughout the world are about the same to-day; and, as I have before stated, with absolutely equal conditions, as to labor, especially, which constitutes the major part of the cost of making steel, we are prepared to compete with anybody, and shall ask no tariff; but if we are expected, and especially the manufacturers in the East, to maintain the conditions of wages and labor that maintain in the West, or approximately the conditions, where they are protected by long and heavy freight rates, then I want to state before this committee to-day that it is an impossible condition and one that we in the East can not meet.

Subsequently at the same hearing I put this question to Mr. Schwab:

Have you at any time made the statement that steel could be manufactured in this country cheaper than anywhere else?

To this inquiry he replied:

Assuredly not. I can not say that that has not been published, although I have never seen it; and I do say that whenever I have made the statement I have always said, "Under equal conditions; under the same conditions."

Then I asked him:

Which means, if the American workingmen receive the same wages as are received in Europe?

Again Mr. Schwab replied:

Yes. Then we could make it as cheaply as it could be made any place.

The low water rates on freight from foreign countries to American ports place foreign manufacturers on practically the same footing, so far as freight rates are concerned, with nearly all of the metal industries of this country. For instance, it costs the Bethlehem Co. as much to deliver steel into New York Harbor as it costs the foreign manufacturer to put steel from Belgium into New York Harbor. Belgium can put steel into Boston and the New England States at a lower freight rate than can the iron and steel mills of Pennsylvania. With the lower cost of production in Germany, the German manufacturer has a distinct advantage over the American manufacturer within 100 to 200 miles of the eastern coast. Interior points can be reached by the foreign manufacturer at the same rate as most of the American manufacturers have to pay, so that again the lower cost of foreign production would take away the home market from the American manufacturer if he had no protection against the cheaper labor of his foreign rivals.

Already the foreign manufacturers of iron and steel have taken possession of the Pacific coast market under the tariff reductions made by the Payne bill.

The imports of iron and steel at Pacific ports for the year ended June 30, 1911, under the Payne law, increased $1,386,877 over the imports at the same ports for the year ended June 30, 1909, under the Dingley law; an increase of 153 per cent.

Some of these imports came from China, where pig iron can be produced for $7.50 a ton, while the average cost of production in this country is around $14 a ton. Is it possible that the American people want to force our wage earners down to the level of Chinese laborers? In the iron mills of China coolie workmen receive 15 cents a day for 12 hours a day labor. In other words, $5 in American gold will hire 80 men in China for furnace work which requires only unskilled labor. One furnace on the Yangtze River, with a daily capacity of 300 tons of pig iron, is working Chinese labor at $1 a week, making pig iron more cheaply than in any other known mill in the world. To the iron mills of China, as well as those of Europe, the Pacific coast is now almost an exclusive market, and every additional cut in the tariff will extend the American territory from which foreign manufacturers will be able to oust American products by the cheap labor they employ.

Not only are American manufacturers handicapped by the cheaper labor cost of foreign products, but they are also forced to compete with many foreign products the manufacturers of which are aided by export bounties. The German Government, for instance, aids the manufacturers of that country in syndicating for export in order to provide employment for its people. German railroads and steamship lines also assist in dumping the surplus products of their country by lowering the rates of transportation to the United States and other foreign markets. Thus the sale of export goods at a loss is encouraged in order to build up the manufacturing industries of Germany. These losses on exports are largely made up by bounties which are not available to the American manufacturer. It is not fair, therefore, to make the measure of tariff the difference between the selling price abroad of foreign and American made goods. The German manufacturer, for instance, aided as he is by Government bounties and subsidies, can afford to dump his products on the American market at a far less price than he has to charge for these products at home.

The following table gives an example of the difference between the home and export prices charged by German manufacturers for leading articles of iron and steel:

Articles.	Home price.	Export price.	Approximate difference. United States equivalent.
	s. d.	s.	
Joists	122 6 125	100	[illegible]
Blooms	92 6	74	4.44
Billets	100	76	5.76
Steel bars	102 6	78 79	5.52

The British consul general at Frankfort, Sir Oppenheimer, in a report has shown the large difference between the export and home consumption prices in Germany and Belgium; rates in favor of export sales on coal of 1 mark 50 pfennigs (0.337 cent); pig iron, 4 marks 86 pfennigs ($1.03); billets and semi-finished steel, 15 marks ($3.57); structural material, 20 marks ($4.76). These differentials increase or decrease as trade conditions suggest. During 1907 the German differential on semi-finished steel showed a difference of approximately $2.40. In the early part of 1908 this differential was increased to $3.50. The question of policy in giving employment to German and Belgium labor rather than profit to the operation of producing iron and steel is a factor of dominant importance, and cost of production is a secondary importance. Under this policy Germany's iron and steel exports have rapidly increased.

The German wire-rod syndicate, as shown by a published report, lost $203,000 on exports in six months, but made nearly $290,000 in profits on domestic trade. The iron and steel industry of Canada is also encouraged by bounties in addition to duties upon imports of pig iron, steel rails, and structural steel.

The following table shows the proportion of bounties paid by the Canadian Government:

Bounties paid by Canadian Government.

	Year.	On proportion made from Canadian ore.	On proportion made from foreign ore.
		Per gross ton.	*Per gross ton.*
Pig iron	1908	$2.352	$1.232
	1909	1.904	.784
Puddled iron bars from Canadian pig iron	1908	1.848	.....
	1909	1.176	.....
Steel, manufactured in Canada from ingredients of which not less than 50 per cent of the weight thereof consists of pig iron made in Canada	1908	1.848	.....
	1909	1.176	.....
Rolled round wire rods, not over ¼ inch in diameter, manufactured from steel produced in Canada from ingredients of which not less than 50 per cent of the weight thereof consists of pig iron made in Canada, when sold to wire manufacturers for use or when used in making wire in their own factories in Canada, on such wire rods made after Dec. 31, 1908	.....	.....	5.72

I refer to these foreign bounties to show that any revision of the metal schedule should be undertaken only after a most careful and exhaustive inquiry by a competent board or commission into every phase of the costs of production at home and abroad. It is useless to compare costs and selling prices unless every condition relating to these subjects is clearly understood.

It is likewise absolutely unfair to take American costs of production, eliminating the so-called intercompany profits from these costs, and compare the net result with estimates on foreign costs of production without knowing whether these foreign costs include intercompany profits or not. For instance, certain advocates of tariff reduction are taking the cost of producing steel rails as reported by the Bureau of Corporations, eliminating therefrom the so-called profits on producing the ore, the pig iron, and the billets, and comparing the net result of these profitless operations with the reported cost of foreign products. As a matter of fact there is absolutely no evidence in any hearing or report available to Congress to show that the foreign costs do not include intercompany profits. On the other hand, there is very strong evidence that these foreign costs do include intercompany profits and that therefore any comparison between costs of production at home and abroad from figures now available should be made on that basis.

These profits are based upon business done prior to the passage of the Payne tariff act on August 5, 1909. Iron and steel manufacturers of this country contend that the Payne Act so reduced their business by reason of the increased imports which lowered duties encouraged that now they are doing business with practically no returns on their investments. Mr. Schwab stated that it is necessary for a manufacturing institution to make a profit of from 20 to 25 per cent on its products in order to provide for depreciation in its plant and possible business depressions, when sales have to be made at a loss to protect its property and employees from temporary idleness. On an average, a steel plant must be renewed once in 10 years.

I was much impressed with the statement which Mr. Schwab made to the Senate committee, and which, I believe, expressed his honest and sincere feeling in regard to the matter. I quote this paragraph from Mr. Schwab's testimony as expressing the general opinion of the foremost business men in the country concerning the effect the reduction of the metal tariff at this time, as provided in the House bill, will have upon their business:

I would like to just interrupt at one point to emphasize. If I may, my feeling upon this point personally, because I am in the unique position of being a very large owner of this property, and directly responsible for and active in its management. My point is this: My interest in the Bethlehem Steel Co. is not essential or necessary to me personally; I have no heirs and I have no children to whom to leave it. My chief desire and chief pleasure in life has been to take this industry and build it into a great and successful thing—a great, successful works. I have not taken a penny out of it. But I do not mind saying, and saying with all the earnestness I know how, that if this bill passes I shall drop it and any further interest in it. It is not possible to make it successful.

There has been much discussion over the fact that American manufacturers, more particularly the big producers, or so-called trusts, sometimes sell their products abroad cheaper than they do at home. This is a practice of every successful commercial nation in the world. As a matter of fact, these sales of surplus products abroad materially aid in reducing the cost of the same articles to the consumer at home. Take the case of a blast furnace; the same number of men are required to run a furnace whether it makes 100 tons of pig iron a day or 500 tons a day. The labor cost, which is the principal item—aside from raw materials—in operating a rail mill, will not be any greater for the production of 2,000 tons than it will for 500 tons a day. Dividing these expenses by the large total output, the cost of the product is materially reduced. The home trade is directly benefited by this reduced cost based on the larger output which foreign trade makes possible. As a matter of fact, the greater bulk of the iron and steel export trade of this country is carried on by the United States Steel Corporation. That corporation, owing to its vast properties, including, as they do, iron mines, coal mines, coke plants, and both rail and water transportation companies, can manufacture at a less cost than the smaller independent companies.

Mr. Elbert H. Gary, chairman of the board of directors of the United States Steel Corporation, admitted to the Ways and Means Committee of the House, when the Payne bill was under consideration, that his corporation could produce steel rails for $2 less per ton than could the independent companies. Its low costs of production are due principally to its ability to operate one mill on a single product and to obtain lower water transportation rates than other manufacturers owing to its large shipments abroad, which constitute 90 per cent of the steel exports of this country. It is manifestly unjust, therefore, to cite the ability of the steel corporation to sell some of its products in foreign competitive fields as proof that the independent American manufacturer is able to meet such foreign competition. It is especially unfair to argue that the increased exports of iron and steel during the past year show that American manufacturers can compete on equal terms with the foreign manufacturers, because, as is well known in the commercial world, prices of iron and steel abroad have been especially high during the past year. This temporary advance in the foreign markets has undoubtedly kept foreign manufacturers from competing as extensively as they would otherwise have done in the American market following the tariff reductions of the Payne bill. There is no doubt in the world that under normal conditions the American manufacturer, compelled, as he is, to pay higher wages than any other manufacturer in the world, can not compete successfully in the foreign field except with his surplus products, for which he must take what he can get.

Undoubtedly the most glaring defect in the Underwood bill is its return to the antiquated ad valorem system of levying tariff duties. Ad valorem duties have been abandoned by nearly every civilized country in the world. Every Secretary of the Treasury from Gallatin to MacVeagh, with the exception of Robert J. Walker, has denounced ad valorem rates. Such rates deceive the public and frequently lead them to believe that material reductions have been made in the tariff, whereas substantial increases have been effected by the substitution of ad valorem for specific duties. Ad valorem tariffs make the rates highest when the people are least able to pay them and make them the lowest when the manufacturer is the least able to withstand foreign competition. As a matter of fact, there is absolutely no justice in such a system of levying tariff duties. Ad valorem rates should be resorted to only in those few exceptions where it is impossible to levy a specific duty.

The greatest frauds on the Treasury are possible on the ad valorem tariffs by dishonest importers resorting to undervaluations. Such duties are most difficult of administration and cause an endless amount of litigation. Even under the present tariff act, with its few ad valorems, there were 3,481 appeals filed against the appraisers' return of foreign market values on imported merchandise in 1910 and 4,506 appeals filed in 1911. It will be extremely difficult to apply ad valorem rates to a number of the articles listed under Schedule C. For instance, by what method will the value of lead ore be ascertained, containing, as it usually does, a number of metals, including zinc, copper, silver, and gold?

The American Chamber of Commerce in Paris has adopted resolutions urging a more general substitution in American tariffs of specific for ad valorem duties, having become convinced by the experience of most European countries that this would result in a more simple and equitable application of duties, as well as in the practical suppression of undervaluation and other evils, and would tend to strengthen the commercial relations of the United States with all foreign countries.

The Tariff Board in its report on the wool schedule also points out the defects of an ad valorem tariff system. Yet the Underwood bill ignores the experience of nearly every tariff expert by adopting the ancient system of basing duties upon the value of imports.

It is a peculiar fact that the United States Steel Corporation, "the Steel Trust," has been accorded special favors in the metal bill, just as the Sugar Refining Trust has been the recipient of

Democratic gratuities in the chemical bill. Ferromanganese is a special material in the production of pig iron. Every iron manufacturer has to use this alloy. The steel corporation is the only company that can afford to manufacture ferromanganese, owing to the large quantities used by its blast furnaces. The steel corporation, however, does not sell any of its ferromanganese, and independent iron companies are compelled to import all they use of it. The present law places a duty of $2.50 a ton on ferromanganese, while the Underwood bill fixes an ad valorem duty of 15 per cent upon it, thus increasing the rate that the independent iron makers will have to pay by 250 per cent. These independents can at least be thankful that the President vetoed the metal tariff rates adopted last session, as in that bill it was proposed to increase the duty on ferromanganese 383 per cent. The bill also makes a further discrimination in favor of the steel corporation by admitting free of duty the manganiferous ores from which this corporation makes its own ferromanganese.

There are numerous other inconsistencies in the bill which clearly reveal its crudeness and make manifest the necessity for scientific information before a revision of the metal schedule should be undertaken. I call to your attention some of these inconsistencies.

In this connection I wish to say that the Congressman who reported the bill made a statement on the floor of the House that he knew little or nothing about the business; that he knew nothing about the proper rates to be applied, and yet he was the chief supporter of the bill in the House. I claim scant consideration has been given to a measure involving 25,000 concerns in this country employing nearly a million and a half of workingmen. I now call attention to some of the inconsistencies of the bill.

Mr. SIMMONS. I do not know whether I understood the Senator from Utah. Did I understand him to say that the Member of the House who reported the steel schedule said he knew nothing about it?

Mr. SMOOT. Perhaps I had better read what he did say.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield.

Mr. OLIVER. I will state whether he said so or not, the text of the bill shows that he evidently did not know anything about it.

Mr. SMOOT. So that there may be no question as to what he said, I will ask to incorporate in my speech exactly the words he used.

Mr. SIMMONS. To whom does the Senator from Utah refer?

Mr. SMOOT. I refer to the gentleman from Pennsylvania [Mr. PALMER], who was chairman of the subcommittee that considered the bill, and made a speech in the House of Representatives in support of it.

Mr. SIMMONS. Do you mean Representative PALMER?

Mr. SMOOT. Yes.

Mr. SIMMONS. If the Senator will permit me, I will say that the report of the committee was filed by Mr. UNDERWOOD.

Mr. SMOOT. It is not in the report of the committee. I said that he made the statement upon the floor of the House at the time he reported the bill and was defending it. I want the privilege of putting into my remarks the exact words that Mr. PALMER used on the floor of the House.

The PRESIDING OFFICER. Without objection, permission is granted.

Mr. SMOOT. The chairman of the subcommittee which prepared the metal bill in the House, Hon. A. MITCHELL PALMER, now serving his second term in Congress, in his opening remarks defending the measure, made this confession:

I am not an expert upon the general tariff question, nor have I any other than the ordinary knowledge of that particular phase of the question which is involved in the discussion of the proper rates to be levied upon metals and the manufactures of metals.

Mr. SIMMONS. Of course, I do not recall the statement the Senator refers to, but I wish to say with reference to Mr. PALMER's speech that I read it all with very great care, and it shows very great knowledge on his part of the subject.

Mr. SMOOT. I am willing to take Mr. PALMER's own statement.

Mr. SIMMONS. If the Senator will permit me, there has not been a speech made in either House that showed more thorough knowledge of this subject than Mr. PALMER's speech.

Mr. SMOOT. I do not want to discuss the matter any further. I am willing to take Mr. PALMER's own statement, and that is what I am going to include in my speech.

The following are some of the inconsistencies found in the bill:

A duty of 15 per cent is placed on hoop and band iron and steel in scrolls or lengths, while the same articles are admitted free of duty when cut into lengths, including cotton ties or a light band. In other words, a manufactured article is admitted free while the raw material is made dutiable.

Plain structural steel is made dutiable at 15 per cent, yet the same product when fabricated is also to be admitted at 15 per cent, affording no protection whatever to the workman who is employed in the fabrication of these products.

A plain black sheet is to be admitted at the same rate of duty as that which has been run through a bar or corrugated roll and then painted, no consideration being given to the greater labor cost of the finished product.

Wires and rods in some forms are protected while the more highly finished product, such as nails and spikes, which are made from rods, are accorded free entry. Bolts with nuts are made dutiable, while the nuts themselves, when entered separately, are free of duty.

I could go along and give a long list of these inconsistencies, but I will not detain the Senate longer.

The bill is a most unfair discrimination in favor of one part of the country against that in another section of the United States. I notice, for instance, that cotton ties, for the baling of the great product of the South, are placed on the free list, while wire used in baling hay, the great product of the North and Middle West, is retained on the dutiable list.

The placing of iron ore on the free list will not, in my opinion, make any appreciable difference in the cost of producing pig iron. Iron-ore deposits in Cuba, the nearest foreign source of supply for the United States, are owned by the steel corporation and perhaps one or two other large American companies, while the independent producers who make more than 50 per cent of the pig iron produced in the United States will have to continue paying royalties or leases on their ore purchases, as they do at present.

Mr. Schwab testified before the Ways and Means Committee that ore cost the pig-iron producer approximately $1 a ton, to which has to be added the cost of mining and transportation to the furnace. This figure is undoubtedly more representative of present-day conditions than the ore costs reported by the Commissioner of Corporations, which are based upon investigations covering the years from 1902 to 1906. Conditions have greatly changed in the 10 years since the beginning of the period covered by the commissioner's report. The leasing or royalty values of iron ore have advanced to a marked degree.

Mr. Schwab's figures on the cost of ore to the pig-iron producer are substantiated by the cost sheets of every other American producer that were submitted to the Senate committee. His valuation of $1 a ton on ore in the ground is also corroborated by a report which Mr. Frank A. Munsey, editor and publisher of the Munsey's Magazine, the Washington Times, and other independent newspapers, printed in Munsey's Magazine for June, 1908. Mr. Munsey, after a most exhaustive inventory of the steel corporation's property at that time, estimated the value of its ore holdings at 60 cents a ton. In commenting on Mr. Schwab's estimate of the value of iron ore, Mr. Munsey said:

I should think that Mr. Charles M. Schwab is as good an authority as there is in the world on the value of iron ore. He said to me two or three days ago that the ore holdings of the steel corporation were easily worth $1 a ton, and, in fact, might safely and conservatively be regarded as worth still more, for the reason that they can not be duplicated.

The cost of iron ore is highly essential in determining the value of pig iron and other large products of iron and steel. The lower grade of ore now mined has increased this cost considerable, owing to the necessity of using a larger quantity of ore to produce a ton of pig iron, and consequently greater quantities of coke and limestone in the smelting of this lower-grade ore. This condition seems to have been given no consideration in the Bureau of Corporation's report, which is based on the high-grade ore mined at a minimum cost a number of years ago. It now requires about 3 tons of ore to produce a ton of steel rails.

It is beyond dispute that labor costs in this country at least twice as much as in foreign countries. Therefore, with labor constituting one-third the cost of production, a 16½ per cent duty would be necessary to protect the American manufacturer against the actual labor cost in foreign production, if every other item of expense were equal. In other words, an 8 per cent duty would not be half enough to protect American wage earners employed in the steel industry against the products of cheaper European labor.

About the only difference between the Senator from Iowa and myself in the amount that is required by way of duty to protect these items comes in the labor item alone.

Mr. President, I have a table showing the direct labor cost from mines to finished product for pig iron, large steel billets, and bar steel.

The following statement shows the direct labor cost from mines to finished product for pig iron, large steel billets, and bar steel:

DIRECT LABOR COST FROM MINES TO FINISHED PRODUCT.

Pig iron.

Materials used to 1 ton of product.	Total gross ton labor.
Iron ore, 1.97 tons, at $0.75	$1.48
Coal for coke, 1.33 tons, at $0.72	.96
Coke, 1.15 tons, at $0.38 per ton of coal used	.29
Limestone, 0.64 ton, at $0.44	.28
Direct conversion labor	1.06
Add labor on steam and water, electric light, laboratory, switching	.12
Total	4.50

The item of $1.06 is the only one the Senator from Iowa allowed in the conversion cost as labor.

Large steel billets.

Materials used to 1 ton of product.	Total gross ton labor.
Pig iron, 1.23 tons, at $4.50	$5.54
Cupola material used, 53 per cent of 1.10 tons equals 58.3 per cent, at $0.51	.30
Direct labor	1.38
Add labor on steam and water, electric light, laboratory, switching	.17
Total	7.39

Now, that is the actual labor. That is not an estimate. That is what it costs the Republic Iron & Steel Co. to take their ore from the mines and put it into iron bars; and, I say, even upon that basis, and granting that labor costs in this country twice what it does in foreign countries, it would be impossible to have any such rate as is proposed in the Democratic bill.

Bar steel.

Materials used to 1 ton of product.	Total gross ton labor.
Billets, 1½ tons, at $7.39	$8.31
Direct labor	4.02
Add labor on steam and water, electric light, laboratory, switching	.17
Total	$12.50

(Labor, ore, and coke expressed in net tons but reduced to gross tons.)
NOTE.—Salaries of clerks, managers, and superintendents included, but all labor in transportation, supplies, lubrication, refractories, etc., excluded.

The importance of the labor cost increases to a marked degree in the more finished products, constituting as it does nearly 90 per cent of the cost of all products advanced beyond the billet stage.

ELECTRIC-FURNACE PRODUCTS.

[Paragraph 1.]

The pending House bill includes high-grade electric-furnace products in the paragraph with pig iron, scrap iron, spiegeleisen, and so forth. When the tariff act of 1897 was enacted the only ferro-alloys of any commercial importance were the blast-furnace products, such as ferromanganese, spiegeleisen, and ferrosilicon containing less than 15 per cent silicon. The act of 1897 provided certain specific duties which were not sufficient to afford protection to the then unknown high-grade electric-furnace products. Many of them have been discovered and most of them first commercially made since that time. They have been produced in connection with the development of the electric furnaces. The utilization of these various ferro-alloys in the manufacture of steel has inaugurated a new era in steel manufacture and made possible the economical production of steel of vastly improved quality suitable for all sorts of special purposes. This was recognized in the tariff act of 1909, when the high-grade electric-furnace products were separated from the blast-furnace products. But the pending bill puts them in the same paragraph and at the same duty of 15 per cent ad valorem.

Placing the same rate of duty of 15 per cent on a blast-furnace product as upon the rarer electric-furnace ferro-alloys is absurd. The duties under the existing law on these electric-furnace alloys are equivalent to about 25 per cent ad valorem and are practically on a tariff-revenue basis now, the proof of which is found in the large increase of importations of these products. Lowering the duties to 15 per cent will reduce the revenue and will increase the imports to such an extent as to be disastrous to the industry in this country.

The total tonnage imports of all the electric-furnace ferro-alloys enumerated in paragraph 184 of the existing law for the two fiscal years 1908 and 1909, during which the law rates on these products under the Dingley act was in force, was 20,826.22 tons, and the duty collected was $96,026.44, whereas the tonnage imported for the two fiscal years 1910 and 1911 amounts to 26,241.03 tons, and the duty collected was $410,762. That is to say that in spite of the higher rate of duty the tonnage has increased.

In 1907 the selling price of 50 per cent ferrosilicon was approximately $110 per ton. The manufacture of these products began in this country at that time, and they now sell for $70 per ton. A similar reduction in price is true of other electric-furnace products. A furnace man who gets $960 a year in this country would receive only $370 in Austria for doing exactly the same kind of work, and an ordinary laborer who gets $2 a day here would be paid only 80 cents there. In a year 1 horsepower could produce a ton of ferrosilicon. That horsepower costs at Niagara Falls from $16 to $18, as compared with the cost of $7 and $8. It costs $20 a ton less to produce ferrosilicon in Norway and in Austria than in the United States. There is a capacity in this country now to manufacture the full amount of the requirements of this product. It is an industry which will simply be extinguished should the Underwood bill become a law.

TUNGSTEN, MOLYBDENUM, ETC.

[Paragraph 1.]

The Underwood bill places tungsten, molybdenum, vanadium, and other similar metals and alloys in the same class as ferromanganese and ferrosilicon, making them dutiable at 15 per cent ad valorem. In the case of tungsten, molybdenum, vanadium, and so forth, there ought to be a difference, because of the greater cost of production. These ores are produced in Spain, Portugal, Bohemia, and South America, where miners receive less than $1 a day in wages. In Portugal and Spain, two of the largest producing countries, the wages are from 44 cents to 56 cents a day, and many women are employed, who receive from 18 to 19 cents a day, particularly in Portugal.

These ores in the United States are found in various western and southwestern States, where miners never receive less than $3 a day for eight hours, and many of them are paid $3.50. In Colorado, where considerable tonnage of these ores is now produced, ordinary day laborers are paid $3 per day, and the skilled laborers as high as $5 a day. Practically the entire cost of the ore constitutes labor charges. Through the low cost of production of the foreign ores, the mines of this country have not been developed as they would be if the miners of these products were given sufficient protection. There are between $3,000,000 and $9,000,000 invested in tungsten mines in the United States, and these mines would be able to produce one-fourth of the world's consumption of tungsten ores.

Comparative costs of manufacture of tungsten in Europe and the United States with ore at $6 per unit WO_3 per ton delivered at works and a yield of 200 pounds of tungsten from each 140 pounds WO_3.

[In cents per pound.]

	United States.	Europe.
Cost of ore required to produce 1 pound of metal	42	42
Duty, 10 per cent	4.2	.....
Cost of manufacture as per sworn statement	23.652	.....
Cost of manufacture, Borcher's bid (attached)	.....	13
	74.3	55

From which it will be seen that the cost of manufacture without profit in the United States is 27 per cent higher than the cost plus profits in Europe.

BAR IRON.

[Paragraph 2.]

The bar-iron producers naturally greatly fear the results of any further reduction in the tariff on their product. In the law of 1909 bar iron was reduced from six-tenths to three-tenths cent per pound, and round iron from eight-tenths to six-tenths cent per pound, so that bar iron suffered a reduction of 50 per cent, since which time importations have increased 23 per cent, showing that the present tariff is competitive and not prohibitive as claimed. It is now proposed to make bar iron dutiable at 10 per cent ad valorem. Bar iron is manufactured by a large number of comparatively small independent companies scattered over all the country, representing diversified interests and having no connection with each other. It is produced largely by hand labor, and consequently requires a

very much larger proportion of skilled labor than ordinary steel, which makes a much higher cost of production.

The wages paid for American skilled labor are so much in excess of that paid in other countries that to put this industry upon a strictly revenue basis would mean that either the labor cost would have to be materially reduced or the plants would necessarily have to cease to operate. In England the labor of puddling is paid an average of about $2.30 per ton, while this same class of labor is paid at the present time in this country $5.50 per ton, though this is much lower than the ordinary rate, owing to the present depressed condition of the business. Bar iron is manufactured from pig iron and scrap iron, which, in the House bill, are placed at 8 per cent ad valorem, while the finished product is placed at 10 per cent, a difference in rate entirely inadequate to protect labor engaged in the industry.

SHEET STEEL.

[Paragraph 4.]

The sheet-steel industry, with an estimated direct investment of $35,000,000, is threatened by the reduction proposed in the House bill on sheet steel to 15 per cent ad valorem. The plants represented are widely scattered from the Atlantic coast to the Mississippi River, and employ about 27,000 persons, among the best paid of any class of labor in this country. In addition, there are many millions of dollars and thousands of workmen employed in mining ore, coal, limestone, and in manufacturing steel, which is subsequently reworked during various processes and finished in the form of steel sheets.

Sheet steel is of necessity hand made. Its cost is largely made up of wages paid for labor. The cost per gross ton of 24-gauge (which is a representative thickness) amounts to about $39. The selling price for the same material at European seaports is about $37.40 per gross ton. The American prices are relatively as low as ever obtained in this market. Owing to the prosperous condition of business in Europe the prices there are unusually high.

The ocean-carrying rates to Atlantic and Gulf coast points are $2.25 to $2.47 per gross ton, and from Liverpool to Pacific coast points, $6.72 per ton. The House bill, with its duty of 15 per cent, would make the European selling price $45.27 at Atlantic coast points. Based on $39 home cost at Pittsburgh, with freight added, the necessary cost, delivered at Galveston, for instance, would be $53.80 as compared with the European selling price of $45.48. The price at San Francisco would be $58 compared with the European price of $49.73, and the price at Boston would be $43.03 as compared with the European price of $45.35. These figures give the cost price in the United States, while the European figures are the selling prices. The shipments of sheet steel to Atlantic and Gulf coasts and adjacent points for the year of 1911 were estimated at 284,000 gross tons and the shipments to the Pacific coast at 137,000 gross tons. This tonnage for Atlantic coast points would doubtless be increased as much as 25 per cent if points up to 200 miles inland were considered. It is obvious therefore that with this low duty proposed by the House bill the American manufacturers are threatened with a loss of a large part of their steel business.

There is an inconsistency in placing the same duty—15 per cent—on sheet steel, a hand-made article, and on steel beams, channels, angles, and so forth, which are produced mechanically at a very much less labor cost. In recent years great improvements have been made in processes for rolling many of the heavier forms of steel, but with sheet steel little improvement has been made. The 15 per cent rate is altogether insufficient for the heavier forms of steel, and certainly is too low for the sheet steel.

From Maine to Houston, Tex., in 1910 there was a consumption of 114,573 net tons of galvanized sheets, estimated—not including a large production of black sheet steel now classified with heavy plates—meaning an expenditure of $1,287,800 in direct wages to sheet-steel employees. This territory is all accessible to the English manufacturers by a low water transportation rate of 10 cents per hundred pounds. The freight from Pittsburgh to New York is 16 cents per hundred pounds.

Many women and children are employed in the industry in Europe, their families having followed it for generations, and, although their wages are on the average about 50 per cent less than the American wages, still they are better paid there than other forms of labor. The high skill and low wages must be considered when fixing the duty, unless Americans are to be forced out of the industry or compelled to accept the low foreign standard of wages.

TIN PLATE.

[Paragraph 8.]

The tin-plate industry is an instance of the wonderful effect of the protective tariff. This industry was first established in the United States by the McKinley tariff law. At that time all the tin plate used in this country was imported from Wales, exceeding 300,000 tons, or 85 per cent of the entire Welsh production, which in 1890 was 307,000 tons. To-day the United States produces 800,000 tons of tin plate with a value of about $52,000,000, and the cost price is much less now than ever before. All that is the result of the protective tariff, which took effect in 1891. When the United States Steel Corporation was formed it controlled practically all of the tin-plate business, but since that time independent manufacturers have established mills and now produce 40 per cent of the total output.

The House bill reduces the protection to a point that would surely throw 25,000 workmen engaged in the industry out of employment or greatly reduce their earnings. In fact, it was practically conceded by the members of the House committee who drew up this bill that the American producers would lose the market at the seacoast, though they apparently did not realize that that means two-thirds of the market of this country. When tin plate was all imported it was natural that the buyers in this country should locate at the cheapest points, which were at the seaboard, and they are still there. From 90 to 95 per cent of all the tin plate that is manufactured is used for containers and the most of it is used for food containers. Baltimore is the larget consumer of tin plate in the world, because of the oyster and fish industry at that place. The canning industry in Virginia and in Delaware, with their crops of peaches, tomatoes, and vegetables, are of great importance as is the fishing industry along the coast. All these go to make up the great consumption of tin plate.

In speaking on this bill, the chairman of the subcommittee that drafted it, said:

> Under the reduced rates there will be an increase in the imports because the Americans will not be able to meet the competition in certain sections of the country; they will have a market which will be a little more restricted than at present, the foreigner being able to pass the door of entry a little farther than he has been able to do in the past.

That means the American producer will not be able to compete at the seacoast under the proposed duty. The effect of the reduced duty can be seen in the importation of tin plate on the Pacific coast. The duty of 1½ cents per pound of the Dingley law was reduced to 1.2 cents per pound by the act of 1909. The importations on the Pacific coast for the year ending June 30, 1909, were 386,010 pounds. Under the reduced duty, for the year ending June 30, 1911, they were 6,691,616 pounds, or an increase of 18 times. That is an illustration of what the authors of this bill are preparing for American manufacturers on the Atlantic coast.

Since this industry was first established in the United States great improvements have been made in machinery and in other ways, but all of these have been adopted also in Wales. The largest item of expense in the manufacture of tin plate is labor, and the producers say that they have been unable to reduce the cost of labor, although millions of dollars have been spent in the effort. American manufacturers pay $2.44 for the same work for which $1.32 is paid in Wales.

In Wales much of the work is done by women and children. They are not employed in the tin industry in this country. The London Iron and Steel Trade Journal has made the remark that "the greatest obstacle to tin plate making on a large scale in the States is the entire absence of cheap female labor so necessary in the industry and so plentiful in Wales." Fortunately, with a protective tariff, the use of such labor has not been necessary in the United States. In Wales girls are used to carry tinning pots to the assorting room; these pots weigh over 100 pounds, and are carried in some cases 200 feet. A manufacturer who was asked why he did not use a donkey for that work replied, "Why, the donkey would eat more than we pay these girls." That is the kind of labor American workmen are asked to compete with.

In the manufacture of the 800,000 tons of tin plate produced in this country there are required 1,900,000 tons of iron ore, 1,100,000 tons of coke, 535,000 tons of limestone, 1,000,000 tons of pig iron, and 925,000 tons of steel. In addition to that the coal consumption alone is about 3,200,000 tons. In other words, it requires 3,000 coal miners working every day in the year to provide the fuel necessary for the production of that 800,000 tons of tin plate. The question of tariff is wholly one of labor. It is the labor in the coal mines, the ore mines, coking fields, railroads, tin-plate mills, and everywhere else.

Mr. W. U. Follansbee, of Pittsburgh, in testifying before the Senate Finance Committee on behalf of a number of independent tin-plate manufacturers, stated that in 1911 the average wage paid to each of the men in the tin-plate department of the Follansbee mills was $3.25 per day, and their earnings averaged $874 per annum. The total wages annually paid American workmen dependent upon the tin-plate industry, of which 60 per

cent is paid direct in making tin plate alone, aggregate $27,750,000. In the last three years the production of tin plate has increased 23½ per cent, and at the same time the cost to the consumer has been materially reduced.

From 1872 to 1878 the duty on tin plate was 15 per cent ad valorem, and the average price paid by the American consumer was $7.30 per box of 100 pounds. From 1879 to 1891 the duty was 1 cent per pound, a strictly revenue duty, and the average price was $4.31 per box. Up to that time no tin plates were produced in this country. Under the Dingley law the protective tariff was 1.5 cents per pound. From 1904 to 1908 the American consumer paid on the average of $3.48; from 1909 to 1911, under the existing law, the duty being 1.2 cents per pound, the consumer has paid an average of $3.38, and during that time the price of block tin has averaged 5 cents per pound higher than for the period of 1908. The price of block tin is absolutely controlled by a syndicate of London speculators.

The House report on this bill estimates that the reduced duty on tin plate will produce a revenue of $1,000,000 the first year. That would, at the estimated price, much too high, necessitate the importation of 78,125 tons of tin plate, or the equivalent of 26 American tin-mill units, at 70 men per mill. This would throw 1,820 men out of employment; a direct wage loss of $1,274,000. That is what the Democratic Members of the House and Senate are asking—that a law be passed which, on their own estimate, would throw these men out of employment and cause a loss in direct wages of $1,274,000 to American wage earners. Adding the other wages involved in smelting the iron, reducing pig iron to steel, and other items incident to the production of tin plate, would bring the amount of wages lost to American workingmen up to $2,038,000. But even this loss, based on the House report, is far from the facts.

The tin-plate trade on the Pacific coast amounts to approximately 125,000 tons. The Gulf trade, including Savannah, amounts to 25,000 tons. That would make 150,000 tons, to say nothing of the Atlantic coast trade, or double the quantity necessary to raise the $1,000,000 revenue. This means that 3,640 men, drawing actual wages of $2,548,000 in the tin-plate mills, would be thrown out of employment, exclusive of the men mining coal, making the coke, smelting the pig iron, and converting the steel that goes into the tin plate. Including the coal miners and all concerned it would mean at least $5,000,000 per annum lost to the American wage earners, to say nothing of the wages of those who supply those wage earners with what they consume. Even these figures do not include the consumption of tin plate at Baltimore or other Atlantic points.

The freight rate on 100 pounds of tin plate from Pittsburgh to New York and central northern Atlantic ports is 17 cents, and the freight from the Welsh mills to the same points is 8 cents. The difference in the wages paid in Wales and in the United States in the production of that 100 pounds of tin plate is 45 cents, excluding the capital invested and the average lower cost of the raw material in Wales. The Welsh producer accordingly has an advantage of 70 cents on the 100 pounds at the Atlantic coast points. The proposed 20 per cent ad valorem duty under the House bill on the average price ($2.70) of tin plates at the Welsh mills for 12 years would amount to 54 cents. Taking that duty from the advantage that the foreign producer has would enable him to sell his tin plates in New York at 25 cents a box, or $5 a ton, lower than the American producer.

The following table shows in detail the advantage the Underwood bill gives the foreign manufacturer of tin plate over the American producer per 100 pounds delivered at the United States ports named:

	New York and central and northern Atlantic ports.	New Orleans and other Gulf ports and Savannah.	San Francisco and other Pacific ports.
Freight from American mills, Pittsburgh district	$0.17	[illegible]	[illegible]
Freight from Welsh mills	.08	.10	.30
	.09	.24	.40
Wages	.45	.45	.45
Capital investment	.10	.10	.10
Raw material, average	.15	.15	.15
	.79	.94	1.10
Underwood proposed 20 per cent ad valorem duty on price at Welsh mills, average for 12 years, 1899 to 1911, inclusive, $2.70 per 100 pounds, equals	.54	.54	.54
Welsh advantage per 100 pounds	.25	[illegible]	.56
Welsh advantage per net ton	[illegible]	[illegible]	11.20

At the present time the difference in price of the raw material is comparatively low between Wales and America, because of exceptionally good times and high prices abroad, coincident with low prices in this country. But within the last two years the foreign producer has had an advantage on raw material of $6 per gross ton, and an allowance must be made for the recurrence of that condition. Even if the American mills, by reducing wages and operating without profit, could retain, under the House bill, the New York and central northern Atlantic ports trade, they would unquestionably lose the Gulf and Pacific coast business. This business alone means about 160,000 tons, which furnishes employment to 7,500 men, whose wage loss would amount to $5,000,000.

The American tin-plate manufacturers, in their brief submitted to both the House and the Senate committees, have recommended a reduction of their duty from 1.2 to 1 cent per pound in view of the phenomenal growth of their industry under the protective tariff system. They insist that 1 cent is the least protection they could exist under. This would be a reduction of 55 per cent from the McKinley duty of 2.2 cents per pound, by which the American tin-plate industry was established 20 years ago.

Mr. John Williams, of Pittsburgh, president of the Amalgamated Association of Iron and Steel and Tin Workers, and other officers of that organization, appeared before the Senate Committee on Finance to protest against any reduction in the duty on tin plates. Mr. Williams, in his testimony, declared a reduction in duties which would permit the free entry of imported plates would result in the wholesale closing of mills engaged in the manufacture of sheet and tin plates. This condition, he said, was assured from the statements of manufacturers that if the Underwood rates became effective the only way they could operate their plants would be by reducing labor. Mr. Williams pointed out that employees in the American tin-plate industry receive above double the wages paid in the Welsh industry with whom they would have to compete if there is any further reduction in the duty on tin plates.

Mr. Walter Larkin, of Martins Ferry, Ohio, vice president of the Sheet and Tin Plate Division of the Amalgamated Association of Iron and Steel Workers, told the committee that the experience of the workingman had been that a reduction in the duty on tin plates always resulted in a reduction of wages to them. He said that in 1895, after the Wilson-Gorman bill passed, the tin-plate workers had to accept reductions from 12½ to 15 per cent in their wages, and that after the tariff had been restored by the Dingley bill wages were increased 8½ per cent. There was no reduction in wages following the enactment of the Payne bill, as the tariff cut in that measure was recommended by the tin-plate manufacturers themselves, according to Mr. Larkin.

TOOL STEEL.

[Paragraph 9.]

Tool steel, as the name implies, is a high grade of steel used in the manufacture of tools, cutlery, knives, razors, and any instrument requiring an edge or temper. This steel is manufactured either by the crucible or high-speed process, each of which involves a great amount of specially skilled labor. The labor amounts to about 50 or 55 per cent in the tool-steel process itself, and the finished product represents fully 80 per cent of labor. The expense attached to manufacturing tool steel is readily shown in its selling price of from $120 to $2,500 a ton. An example of the amount of work required to produce this class of steel is shown in the steel for blades in safety razors. This steel goes through as many as 20 operations before it leaves the tool-steel plant, and, after that, the manufacturer of the safety razor has to spend a great amount of labor on this steel to finish it in the form of blades ready for use.

Section 9 of the Underwood bill reduces the tariff on this class of steel to 10 per cent ad valorem, which the manufacturers contend amounts to no protection at all. The competition in tool steel comes from England, France, and Germany, where the low wages permit the manufacture of tool steel, with its large labor percentage, at a cost considerably below that for which it can be produced in the United States. Under the present tariff, tool-steel manufacturers are beginning to establish that industry on a substantial footing in this country, the production of crucible steel now running from 75,000 to 100,000 tons a year. Tariff agitation, however, has brought this industry almost to a standstill, and German and English manufacturers are again taking a large share of the American trade.

Mr. Robert E. Jennings, president of the Carpenter Steel Co., of Reading, Pa., informed the committee that his plant was running from only 55 to 60 per cent of the time under present conditions.

Mr. William Metcalf, jr., of the Braeburn Steel Co., declared in most emphatic terms that if the Underwood bill becomes a law he would have to go into court and ask for a receiver for his company, and that he would take that step immediately to protect the creditors and stockholders of his company. Mr. Metcalf told the committee that, by reason of having been protected by a tariff, American manufacturers are now making better steel than the English people and are gradually getting the trade for high-grade steel in this country away from English makers, who have held it without competition for many years. He declared that the only way in which American manufacturers can keep this trade is by retaining the tariff until such a time as they can fully demonstrate that American steel is equal or superior to English steel.

"High-speed" steel is steel that retains its temper while working at a high rate of speed. It makes deep heavy cuts and enables the machinist to turn out four or five times as much work with one tool as he did with the old carbon steel, according to Mr. Ramsey, of the Crucible Steel Co. A large amount of tungsten is used in the manufacture of high-speed steel, and it goes through a great many labor operations. Outside of tungsten, however, this steel costs very little more than ordinary steel in the beginning, but by the time it is finished labor has been employed to the extent of about $400 a ton. The American manufacturer pays for skilled labor about $4 a day, while the English and German manufacturer has the same work done for $1.75 a day. It is absolutely essential to retain the present duty on tool steel if American standard of wages in this industry is to be maintained.

STEEL WOOL OR STEEL SHAVINGS.

[Paragraph 10.]

The manufacture of steel wool and steel shavings is practically a new industry in the United States. It is now being encouraged by a duty of 40 per cent. The Underwood bill proposes to cut this duty in half, which American manufacturers contend would destroy the American industry. Practically 60 per cent of the cost of producing steel wool is due to the skilled labor employed in this industry.

Mr. Herman Wolf, a representative of the American Steel Wool Manufacturing Co., of New York, submitted the following table to the committee showing the difference in the cost of producing steel wool in his New York factory and in Europe:

Cost of production per pound.

	United States.	Europe.
	Cents.	*Cents.*
Wire	3	2
Labor	10¼	4
Manufacturing expenses	4½	3
Total	18	9

This table shows that the cost of manufacture in this country is double the European cost, the increase being due almost entirely to the greater expenditure for labor in the United States. The duty on steel wool now amounts to 7 cents a pound, which would indicate that the present rate is none too high to protect the American industry.

The only protest that the Senate committee received against the present duty on steel wool was from an importer of a German product. This importer contended that the present duty is ruinous to his business and that he was losing money on his importations. On the other hand, the American manufacturers of steel wool declare that any reduction of the duty would destroy that industry in this country. When it comes to a question as to whether an American industry or an importer of foreign products is to survive, I shall always support the American industry. I do not believe Congress would be justified for one minute in reducing a duty on the complaint of an importer that it was ruinous to his business. Yet the Underwood bill does this very thing.

IRON OR STEEL ABRASIVES.

[Paragraph 11.]

The duty on metal abrasives is a typical example of how a protective tariff builds up an American industry and at the same time benefits an American consumer by reducing the cost of production. When American companies began the manufacture of metal abrasives the foreign product was selling in this country for from $70 to $75 per ton. American competition soon pushed this price down to $60 per ton. Prior to the tariff act of 1909, metal abrasives had been imported at a duty of 45 per cent ad valorem. When the Payne bill was under consideration manufacturers of these abrasives demonstrated that they were in need of additional protection. I offered the amendment, which was adopted, fixing the duty at 1 cent a pound. This increase of duty did not increase the price of metal abrasives, but did give the American manufacturer better protection in his sale of off sizes, which constitute nearly two-thirds of his product, and which must be sold at a great reduction under the price charged for standard sizes.

Metal abrasives consist of grit, shot, and sand made of iron or steel, and are used in grinding, sawing, rubbing, boring, and facing marble, granite, stone, brick, and so forth, and in sand-blast castings. The quantity of the abrasives used in each operation is so small that its price does not in any way affect the cost of the material on which it is used. For instance, 25 cents' worth of abrasives is sufficient to completely work granite or marble worth $500 or $600.

One importer has practically a monopoly on the importation of foreign abrasives used in this country, having the exclusive agency for all the important foreign plants. If the American industry were destroyed to-morrow, he would absolutely control the sale of iron and steel abrasives in this country, and could raise the price to any figure he desired.

Manufacturers of this article insist that the present duty of 14 cents a pound is necessary for the continuance of the industry in the United States, and that the rate of 20 per cent ad valorem proposed in the Underwood bill would be ruinous to them. As the representative of the foreign shot producers is a keen competitor in the American market under the present duty, it is contended that any reduction of the tariff would not in anywise benefit the American consumer. Shot manufacturers submitted statements to the Senate committee, showing that the American cost of producing abrasives is from $42.62 to $49.25 per ton. Sizes of foreign abrasives saleable in the United States cost, laid down in American ports, about $31.80 per ton. The raw material used in this product costs about one-half as much abroad as in the United States, while the labor cost is practically in the same proportion, the foreign manufacturer being able to procure unskilled labor from 80 to 85 cents a day, while the American manufacturer has to pay $1.80 a day.

The evils of an ad valorem tariff system is plainly shown in the case of metal abrasives. Iron and steel shot used for this purpose is made in a number of sizes, the prices for which vary in accordance with their use. It is extremely difficult for anyone but an expert to distinguish the difference in the size, however. This would make it possible for an importer under the ad valorem tariff to defraud the Government by misrepresenting the size of his imports of abrasives. In the "Iron-Sand" case hearing at Boston, September 28, 1911, two examiners of that port testified that they were unable to distinguish between $9 and $30 sizes of shot. Under an ad valorem duty an importer might be able to get $30 shot passed by the examiners as $9 shot and thus reduce the amount of duty he would have to pay. Finer sizes of these abrasives are called the "off" sizes, and these have to be sold at greatly reduced prices. Except for use, however, it is difficult to distinguish between most of the off sizes and the standard sizes. About 3,000 tons of metal abrasives are used in the United States annually. If the foreigner sold all of these and had to pay a duty of only 20 per cent the Government would lose about $8,000 a year, and the consumer would not get his shot a cent cheaper. In fact, it is quite certain that with the American industry destroyed, the foreign producer would at once raise his price, and thus the American user would have to pay more under the lower duty than he had under the higher duty which had made American competition possible.

WIRE RODS AND MANUFACTURES OF WIRE.

[Paragraphs 12 and 13.]

Paragraphs 12 and 13 seriously affect the wire industry of the United States, which does a total business of approximately 2,500,000 tons per annum, representing in value $100,000,000. This industry employs about 100,000 persons. Its tonnage covers a complete line of wire products from the coarsest wire used for telephones, telegraph, nails, and fencing purposes to the delicate wire used in the manufacture of pianos and finer wires entering into the articles of daily use. The Payne bill makes a careful classification according to values and specifications of the products covered by sections 12 and 13 of the pending bill. The Payne rates were carefully graduated according to these values and the specifications. The Underwood bill would upset that entire classification and include wire rods and the products of wire all under two ad valorem duties, 10 and 20 per cent, without any regard whatever for the widely different labor costs entering into these products.

A proviso to paragraph 13 puts barbed and all the fence wire and baling wire on the free list, but to make doubly sure that its attack on the fence-wire industry will be effective the Underwood bill also repeats this item as paragraph 69 under its free

list. Another blow was delivered the wire-rod industry by also placing cotton ties on the free list.

Mr. Wallace H. Rowe, president of the Pittsburgh Steel Co., the largest manufacturers of wire in the world, stated to the Finance Committee that his company had not made 2 per cent on barbed wire in the last two years, and that its profit on nails has been very small. His company produces about 2,000,000 kegs of nails a year, or approximately one-seventh of the total annual consumption in the United States.

Discussing the price of barbed wire, Mr. Rowe said that he had personally sold barbed wire at 6 cents a pound for painted and 7 cents a pound for galvanized wire. He declared that under a protective-tariff duty these commodities have been gradually cheapened in cost, until to-day the American farmer is getting the finest grade of steel in his wire, manufactured on more scientific lines than ever before in the history of this country, and is paying only 1.55 cents for painted and 1.85 cents for galvanized wire. Mr. Rowe informed the committee that the net profit of his company was about 6 per cent. He pointed out that 90 per cent of the steel products exported from the United States are those sent out by the United States Steel Corporation, which is able to get much lower rates than other manufacturers owing to its great diversity of products and ability to charter vessels by combining cargoes.

"Common" wire product includes the cheaper grades, such as fence wire, barbed wire, wire nails, baling wire, and wire fencing, which are manufactured in quantities running to hundreds of thousands of tons and which, starting from the cheapest raw material, are produced under conditions and by methods insuring a small proportion of labor cost in the cost of the finished article. Such product is sold as the ordinary run of the mill and is not subject to any specifications or inspection for size and quality. High-grade specialties, on the other hand, are made from raw material costing two or three times more than the common product. They are manufactured under conditions requiring many more operations, heat treatments, with their attendant picklings and handlings, inspections, and so forth, all of which go to make the proportion of labor in the cost of the finished article between 60 and 70 per cent.

In the manufacture of wire and wire products there is little, if any, difference between the methods employed in American mills and those of European manufacturers. American manufacturers have no advantages because of better and more modern machinery, for no machinery is required in drawing, except the wire block, to which power is applied; and, therefore, the additional cost is almost entirely that of labor. Moreover, there is a constantly growing demand on the part of the consuming public for a higher and more reliable grade of material in these products, as shown by the continual increase and severity of purchasers' specifications for quality. This is particularly true where failure of material might endanger human safety. Such conditions can only be met by additional labor cost in extra inspection and operations in manufacture. Practically all high-grade wire products purchased by the United States Government are subject to very rigid specifications and inspection.

It is absolutely essential that a more detailed classification of wires and wire products should be made in the rates of duty. Under former bills the average duty was high enough to cover the more expensive products. To make a single rate of duty which will allow tonnage products to be imported would be absolutely ruinous to all industries engaged in the manufacture of the higher grade wires and products of wires. In House bill 18642, paragraph 12, wire rods are changed from a specific duty (as in paragraph 134 of the act of 1909) to an ad valorem duty of 10 per cent, a reduction of 41.2 per cent from the equivalent ad valorem duties under the act of 1909, as shown by the imports of rods for 1911.

Rod-rolling practice is the same here and abroad with little, if any, difference in machinery, and in 1908 the following daily wages were paid in Germany and the Pittsburgh district of the United States for rod-mill labor:

	Aschen, Germany.	Hagen, Germany.	Pittsburgh.
Ordinary rolling mill men (10 hours)	.....	$1.68 to $2.35	$9.31
Heaver	.....	1.65 to 1.98	9.33
Mechanics	.....	.97 to 1.42	.....
Laborers	.....	.75 to .83	1.78
Mechanics (rod mill)	$1.21 to $1.46	.....	3.83

I call attention to the wording of paragraph 12 in the pending bill. This paragraph has been so changed as to include the products of wire rods, as well as wire rods themselves. This was done by the insertion of lines 14, 15, 16, and 17, reading as follows:

Including wire rods, iron or steel bars, cold rolled, cold drawn, cold hammered, or polished in any way, in addition to the ordinary process of hot rolling or hammering, 10 per cent ad valorem.

It will be seen by this clause that a wire rod, cold rolled or cold drawn, would produce a round or flat wire, and thus make this paragraph applicable to drawn or cold-rolled wire at 10 per cent duty. The effect of this would be to nullify the duty on such wire as covered by paragraph 13 at 20 per cent ad valorem. Such result would deprive the Government of considerable revenue, as well as practically destroy the protection to manufacturers whose product comes under paragraph 13.

Paragraph 134 of the act of 1909 provides—

that all iron or steel wire rods which have been tempered or treated in any manner, or partly manufactured, shall pay an additional duty of one-half of 1 cent per pound.

This provision is eliminated in H. R. 18642, with the consequence that any additional labor put on the rolled wire rod, such as tempered or treated in any manner, will pay 10 per cent on the added cost. As this added cost is made up almost entirely from labor, and the cost in the United States of such labor is at least double that in foreign countries, the proposed rate is entirely inadequate to cover the difference in labor cost.

Paragraph 13 places all kinds of iron or steel wire, whether round or flat, whether in long lengths or short, in coils or otherwise, on a uniform ad valorem rate of 20 per cent.

The rates of the Payne bill have not proved prohibitive, as shown by importations of between 18,000,000 pounds and 19,000,000 pounds for the year 1910, and 19,000,000 pounds for the year 1911, at an average foreign cost of 4.8 cents per pound for 1910, and 4.4 cents per pound for 1911, being equivalent to a duty of 38¼ per cent ad valorem for each of the two years.

In the pending bill it is proposed to reduce the present rates to 20 per cent ad valorem on the grounds that it would be followed by importations to the value of $1,200,000. At the same unit of cost as the importations for 1911, this would call for an importation of 27,000,000 pounds, yielding a revenue of $240,000, against an average revenue of $325,000 per year for the two preceding years. This would mean a loss in revenue to the Government of $85,000 per year, and the increased importations would mean an additional loss in wages of $200,000 to American labor, or $600,000 less in wages to labor for the entire importation.

There are in this country 10 or 12 manufacturers of this grade of steel wire, and an open market. It must be evident that if foreign manufacturers can now compete in the American market, with the present rate of duty averaging 38 per cent on the importations made, a lowering of the rate to 20 per cent would result in very serious loss to American manufacturers, if not in the closing up of several.

As stated before, this wire is special, both in material and manufacture. On account of the exacting requirements of the consumer, many more drawings, annealings, temperings, cleanings, handlings, and inspections are necessary than in the ordinary commercial product. Practically all the above is labor. In fact, the percentage of labor cost to the cost of the finished article will run about 60 to 70 per cent.

Wire drawers (skilled labor) engaged in work of this kind earn in this country the following wages per week, as compared with foreign manufacturers:

United States, wire drawers, $18 to $30.

England (Warrington), wire drawers, $9.73 to $10.95.

Germany, wire drawers, $8.76 to $9.24.

For ordinary wire drawers, wages paid in 1908 for 10 hours per day were, in—

Pittsburgh district: Ordinary wire drawers, $3.74 per day; laborers, $1.48 per day.

Germany: Hagen, ordinary wire drawers, $1.43 to $1.50 per day; laborers, 75 cents to 84 cents per day. Mannheim, wire drawers, $1.24 to $1.50 per day; ordinary labor, 75 cents to 90 cents per day. Mulheim (per week of 60 hours), wire drawers, $9; ordinary labor, $4.50½; ordinary labor, boys, $2 to $3.50.

According to the report of the British Board of Trade (1907–8), the weekly time rates of wages of laborers in the engineering trades for 1905 were:

Birmingham, 20 shillings, or $4.87.

Bolton, 18 to 20 shillings, or $4.38 to $4.87.

Halifax, 18 to 22 shillings, or $4.38 to $5.35.

London, 24 shillings, or $5.84.

Manchester and Salford, 18 to 22 shillings, or $4.38 to $5.35.

Middlesbrough, 22 shillings, or $5.35.

Sheffield, 20 to 24 shillings, or $4.87 to $5.84.

Warrington, 18 to 20 shillings, or $4.38 to $4.87.

In the above towns are located the principal wire mills engaged to-day in exporting wire into the United States.

The average weekly laborer's wage in the engineering trade was:

England and Wales, $4.38 to $5.35.

Scotland, $4.37 to $4.87.

Ireland, $3.89 to $4.87.

Under the act of 1909, wire galvanized or tinned was subject to the duty on the bare or uncoated wire plus a duty of two-tenths cent per pound in addition. This is eliminated under H. R. 18642, galvanized wire being subject to a duty of 20 per cent ad valorem—the same rate as on uncoated wire.

In connection with this item I quote the following from the statement of Mr. George S. Whyte, of the Macomber & Whyte Rope Co., of Chicago, at the hearing of the Finance Committee on February 21, 1912:

We believe that the specially galvanized wire (known as double or extra galvanized wire) used in rope making should be preserved as under the Payne Act, namely, with two-tenths cent per pound in addition to the duty on the plain wire. Such wire is treated very differently from the close-wiped fence products. The process is slower, more expensive, and entails vastly more inspection, care, and handling than the cheaper grade. It is readily distinguished by means of standard tests which are in practice everywhere to-day. The labor used in this process corresponds to wire mill labor and the remarks above as to wages will apply in this case.

The labor cost for the American manufacturer is 70 per cent greater than the labor cost abroad. The rate proposed in H. R. 18642 is 20 per cent. This means that the additional value added by galvanizing should pay duty at 20 per cent, while the American manufacturer pays 70 per cent more for his labor than the foreign maker.

Flat wire is manufactured from hot rolled flat rods, either by cold rolling or cold drawing through dies, or by cold rolling or cold drawing from round wire or rods, depending on the requirements desired. It is a very highly manufactured product, entering into so many and varied uses as to entail a vast number of specifications as to quality, finish, size, and temper. This makes it necessary to employ extra operations, annealings, temperings, handlings, inspections, and so forth, all of which bring the labor cost to an exceedingly high ratio.

While on flat wire of the lower grade the labor cost runs 50 per cent labor to 50 per cent material on low carbon steel, on the higher grades and more highly treated wires of both high and low carbon the percentages will run 20 to 30 per cent material and 70 to 80 per cent labor. Under paragraphs 124 and 135 of the act of 1909 flat wire receives a protection of 35 per cent ad valorem, giving a very moderate protection to American manufacturers, in view of the shown disparity in wages abroad and here. It is proposed to reduce this duty to 20 per cent ad valorem, unless the clause in paragraph 12 should stand (lines 14, 15, 16, and 17), in which case it would be reduced to 10 per cent. The industry is a growing one, carried on at present by about 20 manufacturers in seven States. A large number of workmen are employed who would be directly affected by such changes as proposed under the rates of H. R. 18642. Many of the mills would probably have to cease operating unless wages could be adjusted to equalize those paid abroad.

On wire rope the present duty is made up of the duty on wire, of which the rope is composed, plus an additional duty of 1 cent per pound (par. 135, act of 1909). The duty proposed in House bill 18642 is 20 per cent for wire and for wire rope (par. 13). This means that the additional cost added to wire by manufacturing into rope is to pay a duty of 20 per cent. This additional cost is almost entirely labor, and the labor cost of the foreign ropemaker is only about half the cost of that paid in the United States. The machinery is practically the same here and abroad, and the general methods and speed of production are the same, and any reduction would necessarily have to be in labor cost.

To sum up, in the manufacture of wire rods and of steel wire of the higher grades, also in galvanizing wire, in manufacturing wire rope from the wire, and in the manufacture of flat wire from rolled rods or drawn wire, the labor cost of the American manufacturer is 60 to 100 per cent greater than that paid by his foreign competitor. The rate of duty should be one to cover this difference on labor cost, if the business is to be held by the wage earners of this country. Customhouse returns show that the rate on steel wire in the tariff act of 1909 is equal to 38¼ per cent on the higher grades imported, and this rate has not prevented the importation of many millions of pounds annually, and I submit that the present rate should be maintained and no change made until Congress has full information on which to base any change in the rate of duty. The change proposed has been submitted without information as to the effect of the changed duty, and may lead to loss of millions to the manufacturers and a great loss of work and earning power by the labor heretofore employed.

WROUGHT ANVILS.

[Paragraph 17.]

Before the McKinley law placed a protective duty on anvils a wrought anvil was not made in the United States. That law imposed a duty of 2½ cents per pound, which the Wilson law reduced to 1¼ cents. Under the Dingley Act the duty was 1½ and is now 1¼. In 1907, 3,000,000 pounds of such anvils were produced in the United States and the imports were 709,794 pounds. Under the reduced duty of the 1909 law the production was 2,600,000 pounds in 1911, a decrease of 400,000 pounds, while the imports were 1,310,863, an increase of 601,114 pounds. This clearly shows that the rate under the existing law is too low, and the Underwood bill proposes to reduce that more than one-half.

The average wage paid in the industry in the United States for all classes of labor is $1.82 per day, whereas in Sweden, a large competitor, the average rate of wages is 99 cents per day. The freight rate from New York to New Orleans on anvils is 40 cents per hundred pounds. The water rate from Sweden to New Orleans is only 30 cents per hundred pounds.

The following tables show the wages paid in the anvil industry in the United States and Sweden:

Wages paid in United States (furnace men, per week of 80 hours).

Heater	$17.00
Hammermen	17.00
Firemen	12.00
Helper	12.00
Hammer driver	9.00
Average per day	2.25
Anvil makers	34.00
2 helpers, at $20	40.00
Boy	10.00
Average per day	3.57
Horn drawers:	
Blacksmith	26.00
2 helpers, at $18	36.00
Average per day	3.50
Grinders	15.00
Average per day	2.50

Average for all classes, $1.82 per day, or 20 cents per hour at 9 hours per day.

Wages paid in Sweden (55-hour week).

Furnace men	$4.50–$5.75
Blacksmith	7.00– 8.50
Blacksmith helpers	3.85– 4.20
Molders	7.00– 8.50
Machinists	5.00– 7.00
Grinders	7.00
Average per hour	.11
Average per day	.99

AUTOMOBILES.

[Paragraph 18.]

The automobile industry in the United States is a magnificent tribute to the success of the protective-tariff system. So recent as 1897, when the Dingley bill was enacted, the automobile industry had not reached sufficient importance in this country to be even mentioned by name in that act. Accordingly, it was given a protection of 45 per cent under the basket clause. At that time about the only automobiles used in this country were of foreign make, and they were so expensive that only a few of the very rich could afford such a luxury. American inventors and manufacturers then got busy and, with the aid of the tariff, which protected them from the cheaper labor of Europe, have built up an industry with a quarter of a billion dollars invested in the equipment of its manufacturing plants and whose products, including finished parts, in 1910 were valued at $254,580,000 as compared with $28,018,911 in 1905. It is a fact well known to all that the growth of the American automobile industry has been accomplished by a marked reduction in the price of automobiles, so that now these machines are within the reach of any person of average means. A most important factor in the automobile industry is its recent development of automobile trucks, which are revolutionizing the means of transportation, especially in towns and cities of the United States. These trucks are reducing the cost of such transportation, in which economy the American consumer will have a large share.

The pending bill reduces the duty on automobiles from 45 to 40 per cent. This is not a very great reduction, but it does not appear that there is any reason whatever for making even this change in the present tariff. When the Payne bill was under consideration, an Italian automobile concern asked that the duty on motor cars be reduced from 45 to 33 per cent. This indicated that that foreign company believed it could continue to maintain its factory in Italy and ship its products to America at a satisfactory profit with a difference of but 12 per cent in tariff. It is entirely possible that the proposed reduction of 5 per cent would be equally as advantageous to the foreign manufacturer of motor cars.

The present tariff has compelled a number of foreign manufacturers to establish factories in this country. Not many years ago a large proportion of the accessories and parts of the automobile such as magnetos, springs, frames, gears, and castings were manufactured in Europe. Nearly all of these items are now American made, giving employment to thousands of American persons, who receive from one-third to one-half more than men employed in the same class of work in foreign countries.

When the Payne bill was under consideration the Fiat Automobile Co., of Italy, wrote the mayor of Detroit the following letter:

NEW YORK, *December 15, 1908.*

The MAYOR, *Detroit, Mich.*

DEAR SIR: Owing to the strong probability that there will be no relief for imported cars in any customs revision that may be made under the new administration, we have decided to establish a large factory in this country for the manufacture of our cars and to remove to it a large portion of our manufacturing machinery as well as our organization from Turin.

We are therefore looking about for a suitable place to locate this new factory, which will be of very large proportions, and we are writing you with the hope that you will do us the courtesy of bringing this question before the proper persons or organization in your city, with the idea that we may ascertain what inducements would be made, if any, for the establishment of such a plant in Detroit. We would guarantee to employ 500 skilled mechanics to begin and within a year employ 2,000.

One of the officers of this company expects to sail for Europe about the middle of January, and any proposition that we might receive from your city will be submitted to our directors in Italy upon his arrival, when the matter will be definitely considered and settled.

Trusting to have the honor of your esteemed reply at your earliest convenience, we are,

Very respectfully, yours,

FIAT AUTOMOBILE CO.
E. R. HOLLENDER, *Vice President.*

The Payne bill maintained the tariff on automobiles at 45 per cent, as a result of which the Fiat Co. has erected an extensive motor-car factory at Poughkeepsie, N. Y., employing American labor at American wages for the manufacture of cars which they sell in this country. This is the same company which wanted tariff reduced to 33 per cent so that it might continue to supply the American market from its factory in Italy, where cheaper labor materially lessened the cost of production. People who can afford to buy automobiles can afford to pay enough for them to maintain the high standard of American wages. This can only be done by keeping the tariff at such a point as to prevent products of cheaper foreign labor supplanting those of American factories.

CASTINGS OF IRON.

[Paragraph 23.]

Manufacturers of textile machinery are fearful that the wording of paragraph 23 will permit the importation of parts of machines finished and ready to be assembled at the rate of 10 per cent ad valorem. The present duty on textile machinery is 45 per cent, but the House bill evidently intends to include such machinery under the basket paragraph at 25 per cent.

Even under the act of 1909 importers of textile machinery are endeavoring to take advantage of the lower duty on castings "not made up into articles" by having parts of machinery shipped separately in the "knockdown" and entered as castings "not made up into articles." Cases involving the construction of the paragraph relating to cast iron are now pending in the courts. Assistant Secretary Curtis, of the Treasury Department, has suggested that if it is desired to make certain that parts of machines shall not be imported under paragraph 23 these words should be added, "and not parts of machines in any form ready for assembly" after the word "articles."

In a letter to the chairman of the Finance Committee Mr. Curtis says:

> It is true that several importers have taken advantage of this proviso of the Payne law to import parts of machinery in the "knockdown" and by separate vessels, claiming the 1 cent per pound rate. This has resulted in a great deal of litigation, which is still pending. I inclose herewith a copy of a recent decision of the United States Court of Customs Appeal (T. D. 32227), which, while it has some bearing upon the questions involved, is not by any means conclusive.
>
> If it is desired to increase the rate of duty upon completed machinery only, it is possible that the phrase "but not made up into articles", in paragraph 23 of H. R. 18642, the proposed substitute for Schedule C of the Payne law, which recently passed the House of Representatives, will have this effect. However, to make certain of this result, I would suggest that after the word "articles" in the said paragraph there be inserted the words "and not parts of machines in any form ready for assembling."

The pending bill was drafted, however, without paying any attention to the possibility of its permitting textile and other machinery to be imported at a rate which would absolutely ruin an American industry in which $50,000,000 has been invested. The annual output of the textile machinery amounts to upward of $20,000,000, giving employment to from 12,000 to 20,000 wage earners.

The increase in production of textile machinery in this country during the last 15 years has been over 100 per cent, and the prices have been materially reduced, but the English production exceeds that of the United States by more than 200 per cent. The total importations into the United States in 1910, at their foreign value, were over $6,500,000. Including duty they had a value in the United States of approximately $9,750,000, and took the place of that much American machinery. The annual revenue from such importations is approximately $3,000,000; to obtain the same revenue under the proposed reduction of duty, importations must increase to approximately $12,000,000 in foreign value, or equivalent to an American value of approximately $18,000,000. Necessarily the American production will be reduced accordingly, which would be equivalent to 41 per cent of the total American product, and a loss in wages to American workmen at the very lowest of over $3,000,000. No domestic textile machinery is exported.

According to the report of the British Government, American wages are over 100 per cent more than those of Great Britain. The present duty of 45 per cent no more than offsets this foreign advantage in labor, cost of material, etc. Nothing would be gained by decreasing duty, but there would be a very large loss. The imports of textile machinery from England in 1909 amounted to $3,680,840, and under the new tariff law they jumped to $5,550,884 in 1910. These figures are conclusive in showing that the duty now imposed on textile machinery is hardly sufficient to protect the manufacturers in this country. England alone exported more than $37,000,000 worth of textile machinery in 1910. Without a large reduction in wages, which would also necessitate a large decrease in the cost of materials, the United States producers could not compete under the reduced duty with foreign manufacturers. Such a reduction would result in enormous loss, and there is no demand for any such drastic treatment of this great industry.

CAST-IRON PIPE.

[Paragraph 23.]

The manufacturers of cast-iron pipe, according to the statement of their representatives before the Finance Committee, have not been making any money for some time. The present duty is $5 a ton, and it is proposed, under the House bill, to reduce that to 10 per cent ad valorem. The cost of iron pipe is governed largely by the price of pig iron. Labor and other material outside of the pig iron cost at least $1 per ton more in this country than in England, and the labor employed at least 50 per cent more. The producers at interior points in this country have no advantage in the way of freights to the Atlantic and Gulf ports, as iron pipe is brought over from Europe at very low rates, because it makes good ballast. This pipe is sold usually to public-utility companies, like gas works or water works or municipalities. It is not sold to the general public like other commodities. The manufacturers are required to bid and the competition is very strong. Iron pipe lasts for 100 years or more.

Mr. George M. Bunting, vice president of the Standard Cast Iron Pipe & Foundry Co., of Philadelphia, said that there is now no profit in the cast-iron pipe business owing to the close competition among American manufacturers. He contended that if they had to meet increased competition from abroad by lower tariff duties American makers of cast-iron pipe would have to close their foundries, which employ about 7,000 men. He declared that wages would have to be reduced to meet foreign competition, and that it is difficult even now to get men to work in the factories for the wages that American companies can afford to pay them. The manufacturers of iron pipe agreed to a reduction of duty on that product from $8 to $5 in the Payne bill. This they believe is the least protection that will allow that industry to continue in this country. According to Mr. Bunting the iron-pipe manufacturers have not been able to get back one penny for depreciation in the last three years, or to any extent for interest on the money invested. During that period his plant has been running about 75 per cent of its capacity, it having been found cheaper to keep the foundries in operation even without a profit than to shut them down owing to the overhead charges that would continue whether the plant was running or not.

IRON AND STEEL CHAINS.

[Paragraph 24.]

As in numerous other instances, the pending bill completely ignores the widely varying labor cost entering into the production of chains, by providing a single ad valorem duty for all kinds of iron and steel chains without any regard whatever for their method of manufacture. Thus the high-grade sprocket chains used on bicycles and automobiles would pay the same rate of duty as the coarse, heavy chains used on steamships or in logging camps.

The difference in the cost of making certain classes of chains in this country and abroad is due to the employment of women and children in the chain-making industry of England. In the

Cradley Heath district of England large numbers of women are employed in making chains. They do not work in factories, such as we have in this country, but each family has its chain-making shop right in its home. The women and children go to the larger plants for their raw material, and return the finished chains at the end of the week or month. This is called the cottage or home industry of England. It has caused so much talk that the British Parliament at one time sought to prevent it, but as the women engaged in it asserted that they had no other way of earning a living, and the business was not found to be unhealthy, the attempt on the part of Parliament to forbid women from engaging in it was abandoned. It is a credit to the United States that women and children are not employed in that industry in this country. The American workmen have to compete with chains made by that kind of labor in Europe, and a reduction in duty to 20 per cent ad valorem would affect the situation in this country to a great extent. The half-inch size chains, for instance, command a scale of wages in this country of $3.12 per hundred pounds. It is the union rate, and practically all American shops that make these chains are under union conditions. The rate of the English manufacturer is $1.36 per hundred pounds, as given in the outworker's list. That is a rate a little less than 50 per cent of the American wages.

The secretary of the Chain Makers' and the Chain Strikers' Association in Great Britain has commented quite severely on the condition of women workers in the trade of the Black Country, so called, and he stated that the average wages for a week's work, with long hours, six days in the week, is only from $1 to $1.25 in American money. Competition with that kind of labor is what is invited by the reduced rates of the House bill.

The Morse Chain Co., which is interested in the manufacture of chains in London, Hanover, and Paris, as well as in this country, fully confirms the report that wages paid chain makers abroad are far less than the American scale. According to this company skilled labor abroad runs about 50 per cent of what we pay in this country. Mr. F. L. Morse, manager of the Morse Chain Co., in a letter to be found on page 497 of the Senate Hearings, says:

ITHACA, N. Y., *February 14, 1912.*

Mr. L. M. WAINWRIGHT,
President Diamond Chain & Manufacturing Co., Indianapolis, Ind.

GENTLEMEN: We have copy of your letter of the 12th instant, addressed to the Committee on Finance, United States Senate, Hon. BORIS PENROSE, chairman, Washington, D. C., and have carefully noted the same.

Referring to this letter, we, as possibly you know, are interested in manufacturing the Morse chain in London, England, Hanover, Germany, and Paris, France, and it has come under the writer's personal observation that the assembling wages are in London $1.60 per week, and in our own plant we are paying from $1.65 to $2.25 per day for the same work, this being somewhat higher than you mention, as we use no female labor. The skilled labor is not lower proportionately, but runs about 50 per cent of what we pay here.

The cost of material is also less in France, Germany, and England, so we have a large handicap in competing with the foreign makers. We have found that with the present duty into Canada their prices will run from 15 to 30 per cent under our delivered prices, and it is only by being closer to the market that we are able to take any of the Canadian business.

There is no question in our mind but what a reduction in the tariff will work a hardship on the American manufacturers, and until the scale of labor and cost of material has been reduced will necessitate running their plants at no profit or at an actual loss. The only way that we see to meet the foreign competition is a radical reduction in the cost of material and labor, and with these two items on the same basis we have no fear of any foreign competition.

We feel sure if the committee who has this matter in charge investigates the manufacture of the standard nonpatented chain they will recognize that the duty now imposed does not meet the difference in cost between the two countries.

Very truly, yours,

MORSE CHAIN CO.,
F. L. MORSE, *Manager.*

I know of no stronger statement than this letter from Mr. Morse in regard to the necessity of having tariff sufficiently high to protect American workmen against the reduction to the wage level of Europe.

The following table shows the wages paid English and American chain makers, the English prices being for outworkers who furnish their own fuel and factory, while the American wages are net to the workmen and are on the scale of the National Chain Makers' Union:

Sizes.	BB		BBB	
	American.	English £/- list.	American.	English.
No. 2 (¾-inch)	$7.25	20/6 (4.99)	$8.14	23/- (4.92)
⅜-inch	4.84	14/- (2.96)	5.78	16/- (3.43)
½-inch	3.56	11/6 (2.46)	4.23	10/8 (2.29)
7/16-inch	2.84	7/8 (1.65)	3.63	8/8 (1.82)
⅜-inch	2.49	5/10 (1.25)	3.12	6/6 (1.36)
5/16-inch	2.07	5/3 (1.13)	2.78	5/10 (1.25)
¼-inch	1.87	4/8 (1.00)	2.34	5/2 (1.11)
3/16-inch	1.50	4/- (.86)	1.94	4/4 (.93)

The following table is a comparison of English and American prices per 100 pounds, f. o. b. New York:

Comparison of English and American prices per 100 pounds, f. o. b. New York.

	No. 5.	No. 4.	No. 3.	No. 2.	5/16 inch.	½ inch.
American	$35.00	$25.00	$26.50	[illegible]	$15.00	$11.30
English	18.96	16.06	13.61	11.56	9.97	8.53
Handicap	16.04	18.94	12.89	10.44	5.03	2.77

CUTLERY.

[Paragraphs 26, 27, and 28.]

The total sales of pocket cutlery in the United States, including both domestic and imported knives, now amounts to $5,000,000 a year, wholesale market value. Of this amount $3,000,000 worth is produced in American factories, employing 4,000 workmen. The proportion of labor to the actual cost of producing American cutlery is 80 per cent, which indicates the vital interest that wage earners have in the continuance of that industry in the United States.

The Ways and Means Committee has estimated that the pending bill will increase the imports of foreign pocket cutlery to $1,800,000. This is $1,000,000 in excess of the present imports. On the basis of the present market value such an increase of imports would mean a loss to American workmen and wages of $1,201,970, leaving but one-third of the present American product to be divided among the 35 cutlery factories of the United States. Even now these factories are producing from 15 to 20 per cent below their usual capacity, owing to the increasing importations of foreign knives.

I have here three samples of American pocketknives and three German knives, with a tabulated statement of their cost and selling price. The American knives are made of high quality crucible steel, while the German knives are made with lower grade Bessemer steel blades, such as are used in nearly all imported cutlery. The foreign knives, being identical in appearance, have the same apparent value to the consumer as the American knives, with which they are sold in direct competition, but, of course, they are far less durable.

The factory cost of American knife No. 2 is $3.10 a dozen, while the foreign value of knife No. 12 is $1.25, and the landed value, including duty and all other importing expenses, is $2.48 a dozen.

The factory value of American knife No. 7 is $5.30 a dozen, while the foreign value of knife No. 17 is $1.25 a dozen and the landed value $2.48.

The factory value of American knife No. 8 is $8.97 a dozen, while the foreign value of knife No. 18 is $3 a dozen and the landed value $5.70 a dozen. In each instance the labor cost alone of the American knife is greater than the entire foreign value of the competing knife.

The table following shows the cost and selling prices of these knives in detail.

Cost and selling prices of American and German pocketknives.

American patterns.	Stag, No. 2.	Stag, No. 7.	Pearl, No. 8.	Average.	Single knife average.	Per cent of retail price.
Labor cost, per dozen	$1.91	$3.46	$4.10	$3.15	$0.26	[illegible]
Material, cost	.57	.78	3.08	1.48	.12	10
Factory expense cost	.62	1.06	1.79	1.16	.10	8½
Total factory cost	3.10	5.30	8.97	5.79	.48	41½
Factory profit	.30	.45	1.03	.59	.05	4½
Factory selling price	3.40	5.75	10.00	6.38	.53	45½
Dealers' expenses and profit	5.60	6.25	11.00	7.63	.63	54½
Retail price	9.00	12.00	21.00	14.00	1.16	100
Per cent labor to flat cost	.79	.81	.57			
Per cent material to flat cost	.21	.19	.43			

Knives made in Germany.	Stag, No. 12.	Stag, No. 17.	Pearl, No. 18.	Average.	Single knife average.	Per cent of retail price.
Foreign value	$1.25	$1.25	$3.00	$1.83	$0.15	18
Duty	1.10	1.10	2.40	1.53	.12	15
Importing expenses, duty	1.23	1.23	2.70	1.72	.14	17
Landed value	2.48	2.48	5.70	3.25	.29	35
Importers' gross profit	.52	.52	1.55	.86	.07	8½
Importers' selling price	3.00	3.00	7.25	4.42	.36	43
Dealers' expenses and profits	3.00	6.00	7.25	5.58	.47	56½
Retail	6.00	9.00	15.00	10.00	.83	100

The following table gives a comparison of weekly wages paid to cutlery operatives abroad and in the United States, indicating

that the American workmen receive fully three times as much as the foreign operatives in cutlery factories:

Comparison of weekly wages paid to operatives abroad and in the United States.

	Average paid in Austria, Belgium, and Germany.	Average paid in United States.
Forgers	$4.30 to $7.00	$15.00 to $21.00
Grinders	4.50 to 8.00	15.00 to 27.00
Blade finishers	4.50 to 6.00	12.00 to 18.00
Handle finishers	4.50 to 6.00	12.00 to 18.00
Cutlers	5.00 to 6.50	15.00 to 21.00

With the extent to which foreign cutlery is now competing with the American product in the United States under the present tariff, it is apparent that no further reduction can be made in the rates of duty without causing a corresponding decrease in the wages paid workingmen in this industry. In fact, American pocket cutlery manufacturers contend that the rates in the Underwood bill would destroy their industry, and that with American competition eliminated the foreign manufacturers would have a monopoly of this market and would then increase the prices of cutlery.

Another branch of the cutlery industry affected by paragraph 26 is the manufacture of razors. The Ways and Means Committee estimates that its reduction of the duty on razors would increase their importations from $375,835 for 1911 to $800,000. The entire production of all the razor factories in the United States is less than $400,000. With an estimated importation of more than that amount it is apparent that the Underwood bill proposes to put the razor industry of the United States out of existence. It is absolutely impossible for American razor makers to compete with foreign razors and maintain their present standard of wages. Employees of several American cutlery companies appeared before the Senate Committee on Finance to voice the opposition of their fellow employees against any reduction in the duty on razors.

Mr. Max Schascheten, representing the employees of the Robeson Cutlery Co., of Rochester, N. Y., gave the committee an interesting comparison of wages paid in American and German razor factories. Mr. Schascheten worked in a German factory for 10 years and was fully informed on the subject of wages paid in that country and in the United States. He stated that German wages amount to only one-third or one-fourth of those paid in this country. An expert razor man might make $4 a day in the United States, while in Germany he could earn only from $1 to $1.50 a day. This marked difference in wages is the reason why Germans are able to come into the American market, pay a high duty, and still undersell razors manufactured in America, according to Mr. Schascheten. In comparing the labor conditions of the two countries Mr. Schascheten said he paid as much for the same grade of meat or a little higher in Germany as in the United States, and that his flour cost him about the same there as here.

A petition signed by a large number of the employees of the Geneva Cutlery Co. states that some of them had worked in the cutlery trade in both Germany and the United States, and that they had prepared the following table as a true comparison of wages paid in the two countries:

Cutlery workers.	Weekly wages paid in—	
	Germany.	United States.
Forgers and trimmers	$4.30-$7.00	$12.00-$21.00
Grinders	4.30- 5.70	12.00- 18.00
Hardeners and temperers	4.30- 6.00	15.00- 21.00
Concavers	4.30- 9.00	18.00- 24.00
Polishers	4.30- 5.70	12.00- 21.00
Razor handle makers	4.30- 5.00	12.00- 18.00
Honers and handlers	2.50- 6.00	6.00- 15.00

On account of this cheap labor German cutlers are able to manufacture razors at a price with which American manufacturers can not compete. I have here an exhibit of several of these low-priced foreign razors.

German cutlers manufacture razor No. 1 at a cost of 99 cents, or under $1, a dozen. Of these razors 1,311,948 were imported into the United States last year. No American cutler can make a razor to compete with this German product.

The German cost of razor No. 2 is $1.49 a dozen. The American cost of a similar razor is $2.60 a dozen, owing, as I said before, to the greater cost of labor in this country, which is three or four times that required to make the German razor. Taking the importation price of this razor at $1.50, in round numbers, each razor would cost 12½ cents, yet they are regularly retailed for $3 apiece. It is apparent, therefore, that the amount of duty placed on these razors does not affect the consumer, but it is of importance to the wage earners, who must compete with the cheaper labor of Europe.

The German cost of razor No. 3 is $1.99 per dozen, while the cost of a similar American-made razor is $3.75 a dozen. The importation cost of razor No. 4 is $2.99 per dozen, and the American cost is $4.84 per dozen. The importation cost of razor No. 5 is $3.28 per dozen and the American cost $6.02 per dozen.

I want to call your attention to the fact that of all the 2,493,923 razors imported into the United States during 1911 only 2,193 were valued at more than 25 cents each.

The following table shows the German cost of the razors I have exhibited here and gives the American cost in detail:

EXHIBIT A.

Razor No. 1.

	Per dozen.
German cost:	
M 4:20	$0.9996
No razor can be made in this country to compete.	

Razor No. 2.

German cost:	
M 6:30	$1.4994
American cost:	
Steel material	.22
Handle material	.56
Forging, hardening, ready to grind	.31
Grinding, polishing, etching	1.19
Honing, handling, packing	.32
Total	2.00

Razor No. 3.

German cost:	
M 8:40	$1.9992
American cost:	
Steel material	.20
Handle material	.55
Forging, hardening, ready to grind	.31
Grinding, polishing, etching	2.30
Honing, handling, packing	.39
Total	3.75

Razor No. 4.

German cost:	
M 12:60	$2.9998
American cost:	
Steel material	.20
Handle material	.55
Forging, hardening, tempering, ready to grind	.31
Grinding, polishing, etching	3.34
Honing, handling, packing	.44
Total	4.84

Razor No. 5.

German cost:	
M 13:80	$3.2844
American cost:	
Steel material	.20
Handle material	.75
Forging, hardening, tempering, ready to grind	.33
Grinding, polishing, stamping	4.28
Honing, handling, packing	.46
Total	6.02

While discussing the tariff on cutlery Mr. Theobald Diehl, special commissioner to Europe for the Philippine customs service, gave some interesting information in regard to the undervaluation of razor importations from Europe. Mr. Diehl cited an instance where razors were invoiced at 12 marks 40 per dozen; the value was questioned, but the original invoice of the manufacturer showed the value as stated. Further information developed the fact that the real value of the shipment was canceled by a second invoice, which carried an additional cost of some 3 marks per dozen. This second invoice was made in the name of the head of the firm, while the first invoice was carried in the name of the firm itself, thus making the transaction appear as two sales, when, in fact, it covered only the one shipment. Mr. Diehl stated that such manipulations of accounts to conceal undervaluations were resorted to by importers located in New York or their agents in Germany. It is quite likely that the remarkably low valuation of razors imported from Germany is due to some such methods to evade the American tariff. The proposed extension of the valuation tariffs to every item on the metal schedule would vastly increase the opportunity for such undervaluation frauds and seriously injure American industries by such unfair competition.

Paragraph 26 also strikes a blow at another American industry, the manufacture of surgical instruments. American manufacturers contend that a reduction of the duty on surgical instruments from 45 per cent to 25 per cent will destroy that industry in this country. Aside from the preservation of an American industry, there is another question entering into the American manufacture of surgical instruments

that I believe should, of itself, deter Congress from taking any step that would in any way handicap or prevent the making of surgical instruments in the United States. I refer to the absolute necessity for surgical instruments in large quantities in times of war. This country should not be dependent upon a foreign nation for its supply of surgical instruments any more than for its supply of arms and ammunition. It is most essential to humanity that a nation like the United States should be able to manufacture its own instruments for the relief of the wounded and the suffering.

Like almost every other industry affected by the metal schedule, the greater cost of producing surgical instruments in the United States is due to the labor item. In Germany these instruments are made largely by the cottage plan. That is, the workmen have shops in their homes, where the women and children all join in the task.

Here is what Mr. Fairleigh S. Dickinson, of Becton, Dickinson & Co., who recently visited Germany to study the manufacture of surgical instruments there, had to say of the German methods:

> I went right into the homes of the people and the homes of the manufacturers. One-half of the workmen employed in our factory live better than the principals of the business that I visited in Germany. I found men working 12 and 14 hours a day. I found their children working at the bench. Most of these goods are hand-made instruments, and a man takes them home to his family, and his wife makes the instruments; his 12 or 14 year old girl works at it; his boys work at it. They get up in the morning and they work before breakfast and they work after breakfast and after they have had their dinner.

Mr. Dickinson stated that the American wage cost is more than twice as much as the German labor cost.

Mr. Dickinson testified that he saw girls working in a factory in London for 10 shillings ($2.50) per week, doing work for which his firm paid, in New Jersey, $5 to $6 per week; and the hours were longer in London than in New Jersey.

The price of surgical instruments does not affect the average person, as the surgeon charges his fee for an operation without regard to the cost of the instruments he uses. It is important, however, that this industry should be continued in the United States at any cost, and that the wage earners engaged in that industry should be assured a compensation that will be creditable to this country.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. McCUMBER. The Senator from Utah has now been speaking continuously in a rather hot room for over two hours. I think I can guess that it will take at least an hour and a half or two hours longer for him to complete his discussion. I therefore ask the Senator if it will be agreeable to him to discontinue now and let us go to the calendar and take up the pension bills? There are some six or eight, I believe, upon the calendar, which we might dispose of this afternoon. I do not understand that there is any other Senator who desires to speak to-day on this subject, and I know the Senator must be getting a little tired after his long effort.

Mr. SMOOT. I am perfectly willing that we shall go to the calendar. I feel rather tired, having spoken now for over two hours.

Mr. SIMMONS. If the Senator from Utah does not desire to go on, I know of no other Senator who expects to speak this afternoon. There was an impression on this side of the Chamber that the Senator would occupy the whole day.

Mr. SMOOT. I can go on if the Senator so desires.

Mr. SIMMONS. If the Senator desires to discontinue his remarks until to-morrow, of course that will be satisfactory.

Mr. SMOOT. I prefer to wait until to-morrow, because it will not then take very long for me to conclude.

Mr. SIMMONS. That is entirely satisfactory.

Mr. SMOOT. I would prefer that the Senate should go to the calendar and take up the pension bills.

Mr. SIMMONS. That course is entirely satisfactory.

Mr. President, before the Senator from Utah leaves the floor, I desire to make a brief statement, to correct probably an erroneous impression growing out of a statement I made yesterday. I think it is highly proper in these tariff discussions that Senators should try to be as accurate in their statements as possible. On yesterday, when we were discussing the question of American exports of steel rails, I made a statement that was probably not exactly correct.

Mr. SMOOT. I will say to the Senator that I am perfectly willing to have that statement cut out of my speech, and I understood that the Senator desired that to be done. I have no objection to it. Whatever part of it the Senator desires to be taken out will be agreeable to me.

Mr. SIMMONS. The Senator can cut it out or not, as he pleases, but I simply want to put myself right about the statement.

Mr. SMOOT. Very well.

Mr. SIMMONS. At the time I made the statement, Mr. President, we were discussing the question of exports of steel rails in this country and abroad. I made a statement, I think, to the effect that Europe was exporting as largely in proportion to production as we were. That is not correct. I had in mind at the time I made the statement not the general exportations of Europe to all countries, but I had in mind the exportations of Europe, especially of England, to the neutral markets of the world. The statement was substantially correct as to the exportations to neutral markets; that is to say, taking out the exports of European countries to other European countries where they have a freight advantage over us, which makes it practically prohibitory as against us—taking out of the account the dependencies and colonies of those European countries, which they largely dominate for one reason or another, and including only the neutral markets of the world, where there are equal freight rates and equal tariff conditions, then the statement would be substantially correct; that is, to those countries we export about ten and a half million dollars, while England exports about $4,000,000. It was that situation I had in mind at the time I made the statement. I referred to our exports and to their exports to the neutral markets of those countries. I do not desire to enter into any controversy about it.

Mr. SMOOT. Of course the Senator understands that the $10,000,000 worth exported from this country includes all other countries, whether it be the English dependencies, the German dependencies, or any others.

Mr. SIMMONS. But we do not export any to speak of to Europe. We export some, but our exports, speaking generally, are almost entirely to the neutral markets of the world.

Mr. SMOOT. Canada is a very large purchaser of steel rails.

Mr. SIMMONS. I include that as one of the neutral markets of the world.

Mr. SMOOT. That is all right.

Mr. President, I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that order will be made.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I now renew my request for the present consideration of the unobjected pension bills on the calendar.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the present consideration of the following bills——

Mr. McCUMBER. I will put it in this way: I ask unanimous consent that we may consider during the remainder of the day the unobjected pension bills on the calendar.

Mr. BACON. And that no other bills be considered?

Mr. McCUMBER. That is all; yes.

Mr. BACON. Does the Senator desire to include in the consent that no other bills shall be considered?

Mr. McCUMBER. I will make it that way if the Senator so desires.

Mr. BACON. I do not desire that, but simply wish to know, in order that a controversy may not come up later.

Mr. McCUMBER. I simply wish to ask that unobjected pension bills on the calendar may be considered.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that unobjected pension bills be now considered. Is there objection?

Mr. BACON. I have no objection to those bills being considered, but I simply want to guard this question of unanimous consent. Of course that is something which ought to be entered into very formally. I think, if we proceed without objection to the consideration of bills, the Senator from North Dakota will accomplish his purpose rather than to have it appear to be a unanimous-consent agreement, when some question might come up as to whether anything else could be done.

Mr. McCUMBER. If the Senator from Georgia has any fear about the matter, I will then ask, in lieu of my other request, that we proceed to the consideration of the first general pension bill on the calendar.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. LEA. Do I understand that under this agreement bills other than pension bills not objected to can come up?

The PRESIDING OFFICER. The Chair so understands.

Mr. BACON. But there is a special direction given to it, so that other bills can not be considered until the order of bills

which the Senator from North Dakota asks may now be proceeded with has been exhausted.

The PRESIDING OFFICER. The Chair understands that certain bills are asked by the Senator from North Dakota to be proceeded with, and after that the Chair supposes the remainder of the calendar is subject to the action of the Senate.

Mr. SMOOT. Do I understand that after the bills are considered for which the Senator from North Dakota has asked consideration, then we shall proceed to the consideration of other bills on the calendar to which there is no objection?

The PRESIDING OFFICER. The Chair does not understand that the Senator from North Dakota has preferred any request except as to pension bills.

Mr. McCUMBER. That is all.

Mr. BACON. I desire to state that I have no objection to the Senate giving unanimous consent to taking up those bills alone. I did not ask for that limitation, because some Senators might have in view some other business which they desire to have transacted; I have none myself; and I have no objection to the action of the Senate for the remainder of the afternoon being limited to those bills if it is so desired. I do not know how long they will take. If they will reasonably occupy the remainder of the afternoon I can see no objection to them.

Mr. McCUMBER. I assume that they will take less than an hour. I did not ask that we consider only those bills, because I thought some Senators might possibly want to ask that some other matters be taken up; but if there is no objection by the Senator, I will now renew my request for unanimous consent that we proceed to the consideration of unobjected pension bills upon the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The Secretary will report the first pension bill on the calendar.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments. The first amendment was, at the top of page 2, to strike out:

The name of Henry E. D. Patee, late of the United States Navy, and pay him a pension at the rate of $12 per month.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the committee. I ask this because upon further investigation, we think that the amendment should be rejected.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 2, after line 3, to strike out:

The name of Gabrielle Cooper, widow of George A. Cooper, late second lieutenant Company I, Fifteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional for each of the officer's children during their minority, in lieu of that she is now receiving.

Mr. McCUMBER. I move that the Senate disagree to the amendment recommended by the committee. Further investigation and further evidence justify me in making this request.

The amendment was rejected.

The next amendment was, on page 2, line 18, before the word "dollars," to strike out "twenty-four" and insert "twelve," so as to make the clause read:

The name of Frank A. Schaller, late of Company E, Seventy-first Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 22, before the word "dollars," to strike out "twenty-four" and insert "twelve," so as to make the clause read:

The name of Noah H. Scout, late of Company D, Third Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

The name of William W. Waters, late of Company D, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I move that the Senate disagree to the Senate amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Pensions was, on page 3, line 6, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the clause read:

The name of Louis T. Moseley, late of Company A, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to strike out:

The name of John Dardis, late of Company G, Second Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. McCUMBER. At the request of a number of Senators I ask unanimous consent that after we dispose of the unobjected pension bills on the calendar no other business be done on this legislative day.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that after the consideration of unobjected pension bills on the calendar no other business be done on this legislative day. Is there objection?

Mr. HITCHCOCK. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that after the consideration of unobjected pension bills no further business be transacted on this legislative day. Is there objection? The Chair hears none, and it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments. The first amendment was, on page 1, line 8, after the word "month," to strike out "in lieu of that he is now receiving," and insert "without deduction or recoupment for former alleged erroneous payments or overpayments of pensions," so as to make the clause read:

The name of William Hill, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month without deduction or recoupment for former alleged erroneous payments or overpayments of pensions.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to strike out:

The name of John A. Ripley, late of Company C, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 22, after the name "Regenhardt," to strike out "jr." and insert "junior," so as to make the clause read:

The name of Louis Regenhardt, junior, late of Company K, Third Regiment, and Company B, Fifteenth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the words "United States," to strike out "Volunteer," so as to make the clause read:

The name of Henry Counterman, late of Company C, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 23, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Jesse W. Kennedy, late of Company D, First Battalion Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 17, to strike out:

The name of James M. Blankenship, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the word "dollars," to strike out "thirty-six" and insert "forty," so as to make the clause read:

The name of Dyer C. Elder, late of Company E, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 22, before the word "Artillery," to strike out "Light" and insert "Heavy," so as to make the clause read:

The name of Charles A. Brown, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to strike out:

The name of Benjamin Simmons, late of Company K, Third Regiment New York Volunteer Cavalry, and Company B, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

The name of Elizabeth Buhr, widow of Mathias Buhr, late of Company A, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to strike out:

The name of Edward T. Smith, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of George Peckham, late of Company I, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. McCUMBER. On page 14, I move to strike out lines 14 to 17, inclusive, an item for the same person and carrying the same amount having been included in a Senate omnibus pension bill which has already been signed by the President.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after line 13, it is proposed to strike out:

The name of Albert P. Odell, late of Company C, One hundred and seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, at the top of page 15, to strike out:

The name of Judson D. Hammond, late of Company K, Twenty-second and Twenty-ninth Regiments Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to strike out:

The name of Catherine D. Bauerly, former widow of George Vetter, late of Company D, Twentieth Regiment Michigin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Emil Wiegleb, late of Company G, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the word "Colored," to strike out "Troops" and insert "Volunteer Infantry," so as to make the clause read:

The name of Duncan D. Cameron, late of Capt. Gray's company, One hundred and eighth Regiment New York Volunteer Infantry, and Company K, Ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to strike out:

The name of James Dray, late of Company I, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to strike out:

The name of Ada C. Mercer, helpless and dependent child of Pembroke Mercer, late of Company F, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. McCUMBER. I move that the Senate disagree to that amendment.

The amendment was rejected.

Mr. McCUMBER. At the bottom of the same page I move to strike out lines 22 to 25, inclusive, the claimant in that case having died since the bill was reported.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, after line 21, it is proposed to strike out:

The name of Charles Latham, late of Company I, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 20, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James C. Burrall, late of First Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 7, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Timothy Keely, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "Regiment," to strike out "Thirtieth" and insert "Thirteenth," so as to make the clause read:

The name of Eleanor M. Freer, widow of Charles Freer, late of Company E, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 21, after line 8, to strike out:

The name of Luther D. Morgan, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 15, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Lottie L. Robinson, widow of Lawrence V. Robinson, late of Company H, Eighteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of William A. McHaney, late of Company F, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. McCUMBER. I ask that that amendment be rejected.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 23, after line 2, to strike out:

The name of Frederick Carel, late of band, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. McCUMBER. I also move that the Senate disagree to that amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 23, line 21, before the words "United States Navy," to strike out the name "Naumkead" and insert "Naumkeag," so as to make the clause read:

The name of David Phillips, alias Charles Gray, late landsman, U. S. S. Key West, Great Western, and Naumkeag, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 22, to strike out:

The name of Nancy McKnight, now Matsel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 4, before the word "Volunteer," to insert "Veteran," so as to make the clause read:

The name of John Balls, late of Company B, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to strike out:

The name of Delia Langdon, widow of Moses E. Langdon, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. McCUMBER. I move that the Senate disagree to the proposed amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Pensions was, on page 28, line 4, before the name "Smith," to strike out "Ellen J." and insert "George C."; in the same line, before the word "additional," to strike out "the"; in line 8, before the name "Smith," to strike out "Ellen J." and insert "George C."; in the same line, before the word "additional," to strike out "the"; in line 12, after the word "shall," to strike out "each"; and in line 14, after the word "month," to insert "each," so as to make the clause read:

The name of Ellen J. Smith, widow of George C. Smith, late of Company D, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lulu E. Smith, helpless and dependent daughter of said George C. Smith, additional pension of $12 herein granted shall cease and determine: *And provided further*, That in the event of the death of George P. Smith, helpless and dependent son of said George C. Smith, additional pension of $12 herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen J. Smith the name of said daughter, Lulu E. Smith, and said son, George P. Smith, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month each from and after the date of death of said Ellen J. Smith.

The amendment was agreed to.

The next amendment was, on page 29, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William M. Wallace, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 24, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Caldwell Oaks, late of Company K, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the word "dollars," to strike out "thirty-six" and insert "twenty-four," so as to make the clause read:

The name of Emerson Sherwood, late of Company F, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 4, to strike out:

The name of James M. Dalzell, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rate per month stated:

William S. Brown, late of Company A, Third Regiment United States Volunteer Infantry, $24 per month.

Albert D. Scovell, late of Company I, Third Regiment New Hampshire Volunteer Infantry, $36 per month.

George W. Graham, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, $24 per month.

Peter C. Johnson, late of Company M, Seventeenth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

Susannah Sprague, widow of John Sprague, late of Company A, Tenth Regiment Kansas Volunteer Infantry, $20 per month.

William F. Hoffman, late of Company K, One hundred and eightieth Regiment Ohio Volunteer Infantry, $30 per month.

Richard Johnson, alias Curry, late of Company C, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, $24 per month.

Samuel N. Black, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $24 per month.

John B. Farris, late first lieutenant Company F, Twenty-sixth Regiment Indiana Volunteer Infantry, $30 per month.

Nelson Coffen, late of Company G, Sixteenth Regiment New York Volunteer Infantry, $30 per month.

Himanus De Witt, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, $30 per month.

Sumner R. Tarbox, late of Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, $24 per month.

Tillman Settles, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, $24 per month.

William Hobbs, late of Company D, Sixth Regiment Kansas Volunteer Cavalry, $24 per month.

Henry A. Dennis, late of Company G, One hundredth Regiment Illinois Volunteer Infantry, $30 per month.

John Duebenhorst, late of Thirteenth Battery Wisconsin Volunteer Light Artillery, $30 per month.

George Simpson, late of Company B, Second Regiment Colorado Volunteer Cavalry, $30 per month.

Elise G. Irving, widow of William Irving, late lieutenant colonel Thirty-eighth Regiment Ohio Veteran Volunteer Infantry, $20 per month.

Francis M. Dean, late of Company D, Thirty-eighth Regiment Illinois Volunteer Infantry, $30 per month.

Thomas M. Boylan, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, $30 per month.

Riley Small, late of Company A, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, $24 per month.

John Adkins, late of Company K, Fourteenth Regiment, and Company C, Battalion, Fourteenth Regiment, Kentucky Volunteer Infantry, $24 per month.

Thomas B. Davis, late of Company A, Tenth Regiment Kansas Volunteer Infantry, $30 per month.

John C. Porter, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, $30 per month.

David Poffenbarger, late of Company K, Thirty-fourth Regiment Indiana Volunteer Infantry, $36 per month.

Joseph T. Reno, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, $40 per month.

Joseph D. Miller, late of Company M, Second Regiment Missouri State Militia Cavalry, and Company L, Thirteenth Regiment Missouri Volunteer Cavalry, $30 per month.

Job Snyder, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, $36 per month.

Alva M. Cunningham, late of Company I, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, $24 per month.

John F. Sowards, late of Company D, Fifth Regiment West Virginia Volunteer Infantry, and Company E, First Regiment West Virginia Veteran Volunteer Infantry, $30 per month.

Levi Page, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, $30 per month.

John H. Wood, late of Company E, Ninety-first Regiment New York Volunteer Infantry, $24 per month.

Gustus F. Johnson, late of Company I, Eighth Regiment Illinois Volunteer Infantry, $24 per month.

Silas Wilder, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, $30 per month.

John A. Doan, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, $30 per month.

Mary E. Lincoln Bradburn, widow of Otho N. Bradburn, late of Company A, Ninth Regiment Kentucky Volunteer Cavalry, $20 per month.

Joseph Harbaugh, late of Company H, Sixth Regiment West Virginia Volunteer Cavalry, $30 per month.

Bluford S. Jones, late of Company G, Seventh Regiment Missouri State Militia Cavalry, $30 per month.

Ursilla G. Underwood, widow of John Underwood, late of Troop B, First United States Lancers, Michigan Volunteer Cavalry, $12 per month.

Taylor Vance, late of Company I, Ninth Regiment Iowa Volunteer Cavalry, $40 per month.

Mary A. Heflin, widow of James Heflin, late of Company H, Eleventh Regiment Kentucky Volunteer Cavalry, $20 per month.

Elijah Cox, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, $30 per month.

Isaac R. Storm, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, $30 per month.

Miles J. Burns, late of Company G, Third Regiment Iowa Volunteer Cavalry, $40 per month.

William Hill, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, $24 per month.

Laurentine V. Tarvin, widow of Alonzo W. Tarvin, late second lieutenant Company I, Twenty-third Regiment Kentucky Volunteer Infantry, $20 per month.

William R. Evans, late of Company B, One hundred and second Regiment United States Colored Volunteer Infantry, $24 per month.

Barlow A. McCoy, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, $24 per month.

Falty Livers, late of Company H, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, $24 per month.

Sara A. Haskell, widow of Frank W. Haskell, late first lieutenant and adjutant Nineteenth Regiment Maine Volunteer Infantry, $24 per month.

David Curfman, late of Company H, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, $24 per month.

David Cleaver, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, $30 per month.

Olive A. Cordon, widow of Shedrach M. Cordon, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, $12 per month.

Henry K. Brawner, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, $36 per month.

William L. Hines, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, and Company K, Fourteenth Regiment Veteran Reserve Corps, $30 per month.

Mary A. Herrington, widow of James M. Herrington, late first-class pilot, United States Navy, $12 per month.

Henry Grady, late of Company K, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, $24 per month.

Balaam Fox, late of Company B, Seventh Regiment Missouri Volunteer Cavalry, $24 per month.

Ellis Miller, late of Company B, Seventeenth Regiment, and Company D, Second Regiment, Michigan Volunteer Infantry, $30 per month.

Spear S. Zenor, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, $24 per month.

William Douglas, late of Company I, Fourteenth Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion Veteran Reserve Corps, $30 per month.

Thomas S. Cogley, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and second lieutenant, Company F, Seventh Regiment Indiana Volunteer Cavalry, $36 per month.

August Runge, late of U. S. S. Savannah, Sabine, and Colorado, United States Navy, $30 per month.

Louisa Balgenoth, former widow of Benjamin F. Prior, late of Company C, One hundred and forty-third Regiment Indiana Volunteer Infantry, $12 per month.

Jefferson Wykoff, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, $24 per month.

Robert F. C. Evans, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, $30 per month.

James D. Calahan, late of Company B, Fifty-ninth Regiment, and Company I, Eighty-eighth Regiment, Illinois Volunteer Infantry, $30 per month.

Samuel J. Dyer, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, $24 per month.

Joseph D. Taylor, late of Company D, Fourth Regiment Rhode Island Volunteer Infantry, $30 per month.

Collins Blake, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, $40 per month.

Minnie D. Dobbins, widow of Ruel Dobbins, late hospital steward, United States Army, and former widow of James C. Burkholder, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry, and Company H, Seventh Regiment Veteran Reserve Corps, $12 per month.

James D. Boyles, late of Company F, First Battalion Pennsylvania Volunteer Infantry, $24 per month.

John G. Thompson, late of Company F, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company E, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, $36 per month.

Reuben E. Chapman, late of Company E, One hundred and thirtieth Regiment Ohio National Guard Infantry, $24 per month.

James J. Gallaway, late of Company B, Thirtieth Regiment Iowa Volunteer Infantry, $50 per month.

James W. Jones, late unassigned, Eighth Regiment Illinois Volunteer Infantry, $24 per month.

William H. White, late of Company H, Third Regiment Delaware Volunteer Infantry, $20 per month.

Sarah I. Dunahey, widow of John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, $20 per month.

Charles Heller, late of Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, $30 per month.

Jerusha Morgan, widow of James Morgan, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, $24 per month: *Provided*, That in the event of the death of Clarence Morgan, helpless and dependent son of said James Morgan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Jerusha Morgan the name of the said Clarence Morgan shall be placed on the pension roll at $12 per month from and after the date of death of said Jerusha Morgan.

James B. Bryant, late of Company B, Fifth Battalion District of Columbia Militia Infantry, $15 per month.

Francis M. Hockinbery, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, $24 per month.

Francis E. Stratton, late of Thirty-seventh Regiment New Jersey Volunteer Infantry, $20 per month.

Jane Smith, widow of Seager F. Smith, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, $12 per month.

Francis McCabe, late of U. S. S. *North Carolina* and *Delaware*, United States Navy, $24 per month.

Jacob M. Roberts, late of Company L, Fourteenth Regiment New York Volunteer Heavy Artillery, $30 per month.

Samuel E. Prather, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, $30 per month.

Ada P. Armstrong, widow of George A. Armstrong, late captain and assistant quartermaster, United States Volunteers, $20 per month.

Joseph Nye, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, $24 per month.

Darwin A. Webb, late of Company K, Eighth Regiment Vermont Volunteer Infantry, $24 per month.

William W. Follansby, late of Company G, Eleventh Regiment Massachusetts Volunteer Infantry, $36 per month.

Horatio N. Merritt, late of Company B, Ninth Regiment Iowa Volunteer Infantry, $24 per month.

Isaac N. Gerhart, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, $24 per month.

John S. Varney, late of Company H, Fourteenth Regiment New Hampshire Volunteer Infantry, $30 per month.

Patrick Conley, late of Company I, Tenth Regiment New Hampshire Volunteer Infantry, $36 per month.

Alfred C. Taft, late of Company G, Fifty-seventh Regiment Massachusetts Volunteer Infantry, $24 per month.

Elvira Mizee, widow of Louis J. Mizee, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, $12 per month.

John A. Andrews, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, $24 per month.

Andsell H. Beam, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, $30 per month.

George F. Brown, late of Company B, One hundred and sixteenth Regiment Ohio Volunteer Infantry, $36 per month.

Miranda A. Hishley, widow of Coonrod Hishley, late of Company A, Second Battalion District of Columbia Militia Infantry, $12 per month.

John F. Miller, late of Company A, Second Battalion District of Columbia Militia Infantry, $12 per month.

John L. Taylor, late of Company L, Second Regiment Iowa Volunteer Cavalry, $50 per month.

Ellis Gully, late of Company F, One hundred and tenth Regiment Illinois Volunteer Infantry, $40 per month.

Ellis T. Padget, helpless and dependent son of Addison Padget, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, $12 per month.

Pleasant W. Lowe, late of Company F, First Regiment Tennessee Volunteer Cavalry, $24 per month.

Charles K. Conard, late of Company G, Fourth Regiment Pennsylvania Reserves Volunteer Infantry, $24 per month.

Joseph Walters, late of Company C, Nineteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

William J. Percy, late of Company F, Fourth Regiment Vermont Volunteer Infantry, $30 per month.

Thomas Coats, late of U. S. S. *Ohio*, United States Navy, $24 per month.

Byron F. Nutten, late of Company H, Fourth Regiment Michigan Volunteer Infantry, $24 per month.

John H. Kingsley, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, $36 per month.

Frealing Walker, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, $24 per month.

Alvord Peck, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month.

William W. Gaines, late of Company D, Eleventh Regiment Kentucky Volunteer Infantry, $36 per month.

Solomon Butler, late of Company D, Second Regiment Kentucky Volunteer Cavalry, $40 per month.

James W. Lowrie, late of Company G, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, $30 per month.

Edwin J. Trobridge, late of Company A, One hundred and fourth Regiment Illinois Volunteer Infantry, $30 per month.

James P. Jones, late of U. S. S. *Ohio*, *Sagamore*, and *Hendrick Hudson*, United States Navy, $40 per month.

George P. Love, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, $24 per month.

John Ryan, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, $24 per month.

Samuel E. Stainbrook, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, $24 per month.

Henry C. Miller, late of Company C, Ninth Regiment Pennsylvania Volunteer Cavalry, $24 per month.

Homer McC. Summerville, helpless and dependent child of James J. Summerville, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, $12 per month.

Winfield S. Flint, late Company L, Second Regiment Massachusetts Volunteer Heavy Artillery, $30 per month.

Benjamin F. Philbrick, late of Company A, Fourth Regiment Maine Volunteer Infantry, $30 per month.

Henry M. Bennett, late of Company A, Ninth Regiment Maine Volunteer Infantry, $24 per month.

James W. Pendleton, late of Company H, Eighth Regiment Maine Volunteer Infantry, $30 per month.

Ralph A. Thompson, late of Company I, Sixth Regiment Kansas Volunteer Cavalry, $30 per month.

William H. H. Brown, late of Company F, Thirty-first Regiment Iowa Volunteer Infantry, $50 per month.

John J. Mercer, late captain Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. Mr. President, I am rather surprised to be suddenly informed that the Senator from Florida desired another Senator to enter an objection to the consideration of calendar Nos. 665, 666, and 667, being House bills 21230, 20585, and 20928. I ask, therefore, that those bills go over.

The PRESIDING OFFICER. Without objection, the bills will be passed over.

The bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rate per month stated:

John Brannan, late of Company A, Fortieth Regiment Iowa Volunteer Infantry, $30 per month.

Hiram R. Smith, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

John W. Currier, late of Company B, Fourth Regiment Vermont Volunteer Infantry, $40 per month.

Norman B. Van House, late of Company B, Second Regiment Minnesota Volunteer Cavalry, $30 per month.

Alexander Roe, late of Company A, First Regiment Ohio Volunteer Light Artillery, $50 per month.

Harrison Stotler, late of Company F, Eighty-seventh Regiment Indiana Volunteer Infantry, $30 per month.

Oscar Graves, late of the U. S. S. *Sabine*, *Ohio*, and *Supply*, United States Navy, $24 per month.

Hattie A. Sears, widow of William H. Sears, late of Company A, Second Regiment Vermont Volunteer Infantry, $12 per month.

Joseph Cooper, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, $30 per month.

Livonia C. Becker, widow of Peter J. Becker, late of Company F, Second Regiment Nebraska Volunteer Cavalry, $12 per month.

John W. Groesbeck, late assistant surgeon, Eighty-first Regiment Illinois Volunteer Infantry, $30 per month.

Stephen Jarvis, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, $30 per month.

Emily Donaldson, widow of Hugh W. Donaldson, late sergeant major Third Regiment Minnesota Volunteer Infantry, $20 per month.

John Weaver, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month.

William C. Hart, late of Company I, Third Regiment Michigan Volunteer Infantry, $30 per month.

John Dow, late of Company K, Seventh Regiment, and Company A, Sixth Regiment, Maine Volunteer Infantry, $50 per month.

Henry T. Stuart, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, $30 per month.

James Gross, late of Company A, Twenty-fourth Regiment Indiana Volunteer Infantry, $30 per month.

Anna G. Lord, widow of John S. Lord, late first lieutenant and adjutant One hundred and thirteenth Regiment Illinois Volunteer Infantry, $20 per month.

James Nickell, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, $30 per month.

George Phinney, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, $30 per month.

Etta M. Hankinson, widow of Richard H. Hankinson, late of Company D, Eighth Regiment Michigan Volunteer Infantry, and Thirteenth Independent Battery Michigan Volunteer Light Artillery, $30 per month.

Morgan M. Mills, late of Company F, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, $24 per month.

Mary I. Stauber, widow of Silas I. Stauber, late first lieutenant Company G, Fourth Regiment Michigan Volunteer Cavalry, $17 per month.

Carrie R. Sparklin, widow of Silas M. Sparklin, late of Company E, Second Regiment Maryland Volunteer Infantry, $20 per month.

James R. Helton, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, $36 per month.

Thomas F. Chafee, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, $30 per month.

Bradley Gilbert, late of Thirteenth Battery, Wisconsin Volunteer Light Artillery, $30 per month.

Luke Flynn, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, $30 per month.

Peter Walker, late of Company C, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, $24 per month.

Alexander F. Hays, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and Company D, Fourth Regiment Kentucky Mounted Volunteer Infantry, $30 per month.

Edward Stapleton, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, $40 per month.

Silas M. Finch, late first lieutenant Companies F and K, Tenth Regiment United States Colored Volunteer Infantry, $30 per month.

William Day, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month.

William Thompson, late of Company C, Eighty-second Regiment Indiana Volunteer Infantry, $30 per month.

Olive J. Allen, widow of Charles R. Allen, late of Company A, Second Regiment Illinois Volunteer Cavalry, $20 per month.

John T. Lance, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, $30 per month.

Jane Allen, widow of Nathan Allen, late of Company I, Third Regiment North Carolina Mounted Volunteer Infantry, $20 per month.

Albert M. Belcher, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, $30 per month.

Mary L. Wilson, widow of John C. Wilson, late of Company G, Ninth Regiment Delaware Volunteer Infantry, $20 per month.

Isaac M. Brandon, late of Company K, Thirtieth Regiment Pennsylvania Volunteer Infantry, and Company H, Second Battalion, Twelfth Regiment United States Infantry, $30 per month.

Calvin A. Cary, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, $30 per month.

William Johnson, late of Company H, Thirty-ninth Regiment Indiana Volunteer Infantry, $50 per month.

Ella G. Timoney, widow of Edward McB. Timoney, late captain Company C, Third Battalion, Fifteenth Regiment United States Infantry, $20 per month.

John D. Wood, jr., late of Company B, Eleventh Regiment Minnesota Volunteer Infantry, $30 per month.

Martin Kennedy, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, $36 per month.

Eliza Ash, widow of William T. Ash, late of Company H, Twenty-third Regiment Kentucky Volunteer Infantry, $30 per month.

Marion G. Blodgett, widow of Edward T. Blodgett, late of Company F, First Regiment Connecticut Volunteer Infantry, $12 per month.

Mary M. Culver, widow of Nelson S. Culver, late of Company G, First Regiment Connecticut Volunteer Infantry, $20 per month.

Annette Farmer, widow of Amasa A. Farmer, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, $20 per month.

Anna R. Wellman, widow of David L. Wellman, late first lieutenant Company H, and captain Company I, Fourth Regiment Minnesota Volunteer Infantry, $20 per month.

Abram Burnett, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, $30 per month.

Charles W. Smith, late of Company C, First Regiment New York Volunteer Light Artillery, $30 per month.

Henry C. Tiffany, late of Company K, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month.

Stephen L. Sleeper, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, $36 per month.

Emma A. Prior, widow of William A. Prior, late of Chicago Mercantile Battery, Illinois Volunteer Light Artillery, $20 per month.

Henry H. Brinkley, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, $30 per month.

John W. Palmer, late of Company I, Thirty-second Regiment Maine Volunteer Infantry, $30 per month.

Samuel Priest, late of Company G, First Regiment Wisconsin Volunteer Cavalry, $30 per month.

Edgar Bullard, late of Company D, Fifth Regiment Vermont Volunteer Infantry, $36 per month.

Saul T. Gibson, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, $30 per month.

Hiram Campbell, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, $36 per month.

Charles Mays, late of Battery K, First Regiment United States Artillery, $50 per month.

William A. Reeves, late of Company A, Ninth Regiment Iowa Volunteer Cavalry, $30 per month.

Joseph R. Shannon, late of Company I, Eighty-third Regiment Ohio Volunteer Infantry, $36 per month.

Clara L. A. Read, widow of Edwin W. H. Read, late captain, Eighth Regiment United States Infantry, $20 per month.

Curtis Stimpson, late of Company B, Second Regiment, and Company H, Eighteenth Regiment, New Hampshire Volunteer Infantry, $30 per month.

James G. A. Middleton, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Infantry, $24 per month.

James O. Taylor, late of Company D, One hundred and fourteenth Regiment New York Volunteer Infantry, $12 per month.

Catherine J. Orr, widow of John W. Orr, late captain Company B, Thirty-ninth Regiment Ohio Volunteer Infantry, $25 per month.

Sophronia F. Cady, widow of Charles T. Cady, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, $20 per month.

James A. Wise, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $36 per month.

William H. Hooker, late of Company G, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, $30 per month.

Henry Randolph, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, $30 per month.

Allen V. Webster, late of Company F, Sixth Regiment Iowa Volunteer Infantry, $30 per month.

Manerva Eveann Dealey, widow of John Dealey, late of U. S. S. *Richmond*, United States Navy, $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates specified:

Joseph Morris, late of Company E, First Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

William P. Mandeville, late of the U. S. S. *Constellation*, *Rhode Island*, and *Wabash*, United States Navy, $20 per month.

John A. Connolly, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Frederick L. Jones, late of Company B, First Regiment United States Volunteer Engineers, War with Spain, $30 per month.

Ann O. Burt, dependent mother of Andrew J. Burt, late captain Company D, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, $20 per month.

James A. Bean, late of Captain Wall's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, $16 per month.

Ulysses J. Wannemaker, late of Company E, Third Regiment Illinois Volunteer Infantry, War with Spain, $20 per month.

Cora E. Ruttinger, late nurse, Medical Department, United States Volunteers, War with Spain, $12 per month.

Robert H. Parker, late of Captain E. J. Harding's Company A, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month.

Benjamin A. Yates, late regimental quartermaster sergeant Seventeenth Regiment United States Infantry, $12 per month.

Leslie Harding, late of Company E, First Regiment West Virginia Volunteer Infantry, War with Spain, $20 per month.

Philip C. Elbert, late of Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, $12 per month.

Le Claire H. Evans, late of the U. S. S. *Nipsic*, United States Navy, $10 per month.

Libbius W. Davis, late of Company H, Thirty-first Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Joseph L. Cooper, late of Company E, First Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

James Tompach, late of Company B, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, $16 per month.

Anderson Wright, late of Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month.

Thomas Roy, late of Company A, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Jennings J. Pierce, late second lieutenant Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, $15 per month.

Joseph P. Sullivan, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, $24 per month.

Mary Lillie Bauskett, late nurse, Medical Department, United States Volunteers, War with Spain, $12 per month.

Albert W. Kelley, late of Company M, Fourteenth Regiment Minnesota Volunteer Infantry, War with Spain, $17 per month.

Andrew L. Weatherford, late of Company L, Eighteenth Regiment United States Infantry, War with Spain, $24 per month.

Gomecindo Salina, late of Capt. Mickler's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month.

Roscoe C. Tartar, late of Sixty-seventh Company United States Coast Artillery, $20 per month.

Paul Lemm, late of Company L, Second Regiment Tennessee Volunteer Infantry, War with Spain, $30 per month.

Andrew Knight, late of Battery F, Fourth Regiment United States Artillery, War with Spain, $12 per month.

Otto Paulson, late of Company I, First Regiment North Dakota Volunteer Infantry, War with Spain, $12 per month.

Sarah F. Maynard, widow of Edward T. Maynard, late of Company E, Sixteenth Regiment United States Infantry, $12 per month.

Tivis C. Simmons, late of Company E, Nineteenth Regiment United States Infantry, $20 per month.

Florence H. Ridgway, widow of Everett S. Ridgway, late of Hospital Corps, United States Army, War with Spain, $12 per month.

Catharine Huber, widow of William Huber, late of Troop B, Sixth Regiment United States Cavalry, $12 per month.

John K. Jamieson, late of Hospital Corps, United States Army, War with Spain, $20 per month.

Emily J. Chambers, widow of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, $12 per month.

Chauncey S. Pratt, late of Company G, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, $30 per month.

John Mooney, late of Company H, Twelfth Regiment Minnesota Volunteer Infantry, War with Spain, $20 per month.

Benjamin F. Downen, late of Capt. William Martin's Company A, Second Brigade California Mounted Militia, Oregon and Washington Territory Indian war, $16 per month.

Martin J. Tunney, late of Troop M, Eighth Regiment United States Cavalry, War with Spain, $50 per month.

Lydia Blanke, widow of Caspar Blanke, late of Company C, Fourteenth Regiment United States Infantry, $12 per month.

Susie C. Heilner, widow of Lewis C. Heilner, late rear admiral, United States Navy, $50 per month.

Samuel H. Craig, late of Troop D, Fourth Regiment United States Cavalry, $24 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McCUMBER. I move that the Senate adjourn.

Mr. LEA. I ask the Senator from North Dakota to withhold his motion for a moment, as I desire to ask unanimous consent for the present consideration of Senate bill 6612.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Tennessee to the fact that the unanimous-consent agreement adopted was that no other business should be transacted to-day after the disposition of the pension bills.

Mr. LEA. I asked the Chair if the agreement would prohibit the calling up of other matters afterwards.

The PRESIDING OFFICER. Yes; but later the request for unanimous consent was modified, and as modified it was agreed to by the Senate.

The question is on agreeing to the motion of the Senator from North Dakota, that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 22, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 21, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, be with us in the onward march of civilization, lest we forget that nothing endures which is not in accordance with the laws which Thou hast ordained; lest history repeat itself in the downfall of our Republic. Make us, therefore, wise, just, pure, noble in our conceptions, that Thy will may be done in us, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPORTS ON THE COTTON CROP.

The SPEAKER laid before the House the bill H. R. 14052, an act authorizing the Secretary of Agriculture to issue certain reports relating to cotton, with Senate amendments.

The Senate amendments were read.

Mr. LEVER. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. COLLIER. Mr. Speaker, I would like to ask the gentleman from South Carolina a question. Do these Senate amendments make any change in the date of making the report from those dates in the bill as passed by the House?

Mr. LEVER. It does not change the date as to making the report on the condition, but it does change the date as to the acreage.

The motion of Mr. LEVER was agreed to.

LEAVE OF ABSENCE.

Mr. KENDALL, by unanimous consent, was given leave of absence for 12 days, on account of important business.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21969, designated as the Panama Canal bill. Pending that, I would like to propose a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. There are two contested sections to which it is understood we will return for more elaborate consideration. I want to submit a request, either in the House or in the committee, to limit the debate on these two sections. Ought that to be made in the House or in the committee?

The SPEAKER. The Chair thinks in the House.

Mr. MANN. It could be made in either.

The SPEAKER. The Chair thinks so, too.

Mr. ADAMSON. Then, Mr. Speaker, I will make the request in the committee.

The motion of Mr. ADAMSON was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LLOYD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21969, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. FOWLER. Mr. Chairman, I would like to ask what the parliamentary situation of this bill is now.

The CHAIRMAN. The Chair understands that the gentleman from Illinois has an amendment pending.

Mr. FOWLER. Mr. Chairman, I desire unanimous consent that the vote on that amendment may be passed until there is a quorum in the House. I do not desire to obstruct the business of the bill, but I would like very much to wait until there is a quorum before there is a vote taken on that amendment.

Mr. ADAMSON. Mr. Chairman, reserving the right to object, I want to say that it is not our fault that there is difficulty about obtaining a quorum. Some of our committee have studied this question 15 years—studied the judicial system and the difference between running a government with a large population, prosperous at home, and running a machine shop and a business institution on the Canal Zone.

It may be material and it may not. A jury trial is already provided by existing law in the zone. There is plenty of time to amend and change that law before the canal is ever opened if our committee or Congress decides that it ought to be done. If gentlemen who are not on the committee, who have not studied the question so much, feel it their duty to drive their little contentions to that extreme that they will call for a quorum and suspend the business of the House, then gentlemen can do it on their own responsibility. We have already passed several sections of the bill, and we want to get on with this work, but I want to say now that it is our duty and desire to get through with this bill to-day. I do not want to say anything or put anything in the RECORD that would look like criticism of my colleagues who may not be present, or of where they go in their absence, but if the point of no quorum is made at any time when we are voting on important sections of this bill, I do not think I shall object to Members being sent for and being brought here. It will not be my fault. I object to this request.

Mr. FOWLER. Mr. Chairman, I desire to amend my amendment by substituting the word "either" in the latter part of the amendment in place of the word "any."

The CHAIRMAN. Without objection the amendment will be so modified.

Mr. MANN. Mr. Chairman, let us have the amendment read.

The CHAIRMAN. The Clerk will report the pending amendment. The Chair will ask the gentleman from Illinois to indicate exactly what his amendment is.

Mr. FOWLER. Mr. Chairman, my amendment applies to section 8, page 11, striking out the word "any" in lines 14 and 15.

The CHAIRMAN. Will the gentleman please state his amendment in the form in which he now presents it?

Mr. FOWLER. I have not the exact wording of the amendment.

Mr. MANN. Mr. Chairman, the amendment will be found at the bottom of the second column on page 7804 of the RECORD.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 13, strike out the words "and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party" and insert in lieu thereof the words "and in any civil or criminal case in said court a jury shall be afforded on the demand of any party."

Mr. FOWLER. Mr. Chairman, I desire to amend that by inserting the word "either" in place of the word "any."

The CHAIRMAN. Without objection, the amendment to the amendment will be agreed to.

There was no objection.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois.

Mr. ADAMSON. Mr. Chairman, debate on the amendment is exhausted.

Mr. FOWLER. But debate on the amendment to the amendment is not exhausted.

The CHAIRMAN. The amendment to the amendment has been agreed to, however.

Mr. ADAMSON. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 6, noes 36.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum.

The CHAIRMAN. The Chair will count.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Mr. Chairman, what was the gentleman's point of order? He said he made the point of no quorum. I make the point of order that there is no such point of order—that there is no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum.

Mr. BARTLETT. But that is not a point of order that can be made.

Mr. FOWLER. Mr. Chairman, if the gentleman desires to be technical, I make the point of order that there is not a quorum present.

Mr. BARTLETT. That is all right.

The CHAIRMAN. The Chair will count. [After counting.] One hundred Members present, a quorum. The Clerk will read.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to section 8, page 11, lines 13 and 14, to strike out the words "originating in said court."

Mr. ADAMSON. Mr. Chairman, I make the point of order that that is substantially the same amendment that we have just voted down.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, lines 14 and 15, strike out the words "originating in said court."

Mr. ADAMSON. Mr. Chairman, the point I make is that we have just voted down substantially the same amendment; not in the identical language, but it amounts to the same thing.

Mr. BORLAND. Mr. Chairman, it is entirely within the province of the House to vote down certain language and adopt other language.

Mr. ADAMSON. Mr. Chairman, I withdraw the point of order.

Mr. BORLAND. Mr. Chairman, this amendment, by striking out the words "originating in said court," will have the effect of giving a jury trial in this district court, which is to be a court of record, the general court of record in the zone in all cases, whether the cases originate in that court or whether they be transferred to the court by appeal from the magistrate's court. That is the common practice in every State in the Union.

Mr. GOLDFOGLE. Mr. Chairman, it is not the practice in New York to give a jury trial after a judge has decided the facts and the law. The gentleman is in error in a statement that that is so in every State in the Union.

Mr. BORLAND. Mr. Chairman, I believe that that statement is generally correct; that it is the common practice; that when a case is appealed from a court not of record to a court of record the party has the right of trial by jury provided by the rules and practice of the court of record. There is no reason why a man who has happened to be prosecuted criminally in a magistrate's court and who then makes an appeal in order to get what he believes to be justice should be denied the privilege he would have had if he had been prosecuted originally in a higher court.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GOLDFOGLE. Would not the gentleman trust the judge of this appellate court with the duty of reviewing the action of the magistrate's court in cases arising in the magistrate's court that are very simple indeed?

Mr. BORLAND. Well, I will say to the gentleman they are not simple to the defendant who happens to be prosecuted.

Mr. GOLDFOGLE. Has not the gentleman confidence in the judge of the appellate court to make a fair review of the action of the court below?

Mr. BORLAND. I will say to the gentleman from New York that my confidence in a particular judge is not the question at issue, but it is a question whether an American citizen who happens to be prosecuted, as he believes, unjustly in a court not of record and has been given a right of appeal as he ought to a court of record ought not to enjoy there what he feels he ought to enjoy, a trial by jury. Any confidence of the gentleman in a particular judge is not the question at issue at all. It is a question of whether we will preserve there the American ideals which we think ought to apply to courts. Now, I am not a critic of courts. I am not one of those men going around the country demagoging about mistakes of courts. All courts are subject to mistakes, all courts are subject to personal bias, all courts are made up of judges who are merely human. There is only one safety, and that is a rule of law and not a rule of men. I do not care if we have the best men to administer affairs, we have fought for a thousand years for a government by law and not by virtue of a particular man who happens to occupy a particular office. [Applause.] And we have no more reason to trust a judge without a trial by jury when the case is appealed than if it were originally brought in his court.

Mr. BARTLETT. Will the gentleman permit me a question?

Mr. BORLAND. Certainly.

Mr. BARTLETT. Does the gentleman from Missouri have a trial by jury and an appeal from a police judge's court where a fine is imposed for a petty violation of the law?

Mr. BORLAND. No; we do not.

Mr. GOLDFOGLE. That is what you do in this case.

Mr. BORLAND. We have in Missouri, and you have in every State in the Union, a general principle that the police court organization of the municipality is only a quasi criminal court. It is not a criminal court, and if it were it could not exist. It is established to enforce certain by-laws or ordinances of the city, and therefore its proceedings are not particularly criminal. When they are appealed to the criminal court of the county they retain the form they originally had in the police court. I have never seen really the reason for distinction between a quasi criminal prosecution in a police court and a criminal prosecution in a justice of the peace court. Every city man knows that distinction exists.

Mr. BARTLETT. Mr. Chairman, I yield to no man in this House or elsewhere my reverence and love for the right of trial by jury. I am familiar with the history of the Anglo-Saxon people and the struggles by which they secured that inalienable and valuable right to themselves, and the means by which we have secured it; but I do not believe it is any violation of that sacred right, nor a violation of our duty to preserve it to everyone who shall be tried in an American court or in a court constituted by the legislators in the American Congress, that the petty offenses described in this bill, which are to be tried before a municipal or police judge, should be tried by a jury. The question has time and time again been before the courts, in which it has been determined that, even where men are tried in a police court and not only fined and imprisoned for days and months, that such imposition was a violation of the Constitution of the United States——

Mr. FOWLER. Will the gentleman permit me to ask him if, under the provisions of this bill, a corporation or a trust could not clandestinely have a suit brought against them in the magistrate's court and then take an appeal to the district court and have it tried by a judge who might be friendly to them and evade a jury trial?

Mr. BARTLETT. I do not know what trust would bother about a $300 case in a small court on the Isthmus of Panama.

Mr. FOWLER. I asked particularly if that can be done.

Mr. BARTLETT. Where $300 was involved—I do not think they would bother themselves with a case involving $300. If it were $300,000,000 it might be different.

Mr. FOWLER. But could not they have the suit brought before the judge instead of giving the people the right to have a trial by jury if they wanted to do that?

Mr. BARTLETT. With all due respect to my friend from Illinois, I do not think there is anything in the suggestion, and therefore I will not undertake to answer it.

Mr. FOWLER. One other question: I will ask the gentleman if the Constitution does not provide that all civil actions, where the sum involved is below $20, shall be tried by a jury?

Mr. BARTLETT. No; it does not; it provides that all common lawsuits shall be tried by a jury.

Mr. FOWLER. Civil means common law.

Mr. BARTLETT. Oh, no; we have common-law equity suits, and the Supreme Court has decided that we need not decide an equity suit by a jury.

Mr. FOWLER. If it be true, I will ask the gentleman if it will not contravene the Constitution upon that question when you force men to have suits tried up to $300 and deprive them of a right of trial by jury.

Mr. BARTLETT. I do not think so, nor do I give my own opinion in saying so, but simply give the decisions of the courts of the United States upon that subject.

Mr. CANNON. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

Mr. ADAMSON. Mr. Chairman, I shall have to object to any extension of time, but I am willing for the gentleman from Illinois to ask his question.

Mr. CANNON. If the Constitution, according to the contention of my colleague from Illinois, guarantees a jury trial, what objection is there to this legislation; why do gentlemen disagree; because you can not repeal the Constitution by an act of Congress?

Mr. BORLAND. But the gentleman knows the Constitution does not apply to Panama.

Mr. CANNON. I was answering my colleague from Illinois.

Mr. BARTLETT. Of course, the gentleman from Illinois is right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. BORLAND) there were—ayes 22, noes 48.

So the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I desire to submit another amendment to section 8, as follows:

Line 20, page 10, strike out the words:

"The rules of practice in such district court shall be prescribed or amended by order of the President."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, lines 20 and 21, strike out the following:

"The rules of practice in such district court shall be prescribed or amended by order of the President."

Mr. BORLAND. Mr. Chairman, this district court which is sought to be created by this section is one district court for the entire zone, and the salary of the judge is the same as the salary of the United States circuit judges in this country, which is perfectly proper, and an appeal is given from that court to the fifth circuit court at New Orleans, which is proper and ought to have been done before.

Now, that makes that United States district court down there practically a United States district court. It is clothed with admiralty powers, and so on. Incident to its local operation it has this appellate jurisdiction over the local magistrate's court, but it will probably have a more extensive jurisdiction than that. It will have the general civil and criminal jurisdiction that the United States court has, an admiralty jurisdiction, and the jurisdiction the same as the United States district court in this country. A court of that kind should make its own rules of practice, but they should be prescribed as near in harmony as possible with the rules of practice in other United States courts. There is no reason why the exception should be made in this case and the rules of practice prescribed by the President. There is probably no advantage by the Executive order making rules of order for that court. Whenever the judge wants the rules established he will have to draw them up and ask that the President promulgate them or he will have to go to the governor, or whatever you call him, and ask him to ask the President. In that case he will be a mere dependent of the governor. That is a thing that ought to be prevented. The courts ought to be free from a governor down there, at least. If the court is free from the President, or the President in his multiplicity of duties could possibly give any attention to it, there would be something in its favor. But everybody here knows that the President can not give the slightest personal attention to the matter. He must sign an Executive order sent him by some one in whom he has confidence.

Mr. HAMLIN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. HAMLIN. Did not the gentleman a moment ago express some doubt as to the wisdom of the change down there and say he did not want to clothe him with too much power?

Mr. BORLAND. I do not think the gentleman could have misunderstood what I said. I am not a professional or political critic of the courts.

Mr. HAMLIN. Still, I understood the gentleman to raise some suspicion that he might not always be fair. What objection have you now to letting the President prescribe the rules that should govern?

Mr. BORLAND. The gentleman might want to go so far as to regulate the judge. I am not a professional or political critic of the courts, but the courts are now operating under this plan I have advanced, and lawyers have been satisfied with it and have found that it worked satisfactorily. Now, nobody would get up and advocate that the governor of a State should prescribe the rules of the State courts.

Mr. GOLDFOGLE. But this governor is so far removed from us here. He is down at the zone, and it would be much better to allow the rules to be made here.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

Mr. ADAMSON. Mr. Chairman, as we have often explained, we have not attempted to assimilate things down there to what is going on in the United States. The canal is as much a "sui generis" among other enterprises as a whale is among fishes or an elephant among animals. We have from the beginning consistently held the President responsible for everything of an administrative character down there. We did not think the people down there were ready to have put upon them the rules of the United States courts. The rules of the United States courts may ultimately be adopted. The only place we are trying to make the connection is on the appeal. We are arranging for them to be brought to the court of appeals at New Orleans in certain cases and carried to the Supreme Court of the United States.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I move, on page 10, line 21, to strike out the word "President" and insert in lieu thereof the words "circuit court of appeals of the fifth circuit."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 21, strike out the word "President" and insert the words "circuit court of appeals of the fifth circuit."

Mr. BORLAND. Now, Mr. Chairman, there can be no possible objection by the chairman of the committee to that amendment. If he does not want to trust the judge down there to make his own rules, as is customary in courts and would be in the absence of any statutory provision, then let the rules be made by the judge of the court of appeals of the fifth circuit of the United States, and we can get away as far as we can from this government by Executive order.

Mr. ADAMSON. We appreciate the research and ability of the gentleman from Missouri [Mr. BORLAND], but our committee has studied hard on this matter and we think it is as it ought to be, and we ask the Members to stand by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BORLAND. Division, Mr. Chairman.

The committee divided; and there were—ayes 11, noes 70.

So the amendment was rejected.

Mr. ADAMSON. Mr. Chairman, I move that debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that debate on this section and all amendments thereto close in 15 minutes.

The question was taken, and the motion was agreed to.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 10, line 24, by striking out, after the word "exceeding," the words "three hundred" and inserting in lieu thereof the word "fifty."

Mr. FOWLER. Mr. Chairman, this amendment, as is patent on its face, seeks to secure to the people, as nearly as possible, the right of trial by jury. There is no doubt in my mind but that the court which is established on the Canal Zone by this bill is a court for all intents and purposes under the laws of the United States. The territory belongs to the United States. It is territory in which the United States establishes a court. It is territory in which there is an appeal taken from the decisions of the court in that zone to a United States court at New Orleans, and I say, Mr. Chairman, that those people down there ought to have the right of trial by jury, in so far as it is possible to give them that right. The Constitution should follow the flag, and wherever it is unfolded to the breezes of heaven over territory owned by the United States, the Constitution should follow and be coextensive with the flag. Who will deny this proposition?

I stand here for the honest, sturdy poor, and claim for them the same rights that are claimed in the provisions of this bill for other men—men who can go in the court on business that involves a sum greater than $300. No discrimination should be made against the citizen of small means. His rights are more dependent than those of the man of means.

I think, Mr. Chairman, that this amendment ought to pass. I do not desire to take up the time of the committee needlessly, but I want to emphasize the necessity of a strict adherence to the provisions of the Constitution—and especially in this case—the provision that gives to everyone that is charged with a criminal offense the right to a trial by jury, and in all common-law cases a right to trial by jury in cases where the sum involved exceeds the amount of $20. To give these rights to the rich and deny them to the poor is an unjust discrimination which no one, in my opinion, can afford to sanction.

In reply to my distinguished colleague, the ex-Speaker [Mr. CANNON], when he intimates that this court down here is not under the jurisdiction of the United States and ought not to be termed a court of United States jurisdiction, I wish to say that the appeal power in this bill confers upon that court all the rights of having the cases of the litigants tried in the courts of the United States.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes.

Mr. CANNON. In the first place, the gentleman in quoting me quotes me as saying something that I never said.

Mr. FOWLER. I beg the pardon of the gentleman, then.

Mr. CANNON. I am standing by this bill. That is all.

Mr. FOWLER. Well, if the gentleman does not contend that this court is not under the jurisdiction of the United States and is not a United States court, I beg his pardon and desire to withdraw my expressions in regard to him. But I so understood him, and I think the Members of the House so understood him. At least a Member who was on the floor of this House took up the question and said that the Constitution did not

follow the flag in respect to the courts established on the zone. I say that the Constitution ought to follow the flag in all territory owned by the United States over which the American flag floats, it matters not what territory it is or who its inhabitants are. Equal and exact justice should be dealt out to all and special privileges to none. The Declaration of Independence, the Stars and Stripes, and the Constitution are born of the same spirit, and the supremacy of one necessarily implies the presence of the other two. Who will dare to separate them in the Canal Zone? [Applause.]

Mr. CANNON. My esteemed colleague from Illinois is always strenuous, and I think he intends to be fair. Now, what I did say was—and I repeat it—that if the gentleman's contention be true, that on the Canal Zone the Constitution guarantees everybody there a jury trial, then any legislation that we might make could not repeal the Constitution. That is what I said, and I think the gentleman is a good enough lawyer to admit that I am correct. Now, then, so far as the Canal Zone is concerned, we have it for all practical purposes to operate this canal, and in operating this canal we could make it, if we desired it, a military reservation.

Mr. FOWLER. Mr. Chairman——

Mr. CANNON. One moment. We could make it a military reservation just as much as any Army post is a military reservation. We have plenary power in that matter, and in my own judgment practically it ought to be a military reservation, considering the semisavages on land adjacent to it—not all of them, but a very respectable number, speaking with the highest respect of the population down there—and on the sea all the people of the world have a very valuable canal costing $400,000,000, with its locks, that might be dynamited. Practically, I say, it ought to be a military reservation for the preservation of the canal and the proper operation of the canal.

Now I yield to the gentleman.

Mr. FOWLER. Mr. Chairman, I desire to ask if it is not preferable to establish a military government there than to undertake to establish a civil court and undertake to deprive men of the right of trial by jury?

Mr. CANNON. Well, practically, reading this bill, I think it goes a long way toward making this a military reservation. But it does provide for the litigation of minor troubles that may come there, and does provide for a court. If you were to exclude the courts entirely from the Zone, as we could, I think we should establish them there, except in certain excepted cases. We need as much education touching our newly acquired possessions and touching the Canal Zone as they need. You can not measure their corn in the half-bushel or in the bushel as you would with your constituency, and give the same measure in the newly-acquired possessions as you would at home. Your constituency is competent for self-government.

Mr. FOWLER. Why not then strike out the provision about trial by jury entirely?

Mr. CANNON. Well, that is a matter for the gentleman to consider and voice his opinion upon. But, following my judgment, I believe this bill is fairly well drawn in the form in which it has been reported by the committee to the House.

Mr. FOWLER. Are you not in favor of giving the poor people the right of trial by jury the same as the rich people?

Mr. CANNON. Oh, as to the poor people and the right of trial by jury, you might get out a search warrant in that zone, and it would be questionable if you could find poor people or rich people enough to try other poor or rich people. Practically that zone will be and ought to be a military reservation.

Mr. FOWLER. Then why do you want a court there at all?

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were 2 ayes and 50 noes.

So the amendment was lost.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that the bill provides that when the district judge is absent the President may designate a circuit or district judge of the United States to go to the zone. The bill having provided that the district judge may be absent six weeks during the year, which provides for an annual absence, and then under the provisions of this bill there would be a junketing trip for some district judge or judge of the circuit court to go to the zone, with mileage and per diem paid, every year. Why would it not be sufficient to do what was proposed in the previous bill—to allow the President to designate some one there to act as judge when the district judge is absent or incapacitated? What object is there in providing a trip with mileage and per diem every year for some United States district or circuit court judge to make a trip to the Canal Zone?

Mr. ADAMSON. In answer to that I want to say that we are trying to establish a court there of high character with a judge of great ability. The President might not be able to pick up a volunteer suited to the purpose. The expense of the trip down there is small in comparison with the danger of error in the dispensation of justice in admiralty and equity courts during the interim. It was thought that the President could always find one judge of the United States court who would not mind taking the trip.

Mr. MANN. I have no doubt of that, especially when he has his mileage and per diem.

Mr. ADAMSON. Whether it is a junketing trip or not I have nothing to say. I want the judge to have his traveling expenses and not junketing expenses, if I know what that word means. If he gets there all right and right side up, it is all right to hold the court until the regular judge returns and then return to the United States, and he ought to have his traveling expenses, which are not overmuch to the zone and back, and his per diem is no more than he gets when he leaves home here.

Mr. MANN. The bill does not provide for traveling expenses, but for mileage and per diem allowed by law to district judges when away from home. It is a considerable distance to the Panama Canal and amounts to a considerable sum. Why should a district judge go there on mileage when his expenses of going there would amount to nothing? If there is anybody on the Canal Zone who is qualified to try a case before a district judge it would be easy to find some one when it was necessary—and it would not be necessary once in 10 years—to hold court in the absence of the district judge.

Mr. ADAMSON. If it were possible to find a man on the zone to take the place of a higher judge, it would then be incongruous to pick up an outsider and appoint him a judge pro tempore for six weeks to hold court when we have judges here who are at leisure and could go to the zone and discharge the duties with ability?

Mr. MANN. That is what we have provided for recently in the district of Porto Rico. Mr. Chairman, I move to amend by striking out, on page 12, lines 13 and 14, the words "any circuit or district judge of the United States" and insert in lieu thereof "a judge pro tempore."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAINEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6603. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6161) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 21590. An act to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

PANAMA CANAL.

The committee resumed its session.

The Clerk read as follows:

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or

affirm the final judgments and decrees of the District Court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds $1,000, or which involves the title or possession of real estate exceeding in value the sum of $1,000, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgment and decrees of the district courts of the United States.

Mr. ADAMSON. Mr. Chairman, I have a committee amendment:

Amend by inserting in line 5, page 14, between the word "jurisdiction" and the word "may," the following:

"Subject to the right of review by appeal to the Supreme Court of the United States as in other cases authorized by law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 14, line 5, insert after the word "jurisdiction" the following:

"Subject to the right of review by appeal to the Supreme Court of the United States as in other cases authorized by law."

Mr. ADAMSON. We thought, Mr. Chairman, that we ought to provide that they might go to the Supreme Court by appeal.

Mr. BARTLETT. The gentleman means by appeal from the circuit court of appeals?

Mr. ADAMSON. Circuit court of appeals; in any way now authorized by law.

Mr. BARTLETT. Does not the gentleman think his amendment ought to come in after the words "United States"?

Mr. ADAMSON. It will now read, "and such appellate jurisdiction subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law." I think it is in the right place.

The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Georgia.

The question was taken, and the committee amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I submit an amendment to section 9, page 13, to strike out lines 13, 14, and 15.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Page 13, strike out the paragraph including lines 13, 14, and 15.

Mr. BORLAND. Mr. Chairman these words are as follows:

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The new courts will consist only of the district court, which will be the nisi prius court and the magistrate's court. The old courts consisted of district courts, practically a justice of the peace court, and the circuit court and supreme court. I am not at all sure—I expect the chairman of the committee is—just exactly how the rules could be applied to the new courts.

Mr. ADAMSON. They are not rules, but there are a great many existing statutes of procedure in particular cases. They are not repealed and the jurisdiction has been conferred on the new courts. We simply provide in these lines which the gentleman moves to strike out that these statutory provisions as to the procedure shall be adapted as applicable to the new courts. Where it can not be done they will have to be ignored.

Mr. BORLAND. I have no doubt the gentleman will be heard in opposition to it, but that is not the point I want to make. The gentleman has put into the bill and defended with ability a provision to have the President prescribe the rules of procedure in these courts. Here is a provision in the same bill that requires the existing law governing practice and procedure to continue in the new courts. Now, if these two can be construed together at all, it means that the executive act of the President can set aside an act of Congress; that is, this act making the rules and practice and procedure as now determined by existing law apply to the new courts. Either the new courts are going to have rules and practice prescribed by order of the President by executive order, or they are going to adopt, as far as they can do so, rules applicable to the old courts.

If the President has full power by this bill to prescribe by Executive order the rules of practice and procedure, there is absolutely no necessity for these words.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. ADAMSON. Mr. Chairman, I only want to say that we have not authorized the President to enact any statutory procedure at all. It is only the rules of court that the President is authorized to establish. These are existing statutes already on the zone affecting the material mode of procedure in certain cases.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. BORLAND. I call the attention of the gentleman to page 10, line 20, where it says:

The rules of practice in such district court shall be prescribed or amended by order of the President.

And to the words on page 13, line 13—

All existing laws in the Canal Zone governing practice and procedure in existing court, etc.

Can there be any difference in the legal contemplation of those words?

Mr. ADAMSON. The rules of decorum are the rules of the court. They do not depend upon statute, and may be made by the judge.

Mr. BORLAND. Then the gentleman should have said rules of decorum; but it says rules of practice, and if the rules of practice are now fixed by existing law and are to be continued, then the Executive order of the President can not repeal or put in operation an act of Congress.

Mr. MANN. Here is a provision that authorizes the existing laws governing the rules of practice to be adapted to the procedure in the new courts. They are adapted to the procedure in the new courts.

Mr. BORLAND. I take it; yes.

Mr. MANN. But we have already provided in the law that the existing law shall not be changed except by Congress, and unless you have this provision in the bill they can not adapt the present laws governing the rules of practice to the new courts at all.

Mr. BORLAND. Then the gentleman thinks that the general power conferred on the President is limited to a mere change of name or date in the existing rules of practice?

Mr. MANN. I did not say that. I think he has the power to adapt the existing laws governing the rules of practice to the new courts.

Mr. BORLAND. Yes; and he would have that general power under the words on page 10, would he not?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Further than that he could not change the law where it is governed by law.

Mr. BORLAND. How far does his power go under the words on page 10?

Mr. MANN. To the extent of making rules of practice that are not affected by existing law, or to adapting the rules of practice governed by existing law to the new courts.

Mr. BORLAND. Why would it not be better for the courts themselves to do that?

Mr. MANN. The courts on the zone up to date have been created by order of the President. The laws providing for the Canal Zone have been created by order of the President. Everything on the zone by way of government has been done by order of the President.

Mr. SABATH. On the recommendation of the judges there largely.

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. McLAUGHLIN. Mr. Chairman, before we leave the sections relating to the jurisdiction of the courts and the practice in them, I would like to ask the chairman of the committee if the proceeding provided in section 5 is to be governed by these sections relating to the jurisdiction of and the practice in the courts. I refer to the part of the bill found at the bottom of page 6 and at the top of page 7, providing for the trial of claims for damages to vessels and the manner of settlement of those claims. The bill contains quite an unusual provision, it seems to me, for it says that in case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal, and that the hearing and disposition of such cases shall be expedited and that judgment shall be immediately paid off without proceeding to execution. Is it intended that there shall be no appeal; that neither side to a controversy shall have the right of appeal?

Mr. MANN. That is not what it says.

Mr. ADAMSON. We have not yet reached that. We have agreed to go back to that proposition. I answer generally that the rules of court will apply to the procedure and to everything that fits, if the House adopts it. The only two differences entailed there will be the expedition and no appeal, but the House has not agreed to that.

Mr. MANN. There is no provision that there shall be no appeal.

Mr. ADAMSON. When we come to that I will say to the gentleman we will be very glad to discuss it with him.

The Clerk read as follows:

SEC. 10. That after the Panama Canal shall have been completed and opened for operation it shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone without the permission of the governor of the Panama Canal, except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal. Any person violating this provision shall be guilty of a misdemeanor, and on conviction in the magistrate's court of the subdivision in which the violation occurred shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 10 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment to section 10—to strike out all of said section down to the word "court," in line 21.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, strike out all of section 10, including lines 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, to and including the word "court."

Mr. BORLAND. Mr. Chairman, it is not my custom to take up much time in five minutes' debate in legislation, and it never has been, and I hope it never will be, my custom to become a general critic of legislation. I do not think I have ever indulged in general criticism of legislation.

Mr. MANN. We will be very glad to yield the palm to the gentleman.

Mr. BORLAND. But I can not pass over at this time this provision, which I regard as the most un-American provision in the bill. This provision is overshadowed in its general importance, I am sorry to say, by the only burning question that is in the bill, and that is the right to fix tolls, and whether American commerce shall be throttled in its effort to seek passage through that canal.

That great question, in the minds of Members of Congress, has overshadowed these minor questions, which are themselves of great importance, so far as the control of the canal is concerned. Now, this provision says, in plain English, that after the opening of the canal it shall be a crime to be upon the Canal Zone without permission from the governor. We can talk about the right of trial by jury, and all that sort of thing, but this provisions says it is a crime even to be there. Trial by jury is supposed to be instituted to protect a man from the oppression of those in office; but what on earth is the good of protecting them from oppression of those in office when the mere fact one is on the zone, whether there is trial by jury or not, constitutes a crime? It is said, if this provision is adopted and if the chairman of the committee is correct, everybody who goes to the zone will have general leave to go there by some sort of proclamation, but when particular fellows go they are to be picked out as criminals and brought under this provision.

Mr. FOSTER. Does the gentleman from Missouri say with any authority that we are permitting this provision to be put into the law to be violated constantly there?

Mr. BORLAND. Of course the chairman of the committee will answer me, and I am not going to ask him to take up my time at this time, but he said that if anybody had any lawful right to go there, there was no reason why he should not go there.

Mr. FOSTER. He meant there would be no difficulty in securing permission.

Mr. BORLAND. He stated that if people landed from ships they would not have to have a personal permission, but some kind of a general proclamation would permit them to land. I do not know how that is going to be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask for five minutes more.

Mr. ADAMSON. Mr. Chairman, I object; I will be compelled to object in all cases in order to avoid the consumption of too much time. We are going to run this under the five-minute limit.

The CHAIRMAN. The gentleman from Georgia objects.

Mr. ADAMSON. Mr. Chairman, I want to reply to the gentleman's speech, under the five-minute rule. The United States is not trying to institute a palladium of liberty on the Canal Zone, but it is trying to run a canal. We have upon that Canal Zone a great workshop and all the appurtenances thereto. If a factory was going to spend millions of dollars it would acquire the necessary land, purchase everything that is needed, and then it would put up a notice saying that persons without any business should keep out of there. We do not want our expenditure of $400,000,000 in workshops, locks, and so forth, broken up. Internationally we have protected that by treaty, and no nation would blow it up or fire on that. Now, we are charged with the duty of protecting them against individuals. It is proper to say that outside of the American employees, soldiers, and sailors and their officers nobody else must be there without permission. If people are there who are lawfully there the policeman will find it out in some way, and there will not be much trouble about their identification. If a man is uneasy about his identification he can easily have a card sticking in his pocket to show what he is doing there.

Mr. GARNER. If the gentleman will permit, that applies very well to the people who are on the zone, but let us take a concrete case of a man who buys a ticket from New York to Panama and gets off the boat without permission of the Government. He subjects himself to this fine.

Mr. ADAMSON. There is not a particle of trouble about that. Provision can be easily made to identify every passenger, and there will be no trouble about that at all. In the first place, it is simply a question of identification between the person and the officer who challenges him. In the second place, if he can not satisfy the officer he will have to satisfy the magistrate's court. That is all. There will not be a case in 10,000 of a man being compelled to go before a magistrate unless he is rightfully carried there, and we think our safety demands that we should exclude every person from that zone except whom we want there.

Mr. FOSTER. The intention of the committee is that the Government shall have control of it on the zone, and that is all that is intended by it.

Mr. ADAMSON. The governor of the zone there will fix it so as to permit those who ought to be there to go there and to keep out those who ought not to be there.

Mr. MANN. Mr. Chairman, I favor the motion of the gentleman from Missouri to strike out this provision of the bill.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I only have five minutes, and the gentleman from Georgia has given notice that we can not have any more time under the five-minute rule. The provision of the bill is——

Mr. GARNER. Mr. Chairman, I make the point of order that debate on this amendment is exhausted unless the gentleman wants to move to strike out the last word. There has been five minutes' debate on this pro and con, and I make the point of order that debate is exhausted. The gentleman ought to comply with the rule if he does not——

Mr. MANN. The gentleman can enforce the rule if he desires to do so. That is the rule——

SEVERAL MEMBERS. Move to strike out the last word.

Mr. MANN. No; I will not; the gentleman was discourteous, and I will not ask any further time.

Mr. GARNER. The gentleman was more discourteous to me than I was to him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. BORLAND) there were—ayes 57, noes 65.

So the amendment was rejected.

Mr. GARNER. Mr. Chairman, I want to offer an amendment. In section 10, line 14, after the word "except," insert "citizens of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 14, insert after the word "except" the words "citizens of the United States."

Mr. GARNER. Mr. Chairman, I offer this amendment, and I will call the attention of the committee to the bill as it would read if this amendment were adopted.

Without the permission of the governor of the Panama Canal except citizens of the United States, United States soldiers, sailors, etc.

Mr. Chairman, this, so far as I know, is the first proposition in the history of this country where we are not going to permit citizens of the United States to travel freely throughout the domain of the United States. The Panama Canal belongs to the United States, and whenever a citizen of the United States is prohibited from going upon that Canal Zone you have prohibited a citizen from traveling as he may please throughout the United States. For instance, if I took a boat at Galveston, with a ticket to Colon or to any other portion of the Canal Zone, upon landing I subject myself immediately to this fine.

Now, the reply of the gentleman from Georgia, the chairman of the committee, is that the rules and regulations and proclamations down there will not apply to a citizen like myself or any Member of this body, but I submit it is a dangerous precedent to place in the hands of any one man an opportunity to

prosecute and to imprison a citizen for going upon the Canal Zone without any intention to do any harm, without intention other than to prospect and conduct a business for which he went, simply because he did not happen to have permission of the governor of the Canal Zone. The reply, I know, of the gentleman from Georgia [Mr. ADAMSON] and others is that this is virtually a military reservation down there and is conducted upon a military basis. Well, Mr. Chairman, we have adopted court rules different from those of military courts. We have adopted a civil government down there, and it does seem to me that whenever we provide that no foreigner shall place foot upon that Canal Zone we have given all the protection to the Canal Zone that is necessary, because if you are an American citizen the police authorities there ought to be sufficient to protect the zone against an American citizen, and it does not seem to me it is Americanism for Congress to pass a provision in this bill prohibiting absolutely any citizen of the United States from making a trip to the Canal Zone of his own sweet will.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption there?

Mr. GARNER. Certainly.

Mr. MARTIN of Colorado. I wish to say that when the chairman of the committee was discussing this matter the other day I indicated that while I was willing to be bound by the action of the committee in this matter, a committee of which I am a member, I was not clear or satisfied in my own mind with reference to the provision. But I think a moment's reflection will satisfy the gentleman from Texas that we could not possibly permit of any such discrimination against the citizens of all other countries, as suggested by the gentleman from Texas [Mr. GARNER]. His amendment proposes to permit the citizens of the United States to have the liberty of the zone and to prohibit citizens of other countries. I wish to say that would be a violation of treaty rights.

Mr. GARNER. No more than we could say that no citizen of another country can land upon American soil.

Mr. MARTIN of Colorado. What would Panama say?

Mr. GARNER. I am not asking what Panama would say, but I say we would have the right to guard the immigration to that zone, but we ought not to have the right to prohibit all American citizens from going there of their own sweet will.

Mr. ADAMSON. Mr. Chairman, I have time and again denied the impeachment and disclaimed the intimation that we were running the Canal Zone as a military reservation, but the Government is running it as a Government affair for military purposes in time of war and commerce in time of peace. We have a great workshop there costing millions of dollars—it may be approximating a billion dollars. The machinery of those locks is such that the least accident would render them useless. We have those there who are responsible for their safe construction and who will be responsible for the safe operation of them. If we provide for Americans only, we flatly violate the treaty, to start with, which demands equality as to conditions of commerce, charges of traffic, and otherwise—certainly otherwise, if not one of the first two propositions.

In the second place, the proposition of the gentleman from Texas [Mr. GARNER] would require a man to carry along his certificate of birth and all of his naturalization papers, and put him to a great deal more trouble than pulling a card out of his pocket in order to show that he has the permission of the Government. Furthermore, our naturalization laws are so liberal, so broad, in our invitation to all the world not only to come here and seek refuge in the palladium of liberty and bring the offscouring of the earth upon us, that we might say that some American citizens sometime might get to be bad men. The safest rule to follow is the rule which the ship has to follow. But when a ship comes there we are going to take charge of it. We are not going to allow its own officers to run it through the canal. We are going to have our own lock managers to carry it through. We do not want to abridge the privileges of any American citizen to go down there and enjoy himself, but it is easy for the officers of that zone to identify and give permission to all those who may be there.

Mr. DYER. Mr. Chairman, the great commercial center of the Mississippi Valley, the city of St. Louis, which in part I have the honor to represent in this House, has a general and a special interest in the opening and operation of the Panama Canal; a general interest with all Americans in this great avenue of commerce and the benefit it will bring to us all; a special interest, because we believe that as the Panama Canal is completed and thrown open to the commerce of the world the thoughts of our Nation, its people, and Congress will be turned to the doing of another big job for commerce and prosperity, to wit, Lakes-to-the-Gulf deep waterway. The opening of the Panama Canal makes this project the more needed and necessary. The Mississippi Valley should and must be placed on a parity with the seaboard by corresponding development of the Mississippi River and its tributaries as parts of a comprehensive system of commercial navigation. The above statement is a part of the platform of the Lakes-to-the-Gulf Deep Waterways Association, as adopted in their convention at Chicago October 12, 13, and 14, 1911, and on this platform we shall continue to wage battle till victory is ours. And this association at its convention in Chicago declared its position upon the question at issue in this bill, to wit, Shall tolls be imposed upon American vessels doing coastwise business of this country? Upon that proposition it said:

The policy of free waterways is fundamental with the American people, and hence this association declares that this principle should be extended to our coastwise trade through the Panama Canal.

Mr. Chairman, with that declaration I am in hearty sympathy and shall vote for the Doremus substitute for section 5. American money and American enterprise built this canal, and we must not lose sight of the fact that the American people own it and have the perfect right to reserve to themselves some special benefits for this great outlay. The following editorial from the Washington Post is a brief statement of the situation:

A FREE CANAL FOR OUR SHIPS.

American ships carrying American goods are free to visit any port over which the American flag flies without any tax or toll whatever. Whether in coast harbors, in the rivers, or on the Great Lakes, it is the policy of the American people to keep their domestic commerce free of tax and in the hands of American citizens.

But it is now proposed by some Members of the House of Representatives to change this policy, so far as the Panama Canal is concerned. It is proposed that American ships shall not pass through that American canal on the way from one American coast to the other without paying a tax.

There are two "reasons" given for this curious proposal—first, that the United States is bound to tax its own ships under the Hay-Pauncefote treaty, and, second, that American shipping through the canal benefits only the two coasts, and if passed free would throw that much of the burden of maintaining the canal upon the people of the interior. It is held, in other words, that if American ships are passed free they will be receiving a subsidy.

The first "reason" has been shown to be utterly baseless. There is nothing in the Hay-Pauncefote treaty which even by implication requires the United States to tax its own domestic shipping. This commerce is confined solely to American ships. Foreign ships are prohibited by law from entering our coastwise trade. How, then, are foreign ships discriminated against if American ships are exempted from tolls? No foreign country taxes its domestic shipping for the use of its own harbors or canals. On the contrary, all foreign maritime nations repay to their own ships the tolls through the Suez Canal.

The second "reason" is as worthless as the first. If free passage through the Panama Canal is a subsidy, then the free use of the Great Lake ports, the Atlantic, Pacific, and Gulf ports, and river ports is also a subsidy. If the people of the interior should not pay for the free Panama Canal, then the people of New York and California should not pay for the improvement of the Mississippi River.

Why was the Panama Canal constructed? Was it not for the purpose of developing the common commerce as well as providing for the common defense? The freight going through the canal will originate in every part of the country and it will flow to every part. The free canal will operate as a regulator of railroad rates throughout the United States. "When we provide, in effect, the rate of freight between the two oceans," said Mr. MANN, in the House debate, "we will have determined for all time a regulator of railroad rates in the United States, the beneficial effect of which will go into every hamlet, every village, every city, every home in the land."

It is impossible to believe that Congress will provide for the freedom of American shipping in every place under the American flag except through the Panama Canal, the greatest trade artery in the world.

Mr. Chairman, I want to be heard a moment upon the other phase of this question, the one made so necessary by the near completion of the canal. That is for the Congress to authorize and provide the means for making the Mississippi River navigable for ocean steamers, and in connection therewith to raise the levees of the river to prevent floods and overflows such as we have been witnessing of late. If this is done, it will enable our people of the Mississippi to send their goods, wares, and merchandise by water from St. Louis and other points down the "Father of Waters," on through the Panama Canal, and to the marts of the world. That is what we want and what we will have.

Mr. Chairman, I have a bill, H. R. 24191, pending in this House to provide the money—$30,000,000—for raising the levees, and thereby protecting millions of acres of farm land and greatly increasing our productions. The raising of the levees is practicable, and the Government of the United States ought to do it. I submit the following letter from Gen. Bixby and an editorial from the Washington Herald as evidence thereof:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 16, 1912.

Hon. L. C. DYER,
United States House of Representatives.

SIR: 1. Referring to your letter, dated April 17, 1912, inclosing one dated April 15, 1912, from Robert E. Lee, secretary St. Louis Sales Managers' Association of St. Louis, Mo., relative to raising the Mississippi River levees and urging the introduction of a bill in Congress

for the purpose, I have the honor to inclose herewith a copy of a report on the subject dated May 3, 1912, by Col. C. McD. Townsend, Corps of Engineers, president of the Mississippi River Commission.

2. Paragraph 4 of Col. Townsend's report shows that the Mississippi River Commission can at any time raise the standard grade to any height thought by them necessary; but to raise the levees themselves up to that grade is quite another question, since it depends mainly on how fast the Federal Government and the various States and local organizations provide money therefor and upon the limitations placed by these governments or organizations upon the use of such money.

3. For many years past the instructions of Congress to the Mississippi River Commission restricts their levee construction to merely what is necessary to improve navigation and promote the interests of commerce and does not provide for independent protection of land from overflow.

4. As the increase in value of land due to an efficient levee protection is amply sufficient in the end to pay for cost of same, it would seem proper for legislation to take the shape of a loan of moneys from the Federal Government to each State directly interested, to be repaid gradually. (See pp. 8, 9, 12, 14, and 24 of H. Doc. No. 549, 62d Cong., 2d sess., herewith; see also last 2 lines, par. 4, p. 27, of Natl. Waterways Com. Rept., S. Doc. 469, 62d Cong., 2d sess.)

5. The inclosures received with your letter are returned herewith as requested.

Very respectfully,
W. H. BIXBY,
Chief of Engineers, United States Army.

[Second indorsement.]

MISSISSIPPI RIVER COMMISSION,
OFFICE OF THE PRESIDENT,
St. Louis, Mo., May 3, 1912.

1. Respectfully returned to the Chief of Engineers, United States Army.

2. As to the height of levees along the lower Mississippi, it can be said that the Mississippi River Commission has never adopted what it considered a final grade, the grades established from time to time being only tentative and being restricted by the amount of funds appropriated and the needs of such funds on other improvement work.

3. There is probably no question but what the levees in most instances need enlargement and raising, and much valuable data as to final grade will be obtained from the present flood; it can not be stated at this time what the grade will eventually be or just how many feet the levees ought to be raised.

4. It is not thought that the enactment of any new legislation is required to empower the commission to raise the levees to any grade deemed desirable. What is needed is appropriations of sufficient amount and with sufficient regularity to permit the work to be done.

C. McD. TOWNSEND,
Colonel, Corps of Engineers, United States Army,
President Mississippi River Commission.

NATIONAL CONTROL OF LEVEES.

The South is still advocating the maintenance of the Mississippi levees by the Federal Government. She points out the nationality of the interests involved; she declares the great Father of Waters belongs to the Nation. For more than a century the valley States have been fighting their own battles—for the most part inadequately—against the great spring floods, and she believes the time is now at hand for the National Government to aid in her unceasing struggle.

Richard H. Edmonds, editor of the Manufacturers' Record, of Baltimore, points out the fact that national levee control is not a new idea. He writes:

"At a convention held in Memphis in 1845, with 600 delegates, representing Pennsylvania, Iowa, Indiana, Illinois, and Ohio, as well as the States of the South, and presided over by John C. Calhoun, the position was taken that the Mississippi River and its control was a national and not a State problem. Calhoun, with that broad vision which characterized his statesmanship, took the ground that what individual enterprise could effect alone should be left to individual enterprise; that what a State and individuals could achieve together was to be left to their joint action; but what neither of these, separately or conjointly, could accomplish was the province of the Federal Government, and this, in his opinion, was the situation as to the Mississippi River."

Although the Mississippi River drains fully 27 States, only 2 comparatively small States have to bear the brunt of the accumulated floods of the great river. This burden should not be borne by Louisiana and Mississippi alone. All the valley States should aid, and, in a larger sense, the Nation itself should lend the strong arm of its resources to the work. The comprehensive projects of waterway improvement are national, and, by the same logic, the slow and arduous task of levee improvement should be national.

Mr. Chairman, the people of my district are thoroughly in earnest that Congress should take hold of the deepening of the Mississippi River and the raising of its levees. I have received many letters commending the bill introduced by me. The following letter from the president of the Rice-Stix Dry Goods Co., of my city, is a sample of these many letters that I have received in regard thereto, as follows:

RICE-STIX DRY GOODS CO.,
St. Louis, Mo., May 10, 1912.

Hon. L. C. DYER,
House of Representatives, Washington, D. C.

MY DEAR MR. DYER: I see it reported in the press that you have introduced a bill in Congress providing for Government construction and control of the levees in the lower Mississippi Valley.

I am very glad to see that you have taken the initiative in this most worthy and important work. The whole country is interested directly and indirectly in this land.

I am sending you under separate cover marked copy of the New York Journal of Commerce regarding my interview with a number of New England manufacturers, as follows:

"Elias Michael, of the Rice-Stix Dry Goods Co., yesterday expressed the following opinion on the Mississippi floods and the cotton situation:

"'There was a meeting the early part of the week in Washington, which I attended, regarding steps to be taken to repair the levee recently washed away in the lower Mississippi Valley in time to prevent another overflow when the usual June rise of the Mississippi occurs, occasioned by the melting snows in the mountain districts.

"'The country now inundated is the main source of supply of long-staple cotton. The rich bottom lands of Arkansas, Mississippi, and Louisiana, in the so-called Delta, produce a very large portion of the entire crop of long-staple cotton, and it seems to me that the manufacturers of cotton goods, particularly those of New England, where most of this staple cotton is used, are very much interested in seeing that something is promptly done to enable the farmers in this region to plant and raise a cotton crop.

"'The cotton manufacturers have had experience of what scarcity of cotton means. It is a situation that demands serious consideration, for if steps are not taken promptly and protection provided so that these valuable cotton lands can be redeemed in time to make a crop, the scarcity of long-staple cotton will be felt by the entire country, and in no direction can the Government do better work for the general good than the conservation of these rich and fertile lands.

"'Heavy rains and overflows have so soaked the earth that it can not absorb any more moisture, and when the snow water from the mountains reaches the lower Mississippi Valley (it generally occurs in June), and the levees are not repaired by that time, there will be no cotton raised in this section of the most valuable cotton lands of the country.'"

I urged them to have their Senators and Representatives support the measure then pending for making an appropriation immediately available for the purpose of repairing the levees. These New England manufacturers took it up with their Senators, and I understand the movement received hearty indorsement and support.

I mention this because it is good to know one's possible allies and friends in a measure such as you have undertaken, and I believe you can count upon the hearty cooperation of the New England Senators and Representatives, as well as the support of manufacturers in New York, Pennsylvania, and other sections where they use long-staple cotton.

Outside of the direct interest, the movement for the Government to undertake the repair of these levees has great merit. The United States Government controls the river, and individual effort has been unable to cope with the situation.

The conservation of this rich land is strictly a Government duty, as its crop is the means of extended relations between this country and the balance of the world.

The Mississippi River is the drain for 20 States. This immense valley or watershed is drained through the Mississippi, and all the States are interested to see that these overflows do not cause death, destruction, and disaster to this section of the country.

Yours, very truly,
ELIAS MICHAEL.

Mr. HARDY. Mr. Chairman, I wish to rise and say that it seems to me that this provision as it stands is a rather strange provision, that makes a man unconsciously, possibly, guilty of committing an offense by merely being somewhere in a zone 10 miles wide and 40 or 50 miles long.

Now, I believe that the amendment offered by my colleague from Texas [Mr. GARNER] would be subject to the objection of making a manifest distinction between our own citizens and other people, who might be equally innocent with them, and while relieving our own citizens of unconscious criminality leave an innocent foreigner in the toils; but I believe that this committee might be willing to accept the amendment that I have to offer in lieu of the amendment offered by my colleague from Texas [Mr. GARNER]. I move as a substitute to the amendment of the gentleman from Texas the following: In line 13, strike out the words "without the permission of" and insert in lieu thereof the words "contrary to the rules prescribed by," referring to the governor of the Panama Canal.

I understand that a Government workshop may have, properly, notices posted to keep out of this place and that place, and this would enable the Government to reach the purpose of the framers of this bill—that is, to protect its property—but would enable the Government and require the Government to prescribe definite rules of which the people would be able to take notice. There would be some means of a man having some consciousness of his violation of the law, or being notified where he might and might not go; but under the bill as it stands any stranger or citizen of the United States, going to the Panama Canal and stepping off some boat at some stopping station, would technically and legally and substantially be guilty of a crime.

Now, I believe that is wrong. I believe that the rules prescribed and promulgated by the governor might be, ought to be, and would be made plain. I think that is the solution of the whole matter. The rules should be made plain, so as to protect the property of the Government there and not at the same time violate all the principles of equity and of good government.

I ask the gentleman from Texas [Mr. GARNER] to accept this suggestion. I offer as a substitute for the amendment of the gentleman from Texas the amendment which I submit. In line 13, after the word "zone," strike out the words "without the permission of the governor," and insert in lieu thereof the words "contrary to the rules prescribed by the governor."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Amend, line 13, by striking out, after the word "Zone," the words "without the permission of," and inserting in lieu thereof the words "contrary to the rules prescribed by."

Mr. HARDY. Mr. Chairman, may I add this, that the section will then read:

"Then after the Panama Canal shall have been completed and opened for operation, it shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone contrary to the rules prescribed by the governor of the Panama Canal"—

And so forth.

Mr. ADAMSON. Mr. Chairman, I think that would make it read mighty funny, to say that it would be unlawful for a man to do contrary to the rules. [Laughter.]

The CHAIRMAN. Does the gentleman from Georgia make a point of order? The Chair did not understand him.

Mr. ADAMSON. No, sir; I did not make any point of order. I said it would be a strange proposition to make it read that way, and it would not make any difference anyhow. As to the gentleman's complaint, that some ignorant man would get there unawares, I do not think that many people would go to Panama without knowing just where they were. [Laughter.]

Mr. HARDY. And I suggest to strike out the words "except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal," in lines 14, 15, and 16, down to the word "Any."

Mr. ADAMSON. Mr. Chairman, if the gentleman from Texas is going to add something to this bill, I do not want him to butcher up what we have of it.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Texas [Mr. HARDY].

The Clerk read as follows:

Amend, line 13, by striking out, after the word "Zone," the words "without the permission of," and inserting in lieu thereof the words "contrary to the rules prescribed by."

Mr. HARDY. And strike out, in lines 14, 15, and 16, the words "except United States soldiers, sailors, and marines and their officers, and the employees operating the Panama Canal."

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. What is this that the Clerk has just read?

The CHAIRMAN. An amendment.

Mr. MANN. The gentleman did not offer such an amendment. The gentleman has an amendment pending, which he can not change.

Mr. HARDY. Mr. Chairman, the gentleman from Texas [Mr. GARNER] offered an amendment. I offer as a substitute for that amendment the one which has just been stated.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is correct. As the Chair understands the parliamentary situation, the gentleman from Texas [Mr. GARNER] offered an amendment. The gentleman from Texas [Mr. HARDY] then offered a substitute for that amendment, and later he asked to add further words; he asked to add to the amendment by striking out certain words. Now, the substitute is the original amendment which was offered by the gentleman from Texas [Mr. HARDY] and which has been read from the Clerk's desk.

Mr. HARDY. Mr. Chairman, I will withdraw the substitute now, and will offer it as soon as the original amendment is voted on.

Mr. MANN. The gentleman can not withdraw it without unanimous consent.

Mr. HARDY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] asks unanimous consent to withdraw his amendment.

Mr. MANN. Mr. Chairman, for the present I will object, as the gentleman from Georgia [Mr. ADAMSON] has given notice that he will not give time.

Mr. SHERLEY. No; I understand he has not.

Mr. MANN. The only way to get the floor is by offering amendments, and the gentleman from Georgia has given notice that he will not give time.

Mr. SHERLEY. Mr. Chairman——

Mr. ADAMSON. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. SHERLEY. I will, if it does not take away my rights.

Mr. ADAMSON. I want the gentleman to have the chance to offer his amendment and to argue it, but I want to move to close debate in 10 minutes; no, say 15 minutes.

Mr. SHERLEY. Mr. Chairman, I offer the following, either in the form of a substitute or as an amendment, according as the Chair now holds that the proposal of the gentleman from Texas is before the House; and if it is before the House, as a substitute or as an amendment. What I offer is this: On page 14, line 11, after the word "operation," strike out the words beginning with the word "it," down to and including the word "Canal," on line 16, and substitute the following.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The Clerk read as follows:

Page 14, strike out, in lines 11 and 12, the following: "It shall not be lawful for any person to go, be, or remain upon or pass over any part of the Canal Zone without the permission of the governor of the Panama Canal."

Mr. SHERLEY. Mr. Chairman, the Clerk has reported the amendment incorrectly. I said, "On line 11, beginning with the word "it," and down to and including the word "Canal," on line 16—to strike out and insert.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Strike out, in line 11, page 14, after the word "operation," the remainder of line 11 and all of lines 12, 13, 14, 15, and 16, down to and including the word "Canal," on line 16.

Mr. ADAMSON. Mr. Chairman, I make the point of order that that identical motion has been made and voted down.

Mr. SHERLEY. If the gentleman will permit it to be reported, he will find that he is mistaken.

The CHAIRMAN. The Clerk will report the remainder of the amendment offered by the gentleman from Kentucky [Mr. SHERLEY].

The Clerk read as follows:

And insert the following: "The governor of the Canal Zone shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone, as may be necessary."

Mr. ADAMSON. Mr. Chairman, I am perfectly willing to accept that.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARNER. I want to know if I can not withdraw my amendment and get a vote on the amendment proposed by the gentleman from Kentucky [Mr. SHERLEY]?

Mr. ADAMSON. I am perfectly willing to adopt that amendment.

Mr. SHERLEY. If that is adopted, the language in line 15, "any person violating this provision," should be changed to read "any person violating any of such regulations." Then it would be in accord.

Now, the sole purpose of this is to meet the view, well expressed by the gentleman from Texas, to give perfect control over the canal and yet not to make the innocent doing of a thing a crime on its face; that is what I have undertaken to do.

Mr. ADAMSON. Mr. Chairman, will the Clerk read the provision as it will be if the amendment is adopted?

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] asks unanimous consent to withdraw his amendment, and the gentleman from Texas [Mr. HARDY] asks unanimous consent to withdraw his substitute. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Strike out all of line 11 after the word "operation" and lines 12, 13, 14, 15, and line 16 up to and including the word "canal" and insert the following:

"The governor of the Canal Zone shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I move to strike out the words "this provision," in line 16, page 14, and substitute the words "any of such regulations."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 16, strike out the words "this provision" and insert in lieu thereof the words "any of such regulations."

Mr. ADAMSON. I think the suggestion of the gentleman from Kentucky fully carries out the purpose of the committee.

Mr. McCALL. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. McCALL. I want to ask the gentleman this question: Is not the gentleman getting back into the same difficulty again by providing that any person that violates one of these regulations is guilty of a crime?

Mr. SHERLEY. No. Here is the difference: The bill made the mere fact of a person being on the zone without permission a crime. That has been changed and you simply make the violation of any regulation a misdemeanor, and I assume that the President will not approve, even if any governor should recommend, any regulation as drastic as the one we had in here in the form of a law, and in that respect it is different. Presumably the regulation will provide for punishment only in the event of a violation under certain conditions. We must proceed on the assumption that our officials are going to exercise ordinary common sense and fair dealing. We have a situation, as was well said by the distinguished chairman of

the committee, that is unique. We are not creating a territory for the purpose of having it populated; we have possession of a particular piece of territory which we are to use for the purpose of transporting ships from ocean to ocean, and anything else is incident to that main purpose, and every rule and regulation ought to be written with regard to the preservation of that main purpose and not with any particular theory in regard to government as we know it here, because you have not the same conditions, and in the absence of equal conditions rules fail to apply. The governor will make reasonable regulations and the President will approve no other, and I know that the force of public opinion in America is sufficient to make any governor or any President abrogate any rule that is not in accord with common sense and common justice. [Applause.]

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. DAVIS of Minnesota. I agree with the gentleman that there should be regulations, and I think the governor is the one to make the regulations. The gentleman has said, "The governor shall have the 'right' to make regulations." Why not say that he shall make them and not have the right to make them?

Mr. SHERLEY. I assume that the governor is going to have common sense and if he does not make them there will be nothing to prevent a person going there. I assume that the President and the governor are intelligent and would make regulations that ought to be made; that the men going to the Isthmus and the agents of the Government that are going there are not to be fools. I must assume a certain amount of common sense in the public men of America. If I did not, I would not authorize them to make any regulations.

Mr. MONDELL. Mr. Chairman, if we adopt the amendment proposed by the gentleman from Kentucky, we shall have marked the difference between tweedle dee and tweedle dum. The gentleman from Kentucky is hopeful and expectant that tweedle dum will be more satisfactory than tweedle dee. This bill prescribes what may and may not be done by those visiting the Canal Zone. The amendment provides that the governor may prescribe regulations, which regulations may be exactly in line with the provision he proposes to strike out and thereby give us a government not by law, but a government by regulation.

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. I have only five minutes.

Mr. SHERLEY. So had I, but I yielded.

Mr. MONDELL. The gentleman is hopeful that the governor will exercise good judgment, and he assumes that he would not if he exercised the judgment which the committee has exercised in presenting the bill to us. The fact is, the language of the bill as it stands is just what it should be. It is a provision which will protect the Canal Zone; if it becomes law, all men may read and understand it, which is infinitely better than the same kind of provision by regulation made by the governor and approved by the President. If we are going to protect the Canal Zone, we will find that our only difficulty will be in protecting it against evil-minded persons, individual marauders, and that we will never have any difficulty with foreign foes on the canal, particularly if we do not fortify. The provision in the bill is one under which we can protect the Canal Zone, under which all visitors to the zone shall know what the law is. But the amendment offered by the gentleman from Kentucky changes all that and proposes to give the governor the opportunity to prescribe a regulation of exactly the same kind. Of course, he is hopeful that the regulations will be different.

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SHERLEY. The difference is this: The way it was written in the law the mere trespass constituted a misdemeanor without regard to the reason. Here we simply provide for regulations and punishment for violation of those, and it does not follow that the regulation will be one that will make the innocent doing of a thing a misdemeanor. I know that the gentleman being from the West is opposed to regulations.

Mr. MONDELL. Mr. Chairman, the regulation to be effective must be prohibitory, except in accordance with certain requirements. That is all this section provides. If anyone shall have the permission of the governor to go on the Canal Zone, what other requirements could the regulation contain, except a requirement of that sort. I believe that government by law is infinitely better than government by regulation.

Mr. McCALL. Mr. Chairman, I was struck with the force of what the gentleman from Texas said—that we should not have a provision here which would make the mere going by an American citizen upon the Canal Zone a crime—but if it would be unreasonable to have the going of an American citizen there a crime, it would be uncivilized and illiberal and barbarous to an extreme to have the going there of a citizen or subject of any foreign nation a crime, because American citizens are presumed to know something of our own laws, although none of us can keep pace with the statutory requirements of the different States or of this national body. But the citizens of foreign nations are not supposed to have any knowledge of this kind, so that it would be illiberal in the extreme to provide that anybody going there from any part of the world to the Canal Zone and going upon that Canal Zone by that act committed a crime and was liable to a fine and punishment. The gentleman from Kentucky [Mr. SHERLEY] has improved this somewhat, but I think it should be more carefully considered and that it may be improved still more. He sets up a little satrap down there and we unload the jurisdiction of Congress upon this petty officer, who is acting outside of the Constitution, with unlimited power to make regulations, and then provide that the violation of any of those regulations amounts to a crime and makes a person subject to fine and imprisonment.

Mr. SHERLEY. Do we not now do that in regard to forts and arsenals, and are not the statute books full of provisions giving to the Army the right to make regulations relative to entrance upon forts and arsenals?

Mr. McCALL. I do not know whether we do or not.

Mr. SHERLEY. That is a fact; I know.

Mr. McCALL. The Panama Canal is going to be different from a fort. It will be a sort of Mecca, to which the people of the world will come. We hold that as trustee for commerce, and to try and set up a military rule the same as with regard to forts, so that nobody would go there without such peril, it seems to me, is not reasonable. I admit the gentleman has improved the law somewhat, but I do not believe he has a satisfactory solution of the difficulty.

Mr. MANN. Mr. Chairman, I think the provision which the committee has decided to retain in the bill is the most remarkable provision I have ever seen in any bill offered in this House—a provision that we shall invite the world to go through the Panama Canal, and if anybody accepts our invitation we shall put them in jail for a year. The gentleman from Texas offered a proposition which would except our own citizens, but would still invite the citizens of other nations to come upon the Canal Zone, with a threat that if they accepted our hospitality we would put them in jail for a year. The gentleman from Kentucky [Mr. SHERLEY] proposes that we shall escape the responsibility of doing that and put it upon the President. Upon what theory are we operating a canal, except to invite the people to pass through the canal? Upon what theory do we open up the canal between the two oceans unless we want people to go through the canal, and to go through it under a threat provided by this bill that if they do so they are violating the law and making themselves subject to punishment for misdemeanor, to fine and imprisonment?

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. For a question.

Mr. SHERLEY. Does not the gentleman see a difference between going through the canal and going on the Canal Zone, and does the gentleman think there should be no regulation controlling the canal?

Mr. MANN. That question is not one of the gentleman's best questions.

Mr. SHERLEY. It seems to be one sufficiently difficult of answer to compel a rather unusual answer.

Mr. MANN. The gentleman is still endeavoring to consume my time.

Mr. SHERLEY. That is to the advantage of the committee at present.

Mr. MANN. Perhaps that is the gentleman's opinion. He has that in his head probably. The proposition in the bill could be put into force under the general provisions by the governor. If it is in the bill, everybody knows it, but the gentleman from Kentucky would have the same provisions put into effect by a regulation of a governor, not by the law, not by the Congress—and at that I believe the gentleman's provision is better than the one in the bill.

To properly guard the canal is correct, but to say that a traveler shall not leave a boat which goes through the canal and cross the Isthmus by rail is extremely absurd and ridiculous. No other language properly denounces it. We have ample power to protect ourselves upon the canal without providing that every person who lands from the sea on either side on the shore is a criminal, without providing that everyone who leaves the boat is a criminal, without providing that everyone who steps across the line from the city of Panama to the city of Colon, outside of the city limits, can be arrested, and without jury trial sent to jail and be fined. We would not stand for a thing of that kind in the United States for a moment, and we ought not to inflict it upon the Canal Zone—not there

so much because it affects matters there, but for our own honor and reputation.

Mr. CANNON. Mr. Chairman, it is always a source of regret to me to have to disagree with my colleague from Illinois [Mr. MANN], who has just spoken, and with the gentleman from Massachusetts [Mr. McCALL], who also has just spoken; but it does seem to me that gentlemen are creating ghosts, supposing improbabilities. This is a very plain matter. We have the canal and we have a population of 90,000,000 people in the United States. I do not know whether we yet include Porto Rico—I do not know whether the law in respect to Porto Rico has passed yet.

Mr. MANN. It has not.

Mr. CANNON. It probably will pass. We will have more than 100,000,000 people in the United States, and we have a canal that costs $400,000,000.

Now, it is useless to say that every American citizen, naturalized or unnaturalized, is a patriot. There are exceptions. Why, three American citizens have assassinated three Presidents. The McNamaras, American citizens, destroyed bridges by the wholesale and are now in the penitentiary. It is all very nice to talk about trusting everybody, but when you get 10 miles of a reservation on the Canal Zone for a specific purpose there should be power to make reasonable regulations so that you shut out the McNamaras and shut out the Guiteaus and the Czolgoszes, and people of that stamp. Oh, but my friend says, you will invite all the world and then put them in the penitentiary. Nay, nay, they have got to go there aboard ship, and regulations would provide how they could go with safety. Perchance once in awhile some anarchist, some fellow with dynamite, might smuggle through, and precaution should be taken to protect our canal and its locks. The same protection is taken touching our military reservations in the United States. True we come and go substantially by unanimous consent, but there is the power, there is the power there now to make the regulations for protection and care of our military posts, and the gentleman, my colleague, and the gentleman from Massachusetts could not go upon a military reservation, unless by consent as the power to exclude is there. The same way I say to the gentleman from Alabama [Mr. HOBSON], who was in the Navy. You can not go upon a battleship except by consent. The ship is United States territory just as much as any other territory, and we have the power to make regulations as to how men shall go and come upon a battleship, and it seems to me we are making ghosts upon our own imagination and then running from them.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. I would like to ask the parliamentary status. I understood the motion of the gentleman from Kentucky was——

The CHAIRMAN. The amendment of the gentleman from Kentucky is pending, the second amendment which he offered.

Mr. HOBSON. Mr. Chairman, I want to be recognized for the purpose of asking a question of the chairman of the committee.

Mr. ADAMSON. I am not on the floor.

Mr. HOBSON. Then I will take the floor.

Mr. ADAMSON. I do not think that is in order.

Mr. HOBSON. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last two words.

Mr. HOBSON. I want to be informed if this provision in the bill meets with the approval of the canal authorities.

Mr. ADAMSON. I stated in a speech on the floor some time ago, as it was drawn and reported by the committee, it met the approval of the chief engineer, Col. Goethals.

Mr. HOBSON. I simply wish to add, Mr. Chairman, that the question of the military features of the Panama Canal ought to be given full consideration in all such matters. The probable issue of future war will be settled by the fact of whether we are able to command and control the free passage of the canal or not, and our ability to control the free passage of the canal will unquestionably hinge upon the legislation we now provide that would give our officials proper authority to control the access of persons to that canal.

Mr. COOPER. Will the gentleman permit a question in the line the gentleman has taken in discussing this very important section? Let me ask him this question: This first part of section 10, as it was worded, would it require an inspection of passengers on ships passing through the canal, by the governor or under his authority, and the crews of freighters?

Mr. HOBSON. I would hesitate to interpret it in that regard, but I would not hesitate to say that in particular cases where the safety of the canal was involved the governor would assume the authority to inspect any ship or any passenger on any ship that goes through the canal. Otherwise the passenger ship might be carrying a person with malevolent intentions toward the canal, and at certain critical stages might even sink his own ship or at least utilize the position of that ship to destroy important engineering works. That is an inherent part of our authority to protect the canal that is involved in the section. It is a fact in American practice in connection with our forts and our stations, and for a time past in connection with our ships, that we did not exercise that vigilance in keeping from the outside world knowledge of our affairs and our military features that was important for our efficiency in time of war. It is only year before last that we were finally able to get the authority under which a spy caught red-handed could be tried and convicted, and we need not fear that in adopting this section and the authority to make regulations, as provided in the amendment offered by the gentleman from Kentucky, we need not fear that we might do injustice to the sight-seeing activities of legitimate sojourners and the movements of citizens who are there for legitimate purposes.

Mr. ADAMSON. Mr. Chairman, I believe the last amendment offered by the gentleman from Kentucky has not been voted upon.

Mr. SHERLEY. Mr. Chairman, I would like to have it reported again so that I might offer a suggestion.

The amendment was again reported.

Mr. SHERLEY. Mr. Chairman, I would like to have unanimous consent to make the substitution read, "any of such rules or regulations," so as to conform to the exact language of the amendment adopted.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to amend his amendment by the insertion of the words indicated.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman one question.

Mr. SHERLEY. Certainly.

Mr. MANN. Whether the gentleman thinks the provisions would come within the decision of the courts about the forest reserves in reference to violating rules and regulations. Has the gentleman laid a sufficient foundation here to constitute a misdemeanor upon a violation of the regulations?

Mr. SHERLEY. There is really a question of law how far the regulation can be issued the violation of which creates a punishable offense, but inasmuch as the gentleman says the foundation for punishment is given as to a specific thing, why, then, regulations to carry that out are, I think, lawful, and their violation can be made punishable.

Mr. MANN. If we provide by law directly the governor of the Canal Zone should have control over the admission of persons to the Canal Zone, I think we could then give power to make regulations a violation of which might constitute a misdemeanor; but without that, I doubt it very much.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. Mr. Chairman, on the question suggested by the gentleman from Kentucky, I desire to say we give to the Commissioners of the District power to make regulations, and the courts have sustained their right to make those regulations and enforce them to the extent of fine and imprisonment.

Mr. ADAMSON. The committee accepts that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky, as changed by unanimous consent.

The question was taken, and the amendment was agreed to.

Mr. BORLAND. I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. BORLAND. That amendment goes in after the concluding words of the new portion on line 16, page 14. I do not know what the concluding portion is, but it is just before the word "any," on line 16 of page 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 16, insert, before the word "any," the following: "*Provided*, That such regulations shall not exclude persons engaged in ordinary business or travel from being upon or passing over any portion of the zone except designated portions adjacent to the locks and other works and necessary to the policing thereof."

Mr. ADAMSON. Mr. Chairman, I move that the debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Georgia moves that all debate on this section and all amendments thereto close in five minutes.

The question was taken, and the motion was agreed to.

Mr. BORLAND. Mr. Chairman, I voted for the amendment of the gentleman from Kentucky [Mr. SHERLEY] to change this section instead of making a man prima facie a criminal when he

was found on the zone, to at least provide that the governor or some one in authority and supposed to exercise discretion should make regulations, and the violation of those regulations should constitute the offense. I voted for that as a mitigation of the rigor of the original rule. But it does seem to me, especially in view of what the gentleman from Illinois [Mr. MANN] has said, that the purpose is not served even by that amendment. I want to make that canal down there a great commercial highway and invite all the nations of the world to use it as freely as is consistent with good order and good government and safety. But it is just as consistent, so far as 80 per cent of that canal is concerned, with good order and safety for them to use it as it is for them to use the plaza in front of this building or the steps in front of the United States Treasury. There is not a particle more reason to exclude people from 80 per cent of that zone than there is to exclude them from the steps of the United States Treasury.

Mr. MOORE of Pennsylvania. Does the gentleman's idea carry him so far that he would provide for the construction of warehouses at the mouth of the canal?

Mr. BORLAND. I have gone over that. I would like to have warehouses built.

Mr. MOORE of Pennsylvania. In which merchandise and samples could be displayed?

Mr. BORLAND. I am in favor of that. Here are two cities, Colon and Panama, that by our treaty are excluded from our jurisdiction, but territorially are in the zone. They are surrounded by a line of posts. If those cities grow at all, they have got to grow on American territory. If they grow on a military zone, coming right up to the limits of the city, a man on the zone is there by sufferance or favoritism, or whatever you call it. I was born and lived for 12 years of my life near Fort Leavenworth, and I know that some fellows were always on the reservation conducting some business by governmental favoritism. Every law-abiding citizen ought to have the same right there to go down and conduct commerce. Talk about ghosts, the ghosts are that somebody will take dynamite down there and blow up the locks, which are large enough to contain any private structure in the city of Washington. The ordinary policing around those locks for a mile or half a mile would be ample to protect them. My provision is to reduce or proscribe that zone to the amount that the governor declares would be necessary for the policing of the locks. The remainder of the 400 square miles ought to be open for commerce, every bit of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The amendments to section 11, by the order of the House, will be passed. The Clerk will read section 12.

The Clerk read as follows:

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

Mr. BROUSSARD. I understood that when we reached section 11 amendments might be offered.

The CHAIRMAN. They may be offered or may not. We will reach the section again, when they can be offered, or Members can offer them now.

Mr. BORLAND. I desire to offer another amendment.

The CHAIRMAN. If there is no objection to it, it is all right, but we have passed the section.

Mr. BORLAND. We are still on section 10.

The CHAIRMAN. We have passed section 11 and gone on to section 12.

Mr. BORLAND. Section 11 was passed by former agreement.

The CHAIRMAN. The Chair stated that by order of the House section 11 had been passed, and the Clerk would read section 12.

Mr. BORLAND. That was made by order of the House, not by order made now. We have not begun to read section 12.

The CHAIRMAN. Does the gentleman want to offer an amendment to section 10?

Mr. BORLAND. I want to offer an amendment to section 10. Section 11 is the one we are on now, unless we had read section 12.

The CHAIRMAN. The gentleman had perfect liberty to offer an amendment to section 11. Section 10 is passed. The Clerk will read section 12.

Mr. BORLAND. I would like to have the Chair hear me on that point. Sections 5 and 11 were passed by previous order of the House. No order was made at this time. The previous order of the House provided for their passing until the other sections were concluded. We were working on section 10 until we began to work on section 12.

Mr. ADAMSON. We had begun on section 12.

The CHAIRMAN. Evidently the gentleman from Missouri [Mr. BORLAND] was not observing what was occurring. The Chair stated positively, by order of the House, section 11 would be passed, and the Clerk would begin to read section 12, and he began the reading.

Mr. BORLAND. But it was not by virtue of that statement that we passed section 11.

The CHAIRMAN. We were reading section 10, and section 11 was passed. If the gentleman desires to ask unanimous consent to return to section 10, the Chair will entertain the motion.

Mr. BORLAND. I will not do that. I think that was by inadvertence.

The CHAIRMAN. Without objection——

Mr. ADAMSON. Mr. Chairman, I object. We started section 12, and we want to make progress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

Mr. MANN. Mr. Chairman, I offer an amendment to section 12.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Add, after section 12, the following: "That the President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908, and of the act entitled 'An act relating to injured employees on the Isthmian Canal,' approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section."

Mr. MANN. Mr. Chairman, this is the same provision as was in the canal bill that we passed before.

Mr. ADAMSON. If it is framed up in the proper shape so as to make it law it will not be objectionable. We are trying to divorce the President from the function of legislating down there, so that if the gentleman will put that in the proper shape I will not object to it at all.

Mr. MANN. Well, as the gentleman has repeatedly stated on the floor, the whole theory of this bill is to hold the President responsible for the operation of the Canal Zone and the administration of the canal.

Mr. ADAMSON. But we do not want him to legislate.

Mr. MANN. This does not give the President the power to make law. It only gives the President, through the officials down there, the right to make adjustments for personal injuries. We are operating the Panama Canal now as a business proposition. There is no reason why we should not take care of those who receive personal injuries in the course of that operation instead of requiring them to come before Congress for special bills or be limited to one year's pay such as is now provided.

The gentleman from Georgia [Mr. ADAMSON] was agreeable to this proposition when we passed it before. No one objected to it then, and I hope no one will object to it now. It is not practicable to do it in any other way than this.

Mr. ADAMSON. Mr. Chairman, when we passed the bill before, we were building the canal, and the gentleman from Illinois [Mr. MANN] and I always agreed that it was then too early to make permanent and general legislation. I agree to the general principle of paying these casualties down there if men are hurt, and frankly I am not in favor of scrutinizing too closely the facts as to exactly how far a man was to blame if he got hurt in the line of his duty. But we object to the

President making laws down there. That duty should be left to Congress. We hold the President responsible for the administration of the laws down there. If the gentleman from Illinois will modify his proposition and restrict it to the casualties that happen down there, and make it law right now, I will agree.

Mr. MANN. There is no other way of extending the law, except in the way suggested, as the gentleman from Georgia will readily see. The limit of compensation allowed to men who receive injuries down there is now one year's pay, which is not a proper limit on the Canal Zone, when we are operating the canal as a business enterprise.

Mr. ADAMSON. I will say, Mr. Chairman, that I am in sympathy with the suggestion of the gentleman, and I think that he and I can agree upon the provision. If we can pass this section over until the bill is finished, I think we can agree about it.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to pass over this section for the time being without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

Mr. MONDELL. Mr. Chairman, I move to strike out section 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, strike out all of section 13.

Mr. MONDELL. Mr. Chairman, section 13 contemplates the fortification of the Panama Canal. As such fortification will necessarily render the canal liable to blockade and bombardment—make it subject to blockade and bombardment—as it will make it a point where a foreign enemy will first strike us in case of war, if we are to fortify, if we are to turn this great work of peace into an adjunct of war, it is entirely proper that we should have this provision in which in time of war the governor shall be an officer of the Army. But our treaty with Great Britain provided for the neutralization of the canal. We guaranteed under that treaty that no act of war should ever be exercised within the canal. We pledged ourselves against bombardment, and yet this section, if it has any meaning at all, is clearly an evidence of our intention to violate the fundamental provisions of the treaty. I know that in the present temper of the House that will not cut much of a figure.

Mr. HOBSON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. HOBSON. I want to ask the gentleman if he can conceive any means by which we could enforce that neutrality provision of the treaty without making such provision as we have here?

Mr. MONDELL. My personal view of it is that it is beyond the limits of possibility to keep the canal open and in use in time of war if we fortify it; whereas by international agreement, under which it will be to the interest of all the nations at all times to keep the canal open, we will be able to maintain the canal for the benefit of commerce and keep it open for the use of our battle fleets in time of war. Fortification, in my opinion, defeats its own object. To attempt to fortify is to fly in the face of our solemn pledges and obligations, and further than that it is to do a thing that while it will cost us in every century of time at least four times what the canal itself has cost, will not keep the canal open in the face of the enemy that commands the sea at either end. All military men agree to that, and yet we propose to plant these fortifications as though they would be of some value.

Unless we have a Navy strong enough to command the sea they would be absolutely valueless. Without fortification all the world is willing and anxious to aid us in maintaining the neutrality of the canal in protecting it because all the world wants of the canal is an opportunity to use it. That opportunity is best obtained when the canal is open at all times to the ships of commerce and, for that matter, to the ships of war. That has been our thought and intent in regard to the Panama Canal from the beginning. Every great American that has ever expressed an opinion in regard to it up to four or five years ago has expressed the opinion that the canal should be neutralized and should under no circumstances be subject to the vicissitudes of war; and yet we are proposing in this legislation to do the very thing to make the canal valueless to us in case we have a war.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MOORE of Pennsylvania. I am inclined to agree with the gentleman, but have we not gone so far that it is too late to retrace the steps?

Mr. MONDELL. A question is never settled until it is settled right. Having made an appropriation of $3,000,000 for beginning the work that will cost $100,000,000 is not, I think my friend from Pennsylvania will agree with me, a settlement of the question. Congress has not fully considered the matter or taken into consideration the enormous cost, and, more than that, has not considered the utter futility of it.

Mr. MOORE of Pennsylvania. Does the gentleman take into consideration the further objection that, in addition to the great cost of armament, it will cost $25,000,000 per annum for maintenance?

Mr. MONDELL. No fair estimate has ever been made less than that.

Mr. SHERLEY. If the gentleman will pardon me, has there been an estimate that placed it anywhere close to it?

Mr. MONDELL. Twelve thousand men of all arms will cost us twelve to fifteen million dollars.

Mr. SHERLEY. No more than it would stationed at your forts out West. [Laughter.]

Mr. MONDELL. The upkeep of the fortifications would cost at least $50,000,000. This expense would be in addition to our present Army expenditures at home.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TOWNER. Mr. Chairman, it occurs to me that while there may be some question as to the wisdom of fortifying the canal, that this provision ought not to be considered as bearing upon that question in the slightest degree. In fact, as it seems to me, this provision would be more necessary if we did not fortify the canal than if we did.

There can be no question but that the President of the United States would have the right to declare martial law over any part of the territory of the United States—and this certainly is part of the territory of the United States—in case it should become necessary for our own national defense, and that would be true whether the canal was fortified or not.

Mr. MONDELL. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MONDELL. What is the necessity of having a military government on a neutralized canal?

Mr. TOWNER. The gentleman asks a question that it is impossible to answer, because we have not a neutralized zone. It is true that we neutralize the use of the Panama Canal, but we have not a neutralized zone, and our treaty does not so imply. We have a zone that is a part of the territory of the United States, which it will be necessary for this Government to protect, and if it should become necessary to declare martial law in order to protect that, or any other interest of this Government, the Government would certainly have the power to do so. This provision of the law is only to do that more effectively and to do it more easily. I am inclined to think that the power already exists to do in effect what this provision says may be done, but certainly it only does it in a more effective way, and therefore I think it is entirely advisable.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I have always had the impression that we wanted to do something with this canal that would be of profit to the commerce of the United States, but a recent visit to the canal indicated that the whole purpose of the canal, from the viewpoint of most of those on the Isthmus, was to make it a military reservation. We have been expending a great deal of the people's money on this canal, and we ought to maintain it as befits a great Nation like the United States, even if we do have to stand there as the almoner of the world and give the world the opportunity to use it. As a matter of fact, we are very largely in the position of maintaining it for the rest of the world. That is to say, Germany and England, having entered the South American market, and having largely absorbed the commerce of Latin America, we have provided for them the means of entrance and of exit in order that they may do the business in South America which we have thought we might be able to do ourselves. Now, it appears we are to pay for the passageway through which our commercial competitors are to go. I do not believe that even the Congress of the United States knows what the canal is going to cost.

Mr. ADAMSON. Mr. Chairman, if the gentleman will yield there, I will suggest that the reverse of his position is true. Instead of saying we pay for their passage, he should say that

they pay us for their passage, and that is the only way we will ever get any returns from the canal.

Mr. MOORE of Pennsylvania. They will pay us for the passage, if this bill passes, at the rate of, say, $1 per ton, but, according to the best estimate that we have received, we will not in any one year pass more than 10,000,000 tons, which will make a return of $10,000,000, if we pass that much tonnage.

Speaking along the line of neutrality as raised by the gentleman from Montana [Mr. MONDELL], and answering the gentleman from Kentucky [Mr. SHERLEY], who raised some question about it a moment ago, I assume it is greatly to be desired especially as a method of reducing the maintenance cost. I would like to call the attention of the House to page 415 of the first volume of the hearings before the Committee on Interstate and Foreign Commerce, in which a most interesting colloquy takes place between the gentleman from Minnesota [Mr. STEVENS] and Col. Goethals, the chief engineer of the canal. I hope I may have time to read a portion of that very illuminating statement. Mr. STEVENS is interrogating Col. Goethals:

Mr. STEVENS. Estimating then that the operation and maintenance require $3,500,000, there should be added a reasonable expense for administering the government of the Canal Zone. For the purposes of canal administration last year it was testified by Mr. Thatcher yesterday that there was expended $1,100,000 for such administration. In all probability, would or would not that be reduced the year beginning with the permanent charge for the canal?

Col. GOETHALS. That ought to be reduced very materially.

Mr. STEVENS. Was that your estimate to the chairman, which was about $4,000,000?

Col. GOETHALS. Including sanitation and civil administration, provided colonization was not entered into.

Mr. STEVENS. Then we have the annual interest charge upon the principal expended for the construction of the canal. What would that be?

Col. GOETHALS. $12,000,000 per annum.

Mr. STEVENS. It has been stated in the hearings that there would be needed for defense here eight batteries of Coast Artillery, a division of Infantry, and a battalion of Field Artillery.

Col. GOETHALS. That is the estimate prepared by the Chief of Staff or General Staff.

Mr. STEVENS. That has been decided by the military authorities in Washington who have been appointed to report upon that subject. How many men in eight batteries of Coast Artillery?

Col. GOETHALS. There are about 150 men to a battery for a heavy gun.

Mr. STEVENS. That would be about 1,200 men. Estimating that number of men at approximately $1,000 per man, what does that amount to?

Col. GOETHALS. $1,200,000.

Mr. STEVENS. A division of Infantry would be about how many troops?

Col. GOETHALS. Three regiments to a brigade and two brigades—about 1,000 men to a regiment—would be 6,000 troops.

Six thousand infantrymen! That is what you want to put on the canal apart from your Coast Artillery. But, to continue:

Mr. STEVENS. At the average of $1,000 per man, that would be how much?

Col. GOETHALS. Six million dollars.

Now, you have added your Infantry to your Coast Artillery, and you are building up a splendid establishment there to protect the canal, which we thought was built for commercial enterprise—

Mr. STEVENS. These batteries of Field Artillery—how much would that be?

Col. GOETHALS. Four hundred and fifty men; about.

Mr. STEVENS. Which would cost a good deal more on account of the horses?

Col. GOETHALS. Say another $1,000,000 to cover the Field Artillery.

Mr. STEVENS. That would be a total for the military expense for the protection of this canal of how much?

Col. GOETHALS. $8,500,000, practically.

That is per annum, plus your $3,500,000 for civil government.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield for a question.

Mr. MONDELL. The gentleman knows that since then the estimates have been considerably increased over those given by Col. Goethals.

Mr. MOORE of Pennsylvania. That makes it so much worse.

Mr. MONDELL. They have added $4,000,000 since then.

Mr. MOORE of Pennsylvania. Mr. STEVENS then goes on. He is tracing out the total cost of the defenses, defenses which, to a certain extent, will be a menace and will induce the world to believe we have put a chip upon our shoulder to fight anybody that comes along. Let me read:

Mr. STEVENS. Then we have items for the construction $12,000,000; protection, $8,500,000; and operation and maintenance, $4,000,000, as a minimum.

Mr. DOREMUS. You have not included the naval attachment down here.

Mr. KNOWLAND. Put the wireless station in also.

Mr. STEVENS. The Navy contemplates keeping how many marines here?

Col. GOETHALS. They now have 450. They have asked for a site for an advanced base for three battalions, practically 1,200 men. There is another $1,200,000.

Mr. STEVENS. Making, then, the total expense to the people of the United States annually, on account of caring for this enterprise, for its construction, operation, control, and protection, of about $27,000,000 annually?

Col. GOETHALS. Yes, sir. With 7,000,000 tons of freight, not as a possible amount of traffic but as an actual amount of traffic, we would require $4 a ton, and we would have no ships through the canal.

Mr. KNOWLAND. Of course, that would make the tolls prohibitive.

Col. GOETHALS. Yes.

Mr. KNOWLAND. And the commercial value of the canal would be completely destroyed?

Col. GOETHALS. Entirely. We can save $130,000,000 if we stop right now.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. The total maintenance cost runs up to $27,000,000 per annum, and that does not include a vessel of war on either side of the canal. I insist, Mr. Chairman, that the Panama Canal was built to help us develop our commerce. It ought not to be overweighted with a military establishment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. WEEKS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

That the civil employees in the canal service between the ages of 18 and 45 years shall be organized into a heavy artillery regiment, which force shall perform such military service, engage in such drills, and be governed by such regulations as the Secretary of War may direct: *Provided, however*, That the number of such drills shall not exceed 52 in any one year and the annual encampment which may be prescribed shall not exceed two weeks.

That for this service officers and men shall receive as compensation the rate of pay to which officers of the same grade and men of the Regular Army would be entitled to for the same length of service, but in no case shall the allowance for this service exceed $200 annually for an officer or $100 annually for an enlisted man, and this allowance shall be made at such times and under such regulations as the Secretary of War may prescribe.

Mr. ADAMSON. Mr. Chairman, I do not think that that is in order on this bill. It is a provision that ought to go to the Committee on Military Affairs, and I make the point of order that it is not germane to this proposition.

Mr. WEEKS. Mr. Chairman, I would like to be heard upon that proposition. We are providing in this bill for a military force for the defense of the canal.

I am proposing by this amendment that civil employees on the Isthmus shall be organized into a force to supplement the men of the Regular Army to be sent there for the protection of the canal. Civil employees will generally be of military age; they will be acclimated to conditions as they exist on the Isthmus, and will, therefore, be immune from troubles which would affect men sent there for military or other service.

By making this authorization the necessity for sending at least one regiment of Heavy Artillery to the Canal Zone will be obviated, thereby bringing about an economy of something like $800,000 a year. Therefore it seems to me that such an amendment should appeal to the economic claims of the Members on the Democratic side of the House, as it will produce a saving, and I think the amendment should be in order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 14. That this act shall be known as and referred to as the Panama Canal act.

Mr. ADAMSON. Mr. Chairman, I have a committee amendment which I desire to offer. I did not deem it entirely necessary, but gentlemen have asked me to offer it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by adding at the end of the bill, beginning after the word "act," line 25, page 17, the following: "And the right to alter, amend, or repeal any or all of its provisions, or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved."

Mr. MANN. Mr. Chairman, it is immaterial to me whether the amendment is agreed to or not, but I do not like to have this go into the law without a statement made that it is entirely and wholly unnecessary. We put that provision in laws which confer special franchises or special rights upon individuals or corporations which may be treated in the nature of a contract, but this does not make a contract with anyone. It merely carries the right to create another governmental instrumentality, and it goes without saying that we have the right to alter, repeal, or modify or change any regulation. While I care nothing whether the amendment goes in, I did not wish anybody to think that it is necessary to put in a general legislative law a provision that we have the right to repeal it.

Mr. ADAMSON. Mr. Chairman, my own opinion concurs with that of the gentleman from Illinois; but other gentlemen, who are great parliamentarians, suggested we put that in, and I am perfectly willing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, going back to section 5, I wish to see if we can reach an agreement as to debate.

The CHAIRMAN. The Clerk will read the section first.

The Clerk read as follows:

SEC. 5. That the President is hereby authorized to prescribe, and from time to time change, toll charges for the use of the Panama Canal by all vessels, except those belonging to the Government of the United States (including those of the Panama Railroad Co.) and the Government of the Republic of Panama, which excepted vessels shall be charged no tolls. Charges may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce, but the tolls shall not exceed $1.25 per ton, based upon net registered tonnage for ships of commerce, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal: *Provided, however*, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal. The toll for each passenger shall be not more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels passing through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting lighting, pilots, and pilotage in the canal or the approaches thereto through the adjacent waters.

Such rules and regulations shall expressly deny and forbid the use of the Panama Canal to all the classes of vessels the passage of which through the Panama Canal, or any part thereof, is made and declared unlawful by section 11 of this act.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the District Court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited, and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

Mr. ADAMSON. I wish to offer a committee amendment to section 5 and then see if we can reach an agreement as to time for debate upon the section and all amendments.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 5 by striking out the entire sentence beginning with the word "No," on line 22, page 6, and ending with the word "canal," line 5, page 7. The language to be stricken out reads as follows:

"No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Co.) and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal."

And insert in lieu thereof the following:

"The rate of toll shall be uniform upon all vessels, except the official vessels of the Governments of the United States and the Republic of Panama, but when based on different forms of tonnage for different classes of vessels the rate fixed in each case shall be substantially equivalent to the rate based on any different form of tonnage."

Mr. ADAMSON. The gentleman from Louisiana [Mr. BROUSSARD], myself, and some other gentlemen have talked about a fair division of time for debate on this tolls proposition. Mr. BROUSSARD and I thought an hour would be sufficient to discuss it, having had such a long general debate, and I ask unanimous consent that on this section and all amendments and substitutes to it we shall have a debate of one hour a side, one-half to be controlled by myself and one-half by the gentleman filing the minority report on that subject.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman what he contemplates the procedure would be during the two hours and at the end of the two hours upon these propositions which have been or may be submitted to the gentleman from Georgia.

Mr. ADAMSON. Well, I do not care whether I have the last speech or the first speech or the speech in the middle.

Mr. MANN. I do not care when the gentleman speaks, but we have now submitted some four, five, or six amendments to this section. Everyone knows that if we have two hours general debate here that immediately after it was announced men who have not had their lunch will go out to get it, and those who have had their lunch will go to their offices to transact business, and at the end of the two hours when you come to a vote no one but the few who have remained here will know what the different propositions are.

Mr. ADAMSON. Then I am willing to modify the proposition. Mr. BROUSSARD did not speak in general debate and Judge SIMS did not. I am perfectly willing to say those two gentlemen shall have some time each and then go on under the five-minute rule as usual.

Mr. SULZER. Mr. Chairman, I have an amendment and I would like to have 15 or 20 minutes to discuss it. I have very decided views upon this proposition.

Mr. MANN. I have exceedingly decided views upon this proposition, but I am not going to impose upon the House or committee by asking for an extension of time. I think, on the contrary, I shall withdraw the amendment I have pending and advise the House to vote for the Doremus substitute.

Mr. ADAMSON. I am perfectly willing to allow the two members of the committee who did not speak in general debate to have 20 or 30 minutes, and then proceed under the 5-minute rule.

Mr. MANN. Mr. Chairman, reserving the right to object, it is now 2 o'clock. We have two controverted propositions here, but I am perfectly willing to have the gentlemen talk, but it seems to me it is hardly fair to the House for gentlemen to make long speeches now at the expense of other gentlemen who desire to eat their dinners this evening.

Mr. GARNER. May I make this suggestion to the gentleman from Georgia?

Mr. Chairman, would you not obviate this situation if you should go on under the five-minute rule, and when the gentleman from Louisiana [Mr. BROUSSARD] gets up to address the committee and he should ask unanimous consent to continue for 20 minutes, the committee would likely give it to him; and when the gentleman from Tennessee [Mr. SIMS] asks 20 minutes, it would be given to him; and then if the gentleman from New York [Mr. GOLDFOGLE] will get some time and would ask the committee's indulgence for a little while and receive it, and in that way you would progress along on these different provisions, and in that way the committee would get the benefit of what these gentlemen have to say? I believe that we could get to a vote before 4 o'clock.

Mr. ADAMSON. Mr. Speaker, I modify my request in accordance with the wise suggestion of the gentleman from Texas [Mr. GARNER]—that we go on under the five-minute rule, and that when the gentleman from Louisiana [Mr. BROUSSARD] and the gentleman from Tennessee [Mr. SIMS] address the Chair they be allowed to proceed for 20 minutes each.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that we proceed under the five-minute rule, and that when the gentleman from Tennessee [Mr. SIMS] and the gentleman from Louisiana [Mr. BROUSSARD] address the Chair they each be recognized for 20 minutes.

Mr. MONDELL. I would like to know if the gentlemen named are not on the same side of the proposition?

Mr. SIMS. Not by any means.

Mr. ADAMSON. No, sir.

Mr. COOPER. Mr. Chairman, do I understand that there is a time set for a vote on this?

The CHAIRMAN. No.

Mr. COOPER. It is one of the most important questions to come before the House.

Mr. MOORE of Pennsylvania. I would like to know if the agreement as to 20 minutes is that they will consume the 20 minutes and no one can talk on their amendments?

Mr. ADAMSON. It is not.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, in the majority report, while an argument is made for uniformity of tolls, with the exception of the official vessels of the United States and of the Republic of Panama, and while it is stated that the position of the majority of the committee is that the treaties require that sort of treatment and would forbid preferential tolls, it was expressly stated that the committee did not necessarily base its action upon that ground, but upon the ground that we needed the tolls in the canal; that we feared there would not be much foreign business during the first year; that the coastwise trade was amply protected from all the balance of the world as to competition; that it did not need the tolls; that there were plenty of them to do the business; and if we wanted to do anything for the coastwise trade we ought to give it to all of them, and not to the small percentage going through the Panama Canal.

As we were in perfect good faith, the majority of the committee thought we had stricken from the bill all mention of the treaty. Some of the gentlemen on the floor seemed to complain of that language, and I thought it was only in the interest of truth and justice and due the committee that I state again that it was the position of all the committee except one or two, and that it is offered here by instruction of the committee, in accordance with the majority report, as an amendment that the committee insist on now to open the canal and fix the tolls, with the exception of the ships named, and leave the future of the canal, if success or failure, to indicate or dictate to us if there ought to be any changes made. If it is necessary to negotiate with England about it, or if unnecessary, let the future of the canal determine it. We can not agree with the gentlemen who say, "We will take our position, and if the

other nations of the world do not like it, then go to The Hague or some other tribunal to settle the question." That is not the course to pursue. They might say, "Go and litigate the claim of Colombia at The Hague." England might say, "We will just close the Welland Canal." We do not want to construe the treaty. We do not want to precipitate any lawsuits or any trouble, belligerent or otherwise, with any other nation. We have spent $400,000,000 down there, and we have a great enterprise. We want it to succeed. We want gentlemen to unite with us and forego their claims for special interests and let us open that great enterprise and see what its returns will be and what its success will be, and if we find it advisable to change our course we can change the plan. [Applause.]

Mr. MANN. Mr. Chairman, I hope the amendment offered by the gentleman from Georgia [Mr. ADAMSON] as a committee amendment will not be agreed to.

Mr. Chairman, I have desired as far as possible to follow the lead of the committee which reported this bill, a committee of which for many years I was a member and at one time the chairman. But I am compelled to part company with the committee on a proposition which I regard as essential to the prosperity of the country, and the amendment which the gentleman from Georgia now proposes involves the whole question.

He proposes to insert in the bill the provision:

The rate of tolls shall be uniform upon all vessels except the official vessels of the Government of the United States and the Republic of Panama.

And when based on different forms of tonnage or different classes of vessels the rate fixed in each class shall be substantially equivalent to the rate based on any different form of tonnage. Under the provision of the gentleman you would have to charge the same rate on warships on displacement tonnage that you would have to charge if it was registered tonnage. But that is an immaterial objection perhaps—a matter of form. I am opposed to any proposition which commits this Government to a construction of the Hay-Pauncefote treaty to the effect that, having spent $400,000,000 out of the National Treasury, we are not permitted to give any preference to our own merchant marine passing through the canal. [Applause.] I believe we ought to give preference to the coastwise vessels and also to the vessels flying the American flag and engaged in foreign service. [Applause.] Therefore I am not willing to have the amendment of the gentleman from Georgia agreed to without some kind of a test vote in the House. Those of us who are in favor of having the canal give some preference to American ships flying the American flag ought to vote against this amendment, and those who are in favor of forever shutting out any preference to American vessels ought to vote in favor of the amendment. [Applause.]

Mr. BUTLER. Mr. Chairman, I move to strike out the last word, if that motion is necessary to enable me to secure a few minutes' time to express my views on the pending measure.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] is recognized.

Mr. BUTLER. I am told, Mr. Chairman, that we are asked to surrender a right without demand made and before a shot is fired at us; that we are asked to give up a right voluntarily; that we are asked to forego a great privilege that belongs to our own people, which no nation has questioned or requested us to surrender, largely upon the excuse that we have forfeited the right which we might otherwise have had if we had not so agreed. We are told that our free use of this waterway is in violation of a solemn agreement that we have made with the other nations of the earth. That agreement, it is said, was made with England, based upon the convention made at Constantinople.

Gentlemen endeavor to persuade us that we should refuse freedom to our ships and to our own people to use the waters of the Panama Canal without paying the same rate charged against strangers for a similar privilege. We are told that our hands are tied by the terms of a convention made and now existing in which the British Kingdom is one of the parties and the Republic of the United States is the other. This convention, widely celebrated and now in the public mind, is known as the Hay-Pauncefote treaty of a few years ago. We are warned that our agreement, so named, requires us to treat all nations alike and with the same degree of equality. This is one of the reasons to be urged against the adoption of pending amendments providing in effect for free passage by us through our own waterway.

If gentlemen of the committee will take the pains to examine the Constantinople convention, they will discover that we were not a party to it, and that the nations provided for in the Hay-Pauncefote treaty are the nations included in the convention made at Constantinople.

We expended our own money, $400,000,000; we employed our own genius; we asked no nation to assist us. All this is the result of our own work, secured by American labor and American capital. England gave us in this treaty the permission, at our own cost, to build this great waterway; and at the same time, Mr. Chairman, that we agreed with her that we would construct this waterway at our own expense and at our own cost she agreed that we should have and enjoy all the rights incident to such construction, one of which, naturally, is the right to use the canal.

Now, it is a well-understood rule of law that every man who makes an agreement makes it favorable to himself. Does this agreement show that we made it unfavorable to ourselves? Does the language overcome the presumption? The next provision of this agreement reads:

The canal shall be free and open to the vessels of commerce and of war of all nations observing the rules—

Mark you, the language used—

on terms of entire equality, so that there shall be no discrimination against any "such nations."

What nations do the words "such nations" apply to? It is said that we have used as the basis of neutralization of our ship canal "the following rules as embodied in the convention of Constantinople." If gentlemen will turn to the convention of Constantinople they will discover that we were not a party to it, but that all the other nations of the world agreed how the neutralization of the Suez Canal should be made. England asked of us in this famous treaty—the Hay-Pauncefote treaty, afterwards agreed to—one condition, and that was, that such nations as are referred to in the agreement made at Constantinople should be treated fairly and squarely in the use of the canal. This is the fair interpretation of the words "such nations." [Applause.]

Mr. ADAMSON. Mr. Chairman——

Mr. BUTLER. Mr. Chairman, has my time expired?

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. BUTLER] has not yet expired.

Mr. BUTLER. I am unwilling, as one Member of this House, to forever forego the right to claim a great privilege that may or may not belong to us. I am unwilling to give away that which may be our own. I am unwilling to concede that which is not demanded of us and thereby commit the American people to a condition that may never arise. It may occur that some time in the future some tribunal to which this great question is submitted will decide that this privilege is ours. Why should we now surrender it before the demand is made? Do we break our agreement with these great nations because we now insist that this privilege is ours? I can not see, Mr. Chairman, why we violate our own agreement, why we break our word, passed by us through convention, ratified by our people, and accepted by all the nations of the world. We should at this time take unto ourselves what, according to the fair construction of this agreement, belongs to us and which stands undenied.

Before my time expires I wish to congratulate these learned men who have prepared these reports. If they had all agreed upon the construction of this treaty I, for one, would have had no trouble in reaching a conclusion. But these experts, these members of this famous Committee on Interstate and Foreign Commerce, these jurists, these gentlemen learned in the law, having studied for weeks and for months this agreement, did tend to confuse us when they differed in their conclusions, some of them warning us that if we did not accept the provision as written in the bill our action would amount to a breach of our agreement and a violation of our word as a great Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I would like to have the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I tried to make myself clear, but the remarks of the gentleman from Illinois [Mr. MANN] and the remarks of the gentleman from Pennsylvania [Mr. BUTLER] indicate that they did not clearly understand me.

The object is to strike out the language that the minority report insisted would construe the treaty and foreclose our future rights in the matter. We eschew all reference to the treaty. We do not mention the treaty. We strike out the sentence they objected to, because it was said it resembles something in the treaty. It simply provides for uniform tolls, without mentioning that there is a treaty in the world, because we think that economically we need all the tolls alike from everybody.

Now, if in future years Congress deems that it has the power under the treaty to make special exceptions in favor of particular vessels, and if statesmen here get their consent to shutting their eyes to taking money out of the Treasury to give to special interests, and they say it is not a ship subsidy to take from the Treasury that owns it $5,000 every time a ship goes through the canal and give it to the special shipping interests, all of which are either owned or financed by the same small financial coterie, Congress may do it.

We want to free ourselves from the unjust imputation that gentlemen on the other side have cast upon us that we are trying to foreclose the treaty. We are not, and if they will read the original bill that I introduced they will find that I did construe the treaty clear through it, but that it was stricken out all except this one sentence, and we thought this did not do it. Now we ask to strike that out.

When gentlemen say "we" and "our" they get their grammar confused. Congress and the Government may be "we" in the sense that the canal is ours, but if they confuse any little handful of men conducting the greatest and longest and loudest lobby ever seen on earth to get special privileges as "we," they are mistaken, for they do not represent 1 per cent of the American people. There are 90,000,000 American people who represent the Treasury, and if these people who want the special privileges divert from the Treasury, on an average, $5,000 a month for a ship during the year, you divert from the Treasury for each ship $60,000 that belong to your constituents, who are the American people, and give it to a lot of fellows who do not need it, do not care for it, do not care for the flag except when you give them special privileges, who can get along without it, and do not fight one another in the matter of competition. [Applause.]

Mr. SULZER. Mr. Chairman, I am an American, and I am in favor of American ships—flying the American flag—going through the American canal free of charge. Hence I shall vote for free tolls for all ships flying the flag of my country going through the Panama Canal.

I want to do something to aid the American merchant marine, and free tolls for our own ships will go far to accomplish what patriotic America hopes to see accomplished ere we adjourn.

We all realize that there is a sentiment, growing stronger and stronger every day, throughout the country in favor of doing something to rehabilitate our merchant marine. This is patriotic, eminently proper, and should be encouraged by every true American.

There is no man in this country more anxious and more willing to enact proper legislation to restore the American merchant marine than myself, but I want to do it honestly; I want to do it along constitutional lines; and I want to do it in harmony with that fundamental principle of equal rights to all and special privileges to none.

It is a fact—a most deplorable fact—and every man who has investigated the subject knows it, that we have less registered tonnage for deep-sea carrying trade to-day than we had 100 years ago. In 1812 the United States, with a population of less than 10,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1912, with a population of over 90,000,000. The American deep-sea tonnage in 1812 was over 1,200,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1812 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world.

It is a sad commentary on our growth and greatness that more than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going merchant ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1812 over 92 per cent of our export and import trade was carried in American bottoms; in 1912 less than 8 per cent of our imports and exports were carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freight and passengers over $300,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant-cruiser lists of European Governments, manned by naval-reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 16,800,000 tons of merchant shipping; Germany has 8,900,000 tons; France, 3,680,000; Norway, 1,960,000; and Italy, 1,580,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea vessels of less than 800,000 tons. These comparisons challenge our intelligence and constitute an indictment against our boasted patriotism.

Mr. Chairman, I am opposed to the position in this matter taken by the gentleman from Georgia [Mr. ADAMSON]. He is opposed to free tolls for our ships. I am in favor of free tolls to help our merchant marine. I always have been, and I always will be, in favor of aiding the American merchant marine. Ever since I have been a Member of Congress I have endeavored to do something for our shipbuilding industries and to restore our deep-sea commerce. I have a bill pending in Congress for preferential duties in favor of American ships, and if that bill could be passed in 10 years we would again see the flag of our country on every sea, and ere long we would have as fine a merchant marine as any country in the world. The bill is a short one. I will read it. It is H. R. 14102 and reads as follows:

A bill (H. R. 14102) to encourage the American merchant marine and American commerce, and for other purposes.

Be it enacted, etc., That a reduction of 5 per cent ad valorem of the customs duties now or hereafter imposed by law shall be allowed on all goods, wares, or merchandise imported into the United States in vessels of the United States; and in cases where no customs duties are imposed by law on goods, wares, and merchandise imported into the United States there shall be levied, collected, and paid a duty of 2 per cent ad valorem if such goods, wares, or merchandise are imported in vessels not of the United States. The said reduction of 5 per cent in duty herein provided for shall not apply to goods, wares, and merchandise not of the growth, production, or manufacture of countries contiguous to or bordering upon the territory of the United States, when imported into the United States by land transportation or land vehicles or conveyances through or from ports or other places of countries bordering upon the United States, if the same shall have been brought to such ports in vessels not of the United States; in cases where no customs duties are imposed by law on such goods, wares, and merchandise so imported, a duty of 2 per cent ad valorem shall be levied, collected, and paid. Said reduction of 5 per cent in duty shall not apply in cases where goods, wares, or merchandise are transshipped or transferred from a foreign vessel, port, or place to a vessel of the United States for the purpose of evading the provisions of this act, and in such cases no exemption from duty shall be granted.

Sec. 2. That the master, agent, or owner of any registered vessel of the United States shall be exempt from the tax of $4 for every alien entering the United States on such vessel prescribed by section 1 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States."

Sec. 3. That the President shall have power, and it shall be his duty, to give notice, within 10 days after the passage of this act, to all foreign countries with which commercial agreements have been entered into making any provision or provisions which are in conflict with sections 1 or 2 of this act of the intention of the United States to terminate such agreement at a time specified in said notice, which time shall in no case be longer than the period of time specified in such agreements, respectively, for notice for their termination: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date prior thereto as the high contracting parties may by mutual consent select, the terms of said commercial agreement shall remain in force.

Sec. 4. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed, and that, except as provided in the first and second sections hereof, this act shall take effect and be in force from and after its passage.

Mr. Chairman, that bill speaks for itself, and needs no apology from any patriotic American citizen. It has been indorsed by the leading commercial organizations of our country. If there is anything the American people are anxious to do, it is to put the flag—the flag of the United States—again upon the high seas. There are several ways to do it. One way is by free ships; another way is by ship subsidies; a third way is by preferential duties; and a fourth way is by free tolls through our own canal. I am against ship subsidies. I have fought ship subsidies ever since I have been a Member of Congress, and I will keep up the fight to the end. I will vote now for free ships through our canal. Here is one way to do something now for the American merchant marine. Let us do it while we have the opportunity.

For years, in Congress and out of Congress, I have been advocating honest and intelligent legislation to restore our merchant marine, and for years the men in control of Congress have turned to my appeals a deaf ear. The Congress of the United States is responsible for the present deplorable condition of our merchant marine, and every intelligent student of the subject is aware of the fact.

Preferential duties in favor of American-built ships and against ships flying the flag of a foreign country was the policy so successfully in operation in this country up to 1828, when, to please foreign interests, the law was suspended, and from that day to this our prestige on the high seas has been declining until it is less to-day than it was a century ago.

Many true friends of our merchant marine believe that if this policy of the fathers was restored it would immediately revive our overseas carrying trade and in a very few years build up our ship industries so that we would again secure our share of the ocean commerce of the world and save millions and millions

of dollars that we pay annually to foreign shipowners. In reading the report of the Merchant Marine Commission I observe that several of the largest shipbuilders testified that they formerly believed in subsidies but had changed their opinions and now favored my plan for preferential duties.

There seems to be but one objection, so far as I can learn, to a return to this policy of the fathers, and this objection comes from the advocates of ship subsidies, who declare that we have commercial treaties with foreign Governments containing the favored-nation clause, and in order to inaugurate the policy of preferential duties it will be necessary to change our commercial treaties, and this can not be done without giving these favored nations one year's notice.

This objection, however, is more apparent than real, for there is no doubt the change could be made if this Government wanted to make it, and a year's notice to bring it about would cause no great delay, especially when we consider that nothing has been done for our deep-sea shipping in more than a quarter of a century.

Mr. HAMLIN. Will the gentleman yield?

Mr. SULZER. I can not yield. I have only a few moments. Here is a way, I say, to do something now for the American merchant marine. We can give the ships of the United States the preference. We can allow our own ships, built by American workmen in American shipyards, and flying the American flag, to go through our own canal free of tolls. [Applause.] I am in favor of that.

In this connection I must take exception to the remarks of the gentleman from Minnesota [Mr. STEVENS] regarding the construction of the Hay-Pauncefote treaty. There is nothing in that treaty that can be construed in opposition to my plan for free tolls for American ships. I stand here as chairman of the Committee on Foreign Affairs of this House, having given careful study to that treaty, and to every circumstance connected with it, and I speak advisedly, and for our distinguished Secretary of State, when I say to this House that there is not a line in that treaty that precludes the Government of the United States from permitting our own ships going through the Panama Canal free of tolls. [Applause.]

If you want to bring about a situation such as the gentleman from Georgia [Mr. ADAMSON] has mentioned; if you want to get this matter some day into The Hague Tribunal; if you want to invite a foreign lawsuit, then pass this bill precluding the ships of the United States from going through our own canal free. That may foreclose our rights in the future. That may cast a doubt upon our construction of this treaty, and at some future time involve the Government of the United States in a controversy of international importance regarding our rights to grant preferences to our own ships using our own canal which the people of this country have paid for and have built. I am opposed to any legislation that will bring about such a contingency. To me the treaty is clear and plain. It does not admit of the construction urged by my friend from Minnesota. I am opposed now to bringing this Hay-Pauncefote treaty into the realm of dispute. I am opposed to inviting at some future time an international lawsuit. In my judgment the only way that we can prevent that is for the representatives of the American people to stand up here and vote in favor of American ships going through the canal free of tolls. [Applause.]

Mr. Chairman, I see my time is nearly up. Let me say, in conclusion, that the policy I propose to restore our merchant marine is not a makeshift. It is not new, having been the law of our country from 1792 to 1828, when it was suspended, and that suspension was one of the greatest political blunders in all our maritime history. It is not a temporary expedient. It is a permanent remedy. It has been tried and not found wanting. It is the easiest way to restore the American merchant marine. Adopted again as our policy and upon the statute books, it will never be repealed, but, on the contrary, speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on every sea and in every port, and make our seamen what they were in the historic days of the Republic—the pride of America and the masters of the ocean highways of the world. [Applause.]

Mr. CULLOP was recognized.

Mr. ADAMSON. Mr. Chairman, I move to close debate as soon as the gentleman from Indiana is through.

Mr. SULZER. Mr. Chairman, I would like to have five minutes more.

Mr. ADAMSON. I move that as soon as the gentleman from Indiana replies to the gentleman from New York debate be closed on this amendment.

Mr. SULZER. I ask unanimous consent for five minutes more; and I want to know who is going to object to it.

Mr. ADAMSON. I am. I have objected to everybody having more than five minutes, and I objected to my colleague this morning. I stated this morning that I was going to object to everybody having more than five minutes. I do not care if my own grandmother made the request, I would object. [Laughter.]

Mr. GOLDFOGLE. Mr. Chairman, I rose at the time the gentleman from New York closed. I am a member of the committee and entitled to recognition under the rule.

Mr. ADAMSON. Mr. Chairman, I move to close debate in five minutes on my amendment and all amendments thereto.

The CHAIRMAN. If the gentleman in charge of the bill will permit the Chair, he will say that he has practically agreed to recognize three Members who want to speak on this matter—the gentleman from Indiana [Mr. CULLOP], the gentleman from New York [Mr. GOLDFOGLE], and the gentleman from California [Mr. KAHN].

Mr. FOSTER. Has not the gentleman from Georgia the right of recognition to move to close debate?

The CHAIRMAN. Yes.

Mr. ADAMSON. Mr. Chairman, under the rules the gentleman from New York had a right to make his motion, and the gentleman from Indiana [Mr. CULLOP] had a right to reply thereto. I move that all debate close on my amendment and all amendments thereto in five minutes, after the gentleman from Indiana has concluded his remarks. Other gentlemen then can make other motions and get recognition in that way.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that all debate on the pending amendment and all amendments thereto close in five minutes.

Mr. MONDELL. Mr. Chairman, I move to amend the motion by making it 15 minutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming, to amend the motion by making it 15 minutes.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. GOLDFOGLE) there were—ayes 88, noes 8.

So the motion was agreed to.

Mr. CULLOP. Mr. Chairman, it seems to me that if members of the committee would read the provisions of the treaty under which this question arises, there would be no trouble in its settlement. The gentleman from Pennsylvania read only a part of it and stopped at the most important place in it, and I shall read it all.

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

This provision is plain, says what it means, and means what it says.

To give to the vessels engaged in the coast-to-coast trade free toll will discriminate against the citizens of this country who run vessels in other trades, and who are as much entitled to the consideration of Congress and to the gratuities and subventions of it as anyone else, as the people who are engaged in the coast-to-coast trade. Why should there be granted to the few who are engaged in the coast-to-coast trade a right that is not granted to the American citizen who carries American products and commodities through that canal, that go into foreign markets? And yet if this provision is adopted, we are adopting a provision that discriminates against our own citizens in favor of those engaged in one class of trade who shall use the canal and against those engaged in another class who shall use it.

Mr. SULZER. But my amendment will let all American ships go through the canal free.

Mr. CULLOP. Yes; and the gentleman's amendment has no place under this treaty, because it is clear violation of the same. If we desire to invite trouble at the beginning of the opening of this canal, adopt the gentleman's amendment or any one of these provisions proposing free tolls under this treaty, and we will get it. It is a question of no dual construction. It clearly prohibits such proposed legislation as is now offered by this amendment. I ask any gentleman who advocates free tolls, Shall the people of this country who pay $400,000,000 to build this canal not derive any revenue but as a special privilege; shall they hand over the earnings to the owners of the few vessels engaged in the coast-to-coast trade? What answer can he give the people of this country for such a course?

Upon what hypothesis of right, of equality, of justice can you predicate such legislation as that? And yet that is what is proposed by each one of these amendments offered to grant

free tolls. Every ship-subsidy man in the United States has preached for the American flag to float on the ocean. That is a specious plea under which he parades. He wants to see it on the ocean, but he wants to see the people of this country taxed to put it there in order that a few shipowners may profit by private enterprise at public expense. [Applause.] That is just what the amendment of the gentleman from New York [Mr. SULZER] means. It is a ship-subsidy scheme, clothed under a new name, in a different garment, a new garb. That is how every one of the advocates of special privilege wants to fly the American flag on the ocean. If you are to carry the coast-to-coast trade free through the canal, who is to pay the interest on the bonds by which the money was raised to build this canal? If this question is left as the committee has proposed it in the bill, it is subject to legislation hereafter, but adopt either the provision of the gentleman from New York or the provision of the gentleman from California and trouble is invited before a single vessel will sail through the Panama Canal, and trouble is brought on at once between this Government and other Governments, between one citizen and another citizen in this Republic. Can we afford to do this? Shall we do it and jeopardize the success of this the greatest of all enterprises the world has ever known?

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman permit an interruption?

Mr. CULLOP. I have not the time.

Mr. SULZER. The officials of the Government who know most about it say just to the contrary.

Mr. CULLOP. No; the gentleman says that, and every ship-subsidy advocate in the country says that. This is their claim and it should be exposed so that every citizen of this Republic may know the facts. Let us treat in this great matter all the people fairly.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on the amendment offered by the gentleman from Georgia—the committee amendment.

The question was taken; and on a division (demanded by Mr. MANN and by Mr. KAHN) there were—ayes 83, noes 43.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Certain amendments were offered to this section when the bill was under consideration before. Are not those amendments now to be taken up and disposed of?

The CHAIRMAN. The judgment of the Chair is that those amendments ought to be taken up and disposed of at this time.

Mr. ADAMSON. Mr. Chairman, if the Chair will pardon me, if he will refer to the RECORD he will find that permission was given only to gentlemen to file amendments if they desired. There was nothing compulsory about it. There was nothing about fixing the order of consideration.

The CHAIRMAN. That is true.

Mr. ADAMSON. They were simply permitted to file them and have them printed and have them considered as pending. It does not violate the usual rule of procedure at all. We are still entitled to have the committee amendments and the members of the committee recognized first. We are still entitled to adopt the usual course of first perfecting the text before taking up substitutes.

Mr. MANN. That is very true, but when amendments are pending to perfect the text they must be disposed of before other amendments are offered. There are several amendments now pending to perfect the text.

The CHAIRMAN. The judgment of the Chair is that the best thing to be done at this juncture is to recognize the gentleman from New York [Mr. GOLDFOGLE] to offer his amendment which he presented a few days ago.

Mr. MANN. Under the order heretofore adopted that amendment is now pending.

Mr. GOLDFOGLE. Mr. Chairman, I now offer the amendment which I offered a few days ago, and which I asked the Clerk to report.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amend, section 5, on page 5, by inserting between the word "Panama" and the word "which," on line 9, the words "and also coastwise vessels registered under the American flag, plying only and exclusively between ports in the United States."

Mr. ADAMSON. Mr. Chairman, I offer the following amendment to that amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 4 of amendments to section 5, H. R. 21969, offered and printed May 18, 1912, add at the end of the amendment proposed by Mr. GOLDFOGLE the following:

"*Provided*, That before passing through the Panama Canal without paying tolls the owner or master of any such vessel shall agree with the governor of the Panama Canal as to the cash value of such vessel, and the tolls which would have been due on said vessel if not remitted under this section shall be charged up against such vessel on each passage, and when by successive free passages through the Panama Canal the remitted tolls so charged up shall equal the agreed value of the vessel, such vessel shall immediately become the property of the United States and shall be taken possession of by the authority of the President, and either assigned to one of the departments of the Government or sold and the proceeds covered into the United States Treasury: *Provided further*, That the owner or master of such vessel shall keep it insured for the benefit of the owners or the United States, or both, as their interests may appear, so that in case of loss of such vessel the remitted tolls so charged up shall be paid therefrom."

Mr. ADAMSON. Mr. Chairman——

Mr. GOLDFOGLE. Mr. Chairman, am I recognized?

Mr. ADAMSON. I do not care anything about the order of debate.

Mr. GOLDFOGLE. I have no objection to yielding to the gentleman if the Chair will recognize me after the gentleman from Georgia takes his seat.

The CHAIRMAN. The Chair recognizes the gentleman from New York now.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I want to discuss this subject for a moment, not from the standpoint of sentiment and loud-sounding claims and meaningless claims, except that they mean something about patriotism and the flag. I assume that a great many of the gentlemen who want preferential tolls for American tolls are honest and sincere about it, and when they say the main object is to furnish a naval auxiliary that they are honest about it. I assume they do not want to rob the Treasury by diverting the tolls and hampering the greatest enterprise that ever was on earth and choke it to its knees and starve it for three or four years by giving preferential tolls to a private interest. I assume they are all honest in their profession, and therefore I offer them an opportunity to give a quid pro quo for a free passage through the canal. Every other proposition that I have ever seen offers the Government an opportunity to buy ships at a high price fixed by a fixed board of arbitration; after 50 years of peace they rot down so the old hulks amount to nothing. Now, under this amendment, if they accept in tolls the amount agreed upon for the price of the ship, then they are free of tolls until they have used up the value of the ship in free tolls, and it makes it then the property of the Government of the United States, and it would look like some fairness and some quid pro quo. If they do not agree to that they plainly state to the people of the United States—I do not mean those Members of Congress, but I mean the little Ship Trust and the little coterie of capitalists who control both the railroads and ships, playing their money into one or the other, as the profit may seem to invite, and playing the Treasury and the people all the time. Here is 1 per cent of our population engaged in shipping, and with the same amount of money in ships of flags of other countries, they would be as patriotic and "holler" as loud for other flags under which they were making money. They come and try to divert from the Public Treasury money that ought to go into it as tolls, which ought to go toward the operation and maintenance of the canal, which has shortened the distance 10,000 miles——

Mr. MADDEN. Will the gentleman yield?

Mr. ADAMSON. I have but five minutes and no one else can have but five minutes. No; if these gentlemen are fair, if they mean to be patriotic, if they mean to be honest while they are choking down this great enterprise and hampering it with their selfish claims, let them say we will agree to give you the ship as soon as the free tolls pay for it and then they will have credit for honest profession, then we will have ships as auxiliary to the Navy for the use of our Government. If they will not do that, they stand before us as beneficiaries confessed as making a bold demand for a bonus out of the Treasury as one can contemplate, because they think they can easily throttle the Government and this great enterprise and hold it up until we grant the demand, and they say you can easily give it to us, because folks are not looking and it does not look like you are actually taking money out of the Treasury and giving it to us. I desire to extend my remarks in the RECORD, Mr. Chairman, by inserting a statement of Messrs. Baker & Co., of Baltimore, to show us how rich the shipowners are to become, richer than Monte Cristo, rich beyond the dream of avarice, and calling upon us to take advantage of free tolls and organize a ship company through the canal. [Applause.]

The matter referred to is as follows:

PROSPECTUS OF THE ATLANTIC & PACIFIC TRANSPORT CO.—CAPITAL STOCK AUTHORIZED $15,000,000.

The Panama Canal will be opened to the commerce of the world in 1913.

The Atlantic & Pacific Transport Co. proposes to establish a line of steamers from New York, stopping at Charleston or Savannah or both, also from New Orleans through the Panama Canal to San Diego, San

Pedro (Los Angeles), San Francisco, Astoria (Portland), and Seattle, and return.

The business opportunity for the development of enormous traffic is exceptional. The plan of organization of the company guarantees that every man's dollar will receive its full interest in the property.

* * * * * * *

RAIL TRANSIT COSTLY.

The rates which the railroads are oblized to charge on these various shipments range from $16.80 a ton on wine (75 cents per 100 pounds) to $33.60 a ton on hops ($1.50 per 100 pounds) east bound; and from $11 a ton on steel rails to $67.30 a ton on clothing and dry goods (not otherwise specified) west bound. All rates are from any Pacific coast point to any point east of the Mississippi River or east of Buffalo and vice versa. On citrus fruits or deciduous fruits the rate is $1.15 per 100 pounds, which is equal to $25.76 a ton weight. [Note: The railroad ton is 2,000 pounds and the steamship ton is 2,240 pounds.]

MILLIONS SAVED.

In the case of citrus and deciduous fruits alone the saving in expense owing to the difference in cost between all rail and all sea transportation through the Panama Canal will amount annually to between $15,000,000 and $20,000,000, according to the size of the crop. Experience in handling this class of traffic in the north trans-Atlantic ocean trades for over 25 years on the part of some of the incorporators of the Atlantic & Pacific Transport Co. has been such as to justify the statement that this traffic can be carried from Los Angeles to New York through the canal by a modern steamer of 16 knots speed, with refrigeration, at not over $7 a ton if no canal dues are charged, and net a handsome profit for the steamer. Similar savings, ranging from 50 to 75 per cent of the present rates charged all rail, will be possible in the case of the other commodities mentioned with the Panama Canal opened to commerce.

TIME OF TRANSIT.

The average time in which freight is now transported by rail from coast to coast is from 18 to 21 days. Sixteen-knot steamers through the Panama Canal can transport the same freight, allowing for stops at intermediate ports, in 16 days.

The object of comparison is not to disparage the present means of transportation, but to show that the cutting of the Isthmus of Panama by the United States Government will make these savings possible for the first time in the history of the world and to show the enormous traffic which by reason of the efficiency and cheapness of the service will inevitably avail itself of this route at paying rates.

AMPLE BUSINESS FOR ALL.

The inauguration of water competition between the Atlantic and Pacific coasts will ultimately be more of a benefit than an embarrassment to the transcontinental railroads. It will, of course, stimulate commerce between the seaboard cities at rates that the railroads will be unable to meet, but that very activity will force its way into the interior which the railroads alone can serve.

The lower rates prevailing at the seaboard cities by this route will insure lower prices at the interior cities. The railroads must transport this freight to the interior, and will therefore reap a compensating benefit for any loss of transcontinental traffic.

We have but to point to the evolution of our shipping on the Great Lakes to show that it was the very business that the Lake steamers took from the railroads that created the towns and cities on the Lake shores, which in turn brought the railroads more business than they lost. History will repeat itself in the conditions bound to arise after the opening of the Panama Canal.

It need only be added that the navigation laws of the United States prohibit foreign steamers from engaging in commerce between the ports of the United States, so that the present enterprise is secure against competition from foreign steamers. The recognized necessity for maintaining the control of the means of transportation between ports of this country insures the permanence of these laws and regulations.

(B) COASTWISE.

The steamers of the Atlantic and Pacific Transport Co. will be American in construction and ownership and will not only engage in trade between the Atlantic and Pacific ports of the United States, but will also stop en route at intermediate ports transporting passengers and freight to and fro upon both the Atlantic and Pacific seaboards. The company will engage in this business to the extent possible without interference with the movement of the transcontinental traffic, as the revenue therefrom can be developed to considerable proportions.

* * * * * * *

ANNUAL PROFIT OVER $2,500,000.

The officers of the corporation expect that the company will earn and pay not less than 10 per cent dividends a year, besides setting aside a conservative sum to cover depreciation.

Conservatively estimated, the profits on 1,000,000 tons of freight a year, added to the revenue of the mail contracts, now advertised for by the Postmaster General, will result in an annual profit of at least $2,500,000, leaving $1,000,000 a year, after the payment of a 10 per cent dividend, to apply to depreciation and insurance. This estimate does not take into account the profits from the passenger business and from other sources that will be developed by the company.

The relative cheapness of steamship transportation as compared with railroad transportation will furnish ample margin to secure this profit and still greatly reduce the rate from the present standard, giving the people the benefit of the reduction.

The operations of the company will begin with the opening of the canal in 1913, and the directors believe the line will begin to earn profits at once and will pay dividends within one year thereafter.

Mr. KAHN. Mr. Chairman, I have listened attentively to the debate, and I have heard a great deal said about the provisions of the Hay-Pauncefote treaty and their effect upon this legislation. I believe our country has been looked upon by the rest of the world as a Nation of altruists. Since our entrance into the family of nations we have been doing things unselfishly for the benefit of mankind. As early as 1815 Commodore Stephen Decatur destroyed the power of the Barbary pirates, in Algeria, Tunis, and Tripoli, and the countries of Europe thanked us for the good work. Later on, on December 2, 1823, President Monroe announced his famous doctrine that we would look upon the aggression of any European power on American territory as an unfriendly act. The world has tacitly accepted that doctrine. In 1898 we went into Cuba in the great cause of humanity, and gave liberty to the oppressed people of that island. A year or two ago, in the cause of human justice, we returned our indemnity to China. To-day we are helping the Republic of Santo Domingo in solving its financial difficulties. But despite these evidences of altruism, there is not a single nation in the world that believes we are crazy enough to spend $400,000,000 in constructing this canal without giving an advantage in the matter of coastwise shipping to our own citizens. [Applause.] And the time to settle the question as to our rights in the premises is now, on this bill, the first bill that attempts to regulate the commerce of that canal. If there be any question about our rights under the treaty, let us settle it now. It will undoubtedly be determined in our favor. If we wait 10 years, as has been suggested by the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], I apprehend other countries will certainly raise the question of our rights under the treaty.

"Your own Congress refused to legislate in your favor for fear that you did not have any rights under the treaty," will be said by the chancelleries of the civilized world.

And the matter will then probably go to The Hague tribunal for adjudication. And we will be bound by the decision, even though it should deny our contention. But if we pass this legislation now—if we tell the world that we intend to stand on our rights, in my judgment there is not a country in the world that will deny our rights. [Applause.] I hope, Mr. Chairman, that the amendment offered by the gentleman from New York [Mr. GOLDFOGLE] or the substitute offered by the gentleman from Michigan [Mr. DOREMUS] will pass. Let us settle this question now. Let us settle it right. It was our money that built the canal. It is our undoubted right to give a preference to American ships that have occasion to use the Panama Canal in the coastwise trade between Atlantic and Pacific seaboards.

Mr. Chairman, this proposition of free tolls to American ships in the coastwise trade means much to the American merchant marine. I believe that free tolls will encourage the building of American ships for this trade. The building of American ships means auxiliary cruisers and colliers for our Navy in time of war. It was the historic cruise of the battleship *Oregon* all the way around South America to Santiago de Cuba, during the Spanish-American War, that helped materially to bring about the legislation for the construction of the Panama Canal. It is only a few years since our battleship fleet, in its cruise around the world, gave a practical demonstration of the weakness of our merchant marine to all the nations of the earth. For it was a fleet of foreign merchant vessels, carrying foreign flags, that acted as colliers for our battleship fleet. In case of war we could not procure the services of similar colliers. We clearly need American ships. Let us by our votes to-day do something for the upbuilding of an American merchant marine. Let us not neglect this opportunity. And I feel confident the great majority of our countrymen will approve and applaud our course.

Mr. HAMLIN rose.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is recognized in opposition to the amendment.

Mr. HAMLIN. Mr. Chairman, it seems the committee ought to meet this proposition just in the position that it presents itself to the House. It seems to me this question of free tolls is the very worst kind of ship subsidy. I am surprised that gentlemen upon this side of the House would say that they are opposed to ship subsidy in any form, and yet, after we have already given the coastwise trade an absolute monopoly on the carrying of traffic from coast to coast, they come to us and ask us to give them free tolls through the canal. That is the worst form of subsidy possible.

Gentlemen, if you will just be reminded of this one fact, the tolls that the committee seeks to fix down there are fixed on the basis of the actual cost to the Government of putting these ships through the canal. Now, somebody will be compelled to pay that cost. Are you going to levy that cost upon all the taxpayers of this country—every man, woman, and child throughout the entire Nation—rather than to place it upon the ships that are already protected by the existing law, giving them an absolute monopoly in this coastwise trade? I do not believe that this committee wants to do anything of the kind, but if there are those here who feel that the coastwise trade ought to have free tolls, then how can you object to the amendment of the gentleman from Georgia [Mr. ADAMSON] to the amendment of the gentleman from New York [Mr. GOLDFOGLE]. If after these private ship companies have enjoyed the privilege of free tolls, have passed through the canal often enough that the tolls amount to the value of the ship already agreed upon between themselves and the Governor of the Canal Zone, that then the ships, having been paid for by the United States

Government in the remission of tolls, shall then belong to the Government and be assigned to the Navy, or to any other purpose for which the United States Government may desire to use them.

Gentlemen, do not mistake this fact. When you vote to exempt these ships, you are voting a subsidy into the hands of the special interests of this country. No man can deceive himself upon that proposition; and in the time I have been here—not attributing to any Member upon this floor any mala fidese—it seems to me that the time has never yet presented itself since I have been a Member when some one has not arisen upon this floor and advocated something that is to the benefit of some of the special interests in this country. You can not call a rose by any other name and make it smell differently. You give to the coastwise trade of this country free tolls, you take the money out of the Treasury of the United States contributed by all the people of all this country, and you place it into the treasury of the special interests, and you can not get away from that proposition. The canal must have the toll to pay the actual expense of putting these ships through the canal. Every ship put through there, in the judgment of those in a position best to know, will cost approximately $1 per net ton. As the chairman of the committee in charge of this bill so well said to-day, ships can not be put through under the officers of the ship, but must be taken charge of by officers or representatives of this Government when they approach the canal. Upon each lock will be placed four electric engines to guarantee the safety of the ship as it goes through. There are innumerable expenses that attach to the passage of these ships through that canal, and it is estimated that that cost to the Government will be in the neighborhood of $1 per net registered ton. Somebody will have to pay that. Who will it be? The shipowner or the people of this country?

Mr. DICKINSON. May I ask the gentleman a question?

Mr. HAMLIN. Yes; if you will make it short. I have not much time.

Mr. DICKINSON. How do you reach the conclusion of the estimate of $1 a ton? Do you include the interest on the $400,000,000?

Mr. HAMLIN. Oh, no; only for the operation and maintenance of the canal. The estimate we reach is by statements made to us by men who have studied the question, and who know approximately what the cost is going to be in putting these ships through the canal. We are not seeking to make a profit down there in the sense of a private enterprise, but your committee does not believe that the Government ought to operate and maintain that canal at a loss to the people. Then, these tolls are reached on the basis of actual cost of operation and maintenance. The question up to this House is this, divorced of everything else, How are you going to pay that expense out of the Treasury of the United States? Are you in favor of ship subsidy or opposed to it?

Mr. BORLAND. Mr. Chairman——

Mr. HAMLIN. I can not yield now; my time is too limited. I am sorry, but I can not control the time. If you give these ships free tolls, the cost of putting them through the canal must be contributed by everybody, in order to place that money into the treasury of these privately owned ship companies, who have already been given a monopoly by the Government of the United States in the coastwise trade. Or are you going to make these ship companies pay their toll along with the other ships?

Mr. MANN. Mr. Chairman, I make the point of order that all debate on this question is exhausted.

The CHAIRMAN. The point of order is sustained.

The question is on the amendment of the gentleman from Georgia [Mr. ADAMSON] to the amendment of the gentleman from New York [Mr. GOLDFOGLE].

Mr. MARTIN of Colorado. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. Was the debate held by unanimous consent?

Mr. MANN. There are plenty more amendments.

Mr. MARTIN of Colorado. This amendment may determine the merits of this controversy on this point.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. ADAMSON] to the amendment offered by the gentleman from New York [Mr. GOLDFOGLE].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 52, noes 63.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. GOLDFOGLE].

Mr. SIMS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Tennessee [Mr. SIMS] to the amendment of the gentleman from New York [Mr. GOLDFOGLE].

Mr. KAHN. Mr. Chairman, in the meantime I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. KAHN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The Clerk read as follows:

Amend the Goldfogle amendment by adding "and that section 4347 of the Revised Statutes as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic or on the Pacific through the Panama Canal."

Mr. SIMS. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Tennessee want recognition?

Mr. SIMS. Yes; to discuss my amendment.

The CHAIRMAN. For 20 minutes?

Mr. SIMS. Yes, sir.

The CHAIRMAN. The gentleman from Tennessee is recognized for 20 minutes.

Mr. SIMS. Mr. Chairman, I offer this amendment in good faith. It is not offered with the intention of loading down the bill, and if my amendment to the amendment offered by the gentleman from New York is voted down I am going to offer my amendment to the text of the bill, and if it is voted down there I am going to offer it to the Doremus substitute; and I am going to offer it in every way that is within parliamentary practice to offer it, and endeavor to have a vote on it in every way I can.

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. SIMS. I do.

Mr. GOLDFOGLE. Does the gentleman understand that my amendment does not touch foreign ships at all?

Mr. SIMS. I understand; but I am going to make it touch if my amendment becomes a law.

Mr. Chairman, I want to make the committee understand what this amendment is stripped of its verbiage. The amendment is drawn so as not to repeal the coastwise navigation laws in any respect whatever in all trade in which it now applies. It applies only to freight going through the canal, moved in foreign bottoms, from a port on the Pacific or on the Atlantic through the canal to a port beyond the canal. In other words, it is making the ports of the Pacific foreign as to the ports of the Atlantic and the ports of the Atlantic foreign as to the ports of the Pacific to vessels using the canal.

Mr. Chairman, it is only 2,800 miles, I believe, from New York to Liverpool. We have no flag flying over an American vessel going to Liverpool. All our traffic, all our transocean freight, is carried by foreign vessels under foreign flags. Every passenger that goes abroad goes under a foreign flag. Yet when we are going to carry freight or passengers from a port on the coast of Maine to Seattle, on the coast of the State of Washington, through the canal, that is tax built, in a foreign country, a distance of 6,000 or 7,000 miles, you say no foreign vessel shall have an opportunity to do that service.

The coastwise navigation laws constitute a monopoly to American ships; an absolute monopoly. There is, in fact, no competition to-day from port to port on the Atlantic coast. Let me read to you for a minute from the hearings:

Here is a gentleman who came before our committee when we had this bill under consideration with reference to the fixing of tolls. I want to read to you who he is and his position. I read:

Statement of Mr. H. H. Raymond, vice president and general manager of Clyde Steamship Co. and Mallory Steamship Co.

That is on page 534 of the hearings. He starts out by telling you what he is—vice president and general manager of these two coastwise companies. Now, that of itself, if read no further, shows that there is absolutely no competition between those two companies, although they are both in the coastwise trade, and they have a perfect monopoly as against any foreign vessel.

Now, then, they have had this monopoly for no one knows how many years, perhaps exceeding the life of any man here. Have they built up an American merchant marine on the Atlantic coast, where this monopoly exists? It should be borne in mind that our coastwise laws extend around Cape Horn to

the Philippine Islands, to Porto Rico, and Hawaii. Who is getting the benefit of this monopoly?

A shipbuilder from New England came before the committee and wanted free tolls, and I will tell you why he wanted them. He said he wanted them because they would encourage the building of American ships large enough to use the Panama Canal when it was completed. He said that the present coastwise navigation of this country was done in ships too small, with few exceptions, to be operated in the canal, and wanted free tolls in order to induce the building of ships large enough to operate through the canal.

Now, gentlemen come here from California and Washington, from the Pacific coast, and say they have been railroad ridden and railroad oppressed. I do not question the sincerity of their statements, for I do not know the facts myself. They say they want free tolls in order to increase the competition as against the transcontinental railroads. The gentleman from Washington [Mr. HUMPHREY] made an able and exhaustive speech. He showed that the amount of freight that will be carried through the Panama Canal from the Pacific coast will be very small in comparison with the transcontinental freight carried by the transcontinental railroads from the same coast, and the gentleman from Washington said that this $1 a ton, or whatever it might be, would not only be added to the charge for transportation through the canal, but would be added to all the transcontinental freight going across the country, and would be put into the pockets of the railroads.

How a Republican could make such a speech as that and then vote for a protective tariff I do not understand. Still a Pacific coast gentleman can do a great many things. It looks like he could not get to Congress from that country without being a Republican, and that he could not be an honest man on this question without being a Democrat. [Laughter.]

Now, I am proposing by this amendment to help the Pacific coast people that they will be absolutely benefited by it and at the same time to increase the receipts of tolls through the canal. How do we increase competition? Only by increasing the opportunity for competitors to use the canal. We need not be afraid of the railroads if we adopt my amendment.

Mr. MADDEN. What does the gentleman's amendment do?

Mr. SIMS. It relieves the foreign vessels going through the canal from coastwise restrictions.

Mr. MOORE of Pennsylvania. In other words, you repeal the navigation laws.

Mr. SIMS. It relieves foreign vessels from them when going through the canal. It does not repeal the navigation laws, but it fails to extend them to this new waterway.

Mr. GOLDFOGLE. Will the gentleman from Tennessee yield?

Mr. SIMS. I will.

Mr. GOLDFOGLE. Does not the gentleman raise the question in the Hay-Pauncefote treaty?

Mr. SIMS. I am not making an argument in reference to the Hay-Pauncefote treaty. Now, if you people of the Pacific coast want real competition, why do not you invite the vessels of the world to go through this canal? Why not give the transcontinental railroads real competition? Then you can strike out all railroad provisions in this bill because the railroads will not be able to throttle the competition of all the world that will seek this trade.

How does any Democrat justify this monopoly in the coastwise trade who does not believe in protection, who does not believe in taking the money from those who have it and giving it to somebody else without return of equal value, for that is what protection is. It makes no difference whether you allow the vessels to go through toll free or whether you take the money out of the pockets of the taxpayer and pay the tolls back after it is paid by the ship. That is a mere dodge, as the effect is the same.

There is not, at this time, one particle of competition from port to port between any coastwise ship company and any other. They do not so much as make the same ports. The Mallory Line starts out from New York and does not land a passenger or a pound of freight at any port where another ship lands.

I do not see that it makes a bit of difference whether the lines are railroad owned or are not railroad owned, if my amendment is adopted, for those that are not railroad owned now do not compete with each other any more than those that are railroad owned.

Mr. KAHN. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. KAHN. Does the gentleman from Tennessee believe that if his amendment were adopted a single American ship would pass through the Panama Canal?

Mr. SIMS. Yes; I do; every one that is worthy of the name of the flag it bears.

Mr. KAHN. Does not the gentleman know that if his amendment were adopted there is not a single American ship that could compete with foreign ships in that trade?

Mr. SIMS. Why?

Mr. KAHN. Because it does not cost so much to run them. They have cheaper crews, cheaper construction, cheaper insurance; everything that applies to a ship is cheaper in the foreign country.

Mr. SIMS. And they will carry the freight cheaper, will they?

Mr. KAHN. No; I do not think they will.

Mr. SIMS. Whenever the gentleman tells me that foreign ships will enter the trade and drive every American ship out without reducing the freight charges he presents a problem that my dull head can not comprehend. Where is the gentleman's logic? [Laughter.]

Mr. JACKSON. Will the gentleman yield for a question?

Mr. SIMS. I will.

Mr. JACKSON. There seems to be a misunderstanding as to the effect of the gentleman's amendment. Would it permit foreign ships engaged in commerce on the Atlantic coast to pass through the canal to ports on the Pacific coast?

Mr. SIMS. That is exactly what it means.

Mr. JACKSON. Would foreign ships taking freight from New York to San Francisco be allowed to pass through without paying tolls?

Mr. SIMS. No; it would pay tolls, but would be permitted to pass through the canal and carry passengers or freight from one port to another if it passes through the canal in doing so.

Mr. JACKSON. It is to furnish competition in the coastwise trade?

Mr. SIMS. Yes; and it does not make any difference as to railroad-owned ships. Whenever people talk about the American flag in nine times out of ten what they really mean is the American dollar. The real purpose is to take out of the pockets of the people American dollars under the cry of patriotism and the American flag. If you want to do something to reduce freight rates, and that will really increase competition, give all the ships of all the world an opportunity to serve the people of the Atlantic and the people of the Pacific the same opportunity as the foreign ship has to serve them between Liverpool and the United States.

Let me ask you, my friends, what is the Pacific? It is a vast waste of water. Hawaii and Australia are the only countries in the Pacific. Australia belongs to England and English vessels and always will. Hawaii is a small affair, so to speak. And to-day we have an American company carrying freight from Hawaii to the Atlantic ports. Does it use the American Government-owned railroad? It does not. The American-Hawaiian line to-day uses a foreign railroad, under the Mexican flag, and gives one-third of all its receipts in order to use the Mexican flag rather than the Panama Railroad, which is operated under the American flag. It is true that the president of the road says that the facilities of the Panama Railroad are not sufficient. But let me tell you, when we build that canal at the expense of the American taxpayer, and should the Tehuantepec Railroad offer a rate that will enable the coastwise shipping companies to use it at 50 cents a ton cheaper than to go through our own canal for nothing, they will do it.

The dollar is what they are after. They never cry the American flag except when they are trying to hide a sinister motive behind it. Why not vote for free and absolutely untrammeled competition, that can never be throttled, by allowing all the tramp vessels of all the world and all the steamers of all the world, if they want to do so, to take freight from the Atlantic coast and deliver it from port to port on the Pacific coast and pay the tolls and thus help the people get back part of what they will lose on the canal, and at the same time have real competition which your transcontinental railroads can not and will not even attempt to throttle?

My friends, we have a big job on hand. If we absolutely wipe out and give away the $400,000,000 and undertake to provide for actual current expenses in the maintenance and operation of the canal, and the maintenance of the military force there made necessary by reason of the canal being there, all the shipping that is in prospect for the next 25 years, coastwise and all other, will be absolutely necessary in order to pay current expenses accruing year in and year out; but our friends, our free-toll friends, say to us, "Pay our tolls for us, and at the same time give us a monopoly of all the coastwise business, although we have been unable so far in all the hundred years of our life to cause any competition between each other from port to port."

Mr. GOLDFOGLE. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. GOLDFOGLE. Would not free tolls on coastwise trade mean the cheapening of transportation and result in the cheapening of goods to the consumer?

Mr. SIMS. Have the coastwise navigation laws given to the people of the Atlantic coast from port to port freight as cheap as it can be carried by water? Not a bit of it. Will they do better than they have done heretofore? Whenever you make the canal an open roadstead, free of charge or otherwise, it is just as easy for the same companies or any other to go into business and to have a gentleman's agreement, or act as though they had one, and vessels of one line leaving the port of New York would anchor simply at San Francisco and nowhere else, and others would anchor at Seattle and nowhere else, and companies on the Pacific would land their vessels at particular but separate ports on the Atlantic and nowhere else—with not a particle of competition. Let me say to you that the American coastwise lines will have an advantage even if you permit all the vessels in the world to compete with them. The have an established good will. They have a trade already built up. They have arrangements made with the railroads reaching the ports they put into to carry and distribute the freight, and the foreigner would have no such advantage.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. ADAMSON. Mr. Chairman, I move to close debate in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia that debate on this amendment close in five minutes.

The question was taken, and the motion was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I can hardly believe that it is necessary to oppose the amendment advocated by the gentleman from Tennessee [Mr. SIMS] who has just spoken. His proposition is to admit foreign ships to the coastwise trade, something that no commercial nation on earth does to-day. Every nation reserves its coastwise trade for its own ships, not only from a commercial standpoint, but as a protection to the nation itself as a matter of common defense. This has been the policy of this Government from its foundation. If the result of the Panama Canal should be the admission of foreign ships to the coastwise trade, I would look upon it then as one of the greatest calamities that has ever befallen our country. I can not and do not believe that any considerable number of this House favor such a proposition. I am opposed to this amendment for another reason, because it would not give us competition as the gentleman from Tennessee [Mr. SIMS] has asserted. I call the attention of the committee to this fact: That it is a matter of common knowledge that every foreign ship to-day that is engaged in carrying our overseas trade belongs to some conference, ring, or combine. Between the ships in these combinations there is no competition. Rates are fixed by agreement. The rate that every passenger and that every ton of freight must pay to go from this country to Europe is fixed in advance by agreement made in Germany. Freight and passenger rates between here and South America are fixed by agreement. If once we admit the foreign ship to the coastwise trade, as soon as the American ship disappeared—and the American ship would disappear immediately—then these foreign ships would do exactly in this trade as they have done in the foreign trade—combine and raise freight rates to the highest point that the traffic would bear. Not only this, but these foreign steamship combines to-day have an understanding with our railroads, and if they controlled the commerce through the canal they would soon make a combination with our railroads so that instead of foreign ships being admitted to the coastwise trade, producing competition, they would absolutely destroy it. In other words, to admit foreign ships to the coastwise trade would destroy the very purpose, from a commercial standpoint, for which the canal has been constructed.

Mr. MARTIN of Colorado. Is the gentleman's time sufficient to permit an interruption there?

Mr. HUMPHREY of Washington. No; I regret it is not. We have had some experience with these combinations of foreign ships on the Pacific coast. A few years ago we had considerable sailing tonnage under the American flag on the Pacific. We were sending much of our freight from the Pacific ports to Europe by these sailing ships. As soon as the American ship had disappeared to an extent where it was safe for them to do so, the foreign ships immediately combined. This occurred about five years ago. As soon as this combination was perfected it raised freight rates over 400 per cent. It immediately increased the rate on a ton of wheat sent from Seattle to Liverpool from $1.25 to $5.60. This rate was afterwards increased to $6.90 per ton, and no vessel in the combine was permitted to take freight for less than this amount, and several ships last summer left Seattle in ballast rather than carry freight for less than $6.90 per ton, although before the combine was formed they were willing to do it for $1.25.

We have had some experience with foreign ships in carrying coal for the Government from the Atlantic to the Pacific coast. When foreign ships were first employed we had a few American ships. Then the foreign ship carried the coal for $3.25 per ton. The American ship has disappeared and the foreign ships now charge $6.25 per ton. These two illustrations clearly demonstrate what would occur if we were to admit foreign ships to the coastwise trade. Once our flag had disappeared and our shipyards were destroyed we would be compelled to pay these foreign ships a far higher rate than we now pay our own ships. On the contrary, after the Panama Canal is opened and a larger number of coastwise vessels engage in this trade, freight will be greatly reduced until we will carry our own commerce in our own ships as cheaply as it can be done in foreign ships. The history of American shipping on the Great Lakes demonstrates the truth of this conclusion. If the amendment proposed by the gentleman from Tennessee [Mr. SIMS] should be adopted there would not be a single shipyard left on the Pacific coast within 12 months. Its adoption would mean the complete disappearance of our flag from ships, not only upon the high seas, but also in our coastwise trade. It would mean that our shipyards would become desolate places, and that not only commercially would we be at the mercy of foreign nations, but we would be helpless in time of war. If for no other reason, we should preserve our coastwise trade exclusively for American vessels as a matter of common defense. If foreign ships are to be admitted to the coastwise trade, then it would be far better for the Pacific coast and for the entire country if the Panama Canal had never been constructed.

I want just briefly to reply to the gentleman from Georgia [Mr. ADAMSON], the distinguished chairman of the committee, and to other gentlemen who have been charging that those in favor of a free canal for coastwise ships desire to pay a subsidy to coastwise vessels. Such statements are entirely without any foundation in fact or reason. The other day I made the challenge to any gentleman who made such statements to name any witness who had appeared before the committee in behalf of coastwise vessels and asked for remission of tolls. I repeat it now. As I have before stated, it would make no difference to ships in the coastwise trade whether they paid tolls or not. If they paid the toll they would add it to the freight rates and the consumer and the producer would pay it. The gentlemen who have spoken about free tolls being a subsidy to ships in the coastwise trade have a great deal more confidence in those who would run those ships than have I. They seem to think that the owners of these ships would themselves pay the toll. I have no such belief. The ships that would pass through the Panama Canal are a monopoly—a monopoly created by the Government—and under such circumstances the owners of these ships, if they pay the toll, will see that it is passed on to the consumer. I wish, while I have the opportunity, to say just a word in regard to the charge that has been made by certain gentlemen on the floor of the House, that the Pacific coast is selfish in demanding a free canal for coastwise ships. This charge has especially been urged by certain gentlemen from Minnesota, Dakota, Wisconsin, and that portion of our country. Now, it so happens that on the Pacific coast we raise wheat, and wheat is raised in the group of States mentioned. On the Pacific coast we raise barley, and barley is raised in the group of States mentioned. We raise dairy products, and dairy products are produced in the group of States mentioned. We sell all these products in the same market that the products in the group of States named are sold. In other words, we are competitors with the products of these States. Yet the products from the group of States to which I have referred have a thousand miles of water upon the Great Lakes and through the Soo Canal to reach this common market. This canal through which their products pass is owned, controlled, and operated by the Government, and has been constructed at the expenditure of millions of dollars of the public money. The Great Lakes have been improved by the expenditure of millions of dollars taken from the Public Treasury yet no tolls are charged on vessels using these waters. The gentlemen from that portion of the country to which I have referred insist that the Government furnish them water transportation for their products free, and although we on the Pacific coast are many thousands of miles farther from the common market, they insist that we shall not be permitted to use the waterways constructed by the Government without paying tolls. Are we selfish in asking to be placed upon an equality with our competitors? Does it lie in the

mouths of the gentlemen from that section of the country to charge that the people from the Pacific coast are selfish in asking for a free canal for domestic commerce?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS] to the amendment of the gentleman from New York [Mr. GOLDFOGLE].

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. SIMS) there were—ayes 44, noes 66.

So the amendment was rejected.

The CHAIRMAN. The question next recurs on the amendment offered by the gentleman from New York [Mr. GOLDFOGLE].

Mr. MARTIN of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of Colorado. Does not the amendment of the gentleman from New York [Mr. GOLDFOGLE] raise the question of free tolls upon its merits, and a vote on this proposition will dispose of this entire matter one way or the other.

The CHAIRMAN. The Chair thinks that is not a parliamentary inquiry. All debate is closed on this question.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. GOLDFOGLE) there were—ayes 33, noes 80.

So the amendment was rejected.

The CHAIRMAN. The Chair thinks the next amendment would be the one offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The amendment was reported as follows:

Strike out all after the word "Canal," page 5, line 6, down to the word "Canal," page 6, line 5, and insert:

"Charges may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.25 per net ton, American measurement, nor be less (other than for vessels of the United States and its citizens and vessels of the Republic of Panama) than 50 cents per net ton; nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge: *Provided, however*, That in fixing the charges for the use of the canal, the President may prescribe that any vessel engaged in the coastwise trade of the United States which is owned in whole or in part by any railroad company, or which is owned by any company the stock of which is owned in whole or in part by any railroad company, or which is controlled directly or indirectly by any railroad company, shall pay the highest charges prescribed for any vessel, and that the determination of the question of fact in each case shall be made in such manner and by such person or persons as the President may by general or specific order require: *And provided further*, That the foregoing proviso shall not apply to the Panama Railroad Co. or vessels owned by it. No preference shall be given to the vessels of any nation, its citizens or subjects (other than the United States and the Republic of Panama), observing the rules set forth in article 3 of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901, and confirmed by article 18 of the said convention of November 18, 1903, over the vessels of any other nation observing such rules, its citizens or subjects.

Mr. MANN. Mr. Chairman, several amendments and propositions have already been presented which involve the matter of preferential tolls or no tolls on American merchant marine passing through the canal. I do not desire to aid in any way a division of votes upon such an important question, and as I shall support and vote for the Doremus substitute in the hope that it may be adopted and in the belief that it will, speaking generally, accomplish the purpose which would be accomplished by the amendment which I propose, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The next amendment is the substitute offered by the gentleman from Michigan [Mr. DOREMUS].

Mr. SIMS. Mr. Chairman, before the substitute is offered, I offer an amendment——

The CHAIRMAN. May the Chair suggest to the gentleman from Tennessee the first vote would probably come on the substitute offered by the gentleman from Michigan [Mr. DOREMUS], and then the gentleman can offer his amendment on the subject.

Mr. SIMS. But I am offering this amendment to the text of the bill.

Mr. MANN. When the gentleman from Tennessee offers an amendment to the substitute it, of course, would have to be voted upon before the substitute.

Mr. SIMS. This is an amendment to the substitute and is an amendment to the text.

Mr. MANN. If it is an amendment to the substitute, of course the amendment has to be voted upon before the substitute.

The CHAIRMAN. Certainly; but the substitute must be presented.

Mr. SIMS. I want to offer an amendment to the text of the bill to which the substitute will apply.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 5 add the following:

"That section 4347 of the Revised Statutes, as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic and on the Pacific through the Panama Canal."

Mr. SIMS. Mr. Chairman, as I have discussed the same proposition, I do not wish to take up the time of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the Doremus substitute.

The Clerk read as follows:

Substitute for section 5 the following:

"SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama, entered into November 18, 1903: *Provided, however*, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of 50 per cent of the tolls just previously paid going through in the opposite direction without cargo. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton as nearly as the same may be determined, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The toll for each passenger shall not be more than $1.50. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

"Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation."

Mr. GOOD. Mr. Chairman, I desire to offer an amendment to the Doremus substitute.

The CHAIRMAN. There is an amendment pending, by Mr. SIMS, of Tennessee.

Mr. GOOD. Then I withdraw my amendment for the present.

Mr. SIMS. Mr. Chairman, I wish the amendment I offered the other day to be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend substitute proposed by Mr. DOREMUS as follows:

"That section 4347 of the Revised Statutes, as amended by the act of February 17, 1898, shall not apply to foreign vessels engaged in the transportation of merchandise and passengers between ports of the United States on the Atlantic and on the Pacific through the Panama Canal."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the amendment proposed by Mr. DOREMUS the following: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," and insert in lieu thereof the following: "Tolls shall be levied upon vessels engaged in the coastwise trade of the United States at the estimate of the proportionate cost of the actual operation of the canal which shall be determined by the United States Commerce Commission."

Mr. GOOD. Mr. Chairman, the substitute offered by the gentleman from Michigan [Mr. DOREMUS] provides that no tolls whatever shall be levied or collected from vessels engaged in the coastwise trade of the United States which pass through the canal. The amendment which I have offered provides that tolls shall be levied to the extent of the actual cost of docking vessels

through the canal. It seems to me we should meet this question fairly and should not attempt in this manner to grant subsidies to our coastwise vessels without saying we are granting subsidies to them. [Applause.] Every dollar that it costs the Government of the United States to dock a coastwise vessel through the canal, if we adopt the amendment offered by the gentleman from Michigan, is a subsidy pure and simple. [Applause.] It makes no difference what we call it, it is a subsidy. There is no reason why these vessels that are engaged in the coastwise trade, which enjoy a monopoly in the shipping industry in the United States, should not at least pay what it actually costs the Government of the United States to dock the vessels through the canal.

The amendment which I have offered does not call for a penny of return on the investment. It does not call for a penny of expenditure in the maintenance or operation of the canal, except what it actually costs for docking those vessels through the canal. And it seems to me that this great shipping monopoly ought not to ask anything more than this, and that we ought to adopt this amendment because it is fair. It is fair to the shipping industry, it is fair to the interior of our country, which in the end will be obliged to pay the subsidy that we will grant if the gentleman's amendment is adopted.

Mr. CANNON. Then the gentleman is opposed to this substitute?

Mr. GOOD. I am opposed to granting it in this way.

Mr. CANNON. It is the size of the baby that the gentleman objects to?

Mr. GOOD. No; it is the name of the baby that I am objecting to. If you are going to grant ship subsidy, let us say it is ship subsidy, and not let us pass this bill granting this subsidy substantially under some other name.

Mr. CANNON. Does it charge a smaller amount to pass a ship through the locks?

Mr. GOOD. I think my amendment gives a preference to the coastwise trade that is not granted to the foreign trade, and that is all this amendment would give.

Mr. CANNON. It does not include maintenance, however. It does not include the troops down there, and it does not include the interest on the indebtedness?

Mr. GOOD. No; and it does not include sanitation.

Mr. CANNON. It may be a colored baby, but a very small one. It is a smaller subsidy.

Mr. GOOD. I will say to the gentleman from Illinois [Mr. CANNON] that I accept this as the lesser of the two evils. I fear that if coastwise vessels are allowed to pass through the canal without the payment of tolls the cost of locking these vessels through the canal will in the end be borne by the interior shippers. We will be confronted with this situation: When the canal is thrown open for commerce there will no doubt be a spirited competition between the railroads and vessels engaged in coastwise trade between Atlantic and Pacific coast points. At least this measure contemplates such competition. Let us suppose that there will be such competition. Let us assume also that the competition will be such that the railroads, in order to transport freight from San Francisco to New York City, and vice versa, will be compelled to transport it at a price equal to or less than the cost of carrying it. The railroad companies carrying such freight at a rate less than the cost of carrying it will be compelled to recoup this loss from shipments in other territory. Obviously they can not recoup this loss on transcontinental freight or freight which has water competition, and the only place where the transcontinental roads can recoup this loss is from the interior shipper. The benefits which the owners of coastwise vessels will receive must be paid for, then, by the interior shipper. The adoption of the provision for free ships makes this very unnatural condition possible.

It has been pointed out in this discussion that the annual cost to operate the canal will be in the neighborhood of $4,000,000. Its operation will require the employment of about 2,500 men. Practically all of this cost and all of these men are required to operate the machinery of the locks of the canal, and it is certainly not asking too much to require the coastwise vessels to pay their proportionate share of locking their ships through the canal.

Mr. COOPER. Mr. Chairman, I have been very much entertained to-day in observing the vigor and frequency with which the word "subsidy" is being used here in an attempt to frighten gentlemen who believe that coastwise traffic in American ships through the Panama Canal ought to be free. Gentlemen shout "Subsidy!" "Subsidy!" at those of us opposed to tolls on coastwise traffic. As for myself, I have outgrown the age when a mere epithet has any terrors. "Subsidy!" There is no more of subsidy in letting American coastwise ships go through that canal free than there is to letting them go from port to port down the Mississippi River free, the Government having expended approximately $120,000,000 upon that river for improvements, and now expending annually $1,000,000 in appropriations for maintenance. [Applause.]

Wherein is there any distinction? If there be any distinction, let gentlemen point it out. Is it a subsidy to allow coastwise ships to go through the Soo Canal free, or to enter New York Harbor free, or to go down the Ohio River free? This word "subsidy" has been used for over a hundred years in this country by those opposed to any Government system of internal improvements, and especially to improvements of rivers and harbors.

It is the very argument that confronted Henry Clay and Andrew Jackson and other statesmen who believed with them that, on grounds of high public policy, this Government has the right to improve the waterways of the country, not because such improvement is for the benefit of any particular class of our citizens, but because it cheapens transportation to all the people and so is for the good of all the people. [Applause.]

Let any gentleman on this floor who says that we are "subsidy" men distinguish between boats going free of tolls down the Mississippi from St. Paul to St. Louis or Memphis or New Orleans, and letting them go free of tolls from New Orleans through the canal to San Francisco or Seattle. That canal is about 40 miles long. Suppose that it were cut through a range of hills 40 miles wide in Iowa. What, then, would be thought of a proposition to charge tolls, amounting to a tariff wall, between different sections of this Republic? I am for protection against the poorly paid labor of China and the underpaid labor of other countries, but I am for absolute free trade between every part of the Atlantic and the Pacific coast line of the Republic of the United States. [Applause.]

Putting tolls of $10,000 or $12,000 upon an American ship carrying American goods under the American flag, going through that American canal, is, in effect, only putting $10,000 or $12,000 of tariff upon the goods. You Democrats are accustomed to declare that the amount of a tariff on goods from Europe, if collected at New York, is added to the price of the goods. Is it not added to the price of the goods if collected at the Panama Canal on a ship going from New York or New Orleans to California? How do you Democrats answer that question? How do Republicans answer it—men who have always demanded free trade between the States?

The argument made here about subsidy was one of the arguments used by friends of the transcontinental railroads during the first terms of my service in this House to defeat every effort in Congress to provide for a canal to connect the Atlantic and Pacific Oceans through the Isthmus. And, Mr. Chairman, we have been told here of the great work of these railroad companies and of the great amount which their officers invested in building them across the continent. We have heard of this for many years. And yet it is a fact that none of those men really contributed one dollar to build either the Central or the Union Pacific roads.

The Government gave the Central Pacific $48,000 a mile over the mountains, $32,000 a mile for other portions, and $20,000 a mile for all of it. The Patterson commission of 1887 reported that the cost was only $22,500 a mile. These sums per mile all came from the Government.

Then the Government allowed them to issue first-mortgage bonds on the Government land grants to the roads equal to the total amount which the Government itself gave them through its own bonds. Gov. Stanford himself admitted that they had enough money from their own bonds and the Government bonds to pay for their railroads. The commission of 1887 made an investigation and reported that the proceeds of the Government bonds and of the first-mortgage bonds on the land grants supplied every dollar spent on the Central Pacific. The same is substantially true also of the Union Pacific.

Nobody wishes to do these roads any harm, Mr. Chairman; I have taken time simply to call attention to the facts about the alleged investments of their officers. [Applause.]

I have three times voted against ship subsidies. But the proposition before us is not one of that character.

Mr. MARTIN of South Dakota, Mr. STEENERSON, and Mr. KENT rose.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, when I became a candidate for Congress I promised my people that I should never cast a sectional or a partisan vote, but should consider myself an American Congressman, and, therefore, in the interests of the whole country, as I see them, to preserve the sanctity of treaties, to expedite and free commerce, and to justly place

the burdens of commerce, I am here to speak against free tolls for coastwise or other American ships. [Applause.]

The question of whether the granting of free tolls is a subsidy or is not a subsidy, whether or not such a doctrine is a rose under some other name—the name of the beloved or hated subsidy—is not of any particular interest. The canal has been a very real expense in its costs of construction upon all the people of the United States, and it will be a very real expense in its cost of maintenance and operation.

The granting of free tolls to our coastwise ships would mean one of two things: Either that the remission of such tolls would yield greater profits to the ships engaged in such traffic or that the rates of freight carried by these ships would result in lower rates between the producer and the consumer. I believe that with the great difference that exists between the cost of rail transportation and the cost of ocean transportation that ships would easily be enabled to put their charge where the tolls would make little or no difference to them and that the ships would absorb all the benefits of such privilege. They would naturally put their rates as close to railroad rates as possible, except in the case of commodities not portable by the railroads.

But even granting that the producer and the consumer of certain coastal parts of our country should obtain a petty benefit from this remission of tolls, such advantage would be at the expense of the people of other portions of our country, who having paid their share in the cost of the construction of the canal, would be uniformly taxed for the maintenance of the canal should there be any deficit.

If we call this an opportunity to stimulate our merchant marine in order that it may be an adjunct to our Navy, it would seem that we are likely to enter upon fallacy. I should not object to a ship subsidy that was solely for the purpose of establishing in a merchant marine an adjunct to our Navy, a means of furnishing men and ships in case of war. But I believe that when we come to consider such a subsidy, granted for war purposes, we must see to it that there must be such safeguards put about such a law as would insure the obtaining of men suitable physically and mentally and by citizenship for naval service; that they should be subject to proper naval drill, so that in case of war they would be of a sort that we could rely upon as naval recruits. As regards ships, if the Government of the United States needs any American ships, our Government can condemn them and take them for war purposes, and there can be no contention that the Government has not in the past and would not in the future pay liberally for them.

I am not interested in analogies based on river and harbor bills. Everyone knows that a difference in degree creates difference in kind. What was a meritorious policy in the matter of river and harbor appropriations at one time has become a grab bag and an abuse, and everyone knows it. It is now time to call a halt. The most logical argument in the favor of subsidizing country roads upon which are rural routes was based on the analogy to a swollen river and harbor bill. That was the only excuse that could be offered to justify a perennial and an unjustifiable and a heedlessly disbursed local grab from the Federal Treasury. Every time we enter upon any form of such extravagance we lead to other forms of the same thing. This proposition of "free tolls" is really a policy of subsidy, which no one has demonstrated that it is not. A policy like this, to my mind, is leading to the wrecking of real State rights, of home rule, and local self-respect. It is a policy leading more and more to a leaning upon the Federal Government for daily bread, and I believe our institutions will have trouble in standing before it. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I should like to have the attention of the House for a few minutes while we consider something about what it means to pass these ships through this canal, whether the ships are engaged in coastwise commerce or are engaged in any other commerce.

The gentleman from Wisconsin [Mr. COOPER], with great eloquence, talked about the free passage of these ships through the canal as though it did not cost anything to anybody to put them through after this enormous expenditure by the Government in the construction of the canal. As a matter of fact, there are three sets of locks on each side of this canal, of about 1,000 feet in length each. The ships have to be put through those locks, and they have to be lifted 85 feet up one side and lowered 85 feet on the other side. They are not handled in the locks at all by their own power. The locks are handled, in the first place, by tremendous electric power, and in the second place, the Government is ordering 48 large electric locomotives to pull these ships through the canal. The gentleman from the coast States, after having had constructed for them this canal, at the expense of the entire people—a great undertaking, that will cost not less than $375,000,000——

Mr. COOPER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Wisconsin?

Mr. MARTIN of South Dakota. I regret I have not the time.

Mr. COOPER. Is the gentleman aware that there will be 46 locks on the Ohio River, and that the boats there will have to lock through?

Mr. MARTIN of South Dakota. We have enough to attend to at Panama without bothering about the Ohio River now. I want the gentleman to understand this proposition: Who will pay that expense? It seemed to the committee that the expense should be apportioned to the commerce enjoying the benefits of the canal rather than be imposed as a tax upon the entire people. The mere interest on this entire obligation amounts to no less than $10,350,000 a year. It is difficult to say what it will cost to pass a ship through those locks. It depends somewhat on how many ships the traffic will bring.

Why, the gentleman talks about analogies as to coastwise commerce and the conditions in ports. Our own boats can not get into the port of New York without being stopped at Sandy Hook and pulled in by tugs and paying the expense of being pulled in, but here is a proposition that after the American people have constructed a great enterprise that will reduce the cost of transporting freight from the Atlantic to the Pacific at least $4 a ton, these gentlemen come, and, in addition to that, demand that we shall pull the boats through the canal, and that they shall not bear even the expense intended to be provided by the amendment of the gentleman from Iowa. It seems to me, in the face of what the country is doing for the commerce of the entire world, what it is doing for the coastwise shipping, the only transportation agency under American control that has anything like a monopoly, that it is on its face a colossal and superlatively selfish proposition for them to enjoy the only transportation monopoly allowed under our system of American laws, and then insist in addition to that that the traffic tax imposed on American ships, not for permitting the boats to go through the canal but to cover the cost of taking them through shall be given them. [Applause.]

Mr. GOOD. Will the gentleman yield?

Mr. MARTIN of South Dakota. If I have time.

Mr. GOOD. If the gentleman from South Dakota wants an analogy, would it not be a better one to say that if the Government of the United States owned the railroads, then it ought also pull the trains free of charge?

Mr. MARTIN of South Dakota. The Government has owned for some time the Panama Railroad, and has been collecting the necessary expenses of transporting some of this same commerce across it, and still we have not known of any American citizens rising in their ambition and in their desire for further gain to suggest that the Government ought not to impose tolls upon that transisthmian commerce. [Applause.]

Mr. STEENERSON. Mr. Chairman, for more than 50 years a demand has come from all parts of the American people to encourage the merchant marine engaged in foreign trade. Some schemes have been advanced for postal subsidies, some for discriminating duties and direct subsidies. The reason for this demand has been that the ships in the American shipyards cost more than those that are foreign built; that it costs more to run them than it does to run foreign ships; and that therefore they had to compete with cheaper built ships and cheaper paid crews.

Has anybody ever heard of a demand for a subsidy or aid to domestic merchant marine, who have no competitors? Not at all. [Applause.] It would have been unreasonable to ask it if they had. This is the first time in the history of the American Congress that anybody has ever demanded any assistance from the Treasury for the domestic merchant marine; that is, those in the coastwise trade.

If you grant this concession, what will be the result? You will be discriminating in favor of that part of the American merchant marine which has no competitor and against that part having competition. [Applause.] You who are against subsidies, can you resist the call when they come and say, "You have subsidized the local, domestic merchant marine that has no competition, that has nobody to run prices down, can not you give us some encouragement to enable us to compete with coolie labor and cheaply built vessels?" You can not resist that demand, because it will be founded in justice, and you are laying the first foundation for ship subsidies. Mark my word, if you pass this amendment that demand will come.

Another result of concession of free tolls to the domestic merchant marine will be that you are giving coastwise vessels of ten or twelve thousand tons capacity a bonus of $10,000 or $12,000 on each trip through the canal, and you tax the American merchant vessel engaged in the foreign trade bound for a foreign port for going through the canal because they are competing with cheaply built vessels and cheap labor. [Applause.] Therefore you increase the disadvantage of the vessels that have competition and give a bonus to those that have no competition. The proposition is so absurd that I wonder it has not been withdrawn long before this. [Applause.]

The proposition for free tolls to our domestic vessels using the Panama Canal is nothing more nor less than a demand for a subsidy for those vessels. Why should they be given such a subsidy? Not because it costs more to build or operate them than it costs to build and operate competing ships, because there are no competing ships. It must be, therefore, on the ground that it costs more to carry freight and passengers by the water route from the Atlantic to the Pacific coasts than by rail across the continent, because the transcontinental roads are the only competitors in that traffic. But if the land route is cheaper, then there never was any commercial reason for building the canal. The truth is that the water route, even with the highest proposed tolls, will be much cheaper than the rates by land, and will cut present land rates in two.

Free tolls will not rehabilitate our merchant marine in the foreign trade, because it is not proposed to include that trade If we are going to give the public the benefit of competition of the canal route, then it could be done by granting free tolls to American ships in the foreign and coastwise trade and then exclude the trade between Atlantic and Pacific ports from the coastwise laws. Then foreign vessels could engage in it and compete with our ships, but not on equal terms, because our vessels would have the advantage of free tolls.

This would, together with the right to register foreign-built ships, not only encourage our foreign-going shipping, but give the people the benefit of the fullest competition and compel the lowering of transcontinental railroad rates. [Applause.]

Mr. SLAYDEN, Mr. Chairman, when the American people spent $400,000,000, or approximately that sum, in building this great canal and presented it to the world for the promotion of commerce, they did, it seems to me, everything that could be reasonably expected of them. It will perhaps cost as much as twenty or twenty-five and I have heard it estimated thirty million dollars a year to maintain that canal.

Mr. KNOWLAND. Will the gentleman yield?

Mr. SLAYDEN. I can not yield.

The question that confronts us at this moment is by whom and how that heavy annual charge for the upkeep of a canal built by all the people is to be met. It seems reasonable and just to assess it against the traffic that goes through the canal itself. Thus those who primarily benefit will pay it. Of course, it is not going to be paid by the ship itself. Every charge against the transportation line or ship will be put on the commodity carried. We all know that we can not avoid that law of trade by any law of Congress. Any burden that we impose on carriers, whether on sea or land, will be immediately transferred to the articles carried. If that could not be done, the weaker transportation lines would soon be put out of business, and as a result of our legislation the people would find themselves at the mercy of monopoly. The fact that the toll will be put on the cargo carried is no argument against it. In my judgment, sir, the proper procedure is to make a reasonable charge against traffic through the canal. By the shipping companies it will be charged to the articles carried, and thus finally be paid by the people who gain by the use of the canal. Assuredly, sir, the commerce that goes through the canal, which it gets without cost of construction, can afford to pay, and should be made to pay, for its maintenance. [Applause.]

It is proposed, as was clearly shown by the gentleman from Minnesota [Mr. STEENERSON], to offer an additional advantage to the trade that already enjoys a peculiarly beneficial monopoly. Our coastwise shipping has the enormous advantage of an exclusive right to trade between the ports of this country. [Applause.] In common fairness more should not, and more need not, be done for it in order to maintain it in prosperity.

If there were no other good and sufficient reason for charging a fee for the use of the canal, I would still do it in the interest of all the taxpayers of the country, who paid for it and who, in most cases, will receive so small a benefit from it that it will hardly be traceable.

To grant the free use of the canal to the coastwise trade, and only to that trade, would be a discrimination in favor of a branch of shipping that already enjoys a law-made monopoly and does not need this additional favor. Our people are now taxed needlessly to maintain that monopoly. Let me illustrate: The North German Lloyd Co. operates a line of steamers between Bremerhaven and Galveston. West bound those steamers touch at Baltimore to discharge passengers and cargo. They are not permitted, when they resume the voyage, to take on cargo for Galveston. That privilege is reserved at a higher figure for the monopolistic coastwise lines that it is now proposed to grant this additional benefit to at the expense of the American people. If the German line from Bremerhaven to Galveston were allowed to trade from port to port, east and west bound, our people would have lower freight charges for the carriage of their fruit, cotton, and meats. I do not feel disposed under these circumstances to give any more advantages to the coastwise lines.

But, Mr. Chairman, there is another and higher reason why we should not grant the free use of the canal to any ship or line. We are solemnly pledged by treaties with other Governments not to do so. We have agreed to maintain equality of conditions in the use of the canal.

It is hard to believe that gentlemen can be serious when they urge a violation of the terms of a solemn treaty.

It would be reprehensible in an individual, and it is neither decent nor honest in a Government. There ought not to be a different standard of honor for individuals who make up a nation and for the nation itself.

Now, I believe, sir, that it is just as proper, just as essential for the Government to keep its plighted word as it is for an honorable individual to do so. I do not believe that in the eyes of the world, and in the understanding of all honest, fair-minded men, we can any more afford to disregard our international obligations, our solemn treaties, and maintain the respect of foreign Governments than an individual could do the same thing in private life. If we are not to stand before the world convicted of insincerity, if we are not to be met with incredulity when we propose treaties, we certainly ought to keep our plighted faith with Great Britain and the other Governments of the world in respect to the use of this canal.

We do not have in Central America the best reputation in the world for maintaining our treaty obligations, and my vote will never be given to further discredit this country in that respect and in that section of the world. [Applause.]

Mr. COVINGTON. Mr. Chairman, the amendment now offered to the bill to provide for free tolls to American vessels in the coastwise trade passing through the canal is aptly described by the gentleman from Wisconsin [Mr. COOPER] as in no sense a ship subsidy. The time has gone by, as he states, when the mere characterization of an act by an epithet should deter gentlemen on the floor of this House from meeting squarely any issue.

I have been for some time in doubt about the propriety of granting free tolls because of the question involved in the construction of the treaty with England by which we established our right to build the canal.

I was constrained to consider for some time the argument so forcefully advanced by the gentleman from Minnesota [Mr. STEVENS] that the treaty prevented discrimination in favor of American vessels in domestic trade in the matter of canal tolls. It impressed me, but I have come to the conclusion that the United States, when it negotiated with England the Hay-Pauncefote treaty, never, in fact, intended to surrender the absolute right to control its domestic commerce, no matter through what waterways it may or may not pass. [Applause.] We must recall that to-day American vessels in the coastwise trade, sailing from the Atlantic to the Pacific coast, that have passed around the Horn or through the Straits of Magellan and up the Pacific coast, are within the laws relating to coastwise trade already passed by Congress. These vessels travel 10,000 miles, largely through foreign waterways, and yet not for one moment do those vessels cease to be subject to all the regulations of the coastwise trade.

When we recall the history of foundation of this Government, when we look at the prime constitutional ideas that established the American Nation, we must understand that free and unrestricted intercourse between the States was very much the basis of creating this Nation in its present form and with its constitutional limitations. There is no man in this Hall who knows the history of the foundation of the American Nation who does not know that the Annapolis Convention was conceived in the idea that the restrictions on trade placed by the various Colonies and States before the Revolution and under the Articles of Confederation were sapping the vitality of the country, and one of the earliest and strongest purposes of the founders of the Constitution was that there should be a government that could forever guarantee free and uninterrupted

intercourse between the States. You may to-day start a cargo in New York through the great canals of the State of New York, land that cargo at Buffalo, transship it by steamers that are the equal of ocean steamships, and land it at Duluth. You may then send it by transshipment from Duluth to the Pacific coast, and there is not one dollar of embargo, not one tithe of toll, placed upon that cargo of freight. The American Nation has in the last 40 years expended $625,000,000 in river and harbor improvements in this country for the benefit of free trade between the States, and I say that it has rightfully made that expenditure in order that this Nation may be bound together from coast to coast and from the Canadian line down to the waters of the Rio Grande. But, Mr. Chairman, there is no more right for us to say that those expenditures should have been made in order that trade between the States may pass freely than there is now to say that we shall now expend money to construct a canal which shall make possible freer intercourse between our States on the Atlantic and the Pacific coasts. [Applause.]

The argument of the gentleman from South Dakota [Mr. MARTIN], when he calls attention to the cost of the Panama Canal, is not sound or well stated. It was developed, Mr. Chairman, in the hearings before the Committee on Interstate and Foreign Commerce, that the most tonnage that can pass through that canal annually in the next decade will be 1,000,000 tons of domestic commerce, and that, at a maximum rate of $1 per ton, will yield the amount of $1,000,000 annually in tolls. When we speak in sums of money on the floor of this House in connection with the management and maintenance and protection of this canal, $1,000,000 becomes an insignificant part of the total sum. When we take into account the interest upon the bonds issued for construction and then take the cost of operation and the cost of protection of the canal, the question of the levy of $1 a ton upon only 1,000,000 tons of traffic in the coastwise trade using that waterway becomes so relatively small that it ought not seriously to weigh with gentlemen in this House when they are determining whether or not they want to provide for our domestic commerce through that canal in strict accordance with the great American principle of free intercourse between the States; and I want to assert in conclusion that, believing it is Democratic doctrine to guarantee at all times the free intercourse between our States, and that it is sound policy that this Nation should not fetter but encourage the commerce between any sections of it, I support the amendment. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I have been surprised, I might say astonished, at the position which some gentlemen have taken with reference to the construction of the treaty in question here. When the words of a treaty solemnly entered into between two nations are quoted, what answer is it to say that we paid for the canal and dug it? What answer is it when the terms of our bond are read to us and when they are before us to say that the canal cost us $400,000,000 and that now we will manage it to suit ourselves? When two nations, through their plenipotentiaries, discuss the terms of a treaty and that treaty is presented on our side to the Senate of the United States and this very proposition which is now before this House, namely, the discrimination in favor of our coastwise trade, is presented to that body as an amendment and it rejects it, what answer is it now to say that we have dug the canal, that we have paid for it, and that we will do with it as we please? And that, too, after having obtained in this very treaty permission that we might build this canal, for such were the terms. The word "may" is used in the treaty. And now is it to be said in answer to the provisions of the treaty that we will do just as we please with it? What else is that than insult to a friendly nation? What answer do gentlemen give to the argument that has been made? What can they claim these words in the treaty mean other than what they do say? What gentleman has given any other construction, taken from the words themselves, that could be put upon the language which is stated in the treaty? The treaty says that the canal shall be opened to vessels of commerce and of war of all nations observing these rules on terms of entire equality——

Mr. SULZER. The Secretary of State says foreign nations, and that is agreed to by the representatives of every foreign Government on earth.

Mr. GREEN of Iowa. Mr. Chairman, I can not yield to the gentleman. The gentleman had his own time. Do "all nations" mean other nations than the United States—"all nations" observing these rules? The United States is one which observes the rules. Does "entire equality" mean a difference of tolls on the canal? And what do the other words of the treaty mean? It says that there shall be absolute equality in respect to conditions and charges of traffic and otherwise, that there shall be no discrimination. The terms are made as broad as they could be made. "Otherwise" means in all respects; there shall be absolute equality as far as traffic through the canal is concerned. So reads the bond, so reads our agreement. No one has offered any other construction to be placed upon these words.

Mr. SULZER. I have, and so has the Secretary of State.

Mr. GREEN of Iowa. The gentleman has not stated how or why. I wish to say further——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PAYNE. Mr. Chairman, I am somewhat surprised at my friend from Iowa and my friend from South Dakota and my friend from Minnesota that they have not read the lesson of the Erie Canal, built by the State of New York at an expense almost equal, when the present improvement is completed, to the entire expense of the Panama Canal. [Applause.] Now, the State built that canal and the people in Iowa got cheaper freight for their corn and their cattle coming to the markets of New York, and the constituents of the gentleman from South Dakota and the people of Minnesota got cheaper freight rates for their wheat coming into the State of New York to compete with the little wheat fields in my district up there in the country. But they got it at the expense of the taxpayers of the State of New York, who put every dollar needed in the construction of this Erie Canal, and who not only have opened it free of tolls to the boats that carry these products from the people of those States, but the operating expenses are borne, every farthing, by the State of New York. [Applause.] They come in here as a last resort and want to know if the United States is to charge for the putting of these boats through the canal. We did not hesitate about that. Our people voted it, and some of them voted it when they knew that the products of the people of your State would come in competition with the products of the farmers in our own State. And yet they do not seem to learn this lesson. Why, my people went back and thought that the framers of the Constitution and of the Government knew what they did, and that the main cause and the moving cause of the Union of the States grew out of the question of commerce between the States, and they wanted to remove every friction; and that lesson lasted more than 100 years, and my people were glad to have the facilities afforded by the Erie Canal given to the commerce of the country. [Applause.] To say it benefits——

Mr. SHERLEY. Will the gentleman yield?

Mr. PAYNE. I can not. Unlike the gentleman, this is the first time I have spoken on this subject. You say it benefits the city of New York and the city of Buffalo. It does in a way; it helps the farmers of my State in getting the products cheaper into the city of New York, for we find the rates on the railroads are reduced because of the existence of that canal. But you want to remember that from Buffalo the wheat that comes from your State and every bushel of corn that comes from your State and every head of cattle that comes from your State into the East reaches those markets at a cheaper tariff because the State of New York has built that magnificent canal, which now, when completed, will have a draft of 12 feet of water. Now, you higgle and haggle here over a little amount of charge that you may give to the people of the Pacific coast, if you please, because interstate commerce is to go through the Panama Canal. You talk about the price in extravagant terms that it will cost to run this canal. I understand the total cost of operation and sanitation will not exceed $4,000,000, and with the estimate of commerce to go through this canal, in excess of 10,000,000 tons at $1.25 a ton, the entire expense will be paid twice over if you allowed every pound of freight coming from the Pacific coast to go through free. The fathers, when the Constitution was formed, contemplated that no tribute should be paid on anything coming from one State to another. [Applause.]

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, as my distinguished colleague from Auburn, N. Y., has based his argument upon the Erie Canal, I take the liberty of stating the exact facts about the Erie Canal, and will draw a conclusion which clearly differentiates it in principle from the Panama Canal. [Applause.] The Erie Canal was opened up to navigation in 1826, before the New York Central had gotten started, in order to help move traffic from one end of the State to the other. Very soon after that the New York Central Railroad began to develop, first by owning several small railroads—one was the Utica & Syracuse, another 50 miles long—and after awhile the great Cornelius Vanderbilt took it up and connected it into one line, called the New York Central. And then, after they got one line established, the New York Central built two tracks, and then three tracks, and then four tracks.

Mr. PAYNE. Will my colleague yield?

Mr. MICHAEL E. DRISCOLL. Well, I have but five minutes.

Mr. PAYNE. Just for one question. I would like to know why they built the Erie Canal to the city of Buffalo and made an entrance into Lake Erie?

Mr. MICHAEL E. DRISCOLL. That is not material. I want to state the facts. After awhile, after the four tracks on the New York Central, the West Shore was laid parallel with the canal—parallel with the Central—so that two lines of tracks and the canal went from one end of the State to the other, and were confined to a zone not wider than a mile. Now, the New York Central by degrees developed its business, until it reduced the cost of carrying freight and cut into the canal business so that the boatmen could not pay the tolls and live. My friend does not say that from the time the canal was started in 1828 until 1883 it paid tolls all the time. [Applause.]

He leaves that out. It paid tolls until the time came when by this fierce competition they could not pay tolls any longer. Then, in 1883, the tolls were taken off and the canal was made free. Now, where is the similarity? Why, this canal furnishes such a benefit to coastwise ships through it that they could pay $6 a ton for their freight going through and make more money than they are making now. They do not need it. They can make all the money they want to and they do. The toll is negligible. They all admit that these ships can drive the railroads out of the traffic from coast to coast if they wish to do it. We do not need to help them. They want this subsidy, and I repeat it for the gentleman from Wisconsin, it is a subsidy and an appeal to the American flag in order to prejudice people in favor of this graft. [Applause.] The American people who built this canal with American money and American genius and American enterprise should have a little benefit of it. I say the people generally should have a little of that benefit and that less than 1 per cent of them, who are greedy and selfish beyond description, should not have it all. [Applause.]

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] is recognized, according to the agreement, for 20 minutes.

Mr. BROUSSARD. Mr. Chairman, I purpose to discuss the proposition submitted to the House by the gentleman from Michigan [Mr. DOREMUS] without in any wise attempting to decry those gentlemen who do not agree with me upon this proposition.

I should like to make the statement on this proposition as fairly as I am able to make it, and in order that I may do so I desire to read just a few words from the original proposition regarding the toll matter as is included in the bill now under consideration, and the amendment submitted by the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], adopted by the House committee a while ago:

No preference—

Says the bill—

shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or its subjects, other than vessels—

And so forth.

The amendment adopted reads:

The rate of toll shall be uniform upon all vessels excepting the official vessels of the Government of the United States.

And so forth.

Now, primarily, the difference between the propositions submitted by the majority of the committee and the substitute offered by the gentleman from Michigan [Mr. DOREMUS] is simply a difference as to whether there shall be any tolls imposed upon vessels doing the coastwise business of this country, which, of course, is entirely in American vessels, and vessels traveling through the canal belonging to all of the nations of the world, including American vessels engaged in foreign trade. The first objection to the proposition embodied in the bill, which is not at all cured by the amendment of the gentleman from Georgia, adopted by the committee this afternoon, is to this effect, that vessels engaged in coastwise trade, all of which are exclusively American vessels, should be enabled under this law to go through the canal without having tolls imposed upon them. And the proposition embodied in the original words of the proposition in the bill and the amendment as adopted by the House contemplates that vessels engaged in coastwise trade shall also bear the tax or toll imposed upon other vessels going through the canal. Now, the proposition originally included in the bill, as well as the amendment adopted by the House to-day, is, in fact, an interpretation of the treaty under which we were permitted to build this canal.

In my opinion foreign nations have no concern whatever, so far as our coastwise navigation laws are concerned, in what enactment may be made by this Congress relating to coastwise trade, whether that trade goes through the canal or otherwise, because no foreign vessel is permitted to engage in our coastwise trade. Only American vessels are permitted to engage in that business, and I do not see how it is possible for anyone to construe the fact that we propose to permit vessels in which no foreign nation has any interest whatever, in which they never have had any interest since the enactment of the coastwise navigation laws of this country. I do not see how any of these nations can possibly be interested in any legislation which may be enacted by this or any future Congress, so long as these laws are extant upon the statute books.

But the interpretation is, that by the proposition in the bill and by the amendment adopted to-day it would in the end foreclose us from giving any preference to any vessel engaged in the coastwise trade or any American vessel engaged in commerce upon any sea of the world. And it does not make a particle of difference that this amendment was intended that we should not be held to have construed the treaty.

The fact remains that, no matter at what time we may determine otherwise hereafter, if the committee's idea shall prevail in this bill, we may undertake to relinquish the right of this Government to collect tolls upon American vessels, whether engaged in coastwise or foreign trade, the nations competing with us in the carrying of foreign trade hereafter will hold that this forecloses us in rebating in behalf of our own shipping to vessels going through the canal. And I hold, if this proposition is carried in the bill, not only will it not permit us to decide for ourselves as to our own shipping along the coast in which no foreign nation can take part, but foreign nations will quote this as an acknowledgment on the part of the American people that we have no right to rebate the tolls that may be collected upon vessels that may be engaged in coastwise or foreign shipping.

Now, if there is any doubt as to whether we have a right to remit tolls—and I shall not speak of subsidies at this time, because I propose to deal with that subject a little later—but if there is any doubt as to whether we have the right, in so far as coastwise traffic is concerned, to rebate in favor of traffic going through the canal, I may quote a decision of the Supreme Court of the United States in regard to charges on vessels entering the ports of this country.

Some years ago a treaty was made between this country and England by which it was stipulated that British vessels entering the ports in this country should not be charged any more for that privilege than should be charged for American vessels engaged in the same trade.

A statute was passed by Congress and a law was enacted by the State of Texas, and when a British vessel entered the port of Galveston the port authorities, acting both by virtue of the law enacted by Congress and of the law enacted by the State of Texas, charged pilotage upon an English vessel, pilotage which had not been charged upon an American vessel. The Supreme Court of the United States in the case of Olsen v. Smith (195 U. S., p. 332), quoted in part in the report of the minority, decided, through Chief Justice White, then an associate justice on the bench of the Supreme Court, that the coastwise business of the United States was of no concern to the vessels of foreign nations engaged in business in this country, and that in this case the laws of Texas and the laws of the United States put a legitimate burden upon them despite the treaty between the United States and England, which could not affect their traffic, and that this warranted the authorities of our country in excluding from the operation of the United States laws and the Texas statutes the charges upon vessels of the United States not only on those engaged in coastwise traffic, but as well those engaged in world-wide traffic.

The Supreme Court of the United States maintained that doctrine, so that I do not see how it is possible for anyone to contend that there is ground of complaint because a foreign vessel going through the canal carrying traffic which it can not take up in any port of the United States for delivery in any other port of the United States, is treated in a way different from the way in which our coastwise vessels are treated.

I do not see how it can be claimed that these have a just ground for complaint. The owner of such a foreign vessel can not complain that he is being discriminated against in favor of a vessel the character of traffic from which he is already excluded by law and from which it is excluded at this time of the cutting of the canal. The fact that an American vessel doing business between ports in the different States of the Union and doing business that is purely interstate is receiving a preference can not be the basis of complaint on the part of any vessel not permitted by law to participate in such commerce.

So far as I am concerned, I am in favor of allowing every vessel flying the United States flag to go through the canal without paying any tolls at all. I stand upon that proposition.

But we who have been opposed to any tolls upon vessels doing a coastwise business have felt that the argument which has

been ingeniously presented upon this floor to the effect that there is a discrimination that violates the treaty between England and this country might prevail if we extended the benefits of this exclusion—not subsidy—to American vessels engaged in the foreign trade, and that it might possibly by such argument bring us into complications with foreign nations at the very moment of opening the canal. We have been anxious that there shall be no complication when the canal is opened, in order that we might invite the trade of the world to go through that canal, instead of having controversies through the State Department of this Government with foreign nations engaged in foreign trade going also through the canal.

Now, I can not see how anyone can claim that there is a discrimination because of the fact that that traffic from which all nations of the world are excluded is given preference over traffic in which all other nations are permitted to participate. Why should any nation claim that it is being deprived of rights which it possessed because of the fact that vessels engaged in traffic between the States, in which they are not permitted to engage at all, shall have preference, in so far as tolls are concerned, over vessels engaged in an entirely different business, with which there can be no competition and as to which there is absolute prohibition.

Now, I understand from the debate that has occurred on this floor that gentlemen are arguing that we ought to impose tolls upon American vessels engaged in the coastwise trade, because we need the money. That is not borne out by the testimony before the committee. The testimony is this, that according to the estimation of Prof. Johnson, in whom everybody who knows anything about the subject has great confidence, the canal will carry, in the first year, a tonnage of over ten and one-half million tons, and of that tonnage only 1,000,000 tons will consist of coastwise traffic. The estimate of Col. Geothals is to the effect that the cost of maintaining the Canal will be only $4,000,000 a year, and that with the profits accruing to us by virtue of the fact that under this bill coaling stations, and so forth, will be operated by the Government, this cost will be reduced to $3,500,000. It is estimated that with a toll of $1 a ton a revenue of over $9,000,000 would be derived with which to operate the canal. If you exclude the coastwise trade you would still have $8,500,000, with which to pay an expenditure of $3,500,000.

Now, where is the necessity of putting on this toll? And yet gentlemen who are opposed to the granting of free passage to American ships engaged in the coastwise traffic assert that the failure to tax coastwise traffic is a subsidy. I will tell you where the subsidy is. The subsidy is not in favor of American vessels that will pass through the canals, but the subsidy is to the railroads. [Applause.] Do not talk to me about subsidies. Why, to carry the argument to a logical conclusion of the gentlemen who claim it as a subsidy to the vessels, suppose we should put a tax of $10 a ton on every vessel in the coastwise trade going through the canal, there would not be a ton go through, but the railroads would charge the American consumer every cent of the $10 in the transportation of freight and in supplying the demands of those who live on the coast just as they would those living in the interior of the country. Why, gentlemen, the subsidy is for the railroads. We put in the bill a maximum of $1.25 a ton. Everybody admits that the tax will only be a dollar in order to permit this canal to compete with the Suez Canal. Will anyone say, as the President has declared for $1 a ton, that the 25 cents not charged is a subsidy, or will it be construed as a remission of authorized charges?

The subsidy is for the railroad. No man came before the committee asking for the imposition of a tax on the steamship companies except the men who were engaged in railroad business carrying freight from coast to coast. [Applause.] The charge of tolls is the subsidy to the railroads, and those who talk of subsidy had better look to it. The American people are wise to it, and if you look at resolutions adopted in every commercial body, not only on the coast, but in the inland cities of the country, you will find that there is no one interested in these tolls but the transcontinental railroad companies. Every dollar that you add to the tax of a ton of freight that crosses through the canal enables the railroads to add the tax on a similar ton of freight in carrying it across the continent or in delivering it in the interior of the country.

Mr. SABATH. Will the gentleman yield?

Mr. BROUSSARD. Certainly.

Mr. SABATH. Is it not a fact that most of the coastwise vessels are owned by the railroads?

Mr. BROUSSARD. Yes; probably so. But will the gentleman vote with me to exclude from the use of the canal every steamship owned in whole or in part by a railroad?

Mr. SABATH. I will.

Mr. BROUSSARD. Will the gentleman stand with the American people or stand by the railroads?

Mr. SABATH. But the gentleman maintains that we are aiding the railroads by placing a tax on the vessels that are owned by the railroads. I can not understand his argument.

Mr. BROUSSARD. Let me read the gentleman a proposition in regard to section 11. Perhaps this will clear his understanding. It is my purpose, when we reach section 11, to offer an amendment, a part of which reads as follows:

That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

Will the gentleman from Illinois vote for that?

Mr. SABATH. I have voted for that proposition and shall continue to vote for it.

Mr. BROUSSARD. I am glad to hear the gentleman from Illinois say that.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ADAMSON. Mr. Chairman, if we use 10 minutes more we shall have been on section 5 three hours, which is more time than the gentleman from Louisiana and I agreed to take. I move to close debate in 10 minutes, and I think it is fair that the gentleman from Minnesota [Mr. STEVENS] should have that 10 minutes.

Mr. MANN. The gentleman from Georgia can move to close debate in 10 minutes, but he can not allot the time. Under the rule it would have to be divided equally.

Mr. ADAMSON. Mr. Chairman, I move to close debate on this section and amendments in 10 minutes. As I say, I think it fair that the gentleman from Minnesota should have that time.

The CHAIRMAN. The gentleman from Georgia moves to close debate on this section in 10 minutes.

The question was taken, and the motion was agreed to.

Mr. STEVENS of Minnesota. Mr. Chairman, it is one of the amusing features of this debate to notice the agony of the gentleman from Louisiana [Mr. BROUSSARD] in opposition to the terrible railroads. It is the first spasm that the members of the committee have noticed, so far, since his service on the Committee on Interstate and Foreign Commerce. When you compare the records of the gentleman from Georgia [Mr. ADAMSON], the gentleman from Missouri [Mr. HAMLIN], and the gentleman from Tennessee [Mr. SIMS], and the other majority members of that committee, I think no further argument is necessary on that proposition, or to answer the thunderings against the transcontinental railroads, which here so often are the bogie men to terrify the faint-hearted and gloss the sins of those who know what they are here for.

But there is a little matter, before I enter on the main proposition, that I wish to speak of. On page 2 of the Doremus amendment you will notice these words, in line 3, speaking of the tolls, "other than for vessels of the United States and its citizens"; describing those who will have the use of the canal, "use of the United States and its citizens." Do you know that under that language all foreign lines in the world owned by our citizens could be sent through the canal free of tolls, including that of the International Mercantile Marine, the Red Star Line, the United Fruit Co., with its 76 vessels under a foreign flag yet owned by our citizens? Under the Doremus amendment and that language all of those could be sent through the canal. I do not know whether they intended that or not, but that is the fact, and that is a joker which is cunningly hidden in the recesses of this remarkable amendment.

Mr. MANN. Of course that is not the fact.

Mr. STEVENS of Minnesota. As my colleague from Minnesota [Mr. STEENERSON] has so clearly pointed out, the coastwise trade is a monopoly now to our own vessels, and has had a monopoly for nearly 100 years, and by this amendment you discriminate in favor of the trade which has the monopoly and against the foreign trade, that greatly needs help if any industry in the world needs it. Our foreign navigation really needs our assistance, yet none is contemplated here.

Do you realize that the amendment to section 11, which the gentleman is so much in favor of, excludes railroad-owned ships from the use of the canal, and this takes away one of the principal classes of competitors in the coastwise business? The committee should know that we not only give this coastwise shipping a monopoly, but we exclude from such monopoly all railroad ships, thereby giving those who are left not only a monopoly, but a greatly restricted monopoly, by excluding all

this strong competition. We give those who are left, a small class, a restricted monopoly, a privilege granted to but few industries in the world. What more do we do? Under the long-and-short-haul section of the interstate-commerce law, as construed by the Interstate Commerce Commission, there will gradually be a system of distance tariffs in this country, and the railroads will be excluded from a very large part of the transcontinental business necessarily, because they can not meet and will not be allowed to meet the canal water rates. Such business will be necessarily thrown upon the canal traffic. The ships using the canal will be obliged to carry that great increase of business thrust upon them. Remember, those ships already have a monopoly, and, in addition, there is excluded a large part of the competition from that monopoly, and then the law in addition will compel a large part of the commerce from coast to coast in this country to use the ships through the canal. We compel that business to seek those ships. No business in the world will have so many favors thrown at it as the coastwise business of the country through the canal. No special interest will be so directly favored by law as this special and favored interest of the coastwise trade.

Next, the testimony shows that these steamship lines—there are practically only two or three—monopolize the business in their spheres. The Atlantic coastwise lines do and will monopolize that business along the Atlantic coast and exclude all competition. The line through the Panama Canal, with their big fleet of ships, will exclude competition exactly as they do now. They have the money, they have the connections, they have the terminals, they have the prestige, and they can easily cut out all competitors, because there is no regulation of them or for them provided by this bill. There is no system of minimum rates; no supervision by the Interstate Commerce Commission. So they can pursue any kind of cutthroat practice for the sake of killing competition and securing this rich field for themselves. The very moment any ordinary competition comes they can and will drop their rates and wipe from the seas any possible competition. And why? The testimony also shows that these same gentlemen who get the benefit of this amendment meet the representatives of railroad companies every time there is a meeting to fix transcontinental rates. Mr. Jackson, of the American-Hawaiian Line, and representatives of the Atlantic coastwise lines meet with the representatives of the transcontinental lines and fix their steamship rates about 20 per cent below the railroad rates—just enough to get what business they want without disturbing any of the transcontinental rates. If you pass the Doremus substitute, you will give them an opportunity to fix their rates, pocket these tolls, and enable them to catch the increase of business and eliminate competition by the failure to regulate them. Yet the plea these gentlemen make for the American merchant marine and for these lines and this system which will completely eliminate and wipe out all business competition and have a restricted monopoly on the sea and follow the railroad rates without reducing them appreciably to the people. That is the crowd you gentlemen are trying to help by free tolls.

Another thing you do is this: You give them free tolls in this same section 5—pay no share of the expenses—and provide they shall have the right to have damages if they are injured under this very section. We pass them through free. We pay the expense of free passage, and yet if they are injured in any way this very section prepares for damages for those very paupers. In every other waterway of the United States they would be obliged to come here for any claims, but you provide here in advance for rewarding and encouraging claims in addition to your subsidy of free tolls. There never has been anything like it in the history of the country. The testimony showed that the tolls on this coastwise trade would be inconsequential, perhaps from 2 to 3 cents a hundred, from 40 to 60 cents a ton. Not one single witness dared to state that that toll would be sufficient to build one single American ship—not one. Not one ship would be constructed on account of free tolls. It would simply be a big bonus to an already bloated and pampered monopoly.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, there is nothing in the criticism which the gentleman from Minnesota [Mr. STEVENS] made in regard to vessels of the United States and its citizens. That provision gives to the President the power to grant preferential tolls to American vessels flying the American flag in foreign commerce, in addition to the free tolls granted by the Doremus amendment to the coastwise trade, and that provision as it reads in the bill was prepared by the President of the United States, O. K'd by the Secretary of War and the Secretary of State, introduced by me into the House, and now for the first time has met any criticism. It is not subject to the criticism which the gentleman makes, and would not provide for free tolls for any foreign vessels or any vessels flying a foreign flag. [Applause.]

Mr. Chairman, there has been considerable feeling shown in the debate upon this subject, and I have heard gentlemen on one side talk about gentlemen upon the other side being in favor of subsidies and being under control of subsidists, and on the other side gentlemen being controlled by railroad interests. I never have voted myself for a ship subsidy, though perhaps that is a fault rather than a virtue in the minds of many of the gentlemen who have now been urging that this proposition was in the interest of ship subsidy; but if it comes to the question whether we shall decide in this House as between granting the ocean free to the American merchant marine as against the transcontinental railroads and their interests, I am in favor of a free ocean. [Applause.] Everyone knows that the great object which will be attained by the construction of the Panama Canal, if it shall be attained at all, is its effect upon railroad rates in the United States. For every ton of freight that goes through the canal and directly comes under the question of tolls, there will be a hundred or a thousand tons crossing the continent on the railways, and the rate of freight on the railroads will be controlled not only in the transcontinental shipments, but in the intermediate shipments by the rates upon the ship lines passing between New York and Portland, and no one can deny it. [Applause.] It is to the interest of the inland part of the country as well as the coastwise part of the country that we help to control and regulate these freight rates. We may pass laws about interstate commerce commissions and may confer authority as we please, but there is no power so potent in the control of railway rates as rival water lines. [Applause.] And when we construct the Panama Canal and provide in effect the rate of freight between the two oceans we will have determined for all time a regulator of railroad rates in the United States, the beneficial effect of which will go into every hamlet, every village, every city, every home in the land. [Applause.]

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from Iowa to the substitute offered by the gentleman from Michigan [Mr. DOREMUS].

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Iowa [Mr. GOOD] may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GOOD) there were—ayes 24, noes 99.

So the amendment was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Michigan [Mr. DOREMUS].

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULZER. I wish to ask if an amendment to the substitute is now in order?

The CHAIRMAN. It is in order.

Mr. SULZER. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the substitute of Mr. DOREMUS to section 5 by striking out of line 5, page 1, the words "engaged in the coastwise trade" and inserting in lieu thereof the words "flying the flag"; and on page 2, after the word "less," line 2, strike out the words "other than for vessels of the United States and its citizens."

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

The question was taken, and the amendment was rejected.

Mr. JONES. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "trade," in line 5, page 1, of the Doremus amendment, the words "and vessels of the United States registered in the foreign trade."

Mr. JONES. Mr. Chairman, I desire to say one word——

The CHAIRMAN. Debate is not in order.

Mr. CANNON. Let the amendment be again reported.

The CHAIRMAN. Debate is exhausted——

Mr. CANNON. I do not want to debate, but we failed to catch the amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. CANNON. How would it read then?

Mr. JONES. It would read, "No tolls shall be levied upon vessels engaged in the coastwise trade and vessels of the United States registered in the foreign trade." It is so as to include foreign trade.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the Doremus substitute.

The question was taken, and the Chairman announced the Chair was in doubt.

The committee divided; and there were—ayes 91, noes 91.

Mr. DOREMUS and Mr. MANN. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers [Mr. ADAMSON and Mr. DOREMUS] reported that there were—ayes 100, noes 90.

The CHAIRMAN. On this proposition the ayes are 100 and the noes are 90, and the substitute is agreed to. [Applause.]

The Clerk will read section 11.

The Clerk read as follows:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"Within three months after the taking effect of this act any common carrier subject to the provisions of the act to regulate commerce which, alone or in connection with any other common carrier, transports passengers or property in connection with a water carrier to or from a foreign country from or to any State or Territory of the United States or the District of Columbia and makes or participates in joint through rates for such transportation shall, upon the request of any water carrier engaged in the lake, river, or coastwise trade of the United States, including trade through the Panama Canal, provide like port facilities, connections, and joint through rates from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia for and in connection with such water carrier; and the charge for such share of such joint through rate shall be no greater sum of money than such common carrier alone, or in connection with any other common carrier, receives for the same service for transportation of passengers or property in connection with any water carrier to or from a foreign country from or to any State or Territory of the United States or the District of Columbia."

The CHAIRMAN. The Clerk will now report the amendment, which is in the nature of a substitute.

Mr. ADAMSON. This is unanimously reported by the committee.

The Clerk read as follows:

Amend section 11 by striking out all of the section after the word "that" in line 9, page 15, and insert the following:

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"'From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.'

"Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel to use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

"That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"'When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not germane to the bill and is not germane to the section to which it is offered as a substitute.

The CHAIRMAN. Will the gentleman from Illinois be kind enough to state his point of order again?

Mr. MANN. The bill, which is "A bill to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," contains section 11, which is a section to amend two sections of the interstate-commerce law. Section 11 in the bill is, of course, itself not germane to the bill, but that section is in the bill. That section proposes to amend section 5 of an act to regulate commerce by making certain additions to section 5 as a new paragraph in reference to the ownership of railways or common carriers of water lines and stops there. The amendment which is now offered proposes in addition to that to confer certain authority upon the Interstate Commerce Commission to determine questions of fact, authorizing the commission to institute proceedings, authorizing the commission to make certain determinations. Now, section 11 of the bill, although contained in the bill, and although having no relation to the subject matter of the bill, may be in order because it is in the original; but, certainly, when it comes to amending that, gentlemen can not go beyond the scope of the provisions in the original bill. No part of this matter relates to the subject matter of the bill and the general purpose of the bill, and when gentlemen seek to amend section 11 it seems to me they must confine themselves to matters relating to the subject matter of section 11. It does not in any way relate to the Interstate Commerce Commission or to any powers conferred upon that commission. The amendment proposes to confer power upon the commission, to authorize the commission to institute proceedings, a matter which is not in the bill at all, and I think where the gentleman introduces a bill and injects foreign matters into it that when it comes to amending the bill it ought to be confined to the provisions of the bill and not allowed to wander over the entire face of the earth.

Mr. MARTIN of Colorado. Mr. Chairman, I think a lot of gentlemen over here did not distinctly understand the gentleman from Illinois, and I wish to inquire to what provisions of the substitute to section 11 does he object.

Mr. MANN. I am not objecting to anything; I make the point of order.

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to discuss the point of order.

Mr. MARTIN of Colorado. Mr. Chairman, for information I would like to know what the gentleman makes his point of order on.

Mr. STEVENS of Minnesota. Mr. Chairman, I wish to discuss the point of order.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. STEVENS of Minnesota. Mr. Chairman, the point of order is made that the substitute offered by the committee is not germane to section 11 in the bill, and in addition the point of order is made that section 11 in the bill is not germane to

the general scope of the bill, but since it is in the bill it is in order. The Chairman will notice that section 11 in the bill contains the substance of the provision which was contained in the bill offered by the gentleman from Illinois himself excluding railroad-owned ships from the canal.

Mr. MANN. My bill did not propose that at all.

Mr. STEVENS of Minnesota. The general subject of section 11 is the use of the canal by a certain class of railroad-owned ships. The general subject in the amendment and in the bill offered by the gentleman from Illinois was identically that same thing, regulating the use of the canal by railroad-owned ships, so that if it be admitted that a bill regulating the use of the Panama Canal can regulate its use by a certain class of vessels, like railroad-owned ships, then section 11 is clearly within the scope of this bill to regulate how the canal shall be used, how it shall be used to promote the commerce of this country, or how it shall be used to prevent any disadvantage to the commerce of the country, and so it is within the general scope of the legislation sought.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. MANN. What provision is there in the bill amending section 5 of the interstate-commerce act that relates in any way whatever to the Panama Canal?

Mr. STEVENS of Minnesota. If the gentleman will wait, I am getting to that rapidly.

Now, if it be admitted that the general scope of the legislation is such that this bill has a right to regulate how the canal may be used, what classes of vessels it is desirable to exclude, what classes of vessels it is desirable to include, then, as I said, section 11 is in order. Now, if section 11 is in order, it is in order to make it conform to existing law of the United States with reference to the subject of interstate commerce.

Now, it is known by everybody—as a matter of fact, it is of common knowledge, and the Chairman and the Members must take notice of such fact—that a great many of the railroad companies of the United States own water lines used in connection and in competition with themselves as a part of the business of transportation. That is a matter of common knowledge of which the Chair is bound to know and we are bound to know. The Chair will know also that under the law as it exists, that whenever one of those water lines makes a through rate or traffic connection with a railroad that water line comes under the operations of the interstate-commerce law and within the control of the Interstate Commerce Commission.

Now, the first part of the committee amendment does exactly the same thing. It provides in substance that a water carrier, one of the water carriers that is owned by a common carrier, subject to the interstate law, is brought within the operation and in the use of the canal itself. It is known, and the testimony before the Committee on Interstate and Foreign Commerce and laid before this House shows, that one of the prominent classes of vessels which will use this canal is composed of those that are owned by railroads under the control and operation of the interstate-commerce law; and those water carriers come under the operation of that law.

Now, this amendment does just this and no more. It attempts to control, to regulate, to bring within the terms of the existing law, those water carriers which use the Panama Canal. Now, in controlling those water carriers it was deemed advisable and necessary by the committee that in controlling those which use the Panama Canal at the same time to include the water carriers which would come within that general class elsewhere in the country. In other words, the language of the first part of the committee amendment covers the water carriers using the Panama Canal and all other water carriers of the same class elsewhere engaged in interstate commerce. That class of carriers using the canal is within the scope of that language and so within the scope of the bill, and, being within the scope of the bill, is entirely germane to it.

The gentleman speaks about conferring powers upon the Interstate Commerce Commission. We do not, in fact, and properly, confer any new power upon the commission. The law provides in substance that vessels owned by railroads competing with themselves in interstate commerce are excluded from the use of the canal. That is the substance of the first part of that amendment. How shall that question of fact be determined as to whether or not a vessel owned by a railroad line is, as a matter of fact, competing with itself in interstate commerce. It is a question of fact that has to be determined some way. The bill, in order to prevent confusion, ought to prescribe how that question of fact ought to be determined, and so the language of this amendment itself does prescribe that that question of fact shall be determined by the Interstate Commerce Commission. Suppose we had decided that question of fact should be determined by the governor of the canal, nobody can doubt that that would be germane now, would doubt that would be entirely proper, but instead of that we preferred to put the determination of the question of fact with that official body which knows the most about the subject, which could determine it the easiest and fairest and quickest and have the means at command to determine. So, instead of providing for the determination of that question of fact by the governor of the canal, we provide that it should be done by the Interstate Commerce Commission.

The CHAIRMAN. The Chair is of the opinion that this amendment is germane to section 11, and therefore overrules the point of order.

Mr. ADAMSON. I think we are all tired of oratory, and, therefore, I move that all debate on this substitute and amendments thereto close in 15 minutes.

Mr. BURLESON. Make it five minutes.

The CHAIRMAN. If the gentleman from Georgia will permit, the Chair will state that there are two or three amendments to be offered first, and if they are disposed of there will be no trouble.

Mr. JONES. I would suggest 30 minutes. Gentlemen want to get home, but this other section was debated for three hours, and this section 11 is of more importance.

Mr. BURLESON. Make it five minutes.

Mr. ADAMSON. I will suggest 25 minutes.

Mr. SHERLEY. There is a question before the House.

Mr. ADAMSON. Mr. Chairman, I move to close debate on section 11 in 25 minutes. Of course, I do not want to cut off any amendments.

Mr. BURLESON. Make it 20 minutes.

Mr. ADAMSON. Let them have 25 minutes.

Mr. MANN. Let them have 20 minutes.

Mr. YOUNG of Kansas. Let them have the whole day.

Mr. ADAMSON. Mr. Chairman, I will change the time of my motion to 25 minutes on the——

Mr. SHERLEY. I hardly think that motion is in order. We have had some debate.

Mr. ADAMSON. Mr. Chairman, then I ask unanimous consent that after 25 minutes of debate we vote on the section and amendments thereto.

Mr. BROUSSARD. I understood this morning in the committee that we should get about 40 minutes on a side on section 11.

Mr. ADAMSON. Does the gentleman think he needs that much? I think everybody understands it.

Mr. BROUSSARD. I think we do.

Mr. ADAMSON. How about 20 minutes on a side?

Mr. BROUSSARD. Forty minutes on a side. [Cries of "No!"]

Mr. MANN. Make it 20 minutes on a side, not to include the time taken in voting.

Mr. ADAMSON. All right; make it 20 minutes on a side.

Mr. BROUSSARD. Mr. Chairman, I would like to know how this time is going to be controlled.

Mr. JONES. I would like to know what is meant by 20 minutes on a side. I have an amendment that I would like to offer.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that all debate on this section and amendments that may be offered thereto shall be limited to 40 minutes—eight five-minute speeches.

Mr. JONES. If I can have an understanding that I can have five minutes, I will not object.

Mr. ADAMSON. If the advocates of the bill can have half of the time, I have no objection.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROUSSARD. Mr. Chairman, I would like to have the amendment reported first.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana [Mr. BROUSSARD].

The Clerk read as follows:

Mr. BROUSSARD offers the following amendment to the substitute offered by Mr. ADAMSON:

Page 1, strike out lines 1, 2, 3, 4, 5, 6, and in line 7, before the word "from," insert "section 11." Same page, lines 7 and 8, strike out the words "the 1st day of July, 1914," and insert in lieu thereof the words "opening of the Panama Canal."

Same page, lines 14, 15, 16, and 17, strike out the words "with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense," and insert in lieu thereof "engaged in interstate commerce through the Panama Canal, and it shall be the duty of the President to exclude any such ship of commerce from the canal."

Same page, strike out lines 18, 19, and 20, also all of page 2, all of page 3, all of page 4, and all of page 5, and in lieu thereof insert:

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in

any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities, shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation, or any officer or agent of any ship or shipping company, or any other person whatsoever, who is a party to any violation of this section, or who knowingly violates or who permits any violation thereto, shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

So as to make the section read as follows:

"SEC. 11. From and after the opening of the Panama Canal it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner, in any common carrier by water engaged in interstate commerce through the Panama Canal. And it shall be the duty of the President to exclude any such ship of commerce from the canal.

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation or any officer or agent of any ship or shipping company or any other person whatsoever who is a party to any violation of this section or who knowingly violates or who permits any violation thereto shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

Mr. ADAMSON. Who offers the amendment?

The CHAIRMAN. The amendment is offered by the gentleman from Louisiana [Mr. BROUSSARD].

Mr. ADAMSON. I thought he offered a substitute.

The CHAIRMAN. The gentleman from Louisiana [Mr. BROUSSARD] is recognized.

Mr. BROUSSARD. Mr. Chairman, the first objection to the proposition submitted by the committee as a substitute for the provision in the bill is that the substitute proposes to legislate an amendment into the interstate-commerce act. I do not believe that we ought to engage in legislation by indirection. If the interstate-commerce act requires amendment, a bill ought to be brought for that purpose upon the floor and discussed upon its own merits.

The second objection to it is that gentlemen who have opposed free tolls through the canal have contended that our section 5 was the granting of a subsidy to the steamship combines engaged in the coastwise trade.

This amendment contemplates the exclusion of any steamships from the canal owned in whole or in part by any railroad and the exclusion from the canal of any steamships engaged in any combine of any kind whatsoever with the object to charge additional freight upon traffic. It is intended by this amendment to the substitute to make this canal the canal of the American people and not the canal of combines by railroads or by steamships anywhere in this country.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BROUSSARD. I have but five minutes, and I regret I can not yield.

It is intended by this provision to make this canal a canal of the American people until at least it is proven that the American people can not manage the canal with interest to themselves, and when the time shall come that the canal can not be operated in the interest of the American people, then it will be time enough for us to give it to the railroads, or give it to the steamship combines, or give it to somebody else who can manage it in their interest and maintain its integrity as it was intended when we undertook the construction of it.

But, so far as I am concerned by this resolution, I want to emphasize the fact that those of us who at least have been opposed to putting tolls upon commerce between the States carried by ships going through the canal, delivering freight from one State to another, insist that it shall not be carried by any combination that shall tend to increase the freight rates upon traffic. I want the ship that leaves San Francisco or New Orleans, upon which we have remitted the toll charge, not to be in combination with other lines of steamships engaged in the same trade, and not to be in the control of railroads interested in competing with these steamships in order to suppress independent lines engaged in the same business.

I believe that this canal ought to be managed, in view of the large expenditure which it has entailed, in the interest of all the people. It should not be managed with a view to conferring favor and profit upon railroad companies, whose business it is to carry freight upon land and not upon water, and it ought not to be managed in behalf of any combination of steamship lines engaged in competition with the railroads; but it should be, as we intended it to be, a water route to compete with every railroad carrying freight from the Atlantic to the Pacific, reacting in its charges upon every section of the country lying between the two great ranges of mountains on either side of this Continent.

This proposition is simply to prevent steamships engaged in supposed competition with railroads, owned by the railroads themselves, to exclude competition from independent lines that might engage in the traffic along the coast of this country. It is intended further to prevent steamship companies engaging in combinations by which they can increase the freight rates either in their own interest by combination, or in the interest of railroads that they are supposed to compete with after the opening of the canal. [Applause.]

Mr. CANNON. Mr. Chairman, a parliamentary inquiry, or, rather, a question. Is the amendment offered by the gentleman from Louisiana offered for the first time, or is it in print?

Mr. BROUSSARD. It is not in print.

Mr. PETERS. Mr. Chairman, I rise to favor the amendment to the bill before us, offered by the gentleman from Louisiana [Mr. BROUSSARD], and to protest against the passage of the act with section 11 as the committee desire to amend it. I wish particularly to call the attention of the House to what will be accomplished should the bill as amended by the committee become a law.

The title of this bill is "A bill to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," yet under the bill as the committee proposes to amend it we would add an amendment to the interstate-commerce act which would affect not only vessels going through the canal, but affect the shipping and transportation facilities of a large section of the United States.

The committee amendment raises a question which is not sectional, nor does it alone affect the transportation companies. It affects the producer and the manufacturer and the shipper.

The amendment to section 11 of this bill, as offered by the committee, provides:

* * * It shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatever * * * in any common carrier by water with which such railroad or other carrier aforesaid does or may compete for traffic, and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Mr. ADAMSON. Mr. Chairman, I could not hear what is going on very well over here, but I am told that two gentlemen are pleading in favor of one amendment. That is out of order. There ought to be a speech for the amendment and one in reply, and then a vote.

The CHAIRMAN. The gentleman from Massachusetts was recognized because he was the only Member asking for recognition. The Chair will recognize a Member in opposition immediately following the gentleman from Massachusetts.

Mr. PETERS. Mr. Chairman, the transportation system of New England has been developed by through routes by rail and water, both owned by the same companies. This amendment, which makes it unlawful for railroads to own competing vessel lines, comes as a complete surprise to the shippers in my part of the country. The subject has no necessary connection with the Panama Canal. In none of the hearings held before the House Committee on Interstate and Foreign Commerce was it mentioned, much less urged. The arguments before the committee upon railroad-owned ships were confined to keeping them out of the canal.

The substance of section 11 first appeared in House bill 21889, introduced March 14, 1912, by Mr. COVINGTON, of Maryland. It was entitled "A bill to amend the act to regulate commerce," and so forth.

On March 15, 1912, being the following day, Mr. ADAMSON introduced House bill 21969, in which Mr. COVINGTON'S bill appeared as section 11. March 16, 1912, House bill 21969 was committed to the Committee of the Whole House and ordered to be printed. There was no time or opportunity to be heard in opposition to this section, although months had been given to all interested to appear before the committee and be heard upon the rest of the bill.

Section 11 introduced for the first time a radical change in the industrial, commercial, and transportation policy of the country, and it is now sought to be enacted into law without giving the committee the benefit of any information as to its effect upon industries of the country. It would be as unreasonable to compel the railroads to sell their water lines because traffic would compete with their rail lines, as to make railroad companies dispose of a part of their system which operated lines that competed with another part.

The portion of section 11, if enacted into law, will radically change the method of doing business in New England and reverse a policy which in history has grown up naturally and proved to be the proper method of handling commodities between New England ports and other ports on the Atlantic coast.

The natural growth of the common ownership and cooperation between railroads and water carriers is seen in the following brief historical sketch, which shows that the rail and water transportation forms continuous lines:

HISTORY OF NEW ENGLAND RAILROADS.

The Fall River Line, running from New Bedford and Fall River, respectively, to New York City, was organized and the vessels thereof were built by the Old Colony Railroad Co. in 1876. At that time the Old Colony Railroad Co. operated between Boston and Fall River and Boston and New Bedford. It built the steamboats of the Fall River Line in order to carry freight and passengers between New York and Boston. In 1892 the Old Colony Railroad Co. was leased to the New York, New Haven, & Hartford Railroad Co., and the Fall River Line was a part of the leased property.

The Providence & Stonington Line was built by the New York, Providence & Boston Railroad Co. in 1873. Its steamers ran between Providence and Stonington on the one hand and New York City on the other. It was the means by which the Boston & Providence Railroad Co. operated between Boston and Providence, and the New York, Providence & Boston operated between Providence and Stonington, reached New York City. These companies by lease came into the control of the New York, New Haven & Hartford Railroad Co. in 1892, at about the same time the Old Colony Railroad Co. lease was made.

The Norwich Line was built by the Norwich and Worcester Railroad Co. in 1890. It was the means by which the Norwich & Worcester Railroad Co., operating between Norwich and Worcester, reached New York City.

The Norwich & Worcester Railroad Co. was eventually leased to the New York and New England Railroad Co., operating between Boston and Putnam, Conn., and the New York & New England Railroad Co. in 1898 leased to the New York, New Haven & Hartford Railroad Co.

The New Haven Steamboat Line began in 1824, running between New Haven and New York City. It formed a through route in connection with stagecoaches and freight wagons between New York City, New Haven, and Hartford, Conn., and Springfield, Mass.

Upon the construction of the Hartford & New Haven Railroad Co., running between New Haven, through Hartford to Springfield, the New Haven Steamboat Line continued to operate as a through line in connection with said railroad and for several years retarded the building of a rail line between New Haven and New York City, because the proposed railroad could not compete with the steamboats of the New Haven line and it was not thought that such a rail line would pay. In fact, whereas the north and south line between New Haven and Springfield was built in 1834, the line between New Haven and New York was not built until 13 years later, 1847.

The Bridgeport Line was one of the earliest steamboat lines to come into existence after Fulton's invention of the steamboat.

For many years prior to the building of the Hudson River Railroad it run between New York and Bridgeport and carried the mails between New York and Albany via the Housatonic Railroad Co. and the Boston & Albany Railroad Co.

The New York, New Haven & Hartford Railroad Co. originally consisted of the Hartford & New Haven Railroad Co., before mentioned, and the New York & New Haven Railroad Co. They were consolidated in 1872. The other rail lines were gradually absorbed by lease or consolidation, until 1892 there was for the first time an all-rail line under common control between New York and Boston.

It will be seen that originally each of the steamboat lines was a conductor of a rail line. They became competitors only when the various rail lines came under a common control and formed a through line between New York and the various Long Island Sound and Narragansett Bay ports herein mentioned.

These lines have produced and developed traffic which all shippers to and from New England follows:

West bound, they carry from the various ports and from interior points the finished products of the New England cotton, woolen, brass, hardware, and other manufacturers. They deliver same to the various docks at the southern end of Manhattan Island contiguous to the wholesale district of New York City, where each of these commodities is handled. Goods presented for shipment in the afternoon are delivered in New York early the following morning. If, instead of going by boat they are shipped all-rail, delivery in New York is necessarily delayed because the New York, New Haven & Hartford Railroad Co.'s rail terminals in New York City are on the north side of the Harlem River, whence cars must be unloaded of their contents or floated to the various New York piers.

WATER LINES PREFERRED.

In any case there is a delay beyond the time required for handling them by water. The water lines are, therefore, preferred by New England manufacturers to the rail lines, and many protests have been filed by chambers of commerce and manufacturers' associations against a compulsory discontinuance of this method of doing business.

If the New Haven road is required to dispose of its steamboats, it naturally will carry all-rail as much traffic as possible, with a resulting delay to the shippers.

Eastbound the water lines receive from the railroad terminating on the west side of the North River and from coastwise steamship companies raw materials, such as cotton, wool, pig iron, and copper, and carry it to Long Island Sound and Narragansett Bay ports for shipment to the interior.

In times of congestion of traffic, which frequently happens, even upon the four or more tracks running between New York and Boston, the New Haven road is able to divert to the water lines shipments which otherwise it could not handle expeditiously.

It will thus be seen that this traffic has grown up in a natural way without thought of or attention to competitive conditions, and that it is to the interest of New England that it should continue.

Mr. HIGGINS. I want to interrupt the gentleman for a suggestion, that what the gentleman has said about the New York, New Haven & Hartford road applies equally well to the Grand Trunk Railroad.

Mr. PETERS. Certainly. I understand, through the newspapers, that it is proposed to run a new line by the Grand Trunk Railroad into the city of Providence, and then that railroad is to run steamboats into New York City. The commercial bodies and shippers in New England are unanimous in opposition to the change proposed in this bill. The directors of the port of Boston passed resolutions on April 11, 1912, which I wish to submit to the committee:

DIRECTORS OF PORT OF BOSTON.

At a meeting of the directors of the port of Boston April 11, 1912, the following statement was adopted as the opinion of the directors of the port of Boston concerning a proposed amendment to section 5 of the interstate-commerce act, contained in section 11 of the Panama Canal bill, No. 21969, and it was voted that a copy of this vote be sent to each member of the Massachusetts delegation in Congress.

"The Panama Canal bill reported to the House of Representatives, Congress of the United States, as House bill No. 21969, contains in section 11 an amendment to section 5 of the interstate-commerce act, as follows:

"'From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.'

"This is followed by a provision, in substance, that any railway controlling a water carrier engaged in foreign trade and having through rates and facilities with it shall, upon request, provide like port facilities, connections, and joint through rates for and in connection with any water carrier engaged in the lake, river, or coastwise trade of the United States, including trade through the Panama Canal.

"The enactment of such legislation would be detrimental to the port of Boston and to the transportation of both passengers and commodities of the Commonwealth. It is certainly unwise as an incident to the regulation of traffic through the Panama Canal to enact a drastic change affecting transportation facilities and methods whose development in New England covers a century, where the connection of steamship lines and their control by railroads is as old as the construction of the railroads themselves. This bill commands the disruption of serviceable and efficiently operated transportation systems involving, if the compliance of law is to be more than in form, the sale of valuable properties, probably in many cases at a loss, many of which can not be operated independently with the same degree of efficiency as at the present time.

Such legislation threatens to place American railway interests under a severe handicap in competition with Canadian railways. It has been the distinct policy of the Canadian Government to encourage and assist its railways in the development of steamship facilities. A provision having this in view is incorporated in the contract of July 29, 1903, between the Dominion Government and the Grand Trunk Pacific Railway Co.

At the hearings before the Committee on Interstate and Foreign Commerce it was testified that "the entire transportation of Canada with England and Japan is in the hands of the Canadian Pacific Railroad. They are one of the largest ship-owning companies on the Continent of North America, and they are closely followed by the Grand Trunk."

Considering the vast extent of the financial assistance given by the Canadian Government to its railroads and the distinct tendency of its policy regarding steamship connections up to this time, there is no indication that the early future will see any change of policy in this regard. The result of the proposed restriction of American railways therefore may be a severe discrimination against them.

It is not suggested that our Government should in any way change its policy in the direction of restricting our railways in the ownership or control of vessels engaged in the foreign carrying trade, whether through the Panama Canal or not. That such ownership or control, especially on the Pacific Ocean, has been much to the benefit of our foreign commerce is not denied.

It is obvious that in many cases the enterprise of a railway company in establishing foreign steamship lines might depend, to a great extent, upon its opportunities for operating domestic steamship lines in connection with them. The use of common wharf facilities, the stopping at domestic ports of foreign-bound vessels, and other factors might have an important bearing; yet it is proposed in this legislation to deny to our railroad companies the privilege of operating such lines—a restriction which may operate, as indicated, in very undesirable ways as respects our foreign commerce.

The argument which has apparently brought about this amendment to the interstate-commerce law is the fear that railroad owned or operated vessels will be in a position to control coast traffic through the Panama Canal. These arguments allege that railway companies would be in a position to, by drastic reductions in rates, drive independent competitive lines out of business, and also wherever railroad companies own or control steamship lines it is the tendency for rates on such lines to be finally adjusted at a level above the normal for water carriage.

It is believed that this danger is not a serious one and, moreover, it could be entirely obviated by giving certain discretionary powers to the canal administration.

Hon. Henry L. Stimson, Secretary of War, said in his testimony before the committee: "My own opinion is that to simply prohibit lines which were partly owned or controlled by railroad lines from using the canal or to discriminate against them would be an ineffective remedy. I do not believe in it myself. I have seen it tried in the case of competing railroads, and our experience has been that it has never worked. I am pleased to say that the President, who last year (1911) recommended that, on further reflection has changed his view and does not think now that it would be the most effective way of treating the problem. Col. Goethals has expressed himself to the effect that this legislation is not necessary, and that any difficulties can be met when they arise."

In imposing the restriction in question upon railroads in respect to "any common carrier by water with which said railroad * * * does or may compete for traffic," the proposed law is vague and indefinite. It does not state what circumstances constitute competition. It makes no distinction between a case such as that of the Long Island Sound lines, operating between the same points as the controlling railroad, and steamship lines which might possibly be considered competitive in a sense, because forming a small connecting link in a long through route of which the controlling railroad is also a part. The result of this vagueness might be to forbid the establishment of a steamship line which in the promotion of foreign or domestic trade would be of great public benefit. The proposed new steamship line of the Grand Trunk from Providence to New York is a case in point.

In attempting to discourage monopoly of domestic traffic by placing this restriction upon the railroads, the law could easily have the effect of fostering and promoting steamship monopoly, since it would be forbidden for a railroad to establish a steamship line in competition with existing independent lines; also the law certainly would not restrict and might promote industrial monopoly through the control by large corporations of steamship lines.

The Standard Oil Co. operates a large fleet of American and foreign vessels. The Steel Corporation has a large fleet on the Great Lakes.

The proposed legislation wholly overlooks many important public advantages resulting from the control and operation of coastwise steamship lines by strong railroad companies. As was, by implication, admitted by Mr. Wheeler, such lines provide in many cases excellent passenger facilities and in convenient connection with trains, the two services perhaps actually connecting on the wharf. They facilitate railway operations by taking, to a considerable extent, the heavy freight. In some cases they have peculiar advantages. For example, the New England Navigation Co., controlled by the New York, New Haven & Hartford, can deliver freight directly to the lower part of New York City, while the railway lines must leave their freight at points far up town.

The competition between railroads and their controlled steamship lines is not necessarily or without qualification mock, as stated in the majority report of the committee. While the relations are necessarily close and friendly, the rates and service on the steamship line are governed by actual or potential competition of other steamship lines, involving, of necessity, some actual competition between rail and boat.

The policy embodied in this legislation must have a strong tendency to stultify enterprise, to stand in the way of large and important undertakings having the backing of strong financial interests. That it is not good policy to hamper enterprise in this manner is evidenced by the aggressive opposite policy of the Canadian Government above referred to and by the passive approval by our own Government of the enterprise of railways in the foreign carrying trade.

It has been suggested that, instead of an outright prohibition such as proposed, there be some discrimination against steamship lines in domestic trade controlled by railroads by way of tolls not exacted from independent steamships or higher tolls. This policy is open to most of the same objections, and it may be noted that our Government passes all vessels through the Sault Ste. Marie Canal without toll, though many of these vessels on the Great Lakes are controlled by railroads, while many others are controlled by industrial corporations.

In this case we follow the policy of the Canadian Government at the same point, canal facilities being also freely interchanged between the two countries.

It has been urged that the restriction proposed might foster steamship monopoly by forbidding the establishment of competitive lines by railroads. It is also true that this policy might foster monopoly by certain railroad systems by preventing the establishment by one railroad of steamship lines to enable it to compete with another railroad or to make more advantageous through rates. The terms of the act do not appear to be intended as applying to steamship lines which are extensions of railway systems rather than duplications of existing service; but in view of the indefinite terms of the act it is a grave question whether the restriction would not sometimes have the effect suggested. Supposing, for example, that the Pennsylvania Railroad proposed to establish a line of steamships from New York to Boston, but would do so only if able to make stops at certain Long Island points. Inasmuch as this company controls the Long Island Railroad, such stops on Long Island might be held illegal, and thus Boston might fail to receive the benefit of an additional steamship line. On the other hand, the Pennsylvania Railroad might legally operate the South lines, whereas it would be more to our advantage to have them operated by a railroad subject to some local control.

The difficulty of enforcing to the full any prohibition of ownership or control such as proposed is well known. In view of this, the restriction might operate as a severe discrimination, some railway systems being in a position to conceal their ownership or control while others could not do so.

Railroads, in some instances, may operate connecting steamship lines without profit or at a loss, owing to their value as "feeders" or through connections. It can not be expected that such lines could be operated by independent capital. It is claimed, for example, that the Merchants & Miners Transportation Co., controlled by the New York, New Haven & Hartford, is not in itself profitable. This line is of great value to Boston in many ways; among others, in protecting the New England differential basis in traffic with the West. It also provides valuable passenger facilities.

The proposed legislation would also involve danger of public injury in regard to through rates. The interstate-commerce law does not compel a railroad to join in the making of a through rate unless the route to which such a rate applies embraces substantially the whole length of the rail lines of the company. A railroad, however, should be willing to join in through rates on a route embracing part of its rail lines, together with steamship lines which it controls, especially if such route were to be in competition with some other through route. As an example, the instances might be cited of the differential through rate made by the New York, New Haven & Hartford Railroad on westbound traffic from New York in connection with its Sound steamship lines. Prohibition of the control of these lines by the New York, New Haven & Hartford might deprive the public of the benefit of such differential.

Having already severely restricted the railroads in reduction of rates to meet water competition, it is now proposed that Congress by this legislation shall forbid the railroads to protect themselves even by owning or controlling water carriers. This seems a hardship in any fair consideration of the case.

It is to be remembered that even in the restricted way in which Congress does permit the lowering of railway rates to meet water competition the fact is recognized that such competition may be a most serious menace to such railroads and their security holders, not to speak of the public, which depends upon their efficient service.

It is also to be remembered that for a railroad to stand in the way of independent water competition is not an easy matter. The use of water routes can not be limited, and only in the case, which should be guarded against, of a railroad having complete monopoly of dock facilities can it become very difficult for independent lines to be established.

It may be freely conceded that all actions of a railroad tending to deny to independent companies proper and fair facilities for their service and equal treatment in switching charges and similar matters should be vigorously opposed by the proper public authorities.

SUMMARY.

The directors of the port of Boston regard section 11 of the Panama Canal bill (H. R. 21969), which forbids railroads from being interested in water lines, wherever located, which compete or may compete, as detrimental to the port of Boston and the State of Massachusetts.

The bill would disrupt valuable transportation routes of many years standing, such as the Long Island Sound lines, which have no reference to the Panama Canal.

It would place American railways under a severe handicap compared with Canadian railways, which are encouraged to go into the steamship business.

The danger feared—the detrimental control by railroads of coast traffic through the Panama Canal—can be avoided in other ways, as, for instance, giving the canal administration certain discretionary powers.

It would tend to restrict the development of steamship lines as parts of competitive routes.

It might promote rather than prevent monopoly of steamship service.

It overlooks the important public advantage resulting from control of coastwise lines by strong railroad companies in protecting rates through offering differential routes.

Water transportation can be monopolized only if dock facilities are monopolized, which is the essential thing to be guarded against.

I wish also to submit copy of a protest filed by New England manufacturers:

COPY OF PROTEST FILED BY NEW ENGLAND MANUFACTURERS.

APRIL 27, 1912.

We, the undersigned, being actively interested in the manufacture of cotton goods in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal, provides that "It shall be unlawful for any railroad company or other common carrier, subject to the act to regulate commerce, to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government.

We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England, that under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry.

We believe that, with the opening of the Panama Canal, it is of the greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water, and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat this amendment.

MASSACHUSETTS COTTON MILLS, *Lowell, Mass.*,
By ARTHUR T. LYMAN, *President*.
BOSTON MANUFACTURING CO., *Waltham, Mass.*,
By RONALD T. LYMAN, *Treasurer*.
WHITTENTON MANUFACTURING CO., *Taunton, Mass.*,
By RONALD T. LYMAN, *Treasurer*.
SALMON FALLS MANUFACTURING CO., *Salmon Falls, N. H.*,
By RONALD T. LYMAN, *Treas.*
PACIFIC MILLS, *Lawrence, Mass., and Dover, N. H.*,
By EDWIN FARNHAM GREENE, *Treasurer*.

A similar protest was filed by certain other New England manufacturers on April 22, 1912. I append a list of the names of the companies signing it:

Amoskeag Manufacturing Co., Manchester, N. H.; York Manufacturing Co., Saco, Me.; Lawrence Manufacturing Co., Lowell, Mass.; Everett Mills, Lawrence, Mass.; Lyman Mills, Holyoke, Mass.; New England Cotton Yarn Co., New Bedford, Mass.; Farwell Bleachery, Lawrence, Mass.; Tremont and Suffolk Mills, Lowell, Mass.; Pepperell Manufacturing Co., Biddeford, Me.; Great Falls Manufacturing Co., Somersworth, N. H.; Newmarket Manufacturing Co., Newmarket, N. H.; Dwight Manufacturing Co., Chicopee, Mass.; Suncook Mills, Suncook, N. H.; Bates Manufacturing Co., Lewiston, Me.; Edwards Manufacturing Co., Augusta, Me.; Nashua Manufacturing Co., Nashua, N. H.; Cheney Bros., South Manchester, Conn.; Boott Mills, Lowell, Mass.; Hamilton Manufacturing Co., Lowell, Mass.; Sharp Manufacturing Co., New Bedford, Mass.; Warwick Mills, Centerville, R. I.; Lancaster Mills, Clinton, Mass.; Davol Mills; Stevens Manufacturing Co., Fall River, Mass.; Merchants' Manufacturing Co.; American Linen Co., Fall River, Mass.; Pocasset Manufacturing Co.; Wampanoag Mills, Fall River, Mass.; Narragansett Mills, Fall River, Mass.; Westamoo Mills, Fall River, Mass.; King Philip Mills; Tecumseh Mills, Fall River, Mass.; Flint Mills, Fall River, Mass.; Laurel Lake Mills, Fall River, Mass.; Cornell Mills, Fall River, Mass.; Hargraves Mills, Fall River, Mass.; Parker Mills, Warren, R. I.; Rich, Borden Manufacturing Co., Fall River, Mass.; Parkhill Manufacturing Co., Fitchburg, Mass.; Granite Mills, Fall River, Mass.; Seaconnet Mills; Barnaby Manufacturing Co., Fall River, Mass.; Arkwright Mills, Fall River, Mass.; Luther Manufacturing Co., Fall River, Mass.; Border City Manufacturing Co.; Mechanics' Mills, Fall River, Mass.; Troy Cotton & Woolen Manufactory, Fall River, Mass.; Sagamore Manufacturing Co., Fall River, Mass.; Shove Mills, Fall River, Mass.; Stafford Mills, Fall River, Mass.; Davis Mills, Fall River, Mass.; Chace Mills, Fall River, Mass.; Sylvania Mills, Woonsocket, R. I.; Pierce Manufacturing Co., New Bedford, Mass.; Grinnell Manufacturing Corporation, New Bedford, Mass.; Whitman Mills, New Bedford, Mass.; Nashawena Mills, New Bedford, Mass.; Tabor Mills, New Bedford, Mass.; Beacon Manufacturing Co., New Bedford, Mass.; Butler Mills New Bedford, Mass.; Dartmouth Manufacturing Corporation; Bristol Manufacturing Corporation, New Bedford, Mass.; Wamsutta Mills; Pierce Bros. (Ltd.), New Bedford, Mass.; Gosnold Mills, New Bedford, Mass.

I have also received a protest, dated May 2, 1912, from cotton buyers and brokers, against the adoption of the so-called Covington amendment. The names of those signing the protest are as follows:

Stephen M. Weld & Co., Boston; George H. McFadden & Bro., Philadelphia; Barry, Thayer & Co., Boston; Cooper & Brush, Boston; S. D. Bush & Co., Boston; Ingersoll Amory & Co., Boston; Charles Storrow & Co., Boston; Ellerton L. Dorr & Co., Boston; P. T. Jackson & Co., Boston; William Almy & Co., Boston; Haughton & Co., Boston; B. H. Dickson & Co., Boston; L. Beebe & Co., Boston; E. A. Shaw & Co., Boston.

RHODE ISLAND LEGISLATURE.

So great has been the importance of this proposed change that the Rhode Island Legislature has itself passed a resolution in regard to it, which I now present to the committee:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1912.

Resolution requesting the Senators and Representatives in Congress from Rhode Island concerning House resolution 21969, pending in Sixty-second Congress of the United States.

Whereas it has been the policy of this State, beginning with the earliest railroad charters, to authorize and encourage railroad companies to build their railroads to tidewater, to own wharves and docks, and to operate, or to own the stock of companies operating steamboats; and

Whereas in the last railroad charter granted, and as late as the year 1910, the General Assembly of Rhode Island, in furtherance of this policy, authorized the building to tidewater, the owning of wharves and docks, and the operation of, and ownership of the stock of, other companies which operate steamboats or steamships; and

Whereas section 11 of a bill pending in the House of Representatives of the Congress of the United States numbered 21969 and entitled "A bill to provide for the opening, maintaining, protection, and operating of the Panama Canal and the sanitation and government of the Canal Zone" is contrary to the said policy of this State; said section being as follows:

"SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof as follows:

"'From and after the 1st day of July, 1913, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense'": Now therefore

Resolved, That the General Assembly of the State of Rhode Island opposes any action by Congress in conflict with the beneficial policy of this State as aforesaid, and that the Senators and Representatives in Congress from Rhode Island be, and they are hereby, respectfully requested to do all in their power to the end that section 11 of said bill be stricken therefrom.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, April 26, 1912.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 29th day of April, A. D. 1912.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED. PARKER,
Secretary of State.

This legislation was brought up without any opportunity for the shippers in New England or for those on the Great Lakes, many of whom are in the same situation, to appear and present their views. It is brought up under a bill which purports to affect alone legislation on the Panama Canal. We are attempting to legislate on a subject, the ownership of boat lines, which the Committee on Merchant Marine and Fisheries are themselves investigating. Whatever may be the difficulties presented by the situation of the operation of the canal, it is obviously unjust and unfair to involve the shippers and people of the Atlantic coast cities and Great Lakes in far-reaching changes in their transportation system solely for the purpose of meeting conditions incident to the operation of the Panama Canal. [Applause.]

Mr. ADAMSON. Mr. Chairman, the gentleman from Massachusetts having replied to the amendment of the gentleman from Louisiana, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. BROUSSARD] as a substitute to that offered by the committee.

The question was taken; and on a division (demanded by Mr. BROUSSARD) there were 18 ayes and 45 noes.

Mr. BROUSSARD. I demand tellers.

The question of ordering tellers was taken, and only seven Members arising—not a sufficient number—tellers were refused.

So the amendment was lost.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 4 of the committee substitute, line 18, after the word "country," add the words:

"*Provided*, That nothing in this paragraph shall apply to arrangements which may be entered into between a rail carrier and vessels of the United States registered in a foreign trade."

Mr. JONES. Mr. Chairman, paragraph d, page 4, of this amendment is in these words:

If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country.

It is not possible in the few moments at my disposal to do more than call attention to the manner in which this paragraph discriminates against American interests in favor of foreign shipping. It makes it impossible for any railroad in the United States to enter into any freight arrangement with an American built and owned steamship line plying between an American port and a foreign port, which it may not be required to enter into with a foreign line operating between the same ports. In effect this is a discrimination against ships of the United States, although upon the face of the paragraph it would appear to be a provision to prevent discrimination. I am sure this was not the intention of the committee, but it is just what the paragraph will accomplish, unless some such amendment as that which I have proposed is adopted. It is a well-known fact that all German railroads having connections with steamship lines engaged in foreign commerce give to German-owned ships material advantages in freight rates over the ships of every other nationality.

If, therefore, American railroads are prohibited from giving equal advantages to American ships competing for traffic with German ships between ports of the two countries, it must be evident to everybody that the American ships will be at a decided disadvantage. And yet this is just what this paragraph does. Is it conceivable that if this paragraph is enacted into law as it now stands an American ship will ever be built to sail between an American and a German port in competition with German ships? The laws of Germany not only permit, but they encourage, the granting of exclusive advantages to German ships carrying products exported from and imported into Germany. The railroad companies of Germany therefore give lower rates or other advantages to German ships which this paragraph will not permit American railroads to give to American ships engaged in the same trade. I can not believe that those who are responsible for this paragraph could have been aware of the conditions to which I have briefly called the attention of the House. The purpose evidently was to prevent railroads from discriminating in favor of one of the interior cities of the United States as against another of those cities. I can not believe that those who framed this paragraph understood that it would operate, as I have endeavored to point out, to prevent American ships from competing with the ships of other countries upon fair and equal terms. I am not asking in my amendment for any advantage for American shipping engaged in foreign trade; I am only asking that there shall be no legislation which will tend—indeed, which will surely operate—to injure, if not to utterly

destroy, the little that is now left of our foreign merchant marine.

If there is nothing which Congress can or will do to encourage ship building and ship owning in the United States, surely we should do nothing to discourage or prevent it. If this character of legislation is persisted in, the day may not be far distant when there will not be a merchant ship on the high seas flying the American flag.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. ADAMSON. Mr. Chairman, I would like to have that amendment again reported. I do not think I quite understand it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment of the gentleman from Virginia [Mr. JONES].

Mr. ADAMSON. Mr. Chairman, I do not think there was any chicanery about this at all. I think the committee understood what it was doing.

Mr. SMALL. Mr. Chairman, I desire to be recognized in favor of the committee amendment, and against the amendment of the gentleman from Virginia [Mr. JONES].

The CHAIRMAN. The Chair will recognize the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

Mr. CULLOP. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2 of the Adamson substitute, lines 12 and 13, strike out the words "In all such cases the order of said commission shall be final."

Mr. ADAMSON. Mr. Chairman, I make the point of order that gentlemen are denominating that substitute wrongly. It ought to be the committee amendment or committee substitute.

Mr. LENROOT. Mr. Chairman, the first part of section 11 gives to the Interstate Commerce Commission jurisdiction to determine the matter of competition between vessels and railways and whether the existing service is in violation of the provisions of the section. The last clause in that paragraph reads:

In all such cases the order of said commission shall be final.

I had supposed that it was elementary that no order of the Interstate Commerce Commission could be made final, thus taking away from the courts the power of review of that order. It seems to me so elementary that it ought not to require discussion. I am aware—as I have discussed the matter with some members of the committee—that they point to the fact that findings of fact of the Interstate Commerce Commission with reference to rates are final, and, therefore, they say this is doing nothing more than that law now provides with reference to rates, but those gentlemen seem to forget that the findings of fact made by the Interstate Commerce Commission with reference to rates are not carried into final orders at all. Rates are predicated upon those findings, and the law itself provides for a court review of those orders; and, Mr. Chairman, here comes the distinction, because the fixing of the rate is an act legislative in its nature and beyond the power of the court to review, so far as the facts are concerned on which that rate was based, and there are but two things that the court can inquire into. One is as to whether the commission has exceeded its powers—that is, the authority granted it by Congress—and, second, whether or not the rates fixed are confiscatory, or, in other words, invade the constitutional rights of the carrier. Now, with reference to this provision: What is the order that will be made by the commission? The commission will make an order either finding that there is a violation of the provisions of this section or that there is not, and if the order be that there is a violation of this provision, and these orders shall be final, what situation are we in? An action is brought. There is a penalty in the interstate-commerce law, and this section is made a part of that law, subjecting the carrier to that penalty. You have deprived that carrier of his day in court.

Now, so far as authorities are concerned, the Members of the House are familiar with the leading case of the Chicago, Milwaukee & St. Paul Railway Co. against Minnesota, One hundred and thirty-fourth United States. There was a case where it was undertaken by the State of Minnesota to make the orders of its State railway commission final and conclusive, as here you are attempting to make the orders of this class of cases final and conclusive, and with reference to that the court, in finding that law was unconstitutional, said:

It deprives the company of its right to a judicial investigation by due process of law under the forms and with the machinery provided by the wisdom of successive ages for the investigation judicially of the truth of a matter in controversy and substitutes therefor, as an absolute finality, the action of a railroad commission which, in view of the powers conceded to it by the State court, can not be regarded as clothed with judicial functions or possessing the machinery of a court of justice.

Mr. Chairman, it seems to me that decision of the Supreme Court is clearly upon all fours with this provision and condemns it, and because I am very much in favor of this substitute I want to see this provision stricken out. It is absolutely unnecessary; it can do no good and may do harm.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COVINGTON. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Wisconsin. It is entirely true, as he states, that you can not constitutionally deprive any railroad company owning a water carrier of its right to have a legal question judicially determined by the courts; but, Mr. Chairman, it is well known that the Interstate Commerce Commission can determine finally all issues of fact, and that the whole purpose of the interstate-commerce law is to permit that to be done. One of the most serious questions that is now agitating this country is whether or not the recently created Commerce Court is rightfully passing upon orders of the Interstate Commerce Commission by going so far as to review the determination of questions of fact which have been decided by the commission.

Now, all that the pending provision does is to permit the Interstate Commerce Commission to determine finally the specific question of fact whether or not any given water carrier is in competition with a railroad company which is in part the owner or wholly the owner of it. It does not seek to deprive the railroad company owning the water carrier of any constitutional right which it possesses, but it simply makes final the determination by the Interstate Commerce Commission of the issue of facts involved.

Mr. LENROOT. Will the gentleman permit a question? Could the carrier make any defense in the courts?

Mr. COVINGTON. Not as to the simple question of whether the water carrier is or is not in competition with the railroad owner.

Mr. LENROOT. Is not that the entire question and the only prohibition there is in the section? It is the ultimate fact that is in issue.

Mr. COVINGTON. It is the ultimate fact in issue, but it is determined in the same way and by a power of the same character that the commission now makes its findings upon.

Mr. LENROOT. Then have not you deprived the carrier of his day in court when you make this order final?

Mr. COVINGTON. I think not.

Mr. LENROOT. Is there any order of the Interstate Commerce Commission in the interstate-commerce law that is made final as you propose to make this order final?

Mr. COVINGTON. But the gentleman understands if this order should be confiscatory of any right of the railroad company that the question developed by the order would not deter the railroad company from appealing and going to the courts.

Mr. LENROOT. But it would determine that this entire section is unconstitutional, as was expressly held by the decision of the court.

Mr. COVINGTON. The order would determine the finding of fact by the Interstate Commerce Commission, and the railroad company would then simply have its appeal when it could show that it was deprived of a constitutional right in that its property had been confiscated—that is to say, deprived of its property without due process of law.

Mr. LENROOT. But no order in the interstate-commerce law is made final, and there is the distinction between that Minnesota case. They attempted in that case to make it final, and that is what condemned the entire act.

Mr. COVINGTON. All findings of fact are final.

Mr. LENROOT. The finding of fact was final only because the order is predicated upon it, which is legislative in its nature. It is not so in this case.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. LENROOT) there were—ayes 42, noes 64.

So the amendment was rejected.

Mr. MALBY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 11 of the amendment in line 15, after the word "traffic," page 1, by adding thereto the following words: "Through the canal.

Mr. MALBY. Mr. Chairman, in order that we may thoroughly understand the effect of the amendment which I offer to section 11 of the bill, it is important to call the attention of the House to exactly what it now provides for, and even in this connection I can add very little to my remarks made a few days ago when this whole bill was under consideration.

In brief, this section provides that from and after July 1, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; in other words, it is made unlawful for any railroad company after that date to have or hold any interest, directly or indirectly, in any of the stocks or bonds, or in any other manner, in any water transportation company.

The application of this section is not limited, as I previously pointed out, to water transportation lines which are to use the Panama Canal, but it is a general provision which applies throughout the whole country to all railroad companies which have or own an interest in water transportation companies. Just why such an important provision has been put in this act, which exclusively relates to the Panama Canal and transportation through the same, I am unable to conceive. The only justification for dealing with that subject at all would be to confine its operation to those lines that use the Panama Canal, and even in such cases it is of very doubtful propriety. As applied to the rest of the country it is wholly unjustifiable and will lead to serious results, little appreciated, I fear, even by the membership of this House.

Let us inquire briefly what its results will be. It is known by all men that the great transportation business of the United States is now carried on by the combined efforts of railroad and water transportation companies on our Great Lakes and rivers and on the Atlantic and Pacific seaboard and the Gulf of Mexico. The railway companies, notwithstanding every reasonable effort on their part, discovered many years ago that they would be unable to take care of our great inland and coast commerce without the aid of water transportation.

Private capital could not be induced to invest in the construction and operation of these water lines. It was then that the railroads commenced to construct expensive docks, warehouses, elevators, and steamship lines in connection with their own roads for the purpose of furnishing adequate and cheaper facilities for the handling of our immense freight traffic. It resulted in greatly lessening the cost of transportation, and many railroad companies transport freight over their own water lines from 10 to 25 per cent cheaper than they can afford to by rail, and the result of their efforts has been to afford much greater and better facilities for transportation at a decreased cost.

It is quite useless and contrary to fact to say that there is no competition between water lines owned by railroad companies and the railroad or other water transportation lines, for, as I have pointed out, the railroad companies carry freight over their own water lines much cheaper than they do over the rail lines, and besides all this there is the keenest competition by water between lines owned by the railroad and those owned by independent companies; in other words, the railroad can not in the very nature of things charge any more for freight on their steamboat lines than other water transportation companies charge for the same services.

It is therefore apparent that present conditions do not call for legislation, but, on the contrary, demand that there shall be no such legislation as that proposed in section 11 of this bill. All the important railroads in the country are affected by it, and if they were obliged in this brief period of time allowed by this bill to dispose of their docks, warehouses, elevators, and steamboat lines it would not only be at a very great sacrifice, but it would seriously interfere with the great question of transportation, in which the general public is vitally interested. These steamship lines which are now owned by railroads were constructed and put in operation with special reference to their usefulness in connection with the railroad system. Operated in connection with the railroads, who have constructed, owned, and operated them, they are of great value and usefulness to the public in the handling of their freight, but separated from them they are little more than so much junk, for I think that it will be conceded that no one can be found who would be foolish enough to take this property off their hands and operate it at any price. If the edict goes forth that the railroad companies must do without water transportation to help them out, then they will do the best they can with the railroads and leave the water transportation companies to take care of themselves. Just what the situation would then be can be better imagined than told.

Personally, I can not conceive of any act on the part of Congress which is so uncalled for as this and which at the same time would not increase the facilities for transportation by a single point or decrease the charges therefor by so much as a penny, but, on the contrary, would greatly lessen our present facilities for transportation, and hence inevitably lead to an increase in cost. If this is reform, then, in the name of good sense, let us have less of it. Instead of increasing the transportation through the Panama Canal it will greatly lessen it by decreasing the facilities, and absolutely lead to a monopoly on the part of a few independent steamship companies who may use the canal, but whose facilities for actual transportation are absolutely insignificant. Instead of transportation being cheaper from coast to coast and on our inland waterways, it will be dearer and less effectively conducted.

I know that it has become very popular to denounce almost everything and everybody now which has furnished some evidence of a successful administration of their affairs, and, in particular, the railroads. There was a time when this Government was very solicitous about railroads and their construction, and offered them large grants of land as a bonus for the construction of railways. Now, that they have been constructed and are under successful operation, it would seem that a vast majority of the Members of this body were seeking either to destroy them or render them less capable of meeting the great public demands which are constantly made upon them.

I am not interested in transportation, either by rail or water, but I can very plainly see that the policy of our Government must be more generous toward our railroads or the public service must seriously suffer. I may say in passing that many of our large railroad companies, and in particular our transcontinental lines, have during the past 20 years been in the hands of receivers, and millions of dollars which were invested in their construction have been lost to the original investors. I think that I may say, without fear of successful contradiction, that there has been less return for the money invested, first and last, in the building of our railroads than in any other industry in which our people have been engaged. A few of them have made money all of the time, some of them a part of the time, and the rest of them none of the time.

It might not be opportune at this time to call attention to the fact that we have more miles of railroad in the United States than they have in the whole Continent of Europe and that they have been constructed at must less cost.

The average cost of construction per mile in the United States is about $60,000, while that of the United Kingdom of Great Britain is $274,000 per mile, Germany $111,000 per mile, France $141,000 per mile, Austria $116,000 per mile, Italy $125,000 per mile, and Belgium $187,000 per mile, while our passengers per mile and our freight per ton-mile are carried cheaper and quicker than in any other country in the world. At the same time, we observe that the total number of their employees is 1,695,000, who are paid wages to the amount of $1,230,800,000 per annum, a sum so vast that we are unable to grasp the importance of their successful operation and its effect upon the general prosperity of our country. It may also be stated in passing that the compensation of their employees has increased over $200,000,000 since 1905, while the average pay of their workmen is from two to four times as much as it is either in Great Britain or in any country on the continent of Europe. Notwithstanding these facts, and many more within the knowledge of every Member of this body, we are daily entertained with speeches against the railroads, as though they were an enemy to the Republic instead of being directly responsible, as they are, for substantially all of its entire development. Were the railroad companies to cease operating to-day and remain shut down for 30 days two-thirds of the people of the United States would be in a state of starvation, and Congress itself would be obliged to adjourn to where food was more plentiful than here in Washington.

But I am informed by my friend from California that the good railroad companies need have no fear of the provisions in this section, because it is provided that the Interstate Commerce Commission is to determine the question of fact as to whether they shall be compelled to dispose of their water line transportation or not. In this statement he is grossly mistaken. No such provision is to be found in the bill; in fact, its provisions are directly to the contrary, for it specifically provides that the Interstate Commerce Commission has jurisdiction to determine the fact as to the competition or possibility of competition after full hearing—that is to say, if the railroad company owns or operates a steamship line which, if separated from it, would or could by any possibility compete with it, then and in such case it is within the prohibition of the law and separation must of necessity take place.

There is absolutely no discretion whatsoever vested in the Interstate Commerce Commission, for they are empowered only to ascertain the fact as to whether there is a possibility of competition, as, of course, in every single instance there would be so-called competition, if, indeed, all the water lines survived, of which I have some doubts.

The scheme seems to be, on the part of the promoters of this particular piece of legislation, to make the canal free to those who survive, and then to see to it that they have no competition whatsoever in their transportation business. The results of such legislation can be very easily appreciated except as to the extent of the damage done, which will be incalculable.

I have listened for several days, with both patience and amusement, to the advocates of free transportation for American ships through the Panama Canal. I have tried to demonstrate that under section 11 there would be many fewer ships to pass if it becomes a law. I have been greatly amused by the speeches which have been made by my fellow Members in favor of the consumer and declaring the great benefits which would accrue to him if tolls were abolished. We are informed by those having this bill in charge that the actual cost of tolls per ton would be about 50 cents, as provided for in this measure. We are further informed by our friends from the Pacific slope that what they have to sell and transport is largely fruit and fish. I can just imagine how grateful an economical housewife would be, upon returning from her daily marketing with six oranges weighing 3 pounds, one-half dozen lemons weighing 2 pounds, one box of grapes weighing 4 pounds, two boxes of figs weighing one-half pound, and two quarter-pound boxes of sardines and salmon, a total of 10 pounds of fruit and fish fresh from the Pacific slope via the Panama Canal, upon which the Government of this country by a free canal has lessened the cost to somebody in the enormous sum of exactly a quarter of 1 cent. I say somebody, for I feel quite sure that the purchaser would not be the person benefited.

Let us take another view of it by dealing in larger figures. Suppose an orange weighs on an average a half pound, and a good housewife, determined to secure the magnificent bounty intended by the House of Representatives that she should have, purchases a ton of oranges and actually makes 50 cents thereby. I can very clearly see that if she ate two a day it would require nearly six years in which to realize this enormous profit and advantage resulting from a free canal. And if she purchased a ton of salmon or sardines in quarter-pound packages, in which they are put up, in order to be the recipient of the Nation's generosity, she would have to consume two boxes a day for nearly 11 years. Of course everyone can now see how beneficial this magnificent and generous provision on the part of the United States is going to be to the consumer of fruit and fish from the Golden Gate of the Pacific. The mere trifle of Uncle Sam losing tolls, which would amount to several millions of dollars a year, while he is paying, as it has been estimated by the committee, from twenty-five to fifty millions of dollars a year for maintenance of the canal, after having invested $400,000,000 for construction, is of little consequence so long as the ultimate consumer is to be benefited by such vast sums as I have hereinbefore pointed out. Let us by all odds insist that Uncle Samuel shall furnish us free of Government tolls fruit, flowers, and fish. Then the Nation will be safe and correct principles of economy adopted.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CULLOP. Mr. Chairman, I am ready for a vote.

Mr. BROUSSARD. Mr. Chairman——

The CHAIRMAN. Is the gentleman from Louisiana in opposition to the amendment offered by the gentleman from New York [Mr. MALBY]?

Mr. BROUSSARD. No; I am in favor of the amendment offered by the gentleman.

Mr. RAKER. I would like to say just a word in opposition to the gentleman from New York.

The CHAIRMAN. There is five minutes more for debate.

Mr. ADAMSON. The gentleman from California [Mr. KNOWLAND] wants that time, and I yield it to him.

Mr. BROUSSARD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BROUSSARD. I should like to know whether, if because those who are opposed to the proposition would not use their time, arguments in behalf of it can not be made in the committee?

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KNOWLAND] in opposition to the amendment offered by the gentleman from New York [Mr. MALBY].

Mr. KNOWLAND. Mr. Chairman, I will state in opposition to the amendment of the gentleman from New York [Mr. MALBY] that the original amendment touching this question which I proposed in the committee applied only to the Panama Canal. But the members of the committee, with whom I agreed, believed that if it was bad policy for railroads to own water lines in competition with themselves through the Panama Canal it was well to apply this principle throughout the entire country where railroads operate water lines in competition with themselves for traffic. [Applause.]

I think everyone will admit that where railroads own water lines in competition with themselves they have but one purpose in view, and that purpose is to neutralize competition. For over 30 years we of California and of the Pacific coast have had a bitter experience in the matter of the railroad control of competing water lines, and that experience has resulted in the demand to this body that the pending Panama Canal bill should contain a provision that will forever prevent the railroads of this country from stifling competition through the Panama Canal, which we expect will be of great benefit as a regulator of rail rates.

Before this House on Thursday I gave a history of the stifling of water competition by the transcontinental railroads in California for the past 30 years, showing the necessity for this provision.

I disagree with my friend from New York [Mr. MALBY] in his statement that this does not give the railroads a day in court. The substitute which the committee proposed confers jurisdiction upon the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition. There might be cases, for instance, and probably the gentleman has some in mind, where the operation of a water line by a railroad would not be a case that would be barred by this statute. The Interstate Commerce Commission, I take it, would be broadminded enough and fair enough not to prohibit the owning of a water line where that water line did not compete with a railroad. The committee therefore proposed this amendment in order to give jurisdiction to the Interstate Commerce Commission to determine, perhaps, questions such as the gentleman from New York [Mr. MALBY] has proposed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"] The question is on agreeing to the amendment offered by the gentleman from New York [Mr. MALBY].

The question was taken, and the amendment was rejected.

Mr. LAFFERTY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The Clerk read as follows:

Page 2, line 12, strike out the word "order" and insert in lieu thereof the words "findings of fact."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. LAFFERTY. A division, Mr. Chairman.

The committee divided; and there were—ayes 16, noes 82.

So the amendment was rejected.

The CHAIRMAN. The question is now on the substitute offered by the committee.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. There is an amendment pending to section 12. The Clerk will report that amendment.

Mr. ADAMSON. Mr. Chairman, there is no other amendment pending.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has an amendment pending to section 12.

Mr. ADAMSON. Mr. Chairman, I want to make this proposition to the gentleman from Illinois [Mr. MANN]: We have not

time to agree about his amendment to-night. I do not believe there is a quorum here in the House.

I do not care to stay here for three or four roll calls, and I therefore will move that the committee rise, and when the bill comes up for a vote in the House the gentleman from Illinois and I can at that time arrange and agree upon an amendment.

Mr. MANN. I do not object to the gentleman's motion that the committee rise and report the bill and amendments to the House if the gentleman will permit me, in the House, to offer the amendment.

Mr. ADAMSON. I have no objection to that.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he——

Mr. ADAMSON. Mr. Chairman, it is understood between the gentleman from Illinois [Mr. MANN] and myself that if he does not agree with the committee he may rise in the House and offer his amendment in the House.

I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. I ask unanimous consent to withdraw my amendment, pending that motion.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Georgia [Mr. ADAMSON], that the committee do now rise and report the bill and amendments thereto to the House, with the recommendation that the amendments be adopted, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21989) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and had directed him to report it back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration House bill 21989, and has directed him to report it back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. ADAMSON. Mr. Speaker, I move the previous question——

Mr. MANN. The gentleman agreed to let me offer an amendment.

Mr. ADAMSON. Mr. Speaker, there is an understanding between the gentleman from Illinois and myself that he shall offer an amendment.

Mr. MANN. But if the gentleman moves the previous question I can not.

The SPEAKER. Has the gentleman from Illinois an amendment to offer?

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the previous question is not ordered on this bill, what will be its status to-morrow morning?

The SPEAKER. It will not have any status to-morrow morning.

Mr. GARNER. What status will it have on Thursday morning?

The SPEAKER. It will be the unfinished business on Thursday morning.

Mr. ADAMSON. Mr. Speaker, I want to modify my motion.

The SPEAKER. Unless the previous question is ordered, the Chair will be in doubt whether it will be the unfinished business or not.

Mr. ADAMSON. Mr. Speaker, subject to the right of the gentleman from Illinois [Mr. MANN] to offer an amendment, I move the previous question.

Mr. MANN. If the gentleman will permit me, I will offer the amendment now.

The SPEAKER. The gentleman from Georgia will not lose his right to move the previous question.

Mr. BROUSSARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. If the previous question is ordered now, would that exclude a motion to recommit with instructions?

The SPEAKER. It would not.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. To-morrow being Calendar Wednesday, if the previous question is ordered, on Thursday the gentleman would have the right of way to call up his bill, he having a privileged bill which he can call up at any time under an order that the House has already made?

Mr. ADAMSON. The gentleman from Illinois has a proposition which I have agreed to, and I want him to have the time to study it, and therefore I move the previous question subject to his right to offer his amendment.

The SPEAKER. That can not be done without unanimous consent.

Mr. ADAMSON. Then, Mr. Speaker, I ask unanimous consent that after the previous question is ordered he may have the right to offer one amendment.

The SPEAKER. The gentleman from Georgia asks unanimous consent that after the previous question is ordered the gentleman from Illinois may be permitted to offer an amendment to the bill in the House.

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, I do not think the gentleman could possibly deprive any Member of the House not here present from exercising the right to object on Thursday. I ask unanimous consent, Mr. Speaker, that this bill be the order of business immediately after the reading of the Journal on Thursday.

Mr. ADAMSON. Mr. Speaker, I withdraw my request and will let the gentleman from Illinois offer his amendment now.

Mr. MANN. Then, Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the reading of the amendment be waived, as it has already been read in committee.

The SPEAKER. The gentleman from Georgia asks unanimous consent to waive the reading of the amendment, it having been read in committee. Is there objection?

There was no objection.

Mr. ADAMSON. Now, Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18055. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds:

S. 6603. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

LEAVE TO PRINT.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that all Members who wish may have five legislative days in which to print remarks on this bill, and for those who have spoken to extend remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent that Members may have five legislative days to print remarks on this bill, and for those who have spoken to extend their remarks in the RECORD. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. GALLAGHER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of F. E. Alvord, H. R. 12660, Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 22, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (S. 1090) providing for guides in the District of Columbia, and defining their duties, reported the same with amendment, accompanied by a report (No. 742), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 23) to authorize the extension of Underwood Street NW., reported the same without amendment, accompanied by a report (No. 743), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal., reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23799) to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," reported the same with amendment, accompanied by a report (No. 744), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn., reported the same without amendment, accompanied by a report (No. 745), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C., reported the same with amendment, accompanied by a report (No. 747), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22437) for the relief of A. W. Toreson, son and heir of Anna M. Toreson, deceased, reported the same with amendment, accompanied by a report (No. 746), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 24735) to amend an act entitled "An act providing for the validation of certain homestead entries," approved March 3, 1911; to the Committee on the Public Lands.

By Mr. ROBINSON: A bill (H. R. 24736) authorizing the Secretary of the Interior to construct a new bathhouse on the Hot Springs Reservation, Ark., for the accommodation of indigents; to the Committee on the Public Lands.

Also, a bill (H. R. 24737) to authorize the investigation of the physiological and therapeutical effects of the waters of the Hot Springs of Arkansas, and to report upon the application of these waters to the alleviation and cure of diseases; to the Committee on the Public Lands.

By Mr. CURLEY: A bill (H. R. 24738) granting land for sanitarium to Order of Owls; to the Committee on the Public Lands.

By Mr. MARTIN of Colorado: A bill (H. R. 24751) authorizing a conditional grant of public lands for public school site; to the Committee on the Public Lands.

By Mr. GILLETT: Joint resolution (H. J. Res. 317) providing that employees of the Government shall receive pay for Labor Day; to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 24739) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 24740) granting a pension to Sadie Barrett; to the Committee on Pensions.

Also, a bill (H. R. 24741) granting an increase of pension to Grove E. Jarvis; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 24742) restoring to the pension roll the name of Harriett Littlefield; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 24743) to correct the military record of Platoff P. Bush; to the Committee on Military Affairs.

Also, a bill (H. R. 24744) to correct the military record of Jesse J. Clemmons; to the Committee on Military Affairs.

By Mr. FERGUSSON: A bill (H. R. 24745) for the relief of Isidoro Otero; to the Committee on Claims.

Also, a bill (H. R. 24746) to correct the military record of A. W. Sudduth; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 24747) for the relief of the heirs of John P. Clark; to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 24748) granting a pension to Zorel Tipton; to the Committee on Pensions.

Also, a bill (H. R. 24749) granting an increase of pension to Eliza C. Jones; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 24750) granting an increase of pension to Lucille M. Bertolette; to the Committee on Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 24752) for the relief of John W. Baker; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 24753) for the relief of W. M. Crossthwaite; to the Committee on War Claims.

By Mr. PARRAN: A bill (H. R. 24754) for the relief of the estate of George Lloyd Raley; to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 24755) for the relief of heirs of Michael Emonet; to the Committee on War Claims.

By Mr. REILLY: A bill (H. R. 24756) to remove the charge of desertion against Henry A. Lain; to the Committee on Military Affairs.

Also, a bill (H. R. 24757) for the relief of Charles H. Quackenbush; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 24758) granting a pension to John S. Huston; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 24759) granting a pension to Leander Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24760) granting an increase of pension to Judah Howard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of Independent Chennoritzu Lodge, No. 520, Independent Order B'rith Abraham, New York, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of residents of the Bronx, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Railroad Trainmen, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Taxpayers' Alliance, Borough of the Bronx, N. Y., praying for proper improvement of the Bronx Kills; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Petition of Daughters of Liberty, West Hazelton, Pa., and Farmers' Union, both favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of J. H. R. Storey, favoring passage of House bill 1339, for increasing pension of veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of the National Lumber Manufacturing Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia and the Montesano Chamber of Commerce, both favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CANDLER: Petition of citizens of Nettleton, Amory, Aberdeen, and Starkville, Miss., in opposition to any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Nettleton, Amory, Aberdeen, and Starkville, Miss., favoring giving the Interstate Commerce Commission further power in the regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Ohio: Petition of Local No. 43, Hamilton, Ohio; Local No. 48, Metal Polishers' Union, Middletown, Ohio, both favoring passage of H. R. 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. CURLEY of Massachusetts: Petition of Independent New Jersey Cranberry Co., Philadelphia, Pa., relative to H. R. 23113, for regulating size of barrels to ship fruits, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of General Grant Lodge, No. 376, Boston, Mass., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVENPORT: Petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring restriction of immigration and the passage of Senate workmen's compensation act and the anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petition of Brotherhood of Railroad Trainmen, Farmers' Union of America, and citizens of Philadelphia, all favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of C. M. Parker, of Lincoln, Nebr., favoring passage of House bill 1339 for increasing pension to veterans who lost a limb in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Farmers' Union of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Italo-American Alliance of United States of America, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. GALLAGHER: Petition of citizens of Chicago, Ill., protesting against the Root amendment to the immigration bill providing that any alien who conspires with others for the violent overthrow of a foreign government is liable to deportation; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of T. J. Hawkes & Co., Corning, N. Y., and Allied Printing Trades Council, New York, both favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of Indianapolis Bolster Spring Co., Indianapolis, and W. J. Holliday & Co., Indianapolis, both protesting against passage of House bill 16844, requiring all goods to have manufacturer's brand on them; to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel Felt Drug Co., Watertown, N. Y., protesting against passage of Richardson bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of Knollwood Farm, East Norwich, N. Y., favoring passage of Senate bill 6497, for protecting migratory birds; to the Committee on Agriculture.

Also, petition of the Laidlaw-Dunn-Gordon Co., Los Angeles, Cal., protesting against bill prohibiting the use of the Panama Canal by steamship companies in which railroad corporations are interested; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Humane Education Society, Boston, Mass., relative to House bill 17222, for the prevention of the shipping of young calves; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of Local Missouri Hope Lodge, I. A. of M., Mandan, N. Dak., favoring passage of House bill 22339, prohibiting use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of citizens of Ross and Stuart, N. Dak., favoring enactment of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Josephine, N. Dak., protesting against passage of the Lever antifuture-trading bill; to the Committee on the Judiciary.

By Mr. HARRISON of Mississippi: Petition of citizens of Ellisville, Laurel, Magee, Collins, Hattiesburg, and Columbia, Miss., protesting against any parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ellisville, Laurel, Magee, Collins, Hattiesburg, and Columbia, Miss., asking that the Interstate Commerce Commission be given further power toward controlling express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. HILL of Connecticut: Petitions of Hebrews of the city of New Britain, Conn., and Workmen's Circle, New Haven, Conn., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of New Jersey bankers, relative to a sane and sound banking system; to the Committee on Banking and Currency.

By Mr. KENT: Petition of Division No. 11, Order of Railway Conductors, Los Angeles, Cal., favoring passage of House bill 20487; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of Thomas B. Bronaugh, jr., and other citizens of Oregon, favoring passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Petition of citizens of Tamaqua, Pa., favoring establishment of a national public health service; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Knollwood Farm, East Norwich, N. Y., favoring protection of migratory birds; to the Committee on Agriculture.

By Mr. MAHER: Petition of Brotherhood of Locomotive Engineers, for restriction of immigration, passage of the workmen's compensation act, and the anti-injunction bill; to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Union, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, favoring passage of the bill prohibiting importation of nursery-stock cuttings or any other articles by which insect pests and plant diseases are introduced into the United States; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring movement toward placing Diplomatic and Consular Service on a civil-service basis; to the Committee on Foreign Affairs.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, urging adoption of wise and generous relief measures relative to floods along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, of Cincinnati, Ohio, requesting the opening of the Panama Canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Women's Trade Union League, Chicago, Ill., favoring passage of House bill 11372, for making traveling by sea safer; to the Committee on the Merchant Marine and Fisheries.

By Mr. McCOY: Petition of American Purity Federation, favoring restriction on immigration; to the Committee on Immigration and Naturalization.

Also, petition of Elizabeth Board of Trade, Elizabeth, N. J., favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petitions of Lodge No. 2; Arnold Weiss Lodge, No. 8; M. T. Schmmain Lodge, No. 5, Independent Order B'rith Sholom; Young Folks Civic League; Jewish Sisterhood; Chinese Consolidated Benevolent Association; Iron Bound Lodge, No. 15, I. O. K. S.; Bialystoker Lodge, No. 13; Erisk Delite Lodge, No. 11; Newark Hebrew Lodge, No. 6, Independent Order King Solomon; and Orange Israelitic K. U. Verin, New Jersey, all protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 13, United Hatters of North America, and Journeymen Plumbers' Local, No. 24, both favoring passage of Hamill bill for pensioning employees of the Government who have served 30 years or more; to the Committee on Pensions.

By Mr. O'SHAUNESSY: Petition of Rhode Island branch of the Woman's Auxiliary of the Protestant Episcopal Church, Providence, R. I., relative to improving the conditions of the natives of Alaska; to the Committee on the Territories.

By Mr. POWERS: Petition of citizens of the eleventh congressional district of Kentucky, favoring placing Kentucky State Guards on a pensionable status; to the Committee on Pensions.

Also, petition of Cremieux Young Men's Lodge, No. 223, Independent Order B'rith Abraham, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Purity Federation, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PUJO (by request): Petition of Junior Order United American Mechanics, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Lake Charles, La., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, papers to accompany bill for the relief of the estate of Michael Emonet; to the Committee on War Claims.

By Mr. REILLY: Petition of Italo-American Alliance of United States of America, Philadelphia, Pa., and Star of Waterbury Lodge, No. 235, Independent Order B'rith Abraham, Waterbury City, Conn., both opposing the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Cigarmakers' International Union of America, Meriden, Conn., favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Daughters of Liberty, New Haven, Conn., and Brotherhood of Locomotive Engineers, Harrisburg, Pa., both favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of citizens of Philadelphia, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Frank Floyd Post, No. 79, Grand Army of the Republic, South River, N. J., favoring passage of House bill 14070, for relief of veterans whose hearing is defective; to the Committee on Pensions.

Also, petition of New Brunswick Lodge, No. 480, Independent Order B'rith Abraham, New Brunswick, N. J., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of Jack Jenkins Local Assembly, favoring enactment of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Women's Union of Claremont, Los Angeles County, Cal., asking immediate passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of California, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Pasadena Merchants' Association, of Pasadena, Cal., protesting against any change in patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of San Francisco Chamber of Commerce, of San Francisco, Cal., in opposition to passage of House bill 21100, amending the act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of St. Paul Capitol Lodge, No. 93, Order B'rith Abraham, protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Garfield Post, No. 8, Grand Army of the Republic, relative to recent insults to and desecration of the United States flag; to the Committee on the Judiciary.

By Mr. SULZER: Petition of Knollwood Farm, East Norwich, N. Y., favoring passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of the Senate workmen's compensation act and the anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Hebrews of the city of New Britain, Conn., and the Independent Vilner Association, of New Haven, Conn., both in opposition to restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Williamsburgh Lodge, No. 103, Independent Order B'rith Abraham, Brooklyn, N. Y., and Ostolenker Lodge, No. 607, Independent Order B'rith Abraham, Brooklyn, N. Y., both opposing restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York Board of Trade and Transportation, New York, and the Maritime Association of the port of New York, both favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Texas: Petition of Farmers' Union, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *May 22, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga County, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;

S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River, in the county of Dawson, State of Montana;

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.;

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton; and

H. R. 21590. An act to authorize levee and drainage district No. 25, Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

PERSONAL EXPLANATION—ALASKAN GOVERNMENT.

Mr. BRISTOW. Mr. President, I rise to read a paragraph from a paper published at Olympia, Wash., called the State Capitol Record. The paragraph to which I refer reads as follows:

> Senator BRISTOW, of Kansas, archinsurgent, does not think that the Senate is yet prepared with sufficient information to act on a Territorial bill. Hence he has secured the adoption by the Senate Committee on Territories, in executive session, of a resolution declaring that the committee will report no Alaska government bill until it has had the benefit of the report of the Senate committee appointed last year to go to Alaska and "investigate conditions."
>
> The committee of investigation did not go last year because of the special session. There is small chance of it going this year because of the campaign. Under the Bristow resolution nothing will be done until it does go, travels through the Territory at Government expense, gets back, and has its secretary write up some sort of a report.

This article was written apparently by one Ashmun Brown. I desire to say that I never introduced any such resolution in the Committee on Territories and no such resolution has ever been introduced by any member of the committee, so far as I know. No such action was ever taken by the committee at any time, and there is no truth in the statement made.

I simply make the statement to correct this erroneous report because acquaintances of mine in the West have sent different newspaper clippings to me inquiring why I am opposed to legislation for Alaska, and the clippings are made up largely from

information which this paper has assumed to give, which is absolutely false.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union, of Stratham, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented the petition of Rev. P. T. Rowe, bishop of Alaska, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CLAPP (for Mr. LA FOLLETTE) presented a petition of the Woman's Christian Temperance Union, of Arena, Wis., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented resolutions adopted by the Progressive League, of Chippewa Falls, Wis., remonstrating against any reduction of the duty on sugar, which were ordered to lie on the table.

Mr. GRONNA presented petitions of members of the Civic League and of sundry physicians of Mandan, N. Dak., and of the Illinois Federation of Women's Clubs, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. SANDERS presented a memorial of Paris Division, No. 575, Order Railway Conductors of America, of Paris, Tenn., remonstrating against the passage of the employers' liability and workmen's compensation bill, which was ordered to lie on the table.

He also presented a memorial of M. L. McConnell Post, No. 91, Department of Tennessee, Grand Army of the Republic, of Maryville, Tenn., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented petitions of sundry citizens of Tamaqua and Reading, in the State of Pennsylvania, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. McLEAN presented a petition of Local Union No. 484, Cigar Makers' International Union of America, of Meriden, Conn., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a memorial of New Haven Lodge, No. 21, Order of B'rith Abraham, of New Haven, Conn., remonstrating against the adoption of the so-called literacy test amendment to the immigration law, which was ordered to lie on the table.

Mr. ROOT presented memorials of sundry citizens of Fort Edward, Gowanda, Livonia, Mount Vernon, and Syracuse, in the State of New York, remonstrating against the passage of the so-called Owen medical bill, which were ordered to lie on the table.

Mr. WETMORE presented a petition of 36 physicians of Rhode Island, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. JONES presented memorials of sundry citizens of North Yakima, Little Rock, Toppenish, Ellensburg, Cowiche, and Colville, all in the State of Washington, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Bremerton, Everett, Seattle, Tacoma, and Olympia, all in the State of Washington, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

Mr. O'GORMAN presented a memorial of the Board of Trade of Batavia, N. Y., remonstrating against any change being made in the patent laws, which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 72) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, reported it with an amendment.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, reported it with amendments and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy, reported it without amendment and submitted a report (No. 783) thereon.

DECORATION FROM ITALIAN GOVERNMENT.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably with amendments the joint resolution (S. J. Res. 105) authorizing Surg. Eugene Wasdin, United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government, and I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Foreign Relations were, in line 7, before the word "Surgeon," to insert "the said," and in the same line, after the name "Wasdin," to strike out "as he is now deceased," so as to make the joint resolution read:

Resolved, etc., That the Secretary of State be, and hereby is, authorized to accept from the Italian Government the decoration tendered Surg. Eugene Wasdin, United States Public Health and Marine-Hospital Service, and to deliver same to the widow of the said Surg. Wasdin.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of State, for and on behalf of Surg. Eugene Wasdin, late of the United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government, and to present the same to the widow of the said Surg. Wasdin."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 6919) to amend Subchapter II of Chapter XIX of the Code of Law for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. CLAPP:

A bill (S. 6920) granting a pension to Minnie A. Thornhill (with accompanying paper);

A bill (S. 6921) granting a pension to Deborah H. Riggs (with accompanying paper); and

A bill (S. 6922) granting a pension to Melissa Gross (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP (for Mr. LA FOLLETTE):

A bill (S. 6923) granting an increase of pension to Frederick Braun (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 6924) granting an increase of pension to Jennie Bassett (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri; to the Committee on Commerce.

By Mr. CLARKE of Arkansas:

A bill (S. 6926) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots in the State of Arkansas; to the Committee on Military Affairs.

By Mr. O'GORMAN:

A bill (S. 6927) for the improvement of the foreign service; to the Committee on Foreign Relations.

A bill (S. 6928) to authorize the Secretary of War to recognize the services of Dr. John T. Nagle as a medical officer, who was employed as such during the Civil War by authority of the Revised United States Army Regulations of 1863, and who performed the duties of a medical officer agreeably to Army regulations; to the Committee on Military Affairs.

ASSAY OFFICE, ST. LOUIS, MO.

Mr. REED (for Mr. STONE) submitted an amendment proposing to establish an assay office at St. Louis, Mo., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to lie on the table and be printed.

REPORT OF NATIONAL WATERWAYS COMMISSION.

Mr. BURTON submitted the following resolution (S. Res. 316), which was read and referred to the Committee on Printing:

Resolved, That there be printed 500 additional copies of the final report of the United States National Waterways Commission.

HEARINGS BEFORE THE COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

Mr. CLAPP. I submit a resolution and ask for its present consideration. I will state that in the absence of the chairman of the Committee on Pacific Islands and Porto Rico, as acting chairman I held a short hearing, and I find that the usual resolution had not been passed authorizing the payment of the stenographer. So I have had this resolution date back to the beginning of the session. I do not apprehend that there will be many hearings, but it is to cover all.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 317) was read, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate. This resolution to take effect from the beginning of the present session.

The VICE PRESIDENT. The Chair thinks that under the statute the resolution has to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLAPP. Certainly. Of course I have no objection to the reference.

The VICE PRESIDENT. It will be referred to that committee.

Mr. CLAPP. All there is to it is that the bill must remain unpaid until authority is given to sign a voucher.

THE JUDICIARY.

Mr. CRAWFORD. Mr. President, at the close of the routine morning business to-morrow I desire to submit some observations on the joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States—the joint resolution which I introduced and which lies on the table.

LOSS OF STEAMSHIP "TITANIC."

Mr. SMITH of Michigan. Mr. President, I desire to give notice that on Tuesday next, immediately after the morning business has been disposed of, the subcommittee appointed to investigate the causes leading up to the disaster of the steamship *Titanic* will make its report, and I should like to make some observations thereon.

CORRESPONDENCE WITH COLOMBIA (S. DOC. NO. 693).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying paper, ordered to lie on the table and to be printed:

To the Senate:

In response to the Senate's resolution of March 1, 1912, requesting the President "if not incompatible with the public interest, to transmit to the Senate copies of all correspondence and communications between this Government and the Government of Colombia since the last presentation to the Senate of such correspondence and communications to this date," I transmit a report by the Secretary of State on the subject.

I concur in the conclusion reached by the Secretary of State that the public interest would not be conserved by the transmission to the Senate at the present time of further correspondence and communications between this Government and the Government of Colombia upon matters relating to Panama.

WM. H. TAFT.

THE WHITE HOUSE, *May 22, 1912.*

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with accompanying paper, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate of May 16, 1912, the House of Representatives concurring, I return herewith House bill No. 14083, entitled "An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes."

WM. H. TAFT.

THE WHITE HOUSE, *May 22, 1912.*

HOUSE BILL REFERRED.

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

"TITANIC" DISASTER.

Mr. RAYNER. Mr. President, I desire to give notice that on Tuesday next, following the remarks of the senior Senator from Michigan [Mr. SMITH] and the presentation of the committee's report, I will, subject to the convenience of the Senate, submit some remarks upon the lessons taught Congress and the people by the *Titanic* disaster.

EIGHT-HOUR LABOR LAW.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to call up House bill 9061.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Massachusetts [Mr. LODGE].

Mr. BORAH. The amendment which was offered by the Senator from Massachusetts provides for a 48-hour week instead of an 8-hour day. I do not desire to discuss the matter any further than to say that, in my opinion, it would destroy the effectiveness of this measure as we understand it and as the committee reported it.

I am willing that the amendment shall go to a vote without taking further time of the Senate upon it.

Mr. GALLINGER. I will ask the Senator from Idaho if the bill does not absolutely prevent the granting of a half holiday by manufacturing concerns that are doing Government work.

Mr. BORAH. Oh, no; it will not prevent it. They can arrange for it.

Mr. GALLINGER. How can they arrange for it if you are going to have a hard and fast 8-hour day? Will the Senator tell me how it can be done?

Mr. BORAH. I think that they can have an 8-hour day and still have a portion of a day for holiday. There is nothing to prevent them from working less than 8 hours.

Mr. GALLINGER. That is, you propose to give the employees that half holiday; they receive no pay for it? Is that the notion?

Mr. BORAH. That might be the way in which it could be done.

Mr. GALLINGER. The employers might, of course, give them half of a week and pay them for a full week, or give them all the week for that matter. I do not know but that we are coming to that. It has been suggested in this debate that in addition to a rigid 8-hour day a Saturday half holiday is inevitable. Possibly we are in danger of doing violence to the laboring men themselves, because it seems to me that we are going to get this matter into such a shape that they will be the losers rather than the gainers by the operation. I pass the Union Station almost every evening, and I find men working there at 10 o'clock on the Columbus statue. I suppose somebody has taken a Government contract to build that monument, and this law would prevent those men from completing that statue except under 8-hour conditions.

It does seem to me that in justice to the men who are taking contracts from the Government there ought to be some consideration given them, and that they ought not to be put to every possible inconvenience in the matter of conducting their business.

In the State of Massachusetts, and I believe in some other States, the laboring men are given a half holiday. They make it up on the other five days of the week. To say that those concerns shall not grant their employees that half holiday without paying them for it or without the employees being willing to lose their wages to that extent, which I am sure they would not be, it looks to me like a hardship we ought not to impose on men who take work from the Government.

Mr. BORAH. If that were the present custom or the universal practice, there would be great force in the argument of the Senator from New Hampshire, but it pertains to only a few industries and to a few localities. The general principle upon which the bill is built outweighs in moment, in my judgment, the importance of acceding to a few instances.

Besides, I am satisfied that, generally speaking, it is better that the day be confined to an 8-hour day and the Saturday afternoon be waived than that workmen should be compelled to labor more than 8 hours a day.

Mr. GALLINGER. I happen to be one Senator who during a very important period of my life was able to work 16 hours a day, and if any man had stepped in at that time or if the Government of the United States had stepped in, if it could have done so, and said that I should work only 8 hours a day, I should have considered that man or that Government an enemy of mine. If we are going to legislate that no man shall be permitted under any circumstances to work more than 8 hours a day, why might we not with equal consistency say that every man shall be compelled to work 16 hours a day? If the Government can do the one thing, why can it not do the other? To my mind this is legislation that is not justifiable or called for.

I have a good many letters from workingmen who say that they do not want this legislation; that they have not asked for it. It is being asked for by men drawing large salaries from the workingmen, by men who sit in high places looking down on our legislative bodies and holding us responsible for our votes. I am not one of those who have ever allowed those men to dictate to me.

I had hoped that the Senator from Idaho, who is so fair-minded, would permit this amendment to be made, because it is an absolute absurdity for any man to say that it is a detriment to a man to work 9 hours a day when he is working only 48 hours in the entire week. It would be a great accommodation not to a few but to very many. Very likely a half holiday will become more nearly universal than the Senator is aware of if this is permitted in the bill. I am very much disappointed that the Senator insists that we must have this hard and fast rule, and that if a young man ambitious to get an education not only is willing but is anxious to work overtime to obtain a little added money to enable him to get an education, the strong arm of the Government shall come in and say "You shall not be 'permitted' to work one minute over 8 hours a day, and if the concern allows you to do that, the concern shall be punished by heavy penalties as a result." To my mind it is not good legislation.

Then, again, I want to ask the Senator this question: This bill goes beyond the contractor; it takes in the subcontractor, the sub-subcontractor, and perhaps the sub-sub-subcontractor; and the man who takes the work from the Government is held responsible under fines and penalties if one of these subcontractors or sub-sub-subcontractors permits a man to work a minute over 8 hours. Does the Senator from Idaho really think that that is very good legislation?

Mr. BORAH. Mr. President, I can answer the Senator from New Hampshire—in view of the fact that he has asked the question a number of times, "Does the Senator really think"?—that if the Senator did not "really think" that it was good legislation the Senator would not be urging it upon the floor of this Senate. I may be greatly in error in regard to this problem; I am only submitting this bill and this report as the representative of this committee, representing our judgment and our views in regard to it. We have examined the matter with some detail; we have considered it to a very great extent; we believe that it is sound legislation; and we have the support in that belief of a great many people who are engaged in large industries. Some people who are employers of labor, as the reports show, have said that it is not only well for the man who toils, but it is better for the man who is directing the employment to engage a man for 8 hours a day. It is upon that theory that the bill is framed, and it is presented in good faith in the belief that it is sound legislation.

So far as the subcontractor is concerned, there is no difficulty in the general contractor protecting himself as against the subcontractor, because that may be done by contract between the contractor and the subcontractor. It is simply a question of contract, beginning with the original contractor and running to the ultimate contractor, whoever he may be.

If there is no contract, then there is no liability; and if there is a contract, there is the power to protect by covering in the contract between the contractor and subcontractor.

Mr. GALLINGER. Supposing the subcontractor made a contract with the contractor, and the subcontractor was an irresponsible man?

Mr. HITCHCOCK. We are unable to hear over here, Mr. President.

Mr. GALLINGER. My suggestion was, supposing the contractor should make a contract with a subcontractor, and the subcontractor was an irresponsible man, then I suppose the contractor would be held in fines and penalties, because of a failure of the subcontractor to meet his obligations. Is not that so?

Mr. BORAH. That might arise in some instances by reason of business carelessness, by reason of a failure of the contractor to contract with a safe subcontractor; but it would not often arise, and it would very seldom arise if this bill were enacted.

Mr. GALLINGER. Well, Mr. President, the Senator has said he is ready to vote, and I have no disposition to delay a vote; in fact, I am very anxious to get a vote on every measure that is before the Senate, because I think the longer we stay here the more harm we are likely to do to the people of the country. For that reason I am anxious to get away. This is but one measure, among others, that we have got to encounter. We are to be asked to destroy the principle of injunction before we get through here, and I suppose we have got to tear up pretty nearly all the foundations of all those great principles that we have always thought were desirable for a Government such as ours. Now, the Senator is insisting upon a hard-and-fast 8-hour day, and that no laborer shall be permitted to work a minute over 8 hours.

A very distinguished gentleman in another body declared only a short time ago that in his judgment 6 hours are long enough for any man to labor, and that no man ought to be permitted to labor more than 6 hours. I suppose that is what we shall come to here next, and I presume that when it comes to us under the snap of the whip of the men who are drawing large salaries from these poor men we shall have to surrender to their views; at least, I imagine that the majority of Congress will surrender, as it is apparently willing to do under this proposed law, which I regard as a very vicious proposition.

Mr. BORAH. Mr. President, the Senator from Idaho has not undertaken to locate any whip, but there have been several "snaps" in regard to this bill besides those used by the men who represent labor in this matter. It would be equally interesting to discuss the other side of the question if it were at all relevant; but it is not. I assume that the Senator from New Hampshire and other Senators will vote according to their convictions, and they ought to be courteous enough and generous enough to concede that the Senators who are supporting this bill will do the same thing.

Mr. President, I want to read, in view of the intimation that this bill is being put through under the lash and for demagogic reasons, a few paragraphs from those who I am sure the Senator from New Hampshire respects. This bill has been in its principles before the Senate for many years; it has been now under discussion off and on for about 20 years; it has not moved with unseemly haste to its conclusion. It has been debated by men whose intellectual character and standing and patriotism are not subject to question. Senator Hoar, of Massachusetts, when this bill in principle was on one occasion before the Senate, said:

> This proposition of political economy, whether wise or foolish, whether the proposition be demagogism or the opposition to it is shallow-pated assurance, is one which comes from a source where demagogism is not often found. Such profound thinkers as John Stuart Mill, such practical reasoners as Thomas B. Macaulay were among the early advocates of this doctrine in the manufacturing legislation of England, and it is a doctrine which has made its way.

Mr. GALLINGER. Mr. President, I ask the Senator from Idaho if that was not said in reference to the 8-hour law which we already have on the statute books?

Mr. BORAH. It was said in regard to the 8-hour principle.

Mr. GALLINGER. Yes; and we have that incorporated in our statutes now, but not in the form proposed in this bill.

Mr. BORAH. We have it incorporated in the statutes. What Senator Hoar was discussing was the fact that the words "or permitted" were to be stricken out of the law, therefore rendering the law inefficient and ineffective. So he was discussing pointedly and clearly the precise question which we are here discussing to-day; that is, whether or not it was the duty of the

Government, and it was wise legislation, to enforce specifically an 8-hour day. Mr. Hoar continued:

> The same kind of speech which the Senator from Connecticut thinks it courteous to indulge in here in regard to opinions which differ from his own was made by the friends of the old English factory system when it was endeavored to put an end to the labor of children and women in factories who worked 15, 16, or 17 hours in the day, and the same discussion and the same contest and the same opposing and conflicting reasonings were heard as the time of the day's work of the laboring men in manufacturing, mining, and other mechanical occupations in this country and in Europe gradually came down from 16 to 15, 14, 12, 11, and now it has reached 10 and is coming to 8 hours a day. It is a principle which stands on solid ground both of reason and experience.
>
> The experience of mankind has shown that where the workingmen of an intelligent and instructed country work faithfully for 8 hours a day in most of the mechanical occupations and have the remainder of their time for intercourse with their families, for reading, for learning their political duties, for attending lyceums and lectures, for resorting to the public libraries and social meetings, they are not only better workers of the country of which they are citizens, but they turn out more work as the result in the manufacturing employment to which their lives are given. You have instead of the tired, worn-out jade going to his home, with every faculty of brain and body worn out and fatigued, a skillful, inventive, thoughtful, reflecting brain. You have good citizenship in a man whose leisure is one of the luxuries of life, one almost of the necessities of life to a healthy and educated brain.
>
> As I said before, this experiment has been tried and its results recorded. It is the opinion of some of the most thoughtful and intelligent employers of labor as well as of the representatives of the workingmen, and it has been desired that this experiment should be tried, not to be left to individual manufacturers who are conducting their business in constant competition and strife with others, but that it should be tried in behalf alike of the labor and the manufacture of the country by the Government, and whether it be right or wrong that the Government should try it in its capacity of a large employer of labor. It is the law of the land, and what Senator will rise here in his place and say that this law should not be faithfully, honestly, liberally, and fairly construed and executed?

I read also from a speech delivered by the late President McKinley in the House of Representatives while the same subject was under discussion:

> Mr. MCKINLEY. Mr. Speaker, I am in favor of this bill. It has been said that it is a bill to limit the opportunity of the workingman to gain a livelihood. This is not so; it will have the opposite effect. So far as the Government of the United States, as an employer, is concerned, in the limitation for a day's work provided in this bill to 8 hours, instead of putting any limitation upon the opportunity of the American freemen to earn a living it increases and enlarges the opportunity for the workingman to earn a living. [Applause.] Eight hours, under the laws of the United States, constitute a day's work. That law has been on our statute books for 20 or more years.
>
> SEVERAL MEMBERS. Since 1868.
>
> Mr. MCKINLEY. They say around me that it has been on our statute books for 22 years. In all these years it has been "the word of promise to the ear," but by the Government of the United States it has been "broken to the hope." [Applause.] The Government and its officials should be swift to execute and enforce its own laws, and failure in this particular is most reprehensible.
>
> Now, Mr. Speaker, it must be remembered that when we constitute 8 hours a day's work instead of 10 hours every 4 days give an additional day's work to some workingman who may not have any employment at all. [Applause.] It is one more day's work, one more day's wages, one more opportunity for work and wages, an increased demand for labor. I am in favor of this bill as it is amended by the motion of the gentleman from Maryland [Mr. McComas].
>
> It applies now only to the labor of men's hands. It applies only to their work. It does not apply to material; it does not apply to transportation. It only applies to the actual labor, skilled or unskilled, employed on public works and in the execution of the contracts of the Government. And the Government of the United States ought finally and in good faith to set this example of 8 hours as constituting a day's work required of laboring men in the service of the United States. [Applause.] The tendency of the times the world over is for shorter hours for labor, shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family; and the United States can do no better service to labor and to its own citizens than to set the example to States, to corporations, and to individuals employing men by declaring that, so far as the Government is concerned, 8 hours shall constitute a day's work and be all that is required of its laboring force. [Applause.]

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. BORAH. I yield to the Senator.

Mr. MARTINE of New Jersey. Mr. President, I shall support and vote for this measure. I do not believe that the God of humanity breathed the breath of life into man that he should live to work, but rather that he should work that he might live. The whole purpose of civilization, not only in this country, but in other lands, is to lighten the burdens of toil, both through invention and by limiting the hours of toil. We each year expend millions of dollars for public parks, for libraries, for art galleries, for museums, and the like. Of what purpose or value are all these, I ask, if in humanity's struggle for bread and butter men have no time to profit by and enjoy them?

Mr. President, 8 hours for toil, 8 hours for rest, and 8 hours for recreation is an unwritten law that has passed into a proverb. Defeat this measure and we put forth the fiat and declaration that we stand for work for mankind from the day he leaves his cradle to the day he enters his grave.

All experience demonstrates that shorter hours for labor give better results, both for the employee and the employer. I say, as an employer and as a laborer—for I have been both—that the 8-hour system tends to make better workmen and infinitely better citizens.

Mr. President, on all sides we are urging steps and legislation that may tend to deter the huddling of large numbers of our population in close quarters. The cry, "Back to the soil; closer to nature!" is the slogan of the day. Carry this thought out and it will make stronger and more healthful bodies, keener and brighter intellects—in a word, better men and women. Long hours of toil will make this impossible; shorter hours of toil will do more to vacate so-called slums than anything else I know of. Shorter hours in workshop and mill will make the waste and barren spots of the landscape blossom as the rose.

The charge is often made that the additional hours of leisure or rest will be spent by workmen in dissipation and revelry. History proves to the contrary. The Saturday half holiday is a complete refutation of this charge. An overfatigued and weary body will seek stimulation in some form or other, and too often alcoholic stimulant is sought. The saloon is only an incident. Low wages, long hours, intolerable conditions lie at the bottom of the evil of intemperance and vice. Less and lighter exactions in mill and workshop and more of God's open, free air will do more for the cause of sobriety, good order, and good citizenship than anything I know of. The shortening of the hours of labor mark the advance of civilization the world over. Mr. President, let this, the giant Republic of the world, take the initial step in this advance.

At the hearings before the Committee on Education and Labor, of which I have the honor to be a member, with almost entire unanimity employers freely admitted that the conditions proposed in this measure were sure to come. They had seen them approach for years.

Mr. President, I beg further to state that the hearings before the committee were both extensive and exhaustive, and this report and bill to-day are a reflection of the honest judgment and conscience of the committee.

Further, I believe that to pass this measure will meet with almost universal approbation and approval. The average workingman scarcely sees his family, except on Sundays. During the week he must rise before 6 o'clock in order to reach his work for the day. In the evening, when he reaches his home, the family have retired; and so each working day repeats the history of the day before.

Senators, pass this bill. It is in the interest of better workmen; it is in the interest of humanity—yes, it is in the interest of happier and better citizens.

In response to the thought expressed by the Senator from New Hampshire I say that many employees appeared before this committee and said the only difficulty was that the unit they had was too short. In answer to that thought I suggested that an amendment might be made that no employer shall employ or cause any employee in his employ to work any hours longer than 48 hours a week, and that no single day should be longer than 8 hours. The argument was used that in the mills, where they use great ladles, in the event of having reached a certain point in production the residue would chill the next day and be absolutely destroyed. Hence the proposition that I suggested, that it might be no longer than 48 hours a week and the unit no longer than 8 hours a day.

You can not legislate for a half holiday at all. The half holiday in this country is not the result of legislation, but it is the result of the conscientious and persistent insistence of the laboring organizations of this country. I believe to pass this measure would be a step in the direction of humanity. In all justice I believe it would do the employer no harm. In my own city, in the State of New Jersey, masons, painters, carpenters, and all mechanics are paid for 8 hours, and the workingman has derived better results, a better life, and better existence.

Mr. GALLINGER. In the State of New Jersey have you a law that prevents a man from working a few minutes over 8 hours if he wishes to do so?

Mr. MARTINE of New Jersey. We have not that, but most of the thrifty mechanics in the State of New Jersey almost unanimously are members of trade organizations, and that exaction is quite generally in force.

Mr. GALLINGER. But the fact is they can work over 8 hours a day if they desire, as a great many workmen want to do.

Mr. MARTINE of New Jersey. That is true; but I think we are fast going beyond that condition. I can recall full well when every mechanic, every carpenter, every mason, and the like came to work at 7 o'clock and did not cease work until

7 o'clock. I then recall when the condition was changed to 6 o'clock for closing, and 6 o'clock finally became the hour, and then 5 o'clock, and then it went on until it is 8 o'clock when they go to work. And the fresh workman, freed from overfatigue, accomplishes more in 8 hours and is in better condition to meet his duties. Pray God, is there not something more in life than the mere matter of dollars? Man should have the splendid advantage of our civilization, and can not we give him, pray heaven, a little more leisure that he may have an opportunity to cultivate his mind and to participate in the blessings of his own household? And I believe that the Senator from New Hampshire, in common with those who advocate this measure, will hold up their hands to high heaven in gratification that we have taken a step in this direction.

Mr. GALLINGER. I am not quite willing to concede to the kind-hearted and lovable Senator from New Jersey greater concern for the workingman than the rest of us entertain.

Mr. MARTINE of New Jersey. I do not claim that; but I do realize that in some sections of the country we have progressed in a direction, in the way of labor, that has not been reached by some other portions of our country. As I live, I am not pleading as a demagogue; I am not here pleading as the advocate of any special interest, but as a citizen who in his early days was an employee and a workman and a laborer, and who has later been placed so that he has in his employ hundreds of men. I plead both as an employer and as an employee. I plead for a better condition for the workingman. I plead for an opportunity for our workingmen and working women to leave our shops and to leave our manufacturing establishments earlier, that they may enjoy God's green acre; that they may enjoy the blessings of outdoor life.

Mr. GALLINGER. Mr. President, some of the rest of us have had the luxury of being employees and not the luxury of being employers of labor, and very likely we have a reasonably clear comprehension of the interests of the laboring man. The Senator pays a high tribute to his own State. But I have been reading during the past few years of some very troublesome happenings in the State of New Jersey, and I do not think it is very much to the credit of that State that it is the headquarters of anarchy in this country, as it seems to be.

Mr. MARTINE of New Jersey. I must reluctantly admit that that condition has prevailed——

Mr. GALLINGER. Yes.

Mr. MARTINE of New Jersey. But be it said to the eternal disgrace of America that she has put upon the statute books a system of laws that has made those conditions possible.

Mr. GALLINGER. What laws are they?

Mr. MARTINE of New Jersey. I refer to the iniquitous and cursed system of taxation; your intolerable tariff taxation. Laugh as you may. It will take many years yet before you will convince the average workingman that by taxing him you are doing him good.

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. Your process of tariff in mill and workshop in Passaic and Paterson has resulted in a handful of millionaires, who have gotten rich on the system, and yet we have the other people living in squalor; and why? That has bred anarchism and has bred a condition of things that we are seeking our way out of each day through the enlightenment of the public against the accursed system.

Mr. GALLINGER. I will not enter into the discussion of the tariff to-day. That will come on another bill.

Mr. MARTINE of New Jersey. It is a different proposition——

Mr. GALLINGER. That question will be up at 2 o'clock to-day.

Mr. MARTINE of New Jersey. I am only answering you——

Mr. GALLINGER. But I want to say to my friend, the Senator from New Jersey, that when he seeks to destroy the policy of protection in the United States, his farm, which has been cut up into house lots to be occupied by industrious people—that if he succeeds in destroying protection, he will have a blackberry patch instead of a happy and prosperous community.

Mr. MARTINE of New Jersey. I know what we would have done without the tariff. God knows——

Mr. GALLINGER We know. The Senator says God knows. I will ask the Senator from New Jersey, who has such a deep and abiding interest in the workingmen of the country and who wants them to have the opportunity to see the green fields and listen to the singing of birds and the babbling of brooks, if he thinks it would not be a very good thing to permit men who desire to do so to have a half holiday on Saturday? That privilege is denied him under this bill.

Mr. MARTINE of New Jersey. The Senator need give himself no concern about the Saturday half holiday. The workingmen will attend to that.

Mr. GALLINGER. They can not under this bill.

Mr. MARTINE of New Jersey. They will attend to it through the ordinary channels of the trade-unions.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. GALLINGER. I have already yielded to the Senator from New Jersey. I will yield to the Senator from New York if I have the opportunity.

Mr. O'GORMAN. I should like to ask the Senator from New Hampshire where is the provision in the pending bill which would prevent the workingman who desires a half holiday on Saturday from arranging for it amicably with his employer?

Mr. GALLINGER. There is no provision of that kind, provided he is willing to forego his pay. But the benevolent Senator from New Jersey does not agree to that.

Mr. MARTINE of New Jersey. I do not want that to happen.

Mr. O'GORMAN. As I read the bill, there is no provision against the mechanic and his employer making any amicable arrangement they see fit to make with respect to the half holiday on Saturday.

Mr. GALLINGER. Under the statute we are considering there will be 6 days of labor, with 8 hours on each day, absolutely without variation or the shadow of turning.

Mr. O'GORMAN. The proposed statute says that no workingman who is engaged on Government work or on work intended for Government use shall be employed in excess of 8 hours a day. But he may be employed for 6 or 4 or any other number of hours a day not exceeding 8 that he and his employer may agree upon.

Mr. GALLINGER. The Senator from New York knows too much of human nature and trade conditions to hold to the view that the workingman would be willing to give up some of the pay he is now receiving, based on the 8-hour principle.

Mr. O'GORMAN. I want to say——

Mr. GALLINGER. The Senator from New Jersey alleges that they now live in squalor and want and deprivation, and, of course, they will not give a part of their present earnings.

Mr. MARTINE of New Jersey. Let me say——

Mr. O'GORMAN. I simply wish to observe that in the State of New York, where we have a larger number of workingmen than can be found in any other State of the Union, the policy embraced in the pending bill has been in operation for several years to the advantage and satisfaction of capital as well as of labor. There is nothing new in the pending bill when compared with the legislation which has been in force in the State of New York for years, although I gathered from the observations of the Senator a moment ago that he knew of no precedents in the legislation of this country for the legislation contemplated by this act. If this is the Senator's belief, it is surely unfounded.

I agree with the Senator from Idaho that the adoption of this proposed amendment would tend to emasculate the best feature of the act, and while I believe that the Senator proposing the amendment has no such desire, I can well understand how the Members of this body who are opposed to the amelioration of labor contemplated by this legislation may confuse and complicate the issue by injecting the proposed amendment making it optional as to whether a man shall work 8 or 9 hours a day.

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. Will the Senator permit me to answer?

Mr. GALLINGER. With great pleasure.

Mr. MARTINE of New Jersey. The Senator from Vermont charges——

Mr. GALLINGER. No; the Senator from New Hampshire.

Mr. MARTINE of New Jersey. They are contiguous States and both are very delightful, and only those two States could produce such splendid specimens of humanity as represent them here.

Mr. GALLINGER. Thank you. We will welcome the Senator to our beautiful State when he comes in search of the babbling brooks and singing birds and the green fields he speaks of, and we will show the Senator the beauties of protection also.

Mr. MARTINE of New Jersey. That will be very nice, and I know I will be thoroughly satisfied with them and the bigness of your heart.

I say for the little Commonwealth of New Jersey, in answer to the Senator, that while I do not say our people live in squalor, I do say it is unfortunate for the Senator's argument when he cites the cities of Passaic and Paterson, where he says anarchists grow up or seem to emanate and spring up, for those conditions are the evils of the tariff system. Those workingmen and those working women in Paterson and Passaic work in the mills and the workshops for a pittance—65 and 70 cents a day

between a white woman and starvation; and they are in your protected industries. In Boundbrook from 65 to 80 cents a day between a white woman and ruin, poverty, and shame. That is the blessing that comes to them.

You speak of my home. As I had occasion to say earlier, when I first came here, my farm has been built up, and I have built it up largely myself, but I have built it up with unprotected American labor. I have paid in American dollars and not in stock or watered capital. I have paid masons $4 to $4.50 a day; painters, $4 a day. They are unprotected. Find me somewhere under your protective system in Vermont or Massachusetts or New Hampshire or anywhere else within the confines of this splendid domain those who do half as well. Your argument makes paupers and rags and millionaires.

Mr. GALLINGER. Our argument is the opposite of the English and of the English system. Many of the people who are working in Passaic and Paterson for this pittance that the Senator suggests went there from a country that has not any tariff laws and where labor is not paid 50 per cent of the wages paid in Paterson and Passaic. That is the fact; and I would point the Senator to the condition of squalor that exists in England to-day, so far as its workingmen are concerned.

Mr. MARTINE of New Jersey. Let me point you to Bethlehem.

Mr. GALLINGER. That is all right. We are willing to take the responsibility of that.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I always like to hear the Senator from Missouri discuss a public question from the Democratic standpoint.

Mr. REED. I want to call the attention of the Senator to the fact that when they had the corn laws in England——

Mr. GALLINGER. That was before my time.

Mr. REED. And other restrictions the people got neither 65 cents a day nor 25 cents a day. They were starving by the wayside, and they had to take down their tariff barriers in order to get food for the people of England to eat.

So, if he wants to contrast so-called free-trade England with protected conditions in this country, he might also go back and contrast protected England with the present condition.

Mr. GALLINGER. I might go back——

Mr. REED. Just a moment.

Mr. GALLINGER. I might go back to the plague of locusts in Egypt or the famine in Ireland. But I am talking about present conditions.

Mr. REED. Out of those two conditions in England he might draw a lesson that would lead to the conclusion that possibly something besides the tariff has to do with the contrast between England and this country. I do not want the Senator to go back to the plagues of Egypt, although his tariff system has been compared by a great statesman to the plagues of Egypt, and the language was something like this: "These monopolists sip with us in our dish, filch from our pockets, and, like the lice of Egypt, are found in every home." So he might go back even to the plagues of Egypt.

Mr. GALLINGER. I had no doubt the Senator would discuss the question of vermin before he got through. I do not know what statesman it was who compared our tariff system to the plagues of Egypt. I wish the Senator would tell us who he was. I would like to look him up.

Mr. REED. Lord Culpeper.

Mr. GALLINGER. Well, that was a good while ago. And was he talking about the tariff system of the United States?

Mr. REED. It was not much longer ago than you began building monopolies through the tariff system and calling them infant industries.

Mr. GALLINGER. And about that time they had a good many monopolies in England, too, and they have had a great many created since.

Mr. REED. Yes; and he was fighting them.

Mr. GALLINGER. Mr. President, I regret that the tariff question has been injected into this discussion. I know how the laboring people, as a rule, feel about the protective system. If we are ever going to have a referendum on anything, I wish we might have a referendum on that very question, submitting it to the men in the manufacturing industries of the United States; and I think the Senator from Missouri and the Senator from New Jersey would be satisfied that they are doing those people an injustice when they are picturing them as being in squalor, rags, and destitution. It is not true. There are millions of dollars in the savings banks of New England put there by men and women who work in our mills and factories. They work in our mills, and they do not relish having their condition pictured as it has been pictured on this floor time and time again.

Mr. President, we were talking about permitting the laboring men to have a half holiday on Saturday if they desire it, not to increase their hours of labor during the week, but to let them work, if they are willing to work and want to work, as many of them do, 9 hours a day for 5 days and 3 hours on Saturday. So it seems that when a workman came to me a few days ago and said, "Of course, nobody would object to it," I was not far out of the way when I said, "Yes; honorable Senators will object to it, and the probability is that it will be defeated." Prepared for its defeat as I am, yet I want to reiterate what I presume I have already repeated—that in the interests of the laboring men, in the interests of their homes and their happiness, they ought to be permitted the privilege of having a half holiday on Saturday if they desire it; and I believe it is not only a hardship but a wrong to enact any legislation that will deny them that privilege, which many of them so much desire.

Mr. President, at a later time in this discussion, because we are not going to complete it to-day, I may have something to say on the general propositions involved in the bill, but I have said all I care to say about this Saturday half-holiday matter.

Mr. LODGE. Mr. President, I do not care to be carried off on the waves of a tariff debate, but the Senator from New Jersey spoke about the unprotected trades, and I thought perhaps it would not be amiss to call his attention to a statement made before the Committee on Finance by Mr. Frank R. Vreeland, of Bayonne, N. J., representing the executive board of the New Jersey State Building Trades. He was asked:

> What do you mean by "the building trades"? Just what trades are included?
>
> Mr. VREELAND. Carpenters, painters, plumbers, sheet-metal workers, marble cutters, bricklayers, plasterers, electrical workers, and building-trades mechanics and laborers in general.

He began by stating that there were 30,000 members of unions which he represented.

> Senator WILLIAMS. Carpenters?
>
> Mr. VREELAND. Carpenters; yes, sir.
>
> Senator WILLIAMS. Bricklayers?
>
> Mr. VREELAND. Yes, sir; the entire class of labor employed in the erection of buildings, from the excavation to the locking of the front door.
>
> We feel, as an organization, that while this revision of the tariff does not affect any of the building material in its handling by us on the building, yet it does have the effect of creating an unrest among the employers and stagnation in business, as it were, because of the uncertainty as to the result of the tariff revision; and that directly affects us or those affiliated with us.

His testimony goes on at some length, in which he objected strongly to the reduction.

Mr. MARTINE of New Jersey. He was simply an employee in common with the rest of us. His condition is no different from yours or mine, or that of anybody else.

Mr. LODGE. I only quoted it to show that the man came down here—a member of the executive board of the building trades, composed of 30,000 men—and he took a different view from the Senator from New Jersey of the effect of the tariff on his unprotected industry.

Mr. President, I come from a State in which the first efforts were made in this country for the limitation of the hours of labor. We passed, 60 or 70 years ago, an act on the model of the early factory acts of England, which have been referred to, to limit the hours of labor. We have continued that policy in my State; we have kept on reducing the hours of labor in the mills, until we have the number of hours per week now lower than they are anywhere else.

I am far from opposed to the principle of the bill. I believe there should be a proper regulation of hours for those who it may be said generally, in certain great organized businesses, are unable to make the proper arrangements for themselves. I have no desire to impair the principle of the bill for a proper regulation of the hours of labor. But in my State the Saturday half holiday has been very generally adopted; it is almost universal.

The Senator from Idaho spoke of the people interested in this thing being a negligible quantity and the practice confined to a few States. Of course we each of us look at it a little from our own point of view. My State is a very small State, indeed. It could easily be put into a single county in Idaho. But there are three and one-half million people employed in that little territory. The annual product of the industries of Massachusetts has reached $1,400,000,000 in a year. The working people of the State have some $700,000,000 in the savings banks. The number of people employed directly in the industries, the people who work in them—not those who are dependent on them or who are concerned with the overhead management of the business, but the people actually employed in the industries—number between 500,000 and 600,000. However negligible and trivial

that may seem to some Senators from larger States, it is of course naturally of importance to me.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. The Senator from Massachusetts, I am sure, did not understand me as speaking disparagingly of Massachusetts.

Mr. LODGE. I did not, of course.

Mr. BORAH. I simply referred to the fact that it has not been a universal custom or practice, and that as compared with the entire question it is, in my judgment, unimportant.

Mr. LODGE. Mr. President, I am utterly unable to see how this amendment injures the bill. The Saturday half-holiday system is, as I said, in general use in my State. I think it is very largely used in other States, but of that I have no immediate knowledge. The Senator from Missouri the other day referred to it as if it was familiar in his State; the Senator from Tennessee spoke of it as known in his State; and I have no doubt that it is in general use and is coming into very universal adoption everywhere.

Now, if we limit the number of hours in the week days—what this 8-hour bill does—to 48, the workman will be forced naturally either to the point, where the payment is by hours, as it is in most great industries, of giving up 4 hours of work in the week, losing pay for that time, or else abandoning his half holiday.

It does seem to me it can not affect the principle of the bill at all to allow a certain amount of latitude, a latitude sufficient to give at least to the workmen and the employers alike the opportunity of choice. If a man prefers, as I think most men would, to work 9 hours for 5 days and 3 hours on Saturday, so as to have practically the whole of that day and Sunday together to go in the country or indulge in any rational amusements that appeal to him, it seems to me it is not a very large liberty to give him. I know that the workmen in my State very generally desire that. I believe they would be entirely satisfied with the 48 hours' limit. They are accustomed to the weekly limit, and if it is limited to 48 hours the right might be left to them to say how it should be distributed. The amendment is not offered with any intention of emasculating the bill or anything of the kind. It is offered simply to allow a certain latitude to the people who are working under this legislation.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. Did I understand the Senator from Massachusetts to say that the present limit in Massachusetts is 54 hours a week?

Mr. LODGE. That applies to the textile mills.

Mr. HITCHCOCK. But not to the navy yards?

Mr. LODGE. The navy yards, of course, have been under the 8-hour law for a long time. This bill does not touch navy yards.

Mr. HITCHCOCK. I should say the shipbuilding yards where naval work is done for the Government.

Mr. LODGE. I do not know whether the 54-hour law applies to the shipbuilding yards or not. The shipbuilding yards, however, I will say to the Senator, I do not think are working 54 hours a week, anyway.

Mr. HITCHCOCK. I was going to inquire of the Senator from Massachusetts how he can possibly hope to harmonize his amendment providing for a total of 48 hours a week with the Massachusetts law, which provides for 54 hours?

Mr. LODGE. I do not expect to harmonize it with it. Those great textile mills are not concerned, or very few of them. There is hardly one in the State that takes a Government contract. They would not be affected by this measure at all.

Mr. HITCHCOCK. As a matter of fact, if the textile mills allow a Saturday half holiday and provide for a total of 54 hours a week they must be working 10 hours a day, and that is not a very fine model to present to us.

Mr. LODGE. I am not presenting it as a model. The adjoining States work as high as 56 and 60 hours a week. If the Senator will look over the textile industries of this country he will find 54 hours the lowest week.

Mr. HITCHCOCK. I ask the Senator whether he does not think it is deplorable that in the textile industries, protected as they are by the tariff on the theory that it is for the benefit of American labor, the employees should work such excessive hours?

Mr. LODGE. I think the hours of labor in many of the industries are very long.

Mr. HITCHCOCK. Particularly in the protected industries.

Mr. LODGE. No; not particularly in the protected industries.

Mr. HITCHCOCK. It has been shown, and it is a fact, that in unprotected industries, which have no benefit of the protective tariff, they work only 8 hours.

Mr. LODGE. They have no need of a protective tariff, because they have a natural prohibitory tariff. You can not import a house built.

Mr. MARTINE of New Jersey. You can import men.

Mr. LODGE. You can import men, and there is too much competition from imported men.

Mr. HITCHCOCK. I wish to suggest to the Senator from Massachusetts that this is not a law to prohibit men from working more than 8 hours a day; it is an act to provide that work done for the United States Government shall be done upon an 8-hour basis, just as any employer can provide that anyone working for him shall work upon the 8-hour basis.

Mr. LODGE. I have grasped that idea in the bill. I have grasped that its idea was to have 8 hours on work contracted for by the United States. The object was only to give those industries—I confess the shipyard was what I had chiefly in mind—the opportunity to make the half holiday and yet obey the law. The employers are making no resistance to the law that I am aware of, but they do ask for that latitude in making the arrangement.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. O'GORMAN. I wish to ask the Senator from Massachusetts in which States workingmen are permitted to work 56 hours a week?

Mr. LODGE. I think it is the 56-hour law in Rhode Island, and I think in New Hampshire, too. In Pennsylvania I think they have the 56-hour law. All those laws represent successive reductions. The last law we passed was a reduction from 56 to 54 hours.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Will the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Certainly.

Mr. BORAH. I do not think there is any 54-hour law in Pennsylvania. There may be in New Hampshire, but I do not think there is any in Pennsylvania.

Mr. LODGE. I am not speaking altogether of the law. If the Senator will go to the States where there is no law fixing the hours he will find it runs as high as 60 hours a week.

Mr. GALLINGER. If the Senator will permit me, I speak with considerable certainty when I say that the law in New Hampshire is 54 hours.

Mr. LODGE. Then it is the same as ours; there has been a reduction.

Mr. GALLINGER. There was a reduction a few years ago.

Mr. LODGE. There are some States, the Senator will observe, if he will look at the statistics, where there are no laws limiting the hours of labor in a week, which go far over 54 hours.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. LODGE]. [Putting the question.] The noes appear to have it.

Mr. GALLINGER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. REED. Mr. President, I think in justice to myself and perhaps in justice to others I ought to make a statement.

I stated day before yesterday that I favored the amendment offered by the Senator from Massachusetts [Mr. LODGE], and gave my reasons for favoring it. Among those reasons was the opinion that it was in form desired by the laboring men who were concerned. I have since been advised by laboring men high in authority in those organizations that I am mistaken in that view, and that the overwhelming opinion among laboring men, according to the statement of these gentlemen, is that they desire to have the limit of 8 hours.

I do not believe I am mistaken in the views I originally expressed, so far as I gave my reasons based upon my own judgment, but I am constrained to believe that I was mistaken in the statement that the laboring men desire to have this amendment, and because I regard this as a measure designed for their particular benefit I have concluded that I shall vote for the bill as it is submitted.

Mr. SMITH of South Carolina. Will the Chair please have the amendment offered by the Senator from Massachusetts read before the roll is called?

The PRESIDING OFFICER. Without objection, the Secretary will again read the amendment.

The SECRETARY. Add at the end of section 1 the following proviso:

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is absent from the Chamber. He has a general pair with the Senator from Arkansas [Mr. DAVIS].

Mr. BORAH (when Mr. KENYON's name was called). The Senator from Iowa [Mr. KENYON] is necessarily absent. If he were present, he would vote "nay."

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. SWANSON]. Therefore I withhold my vote.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BRANDEGEE], who is not now in the Chamber. If I were at liberty to vote, I should vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague [Mr. OVERMAN] is unavoidably absent from the Chamber. He is paired with the Senator from California [Mr. PERKINS].

Mr. WILLIAMS (when Mr. PERCY's name was called). I wish to announce that my colleague [Mr. PERCY] is kept from the Chamber by a sudden and serious illness of one of his brothers. He is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. PERKINS (when his name was called). I am paired with the Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to state that my colleague [Mr. POINDEXTER] is absent from the Chamber on important business. I think if he were present he would vote "nay" on this amendment.

Mr. ROOT (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, and I were at liberty to vote, I should vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber.

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I inquire whether the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote, having a pair with that Senator.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. FOSTER. I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is unavoidably absent from the Senate on public business. In his absence I withhold my vote.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I will withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Nebraska [Mr. BROWN], and as I find that he has not voted and is not in the Chamber, I will withdraw my vote.

Mr. CHILTON (after having voted in the negative). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I inquire whether he is recorded as voting?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. CHILTON. Then I withdraw my vote.

While I have the floor I desire to announce that my colleague [Mr. WATSON] is necessarily absent from the Senate. He has a general pair with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. O'GORMAN. I desire to inquire whether the senior Senator from Connecticut [Mr. BRANDEGEE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. O'GORMAN. I have a general pair, as I have already announced, with the senior Senator from Connecticut, but I transfer that pair to the junior Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. CRAWFORD. I am requested to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 14, nays 35, as follows:

YEAS—14.

Bradley	Fletcher	McLean	Sanders
Bryan	Gallinger	Oliver	Wetmore
Burton	Lippitt	Richardson	
Dillingham	Lodge	Root	

NAYS—35.

Ashurst	Curtis	Martine, N. J.	Shively
Bacon	Fall	Myers	Smith, Ariz.
Borah	Gore	Newlands	Smith, S. C.
Bourne	Grouna	O'Gorman	Sutherland
Bristow	Guggenheim	Page	Tillman
Chamberlain	Hitchcock	Penrose	Townsend
Clarke, Ark.	Jones	Pomerene	Williams
Crawford	Kern	Rayner	Works
Cummins	Lea	Reed	

NOT VOTING—46.

Bailey	Cullom	Lorimer	Smith, Ga.
Bankhead	Davis	McCumber	Smith, Md.
Brandegee	Dixon	Martin, Va.	Smith, Mich.
Briggs	du Pont	Nelson	Smoot
Brown	Foster	Nixon	Stephenson
Burnham	Gamble	Overman	Stone
Catron	Gardner	Owen	Swanson
Chilton	Heyburn	Paynter	Thornton
Clapp	Johnson, Me.	Percy	Warren
Clark, Wyo.	Johnston, Ala.	Perkins	Watson
Crane	Kenyon	Poindexter	
Culberson	La Follette	Simmons	

So Mr. LODGE's amendment was rejected.

Mr. LODGE. Mr. President, I offer the amendment which I send to the desk, and I hope the Senator from Idaho will be willing to accept it. It is a small matter and relates to the construction of certain boats. I will explain it in a moment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. In section 2, on page 4, line 15, after the date "1892," it is proposed to strike out "or to apply to work done under contracts made prior to the passage of this act" and to insert the words "or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act."

Mr. LODGE. Mr. President, the bill now exempts from the application of the proposed law work done under contracts made prior to the passage of this act. There were three vessels—not large vessels—authorized under a recent act which would have been contracted for some time ago but that the plans had to be changed in order to meet the requirements of the appropriation. Unless this alteration is made—for, of course, this will increase very much the price of all these vessels—those vessels will not be constructed and it will be necessary to again appropriate for them. It was thought at the department that as it was an accident owing to the changes in the plans, there would be no objection to exempting them as they would have been exempted had it not been for the delay, under the bill as it now stands.

Mr. BORAH. I ask that the amendment proposed by the Senator from Massachusetts may be reread.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be again stated.

The Secretary again read Mr. LODGE's amendment.

Mr. BORAH. Mr. President, I have no objection to that amendment; that is, to the principle of the amendment, but, unless I am in error as to the amendment, it would make necessary some other changes which the amendment does not anticipate.

Mr. LODGE. It was not intended to do anything except extend it to vessels already appropriated for.

Mr. BORAH. With that understanding——

Mr. LODGE. If it goes further than that, the Senator from Idaho can modify it in any way he desires.

Mr. BORAH. So far as I can do so, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 4, after the word "party," it is proposed to insert "except contracts made in connection with the construction of the Isthmian Canal."

The PRESIDING OFFICER. Does the Senator from New York desire all the printed amendments to be considered together?

Mr. ROOT. I think if the first is passed upon the second will follow necessarily. The third is a separate amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. Certainly.

Mr. BORAH. I hold in my hand an amendment offered by the Senator from New York under date of May 7, 1912. Is that the amendment which he has offered?

Mr. ROOT. That is the amendment.

Mr. BORAH. Mr. President, so far as I am concerned, I see no objection to the amendment, but, because of the manner in which it is inserted, I am of the opinion that it might have a different effect than that which is anticipated. It reads:

On page 1, line 4, after the word "party," insert the words "except contracts made in connection with the construction of the Isthmian Canal."

Then, with the amendment inserted, the provision would read as follows:

That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, except contracts made in connection with the construction of the Isthmian Canal, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract—

And so forth. Perhaps that is all right.

Mr. ROOT. I think so. I think it incorporates the exception into the general description of contracts affected. That is what it was intended to do.

Mr. BORAH. The purpose of the Senator, of course, is simply to except the Isthmian Canal and contracts made in pursuance of its construction.

Mr. ROOT. That is all.

Mr. BORAH. Now, would the Senator be willing to submit as an amendment an extra section, simply providing that this bill shall not apply to the Isthmian Canal?

Mr. ROOT. Perfectly. There is a suggestion that Col. Goethals himself has made which has come in since this amendment was printed, and I think the Senator from Idaho has a copy of the letter in which he makes the suggestion; and that is, in line 3, on page 4, at the end of the sentence which authorizes the President to waive the provisions of the act as to specific contracts during time of war or when war is imminent, to add these words:

And until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal.

Mr. BORAH. I have no objection to that amendment.

Mr. ROOT. Then, I will withdraw the other amendment which I offered and offer that instead.

The PRESIDING OFFICER. The Senator from New York withdraws his first amendment and offers an amendment in place thereof, which will be stated.

The SECRETARY. On page 4, line 3, after the word "imminent," it is proposed to insert "and until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROOT. Mr. President, that disposes of the first two amendments on the paper I have sent to the desk, but I think the third had better be passed upon. It is on page 4, line 15, after the word "ninety-two," insert the words "as modified by the acts of Congress approved February 27, 1906, and June 30, 1908."

That is merely to prevent a possible misunderstanding.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated.

The SECRETARY. On page 4, line 15, after the word "ninety-two," it is proposed to insert the words "as modified by the acts of Congress approved February 27, 1906, and June 30, 1908."

Mr. ROOT. The bill as reported saves the act, chapter 352 of the laws of 1892, from the effect of the bill. That act has been amended, and I want to make it sure that the act as amended is saved.

Mr. BORAH. What amendment was made to that act to which the Senator refers?

Mr. ROOT. I think it is the amendment——

Mr. BORAH. Is that the amendment excepting foreign labor from the operation of the act?

Mr. ROOT. Yes. It reads:

SEC. 4. The provisions of an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, and of an act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved February 27, 1906, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

I wanted to be sure that in saving that original act from this we saved also the amendments.

Mr. BORAH. Very well; I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, I think there should be additional language inserted in the bill by adding, after the amendment already adopted, the words "except as herein otherwise expressly provided." There have been several modifications of the acts of 1892 and 1906, and with the passage of this bill, if the text of those statutes is now in existence, necessarily the latest law will control. There ought to be a provision inserted as to conflicting provisions or provisions that cover the same ground, whether they conflict or not.

The PRESIDING OFFICER. Does the Senator from Arkansas offer an amendment?

Mr. CLARKE of Arkansas. I call it to the attention of the Senator from Idaho, and move that it be adopted as an amendment.

The PRESIDING OFFICER. The Senator from Arkansas proposes the following amendment, which will be stated.

The SECRETARY. It is proposed to add to the amendment proposed by the Senator from New York the words "except as herein otherwise expressly provided."

Mr. ROOT. Might not that have the effect of nullifying the whole amendment?

Mr. CLARKE of Arkansas. No. The text of the acts remains the law except in cases where it is expressly provided otherwise by this proposed act.

Mr. ROOT. This provision is that nothing in this act shall be construed to repeal or modify the act of 1892.

Mr. CLARKE of Arkansas. Yes.

Mr. ROOT. And as amended by the proposal I made it would be that nothing in this act shall be construed to repeal the act of 1892 as amended.

Mr. CLARKE of Arkansas. I suggest the words "except as herein otherwise expressly provided."

Mr. BORAH. The Senator's amendment, I think, would have the effect of militating against the amendment of the Senator from New York.

Mr. CLARKE of Arkansas. I beg pardon. I did not hear the last remark of the Senator from Idaho.

Mr. BORAH. If I understand the amendment of the Senator from Arkansas correctly, it would have the effect of modifying the amendment of the Senator from New York.

Mr. CLARKE of Arkansas. I had no such intention. I intended merely to preserve so much of the two acts mentioned as is not changed by the passage of this law.

Mr. BORAH. The act of 1892 does not affect it. I have no particular objection to that amendment. If it is found to be an error, it can be taken care of in conference, I presume.

Mr. CLARKE of Arkansas. If my amendment provokes any discussion or is likely to delay the passage of the bill, in view of the fact that other business will shortly take precedence of it, I will withdraw it.

I offer the amendment I send to the desk, and call the attention of the Senator from Idaho to it.

The PRESIDING OFFICER. The Senator from Arkansas withdraws his former amendment?

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. And offers an amendment, which will be stated.

Mr. ROOT. I understand the amendment I offered was agreed to.

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. The amendment of the Senator from New York was agreed to.

The SECRETARY. It is proposed to amend by adding, after the word "not," line 18, on page 3, the following: "Nor to the construction or repair of levees or revetments necessary for protection against floods and overflows on the navigable waters of the United States."

Mr. BORAH. Does the Senator from Arkansas intend that to apply to cases of emergency?

[Mr. CLARKE of Arkansas addressed the Senate. See Appendix.]

Mr. BORAH. May the amendment again be stated?

The SECRETARY. On page 3, line 19, insert a comma and the words "nor to the construction or repair of levees or revetments necessary for protection against floods and overflows on the navigable waters of the United States."

Mr. BORAH. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I was not surprised, and yet it was a matter of regret to me, that the beneficent amendment relating to the half holiday was adversely acted upon by the Senate. I have a little amendment that I want to offer. I realize that this bill is going to pass substantially as it is. The Senator from Idaho always gets his bills through, because he is a good tactician; his amiability carries them along on the tide. I offer this amendment, and even though it may not at the moment strike the Senator as a wise one, I trust he will let it go to conference. The friends of the bill will be the conferees on the part of both Houses, and it can be dropped out if the Senator, upon examining it, does not think it is a wise amendment.

I will say simply a word in connection with it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 4, before the word "emergency," insert "extraordinary events or conditions of manufacture or to any," so that it will read:

No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture or to any emergency caused by fire, famine, or flood, etc.

Mr. GALLINGER. I will say to the Senator that the addition of the words I have suggested would provide for those unusual industrial emergencies which may arise in the execution of any contracts within a time limit. There may be an exceptional delay in the delivery of material, the plant of the subcontractor may be destroyed or so injured that he is unable to supply the chief contractor with material essential to the execution of his contract, or a railroad wreck might destroy essential material in transit, or important machinery may break down in the shop. These are "extraordinary events or conditions of manufacture" which should justify the remission of a penalty, since they are obviously beyond the control of the contractor, and in justice should be provided against.

The amendment is designed merely to recognize this condition, which is liable to happen and which, I think, is a proper protection to the contractor, so far as the rigid execution of the law is concerned.

I will repeat what I said: I hope the Senator will let the matter go to conference, and if in the judgment of the conferees it is not a wise provision, it can be dropped.

Mr. BORAH. May I ask that the amendment be again read, so that I may catch it?

The Secretary again stated the amendment.

Mr. BORAH. I am not going to ask for a vote upon the pending bill to-day, for the reason that a Senator who is absent desires to make some remarks upon it, and, if the Senator from New Hampshire would permit, I would just as soon that his amendment should go over with the bill.

Mr. GALLINGER. I am quite willing that that shall be done. I hope the Senator from Idaho will look carefully at it, and trust that in his wisdom he will think it a proper amendment.

Mr. BORAH. I will give it proper consideration.

Mr. HEYBURN. I desire to ask the Senator from Idaho whether it is his intention at 2 o'clock, now closely approaching, to lay aside this bill, or is it his intention to ask that the unfinished business be laid aside?

Mr. BORAH. A Senator who is absent from the Chamber desires to make some remarks on this bill. Therefore it was not my intention to press it to a vote to-day. And at 2 o'clock I expect that the unfinished business will be proceeded with.

Mr. HEYBURN. I prefer not to start what I have to say unless I can finish my remarks.

Mr. POMERENE. I offer an amendment and call the attention of the Senator from Idaho to it.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment, which will be stated.

The SECRETARY. On page 3, line 14, after "intelligence," insert:

Or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not.

And strike out the same words beginning with "or," in line 17, and ending with the words "or not," in line 19.

Mr. POMERENE. Mr. President, as this section is constructed it is open, in my judgment, to some doubt as to its true meaning. It is not intended, as I understand the chairman, that the 8-hour provision shall apply to the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not. Where this clause is inserted it might appear to be a part of the exception and it would be included in the class with armor and armor plate. I only offer the amendment in the interest of certainty in the construction of the language.

Mr. BORAH. In view of the fact that the bill is going over, would the Senator from Ohio object to offering the amendment and letting it lie on the table so that we can take it up on the next consideration of the bill?

Mr. POMERENE. I have no objection.

Mr. BORAH. I understand the Senator from Ohio offers it merely for the purpose of making more explicit the terms of the bill.

Mr. POMERENE. That is my only purpose.

Mr. BORAH. With no intention of changing it substantially.

Mr. POMERENE. It does not change it in the least, as I understand the construction of the language.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642.

THE METAL SCHEDULE.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President, I believe I can to-day conclude what I have to say on the metal schedule if not interrupted.

FILES.

[Paragraph 29.]

The act of 1909 provides a specific duty on files of each class. These specific duties, based on importations for the year 1911, are equivalent to an ad valorem of 61.16 per cent. The proposed rate of duty under the pending House bill is 25 per cent ad valorem. The existing rates average 15 per cent below the rates of the Dingley law and the proposed rate of 25 per cent, according to the Ways and Means Committee's report, makes a further reduction of about 63 per cent.

Though files are made by machinery, the principal expense in their manufacture is the labor cost, as none of the machinery used is automatic. Every machine operation requires the attendance of an operator, so that practically the entire cost except the small expenditure for material is labor cost. In making every one of the files I have here no less than 91 definite, distinct, and separate operations of handling are required for each individual piece from the time the steel enters the factory until the finished files are placed in stock. In addition to these distinct operations, there are numerous minor operations which have not been included in the total which I have given. One company, which manufactures about 50 per cent of the files used in this country, informed the committee that it carried in stock regularly no less than 6,000 varieties of files, every one of which is a fine-edged tool which must be handled as a unit in practically every operation through which it passes.

Exhibit A of the samples I have here is a 2-inch ground file. In producing these files 1 pound of steel, costing 25 cents, will make 83 dozen files, having a net value of $68.03. In other words, the labor expended on this pound of steel enhances its value 272 times its cost.

Exhibit B is a 5½-inch metal file of which there are large importations. One pound of steel, costing 19 cents, will make 8 dozen files, having a net value of $6.72, or 35½ times the cost of the raw material.

Exhibit C is a 14-inch flat file. One dozen of these files require 21 pounds of steel, at a cost of 3½ cents a pound, or 73½ cents for one dozen files. These files are sold at about $2.91 per dozen. The labor cost involved in the making of these coarser files is much less than that required for the finer files.

American file makers pay their laborers and help from $1.40 to $1.80 and skilled workmen from $2.40 to $4.25 per day. In Germany laborers and assistants receive from 64 cents to $1.08 per day and skilled workmen from 85 cents to $2.14 per day. Switzerland, France, and Germany are cheap competitors of the United States in the manufacture of files. America, however, is the best market in the world for the sale of files. Within the past five years a number of foreign countries, including France, Germany, Japan, and Sweden, have materially increased their duties on files, which has restricted the field for the sale of American-made files. Are we now going to open up the American market to the cheaper-made files of foreign countries and destroy our own industry?

SHOTGUNS AND RIFLES.

[Paragraphs 30 and 31.]

Manufacturers of shotguns stated at the hearings held by the Senate Committee on Finance that the proposed reduction of the duty on shotguns to 35 per cent would be absolutely fatal to that industry in the United States. A former duty of 30 per cent on breech-loading shotguns utterly failed to protect American manufacturers, and that industry amounted to practically nothing as compared with its present output until the duty was raised to a point where it represented the difference between the cost of production at home and abroad. Belgium is the principal competitor of the United States in the manufacture of shotguns. In the better class of these guns practically 80 per cent of the cost is directly due to expenditure for labor.

Parker Bros., manufacturers of high-grade guns, informed the committee that European labor in their line costs about a third of what it does in this country. They stated that a gun costing $20 to manufacture represents $16 in labor and $4 in material. In Belgium the labor cost on the same gun could be reduced from $16 to $5.33, making the factory cost of the gun $9.33, which, after paying a duty of $5.39, would make its importation price $14.72 as compared with the American cost of $20.

Take the gun known as "Sauer, No. 1," which Schoverling, Daly & Gales, of New York, purchase abroad at $24 and on which the duty amounts to $14.40, making the importation price $38.40. Parker Bros. state that this gun could not be made in America for $50 owing to the geater labor cost here. The average wage paid to laboring men in the Belgium gun factory is from 2 to 4 francs per day—from 40 to 80 cents—as compared with from $2 to $3 per day in this country. The average Belgium wage is about 55 cents, a large number of women and children being employed in the assembling of guns and similar classes of work. No women or children are employed in American gun factories, and I do not believe such conditions as exist in Belgium would be tolerated in this country.

Practically all of the gun barrels used by American shotgun manufacturers are imported from Belgium. Several American manufacturers undertook to make these barrels, but finally had to give up the attempt, as they could not begin to compete with the product of Belgium factories, which are imported free under the present tariff. Parker Bros. Gun Co. erected an addition to its factory, put in up-to-date machinery, and brought men from Belgium to show their blacksmiths how to make gun barrels. This company soon had to give up the attempt, however, as they had to pay their blacksmiths from 32 to 40 cents an hour, while the highest wage paid Belgium blacksmiths for exactly the same grade of work is 11 cents an hour. American gun manufacturers are in considerable doubt as to whether the pending bill takes shotgun barrels from the free list of the act of 1909, and places them in the basket clause at a duty of 25 per cent, thus increasing the cost of raw material to the American manufacturer and at the same time decreasing the duty that protects American wage earners against the wage scale of Europe.

FISHING TACKLE.

[Paragraph 34.]

The Underwood bill reduces the duty on fishing hooks from 45 to 10 per cent, and on fishing tackle from 45 to 30 per cent. The specific duty on these articles varied to such an extent until the law of 1909 was passed that the industry can hardly be said to have been fairly established in this country until that year. Now it is proposed to destroy it by opening the market to competition from Japan and other countries. In making fishing flies, which require skilled and experienced help, a manufacturer stated before the committee that he paid women $1.50 a day, whereas the amount paid in England for the same work is 50 cents a day, and in Japan, where the business is growing, labor costs are very much less.

The fishing material of this kind is a luxury rather than a necessity, and the profits of retailers are so great that the reduced duty would not in the least affect the consumer. The importations now, under the existing law, are equal to the home production. Fishing hooks are sold for 25 cents a thousand, while the retailer sells them in some cases two for a nickel. It is clear that there would be no advantage to the consumer in the reduction of the duty in this case.

The Japanese are now offering to sell in this country, duty paid, flies at 45 cents per gross, and a manufacturer testified before the committee that it cost him $3 to make a gross. The Chinese and Japanese have developed this business recently, and are seeking to export their goods.

If the duties are reduced as proposed by this House bill, it will simply stop the growth of this industry in the United States, if it does not eventually kill it. There is greater reason now for imposing 45 per cent tariff on these goods than there was in 1909. The wire for fishing hooks costs about the same now as then, but some of the other materials are much higher, while labor laws limit the working of girls and women, who were largely employed in this industry, raising the cost of production of artificial flies.

The following table gives a comparison of wages paid American and English labor engaged in making various kinds of fishing tackle:

Comparison of wages of English and American workpeople.

In the manufacture of—	English wages per day 1909.	American wages per day	
		1909	1912
GUT LEADERS.			
Forelady of tying leaders	$0.50	$1.25	$1.50
Tying of gut leaders (expert)	.35	1.00	1.35
Packing gut leaders (expert)	.35	1.00	1.25
SNELLED HOOKS.			
Forelady of snelled-hook department	.50	1.33	1.50
Tying snells, girls (expert)	.40	1.00	1.35
Forelady for packing snells	.50	1.25	1.35
Packers, girls (expert)	.35	1.00	1.25
FISHING FLIES.			
Forelady fly-tying department	.83½	2.00	2.00
Fly tyers (expert)	.50	1.50	1.65
Forelady of packing department	.50	1.35	1.50
Packers, sewing flies on cards, etc. (expert)	.40	1.25	1.25
FISHHOOKS.			
Foreman of hook-making department	1.75	4.00	4.00
Workman, hook-making department	1.25	2.50	3.00
Foreman of tempering department	1.75	2.50	2.75
Workman, tempering department	1.25	2.25	2.50
Foreman of tumbling department	1.25	2.00	2.25
Workman, tumbling department	1.00	1.75	2.00
Foreman of japanning department	1.25	2.50	2.50
Workman, japanning department	.75	1.75	2.00
Forelady of packing department	.48	1.35	1.50
Girls, packing department	.28	1.25	1.35

Miss C. J. Frost, of Stevens Point, Wis., advised the committee that the proposed reduction of the duty on fishing tackle would either compel her to reduce the wages of her 155 employees or else close her factory. Miss Frost said she had been informed that the best women employees in the Norwegian fishing-tackle industry receive 30 cents for 12 hours' work. She stated that the best help in her factory received $2 a day, and that she employed a good many girls from $4 to $8 per week.

SAWS.

[Paragraph 37.]

The House bill reduces the duty on saws from an equivalent ad valorem duty of 24.30 per cent in 1911 to 12 per cent. The testimony of saw manufacturers is to the effect that they could not compete with the foreign product unless they could obtain labor at the same rates. That can not be done unless all industries are treated alike. The large saw factories near Strassburg in Germany pay from 3 to 4 marks, or less than $1, for a day of 10 hours' work, which would be 9.6 cents an hour as compared with from 40 to 47 cents an hour for similar labor in the United States.

The proprietor of a large manufacturing establishment in Indiana, who has a factory in Canada, testified that he could not compete with the British manufacturers in Canada, and that led him to establish his works in that country. The proposed rate here is much lower than the British preferential rate in Canada. Even now English saws can be imported into the United States and sold in competition with the American products. With the rate cut more than one-half it is clear that the American producer could continue in business only by reducing wages all along the line to accord with the lower duty.

ALUMINUM.

[Paragraph 41.]

Aluminum was distinctively an American industry in its origin. The process of extracting this metal from bauxite or clay was invented by an American. Patents on the process have expired, however, and now the field for making aluminum is open to anyone. At first aluminum, owing to the difficulty of its manufacture, was a very expensive material. I have been informed that the aluminum top of the Washington Monument cost $16 a pound, and for a number of years aluminum sold for around $8 a pound. The expense of manufacturing aluminum has been so greatly reduced, however, that now it is, bulk for bulk, cheaper than any other metal except iron. In volume its cost

is 15 per cent that of tin, 40 per cent that of copper, and 90 per cent that of zinc. Aluminum is the most prevalent metal in the world, there being something like 8 or 10 times as much aluminum as there is iron.

Foreign manufacturers of aluminum, however, have important advantages over the American manufacturers, due to their cheaper labor, cheaper electrical power, proximity to raw materials, and a better quality of bauxite. In no metal does the cost of labor enter so largely as in the cost of aluminum. The mineral bauxite from which aluminum is made is a cheaper mineral, costing less than $1 per ton in the ground, but its transformation into alumina and thence into aluminum worth $300 per ton is an expensive process involving a great deal of labor.

Limestone, another mineral necessary in the manufacture of aluminum, is worth only a few cents per ton in the ground, but absorbs much labor in its service in the aluminum industry. Carbons, a highly wrought product made from petroleum coke, which is valued at less than $5 per ton, are essential in aluminum manufacture, and add to its high labor cost. Similarly the 5 tons of coal consumed in making a ton of aluminum and the soda ash required are costly, largely because of the labor required to prepare and handle them. From the cheap ore to the highly concentrated ingot, aluminum manufacture is primarily an unusually elaborate labor process. The European manufacturer pays only one-third as much for his labor as does the American manufacturer, or the American manufacturer spends three times as much in labor to produce 1 pound of aluminum—and labor is a large majority of the total cost of production—as does his foreign competitor.

The water powers of Europe generating electricity for aluminum manufacture are found, with one exception, in Norway, the Alps, and the south of France. The high heads there available make it impossible for American water powers to compete in cost of electricity developed. Our water powers require more labor to develop, our machinery is more expensive, our developed cost per horsepower installed is from two to four times the European cost. Here, again, the European manufacturer has an advantage over the American producer.

Of the 14 foreign manufacturers of aluminum, 10 are able to locate their plants within 150 to 200 miles of the bauxite beds, necessitating thus for the bauxite required a trivial transportation charge. The American manufacturers have a 1,500-mile rail haul, or approximately eight times the transportation charge of the foreign manufacturers. The remaining European manufacturers have plants located either on or close to tidewater, affording thus cheap water transportation.

The foreign bauxite employed by the foreign manufacturer contains 65 per cent of alumina, the essential ingredient, as against 55 per cent contained in the American ore. In the ore employed, therefore, the foreign manufacturer has an advantage over the American manufacturer expressed by the ratio of 6 to 5, or he uses four and a fraction tons of bauxite to make 1 ton of aluminum, whereas the American manufacturer uses 5 tons to accomplish the same result.

The are 14 foreign aluminum manufacturers, with a production capacity of 103,400,000 pounds of aluminum. The total consumption outside the United States is 55,000,000 pounds, leaving thus a capacity of 48,400,000 pounds in excess of the foreign demand. In France alone there are 7 aluminum manufacturers, producing 40,040,000 pounds, while France consumes only 6,600,000 pounds, which leaves 33,440,000 pounds surplus, or three-fourths of the total consumption of the United States, which the pooled French producers are prepared to dump upon our market from behind their own tariff wall, with its 7½ cents per pound duty. The United States consumes about 45,000,000 pounds of aluminum. In the year ending June 1, 1910, over 12,000,000 pounds were imported; in the following year, 6,500,000 pounds.

The framers of the pending bill evidently made a serious mistake in estimating that the duty on aluminum provided for was equivalent to about 4 cents a pound on crude and 6 cents a pound on sheet aluminum. In a letter dated February 5, 1912, addressed to the Treasury Department, Mr. Loeb, collector of customs at the port of New York, stated that the then price of aluminum ingot in the French market was 11 to 11½ cents, whereas the price had been as low as 10.8 cents in the latter part of 1911; and that the price of sheet during the last six months had been from 16 to 20 cents per pound, or, say, an average of 18 cents. A 25 per cent ad valorem duty on aluminum, therefore, does not mean 4 cents and 6 cents, as stated by the framers of the proposed bill, but actually means 2¾ cents on ingot and 4½ cents on sheet, a cut of 4¼ cents and 6½ cents per pound, respectively, on ingot and sheet from the rates prevailing under the Payne law.

The Underwood bill estimates a revenue of $2,500,000 from importations of aluminum ingot at 2¾ cents per pound duty as a result of the passage of this bill. Over 90,000,000 pounds of aluminum would have to be imported to secure this estimated revenue. The United States consumption is only 45,000,000 pounds, so that double the present consumption would have to be imported to realize such a revenue. Assuming, however, that a 4-cent-per-pound duty were levied on aluminum ingot, to realize the revenue estimated in the Underwood bill 62,500,000 pounds would have to be imported, or nearly 20,000,000 pounds more than the present United States consumption.

In 1910, under the Payne-Aldrich bill, over 12,000,000 pounds of aluminum ingot were imported, with a resulting revenue of $875,000. Under the proposed Underwood bill, with its actual tariff on aluminum ingot of 2¾ cents per pound, 31,800,000 pounds would have to be imported to return the same revenue. This would mean an importation of two-thirds of the total domestic consumption.

The aluminum industry in the United States has an investment of $30,000,000 and gives steady employment to between 5,000 and 6,000 persons. If the Underwood bill is passed, with its invitation to the foreign aluminum manufacturers to dump their 48,000,000 pounds surplus on the American market, it will work great injury to the domestic producers, which will find expression in loss of employment to American workmen and destruction of American capital, with a corresponding benefit to the foreign manufacturers.

METAL LACE AND EMBROIDERY.

[Paragraph 49.]

I wonder if Democratic orators will dare tell the working people of this country how much the Underwood bill has benefited them by reducing the tariff on such luxuries as these gold metal laces I hold here in my hand? [Exhibiting.] The only person that has any interest whatever in the tariff on such finery as this, outside of the very rich, who are the only ones that can afford to deck themselves in such ornaments, is the workingman or woman whose livelihood depends upon the success of this industry in America. To them it is of vital importance whether the tariff is sufficient to maintain the American wage scale against the products of cheaper European labor. The industry covered by this paragraph employs directly about 35,000 people and represents an investment of nearly $15,000,000.

A representative of the Braid Manufacturers' Association of the United States, who appeared before the Senate Committee on Finance, stated that in Europe, where much of this class of goods is manufactured, labor and expenses are about one-third what they are in this country. He furthermore stated that for braid manufactured in the United States the cost of material used is approximately 40 per cent, while 60 per cent represents the cost of labor and other expenses.

This witness, Mr. Henry W. Schloss, president of the Castle Braid Co., of New York, stated that metal threads, laces, and embroidery trimmings, and so forth, are used chiefly for ornamental purposes. He called attention to the following "Daily hint from Paris," as published in the New York Herald, indicating the use that is made of the material my Democratic friends propose to reduce the duty on:

White velvet evening gown, brocaded in white and gold. Violet satin, covered with violet mousseline de soie, gold passenmenterie ornaments.

Even the Senator from Iowa seems to think that the present duty on this class of finery is unbearable, and he likewise proposes a reduction that will benefit no one but those rich enough to pay for these gold and dazzling trappings regardless of their cost. What defense is there in the world for reducing the duty on such luxuries as these? Certainly if the pending measure is a revenue tariff, then this paragraph is an excellent one on which to raise revenues. This paragraph is no place to reduce a duty to a point that will affect the employment of a single American wage earner. How is the Democratic Party going to explain its haste in reporting a bill reducing the duty on gold laces and embroideries and its delay in reporting a bill relating to the tariff on cotton laces, such as the vast majority of American women are content to wear? Why this favoritism for the wearers of gold laces and embroideries?

HOOKS AND EYES.

[Paragraph 50.]

Hooks and eyes furnish a good illustration of the effect of this proposed reduction of duty. Under the McKinley law the duty was 45 per cent, which was supposed to be approximately 49 cents for a great gross of hooks and eyes. But "dumping" and undervaluation greatly lowered that rate, and importations were larger. Under the act of 1897 a specific duty was imposed, and also part ad valorem, equivalent to a total of 37 cents per great gross. For the year 1898 the importations were 237,867

pounds. Domestic manufacturers rapidly developed the industry, and in 1909 the imports were only 11,436 pounds.

The act of 1909 reduced the tariff to approximately 35 cents per great gross, under which importations increased to the extent of 54,463 pounds in 1911, and have been coming in this year at double that amount. Now it is proposed to abolish the specific duty entirely and fix the duty at only 15 per cent ad valorem. This cuts the present duty about one-half, and naturally the American manufacturers assert that such a reduction will seriously interfere with their production.

The American and Star Pin Cos. stated to the committee that they sent a representative abroad last year to ascertain the labor costs of manufacturing hooks and eyes in foreign countries. The following is a comparison of the wages which they submitted to the committee:

For operators of automatic machinery, England pays $10 per week; Germany, $7.50 per week; and United States, $20 per week.

For women employed in packing the goods, or "bench" work, so called, England pays $3 per week; Germany, $2.70 per week; and United States pays $8 to $9 per week.

The tenders of automatic machines, both in England and in Germany, are women, who are paid not to exceed $3.50 per week, as against boy tenders in this country, who receive from $7.25 to $9 per week. We do not consider it safe to employ women for this work.

We wish to call the committee's particular attention to the item of mounting the hooks and eyes upon cards: In foreign countries this is done for from 4½ to 6 cents per great gross, while we actually pay in this country from 30 to 35 cents per great gross for the same operation.

One feature of the hook and eye industry in foreign countries, especially in England, is the employment of women and children, who work long hours for a mere pittance in the carding of hooks and eyes. An agent of the Department of Commerce and Labor found that in the Birmingham district women stitched 384 hooks and the same number of eyes linked together on a card for the munificent wage of 1 cent. This agent found that some of the women worked from 3 o'clock in the morning until 11 or 12 o'clock at night in the effort to earn enough to buy bread for themselves and their little ones.

The following is a quotation from the speech of Mr. Will Crooks, in the English Parliament, discussing the disgraceful condition of the hook and eye industry in England:

"Carding hooks and eyes is another occupation which can not be described as lucrative. Our specimen woman begins her toil at 5 p. m., when the work arrives, and does not cease until 11 a. m. next day, when it has to go back. We are notified that for her the 24 hours includes "a few hours' bed." When work is plentiful she and her daughter earn between them 2s. 4d. a week. But the children are made to work, and it is stated that by "sticking as close as glue" to their breadwinning the entire family can earn 6s. a week. Fortunately, they have to pay only 2s. 6d. for their 3 rooms—a rent that would be higher but for the fact that there is "no water in the house."

It is such labor conditions that are confronting American men and women if they are forced into open competition with the products of foreign countries without the protection of an adequate tariff.

GAS MANTLES.

[Paragraph 53.]

There are about 50 manufacturers of gas mantles in the United States, whose combined output is approximately 60,000,000 mantles a year. The manufacturers' sales value of this product is estimated at about $3,700,000, an average of a little above 6 cents apiece. Of this sum there is expended about $1,000,000 annually for labor directly engaged in the manufacture and sale of the mantles. These mantles are sold to the consumer at fixed prices—10, 15, and 25 cents each. Such prices represent a profit in most cases of fully 100 per cent to the retailer and the jobber. It is apparent, therefore, that the proposed reduction in the duty on mantles will not in any way benefit the consumer, the only effect being to increase the middle man's profit.

As in nearly every other case of a tariff reduction, the persons who will feel its effect is the wage earner in the industry that will be forced to compete with the products of cheap foreign labor. The proposed reduction of the gas-mantle rate from 40 to 25 per cent would enable the foreign-made mantles to be imported at a saving in duty of from $4 to $6 per thousand. On an average of $5 per thousand the saving to the American importer would amount on the annual consumption of 60,000,000 to $300,000, or half a cent per mantle. No one will contend that this half a cent reduction will be of any advantage whatever to the American consumer of gas mantles. It simply means the taking of $300,000 out of the pockets of American wage earners, who would lose that much work, and placing it in the pockets of importers, representing foreign manufacturers. For my part I prefer that this $300,000 should go to American workingmen instead of to these importers, who would destroy an American industry for their own profit.

The manufacturers of gas mantles contend that the duties on mantle scrap, thorium salts, and monazite sand should be readjusted, so as to better represent their use in the manufacture of gas mantles. The present law and the pending bill placed the same rate of duty on the raw material as on the finished product.

PENS.

[Paragraph 55.]

There are six factories manufacturing steel pens in the United States. The total output of pens made by these factories is 2,800,000 gross annually. These factories employ 940 persons, and their wages amount to $460,000 a year. The capital invested in the American steel-pen industry is about $1,000,000. Despite the large production of American pens, great quantities of pens used in this country, such as the Gillott and the Spencerian, are manufactured in Birmingham, England. American manufacturers have experienced much difficulty in building up the pen industry against the popularity of some of the English products.

The United States Government itself is a very large user of metallic pens, its contracts requiring about 60,000 gross a year. Manufacturers are especially anxious to get the Government contract, owing to the advertising it gives their brand of pens, and for that reason they quote a lower price to the Government than to the general trade. The Eagle Pencil Co. is supplying the Government with pens at 12½ cents a gross. Ten thousand gross of Falcon pens at this price are purchased by the Post Office Department alone for what is called "lobby" use—that is, for the use by the public in the post offices throughout the country. Other departments of the Government purchase a better grade pen at 19 cents a gross. The price at which pens are sold the Government is not a fair indication, however, as to the cost of their production in this country, for, as I said before, manufacturers are anxious to get Government business on account of the advertising it gives their products or to dispose of surplus stock.

Manufacturers of pens informed the Finance Committee that it cost them from 20 to 42 cents a gross to manufacture pens in this country. The average price appears to be around 22 cents per gross. When you stop to think that pens are retailed at about 1 cent apiece, you can realize how great are the profits of the middleman. The committee was informed that the retailer's profits on pens averaged around 100 per cent. This being true, it is difficult to see how the proposed reduction of the tariff on pens would affect the consumer in any way. Undoubtedly the retailer would add that small margin to his already large profits.

The tariff on pens is of vital importance, however, to the wage earners employed by that industry in the United States. About 66 per cent of the cost of producing pens is in the labor employed. Owing to the energetic competition of foreign pen makers, American manufacturers have to sell their product on a close margin even under the present tariff. Undoubtedly any further reduction of the tariff would have to be met by a corresponding reduction in wages, as that is the only item in which American manufacturers can effect any further economy.

There are about 20 processes necessary in the manufacture of steel pens, in 8 of which each particular pen is handled individually. Mr. Alexander C. Wood, of the Esterbrook Steel Pen Manufacturing Co., of Camden, N. J., illustrated this process to the committee as follows: He said the work goes through their factories in units or lots of about 125 gross. That would be 18,000 pieces of steel, or blanks, in each lot of pens. In each lot that goes around there would be 144,000 pieces of steel that would have to be handled, each particular pen, each time it goes through those eight processes. Mr. Wood stated that his company paid for those eight processes $9.30, and that in England the same work is done for $3.92.

Mr. George E. Bartol, president of the Hunt Pen Co., of Camden, N. J., submitted the following table to the committee, showing the wages paid in the pen industry in this country and in England, the table being based upon six operations:

[Basis of scale is a quantity technically known as a "lot," averaging 120 gross of pens.]

Six primary and principal operations.	English scale.	Equivalent United States currency.	United States scale.	Excess paid over English scale.
	s. d.			
Cutting	8	$0.19	$0.47½	$0.29½
Piercing	1 9	.42	1.10	.68
Marking	1 0	.24	1.10	.86
Raising	2 3	.52	1.30	.78
Grinding	3 9	.90	2.15	1.25
Slitting	2 0	.48	1.30	.82
Total cost 6 operations		2.74	7.42	

The Eagle Pencil Co., which has a large plant in New York City, built a factory in London a short time ago. Mr. F. W. Lilley, representing the Eagle Co., told the Finance Committee that the average wage per person for the 1,300 employees of the New York factory is $9.72, as shown by the actual pay roll of the factory. In the London factory of this same company the average wage per person for the 250 employees for that factory is $2.15. Mr. Lilley further stated that the London factory of his company is being operated at only one-third of its capacity, owing to the fact that they can buy other British pens too cheap to undertake to manufacture them in the London plant. Mr. Lilley said that the Eagle Co. bought pens of a Birmingham firm for 1½ pence (3½ cents) per gross. Other pens are bought at 4½, 5, and 6 cents per gross, respectively. The 3-pence pen, even at a 12-cent specific duty, can be laid down in New York for 18 cents, which is 2 cents a gross under the cost of making similar pens in the New York factory of the Eagle Pencil Co.

It is apparent from these comparisons of wages in the United States and England that the proposed reduction in the duty on metallic pens from 12 cents a gross, an equivalent in 1911 to nearly 50 per cent ad valorem, to 25 per cent would either have to be met by a corresponding reduction in the wages of American workmen or else the American pen manufacturers would have to go out of business.

According to estimates submitted to the Finance Committee, the profits in this industry have been very moderate, ranging from almost nothing to not more than 10 per cent. A duty of 25 per cent ad valorem on pens figures out 6 cents a gross, which amounts to forty-two one-thousandths of a cent per pen. On a 10-cent package of pens this would equal half a cent. It is absolutely certain that the consumer would never get the benefit of that half a cent, and that he would have to continue paying 10 cents a package for pens as he now does. The proposed reduction in duty would go into the pockets of the importer, the jobber, and retailer, just as it will in nearly every other instance in this schedule where the tariff is lowered.

The proposed reduction of half a cent a pound on steel used in the manufacture of pens is so infinitesimal that it would be of no value whatever either to the manufacturer or the consumer of American pens. This reduction would be about one-eighth of a cent to a gross of pens, or one ninety-sixth of a cent on 1 dozen pens, such as the ordinary consumer usually buys. It is equally certain that the consumer would not get the benefit of this reduction of one ninety-sixth of a cent on the steel used in the pen any more than he would the reduction of half a cent on the pens themselves.

WATCHES AND CLOCKS.

[Paragraph 60.]

The chief competition to the American watch industry comes from Switzerland, which country is noted for its cheap watches. In no other paragraph of the metal schedule does the cost of labor play any more important part than in this paragraph relating to watches. The American watch must compete with that of the Swiss factory, where the cost of labor is a third what it is in this country. The labor cost of a 7-jeweled American watch is 87.33 per cent, of a 15-jeweled watch 86.21 per cent, of a 17-jeweled watch 84.14 per cent, and grades above 17 jewels average 81 per cent of its total cost. The Elgin National Watch Co., of Elgin, Ill., one of the largest watch factories in America, reports the following wages paid its employees: Skilled labor (men), $4.19 average wages per day; males (entire force), $3.06 average wages per day; females (entire force), $1.65 average wages per day; total (entire force), $2.40 average wages per day.

The following table shows the average wages paid in watch factories in England, Switzerland, and Italy, as compared with wages paid by the Waltham Watch Co. in this country:

Wages.	England.		Switzerland.		North Italy.		South Italy.		Waltham.	
	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.	Men.	Women.
Minimum per week	26/ $7.00	16/ $4.00	5 francs. $1.00			15 c.	(1)	(1)		
Maximum per week	35/ $8.75	18 to 25/ $4.50	6 francs. $1.20	4 francs. 80 c.		30 c.	(2)	(2)	$4.24	$1.52
Or, reduced to a uniform basis of daily wage in United States money: Average per day	$1.31	88 c.	$1.10	80 c.	33 c.	22½ c.			3.24	1.12

[1] Lower wages.

[2] Longer hours.

The United States imports from 600,000 to 1,000,000 Swiss watch movements every year, even under the present tariff. The pending bill proposes to reduce by more than one-half the duty on watches not having more than seven jewels and makes a cut of about 10 per cent in the equivalent ad valorem on watches having more than seven jewels. Manufacturers of cheaper American watches believe that such a reduction will drive them out of business or else force them to adopt the wage scale of Switzerland. I have just pointed out what such a wage scale would mean to the American workingman.

In Switzerland watch and clock making is the national industry. Swiss municipalities maintain schools of watchmaking just as public schools are maintained in this country. The Swiss is the most skilled watchmaker in the world. American ingenuity in the way of watchmaking machinery is being made use of by Swiss factories, so that the United States no longer has any advantage over the little Republic in that regard. The Swiss watchmaker also has an advantage over his American rival in that he pays little or no duty on his raw material.

Most of the jewels used in the manufacture of American watches are imported, and these jewels, consisting of garnets, rubies, and sapphires, amount, in many cases, to 50 per cent of the material cost. By the act of 1909 the American watchmaker has to pay a duty of 10 per cent ad valorem on the jewels for his watches. Many American watchmakers also import their mainsprings, hands, cases, and hairsprings, and have to pay a duty of 40 per cent on these articles. Other manufacturers, especially of the lower grades of watches, import their dials and pay a duty of 3 cents on each dial, with 40 per cent ad valorem added.

The tariff act of 1909 increased the duty on the three lower grades of watch movements, leaving the duties on the two higher grades the same as under the Dingley law.

Comparing the importation of watch movements under the Dingley law, for the years 1898 and 1907, watches of 7 jewels and under showed an increase of 482 per cent; watches of 7 to 11 jewels decreased 19 per cent; those of 11 to 15 jewels increased 878 per cent; those of 15 to 17 jewels, 916 per cent; and those having more than 17 jewels, 366 per cent. Under the act of 1909 the importations of the three lower grades appear to have decreased. As a matter of fact, however, this decrease is not real. Importers are now evading the duty on watch movements by importing "knock-down" watches as material at the 40 per cent ad valorem rate. This is clearly shown by the increase of nearly $200,000 in the importation of watch material in 1911 as compared with 1910.

Recent investigations developed the fact that at least seven New York importers of watch movements are now engaged in importing the material for watch movements and having it assembled in New York. One importer is said to employ at least 75 men in assembling these movements, which have been brought in at a lower duty by having the works, hands, faces, cases, and other parts shipped separately.

The success of the Swiss watch manufacturers in selling their product in this country is attributed also to the fact that the retailers can make a larger profit on Swiss watches. The name of a local dealer is placed on the Swiss watch, which makes it more of interest to the dealer to sell them, whereas the American watches are marked with the manufacturers' name as a guaranty for their quality. American watches are largely sold on their reputation, which is not true of the Swiss product.

The protection that has been afforded American watch manufacturers by the tariff has not resulted in increasing the cost of watches to the American consumer. Prices of American watches have decreased considerably since 1898, while at the same time many improvements have been made in their quality. Nor has the tariff resulted in American watch companies accumulating unreasonable profits. The Waltham Watch Co., for instance, informed the Finance Committee that it had been able to earn a dividend of only 3.3 per cent on its tangible assets.

The United States watch production in 1910 amounted to $11,771,000. The exportation of watches from this country in that year amounted to $1,228,713. It is estimated that the importations under the pending bill would amount to $1,500,000.

American clock manufacturers also are greatly worried over the proposed reduction of the duty on clocks. Even under the present tariff German clock manufacturers are making serious inroads on the American industry in its home market. The Germans are fast taking the bulk of the foreign trade that American clock makers formerly enjoyed. There are now 10,000 employees of the clock industry in this country. They receive from double to three times the wages paid German clock makers.

German clock factories now possess duplicates of all the machinery used by American clock factories. Several years ago German clock makers secretly sent men to this country to obtain employment in New England clock factories and study their methods and machinery. These Germans made drawings of American machinery and movements, which they carried back to the Black Forest country, and now the German factories are as well equipped as any in the United States. With their lower labor cost the Germans can undersell the Americans in almost any market.

The German factories make a business of imitating successful models of American clocks. These imitations are made with cheaper labor and of cheaper material. Accordingly they can be placed upon the market at a price considerably under that which the American clock maker can afford to accept for his superior product. The consumer, however, can not tell the difference between the original clock and its imitation, so far as appearances are concerned.

A representative of the Seth Thomas Clock Co. told the committee that a few years ago his company put out what they called a "joker" clock, a pretty little timepiece, which proved very popular. German clock makers, however, copied it with inferior material and flooded the American market with these cheap imitations. The result was that the sale of both the Seth Thomas and the German clocks soon fell flat, people being unable to distinguish the difference between the good and the poor timepiece.

A New Haven company had a somewhat similar experience in Canada with its "Tattoo Intermittent" alarm clock. The Germans copied this clock, even to its name, which was printed in red letters on the dial. On complaint, the Canadian Government stopped the importation of the German clock with the same name. Then the Germans changed the name to that of "Identical New Haven." This cheaper German clock is now competing with the original New Haven product on the Canadian market. It is, of course, a very inferior timepiece to the American clock, but it is difficult for the average person to tell which is the genuine and which is the imitation clock.

By lowering the duty on clocks the American market will be the dumping ground for similar products of these German factories that are resorting to every trick of the trade to destroy an American industry.

In the last 20 years the price of an ordinary mantle clock has been reduced 50 per cent and the price of an ordinary alarm clock has been reduced 60 per cent. It is apparent, therefore, that the tariff has not fixed the price of American clocks beyond the point necessary to assure the workmen in those industries a living wage.

LEAD.

[Paragraphs 51 and 52.]

Lead miners and smelters of this country are fully aware of what the proposed reduction of the duty on lead means to them. They had a bitter taste of a Democratic tariff revision under the Wilson bill when the price of lead went down to 2.4 cents per pound in 1896. It is a fact well known to mining men that lead can not be mined in the United States for any length of time when the price goes below 3.5 cents. When that dead line is reached either the lead mines must shut down or they will have to reduce the wages of their miners to the basis of Mexico and Spain. Already American lead miners are being seriously affected by the agitation for a reduction of the duty on lead. Within the last few months the price of lead has dropped from 4.4 to 4 cents a pound. This is lower than it has been any time since the fall of 1907. At that time, with the price of lead down to 4 cents, a number of mines in Idaho had to close, while others continued in operation only by confining themselves to the output of the better grades of ore.

Mr. J. F. Callbreath, jr., of Denver, secretary of the American Mining Congress, informed the Finance Committee that the average lead mine of the United States could not operate at less than 5 cents unless it made a profit from associated metals. He stated that the mine in which he personally was interested had to cease operation when lead went below 5 cents. If it were not for the fact that Coeur d'Alene ores carried silver they could not be mined without a loss, even at 4.4 cents per pound, which has been the average price for the last three years. It takes part of the silver value and all of the lead value to produce and market the lead.

It is apparent, therefore, that even under present duty the price of lead is nearing the point at which American mines can not operate successfully in competition with lead from Mexico and Spain. With such a situation confronting us it seems to me all important that we should first make a most careful study of the conditions under which lead is produced in Mexico and Spain before we take any step that would force American miners to the level of the miners of those countries.

Any change in the tariff that would jeopardize lead mining in this country would affect 25,000 wage earners in the States of Utah, Colorado, and Idaho, and fully 7,000 miners in Missouri, not to mention men employed in other lead-producing States. It is estimated that, counting the families of the wage earners, fully 75,000 persons in the Rocky Mountain States are dependent for their living on the mining of lead ores, and fully 20,000 persons in the Missouri country to which I have referred.

The average wage paid lead miners in the Coeur d'Alene district is $3.00 per day of eight hours. Mr. John A. Rock, past president of the Miners' Union at Kellogg, Idaho, who appeared before the Finance Committee as the chosen representative of the Idaho lead miners, gave the committee the following schedule of wages paid men in the lead mining districts: Muckers, $3 and $3.50; machinemen, $3.50 and $4; timbermen, $3.50 and $4; all underground helpers, such as skip tenders, car trammers, nippers, and timber rustlers, $3.50 to $4; hoist men, motor men, and pump men, $4; millmen, blacksmiths, and machinists, $3.50 to 7. Mr. Rock stated that everywhere in the district the men underground are paid at least $3 a day, and that men underground work only eight hours a day. He stated that the lead miners are among the best class of citizens, 60 per cent of them being American born, and that present conditions in the lead-mining districts are as good as anywhere else in the United States. These miners have been able to establish comfortable homes for themselves and their families, and the stores in a number of towns are in the hands of men who have made their money by saving their wages while working for the mining companies.

If the mines are shut down, these men will be out of employment, as there is no other work that they can do in those mining regions. Idleness and starvation would soon succeed the industry and prosperity that now make happy and contented thousands of people in the intermountain mining regions.

Let us take a look at the miners in Mexico and Spain, to see whether we want to force any American miner to such a standard of living. In Mexico miners are compelled to work 12 hours a day for wages ranging from 26 cents to 78 cents a day. I do not believe any Member of this Senate wants to have American miners working for any such pittance. As soon as railroads are extended into Sonora and Chihuahua, Mexico will be able to open some of the greatest lead mines in all the world. It is but a matter of a short time when these mines will be in active operation.

Mr. A. W. North, of Salt Lake City, recently made a very careful study of the lead mines in Spain. He told the Finance Committee that the wages of pickmen in Almeria are from 30 cents to 52 cents a day, assistants from 30 to 38 cents, boys 21 to 28 cents, and that the maximum wage in the Linares and La Carolina districts was 73 cents a day. The average wage is between 45 and 50 cents a day, consisting of 9 hours in the winter and 11 hours in the summer. According to Mr. North, these Spanish miners live in poor, forlorn sort of homes, generally adobe houses built by the Moors centuries ago. A family lives in a single room. Their cooking arrangements are very meager, a couple of stones with a fire between or some old cooking apparatus of antique fashion. These shacks lack all the sanitary necessities of modern life and would hardly be used for mule sheds in an American mining camp. The Spanish hills and mountains, however, are rich with lead ore, and that country is only waiting the destruction of the protective tariff system of the United States to unload on this country the product of its 50-cents-a-day lead miners. It is not difficult to figure out how long American mine owners could afford to pay their miners $3.00 a day when forced to compete with the 50-cents-a-day labor of Spain.

Competition from Mexico and Spain is not the only cause for worry to the American lead miners. The Canadian bounty

system practically guarantees its miners a London price of £18. For instance, the London price of lead at present is £15 10s., so that Canada pays her producers a bounty of £2 10s. for every ton of lead produced. It is apparent, therefore, that the British Columbia miners are protected against Mexican and Spanish lead. They might easily find a profitable market in the United States if a lower tariff were put into effect.

The table following gives a comparison of domestic and foreign lead prices. I call attention particularly to the drop in the New York price and the rise in the London price for the years covered by the Gorman-Wilson Act, when the duty on lead ore was ¾ cent a pound against 1½ cents at present. During the last three years the average New York price of lead was 4.38 cents, while the average London price was equal to 2.88 cents, a difference of 1.5 cents or exactly the amount of the present duty on leading ores.

Comparison of domestic and foreign lead prices.

[From Metal Statistics, 1912.]

(Ex. $4.85—Price per pound.)

	New York.	London.	Difference.
1880	$5.04	$3.56	$1.48
1881	4.81	3.25	1.56
1882	4.91	3.13	1.78
1883	4.32	2.81	1.51
1884	3.74	2.59	1.15
1885	3.95	2.51	1.44
1886	4.63	2.87	1.76
1887	4.59	2.89	1.70
1888	4.42	3.02	1.40
1889	3.93	2.84	1.09
1890	4.48	2.91	1.57
1891	4.35	2.70	1.65
1892	4.09	2.34	1.75
1893	3.73	2.07	1.66
1894	3.29	2.05	1.24
1895	3.23	2.34	.89
1896	2.98	2.43	.55
1897	3.58	2.64	.94
1898	3.78	2.82	.96

Comparison of domestic and foreign lead prices—Continued.

	New York.	London.	Difference.
1899	$4.67	$3.22	$1.45
1900	4.41	3.69	.42
1901	4.36	2.72	1.64
1902	4.10	2.45	1.65
1903	4.26	2.51	1.75
1904	4.32	2.60	1.72
1905	4.70	2.98	1.72
1906	5.66	3.77	1.89
1907	5.35	4.15	1.20
1908	4.23	2.93	1.30
1909	4.36	2.89	1.47
1910	4.49	2.80	1.69
1911	4.46	3.01	1.45

Mr. Robert N. Bell, State mining inspector of Idaho, told the Finance Committee that past experience had taught Idaho miners that there was not much profit in lead below 4 cents, and that 3.5 cents would put them out of business completely under present conditions. Mr. Edward A. Rozier, representing lead producers of Missouri, declared that the cost of mining lead in that State was $3.60 per 100, without any charge for taxes or dividends, or anything of that kind.

The United States is the largest producer and the largest consumer of lead in the world. In 1910 this country produced 30.7 per cent of the world's lead supply and consumed 33 per cent. The production of refined lead in the United States for 1911 amounted to 486,976 tons, or 3.5 per cent increase over 1910. The consumption of lead in the United States for 1911 was 367,981 tons, or 26,607 tons less than the consumption for the preceeding year. It is apparent that lead mines in the United States are capable of producing all the lead used by this country and that we do not need to depend upon Mexico, Spain, or any other country for our supply of lead.

The following table gives a summary of lead statistics for the United States from 1907 to 1911, inclusive, based on reports of the Geological Survey:

Summary of lead statistics, 1907–1911, in short tons.

	1907	1908	1909	1910	1911
Production of refined lead in the United States	414,199	396,433	448,112	470,390	486,976
Production of desilverized lead in the United States	284,432	265,551	296,890	301,196	295,357
Production of soft lead in the United States (including desilverized soft)	129,757	130,882	151,222	169,244	191,619
Production of antimonial lead in the United States	9,910	12,620	12,895	14,099	14,078
Total production of lead from domestic ores	365,166	310,762	354,198	372,227	406,143
Production of secondary lead in the United States	25,488	18,533	41,149	55,323	52,500
Consumption of lead in the United States (disregarding stocks)	388,711	336,392	368,853	394,588	367,981
World production (approximate)	1,095,174	1,148,180	1,164,709	1,211,411	.....
World consumption (approximate)	1,095,270	1,164,325	1,177,698	1,196,642	.....
United States (domestic) percentage of world production	33.3	27.1	30.4	30.7	.....
United States percentage of world consumption	35.3	28.9	31.3	33.0	.....
World rank of United States in production of lead	First.	First.	First.	First.	.....
World rank of United States in consumption of lead	First.	First.	First.	First.	.....

Primary lead smelted or refined in the United States for the years 1906 to 1911, inclusive, are apportioned according to source of ore as follows by the United States Geological Survey:

Apportioned according to source of ore.

	1906	1907	1908	1909	1910	1911
Domestic ore:	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Alaska	.....	.....	3	80	60	50
Arizona	2,854	2,340	1,464	1,465	838	3,450
Arkansas	.....	15	.....	14	.....	15
California	432	854	515	937	1,160	615
Colorado	50,497	48,876	28,738	29,326	35,685	30,621
Idaho	117,117	112,560	98,464	97,183	99,924	117,159
Illinois	172	498	363	273	292	398
Iowa	270	225	110	15	.....	.....
Kansas	1,932	1,798	2,293	2,764	1,308	2,522
Kentucky	44	75	.....	.....	50	.....
Missouri	111,075	122,856	122,451	142,650	161,669	182,207
Montana	2,495	2,035	2,339	1,376	1,790	2,499
Nevada	1,069	3,880	3,798	4,698	2,195	1,083
New Hampshire	.....	.....	.....	5	.....	.....
New Mexico	640	1,927	599	1,275	1,731	1,381
Oklahoma	.....	404	1,409	2,268	1,805	1,925
Oregon	.....	.....	7	8	.....	11
South Dakota	.....	.....	13	.....	7	34
Tennessee	11	16	.....	.....	.....	.....
Texas	25	10	42	42	33	57
Utah	56,250	51,668	42,485	64,534	57,081	55,198
Virginia	.....	82	13	.....	57	630
Washington	46	281	391	115	311	601
Wisconsin	1,753	3,551	4,013	3,226	3,884	3,967
Philippine Islands	.....	.....	.....	.....	.....	8
Undistributed	380	357	36	303	288	50
Zinc residues	2,053	1,318	1,290	1,641	2,049	1,991
Total from domestic ore	350,133	365,176	310,762	354,188	372,227	406,143

Apportioned according to source of ore—Continued.

	1906	1907	1908	1909	1910	1911
Foreign ore:	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Africa	.....	323	.....	3,227	3,439	500
Canada	7,238	5,793	341	71	44	119
Central America	112	.....	12	25	7	27
England	.....	.....	.....	.....	28	19
Mexico	21,435	26,749	26,728	68,101	70,159	91,878
South America	.....	911	1,186	1,574	3,166	2,339
Other foreign	18	146	8	38	.....	.....
Foreign base bullion:						
Canada	.....	.....	.....	1,816	.....	.....
Mexico	39,743	32,924	57,489	27,009	31,648	28,153
Total from foreign ore and base bullion	68,546	76,849	97,761	102,857	108,553	94,134
Grand total, derived from all sources	418,699	442,015	408,523	457,045	480,780	500,277

Any curtailment in the mining of lead in the United States would also reduce the output of precious metals. Gold and silver and a considerable portion of these metals are found with lead ore. As I have already pointed out, it requires both the lead and silver content of many lead ores to make such mining profitable. A reduction of tariff that would make lead mining unprofitable would put out of business many of the argentiferous lead mines of the Rocky Mountain country. A reduction in the world's supply of gold and silver would be accompanied by a corresponding rise in prices. I do not believe anyone wants to see the cost of living any higher than what it is at present.

Another most important function of lead ore is its use as a collector for precious metals. Nothing has been developed in

the smelting business that equals lead in the collecting of gold from siliceous ore. Siliceous gold and silver bearing ores prevail in all the western mining States. Without the advantage of lead in Utah and Colorado those ores could not be treated and the gold production of the United States would be materially affected.

The pending bill places the same duty on lead products as on the ore and pig lead itself. In other words, it offers no encouragement whatever for the manufacturer of lead in this country. It would therefore be more profitable to the foreigner to smelt his lead abroad and export it to the United States in pigs and bars or any other manufactured form, thus giving additional employment to cheaper foreign labor and throwing out of work thousands of Americans now engaged in the lead industries. This is another instance of the utterly indefensible plan of the pending bill to destroy whatever protection American industries may have had, while at the same time failing to make a reduction in the cost of raw material that might partially compensate for the loss of a protective tariff on their finished products.

In the fiscal year 1911 there were imported in bond and afterwards exported approximately 100,000 tons of lead. If the duty on lead is reduced undoubtedly this 100,000 tons, or about a fourth of the ordinary total production of the United States, will at once be dumped on the American market, as it would be more profitable to market that lead here than to ship it out of the country again.

A serious question has been raised also as to just what the pending bill means when it says that the duty on lead shall be "25 per cent on the lead contained therein." If it should be decided that the value of the lead should be the market price of the lead in the ore, deducting the freight from the port of entry to the American smelter and the cost of smelting, then the pending bill would result in the free admission of all ore containing 15 per cent or less of lead. The importation of such low-grade ore seriously competes with the lead ores of this country that are used in the smelting of siliceous gold and silver ores.

Mr. Calbreath, of the American Mining Congress, pointed out at the hearing of the Finance Committee that any injury of the lead-mining industry in the United States would not be confined to that industry alone. Large sums are spent by lead miners for coal, timber, machinery, tools, explosives, agricultural products, and freight, all of which would suffer from a tariff reduction along with the miners. Mr. Calbreath stated statistics to show that more than 60 per cent of the total expenditure in the production of argentiferous lead ores in the United States is paid for labor. Thousands of employees and their families depend upon the lead industry of the United States and would be the first to suffer from the proposed reduction of the tariff.

SPELTER AND ZINC ORE.

In this connection, Mr. President, I desire to discuss spelter and zinc ore as found in paragraphs 61 and 72. As is well known, the zinc and lead industries are closely related. Zinc and lead ores are largely found in the same districts. Therefore, what I have said in regard to the danger of foreign competition to lead miners is equally true as regards zinc miners of this country.

The principal competitor of the United States in the production of zinc ore is Mexico. The output of zinc ore in Mexico is increasing so rapidly that the imports from that country advanced from 2,000 tons to 115,000 tons in 8 years, as compared with the production of 300,000 tons which it has taken the Joplin district 50 years to reach. Before Congress should undertake to put zinc ore on the free list, as proposed by the pending bill, it is highly important that the country should know the wages that are paid Mexican zinc miners as compared with American wages. I submit the following table, giving the cost of labor in Mexico as compiled from the United States consular reports on the zinc-producing regions of Mexico and from a recent report of Frederick S. Cook, a mining engineer:

Labor in zinc mines.	Gold value of Mexican wages.	Usual wages, Missouri-Kansas district.
Ground boys	$1.42-$2.50	$4.00-$5.00
Shift boss	.85- 1.10	3.00- 4.00
Pump men	.25- 1.30	3.00
Hoist man		2.75
Drill helpers		2.50
Shovelers	.50	2.50- 3.00
Hoist men	1.50	2.50- 3.00
Engineer	1.00	2.50- 3.50
Jig men	.75- 1.50	3.00- 3.00
Crusher feeder	.75- 1.50	2.75
Laborers	.15- .30	2.00
Blacksmiths	1.50	2.50- 3.50

Based on these wages, the following tables show the cost of ore production in the Joplin district and in Mexican mines, including the transportation of both ores to Kansas and Oklahoma smelters:

Cost of zinc-ore production in Joplin district.

Mine.	Mining cost.	Transportation to railroad.	Freight to Kansas and Oklahoma smelters.	Total cost.
Federated mine, soft ground, Alba	$42.81	$0.50	$0.66	$43.97
Federated mine, disseminated, Neck City	33.38	.50	.66	38.34
Federated mine, sheet ground, Webb City	39.47	.50	.66	40.63
Do	40.56	.50	.66	41.72
Diplomat mine, sheet ground, Galena	36.79	.50	.66	37.96
Mo-Ark Nemo, sheet ground, Webb City	33.48	.50	.66	34.64
Oronogo Circle, disseminated, Oronogo	41.56	.50	.66	42.72
Kramer mine, disseminated and soft ground, Joplin	41.71	.50	.66	42.87
Mattes Bros., sheet ground, Joplin	36.50	.50	.66	37.66
Averge, 9	38.45	.50	.66	39.61

Cost of zinc-ore production in Mexican mines.

Mine.	Mining cost.	Transportation to railroad.	Freight to smelters.	Total cost.
E. S. Tuttle, Nueva Leon	$3.00	$3.50	$5.33	$11.83
Picachos, in Chihuahua	3.75	1.50	7.07	12.32
Calera, in Chihuahua	5.50	2.50	5.57	13.57
Santa Eulalia, in Chihuahua	2.00	2.18	5.57	9.75
El Potosi	4.00		5.57	9.57
Charcos, in San Luis Potosi	1.65	2.15	5.85	9.65
Mine in Tamaulipas	5.00	10.00	7.57	22.57
La Malinchi, near Monterey	2.00	2.50	5.45	9.95
El Moro	5.56	2.54	5.89	14.00
Saltillo, in Coahuila	8.00	2.50	6.45	16.95
Refugio mine, in Nueva Leon	5.00	2.25	5.33	12.58
Average, 11	4.03	3.06	5.97	12.88
Freight rate raised Dec. 2, 1909			1.08	1.08
	4.03	3.06	7.05	13.97

The metal content of Joplin ore is approximately 60 per cent, while that of Mexican ore is in the neighborhood of 40 per cent. Therefore, taking 1½ tons of Mexican ore at $13.97 per ton, its cost at the smelter would be $20.96, which would be the proper amount to compare with the total cost of Joplin ore at the smelter, which is $39.61. It is evident, therefore, that a tariff of 1½ cents a pound on the metal content is necessary to equalize this difference in the cost of the two ores.

That the present duty is not prohibitive is shown by the fact that during the last two years there have been brought into the United States 87,406 tons for 1910 and 78,341 tons for 1911. The importation undoubtedly would have been much larger had Mexico not been in a state of revolution during these years. In 1909 the importation was 116,269 tons. As a revenue producer the duty on zinc ore has been a great success, bringing the Government since August 5, 1909, a total of $580,942.62.

Idaho is also becoming a large producer of zinc. Mr. H. F. Samuels, of Wallace, Idaho, stated to the Finance Committee that he believed the Coeur d'Alene district, if protected by a tariff duty, would be producing about 250,000,000 pounds of zinc in a few years. Without the duty on zinc he declared that every zinc mine in Idaho and a great majority of the lead mines, which also hold zinc ore, would be closed down. He pointed out that the expenditures for labor in the Idaho zinc mines amount to 65 per cent of the total cost. The lowest wage paid by the Success Mining Co. in Idaho is $3.50 a day. It is very apparent, therefore, that this country could not continue to operate its mines very long in competition with mines in Mexico which employ miners at an average wage of about 75 cents a day.

The average cost of Joplin ore (concentrates) and ores from other States expressed in the same units of zinc contents is $39.61 per ton in Joplin bins. The average ton of Joplin ore contains 57 per cent zinc metal. Under the general prevailing conditions at American smelters the average cost of smelting 1 ton of ore is $10.50, exclusive of interest on investment, and the average recovery in smelting is 87½ per cent of the metal contained in Joplin ores treated.

The average cost of Mexican ores f. o. b. railroad, Mexico, is $7.09 per ton, and the average zinc contents of these ores is 35 per cent zinc metal. The recovery in smelting of these ores is 85 per cent of the zinc contents of Mexican ores.

Fifty-seven per cent Joplin ore, produced at a cost of $39.61 and smelted at a cost of $10.50 per ton, produces spelter at a cost of $5.04 per 100 pounds, f. o. b. smelter. Thirty-five per cent Mexican ore produced at a cost of $7.09, f. o. b. railroad, Mexico, and smelted at a cost of $10.50 per ton produces spelter at a cost of $4.05 per 100 pounds f. o. b. smelters.

A comparison of these two costs shows an advantage in the production and smelting of Mexican ores of 99 cents per 100 pounds, assuming in both instances that there is no profit to either the Joplin or Mexican miner or to the American smelters.

If the American miner is entitled to a profit on his ore, it is necessary for the price to be higher than his cost of $39.61, and it will require a price of at least $42.61 per ton for 57 per cent zinc ore to give a reasonable profit to the American miner and allow a continuance of fair wages to the workingman. If the American smelter is entitled to a profit, he must receive more than $10.50 for smelting charges per ton of ore.

The following table shows in detail the cost of spelter made from 35 per cent Mexican ore and 57 per cent Joplin ore:

	Mexican, 35 per cent.[1]	Joplin, 57 per cent.[2]
Cost per ton at mines	$4.03	$39.61
Hauling to railroad	3.06	.50
Freight to smelters	6.50	.67
Smelting charges (at cost)	10.50	10.50
Profit to Joplin miner		3.00
	24.09	54.28
Cost per 100 pounds spelter at smelter	5.04	5.44
Protection needed	1.39	
Final cost	5.44	5.44

[1] Spelter recovered, Mexican, 85 per cent, 595 pounds.
[2] Spelter recovered, Joplin, 87½ per cent, 998 pounds.

A combination of foreign zinc smelters has been formed recently to control the output of spelter and to maintain the price at a point so low that the building of additional smelters abroad will be discouraged by limiting the profit to a reasonable amount. If the excess spelter production by this foreign trust can be dumped into this country, it must necessarily injure our own smelting industry. American smelters are entitled, under the protective theory, to be saved from this possibility. The price at which these Australian ores can be produced allows the foreign smelters to produce spelter at a comparatively low cost, with a good profit to the smelter, and the danger that this country may become the dumping ground of the excess foreign spelter is not a mere idle dream.

The Mexican ore can be smelted in foreign smelters and laid down in New York for 51½ cents per 100 pounds less than these same ores can be smelted in American smelters and laid down in New York. This result is on account of the lesser freight rates from Mexico to Europe and return to New York by water instead of all rail from Mexico to New York and to better recoveries made by foreign smelters owing to their more expensively built factories and greater experience in zinc smelting.

The following table shows the difference in the cost of zinc smelted in the United States and Europe and the price at which spelter can be delivered in New York:

	American.[1]	European.
Cost per ton f. o. b. Mexico	$4.03	$4.03
Hauling to railroad	3.06	3.06
Freight to smelters	6.50	5.83
Smelting charges	10.50	10.50
	24.09	23.42
Cost per 100 pounds of spelter at smelter	4.05	3.72
Freight to New York	.285	.10
Cost of metal, New York	4.335	3.82
Difference		.515
	4.335	4.335

[1] Spelter recovered, American, 85 per cent, 595 pounds.
[2] Spelter recovered, European, 90 per cent, 630 pounds.

New zinc mines in the States, other than Missouri and Wisconsin, are being opened, and it is now evident that with the present protection and with the new methods of treatment of refractory ores now in vogue enough zinc ore is being produced in the United States to supply all the spelter required in this country. Large bodies of zinc sulphide ore in Mexico and elsewhere have heretofore been impossible of treatment. New processes now well along toward a practical working basis have been discovered, which will bring this heretofore refractory zinc ore into the market, and it must be considered a serious factor in this discussion.

The increasing demand for spelter in this country necessitates the development of all of our zinc mines. A knowledge of these requirements has resulted in the installation of better machinery and the use of the best engineering practice to produce zinc ores from the lower-grade propositions at the cost of $39.61 per ton, and, naturally, in some instances at even a lesser, but not much lesser, cost. Forty-six per cent zinc ore is now being produced in Australia at a cost of from $4 to $7 per ton f. o. b. Broken Hill, Australia, at the rate of about 350,000 tons per year. The freight rate from Broken Hill to Atlantic and Pacific seaports is approximately $6.50 per long ton. These zinc concentrates are produced from huge dumps which are now already mined or on the surface, and also from immense known deposits of undetermined extent of sinciferous ores yet to be mined. These ores are bought under contract by foreign smelters at a price which, even without duty, prohibits their use in this country, owing to the fact that we have no zinc smelters located near the Atlantic or Pacific tidewater, and the freight rates to the interior prevent the purchase of these ores by the American smelters.

The cost of producing spelter from Australian ores with no profit either to Australian miner, European or American smelters, is as follows:

Table showing cost of spelter from Australian ores.

Cost of ore at mines (46 per cent zinc)	$7.00
Freight to United States or Europe ..... short ton	6.00
Smelting charges	10.50
	23.50
Cost per 100 pounds spelter at smelter	3.00
Freight to New York	.10
Insurance and entry charges	.25
Cost per 100 pounds spelter at New York	3.35
Protection needed to equalize	1.975
Cost of producing spelter laid down in New York from ore produced in American mines	5.325

Spelter recovered, 85 per cent, 782 pounds.

The difference in the cost of spelter laid down in New York made by American smelters from American ores, and by European smelters from Mexican and Australian ores, allowing the same profit to the miners of ore in each country and the same profit to the smelters, is shown by the following table:

	American.	European using Mexican ore.	European using Australian ore.
Cost of ore at mines (profit of $3 per ton to miner)	$42.55	$7.03	$10.00
Hauling to railroad	.50	3.06	
Freight to smelters	.67	5.83	6.50
Smelting charges, including profit both to American and European smelters	15.00	15.00	15.00
	58.67	30.92	31.00
Zinc contents of ore used ..... per cent	57	35	46
Metal recovered ..... do	87½	90	85
Cost of metal at works	$5.88	$4.91	$3.74
Freight to New York	.285	.10	.10
Cost of spelter laid down in New York	6.165	5.01	3.84
Duty to protect American smelters		1.155	2.325
	6.165	6.165	6.165

The difference in cost between spelter made from Mexican ore and spelter made from Joplin ore, at no profit either to miner or smelter, is at least 99 cents per 100 pounds, as I have pointed out. The difference in cost between spelter made from Australian ore and spelter made from Joplin ore, at no profit either to miner or smelter, is at least $1.975 per 100 pounds spelter laid down New York. The duty required to equalize these costs would be, maximum, 2 cents per pound of metal contents in ores; minimum, 1 cent per pound.

The difference in cost between foreign spelter and domestic spelter, New York, to allow a reasonable profit to both American miner and American smelter, is at least $1.155 per 100 pounds minimum and $2.325 per 100 pounds maximum. The present

duty of 1¼ cents per pound is not too high. A duty should be maintained which will at least equalize the cost of Mexican and other foreign ores with the cost of Joplin ores, and will at least equalize the cost of foreign spelter produced from Australian and Mexican ore with the cost of domestic spelter produced from domestic ores, each laid down at the point of consumption, namely, at the smelters and at the Atlantic seaboard, respectively. The present duties on the zinc content of ores and on spelter are none too high and will protect the domestic zinc industry. Any less duties, as proposed in the Underwood bill, will fail even to equalize costs, and therefore fail to protect the domestic zinc industry.

The United States Geological Survey has prepared the following summary of spelter statistics for the United States for the years 1907 to 1911, inclusive.

Summary of spelter statistics for 1907–1911.

	1907	1908	1909	1910	1911
Production of spelter by United States	249,860	210,424	255,760	269,184	265,526
Consumption of spelter by United States (stocks considered)	226,968	214,167	270,730	245,884	280,052
Production of zinc by world	813,842	796,832	854,000	983,419	974,345
Consumption of zinc by world (stocks considered in United States)	795,316	812,114	879,200	882,573	.....
Excess of world production over consumption	18,527	.....	.....	846	.....
Excess of world consumption over production	.....	15,060	18,740	.....	.....
United States percentage of world production	30.7	[illegible]	[illegible]	30.5	29.4
United States percentage of world consumption (stocks considered in United States)	28.5	[illegible]	[illegible]	27.9	.....
Rank of United States among spelter-producing countries	First.	Second.	First.	First.	First.
Rank of United States among spelter-consuming countries	First.	First.	First.	First.	.....

This summary shows that the United States leads the world in the production and consumption of spelter, just as it does in lead. This production and consumption of spelter by the United States is about equal, the production for 1910 being 30.5 per cent of the world's supply and the consumption 27.9 per cent.

BASKET CLAUSE.

[Paragraph 66.]

Mr. President, the basket clause of the pending bill reduces the duty on all articles or ware made in whole or in part of metal and not specially provided for from 45 to 25 per cent ad valorem. This proposed reduction in the tariff affects hundreds of manufacturing industries throughout the United States and is of vital interest to thousands of wage earners. It is of special importance to many new industries whose only source of protection while getting their growth is under the duty provided for in this paragraph. Among the industries that had representatives before the Finance Committee to protest against the proposed reduction of the basket-paragraph duty were hardware manufacturers, metal-pattern makers, and manufacturers of electrical and textile machinery, coated zinc and tin, electric-light bulbs, and incandescent lamps. Machinery manufacturers of the United States, however, are the most largely interested in the proposed reduction of the basket-paragraph duty.

Representatives of the Westinghouse and General Electric Companies, both of which have factories in the United States and Europe, gave some exceedingly interesting and valuable testimony before the Finance Committee in regard to the costs of labor in this country and abroad.

Mr. Edwin M. Herr, president of the Westinghouse Electric & Manufacturing Co., which is interested in a number of foreign companies in England, France, Italy, Austria, and Russia, testified that American industries would be at a great disadvantage in foreign competition with any reduction of the present duties. Mr. Herr said that in England the companies in which he is interested pay just about half what they have to pay in this country for labor. In France the labor cost is below that of England, and Germany is even less than that of France. In Germany the rates do not exceed an average of 40 per cent of the American wage, and in many kinds of skilled labor the German wage is even less than 40 per cent that of the American wage.

If the American tariff is lowered to force direct competition with the products of Europe, Mr. Herr said his company would either have to reduce wages in its American plants to the level of European wages or else close its factories in this country and supply the American market with the product of its European factories. The Westinghouse Co. also has a factory in Canada, which is working under a protective duty against all countries, except England, of 27.5 per cent on electrical machinery. Even at that rate, according to Mr. Herr, the Canadian company is experiencing severe competition from the Germans, the Swedish, the French, and other exporters of electrical machinery. Exports of electrical machinery from this country are largely patented articles, which do not have to come in competition with the electrical machinery of foreign countries.

The Westinghouse Electric Co. employs between 18,000 and 20,000 persons in this country. Altogether there are between 75,000 and 100,000 men in the electrical industries of the United States. The General Electric Co. employs approximately 35,000 men, according to Mr. Francis C. Pratt, who appeared before the Finance Committee on behalf of that company.

Mr. Pratt stated that American wages are at least 100 per cent higher than foreign wages, taking as a basis of comparison the average paid by the General Electric Co. in its American and British factories for January, 1912. He stated that the General Electric Co. has a fairly complete means of comparing the cost of production in foreign countries and in the United States. That company has also found that the cost of material as well as labor is much lower abroad. A comparison of the cost of pig iron at the British factory of the General Electric Co. and its plant in Schenectady, N. Y., last summer showed that the company was actually purchasing pig iron delivered at its British factory for about 25 per cent less than it was paying in Schenectady.

In reply to the direct question as to whether the General Electric Co. would undertake to supply the American market from its foreign factories in case the present duty is lowered, Mr. Pratt declared that there was not the slightest doubt in his mind that if the duty is substantially reduced it would be an invitation to increase the amount of wages paid and the amount of new plants erected abroad and to make a corresponding decrease in this country. When asked further if this meant a complete substitution of the capital and the labor in this country by the labor abroad, Mr. Pratt declared he could see no other outcome than that the result would be an absolute substitution and a total loss of the industry in this country.

Explaining the difference between the cost of production in the United States and abroad, Mr. Pratt said:

The great difference in the cost of production between the European countries and this country is wages. If we are going to reduce the cost of production in this country, there is just one thing in a broad way that we can do to get it down, and that is to revise our labor charge. Therefore we are protecting that labor charge with this protective tariff more preeminently than any other item that goes into the cost of production. You take the tariff in Germany. You do not hear talk there—at least I have not when I have been over—about protecting any particular class, protecting the labor. They are protecting German trade, and they are doing it very effectively. Their tariff is such that where they are good manufacturers—and they are rapidly becoming exceedingly good manufacturers in almost every line—their tariff is high enough so that with their very low labor others can not import there. They do not allow their domestic costs to go up so as to meet the limit of the tariff, but there is a concentrated effort to keep their cost of production down, so that they shall not only control their domestic market, but they shall control the export markets of the world. I think these statements in regard to the German wages being less than English wages are entirely sound. The result is that the cost of production in Germany is low, and it gives them an advantage in the export markets of the world which is tremendous, and at the same time they do control for their own manufacturers their domestic market.

HARDWARE.

American manufacturers of hardware complained to the committee that the reduction of the duty on their products from 45 to 25 per cent, as proposed by the basket paragraph, will seriously handicap that industry in this country. The American Hardware Manufacturers' Association fears that the proposed tariff reduction would force some manufacturers to remove their plants to foreign territory if they could not secure a reduction in the wages paid American workmen to correspond with the reduction of the duty on their products. As in other metal products, the principal difference in the cost of production of hardware in this country and abroad is the labor cost.

The average hourly wage paid in the Russell & Erwin plant, which produces locks, latches, keys, and other builders' hardware, is 20 cents for day workers and 19 and a fraction cents for pieceworkers. The average in England for those engaged in the manufacture of locks, latches, keys, and so forth, as published in Standard Time Rates of Wages in the United Kingdom, October 1, 1910, was the equivalent of 8.3 cents per hour.

A comparison of the foreign selling price of hardware shows that the French, German, and English manufacturers sell their products for even less than the American manufacturer can afford to make similar articles, with no allowance for profit in the American cost. It is apparent from these figures that the foreigner could well afford to pay 25 per cent, or even 45 per

cent, duty and then successfully compete with the American manufacturer in this country:

Article.	Foreign selling price.	American cost.
FRENCH HARDWARE.		
Escutcheons A ..... each	[illegible]	[illegible]
Bolts B ..... do	12.71	46.94
Drop handle C ..... do	2.67	7.23
ENGLISH HARDWARE.		
Chain door fast D ..... do	.60	1.08
Door knocker E ..... do	1.38	1.62
Door knob F ..... do	4.09	4.80
Knob, drop and rose G ..... set	2.58	3.07
Shop door lock H ..... dozen	1.76	2.33
Push plate I ..... dozen	.86	1.20
Push plate K ..... do	.78	1.44
Push plate L ..... do	.90	1.68
Push plate M ..... do	.40	.47
GERMAN HARDWARE.		
No. 3 trunk lock	[illegible]	2.43
No. 3 trunk lock	1.53	2.17
No. 7 trunk corner	.49	.57

The following table gives a comparison of the average hourly rates of wages in various occupations in plants of the American Hardware Co. and wages for the same trades in England, the latter figures being taken from the Standard Times Rates of Wages in the United Kingdom, October 1, 1910:

Hardware workers.	Wage per hour.	
	American.	English.
Iron molders	[illegible]	$0.15.4
Iron molders' helpers	.16	.10
Iron coremakers	.21	.18
Iron grinders	.22	.14
Brass molders	.27½	.15.5
Brass molders' helpers	.17½	.10
Brass turners	.25	.17
Brass filers	.21	.15
Brass profilers	.24	.15
Brass grinders	.25	.15
Brass buffers	.25	.05
Lock assemblers	.25	.17
Lock fitters	.22–.28	.17
Lacquerers	.15	.05
Scratch brushing	.11	.05½
Chasers	.35	.20
Die and tool makers	.34	.19
Die sinkers	.38	.17
Machinists	.28	.18
Pattern makers	.30	.16
Laborers	.15	.11

I think the following statement, made to the Finance Committee by the American Hardware Co., is particularly applicable to the general tariff situation at this time, and I want to call it to the special attention of the Senate. The statement is as follows:

Our attitude in the entire matter of tariff revision is one of agnosticism—we simply do not know. We do not know, except in the most general way, what the European costs of production are; we do not know what our foreign competitors pay for raw material or for labor; we do not know what rate of duty measures the difference between the cost of production at home and abroad assures the present standard of wages in the industries in which we are interested and allows a reasonable profit without permitting the oppression of the consumer. Knowledge of all these facts should precede the fixing of any tariff rates either higher or lower than those now in force.

Therefore, in conclusion, we reaffirm our belief in the Tariff Board, or some similar governmental body, as the only agency able to collect and digest the requisite data, and we record our conviction that tariff changes should be based upon the findings of that body. We protest against the fixing of schedules arbitrarily and without foreknowledge of their effects, and we declare our readiness to accept as just and final rates of duty established in accordance with the conclusions of the Tariff Commission.

TEXTILE MACHINES.

A representative of the American Textile Machine Works stated to the Finance Committee that their rate of wages is 2½ times that paid in Saxony for the same class of labor and that it costs twice as much to build a textile machine in the United States as in Chemnitz, for instance. In addition to this handicap, the American manufacturers are put to the additional disadvantage by the frequency with which importers resort to undervaluation to avoid payment of the proper tariff duty.

Mr. Ferdinand Thum, representing the Textile Machine Works of Reading, Pa., presented affidavits to the committee from employees of his works who had also worked in Germany, showing that they are receiving in this country from 2½ to almost 6 times the amount of wages that were paid them in Germany. These affidavits are to be found on pages 1032 and 1033 of the hearings before the Committee on Finance.

METAL PATTERNS.

Mr. James Wilson, president of the Pattern Makers' League of North America, appeared before the Finance Committee to protest against paragraph 66, which would reduce the duty on metal patterns from 45 to 25 per cent. Mr. Wilson asserted that if the duty is reduced pattern makers in this country will be up against the same condition that they had previous to the enactment of the Payne bill, when they had to compete with European pattern makers. He declared that there is not a country in the world which pays to its pattern makers one-third the wage the pattern makers in the United States receive, which is an average of about $24 a week. Even under the present duty, 22 per cent of all the pattern makers in the United States are unemployed at this time owing to the depression in that business. There are between 11,000 and 12,000 men employed in the pattern-making industry, all of them being highly skilled mechanics.

The rate of wages paid pattern makers in foreign countries is as follows:

Rate of wages paid pattern makers in foreign countries.

	Per week.
France	$10.80–$14.40
Great Britain	6.00– 10.00
Germany (Berlin)	10.50– 13.50
Holland	6.00– 7.50
Hungary	9.00– 12.00
Spain	6.00– 7.00
Sweden	8.00
Switzerland	6.00– 10.00
Russia	6.00

COATED ZINC AND TIN.

The reduction of the tariff on coated zinc and tin by the act of 1909 shows the effect of opening the American market to wider foreign competition. The importation of coated zinc sheet in 1905 was 36,000 pounds. In 1910, under a 50 per cent tariff reduction, this importation increased to 334,607 pounds, and 1911 to 434,310 pounds, or 30 per cent of the entire consumption of the country. Under the Dingley law the cost of delivering coated zinc from Peru, Ill., to the Atlantic seaboard was $10.72, as compared with the German cost of $11.31. Under the act of 1909 the German cost was reduced to $9.56, enabling the foreigner to undersell his American competitor. The tariff on coated zinc shows how seriously a change in the rates of duty affect even a small industry.

FREE LIST.

[Paragraphs 67 to 73, inclusive.]

Now I come to the free list. It is so utterly indefensible I am astounded that anyone who professes to have the interest of his country at heart should advocate a policy so ruinous to American industries. The pending bill proposes free trade for millions of dollars worth of products of American factories, while at the same time levying a tax upon raw material entering into those products. No industry can long survive in the United States under such conditions. The American manufacturer will have to do one of three things—either he will have to decrease his wage scale to correspond with that of the foreign manufacturer who is to have free access to the American market, or he will have to close his factory entirely, or else he will be compelled to move his industry to a foreign field, where he can get his labor and raw materials at the same price as his competitor.

The free list of the pending bill serves notice on every American manufacturer that as soon as his industry proves to be a success a similar fate is in store for him. It penalizes the American manufacturer for the success and prosperity which enables him to pay the American workman the highest wage in the world.

Already American manufacturers have invested millions of dollars for the establishment of industries in Europe owing to the cheaper cost of production abroad and the freedom there from the assaults of American politicians. The products of these expatriated industries are even now becoming serious competitors with the products of those American industries that have remained loyal to their country and their flag. Are we to place a premium on the removal of industries from the United States to foreign soil and reward those who desert their country at the expense of those who are endeavoring to withstand hostile tariff legislation in the hope that the American people will realize the fallacy of an unwise revision before it is too late?

Except for iron, zinc, and tungsten bearing ores, every item on the free list of the pending bill is the product of duty-bearing

raw material. How can the Democratic Party make satisfactory explanation to the American workmen for placing their products on the free list in open competition with the products of cheaper foreign labor?

Heading the column of manufactured products on the Democratic free list are cotton ties placed there for the sole benefit of the southern planter. I have searched the free list in vain to find any trace of agricultural implements, in which farmers throughout the entire country are interested. I remember with what great acclaim agricultural implements were included in the so-called "farmers' free list" last session. Why has the Democratic Party so soon lost interest in the American farmer and forgotten him in its free-list distribution under the pending bill? Is the southern cotton planter any more entitled to free cotton ties than the grain farmer of the North and West is to free harvesters and binders? So completely has the farmer been forgotten in this bill that there is serious question as to whether the 25 per cent basket clause duty does not include many agricultural implements that now pay a duty of only 15 per cent under the act of 1909.

MACHINE TOOLS.

[Paragraph 73.]

No greater injustice is done any American industry by the pending bill than that which it is proposed the machine-tool builders of this country shall suffer for their success and giving American-made tools a name and a fame throughout the world. The machine-tool industry is one of the oldest and most diversified in the United States. It is likewise one of the least organized industries in the country, there being no combinations or trusts that I know of which control any considerable part of this industry. In all, there are about 225 American concerns engaged in the business of building machine tools. This industry has an annual output valued at about $40,000,000. Machine-tool factories are located in 18 States, as follows: Ohio has 58; New York, 22; Connecticut, 22; Massachusetts, 39; Illinois, 15; Pennsylvania, 16; Rhode Island, 6; Michigan, 8; Wisconsin, 10; Indiana, 7; Delaware, 3; Vermont, 4; New Jersey, 7; Maryland, 1; New Hampshire, 2; Iowa, 1; Maine, 2; Missouri, 1.

The following tabulation of these companies, according to their capitalization, shows that the industry is not a monopolistic one in any sense: Only 9 out of the 225 machine-tool concerns have a capitalization of more than $1,000,000 each; 3 have a capital of between $750,000 and $1,000,000 each; 11 between $500,000 and $750,000; 19 between $300,000 and $500,000; 20 between $200,000 and $300,000; 26 between $125,000 and $200,000; 18 between $75,000 and $125,000; 17 between $50,000 and $75,000; 20 between $35,000 and $50,000; 21 between $20,000 and $35,000; 11 between $10,000 and $20,000; 6 between $5,000 and $10,000; 1 between $3,000 and $5,000; and 42 not rated.

Statistics gathered from 67 out of the 225 machine-tool concerns in the United States show that for the last 10 years their average earnings have been a little less than 9 per cent on the capital invested, which certainly is not an excessive profit. These 67 concerns represent a capitalization of $21,000,000, out of a total capitalization of $40,000,000, for the 225 machine-tool companies in the United States. It is evident, therefore, that the average earnings of less than 9 per cent is representative of the entire industry. No definite figures have been obtainable as yet concerning the earnings of German machine-tool builders, but representatives of the American industry declared to the Finance Committee that they had evidence that the Germans declared larger dividends than American machine-tool shops.

The fact that American machine-tool builders have been able by their superior ingenuity to build up an export trade of approximately four and a half to five million dollars a year has so excited free traders of the country that they now propose to tear down this wonderful American industry which has been made possible by a protective-tariff system.

Germany, with its cheaper labor, cheaper raw material, and lower freight rates, is already becoming a serious and most aggressive competitor of American machine-tool builders. In fact, American manufacturers are able to hold the foreign trade they now have only by specializing in certain tools that the foreign builders have not yet been able to duplicate to any considerable extent. As soon as the German manufacturer succeeds in reproducing an American machine tool he can undersell the product of this country and practically force it from the foreign market. It is only by keeping ahead of the foreign builders in inventions that the American manufacturer has been able to make any headway with his export trade.

Every report from abroad shows that German manufacturers are rapidly catching up with the American machine-tool builders and that in the near future there will be greater need for a tariff that will protect the American machine-tool builder in his home market than ever before. Confronted with this situation, it seems to me the height of folly to now place machine tools on the free list and open wide the American market to foreign products which are bound to flood this country and force into idleness thousands of American workingmen who are now receiving the best wage in the world.

Mr. Frederick A. Geier, who appeared before the Finance Committee as the representative of the 225 American machine-tool manufacturers, clearly pointed out that exports to Europe are now largely confined to highly specialized and highly organized machine tools, such as the German manufacturer can not make as yet. He declared, however, that Europeans are making excellent machines of the kind and type the American builder shipped abroad 10 years ago, and that those machines are being sold very much under the American cost. Comparatively few of the American machine-tool builders are engaged in the manufacture of the highly specialized machines that are now exported from this country.

The simpler types of American tools, such as planes, shapers, lathes, and drills, which are made by 85 per cent of the American companies engaged in the machine-tool industry, can not be sold in Germany now under normal trade conditions abroad, as German machine tools of similar type bought at a less cost have replaced those of American manufacture in the European market. Without the tariff the cheaper-made foreign machine tools could be dumped on the American market in direct competition with the products of fully 85 per cent of the machine-tool builders of this country.

The report made by Capt. Godfrey L. Carden, special agent of the Department of Commerce and Labor, fully corroborates the statement of American machine-tool builders that they have only been able to make any progress in foreign markets by specializing in their products. Capt. Carden, in his report on machine-tool trade in Germany, France, Switzerland, Italy, and United Kingdom (p. 11), says:

> Broadly speaking, the best grades of American machine tools excel both in design and workmanship, and in the accuracy of working results, the foreign-built tools. There are, however, a number of foreign machine-tool establishments which are approximating very closely to standard American work, and there are several plants where the designs and workmanship are of exceptionally high order. As a rule the medium size high-grade American machine tool brings more money abroad than does the foreign machine of the same size.

Capt. Carden then goes on to make this statement, which I want to call particularly to your attention:

> American machine tools are bought abroad, as a rule, only when possessing superior merit. The moment a foreign tool approximates in accuracy to an American machine tool the foreigner will buy the products of his own country; this is natural, and to be expected.

Again, on page 15 of his report, Capt. Carden says:

> If German machine-tool builders were able to specialize as do many American firms, the writer predicts that it would not be long before the Germans would be abreast of some of the leading designers of the United States. In the construction of machine tools the Germans have rapidly acquired technical knowledge, and already they can boast in many instances of possessing fine shop organization. The German builders have everything practically but territory, and with territory the ability to specialize. Their country is too circumscribed to make it possible for a new firm to hope to live on domestic trade. Export business is therefore the life of the nation, and every thought and every energy is accordingly directed in the interest of export.

In his report on the machine-tool trade in Belgium, Capt. Carden, who made a two years' study of that industry in Europe, says of a shop in Belgium:

> There is hardly any doubt but what the Remicourt shops are turning out 85 separators per day at a very much lower figure than would be possible at the present time in the United States. American manufacturers are able to hold their own in foreign competition so long as our technical knowledge is superior and our shop efficiency greater. * * * The Melotte equipment, composed as it is almost exclusively of American machine tools and operated on American lines, gives the Remicourt shops practically all the advantages of an American plant plus the further advantages afforded by a lower wage scale.

As Capt. Carden's report indicates, foreign machine-tool builders now possess practically every advantage that the American manufacturer has, with the additional advantage of cheaper labor. It is apparent, therefore, that the American manufacturer will be able to retain his home market and pay high wages to his workmen only so long as he has a tariff to protect him against the products of cheaper European labor.

In this connection I want to call your attention to the fact that the actual labor cost of machine tools is from 60 to 75 per cen of the total cost. This indicates how all important the wage scale is to the American machine-tool builders. Capt. Carden's reports show in detail the wages paid workmen in the machine-tool industry abroad. His reports give an average of 14¾ cents an hour for foreign machine operators. Reports from 67 machine-tool concerns of the United States show an average wage for their operators of 27.9 cents an hour, or practically double the wage paid foreign operators. Capt. Carden called attention to the fact that workmen in one of the highest grade machine-tool factories in Belgium receive less than $1 a day

for doing the same class of work that American machine-tool hands are paid $3.50 for doing.

The following table shows the average rate of wages in cents per hour paid in European countries and in the United States in 1908, since which time there has been an increase of from 8 to 10 per cent in some European works:

Machine-tool builders.	Machinists.	Tool-makers.	Handy men.
FOREIGN.			
Italy	8 to 12	12 to 16	9 to 10
Switzerland	15	20	10 to 12
Germany, Munich	13	17	10
Saxony and the Rhine Valley	15	20	11 to 12
Berlin	14.5 to 17	19 to 22	11 to 13
Magdeburg	14.5	19	8.5 to 10
Great Britain	15.5	20	9
France	(1)	(1)	(1)
UNITED STATES.			
New York City	33	39 to 44	18 to 28
Philadelphia, Pa.	31 to 37	32	16
Providence, R. I.	26	28 to 35	18 to 25
Hartford, Conn.	22	37	20
Cleveland, Ohio	25 to 30	30 to 35	18 to 25
Cincinnati, Ohio	27	32	20 to 30
Milwaukee, Wis.	25 to 40	30 to 40	17½ to 25

[1] Machine-tool industry still in its infancy.
[2] On piecework these rates may be increased 30 to 40 per cent.

Direct evidence that the cost of labor in American machine-tool shops is fully 50 per cent greater than that employed in foreign shops was submitted to the Finance Committee by Mr. Frank C. B. Page, vice president of the E. W. Bliss Co., which operates large machine-tool shops in this country and in Europe, the latter shops being located in Paris and London. Mr. Page submitted the following table of comparative wages paid in the Brooklyn and Paris shops of his company:

Average wage paid per hour.

	Brooklyn.	Paris.
Machinists	$0.29 5/19	$0.17 1/19
Die makers	.36 4/9	.18 5/19
Blacksmiths	.37 7/19	.22 1/19
Laborers	.20	.11

In showing that the cost of labor in this country is almost twice what it is in France, Germany, and England, Mr. Page stated that labor averages 70 per cent of the total cost of the products of his factories, and that therefore American companies could not compete with foreign makers if the present tariff is removed.

> There could be only one condition on which we would be able to stay in business—

Said Mr. Page—

> and that is the reduction of wages to the same level as prevails in European countries. We believe it would be a question of paying less for labor or not employing labor at all. Having factories in both France and England, we might be forced to do all of our manufacturing in these plants in order to get the benefit of the low cost of labor to enable us to compete.

Mr. Hugh V. Reilly, representing the machinists' unions of New Jersey, including 5,000 workmen, appeared before the Finance Committee to protest, in their behalf, against any reduction in the tariff that would force them to compete with cheaper European labor. The machinists of the country realize that placing machine tools on the free list will compel American builders to reduce their wage scale to meet foreign competition or else close their factories. In either event the American workmen will be the greatest sufferers.

> We, as machinists, are not the only trade who are interested in this industry—

Stated Mr. Reilly—

> there are molders and pattern makers; and naturally, as the orders come in, or the orders are stopped, in the offices of these companies, their work, or our labor market, is bound to be affected. We can not afford, therefore, to look at this question of taking off the tariff with any other than feelings of alarm. We have never before been bothered with a question of this kind. We do not come here asking you men to put a tariff on our skill. We are well able to take care of that in our different trade unions. We can always take care of that. But we do not want to have markets taken from our employers. * * * We do not want to see the general industry hampered in any way. As a general proposition we are opposed to it.

Another advantage that the foreign machine-tool builder has is the cheaper raw material. The German tool builder gets the same raw materials free of duty on which the American manufacturer, even under the pending bill, would have to pay from 10 to 25 per cent duty. For example, $1,000,000 worth of ball bearings are imported into the United States annually, a large part of which are used in machine tools. The pending bill proposes that the product of the foreign machine-tool builder, who has paid no duty on the ball bearings or other raw materials he uses, shall be put upon the free list in competition with the American-made machine tools that have had to bear the additional burden of a duty on ball bearings and other raw materials used in their manufacture in this country. How long does anyone expect an American industry to survive under this double disadvantage?

Another serious situation with which the American manufacturer has to contend is the skill and alertness with which foreign manufacturers imitate successful American products. No sooner does an American manufacturer place a new product on the market than the foreign manufacturers begin duplicating it. This is particularly true of American machinery, and more especially so of machine tools. Machines upon which American builders have spent years of study and thousands of dollars to perfect are speedily duplicated by German builders, who thus save great expense of inventing and developing these machines. It is conservatively estimated that 5 per cent of the total cost of producing American machine tools is due to the continuous work of inventing and developing machine tools. The foreign manufacturer expends little or nothing for that purpose, appropriating, as he does, the machine tools that American concerns have worked out to success.

American manufacturers complain that foreign patents give them little or no protection in the foreign field owing to the long litigations that result from any attempt to suppress foreign infringements. Patents are particularly of little avail in the machine industry, which is so old that practically all of its fundamental patents have expired. Only some of the elemental features of machine tools can be patented abroad, but it is especially difficult to obtain such patents, and still more difficult to protect them. In a number of European countries a patentee must establish a factory to manufacture his invention in the country where the patent is obtained within a certain time or else lose his right to such a patent in that country.

I have here several books illustrating the audacity and the extent to which foreign manufacturers go in their duplication of American machine tools. In these books the imitations are so perfect that you can hardly tell the difference between the machine manufactured in this country and the one manufactured in Germany. Page after page gives illustrations of American machines that have been copied almost exactly and to the smallest detail by foreign builders. To develop these machines American manufacturers have expended thousands and probably millions of dollars. At a minimum of expense the German manufacturer has succeeded in duplicating every one of these machines and placing them on the market in direct competition with the product of American ingenuity. So quickly does the German manufacturer adopt a successful American model that the manufacturer in this country now has little time in which to reap any benefits from his years of study and vast expense in perfecting his machines.

As soon as the German manufacturer reproduces an American machine he can drive the original American product from the market, owing to his cheaper cost of production. An instance of this is to be found in France, where German machines and tools already have taken the lead over American machines. In 1899 the United States exported to France machines and machinery to the value of 29,866,000 francs, while the German exports to France in the same year amounted to 23,815,000 francs. In 1910 the exports of machines and machinery by the United States to France amounted to 46,420,000 francs, while exports from Germany to France reached the vast sum of 111,931,000 francs.

The same is true of the exportation of American and German tools to Belgium. In 1906 the United States exported machine tools to Belgium weighing 487,497 kilos, while the German exportation to Belgium in that year amounted to 6,790,000 kilos. In 1908 the American exportations had advanced only to 659,584 kilos, while the German exportations had reached 10,497,000 kilos, the American trade in Belgium being less than 6 per cent that of Germany. Statistics show an increase in Germany's machinery exports of 1,000 per cent in 10 years.

It is true that American exports of metal-working machinery, including machine tools, have increased somewhat during the last three years. This has been due, however, as I pointed out before, to the success of American manufacturers in producing highly specialized machinery and to the fact that times have been exceedingly prosperous abroad during those years, while there has been a perceptible slump in the American market. Foreign manufacturers have been so overloaded with orders that they have been unable to take care of all the business that prosperity abroad has brought to them. American manufac-

turers have taken what advantage they could of this fact and have succeeded in increasing their exports by the fact that the dullness in the American market has given them the opportunity to fill foreign orders more quickly than could the overworked European manufacturers. This condition, however, is a temporary one, as everyone knows the foreign manufacturer will soon be able to take care of all his home trade, and then the American machine-tool builder will have to rely almost entirely upon the market of this country. If he is forced to meet the foreign manufacturer on free-trade terms in the United States, then the American market also will rapidly diminish to the American manufacturer.

The pending bill simply proposes to increase the market for European manufacturers by adding the United States to their territory without offering any compensation whatever in return to the American manufacturer.

There is not a paragraph in the entire bill that will add a single dollar in additional trade to the American manufacturer nor add a penny to the compensation of any American wage earner. Canada, for instance, would continue a tariff rate of 27½ per cent against American-made machine tools, while the markets of this country would be open free to the Canadian manufacturers of machine tools. American machine-tool builders submitted price lists to the Finance Committee showing that German manufacturers could sell machine tools in this country from 32 to 47 per cent less than the American builder could, if admitted free of duty.

Instead of the pending bill opening up the American market for free trade in machine tools to the amount of approximately $200,000 a year, it is more than likely that at least $10,000,000 worth of machinery, practically all of which may be classified as machine tools under recent interpretations of that term, will be brought into this country annually by this free-trade provision.

Ordinarily a machine tool has been interpreted to be a metal-cutting machine, but this has been broadened recently by Treasury decisions to include woodworking machinery and every type of machinery of that kind. Therefore the proposition is not simply one of putting $191,000 worth of foreign products on the free list, but is one to admit $10,000,000 worth of foreign products free of duty. Such a proposition alone would reduce the revenues of the country four and one-half million dollars.

Many machines that formerly were classed as machinery and imported at 45 per cent duty have been reclassified by customs officials as machine tools and admitted at the 30 per cent duty. With the increasing pressure that is being brought to bear to broaden the definition of machine tools it is quite possible that in a short time a greater part of the machinery imports even under the present law will be entered as machine tools.

The authors of the pending bill estimate that the reduction of the basket clause under which the great bulk of machinery is now entered from 45 to 25 per cent will increase the importations of machinery to $10,500,000. If machine tools are put on the free list, additional incentive will be given to foreign manufacturers to have their products entered under such classification. It is quite certain therefore that the estimate of $10,000,000 free importation under that classification is entirely conservative.

Let me read from an address which Dr. Ing. G. Schlesinger, professor in the Technical University of Berlin, delivered at the annual convention of German machine builders in Berlin on April 6, 1911. Dr. Schlesinger took for the subject of his address, "The position of the German machine-tool industry in the world market." I quote from these portions of his address which apply to the present discussion:

For the most part, the competition is confined only between Germany and the United States. And therefore we are confining our present comparison between these two countries.

The statistics of the last 10 years show that the German export of machine tools to the whole world was 11,000 tons in 1900 and has increased to 58,000 tons in 1910, while the imports from America, which were approximately 7,000 tons in 1900, were decreased to 2,000 tons in 1901 and increased again in 1906 to a maximum of 8,800 tons, averaging 5,500 tons per year.

The reason for the present small export of German machine tools to America is the American tariff, which was formerly 45 per cent and is now 30 per cent ad valorem. The German machine-tool builder must, therefore, aim to build his machines so good and so cheap that they can climb over the American tariff wall, which is already happening in some instances.

The comparison of export and import figures show that in the case of the German machine-tool builders in most types of machines they can claim equality with the American product, since most export markets welcome our machines and purchase them in big quantities.

To-day the Germans are independent and stronger than their American competitors.

A renawakening of the German machine-tool industry resulted from their following very closely the American example in the construction of their well-built and durable machines. Machine tools of large proportions, used especially by mining and rolling mills, also shipyards, because of their more scientific requirements, were the first to compete with American imports into the home market and have to-day eliminated this competition completely.

No one can blame the German machine-tool manufacturers if they take a good thing wherever they find it. In the hard fight for existence the question of the origin of any idea or design fades into insignificance.

In the case of boring machines, small and medium sizes, American competition was forced to completely withdraw.

On those machines on which the German makers compete with American product the prices are insufficient, but they will not be increased until Germany increases her schedule of tariff on the import of American tools into Germany.

I believe the American tool industry will suffer more than any other American industry if the pending bill should become a law. I am utterly at a loss for a reason why the authors of this bill picked out the machine-tool industry as a victim of its free-trade fallacy. What reason is there for protecting the automobile industry with a duty of 40 per cent and at the same time taking away every vestige of protection that the machine-tool builder has had? These machine-tool builders voluntarily agreed to a reduction of the tariff on their products from 45 to 30 per cent under the act of 1909. Now it is proposed to take away even that 30 per cent protection, which is all that saves the American manufacturer from a ruinous competition with the cheaper products of Europe. Machine tools are made of the same raw material and by the same class of labor as practically every machinery product that is retained on the dutiable list by the pending bill. In addition to automobiles, the bill protects bicycles and motorcycles at 40 per cent and every kind of machinery used in the textile and rubber industries at 25 per cent. Here are some of the machines that the Underwood bill retains on its dutiable list, while putting machine tools on the free list:

Machines for shoemaking, paper and pulp, leather working, confectionery, cotton, woolen, knitting, bottle making, steam pumps, electrical machinery, water meters, adding machines, sugar, rolling mill, rubber, road making, rock drilling, mining, pneumatics, hydraulic presses, cotton ginning, oil well, agricultural, dairy, laundry, traction engines, cement, brickmaking, metal molding, rotary blowers, ventilating, can making, hat making, straw braiding, steam shovels, barb wire, wire weaving, dredging cranes, jib cranes, traveling cranes, locomotive, hoisting machinery, elevators, conveyer, grain elevating, flour making, stone crushing, internal-combustion engines, metal drawing, tube drawing, wire drawing, pin making, windmills, hot-air engines, chain making, glass making, paper-box making, envelope making, weighing machines, scales, paint making, chemical machinery, goldsmith machinery, button making, butchers, coffee machinery, dental machinery, telescopes, microscopes, laboratory apparatus, fertilizer, filtering machinery, telephone machines, telegraph machines, flying machines, injectors, water wheels, ice making, vacuum cleaning, air compressors, bakers' machinery, cottonseed oil, cereal making, gun-making, nail making, nippers and pliers, and many others we have not had time to list.

As I said before, the definition of machine tools has become somewhat hazy, and it is almost certain that with the temptation of a free list there will be a tremendous effort made to have various other machines classed as machine tools along with metal-working machines.

The wonderful development of the machine-tool industry in this country has really been the basis for the great advancement the United States has made in all lines of manufactures. As a witness before the Finance Committee well said:

You can not operate a railroad, you can not run a steamship, you can not have a telegraph or telephone or an electric light, you could not plow the fields in the West, you could not do any of the mechanical things that are now going on in this country, that would develop the United States to its present position, if you did not have machine tools. Take away the machine tools and America would be powerless to protect itself against foreign invasion. There is no battleship that goes out that is not fundamentally dependent upon the use of machine tools.

Is an industry that made all these things possible to be destroyed because it has made a successful effort to maintain a foreign trade?

German labor is not only cheaper than that of the United States, but is also rapidly becoming fully as efficient. Germany has a scientific system of industrial education that far surpasses the vocational education which is really just beginning in the United States. The little Kingdom of Prussia, with approximately a population of one-third of the United States and one-thirteenth of its area, has 400,000 young people between the ages of 14 and 18 attending schools for industrial training during the year 1908. This industrial school attendance is equal to 13½ per cent of the total population of Prussia. Compared with this, the United States Bureau of Education reports that for 1906 only 1½ per cent of our population received a vocational education between the ages of 12 and 22. This vocational education of its young people in the trades has become a powerful factor in the wonderful advancement that Germany has made industrially during the last decade. It is a factor that soon must be met in the United States by a similar system of educating our young people along vocational lines as well as in professions. We must train our young people to work with their hands as well as with their heads. It is even

more important in the prosperity of the United States that the great majority of our young people should be given adequate industrial educations than that they be educated along nonproductive lines as lawyers, doctors, dentists, theologians, or even as statesmen. It is highly essential, therefore, that the American market should be adequately protected until the growing generations of this country are educated to compete successfully with the skilled European workmen who have had the advantage of a vocational education.

PRINTING PRESSES.

[Paragraph 73.]

The printing-press industry of the United States is in the same situation regarding foreign competition as is the machine-tool industry of this country. Foreign manufacturers are showing the same skill in their duplication of American printing presses as they are in the reproduction of American machine tools. I have here a book with illustrations of a large number of American printing presses that have been imitated to the minutest detail by foreign manufacturers, particularly those of Germany, where these presses can be made at a considerably less cost than in the United States.

The printing-press industry is one upon whose product at least 75 per cent to 80 per cent is spent for labor, and 20 per cent to 25 per cent for material, nearly all of which is subject to duty.

The American manufacturers of printing presses employ thousands of skilled mechanics, whose average wage per hour is 37 cents against 14 cents for the foreign mechanics of the same class; therefore, to abolish or reduce the tariff means a serious blow to this industry and must necessarily entail a great reduction in rate of wages paid to its workmen.

American manufacturers have spent vast sums of money and great skill and industry in experimenting, developing, and perfecting their presses, and this development, which adds so much to the welfare of the printing trade with its vast influence on our material and intellectual development, must stop if our market, the best in the world, is to be thrown open to our foreign competitors, who avail themselves of our designs without bearing any of their expense of development, and then, with this very low wage scale, threaten to invade our country with their presses. In fact, at the present time, they are beginning to introduce their foreign-made copies of American presses, and even with the duty and transportation against them, they are competing in price with us in our own country.

The following table shows the average rate of wages paid per hour to skilled labor by the printing-press manufacturers of the United States in comparison with the average rate per hour paid in foreign countries to the same class of skilled labor, the foreign wages being taken from Capt. Carden's report;

Countries.	Foremen.	Vise men.	Lathe.	Milling machine.	Planers.	Drill.	Boring.	Grinding.	Erectors.	Pattern makers.	Carpenters.	Blacksmiths.	Molders.	Core-makers.	Average.	Unskilled labor.
United States.....average..	$0.52½	$0.34	$0.34	$0.32	$0.35	$0.29½	$0.34	$0.30½	$0.54	$0.40	$0.29½	$0.38	$0.37	$0.37	$0.37	$0.[illegible]
Belgium.....do....	.18	.13	.11	.08	.10	.07	.10	.11	.....	.....	.....	.....	.....	.....	.11	.0[illegible]
Germany.....do....	.19	.16	.18	.14	.17	.14	.18	.15	.20	.17	.14	.18	.17	.14	.16½	.12
France.....do....	.....	.18	.15	.14	.14	.14	.....	.17	.....	.....	.....	.15	.....	.....	.15½	.10
Switzerland.....do....	.....	.15	.13	.13	.13	.11	.....	.....	.....	.....	.....	.....	.....	.....	.13	.09
Italy.....do....	.21	.14	.12	.12	.12	.12	.....	.....	.....	.....	.....	.....	.....	.....	.14	.....
United Kingdom.....do....	.....	.....	.17	.17	.17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.17	.....
Holland.....do....	.18	.10	.09	.09	.10	.....	.09	.09	.....	.09½	.....	.10	.09	.09	.11	.....

General average in United States, per hour, 37 cents.
General average in foreign countries, per hour, 14 cents.

Exports of printing presses are largely confined to special machines which have not as yet been copied by the foreign builder, whose competition on standard machines, many of the designs of which have been copied almost exactly from American presses, is so sharp by reason of the low wage rate in foreign countries that the American builders can not compete at all as exporters.

SEWING MACHINES.

(Paragraph 73.)

Evidence submitted to the Finance Committee in regard to sewing machines shows clearly that the tariff has nothing to do with the selling price of those machines in this country. This is equally true of innumerable other items upon which a duty has been placed for the protection of American workingmen. Sewing-machine manufacturers frankly admitted to the committee that machines costing from $10 to $20 wholesale are retailed at from $45 to $75. With these enormous profits it is evident, therefore, that the tariff has nothing whatever to do with the selling price of sewing machines. The tariff is important, however, to protect American workingmen against competition with the cheaper labor of Europe. The committee was informed that labor in American sewing-machine factories receives practically double the wage paid similar employees in the foreign factories. The 30 per cent duty on sewing machines at present is hardly sufficient to represent the difference in labor cost between the United States and Europe.

The chief beneficiary of free trade in sewing machines would be the Singer Sewing Machine Co. Already this company has established a large factory in Glasgow and is reported to be preparing to erect the largest sewing-machine factory in the world in Russia. To remove the tariff on sewing machines would make an opportunity for the Singer Sewing Machine Co. to supply the American market with machines made by the cheaper labor in its foreign factories. It is absolutely certain that the removal of the 30 per cent duty would not result in any benefit whatever to the consumer, who has to pay three or four times the cost of manufacturing machines in this country owing to the great profits demanded by the sewing-machine companies. These large gross profits are due to their extravagant expenditures for selling and distributing sewing machines.

A removal of the duty on sewing machines would put out of business nearly all the independent manufacturers in this country, giving the Singer Sewing Machine Co. practically a monopoly on the American market owing to its opportunity to manufacture machines in its foreign factories.

TYPEWRITERS.

[Paragraph 73.]

The typewriter industry is purely of an American origin, and is not a little industry by any means. The Underwood bill places typewriters on the free list. A considerable proportion of the raw material used in their manufacture is imported, and a duty is imposed on all of this raw product, while the finished machine is put on the free list. There are 15 distinct types of high-grade typewriting machines manufactured in the United States by as many independent companies, having no relation with each other. The total capitalization of these companies is approximately $55,000,000, and their combined production about 450,000 machines, the retail value of which is approximately $40,000,000. The industry gives employment altogether to nearly 28,000 persons. These companies pay from $3 to $3.50 per 9-hour day for the skilled labor, and their unskilled labor averages $2.25. They pay out nearly $9,000,000 annually for labor. In Germany, which has become the chief competitor in the production of typewriters, in the Chemnitz district, where one of the improved typewriters is made, the average wages for skilled labor are approximately 84 cents for a 9-hour day, or $1.20 for a 10-hour day, which they are required to work, against the $3 to $3.50 per day in the United States. Some of the skilled laborers there only receive from 72 cents to 80 cents for a 9-hour day. At Dusseldorf $1.71 is paid for skilled labor.

When we take into consideration the fact that between 70 and 80 per cent of the cost of manufacturing a typewriter is paid out to the labor employed, it can easily be appreciated what would be the result of putting typewriters on the free list. The Germans have sent their men over here to learn how to make the typewriters, and they use the same machinery that is used in this country. The conditions prevailing in England and France are similar to those existing in Germany, and if the American field is opened to the free importation of typewriters it is fair to assume that impetus will be given to this industry in England and France, as well as in Germany, and it can not help to react against the American manufacturers. Moreover, it should be noted that, with the exception of England, practically all of the European countries impose duties upon typewriters which the American manufacturers have to pay in competition in the European markets. Hence, if typewriters are placed on the free list here it will result in discrimination against American manufacturers in favor of their European competitors.

A typewriter consists of over 1,000 parts. In that sense it is complicated, something like a watch, and requires skilled labor. American machines are copied in Germany and sold under different names. The Germans are selling their machines in South American markets to-day at from $43 to $47 each. The development of this industry in Germany has taken place in the last seven or eight years, and as a result they have excluded the importation of machines from the United States. In France they are making only one machine and that is the first experiment, and the same is true of England, but they will rapidly develop the industry, as has been the case in Germany.

In a few years Germany reduced the American exports to South America 42 per cent as a result of her competition. Until recent years the typewriters in this country have supplied the world, with little or no competition. Now, however, they are meeting with keen competition, particularly in Germany, which country is now manufacturing high-grade machines, and it is only a matter of time when the Germans will approach the same degree of perfection as the American manufacturers have reached. A representative of a typewriter company, speaking before the Finance Committee, declared that—

there is not a single company that sells typewriters abroad for less money than in the United States.

And he added that there was not one to his knowledge that did not sell its product for more money abroad than it gets at home.

CUT NAILS, SPIKES, NUTS, WASHERS, AND HORSESHOES.

[Paragraph 70.]

The House bill puts spikes, nuts, and washers on the free list, with a duty of 15 per cent on bolts. All of the establishments manufacturing those items, with the exception of spikes, to some extent are small concerns as compared with the larger steel corporations. There are about 35 of these manufacturers, with a capital of about $50,000,000. Spikes are used altogether by the railroads, and the nuts and washers are also used principally by the railroads. Putting these nuts on the free list might benefit the railroads altogether at the expense of the manufacturer, and as one of the manufacturers stated:

Coming at a time when there is practically no profit in the manufacture of bolts, nuts, and rivets, it seems like hitting a man when he is down.

Horseshoes are put on the free list by the Underwood bill. This would be no benefit to the consumer. A horseshoe now costs at wholesale about three and a half cents, and the usual price in the country charged by the blacksmith for shoeing a horse and furnishing the shoes is $1. The change in the duty from the present law would make a difference of about three-quarters of a cent on each horseshoe and would not benefit the consumer in the slightest. There are large factories for producing horseshoes in Canada, and they could easily market their surplus in the United States, whereas they have a protective tariff of 30 per cent. Putting horseshoes on the free list might help the jobber and the retailer and the blacksmith somewhat, but it would be no benefit to the ordinary consumer, which is plainly demonstrated by the fact that when horseshoes were sold for 50 cents a keg higher than they are now the charge for shoeing a horse was just the same. The existing price, according to Mr. Wheelwright, of the Old Dominion Iron and Nail Works Co., has not been changed for 25 years. Asked if he could not reduce the wages in the manufacture of horseshoes, Mr. Wheelwright replied:

I would not be able to reduce the wages, and I would simply have to quit. The wages could not be reduced.

COTTON TIES.

[Paragraph 68.]

The provision of the House bill admitting cotton ties and strips of iron and steel for baling purposes free of duty, strikes a blow at another branch of the iron and steel business. Those products are now dutiable at three-tenths of a cent per pound, or $6 per ton. The prosperous conditions abroad in the iron and steel business and the depressed condition in the United States have had a tendency to keep foreign producers from invading our markets to any great extent, because of the great demand at home for their goods. Some cotton ties were imported last year at a valuation of 1 cent per pound. Large manufacturers in this country state that they can not be produced here for that price, and they do not believe that they can be produced abroad either at such a figure, but they may be admitted at an undervaluation, which may account for it. The production of cotton ties last year was about 52,000 tons. They are very low now in price, which would appear to offer no excuse for placing them on the free list, and thus offer our markets as a dumping ground for foreign producers. Wages in this industry, as in other iron and steel industries, are two to three times greater than the rates paid in Europe, of which fact there can be no question. Hence to put an article of this kind on the free list simply means a great reduction in the wages or the closing of the mills.

Cotton ties are used almost exclusively in the Atlantic and Gulf States. They are manufactured nearly altogether in the north and central west. Comparing the freights available to foreigners with the freights available to American manufacturers, the inevitable result of placing them on the free list will be what it was under the Wilson tariff, and will close down all of the cotton tie mills and allow the foreigners to have a market to themselves. The ocean freights from Belgium, Germany, and Great Britain to Atlantic and Gulf ports is $2.50 per ton and less. The lowest rail-and-water freight rate obtainable from the Pittsburgh district to Galveston, Tex., on cotton ties, is $5.20 per net ton, and when shipped all rail the rate is $7.10 per net ton. Owing to the low sea freights available to foreign manufacturers, all the American manufacturers with few exceptions will be compelled to yield the seaboard markets to their foreign competitors, and the output of these commodities in our country will be proportionately reduced to such an extent as materially to increase the cost of the remaining output of American factories.

Mr. President, I have tried to take up every paragraph in this bill and call attention to the amount that is produced in this country of the items that fall under each of these paragraphs and compare the wages paid in foreign lands with those paid in this country, and I hope and trust that after the careful study and consideration of this bill by Senators they will hesitate to vote for a bill that on its face will work serious hardship on one million and a half American workmen and destroy the advancement of one of the greatest American industries.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. Does the Senator imagine that there is going to be any careful study of this question? Judging by the number of Senators who have been present and have listened to a most exhaustive and one of the best arguments that has ever been made in this Chamber upon this schedule, is it evident that it is going to receive any consideration or anything other than a mere vote upon it?

Mr. SMOOT rose.

Mr. BACON. Mr. President, before the Senator from Utah replies, I think it is not inapt to state the fact that we recognize the propriety of the criticism which has been made by the Senator from North Dakota, and I want the Senator from Utah to bear witness to the fact that we ourselves sought to arrange it that he would have the attention he is entitled to, but the Senator from Utah declined when the offer was made on our side. The Senator from Utah will remember that.

Mr. SMOOT. I do.

Mr. McCUMBER. I was not criticizing. I was simply stating the facts as they appear. If the Senate must be kept here by constant roll calls, it is evidence of itself that very little interest is taken in this bill. The Senator has spoken here this afternoon when there were not four Senators present in the Senate to listen to him. He has discussed the bill in a most thorough manner and in a most masterly effort, and I presume very little of it in the RECORD will ever be read.

I simply speak of it, Mr. President, not in the sense of criticism, but to indicate to the Senator who was speaking that while he was trusting that we might have a careful consideration of this question the evidence before us was that it would have mighty little consideration.

Mr. BACON. I do not wish to be understood as taking issue with the Senator from North Dakota. On the contrary, as to the lack of attention the Senator from Utah was entitled to, I entirely agree with him, that there has not been such attention as there should have been.

Mr. SMOOT. Mr. President, I think that perhaps many of the Senators will read the speech in the RECORD, and perhaps study the figures. That is why I expressed the hope that they would. I have given a great deal of study to this question. I have gathered these facts, and they have not been gathered in a few hours nor in a day, but it has taken many days and many nights. I tried to be absolutely fair, gathering the facts from the best sources it has been possible to gather them from, and I say now to the Senate that in studying this bill from beginning to end, taking into consideration the reductions proposed, I can not see where the ultimate consumer is going to be benefited. The only effect it will have will be to destroy the manufacturers of this class of goods in this country.

Mr. BORAH. Mr. President, it seems to me that the absence of Senators from the Senate Chamber is by no means a reflection of the interest which they might have in this discussion under certain circumstances, but it is due to the fact that, while there is a great deal of protest to the contrary, nobody really expects any tariff bill which may come before us at this session to become a law, and if both sides would join with equal candor in that proposition it would not be necessary to stay here and carry on this useless discussion. We should pass the bills which must be passed and ought to be passed, and some of which must be passed, and go home.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I do.

Mr. SIMMONS. I suppose the Senator from Idaho means that no tariff bill passed will become a law because the President would veto it.

Mr. BORAH. I mean to say that the Republicans do not expect that any bill will be framed by the other side which will meet the measure of protection that they want, and the other side is not, in my opinion, very anxious that any bill they pass shall become a law. I do not believe that either side has any expectation of any of these measures becoming a law. And one side is not very much more disappointed than the other.

Mr. SIMMONS. I do not know what the Senator means by "the other side." When he says "the other side," does he mean the Democratic side?

Mr. BORAH. Yes; I mean the Democratic side, as I am on the Republican side.

Mr. SIMMONS. Mr. President, I want to say to the Senator that he is speaking without authority. I do not know anybody on this side who is not anxious that these bills shall become law, and I will say to the Senator that if they do not become law it will be either because of the action of the Republican side in this Chamber or of the Republican President.

Mr. BORAH. The Senator does not expect, however, that any bill that may pass will become a law, does he?

Mr. SIMMONS. I expect that this bill will pass this body, and I expect it will go to the President of the United States. What he will do with it the Senator can tell better than I can.

Mr. BORAH. It will be a great consolation to the Senators on the other side of the Chamber that it will go to a Republican President.

Mr. SMOOT. And also a great consolation if it is vetoed.

Mr. BACON. The statement of either of these Senators is not only without warrant but is absolutely wide of the fact.

Mr. SMOOT. Mr. President——

Mr. BACON. I think I have had a little better opportunity to judge in regard to the sentiment of the Democrats than either of the Senators, although they appear to belong to parties practically differing from each other.

Mr. BORAH. I do not——

Mr. BACON. I hope the Senator will not interrupt me until I finish my statement. Then I will be glad to hear from him.

Mr. BORAH. I will wait.

Mr. BACON. I have had a pretty good opportunity to know what are the attitude and desire of the Democrats, and I can say with the utmost confidence that the statement, whether made directly or by inuendo, that the Democrats are not in favor of this legislation which they are now proposing to pass is absolutely not only without foundation but incorrect. I have been in very close confidential relationship with my colleagues on this side of the Chamber; we have the opportunity for an interchange of views under circumstances where each can judge of the sincerity of the others, and I speak in the utmost confidence and in the sincerity which is due from one speaking in this place when I say that the purpose is to do all that is within our power to pass these tariff bills, and not only that, but we will be greatly disappointed if they do not become law.

Why should the Senator think we do not desire that this metal-schedule bill shall become a law, when it rests with such burden upon those whom we represent, when there is not a single Democratic Senator who does not represent constituents who rest under very great burdens on account of the present law? which burdens would be greatly relieved by this bill if it should be passed.

Not only so, but among the great body of the American people there is not a man who rides on a railroad who does not have to pay an increased cost on account of the cost of the iron rails which are made more costly by the tariff on rails. The Senator knows that, and to say that we are not sincere in this—I am astonished that the Senator should say anything of the kind, unless he can give us any authority for it. If the Senator knows of any single Senator on this side of the Chamber whom he can charge with insincerity in this matter, I hope he will not hesitate from any feeling of delicacy to mention his name.

Mr. BORAH. I am not going to name any individual Senator. Neither did I have any individual Senator in mind. I was speaking of what every one understands to be the method when it is determined to do or not to do a certain thing.

Mr. BACON. As the Senator does not know of any——

Mr. BORAH. I do not modify my views at all when I say that neither side of the Chamber has given any evidence at all during this session that they expected any tariff legislation to result in law, and every move has been in harmony with the theory that none of this legislation would ripen into law.

Mr. BACON. What are the devices?

Mr. SMOOT. Mr. President——

Mr. BACON. Of course if the Senator from Utah has the floor I will yield to him.

Mr. SMOOT. No; I have not the floor. I yielded the floor.

Mr. BACON. Then I wish to reply to the Senator from Idaho. What does the Senator from Idaho allude to when he says every device has been adopted looking to the direction of legislation which will result in a failure to accomplish anything?

Mr. BORAH. That would necessitate, to some extent, the discussion of the action of the other House, which I do not propose to discuss and which I have no right to discuss. But this bill was dragged out by the action of your great Democratic leader and was never brought to life until it was forced into life by the action of your great commoner, and the manner in which it has been formed, the rates which have been established, and the principle which is involved in the bill lead me to believe that nobody ever anticipated that the bill would pass or that the President of the United States would sign the bill. If it had been thought otherwise it would have been formed on a different basis, with different rates and schedules.

Mr. BACON. I will say, in response to the statement that the bill has been dragged out, that I think that is utterly unwarranted. It would have come out in due course. The only criticism is that it has not been given precedence, and everybody understands that and I am not going into it. I am speaking of what we have here.

Now, Mr. President, we have a bill—I say we have a bill; of course there are several propositions before us, but the bill which the Democrats are advocating, the steel bill which came from the House of Representatives, is one which would give great relief to the people in lessening the burden of taxation.

Mr. BORAH. Mr. President——

Mr. BACON. The Senator will pardon me for just a moment and then I will yield to him.

Not only that, but a distinguished Senator, the Senator from Iowa [Mr. CUMMINS], with whom the Senator from Idaho is regarded at least as in near affiliation, if not in perfect affiliation, has himself attacked the present law and has himself indicated his purpose to offer certain amendments which, while they do not meet our views, do not go as far as we think they should go, present a proposition to change the law in such manner as to give us a law infinitely better than the one now on the statute books, and which this side would accept in case we can not get our own.

Mr. President, how is Congress to legislate? Is it to be accused of insincerity when it proceeds in the employment of every device known to legislation to try to enact a law? Are Democratic Senators and Representatives to be accused of insincerity because, forsooth, they may have grave reason to apprehend that even if they should do their duty some one else may thwart their purpose?

I would not have said anything in reply to the Senator, but the Senator attacked the sincerity of this side of the Chamber, and I repel it, and say it is absolutely without warrant, and the Senator can not name utterance or put his hand on any fact which would justify such a statement.

Mr. BORAH. Mr. President, I did not attack the other side of the Chamber any more than I did this.

Mr. BACON. Well, I——

Mr. BORAH. And I repeat it is as clear to me as the noonday sun that the leaders in this Chamber, upon either side of the Chamber, never expected that any of the bills that they would pass at this session would become a law.

Mr. BACON. It will not be our fault if they do not become law.

Mr. BORAH. It is an easy thing to say——

Mr. BACON. It is not a cheap thing to say. It is the truth to say.

Mr. BORAH. Let me say just a word in justification of the position which I have taken, because I have not taken it impulsively, nor without a good deal of reflection, because I have watched this program for the last six months.

We came here last fall when the whole country was engaged in a discussion of the result of the decision in the Standard Oil case and the Tobacco case. It was believed that by reason of those decisions it had become incumbent upon Congress to enact some rule or some law providing for the manner of regulating and controlling of the great combines in full control of the American market place, some law which would free it of that form of combination which now makes it impossible for anyone except those in control to fix the price of our products. The whole country was engaged in the discussion, the newspapers in their editorials, men all over the country were writing and discussing this question through papers and magazines, and the thought of the American people had drifted to the question of the control of these few combinations, who, regardless of what we might do with reference to the tariff, had control of the market and still control the prices.

Within 30 days after we had met here, instead of taking hold of that question and dealing with it in a drastic way, so as to relieve the American people, so in case a tariff should be enacted the people would get the benefit, we drifted speedily to the proposition of discussing the tariff, when it was thoroughly understood that the other side of the Chamber and this side of the Chamber and the other House and this House would never in all probability be able to agree upon a tariff bill at this session.

Instead of taking up the proposition which had to do with relieving the burdens of the American people, instead of lifting from their backs that which is now fastened there by extortion and fraud, we took up the proposition wherein we knew we could not accomplish anything at this session. We knew this was purely a political question and both parties would simply be sparring for advantage in the campaign. I do not need to name individuals to prove a matter known of all men.

Mr. BACON. The Senator from Idaho says we proceeded with knowledge of the fact that we could not pass a tariff bill, and yet we did pass two or three tariff bills at the last session. I repeat, in order that it may have the attention of the Senator from Idaho, that the Senator, referring to the former session as well as to this, said that it was understood from the beginning that there could be no tariff bills upon which the two Houses could agree, and yet it is a fact that three or four tariff bills dealing with the most important subjects of customs regulations and the tariff did pass both Houses.

Mr. BORAH. At this session?

Mr. BACON. In this Congress. The Senator alluded to what occurred when we met here last year and the Senator said——

Mr. BORAH. I said last fall.

Mr. BACON. I beg the Senator's pardon.

Mr. BORAH. I said last fall.

Mr. BACON. In what way does the Senator differentiate? We proceeded when we met in the extra session immediately in the effort to enact tariff legislation, and the two Houses did agree on tariff legislation, and the two Houses did send tariff bills to the Executive which were vetoed.

Now, we are engaged in exactly the same process, and when the Senator says that it was manifest that the two Houses would not agree upon legislation the Senator is not speaking correctly. The Senator will find that the two Houses will agree on legislation—at this time—not only the extra session, but at this time—and the Senator will find that the tariff bills which have come from the House will be passed by the Senate in one shape or another. We will either pass them in the shape we prefer or, if we can not get them in the shape we prefer, we will take the next best we can get; one or the other will pass the Senate at this session.

Mr. BORAH. Does the Senator expect it to become a law?

Mr. BACON. That is another question. It is a different question altogether.

Mr. BORAH. That is precisely what I have stated.

Mr. BACON. It goes further than that. We can not say what the Executive will do. It is not within our province to say what he will do. It is our province to do our duty and to leave to others the performance of theirs as they may see fit.

Now, Mr. President, according to what the Senator says, what is to be the attitude of this country at any time when, in the election of the popular branch, it may see fit in the enactment of legislation to repudiate the views of the executive branch? Is it to be said that when a condition of that kind occurs—and that was evidently believed by the framers of the Constitution to be what might occur, because they provided there should be an election of the popular branch in the midst of the term of the Executive—is the position to be taken because there is a Democratic President in the Executive chair and a Republican House, the Republican House must sit supinely and not attempt to put into legislation its policy because it believes a Democratic President, if in the chair, would veto such measures?

Reversing it, if there is a Republican President in the Executive Office and the people elect in the popular branch in the midst of his term a House of Representatives of different politics, of different views on great economic questions, is it to be said that the House is to be charged with insincerity if it proceeds to enact legislation in accordance with the will of the people because, forsooth, there may be a defeat of their purpose by the interposition of a veto by a Republican President? Yet that is the argument of the Senator.

Mr. BORAH. Not at all.

Mr. BACON. Now, the Senator talks about what the purpose was when we came here, to free the country from the domination of the controlling trusts and interests of that kind. In reply I want to say two things. In the first place, I do not know of any measure that the distinguished and honorable Senator from Idaho has introduced into the Senate on that subject where we have refused to follow him. That is one sufficient reply. The Senator has not been inactive. Will the Senator say he has offered any legislation for the correction of the tremendous evil which he said was the dominant one when Congress assembled?

Then again, Mr. President, I say to the Senator, and not only to him but to those with whom he is affiliated, either in actual or near political relationship, that whenever the prohibitive feature of the protective tariff is relieved so that the people of the United States may be free to make their purchases wherever they see it to be to their interest they will find very much less opportunity for this domination by the trusts, of which the Senator speaks as the great and important duty of Congress to relieve the people of. Whenever you are going to do that, and we all desire that that shall be done, the first thing to be done is to take away from them the opportunity which the high protective tariff gives to barricade themselves against competition from without.

Mr. President, we hear much about trusts. What is the objection to a trust except that it is a monopoly? What is the great evil in trusts except that they monopolize the market? Yet the fundamental principle of the party with which the Senator is affiliated, and I repeat either in actual or near relationship, has as a fundamental principle the restraint of competition.

It is a curious thing that the Senator from Utah, I think it was, said the other day, not in words, but by necessary implication—no; it was the Senator from Iowa [Mr. CUMMINS]—that monopoly which entirely destroys competition is considered to be infamous, but monopoly which only partially destroys it is considered by the Republican Party to be highly commendatory.

Mr. President, this discussion grew out of the statement by the Senator that the Democrats in the Senate did not desire the passage of this metal bill, and the Senator from Utah echoed it, sotto voce, saying that Senators on this side of the Chamber were gratified at the prospect that it would not become a law. I say, Mr. President, that statement is utterly unwarranted, that I utterly repel it, and I challenge Senators to put their fingers upon a single act or indicate a single word from this side of the Chamber which would justify any such imputation.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. It is true that I echoed the statement made by the Senator from Idaho, and I did it for this reason. I am not going to mention Senators by name——

Mr. BACON. I think in an imputation of that kind the Senator ought to mention them by name.

Mr. SMOOT. I am not going to do that, but I am going to say that I have discussed the rates in this bill with some of the Senators who admit that they were not right. They say, What is the use of changing them, because it never will become a law. That is an indication, I take it, that they never expect the bill to become a law.

Mr. BACON. Now, the Senator in making that statement is trying to produce the impression that it is a statement which reflects the sentiment and views of the Senators on this side of the Chamber.

Mr. SMOOT. I have not so stated, nor do I know what are the views of the majority on the other side.

Mr. BACON. Very well.

Mr. SMOOT. Nor did I say so in the statement I made.

Mr. BACON. Nor does the Senator venture to say that that reflects the views of any considerable number on this side. Yet the Senator from Utah, when the Senator from Idaho made

the general statement to that effect, not speaking of individuals, the Senator from Utah standing in his place, gave it his assent, when he himself says now that he does not know it to be true, that he was speaking about what only one or two said to him.

Mr. SMOOT. I do not know how general the statement made by the Senator from Idaho was, but——

Mr. BACON. Let me say to the Senator——

Mr. SMOOT. I think if the Senator will read the RECORD he will see that the statement I made was in a very few words—that it would please some if the bill was vetoed by the President.

Mr. BACON. To do what?

Mr. SMOOT. If the President vetoed the bill.

Mr. BACON. What about it?

Mr. SMOOT. If the President vetoed it.

Mr. BACON. Who would be pleased?

Mr. SMOOT. Some Senators.

Mr. BACON. The Senator did not say that. I do not believe the Senator can find a Senator on this side who would be pleased if the President vetoed it.

It is very easy, Mr. President, for the Senator to say a thing of that kind and then shelter himself behind the assertion that he will not make the mention of somebody on this side of the Chamber. I care not who the Senator on this side of the Chamber is, I challenge the Senator from Utah to name him.

Mr. SMOOT. I have said exactly what I intended to say, and that is enough to——

Mr. BACON. The Senator, then, will excuse me for saying that unless he will give the names he must excuse me for not having confidence in the correctness of his statement.

Mr. SMOOT. As far as the Senator having confidence in the statement, I want to say I have said nothing but the truth in the matter, and so let it rest there.

Mr. BACON. I shall not let it rest there.

That is not all, Mr. President. The Senator from Utah, when called upon for specifications, mentioned the fact that when he pointed out certain items in the bill some Senators on this side said that they did not believe that particular item was correct. But the Senator does not say that from that he drew the inference they would like to have the bill vetoed. I challenge the Senator to stand in his place now and say that any Democratic Senator has ever said to him that he desired this bill to be vetoed. If he says yes, I intend to find out who the Senator was before I am through.

Mr. BORAH. The Senator asked if the Senator from Idaho has introduced any bills regulating these combinations; the Senator from Idaho replies that such bills have been before the committees for months.

Mr. SMOOT. I have never made that statement, and I do not make it now.

Mr. BACON. The Senator's statement implied that. I repeat if the Senator will stand in his place and say that any Senator on this side of the Chamber has made any such statement, I will find who that Senator is and give his name to the Senate; and until that is done I decline to give credence to his statement.

Mr. BORAH. Mr. President, the Senator from Georgia insists on doing two things wholly unnecessary in this debate or for the elucidation of my proposition; first, drawing a criticism, which might have been implied in the remarks I made exclusively to the Democratic side. I made no remark which should be so construed, and I would not be justified in making any such remark. I intend any criticism I am making, if you choose to call it a criticism, to apply to both sides—to the situation as it exists.

On the other hand, the Senator makes the mistake, it seems to me, of desiring one to put his finger upon the particular power which moves the machinery of this Senate.

Mr. BACON. No; I did not.

Mr. BORAH. I have been here for three or four years, and I have watched these things move. I do not say they do not move simply because I do not see and understand always what makes them move.

I have been here long enough to know that they are moving by reason of the fact that there is an understanding somewhere which, unfortunately, I can not always locate and reduce to writing. That situation has existed here long enough for the Senator from Georgia to be familiar with it, and I think he is. I would be surprised if at times, owing to his prestige and influence, he is not a part of the moving power.

But the statement which I made remains true to my mind, and that is that there was either by accident or design—I think by design—the taking up of a subject for legislation at this session upon which the two parties are unalterably divided and wherein it would be impossible, as was understood by everyone who understood legislation here, that final results could be accomplished at this session.

Does the Senator pretend to say that many in the Senate Chamber assume that this legislation with reference to the tariff can result in a law at this session? If he does not, then he admits everything that I have stated——

Mr. BACON. No.

Mr. BORAH. And that is that we have been spending some six months' time here doing that which must result fruitlessly, when there was a nonpartisan subject which ought to have been taken up and could have been successfully dealt with had we set about it.

Mr. President, I voiced this same sentiment the other day when my friend from Iowa [Mr. CUMMINS] was upon the floor, and I have voiced it repeatedly, not only here, but elsewhere, and privately to my colleagues, that this proposition of nibbling at the tariff until we make it possible for competition to exist in this country, by either destroying or regulating these combinations, is mere trifling with the interest of the American public. You can not regulate the trusts from the custom-house, and until you do deal with them, mere changes in duties will not help the consumer. I do not hesitate to repeat here, regardless of whom it may hit or hurt, that until the American Senate takes hold of this question, large as it is and important as it is, and bends its energies and its efforts to the successful solution of it, you can change a little upon the duty on hides or on iron or steel, but it will never reach the man in the street. No change which we effected in the tariff law at the previous session, no change which you will effect in this law, if you have your own way, will ever reach the man who is already overburdened.

The men who are controlling the market place, who fix the price of what we eat and what we wear, will fix it regardless of this play of politics here in the Senate of the United States on the tariff. They will fix it regardless of who is elected President of the United States, unless we elect some one with the courage and the statesmanship to take hold of this great question of the century, and that is whether the combinations will control us or we will control the combinations.

You told us when we were passing the Payne-Aldrich bill that if we would take the duty off hides we would have cheaper shoes. We took the duty off hides, hides went down, shoes went up, and two and a quarter million dollars of revenue went into somebody's pocket—that somebody whom we refuse or hesitate to attack because of their power. You said if we would take the duty off lumber the American home builder would get the benefit of cheaper lumber. A million and a quarter dollars of revenue from lumber went into the hands of the foreign dealer, and the American home builder never received one cent of benefit from it.

Now, what I say is this, and I do not hesitate to repeat it as often as I may have an opportunity, that we are shirking the responsibility which rests upon us when we undertake to make the American people believe that by dealing with the tariff we can bring relief to them when there stands imperious and unchallenged the power in the market place to fix any price they see fit to fix with reference to any article that comes under control. You may go to the free-trade countries, you may go to the protection countries, and these combines are extorting their millions while legislators shrink from taking hold of them. But the time is fast approaching when we will be compelled to act or, if we do not do so, others will be found to take our places.

Mr. BACON. Mr. President, I will try to take up the Senator's argument where he left it off. What means it when we see this great struggle in Congress on the question whether the tariff shall be high or shall be low? Why is it that those who are engaged in the industries to be affected by a change in the tariff are insistent upon a high tariff?

Mr. BORAH rose.

Mr. BACON. Pardon me; I heard the Senator through and I did not interrupt him. I hope the Senator will let me proceed.

Why is it? Simply because the effect of the tariff is to make high prices upon the articles where a high duty is imposed upon the importation of corresponding articles from a foreign country.

Now, why do they oppose the opportunity for the purchase of similiar articles from foreign countries? Simply because the importation of similar articles from foreign countries gives the opportunity for competition, and that competition necessarily results in the destruction of monopoly and in the lowering of prices.

Therefore, Mr. President, when the Senator stands here and says that the great imperative duty, that which is most im-

perative, is to relieve the people of those who are now in the enjoyment of these monopolistic advantages and opportunities, he frames the strongest argument which can be framed against the existence of laws which gives them the opportunity to do that which would be taken away from them if the tariff were reduced.

Mr. President, the argument of the Senator from Idaho is that the taking off the tariff from various articles does not relieve the people from high prices. If that were true, you would not find the Senator from Utah and those who are in affiliation with him and in sympathy with him insistent upon a high tariff. You would not find them insisting upon that if it was a matter of unimportance. It is true that occasionally, for certain reasons which may not operate directly in the manner in which they would do under ordinary circumstances, the taking off a tariff does not lower prices; but everybody knows, and none better than those who favor the high tariff, that the retention of the high tariff is the way in which to maintain high prices for those who manufacture articles similar to those upon the importation of which the tariff is imposed.

If the argument of the Senator from Utah is correct there is no necessity at this or any other time to reduce the tariff so far as the people are concerned.

So far as the burden resting upon the people is concerned, according to that argument it is just the same whether the tariff remains or whether it is taken off, yet we find those who are mainly interested in the maintenance of those prices insisting upon the policy which would retain this exorbitant tariff.

Now, Mr. President, I come back for a moment to the proposition, which the Senator and I could not very well now thrash out in all the details of the discussion, as to the influence of particular schedules upon prices in particular cases. There is the question as to whether or not the price of shoes is mainly influenced by the price of hides or whether it is mainly influenced by the fact that those who manufacture shoes have patents upon machines by which they are manufactured and get the monopoly in another way, and a great many other things which could be suggested in reply to the suggestions of the Senator as to certain articles which have not gone down in price, although the tariff has been lowered in regard thereto. That is too wide a field for present discussion.

But the main general proposition that the high tariff makes high prices lies at the very foundation of the Republican advocacy of a high tariff, and they even go to the extent that it not only makes a high price of a particular article, but makes the high price of everything else, even of raw cotton, upon which there is no duty. As the Senator from Utah contended on yesterday, even in the production of raw cotton, upon which there is no duty, the effect of the tariff was so great that the growers of cotton had their full benefit and an equal benefit in raising the price with the producers of the protected articles by reason of the tariff. If that were so, Mr. President, it is not necessary to have a tariff upon any particular article; you can, according to that argument, confer a benefit upon the producers of that particular article by taxing them in making them pay higher prices for other articles which they consume. That is the argument of the Senator.

But, Mr. President, I come back to this question——

Mr. BORAH. The Senator from Georgia stated that the Senator from Idaho stated with reference to the duty——

Mr. BACON. I meant to say Utah. The Senator will pardon me. The Senator from Utah was the Senator who made that argument. I am not surprised that the Senator from Idaho was unwilling that it should be attributed to him. I think the Senator from Utah is about the only one who would stand for it.

But, Mr. President, coming back to this general proposition, is it true when a President of one party is in power, and while he is in power a House of Representatives is elected of a contrary party, it is the duty of that House of Representatives to ignore the economic questions upon which it was elected, that it shall ignore the command of the people that they shall legislate in regard to those particular economic questions? And is it true that by reason of the apprehension that a Republican President will veto their legislation they are not only to sit quiet and do nothing, but if they attempt to do anything they shall be charged with playing politics and with being insincere?

Mr. President, it is a tremendous question, this question of high tariff or low tariff. It is a question which involves untold millions to the people of the United States. It is a question which involves every man, I care not how low he may be in the scale not only socially, but in a business way, the commonest laborer who wears clothes and who does not go barefoot, or who uses a pocketknife or wears a hat or sleeps under a blanket, each and every one of them is interested in this great question; and it is the duty of Congress when it shall be in power to do its part toward relieving the people of such grievous burdens. How does the Senator say that he knows there will be none of these tariff measures approved by the President?

Mr. BORAH. The Senator from Idaho did not say that he knew.

Mr. BACON. I will take the Senator's answer a little later on, and I will not object to his giving it.

The President vetoed the bills that were passed at the extra session, not upon the ground that they were improper in their rates, but mainly upon the ground that the Tariff Board had not reported. Now, the Tariff Board has reported upon some of these schedules.

Mr. SMOOT. On two of them.

Mr. BACON. On two of them—cotton and wool. We have a woolen schedule and we will have a cotton schedule from the House of Representatives.

Mr. SMOOT. The Senator states that we have a report on the woolen schedule. I ask him whether the Democratic House of Representatives took any notice of that report?

Mr. BACON. I am not talking about the House; I am talking about the President of the United States now.

Mr. SMOOT. I thought the Senator was talking about the bill itself as being based upon the Tariff Board's report, and I wished to call attention to the fact that the Democratic House paid no attention to it.

Mr. BACON. That is not the question. As is suggested to me by the Senator from North Carolina [Mr. SIMMONS] if the woolen bill which comes over from the House is not in accord or in harmony with the Tariff Board, the majority who sit on that side of the Chamber can offer an amendment and make it in accord with the report of the Tariff Board, and if we can not pass our bill we will take theirs.

Mr. SMOOT. I was just going to ask the Senator if a bill is framed by the majority of the Senators, and framed according to the Tariff Board's report, will the Senator vote for it?

Mr. BACON. I will say this to the Senator without hesitation: We, of course, will support our own bill, but if we can not carry through the bill that we favor and the Senator's party frames another bill which prescribes duties less than the rates of duty in the present law, we will vote for it.

Mr. SMOOT. The Senator has not changed his position. That is what he did at the last session of Congress, and said openly on the floor of the Senate that is what he would do.

Mr. BACON. Yes.

Mr. SMOOT. That was before any Tariff Board reported.

Mr. BACON. Now we have the Tariff Board's report, and the Senator from Idaho said that our work necessarily and obviously would have no result; that our own action in regard thereto could not be taken as serious or with any purpose or expectation to accomplish anything.

I am replying to that when I say that non constat the President of the United States will not sign a bill which may be passed by this Congress. In the first place, so far as the woolen bill is concerned, the House of Representatives has acted upon its own responsibility and has passed a bill such as was proper to pass; and the Democratic Members of the Senate approve of that bill and are in favor of its passage. If it is passed, we do not know what view the President of the United States may take of it, in view of the fact that the Tariff Board has acted. But if we can not pass the House bill, the Senators sitting on that side of the Chamber have it in their power to present another bill to the Senate, which, it is presumed, the President will approve; and if it lessens the cost to the consumer, and to the great mass of the consumers of this country, all of whom use wool in greater or less degree, we will vote for your bill, although it is not such a bill as we would desire. And the same is true of the steel bill. It will not be our fault if such bills are not passed at this session.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. I do.

Mr. HITCHCOCK. I will remind the Senator from Georgia of the fact also that the President of the United States, in transmitting the Tariff Board report to Congress, has stated in rather strong language that the present tariff on wool is inexcusable.

Mr. BACON. Yes; and such utterances are innumerable all through the country, emanating not only from Democrats but from Republicans. We have not any guaranty that the veto of the last bill is meeting with the approval of the people of the United States.

But, Mr. President, here is the main question: The question raised by the Senator from Idaho is whether a Democratic House of Representatives and their Democratic colleagues in the Senate, although in the minority here, are to be charged with insincerity, are they to be charged with trifling, are they to be

charged with no purpose except to make or play politics, when they proceed in good faith to make laws in accordance with the will of the people as expressed at the polls, because, forsooth, of the apprehension, or even the strong belief, if you please—nobody can have a certainty—that it may not be enacted into law by reason of the opposition of the Executive?

I want to say this to Senators: So far as the Democrats of the Senate are concerned and so far as the Democrats of the House are concerned, we propose to do our part in the enactment of this tariff legislation. We propose to do it in the way that we approve if we can accomplish it. If we can not accomplish it in the degree that we approve, we propose then to join with you in anything which lowers the burden of tariff taxation at the present time. I wish to let the Senate know and to let the public know that we are not only sincere in the bills which we propose to enact into law, but we are still further sincere in the effort to relieve the people of this great burden of tariff taxation by saying that we will take your bill whenever you produce it if we can not pass ours, provided it lessens that burden.

Mr. BORAH. And neither of them will help the consumer a particle.

Mr. BACON. The Senator from Idaho suggests a new school of politics—a new school of economics.

Mr. BORAH. It is not so very new. It has been heard from during the last few months.

Mr. BACON. I presume that is the reason why in the last 11 years when both the executive and legislative branches of the Government have been Republican they have endeavored in every way to maintain the high protective tariff. It was because in so doing it was understood that they were helping the consumer. That is the only excuse that could be given for it. To help the consumer was the motive.

Mr. CLARK of Wyoming rose.

Mr. BACON. Does the Senator desire to interrupt me? If so, I yield to him for that purpose.

Mr. CLARK of Wyoming. I simply wanted to ask a question.

Mr. BACON. Very well; I yield to the Senator.

Mr. CLARK of Wyoming. I wanted to ask the Senator if he was in favor of and would vote for the House bills on sugar, wool, and steel?

Mr. BACON. I will say to the Senator that I am not prepared to answer on the sugar question, because the bill on that subject has not yet been reported, or if it has been, I have not had the opportunity to examine it.

Mr. CLARK of Wyoming. Of course I was referring to the House bill, which has been reported and has been passed by that body.

Mr. BACON. I am talking about the House bills. I will answer without hesitation as to the steel bill or the metal bill and the woolen bill; yes, absolutely, without the dotting of an "i" or the crossing of a "t." Whether I agree with all the details or not is not material. We can not expect hundreds of men to agree on all details, but only a general agreement as to general purposes can be expected.

So far as sugar is concerned—I am not endeavoring to evade that—I am very frank to say I have not yet made up my mind as to what is the best course to pursue in regard to that subject; but whatever the course is, there is one thing in regard to it about which I am entirely satisfied in my own mind, and that is that there ought to be a reduction and a very material one, and I have no doubt, when the time comes to give that matter careful consideration, I shall have as definite a view in regard to it as I have in regard to the metal bill or the woolen bill.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia further yield?

Mr. BACON. I do.

Mr. CLARK of Wyoming. I ask the Senator if he believes in the proposition that we ought to buy where we can buy the cheapest?

Mr. BACON. Well, the Senator is starting out now upon a very wide field of discussion, one that involves the whole question which is embraced in the protective-tariff doctrine, and if the Senator will wait until I get through——

Mr. CLARK of Wyoming. I hope the Senator will elucidate it.

Mr. BACON. I have not yet finished. I say to the Senator that I recognize as a fundamental proposition that, outside of the needs of government and such influence upon prices as the supplying of those needs may require, it is the right of a man to buy where he can buy the cheapest.

Mr. President, that involves going into the whole protective-tariff system. I utterly disagree with it, and I do not think that anyone can defend it who does not go the full length and say that it ought to be prohibitive of all importations. Whenever you make it a question of degree of prohibition, you have given up the argument. That, of course, I can not go into now; but the Senator from Wyoming does not in the least embarrass me when he asks me that question. I do not recognize the right of the Government to make any man pay one dollar more for what he needs to purchase than is required in order that the governmental purposes may be subserved. The Government, sir, has a right to require of me everything that I possess and that it needs. It has a right to take my time; it has a right to take my services; it has a right to take my property; it has a right to take my life for the Government's own needs; but the Government has not the right to take one dime from my pocket to give to the Senator from Wyoming. That is the doctrine on which I stand; and if that does not answer the Senator's question plainly, I will try to add to it, if he so desires.

Mr. HEYBURN. Mr. President, I ask unanimous consent for the present consideration of Order of Business No. 656.

Mr. SIMMONS. Will the Senator yield to me just for a minute before he takes that matter up?

The PRESIDING OFFICER. The unfinished business has not yet been disposed of.

Mr. HEYBURN. What I propose will not provoke any debate.

The PRESIDING OFFICER. There is a bill now pending before the Senate.

Mr. HEYBURN. I thought the unfinished business had been laid aside.

Mr. SIMMONS. No; the unfinished business is still before the Senate. I do not desire to interrupt the Senator. I thought the Senator merely rose to ask that the unfinished business be laid aside.

Mr. HEYBURN. No; I did not.

Mr. SIMMONS. Mr. President, when this bill came to the Senate from the other House proposing to reduce duties upon imports and was referred to the Committee on Finance, that committee took up the metal schedule in a way that indicated that it was in earnest about it, in a way that indicated that the members of that committee, representing the majority as well as the minority, expected that something would be done with reference to that schedule. It was announced that there would be hearings and that everybody who desired to be heard with reference to the metal schedule would be given an opportunity to come before the committee and to state his views about this proposed legislation. For nearly a month the committee sat day after day, beginning at 10 o'clock and sometimes, I believe, a part of the time sat until 1 o'clock. There appeared before the committee I should say, speaking generally, several hundred representatives of the manufacturing industries affected by this legislation; they seemed to be in earnest; they seemed to think that we were engaged in a serious business; they were interrogated by Members representing both political parties as if we were engaged in a serious business and as if it was expected that some legislation of some kind or character would be had during this session with reference to the duties upon the products of iron and steel and the manufactures thereof.

When that bill was reported to the Senate we entered upon a discussion of it. There have been, I believe, but two speeches made up to this time upon this side of the Chamber. On the other side of the Chamber we have been notified that it is the purpose of leading members of the Committee on Finance to discuss this question elaborately. The Senator from Iowa [Mr. CUMMINS] devoted, I think, nearly three days to a discussion of the question. He had the serious attention of the entire Senate. The Senator from Utah [Mr. SMOOT] has now spoken, I believe this is the fourth day, upon that subject. I regret to say, Mr. President, that during the last two days the Senator from Utah has had but very little attention; a part of the time he has spoken to two or three Senators upon the other side and to two or three Senators upon this side. For some reason—I do not know what—a lack of interest in this matter upon the part of the other side of the Chamber has developed, and now we are told by a Senator on the other side of the Chamber that this is not a serious business at all and that there is to be no legislation upon this subject at this session of Congress.

If that be so, Mr. President, something has happened. The interest that existed at one time in this schedule has disappeared. Senators upon the other side have probably learned that the Executive has made up his mind to veto any legislation that may be passed at this session of the Senate affecting this schedule or any other schedule. If that be so, if the Senator from Idaho is correct in his statement about this matter, if there is to be no legislation, if it is fixed, if it is settled that the Executive is going to veto it, if all interest on this measure as a result of that has disappeared on the other side

of the Chamber, then, Mr. President, it seems to me that we have reached a condition here when we might take a vote.

I desire now, in view of the statement by the Senator from Idaho and in view of the lack of interest on the other side of the Chamber in this matter, which the Senator from Idaho says is the result of the fact that it is known that there will be no legislation at this term, I now ask unanimous consent that we fix a day to vote upon this bill and all amendments. I suggest to Senators on the other side that, in view of this situation, the vote might be taken speedily, and I suggest to-day a week as the time for taking that vote.

Mr. CUMMINS. I could not hear the last suggestion of the Senator from North Carolina.

Mr. SIMMONS. In view of the situation that has been developed here, and in view of the statement of the Senator from Idaho, I suggest that we come to a unanimous-consent agreement that at an early date next week, say next Wednesday, we take a vote upon this bill and all amendments that may be offered to it.

Mr. CUMMINS. Mr. President, responding to the suggestion of the Senator——

Mr. SIMMONS. If the Senator will permit me, if there are any other Senators who desire to speak—and I understand that probably two other Senators on the other side do desire to do so—that will afford abundant time for them to deliver their speeches.

Mr. CUMMINS. Before the request for an agreement is submitted to the Senate, I desire to say that there is at least one Senator upon this side of the Chamber who takes the matter rather seriously. I was not able to hear the Senator from Utah [Mr. SMOOT] this afternoon, because I had an imperative engagement for a little while elsewhere. I listened to him with a very great deal of interest and a great deal of attention during the greater part of the three former days of his speech, and it was because the Senator from Utah had said that he preferred to get on with his speech and not suffer interruptions that I permitted myself to be absent for any time to-day.

Mr. SIMMONS. If the Senator will pardon me one suggestion——

Mr. CUMMINS. I may say when I sit here and listen to an array of figures, which I desire very much to question and feel that I can not interrupt, the temptation becomes so great occasionally that I am compelled to flee the Chamber lest I should yield to the temptation. The Senator from Utah, however, has made, from his standpoint, an illuminating and instructive speech. In my observations I confined myself to certain basic material of the manufacturers of iron and steel. I intend before this debate is finished, whether there is one Senator here or a hundred Senators here—if there could be that many—to give some attention to certain other items in the metal schedule in response to the argument that has just been made by the Senator from Utah.

I can not think that the Senator from North Carolina has correctly interpreted the attitude of Senators upon this side of the Chamber. Whether they are for a reduction or whether they are against a reduction, they must all consider that it is a serious question at least, and we must all vote upon the question in some form or other.

I do not rise to object to fixing a time for voting upon this schedule, but I do rise for the purpose of advising the Senate that before the debate is closed I intend to say something more with regard to certain of the items of this schedule; but if Senators will indicate how many of them expect to speak, we can very easily arrange for a time, I am sure.

Mr. SIMMONS. Mr. President, if the Senator from Iowa will pardon me just a moment——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. Yes.

Mr. SIMMONS. The Senator from Iowa was not in the Chamber when the Senator from Idaho made his statement. The Senator from Idaho accounted for the lack of interest in the able speech of the Senator from Utah—and it was a very able presentation of the subject from his standpoint—by the statement that this side of the Chamber was not sincere in desiring this legislation——

Mr. BORAH. Mr. President——

Mr. SIMMONS. And that not only this side, but the other side of the Chamber knew that there was to be no effective legislation at this session——

Mr. BORAH. What the Senator from Idaho said——

Mr. SIMMONS. Just a moment, if the Senator please—that there was to be no effective legislation at this time, and because it was known that this legislation was to fail, either in this Chamber or at the other end of the Avenue, there was no interest being taken in it. I have suggested that if that be true, if that is the situation, and the Senator from Idaho has correctly interpreted it; if there is to be a veto, and that is already settled, and because that is settled there is no interest here and there will be no interest hereafter, then why not let us have a vote? So far as the sincerity of this side of the Chamber is concerned, if we are permitted to vote we will testify by our acts, rather than our words, our sincerity.

Mr. BORAH. If the Senator has finished——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do if I have the floor.

Mr. BORAH. The Senator from Idaho said that, in his judgment, the reason there was so little attention being given to the discussion of this matter was because no one expected that any bill we were discussing would become a law at this session. I do not care to have any other interpretation put upon my statement; but spoken as it was spoken, the Senator from Idaho has no occasion in the world to modify it.

Mr. SIMMONS. I simply wished the Senator from Iowa [Mr. CUMMINS], who was absent when that statement was made, to be put in possession of the basis of the request which I have made.

Mr. CUMMINS. I think, Mr. President, that the Senator from Idaho had some reason for his statement. Unfortunately, there is a feeling in the Senate, for which I think certain members of the Finance Committee are responsible, that no schedule should be revised until it has received the investigation of the Tariff Board. I did my best to remove that feeling from the minds of Senators the other day. I do not know whether or not I had any success at all; but if we could drive out of this Chamber the conclusion that has been reached by certain Senators on this side that there ought to be no revision of a schedule until the Tariff Board has reported upon it, then I am sure that a larger number of Senators would listen to what is to be said upon the subject, in order to receive the information which they ought to have before they vote.

If the Senator from Utah—I look upon him as the leader upon this subject, at least—would publicly indicate that he believes that the Senate ought to take up the metal schedule and vote upon it according to the evidence accessible to all of us, and without regard to the report of the Tariff Board, which may come in a year and which may never come, I believe that interest would be instantly aroused. I therefore suggest to the Senator from Utah that he indicate what his views are upon that matter. Ought we to go on with the evidence that he has and that he has put before the Senate and the evidence that I have attempted to put before the Senate, and change those duties in accordance with the views of the Members of the Senate upon the strength of the evidence, or should we simply defer all action, no matter what information we have, until at some uncertain time in the future we may have the report of the Tariff Board? I believe that is responsible for the lack of interest or the lack of disposition upon the part of certain Senators to listen to the arguments.

Mr. SMOOT and Mr. CLARK of Wyoming addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Utah, inasmuch as I made a request of him.

Mr. SMOOT. Mr. President, I am in full accord with the Senator from Iowa when he says this is a very serious question. It has been a serious question to me; and it is for that reason that I have given it the study I have. As I have already said, there are 25,000 institutions in this country and a million and a half employees affected by this measure. If we had the information to make a revision of this schedule that I think we should have, I would gladly cooperate with the Senator from Iowa to make that revision. I say personally——

Mr. SIMMONS. Will the Senator please speak a little louder? We can not hear him on this side of the Chamber.

Mr. SMOOT. I say personally—not as a member of the Finance Committee—that it is because of the interest I have had in this schedule that I think we should have the fullest information possible. For the first two days of my speech I hardly touched a paragraph of this schedule. The time was given over to debate, and it was not because I objected to interruptions that after that I asked not be interrupted. For two days I objected to no interruption, and I cared not whether there were speeches made in my time or not; but I felt exactly as the Senator from North Carolina felt—I wanted to get through; I wanted a vote upon the bill. I do not think there is any intention on the part of any Senator on this side of the Chamber to defer voting upon these tariff bills. I believe if

the Senator will keep this bill before the Senate the speaking will be over at least by, and perhaps before, next Wednesday. I can not say that it will be, and I do not now want to agree to a vote upon that day, because the discussion has virtually just begun; but I do say to the Senator that I hope we will get a vote upon this bill and upon every other tariff bill that is before the Senate at the very earliest day possible.

I wish, further, to say to the Senator that I am one of those who would like to get away from here by the middle of June, but I do not know whether or not that can be done. We can not prevent any Senator discussing any question so long as he may please; but I know I can say to the Senator that there is no desire whatever upon the part of any Republican Member of this body to inaugurate a filibuster or to try to delay the consideration of the tariff bills.

Mr. SIMMONS and Mr. CLARK of Wyoming addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Wyoming.

Mr. SMOOT. I am not through. I should like to answer the question of the Senator from Iowa before taking my seat, if he does not object.

Mr. CUMMINS. Very well.

Mr. SIMMONS. If the Senator from Iowa will pardon me, I simply want to meet the suggestion of the Senator from Utah. That was the purpose of my interruption. I know of only two Senators on this side who desire to speak on this bill, and I have heard of but three on the other side who desire to speak.

Mr. CUMMINS. The Senator from North Carolina is not heard upon this side of the Chamber.

Mr. SIMMONS. I said that I knew of but two Senators on this side of the Chamber who desire to speak, and I have heard of but three or four on the other side of the Chamber who desire to be heard. If Wednesday next is too early, if it is thought that the five or six Senators who still desire to speak can not finish in that time, I suggest that we vote on Friday of next week. That will give us seven full legislative days.

Mr. SMOOT. Mr. President, I do not believe it will hasten matters any at this time to agree upon a day to vote. The Senator knows exactly what an agreement means. It would only provide for a vote upon the legislative day; everything else perhaps would be put aside; and then at that time we would consume the whole legislative day, as well as days to follow as the legislative day. It would only be postponing the consideration of the bill.

Mr. SIMMONS. I think that a bad practice.

Mr. SMOOT. I think it is a bad thing to do, and I believe the Senate will sooner arrive at a vote without an agreement than they would if a time were fixed.

Mr. President, I have not heard the Senator from Idaho, nor have I heard any other Senator, intimate that President Taft would veto any tariff bills, as suggested by the Senator from North Carolina. No such intimation has been made here by any Senator, and I do not believe there is any Senator here who knows what action the President will take. I am sure that the Senator from Idaho did not make such an assertion, or even suggest it.

Mr. SIMMONS. The Senator from Idaho stated that it was generally understood that there would be no tariff legislation; and I stated that I believed there could be some legislation on the part of the Senate and the House, and that if there was to be a failure of legislation, the apprehension of which he indicated as the reason for the lack of interest in the debate, it would have to be by a veto at the other end of the Avenue. I think everybody recognizes that to be the situation. I do not think there is anybody who doubts that a bill of some kind or character revising the steel schedule will be passed by the Senate and will likely be concurred in by the House.

Mr. SMOOT. Mr. President, answering the Senator from Iowa, I desire to say that I do not believe at this time, from the information we have at our command, the steel schedule can be revised as it should be revised. That is how I feel. I think I have given as much study to this bill and to each individual paragraph of it as almost any Senator, but for the life of me I can not say what the rates ought to be. If, however, the Tariff Board will make an investigation upon this subject not only in this country, but in foreign countries as well, I believe we could get together with such a report, revise the metal schedule, and revise it so that it will stay revised for at least a few years, and let the unsettled condition and unrest now prevalent in the country because of the agitation about tariff legislation cease for a while, and give business a chance to get in a settled condition.

Mr. CUMMINS. Mr. President, the Senator from Utah——

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. Just a moment, and then I will yield. The Senator from Utah has spent four days in demonstrating what the duties ought to be. He has shown us what, according to his view, the duties ought to be upon most of the items in the metal schedule; and, as I remarked to him the other day, I think if his proof is accepted instead of reducing the duties in the metal schedule we ought to multiply them by three or four in order to have a protective tariff. Therefore it is simply a question of weighing the evidence. I know the Senator from Utah is wholly sincere; but what I would like him to do would be to use his influence to lead this side of the Senate in the direction of taking the evidence and doing whatever good conscience and good judgment require us to do with it, and not to take the position that we ought to defer any revision of the schedule until some other body shall act upon it.

Mr. SMOOT. I have not suggested in all that I have said in the Senate that a single rate be advanced or increased.

Mr. CUMMINS. No; I said you——

Mr. SMOOT. Another thing. The reason I say it would be unwise to undertake this revision is this: As I look back on the three years past I find that the importations of many items have increased, and I think when importations have increased as they have under the present rate it is an indication, at least, that the rate is about what it should be; that if it was lowered very much—I do not say any, but lowered very much—we would then be reaching the danger point.

We have no testimony upon the bulk of this schedule that would in any way indicate to us whether there should be a lowering of rates or not. We have a report upon pig iron and steel rails and some of the basic articles by Herbert Knox Smith, but we have no report made by anybody upon the highly manufactured article coming.

Mr. CLARK of Wyoming. Mr. President——

Mr. SMOOT. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I am not willing to admit that the Members of the Senate have not had an opportunity and have not studied this schedule.

Mr. CUMMINS. I have never charged that.

Mr. CLARK of Wyoming. I know the Senator from Iowa has not, but others perhaps have.

I believe that the Senate is as well prepared this afternoon to vote on this schedule as it would be on Wednesday afternoon next, because I believe that every Member of the Senate has gone into this schedule sufficiently to form his own opinion upon the subject.

If the Senator from North Carolina will allow me, I will change his request for unanimous consent, and I will ask unanimous consent that on Monday next at 4 o'clock this schedule and all amendments pending be voted on, and that the bill be disposed of before adjournment on that day.

Mr. SIMMONS. This side of the Chamber will be glad to accept that proposition, Mr. President.

Mr. CUMMINS. I will do better than that. Inasmuch as it has now become a matter of exchange of good will, I suggest that the proposal of the Senator from Wyoming be modified in this way: That to-morrow, at 12 o'clock, we take up this bill and continue its discussion and consideration until it is disposed of, and that no other business shall intervene, and that we shall vote just as soon as the discussion ends, but not later than Monday at 4 o'clock.

Mr. CLARK of Wyoming. In view of the suggestion made by the Senator from Iowa, I withdraw my request for unanimous consent.

Mr. SIMMONS. Mr. President, this side of the Chamber will gladly accept the proposition of the Senator from Iowa.

Mr. GALLINGER. Mr. President, I have not either spent or wasted much time during this session in talk. I am not going to depart from a rule that I laid down some time ago in that respect. As a member of the Committee on Finance I naturally feel that I have a right to express an opinion, if not to make a so-called speech, but when I sat in the Chamber to-day and had for companions three other Senators when the Senator from Utah [Mr. SMOOT] was making what I considered a very able speech, it occurred to me that we have reached a point where we should get through the discussion of this bill and vote on it.

While I had thought I would make some observations on the question, I have entirely dismissed that from my mind, and I assure the Senator from Iowa that I cordially join in with him

in the proposition he has made. Let us take this bill up, consider it, stop unnecessary talk, and vote on it.

Mr. CUMMINS. I hope Senators will concur in the suggestion of the Senator from New Hampshire. I am not willing that an hour shall be fixed on Monday to vote on the bill. I am willing, however, to enter upon its consideration and the moment that consideration closes by reason of failure of discussion to vote upon the pending proposition, whatever it may be, I am in continue to vote until the bill is disposed of.

Mr. SMOOT. That is the reason why I suggested to the Senator from North Carolina that I thought he could get a vote sooner by not agreeing to a time.

Mr. CUMMINS. Yes.

Mr. HEYBURN. Mr. President, this matter is present. The proposition of the Senator from Iowa amounts simply to changing from 2 o'clock to 12 the hour when the Senate shall take up the unfinished business. If we are to conform to his suggestion it would mean that at 12 o'clock each day, after the prayer and the reading of the Journal, we would take up the schedule for consideration until voted upon. We would have to dispense with some of the rules of the Senate to do that, but it is within the power of the Senate to do it.

Now, I look upon this question too seriously to consider any such proposition. I will not charge any man with or suggest insincerity in any Senator who has made suggestions in regard to the taking of a vote, but it must be apparent to all that the Senate is not ready to vote upon this question.

The fact that Senators are not always present in the Chamber does not indicate that they do not entertain views in regard to the various items in this schedule, nor does the fact that Senators are not at all times present in the Chamber indicate that all Senators have fully expressed themselves in regard to this schedule.

The iron and steel schedule is one of the most important in tariff legislation, in all senses of the word, both as to capital involved and invested, as to the labor employed, as to the effect of the employment or the idleness of laborers on the general prosperity of the country and on the specific prosperity of each individual. I can not think that Senators upon due reflection would consider it wise to vote upon this question, either to-day or at any early period. We have listened to a very thorough and a very able presentation of the question, which amounted to spreading upon the table for consideration the subjects upon which we are to act.

The Senator from Utah [Mr. SMOOT] has not, as he says, undertaken to say what rates should be imposed. The Senate has not considered the question as to whether or not we should enact tariff legislation at this time or at any time. We have no command from the country to enter upon the consideration of tariff legislation. We have—and I speak now to the Republican side of this House—no command and no suggestion from the organized Republican Party of this country that there is a necessity to enter upon a revision of the tariff schedules.

Mr. CLARK of Wyoming. Mr. President——

Mr. HEYBURN. I will yield in a moment.

The last time the party spoke was in its last national convention, and it then expressed its views upon the question of tariff legislation, and a Republican Congress has acted upon that expression, and until we again hear from the Republican Party in council assembled I do not feel that we are at liberty, much less under the necessity, of taking up the question for consideration.

I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I want to ask the Senator if in his view his political obligations would not be fulfilled if he agreed to vote on a certain hour on Monday—the hour which, I think, the Senator from Iowa suggested—and he voted "nay."

Mr. HEYBURN. No, Mr. President; I would not feel that the obligation the Republican Party is under would be fulfilled by any such proposition. Until the party to which I belong again commands its representatives in Congress to take up this question, I am opposed to taking it up. That is organized government. That is not sensational——

Mr. CLARK of Wyoming. Of course, the Senator understands, as the Senator from Kansas suggests to me, that the question is up.

Mr. HEYBURN. Well, it is not up; it is only sought to be brought up, and the effort on the part of Republicans should be to drive it back whence it came. The question is not up for responsible action.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. Does the Senator from Idaho think that the duty of the Republicans in the Senate is a continuing one, and that if he is required by his platform to see that the duties are properly adjusted and measure the difference in cost of production at home and abroad, he can fulfill that obligation by passing a single tariff law, if he thereafter becomes convinced that the duty imposed is higher than is necessary to measure the difference in the cost of production at home and abroad?

Mr. HEYBURN. When you have acted upon definite policies expressed by your party, you are not at liberty to disturb the condition resulting from that action until the party directs you to.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. I do not believe we are at liberty here from day to day, because a change in market conditions or a change in the conditions of production or consumption happens to suggest that perhaps we might have enacted a different law when we were making up the tariff—I do not believe we are at liberty to disturb conditions at any interval that may suggest itself to any Senator.

Mr. CUMMINS. Suppose our party meets in convention, as I suppose it will, next month. It declares for protection, giving the proper definition, as I suppose it will, and adjourns. Then, according to the view taken by the Senator from Idaho, we must wait four years more before further entering upon the inquiry as to whether a schedule or an item needs revision.

Mr. HEYBURN. It is not a question of waiting. It is a question of the stability of the law under which the people shall perform their duties and obligations and enjoy the rights of citizenship and prosperity. The tariff should not be revised by the Republican Party so long as the conditions, in the judgment of that party, in council assembled, do not warrant it, and you can not have stability of Government under any other theory than that.

Mr. CUMMINS. Then I understand that it is inappropriate and improper for us to take up for investigation and examination and revision any schedule of the tariff until a political party in convention commands us to do it.

Mr. HEYBURN. Until the political party to which we owe allegiance tells us that the sentiment of the country, represented by those who compose the national convention, coming from every district in the United States—until they bring forth the views of their districts and say: "Our people or a majority of them belonging to the Republican Party"—not to some other party, but to the Republican Party—"consider that it is now time to take up for consideration again the measures that make for our prosperity"—not until then should we act.

Mr. CUMMINS. Is that rule applicable to every subject with which Congress ought to deal?

Mr. HEYBURN. No; I am talking of the one great business subject upon which the prosperity of the people rests. The tariff stands alone as the business organization of our country. It represents the profit or loss to the people of the country. I do not mean now the Government, but the people of the country. It is the people, speaking through a national convention, when their voice is ratified at the election following it, that commands us on that great question because it is the overruling governmental question.

Mr. CUMMINS. Just one question: Then I assume if in the last two years our experience and knowledge had demonstrated that the duty on steel rails was so low that a foreign country was filling up our market with its product, it would not be within our province to take up the subject and increase the duty.

Mr. HEYBURN. It would not be within the wisdom of political action to take up any schedule separate and apart from the great mass of the schedules that constitute the system of protection.

The Senator introduced at the beginning of the last session of Congress, or of the last Congress, a resolution declaring in favor of the revision of the tariff by schedules. He has never mentioned it since. I remember making some remarks at that time.

Mr. CUMMINS. I am just as much in favor of that as I ever was. Of course, by that I did not mean, as the Senator from Idaho well knows, that no more than one schedule could be considered at one session of Congress, but simply that the one schedule was to be considered independently of all other schedules, and that no amendment affecting other schedules could be introduced into the bill for the revision of the schedule under consideration.

I am happy to say that Congress is acting upon that resolution, although it did not adopt it. I am glad to say that my friends on the Finance Committee, or some of them, now believe that that is the way in which the tariff should be revised. I am glad to say the President of the United States is in favor of that way of revising our tariff, and it has come to be the

well-nigh universal opinion that we should consider these schedules entirely apart from each other. I do not want the Senator from Idaho to feel that I have in the least receded from the position I assumed in regard to that resolution.

Mr. HEYBURN. The resolution offered by the Senator from Iowa was practically, if not absolutely, in the language used by the Democratic platform, which declared for a revision of the tariff by schedules, and it was the language that the Republican platform in 1904, as I remember, repudiated as being destructive of the policy of protection.

Mr. CUMMINS. I do not remember the language of the platform of 1904, nor do I remember that there was any similarity between my resolution and the Democratic platform. If so, it is greatly to the credit of the Democratic platform.

Mr. HEYBURN. It is my intention to read——

Mr. CUMMINS. I am sure there is one element in the resolution that could not have been in any political platform, because it related to the practice of offering amendments when a bill was before the Senate. That resolution was referred to the Committee on Rules, where, I assume, it is enjoying a peaceful repose.

Mr. HEYBURN. Yes, Mr. President; I trust it will sleep in peace until the trumpet sounds.

Mr. GALLINGER. Mr. President, will the Senator from Idaho permit me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes, sir.

Mr. GALLINGER. I want to get to the Senator's exact position. Nearly four years ago the Republican Party in national convention made a platform. Some Republicans thought it was wise and some thought it was otherwise. I never thought it was a very wise pronouncement on the subject of the tariff.

The convention of that party is to meet on the 18th day of next month. The presumption is that about the 20th day of the month another platform will be announced, and adopted, I presume, by the convention. Now, does the Senator argue that we ought to remain quiescent so far as the proposed legislation is concerned until that platform has been announced?

Does the Senator further think that, in the event of a committee on resolutions, which committee is made up of one delegate from each State, being constituted so that it would contain a majority of low-tariff men, their views not corresponding with those of the Senator, and that convention in a moment of unwisdom should adopt that platform, that we ought to stand by that platform for the next four years?

Mr. HEYBURN. I am not going to prophesy evil at the hands of my own party.

Mr. GALLINGER. Well——

Mr. HEYBURN. And I am not going to anticipate any such action.

Mr. GALLINGER. But suppose it happens.

Mr. HEYBURN. I am going to assume that the Republican Party will always be wise.

Mr. GALLINGER. Does the Senator think it always has been wise?

Mr. HEYBURN. The Republican Party, in the summing up, has been wise.

Mr. GALLINGER. As a rule.

Mr. HEYBURN. It has been wise enough to bring to and maintain prosperity to the people of the United States. That is wisdom.

Mr. GALLINGER. I agree with the Senator on that point, but I want to repeat the suggestion as to the Republican Party. There is a line of cleavage in the Republican Party that we can not ignore, and it is barely possible that in the next convention there will be a majority on the committee on resolutions which would not agree with the Senator from Idaho or with me on the question of the tariff.

I agree absolutely with the Senator from Idaho on the question of the tariff. I am a high-tariff man, and have always stood for it, and always will, and I would not be bound by a declaration from my own party or any other party which violated that principle, and I would not be bound for four years by any platform that destroyed the protective policy, whether it was on the part of my own party or any other party.

Mr. HEYBURN. The principle of protection is not subject to the changing whims of men accidentally in position. The last national convention introduced an element into its declaration in favor of protection that did not meet and does not now meet my approval or concurrence, but I take the principle of the protective tariff from the Republican Party as a concrete proposition. It stands for a protective tariff, as declared for in the platforms of the past, commencing with that of 1864.

Mr. President, I am not going to anticipate evil or discomfort at the hands of the convention which meets next month. I am going to have faith in the Republican Party always. The platform of the last convention declared in favor of what I call a lead-pencil tariff—one that was based upon the shifting and varying differences in the cost of production at home and abroad. I am in favor of a protective tariff the walls of which are sufficiently high to protect the people against inundation as well as against drought. That is protection. The other may be protection to-day and it may not be protection to-morrow. The difference in the cost of an article in Germany to-day and the cost of the same article in this country to-day may be radically different from the difference that will exist three months from now.

Would the Senator from Iowa wait for these changing conditions and immediately upon a change occurring proceed to legislate to correct any discrepancies that might exist?

Mr. CUMMINS. As I said the other day, I regard the technical expression of the platform of 1908 as very unfortunate. I do not believe that there is any such thing as ascertaining the cost of production, either here or abroad; that is to say, the cost of production at one time will be different from that at another. The cost of production of one industry will be different in another of the same kind, and what is true here is also true abroad. But while the platform of 1908 is not, therefore, a formula, it is a guide. It indicates that we want a tariff wall high enough to enable, generally speaking, our industries to supply our own markets but low enough so that if our industries or producers raise their prices above the point of a reasonable profit that then competition or importation from abroad shall flow over the wall and correct and prevent the cupidity of our own people.

Mr. HEYBURN. No. What the Senator really wishes is that whenever we have differences at home we will call in the Hessians.

Mr. CUMMINS. No, Mr. President; the Hessians are not confined to other countries. We have Hessians, unfortunately, in our own land, and I am not willing to allow the avarice of a domestic producer to take from me what belongs to me, even though I must set against him the avarice of a foreign producer.

Mr. HEYBURN. The Senator loses sight of the fact that the greatest attribute of our country is opportunity in our own country. If a condition arises that is oppressive, the field is open to others to enter to correct the evil; but we do not want them to enter in foreign lands, nor do we want the foreigner to correct that evil. It will be corrected through the medium of opportunity in our own fields of industry and enterprise. That is the true science of government.

Mr. CUMMINS. That used to be so.

Mr. HEYBURN. It is so now.

Mr. CUMMINS. It is not true any longer. There are great fields of industry in which there is no competition at home.

Mr. HEYBURN. I did not say competition.

Mr. CUMMINS. Or substantially no competition. There are great fields of industry in which opportunity no longer exists.

Mr. HEYBURN. I can not conceive it. The opportunity does exist. It is equal to every man and may be taken advantage of. If they do not do it, then you want to inquire closely as to whether or not the evil exists, because wherever an evil exists in this country, under our system, the opportunity exists to cure it, for the people are supreme.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Now, just a moment.

Mr. CUMMINS. I do not concur in that conclusion.

Mr. HEYBURN. I know the Senator does not. I have heard him so express himself.

Mr. CUMMINS. But I do agree with regard to the other. I readily admit, if we had free, substantial competition at home, so that the price of every commodity manufactured here would be reduced to the fair American level, then high protective duties upon competitive products would not be a serious evil. But inasmuch as that competition has been driven out and inasmuch as we are told that the tendency of the times is toward combinations and trusts and big business that do not admit any rivals, we must not allow our tariff wall to be built so high that these combinations can exact whatsoever they please for their product.

Mr. HEYBURN. Mr. President, no Senator can discuss the tariff question with me who takes as his text monopolies and combinations. Those are evils that can be cured at home. We do not need to send the patient to the springs of some foreign country.

Mr. CUMMINS. Well——

Mr. HEYBURN. Now, a moment. There is another thought which comes to me. One of the greatest objects of protection in our country is our money. We want to protect the money that belongs in the aggregate to all the people, so that it may be available to develop enterprise and to maintain it, and that

any policy of government which results in sending out into foreign countries, never to return, millions and hundreds of millions of dollars needs to be closely watched and closely guarded.

One of the great assets of the people of this country is the money of the country; not of the individual, but the money in the aggregate in the country is a thing to be guarded and protected by our system of tariff legislation. It is a question of balance of trade. If we buy more abroad than we sell abroad, we are in the red, as bankers would say; we are on the wrong side of the ledger to the extent of the difference between the purchases.

Mr. CUMMINS. Now, Mr. President——

Mr. HEYBURN. Just a moment. If we sell more abroad than we buy, then the people—I do not mean the Government now, the Government has nothing to do with it—the people benefit to the extent of the difference between our sales abroad and our purchases abroad. To the extent of that difference we are ahead.

Now, that is keeping the money in this country, and money wherever it is is active; that is to say, it is available. Offer money and opportunity, and labor will get to work.

Now, we hear talk to-day about the poverty of the people and how they are going to lift the burden from them. The working people of this country have as much money in banks to their credit as have all the national banks and the State banks combined. In the savings banks alone—I will give you the figures exactly—the working people that you are pitying so much have $4,212,583,599. None of that belongs to the capitalists, none of that belongs to the trusts, none of that belongs to combinations of trade or business, but it is a surplus money that the wage earner had after he kept his family and educated it and paid the expenses of living and reserved a free margin for current business. He put that in the bank. He has it there.

The national banks had only $5,477,991,156. The State banks had $2,777,566,836. It is estimated by bankers—and it can be verified by anyone familiar with the subject—that 25 per cent of the money in those banks is comprised of the deposits of working people, who choose to put it in these banks rather than in savings banks.

So you see my statement is borne out by the figures when I say that the workingmen are richer than the capitalists in this country.

Mr. CUMMINS. Mr. President, may I interrupt the Senator?

Mr. HEYBURN. I want to complete the figures. There are twenty-nine million and odd hundred thousand workingmen in the United States, according to the census; individuals engaged in industrial occupation—29,000,000 of them. With a population of 90,000,000, one-third of them are children under the age of activity. Take that third from the 90,000,000 and you have 60,000,000, and out of that 60,000,000 there are 29,000,000 engaged in industrial enterprises. That does not mean that they are engaged in speculations. It means that they are engaged in earning something to be drawn from the general wealth of the country.

Now, that is to be protected. First, you must protect the country against the passage into foreign lands and foreign business of our money. Without the money, we are poor. With the money, opportunity is unlimited and unbounded; and the opportunity does not rest in trusts and combinations any more than it rests in the individual.

One Senator stood up here to-day and told about how once he was a common laborer and now he is a capitalist. That is true all along the line. The capitalist of to-day is the workman of to-morrow. The three generations of shirt sleeves regulate that. The workingman of to-day is a capitalist of to-morrow.

Mr. CUMMINS. There are always more workingmen, though, than capitalists.

Mr. HEYBURN. That is the reason why the workingmen demand that they shall have their share of protection. Where you protect one capitalist you protect a thousand workingmen under the protective tariff policy. If you take it by numbers you can count it that way. If you take it by dollars and cents then, I repeat, the workingmen and working women in this country are as rich as all the capitalists combined.

So I want to get rid of this talk about the workingman and the capitalist and about their being arrayed against each other, and about the capitalist who is spoken of as though the capitalists are combinations or trusts. They are not. Out of all the capitalists represented by the three billion dollars in the two classes of banks, I suppose there is not 1 per cent of them that could be identified or classed with monopolies.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I only reply because I would not have it understood that I disagree with very much that has just been said by the Senator from Idaho. He has never heard me express pity for the American citizen. I think he is to be envied the world over.

I have never put my insistence or demand for a reduction of these duties upon the ground suggested by the Senator from Idaho. Protection means, of course, that we shall do our work at home and supply our own markets; but whenever protection rises so high that those who are producing the protected articles can charge more than a fair price, then the persons who receive the unfair prices are enjoying all the benefits of monopoly and they are exacting from those who deal with them, unjustly, a part of that which they earn.

Mr. HEYBURN rose.

Mr. CUMMINS. Now, wait a moment. I do not want to encourage importations. I do not want to fix any duty that will increase importations, for I know that when the duties on some of these things are reduced, if there be a menace of importation the American producer will reduce his prices and in that way preserve his market just as fully and completely as he preserves it now, but he will be compelled to sell to those who use what he produces at a fair price lest his foreign competitor shall interfere with his market.

Mr. HEYBURN. Then the Senator would coerce the producer into selling at a price that in his judgment was below what the importer could sell it at?

Mr. CUMMINS. On the contrary, I have said repeatedly selling at a fair price.

Mr. HEYBURN. But who is to say whether it was fair or not?

Mr. CUMMINS. It is for the Congress of the United States to say——

Mr. HEYBURN. Oh!

Mr. CUMMINS. What duty is required to enable the producer to sell at a fair price.

Mr. HEYBURN. Just a moment.

Mr. CUMMINS. Just a moment, if you please. I will finish and I will not recur to the subject again. I know it has been the general custom heretofore to allow a producer to say what duty he should have, and of course no producer has ever named a sum that would subject him to any risk whatever.

Mr. HEYBURN. Why should he?

Mr. CUMMINS. I want to transfer that responsibility to Congress, and let Congress upon the evidence and knowledge it may have determine what duty ought to be given to the producer, so that he can make what he wants to make and sell it at a fair price.

Mr. HEYBURN. Now, I desire briefly to say, because I am going to detain the Senate but a few minutes more, the Senator's proposition amounts to this: Congress has fixed the price and the profit in business. That was my objection to that peculiar phrase in the platform of the last Republican convention. It was to allow Congress to say what constituted a profit that should be satisfactory to the producer. If we had the people divided in two classes, with the line between them, the producers on one side and the consumers on the other, assuming that the producers consume nothing and the consumers produce nothing, we might possibly, in dealing with the two distinct classes of people, feel called upon to protect one from the other—that is, you protect one cat from another. Such is not the condition. There are as many consumers as producers and as many producers as consumers in this country. They are not separate and distinct individuals. They are the identical persons, one producing what another consumes, and that which he himself participates in the consumption of. The man who makes cloth in the mill for wages himself participates in the consumption of it. The man who buys it furnishes the person who produces it with his line of commodity.

I did not intend to enter upon an extended discussion of this question this evening. I was somewhat drawn into it without intending to do so. When the Senator was speaking I made some notes.

Mr. CUMMINS. I have not made any speech this afternoon.

Mr. HEYBURN. I think when the RECORD is printed it will show the Senator has covered some pages. I do not object to questions freely and liberally asked. I do not, however, desire to be placed in the position of circulating among my constituents the speeches of the opposition. On questions of this kind I have to rely upon the sending out of the remarks that are made in the interest of the people in the shape of documents.

The newspapers are liberal. I do not know whether they claim that they ever helped to enact any important piece of legislation or not. I know that they have spoken at times rather lightly and flippantly of the fact that the tariff bill was still

under consideration, and that Mr. So-and-so was speaking all day upon it, or that he was completely—I was going to use a commonplace—knocked out by some other person.

That is the class of information that the world gets in regard to the consideration that we give these great questions. I should think they would take a pride in assuming a position where they could say to the world and where it would be written in history that they took strong positions on great questions and contributed to the determination of them. That not being the condition existing, I want what I say here to go out just about as I say it, and with such interruptions in the way of questions or suggestions as Senators may desire to interpose.

I merely make that suggestion because I do not care to stand here and make a speech or read an address on it. I want to discuss it, argue it, and an interchange of thought and ideas to be embodied in what I say with the ideas and interchange with other Senators.

Now, I will submit to any question the Senator may ask.

Mr. CUMMINS. I must be under a misapprehension. I supposed the Senator from Idaho was speaking in my time.

Mr. HEYBURN. I think not.

Mr. CUMMINS. I proposed a unanimous-consent agreement.

Mr. HEYBURN. I objected to it.

Mr. CUMMINS. And thereupon before it was determined at all the Senator from Idaho arose to discuss it. I have been under the impression that all this time I was yielding him an indulgence, whereas he evidently thinks that I have been trespassing upon his time.

Mr. HEYBURN. I regret that there was a misunderstanding. When I rose and was recognized by the Chair I objected to the proposal of unanimous consent, and that of course ended it.

Mr. CUMMINS. I did not understand that the Senator from Idaho objected to it, and I am very sorry to hear it now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina as modified by the Senator from Iowa?

Mr. CUMMINS. I desire then to give notice, and I do this with deference to both the majority and the minority members of the Finance Committee, that in so far as I can control the matter by my objection, the metal schedule will be kept before the Senate during the time the unfinished business has a right to occupy the attention of the Senate. I do that in order that those who may desire to speak upon it will know that it is our purpose to vote upon the bill.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Chair understand the Senator from Idaho as objecting to the request for unanimous consent?

Mr. HEYBURN. I objected to all requests for unanimous consent.

The PRESIDING OFFICER. Objection is made.

Mr. GALLINGER. Will the Senator yield to me?

Mr. HEYBURN. Just a single word. I certainly should not have——

Mr. SIMMONS. Mr. President——

Mr. HEYBURN. Have I the recognition of the Chair this moment?

Mr. SIMMONS. I understand the Senator not only objects to the amendment offered to my request by the Senator from Iowa, but he objects to my request?

Mr. HEYBURN. Yes; I object to all requests made for proposing to fix a time to vote upon the question. I only want to say that at this late hour in the day and in this temperature I will not further indulge in making remarks that I thought opportune to fill up the time until adjournment. Otherwise I should not have opened the question at all.

Mr. OLIVER. I wish to give notice that to-morrow at the close of the morning hour I will submit a few remarks on the pending bill to revise the metal schedule.

SENATOR FROM ILLINOIS.

Mr. LEA. Mr. President, I desire to give a notice in regard to Senate resolution 315, and to state that it is regarded by the minority of the committee as a question of the highest privilege and that it is the purpose of the minority to hold it constantly before the attention of the Senate until an agreement is made for a date on which a vote upon the question can be had.

Mr. CULLOM. I have two communications which I desire to present to the Senate. One is a letter from Dr. Sluymaker, of Chicago, dated May 16, which I should like to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

3017 WASHINGTON BOULEVARD,
Chicago, May 16, 1912.

Senator S. M. CULLOM, *Washington, D. C.*

DEAR SENATOR CULLOM: I appreciated very much your reply to my letter in regard to Senator LORIMER. The Senator is improving, but quite slowly. He was thoroughly tired out when he came down with an attack of grippe and bronchitis. He had a most persistent and harassing cough. This was accompanied by an irregularity of the heart which caused me considerable apprehension. He is improving, but has very little reserve strength. A few moments of earnest conversation seem to thoroughly exhaust him and make his return to Washington on Monday, the 20th, quite out of the question.

I regret so much for his sake that the consideration of his case is to come up then, for he seems to feel very strongly the necessity of his being there. If he had a little more chance to accumulate strength, I believe that he can be there without harm to himself. At present it really would be almost suicidal for him to attempt it.

I believe he can safely return to Washington some time in June.

With great respect, I am, very truly,

S. R. SLAYMAKER.

Mr. CULLOM. I have also a telegram which I received from my colleague [Mr. LORIMER] on the day before yesterday, I believe, dated May 19, which I ask to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CHICAGO, ILL., *May 19, 1912.*

Senator SHELBY M. CULLOM,
United States Senate, Washington, D. C.:

I understand committee will report on Monday. My doctor says I am getting better, but will not consent to my leaving my home now. I do not want unnecessary delay. I am more anxious than anybody else could be to have the matter disposed of, but I think I should have the privilege of being in Washington when the date to vote is agreed upon and during the consideration of my case in the Senate. If you will object to the setting of a date for vote until I can return to Washington I will be very thankful to you.

WM. LORIMER.

Mr. CULLOM. Mr. President, that is all that I know about the case. I have no interest in the matter, except that this gentleman shall have a fair showing and be here, if he is able to be, when we dispose of the case.

Mr. LEA. Mr. President, I only desire to say that there is no disposition to set any time that will work a hardship on Senator LORIMER, but it is a matter of the highest privilege, a matter in which everyone is very much interested, a matter of great importance, and it has been before the Senate for a very long time. We therefore feel that it should be disposed of and that a date for a vote should be agreed upon at the earliest possible moment. We do not feel that it is necessary for Senator LORIMER to be here at the time when we agree upon a date, provided we can agree upon a date that will allow him in all probability, under the advice of his physician, to be present.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 23, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 22, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful Father, we approach Thee with renewed faith and confidence in the immutability of Thy character, in the overruling of Thy providence, and the precious promises of Thy word. Create within us clean hearts and renew a right spirit within, that we may go forward with patience, courage, and fortitude wherever duty leads; that we may make for ourselves a record upon which we may look back without regret in the closing hours of this life and pass serenely on to the great beyond fully prepared for whatever awaits us there. In the name of Jesus Christ our Lord. Amen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6174. An act for the erection of a public building at the city of Douglas, State of Arizona;

S. 6203. An act to establish a fish-cultural station in the State of Arkansas;

S. 6380. An act to incorporate the American Hospital of Paris;

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6174. An act for the erection of a public building at the city of Douglas, State of Arizona; to the Committee on Public Buildings and Grounds.

S. 6203. An act to establish a fish-cultural station in the State of Arkansas; to the Committee on the Merchant Marine and Fisheries.

S. 6380. An act to incorporate the American Hospital of Paris; to the Committee on the District of Columbia.

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Invalid Pensions.

FREE AND EFFICIENT SEAMEN.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to file the minority views on the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen of the merchant marine of foreign countries while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen. (H. Rept. 643, pt. 2.)

The SPEAKER. Is there objection?

There was no objection.

FRIAR LANDS IN THE PHILIPPINE ISLANDS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 17756, respecting the friar lands in the Philippine Islands. When the House adjourned on Wednesday last the matter in controversy was the point of order raised by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, if the Chair will permit, I should like to be heard somewhat further on the point of order.

The SPEAKER. The Chair will hear the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, the proper determination of the pending points of order is of more importance than the bill itself. The bill H. R. 17756, has been amended in only one particular. On Wednesday, May 8, it was amended on page 2, line 6, after the word "Islands," by inserting "unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts." This appears at page 6073 of the RECORD.

That amendment was, upon a roll call, deliberately adopted by a vote of 187 to 43. May 15, the previous question having been ordered on the bill, I moved to recommit it to the Committee on Insular Affairs, with instructions to report it back with an amendment adding at the end of the bill the words—

But nothing herein contained shall be construed to increase the amount of friar lands which any corporation may hold. [RECORD, p. 6522.]

Thereupon the gentleman from Colorado [Mr. MARTIN] offered as a substitute the following:

That the bill be recommitted with instructions to report the bill back forthwith with an amendment striking out the following language inserted as an amendment after the word "Islands," on page 2, line 6, to wit:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts."

I made the point of order "that the motion to recommit, offered by the gentleman from Colorado, attempts indirectly to do what could not be done directly by the House—to strike out an amendment already adopted." The Speaker said:

Of course this condition attaches to it, that the matter in the substitute must be germane; that it would have been germane or in order as an amendment when the bill was pending.

Thereupon the gentleman from Illinois [Mr. MANN] said:

I do not think the gentleman's substitute is germane to the motion of the gentleman from Pennsylvania to recommit, but I do believe it would be germane to move to recommit the bill with instructions to strike out all after the word "that" and insert the following; that is, insert the original bill.

The gentleman from Colorado [Mr. MARTIN] said:

I am offering the original bill as a substitute, with instructions that the original bill be reported back forthwith, and on that motion I move the previous question.

He withdrew his original substitute. His motion, as reported by the Clerk (RECORD, p. 6523), does not purport to amend my motion to recommit, but it is to "strike out all after the enacting clause in the original bill and insert the following," the following being the original bill itself, word for word, but omitting the amendment adopted by the House on May 8. In other words, it proposes simply to strike out the amendment of May 8, and to accomplish it by indirection.

Against that motion I made points of order, which, for convenience and conciseness, I will restate as follows:

1. The motion to strike out all after the enacting clause and insert is not germane to my motion to recommit nor to the instructions therein contained.

2. The motion to strike out and insert is not in order while a motion to perfect is pending.

3. The motion to strike out all after the enacting clause and insert certain matter is not an amendment to the amendment contained in my motion to recommit, but is a separate and independent motion, which could not in any event be voted upon until my motion proposing to perfect the paragraph shall have been disposed of. It would then have to be passed upon as a separate motion to recommit, whereas, the previous question having been ordered on the bill, the rule permits only one motion to recommit.

4 (and most important of all). The motion of the gentleman from Colorado proposes to accomplish indirectly what the House itself can not do directly, namely, to eliminate the amendment adopted by a yea-and-nay vote, making no other change whatever in the bill.

THE QUESTION OF GERMANENESS.

The question of germaneness can not be brushed aside with the mere suggestion that if my amendment is germane to the bill the bill must be germane to my amendment. The bill contains several distinct substantive propositions. It amends existing law by declaring—

(a) That all lands heretofore or hereafter acquired by virtue of the preceding section (friar lands) shall constitute a part and portion of the public domain of the Government of the Philippine Islands; and

(b) Shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public (Crown) lands in said islands;

(c) That deferred payments shall be payable "in money prescribed for the payment of principal and interest of the bonds authorized," etc.;

(d) That all moneys realized or received from sales or other disposition of said lands * * * shall constitute a trust fund;

(e) That "actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings."

As some of these occupants may be corporations, my amendment provides that this provision shall not be construed to increase the amount of friar lands which any corporation may hold. The amendment of the gentleman from Colorado makes no mention whatever of corporations or the amount of lands they may hold, or to anything whatsoever contained in my motion to recommit, but does embody all the other substantive propositions above mentioned.

"When it is proposed to refer with instructions, an amendment to the instructions should be germane thereto." (5 Hinds, 6888; ruling by Robert C. Winthrop, Speaker, Feb. 6, 1849.) That is to say, it must be germane, not merely to some part of the bill itself, but to the instructions embodied in the motion to recommit.

As the result of some investigation I am unable to find that any substitute for the original bill was ever admitted against a point of order by way of amendment to a motion to recommit with instructions, and certainly not after the previous question has been ordered upon the bill. The instructions may be amended, but the proposed amendment thereof must be germane to the instructions contained in the original motion to recommit.

Mr. MARTIN of Colorado. Mr. Speaker, may I interrupt the gentleman at that point with a question?

The SPEAKER. Will the gentleman yield?

Mr. OLMSTED. Mr. Speaker, I prefer not to be interrupted at this point, but to conclude my remarks, and then I will be very glad to yield to the gentleman.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. Mr. Speaker, this so-called substitute is not in any event in the form of an amendment to the amendment embodied in the instructions involved in my motion to recommit, those instructions being merely to perfect by an amendment the text which the so-called substitute proposes to strike out.

I do not contend that it is necessary that a substitute proposing to strike out an entire paragraph or section, or an entire bill, must be strictly germane to an amendment proposing to perfect the text of a paragraph, section, or bill. It must be germane to the subject matter of the bill, but not necessarily to the proposed amendment perfecting the text. The reason for this is that the substitute and the amendment perfecting the text are independent motions. The rule is (Rule XIX):

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.

When there is an amendment and an amendment to an amendment, a substitute is not a further amendment to the amendment, for that would be in the third degree, but it is an entirely independent motion and can not be considered until after the amendment and the amendment to the amendment, if there be one, shall have been disposed of.

The SPEAKER. The Chair would like to ask the gentleman whether he is not making a mistake about what position this last amendment, the one that is in controversy, contained in his motion to recommit, sustains to the bill. What the gentleman has just said would indicate that he regards the amendment proposed in his motion to recommit, and to which the gentleman from Colorado [Mr. MARTIN] is offering a substitute, as an amendment to the amendment, but that is not correct, is it?

Mr. OLMSTED. No; if I so stated I did not intend that meaning. My motion to recommit asked that it be recommitted with instructions to report an amendment to the bill. There is no amendment pending to that amendment.

The SPEAKER. The proposition of the gentleman about the limitation of what a corporation may own is not an amendment to an amendment.

Mr. OLMSTED. No; it is an amendment to the bill.

The SPEAKER. The Chair is speaking merely of the germaneness of the matter. If the gentleman from Colorado [Mr. MARTIN] had offered this bill as an amendment to the gentleman's proposition, then it seems to the Chair it could not have been ruled out of order as being in the third degree. I do not see how the gentleman figures out that part of his argument.

Mr. OLMSTED. Mr. Speaker, I probably have not made myself clear. I do not think his amendment would be an amendment, if it was an amendment to mine at all, in the third degree; but it is not an amendment to my amendment. It is a substitute for the whole bill, and if treated as an amendment to my amendment it is not germane, because it is upon a subject entirely different from my amendment, namely, the amount of land which corporations may hold. His amendment inserting the whole bill is upon three or four different substantive propositions, related to each other, but not related to the matter proposed in my amendment.

The SPEAKER. The gentleman will proceed in his own way.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman now yield, inasmuch as he has been interrupted?

The SPEAKER. Does the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MARTIN of Colorado. I would like to ask the gentleman a question bearing upon one of his positions, if I get it right, and that is this: I understand the gentleman to argue that my motion to recommit is not in order, upon the ground that it is not germane to his motion. The gentleman does not take the position, in other words, that my motion to recommit is not germane to the bill, but the gentleman argues, further, that it must be germane to his motion and be amendatory of his motion. Is that the position the gentleman takes?

Mr. OLMSTED. I take the position that if his motion can be treated as an amendment to my proposed instructions, then it is out of order because not germane to the amendment proposed in my instructions.

Mr. MARTIN of Colorado. The gentleman's position, then, virtually amounts to this: That while I might desire to offer a substitute, and I would be permitted to offer a substitute that would effect a change in the entire structure of the bill, yet if the gentleman obtained the floor first and moved to recommit on some trivial and inconsequential item in the bill I would be precluded, then, from offering my substitute, for he could raise a point of order against my substitute simply upon the ground that it was not germane to the item included in his motion. That is what his proposition amounts to.

Mr. OLMSTED. In the first place, my amendment is not trivial or inconsequential. In the second place, the gentleman has a right——

Mr. MARTIN of Colorado. Yes; but if it were trivial and inconsequential the rule would be the same?

Mr. OLMSTED. Just the same.

Mr. MARTIN of Colorado. The gentleman could absolutely shut me out or shut out any other Member.

Mr. OLMSTED. If the gentleman is shut out, it is by the rules and not by me. My proposition is that if you treat his substitute as an amendment to my amendment then it is not germane, because it is not germane to the subject matter of my amendment, but my position is that his amendment is not germane to mine. The gentleman proposes a substitute to my amendment, and on that point my proposition is that a motion to strike out and insert is not in order while a motion to perfect is pending.

Mr. MARTIN of Colorado. Suppose my motion to recommit also embraced the gentleman's proposition. What would the effect then be?

Mr. OLMSTED. A motion to strike out and insert is not in order at all while a motion to perfect is pending. If his motion had been offered first it would have had to be postponed until mine had been acted upon, and when mine has been acted upon then there has been action upon one motion to recommit, and the previous question having been ordered on the bill, the rule forbids that any other motion shall be made.

Mr. GARRETT. Mr. Speaker, will the gentleman yield to me there?

Mr. OLMSTED. Certainly.

Mr. GARRETT. I want to call the attention of the gentleman from Pennsylvania to the fact that his motion to recommit, as it appears in the RECORD, does not say to report forthwith.

Mr. OLMSTED. Yes, it does.

Mr. GARRETT. I was under that impression; I beg the gentleman's pardon, it does not so show in the RECORD, and I think that the gentleman ought to modify it so that may be done or we will have to vote it down.

Mr. OLMSTED. I have no objection at all.

This leads us to the next branch of the case.

A MOTION TO STRIKE OUT OR TO STRIKE OUT AND INSERT IS NOT IN ORDER WHILE A MOTION TO PERFECT IS PENDING.

My proposed amendment, as already stated, is to perfect the bill by adding certain words thereto. In Fifth Hinds, 5771, it was ruled that—

While amendments are pending to the section, a motion to strike it out may not be offered.

In section 5790 it was held that—

To a motion to insert words in a bill, a motion to strike out certain words of the bill may not be offered as a substitute.

But even had the motion of the gentleman from Colorado been made in advance of my own, it could not, under the rules and precedents, be considered until my motion perfecting the text had been disposed of.

When it is proposed to perfect a paragraph, the motion to insert or strike out, being already pending, must remain in abeyance until the amendments to perfect have been moved and voted on.

And again:

An amendment in the nature of a substitute may not be voted upon until the original matter is perfected. (5 Hinds, 5753.)

It thus appears that a motion to strike out or to strike out and insert is not an amendment to an amendment, but is an original, separate, independent, and distinct motion. A motion to perfect the paragraph is preferential. If the motion to strike out is first made, it must stand aside until the motion to amend has been disposed of, but if not previously made, a motion to

strike out or to strike out and insert can not be made while the motion to amend is pending. My motion is to perfect the bill by adding a certain provision thereto. The motion to strike out the whole bill is not only not germane to my amendment, but is not even in order while my amendment is pending.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Colorado?

Mr. OLMSTED. I do.

Mr. MARTIN of Colorado. The gentleman has continually referred to his motion to recommit as an amendment to perfect the bill.

Mr. OLMSTED. I think it is perfectly clear my motion to recommit is a motion to recommit with instructions to report an amendment perfecting the text of the bill.

Mr. MARTIN of Colorado. But suppose the so-called perfection of the bill was to be obtained by cutting something out instead of adding something to it, what would be the parliamentary difference in the situation? Is the gentleman seeking to strengthen his position merely by claiming his amendment is a perfection of the bill?

Mr. OLMSTED. I am seeking to sustain my point of order by reciting the rules and precedents. I proceed now to the next branch of the case.

THE MOTION TO STRIKE OUT ALL AFTER THE ENACTING CLAUSE AND INSERT CERTAIN MATTER, BEING A SEPARATE MOTION, CAN NOT BE VOTED UPON UNTIL THE MOTION PERFECTING THE PARAGRAPH HAS BEEN DISPOSED OF, BECAUSE, THE PREVIOUS QUESTION HAVING BEEN ORDERED, THE RULE PERMITS ONLY ONE MOTION TO RECOMMIT.

The motion of the gentleman from Colorado is a second motion, whereas the previous question having been ordered on the bill, the rule permits only one motion to recommit to be made. As the motion to strike out and insert can not be considered while my motion is pending, and even if made first, would have to stand aside until the disposition of my own; and it naturally follows that it is not in order at all. The rule is positive and distinct that, the previous question having been ordered, one motion to recommit, and no other, is in order. Whatever disposition shall be made of my motion, whether it shall prevail, or shall be voted down, its final disposition will be the disposition of one motion to recommit. Ordinarily the motion to strike out all after the enacting clause would then be in order; but, the previous question having been ordered, it is precluded by the rule, for its consideration would be the consideration of a second motion, in violation of the rule.

AN AMENDMENT TO STRIKE OUT AN AMENDMENT ALREADY ADOPTED IS NOT IN ORDER, AND THE HOUSE CAN NOT BY INDIRECTION ACCOMPLISH WHAT IT CAN NOT DO DIRECTLY.

When the House has solemnly and deliberately voted an amendment into a bill, there is nevertheless a method provided by the rules whereby it may again be passed upon. Rule XVIII provides:

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn.

That highly privileged motion was not made in this case, either upon the day on which the amendment was adopted or upon the succeeding day. It is now substantially made by the gentleman from Colorado, one week after the adoption of the amendment and by a gentleman who did not vote in the majority.

An inspection of the papers discloses the fact that the gentleman's amendment to strike out the whole bill, including the amendment of May 8, and insert the original bill, omitting just the language of that amendment, neither amending nor changing any other part of the bill in so much as the crossing of a "t" or the dotting of an "i." Indeed, that is the avowed purpose of the author, as stated by himself.

I do not contend that when a paragraph has been perfected by amendment the entire paragraph may not still be stricken out, including the amendment. I do contend that such a motion is not in order here, because it would be a further motion after my motion to recommit had been disposed of; and I do contend that under no circumstances can any amendment be stricken out or eliminated unless the whole paragraph, section, or bill, as the case may be, shall be stricken out, or else changed in some part other than by leaving out the language of the amendment originally adopted by the House.

Words inserted by amendment may not afterwards be changed, except that a portion of the original paragraph, including the words so inserted, may be stricken out if in effect it presents a new proposition, and a new coherence may also be inserted in place of that stricken out. (5 Hinds, 5758.)

The gentleman from Colorado presents no new proposition, no new coherence, no new anything, except the elimination of the amendment heretofore adopted by the House.

In Fifth Hinds, 5759, we find that—

Words once inserted in a paragraph by way of amendment may not be stricken out by another motion to amend, but words on the same subject, even though inconsistent, may be added to the paragraph.

That ruling was made January 31, 1825, by John W. Taylor, of New York, Speaker.

It is not in order to amend an amendment that has been agreed to; but the amendment, with other words of the original paragraph, may be stricken out in order to insert a new text of a different meaning. (5 Hinds, 5763.)

In the pending case it is not proposed to insert a new text of a different meaning, but merely to insert the old text with the omission of the amendment heretofore adopted.

April 12, 1828, the proposition having been made to amend by striking out a portion of the amendment already agreed to by the House, Speaker Andrew Stevenson, of Virginia, as reported in Fifth Hinds, 5764—

decided that the motion could not be received, as the amendment from which it was proposed to strike out a portion had been agreed to by the House. Although it was open to be amended by adding to it, it could not be altered by striking out any of the words to which the House had agreed.

February 25, 1837, James K. Polk, of Tennessee, Speaker, decided that—

It would not be in order to move to strike out any part of the adopted amendment, but it would be in order to add a paragraph or a proviso to it. (5 Hinds, 5765.)

Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words. (5 Hinds, 5766.)

It has been held, certainly for more than 80 years, that a proposition which has for its purpose the mere elimination of an amendment already agreed to is not in order. The authorities to the effect that that can not be accomplished indirectly are equally numerous and conclusive.

In Fifth Hinds, 5529, it is laid down that—

It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment.

This ruling was made in 1850 by James L. Orr, of South Carolina, Speaker, who, as reported by Hinds—

stated that inasmuch as it was not competent for the House to amend the bill in the manner proposed—the same not being germane—it was not in order for the House to instruct the committee to do what the House itself could not do.

This ruling was on a motion to recommit a bill to the Committee on Territories with instructions. An appeal was taken from the decision of the Chair, but it was laid on the table by a vote of 118 to 95.

February 13, 1851, Speaker Howell Cobb, of Georgia, passing upon a motion to recommit with instructions, said that—

It was also well settled that it was not competent for the House to instruct the committee to do what it could not do itself. He therefore sustained the point of order and decided the amendment to the instructions to be out of order. (5 Hinds, 5530.)

In Fifth Hinds, 5531, we find that in 1886 Mr. Hitt, of Illinois, moved to recommit a certain bill with instructions, and Mr. William M. Springer, of Illinois, made the point of order that this Senate bill was the text that the House had stricken out, and that it was not in order to direct the committee to report that which the House had just rejected. The Speaker, John G. Carlisle, of Kentucky, sustained the point of order, and held that it was not in order to move the recommitment of a bill with instructions to report matter which would not be in order if offered as an amendment in the House. The House had just voted to strike out the text of the Senate bill and insert a new proposition, and it was not therefore in order to do indirectly by way of recommitment what it could not do directly by amendment. That was an attempt by recommitment to insert what the House had stricken out, which is the reverse of the pending case, but the principle is precisely the same.

In Fifth Hinds, 5532, a similar ruling is reported as made in 1890 by Lewis E. Payson, of Illinois, Speaker pro tempore, who sustained such a point of order made by Mr. Funston, on the ground that—

it was not in order to do indirectly by way of commitment what it was not in order to do directly by way of amendment, and that as the proposition submitted by Mr. Oates had been ruled out of order as an amendment it was not in order by way of recommitment.

On March 3, 1892, as reported in Fifth Hinds, 5533, Mr. De Armond, of Missouri, moved to amend a motion to recommit by adding thereto certain words. Mr. Thomas B. Reed, of Maine, and Mr. Julius C. Burrows, of Michigan, made the point of order that the amendment was not in order because the proposed additional instructions would amend the bill by changing existing law, which the House itself could not do because in violation of one of its rules. That most excellent parliamentarian, Charles F. Crisp, of Georgia, Speaker, in passing upon the point of order, said:

The Chair is of the opinion that it is not competent to do by indirection that which could not be directly done; that it is not competent

for the House to direct the committee to do something which the committee itself could not do by reason of a rule restricting it from such action. Therefore the question for the Chair to determine is whether this amendment would be in order in Committee of the Whole.

He held that the amendment did change existing law, but that as it reduced expenditures it was, nevertheless, in order.

On February 17, 1893 (5 Hinds, 5534), a motion of Mr. Cummings, of New York, to recommit a bill with instructions to report a certain amendment was ruled out of order by Speaker Crisp upon the ground that the amendment proposed in the instructions would be in violation of the rule.

On March 20, 1894 (5 Hinds, 5535), a motion having been made to recommit a bill with instructions to report a certain amendment, Speaker Crisp "sustained the point of order, holding that the House can not do indirectly, by means of a motion to recommit, what can not be done directly by amendment."

On June 16, 1894 (5 Hinds, 5536), Speaker Crisp made a similar ruling, from which Mr. JOSEPH G. CANNON, of Illinois, appealed. The appeal was laid on the table by a vote of 158 to 57.

On June 27, 1894 (5 Hinds, 5537), Speaker Crisp again ruled out of order a motion to recommit, which contained instructions to amend in a manner contrary to the rules of the House.

On January 20, 1898 (5 Hinds, 5538), a motion of Mr. JOSEPH W. BAILEY, of Texas, to recommit the diplomatic and consular appropriation bill to the Committee on Foreign Affairs with instructions was, upon a point of order made by Mr. Hitt, of Illinois, passed upon by Speaker Thomas B. Reed, who ruled that "the motion to commit with instructions was not in order, upon the ground that a motion to commit, which would not be admissible as an amendment was not admissible as instructions."

On February 16, 1899 (5 Hinds, 5539), Mr. Hepburn, of Iowa, moved to recommit with instructions a certain bill, and Mr. JOSEPH G. CANNON, of Illinois, made the point of order that it was not in order to accomplish by a motion to recommit with instructions what could not be accomplished directly by an amendment. The Speaker sustained the point of order.

This ruling was by Speaker Reed. Mr. Hepburn appealed, and on motion of Mr. PAYNE, of New York, the appeal was laid on the table by a vote of 158 to 95.

On February 26, 1904, Mr. Meyer, of Louisiana, made a motion to recommit the naval appropriation bill with instructions. The Speaker sustained the point of order made by Mr. FOSS, of Illinois, and in his ruling said:

The Chair * * * is of the opinion that several of the instructions in the motion cover legislation, and therefore, as you can not do indirectly that which you can not do directly, the Chair sustains the point of order.

This ruling was made by Speaker CANNON.

In Fifth Hinds, 5541, it is reported that on March 1, 1905, Mr. UNDERWOOD, of Alabama, moved to recommit a certain bill with instructions to be reported back with an amendment. A point of order was made against it, and Speaker CANNON sustained the same, in the course of his opinion saying:

The Chair reads from the Digest: "It is not in order to move to recommit a bill with instructions to a committee to report an amendment which is not germane." Many precedents are given, running through a period of substantially 50 years. And again, the House can not do indirectly what it can not do directly. Therefore, the Chair sustains the point of order.

In Fifth Hinds, 5889, a point of order having been made against a motion to recommit with instructions, Speaker Carlisle sustained the point, saying, in the course of his ruling:

It has been decided frequently that it is not competent for the House to accomplish indirectly, by reference to a committee with instructions, what could not be accomplished directly by offering an amendment on the floor—that is to say, if the bill which the proposed instructions direct the committee to report is not germane as an amendment it can not be brought before the House on a motion to recommit.

We have thus this long line of precedents, to which may be added the declaration of the present distinguished, able, and rigidly impartial occupant of the chair, Speaker CLARK, that to be in order now it must have been "in order as an amendment when the bill was pending."

The gentleman from Illinois [Mr. MANN], speaking of the original motion of the gentleman from Colorado to strike out the amendment of May 8, said:

I do not think the gentleman's substitute is germane to the gentleman's motion from Pennsylvania to recommit.

But the second proposition is just as bad; indeed, it is precisely the same thing. It seeks to accomplish by instructing the committee to do what the House itself could not do, namely, to eliminate the amendment of May 8 without making any other change in the bill. If this attempt should be sustained there would be no end of legislation. We see bills coming out here with 40, 50, and sometimes 100 amendments, the discussion of which may have consumed weeks of time. If the previous question were not ordered, we might have as many motions to recommit as there are amendments in the bill, and in any event one motion would be in order to recommit the bill with instructions to bring it back again in its original form with all the amendments eliminated.

The highly privileged motion to reconsider affords ample opportunity to the House to undo its work in case of hasty action or of a close vote, and of course it can always be done by unanimous consent.

The fact that a similar device was successful in the last session has no bearing upon the decision of this case; it does not establish a precedent. In that case no point of order was made against the motion to recommit, which was therefore necessarily considered as having been submitted by unanimous consent. This is, in effect, a motion to reconsider, made long after the lawful time and by a gentleman who, having voted with the minority, is not entitled to make such a motion at all. It is furthermore, as the gentleman from Connecticut [Mr. HILL] has well said, an attempt to get a vote upon two motions, whereas at this stage of the proceedings, the rule permits only one motion to recommit to be made.

I submit that upon consideration of the rules and of the long line of precedents, and also of what the gentleman from Tennessee [Mr. GARRETT] has so felicitously termed the "common sense of the proposition," the motion of the gentleman from Colorado must be ruled out of order.

The SPEAKER. This is one of the most troublesome and intricate questions that has been presented to be ruled on since the present occupant of the Chair was elected Speaker.

Mr. MARTIN of Colorado. Mr. Speaker, will the Chair allow me to interrupt with a question?

The SPEAKER. Yes.

Mr. MARTIN of Colorado. I was advised that some other Member had prepared a brief on this question.

The SPEAKER. Mr. GARDNER of Massachusetts prepared a very able brief on the other side of this question, and if the gentleman from Colorado will read it, the Chair will hand it to him, as the Chair thinks it ought to be incorporated in the RECORD. The gentleman from Massachusetts is not here. The Chair would like to have it read to the House, because it is a very able document on the other side of this question. Read the typewritten matter first and then read the telegram. The Chair desires to thank both the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Massachusetts [Mr. GARDNER] for carefully preparing a brief and giving it to him in advance.

Mr. MARTIN of Colorado. Mr. GARDNER's brief reads as follows:

Mr. OLMSTED raises two points of order against Mr. MARTIN's motion.

1. That Mr. MARTIN's motion is out of order because it seeks to accomplish by motion to recommit that which would be inadmissable as an amendment. Mr. OLMSTED's position is that the House, having accepted an amendment, may not reverse itself and strike out this identical amendment.

2. Mr. OLMSTED maintains that Mr. MARTIN's instructions are not germane to the instructions contained in his own motion to recommit.

First. With regard to the first point of order, it is true that the weight of authority seems to be on Mr. OLMSTED's side; but I can not help feeling that the decisions on which he rests were rendered hastily, without a full examination of the situation. The general principle of parliamentary law has always been that an amendment once adopted might not be acted upon a second time in the same stage of the bill. In subsequent stages, however, it is clearly in order, under general parliamentary law, to reject an amendment adopted in a previous stage. This is the practice of the Massachusetts Legislature, and probably in many others, at the present day. The principle is admirably laid down in an opinion given by Mr. Speaker Stevenson, volume 5, section 6207, Hinds' Precedents. (This opinion cites Mr. Speaker Onslow.)

Formerly a bill had three readings in the House of Representatives. The rules call for three readings to-day, but in practice there are but two readings, and in practice it is only pending the third reading that amendments are in order. Obviously there is need for a greater opportunity for the House to correct its own errors. This opportunity has been given by a rule which permits a motion to recommit with instructions after the previous question is ordered and pending the passage of the bill. In the words of the report made when this rule was adopted, in 1880, it affords "the amplest opportunity to test the sense of the House as to whether or not the bill is in the exact form it desires." (See RECORD, 46th Cong., 2d sess., p. 202.)

This purpose of the rule is manifestly defeated, if the House may not correct its own mistakes. Moreover, it can not be gainsaid that any bill is in a different stage when the question of its passage is pending from the stage in which it finds itself when the question of its engrossment and third reading is pending.

Second. With regard to the question of germaneness, Mr. Speaker Reed said on the subject of germaneness:

"The Chair desires to call the attention of the House to the importance of the preservation of the rule which is expressed in the following language:

"'And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.'

"Originally the very greatest latitude was allowed, so that objects the most diverse were suddenly thrust upon the assembly. It was in order to correct that that there was established under general parliamentary law the doctrine that an amendment must be germane to the original or pending bill. The rules of the House of Representatives have embraced it in the form which the Chair has read." (RECORD, 51st Cong., 1st sess., p. 9101.)

But the subject before the House in this case is the Philippine bill. Mr. MARTIN's motion thrusts no new question on the House. On the

contrary, it is the very question that the House has been discussing. The fact that the instructions proposed by Mr. MARTIN are not germane to the instructions proposed by Mr. OLMSTED has nothing to do with the case provided the instructions offered by Mr. MARTIN are germane to the subject matter of the bill. It is true that in Hinds's Precedents (Vol. V, p. 6888) appears this statement: "When it is proposed to refer with instructions, an amendment to the instructions should be germane thereto." An examination of the ruling to which this statement refers fails to disclose whether or not Mr. Speaker Winthrop ruled the instructions out of order because they were not germane to the bill under consideration or because they were not germane to the instructions which they sought to amend.

To hold that Mr. MARTIN'S amendment is out of order because it is not germane to the instructions contained in Mr. OLMSTED'S motion to recommit would create a precedent which would put the House in the matter of instructions completely at the mercy of the first Member who could secure recognition.

If the Speaker is inclined to sustain Mr. OLMSTED'S point of order against endeavoring to accomplish by a motion to recommit that which could not have been done directly by amendment, and if the Chair overrules Mr. OLMSTED on the question of germaneness, I invite his attention to a ruling made by Mr. Speaker Blaine to the effect that the change of a single word in the text of a proposition is sufficient to prevent the Speaker ruling it out of order as one already disposed of by the House. (Hinds' Precedents, Vol. II, p. 1274.)

If the question of germaneness is settled in Mr. MARTIN'S favor, it ought to be a very easy matter for him to get a vote under the ruling made by Mr. Speaker Blaine.

During the reading the following occurred:

Mr. MARTIN of Colorado. Mr. Speaker, is it proper for me to make any comment that might be suggested by the brief of the gentleman from Massachusetts?

The SPEAKER. Why, certainly, but the gentleman had better read the whole document and then make his comments.

After the reading.

The SPEAKER. That telegram was sent by the secretary of the Massachusetts Legislature to Mr. GARDNER in answer to a telegram of inquiry which Mr. GARDNER sent. I am not certain that they call that legislative body a legislature; great and general court, I believe it is.

Mr. MARTIN of Colorado. The telegram reads as follows:

BOSTON, MASS., *May 20, 1912.*

Hon. AUGUSTUS P. GARDNER,
House of Representatives, Washington, D. C.:

Bills in first reading are not amendable under rules of Massachusetts Legislature. Parliamentary authorities recognized by rule allow amendment in second and third reading, and amendments adopted or rejected in second reading may be reversed in third without reconsideration. This is invariable practice. Not sure about Parliament or other States, but think yes.

HENRY D. COOLIDGE.

Now, Mr. Speaker, I do not care to argue the points of order raised by the gentleman. I am not prepared to argue them. I have not given and have not been able to give a moment of research to this question, but I understand that the parliamentarians of the House, the gentlemen who are recognized as competent upon parliamentary questions and experienced in them, would give some attention to the question which was raised just before adjournment last Wednesday on the motion to recommit made by the gentleman from Pennsylvania and the substitute offered by myself. But I want to comment upon a statement made by Mr. GARDNER of Massachusetts, which was just in line with the question that I asked the gentleman from Pennsylvania a moment ago when he was arguing his point of order, and that is this: Mr. GARDNER said:

To hold that Mr. MARTIN'S amendment is out of order because it is not germane to the instructions contained in Mr. OLMSTED'S motion to recommit would create a precedent which would put the House in the matter of instructions completely at the mercy of the first Member who could secure recognition.

Now, in harmony with that statement, without knowing Mr. GARDNER had advanced it, I interrupted Mr. OLMSTED and asked him substantially this question. I said, in the first place, it seemed to be conceded I have a right to offer a substitute—at least it is offered and pending, and I do not understand that there is any likelihood that the Chair will rule my substitute out of order on the ground that it could not be offered at all. So it is established that I am entitled under the rules to offer a substitute to the motion to recommit made by the gentleman from Pennsylvania. Now, my substitute might effect a complete reconstruction of the whole bill; it might alter it in a dozen material particulars. I might, for instance, ask that the provision that authorized the Legislature of the Philippine Islands to "temporarily" lease these lands to be changed so as to put in a definite period of five years, so that it would be clearly fixed by act of Congress that the Philippine Legislature could lease these lands but for five years. I might want to put into this pending act the provision, for instance, that is in section 13 in reference to public lands. Section 13 of the organic law of the Philippine Islands authorizes the Philippine Government to enact rules and regulations for the sale, lease, and other disposition of the public lands, but it also contains a provision that before these legislative acts shall have the force and effect of law in the Philippine Islands they shall be first submitted to the President of the United States and be approved by him and then be by him submitted to the Congress at the next ensuing session, and then, unless Congress during the next ensuing session shall disapprove these acts, after the expiration of that period—after adjournment—the acts have the force and effect of law in the Philippine Islands. I might, for instance, want to embody such a substantial and, I think, proper and beneficial safeguard as that in this act and surround this legislation with it. These are material particulars in which my substitute motion to recommit might materially effect the pending legislation.

But the position of the gentleman from Pennsylvania is, if he could get the floor first and submit a motion to recommit upon some immaterial item, no matter how trifling, no matter how apparently his motion to recommit might be a subterfuge to defeat a meritorious and substantial motion, I would be barred by the fact that but one motion to recommit was in order. That is the only feature of the brief of the gentleman from Massachusetts [Mr. GARDNER] that I care to discuss.

I want to say further, Mr. Speaker, that I feel justified and in good conscience able to take the position of pressing to the very limit the right of this House to act again upon this piece of legislation. The gentleman from Pennsylvania [Mr. OLMSTED] has shown an ingenuity, an industry, and persistence in this matter that is worthy of a far better cause. There is not any question but that the position of the gentleman from Pennsylvania [Mr. OLMSTED] is technical in the extreme. He is submitting a motion to recommit which says that nothing in this act shall be construed to authorize a corporation to acquire any more than 2,500 acres of friar lands. What is there in this act, in the name of heaven, to lead any man to even suspect that such a construction could be placed upon it?

Mr. OLMSTED. Will the gentleman permit right there?

Mr. MARTIN of Colorado. Yes.

Mr. OLMSTED. I should think the very words to which my amendment is added, that they may acquire without regard to the extent of their holdings, might afford some justification to such an amendment as mine.

Mr. MARTIN of Colorado. Then, Mr. Speaker, I want to congratulate the gentleman from Pennsylvania [Mr. OLMSTED]—and I think I know something about his views as to these land laws in the Philippines—I want to congratulate him at this time on showing the first evidence of solicitude that some corporation would get more than 2,500 acres of this land.

Mr. OLMSTED. I have always been in favor of that.

Mr. MARTIN of Colorado. It is the first time, Mr. Speaker, that I ever suspected the gentleman from Pennsylvania harbored any such ideas.

Mr. GARRETT. Mr. Speaker, I have no desire to cut the gentleman from Colorado [Mr. MARTIN] off from a discussion of the point of order, but I am very anxious to conclude this bill.

The SPEAKER. The Chair is ready to rule. The gentleman from Pennsylvania [Mr. OLMSTED] very correctly thinks this ruling is very important. I do not know whether I agree with him that it is more important than the bill itself. This question has returned to plague most of the Speakers who ever occupied the chair, and the House, too. In one way and another it has been ruled on ever since the days of Mr. Speaker Taylor, away back in 1826. The situation is this: On the 8th day of this month of May the gentleman from Pennsylvania [Mr. OLMSTED] made a motion to add a certain amendment to the bill, and it was so done, and it was done on a roll call, the bill being considered in the House as in Committee of the Whole. The amendment was adopted by a very large majority. Either on that day or the succeeding day any Member who voted in the affirmative could have moved a reconsideration. The gentleman from Colorado [Mr. MARTIN] could not do it, because he voted in the negative. So it remains in the bill. After the third reading of the bill the gentleman from Pennsylvania [Mr. OLMSTED] made a motion to recommit the bill containing an amendment to it. That is practically what it was. The gentleman from Colorado [Mr. MARTIN] offered a substitute for the amendment which had just been offered by the gentleman from Pennsylvania [Mr. OLMSTED] in his motion to recommit. After some discussion one way and another the gentleman from Illinois [Mr. MANN] suggested to the gentleman from Colorado [Mr. MARTIN] that there was a way for him to accomplish what he was after, provided the Chair ruled his substitute out of order, and that was to strike out all after the enacting clause and to insert the original bill, leaving out the Olmsted amendment which had been adopted on the 8th of May.

This all took place on the 15th of May.

Mr. MANN. In order to keep the record correct, I will say the motion was to strike out all after the word "that."

The SPEAKER. That is correct. Thereupon the gentleman from Colorado [Mr. MARTIN] accepted the suggestion of the gentleman from Illinois [Mr. MANN] and offered the original bill minus the Olmsted amendment, and thereupon the gentleman from Pennsylvania [Mr. OLMSTED] made two points of order at once. One was that it was not germane to his amendment and the other that it was an attempt to do indirectly what the House could not itself do directly, thereby contravening both the rules and the practice of the House. In addition to these two chief questions there are two or three others of minor interest involved.

The Chair rules against the gentleman from Pennsylvania [Mr. OLMSTED] on the first proposition, accepting the suggestion of the gentleman from Illinois [Mr. MANN] that the entire bill as offered by the gentleman from Colorado [Mr. MARTIN] must in the very nature of things be germane to any amendment that anybody could offer to the bill; that is, for purposes of a motion to recommit.

The contention of the gentleman from Pennsylvania [Mr. OLMSTED] on the subject of germaneness is not tenable. It has been held over and over again that a motion to recommit is amendable, and it has been held at least by one Speaker that a substitute for a motion to recommit is proper. There is no question whatever in the mind of the Chair that the bill itself minus the first Olmsted amendment, adopted on the 8th of May, is germane to the proposition of the gentleman from Pennsylvania [Mr. OLMSTED] incorporated in his motion to recommit. Therefore the Chair overrules the point of order made by the gentleman from Pennsylvania that it would not be germane.

The second point of order raised by the gentleman from Pennsylvania [Mr. OLMSTED] is whether the thing can be done which the gentleman from Colorado [Mr. MARTIN] is attempting to do; that is, to do indirectly on a motion to recommit what the House can not do directly—because that is what it is, and all of us, who have paid any attention to this wrangle, know that there is only one thing involved in that substitute, and that is whether you shall cut out the Olmsted amendment adopted on the 8th of May. It might as well have been offered in so many words for all practical purposes.

This question of whether the House on a motion to recommit can do indirectly what the House itself can not do, has been ruled on by every Speaker, almost, beginning with Mr. Speaker John W. Taylor, of New York, on the 31st day of January, 1826. The question was not always exactly in the shape in which this question presents itself, but the substance has always been the same, and the decisions have always been the same. Mr. Speaker Taylor ruled on it, and later Mr. Speaker Polk, and in later days Mr. Speaker Carlisle and Mr. Speaker Crisp ruled on it. Mr. Speaker Reed, when he was in the chair, ruled on it, and when he was on the floor raised a point of order, referred to the same decision, and held on the floor what he held in the chair; Mr. Speaker Henderson ruled on it; Mr. Speaker CANNON ruled on it.

They all ruled the same way; that is, that the House can not do indirectly on a motion to recommit that which it can not do by amendment before engrossment and third reading.

The contention of the gentleman from Pennsylvania [Mr. OLMSTED] that you can not have two propositions in a motion to recommit is not tenable. The motion to recommit is intended to give the House an opportunity to express its opinion, upon roll call if needs be, upon any proposition or propositions which have not been inserted in the bill, provided always, of course, that the proposition is germane to the bill itself.

The most elaborate opinion that was ever rendered on the question whether the House can do indirectly on a motion to recommit what it can not do directly by amendment was rendered by Mr. Speaker Carlisle, which I will read in a minute, in lieu of all the rest. But on one occasion Mr. Speaker Blaine refused to pass upon a question of the sort and submitted it to the House, and by a vote of about two-thirds the House took the same position that these other Speakers have taken, and on at least two occasions an appeal was taken from the ruling of the Chair, and the House on both occasions sustained the decision of the Chair by a vote of about 2 to 1.

On July 27, 1886—

This is in the Fifth Hinds, section 5531—

the previous question had been demanded on the passage of a bill restoring to the United States certain lands granted to railroads, when Mr. Robert R. Hitt, of Illinois, moved to recommit the bill with instructions to report the Senate bill, for which this substitute had been adopted that had just been voted out. Mr. William M. Springer, of Illinois, made a point of order that the Senate bill was the text that the House had stricken out and that it was not in order to direct the committee to report that which the House had just rejected.

Of course, that was turning the question around.

The Speaker sustained the point of order, and held that it was not in order to move the recommitment of a bill with instructions to report matters which would not be in order if offered as an amendment in the House.

Nobody will contend, if some gentleman had arisen in his place and made a motion to strike out this Olmsted amendment which was inserted on the 8th of May, that the Chair would have entertained the motion.

Then, Mr. Speaker Carlisle continued:

The House had just voted to strike out the text of Senate bill and insert a new proposition, and it was not therefore in order to do indirectly, by way of recommitment, that which could not be done directly by way of amendment.

So, on that point the Chair sustains the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] that the substitute offered by the gentleman from Colorado [Mr. MARTIN] is out of order because the House can not by a motion to recommit do that which it can not do directly by amendment when a bill is in the amendable stage.

Mr. MARTIN of Colorado. Mr. Speaker——

Mr. GARRETT. Mr. Speaker——

Mr. MARTIN of Colorado. Mr. Speaker, I ask for recognition.

Mr. GARRETT. Mr. Speaker, I move the previous question upon the motion to recommit made by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. FOSTER. Mr. Speaker, the gentleman from Colorado [Mr. MARTIN] demanded recognition, and I think he should have been recognized before the motion of the gentleman from Tennessee [Mr. GARRETT] was made.

The SPEAKER. The Chair did not understand the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. I move, Mr. Speaker, the previous question upon the motion to recommit made by the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. The previous question has already been ordered.

Mr. MARTIN of Colorado. The motion to recommit had not been made.

The SPEAKER. The Chair will recognize the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the following substitute to recommit.

Mr. MANN. Mr. Speaker, I am quite sure that when the gentleman from Colorado offered his substitute he then moved the previous question on the motion to recommit. That is agreed to.

Mr. MARTIN of Colorado. No, sir; it was not ordered. The RECORD will show it. The RECORD will show that I am not even recognized. Gentlemen can not get up here and shout out, "I move the previous question," and without recognition claim that that establishes their proposition.

Mr. GARRETT. Mr. Speaker, I submit this: The gentleman from Colorado [Mr. MARTIN] had his opportunity to offer a motion, which was in order, for a substitute for the motion proposed by the gentleman from Pennsylvania. He offered such a motion, the point of order was made, the Chair has sustained that point of order, and the gentleman from Colorado therefore has had his day in court and lost his case; and I submit that it is proper for the Chair to recognize me, I being temporarily in charge of the bill in the absence of the chairman of the committee, the gentleman from Virginia [Mr. JONES], to move the previous question on a motion to recommit, and bring this matter to a conclusion. I submit that under the precedents I am entitled to that recognition. The House can, of course, vote it down if it chooses.

Mr. MARTIN of Colorado. Mr. Speaker, can I read from the RECORD what the status of the motion is?

The SPEAKER. We have already found out what the RECORD says. What was the suggestion that the gentleman from Illinois [Mr. MANN] made? The Chair did not hear it clearly.

Mr. MANN. My understanding was that the gentleman from Colorado [Mr. MARTIN], when he offered his substitute, moved the previous question. I know he moved the previous question.

Mr. MARTIN of Colorado. Yes; and the Chair refused to entertain it, and the RECORD so shows. The Chair said, "I will entertain that motion in a moment," but he never did entertain it.

Mr. MANN. The RECORD shows this, on page 6523, by the Speaker:

The gentleman from Colorado moves the previous question on his substitute, which the Clerk will report.

The SPEAKER. The Chair thinks under the practice of the House that the gentleman from Tennessee [Mr. GARRETT] has the right of recognition to make the motion of the previous question. If the House does not want to order it, the House has its remedy, and that is to vote the motion down. The gentleman from Tennessee moves the previous question on the motion to recommit. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GARRETT. A division, Mr. Speaker.

The House divided.

The SPEAKER. On this vote the ayes are 38 and the noes are 41.

Mr. GARRETT. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 122, answered "present" 11, not voting 141, as follows:

YEAS—118.

Adamson	Edwards	Humphrey, Wash.	Pou
Ainey	Ellerbe	Humphreys, Miss.	Rainey
Alexander	Evans	Jacoway	Ransdell, La.
Ames	Falson	Kahn	Redfield
Austin	Farr	Knowland	Richardson
Barnhart	Finley	Lafean	Rothermel
Bartholdt	Fitzgerald	Langham	Sells
Bartlett	Fuller	Lee, Ga.	Simmons
Bell, Ga.	Garner	Lewis	Sims
Bowman	Garrett	Lloyd	Small
Brossard	George	McKellar	Smith, Saml. W.
Burke, Pa.	Godwin, N. C.	McKenzie	Smith, N. Y.
Burnett	Griest	McKinney	Stedman
Butler	Guernsey	Madden	Sterling
Byrnes, S. C.	Hamilton, Mich.	Malby	Sulloway
Byrns, Tenn.	Hammond	Mann	Taylor, Ala.
Callaway	Hardwick	Matthews	Thistlewood
Campbell	Hawley	Mondell	Towner
Cannon	Hayes	Moon, Pa.	Tribble
Catlin	Heald	Moon, Tenn.	Tuttle
Clayton	Heflin	Moore, Tex.	Underhill
Cline	Henry, Conn.	Morgan	Underwood
Crumpacker	Henry, Tex.	Morrison	Vare
Dalzell	Higgins	Murray	Vreeland
Danforth	Hill	Neeley	Wedemeyer
Davis, W. Va.	Holland	Padgett	Whitacre
Denver	Houston	Page	Wickliffe
Dickinson	Howard	Parran	Young, Mich.
Dies	Hughes, Ga.	Payne	
Dodds	Hull	Peters	

NAYS—122.

Adair	Dupré	Kent	Roddenbery
Akin, N. Y.	Esch	Kinkaid, Nebr.	Rubey
Anderson, Minn.	Estopinal	Kinkead, N. J.	Russell
Ayres	Fergusson	Konop	Sabath
Beall, Tex.	Ferris	Kopp	Sherley
Blackmon	Floyd, Ark.	Korbly	Slayden
Bochne	Foss	La Follette	Sloan
Booher	Foster	Lawrence	Smith, J. M. C.
Borland	Fowler	Lee, Pa.	Smith, Tex.
Buchanan	French	Lenroot	Speer
Bulkley	Gallagher	Lindbergh	Stephens, Cal.
Burleson	Good	Linthicum	Stephens, Tex.
Candler	Graham	Loeb	Stephens, Miss.
Clark	Gray	McCoy	Stephens, Nebr.
Collier	Green, Iowa	Macon	Stevens, Minn.
Connell	Greene, Mass.	Maguire, Nebr.	Stone
Conry	Gregg, Pa.	Martin, Colo.	Sulzer
Cooper	Gregg, Tex.	Martin, S. Dak.	Sweet
Covington	Hamill	Miller	Talbott, Md.
Cravens	Harris	Moss, Ind.	Talcott, N. Y.
Callop	Harrison, Miss.	Nelson	Taylor, Colo.
Curry	Harrison, N. Y.	Nye	Thayer
Daugherty	Haugen	Oldfield	Volstead
Davidson	Hayden	Pepper	Watkins
Davis, Minn.	Helgesen	Powers	Wilson, Pa.
Dent	Hensley	Prince	Witherspoon
Difenderfer	Hobson	Prouty	Wood, N. J.
Dixon, Ind.	Howell	Raker	Young, Kans.
Donohoe	Hughes, N. J.	Raush	Young, Tex.
Doughton	Jackson	Rees	
Driscoll, M. E.	Johnson, Ky.	Reilanson	

ANSWERED "PRESENT"—11.

Brownlow	Gillett	McGuire, Okla.	Sisson
Davenport	Hamilton, W. Va.	McMorran	Weeks
Furnss	McCall	Olmsted	

NOT VOTING—141.

Aiken, S. C.	Burgess	Currier	Gardner, Mass.
Allen	Burke, S. Dak.	De Forest	Gardner, N. J.
Anderson, Ohio	Burke, Wis.	Dickson, Miss.	Glass
Andrus	Calder	Doremus	Goeke
Ansberry	Cantrill	Draper	Goldfogle
Anthony	Carlin	Driscoll, D. A.	Goodwin, Ark.
Ashbrook	Carter	Dwight	Gould
Barchfeld	Clark, Fla.	Dyer	Gudger
Bates	Claypool	Fairchild	Hamlin
Bathrick	Copley	Fields	Hanna
Berger	Cox, Ind.	Flood, Va.	Hardy
Bradley	Cox, Ohio	Focht	Hartman
Brantley	Crago	Fordney	Hay
Brown	Curley	Francis	Helm
Hinds	Loud	Post	Stack
Howland	McCreary	Pray	Stanley
Hubbard	McDermott	Pujo	Stephens, Tex.
Hughes, W. Va.	McGillicuddy	Randell, Tex.	Switzer
James	McHenry	Reilly	Taggart
Johnson, S. C.	McKinley	Reyburn	Taylor, Ohio
Jones	McLaughlin	Riordan	Thomas
Kendall	Maher	Roberts, Mass.	Tilson
Kennedy	Mays	Roberts, Nev.	Townsend
Kindred	Moore, Pa.	Rodenberg	Turnbull
Kitchin	Morse, Wis.	Rouse	Utter
Konig	Mott	Rucker, Colo.	Warburton
Lafferty	Murdock	Rucker, Mo.	Webb
Lamb	Needham	Saunders	White
Langley	Norris	Scully	Wilder
Legare	O'Shaunessy	Shackleford	Willis
Lever	Palmer	Sharp	Wilson, Ill.
Levy	Patten, N. Y.	Sheppard	Wilson, N. Y.
Lindsay	Patton, Pa.	Sherwood	Woods, Iowa
Littlepage	Pickett	Slemp	
Littleton	Plumley	Smith, Cal.	
Longworth	Porter	Sparkman	

So the motion for the previous question was lost.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. PALMER with Mr. WILLIS.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JAMES with Mr. MCCALL.

Mr. PUJO with Mr. MCMORRAN.

Mr. ALLEN with Mr. LONGWORTH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. GOEKE with Mr. HOWLAND.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. BURGESS with Mr. WEEKS.

Mr. LITTLETON with Mr. DWIGHT.

Mr. KINDRED with Mr. PORTER.

Mr. FIELDS with Mr. LANGLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. HARDY with Mr. OLMSTED.

Mr. HELM with Mr. RODENBERG.

Mr. WILSON of New York with Mr. ROBERTS of Nevada.

Mr. WHITE with Mr. ROBERTS of Massachusetts.

Mr. WEBB with Mr. REYBURN.

Mr. TURNBULL with Mr. PRAY.

Mr. TOWNSEND with Mr. PLUMLEY.

Mr. SPARKMAN with Mr. PICKETT.

Mr. SHERWOOD with Mr. PATTON of Pennsylvania.

Mr. SHARP with Mr. WOODS of Iowa.

Mr. RUCKER of Colorado with Mr. WILSON of Illinois.

Mr. ROUSE with Mr. WILDER.

Mr. REILLY with Mr. WARBURTON.

Mr. RANDELL of Texas with Mr. UTTER.

Mr. POST with Mr. SWITZER.

Mr. O'SHAUNESSY with Mr. NEEDHAM.

Mr. MCDERMOTT with Mr. MURDOCK.

Mr. LEVY with Mr. MOTT.

Mr. LEVER with Mr. MOORE of Pennsylvania.

Mr. KITCHIN with Mr. MCLAUGHLIN.

Mr. HAY with Mr. MCKINLEY.

Mr. GOODWIN of Arkansas with Mr. KENDALL.

Mr. GOLDFOGLE with Mr. HUGHES of West Virginia.

Mr. FLOOD of Virginia with Mr. HINDS.

Mr. DANIEL A. DRISCOLL with Mr. HANNA.

Mr. CURLEY with Mr. GARDNER of New Jersey.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. CLAYPOOL with Mr. FORDNEY.

Mr. CLARK of Florida with Mr. FOCHT.

Mr. CARLIN with Mr. FAIRCHILD.

Mr. BROWN with Mr. DE FOREST.

Mr. BRANTLEY with Mr. CURRIER.

Mr. BATHRICK with Mr. CRAGO.

Mr. ANSBERRY with Mr. COPLEY.

Mr. ANDERSON of Ohio with Mr. CALDER.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

From May 3 for two weeks:

Mr. SHACKLEFORD with Mr. DRAPER.

From 4 p. m. to-day until May 23:

Mr. PATTEN of New York with Mr. MCCREARY.

Beginning May 23 for two weeks:

Mr. CANTRILL with Mr. LOUD.

From May 15 until May 25:

Mr. STANLEY with Mr. ANTHONY.

Until June 1:

Mr. THOMAS with Mr. HUBBARD.

Until June 5:

Mr. ASHBROOK with Mr. HARTMAN.

Mr. OLMSTED. Mr. Speaker, I would like to inquire if the gentleman from Texas, Mr. HARDY, voted.

The SPEAKER. He did not.

Mr. OLMSTED. I am paired with him, and I will change my vote from "aye" to "present."

Mr. SISSON. Mr. Speaker, may I inquire if the gentleman from Connecticut, Mr. TILSON, voted?

The SPEAKER. He did not.

Mr. SISSON. I desire to change my vote from "no" to "present."

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the substitute motion to recommit, which is on the Clerk's desk, and on that I move the previous question.

The SPEAKER. The Clerk will report the substitute motion to recommit first.

Mr. MANN. The gentleman can not ask for the previous question until the substitute is reported.

The SPEAKER. That is what the Chair just stated.

Mr. MANN. I did not hear the Chair.

The Clerk read as follows:

That the bill be recommitted to the Committee on Insular Affairs with instructions to report the same back to the House forthwith with the following amendments, to wit:

After the word "legislation," in the amendment inserted in line 6, page 2, strike out the words "either generally or as to any specific tract or tracts" and insert the following:

"But such legislation shall not go into effect or have the force of law until it has received the approval of the President, and when approved by the President it shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session it shall at the close of such period have the force and effect of law in the Philippine Islands."

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my substitute.

The SPEAKER. The gentleman from Colorado moves the previous question on the motion of the gentleman from Pennsylvania to recommit and the amendment thereto.

Mr. OLMSTED. Mr. Speaker, reserving the point of order, I will ask to have the motion again reported, as it was quite difficult to catch it.

The SPEAKER. Without objection, the Clerk will again report the motion to recommit.

There was no objection, and the Clerk again reported the motion to recommit.

Mr. OLMSTED. Mr. Speaker, just a word. I would like the attention of the gentleman from Colorado. If the gentleman from Colorado is willing to leave in the words "either generally or as to any specific tract or tracts" there will be no opposition to his motion.

The SPEAKER. Of course this is not debatable. Whatever is said is done by unanimous consent. The question is on ordering the previous question on the motion of the gentleman from Pennsylvania [Mr. OLMSTED] to recommit and the amendment of the gentleman from Colorado [Mr. MARTIN].

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the amendment of the gentleman from Colorado to the motion of the gentleman from Pennsylvania to recommit with instructions.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now recurs on the motion to recommit with instructions.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. Is not the motion upon the motion of the gentleman from Pennsylvania as amended?

The SPEAKER. That is correct. The gentleman from Colorado called it a substitute, but it is not a substitute. It is an amendment. The question now is on the amended motion of the gentleman from Pennsylvania to recommit with instructions.

The question was taken, and the motion was agreed to.

Mr. GARRETT. Mr. Speaker, by direction of the House, I report herewith the following bill as amended.

The SPEAKER. The gentleman from Tennessee reports back the bill with amendments, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 65 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," be amended so as to read as follows:

"SEC. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the Government of the Philippine Islands and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands, unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts: *Provided*, That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government without regard to the extent of their said holdings."

With the following amendment:

Add at the end of the bill the words:

"But nothing herein contained shall be construed to increase the amount of friar land which any corporation may hold."

Also, after the word "legislation," in the amendment inserted in line 6, page 2, strike out the words "either generally or as to any specific tract or tracts" and insert the following:

"But such legislation shall not go into effect or have the force of law until it has received the approval of the President, and when approved by the President it shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session it shall, at the close of such period, have the force and effect of law in the Philippine Islands."

Mr. GARRETT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on either one of these amendments? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARRETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWNING was granted leave of absence for one week, on account of important business.

BUREAU OF MINES AND MINING.

The SPEAKER. This exhausts the right of the Committee on Insular Affairs, and the Clerk will call the next committee.

Mr. FOSTER (when the Committee on Mines and Mining was called). Mr. Speaker, by direction of the Committee on Mines and Mining, I call up the bill H. R. 17260.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill, and the Chair will ask the gentleman from Colorado [Mr. MARTIN] to take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

Be it enacted, etc., That the act to establish in the Department of the Interior a Bureau of Mines, approved May 16, 1910, be, and the same is hereby, amended to read as follows:

"That there is hereby established in the Department of the Interior a bureau of mining, metallurgy, and mineral technology, to be designated the United States Bureau of Mines, and there shall be a director of said bureau, who shall be thoroughly equipped for the duties of said office by technical education and experience and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $6,000 per annum; and there shall also be in the said bureau such experts and other employees, to be appointed by the Secretary of the Interior, as may be required to carry out the purposes of this act in accordance with the appropriations made from time to time by Congress for such purposes.

"SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to increasing health, safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries, and concerning explosives and fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

"SEC. 3. That the director of said bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this act.

"SEC. 4. That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed in the mining, quarrying, metallurgical, or other mineral industries; nor shall the director or any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation: *Provided*, That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

"SEC. 5. That for tests or investigations authorized by the Secretary of the Interior under the provisions of this act, other than those performed for the Government of the United States or State governments within the United States, a reasonable fee covering the necessary expenses shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

"SEC. 6. That this act shall take effect and be in force on and after its passage."

Mr. FOSTER. Mr. Chairman, this bill is intended to more clearly define the work of the Bureau of Mines and also extend the work of this bureau to some parts of the mining industry of the country to which it is thought it may not now apply. In 1910, when the bill was passed establishing a Bureau of Mines, the great object of that bureau was to look after the questions of safety and health of those who work in the mines. Along about 1909 and 1910 we had in this country some very great catastrophes in mines, notably in Pennsylvania and West Virginia, which called the attention of the country to the dreadful loss of life which was taking place in mines scattered here and there throughout the land. Those who were here at that time are familiar with the passage of that bill through the House and through the Senate. We believe that the establishment of this bureau has been of great benefit in improving the condition of the methods of mining, and I believe the Committee on Mines and Mining fully believe that with this improved bill they will be able to go forward and do even better work in the future than has been done in the past. For years and years the metal-mining industry of the West, which has afforded so much wealth to our country, felt that it was not properly treated when this Bureau of Mines was established, and so in the Mining Congress in Chicago last October they asked and expected that some changes would be made in this law which would be of more benefit to that industry in the West. Then it has been discovered that in the quarrying industries wherever they may be located there has been little said and little done, so far as the National Government is concerned, for the protection of life and health of the people who work there. It is shown that in the metal-mining industry that there is almost as great a loss of life as there is in the coal-mining industry of the country. They do not meet with the great loss of life at any single mine, but each day when mines are in operation somewhere there is loss of life. I have here a long list of those who have lost their lives in the quarrying industries of a particular State in the Union, and so it is thought that there could be a great benefit brought about if this bureau was permitted to give some attention to the quarrying districts of the country and be the means of saving human life, and they would be able to show how better methods could be put in operation that would result in the saving of lives in such industries of the United States. It is a well-known fact that in the coal-mining industry tuberculosis is not especially prevalent among the miners there, but it is a fact that in quarts mining and in quarrying there is some peculiarity of the breathing of the dust that comes from the quarrying and from the mine so that there is more tuberculosis developed by that kind of mining than there is in the coal mining. Now, these problems can be looked into, they can be searched out by the Bureau of Mines by those who are trained in their especial work, who can go out into the different sections of the country and be able to show how it is possible to conserve human life.

The Mining Bureau, since it has been started, has purchased some cars; they have established those in different sections of the country where there are mine-rescue stations, and whenever a great catastrophe has occurred, like a mine fire or an explosion in a mine, these cars, with their assistants, have gone to those mines and rendered whatever assistance was possible to relieve those who were entombed in the mine. In the State of Illinois, when the great catastrophe at Cherry occurred, I think it will be remembered that the Mining Bureau attendants—those who were employed—went there and helped to save a number of miners.

They have not only gone to these places in times of disaster, but these cars have been taken to the mining centers, wherever it was possible to reach them, with the appropriation that they have had and there instruct the miners in first-aid work, in what to do in case of explosions, fires, or any accidents occurring about the mines. And I want to say this, with due respect to all the operators of the country: That I think very little opposition has ever been offered by any operator against the employees of the Bureau of Mines going into the mines and pointing out whatever improvements could be made in the way of saving human life.

Mr. POWERS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. POWERS. I want to state that the mining operators in the district I have the honor to represent are very glad to have this mining car come and instruct the miners.

Mr. FOSTER. I think that is the case in nearly all instances in which they have gone to any mining center of the country. It is well understood that the Mining Bureau has no authority to go into any of the mines without the permission of the owners.

In the matter of explosives, the Mining Bureau has taken these explosives and tested them in reference to their safety, so that now it has gotten to be a fact that hardly any mine in the country will use any explosive without it is called a "safety explosive," or one of those which is called a "permissive explosive." Many explosives that the Mining Bureau examines are rejected for one reason or another as not being safe to be used in mines. I am glad to say, when these rescue cars go to mining centers that usually the miners are enthusiastic to learn what they can in reference to this work, and it is to their credit that in case of accident, where their comrades and those who have worked with them have met with an accident down under the ground, it is usually the case that these men want to rush in in the face of death to rescue those who have met with accident. You remember that there is a certain apparatus which can be used whereby these employees can go safely to the rescue of these entombed miners. They use what is called an oxygen generator, and then can walk into the mines where there are poisonous gases without being overcome, where, without one of them, a person would be able to travel but a little way within the mine. They have shown how these may be used, and I am glad to say that many of the mine operators of the country have bought this appliance and placed it where it is convenient in case of accident.

There is another great appliance that has been brought prominently into use not only in the mine-rescue work of the country, but in cases of asphyxiation from gases, which is known as the pulmotor. Some of you may have seen it, and no doubt all of you have read about it. By the use of this appliance, when a miner has been overcome by these poisonous gases, they can pump out the poisoned air and pump the oxygen in and restore him to life. And there are instances on record where a person appeared to be dead, and yet was brought to life by the use of the pulmotor.

So this class of appliances that have been used in the mine-rescue work, all that it has been possible to manufacture, have been bought by the governments of the world and by the mine operators. It is a well-known fact, shown by statistics, that in our own country a greater loss of life occurs in mining than occurs anywhere else in the world, and until 1910 the Federal Government practically did nothing to help stop this great loss of life. The bill which we propose to amend at this particular time, if the House so agrees, will explain more fully what is meant by the original act. There are some clauses in the original act which were possibly left undefinable, or at least there was a question whether they could do certain things or not. We have changed some of these provisions of the bill, more particularly explaining what is meant by the provisions of the bill which was passed in 1910. But the main object of this bill, as it was in the original act, is that the Bureau of Mines should still give special attention to the safety of the miners, improving the health conditions, and increasing the safety and efficiency and the economic development and the prevention of waste in mining, quarrying, and metallurgy.

Now, this is the province of the Bureau of Mines as it will be constituted under this bill. When we speak of waste in the country, of course, so far as this generation of people is concerned, it might be well stated that we will have all the timber that we will want, and therefore there ought to be no conservation in the forests of the country; that there will be all the coal

that is necessary for several hundred years. Yet I desire to call your attention to the fact that in 1880, with the coal that was understood to be in sight in the United States, we had estimated enough to last the people in this country several thousand years, and this estimated supply has gone on down until the present time, when it is estimated, with the increased consumption, so far as the United States is concerned, it is practically known where all the coal is located. The area is pretty well defined, and it is estimated what the amount may be. And it is estimated now that with the increased consumption of coal, and with the gas, and with the oil that has been discovered, the use of water power, and all that, with the increase of population, the coal that is in sight will last possibly 200 years, or a little more.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MONDELL. Who has estimated that the coal of the United States could be consumed under any circumstances in 250 years?

Mr. FOSTER. That is the increased consumption of coal as we get the increased population of the country by those who have made the estimates.

Mr. MONDELL. That is, some one has assumed that if you admit a certain increase of use according to a geometrical ratio there will be consumed in a given length of time—in other words, if we consume enough coal in 250 years to consume all the coal there is in the country, we would consume it all? That is all there is to it?

Mr. FOSTER. Of course nobody could speak definitely of that, but we do know the increase of population that has occurred in the last 50 years, and know with that increased population there has been also increased consumption of coal per capita in the United States which has been very material.

Mr. MONDELL. I do not want the gentleman to misunderstand me. I agree with the gentleman as to the propriety and advisability of conserving our fuel and not wasting it. But it does not seem necessary to raise any ghosts in that connection in order to bring the people to do it. The gentleman knows that in the State I have the honor to represent here, for instance, according to the reports of the Geological Survey there is a sufficient amount of coal to supply all of the people of the United States at the present rate of consumption for nearly 800 years.

Mr. FOSTER. Well, of course, those are estimates. The gentleman understands that nobody actually knows that for a fact. It is but an estimate of the amount of coal in the United States to-day and a calculation based on what it was 50 years ago and the increase of the consumption that has gone along, and the deduction is drawn that if the increased consumption continues in the future at the same rate it would consume possibly that coal.

Mr. MONDELL. I have heard that general statement made, and yet I have never known anyone to state the exact geometrical ratio of increase that would bring about in 250 years the consumption of the estimated amount of coal existing in the country.

Mr. FOSTER. I have not the figures as to that, but I have the figures of the increased consumption of coal per capita which has occurred in the last 25 or 50 years.

Mr. MONDELL. We all agree that we should conserve our fuel, but it does not seem to me to be necessary to quote as a fact a statement or suggestion that unless we do differently from what we have been doing all our fuel will be exhausted in a short length of time.

Mr. FOSTER. I simply mention that as an estimate made by men who are dealing in these matters all the time and not a question of fact. Of course I do not know, and I do not think the gentleman from Wyoming could say that that is not so. When we speak about a great amount of coal, when we say that so many thousands of tons or millions of tons are under the ground, of course it is merely an estimate.

Mr. MONDELL. Yes.

Mr. FOSTER. Yet if we have estimated 100,000,000 tons or 500,000,000 tons that are possibly under the ground, we must remember that in mining that coal under the present conditions there is a probability that only from 35 to 60 per cent is gotten out, and if we continue the present conditions and the present methods of mining that is all we will ever get out.

Mr. MONDELL. My suggestion is based on the present average amount of recovery—that with the present average of recovery and the present consumption the estimate is that in one of the States of the Union there is enough coal to supply all the population of the United States at the present rate of consumption for eight hundred and odd years. I think that is a very reasonable and conservative estimate. That is less than a tenth of all the coal on the public lands, without taking into consideration the coal held in private ownership. Of course, gentlemen may assume any rate of increase that pleases their fancy to assume, and by assuming a rate of increase high enough they can absorb the billions of tons of coal in the country within a comparatively brief period of time—in their imagination.

Mr. FOSTER. Of course, it may be imagination, and the gentleman's statement with reference to the deposits in Wyoming may also be tinctured with imagination.

Mr. MONDELL. I think the estimate is a fairly conservative one.

Mr. FOSTER. But these matters are not always in accordance with the estimates. I think the gentleman from Wyoming will agree with me that possibly the area of coal, so far as it is controlled by the United States to-day, at least in continental United States, is pretty well understood.

Mr. MONDELL. I think that is true, and I think we ought not to waste it. But the amount that we understand that we have is so enormous that there is no necessity of anyone getting excited as to the danger of a coal famine.

Mr. FOSTER. Not in the gentleman's time, unless he should live to the age of Methuselah.

Mr. MONDELL. As to the gentleman's bill, I should not want to feel compelled to support it simply on the theory that if we did not enact it we would have a coal famine in a few years.

Mr. FOSTER. No; I was just mentioning the necessity for the conservation of the coal supply of the United States.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I want to say that geology itself is not an exact science, and when you speak about the amount of coal in any State being sufficient to supply the needs of the country for 800 years at the present rate of consumption it is simply an estimate based upon the outlines or outcroppings of the geological formation and is not necessarily an accurate estimate. In other words, those who make those estimates have to draw on their imagination to just as great an extent as those who make the estimates of what the consumption will be in a given number of years, and it is simply on these two estimates, based upon such information as is available, that you arrive at your conclusion.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. Is it not a fact that wherever estimates have been made by the Geological Survey with reference to the coal supply the supply has always overrun the estimate? Is there any instance known in history where an estimate has been made in advance of the amount of coal, and when mined it did not exceed the estimated amount?

Mr. FOSTER. I do not know that I could state that is a fact, and I think my colleague does not know it to be a fact.

Mr. GARNER. The gentleman from Illinois is not much of a historian.

Mr. WILSON of Pennsylvania. I do not think it is true generally. I know some instances where the estimates of the geologists have not been reached in actual operations.

Mr. MANN. That is in some particular mine.

Mr. WILSON of Pennsylvania. In some particular field locally, where the amount of coal calculated to be present by the geologists has not been present when it came to actual operations of mining. That it is liable to variation is apparent. The same vein varies in thickness at different points, and if the different outcroppings show the vein to be thicker than the actual vein is in the body of the coal field, then the estimates will be larger than the actual amount of coal. If, on the other hand, the outcroppings show the vein to be thinner than it is actually in the body of the field, the estimates will be smaller than what is actually there.

Mr. MONDELL. Now, where the vein continues to outcrop for a considerable distance, the probability is that the outcropping is a good average indication of the average thickness of the vein.

Mr. WILSON of Pennsylvania. That is true, provided you are able to get a complete average throughout.

Mr. MONDELL. Yes.

Mr. WILSON of Pennsylvania. But in making a survey based on the outcroppings, you are only able to locate the thickness of the vein at various points along the outcrop.

Mr. MONDELL. The outcrop is just as likely to be at a thin point as a thick, and just as likely to be at a thick as a thin point in the vein?

Mr. WILSON of Pennsylvania. Yes. Sometimes the estimates based on the outcroppings show a larger amount of coal

than actually exists, and it is very frequently the case—more generally than otherwise—that the blossom of coal is, on the average, of a greater thickness than the vein itself.

Mr. MONDELL. The gentleman from Pennsylvania suggests that the estimates of the amount of coal now in the ground are no more likely to be accurate than the estimates of the future consumption of coal. I do not think the gentleman quite meant that, for the gentleman is an authority on these matters. The estimates of future consumption are the merest guesses in the world; they can not be otherwise, and the gentlemen whose business it is to keep us alarmed in regard to these matters—and I am not criticizing them, because it is perhaps well that we should be kept alarmed—have never been accused of lacking in imagination. On the contrary, referring again to my own State as a matter of illustration, there is no considerable difficulty in estimating, I think, with considerable accuracy the contents of our coal lands, because our coals generally outcrop on the surface over very considerable areas, and the crop lines run through the country often for miles, the deposits are generally reasonably continuous, and the locality of the coal deposit is well known.

In addition to that there are undoubtedly deposits that are not indicated by outcroppings at all, and as to those there is no estimate made. As to those veins which do crop there is no considerable difficulty in making a fairly accurate estimate as to the probable tonnage, and therefore these estimates of tonnage in a country like ours, where the veins are exposed in croppings, are in the main accurate, whereas the estimates of the future use are merely matters of imagination.

Furthermore, all these suggestions about the existence of coal fields is on the theory that we are never going to use anything for the production of heat and light and power but coal.

Mr. FOSTER. Let me call the gentleman's attention to the fact that within the last 10 years there has been developed a good deal of heat and light from water power, and we are using power other than of coal—that of gas and oil.

Mr. MONDELL. And we ought to use more.

Mr. FOSTER. And with all that increased use of other materials the consumption of coal has increased very materially.

Mr. MONDELL. That is true.

Mr. FOSTER. Another thing. When you come to estimate the amount of coal in Wyoming, which is very large, if you estimate 500,000,000,000 or whatever number of tons it may be in the ground in Wyoming, we know that to get the coal out under present conditions it probably means only 35 or 50 per cent of the amount.

Mr. MONDELL. I think in stating the estimates of the tonnage they are based not on the actual estimate of coal in the ground but on the estimated amount on the recovery basis on present operations.

Mr. FOSTER. Of course, the gentleman will understand that I do not mean to give the gentleman these figures as facts, but to use the expression, "It is stated that such is the case." I do not know that as a matter of conserving the coal of the country it is a matter of importance, and there may be all that is necessary for all time to come, but we have seen our timber fast disappear, and one time it was thought there was no end to the supply.

There is another matter that might prolong that, I will say to the gentleman, and that is that now, under the present conditions, we get from 10 to 14 per cent of heat units out of a ton of coal, but with an improved way of burning that coal we might increase that very materially, which would save the coal of the world.

Mr. MONDELL. Ah, now the gentleman is discussing a very practical and very useful sort of conservation, which this bureau is endeavoring to inaugurate and encourage.

Mr. FOSTER. That is one of the problems of the Bureau of Mines.

Mr. MONDELL. I did not intend to break in on the gentleman's very interesting discourse——

Mr. FOSTER. That is all right; I am pleased to yield to the gentleman.

Mr. MONDELL (continuing). Further than to say that I want to assist in the passage of the bill. I do not care to have my support of the bill based on the assumption that we are facing a coal famine and that we must do it in order to save ourselves from freezing to death.

Mr. FOSTER. I am glad that my genial friend from Wyoming can find plenty of other reasons for his support of the bill.

Mr. POWERS. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. POWERS. For a proper understanding of the gentleman's bill it does not make any material difference as far as the purpose of the bill is concerned whether the supply of coal will last 250 years or 1,000 years; this bill is intended for other purposes?

Mr. FOSTER. It is. It is intended to find out a more economical use of coal and all matters connected with the mining industry.

Mr. POWERS. For the purpose of improving health conditions?

Mr. FOSTER. That is the principal object, and should continue to be so.

Mr. POWERS. The thing I would like to know is what real difference it makes between the bill as it stands and the law as it now is?

Mr. FOSTER. It makes changes in the language which makes more specific the things to be done, defines more clearly the objects than the present act, and it does add something more in reference to the metal and to the quarrying industry of the country.

Mr. POWERS. It broadens the present scope of the law?

Mr. FOSTER. It broadens the present scope of the law to some extent, changes the language of the old law so as to say clearly what is intended and adds new language to enlarge the powers of the bureau, and it puts in one place a provision that was placed in the sundry civil bill of last year.

Mr. POWERS. Does it make any additional alterations so far as the coal-mining industry is concerned?

Mr. FOSTER. Oh, I think that is very much the same.

Mr. MILLER. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. MILLER. I do not know whether the question is proper at this point or not, as I have not been here all the time. I had occasion to make use of certain publications from the Bureau of Mines last year. To my mind they are among the most valuable documents that the Government is issuing, not even excepting the farmers' bulletin. I find that they are handicapped by not having sufficient funds to pay for printing the bulletins. At times they have been seriously handicapped and have been obliged to decline requests for a large number of publications. Has the gentleman provided in this bill any additional means for publication?

Mr. FOSTER. This bill could not do that.

Mr. MANN. What does the gentleman from Minnesota mean by being required to decline to furnish bulletins? Of course these are always obtainable from the superintendent of documents.

Mr. MILLER. But they were not published.

Mr. MANN. They will publish them if you ask for them.

Mr. MILLER. Oh, you can buy them, of course. But while we are sending out publications gratuitously that will do no one on the face of the earth or under the earth or above it any good, when we do get a valuable publication we ought to make it available to the people who can use it and who need it.

Mr. MANN. Mr. Chairman, if the gentleman is correct and we are sending out publications on a thousand and one subjects which do nobody any good, the first thing we ought to do is to stop and find out what they are and then stop them. I dare say the gentleman can not name any.

Mr. MILLER. The gentleman is not going to take the trouble, but I think there would be a consensus of opinion that my statement is correct.

Mr. MANN. I do not agree with the gentleman.

Mr. FOSTER. Mr. Chairman, I think the gentleman will realize that there are a great many bulletins which are published which would be of no service to the people whom he represents or to the people whom I represent, but in another part of the country they are of a good deal of benefit. Under our way of assigning bulletins to Members, however, the gentleman and myself and other Members get bulletins that are of no value to us at all, although they are of value to some people especially interested in the subject upon which they are published. I would say that in this bill we could hardly provide any means of printing bulletins, because that is a matter that would properly come under the sundry civil bill.

Mr. MILLER. I understand that the actual expense required for paying the cost of the publication would come in another bill, but I was wondering whether this bill could not contain phraseology authorizing the publication of certain bulletins.

Mr. MANN. The gentleman does not know the Superintendent of Mines, Mr. Holmes, or he would know that a thing of that sort would not be left out of any bill that Mr. Holmes prepared.

Mr. MILLER. I have had a good many talks with Mr. Holmes.

Mr. DALZELL. It is mandatory. It says:

> That the director of the bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations—

And so forth.

Mr. MANN. And in section 2 it says that it shall disseminate information in such manner, and so forth.

Mr. MILLER. It does not designate the investigations to be made or the kinds of publications that may be published. It gives him authority in a general way to do this class of work.

Mr. MANN. If the gentleman will permit, it is impossible to comprehend how any broader authority could be conferred in that respect. As I said before, paying a tribute to Mr. Holmes, in the first place the bill contains a provision that they may disseminate information concerning these subjects—all the subjects that are embraced in the bill—in such manner as will best carry out the purposes of the act; and having done that, then they specifically require the publication of bulletins on all the subjects mentioned in the act.

Mr. FOSTER. Let me say to my colleague this: There has been some question as to whether or not the use of the term "dissemination of knowledge" would permit of the use of funds for the purpose of instructing miners in the mining centers of the country—as to whether a really strict construction of that law would permit them to do that.

Mr. MANN. But it authorizes them to publish bulletins, and that is what we are talking about.

Mr. FOSTER. Yes; but the gentleman was speaking about the first provision mentioned, namely, the dissemination of knowledge.

Mr. MANN. I know what they want is to have authority to go along and conduct schools wherever they please at public expense.

Mr. FOSTER. Oh, no. This work is only temporary.

Mr. MANN. Oh, certainly. That is provided for in the bill.

Mr. FOSTER. Oh, no; the gentleman is mistaken. What they do now, and all they expect to do, is, when they take these mine-rescue cars and go into the mining centers, where they get several hundred miners together, that they may be able to teach those miners the means of first-aid work, and what to do to make their condition safer in the mines. That is the only object of it. This work is only for starting the instruction, and it will then be carried on by the miners and operators.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Mr. Chairman, I supported the bill two years ago providing for a bureau of mines and mining. It has been in operation now a little less than two years. It is not usual after creating a bureau to undertake to change the organic law for its creation within a year or two. It certainly ought not to be done without giving some reason for it. I have listened to every word that has been spoken by my distinguished colleague from Illinois [Mr. FOSTER], who is very eloquent, but up to the present time I have not heard him say a word as to why the existing law is not sufficient and why he needs a new law which repeals the existing law and enacts a new law. It being a very unusual thing for Congress to create something one year and then entirely remodel it the next year, there ought to be some reason given for it. I have no doubt that there may be a very good reason, but I think it ought to be shown in the RECORD.

Mr. FOSTER. I will state to my colleague that we have incorporated in the bill a provision put in last year's sundry civil act, which is now the law, but we put it into this bill. Then, as I have said before, we have enlarged the scope of the bill to apply to other mining industries and have more clearly defined the objects of the original act.

Mr. MANN. Of course that can not be the purpose of this bill—to stick in something that is already the law. What is the purpose of this bill? Can anybody explain it except Mr. Holmes? He can not come on the floor.

Mr. FOSTER. If the gentleman will wait a minute I will do the best I can to explain to him the proposed changes in the bill.

Mr. MANN. Oh, I have been waiting patiently and will continue to wait with interest.

Mr. FOSTER. I will state that the gentleman talks about Mr. Holmes——

Mr. MANN. I have not said anything derogatory of Mr. Holmes.

Mr. FOSTER. Oh, no; but the gentleman's phrase, I take it, is not particularly favorable to the gentleman who occupies the position of the Director of the Bureau of Mines.

Mr. MANN. I do not know anybody who is his equal.

Mr. CANNON. Suppose he should die?

Mr. MANN. Then, this bill would have died if he had died.

Mr. CANNON. Suppose he had "passed in his checks," had died, what would have become of the bill?

Mr. SABATH. What does the gentleman mean by "passed in his checks"?

Mr. CANNON. Oh, my dear colleague knows. [Laughter.]

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. KOPP. I notice that the present law provides among other things that the duty of the bureau shall be to make diligent investigation of the methods of mining, with an idea to the improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances. Has this bureau conducted any investigations along any of the lines I have indicated in any mines other than coal mines?

Mr. FOSTER. I think very little.

Mr. KOPP. Why is it that they have been giving their "special" attention exclusively to coal mines when there are lead and zinc mines in Missouri, Oklahoma, Wisconsin, and many other States in which thousands of men are employed, where accidents are not perhaps so frequent as in coal mines but where hundreds of millions of dollars have been invested the same as in coal mines? Why is it their investigations have been conducted mostly in regard to coal mines?

Mr. FOSTER. When this bureau was first established it was the understanding of Congress and I think the understanding of the Secretary of the Interior and officials of the Bureau of Mines that their special duty was at that time to look particularly after the safety of the miners, so they have given more attention to that feature of the work than to any other. Then, of course, all the appropriations they have had have been used in that way. This Bureau of Mines, as you will understand, makes all the tests of the coal of the Government, some fourteen thousand a year now, and that has required all the money they have had, and it has been a question how far they can go so far as the examination of metal mines is concerned.

Mr. KOPP. Then the fact is they have never exercised the jurisdiction they have to make investigations of the methods of mining and the improvement of conditions under which mining operations are carried on other than so far as life is concerned, and in regard to the treatment of ores and other mineral substances they have made no investigation along those lines?

Mr. FOSTER. Very little.

Mr. KOPP. And the only reason has been they——

Mr. FOSTER. Well, it is a question of whether they have a right to go into that feature of the work.

Mr. KOPP. I am reading from the present law; it seems then it is useless to add to it.

Mr. FOSTER. They have not had sufficient funds to do that in the first place if they had all this authority.

Mr. KOPP. Is there any question about the authority they have, in the gentleman's judgment?

Mr. FOSTER. I do not know whether there is or not, but it has been thought there ought to be no doubt as to the right to do so.

Mr. KOPP. Does the gentleman seek to enlarge that authority in the present bill?

Mr. FOSTER. That is what we want to do.

Mr. TAYLOR of Colorado. If the gentleman will permit, I think I can possibly answer that question. I am a member of this committee, and that is really one of the principal objects of this bill, because now the Appropriations Committee and the Attorney General's Office and others have determined that the present law is not broad enough to take in an investigation of the zinc and lead mining industries and the metalliferous mining industries of the country, and if it is necessary to enlarge the law as it seems to be we should make this modification, giving the bureau that jurisdiction, and we hope hereafter to receive some recognition in the metal-mining industry of the country from this bureau.

Mr. KOPP. Is the gentleman from Colorado prepared to say what the Attorney General held in reference to metal mining?

Mr. TAYLOR of Colorado. No; I am not. If the gentleman will read the report of the Department of the Interior on that subject, I think it will virtually give you the idea—it is page 2 of the report—that the present law is hardly sufficiently broad to authorize the very object for which the bureau was created. That is one of the principal objects we are trying to accomplish.

Mr. SABATH. The chances are the investigations were not conducted in the zinc and lead mining industries because of the fact that most of the lead and zinc mines are in Democratic States, like Missouri, Kentucky, and Colorado and other States where the State legislatures have protected the miners better than in any of the other States. Is not that perhaps one of the reasons?

Mr. FOSTER. Oh, I would not think so; my colleague is hardly justified in thinking that way.

Mr. SABATH. I was under the impression that one of the reasons that those mines did not need to be investigated was

because the laws of those States protected all the miners better than in the rest of the States.

Mr. BOWMAN. Not to the degree that the State of Pennsylvania does.

Mr. POWERS. Not any great protection in the State of Kentucky. I am sorry to say.

Mr. FOSTER. I will say, Mr. Chairman, that we have changed the name from the Bureau of Mines to the United States Bureau of Mines simply as a distinction between the State bureaus and the United States bureau.

Mr. MANN. Of course that raises a very interesting proposition. Does the gentleman know of any other branch of the service that is named that way?

Mr. FOSTER. We now have the United States Geological Survey and the National Bureau of Standards.

Mr. MANN. Does the gentleman expect that we start in and call every bureau of the Federal service United States bureau so and so?

Mr. FOSTER. There can be no question about a United States Bureau of Mines in contradistinction with the State bureau of mines.

Mr. MANN. There is not now. All the bureaus of the Government that have a title usually put after the title, "Bureau of the United States," but this requires the name to be a part of the title, and that is not common and certainly ought not to become common.

Mr. FOSTER. That is the only reason it is put in, to make a distinction between Federal and State bureaus.

Mr. MANN. We have a Bureau of Chemistry, a United States Bureau of Chemistry, and we have 40 bureaus here in Washington, or more.

Mr. FOSTER. As I say, it is simply to make that distinction and, as far as I am concerned, I do not know that it makes much difference, except it does show the distinction.

Mr. MANN. There is nothing to prevent this bureau calling itself a Bureau of Mines and adding on of the United States. We might as well say House of Representatives, as there are houses of representatives in every State in the Union; then why should not we say United States House of Representatives?

Mr. KOPP. Be that as it may, I also call attention to the fact in the first section it is referred to as the United States Bureau of Mines, while in sections 2 and 4 and everywhere else it is referred to simply by the old name of the Bureau of Mines.

Mr. FOSTER. We simply used United States Bureau of Mines in the first section to give the bureau that name.

Mr. KOPP. If that is the complete name, does not the gentleman think it ought to be used all the way through the bill?

Mr. FOSTER. I hardly think so.

Mr. KOPP. They might think it is the bureau of mines of some State in sections 2, 3, and 4, as the gentleman suggested. They would have reason to think two different bureaus were being referred to if you put in section 1 the United States Bureau of Mines and subsequently a Bureau of Mines. According to the reason that the gentleman has given, it might be said that some other bureau was being referred to, and it seems to me he ought to use the same name in each section.

Mr. FOSTER. Possibly so, but I do not think it necessary.

Mr. MANN. Does not the gentleman think we should fix a United States Bureau of Mines in the United States Department of the Interior?

Mr. FOSTER. Oh, I should think not. The gentleman, I take it, is not serious in his criticism.

Mr. MANN. But they have departments of the interior in other places.

Mr. FOSTER. The gentleman may be right. I agree with the gentleman that that will not be necessary. I think the gentleman is possibly too hypercritical on that subject.

Mr. MANN. I maintain that we shall not undertake to change the bureaus in Washington. If we do it in one case, we shall have to do it in others.

Mr. FOSTER. I will say to the gentleman that is the only reason we put it in, that there might arise some misunderstanding as to the name "Bureau of Mines," on account of the States having established bureaus of mines.

Mr. MANN. I think these bureaus would be usually referred to as "Bureaus of Mines of the United States."

Mr. MONDELL. Will the gentleman allow a suggestion? As the object is to clearly differentiate this bureau from the State bureaus, would it not be proper to use the word "Federal," if any distinction is necessary? We have what is known as a "National Reclamation Service," and the word is used when there is any necessity of distinguishing it from State bureaus. If there is any necessity of using a distinctive word, it seems to me the word "national" would be the proper one, or the word "Federal," if the word "national" is not used.

Mr. FOSTER. That is the only reason that distinction was put in there.

Mr. CANNON. Will the gentleman allow me?

Mr. FOSTER. Yes, sir.

Mr. CANNON. I have been advertised as being one with other wicked men who have been against this service, and if the gentleman will allow me to state, I have never had anything to do directly or indirectly touching the opposition or the establishment of the Bureau of Mines. At the time it was established I was Speaker of the House and quite busy with the general duties that pertain to that position. Now, we have a great deal of public service touching public health. We have the Marine-Hospital Service and we have the Army and Navy Medical Service that make investigations through these various legally organized instrumentalities touching health. We have also a Geological Survey in the Department of the Interior. We have a Bureau of Standards under the Department of Commerce and Labor. We have a Mining Bureau. Let me say that I have a slight acquaintance with the director of that bureau, and I have rarely met a man who, in my judgment, is so efficient along the line of public service as he is. [Applause.] I have met others, and there will be others, when he and I and you are dead and gone, equally competent. So I make this remark as a basis for asking two or three questions. In a hasty reading of the bill, it seems to me that it authorizes largely a duplication of the work done by the Geological Bureau. It seems to me to duplicate the work done by the Bureau of Standards. Now, my colleague is not in favor, I feel quite sure from what I know of him, of duplicating work. For instance, in section 2, amongst other things, commencing with line 11, down to and including line 24—

Subject to the direction of the Secretary of the Interior, this bureau is authorized to conduct inquiries and scientific and technologic investigations concerning mining—

That authority already exists, as I understand it—

and the preparation, treatment, and utilization of mineral substances—

That is, all mineral substances. Perhaps there is no authority to go beyond coal mining under the present law. But now mark the words—

with a view to improving health conditions and increasing safety—

Now, all of us are in favor of health and in favor of safety. Further—

efficiency, economic development—

You see these are pretty general terms and cover the whole field practically so far. And there is still more to follow—

and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries.

That is pretty broad. Waste? That would authorize chemical laboratories. It would authorize the employment of experts. Further:

To investigate explosives and fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient use.

That is already being done by the Bureau of Standards.

Mr. FOSTER. I will state to my colleague the work of this bureau is confined to the unfinished products.

Mr. CANNON. Will the gentleman allow me to complete my statement?

Mr. FOSTER. Surely.

Mr. CANNON. Because I am doing it in good faith.

Mr. FOSTER. Certainly.

Mr. CANNON. And it says:

And to disseminate information concerning these subjects in such manner—

And so forth. And then when you go to section 3 we have, in substance, the same thing, and part of section 3, I think, is already covered by the present law. Then, again, in section 4, touching health, touching all the metal industries, and so forth, it says:

Provided, That nothing herein——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. CANNON. I think the gentleman's time ought to be extended to such time as he may desire.

Mr. MANN. Mr. Chairman, I ask that my colleague be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois, Mr. MANN, asks that his colleague, Mr. FOSTER, be permitted to conclude his remarks. Is there objection?

Mr. AUSTIN. I wish to amend that suggestion by giving the gentleman from Illinois [Mr. FOSTER] an additional hour, if he needs it.

Mr. FOSTER. I do not need it.

Mr. AUSTIN. Then I withdraw my motion.

The CHAIRMAN. The Chair hears no objection.

Mr. CANNON. There are those things in general terms that would authorize investigations—I was going to say in the legal world, but certainly in the medical world and the surgical world—and touching the waste in all mineral industries.

In fact, it is broad enough, it seems to me, to cover pretty much everything in the industries, including all mineral industries, quarrying, and everything else, and health generally. And then comes this proviso:

Provided, That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

Now, in my judgment, with the broad authority there given if this legislation is enacted, the bill ought to go further and repeal the law authorizing the Bureau of Standards, a great plant, running into the millions, to transfer everything connected with the Bureau of Standards from the Department of Commerce and Labor to the Department of the Interior, and it ought also to abolish the Geological Survey, and I am not sure but that, so far as it duplicates a general investigation touching health—because that covers the whole field—the activities concerning health covered by the Bureau of Public Health and Marine-Hospital Service might also be transferred. We already duplicate in large part many of the matters that I have referred to, and this Bureau of Public Health and Marine-Hospital Service in that respect is analogous, as I understand it, to the existing law touching the Bureau of Mines. It may be that it would be wise to do that. About that I have no opinion and do not express any prejudice. But it seems to me that in giving that additional authority we ought to consolidate the various services that are being duplicated by this measure.

Now, to set everybody's mind at rest, I do not make the remarks somewhat extended, in the shape of a question, through the courtesy of my colleagues, in a criticizing spirit, but in the best of faith, for the benefit, if it be a benefit, of anybody touching the public service.

Mr. FOSTER. I would like to say a few words in reply to my colleague. I want to say that I think my colleague has a wrong impression, a wrong idea, as to what the province of each of these bureaus are. I am sure that when he stops to think and consider concerning this bill he will see that there is not any duplication of work here. For instance, as to improving health conditions, I want to say that in the Bureau of Mines there is now detailed from the Bureau of Public Health and Marine-Hospital Service an expert surgeon, who is examining into the health conditions in reference to mines. For instance, in some States it has been determined that the hookworm is contracted by people who work in the mines; it has been found that that condition exists in the mines; so that this surgeon, who is detailed to the Bureau of Mines to examine into those matters, is not employed by the Bureau of Mines, although he is working under its direction. He is cooperating with the mining engineers of the Bureau of Mines. He is studying health conditions and the mining engineer is endeavoring to determine what changes in the mining methods and operations can be made to improve these health conditions and make the mine safer.

Again, by section 2, for instance, inquiries and investigations are authorized concerning the utilization of mineral substances with a view to improving health conditions. That comma should be taken out between the words "health" and "conditions." These inquiries are designed to increase "the safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical industries; to investigate explosives and fuels and unfinished mineral products belonging to or for the use of the United States." As to this section it has been suggested by the Secretary of the Interior that an amendment should be placed after the word "States," in line 22, page 2, in somewhat this form: "With reference to the mining treatment, preparation, and use."

There might be some difficulty there, as suggested by my colleague, but the Secretary of the Interior has suggested in a letter to Senator POINDEXTER that that language ought to be placed there, so that there could be no question about it, in reference to the mining, preparation, and treatment, because it is not the duty of the Geological Survey to have anything to do with the mining of ore. They have nothing to do with that. The language placed there, in line 22, "with a view to the most efficient use," might be stricken out and these words inserted in lieu thereof: "In reference to their mining, treatment, and use." That would obviate any possibility of the language being construed so that it would duplicate any work already being done by the Geological Survey. That is the opinion of the Secretary of the Interior, and it was the intention, so far as I am concerned, to offer such an amendment. The language of this bill is satisfactory to the Secretary of the Interior and the Director of the Geological Survey and they do not believe there would be any duplication of work.

Now, as to improving health conditions, the Bureau of Mines does not employ physicians, and will not under this bill, except as I have stated to the gentleman from Illinois, but it is expected that the employment of such experts might result in showing how to keep out gases and instituting better methods of ventilation and keeping down the dust that arises in the quarries and in the quartz mines, which has proven to be so injurious to the men who work there. It is not the intention to go and look after the general health or physical condition of all miners, but only such conditions of ventilation, and so on, as will improve the health of the miners. It will develop facts and principles, but it will not examine all mines. It will only examine enough mines to develop the principles and suggest remedies. That is the intention, so far as I understand it. The committee has endeavored to so word the bill so as to avoid duplicating the work of the Bureau of Standards. This bill would not authorize the Bureau of Mines to investigate finished manufactured products nor structural materials, nor any of the work authorized by the Bureau of Standards. There is no provision that permits any such duplication.

Mr. CANNON. I am in exact harmony with that intention, but I submit again to the gentleman the suggestion that the language on lines 24 and 25 on page 3 and on lines 1 and 2 of page 4 is pretty sweeping.

Mr. FOSTER. I will state that I desire to hear whatever just criticism can be made of this bill.

Mr. CANNON. I am acting in the best of faith, and I think my colleague from Illinois is.

Mr. FOSTER. I want this bill enacted into law in the best shape possible, so this bureau may do still better work, and I think my colleague does, too. The proviso, beginning on line 23 of page 3, is:

That nothing herein shall be construed as preventing the employment by the Bureau of Mines, in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

Now, it was thought that in the original act this could be done by the permission of the Secretary of the Interior; but the restrictions placed in this section would prevent the bureau from employing any temporary help or one who owns any interest in any mine even in a consulting capacity for only a limited time. I think it is desirable to have the right to employ such assistance for a little time, but, of course, I would not want to see any abuse of this provision any more than any other Member and do not think there would be.

The Comptroller of the Treasury and auditor have decided that under this provision of the law now they have a right to do that, but for fear that there might be some question arise some time, we thought that there should be no doubt about it.

Mr. SHERLEY. Right there, did not this Congress within the last three years expressly prohibit the employment of such experts because of the abuse that grew out of it, and has it not been the policy of the Government that men that work for it should work for it alone and not pay special fees to men whose work was nine-tenths in some other business? The result of such employment was that the expert used his position to start a backfire on Members of Congress. You got hold of a professor in the State college who received a salary of $3,000 or $4,000 for doing work for the State college, and then he was called in in a consulting capacity and paid a few thousand dollars extra, and incidentally his whole influence was used to build a backfire. That practice was exposed on this floor.

Mr. FOSTER. I agree with the gentleman that there ought not to be any abuse of such a provision.

Mr. SHERLEY. But you are expressly providing for it here.

Mr. FOSTER. I know we are providing for the employment of temporary experts, but I want to tell the gentleman why we provide for it, so that I may conclude what I have to say on this bill.

Mr. SHERLEY. I not only want the gentleman to conclude, but I am willing to provide that he must conclude. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, there is a good deal of confusion in the House, and I have not been able to get the full force of everything that has been said on this subject in the colloquy over there that has been going on between the gentlemen now discussing it.

Mr. CANNON. Might not Mahomet come a little nearer to the mountain? There are lots of seats here. [Laughter.]

Mr. CAMPBELL. The gentlemen from Illinois all seem to have heard each other.

The CHAIRMAN. The Chair feels constrained to state that the gentleman from Kansas has caused the only disturbance that has come to the ear of the Chair since this debate began.

Mr. CAMPBELL. That means, I suppose, that what I have said is all that the Chair has been able to hear. [Laughter.]

The CHAIRMAN. The Chair means to say that the gentleman has made the only noise that has been made in the Chamber since the debate began.

Mr. FOSTER. Mr. Chairman, in the work of the Bureau of Mines it has been necessary sometimes to do some special work and to employ some outside help. For instance, there might be in Pennsylvania or West Virginia or Illinois some serious accident which they would want to specially investigate. There might not be in the department such a man who could go out and do that special work at that particular time. Now, the object was, and it has been held by the comptroller, that the Bureau of Mines might employ experts outside of the regular employees of the bureau—some one to do that special work. The committee has proposed to place an amendment in the bill making the compensation of this person not to exceed $10 per day. It is sometimes necessary to do that, and it has been done, especially in a new bureau like this, where it is more than necessary for the best interest of the work and for economical reasons.

Mr. SHERLEY. If the gentleman will permit, that was the device used for this particular extra compensation. The per diem was fixed, but the number of days was determined by the bureau employing the man, and there was not any way by which you could say how much work was done on these different days, and it simply resulted in giving some man who was doing nine-tenths of his work for some educational institution an opportunity for outside compensation, and, incidentally, enlisting him in the activities of the bureau. It developed in that case that correspondence went not only to Members of the House but to various other people, with the object of creating further activity in the department. It is a natural thing for a man that feeds on a bureau to see to it that that bureau is kept going.

Mr. FOSTER. I think the only object of this section is, as I have said, to make it possible that the Bureau of Mines for a little time might be able to employ some outside help, and I hardly think, with the limitation, it will be abused.

Mr. SHERLEY. I am not questioning the object, but pointing out the possible abuse.

Mr. FOSTER. They may want at times a special man for a special purpose, and I think the gentleman from Kentucky is unduly alarmed.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. In reference to that proviso, would that authorize the employment of these experts in the District of Columbia where the law otherwise provides that they can not be employed in the District unless specifically appropriated for? The gentleman will remember that we carried in the legislative bill the other day a provision which would render a man subject to fine and imprisonment and removal from office if he made a mistake in reference to the construction of a provision like this. I think it would be fair, therefore, if the gentleman in charge of the bill would express his opinion as to whether this does authorize the employment in the District of Columbia of one of these experts.

Mr. FOSTER. In view of that provision placed in the bill, I do not think that without the special appropriation it can be done.

Mr. MANN. This says that nothing shall be construed as preventing the employment by the Bureau of Mines. Does the engineer who is employed have to remain outside the District or can he come inside?

Mr. FOSTER. Under that provision of law I do not think he could, and, further than that, the Bureau of Mines investigates or tests coal for the Government. I think with this provision of the law that was placed in the legislative bill the Bureau of Mines, without special appropriation, will be unable to employ men in that work in the District.

Mr. SHERLEY. But there is an express provision that authorizes that.

Mr. MANN. That law is many years old. The legislative bill only fixed the penalty. As a matter of fact, has not the Bureau of Mines employed experts in the District of Columbia already out of the lump-sum appropriation?

Mr. FOSTER. I do not know that it has.

Mr. CULLOP. There is nothing in this bill that says anything about employing men outside of the District of Columbia. All this provides is that it shall not be a person connected with the bureau. The place of residence of the person is not fixed by the provisions of the act.

Mr. MANN. But there is a law that prohibits the employment of any person in the District of Columbia unless an appropriation specifically authorizes it. That does not mean that the appropriation has to name that person. It may be for something that requires employment in the District. We carried a provision in the legislative bill the other day requiring the officer in charge of an appropriation to determine at his risk—the risk of removal from office and of fine and imprisonment—to determine whether the appropriation authorized it or not. Now, does this act change the existing law and authorize employment in the District of Columbia?

Mr. CULLOP. With all due respect for the opinion of the gentleman from Illinois on the proposition to which he refers, I do not think it could ever be construed in such a drastic way as the gentleman has construed it.

Mr. MANN. I am afraid that the gentleman has not read it.

Mr. CULLOP. Yes; I have read it, but it could not be construed as broadly as the construction the gentleman has placed upon it.

Mr. MANN. The provision in the legislative bill the other day did not require construction. It plainly provided for removal from office, fine, and imprisonment.

Mr. CULLOP. Yes; but that would require it to have been carelessness, or a willful mistake. An honest mistake would not be visited with such a penalty as that.

Mr. MANN. That is not the opinion of the Department of Justice.

Mr. SHERLEY. Mr. Chairman, will the gentleman from Illinois [Mr. FOSTER] yield?

Mr. FOSTER. Yes.

Mr. SHERLEY. If this should be enacted into law, it becomes the latest law. You herein expressly provide, just as if you had written into it "any previous law to the contrary notwithstanding," that nothing shall be construed to prevent the Bureau of Mines from employing anybody not in the regular employment of the bureau to do special work. There is no provision limiting the employment as to person or to place, but provided that the man be employed for the purpose of special investigations, then he may conduct them, not only in the District of Columbia, but in the Directors Office of the Bureau of Mines in the District of Columbia, if need be, and you have made it just as wide as it is possible to make it by the use of the English language, in my judgment.

Mr. FOSTER. The only intention of this provision is that it would enable the Bureau of Mines at those special times when it may be necessary to employ an expert not connected with the bureau and this is only general and the special provision would apply.

Mr. SHERLEY. I am not questioning the good faith of the committee, or even of the bureau, in suggesting this, but I am calling to the attention of this Committee of the Whole the experiences that this House has had where Congress has heretofore on the same assumption that a thing would not be abused, given such powers, and after a few years it has developed that a particular bureau was abusing the power thus given to feed a lot of people out of the Government Treasury, who really belonged to other organizations.

Mr. FOSTER. I am sure I am just as strictly opposed to anything of that kind as the gentleman from Kentucky.

Mr. SHERLEY. I understand the gentleman is opposed to it, but opposition is of no value unless it is accompanied with a desire to restrict legislation so that the abuse can not take place.

Mr. FOSTER. But I want to say that it is absolutely necessary as a matter of economy to the Government that the Bureau of Mines be able to do this for a time. Whether such a thing would be abused is another question. I do not know and neither does the gentleman from Kentucky.

Mr. SMALL. Mr. Chairman, I should hesitate to differ with the gentleman from Kentucky [Mr. SHERLEY], but it seems to me that his construction of this language is not correct. The general statute to which the gentleman from Illinois [Mr. MANN] referred is the statute preventing the temporary employment of experts while, say, within the District of Columbia. This language authorizes the employment of experts in a consulting capacity or in a temporary way generally without specifying where they may be employed. Therefore, I think the construction of this language in connection with the existing statute would be this, that it would not in terms or by implication repeal the existing statute, but would be construed in connection with it and authorize the employment of experts outside of the District of Columbia.

Mr. SHERLEY. Mr. Chairman, speaking for myself, I am just as much opposed to employing them outside as I am here. I think it is a bad, vicious system. I believe we ought to have

men working for the Government only. They ought to have no divided allegiance. No man can serve two masters. It has been abused in the past, and in the future it will be the means for giving certain favors to a few people under the guise of getting special work done, and thereby getting certain local influences scattered over the country to work to build up a sentiment in regard to a particular kind of work. That has been its history in the past, and I believe will be its history in the future.

Mr. SMALL. That is a difference between the gentleman from Kentucky and the chairman of the committee as to the merits of the proposition. I understood that the committee had concluded it was important to permit the employment of experts in accordance with the provisions here. The gentleman from Kentucky thinks that it is an unwise provision. So far as the difference upon the merits is concerned, I would be inclined to follow the committee that had investigated the matter.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, it ought not to be lese majesty to differ with the committee, and, in the second place, the gentleman from Kentucky is not speaking altogether ill advisedly. I suspect that we have had as full, and certainly more recent, hearings from the Director of the Bureau of Mines before the sundry civil subcommittee than was had upon this bill.

Mr. SMALL. The thought I was addressing myself to particularly was the question of the construction of this statute which has been brought before this House, and, as I assume to say, I think the proper construction of this language in connection with the existing law would not in terms or by implication repeal the existing law, but this would be construed in connection with existing law and permit the employment of experts in the District of Columbia as the existing law provides.

Mr. CULLOP. Just on that point I would like to call the attention of the gentleman from Kentucky, because I am somewhat with his contention, why could not we limit it by some amendment which would avoid the very difficulty here and which might arise again under the provisions of this bill, such as the location of persons, designating a certain territory from which such person might be selected if one was required, and the conditions under which he should be called. For instance, if it were out in your territory—you have large mining interests there—some person could be designated from the agricultural college of that State; or if in Indiana, some person from the agricultural college of that State; or in Pennsylvania, some one from there; and by that means the very difficulty that the gentleman from Kentucky has spoken of might not occur in the administration of this measure.

Mr. FOSTER. I think the gentleman may be right about that. For instance, if an accident occurred in a certain part of the country, if a man could be selected who is doing special work there, it will find it much more economical for the Government to employ an expert that is acquainted with a given mine or with certain conditions, and he can do that work possibly in two or three days, than to have one of these experts kept continually in office. Now, usually these mining engineers who do this special work are not anxious to do it for $10 a day.

Mr. RAKER. As I understand the suggestion made by the gentleman from Kentucky, his principal objection is as to the policy of permitting anyone outside the bureau to be employed. He is not discussing, as I understand it, whether or not this could not be provided for, because it can be very easily and readily provided for by making an exception, except in the District of Columbia. I understand the opposition is to the policy of permitting any employees outside of those belonging to the bureau.

Mr. HOWELL. It seems to me that in this discussion there is one thing that has been overlooked, and that is there should be some modification of the language immediately preceding it:

> Nor shall the director or any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation.

Now, in some cases it may be necessary to employ a man who is interested in a mine. He may be the very person who ought to be employed and who knows more about the conditions of the mine than anybody else, and this provision imposes a limitation upon the employment by the Bureau of Mines of anyone having an interest of that kind. The purpose of the modification merely is to permit the Bureau of Mines under some conditions to employ a person who might have an interest in a mine in some locality.

Mr. SHERLEY. Does the gentleman think we ought to employ a man who has an interest in a mine to make an investigation of that mine?

Mr. HOWELL. It might be necessary in some localities to employ an expert who has some interest, some stock or something of that kind, but he would be a man who understood the character of the mine and have such information that he would be the best man for the purpose.

Mr. FOSTER. It is not that they should employ some expert to examine a mine, but the provision is that no person who is employed by the Bureau of Mines shall own any stock of any kind or have any interest in any mine. Now, the intention of the provision is, for instance, one mining engineer might own stock, say, in a mine over in Pennsylvania, and if there was not some provision of that kind you could not employ him to work in the State of Alabama. This will simply give the right to employ an engineer who owned some stock in Pennsylvania to do some work, for instance, in the State of Alabama.

Mr. HOBSON. If the gentleman will read very carefully, it says:

> Nor shall the director nor any member of said bureau have any personal or private interest in any mine or the products of any mine under investigation.

The expert temporarily employed would not, in my judgment, come under the definition provided here as a member of the bureau. He would be employed by the bureau temporarily, and he would not be prohibited under those words, in my judgment; and I do not see the obstacle suggested by the gentleman.

Mr. HOWELL. The proviso is intended to guard that, that no person in the employ of the bureau might be construed to be a member of the bureau.

Mr. HOBSON. I should not think so. I should not think a person employed should be a member, otherwise many of our bureaus here would have thousands and hundreds of thousands of members.

Mr. FOSTER. I think the law as construed means only those who are regularly employed by the bureau.

Mr. HOBSON. Designated in the appropriation.

Mr. FOSTER. Those only are members of the bureau.

Mr. HOBSON. I do not think the gentleman's objection is good.

Mr. LEWIS. Will the gentleman yield for a question? We have now something in the nature of a Bureau of Mines and Mining, I believe. Will the gentleman advise me as to whether in the past the agents of the bureau have investigated gas explosions that have occurred in the different States; and, if so, have they, as a result of their investigations, assigned the responsibility and the cause of those accidents?

Mr. FOSTER. I will yield to my colleague from Pennsylvania to answer that question, who has better knowledge on that particular subject on account of his large practical experience as a miner.

Mr. WILSON of Pennsylvania. Mr. Chairman, I will say to the gentleman that the bureau has investigated the conditions existing in mines after explosions have occurred, but they have never undertaken to place the responsibility of those explosions, the bureau assuming that that was a duty devolving upon the States and not upon the Federal Government; that their duty was to find out, so far as they could, the cause of the explosion so that they might devise methods of prevention, and that it was not their duty to place the responsibility for the explosion. I may say further, that in making investigations toward that end that there has been developed a different line of thought regarding the prevention of explosions, and prevention is very much more important even than this rescue-car service that the gentleman from Illinois has referred to. One of those methods which have been experimented with and found to be of considerable value in preventing explosions of fire damp has been the turning of steam jets from the plants at the mine into the intake of the ventilating current so that there is a greater amount of moisture going into the mine than would normally go in if these steam jets were not there. That moisture continually going into the mine ultimately permeates the dust so that it does not rise as rapidly when the explosion takes place and does not ignite as rapidly when it is raised. The other method which has been developed, and which can be utilized where no steam jets are in existence, is to crush the shales and clays which are found where the coal measures exist into fine powder and distribute that over airways, traveling ways, and working places where it accumulates.

The dust being noninflammable and being heavier than coal dust—that is, the shale dust being less inflammable and heavier than coal dust—reduces the inflammability of the coal dust so that there is less likelihood of the ignition of coal dust from the blown-out shot or from a pocket of fire damp. Those are some of the things that have already been developed by the Bureau of Mines along the line of preventing accidents in mining. But the bureau has not yet undertaken, nor is it within the power of the bureau to undertake, to place the responsibility

for any accident that has taken place. Their policy is to find out the causes and develop the means of prevention.

Mr. LEWIS. Now, may I ask the gentleman from Pennsylvania [Mr. WILSON], through his courtesy, this further question: It is a matter, of course, of common information that conditions in Europe with reference to gas are more aggravated, and have been for the last generation, than here, and yet the number of accidents by way of explosion has been less there in recent years. Has the bureau collected information sufficient in reference to that matter in other countries for utilization here?

Mr. WILSON of Pennsylvania. To a limited extent only, because that is one of the things for which a sufficient amount of funds has not been provided. They have gathered some information relative to accidents abroad, but the Geological Survey has done more in that direction than the Bureau of Mines has done in the collecting of information relative to the accidents that have occurred, and the Geological Survey has from time to time reported upon the accidents occurring abroad and the accidents occurring in the United States. They have furnished considerable of statistics on that subject.

Mr. LEWIS. Have they furnished the mining regulations with reference to accidents where gas exists?

Mr. WILSON of Pennsylvania. They have not collated much of the information as to regulations to prevent accidents.

Mr. BOWMAN. The State of Pennsylvania has already furnished a great deal of information as to what has been done in foreign countries as to the prevention of these accidents.

Mr. WILSON of Pennsylvania. Yes.

Mr. HOBSON. Before the gentleman takes his seat I would say that I am greatly interested in this matter of the prevention of the danger in coal mines, and I would like to ask as to the probable effect of the introduction of shale dust or steam through jets on the conditions of life in the normal working of the mines, which conditions leave a great deal to be desired.

Mr. WILSON of Pennsylvania. That has been taken into consideration, but the practical effects have not as yet been demonstrated. There is a great deal of moisture in the atmosphere, it is true, that is absorbed gradually as the air passes into the workings, so that when it goes into the point in which the workmen are actually at work there is not much more than the normal amount of moisture in the air. Under the normal conditions of the current of air going into the mine, the absorption of the moisture from the air by the roof, the ribs, and the floor of the workings makes the air dry at the working place, so that there is not much danger to health from increased moisture.

So far as the shale dust is concerned, it is sprinkled in the traveling ways, the airways, and the working place at the time when the workmen are not at work, and the only time when that shale dust would be distributed and come into contact with the breathing of the workmen would be in the event of an explosion, and in that event the very fact that this dust is mixed with the coal has reduced the possibilities of danger from the explosion or the spread of the explosion. So there is not much chance of injury to the workmen through the spreading of fine shale dust through the workings.

Mr. FOWLER. If I understand you, the shale dust, in doing this, prevents the explosion of the coal dust?

Mr. WILSON of Pennsylvania. Yes.

Mr. FOWLER. Now, your injection of the steam has the effect to prevent the explosion of the coal dust. Does it also have the effect to prevent the explosion of gases?

Mr. WILSON of Pennsylvania. No.

Mr. FOWLER. I did not think it did. That was the reason I was asking.

Mr. WILSON of Pennsylvania. The matter of handling gases and how to make them nondangerous was known long before the Bureau of Mines came into existence. The best method of handling fire damp is to furnish a sufficient amount of air to dilute the fire damp to such a point that it will no longer explode. Fire damp is more explosive at the points where there are 5 parts of air to 1 of gas up to that of 14 parts of air to 1 of gas, than any other condition under which gas exists. Now, if you furnish a sufficient amount of air in the ventilating current to reduce the amount of gas to a ratio of less than 14 to 1, then you have destroyed the danger of explosion from gas or fire damp in mines. That was known before the Bureau of Mines came into existence, and these other means that have been developed and worked out by the Bureau of Mines are means of dealing with explosions of coal dust, which frequently intensify gas explosion.

Mr. FOWLER. That is true as to gas explosions. Has any modern method been discovered to prevent the explosion, other than the air current, for the purpose of reducing the ratio above 14 to 1?

Mr. WILSON of Pennsylvania. No.

Mr. FOWLER. Or a sufficient air current to drive out the gas?

Mr. WILSON of Pennsylvania. No.

Mr. FOWLER. And so the Bureau of Mines in other countries have not made much improvement on that question?

Mr. WILSON of Pennsylvania. On that point, neither in this country nor any other country where the subject has been investigated, has there been any other method devised of dealing with fire damp as such, than by furnishing sufficient air to try to drive it out, as I have stated.

Mr. FOWLER. But you have made some progress in the way of saving life by the introduction of instruments, have you not, in the case of fire damp or explosions?

Mr. WILSON of Pennsylvania. Methods have been developed by which oxygen can be supplied to the helmets of workmen, so that they can pass through the dangerous gases, and by that means enable them to reach those who have been overcome by the gases.

Mr. FOWLER. The gentleman seems to be well equipped with information on the subject, and I would like to ask him if these instruments have been put into general use in any of the States.

Mr. WILSON of Pennsylvania. There is no law in any of the States requiring any of the coal corporations to furnish them, but as the result of the rescue cars having been sent to the different mining States by the Bureau of Mines and carrying with them this class of equipment and giving instructions to the workmen in various localities, there are a number of large corporations that have put in this apparatus at their own expense and who maintain a force of workmen who are continually training with the rescue apparatus. There are some in almost all the mining States of the Union.

Mr. FOWLER. About how far could a man travel with one of these instruments after the fire damp had pervaded the mine?

Mr. WILSON of Pennsylvania. About an hour or an hour and a half, or two hours of travel at the outside.

Mr. FOWLER. What are these instruments charged with, oxygen?

Mr. WILSON of Pennsylvania. Potash and oxygen, in order to generate the breathing material for the workmen. That is carried in compressed form on the back of the workman.

Mr. FOSTER. Section 1 of this bill changes the name United States Bureau of Mining in contradistinction to State bureaus of mines, and it is stated that it is to be a bureau of mining, metallurgy, and mineral technology, as this expresses more clearly the functions of the bureau, showing that it deals with the mining of coal, ores, and also extends the jurisdiction to quarrying. It is important to know the best conditions to be put into operation in the mining of coal, ore, and quarrying of stone and slate. It is also important to understand the treatment of ore so as to be able to secure the largest amount of returns in this industry. The original act provided that the Secretary of the Interior should provide such employees as necessary to carry out the purpose of this act. This bill proposes that the Secretary of the Interior shall provide such experts and other employees as are necessary in accordance with the appropriation made by Congress. This is so guarded that Congress at all times has the power to control this matter, and the appointments of employees must be made in accordance with the appropriation which Congress sees fit to make.

In section 2 there has been more change made in the language from the original act, and it specifies and defines more clearly the province of the bureau and gives power to investigate in a scientific way the different problems connected with the mining industry. The first object to improve health conditions of those who work in the mines and to increase the safety of miners, which is certainly an important thing to do, in view of the great loss of life in the industry. It is not intended that this bureau would look after all the conditions of the health of the miners, but only so far as those conditions exist in mining and quarrying.

It is certainly important to have a more efficient way of mining and the best way to secure the greatest efficiency is desirable. The economic development of mining is one of the problems which needs study, and under the provisions of this bill now proposed they will be carefully considered as Congress shall make appropriations from time to time to carry on this work. There is no doubt of the great waste that is going on in many branches of the mining industry. It will be the province of this bureau to study the means of preventing this loss. The study of explosives used in mines concerns those who are employed in the industry, and this is one of the problems now being considered by this bureau. The investigation of all the phases of the mining and treatment of ore will be limited to the unfinished products belonging to and for the use of the United States, and it is especially provided that no private property shall be examined except for the health of miners, and then only by the permission of the Secretary of the Interior. Your committee believes that with this restriction there could be no work done for private parties. The knowledge thus gained by the bureau should be disseminated among those to whom it would be useful, and the bill provides not only for the issuance of bulletins, but also that in the mine-rescue work instructions may be given to miners in order to prevent accidents and save the loss of life. In section 3 this matter of the publication of bulletins is practically the same as under the original act.

The changes in the organic law have been asked for and urgently requested by the American Mining Congress, so that the scope of this bureau might be enlarged, and especially that the metal-mining interests of the West might be given some attention. And the changes in the original act have been proposed with a hope that the bureau might be able to render greater assistance to this industry and that in time this bureau might be to the great mining interests of the country what the Agricultural Department is to agriculture.

Your committee does not believe under this proposed bill there will be any duplication or competition in the work of this bureau and other branches of the Government.

The Geological Survey makes investigations as to the topography and geology of the country, and this work does not belong to the Bureau of Mines. On the other hand, there are a group of investigations which more properly belongs to the Bureau of Standards, Bureau of Labor, and Bureau of Health.

We believe that there has been laid a good basis for reasonable cooperation between the Bureau of Mines and these other branches of the Federal service and that there will be no duplication, but that all these bureaus will work in harmony for the public good as Congress may from time to time direct.

Mr. AUSTIN. Mr. Chairman, the district I represent is a mining district, and, of course, very naturally this proposed legislation interests and appeals to the people of that district. We are not only extensively engaged in coal-mining operations in four or five counties, employing from five to seven thousand people, but we are perhaps the largest producers of marble of any district in the South.

Then we have for a number of years been engaged in the zinc industry. Under the increased duties carried in the Payne-Aldrich bill the zinc industry has improved and grown. Then we are also interested in the mining of barytes and iron ore, and in a near-by district, sixty-odd miles away, the largest copper-mine operations in the Southern States have been conducted for many years, the early operations there even beginning prior to the Civil War.

It is remarkable, when we study and consider the fact that we have so many million dollars invested in mining operations all over the Republic and countless thousands of wage earners employed in the mining industry, to think that Congress never, until two years ago, realized the importance of legislating to the extent of passing a bill creating a Bureau of Mines and Mining.

We have been losing by mine accidents alone in coal operations an average of five or six human lives in this country to one in the mines of the old country, and that difference is all the more remarkable because the mines of Europe are more dangerous of operation than ours. This difference is explained by the fact that every old country engaged in mining operations is far in advance of the New World in the creation of facilities for protecting those engaged in the mining industries, so that when it came to the creation of the Bureau of Mines and Mining two years ago we largely drew our information and secured mine-rescue plans from the old countries, which had them in use for many years.

Both political parties in this country realized the importance of legislation along this line and both carried strong and specific declarations in their platforms in favor of a Bureau of Mines and Mining. So one of the best acts in the interest of the protection of property and human life enacted in the Sixty-first Congress was the bill reported to this House by the chairman of the Committee on Mines and Mining, the late Col. Huff, of Pennsylvania, who passed away a few weeks ago. And I want to say that the wisdom of that legislation in creating this new bureau has been more than justified in the short period of that bureau's existence.

The President of the United States, Mr. Taft, has appointed many able and efficient men to public office. Though there was a long and a warm contest over the selection of the chief of this new bureau, the President did the right thing in selecting the present occupant of that office, Prof. Holmes. [Applause.] He was not only eminently qualified and equipped for this office, but in his brief administration of less than two years he has more than fully met the expectations of his numerous friends, scattered all over this country, and if there be a popular official in Washington, who carries the absolute confidence of the men that his bureau comes in contact with, it is Prof. Holmes. He has the confidence, the respect, the indorsement, and the backing not only of the mine operators of this country, but also of the men who work in the mines. [Applause.]

Now, this was a new law, and it is not surprising that in its administration there should be defects in it and the failure to come up to the full requirements of great mining industries, involving the investment of millions of dollars and the lives of thousands of working people. Hence, the present chairman of this committee, the gentleman from Illinois [Mr. FOSTER]—and a more conscientious, faithful Representative does not sit on either side of this Chamber [applause]—who has given this subject careful and conscientious consideration and study, brings in a bill here for the enlargement of the powers of this new bureau, backed up by every member of the majority and every member of the minority of the committee—a unanimous report. Then he has with it the unqualified indorsement of the Secretary of the Interior, and along with that comes the approval of the chief of this bureau, Prof. Holmes. I say that any proposition of this kind coming here with the unanimous indorsement of the committee, with the approval of the Secretary of the Interior, with the indorsement of the Bureau of Mines, and back of that the American Mining Congress, and, I assert, the indorsement of the mine operatives of this country from one end to the other, and the men who work in these mines, that we ought not to quibble or hesitate in the passage of this bill.

Let me give you a few instances that have come under my special notice in the operation of this bureau. We had a disaster in the district that I represent, in 1902, at the Fraterville mine, Briceville, Tenn., a disaster in which 184 men lost their lives; every one of them an American citizen, men of families, and every one who entered the mine on that morning lost his life. Among them were 15 or 20 boys. The majority of these miners were living at 2 o'clock in the afternoon, and the explosion occurred at half past 7 in the morning. They left behind them messages to their families, written on pieces of slate, stating that they were still alive at 2 o'clock in the afternoon. Had our Congress been progressive enough, active enough, ever awake to the interest of the miners of this country, we would have established many years ago a Bureau of Mines and Mining fully equipped to protect and care for the lives of these men imprisoned in the mines. Had we in 1902 what we have to-day we would have saved practically all of the men who gave up their lives in that mine, because with the oxygen helmets the trained men from the rescue station at Knoxville, established two years ago, could have entered that mine and saved the men and boys.

Now, we had a mine disaster in the same district within a few hundred yards of the original disaster, on December 9, 1911, where 84 men and boys lost their lives—83 native Americans and 1 foreigner.

The mine-rescue car stationed at Knoxville, Tenn., was absent in an adjoining mining district, where its men were giving instructions to miners in rescue work. Prof. Holmes was then in North Carolina. The car was hurried to this point, and Dr. Holmes joined his force and entered the mine and saved a number of these men that I later had the pleasure of talking with about their experience in this mine.

Two years ago we had a disaster in the copper mine at Ducktown, sixty-odd miles from Knoxville, where the miners were imprisoned. We used the mine-rescue men at Knoxville, Tenn., to rescue these men. There ought to be, and I hope the day is not far distant when Congress will see the wisdom of establishing a mine-rescue station in every mining district in the United States. [Applause.] With our immense amount of money and the wonderful resources of this country we hesitate to spend a few thousand dollars in every mining district for mine-rescue stations to protect and save the lives of the wage earners. It is a fearful responsibility. We have been spending for 100 years money on the seacoast for life-saving stations, and legislation of this kind should appeal to Congress for life-saving stations for the men that go into the mines and get fuel to run the machinery of this country and for the comfort of our homes.

Two years ago I took three of the men from the testing station at Pittsburgh, where Congress has authorized the testing of all kinds of material used in mines and mining—mining lamps, dynamite, powder, and explosions from gas and dust,

and so forth. I took three of their best men into the mining camps of the district I represent, and with stereopticon views and lectures we brought home to the miners important lessons in reference to the protection of life and the prevention of accidents in mines. In these meetings, largely attended by the superintendent, the foreman, and operators, miners and their families, we distributed bulletins from the department carrying full and explicit information in reference to powders, explosions, safety lamps, and so forth.

Then we have been taking the mine-rescue car to the mining camps and having lectures delivered to the men. We had a meeting and a public exhibition at Knoxville, Tenn., in the customhouse, and had operators, owners of mines, the superintendents, foremen, and as many of the miners as we could secure, and they saw the use of the oxygen helmet and listened to the lectures delivered along with the stereopticon views showing the mining work, the operations, and matters connected with mine explosions.

So it gives me special pleasure not only to approve this bill, but to call to the attention of Congress the deserving merits of this new bureau, which ought to grow and be aided, encouraged, and strengthened by this Congress and, in fact, every Congress. [Applause.]

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend some remarks in the RECORD by printing a memorial.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD.

Mr. BOEHNE. Mr. Chairman, reserving the right to object, I would like to ask the gentleman what is the nature of the article he refers to?

Mr. TRIBBLE. It is a memorial of ceremonies at the unveiling of the statue of Robert H. Long, who discovered the use of ether, and two or three speeches on that subject.

Mr. BOEHNE. Mr. Chairman, I do not like to pose here as an objector, but the CONGRESSIONAL RECORD has been loaded down with so much outside material of this character that I believe it is to the interest of the American Congress and the American people that it be curtailed, and I shall therefore have to object.

[Mr. POWERS addressed the committee. See Appendix.]

[Mr. RAKER addressed the committee. See Appendix.]

Mr. DIES. Mr. Chairman, I shall not tax the patience of the committee with a lengthy speech this evening, but there are one or two matters which I particularly want to call your attention to. One of these is the question of foreign immigration.

The status of that question before Congress can be briefly stated. In 1907 the friends of restriction proposed to enact a law against the admission of illiterate foreigners into the United States. By the illiterate is meant those foreigners over 16 years of age who can neither read nor write in any language. The illiteracy test was sidetracked by Congress in 1907 by appointment of a commission to look into the whole question and report to Congress. The commission spent something like four years' time and a million dollars of the people's money making the investigation. They reported in favor of the illiteracy test.

During this session of Congress a bill prescribing the illiteracy test has passed the Senate. A similar bill has been favorably reported to the House from its Committee on Immigration and Naturalization.

A majority of the Senate have already signified their approval of the bill.

No man doubts that the lower House is overwhelmingly in favor of it.

Then, in the name of common sense, why do we not pass the bill?

The farmers' unions and the labor organizations all over the country have demanded this very law year in and year out for a decade. A great majority of patriotic Americans in every walk of life are in favor of staying the tide of ignorant and vicious immigration.

What then, Mr. Chairman, is the matter that this bill to keep out 200,000 a year of the illiterate from the south and east of Europe is being strangled and smothered.

We hear a good deal about progression and progressives. Here, my brethren, is an opportunity for genuine progress. Where are the progressives?

We hear a flood of talk about giving more power to the people. It is undeniably true that the lower the percentage of a people's intelligence is the less power they can safely exercise and that the higher the rate of intelligence the more power they can safely exercise.

Here, then, is a chance for real progressives. Help me to keep out this annual 200,000 illiterates and thus make it possible for the people to exercise greater power.

I call to arms the real progressives of both parties. You are needed to-day to save this wholesome measure from being sandbagged behind the doors of the Rules Committee. We have had many progressive words and now we are in sore need of progressive works. Of progressive declamation we have been well supplied. To-day we need progressive deeds.

Mark you, Mr. Chairman, this literacy test has been recommended by the Immigration Commission appointed under the direction of Congress; a bill following that recommendation has passed the Senate; a similar bill has been reported to this House with a recommendation that it pass. And yet, sir, I am told that this measure is to be chloroformed to death in the secret conclaves of leaders who have fooled the people into the belief that they are struggling desperately for progressive legislation.

The simple truth is, Mr. Chairman, that it is the same old game of politics. The election is coming on. The foreign element in the great cities and elsewhere are very watchful; they are against restrictive immigration; they want the dumping to continue. That is, not all of them are of this way of thinking, but a very large majority are. On the other hand, the farmers' unions, the labor organizations, and patriotic Americans generally want this bill passed, but those who are for the bill are not watchful and active. They have neither threatened nor promised. But that is not the case with those who are opposing this measure. They are active, watchful, and ready to punish or reward, as the result inclines them.

The power of self-government is the power of intelligence, and yet we admit into this Republic every 12 months almost a million ignorant foreigners. They are being clothed with the ballot in largely increasing numbers.

They are congesting in the slums of the cities.

They are vexing and perplexing every social, economic, and political question.

They are incapable of self-government. Why do not we restrict this undesirable immigration?

Because we are a lot of vote-catching trimmers, and we are just now engaged in juggling the cards for an advantage in the November election.

This Congress—this progressive Congress—weeping and idolizing at the feet of Roosevelt, CLARK, or Wilson, is crying progress in a loud voice, and preparing to smother legislation to keep out of the United States illiterate foreigners who can neither read nor write in any language.

Strange it is, passing strange, that men crying that the people should have more power, that government should be brought nearer the people, should either actively conspire for or supinely submit to the strangling of this immigration measure.

Do you suppose the people of Italy or Russia are capable of free government? You know they are not, because if they were capable they would have free government.

And still you sit here unconcerned while the great steamship companies unload the worst element of those countries upon our shores by the million, to mix and mingle with you in the solution of the problems of free government. The strangling of this legislation is a cowardly piece of business. Cry progress. Cry that you are Democratic or Republican progressives, and yet you let a million from the south and east of Europe dump themselves upon our shores every 12 months, to depress the wages of our labor, debase the standard of living, and complicate every political problem that vexes our statesmanship. You need not tell me that this is not a serious matter. Nearly 200,000 of these foreigners were converted into qualified voters last year. For the most part these new-made suffragans live in the cities and their votes are controlled by the city bosses that we hear so much about.

Mr. Chairman, I believe in free government. I believe that it is possible for a virtuous, intelligent people to govern themselves. I believe such a people can get along without kings to govern them. But while I believe in the feasibility of free institutions amongst peoples who are enlightened and patriotic, I know that ignorance and vice are the death of free governments. Liberty can not live in an atmosphere of ignorance. History, ancient and modern, teaches the lesson that free governments can only endure among peoples who possess the intelligence to know the right and the virtue to do it.

SHAM PROGRESS AGAINST REAL REFORM.

Mr. Chairman, I am a progressive if that means progress, but I am disgusted with those who use the progressive movement merely for the purpose of making political progress for themselves. I have faith in the power of the people to separate the chaff from the wheat, the fustian from the good cloth, and in

this progressive movement the people must and will distinguish between words and works, declamation and deeds.

I have struggled for reform all my life, and I shall continue the fight. As an old reformer, as a progressive who has been in the cause almost a quarter of a century, I know that our worst enemies are the recent converts, who, in order to prove to the people that their conversion is genuine, feel called upon to advocate radical and extreme measures. I have in mind at this moment a certain Republican politician, who is now a candidate for the first office in the Republic, having heretofore held that office for seven and a half years. This gentleman, in the matter of mere sound, the volume of words, and vehement declamation, is the greatest of all progressives, living or dead. But in the matter of works, of actual performances, he is a snare and a delusion. During his incumbency of the office of President there were more trusts formed than during any other period of our history. This gentleman actually solemnized the articles of union between the Steel Trust and the Tennessee Coal & Iron Co.; he declined to have the Harvester Trust prosecuted; he dismissed Judson Harmon from office because Harmon took the position in a trust case that "guilt is personal"; and this gentleman is trying to convince the public that he is the foe of trusts.

For a hundred years the Democratic Party has struggled for an honest administration of the tariff laws. We are in the sight of victory. This so-called progressive steps in and by a mere volume of sound convinces lots of innocent tariff reformers that he is their champion. Why, in all the years Roosevelt was President he never said a word about reducing the tariff.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. DIES. Certainly.

Mr. BARTLETT. He did write something on the tariff in a message, but it is said the standpatters induced him to take it out, and he had to recall it from the various newspapers to whom the advance sheets had been sent in order not to have it printed.

Mr. DIES. The country does not know very much about what happened with Roosevelt behind the doors, but we do know that so far as the record is concerned he made no effort to reduce the tariff or the high cost of living, and that he dwelt in perfect peace and good will with all the trusts. [Applause on the Democratic side.]

IMMIGRATION THE MOST VITAL QUESTION.

But I am straying from my theme. The most vital question in American politics to-day is the proper restriction of foreign immigration. We are taking into the body of our citizenship a great mass of new population that is not fitted for the task of self-government. The primary object of those who boost this influx is to get cheap labor, and the primary effect is to reduce the wage rate. That is bad enough. You put labor on the free list by your laws of immigration and then in your tariff laws you tax the laborer in all he buys.

But there is another and an inevitable effect which is bound to follow this large immigration. We are beginning to feel it now. That effect will be to change the whole complexion of our political institutions. We are already observing a decrease of that patience, wisdom, and self-restraint which characterized the political conduct of our forebears. Respect for the Constitution and laws of our country are on the wane. Every magazine reader of a new idea wants it enacted into law. The craze is for change, for something new, for radical innovations.

You call me a pessimist, and I am afraid I am sometimes. But I think a little pessimism now and then is not so bad as indiscriminate optimism. The captain of the ill-fated *Titanic* was warned of icebergs ahead, but he saw only the bright side; he was an optimist, and he believed his ship could not sink. If he had been more of a pessimist, he would have slackened the speed of his vessel and kept a stricter lookout. And so it is to-day, my colleagues, with our great ship of state. History, experience, wisdom, all warn us that there is peril in this enormous influx of foreign immigration. The captain may laugh on the bridge; the first-class passengers may revel in unconcern at the banquet table; and the steerage may slumber away in ignorance and indifference, but as sure as history repeats itself and human experience affords a guide for our feet, this great mass of ignorant immigration will result in the detriment if not the destruction of our institutions. If this is pessimism, then I am a pessimist.

I confess, Mr. Chairman, that I am sorely disappointed about this matter. I have worked and waited for a long time to bring about this reform, and now that all is ready and victory is in sight, it sickens my soul to be cheated at the last moment by the cry of expediency.

But some day, and not far distant, I hope, the American people will become aroused over this question, and we will not stop at an illiteracy test, but the test will be capability for self-government.

Mr. Chairman, I want our party to succeed, but over and above that I want this Republic to succeed. The way for a party to succeed is to make itself worthy of success.

There is not room for more than one Socialist Party in this country, and I am willing for BERGER and Debs to have a monopoly of socialism.

All the Democracy needs to do in this hour is to stand for the principles of Democracy; for an honest revision of the tariff, an economical administration of the Government, control and regulation of the corporations, and a patriotic change of our immigration and naturalization laws. We do not need to seek out new and strange gods to follow, but it rather behooves us to return to the old-time religion of our Democratic fathers. Let others be led by fads and follies, if they will, but for the hosts of Democracy their paths are well marked and their duty is plain. [Applause.]

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17260, and had come to no resolution thereon.

COAL-MINING OPERATIONS ON LANDS IN WYOMING.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that Senate joint resolution 100 be recommitted to the Committee on the Public Lands for further consideration.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that Senate joint resolution 100 be recommitted to the Committee on the Public Lands. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton; and

H. R. 21590. An act to authorize levee and drainage district No. 25, Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6160. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;

S. 6161. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana; and

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton; and

H. R. 21590. To authorize levee and drainage district No. 25, Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River in the State of Missouri.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned to meet to-morrow, Thursday, May 23, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes, reported the same without amendment, accompanied by a report (No. 749), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRAY, from the Committee on the Public Lands, to which was referred the bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1 of Nez Perce County, Idaho, reported the same without amendment, accompanied by a report (No. 750), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RODENBERG: A bill (H. R. 24761) to add the village of National City to the cities named in sections 5191 and 5192 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. MILLER: A bill (H. R. 24762) to authorize James A. Gordon, Mark Gordon, Otis Gordon, Harry Gordon, and Alex Gordon, copartners, doing business as Gordon Bros. & Co., to construct a dam across the Little Fork River, in Koochiching County, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERS: A bill (H. R. 24763) permitting suits against the United States for damages caused by vessels owned or operated by the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 24764) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

By Mr. WICKERSHAM: A bill (H. R. 24765) to provide for the survey of public lands in Alaska, making appropriations therefor, and for other purposes; to the Committee on Appropriations.

By Mr. SULZER: A bill (H. R. 24795) to create the Alaska railway commission, to construct a Government railroad in Alaska, and for other purposes; to the Committee on the Territories.

By Mr. PETERS: Joint resolution (H. J. Res. 318) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 24766) granting an increase of pension to Albert A. Melvin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24767) granting an increase of pension to George E. Butrick; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 24768) granting an increase of pension to William F. Knisell; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24769) granting a pension to Horace W. Durnall; to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 24770) granting an increase of pension to William E. Armstrong; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 24771) for the relief of the heirs of William B. Hall; to the Committee on War Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24772) granting an increase of pension to Anthony Krass; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 24773) for the relief of Eric Bergland; to the Committee on War Claims.

Also, a bill (H. R. 24774) granting a pension to Ella McGuigan; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24775) granting an increase of pension to George Shultz; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 24776) granting an increase of pension to John W. Fuller; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 24777) to correct the military record of Christopher P. Rhodes; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 24778) granting a pension to Jesse D. McGee; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 24779) for the relief of Jefferson Fox; to the Committee on Military Affairs.

Also, a bill (H. R. 24780) for the relief of William H. Johnson; to the Committee on Military Affairs.

Also, a bill (H. R. 24781) for the relief of James Heiney; to the Committee on Military Affairs.

Also, a bill (H. R. 24782) for the relief of Isaac Miller; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 24783) granting a pension to Amanda Yeazell; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 24784) granting an increase of pension to Elizabeth Wheeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24785) to remove the charge of desertion against Thomas McCarty; to the Committee on Military Affairs.

Also, a bill (H. R. 24786) to remove the charge of desertion against Alonzo Derrick; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 24787) granting a pension to Lucy A. Fay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24788) granting a pension to Mary E. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24789) granting an increase of pension to William D. Giles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24790) granting an increase of pension to James M. Dixon; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 24791) granting a pension to Moses H. Enochs; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 24792) granting an increase of pension to Cornelius Bowne; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 24793) granting a pension to Elizabeth A. Sheridan; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 24794) granting an honorable discharge to Patrick Cassidy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of Twenty-third Assembly District Socialist Party, Brooklyn, N. Y., against passage of the Dillingham bill and Root amendment, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of Cratonas Lodge, Borough of the Bronx, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of National Lumber Manufacturers' Association, favoring passage of bill restricting importation of nursery stock, etc.; to the Committee on Agriculture.

By Mr. BARNHART: Petition of Indiana State Health Office Conference, favoring passage of the Owen health service bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. H. F. S., of Bristol, Ind., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. BUTLER (by request): Petition of Pride of Chester Lodge, No. 413, at Chester City, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVIS of Minnesota: Petition of merchants of Faribault and Hastings, Minn., protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Red Wing, Minn., favoring legislation giving widows of Spanish-American War soldiers a pensionable status; to the Committee on Pensions.

By Mr. DYER: Petition of Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, containing literacy test for immigrants, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Baxton & Skinner Stationery Co., St. Louis, Mo., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of members of the advisory board of the relief department of the Pennsylvania lines west, against passage of

Senate bill 5382, known as the employers' liability and workmen's compensation law; to the Committee on the Judiciary.

Also, papers to accompany House bill 24543, for relief of John A. Wanless, captain Company A, Fifteenth Kansas Volunteer Cavalry; to the Committee on Military Affairs.

By Mr. FAISON (by request): Petition of Farmers' Union, citizens of Philadelphia, Pa., and Tenth Biennial Convention of Brotherhood of Locomotive Engineers, all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Resolutions of the Polish National Alliance of the United States of North America and other Polish societies of Chicago and the Polish colony in Hawthorne, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of Michael Zito, of New York, favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the Rochester Chamber of Commerce, favoring the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Brotherhood of Railroad Trainmen, favoring passage of House bill 22527, for restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Maritime Association of the Port of New York, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kaufmann & Strauss Co., New York, protesting against passage of the Webb bill (H. R. 17593) for prohibiting shipment of liquors from a wet State into a dry State; to the Committee on the Judiciary.

Also, petition of the Citizens' New York Harbor Improvement Co., New York, N. Y., relative to improvement of East and Hudson Rivers; to the Committee on Rivers and Harbors.

Also, petition of the American Thread Co., New York, relative to relief of flooded districts on the Mississippi, etc.; to the Committee on Rivers and Harbors.

Also, petition of I. Bender & Son, New York, N. Y., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. FULLER: Petitions of Augustus Cadigan, of Endicott, N. Y.; William A. Schafer, of Mount Ephraim, Ohio; and William H. Ainsworth, of Columbus, Ohio, favoring passage of House bill 1339, to grant increase of pensions to certain soldiers of Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of National Lumber Manufacturers' Association, favoring legislation for relief to control floods in the Mississippi River and its tributaries, etc.; to the Committee on Rivers and Harbors.

Also, petition of Swedish Free Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Duncan McDougall, of Ottawa, and F. A. Marean, of Belvidere, Ill., against passage of the Oldfield and Brown bills, proposing amendments to patent law; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Wireless Association of Pennsylvania, against clause in House bill 15357, concerning radio communication; to the Committee on the Merchant Marine and Fisheries.

Also, petition of United Polish Societies of Brooklyn, N. Y., against the passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GALLAGHER: Petition of Brotherhood of Locomotive Engineers of Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Polish colony of Hawthorne, Ill.; seventeenth ward, Chicago, Ill.; and Polish National Alliance of North America, all protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of the Italo-American Alliance of United States of America, Chinese Consolidated Benevolent Association, certain citizens of Philadelphia, Pa., and National Liberal Immigration League, all protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of Philadelphia, Pa.; Brotherhood of Railroad Trainmen; State Council, Junior Order United American Mechanics, of the State of New York; National Camp, Patriotic Order Sons of America; National Convention Farmers' Educational and Cooperative Union of America; and Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Lodge No. 154, Independent Order Ahawas Israel, of Lancaster, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HAMILL: Petition of Brotherhood of Railroad Trainmen of Jersey City, N. J., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. HAMMOND: Resolution of 800 delegates of Brotherhood of Locomotive Engineers, favoring passage of anti-injunction bill, etc.; to the Committee on Labor.

By Mr. HELGESEN: Petitions of 25 citizens of the towns of Leal, Bergen, and Haynes, of North Dakota, favoring reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, resolutions of Woman's Christian Temperance Union of Jamestown; G. E. Bohme and 33 other citizens of the city of Cavalier; Rev. James Anderson and 400 members of the Epworth Methodist Episcopal Church, of Valley City; and various organizations of the city of Cando, N. Dak., favoring passage of an interstate liquor bill; to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of Silk City Lodge, No. 122, Independent Order B'rith Abraham, Paterson, N. J., and Branch No. 2, Socialist Party, Paterson, N. J., both protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of Senate workmen's compensation bill and the anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of United Anglers' League, Brooklyn, N. Y., favoring passage of House bill 18030, relative to fishing around New York; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Dennis Mahoney, of Philadelphia, Pa., and three veterans of Roaring Spring, Pa., all favoring passage of House bill 1339, granting increase of pension to soldiers of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of Daughters of Liberty of Writsville, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill, etc.; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of citizens of Baltimore, Md., favoring passage of the Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. MANN: Petition of Polish-American Organization and Parishes of Chicago, Ill., protesting against the passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Petition of Woman's Missionary Society of the Reformed Presbyterian Church of New Castle, Pa., and from Woman's Auxiliary of the Trinity Parish, New Castle, Pa., in support of bill for medical and sanitary relief of the natives of Alaska; to the Committee on Insular Affairs.

Also, resolution of Washington Branch of the Socialist Party of America, against passage of Root amendment to the Dillingham immigration bill, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

By Mr. McHENRY: Resolution of Columbia County Medical Society, Catawissa, Pa., favoring passage of the Owen bill, providing for the establishment of a bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of Daughters of Liberty, of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Otik Moley Lodge, No. 75, Independent Order Ahawas Israel, of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the officers of the ladies' auxiliary of the board of missions of St. Luke's Protestant Episcopal Church, Germantown, Philadelphia, Pa., favoring passage of the bill for

the medical and sanitary relief of the natives of Alaska; to the Committee on Insular Affairs.

By Mr. MORGAN: Petition of citizens of second district of Oklahoma, favoring passage of the old-age pension bill; to the Committee on Pensions.

By Mr. MOTT: Petition of board of missions of St. James Protestant Episcopal Church, Pulaski, N. Y., relative to relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the Chamber of Commerce, Watertown, N. Y., relative to the improvement of East and North Rivers; to the Committee on Rivers and Harbors.

Also, petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. NYE: Petition of citizens of Minnesota, favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

By Mr. REDFIELD: Petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York State Vegetable Growers' Association, Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of the Maritime Association of the Port of New York and New York Board of Trade and Transportation, both favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Brotherhood of Railroad Engineers and the Patriotic Sons of America of Harrisburg, Pa., both favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Central Labor Union of Brooklyn, N. Y., protesting against passage of the Root amendment to the immigration bill relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of 500 members of the Workmen's Circle of New Haven and New Haven Lodge, No. 21, Order B'rith Abraham, of New Haven, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Petition of Freedom Lodge, No. 501, Independent Order B'rith Abraham, of Malden, Mass., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RODDENBERY: Petition of Brotherhood of Locomotive Engineers, favoring restriction of immigration and passage of Senate workmen's compensation bill and anti-injunction bill; to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of citizens of Philadelphia, favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Merchants' Association of New York, favoring passage of the Panama Canal bill in such form as to provide freedom from all tolls on American coastwise commerce, and the New Grand Hotel, of New York City, N. Y., favoring passage of the Stevens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. TALBOTT of Maryland (by request): Petition of Christian Endeavor Society of Methodist Protestant Church, Westminster, Md., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of bill (H. R. 18030) for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Resolution of 806 members of Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of the House anti-injunction bill, etc.; to the Committee on the Judiciary.

By Mr. TILSON: Resolution of Brotherhood of Locomotive Engineers, at Harrisburg, Pa., and 500 members of Workmen's Circle of New Haven, Conn., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. VARE: Petition of Otik Mohlev Lodge, No. 78, Independent Order Ahawas Israel, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Benjamin J. Kline Lodge, No. 569, Independent Order B'rith Abraham, of Van Sickles City, N. Y., and Central Labor Union of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Brotherhood of Locomotive Engineers, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of The Merchants' Association of New York, favoring passage of the Panama Canal bill in such form as to provide freedom from all tolls on American coastwise commerce passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of bill (H. R. 18030) relative to cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the State of New York, favoring passage of Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of Socialist Party, Brooklyn, N. Y., protesting against passage of bill (H. R. 22527) for restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 23, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

NOTICES ON SENATE CALENDAR.

Mr. LODGE. Mr. President, I desire to call attention to a change in the form of printing notices, which I observe on the calendar this morning. The introduction of headlines of subjects is something I have never seen before. I asked the chairman of the subcommittee on the *Titanic* disaster, and he said it was not done by his request, or even with his knowledge. It seems to me, if we are to change the form of printing notices and put headlines above the notices of speeches, at least that is a matter which ought to be recommended by the Committee on Printing or some proper committee of the Senate, for if we begin to print headlines for each speech, it will extend the notices on the calendar almost indefinitely.

Mr. SMITH of Michigan. The direction to print the subhead of the notice given yesterday for myself was a surprise to me. I had no conversation with anyone about it. I move that the words "*Titanic* disaster" as a subhead be stricken from the first page of the calendar.

The VICE PRESIDENT. Is there objection to such action? The Chair hears none, and that order will be made.

Mr. BACON. We could not on this side hear one word that was said. If it is anything requiring unanimous consent, we ought to know what it is.

Mr. SMITH of Michigan. I do not desire to discuss the question of the propriety of printing the heading over the notice I gave yesterday of my intention to address the Senate on Tuesday. I move that it be stricken from the notice.

The VICE PRESIDENT. The Chair was putting it as a request for unanimous consent rather than as a motion. Is there objection? The Chair hears none, and such an order is entered. The subhead will be stricken from the calendar.

RELIEF OF APACHE INDIANS (S. DOC. NO. 695).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of an appropriation for inclusion in the Indian appropriation bill for the relief and settlement of Apache Indians held as prisoners of war at Fort Sill, Okla., $250,000, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The VICE PRESIDENT. The Chair announces the erasure of his signature to the enrolled bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, returned on yesterday by the President pursuant to Senate concurrent resolution No. 21. The Secretary will notify the House of Representatives of the action thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5030) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Chamber of Commerce of Richmond, Va., favoring the revision of the present currency system upon a permanent, sound, and scientific basis, which was referred to the Committee on Finance.

He also presented a resolution adopted by Hebrew-American Typographical Union, No. 83, of New York City, N. Y., remon- Typographical Union, No. 83, of New York City, remonstrating the immigration law, which was ordered to lie on the table.

He also presented petitions of the congregations of the Second Baptist Church of Selma; the Friendship Baptist Church, of Pine Apple; the First Baptist Church of Selma; and the Baptist Church of Pittsview; and of the Woman's Missionary Society of the Second Baptist Church of Selma, all in the State of Alabama, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a telegram in the nature of a petition from sundry physicians of Potter County, N. Dak., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. ASHURST. I present two memorials adopted by the Legislature of the State of Arizona. I ask that they be incorporated in the RECORD, but I feel that I should ask that they be read so that Senators may have an opportunity to make an objection, if they see fit.

The VICE PRESIDENT. The Senator from Arizona does not ask that they be read?

Mr. ASHURST. I feel that I should ask that they be read that Senators may have an opportunity to object.

The VICE PRESIDENT. Without objection, the Secretary will read the memorials.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. They are memorials of the Legislature of the State of Arizona; the Chair does not understand upon what subject.

Mr. SMOOT. I should like to ask the Senator upon what subject.

Mr. ASHURST. One of the memorials asks that certain relief be granted to settlers who settled in the early days before certain reservations were made. The other memorial asks for the abolition of the so-called Commerce Court.

Mr. SMOOT. All right.

The VICE PRESIDENT. Without objection, the Secretary will read the memorials.

The first memorial was read and referred to the Committee on Appropriations, as follows:

House memorial 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the First Legislature of Arizona, in session convened, respectfully represent:

Whereas by an act of the Congress of the United States, passed June 18, 1910, an additional court was added to the already complex judicial system of the United States, the said court being officially known as the United States Commerce Court, and designed to hear a particular class of cases arising under the interstate-commerce act of the United States; and

Whereas we believe that the said Commerce Court is being used by the railroad corporations for the purpose of blocking the work of the Interstate Commerce Commission and preventing relief from extortionate freight rates, a notable example of which is seen in the treatment of the intermountain cases, wherein, by the action of said Commerce Court, the railroads are permitted to continue to charge extortionate freight rates, extorting the sum of $500,000 per month from the people of Arizona in excess of the amount they would receive under equitable rates established by the Interstate Commerce Commission; and

Whereas the said railroad companies have the right of appeal to the United States Supreme Court from the decision of the Interstate Commerce Commission, and the said United States Commerce Court does not occupy any needed or useful place in the judicial system of the United States; and

Whereas a bill has been introduced into Congress of the United States by the Hon. T. W. SIMS, Member of Congress from the State of Tennessee, looking to, and having for its purpose the abolition of the said Commerce Court; and

Whereas the State of Arizona is now represented in Congress by the Hon. MARCUS A. SMITH, the Hon. HENRY F. ASHURST, and the Hon. CARL HAYDEN: Now therefore be it

Resolved by the House of Representatives and the Senate of the State of Arizona, That we hereby call upon the Congress of the United States and petition it to pass said Sims bill, or in some other way to provide for the abolition of the said Commerce Court, to the end that the people may have relief from the oppressive freight rates, which the court, by its rulings, fosters and maintains.

Resolved, That a copy of this resolution be forwarded to our Representatives in Congress, and that they be requested to do all in their power to bring about the passage of the said Sims bill, or some other measure having for its purpose the abolition of the said Commerce Court.

SAM. B. BRADNER,
Speaker of the House of Representatives.
M. G. CUNNIFF,
President of the Senate.

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate, of the Legislature of the State of Arizona now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of house memorial No. 1, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 3d day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
CON. P. CRONIN,
Acting Secretary of the Senate.

The second memorial was read and referred to the Committee on Public Lands, as follows:

House memorial 2.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the House of Representatives of the first Legislature of the State of Arizona, the Senate concurring herein, respectfully represent:

That between the years of 1878 and 1892 many pioneers settled in the southern part of Arizona, and with their wives and children, formed the nucleus of a community of bona fide citizens.

In the belief that they had settled upon lands that were part of the public domain, these hardy pioneers built their homes, cultivated the soil, and, always menaced by the ravages of the Apache Indians, reared their families amidst great hardships and privations.

Secure in the belief that the soil upon which their homes were built would sooner or later be allotted to them, these pioneers continued their brave struggle against the many adverse conditions and circumstances which confront the settler in a new and undeveloped country.

Now that it is too late for these worthy citizens of our new State to make a new start in life, it develops that the lands upon which they have built their homes are included in the Spanish or Mexican land grants, the holders of which have successfully maintained suits for confirmation of these grants and have dispossessed the settlers thereon and have confiscated the improvements which represent years of toil, hardship, and privation.

These people are poor, but are good citizens of this State, and great injustice has been done them, inasmuch as they settled upon these lands in good faith, not knowing that they were claimed as land grants, but believing that they were a part of the unoccupied and unappropriated public domain of the United States, open to the settlement and occupation under the laws of the United States.

In view of the foregoing facts, and in justice and equity, your memorialists respectfully petition this honorable body that a court be established in Arizona, in the vicinity of these lands, and that said court be empowered, authorized, and directed to inquire into the damages sustained by the locators upon the various land grants within the confines of the Gadsden purchase, and that when such damages have been determined and assessed the Government of the United States provide for reimbursement of these settlers to the extent of the damage actually suffered by them.

M. G. CUNNIFF,
President of the Senate.
SAM. B. BRADNER,
Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the House of Representatives, and J. M. McCollum, secretary of the Senate, of the Legislature of the State of Arizona, now in session, do hereby, severally, certify that the above and foregoing is a full, true, and correct copy of house memorial No. 2, and of the whole thereof, as adopted by the Legislature of said State of Arizona.

Witness our hands this 3d day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
CON. P. CRONIN,
Acting Secretary of the Senate.

Mr. POMERENE presented memorials of sundry citizens of Massillon, Ohio, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Alliance, Ohio, praying that an appropriation be made for the enforcement of the white-slave law, which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Christian Temperance Union and of sundry citizens of Neffs, Ohio, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SANDERS presented a petition of sundry citizens of Memphis, Tenn., praying for the enactment of legislation to regulate the method of directing the work of Government em-

ployees, which was referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Methodist and Baptist Churches, of Copperhill, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. O'GORMAN presented resolutions adopted by the Chamber of Commerce of Fulton, N. Y., favoring the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Troy, N. Y., praying for the appointment of a commission on industrial relations, which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Men's Club of St. Paul's Church, of Rochester, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. SHIVELY presented resolutions adopted by the Indiana State Health Officers' Conference, in session at Indianapolis, Ind., favoring the establishment of a department of public health, which were ordered to lie on the table.

Mr. CULLOM presented petitions of the congregations of the Swedish Methodist Episcopal Church, the Zion Lutheran Church, the Free Church, the Swedish Baptist Church, and of sundry citizens, all of Rockford, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Stark County Medical Society of Illinois, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PAYNTER presented a petition of sundry citizens of Bowling Green, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bowling Green, Ky., praying for the enactment of legislation to prohibit the interstate transmission of race gambling odds and bets, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas, and I submit a report (No. 786) thereon. I call the attention of the Senator from Arkansas [Mr. CLARKE] to the bill.

Mr. CLARKE of Arkansas. I desire to have the report printed. A similar bill is pending in the House, and this bill will await action on that bill for the present.

The VICE PRESIDENT. The report will be printed under the rule, and the bill will be placed on the calendar.

Mr. NELSON, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North (Rept. No. 787);

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky. (Rept. No. 788);

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended (Rept. No. 789); and

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky. (Rept. No. 790).

Mr. OLIVER. From the Committee on Commerce I report back favorably, with amendments, the bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes, and I submit a report (No. 791) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I prefer that the bill should go over to-day.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, reported it with an amendment and submitted a report (No. 792) thereon.

Mr. McCUMBER. I am directed by the Committee on Pensions, to which was referred the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 793) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 794) thereon.

He also, from the Committee on Finance, to which was referred the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder, reported it without amendment and submitted a report (No. 795) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 2852) for the relief of the Title Guaranty & Surety Co. of Scranton, Pa., surety for David B. Wickersham, submitted an adverse report (No. 797) thereon, which was agreed to, and the bill was postponed indefinitely.

TARIFF DUTIES ON WOOL.

Mr. SMOOT. I am directed by the Committee on Finance to report back adversely the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool. (S. Rept. 840.)

In this connection I desire to state that at an early day the majority members of the Finance Committee expect to report a wool bill to be offered as a substitute for the one that is adversely reported.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from Utah if that bill is accompanied by a written report of the views of the majority?

Mr. SMOOT. There is no written report, Mr. President. The bill is simply reported adversely, and I ask that it go to the calendar.

Mr. HEYBURN. Mr. President——

Mr. SIMMONS. If the Senator from Idaho will pardon me one moment, I will state that the minority will file its views in favor of the original House bill.

Mr. SMOOT. And the opinion of the majority of the Republican members of the committee will be, of course, expressed in the bill that will be offered as a substitute, if it shall be offered.

Mr. HEYBURN. Mr. President, I do not know of any authority given to promise legislation or submit proposed legislation in the nature of a new wool bill. Until the committee has prepared and agreed upon such a bill and has by a vote of the committee authorized it to be reported, I think no such promise as that should be made.

Mr. SMOOT. Mr. President, of course there will be no bill reported as a committee bill without a vote of the committee. If the Senator would prefer, then, I will say that I reserve the right personally——

Mr. SIMMONS. We on this side can not hear what is being said on account of the confusion in the Chamber.

The VICE PRESIDENT. Senators will please cease conversation.

Mr. BACON. Mr. President, I want to suggest that our inability to hear is not due simply to the fact of the confusion, but Senators are getting in the habit of talking in so low a tone that no one can hear them 20 feet away.

Mr. SMOOT. Mr. President, if there was not so much talk in the Chamber I do not think any Senator would have difficulty in hearing what has already been said.

I was saying that I did not claim that any wool bill would be reported to the Senate as the bill of the majority members of the committee until after the committee had voted upon such a bill. I will say that the majority members of the Finance Committee reserve the right to report a bill to be offered as a substitute for the bill that has been reported adversely, namely, the House wool bill.

Mr. BAILEY. There is no necessity for reserving that right.

Mr. HEYBURN. Mr. President, I do not think that it is prudent at this time to promise to the country a bill that is not yet formulated. I do not think it is wise to send out through the press of the country a promise to report a bill that is not yet formulated. I think the effect of it will be to cause an impression among the public that the Republican Party is going to enter upon a revision of the wool schedule.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator had taken his seat. I will not interrupt him, but I will later take the floor in my own time.

Mr. HEYBURN. I thought I could be seen. I did not know that I was invisible.

I do not intend to do more than to say that, if I understood the Senator from Utah correctly, he did say that the committee—a majority of the committee—would report a bill. There is no one authorized to say that upon this floor.

Mr. SMOOT. The committee reserves the right, Mr. President, to offer a bill and to present it as a substitute for this bill.

Mr. HEYBURN. Mr. President, the committee do not need to reserve the right; they have the right under the rules of legislation. What I object to is the sending out to the country of a statement that the Republican Party is going to enter upon the revision of the wool schedule. Until a committee has acted there should be no promise of that kind from a committee.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. I do.

Mr. LODGE. Mr. President, I do not understand that any promise whatever has been made. The Senator from Utah made an absolutely correct announcement, the usual announcement where a substitute is being considered and may be offered, that the committee reserves the right to offer a substitute later. That is the understanding of the majority of the committee.

Mr. HEYBURN. I do not like to protract the consideration of a question of this kind, which is more a volunteer statement than a responsible one. I do not know that it is within the practice either of this body or of the committees of this body to forestall action or to prophesy as to the action of a committee. My objection is to having the party placed under a pledge or a promise that they will enter upon the consideration of such a measure.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania.

Mr. HEYBURN. The Senator from Utah made the promise—and I think a reference to the stenographer's notes will verify my statement—that the committee would do this, and then he modified it by the suggestion that he would do it on his own responsibility.

Mr. SMOOT. Mr. President, of course——

Mr. PENROSE. I believe I have been recognized, Mr. President.

The VICE PRESIDENT. The Senator from Pennsylvania was recognized.

Mr. PENROSE. I simply desire to state that the Senator from Utah is entirely correct, from what I know of the attitude of the committee. It is the hope of the majority of the members of the Finance Committee that we shall be able, if the limited time at our disposal will permit, to bring in a wool bill based on the report of the Tariff Board, and it is at least the hope of most of the Republican members that we shall be able to unite on a measure for the consideration of the Senate. Whether such a bill is likely to pass in the present condition of both branches of Congress, of course, is another question; but the Republican members will feel that they have discharged their duty in submitting a measure on the wool schedule based on the report of the Tariff Board.

Mr. HEYBURN. Of course it is obvious that there is some difference in opinion in regard to the action to be taken in reference to this measure. The Senator from Pennsylvania has just fortified the statement made—that is, the last statement made—by the Senator from Utah [Mr. SMOOT] by bringing into the consideration the report of some board and the credence or the credit that will be given to its action. Of course I am speaking upon the assumption that Congress is going to legislate and that we have no master nor have we any agent authorized to direct us how we shall legislate or upon what subjects we shall legislate.

Mr. PENROSE. Will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Yes.

Mr. PENROSE. I do not understand that the Republican members of the Finance Committee will be in any way controlled as to rates by the report of the Tariff Board. That board has been scrupulous and careful in not making any recommendations on that vital feature of tariff legislation. When I said that the bill would be based on the report of the Tariff Board I intended to say that the data showing the difference in the cost of labor and the cost of conversion and the other elements entering into the growing of wool and the manufacture of woolen goods between this country and Europe will be duly weighed and considered by the Republican members of the committee. They will supplement the omissions of the Tariff Board report, if any exist, by knowledge available and at hand, and they will use their own judgment, I take it, as Republicans to frame a bill which will be amply and adequately protective to the woolgrower in the West and the woolen manufacturer in the East.

Mr. HEYBURN. Mr. President——

Mr. BAILEY. Will the Senator from Idaho permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. BAILEY. I think a word will clarify this whole situation. The truth of it is that a majority of the Republicans of the Finance Committee are ready to confess that the Payne-Aldrich bill needs revision and the Senator from Idaho is not willing to join them in that confession. That is about the situation.

Mr. HEYBURN. Nor do I propose to be spoken for by anyone undertaking to make a statement in the nature of a promise as to the action to be taken by a committee upon a subject not yet acted upon by the committee.

Mr. BAILEY. But the Senator from Idaho does not, if he will pardon me——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I do.

Mr. BAILEY. The Senator from Idaho does not agree that the Payne-Aldrich tariff bill, with respect to the wool schedule, needs revision.

Mr. HEYBURN. The Senator from Texas states my position accurately. [Laughter.]

Mr. BAILEY. I was sure of that, and I also state the position of the other Republicans accurately when I say they confess that it does need revision by promising to revise it.

Mr. HEYBURN. Mr. President, I am consistent with the position which I took in voting upon the Payne-Aldrich bill. I do not change my mind on the policy or wisdom of legislation over night merely because some outsider suggests that we might possibly have acted more wisely at that time. [Laughter.]

The VICE PRESIDENT. The bill will be placed on the calendar.

DISTRICT POLICEMEN'S AND FIREMEN'S PENSION FUND.

Mr. GALLINGER. Mr. President, on the 11th day of May the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was passed. Subsequently it was recommitted to the Committee on the District of Columbia. I desire to report the bill, having omitted the paragraph to which the Senator from Kansas [Mr. BRISTOW] objected and simply restoring one fund that had been inadvertently omitted from the former bill, and I submit a report (No. 796) thereon. The bill has been once read and acted upon, and I trust it may be passed without being read again. I ask unanimous consent that that may be done.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill, having once been read in full and he having stated what changes are now made in it, may be put upon its passage without further reading. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an

amendment to strike out all after the enacting clause and to insert:

That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members, on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 2 per cent of the monthly salary of each member of the police and fire departments; and fines and forfeitures paid into the police court of the District of Columbia, except those allowed by law to the use of the Humane Society; receipts from dog licenses; and receipts from insurance licenses; all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law.

SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $100 per month; deputy chief engineer, a sum not to exceed $95 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $75 per month; deputy fire marshals and captains, a sum not to exceed $65 per month; lieutenants, a sum not to exceed $50 per month; assistant superintendent of machinery, a sum not to exceed $50 per month; engineers and drivers, a sum not to exceed $50 per month; assistant engineers and assistant drivers, a sum not to exceed $50 per month; inspectors and privates, a sum not to exceed $50 per month.

And in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed $100 per month; inspector and assistant superintendent, a sum not to exceed $100 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $100 per month; lieutenant, a sum not to exceed $100 per month; sergeant, a sum not to exceed $50 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension in or for her children under 16 years of age shall cease upon their attaining such age.

SEC. 4. That a sum not to exceed $75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

SEC. 5. That a retiring board, to be composed of the surgeons of the police and fire departments, two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the Commissioners of said District, and the health officer of the District of Columbia shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition or death is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension or retirement to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of relief, pension, or retirement, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

SEC. 6. That within 60 days following the 1st day of July, 1912, and every two years thereafter, the commissioners shall cause every policeman and fireman receiving a pension allowance from the police and firemen's relief fund to undergo such examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized and directed to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however*, That the commissioners may discontinue any pension or retirement allowance upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further*, That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department the right to a pension after becoming 16 years of age.

SEC. 7. That any such pensioned or retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the creation of the police and firemen's relief and retirement fund, to provide for the relief and retirement of members of the police and fire departments, to establish a method of procedure for such relief and retirement, and for other purposes."

GETTYSBURG NATIONAL MILITARY PARK.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3218) providing for the dedication of the Gettysburg National Military Park, at Gettysburg, Pa., to ask that the committee be discharged from its further consideration and that it be referred to the Commission on the Fiftieth Anniversary of the Battle of Gettysburg.

The VICE PRESIDENT. Without objection, an order will be made carrying out the desire of the Senator from Delaware.

Mr. HEYBURN. Mr. President, there is no committee on the fiftieth anniversary of the Battle of Gettysburg. That is a commission, and I do not know that we can refer anything to a commission.

The VICE PRESIDENT. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Gettysburg Commission, if there be no objection.

Mr. HEYBURN. Perhaps I did not make my point plain. I suggested that we had not the power to refer a bill to a commission. A commission can not report a bill. It must come from a committee.

The VICE PRESIDENT. Does the Senator from Idaho object to the disposition made of the bill?

Mr. HEYBURN. Yes; on the ground of want of power to do it. The bill ought to lie on the table.

The VICE PRESIDENT. Without objection, the bill, then, will lie on the table.

MISSISSIPPI RIVER INTAKE TOWER AT ST. LOUIS.

Mr. REED. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 22999) providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River, at St. Louis, Mo., to report it without amendment, and I submit a report (No. 784) thereon. I ask unanimous consent for the present consideration of the bill. It is purely local.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEO N. LEVI MEMORIAL HOSPITAL ASSOCIATION.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 5602) authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., to report it without amendment, and I submit a report (No. 785) thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I ask that the by-laws of the association be printed in the RECORD in connection with the passage of the bill.

Mr. CLARKE of Arkansas. I am not advised as to whether they can be obtained at this time. This is an association which consists of a number of Jewish people——

Mr. GALLINGER. I know it is.

Mr. CLARKE of Arkansas. Who intend to erect a building at this place.

Mr. HEYBURN. I wish to avoid a question of sectarianism, and therefore I suggest that the by-laws be published.

Mr. CLARKE of Arkansas. If I can secure possession of them, they will be printed.

The VICE PRESIDENT. Without objection, when the by-laws can be obtained, they will be printed in the RECORD.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 6929) for the relief of the Wales Island Packing Co.; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 6930) relating to the maintenance of actions for death on the high seas and other navigable waters; to the Committee on the Judiciary.

By Mr. CULLOM:

A bill (S. 6931) granting an increase of pension to Jesse A. Moore; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6932) increasing the cost of erecting a United States post-office building at Fairmont, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS:

A bill (S. 6933) for the relief of Reese K. Henderson; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation; to the Committee on Public Lands.

By Mr. BURNHAM:

A bill (S. 6935) for the relief of Frances Gurley Elderkin; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 6936) to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE:

A bill (S. 6937) granting an increase of pension to Emma L. Tappan; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6938) granting an increase of pension to James Moynahan; to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. JOHNSTON of Alabama submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriations for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

EIGHT-HOUR LABOR LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

UNITED STATES DISTRICT COURTS.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

DEPUTY COLLECTORS OF INTERNAL REVENUE.

Mr. CRANE submitted an amendment proposing that the positions of deputy collectors of internal revenue of the United States shall not become vacant by reason of a vacancy in the collectorship, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF NAVAL BOARD.

Mr. LODGE submitted the following resolution (S. Res. 318) which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to transmit to the Senate the report of the board appointed March 13, 1903, to consider the question of transferring certain offices of the Navy Department to the Department of Commerce and Labor.

ECONOMIC ASPECTS OF IMMIGRATION (S. DOC. NO. 696).

Mr. PENROSE. I ask to have printed as a public document a pamphlet on the economic aspects of immigration, by Isaac A. Hourwich, which I am informed is a very important contribution to the subject.

The VICE PRESIDENT. Without objection an order therefor will be entered.

LAND AT MAGDALENA BAY (S. DOC. NO. 694).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, submitted in response to the Senate resolution of May 16, 1912, calling upon him "to send to the Senate copies of letters from the attorney or others for the American syndicate interested in Magdalena Bay, and copies of letters written in reply to the same by the department officials, referred to in the letter of the Secretary of State as published in Senate Document 640."

WM. H. TAFT.

THE WHITE HOUSE, *May 23, 1912.*

HOUSE BILL REFERRED.

H. R. 17756. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," was read twice by its title and referred to the Committee on the Philippines.

TERRITORIAL GOVERNMENT FOR ALASKA.

Mr. JONES. Mr. President, I should like to ask for some information from a member of the Committee on Territories. At the last session of this Congress I introduced a bill (H. R. 38) providing for a Territorial form of government for Alaska. Quite awhile ago the bill passed the House of Representatives by practically a unanimous vote. That bill has gone to the Committee on Territories. I should like to know whether the committee is giving these bills any consideration and what the prospects are for a report, either favorable or unfavorable, at an early date.

Mr. NELSON. In the absence of the chairman of the committee, I desire to say that the chairman of the Committee on Territories is chairman of the subcommittee of the Committee on Commerce which has been investigating the *Titanic* disaster. Since that investigation begun he has been exceedingly busy with the matter, but the committee is now considering its final report, and after that this matter will be taken up.

Mr. JONES. I certainly hope so, because I think this is one of the measures that Congress should act upon one way or the other before it adjourns. While I want to give the committee an opportunity to consider the matter, I hope action will be taken within a very short while. If not, I shall take whatever steps are necessary to have the measure passed.

ORDER OF BUSINESS

Mr. HEYBURN. There is a measure on the calendar which might be considered at this time——

Mr. BRISTOW. The Senator from South Dakota [Mr. CRAWFORD] gave notice that he would address the Senate at the close of the routine morning business to-day.

Mr. HEYBURN. I did not want to bring in anything ahead of him.

Mr. BRISTOW. It is not morning business, but it is not giving due courtesy to a Senator who has given notice that he would speak as soon as the morning business was concluded.

Mr. HEYBURN. I am quite capable of judging of the question of courtesy involved, and it seems to me unseemly that

there should be any Senator who would directly or indirectly——

Mr. BRISTOW. I object.

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate take up the bill (H. R. 18042) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate resume consideration of the unfinished business. Is there objection? The Chair hears none.

Mr. HEYBURN. I merely want to remark, in order that it may not be overlooked, that the same objection would apply that is made by the Senator from Kansas.

Mr. SIMMONS. I do not understand the Senator to make any objection.

Mr. CRAWFORD. I object.

Mr. HEYBURN. I do not want to object, but I want to call attention——

Mr. SMOOT. The Senator from North Carolina will not insist upon asking for unanimous consent in view of the fact that the Senator from South Dakota gave notice that he would begin his speech immediately after the close of the morning business.

Mr. SIMMONS. I have no disposition to interfere with the speech of the Senator from South Dakota, and I did not understand it would interfere with him. The Senator can go on with his speech after this bill is before the Senate. I am not desirous of displacing him at all.

The VICE PRESIDENT. The Chair understands the Senator from South Dakota objects.

Mr. CRAWFORD. I am not going to address my remarks to that subject at all. I am going to speak to the joint resolution which I introduced and which lies on the table, and I ask that it be laid before the Senate, because my remarks will be directed to that joint resolution.

Mr. LODGE. The Senator's remarks are to be addressed to another matter, and he ought to have the privilege of proceeding. It has never been refused.

Mr. SIMMONS. For myself I will not object; but I will state that I conferred with the Senator from South Dakota this morning, and I understood him as not objecting to going on with his speech. Of course, if he objects, I will withdraw the request.

The VICE PRESIDENT. The Senator from North Carolina withdraws the request, and, without objection, Senate resolution 109 will be laid before the Senate for the purpose of discussion only.

THE JUDICIARY.

Mr. CRAWFORD. I ask that Senate joint resolution 100 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the joint resolution, which will be read.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution, when ratified by the legislatures of three-fourths of the States, namely: Amend said section 1 to read as follows:

"SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

Mr. CRAWFORD. Mr. President, in that most remarkable opinion written by James Wilson, Associate Justice of the Supreme Court of the United States, in which he gave the reasons upon which the court based its decision in the case of Chisholm against the State of Georgia, rendered in 1792, he said the real question before the court was, "Do the people of the United States form a Nation?" He observes also that in all our study of government we should not forget that it is not the artificial persons called states, but it is men who think, and speak, and act. He further curiously observes that when Homer enumerates the other nations of Greece whose forces acted at the siege of Troy, he arranges them under the names of their different kings or princes, but that he distinguished the Athenians by always referring to them as "The People of Athens," and that Demosthenes stirred his countrymen most when he began his orations with the words, "O Men of Athens!"

The Constitution was ordained and established by the people of the United States, as declared in its preamble, and not by a group of artificial public corporate bodies called States. James Wilson, looking through these artificial structures, saw beyond them, and recognized that at the foundation of the great superstructure were human beings—men and women with warm, human blood in their veins—and that the Government was of them, by them, and for them.

He understood that the Constitution and laws of the new Republic were made for society and that society was not to be sacrificed by a construction which might follow the letter but which would destroy the spirit. Notwithstanding the fact that the decision in this early case was "recalled," in a sense, by the people by the adoption of the eleventh amendment, declaring that—

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or subjects of any foreign State—

The observations of the great jurist whose language I have just quoted are as true to-day as when he made them in 1792.

It is apparent to all that we have just entered upon a fierce struggle, which is to be waged between contending forces, not for the few months of a political campaign only, but for years—it may be for a generation—a struggle and controversy in which the American people will reexamine and pass upon questions of far-reaching importance involving the foundations and the structure of their Government. During this period of contention and controversy we shall all have occasion to recur again and again to the great charter of our Government and to those historic settings in which it was placed by our fathers. In approaching what I wish to say, I may be pardoned for dwelling for a minute, in passing, upon this familiar subject.

At many points the Great Charter of our Government was the result of compromise. The situation at the time of its making was full of difficulty. The small States were jealous of the large States. The slave States were jealous of the free States. Many people in all the States were jealous of centralized Federal power, while the believers in a strong Federal Government were jealous of the power of sovereignty claimed by the individual States. These difficulties were adjusted by concession and compromise. To win the support of the slave States that ill-fated clause was adopted under which representation in Congress was apportioned according to population, ascertained by adding to the whole number of free persons three-fifths of the slaves; also that other provision for the return of a fugitive slave to his owner. Thus recognized as a right of property by the Constitution itself, slavery in all its worse forms flourished in this land of liberty for more than 70 years—from 1789 to 1865—when the thirteenth amendment was ratified.

That amendment was a long time coming, and followed as the immediate consequence of one of the bloodiest wars in human history; and as the result of more than 70 years of controversy and contention, during which one party maintained that the Federal Union was a mere league, which could be terminated at any moment by the voluntary withdrawal of one or more of the States, while another party maintained that the Constitution was ordained by the people of a Nation and that the union which it created could not be dissolved except by force, violence, or revolution. It was, indeed, an angry and bitter controversy, which soon became sectional in character. Patrick Henry, Thomas Jefferson, John C. Calhoun, and Jefferson Davis on one side; Hamilton, James Wilson, John Marshall, Daniel Webster, and Abraham Lincoln on the opposing side; these, and others whom I can not take time to name here, are great figures standing in the foreground of any picture which truthfully represents that controversial and momentous period in the history of this Republic.

Although the question remained for so long a time unsettled, we now see clearly that the attempt to establish a permanent Federal Union of the States must have ended in utter failure within the first two decades which followed the adoption of the Constitution if the views so stubbornly urged by Jefferson, Calhoun, and Davis had found sanction in the decisions of the Supreme Court of the United States. It was, indeed, fortunate that the fathers established that court as a coordinate and independent department of the Government and made it the depository of its judicial power with provision that the tenure of office held by the judges should depend entirely upon good behavior and duration of human life; because in those earlier years of superheated and angry debate and division over questions relating to the power and jurisdiction of the Supreme

Court, in construing statutes and provisions of the Constitution, to nullify a statute, whether enacted by Congress or by the legislature of a State, whenever it clearly appears to the court that such statute is repugnant to the Constitution, judges, whose tenure of office depended upon public sentiment, would not have dared to meet the storms of denunciation and criticism and the howls of rage and bitterness which Chief Justice Marshall encountered with calmness and serenity after each of the great decisions by which, with supreme courage and convincing logic boldly expressed in clear and specific language, he established the supremacy of the Constitution so completely that nothing less than civil war could hope to overthrow it. Or had they been equal to the great responsibility and decided as Marshall did such judges would have paid the penalty by dismissal from office.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. LEA in the chair). Does the Senator from South Dakota yield to the Senator from Arizona?

Mr. CRAWFORD. I yield.

Mr. ASHURST. I esteem it a great privilege to listen to this learned address. I understood the distinguished Senator to make some reference to the Constitution of the United States, or some provision thereof, which authorized the courts to hold certain laws unconstitutional. Did I hear aright?

Mr. CRAWFORD. No, sir; there is no specific provision except that they are invested with the judicial power. I said they were made the depository of judicial power.

Mr. ASHURST. There is no specific provision?

Mr. CRAWFORD. No, sir; there is no specific provision, nor did I so assert.

Mr. President, our fathers wanted an independent judiciary. They created a system of government essentially different from that of Great Britain from which they had so recently declared their independence. In England there was no Federal union of States; no division of powers; all power—executive, legislative, and judicial—was vested in an omnipotent Parliament; there were no written constitutions, either State or Federal. The British constitution was a mass of unwritten precedents and traditions, subject to change by a simple act of Parliament—the result of an appeal to the country. Executive ministers and judges of courts were members of one or the other of the Houses of Parliament and subject to its supreme control. The whole fabric of British Government rested upon custom and practice not defined nor limited by any written charter. It was an evolutionary growth, described in this fashion by Lord Macaulay:

To think nothing of symmetry and much of convenience; never to remove an anomaly merely because it is an anomaly; never to innovate except so far as to get rid of the grievance; never to lay down any proposition of wider extent than the particular case for which it is necessary to provide; these are the rules which have, from the age of John to the age of Victoria, guided the deliberations of our 250 Parliaments.

From that system of government by Parliament our fathers broke away and erected another, based upon written constitutions underlying the several States, and upon a *written Constitution* binding all the States into a Federal Union—a system which divided the power of government into three separate and specifically defined divisions, making of each a distinct, separate, and coordinate department—placing limitations upon it and permitting it to exercise no power except that expressly delegated to it. They declared that this written Constitution, ordained and established by the American people—and the laws made in pursuance thereof, and all treaties entered into by the United States—shall be "the supreme law of the land," and that the judges in every State shall be bound thereby, "anything in the constitution or laws of any State to the contrary notwithstanding."

They placed limitations upon the power of Congress by prohibiting it from passing bills of attainder or *ex post facto* laws; from levying a duty upon articles exported from any State; from enacting laws interfering with the free exercise of religion; from abridging freedom of speech or of the press; from depriving any person of life, liberty, or property without due process of law; from interfering with the right of the people peaceably to assemble and to petition the Government for redress of grievances.

They also placed prohibitions upon the States by declaring that no State shall coin money or emit bills of credit; or, without the consent of Congress, lay any imposts or duties on imports or exports; or enter into any agreement or compact with another State or with a foreign power. How were these prohibitions to be made effective if not by the courts?

I ask the question again: Here are limitations upon the States; here are limitations upon Congress; how are these limitations to be made effective if not by the courts? There is only one other way, and that would be by the exercise of military force.

Yet in those earlier years a great many people contended with much vehemence that the courts had no power or authority to declare a legislative enactment void even though that act were clearly repugnant to the Constitution or to a treaty of the United States with a foreign power.

Some people, even in our day, suggest that this power be taken from the Supreme Court. They apparently fail to realize that its withdrawal would mean the dissolution of the Union. Mr. Justice Wilson and Chief Justice Marshall saw clearly how necessary it was that the Supreme Court firmly recognize the supremacy of the Constitution over legislative and executive as well as judicial action if the United States was to become a *Nation*. Wilson took the first step when he announced the decision of the court in the great case of Chisholm against the State of Georgia. Marshall completed the work so well begun by Wilson when, in a series of ever-memorable decisions, he declared in behalf of the court that an act of Congress or an act of the legislature of a State or a decision of the highest judicial tribunal of a State is void when clearly repugnant to the Federal Constitution or to any treaty between the United States and a foreign nation. Had the court failed to so decide any one of these three propositions in favor of the supremacy of the Constitution and treaties, the union of the States under that Constitution would have gone down. Disunion would have come while Abraham Lincoln was yet a barefooted boy in the woods of his native Kentucky; but men can be found who will assert that John Marshall was a usurper. Let us suppose for a moment that the Supreme Court had played the coward and—quailing before the violent assaults made upon it—had declined to assume the great responsibility of upholding the paramountcy of the Federal Constitution. What would have been the result?

The State of New York would have successfully maintained exclusive control over navigation on the Hudson and Federal control of commerce between the States would have been defeated. New York could have closed her ports to New England and imposed duties upon imports from New Jersey and Pennsylvania; Maryland could have taxed the Bank of the United States and issued bills of credit and coined money; Rhode Island could have successfully enacted a State bankruptcy law, by which the obligations of contract could have been annulled and debts legally repudiated; Virginia and the Carolinas could have made agreements or compacts with each other or with a foreign power. On the other hand, Congress could have passed laws levying duties upon articles exported from one or more of the States; or interfering with State autonomy; or with the purely domestic affairs and local police regulations of the States; it might have passed bills of attainder or *ex post facto* laws, or laws which would deprive citizens of their lives, liberties, and property without due process; or laws which would take away the power and destroy the efficiency of the executive and judicial departments.

In other words, had it not been for the check put upon it by the Supreme Court in upholding the spirit of the Constitution, Congress might have usurped all governmental power.

These decisions made the Constitution a living instrument, expanding under the enlightened construction of the court and keeping pace with the needs of a growing nation. Otherwise it would have been a mere idle declaration upon paper, such as the constitution of Mexico is to-day; or like those paper constitutions of the French Republic in the days of the Revolution. Indeed, nothing less than the exercise of this power by the Supreme Court could have brought into harmonious relation all these State laws, State constitutions, and acts of Congress. It is idle to talk about the British system, in which Parliament is above the courts. To return to that system would be to abolish or abandon our own; it would mean nothing less than revolution and a wholesale destruction of the American scheme of Federal government. The British system may be better than ours—I do not think so—but it is only the wildest and most impractical dreamer who would seriously propose such a revolution, as the adoption of that system would cause in our form of government, which depends so largely upon the independence of the judicial department as the check and balance between the executive and legislative departments, and which provides the way by which to maintain the coordination of the States. Mr. Lincoln found ample justification for the use of force in preventing seceding States from withdrawing from the Union in the language of Chief Justice Marshall in Cohens against Virginia, where the great jurist declares:

It is usurpation whenever a part undertakes to do what the whole can not be kept from doing. * * * The *people* made the Constitution and *they* can unmake it, but this power resides only in the *whole*

body of the people, not in any subdivision of them. The attempt of any of the parts to exercise it is usurpation and ought to be repelled by those to whom the people have delegated their power.

This was a clear declaration in favor of the power under the Constitution to coerce a State and against the right of a State to secede from the Union. Could the "recall of judges" have been invoked against Mr. Marshall at that time of intense feeling, he would probably have been turned out of office.

In contending for the independence and fearlessness of the judiciary I do not wish to be misunderstood. There is much which calls for criticism in the administration of our courts. There are many defects in judicial procedure, both civil and criminal, which all admit should be remedied. While, as a rule, our judges have been and are men of the highest integrity and honor, singularly free from undue influence, there are exceptions, of course, where, unfortunately, powerful and selfish influences reach the judge and secure unfair advantage; but such cases are rare. When the court is a State tribunal and the term of the judge elective, the people can easily correct abuses if they earnestly desire by reforming the judicial procedure, shortening the term of the judges, and refusing to reelect the unworthy ones.

The written constitution of every State in this Union, in my opinion, should provide simple and comparatively easy means for proposing and submitting constitutional amendments to a vote of the people. The amendment of the constitution of a State is quite a different thing, both in character and effect, from an amendment of the great charter which binds together 48 States in bonds of Federal union.

The free exercise of police powers by the people of a State through the enactment and execution of State laws should not be hindered and delayed by narrow and technical restrictions imposed by State courts. It is easy to understand why a strong and vigorous demand is made for relief against the barriers which decisions of that kind put in the way of progress and the public welfare, and why it is proposed that some method be devised under which an amendment to a State constitution may be proposed and submitted to the people for approval which will have the effect of so construing or amending the constitution as to remove the evil effects of the decision complained of. But that, of course, is a matter for the several States to deal with. It does not concern the Congress of the United States. The States can deal with it effectively any time public sentiment is aroused sufficiently to really and earnestly desire to make such a change. But the remedy is more difficult where the judge is a Federal officer holding his position during life and good behavior, and where he can not be removed except by impeachment. The inferior Federal courts, however, are creatures of statute. Except as to tenure of office, Congress can control them. It may in its discretion abolish them or reduce their powers or limit their jurisdiction. The irritation and the uneasiness of the people and their hostility to the courts are directed largely against these inferior Federal courts, and should an amendment such as I have proposed, fixing the term of the judges of these courts at a period of 10 years, be submitted, it would, in my humble opinion, be ratified by three-fourths of the States because of a prevailing opinion that some of these Federal judges are too indifferent to the rights of the people and not sufficiently responsive to present-day needs and present-day conditions when passing upon issues between the people and special interests. The fact that at the expiration of a fixed term his conduct as a judge would come under review by the President and the Senate, both of them, when determining whether or not he should be reappointed, acting under the scrutiny and watchful eye of the public, would not destroy his independence, but it would operate as a wholesome restraint upon the judge, while the expiration of his term would furnish the opportunity to dispense with the service of an unworthy or incompetent man. I for one am inclined to believe that an amendment of this kind would improve the Federal judiciary. Congress has, perhaps, created too many inferior courts and been too liberal in granting to them powers of injunction, particularly in proceedings against the officers of a State attempting to enforce the statute of a State. It is a matter of doubt whether the new courts of customs and of commerce were wisely established.

These inferior and intermediate courts, anxious to enlarge their jurisdiction by interfering frequently with the orders and findings of administrative boards and commissions of the Government, are often the means of delaying rather than promoting justice; but Congress may abolish them whenever in its wisdom it chooses to do so. Our courts and the administration of justice must command the confidence and respect of the people if the Government is to endure.

It behooves us to heed the complaints that are being made on every hand in regard to glaring defects in the civil and criminal procedure of both the State and Federal judiciary. Mere technicalities, appeals based upon quibbles and taken for delay, unnecessary peremptory challenges of jurors and immaterial objections to their competency, adherences to worn-out precedents, and ancient rules not adapted to needs of the present must all be swept away if our courts are to retain their hold on the affections of the people. An effective and speedy method, judicial in character, but more simple and surer of results than proceedings by impeachment should be provided by which bad and unworthy judges may be dismissed from office. But, on the other hand, let us beware that in our eagerness to correct existing evils we do not adopt methods exposed to far greater evils than those we would remove. This, I fear, would be the case if the judiciary were subjected to what is known as the recall, and should that "sword of Damocles" be held over the heads of the judges? The honest and fearless judge must often decide cases against strong public prejudice and hostile public sentiment if he does his duty and applies the rules of law and justice. The tenure of office held by him should never be made to depend upon the decision of the majority of the voters in his district, expressed by ballot at the close of a heated campaign, *forced upon him by a minority petition signed ex parte;* a campaign in which the issue is whether or not he correctly weighed the testimony and applied the law in causes tried by him. We should commit a grave and serious error if we were to adopt so questionable a remedy as that. We should be equally unwise, in my judgment, if, because we disagree with the conclusion reached by the Supreme Court of the United States that a certain act of Congress is void because repugnant to the Constitution or because that court construed some other act of Congress differently from the way we would have construed it, we should deprive the court of its power or greatly cripple its power to declare those acts void which clearly violate the provisions of the Constitution. It is a matter of surprise that any reasonable and loyal citizen of the United States should propose the use of such revolutionary and destructive weapons as these. But suggestions of this kind are abroad in the land and must be met with courage by all who oppose them because they are dangerous and unsound. Everyone concedes that the decisions of the court should be and are open to the freest criticism. Judges are human, and to err is human. The judges as individuals are not entitled to special favor. They have not been set apart as more sacred than other human beings. The effect of fair and even sharp and merciless criticism of their decisions is wholesome. There is, however, a wide difference between free criticism of the courts and their decisions and the curtailment or destruction of the independence and vital power vested in them and necessary to the preservation of the Government itself. Some people do not seem to have discovered this truth. Abraham Lincoln criticized Chief Justice Taney and the decision of the court in the Dred Scott case unsparingly, but no man was more zealous than Mr. Lincoln in upholding each and every department of the Government created by the Constitution and in the preservation of the Union established by it, or who more firmly supported those canons of construction declared by Chief Justice Marshall.

You know what he said about his wish to save the Union without slavery if that could be done, but to save it even with slavery, and yet he is sometimes quoted as an authority to justify the attack upon the power of the court.

It is sometimes said that the Federal judges, holding office for life or during good behavior, are not subject to the will of the people, and that in our form of government no public officer should be entrusted with power who is not in some manner accountable to the people.

The Federal judges are accountable to the people. The Constitution was ordained by the people, and it provides that his tenure of office shall depend upon the good behavior of the judge, and that he may be impeached for wrongdoing. This makes him accountable to the people in the way which they themselves have provided in a Constitution which they ordained and established. So it is not true to say that these judges are not accountable to the people. If the method of procedure by which a bad judge may be impeached is too difficult, a way has been provided by which to amend that Constitution, and it should be resorted to for the purpose of adopting some easier and more effective method, but it should be by judicial inquiry and speedy trial with an opportunity to be heard, not a mere expression of public opinion after an excited and spectacular campaign for votes and by limiting the term of the judicial office to fixed periods of time. Mr. Hamilton correctly observed

that the judiciary, from the nature of its functions, will always be the least dangerous to the political rights guaranteed by the Constitution. He said:

> The Executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. * * * The judiciary may be said to have neither force nor will, but merely judgment. * * * Though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislative and executive.

Hamilton was right. Judges can not take the initiative; they can not go into the forum and advocate political doctrines as partisans, as executive and legislative officers are permitted to do.

When attacked in the public press and on the platform by bitter partisans, when their decisions are assailed, the lips of the judges are closed. The dignity of the judicial office does not permit them to reply. They do not make issues; they decide only the questions that the parties before them have raised. As Mr. Hamilton has said, they have "neither force nor will, but merely judgment." The courts can not go out and seek, nor can they create controversies; they can simply hear and determine the issues brought before them and enter judgment. The enforcement of their decrees and writs follows because there is universal respect for the majesty of the law—not because the courts command fleets and armies. When the authorities of the State of Georgia refused to obey a writ of habeas corpus in the case of the Cherokee Nation against that State, President Jackson refused the aid of the Executive Department, and declared that "John Marshall has made his decision, now let him enforce it;" the Supreme Court of the United States was powerless to proceed further. Jackson, as the Chief Executive, held the Nation's sword and Congress controlled its purse, without their cooperation the court could go no further.

This fact in the history of the Supreme Court proves how idle are the fears of those who manifest concern lest the courts endanger the liberties of the people by an abuse of its power, and vindicates the statement of Mr. Hamilton that the judiciary, from the nature of its functions, is the least dangerous to the political rights guaranteed by the Constitution. Congress, and not the Federal courts, is to blame for the present situation in which those courts have been placed in suits brought to enforce the Sherman Antitrust Act. Without their seeking it, the burden and the duty have been put upon these courts of not only dissolving vast combinations in restraint of trade, such as the Standard Oil Co. and the American Tobacco Co., and of permanently enjoining them from continuing in business and directing the division of their assets and the distribution thereof to shareholders in the several constituent and subsidiary corporations, but, in addition, the almost impossible task and the enormous responsibility have been put upon them of supervising, reviewing, directing, and consenting to some proposed plan under which several smaller concerns, owned chiefly by the same old stockholders, may severally and independently of each other conduct the vast business theretofore conducted by the unlawful combination.

If the Government is successful in the pending suits against the Harvester Trust and the Steel Trust, the courts will again be called upon to perform this task. It is work which no court should be asked to do. It properly belongs to some administrative tribunal. The nature and character of the work make it practically impossible for a court or judge to do it. It is put upon the courts because Congress has neglected to provide some other and more efficient method of regulation and restraint in the conduct of interstate business by corporations. The work which should be done by an administrative tribunal is forced upon the courts by the neglect of Congress to provide for such tribunal, and these courts are unjustly criticized for doing the best they can to render a service which, under no circumstances, should have been required of them. But a more efficient remedy will be provided soon, let us hope. The attention of the people is now directed to this problem, and they will not fail to find its solution. It is half solved when clearly and correctly stated. The point aimed at is special privilege. The American people have determined to destroy that. They have determined that the law shall not permit one class of citizens, as individuals or as corporations, to practice extortion or lay excessive burdens upon other citizens and make it harder for them to live; not only that the law shall not permit this thing, but that it shall go further and prevent this thing; that those in charge of the execution of the law shall enforce it. They have determined that special privilege shall be destroyed in this generation as slavery was destroyed in the last generation; that the wrongdoer, whether he be a malefactor of great wealth or a dynamiter pretending to represent organized labor, shall suffer the pains and penalties of the law; that special privilege shall be destroyed under the Constitution as it stands, or, if found necessary, that the Constitution shall be amended so as to permit it to be done.

In any event the die is cast. The personality, the iron will, and the resistless energy of an individual leader are only incidents—the issue is larger than the men engaged in the contest going on to settle it. The people have entered their decree. Because corporate wealth, amassed under special privilege, was not bearing its share of the public burden, Congress has already imposed an excise tax upon its right to transact interstate business, based upon net earnings. Because those who receive enormous incomes—far beyond their needs and the needs of those dependent upon them—do not bear their share of the expenses of maintaining the Government, and because that burden falls too heavily upon the man of small means—least able to bear it—the people will soon ratify the proposed amendment giving clear and unquestioned power to Congress to levy a tax upon incomes.

The people are also determined that the transmission of great inheritances shall be made to pay a toll to the Government under whose protection they are accumulated, thereby removing to some extent the burden now borne upon the backs of the poor. They are also determined that the *general welfare*, and not *special interests*, shall be the governing motive in determining the amount which shall be raised by duties on imports and the extent to which such duties shall protect the American market place.

More and more it is becoming necessary to invoke the use of the powers granted by our Federal Constitution to Congress in the solution of the growing problems which arise in our complex industrial and commercial life. These problems can not be solved by the States, because they are interstate problems.

Under modern conditions commerce knows no State lines. Yet many of the States, by unwise and improvident statutes, have permitted the organization of companies which, without restraint by the laws creating them, have proceeded to prey upon the people in all the States through the avenues of interstate commerce. They have allowed companies to be organized for any sort of business without reference to where it is to be carried on and without any limitation upon the capitalization; the charters granted are perpetual or may be renewed over and over again; consolidations and mergers are permitted; ownership in the stock of competing corporations may be acquired without limit; there is no requirement that any part of the capital shall be paid before the corporation begins business or afterwards; stock may be issued for property and for service and labor, the value of which may be arbitrarily fixed by the board of directors; the meetings of directors and of stockholders may be held beyond the limits of the State; no official report to the State is required; directors are not required to be residents of the State, and the same person may act as a director in two or more companies engaged in the same kind of business.

All the States do not grant all these privileges, but most of them are permitted by the majority, and none of them is prohibited in all.

It is under these lax *State* laws that trusts and combinations are formed which seek to monopolize and restrain trade and commerce between the States. It is very clear that the only adequate remedy we can hope for must be obtained from the Federal Government by the exercise of its power to regulate commerce between the States. As the Interstate Commerce Commission has brought the railroads engaged in interstate commerce under control, so should an administrative commission of the Federal Government bring all these industrial and commercial concerns engaged in interstate commerce under the control of the Federal Government. It should be complete and effective control based upon the firm purpose to protect the American people from the unjust burdens of special privilege and monopoly. Ours is a representative government. It is only representative in the true sense when the agencies selected by the people give expression to the well wrought out and temperate conclusions of the people. The man in public life who closes his ears to the appeals of the masses and listens only to the demands of those who seek for some personal and selfish advantage through the agencies of the Government is an enemy of representative government.

It is to dislodge him that more effective methods of securing the execution of the popular will, such as the direct primary, the initiative, and the referendum are devised; it is not for the purpose of changing the Republic into a pure democracy, but for the purpose of placing effective weapons of defense against special privilege in the hands of the people to be used when

the emergency requires. As a weapon in reserve to be used only when regularly chosen representatives have been guilty of a betrayal of their trust these innovations are a useful and wholesome restraint. Back of them all are the good sense and the permanent devotion of the American people to the principles of justice.

Mr. President, my view of these questions relating to the Federal judiciary is that along with perhaps some more effective remedy in the nature of impeachment, but still more simple and effective, we should be able to get rid of an unfaithful judge of one of these inferior Federal courts by having his term end some time; and that is the purpose I have in view in suggesting this amendment to the Constitution, fixing the tenure of the judges of these courts at terms of 10 years.

I ask that the joint resolution which I have presented and which is now on the table be referred to the Committee on the Judiciary, and I earnestly hope that the members of that committee will give it most serious consideration with a view to taking action upon it at some day within a reasonable limit of time.

I thank the Senate for its indulgence.

The PRESIDING OFFICER. Without objection, the joint resolution will be referred to the Committee on the Judiciary.

THE METAL SCHEDULE.

Mr. SIMMONS. I move that the Senate resume the consideration of House bill 18642, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Jones	Perkins
Bacon	Culberson	Kern	Pomerene
Borah	Cullom	Lea	Rayner
Bourne	Cummins	Lippitt	Reed
Bradley	Curtis	Lodge	Richardson
Brandegee	Dillingham	McCumber	Root
Brist ow	Fall	McLean	Sanders
Bryan	Fletcher	Myers	Shively
Burnham	Gallinger	Nelson	Simmons
Burton	Guggenheim	Nixon	Smith, Ga.
Catron	Heyburn	Oliver	Smoot
Chamberlain	Hitchcock	Overman	Sutherland
Chilton	Johnston, Ala.	Page	Works

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH] has been called from the Chamber on account of public business.

Mr. JONES. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Senate by important public business.

I also desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] was called out on important business temporarily, but will soon be in the Chamber.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. OLIVER. Mr. President, before proceeding to the discussion of the measure before the Senate I want to say a few words of a personal nature. While the Senator from Iowa [Mr. CUMMINS] was addressing the Senate upon this bill the junior Senator from Missouri [Mr. REED] made a statement concerning something that I was supposed to have said during the course of that debate. The language of the Senator from Missouri was as follows—I read from the RECORD:

Mr. REED. The statement was made by the Senator from Pennsylvania, who ought to be as well informed as the Senator from Utah upon the cost of iron and steel, because he comes from one of the great iron and steel producing States of the country. The statement was to the effect that the testimony two years ago was now utterly unreliable, because the cost has changed in the two years so greatly that the testimony of two years ago could no longer be used as a basis for determining to-day the difference between the cost of production abroad and the cost of production at home.

Mr. President, I never in the Senate or elsewhere made any such statement. The Senator from Missouri, either for want of sufficient attention to what was said misunderstood something that I did say, which I can not understand, or possibly something may have been said by another Senator which the Senator from Missouri mistakenly attributed to me.

I am a little careful, Mr. President, about statements of fact that I make, particularly with regard to conditions in the iron and steel business, with which I have all my life been somewhat familiar. I am disposed to resent the action of the Senator in attributing to me statements which I never uttered and which I not only never uttered, but which are without any basis of fact, because the conditions in the iron and steel trade to-day do not differ materially from what they were two years ago. In addition to which, I never, directly or indirectly, intimated that the testimony taken two years ago was unreliable; and I am at a loss to understand how the Senator from Missouri could attribute such a statement to me. I want to say here that I cheerfully acquit the Senator from Missouri of any intention to misrepresent me, but he has unwittingly done so, and I take this opportunity of placing myself right upon the record.

Mr. President, the platform of the Republican Party adopted at Chicago in 1908 contained the following words:

The Republican Party declares unequivocally for a revision of the tariff by a special session of Congress immediately following the inauguration of the next President, and commends the step already taken to this end in the work assigned to the appropriate committees of Congress, which are now investigating the operation and effect of existing schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

This declaration has been the subject of much discussion, and it has been strenuously contended by the advocates of low duties that it meant nothing but a revision downward. For my part I have never been able to see that this plank was intended to be anything else than a firm and emphatic declaration in favor of a continuance of that protective policy which has been favored by the Republican Party from the day of its birth, and has been the chief cause of its many victories. It is probably true that in the minds of many of our people the change in conditions from those prevailing in 1897 seemed to warrant a reduction of duties in many of the schedules, but that the majority of the Republican voters in 1908 expected or wished for such a reduction as to enable foreign producers to compete in our markets with our own products I do not believe.

The law of 1909, which is now in force, was enacted in response to this tariff declaration, and was looked upon by its friends as a fulfillment of that promise. Whatever may be said of other schedules, no man who reads the schedule now under consideration and compares it with the law which preceded it can fail to acknowledge that in this schedule at least the revision was radically downward; for almost every item it contains carries a lower duty than the corresponding item in the Dingley law, and on many of them the duty was practically cut in two. It is strange, therefore, and utterly illogical that the first schedule selected for further downward revision by this Congress should be the one that was confessedly cut the lowest in the law enacted only three years ago, and this in spite of the fact that the Tariff Board, created by Congress for the express purpose of obtaining information concerning the cost of production at home and abroad, has reported its findings concerning two other important schedules, while it has not yet concluded its investigations as to Schedule C.

Mr. President, as a Republican and a protectionist I stand upon the platform declared by my party four years ago. I voted for the laws creating the Tariff Board and enlarging its powers and duties. I am ready to vote for a revision of all schedules just as fast as the Tariff Board furnishes us with the necessary information concerning them. Having created this board we should at least postpone action until the board furnishes us with the information necessary to form our conclusions. They have already reported on two schedules, and I contend that we should at least dispose of these schedules before we proceed to the consideration of others. This is the only logical position for a Republican and a protectionist to take.

I am opposed to this bill, because I do not believe it was conceived in good faith, or that it was ever intended to become a law. I have confidence enough in the patriotism of our Democratic friends to think that if they really believed that what they propose would be finally enacted they would never submit a measure so illy thought out and so full of menace to the greatest of our industries as this; and I venture to predict that if the entire responsibility of government ever comes to them, the measure they finally adopt will be far different and far less burdensome than the one now before us.

The great difficulty about this bill is that its proponents in reality have no kind of understanding about the subject in hand. The bill itself shows how little they understood the task that was assigned them. When they think of the steel industry they see nothing before them but the United States Steel Corporation. They forget that, while the steel corporation looms large in the public mind and while it originates nearly one-half of the tonnage of steel produced in the United States, its business amounts in dollars and cents to less than a fourth part of the total value of the country's steel products. They also forget that while the bill proposes large reductions in the duties imposed upon the heavier steels, which are produced by the steel corporation, it hits still harder the man who with a small factory works the steel down into the smaller shapes and sizes which it takes when it goes to the ultimate consumer. I am speaking now of the bill as it came from the House. Later on I will have something to say of the substitute measure proposed by the Senator from Iowa.

As I have said, in their desire to weaken the steel corporation the fathers of this bill have lost sight of the man with the small shop and of the men whom he employs, but at the same time they are playing directly into the hands of the trust at which the measure is aimed. This bill in reality should be entitled "An act to confirm and perpetuate the power and dominance of the United States Steel Corporation in the steel business of the United States," for if we follow the arguments of those who have spoken in favor of this measure and of the substitute proposed by the Senator from Iowa to their logical conclusion, that corporation can survive its enactment, while many of its competitors must perish.

The Senator from Iowa, in his speech delivered some days ago, demonstrated to his own satisfaction that steel rails could be produced from pig iron at a labor cost of $1.86 per ton. The Senator's statement was based upon a report furnished by the Commissioner of Corporations, and I admit that, except that he allows nothing for waste in conversion, which amounts to considerable, his statement is borne out by what is contained in that report. That there is some flaw in it, I am absolutely certain. What it is, I confess that I can not discover. But I do not hesitate to say that, given a plant with the most modern equipment, with unlimited capital, and with every advantage known to modern times, if the Senator from Iowa or any other man would ever attempt to manufacture steel rails upon the basis of that report he would go bankrupt within six months.

There is but one isolated plant in the United States whose only finished product is steel rails, and that is the Edgar Thomson Steel Works at Braddock, near Pittsburgh. Feeling certain that there was something wrong with the Senator's statement, I asked the officials of the Steel Corporation, to which the works belong, for a statement of the pay roll of the Edgar Thomson works for some given period, and also for the tonnage of rails manufactured during that period, and I received in reply the statement that during the calendar year 1910 the total pay roll of the Edgar Thomson works was $3,301,031; deducting from this the amount paid for labor for and on account of pig iron produced in excess of that used for rails and all other products produced other than in the manufacture of rails, $978,000, leaves a balance of pay roll, including labor going into the manufacture of rails, of $2,323,031. There was produced during the year 460,000 tons of rails. On the basis of the amount of pay roll as above applicable to this production the average labor per ton of rails would be $5.05. According to the report of the Commissioner of Corporations the labor cost in producing a ton of pig iron is 77 cents. Deducting this from the above would leave the cost of labor entering into the conversion of a ton of pig iron into rails $4.28. Now, I give this statement simply as it was given to me. There may be something wrong about it, but I am certain that it is very much nearer the mark than the amount allowed by the Senator from Iowa.

I have listened with great interest to the argument of the Senator from Iowa, and I am free to confess that I agree with some of the conclusions he draws as applied to the Steel Corporation. There is no doubt whatever that so far as the corporation itself is concerned it would suffer but little from a reduction of duties on some of the heavier products it manufactures, and there is also no question but that it has an enormous advantage over many of its competitors and a considerable advantage over all of them in the manufacture of what is known as tonnage steel. It produces all of the ore and practically all of the coke which goes to its blast furnaces. I do not think this is true of any one of its competitors. It transports its own ore to the Lakes and a large part of it from the Lakes to its furnaces, an advantage enjoyed by no one else. Its plants are located in different parts of the country, so that it can deliver its products to all points at much less expense than those with single plants, thereby entailing a great saving in freight; and what is greater than all, its unlimited financial resources would enable it to survive a fierce competitive war, which would overwhelm individual manufacturers with disaster. So that while this bill, if enacted, will subject the steel corporation to foreign competition in many of its products, in the end it would probably survive, while most of its competitors would perish.

Mr. President, in the discussion of this measure I want to be absolutely fair; and in a spirit of fairness I admit that, so far as the United States Steel Corporation and perhaps one or two of its greater competitors are concerned, they have little to fear from this bill. In fact, the steel corporation officials are looking with great complacency upon this proposed legislation. I have seen none of them about Washington to oppose it, as was the case three years ago. If enacted, it will undoubtedly take away from them some, at least, of the markets which they now control; but at the same time it will force such a reduction in prices as to drive their smaller competitors out of business and give them that monopoly which from the first they have aimed at. With their integrated profits and their enormous resources they can drive the individual from the field. Having done this, they can and will arrange with the foreign syndicates for a division of the world's markets. This is no dream. It has happened before, and it will happen again. The whole steel business abroad is syndicate controlled, and the managers of the syndicates will be only too ready to join with the few who will then control the American market for the exploitation of the American people.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. Certainly.

Mr. HITCHCOCK. Is it not a fact that the reports show that the Steel Trust, so-called, is doing a decreasing percentage of the total steel business in the United States——

Mr. OLIVER. That is true.

Mr. HITCHCOCK. That year by year it is losing to its smaller competitors?

Mr. OLIVER. That is true.

Mr. HITCHCOCK. Now, if that be true, how can the Senator justify the statement he has just made as to their superior opportunities and advantages?

Mr. OLIVER. It is very easily explained, Mr. President. The policy of the United States Steel Corporation since its organization has been a very liberal one toward its competitors. It has followed the policy of sustaining the market rather than driving out competition. The very able men who control it have figured that it is much better for them to reap large profits and allow independent manufacturers to do the same than to exercise that power which they undoubtedly have of driving not perhaps all but many of their competitors out of the field.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania further yield to the Senator from Nebraska?

Mr. OLIVER. Certainly.

Mr. HITCHCOCK. Which means that the Steel Trust has pursued a policy of maintaining prices at such an exorbitant figure that not only is it able to make large profits, as the Senator says, upon the business it does, but its other competitors by its grace are enabled with their deficient resources also to make profits—all this at the expense of the American consumer under the protection of the American tariff.

Mr. OLIVER. Mr. President, if the Senator from Nebraska proposes to suggest that as my opinion I take issue with his conclusion. I will say that so far as my observation goes I would eliminate the word "exorbitant." I do not think that the prices charged for steel during the past 10 years could reasonably be called exorbitant. They have been such as to afford to a manufacturer with the advantages that the steel corporation has very large profits. There is no gainsaying that fact. Also I think many of its competitors have had very considerable profits. That it has been done at the expense of the American people I doubt very much. I believe, on the whole, taking the average of the 10 years, the consumers of iron and steel and iron and steel products have not paid more for what they bought than they would have done under competitive conditions, for the reason that during periods of scarcity prices have not gone up to the same extent that they did when there was unquestioned competition amongst manufacturers. In other words, the steel corporation has endeavored to maintain prices at a level. Some may call it a high level, and I am rather disposed to concede that, but it has been at a level, and they have prevented violent fluctuation upward as well as downward. That, I think, is a very fair statement of conditions.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. OLIVER. With pleasure.

Mr. SIMMONS. I understand the Senator, then, to say that under the present arrangement provided by the steel corporation the independents are not subject to competition.

Mr. OLIVER. Oh, no; I did not say that at all, Mr. President. I did not say anything about independents. I have not mentioned the word "independent." If the Senator from North Carolina desires to quote me, I want him to quote what I said, not what he thinks I might have said under certain conditions.

Mr. SIMMONS. Then, I will ask the Senator if the meaning of his statement is not that there is not under present conditions any competition in this country in the steel industry?

Mr. OLIVER. I said nothing from which that meaning could be taken.

Mr. SIMMONS. Then, I will ask the Senator if there is competition in prices in this country in the steel and iron industry?

Mr. OLIVER. There is at present, Mr. President. I would not term it fierce competition, but there is very hearty competition amongst all manufacturers. I do not believe that to-day——

Mr. SIMMONS. I was asking with reference to prices—if there is any competition in prices.

Mr. OLIVER. I am talking about prices. There could be no competition in the true sense if there was no competition in prices. If there is no competition in prices, there is no competition in anything.

Mr. SIMMONS. I have no doubt of it. I am trying to reach the point of the question I wish to ask the Senator. It is whether there is any competition in prices; that is to say, whether the prices that are arbitrarily fixed by the steel corporation are not the same prices charged by all the other steel manufacturers in this country?

Mr. OLIVER. Mr. President, that is a very frank question. So far as my observation goes I state that I think there is fair and open competition to-day between the steel corporation and all its competitors. As far as I can observe the situation, that is the case.

Mr. SIMMONS. Does the Senator mean to say that they charge different prices for the same article?

Mr. OLIVER. I should like the Senator to elaborate that question.

Mr. SIMMONS. Take any of the basic products—steel rails, for instance. Is there any difference between the price which the steel corporation charges for steel rails and the price other manufacturers of steel rails charge in this country?

Mr. OLIVER. I do not know anything about the steel-rail market, but I have had something to do within recent times with the purchase of other material. I have had something to do with the purchase of structural material, and I found a difference in the prices quoted by the steel corporation and its competitors, and a very considerable difference at that.

Of course, Mr. President, any man who has been engaged in the business knows, and those who have not been engaged in the business can easily understand, that where people are doing a competitive business prices will sooner or later seek the same level, because a man engaged in business, whether manufacturing or merchandising, finds out almost in a moment what his competitor is doing and he immediately proceeds to meet it. So if the Senator from North Carolina were about to put up a steel building and would ask for bids, while he would find a considerable variation in the bids, as a general proposition the variation would cover a very limited range, because these men have their salesmen and representatives out and it is their business all the time to find what their competitors are doing.

Mr. SIMMONS. I understand the Senator says there has been no difference in the price charged by the steel corporation and other manufacturers of steel rails.

Mr. OLIVER. It is common report that the price of steel rails is practically uniform. I have no doubt that is the case.

Mr. SIMMONS. The Senator says there is a difference in the price of structural steel.

Mr. OLIVER. Yes; and all great lines of steel.

Mr. SIMMONS. I will ask the Senator if that is a substantial difference or is it just a slight difference?

Mr. OLIVER. Now, Mr. President, the Senator knows just as much about that as I do, because I have not come into personal contact with the business. I have not had occasion within recent months to buy anything or to be connected with any interest that was buying anything in that line, and I can not answer that question any more than the Senator from North Carolina can.

Mr. SIMMONS. I asked the Senator the question because, coming from the State of Pennsylvania, I supposed that he had great familiarity with these matters. I understood him to say in the beginning of his speech that practically all of his life he had had some familiarity with the iron and steel industry.

Mr. OLIVER. I have had.

Mr. SIMMONS. And I knew that the Senator would make a frank statement about it, and, I thought, a statement based upon knowledge. So I was anxious to find out whether or not, in the Senator's knowledge, the difference which he says exists in the price of structural iron and steel and some other products was a substantial difference or merely a slight variation in price?

Mr. OLIVER. I understand, Mr. President, that for a year past, perhaps more, there has been active and earnest competition amongst steel manufacturers, not only on structural steel but upon all other lines of iron and steel. I do not know whether or not that extends to rails, but I do not believe it does.

Mr. SIMMONS. I think the general impression is that there has been very little domestic competition in prices of any of the basic products of steel and iron in this country. The Senator says, however, that there is some in certain products.

Mr. OLIVER. I know that there is very active competition in pig iron.

Mr. SIMMONS. Following that statement, I understood the Senator to say that if this bill should pass the steel corporation would be able to survive, and I understood him to say further that they would be likely to enter into combinations or arrangements with foreign syndicates, and in that way keep up the price.

Mr. OLIVER. What I said, Mr. President, was that, in my opinion, after having exercised the power which they would have if protection were taken away from their competitors of decreasing the number of those competitors, they would then be in a position to enter into arrangements with foreign syndicates for the control not only of the markets of this country but of the markets of the world.

Mr. SIMMONS. Then, Mr. President, I ask the Senator what harm could come, if that is so, to the independents or other manufacturers who fear prices will be reduced by the result of this bill, if, in case it should pass, the steel corporation should make, and probably would make, such arrangements with foreign competitors as to prevent any such result following the passage of the measure?

Mr. OLIVER. No harm would come to them, except that they would be out of business; that is all.

Mr. SIMMONS. Now, I should like to ask the Senator how would they be put out of business if the steel corporation made these arrangements with foreign competitors, so that prices would be maintained in this country, notwithstanding the reduction of the tariff?

Mr. OLIVER. Because the steel corporation, by exercising the power which the Senator from North Carolina and his compatriots in their good will toward the corporation would give them, would have driven their smaller competitors out of business; and once out of business it is a very hard thing to get back again.

Mr. SIMMONS. Does the Senator mean that the steel corporation would not make this arrangement with the foreign syndicates to maintain prices in this country until they had first destroyed the independents?

Mr. OLIVER. I mean that the steel corporation would make their arrangements with whomsoever was competing with them, and by that time, by reason of the reduced duties which the Senator proposes, their competitors would not be the ones at home, but those abroad, represented by the German and English syndicates.

Mr. SIMMONS. But that arrangement, to be effective and to accomplish the purpose that the steel corporation would have in view in making it, would have to be an arrangement by which the foreign producer would keep out of this market.

Mr. OLIVER. Very likely; but leave that to the United States Steel Corporation.

Mr. SIMMONS. How long does the Senator think it would take the United States Steel Corporation to make that arrangement?

Mr. OLIVER. Mr. President, the United States Steel Corporation holds a charter which runs perpetually, and I am only outlining what I think would happen under this most vicious legislation, which is advocated by the Senator from North Carolina. I may be wrong in my prognostications. I am saying what I think and what I believe; and if unfortunately this legislation be enacted, I hope that I shall turn out to be a poor prophet.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I yield to the Senator from Iowa.

Mr. CUMMINS. Does the Senator from Pennsylvania mean, in comparing the United States Steel Corporation with the other companies engaged in the same business, that if the steel corporation were to be content with the same profits that are enjoyed by the independent companies it could very materially, very largely, reduce the price of its products?

Mr. OLIVER. Mr. President, if the steel corporation—and I think the Senator from Iowa will acknowledge that this is correct—were content with the same measure of profits that is enjoyed by the ordinary independent manufacturer, the ordinary independent manufacturer would not be in business.

Mr. CUMMINS. So that the ordinary manufacturer, or independent manufacturer, lives at the will of the United States Steel Corporation, and the latter is willing that its so-called rivals shall live, because the United States Steel Corporation thinks it is better to take a very large profit on half of the business than to excite the indignation of the people by absorbing all the business. That is about the situation, is it not?

Mr. OLIVER. Divesting the Senator's language of some of its phraseology, Mr. President, it is pretty nearly a good statement of the case, in my opinion.

Mr. CUMMINS. I only wanted to remind the Senator from Pennsylvania, who has up to this time treated the subject very frankly, that in the costs which I gave the other day of producing the various commodities with which I dealt, I did not take the costs of the United States Steel Corporation alone.

Mr. OLIVER. I understand that.

Mr. CUMMINS. But I took the average of costs of all the companies engaged in the business. The Senator from Pennsylvania recognizes that, I believe?

Mr. OLIVER. I understand; yes.

Mr. CUMMINS. One other thing, and I will not interrupt the Senator more at this time. The Senator from Pennsylvania began his speech by the suggestion that there was in 1909 a very great reduction in the duties of the metal schedule. I hope that before he has finished he will call the attention of the Senate to the fact that, although there was a great reduction in some of the items of the metal schedule, as a whole the metal schedule was reduced, I think, a little less than 1 per cent. So that the Senator may have that in mind, I will read from a publication prepared by the Senate Committee on Finance in 1909, in which, referring to Schedule C, being metals and manufactures thereof, it is said that the average duty, reduced to an ad valorem, under the Dingley law was 32.59 per cent—that is, upon imports for the previous year; that the average duty of the bill as it passed the Senate was 32.13 per cent; that the average duty of the conference bill, which was adopted by the Senate as well as by the House, was 31.35 per cent, about three-fourths of 1 per cent reduction, taking the schedule as a whole.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. OLIVER. I will yield to the Senator from Utah in a moment.

Mr. President, the percentage of reduction in duties is not to be measured by the percentage of reduction in the different articles which happen to have been imported. A great many of the items in the iron and steel schedule are manufactured exclusively in the United States and are not the subject of import duties at all. Very large reductions were made in those articles, which do not show in the report cited by the Senator from Iowa. With regard to that I will say that if you take the schedule item by item and show the percentage of reduction or increase in the different items there will be found a very different showing from that contained in the report of the imports. Now I yield to the Senator from Utah.

Mr. CUMMINS. Will the Senator from Utah allow me to respond to the suggestion just made by the Senator from Pennsylvania?

Mr. SMOOT. Yes.

Mr. CUMMINS. I recognize the accuracy of the statement just made by the Senator from Pennsylvania. It corroborates precisely what I said the other day when I was trying to convince the Senate of the fallacy of an argument which was then being made by the Senator from Utah. For instance, under the Dingley law—as we have spoken of steel rails I will mention them—the duty on steel rails in the paragraph containing rails was $7.84 a ton, and during the year of 1908, preceding the enactment of the Payne-Aldrich tariff law, the imports of commodities under that paragraph bearing a duty on steel rails of $7.84 a ton and upon fishplates of $10 a ton, were in value about $450,000. In 1909 we reduced the duty on steel rails to $3.92 per ton and upon fishplates and the like to $6 per ton, and in 1910 the imports of those commodities, under this duty cut in two, were only about $100,000. So one could easily see that the lower the duty the less will be the import upon the same theory that some of my friends reduce specific duties to ad valorems.

Mr. OLIVER. I now yield to the Senator from Utah.

Mr. SMOOT. I can not follow the logic of the Senator from Iowa [Mr. CUMMINS], nor do I think the Senator's comparison is a fair one. I desire to call the Senator's attention to a fact, and, after I do so, I believe he will agree with me. The comparison that he has made is made upon the amount of importations in a certain year—I believe the year 1908. The comparison would be reliable provided the imports were exactly the same in amount.

Now, let me illustrate: If there were no imports at all, we could have cut the duty from 100 per cent to 1 per cent, and in the comparison offered by the Senator no difference whatever would be shown. The comparisons I gave the other day in relation to transferring a specific duty to an equivalent ad valorem duty were upon actual importations, not as compared with any other year, but for the particular year of those importations. So, Mr. President, if I had compared them with the same amount of importations under the rate the Senator may have proposed then, of course, the comparison would have shown exactly what the difference was as to the items; but if there had been no importations at all, then the comparison of the whole schedule, as the Senator is doing here, would not give an accurate idea of the reductions; in other words, Mr. President—and I believe the Senator will bear me out in this statement—steel rails and many other items, such as bar iron, were reduced 50 per cent, and a great quantity of the heavy steel products were reduced from 25 to 50 per cent, but there were no importations of them.

Mr. CUMMINS. And have been none since.

Mr. SMOOT. I will admit, Mr. President, that there have been none since, and because of that fact a comparison of the equivalent ad valorem duties of the tariff act of 1909 and the duties proposed by the Senator would not show the result at all.

Mr. CUMMINS. The Senator from Utah is expressing in a better way just precisely what I said at a former time. When he attempts to take a whole bracket, comprising a half dozen commodities or the same commodity divided into classes by price, and attempts to convert a specific duty upon that bracket or those commodities into an ad valorem, it is an impossibility, and it must necessarily be inaccurate. I only wanted to show that, taking the whole metal schedule as passed in 1909, and applying it to the importations of the previous year, there was a reduction, converted into ad valorems, of less than 1 per cent.

Mr. SMOOT. Well, Mr. President, if there had been no importations at all——

Mr. OLIVER. There would not have been any reduction shown.

Mr. SMOOT. If there had been no importations at all on the items on which the duty was reduced, then, according to the Senator's logic, there would have been no reduction of the ad valorem duties at all; but, of course, we can plainly see that that would not be the case. As to the question that we were discussing the other day in relation to the brackets, putting two or three of them together and finding the equivalent ad valorem duty, the Senator's contention in that regard would be absolutely true, providing we did not know just exactly what the shipments were, the unit value of the shipments, and the amount of duty collected. With those items known, then without question the difference between the equivalent ad valorems can be ascertained.

Mr. OLIVER. I think the Senator from Iowa will acknowledge that the ratio of the reduction or the increase in duties in Schedule C is not necessarily to be measured by what the import records show. While I have never made it the subject of examination or study, my own impression is that the average reduction in duties in this schedule under the act of 1909 was not less than 20 per cent. I may be wide of the mark, but that is my impression. I am very glad to see, Mr. President, that there is some chance of the Senator from Iowa and the Senator from Utah getting together.

Mr. President, I join with many other thoughtful Americans in deploring the fact that so great a proportion of this, our greatest industry, has been concentrated into one management. I would much prefer to see the steel business as it once was, under the eye of the old ironmaster, who lived near his plant and spent his days and nights in watching its development—who came into daily contact with the men he employed and had a stake in the community in which he lived. In what may

be termed "the greater steel industry" the old ironmaster is but a reminiscence. His place has been taken by the high-class hired man, who acts under the direction of the financier; but in the finishing trades and the lighter lines, which involve thousands of plants instead of scores, and whose business aggregates many times that of the steel corporation, the individual proprietor still stands at the helm, and it is at him that this legislation is aimed and in his defense that I now speak.

Having said this much about the bill in a general way, I will now take up a few of the more glaring of the many mistakes it contains and which show the utter incompetency of the hands that framed it.

Mr. GALLINGER. Mr. President, I make the point that there is no quorum present.

The VICE PRESIDENT. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	Lea	Pomerene
Bailey	du Pont	McCumber	Rayner
Borah	Fall	Martine, N. J.	Reed
Bourne	Fletcher	Myers	Richardson
Bradley	Foster	Nelson	Sanders
Brown	Gallinger	O'Gorman	Shively
Burnham	Gronna	Oliver	Simmons
Burton	Guggenheim	Overman	Smith, Ariz.
Catron	Heyburn	Page	Smith, Ga.
Chilton	Hitchcock	Payntar	Smith, Mich.
Cummins	Johnston, Ala.	Penrose	Smoot
Curtis	Jones	Perkins	Sutherland

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] was called from the Chamber temporarily on public business.

I also desire to announce that my colleague [Mr. POINDEXTER] is temporarily detained from the Chamber on important business. I desire that this announcement stand for the day.

The VICE PRESIDENT. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. OLIVER. I will first refer to the article called ferromanganese.

Now, ferromanganese is an alloy used in the manufacture of steel. It is made in a blast furnace, in precisely the same manner as pig iron. It is, in fact, nothing but pig iron of a very high class. Owing to the scarcity of manganiferous ores in the United States most, if not all, of these ores are imported from abroad. Ferromanganese is manufactured in this country by just one concern, and that concern is the United States Steel Corporation. In the Payne bill the duty levied on ferromanganese is the same as on pig iron—$2.50 per ton. The framers of the Underwood bill reduced the duty on pig iron to 8 per cent ad valorem, amounting to about 90 cents per ton; but for some reason which passes human comprehension they place a duty on ferromanganese of 15 per cent, which amounts at the market price to-day to about $6 per ton. So that out of abundance of love for the United States Steel Corporation they have advanced the duty on this article, of which it is the only American manufacturer, from $2.50 to $6 per ton. There is only one explanation for this amazing provision, and that is that the framers of the bill did not know what they were doing. The Senator from Iowa knew too much to be led into this ambush, and his bill places the duty at $1 per ton on both pig iron and ferromanganese. For my part I see no reason why ferromanganese should not be admitted free of duty. The ore which forms the basis of its raw material comes from abroad, and it can only be made here under difficulties which are almost prohibitory. If any duty is imposed for revenue purposes, it should under no circumstances be higher than that which now prevails.

BAR IRON.

Thirty years ago, before it was supplanted by soft steel made by the Bessemer and open-hearth processes, bar iron was the basis of iron manufacture the world over. It should not be confounded with bar steel; it is a different article, made in a different way, and used largely for different purposes. Steel is made by melting the pig iron and casting it into ingots, while iron is made by reducing it to only a semimolten state, squeezing out the impurities, rolling it into a flat bar called muck bar, which is then allowed to cool, sheared up into small pieces, reheated, and rerolled into what is known commercially as bar iron. Steel is granular in its texture, while iron is fibrous. In its process of manufacture iron is made to-day in precisely the same manner as it was 50 years ago. The labor is all hand labor. Machinery has not supplanted it as it has in the manufacture of soft steel, and the wages paid for such labor in this country are uniformly just about double those paid in Europe. As an example, we find from Mr. Pepper's report that the maximum weekly wages at Dusseldorf for puddlers is $13.68. In this country puddlers are paid by the ton, and the present wage scale of the Amalgamated Association of Iron and Steel Workers calls for the payment of $5.37½ per ton for puddling. The product of a puddling furnace is 2,800 pounds, or 1¼ gross tons, per working day. The puddler's wages would therefore amount to $6.72 per day. Out of this, under the workingmen's scale, he pays to a helper one-third plus 5 per cent of his own two-thirds. Figuring the day's wages on this basis, the puddler in the United States would receive $4.25 per day, while the man who performs the same work at Dusseldorf receives $13.68 per week, or $2.28 per day—a difference between the two countries of $1.97 per day. It will be noted that in this country the puddler's helper receives $2.47 per day, or 19 cents more than the daily wage of the German puddler. I have not the detailed information which will enable me to analyze the wages of the other workers in the mill, but I am satisfied that they will bear the same proportion to each other as in the case of the puddler. The labor performed in each case is identical and there is no material difference in the equipment of the mills. Wrought iron is made in substantially the same way the world over. It is largely the product of manual labor, while in the manufacture of soft steel the man is only an incident and machinery performs most of the work.

Mr. James Lord, an iron manufacturer of Lebanon, Pa., testified before the Finance Committee of the Senate as follows:

> I am representing to-day, in company with eight gentlemen who have come from different parts of the East, 25 rolling mills that manufacture bar iron east of the Allegheny Mountains and that stretch from Knoxville, Tenn., to Portland, Me. These companies sell their products for the most part east of the mountains and largely to the Atlantic coast and Gulf points. Consequently this bill, if passed, would put the burden of foreign competition largely on these eastern mills, because the freight from our different mills to coast points is just about equivalent to the freight from European competing points. For instance, our freight to New York would be 10 cents, while practically the same rate could be obtained from Liverpool or from Antwerp.

The duty in the Payne bill on bar iron is three-tenths of 1 cent per pound, or $6 per net ton. The Underwood bill reduces this to 10 per cent ad valorem. The Cummins amendment places the duty at $3.50 per ton on square bars and $3.75 per ton on round; but I call the attention of the Senator from Iowa to the fact that in the latter clause, relating to round iron, he has inserted the word "steel," which might be construed as admitting round steel of high carbon and high value, which I do not think he intended to do. I have no hesitation in saying that the enactment of the Underwood bill into law would utterly destroy the mills turning out this product east of the Allegheny Mountains, and most of this iron is made in eastern Pennsylvania, New Jersey, and New England. The mills west of the mountains to a very large extent have abandoned the manufacture of iron and work exclusively on steel. And I further say that none of this iron is turned out at any of the plants of the great steel-producing companies. So far as I am aware, not a ton of it is made in any of the plants of the steel corporation, the Jones & Laughlin Steel Co., the Republic Iron & Steel Co., the Cambria Steel Co., nor, as I believe, in any other of the great plants.

But the most glaring case of injustice to a deserving industry, that to-day is literally struggling for life, occurs in paragraph 9 of the Underwood bill, corresponding to paragraph 131 of the Payne law, commonly known as the basket clause. Of all branches of the iron and steel industry the most difficult one to establish in the United States has been the manufacture of the finer grades of steel known as crucible cast steel. Since Huntsmen, of Sheffield, discovered the art of making crucible steel, in 1740, that city has been known as the center of the industry and has been noted the world over for the excellence of its product. It retains that supremacy to-day.

It was, I believe, more than a century later before any attempts to produce this kind of steel were made in the United States, and the pioneers in these attempts went down to repeated failures. By degrees, however, the American manufacturers obtained a foothold in this business, and for years preceding 1900 a very large part of the crucible steel—otherwise known as tool steel—used in this country was of home manufacture. But about 1900 or 1901 there appeared on the market a new product of English manufacture known as high-speed steel. It was so named because, owing to its peculiar composition, a tool made of this steel retains its temper even when red hot, so that the machine in which it is placed can be rushed at a high rate of speed instead of very slowly, with the result that the machine is capable of turning out many times as much work in the same time and with the same labor as it would when the ordinary steel was used. This steel was sold at first at 75 cents per pound and was cheaper at that price than the ordinary steel would be at even one-tenth of the price, as it outlasted the other and enabled a given machine to turn out an enormously greater quantity of work with the same amount of labor. The introduction of this steel threatened to destroy the industry in the United States. Its merit was so apparent and its introduction into this country was so rapid that the imports of fine steel, valued above 16 cents a pound, the highest classification known to the Dingley law, which in 1898 had amounted to only 250,540 pounds, in 1901 reached 778,736 pounds; in 1902 jumped to 2,133,461 pounds; in 1903, 2,299,239 pounds; in 1904, 1,556,313 pounds; in 1905, 1,724,612 pounds; in 1906, 2,897,682 pounds; in 1907, 3,535,707 pounds; in 1908, 1,999,255 pounds; and in 1909, 2,083,672 pounds; and I may add that, notwithstanding the very liberal increase in duty allowed by the Payne law, the imports during 1911 were 2,870,267 pounds.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. OLIVER. Yes.

Mr. SHIVELY. As I understand the Senator, this is a particular kind of steel out of which machinery is made to work exclusively in iron and steel.

Mr. OLIVER. Yes; generally for that purpose. Its use has since been extended to the making of cutlery and other articles of that sort.

Mr. SHIVELY. The Senator says that the process of making this particular kind of steel is an English process.

Mr. OLIVER. Originally it was a secret process.

Mr. SHIVELY. A secret process?

Mr. OLIVER. When invented or discovered. It first made its appearance in 1901 or thereabouts, and if the Senator will follow the figures I have given he will see that it has made very rapid progress.

Mr. SHIVELY. The figures are of the imports?

Mr. OLIVER. Yes. None of it was made in this country at the beginning.

Mr. SHIVELY. Those imports were induced by reason of the superior quality of the steel for this particular purpose.

Mr. OLIVER. Yes.

Mr. SHIVELY. It was used in this country in the general iron and steel industry.

Mr. OLIVER. It was used in this country, yes; by all users of fine steel.

Mr. SHIVELY. That is, it was used in this country in the manufacture of machinery for use in the iron and steel industry.

Mr. OLIVER. Generally speaking; yes.

In the meantime, however, the American crucible steel manufacturers discovered the formula or mixture which was employed in producing this steel. It is composed of a mixture of the best class of Swedish bars, with about 18 to 20 per cent of tungsten, about 3½ per cent of chromium, and 1 per cent of vanadium. The tungsten enables the steel to retain its temper while at a red heat, while chromium imparts toughness and vanadium greater tensile strength and greater resistance to strains and shocks. The combination produces a steel of which one pound will do as much work as five or ten times its weight of any steel that was known fifteen years ago. The first effect of the American competition was to bring down the price of the English steel from 75 cents a pound to about 40 cents, at which price the home manufacturers could not compete, owing to the great additional labor involved in its manufacture and the expensive nature of the materials used.

As a result of the showing they made, the duty upon this grade of steel was advanced by the Payne bill on a sliding scale, based upon an ad valorem of about 20 per cent, and I am proud of the fact that I was to some degree at least instrumental in obtaining this advance. When the amendment proposing it was offered by the chairman of the Finance Committee it raised at once a storm of protest. Some of the Senators here will remember the debate that ensued. But so convincing were the facts that upon a fair presentation of the case the amendment was carried without a division. Since the act of 1909, notwithstanding the advance in duty, the American manufacturers have been barely able to hold their own. That the duty imposed by the present law is not too high to allow reasonable competition from abroad is shown by the increase of imports from $2,083,672 in 1900 to $2,870,267 in 1911.

I tried to get the imports for 1910, but was unable to do so. To give some idea of the nature of this business, and of the kind of men who are engaged in it, I will quote from the testimony of Mr. William Metcalf, jr., president of the Braeburn Steel Co., of Braeburn, near Pittsburgh. Mr. Metcalf, whom I know very well, inherited this business from his father, the founder, one of the pioneers in this branch of the industry. His plant is a small one, owned entirely by his family, and he says, and I believe, that if this bill becomes a law it will go directly to the scrap pile. I will quote liberally from Mr. Metcalf's testimony:

> Our product is the finer grades of steel, known as tool steel. It is a product into which the element of labor enters very largely and one that requires the utmost of skill, and it is a product that can not be made rapidly. The mere melting of the raw material in itself must be done slowly and carefully. The heating of the ingots after they are made is exceedingly important, and must be done slowly, or they will be destroyed. * * *
>
> Referring to the matter of mill labor, the average wage per day of all of the men in our employ during the year 1911 was $3.33⅓. That includes skilled and unskilled labor. The average wage per day of our skilled men, or what we call tonnage men—the rollers, hammer men, and others who work by the ton and employ their own labor—was $4.01 per day. These figures were taken from our pay-roll books, and are absolutely accurate as far as it is possible to make them. * * *
>
> During the year 1911 we had an average of 111 men employed. Of the 111, 56 were skilled men. There were 19 of what we might call intermediate men—that is, not common labor, but of the class of firemen, gas makers, and so on. * * *
>
> During the year 1911 the cost of labor in our mill was 50.7 per cent of the entire cost of production. The material charge was 31.1 per cent. This makes a total of 81.2 per cent, leaving only 11.2 per cent for all other expenses—the distribution of goods, the warehousing of goods, the salaries of the executive and administrative officers, and superintendence. * * *
>
> As to our material and supplies, the basis of all high-class tool steel is pure iron, and the maker of the best steel is the man who gets the purest iron into his steel. For that purpose we use two kinds of iron—the American-made iron and the Swedish iron. We are obliged to use the Swedish iron on account of the greater purity of that iron over the American iron. * * *
>
> It is better than our iron in this respect: It is lower in phosphorus and sulphur and it is freer from other impurities that are generally disregarded in the analysis of iron. * * *
>
> In addition to the iron we use metals for making our alloy steels, such as tungsten, vanadium, chromium, molybdenum, titanium, aluminum, etc. Of those elements there are two of which we use very little and one that we have practically discarded. * * *
>
> The plumbago for the manufacture of these crucibles comes from abroad. * * *
>
> The raw material is of such a nature that when it arrives at our plant the unloading of it is done by hand. If we are going to make good steel, the raw material must all be inspected—and it is all inspected—and that is done by hand by our own men. In addition to that, it must be analyzed in our laboratory. There is labor again. After it is put away in the bins in which it is kept the weighing up of the material for the crucible furnace is all hand labor. That material is hauled—and I am speaking only about our plant—by a little power dinky into the mill building, and the entire charge is lifted from the dinky up to the melting floor. Then the material must be packed in the crucibles by hand; otherwise we could not get it in. It must be properly distributed to get the best melting results. * * *

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Indiana?

Mr. OLIVER. Certainly.

Mr. SHIVELY. Do I understand that the material must be delivered by hand? I observe that in reciting the different processes it is always necessary to do it by hand. Is that true abroad as well as here?

Mr. OLIVER. What Mr. Metcalf means by delivering by hand is unloading and placing and distributing; that whereas material in the works involving larger tonnage is very largely handled by machinery—cranes and the like of that—the material for this tool steel must be handled by hand because each piece has to be inspected before it is used.

Mr. SHIVELY. Does the witness, from whom the Senator has been quoting, indicate what proportion of the annual product made in the United States is made in this factory?

Mr. OLIVER. No; but it is in reality not a very large proportion because it is a small mill. In fact, most of the mills in which this steel is turned out are small mills.

Mr. CUMMINS. We can not hear the Senator from Pennsylvania at this point in the Chamber.

Mr. OLIVER. I say I do not know what proportion of what is made in this country is turned out in this plant, but probably rather a small proportion, because it is only a small unit.

Mr. SHIVELY. I observe the Senator quoted this witness as saying that a very necessary article in the manufacture of this kind of steel is the product of that Swedish iron.

Mr. OLIVER. Yes.

Mr. SHIVELY. In what form does that come?

Mr. OLIVER. In the shape of bar iron.

Mr. SHIVELY. In the shape of bar iron from Sweden?

Mr. OLIVER. And it possesses peculiar qualities which render it especially fit for this use.

Mr. SHIVELY. And a quality that does not appear in the American product?

Mr. OLIVER. There are American-made irons that are also suitable for this purpose, but when manufacturers want to get a peculiarly good product they use the Swedish bars.

Mr. SHIVELY. Is that true generally in the manufacture——

Mr. OLIVER. Yes; in the making of this kind of steel.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I do.

Mr. CUMMINS. Does the Senator from Pennsylvania remember the domestic production of tool steel so that it can be compared with the importations of tool steel?

Mr. OLIVER. The domestic production of tool steel is from 75,000 to 100,000 tons.

Mr. CUMMINS. I think the Senator is in error about that. I think he said we imported several million pounds.

Mr. OLIVER. Yes; from 2,000,000 to 3,500,000 pounds.

Mr. CUMMINS. And we manufacture something like 100,000 tons.

Mr. OLIVER. Not of this very high-grade steel.

Mr. CUMMINS. There are, of course, many grades of tool steel; but it is true, is it not, that we manufacture in this country so large a proportion of it that the imports are really negligible?

Mr. OLIVER. No. I think the Senator is entirely in error in that. Of this fine steel, I think the proportion we manufacture is not a very great deal more than—not, say, more than two or three times as much. In all probability not as much as that, because it goes a long way, and if produced in large quantities the country could not use it.

There is another thing, Mr. President, about this grade of steel. It must be remembered that of this fine steel, each ton of it or each pound of it—because it is quoted in pounds and sold in pounds and used in pounds and not in tons—each pound of it displaces 5 to 10 pounds of the product that was made in America before its introduction.

Mr. CUMMINS. I understand there are many grades of what is known as tool steel.

Mr. OLIVER. Yes.

Mr. CUMMINS. And the value, as of silk or any other commodity, runs over a range.

Mr. OLIVER. Tool steel would run over a range of from probably 4 cents a pound to at least 50 cents.

Mr. CUMMINS. Taking the grades all together, it is true, is it not, that we make in this country nineteen-twentieths of all the tool steel we use?

Mr. OLIVER. I would not think so much as that, but we make a great deal of it. In fact, judging from the actual work of the Senator from Iowa, as shown in his amendment, to which I am coming later, I do not think there is much difference of opinion between him and me on this particular paragraph.

Mr. SHIVELY. Will the Senator allow me?

Mr. OLIVER. Certainly.

Mr. SHIVELY. What is the annual proportion of the steel to which the Senator is now referring to the cost of the product?

Mr. OLIVER. Mr. Metcalf says, taking his entire works, the cost of labor is 50½ per cent of the cost of the product. Taking the average of the works, the entire range, the pay rolls amount to 50½ per cent. The finer grades would amount to 60 per cent or more, because the finer steel requires much more careful handling and more labor than the coarser grades.

Mr. SHIVELY. Evidently I did not make myself clear to the Senator from Pennsylvania. The Senator has doubtless correctly represented this grade of steel as being peculiarly necessary in the general iron and steel industry, especially in making iron and steel tools. What I should like to know is what proportion the entire amount of this steel in this country bears to the annual output of the tools into which it is worked?

Mr. OLIVER. I can not tell the Senator that; I do not know. Anything I would say would be mere guesswork.

Mr. SHIVELY. If it is absolutely necessary to accomplish the highest results in some departments of iron and steel manufacture, then we raise the question how far we will go in sacrificing the general iron and steel industry to what the Senator himself admits is a rather slender proportion of the iron and steel industry.

Mr. OLIVER. I am not asking that any portion of the iron and steel industry shall be sacrificed. When the supply was entirely in the hands of the importers and foreign manufacturers this steel brought 75 cents a pound, and immediately upon the introduction of American competition it was reduced to 40 and 45 cents a pound. That is the inevitable effect of the protective tariff, and that is what I am arguing for.

Mr. SHIVELY. Was it possible that you needed a protective tariff against the product if the price was so high abroad? The Senator is stating a condition of affairs indicating that the price of this particular kind of steel was extortionately high abroad. If it was, did you need any protection against that price?

Mr. OLIVER. I beg the Senator's pardon. I said nothing of the kind. I said the price of this steel produced abroad was 75 cents a pound at home, and as long as they had a monopoly and were not faced by our competition they extorted that price from the American people.

Mr. SHIVELY. The Senator says at home——

Mr. OLIVER. I say at home, in the United States of America, where I live and where you live.

Mr. SHIVELY. It cost the manufacturer 75 cents a pound.

Mr. OLIVER. Yes.

Mr. SHIVELY. It was so high?

Mr. OLIVER. It was.

Mr. SHIVELY. And afterwards it cost only 40 cents a pound?

Mr. OLIVER. Yes; after it was faced with the competition of our own people.

Mr. SHIVELY. Did you require a protective tariff to induce the American people to invest against such an extortionate price abroad?

Mr. OLIVER. But the minute we began to produce it and offer it in our markets, the importers reduced the price until they got it to a point where our manufacturers could not compete without additional protection, which was granted them under the Payne bill, by an amendment introduced in the Senate.

I am very willing to be interrogated by the Senator on any such subject. But to resume Mr. Metcalf's testimony——

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Oklahoma?

Mr. OLIVER. I do.

Mr. GORE. I should like the Senator to state the value of the total output of this particular mill annually.

Mr. OLIVER. I can not. I have no testimony here to show it. To resume Mr. Metcalf's testimony, he said:

> After these pots are charged with 100 pounds of steel they are lifted from the floor and dropped into the furnace by hand. When I say "dropped" I do not mean that they are let go, either. The man has to straddle the furnace and let them down very gently to avoid breaking the crucible. During the melting process we have one gas maker for each of our two furnaces—a 24-pot furnace and a 36-pot furnace. We have one gas maker for each of those furnaces. * * *
>
> After the material is melted the pots are pulled out of the furnace by hand. That is not common, cheap, ordinary labor. It takes a very powerful and a very skillful man to do it. He has got to straddle the furnace, which is practically 5 feet wide, and reach with tongs almost down to the floor level, and get hold of the pot and pull it up; and he has got to get his tongs away up as high as his head to clear the floor, and then the crucible is swung aside. That is entirely hand labor. The skimming of any impurities off the top of the steel and the pouring are also hand labor. * * *
>
> After the ingots are taken from the furnace, after they are poured, they are shaken down by hand. In other words, the molds are taken apart and the ingots are taken out by hand. They are assorted, and they are then inspected. They are taken to an inspecting floor, and there they are very carefully inspected for imperfections in the casting of them, and inspected to determine the temper of the steel, as we call it. By "temper" I mean the hardness or the softness of it. * * *
>
> After these ingots are inspected they are assorted and marked and piled. That is largely hand labor, with the assistance of the crane. * * *
>
> When the orders are issued to the millmen for the material to be rolled, the ingots are taken to the furnace by crane, but the heating and charging and rolling over and the pulling out of the ingots from the furnace is all done by hand. We can not dump our crucible ingots into a furnace heller-skelter and trust to their heating evenly. They must be very carefully laid in the bottom of the furnace, in even rows, in order that we may get the same temperature all through the furnace. * * *
>
> After that is done it is not a question merely of shutting the furnace door and waiting until the furnace gets red hot. Our heater has to be continually opening the door, and if there is one ingot that is not getting its proper amount of heat, that is not heating fast enough or is heating too fast, we have to turn it over and put it in some other part of the furnace. * * *
>
> We must have a man who knows accurately the temperature of the steel from the color in the furnace. Then, when it is up to the proper temperature, the heater and the roller between them decide when they are ready to roll, and they go ahead with the rolling operation. The ingots are taken out of the furnace by hand labor, and the man who takes them out swings them onto a little trolley, that he pushes by hand—it is not a power trolley—and pushes them to the mill. * * *
>
> In such a mill as ours they change the rolls and the size and shape of the product very frequently, so that in addition to heating his ingots properly the roller must heat test pieces in the furnace, and run them through and try them out and carefully gauge them, to be sure that his mill is properly lined and that his guides are properly set, and that after the rolling is done he is going to get just what his order calls for. * * *
>
> Until the Payne bill was passed a very large proportion of the high-speed steel was made abroad. In our own business we attempted to make high-speed steel about 1902 or 1903, I think. The results were not satisfactory and it was abandoned. We took it up two years ago, and we have been making high-speed steel very successfully since. * * *

This, Mr. President, will give some idea of the manner in which this steel is made, and of the great amount of care and labor involved in its manufacture. Now, the Underwood bill proposes to allow all this steel to come in at a duty of 10 per cent ad valorem. The average invoice price of high-speed steel

imported during the year 1911 was about 33 cents per pound—that is, the foreign price—and the rate of duty averaged about 19 per cent. Under the provisions of the Underwood bill this steel would pay a duty of about 3.3 cents per pound. Now, in the manufacture of this steel there is used 18 per cent of tungsten, 3½ per cent of chromium, and 1 per cent of vanadium. All, or practically all, of these metals are imported. The Underwood bill levies a duty of 15 per cent on all of them. Therefore, on 100 pounds of this steel the American manufacturers will be compelled to pay duty on 18 pounds of tungsten, 3½ pounds of chromium, and 1 pound of vanadium. The market price of tungsten—I allude to the foreign price—is 55 cents per pound, of chromium 6 cents per pound, and of vanadium $3 per pound. Computing the duty on this basis, the duty on the tungsten used in the manufacture of 100 pounds of this steel would be $1.48½, of the chromium slightly over 3 cents, and of the vanadium 45 cents, making a total of approximately $2, or 2 cents for every pound of steel, without making any allowance whatever for waste in manufacture. In addition to this, the duty on the Swedish iron used in the manufacture of the higher grades, which takes up the remaining 77½ per cent of the mixture, would be at least one-fourth of a cent, making the total duty actually paid on the ingredients entering into the composition of a pound of high-speed steel a trifle more than 2½ cents.

The duty on the steel itself under the Underwood bill would be from 3 cents to 3½ cents per pound, leaving from three-quarters of a cent to a cent per pound as the only protection for the American manufacturer and the American laborer. None of the above ingredients is dutiable in England, from which country comes the chief competition in this steel. As I have before stated, notwithstanding the advance in duties provided for by the Payne bill, the imports of this kind of steel have increased in quantity—the amount imported last year being 2,870,267 pounds, as against 2,083,672 pounds in 1909. Even on the basis of a revenue tariff there is no excuse for a reduction of the duty upon this steel, while from the standpoint of even the most moderate protection it is altogether indefensible.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. I do.

Mr. HITCHCOCK. At that point, where the Senator states the importations, will he state the American consumption?

Mr. OLIVER. I have no statistics relating to that.

Mr. HITCHCOCK. Can you state the American production?

Mr. OLIVER. I do not know that, either.

Mr. HITCHCOCK. It is rather important, to be able to gauge the relative importance of the imports, to know that.

Mr. OLIVER. I have carefully read the testimony before the Finance Committee, and that question does not appear to have been asked. I could find out something in the course of a week or two by an inquiry as to the approximate production. I say that from what I know of the demand for this very high grade of steel, the 2,800,000 pounds, or 1,400 tons, must be a very considerable part of the amount used in this country. It is not a negligible factor by any means. It is very considerable, and that is shown by the fact that the imports in 1907 and 1908, which ran from about 2,000,000 to 3,500,000 pounds, were heavy enough to drive a lot of our manufacturers out of business.

The Senator understands what I mean. The 3,500,000 pounds of importations in 1907 and those of the preceding years were so great as to discourage our manufacturers from proceeding with it. The 2,800,000 pounds now imported must be a very considerable part of the total amount consumed, notwithstanding the natural growth of use which would come with years.

Mr. HITCHCOCK. It seems important to have the statistics both as to the production and consumption in this country on most of these items, and I have wondered why those have not been furnished.

Mr. OLIVER. If the Senator will examine those statistics he will find that they are all in gross. He can find probably the production of open-hearth steel, he can find the production of crucible steel in some of the statistical reports, but where the matter of tool steel itself involves so many different sizes and kinds and uses, as a rule the production of any one of these particular kinds or sizes is not given.

Mr. HITCHCOCK. The Senator is not able to state what it is?

Mr. OLIVER. I have not the information. So that ends it as far as I am concerned.

The burden of the attacks made upon Schedule C of the Payne bill by the Senator from Iowa is based upon the assumption that, notwithstanding the reduction of duties, the tariff was still prohibitory and did not interfere with a monopoly of the business on the part of the American manufacturers. That this was not the case, so far, at least, as this one commodity is concerned, was apparent to the acute mind of the Senator, for in his amendment he interferes with these duties only just enough to show that he has been on the job.

Mr. CUMMINS. I could not hear the last statement.

Mr. OLIVER. I say, Mr. President, that so far at least as this one commodity is concerned, it was apparent to the acute mind of the Senator from Iowa that the duties provided for in this paragraph are reasonable, for in his amendment he interferes with these particular duties just enough to show that he has been on the job. Did the Senator hear that?

Mr. CUMMINS. I heard that, Mr. President, and I desire to reply to it just now. So far as the reduction of duties upon the heavier forms of duties is concerned, my amendment reduces them more than the Democratic bill.

Mr. OLIVER. The Senator is talking about one part of a horse's anatomy and I am talking about another. I am talking about this finer steel just now. In justice to the Senator from Iowa I will say that I believe he honestly thinks he is a protectionist. The difference between us is that I am always afraid that we will give too little protection, while he is afraid we will give too much, and in his zeal he is likely to take it away altogether.

Mr. CUMMINS. Mr. President, I admit that when the Senator from Pennsylvania thinks of this subject he always thinks of the man who is producing the commodity and the profit he is to receive. When I think of the subject I am thinking of the man who uses the commodity and must pay for it.

Mr. OLIVER. Following that argument out to its ultimate conclusion would make the Senator a free trader, and I know he is not a free trader.

The best way to judge of a tree is by its fruit, and we can best judge of the character of this bill by inquiring into its results as shown in the volume of imports since its enactment. Taking this paragraph 131 as an instance, we find that, lumping all the articles enumerated therein, the imports, which in 1909 amounted to only 28,285,124 pounds, in 1910 were 83,388,781 pounds, and in 1911, 85,716,478 pounds. In other words, in each of the years immediately following its enactment the imports were three times as much as in the year immediately preceding it. This increase in imports is not confined to the higher grades of steel which I have just been discussing, but extends to the lower grades as well. For instance, on the second item in the paragraph, articles valued at from three-fourths of a cent to 1.3 cents per pound, the imports, which in 1909 amounted to only 5,070,253 pounds, in 1911 were 48,947,148 pounds. And applying this test to other paragraphs of the schedule we find many instances of the same kind of result. Take structural steel, which is the favorite subject of attack on the part of the Senator from Iowa. The imports of structural steel for the last four years are as follows:

	Pounds.
1908	3,605,630
1909	11,905,034
1910	23,879,101
1911	24,907,259

And yet, if we take the fanciful figures presented by the Senator from Iowa as a basis, structural steel is manufactured in this country cheaper than in any other place in the world.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I do.

Mr. CUMMINS. I call the attention of the Senator from Pennsylvania to the fact that while we imported in 1911 structural iron and steel of the value of $325,018, we exported structural iron and steel in 1910—I have not the information for 1911—of the value of $5,800,551; in other words, we exported about 15 times as much as we imported. That seems to me to be a fair premise for the conclusion that we make it about as cheap as any other country in the world.

Mr. OLIVER. Mr. President, that may be so. I will allow the Senator all the comfort he can get out of that argument; but it does not at all disturb what I say, that the imports of this kind of structural steel increased very materially.

Mr. GORE. Mr. President——

Mr. OLIVER. I will yield to the Senator in a moment. The imports of this kind of steel increased after the imposition of these duties. That is one of the fruits of the Payne bill, and it shows that those duties were not prohibitory. Now I yield to the Senator from Oklahoma.

Mr. GORE. I wish to call the Senator's attention to the fact that the importations in 1908 were about 3,000,000 pounds, I believe, and in 1909, 11,000,000 pounds, as I remember the fig-

ures, an increase of threefold in one year, both years being higher than under the Payne-Aldrich Act.

Mr. OLIVER. Then they more than doubled the two following years.

Mr. GORE. There was an increase of 100 per cent instead of 200 per cent.

Mr. CUMMINS. May I, at this point, make a suggestion? I know the Senator from Pennsylvania will recognize that while we did import in 1911, solely on account of certain freight rates that could not be overcome, 24,907,259 pounds, we produced in this country during the year 1910, 2,124,000. If I can compare these two hastily, I would say that our imports were about one-tenth of 1 per cent, or less than that, of our production.

Mr. SIMMONS. Mr. President——

Mr. OLIVER. I will reply to the Senator from Iowa first, and then I will yield to the Senator from North Carolina.

I can not sympathize with the theories of Senators who argue that because our imports are a small proportion of what we produce, therefore legislation should be enacted that will enable us to increase them. That is what it means. I now yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, just for the purpose of emphasizing the statement that has been made, I think it would be well to reduce the imports and production to dollars and cents.

Mr. OLIVER. The Senator can do that when his time comes. I do not choose to put it in dollars and cents. I am putting it in pounds.

Mr. SIMMONS. Has the Senator any objection to my reading the imports in dollars and cents and the production in this country in dollars and cents?

Mr. OLIVER. At this time I do object, Mr. President, for I can not see that it affects the question and I want to proceed with my argument.

The schedules of the tariff bills, so far as phraseology is concerned, have followed the same line of construction since the act of 1883. They are the outgrowth of 50 years of experience. They are something that it is exceedingly dangerous to trifle with, and whatever may be the theory upon which bills are framed, whether on a protective or a revenue basis, changes in the construction of these schedules should not be idly entered upon and should only be made after a careful and intelligent investigation. Experience has shown that times without number advantage has been taken of ambiguous expressions used in the construction of these bills and has led oftentimes to frauds upon the revenue and to changes in duties, which were only corrected when the time came for the enactment of a new tariff. These paragraphs, as they now read, have for nearly 30 years been the subject of expert investigation and have been repeatedly construed from time to time by both the Treasury Department and the courts, so that their intent and meaning are now well understood; and their language and their classification should not be changed unless the necessity for such change be clearly shown and its effect be clearly understood. Both the Underwood bill and the Cummins amendment err greatly in this respect. They have shifted different articles from the places where they naturally belong, and in so doing have produced results which perhaps even the framers themselves did not intend and which would probably lead to results that would surprise their authors. A glaring instance of this is found in the recasting of this paragraph 131, about which I have talked so much, in the amendment proposed by the Senator from Iowa. This paragraph covers an enormous variety of subjects, running from the ingots to the highest-priced steel. The duties levied therein are graded according to the value of the product. The Underwood bill practically retains the language of the existing law, its intent evidently being to reduce the duties by half, but making them ad valorem instead of specific.

In the Payne law, which is substantially the same as in other laws preceding it, so far as language is concerned, it begins as follows:

> Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process of operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools—

and proceeds to levy duty on all of them graded according to value, the values beginning at less than three-fourths of a cent per pound and running up to steel valued above 40 cents per pound, which carries a duty of 20 per cent ad valorem.

In the Underwood bill the same general language is used, except that the duty levied is a uniform one of 10 per cent ad valorem, except upon crucible plate steel and saw plates, upon which the duty is 15 per cent ad valorem. The classification in both of these laws remains substantially the same. The Senator from Iowa, however, in the light of his superior knowledge, has located these articles in three separate paragraphs:

> First (par. 4). Steel ingots not advanced beyond casting, in all forms, $1.60 per ton.
>
> Second (par. 5). Billets, blooms, slabs, and other forms of iron and steel not herein specifically described and less advanced in manufacture than iron and steel in bars, $2 per ton: *Provided*, That if charcoal is used as fuel in their manufacture they shall pay an additional duty of $1 per ton.
>
> Third (par. 28). Tapered or beveled bars, etc.

From this point the wording and classification remain substantially the same as in the Payne bill with some change in duties.

Now, the Senator from Iowa in making this change was doubtless impressed with the idea that a steel ingot, being but little advanced in value beyond pig iron, should pay only a nominal rate of duty. In fact, he stated in his speech upon this subject that the ingot, so far as sales and shipment are concerned, was a negligible quantity, and in this he was correct as far as the term applies to the ingot turned out by the Bessemer and open-hearth processes and used in the manufacture of rails, billets, structural iron, and so forth. But the Senator forgot, or possibly he did not know, that all steel is the product of an ingot, and, in fact, the term was first applied in steel manufacture to the ingot or casting used in the production of crucible tool steel. These ingots weigh only from 90 to 100 pounds, and if this bill were enacted into law and the language retained as proposed by the Senator from Iowa, it would not be a month before the mills in Sheffield would be shipping to this country crucible steel ingots, varying in value from $50 to $500 a ton, all of which would pay a duty of only $1.60 per ton. These ingots could readily be rolled into bar steel in this country, and the cast-steel manufacturers of America would be out of business. The same objection applies to paragraph 5 of the Cummins amendment, which places billets, blooms, slabs, and other forms of steel less advanced in manufacture than steel in bars in a separate class at $2 per ton, with the addition of another dollar if charcoal is used as fuel in their manufacture. Under this paragraph crucible steel billets and slabs of high grade could be imported at a rate of $2 per gross ton and at a nominal cost could be hammered into tool steel worth from 30 to 50 cents per pound.

A manufacturer of tool steel has written to me as follows, referring to this paragraph:

> The effect of such a bill would be to compel this company to abandon the manufacture of all high-grade ingots, blooms, or billets, and to buy them abroad, or for us to establish works in England or other foreign countries to produce the ingots, which we would then ship into this country with only a nominal duty, and convert them into finished bars in our own mills, and while it would compel us to manufacture our ingots abroad or go out of the business, it would enable the foreigner to ship his ingots into this country at the nominal duty, finish them here, and thus create a ruinous competition. The effect is so horrible to contemplate that we feel sure that it is all a mistake, and only needs attention called to it to have it promptly and thoroughly corrected.

I know that the Senator from Iowa intended no such thing as this when he framed his amendment, and whatever I may think of other parts of his substitute, I give him full credit for a desire, in this paragraph, to afford reasonable protection to American manufacturers; but the fact is, Mr. President, that no man alone and unaided, no matter how gifted he be or how deep and extensive his knowledge of the subject, can prepare a bill for the revision of this important schedule that will stand the test of honest criticism. And I mention this most glaring instance to show how unwise it would be for us to incur the risks involved in hastily passing upon a measure so fraught with menace to our people.

I have before intimated that both the House bill and the Cummins amendment seem to have been framed upon the theory that the iron and steel business of the United States was centered in the United States Steel Corporation and a few other large companies, and the speeches of the Senator from North Carolina in advocacy of the one, and of the Senator from Iowa in advocating the other, were certainly aimed at these great industries. But, while aimed at them, my belief is that they will miss their mark. While the steel corporation may be greatly injured by this legislation, in my opinion it will still be able to withstand it, but it will do so very largely at the expense of the men it employs, who will be compelled to suffer for the wrongs done them by the American Congress.

The framers of these bills forget that the steel and iron of this country in the shapes in which they finally reach the consumer are largely the handiwork of a multitude of small manufacturers. It is in the shaping of these innumerable articles and forms that the foreign manufacturer, with his cheap labor and his less restrictive laws relating to labor, will underbid our manufacturers and unload his wares upon us.

To show the extent and the variety of these manufactures I will enumerate some of them. Take bar iron, for instance (not bar steel). There are 6 mills which manufacture bar iron in New England, 11 in the State of New York, 7 in New Jersey; there are 53 such mills in Pennsylvania, of which 44 are east of the Allegheny Mountains and depend altogether for a market upon the Atlantic seaboard, where their products will be open to European competition; there are 3 such mills in Delaware, 1 in Maryland, 4 in Virginia, 4 in West Virginia, 3 in Kentucky, 1 in Tennessee, 5 in Alabama, 1 in Texas, 13 in Ohio, 7 in Indiana, 8 in Illinois, 1 in Michigan, 1 in Wisconsin, 3 in Missouri, 1 in Kansas, 1 in Oklahoma, 2 in Colorado, 1 in Washington, 1 in Oregon, and 3 in California. These mills are in no syndicate or trust. Each of them, as a unit, is small, but as a whole they employ 20,000 men, whose living is menaced by this legislation. There is in the city of Pittsburgh a large plant which manufactures nothing but railroad spikes. It is owned entirely by the children and grandchildren of the man who founded it nearly 50 years ago. Their only customers are, of course, the railroads. Yet railroad spikes, for some reason which no man can fathom, are taken from the dutiable list and placed on the free list. There is another plant, in the same city, established by my own brothers in 1863, and still officered by their sons, whose chief products are bolts, nuts, and washers. Under this most marvelous bill the bolts carry a duty of 15 per cent, while the nuts and washers, which go with them, are on the free list. Can any plausible reason be given for this? Is it possible that some large user of nuts and washers had a latchkey to the door of the room in which this bill was prepared? It looks very much like it.

The Underwood bill places all fence and baling wire and wire nails on the free list. Outside of and absolutely independent of the United States Steel Corporation there are in the United States 83 plants producing fence wire. Two of them are in the State of Alabama, 14 in Illinois, 14 in Indiana, 10 in Michigan, 18 in Ohio, 4 in Pennsylvania, 4 in Nebraska, 4 in Wisconsin, 2 in Missouri, 2 in Massachusetts, 2 in Kansas, and 1 in each of the States of Colorado, Georgia, Iowa, Kentucky, Louisiana, Minnesota, and Texas. They are scattered over the length and breadth of the land and vary in size from a small plant employing not more than 30 or 40 men to that of the Pittsburgh Steel Co., of Pittsburgh, with its seventeen and one-half millions of capital and many thousands of workmen. Not one of these concerns controls the supply of its own ore or of its coal. The raw material of many of them consists of steel billets, and of most of them is as far advanced as wire rods. The abolition of the duty on these products will not enable the farmers throughout the great Central West to purchase their fence wire one cent below what they now pay for it, but, in my opinion, in the end will compel them to pay even more, and for this reason: It will—I think it must—deprive the American factories of the markets which they now control on the Atlantic, Gulf, and Pacific coasts. In doing this it will necessarily force the American manufacturers to reduce their output. The inevitable result of reduced output is increased cost, and with increased cost must necessarily come increased prices in the interior markets, which they will still control. The fact is that the competition of these 83 factories has brought the price of wire products in this country so low that they are now sold by the manufacturers at a profit which is very narrow indeed. Any excess price which the consumer pays for them is due to the exactions, whether justifiable or not, of the middlemen through whose hands they pass. I will give you an example of this.

Sometime ago I purchased a few pounds of wire nails at a hardware store in this city. I paid for them 4 cents a pound. The establishment from which I bought them buys these nails by the carload, and I ascertained that on that same day the open manufacturers' price of these nails was less than 2 cents per pound. It may be that the merchant from whom I bought them was justified in charging the price he did, but it does seem that if the much-reviled manufacturer can furnish the material, the factory, and the labor used in making these nails, and pay for transporting them over 300 miles for less than 2 cents, the merchant ought to be able to sell them to the consumer at considerably less than double that sum.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Nebraska?

Mr. OLIVER. I do.

Mr. HITCHCOCK. Is it not a fact that the manufacturers of the United States are making more wire nails than are consumed in this country, and that they enjoy an export trade in wire nails, competing in other countries?

Mr. OLIVER. Mr. President, I have no doubt that that is the case with regard to one manufacturer in the iron and steel business. The export business is, I may say, absolutely in the hands of the United States Steel Corporation and its subsidiary companies. The reason why they have been enabled to increase their lines of export business to such an extent as they have is because they have systematically gone to work and sent their representatives into every country upon the face of the earth which uses or is likely to use any of the products of their manufacture. They have found out the exact shape in which these different countries want their goods put up and how they generally pay for them, and they have helped to finance them. As a result of that they have built up a very large export trade.

Mr. HITCHCOCK. Now, will the Senator right at that point——

Mr. OLIVER. If the Senator will allow me, I will complete what I have to say, and then I shall be very glad to once more yield to him.

The export business, not only in the steel industry but in all other lines of industry, depends not only upon the price at which the goods are sold to the consumer beyond the sea, but it depends also upon how much the man who is producing them knows about the consumer and the consuming countries. The United States Steel Corporation, with a largeness of vision which characterizes pretty much all of their acts, have set themselves about to find these things out. As a result of that they are having a growing export trade.

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. In addition to the fact that the United States steel manufacturers are making and exporting wire nails in competition with the world, is it not also a fact that they practically have a complete monopoly of the wire-nail market in this country, and that practically no wire nails, or such a very small quantity as to be negligible, were imported during recent years?

Mr. OLIVER. Imported?

Mr. HITCHCOCK. Yes.

Mr. OLIVER. Oh, I confess, Mr. President, that the present duty on wire nails is just about sufficient to maintain the American market for the American producer. I think that is what the framers of the tariff bill intended. I know, as one of the Senators who voted for it, that that is what I intended.

Mr. HITCHCOCK. Mr. President, it seems to me that the Senator from Pennsylvania must admit that if the present duty is prohibitory and has kept out competition it is too high.

Mr. OLIVER. I do not admit anything of the kind, Mr. President.

Mr. HITCHCOCK. And it seems to me the Senator must also admit that if American manufacturers are exporting wire nails and selling them in competition with foreign manufacturers in other markets they could sell them in this market if they were free.

Mr. OLIVER. I do not admit anything of the kind, Mr. President. The question of selling goods for export at lower prices than obtain in this country is one that I did not intend to touch on to-day; in fact, I will not touch on it, but I very much doubt that the wire nails which the steel corporation sells abroad are sold at lower prices than the average of prices which they obtain in this country.

Mr. HITCHCOCK. Well, does it not also follow, if that is the case, that no tariff is needed?

Mr. OLIVER. Not at all.

Mr. HITCHCOCK. If they are able to sell wire nails abroad at American prices, they could sell them in this country in competition with the foreign manufacturer.

Mr. OLIVER. It may be, and I have no doubt in most cases it is, the fact that they are not selling them abroad in competition with prices abroad. I have no doubt that they are putting large quantities of them into countries where the manufacturers of other countries have not the entrée. Another thing, knowing nothing about it whatever, but which I will venture, I would not be at all surprised if they are doing what the manufacturers of other countries do, but what the law forbids them to do in this country, and that is making agreements with foreign producers with regard to the division of the trade.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. OLIVER. I do.

Mr. CUMMINS. I think the Senator from Pennsylvania stated, or I understood him to state, that substantially all the export business of commodities covered by the metal schedule was done by the United States Steel Corporation. I do not think he intended to say so. I think it is true that the exports of the United States Steel Corporation are really very much less in amount, less than one-half, I think not one-fourth, of the exports under the metal schedule; but what is true is that of

the articles manufactured by such concerns as the United States Steel Corporation that company is the chief exporter.

Mr. OLIVER. Oh, yes; that is true.

Mr. CUMMINS. But taking the whole schedule together, we export very largely in excess of the amount exported by the United States Steel Corporation, and export very largely in excess of our imports under the schedule.

Mr. OLIVER. I intended in what I said to refer only to the articles made by the United States Steel Corporation and its subsidiaries and similar articles.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. OLIVER. Certainly.

Mr. BAILEY. Mr. President, I have heard the retail merchant assailed in this Chamber, from the Republican side especially, and charged with all the burden of high prices, and nobody seems disposed to lift a voice in his behalf. So I am going to put in the RECORD now an explanation of why the Senator from Pennsylvania had to pay that merchant twice as much as the merchant paid for those 4 pounds of nails. The merchant paid 2 cents a pound, or 8 cents for 4 pounds, while the Senator from Pennsylvania paid 16 cents for the 4 pounds, because he made the merchant hitch up a wagon, take a boy, and send them to his house.

Mr. OLIVER. I did not do that, Mr. President.

Mr. BAILEY. Did the Senator himself take them home?

Mr. OLIVER. I took them right at the door. The fact of the matter is that I wanted them for the purpose of furnishing this example. [Laughter.]

Mr. BAILEY. Well, Mr. President, the merchant's customers so seldom do that that the merchant has to fix his prices upon the supposition that he must deliver the goods. The statistics of this country show that the retail merchants are not enjoying very princely incomes, nor are they the beneficiaries of very great fortunes. If they do charge high prices, they have been made necessary by the modern methods of purchase and delivery.

When I was a boy, if my folk wanted a ham, they sent me down to the town, and I bought it and carried it home, but nobody does that now. The merchant must provide a horse, a wagon, and a man, and deliver the goods, and for those things the consumers must pay. So long as the people make the merchants wait on them, not only at the store, but by delivering the goods, they must expect to pay and ought to pay the price. I am of the opinion that the retail merchants of this country are entitled fairly to an exemption from the general charge that they are the cause of high prices.

Mr. OLIVER. Mr. President, I realize the force of what the Senator says. In giving this example, I was not intending to reflect upon the merchant, but merely wished to demonstrate the fact that the price which the consumer pays for nails is more than double what the manufacturer receives; and yet, Mr. President, the average consumer would charge the high price, if he thought it was a high price, not to the merchant, not to the fact that a delivery wagon is required, and not to any intermediate agency, but to the manufacturer. The Senator from Georgia, I believe, rose.

Mr. BACON. I said nothing.

Mr. OLIVER. I thought the Senator desired to interrupt me.

Mr. BACON. No; but as the Senator has given me the opportunity, I will make a suggestion further on that line, and that is, that the retail merchant has to deal with a vast multitude of customers, and in all retail business, dealing in that way, there is a certain proportion of loss, occasioned by those who do not pay, and that loss has to be distributed in a general business so as to get from those who do pay that which will compensate for the loss occasioned by those who do not pay. A great many other considerations of that kind might be mentioned which add to the necessary increase in prices charged by the retailer when he disposes of his goods.

Mr. OLIVER. I realize that, Mr. President. I also realize, what the Senator doubtless knows, that the manufacturer never loses anything by bad debts. Every merchant who buys nails from him pays up promptly, of course. If the Senator had had the experience in his life that I have had, he would have found that losses in business are not confined to the mercantile class by any means.

I could cite many other industries, consisting of units small in themselves but important as they affect the general welfare of the country, all of which are brought face to face with ruin by this threatened legislation; but I will not take up the time of the Senate to enumerate them. I think I have said sufficient to show that the men to whom it means most are not the big men who control the policy of the United States Steel Corporation, but the more modest manufacturers among the rank and file of our people, and the multitudes whom they employ. The first of them to be affected will be the men who work with their hands, not only because their wages will be reduced, though that is inevitable, but also because great numbers of them will be deprived of employment.

In estimating the influence which even a partial opening of our markets to foreign competition would have upon the workingman, I was lately led to inquire as to the number of men who will be deprived of employment by the importation of even one lot of 1,000 tons of steel rails into this country; and from the best information that I could obtain I find that if one of our railroads would import 1,000 tons of rails it would deprive 5,200 American workingmen of employment for one day. In other words, the labor involved in the mining of the ore and the coal, the work at the furnace and the steel works on 1,000 tons of rails is equivalent to the labor of 5,200 men for a single day, and this includes only the labor of the men actually employed in and about the production of the rails themselves and does not include collateral labor, such as outside transportation, and so forth. Every pound of every substance that we can make which is imported from outside of our borders drives out of employment some certain number of American workingmen. You talk about protection being for the benefit of the manufacturer. I grant it, but the first and prime beneficiary is the man who works with his hands and who depends upon his labor for his living.

Mr. HEYBURN. Mr. President, there is some consideration being given to the propriety of having the bill read at this time, and it has been suggested that I defer any further remarks until the bill is read; but if the Senators present will give me a few moments of their attention I will proceed just a little further with the consideration of this question, and then, if it is desired, the reading of the bill can be begun.

Mr. SIMMONS. If the Senator from Idaho will pardon me for a moment, the suggestion about the reading of the bill was made upon the theory that the Senator did not wish to speak for more than a very short time this afternoon.

Mr. HEYBURN. I only desire to speak a short time.

Mr. SIMMONS. But if the Senator is able to speak, I would very much prefer that he would go on now, and the bill can be read at some other time.

Mr. HEYBURN. I only desire to speak a short time this afternoon. It is my intention to consider the bill by sections, according to the various questions involved.

Yesterday I dwelt at some length upon the two primary questions—that is, the relation that the money of the people bears to the business of the people and the necessity of providing occupation for the money. It is as necessary to the prosperity of our people that an occupation for their money should be furnished as that they be furnished with any other element that contributes to their prosperity.

I drew attention to the comparative volume of money belonging to the different classes of the citizenship—and I use the word "classes" in no invidious sense—but from the official records I called attention to the fact that the working people, those who work for wages, in financial strength are the equal of the people engaged in business who employ labor. It is not a surprising condition, but it is one that has been lost sight of. The amount of money held in the savings banks represents the wealth of the laborer. No part of it belongs to the Steel Trust or the Standard Oil Co. or any of that class of people. It is the surplus of the working people.

Mr. LODGE. Mr. President, in that connection—perhaps the Senator is going to make the statement I was about to call attention to——

Mr. HEYBURN. I have no objection to yielding to the Senator, even if he anticipates what I was going to say.

Mr. LODGE. Judging from my own State, the deposits in savings banks must represent the savings of people who are making small earnings. In my State the total amount of a deposit is limited to $1,000. According to the last statistics I have seen, the average deposit was $125, and the total was over $700,000,000. No capitalist invests a thousand dollars in one bank and then in another and lets it stay there at 4 per cent.

Mr. HEYBURN. That was in one State the deposits were over $700,000,000?

Mr. LODGE. In one State.

Mr. HEYBURN. The aggregate savings deposits now in the United States are about $4,000,000,000, and if the average deposit is the same as it is in Massachusetts it is not difficult to compute the number of prosperous working people in this country.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. In just a moment—and the plea that is being made by our friends on the other side is that this legislation is sought in the interests of the destitute workingman. Now, I yield to the Senator.

Mr. CUMMINS. Mr. President, I hope that it is true that every penny deposited in the savings banks of the country represents the savings of a workingman. It is not, however, quite true in my part of the country. Our savings banks pay 4 per cent interest; there is no limitation upon deposits in our State, and therefore some of the money that is deposited there is deposited by others than the workingmen; but I do not want anybody to understand that I desire to paint a gloomy picture with respect to the condition of the workingmen. They are in this country, as I said yesterday, the best conditioned and the best situated of all the workingmen of the world, and I want to keep them so.

Mr. HEYBURN. That was the avowed purpose of the tariff legislation of 1896. The laboring people were not prosperous then.

Mr. GORE. I merely should like to remark at this place that, according to the statistics submitted, more than one-sixth of all the savings in the United States are in the protected State of Massachusetts, less than one-thirtieth of all the people in the United States reside in the protected State of Massachusetts, and more than 40 per cent of all the population of Massachusetts are foreign born, beneficiaries of protection against foreign labor, now transplanted to the United States.

Mr. HEYBURN. The statement just made by the Senator from Oklahoma is an argument in favor of the protective system. If the Senator from Oklahoma will refer to the statistics a little further, he will find that the savings are those of people who have employment at such wages as leaves them a surplus. I will make another statement—that this surplus or profit of the working people of this country is greater than any profit made by the business men or organizations. They have a volume of money sufficient to buy out the Standard Oil Co., if it is a company, or the steel corporation; in fact, they have capital in bank that would buy out the business of every business concern in the United States. So they are masters of the situation, and if they do not take advantage of that fact it reflects credit upon their conservative wisdom.

We are not hearing from the working people here in regard to these matters. We are hearing from the agitators. We are hearing from the people who farm the working people, who depend upon the working people to contribute to their livelihood and luxuries.

Mr. President, this is a strong point in favor of the existing conditions of the working people of this country and of the protective tariff. In 1896 when the present tariff system was again reasserted by the people of this country the workingmen were not employed. It was the admitted cry of both parties that there were starvation and idleness and distress. The Democratic Party at that time had a theory that by starting the printing press to work making money and by changing the financial system of the Government they could start the wheels of industry and the employment of wage earners. The Republican Party asserted that if you returned to conditions under which prosperity did exist, prosperity would exist. The people sustained the view of the Republican Party, whether as an experiment or not is not material, but the prophecy and the promise of the party were realized to the people. Industry was revived, there was no more cry of hard times for years and years until the agitators had become idle, and they were always idle, and were out of an occupation and probably in some discredit with those with whom they had lived for years. And the agitators, finding themselves out of a job, started in to make the people believe they were poor and destitute and wretched, and the political exigencies of the hour—of the oft-repeated hour—seemed to prompt a part of the people to insist that there was a necessity for the revision of the tariff laws under which this prosperity existed. They had no other job in sight, and that was rather an enticing one, because it carried with it position, office, salary, dominion, and so they apparently convinced some of the advocates of the policy of prosperity to believe there was something in their cry, that the garment needed repairing.

I am addressing my remarks now to those in the Republican Party who participated in bringing about this condition of prosperity, and I ask them to take another look over the field and see whether or not there is any reason why a system of law that produced prosperity in 1896 should not do it in this year 1912. Like conditions, as a rule, produce like results. Return to those conditions of governmental policy and you will hear no longer, except from the agitator, a cry of necessity for a change in the law.

I address these remarks to Republicans who have been persuaded or half persuaded of the necessity for revising the tariff. I do not address them to Democrats, because they represent a different school, and I have enough to do without burdening myself with undertaking to convert the Democrats. If we can keep the Republicans within the lines of Republican policy and system of Government, the Democrats afford a very nice audience, and can look on at the prosperity of the Republicans. Our difficulty is in keeping down not the discontent so much as the inclination on the part of Republicans who have stood for the same policies that we advocate to-day to accept the idea that there is discontent. They hear a great big noise, and they seem to be terrified by it, but it is the noise of the Democracy, and a Republican wants to keep his political nerves in such good order that he will not be terrified by the noise of the Democracy. So that I address my remarks—and I will not look when I say it—to the Republicans inclined to be scared by this false noise.

Mr. President, the people who are interested in this are not any more the producers than the consumers. They are about equally divided in this country I find upon looking at the statistics. The producer must have a market. If he does not, two things will happen. He will become bankrupt or he will cease to attempt to produce. Suppose, for instance, the producers of the country were to go on a strike and say, "If you insist upon putting us on a par with the producers of other countries, where the people live under other laws, where the relation of the people to the government is different from that occupied here, we will not play, we will not raise the wheat, we will not cut the timber, we will not mine the ores nor smelt them; we will all buy bread and meat until our pocketbooks are empty and our credit gone."

In the meantime the means of production in this country would have fallen into ruin. The farms would have grown up with weeds and the fences would have strewn themselves over the fields; the machinery would have rusted; the buildings would have become unfit for use. And then the people would say, "Why is it we are paying under this system more for things purchased abroad (even if they had the money to purchase them) than we used to pay when they were produced at home?" The reply would be, "The foreign producer is looking for the best market in which to sell his goods, and as long as you have money and are not producing these things he will fix the price."

To-day we fix it. He, then, would fix it. His mills would be kept bright and in working order. His fields would be raising grain and other food products, and we would either pay for them at his own price or adopt some other remedy, or the surplus of our people would go to foreign countries in order to share in their prosperity, like people are talking about going to Canada. They would go to Germany or England or to whatever country was getting such good prices for the products we had to have in order to make a semblance of existence. You are playing right into the hands of the foreign producer when you are diminishing the inducement to produce at home.

Now, you can take that as the gospel of government. More than half the people of this country live in the country. The percentage, I am sorry to say, between the urban and country population, is growing the wrong way. More than half the people live in the country. They produce all that is produced that goes to make up or meet the necessities of the human family in this country except what we may import. They produce all that the city buys to sustain life. The city produces nothing, contributes nothing to the necessities of life, so far as concerns food products or clothing or the raw material out of which these things are concerned. Some shops are in the city, and they card and spin the wool and make the cloth and convert it into clothing, but those are unproductive wage earners. They contribute nothing to the necessary supplies of the people—not even to their own.

You can starve any city in the United States within 10 days by cutting off its transportation. If the country were to withdraw from the business of supplying the cities with their absolute necessities for 10 days, the people would either have to leave the cities or engage themselves in small industrial enterprises or starve. Two days will deprive New York City of the supply of milk and butter that it consumes, and the country holds the prices within the grasp of its own hand. A few days would deprive the cities of all their meat supplies, and in doing that you would shut down every workingman in the cities. You would put every occupation out of business in the cities.

Now, are you going, by a policy of government, to impoverish the country and make it either resentful or unable to contribute to the existence of the cities when the balance of population is so close between them? The country people can eat enough of

their products to sustain their lives. They can equip themselves to make their own clothes, just as their ancestors did. Some of us remember when the spinning wheel was still an active factor in the household; and I saw the other day, in passing through a near-by country, the old weaver's house and the looms in it that were an active factor in contributing to the make-up of the daily life when I was a boy.

Now, if these things are silenced or put out of business, what becomes of the city population in this country; and that is where poverty counts most? A man may be very poor in the country and still not be destitute. There are resources for the man living in the country that do not exist to the man living in the city, and when I say man I mean man, woman, and child. The country finds the market for its surplus only in the cities. It consumes just what it needs and then it sells its surplus to the cities.

There is the relation that exists between the two elements of our own people. That is just as true when applied to our Nation in its dealings abroad. We consume a proportion of our products equal to our necessities, our comforts, or our luxuries, and when we have consumed that much of it we look out for a market for the surplus.

Neither this country nor the people of this country gain a dollar in wealth by what they consume. The people of the United States, taken as a whole, do not add a dollar to their wealth by what they consume. One man may get a little the better of another in a trade when he trades one commodity for another, but the people as a whole—and I am dealing with the question of the people, for we are here legislating for the people in the aggregate—are not a dollar richer by what we produce if we consume it, but the addition to the wealth of the country comes solely from the sale of our surplus abroad—the sale of our surplus and the acquisition of new money that represents the price of it. That is our added wealth. That is the balance of trade.

The Government is not interested in the balance of trade as a political body. The customhouse does not add to the wealth of the people. It is the difference between the sale and the purchase abroad that represents the increase or the decrease of the wealth of the people. That is where the tariff legislation begins. The tariff has no application whatever, except to the surplus of our products, and that surplus depends upon whether or not we produce more than we need; whether or not our people are profitably engaged. There would be no surplus if we were to allow more to be imported than we exported. The purpose of tariff legislation as it was originally applied to our Government is that we may keep out of our market the stranger so long as we ourselves desire to occupy that market.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. I may not have understood the Senator from Idaho correctly. I will repeat it, and he will tell me whether I understood it as he meant it. I understood him to say our wealth is measured by the difference between our exports and our imports.

Mr. HEYBURN. Our income is measured by the difference. That is, the question whether we are making or losing money is measured by the difference. What I call the still wealth is the wealth that stays at home. I was not speaking of that.

Mr. CUMMINS. I misunderstood the Senator. I understood him to say that we grew richer only in the proportion of our balance of trade.

Mr. HEYBURN. The Senator misunderstood me. I said the increase in our wealth as a Nation depended upon the difference between our purchases and sales abroad.

Mr. CUMMINS. It seems that the Senator from Idaho is repeating it just as I understood him to say it originally. I saw a map on the wall here the other day, introduced by the Senator from Utah [Mr. SMOOT], which stated that in 1897 the national wealth was, as I recollect the map, $77,000,000,000.

Mr. HEYBURN. That has nothing to do with the exports and the imports.

Mr. CUMMINS. And our national wealth now, according to that map, is $140,000,000,000.

Mr. HEYBURN. Yes.

Mr. CUMMINS. An increase of $63,000,000,000 since that time.

Mr. HEYBURN. That might be at home.

Mr. CUMMINS. I call attention to the fact that our balance of trade has not been even a small tithe of that increase.

Mr. HEYBURN. That wealth to which the Senator from Iowa refers might be at home. I was speaking of the balance of trade as business men understand it—the difference between the outflow and the income. I was speaking of it from the standpoint of all the people constituting a nation and not taking into consideration at this time individual fluctuations. That is the rule of profit and loss in individual transactions as it is in national transactions.

Mr. CUMMINS. The Senator agrees that the country might be very rich and yet suffer a balance of trade against it for years and years.

Mr. HEYBURN. For a certain time.

Mr. CUMMINS. And all the time for that matter.

Mr. HEYBURN. No. An unfavorable balance of trade long continued would, of course, mean that the people would ultimately be bankrupt, just as it would with a business man. If at the end of every year a business man, in casting up his balances for the year, finds that he has paid out more than he has taken in, of course it is only a question of time until he will be bankrupt. The same is true of the whole people as it is of an individual. It is to that I am looking in all this tariff legislation. I am looking to the conditions that control the question of the balance.

Now, if we do not manufacture or produce upon the farm or from the mine or wheresoever it may be a surplus over our own consumption at home that we may sell abroad, we have no other way of making money. There is no way by which the whole people can add a dollar to their wealth except by producing and disposing of a surplus. That depends upon whether the people are in a positon to continue production.

Mr. CUMMINS. It would follow, if all the people in the world were citizens of one nation, that no matter what they might do or how diligent or industrious they might be or how great their resources, they would continually grow poorer.

Mr. HEYBURN. No; they would consume what they produced and probably would produce what they consumed, but I never would deal with the question from that standpoint. We are a great, big, wealthy Nation, with boundaries about it, and within those boundaries we do business. No man does business in his neighbor's store—that is, on his own account. We are not transacting business in other countries. We may do business with other countries, but our great field of production lies at home. We do not produce our wheat in any other country than our own, nor our cattle nor our forests nor our manufactured products. We must produce them here, under the jurisdiction of our own Government. That fact is settled.

I have heard the utopian idea of wiping out the boundaries between nations and then devising some scheme of government by which the people thus constituted and situated might live. I have never spent a moment's thought about it, because it is an impossibility and will always remain one. So why waste our time in the consideration of a real question by conjuring up a condition or a situation that can not ever confront us?

Mr. President, I wish to have the attention of the Senator from North Carolina. I understood he suggested that about this time the bill would be laid aside, so far as concerns discussion. I am not through at all, but I am willing, if the Senator in charge of the bill has any such suggestion, to acquiesce in it.

Mr. SIMMONS. I think we ought to go on with it until at least half past 5, but if the Senator prefers to discontinue now I suggest that we proceed to the reading of the bill.

Mr. HEYBURN. I will say to the Senator that there have been times when I have felt physically better able to continue than I do this afternoon.

Mr. SIMMONS. The Senator understands I do not wish to press him at all.

Mr. GORE. I intended to propound a question to the Senator, but if he is indisposed I will defer it to some other time.

Mr. HEYBURN. If I am to go on, certainly the Senator can propound any question, but I thought we had a tacit understanding that at about 5 o'clock we would proceed to other business.

Mr. SIMMONS. I ask that the bill be read.

The PRESIDING OFFICER. Without objection, the bill will be proceeded with.

Mr. CUMMINS. I ask if the bill is now being read for amendment?

Mr. SIMMONS. No; not for that purpose.

Mr. CUMMINS. I want a clear understanding. I propose at the right time to offer an amendment by way of a substitute for the bill.

The PRESIDING OFFICER. The Chair will suggest that after the reading of the bill any amendment or substitute will be in order.

Mr. SIMMONS. There has been no amendment pending, I understand.

Mr. HEYBURN. I merely again call attention to the fact that this is not one of the prescribed readings of the bill. This

is a reading as in Committee of the Whole. It does not take the place of any other reading, nor does it cut out——

Mr. SIMMONS. It is to save time; that is all.

Mr. HEYBURN. It does not cut out amendment.

Mr. CUMMINS. Then it is an unnecessary and useless performance.

Mr. SIMMONS. The bill has to be read at some time, and I suppose we had just as well go on with the reading now.

Mr. HEYBURN. It will have to be read when it comes into the Senate. That is the only time when it must be read.

Mr. SIMMONS. If it will not facilitate business, I see no reason for reading it.

Mr. HEYBURN. I do not, either.

Mr. LODGE. I suggest that it is usual to have a reading as in Committee of the Whole for the information of the Senate.

Mr. SIMMONS. I had understood that to be the usual practice, and therefore I suggested that it be read this evening in order to save time, as no other Senator was ready to go on.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

Mr. McCUMBER. I wish to give notice that at 2 o'clock tomorrow, or if the 8-hour bill shall have been disposed of before that time, immediately after the disposition of that bill I shall ask permission of the Senate to submit some remarks on the pending metal schedule bill.

INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE, ETC.

Mr. LODGE. I ask unanimous consent for the consideration of the joint resolution (S. J. Res. 72) making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of Whole, proceeded to its consideration.

The joint resolution had been reported from the Committee on Foreign Relations with an amendment, on page 2, to strike out lines 1 to 8, inclusive, in the following words:

That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

So as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America, and suggest their cooperation.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LANDS IN THE DISTRICT OF COLUMBIA.

Mr. HEYBURN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 139) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes. It is a matter that the Senate has passed twice and we might as well dispose of it to-day.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 3, page 2, line 24, before the word "million," to strike out "ten" and insert "fifteen," so as to make the bill read:

Be it enacted, etc., That in order to make present and future provision for the erection and maintenance of public buildings for the accommodation of the Government of the United States within the District of Columbia, the following parcels of land shall be purchased, under the direction of the President of the United States, or taken for public use by due process of law, namely:

All of blocks Nos. 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, Reservation A, Reservation B, Reservation C, Reservation D, Reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States of America.

SEC. 2. That any and all streets and alleys intersecting the said lands so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by executive order vacated and become and constituted a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

SEC. 3. That the sum of $15,000,000, or so much thereof as may be necessary, to be used for the payment for or on account of the price of said lands or acquiring the title thereto, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 4. That the Secretary of the Treasury, subject to the executive order of the President, shall be authorized to purchase or acquire said land or any part thereof as soon as practicable at such price as may be fixed by agreement between the said Secretary and the respective owners of said lands and premises, not exceeding the actual cash value thereof, and the payments therefor shall be made to respective owners of such lands upon the requisition of the Secretary of the Treasury, with the approval of the President, upon a release and conveyance of said lands to the United States by good and sufficient deeds so conveying the same after the title of the grantor of said lands shall have been examined and approved in writing by the Attorney General of the United States.

SEC. 5. That in the event of a failure to agree upon the price of said land or any part thereof between the owner of said land and premises and the Government of the United States, the Attorney General of the United States is hereby authorized and empowered to commence and prosecute proceedings for the condemnation of said lands and premises in the Supreme Court of the District of Columbia at any general or special term thereof, and to prosecute such proceedings in condemnation in the manner heretofore provided in the statute. That upon the final determination of such proceedings in condemnation, the Secretary of the Treasury is authorized and directed to make payment of the sum of money adjudged to be proper compensation on said land and premises so condemned out of the moneys hereinbefore provided to be appropriated for such purposes.

SEC. 6. That in condemnation proceedings so instituted and prosecuted as aforesaid the value of the land and the value of the buildings or improvements thereon shall be separately estimated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVY RETIREMENTS.

Mr. CURTIS. I ask unanimous consent to call up the bill (S. 473) relating to Navy retirements.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with an amendment, in line 8, after the word "service," to add the following proviso:

Provided, That no increase of pay or allowance shall accrue prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That any officer of the United States Navy who served creditably during the Civil War and whose name is now borne on the list of retired officers of the Navy shall have the benefit of all laws in the same manner and to the same extent as though such officer had been retired for disability incident to the service: *Provided*, That no increase of pay or allowance shall accrue prior to the passage of this act.

Mr. CURTIS. I wish to offer an amendment to the amendment. The bill applies to only six officers. There are two officers provided for who are not cared for by private acts. The other four have been provided for. I move to amend the amendment by striking out the words "the passage of this act" and inserting "June 29, 1906," so as to make the proviso read:

Provided, That no increase of pay or allowance shall accrue prior to June 29, 1906.

That will cover the case of two officers who have not heretofore been taken care of by private bills.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 24, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1912.

COLLECTOR OF CUSTOMS.

Cornelius O'Keefe, of Arizona, to be collector of customs for the district of Arizona, in the State of Arizona. (Reappointment.)

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine. (Reappointment.)

UNITED STATES ATTORNEY.

John McCourt, of Oregon, to be United States attorney for Oregon. (A reappointment, his term having expired.)

UNITED STATES MARSHALS.

Victor Loisel, of Louisiana, to be United States marshal for the eastern district of Louisiana. (A reappointment, his term having expired May 18, 1912.)

Henry L. Fussett, of New York, to be United States marshal, western district of New York, vice William R. Compton, deceased.

REGISTER OF THE LAND OFFICE.

Frank C. Bramwell, of Oregon, to be register of the land office at La Grande, Oreg., his term expiring January 13, 1912. (Reappointment.)

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. William T. Littebrant, Fifteenth Cavalry, to be major from May 21, 1912, vice Maj. George E. Stockle, Ninth Cavalry, detailed as quartermaster.

First Lieut. Richard B. Going, Fifteenth Cavalry, to be captain from May 21, 1912, vice Capt. William T. Littebrant, Fifteenth Cavalry, promoted.

COAST ARTILLERY CORPS.

Second Lieut. George F. Moore, Coast Artillery Corps, to be first lieutenant from May 21, 1912, vice First Lieut. Allison B. Dennis, jr., detached from his proper command.

PROMOTIONS IN THE NAVY.

Commander Charles P. Plunkett to be a captain in the Navy from the 27th day of April, 1912, to fill a vacancy.

Gunner James A. Martin to be a chief gunner in the Navy from the 22d day of March, 1912, upon the completion of six years' service as a gunner.

Lieut. Commander Powers Symington to be a commander in the Navy from the 10th day of May, 1912, to fill a vacancy.

Lieut. (Junior Grade) Robert A. White to be a lieutenant in the Navy from the 25th day of January, 1912, to fill a vacancy.

Lieut. (Junior Grade) Frank H. Roberts to be a lieutenant in the Navy from the 10th day of February, 1912, to fill a vacancy.

Lieut. (Junior Grade) Lewis D. Causey to be a lieutenant in the Navy from the 16th day of February, 1912, to fill a vacancy.

Lieut. (Junior Grade) Henry G. Fuller to be a lieutenant in the Navy from the 2d day of March, 1912, to fill a vacancy.

Capt. Frank E. Beatty to be a rear admiral in the Navy from the 27th day of April, 1912, to fill a vacancy.

Second Lieut. Nedom A. Eastman to be a first lieutenant in the Marine Corps to fill a vacancy occurring on April 28, 1912, and to take rank from March 25, 1912.

Second Lieut. Randolph T. Zane to be a first lieutenant in the Marine Corps from the 10th day of May, 1912, to fill a vacancy.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Lorenzo Chase Farwell to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from May 2, 1912, in place of First Lieut. of Engineers Frank Gerome Snyder, resigned.

Cadet Carl Herbert Abel, of Indiana, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Frederick J. Birkett, of Washington, to be a third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet James Marsden Earp, of Maryland, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Joseph Francis Farley, jr., of New York, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet William Patrick Kain, of Massachusetts, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet David Patterson Marvin, of Massachusetts, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Floyd Jesse Sexton, of New York, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Gustavus Urban Stewart, of New Hampshire, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Clement Joseph Todd, of Colorado, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

Cadet Edward Mount Webster, of the District of Columbia, to be third lieutenant in the Revenue-Cutter Service of the United States to fill an existing vacancy.

POSTMASTERS.

ALABAMA.

William B. James to be postmaster at Evergreen, Ala., in place of G. Cullen Dean. Incumbent's commission expired February 27, 1912.

GEORGIA.

William T. Rudolph to be postmaster at Thomaston, Ga., in place of William T. Rudolph. Incumbent's commission expired February 27, 1912.

William M. Wakeford to be postmaster at Adel, Ga., in place of William M. Wakeford. Incumbent's commission expired February 27, 1912.

Robert L. Williams to be postmaster at Griffin, Ga., in place of Robert L. Williams. Incumbent's commission expired April 22, 1912.

MICHIGAN.

James B. Haskins to be postmaster at Howard City, Mich., in place of Sid V. Bullock. Incumbent's commission expired December 11, 1911.

Frank N. Wakeman to be postmaster at Paw Paw, Mich., in place of Bangs F. Warner. Incumbent's commission expired May 23, 1912.

MISSOURI.

Edward Gloshen to be postmaster at Mercer, Mo. Office became presidential January 1, 1912.

NEW YORK.

George F. Odell to be postmaster at Congers, N. Y. Office became presidential July 1, 1911.

OHIO.

Charles H. Huffman to be postmaster at Richwood, Ohio, in place of Charles H. Huffman. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Marion Henderson to be postmaster at Pauls Valley, Okla., in place of John McL. Dorchester. Incumbent's commission expired May 9, 1910.

PENNSYLVANIA.

John F. Fenstermacher to be postmaster at Mount Joy, Pa., in place of John F. Fenstermacher. Incumbent's commission expired April 28, 1912.

TENNESSEE.

William J. Walker to be postmaster at Tiptonville, Tenn. Office became presidential January 1, 1912.

WISCONSIN.

Charles Pfeifer to be postmaster at Plymouth, Wis., in place of Charles Pfeifer. Incumbent's commission expired April 24, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1912.

POSTMASTERS.

CONNECTICUT.

Samuel E. Louden, Riverside.

INDIANA.

Charles T. Benton, Brownstown.
Addison M. Catterson, Shoals.
William R. Elrod, Orleans.
John W. Foland, Frankton.
John O. Motto, Winona Lake.

KANSAS.

George W. Rains, Galena.

MICHIGAN.

Frank N. Wakeman, Paw Paw.
James B. Haskins, Howard City.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 23, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great thoughts, noble deeds, and splendid achievements which link the past to the present, making us rich in scientific, literary, art, governmental, and religious attainments, which make the world a better place in which to live, affording greater fields of endeavor, opening the way to larger life and nobler attainments. Help us to add something to coming generations which will enlarge their opportunities and hasten the coming of Thy kingdom to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL PRIVILEGE.

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARDWICK. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Mr. Speaker, I rise to a question of personal privilege.

The leading editorial in the Washington Herald of yesterday, entitled "The Lodge amendment joker," among other statements, contains the following statement, which is not only absolutely untrue, but also reflects, in my judgment, upon the integrity of every member of the select committee appointed by this House at its last session to investigate the American Sugar Refining Co. and others.

The portion of the editorial to which I invite especial attention reads as follows:

THE LODGE AMENDMENT JOKER.

Those who are endeavoring to steer sugar legislation in Washington must be well-nigh distracted over the outcome of a year and a half of sugar agitation. Here is the result:

1. Hardwick report favoring the refiners and standpatters.
2. Underwood bill against the refiners and antistandpatters.
3. Senate finance report favoring the beet-sugar industry, but against the sugar refiners.
4. Lodge amendment, reported from the Senate Finance Committee, for the cane-sugar refiners and against the beet-sugar industry.

The Hardwick investigating committee reported that the value of the listed sugar-trust stocks was not inflated and that there was no "joker" in the law in favor of the cane-sugar refiners. In other words, it was a whitewash. The Democratic "steam roller" in the House lost no time in making it known that it disregarded the Hardwick report, and as a result the Underwood free-sugar bill was offered.

It will be observed that this editorial states, so far as the special committee is concerned—

The Hardwick report favors the refiners and standpatters.

Exactly the reverse is true. When the report was made its most bitter criticism came from the trust—the American Sugar Refining Co.—which company, in a statement issued by its counsel, Mr. James M. Beck, of New York, on the day after the report was made to the House, bitterly and, I believe, unjustly assailed the report as unfair to the greatest of the refiners. In what possible way the report could have given comfort to any so-called "standpatter" I challenge any mortal man to state. If the assertion of the Herald means that the report favored the standpatters because it contained no recommendation as to tariff legislation on sugar, then that paper stands convicted of crass ignorance. It must acknowledge that it has never even read the resolution under which the committee was raised—under which it acted—and in which resolution no jurisdiction whatever of the tariff question was given the committee. The committee did not report on the tariff, because in the unanimous opinion of every Member, Democrat and Republican alike, the House had given it neither instructions nor authority to so report. That this House and the public may see how unfounded is this criticism, I will read to the House the terms of the resolution under which the committee was raised:

Resolved, That a committee of nine members, to be elected by the House, be, and is hereby, directed to make an investigation for the purpose of ascertaining whether or not there have been violations of the antitrust act of July 2, 1890, and the various acts supplementary thereto, by the American Sugar Refining Co., incorporated January 16, 1891, under the laws of the State of New Jersey, and the various corporations controlled thereby or holding stocks or bonds therein or whose stocks or bonds are held, in whole or in part, thereby, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, which said violations have not been prosecuted by the executive officers of the Government.

Said committee is also directed to investigate the organization and operations of said American Sugar Refining Co., and its relations with other persons or corporations engaged in the business of manufacturing or refining sugar, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, and if in connection therewith violations of the aforesaid laws are disclosed, to report same to the House.

Said committee shall also inquire whether the organization and operations of the American Sugar Refining Co. and other persons or corporations having relations with it, and all other persons or corporations engaged in manufacturing or refining sugar and their relations with each other, have caused or had a tendency to cause any of the following results:

First. The restriction or destruction of competition among manufacturers or refiners of sugar.

Second. An increase in price of refined sugar to the consumer or decrease in the price of sugar cane or sugar beets to the producer thereof.

And said committee shall report to the House all the facts and circumstances disclosed by the investigation herein provided, with such recommendations as it may deem advisable.

And said committee as a whole, or any subcommittee thereof, is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

So far, the editorial criticism of the Herald upon the committee is so weak and trifling that if it went no further I could well afford to disregard it, but the editorial continues:

The Hardwick committee reported that the value of the listed Sugar Trust's stocks was not inflated.

The truth is that the report was exactly the reverse. I read from page 25 of the report:

Your committee confidently submits from the above instances that its estimate in an earlier part of this report that of the nominal fifty millions of capital of the old refineries company not over twenty to twenty-five millions was real value, the balance being "water."

The capital of the American Co., organized in 1891, was also fifty millions, half common and half preferred. It appears to have taken over the properties of the Sugar Refineries Co. at a ratio of par, or somewhere near that figure. At par, according to the testimony of Mr. Heike. (Hearings, p. 187.) At something a little less than that figure, according to Mr. Atkins (hearings, p. 118), issuing, pro rata, about forty-two millions of its stock in place of the forty-seven millions actually issued by the refineries company.

So that the American inherited from its predecessor, the Sugar Refineries Co., most, if not all, of the water that had been so liberally pumped into the stock of the latter company.

In 1892 the American increased its capital stock from fifty to seventy-five millions, using the increase to purchase its Philadelphia and Baltimore competitors, as already outlined in this report.

It paid, in stock, $10,000,000 for the Spreckels plant that had cost only four and a half millions in cash. (Hearings, p. 2347.)

The Franklin, that was not worth over five millions at the outside, and probably less (hearings, pp. 1377–1378), was bought for ten millions in stock. It is worthy of note that at the time of these transactions, or during the same year at least, common stock of the American sold as high as 114 and preferred as high as 107. So it appears that up to its seventy-five millions capital mark the American Co. easily maintained its inherited ratio of two dollars of stock to one of real value.

So far as we have been able to discover, the further increase of stock of the American in 1901 from seventy-five to ninety millions was not marked by anything like the same degree of overpayment by the American. The mania for overcapitalization seems to permeate the sugar industry in every direction. The American, with its stock originally 40 to 50 per cent water, has paid the following dividends since its organization.

On preferred stock (one-half of whole) 7 per cent from 1891 to date. (Hearings, p. 2523.)

On common stock (one-half of the whole):

	Per cent.
1891	8
1892	9
1893	23
1894–1899	12
1900	6½
1901–1910	7

In other words, from 1891 to date the preferred has paid 7 per cent and the common has averaged 9.4 per cent, or both have averaged 8.2 per cent on the whole stock issue—at least 15 per cent to 16 per cent on a fair valuation of the properties and business.

Now, take the two largest competitors of the American—Arbuckle Bros. and the Federal.

Let me again cite the report (pp. 31–32) on this subject:

To summarize this portion of our report, we find strikingly developed in the sugar industry several evils, aside from the primary one of stifling competition, which seem to demand careful consideration and remedial legislation by Congress.

1. Original overcapitalization of great industrial corporations, resulting in increased cost of production if a profit is to be made (as is always insisted upon) on the inflated capitalization, and higher prices of the product to the consuming public.

2. The temptation of the persons who organize and control these large corporations to earn dividends on watered stock as soon as possible, so that such stock may be unloaded in the open markets upon the investing public. These dividends can rarely, if ever, be made without increasing prices to the consumer.

3. Exploitation not only of the consuming public and of the investing public, as already set out, but also of the corporations themselves, by their officers, directors, and trustees, who do not hesitate to overburden the consumer, to deceive the investor, and to take advantage of the corporations that have trusted them whenever it will line the pockets of such individual trustees.

Again, the editorial states the committee found "there was no joker in the law in favor of the cane-sugar refiners."

There is no such finding anywhere in the report, direct or indirect, express or implied. The man who wrote this editorial charge must have been either grossly careless or densely ignorant, or probably both. Having finished its specific misrepresentations of your committee, this intelligent and well-informed journal, published here in the Capital City, where its opportunities for acquiring accurate knowledge are great and its excuse for misstatements about matters of this kind small, undertakes to make a few general statements, or rather misstatements, on its own account.

Generalizing, it exclaims, "In other words it (the report) was a whitewash."

Mr. Speaker, I prefer to be charitable in my answer to such libels as this. I rarely notice them and only do so when the injustice is intolerable. Even then, unless I know the motive of the critic to be bad, I prefer to ascribe his misstatements to ignorance rather than malice. But I must say, Mr. Speaker, in justice to myself, in justice to every member of that committee, that a grosser misrepresentation was never made to the public than the statement that this report was a "whitewash" of any kind of anybody. No intelligent man can read it and say so. The report speaks for itself.

Let me inquire how or from whom did the Herald obtain the idea that the report was a "whitewash"? Not from the report itself. Then was it from the Sugar Trust, that protested most vigorously that the report was so far from a "whitewash" that it did the trust grave injustice? Or was it from the beet-sugar manufacturers, whose Washington agent, Mr. C. C. Hamlin, published columns in denunciation of it? Or from the Louisiana cane planters, whose papers and associations were most bitter in their condemnation of it?

But, Mr. Speaker, after having been so unjust to the men who devoted almost a year of their time to laborious and faithful work in an earnest and honest effort to carry out the mandate of the House on this question, the Herald continues:

The Democratic steam roller in the House lost no time in making it known that it disregarded the Hardwick report, and as a result the Underwood free-sugar bill was offered.

Not only is the above statement untrue in word, in letter, in substance, and in spirit, but the exact reverse is true, and no one knows it better or will bear witness to it more willingly than the gentleman from Alabama [Mr. UNDERWOOD] and every one of his Democratic associates on the Ways and Means Committee. So far from the work of the special committee being disregarded, the truth is that the facts disclosed by the hearings of the special committee were the principal weapons employed by the Ways and Means Committee in making up its report in favor of free sugar, and but for the work done by the special committee we would have no free-sugar bill in all probability.

Mr. Speaker, I do not desire to make any further remarks on the gross injustice that this editorial, evidently born of careless ignorance, does to every member of the committee. This whole House, Democratic and Republican Members alike, knows the truth. Your committee needs no vindication at its hands. Nor will it lack any at the hands of any honest man who will examine the work of the committee, read its reports, and read the debates of this House on the free-sugar bill. [Applause.]

EXTENSION OF TIME FOR COMPLETION OF DAMS ACROSS SAVANNAH RIVER.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The unfinished business is the bill H. R. 21969, on which the previous question has been ordered.

Mr. ADAMSON. Mr. Speaker, my object in rising was to finish a conference report we had up the other day. I understood from the Speaker I could do so at this time.

The SPEAKER. How long will it take?

Mr. ADAMSON. Just a minute. The gentleman from Illinois [Mr. MANN] wanted time to examine it the other day, and I will ask him if he is ready to dispose of it. It is Senate bill 5930. He makes no objection, and I ask that the conference report be adopted. The report was read the other day.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 729).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment, as follows:

Strike out all of the proviso beginning with the words "*Provided further*," page 1, line 13, down to and including the word "Engineers," page 2, line 8, so that the bill will read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided*, That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two.

"SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And the House agree to the same.

W. C. ADAMSON,
F. C. STEVENS,
Managers on the part of the House.

KNUTE NELSON,
JONATHAN BOURNE, Jr.,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT.

The Senate, in passing S. 5930, amended the same by adding in and after line 13, page 1, a proviso subjecting the extension asked for to the amendment of the general dam act approved June 23, 1910, the Senate being unaware that, in reliance upon the original grant, the grantees had made expenditures of money to a large amount, some two or three hundred thousand dollars, which, by the express provisions in the said amended act, exempt the extension from such limitation. The House amended that Senate amendment by excepting and exempting the extension from the proviso fixing the limitation of 50 years, which is really the principal provision in the amendment of June 23, 1910. The other provisions of that amendment have no application to the enterprise in question; therefore your conferees have thought it wise, in agreeing to the House amendment, to amend it further by striking out the whole proviso, beginning on page 1, line 13, so as to leave the bill as originally introduced by its author and leaving the dam to be constructed in accordance with the original grant, subject to the terms of the general dam act approved June 21, 1906.

W. C. ADAMSON.
F. C. STEVENS.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PANAMA CANAL.

The SPEAKER. The unfinished business is the bill H. R. 21969, and the previous question has been ordered on the bill and amendments to final passage.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois place his amendment where he wants it in this bill.

Mr. MANN. I have an amendment pending to insert as a new section, I think to follow section 10, and the gentleman from Georgia desires to have it inserted at the end of section 5, and I ask unanimous consent that instead of going in as a new section the amendment may be offered to come in at the end of the Doremus amendment, if that be agreed to, or at the end of the original section 5, if that should be agreed to.

Mr. ADAMSON. That is agreeable.

The Clerk read as follows:

Add as a new paragraph at the end of section 5:

"That the President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled 'An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment,' approved May 30, 1908, and of the act entitled 'An act relating to injured employees on the Isthmian Canal,' approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from Georgia is agreeable to this amendment. The amendment of the gentleman from Michigan [Mr. DOREMUS] is to strike out, I believe, section 5 and substitute. Now, if this is to be added at this time to section 5, I take it that would not be covered by the motion of the gentleman from Michigan to strike out so as to include this item.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent, whatever the result may be, that the gentleman's amendment may follow the section.

Mr. MANN. As a part of the section?

Mr. ADAMSON. As a part of the section.

The SPEAKER. Is the section this follows one that is involved?

Mr. ADAMSON. Yes, sir; but it follows as a result no matter which is adopted, because both the substitute and the original end just alike in the same language.

The SPEAKER. It is necessary to vote on this amendment.

Mr. ADAMSON. I understand, but we are placing it, that is all.

The SPEAKER. The gentleman asks unanimous consent that no matter what happens to the Doremus amendment that the amendment of the gentleman from Illinois shall follow the section.

Mr. ADAMSON. Whichever one is adopted this follows.

Mr. MANN. This goes as a part of the section.

The SPEAKER. Does it follow it to its fate or in the bill?

Mr. ADAMSON. No, sir; the issue is not involved in this; this should follow whichever one is adopted.

The SPEAKER. That is, in the bill?

Mr. ADAMSON. Yes, sir; whichever one is adopted this stays in and follows it.

The SPEAKER. There is a good deal of difference in the two propositions. The gentleman from Georgia asks unanimous consent that no matter which way the House votes upon the Doremus proposition the Mann proposition shall in the bill follow the Doremus substitute or the original section in the pending bill.

Mr. CRUMPACKER. Reserving the right to object, let me ask the gentleman why we could not avoid the confusion by acting upon the Doremus amendment first and then letting the Mann amendment come in independently?

Mr. ADAMSON. We can, but there is not any confusion about it. The Doremus amendment ends just exactly like the present section ends, and all we have to do is to add this as an additional paragraph to the section, no matter which one is adopted.

Mr. CRUMPACKER. A confusion may arise in the minds of the Members of the House in voting upon the Doremus amendment as to whether the vote would not include the Mann amendment also, and if the Doremus amendment were acted upon separately, and as the Mann amendment follows it, there would be no possible confusion in the mind of any Member of the House.

Mr. ADAMSON. It is clear the Mann amendment has nothing to do with the issue on the part of section 5.

Mr. CULLOP. Mr. Speaker, why would it not be better to number this section 5½?

Mr. ADAMSON. It is exactly in keeping with the latter part of section 5.

The SPEAKER. The Chair will state this proposition, so that the House will know what it is doing. The gentleman from Michigan [Mr. DOREMUS] offered a substitute for a certain portion of the text of the bill, and it was adopted. And it is a matter of common rumor that somebody is going to call for a separate vote on this Doremus substitute. The proposition of the gentleman from Georgia [Mr. ADAMSON] is that, no matter whether the Doremus substitute is voted in or voted out, the Mann amendment follows immediately after the Doremus amendment if it is voted in, and follows after that portion of the original text if the Doremus amendment is voted out. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

Mr. ADAMSON. I suppose that we can have a vote on all of them in gross, except one.

The SPEAKER. The Chair will put that question as soon as we get through with this. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ADAMSON. I demand a separate vote on the Doremus substitute to section 5.

The SPEAKER. The gentleman from Georgia demands a separate vote on the Doremus substitute to section 5. If there is no similar demand as to any other amendment, the other amendments will be voted upon in gross. The question is on agreeing to the other amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the Doremus amendment.

Mr. ADAMSON. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-seven Members are present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the Doremus amendment will, as their names are called, answer "yea" and those opposed will answer "nay," and the House will be in order.

The question was taken; and there were—yeas 147, nays 128, answered "present" 8, not voting 109, as follows:

YEAS—147.

Akin, N. Y.	Foss	Langham	Sells
Alexander	French	Lawrence	Simmons
Ames	Fuller	Lee, Pa.	Small
Austin	Garner	Lewis	Smith, J. M. C.
Barchfeld	George	Linthicum	Smith, Saml. W.
Bartholdt	Goldfogle	Lloyd	Smith, N. Y.
Borland	Greene, Mass.	Lobeck	Speer
Bowman	Gregg, Pa.	McCreary	Stephens, Cal.
Broussard	Gregg, Tex.	McGillicuddy	Stone
Burke, Pa.	Griest	McKinley	Sulloway
Burnett	Guernsey	McLaughlin	Sulzer
Butler	Hamill	McMorran	Sweet
Campbell	Hammond	Maher	Taggart
Cannon	Harris	Mann	Talbott, Md.
Catlin	Harrison, Miss.	Matthews	Talcott, N. Y.
Clayton	Harrison, N. Y.	Morgan	Taylor, Ala.
Connell	Hartman	Murray	Taylor, Colo.
Conry	Hawley	Needham	Taylor, Ohio
Cooper	Hayden	Neeley	Thayer
Covington	Hayes	Nelson	Thistlewood
Crago	Heald	Padgett	Tilson
Curry	Hedin	Parran	Towner
Dalzell	Henry, Conn.	Patten, N. Y.	Tribble
Danforth	Higgins	Payne	Tuttle
Davidson	Hill	Pepper	Underhill
Davis, W. Va.	Hobson	Peters	Underwood
Difenderfer	Howell	Pray	Utter
Dodds	Humphrey, Wash.	Pujo	Vare
Donohoe	Jackson	Raker	Warburton
Doremus	Kahn	Ransdell, La.	Watkins
Dupré	Kindred	Roberts, Mass.	Wedemeyer
Dwight	Kinkead, N. J.	Roberts, Nev.	Wickliffe
Estopinal	Knowland	Robinson	Wilson, N. Y.
Fairchild	Konig	Roddenbery	Wilson, Pa.
Fergusson	Lafean	Rodenberg	Wood, N. J.
Fitzgerald	Lafferty	Rothermel	Young, Mich.
Fornes	La Follette	Rucker, Colo.	

NAYS—128.

Adair	Daugherty	Gray	Littlepage
Adamson	Davis, Minn.	Green, Iowa	McCoy
Anderson, Minn.	Dent	Hamilton, Mich.	McDermott
Ansberry	Denver	Hamilton, W. Va.	McKellar
Barnhart	Dickinson	Hamlin	McKenzie
Bartlett	Dies	Hardwick	McKinney
Beall, Tex.	Dixon, Ind.	Haugen	Macon
Bell, Ga.	Driscoll, M. E.	Helgesen	Madden
Blackmon	Edwards	Henry, Tex.	Maguire, Nebr.
Boehne	Ellerbe	Hensley	Martin, Colo.
Booher	Esch	Houston	Miller
Brantley	Evans	Howard	Mondell
Buchanan	Faison	Hughes, Ga.	Moon, Tenn.
Bulkley	Ferris	Hughes, N. J.	Morrison
Burke, Wis.	Finley	Hull	Morse, Wis.
Burleson	Floyd, Ark.	Humphreys, Miss.	Moss, Ind.
Byrnes, S. C.	Foster	Jacoway	Norris
Byrns, Tenn.	Fowler	Johnson, Ky.	Nye
Callaway	Gallagher	Kent	Oldfield
Candler	Gardner, Mass.	Kinkaid, Nebr.	Page
Cary	Garrett	Konop	Pou
Cline	Godwin, N. C.	Kopp	Powers
Collier	Good	Korbly	Prince
Cox, Ohio	Goodwin, Ark.	Lee, Ga.	Prouty
Crumpacker	Gould	Lenroot	Rainey
Cullop	Graham	Lindbergh	Rauch

Rees	Sisson	Stephens, Miss.	Whitacre
Richardson	Slayden	Stephens, Nebr.	Willis
Ruby	Sloan	Stephens, Tex.	Wilson, Ill.
Russell	Smith, Tex.	Sterling	Witherspoon
Saboth	Stedman	Stevens, Minn.	Young, Kans.
Sims	Steenerson	Volstead	Young, Tex.

ANSWERED "PRESENT"—8.

Dyer	Longworth	Martin, S. Dak.	Sherley
Gillett	McGuire, Okla.	Riordan	Weeks

NOT VOTING—109.

Aiken, S. C.	De Forest	Kennedy	Redfield
Ainey	Dickson, Miss.	Kitchin	Reilly
Allen	Doughton	Lamb	Reyburn
Anderson, Ohio	Draper	Langley	Rouse
Andrus	Driscoll, D. A.	Legare	Rucker, Mo.
Anthony	Farr	Lever	Saunders
Ashbrook	Fields	Levy	Scully
Ayres	Flood, Va.	Lindsay	Shackleford
Bates	Focht	Littleton	Sharp
Bathrick	Fordney	Loud	Sheppard
Berger	Francis	McCall	Sherwood
Bradley	Gardner, N. J.	McHenry	Slemp
Brown	Glass	Malby	Smith, Cal.
Browning	Goeke	Mays	Sparkman
Burgess	Gudger	Moon, Pa.	Stack
Burke, S. Dak.	Hanna	Moore, Pa.	Stanley
Calder	Hardy	Moore, Tex.	Switzer
Cantrill	Hay	Mott	Thomas
Carlin	Helm	Murdock	Townsend
Carter	Hinds	Olmsted	Turnbull
Clark, Fla.	Holland	O'Shaunessy	Vreeland
Claypool	Howland	Palmer	Webb
Copley	Hubbard	Patton, Pa.	White
Cox, Ind.	Hughes, W. Va.	Pickett	Wilder
Cravens	James	Plumley	Woods, Iowa
Curley	Johnson, S. C.	Porter	
Currier	Jones	Post	
Davenport	Kendall	Randell, Tex.	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. SHERLEY with Mr. MALBY.

Mr. HOLLAND with Mr. BROWNING.

Mr. HARDY with Mr. OLMSTED.

Mr. BROWN with Mr. CURRIER.

Mr. FIELDS with Mr. LANGLEY.

Mr. BURGESS with Mr. WEEKS.

Mr. GOEKE with Mr. HOWLAND.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. ALLEN with Mr. LONGWORTH.

Mr. JAMES with Mr. MCCALL.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. LITTLETON with Mr. WOODS of Iowa.

Mr. WHITE with Mr. SWITZER.

Mr. WEBB with Mr. PORTER.

Mr. SPARKMAN with Mr. PLUMLEY.

Mr. REILLY with Mr. REYBURN.

Mr. LEVY with Mr. MOTT.

Mr. KITCHIN with Mr. PICKETT.

Mr. HELM with Mr. MOORE of Pennsylvania.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. FLOOD of Virginia with Mr. HINDS.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. DANIEL A. DRISCOLL with Mr. WILDER.

Mr. CURLEY with Mr. HANNA.

Mr. CARLIN with Mr. FOCHT.

Mr. BATHRICK with Mr. FARR.

Mr. ASHBROOK with Mr. DE FOREST.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. ROUSE with Mr. BRADLEY.

Until June 1:

Mr. THOMAS with Mr. HUBBARD.

From May 15 to May 25:

Mr. STANLEY with Mr. ANTHONY.

Two weeks, beginning May 15:

Mr. CANTRILL with Mr. LOUD.

Two weeks, beginning May 3:

Mr. SHACKLEFORD with Mr. DRAPER.

Upon this vote:

Mr. PALMER (for tolls) with Mr. REDFIELD (against).

Mr. MURDOCK (in favor of Doremus amendment) with Mr. CRAVENS (against).

Mr. HAY (for tolls) with Mr. MOON of Pennsylvania (against).

Mr. TURNBULL (for tolls) with Mr. SAUNDERS (against).

Mr. DOUGHTON (for tolls) with Mr. SCULLY (against).

Mr. KENDALL (against free tolls) with Mr. KENNEDY (for free tolls).

Mr. MARTIN of South Dakota (for section 5 of bill) with Mr. CALDER (against).

Mr. POST (against free tolls and in favor of section 5) with Mr. O'SHAUNESSY (for free tolls).

Mr. FORDNEY (against) with Mr. VREELAND (for tolls).

Mr. COPLEY (in favor of Doremus amendment) with Mr. LEVER (against).

Mr. McGUIRE of Oklahoma. Mr. Speaker, I voted "yea" and I desire to change that vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. McGUIRE of Oklahoma, and he answered "Present."

Mr. DYER. Mr. Speaker, I desire to ask if Mr. RUCKER of Missouri has voted?

The SPEAKER. He has not.

Mr. DYER. I am paired with Mr. RUCKER of Missouri. I voted "yea" on this amendment, but I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. DYER, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. Proceedings under the call will be suspended and the Doorkeeper will open the doors. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. SIMS. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back with the following amendment added to section 5 as amended by the Doremus amendment.

Mr. BROUSSARD. Mr. Speaker, I move to recommit the bill to the Interstate and Foreign Commerce Committee with instructions to forthwith report it back to the House, striking out section 11 and inserting in lieu thereof the provision which I offer.

Mr. SIMS. Mr. Speaker, I made a motion to recommit, and I ask consideration of that motion.

The SPEAKER. The Chair will state what the situation is. The gentleman from Louisiana [Mr. BROUSSARD] and the gentleman from Michigan [Mr. DOREMUS] and other gentlemen made a minority report against this bill. Evidently it is intended for the motion to recommit to be construed fairly.

The rule provides that the Chair shall give preference in recognition to some Member who is against the bill. These gentlemen made a minority report, and the Chair thinks in ordinary fairness in the construction of the rule that the gentleman from Louisiana should have precedence.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The statement of the Chair is undoubtedly accurate, but the minority report having been adopted by the House, the amendment embraced in the minority report is a part of the bill. Therefore I am absolutely against the bill with the minority views carried into it, and the gentleman from Louisiana is for it.

The SPEAKER. The Chair can settle that very easily. Is the gentleman from Louisiana opposed to the bill?

Mr. BROUSSARD. I am.

The SPEAKER. The Clerk will report the motion of the gentleman from Louisiana.

The Clerk read as follows:

Mr. BROUSSARD moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with the following amendment to section 11:

"SEC. 11. From and after the opening of the Panama Canal it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water engaged in interstate commerce through the Panama Canal. And it shall be the duty of the President to exclude any such ship of commerce from the canal.

"That from and after the opening of the Panama Canal no ship engaged in interstate commerce which is owned, leased, controlled, or operated by any person, firm, association, or corporation engaged in any agreement, combination, ship ring, or conference with reference to rates, ports, routes of traffic, rebates, or terminal facilities, shall be permitted to engage in interstate trade through said canal, and it shall be the duty of the President to exclude every such ship of commerce from the canal.

"That any officer or agent of any railroad company or corporation, or any officer or agent of any ship or shipping company or any other person whatsoever, who is a party to any violation of this section or who knowingly violates or who permits any violation thereof, shall be punished for each offense by a fine of not more than $10,000 or less than $1,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment in the discretion of the court having jurisdiction thereof."

Mr. ADAMSON. Mr. Speaker, I make a point of order against that.

Mr. BROUSSARD. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Georgia will state his point of order.

Mr. ADAMSON. I do not think it is germane either to the section or to the bill. It proposes an entirely different system of dealing with these things. It is not the purpose of the bill to place on the management of the canal the burden of determining all questions about ships. It is the purpose of the bill to let the United States Government control the whole matter in connection with the coastwise trade and interstate commerce. This motion changes the system entirely and is not germane.

The SPEAKER. The Chair stated yesterday in an opinion that was as carefully drawn as possible after great investigation, with the help of two of the best parliamentarians on the floor of the House, one on each side, filing a brief, that a motion to recommit does not have to be germane to any particular section if it is germane to the bill. The motion to recommit ought to be construed liberally so that it will do what it was intended to do. The Chair will state to the gentleman from Georgia that his inclination is to rule against the gentleman, but if he has any authorities to offer or any argument to submit the Chair will hear it with an open mind.

Mr. ADAMSON. Mr. Speaker, I have nothing to offer on it; I simply suggested that it was such a radical change of the matter in the bill——

The SPEAKER. The Chair has nothing to do with the question of whether a proposition is radical or not.

Mr. ADAMSON. I understand that, but the provision pertains to the method of regulating the coastwise trade and interstate commerce.

The SPEAKER. The subject matter of this bill is treating with the tolls of the Panama Canal, is it not?

Mr. ADAMSON. That is one verse only of a very long bill containing many important provisions.

The SPEAKER. And the passage of ships through the Panama Canal?

Mr. ADAMSON. The subject of the bill is the operation of the canal with or without tolls and the sanitation and government of the Canal Zone. The tolls make a very small part of it. One section in the bill deals with the interstate commerce, to improve the coastwise trade, and this proposes to change the whole system, eliminate all of these beneficial things, and in lieu thereof place upon the officers of the canal the administrative burdens of determining these questions.

Mr. MANN. Will the Speaker indulge me for a moment?

The SPEAKER. Certainly; but the Chair first wants to ask the gentleman from Georgia a question before the gentleman from Illinois begins. This bill treats of the subject of ships passing through the Panama Canal and the tolls, and changes somewhat some statutes?

Mr. ADAMSON. That is part of it; yes.

The SPEAKER. Does not the amendment included in the motion treat of the very same subject?

Mr. ADAMSON. It deals with that particular subject, but it changes the whole system.

The SPEAKER. That may be true, but the Chair has nothing to do with that. It might be the intention of the House to change the whole thing on a motion to recommit. The Chair can not pass on that.

Mr. MANN. Mr. Speaker, the bill first introduced as reported contained section 11 entirely apart in its theory from the balance of the bill and wholly unrelated to the matter of tolls in the Panama Canal. The committee reported a substitute for section 11 in the Committee of the Whole House on the state of the Union, and I made a point of order that the substitute reported by the committee for section 11 was not in order, because it was not germane to the bill and not germane to section 11.

The Chairman of the Committee of the Whole, after examining the substitute and original provision in the bill, overruled the point of order and held that the substitute was in order. Now, it is very plain to any gentleman who has examined the bill, the substitute, and the motion to recommit, that the motion of the gentleman to recommit is far nearer germane to the original section 11 of the bill than was the substitute held in order by the Chairman of the Committee of the Whole House on the state of the Union, and I do not deny that his decision was correct. So that clearly the motion to recommit now offered by the gentleman from Louisiana is germane to the provisions in the bill.

Mr. SIMS. Mr. Speaker, I wish to move to substitute for the motion to recommit the amendment which I send to the Clerk's desk.

The SPEAKER. The way to get at that is to vote down the motion for the previous question.

Mr. SIMS. The motion for the previous question has not been made.

The SPEAKER. Yes; the gentleman from Louisiana made a motion for the previous question, and then the gentleman from Georgia made a point of order against the motion to recommit.

Mr. SIMS. I did not know that the Chair had entertained the motion for the previous question. I hope it will be voted down.

The SPEAKER. It is not debatable.

Mr. SIMS. I am only expressing a hope. [Laughter.]

The SPEAKER. The Chair overrules the point of order made by the gentleman from Georgia. The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. SIMS) there were 149 ayes and 61 noes.

So the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Louisiana to recommit with instructions.

Mr. BROUSSARD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BEALL of Texas. Mr. Speaker, I request that the amendment in the motion to recommit be again reported.

Mr. MARTIN of Colorado. I object.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent that the motion to recommit be again reported. There has been so much confusion in the Hall that we have been unable to hear it.

The SPEAKER. The gentleman from Texas [Mr. BEALL] just made that request, and it was objected to.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that section 11, as adopted in the Committee of the Whole, to which the substitute may be offered, may be read, in order that Members may understand upon what they are voting.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to have section 11 read. Is there objection?

Mr. BROUSSARD. Mr. Speaker, reserving the right to object——

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Clerk will call the roll.

The question was taken; and there were—yeas 63, nays 205, answered "present" 10, not voting 114, as follows:

YEAS—63.

Ames	Graham	Lee, Ga.	Sweet
Austin	Greene, Mass.	McGillicuddy	Talcott, N. Y.
Bartlett	Gregg, Pa.	McKinley	Taylor, Ala.
Borland	Guernsey	McLaughlin	Taylor, Colo.
Broussard	Hamill	Macon	Thayer
Clayton	Hammond	Murray	Tilson
Cox, Ohio	Hardwick	Patten, N. Y.	Tribble
Curry	Heflin	Peters	Tuttle
Davis, W. Va.	Higgins	Pujo	Utter
Dent	Hill	Ransdell, La.	Watkins
Dies	Humphrey, Wash.	Richardson	Wedemeyer
Doremus	Johnson, Ky.	Roddenbery	Whitacre
Dupré	Kindred	Rothermel	White
Estopinal	Konop	Rucker, Colo.	Wickliffe
Fairchild	Lafferty	Sells	Young, Mich.
George	Lawrence	Smith, J. M. C.	

NAYS—205.

Adair	Campbell	Edwards	Gould
Adamson	Candler	Ellerbe	Gray
Akin, N. Y.	Cannon	Esch	Green, Iowa
Alexander	Carr	Evans	Gregg, Tex.
Anderson, Minn.	Catlin	Faison	Griest
Ansberry	Cline	Farr	Hamilton, Mich.
Barchfeld	Collier	Ferguson	Hamilton, W. Va.
Barnhart	Connell	Ferris	Hamlin
Bartholdt	Conry	Finley	Harris
Beall, Tex.	Cooper	Fitzgerald	Harrison, Miss.
Bell, Ga.	Covington	Floyd, Ark.	Harrison, N. Y.
Blackmon	Crago	Focht	Hartman
Boehne	Cullop	Fornes	Hawley
Booher	Dalzell	Foss	Hayden
Bowman	Danforth	Foster	Hayes
Buchanan	Daugherty	Fowler	Heald
Bulkley	Davidson	French	Helgesen
Burke, Pa.	Davis, Minn.	Fuller	Henry, Tex.
Burke, Wis.	Denver	Gallagher	Hensley
Burleson	Dickinson	Gardner, Mass.	Hobson
Burnett	Difenderfer	Garner	Houston
Butler	Dixon, Ind.	Garrett	Howard
Byrnes, S. C.	Dodds	Godwin, N. C.	Hughes, Ga.
Byrns, Tenn.	Donohoe	Good	Hughes, N. J.
Callaway	Driscoll, M. E.	Goodwin, Ark.	Hull

Humphreys, Miss.	Madden	Pray	Stephens, Tex.
Jackson	Maguire, Nebr.	Prince	Sterling
Jacoway	Maher	Prouty	Stevens, Minn.
Kahn	Mann	Rainey	Stone
Kent	Martin, Colo.	Raker	Sulloway
Kinkead, N. J.	Martin, S. Dak.	Rauch	Sulzer
Kinkaid	Matthews	Rees	Taggart
Konig	Miller	Roberts, Mass.	Talbott, Md.
Kopp	Mondell	Roberts, Nev.	Taylor, Ohio
Korbly	Moon, Tenn.	Robinson	Thistlewood
Lafean	Morgan	Rodenberg	Towner
La Follette	Morrison	Rubey	Underhill
Lamb	Morse, Wis.	Russell	Underwood
Langham	Moss, Ind.	Sabath	Vare
Lee, Pa.	Needham	Simmons	Volstead
Lenroot	Neeley	Sims	Warburton
Lindbergh	Nelson	Sisson	Willis
Linthicum	Norris	Slayden	Wilson, Ill.
Littlepage	Nye	Sloan	Wilson, N. Y.
Lloyd	Oldfield	Small	Wilson, Pa.
Lobeck	Padgett	Smith, Tex.	Witherspoon
McCreary	Page	Speer	Wood, N. J.
McDermott	Parran	Stedman	Young, Kans.
McKellar	Payne	Steenerson	Young, Tex.
McKenzie	Pepper	Stephens, Cal.	
McKinney	Pou	Stephens, Miss.	
McMorran	Powers	Stephens, Nebr.	

ANSWERED "PRESENT"—10.

Dwight	Goldfogle	Riordan	Weeks
Dyer	Longworth	Sherley	
Gillett	McGuire, Okla.	Smith, Saml. W.	

NOT VOTING—114.

Aiken, S. C.	Davenport	Kendall	Post
Ainey	De Forest	Kennedy	Randell, Tex.
Allen	Dickson, Miss.	Kinkaid, Nebr.	Redfield
Anderson, Ohio	Doughton	Kitchin	Reilly
Andrus	Draper	Langley	Reyburn
Anthony	Driscoll, D. A.	Legare	Rouse
Ashbrook	Fields	Lever	Rucker, Mo.
Ayres	Flood, Va.	Levy	Saunders
Bates	Fordney	Lewis	Scully
Bathrick	Francis	Lindsay	Shackleford
Berger	Gardner, N. J.	Littleton	Sharp
Bradley	Glass	Loud	Sheppard
Brantley	Goeke	McCall	Sherwood
Brown	Gudger	McCoy	Slemp
Browning	Hanna	McHenry	Smith, Cal.
Burgess	Hardy	Malby	Smith, N. Y.
Burke, S. Dak.	Haugen	Mays	Sparkman
Calder	Hay	Moon, Pa.	Stack
Campbell	Helm	Moore, Pa.	Stanley
Carlin	Henry, Conn.	Moore, Tex.	Switzer
Carter	Hinds	Mott	Thomas
Clark, Fla.	Holland	Murdock	Townsend
Claypool	Howell	Olmsted	Turnbull
Copley	Howland	O'Shaunessy	Vreeland
Cox, Ind.	Hubbard	Palmer	Webb
Crakens	Hughes, W. Va.	Patton, Pa.	Wilder
Crumpacker	James	Pickett	Woods, Iowa
Curley	Johnson, S. C.	Plumley	
Currier	Jones	Porter	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARLIN with Mr. CALDER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. GOLDFOGLE with Mr. DE FOREST.

Mr. LEGARE with Mr. HUGHES of West Virginia.

Mr. LEVER with Mr. GARDNER of New Jersey.

Mr. MCCOY with Mr. CRUMPACKER.

Mr. RANDELL of Texas with Mr. REYBURN.

Mr. TURNBULL with Mr. SWITZER.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. HAY with Mr. MOON of Pennsylvania.

Mr. HOLLAND with Mr. MURDOCK.

Mr. DOUGHTON with Mr. KENNEDY.

Mr. BRANTLEY with Mr. KENDALL.

Mr. BATHRICK with Mr. HOWELL.

Mr. ANDERSON of Ohio with Mr. COPLEY.

On this vote:

Mr. FORDNEY (against) with Mr. SAMUEL W. SMITH (to recommit).

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

VIOLATION OF CERTAIN RULES.

The SPEAKER. The Chair wishes to call the attention of Members to two or three rules that are constantly violated, thoughtlessly, no doubt, but the violation of them works absolute confusion. The Chair does this now when nobody is doing the particular thing that Members complain of.

Some of the Members are in the habit of crowding about the desk when a roll is being called. That is absolutely forbidden by the rules. We got into a considerable row at the beginning of the Sixty-first Congress about that very same thing.

There is a rule against smoking in the House. That ought to be enforced. [Applause.]

Further, the proper method of procedure when a gentleman has the floor and another gentleman desires to interrupt him is for that other gentleman to first address the Chair. Of course, the Chair cares nothing about that, except that that is the way to preserve order and keep down quarrels and fusses in the House. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LOBECK, for 2 days, on account of important business.

To Mr. BROWN, for 3 days, on account of sickness in family.

To Mr. GRAY, for 10 days, on account of important private business.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO., STATE OF WASHINGTON.

The SPEAKER laid before the House joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, with Senate amendments thereto.

The Senate amendments were read.

Mr. ROBINSON. Mr. Speaker, I move to concur in the Senate amendments with an amendment which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Arkansas moves to concur in the Senate amendment with an amendment, which the Clerk will report.

The Clerk read as follows:

Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

The SPEAKER. The question is on concurring in the Senate amendments with the amendment of the gentleman from Arkansas.

The question was taken, and the Senate amendments, with the amendment of the gentleman from Arkansas, were agreed to.

Mr. ROBINSON. Mr. Speaker, I desire to put in the RECORD a letter from the Department of Justice and one from the Secretary of the Interior to me in relation to this matter.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 15, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: Acknowledging your letter of the 13th instant, and responding to your request for a report concerning Senate substitute for H. J. Res. 142 (CONGRESSIONAL RECORD, pp. 6533 and 6534), I have to say that the legislation in its present form appears to be subject to the objection that it does not provide adequately for the protection of the Indian allottees, and makes no provision, in the interest of the public and the Indians, for the resumption of the rights of way in default of due diligence by the grantees in the construction of their respective railroads.

These objections, I think, would be removed by the addition of the following:

"Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture."

As originally introduced the object of the resolution was solely to remove any doubt as to the authority of the Attorney General to maintain certain proceedings in Washington brought for the purpose of obtaining a judicial declaration of forfeiture of the grant made to the Washington Improvement & Development Co. As metamorphosed by

the legislative process the measure now presents a subject of peculiar interest to the Department of the Interior but with which this department has little or no concern. The foregoing suggestions are therefore made subject, and in subordination, to such views as the Secretary of the Interior may see fit to express to your committee regarding the resolution.

The opening sentence of the resolution is not all that could be desired in the matter of form, but suffices, I think, to express without obscurity the sense intended to be conveyed.

Respectfully (for the Attorney General),
ERNEST KNAEBEL,
Assistant Attorney General.

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1912.

Hon. JOS. T. ROBINSON,
Chairman Committee on Public Lands, House of Representatives.

SIR: I have this day received letter from Mr. Ernest Knaebel, Assistant Attorney General, Department of Justice, enclosing me a copy of his report furnished you, dated to-day, concerning Senate substitute for Assistant Attorney General, Department of Justice, inclosing me a copy of House resolution 142 (CONGRESSIONAL RECORD, pp. 6533 and 6534), authorizing and directing the Great Northern Railway Co. and the Spokane & British Columbia Railway Co. in the matter of their conflicting claims of rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil Valley, and after careful consideration of the matter I approve of and earnestly recommend the adoption of the amendments, suggested in his said letter, to the pending resolution.

Very respectfully,
SAMUEL ADAMS,
First Assistant Secretary.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up House bill 20586, and to concur in the amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Senate amendments were read.

Mr. RUSSELL. Mr. Speaker, there is one item in the bill where the beneficiary, Ada Mercer, has died and I would like to strike it out, but I do not know what page it is on.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is this a motion or a request for unanimous consent?

The SPEAKER. It takes unanimous consent——

Mr. RODDENBERY. I desire to reserve the right to object.

The SPEAKER. The gentleman from Missouri will hunt up that matter.

Mr. RUSSELL. Just let it go, as it will have to go back to the Senate if it is amended. The pension can not be paid, for the party has died. I ask to concur in the amendments.

The SPEAKER. The gentleman moves to concur in the Senate amendments. Has this bill been referred to the committee?

Mr. RUSSELL. It has been referred.

The SPEAKER. It takes unanimous consent. Is there objection?

Mr. RODDENBERY. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Missouri why he desires to take the bill up at this time?

Mr. RUSSELL. Just to get through with it and get rid of it. The House Pensions Committee has agreed to concur in the amendment, and asked me to try to get it passed.

Mr. RODDENBERY. Mr. Speaker, I shall object for the present.

The SPEAKER. The gentleman from Georgia objects.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

Mr. PADGETT. And pending that I ask unanimous consent that the time for general debate may be controlled by the gentleman from Illinois [Mr. Foss] and myself, one-half to each.

The SPEAKER. And pending the motion the gentleman asks unanimous consent that the time for general debate be controlled one-half by himself and one-half by the gentleman from Illinois [Mr. Foss]. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill, with Mr. HULL in the chair.

Mr. HULL assumed the chair amid applause.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24565, the naval appropriation bill, and the Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I shall consume very little time in an explanation of this bill, as I think it unnecessary. The bill has been upon the calendar for several days, and the committee accompanied the bill with a report explaining fully and in detail the several provisions of the bill. I am in hearty sympathy and accord with the sentiment which I feel prevails largely in the body, that the supply bills should be expedited and gotten through the House and pass the Senate in order that legislation relating to supply bills may be gotten out of the way in order to expedite the general business and the final adjournment of the Congress. [Applause.] With that in view, I shall occupy but a few minutes' time. The bill carries an appropriation of $118,819,837.76, being $7,658,500.48 less than the appropriation bill as it became a law in the last Congress. [Applause.] The total estimates, regular and supplemental, and as contained in the hearings of the Secretary of the Navy, made the total estimates submitted to the committee $134,415,027.76, and, after mature consideration, the committee, as they have reported the bill, reduced the estimates $15,595,190. It will be noted that the amount recommended in the bill for the Naval Establishment, exclusive of the increase of the Navy, carries $112,872,137.76, as against an appropriation of the last Congress for the same purpose of $110,322,581.24, making the appropriation this year for that portion of the bill $2,549,556.52 greater. But I desire to call the attention of the committee to the fact that the Committee on Naval Affairs have included some new items in the bill which they thought very essential to have and very much needed, and which would be of great benefit not only to the Naval Service but to the country. They have reported 4,000 additional enlisted men, at an increased cost of $2,446,688.60; 400 marines, at a cost of $171,040; 13 Marine officers, at a cost of $22,630; enlarging the dry dock at Pearl Harbor, Hawaiian Islands, $650,000; a world-wide wireless-telegraph system, limiting the cost to $1,000,000 and carrying an appropriation in this bill for the first year's work, $400,000; to reimburse enlisted men on U. S. S. *Georgia*, $4,300. This money was stolen by an assistant pay clerk, and we carry an appropriation to reimburse them. Ammunition for the new ships, we have added an additional $1,000,000 to this appropriation; modernizing the turrets, putting in a new system of hoisting apparatus for the ammunition for the ships, $250,000; modernizing projectiles, making the old projectiles equivalent to new ones and up to date, $300,000; battleship compasses, a gyroscopic compass, which is entirely new, $120,000; making a total for these new items of $5,365,188.10. Deducting the increase and crediting the bill with these new items in order to have a fair comparison with the appropriations of last year, it will show a reduction in the present bill of $2,795,632.08 in the Naval Establishment, exclusive of the increase of the Navy. These are the principal items.

There are some matters of legislation that the committee thought were proper and necessary. They are inserted in the bill in italics, and I think it would answer all purposes when they come up for consideration that the committee should make such explanation as may be needed. Unless some one desires to ask me some questions, I shall yield the floor to the gentleman from Illinois [Mr. Foss].

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. PADGETT. Certainly.

Mr. TRIBBLE. Mr. Chairman, in the estimate the gentleman has presented in his statement of $118,000,000, that does not include any battleships?

Mr. PADGETT. No, sir; there are no battleships provided for in the bill.

Mr. TRIBBLE. I understand that. In the estimate that you gave the House a few minutes ago of what the House appropriated last year, how many battleships were included?

Mr. PADGETT. None whatever. I said exclusive of the increase of the Navy, so that the comparisons were exactly on a parity, and then I mentioned the new items which this committee has included which were not in the bill of last year. The total appropriation of the bill of last year was $126,405,509.24.

Mr. TRIBBLE. And that included no battleships?

Mr. PADGETT. That included battleships.

Mr. TRIBBLE. Your bill does not include any battleships?

Mr. PADGETT. No.

Mr. TRIBBLE. Now, as a matter of truth, then, the expenditures of the Navy, according to this bill, have not been reduced?

Mr. PADGETT. I stated they were increased, exclusive of the building program; that they were increased $2,569,556.52; but I stated that of that amount $5,365,188.00 was for new items and an increase of the enlisted force.

Mr. TRIBBLE. I understood that thoroughly; but I do understand, furthermore, that you are giving this Congress an increase over the bill of last year, without regard to the battleships.

Mr. PADGETT. In certain items; yes, sir.

Mr. TRIBBLE. You are giving the Congress an increase in the appropriation, and yet you give no battleships?

Mr. PADGETT. Yes; for the service, exclusive of the increase of the Navy, but in the total bill a reduction of more than $7,000,000.

Mr. TRIBBLE. You increase the land appropriations. You increase all the appropriations that are land, and when you consider the sea you do not give any appropriation for fighting ships. Where is the fighting done, on the land or on the sea?

Mr. PADGETT. The biggest item of increase we are giving——

Mr. TRIBBLE. The gentleman does not answer my question. Is the fighting on the land or on the sea?

Mr. PADGETT. The Navy fights on the sea.

Mr. TRIBBLE. Is the purpose to increase the capacity of the Navy to fight on the land or on the sea?

Mr. PADGETT. We are increasing it here to fight on the sea, because we are providing for 4,000 additional men.

Mr. TRIBBLE. Where are you proposing for them to fight—on the land or on the sea?

Mr. PADGETT. On the sea. The enlisted men naturally belong to the ships.

Mr. TRIBBLE. I want you to explain to this House how you propose to increase the efficiency of the Navy by increasing the land force and cutting off everything on the sea.

Mr. PADGETT. We have not proposed that. I propose to increase it by enlisting 4,000 men for the Navy and 400 marines, every one of whom will be fighting men on the sea.

Mr. TRIBBLE. What necessity for all of this increase on the land, there being no increase of ships for sea service?

Mr. PADGETT. We have many ships. We are 20,000 men short now in the ships we have authorized and are under construction and built.

Mr. TRIBBLE. Permit me to say I am not favoring battleships at this time. You say you have not men enough and have not officers enough? I insist we have enough and more than enough. What do you say?

Mr. PADGETT. No, sir; we are short both in officers and in men.

Mr. TRIBBLE. Have you not got to take officers out of the Navy, because you have not room for them, and place them on the retired list?

Mr. PADGETT. According to the statement of Capt. Usher, last year, I believe it was, we were 30,000 men short, but by eliminating 97 of the small vessels from the Navy Register and bringing it down to date we are 19,500 men short. And we are proposing to increase the enlisted force by 4,000 in order to provide for the six monster battleships that are now under construction, so that when they are commissioned we will have some men with which to man them.

Mr. TALBOTT of Maryland. And they will fight on the sea.

Mr. TRIBBLE. I will ask you if it is not a fact that you are asking this House to increase the official force of the Navy, and at the same time you are providing year by year to eliminate men and eliminate officers who are capable of fighting, who are competent to fight, and whose age does not prevent them from staying on the active list?

Mr. PADGETT. There is no provision whatever in this bill for eliminating anybody. There is nothing about the retirement except the provision with reference to the modifications of sections 8 and 9 of the personnel bill of 1899 under which officers retiring, either by selection or by voluntary retirement, would be promoted into the next higher grade and retired. This bill contains a provision that they shall retire in the grade in which they served and not in the promoted grade.

Mr. TRIBBLE. That is true; but you have a provision here giving more officers.

Mr. PADGETT. Thirteen; yes, sir.

Mr. TRIBBLE. Thirteen more officers?

Mr. PADGETT. Marine officers.

Mr. TRIBBLE. How many officers are eliminated by the laws which you have on the statute books, every year?

Mr. PADGETT. I do not know the number.

Mr. TRIBBLE. Well, 30, 40, 50, or 100?

Mr. PADGETT. I do not know. I have not looked over the list as to the number.

Mr. TRIBBLE. There are a number, are there not?

Mr. PADGETT. Yes.

Mr. TRIBBLE. And what efforts are being made to keep on the active list in actual service those officers that are competent but are being retired frequently?

Mr. PADGETT. None whatever, because the law provides they shall retire at the age of 62——

Mr. TRIBBLE. I have reference to men younger than that.

Mr. PADGETT (continuing). And that has been the law for generations.

Mr. TRIBBLE. Generations? Is the committee responsible for what the Republican Party has done for generations previous? Are we not responsible for what we do and not for other people?

Mr. PADGETT. I do not think the question of the Republican Party or the Democratic Party has anything to do with the Navy. It is a nonpartisan and a nonpolitical question. [Applause.]

Mr. TRIBBLE. I agree with the gentleman that it ought to be.

Mr. PADGETT. It is. [Applause.]

Mr. SLOAN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Nebraska?

Mr. PADGETT. Yes.

Mr. SLOAN. I noted the gentleman's comparison between the appropriation which he submits and the bill of two years ago.

Mr. PADGETT. One year ago.

Mr. SLOAN. Has the gentleman a comparison with the similar bill at the same stage of the proceedings one year ago?

Mr. PADGETT. No; I compared it only with the bill as it became a law.

Mr. SLOAN. After it had passed this House, and then passed the Senate with such additions as the Senate saw fit to attach?

Mr. PADGETT. Yes.

Mr. SLOAN. But the gentleman has not a comparison of the amount submitted now with the amount of the bill that was passed by the House one year ago?

Mr. PADGETT. No; I have not. I have not looked that up. It was something like $125,000,000. I do not remember the exact amount, however.

Mr. AUSTIN. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to his colleague?

Mr. PADGETT. Yes.

Mr. AUSTIN. Can the gentleman give us the type of vessels enumerated, covering the new expenditures which the gentleman has mentioned?

Mr. PADGETT. We provided for two fuel ships, six torpedo-boat destroyers, and four submarines, at an estimated cost of $12,713,440, and then we provide also for the conversion of one of the colliers, the *Prometheus*, as named in the bill, into a repair ship at a cost of $350,000.

Mr. AUSTIN. Now, is it the opinion of the committee that the ships that the gentleman has just enumerated would be of more service to the country than an additional battleship?

Mr. PADGETT. Well, sir, I will say that not only the committee, but also the department thinks that we are very much in need of these auxiliary vessels. The department lays its emphasis upon battleships. The committee did not follow it in that matter for reasons that I suppose the gentleman is well aware of.

Mr. HOWARD. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PADGETT. Yes.

Mr. HOWARD. It is in connection with the question propounded by the gentleman from Georgia [Mr. TRIBBLE]. I notice a provision carrying an additional 400 men for the Marine Corps.

Mr. PADGETT. Yes, sir.

Mr. HOWARD. Now, the provision for carrying 13 officers necessarily follows if these men are added to the Marine Corps?

Mr. PADGETT. Yes.

Mr. HOWARD. And that is the reason why these officers are asked for?

Mr. PADGETT. Exactly so.

Mr. HOWARD. One other question I would like to ask the gentleman now, because I would like to get the information. There is a provision in this bill to retire officers in the grade in which they come up for retirement. I understand the practice heretofore in the Navy has been that when an officer came up for retirement he was advanced one grade higher and then came in for three-fourths pay?

Mr. PADGETT. Yes; that is the law of 1899.

Mr. HOWARD. As a matter of fact these officers have practically nothing to do with their retirement, especially in the Navy. They are plucked by a plucking board, as I understand it.

Mr. PADGETT. That is hardly an accurate statement. Under the law they retire when they reach the age of 62 years. Then some few are plucked and others voluntarily retire.

Mr. HOWARD. After 30 years' service?

Mr. PADGETT. Yes.

Mr. HOWARD. What does the gentleman think about the fairness of that proposition to those officers who are involuntarily retired, who have been plucked? They are probably as good officers as many others in the service. Does the gentleman think that is a fair proposition—to retire those officers in that grade without giving them this advanced rank?

Mr. PADGETT. The theory of the involuntary retirement is that there must be retirement if there is to be any promotion.

Mr. HOWARD. That is to help the "healthy" flow in promotion? That is what they term it?

Mr. PADGETT. Yes. There must be promotion if you expect any young man to enter the Navy and devote his life work and service to the Navy. He must have some door of opportunity, and in order that there may be a door of opportunity to him there must be a flow of promotion, as in any business.

Mr. HOWARD. I agree with the chairman of the committee on that proposition.

Mr. PADGETT. Now, then, in order to make that promotion it has been found that the death rate is not sufficient to afford adequate promotion. Therefore the law provides that those who wish to retire may, under certain conditions, voluntarily retire, but if the number of deaths and the number of applications for voluntary retirement do not reach the number necessary to make this promotion, the law authorizes what is called, in common parlance, the plucking board to select, and the theory of that is that they should select those least efficient; not that they are inefficient, but that they are less efficient than some one else.

Now, as to whether or not in the administration of human agencies mistakes may not be made, that is a matter not the fault of the law but the fault of human nature. I am not here to argue or to say one way or the other as to whether there is or is not favoritism and whether there are not mistakes made, but the theory of the law is that they shall select the least efficient in the grades in order to make this promotion.

Mr. HOWARD. But, as I understand it now, Mr. Chairman, if the gentleman will permit——

Mr. PADGETT. Yes——

Mr. HOWARD. Under the present rule and under the present law there are two beneficiaries: The man who retires receives the benefit, in that he is advanced a grade at the time of retirement, and the other beneficiary is a class of younger officers of the Navy who have to resort to this method in order to get promotion.

Mr. TALBOTT of Maryland. No; the young officers do not resort to it.

Mr. HOWARD. Of course they do not resort to it, but the department resorts to it to give these young officers promotions.

Mr. PADGETT. It is the method provided by law for promotion.

Mr. HOWARD. That is all.

Mr. McKENZIE. Before the chairman takes his seat I wish he would make a statement giving us the reason why the committee changed the policy that has been in force for a number of years requiring the construction of one or two battleships each year. I would like to have him state to us the reason for not continuing that policy, whether, in the judgment of the committee, they felt that the Navy is now strong enough and that we did not need any more battleships, or whatever the reason might be that caused them to take this action.

Mr. PADGETT. The committee did not discuss the question of battleships. A motion was made and voted down. There was no discussion as to why it was done. I suppose the gentleman knows that there was a satisfactory reason.

Mr. ROBERTS of Massachusetts. A reason, but not a satisfactory one.

Mr. MADDEN. The unanimity of the committee was largely due to the Democratic caucus instructing the Democrats of the committee not to vote for a battleship, was it not?

Mr. PADGETT. The gentleman from Illinois can form his own conclusion on that matter; it was not discussed in committee.

Mr. TRIBBLE. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. TRIBBLE. The gentleman stated that an inducement must be given to the young officers in order to get them and keep them there; that is, to eliminate the old officers and make places for the younger ones.

Mr. PADGETT. Yes; and in the general policy there must be an age limit fixed after which it is not proper that a man should be kept in the service. Of course there may be individual cases where a man at 65 would be amply competent physically and mentally, and there might be others at 50 or 55 where a man would be less efficient than the man at 65, but the law fixes the general average at 62 and adopted that as a policy, and that has been in force for many years.

Mr. TRIBBLE. Let us leave the age limit and come back to the first proposition—that to which I am trying to hold the gentleman. Was it not testified before the Naval Affairs Committee by Capt. Smith that a man could be plucked after 12 years' service?

Mr. PADGETT. Yes; but they are not.

Mr. TRIBBLE. They are all along the line, are they not, at all ages?

Mr. PADGETT. Under the regulations they have to have 30 years' service for voluntary retirement.

Mr. TRIBBLE. I know that is true in case of voluntary retirement, but I am speaking of the plucking board.

Mr. PADGETT. The number selected by the plucking board is usually small in proportion to the total number of retirements.

Mr. TRIBBLE. Let us see about that question a little. Every boy who goes through the Naval Academy costs this Government $18,000. Is not that true? Eighteen thousand dollars is the expense of a boy at the Naval Academy who graduates.

Mr. PADGETT. That has been stated in a number of ways.

Mr. TRIBBLE. Is it not a fact that there are thousands upon thousands of boys who would like to go to the Naval Academy? There is no trouble about a man going there and going through if he can get in.

Mr. PADGETT. There are a great many that want to go there; there is always a small per cent that pass the examination—I think 37 to 45 per cent pass examination successfully. Then after they enter I think there is about 60 per cent graduate.

Mr. TRIBBLE. They are there, and you have put into a man that is there $18,000, and then you pay him a good salary from the day he leaves there until the day you decide to pluck him. He is a good, capable man, no charge against him, age 45, as an illustration. Will you give us any reason for taking this man out of the service, except that you want to make a place for somebody else who wants to be promoted?

Mr. PADGETT. That is all.

Mr. TRIBBLE. Now, is there any business concern in this country, any bank, any manufacturing concern, any enterprise, that would eliminate a good, capable man on large retired salary for the purpose of making a place for someone else who simply wanted to be promoted?

Mr. PADGETT. The comparisons between a bank and the Navy are so diverse and different that it will be impossible to make a fair and just comparison. As I stated a moment ago, if you get young men to enter the Navy, if you expect desirable young men to enter the Navy, they must have an opportunity to do something, to accomplish something, and to have somewhat of a career. If you arrange it so that a man who enters the Navy, a bright boy, an intelligent boy, an energetic and desirable boy, if he is to remain an ensign all his life he will not go into it. If he could not have the prospect of promotion and have a career and accomplish something, you might as well give up the Navy.

Mr. TRIBBLE. The testimony was before the committee, and does not the gentleman admit it to be the fact, that there are many officers in the Navy capable and ready to fill all official positions and many more without providing for new enlistments at the expense of the people?

Mr. PADGETT. But what if they can not get the higher position?

Mr. TRIBBLE. They are not quitting, are they?

Mr. PADGETT. There is an open door and a prospect for promotion.

Mr. TRIBBLE. You have got more than you can use?

Mr. PADGETT. No; we are short in the Navy.

Mr. TRIBBLE. Why are you short?

Mr. PADGETT. Because we have not authorized the number necessary to man the complement of ships which we have.

Mr. TRIBBLE. Have you not a great many officers in the Navy, thousands of them?

Mr. PADGETT. No; we have about 1,800, and that would hardly come within the class designated by thousands.

Mr. TRIBBLE. If you are short, why eliminate good men; why take out good men and put them out into active life and pay them out of the Treasury of the United States—retired officers, living on the bounty of the Government—doing nothing?

Mr. PADGETT. Because it is a part of the general policy to effect promotion, to afford the bright young men inducement to enter the Navy. If they did not have that opportunity you would have no Navy.

Now, Mr. Chairman, I will yield the floor to the gentleman from Illinois [Mr. FOSS].

Mr. FOSS. Mr. Chairman, I expected to submit a few remarks on this bill at this stage of the proceeding, but I shall defer them in order to accommodate my friend from Missouri [Mr. BARTHOLDT], who is obliged to leave the city. I will yield to him 30 minutes.

Mr. BARTHOLDT. Mr. Chairman, this year the battleship question finds me in a state of mind bordering on equanimity, if not indifference. The reason is, probably, that everyone knows in advance what its final disposition will be. The majority in the House will uphold the action of the Democratic caucus by refusing new authorizations, the Senate will insist on at least one new battleship, and the House will finally yield to a program, so wisely limited, in order to keep the Navy at its present efficiency.

Now, if my friends on the other side were actuated by a higher motive than that of mere economy I could probably get up some enthusiasm. If they had said the United States is in the best possible position to set the world an example by calling a halt to the mad rivalry for excessive armaments, I would be tempted to take my hat off to them, but as it seems to be a question not of principle but of parsimony with them, a desire merely of making a showing, at the end of the session, of surplus cash rather than investments in behalf of the Government, I can not help but feel more or less unconcerned, although I must say that the action of the Democratic caucus has served one good purpose, it has saved us from the annual Japanese war scare. But, Mr. Chairman, there is another and more cogent reason why the friends of peace and arbitration view the question of naval armaments with less concern now than they did even a few years ago. They have seen the light break in. An antidote has been found for the folly of the nations, and it may now safely be predicted that it is only a question of a short time when, through the force of public sentiment, arbitration will take the place of war in the settlement of international differences and when the nations will march, figuratively speaking, from abandoned battle fields to the temple of justice, there calmly to await the verdict of impartial judges in every case which threatens to disturb their peace. While it is true that Governments can not be persuaded to discard their implements of war so long as they actually need them for purposes of defense and national security, it is just as certain that no nation would maintain them much beyond the period when their absolute uselessness, except for police purposes, has been demonstrated. Hence, I hold that the question of armaments will solve itself. Its proper solution will be the natural sequence of the perfection of the legal machinery for the administration of international justice.

It is this question which I desire to discuss to-day. If above premises are correct, then it becomes the patriotic duty of every good citizen by his vote and influence to hasten the day when in the intercourse of the nations judicial decisions will be recognized as the proper substitute for the arbitrament of the sword, proper because more humane, more civilized, and infinitely more economical.

Fortunately we are no longer in doubt as to how this great purpose can be accomplished. The consensus of opinion of the world's best thinkers is fixed upon three postulates, namely, general arbitration treaties, a high court of nations, and a code of international law to be sanctioned by all the national legislative bodies and enforced by the combined police powers of the world.

Thanks to the two Hague conferences, this plan is no longer a dream of visionaries or a vision of dreamers, nor is it the half-baked scheme of progressives who are overestimating the speed of rational advance. It is much more than that. It has become the concrete project upon which the Government of the whole world have concentrated their official minds ever since a President of the United States has had the courage and the foresight to propose the settlement by arbitration of all justiciable questions. [Applause.]

Before I discuss President Taft's arbitration policy let me show you how far the plan of a high court of nations has progressed. Such a court has been a reality ever since 1899, when the first Hague conference created it in the shape of a panel from which a court was to be organized in each given case. While this court has officiated in a number of important cases to the full satisfaction of the world's opinion, yet there was a general demand for a tribunal with real judicial powers, and this led to the unanimous declaration by the second Hague conference in favor of a court of arbitral justice. All the signatory powers represented at that conference assented to its immediate establishment, and only the question of the appointment, or, rather, the distribution, of the judges caused disagreement and has been the stumblingblock up to the present time in the way of its actual creation. There is no question, however, that the next conference of the powers, which will meet in Holland's capital in 1915, will remove this obstacle and crown its labors with what, in my judgment, will be the most glorious achievement of modern times. A code of international law to apply to the cases which may be brought before the court the same as an agreement as to the executive power to enforce, if need be, the decrees of such a world tribunal will follow its establishment just as surely as the lex scripta and the sheriffs became the creatures of domestic courts. It is needless to say that every arbitration treaty negotiated between two or more governments will form an integral part of the international code.

After this brief review of past achievements and aspirations for the future, let me discuss the most important event in the history of the modern peace movement, namely, President Taft's proposition to arbitrate all justiciable questions. I need not recount how this progressive plan electrified the world and how, through it, the United States suddenly assumed leadership in fact, and not in name only, in the great movement for international justice. The first to criticize was Theodore Roosevelt, and it is my purpose to answer, on behalf of the supporters of the arbitration treaties, the objections he raised against the President's great conception. I shall do so, of course, with entire disregard of the present political situation.

The former President insists that questions of honor and vital interest should always be excepted from the scope of arbitration treaties, because not to do that is to waive at the outset a possible arbitrament by the sword—would be hypocrisy and cowardice. No self-respecting nation, he says, would resort to arbitration when its honor is at stake, and, besides, such an agreement could not be enforced when a nation believes it has real cause for war.

This sounds good, and the unthinking, no doubt, will applaud the argument. But if it were to prevail, the world would forever be where it is to-day. Here Mr. Roosevelt is plainly the standpatter or reactionary, while the President is the progressive. The fact is that hypocrisy and cowardice are the characteristics of the present system rather than of the newly proposed. Under our present feeble treaties every controversy can easily be magnified to the proportions of a question of honor or vital interest; hence these old treaties making such exemptions are not worth the paper they are written upon, and therefore it was hardly compatible with upright and honorable conduct for nations to pretend favoring arbitration when in fact they knew they could open the door to war at any time they saw fit to do so.

In comparison with this hypocritical system which Mr. Roosevelt upholds, President Taft's proposal is the very embodiment of honesty. It presupposes honorable conduct on the part of nations, and is based on the rightful assumption that no nation conducting itself honorably need ever fear the verdict of an impartial tribunal. It is this consideration which prompted the President to say that questions of honor are really the easiest to arbitrate. The time is happily past when one civilized nation will wantonly insult another, and it is also true that in this time and day monarchical rulers can no longer use an alleged insult as a subterfuge to arouse, by appeals to the national honor, the furor of the people. A more frequent intercourse and more rapid communication between the people of different nations, and the growth of popular education and of a better understanding among them have become the reliable safeguards against such tricks. We must also remember that the great nations, in spite of their armaments, are no longer independent and hostile military camps frowning upon each other as implacable enemies, but they have gradually come to

regard each other as interdependent parts of the great family of nations ready and willing to investigate, before cutting throats, whether an insult is real or fancied, or whether it was offered intentionally or not. And we know that war is always as good as prevented when consent is once obtained for an investigation.

Mr. Roosevelt justifies war from the feelings of an individual saying in so many words that nations should act just as a man would when his wife is assailed and has her face slapped. "Such an individual," he says, "who went to law instead of forthwith punishing the offender would be regarded with derision." This case belongs clearly in the category of self-defense, and no friend of peace has ever denied this to a nation. Defense presupposes an attack, but we must be sure that there is an attack before we are allowed to take the law in our own hands. If domestic law permits no exception to that rule, except in case of a physical attack, why should an exception be permitted in international law merely to continue the bloody business of war? We know full well that many cases of law violation occur because human passion is often stronger than respect for law, but surely this is no reason why there should be no law against certain offenses, nor is it a reason why exceptions should be recognized in international law framed, as it is, to safeguard the peace. To leave it to individual judgment when to resort to law or to force will lead to anarchy just as surely as it will lead to war if we leave such discretion to governments and nations. The prohibition of violence is the universal rule of law. The breaking of that rule, no matter how justifiable, is the breaking of law, and President Taft simply aims to apply this principle to international relations. The doctrine preached by Mr. Roosevelt of permitting exceptions would lead to the same intolerable conditions in domestic affairs as now exist in foreign relations, namely, that the arbitrary will of the individual can menace the peace of society. As the ruler can declare war at will on the plea of an injury to honor or vital interests, so could the individual citizen justify acts of violence because of want or hunger or misery or of personal insult. President Taft's proposition, therefore, to make the law of nations conform to domestic law is a step in advance from dangerous conditions of anarchy to a higher plane of international law and order.

Moreover, a resort to violence is the poorest possible way to resent an insult. War never settles a question of right or wrong; it only determines which side is the strongest, and might is not right. Therefore a trial by battle would be wrong even if all nations were equally strong. But how would it be if a weak nation would be insulted by a big and powerful one? Suppose Great Britain would offer an insult to little Holland, and to save their honor the Dutch people would decide to fight. What would be the result? We should see injury added to insult, and an unequal war between the two would most likely result in the complete annihilation of Holland. Would we be justified with charging the Dutch with cowardice when they prefer judicial decisions to a war which would inevitably wipe them from the map? The fact is they are just as brave as we are, but that does not carry with it the obligation to commit national suicide. Still less justifiable is the reproach of cowardice when a great and powerful country like the United States at a time of profound peace proposes to other great countries that all their future controversies shall be settled by arbitration. Such a proposition, on the contrary, seems the very acme of dignity, honor, and manhood, and every Government which values justice and is willing to forego illegitimate gain by force will so regard it.

Mr. Roosevelt cites the hypothetical case of an English or German or Japanese fleet "firing into our coast towns and killing and wounding citizens," and says, in such an event, "this Nation would immediately demand not arbitration, but either atonement or war"; but surely this is no argument against arbitration. In fact, our Government proposes arbitration to prevent just such contingencies. When a hostile fleet once bombards our coast towns, then the stage of arbitration is passed, and such bombardment would simply be a declaration of war as an evidence that arbitration has failed. But you notice that here again the ex-President cites a case calling for legitimate self-defense which has no application whatsoever to President Taft's plan. No nation will forfeit, by arrangements to settle its controversies peacefully, its inherent right of self-defense.

The importance of President Taft's initiative may not as yet be fully appreciated by the people. It will not come home to them until, as a result of such a policy, hundreds of millions will be annually saved to the taxpayers. All thinking men and women regard it even to-day as one of the greatest world reforms ever undertaken, and no one doubts its entire practicability. We may thoughtlessly repeat the phrase, "There must always be war," but I sincerely believe Taft's arbitration policy to be the beginning of its end, and we should all be happy to have lived to see the day of this great beginning through the initiative of an American President. Neither the Senate, which mutilated the arbitration treaties, nor Mr. Roosevelt, who has opposed them from the beginning, will be able to halt the triumphant progress of evolution. It is the manifest destiny of human civilization to found the world's peace on the rock of law and render it secure against the passion of the masses as well as against the arbitrary will of rulers. To popularize this great purpose through the sheer force of its own merit and to fructify it as a fixed policy of government I earnestly believe to be America's greatest mission in the politics of the world, and no good American will ever recognize either the Constitution or the Senate of the United States to be a lasting obstacle in the way of its accomplishment.

The friends of arbitration do not hug the delusion that war can be abolished with one fell swoop. They know that the idols of the tribe will prevail for a time against the ideals of humanity. It seems to be man's way to exhaust the possibilities of every folly and every iniquity before he will fall back upon the methods of wisdom and goodness. But even to-day the philosophy of history is able to characterize war as a blunder, ethics as barbarism, law as a crime, and religion as a sin. The world's hope is not a lie, and, in the language of America's greatest poet, "Man will not forever be the slave of his own passions." Moltke, it is true, declared that "Eternal peace is only a dream, however beautiful it may be." Yet a giant thinker of the same nation wrote an immortal treatise on the same "perpetual peace," and came to the conclusion that it is—

> No mere empty idea, but rather we have here a problem which gradually works out its own salvation, and as the periods in which a given advance takes place toward the realization of the ideal of perpetual peace will, we hope, become shorter and shorter, we must approach ever nearer to this goal.

Yesterday—

Says Walter Walsh in his great book "The Moral Damage of War"—

> Yesterday the saint aspired, to-day the poet dreams, to-morrow the sage will expound, and on the fourth day the statesman will embody in a bill.

At every rung on the ladder humanity has been assured the next step up will be impracticable, impossible, but the only prophesies that remain unfulfilled are those of pessimism and unfaith. Mr. Wiseman assures humanity she can never cross the red sea of war, but she kindles her flaming enthusiasm and comes to her new world, her Columbia, her land of peace. Faith is not a fool. She surveys all the obstacles, ponders all the difficulties, counts all the opponents, measures all the "impossibilities," and then sings serenely with Scotia's great national bard:

> For a' that and a' that,
> It's coming yet, for a' that,
> That man to man, the world o'er,
> Shall brothers be, for a' that.

[Applause.]

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. HOBSON. Will the gentleman, before he takes his seat, permit me to say that it is a source of great pleasure to me to have listened to his treatment in such an able way of the question of arbitration without mixing it up with the question of armament, and to say that I am happy to be able to agree with him thoroughly upon his speech to-day. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, it affords me great happiness, indeed, to discover that the gentleman from Alabama [Mr. HOBSON] and I have ever been able to agree upon a question of this kind. [Laughter.]

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. BOWMAN. As an observation in connection with the gentleman's remarks, does he recall the expression used by Andrew Carnegie, "No man ever touched another man's honor. All honor's wounds are self-inflicted"?

Mr. BARTHOLDT. I do not recall those words.

Mr. BUTLER. Are they Andrew Carnegie's exact words?

Mr. BOWMAN. They are quoted as his words.

Mr. PADGETT. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the inclusion therein of the ceremonies and the addresses at the unveiling of the tablet as a memorial to Dr. Crawford W. Long, the discoverer of ether, at the University of Pennsylvania.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by insert-

ing certain remarks referred to. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

[The addresses referred to will be found in the Appendix.]

Mr. PADGETT. Mr. Chairman, I yield one hour to the gentleman from Texas [Mr. GREGG]. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, I shall try to-day to correct the statement circulated throughout the country by those afflicted with the battleship mania that the Democratic caucus, by deciding against any battleships this year, has placed the party in opposition to a Navy, and that a failure at this session to provide for two is a neglect of our national defense.

This is untrue, and those who make the statement, with the exception of those whose soul and interest are so absorbed in the Navy that they can not look at the matter fairly, do so unadvisedly or for partisan political purposes or in the interest of armor-plate and shipbuilding concerns, for we all know that these large concerns never fail to look after their own interests, and we further know that they can always find, both in individuals and newspapers, willing tools to serve their purposes. [Applause.]

We believe in an adequate and efficient Navy, but we do not believe that a Navy composed of battleships without officers or men and without the necessary auxiliaries is either adequate or efficient.

We favor correcting the folly of the past, in which everything has been subordinated to the battleship, and in adopting a rational, sensible course of suspending temporarily their construction, so that we can, without unduly burdening the people and without creating a deficiency in our Treasury, provide officers and men and auxiliaries sufficient to make every battleship a fully equipped fighting unit.

We believe that it is time for Congress to use a little practical, common sense and act on its own initiative, and not be governed exclusively by the opinions of naval boards and officers, whose education and training lead them into the error of supposing that every interest should be subordinated to the Navy and to their ambition to command and for promotion.

They naturally want these great floating palaces and look with disfavor upon torpedo-boat destroyers, commonly called destroyers, submarines, and other necessary auxiliaries—I do not blame them—it is the result of their education and environments. As said by Rear Admiral Mahan in a paper from which I shall quote later—they have been taught to place their trust in bigness and nothing but bigness.

Those who claim to be overwise on naval needs say we should construct 2 battleships a year. Why 2 rather than 1? Why 2 rather than 10? Two may be a program, but not a policy. They say we should have a Navy large enough to insure our peace.

If, by insuring peace they mean, and that is what they mean, that we should have a Navy so large that other nations will not dare attack us, then 10 is more logical than 2, for the sooner we obtain an intimidating Navy the better, if we are to rely solely upon the Navy. Our critics do not tell us what policy we should adopt as to the size of our Navy compared with those of other countries in order to be able to insure our peace by means of the Navy.

They preach and preach, but when their sermons are finished they have not told us what we must do to be saved.

The trouble heretofore has been that we have had no fixed naval policy, by which I mean that we have not decided what should be the relative size of our Navy to that of the other nations of the world.

If we should decide that it should be the largest in the world—however wild the idea may be—we would have an ultimate object in view and could gradually work up to it and do it systematically. If we decide that it should be next in size to that of England, then with that definite purpose in view we could work up to it.

The political party which believes we should burden the people with a Navy so large that it will intimidate other nations, and which believes in "securing our peace" by means of a Navy rather than by treaties, arbitration, and diplomatic negotiations, should have the courage to say so in its platform and take the responsibility before the people, who will have to bear the burden.

There are but two rational policies. If we are to look at it from an aggressive and world-power view—that is, if we are ready to say that it is our purpose to dominate the seas of the world and to intermeddle in all international affairs, and we are ready to seek, instead of avoiding, entangling alliances—then the proper policy to adopt is to construct a Navy larger than that of any other nation. That is what our critics want to do.

If, on the other hand, we want to give some assurance of sincerity in our professions that we prefer law, arbitration, and diplomacy to gunpowder and dynamite as a means of adjusting international differences; if we prefer by example to teach and induce other nations to call a halt in the construction of these floating monsters, rather than encourage them in it; if we would rather be the leaders in peace than in war; if we prefer the hum of industry to the rattle of musketry and thunder of cannons, then our policy should be the one we have followed so long, without danger to our national defense, and the one laid down in the last Democratic national platform, which declares:

> We believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

This means a defensive and not an aggressive Navy. We should amply protect our coasts and harbors with comparatively inexpensive submarines and shore batteries, and have enough large fighting ships to "protect American citizens wherever their rights may be jeopardized," as we have so often done in cases of internal uprisings and disturbances in China and other nations.

Mr. Chairman, I know that the Constitution and Washington and Jefferson, like the battleship after a few years' use, are considered obsolete, but I like occasionally to recur to them like the old-time Christian, who is bewildered and confused by the new theologies of the day, loves to return to his Bible and get new courage for the battle of life and have renewed his hopes for the future. [Applause.]

So I will quote from Thomas Jefferson in regard to the first policy. He said:

> Wars must sometimes be our lot, and all the wise can do will be to avoid that half of them which would be produced by our own follies and our own acts of injustice, and to make for the other half the best preparations we can. Of what nature should these be? A land army would be useless for offense and not the best nor safest instrument of defense. For either of these purposes the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expense which makes the European laborer go supperless to bed and moistens his bread with the sweat of his brow.

If to secure our peace it is necessary to adopt a policy of building such a navy as the greater nations of Europe possess, and thereby "foolishly and wickedly waste the energies of our countrymen and pull on our own heads the load of military expense which makes the European laborer go supperless to bed," the people should be put on notice that such is our intention, and should be fully informed as to the ever-increasing burden they are expected to bear.

The cry, "In time of peace prepare for war" may be a catchy slogan, but in its ultimate analysis it means that all nations at all times should be in a state of preparedness for war, which further means a mad rush to insolvency for every nation of the earth. [Applause.]

The appeal is made to the pride and martial spirit of our people in support of an aggressive Navy; but the appeal is never accompanied with a statement showing the enormous increase of expenses, nor with the suggestion that all this money is extracted by taxation from the pockets of the people.

To show how, even under our moderate program, these expenses have increased, I cite that such expenses have been as follows:

In 1880	$13,536,985
In 1900	55,953,078
In 1910	123,173,717
In 1911	126,478,338

If this money was raised by direct taxation, whereby every taxpayer would know just how much he was contributing to the payment of this gradually and immensely increasing expense, you would not find as many Navy jingoes on the floor of this House as you now find.

As said before, we have had no definite, well-defined policy, neither has our program of construction been rational and well balanced or symmetrical, but it has been to construct a spectacular rather than an efficient and homogenous Navy—a Navy for display rather than for fighting purposes.

Our policy is not to cripple the Navy, nor to be niggardly in providing for it, but we wish to make our Navy adequate and effective, which it is not to-day.

We are not opposed to battleship construction, when it shall have been settled what type is the most formidable, but we do object to building them even then out of all proportion to the auxiliaries which are necessary to the efficient and effective use of the battle fleet. We are sadly deficient in these auxiliaries, and we believe that wisdom dictates we should supply some of

them and supply men to man what battleships we have before building more.

Mr. Meyer, Secretary of the Navy, on page 37 of his last annual report, shows that we have 33 battleships, and says with this number we are short of auxiliaries as follows:

8 battleship cruisers which will cost	$119,822,288
18 scout ships which will cost	64,968,200
82 torpedo-boat destroyers which will cost	88,452,600
6 tenders to destroyers which will cost	8,616,000
3 repair ships which will cost	3,705,750
5 supply ships which will cost	7,125,000
3 hospital ships which will cost	5,100,000
4 ammunition ships which will cost	4,901,000
12 fleet fuel ships which will cost	14,487,840
22 submarines which will cost	12,852,400
10 tenders to submarines which will cost	11,710,000

Notice that the Secretary of the Navy, when speaking of our own Navy, classes battleship cruisers as auxiliaries, but in his recent articles in the newspapers, when he desires to make an unfavorable comparison between our Navy and that of Japan, he classes battleship cruisers that Japan has as battleships. I think that is hardly fair. According to him, these cruisers in one case are auxiliaries and in another case they are battleships.

To supply the above-named deficiencies will cost $341,741,078. These figures as to cost are obtained from the Bureau of Construction and Repair of the Navy and are the cost if constructed under the eight-hour law. These deficiencies are based on 33 battleships. We are now building four more which, when completed, will call for 16 destroyers which will cost $16,086,800 and 4 scout cruisers which will cost $15,237,600, and they will need about 4,000 men to man them, at an additional annual expense of $2,180,224. These items are mentioned in connection with the deficiencies, but they are not the only additional expense, for each battleship built increases the expenses in numerous ways, such as $1,000,000 for annual maintenance and many other ways.

Now, when you consider that the auxiliaries mentioned are absolutely necessary to make our battleship fleet efficient and to protect it from torpedo attack, does it not seem the part of wisdom to provide at least a reasonable number of them before we build more battleships, every one of which increases the deficiency? It is no excuse to neglect their construction because, as the Secretary of the Navy says, "These small vessels require less time to build than a battleship, and some of them may under stress be acquired by purchase," because even if the time to construct is less, they can not be constructed within the period of the probable duration of a war, as it takes about two years to build any of them. We might not be able to purchase any of them, and we can not afford to let our fleet of battleships be exposed to the torpedoes of an enemy while we are building torpedo craft to protect them, nor remain inactive until we can build colliers and supply ships to furnish them with fuel and ammunition.

During the last 20 years we have spent more than $1,600,000,000 for the construction and maintenance of our Navy, yet the Navy we have is not adequate and efficient, and will not be until we supply the above auxiliaries at a further cost for construction of $341,741,078, and without the addition of other men and officers, the shortage of which I shall discuss later.

Our mistake has been that we have expended vast sums of money upon the upbuilding of a top-heavy and spectacular Navy and have neglected the cooperative naval units, and the splendid battleship without these is, in the opinion of nearly all experts, almost absolutely useless. The policy of building expensive vessels and placing 1,000 men on each without taking the necessary precaution to protect them with torpedo craft, such as destroyers and submarines, is not only foolish but actually criminal.

On February 22 of this year the Navy League held its annual banquet at the New Willard Hotel. The main target at which all their shafts were directed was the action of the Democratic caucus in deciding to build no battleships at this session. They were not fair in their criticisms, for they assumed that we had stopped such construction. They were not fair enough to say that we contemplated only a temporary suspension until we could supply some of the necessary auxiliaries.

I pause here long enough to call attention to the fact that we have leagues and service journals whose object is to impress upon Congress the necessity of spending large sums of money in building a Navy—and they mean *Dreadnoughts* when they say Navy—but there is no league or organization to protect the Treasury against such raids. [Applause.] Those who would further oppress the taxpayer have their organizations to accomplish that purpose, but those who foot the bills have no organization to protect themselves. This makes it our duty as their representatives to do it.

Most of the thought which has been given to the Navy heretofore has been in the interest of the personnel and matériel. It is high time some thought should be given it from the viewpoint of the taxpayer. [Applause.]

At this banquet of the Navy League one of the soul-stirring, applause-raising speeches contained the following:

> There is little danger of the United States being invaded, but she now has a larger role to play than merely the protection of her own territory. She can not remain passive while injustice is being done in any part of the world. She should announce to the world that she stands for justice to all, particularly the weak, and should be ready to stand back of her announcement.

There we have the real purpose of the Navy jingoes. It is to build a Navy not for the protection of our country, but to bully the rest of the world.

Lo! a greater than Washington has arisen. The substance of his Farewell Address was to advise us to mind our own business and keep out of all entangling alliances, which has for years been found safe and sound, but this greater than Washington advises us to build a Navy sufficient to mind everybody else's business and to carry by force to all parts of the world our own particular ideas of justice.

Every year, just at the time the Navy bill is being considered, with surprising regularity, certain inspired articles appear in some of our newspapers warning us of the danger of war, imminent war, with some other nation, and predicting dire calamities to us if we do not build more battleships. Germany was used as the bogieman after the close of the Spanish War up to 1905. This became so absolutely ridiculous that man with any sense became ashamed to use it, and it was dropped.

But their zeal was so great and the necessity so urgent to have some supposed enemy they went 5,000 miles across the Pacific and found Japan. They have been so insistent in their contentions that Japan is anxious and willing to pounce down upon us that they have actually frightened some of the timorous.

On February 25 of this year there appeared in the New York Herald an article from Capt. L. Persius, one of the most capable and best known of the German retired naval officers, in which he says:

> The Japanese Navy, far from being equal to that of the United States, is weaker than at the outbreak of the Russo-Japanese War. The then modern battleships are now obsolete. The ships captured from the Russians, rebuilt at a cost of more than $30,000,000 have very small fighting value, and the increment through new battleships is extraordinarily small.
>
> Only the battleships *Aki* and *Satsuma*, completed with almost record breaking slowness of construction in five years, can be considered modern ships, though they carry only four 12-inch guns instead of the usual *Dreadnought* armament, and it is extremely doubtful whether Japan's first two ships of the *Dreadnought* class, the *Settsu* and the *Kawachi*, will be finished in time to join the fleet this year.
>
> A first-class battleship cruiser is under construction in England, another has recently been started in Japan. These, with small cruisers, destroyers, and submarines, represent the total increase since the War with Russia.

The attempt to construct battleships in Japan has proved, according to Capt. Persius, a failure, due to the deficiencies of the Japanese steel works and the lack of technically trained workmen in the yards. In confirmation of this he cited the Japanese minister of marine, who, in a speech before Parliament, admitted that the foreign-built ships were superior to the Japanese built, and that the Government steel works were not up to requirements.

Comparing the Japanese and the American fleets, he finds that Japan has only 13 battleships, with a tonnage of 184,800, to oppose 31 American battleships, of 498,200 tons, with 6 more American *Dreadnoughts* under construction.

The financial weakness of Japan will, he holds, bar any extensive appropriation for naval purposes for years to come, and the United States need no longer fear for its Pacific possessions.

This statement, coming from such a naval authority and from such a disinterested source, completely controverts the idea that we are in any danger from an attack by Japan and puts to confusion those who have been urging it.

Some other bogie man had to be found, and a very enterprising reporter took up Germany again, and there was, on March 11, 1912, sent from Washington to the New York Tribune, the Philadelphia Press, and other newspapers, a sensational dispatch to the effect that Germany was attempting to violate the Monroe doctrine by negotiating with Colombia for the purchase of coaling stations. The story was avowedly based on the assertions of anonymous naval bureau chiefs. It was made a sensational first-page story. To show how thoroughly ridiculous this was to those who are able to restrain their fears so they can bestow a little sober thought on the matter, I will read the

following caustic editorial from the New York Evening Post of March 12, 1912:

All England will breathe a sigh of relief this morning when there is cabled to its newspapers the discovery made known by the Tribune's Washington dispatches. On authority of some nameless persons in the Navy Department they announce that "the steady increase in the German fleet has been aimed at the United States, and that it is not Japan in the Pacific that we need to watch most closely but Germany in the Atlantic; that it is with her rapidly increasing battleships that we shall eventually have to try conclusions." So it is all for nothing that old England has been striving to hold her own with Germany's naval expansion, while her population, from Lord Roberts down, has given way to one panic after another lest under the cover of a fog a German army corps descend upon her coasts. It thus appears that Kipling has been warning his nation in vain, and the very British babes have left their cradles for nothing to take up arms. Why, this profound discovery will revolutionize European diplomacy in a moment, make possible the limitation of armament, and relieve the military strain of the whole Continent. Fortunate Tribune! Glorious news! But what becomes of our friends the Japanese? Ever since they supplanted the Germans after 1905 as the bogey man to be trotted out on every occasion as a means of sweating the big Navy appropriations they have served our Navy fingers faithfully and well. Is it possible that as bogey men they have lost their value and we are again to have a series of German scares?

Like all false prophecies, these prophecies of war, "When they hit, it is history; when they miss, it is mystery." [Applause.]

It is asserted by some that the resolution of Senator LODGE inquiring of the administration whether Japan has acquired a naval base on Magdalena Bay, Mexico, was introduced for the purpose of affecting the naval program at this session and aiding his friend, Secretary of the Navy Meyer, to secure two battleships. Suppose it had developed that Japan had acquired it, what would we have done? Authorized the building of more *Dreadnoughts*, at this session and wait about three years until we could build them? No. We would have at once declared it an invasion of the Monroe doctrine and proceeded to enforce that doctrine.

The Magdalena Bay bubble has burst. On April 6 there appeared in the daily press of this country a telegram from Tokyo, dated April 5, that the foreign office denied that Japan ever dreamed of procuring a foothold in America. The only basis for the alarm seems to be that a New England syndicate—that section of our country which is clamoring loudest for the battleships—has tried to unload a bad bargain upon a Japanese steamship company, not the Japanese Government. What contemptibly flimsy things are seized upon to get up a war scare, to influence Congress on the Navy program! In its issue of April 8 the Washington Post, which is strongly advocating two battleships at this session, in an editorial, is forced to admit that there is no ground for this Magdalena Bay nightmare, and says:

The ease with which the people of the United States are hoaxed as to Japan's designs belies the vaunted coolness of the Yankee in face of peril.

We should have the pose and deliberation of courage at least.

This editorial has a most significant suggestion when it further says:

But the tendency to show trepidation is not all on one side. The sentiment of fear and distrust is mutual. What we are going to do to Japan keeps the little brown man in a shiver.

Is it unreasonable for the Japanese to be suspicious of us? Is it unnatural that they should be irritated? Have we not for years, in some of our newspapers and in speeches on the floor of this House, been predicting war with them? Have we not impugned their motives and accused them of having designs upon us and of trying by intrigue to get a foothold in America?

Those who claim they desire a Navy for the purpose of securing peace are usually the ones who do the most talking about Japan. They could serve the interests of peace better by keeping cool heads and silent tongues. If they were deliberately planning to bring on war they could not pursue a more certain course. Nations, like individuals, soon tire of and become irritated by continual nagging, and soon turn to retaliatory measures. Let me warn them that a continuance in the course they have been pursuing is more likely to bring on a war than our failure to build battleships.

One of the arguments frequently used by the big Navy advocates is that the Monroe doctrine is no stronger than the Navy.

History completely refutes this contention. During the Civil War Louis Napoleon placed Maximilian upon the throne of Mexico and maintained him there by his army. After the close of the war in 1865 the United States, considering a foreign sovereign in Mexico, upheld by a foreign army, as an infraction of the Monroe doctrine, began to take steps to secure Maximilian's removal. We then had a large Army and a large Navy. Did we resort to them to defend that doctrine? No. We gradually disbanded our Army and naval forces, and Mr. Seward, then Secretary of State, persistently pressed on Louis Napoleon the withdrawal of his troops, which he finally did in 1867. Pending these negotiations between Mr. Seward and Louis Napoleon, in 1866, Congress enacted a law reducing the Army to 54,000 men. The total number of ships of all classes in our Navy in December, 1864, was 671. After the close of the war the Navy was so reduced that in the fall of 1866 we had in commission only 115 ships of all classes. This reduction of Army and Navy was being carried on during our negotiations with Louis Napoleon for the removal of his army in support of Maximilian. What would the present critics of the Democratic caucus action have done had they been to the front then? To use a slang expression, they would have thrown one fit after another.

This doctrine has been several times threatened. We have never been compelled to use either our Navy or Army to prevent the infraction. We have always been able to accomplish it by diplomacy and arbitration.

It was threatened by England on the Venezuelan boundary-line issue. On December 3, 1895, President Cleveland, in his annual message, called attention to this controversy between England and Venezuela and what representations had been made by our Government to England looking to its settlement by arbitration. On December 17 he sent a special message to Congress giving the answer of England to these representations looking to a settlement by arbitration, and as the answer was not satisfactory he recommended that Congress authorize the appointment of a commission to determine the division line between England and Venezuela. This message created intense excitement throughout Europe as well as in America. In December Congress passed a bill authorizing the commission. In all this we were vigorously asserting the Monroe doctrine.

On January 1, 1896, the President appointed the commissioners, composed of eminent Americans and jurists. This commission invited the two Governments to formulate and present to it their respective claims and contentions. This invitation was complied with by both Governments. The commission proceeded with the collection of evidence until February 27, 1897, when the two Governments signed a treaty providing for the submission of the matter to arbitration. This arbitration tribunal was appointed and the controversy was settled by it. Thus England acquiesced in the Monroe doctrine and its integrity was maintained by firm but peaceful methods.

One of the most notable cases involving the doctrine was in the latter part of 1902 and the first part of 1903, when the Venezuelan ports were blockaded by the allied powers—England, Germany, and Italy—to enforce the collection of certain claims held by citizens of their respective Governments against Venezuela. In this controversy the position taken by President Roosevelt was that the Monroe doctrine was not intended to protect American States from the fulfillment of their legal obligations; therefore he made no objection to the occupation and bombardment of the port, but it was understood that the United States would under no circumstances permit the occupation of the interior territory even for a short time. On February 13, 1903, the allied powers and Venezuela signed protocols, under which Venezuela was to pay a small sum and submit the bulk of the claims to arbitration, and the blockade was raised. The question was afterwards settled by arbitration.

Thus in the only case in which the doctrine was violated—the case of France in Mexico—and the two most notable cases of threatened violation mentioned by me above, to wit, by England in the Venezuela boundary question and by England, Germany, and Italy combined in the case of collection of debts from Venezuela, we have maintained it in the case of actual violation and prevented its violation when threatened by diplomacy, negotiations, and arbitration.

At the time Louis Napoleon yielded, in 1867, we had comparatively no Navy or Army, and when we were involved over the doctrine with England and with the allied powers of England, Germany, and Italy our Navy was far inferior to theirs. So the contention by some that we succeeded by peaceful methods because we had the power to enforce our demands is absolutely untrue.

It is asserted that we have so much coast line it is necessary to have a large Navy to defend it. Did we not have the same coast line from 1820 to 1890, and from 1870 to 1890? During those years we had comparatively no Navy.

It is also contended that we need it to defend our over-sea commerce. Unfortunately for this contention the fact is that when our mercantile fleet was at its maximum our Navy was at its minimum.

To fully appreciate the wisdom of the action of the Democratic caucus in deciding to temporarily suspend the building of battleships until other necessary units of an efficient Navy can be supplied, you must bear in mind that we have not the money

available at this time to build more battleships, and also supply a reasonable number of the smaller craft, which are as necessary as the large fighting ships.

The Secretary of the Navy in his last annual report says:

Destroyers in proper number (4 to 1) are absolutely necessary for the protection of the battle fleet against torpedo attack (p. 38).

Admiral Lord Charles Beresford, retired, one of England's greatest naval experts, says:

No guns, heavy or light, will protect a battle fleet from torpedo attack at night. The only effective method of protection is to employ a large number of small cruisers to clear a wide area about the battle fleet at sundown.

The small cruiser force must be disposed so that they form a protective screen distant 120 to 140 miles on all sides from the battle squadron. By no other means is it possible to move a battle squadron at night without risking its destruction by the attack of torpedo craft. No antitorpedo armament can effectually protect a fleet of battleships attacked at night by torpedo craft.

And in further support of my contention that we have been guilty of almost criminal negligence in expending all the available money upon battleships, thereby rendering it impossible to supply our fleet with the necessary torpedo craft, I quote from Rear Admiral Bacon, the director of naval ordnance of Great Britain. He says:

The enemies of the battleship have multiplied and include every vessel carrying a torpedo, such as cruisers, destroyers, submarines, and under certain conditions mine layers. In fact, the introduction of the torpedo has brought about a very considerable limitation in the powers of the battleship. Not only is the battleship itself open to attack by small craft which it can not engage on equal terms, but it is powerless to protect any form of vessel against the attack of such craft.

Rear Admiral Osterhaus, commander in chief of our Atlantic fleet, recently, in discussing the winter maneuvers of that fleet, says:

While British talk of effective torpedo exercise at 10,000 yards has not been confirmed, the accomplishment of this range is probable within the next few years. This means that the torpedo fire will be effective far beyond the distance at which searchlights can pick up torpedo craft. The fleet accordingly must depend on its torpedo destroyers forming a screen to engage the attacking torpedo fleet and prevent its coming within torpedo range.

And in further proof of the great danger to which a battleship fleet is exposed as against torpedo craft, I refer to the mimic war on July 19, 1911, in Block Island Sound, between the battleship fleet of 17 ships under command of Rear Admiral Hugo Osterhaus and a fleet of destroyers and submarines, in which the submarines and destroyers theoretically destroyed the whole battleship fleet.

In further support of what I have said in regard to the importance of our supplying the needed auxiliaries before building more battleships, I will read a telegram from London of date Saturday, March 6, and which appeared in the New York Herald of Sunday, March 7, 1912, which is as follows:

The board of admiralty is at present paying a great deal of attention to the improvement of the smaller units of the British fleet, the submarine and torpedo-boat destroyers, vessels which many experts believe would be of greater use in case of war than even the big modern battleships and battleship cruisers.

It is admitted by all naval experts that there are needed for each battleship 4 destroyers or submarines, which are torpedo craft. These are to be thrown out around and distant from the battle fleet, to protect it against surprise attacks of the torpedo craft of the enemy—a cordon of protection—both offensive and defensive.

No general of sufficient ability to command an army would think of lying in front of the enemy without throwing out his picket lines as a precaution against a surprise attack. Is not the Navy entitled to the same protection?

So far as I have seen, the Secretary of the Navy has made no excuse for not asking for these, further than to say that they can be built in a shorter time than battleships or obtained by purchase in case of necessity. I ask him where he could purchase 8 battleship cruisers, or 18 scout ships, or 82 torpedo-boat destroyers, or 6 tenders to destroyers, or 3 repair ships, or 5 supply ships, or 3 hospital ships, or 4 ammunition ships, or 22 submarines, or 10 tenders to submarines? All of these he states in his last report are needed for our present battleships. I also ask him if it will not take about two years to construct any one of these auxiliary vessels?

All through his last report the Secretary admits the necessity for all these, but it is evident that he fails to recommend anything but 2 battleships and 2 colliers, because he fears it will jeopardize the chance of securing the 2 battleships.

The whole Navy and Navy Department are hypnotized on the subject of battleships, and to secure these they are willing to sacrifice everything else needed.

Mr. Henry Reuterdahl, who is an expert and critic of such ability as to entitle his criticisms to grave consideration, in an article in Collier's of November 18, 1911, just after the naval display in Hudson River, says:

What if I tell you that should this fleet—the one assembled at the display—go to war to-morrow, the biggest part of it might be crippled, perhaps sunk, before it got very far. It might be torpedoed by the enemies destroyers even before it had met its main force.

Why? Because we have not sufficient destroyers or submarines to protect them against such torpedo attacks. He further says:

The destroyer is the battleship's worst enemy; on a stormy or foggy night searchlights do not protect the battleship, so a swarm of destroyers may easily get the big fellow at their mercy. A fleet can only be protected against torpedo attack by its own destroyers, which in daytime scout and search and at night maintain a screen against the onslaught of the enemy's craft. Each of the great navies has a large number of these eyes of the fleet, but not the United States.

How criminal to send these battleships out, to be preys to torpedoes, without the necessary protection!

Mr. SLAYDEN. Will my colleague permit a question?

Mr. GREGG of Texas. Yes, sir.

Mr. SLAYDEN. Is it necessary to protect our battleships when they go out?

Mr. GREGG of Texas. Yes, sir; it is absolutely necessary. Right in that connection I should say if war should break out to-morrow we would have to hide our battleships under the shore defenses of this country. We could not go out with them. We could not use them without running the greatest risk.

He further says:

Naval battles are not fought in harbors, but far out at sea. Before they meet the enemy our vessels may have to cruise thousands of miles. They will need coal. For want of a sufficient number of colliers this great American fleet of ours is tied to its coal piles. What about repair and ammunition ships? Suppose in its first action the fleet's supply of powder and shell is exhausted; it must run to base.

What a pitiable spectacle!

Secretary Meyer, in his last report, says:

Destroyers in proper number are absolutely necessary for the protection of the battle fleet against torpedo attack.

He further says that we are 82 short of these absolutely necessary protectors of the battleships we have. Yet he recommends none of these in his building program for this year, and our critics insist we are unfriendly to the Navy because we want to supply some of them to protect the battleships we have before building more.

Commander E. W. Eberle, commanding our Atlantic torpedo fleet, says:

Four destroyers to a battleship is the proper proportion in a well-balanced fleet, in order that there may be always an efficient, elastic, and cooperative scouting, screening, and offensive torpedo force with the main fleet.

According to him a properly protected fleet requires 4 destroyers to every battleship. We have 33 battleships and 50 instead of 132 destroyers. Still they say our Navy is not top-heavy.

Suppose our 33 battleships had no armor-plate protection, what would you think of the sanity of a man who would advocate building more which would be equally unprotected instead of providing armor-plate protection for those we have? Protection by torpedo craft is almost, if not altogether, as essential as armor-plate protection. Secretary Meyer, in his last annual report, says that this protection is absolutely necessary.

Mr. HOBSON. Is the gentleman yielding to questions now?

Mr. GREGG of Texas. Yes, sir.

Mr. HOBSON. Mr. Chairman, I wanted to ask the gentleman if he is in favor of a program of building torpedo-boat destroyers? I want to say I am in thorough accord with him in dealing, as he has so ably, upon the need and necessity for these destroyers; but I find—and I will not take his time—that those who are opposing battleships will not vote for the destroyers when the time comes.

Mr. GREGG of Texas. I was speaking of the necessity for this torpedo-craft protection. I am willing to supply them as fast as we can.

It will cost $103,331,400 to provide this torpedo-craft protection for the 33 battleships we have and the 4 we are building. The annual pay of the Navy and cost of administration is $101,000,000, so the Navy bill each year must carry that sum to start with. If we should undertake to supply in one year the torpedo-craft protection necessary, the bill would carry $204,331,400. If we undertook to do it in two years the bill would carry $152,665,700. If we undertook to do it in three years the bill would carry $137,443,800. This would be without any new battleships or any other new construction. Do you not think the taxpayers will be staggered when they see where we are going?

Commander Eberle says:

Submarines may well be termed the pirates of the sea, for they are peculiarly offensive weapons. I firmly believe that the submarine is to-day the most vital force in naval warfare and will prove a vital force toward the peace of maritime nations.

According to Secretary Meyer we are short 22 of the requisite number of submarines. Still, in the naval program for this year we are not asked to provide for any of these—

most vital forces in naval warfare, and vital forces toward the peace of the maritime nations.

Everything is subordinated to two battleships. The policy is let everything else go. Just so we get the *Dreadnoughts* and super-*Dreadnoughts*—it makes no difference whether we have officers to command or men to man them or coal to make them go or destroyers or submarines to prevent them from being mere targets for our enemies' torpedoes.

Admiral Lord Charles Beresford, retired, of the British Navy, says that the British fleet is like an army which is all heavy artillery; that the *Dreadnought* policy was introduced to the public by means of an organized system of advertising in the press. He further says:

The public were and are hypnotized by the *Dreadnought* policy. The excessive and vulgar advertisements lavished upon this experimental vessel were by no means justified. To the building of these great ships has been sacrificed every other naval requirement. Without an adequate provision of these essentials—

Manning auxiliaries—

the battle fleet is useless for fighting purposes, and the money spent on it is a present to the future enemy.

The British Navy is much better supplied with auxiliaries than is ours, but he says that the failure of the British admiralty to supply more is a betrayal of the people. If this criticism can be made of their conduct, how much more blamable are those who are responsible for our much greater deficiencies.

Another reason why I think it wise to temporarily suspend the construction of battleships and proceed to supply some of the deficiencies as to auxiliaries is that the battleship is now in an experimental stage and naval construction is in a state of evolution and there may be in the near future such a change in such construction as to render obsolete and useless the present *Dreadnought*.

Admiral Lord Charles Beresford, in the extract which I have read from his book entitled "The Betrayal," says that "the *Dreadnought* is an experimental vessel.

Germany now has on the stocks a ship which is to be equipped with internal-combustion engines, and it is said that the use of such engines will render obsolete all our battleships. We are told that these engines are only experimental. Concede it, but Germany will soon launch its ship and then the practicability of the engine will be demonstrated.

If it is shown to be serviceable, we will then be compelled to practically abandon what we have built and begin to build with those engines. If it proves unworkable, we will only have lost a little time.

What battleships are authorized at this session will be built on the super-*Dreadnought* style, probably larger than any we now have. Already that style is being severely criticized, and able naval constructors are advocating returning to ships of smaller size and greatly reduced unit cost.

On November 16 last the Society of Naval Architects and Marine Engineers held its annual meeting in New York. At this meeting Sir William White, formerly chief constructor of the British Navy and who is an honorary member of that society, said:

My personal conviction, built upon long-continued study of the problem, is that the wiser course in warship building could be found in a return to more moderate dimension and a reduced unit cost for capital ships.

Experience has established the fact that without having resort to the extreme dimensions which have recently found favor it is possible to produce capital ships, which shall be powerfully armed, well protected, steady gun platforms, capable of fighting their guns in all weather when actions could take place, and able to retain their speed in rough water.

Rear Admiral A. T. Mahan, of the United States Navy, in a Navy paper written a few years ago, and which was made a Senate document, says:

Our present condition is that of abandoning all attempt at a guiding conception of types or standards, except the crude one that each ship must be larger than the last. The ultimate tendency of this, of course, will be to make ships after too short a time unequal to a place in the line. The moral effect is still worse, for it is inducing in the Navy, as in the public, a simple trust in bigness, and, what is worse, an absence of trust in anything but bigness.

In an article published in the Cosmopolitan in December, 1909, Sir Edward Seymour, an admiral in the British Navy, warned the naval authorities of the world against building ever-increasing larger types of battleships. He said:

Another reason that should seriously interfere with construction of larger ships than we now have is the limitation of harbors. There are in the whole world only a few harbors in which a great battleship can anchor with ease.

Another limitation on the size of battleships is the navigable width of the Suez Canal and Panama Canal. The width of the Suez Canal locks is 108 feet. The width of the Panama Canal locks is 110 feet.

The rule of safe and commodious navigation is that on both sides of a vessel there shall be a leeway of 5 feet. The *Oklahoma*, *New York*, and *Texas* have a breadth on load water line of 95 feet 2¼ inches. Neither of these vessels could pass through the Suez Canal with ease. They could pass through the Panama Canal probably expeditiously and safely. If, however, a super-*Dreadnought* of 31,000 tons displacement should be constructed and its width should bear the same proportion to its displacement as that of the others I have mentioned, it will have breadth on load water line of over 100 feet and could not be carried at all through the Suez nor through the Panama Canal safely.

Knowing that whatever battleships we may authorize at this session will be built on the present slow *Dreadnought* style, another very strong reason for temporarily suspending such construction is that a modern development in the British, German, and Japanese Navies is a vessel equal in size to the battleship, which carries the battery of the battleship, but some of its armor protection is sacrificed for greater speed.

There is a sharp controversy between naval experts as to whether the present type of slow *Dreadnought* or the fast cruiser with the same armament, but with much greater speed, is the most formidable. Let us not stop Navy construction, but delay for a breathing spell until this controversy is settled.

Rear Admiral Bacon, the director of naval ordnance of Great Britain, in speaking of the inefficiency of the present type of slow battleship, says:

This is probably best shown by the consideration that if a country possessing a battle fleet were fighting another country which did not possess a battle fleet, and as regards other classes of vessels the two countries were more or less on an equality, the value of the battle fleet would be so small compared to the risk of its loss that in all probability it would never be used during the war, and its possession would in no way increase the fighting power of that country during such war. In fact, in these days the battleship has developed merely into a vessel for fighting other battleships, and it shuns as far as possible encounters with most other classes of vessels.

By this he means that the nation with the slow battleship fleet would need its fast cruisers and torpedo craft to accompany and protect the battleships, and the speed of the whole would be limited by the speed of the battleships; therefore it could not force a battle with the enemy's fast cruisers and torpedo craft.

The enemy could choose its own time, place, and conditions for the fight; and the cruisers and torpedo craft with the battleships could not go out to attack the fleet of the enemy nor maneuver to protect themselves, but their maneuvers would be governed by consideration of protection of the battleships.

The British Naval and Military Record, published by Capt. J. A. Cuffe, which has been largely advertised in the German service journals and the substance of which was reproduced in The Navy, an American service journal, in the November, 1911, issue.

In this article, Capt. Cuffe lays great stress on speed, as it always gives the power of initiative. He says:

The superiority of artillery can not be effective without superior speed, as the speediest fleet can always keep out of range. The slower fleet is powerless.

The present program of two battleships a year is predicated on the presumption that two will become obsolete each year as the result of successive steps in the development of such ships. If this presumption is correct, there is something wrong, radically wrong, in naval construction. Rear Admiral Mahan, in the paper to which I have referred elsewhere, says:

This willful premature antiquating of good vessels is a growing and wanton evil. It is true, indeed, that this obsolescence is more in idea, in crude impression, than in fact.

It is said that the *Oregon* is obsolete. Why? Is it because of her speed? If so, why are those we are building given an increase of speed of only a little more than 20 per cent over hers? Why not give them an increase of 50 per cent, thereby delaying for a longer period their obsolescence on this account? Is it because her armor protection is deficient? Her armor is thicker than that on ships of later date. Is it because she carries only 13-inch guns? If so, the 14-inch guns on our latest ships will soon make them obsolete. Why not at once adopt guns with a range extending to the limit at which a ship can be seen? This would forever prevent the obsolescence of ships because of the guns.

The time has come for the investigation of this matter, with a view of finding out why ships that are apparently in perfect condition are antiquated, and of ascertaining whether they are in fact obsolete; and if so, of finding out the remedy. Pending this investigation no more should be authorized, because what

we authorize will be constructed with the same defects and with the same idea of their becoming obsolete within a very short time.

It is claimed by some that because of the character of shells we are using, which employ such excessive powder charges, that the accuracy of the guns is destroyed by erosion in a little more than an hour of continuous firing. Those who make this claim contend that in other countries, by the use of a different shell, the guns are given a destructive range limited only by the distance at which a ship can be seen, and the gun is given a longer life and may be expected to last through a war of ordinary duration.

Now, had we not better wait long enough to make such tests as will demonstrate the correctness of this contention? If found to be correct, we will have to build differently from the manner in which we are now building, so as to use these shells to the best advantage.

But another reason which makes it proper and safe for us to suspend temporarily the construction of battleships, and which not only makes it proper and safe, but which makes it imperative, is that we have not the officers and men for those we have.

It has been recently announced that the armored cruisers *North Carolina* and *Washington*, both comparatively new, and all of the scout cruisers are to go into reserve, in order to be able to man the battleships nearing completion.

In the case of war we should have all the officers and men necessary. In this respect we are lamentably deficient. To man our present complement of ships on a peace basis we are short 350 officers and 4,000 men. To put our present number of ships on a war basis would require 1,424 officers and 18,000 men, in addition to the officers and men we have.

Owing to this great shortage we are compelled to keep out of commission or in reserve a large number of our ships. We might in time of war raise lubberly crews for these ships, but to put an untrained crew upon our fighting vessels to go out to meet in battle the trained crews of an enemy would be the height of folly.

If the officers and men are not thoroughly skilled and trained in their duties it would be far better to keep our ships under protection of our shore batteries, than to send them out to destruction or capture.

I think it high time that we should provide for the enlistment of men enough to man our present ships, and I would rather provide for that, than build more ships for which we will have no men. I would rather have 33 battleships fully equipped with competent officers and skilled crews and with the necessary torpedo craft protection and the necessary auxiliaries, than twice as many without them.

In the position I take, I do not feel that I am taking a backward step in our national defense. On the contrary, I feel that I am taking a forward step, and if I can aid in any way in calling a halt upon our present big-ship mania, until we can supply the officers, men, and auxiliaries absolutely necessary to make every ship a complete, efficient fighting unit, I will feel that I have done something for the good of the service as well as the good of the country.

My policy instead of being inimical to national defense is in the interest of such defense. I would have fighting ships completely equipped fighting units, and as expressed by some naval experts I would not have them sent out "little more than palatial, floating arsenals, affording targets for foreign-torpedo craft to destroy."

I am not opposed to reasonable battleship construction, when such construction does not go to the extent of making their number out of all proportion to the necessary auxiliaries to make them effective.

When we build I favor building the very best that can be constructed, the fastest and most deadly fighting ships, the fleetest destroyers, the best submarines, the best and most modern colliers, ammunition, supply and hospital ships. But I would not waste the public money in building *Dreadnoughts* which could not proceed far from base without ships to supply them with ammunition and coal and without sufficient torpedo craft, such as destroyers and submarines, to protect them.

I would, when each battleship is authorized, at the same time provide the necessary auxiliaries and also authorize the enlistment of enough men to man it when completed, thus we would build up a homogeneous, workable, efficient Navy, and every fighting ship would at short notice be ready to go out to meet the enemy fully manned, protected from torpedo attack, and supplied with fuel and ammunition. This is my idea of an ideal Navy, whether large or small. This is the kind of Navy I want us to have.

We can not at once supply all the men and the auxiliaries needed for the fighting ships we have, but I favor doing this as fast as we can and thereby relieve our present top-heavy condition.

The criticism from interested officials and service journals that we are abandoning preparation for our national defense is neither true nor just.

We favor, owing to the necessities of our Treasury, at this session building no battleships, but using the money available to build the adjuncts necessary to make what we have thoroughly efficient.

Not to build any this year does not mean that we abandon their building, it is only suspension for a short time that we may supply the other necessary naval units.

Instead of being enemies of the Navy we are its friends. We are trying to improve and correct the errors of the past. For the spectacular we would substitute the practical and efficient. Instead of sending out a $12,000,000 or $14,000,000 ship to be torpedoed and sunk we would send it out with a cordon of protection around it. Instead of sending out the 1,000 men and officers on it to an almost certain watery grave we would send them out with a chance for their lives and with the same chance for victory as the enemy would have. [Applause.]

Our critics have not dared to state fully or fairly our position in their effort to prejudice us before the public. They say the *Dreadnought* is the Navy, therefore build more of them at the expense of everything else. We say that even if more battleships are needed it is absolutely certain that we need torpedo craft to protect what we have, and the fast cruisers, tenders to destroyers and submarines, repair ships, and hospital ships to make effective the battle fleet we have, and that, as it will take $341,741,078 to supply them, and as there is not money enough to provide them and build more battleships now, we think it wiser, having in view an efficient Navy, to supply them and temporarily suspend the construction of battleships, particularly since this country is outstripping the world in the construction of huge *Dreadnoughts*. We now have six built and building that range from 26,000 tons displacement to 27,500 tons displacement. The largest British battleship building is of 25,000 tons displacement. We leave it to the sane judgment of the American people if we are not right.

The hidden but real purpose of our critics is to drive this Nation into the construction of such a Navy as will overawe the other nations for the purpose of world powering and dominating the seas.

We favor building a Navy for the defense of our coasts and protecting American citizens wherever their rights may be jeopardized.

They preach the doctrine of force; we preach the doctrine of arbitration. They would encourage and stimulate the mad rush of nations to greater military power and lay heavier burdens on the backs of the people, while we would welcome the day when nations "shall beat their swords into plowshares and their spears into pruning hooks, when nation shall not lift up sword against nation, and neither shall they learn war any more." [Applause.]

Mr. PADGETT. Mr. Chairman, I ask the gentleman from Illinois [Mr. Foss] if he will not use some of his time.

Mr. FOSS. Mr. Chairman, I desire to make a few remarks upon the bill which is now before the House.

As the chairman of the committee stated in his remarks, this bill carries appropriations to the amount of $7,650,000, in round numbers, less than last year. So far as the bill is concerned, speaking generally, I am heartily in favor of it, and I desire to commend the new chairman of the committee for the able manner in which he has framed this bill, with the assistance, of course, of the members of the Naval Committee. I find nothing to criticize except when it comes to the naval program, and I shall confine my remarks on this occasion largely to a discussion of this naval program. The reason why this bill carries less money than the bill of a year ago is because we have a smaller program. The bill of a year ago authorized two battleships. In this bill there are no battleships authorized. It is the smallest, the weakest, the most uninspiring naval program submitted to the House of Representatives for a great many years. The committee distinctly raises the issue here whether we propose to maintain the efficiency of the American Navy or whether we propose to let it go down. That is the real question which is presented by this weak and insipid naval program. Last year we appropriated some $16,000,000 toward the naval program which we authorized, but this year we appropriate, because we do not need any more for this little naval program, $5,927,000, and that is the reason why the naval appropriation bill this year is so much smaller than it was last year.

What is the naval program this year? Two fuel ships, six torpedo-boat destroyers, and four submarine boats. What inspiration is that to my friend the gentleman from Alabama

[Mr. HOBSON]? I have been wonderfully amused this afternoon to see my friend from Texas [Mr. GARDR] justify the action of the Naval Committee, because I know at heart he is not in favor of the proposition for a weak naval program.

But he says we do not want to have it understood that the Democratic Party is opposed to the Navy. We would like to have it understood that this is merely a suspension for this year, and that in the future we propose to authorize battleships. And then he goes on and makes an argument in favor of auxiliaries for the Navy. He says we need to round out the Navy. Well, if the Committee on Naval Affairs, which is controlled by the Democratic majority, was in favor of auxiliaries this year, why did they not put some in the bill? All they put in were two fuel ships. If they thought we were short of them, why did they not increase them? Last year in our naval appropriation program we put in as many auxiliaries as they have this year.

Mr. ROBERTS of Massachusetts. More.

Mr. FOSS. Yes, more, because there were some tugs that went in.

Now, my friend from Texas [Mr. GARDR] says we are short on torpedo destroyers and that we ought to have more of them. Then why do they not put in more this year? Last year we authorized eight, and this year you have only authorized six. If we are so short on these smaller craft, why do you not justify your position by authorizing a larger naval program in respect to these smaller boats?

The gentleman makes an attack upon the battleships, and says we ought not to appropriate for battleships or authorize them until we get a fixed, standard battleship. When every other nation has got that kind of a battleship, then he thinks we ought to build battleships of that kind. When we arrive at a fixed standard, then let us build battleships. What a ridiculous proposition! What we are trying to do is to get something that the other nation has not got; and so long as there is progress, so long as there is improvement, so long as there is invention in the world, and mankind is moving upward and onward, there will not be any fixed standard in the world. The standards will move as with the progress of mankind. And so it will be in the construction of navies and the construction of everything else. What was the trouble with our friends upon the other side? Why, the real trouble was that this whole question of a naval program was settled in a Democratic caucus, and the members on the committee, under pressure, would not vote their real opinions, but abided by the action of the caucus.

I know the sentiment upon that side, I think, to some extent. Last year between 30 and 40 Democratic Members voted for the naval program of two battleships. I wonder whether this year we will have as large a vote from that side when the proposition comes before this House, as it will come before this House, because I propose to offer an amendment for two battleships. I hope we will have as large a Democratic vote this year as we had two years ago, notwithstanding the action of the Democratic Party.

My friends, I regret more than anything else that our Democratic friends upon the other side saw fit to make the naval program subject to party action in a party caucus. In all the years that I have been a Member of this House I have never known a naval program to be taken into a Republican caucus and settled by party vote. Here we have thought that the Navy was out of politics; we tried to keep the Navy out of politics; and we have tried to keep politics out of the Navy, and yet you by your action have introduced politics in the formation of the naval program for this year. Our policy has always been that the Navy was nonpartisan. Parties might differ if they pleased about questions of tariff, monetary questions, financial questions, and all other questions relating to party policy, but when it came to the Navy, as Daniel Webster once said, a great many years ago, "when it comes to the water's edge all politics cease." And that has been the policy ever since I have been in Congress. There has been no party action on the subject of the naval program, but every man upon that side, as men this, has felt free to vote for one battleship, two battleships, three battleships, or four battleships, and yet you for the first time that I know of in history have made it party politics.

And why? Oh, to show economy, some one says. Well, that is not real economy. If you will introduce some reform in the administrative law by which thousands or millions of dollars shall be saved, that will be economy. But to strike down a naval program, to strike down the demand for public buildings, or river and harbor improvement, such as the country really needs, there is no economy in it, and the people will understand it so, even though you should do it in the face of a political campaign.

The battleship is recognized as the fighting ship of the Navy. A navy without battleships is of little good, and a naval program without a battleship upon it, without a fighting ship in it, has very little standing among the naval authorities.

Now, I propose to briefly discuss this matter from a party standpoint. Heretofore in all my discussions on naval affairs before this House I have treated the subject from a nonpartisan standpoint. But inasmuch as your action in party caucus gives me an excuse to do it, I propose to show here what party has been building up the American Navy after all.

I wish to say that we have had what might be called a naval policy in this country for a number of years. It began way back in 1883, in the administration of President Arthur, when Secretary Chandler was Secretary of the Navy, when we authorized the first ships of the new and modern Navy. Before that time during all the history of our country we never had really a naval policy. Whenever we had a war we would improvise a navy, and after the war was over we would allow it to go to pieces. That was so after the War of the Revolution, it was so after the War of 1812, and it was so after our great Civil War.

But in 1883, under Republican administration and under a Republican Secretary of the Navy, at a time when the distinguished father of the distinguished son [Mr. HARRIS] of Massachusetts was chairman of the Naval Committee, we started in on a policy of building up the American Navy, and we have been building it ever since. [Applause on the Republican side.] Since 1883 we have had 15 Congresses; 5 of them have been Democratic Congresses, or Congresses where the Democratic Party controlled in this House, and 10 of them where the Republican Party was in control.

During these years, from 1883, from the Forty-seventh Congress down to the Sixty-second Congress, we have been engaged in building up the American Navy, and Congress has authorized in that time 1,211,576 tons of ships of all kinds. During the 5 Democratic Congresses only 154,598 tons were authorized. But during the 10 Republican Congresses there were authorized 1,056,969 tons. That shows what proportion of the part the Democratic Congresses have played in the building up of the American Navy.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOSS. I want to conclude this first. Every year we have passed appropriation bills, and I am not taking into consideration the deficiency bills, but simply the annual appropriation bills, and they have amounted to $1,670,000,000.

Comparative statement of the building of the new Navy under Republican and Democratic Congresses.

	Year.	Republican Congresses.		Democratic Congresses.	
		Tonnage.	Appropriations.	Tonnage.	Appropriations.
Forty-seventh Congress	1883	11,986	$15,894,434.23		
Forty-eighth Congress	1884				$14,980,472.59
	1885			39,053	15,070,837.96
Forty-ninth Congress	1886			36,475	16,489,997.20
	1887			19,987	25,767,348.19
Fiftieth Congress	1888			27,436	19,942,835.35
	1889			5,325	21,092,530.27
Fifty-first Congress	1890	39,334	24,136,085.53		
	1891	7,350	31,541,654.78		
Fifty-second Congress	1892			20,561	23,549,385.09
	1893			4,155	22,104,661.39
Fifty-third Congress	1894			781	25,327,126.72
	1895			29,625	29,416,245.31
Fifty-fourth Congress	1896	36,317	20,582,669.95		
	1897	2,050	33,003,234.19		
Fifty-fifth Congress	1898	59,380	36,098,783.68		
	1899	105,084	48,099,989.58		
Fifty-sixth Congress	1900	100,036	65,104,916.67		
	1901		78,101,791.09		
Fifty-seventh Congress	1902	[illegible]	78,856,363.13		
	1903	77,000	81,876,791.43		
Fifty-eighth Congress	1904	[illegible]	97,595,140.94		
	1905	22,000	100,326,679.94		
Fifty-ninth Congress	1906	22,100	102,091,670.27		
	1907	21,400	98,968,507.50		
Sixtieth Congress	1908	123,480	122,062,885.47		
	1909	75,085	136,[illegible]		
Sixty-first Congress	1910	94,452	131,350,854.38		
	1911	[illegible]	126,478,338.24		
Total		1,056,969	1,459,596,910.96	154,598	214,334,720.96

During the five Democratic Congresses the appropriations, all told, amounted to $214,000,000. In other words, under the Republican Congresses we have appropriated $1,450,000,000 for the maintenance and upbuilding of the American Navy since the time when we started in to build it in 1883. The fact of the matter is, notwithstanding the closing appeal of my friend from Texas [Mr. GARDR], urging us not for a moment to think that the Democratic Party is not really a true friend of the American Navy, that the Democratic Party has never been strong on the Navy. When their great leader, William Jennings Bryan, was a Member of this House he made his speech on the naval appropriation bill on July 9, 1892, and it can be found on page 5956 of the RECORD of the first session of the Fifty-second Congress. He made this declaration of his own opinion as to the size of a Navy:

> Mr. Speaker, I believe in a sufficient Navy. We have it now, either in existence or in construction. We do not need more.

That is what he then said. At that time we had built and building 3 first-class battleships, a couple of second-class battleships, 1 armored cruiser, 13 protected cruisers, 3 unprotected cruisers, 8 gunboats, 2 torpedo boats, and 6 monitors. That was his idea of a sufficient Navy, and if we had carried out that idea, where would we have been in the Spanish-American War? It was a good thing that we went on and built up the American Navy when the Republican Party came into power in the Fifty-fourth Congress.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman right there what the Republican Party appropriated in the Fifty-fourth Congress for the Navy. Was it not $29,000,000?

Mr. FOSS. It is right in the report of the chairman of the Committee on Naval Affairs. Just the exact amount I do not know.

Mr. TILSON. Mr. Chairman, I will ask if the condition of the Treasury would have afforded a very large appropriation at that time—1894?

Mr. FOSS. The condition of the Treasury has always been all right whenever the Republican Party has been in power.

Mr. BARTLETT. Yes; in 1893, when it issued bonds to fill it up.

Mr. FOSS. What is the gentleman talking about—the Cleveland bonds?

Mr. BARTLETT. No; the Harrison bonds.

Mr. CONNELL. Mr. Chairman, will the gentleman tell us in this very interesting political view of the Navy——

Mr. FOSS. Oh, you have given it the political aspect.

Mr. CONNELL (continuing). Just what effect President Cleveland's Venezuelan message and the work of Secretary Whitney had to do with building up the American Navy, and making it ready for the Spanish-American War, when the Democrats came in after a Republican domination of years.

Mr. FOSS. Mr. Chairman, I will place in the RECORD, in connection with my speech, the naval program of each session of Congress from the time we built up the American Navy, and the gentleman will see just what the size of the Navy program was at that time—at Whitney's time—as well as the size of the naval programs immediately after and prior to the Spanish-American War.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. FOSS. For a question.

Mr. BUCHANAN. I want to ask the gentleman if it is not a fact that the Republican Party did make a campaign document of the naval accomplishments of the Republican Party, and did they not publish a speech of the gentleman who then was the chairman of the Committee on Naval Affairs as one of their campaign speeches, in the campaign book of the Republican Party, during the last campaign?

Mr. FOSS. I am not aware that they published any of my speeches.

Mr. BARTLETT. Oh, yes; both in the book of 1908 and the book of 1910.

Mr. FOSS. I admire their good judgment and taste. [Laughter.]

Mr. BARTLETT. So do I.

Mr. FOSS. I never knew that any of my speeches were ever published either in one campaign book or the other.

Mr. BUCHANAN. Then the gentleman is being informed by a very inexperienced Member.

Mr. FOSS. Mr. Chairman, that has been the policy of the Republican Party during these years. We have built up the American Navy, and this is our record, and I want to say that our policy has been consistent.

In relation to battleships, as that is the principal issue here before the House, we have on the average for a great many years authorized two battleships every year. Go back over the last 16 years and you will find that we have authorized 31 or 32 battleships, an average of 2 ships a year. Our policy has been consistent, and when my distinguished friend from Texas [Mr. GARDR] says that we have not had any fixed policy, it is because he has not been able to see it from his Democratic viewpoint. The policy has been there, however.

Of course we have also built other kinds of ships, 10 armored cruisers, a great many torpedo-boat destroyers, torpedo boats, and submarines, and our policy has been not only consistent, but it has been a moderate policy. We have never sought to rival England in our naval program or any other country on the face of the globe. England's naval program last year authorized five battleships. What its program will be this year it is a little too early to find out. Germany's program last year was three battleships. We have never sought to rival any of those great powers, but we have gone on in a consistent way, and I remember at one time when the President of the United States was very anxious for four battleships, yet the Committee on Naval Affairs reported against his wishes and authorized the regular number of two battleships. And during all this period, under pressure and not under pressure, the Naval Committee on the floor of this House has maintained a consistent and moderate policy of two battleships a year on an average. Now, we have not tried to rival the foreign powers in the size of it. England to-day, as this report shows, has a tonnage of fighting ships amounting to 2,324,000 tons. Germany comes second with 1,087,399 tons, and the United States third with 885,000 tons. This is based upon the ships built and in process of construction. On ships already built the United States just happens to stand second, but on ships authorized and building we stand third, and even if we should authorize two battleships this year, as I trust we may, our position will go down another point, and we will rank fourth among the nations of the world, and if we should authorize but one battleship this year and then for the next two or three years authorize two ships a year our position will go down to fifth, so that at the time of the opening up of the Panama Canal in 1915 we will rank fifth among the naval powers of the world, having gone from third place down to fifth.

Why, the wear and tear upon ships every year upon this 1,200,000 tons is at least 5 per cent, probably nearer 10 per cent, and if we authorize two battleships a year we would only simply be replenishing or providing for the wear and tear, and when we authorize no ships per year we are simply permitting our Navy to go down, to lose its efficiency, and lose its standard as a great national force of defense to our country. Therefore the issue comes to us this year as presented by our Democratic friends upon the other side not whether we propose to go on and build up a navy but whether we propose to keep it to its present state of efficiency. That is the issue and that is the question that will have to be met when the vote comes. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has consumed 35 minutes.

Mr. FOSS. Mr. Chairman, a good deal of this discussion here this afternoon has related to peace. In times of peace I notice we all talk peace, but in times of war we all talk war. I have seen the sentiment in this House change from peace to war. It is very easy in these piping times of peace when no nation on the face of the globe seems to be bothering us, especially in this springtime when all nature is in love with herself and when we are in love with nature, when the birds are singing and the trees are flowering, when everything suggests peace, it is very easy and very pleasant to talk about peace, and we all wish for it, but I want to say to you here to-day that I do not believe that we have reached the period in the progress of mankind when we can say that all the days from now on will be peaceful, and there will be no war. We did not expect to go to war with Spain and yet war came very quickly, and, if I remember rightly, the peace dreamers were more anxious for war than others, and, if I remember correctly, after we got into war the peace dreamers were the men who criticized most vigorously the administration because we were not prepared and ready for it.

Human nature is the same the world over. We have got to change human nature before we will be able, I fear, to utterly abolish all strife and all war. Some people think that the peace conferences of the world will settle everything. I hope they may, and yet we have had two peace conferences, and I would not for one moment attempt to belittle the worth of those great conferences—the first peace conference of 1899 and the second peace conference of 1907. I think they have done great work. In the last peace conference 44 representatives from 57 of the world powers got together and discussed questions provoking war and questions relating to the conduct of war, and it was a great thing to bring together so many representatives from so many countries of the world simply for the purpose of discussing such subjects. These peace conferences have done a great deal toward ameliorating the conduct of war, making war, as it were, more humane, if it is possible to make cruel war humane, and these peace conferences have done a great work in establishing an international prize court. But the peace conferences have not yet abolished war. During the last 15 years every nation of any size on the face of the globe has been at war—Russia, Japan, England down in Africa, the French, Italy, Turkey, and the United States have been at war. Not only that, but the peace conferences have not yet

been able to limit military expenses or to reduce armament. The first peace conference passed a resolution recommending the limitation of armaments and the decrease of military expenses, and the second peace conference also adopted the same resolution, but between the first peace conference and the second peace conference the nations of the world built more battleships than they ever did before, and between the second peace conference and the present time they have built even greater than they did between the first and the second peace conference.

So when you come to measure and discuss the question as to whether peace conferences will be able to do away with all wars, it is wise enough for us to consider what they have already been able to do up to date. A great many arbitration treaties have been made between different countries of the world. But no country of any importance yet has been willing to submit in an arbitration treaty all questions affecting its national life. They have always excluded and excepted those relating to independence, to vital interests, to national honor, and domestic policy. It is easy enough to make a difference of opinion a matter of national honor. While it has been proposed to establish a court of arbitral justice, yet, nevertheless, it has been impossible to determine the personnel of that court. The success or failure of arbitration depends fundamentally upon one thing, and that is the confidence of the parties in the arbitrators. The nations of the world have not been able to agree upon the arbitrators—upon the personnel of the court. Is there any question which has provoked war into the United States in all our wars which we as a Nation would have been willing to have left to a court of arbitration, the majority of whose members would necessarily have been representatives of the monarchical powers of the world? Would we have left the questions which provoked the war of the American Revolution to a court, or would we have left the questions which provoked war with England in 1812 to a court of arbitration? Or would we have left the question which caused the great Civil War to a court of arbitration, a majority of whose members, as I said a moment ago, would necessarily be representatives of monarchical countries?

And so it is no wonder that nations stop, and hesitate, and wait, and reflect upon this great question as to whether we will submit our differences, questions of honor, of vital interests, of independence, to a court of arbitral justice.

My friends, a navy does cost something. In time of peace, when we do not need it, it seems a great luxury; but in time of war it is an indispensable necessity, and when war comes we must have it. Every ship must be ready and every man at the gun. There is no time then to build ships and no time to train men, but we must have a navy ready and prepared for action to defend the interests of our country whenever those interests are assailed. It costs a good deal to maintain it—we will say $125,000,000, a large sum of money—but after all, the cost of preparation would be but a very small percentage of the cost by lack of preparation, if by that lack of preparation we were defeated in time of war. One hundred and twenty-five millions of dollars with our population of 90,000,000 is $1.50 per capita. When you come to compare it with our foreign commerce, which has been increasing with leaps and bounds, it is only a small percentage. When you come to compare it with our great national wealth, which to-day amounts to $120,000,000,000, it is only about one-tenth of 1 per cent—the cheapest insurance on the face of the globe. [Applause.]

Now, I say to you that it is a part of our national duty to maintain a strong and efficient navy to protect our interests. We have great interests to protect. If we have any navy at all, we want a good one, and we want battleships in the naval program. A small or a weak navy is of no use whatever; but we want a strong and efficient navy for the protection of our interests, which are many, upon this hemisphere and also upon the other. The gentleman from Texas [Mr. GARNER] a short time ago spoke about the Monroe doctrine and said it had not been settled by an appeal to arms. In the instances to which he referred in the history of this country he referred to the attempt of Napoleon the Third to set up a government upon this hemisphere; but he failed to remember that our Army at the close of the Civil War marched down to the Rio Grande, and soon after that Maximilian left. Then he spoke of the time of our disagreement with Great Britain, when the dispute was over Venezuela, and there was no appeal to arms.

It is true there was no appeal to arms, and there never, in my judgment, will be another contest between Great Britain and this country. So long as Canada is situated on the north she will always be the hostage of peace. But, my friends, while the Monroe doctrine may not have been assailed very often in the 100 years that have passed, my candid judgment is that in the 100 years to come it will often be appealed to.

We are constructing a great Panama Canal, which is soon to be completed. That Panama Canal will be the great commercial thoroughfare for the nations of the world, and a part of the sea which heretofore has been isolated will be covered with merchant ships of the world. The Caribbean Sea will be another Mediterranean, and my judgment is that by reason of these things the Monroe doctrine will oftener be called into question in the years to come than it has been in the years that have passed. In this connection I would like to read to you just a word from our great naval authority, Capt. Mahan, upon this subject. Says he:

> The chief political result of the Isthmian Canal will be to bring our Pacific coast nearer, not only to our Atlantic seaboard, but also to the great navies of Europe. Therefore, while the commercial gain through an uninterrupted water carriage will be large, and is clearly indicated by the acrimony with which a leading journal, apparently in the interest of the great transcontinental roads, has lately maintained the singular assertion that water transit is obsolete as compared with land carriage, it is still true that the canal will present an element of much weakness from the military point of view. Except to those optimists whose robust faith in the regeneration of human nature rejects war as an impossible contingency, this consideration must occasion serious thought concerning the policy to be adopted by the United States.

And, then, further he says:

> If the decision of the Nation, following one school of thought, is that the weaker we are the more likely we are to have our way, there is little to be said. Drifting is perhaps as good a mode as another to reach that desirable goal. If, on the other hand, we determine that our interest and dignity require that our rights shall depend upon the will of no other State—

And, mind you, under our treaty we are obliged to guarantee the neutrality of the Panama Canal—

> but upon our power to enforce them, we must gird ourselves to admit that freedom of interoceanic transit depends upon predominance in a maritime region—the Caribbean Sea—through which pass all the approaches to the Isthmus. Control of a maritime region is insured primarily by a navy; secondarily, by positions, suitably chosen and spaced one from the other, upon which as bases the navy rests and from which it can exert its strength.

And so I might read from another authority which I have here on the subject—Homer Lea, in his interesting book, The Valor of Ignorance:

> With the exception of the Monroe doctrine no undertaking since the formation of this Republic is more fraught with possibilities of warfare or calls for greater military and naval expansion than the building of the Panama Canal. Unless the United States is willing to increase the military and naval strength proportionate to the dangers that at once become existent with its completion, it is a mistake to proceed with its construction.

Let me quote again briefly from the same writer:

> The eventual control of the Panama Canal is foretold by the history of the Suez, which, diminishing the distance between Europe and the Orient to one-half, became the main channel of communication between the West and the East. Built by France, it soon passed into English possession. The control of the Suez by England resulted from her masterful position in the Mediterranean and the Red Sea—the strategic possessions of Gibraltar, Malta, Egypt, and Aden. That France built the canal determined in no way its final ownership. The possessions of Gibraltar, Malta, Cyprus, Egypt, and Aden, together with a navy maintained on a basis of being equal to the navies of any possible coalition, determined to whom, in time of war, the canal would belong. Great Britain not only controls by means of it the oriental trade, but dominates the political relationship that Europe bears to Asia. What has brought about English commercial supremacy throughout the world has been, not alone the supremacy of the English Navy, but the possession of strategic bases. The existence of a great navy is entirely dependent on the ownership of strategic positions in different quarters of the globe and maintained by force.
>
> The Panama Canal is as important to the world as the Suez and not less so to European nations than to the American Republics. The control of it is as vital to the nation that desires to command the commercial as well as political destiny of the eastern Pacific as the Suez is to England in the control of Asiatic hegemony.

So there are two things which, to my mind, in connection with the building of the Panama Canal make it essentially necessary that we should maintain the efficiency of the American Navy: First, the bringing of this great isolated sea, as it were, into the commercial mart of the world, with the liability of differences of opinions, of altercations, of disputes of one kind and another, among the nations of the world; and, secondly, as I understand it, under our treaty we must guarantee the neutrality of the Panama Canal. Now, if we are to do that we must have a force, necessarily, to do it. So, to my mind, these great interests of our country demand the continuance of the policy of building up the American Navy.

We are an isolated country no longer. We have our possessions upon the seas—Hawaii and the Philippine Islands and Porto Rico and Guam—and it is necessary, if we are to protect these and hold them as our own, that we should continue the policy of building up the American Navy. I trust that when we come to vote on this question of two battleships, which has been the policy of the last 16 years, reported by the Naval Committee under Republican administrations, our Democratic friends upon the other side will raise the flag of country higher than the banner of party and vote for the efficiency of the American Navy and the American flag. [Applause.]

The following is inserted as an appendix to Mr. Foss's remarks:

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive.

1883 (47th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Atlanta	Protected cruiser	3,000	15.60	16 10
Boston	do	3,000	15.60	17 0
Chicago	do	4,500	18	19 0
Dolphin	Dispatch boat	1,486	15.50	14 3
Total		11,986		

1885 (48th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Charleston (destroyed)	Protected cruiser	3,370	18.2	18 7
Newark	do	4,083	19	18 9
Petrel	Gunboat	890	11.4	11 6
Yorktown	do	1,710	16.14	14 0
Total		10,053		

1886 (49th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Amphitrite	Monitor	3,990	10.5	14 6
Baltimore	Protected cruiser	4,413	20.1	19 6
Cushing	Torpedo boat	165	22.5	4 10
Maine (destroyed)[1]	Second-class battleship	6,682	17.45	21 6
Monadnock	Monitor	3,990	12	14 6
Puritan	do	6,060	12.4	18 0
Terror	do	3,990	10.5	14 6
San Marcos (formerly Texas).[1]	Second-class battleship	6,315	17.8	22 6
Vesuvius	Dynamite gun cruiser	930	21.42	10 7
Total		36,475		

1887 (49th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Bennington	Gunboat	1,710	17.5	14 0
Concord	do	1,710	16.8	14 0
Miantonomoh	Monitor	3,990	10.5	14 6
Monterey	do	4,084	13.6	14 10
Philadelphia	Protected cruiser	4,410	19.68	19 6
San Francisco	do	4,083	19.52	18 9
Total		19,987		

1888 (50th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Bancroft	Gunboat	839	14.37	12 2
Cincinnati[1]	Protected cruiser	3,183	19	18 0
Detroit	Unprotected cruiser	2,072	18.71	14 6
Marblehead	do	2,072	18.44	14 6
Montgomery	do	2,072	19.06	14 6
Olympia	Protected cruiser	5,885	21.60	21 6
Raleigh[1]	do	3,183	19	18 0
Saratoga (formerly New York).	Armored cruiser	8,150	21	23 3
Total		27,436		

1889 (50th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Castine	Gunboat	1,177	16.03	12 0
Iwana	Tug	192	11.58	8 0
Katahdin	Ram	2,183	15.11	15 0
Machias	Gunboat	1,177	15.46	12 0
Narkeeta	Tug	192	11.22	8 0
Triton	do	212	13	9 0
Wahneta	do	192	11.58	8 0
Total		5,325		

1890 (51st, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Columbia	Protected cruiser	7,350	22.8	22 6
Ericsson	Torpedo boat	120	24	4 9
Indiana	First-class battleship	10,288	15.55	24 0
Massachusetts	do	10,288	16.21	24 0
Oregon	do	10,288	16.79	24 0
Total		38,334		

1891 (51st, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Minneapolis	Protected cruiser	7,350	23.07	22 6

1892 (52d, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Brooklyn	Armored cruiser	9,215	21.91	24 0
Iowa	First-class battleship	11,346	17.09	24 0
Total		20,561		

[1] Built in Government yard.

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1893 (52d, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
A-1 (formerly Plunger)	Submarine torpedo boat			
Helena	Gunboat	1,392	15.50	9 0
Nashville	do	1,371	16.30	11 0
Wilmington	do	1,392	15.08	9 0
Total of tonnage given.		4,155		

1894 (53d, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Foote	Torpedo boat	142	24.53	5 0
Rodgers	do	142	24.49	5 0
Unadilla	Tug	355	12	9 11
Winslow	Torpedo boat	142	24.82	5 0
Total		781		

1895 (53d, 3d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Annapolis	Gunboat	1,010	13.17	12 0
Dupont	Torpedo boat	165	28.38	4 8
Kearsarge	First-class battleship	11,520	16.82	23 6
Kentucky	do	11,520	16.90	23 6
Marietta	Gunboat	990	13.02	12 0
Newport	do	1,010	12.29	12 0
Porter	Torpedo boat	165	28.63	4 8
Princeton	Gunboat	1,010	10.04	12 0
Rowan	Torpedo boat	240	27.07	5 11
Samoset	Tug	225	12	8 9
Vicksburg	Gunboat	1,010	12.71	12 0
Wheeling	do	990	12.88	12 0
Total		29,825		

1896 (54th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Alabama	First-class battleship	11,552	17.01	23 6
Craven	Torpedo boat	146	30	4 7
Dahlgren	do	146	30	4 7
Davis	do	154	23.41	5 10
Farragut	do	279	30.13	6 0
Fox	do	154	23.13	5 10
Gwin	do	46	30.88	3 3
Illinois	First-class battleship	11,552	17.45	23 6
McKee	Torpedo boat	65	19.82	4 3
Mackenzie	do	65	20.11	4 3
Morris	do	105	24	4 1
Pawtucket	Tug	225	12.2	8 9
Penacook	do	230	12	9 0
Talbot	Torpedo boat	46	21.15	3 3
Wisconsin	First-class battleship	11,552	17.17	23 0
Total		36,317		

1897 (54th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Bailey	Torpedo boat	280	30.26	6 10
Goldsborough	do	255	27.4	6 10
Severn (formerly Chesapeake).	Training ship	1,775		16 6
Stringham	Torpedo boat	300	25.53	6 6
Total		2,050		

1898 (55th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Bagley	Torpedo boat	175	29.15	4 11
Bainbridge	Torpedo-boat destroyer	420	28.45	5 6
Barney	Torpedo boat	175	29.04	4 11
Barry	Torpedo-boat destroyer	420	28.13	5 6
Biddle	Torpedo boat	175	28.57	4 11
Blakely	do	196	28.28	5 11
Chauncey	Torpedo-boat destroyer	420	28.64	5 6
Cheyenne (formerly Wyoming).	Monitor	3,225	11.80	12 0
Dale	Torpedo-boat destroyer	420	28	5 6
Decatur	do	420	28.10	5 6
De Long	Torpedo boat	196	25.82	5 11
Gunboat No. 16	Gunboat			
Hopkins	Torpedo-boat destroyer	408	28.02	5 0
Hull	do	408	28.04	5 0
Lawrence	do	400	28.41	5 3
Macdonough	do	400	28.62	5 3
Maine	First-class battleship	12,500	18	23 10
Missouri	do	12,500	18.15	23 11
Nicholson	Torpedo boat	218	28.74	5 5
O'Brien	do	226	28	5 4
Ohio	First-class battleship	12,500	17.82	23 7
Ozark (formerly Arkansas)	Monitor	3,225	12.3	12 0
Paul Jones	Torpedo-boat destroyer	420	28.61	5 6
Perry	do	420	28.83	5 6
Preble	do	420	28.03	5 6
Shubrick	Torpedo boat	200	26.07	5 3
Stewart	Torpedo-boat destroyer	420	29.69	5 6
Stockton	Torpedo boat	200	25.79	5 3
Tallahassee (formerly Florida).	Monitor	3,225	12.4	12 0

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1898 (55th, 3d)—Continued.

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Thornton	Torpedo boat	200	24.98	3 2
Tinsey	do	165	24.94	4 8
Tonopah (formerly Nevada).	Monitor	5,225	13.4	12 6
Truxtun	Torpedo-boat destroyer	433	29.34	8 0
Whipple	do	433	28.24	8 0
Wilkes	Torpedo boat	165	25.98	4 6
Worden	Torpedo-boat destroyer	433	29.86	8 0
Total		58,849		

1899 (55th, 3d).

Names.	Type.	Displacement.	Speed.	Mean draft.
California	Armored cruiser	13,680	22.1	24 1
Chattanooga	Protected cruiser	3,200	18.68	15 9
Cleveland	do	3,200	18.43	15 9
Denver	do	3,200	18.75	15 9
Des Moines	do	3,200	18.48	15 9
Galveston	do	3,200	18.41	15 9
Georgia	First-class battleship	14,948	19.26	23 9
Nebraska	do	14,948	19.06	23 9
Pennsylvania	Armored cruiser	13,680	22.44	24 1
Tacoma	Protected cruiser	3,200	18.58	15 9
Virginia	First-class battleship	14,948	19.01	23 9
West Virginia	Armored cruiser	13,680	22.15	24 1
Total		105,084		

1900 (56th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Charleston	Protected cruiser	9,700	22.04	22 6
Colorado	Armored cruiser	13,680	22.24	24 1
Maryland	do	13,680	22.41	24 1
Milwaukee	Protected cruiser	9,700	22.22	22 6
New Jersey	First-class battleship	14,948	19.18	23 9
Rhode Island	do	14,948	19.01	23 9
St. Louis	Protected cruiser	9,700	22.33	22 6
South Dakota	Armored cruiser	13,680	22.24	24 1
A-2 (formerly Adder)	Submarine torpedo boat			
A-3 (formerly Grampus)	do			
A-4 (formerly Moccasin)	do			
A-5 (formerly Pike)	do			
A-6 (formerly Porpoise)	do			
A-7 (formerly Shark)	do			
Holland	do			
Total of tonnage given.		100,036		

1902 (57th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Connecticut[1]	First-class battleship	16,000	18.74	24 8
Dubuque	Gunboat	1,085	12.90	12 3
Louisiana	First-class battleship	16,000	18.82	24 8
Paducah	Gunboat	1,085	12.83	12 3
Pawtucket	Tug	230	12	9 8
Sonoyoma	do	230	11.10	9 0
Tennessee	Armored cruiser	14,500	22.16	25 0
Washington	do	14,500	22.27	25 0
Total		63,630		

1903 (57th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Cumberland[1]	Training ship	1,800		16 5
Idaho	First-class battleship	[2]13,000	17.12	24 8
Intrepid	Training ship	1,800		13 5
Kansas	First-class battleship	16,000	18.60	24 6
Minnesota	do	16,000	18.85	24 6
Mississippi	do	13,000	17.11	24 8
Vermont	do	16,000	18.22	24 6
Total		77,600		

1904 (58th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Birmingham	Scout cruiser	3,750	24.52	16 9
Chester	do	3,750	26.52	16 9
Montana	Armored cruiser	14,500	22.36	25 0
New Hampshire	First-class battleship	16,000	18.18	24 6
North Carolina	Armored cruiser			
Patapsco	Tug	755	13	12 3
Patuxent	do	755	13	12 3
Prometheus	Collier	12,585	16	26 0
Salem	Scout cruiser	3,750	25.92	16 9
Vestal	Collier	12,585	14	26 0
B-1 (formerly Viper)	Submarine torpedo boat			
B-2 (formerly Cuttlefish)	do			
B-3 (formerly Tarantula)	do			
C-1 (formerly Octopus)	do	14,500	22.46	25 0
Total of tonnage given.		82,930		

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1905 (58th, 3d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
Michigan	First-class battleship	16,000	18.79	24 0
South Carolina	do	16,000	18.86	24 6
Total		32,000		

1906 (59th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Delaware	First-class battleship	20,000	21.56	26 11
Lamson[1]	Torpedo-boat destroyer	700	28.61	8 0
Preston[1]	do	700	29.18	8 0
Smith[1]	do	700	28.33	8 0
C-2 (formerly Stingray)	Submarine or subsurface torpedo boats (not exceeding $1,000,000;[2] $500,000 appropriated).			
C-3 (formerly Tarpon)				
C-4 (formerly Bonita)				
C-5 (formerly Snapper)				
D-1 (formerly Narwhal)				
D-2 (formerly Grayling)				
D-3 (formerly Salmon)				
G-1 (formerly Seal)				
Total of tonnage given.		22,100		

1907 (59th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Flusser	Torpedo-boat destroyer	700	30.41	8 0
North Dakota	First-class battleship	20,000	21.01	26 11
Reid	Torpedo-boat destroyer	700	31.02	8 0
	Limit of contract for submarine and subsurface torpedo boats, act June 20, 1906, increased to $3,000,000; $500,000 appropriated.			
Total		21,400		

1908 (60th, 1st).

Names.	Type.	Displacement.	Speed.	Mean draft.
Burrows	Torpedo-boat destroyer	742	30.67	8 4
Cyclops	Collier	12,230	14	27 8
Drayton	Torpedo-boat destroyer	742	30.83	8 4
Florida[3]	First-class battleship	21,825	20.75	26 6
Hector	Collier	11,230	12.87	24 8
Jupiter	Collier (amended 1910, 61-2)	12,230		
McCall	Torpedo-boat destroyer	742	31.06	8 4
Mars	Collier	11,230	12.65	24 8
Mayrant	Torpedo-boat destroyer	742	31.22	8 4
Paulding	do	742	30.90	8 4
Perkins	do	742	30.75	8 4
Roe	do	742	28.6	8 4
Sterett	do	742	30.27	8 4
Terry	do	742	30.24	8 4
Utah	First-class battleship	21,825	21.09	26 6
Vulcan	Collier	11,230	12.82	24 8
Warrington	Torpedo-boat destroyer	742	30.12	8 4
E-1 (formerly Skipjack)	Submarine torpedo boats. Limit of contract, $3,500,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.			
E-2 (formerly Sturgeon)				
F-1 (formerly Carp)				
F-2 (formerly Barracuda)				
F-3 (formerly Pickerel)				
F-4 (formerly Skate)				
G-2 (formerly Tuna)				
G-4 (formerly Thrasher)				
Total of tonnage given.		123,480		

1909 (60th, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Ammen	Torpedo-boat destroyer	742	31.48	8 4
Arkansas	First-class battleship	26,000	20.5	28 6
Monaghan	Torpedo-boat destroyer	742	31.43	8 4
Patterson	do	742	28.68	8 4
Trippe	do	742	30.99	8 4
Walke	do	742	30.78	8 4
Wyoming	First-class battleship	26,000	20.5	28 6
Neptune	Collier	19,375	14	27 7
G-3 (formerly Turbot)	Submarine torpedo boats. Limit of contract, $2,000,000. Appropriation made of $3,000,000 for these boats and for completion of submarine boats heretofore authorized.			
H-1 (formerly Seawolf)				
H-2 (formerly Nautilus)				
H-3 (formerly Garfish)				
No. 1	Torpedo-boat destroyer (subsurface).			
No. 2	do			
No. 3	do			
Total of tonnage given.		75,085		

[1] Limit of cost increased from $750,000 to $800,000, act Mar. 2, 1907.
[2] Limit of cost increased to $3,000,000, act Mar. 2, 1907.
[3] Built in Government yard.

List, by years and sessions of Congress, of naval vessels authorized by acts of Congress from 1883 to 1911, inclusive—Continued.

1910 (61st, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
		Tons.	*Knots.*	*Ft. in.*
New York	First-class battleship	27,000	21.0	28 6
Texas	do	27,000	21.0	28 6
Beale	Torpedo-boat destroyer	742	29.5	8 4
Fanning	do	742	29.5	8 4
Henly	do	742	29.5	8 4
Jarvis	do	742	29.5	8 4
Jenkins	do	742	29.5	8 4
Jouett	do	742	29.5	8 4
K-1 (formerly Haddock)	Torpedo-boat destroyer (subsurface). Appropriation of $445,000 upon condition of compliance with terms of naval appropriation act of Mar. 3, 1909, p. 648.			
K-2 (formerly Cachalot)	4 submarine torpedo boats. Limit of contract, $2,000,000. Appropriations made of $800,000.			
K-3 (formerly Orca)				
K-4 (formerly Walrus)				
Proteus	Collier	19,000	14.0	27 6
Nereus	do	19,000	14.0	27 6
	Fleet collier (to be built on Pacific coast) provided for in act May 13, 1908, p. 449. Limit of cost increased to $1,000,000.			
Total of tonnage given.		94,452		

1911 (61st, 2d).

Names.	Type.	Displacement.	Speed.	Mean draft.
Nevada	First-class battleship	27,500	20.5	28 6
Oklahoma	do	27,500	20.5	28 6
Jason	Collier	19,132	14.0	27 6
Orion	do	19,132	14.0	27 6
Aylwin	Torpedo-boat destroyer	1,036	29.0	9 3
Balch	do	1,036	29.0	9 3
Benham	do	1,036	29.0	9 3
Cassin	do	1,010	29.0	9 3
Cummings	do	1,010	29.0	9 3
Downes	do	1,073	29.0	9 3
Duncan	do	1,014	29.0	9 3
Parker	do	1,036	29.0	9 3
K-5 (formerly No. 36)	Submarine torpedo boats. Limit of contract, $2,000,000. Appropriation made of $800,000.			
K-6 (formerly No. 37)				
K-7 (formerly No. 38)				
K-8 (formerly No. 39)				
No. 1	Submarine tender			
No. 12	Tug	1,120	14.0	12 6
No. 13	do	1,120	14.0	12 6
Monocacy	River gunboat			
Sacramento	Gunboat			
Total of tonnage given.		103,755		
Grand total of tonnage given from 1883.		1,213,567		

Mr. PADGETT. Mr. Chairman, I desire to ask if the gentleman from Illinois [Mr. Foss] will use some more time. Does the gentleman desire to use some more of his time at this moment?

Mr. FOSS. I will yield, if the gentleman desires me to. to the gentleman from Massachusetts [Mr. HARRIS]. I will yield half an hour to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts [Mr. HARRIS] is recognized for 30 minutes.

Mr. HARRIS. Mr. Chairman, I should not have intruded myself on this debate but for a suggestion made to me, that possibly I, one of the new Members of the House, could join memories with the oldest Member of the House and say a word upon the matters which led to the formation of the national policy of naval defense.

I am looking back now for a few moments to a period 36 years ago, when my late honored father came to this House as a Member from Massachusetts, from the district which I now represent. He came in the Forty-third Congress, and in the Forty-fourth Congress, as I recall the number, he was given a place on the Committee on Naval Affairs. At that time the question of rehabilitation of the Navy was beginning to be agitated by some people. Talk of more war was not pleasing to the ears of a people who were anxious to reengage in the industries of peace rather than the arts and stratagems of war; but there were those who were able to look through the fog of uncertainty and doubt and see that this country was to be in the future a great, united, and powerful people, and that it must have adequate instrumentalities of defense, and, if necessary, of offense.

Singularly enough at that period, as in this one, it was a time of investigation rather than of construction. For six years a member of that committee, he and those who believed as he did labored hard upon the work of rehabilitation of a Navy, or rather the creation of a Navy, because after the Civil War we had no Navy worthy of the name. The nations of the earth had taken lessons from some of the incidents of that war, and the *Monitor* had been a monitor to all the world that if there were to be navies there must be new navies, and all the foreign powers started upon the construction of entirely new navies.

In those days Members of Congress did not have comfortable offices or personal clerks, and most of them then, as many of them now, could not afford to pay for a large force out of their own pockets. It happened that I was a young man in college, and for a while just before and after I graduated I was able to spend some time here and help my father in his clerical work. I had occasion to write and rewrite a list of the old ships and their armament so many times that I could do it in the dark, almost, and I saw the men who came here and I heard the arguments pro and con upon the question of a navy. The country at that time had not arrived at the period of the resumption of specie payments, but was discussing it with great earnestness and dread. The old officers of the Navy were still wedded to wooden ships. The era of steel or iron shipbuilding had only just begun. The nations of the earth were afraid of the great steam vessel, with its consumption of coal. The problems before that committee were, What shall be built and what shall be done? Finally, in the Forty-seventh Congress, my father was made chairman of that committee, and after his six years of labor he commenced upon the policy of building a new steel navy. The questions of steel versus wood, sails versus steam, sails with auxiliary steam, ram construction, torpedo equipment, and all those things had been worked through for a period of six years. In 1883 the committee finally drafted a bill and reported it to this House calling for the construction of two steam steel vessels. Old Admiral Porter, who had been much interested in it, was at first averse to steel. He then became converted to it, but said its cost was prohibitive. The steel makers of this country, that industry being then in its beginning, were invited to come here to Washington and say how much steel they could make, what sort of steel they could make, at what price they could produce it, and all those things pertaining to the steel industry.

In the old Naval Committee room, which is now the room of the gentleman from Illinois [Mr. CANNON], the senior Member of this House, I have seen all the steel makers and shipbuilders of that day—the Cramps, old John Roach, the Hunts, representatives of the Norway Iron Works, of the Thomson Steel Works, and others—with specimens of flange steel and angle steel and all the things that they brought here, until the committee room looked like a boiler shop. Finally, in the closing days of that session, Admiral Porter, convinced of the wisdom of the new Navy and of the practicability and possibility of steel construction, went before the Appropriations Committee of this House, indorsed the new policy and the Republican program, and advised the passage of that bill.

Two ships were laid down, the *Boston* and the *Chicago*. The keel of the *Boston* was laid first. The *Chicago* was finished first. Now, what changes came between that time and the first time that the battleship *Chicago* ever had to engage in a contest? Begun in 1883, she never was in a battle until 1898. She had been outbuilt and outclassed in pursuance of the national policy adopted in 1883; and yet 15 years after the adoption of that policy she was with Dewey in Manila Bay, useful and efficient, and on a single day in her existence justified the expense and the national policy which had been adopted and which had then steadily been followed and has been since, from that day to this. [Applause.]

There are some things in my mind and heart that are lessons to me. On the day when the news came over the wires to the little village in which I lived that Dewey had been into Manila Bay and had done well the task that he was sent to do, I walked across my lawn to the house of my aged father, then grown old and feeble, and I read to him the news that came to me, and that aged man made no reply but this. He looked at me and said:

Well, boy, it looks as if eight years of hard work had at last been of some use to my country.

[Applause.]

But it was 23 years from the time when he commenced the work until the day that proved its value.

Can we afford to abandon a policy of preparedness? Why, the gentleman from Texas says we must wait until all the world experiments and finds the standard vessel and then build. If

we had not built in 1883, we would not have been ready in 1898, and we know that in 1898, prepared as we were, we were yet scared to death to know where the Spanish fleet was going to turn up and whether we were ready for it.

Mr. BARTLETT. Scared in Boston as well as Savannah.

Mr. HARRIS. Yes; Boston and Savannah both scared to death. Now, in the active lifetime of the oldest Member of this House, the gentleman from Illinois, Mr. CANNON, what things have come to pass? He is perennially young, but he has to admit that his years are more than those of some others. He has seen men who were young officers in the Civil War, who met the encounter and shock of war, grow to fame and then retire. Some are still with us, some of them have traveled the road that we all must travel. Dewey, Sigsbee, Sampson, Schley, and Evans, all those men were young officers in my father's time, and were all for the steel naval program, and all in consultation with him, and much of the correspondence of that day is now preserved by me with great respect and honor in my library at home. They had an equipment which was of that time, and splendidly they met their duties. They could not have done it if they had not had the means and instruments to meet and overcome the enemy. But it took time to build, to maintain, to equip, and the policy has been interfered with seldom.

My friend from Georgia asked a question about Secretary Whitney, who undertook to get his models from abroad at one time. He sent to England for the model of the *Texas*, and when he got her over here and built she would hardly stand upright until the American naval architect went to work and fixed her over, and then she proved to be a good ship at Santiago.

Mr. BARTLETT. The gentleman is mistaken; I did not ask any such question.

Mr. HARRIS. Very well, it was some other Member. I have seen the day of experiment. We are always experimenting and have always got to. We first built the *Ammen* ram, which had a great steel prow with which we calculated to run the enemy down. But when we got the ram done we could not get her out of her own way. After that we had a torpedo boat *Alarm*, with wings on each side, and she was going to get opposite the enemy, run a bar underneath her, put torpedoes under her, and blow her up. I went down on the Chesapeake to see the operation of the torpedo, and I never got such a ducking in my life as I did when a torpedo went off. We have erected torpedo stations and all sorts of things, all in the process of experiment and evolution, and no one ship has been built that has not been an improvement on the other—it always must be so—until to-day we not only have a splendid fleet of ships, not large enough, but we have taught some lessons to others, and there are some lessons that we have learned from them.

To-day we are talking about a greater traffic on the great ocean. To-day we have warships carrying the names of inland as well as seaboard States, advertising the extent of the territory and the greatness of this country, and we hope to pave the way to put onto the ocean where they go a traffic which shall be that of commerce and leading to a world-wide peace. [Applause.]

Why not protect it? We talk about the expense. Gentlemen, when we first commenced to use kerosene oil we had the little flat-wick lamp, that would hold perhaps, a pint of oil and burn for three or four evenings. Then we got the big round-wick central-draft lamp, that would burn a quart or two of oil in an evening. Folks said they were too expensive to use, but by and by we all woke up to the fact that it was not oil we were after, but light. Any man who wants to may use the old lamp, but he wants electric light now. He wants light, and in this development of our Navy we can remain in the semiobscurity, or complete obscurity, of the old sailing ship, or we can come out in the broad light of the modern battleship, which gives us that which we want—safety and insurance for safety.

To-day we have upon our battleships men from the North and the South and the East and the West, from every section of this great united country; young men, to be officers, ultimately commanders, perhaps; men who will officer, command, and sail those ships. Do we want them to go out into the ocean and possibly into contest, if unhappily it shall come, without the equipment of their day and time, as Dewey and Schley and Sampson had the equipment of their time, doubtful of it as we were? I think not. Those men will vie with each other to prove their devotion to a beloved and united country. We have the men, and whether it is a case of ship to ship, or whether it is a case of desperate individual enterprise, like that of Cushing or of the gentleman from Alabama [Mr. HOBSON] in the *Merrimac* incident at Santiago Harbor, we will have the men, and all we want for insurance of our safety is to give them the ships.

Let not this House be deterred from making proper appropriations from any mistaken notions of economy. Such appropriations are but the premiums upon the insurance of our national safety and honor. Without them we are in peril. We may meet with shame and ultimate humiliation. In my judgment, the people of this country in that department want nothing called or spelled economy, but which means peril and humiliation possibly, and any action of this House making appropriations insuring the honor and safety of this country, appropriations guided solely by the motive of securing those, will not meet with criticism, but with universal approval. [Applause.]

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. Certainly.

Mr. McKENZIE. Does the gentleman understand that what is known as a naval program contemplates a maximum number of battleships?

Mr. HARRIS. What does the gentleman mean by maximum? I understand the naval program has been ever since 1883 to increase our strength all of the time, offsetting that which comes by mere outclassing or by becoming obsolete—building enough to meet depreciation and making always some advance. We have not undertaken to overtake or outstrip England or the countries that had the start of us, but we are trying to get somewhere near them and insure the national defense.

Mr. McKENZIE. The point I would like to have made clear in my mind is as to whether or not we are working to an end to have a Navy of a certain size, and that the policy is to build so many ships each year until we arrive at that maximum and then keep our Navy at that strength.

Mr. HARRIS. Of course I can hardly answer what may be the policy of a Naval Committee which is charged with the duty of preparing the yearly budget, but I have stated in this way that I saw the shaping of a policy of creating and maintaining and increasing the Navy, and to-day, after 36 years, when that policy was commenced upon, I find myself, singularly enough, confronting the situation that my father did when we had a Congress opposed to the Navy. The policy was then adopted, and I do not want to see it abandoned. Just what the framework of it may be I can not tell, except to maintain and increase.

I yield back the balance of my time, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAHER].

Mr. MAHER. Mr. Chairman and gentlemen of the committee, I have carefully studied the bill reported from the Committee on Naval Affairs, which is now under consideration, and on page 63 provision is made for the increase of the Navy. In that provision no allowances are made for battleships.

Mr. Chairman, I am here as a Representative in part of the great State of New York, and believe I am voicing the sentiment of a majority of the people of that State by advocating the building of battleships. The United States of America is considered to-day as a world power, and we must maintain that position. I have spoken to several people in reference to this question, and it is not my intention to adversely criticize their opinion, although I disagree with them. There are some who will argue that at this session we should dispense with the appropriation for battleships and increase our naval strength by building more fast cruisers, torpedo boats, torpedo-boat destroyers, and submarines. I believe smaller vessels are necessary to our Navy. However, recent wars have demonstrated that it was the battleships that did the fighting and settled the question of supremacy. I was surprised to learn that others take the position that this country has won great victories when we had no Navy to speak of. Mr. Chairman, that was almost a century and a half ago, and I am certain that if we had had a first-class Navy at that time there would have been no Valley Forge, and the sufferings of the patriots there would have no place in our history. The nations of the world are sparing no effort to increase their navies; in fact, they are going to the extreme limit of their treasuries in some cases.

From time to time we hear of The Hague peace meetings. There, if I am not misinformed, representative men from the various nations assemble for the purpose of devising some means to establish a world's peace. Their work is to be encouraged; their object is a laudable one; but we must not forget the fact that while they are holding out the olive branch of peace to each other their Governments at home are insisting upon the building of battleships. This state of affairs makes it imperative that the United States Government should continue to increase our Navy. No sane man wants war. We want peace. But it must be a peace with honor. With that thought

in mind, let me read a few lines from Washington's Farewell Address to the American people. I read:

> As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it.

Mr. Chairman, this quotation from our first President's address can be applied to the present situation in this House. No doubt the principle of economy practiced by the majority party in this House will receive public approval, as they have demonstrated that there was room to curtail expenses in several departments of the Federal Government without interfering with their efficiency. Although I realize the necessity for economy at this time, I believe it would be unwise to extend it to the Navy Department. In discussing the question of economy it recalls to my mind an old but true saying, "Be careful lest you be a penny wise and a pound foolish." At this time I wish to read some figures relative to the warship tonnage and naval budgets of the principal foreign powers:

Relative order of warship tonnage.

	Tons.
Great Britain	1,896,149
United States	757,711
Germany	749,699
France	630,705
Japan	421,369
Russia	297,810
Italy	203,812
Austria	167,993

The case were vessels now building completed.

	Tons.
Great Britain	2,324,570
Germany	1,087,399
United States	885,066
France	741,425
Japan	550,119
Russia	473,879
Italy	312,122
Austria	267,442

Naval budgets of the principal foreign powers.

	England.	Germany.	France.
1901-1902	$169,741,811	$46,362,400	$67,168,728
1902-1903	171,435,269	48,861,400	59,296,700
1903-1904	194,669,076	50,598,800	59,520,128
1904-1905	199,823,588	49,147,000	60,259,110
1905-1906	180,835,417	54,978,000	61,648,121
1906-1907	168,378,666	58,405,200	59,593,894
1907-1908	159,593,733	69,210,400	60,766,979
1908-1909	163,084,781	80,444,000	62,278,099
1909-1910	175,484,297	97,722,800	64,986,404
1910-1911	199,968,576	106,981,000	73,109,522
1911-1912	218,418,482	107,314,200	80,371,109
1912-1913	[1] 214,892,798	[1] 111,254,889	[1] 82,364,302

	Russia.	Italy.	Austria.
1901-1902	$45,549,301	$23,913,641	$8,866,179
1902-1903	50,737,367	23,553,000	9,512,144
1903-1904	60,098,168	23,553,000	9,973,444
1904-1905	58,154,218	24,332,500	12,728,136
1905-1906	60,308,998	24,527,160	18,082,372
1906-1907	60,783,394	25,900,262	11,670,952
1907-1908	43,069,683	27,554,549	13,205,442
1908-1909	49,748,930	30,494,428	12,657,586
1909-1910	46,982,538	31,812,884	19,796,542
1910-1911	49,769,359	40,595,204	17,255,280
1911-1912	73,368,435	40,780,978	25,074,067
1912-1913	[1] 84,571,240	[1] 41,859,030	[1] 28,318,500

[1] Estimates.

Russia: Special additional credits as follows: 1902, amount not known; 1904-5, special war fund, amount not known; 1904-1907, $8,748,000, voluntary contributions.

Italy: Also, $3,110,400, divided between 1900-1901 and 1901-2.

Japan.

1901-2	$21,830,593
1902-3	18,031,701
1903-4	17,928,288
1904-5	10,221,050
1905-6	11,621,290
1906-7	30,744,528
1907-8	35,874,753
1908-9	40,187,956
1909-10	35,753,587
1910-11	37,608,156
1911-12	43,231,235
1912-13	46,158,216

In some cases, notably Germany and Japan, the above does not necessarily represent the actual expenditures. Money is undoubtedly transferred to the Navy from other appropriations and does not appear as naval expenditures.

The expenditures during the Russo-Japanese War are additional to the budgets given for these years for Russia and Japan, the amounts not being known.

There are some who say that my great interest in this question is caused by the fact that there is a Government navy yard in my home city. I am looking upon this question as one of national importance. It is not a local issue, nor a partisan one. I am not unmindful of the interest of the Brooklyn Navy Yard. If the question were where to build battleships, the Brooklyn Navy Yard would need no champion on the floor of this House, for they have clearly demonstrated their ability, skill, and facilities to build the very best battleships afloat; and at this time I wish to read into the RECORD an article from the Scientific American:

WARSHIP CONSTRUCTION AT OUR NAVY YARDS.

[From the Scientific American, Jan. 11, 1908.]

Popular fallacies die hard, especially when they are kept alive by persistent and interested misrepresentation. A notable instance of this is the statement so often made and too widely believed that it costs a great deal more and takes considerably longer to build a battleship at a Government navy yard than it does at a private shipyard. There was a time, it is true, when navy-yard ships were very costly and took an unconscionable time to complete; but that was over 20 years ago, when political control of navy yards was rampant and before a certain courageous young naval constructor, who later became Chief Constructor of the Navy, undertook the task of rescuing our navy yards from political control, reforming their many abuses, and putting them in first-class working shape. It was the regeneration of these yards which rendered it possible for them to take hold of the highest class of naval work and complete it in the same time and for only slightly more cost than the best of our private yards. This was clearly proved some years later in the construction of the large modern battleship, the *Connecticut*, at the New York Navy Yard, when the work was carried through so expeditiously that the private yard which had taken the contract for the sister ship had to extend itself to the utmost to keep pace with the Government-built ship. One of the main objects of giving work of new construction to the navy yards was to spur the private builders to greater activity, for up to that time it was a notorious fact that the Government contract work was treated as a kind of standby in the private yards, the first attention being given to orders for private firms. The record made by the *Connecticut* for rapid construction has acted as a most effective spur to the private yards, and our latest warships, in spite of their greater size, are being built in from 50 to 60 per cent of the time taken to build the earlier ships.

The agitation in favor of navy-built ships originated within the Navy itself, and its most effective advocate was the naval constructor above referred to, Mr. Francis T. Bowles, who subsequently left the Navy and is now the president of one of the great shipyards upon which the Government depends mainly for the construction of its new Navy. The most complete and convincing presentation of the arguments in favor of navy-built ships is that made by Mr. Bowles in the year 1900 before a congressional committee on naval affairs appointed to consider the question. Just now, when the question is again being agitated, it would be impossible to find a better brief for the case than this testimony of the former constructor.

In his evidence before the committee Mr. Bowles stated that the first advantage of building ships in navy yards is that it maintains the efficiency of the mechanical force and of the plant and shops.

"The reason that we have navy yards is to provide ourselves with the means of equipping and keeping our ships in good order for purposes of war; and, with that end in view and in the light of our recent experiences, it is essential that the organization of a mechanical force and the equipment should be kept in efficient condition.

"Now, if in these yards, which are essential to the object of the Navy, we should keep a vessel or two vessels building all the time, we would have a nucleus of a complete force, and it would be necessary, in order to do that work with a reasonable degree of economy, that our yards should be kept in good order.

"The fact that a vessel is building in a navy yard makes it possible to conduct the repair work of the fleet economically and rapidly, because if a vessel comes in for repairs, as soon as it is determined what it is necessary to do the force is available and every shop is in working order, and the chances are that there is a stock of material on hand of every kind that would be needed to make these repairs. The matter of having the material on hand is one of the most essential items in carrying work on rapidly.

"The third advantage is that the amount expended for repairs will be reduced by the fact of having shipbuilding in the yard. That may seem a curious thing, but it is perfectly true that if you have got enough to do to keep an efficient force at work there will be no tendency whatever to magnify repair work or even to devote attention to considering what improvements can be made in existing ships.

"The fourth advantage in carrying on new work in the navy yards is that it enables the Government to maintain a high standard of workmanship and design, by which the contractors can be made to conform to what is necessary under their contracts, and I consider this a great advantage.

"I will combine that with the fifth item on my list—that building ships in navy yards provides a training for those who must inspect the contract work. I maintain that a man is unfit to be a Government inspector, to tell the contractor how his work shall be done and what is acceptable and what is not acceptable, unless he has had that kind of work himself.

"The next advantage to the Government in doing the work is that no profit has to be made. The cost of inspection can also be saved. When a ship is built by contract the Government maintains a force of inspectors and draftsmen, who inspect the work in progress and make the projected plans. The cost of a trial trip is another item saved, for it is the custom to remunerate the contractor, either in his contract or fairly as an extra bill, for all the expenses of the trial trip."

Now, since the above telling arguments were presented—and they are just as valid to-day as when they were made—the question, as we have noted above, has been put to the test by the construction at Brooklyn of one of a pair of the largest battleships so far built for our Navy; and the question naturally arises, How far have the predictions of the former chief constructor been verified? In answer, it can be said that the *Connecticut*, in spite of the strenuous efforts of the private firm which was building the sister ship *Louisiana*, was completed within the same time as that ship and within two or three months' less time than called for by the contract. Because of the fact that hours are shorter and the pay somewhat higher in the Government yards, no claim was ever made that the *Connecticut* could be

built as cheaply as the *Louisiana*. It was estimated that she would cost about 10 per cent more than the other ship. As a matter of fact, in the final summing of the costs it was found that she cost only 5 per cent more. The latest official report of the Navy Department gives the total cost of the two ships to September 30, 1907—the figures including the expense of alterations chargeable to original construction, and also of armor and permanent ordnance fittings—as follows: For the *Connecticut*, $6,367,308.22; for the *Louisiana*, $6,037,344.47.

The question may be raised as to whether as good a ship can be built at our navy yards as at private yards. Perhaps the most conclusive test of this point is to compare the actual cost of repairs on these two ships since their completion. Fortunately, the figures are available; for the same report gives the cost of such repairs for the *Connecticut* as $94,314.56, and for the *Louisiana* as $110,500.19, a difference of about 17 per cent in favor of the *Connecticut*. As a matter of fact, the comparison is more favorable than appears on the face, and this for the reason that the totals for the *Connecticut* include repairs made necessary by her having been run aground during the past summer, an accident which, of course, is in no sense chargeable to the work on the ship itself.

In regard to the 5 per cent increased cost of the *Connecticut*, it is but fair to draw attention to the fact that this being the first large battleship to be built at the Brooklyn Navy Yard, there are several items of cost charged to her which would not appear against any subsequent battleship built upon the same ways. These are expenses due to work of a preparatory kind; to the provision of special tools in the machine shops and special appliances in the yard, which, once built, will be available for subsequent ships.

Thus, the preparation of slip, cribbing, and scaffolding cost over $39,000 for the *Connecticut*, as against $12,000 for the *Louisiana*; so also the cost of preparing launching ways and launching the ship cost over 100 per cent more for the navy-yard ship. There would be no such difference in the cost of the next battleship to be built on these same launching ways. Again in the preparation of beds and erecting, the list shows a cost of $12,000 or about 100 per cent for the *Connecticut*. This item probably refers to the beds on which the engines were built; yet these beds are now a part of the permanent plant of the erecting shop, and indeed are now being used for building the engines for the collier *Vestal*. It would be possible to follow the comparison further if we had time, and show that if the cost of these preliminary preparations and of special tools and appliances were charged to the plant of the yard, to which they properly belong, the difference of 5 per cent between the *Connecticut* and the *Louisiana* would be not a little reduced.

TIME TAKEN TO BUILD OTHER SHIPS.

The official record of the building of the other 21 best-known ships in the Navy shows that not one of them was built in contract time. The *Nebraska*, built by Moran Bros., of Seattle, and the *Georgia*, built by the Bath Iron Works, of Bath, Me., were over three years longer building than the *Connecticut*.

The *New Jersey*, built by the Fore River Shipbuilding Co., at Fore River, Mass., and the *Virginia*, built by the Newport News Co., at Newport News, Va., were over two years longer building than the *Connecticut*, although the *Connecticut* is larger than any of these ships by 15 feet in length, and by 7½ inches in beam, 9 inches in draft, and the displacement 1,000 tons greater, the coal capacity being larger by 500 tons.

I am in favor of an appropriation for the building of battleships. [Applause.]

Mr. FOSS. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, Congress, on May 30, 1908, created what was known as the National Monetary Commission and charged it with the duty of inquiring into what changes are necessary or desirable in our monetary system and in the laws relating to banking and currency. This commission made its report last January, in which it recommended very radical changes. To its report it appends a proposed bill embodying these changes. I desire to call attention to some of the provisions of this bill. I approach this subject with considerable hesitation. I am aware that the recommendations have the approval of the entire commission, a commission made up of men for whom I have the highest respect and with whom I regret very much to differ, but I fear that the commission must have felt constrained to shape its proposed legislation so as to avoid the opposition of certain banking and financial interests, who are now strenuously supporting its recommendations by organizing bankers and business men to push this plan through Congress. They are very impatient of any criticism. Let me say, however, that if this plan can not stand criticism, it should not pass.

In brief, the plan is this: A corporation is to be formed with a capital stock of not less than $100,000,000, which is to be owned by the banks of the country in proportion to their capital stock. This corporation is to have 1 central office and 15 or more branch offices. It is to be invested with the usual powers of a bank; it may receive deposits, make loans, buy and sell bonds, notes, and bills of exchange, and is to have the exclusive power of issuing bank notes. In other words, the plan is to create a great central bank of issue like the European central banks. Instead of calling it a bank, as such an institution would be known in Europe and elsewhere, it is to be called the National Reserve Association. This name is not descriptive. No one can miss the fact that the overshadowing function of the bank is to issue currency. Pages of the plan are devoted to that feature, while it almost fails to mention bank reserves at all. Scant place is found for a line or two, just enough to say that deposits placed with this central bank may be counted as a part of the reserves of the bank making the deposit. The reading of the plan certainly never suggested the name. Was it not for fear that a central bank would be unpopular that the commission called its creation a National Reserve Association? If so, will not this lack of courage and candor do more to defeat the plan than a frank avowal of its real nature? The American public demands fair and frank treatment. It has no patience with any scheme, no matter how meritorious, that dreads the light of day. If a central bank is what we need, we ought not, however, allow prejudice to prevent us from securing one. In almost every European country there is a central bank. It is also true that there has been less danger of bank panics in those countries than has been the case with us; but it does not follow as a consequence that security against panics is due to the central banks or that it is necessary to establish one in this country. If banking in this country was carried on in as conservative a manner as in Europe, there would be but very little danger of panics. So long as banks permit their funds to be used in reckless speculation, and so long as law and public opinion will tolerate the issue of untold millions of fictitious or inflated stocks, bonds, and other securities, upon which bank credits rest, we shall have panics with or without a central bank. No banking system can save a bankrupt bank or prevent runs upon it.

Should we create this proposed central bank we must not deceive ourselves with the idea that it will serve us as well as like institutions serve people in Europe. Henry Clews, the great New York financier, in his book, Fifty Years in Wall Street, says:

> Such a bank as the Bank of England, or the Bank of France could not be created, either in a day or a generation, for those time-honored institutions are the growth of ages. They are very much older than any of the other banks there, and, under the control of their respective Governments, they have grown up with their countries and become practically, although not by ownership, Government institutions. Hence their prestige and power and the impossibility of other banks superseding them.

This statement of Mr. Clews may be applied generally to the other state banks of Europe.

If we are to have a central bank it must be so planned that it will deserve and command the fullest confidence of the public so that in times of stress it can stem the tide of panic. It must above all other things be solvent and possessed of ample means, in excess of its own immediate liabilities that are available at any time for use in helping others. Let us see if this bank is planned to be solvent. This bank is to organize when $100,000,000 of its capital stock is paid in. As soon as it is organized it becomes its duty to purchase within one year thereafter all the 2 per cent Government bonds then on deposit with the Comptroller of the Currency as security for our present bank-note circulation, amounting to about $700,000,000. It is authorized to and must pay for these bonds by issuing bank notes of its own. When this has been done what is the status of this bank? It holds $100,000,000 of capital and $700,000,000 in bonds, and owes $700,000,000 upon its notes. You strike a balance and there is left $100,000,000, and of course you say it is solvent. But this plan provides that the bonds so purchased must be held by this bank during the period of its corporate existence, except that after five years the Secretary of the Treasury may permit the bank to sell not to exceed $50,000,000 of them each year thereafter, to which is added a proviso that the Government reserves the right to purchase at par or pay any of these bonds at any time. This in effect locks up these bonds and prevents their use as a means for obtaining money with which to meet the bank notes. It may be contended that this bank has general power to borrow money against any of its bonds, but this provision is clearly not applicable to these bonds, as the proposed act expressly provides that the bank shall continue to hold them. The right to pledge these bonds as security necessarily carries with it the right to part with title to them. If this bank is to have this right then it may suffer them to be sold and with the proceeds retire all its bank notes and thus contract our currency $700,000,000 or more. The plan clearly contemplates that this bank shall start with outstanding obligations of $700,000,000 due on demand, and shall have as available assets for the payment of this enormous indebtedness only $100,000,000. But even this $100,000,000 has a string to it that prevents its use. It is provided that 25 per cent of this $700,000,000, or $175,000,000, must be held against these notes as a reserve, so that instead of having for use $100,000,000, the first duty of the bank will be to go out and borrow $75,000,000 more of reserve money. To do this it will not only be necessary to borrow $75,000,000, but enough more to provide a reserve against this added indebtedness. It will take $112,500,000 more to make a sufficient amount to enable the bank to call itself technically solvent. It will then have an indebtedness of $812,500,000, and still it will not have a dollar available for the redemption of any of its notes without borrowing the money. And this is the bank that is to help others when people lose faith in the solvency of all banks.

The object of purchasing these bonds is to retire seven hundred million of our present bank notes and substitute in place of them notes of this bank, and this is on the plea that it will substitute a better class of notes. Are these notes going to be better? Our present notes are not only guaranteed by the Government, but are a direct obligation and a first lien upon the assets of the banks issuing them. It is not a guaranty that has to be enforced by a sheriff's sale of bonds or on liquidation 50 years hence. The banks are required to keep a fund with the Government for the redemption of their notes, and all notes are paid on demand by the United States whether the bank whose note is presented for payment has enough money there for the purpose or not. In the year ending October 31, 1911, more than $587,000,000, or about 80 per cent of all notes in circulation, were so redeemed. If every note had been presented it would have been paid either by the Government or by the bank issuing it, not by borrowing money belonging to some one else but with money belonging to the banks. The Government is not to guarantee the notes of this central bank or hold any fund or security to compel their redemption, nor are the banks liable except as stockholders, and then only in the event that this central bank becomes bankrupt. Our bank notes are as good as gold, and the method under which they are issued saves to our Government in interest more than ten millions annually. It makes it possible to issue bonds that cost us only about 1½ per cent per annum, while if this plan goes into effect we shall probably have difficulty in selling bonds in the future at 3 per cent.

It is apparent that this plan would collapse at once if suitable provision was made for the redemption of these notes. This bank is expressly prohibited from having any domestic transaction with anyone except the Government and its stockholders. This clearly forbids this bank from redeeming any of its notes unless presented by the Government or one of its stockholders. Still, a bank or trust company not a stockholder is compelled to accept pay in these notes. Should these notes depreciate in value, this arrangement will in effect give to the banks that are stockholders a first lien upon the funds of the central bank. They could present these notes for redemption and receive par in the money held by the central bank, while others could not reach this fund and would have to pocket their losses. This would inevitably discredit these notes.

Another contrivance to prevent the collapse of this bank is the provision that its notes may be held by other banks as part of their reserves. This is a departure from a time-honored policy, but is no doubt necessary if the scheme is to float at all, even on the high tide of prosperity. This makes a market for these notes and will tend to prevent their return for redemption. But this will enable the banks to discriminate against the greenbacks and silver certificates and may cause us no end of trouble, especially as no limit is placed upon the size of the bank notes that may be issued. Foreign Governments are careful to limit the size of such notes. The Bank of England can not issue a note for less than £5, or about $25. The provision that these bank notes may be held as bank reserves makes it possible to have an almost unlimited expansion of currency and credits. Banks may transfer their gold to the central bank in exchange for its bank notes, and for every dollar of gold so secured this bank may issue two of its own notes, $1 to effect the exchange and $1 in discounting paper. There is more than $1,500,000,000 of gold in circulation. The silver money and greenbacks can also be made to do double duty. The banks can gather up this currency and place it on deposit with this central bank, and while there they may still count it as reserves in their own vaults. As soon as it reaches the central bank, that institution may, in discounting paper, issue against these reserves bank notes equal to their amount. The silver and greenbacks equal another billion. Still, this is only a small fraction of expansion made possible by this plan. The other banks can take these notes and build upon them a credit structure that would stagger the most reckless speculator that ever trod the turf.

The one thing in our present credit system that tends to keep speculation somewhat within reason is the limit that our reserve money automatically puts upon bank loans. A bank can not legally loan out all of its deposits. When it is remembered that the chief business of a bank is to borrow money and reloan it, and that much of this money are deposits due on demand, it is evident that reserves play a very important part. The national banks are required to keep, on an average, one-sixth of their deposits to repay them. As the amount reserved for that purpose decreases the bank must curtail or collect in loans so as to have on hand money to meet further withdrawals of deposits. This tends to limit the amount of loans that a bank can make, as there is a limit on the amount of money that can be used as reserves. This plan removes that limitation by permitting these bank notes, the amount of which is practically unlimited, to be used as reserve money by other banks. Not only does the plan provide that the $700,000,000 of notes issued to retire our present bank-note circulation, not now reserve money, may be held by other banks as reserves, but that every dollar issued by this central bank in its business may be so held.

It is urged that such expansion is not possible. The reasons chiefly relied on are that the bank can only invest its funds in short-time commercial paper, and that there is a tax upon the bank notes if they exceed nine hundred million. The class of paper that it may invest in can easily be provided, as I will try to explain a little later on, and if I correctly construe the provision in regard to the tax upon bank notes, it might as well be frankly admitted that no tax is contemplated. It is barely possible that a situation might arise that would permit the imposition of a tax, but it is such a remote possibility that it is almost negligible. The advocates of the plan usually claim that all notes in excess of $900,000,000 are to be taxed, but that is not correct. The provision is that all notes in excess of nine hundred million not covered by an equal amount of money held by the central bank shall be taxed. Under this plan the other banks may deposit with this central bank, say, five hundred million or more of their reserves. Against this $500,000,000 then held by the central bank as a reserve it could, in discounting paper to that amount, issue in payment therefor its own notes. The central bank would then have outstanding $500,000,000 in bank notes and owe $500,000,000 to its depositors, or a total of one thousand million. It would hold the $500,000,000 in money to cover the notes, and this same money would, under the plan, serve as a sufficient reserve against the one thousand million dollars, as only 50 per cent of the total liabilities of the bank are required as a reserve. The provision that the note holders have a first lien upon the assets would make whatever money might be in its vaults cover the notes, and as a consequence this $500,000,000 of bank notes would have to be deducted from the total of bank notes outstanding in determining the amount of the tax to be paid. In other words, for every dollar that the Government or a bank deposits with this central bank it may issue another dollar of tax-free notes; and as the banks can, without loss to themselves, put all the reserves that they are now required under the law to keep in their own vaults in this central bank to swell the amount deposited there by the Government, it is evident that $900,000,000 is only a fraction of the untaxed currency provided for.

The Monetary Commission recognizes the danger which this plan presents. It says in its report:

> Our main reliance for preventing undue expansion must, however, be found in the wise management of the local and district associations and the reserve association.

If the proposed bank had behind it centuries of careful, wise, and honest management as have most of the European central banks we might have less hesitation. There custom, tantamount to unwritten law, restrains and guides such banks. Here no such custom exists. Still we propose to start a like institution with greater capital and almost limitless powers. The Bank of England, the most powerful financial institution on earth, has no such power to issue bank notes. The English Government owes to it a little less than $90,000,000, and to that extent it may issue bank notes, but for every dollar that it issues in excess of this it must hold an equal amount of gold in its vaults, and for every note that the bank issues the stockholders are individually liable. The Scotch banks are often spoken of as authorized to issue bank notes in unlimited figures against their assets. They have no such power. They may issue a small amount of uncovered notes. The aggregate that all can issue is about $15,000,000. Beyond this amount, which is fixed by their charters, they are limited like the Bank of England to the issue of notes covered by gold in their vaults and their stockholders are also liable individually for all the notes issued. No danger of overexpansion in either England or Scotland. The Bank of Germany may issue a little less than $131,000,000 of uncovered and tax-free notes, and in addition it may issue an amount equal to whatever money it may have in its vaults. Beyond this it can not issue a dollar without paying a tax upon the issue of 5 per cent per annum. This tax makes the issue unprofitable and checks expansion. The report of the Comptroller of the Currency for 1911 shows that this bank holds cash in excess of its circulating notes. The total issue of the Bank of France against gold coin and other assets is limited by law to about $1,100,000,000 against which it holds about $700,000,000 in gold besides Government securities and other assets. Outside of a comparatively small amount due to it from France it aims to keep all its issue covered with gold. It believes in keeping its feet upon the rock of real values and ascribes the low interest rate in France not to its power to issue notes, but to its large reserve in gold.

In connection with this it is important to consider that those banks, in countries where confidence in such institutions is no doubt much greater than this bank can hope to secure, feel constrained to hold reserves ranging from 50 to 100 per cent of their liabilities. These figures are very significant when it is remembered that the policy pursued by those banks is to invest their money in the highest class of mercantile paper due almost on demand, so that practically every dollar of their indebtedness, including the bank notes, can be paid in a few days. How radically different is the arrangement in this plan? It prescribes a reserve of 50 per cent of all liabilities, but modifies this by allowing this central bank to deduct from such liabilities in figuring such reserves an amount equal to one-half of the seven hundred million of bonds that it is to purchase. This means that the seven hundred million of bank notes issued in place of the present notes are to be secured by a reserve of only 25 per cent, and this notwithstanding the fact that this bank is charged with the duty of keeping the bonds upon which they are supposed to rest during the period of its corporate existence. And let us not forget that this seven hundred million is only one item of our credit currency. Our greenbacks and depreciated silver swell this to enormous figures. The report of the Comptroller of the Currency to which I have referred says that we have already $784,000,000 of uncovered paper in addition to about $700,000,000 of silver worth 50 per cent of its face. France has the next largest amount of uncovered paper—some 223,000,000—and the largest amount of silver—some 400,000,000. But this is not all. Not only is the foundation upon which this staggering load of credit currency rests to be undermined and weakened, but to make collapse doubly sure the Monetary Commission makes provision for 200,000,000 more of untaxed notes which, they say, business will demand, and for fear that not even this will satisfy the greed of speculation they add to this vast sum 300,000,000 more at a nominal tax of 1½ per cent, and then they urge this plan as one in the interest of safety and as a panacea against panics. Why not advertise for a barrel of whisky for a drunken man to sober up on?

The history of every panic shows that it was due to an overexpansion of credits. Bankers and business men borrowed more money than they could pay. Suddenly everybody concluded to have a day of reckoning, and we called it a panic. We have just tried this kind of a remedy against panics. When the speculative craze that culminated in 1907 was staggering to its ruin in the fall of 1906, with call money from 30 to 40 per cent in New York, the Secretary of the Treasury, at the behest of the banks, forced into circulation in the course of two months $100,000,000 of bank notes besides some $23,000,000 of Government gold from the Treasury, but it only added zest to the spirit of speculation and made the gloom of 1907 still darker.

We all remember the panic of 1893. Are we willing to legislate to create another such disaster? During the panic of 1893 we had afloat about $346,000,000 of greenbacks, and our silver circulation was about $190,000,000 below par, making a total of credit money of $536,000,000 besides the bank notes. For the maintenance of this money at par the vast resources, the boundless credit and the faith of this Government was pledged. It held in the Treasury the seigniorage upon the silver coinage worth some $70,000,000 and a reserve in gold of about $100,000,000; still what happened? The Treasury was forced to sell $362,000,000 in bonds, at 4 and 5 per cent interest, to secure enough gold to keep this money at par, and President Cleveland hastened to call Congress together for the express purpose of repealing the so-called Sherman Silver Purchasing Act, under which some $50,000,000 in silver was added to our circulation each year. A very insignificant sum when it is remembered that the silver was purchased at its actual value and no more silver dollars were issued than an amount at par equal to the money paid for the silver.

When this central bank is in operation we shall still have the same amount of greenbacks as we had then. We have a larger amount of silver, and it is worth considerably less per dollar, as the silver in the silver dollar was then about 67 cents, while now it is worth only about 50. Our bank-note circulation was then only about $375,000,000, while now it is in excess of $700,000,000, to which it is proposed to add untold millions, not of notes resting upon available resources and subject to prompt redemption, but notes that must be kept afloat to prevent bankruptcy, and that can only be kept afloat by borrowing from Peter to pay Paul. This bank is to start with a demand liability seven times greater than its available resources, a liability which it is in effect forbidden to pay during its corporate existence. Its very life depends upon an irredeemable bank-note circulation. Every argument that has been made against flat money can be made against this plan. It is surprising that men who in the past have steadfastly opposed all such schemes appear to favor this. Do the lessons of the past serve no useful purpose? The limitations imposed upon the banks of issue in Europe are the result of sad experience. In England those limitations were written in 1844 as the result of the panics of 1825, 1836, and 1839, all due, as the people of England then believed and still believe, to an excessive issue of bank notes. No amount of persuasion has induced the English people to relax these restrictions, though often a subject of bitter controversy.

Not only is the power to issue bank notes rigidly limited in most countries, but there appears to be a growing disposition to provide for a large measure of governmental control—not simply supervision. The central banks of Germany and France are controlled by their respective Governments; and the Bank of England is so closely allied to the English Government that it is almost a Government institution, though privately managed. The German Government actually manages the Bank of Germany. The stockholders may advise and may prevent the bank from making loans to the Government, but are otherwise practically without influence. The governor of the Bank of France is appointed by the State. He has the general direction of the affairs of the bank, presides at all meetings of the directors, and may veto any of their acts. No paper can be discounted that he disapproves of, and he appoints all the employees. This plan for a central bank gives the Government absolutely no control; a provision is even inserted in the proposed bill to prevent Congress from amending the act except at the end of each 10-year period. All the participation that the Government is accorded in the management of this bank is just about enough to permit it to have some knowledge of what the bank may do. I would hesitate to place such a bank under the management of the National Government, but I hesitate still more to turn over to such an institution without any security, as is proposed, hundreds of millions of Government money each year—the money that the Government must have to maintain its very existence. Under the proposed act it is not discretionary with the Government to deposit its money with this bank; it must do so.

I have but little patience with the extreme solicitude expressed by many that politics may interfere with such a bank. If it should pursue a course injurious to the public, politics ought to interfere; if it does not, the danger is extremely slight. It is almost impossible to stir public interest and feeling sufficiently to correct any evil, let alone doing to business an act of injustice when it is pursuing a proper and legitimate course. But is there not another side to this question of politics? May we not hesitate to form this vast combination of all the banks in this country, with their hundreds of thousands of stockholders scattered over every hamlet between the two seas? If this central bank is formed, it will bind together all the banks and give them many interests in common. Contemplate the vast power that this organization will have, not only over banks, but over business and the Government itself. It will have power to reward and punish friends and enemies. It will bring into close touch with the vast banking and business interests men who are natural leaders. These men will inevitably drift into politics, and with such an organization behind them, cemented together by self-interest and class pride, can you measure its power? Perfect this organization and put it behind any demand for additional privileges, for additional favors, and what will happen? I do not believe that it is of the slightest importance that Wall Street is not given direct control. No such organization can possibly escape Wall Street domination.

No country has a counterpart to this scheme. In every other country care is taken to keep the central banks as independent of other banks as possible. Here just the opposite is proposed. Is it good sense to provide that the banks that elect the officers of this central bank and its branches shall apply to those very officers and have them grant or refuse the favors they ask—officers that must depend upon the good will of those banks to retain their positions—or to provide that a board elected by the banks, and in effect their agents, shall determine how high a rate they must pay this central bank to discount their assets? The Government is to get the earnings of this central bank beyond 5 per cent upon the stock; but with this power in the banks to fix the rate of discount, how much profit do you suppose the Government will get? How different is the position of the manager of a European central bank. There he occupies a quasi public position. He is charged, either by law or custom, with the duty of guarding the currency of the country and with protecting both public and private interests. He is uninfluenced by past favors or promises of future rewards. His position permits and demands of him his best judgment in the interest of all. In considering whether this

bank is planned to be solvent it is of the utmost importance to know that the officers in charge are bound not only by their honor as men, but also by self-interest to maintain its solvency.

Those who advocate this plan never tire of telling us what a great advantage this central bank would be in that it would hold the reserves of other banks and thus be able to supply other banks with an abundance of money if needed. The impression put afloat is that the reserves deposited with this central bank are to be treated as a common fund for all the banks. Nothing could be further from the truth. A bank that may have any of its reserves in this central bank can only draw its own. The impression is even abroad that all reserve money is to go into this central bank, but that is not the plan. The law in regard to reserves is to remain practically unchanged except that any money deposited with the central bank may be counted as a part of the reserve of the bank making the deposit. This means that a bank may strip itself of all its reserves. It may leave in New York or other reserve city, if a country bank, three-fifths of its reserves as under the present law and send the balance to the central bank. If the plan provided for sending all or any considerable part of the reserves to this central bank, the protest would be long and loud. Care has been taken that the reserve city banks are not to suffer. They are still to be permitted to pay interest on reserves that other banks may deposit with them, while the central bank is not permitted to pay a penny. This arrangement will permit the central reserve city banks to retain their present deposits of bank reserves. Still this central bank may accumulate some reserves, as it is not expected to pay out any money. If a bank withdraws its deposits from this central bank it can not secure any relief. The method by which a bank is to secure any reserve money from the central bank is to sell it some of its assets and have the central bank print some notes and give to it in payment. This is the much-vaunted method of making available our bank reserves—the one feature that appears to have appealed to the Monetary Commission so strongly that it gave to its creation the name National Reserve Association.

A lack of elasticity in our currency has been the stock argument of every advocate of asset currency and is, of course, presented in support of this plan. It is true that if this bank is established it could, with the aid of the other banks, expand the currency to an almost unlimited extent, and with such aid contract the currency several hundred millions below what we now have by using our bank reserves to pay notes issued in place of our present notes. The expansion and contraction of asset currency is often spoken of as automatic, and where redemption of the notes is promptly compelled, that is to some extent true; but no one can seriously contend that there will be anything automatic in the issue and retirement of the bank notes proposed under this plan. The large commercial nations of Europe have striven to prevent their banks of issue from exercising the power of expanding and contracting the currency. Are we willing to put this power in this bank? The small amount of uncovered and untaxed notes in England, Germany, and France are a permanent part of the circulation of those countries and do not serve the purpose of expanding or contracting the currency. Instead of giving to the Bank of England the power to expand or contract, great care has been taken to deprive it of any such power. Mr. Horace White, in his book Money and Banking, says, speaking of the Bank of England:

> Nobody has any discretion as to the amount of notes which shall be in existence at any time. Setting aside the fixed sum issued against securities the remainder of the circulation is just what it would be if it were composed of gold exclusively.

To prevent the Bank of England from making use of its note-issuing power to expand or contract the currency the bank act of 1844, now in force, separates the issue department from the banking department of the bank and determines the amount of money that may be transferred from one to the other. The method employed by the European banks to expand and contract the currency is this: To contract, they raise the rate of discount, which is in effect the same as raising the rate of interest. This discourages persons from selling papers to the bank, as it becomes too expensive for objects not absolutely necessary. In the meantime the bank's assets, such as bills of exchange and notes that it may have purchased, become due and are collected in, and money from these accumulates in its vaults. A high rate of discount also tempts people to purchase paper, and this releases to the banks the hoarded money. By lowering the rate of discount and using this money in the purchase of paper the currency is again increased.

A bank acting on this principle can not afford to charge too high a rate of discount as it will drive away business and cause a loss of profit in its competition with other banks, nor can it afford to make the rate too low for fear that it will not have money enough with which to meet its own obligations. This is the method relied upon by the central banks of England, Germany, and France. The tax of 5 per cent upon the German note makes such notes unprofitable unless rates are very high. The tax upon each note issued by the Bank of France is small; but as the French people are not accustomed to the general use of checks these notes must do double duty and circulate so rapidly that the expense of maintaining them in circulation and securing them by a sufficient reserve makes the tax a heavy burden. It is claimed by that bank that it actually suffers a loss upon its circulation. The method of these banks is simply to save up their own money when they anticipate that they will have use for it in the future and loan it out when they can afford to do so. The proposition here presented is to allow our banks to loan every dollar that they can buy, borrow, or get in any fashion, and then if they run short sell some of their notes to this central bank and have it start the printing press to run off some more money so they can go on and loan still more. This is an old scheme, often exploited, of living on the interest on the debts that you owe. It is not safe. It never was safe as a business proposition. The rugged, stubborn, common sense of England, Germany, and France, wise from sad experience, restrains by rigid rules the greed that kites credits upon credits. They insist that business shall not be done on hope and faith alone, but that at least some fair share of the money that is used must be earned before it is spent.

The diligent care with which the interests of certain banks have been guarded is manifest, not only in prohibiting this central bank from paying interest on bank reserves deposited with it, while other banks may do so, but in the absolute monopoly that the banks are to enjoy as sole owners of its capital stock and sole beneficiaries of its powers. No one can deal with it except the Government and a bank owning stock in it. The citizen, if he is to profit at all, must first pay toll to some intervening bank. It is true that the European banks deal chiefly with their respective Governments and the banks, but I doubt that any central bank can be found that does not deal with the citizen on equal terms with the banks; they do in England, Germany, and France. This is very important. It is the means by which those central banks protect the citizen against unfair treatment from other banks. Without according this privilege to the citizen it is idle to contend that this bank will equalize rates of interest in the different parts of the country. Not even the fact that the Government is required to deposit with this central bank hundreds of millions of the people's money each year, and that without interest or security, is considered a sufficient reason for allowing the citizen to deal with it. The Bank of France, when first organized, dealt only with the Government and the banks, but that has long since been changed. It must serve all alike and not a favored few.

From a study of the class of paper upon which money may be obtained from this central bank, it is apparent that not only is the public to be excluded from dealing with it, but the country banks are placed in very nearly the same position. It will be noticed that outside of Government and State bonds, which country banks seldom carry, there are only two classes of paper that can be discounted by a bank without the guarantee of a local association composed of not less than 10 banks with an aggregate capital and surplus of not less than $5,000,000, namely, certain notes and bills bearing two names, due in 28 days, and made not less than 30 days prior to the day of sale, and accepted bills of exchange due in 90 days bearing three names.

Very few country banks would have any considerable quantity of such 28-day paper, and if they did it would be quite useless to attempt to discount it. When a country bank needs to discount at all it nearly always requires a loan for a longer time. A sale of such paper would not ordinarily give 28 days, as a bank could seldom furnish a supply that would all mature in just that time. The average date of maturity would be nearer half that time, and as the bank selling has to indorse the paper it would have to repay the central bank as the paper became due to protect its indorsement and its customers. This would be a mere waste of time. Country banks deal in notes, and have, as a rule, few opportunities to obtain 90-day bills of exchange. Such a bill may be discounted the day it is made, while a promissory note, given for the same consideration, bearing the same responsible signatures, and in legal effect exactly the same, can not be discounted unless it is due in 28 days and was made not less than 30 days before the day of sale or is guaranteed by the local association.

To get these acceptances the banks in the large commercial cities will say to the wholesaler, the jobber, or the manufacturer: "We can not use your note. When you sell goods on

time you will have to ask the purchaser to accept a bill due in the future. With your indorsement we can sell that at the central bank and get money for 90 days; on your note we can only get money for 28 days, and then only after you have held that note for 30 days." This leaves the country bank with practically no opportunity to get money from the central bank. His only other chance is to secure the guarantee of his paper by the local association, but as this has to be paid for in addition to the discount on his note at the central bank and as an application for such a guarantee would probably be considered as a sign of weakness, he would no doubt have to depend for his accommodations upon some bank that could deal with this central bank. This advantage on the part of the banks in the large commercial centers would unavoidably give them control of the central bank: their influence over the country banks would easily be sufficient so as to permit them to name the officers. Once in the hands of a few large financial interests, rules could be adopted that might discriminate still more effectively against the country banks.

The plan of the Monetary Commission does not attempt to remedy the real defect in our banking system. The law permits the national banks not located in a reserve or central reserve city to deposit three-fifths of their reserves with banks in the central reserve cities, namely, New York, Chicago, and St. Louis. Banks in New York City bid for these deposits by paying interest upon them and then use these reserves in stock-exchange transactions of a character very close akin to gambling. When the banks that have made these deposits need their money it can not be returned if there is any unusual demand, as they are tied up in stocks and bonds that are not marketable.

The banks in New York City get the bulk of these deposits and have as to bank reserves the same duties to perform as have the central banks of Europe; but how do they perform that function? They hold close to $450,000,000 due to other banks, besides an enormous amount of other deposits. Six banks in New York held during the panic of 1907 more than $300,000,000 of deposits, of which more than half was due to other banks. These six banks held more deposits than the central banks of England, Germany, and France combined, and against these enormous liabilities they held less than half the reserves considered necessary in those countries, and assets, many of them, that those European banks dare not touch.

This plan provides for no change in this arrangement. The New York banks are still to continue to hold the same share of the reserves of other banks, and their business is to be in no wise limited or disturbed. This situation, created by a statute that in effect sends these bank deposits to New York—as that is the only place under the law where they can be kept and draw interest—has been the chief source of our troubles. When banks attempt to withdraw from New York any considerable part of these reserves it creates a money stringency, and if the withdrawal is unusually large it precipitates a panic. It is in this artificial, stilted credit system built upon these reserves that the danger exists. This is clearly shown in our past experiences. Every panic has started in New York, because of a lack of ability on the part of the New York banks to meet their obligations. A failure of the New York banks to pay necessarily involves every bank that has money on deposit with them, and so a panic in New York means a panic all over the country.

As a remedy against this situation it has been suggested that interest should not be permitted on bank reserves. This would tend to prevent the congestion of so large a part of these reserves in New York and thus lessen the danger of a country-wide panic when speculation runs riot there. But the chief merit of this suggestion is that the New York banks would not be compelled to make loans to earn the interest which they must pay in their competitive race for these deposits. They would then be able and might be required to hold larger reserves and conduct their business on safer lines. It is claimed that it would not be practicable for Congress to pass a law to prevent banks from paying interest on such deposits, because State banks would still continue the practice; but I can see no good reason why an excise tax could not be imposed upon all banks, State as well as national, that do not hold reserves such as Congress may prescribe and upon all deposits payable on demand subject to interest. Such tax could be made to effect the purpose.

Upon a comparison of our system of money and banking with the systems of the most successful countries of Europe I believe that the impartial observer will find that ours is far better adapted to our needs than any European system that we could import. Here a bank in a city or a village is owned and managed by the citizens of the place, who are interested not only in the bank, but also in the prosperity of the town, and consequently devote the money of the bank to the local needs of the community. The officers are often the leading men in their respective towns and among the most public-spirited. They are not, as most of the bank managers in Europe, mere agents, managing branches of some larger institution, controlled at a distance by men who do not know and care less about the place. The money controlled under a branch-bank system will go where it can earn the most without regard to other considerations. Our bankers have greatly aided us in building up our country. They know intimately the character of our business men and the needs of the communities they serve. They encourage local enterprise at a risk that no branch-bank system would tolerate.

Aside from this difference there is much more similarity between money and banking here and in Europe than the advocates of this plan would have us believe. Take, for instance, England. It has outstanding a small amount of uncovered bank notes; they are no safer, more flexible, or serviceable than ours. They are secured by an indebtedness from England to the Bank of England and by the assets of that bank, the same as our bank notes, which are issued by our Government, secured by Government bonds and the assets of the banks to which they are issued. The other bank notes of England are issued by this bank against gold, which it must hold dollar for dollar in its vaults. Our Government performs the function of issuing like notes, and against every one of them it holds its equivalent in gold. These notes, or gold certificates, as they are called, are in every way as good as the English bank note. These gold notes would be greatly weakened if the function of issuing them should be transferred to this central bank, as this bank is to hold only 50 per cent instead of dollar for dollar for their redemption, and instead of having back of them the Government of the United States this bank would promise to redeem them if one of its stockholders should ask for it. The German system is practically the same as that of England, except that the Bank of Germany may issue uncovered notes on the payment of a tax of 5 per cent per annum. In this respect it is more like our system than that of England.

Under what is known as the Vreeland-Aldrich Act—the act that created the Monetary Commission—authority was given to form currency associations, with power to issue bank notes guaranteed by the United States and all the banks in the association. These notes must be secured and are subject to a graduated tax. This act also allows an individual bank, without the guaranty of the currency association, to issue such notes against bonds other than bonds of the United States, but subject to a like tax. Currency associations have been organized and are prepared to issue bank notes at any time in case of real need. This gives to our currency much greater elasticity than that of England. It makes it possible for our banks to convert their assets into bank notes. This is the one thing for which the plan of the Monetary Commission is especially commended—the one and only feature of the plan guaranteed to cure panics. Without this power the central bank would be a wreck that even the rats would desert. Strange that those who favor this central bank do not appear to have heard of the currency associations; still, they would no doubt be every bit as effective against a panic as this central bank, and they are much safer, as they do not encourage panics by an overexpansion of currency and credits. It is for fear of encouraging such expansion that England has steadily refused to even provide for an emergency currency.

Most of those who are anxious for currency and banking reform appear to be chiefly concerned in the profits they hope to reap from tax-free notes. I want to be certain that reform means greater safety to the public and that the profit on uncovered notes goes to the Government. The act creating the currency associations provides for their termination in 1914. These associations should be continued, and, rather than the central bank, I would give them power to hold Government deposits and bank reserves. Let the banks guarantee and sell to them short-time commercial paper for notes of these associations, guaranteed by all the banks, like our emergency currency. Prevent the use of these notes as reserves and tax them like the German bank note, so they will only be issued during periods of great business activity. Let each association raise or lower the rate at which it may purchase paper or raise the interest on the notes to enable it to husband its resources. In lieu of interest on bank deposits payable on demand provide that the currency associations furnish to banks depositing with them exchange on other currency associations in some proportion to such deposits. The notes of a currency association would, aside from the paper for the purchase of which they may be issued, have behind them the Government and all the assets of all the banks in the association issuing them,

instead of the narrow foundation upon which is to rest the whole credit structure of the United States according to the plan of the Monetary Commission, namely, one-tenth of the capital stock of the banks that may become stockholders of the central bank. If the currency associations were given the powers I suggest, it would practically accomplish the legitimate objects sought by the Monetary Commission in the creation of a central bank, but it would not permit one section of this large country to dominate the destinies of the entire country. It would tend to build money centers in different sections capable of caring for the business of such sections.

I submit these observations because of the strenuous efforts that are being put forth to impose upon the country what seems to me a dangerous, utterly selfish, and un-American proposition.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman, I desire to call the attention of the House to a very able paper on the subject of the water-front development of Hudson County, N. J.

Mr. John C. Payne, the author of this paper, is a civil engineer who has been identified with the professional life of New Jersey for the past 35 years. He is a well-known expert in litigation where engineering questions are in dispute. He has been honored by many appointments on commissions for the determination of questions of interest to the State. He was appointed by Gov. Edward C. Stokes as a member of a commission, of which ex-Gov. Franklin Murphy and ex-Gov. Foster M. Voorhees were members, to investigate and report on the whole subject of franchises granted by municipalities to public-utilities corporations. He was appointed by the court, together with ex-Gov. George T. Werts and Col. John J. Toffey, to appraise the value and damages to the terminal lands on the Hudson River of the Delaware, Lackawanna & Western Railroad Co. taken for and affected by the construction of the Hudson River tunnels of the Manhattan & Hudson River Railroad. He was appointed by Hon. Charles J. Parker, judge of the supreme court, a member of the Martin Act commission to adjust and levy the immense arrearage of taxes which had accumulated in Jersey City by reason of the failure of the citizens to pay and the inadequacy of the laws to enforce the collection of the same.

In 1876 Mr. Payne associated himself in the work of the riparian commission of the State of New Jersey with the Hon. Robert C. Bacot, the first engineer of the commission, who was appointed in 1864, and in the annual report of the State riparian commission to the governor of the State for the year 1907 the board made the following official and public recognition of the work of Mr. Payne:

The board desires to officially express its recognition of the fidelity and professional skill exercised by its secretary and engineer in the work of the commission.

Mr. John C. Payne has been associated with the work of the riparian commission for 30 years. He associated himself in 1877 with the Hon. Robert C. Bacot, the first engineer of the commission, appointed in 1864, and when Mr. Bacot, by reason of declining years, retired, in 1897, with honor and the respect of the commission and State, Mr. Payne succeeded him as secretary and engineer, and has continued as such until the present time; and the board takes pleasure in testifying to Mr. Payne's fidelity to the work of the commission and to the interests of the State committed to its care.

Mr. Payne is still the secretary and engineer of this important State commission, and attended the recent Eighth Annual Convention of the Rivers and Harbors Congress, at Washington, by appointemnt as a delegate by Hon. Woodrow Wilson, governor of New Jersey.

The paper referred to is as follows:

HUDSON COUNTY—ITS WATER-FRONT DEVELOPMENT.

Paper read before the Historical Society of Hudson County by John C. Payne, C. E., secretary and engineer of the Riparian Commission of the State of New Jersey, Thursday evening, March 25, 1909.

"Although our paper to-night has primarily to do with the development of the water front of Hudson County, I shall not attempt to go into the details of land transfers or the names of enterprises with useful but tiresome statistics which are the units that go to make up the grand sum of our worth; and I shall ask you to go with me to other parts of our State for some of the illustrations of the principles on which riparian interests are administered.

"Nor, indeed, shall I attempt to fully cover the ground of legal inquiry and decision of all the cases that have claimed the attention of our courts, for that would make my paper far too long, and my purpose is rather to attempt to give a general view of the principles upon which the water front of our county has been developed.

ORIGIN OF THE STATE'S TITLE.

"The title of the State to the lands flowed by tide water at mean high tide is as ancient as the discovery and conquest of the country, because it is founded on the ancient law.

"Briefly, the history of the discovery and occupation of this part of the country is:

"That in 1497 Jean and Sebastian Cabot, under commission of Henry VII of England, sailed along the coast of North America and claimed for their sovereign the entire country the shore of which they occasionally saw at a distance.

"In 1524 J. De Verrazzano, a Florentine, in the service of Francis I, King of France, is supposed to have visited the Bay of New York.

"In 1525 Estavan Gomez, a Portuguese, in the service of Emperor Charles V, visited the Bay of New York.

"In 1598 some Dutch, in the employ of the Greenland Co., came into the Bay of New York and erected a winter shelter and a fort for protection against the incursions of the Indians.

"In 1603 Henry IV of France, by virtue of the discoveries of De Verrazzano in 1524, above referred to, gave to Des Monts that portion of the country lying between the fortieth and forty-sixth degrees of north latitude. This included the greater part of New Jersey; but the grant of the French King was ignored by James I of England, who, in 1606, granted to the South Virginia, or London Co., and the North Virginia Co. practically the same land.

"From the time of the earliest discoveries up to the Revolution the occupation and control of this part of the country was passed back and forth among the Dutch, the French, the English, and the Indians, and an account of this period, as affecting the locality, will be found in the interesting papers already read to you by Dr. Brett and Mr. Daniel Van Winkle, of this society.

"The title of the State to the lands under water is founded on the ancient doctrine of the sovereignty of the King. The first diversion of the title of the King is that of the grant from Charles II to James, the Duke of York, March 12, 1664. This grant covered much of the land along the coast from Maryland to Maine, and on June 24, 1664, James, the Duke of York, sold to Berkeley and Carteret that part of the grant from King Charles of March 12, 1664, now known as New Jersey, and in 1676 New Jersey was divided into East and West Jersey and held by what were known as the lords proprietors.

"In the year 1702 these proprietors surrendered to Queen Anne all the rights of government held by them, reserving, however, the rights of property. The title to the soil of the tidal waters was not within the reservation, but again passed by the surrender of the government of the proprietors to the Crown of England.

"Thus the title to the lands under water, being vested in the King of Great Britain, at and before the Revolution of 1776 became vested by the law of nations and the right of conquest in the people of the then Colony and now State of New Jersey by the successful War of Independence.

"Previous to this time, however, what is known as the board of proprietors of East Jersey set up the claim of title to lands and lands under water under grants made March 12, 1664, and June 29, 1674, by Charles II of England to James, Duke of York, and by the latter to Sir George Carteret and John, Lord Berkeley, June 24, 1664, and July 29, 1674; and by the legal representatives of Sir George Carteret to the said board of proprietors, February 1 and 2, 1683; and by a confirmation of said board of proprietors, made by James, Duke of York, March 14, 1683; and by divers other instruments, Indian titles, and otherwise. They claimed to have been recognized as owners of the lands under water by express acts of the Colonial Government and to have made large numbers of grants of said lands.

"The proprietors' right of property in the lands above water was and is unquestioned, but that of their rights in lands under water has been the subject of much discussion and litigation. The decision, adverse to their rights, is the case of Martin v. Waddell (16 Pet., p. 367), by the majority of the judges of the United States Supreme Court, and has been generally accepted as a final settlement of the question; but the opinion of the minority of that court was so strongly in favor of the rights of the proprietors that it has left a lingering question in their minds, which occasionally finds expression in grants of lands flowed by tidewater, which grants, however, are not recognized by the authorities of the State of New Jersey.

"The original grant to the proprietors was in consideration of what they expressed as a 'competent sum of money,' and in addition to all the lands in the described boundaries gave

"All rivers, mines, minerals, woods, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and hereditaments whatsoever.

"And I presume, on the strength of this wording, they based their claim of title to lands under water, which claim, however, has never been admitted by the State, but has been successfully contested.

"This title gave the proprietors rights in all the lands and general property in the Province, and also in the Government. The right of government was exercised until 1702, when it was surrendered to the Queen. The whole property was subject to the rights of its Indian owners, and the grant from the King gave the proprietors the exclusive privilege of purchasing from the Indians. (See William Penn and others on this subject, Gordon's New Jersey, pp. 40, 41.) This privilege, though contested in the earliest provincial courts, was always sustained, and at the session of the first legislature after the proprietors' surrender to the Government, the law first enacted was that 'for regulating the purchasing of lands from the Indians.' (Neville, p. 1.) This law forbid, with heavy penalty, any person purchasing lands from the Indians except by authority of the proprietors; declared all such purchases previously made illegal, and required the possessors to take title from the proprietors within six months thereafter.

"The Indians highly valued their rights of fishing, as the reference to them in their deeds of sale show; and the immense quantities of shells, piled in heaps at all convenient places along the shores, bear witness that they improved these rights to great profit. There are a hundred acres or more of land at South Amboy which are covered from 6 to 18 inches deep by these Indian shell deposits. The soil about Communipaw is full of them, and they can be seen all along the creeks and bays from South Amboy to Cape May.

"The proprietors purchased all these rights of the Indians and paid satisfactory prices for them. The purchases were generally made in tracts of a few square miles each, until nearly the whole State was covered by their deeds. Many of these deeds are recorded in the proprietors' books and in the secretary of state's office, and at an assembly of all the Indian tribes of New York, New Jersey, and Pennsylvania, held at Easton, Pa., from October 8 to 26, 1758, two deeds were executed by the Indians and their attorneys, one of which, by the Delawares, was for all the land south of a line drawn from Sandy Hook up the Raritan River and its north branch to the Alamatong (Lamington) Falls, and from thence crossing to the Delaware River at the Paoqualin Mountain (Water Gap). In this the boundary along tidewater is low-water mark. The other deed, executed by the Minisink and Pompton Indians, was for all that part of the State lying north of the above-mentioned division line and terminated at the north by a straight line drawn across the country from the mouth of Tapaan in latitude 41° north, on the Hudson, to Cochecton, in latitude 41° 40' north, on the Delaware.

GRANTS BY THE PROPRIETORS.

"Among the 'surveys' or grants to individuals, covered or partially covered by the tidewaters (the word 'survey' meaning a grant), made by the proprietors within Hudson County, was one in 1746 to 'Arch Kennedy, of Bedloes Island,' and on Holland's map of 1775 Bedloes Island is called 'Kennedy's Corporation.'

"Another 'survey' or grant by the proprietors, in Hudson County, in 1803, was to 'Elisha Boudinot, Budd tract, in Harsimus Cove.'

"In 1835 a 'survey' or grant in Communipaw Cove was made by the proprietors, of 'Black Tom,' which is now a part of the national docks warehouse enterprise.

"And as recently as March 4, 1880, the proprietors of East Jersey granted to George H. Cook the reef or island on which Robbins Reef Light stands; also the reef or shoal known as 'Oyster Island,' both in New York Bay.

"With these 'surveys' or grants of 'Robbins Reef' and 'Oyster Island' from the proprietors as a basis, application was made by George H. Cook to the State of New Jersey for a confirmatory title or the rights to the lands under water surrounding these 'surveys' as lands pertaining to riparian ownership, but the application was refused by the State, and no further claim has been made under these proprietors' 'surveys' or grants.

"It will be of interest to call attention here to the attitude of the United States Government toward the title of the State of New Jersey to its lands under water, and to the machinery of the State in conserving this relation:

"On March 16, 1875, the Legislature of New Jersey passed an act entitled 'An act authorizing the cession of jurisdiction and conveyance of lands of this State under tidal waters to the United States, to be used as sites for lighthouses, beacons, and other aids to navigation' (P. L., 1875, chap. 138, p. 28). This act provided that whenever the United States desired to acquire title to lands belonging to the State of New Jersey covered by the tidal waters, for the site of a lighthouse, beacon, or other aid to navigation, application might be made to the governor by a duly authorized agent of the United States, describing the site required; and that thereupon the governor was authorized and empowered to direct the riparian commission to make a survey and map and report the same to him; whereupon the governor was to convey the title of said lands to the United States Government upon such terms and conditions as might be agreed upon. The act provided further that no single tract thus conveyed should contain more than 10 acres, and that the State of New Jersey should retain concurrent jurisdiction over the same, so that all process, civil or criminal, issuing under the authority of this State might be executed by the proper officers upon any person or persons amenable to the same within the limits of the lands granted; and provided further that no part of such lands so granted should be used for quarantine purposes; and providing, finally, for the reversion of the lands to the State upon the discontinuance of their use by the Government for the purposes for which they were ceded.

"It was under this act and without regard to the grant by the proprietors to George H. Cook of the site of Robbins Reef Lighthouse, that is so attractive and prominent a feature of the shores of our country to its citizens returning from Europe, that the State of New Jersey, upon an application made by the United States Government in 1880, through its governor, then Gen. George B. McClellan, granted the rights to the United States Government, which accepted the same, thus putting the stamp of approval or confirmation upon the title of New Jersey to these lands under water as paramount to that of the proprietors.

"It will be noticed that the procedure for the United States to follow in acquiring lands of the State for lighthouse purposes is different to that of the Government or an individual in acquiring lands of the State for commercial uses. In the latter case application is made directly to the riparian commission, who pass upon the same, subject to the approval of the governor. It would be interesting to know what was in the minds of the legislature of 1875, when this act was passed.

"And further, in confirmation of this attitude or acceptance by the United States Government of the paramount title of the State of New Jersey to lands flowed by tidewater at mean high tide, it is interesting to note that in 1901 an application was made by parties interested in the exploitation of a scheme of development of certain lands under water lying about midway between Ellis and Bedloes Islands, in New York Bay, asking the State of New Jersey for a grant of the State's title to these lands. The State of New Jersey applied to the War Department for approval of the lines defining this development.

"The War Department declined to approve such lines on the ground that the rights and necessities of commerce would not permit of the construction in question, and adding that the United States Government, owning Bedloe and Ellis Islands, and using them for national purposes, were entitled to whatever rights and privileges belonged to riparian owners in the lands under water around and between these islands, and stating that it was not only possible, but probable that, in the near future, the United States might wish to use these lands for public purposes. This seemed like an intimation on the part of the Government of ownership or control; whereupon, the riparian commission inquired of the Secretary of War—

"Whether the Federal authorities claimed ownership in the lands under water in New York Bay, surrounding Ellis and Bedloe Islands, so that they may appropriate the same to the uses of the United States Government without making application therefor to the State of New Jersey.

"The answer of the Government, through the Secretary of War, is as follows:

"In reply I beg to state that the action of the Secretary of War, which was communicated to the riparian commission of New Jersey, was simply the modification of the harbor lines around Ellis Island, by extending the pier and bulkhead lines in accordance with the request of the Secretary of the Treasury. This action was no assertion of title of ownership in the lands under water, but simply a regulation of its use with regard to the navigable waterway and the interests of commerce.

"An interesting instance of the exercise of the claim of the proprietors to lands flowed by tidewater, came under the notice of the State authorities some few years ago, when two gentle and amiable ministers of the Gospel, hailing from that city noted for gentle and amiable citizens, appeared with a petition for the right to occupy part of an island in the lower tidal waters of the State; and the language of the petition is so unworldly, it may be of interest to quote it:

PETITION TO PURCHASE A CERTAIN MARSH ISLAND WEST OF HOLLY BEACH INLET, CAPE MAY COUNTY, STATE OF NEW JERSEY.

"*To the honorable the riparian commission of the State of New Jersey:*

"The petition respectfully represents—

"1. That your said petitioners are citizens of the United States and of the State of Pennsylvania, residing in the city and county of Philadelphia.

"2. That in March of the year 1902 while spending some time at Holly Beach, in the county of Cape May, State of New Jersey, noticing with favor a portion of unoccupied marsh island bordering the west edge of the first main channel west of Holly Beach, across which said island the county bridge from Holly Beach to Rio Grande (now completed), was then building, they, the said petitioners, did stake off and apportion to themselves on the aforesaid marsh island, portions of the same for the purpose of erecting thereon summer cottages for the use of themselves and families.

"3. That your said petitioners, pursuant to their first intention, have erected on the said portions of the said marsh island cottages as aforesaid, and also have interested other persons to do the same.

"4. That the said petitioners have rendered the said portion of marsh island accessible and desirable for occupation by certain improvements, the cost of which they have borne, among which is a substantial footwalk bridge 250 feet or more in length.

"5. That the said petitioners having been the pioneers and originators of this colony, desire to secure the said marsh island for settlement by respectable settlers, and for the protection of those persons already settled thereon, and to that end have had the said marsh island surveyed, a plan of which survey, together with a description of the same, is hereunto affixed and marked with the letter 'A,' and made part of this petition.

"6. That the said marsh island is not improved land of the State, nor is it included within any lands designated for improvement, but it is wholly covered by from 2 to 3 feet of salt water every ordinary tide, and is a mud flat covered with sedge grass at low tide.

"7. That your petitioners desire your honorable commission to fix such reasonable and just price as may be deemed proper for said marsh island, upon payment of which by your petitioners a clear and defeasible title thereto may be granted them.

"8. That your petitioners desire your honorable commission to fix a time and place when and where they may appear and be heard regarding this petition for purchase, and such other privileges as your honorable commission may deem fitting.

"And your petitioners will ever pray, etc.

"It just happened that at the time the newspaper men were devoting some attention to this department of the State. Anyone who has had experience with the young gentlemen who write up the daily news knows what an energetic and enterprising lot of young men they are; how cleverly, out of little, they can build an ornamental and attractive structure.

"The newspaper men got hold of this unique case, and in the papers appeared such head lines as these:

"Baptist ministers seize a New Jersey island—They noticed it with favor and so they simply swiped it—Will trust in God and Senator Hand," etc.—

"and wrote the matter up in the following facetious way, which cleverly contained very much of truth:

"Each one of the four riparian commissioners of this State at their meeting this morning sat bolt upright in his chair and gasped in utter astonishment as two Philadelphia Baptist ministers, with much washing of hands with invisible soap and unctuous tones, gently preferred the modest request that the board should give them the title to an island in Cape May County, which the reverend gentlemen had, as they felicitously termed it, 'noticed with favor,' and quietly preempted it, without so much as by your leave gentlemen of the State of New Jersey.

"'Eh?' said the chairman.

"'What?' ejaculated the board's counsel, horrified.

"'Bless me!' exclaimed another commissioner.

"'Dangerous precedent,' observed the secretary, 'for instance, if some one should notice with favor my house, what then?'

"To make matters all the more complicated behind the ministers sat Senator Robert E. Hand, of Cape May County, who had before the board an application for the very identical island, too. Genial Bob, quietly enjoying a 'chaw,' listened blandly to the ministers' arguments and regarded the entire proceedings as a huge joke. His application was in first, and since truth must be told, Bob, to use a well-known metaphor, had neatly euchred the ministers. Bit by bit the commissioners were put in possession of the facts of a very singular case, the beginning of which is best told in the ministers' own refreshing language, as set forth above.

"So like the Israelites of old, these Philadelphia ministerial pioneers found a promised land, and they rushed back to their kith and kin in far away sleepy Philadelphia and conveyed to them the glad tidings. They engaged the services of Robert E. Hand, a guileless dock builder, oyster planter, general contractor, and everything else in Cape May, to set the pilings for the cottages. Bob was only too delighted, and very soon there was a small colony of the elect of Philadelphia on stilts. But Bob, like Dickens's famous character, Joey B., 'was sly, devilish sly,' and when he found that the worthy colonists had no title to their land, he resolved to put that right by asking one in his own name, doubtlessly for the purpose afterwards of making the ministers a present of it.

"While this was being done, the secretary had everything not screwed down in the offices, which might be 'noticed with favor' removed to an inner room." (This was the facetia of the newspapers.)

"The fact in the case was that the east Jersey proprietors had made a grant to one of the parties, although, as stated in the petition, 'the Marsh Island is wholly covered by from 2 to 3 feet of salt water at every ordinary tide.' The conclusion of this matter was that the grant by the proprietors was ignored by the State, and these amiable ministers, who were most admirable gentlemen, were confirmed by the State in their title to the little Venice they had 'noticed with favor.'

STATE BOUNDARY LINE.

"Reference was made to a survey or grant by the proprietors in 1746 of Bedloes Island, in Hudson County, to Kennedy. Apprehending it may be questioned by some that Bedloes Island was and is in Hudson County, a brief history of the determination and location of the boundary line between New Jersey and New York will be of interest:

"The exact definition of the boundary line between New York and New Jersey seems not to have interested the earlier inhabitants of these two States, and so apparently unimportant an incident or industry as that of gathering oysters and other shellfish from the waters of Raritan Bay is responsible for the determination and finally the actual location of this boundary line.

"The value of lands under water in Raritan Bay was recognized early in the last century. Raritan Bay is a shallow, land-locked body of water, subject to the ebb and flow of ocean tides and fed by many fresh water streams, possessing every requisite necessary for the successful and profitable cultivation of shellfish.

"Beds of natural growth, where oysters and clams grew in great abundance, were found by the early settlers, and for a long time these proved sufficient to supply the wants of the scanty population. The rapid growth of population and the apparent danger of depletion from overfishing soon rendered artificial propagation necessary, and about the year 1810, the first oysters were planted and cultivated in Raritan Bay.

"At first all the land under water in Raritan Bay was considered as common to the residents of both States, and no attempt was made to divide them according to State lines, and not until the industry began to grow in importance, and the land consequently to increase in value, did local jealousies and disputes arise between the citizens of New York and New Jersey.

"These disputes soon grew to be of a serious nature, and sometimes ended in bloodshed. * * * Especially was this so after the legislature of each State had made it a misdemeanor for citizens to take or cultivate oysters in the waters of the other State, and in 1834 a treaty or compact was entered into by the two States in which it was agreed that 'the boundary line between the States of New York and New Jersey shall be the middle of the Hudson River, of the Bay of New York, of the water between Staten Island and New Jersey and of Raritan Bay to the main sea.' This agreement was entered into on September 16, 1833, and confirmed by the Legislature of New York February 5, 1834; by the Legislature of New Jersey February 26, 1834; and approved by the Congress of the United States June 28, 1834. This, though vague, was sufficiently definite for a long time, but the rapidly increasing number of planters and the great demand for oyster lands soon led to the occupation of the lands in the most valuable part of the bay. The indefinite nature of the description of the boundary line given in the agreement of 1834 became a source of constant dispute, and in 1886, pursuant to a joint resolution of the legislature, Gov. Green appointed Robert C. Bacot, A. B. Stoney, and George H. Cook a commission on the part of New Jersey to cooperate with a similar commission on the part of the State of New York to locate and mark out in Raritan Bay the line of 1834. The commission concluded its work and made its report to the governor on December 20, 1887.

"The work of this commission was so satisfactory that it was continued to definitely locate and mark out the boundary between the States in Staten Island Sound, Kill von Kull, New York Bay, and the Hudson River. It was in the latter part of this commission work that the Hon. Robert C. Bacot, who was chairman of the commission on the part of New Jersey, as well as the engineer of the riparian commission, clung so tenaciously and successfully to the contention that the treaty of 1834 fixed the middle of the channel of New York Bay, and not the middle of the area of the waters of the bay, as the boundary line, as contended for by the New York State commissioners. This resulted in giving to the State of New Jersey not only a greater area of land under water, but in fixing the boundary line in the center of the deep-water channel, and placing Ellis and Bedloe's Islands, as well as Oyster and Robbins Reef, within the State of New Jersey and in Hudson County.

"A curious and amusing incident occurred off the shores of Greenville about the year 1875:

"The State of New Jersey had made a grant of lands under water in New York Bay, opposite the shores of Greenville, the grant extending some 3,000 feet into the waters of the bay. The grantees had proceeded to bulkhead the outer end of this tract and to fill it in with refuse from the city of New York. This in time came to be a great nuisance, as the malodors arising from the effect of the summer sun were wafted by the prevailing southeasterly breezes of summer to the then bucolic residents of the sylvan shores of Greenville. They protested, but the protests were not loud enough to reach over the intervening half a mile of water from their shores to the offending filling. And so the aid of the law was invoked for relief, and the late Charles H. Winfield, that eloquent practitioner of the law, was employed to secure, through the courts, relief for our citizens.

"In the trial of the case the defense was set up by the offending parties, under that ancient and exploded theory that the city of New York controlled the waters of the Bay of New

York to the New Jersey shore, and disregarding also the fact that they had accepted the title and paid the State of New Jersey for the lands in question, that the Greenvillians were not entitled to any relief, as the offense they complained of was within the jurisdiction of New York and not of New Jersey.

"Mr. Winfield, resourceful in repartee, as well as in law, replied to the court, with convincing effect, that leaving out the question whether the locus of the filling was in New York or New Jersey, there was no question that the odors were in New Jersey, and that they were inducing the odors and demanded relief. The court took that view of it and afforded the relief asked for.

"The examination and care of the monuments marking the boundary line of the State is one of the many duties devolving upon the riparian commission of the State. By act of April 4, 1891 (P. L., 1891, p. 324), the riparian commission is authorized and directed to cause an examination of the monuments and to report to the legislature their condition, and to make necessary repairs, etc.

STATE CONTROL OF ITS RIPARIAN LANDS.

"No particular supervision or control seems to have been exercised by the State over its lands under water until 1851, when the legislature passed what is known as the wharf act, to which I shall refer later, entitled 'An act to authorize the owners of lands upon tidewaters to build wharves in front of the same.' (P. L., 1851, p. 335.)

"It appears, however, that since the beginning of the nineteenth century the legislature of the State of New Jersey has from time to time made grants, the more important of which were located under the waters of the Hudson River and New York Bay.

"In 1802 a conditional grant of 2 acres was made to Nathaniel Budd, which was a small part of the grant by the proprietors to Elisha Boudinot in 1803. (This grant by the proprietors covered about 53¼ acres of land under water, and lay between Fourth and Twelfth Streets in Jersey City, Pavonia Avenue running about through the center of it.)

"In 1804 a grant was made to the associates of the Jersey Co., covering practically the land under water in front of the southern part of old Jersey City. A map in a good state of preservation is still in existence, showing the Hudson River water front from Harsimus or First Street south to South Street or the Morris Canal Basin. It is a map advertising the sale of this property, and has an interesting engraving of the water front of Jersey City, showing the old Pennsylvania station and ferry slips, the Cunard docks, with the single smokestack, side-wheel steamers, partly square rigged as sailing vessels, and also, approaching the slip, an old-fashioned walking-beam ferryboat, with the name *D. S. Gregory* on the paddle box.

"In the background appears the roof and spire of the old Washington Street Presbyterian Church, of which, within the memory of many still living, Dr. Imbrie was the pastor.

"This church enjoyed the unique distinction of having been transported piecemeal from where it originally stood on Wall Street, New York City, across the river and reerected in substantially its original form. It stood on the east side of Washington Street, adjoining the park on its southerly side and nearly opposite the Gregory homestead. One of the Gregory boys was the organist in the church, and the writer of this paper, when a young man, sang in the choir. It was out of no disrespect to the amiable and able pastor, Dr. Imbrie, that at the beginning of the sermon on warm summer mornings a part of the choir would silently steal down the stairs from the organ loft and seat themselves under the peaceful shade of the trees in the park, hearing, if not listening to, the voice of the earnest old doctor, as it came through the windows until warned by its cessation that the time had come to resume their places and part in the service.

"This church was subsequently torn down and apartment houses erected on its site.

"The legend on the map in question reads as follows:

"David Scott, auctioneer. Map of valuable property in Jersey City, belonging to the associates of the Jersey Co. and others. Sixty lots in blocks C to I, fronting on and extended 150 feet east from Hudson Street, will be sold at public auction in Jersey City on Wednesday the 24th June, 1857, at 2 o'clock p. m.

"The side-wheel, square rigged, ocean steamships shown in the engraving of 1857 are interestingly foreshadowed in the following act of the Legislature of New Jersey, passed in 1848 (P. L., 1848, p. 256), as follows:

"Relative to the pilot laws of the United States.

"1. *Be it resolved by the Senate and General Assembly of the State of New Jersey*, That the passage of the act of March 2, 1837, by Congress, by which the business of pilotage in the bays and harbors adjoining this State and the State of New York was thrown open to citizens of this State appointed as pilots under our laws was an act of justice to the State of New Jersey and loudly called for by the appalling disasters upon our coasts, which before that time continued to occur in quick succession.

"2. *And be it resolved*, That the results of the experience of the last 10 years, the greatly diminished number of wrecks of vessels approaching our shores, the superior vigilance and care of the New Jersey pilots, the danger of a renewal of the melancholy scenes and loss of life which attended the wrecks of the *Mexico* and *Bristol*, the impolicy and injustice of again erecting a monopoly, encouraging criminal remissness on the part of the pilots, all combine to furnish an unanswerable argument against the repeal of the present law.

"3. *And be it resolved*, That the recent establishment of a line of ocean steamships from Great Britain, whose terminus is at the port of Jersey City, furnishes an additional argument against the repeal of that act.

"4. *And be it resolved*, That the governor of this State be requested to forward a copy of the foregoing resolutions to our Senators and Representatives in Congress.

"Approved February 11, 1848.

"In 1836 the State made a grant to Nathaniel Budd of the entire 53¼ acres lying on the Hudson River between Fourth and Twelfth Streets in Jersey City, practically the same tract granted by the proprietors to Boudinot in 1803.

"In 1838 the State made a grant to the Hoboken Land & Improvement Co. practically covering all the land under water in front of Hoboken.

"In 1848 the State made a grant to Stephen Vreeland covering land under water adjacent to Caven Point.

"In 1849 a grant was made to Ingham & Jenkins covering lands under water at Bergen Point.

"In 1869 a grant was made to the United New Jersey Railroad and Canal Cos., which is known as the Pennsylvania Railroad, of lands under water in front of the Pennsylvania Railroad Co.'s property.

"After March 31, 1869, the control and administration of the riparian interests of the State was placed in the hands of commissioners appointed by the governor and confirmed by the Senate.

THE WHARF ACT.

"In 1851 the authorities of the State seem to have recognized the necessity of placing the supervision and control of the construction of wharves or docks in the hands of the local authorities affected by these improvements, and on March 18, 1851 (P. L. 1851, p. 335), the legislature passed what is known as the wharf act.

"This act gave the shore owner the authority to build docks or wharves in front of his lands and outlined the necessary procedure to be followed in obtaining the right to do so. It set forth that any owner of lands situated on tidewaters who might desire to build a dock or wharf to extend beyond the limits of ordinary low water should first obtain a license for that purpose from the board of chosen freeholders of the county in which the lands might lie; it provided that applications should be advertised in a newspaper published in the county, and, as throwing a little light on the advance we have made, provided that in the event of a county in which no newspaper was published that the notice might be published in the paper of an adjoining county. This notice was to be published for six weeks and was to be put up in five of the most public places in the neighborhood of the lands in question, and the notice was to specify the location and dimensions of the dock or wharf intended to be built. The freeholders, upon proof of these formalities having been complied with, were to make an examination and if, in their judgment, the improvement did not appear to be injurious to public navigation, and after giving opportunity to those opposed to be heard, granted the license sought.

"This license was to specify the limits of the improvement, be recorded in the minutes of the freeholders, and recorded in the clerk's office of the county.

"It was also provided that the dock in question should be built within five years of the time of issuing said license and that the rights to the same should thereafter be vested in the shore owner, and contained an interesting provision that it should not be assignable, except with and as pertaining to the land in front of which it was constructed, and that it should pass by any sale of said lands as appurtenant to the same, thus clearly being a recognition of the inherent right in the shore owner to the uses and advantages of the waterway.

"It was also provided that in case of an owner situated on tidewater, which was a boundary line between two counties, practically the same procedure should be gone through with by the freeholders of both counties.

"There were other provisions which are more in the nature of details and not interesting in this connection.

"It is of interest, however, to note that the legislature in 1851 defined the terms used in the act, and the eleventh section is as follows:

"*And be it enacted*, That the term 'shore' in this act shall be construed to mean the land between the limits of ordinary high and low water; the term 'shore line' to mean the edge of the water at ordinary high water; and the term 'shore owner' to mean the owner of the lands above and adjoining the shore line.

"This act applied to the entire State, of course, and numerous docks were built under it, perhaps a greater number in Essex, Hudson, and Union Counties than in any other riparian counties of the State.

"No compensation to the State appears to have been provided for in the act, and what the expenses were to these shore owners in acquiring their licenses is a matter known only to the parties interested. There was much good-natured gossip on this question; without doubt the committee of the freeholders appointed to examine the locality of the dock applied for was hospitably treated by the applicant. There is no reason to doubt that the applicant provided glasses through which a view, favorable to his application, might be obtained by the freeholders, and, as was the custom in those days of few hotels and less expeditious means of travel, the comfort of the visiting freeholders was looked after as a matter of kindly hospitality, if nothing else.

"A former governor of this State upon applying as counsel for the full right of the State to land on which existed a dock built under one of these freeholders' licenses was asked by the State representatives if he knew what the license the owner had obtained from the freeholder had cost him. The ex-governor, who was known for his genial nature, smiled in a reminiscent way, shaking his head, and said he could not tell.

"In 1869 the supplement to the act of 1864, creating the riparian commission, was passed, and the wharf act of 1851 was repealed so far as it applied to the waters of the Hudson River, New York Bay, and Kill von Kull (to Enyards Dock on the Kill von Kull), Enyards Dock being about at the foot of Ingham Avenue and Bayonne.

"Attempts were made thereafter to continue the work of construction under freeholders' licenses, but the State objected and commenced suit to prevent this being done and was successful in its endeavors.

"The freeholders continued to have authority to grant licenses in the rest of the riparian counties of the State until July 1, 1891, but on March 20, 1891, an act was passed repealing the wharf act as to the entire State, provision being made in such repeal that the freeholders might continue to exercise their authority under the act of 1851 until July 1, 1891, and the further condition that any reclamation authorized under such licenses should be completed before January 1, 1892. So that, notice being served on the shore owners by the act of March 20, 1891, that the wharf act was to go out of use on July 1, 1891, a great rush was made in the intervening three months, particularly in Hudson, Union, and Middlesex Counties, to secure these licenses, and there being but six months between July 1, 1891, and January 1, 1892, within which to complete any structures authorized, expedients were resorted to in an attempt to comply with the provisions of the wharf act of 1851, and the holders of these licenses hastened to make reclamation of the lands under water, so as to come within the provisions of the act. These improvements consisted, in many instances, and in most instances, of simply placing piles or monuments at intervals along the land covered by their respective licenses. In many instances these piles were strung along, covering spaces of from 100 to 3,000 feet. In some instances some form of construction was attempted, such as piles connected by a stringpiece; in others a double row of piling had been driven, capped, and planked.

"Neither this form of construction nor the method of obtaining the licenses conformed with the requirements of the act of 1851, and a case was brought to issue in 1894 to test the questions involved.

"A landowner in 1891 had secured one of these licenses from the freeholders and had driven a line of piling, as above described, and then sold the land with this license and this construction attached. The purchaser then proceeded to build a substantial and usable dock under color of title by this license and reclamation. The State thereupon, through the attorney general, filed an information to compel the removal of the dock erected by the owner as an encroachment upon lands of the State. After a careful presentation of the case on the part of the State and of the landowner, the court decreed that the land in question was located on lands of the State, without the authority of the State, and was therefore decreed to be a purpresture upon the lands of the State, and that the landowner should cause the removal of the same; also, that the landowner should pay the costs of suit. This case is that of The State, Attorney General, informant, *v.* The American Lucol Co.

"This finally disposed of the question, both of the right of the freeholders to grant licenses and the character of the improvements to be made under the same, and although the right to the use and continuance of a specific dock, properly built under freeholders' license is not questioned, it is not the title of the State, and when conveyance of shore-front property is now made the full title of the State is sought.

"In 1864 (P. L., 1864, p. 781) the legislature appointed a commission to look into the subject of the riparian rights of the State, and in 1865 this commission made a report. In 1869 (P. L., 1869, p. 1017) the act was passed creating the riparian commission and repealing the wharf act as to the Hudson River, New York Bay, and Kill van Kull. In 1891 (P. L., 1891, p. 216) the wharf act was repealed as to the rest of the tidal waters of the State, and thereafter the riparian commission was the only source through which riparian grants were made.

"The fact of the absolute ownership of the State in these lands under water was not acquiesced in by all of the legal authorities.

"In 1864, when the legislature was questioning the more methodical administration of these lands, the opinion of legal authorities was sought as to the rights of the State; and while most of the authorities agreed that the State's title was absolute, Hon. F. T. Frelinghuysen, attorney general of the State, in an opinion given to the senate on the question as to whether the State had a right to dispose of the lands under water adjoining the shore to other than riparian owners, after careful reasoning and citing of cases, concludes:

"That the State can not authorize another than the riparian owner to interpose between him and tidewater and can not take the shore between high and low water mark for public use without giving compensation.

"The present rule and practice is that the State may consider the application of a nonriparian owner after the riparian owner has had six months' time within which to make the application himself; but the act of March 31, 1869, provides that a grantee who is not the owner of the ripa—

"shall not fill up or improve said lands under water until the rights and interest of the riparian owner in said lands under water (if any he has) shall be extinguished—

"and this is followed by the method of procedure to conserve his rights.

"The act of March 20, 1891, however, provides that the owner of the ripa shall have six months' notice of the application of a nonriparian owner, but makes no mention of the 'rights and interest (if any he has)' in the lands under water applied for.

"It would seem as though the owner of lands fronting or bounding on a tidal stream had some rights of access to and use of the water, which he could not be deprived of without due process and compensation. Gov. Marcus L. Ward, on April 11, 1864 (Legal Documents, 1867, p. 25), in filing, without his approval, a bill granting certain lands under water in the 'South Cove' to Mathiessen & Wiechers Sugar Refining Co., on the ground that the company were not the owners of the ripa, used the following language:

"It appears to me that the owners of lands adjacent to tidewaters have a better right to those waters for certain purposes than other citizens of the Nation. It would create consternation among the owners of such lands through (sic) the State to learn that no respect whatever was to be paid to the advantages derived from their adjacency to tidewater.

"This inherent right in the upland or shore owner is recognized by the State of Pennsylvania: By act approved June 8, 1907, a 'board of commissioners of navigation for the River Delaware and its navigable tributaries' was established, and the law and practice of the State is expressed by the board as follows:

"It has never been the practice in Pennsylvania to distinguish riparian rights from other rights connected with the land; owning to the water line, the owner has the use of the water, just as the owner of land abutting on a street has the use of a street.

"The contrary view seems to be supported by a decision of the court of errors and appeals in this State in the case of Stevens *v.* The Paterson & Newark Railroad Co. (5 Vroom, 532), but a writer in a report to the Legislature of New Jersey, in 1883, furnishes the following interesting statement of fact and citation of cases in relation to the ground for this decision:

"We desire it understood that we should not assume to sit in review upon any decision of that court if we conceived that the court itself would still adhere to the decision then made, but the circumstances are such as to lead to the inevitable conclusion that the court which decided the Stevens case would overrule that decision were the opportunity to present itself. That case was decided in the year 1870, and the point was determined upon legal authorities cited by the learned chief justice who delivered the majority opinion. Reference was made to the case of Gould *v.* Hudson River Railroad Co. (N. Y.) (2 Seld., 522), and so far as the court was controlled by the American decisions it is safe to say that it made the case of Gould a leading authority. But it is perfectly clear that the court sought to ascertain and determined to declare in favor of the English rule of law upon the point as to the right of the shore owner. In ascertaining the rule of law upon that point as applied by the English courts our courts cited and mainly relied upon the case of Buccleuch *v.* The Metropolitan Board of Works, decided by the English Court of Exchequer, the decision of which came to hand while our court was considering of its decision in the Stevens case. That decision of the exchequer court was adverse to the right of the shore owner, and being then unreversed, was treated by our court as properly stating the English rule of law upon that point; and upon

this the Stevens case was decided adversely to the right of the shore owner. Chancellor Zabriskie, who took part, however, rendered a very elaborate dissenting opinion, in which he held that the riparian proprietor had a right to the natural privileges conferred on his land of which he could not be deprived even by the State without due compensation.

"After the decision of the Stevens case by our court upon the strength of the case of Buccleuch v. The Metropolitan Board of Works, as determined in the court of exchequer, an appeal was taken in the latter case to the House of Lords, and after elaborate argument the decision of the exchequer court was on April 30, 1872, reversed and the right of the shore owner established by the highest court of England. (Law Repts. 5 ("House of Lords), 418.) It may be well for us to see just what the House of Lords there decided. The case arose as follows: The Duke of Buccleuch was the owner of a lease and in possession of Montagu House, which had an ornamental garden in its rear which adjoined the River Thames, and the natural flow of the water at high tide brought it up to his garden wall—the frontage of the garden on the river was 145 feet. The metropolitan board of works, under authority of Parliament, constructed an embankment along the River Thames which cut off the flow of the water to the Duke's garden. We now cite some of the propositions stated by the judges in the House of Lords:

"'The Duke was entitled as riparian owner to the regular flow of the water all along the extremity of his garden. * * * Now, the deprivation of the water right is clearly an injurious affecting of the premises to which it is annexed within the proper meaning of the term.

"'No doubt has been entertained by any of the judges who have had to consider this case that the plaintiff is entitled to compensation in respect to the taking of his causeway and the consequent injury to his property by depriving it of the direct access which that afforded to the Thames. * * * The plaintiff, as owner of land abutting on a navigable river, was entitled to a right of access to the stream along his whole frontage, and not merely at the spot where his jetty projected. * * * The Duke had the land constituting the residence Montagu House, with the courtyard, offices, and garden attached, and had annexed and appurtenant to it the jetty or landing place, and although he had not the bed of the river, he had the easement or right or privilege, by whatever name it may be called, of the flow of the River Thames in its natural channel up to his garden wall. He had one entire thing. He had not the land alone, or the jetty alone, or the right of the flow of the water of the river alone; he had all combined together; and if anyone had done an act injurious to the land or the jetty or to the right to the flow of the water, he would have had a legal right of action against him. If the owner of the soil of the bed of the river or anyone else had constructed an embankment and roadway upon the jetty or landing place, so as to shut out the Duke's premises from the river, he could have maintained an action against him for two causes: First, for destroying his jetty; secondly, for depriving him of his riparian right. * * * The property of the plaintiff in error in this case was what is commonly called riparian property. The meaning of that is that it had a water frontage. The meaning of its having a water frontage was this, that it had a right to the undisturbed flow of the river, which passed along the whole frontage of the property in the form in which it had been formerly accustomed to pass. That being the state of things, this water frontage, with these rights which the plaintiff in error possessed, were taken for the purposes of the act. Beyond all doubt the water right was a property belonging to the plaintiff, for which compensation was to be made.'

"And the writer goes on to cite other English cases to the same effect, and states that the American rule as determined by the Supreme Court of the United States is in full accord with the principles laid down in the English cases cited, following this assertion with references to a great number of adjudicated cases, and concludes as follows: The conclusion is that these decisions of the highest tribunals, both in England and in this country, have wholly subverted the rule laid down in the Stevens case, and affirmed that the shore owner has such a vested right to have the water flow to his ripa as he can not be divested of by the State without the exercise of eminent domain.

"I am bound to admit, however, that the decision in the case of the Mayor and Council of the City of Hoboken v. Pennsylvania R. R. Co. (124 U. S., p. 656) is rather disconcerting to this view. The syllabus in this case holds generally that:

"'The act of March 31, 1869, is not objectionable under the State constitution on account of its title, that the interest of the State in the riparian lands is a distinct and separate estate, and that a State's grantee holds the exclusive title against the adverse claim of right of way by a municipality by virtue of an original dedication to high-water mark.'

"Although there have been cases in New Jersey where application has been made to the State by a nonriparian owner, the question of the equity of the riparian owner has never been passed on by the riparian commission, for the reason that in some of these cases the application has been made with the consent of the riparian owner, and in others the riparian owner has, before the expiration of the six months, availed himself of his right and presented his own application, so that the question of the rights or equity of the shore owner has not arisen.

"Hon. Abraham Browning, Cortland Parker, and George M. Robeson agreed practically that the State had the right to dispose of these lands under water, without regard to the owner of the upland in front of which they were situated; and yet, running through the reasoning and decision of all these men is a recognition that up to 1851 the shore owner, under what was called the 'common law,' had certain courtesies or rights, and these rights have been recognized in the decisions of the courts to the extent that any reclamation of lands under water between high and low water line, made previous to the year 1869, vested the title to such lands in the riparian owner.

"This custom or principle was affirmed in the great case of the Trustees of the School Fund and the Lehigh Valley Railroad v. The Central Railroad Co. of New Jersey, in the following manner:

"About the year 1863 the Central Railroad Co. bought the fringe of the shore, or a strip 3 feet in width, all the way from about where the old abattoir stood on the shore at Lafayette around, to, and across the mouth of Mill Creek, to about Warren Street in Jersey City, and under this ownership, as well as under a claim of right through its charter, proceeded to construct, by building on a trestle, a railroad, which is still the line of the Central Railroad, to the Central Railroad Ferry, and also proceeded to fill in a considerable part of what is known as the South Cove or Communipaw Bay.

"In 1865 the commission appointed to examine into the subject of riparian rights and to submit maps submitted a map showing certain basins and lines for improvements in these same waters. The Central Railroad Co., disregarding these lines, proceeded with improvements and developed and filled in large areas.

"In 1872 the riparian commission, by direction of the legislature, granted to the New Jersey West Line Railroad Co., to whose title and charter the Lehigh Valley Railroad Co. had succeeded, a block of land some 500 feet in width by about 4,000 feet in length, running through the heart or axis of the lands under water afterwards granted to the Central Railroad Co., about one-half the area of which had been, up to that time, bulkheaded and filled in by the Central Railroad Co.

"Now this block of land, 500 feet wide by 4,000 feet long, was in front of upland to which the New Jersey West Line Railroad Co. neither had, nor claimed to have, any title, but was granted on the assumption that the State was the absolute owner of its lands under water, and without the courtesy of the six months' notice provided for in the act of 1869; but I have an impression that the rights or claims of the Van Horne family, who owned most of the upland in front of which this land under water lay, were satisfied or quieted.

"The Central Railroad Co., which had been requested and pressed by the State authorities to either desist from filling in these lands under water or to apply to the State for a proper grant for the same, did apply in 1874, and a grant was made in that year to the Central Railroad Co. for $300,000, of all the lands under water in Communipaw Cove and New York Bay, as well as in some other waters of minor importance, in front of upland owned by the company, with the exception of the land granted to the New Jersey West Line Railroad Co. and some others not germane to this phase of the question.

"No attempt was made by the New Jersey West Line Railroad Co. to occupy or use the land and land under water granted by the State in 1872; but the Lehigh Valley Railroad Co., having succeeded to the rights of the New Jersey West Line Railroad Co., with the cooperation of the trustees for the support of public schools, who were interested in the question, proceeded, by suit in ejectment, to establish its title to the land in question, and succeeded in this suit as to the entire area covered by the grant, with the exception of a very small portion lying between the original high-water line, which had been filled in by the Central Railroad Co. previous to the year 1869; thus affirming, in a case of stupendous importance and financial magnitude, the principle above set down that previous to 1869 reclamations made between the high and low water line became the property of the adjacent shore owner, and also that the State was the absolute owner of the lands under water and could, with the possible limitations above suggested, convey the same to anyone, regardless of the shore or upland owner.

"There is an idea or an impression prevalent, even among lawyers, that adverse possession does not operate or run against the State; that is to say, that the rule that ordinarily applies to an individual having had adverse possession of lands for the period of 20 years, vests title to the same in such possessor, does not apply to the State of New Jersey. This is, however, not true.

"A general statute of the State of New Jersey, which will be found in No. 2 of the revision, page 1978, section 27, provides:

"'That no person or persons, bodies politic or corporate, shall be sued or impleaded by the State of New Jersey for any lands, tenements or hereditaments, or for any rents, revenues, issues, or profits thereof, but within 20 years after the right, title, or cause of action to the same accrue, and not after.'

"But this fact, while it would no doubt vest title in lands filled in below high-water line, if the State did not assert its title within 20 years of the time the encroachment was made, the rights of the State to the lands under water in front of the same would not in any way be impaired or changed.

"So that the practice, founded on law and subsequent legislation and decisions of the court is, that a person owning land fronting on the navigable water at mean high tide is entitled to apply to the properly constituted agent of the State for title to the lands under water out to such line or lines for improvements as may be fixed by the State through these agents, and thereafter to attach all the rights and emoluments incident to the navigable waters in question, such as the right to fill in and build upon and exercise the ordinary property rights as well as to collect wharfage and such rights as are incident to navigation.

"The practical application of these doctrines and of the administration of these interests of the State is that the commission or authority having it in charge make an examination of the waters under contemplation and decide where the line for solid filling and the line for piers may be placed, which shall at once make the shore attractive and useful for commercial development and convenient of approach by vessels, and at the same time conserve and not encroach upon or interfere with the general navigation by the public of the waters in question.

"Upon receipt of an application for such water rights by the owner of the shore or ripa (and in the case of a nonriparian owner the proceeding is only delayed six months), the commission having previously fixed the lines above referred to and filed a map showing the same, in the office of the secretary of state, proceeds to acquaint itself with the value of the lands in question, or rather, to fix such a price as will adequately compensate the State for its equity in these lands, at the same time seeking not to embarrass or discourage the location of commercial industries or enterprises desiring the rights.

"When this price has been fixed and agreed to by the applicant, the question of his title is submitted to the legal advisor of the board and upon approval of the same a description and formal grant conveying the rights of the State is prepared, is signed by the commissioners, is submitted to the governor for his consideration and signature, if approved, has then the State seal attached and attested by the secretary of state, and is then ready for delivery upon receipt of the consideration. This consideration, when received, is paid into the State treasury, and is then invested and the proceeds devoted to the support of free public schools.

"A number of interesting questions arise in the administration of this trust, which, while perhaps of particular interest to the legal profession, are of interest to every thoughtful mind, as a part of the administration of the great water front of our county and State.

"The question as to the location and direction the lines of these lands under water shall take is an interesting one; what is known as the Massachusetts rule has been generally followed in this particular, and, briefly stated, it is that where a shore line is continuously straight, or practically so, for any considerable distance, the lines of the lands under water are said to run at right angles to this shore line, and the only limitation to this principle is, how much of the shore shall be considered in the application of this rule.

"In the practice in our own tidewaters, before the creation of the riparian commission, a shore owner at Edgewater, in Bergen County, in 1866, procured from the freeholders under the wharf act of 1851, a license to build a dock, and the description in this license illustrates one of the phases of this branch of the subject.

"The license in question was issued under the act of 1851, and the description is as follows:

"License to build such dock, wharf, or pier in front of his said lands, in the township of Hackensack, in the county of Bergen, beyond the limits of ordinary low-water mark in Hudson River:

"'Beginning at the northeasterly corner of the lands owned by the licensee, where the northerly boundary line of said land terminates at law-water mark on said river'"—you will note the presumption in that the licensee already had the right to go out to low-water mark—"and running thence easterly and perpendicular to the stream or currents of said river about 500 feet"—it is not difficult to apprehend the confusion that would arise from making all of the grants along an ordinary river perpendicular to the stream or currents of the same—"thence southerly along and parallel with said stream or current about 100 feet; thence westerly on a line perpendicular to said stream or current about 500 feet to low-water mark; thence along low-water mark northerly 100 feet to the place of beginning.

"And this license is signed by G. G. Ackerman, director, and witnessed by M. M. Wygant, clerk, and is proved by the said clerk before Manning M. Knapp, master in chancery, March 12, 1866.

"But when the riparian commission, in 1869, fixed exterior lines for solid filling and piers, they took in a much longer section of shore front than that contemplated by the freeholders, and the consequence was that the line for solid filling fixed for the section considered by the riparian commissioners, was not parallel to the smaller section previously considered by the freeholders, and a line at right angles to the line fixed by the commission was not parallel to or coincident with the line fixed by the freeholders for the license in question.

"The licensee in this case, after 1869, when the wharf act was repealed as to the Hudson River, continued the work of constructing this dock for which he had the license in 1866, and was stopped by the State of New Jersey on the ground that his rights had expired or had become forefeited under the repeal of the act, and he was obliged to take out the rights to continue his work from the State, which he did in 1875, and when this grant was made by the State, through its riparian commissioners, it was made on the broader principle of lines perpendicular to an exterior line that should parallel a greater extent of shore front than that contemplated by the freeholders in 1865; the result being that a section of land under water in the form of a trapezoid was left ungranted by the State, and was afterwards added to the grant made in 1875.

"Again, the Massachusetts rule provides that where there is a pronounced cove, with jutting capes on either end, causing a less frontage on the exterior line than on the shore, it becomes necessary to apportion the frontage on the exterior line proportionally to the frontage on the shore; and a pronounced example of this condition is the New York Bay shore between Caven Point and Constables Hook.

"The principle laid down was equitable and in our State became legal, for in a suit in ejectment to try the question of title to lands on the Passaic River, over which there was a conflict arising from a difference of opinion as to the direction these lines should take, the rule above set forth was affirmed by the court in the case of the Delaware, Lackawanna & Western Railroad Co. v. Cornelius Hannon, in 1875, reported in Elgath Vroom, page 276.

"Still another development or modification of this question of the bounds of the lands under water arises from the legal proposition that accretions made and joining to the upland inure to and become the property of the owner of such upland; but the direction of the side lines of such upland owner across this accretion to the new high-water line was the subject of dispute until adjudicated upon by the courts.

"One can readily see, in the case of an owner fronting on the shore, the side lines of whose land approach the shore rapidly converging and leaving but a limited frontage on the high-water line, if this high-water line is extended by land formed in front by accretion, that the continuation in straight lines of these original land lines might very easily meet before the new high-water line was reached and the owner be deprived of any frontage whatever on the water; or, on the other hand, where these land lines in question diverge as they approach the shore, to continue them in straight lines would unduly increase the frontage of such owner by the time they reached the water.

"Another very interesting development of the law of accretions was very thoroughly shown in a case some 25 years ago, in which the owners or successors in title of the Highlands of Navesink sought to eject the Central Railroad Co. and others from the occupation and use of the present strip of land running between the ocean and the Shrewsbury River, between Sandy Hook and Long Branch.

"The title to the locality now known as the Highlands, just south of Sandy Hook, in Monmouth County, on which the conspicuous Twin Lighthouses stand, was vested in the Hartshorne family in 1761, and the Highlands were divided into two equal parts by a line running very nearly east and west. This partition line began at a point back in the country and came down in very nearly a straight line by definite courses and distances to the 'sea.'

"About 25 years ago the successors to the Hartshorne title began suit to eject the Central Railroad Co. and others from the use and occupation of the strip of land running between the ocean and the river, in front of the Highlands, on the ground that their title ran to the 'sea.' Their claim was that their title went across the river and across this strip of sand to the present ocean or 'sea.'

"An examination of the very ancient maps in the possession of the Government in the Congressional Library at Washington, as well as the reading of history, disclosed the fact that at the time of this deed, in 1761, the 'sea' did actually wash up against the foot of the Highlands; there was no strip of sand intervening between the river and the 'sea' and Sandy Hook joined on the Highlands, at what would be the northeast part of the same. The surveys also demonstrated that the distance measured from the original starting point ended at the foot of the Highlands, west of the river, and did not carry across the river to the present shore of the ocean. The Government maps and history also showed that this strip of sand had grown up and joined by accretion to the extension northward of Long

Branch and Monmouth Beach, and after a very carefully conducted suit, in which the late Chancellor Williamson and Mr. Robert W. De Forrest appeared for the railroad company and the present Judge William H. Vredenbergh appeared for the successors in title to the Hartshorne family, the courts decided that the lands in question were formed by accretion, joining on to the land to the south, and the railroad company and others, having taken title through this source, were rightfully in possession.

"Dr. Cornelius Brett, in his very valuable paper read before this society March 27, 1908, entitled "The Dutch Settlements in Hudson County," laying the foundation for a series of historical papers, on page 3 says:

"On certain old maps, immediately after Verrazano's voyage in 1527, there began to appear the name of 'Norumbega.' The maps were, of course, rude suggestions of the outlines of sea and shore, without any attempt at measurement or triangulation.

"I have with me this evening a facsimile reproduction of a map of this locality, made about the year 1615, which agrees almost exactly with Dr. Brett's description of the map of 1527, and where it differs, it is a tribute to the doctor's delightfully literary and yet discriminating reading and knowledge of maps.

"The doctor says of the maps of 1527:

"The maps were, of course, rude suggestions of the outlines of sea and shore, without any attempt at measurement or triangulation.

"This was literally true and describes the map of 1615 I have before me, except in this map, nearly 100 years later, some attempt has been made to suggest measurement and triangulation, for the degrees of latitude are shown.

"The writer of this paper has in his possession copies he made in 1882, at the Congressional Library in Washington, of maps of this locality made in 1680 and 1776, which, with the map of 1615, form an interesting exhibit of the progress of cartography in 160 years. These maps show plainly that, at the time there was no strip of sand, as now, forming the Shrewsbury River, but that the sea or ocean washed up against the Highlands, and the inlet described by Cooper is very clearly shown on the interesting United States Coast Survey chart, published about the year 1844.

"I know of no more attractive and truthful description of this locality than that contained in Fenimore Cooper's 'The Water Witch.' He is leading up to the dramatic disappearance of the beautiful niece of Alderman Van Beverout. The worthy alderman saw no sin in pushing commerce a step beyond the limits of the law, and after a bargaining conference with Master Seadrift, of the brigantine *Water Witch*, who seemed to divide his time between smuggling and love-making, the niece disappeared. Shortly afterwards, during a storm, the *Water Witch* also disappeared, and the gallant English captain—Ludlow—of her Majesty, Queen Anne's frigate *Coquette*, in love with the niece as well, was much puzzled to account for her disappearance. He found, upon sounding the inlet the next day, that there were two fathoms of water at high tide, thus explaining the disappearance of the *Water Witch*.

"Cooper's description of this locality, however, agrees so closely with the conditions of the coast in his day, as shown by the United States Government charts, I am impressed with the thought that the graceful author used them as the mise en scene for his story of happenings back in good Queen Anne's time; he says:

"A happy mixture of land and water, seen by a bright moon and beneath the sky of the fortieth degree of latitude, can not fail to make a pleasing picture. Such was the landscape which the reader must now endeavor to present to his mind.

"The wide estuary of Raritan is shut in from the winds and billows of the open sea by a long, low, and narrow cape, or point, which, by a medley of the Dutch and English languages, that is by no means rare in the names of places that lie within the former territories of the United Provinces of Holland, is known by the name of Sandy Hook. This tongue of land appears to have been made by the unremitting and opposing actions of the waves on one side and the currents of the different rivers that empty their waters into the bay on the other. It is commonly connected with the low coast of New Jersey, to the south; but there are periods of many years in succession, during which there exists an inlet from the sea, between what may be termed the inner end of the cape and the mainland. During these periods Sandy Hook, of course, becomes an island. Such was the fact at the time of which it is our business to write.

"On the subject of maps, I want here to pay tribute to the accuracy of the maps of the United States Coast and Geodetic Survey. It would require a paper in itself to give any idea of the devotion and fidelity of the United States Government engineers to this vitally important work from the selection and measurement of the base line, an operation as delicate as the most delicate surgical operation; the determination of the primary triangulation, with its development into the secondary and tertiary; to the filling in of the minutest details, the extent and enormous importance of the hydrographic work to the commerce of the world, as well as to the lives of the millions of human beings coming to and leaving our shores, is too little understood and therefore too little appreciated; but I want here, after an acquaintance with and professional use of the coast survey charts of our Government, extending over 30 years, to testify that I have found them minutely and absolutely accurate and reliable; and I regard the United States Coast Survey Department second to none in importance in its administration of the affairs of our great Nation.

"An interesting decision affecting the law of accretion was given in what is known as the "Shriver Case."

"On July 17, 1897, William Shriver made application, in due form, and complied with all the requirements of the board in furnishing an accurate survey of the lands in front of which the riparian rights were desired, abstract of title, and so forth, and after consideration of the application and action thereon, the board, on August 31, 1897, executed the grant and delivered the same. The grant in question covered a strip of land under water the width of the lot owned by Shriver, and within the side lines of the same, extended from the high-water line as it existed at the time of the grant, about 1,000 feet into the Atlantic Ocean, said grant stating that it was conditional upon Shriver being the riparian owner.

"Subsequent to the time of the grant by the State the action of the ocean was such as to make up or form land in front of the high-water line as it existed at the time of the grant, and upon Shriver taking possession of this accretion the Ocean City Association, in the supreme court, brought suit in ejectment against Shriver to recover possession of the land, and judgment was rendered against said association. Upon the case being carried to the court of errors and appeals, however, the judgment of the supreme court was reversed and judgment given the Ocean City Association.

"The following is a brief statement of the case as presented to the courts:

"The plaintiff, the Ocean City Association, in 1880 purchased a tract containing several thousand acres of wholly unimproved land, known as Pecks Beach, in Cape May County, and lying between the Atlantic Ocean and Great Egg Harbor Bay. On this tract a summer resort known as Ocean City has grown up. In 1883 the association caused a map to be made, showing a part of the above tract laid out into streets, and blocks divided into lots. On this map Ocean Avenue was delineated, practically parallel with and distant some 250 feet inland from the high-water line of the Atlantic Ocean, and the space so intervening was undivided. By deed bearing date October 29, 1884, the association conveyed lot No. 849 to one Henry B. Howell. This lot is on the westerly side of Ocean Avenue, between Ninth and Tenth Streets. It had between it and the Atlantic Ocean, Ocean Avenue and the strip of undivided beach above referred to, and was simply described as a lot 50 by 135, lying between Ocean Avenue on the east and a 15-foot alley on the west. Howell, by deed dated April 21, 1895, conveyed this lot by the same description to William Shriver, the defendant in this suit. There was evidence that the ocean, after 1880, gradually worked inland, carrying away the undivided beach and Ocean Avenue or the greater part of said avenue in front of the lot in question, and that in 1895 the ordinary high water came up to this lot. In 1897 the ocean began to recede, and the grant of the riparian commissioners to Shriver in 1897 indicates a high-water line in Ocean Avenue and west of the center line of the same. The grant by the riparian commissioners to William Shriver, of August 3, 1897, covered in terms a tract of land under water at mean high tide, the width of his lot and within the side lines of the same, extended from the high-water line as it existed at the time of the grant 985 feet into the Atlantic Ocean to the commissioners' exterior line.

"The syllabus of the opinion of the court of errors and appeals, written by Depue, C. J., and dissented from by Magie, Ch., and Dixon and Collins, J. J., is as follows:

"Held, that if the plaintiff (The Ocean City Association) was the owner of the land on the line of ordinary high water in front of this lot at the time of its deed to defendant's grantor, it is the owner of the land obtained by accretion, since the riparian owner is entitled to all alluvial increase, and defendant did not become the owner of the land conveyed by the riparian grant, and therefore an instruction that if the high-water line in 1895 advanced to this lot it became a riparian lot and whatever alluvial increase the ocean in its advance, brought to and in front of the lot belongs to the defendant was erroneous.

"From the reasoning of the court in this case it would seem that if land is carried away by erosion of the ocean, the title to the land so carried away is not lost, but if the ocean recedes and the land reappears and the original ownership is capable of identification, the subject does not lose his property.

"And this principle is set forth in the famous treatise 'de jure maris et brachiorum ejusdem,' ascribed to Lord Chief

Justice Hale, the acknowledged authority on this branch of the law, in the following quaint language:

"If a subject hath land adjoining the sea and the violence of the sea swallow it up, but so that there be reasonable marks to continue the notice of it, or though the marks be defaced, yet if by situation and extent of quantity and bounding upon the firm land the same can be known, though the sea leave this land again or it be by art or industry regained, the subject doth not lose his propriety.

"Under this case and adjudication it is of importance for us all, in acquiring riparian rights, either as adjuncts to our business enterprises or as part of our seashore homes, to learn what the position or location of the high-water line was at the time our title originated.

"A very ancient exercise of the ownership of the State over these lands under water took the form of granting to persons the right of fishery, and as early as 1783 this right was exercised by the State and has continued down to the present time. I believe such a fishery right existed in front of the Van Buskirk farm on New York Bay at Constables Hook.

"These fishery rights consisted of a grant of the right to use the shore between high-water mark and low-water mark for the purpose of drawing seines or nets that were used for the best known and popular purpose of catching shad, and those who have witnessed the extensive operations of the shad fisheries on the Delaware will have some idea of the extent and value of these rights. These rights are held paramount to the rights of the upland owner to acquire the land under water for commercial purposes and must be reckoned with or extinguished before they can be disregarded.

"These rights are not so valuable now as they were formerly, for the reason that they are not so productive, the shad being not nearly so plentiful and in some cases having almost disappeared. It will be a surprise to most of us that the catching of whales was ever a New Jersey industry, and nothing indicates in so marked a way the natural changes that take place in the course of years as a reference to an act passed by the Assembly of New Jersey in 1693, which recites as follows:

"'Whalery in the Delaware River has been in so great a mesure invaded by strangers and foreigners,' etc., and enacting:

"'That all persons now residing within the precincts of this province or within the province of Pennsylvania who shall kill or bring on shore any whale or whales within Delaware Bay or elsewhere within the boundaries of this government, to pay one-tenth of the oil to the governor.'

"In the very interesting paper read by Mr. Daniel Van Winkle, president of this society, under the title 'The Dutch under English Rule, 1674–1775,' reference is made, on page 12, as follows:

"Van Vorst's possessions were separated from the mainland by the Mill Creek; a stream of goodly size that wound its tortuous way from the bay at about the present intersection of Johnston Avenue and Phillips Street, and thence in a northerly direction, crossing present Grand Street about 150 feet east of Pacific Avenue, continuing thence still northerly through the marsh to the Point of Rocks, the present site of the Pennsylvania Railroad roundhouse, and along the base of the hill, around back of Aharsimus Cove, meeting the waters of a creek emptying into the bay at Hoboken.

"This stream was of great advantage to the old Dutch residents for readily transporting their farm products to the markets of New York. A favorite landing place was at Newark Avenue where the West Shore freight house now stands, and also at the bridge that crossed the stream near Priors Mill, that stood about the present junction of Freemont Street and Railroad Avenue. Perhaps we may better realise the importance of this stream by inserting the following ad.:

"'11th October, 1770, to be sold.—A large white wood periagua 5 years old, now in good order, with a new suit of sails. She is 32 feet long and 7 feet wide. Suitable for a miller or farmer. She now lies at Priors Mill, in Bergen, where any person may view her.'

"This graphic and interesting description leaves in our minds a delightful picture of a quiet stream that rose and fell with the tides of New York Bay and Hudson River, washing the shores of Communipaw and 'Mill Creek John Van Horn's farm,' and on whose bosom floated the commerce of that ancient time, stopping at the busy shipping ports of Priors Mill and others along its line; but the facts to-day are that the creek in question is nearly obliterated. Some sections of it remain as the axis of a swamp, but the greater part of it has been filled in and is covered by buildings either for dwelling or commercial uses.

"Still, the title of the State to the lands originally flowed by this ancient stream, so graphically portrayed, remains; and even to-day, when property is transferred, any part of which occupies the site of the now obliterated Mill Creek—this 'stream of goodly size'—it is necessary, before the title companies will guarantee and insure the title, for the State to release, by deed signed by the governor and sealed with the great seal of the State, attested by the secretary of state, its ancient rights in the premises.

"It must have been with some surprise, and, it may be, indignation, that our neighbors, the Stratfords, in the course of the formation of a company in the development of their important paper industry on Cornelison Avenue, just south of Montgomery Street, as recently as 1905, found it necessary to secure the State's title to the lands anciently flowed by Oyster Creek, which lazily meandered, a tributary to Mill Creek. We can hardly imagine such a thing as taking oysters from this locality.

"In considering the development of the water front of our county we shall find that our early legislators found it necessary to remonstrate and protest against the actions and attitude of our neighbors across the Hudson. This question is not a sentimental one as regards the interest and history of Hudson County's water front.

"Previous to August 11, 1880, the matter of fixing exterior lines for docks, etc., on the waters of New York Bay and waters tributary thereto was left largely in the hands of the municipalities interested and resulted in encroachments on the waterways that were viewed with alarm by students of the subject. I think without doubt both New York and New Jersey were open to criticism; but in a report made by a commission appointed by our legislature in 1848 to ascertain the extent and value of the lands under water in Hudson County reference is made to the boundary-line agreement of 1834, as follows:

"The boundary line between the States of New York and New Jersey, * * * shall be the middle of said river, etc. Since the date of this agreement, very extensive alterations of the New York shore, etc., have been made, etc., and yet larger extensions are in serious agitation. It is respectfully submitted that measures should be adopted to ascertain and locate this boundary line by survey monuments, etc., before it is involved in incertitude and possible dispute, etc.

"This suggestion was not adopted, and the very result predicted followed. It was not until 1888—40 years after—that the boundary line was definitely fixed, and it was necessary to resurrect and reconstruct the maps of the shore line of 1834 in order properly to do so.

"This report of the commissioners in 1848 is a most interesting one and will repay careful reading in its entirety; but I will give some extracts which, I think, will interest you.

"The report states that the commissioners met in Jersey City on June 6, 1848, and at subsequent times; that they had a map prepared to exhibit the water line of the county of Hudson; that the map was prepared 'in a manner entirely satisfactory by Andrew Clerk, Esq., of Jersey City'; and a series of 13 written questions were submitted to the corporation of Jersey City and others, 'and full and explicit replies obtained.'

"The commissioners make graceful asknowledgment in the following language:

"The commissioners desire to make grateful acknowledgment for these and other facilities, and indeed for a kind and courteous reception on the part of all with whom they came in contact in the prosecution of their inquiries.

"Then follows an interesting description of the shore line of Hudson County and a reference to the ancient grants and laws affecting the subject.

"I shall refer here to only a few of the questions and answers above referred to.

"Fourth. To what purpose or uses are or may the lands between high-water line and the channel or New York line be applied?

"Answer by Jersey City:

"Some of the lands below high-water line on the east side of Hudson County are occupied for piers and wharves. A portion of said lands have been reclaimed and applied to streets, building lots, etc. Nearly all the flats on the east side of the county may be advantageously applied to the same and kindred purposes.

"Sixth. To what uses are such lands applied which lie south of Jersey City, and to what further uses may they be applied, if reclaimed, under the authority of the State now and prospectively?

"Answer by Jersey City:

"The lands flowed by the tides south of Jersey City are all natural oyster beds and furnish subsistence to a large number of fishermen. If reclaimed, these lands would be valuable as building lots.

"Eighth. How much of the lands formerly covered by water has been reclaimed within the limits of Jersey City? How reclaimed, and to what uses put?

"Answer by Jersey City:

"About 10 acres of land formerly covered by water have been reclaimed in Jersey City by filling in with earth to raise it above high water. It is used for streets and building lots and is worth at least $200,000. The entire profits of the speculation have been received by the 'associates of the Jersey company,' who, as pretended owners, either reclaimed the land and then sold it in building lots to others, or, as in most cases, sold * * * the submerged land in its natural state, to be filled up by the purchaser. A small portion of the reclaimed land is held by lessees of the associates for a coal depot and landing place for the Cunard steamers.

"Tenth. What was the extent of the projected improvement north of Jersey City?

"Answer by Jersey City:

"The projected 'improvement,' so called, is believed to embrace at least 12 acres.

"These answers will cause us to smile as we contemplate the present development of the water front of our county.

"This same series of questions was propounded to H. Southmayd, Esq., and I give his answer to the eighth question, as it gives so intelligent a description of the conditions in lower Jersey City at that time:

"Question 8. How much of the lands formerly covered by water has been reclaimed within the limits of Jersey City? How reclaimed, and to what uses put?

"Answer. Jersey City in the year 1804 contained 73 acres 3 rods and 30 links, as will appear by a map of Richard Outwater made about that time. When the associates bought Mangin's map was made and laid out all of Jersey City, containing 73 acres, as before stated, including 23 acres of land under water unreclaimed lying around the city. Eleven acres of this 23 are still under water and unreclaimed. Nearly 4 acres of the land reclaimed have been reclaimed by the New Jersey Railroad for their depot and for the depot of the Hudson River Railroad Co., for which they paid but a nominal consideration to the associates of the Jersey company, nearly 2 acres, or a block of 32 lots, by the Morris Canal Co., also paying a nominal consideration, the remainder being 104 lots, or about 6½ acres, by the associates of the Jersey company and their grantees. Besides this, the associates, 30 or 40 years since, reclaimed a strip of land east of Hudson Street of about 20 feet wide, beginning at Essex Street and extending to York, about 1,000 feet; and recently the land now used by the Cunard Line of mail steamers between Jersey City and Liverpool was reclaimed by the associates, containing about 30 lots, exclusive of wharves and streets. The uses for which the property thus reclaimed has been put have been stated, to wit, the strip of land east of Hudson Street, the Cunard improvement for the accommodation of that line of steamers, the New Jersey Railroad and Hudson River Railroad depots, the Morris Canal Wharf. Some of the land reclaimed is now owned by private individuals; that is to say, some lots on Hudson Street and some on Montgomery Street and other parts of the city, on which dwelling houses, hotels, stores, manufactories, foundries, etc., have been erected. Forty-eight lots have been given for church, school, market, and public grounds. The manner in which this land has been reclaimed has been mostly by building bulkheads, filling them up with broken rock, stone, and by surplus earth from the streets and rubbish from the city of New York. Recently the mud outside of the bulkhead has been applied to the filling up inside by a dredging machine; this, though expensive, is in a measure compensated by the greater depth of water obtained.

"J. D. Miller, Esq., made a general reply to the thirteenth question only. Mr. Miller states that:

"He is the owner in right of his wife of about 200 feet of shore in township of Van Vorst, in the county of Hudson, extending along and fronting on Harsimus Bay or Hudson River. It is an ancient shore, against which the tides always have and still do flow. It has been held and enjoyed by the former owners as a shore for more than 200 years. * * * The land under water in front of this shore has been used and enjoyed from time to time by the former owners, to some extent, for an oyster fishery.

"Mr. Miller expresses the opinion that he is entitled to the right of enjoying and improving all the lands under water in front of said shore, subject only to the adjudicated and acknowledged right of the State of New Jersey, a very wise and proper answer and one that was very much of the same purport, but 16 years earlier, than the opinion of Chancellor Zabriskie.

"Some of the categorical answers will cause a smile as we look at the present development of the water front of Jersey City.

"In the year 1849 the legislature passed an act to compensate these commissioners, as follows (P. L. 1849, p. 336):

"*To compensate the commissioners therein named:*

"*Be it resolved by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this State be authorized and directed to pay to the commissioners appointed by resolution of 23d of February, 1848, to investigate and report as to the extent and value of the lands under water owned by the State, within the limits of the county of Hudson, as follows:

"To William H. Lupp, chairman of the said commissioners, for per diem, mileage, and drawing report, $200.

"To Martin J. Byerson, one of said commissioners, for per diem, mileage, and services, $150.

"To George F. Fort, one of said commissioners, for per diem, mileage, and services, $150.

"To Andrew Clerk, for preparing map for the State, by order of said commissioners, $75.

"Approved March 2, 1849.

"The Andrew Clerk above mentioned being the partner of Robert C. Bacot, engineer.

"New Jersey seems to have kept its eyes jealously on New York, for on March 14, 1855, the legislature passed a joint resolution (P. L. 1855, p. 800), as follows:

"In relation to encroachments made in the harbor of New York.

"Whereas it is alleged that, by certain erections made and contemplated in the East and Hudson Rivers, under and by authority of the State of New York, the usefulness of the Brooklyn Navy Yard is impaired, if not endangered, and the channels of the East River and the Hudson River much innovated upon and narrowed to the injury of the main entrance channel of the harbor of New York and to the injury of the Jersey shore, and also to the navigation of the Passaic River, leading to Newark, the largest port of entry in this State; and

"Whereas, also, counter encroachments upon the part of New Jersey would greatly injure the navigation of the Hudson, and impair the usefulness and capacity of the harbor of New York; and

"Whereas, also, the establishment of a water line, outside of which no erections should be made, would seem to be necessary to arrest similar innovations in future: Therefore be it

"1. *Resolved by the Senate and General Assembly of the State of New Jersey*, That the Legislature of the State of New York be requested, so far as the same may be within its power, to cancel and repeal all grants to build and erect wharves, piers, bulkheads, and docks, in the immediate neighborhood of the Brooklyn Navy Yard, the erection whereof would injure and impair the usefulness thereof, and to remove the more glaring erections in the East River, to the injury of the commerce and harbor of New York, and also to the injury of New Jersey; and be it

"2. *Resolved*, That the Legislature of the State of New York be requested in such manner and by such means as it may think best, to survey, lay out, and establish in the rivers and harbor of New York an exterior water line, beyond which no erections shall hereafter be made to the injury of the commerce of New York, or to, either directly or indirectly, injure the State of New Jersey; and be it

"3. *Resolved*, That the governor of this State be requested to forward an attested copy of the above resolutions to his excellency the governor of the State of New York, to be laid before the legislature of said State.

"Approved March 14, 1855.

"We can hardly think the concern of our early legislators for the Brooklyn Navy Yard was wholly unselfish, for this was followed up by what must have seemed to the citizens of the cities of New York and Brooklyn an impertinent, if pertinent, report to the legislature of our State, as follows:

REPORT.

"The joint committee of the two houses appointed in conformity with the communication from his excellency Gov. Price, communicating an invitation to meet the governor and the committee of commerce of the Legislature of New York for the purpose of viewing and considering the encroachments upon the bay and harbor of New York,

REPORT

"That on the 30th day of January last, your committee, accompanied by his excellency Gov. Price and H. L. Vlele, Esq., the engineer of our State geological survey, proceeded to New York, and at the time appointed met his excellency Gov. Clark, of the State of New York, the committee of commerce of said State, the State engineer, with other gentlemen occupying important offices under the government of that State.

"That your committee, in connection with the above-mentioned authorities of the State of New York, the governors of New Jersey and Connecticut, accompanied also by officers of the Government in charge of the navy yard, with other persons representing the commercial interests of New York, proceeded to examine certain encroachments made, and in progress, and contemplated upon the Brooklyn side of the East River.

"Your committee upon the first view of the matter regarded such encroachments as matters with which New Jersey had no interest, and should not express any opinion; but upon reflecting they came to the conclusion that such encroachments were prejudicial to her, inasmuch as they jeopardized the interests which New Jersey has, in common with every other State of the Union, in the Brooklyn Navy Yard, and the immense Government expenditures at that point.

"The report then goes on to state the effect of these encroachments at the navy yard upon the Sandy Hook Channel, affecting the interests of New Jersey through her water front on the Hudson River and New York Bay, and stating the extent of the encroachments on the East River, the effect on its channels, and, calling attention to the injury done, report their visit to Jersey City as follows:

"The committee also visited Jersey City for the purpose of examining if any and what encroachments had been made there, and it was a matter of just pride to your committee that, comparatively speaking, no encroachments had been made upon the Jersey side; yet your committee think that the wharves and piers lately erected by the New Jersey Railroad Co. are extended farther than well comports with the interests of New Jersey in this important matter of keeping unimpaired the harbor of New York.

"By these two docks some encroachment, in the opinion of your committee, has been made on the channel of the Hudson River, narrowing and deepening the river at this point. The same authority which claims the legal right and which authorized these extensions could, had they seen fit, have extended them by the same claim of power some thousand feet farther into the river, producing the same deplorable results now existing in the East River between New York and Brooklyn. Your committee are informed that the right by which these innovations are made, or claimed to be made, are claimed under the charter to the Jersey Associates, giving them power to improve their lands under water. It would seem that a power of this kind to impair the great interests of New Jersey in the harbor of New York should be found in a strict construction of explicit legislation, and if the rights by which these encroachments are made are restrainable, they should, if possible, be restrained by timely legislation for the public good.

"The committee then goes on to call attention to the necessity for the full flow of the tide through the Hudson and East Rivers, the Passaic and Hackensack Rivers, in order to keep unimpaired the Sandy Hook Channel, and concludes its report by saying:

"Inasmuch as the State of New York has been the cause of this triple injury to New Jersey, your committee are of the opinion that the Legislature of the State of New Jersey should, by resolution, express her dissatisfaction thereat and request in a friendly way the State of New York to repeal all fraudulent grants improperly obtained from the State to the injury of the navy yard or the harbor and, by purchase or otherwise, remove other innovations upon the East River that now exist to the injury of New York and New Jersey.

"Two joint resolutions were prepared in accordance with the above report calling attention to the situation as set forth in the report and providing for the appointment of commissioners to advise as to the proper control of the development of these water-front lands.

"What the feelings of these ancient legislators would be if they could view the changes that have taken place in our shore front since their time is hard to conjecture. They 'viewed with just pride (in 1855), that, comparatively speaking, 'no encroachments' (as they called the development of our water

front) 'had been made upon the Jersey side, except the New Jersey Railroad Pier and Cunard Dock,' and they 'regarded with concern the power given the Jersey Associates and others to improve their lands under water and thought they should be restrained for the public good.'

"How fortunate for us as a county their fears and forebodings were not regarded seriously, or we might still have Harsimus Cove as an oyster ground and the shore of the Hudson River about the middle of Hudson Street. It might, however, be some consolation to them to know that the 'South Cove grant' is still as it was in 1872 and still a name to conjure with.

"Maj. William L. Marshall, now brigadier general, Chief of Engineers, United States Army, was asked whether he thought the scour of the currents was going to maintain the required depth in the 'Ambrose Channel,' which you know is the new and direct channel from the Narrows to the sea. Gen. Marshall conceived the idea of this important work, and it is still under his charge, although he is now Chief of Engineers. The general smiled in his good-humored way and replied: 'Well, if it don't, there are plenty of dredges that will.'

"And the direful results which were feared in 1855 have not followed; the great development of our water front is ours; and if we have to dredge a little now and then, we have the commerce that requires it and the means with which to do it.

"On August 11, 1880, Congress passed an act empowering the Secretary of War to establish harbor lines, and on October 4, 1888, the Secretary of War authorized the appointment of a board of engineers to be called the New York Harbor Line Board, composed of United States Army officers, who were necessarily by their training also engineers; this board to act in an advisory capacity to the Secretary of War on all matters relating to the waters of the Bay of New York and waters tributary thereto. This law has been amended from time to time, the present law on the subject being contained in section 11 of the river and harbor act of March 3, 1899.

"Since 1880 all applications for the establishment of dock lines must be made to the Secretary of War, who refers them to this harbor-line board, who, after public hearings, advise and recommend lines to the Secretary of War for his approval; and under the river and harbor act of March 3, 1899, no structure or filling in is allowed to be commenced in these waters unless the lines for the same have been passed upon by the Secretary of War.

"The State of New Jersey, as well as the city of New York, has been active and persistent in securing the consent of the Secretary of War to the extension of the dock lines on the Hudson River, New York Bay, and waters tributary thereto. Both sides have succeeded in securing extensions, until it seems that the waterway of the Hudson River could no further be judiciously encroached upon. The claim or charge is made by New York that Hudson County has been a greater trespasser than New York, and instances the extension of the shore line of Harsimus Cove some 3,000 feet in support of this charge; but it must be remembered that Harsimus Cove is or was an indentation into the westerly shore of the Hudson River, between Castle Point and North Point, in Jersey City, on which Edge's windmill stood, had very little water over it, and the filling in of the same was an advantage to the regimen of the Hudson River; while New York has made its greatest encroachment some 1,300 feet into the river at its narrowest point, opposite Castle Point, leaving only a width of half a mile in the river at that point.

"We must remember also in this connection that the channel of the river is on the New York side of the center, and within the past month we have been treated to the strange sight of an ocean steamer, the *Deutchland*, hard and fast aground just in front of the ferry at the foot of Exchange Place, Jersey City, by reason of the northerly winds making an unusually low ebb tide.

"But what compensation time brings. Directly underneath where this steamer was held by the mud of the river bottom, busy men were working and construction cars were running to and fro through the twin tunnels that will soon connect Exchange Place, Jersey City, with Cortlandt Street, New York; and directly under where the ancient ferryboat, *D. S. Gregory*, is shown in the advertisement previously referred to, of lots for sale on Hudson Street in 1857, run these two tunnels that shall take us, in two or three minutes, to the business center of New York, while, with the *D. S. Gregory*, it took us half an hour at best, and sometimes half a day.

"The history of the development of Hudson County would not be complete without reference to these tunnels and to the courage and genius of the men who have made them an accomplished fact.

"The first tunnel was from Fifteenth Street, Jersey City, to Morton Street, New York.

"The tunnel in question has a history involving the financial and engineering ambitions and hopes of men long since ruined and dead. The river ooze, through which the present construction to-day so eloquently and convincingly testifies to the skill and energy of the engineers who planned and executed it, once held in its slimy embrace the bodies of men whose lives had been drowned out by the inrush of the waters of the Hudson River, and although the tragedy is now almost forgotten, in the New York Bay Cemetery, in Jersey City, stands a modest shaft, surmounted by the figure of a man. On the face of the stone the legend reads: 'In memory of Peter Woodland, aged 32, killed in the disaster at the Hudson River Tunnel, on Wednesday, July 21, 1880.' And he was a man, for he elected to drown with 14 of his workmen in his effort to save them rather than save himself.

"The history of this tunnel, or these tunnels (for there are two), each designed for single track—one eastward and one westward, but coming together at either end—goes back over a quarter of a century.

"In the year 1874 a company obtained a franchise and began operations. The method of construction adopted was the use of compressed air, but the shield, so successfully used by the present engineers, was not thought of, and to its absence was due the frightful tragedy above referred to. After the accident in 1880 work was abandoned until 1890, when a syndicate of English capitalists was formed, which prosecuted the work, accomplishing about 1,500 feet in the north tunnel and about 600 feet in the south tunnel. Striking a ledge of rock, however, at this time, and no doubt striking much more formidable rocks in their financial boring, the project was abandoned.

"Then came Mr. William G. McAdoo, a New York lawyer, as president, who associated with himself Mr. Charles M. Jacobs and Mr. John V. Davies, the eminent engineers; and under the masterly supervision of these men the river tunnels are an accomplished fact.

RECEIPTS.

"The total receipts from the sale of riparian lands up to the present time amount to about $6,000,000, and the greater part of this has come from the sale of the water front of Hudson County. It is estimated that there are still in the possession of the State lands that will come into use within a reasonable period valued at perhaps three and a half million, and still other lands that will have to wait for future development, valued at perhaps ten million.

"The administration of this valuable and important interest of the State is one requiring careful consideration. It is a subject but little understood; it is a matter in which the interests of a greater part of the State seem opposed to that of the other part, and, as in other important matters, opinions are most freely expressed by those having the least knowledge on the subject.

"The policy of the State has been to sell these lands for commercial development. This has brought a considerable revenue into the State and into the school fund; it has made possible the establishment on our shores of important industries. A representative committee, composed of senators and members of the legislature in 1906, who gave this subject careful consideration and made a personal examination of the improvements, stated in their report that they—

"were not prepared to advise that the policy which had made possible this development was really wrong—

"and while this is negative praise, it is their opinion after careful consideration, and if any other conclusion could have been reached, it no doubt would have been.

"The opinion is expressed by people who evidently do not fully understand the subject that these lands should have been 'held,' as they term it, for the use of the State.

"In the first place, this opinion carries with it an apparent ignorance of the fact that while the State is the owner of the land under water, subject to the rights or equities, if any, of the shore owner, it owns no upland; has no means of access from the land to the water, or of access from the water to the land; and, as a practical question, the upland owner is the only person who can buy the land under water and administer it.

"Having in mind the fact that these lands under water are appurtenant to upland wholly under the title and control of private ownership, to obtain which, if there was any law making such a thing possible by the right of eminent domain, could only be acquired by the State upon payment to such owners of the full value of the upland, which value would have reflected in it the principal value which is now supposed to be attached to the land under water, there would be no practical way in

which it could appropriate and expend the millions necessary to any development, to say nothing of the impossibility of anticipating what kind of development would meet the requirements and needs of the various enterprises seeking location on our shores.

"Some of these tracts for which the State has realized enormous sums during the past years are comparatively small holdings, part only of the holdings and works of enterprises already located there and forming part of the tangible wealth and worth of the State—many of them unattractive water fronts needing the iniative of interested owners who have sought out and induced enterprises to come to this State and locate, and who have expended millions of dollars in making the location of these enterprises possible, but only after seeking them out and finding just what kind of development is demanded for that particular industry.

"In most of these cases these owners have become the pioneers in the development of a section that had theretofore escaped the notice or had not been impressed on men responsible for the establishment of manufacturing and other enterprises needing water front, and the result of this individual enterprise has been the creation of new communities as well as the rehabilitation of older ones.

"It would have seemed not only a commercial absurdity, but an affront to these men, who, in advance of their time and without the encouragement of their fellows, sought out these enormous enterprises and brought them to the shores of New Jersey, not to have had the cooperation and encouragement of the State in their efforts to induce the holders of capital to locate within the borders of our State.

"The impression seems to be in the minds of some that the State of New Jersey held in completeness and perfection some going concern, or at least a water front developed as to its docking and wharfing privileges, improved and made suitable for the erection of buildings and works, with surrounding accommodations for the housing and schooling and churching of the operatives of these works, with the necessary railroad connections, and, in short, a city complete and perfect, except for the occupants.

"The exact reverse of all this is true. The State owns not a single foot of upland. A great deal of the upland in question is difficult of improvement and development; a great deal of it must be filled up at enormous expense and the railroads must be brought to it; and, more than all, in almost every instance the water front itself is not capable, in its present condition, of use, but must be made so by the expenditure of large sums of money by the owner of the upland in order to create such a depth of water as to make the narrow frontage sold by the State available for commercial uses.

"In this connection it is of interest to hark back to the report of the legislative committee on this very subject of the policy of the disposition of the State's lands, in which Hudson County is so vitally interested, made to the legislature on January 15, 1883, over 26 years ago; the committee says:

"Had this question been considered at the outset of action by the State, doubtless much might have been said on both sides of the proposition of long leases by the State, but we are not prepared to suggest that policy now. It is urged with great force that the best commercial results can not be attained except by a title as complete as the State can give.

STATEMENT OF DEVELOPMENT.

"A statement of the location and extent of the water front of Hudson County, much of which has been reclaimed and improved, will be of interest:

"From the county line on the north to the north side of Weehawken Cove—about 3 miles—the exterior line for improvements is on an average 1,000 feet beyond the original shore line and comprises about 350 acres.

"This section includes the famous dueling ground where Hamilton and Burr fought.

"At Weehawken Cove, in front of the famous Elysian Fields, the line for improvements is half a mile beyond the original shore at its greatest distance, and the cove is about 1 mile in length and covers about 130 acres.

"The Elysian Fields was the scene of the murder of the attractive tobacco-shop girl, Mary Cecelia Rogers, on July 25, 1841. The Elysian Fields of that day, no doubt, corresponded to the Coney Island of a later day. This murder formed the foundation for Poe's 'Mystery of Marie Roget,' which was written in Philadelphia and appeared in Snowden's Lady's Companion in November, December, 1842, February, 1843.

"The facts in this celebrated case that made the Elysian Fields famous, or infamous, almost the world over are as follows:

"Mary Cecelia Rogers, when about 19 years of age, was known as 'the pretty cigar girl,' she having worked in John Anderson's tobacco shop at 321 Broadway, New York then had a population of 300,000, living mostly below Canal Street.

"Mary's widowed mother kept a boarding house at 126 Nassau Street.

"A few weeks before her death she left Anderson's employ and assisted her mother in the boarding house, when it became known that she had accepted an offer of marriage from Daniel C. Payne, one of the boarders, a young man employed as a cork cutter at 47 John Street.

"On a beautiful Sunday morning, the 25th of July, 1841, Mary told her fiance, about 10 o'clock in the morning, that she intended spending the day with her aunt, a Mrs. Downing, who lived at 68 Jane Street, and she would return by the Broadway stage, reaching Ann Street about 6 o'clock in the evening.

"Although the morning was fair a violent thunderstorm broke out in the afternoon, the rain falling in torrents. The storm was so formidable that Payne—who does not appear to have been a very ardent lover, although he committed suicide soon after the death of his betrothed—did not go to meet the stage, thinking Mary, on account of the storm, would remain at her aunt's overnight; and it was not until noon of the next day that the fact of her disappearance became known; and although probably the best known young woman in New York, not a person could be found who had seen her after she left her home at 10 o'clock on Sunday morning.

"On the Wednesday following her dead body was found floating off Castle Point, Hoboken, bearing every indication of having been murdered and plundered.

"Numerous arrests were made, but nothing was discovered until John Adams, a New Jersey stage driver, gave information that he had seen Mary Rogers arrive in Hoboken by Bull's ferry, accompanied by a tall, well-dressed man of dark complexion, and go with him to a resort near the Elysian Fields, known as Nick Moore's, but kept by a Mrs. Loss. Mrs. Loss admitted that this was true, and that after partaking of some refreshments the pair had gone in the direction of the woods. Two months after the death of Mary Rogers Mrs. Loss informed the police that her sons had found the girl's parasol and gloves in a thicket near by. It was now believed that the time and place of the tragedy had been discovered, but opinions differ as to whether she had been murdered by the tall, dark companion or by one of the gangs of ruffians that frequented the Fields at that day.

"It appeared that Mrs. Loss was shot by one of her sons (accidentally, he said) on October 24, 1842, and died on the 9th of November following. It seems that Mrs. Loss could not keep from talking of the Mary Rogers affair, and it is supposed that the sons, fearing their mother would reveal the secret of the murder, encompassed her death by the alleged accidental shooting.

"In 1904 a Mr. Clemens discovered a vital clue in the newspaper of August 5, 1841, as follows:

"On August 3, the body of an unknown man, about 25 years of age, was found floating near the foot of Barclay Street. The body had been in the water some days. The unknown was a tall, swarthy man, and was without a coat.

"The conclusion Mr. Clemens comes to—and he thinks it is strange it should not have occurred to the authorities at that time—is that Mary Rogers and the 'tall, dark man' were marooned by the terrific rainstorm and were killed by the sons of Mrs. Loss and cast into the river.

"It is a curious and interesting coincidence that the name of 'Loss,' so tragically prominent in the celebrated case of 1841, should be the same as the surveyor who made the map of Hoboken in 1804, which is the authority for the original shore line, and is mentioned in hundreds of conveyances and titles in Hoboken as the 'Loss Map of 1804.' I do not regard this similarity of names as any reflection on the character of the surveyor of that ancient time any more than I do the similarity in the names of the indifferent wooer of the unfortunate Mary Rogers and that of the writer of this paper; the old adage, perhaps, applies: 'A rose by any other name,' etc.

"The front of the city of Hoboken, from Castle Point to Hoboken Ferry—about three-quarters of a mile—has the line for improvements about 1,200 feet beyond the original shore line and covers about 150 acres.

"At Harsimus Cove, from Hoboken Ferry to Montgomery Street in Jersey City—about a mile and a half in length—the line is, on an average, 3,200 feet beyond the original shore line and comprises about 575 acres.

"At Communipaw Bay, to the line of Communipaw Lane—about a mile long and three-quarters of a mile wide—containing about 475 acres.

"New York Bay to Constables Hook—about 4 miles long—the exterior line for improvements is about 6,000 feet beyond the original shore line, covering about 2,500 acres.

"Kill von Kull front of Bayonne—3¼ miles in length—almost entirely developed, with an average distance of 600 feet beyond the original line for improvements, covering about 230 acres.

"With the miles of but slightly improved stretches of Newark Bay and Hackensack and Passaic River shores, comprising about 5,000 acres in all, on which now stands the water front development of Hudson County. It is a matter of growth coincident with the development and growth of the Nation, and is a monument to the enterprise of the pioneers who brought it about and to the spirit of New Jersey that made it possible.

"A talented and enthusiastic young minister, lately called to one of our prominent churches, said recently:

"I am not interested in the past development of the water front of Hudson County, but I am interested to know what the development is going to be in the future.

"I say to that young man, he can predict, with fair certainty, what the future development will be by studying the development of the past, and in no other way.

"What this development would have been if left in the hands of the municipalities comprising the county is entirely conjectural, but it may be of interest to recall that the legislature, by act of April 4, 1872, granted to the city of Jersey City, for the nominal consideration of $1,000, a tract of land under water in the lower part of old Jersey City, lying between the extension of Van Vorst Street and Grove Street, containing about 20 acres. This grant was made conditional upon the payment by the municipality of $1,000, but so little was thought of this now considered valuable tract of land that the municipality refused to pay this nominal sum and thus perfect its title.

"Under the presumption that the municipality had forfeited its rights to these lands under water in question the State of New Jersey, in 1874, purported to vacate the same, and embodied them in a grant to the Central Railroad Co. of New Jersey. Subsequent litigation, however, brought forth the decision of the courts of last resort in the State that the title of the municipality of Jersey City to these lands was still in force, and the city thereupon carried out the provisions of the act and became the absolute owner of these lands. The fact remains, however, that from 1872 up to the present time—a period of 37 years—no use has been made by the municipality of this tract of land under water and no development attempted.

"In 1878 the State granted to the municipality of Jersey City a tract of land under water on the Hudson River 130 feet in width, adjoining Morgan Street on the south, and for some reason no profitable use has ever been made of this water-front holding.

"In 1886 the State granted to the municipality of Bayonne three tracts of land under water—one on New York Bay near the foot of East Thirty-fifth Street, one on Kill van Kull at the foot of Ingham Avenue, and one on Newark Bay at the foot of West Thirtieth Street.

"No development or use has been made of the New York Bay tract; a dock has been built on the Kill van Kull tract; and a dock has been built on the Newark Bay tract, both used by the public.

"These are about the only cases of municipal administration of water-front property in Hudson County.

THE USE MADE OF THE PROCEEDS OF THE SALES OF THE STATE'S LANDS UNDER WATER.

"On March 31, 1869 (P. L. 1869, p. 1017), an act was passed creating the present board of control of the riparian interests of the State, and section 10 of that act provided that the moneys received from such sales should first be appropriated to the payment of the expenses of its administration, then to the payment and liquidation of the State debt, and afterwards invested and the interest paid over to the trustees for the maintenance of free schools.

"On April 6, 1871 (P. L. 1871, p. 98), an act was passed devoting all moneys thereafter received from the sale and rental of lands under water to the support of free public schools.

"On March 19, 1890 (P. L. 1890, p. 92), an act was passed repealing the above and making the proceeds of the sales and leases of these lands made after the passage of the act applicable to the 'necessary' expenses of the State. This was under Gov. Abbett's administration, but on April 24, 1894 (P. L. 1894, p. 123), under Gov. Werts's administration, an act was passed repealing the last-mentioned act and devoting the proceeds of the sales and leases of the riparian lands again to the support of free public schools.

"In an opinion by Attorney General Samuel H. Grey in 1901 the learned attorney general expressed the opinion that any money, stock, or other property appropriated to the support of free public schools under the provision of the constitution (art. 4, sec. 7, par. 6) were constituted a fund that could not be devoted to any other purpose than the support of free public schools. And in the light of this opinion it is questionable whether the use of the moneys from the sale of the riparian lands between the years 1890 and 1894, during which period they were diverted to general State purposes, was a lawful use of the money; but there is no question that now all of the proceeds of the disposition of the State's lands is devoted to the support of free public schools throughout the State.

"Article 4, section 7, paragraph 6 of the constitution of the State provides:

"That the fund for the support of free schools and all money, stock, and other property which may hereafter be appropriated for that purpose shall be securely invested and remain a perpetual fund.

"The board having control of the fund is called "trustees of the school fund," and is composed of the governor of the State, the secretary of state, the attorney general, the State comptroller, and the State treasurer.

SOME OF THE COMMISSIONERS.

"In conclusion, in connection with the development and administration of the water front of Hudson County, it is interesting to note the names of some of the men who were intrusted with this duty.

"We find that, in 1848, a committee, composed of W. H. Leupp, Martin J. Ryerson, and George F. Fort, were appointed 'to investigate and report as to the extent and value of the lands under water owned by the State within the limits of the county of Hudson,' and reported to the legislature.

"It is an interesting fact that the George F. Fort referred to in 1848 was governor of the State of New Jersey from 1851 to 1854, and is the uncle of the present governor of New Jersey, Hon. John Franklin Fort. So the fact appears that the administration of this great asset of the State began in the same family, in 1848, that is administering it in 1909, 61 years after.

"In 1864 a committee was appointed to inquire into the subject of the riparian rights of the State, and among the commissioners appointed for that duty we find the name of Jacob R. Wortendyke, father of the present assistant engineer of Jersey City, and of Mrs. Watson, the wife of Dr. W. Perry Watson; also at that early day we find Robert C. Bacot, Esq., for many years an honored resident of Jersey City, as superintendent and engineer; and it is interesting to note that Mr. Bacot continued as such superintendent and engineer until the year 1897, a period of 33 years, when, by reason of age, he retired with the respect and regret of those associated with him in the administration of this trust.

"In 1869 the commission contained the name of Peter Vredenburgh, father of James B. Vredenburgh, the eminent counselor of our own city, and of Judge William H. Vredenburgh, of Freehold; also the name of Hon. Bennington F. Randolph, father-in-law of Gov. Joseph D. Bedle, and others.

"No thoughtful person can regard the subject of the development of our water front without interest.

"There stands on a prominent point of land on the east shore of the Hudson River, inclosed by a plain iron barrier, under the shadow of Grant's Tomb, a simple stone monument, on which is inscribed, 'Erected to the memory of an amiable child.' This stone has stood there a hundred years and more. I know of no better spot from which to obtain a view of the magnificent development of the water front of the northern part of our county than this; and I know of nothing that so strongly impresses the mind with the fact of the passage of time.

"As you look on the resting place of this sleeping child, 'the world forgetting, by the world forgot,' you are back a hundred years in the quiet of undisturbed nature. Raise your eyes, and you look on another order of things—the life and activities of the commercial world of to-day.

"Or stand on the upper deck of one of our uptown ferryboats, or one of the Staten Island ferryboats, and let your eyes thoughtfully rest on the development of the shores of our county—all gained out of the mud and slime of the shoals of our water front—and you will be impressed by what has been accomplished.

"How easy it is to criticize, and what wonders are not performed by men, whose chief claim to distinction is an abnormally developed hindsight.

"But we write of men of the past. What they lacked in spectacular and sensational activities they made up in solid worth and character, and theirs is an inheritance to be preserved. They laid the foundations with dignity and builded with integrity; and the Hudson County Historical Society does well to add to its archives the names of men and their achievements which have stood the test of time."

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Chairman, the only connection between the subject of the pending bill and the subject which I rose to mention in the brief space of one minute is the fact that all sailor men and others on shipboard are apt to catch cold, and in this connection I desire to ask unanimous consent to extend my remarks in the RECORD in order to have printed a very able, scientific, and practical address delivered by my old professor on the practice of medicine, Dr. William Hanna Thomson, of the city of New York, on the subject of catching cold and the methods of preventing it; a most practical and useful address, which he made when he was installed as president of the New York Academy of Medicine, and which I commend to all the Members of the House and their constituents. [Applause.]

The address above referred to is as follows:

HOW PEOPLE "CATCH A COLD" AND HOW TO CURE IT—DR. WILLIAM HANNA THOMSON GIVES SOME PRACTICAL AND TIMELY ADVICE.

[By William Hanna Thomson, M. D., LL. D.]

"A fact which concerns everyone is that the commonest cause of disease and death outside of hot, moist climates is from 'catching cold.'

"I first drew attention to the mechanism of this derangement in my inaugural as president of the New York Academy of Medicine in 1899. But, though this is true, the mechanism of this disorder is wholly unknown by the general public, and it is high time that the medical profession should widely circulate the facts which have been discovered relating to this important subject. 'Catching cold' is by no means the same thing as being chilled by cold, for a person may be warmly clad all over and yet by simply getting his feet wet in melting snow catch a cold which may cause his death from all sorts of internal complications, resulting from a localized chill of his lower extremities.

"The first explanation which we would offer is that the constant flow of arterial and not of venous blood is absolutely necessary to the maintenance of the integrity of every bodily tissue. This was strikingly illustrated by the experiment of Overbach, who, after simply clamping the arteries of the kidneys for 40 minutes, so deranged the internal structure of those organs that albuminuria was caused for 20 days before the kidneys returned to their normal condition.

"Throughout the body, therefore, a most careful supervision over the flow of the blood through the arteries is maintained, because even a very temporary interference with the arterial flow produces serious changes in the parts supplied by those arteries. It should be steadily borne in mind that the trouble arises wholly from interference with the flow through the arteries, and not at all with the returning blood through the veins. The flow in the veins of the legs may be obstructed for weeks at a time, with a result that both legs will be greatly swollen with dropsy; but when the cause is removed the dropsy is all absorbed, and the tissues soon prove to be in as normal a condition as ever.

"Quite otherwise is it with obstruction in the arteries. Conheim showed that tying the arteries of a rabbit's ear so that no blood passed through them for two weeks was followed by violent inflammation and disorganization of the tissues of the ear when the ligature was loosened. A remarkable provision is therefore made in the body for regulating the flow of arterial blood. Without that provision our bodily lives would quickly come to an end.

"For example, when the stomach is digesting food it requires nine times as much blood as when it is empty—in other words, there must be some mechanism which allows its arteries to dilate while it contains food and then to have them contract when it is empty.

"A deer when it is feeding dies instantly if shot through the stomach, but it may run for miles if shot there when the stomach is empty. All this arterial regulation is under a special division of the nervous system, called the vasomotor nerves. These nerves ramify upon the coats of the smaller arteries, and stimulation of these nerves will cause the arteries to contract so that they are scarcely visible. On the other hand, if these nerves are cut, the arteries then relax to their fullest extent, and it is therefore a study of the laws of the distribution of the vasomotor nerves which affords us the first clue to the problem of 'catching cold.'

"Thus, one of the laws of vasomotor association is that the arterial circulation of all organs in symmetrical pairs is so adjusted that what happens in one of the pairs is reflected through the vasomotor nerves to produce exactly the same result in the other pair. Thus it is easy to see the pulsation of the arteries in the translucent ear of a rabbit, but those arteries at once disappear if the other ear be pinched. Injury of one eye is often followed by the most serious results in the other eye.

"I once took advantage of this law when a boy put a pistol shot through the palm of his hand. The bullet severed the palmar arterial arch, which is supplied by the radial artery coming from the thumb side and by the ulnar artery coming from the opposite side of the wrist. It was necessary, therefore, to tie both ends of the severed palmar arch, but it was difficult to find these wounded vessels on account of the steady hemorrhage which was taking place.

"I accordingly had the other hand dipped in ice water, and the hemorrhage was immediately checked enough for me to find the wounded vessels without trouble.

"If two thermometers be put in the armpits, and a third thermometer be held in the left hand, then plunging the right hand into ice water will cause the thermometer in the left hand to fall from 2 to 5 degrees, while the thermometers in the armpits are not affected. This law, however, applies only to the organs in symmetrical pairs, such as the two hands, the two ears, the two eyes, and the two feet, but does not apply to pair organs which are not symmetrical, such as the two lungs and the two kidneys.

"But another important law is that the vasomotor nerves supplying the skin are always associated with the vasomotor nerves supplying organs or tissues underneath that part of the skin. This law explains the whole subject of surface applications.

"A poultice, for example, is always sedative in its effects, and relieves internal pain not because the poultice strikes clear through into the pleura or inflamed lung, but acts only on the vasomotor association between the outer and inner parts. Hence we may stimulate, as well as depress, by this association.

"A blister or dry cupping is actively stimulating, and thus may be very useful to clear away venous congestion following inflammation, but should not be used during the active determination of blood to a part at the onset of an inflammation.

"But the obverse of this association is still more important to remember. Every inflammation of an internal organ causes the vasomotor nerves of the skin over that organ to be in a highly sensitive condition, so that the internal inflammation may be much aggravated by neglect to protect that part of the skin. This is particularly illustrated in inflammations of the heart, which may be made much worse by having the skin over the heart exposed to the cold. I have often detected the beginning of consumption in the apex of one lung by the application of a cold hand causing the patient immediately to cough when laid over the affected side.

"Besides these laws of vasomotor association there are other important associations which are special between widely separated parts. Thus, the feet are closely associated with two important regions. The first of these is with the circulation of the organs within the pelvis. No one who has inflammation of the bladder or a condition of chronic dysentery ought to get his feet wet lest he thereby aggravate the symptoms due to these disorders.

"The second important association of the feet is with the circulation of the throat. Local chills of the feet may be quickly followed by an attack of sore throat, which extends to the larynx, producing hoarseness, and then may proceed down the windpipe to the bronchial tubes, thus causing bronchitis.

"Still another important association is between the nerves arising at the nape of the neck and the whole artificial circulation of the head and face—in fact, we may say that at the nape of the neck is the chief executive office which presides over the whole circulation above the diaphragm, including, of course, the circulation of the mucous membranes.

"One domestic remedy, for example, was to check nosebleed in a child by slipping a cold key down the back of its neck. How local the primary excitation may be is shown by results of exposing the back of the neck to a cold draught of air. The most extensive inflammation of mucous membranes may result from a prolonged exposure there, though the rest of the body may be warmly clad. Nasal catarrh, which is an inflammation of the mucous membranes of the nose, or, in fact, catarrh of the whole respiratory tract, may soon follow exposing the back of the neck to a cold draught of air.

"These vasomotor associations have their widest illustrations in the causation and course of bronchitis. Sometimes getting the feet wet begins, as we have explained, a cold, which first makes the voice hoarse, and then from the larynx proceeds steadily downward the trachea and larger bronchi until the smaller air tubes become involved.

"Oftener than that, however, the vasomotor centers at the nape of the neck, as we have just said, set up a catarrhal inflammation of the nasal passages, and then with this derangement in the beginning of the breathing apparatus, it progressively invades the whole respiratory tract.

"But what I wish particularly to explain here is the mechanism of the many fatal complications of bronchitis.

"To begin with the disasters which follow upon the plugging of a main bronchus by the accidental lodgment in it of a foreign body. If this be not removed, death inevitably ensues from a most disorganizing pneumatic process of the part supplied by the bronchus, in which are not only all the air vesicles wholly destroyed, which they are not in croupous pneumonia, but the interlocular, as well as the intervesicular connective framework, is rapidly damaged. No ruin of pulmonary tissue compares with this for completeness.

"Now, it should be borne in mind that both the larger and the smaller bronchi should never contain anything but air. Their walls are simply moistened by a bland, slightly saline fluid, and in no part of the body is the saying more true that no mucous membrane should ever secrete mucus. When, instead, its surface is coated with mucus, it is already in a morbid condition, denoting inflammation.

"In the bronchi this is doubly true, for secretions there, no matter how fluid, are to all intents and purposes foreign bodies, and must be got rid of. If they can not be got rid of, the part supplied by that bronchus is subject to the same disorganization as that described following the plugging of a main bronchus. It is then that we have a localized, but ruinous, broncho-pneumonia, however small its area may be.

"Broncho-pneumonia, therefore, occurs in every disease accompanied by bronchitis whenever, as in children, the powers of expectoration are feeble, particularly in measles and whooping cough, and is the most common cause of death in all such affections. But its initial mechanical cause should not be lost sight of, the practical aim always being to make the secretions so fluid that they can be easily coughed away. In adults this is usually accomplished with ease. In infants, as already explained, the immediate results are very serious. The small, occluded bronchi now lead to the same disorganizing process in the little lobules supplied by the bronchus, which occurs as the result above described accompanying occlusion of a main bronchus. Scattered pneumonic processes are therefore found through both lungs, for bronchitis, unlike croupous pneumonia, is a bilateral affection.

"In some cases, however, the plug in a small bronchus may act as a valve, interfering with the inspiration, but not with the expiration, thus leading to atelactasis or collapse of the lobule, so that in broncho-pneumonia we find both pneumonic consolidation of lobules along with collapsed lobules, either condition, of course, equally interfering with the breathing.

"In infants, therefore, this whole process leads to most distressing efforts to get air. The little patients toss from side to side in their vain endeavors to breath until signs of carbonic acid poisoning show the last effects of gradual suffocation; but we meet with practically the same conditions in aged patients from their feeble powers to expectorate.

"Remembering, however, the purely mechanical operation of their respiratory obstruction, I once had an old lady 84 years old, mother of a prominent New York judge, raised feet upward by her nurses, while her head touched the floor, and while in this position I assisted her expectoration by pressure on the sides of the thorax during expiration. She thus got rid of large quantities of mucus and was soon restored to bed quite comfortable, ultimately recovering.

"In no disorder of the lungs does the morbid condition so facilitate infection by every variety of microorganism, including tuberculosis, a not uncommon sequel, especially after measles.

"This subject finally brings us to an important fact connected with catching cold, and that is that catching cold exposes us to every variety of microbic infections.

"Thus the outer skin everywhere swarms with microbes, which are the dread of the surgeon. On that account he does not dare to make the smallest incision through the skin without first disinfecting it by every antiseptic measure in his power. So long as the skin is intact these deadly microbes can not do anything, but just so is it with the inner skin or mucous membrane, which lines the tubes and cavities of the body.

"Thus, the mouths of healthy persons contain for a lifetime that deadly pneumococcus which carries off so many persons when it attacks the lungs with pneumonia. But this microbe can do nothing so long as the mucous membrane is protected by its carefully laid pavement of what are called epithelial cells.

"But let any portion of that mucous membrane be damaged by the shutting off of the cells from their arterial blood through the means of a cold caught either from the feet or nape of the neck, as above described, and the way is then opened for the infecting microbe to enter. The majority of infections, in fact, occur through the mucous surfaces whose epethelium has been damaged in the way described.

"Treatment. The various conditions above reviewed afford many indications for treatment. Thus chronic nasal catarrhs point to a weakened susceptibility of the vasomotor centers at the nape of the neck. Now, nothing so restores the tone of these weakened centers as cold properly applied. Thus a cold bath or shower bath invigorates the circulation, provided always that the reaction from the impression of cold is complete, but if no or equally imperfect reaction occurs the patient is worse off than ever; hence, chronic nasal catarrhs are best treated by sudden and very brief douching of the back of the neck with cold water, to be followed by active dry friction to assist or to promote the restoration of the circulation in the parts. During the douche the hair should be carefully protected from the water, for wet hair would only prolong the injurious effect of chill. Meanwhile the nose itself may be treated with insufflation of a fine powder composed of 2 drams of subcarbonate of bismuth with 6 grains of aristol.

"Bearing in mind what we have said about internal inflammation causing hyperesthesia or great sensitiveness of the corresponding area of skin over the seat of the inflammation, any area of chronic inflammation should have the corresponding cutaneous surface carefully protected. In health, if a cold hand suddenly be placed over the precordium, the heart will give a bound, but so all cases of heart trouble, whether the result of pericarditis or endocarditis, are very sensitive to surface impressions, which would not normally be felt. This explains the beneficial results following applications of large belladonna plasters, which should cover the whole area of the skin over the heart, but these facts are equally applicable in all chronic inflammatory conditions, whether of the lungs or of the pleura. Chest protectors on that account are reasonable. I prefer the application of cotton batting to any other such measure.

"Similarly every patient with chronic diarrhea should have the abdomen covered by some equivalent protection. In chronic, long-standing bronchitis I have the patients wear both shirts and drawers made with perforated chamois skin, worn just over a light undergarment. I have often been told by such patients that they could spend their winters at home, when before they used these protections to the skin they were unable to do so.

"Osler says in his Practice of Medicine:

"Thus, in the convalescence from measles and whooping cough it is very important that the child should not be exposed to the cold, particularly at night, when the temperature of the room naturally falls. In a nocturnal visit to the nursery—sometimes, too, I am sorry to say, to a children's hospital—how often one sees children almost naked, having kicked aside the bedclothes and having the night clothes up about the arms.

"In my practice I have all such children while tossing about, struggling for breath, and thus exposing themselves, put into bags of canton flannel, drawn about the neck so as to prevent them from exposing the skin to the cold air."

Mr. PADGETT. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HOBSON], a member of the committee.

Mr. HOBSON. Mr. Chairman, I do not intend to take up perhaps all of that time. I recognize the universal desire to make progress on our bill. My chief purpose in rising, however, is to refer to the apparent political line that seems to be forming in matters of the Navy. I say "apparent," because I believe that time will demonstrate that there will be no such real line of division. The gentleman from Illinois [Mr. FOSS] is alarmed unduly, and his alarm is premature. This Congress is not yet complete. After so many years of extravagant Republican rule it was a perfectly legitimate desire on the part of the Democratic Party to put a brake upon expenditures in the early days of this Congress. It is not too late after the ends of retrenchment have been met for that party to express itself finally upon the subject of battleships before this Congress is over. An adequate Navy is not copyrighted by the Republican Party. On the contrary, it is a plank in the Democratic platform at Denver in 1908. That plank reads:

The Navy: The constitutional provision that a Navy shall be provided and maintained means an adequate Navy, and we believe that the interests of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

There never has been a stronger naval plank in any platform of any party since this Government began.

Mr. FOSS. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. FOSS. Would I be impertinent if I should ask the gentleman if it was not largely through the gentleman's energetic efforts that that plank was inserted in that platform?

Mr. HOBSON. I am glad to be able to say, gentlemen, that I had the privilege of appearing before the resolutions commit-

tee at Denver and found a very cordial reception on the part of its members to the suggestions I ventured to advance. [Applause.] Mr. Chairman, an examination of the past records of our Navy supplies no warrant for the Republican Party to claim to be the father and the sponsor for the new Navy. On the contrary, the fact is that the Democratic Party has equal, if not superior, claims to this distinction. Secretary Chandler, Republican, has been mentioned in this connection. Secretaries Whitney and Herbert do not take second place to any Secretary who ever held the office.

The appropriations for the Navy made under the Democratic administrations show that the Democratic Party not only took no backward step, but made great progress in naval development. When the Democratic administration came into power under Mr. Cleveland in 1885 the appropriations for the Navy increased from $13,000,000 in 1884 to $16,000,000 the next year; they then went to $17,000,000, and in 1888 reached the high-water mark, for those days, of $25,000,000. [Applause.] Again, turn to the second administration of Mr. Cleveland and you will find that in 1893 the appropriations for the Navy increased from $21,000,000 the previous year to over twenty-two and a half million dollars, and in 1894 went up to $29,000,000, and in 1895 to $31,000,000, and in 1896 attained again the high-water mark for those days of $33,000,000, showing that the Democratic Party has been consistently progressive in its policy toward the Navy. Moreover, it has incorporated reforms in administration and has been constructive in its treatment of this great branch of national defense.

Furthermore, the control of the Naval Committee by the Democratic Party is going to mark a beginning of new and much-needed reforms and the adoption of many constructive measures, not only to cut down the expenses but to promote the efficiency of the service, the efficiency of administration, the efficiency of organization, the efficiency of the personnel, and the general efficiency of the Navy as our main reliance for national defense.

Take the question of types of battleships. It is a legitimate criticism that to-day we have not a single modern scout vessel. These *Dreadnought* cruisers are the only form of modern scouts that can occupy the sea. No auxiliary can remain upon the sea in the face of those, and yet there has not been under a Republican administration a serious effort to get such vessels as these. Furthermore, the question of the type of shell to use has been long neglected, and we are to-day behind all the rest of the world. It has been hard work to get a Republican administration to make even the simplest experiments in this important line of naval progress. Under Democratic control of the committee we now have a special subcommittee to take up with the Navy Department the question of experiments, and are in a fair way to determine the best methods of attack and provide against the expenditure of money for ineffective matériel. We have taken up the question of the reorganization of the navy yards and Navy Department and of the personnel. It is not only not warranted, but exceedingly unwise in either side to try to make a political matter out of this vital question. Every Democrat, like every Republican, recognizes the elemental principle of self-preservation, and all join together in providing for national defense.

When it came to the question of the Spanish War, was there any difference of party? No. Was there in any other foreign war? No. And there never will be. In my judgment, the Democratic Party will soon be in control of the Executive administration of the Government as well as in control of Congress, and it can be relied on to meet effectively and wisely all the responsibilities that come, including proper provision for and administration of the Navy and all other branches of the national defense. American institutions are built up upon the great Democratic principle of equality of opportunity for all and special privilege for none. This principle is the foundation for the civilization of the future to rest upon. It is absurd, on the face of it, to think that the party that embodies this principle would see it pushed backward by the nations of the Old World whose Governments are built upon the hereditary principle and the claims of privilege. On the contrary, the Democratic Party of all others can be depended on to advance that principle year by year, and to provide for its defense against assault. Take the Monroe doctrine established by our forefathers.

The Monroe doctrine is in effect an announcement that this hemisphere shall not be seized by any foreign power for special advantage. It does not restrict legitimate development or even colonization in the sense of sending citizens there, but it forbids the seizing and control of any part of it by a military power that would hoist its flag and assume special privilege there. You do not expect the Democratic Party, that stands for that principle—the party that announced and inaugurated the Monroe doctrine—to give up the Monroe doctrine. On the contrary, it can be counted on, as in the case of President Cleveland, to protect that doctrine with jealous care. When we examine the means for maintaining that doctrine it will be evident to those who have the responsibility that the only way for our ideas to prevail in a land beyond the sea as against the ideas of another nation in the same land likewise beyond the sea from them will be for us to control the sea.

Our liberal and generous policies in Cuba would have been accepted if we had held control of the sea as compared with Spain, and there would have been no war with Spain. The problems there would have been settled by diplomacy.

When Germany landed in Venezuela, we called upon her to retire. Why did she retire peacefully? Because we had control of the sea. It being clear that control of the sea is necessary to maintain the Monroe doctrine, the Democratic Party can be counted upon to establish that control.

Furthermore, we are now approaching the completion of the Panama Canal. Not only the Monroe doctrine but the Pacific Ocean in general will receive more careful consideration at the hands of the whole world, and especially at the hands of the American people and their representatives in both parties. Across the great Pacific Ocean Americans to-day maintain, or assume to maintain, the principle of the open-door policy. That is nothing more than the old Democratic principle of equality of opportunity in the commercial relations of nations with the neutral markets of the world. We are the real sponsor, and upon us must depend the real effectiveness of that policy. Of course, the Democratic Party and the Democratic statesmen in control of its policies must recognize that the only basis upon which that policy can be maintained and made effective is a strong naval force in the Pacific Ocean—substantially control of the sea as against any nation of Asia.

In the middle of the Pacific, at Pearl Harbor, near Honolulu, we have the most vital strategic point in the world. That harbor will control 4,000 miles of that ocean, practically the ocean itself. The nation which ultimately controls Pearl Harbor will direct the policies and future of that great ocean.

America now owns that harbor. Other nations desire it. One other nation has 35,000 troops in that island by official report. The permanent control of that harbor depends absolutely on the control of the sea. The nation that has free access to that island, so that its reenforcements can go over while it can cut off the sending of reenforcements from other lands, will of necessity control that strategic center. Democrats in responsibility will be just as alive to their vital interest as men of any other party.

Again, it is not necessary to discuss how we came into possession of the Philippine Islands. We all know we have a responsibility resting upon us in connection with the future destiny of those people. We would not allow peoples in South America to have their destiny determined by a great military power of another continent.

Do you think we would leave the destiny of the Filipinos, now in the hollow of our hands, to be settled by the foreign colonial policies of any monarch? America certainly would not, and least of all would the Democratic Party. Evidently we can only maintain our protection and assume the inalienable responsibility by having free access to those islands, which means control of the sea in the Pacific. In view of these considerations we can rest assured that a constructive party like the Democratic Party will proceed to develop the proper naval policy to protect these vital interests and insure the effectiveness of these fundamental Democratic principles.

Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. HOBSON. In conclusion I wish to call attention to the fact that our committee, with its Democratic majority, is now taking up the whole question of national defense on a broader scale than ever before considered in America, and has reported a measure which will create a council of national defense. The President will be at the head of the council, and on it will be the Secretary of State, the Secretary of War, the Secretary of the Navy, and eight Members of Congress, the chairmen of the great committees involved in national defense—the Committees on Appropriations of the two Houses, the Committees on Foreign Affairs of the two Houses, the Naval and Military Committees of the two Houses, and four experts—the Chief of the General Staff of the Army, the president of the Army War College, the officer of the Navy corresponding as nearly as practicable to the Chief of Staff, to be appointed by the Secretary of the Navy, and the president of the Naval War College. These are to be a council of national defense, to investigate thoroughly the whole question and formulate our general policy, and to recommend to Congress from time to time such measures as they deem expedient for the carrying out of that policy.

Every nation of the world of any importance in military affairs, where the question of national defense has been given serious consideration, has evolved some such council in some form. Recent wars have shown the increasing necessity for well-defined policy as the magnitude of war operations grow. In the war between Japan and Russia, Russia's council did not bring closely together the civil and military, and the civil permitted the war to be brought on before the military was ready. Then, again, the civil allowed the war to be terminated before the military was ready. The result of the war was adverse to Russia. If there had been that intimate connection in their administration between the civil and the military that there will be in our council they would have proceeded together. The war would have been delayed in coming on, and would have been extended in its prosecution; and the experts of the world believe the issue of the war would have been victory, instead of defeat, to Russia.

Following upon the heels of the Japanese-Russian war, the Russian Government strengthened and solidified their council of national defense.

The same happened with the English council in the prosecution of the Boer war. That war gave the British a great deal of trouble because the civil brought it on before the military was ready. Since then they have developed their council of defense along the lines I have indicated.

A study of the organization of the German Government and its defense policies goes to show that the great success achieved in recent years by the German arms is due to the fact that they have had complete cooperation between the civil and military branches. The lesson of history brings out the fact that the successful policies in war and successful foreign policies pursued without war have been the result of thorough cooperation of civil and military administrations. The Democratic Party in establishing this council will inaugurate a new era of economy and efficiency in the national defense——

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. HOBSON. I do.

Mr. HILL. I do not know much about naval affairs, but I wish to ask this question: Did the committee, in reporting this bill and ignoring the recommendation of the Navy Department for two battleships and two cruisers, do it with the idea that the present Navy, if maintained in its present condition, is sufficient for the defense of the country, or do they do it as a matter of temporary economy and propose to have the country take its chances on the defense?

Mr. HOBSON. I will answer, though the chairman of the committee is better able to interpret the party policies, if the gentleman asks me what my idea of it is. The party, and the committee reflecting that party, have simply called a temporary halt for purposes of investigation. The party seeks economy, but not a false economy that would sacrifice efficiency—this session is not completed yet—in the matter of battleships.

Mr. HILL. Now, I would like to ask the gentleman one more question, and that is, whether, in his judgment, that is a safe course of procedure?

Mr. HOBSON. I am frank to tell the gentleman, as I tell everybody who asks me about it and as I tell the public at large, that in my judgment the only policy that will maintain the Monroe doctrine in peace is to have control of the sea as compared with any nation that might attempt to colonize. The same situation holds true in the Pacific, and our Navy ought to be of such strength that our fleet in the Atlantic would be on a parity with any continental nation of Europe, while our fleet in the Pacific would be on a parity with any power of Asia; that is, our Atlantic Fleet should equal the German fleet and our Pacific Fleet should equal the Japanese fleet.

Mr. HILL. I do not refer to size as an instrument of offense. I am asking the gentleman's judgment as to whether, if the Navy is maintained in its present condition, it is sufficiently large to be a sure defense?

Mr. HOBSON. I am frank to tell the gentleman that it certainly will not be. At our present rate we will not be a second-class power long, but will rapidly fall to the rank of a fifth-class power. It would require more than four battleships a year to maintain a position as a second-rate power. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I yield to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, in my home State of North Carolina the 10th day of May in each year is set apart as a memorial day, on which the men and women gather in their respective communities to do honor to the living ex-Confederate veterans and to recall the virtues and the heroism of those who gave up their lives in the great Civil War. It is a day which evokes tender and grateful memories of that fratricidal strife, and for the larger number of those who participated the event is only a matter of history. We of the South find nothing inconsistent or unpatriotic in preserving the memory and recalling the courage and virtues of the men who wore the gray. To those of us who have no personal recollection of that great war we feel that we would be unworthy sons of those brave men if we forgot their virtues or ceased to be proud of the record which they made in a cause which they believed to be right. For all time to come their deeds and their achievements as men will make a bright page in history and add distinction to our country.

No brave soldier who followed Grant will deny this privilege or disparage the courage and manhood of his former foes. We are all American citizens, and as we of the South honor the brave men who fought to preserve the Union, so will all good men upon the other side and their descendants continue to honor the brave men who followed Lee and Jackson.

I was at my home in the town of Washington, N. C., on the 10th day of May this year and participated in the memorial exercises. The Daughters of the Confederacy joined with the veterans and the citizens in this sweet memorial. Under a bright sun, with a gentle breeze, the old and decrepit veterans marched with stirring music and accompanied by citizens and children. The exercises were held in the auditorium of the public-school building, where, as a part of the program, an address was delivered by Mr. R. D. W. Connor, of Raleigh, N. C. Mr. Connor is a young man of only 35 years, but he has accomplished much. He is the secretary of the North Carolina Historical Commission, secretary of the State Teachers' Assembly, and a leading member of the North Carolina Literary and Historical Association. He is a student and writer upon historical subjects and has contributed much toward preserving the history of the State and the country. His address was couched in such chaste language, was so replete with historical facts, and with all was so appropriate and patriotic that I resolved, after its delivery, to request a copy of the address with a view of asking the leave of the House to publish the same in the RECORD. It was an address which might have been delivered before any Grand Army post or before any audience in any State of the Union, regardless of their attitude or the attitude of their ancestors in that great conflict. Like myself, Mr. Connor belongs to the new generation who did not participate in the Civil War. The people of my State are proud of the Republic, loyal to the Constitution and the Union of the States, and have no higher ideal than the preservation of that Union for all time to come. If this speech could be read by the people of every section I believe it would contribute to cementing the ties which should bind us in one common patriotic purpose to preserve our Government, to perpetuate its institutions, and to maintain fraternity among all sections. If I am permitted to insert this speech in the RECORD it is my purpose to distribute it as far as possible in other sections, and particularly among the veterans of the Grand Army of the Republic.

I therefore ask leave, Mr. Chairman, to append as a part of my remarks the address of Mr. R. D. W. Connor, of North Carolina.

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The address referred to is as follows:

THE MEANING AND PURPOSE OF MEMORIAL DAY.

"Forty-nine years ago to-day the spirit of Stonewall Jackson passed over the river and rested in the shade of the trees. The flight of that heroic soul marked the 10th day of May as an anniversary to be forever hallowed in the grateful heart of the South. For in the career of Stonewall Jackson, more perfectly than in the career of any other man, was personified the Southern Confederacy. As the Confederacy by one bold stroke rose to a place among the powers of the world, so Stonewall Jackson at one bound leaped from obscurity to a place among the immortals of history. The Confederacy, in a brief spasm of glory, astounded the world by the brilliancy of its achievements, and Stonewall Jackson, like a passing meteor across the dark clouds of war, dazzled the eyes of mankind by the brilliancy of his genius; and as the English poet declared of the Confederacy—

"No nation rose so white and fair,
Or fell so pure of crime.

"So Stonewall Jackson, like a stainless knight of chivalry, rose to a place among heroes and, facing death with inspired heroism, left to fame a name untarnished by a single blot. In him, too, we find personified those qualities of fearless courage, dashing enthusiasm, and steadfast loyalty that characterized the soldiers of the South and won for them in defeat laureis as splendid as those that crowned the brows of their foes in victory. Nothing, therefore, could be more fitting than that the daughters of the South, searching the calendar for a day to consecrate to the memory of the Confederacy, should select the anniversary of the day on which Stonewall Jackson gave his life in defence of their homes and firesides.

"It is, then, in memory of this hero and of those who followed him that, in the very midst of an age inspired by the spirit of a living present, and cheered with the hopefulness of those who have learned to fight and win, we pause to-day to commune for a brief moment with a past that is dead, and to pay tribute to the memory of those who fought and lost. Truly a paradoxical situation. And yet, perhaps not so very paradoxical after all, for these memorial day ceremonies have a much deeper meaning than may at first appear. The past is dead, and yet it lives; our fathers lost, and yet they won; and to-day we come to review not the dead, but the living past; to commemorate not the defeat, but the victory of the vanquished. Looking back over the past we see in the American Civil War, underneath all the blare of bugles and the roar of cannon, the conflict of two great ideas. Behind the Stars and Stripes of Lincoln and Grant, we see arrayed the idea of nationality; behind the Stars and Bars of Davis and Lee, the idea of sovereign statehood. Looking out into the future, we see the day when the historian, coming to pronounce his judgment on the final results of that conflict, will declare that in the end both ideas were triumphant, for out of that struggle came a more perfect and more enduring Union, and out of it came a freer and a nobler State. Now, happily no longer in conflict, State and Union move along their destined paths to a common heritage of liberty and truth and justice for all mankind. In this happy consummation both Federal and Confederate have their allotted parts to play.

"The Confederate soldier, as I have said, represented the idea of sovereign Statehood. In defense of this idea thousands of men died on the field of battle, and for it to-day other thousands rejoice in an opportunity to live. What then is this thing for which men are so willing to give their lives? What do we mean by the State? By the State I mean something more than acres of land and millions of people; something more than constitutions and laws, than governors and legislatures, than courts and constables and prisons. I mean something more than material wealth and political power. The State of North Carolina is not the 52,000 square miles of territory lying between Virginia and South Carolina, the Atlantic and the Blue Ridge; nor is it the two and a half millions of people whose homes are here. The State is not to be found in the capitol at Raleigh, nor in the courthouses of our 100 counties. Soil and climate, fields and forests, rivers and mountains, railroads and factories, cottages and mansions, schools and churches—all these are but outward and visible forms of the real, living State. The first white men who settled on our shores 300 years ago found the same 52,000 square miles of territory stretching out before them; the same rivers pouring their waters into the same sea; the same mountain ranges lifting their lofty peaks up into the same blue sky; the same smiling plains and the same rolling hills presented to their view the same panorama of natural beauty and grandeur. They found forests growing then as they grow now. They cleared fields and built houses. They, too, had a constitution and laws, a governor, and a lawmaking body. All these things they had in substance as we have them to-day. They had the possibilities of a State, but they did not have the State itself, and certainly they did not have the State of North Carolina to which we acknowledge allegiance. If these things constituted the real State, it would be but a dead thing, the same yesterday, to-day, and forever.

"But the State is not a dead thing. It is a living, breathing, changing organism, never to-day what it was yesterday, and never to be to-morrow what it is to-day. The State of 1912 is not the State of 1812. Every generation in the past has added its contributions, modifying its character and changing its ideals; and every generation in the future must contribute something for good or ill. As Dr. McIver used to say: 'Sometimes we think it is a pity that a good man who has learned to be of service to his fellows should be called out of the world.' So sometimes we may think about an enterprising and useful generation, but after all the generations of men are but relays in civilization's march on its journey from savagery to the millennium. Each generation owes it to the past and to the future that no previous worthy attainment or achievement, whether of thought or deed or vision, shall be lost. It is also under the highest obligation to make at least as much progress on the march as has been made by any generation that has gone before. It is then in the contributions of all the generations that have gone before us, and in the contributions that we are to-day making to the generations that shall come after us that we find the real, living State.

"Let us suppose that it were possible to blot out of our lives all the story of the past, to erase from our memories all recollection of the men and events, the thoughts and the ideals, that have made us what we are to-day, to lose all knowledge of our forefathers' conceptions of liberty and law, all their successes and failures, their hopes and ambitions, their customs, traditions, and history—suppose all these things were torn out of our annals, what would we have left of the State which our Revolutionary ancestors founded and handed down to us? If we had never seen the gallant Wyatt rushing to his death at Bethel; if we had never watched with speechless wonder and admiration the long gray line of Pettigrew's division sweeping up the heights of Gettysburg; if we had never beheld the splendid figure of the gallant Grimes leading the last desperate charge at Appomattox, would we still have the same glorious old North State which we have now? Robert E. Lee, sitting despondently amid the ruins of his noble army, as his soldiers straggled by on the retreat from Petersburg, without order and without discipline, was suddenly aroused from his reverie by the steady, disciplined tread of a brigade keeping perfect step to the drumbeat. Quickly raising his head, while a pleased smile chased shadows of despondency from his face, he asked, 'What brigade is that?' 'Cox's North Carolina,' was the reply. Then, lifting his hat in salute, the great commander exclaimed, with deep emotion, 'God bless old North Carolina.' Blot all of these memories out of our lives and what should we have left? The same vast stretch of territory would still throw itself across the continent for a distance of 500 miles, the same plains and hills and plateaus would still delight the eye with their varied beauty, the same lofty mountain peaks would still cast their dark shadows across the same deep valleys, the same sky would still bend its blue arch above us, but in it all we should behold but a vain, hollow, empty shell of dead materialism, and not that State for which the Confederate soldier offered his life on the field of battle and which we to-day delight to love and serve. That State, ladies and gentlemen, we find in the hearts and minds of her people; in all they have been in the past, in all they are in the present, and in all they hope to be in the future; in the memories of the men and events by which, in peace and in war, in the council chamber and on the battle field, we have won our place among the States of the American Union; in the ideals upon which the State was founded by the fathers and in the aspirations that stir in us an ambition to serve the State and worthily to maintain what they have nobly secured.

"Such was the Confederate soldier's conception of the State, and as it was his duty and privilege to defend it, so it is ours to preserve and hand it down unimpaired to his children forever. For this purpose, then, that we may the better fulfill this duty, we have set apart this memorial day in order that we may annually pass in review what the State has been in the past, consider what it is in the present, and forecast what we shall make it in the future.

"The first purpose of memorial day, then, is to keep fresh in our minds what the State has been in the past, and surely it would be hard for one who loves his State to find a more important or a more pleasing task. A generation ago it was a favorite boast with us in the South that we had been too busy making history to have time for writing it. But when we come to think of the State as the Confederate soldier thought of it, we shall understand that not only is each generation under obligation to make at least as much progress on the march of civilization as any generation that has gone before, but it is also under equal obligations to preserve the record of its progress for the benefit of generations that shall come after it; for as history is the foundation of all knowledge and the measure of all progress, so a failure to record the great events of history would result in setting each generation back to the point from which its predecessor started, and would close to posterity the source of its richest treasures. Modesty, no doubt, is a commendable trait in the character of any people, but a sober, reasonable, and intelligent pride in the achievements of one's country is the best incentive to public virtue and real patriotism; and a people who have not the pride to record their history will not long have the virtue to make history that is worth recording.

"But I speak now of a State pride that is sober, reasonable and intelligent, for certainly there is nothing either patriotic

or elevating in that foolish, extravagant, and ignorant pride that provoked Kipling's famous prayer:

"If, drunk with sight of power, we loose
Wild tongues that have not Thee in awe—
Such boastings as the Gentiles use,
Or lesser breeds without the law—
* * * * *
For frantic boast and foolish word,
Thy mercy on Thy people, Lord!

"Such a pride develops neither virtue nor patriotism. It only excites the ridicule of the world and brings shame on the good name of the State. It places false values on unworthy things and degrades the character of the people. It produces self-conceit, provincialism, and stagnation, and destroys manly vigor and ambition. It is to be avoided as the worst enemy of true State pride. Rather let us use memorial day to cultivate a sober pride of country, which knows how to hold itself in proper reserve, yet ever stands guard over the true honor and welfare of the State; a reasonable pride of country, which knows the difference between the good and the evil, the true and the false, the beautiful and the ugly in the life of the State, and will accept the one but reject the other; an intelligent pride of country, which will seek to draw from the past lessons of service and inspiration for the present and the future.

"Love thou thy land, with love far-brought
From out the storied past, and used
Within the present, but transfused
Thro' future time by power of thought.

"The importance of the cultivation of such a pride among a self-governing people in the achievements of their country can not be easily overestimated. The great events in the history of a democratic country are the achievements of the people themselves. The Czar of Russia may issue his decree granting a free Parliament to his subjects and is entitled to claim all the credit and the glory as his own; but when an American Congress promulgates a Declaration of Independence or an American President emancipates 3,000,000 slaves, it is not Congress nor the President, but the people themselves, who speak. The American soldier, whether he wore the blue or whether he wore the gray, who answered the call of his country in 1861 and through four long years of war wrote his unsurpassed record of devotion to duty, of courage in the field, of endurance in suffering, of patience in defeat, of fidelity in temptation, of loyalty in the hour of trial, won for himself a place in history beside the imperial legionary of Cæsar and the old guardsman of Napoleon; but the glory of the Roman legionary and the glory of the French guardsman belong to them alone, the glory of the American soldier belongs to his country. So, too, the great men in a republic of self-governing people spring from among the people themselves, and in a republic no man is counted great by the accident of birth, but only by reason of some eminent service rendered to his fellow countrymen. Every man feels, therefore, that what other men have been and done, he himself may be and do. The fame of a Hannibal or a Cæsar, or of a Frederick or a Napoleon, is his own; but the fame of Lee and Grant, of Lincoln and Davis and Vance belongs to the American people. When we turn aside from our daily affairs, therefore, to commemorate the great events in our history, we simply take an inventory of the best that we ourselves have been able to contribute to the making of the State; and when we offer tribute to the great men of the State, we simply pay tribute to the highest types of character that we ourselves have been able to develop, for our own character is reflected in the character of the men whose memories we revere, whose lives we study, and whose virtues we admire.

"This, then, is the meaning of memorial day as it relates to the State of the past; for the State of the present it has a yet deeper meaning. From this study of our contributions to the State of the past we shall draw experience and inspiration for our contributions to the State of the present, for in a free State not only the demands of patriotism but also the qualifications of good citizenship require that those who control and direct the affairs of the State shall be familiar with the ideas and events that have shaped its destiny. In such a State every citizen is a director in its affairs and from time to time is called upon to decide great questions that will affect the welfare of the remotest posterity. In his hands he holds the fate of political parties; he controls public polices; he formulates social creeds; he solves educational problems; he determines great industrial issues; in a word, he forms public opinion, and in free States public opinion rules politicians, governs social conduct, regulates industrial affairs, and shapes the destinies of the people. This much at least every citizen must pay for the privilege of his citizenship; and if he is a patriotic citizen, intent upon the conscientious performance of his duty, he needs as the foundation stone of his citizenship a knowledge of the past.

"Oh, but men say, 'The past is dead, and we are practical men who live in the present. What need have we for the dead past?' The past is not dead. 'The roots of the present lie deep in the past, and nothing in the past is dead to the man who would understand how the present came to be what it is.' The present was born of the past and is the parent of the future. Every problem which you are called upon to solve comes to you out of the past, molded into shape by its influence and charged with its spirit. If your problem be to choose between candidates for the United States Senate, for governor, for constable, or for any other public office, your first inquiry is for a knowledge of their past. If your problem be to reorganize a bank, a school, a factory, or any other institution, your first task is to learn how the institution was formed and whence it grew. If your problem be to formulate a social creed for the guidance of your community, your first step is to learn what social creeds have risen and vanished before. If your problem be to determine upon an educational policy for your city, your county, or your State, you must first of all investigate the hundred policies that have already been put to the test. If your problem be to agree upon some plan for the better marketing of your cotton crop, for the regulation of labor, or to settle any other industrial policy, you must first of all know the origin and history of the trouble to be corrected. Whatever your problem may be you can not understand it clearly or solve it intelligently until you are familiar with its past.

"And yet how often do we see wise men who refuse to acknowledge this plain truth blundering along in their blindness, consulting their invention and rejecting their experience until they find that every step taken in advance seems to be hurled back by some silent and unnoticed power, and their enthusiasm gives way to despair, their hopes fade into recollections.

"What is this unseen power which seems to undo the best human efforts as if it were some overbearing weight against which no man can struggle? What is this ever-acting force which seems to revive the dead, to restore what we destroy, to renew forgotten watchwords, exploded fallacies, discredited doctrines, and condemned institutions; against which enthusiasm, intellect, truth, high purpose, and self-devotion seem to beat themselves to death in vain? It is the past. It is the accumulated wills and works of all mankind around us and before us. It is civilization. It is that power which to understand is strength, which to repudiate is weakness. (Frederic Harrison: The Meaning of History.)

"Surely no people in all the history of the world have had more reason to be impressed with these truths than we Americans of the Southern States. During the decade following the Civil War we saw a triumphant people, flushed with victory and drunk with power, attempt to remodel every institution of these Southern States in defiance of all the lessons of 10 centuries of English history. We saw them attempt to erect a political structure on a basis that turned back the wheel of time a thousand years. We saw them formulate a social creed proclaiming an equality between the white man and the black man that flew into the face of all civilization. We saw them plan an industrial scheme to place the former master under the feet of his recent slave; that gave the lie to the teachings of history throughout the ages. And we saw them all—institutions, political structure, social ideals, and industrial schemes, though supported by the arms of a victorious Nation, rise in the night only to fall crushed and destroyed in the day, leaving as their contributions to the State naught but the

"* * * sword and fire,
Red ruin, and the breaking up of laws.

"Crushed and destroyed, not because they were evil, evil though they were, but destroyed because they were not born of the past. The best work of some of the truest reformers in the history of the world has not been exempt from a similar fate. Indeed, the whole path of civilization is strewn with the wrecks of institutions, social and religious creeds, political and industrial structures, to which millions looked for the cure of all human ills and upon which they founded their hopes of human happiness—wrecked because their roots were not sunk deep in the teachings of the past. The past is the conservative, steadying, guiding power in the present; and the present, without the influence of the past, would be as unsteady in its motions, as helpless to guide its course, and as uncertain of its goal as a ship without sails, ballast, or rudder. No pilot is fit to be intrusted with the control of a ship who is ignorant of his chart, and no crew who are indifferent to their chart need hope to reach their haven safely; so no man is fit to be intrusted with control of the present who is ignorant of the past, and no people who are indifferent to their past need hope to make their future great.

"For this State of the future, memorial day has yet a deeper meaning. Paradoxical as this may seem, it is yet necessarily true. All our aims and ambitions and hopes look to the future. That State pride which the study of the past cultivates is a

meaningless vanity if it does not inspire in us high and splendid ideals for the State of the future. That equipment for service which such study develops has but little purpose if it does not enable us the better to realize those ideals. If we shall find that the contributions made by our fathers to the State of the past were good, shall we not resolve that our contributions to the State of the future shall be better? If we shall find that they have left to us a noble heritage, shall we not determine to leave to our children a yet richer legacy? If we shall find that they were ready without thought of self to bear the burdens of the state and equipped to do its service, shall we falter because we, too, have burdens to bear and services to perform? No State ever called her people into her service with greater confidence in their spirit of willingness and determination than North Carolina in 1861, and no people ever responded with a more absolute forgetfulness of self in their duty to their country. In like manner the State of the future is calling us into her service; and shall we not respond in like spirit? No invading foe threatens us with a foreign tyranny, no bugle calls us to arms in her defense; but there are other tyrannies none the less oppressive, other duties none the less important. There is the tyranny of ignorance, the tyranny of poverty, the tyranny of disease, the tyranny of a backward industrial life, the tyranny of prejudice, the tyranny of intolerance. There are schools to be supported, resources to be developed, social conditions to be reformed, fields to be cultivated, prejudices to be overthrown, truth and justice to be established—all great problems that have come to us out of the past. What, then, has the past to teach us with regard to their solution?

"The past will teach us that since the dawn of civilization ignorance has contributed nothing to the progress of mankind or to the amelioration of man's condition on earth; hence we shall learn that the supreme duty of the State of the future is the education of her children—not some of her children, but every child of them, without regard to its sex or condition, its wealth or poverty, its race or color. Ignorance is no respecter of persons. It chooses its agents regardless of their race, color, or previous condition of servitude. It is thoroughly democratic. It strikes through the ruler in the seat of power; it strikes through the money king on his throne of gold; it strikes through the beggar on the street. It is as blind as justice itself. The scholar in his study, the man with the hoe, the banker, the merchant, the manufacturer, the editor, the teacher the lawyer, the farmer, all feel the deadening effects of its blows, and wherever they fall they leave behind a trail of poverty and failure and suffering. It flaunts itself in our faces to-day with all the arrogance of long-intrenched power, daring us to more terrific battles and inviting us to more glorious victories than any that were ever won by the Confederate soldier. To these battles the State of the future is calling us as the State of the past called to our fathers:

"'Bring up all your cohorts of truth and light and power. Open all your batteries and sound the onset, for the conflict is now on with the enemy. The powers of ignorance and of darkness are arrayed against us, and the fight must be to the finish.

"The past will teach us that material resources—unlimited water power, boundless forests, inexhaustible minerals, fertile soil, and genial climate—contribute nothing to the wealth or the power of a people who do not know how to use them. Gettysburg and Appomattox taught this lesson with fearful force, for behind the armies of the South were neglected fields, unopened mines, impassable highways, unexplored forests, and rivers that sent their waters unfettered to the sea; behind the armies of the North were cultivated farms and gardens, rivers that had been harnessed to the spindle and the loom, mines that had been made to yield up their secret treasures, forests that gave their timbers to be fashioned into a thousand useful forms, and great railroads and highways that carried life and vigor to the uttermost parts of the country. In 1865 the armies of Lee and Johnston surrendered not to the armies of Grant and Sherman, who faced them on the fields of Virginia and Carolina, but to the mills and factories that dotted the river banks of New England, to the open mines that poured their riches into the laps of California and Pennsylvania, to the trade and commerce that brought the produce of the world to the doors of New York and Chicago and Philadelphia. History teaches no lesson more forcibly than the lesson that Providence does not long tolerate a people who neglect the gifts of nature. And so in the State of the future, before we can come into our inheritance, we, too, must learn how to go down into the bowels of the earth and bring up the hidden treasures, how to penetrate the depths of the forests and hew down the timbers with foresight and intelligence, how to tunnel the mountains and bridge the gorges for great railroads and highways of commerce and travel. In a word, we must learn how to use the natural wealth that a generous Creator has poured into our laps or become the hewers of wood and the drawers of water for those who do know how to use them.

"The past will teach us that no State ever grew strong or prosperous except through the strength and prosperity of the great toiling masses of its people. Hence we shall learn that in the State of the future the 80 per cent of her people who cultivate her soil and not the 20 per cent who live in her towns will determine her power and wealth. The great economic problem of this State then, as Mr. Poe states it, is not the building of towns and cities but the increasing of the earning capacity of her average farm at least $500 a year so as to bring it up to the earning capacity of the farms in other parts of our country. In order to do this—

"'We must rebuild our wasted soils, restore the valuable woods to our forests, construct economic and enduring highways, substitute in the country substantial structures of brick or stone for our frail tenements of wood, the meadows must send their fragrance to the valleys, the fruit trees must cover the hilltops with bloom, the schoolhouse, the church, and the factory must gladden the view from every summit. We must build a more complete and enduring rural civilization, where strong and vigorous manhood is reared and where the purest and rarest forms of womanhood are in bloom. * * * Every idle acre of land must be made to produce, every idle man and woman must be drafted into the army of toil, extravagance and waste must cease, intelligence must dominate matter, and universal vigor must take up the tasks of general frailty. (Seaman A. Knapp in an address before the North Carolina Teachers' Assembly, 1908.)

"Our industrial Lees and Jacksons must lead their armies of toilers against the foes that are beating back from our rural sections the comforts and conveniences and pleasures of modern life.

"The past will teach us that the foundation upon which rests the power and stability of the State is the physical well-being of its people. The battlefield soaked in human blood, strewn with mangled bodies, and groaning from the suffering of its victims, fills us with unspeakable loathing; and, turning away with horror-stricken faces, we cry aloud against 'man's inhumanity to man.' With a thousand voices from every pulpit and press in the land we denounce war as the great crime against civilization, and upon a thousand gilded trumpets we hail the dawn of universal peace as civilization's last and greatest triumph. But if war is a crime against civilization what shall be said of the existence among us of those conditions which produce preventable disease? Where war has claimed its thousands disease has reaped its tens of thousands. During the Civil War, whose heroes we honor to-day, while 19,000 brave North Carolina soldiers fell on the battlefield, disease increased the number to more than 40,000. For every American soldier killed in that struggle by bullets, three fell before the invisible shafts of disease. During the Spanish-American War the common house fly slew five times as many American soldiers as were killed by Spaniards, and in that short and unequal struggle for every American soldier who fell before a Spanish bullet disease slew 14. It matters not how brave the soldier may be, how loyal to his flag, how enthusiastic in his cause, no measure of bravery, no degree of loyalty, no amount of enthusiasm can avail him aught if his body be wasted with disease, if his limbs refuse to obey the demands upon them, if his mind be dulled and deadened by living under insanitary conditions. And what is true of the soldier in war is equally true of the citizen in peace. Rome, once the world's mightiest empire, we are told, was destroyed by malaria. Last year alone in the United States, among the most enlightened people on earth, one single preventable disease destroyed as many persons as were slain on both sides during the four years of our Civil War. No people weak and sickly from living under insanitary conditions can ever make a strong, a prosperous, and a happy community. Though they may dwell in the most beautiful region on earth, though manufactures may prosper, though agriculture may thrive, though the arts and sciences may flourish, though architects may cover the land with gorgeous temples and palaces, though they build navies and raise armies greater than any the world has yet seen, if they do not destroy the conditions that produce disease, disease will take its silent and insidious course, daily undermining the health and decreasing the vigor of the race, and that nation must perish. We shall learn no lesson from the past more vital to our welfare than the lesson that it is the duty of every community to protect the lives and health of its people.

"The past will teach us that the supreme test of capacity of any people for the great task of self-government is the degree of patience with which they are willing to submit to necessary, and salutary restraints upon their will in the exercise of political power, and if I do not misread the signs of the times there is no lesson which we need to take to heart just at this time than this: Self-government, if it means anything, means self-restraint, self-restraint in the exercise of political power not merely by individuals, but also by communities, by States, and

even by mighty nations. In every self-governing community the well-considered will of the majority of those upon whom political power is conferred must, of course, prevail; but before that majority is fit for the task of self-government it must recognize the fact that there are certain great principles of right, justice, and liberty, fundamental, eternal, and unchanging, which it can not overleap with impunity, and which must always be maintained at every hazard by those in authority. These principles of government our fathers embodied in our State and Federal Constitutions for the protection of the weak against the strong, the minority against the temporary passions of the majority. But to-day there is rapidly developing among us a disposition to regard these restrictions with disfavor, to look upon our constitutions as antiquated documents, very good in their day but now decidedly behind the times; and we are growing more and more impatient with courts and judges who dare uphold their provisions when they conflict with the passing whims of the hour. Looking back over our history, I find that likewise the abolitionists denounced the courts and judges in the days of Chief Justice Taney and the Dred Scott decision; and so, too, did the carpetbaggers and their northern supporters in the days of Chief Justice Chase and the reconstruction acts. I would not to-day say one word that would revive the bitter memories of reconstruction, yet I would not have you soon forget the lessons to be drawn from that memorable epoch in our history. When the majority of the American people, swayed by vindictive passions of sectional hatred, attempted to reduce the whole South to a condition like that of a Roman province under the Cæsars, what great instrument stood in their way?

"The Federal Constitution. When that majority withdrew from southern leaders the benefits of the amnesty granted them by the President, when they forbade southern lawyers to practice in the courts and southern preachers to preach the gospel from their pulpits, when they abolished the right of trial by jury in the South and substituted for it trial by irresponsible military commissions, when they denied to the southern people the privilege of the great writ of habeas corpus, when by these monstrous violations of the Constitution they attempted to withdraw the protection of the law of the land from all those who refused to 'crook the pregnant hinges of the knee that thrift might follow fawning,' who was it that stayed their hands and saved the liberties of the southern people? It was none other than the judges of the Supreme Court of the United States. Thwarted in their purpose, the majority chafed and stormed, denounced the judges, and threatened to abolish the court, but the good ship Constitution rode clamly through the raging tempest and carried her precious cargo safely into port. And so to-day, when we become impatient at the salutary restraints placed upon our actions by that great charter of our liberties, when we feel inclined to join in the cry of those who condemn it as antiquated and unsuited to the times, when in our eagerness to make 'progress' we are tempted to demand that its time-tested provisions give way to hastily conceived expedients, let us pause—let us pause and call to mind the great part it has played in the establishment of human liberty on earth; let us look about us and consider how it has carried light and hope and inspiration to the teeming millions, not of America only, but of Europe, of Africa, of Asia, of Australia, and the far-off islands of the sea, and let us learn to place a little less confidence in the judgment of the day and a greater faith and reliance in the wisdom and the teachings of the ages.

"The past will teach us that no State has ever survived the assaults of time that was not built on the solid corner stone of truth and justice and equality of opportunity for all men. We shall learn, too, that there can be no truth without freedom of thought, no justice without freedom of discussion, no equality of opportunity without freedom of action. Every tyranny that has oppressed mankind since the beginning of history, whether it be the tyranny of autocracy, the tyranny of aristocracy, or the tyranny of democracy, flourished on intolerance of free thought, on suppression of free speech, and on denial of free action. In the State of the future we must set our faces like flint against every tendency to encourage these servants of tyranny. We must learn to expose every question affecting the welfare of the State to the searching light of free and full discussion and to abide the judgment of the people. But we must learn also that hackneyed oratory is not discussion, denunciation is not criticism, license is not freedom. We must learn that judgments rendered at the dictation of passion and prejudice are not likely to be 'true and righteous altogether.' We must learn that ideas are greater than persons, and principles more enduring than personalities. We must learn that as true liberty is liberty regulated by law, so nothing is more important to the people of a self-governing State than that stern and splendid regard for law which was the glory of Rome in her best days, and without which no people can be truly great or truly free. And, finally, we must learn that, while eternal vigilance is the price of liberty, eternal agitation is not eternal vigilance. Not till we have taken these lessons to heart shall we throw open the door of opportunity to every child in the State; not till then shall justice be enthroned in all the beauty of righteousness; and not till then shall 'Truth, shining patiently like a star, bid us advance, and we will not turn aside.'

"To educate the children of the State, to develop her resources, to revolutionize her industrial and agricultural system, to maintain her authority, to preserve her freedom—these are all great problems that have come to us out of the past; to solve them is the work of the future. We shall not solve them without the expenditure of much money and toil and sacrifice. But to these tasks the State is calling her best sons, and shall we shrink from her call? Consider the Confederate soldier. The one sentiment that overshadowed all others in his heart, was devotion to his State. For the State he lived, and in her defense he went forth to die. He knew no duty above his duty to the State, and he coveted no honor save the honor of the State. No labor was too hard, no burden too heavy, no sacrifice too great in her behalf. When she called him into her service, he invented no excuse, he uttered no murmur, he asked no reward. Inspired by his pride in her achievements, he imagined no greater joy than to share in the brightness of her glory; and warmed by her love, he sought no other fate than to go down with her in the darkness of defeat. If in the same spirit we too shall answer the call of the State of the future we may rest assured that we shall not go down with her in the darkness of defeat, but that we shall rejoice with her in the ever-increasing brightness of her eternal glory.

"Such then is that freer and nobler State that came triumphant out of the conflict of the sixties. Out of that conflict came also, as I have said, a more perfect and a more enduring Union—a Union of States, not of sections—of States sprung from a common source, created for a common purpose, and builded on a common foundation; a Union of States bound together by the history and traditions of a common past, united in the work of a common present, and destined to the glories of a common future.

"For this Union, memorial day, whether it honors the memory of those who followed Lee or the memory of those who followed Grant, has its final and deepest meaning. We shall not come to the observance of memorial day in the right spirit if our purpose be to rekindle the fires of bitter memories or of sectional animosities. But rather let us come in that spirit which declares:

"'The sons will preserve and will magnify the fame of their fathers, but they will not foster or fight over again their feuds, since the fathers themselves * * * long ago renounced rancor and dissolved differences. * * * We will filially honor the shades of our ancestors, but we will not cut ourselves among their tombs. * * * Our fathers fought out the questions which their fathers left unsettled. We recognize and rejoice in the settlement of those questions. But we are resolved that neither the charm of historical study, nor the passion nor the pathos of poetry, nor the pious exaltation which shrines excite and monuments inspire shall to-day hold back North and South from the new and noble obligations, and from the benign and brotherly competitions of this teeming time. Better a decade of love and peace than a cycle of the mutilations and of the memories of the Civil War. (St. Clair McKelway, in an address before the Conference for Education in the South, 1903.)

"In such a spirit the Confederate soldier, after four long years of conflict, submitted to the judgment of the God of battles, and in such a spirit the Nation will yet acknowledge the great debt which it owes to him. He fought the war in good faith; he laid down his arms in good faith; and he accepted the result in good faith. No apology for his course arose to his lips to belie his conscience; no vain regrets lingered in his heart to embitter his spirit. He turned from the battle field to his civic duties feeling 'malice toward none,' but 'charity for all'; ready to lend his hand to the task of binding up the Nation's wounds, and determined to contribute by voice and conduct toward establishing and cherishing a just and lasting peace between the torn and bleeding sections. Keeping always in view the harmony, peace, and happiness of the whole country, joining in the desire of all good men everywhere to hush forever the passions and prejudices of civil strife, disdaining to renounce his own faith or principles, but willing to trust his vindication to—

"'That flight of ages which are God's
Own voice to justify the dead,

"he called on all sections of his country to ignore sectional issues, and to address themselves to the task of restoring the Union in heart and soul.

"That task, ladies and gentlemen, has been accomplished; the Union has been restored. Fifty years after her secession the vanquished South sits in the councils of the Nation, an

equal member with the triumphant North. By order of the President the name of Jefferson Davis, which was stricken in the heat of civil war from a great national work made possible by his genius, has been recarved on the corner stone of Cabin John Bridge and his image has been graven upon the silver service of the mighty battleship which bears the name of *Mississippi*, to be an inspiration of patriotism to her officers and her gallant crew. The beloved form of Robert E. Lee, clad in Confederate uniform, stands by that of Washington under the Dome of the National Capitol. And in the seat of John Marshall a Confederate soldier with learning, wisdom, and patriotism worthy of his great predecessor guides the deliberations of the Nation's highest court of justice. To-day the South holds in her hands the destinies of this Union, and all men know that they are in safe and honorable keeping.

"A half century is but a brief span in the life of a Nation. Yet the fiftieth anniversary of the morning on which the opening roar of those guns in Charleston Harbor shook this Union to its very foundations and threatened to tear it asunder found these States more closely bound together in the bonds of brotherhood than ever before, saw this Union more firmly established than ever in its whole history, and, in the glorious words of Daniel Webster, beheld 'the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted nor a single star obscured, bearing for its motto no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and union afterwards," but everywhere spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land and in every wind under the whole heavens, that other sentiment, dear to every true American heart, "Liberty and union, now and forever, one and inseparable!"' The accomplishment of this mighty task within the brief space of 50 years is one of the greatest triumphs of civilization in the history of mankind, and in this triumph no section of our country has borne a more honorable part than the old Confederate States, no man has contributed more nobly than the old Confederate soldier. His wisdom and prudence, his saneness and patience, his loyalty and patriotism through all the years since the war have won for him a warm place in the Nation's heart, and there it shall abide forever.

"And to-day as we gather to do honor to his memory shall we not resolve to follow his example and emulate his spirit? Let us forget the bitter memories, the passions, and the prejudices left in the wake of sectional strife and join heart and soul with all throughout our common country who pay tribute to those, whatever banner they may have followed, who unselfishly answered the call of duty as God gave them to see and understand it. On this memorial day, dear to our hearts for the memories it brings, the gallant spirits of Federal and Confederate, who so freely gave of their best blood in the service of their country, call to us to give as freely of ourselves to our great reunited Nation, and in the service of that Nation to think the highest that is in us to think, to do the best that is in us to do, and to be the noblest that is in us to be."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5002. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; and

H. R. 22909. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 105. Joint resolution authorizing the Secretary of State, for and on behalf of Surgeon Eugene Masdin, late of the United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government and to present the same to the widow of the said Surgeon Masdin.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1913, and for other purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. We have begun the reading of the bill. It is now 5.30 o'clock——

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

DEFICIENCIES IN HOUSE CONTINGENT FUND.

Mr. FITZGERALD, from the Committee on Appropriations, reported a joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with accompanying report (No. 755), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the joint resolution.

The SPEAKER. The gentleman from Illinois reserves all points of order.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2, Rule XXIV, House bill 18712, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was taken from the Speaker's table and referred to the Committee on Pensions.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Friday, May 24, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce and Labor submitting estimate of appropriation for the establishment of an immigration station in Chicago, Ill. (H. Doc. No. 764); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, calling attention to the depleted condition of fund for the prevention of the introduction and spread of contagious and infectious diseases and recommending an appropriation of $500,000 for this fund (H. Doc. No. 765); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest, reported the same with amendment, accompanied by a report (No. 754), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 751), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

Mr. UTTER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 24796) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 753), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20229) granting a pension to Annie Hewson; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 24797) to repeal a portion of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes," approved March 3, 1909, and a part of the act making like appropriations for the fiscal year ended June 30, 1911, approved May 18, 1910; to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: A bill (H. R. 24798) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. LENROOT: A bill (H. R. 24799) relating to sleeping cars in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 24800) for the purchase of a site and the erection thereon of a public building at Rhinelander, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: A bill (H. R. 24801) making an appropriation of $14,500 for improvements in and about the immigration station at the port of New Orleans; to the Committee on Appropriations.

By Mr. RAKER: A bill (H. R. 24802) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890, by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. LAFFERTY: A bill (H. R. 24803) to authorize common carriers subject to the provisions of the act of June 29, 1906, entitled "An act to amend an entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," to issue free transportation to traveling secretaries of Young Women's Christian Associations; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, favoring the abolition of the Commerce Court; to the Committee on Interstate and Foreign Commerce.

Also, memorial, of the Legislature of the State of Arizona, favoring reimbursement of settlers on Spanish land grants for improvements, etc., made while occupying them; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. UTTER: A bill (H. R. 24796) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ADAIR: A bill (H. R. 24804) granting an increase of pension to Amos Berry; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 24805) granting an increase of pension to Jacob Krieger; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 24806) granting an increase of pension to L. G. Wildoner; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 24807) granting an increase of pension to Theodor Schwahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24808) granting an increase of pension to Silas M. Abers; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 24809) for the relief of Yandell Wood and the estate of J. L. Wood; to the Committee on War Claims.

By Mr. DANFORTH: A bill (H. R. 24810) granting an increase of pension to John G. Van Trump; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 24811) granting an increase of pension to Samuel S. Brand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24812) granting a pension to Robert J. Branch; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24813) granting an increase of pension to William P. Smith; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 24814) for the relief of the heirs of Zimri A. Carter; to the Committee on War Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 24815) granting an increase of pension to Miriam Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24816) granting an increase of pension to Marguerite Matheney; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 24817) granting an increase of pension to Eleanor E. Garner; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 24818) granting an increase of pension to Henry S. Pettit; to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24819) for the relief of Coleman C. McReynolds, administrator of the estate of John McReynolds; to the Committee on War Claims.

By Mr. NORRIS: A bill (H. R. 24820) for the relief of Walter M. Sheppard; to the Committee on Claims.

By Mr. PEPPER: A bill (H. R. 24821) to pay Charles Max Wittig $500 back bounty; to the Committee on Claims.

By Mr. STEENERSON: A bill (H. R. 24822) granting an increase of pension to Thomas D. Quaintance; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 24823) granting an increase of pension to John Souchereau; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 24824) for the relief of Daniel Kennedy; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of United States Civil Service Retirement Association, protesting against House bill 24023, which limits the employees of the District of Columbia to an appointment of five years; to the Committee on the Judiciary.

Also, resolution of North Side Board of Trade in the city of New York, recommending the improvement of Bronx Kills, Harlem River and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Resolution of Protestant Episcopal Diocese of Washington, against use of Government funds to support schools which are in reality no longer secular but sectarian; to the Committee on Indian Affairs.

By Mr. BULKLEY: Petition of Cleveland & Buffalo Transit Co., favoring passage of House bill 24025, requiring more adequate life-saving equipment on lake and ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cleveland Federation of Labor, favoring requirement of more adequate life-saving equipment on lake steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Board of Trade of Batavia, N. Y., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BURKE: Papers to accompany bill for granting widow's pension to Mary H. Schmidt; to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of citizens of Gadsden, Ala., for passage of Lea-Sims bill to forbid interstate transmission of race-gambling odds and bets and the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of Harrisburg (Pa.) Brotherhood of Locomotive Engineers and State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Alabama Federation of Labor, against proposed Federal compensation act; to the Committee on the Judiciary.

By Mr. DANFORTH: Resolution of Congregation B'rith Hanederiah Hagodel, B'nai David Chavery Chatem, of Rochester, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Resolution of citizens of Philadelphia, Pa., favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Maritime Association of the Port of New York, favoring passage of the Panama Canal bill, amended to read free tolls for American vessels; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sons of Poland, of Buffalo, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolutions of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of Pride of the West Lodge, No. 56, Independent Order B'rith Abraham, St. Louis, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Fraternal Order Americans, Independent Council, No. 1, St. Louis, Mo.; State Camp, Patriotic Order Sons of America, of North Carolina; and citizens of St. Louis, Mo., all favoring passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Association of Foreign Language Newspapers, of New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Richmond Chamber of Commerce, favoring a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of citizens of Silverton, Colo., relative to establishing a mining experiment station in Silverton; to the Committee on Mines and Mining.

Also, petition of Protestant Episcopal Church of the Diocese of Washington, relative to the garb worn by teacher and Indian children in Government schools; to the Committee on Indian Affairs.

By Mr. ESCH: Petition of Brotherhood of Locomotive Engineers, of Harrisburg, Pa., and State Camp, Patriotic Order Sons of America, both favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. EVANS: Petition of Brotherhood of Locomotive Engineers, of Harrisburg, Pa., favoring passage of House bill 22527, for restricting immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Polish National Alliance of United States, of North America, of Chicago, Ill., protesting against passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of American Association of Foreign Newspapers, of New York City, N. Y., against passage of the Brown-Oldfield bills, proposing change in patent law; to the Committee on Patents.

Also, resolution of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of United Angler's League, of New York City, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: Petitions of the Richmond Chamber of Commerce, Richmond, Va., and Brotherhood of Railroad Trainmen, Chicago, Ill., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Women's Trade Union League of Chicago, Ill., favoring passage of House bill No. 11372, the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of citizens of Philadelphia, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of M. M. Corbett, of Rockford, Ill., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of First Presbyterian Church, Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Polish National Alliance of Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of divers veterans of the Civil War, favoring the passage of House bill 1339, to increase pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petitions of City Council of the city of Chicago and sixteenth and seventeenth wards, of Chicago, Ill., both protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Memorial of Brotherhood of Locomotive Engineers, favoring passage of anti-injunction bill, etc.; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Petition of New York State Vegetable Growers' Association, of Ithica, N. Y., favoring a parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of Hudson River Improvement Association of New Jersey, relative to improvement of the port of New York; to the Committee on Rivers and Harbors.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., favoring a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of the Cleveland Chamber of Commerce, Cleveland, Ohio, relative to House resolution 357, for collecting data of loss of life and property by fire in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of Arkell & Douglas (Inc.), New York, N. Y., favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturing Association, relative to the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of National Lumber Manufacturing Association, Cincinnati, Ohio, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of Broome County Humane Society, Binghamton, N. Y., favoring the passage of House bill 17222, relative to shipping immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prospect Heights Citizens' Association, in regard to industrial education; to the Committee on Agriculture.

Also, petition of Bakst Bros., New York, N. Y., protesting against passage of the Richardson bill, H. R. 14000; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Jewelers' Board of Trade, New York, protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. GRAY: Evidence to accompany House bill 23096, claim of Henry L. Kester, late a private of Company E, One hundred and tenth Regiment Ohio Volunteer Infantry; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petition of Iron Molders' Union No. 101, Bangor, Me., and Princeton Grange, No. 293, Princeton, Me., both favoring passage of postal-express service (H. R. 19133); to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Papers to accompany bill for the relief of the heirs of Jimmie A. Carter; to the Committee on War Claims.

By Mr. HENRY of Connecticut: Petition of Hebrews of New Britain, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of United Brotherhood of Carpenters and Joiners of America, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Ogden Lodge, No. 127, Ogden, Utah, favoring passage of House bill 22339, prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of Tremonton Commercial Club, Tremonton, Utah, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of State Camp, Patriotic Order Sons of America, North Carolina, favoring passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. LEE of Pennsylvania: Petition of citizens of Schuylkill Haven, Pa., favoring passage of Senate bill No. 1, establishing a national public health service; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, relative to industrial education; to the Committee on Agriculture.

Also, petition of Richmond Chamber of Commerce, Richmond, Va., relative to adequate monetary system; to the Committee on Banking and Currency.

Also, petition of Daniel Green, of Newport, Del., and John Tindle, Chattanooga, Tenn., both favoring bill for increase of pension to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. MAHER: Resolution of Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, which encourages instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of United Anglers' League, of Brooklyn, N. Y., favoring passage of House bill 18030, for a cod hatchery on Long Island; to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of South Dakota: Petition of Trinity Mission, Winner, S. Dak., relative to conditions of the natives in Alaska; to the Committee on the Territories.

By Mr. McGILLICUDDY: Petition of members of Camp Hamlin-Hagerty, No. 3, Spanish War Veterans, of Lewiston, Me., favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. McDERMOTT: Petition of W. M. Hobbs Lodge, No. 4, Brotherhood of Railroad Trainmen, of Chicago, Ill., against passage of employers' liability and compensation act; to the Committee on the Judiciary.

Also, resolution of Polish colony of Chicago, Ill., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Square Deal Lodge, No. 752, Brotherhood of Railway Trainmen, of Chicago, Ill., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Coleman C. Dennison; to the Committee on War Claims.

Also, papers to accompany bill for the relief of Thomas Smith for loss sustained during Civil War; to the Committee on War Claims.

By Mr. MURRAY: Petitions of Boston Lettist Workmen's Association, of Roxbury, Mass., and Freedom Lodge, Order B'rith Abraham, of Boston, Mass., both protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. NYE: Petition of Billy Mortimer Post, No. 192, Minneapolis, Minn., favoring passage of House bill 14070, for relief of soldiers whose hearing is defective; to the Committee on Pensions.

Also, resolutions of J. B. Wakefield Post, No. 172, of Long Lake, Minn., favoring passage of House bill 14070, for the relief of soldiers whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. PARRAN: Petition of Remember the Maine Council, No. 41, Junior Order United American Mechanics, of Seabrook, Md., favoring passage of the Burnett bill providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Petition of citizens of California, in opposition to any change in present patent laws that will affect price maintenance; to the Committee on Patents.

Also, petition of Brotherhood of Locomotive Engineers, favoring passage of the anti-injunction bill; to the Committee on the Judiciary.

By Mr. REDFIELD: Resolution of Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of the Richmond Chamber of Commerce, Richmond, Va., relative to a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of Hebrew Sunday School Society of Philadelphia, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Philadelphia Board of Trade, of Philadelphia, Pa., favoring passage of House bill 18327, for printing a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Philadelphia Board of Trade, of Philadelphia, Pa., favoring passage of House bill 22589, for purpose of erecting diplomatic buildings in Mexico, Tokyo, Berne, and Hankow; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petition of Daughters of Liberty of Asbury Park, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Papers to accompany bill for granting a pension to Isabella Elliott; to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Philadelphia Board of Trade, Philadelphia, Pa., relative to erecting some diplomatic buildings; to the Committee on Appropriations.

Also, petition of the Richmond Chamber of Commerce, favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of American Association of Foreign Language Newspapers, New York City, protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Prospect Heights Citizens' Association, of Brooklyn, N. Y., favoring passage of Senate bill 3, relative to industrial education; to the Committee on Agriculture.

By Mr. UTTER: Petition of citizens of Philadelphia, Pa., and Brotherhood of Locomotive Engineers, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WATKINS: Petition of Y. P. M. V. Society, parish of Bienville, State of Louisiana, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Twenty-second Assembly District Democratic Club, of Borough of Brooklyn, N. Y., favoring passage of the Hamill bill, to pension certain postal-service employees over 60 years of age and 30 years of service for the Government; to the Committee on Pensions.

Also, resolution of the Richmond Chamber of Commerce, of Richmond, Va., in favor of a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolution of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Texas: Resolutions of Smith County Medical Society, of Texas, favoring passage of the Owen bill (S. 1) to establish a national bureau of health; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *May 24, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE PRESIDENTIAL TERM.

Mr. WORKS. Mr. President, early in the present session of Congress I introduced a joint resolution proposing an amendment to the Constitution fixing the term of office of the President of the United States at six years and providing that he shall be ineligible for a second term. The joint resolution (S. J. Res. 78) has been reported favorably by the Judiciary Committee with an amendment.

I have here extracts from the proceedings of the Constitutional Convention of 1787 so far as those proceedings relate to this question. I think Senators will find them quite interesting and instructive. They show the sentiments of the different members of the Constitutional Convention with respect to this question that is now before the Senate.

I have also appended portions of a letter from Mr. Madison to Mr. Jefferson explaining the proceedings and the views and sentiments of such members on this important question. I therefore ask, Mr. President, that these extracts and this letter may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the request of the Senator from California will be complied with.

The matter referred to is as follows:

EXTRACTS FROM FARRAND'S RECORDS OF FEDERAL CONVENTION OF 1787.

(By Mr. WORKS.)

RANDOLPH'S PLAN.

Resolution.

May 29, 1787: 7. *Resolved*, That a National Executive be instituted, to be chosen by the National Legislature for the term of — years; to receive punctually at stated times a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of increase or diminution; and to be ineligible a second time.

June 1: It was moved and seconded to proceed to the consideration of the seventh resolution, submitted by Mr. Randolph, namely:

"*Resolved*, That a National Executive be instituted, to be chosen by the National Legislature for the term of — years; to receive punctually at stated times a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of such increase or diminution; and to be ineligible a second time; and that, besides a general authority to execute the national laws, it ought to enjoy the executive rights vested in Congress by the Confederation.

On motion by Mr. Wilson, seconded by Mr. C. Pinckney, to amend the first clause of the resolution by adding, after the word "instituted," the words "to consist of a single person," so as to read:

"*Resolved*, That a National Executive, to consist of a single person, be instituted."

It was moved and seconded to postpone the consideration of the amendment; and on the question to postpone it, passed in the affirmative.

It was then moved and seconded to agree to the first clause of the resolution, namely: "*Resolved*, That a National Executive be instituted," and on the question to agree to the said clause it passed in the affirmative.

It was then moved, by Mr. Madison, seconded by Mr. Wilson, after the word "instituted," to add the words: "with power to carry into execution the national laws, to appoint to offices in cases not otherwise provided for, and to execute such powers, not legislative or judiciary in their nature, as may from time to time be delegated by the National Legislature," and on a division of the amendment the following clauses were agreed to, namely: "with power to carry into execution the national laws, to appoint to offices in cases not otherwise provided for."

On the question to continue the last clause of the amendment, namely, "and to execute such other powers, not legislative or judiciary in their nature, as may from time to time be delegated by the National Legislature," it passed in the negative.

It was then moved and seconded to fill up the blank with the word "seven," so as to read: "for the term of seven years."

And on the question to fill up the blank with the word "seven," it passed in the affirmative—ayes, 5; noes, 4; divided, 1.

It was then moved and seconded to postpone the consideration of the following words, namely, "to be chosen by the National Legislature," and on the question to postpone it passed in the affirmative.

The seventh resolve, "That a National Executive be instituted," agreed to. "To continue in office for seven years," agreed to. "A general authority to execute the laws," agreed to. "To appoint all officers not otherwise provided for," agreed to.

The question of the unity or plurality of the Executive postponed, and the committee proceeded to examine the powers. These points being discussed, the committee took into consideration the duration of the office of the Executive.

Wilson—for three years and no exclusion or rotation.

Madison—seven years and an exclusion for ever after or during good behavior.

Mason—in favor of seven years and an exclusion afterwards. Thereby he is made independent of the legislature, who are proposed as his electors. If he is capable of reelection by the legislature the Executive will be complaisant, and reelect. The Executive will be subservient and court a reelection.

On the question to fill the blank for seven years: Massachusetts divided—Gorham and King, aye; Gerry and Strong, no. Connecticut, no. North Carolina, no. South Carolina, no. Georgia, no. New York, aye. New Jersey, aye. Pennsylvania, aye. Delaware, aye. Virginia, aye.

June 2: The question being then taken on the words contained in the resolution submitted by Mr. Randolph, namely, "to be ineligible a second time," it passed in the affirmative—ayes, 7; noes, 2; divided, 1.

June 13: State of the resolutions submitted to the consideration of the House by the Hon. Mr. Randolph, as altered, amended, and agreed to in a Committee of the Whole House.

9. *Resolved*, That a National Executive be instituted; to consist of a single person; to be chosen by the National Legislature, for the term of seven years, with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment and conviction of malpractices or neglect of duty; to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service, to be paid out of the National Treasury.

June 13: Report of the Committee of Whole on Mr. Randolph's propositions:

1. *Resolved*, That it is the opinion of this committee that a National Government ought to be established, consisting of a supreme legislative, executive, and judiciary.

9. *Resolved*, That a National Executive be instituted; to consist of a single person; to be chosen by the National Legislature for the term of seven years, with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be ineligible a second time; and to be removable on impeachment and conviction of malpractices or neglect of duty; to receive a fixed stipend by which he may be compensated for the devotion of his time to public service, to be paid out of the National Treasury.

July 17: "To be ineligible a second time"—Mr. Houston moved to strike out this clause.

Mr. Sherman seconded the motion.

Mr. Gouverneur Morris espoused the motion. The ineligibility proposed by the clause as it stood tended to destroy the great motive to good behavior, the hope of being rewarded by a reappointment. It was saying to him, "make hay while the sun shines."

On the question for striking out as moved by Mr. Houston (it passed in the affirmative): Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, no; Maryland, aye; Virginia, no; North Carolina, no; South Carolina, no; Georgia, aye. Ayes, 6; noes, 4.

"For the term of seven years" resumed.

July 19: It was moved and seconded to agree to the following clause, namely, "for the term of seven years," which passed in the negative—ayes, 3; noes, 5; divided, 2.

On the question to agree to the following clause, namely, "for the term of six years," it passed in the affirmative—ayes, 9; noes, 1.

On the question to restore the words "to be ineligible a second time," it passed in the negative—ayes, 2; noes, 8.

On the question, Shall the Executive continue for seven years? It passed in the negative—Massachusetts, divided; Connecticut, aye; New Jersey, no; Pennsylvania, no; Delaware, no; Maryland, no; Virginia, no; North Carolina, divided; South Carolina, aye; Georgia, aye. Ayes, 3; noes, 6; divided, 2.

Mr. King was afraid we should shorten the term too much.

Mr. Gouverneur Morris was for a short term, in order to avoid impeachments, which would be otherwise necessary.

Mr. Butler was against a frequency of the elections.

Georgia and South Carolina were too distant to send electors often.

Mr. Ellsworth was for six years. If the elections be too frequent, the Executive will not be firm enough. There must be duties which will make him unpopular for the moment. There will be *outs* as well as *ins*. His administration therefore will be attacked and misrepresented.

Mr. Williamson was for six years. The expense will be considerable and ought not to be unnecessarily repeated. If the elections are too frequent, the best men will not undertake the service and those of an inferior character will be liable to be corrupted.

On question for six years: Massachusetts, aye; Connecticut, aye; New Jersey, aye; Pennsylvania, aye; Delaware, no; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes, 9; noes, 1.

July 25: Mr. Pinkney moved that the election by the legislature be qualified with a proviso that no person be eligible for more than six years in any twelve years. He thought this would have all the advantages and at the same time avoid in some degree the inconveniency of an absolute ineligibility a second time.

Col. Mason approved the idea. It had the sanction of experience in the instance of Congresses and some of the executives of the States. It rendered the Executive as effectually independent as an ineligibility after his first election and opened the way at the same time for the advantage of his future services.

On Mr. Pinkney's motion that no person shall serve in the Executive office more than six years in twelve years, it passed in the negative: New Hampshire, aye; Massachusetts, aye; Connecticut, no; New Jersey, no; Pennsylvania, no; Delaware, no; Maryland, no; Virginia, no; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes, 5; noes, 6.

July 26: It was moved and seconded to amend the third clause of the resolution respecting the National Executive so as to read as follows, namely: "For the term of seven years, to be ineligible a second time," which passed in the affirmative—ayes, 7; noes, 3.

Col. Mason: In every stage of the question relative to the Executive, the difficulty of the subject and the diversity of the opinions concerning it have appeared. * * * He conceived at the same time that a second election ought to be absolutely prohibited. Having for his primary object, for the pole star of his political conduct, the preservation of the rights of the people, he held it as an essential point, as the very palladium of civil liberty, that the great officers of State, and particularly the Executive should at fixed periods return to that mass from which they were at first taken, in order that they may feel and respect those rights and interests, which are again to be personally valuable to them. He concluded with moving that the constitution of the Executive as reported by the Committee of the Whole be reinstated, viz, "That the Executive be appointed for seven years and be ineligible a second time."

Question on Col. Mason's motion, as above, which passed in the affirmative: New Hampshire, aye; Massachusetts not on the floor; Connecticut, no; New Jersey, aye; Pennsylvania, no; Delaware, no; Maryland, aye; Virginia, aye; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes 7, noes 3, absent 1.

On the question on the whole resolution as amended in the words following: "That a National Executive be instituted to consist of a single person to be chosen by the National Legislature for the term of seven years; to be ineligible a second time; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment and conviction of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to the public service; to be paid out of the National Treasury," it passed in the affirmative: New Hampshire, aye; Massachusetts, not on floor; Connecticut, aye; New Jersey, aye; Pennsylvania, no; Delaware, no; Maryland, no; Virginia divided, Mr. B. [Blair] and Col. M. [Mason] aye, Gen. W. [Washington] and Mr. M. [Madison] no; Mr. Randolph happened to be out of the House; North Carolina, aye; South Carolina, aye; Georgia, aye—ayes 6, noes 3, divided 1, absent 1.

COMMITTEE OF DETAIL.

There was connected with the work of the convention what was known as a Committee of Detail. Documents preserved and set out in Farrand's Records of the Convention show the following relating to this question and mostly in the form of resolutions submitted to and acted upon by the convention, covering the time from July 14 to 26, 1787:

Resolved, That a National Executive be instituted to consist of a single person, to be chosen for the term of six years, with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment and conviction of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to public service; to be paid out of the Public Treasury.

Resolved, That a National Executive be instituted, to consist of a single person, to be chosen by the National Legislature for the term of seven years; to be ineligible for a second time; with power to carry into execution the national laws; to appoint to offices in cases not otherwise provided for; to be removable on impeachment and conviction of malpractice or neglect of duty; to receive a fixed compensation for the devotion of his time to public service, to be paid out of the Public Treasury.

4. The Executive (Governor of the United People and States of America).

1. Shall consist of a single person;

2. Who shall (hold) be elected by the Legislature (by joint ballot (of which) each House have a negative on the other);

3. And *shall* hold his office for the term of (six) seven years;

4. And shall be ineligible thereafter.

The executive power of the United States shall be vested in a single person. His style shall be "The President of the United States of America," and his title shall be "His Excellency." He shall be elected by ballot by the Legislature. He shall hold his office during the term of seven years; he shall be ineligible for ever after.

September 4, 1787: Mr. Brearley, from the committee of eleven, made a further partial report, as follows: "The committee of eleven, to whom sundry resolutions, etc., were referred on the 31st of August, report that in their opinion the following additions and alterations should be made to the report before the convention, viz:

6. After the word "Excellency," in section 1, Article X, to be inserted "He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner, viz:

COMMITTEE ON STYLE.

Proceedings of convention referred to the committee of style and arrangement.

We, the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity:

SECTION 1. The Executive power of the United States shall be vested in a single person. His style shall be "The President of the United States of America," and his title shall be "His Excellency." He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner:

Report of the committee on style.

We, the people of the United States, in order to form a more perfect Union, to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected in the following manner.

THE CONSTITUTION OF THE UNITED STATES IN ITS COMPLETED FORM AS REPORTED BY COMMITTEE AND ADOPTED.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE II.

SECTION 1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows.

Letter of James Madison to Thomas Jefferson explaining the course of the proceedings resulting in the present provision in the Constitution fixing the tenure of office and the reason given and views expressed by members of the convention relating to the subject, omitting observations contained in the letter relating to other portions of the Constitution. The letter in full appears in the appendix of Farrand's Records of the Federal Convention.

"NEW YORK, *October 24, 1787.*

"You will herewith receive the result of the convention, which continued its session till the 17th of September. I take the liberty of making some observations on the subject, which will help to make up a letter if they should answer no other purpose.

"It appeared to be the sincere and unanimous wish of the convention to cherish and preserve the union of the States. No proposition was made, no suggestion was thrown out, in favor of a partition of the Empire into two or more confederacies.

"It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of sovereign States. A *voluntary* observance of the Federal law by all the members could never be hoped for. A *compulsive* one could evidently never be reduced to practice, and if it could, involved equal calamities to the innocent and the guilty, the necessity of a military force both obnoxious and dangerous, and in general a scene resembling much more a civil war than the administration of a regular government.

Hence was embraced the alternative of a government which, instead of operating on the States, should operate without their intervention on the individuals composing them; and hence the change in the principle and proportion of representation.

This groundwork being laid, the great objects which presented themselves were: First. To unite a proper energy in the Executive and a proper stability in the legislative departments, with the essential characters of republican government. Second. To draw a line of demarcation which would give to the General Government every power requisite for general purposes and leave to the States every power which might be most beneficially administered by them. Third. To provide for the different interests of different parts of the Union. Fourth. To adjust the clashing pretensions of the large and small States. Each of these objects was pregnant with difficulties. The whole of them together formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to these considerations the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.

The first of these objects as respects the Executive was peculiarly embarrassing. On the question whether it should consist of a single person or a plurality of coordinate members, on the mode of appointment, on the duration in office, on the degree of power, on the reeligibility, tedious and reiterated discussions took place. The plurality of coordinate members had finally but few advocates. Gov. Randolph was at the head of them. The modes of appointment proposed were various, as by the people at large, by electors chosen by the people, by the executives of the States, by the Congress, some preferring a joint ballot of the two Houses, some a separate concurrent ballot, allowing to each a negative on the other House—some a nomination of several candidates by one House, out of whom a choice should be made by the other. Several other modifications were started. The expedient at length adopted seemed to give pretty general satisfaction to the Members. As to the duration in office, a few would have preferred a tenure during good behavior, a considerable number would have done so in case an easy and effectual removal by impeachment could be settled. It was much agitated whether a long term—seven years, for example, with a subsequent and perpetual ineligibility—or a short term, with a capacity to be reelected, should be fixed. In favor of the first opinion were urged the danger of a gradual degeneracy of reelections from time to time, into first a life and then a hereditary tenure, and the favorable effect of an incapacity to be reappointed on the independent exercise of the Executive authority. On the other side it was contended that the prospect of necessary degradation would discourage the most dignified characters from aspiring to the office, would take away the principal motive to the faithful discharge of its duties—the hope of being rewarded with a reappointment would stimulate ambition to violent efforts for holding over the constitutional term—and instead of producing an independent administration and a firmer defense of the constitutional rights of the department would render the officer more indifferent to the importance of a place which he would soon be obliged to quit forever, and more ready to yield to the encroachments of the legislature of which he might again be a member. The questions concerning the degree of power turned chiefly on the appointment to offices and the control of the legislature. An *absolute* appointment to all offices—to some offices, to no offices—formed the scale of opinions on the first point. On the second some contended for an absolute negative as the only possible means of reducing to practice the theory of a free government which forbids a mixture of the legislative and executive powers. Others would be content with a revisionary power, to be overruled by three-fourths of both Houses. It was warmly urged that the judiciary department should be associated in the revision. The idea of some was that a separate revision should be given to the two departments—that if either objected, two-thirds; if both, three-fourths, should be necessary to overrule.

PHASES IN THE POLITICAL SITUATION.

Mr. STONE. Mr. President, some two or three days ago I made some remarks in the Senate with reference to certain remarkable performances going on in the country of a political nature, particularly as concerns the speeches and work being done by Republican candidates for the Presidency.

I then called attention to the fact that the President had charged that an enormous sum had been raised and was being expended to promote the nomination of ex-President Roosevelt, and that Senator LA FOLLETTE, who is also a pronounced and aggressive candidate for the Republican nomination, had charged substantially the same thing, but a little more specifically, saying that over a million dollars had been produced by certain multimillionaire trust magnates to advance the same personal cause.

On yesterday my attention was called to a very short editorial in the Virginian-Pilot and the Norfolk Landmark—that is the name of the paper—printed on yesterday. I remembered while reading this editorial that Mr. Roosevelt some time ago—the exact time is not now in my mind—had been invited to address a Republican club at Chicago, an important party organization, and that he declined after reaching Chicago to attend the function unless Senator LORIMER was excluded, although LORIMER was a member of the club and one of the hosts of the occasion.

This editorial is so pertinent that I desire to read it that it may become a part of the current literature of this remarkable day and period. It is as follows:

[From the Virginian-Pilot and the Norfolk Landmark, Thursday, May 23, 1912.]

The report of a majority of the committee of Senators in the Lorimer case may not be such as the facts in the case would justify or as the ends of strict justice demanded, but it would have been supremely illogical to condemn LORIMER for spending a hundred thousand dollars

of trust contributions to win a seat in the Senate while a large percentage of the Republican voters of the country were enthusiastically backing for the Presidency a man whose canvass is being financed to the tune of millions by corporations now under indictment in the Federal courts for violations of the law. Suppose LORIMER did win his Senatorship through aid of money contributed by the Lumber Trust. Why should he be branded as corrupt by Roosevelt, who is using in larger measure the funds of the Steel, Harvester, and affiliated trusts to purchase delegates favorable to his nomination for a third term in the White House? LORIMER prostituted the politics of a State; Roosevelt is debauching the electorate of an entire Nation. LORIMER'S offense is as a molehill compared to the mountainous proportions of Roosevelt's crime.

I think that is excellently well stated and in a short space, and I have read it that it might go into the RECORD for the use of the future historian.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain, and of any court of competent jurisdiction to entertain and decide, a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (H. R. 21969) to provide for the opening, maintenance, and operation of the Panama Canal and the sanitation and government of the Canal Zone, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Ladies' Aid Society of the First Baptist Church of Selma, Ala., and a petition of the Woman's Missionary Society of the First Baptist Church of Selma, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Denver, Colo., relative to the action of the Interior Department in refusing to grant rights of way for reservoirs and canals upon the Rio Grande; which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CULLOM presented a petition of members of the Citizens' Commercial Association, of Freeport, Ill., praying for the continuance of the appropriation for the extension of American trade with foreign countries, which was referred to the Committee on Appropriations.

He also presented memorials of the Amerikan Building Loan and Homestead Association and of the Bohemian-Slavonian Building and Loan Association, of Chicago, Ill., remonstrating against the levying of a special income tax on building and loan associations, which were ordered to lie on the table.

He also presented resolutions adopted by sundry citizens of Champaign County, Ill., favoring the enactment of legislation providing for the control of floods in the Mississippi River, which were referred to the Committee on Commerce.

He also presented petitions of the congregations of the Salem Lutheran Church, the First Lutheran Church, and the Emanuel Lutheran Church, of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a memorial of members of the City Club, of Chicago, Ill., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., and a memorial of the congregation of the First Friends Church of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice, and to promote a patriotic spirit among the citizens and youth of the country, which were referred to the Committee on Military Affairs.

He also presented a memorial of the directors of the congregation of B'nai B'rith of Los Angeles, Cal., remonstrating against the adoption of the so-called literacy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented a resolution adopted by the City Council of Santa Cruz, Cal., favoring the enactment of legislation for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. HEYBURN presented a memorial of sundry citizens of Iona, Idaho, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a paper to accompany an amendment intended to be proposed by him to the sundry civil appropriation bill for the relief of certain persons injured in the forest fires of Idaho, August 10, 1911, which was referred to the Committee on Appropriations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. O'GORMAN presented a petition of the legislative department of the city of Binghamton, N. Y., praying for the enactment of legislation to provide for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

Mr. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Union Bridge, New Windsor, Denton, and Crisfield, all in the State of Maryland, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of Lowell, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. STEPHENSON presented a petition of the Winnebago County Medical Society, of Wisconsin, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of La Crosse, Wis., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of members of the Commercial Club of Janesville, Wis., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the Pottawatomie Tribe of Indians residing in Wisconsin, praying that certain relief be granted them, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Waupaca, Wis., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Milwaukee, Wis., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Appleton, Wis., remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented a petition of the United Brotherhoods of the Churches of West Chester, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Schuylkill Haven, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for a continuance of the appropriation for the extension of American trade with foreign countries, which was referred to the Committee on Appropriations.

JOHN W. SAVILLE.

Mr. SMITH of Maryland. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 171) placing John W. Saville, passed assistant engineer,

United States Navy, on the retired list with an advanced rank, and I submit a report (No. 798) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. BRISTOW. Is there a report with the bill?

Mr. SMITH of Maryland. There is a report.

Mr. BRISTOW. I ask that it be printed, and that the bill go over. I want to examine the report.

The VICE PRESIDENT. Objection is made to the present consideration of the bill.

Mr. SMITH of Maryland. Pardon me one moment. I will say to the Senator that this bill has passed the Senate once unanimously.

Mr. BRISTOW. That may be true. I should like to see the report on it.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 6939) for the relief of Fred R. Payne; to the Committee on Claims.

By Mr. SMITH of Arizona:

A bill (S. 6940) to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers, on the White Mountain or San Carlos Indian Reservation, in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 6941) granting a pension to Adelaide W. Wheeler (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6942) to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 6943) providing an appropriation for the sinking of a public well at Montoya, Guadalupe County, N. Mex.; to the Committee on Appropriations.

By Mr. SMITH of Maryland:

A bill (S. 6944) to provide and equip an additional fire-protection station in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLAPP:

A bill (S. 6945) granting a pension to Charles Meyers (with accompanying paper); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site; to the Committee on Indian Affairs.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

On motion of Mr. CLARK of Wyoming, it was

Ordered, That the President having returned to the Senate, in compliance with Senate concurrent resolution 21, the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes, and the Vice President of the United States and President of the Senate having canceled his signature to said bill, the Secretary of the Senate is directed to return said bill to the House of Representatives for the cancellation of the Speaker's signature.

EIGHT-HOUR LABOR LAW.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to call up the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Mr. SIMMONS. I should like to inquire of the Senator from Idaho how long he thinks it will take to dispose of this bill?

Mr. BORAH. My opinion is, from the information which I have, that it will not take over 30 or 40 minutes at the outside.

Mr. SIMMONS. Suppose it should take longer than that, will the Senator insist upon going on with it during the whole of the morning hour?

Mr. BORAH. Yes; I should want to keep it before the Senate until the unfinished business should come up, unless we dispose of it before that time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho to proceed to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. BORAH. In regard to this amendment, I am not going to object to it. The amendment covers a proposition or a principle which it might be well to consider in conference. I realize that there may be conditions and emergencies, that unexpected things may happen in manufacturing establishments which ought to be taken care of, and if it can be worked out in conference by proper language so as to protect against the abuse of it, I shall be glad to consider it in that light. Therefore I do not object to the amendment.

Mr. GALLINGER. That is precisely what I suggested to the Senator when the matter was up before. I am very much gratified that the Senator from Idaho is willing to have the matter go to conference. I presume the Senator has given it careful consideration. I think it will be agreed that this is a proper amendment, but whatever the result of it may be, I will be satisfied.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New Hampshire.

Mr. HEYBURN. I ask that the amendment be stated.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The SECRETARY. In section 2, page 4, line 4, after the word "any," insert the words "extraordinary events or conditions of manufacture or to any," so that it will read:

No penalties shall be imposed for any violation of such provision in such contract to any extraordinary events or conditions of manufacture or to any emergency caused by fire, familae, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will offer the amendment I send to the desk, which, I think, the Senator from Idaho [Mr. BORAH] will agree may well go to conference. Possibly the time I have stated in the amendment is longer than is necessary, but the conferees can arrange that very readily. It is a matter of importance, as I view it.

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 4, after line 16, it is proposed to insert as a new section the following:

SEC. 4. That this act shall become effective and be in force on and after January 1, 1913.

The amendment was agreed to.

Mr. BORAH. Mr. President, there is an amendment pending offered by the Senator from Ohio [Mr. POMERENE]. I want to say in regard to that amendment that it has for its object and purpose, as I understand it, simply making the language more specific and certain, the Senator from Ohio being of the opinion that the language as now found in the bill is somewhat involved, or, rather, that the sentences as they are connected are not clear. If that be the purpose of the amendment, I am perfectly willing that it shall go to conference.

Mr. POMERENE. Mr. President, the Senator from Idaho has correctly stated my position in reference to the amendment.

The VICE PRESIDENT. The amendment is not pending. Does the Senator from Ohio now offer the amendment?

Mr. POMERENE. It was offered the other day.

The VICE PRESIDENT. The amendment was printed with notice that it would be offered, the Chair thinks. The Senator from Ohio, as the Chair understands, now offers the amendment.

Mr. POMERENE. Yes. I ask that the Secretary read the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 3, line 14, after the word "intelligence," it is proposed to insert "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," and to strike out the same words, beginning with the word "or," in line 17, and ending with the words "or not," in line 19.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. HEYBURN. I should like to know if this is another one of the amendments that are to go in with the understanding that they will probably go out in conference?

Mr. BORAH. No, Mr. President. I have accepted both these amendments in perfect good faith. The amendment offered by the Senator from Ohio is designed to make more specific, certain, and clear the language of the bill, and certainly I shall consider that kind of an amendment in perfect good faith. If it has that purpose and that effect, it will not likely go out in conference, but it will likely stay in. It will, in other words, have the earnest consideration of the conference committee.

So far as the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] is concerned, we have all realized in drawing this bill that there might be conditions in manufacturing establishments, and so forth, where such an emergency might arise as that the President should exempt them from its operations in that particular respect. The difficulty we have had and the difficulty which undoubtedly we shall have is in putting in the principle and at the same time guarding it against abuse; that is, guarding against its being used under conditions which are not overwhelming or unforeseen or extraordinary. Both of the amendments have been accepted with the purpose on the part of the Senator having charge of the bill to consider them in perfect good faith. If they can be worked out, then they will certainly have a chance to remain.

Mr. HEYBURN. Mr. President, it is an introduction of the principle of the recall here—the first time that I have known it to be attempted to be done in a responsible way. The President is authorized to recall a law—if this is anything, it is a law—and we are proposing that the President may, at his option, recall it. We have never had the question before this body so that it received recognition as a principle of legislation. I remember a few years ago when the Executive did suspend the operation of the laws of the United States. Of course there was no authority for doing it. When a law is enacted only the power making it can change it; but this is another movement along that line on a little different angle; but it is a mighty dangerous proposition to give the President the power to suspend the operation of a law when, in his judgment, it is not applicable or would work a hardship. It is for us to consider whether laws will work hardship or are inapplicable under certain conditions. If we would say directly here that in the event of the happening of these things this law should not be operative, then we would have placed a limitation upon the scope of the law. We have the power to do that; but when we say that somebody else may pass upon that question we violate the principle under which laws should be made in this body. I do not like to see it. There seems to be some evidence of a heavily felted steam roller in regard to this measure, and I suppose all I can do is to enter a protest against it.

I am not opposed in principle to some things contained in this bill, but I am opposed to the method that is proposed to accomplish them. I will at the proper time, perhaps within a few minutes, state my reasons more specifically; but I call attention to the amendment that went through with the understanding. There are two sorts of recall accompanying that amendment. The first is that my distinguished colleague from Idaho [Mr. BORAH] may in conference recall the action of this body. That is candidly stated. He has a free option. Then the next is that the President may recall it.

Mr. BORAH. It seems to be in perfectly safe hands in both instances.

Mr. HEYBURN. If such a power was to be placed in the hands of anyone, I would have no objection at all to it being placed there; I have great confidence in the ability and, of course, in the integrity of both sources of power; but it is rather unusual. We are drifting a long way from the landmarks here; but, whether we will get back or not, I say we, the men of this generation—there will be generations of people following us who will know what liberty under the law means and be able to distinguish it from liberty under license.

Mr. SUTHERLAND. Mr. President, I would not care to vote for any law which gave the President of the United States the power to suspend the law. I do not understand that there is any provision in this bill which proposes to give the President any such power.

Mr. HEYBURN. There is, in express terms.

Mr. SUTHERLAND. No, Mr. President. I will first say that the bill provides that under certain contingencies the proposed law shall not apply; and it simply devolves upon the President the authority to determine whether or not those contingencies exist.

Mr. HEYBURN. That is to say, if the Senator will pardon me, the President passes on the facts; the President is a jury. That is one of the functions I had overlooked.

Mr. SUTHERLAND. That is a power which we confer upon the President by every criminal statute we pass. We pass a law, and the President determines whether or not the given facts fall within the operation of the law or fall without the operation of the law. That is an executive power. We simply propose to provide here that, on certain emergencies arising, the law shall not apply; and, as an executive power, and purely as an executive power, we authorize the President to determine whether or not those facts and whether or not those contingencies exist, upon the existence of which the law itself requires it shall not operate.

Mr. HEYBURN. I am a little bit confused to understand the Senator's statement that in every case in regard to the enforcement of a criminal law we give the President this power. I know it is exercised sometimes; at least, I hear it stated with loud acclaim that it is exercised, but I have not recognized that claim as being well founded. I may, however, misunderstand the Senator's reference.

Mr. SUTHERLAND. Mr. President, we pass a criminal statute providing that any person who does certain things shall be guilty of a criminal offense and subject to punishment. Somebody must determine whether the things which the individual in a given case has been done fall within or fall without the operation of that statute.

Mr. HEYBURN. I was under the impression that the courts did that.

Mr. SUTHERLAND. No; primarily, before an action can be maintained, an executive officer must determine it. The President, acting through the Attorney General or through the district attorney, determines that the law has been violated, and an action is brought. In the last analysis, of course, the courts determine.

Mr. HEYBURN. I can not agree to that. A United States district attorney has the right, the power, and the duty to enforce a law through the trial and punishment of the offender, without the knowledge or consent of either the United States Attorney General or the President, and does do it.

Mr. SUTHERLAND. Well, who determines?

Mr. HEYBURN. The district attorney obeys the law. In the first place, the grand jury is called and determines whether or not the man is guilty, having the law stated to them by the district attorney. Of course, I know now it is common to send out a Federal order, first through the newspapers and then afterwards through some other source, that you are going to prosecute so-and-so for a violation of the antitrust law, for instance; but I am talking about the real law, not the fictitious law; I am talking about it as it is practiced in times of conservative wisdom and judgment.

Mr. SUTHERLAND. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. Who determines whether or not a case shall be laid before the grand jury?

Mr. HEYBURN. The United States district attorney; and he obtains the information that actuates him to do it or not to do it, first, from an investigation of the facts of his own accord, and he requires nobody's license or consent to do it.

Mr. SUTHERLAND. Then, the district attorney determines whether it is a case that ought to be laid before the grand jury.

Mr. HEYBURN. He determines it, just as a constable, hearing that a crime has been committed, determines whether or not he ought to arrest a party.

Mr. SUTHERLAND. Precisely. He determines it as an executive function.

Mr. HEYBURN. Well, the executive function must not necessarily start in every case at the fountainhead, the President of the United States. By general authority of law the district attorney is invested with the duty and the power to prosecute where his attention is called to a violation of the law even by a passing citizen.

Mr. SUTHERLAND. He may proceed to do it without referring the matter to the President in each case, but the source of his authority is the President, because the Constitution provides that in the President is vested the executive power; and among the things which are embraced within the executive power is the power to see that the laws are enforced.

Mr. HEYBURN. The Senator would not contend that a United States judge was bound to any extent under any circumstances in the prosecution or trial of a case by any order that might be issued by the President or by the Attorney General? The judges of the United States courts are appointed for life; they are appointed so that they will not be the plaything of politics in recurring changes in the Government, in order that they may stand out as impartial judges, holding truly balanced the scales of justice. That is the United States court, and the President of the United States is not bigger than the United States court when it comes to a question of determining whether or not a person charged with an offense shall be tried.

I have had petition after petition, as I presume other Senators have had, asking for interference to prevent the prosecution of this man or that man, or to affect it in some way. The people are under the impression, from oft-repeated abuses of the power and the law, that there is a Federal power here in Washington that can say to a United States court, "You dismiss that indictment," or "You conduct that trial thus and so," or

"You allow this man to escape." That is modern—extremely so. A proposition of that kind a few years ago would have been brushed aside as the most foolish of procedure.

Now, I say in this case you are recognizing that principle which is claimed to exist, but does not exist, and, while I do not intend at this time to go into it, I say that much against commencing here a system of initiative and referendum. We initiate a measure and it is referred to a conference committee. If the conference committee does not agree with us, it strikes it out, and when we initiate it we do it with the understanding that it will probably be stricken out. In this case the amendment is introduced, accompanied by a statement that the Senator—not the Senate, but the Senator—will deal with it in the conference committee. When we enact a law it should be on the assumption that it is a solemn procedure in the performance of our duty; that the presumption is against changing it, and that neither a conference committee nor a Senator nor any other subdivision of power is at liberty to treat it as a mere tentative proposition for the enactment of a law. That is the reason that I object to those expressions, and I object to the adoption of amendments based upon that principle. When the Senator has his amendments disposed of I am going to say a few words as to the principle of this bill.

Mr. SHIVELY. Mr. President, I call the attention of the Senator who has charge of the bill to line 8, on page 4.

Mr. BORAH. I understand there is an amendment still pending. May we dispose of that first? I understand the Senator from Indiana is going to another matter. I inquire of the Chair if the amendment of the Senator from Ohio was disposed of.

The VICE PRESIDENT. The amendment has not been disposed of. It will be again stated by the Secretary.

The SECRETARY. It is proposed to transfer the words beginning in lines 17, 18, and 19, page 3, section 2, "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," from their present location in the bill to follow the word "intelligence," in line 14, of page 3.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, in line 8, page 4 of the bill, I move to substitute the word "excusable," for the word "justifiable."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 8, it is proposed to strike out the word "justifiable" and insert the word "excusable."

Mr. SHIVELY. Mr. President, I do not contend that there is much significance in this particular amendment, but I do not like to incorporate into a statute a provision for a "justifiable" violation of the law. It is bad enough to have excusable violations of the law, and I believe that the word "excusable" will be less offensive than the word "justifiable."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BACON. Mr. President, I have a more fundamental objection to it than that. I recognize the fact that there ought to be possibly provided some method by which in extraordinary cases parties could be relieved from the penalty of a violation of the law. I do not recognize that it is a proper thing to do to put that discretion in the power of the Executive; in other words, I think it is a fundamental error in legislation to put it in the power of any one man to nullify a law, and that is what this provision does.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York.

Mr. BACON. I yield to the Senator with pleasure.

Mr. ROOT. I merely wish to express my concurrence in the view of the Senator from Georgia. I do not think it should be treated as an Executive function.

Mr. BACON. I think not also. I repeat that there may be—and I can conceive that there will be—some circumstances under which parties should be excused, but to put it in the power of one man absolutely to nullify a law would only be justified in case we had a man who was a perfect man, and such an individual does not come along every day—in fact, never.

I would prefer, Mr. President, if possible, that that should be arranged in some other way. I do not know—I am not on the committee which considered this measure and have not given the matter careful investigation and thought—I do not know whether any other way is practicable, but if so, the other way ought to be devised.

Mr. BORAH. Mr. President, both the Senator from New York and the Senator from Georgia, in my opinion, are in error as to what is being done in this instance; but, at the same time, the Senator in charge of the bill would be glad to have the suggestion of either one of them as to how to accomplish what we desire to accomplish and accomplish it in a proper way.

Mr. BACON. I will say to the Senator that unless it can be accomplished in a proper way I would rather it would not be accomplished at all.

Mr. BORAH. I have no doubt of that.

Mr. BACON. Before I would put it in the power of the President of the United States or give him the authority to say that a law should not be enforced, if it is necessary that the law should be passed, then I would rather pass it in such shape that the party who may be affected will submit to the hardship rather than to resort to the other alternative. What other machinery can be provided, of course, I have not considered, my mind not having been directed to this until the amendment offered by the Senator from Indiana suggested the grave consequences of any such provision of law.

Mr. SHIVELY. The Senator from Georgia concurs in the general opinion that if this language is to remain the word "excusable" should be used.

Mr. BACON. Yes.

Mr. SHIVELY. I think that will fully cure the objection to that provision. That objection is fundamental, but if this language is kept in the bill I think that word had better be used.

Mr. BACON. It would be better to leave out the words in the bill and leave it to the courts to say whether it was justifiable. That is sufficient, I have no doubt, in a case of that kind. With that provision contained in the first four lines of that clause it would be a rare case where, in the event an emergency did exist, that they would ever be called upon to pay a penalty, and if they were called upon, the defense would be like in every other case.

We have numerous statutes where there are penalties imposed or certain requirements and where there are certain conditions under which the party is excused or where he is not liable. It seems to me if the sentence read:

> No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by any other extraordinary event or condition.

Mr. O'GORMAN and Mr. BORAH addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Georgia yield?

Mr. BACON. The Senator from New York first addressed the Chair. I will yield to him first and afterwards to the Senator from Idaho.

Mr. O'GORMAN. Mr. President, I heartily join in the request of the Senator from Georgia, but I offered this additional suggestion to carry out his proposal: Insert the word "imminent," before the word "danger," in line 5; and to strike out the last word in line 6, all of line 7, and all of line 8, down to and including the word "justifiable."

Mr. BACON. The Senator's suggestion, I think, is an admirable one, and covers the ground more fully than the amendment suggested by me.

Mr. CLARK of Wyoming. Mr. President——

Mr. BACON. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I have an amendment to the one suggested by the Senator from New York, which I should like to submit for his consideration. After the word "condition," in line 6, in lieu of the words there, to insert "beyond the power of the contractors to control."

Mr. BACON. I do not think that would be——

Mr. BORAH. I am not very friendly to those suggestions, because I think them wholly unnecessary, but I certainly would not want this additional amendment of the Senator from Wyoming. We had a great deal of discussion with reference to the things they could control and with reference to the things they could not control, and I should be utterly opposed to providing by this bill to leave it with the contractor to determine the situation.

Mr. BACON. I am in favor of the amendment suggested by the Senator from New York—the insertion of the word "imminent" before the word "danger," and to strike out what he suggests. I hope the Senator will offer the amendment.

Mr. O'GORMAN. I offer the amendment.

Mr. POMERENE. Before that is put to a vote, as I recall, this particular sentence was amended by a proposal by the Senator from New Hampshire. Certain words were inserted. I do not have them in mind.

The VICE PRESIDENT. The Secretary will read the provision as it has been amended.

The SECRETARY. Before the word "emergency," in line 4, a committee amendment was agreed to, inserting the words "extraordinary events or conditions of manufacture or of any," so that it reads:

No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture or of any emergency cause by fire, famine, or flood.

Mr. BACON. That does not change the sentence.

The VICE PRESIDENT. The Senator from New York has offered an amendment, which will be stated.

The SECRETARY. In lines 6, 7, and 8 strike out the words "on account of which the President shall subsequently declare the violation to have been excusable," and before the word "danger," in line 5, to insert "imminent."

Mr. NELSON. Mr. President——

Mr. BORAH obtained the floor.

Mr. BORAH. I understand the Senator from Minnesota addressed the Chair before I did, and I yield.

Mr. NELSON. I do not think this provision open to the constitutional objections urged. If Senators will note the language here it simply amounts to this, that it makes the President an umpire to determine whether the conditions exist.

Mr. O'GORMAN. That is the objection.

Mr. NELSON. In a contract between the Government and contractors the parties can incorporate such conditions in the contract. We have instances of that kind in respect to the Reclamation Service. The chief engineer of the Reclamation Service is the umpire to determine in all cases of controversy whether the terms of the contract have been complied with and whether the classification of the work should be of one kind or another.

Now, here we simply leave the President—we might designate somebody else—as an umpire to determine whether the conditions exist which the contract provides for. Somebody must determine it. If the two parties can not agree—if the Government on the one side and the contractor on the other side can not agree—an umpire must settle it, and it must go into the courts. The Government and the contractor have a right to agree in their contract and to say that they will leave it to the President of the United States to determine whether these conditions exist. Now, that is all there is in this.

Mr. BACON. Nobody that I have heard has suggested anything about the constitutionality of the provision, although that might be raised. The very thing the Senator has suggested is the objectionable thing, and that is, having anybody clothed with the power to say whether a law shall be enforced or shall not be enforced. We lay down the rule and the exception, and it is for the court to determine.

Mr. BORAH. I am not going to discuss the policy just now, but as to our right to pass a law of this kind, I have no doubt whatever. This is a contractual relation between the Government and the parties who work for the Government. They enter into a contract, and the contract provides that under certain conditions certain penalties shall be imposed. That is a contractual relation. Who is authorized to forgive that violation of the contract between the Government and the other party who has entered into the contract? I have not yet been informed of any constitutional inhibition against our power to say that we shall elect an umpire to determine whether or not a certain penalty imposed under the contract shall be forgiven.

Mr. RAYNER. I suggest to the Senator from Idaho that that is covered by the case of Field v. Clark, where the President exercised similar power. There are a number of such cases. I do not think there is any legal or constitutional objection. Whether or not it is good policy is for the Senate to determine.

Mr. CUMMINS. I have not heard any objection to the clause immediately preceding the one under discussion, and yet it is precisely the same in effect. The preceding clause says "The President, by Executive order, may waive the provisions of this act and stipulations in this act"——

Mr. BACON. I want to ask the Senator from Iowa, if he will pardon me——

Mr. CUMMINS. "As to any specific contract or contracts during time of war or a time when war is imminent."

Mr. BACON. While I have not indicated that objection, I have the same objection to that provision, though it is only of less degree.

Mr. CUMMINS. I have not heard any objection to that part of the bill, and it seemed to me it involved precisely the same principle that is involved in the clause under consideration.

There are certain conditions under which it is intended to allow the United States, acting through some authorized officer, to relieve the contractor of the penalties provided in the contract.

Now, the President can do that in regard to contracts during time of war or when war is imminent. The President can also, acting for the United States, surrender the penalties which have accrued in behalf of the United States in cases of famine, fire, danger to life, and so forth.

I can not understand why it is not entirely safe, aside from the legal questions which I have not really heard mooted, to allow the President of the United States to remit the penalties which by the strict terms of the contract may have been incurred in the cases which are enumerated in the bill. If we have confidence in our Chief Executive to the extent of allowing him, on behalf of the Government, to remit penalties, it seems to me we ought to have that confidence in this instance.

We now give subordinate officials power to remit penalties and make compromises under certain circumstances, in regard to the internal-revenue law and possibly some other statutes. Our laws are full of instances in which we have clothed some officer of the Government with power to remit penalties and even to remit taxes themselves.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Why should we hesitate about giving to the President of the United States power to remit these penalties in those cases in which it would seem that by reason of fire or flood or famine or danger it would be unjust, inequitable, and unfair to exact them?

I now yield to the Senator from Idaho.

Mr. HEYBURN. The Senator has spoken on the assumption that the President has the right to pass upon the question whether war is imminent. He has not. He not only has not the right, but there could be no greater impropriety than for the President to perform an official act which would involve action on his part that war was imminent. The declaration of war is within the power of Congress. The President has nothing to do with it.

Mr. CUMMINS. I suggested nothing like that. I said the previous clause gave to the President the power to waive these stipulations in a contract in cases of war or in cases of the imminence of war. I did not say that the President had any power to declare war or to declare that war was imminent.

Mr. HEYBURN. The Senator misunderstood me. Perhaps he did not listen carefully. I made no such statement, and I did not invoke that principle. I simply said how could the President pass on the case on the ground that war was imminent or on account of a declaration of that kind which he had no right to make.

Mr. NELSON. Will the Senator allow me?

Mr. CUMMINS. I yield.

Mr. NELSON. I wish to say, responding to the Senator, that we may be confronted by an invasion. Suppose one of the contending parties in Mexico, armed, should come over the borders, as they did originally in the instance in which Texas fought for independence. We may find ourselves in the midst of a war without Congress taking any action, and in such a case who would have the power to say war is imminent? Must the President wait in that case until Congress has acted?

Mr. RAYNER. The President has acted. The Senator is perfectly right.

Mr. CUMMINS. This does not even contemplate that the President of the United States shall issue a proclamation saying that war is imminent. If the President believes that war is imminent and that the situation requires that contracts shall not contain the stipulation that men shall work only 8 hours a day, then he can eliminate those stipulations from the contract. I have no doubt whatever about the power of the President to do that thing and no doubt about the wisdom of giving the President the power to do it.

Mr. GALLINGER. Mr. President, just a word. The Senator very correctly stated that the same power is delegated to other officials. I know that in two instances of recent date the collector of internal revenue in my own State——

Mr. O'GORMAN. Senators on this side would be glad to hear what the Senator is saying.

Mr. GALLINGER. I was remarking that the Senator very correctly stated that in other instances there is a delegation of power so far as concerns the remission of penalties.

In my own State, in two recent cases, the collector of internal revenue remitted penalties under circumstances that seemed to justify their remission, he acting under the authority of his superiors. So it seems to me, if subordinates can do that and

do it legally, we might well trust the President of the United States in great emergencies to exercise this power. That is the way it strikes me as a layman, and I trust the bill may not be amended in that particular.

The power conferred upon the President in this case is the kind of power given not only to the President, but to nearly all the chief officers of the United States, and I can not see constitutional objection to this bill as it is, nor can I see the least objection from the standpoint of policy.

Mr. RAYNER. Mr. President——

Mr. HEYBURN. I have the recognition of the Chair, but I will waive that; but that is not a good reason——

Mr. RAYNER. I have not given any reason. The Senator says I do not give a good reason.

Mr. HEYBURN. The Senator said to me that the bill came from his committee, and he claimed some special privilege. The committee has no longer anything to do with this matter; it is the Senate.

Mr. RAYNER. I claim no special privilege. If the Senator from Idaho wants the floor he can take it.

Mr. HEYBURN. No.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Senator from Maryland will proceed.

Mr. RAYNER. I am very much obliged to the Senator.

Mr. President, I have only a few words to say. I think that the arguments of the Senator from Minnesota and the Senator from Iowa are unanswerable on this subject. As a matter of law I do not think there can be any doubt about it at all. I think Field v. Clark and Stranahan's case, where the Secretary of the Treasury exercised an almost similar power, settled the law on the subject.

I think it is constitutional, and I think it is legal to give the President this power. I do not think any Senator on the floor will deny the right of Congress to give the President this power.

Now, that is upon the question of the law. I do not think I am mistaken upon that. Upon the question of policy I think it is one of the best provisions in the bill. It is for the purpose of avoiding litigation that this provision is put in the bill. The penalties in the bill are severe, and if an extraordinary occasion should occur and the controversy should be delayed until the courts decide it, in the meantime the penalties go on, and if the decision of the court is against the party the penalties accrue. Why not in the meantime invest some one with the solemn duty of an arbitrator to decide whether such an extraordinary condition has arisen as would justify or excuse the violation of the law, and what better person could we designate in the bill than the President of the United States? I care not who he is or what party he belongs to, I think this is a duty that we may safely confide in any President of the United States:

No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable.

Suppose such an event or condition happens and the parties violating it say it is an extraordinary event or condition, and the Government officers say it is not an extraordinary event or condition. Then the matter goes to court, and there it stays for years, until appellate tribunals decide as to the question of fact whether or not an extraordinary event or condition had arisen that justified or excused the violation of the law.

Why not in the meantime let some one who is supposed to be impartial in an important matter of this sort decide whether or not the extraordinary event has happened so as to avoid a controversy in the courts? As I said, what man could be selected better than the President of the United States? I would just as leave trust him as trust the courts in a case of this sort, no matter who the President may be.

Mr. HEYBURN. Mr. President, that argument would apply to every controversy between the Government and individuals. It is that the President should be transferred from the executive and administrative departments and duties to the judiciary. That is what it amounts to. You substitute or propose to substitute—I do not know whether you will or not, but you propose to substitute the President as a court. The Senator confesses that the duties to be performed by the President would be those ordinarily performed by the court. It is to be done because the court is too cumbersome a method; that is all.

Mr. RAYNER. Will the Senator permit me a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. I yield.

Mr. RAYNER. I always listen to the Senator with great interest, and we get a great deal of information, generally, from what he says. But what he says now does not follow at all. It is an illogical suggestion. I do not suggest that the President of the United States be substituted in place of the courts. I said that in this bill, which affects the entire interests of the country, it being a public measure, the President should simply be allowed to determine when an extraordinary event takes place that excuses a violation of the law. I go no further than that.

Mr. HEYBURN. That involves the President of the United States passing upon the facts and determining as a court does whether or not the fact being established brings them within the purview of the law. You can not get away from that. They circle round and round it, but they light in the same old dovecote.

This is so plain a violation of the foundation principles of our Government that it stirs one's resentment that Congress should undertake to say that the right given to an individual by contract—a contract made in pursuance of law under the protection and the authority of law—should be adjudged not in the courts but by the President. Why, we are getting back to the old days when men will come, as we see pictures of them with their cloaks flying in the air, to the door of the chancellor and asking for protection under the law. We have passed that. We have a government. We have in full and complete operation the departments of the Government, each equipped and authorized to do its duty, its peculiar duty, not the duty of some other branch of the Government, but to perform the duty belonging to that branch of the Government.

How far are we going to drift? We have seen a good many Executive orders in the last two years. We have seen more Executive orders in violation of the law since I have been a Member of this body than were ever attempted even in the hundred years or more that preceded it; and they are growing, and the threat of them is to-day ringing in the air in the great political campaign, the threat of more usurpation by executive and administrative officers of the functions of our department of the Government, a greater department than the executive. The executive department of the Government ranks last. It is named last in the Constitution. It has no functions to perform in the absence of the others, unless we are to have a monarchy. There is no need of an executive department of the Government until after the great legislative department, which is the people themselves, have acted and spoken. This idea that because, for instance, the executive department of the Government hands out the loaves and fishes, it should be the object of worship, as the dog worships the cook because the cook is closer to the dog's comfort than any other person, just so the master, the owner of the estate, has little respect in the eye of the dog. So we find people—and I do not intend my comparison to be invidious, but enlightening only—we find people that because an administrative branch of the Government may or may not confer what seems to be a favor, social or personal, upon them, that that department of the Government should take precedence in the estimate to be made between the functions of this Government as applied to it.

The people sit in Congress; they do not sit in the executive halls and departments. Their agents sit here, selected by the people to perform limited duties, the duties that the people command them. The people sit here limited only by their great charter, which is the contract among themselves as to what they will do and what they will not do. The judicial department sits to determine whether or not either branch transgresses the limits of power. But they both stand before the executive in point of government.

Now, we are too much the victims, we are too much the dupes of the blare of the trumpet and the glitter of the uniform. We find ourselves trying to square ourselves with the wishes, trying to answer the beck and call of those who may withhold or confer favors. Favors are not the current coin in our Government. Favors belong to kings and monarchies. They were not contemplated by the founders of this Government. It is a government of law as distinguished from a government of favor. There is danger, and it never was greater than in this hour, of favor becoming the criterion of action.

Mr. President, there is no more propriety in giving the President of the United States the right to suspend the laws we make than there would be to give him the right to make the laws without our concurrence. Will the hour never come when the responsibilities that rest upon us will concentrate themselves so as to produce a strict observance of the letter and the spirit of the Constitution? Was there at any time in the minds of those who made it a concession in the interest of government by proclamation? They never dreamed it. They had been living under that, and the experience and life under it had made them rise up and throw it off and they were freed from it. Are we

to go back to it? Are we to be like some plants that for want of attention and cultivation will revert to the former condition of wildness? If we do, God save the people of our country, because they have no hope in this hour except in and through their representatives.

Now, let us see. This may seem like a trifling thing. It is a few words in the bill, but it says:

The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent.

That is a complete sentence in itself. We enact a law and send it to him, and he signs it with the reserved power in himself to waive it. What does it mean to waive a law? It means to suspend its operation, to render it inoperative, whether it be for a day—there is no limitation in this bill—or whether it be for a year. The provision is that he may waive it. It matters not as to the enumeration of the occasions upon which he may waive it. The question in my mind is, Should we or can we or dare we give him the power to waive it for a minute in any case?

Who is to determine the occasions upon which this extraordinary power may be exercised? It says he may waive the "stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent." In the judgment of a certain class of our people war is imminent every hour, and has been since the hour of my birth or that of any man in this body. You can go out on the street corners or pick up one of the journals or magazines and read a declaration of war that is in the judgment of those making it absolutely certain. It is to be a war of races, or a war of classes, or a war with Japan, or a war with Mexico, or with Germany, or what not. To those men, with the President, they would be justified in suspending the operation of this law every day and any day. Should it be possible to get a President who was of this caliber or of the caliber of those who are making these dire suggestions, I suppose he would say, "It is very evident that we are going to have a war with Japan or with Mexico, and I will therefore issue an Executive order suspending the law." "Suspending" is not the word; it is "waiving"; that is, waiving the responsibility under the law.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. Do I understand that my colleague thinks we have not the constitutional power to pass this law?

Mr. HEYBURN. I do not have to invoke the Constitution; I invoke the rule of common right and justice and good sense.

Mr. BORAH. If we have not the constitutional power and should find a President who would think war imminent every day, he would do precisely as my colleague wants to do, and that is render the bill wholly inoperative. He is opposed to the bill.

Mr. HEYBURN. That is the only good thing he could do to it. If he could do that, I would make some allowance for him. My colleague, of course, does not desire to turn the force of my argument in that direction.

Mr. BORAH. The suggestion which I made was that the President, in the state of mind my colleague described the President might be, and the Senator are precisely upon the same basis; that they both would render the law inoperative. So they are going in the same direction.

Mr. HEYBURN. I am pointing out the effects of this legislation. I am perhaps dense; I do not see the point of the Senator's comparison, because I had denounced that which he would have me appear to have advocated.

Mr. BORAH. The denseness may be on my part.

Mr. HEYBURN. I am not going to dwell long upon that. If it does not strike the minds of Senators at once, it never will strike them. It is a case, perhaps, where Ephraim is joined to his idols, and you had better let him alone.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. What is the difference, practically, between this bill and the power it gives the President and, say, the corporation-tax law which attaches a penalty for the failure of a corporation to make its report by the 1st day of March—I believe it is the 1st of March—but gives the Commissioner of Internal Revenue the power to remit those penalties under certain circumstances? What is the difference between the two laws so far as the point we are now discussing is concerned?

Mr. HEYBURN. Does the Senator mean that I indorse the one and condemn the other?

Mr. CUMMINS. No; but is there any difference between them?

Mr. HEYBURN. I condemn both. I have condemned them in speech and word in this body.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Permit me to say that a broad and distinguishing difference is that one of them is a law with reference to corporations and this is a law with reference to labor.

Mr. HEYBURN. Mr. President, I am not going to be tempted into that kind of comparisons. I do not care whether it is a law affecting labor or leisure or wealth or poverty or one man or a combination of men. So long as I act and vote in this body that question will never enter into my consideration of the question. I am not here to destroy, and I am not here to discriminate between men or measures.

Mr. CUMMINS. But my question certainly does not raise those considerations.

Mr. HEYBURN. The question of my colleague did.

Mr. CUMMINS. What is the difference between the two cases is the question I put.

Mr. HEYBURN. I think there is very little difference; but inasmuch as I am opposed to one I am not here to accumulate errors. My function, so far as I make a record here, is to eliminate existing errors and avoid future ones.

Mr. CUMMINS. May I ask one further question? I assume, therefore, that the Senator from Idaho is opposed to the grant of power to any officer of the Government, as a district attorney to enter into a compromise with regard to fines, or the Secretary of the Treasury to do the same thing, or the Secretary of the Department of Commerce and Labor; and there is to be no flexibility whatever with regard to penalties imposed by the law.

Mr. HEYBURN. The Senator states me correctly. I am opposed to conferring the power to administer the law to those officers. We have tribunals sufficient, and if not sufficient, capable of being made sufficient, to punish offenders against the law. To have some agent offering to compromise a penalty prescribed by law is very obnoxious to my view of the law.

Mr. CUMMINS. Let me ask the Senator one more question along the same line, because we ought to reach, I think, a sound conclusion about this matter. The Senator knows that in the case of the Railway Mail Service a railway company enters into a contract with the United States that it will run its trains upon a certain schedule and that if its trains do not arrive on time it will forfeit a certain amount of money for each failure to make the schedule time. Does the Senator from Idaho think that there ought not to be any power in the Post Office Department to take account of the circumstances and conditions which may make it impossible for the railway company to fulfill its schedule to the minute?

Mr. HEYBURN. If damage occurred to the Government, I would settle the question of the damages in the courts.

Mr. CUMMINS. It is not a question of damage, but the law, the contract itself provides for the imposition of a penalty; and the Post Office Department constantly, under proper conditions, remits a part of that penalty where the cause of failure to fulfill the schedule was beyond the control of the railway company.

Mr. HEYBURN. There is no difficulty whatever in responding to that inquiry of the Senator from Iowa; and I should like to go into that question, because I spent months and months in the consideration of such questions, with responsibility resting upon me, and I have distinct and well-digested views upon the subject. It is a great subject; it is one that goes to the question of maintaining the distinction between the branches of the Government, but it is not necessary in this case to go further than the statement of the primary principles upon which I would rest. I say that not out of any want of consideration for the question of the Senator, but because it seems to me it will unduly expand the consideration of this measure.

I do not believe the President should be given the right to suspend a law. We saw an instance of the effect of that once here within our service, where the President by a proclamation suspended what was conceded to be one of the greatest and most far-reaching pieces of legislation that Congress ever indulged in, and that was in the case of the public-land laws, where he tied up in darkness the Territory of Alaska, where he tied up and rendered unavailable and unavailing as an asset hundreds of millions of acres, where he blocked the wheels of the immigrants on the plains, or wherever they might be, as effectually as though he had crushed the spokes with the sledge; where he tied up the business enterprises of those who had located and equipped themselves, depending upon conditions that they had a right to depend upon under the law, and he sent them to

bankruptcy; where he passed by a generation of the American people, took away the opportunities of a whole generation that, while the order was in force, grew too old to avail themselves of the law or were compelled to accept an alternate or a substitute that decreased and destroyed their rights under the law. By his order he closed the schoolhouses; he destroyed taxation; he destroyed home making; he stopped the growth of the country. That was by an Executive order. That ought to have been warning enough to all Senators never again to propose that the President should have the right or be allowed to suspend any law that Congress makes.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. HITCHCOCK. I want to suggest to the Senator from Idaho another notable instance in which the President of the United States suspended a law duly passed, and that was in the case of the Tennessee Coal & Iron Co., when, without any authority whatever, he suspended the law, to the great damage of the country, permitting the Steel Trust to absorb the Tennessee Coal & Iron properties and still further to increase its power as a trust.

Mr. HEYBURN. Mr. President, it was not for the purpose of arraigning any President or past President that I made this comparison. The comparison was between laws and the execution of them. I do not desire to be understood as making personal reference for the purpose of being personal, but it was necessary to refer to these acts because they were official acts. It is the act that I referred to and disapproved of, not necessarily the man who performed it. That is a different question.

Mr. President, following right on in that section you give the President the right to say when an emergency exists. That is, passing upon facts; and the party attacked would contend that no emergency existed; that his contemplated act was within the law.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes.

Mr. FLETCHER. May I suggest to the Senator this question: Whether his objection as to this power of the President is as forceful an objection to the measure as it would be if that provision in the measure were stricken out giving the President the power to determine emergencies? I call attention to this. Under the bill, as I understand it, the penalties are to be $5 a day in the case of each laborer where there is a violation of the law. Those penalties are fixed and determined, how? An inspector goes out and examines the work; he has to do that to see that the contract is carried out; he reports the violation to the officer who makes the payments under the contract; and the officer who makes the payments under the contract withholds from the payment this penalty. The contractor has the right to appeal from the decision of that officer to the head of the department.

If the head of the department confirms what the paymaster has decided and imposes the penalty, then the contractor or subcontractor has the right to go into the Court of Claims and sue for his money. Now, where will you leave the situation if you strike down the power lodged in the President to determine the question of an emergency? Will you not leave it in the hands of an inspector? The inspector examines the work, ascertains as to how the contract is being carried on, and finds certain violations.

Mr. HEYBURN. I can answer that in a minute.

Mr. FLETCHER. The inspector says, "Oh, I find violations of the law here, but they come within that exception specified in the act under the head of emergencies, and therefore"——

Mr. HEYBURN. Now, will the Senator permit me?

Mr. FLETCHER. Yes.

Mr. HEYBURN. I realize that the way to avoid being caught in the trap is not to set it. By this legislation you are setting out not only that trap, but about half a dozen others; and my argument is, Do not set the trap.

Mr. FLETCHER. I merely suggest whether it would not be better to leave in the bill this authority and power in the President, than practically to leave it in the hands of an inspector or paymaster or the head of a department—one or the other?

Mr. HEYBURN. Now, Mr. President, I will proceed, and I will briefly answer that suggestion. The Senator suggests a plan that would constitute three or four new courts, first, the equivalent of the ordinary county or district court—that is, the appeal that he makes to the contractor—then, next, an appeal from that decision to another executive branch—nowhere to a judicial branch—and then to some other. I understand perfectly the proposed working of this law. I have had it in mind too many months for my comfort.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes; for a question.

Mr. FLETCHER. I only wish to say to the Senator that I am not suggesting that plan—that is, the plan provided for in the bill itself.

Mr. HEYBURN. I understand that perfectly. That is the method of procedure proposed at some times—I will not say by some people. First establish a wrong and then argue that inasmuch as the wrong exists you may enlarge it. That does not appeal to me. We are here not to defend or acknowledge the merit of the existing legislation; but I desire to say a few words in regard to that phase of this bill.

The same power that would forbid a man to work may compel him to work, and I have as authority for that the Holy Scriptures. It has often occurred to me as singular that nobody ever paid any attention to—in fact, they hurry over—that part of the commandment which says "Six days thou shalt labor." I never heard any man preach in favor of the enforcement of that part of the commandment at all, because it is not the comfortable side of it. "But on the seventh day thou shalt do no labor," or no work. That is the part that appeals to them.

Under a strict interpretation of the Biblical injunction the law ought to compel every man to work all the time for six days. A day, under the laws of nature, consists of the daylight. It is the light that makes the day; the words are synonymous in their meaning. The period of daylight is varied by the season. A wise power has provided that the sun should shine longer during those days when man's duties were more pressing, when he must raise the crops upon which to feed the world during the winter season. He needed more time to plant and cultivate them and harvest them, and the days were made longer. In the winter time it was not necessary to have such long days. I am merely making this suggestion; I am not criticizing the arrangement of the universe; it suits me, and I could not arrange it half so well [laughter], but I am calling attention to it. We are very apt to glide along through this world on false premises.

Mr. President, we have a law on the statute books that says that upon Government work 8 hours shall constitute a day's labor. I have no objection to it. The objection commences with me when you say that a man shall not be allowed to work more than 8 hours. The other applies to a contract only. It interprets the contract of the Government when it says you shall work so many hours a day. That is a contract, but when the law provides that a man shall not work more than so many hours, that is an infringement upon the liberty and the right of contract. There is a difference, and it ought not to be difficult to see it. I believe that as to men in all the walks of life—I care not whether it be the man who builds the wall or carries the hod or puts the roof on the building, or whether he is a clerk at a desk or works in any of the departments of the Government—there should be a sense of consideration and humanity enter into all dealings with him or her.

There are twenty-nine, yes, there are thirty, million people in the United States over the age of 21 years. There are that many people engaged in industrial enterprises. They are not all affected by this measure, because it applies only to Government work, but where does the line exist between Government work and other work? In the great reclamation projects of the West the men who are building the ditches—or the canals, because they are rivers, some of them, that would float ships—sublet the work by contract and the subcontractor will make a contract with the grower of hay to furnish so many tons of hay to feed the teams. Of course these are large items. Another will contract with a subcontractor to do the work, to furnish so many teams per day and so many men to manage the teams and the scrapers and the plows. It has been suggested to me that there was an exception in this bill that exempted that class of work. It does not exempt it; it may be intended to do so; but it is not properly worded to accomplish any such purpose. There is certain peculiar language used here. It is within this quotation:

And any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit

of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor.

That is the end of that sentence.

Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States.

That is where his appeal lies—not to any court. It does not lie to the President of the United States. It does not come even to the power that was spoken of by the Senator from Iowa. It is provided that he—

shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or of the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action.

Now, there is a delegation of judicial power to the Commissioners of the District of Columbia. Where would they sit? When would they sit? Under what form or system would they sit to hear these men coming from Idaho, perhaps, in order to settle the differences between contractors and the heads of departments concerning the great irrigation work?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. What article or material would the Government be interested in purchasing from the farmers or anybody else which would not be articles or material to be bought in the open market?

Mr. HEYBURN. I am speaking of the contract of the subcontractor to build the canal. It does not consist in buying articles. It consists of work—excavating—to the extent of millions of dollars.

Mr. BORAH. Does not the present law cover that?

Mr. HEYBURN. I do not think so. I know that the present law is a good shield to go behind, but the present law does not cover that subject. It does not go to the subcontractor or the sub-subcontractor.

Mr. BORAH. It does not cover the subcontractor because it does not distinguish between contractors and subcontractors, but it covers all work upon public works. This is public work, and therefore it is immaterial whether it is the contractor or subcontractor. It has been so construed and enforced.

Mr. HEYBURN. It is being so construed by a lot of bureau employees or representatives, and it will probably be enforced until somebody gets ready to stop the hand that enforces it.

There, you see, right in the beginning arises a difference, and I need not hesitate at all on account of modesty to say between two Members of this body, each of whom is presumed to be competent to pass judgment on a matter of this kind and neither of whom will arrogate to himself the supreme wisdom that will enable him to say that the other's argument is nonsense. I will give due heed and credit to what the Senator says, but I shall also reserve my right to have an opinion of my own on this subject.

Mr. BORAH. I will say the same thing of my colleague.

Mr. HEYBURN. This shows the hotbed of controversy we are getting into. There is no crying need for it. If there were, I would be more patient with the effort, the superhuman effort, to legislate on a subject that needs no legislation. There is no demand for it except from the paid representatives of the real workingmen, and it is the snap of a whip. I do not recognize the right of any man or the representative of organized men to snap a whip at the Congress of the United States, and it will be a sad day for the Government when it shall be done. I will treat them as fairly and as liberally as I would the representatives of the biggest monopolies in the country, and I will not deal with them any more liberally or fairly. I will protect them against oppression, but I will not allow them, merely because they think they have the power, to sit above our heads and say, "We want this legislation, and we are going to have it, or we will see to it that you are defeated at the polls at the next election." That is not a good way to attempt to force good men to do anything.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I do.

Mr. GALLINGER. The suggestion the Senator made a moment ago is one that has troubled me considerably in reference to this bill, and that is holding the contractor responsible for the acts of the subcontractor or the sub-subcontractor.

The Senator called attention to the construction of irrigation ditches in the West; the fact that they have horses, and mules, I suppose, and perhaps they have to buy hundreds and perhaps thousands of tons of hay. They have to go into the country among the farmers. The farmers ordinarily work a little over eight hours a day. I know they do in my country. And yet, if the farmers who contract to supply the hay permit their men to work a moment over eight hours in supplying that commodity, the contractor under this bill, as I read it, is held responsible for what is called illegal action on the part of the subcontractor. Am I right?

Mr. HEYBURN. Mr. President——

Mr. BORAH. I want to assure the Senator that he is in error as to the bill in that respect.

Mr. GALLINGER. I hope I am; but that is the way I read it.

Mr. HEYBURN. That depends upon the construction which would be given to the language that has been used to avoid the bad consequences of this legislation.

Mr. BORAH. That is within the power of the court in its construction of the law, and common sense will be used there just as in the case of every law passed here. There is no doubt, so far as concerns the plainness of the law. These articles, such as hay, corn, oats, and so forth, which they buy from farmers, are materials which are well established to be purchased in the open market, and they are so recognized. There are plenty of precedents for the rule that they are articles which can be purchased in the open market, and therefore they do not come under this law at all.

Mr. GALLINGER. I confess that that does not satisfy my mind. Would the Senator argue that that would apply, as an illustration, to a case where a Government vessel was contracted for, and the lumber that entered into that vessel was engaged from a subcontractor in an adjoining State and he worked his men 9 or 10 hours a day? Would the Senator argue that this law would not apply to the subcontractor, and if he did, that the contractor would not be held subject to its fines and penalties?

Mr. BORAH. If the contractor covered that class of lumber which is sold in the open market, I have no doubt at all it would be excepted from this bill.

Mr. GALLINGER. That is an interpretation I am glad to have the Senator state, although in the very careful reading and rereading of the bill I have been forced to the conclusion that the subcontractor in that case would be violating the law and the contractor would be held for the violation of the law by the subcontractor or the sub-subcontractor; and I think that would be an evil which we ought to obviate if we possibly can.

Mr. HEYBURN. Why should we go groping, struggling, and striving to get around these obvious and admitted difficulties in order to accomplish what? To gain the privilege to say to an American citizen that he shall not labor except with our consent? For the Government to lend its great power to the enforcement of rules that say a man shall not, when his necessities demand it, add to his income by his labor is so repugnant to every sense of freedom and enlightened civilization that I do not need to go groping about these small questions affecting the enforcement of the law. The more readily the law can be enforced the more dangerous it is. The only thing that could recommend this law to me would be that it would be incapable of enforcement. The only safety that would rest anywhere would rest there.

The Government of the United States engages in such a variety of enterprises through the system of contracts and subcontracts and sub-subcontracts that you present a very embarrassing and difficult question when you come to the enforcement of it. But we ought never to come to that point. The dearest right that the American citizen has is the right of contract. Is there a Senator here who would vote for a measure introduced for the purpose of limiting or abolishing by law the right of contract? If there is, I advise him to speak only in whispers, for the people might hear him.

No man can truthfully charge me with having at any time or now been in favor of discriminating against those who labor. The right to labor is the richest heritage of an American citizen. Every man has the right to enter the field of labor in competition with every other man and on equal terms. The declaration that all men are free and equal refers to the basic proposition of opportunity. They have the same right to take advantage of the same opportunity.

Now, Mr. President, you propose to say that one man shall say to another, "You shall not work," because if you can say it to him as to one hour you can say it to him as to two and as to all the rest. If we can say that a man shall not work more than 8 hours, we can say that he shall not work more than 1.

We can not do it without violating the very principles upon which the Government was established—without violating the very sentiment that prompted its establishment.

So that while at first I devoted my attention to the manner of the execution of this law, I come back to the primary principle. Suppose we were to enact a law that said the Government might compel men to work and fixed their hours. What a cry would go up against legislative interference with the right of contract, and yet there is as much reason why the Government might do that as there is why it should say that a man should not work.

We have now prohibited the sturdy, robust young men of 12 and 13 and 14 years of age from participating in the support of the families of which they are members. Why? For the benefit of those young men? No man will dare to claim that; but in order to lessen the supply of labor in the interest of the agitators. That is why we did it, and I have not to carry on my shoulders the sin of participating in that kind of legislation, merely because there was a hue and cry for it. There was no demand from the widows and the disabled people of the country who depend upon their children under the age which we fixed in that legislation, that we forbid by law these robust and capable supporters from performing their duty. There came to the Senate no petition from those mothers and dependent relatives and old people asking for that legislation. There were no petitions from them, and there are no petitions from that generation represented by the young men between 12 and 15 years asking that they be relieved from the performance of their share in support of the family. Did it never occur to Senators that we should have heard through some means from that class of people? No. We were hearing from the class of people who limit the apprentices in the fields of industry through a selfish purpose of enabling them more easily to control the field of labor within their own limits. It came from the same source.

I have no objection to organized labor. The name never has any terrors for me. I want to know for what purpose they organize and how they propose to effectuate their purpose, and if it appeals to me as fair among men, organized labor can count upon me as true and stanch a friend as they have in the world. But I am going to proceed upon my judgment in a matter where I am to act responsibly. I am not going to take the judgment roll of those organizations as a verity where I am responsible.

No, Mr. President; the purpose of this bill is to diminish the opportunities of men to engage in gainful enterprise, regardless of their willingness or their strength so to do.

Mr. President, there is a provision that I passed over which allows the President subsequently to——

The VICE PRESIDENT. Will the Senator submit to an interruption? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 18642. Before the unfinished business is proceeded with, the Chair will lay before the Senate a message from the House of Representatives.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, which was, on page 4, at the end of line 10, to insert:

Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

Mr. JONES. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

Mr. HEYBURN. I ask that that may lie over until tomorrow.

The VICE PRESIDENT. It will lie on the table without objection.

Mr. HEYBURN. I want to look at it.

HOUSE BILL REFERRED.

H. R. 21969. An act to provide for the opening, maintenance, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, was read twice by its title and referred to the Committee on Interoceanic Canals.

SAVANNAH RIVER DAMS.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

Strike out all of the proviso beginning with the words "*Provided further*," page 1, line 13, down to and including the word "Engineers," page 2, line 8, so that the bill will read as follows:

"*Be it enacted, etc.*, That the consent of Congress is hereby granted for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by the act of February 29, 1908, until three years from the date fixed in the original act for its completion, to wit, February 29, 1916: *Provided*, That under the approval of the Secretary of War upon plans and specifications to be submitted, the said corporation may at its option develop its contemplated water power by the construction of one dam in lieu of two.

"SEC. 2. That the right to amend, alter, or repeal this act is hereby expressly reserved."

And the House agree to the same.

KNUTE NELSON,
JONATHAN BOURNE,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

W. C. ADAMSON,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

CHOCTAW AND CREEK TREATY LANDS.

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians or any member or members thereof, under and by virtue of the treaties entered into between the United States of America and the Creek Tribe or Nation of Indians on the 9th day of August, 1814, and at Washington on the 24th day of March, 1832, by which all the lands of said Creek Tribe or Nation of Indians east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under the authority of the same for the benefit of or in behalf of any Creek Indian or Indians, whether the conditions or reservations of sales were complied with or not, and whether

or not patents were issued therefor by the United States; and in cases where patents have not been issued under the treaties aforesaid, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases: *Provided, however*, That nothing contained in this act shall be construed to affect or dispose of any right, claim, or title, if any, which any Indian of said Creek Tribe, or his or her heir or heirs, may have in or to any of said land.

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States."

Amend the title by adding at the conclusion thereof the following: "and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814."

And the Senate agree to the same.

CHARLES CURTIS,
P. J. MCCUMBER,
W. J. STONE,
Managers on the part of the Senate.

SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,
Managers on the part of the House.

The report was agreed to.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. Does the Senator from Idaho yield the floor?

Mr. HEYBURN. Yes; I understand when the unfinished business comes up it takes a Senator from the floor.

The VICE PRESIDENT. It does not take him from the floor. It substitutes some other business, but it does not take the Senator from the floor. Of course, the matters which the Chair has laid down the Chair has a right to lay down at any time.

Mr. HEYBURN. I understand that it took me from the floor. I understand that the Senator from North Dakota [Mr. MCCUMBER] has given notice that at this hour he will speak upon the pending measure, and I, of course, yield the floor.

The VICE PRESIDENT. That is what the Chair desired to know.

Mr. MCCUMBER. Mr. President, I approach the discussion of any matter with reference to tariff legislation with some hesitancy. I listened for three or four days to probably one of the most exhaustive and carefully prepared addresses upon the steel and metal schedule that has ever been delivered in the United States Senate. It showed the most thorough research and gave to the Senate a vast fund of information on this schedule. There were comparatively few Senators who listened to the address given by the Senator from Utah [Mr. SMOOT]. I presume that a reasonable number of them will read it if they have time.

Glancing, however, at the bill itself, I am rather constrained to believe that it was never intended to have a great deal of consideration. Certainly it received none in the House, and the only consideration in the Senate which was given it has been given by members of the Finance Committee and by one or two other Senators. I desire, however, to cover some features in the discussion of the bill that have not been considered to any great extent.

We took considerable evidence before the Finance Committee. The addresses that have been made so far have referred almost exclusively to some record evidence from the department. The evidence obtained by the committee bore upon the three propositions, namely, the cost of production at home and abroad and the difference in the wages of employees at home and abroad and the effect of this legislation upon each and every one of the several paragraphs constituting the metal schedule.

I will not attempt to go into the details of the matter with the thoroughness which was exemplified in the discussion by the Senator from Utah, but I will quote more fully from the testimony taken before the committee.

Mr. President, during the summer of 1909 the Finance Committee, of which I was a member, labored very many weary days and long nights in securing testimony upon every phase of the tariff schedules.

The information which was received was for the most part received from those who were experts in the particular lines upon which they gave their testimony.

The bill which was reported from the Finance Committee was a fair expression of the evidence on which it was based. Representing a party whose cardinal policy was protection, we sought to retain the protective principle in that bill. Measured by the testimony which was before the committee, we did not believe that the duties were in any cases excessive. We did believe they were sufficient, and we intended that they should be. In many schedules there was a very marked reduction. This was especially true with reference to the metal schedule. The woolen and cotton schedules remained practically unchanged. There were reductions in certain lines and slight raises in others. Many new fabrics had come into existence since the preceding tariff enactment, and by studied efforts to avoid some of the specific rates costly articles were being entered at our customhouses and were receiving a rating wholly inadequate, either for purposes of protection or revenue. By court decisions the most expensive and luxurious fabrics were being taxed at our ports at less tariff rates than were paid upon much cheaper articles of ordinary use. In order to place these articles in their proper classes it was necessary to make the duties on a few of them greater than that which had been required under court construction. This was not an increase in the proper sense of that word.

No sooner was this bill reported to the Senate than a violent and systematic war was waged against it. There were three principal reasons for this assault and for the violent manner in which it was pressed and which, Mr. President, I shall mention in the order of their importance:

The first and most important cause was the attitude of the American Publishers' Association. The Finance Committee and the administration were given to understand that the great press of the country, including magazines and other periodicals, were determined to secure free print paper. If they were given that, well and good. If they were denied it, the Republican Party and the administration should pay the penalty. No one doubted their power. It was simply a question of whether right should surrender to might. It mattered little that these journals might be making from 25 to 100 per cent on their investment and the average returns upon the investment of the paper manufacturers from 6 to 10 per cent. The undeniable fact still remained that several million dollars would be saved to the publishers, at least it so appeared, if free paper could be secured, and the publishers demanded that as the price of their friendship.

After a most careful consideration, the Senate Committee on Finance believed that while a reduction could be made on print paper without any great danger, it would be a rank injustice to the paper manufacturers to give them absolutely no protection, and especially so in the face of the fact that the wood cost more, that the pulp cost more, than in Canada, and that they could not secure free wood or pulp from Canada and thereby be placed upon equal terms with the Canadian manufacturer.

Print paper, however, was reduced from $6 to $3.75 per ton. This reduction was not accepted by the representatives of the Publishers' Association, and the association made good its threat. No one, of course, could doubt the result. As against an army, armed with Maxims and rapid-firing guns, the unarmed Republican Party, without any weapon of defense, was everywhere slaughtered.

The second cause of this assault was the growing factional difference in the personnel of the Republican Party. The minority leaders of that party saw an opportunity for an aggressive and probably successful battle against the majority. The rapid development of the country, with its abnormal prosperity during the preceding 10 years, opened up wonderful fields of speculation. Without proper or sufficient laws to guard against them, great combinations of industries, controlling markets and fixing the prices of their commodities at the limit of consuming ability, came into existence. Millionaires and multimillionaires increased by the thousands. An era of riotous living was indulged in generally by the American people. The public became apprehensive of danger. It was not that they were then suffering, but that the great combinations were becoming all powerful and might some day exercise that power to their great detriment.

It was but natural that this condition should be seized upon by the minority and that advantage should be taken of the public sentiment and apprehension to gain political advantage. And so we found a certain element of the party of protection assaulting the citadel of their ancient faith with far greater bitterness than had ever been shown by the old enemy of the party. There is no strife that is so bitter as factional strife. There is no adherent of any faith so zealous as the new convert.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. MCCUMBER. I do.

Mr. CUMMINS. The Senator from North Dakota has just said that the element known as the Progressives or the Insurgents assaulted the citadel of protection with an energy and a malignance never exhibited by our friends on the other side of the Chamber.

Mr. MCCUMBER. I did not say "malignance"; I said "bitterness."

Mr. CUMMINS. Very well; I will substitute bitterness for malignance. I rose to ask what the Senator from North Dakota means by the citadel of protection. Does he mean the bill that was passed and became a law in 1909, or some particular part of that law, or does he mean the doctrine of protection itself?

Mr. MCCUMBER. Mr. President, the assault which was made in the Congress of the United States was made by those who professed and, I believe, sincerely stand by the doctrine of protection; but in their energy and in the feeling of animosity against the particular bill very many of them bolstered up their cases with an argument that was as near free-trade argument as ever came from the rankest free trader in the whole country. When I am speaking of the minority of the party or a faction of the party, I am not speaking of those wholly within this Chamber or within the other Chamber. When we got outside of Congress we found as a result of these arguments the greatest free-trade sentiment over the country that it had had since prior to the Civil War, and that sentiment was created by the press of the country and by those who so zealously made their assaults upon that particular bill.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Iowa?

Mr. MCCUMBER. I yield.

Mr. CUMMINS. I desire to keep history as straight as possible. Speaking in behalf of those who in the Chamber opposed the Payne-Aldrich tariff law, I desire to say that I have never heard one of them nor anyone allied with them outside the Chamber utter a single word that could by any possibility be construed into a repudiation of the doctrine of protection. I have heard the most energetic, emphatic, and, I believe, sincere protests from all these men against the embodiment of that doctrine as found in the Payne-Aldrich law.

I hope my friend from North Dakota will make the distinction that I have just suggested. I myself believe that the Payne-Aldrich tariff law was one of the most unfortunate assaults upon the doctrine of protection ever entered upon our statute books. I have just the same high regard, the same deep veneration, the same profound confidence in the wisdom of the principle or policy itself as has the Senator from North Dakota.

Mr. MCCUMBER. Mr. President, I am wondering what the Senator thinks of the Dingley tariff law, the law that gave greater prosperity to the United States than any other that was ever passed by any Congress. That was a higher tariff law in many respects than the Payne-Aldrich bill. We did not suffer particularly under that law. As a whole, the people were better off under that law than we ever were before, and probably better off than we will ever be again under any other kind of a law.

The Senator from Iowa and myself stand exactly the same upon one proposition. I have heard him say again and again that he believed the tariff duties ought to be such as to give honest protection to every American industry, and yet not high enough to preclude the introduction of foreign goods in the case of combination or in case any American manufacturer of like goods should raise his prices to an exorbitant degree. We agree exactly upon that.

If there is any disagreement whatever between us, it is possibly a disagreement on evidence alone, or it may be that where there is doubt I will always resolve that doubt in favor of the American manufacturer, while the Senator from Iowa may not be as favorably disposed to resolving it in favor of the American as against the foreign producer. But I think, upon the whole, there is no distinction between Republicans. There is no one who supported the Payne-Aldrich bill, on the other hand, who ever once declared that he believed in a rate of duty that would be exorbitant. So our differences were always differences upon the question of what should be a fair measure of protection. The differences were honest differences; yet I can not help but say that those who felt it was their duty to destroy that bill assaulted it not alone with carefully considered, reasonable, and judicious utterances, but with such vehement and often irrational condemnation that they created a sentiment over the entire country, not that the tariff duties were not sufficiently lowered, but that they were actually raised far above the previous tariff act.

Mr. CUMMINS. I do not know to whom the Senator from North Dakota refers when he says that we who are opposed to the Payne-Aldrich tariff law, or those who were opposed to the Payne-Aldrich law, asserted that there were no reductions in it. I have said often in this Chamber that, taken as a whole, there was a slight reduction, a reduction of a little less than 2 per cent, as I now recall. That is not the point. We left here in 1909, having recorded our votes with respect to that legislation, and personally I did not invite the reopening of the hostilities at that time. The Senator from North Dakota, however, will not forget that within a very few weeks after Congress had adjourned the Chief Executive, who signed the Payne-Aldrich law, in a speech delivered in Minnesota, said substantially that every Senator who voted against the Payne-Aldrich tariff law was disloyal to the Republican Party and unfaithful to its principles. Then began this bitter controversy, of which my friend the Senator from North Dakota has spoken. I deplored that utterance quite as much as anyone could who was in sympathy with the Payne-Aldrich bill.

I propose to answer the Senator's question with regard to the Dingley law. I was not in Congress at the time the Dingley law was passed; I do not pretend to have the accuracy of information concerning conditions as they then existed which undoubtedly the Senator from North Dakota has, and which other men have who were then Members of Congress; but I do know that when 1901 came the Dingley law had become indefensible in many respects. I am one who believes that out of the Dingley law there did come very great prosperity for the American people. I believe it restored confidence in our manufactures and confidence in our commerce, so that the people again went forward with spirit and with encouragement, but the excesses of the Dingley law were not necessary in order to create that confidence and to inspire that courage. I believe that if the metal schedule had been fashioned as it should have been in 1901 or in 1900, the United States Steel Corporation would never have been organized. I believe if the very high and extraordinary duties which had been put upon the very materials that we are now considering, those embraced in the metal schedule, had not been put there, but that if a fair protective duty alone had been attached to those commodities, we would not be now considering the embarrassment so well set out and so well expressed by the Senator from Pennsylvania [Mr. OLIVER] yesterday, namely, the embarrassment caused by the disparity between the cost of producing on the part of a great combination like the United States Steel Corporation and its rivals of lesser capital and of fewer advantages. That is my idea, Mr. President, with regard to the Dingley tariff law.

I admit the advantages that law brought to the American people, but those advantages did not necessitate the disadvantages and the injuries which it at the same time inflicted upon the people because its duties were too high or had become too high as early, at least, as 1901.

Mr. MCCUMBER. I am glad, Mr. President, that the Senator from Iowa does agree, however, that the Dingley tariff law was a fairly good law; that it did bring to this country the greatest prosperity that we have ever known; and in giving my judgment upon any law I have to base it upon the general effect of the whole law, and not upon some particular item in the law where the duties imposed might have been too great, and that act did bring us out of the worst depression we have known in recent years into the highest degree of progress and prosperity we have ever known. The Senator, however, made the broad statement that the Payne-Aldrich Tariff Act was the worst that has ever been enacted, and I assume that when he says the worst one, he means that the duties levied under it were the highest. I simply desired to call his attention to the fact that the highest tariff duties that we have had for some years were in the Dingley law, and that law gave us the very greatest industrial prosperity.

Mr. CUMMINS. Mr. President, I do not now remember that I ever said that the Payne-Aldrich law was the worst tariff law which was ever passed, certainly not in that absolute sense. I have often said that, measured by our promise in 1908, meas-

ured by the conditions as they existed in 1909, the Payne-Aldrich law was not a faithful compliance with or a fulfillment of our promise under the conditions as they then existed. I recognize, of course, that there are some things at least in the Payne-Aldrich tariff law upon which the duties are lower than they were in the Dingley law.

Mr. McCUMBER. Mr. President, I am not going into any controversy about what the President of the United States has said or what he has not said with reference to any tariff legislation. I have not been a follower of the administration on all occasions, as the Senator from Iowa well knows. I do not follow any administration, nor allow the beck of the President of the United States to govern me in my convictions of what ought to be in our legislation. Whatever view the President of the United States might hold upon tariff legislation, I should not yield my own judgment, formed upon my own investigation, any more than I would upon his view as to whether we ought to have had Canadian reciprocity as the law of the United States.

Mr. President, the Senator from Iowa is mistaken when he says that the real battle and the vitriolic sentiment that was expressed against this law began after the President had made some remarks concerning it. It began in the press the very moment the bill came back into the Senate without free print paper, and it never ceased until after the election of 1910. We were never able to get the truth of that bill before the public or to explain what it did mean. Ninety per cent of the people of the United States believed that there had been a great increase of tariff duties under the Payne-Aldrich bill. The Senator from Iowa knew that that was not so, and I knew it, but we could not change the sentiment of the public, because we could not secure a fair presentment by the press.

It was but natural, Mr. President, with the press of the country against the Republican Party, with one faction of the party attempting to overthrow the other, that we should have gone down to defeat along the line. There is no denial of the fact that factional politics played a greater part in the disastrous result to the Republican Party in 1910 than all of the arguments that were ever made by the Democratic Party against the Republican Party. I agree with the Senator from Iowa that I want to see that chasm bridged between those factions of the Republican Party. I have had the hope when we should secure from a commission a report as to the cost of production at home and abroad and all other data relating to our tariffs—something that even the newspapers of the country probably would not assail as incorrect—that we would have a basis upon which Republicans could get together, and that we could make a tariff bill in conformity with it. I am afraid that we shall not soon reach that hoped for condition because of a failure to continue the good work of the Tariff Commission.

Mr. President, another factor which added fuel to the flame of internecine battle at that time shows how an inadvertent sentence, or, rather, a sentence misconstrued, will raise a national storm. In the opening of the debate upon the tariff bill the Senator having that bill in charge said to the Senate that the tariff plank of the Republican platform of 1908 was not a promise for reduction, but simply a promise for revision. That sentence was printed in glaring headlines in every daily newspaper throughout the country in their next issue, and upon that sentence it was predicated that the Finance Committee had followed that construction in reporting a tariff bill to the Senate. As a matter of fact, the majority members of the Finance Committee never gave the tariff plank that construction. Every member of that committee, I believe, construed that plank to mean that we should make a reduction all along the line so far as it could be made consistent with the protective policy of this country.

Mr. SMOOT. Outside of luxuries.

Mr. McCUMBER. Of course, in the matter of luxuries, we have always imposed on them a high tariff. Mr. President, as a matter of fact, the tariff was reduced; and I want to take that question up with the Senator from Iowa, who says that there was a reduction of about 2 per cent. The report that accompanied the tariff bill into the Senate from the Finance Committee clearly and accurately expressed the reductions and exactly what had been done in the following words:

Tariff decreases on goods which the bulk of the people purchase generally affected articles of the value of $4,951,813,175. The tariff increases on goods, outside of those that were purely luxuries and liquors, affected articles of the value of $240,852,525. The decreases, outside of champagnes and other liquors, were twenty-one times greater than the increases, considering the value of the goods upon which the duties operated.

Those increases, Mr. President, stand as a clear refutation of the false claim that the tariff law of 1909 did not decrease duties on the bulk of the articles purchased by the American people.

I prepared during the debate upon that subject a table showing the actual decreases upon articles of ordinary consumption in the United States, and, with the consent of the Senate, I will make that table a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

Mr. McCUMBER. Before the insertion of the table I want to say, first, that it covers all agricultural implements; baking soda; petroleum; linseed oil; red lead; white lead; varnishes; cement; brick; Rockingham ware; window glass; bar iron generally used by blacksmiths; steel beams and girders; hoop and band iron; railroad rails; sheet iron; sheet iron or steel, galvanized; steel wires; barbed wire; hammers; sledges; bolts and nuts; knives; files; nails, spikes, etc.; horse and mule shoes; wire nails; tacks; brads; rivets; screws; saws; sewing machines; typewriters; oilcloths; silks; coal; print paper; hats and bonnets; boots and shoes; leather, sole and belting; leather for shoes; gloves, generally used; harness; saddles; cotton thread; cotton clothing; woolen clothing; sugar; etc.—covering almost every article of ordinary consumption.

The table referred to is as follows:

Reduction on existing law of articles generally purchased.

	Per cent reduction of existing tariff.
Agricultural implements:	
Wagons	25
Mowers	25
Binders	25
Harrows	25
Drills	25
Thrashers' machinery	25
Rakes	25
Plows	25
Cultivators	25
Planters	25
All other kinds of agricultural implements	25
(Administrative features of bill provide for no duty from countries not imposing duty on American machinery.)	
Soda, baking	No change.
Oil, petroleum (all duties taken off)	Free.
Linseed oil, all kinds	25
Red lead for paint	9
White lead for paint	13
Varnishes	20 to 48
Cement	No change.
Brick, glazed	22
Rockingham earthenware and china, the kind in common use	28 to 33
Window glass, common	4 to 20
Bar iron generally used by blacksmiths	50
Steel beams and girders for buildings (not assembled)	20
Hoop and band iron	40
Railroad rails	50
Sheet iron and steel	28
Sheet iron or steel, galvanized	23
Sheet iron, polished	25
Steel wires, various sizes	12 to 20
Barbed wire for fence	37
Hammers, sledges, crowbars, etc	8
Bolts and nuts	25
Knives and forks, table, commonly used	13 to 26
Files	5 to 25
Nails, spikes, etc	33
Horse and mule shoes	25
Nails, wire	20
Tacks, brads, etc	50
Rivets	37
Saws, common hand	16
Screws	16 to 25
Sewing machines	14
Typewriters	14
Oilcloths, linoleums, etc., for floors	9 to 38
Oilcloths for tables, covers, etc	40
Silks, commonly used	10
Coal, bituminous	33
Print paper	37
Hats, bonnets, etc., commonly used	20
Boots and shoes	40
Leather, sole and belting	75
Leather for shoe uppers, etc	25
Gloves, generally used	30
Harness, saddles, etc	25
Cotton thread	16 to 20
Cotton clothing, underwear, etc	No material change.
Woolen clothing and underwear	No material change.
Sugar:	
Philippine sugar (free)	100
Sugar from Cuba	20
Other sugar	Very slight reduction.
Lumber:	
Timber, round	50
Lumber, whitewood, basswood, etc	50
All other lumber—	
Rough sawed	37
Finished 1 side	20
Finished 2 sides	33
Finished 4 sides	30
Finished 1 side and tongued and grooved	33
Finished 2 sides and tongued and grooved	33
Fence posts (free)	100
Lath	20
Shingles raised from 20 cents to 50 cents per thousand.	

Mr. McCUMBER. Of course these reductions made no change in the selling price to the consumer. Why? Because tariff levied upon original value is such a small percentage of the selling price that it is generally too insignificant a factor to be taken into consideration. The tariff is based upon the price of an article as it comes fresh from the factory. After that its cost is enhanced by freights, storage, insurance, handling, boxing, shipping, distributing, commissions, wholesalers' profits, retailers' profits, clerks' salaries, rents, all overhead charges, interest on borrowed money, delivery costs, including horses' board, stabling, drivers, and so forth.

It is not surprising that when the article reaches the consumer its selling price is from 2 to 10 times its factory price.

This was the truth; but it was impossible to get that fact before the public. If any portion of this truth by any chance got into the press one day, it was denied the very next day and its effect entirely destroyed. Truth was crushed to earth. It has been slowly—very slowly, indeed—rising again. In the decrease in the rate on all our importations we will find a manifestation of this reduction. The value of all the importations and the amounts received by the Government in duties show reductions as follows; and I want Senators who deny that the American people got any benefit from the reductions in the tariff of 1909 to listen to this if, indeed, increased importations can be justly said to be beneficial: In 1890, under the Dingley law, the average ad valorem duty on all goods imported was 29.49 per cent; in 1908, the year prior to the tariff law of 1909, the amount was 24.22 per cent; in 1910 it was 21.11 per cent; and in 1911 it was 20.29 per cent—a decrease since 1890 of over 35 per cent.

These figures, Mr. President, place the stamp of falsity on every utterance made by press and orator that the effect of the tariff law of 1909 was not a reduction.

Another strong evidential fact of reduction is that the year before the tariff act went into effect, in 1908, the total amount of importations was $1,183,120,665. In 1910, the year after this law went into effect, the importations were increased to $1,547,109,137, or an increase of $363,988,472 in one year. In other words, we did let down the bars sufficiently to allow to come into this country nearly $364,000,000 worth of goods more than came into it the preceding year; that many dollars worth of foreign goods took the place of that many dollars worth of goods made by Americans and were consumed in our own country; that many dollars worth of imported goods over and above the previous year indicates a considerable percentage of reduction in the earning capacity of the American workman for that year. In 1911 the importations were substantially the same.

Mr. President, the campaign following the revision of the tariff in 1909 was, I am free to say, one of the most unfair that I have ever known in my life. Men in the Senate and in the House were singled out and made monsters of iniquity, and the virtue of every other man by the press was measured by the number of times, upon the hundreds of amendments offered, that his vote happened to be the same as that of either of the individuals so singled out, one in the House and one in the Senate. Amendments were offered, for instance, placing a whole schedule upon the free list, and if any man voted against them he was by the press published as a monster and as betraying the interests of his constituents. Had the Senators voted the way the press said they should have voted, there would not have been one dollar of revenue raised under the act of 1909 to carry on the Government. Everything would have been on the free list. Even one of our "insurgents"—a very ardent and a very good one—was found by one of the great periodicals to be only 49 per cent pure and 51 per cent bad, because, upon a very careful computation, it was found that 49 per cent of his votes were the same as those of the then Senator from Rhode Island, and only 51 per cent of them were the other way. Tables of that kind were made up and scattered over the entire country and used by a faction in one party to attempt to destroy candidates in the other faction of their own party. That is the character of the warfare that was indulged in in the campaign of 1910. Why, Mr. President, the only virtue, according to the press, was cowardice and subservicency to its dictates, and the only crime that a Representative could commit was that of being courageous enough to stand up to his honest convictions upon any matter.

I know it is never too late to learn, and I learned a lesson in the campaign of 1910. I learned how feeble is the element of truth as an effective weapon in a poisoned atmosphere. As I look over the list of the fallen in the campaign of 1910, while my confidence in the old proverb that truth will prevail in the end has not been wholly shaken, I must admit that I believe that very many good men must go down to political death in order to establish that truth.

Mr. President, study this bill as you will and you study in vain to find any system, any logic, any consideration of cause or effect. It is neither a protective measure nor a revenue measure. It is a sort of hit-or-miss affair. We will find one section in which a strained effort is made to reduce the cost of fishhooks, which can already be bought for a few cents a bushel, and the next section will allow millions of revenue to slip away without benefiting the public in any way.

The only glimmer of a design anywhere apparent in the bill is a seeming attempt to punish the audacity of manufacturers who have dared to take a chance at establishing a business enterprise. There seems to be a purpose to strike them going and coming. The bill places a duty on the articles which they must purchase abroad because not produced in this country and which are necessary ingredients of their products, seemingly for the purpose of adding to their cost of production, and then lowers the protection heretofore received by them, for the seeming purpose of destroying their prosperity.

And why this antipathy? Why this punishment? It is true that during a period of the greatest prosperity any country has ever known, between 1897 and 1907, when both prosperity and its side partner, speculation, ran riot, some great industrial combinations issued watered stock and found so much money in the country that they easily unloaded it. And for this offense of the few the whole country is to be punished; for the offense committed by one man a thousand innocent men are to be executed.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I want to call the attention of the Senator to one small item in this bill, and what I am about to say is to a large extent true of almost every item covering the smaller manufacturers.

In my State we have a cutlery establishment. At the head of it is ex-Gov. D. H. Goodell, one of our best citizens. I wrote him about the business, inquiring how he was getting along. He has built up a prosperous community, the houses mostly being owned by the operatives. It is a beautiful little New Hampshire country village. Gov. Goodell wrote me as follows:

> A few years ago peculiar circumstances gave me an opportunity to learn about how much common table cutlery, carving knives, butcher, kitchen, and shoe knives were made in this country, and I was surprised to find that the whole amount of all makers' production was less than $1,000,000. This was before the 1907 panic. Since that time the trade has been slack and prices so low that some have already gone out of business. I understand that cutlery importations have been increasing all the time. If any material reduction in the tariff on table cutlery should be made the business must be ruined. As conditions and prospects are now we would gladly sell our cutlery business at a price far below cost. We ought to make all our table cutlery in this country instead of importing more than one-half of what is used.

I turn to the official documents and I find that while prior to 1907 there were less than a million dollars of that class of cutlery made in this country, and there is no evidence it has greatly increased, we imported cutlery in 1910 to the extent of $1,817,210 and in 1911 to the amount of $1,924,414, an increase of 9 per cent. Yet in the face of that this bill, which the Senator is so ably discussing, reduces the tariff on penknives, pocketknives, pruning knives, and so forth, from 77.62 to 35 per cent; and on table cutlery, cooking utensils, and so forth, from 43.43 to 25 per cent. So that while this industry, which in a sense is important and it is characteristic of a great many other lines of industry, is now dragging along, with importations almost twice the entire domestic production, the proposition is to make a cut of almost one-half in the present tariff rates.

Mr. McCUMBER. Mr. President, I will be able to show to the Senator passages from the testimony given by a great many men showing it would be impossible for them to continue business under the proposed rates, and I shall supplement that before I get through by showing the cost of production at home and abroad, and demonstrating why it is impossible for any American producer to continue if the reduction is made as contemplated in the bill.

I voted with the majority of the committee to report this bill adversely, not that I could say there was not a single item in the bill that could not be lowered somewhat without any great danger, but that they were so few and so scattering that they need hardly be taken into consideration. I voted adversely to it because it was illogical. I voted adversely to it because it was neither a protective measure nor a revenue producer. It is a hybrid that seemed to have no other purpose than to slash into an industry or to destroy the prosperity of the manufacturers of iron and steel in the United States.

I opposed it also because three years ago we made a very radical reduction in the steel schedule, below that of any other schedule, and the figures of which I have already given.

I opposed it also because all the evidence we had before us established the fact that if we reduced the rates our manufacturers would either have to go to the wall, cease manufacturing, or the wages of their workmen would have to go down.

I opposed it also because Congress had created a Tariff Commission to investigate this very subject and to give us the data relative to cost of production at home and abroad, and such other data as will enable us to conform our tariffs to what is a just and reasonable protection; because that commission is at work on this schedule and it should not be changed until that reliable data is at hand, upon which we could make a bill which would satisfy the American people. In my opinion the vast majority of our people believe in protection. All they demand is that it shall be adequate, but not exorbitant.

That commission has been at work. It has made its report upon the principal schedules against which the greatest amount of condemnation was aimed. It took those up first because we thought, owing to the special complaint against them, we ought to first consider them. Those, however, have been laid aside by the House to be last considered. Why? Because the tariff report indicates that there were no very great mistakes made either upon the cotton or the wool schedule; that there were very few if any rates which might be called excessive.

Mr. President, the tariff question more than almost any other character of legislation is a technical one, is one requiring expert knowledge and study. In a general sense we understand what is meant by tariff for protection or tariff for revenue. But how to apply either policy with exact justice to any industry is a question requiring most careful investigation. It is because of this that the public can be most easily misled and deceived as to the effect of any tariff measure.

Take, for instance, the metal schedule. If an article like steel rails costs $18 per ton to manufacture in Germany and $22 per ton in the United States, those who believe that the measure of protection should be the difference between cost of production at home and abroad would have no difficulty in arriving at the conclusion that the duty should be $4 per ton.

Upon the face of it it would be a simple proposition. In practice very many factors would be immediately met with which would have to be taken into consideration.

If we proceed upon the protective idea, then the question is not necessarily, What is the difference between the cost of production at home and abroad, but what protection is necessary at any particular point or field of consumption in the United States?

Second. We would then be compelled to investigate the question of freight rates between the foreign country and New York. But the particular article may not find its market in New York. Then we must go further and ascertain what it costs to put that article in the field of consumption.

Third. We would then be compelled to ascertain the freight rates from the principal point of production in the United States to the same field of consumption.

Fourth. That would necessitate an investigation into the comparative outgoing and incoming freights. In other words, we might have to ascertain whether the freights on foreign products into a given district are the same as from the place of manufacture in this country to the same district.

Fifth. We might then be compelled to compare ocean freights to the Pacific Ocean with inland freights to the Pacific Ocean.

Sixth. We would then be immediately brought face to face with the fact that if we made the tariff high enough to give our people the Pacific coast trade, it would be so high as to amount to a prohibition in other sections of the country.

Seventh. We are then compelled to make an investigation into the ingredients that are necessary in the manufacture of steel. We find that under the old law under which we based the cost of the product ferromanganese was carried at a low tariff. Under the proposed law it is taxed much higher, and we must ascertain to what extent that extra tax will add to the cost of production.

Eighth. We may find upon investigation that some one great industry like the United States Steel Trust has a monopoly of the ferromanganese produced in this country. And if we levy a higher tariff upon the foreign product we give them a greater monopoly, and while they will not be injured, the weaker companies might be seriously affected.

Ninth. A further investigation may establish the fact that the United States Steel Corporation needs no protection whatever upon the production of pig iron and possibly steel rails, but that all of the other great industries of the country, not being so favorably situated as the United States Steel Corporation, would go to the wall without such protection.

Tenth. Nor would we be limited to our internal trade in order to determine the propriety, the necessity, or the amount of tariff that should be levied. Our export trade in the product and to what extent we should be able to compete with other countries would become an important factor.

Eleventh. Following this investigation we might find that on account of our proximity to the Canadian fields of consumption, water transportation in our favor as against land transportation for the foreign manufacturer, nearness to the field of consumption, and the readiness with which we could fill an order might give us that Canadian trade, even though our cost of production is very much more than the foreign cost. The British manufacturer would be compelled to unload his product at a given port in Canada, and that we could take ours from Chicago by the Great Lakes and reach northwestern Canada, which is demanding so much of the steel rails to-day, and on account of this water transportation we could compete with Great Britain, although her prices were very much lower than our general prices.

We must also take into consideration the proximity to the field of consumption—our ability to be on hand, our ability to answer an order immediately that a foreign producer might not be able to answer. All of those questions must be considered over and above the mere matter of the difference in the cost of production at home and abroad.

Now, if we should carry this along a little further we come to the twelfth proposition, and that is the question of rebates. We might find, for instance, that although the cost of production in Great Britain or Germany might not be more than 20 per cent less than the cost of production in this country; that notwithstanding that fact a bounty is given upon exports, which might be 20 or 30 or 40 per cent more, and those bounties must all be taken into consideration in fixing a proper rate.

If we investigate the cutlery business we must first make a careful investigation into the wages paid American workmen in our shops, the cost of production of an article in this country, the wages paid laborers in the foreign country, and the cost of production there.

And still we would not have sufficient or proper information if we stopped at this point. A further investigation will show that the shop cost of manufacture of the two countries does not cover the subject, because in this country all of the labor is performed in the manufacturing establishments, and practically all by men. If we go to Germany, we will find that a large share of the work is done under what is called the cottage system—men, women, and children taking the parts to their homes, assembling them, and doing considerable of the work in the matter of manufacture at very low wages and at much less expense than the same work could be done in the shops even in the foreign countries.

If we take the manufacture of chains in England and compare it with the manufacture in the United States, we will find that while the shop costs in England, compared with the shop costs in the United States, are very much lower, still a further investigation would disclose that the average cost to the foreign producer is much less than the average shop cost there, because much of the assembling and much of the work performed in the manufacture of these chains is carried on under the same cottage system, and this is true in a great number of manufactures in which the parts must be assembled and in which considerable advancement toward completed manufacture may be done in the evening at the cottage fireside.

These, Mr. President, are but a few of many things that must be investigated and weighed in arriving at a conclusion in fixing tariff rates. I mention them only to show the complexity of the question, to foreshadow the impropriety and disastrous result that must naturally follow too great a reduction.

I am opposed to the modification of the present duties on the metal schedule. Before another year, if the Tariff Commission is allowed to proceed in its investigations, we shall have before us reliable data on which to base a revision. With an average reduction of about 25 per cent duty on the metal schedule of three years ago we can well await the report of this commission before proceeding to disturb the whole steel industrial condition of the country.

If, however, I am compelled to pass judgment upon each item of this schedule before the report of this Tariff Commission is submitted, I must accept as the basis of my judgment the evidence taken before the Finance Committee. As the testimony comes from those who are interested in the business of manufacturing, I would not be as well satisfied with it as I would with the report of the commission. I must accept it, however, as it is.

And upon that testimony and in the light of facts established in the hearings I will proceed to consider whether or not that testimony affords justification for any reduction of duties upon

the principal steel products. I will consider each paragraph in its order.

I want to consider them in reference to three propositions: The cost of labor in the two countries, the general cost of production in the two countries, and the effect of the bill upon the business in this country. I will take up the first paragraph, which is pig iron, scrap iron, and so forth. The present ad valorem duty on pig iron is 14.82 per cent. The proposed duty is 8 per cent. The production of pig iron, ferromanganese, and ferro-silicon in the United States is, in tons, 27,303,567, the importation into the United States for consumption was 200,970 tons. The value of imports was $5,961,688. The duty collected was $573,282, a very considerable income for the Government upon one single paragraph of a schedule. These importations show that the foreigner can compete with us and compete to a fairly respectable extent with a duty of 14.82 per cent. Give him now an advantage of a reduction to 8 per cent and it will be profitable for him to enormously increase his importations. Every dollar imported means not only a dollar less paid to the American laborer, but a dollar sent out of the country.

The advocates of this measure are not satisfied with a reduction in the protection of nearly one-half, but they more than double the rate on ferromanganese, which enters so heavily into the production of steel, the present ad valorem duty on that article being 6.52 and the proposed duty 15 per cent, and thereby increase the cost of production in this country.

Now, can the pig-iron trade in the United States stand the reduction proposed in this bill and still maintain the present laborers' wages? That is an all-important question.

This brings us, Mr. President, immediately into the investigation of the cost of production at home and abroad, together with a comparison of laborers' wages, and I have to rely again upon the testimony that was taken before the committee. Mr. Butler, of Youngstown, Ohio, representing the Briar Hill Steel Co. and others, shows that the Department of Commerce and Labor has determined the average of cost of pig iron in the United States to be $14 per ton.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield to the Senator.

Mr. WILLIAMS. I desire to ask the Senator from North Dakota, first, whether he is serious with himself and the country when he calls the hearings before the Finance Committee "testimony"?

Mr. McCUMBER. I do not know of any other name that I could give to the hearings. Men were called and examined and gave their testimony and were cross-examined.

Mr. WILLIAMS. I suppose the Senator from North Dakota will bear me out in the assertion that perhaps the indefinite word "hearings" is much more precisely adapted to the self-interested utterances of volunteer witnesses than the word "testimony." "Testimony" generally means that men are sworn to tell the truth. A great many people in the United States seem to think that the so-called witnesses before the Finance Committee were sworn to tell the truth; but, leaving that out for the moment——

Mr. McCUMBER. Let me answer that first. "Testimony" in its general sense means the evidence upon which any fact is established, no matter how it comes. Testimony in court is a different proposition.

Mr. WILLIAMS. Testimony may mean the evidence upon which any fact is established, but surely the Senator from North Dakota will not contend that the utterances of volunteer, self-summoned, interested witnesses constitutes "evidence" of any description. I merely want to make the point, that the country may understand that these witnesses were not regularly summoned and regularly sworn. They were men who came here voluntarily to make an argument—a speech—before the Finance Committee in favor of the increase or maintenance of their share of time—profits.

Mr. McCUMBER. Does the Senator really believe that if a single one of those witnesses had been under oath his testimony would have been different from what it was?

Mr. WILLIAMS. I can not answer that question, because I can not say beforehand whether a man who will tell a falsehood without being under oath would be willing to tell it under oath; but I can point to several instances which I think both the Senator himself and I would regard as "exaggerations," to express it in the most charitable way.

Now, the question I want to ask the Senator, after leading up by that, is this: Where does the duty upon ferromanganese, if it is levied in this bill, go?

Mr. McCUMBER. I think the Senator is asking me a question which his own inquiry answers.

Mr. WILLIAMS. I thought I understood the Senator to say that with the exception of one company nobody made ferromanganese in the United States. Does he mean by that that nobody could make ferromanganese except that company?

Mr. McCUMBER. I mean to say just what I said, that only one company in the United States manufactures it, and according to the testimony no other company in the United States could afford to manufacture it. Therefore, if one company is so constituted that it can afford to manufacture it and no other company can afford to manufacture it, I assume that those conditions will continue for a time at least.

Mr. WILLIAMS. I will follow that question with another. I suppose there is no delicacy about mentioning the name of the company which alone can make ferromanganese.

Mr. McCUMBER. I mentioned it in my argument.

Mr. WILLIAMS. I did not hear it.

Mr. McCUMBER. The United States Steel Corporation.

Mr. WILLIAMS. That is the so-called Steel Trust.

Mr. McCUMBER. I think it is so called. And it may be properly so called.

Mr. WILLIAMS. The Steel Trust?

Mr. McCUMBER. Yes.

Mr. WILLIAMS. Does the Senator from North Dakota know whether a man by the name of Perkins has anything to do with that company?

Mr. McCUMBER. I do not care whether he has an interest or not, Mr. President.

Mr. WILLIAMS. I merely wanted to identify the company or association. Generally we do not know them by name down in the farming community and we get them connected with certain individuals.

Mr. McCUMBER. If he did own it that would scarcely be any reason why this bill should raise the duty and add to his income. It might possibly influence me a trifle in lowering it rather than raising it.

Mr. WILLIAMS. I see the Senator from North Dakota is gradually coming to the Democratic viewpoint in connection with the tariff. I understand now he only would be willing then to have his vote influenced upon the tariff by its effect upon a trust. Am I correct in that?

Mr. McCUMBER. No, Mr. President; the Senator is not correct; but he can go ahead and make his argument upon any assumption that will please him, and then I will answer it.

Mr. WILLIAMS. I beg the Senator's pardon, I hoped I was correct about that. The Senator had put it so strongly that I was emboldened to ask the question.

Mr. McCUMBER. I can answer it in a nutshell if the Senator wants the answer.

Mr. WILLIAMS. For myself I will frankly confess if the Senator will show me where any tariff duty helps a trust I will reduce it or do away with it.

Mr. McCUMBER. I am a little afraid the Senator would reduce it, whether it would help the trust or whether it would not.

Mr. WILLIAMS. There is some sense in that, too, because if I thought it would benefit the consumers—the American people—I would vote to reduce it; and if, in reducing it, it would hurt the trust, that would reenforce me in my determination.

Mr. McCUMBER. Mr. President, I will answer the Senator very candidly.

First. I would not vote for any measure that would destroy the great number of small industries all over the country because a single one could manufacture so cheaply that it would earn more than what we might consider a fair compensation upon its investment. Second. I would not destroy the interests of the country for the purpose of getting cheap products when I would know that a man had better pay a good price for an article and have the money to buy that article than to have a cheap article and no money to pay for it.

Mr. WILLIAMS. Now, I recognize that the Senator is upon the old familiar ground. It is the old ground that "a cheap coat spells a cheap man."

Mr. McCUMBER. No; it is upon the old ground that the man who is compelled to go to the soup houses for something to eat is not going to buy goods at any price.

Mr. WILLIAMS. That is a self-evident proposition.

Mr. McCUMBER. Mr. President, I wanted to give the testimony of Mr. Butler. It may be that the Senator from Iowa would challenge the conclusions of Mr. Butler in his testimony as to the cost of production at home and abroad, but I am taking the testimony as it appeared before the committee and I am placing that portion of it upon the record which pertains to this particular question.

Mr. Butler, of Youngstown, Ohio, representing the Briar Hill Steel Co. and others, shows that the Department of Commerce and Labor have determined the average cost of pig iron in the United States to be about $14 per ton. He draws from the same source of information as the Senator from Iowa, but he adds that this figure is based on the cost as derived from the books of companies where plants are more economically situation than those of smaller companies. The cost of the latter companies, he asserts, would be over $15 per ton.

Mr. WILLIAMS. I should like to ask the Senator from North Dakota one more question.

Mr. McCUMBER. All right, the Senator may ask it.

Mr. WILLIAMS. Does the Senator from North Dakota think we ought to have protection high enough to protect ill-equipped and ill-administered industries? I understood him a moment ago to say that this so-called witness confessed or said—the Senator, I know, used the word "showed," which seemed to me a little inaccurate—this so-called witness asserted that while this duty would protect certain well-equipped, well-administered industries there were other industries not well equipped and not well administered it would not protect.

Mr. McCUMBER. No; the Senator misunderstood the testimony which I quoted, and it would make quite a little difference undoubtedly in the conclusion; but let the Senator go ahead.

Mr. WILLIAMS. Will the Senator quote it again, so that I may catch it accurately?

Mr. McCUMBER. I will quote it. He adds that this figure is based on the cost as derived from books of companies where plants are more economically situated than those of smaller companies. There is quite a little difference, the Senator will observe, between one not being economically situated and one that has not the proper facilities for economic manufacture.

Mr. WILLIAMS. There is no doubt about that. Now, I will change my question to suit the testimony which I have just heard. Does the Senator from North Dakota contend that we ought to adapt our tariff duties to suit "ill-situated" factories, factories situated in parts of the country not well adapted to the production of the product?

Mr. McCUMBER. The Senator has not been here all the time I have been speaking on this subject or he would have already had the answer to that.

Mr. WILLIAMS. I know that, but I heard what the Senator just quoted from the witness Butler, and he quoted it with approval.

Mr. McCUMBER. But the Senator from Mississippi did not hear the Senator from North Dakota say a short time ago that, of course he would stand for no rate and believed in no rate that should be sufficient to protect, for instance, the Pacific coast manufacturer, with inland cost of transportation, as against a foreign country, with very much cheaper water transportation.

Mr. WILLIAMS. I am not talking now about a low rate.

Mr. McCUMBER. I fully comprehend the Senator's question, and I will answer it in full.

Mr. WILLIAMS. I am asking the Senator this question——

Mr. McCUMBER. I heard the question.

Mr. WILLIAMS. Will the Senator contend that the ill-situated factories in the United States ought to be protected at the cost of the American consumer in order that they may continue to exist at a profit to themselves in business, although ill situated?

Mr. McCUMBER. Is the Senator ready for my answer?

Mr. WILLIAMS. Yes, sir.

Mr. McCUMBER. My answer is, Mr. President, as I stated before, that I do not approve a tariff policy that will maintain a very small percentage of manufacturers who can produce only at a high cost; but, on the other hand, I will not select a single concern in the United States that can produce, because of its situation and capital and otherwise, more cheaply than all of the others, and make its cost of production the standard for duties, and thereby discriminate against all other manufacturers.

Mr. WILLIAMS. Now, Mr. President, one more question.

Mr. McCUMBER. If I did that I simply would destroy all of the others and I would create a monopoly of the one.

Mr. WILLIAMS. Suppose, in connection with the factories in a given industry, you ascertain that a majority of them are ill situated, would you vote to maintain that majority of that particular industry in control of the American market at the expense of the American consumer?

Mr. McCUMBER. Not if they were ill situated according to my view, but the Senator's view and mine might differ very radically. The Senator might hold that they were ill situated, for instance, in the steel industry if they were not as well situated as the Steel Trust——

Mr. WILLIAMS. I did not ask the Senator to answer the question according to my view but according to his. If, according to the Senator's view, a majority of the people engaged in the particular industry were ill situated, would he maintain them in business by the taxing power of the United States at the expense of the American consumer?

Mr. McCUMBER. No, Mr. President; and no one else would. I have enough confidence, and I think the Senator has, in the average intelligence of American manufacturers to believe that they will not, as a rule, establish their concerns in an ill-situated place, but they will be established as near as possible to the centers of trade, and as near as practicable to raw material used, to get the very best results.

Mr. WILLIAMS. Mr. President, I understood the Senator as quoting the so-called testimony of a so-called witness to the effect that a given duty might be sufficient for a few well-situated factories, but would not be sufficient for the other factories engaged in that business in the United States. If I correctly understood the Senator, he was quoting the language of a witness who had made the assertion of a fact the Senator has just assented could not be possible, to wit, that a majority of the manufacturers engaged in a given business would be ill situated.

Mr. McCUMBER. Oh, no, Mr President. Because one manufacturer is very favorably situated it does not mean that all other manufacturers who are not so favorably situated are ill situated. The company that has its iron ore and its coal and its lime and everything else that they may need at its very doors is certainly better situated than the company which has to import its ores or the company which has to haul its coal or ore a great distance. Yet I would not put out of business the other company because it was not as well situated nor would I believe in any character of a tariff rate that would take only one, two, or three, or whatever might be the number, of those who are most favorably situated for economical production and base my tariff rates upon the cost of their production.

Mr. WILLIAMS. Mr. President, I may possibly have misunderstood what the Senator said or rather what he quoted, but if I caught it aright I did not hear that the so-called witness Butler in his so-called testimony said one word about one industry. If I heard it aright he said some of these industries, and contrasted them with a great many more.

Of course, I see the drift of the Senator's remarks. He is trying to fasten this entire discussion upon the Steel Trust, a trust which by the way has been fed very largely by the theories of taxation to which the Senator is addicted and would have been starved to death long ago if my theories could have prevailed.

I am trying to bring it down to the so-called testimony of the so-called witness Butler just as the Senator quoted it. I would be glad if the Senator would not leave the so-called testimony of the so-called witness Butler to go back to the Steel Trust every time we talk of it.

Mr. McCUMBER. Does the Senator also mean the so-called Steel Trust?

Mr. WILLIAMS. No; it is the real trust this time, not so-called at all. It has immense influences, and it has behind it the reenforced power of a distinguished ex-President of the United States, and its evil workings have been materially avoided under the incumbency of the present President of the United States.

I have never discovered so far that the gentlemen of the school of politics to which the Senator from North Dakota belongs have ever attempted to interfere with the Steel Trust to any particular extent, or if they have the Steel Trust has not found it out, or if the Steel Trust in its inner arcanum has found it, Gary and Perkins have not.

I was asking about the so-called testimony of the so-called witness Butler in connection with the real question that we were discussing a moment ago. If I understood what the Senator quoted from Mr. Butler, he said that this duty might be sufficient for a few of these industries, but it would be utterly insufficient for a majority of them. If he said that and then contradistinguished the two from one another by saying that some of them were ill situated and some were well situated, he made the assertion which the Senator from North Dakota says is an absurdity, to wit, that a majority of the manufacturers engaged in a given industry could have selected ill-situated localities and environments or surroundings.

Mr. McCUMBER. All right, Mr. President; if the Senator has construed the words "not as well situated" to be "ill situated," of course he can base any character of argument upon that proposition he chooses.

Mr. WILLIAMS. Mr. President, if somebody were to come in and say that I was not as well furnished with personal pulchritude as the Senator from North Dakota, which they might very well say, of course they would mean that in comparison with the Senator from North Dakota I was ill situated with regard to personal pulchritude. I can not see any difference.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. Mr. President, I do not care about the discussion of the so-called trust and the so-called testimony of a so-called witness or what a so-called Republican President has done or failed to do or what a so-called Democratic President by the name of Cleveland also failed to do or what he did do.

Mr. WILLIAMS. I hope the Senator——

Mr. McCUMBER. I scarcely think it is appropriate to the discussion at hand. I did not observe that either the Democratic Party or the President of that party was very vigorous in its attempt to destroy the trusts, which were already well under way while that party had control of the Government.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. But I must admit, Mr. President, that the subject is rather remote from the one under discussion.

Mr. WILLIAMS. Mr. President, one moment. I hope the Senator from North Dakota will not put me before the country in the attitude of referring to the ex-President as the so-called ex-President or the present President as the so-called President. They are both in very real presence before the American people to-day, accusing one another of all sorts of things, and not only doing that but proving many of their respective assertions, too. They are actual realities; they are not so called, and I was not terming either one of them so called. They are genuine evils.

Mr. CUMMINS. If not disagreeable to the Senator from North Dakota to return to the subject, I want to remind him that Mr. Butler was in error when he said that the report of the Commissioner of Corporations was based upon a small production of pig iron or upon the production of a large company. The table that I used the other day——

Mr. McCUMBER. He did not say either. I will repeat Mr. Butler's testimony if the Senator wishes.

Mr. CUMMINS. Very well; I would be glad to have that done.

Mr. McCUMBER. After referring to the $14, he says that this figure is based on the cost as derived from books of companies where plants are more economically situated than those of smaller companies. The cost of the latter companies would be over $15 per ton in the United States.

Mr. CUMMINS. The cost to which I have referred, and to which I did pay some attention the other day, is a cost derived from an examination of the production of 66,000,000 tons of pig iron during the four years from 1902 to 1906. Will the Senator from North Dakota state how much pig iron was produced in the United States in those four years?

Mr. McCUMBER. I have not the figures. I have the figures of our production for the year 1911, if the Senator wishes that.

Mr. CUMMINS. Very well; if the Senator has not the figures at hand. I think he will find this table covers from 80 to 90 per cent of the entire production of those years.

Mr. McCUMBER. For the year 1911 they are all quoted—pig iron, ferromanganese, ferrosilicon, in one bracket—and they are quoted, I notice, at 27,303,567 tons.

Mr. CUMMINS. In the first place, the production has almost doubled since that time; at least it has been one-third. The 66,000,000 tons under consideration by Mr. Smith, Commissioner of Corporations, as I remember it, will be found to be 90 per cent or more of all the pig iron produced in the United States during the period of examination. So his conclusions must be about fair.

It will not do to say that there were some very small companies not included within his examinations which would increase the general cost. More than that, Mr. Butler only pays attention in his evidence—and I am perfectly willing to call it evidence—to the highest cost, and therefore the highest-priced pig iron. He does not mention that there is a very great quantity of pig iron produced in this country for less than $9 per ton.

Mr. McCUMBER. I presume he is talking of that pig iron from which the steel rails, and so forth, are made. He says the cost to the latter companies would be over $15 per ton. The difference is not so wonderfully great between $14 and about $15 per ton. I would not feel like discriminating against a great number of manufacturers who can come within a dollar a ton on a basis of $14 and $15 of some other company, especially when I consider it in the light of other evidence as to the cost of the same article in foreign countries.

Mr. CUMMINS. Would the Senator from North Dakota, if he found that 90 per cent of the pig iron produced in our country cost $14 a ton, assess a duty to protect, if you please, or preserve the 10 per cent the production of which might cost $15 per ton?

Mr. McCUMBER. Scarcely.

Mr. CUMMINS. The answer is just what I would have expected from the Senator from North Dakota. It is a frank, candid answer.

Mr. McCUMBER. This $15 per ton is based upon the testimony of this witness as to the cost of production in the eastern division. If we take this eastern division at $15 per ton, and the foreign cost approximately at $10 per ton, there would be a difference of $5 per ton in favor of the foreigner. Now, compare this cost with the Cleveland district in England, of $9.48 per ton, and the Luxemburg-Loraine district in Germany, at $8.71 per ton. If, therefore, the wholesale prices correspond with the comparative cost of production in the two countries, it would require a 50 per cent ad valorem duty to balance the difference in the cost of the production.

I am willing to make all proper allowances. I will assume that it costs considerably more in foreign countries than is given in the figures that are printed here—$9.48 or $8.71 in England and in Germany, respectively. But we have the further testimony that, at least, they can convert pig iron into rails and can produce those rails for from $18 to $19 per ton.

Mr. CUMMINS. I know the Senator from North Dakota wants to be accurate. He speaks of the Cleveland pig iron, produced in the Cleveland district in England. Now, in the same district there is produced a pig iron known as hematite, which is the same kind of pig iron that is produced in this country at $14 per ton.

Mr. McCUMBER. That is what I understand.

Mr. CUMMINS. The Cleveland pig iron is produced at about $9 abroad, which is parallel to our southern or foundry pig iron in this country.

Mr. McCUMBER. And which the Senator contends is not ordinarily made into rails.

Mr. CUMMINS. That kind of pig iron is not ordinarily, and it could never, without great expense, be converted into steel rails.

Mr. McCUMBER. How about the Luxemburg pig iron? I understand that is converted into rails?

Mr. CUMMINS. There is in the Luxemburg district a quality of pig iron manufactured which is fit to be manufactured into steel rails.

Mr. McCUMBER. And it is a quality that costs in its production only about $8.71 a ton.

Mr. CUMMINS. I do not agree to that.

Mr. McCUMBER. Our general disagreements, as I observed before, are on questions of evidence rather than of policy.

Now, I want to give the testimony of Mr. Peckitt, representing the Empire Steel & Iron Co. He says that "No. 3 Middlesboro pig to-day is selling at 49 shillings cash, or approximately $14.72 f. o. b. either Philadelphia or New York."

That means the cost of production in England, plus the profit of the producer and plus the freight and plus the tariff, and with all those it is laid down at these points at $14.72 per ton. If you deduct the tariff of $2.50 per ton, freight $1.50, you would have the selling price in England at about $10 per ton, while it is admitted that our production cost is over $14 per ton.

Mr. Butler further says that ocean freight on pig iron is very variable. There are frequently times when pig iron is welcomed at merely ballast rates. Ocean freights seldom exceed $1.60 per ton. Freight rates from foreign works to port hardly exceed 90 cents per ton.

Those freight rates cover, we will say, $2.50 difference in cost, leaving at least $2.50 which should be covered by a protective duty. That is the duty under the Payne-Aldrich bill. The duty under the proposed bill would be probably less than $1 per ton. Even the present rates do not measure ordinarily the actual difference in the cost of producing and placing pig iron at the points of consumption in the United States. We are able to hold our trade under present duties, even laboring under this disadvantage, because of the close proximity of our productive to our consuming centers and our ability to anticipate before the foreigner can the demand in any section and the shorter period required by us to make delivery.

Under our present rates of duty, of course, it is impossible for us to compete with the foreigner in pig iron on the Pacific coast. Mr. Schwab testified that he buys pig iron in China for

Pacific coast use; that he can not use pig iron manufactured East on account of the freight rates across the continent; that to ship across to the Pacific coast costs from $8 to $9 per ton; that Germany crosses the ocean with her product as cheaply as we can ship 100 miles by rail; that it costs us about as much in freight to put pig iron or steel into New York as it costs Belgium in freight to put these articles into the same city; that we must use American bottoms for carrying freight from ocean to ocean, and we are laboring under a disadvantage of nearly double in freight by water what it costs the foreigner by water; that we can not compete with Germany in Argentina or in Brazil even if we sell at cost; and that Germany gets especially low rates on railroads and canals in all cases of exports. Then, speaking of the expense of manufacturing pig-iron billets, Mr. Schwab says that pig iron from Hankow, China, can be made for $7.50 a ton, and they make pig iron in Luxemburg for $8.50 and $9 per ton. This, Mr. President, is the particular character of pig iron which he says can be and is being converted into steel.

The cost of manufacturing pig iron in seven districts in the United States and in Germany and in England is shown by the evidence in the following table on this subject, and I ask that it be inserted as a part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The table referred to is as follows:

Condensed cost of manufacturing pig iron in the seven districts of the United States and in Germany and England.

Eastern Pennsylvania	$18.79
Buffalo	16.45
Southern Ohio	16.44
Mahoning and Shenango Valleys	16.50
Middle West	16.10
Virginia	14.37
Alabama and Tennessee	12.00
Germany	9.42
England	9.48

Mr. McCUMBER. Mr. President, that is the testimony that is given before the Committee on Finance and the evidence upon which we must base our findings.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield, Mr. President.

Mr. CUMMINS. How does the Senator from North Dakota reconcile the statements of Mr. Schwab with the fact that the importations of pig iron during the year 1911 were made upon a foreign value of $16 a ton?

Mr. McCUMBER. I do not see that that in any way conflicts with the conclusion as given by the witness.

Mr. CUMMINS. He says the cost of pig iron in Germany is $8 a ton, practically, and in England $9 a ton. We imported a little pig iron in the last year, including some from China, but the average foreign value—that is, the price that we paid for this pig iron abroad during the last year—was $15.97 per ton.

Mr. McCUMBER. Oh, Mr. President, there are many reasons why during the last year, and possibly for the last two years, there has been very little pig iron imported into the United States and very little of the ordinary heavy steel. There is a great demand in both Germany and in England for those steel products. The little that they have sent over here I assume they have got very good prices for, and so much better prices that it justified them in shipping it over here rather than receiving the remuneration that they received under a good home demand.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I do.

Mr. CUMMINS. I am advised that there never was a year in which either Germany or England exported more iron and steel than last year.

Mr. McCUMBER. Oh, yes.

Mr. CUMMINS. The prices of pig iron in England during the last year have not been substantially above the average prices for five years.

Mr. McCUMBER. Mr. President, when I spoke of the home demand, of course I meant the demand for exportation from home. Everyone knows that at least 70, 80, or 90 per cent, probably, of the pig iron manufactured in both Germany and England is necessarily exported, but it is because of the demand at the exporting centers that they are able to receive good prices, and it is that which has enhanced the value of their product.

Mr. CUMMINS. I do not want to be misunderstood. The experts have not been so large in pig iron as in the finished product. It is not the policy of either Germany or of England to export their raw materials. Both try to manufacture those materials into finished products and to then export them.

Mr. McCUMBER. It pays them better to manufacture them into finished products than to export the raw material.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I do.

Mr. SIMMONS. Mr. President, I desire to interrupt the Senator only for a minute. The Senator has referred to the testimony of Mr. Butler. I think it is apparent from his testimony why Mr. Butler placed the cost of producing pig iron in the United States at the highest level—very much above the average when you take the average of the eastern Pennsylvania plants or the average of the southern plants; he placed it $4 higher than the average in the Birmingham district, but I do not complain of that so much as I do of the figures that he gives as representing the foreign cost. I have not been able to find in any publication any statement that corroborates his statement with reference to the cost of iron either in England or in Germany. It is true, as he says, that the cost of pig iron in the Cleveland district, where it is lower than anywhere else and everywhere else in Europe, I believe, is the figure that he gives; but Mr. Pepper in his report averaging the cost in Europe—and I assume that Mr. Butler was attempting to average the cost in the United States—averaging the cost of pig iron in England, puts the average cost in the Cleveland district at $9.92 and in the hematite district at $13.45; and averaging the cost in Germany, he puts the cost at Dortmund at from $13.57 to $14.28. Mr. Butler quotes the Luxemburg price, and I believe he gives it at $8.71, while Mr. Pepper, giving the average in the Luxemburg district, gives it at from $12.38 to $12.61.

Mr. McCUMBER. That is true. I am not denying that our competition must be with the lower priced article.

I now pass to paragraph 2, slabs, blooms, bar iron, muck bars, and so forth. The present ad valorem duty on those articles runs from 15.45 per cent to 26.37 per cent, while the proposed duty is 10 per cent, less than half of the present duty. We imported last year into the United States of these articles, in pounds, 70,720,941, of the value of $1,351,953. We collected duties thereon of $251,953. Those heavy importations show that there was a fair competition when we had a rate ranging from 15½ to 26½ per cent. To reduce these duties over 50 per cent is certainly a startling proposition and may well cause consternation. Let us take the testimony of Mr. Pigott, of Seattle, Wash. He says:

Bar iron, up to the present time, for a period of several years has cost us $30 a ton to manufacture. The labor would be about $7.50 a ton. It costs in labor in the foreign country about $3 per ton, and the difference is about $4 per ton in labor alone.

Mr. Pigott also says that under present conditions Germany takes one-half of the American trade in San Francisco in bar iron, and that if the tariff were reduced to 10 per cent ad valorem it would be impossible for them to operate their mills.

Mr. President, of course it is very easy to deny these propositions and to say, "Oh, we think you could continue." The direct testimody of those who testified as experts shows that they could not continue in business with this reduction.

Following the evidence further, we have the testimony of Mr. William M. Measey, of Philadelphia. He said:

The last reduction in the duty on this product has served to prevent the company in which I am interested from making any proper return on the investment; any further reduction would make it impossible to continue business. It would not bring about a failure of the company, because its financial position is strong, but it would serve to entirely destroy the value of property representing a large investment, which it would be necessary to abandon, and which would thereby be rendered practically worthless.

In the light of this testimony I must hesitate before agreeing to such a great reduction, a reduction which I fear is an abandonment of the protective policy of the Republican Party.

This testimony, Mr. President, stands uncontradicted, at least in the testimony before the Committee on Finance. Mr. Pigott, speaking of the Pacific coast trade, says:

I have been in the business 10 years and never got a dollar out of it. We have a hard struggle there, and we need the protection that other institutions have secured to enable them to build up their industries; and if this duty is reduced to 10 per cent ad valorem, we can not, under the conditions on the Pacific coast, manufacture steel as cheaply as the foreigner can lay it down at our doors and our mills at a profit. That is all there is to it.

All of this evidence raises a danger signal demanding the attention of every prudent legislator.

Taking the next paragraph, beams, girders, and other structural iron, the present duty amounts to 30.56 per cent, while the proposed ad valorem duty is 15 per cent. Everywhere in the bill there seems to be a desire simply to cut the duty in the middle without any investigation. That, in my opinion, is equivalent to turning the entire western trade in those particular articles over to Germany. The Germans secured half of it already.

Paragraph 7, railway bars and T rails. The present duty is 15.34 per cent, not a heavy duty, while the proposed ad valorem duty is 10 per cent. Our imports in that particular line are, of course, negligible. Mr. Schwab says, concerning this paragraph:

I testified before the Ways and Means Committee, and I see no reason to change my estimate, that it cost to produce a ton of steel rails from $22 to $23 per ton, and that it costs in Germany from $18 to $19 per ton.

The 15½ per cent is not, I repeat, an excessive duty, and lowering it one-third—reducing it to 10 per cent—may under certain conditions disastrously affect our manufacture of these products. He further says:

The cheapest pig iron made in Germany is made at Luxemburg. They make pig iron there at, I know, $8.50 and $9 a ton, and I know that can be converted into rails at $10 more. That is the way I arrive at what the cost is there.

If the wholesale prices correspond with the cost of manufacture, it would require over 20 per cent ad valorem duty to equalize the cost in Germany with the cost in the United States. That is more than the present duty; but I believe that we sell closer here than the Germans do, and the fact that we are near to our field of consumption would enable us to sell in the face of German competition even if the difference in the cost of production was not exactly equalized by the tariff rate.

If we are able to compete upon the basis of these estimates of cost of production, it is because of our proximity to the field of consumption and our acquaintance with the markets and demands.

We exported during the year ending June 30, 1911, of these materials $11,377,444.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. In a moment; when I finish this paragraph.

The wholesale market value per unit at the port of exportation in the United States was $20.07. That was probably lower than the average selling price in the United States. The wholesale market value per unit in the principal markets of the Old World at point of exportation, $25.56.

So, whether we take the wholesale prices or whether we take the cost of production, 20 per cent will not measure the full difference, and yet we propose to cut the duty down to 10 per cent.

I now yield to the Senator from North Carolina.

Mr. SIMMONS. I understood the Senator a little while ago, in discussing the importations of bar iron upon the Pacific coast, to read from the testimony of Mr. Pigott.

Mr. McCUMBER. I read from the testimony of Mr. Pigott some time ago.

Mr. SIMMONS. I was not able to find it immediately, but I have found it now, and if the Senator has no objection I should like to read from Mr. Pigott's testimony with regard to that.

Mr. McCUMBER. The Senator does not wish to read it all, does he?

Mr. SIMMONS. I do not understand the Senator.

Mr. McCUMBER. How long is the excerpt which the Senator wishes to introduce?

Mr. SIMMONS. It is a little less than a page of the hearing, but I will not encumber the Senator's speech if he objects.

Mr. McCUMBER. If it will be just as satisfactory to the Senator, I wish he would put it in at the end. I have many tables here, and I want to get through this afternoon.

Mr. SIMMONS. I will put it in, with the permission of the Senator; but I will state briefly, if the Senator will permit me——

Mr. McCUMBER. Certainly.

Mr. SIMMONS. The substance of that part of Mr. Pigott's testimony to which I desire to call attention. Mr. Pigott spoke about the disadvantages that we are under on the Pacific coast with reference to bar iron as against Belgium and certain other European countries. He fixed the average freight on bar iron to the Pacific coast at $5 a ton. He also said that the entire labor cost of producing this iron was $7.50; that it cost about twice as much here as it did abroad, making the difference in labor cost here and abroad a little over $3, as he testified. Then he was asked the question if he did not say that the average freight was $5 and the difference in labor cost was $3.50, so that the net result would be an advantage in favor of the American producer of about $1 or $1.50 a ton, and he answered that that was true.

Mr. McCUMBER. There was some controversy, as I recall—I was present when that testimony was taken—as to its meaning, but I do not desire to go into that at this time.

Mr. SIMMONS. With the permission of the Senator, I will put in the RECORD the testimony to which I have referred.

Mr. McCUMBER. Certainly.

The matter referred to is as follows:

Senator SIMMONS. What is the labor cost of producing bar iron on the Pacific coast?

Mr. PIGOTT. The common labor, Senator, is, I would judge, about 10 to 15 per cent higher than it is in the East here. But the skilled labor is practically the same. We pay the same wages.

Senator SIMMONS. What I want to get at, for the benefit of the committee, is the total labor cost of producing a ton of bar iron on the Pacific coast, where your factory is. What does it cost you?

Mr. PIGOTT. We figure at the present time that our labor cost enters into the production of a ton of bar steel to the extent of about 25 per cent.

Senator SIMMONS. How much is that in dollars and cents?

Mr. PIGOTT. Bar iron, up to the present time, for a period of several years has cost us $30 a ton to manufacture. The labor would be about $7.50 a ton.

Senator SIMMONS. What is the difference, in your judgment, in the labor cost of producing a ton of that material in the countries that compete with you? It costs you seven dollars and some cents here; what does it cost there, to the best of your information?

Mr. PIGOTT. About one-half.

Senator SIMMONS. Then it costs about $3 there?

Mr. PIGOTT. About $4.

Senator SIMMONS. Then the difference is about $4?

Mr. PIGOTT. Yes, sir.

Senator SIMMONS. And you say the freight to the Pacific coast is $5?

Mr. PIGOTT. Yes.

Senator SIMMONS. Then you would have a dollar advantage on the freight alone?

Mr. PIGOTT. I did not quite catch that.

Senator SIMMONS. You said the labor cost here was something over $7, and in Europe it was about half that amount. You estimated a difference of about $4; it costs about $4 more here than there. Now, I understood you to say a little while ago that the average freight rate was about $5 a ton.

Mr. PIGOTT. Yes, sir.

Senator SIMMONS. So that you have an advantage of a dollar a ton, offsetting the difference of the labor cost by the difference in freight.

Mr. PIGOTT. The average freight rate by steamer is $5 a ton, when you ship by steamer.

Senator SIMMONS. But a little while ago you said some came in by sailing vessels at $2.50, and some came in steamers, costing about $6, or something like that; and then I asked you to average it, and you said the average would be about $5.

Mr. PIGOTT. That is as far as the protection would be on freight and labor. I should think that would be about correct.

Mr. McCUMBER. Mr. Schwab further states that the ocean freight from Germany in foreign bottoms is as low as our freight 100 miles inland to get down to the coast.

He also says that Germany ships to America for from $1.75 to $2 a ton. We pay, from Bethlehem to New York, 90 miles, $1.50 per ton.

Speaking of the disastrous results of this proposed reduction, Mr. Schwab says:

My point is this: My interest in the Bethlehem Steel Co. is not essential or necessary to me personally. I have no heirs and I have no children to whom to leave it. My chief desire and chief pleasure in life has been to take this industry and build it into a great and successful thing—a great successful works. I have not taken a penny out of it. But I do not mind saying—and saying with all the earnestness I know how—that if this bill passes I shall drop it and any further interest in it. It is not possible to make it successful.

Senators can take that for exactly what it is worth.

I now come to anvils, which are covered by paragraph 17.

The present ad valorem duty is 31.95 per cent, while the proposed ad valorem duty is 15 per cent.

Mr. Vorhees, representing Columbus Forge & Iron Co., says that under the Dingley law imported anvils were laid down at our seaports in the United States at from one-half to three-fourths cent per pound less than American manufacturers can sell, allowing fair profit to manufacture. Under the Payne-Aldrich bill, imported anvils came into our seaports at about 1 cent less per pound than American manufacturers could produce wrought anvils at a fair profit. Freight on Swedish cast-steel anvils from Stockholm to New Orleans, 30 cents per hundred pounds; from New York to New Orleans, 40 cents per hundred pounds.

It costs more in freight from New York to New Orleans than it does from Sweden to New Orleans, and yet in spite of their cheaper production we are not only to be deprived of the present protection duty of nearly 32 per cent, but that is to be reduced to 15 per cent, which affords no adequate protection. In my opinion it will be equivalent to turning over the trade to the foreign countries, provided there is a fair degree of certainty that it will be left in that condition long enough for the foreign countries to manufacture to supply the demand.

Paragraph 24 covers chains. The present ad valorem duty ranges from 22.39 to 53.38 per cent. The proposed duty is 20 per cent. We imported last year 1,146,598 pounds of the value of $70,542.

Mr. Woodhouse, representing Woodhouse Chain Works, submits a table showing foreign selling price and American cost price of chains. Now, mark you, this is the foreign selling price, not the foreign production cost, and our production cost, because we are unable to get the figures showing the cost of

production to the foreign producer. After making proper allowance for profit it is probable that the foreign cost compared with American cost would be as 5 to 7. It would therefore require a duty of about 40 per cent to equal the difference in cost, whereas the proposed duty is but 20 per cent, or one-half of that requirement.

I ask leave to insert at this point a table bearing on this matter. I want first, however, to call attention to a few of the items. In the case of chain 2 inches and larger per hundred pounds the average foreign selling price is $2.80, while the American production cost is $3.66; on chain less than 2 inches, but not less than thirteen-sixteenths of an inch, the foreign selling price is $3, while the average American production cost is $4.20.

On chain less than thirteen-sixteenths of an inch the foreign selling price is $4.17, while the American production cost is $7.25. I have followed that out far enough to show clearly that 20 per cent will not equal the difference in the cost of production in this country and abroad. I now ask permission that the table may be inserted as part of my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

CHAINS—IRON OR STEEL.

The following tables are made up by comparing the average of actual English or foreign selling prices f. o. b. Liverpool as compared with the actual average cost of American manufacturers delivered to New York City in both instances. American costs given do not, however, include any profit whatever. American costs compared with foreign selling prices are in each case figured on the same sizes in each group and are, as the Ways and Means Committee requested, selling prices ruling on English chain during 1907, and the American costs are the costs for 1907:

Size chain (per 112 pounds).	Per 100 pounds f. o. b. Liverpool.	Per 100 pounds New York. Average foreign selling price f. o. b.	Per 100 pounds New York. Average American cost.
2 inches and larger	13/-	[illegible]	
Freight, insurance, and wharfage		.18	
Proposed duty, ¼ cent per pound or 30 per cent ad valorem		.87½	
		3.85½	[illegible]
Less than 2 inches but not less than 13/16 inch	14/-	[illegible]	
Freight, insurance, and wharfage		.20	
Proposed duty, 1 cent per pound or 40 per cent ad valorem		1.20	
		4.40	[illegible]
Less than 13/16 inch but not less than 11/16 inch	19/5½	4.17	
Freight, insurance, and wharfage		.20	
Proposed duty, 1½ cents per pound or 60 per cent ad valorem		[illegible]	
		6.87	7.25
Less than 11/16 inch but not less than ½ inch	30/4	[illegible]	
Freight, insurance, and wharfage		.22	
Proposed duty, 2 cents per pound or 60 per cent ad valorem		3.90	
		[illegible]	11.55

Size chain (per 100 pounds).	Per 100 pounds f. o. b. foreign point of shipment at [illegible].	Foreign selling price per 100 pounds.	American cost per 100 pounds
Less than ¼ inch chain of any description containing not more than 12 links per foot	$3.08		
Freight, insurance, and wharfage	.18	[illegible]	[illegible]
Proposed duty 3 cents	[illegible]		
Average weight per 100 feet, 25 pounds	[illegible]		
Sizes 2/0 to No. 2, freight, insurance, and wharfage	.25	[illegible]	10.60
Proposed duty 3 cents per pound or 60 per cent ad valorem	1.50		
Less than ¼ inch chain of any description containing more than 12 links per foot:			
Average weight per 100 feet, sizes 2/0 to No. 2, 28 pounds	11.00		
Freight, insurance, and wharfage	.25	11.15	[illegible]
Proposed duty 5 cents per pound or 90 per cent ad valorem	9.00		

Mr. McCUMBER. The Lefever Arms Co., of Syracuse, N. Y., say that anything less than 50 per cent ad valorem on chains means the failure and abandonment of bicycle and automatic-chain industry in the United States. This is a very important portion of the chain-making industry.

Eli Atwood, representing Lebanon Chain Works, says that if this duty is taken off it will be impossible for them to live under present conditions. And yet, without any investigation of its effect, the House has cut the duty one-half.

The next important paragraph is No. 26: Cutlery, and so forth. The present ad valorem duty is 65.70 per cent; the proposed duty is 35 per cent, or about one-half the present rate. The value of imports is $1,923,823, and the duty collected, $1,263,974.

We not only now propose by this reduction to surrender a large portion of that income, but necessarily either to reduce the wages of American labor or else close the American shops.

What is the comparative cost of production of cutlery in this and foreign countries?

Mr. Dickinson, representing Beckton, Dickinson & Co., estimates that cutlery costing $8.80 to manufacture in America would cost $4.40 in Germany.

Dwight, Devine & Co. gives a table of cost of production and selling prices of American and German pocketknives.

I will call attention to a few of the items, and then ask that the entire table be printed as part of my remarks. These figures represent foreign values and American cost of pocketknives. On grade No. 2 the producing cost of the American patterns is $3.10, while the foreign value of similar German patterns is $1.25. In the case of No. 7, the American cost is $5.30, while the German selling price is $1.25, and so on.

I now ask to insert the table in my remarks without reading.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

Exhibit American and German pocketknives.

COST AND SELLING PRICES.

American patterns.	Stag, No. 2.	Stag, No. 7.	Pearl, No. 8.	Averages.	Single knife averages.	Per cent of retail price.
Labor cost, per dozen	$1.91	[illegible]	$4.10	$3.15	$0.26	22½
Material, cost	.57	.78	[illegible]	1.48	.12	10
Factory expense cost	[illegible]	1.06	1.79	1.16	.10	8½
Total factory cost	[illegible]	5.30	8.97	5.79	.48	41½
Factory profit	[illegible]	.45	1.03	[illegible]	.03	4½
Factory selling price	[illegible]	5.75	10.00	6.38	.53	45½
Dealers' expenses and profit	[illegible]	6.25	11.00	7.62	.63	54½
Retail price	[illegible]	12.00	21.00	14.00	1.16	100
Per cent labor to flat cost	.79	.51	.57			
Per cent material to flat cost	.21	.19	.43			

Knives made in Germany.	Stag, No. 12.	Stag, No. 17.	Pearl, No. 18.	Averages.	Single knife averages.	Per cent of retail price.
Foreign value	[illegible]	$1.25	[illegible]	$1.83	$0.15	18
Duty	1.10	1.10	[illegible]	1.53	.13	15
Importing expenses, duty	1.25	1.25	2.79	1.72	.14	17
Landed values	[illegible]	[illegible]	2.79	3.55	.29	35
Importers' gross profit	.52	.52	1.56	.86	.07	8½
Importers' selling price	3.00	3.00	7.25	4.42	.36	43
Dealers' expenses and profits	[illegible]	[illegible]	7.25	5.58	.47	56½
Retail	6.00	6.00	15.00	10.00	.83	100

Mr. McCUMBER. From this table it will be observed that a class of knives costing $5.79 in the United States will cost in Germany $1.83; that the single knife, averaging 48 cents in the United States, will cost in Germany 15 cents; and yet this bill seeks to cut the duty from 65 per cent to 35 per cent, although 65 per cent does not measure the actual difference between the selling price in Germany and the cost of production in the United States. And it purposes to either maintain the same amount of income from duties on cutlery by increasing the importations, and thereby decreasing the American production and American earnings, or reduce our income from this source.

In the manufacture of razors Max Schaschepen, representing Robeson Cutlery Co., referring to wages says: "An expert razor man might make here $4 a day and there from $1 to $1.50."

A petition furnished by the cutlery companies of Massachusetts, New York, and Pennsylvania gives the following table of wages in the United States and Germany:

	Weekly wages paid in Germany.	Weekly wages paid in the United States.
Forgers	$4.30-$7.00	$15.00-$21.00
Dry grinders	4.30- 5.70	12.00- 18.00
Hardeners and temperers	4.30- 6.00	15.00- 21.00
Concavers	4.30- 9.00	16.00- 24.00
Polishers	4.30- 5.70	12.00- 18.00
Razor-handle makers	4.30- 5.00	9.00- 15.00

Mr. Curtis, of Meriden, Conn., manufacturing table cutlery, gives the American and German wages as follows:

The average wage paid in this country is from $18 to $21 a week for what we call cutlers, men who understand the business, intelligent men; and in Germany, as near as I can learn, it is from $9 to $12, not over $12.

The cost of production is shown in the following table:

Razor No. 3.

German cost:	
M 8:40	$1.0992
American cost:	
Steel material	0.20
Handle material	.55
Forging, hardening, ready to grind	.31
Grinding, polishing, etching	2.30
Honing, handling, packing	.39
Total	3.75

Razor No. 4.

German cost:	
M 12:60	$2.9998
American cost:	
Steel material	0.20
Handle material	.55
Forging, hardening, tempering, ready to grind	.31
Grinding, polishing, etching	3.34
Honing, handling, packing	.44
Total	4.84

Razor No. 5.

German cost:	
M 13:80	$3.2844
American cost:	
Steel material	0.20
Handle material	.75
Forging, hardening, tempering, ready to grind	.33
Grinding, polishing, stamping	4.28
Honing, handling, packing	.46
Total	6.02

NOTE.—It will be seen by the above on razor No. 1 (of which there were imported during the year ending June 30, 1911, 109,329 dozen) that it is impossible for the American manufacturer to even make any effort to secure business under this classification.

It will be observed by this table that razors of class No. 3 cost the German $1.99 per dozen, the American $3.75 per dozen.

Class No. 4 costs the German $2.99 per dozen, the American $4.84 per dozen.

Class No. 5 costs the German $3.28 per dozen, the American $6.02 per dozen.

The American cost is nearly double the German cost, and yet, having now only 65 per cent, this bill proposes a cut to 35 per cent.

Speaking of the disastrous results, Mr. Rockwell, representing the Miller Bros. Cutlery Co., says that if the rate is reduced to 35 per cent, the result upon their business would be to practically wipe it out.

Maybe all of these witnesses are simply so-called witnesses and their testimony is only so-called testimony, but I believe that this so-called testimony is as near accurate as we are liable to secure, and I further believe that if we reduce the duty to less than one-third the actual difference in the cost of production at home and abroad it must necessarily work disaster to the American manufacturer.

The next paragraph which I shall consider relates to machine tools.

Mr. Grier, representing 225 machine-tool manufacturers, says that the percentage of material in a machine tool is equal to 27.2, leaving the cost of labor 62.8, and that the articles that enter into their product are protected in the Underwood bill from 10 to 25 per cent, whereas the finished article is put on the free list; that the foreigner would get ball bearings, which are used extensively in machine tools but do not bear a very great per cent in the total cost, 25 per cent cheaper than they could, because the rate of duty in the Underwood bill is 25 per cent. One million dollars worth of those ball bearings are now coming into this country annually.

The average wage paid machine operators in Munich, Saxony, Berlin, and Magdeburg per hour, 15 cents. Our price per hour, average of 67 tool concerns, 27.9 cents.

Mr. Grier submits the following table, furnished him by Alex Luchars, publisher of Machiner. This table was compiled in 1908, since which time, he states, wages in Europe have increased on an average of 10 per cent:

	Machinists.	Toolmakers.	Handy men.
FOREIGN.			
Italy	8 to 12	12 to 16	9 to 10
Switzerland	15	20	10 to 12
Germany. Munich	13	17	10
Saxony and the Rhine Valley	15	20	11 to 13
Berlin	14.5 to 17	19 to 22	11 to 13
Magdeburg	14.5	19	8.5 to 10
Great Britain	15.5	20	[illegible]
France	(1)	(1)	(1)
UNITED STATES.			
New York City	33	39 to 44	16 to 28
Philadelphia, Pa.	31 to 37	32	16
Providence, R. I.	26	28 to 35	18 to 25
Hartford, Conn.	32	37	20
Cleveland, Ohio	25 to 30	30 to 33	18 to 22
Cincinnati, Ohio	27	32	20 to 30
Milwaukee, Wis.	25 to 40	30 to 40	17½ to 25

[1] Machine tool industry still in its infancy.
[2] On piecework these rates may be increased 30 to 40 per cent.

PRINTING PRESSES.

I now take up printing presses.

Mr. Titsworth, of Plainfield, N. J., representing the Potter Printing Press Co., states that placing printing presses on the free list is a serious menace to an industry upon whose product 75 per cent to 80 per cent is expended for labor and 20 to 25 per cent for material. The material used is practically all subject to duty, 75 per cent being pig iron.

So far American manufacturers have not been able to compete with foreign manufacturers in markets of the world. Our Government reports give exports of printing presses from United States, in 1907, as $2,080,837; but it appears that the classification of printing presses in the report includes such other machines as are used in a printing office, as embossing presses, cutting and scoring presses, steel plate presses, bronzing machines, paper feeders, paper cutters, folding machines, gathering machines, printing-press accessories, and so forth. As an example, last year a foreign shipment was made of $15,000, all being classed as printing machinery—$4,000 was for a printing press; the rest was cognate machinery.

The foreign manufacturer now uses our improved tools or duplicates of them and has learned our latest and best methods of manufacture by introducing his men temporarily into our best equipped shops. This has given him all the advantage we possess of tools and methods plus the advantage of very low-priced labor of an average of 14 cents an hour in foreign countries as against our 37 cents.

Mr. Titsworth submits the following table showing comparison of wages paid in this and foreign countries:

The average rate of wages paid per hour to skilled labor by the printing-press manufacturers of the United States in comparison with the average rate per hour paid in foreign countries to the same class of skilled labor.

Countries.	Foremen.	Viscmen.	Lathe.	Milling machine.	Planers.	Drill.	Boring.	Grinding.
United States	$0.32½	$0.34	$0.34	$0.32	$0.25	$0.29½	$0.34	$0.30½
Belgium	.18	.13	.11	.06	.10	.07	.10	.11
Germany	.19	.16	.18	.14	.17	.14	.18	.15
France		.18	.15	.14	.14	.14		.17
Switzerland		.15	.13	.13	.13	.11		
Italy	.21	.14	.12	.12	.13	.12		
United Kingdom			.17	.17	.17			
Holland	.18	.10	.09	.09	.10		.09	.09

The average rate of wages paid per hour to skilled labor by the printing-press manufacturers of the United States in comparison with the average rate per hour paid in foreign countries to the same class of skilled labor—Continued.

Countries.	Erectors.	Pattern makers.	Carpenters.	Blacksmiths.	Molders.	Core makers.	Average.	Unskilled labor.
United States	$0.54	$0.46	$0.29½	$0.38	$0.37	$0.37	$0.37	$0.21
Belgium	.20	.17	.14	.18	.17	.14	.11	.06
Germany				.15			.16½	.12
France							.15½	.10
Switzerland							.13	.09
Italy							.14	
United Kingdom		.09½		.10	.09	.09	.17	
Holland							.11	

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I yield.

Mr. HITCHCOCK. The Senator from North Dakota is no doubt aware that a number of manufacturers of presses in the United States who were most prosperous and who, under the protection of American patents and American tariffs, made millions of dollars, have gone abroad and established their manufactories and are now making presses for foreign countries with the cheap labor to which he refers. That is to say, they use the American tariff laws and the American patent laws for the purpose of exacting excessive prices from American newspapers and users of presses, and then they have gone abroad and use the cheap labor there to complete and build up a foreign enterprise in a foreign country.

Mr. McCUMBER. Will the Senator tell me the name of any American company manufacturing presses abroad?

Mr. HITCHCOCK. R. Hoe & Co.

Mr. McCUMBER. I wish the Senator could have heard the testimony that was taken before the Finance Committee upon the question of exporting these machines to Germany and other countries. The Americans have taken a very advanced lead over all the nations of the world in getting out new machines, useful machines, in the matter of saving of time and expense. They were able to sell in Germany and in England as long as there was a demand for that character of press, not that they could manufacture it cheaper, but there was a demand for the higher class machine for a higher price. They sold a few of those machines. Then the German manufacturer comes on and imitates that machine, duplicates it, and the American manufacturer can no longer export and sell that character of machine.

In what is known as the stock-trade machines we have never been able to compete with the foreign manufacturers, and with the present progressive spirit in Germany especially I do not believe we will be able to keep very much in advance of them and continue to export machinery of a better class than they manufacture themselves. Those exports were not because we could manufacture certain machines cheaper, but because the foreigners were willing to pay a higher price for an advanced character of machine.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. CUMMINS. Does not the Senator from North Dakota think that we can keep just as far ahead of the rest of the world in the future as we have in the past, and if not, why?

Mr. McCUMBER. I will answer. I have never been one of those Americans who believe for a single moment that we were intellectually so much superior to all the other nations of the world. I believe it is opportunity that develops the American intellectuality. I believe it is the lack of opportunity that stunts the intellectual growth of some of the nations of the Old World. We have had this vast country to open up. We have had all these vast resources at our very feet. All we had to do was to develop them. With that wonderful opportunity before us for the last hundred years, we have been constantly placed in a position where there was a great demand upon our ability to produce machines, for instance, that would accomplish very much more in energy than could be accomplished by the small character of machines made in the old country or by human labor. I do not believe for one moment that when Hans, leaving Germany, coming over in the steerage, lands upon American soil, his intellectuality has changed to any extent, but that he is the same Dutchman who left the old country, and if he had had the same opportunities in the old country that he has here, I think he would have done exactly as well. It certainly so happens that when he comes to this country he advances just as rapidly as the old American stock.

We have on the great plains of Minnesota and the Dakotas and Nebraska a condition that demands the plow. We might have used the old plow that was used in Germany, and is still used in some Eastern States, but we found a more economic way to break and plow that land. We manufacture a traction engine which will take a dozen plows. If we put the German in close touch with those requirements he will be able to compete with us and he will advance his products just as rapidly as we.

If we so reduce our tariff that we can place the foreigner upon an exactly equal basis with the American in most of these great fields of opportunity, he will be able to meet the demand as well as the American will be able to meet it.

Mr. CUMMINS. The Senator's argument is contradictory with itself. He said a few moments ago that the Germans had copied our machines, and having learned from us how to manufacture them they could manufacture them more cheaply than we can. He now says that the Germans, introduced into this great opportunity, can keep pace with us.

I believe as the Senator from North Dakota has said that progress is the result of opportunity, and without it there can be no progress. But with this field closed to the foreigner by our tariff duties—nevertheless the foreigner has taken our machines and copied them, and, I have no doubt, can produce them more cheaply than we can. But I believe this same opportunity, which the Senator from North Dakota has so eloquently described and depicted, will lead the people who now enjoy it and to whom it is open to advance again, and allow those more or less unfortunate people abroad to again copy what we produce.

I am not willing to believe that the race of progress has fallen. I am not willing to believe we have reached the climax of human endeavor. While I have no sympathy with the bill which puts printing presses on the free list, yet it is nevertheless true that we do not import printing presses, but we do export them, and I am glad we can. But I want to preserve a duty on them in order to maintain the very opportunity that has been suggested by the Senator from North Dakota. But do not let us suppose that we have reached the end of all things, and that inasmuch as the people of other nations may copy what we have done, that, therefore, there is nothing in the future for us except to decay and deteriorate into a miserable and backward country.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I wish the Senator would wait a moment until I can answer the Senator from Iowa, and then I will yield.

Mr. President, the arguments of the Senator from North Dakota are not contradictory in the slightest degree. The argument of the Senator from North Dakota was that, giving the German the same opportunity and placing him in a position where he is brought face to face with our conditions and requirements, he will rise to the occasion and he will advance just as rapidly and meet the requirements as we will. That argument has been bolstered up instead of being thrown down by the statement of the Senator from Iowa. Bring the foreign manufacturer here by any kind of a free-trade process, bring him as close to the American market as the American is, and with his scientific investigation and with his cheap labor he will find a way to keep pace with these ever-advancing requirements, and advance just as rapidly as the American.

There is not the same incentive for the creation of labor-saving machinery in Germany, or at least there has not been in the past, as there has been in the United States, on account of our higher-priced labor; but as they are reaching out for the world's markets, and reaching successfully for them, they

will be able, I believe, to keep pace with us. We have no superior mortgage upon the future.

Mr. Page, representing E. W. Bliss Co., manufacturing machine tools, submits the following table showing comparative wages paid in Brooklyn and Paris:

Average wage paid per hour.

	Brooklyn.	Paris.
Machinists	$0.29 8/10	$0.17 1/10
Die makers	.36 7/10	.18 3/10
Blacksmiths	.37 7/10	.22 1/10
Laborers	.20	.11

Now, Mr. President, I want to take up the question of saws, and so forth. The present ad valorem duty under this paragraph, 37, is 24.30 per cent; the proposed duty is 12 per cent, or just one-half.

The United States produced, in 1910, $12,122,000.

Mr. Atkins, of the Atkins Saw Works, testifies that saws are not imported to any great extent, but the foreign product can be sold here for about the same price as the domestic.

The domestic competition at the present time is exceedingly keen, and with the protection we are able at present to keep out practically all foreign saws. The cost of the product put on the market has averaged for 13 years but 8 per cent less than the selling price.

Now, I ask candidly, can anyone complain when the selling price of a product for 13 years has been but 8 per cent more than the actual cost of production, and if there is no greater return on the investment than 8 per cent, is there any occasion for us to reduce the tariff so that there may be greater competition? I have here a table showing the wages paid laborers in producing saws in the United States and in France and Germany, and I will ask to introduce it as a part of my remarks:

Wages paid.

	France.	United States.
Sawsmiths	20 cents per hour	40 to 47½ cents per hour.
Filers	16 to 18 cents per hour	25 to 30 cents per hour.
Toothers	14 to 15 cents per hour	20 to 30 cents per hour.
Laborers	$1 per day	$1.75 per day.

Wages paid in United States to sawsmiths, per hour, 40 to 47½ cents. Same in Germany, per hour, 9.6 cents.

Mr. HITCHCOCK. I wish to ask the Senator if it is not a fact that the United States is a considerable exporter of saws to other countries.

Mr. McCUMBER. We export, I think, to Mexico; we export a few for the lumber industries in northwestern Canada. I think Canada, perhaps, takes the greater portion of our exports. There is good reason for that.

Mr. HITCHCOCK. Will the Senator allow me to state that the export of saws now amounts to more than a million dollars a year?

Mr. McCUMBER. All right.

Mr. HITCHCOCK. And there is practically no importation of saws. It is almost negligible—$55,000 worth.

I should like to ask the Senator this question: At what point would he be willing to reduce the tariff, if he is not willing to reduce it when it is sufficient to practically keep out all imports, and when the condition of the manufacture in this country is such that American manufacturers are exporting to other countries a considerable portion of what they make, and are selling that product in competition with the world, without any protective tariff—if he is not willing to reduce the tariff when such conditions exist, will he please state when he thinks an industry will be able to get along without this tax on the American people for its benefit?

Mr. McCUMBER. Here, again, is one of those occasions I mentioned awhile ago, that in fixing the rates of duty upon any article we should have something more before us than the mere cost of production at home and abroad. There are some articles where it probably would not make any difference whether we had any duty or not. There are certain sections of the country that we can reach on account of freight rates which a foreign country could not reach if we had no protection. There are some sections of an adjoining country, like Canada, that we can reach because of our proximity, our knowledge of their needs, and our freight rates, and we can sell to the people there because we can give immediate delivery, where they can not wait for their saws to be manufactured in some other country; and we may hold the Canadian trade, even though a foreign country could come in and take the New York or the New Orleans trade away from us.

Now, answering the other proposition of the Senator, I repeat that when a product is sold upon the American market under keen competition at a rate averaging, for 13 years, less than 8 per cent more than the cost of production, there is no occasion to take the chance of cutting that rate to see if we can get some saws from some other country to compete with our manufactures. We do not need competition if saws are sold that close. If we have close competition in our home markets, so as to make the selling price represent but a fair profit on the capital and labor employed, why do we want importations?

Mr. HITCHCOCK. Will the Senator suggest what testimony he relies upon when he says that these saws have for 13 years been sold for 8 per cent above their cost?

Mr. McCUMBER. I just read the testimony.

Mr. HITCHCOCK. Will he state what testimony it is? Is it disinterested testimony, or is it the result of an investigation by the Government, or is it testimony of a man who comes here asking that the tax be perpetuated upon the people for his benefit?

Mr. McCUMBER. The testimony is presumed to be correct, and it shifts the burden to the Senator to now establish that it is incorrect. After we have established by a man who testifies on honor that, having gone over the entire 13 years and having made a computation of the cost of the product and the selling price by the factories, the result is as I have stated, then I have no reason to disbelieve him because possibly he may be interested. The average man who uses a saw can not tell what it costs to manufacture it. The manufacturer can tell, and I am compelled to go to that source of information because that is the only source. If the Senator will wait and let this bill go over, as I proposed it should, until the Government, a disinterested party, through its Tariff Board, can secure the testimony as to what is the cost of production at home and abroad and how close we are selling the saws, I will be willing then to base my conclusion upon the testimony that may be so produced.

Mr. HITCHCOCK. I should like to ask the Senator this question: Why does he reject the strong circumstantial evidence which the import, export, and manufacturing figures produce, when they show that the manufacturers of saws are selling nearly $1,000,000 worth of their product in this country every year; when that testimony, from the same official report, shows that the tariff at present is practically prohibitory, and that foreign factories are not able to sell any saws in this country—why does the Senator from North Dakota reject such official, conclusive testimony as that, which shows that the tariff is evidently prohibitory and is evidently not necessary to enable these manufacturers of saws to compete with the world?

Mr. McCUMBER. I do not reject any testimony. I am not as anxious, probably, as is the Senator from Nebraska, that somebody else should produce the saws for the United States. I am perfectly satisfied that we should make every saw we use, and that not a single one should be imported as long as the competition is so close that we are able to sell them at a price only 8 per cent above the cost of production; and I am not seeking, as the Senator seeks in all cases, to induce somebody to introduce them. Probably a cent or 2 cents or 3 cents raise in selling price would bring in foreign saws; probably cutting the duty in two might allow the others to come in and get half of the trade. I am not saying what the result would be. I can only give an illustration in another case, where the manufacturer of umbrella frames testified that if they sold their umbrella frames for 1 cent more than they were receiving, the foreign product would come in; and that 1 cent was sufficient for them to hold the United States trade, and I am willing they should have it. I am willing to pay the American price, if it is only a fair price.

Now, Mr. President, I come to paragraph 38, screws, etc. I will be through in a moment.

The present duty ranges from 55.73 to 11.11 per cent. It is proposed to reduce the duty to 25 per cent—a little less than half the tariff duty on the several classes.

Mr. Russell, representing the American Hardware Co., gives the following table of German export price and American cost of screws.

German export price and American cost of screws.

Sizes.	Per gross.	
	German price.	American cost.
A	[illegible]	[illegible]
B	.0473	.043
C	.051	.048
D	.071	.070
E	.0967	.088
F	.1105	.116
G	.122	.127
H	.189	.165
I	.248	.25
J	.379	.312
K	.472	.406

Of course we can not get the foreign cost of production as we can the home cost, but, taking the German selling price, we find a certain class per gross is 0.0367 cent. In this country it is 0.037, just three one-thousandths more. Class B in this country represents a cost of about 4 cents and 7 mills, and the selling price in Germany is about 4 cents and 3 mills.

Here we should have the Tariff Commission report. We need it to get the cost of production to the Germans, in order to know exactly what the duty should be.

Mr. Russell also gives comparison of wages paid in the United States in their factories for various occupations and in England:

	American.	English.
Iron molders	$0.25	$0.15
Iron molders' helpers	.15	.10
Iron sandmakers	.21	.18
Iron grinders	.22	.14
Brass molders	.27½	.15½
Brass molders' helpers	.17½	.10
Brass turners	.25	.17
Brass filers	.21	.15
Brass profilers	.24	.15
Brass grinders	.25	.15
Brass buffers	.25	.08
Lock assemblers	.25	.17
Lock fitters	.22–.28	.17
Lacquerers	.15	.08
Scratch brushing	.11	.05½
Chasers	.35	.20
Die and tool makers	.34	.19
Die sinkers	.25	.17
Machinists	.28	.18
Pattern makers	.30	.16
Laborers	.15	.11

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. SIMMONS. While we may not have the figures as to Germany, we have in the census of manufactures of 1905 figures from which we can determine with reasonable accuracy the labor cost in this country. According to that report——

Mr. McCUMBER. I have the labor cost here. I was just going to introduce it.

Mr. SIMMONS. You have it from an interested witness. I am going to give it, if the Senator will permit me, from a Government publication, which, I think, is a little bit more reliable.

Mr. McCUMBER. It may be. I have the Government publication. Let us see how they differ.

Mr. SIMMONS. I am speaking from the census of manufactures for the year 1911. The entire wages paid in the manufacture of screws that year was half a million dollars, and the product was valued at $2,000,000. The percentage of labor cost was 26 per cent. Even if the cost here is twice as high as it is abroad, and the labor cost here is 26 cents, then the foreign labor cost must be about 13 cents. The duty carried in this bill is 25 per cent on screws, which is 12 per cent more than the difference between the labor cost here and in Europe, according to this official report.

Again, Mr. President, in 1910 there were imported into this country, in dollars and cents, screws to the value of only $1,000. That was the total importation of screws into this country, while the domestic production of screws in that year was $6,641,000.

Mr. McCUMBER. Mr. President, what I gave here was the selling price in Germany and the manufacturing price in the United States. I have not stated that the 25 per cent was not sufficient. I have simply stated that we have no basis of figuring the German cost of production on which I can base a conclusion of what the tariff ought to be, and hence I desire to have the report of the board.

Mr. SIMMONS. If the Senator——

Mr. McCUMBER. In just a moment. I will be through in a minute, and then I will give the Senator the floor.

Mr. SIMMONS. I do not desire the floor.

Mr. McCUMBER. Not only the Senator from North Carolina, but the Senator from Nebraska [Mr. HITCHCOCK] and others on the other side seem to have an abhorrence of the American people ever exporting anything, and if they do export they ought to be punished for it.

Mr. HITCHCOCK. No; on the contrary——

Mr. McCUMBER. But, Mr. President, let us see how much we are exporting to Germany.

Mr. HITCHCOCK. Mr. President——

Mr. McCUMBER. Are we sending any cutlery into Germany? Are we sending cloths into England? Why should we be punished because we can reach Canada a little cheaper than they can, and, it may be, without making large profits we can reach some of the South American Republics?

The PRESIDING OFFICER (Mr. NELSON in the chair). Will the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. In a moment. As an American citizen I would feel that we ought to have the same right to import articles into Germany that Germany has to import articles into the United States. I do not find a great deal of complaint because the German tariff keeps out our products or because the tariff of any other country keeps out the American products, but there seems to be great complaint if our tariffs are so levied that they happen to keep out entirely some of the foreign products. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator from North Dakota has misstated my position.

Mr. McCUMBER. I stated it as a conclusion only.

Mr. HITCHCOCK. I do not abhor, I do not dread, I do not object to a condition under which American manufacturers are able to export a part, either large or small, of their manufactured products. I glory in such a condition. But when they are able to do it it is conclusive evidence that they do not need to tax the American people in order to compete with foreign manufacturers in this country. That is the position I take, and it is a position that the Senator from North Dakota can not refute.

Whenever manufacturers in this country are able to export the goods which they make here with American labor and sell them in foreign lands year after year, that fact is conclusive that those manufacturers have no legitimate need of protection, even upon the Republican theory, against foreign manufacturers to sell their goods in this country.

Mr. McCUMBER. If on account of freight rates we can ship steel rails or any character of steel goods into northwestern Canada cheaper than England can transport them from Montreal overland into the same region, the Senator's conclusion would be that, therefore, we should have no protection against Great Britain because, forsooth, we can reach some point of contiguous territory cheaper than Great Britain can.

Mr. HITCHCOCK. Mr. President, the evidence does not show, and the Senator can not show, that the exports of the United States in steel or any other goods are confined to Canada. The fact is that every year we export $240,000,000 worth of steel products to other countries, and that is by no means confined to Canada.

The Senator from North Dakota seems to have Canada on the brain. The fact, however, is that we are exporting these goods to almost every country in the world. The Senator himself can go to Germany and find American-made goods on sale in Germany—agricultural implements, saws, hammers, and other goods made in this country under the protective tariff.

Mr. McCUMBER. The Senator is getting wild in his statement. I do not think he will find many American saws in Germany.

Mr. HITCHCOCK. Will the Senator say that American——

Mr. McCUMBER. He may find some American machinery, however, in Germany that is of an advanced type over what they have for a while until they duplicate it there.

The Senator seems to have an aversion against the United States being an exporter. I thank God if we can put anything into Germany over a tariff wall or into England or into any other country, and I insist that because of the fact that we can and do export a large quantity of the products it is no evidence that we do not need any protection.

Mr. President, the Senator who is now in the chair [Mr. NELSON] knows of the long fight we had to retain our tariff on grain, because it was claimed that while we were heavy exporters of flour and grain we did not need protection against the Canadian product. When we had the reciprocity proposi-

tion before us and it was thought for a moment that we would have free imports from Canada, all our products went down to the lowest possible level. Just as soon as it became apparent that the bill would not be passed a year ago last winter, that moment the products went up, and when we finally passed it, down they went again; and when the Canadians voted against our reciprocity pact every agricultural product went up, and that notwithstanding the fact that we were exporting.

Yet in the face of those facts Senators will have the audacity to stand up here and say it is practically certain that if we are exporting any product we necessarily do not need any protection upon that product. Freight rates, contiguous territory, immediate demand, ability to immediately supply a demand, and a thousand other things have very much to do with the question of our exporting and very much more effect sometimes than the question of the tariffs.

Now, I am coming to the umbrella question. On umbrella ribs the present ad valorem duty is 50 per cent. The proposed ad valorem duty is 30 per cent. The United States production is about $1,000,000. Our imports for 1911 were only $10,566 worth. But when you figure the price of umbrella ribs you will find that is quite a factor. Mr. Forsythe, representing the National Umbrella Frame Co., of Philadelphia, testifies that the paragon frame, which enters into the better class of umbrellas, is sold in the market for 11½ cents, ready to be put on the handle and the cover. An umbrella that is covered on that frame will cost the consumer anywhere from 80 cents to $30, as the handle and the cover make the price. He testifies:

> We could not add one cent to the price of that frame; it would allow the foreign goods to enter the market.

In other words, 1 cent difference would give the foreigner the business. But, to make dead sure that he will get that business, this bill gives him 2 cents, or 20 per cent ad valorem, difference.

Suppose, now, that you can save the umbrella maker these 2 cents. Who is going to be benefited by it? Will the retailer sell an 80-cent umbrella for 78 cents because of this tariff reduction? Will the retailer sell a $30 umbrella for $29.98 instead of $30 because of this reduction? The public will get no benefit out of it. It is infinitesimal. Yet it is in line with this everlasting desire to punish the manufacturer.

Mr. President, I turn to lead-bearing ores and lead bullion. The present ad valorem duty ranges from 63.45 per cent to 54.70 per cent. The proposed ad valorem duty—I am speaking now of lead ore—is 25 per cent, much less than one-half. The present ad valorem duty on the bullion is 105.70 per cent. The proposed ad valorem duty is 25 per cent, or less than one-quarter.

Now, I am compelled to return again to the testimony of witnesses. Of course they are interested, but I have assumed that the man who is engaged in that business knows more than I do who do not buy a pound of lead in a year.

Mr. Burridge, representing the Coeur d'Alene lead-mining interest, says that the New York price 4.4 cents per pound; the cost of producing and marketing that lead is 4.7 cents, or 3 mills more than what he gets for it. It is because of the by-product that it affords a profit. After crediting the value of the by-product, which is generally silver, against the cost of producing the lead there is less than 1 cent a pound margin on a market price of 4.4 cents per pound.

The importations of lead bullion last year were 23,871,078.28 pounds. The revenue received from that was $515,441.84. The value of the importations was $551,000 in round numbers. The United States exports 481,333 pounds. We produce 10,062,000 pounds in round numbers. Mr. Burridge also testifies that if the proposed rate should go into effect the price would go down to about 3½ cents a pound, which would mean the closing of their lead mills.

Now, I believe what he says will happen unless they can lower the labor price. And then what would happen? After you have closed the mills that produce 10,062,000 pounds, or nearly one-half of that used in the United States, will the people pay less or more for the product? Decrease your supply and the product is bound to advance. The effect of closing those mills would be a triple disaster. It would deprive many thousands of people of employment, it would increase rather than decrease the cost to the consumer, and it would probably decrease our revenue.

Mr. Rock, representing the Coeur d'Alene lead district of Idaho, says that when the price in New York falls below 4 cents the mines will have to close in Idaho. That is one of the principal productions of that State, and yet you would strike this blow at the great industry of a State without giving any benefit whatever to the general consumer.

Mr. Burridge also testifies that wages paid in this country are, per day, $3.50; in Mexico they are 62.5 cents.

Mr. North, representing the Mine Owners' Association of Coeur d'Alene, testifies as to the wages paid: In Spain men, per day, 30 to 56 cents; boys, per day, 20 to 40 cents. He represents the labor organizations.

Now compare 20 to 40 cents with $3.50 in this country, and then figure it out for yourself, because it needs no pencil computation to determine what proportion of the cost of this lead is in the labor and how much of a duty it would require to equalize the labor conditions.

Mr. President, there has been a great deal said on the general proposition of a protective tariff. There is a simple axiom of success which works with mathematical accuracy, that applies with the same force to a nation that it applies to an individual and which no sophistry or specious argument can ever unsettle. It is this: That all commercial success is measured by and depends upon the amount of sales over purchases. The farmer who raises $3,000 worth of cereals and pays out $3,000 for meats and flour and products and hired help other than his own family is not one cent better off at the end of the year.

But, Mr. President, if he raises his own meats and vegetables to the amount of a thousand dollars, if he then hires his own family, whom he is bound to support, and pays them $500, and then spends about $500 for articles which he does not produce, he is a thousand dollars better off at the end of the year. What applies to the individual applies to 90,000,000 individuals making up this great Nation. When this country, through its individuals, sells abroad $2,000,000,000 worth of material a year and buys back $1,500,000,000, nobody can deny that the Nation itself, through its people, is worth $500,000,000 more at the end of the year than it was at the beginning of the year. If it keeps that in the United States, and if it continues that for 10 years, it is $5,000,000,000 better off.

Mr. President, that is exactly what we have done under the Dingley tariff. Under that tariff for about 10 years of its operation the balance of trade measured $5,000,000,000 taken out from the coffers of the old country and landed in the United States. That $5,000,000,000, or so much of it as stayed at home and did not go back to Europe in the shape of expenses of tourists, entered into our banks. Those dollars employed labor; it opened up new sections of the country; they built railroads; they made everybody prosperous.

Take that $500,000,000 a year and transfer that balance of trade against us, and the result would be pauperism throughout the United States in a single year. The only way that we can hold the balance of trade against countries whose standard of living is below ours, and whose labor wage is much below ours, is to place a tariff that will prevent their goods coming in at a less price than similar articles can be produced for a reasonable profit in this country.

Mr. President, I want to give you a single illustration of this during the operation of the Wilson-Gorman bill. The last year before that bill went into effect the balance of trade between the United States and Great Britain was $343,000,000 in our favor with that single country. The very next year after that law went into operation the balance of trade was in favor of Great Britain to the extent of exactly $343,000,000. It was just reversed, making $686,000,000 difference to the American workman. I deny that any man can claim that the conditions which were produced at that time were beneficial to the United States. Goods were cheaper, it is true, but we had nothing with which to buy them, and consternation spread like a cloud over the entire country.

So, Mr. President, I say that it is the duty of every Government to so shape its legislation, to so exert its diplomatic endeavors, that we shall always sell abroad more than we purchase from abroad; and not only, Mr. President, do we make the difference of $500,000,000 a year, as we have been making it in the last 12 years, but remember the things that we produce and sell abroad are perishable articles; they are grown or made in one year and consumed in the next, while that which we get in return for them—gold dollars of the United States—are good this year and will be good a hundred years from to-day, if we can just keep them in our country.

So, Mr. President, I have no hesitancy in saying that I am opposed to this proposition that seeks to destroy the interests of the manufacturers of steel products in the United States, knowing that the farmers on the plains of the Dakotas and of Minnesota must necessarily suffer by reason of the lack of the prosperity that would follow a bill of this character. The price of our products depends upon the reasonable prosperity of the consuming public, and any act that destroys that prosperity must necessarily react on all the people.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. GALLINGER. Mr. President, I rise to make a request in the nature of a privileged matter. The Vice President will necessarily be detained from the Senate to-morrow, and I ask unanimous consent that the senior Senator from Massachusetts [Mr. LODGE] be designated as President pro tempore for that day.

The PRESIDING OFFICER (Mr. GRONNA in the chair). Is there objection to the request made by the Senator from New Hampshire? The Chair hears none, and that order is made.

Mr. GALLINGER submitted the following resolution (S. Res. 319), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected HENRY CABOT LODGE, a Senator from the State of Massachusetts, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Saturday, May 25, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 320), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected HENRY CABOT LODGE, a Senator from the State of Massachusetts, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Saturday, May 25, 1912.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 25, 1912, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 24, 1912.

POSTMASTERS.

MARYLAND.

John T. Carter, Denton.

MICHIGAN.

John C. Corkins, Case City.

NEW YORK.

Warren W. Ames, De Ruyter.
George S. Fordyce, Union Springs.
James H. Hopkins, Au Sable Forks.
Peter G. Hydorn, Lacona.
Hattie A. Pettit, Fairground.
Elkanah S. Robinson, Center Moriches.
James H. Signor, Dannemora.
Albert Weed, Ticonderoga.

PENNSYLVANIA.

William H. Fulton, Stewartstown.
Harry S. Noblet, Halifax.
Charles A. Suesserott, Chambersburg.

SOUTH DAKOTA.

Fred N. Dunham, Wessington Springs.
L. A. Wilson, Isabel.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 24, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, the same yesterday, to-day, and forever; creating, re-creating in Thy ministrations for the needs of Thy children, ever going forward to what, whitherward we know not, but with perfect faith and confidence in Thy wisdom, power, and goodness. We most fervently pray that we may be wise in our conceptions, firm in our convictions, moving ever onward in a straight line toward what we know to be right as revealed in the incomparable life and character of Thy son Jesus Christ, the world's great exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 20586) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, and to concur in the Senate amendments. The gentleman from Georgia [Mr. ROBERSON] yesterday objected, but has now withdrawn his objection.

Mr. MANN. Mr. Speaker, it was stated yesterday that this bill was in the hands of the Committee on Invalid Pensions. The gentleman should also make a request that the committee be discharged from the further consideration of the bill.

Mr. RUSSELL. Mr. Speaker, I ask that the Committee on Invalid Pensions be discharged from further consideration of the bill, and to concur in the Senate amendments.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from further consideration of the bill H. R. 20586 and to concur in the Senate amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, this is the day set apart by the rules for the consideration of pension bills. I am informed by the chairman of the Committee on Appropriations that he is anxious to have considered to-day a deficiency bill, and the gentleman from Tennessee [Mr. PADGETT], chairman of the Naval Committee, desires to continue the consideration of the naval appropriation bill. I ask unanimous consent that the first legislative day, provided it does not fall on Monday or Wednesday, shall be substituted for to-day, under the rule now applying to the second and fourth Fridays.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say to the gentleman from Missouri that this Congress has been most liberal in the passage of pension bills. It has passed a bill carrying, it is estimated, $35,000,000, and it has passed a very large number of private pension bills. We have agreed on a program to sidetrack every other bill in order to get the appropriation bills through. There are other important matters waiting for the appropriation bills; there is the compensation act, the contempt bill, and a number of other bills that the people of the United States are greatly interested in, which it has been agreed shall be set aside until the appropriation bills are in the Senate. There will be another pension day before this Congress adjourns—June 14—and there will be an opportunity then for gentlemen to call up their pension bills. As far as I am concerned, I intend to insist on the program that has been agreed on in the House, and I hope the House will sustain me, so that nothing comes in the way of these appropriation bills until they are passed. Therefore I must object.

Mr. FULLER. Mr. Speaker, I demand the regular order of to-day.

CONTINGENT EXPENSES, HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, I move the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 319, to supply urgent deficiencies.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 319.

Mr. FITZGERALD. Pending that, Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. RUSSELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I would like to inquire, for the benefit of those present, if this motion should be voted down, then would the regular order provided by the rules come up?

The SPEAKER. The situation is this: A motion to take up an appropriation bill is privileged. The Chair would feel bound after this matter is disposed of, if not voted down, to recognize the gentleman from Tennessee to take up the naval appropriation bill. If the House prefers to take up pension bills, it can vote down the motion of the gentleman from Tennessee to go into the Committee of the Whole House on the state of the Union to consider the naval appropriation bill.

Mr. RUSSELL. Personally, Mr. Speaker, I desire to accommodate the leaders of the House, and I am only asking this for the information of others.

The SPEAKER. Is there objection to the request of the gentleman from New York to consider this resolution in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams hereafter sent except such as are sent on official business upon the authority of officers, whips, or committees of the Senate or House, and bills therefor shall be payable only on approval by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

Mr. MANN. Mr. Chairman, I make, or reserve, if the gentleman desires, the point of order against the paragraph just read.

Mr. FITZGERALD. Mr. Speaker, the committee in recommending $55,000 to supply deficiencies in the contingent fund of the House has reported the following proviso:

Provided, That no appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams hereafter sent except such as are sent on official business upon the authority of officers, whips, or committees of the Senate or House, and bills therefor shall be payable only on approval by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

It appeared in a statement made to the committee by the Chief Clerk of the House that for telegrams sent by Members of the House during the present session there had already been paid to the Western Union Telegraph Co. $4,279 and to the Postal Telegraph Co. $1,493; that there were outstanding and unpaid bills from both of these companies aggregating $7,800; and that it would require to meet the expenditures for similar purposes during the remainder of the fiscal year about $5,000. So that the House of Representatives is paying out at the Government rate for messages sent by Members of Congress in the neighborhood of $20,000 a year. The information submitted to the committee as to the character of some of the telegrams and as to the extent to which the practice is followed, led the committee to believe that public funds should no longer be utilized for this purpose. It was realized, however, that under authority of the House at various times it is necessary for the officers of the House, for various committees, and for the men who are popularly designated as the "whips" of the parties, to send to Members of the House or to individuals telegrams of such character that there could be no doubt they were upon strictly official business, and the committee excepted from the prohibition telegrams of such a character, requiring, however, the accounts to be audited by the Committee on Accounts.

There is no law at present which authorizes the payment for telegrams sent by Members of Congress out of any appropriation which is made for the service, either in the Senate or in the House. It is a practice that has been long in existence, but in recent years it seems to have been very greatly accentuated. The committee, believing that an abuse existed, and having the information before it, recommended this provision in order to remedy that abuse. That has been the policy adopted by the committee during this session from the outset. Whenever in its investigations facts developed which led the members of the committee to believe that public funds should no longer be used for a purpose for which they have been used, either under the sanction of custom or in pursuance of existing statutes, the committee has recommended such legislation as would eliminate the abuse, and it is in accordance with that practice that this provision has been incorporated.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. ROBERTS of Massachusetts. I understood the gentleman from New York to say that about $20,000 a year is the amount of these telegram bills of the Members of the House?

Mr. FITZGERALD. For this year it will be about $18,572, as nearly as can be estimated.

Mr. ROBERTS of Massachusetts. What proportion of that $18,000 is represented by telegrams sent by whips?

Mr. FITZGERALD. That has never been segregated, but my impression from the information that has been submitted to the committee is that it is not a very large part of it. Whatever abuse exists does not exist from the sending of telegrams by representatives of the parties to Members in order to have them present at times when votes of an important character are to be taken.

Mr. KOPP. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. KOPP. Mr. Speaker, I ask for information purely. If this be adopted, will it be the fact that no Member can communicate upon strictly public business with his constituents at public expense?

Mr. FITZGERALD. That will be the fact.

Mr. KOPP. Does the gentleman think there is any more reason why the Government should pay for communications by mail than by wire, granted that the communications are on strictly public business?

Mr. FITZGERALD. Mr. Speaker, I do not know whether there is such a necessity or exigency in the transaction of public business by Members that requires them to use the telegraph service. The Government conducts the postal service, and it is merely a question in extending the franking privilege as to whether the rest of the community that uses the postal service shall be compelled to pay for service which is given to Members of Congress to facilitate the transaction of public business. Whether there be any distinction that can be drawn, here is an appropriation made for the service of the House of Representatives. During the last few years it has been encroached upon in this way to an extent which is now believed to be unjustifiable.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. If this provision remains in the joint resolution and becomes law, then we can expend the public money by having a whip send out telegrams all over the country to Members that on a particular day a vote will be taken, but denying to Members of the House the right under this new provision to send important telegrams on official business to any of their constituents.

Mr. FITZGERALD. Yes; the gentleman from Tennessee would not be able to notify his constituents by wire that they had received the favorable sanction of the President in receiving some appointment. He would know it either from being sent by mail or reading it in the press the next day.

Mr. AUSTIN. But there is no emergency or exception made permitting a Member to send a telegram to any of his constituents on important official business, but there is here an authorization for the whips of this House to notify at public expense Members of Congress that they ought to be here to discharge their duties, and that is a distinction that ought not to be made.

Mr. FITZGERALD. Mr. Speaker, that is true; but when we ascertained that the monthly accounts of some Members run as high as two hundred and some odd dollars, and single telegrams cost as much as $60, while perhaps some Members may be penalized by being compelled to pay for the messages to be sent in the transaction of their public business, yet in order to stop such Members it is necessary perhaps to enact legislation which may embarrass other Members.

Mr. AUSTIN. But the gentleman does not answer my question in reference to the——

Mr. FITZGERALD. I will answer the gentleman's question. Members will not be permitted to send telegrams at the expense of the House of Representatives on business to constituents or to anybody else, and the exceptions were put in for whips because it is not an uncommon practice for Members to be excused for definite or indefinite periods of time, and this would permit them to be notified that on certain occasions important votes would be taken. I would suggest to the gentleman that if he thinks that to be improper it is easy to remedy it by a motion to strike out the provision for the whips of the House, but I hope he will not resort to the other method of preventing this reform because he thinks it does not go far enough.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How much time did the gentleman from New York have?

The SPEAKER. The gentleman from New York had five minutes.

Mr. FITZGERALD. Mr. Speaker, I understood the gentleman reserved the point of order.

Mr. GARNER. Mr. Speaker, I do not understand just how the gentleman from New York got five minutes when the gentleman from Illinois merely reserved the point of order; he has unlimited time if the Chair desires to hear him.

Mr. FITZGERALD. I was not arguing the point of order.

Mr. MANN. He is not discussing the point of order; this is under the five-minute rule.

The SPEAKER. The rule is that when a bill is considered in the House as in Committee of the Whole House the time of any gentleman is limited unless the House extends it by unanimous consent.

Mr. MANN. I have no objection to the gentleman having more time.

Mr. FITZGERALD. I do not desire to occupy any more time.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the gentleman from New York may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, I wish to ask the gentleman a few questions along the line we are discussing. Here is an important bill, for instance, coming before a committee affecting interests in my district. I am precluded from sending telegrams to the interested parties that on to-morrow or the next day that committee is to have a hearing on an important piece of local legislation. I can not expend any of the public funds for that purpose, but our whips can expend this money to notify absent Members, some of whom, perhaps, are not away from the House on leave of absence, that they ought to be here on a certain day in order to vote.

Mr. FITZGERALD. Let me suggest this to the gentleman: That when important hearings of his committee are to be had and it is necessary to notify some particular persons by wire in his district that such hearings are to be had, so as to afford them an opportunity to be here, the provision here which authorizes the sending, at the expense of the House, of telegrams upon authority of committees would enable his constituents to be notified at the expense of the Government instead of at the expense of himself.

Mr. AUSTIN. I want to say to the gentleman, can not this reform and reduction be largely obtained by a strict compliance with the exceptions and a discrimination between the kind and character of the messages sent at public expense? I never sent a telegram at public expense except on official business.

Mr. FITZGERALD. Well, I have not made any charge against the gentleman, and I do not propose to do so.

Mr. AUSTIN. But the gentleman has in a general way stated that these official telegraph tolls have increased, and have gone to the extent where they amount to about $8,000 or $10,000 and certain Members of this House have run monthly bills amounting to $250.

Mr. FITZGERALD. Well, I repeated the statement conveyed to the committee by officials of the House who have knowledge of the facts.

Mr. AUSTIN. I would like to ask the gentleman if his investigation shows any Members of the House have abused the privilege and have been sending private messages at public expense.

Mr. FITZGERALD. Well, Mr. Speaker, I have stated as definitely as I intend to do what the facts are; that I believe an abuse has existed, and that this will correct the abuse.

Mr. AUSTIN. Then, why deprive Members here who are literally carrying out and observing the law——

Mr. FITZGERALD. I repeat again, there is no law which either authorizes the gentleman to send messages at Government rates or to have them paid for out of the funds appropriated for the service of the House. It is a custom that has grown up and been acquiesced in. We believe it should be stopped.

Mr. LEWIS, Mr. MANN, and Mr. ROBERTS of Massachusetts rose.

The SPEAKER. To whom does the gentleman from New York [Mr. FITZGERALD] yield?

Mr. FITZGERALD. I yield to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. I would like to ask the gentleman from New York, if he happens to have the information at hand, what the Government rate is as distinguished from the private rate?

Mr. FITZGERALD. Under the law of 1866 for certain concessions granted to telegraph companies the Postmaster General is authorized to fix the rate upon Government messages. It can not be stated in a few words. It is fixed from time to time—I think, annually—by the Postmaster General, and is regulated by the number of words in the message and by distances also.

Mr. LEWIS. Is it not very much lower than the private rate?

Mr. FITZGERALD. I believe it is; yes.

Mr. PAGE. One cent a word.

Mr. MANN. The average is about 1 cent a word, is it not?

Mr. FITZGERALD. I am not certain. I read the statute, but did not pay much attention to the rates. I was interested in ascertaining whether Members of Congress could send a certain class of telegrams at Government rates.

The SPEAKER. The time of the gentleman from New York [Mr. FITZGERALD] has again expired.

Mr. BARTLETT, Mr. ROBERTS of Massachusetts, and Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Some years ago, I think, nearly every Member of Congress possessed a telegraphic frank of either the Western Union Telegraph Co. or the Postal Telegraph Co., and possibly many of them on both; and I suppose most telegrams were sent by Members of Congress by franks, and they were supposed to be used only on official business. When the telegraph franks were abolished it had been then the custom in the Senate to send telegrams at the Government rate at the expense of the Senate contingent fund, and it gradually became the custom of the House. I do not know how far that custom has been abused. Perhaps it needs investigation, perhaps it needs correction; but I fail to see the justice of the proposition which in effect permits almost every Senator of the United States to send telegrams at Government expense and permits 50 or 60 majority Members of the House to send telegrams at Government expense, but permits no one else in the House to do it.

Mr. FITZGERALD. This does not permit the Senators. It puts the Senators in the same category with the Members of the House.

Mr. MANN. Almost every Senator is chairman of a committee.

Mr. FITZGERALD. It is not intended to permit the chairmen of committees to send messages.

Mr. MANN. But what is the fact? The moment an order of this kind passes the committee passes a resolution authorizing its chairman to send such telegrams as he pleases. In fact, the committee will adopt the same course.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Massachusetts?

Mr. MANN. I do.

Mr. ROBERTS of Massachusetts. What is there in this law to permit the passing of a resolution authorizing every member of a committee to use the telegraph at public expense?

Mr. MANN. It probably would not be done. But the other is not only probable, but it would have to be so. When the chairman of a committee wishes to send a telegram about official business no one presumes that he will wait two or three days in order to get his committee together to find out whether he can send a telegram that afternoon. I will not say that the proposition is absurd, because that might be considered a reflection on the report of a distinguished committee, but I think it is ill-considered and unfair. I have occasion as minority leader to send more telegrams than the average committee ever had, or more than I did as chairman of one of the greatest committees of this House. I could send these telegrams at my own expense, and possibly ought to do so, while the chairman of the "committee on lonesome roads" could send such telegrams as he pleased at Government expense. What is the fact?

Mr. GARNER. Will the gentleman yield further?

Mr. MANN. What is the fact? These telegrams have grown in number because of these investigating committees. It may be necessary. I do not deny the necessity, because I do not know. I presume they have not been sent without some occasion, but the great majority of the telegrams, where they have amounted to a considerable quantity to a Member, have been sent, I dare say, by the chairmen of investigating committees. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. I want to ask the gentleman if he can conceive of any reason why a partisan telegram should be paid for by the Government any more than one pertaining to the Government business. This provides that the whips shall send telegrams purely for a partisan purpose in order to get their side here to attend to business.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN. No; not now. I did not interrupt the gentleman, and he had 15 or 20 minutes. I do not consider that the sending of telegrams by whips in the House is a partizan matter. How else can it be done? The sending of telegrams to absent Members is not, as was suggested, in a way, by my friend from Tennessee [Mr. AUSTIN], for the benefit of absent Members. It is for the benefit of the Members here attending to business who want to bring back occasionally to do real service Members who do not attend to business. That is for the interest of those who are here.

Now, nobody can expect that you elect a whip for the purpose of expending his own personal money in sending telegrams throughout the country. It may be that we ought to all contribute to that on each side, but I dare say that that would not be easy to do.

Now, the gentleman refers to partisan telegrams. I have found occasion to send telegrams about official business——

The SPEAKER. The time of the gentleman has expired.

Mr. BOEHNE. Mr. Speaker, I ask that the gentleman's time may be extended five minutes.

Mr. MANN. I want to get through.

The SPEAKER. Does the gentleman from Illinois desire five minutes?

Mr. MANN. No. I make a point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. MANN. Oh, it is legislation. It does not pretend to be anything else.

Mr. FITZGERALD. It tends to reduce expenditures, and I insist it is in order.

The SPEAKER. Will the gentleman from Illinois please state the point of order?

Mr. MANN. "No appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams hereafter sent except such," and so forth. The Committee on Appropriations is not a legislative committee. It has no authority to report upon a matter of legislation, and the only way that this item could be in order under the Holman rule would be by a favorable report of a committee having jurisdiction of the legislation. The Committee on Appropriations did not have jurisdiction of the legislation. It is not a limitation upon this appropriation. This appropriation is for the contingent fund of the House. The item applies to any "appropriation for contingent expenses of the Senate or House." Hence it is a legislative proposition, and a legislative proposition which does not in any way affect the amount of the appropriation in the bill, and it could only be in order upon the report of a committee having jurisdiction of the subject matter. That would probably be the Committee on Accounts, but certainly it would have to be a committee having jurisdiction of the legislative proposition, which the Committee on Appropriations does not have.

Mr. FITZGERALD. Mr. Speaker, it is not necessary that the committee should have jurisdiction of certain subjects in order to take advantage of the so-called Holman rule to effect economies and reforms in public expenditures. The rule is paragraph 2 of Rule XXI:

Nor shall any provision in any such bill or amendment thereto——

The SPEAKER. What page is that on?

Mr. FITZGERALD. On page 400. It provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any persons paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is apparent that if this provision will prohibit expenditures out of the amounts heretofore appropriated it does affect the amount covered in the bill, because it makes unnecessary appropriations that would otherwise be required.

The gentleman from Virginia [Mr. SAUNDERS], in construing the rule—I think properly—held that it was to be construed to give it the beneficial effect intended when it was adopted. The object is to enable the House to place provisions in these measures that will retrench the public expenditure by effecting proper and important reforms. It is impossible to reach them in any other way. If it can not be done in this way, then it can not be done at all.

Mr. CANNON. Mr. Speaker, just a word on the point of order. Doubtless the presiding officer takes notice of the law as it is, touching the use of the contingent fund. This is a proposed deficiency provision to control expenditures from that fund. It is so stated—

Provided, That no appropriation for contingent expenses of the Senate or House of Representatives shall be expended for telegrams—

except the exceptions stated. It seems to me it does curtail expenditures. Without regard to the merits of the proposition, it seems to me that under the so-called Holman rule it is in order.

Mr. MANN. Mr. Speaker, I do not personally see any difficulty about this at all. The Holman rule first provides that matters shall be in order which shall retrench expenditures—

By the reduction of the number and salary of the officers of the United States.

This does not do that. Second—

By the reduction of the compensation of any person paid out of the Treasury of the United States.

This does not do that. Third—

Or by the reduction of amounts of money covered by the bill.

This does not do that. It does not reduce. If it were an amendment, it might reduce.

Then comes the proposition—

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The first item is not a matter of retrenchment of expenditures except in particular ways.

The last item provides that any legislation which shall retrench expenditures shall be in order, but that before it is in order it must have been recommended to the House by a committee having jurisdiction of the subject matter, and must be germane to the bill.

The SPEAKER. The Holman rule, so called, provides—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures—

How? First—

By the reduction of the number and salaries of the officers of the United States—

Which this bill does not do. Second—

By the reduction of the compensation of any person paid out of the Treasury of the United States—

Which this does not do.

Or by the reduction of amounts of money covered by the bill.

Which this does not do. And the point of order is sustained.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman will send up his amendment.

The Clerk read as follows.

Page 1, line 10, insert:

"*Provided*, That no part of this sum shall be expended for telegrams hereafter sent except such as are sent on official business upon the authority of officers, whips, or committees of the House, and bills therefor shall be payable only on approval by the Committee on Accounts of the House of Representatives."

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the whole paragraph of the bill went out. I made the point of order on the paragraph.

The SPEAKER. The Chair simply ruled out the proviso.

Mr. MANN. But I made the point of order to the whole paragraph.

Mr. CANNON. If the gentleman will decrease the amount from $55,000 to $54,000, I suppose that would bring it within the rule?

Mr. FITZGERALD. I want to find out the parliamentary situation.

Mr. MANN. The point of order went to the whole paragraph. I was not to be caught by the suggestion of the gentleman. I am too old in the game for that.

The SPEAKER. The Chair understood the gentleman to make the point of order only as to the proviso.

Mr. MANN. No; I made the point of order against the whole paragraph.

The SPEAKER. There is a remedy for that.

Mr. MANN. Of course. This is simply in the interest of orderly procedure.

The SPEAKER. Of course, the whole paragraph goes out if the point of order was made against it.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amend, page 1, beginning at line 7, by inserting the following:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no part of this sum shall be expended for telegrams hereafter sent, except such as are sent on official business upon the authority of officers, whips, or committees of the House, and bills therefor shall be payable only on approval by the Committee on Accounts of the House of Representatives.

Mr. MANN. I make the point of order against the amendment that the amendment now offered by the gentleman authorizes payments out of the contingent fund for telegrams which are not now provided for by law and for which there is no authority of law.

The gentleman's amendment proposes to authorize the payment for telegrams sent by whips, by authority of officers of the House, and by committees of the House. There is now no authority of law for the payment for telegrams sent by committees of this House or by whips of the House. There is no such thing known in the law as a whip, and the gentleman seeks to enact legislation authorizing payment out of the contingent fund for telegrams sent by whips of the House, whatever they may be, which are not now authorized by law; and instead of being a retrenchment of expenditures, it is a direct authority to in-

crease expenditures. It is not the duty of the House to legislate in this way for the purpose of correcting any errors which the officials of the House may make in construing law. There is no authority of law, and, so far as I know, nobody has ever pretended that there was any authority of law, for the sending of such telegrams at the expense of the Government. I believe the whole matter of paying for these telegrams probably ought to be stopped. Certainly if stopped as to Members, it ought to be stopped as to chairmen of committees.

The SPEAKER. The Chair will ask the gentleman from Illinois a question. It may be a confession of ignorance, but, nevertheless, it is a fact that the Chair does not know. The Chair always supposed there was a law authorizing Members of the House to send telegrams on public business at what are called Government rates. The Chair agrees with the gentleman from Illinois on one thing at any rate, and that is that the man who acts as minority leader has great occasion to send telegrams on public business; and, as far as that is concerned, the Speaker has, too.

Mr. MANN. I suppose the Speaker has more occasion than any other Member of the House.

The SPEAKER. The Chair does not know whether the Speaker has more than the minority leader, but thinks it may be true.

Mr. BARTLETT. Mr. Speaker, there is no law, as has been stated by the gentleman from Illinois, which authorizes the sending of telegrams by any Member of the House or officer of the House at the Government expense. It has simply been done by custom. The only law on the statute book is an act passed in 1866, to be found in the Revised Statutes, a copy of which I hold in my hands, and I will read the law if the Chair desires.

The SPEAKER. The Chair will hear the gentleman.

Mr. BARTLETT. The act of 1866, which provided for the construction of telegraph lines over post roads and the public domain and over navigable streams, provided that every telegraph corporation that accepted the benefits of this act should, before it proceeded to build, file with the Postmaster General an acceptance of the terms of the act. All the telegraph companies then doing business and all that have been doing business since have filed with the Attorney General the acceptance of the terms of the act of 1866, which has been modified to some extent. The act is as follows:

An act to aid in the construction of telegraph lines and to secure to the Government the use of the same for postal, military, and other purposes.

Be it enacted, etc., That any telegraph company now organized, or which may hereafter be organized, under the laws of any State in this Union shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by act of Congress, and over, under, or across the navigable streams or waters of the United States: *Provided*, That such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters or interfere with the ordinary travel on such military or post roads. And any of said companies shall have the right to take and use from such public lands the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of said lines of telegraph, and may preempt and use such portion of the unoccupied public lands subject to preemption through which its said lines of telegraph may be located as may be necessary for its stations, not exceeding 40 acres for each station, but such stations shall not be within 15 miles of each other.

SEC. 2. *And be it further enacted*, That telegraph communications between the several departments of the Government of the United States and their officers and agents shall, in their transmission over the lines of any of said companies, have priority over all other business and shall be sent at rates to be annually fixed by the Postmaster General.

SEC. 3. *And be it further enacted*, That the rights and privileges hereby granted shall not be transferred by any company acting under this act to any other corporation, association, or person: *Provided, however*, That the United States may at any time after the expiration of five years from the date of the passage of this act, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all of said companies at an appraised value, to be ascertained by five competent disinterested persons, two of whom shall be selected by the Postmaster General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 4. *And be it further enacted*, That before any telegraph company shall exercise any of the powers or privileges conferred by this act such company shall file their written acceptance with the Postmaster General of the restrictions and obligations required by this act. (14 Stat., 221; Rev. Stat., sec. 5263 et seq.)

Now, the rates of pay fixed by the Postmaster General are as follows:

RATES OF PAY FOR COMMUNICATIONS BY TELEGRAPH.

(Order No. 2436.)

POST OFFICE DEPARTMENT,
Washington, D. C., July 1, 1909.

Pursuant to the authority vested in the Postmaster General by the act of Congress entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 24, 1866, and by the Revised Statutes of the United States, Title LXV, I hereby fix the rates at which such communications as the said statutes prescribe (not including those passing over circuits established by the Chief of the Weather Bureau, Department of Agriculture) shall be sent during the fiscal year beginning July 1, 1909, and terminating June 30, 1910, by the several companies within the effect of said statutes, as follows:

For day messages containing not more than 20 words, exclusive of place from and date, 20 cents, not exceeding 1,000 miles, and 1 cent for each additional word. One-quarter of this rate to be added for each 500 miles, or fraction thereof, but no rate on a message of 20 words to be more than 40 cents, nor on an additional word more than 2 cents. The rate between all points in any State, Territory, or the District of Columbia shall be 20 cents for 20 words, and 1 cent for each additional word.

In cases where the price of a message, determined as herein provided, shall include a fraction of a cent, such fraction, if less than one-half, is to be disregarded; if one-half or more, it is to be counted as 1 cent.

For night messages not exceeding 20 words, exclusive of place from and date, 15 cents for any distance within 2,000 miles, and for greater distances 25 cents; in each case 1 cent for each additional word.

Instead of computing the actual distances of transmission, the distance for payment shall in all cases be taken absolutely to be the number of miles between the capital of the State or Territory, or from the city of Washington if from within the District of Columbia, from within which (whatever the place) the message is sent, and the capital of the State or Territory, or the city of Washington if within the District of Columbia, within which (whatever the place) the message is received, as shown in the accompanying table, wherein such distances are given as computed upon the shortest practicable route between such capitals, and which is to be taken as part of this order.

But it is provided that if on the 1st day of July, 1909, or at any time during the ensuing year, any such company shall charge the public for a message of 10 words or less, exclusive of the date, address, and signature, a less rate than is herein fixed for 20 words, exclusive of place from and date, the rates here prescribed shall, as to such company, thenceforth during the year be reduced to the rates so charged to the public.

The statutes provide that telegrams between the several departments of the Government and their officers and agents, in their transmission over the lines of any such company, shall have priority over all other business. All officers of the United States sending such telegrams should indorse thereon the words "Official business," and should report to the Postmaster General any failure to transmit them in such priority and any charge made in excess of the rates above prescribed.

Each company will be allowed to charge for messages received from another line at the same rate as if received from the Government direct, at the point of transfer for transmission over its own line.

F. H. HITCHCOCK, *Postmaster General.*

Now, that is all on the statute books with reference to Government business done by telegraph companies, and that is all the law there is which authorizes telegrams to be sent over the various lines at rates fixed by the act of the Postmaster General. There is no law which authorizes the use of money for official business telegrams sent by Members of the House.

The SPEAKER. Does the gentleman from New York desire to be heard on the point of order?

Mr. FITZGERALD. Mr. Speaker, I said at the outset that I had been unable to find any law by which the telegrams had been paid for out of the contingent fund of the House.

Mr. CANNON. Mr. Speaker, I am under the impression that the gentleman from Georgia is correct in his statement as to the usage of the House and the Senate in sending telegrams at the Government expense and Government rates. I suppose the only way that the House, or any official of the House, or any Member of the House, or any committee of the House, can send at public expense telegrams paid for from the contingent fund would be by resolution passed by the House and Senate making the contingent fund available under the existing law, imposing such terms as the resolution might provide.

The SPEAKER. This proviso on the face of it at the first impression looks as if it was limiting the telegraph privileges, when, in fact, it develops that there is no law authorizing it at all, and the proviso is evidently new law.

Mr. GREEN of Iowa. Mr. Speaker, I desire to offer an amendment to the amendment.

Mr. FITZGERALD. No amendment is in order until the point of order is disposed of, and I wish a ruling on the amendment first.

The SPEAKER. That is what the Chair was about to rule, that the amendment is out of order at this time.

The effect of this proviso is to create new law. Therefore the point of order of the gentleman from Illinois [Mr. MANN] is well taken.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, by adding, after line 6, the following:

"House of Representatives: For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $35,000: *Provided*, That no part of this sum shall be paid for telegrams hereafter sent by Representatives, Delegates, and Commissioners in Congress."

The SPEAKER. The question is on agreeing to the amendment.

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to oppose the amendment, unless the gentleman from New York wishes to speak first.

Mr. MANN. Mr. Speaker, I move to amend the amendment by striking out the proviso.

The SPEAKER. The Chair will entertain that motion as soon as the gentleman from Massachusetts has five minutes.

Mr. MANN. I merely wanted to have the matter pending, while the gentleman from Massachusetts was speaking.

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Massachusetts, with that proviso pending, desire to address the House?

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to address the House upon the main question at some time before it is disposed of.

The SPEAKER. The Chair will recognize the gentleman as soon as he answers the parliamentary inquiry of the gentleman from Tennessee.

Mr. AUSTIN. Mr. Speaker, I wish to know if a substitute would now be in order?

The SPEAKER. A germane substitute, of course, would be in order.

Mr. AUSTIN. Then I offer the following substitute——

The SPEAKER. The gentleman from Massachusetts has the floor, and when he has consumed five minutes the Chair will recognize the gentleman from Tennessee to offer his substitute.

Mr. GARDNER of Massachusetts. Mr. Speaker, I shall make the motion of the gentleman from Illinois, to strike out the proviso, which will give me the floor in the affirmative and the gentleman from New York can answer in the negative. I request that the amendment be reported.

The Clerk read as follows:

Strike out the proviso:

"*Provided*, That no part of this sum shall be paid for telegrams hereafter sent by Representatives, Delegates, and Commissioners in Congress."

Mr. GARDNER of Massachusetts. Mr. Speaker, if this amendment, as originally offered by the gentleman from New York, passes, it is making this House work with old-fashioned tools. It is depriving us of our ability to do our duty and our business in the most modern and effective way. I myself, if I did not fortunately have the means for such things as elaborate telegrams, would be very seriously handicapped, indeed, if I could not send telegrams on Government business at the Government expense. Within a day or two the occupant of the Chair asked me to ascertain certain matters relative to a point of order which had been raised by a gentleman in this House. It required me to telegraph to parliamentarians in different parts of this Union. Scarcely a day passes when I am not obliged to send elaborate telegrams upon one subject or another. It is impossible for me to go to the chairmen of committees each time and get approval for what I wish to do. If I did not have the means to do it out of my own pocketbook, the House would be seriously handicapping me, and it is seriously handicapping every man in this House who is taking any real part in the work of the House.

What good purpose will it serve? You will check a little abuse of this privilege, I grant you, but at the expense of checking a small abuse you will handicap all of the Members of this House who never think of abusing that privilege. There are other ways of checking that abuse. If gentlemen really wish to check it, it is very easy for them to find out who is abusing that privilege, go to them in private, call their attention to the fact that they are abusing the privilege, and have that practice discontinued.

Mr. BUTLER. And require them to pay their own bills.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. GARNER. I want to ask the gentleman from Massachusetts if it is not a fact that these bills can not be paid out of this contingent fund under the present custom until the Committee on Accounts approves of those bills, and if the Committee on Accounts had the nerve to assume the right to reject these telegrams that do not pertain to the public business, this abuse would cease?

Mr. GARDNER of Massachusetts. Mr. Speaker, that is perfectly true; but it is——

Mr. FITZGERALD. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I would like to answer the gentleman from Texas first. It is asking a great deal of the Committee on Accounts to do that. I am perfectly aware of that, but it seems to me that either the Committee on Accounts or the Sergeant at Arms ought to do it, rather than handicap the rest of the House for a saving of $20,000 a year. I really think that our services are increased hundreds of thousands of dollars' worth a year to the people of the United States by the very fact we can send telegrams on public business at public expense, because if we can not send them at public expense the gentleman knows they will not be sent in many cases when they ought to be sent, because Members are obliged to be economical.

Mr. FITZGERALD. The gentleman talks about interfering with a Member in his rights. The gentleman is present now, and it is currently admitted on all sides that there is no authority to pay for these telegrams out of the public funds. This amendment is to prevent that which is now unlawful.

Mr. GARDNER of Massachusetts. Mr. Speaker, at the present time we may be getting at it in a roundabout way, but they are paid for out of the public funds; I do not care how the gentleman arrives at the result. What I am merely saying is this: In the first place the Government pays a great deal less for this service than we in our individual capacity would be compelled to pay for it if we had to do it. I am not arguing but what there is a better way of getting at this thing, but what I am saying is you are forcing us to build with worn-out tools, and that is what the gentleman from New York is trying to do. We are conducting business everywhere with the telephone, the telegraph, the automobile, the multigraph, the typewriter, and this is one of those instrumentalities.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask that the gentleman have five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. With the brilliant mind which the gentleman from Massachusetts has can he differentiate to any extent between sending a telegram over a wire and sending telephone messages over a wire? No one has proposed to take the telephones out of the office of the Committee on Appropriations or other offices, I believe. What is the distinction in theory between sending one by wire and sending the other by wire?

Mr. GARDNER of Massachusetts. I make no distinction, but I think there is distinction made. My impression is that I have to pay my own long-distance calls. I am not sure whether I do or not.

Mr. FITZGERALD. You can telephone within the District.

Mr. GARDNER of Massachusetts. I said long distance and on public business. I do not think we ought to be obliged to do it.

Mr. BEALL of Texas. If the gentleman will permit, in naming these modern appliances for doing business, did the gentleman inadvertently forget the steam roller?

Mr. GARDNER of Massachusetts. Nowadays we have a steam roller with pneumatic pushers on the other side of the House. I do not wish for five minutes more, because what I may have to say would be repetition.

Mr. PAYNE. May I ask the gentleman, is there any real reason why we should discriminate against ourselves in favor of the Senate on this proposition?

Mr. GARDNER of Massachusetts. Well, I see no reason whatever, and, it seems to me, it is a good deal broader than that; it is a question of whether we are going to handicap ourselves for the sake of $20,000 in doing business that makes us efficient.

Mr. LLOYD. Mr. Speaker, it devolves upon the Committee on Accounts, as most of you know, to investigate these telegrams. I have spent quite a good deal of time in investigating the telegrams which have been sent. I want to say for the credit of the House that I find on investigation of the telegrams that, as a rule, this House has not violated its privileges at all. [Applause.] I found but few instances where individuals have sent telegrams on private business. I have seen a few telegrams that have been sent which ought to have been sent at private expense, but I am perfectly safe, after making an investigation, in saying that nine out of ten telegrams that are sent are sent on official business. Now, the telegram in some instances, in my judgment, is a longer telegram than might be sent. That is the greatest criticism I have to make in connection with it, that an individual Member sometimes, in sending a telegram, sends it as if he was sending a letter. He does not abbreviate as we ordinarily abbreviate telegrams in sending them on business. That is the greatest complaint I have to make and the most serious objection I have to the telegrams that are sent, but I take great pleasure in saying here now, if we are going to permit the sending of telegrams at all, that there is no serious complaint against the membership of this House for the telegrams which they have sent.

Mr. HARDY. Would these long telegrams be sent as lettergrams?

Mr. GARNER. The same rate applies.

Mr. FITZGERALD. The official of the House who scrutinizes these telegrams is not the gentleman from Missouri, but the Chief Clerk of the House; is not that the fact?

Mr. LLOYD. The telegrams are sent over to the office of the Sergeant at Arms and the Clerk of the House does not examine them.

Mr. FITZGERALD. The Clerk of the House came before the Committee on Appropriations in reference to these items of miscellaneous expenses of the House, and it was upon his statement, based upon personal knowledge by him in the discharge of his public duties, that I have made the statement here.

Mr. BARTLETT. The Sergeant at Arms does not pay out of the contingent fund at all.

Mr. FITZGERALD. The gentleman says that possibly not more than 10 per cent of these telegrams are improperly sent. If 10 per cent are being sent, that means $2,000 is being paid on the authority of the Committee on Accounts for which there can not be the slightest authority of law. The gentleman should not have one official coming before the committee and calling attention to abuses and then try to minimize them himself on the floor of the House.

Mr. GARNER. Will the gentleman from Missouri [Mr. LLOYD] yield to me so that I may ask the gentleman from New York [Mr. FITZGERALD] a question? Does the gentleman from New York take the position that the Committee on Accounts ought not to authorize the expenditure of money in the purchase of anything for the Members of the House that is not authorized by law?

Mr. FITZGERALD. Certainly I do; because I would not ask the Committee on Accounts to violate the law.

Mr. GARNER. Has the gentleman from New York [Mr. FITZGERALD] ever made a requisition for anything that was not authorized by law?

Mr. LLOYD. Not that I have any knowledge of.

Mr. GARNER. The gentleman from New York has not sufficient knowledge of the law, then. He has made requisition on the Committee on Accounts that was not authorized by law.

Mr. FITZGERALD. If I did, I hope the Committee on Accounts in the discharge of its duties did not pay the account. I would ask the gentleman to state what it is.

Mr. GARNER. Mr. Chairman, the Committee on Accounts in auditing these different items, after a thorough investigation of the law, came to the conclusion that they had authority to make the authorization paying these accounts, and that their action made it law.

Mr. FITZGERALD. That may be.

Mr. GARNER. But, if you must have beforehand an authorization of law for a comb and brush or a typewriter, then we could not authorize any of these things until you passed your statute and put it on the books.

Mr. FITZGERALD. Let me state to the gentleman from Texas that there are good lawyers in this House, and I do not include myself among the number——

Mr. MANN. You are very modest.

Mr. FITZGERALD (continuing). Who have examined the statute upon which the Government rate is extended to official business. And everyone who examined it and to whom I talked expressed the opinion that it did not include telegrams sent by Members of Congress to individuals. I do not put myself in the category of good lawyers, but it is upon those opinions that I have made the statement which I have.

The SPEAKER. The time of the gentleman from Missouri [Mr. LLOYD] has expired.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that my time may be extended for five minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. LLOYD. I want to say in explanation to the gentleman from New York [Mr. FITZGERALD] that it was my misfortune that I was not in the room at the time the gentleman from New York made his statement. Therefore, I am not advised either as to what the gentleman from New York [Mr. FITZGERALD] may have said or what representation was made by the Chief Clerk of the House to him. You are aware of the fact, of course, that all of these claims upon the contingent fund are paid through the Chief Clerk of the House. The disbursing clerk comes in contact with all these bills, and if that is the thing the gentleman from New York [Mr. FITZGERALD] made reference to in his speech he made a very proper reference to the effect that the clerk would have knowledge of all these bills. He has taken a very great interest in the matter.

I want to say that the Chief Clerk of the House is watching after the expenditures of the House in an exceedingly commendable way, and I have nothing but commendation for the course of the Chief Clerk in trying to cut down expenses. The only question I rose to consider was the question of what was the character of the telegrams that had been sent, and I thought it was due that the one who was charged with others in investigating these accounts and examining these telegrams should advise the House as to the character of them. And, as I said a moment ago, I take pleasure in repeating that the House, if they are to be authorized to send telegrams at all, if the telegraph bills are to be allowed, the Members of the House, in my judgment, with very few exceptions, are not violating this privilege that is given to them.

Mr. BUTLER. Will the gentleman yield?

The SPEAKER. Will the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from Pennsylvania [Mr. BUTLER]?

Mr. LLOYD. I will.

Mr. BUTLER. Will the gentleman inform me as to this: Is it not possible to correct this abuse without punishing innocent men?,

Mr. LLOYD. Mr. Speaker, there are several men on the floor of this House that have knowledge of what has been done through the Committee on Accounts. The attention of that committee has been called in some instances to telegrams that were sent that ought not to have been, but I have not found a Member to whom such a suggestion was made who did not seem grateful for the information given him.

Mr. BUTLER. Correcting the abuse himself?

Mr. LLOYD. Yes. I do not think there is a man here who has sent a telegram that should not have been sent who will not take pleasure in correcting the abuse if his attention is called to it.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from South Dakota?

Mr. LLOYD. I do.

Mr. MARTIN of South Dakota. I think there is one consideration that has quite a bearing upon this question, and one that ought not to be overlooked, and that is this: That if Members could pay for official telegrams out of their own pocket at the same rates as the Government is charged, I think there would be far less objection to doing so. If Members send telegrams on official business at their own expense, paying for them themselves, they are required to pay a rate that is three or four times as much as the Government rate.

Mr. LLOYD. There is this about it, that the far western Members and the southern Members, whose homes are situated farthest from Washington, are the ones who send the most telegrams. The sending of telegrams does not mean much to a man living within a hundred miles of Washington City, and to such a man it makes little difference whether we make this restriction or not.

But it is a serious matter to the man who lives in the western part of the United States, who must pay a high rate for his messages. Members can reach their constituents who are within a radius of 400 miles of Washington in 24 hours by mail, but there are many Members here from a greater distance away who can not reach their constituents within less than four or five days by means of a letter.

Mr. MARTIN of South Dakota. If the gentleman will permit, I may say that to send a telegram to my own State at Government rates would cost somewhere from 15 to 20 cents for a message of 10 words. I would have to pay 50 cents to some places, and to the western part of the State 75 cents for a message of 10 words.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. LLOYD. With pleasure.

Mr. GARDNER of Massachusetts. Is it not true, also, that constituents from far western States who are interested in legislation are not nearly as able to get here as my constituents, for instance? Take, as an example, a bill which I have introduced relative to something connected with the fisheries. If I want some information in a hurry on that bill I can telephone to Gloucester, and my constituents will be here in the morning. If, however, somebody from the far West wants some information in a hurry of that sort, he has got to send some tremendously long telegrams, at very high rates, and it seems to me, as the gentleman says, that not only the fact that the rates are higher is to be taken account of, but also the fact that a constituent in a far western State is unable to come to Washington.

The SPEAKER. The time of the gentleman has again expired. [Cries of "Vote!" "Vote!"]

Mr. AUSTIN. Mr. Speaker, I desire to be recognized.

The SPEAKER. Does the gentleman offer a substitute?

Mr. AUSTIN. Yes, sir.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] offers a substitute for the amendment offered by the gentleman from New York [Mr. FITZGERALD], which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $55,000: *Provided*, That no part of this sum shall be paid for personal or private telegrams hereafter sent, and that it is made the duty of the Clerk of the House to enforce this provision.

Mr. FITZGERALD. Mr. Speaker, reserving a point of order, I ask that the Clerk report that again.

The SPEAKER. The Clerk will again report the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The amendment was again read.

Mr. SIMS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIMS. I want to discuss this amendment for a moment only, if it is debatable.

Mr. FITZGERALD. I reserve a point of order.

The SPEAKER. Does the gentleman reserve his point of order or make it?

Mr. FITZGERALD. I reserve it.

The SPEAKER. The gentleman from Tennessee will have the first right to make a statement.

Mr. MANN rose.

The SPEAKER. Does the gentleman from Illinois make a point of order?

Mr. MANN. Yes; I make it.

Mr. EDWARDS. If the gentleman is going to make it, I will make it now.

The SPEAKER. The Chair sustains the point of order. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GARDNER] to strike out the proviso.

Mr. FITZGERALD. Mr. Speaker, before the vote is taken, I wish to say this: The committee was induced to report this provision based on information that came to it upon making inquiries as to the necessity of supplying a deficiency in this appropriation for the service of the House of Representatives. In making that inquiry we sent for the gentleman who was presumed to have the information about these items, more particularly than anybody else. The request was transmitted to the Committee on Appropriations by the chairman of the Committee on Accounts [Mr. LLOYD], who indorsed the statement made by the Clerk of the House as to the necessity for these items. The officer under the Clerk of the House who is most intimately acquainted with the facts is the Chief Clerk of the House. The committee assumed, from the conference it had with the Chief Clerk, that not only was a reform desirable, but that he was acting in harmony with the Committee on Accounts in making the statements which were made before the Committee on Appropriations. If the Committee on Accounts are not in harmony with the Chief Clerk on this matter, then I am perfectly satisfied to have the Committee on Appropriations assume full responsibility for attempting to effect this reform.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MADDEN. The gentleman would not want to apply the reforms to men who do not abuse the privilege, would he?

Mr. FITZGERALD. Mr. Speaker, I have already said that an attempt was made to devise some method by which an abuse should be eliminated. The chairman of the Committee on Accounts admits that telegrams have been passed by that committee which, at least to the extent of 10 per cent, should not have been passed by the Committee on Accounts. It seems that the only method by which the reform can be accomplished is to prohibit the practice by law.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is for the gentleman from New York [Mr. FITZGERALD] to hold the floor until his five minutes have expired.

Mr. MADDEN. Every telegram that is in violation of a rule ought to be paid for by the man who sends it, but we ought not to prevent other men sending telegrams which should properly be paid for by the House.

Mr. FITZGERALD. Let gentlemen pay for the telegrams they send. There is no more reason why we should pay for the telegrams they send than we should pay for every trip Members make away from Washington instead of getting mileage for one journey each session.

Mr. GARNER. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. FITZGERALD. Yes; I do.

Mr. GARNER. I think the gentleman from New York has done the gentleman from Missouri [Mr. LLOYD] an injustice.

Mr. FITZGERALD. I have no desire to do so.

Mr. GARNER. I know the gentleman has no desire to do him any injustice. The gentleman from Missouri did not say, or at least did not intend to say, I am sure, that the Committee on Accounts passed 10 per cent of telegrams that were not authorized under the rules permitting telegrams to be sent for the business of the Congress, but he did say that about 10 per cent of those that were sent were not on the business of the Congress, and he also said they were referred back to the Members and they were gladly paid for by the Members themselves.

Mr. FITZGERALD. The information which came to the Committee on Appropriations was to the effect that the accounts were sent from the telegraph company, accompanied by the telegrams, and that the only thing done was to count up the number of words, to find out whether the amounts totaled were equal to the amounts to which they would be entitled at the rate multiplied by the number of words, and that no telegram was ever excluded; and the man who did the checking said that he had personally examined these telegrams, and that a number of them were paid for which under no pretense could possibly be construed as being sent on Government business.

Mr. GARNER. Mr. Speaker——

The SPEAKER. The time of the gentleman from New York has expired. All time has expired on this amendment.

Mr. GARNER. I move to strike out the last word.

Mr. MANN. That motion is not in order, Mr. Speaker.

Mr. GARDNER of Massachusetts. That would be an amendment to an amendment to an amendment.

Mr. MANN. That would be an amendment in the third degree. But I ask unanimous consent that the gentleman from Texas have five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Texas have five minutes. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I do not desire to take up the time of the House in the discussion of the merits of this amendment, but I do desire to make a statement to the House with reference to the law, as I understand it, applicable to the Committee on Accounts in dealing with these matters. I have no criticism to make of the Committee on Appropriations in bringing in this so-called reform, but I do undertake to criticize the Committee on Appropriations if it selects certain kinds of accounts and criticizes their allowance by the Committee on Accounts, while neglecting to take in other matters that I consider less justifiable than the sending of telegrams.

Mr. FITZGERALD. Let me suggest to the gentleman that this is the only thing called to the attention of the Committee on Appropriations.

Mr. GARNER. Mr. Speaker, so far as I know, the Chief Clerk of this House had no authority to call the attention of the Committee on Appropriations to this matter any more than any other. I want to pay the Chief Clerk the compliment of saying that, in my judgment, he is one of the best officers we have under the present organization, but I do know that in his diligence and zeal to protect the contingent fund of the House the Chief Clerk has come to the conclusion that there are a number of things that ought to be cut out which the Committee on Accounts, after careful consideration, have thought ought not to be cut out.

For instance the gentleman from New York will order a typewriter, and accept the action of the Committee on Accounts in authorizing it. Does he want the Committee on Accounts to turn down every order or requisition sent there not authorized by law? If he does, I am one to stick to the rule. I am an economist as well as the gentleman from New York.

Mr. FITZGERALD. I remember that the first time typewriters were furnished to Members of the House was in the furnishing of the House Office Building. Typewriters were purchased, not under my authority, for the House; and afterwards the Committee on Appropriations reported an item to supply deficiencies to provide typewriters for other Members as they were elected to the House. The matter was discussed and the appropriation was made with the understanding that it was to be used for the purchase of typewriters for Members of the House.

Mr. GARNER. I have no disposition to discuss the propriety of paying for typewriters, Mr. Speaker. I do want to call attention that you can go to the books of the Committee on Accounts, which are open to every Member, and ascertain what any other Member of the House has made a requisition for; and I know I stand in an impartial position, because I have made no requisition of any character through the Committee on

Accounts for anything for my office, but I do say that a majority of the Members of this House have made requisitions for things that are not authorized by law. If you want your Committee on Accounts to turn them down, you ought to make a universal rule telling us not to authorize the payment for a single thing except that which is actually authorized by law.

We discussed this whole matter in the Committee on Accounts, and we came to the conclusion that after the contingent fund had been appropriated by the House that the Committee on Accounts was an appropriation committee itself so far as that fund was concerned, and where it authorized the payment of these bills, that made it law so far as that fund was concerned. Now, my only criticism in this matter is that it is absolutely impossible, physically impossible, for the Committee on Accounts to look over these bills and O. K. them, therefore the propriety of paying them must be left to the chairman of the committee—a greater burden and responsibility than any one Member should bear. We have prescribed certain rules, however, which enable the chairman and his clerk to act for the committee with some knowledge of their views. The committee has revised the rules during this session, which will materially reduce the expenditures coming out of the contingent fund.

We are trying to reduce expenses, and all we ask is that the Members help us by being economical themselves when making requisitions on this fund.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts to strike out the proviso.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 84 ayes and 51 noes.

Mr. FITZGERALD. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. It is evident that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 104, answered "present" 8, not voting 141, as follows:

YEAS—139.

Ainey	Foss	La Follette	Prince
Alexander	French	Langham	Rainey
Anderson, Minn.	Gallagher	Lee, Ga.	Ransdell, La.
Austin	Gardner, Mass.	Lee, Pa.	Rees
Battrick	Garner	Lenroot	Richardson
Bell, Ga.	Godwin, N. C.	Lindbergh	Roberts, Mass.
Bowdle	Goldfogle	Linthicum	Roberts, Nev.
Bradley	Graham	Littlepage	Robinson
Brodhead	Greene, Mass.	Lloyd	Rodenberg
Bulkley	Gregg, Pa.	McCreary	Sabath
Butler	Gregg, Tex.	McDermott	Sloan
Callan	Griest	McGuire, Okla.	Smith, Saml. W.
Clayton	Hamilton, Mich.	McKenzie	Smith, N. Y.
Cooper	Hamilton, W. Va.	McKinley	Speer
Covington	Hardy	McKinney	Steenerson
Crago	Harris	McLaughlin	Stephens, Cal.
Crumpacker	Hawley	Madden	Stephens, Nebr.
Curry	Hayden	Mann	Sterling
Dalzell	Hayes	Martin, Colo.	Stone
Danforth	Heald	Martin, S. Dak.	Sulloway
Davis, Minn.	Helgesen	Matthews	Taggart
Dent	Henry, Conn.	Miller	Talbott, Md.
Dillingerfer	Henry, Tex.	Morrison	Taylor, Ala.
Dodds	Higgins	Morse, Wis.	Thayer
Doremus	Hobson	Murray	Thistlewood
Driscoll, M. E.	Howard	Needham	Tilson
Dupré	Howell	Neeley	Tuttle
Esch	Humphrey, Wash.	Nelson	Underhill
Estopinal	Jackson	Nye	Volstead
Fairchild	Johnson, Ky.	Oldfield	Vreeland
Faison	Kennedy	Parran	Wickliffe
Fassett	Kent	Patten, N. Y.	Wilson, Ill.
Floyd, Ark.	Knowland	Payne	Wilson, N. Y.
Foelker	Kopp	Pepper	Young, Kans.
Fordney	Korbly	Pray	

NAYS—104.

Anderson, Ohio	Edwards	Humphreys, Miss.	Russell
Bartlett	Ellerbe	Jacoway	Sells
Beall, Tex.	Evans	Kinkaid, Nebr.	Sharp
Blackmon	Ferguson	Kinkead, N. J.	Slayden
Bodine	Ferris	Konop	Small
Borland	Finley	Lafferty	Smith, J. M. C.
Buchanan	Fitzgerald	Lamb	Smith, Tex.
Burke, Wis.	Foster	Lawrence	Stedman
Burleson	Fowler	Lever	Stephens, Tex.
Byrns, S. C.	Garrett	Lewis	Sulzer
Byrns, Tenn.	George	McGillicuddy	Sweet
Callaway	Gillett	McKellar	Talcott, N. Y.
Candler	Good	Macon	Taylor, Ohio
Cannon	Goodwin, Ark.	Maguire, Nebr.	Towner
Carty	Green, Iowa	Maher	Tribble
Cline	Hamill	Morgan	Turnbull
Collier	Hamlin	Padgett	Underwood
Connell	Hammond	Page	Watkins
Conry	Harrison, Miss.	Palmer	Wedemeyer
Cox, Ohio	Haugen	Peters	Whitacre
Cullop	Heflin	Prouty	White
Daugherty	Hensley	Raker	Willis
Denver	Houston	Rauch	Wilson, Pa.
Dickinson	Hughes, Ga.	Roddenbery	Witherspoon
Dies	Hughes, N. J.	Rothermel	Wood, N. J.
Dixon, Ind.	Hull	Rubey	Young, Tex.

ANSWERED "PRESENT"—8.

Adamson	Davidson	Fornes	McMorran
Davenport	Dyer	Hardwick	Riordan

NOT VOTING—141.

Adair	De Forest	Konig	Reilly
Aiken, S. C.	Dickson, Miss.	Lafean	Reyburn
Akin, N. Y.	Donohoe	Langley	Rouse
Allen	Doughton	Legare	Rucker, Colo.
Ames	Draper	Levy	Rucker, Mo.
Andrus	Driscoll, D. A.	Lindsay	Saunders
Ansberry	Dwight	Littleton	Scully
Anthony	Fields	Lobeck	Shackleford
Ashbrook	Flood, Va.	Longworth	Sheppard
Ayres	Francis	Loud	Sherley
Barchfeld	Fuller	McCall	Sherwood
Barnhart	Gardner, N. J.	McCoy	Simmons
Bartholdt	Glass	McHenry	Sims
Bates	Goeke	Malby	Sisson
Berger	Gould	Mays	Slemp
Bowman	Gray	Mondell	Smith, Cal.
Bradley	Gudger	Moon, Pa.	Sparkman
Brown	Guernsey	Moon, Tenn.	Stack
Browning	Hanna	Moore, Pa.	Stanley
Burgess	Harrison, N. Y.	Moore, Tex.	Stephens, Miss.
Burke, Pa.	Hartman	Moss, Ind.	Stevens, Minn.
Burke, S. Dak.	Hay	Mott	Switzer
Burnett	Helm	Murdock	Taylor, Colo.
Calder	Hill	Norris	Thomas
Campbell	Hinds	Olmsted	Townsend
Cantrill	Holland	O'Shaunessy	Utter
Carlin	Howland	Patton, Pa.	Vare
Carter	Hubbard	Pickett	Warburton
Clark, Fla.	Hughes, W. Va.	Plumley	Webb
Claypool	James	Porter	Weeks
Copley	Johnson, S. C.	Post	Wilder
Cox, Ind.	Jones	Pou	Woods, Iowa
Cravens	Kahn	Powers	Young, Mich.
Curley	Kendall	Pujo	
Currier	Kindred	Randell, Tex.	
Davis, W. Va.	Kitchin	Redfield	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. WEBB with Mr. VARE.

Mr. TOWNSEND with Mr. UTTER.

Mr. STEPHENS of Mississippi with Mr. SWITZER.

Mr. SISSON with Mr. REYBURN.

Mr. SHERWOOD with Mr. SIMMONS.

Mr. SAUNDERS with Mr. PORTER.

Mr. REILLY with Mr. POWERS.

Mr. REDFIELD with Mr. YOUNG of Michigan.

Mr. RANDELL of Texas with Mr. WILDER.

Mr. SIMS with Mr. WOODS of Iowa.

Mr. POU with Mr. WARBURTON.

Mr. O'SHAUNESSY with Mr. PICKETT.

Mr. Moss of Indiana with Mr. PATTON of Pennsylvania.

Mr. MOON of Tennessee with Mr. MURDOCK.

Mr. MCCOY with Mr. MOTT.

Mr. LOBECK with Mr. MOORE of Pennsylvania.

Mr. LEVY with Mr. MOON of Pennsylvania.

Mr. KITCHIN with Mr. LAFEAN.

Mr. JOHNSON of South Carolina with Mr. KENDALL.

Mr. HOLLAND with Mr. KAHN.

Mr. HELM with Mr. HUGHES of West Virginia.

Mr. HAY with Mr. HINDS.

Mr. FLOOD of Virginia with Mr. HILL.

Mr. DOUGHTON with Mr. HANNA.

Mr. DONOHOE with Mr. DE FOREST.

Mr. DAVIS of West Virginia with Mr. COPLEY.

Mr. CURLEY with Mr. BOWMAN.

Mr. BURNETT with Mr. BURKE of Pennsylvania.

Mr. BARNHART with Mr. BARTHOLDT.

Mr. ANSBERRY with Mr. BARCHFELD.

Mr. AIKEN of South Carolina with Mr. AMES.

Mr. CARLIN with Mr. CALDER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. JAMES with Mr. MCCALL.

Mr. ALLEN with Mr. LONGWORTH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. GOEKE with Mr. HOWLAND.

Mr. BURGESS with Mr. WEEKS.

Mr. FIELDS with Mr. LANGLEY.

Mr. BROWN with Mr. CURRIER.

Mr. HARDY with Mr. OLMSTED.

Mr. SHERLEY with Mr. MALBY.

Mr. POJO with Mr. MCMORRAN.

Mr. SPARKMAN with Mr. DAVIDSON.

From May 24 until May 28:

Mr. HARDWICK with Mr. CAMPBELL.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

From May 20 and ending two weeks hence:

Mr. ROUSE with Mr. FULLER.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

From May 15 and ending May 25:

Mr. STANLEY with Mr. ANTHONY.

From May 15 and ending two weeks hence:

Mr. CANTRILL with Mr. LOUD.

From May 23 and ending two weeks hence:

Mr. SHACKLEFORD with Mr. DRAPER.

A quorum being present, the doors were opened.

The SPEAKER pro tempore (Mr. GARRETT). The question now is on the amendment of the gentleman from New York, as amended.

Mr. GILLETT. Mr. Speaker, I wish to call the attention of the House to the fact that this is the largest contingent fund that has ever been passed by the House.

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Massachusetts to the fact that debate is exhausted.

Mr. GILLETT. But, Mr. Speaker, there has been no debate on the amendment, I think. If there has been, I move to strike out the last word.

The SPEAKER pro tempore. The present occupant of the Chair was not in the Chair at the time, but he has been advised at the desk that debate has been exhausted.

Mr. GILLETT. Then I move to strike out the last word. I simply wish to point out the fact that this is the largest contingent fund that has ever been used by the House, at least within 25 years, so far as our records show. The majority, the Democratic Party, started in on a record of economy, and it looks now as though they had concluded that it is only charity that begins at home, and economy can better be practiced on the departments and elsewhere, but not here at home. Of course the Appropriations Committee had to report this, because the authorizations have been made, the bills were coming in and had to be paid, but it is an unprecedentedly large amount.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. BARTLETT. Is it not a fact that there was a deficiency in the appropriations for 1907 in this fund of $120,000?

Mr. GILLETT. But that is not as large as the contingent fund is this year.

Mr. BARTLETT. I know it.

Mr. GILLETT. That is what I stated. That is no contradiction.

Mr. BARTLETT. There is only about $20,000——

Mr. GILLETT. Oh, I have yielded to the gentleman for a question. I can not let him take up my time.

Mr. BARTLETT. I beg the gentleman's pardon. If I take up his time I will get him more.

Mr. GILLETT. Mr. Speaker, the majority as I say started in with the boast that they were going to reduce expenses in the House.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. EDWARDS. I would like to call the attention of the gentleman to the fact that if he will refer to the record of the roll call just had, he will see that it was not so much by the vote of the Democratic Members of the House as by the vote of the Republican Members that this amendment prevailed.

Mr. GILLETT. How did the gentleman vote?

Mr. EDWARDS. I voted in the negative; I voted against it.

Mr. GILLETT. Mr. Speaker, I am not alluding now to the vote on the last amendment, although that side, being a majority, is responsible for the action of the House. It is always true, I suspect, it certainly was true in the last Congress that the minority was generally for large appropriations, but the majority is always responsible, and ought to be, and no matter how the individuals vote, the majority is now responsible for this tremendous contingent fund. At the beginning of Congress there were boasts that this House was going to be economical. The gentleman from Pennsylvania [Mr. PALMER] brought in a resolution cutting down greatly the force employed by this House. I do not agree with some Members on this side who criticized it and said that it was taking away the conveniences of the House. I think he was right. There were abuses of patronage which ought to have been checked, but the trouble was that instead of applying a remedy to the disease they simply applied a palliative.

The reason that in this House we had this superfluous force of officials was because of the patronage system, and the only way to wipe out that abuse is to take away that patronage. If we had some civil service established; if we let the Civil Service Commission, or some committee, investigate and select permanent appointments it would affect the root of the trouble, but they have simply divided up the patronage as before—only taken less of it. I hope that they will be able to stand by their beginning, but it is my opinion, and this enormous contingent fund confirms it, that they will not be able to stand up against the pressure; and I believe, after election, after they have boasted from the stump of the economies they have produced, we will see that side come forward and gradually increase the officials and officers of this House. They had an opportunity to make a permanent cure, and they did not accept the opportunity.

They said at the time they were going to make the same extensive reductions in the departments that they did here. I knew it was impossible, because the same conditions do not prevail in the departments. If the departments were not under civil service I have no doubt they would have found the same condition of abuse there, because they are just as human as we are; but they are under civil service, and there was no motive for a superfluous force, and therefore, though they have had all these investigating committees on expenditures in operation which were expected, apparently, to produce great results, nothing has resulted. They have not been able to reduce the expenses in the departments as we have here, and this vast contingent fund, which has been spent largely by these committees, has mostly been wasted. I do not mean there are not abuses in the departments, that there are not abuses everywhere that can not be investigated, and some little good will be done by it; but, in my opinion, the great impressive feature of these investigations is not the economy they have produced but the money that they have cost.

It is very like the experience of Democratic economy in 1884. It was said then they expected after the Republicans had been in power for 24 years that the departments would unfold tremendous scandals and corruption, and in one department the head of the department, after the regular examining board had not been able to find any of these scandals, employed out of his own pocket a force of clerks to investigate the department.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GILLETT. Just one minute.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. I just wish to say that seems to have been followed here. They are making a tremendous amount of investigation of search for scandals and they are spending a vast amount of money, but they are not producing any results, the investigating committees are making no useful recommendations, and I believe that this unprecedentedly large contingent fund is just a forecast of the results that will come with the second session of this Congress and that all the Democratic claims for economy will be contradicted. [Applause.]

Mr. MANN. Mr. Speaker, I am not disposed to criticize in reference to the amount to be added to the contingent fund, although I fully agree with what the gentleman from Massachusetts [Mr. GILLETT] has said regarding the investigations. When this Congress first met the House dispensed with a number of employees of the House. The gentlemen who came in control looked around and thought they saw supernumerary employees and that they could get along just as well without them, and they cut off a number. I have no criticism of the existing employees of the House. They came to their duties without great experience, at least in the House, and they are doing their work, and yet I think it is quite patent that there are not enough employees of the House at present to transact the business of the House. The other day I sent to the document room to get a copy of the bill which had passed the House, which had passed the Senate and then passed the House. The boy came back and said the document room had no copy except the original bill as originally introduced in the Senate. It had passed the Senate and passed the House. I sent again to the document room and told them I wanted a copy of the bill. The boy came back and told me the same thing. Then I went to the document room and asked for a copy of the bill and was told the same thing, but, having some knowledge of the ropes, I had to go elsewhere to get a copy of the bill as it passed the Senate.

The other day this House sent to the President of the United States for his signature an enrolled bill which had not passed. It was a bill which had passed the Senate, had passed the House, but gone into conference. Some gentleman

connected with the House had retained the papers in his hands and had not turned them over to the conferees. The House conferees made a report, the House agreed to the conference report, and the Senate had not had possession of the papers, had had no conference report, had not agreed to one, and on the strength of what had been done, without having been agreed to by the Senate or House, the Committee on Enrolled Bills reported to the Speaker that the bill was duly enrolled, having passed both Houses, and the Speaker signed the bill. It went to the President, and had to be recalled by a resolution originating in the Senate. Now, I do not think that was a fault to be criticized on the part of the Clerk at the desk whose duty it was to turn the papers over to the conferees. The truth is the Journal Clerk of the House is worked to death. There is no man living who can properly attend to the duties of keeping track of what goes on in this House, and journalize it, during the rest of this session by himself.

That is one of the instances where a lack of employees might have sent an important bill to the President to be signed, because of niggardly and false economy. [Applause on the Republican side.] Originally it was undertaken through a mistaken idea and not through a mistaken motive.

Mr. PALMER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PALMER. Does the gentleman recall the fact that the very first bill which passed through this House in the Sixty-second Congress was a bill to correct a mistake of clerks in the Sixty-first Congress, by which several hundred thousands of dollars were appropriated which should not have been carried in the bill?

Mr. MANN. Oh, I recall the fact that a good many times since I have been a Member of the House, where appropriation bills are held up in conference until 15 or 20 minutes before the final adjournment, and they are compared in the enrolling room before they are agreed to, and otherwise would not become a law, the enrolling clerk does not sometimes put in or strike out an item as finally agreed to in conference. That is not the fault of the clerk. That is the fault of Congress, and so is this the fault of not providing the proper number of employees for the House.

Mr. FITZGERALD. All such errors are likely to occur in the House, no matter how competent the force is. The gentleman from Pennsylvania [Mr. PALMER] called attention to what happened during the last Congress. That enrollment occurred under the most efficient enrolling clerk the House has ever known, with a force perfected during 16 years of control, and for the particular emergencies, due to the fact that Congress was working under pressure, additional assistants had been given to the Committee on Enrolled Bills. It is now so unfrequent a practice that it occasions great comment in this House to have engrossed bills lost between the time they leave one House and reach another.

Mr. MANN. It has been a frequent practice in this House, I am sure.

Mr. FITZGERALD. Yes; and it happened a number of times in a Republican Congress. I was not sure in those Congresses whether a bill were lost or a messenger. We always replace the bill. The House has not suffered from any want of employees. It is possible that in some instances an additional employee here and there might have facilitated the transaction of business in some respects. The condition of which the gentleman complains in the document room is due very largely to the fact that Mr. Grayson, a Democrat, who has been continued there regardless of the political control of the House, is ill and away from his duties. He is one of the few men who possesses the peculiar information required in order to make the service of that office efficient.

Mr. MANN. If the gentleman will permit, I do not think the statement that I made was intended to criticize the document room. I do not think the evil was in the document room in that matter.

Mr. FITZGERALD. Of course, the gentleman referred to the document room. I do not know what particular official or officer of the House he was attempting to criticize in giving reasons that perhaps the officials of the document room might not readily find documents sent for.

The gentleman from Massachusetts [Mr. GILLETT] criticizes the action of the Democratic House thus far, and calls attention to the fact that in 1884 the Democratic House started with the same tendency to investigate, and he states the efforts resulted in failure. I do not recall what happened in 1884, but if I were going into the past history of this Government, I might go back to 1876, when a Democratic House unearthed the frauds in the War Department, resulting in the impeachment of Secretary of War Belknap and the driving of many prominent Republicans into private life.

I do not know how effective or how efficient or how necessary many of the investigations ordered by the House have been. The House has authorized special committees appointed for specific purposes, or standing committees authorized to make particular investigations, to incur an expense of $163,000, all of which is charged to the contingent fund. These committees have expended thus far $66,932.45. The demands upon the contingent fund of the House are always uncertain. In 1908 the appropriations were $50,000, but a Republican Congress appropriated $120,000 to supply deficiencies in it, making a total of $170,000. In this appropriation the total for this fiscal year will be $180,000.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. I understood the gentleman to give the figures of expenditures out of the contingent fund for the special investigating committees as something like $68,000.

Mr. FITZGERALD. Sixty-six thousand nine hundred and thirty-two dollars and forty-five cents.

Mr. MANN. I hold in my hand a communication from the Clerk of the House, which I received on the 29th of March, and at that time the amount of money paid out to these committees from the fund was $70,933.81.

Mr. FITZGERALD. Well, I have a statement which I received from the Committee on Accounts, and I have found the total myself. It is possible that I have erred in casting the total.

Mr. MANN. It is quite possible that——

Mr. FITZGERALD. But with the permission of the House, I shall put into the RECORD a statement showing the expenditures of all the committees of the House from July 1, 1911, to May 20, 1912.

Mr. MANN. I say it is quite possible, then, that the gentleman refers only to payments out of the contingent fund for this fiscal year. I presume my statement included payments for both fiscal years.

Mr. FITZGERALD. I think that is possible. The statement I make is from July 1, 1911.

Mr. GILLETT. And the gentleman is assuming that no further payments will be necessary from the contingent fund. I think that is not a safe assumption.

Mr. MANN. The gentleman is not assuming any such thing as that.

Mr. FITZGERALD. This item includes $25,000 to meet the demands of these special committees between now and the 1st of July. I am unable to forecast whether additional sums will be needed.

The gentleman from Massachusetts [Mr. GILLETT] states that this House at the outset asserted that it would accomplish the same reforms in the various departments of the Government that is accomplished here; that the conditions existing in the departments were such as would permit the reduction of expenditures on the same scale as in the House, and that it has not lived up to its promises. The committee has found such conditions, and it has recommended such reductions, against the protest of the gentleman from Massachusetts.

In the first place, the legislative, executive, and judicial appropriation bill carries a provision which prohibits the filling of any vacancy in the classified service in the District of Columbia during the coming fiscal year. The committee reported the legislative, executive, and judicial appropriation bill, carrying $2,000,000 below the appropriations for the current year, which were in the neighborhood of $36,000,000. In addition it required the War Department arbitrarily to reduce by 10 per cent the clerical force in that department, and with these reductions and with the reductions enforced and with the prohibition against reappointments, the total saving, if we had the cooperation of the Republican administration and the Republican Members in both branches of the Federal Legislature, would be between four and five million dollars below the appropriation for the current year, or a reduction in the neighborhood of 10 per cent in the cost of conducting these branches of the Government. I had hoped to receive the assistance of the gentleman from Massachusetts [Mr. GILLETT], and I do not despair. We dropped out of the State Department officials appointed under a pretended organization without any authority of law. Money obtained for one purpose was applied to an entirely different purpose. The gentleman from Massachusetts protested against our action, and the State Department is busy

using its official force, not in conducting the official business of the Government, but in sending out literature to all the manufacturing establishments of the United States and to the boards of trade and chambers of commerce, protesting against what one of its officials has had the presumption to say is reactionary legislation, legislation that would wreck the State Department, and unless abandoned two of the high officials threaten to resign.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I would suggest that if these officials were to resign on July 1, they would only be anticipating by a few months an event that is bound to occur; and if these distinguished gentlemen can not conduct the State Department with the same organization that existed until they incorporated into it a number of officials out of an appropriation given for the purpose of enabling the President to carry out the maximum and minimum provision of the Payne-Aldrich tariff bill it would be better that we return to the days of John Hay and ELIHU ROOT, who were able satisfactorily to conduct the Department of State, at least satisfactorily to the people of the United States, without engrafting upon it a number of new officials unknown to the law, whose official existence can not be justified, as far as I have been able to ascertain, for any legitimate reason whatever.

We may not succeed in accomplishing all the reforms we desire. We will not if we have to rely upon the assistance of those representing the administration in both Houses of Congress, but we will do our best. We will recommend reforms whenever the necessity exists and the facts justify, and when this Congress is ended, so far as I am concerned, I shall be content to rest upon the record that has been made by the Democratic House. [Applause.]

The SPEAKER pro tempore. Did the gentleman from New York desire unanimous consent to insert some paper in the RECORD?

Mr. FITZGERALD. I ask unanimous consent to insert in the RECORD a statement which shows the expenditures for the various committees of the House from the contingent fund from July 1, 1911, to May 20, 1912.

The SPEAKER pro tempore. The gentleman asks unanimous consent to insert certain statements in the RECORD. Is there objection?

There was no objection.

The statement referred to is as follows:

Expenditures for committees, July 1, 1911, to May 20, 1912.

Committee to investigate the Steel Trust	$36,942.08
Committee to investigate the Sugar Trust	11,486.20
Committee on Expenditures, Interior Department	7,875.33
Committee on Expenditures, Post Office Department	6,953.01
Committee on Expenditures, Agricultural Department	2,669.78
Committee on Expenditures, Treasury Department	665.05
Committee on Expenditures, State Department	297.20
Committee on Expenditures, War Department	865.40
Committee on Expenditures, Navy Department	170.50
Committee on Expenditures, Department of Justice	299.37
Committee on Expenditures, Department of Commerce and Labor	104.00
Committee on Expenditures, Public Buildings	36.00
Committee on Taylor system of shop management	3,753.93
Committee on Banking and Currency	1,483.35
Committee on District of Columbia	3,704.33
Committee on the Judiciary	1,165.96
Committee on Reform in the Civil Service	88.70
Committee on Elections No. 1	184.86
Committee on Elections No. 2	28.35
Committee on Elections No. 3	139.40
Committee on Rules	531.10
Committee on the Territories	228.70
Committee on Mines and Mining	21.50
Committee on the Merchant Marine and Fisheries	521.27
Committee on the Library	93.10
Committee on Labor	70.50
Committee on Patents	150.55
Committee on the Public Lands	204.10
Committee on Coinage, Weights, and Measures	118.95
Committee on Immigration and Naturalization	86.40
Committee on Irrigation of Arid Lands	83.55
Committee on Ways and Means	98.95
Committee on Insular Affairs	12.60
Committee on Interstate and Foreign Commerce	621.55
Committee on Indian Affairs	413.38
Committee on Agriculture	667.53
Committee on Claims	48.75
Committee on Foreign Affairs	413.00
Committee on Invalid Pensions	18.00
Committee on the Post Office and Post Roads	605.35
Committee on Military Affairs	611.15
Committee on Public Buildings and Grounds	251.20
Committee on Rivers and Harbors	166.05
Committee on Naval Affairs	311.30
Committee on the Census	$16.35
Committee on Industrial Arts and Expositions	83.45
Total	85,361.79
Funeral expenses of deceased Members	9,962.08
Funeral expenses of deceased employees	2,610.10
Telephone service	6,572.40
Telegrams	5,573.79
Ice for Capitol and House Office Building	2,943.84
Other miscellaneous expenses	13,718.73
Total	126,942.73
To Members on stationery account — $35,624.01	
For purchases on stationery account — 31,233.63	
66,857.64	
Less cash on account of sale of stationery and credited to stationery account — 8,682.91	
	58,174.73
Fuel and oil	23,841.14
Furniture and repairs to furniture	24,671.83
Materials for folding	5,796.08
Packing boxes	2,943.84
Total	242,370.33

The SPEAKER pro tempore. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD] as amended.

The question being taken, the amendment as amended was agreed to.

The Clerk read as follows:

For stationery for Members of the House of Representatives, Delegates from Territories, and Resident Commissioners, and for the use of the committees and officers of the House, $1,000.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from New York what portion of this $1,000 is to be used for the purpose of paying the yearly allowance of new Members, or is it for committees entirely?

Mr. FITZGERALD. Committees and officers of the House.

Mr. GARNER. None of it is to be used for the Members' annual allowance of $125?

Mr. FITZGERALD. Not at all, as I understand it. The chairman of the Committee on Accounts [Mr. LLOYD] transmitted a statement prepared by the Chief Clerk of the House, in which it was stated that it was essential to have $1,000 for the stationery account. The Chief Clerk stated that it was for the purpose of supplying stationery for committees and officers of the House.

Mr. MANN. I think it is fair to state that there are three new Members of the House, who are entitled to their allowance.

Mr. FITZGERALD. They will be taken care of in the general deficiency bill, if there is any such item.

Mr. MANN. I think it comes out of this item. I suppose it has already been paid.

Mr. FITZGERALD. They would be payable out of this fund.

Mr. MANN. They have already been paid, which helps to shorten this fund.

Mr. FITZGERALD. That may be. I am not certain whether they have been paid.

Mr. GARNER. Can the gentleman tell us what proportion of this $1,000 is to be used by the officers of the House?

Mr. FITZGERALD. The Chief Clerk addressed this communication to the Committee on Accounts, under date of May 9, 1912:

I call your attention to the fact that our fund of $5,000, out of which we provide stationery for officers and committees of the House, is exhausted, and we request that you secure an appropriation of $1,000 to replenish this fund for the months of April, May, and June of the present fiscal year.

Yours, respectfully,

J. C. SOUTH, *Chief Clerk.*

The chairman of the Committee on Accounts transmitted that estimate and request to the Committee on Appropriations, I suppose by authority of the Committee on Accounts. My recollection is that the statement of the Chief Clerk before the Committee on Appropriations was to the effect that this was to supply stationery for committees and officers, without indicating the proportion.

Mr. GARNER. Then the gentleman does not know how much shortage exists by virtue of the use of stationery by committees or officers of the House?

Mr. FITZGERALD. I do not.

The Clerk read as follows:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, $50,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska.

Mr. HULL. Mr. Speaker, I move to strike out the last word, for the purpose of asking unanimous consent to extend my remarks in the RECORD by printing a statement containing certain quotations relating to appropriations for the Department of Justice, in connection with the enforcement of what is known as the antitrust law.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. HULL] moves to strike out the last word, and asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection?

There was no objection.

The statement referred to is as follows:

PROSECUTION OF THE TRUSTS.

On December 17, 1902, when the legislative, executive, and judicial appropriation bill was before the House and the item making appropriations for the Department of Justice had been read, Mr. BARTLETT offered the following amendment:

"For the purpose of enforcing the antitrust laws of the United States and to enable the Attorney General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of $250,000, or so much thereof as may, in the judgment of the Attorney General, be necessary, to be expended under the direction of the Attorney General, and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States." (Vol. 36, CONGRESSIONAL RECORD, p. 411.)

Mr. Bingham, in charge of the bill, said:

"I will make no point of order against that proposition."

Mr. Overstreet said:

"There is no such law known to the statutes as the antitrust law."

Mr. UNDERWOOD said:

"I understand that the disposition here is not to create a new statute, but to provide the Attorney General with the necessary funds by which he can enforce the law now on the statute books."

Mr. Hepburn offered the following as a substitute for the amendment offered by Mr. BARTLETT:

"That for the enforcement of the provisions of the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, and sections 73, 74, 75, and 76 of the act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894, the sum of $250,000 is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying." (P. 412.)

Mr. CANNON said:

"But the gentleman from Georgia moved his amendment; no point of order was made upon it—the point, I think, being properly withheld—and that proposition is now before us for consideration. For one I am quite willing to settle it here, so far as we can, and would suggest to the gentleman from Iowa that he increase the sum from $250,000, as proposed in the substitute he moves, to $500,000, and that he make the appropriation immediately available."

Mr. Hepburn accepted these suggestions, and his substitute was amended accordingly.

Mr. BARTLETT said:

"The committee of which the gentleman from Indiana [Overstreet] is a distinguished and honored member has not for a number of years reported any bill or done anything else to relieve the country from the exactions of the trusts, not even when the President of the United States, in his message of December of last year as well as the one delivered to the House at the beginning of the present session, has recommended that some resolute and practical legislation should be enacted to correct the evil of the trusts. And I say that the gentleman does not stand in a position to complain when other Members of the House see fit to propose that funds be put at the disposal of the Attorney General with which to prosecute the trusts of this country. * * I offered this because it did not appear that any member of the majority intended to do anything to aid the Attorney General or do anything toward prosecuting the trusts of this country or to carry out the recommendation of the President."

Further on he said:

"The Republican Party has been masquerading sufficiently before the country on the subject of their opposition to the trusts, and for one I want to put this amendment before the House, that it may be voted on."

Mr. UNDERWOOD said:

"In fact, he [Grosvenor] points with pride to one or two cases where the Republican Party has actually used the law on the statute books to suppress certain trusts that it was not in partnership with, but I want to ask him, if the law that he takes so much pride in, the law that he says is effective and can suppress trusts, is on the statute books. Why has not the Republican Party, which has been in power since 1896 and which has had absolute control of the legislative and executive branches of this Government since 1896, suppressed the trusts? I would ask him, Why, since the Republican Party has had complete control of the Executive—the President, the Attorney General, and Congress, with the power to provide money—it has not suppressed the trusts? Enumerate in your own mind and before the people the trusts that are a living menace to the people to-day, and yet, according to the confessions of your own leader, you have had the law in your hands and have had the power and the ability to suppress those trusts since 1896 and have not done it.

"Now, I congratulate the gentleman from Iowa [Mr. Hepburn] and the gentleman from Illinois [Mr. CANNON] that when this side of the House offers an amendment to this bill to aid the Attorney General and the Executive of this great Government to enforce the law against the trusts they had the manhood to stand up for the masses of the common people of this country; that they have had the manhood and the courage, notwithstanding the political line, to come across and accept the proposition we made and aid us in the enactment of this legislation, which will do something toward suppressing the evils the people are crying against."

The substitute was then adopted and the amendment as amended by the substitute adopted without division. (Vol. 36, p. 410.)

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

THE NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER pro tempore. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HULL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters at yards and stations, general storekeepers ashore and afloat, and receiving ships and other vessels; 2 clerks to general inspectors of the Pay Corps; 1 clerk to pay officer in charge of deserters' rolls; not exceeding 10 clerks to accounting officers at yards and stations; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, and mates, naval constructors and assistant naval constructors; and also members of Nurse Corps (female); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with Naval Militia, and for the Fish Commission, 48,000 men; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many machinists as the President may from time to time deem necessary to appoint, not to exceed 20 in any one year; and 3,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law; pay of the Nurse Corps; rent of quarters for members of the Nurse Corps; $37,280,971.25.

Mr. SIMS. Mr. Chairman, I ask for recognition to submit a request for unanimous consent to extend my remarks in the RECORD and print an address by Mayor Gaynor.

Mr. MANN. Mr. Chairman, I did not hear the request of the gentleman from Tennessee.

Mr. SIMS. I ask unanimous consent to extend remarks in the RECORD for the purpose of printing in the RECORD in connection with my remarks a recent address by Mayor Gaynor.

Mr. LONGWORTH. Upon what subject?

Mr. SIMS. It is upon a subject upon which Mayor Gaynor is well qualified to speak, having been a judge.

Mr. MANN. If the gentleman will agree that the address shall not be put in the current proceedings, but in the latter part of the RECORD, I shall not object.

Mr. SIMS. I have no objection to that. The article is too good to lose.

Mr. MANN. I do not know of any place where it is more effectually lost than to put it in the RECORD. [Laughter.]

[The article referred to will be found in the Appendix.]

Mr. TRIBBLE. Mr. Chairman, I move to amend, on page 2, line 17, by inserting the amendment I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 2, line 7, after the word "list," insert the following: "Except that no part of this appropriation shall be paid to officers retired from service after July 1, 1912, as provided in section 9 of the personnel act, Fifty-fifth Congress, third session, approved March 3, 1899, known as the involuntary retirement or plucking-board retirement.

Mr. PADGETT. To that, Mr. Chairman, I reserve a point of order.

Mr. TRIBBLE. I would like to know what the gentleman's point of order is?

Mr. PADGETT. It is legislation.

The CHAIRMAN. Does the gentleman reserve his point of order or make it?

Mr. PADGETT. I will make the point of order, unless the gentleman from Georgia wishes to be heard.

Mr. TRIBBLE. I do wish to be heard, Mr. Chairman. The object of this amendment is to reach a number of naval officers that are retired year by year by what is known as the plucking board—men who are competent, men against whom there is no breath of suspicion that they are not capable, men trained by the Government at the people's expense who have served 12 years are retired by this board over their protest. If there is a man on the floor of the House to-day who denies the proposition, I am going to invite him to get up and deny it right now or forever hereafter hold his peace, that officers are retired for no other purpose than for the purpose of making a place for other officers. Now rise and deny that statement.

Mr. KOPP. Will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. KOPP. As I understand, the purpose of the gentleman's amendment is to prohibit any part of the appropriation going to these officers?

Mr. TRIBBLE. To those officers plucked by the plucking board.

Mr. KOPP. If they have been plucked unfairly, does the gentleman think that it is right to cut them out from all pay?

Mr. TRIBBLE. This provides that after July 1, 1912. It is not retroactive, it does not go into the past, but is for the future.

Mr. KOPP. It applies to any future plucking.

Mr. TRIBBLE. Yes.

Mr. MANN. Will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. MANN. I will say to my friend from Georgia that I agree with him about the plucking board, and I hope it will be repealed; but does not the gentleman believe that if his amendment were adopted, that after July 1 next the plucking board would continue to operate and that men would be retired and would not be paid?

Mr. TRIBBLE. That is a legitimate question and I am glad the gentleman from Illinois asked it. I expected such a question to be asked. I have provided an amendment which I shall offer at the proper time to repeal the plucking board.

Mr. MANN. Yes; but we are discussing now the point of order to the gentleman's amendment.

Mr. TRIBBLE. It is true that if my amendment were adopted, and this act were not repealed, it would work an injustice to these men who hereafter might be plucked, if the plucking board still remained on the statute books.

Mr. MANN. We shall have to assume as far as this amendment is concerned that the plucking board still remains on the statute books. Would not the gentleman's amendment in effect change the law, and direct the plucking board not to retire anybody, because could it be conceived that Congress would provide that men should be retired and then provide that they should not be paid?

Mr. TRIBBLE. Yes; that is a good suggestion, and the gentleman is in line with my views. Probably I have not been able to express them as clearly as he has expressed them for me.

Mr. MANN. But I am not in line with the gentleman's idea about the point of order.

Mr. TRIBBLE. Mr. Chairman, in answer to my friend and colleague on the committee, I have prepared an amendment which I will introduce at the proper time to repeal the plucking board. Some gentleman will rise on the floor of this House and ask why I did not introduce a bill to that effect and have it referred to the Committee on Naval Affairs. I will answer that and I am free to answer it. The only hope I had to get it through this House was to come into the House and ask this House to join me in this fight on the plucking board, because I could not put through the Committee on Naval Affairs a recommendation to repeal the plucking board. That is why I am here at this moment.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. HOBSON. As a member of the committee, I should like to have the gentleman state the basis of his statement—whether he has tried to get any such measure through the committee?

Mr. TRIBBLE. I have drawn no bill.

Mr. HOBSON. And if he had tried to get it through the committee, would that have prevented his trying to get it adopted on the floor of the House?

Mr. TRIBBLE. It would not. I have drawn no bill, but I have felt sentiment of the committee, and I know what it is. Is not the gentleman opposed to it? Would he vote to abolish the plucking board?

Mr. HOBSON. No; but——

Mr. TRIBBLE. Then why should you speak up? You belong to the opposition. Let the fellows who are in favor of abolishing the plucking board, and who would stand with me in this fight in the Committee on Naval Affairs, get up and speak. You are opposing me and should keep your seat [laughter], as I only requested those who would support such a bill in the committee to rise.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to continue for five minutes more.

Mr. MANN. But the gentleman undertook to discuss the point of order. The point of order was made, and not reserved, as I understood it.

Mr. PADGETT. I said that I would withhold it until the gentleman made his statement.

Mr. MANN. Oh, I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. TRIBBLE. Mr. Chairman, this is a limitation on an appropriation. It reduces the appropriation, not by hundreds, not by thousands, but by many thousands. It is a reduction in the appropriation, and in saying that I think it is all that is necessary to say on the question of the point of order.

Mr. Chairman, the plucking board, it is admitted in the hearings, takes from the service men who object to being taken from the service. Men who are in the Navy who have heard of my fight on the plucking board have come to me and said that they hoped that this amendment which I propose to offer would be passed, that they could not afford to allow their names to be used, but they say in effect, "I am in the service and I want to stay in the service; I do not want to be thrown out into the world after I have entered the Navy expecting to stay there during certainly the better part of my young manhood; I do not want to go out and pass among my fellow men and have every man who knows about my retirement point his finger at me and say that something must be the matter with me as I have been retired from the Navy."

It is admitted by officers, every one who testified, that some of the very best men are retired under this plucking-board system, and for what purpose? It is for the purpose of making place for others, no other reason can be assigned. Mr. Chairman, is it right to put upon the backs of the American people the expense of a retired officer, who is capable, competent, and tried in every respect, and to make the American people pay from three to six thousand dollars a year to that retired officer doing nothing but wandering around the streets, who wants to be in the service and who can not be in the service on account of the plucking board?

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. WEEKS. I want to ask the gentleman if he ever knew an incompetent or relatively unfit person anywhere who wanted to be removed or retired?

Mr. TRIBBLE. I know some competents who do not want to be removed, who have protested that they may be removed if this board continues to exist.

Mr. WEEKS. Who does the gentleman think is the best judge of the competency of officers—officers who have served with them or a Member of Congress?

Mr. TRIBBLE. On questions touching the personnel of the Navy, where the official force of the Navy is interested, I prefer to give my constituents my own judgment and not the judgment of naval experts on measures touching the pay of officers. They are the recipients of the pay bills and our constituents furnish the bone and sinew that produces the money to pay all this naval expense. That is the only judgment I can accord to them on this question.

Mr. WEEKS. Does not the gentleman know that in all cases these plucking boards are made up of senior officers, frequently officers who have been retired or about to be retired, and such action as they take can make no possible difference in their pay?

Mr. TRIBBLE. It makes no difference to me. I say to you they have no right to pluck anybody. Nobody should be retired who is capable and competent. The United States Government, in the first place, has taken out of the pockets of the people $18,000 to graduate a man at the Naval Academy, and they then pay a big salary, say, for 12 years, to a man who is a competent man, and then this plucking board comes along for the purpose of making a place for some other fellow and plucks him.

I am not in accord with the committee on many items in this bill. I protested in the committee, and gave notice that I would carry the fight to the floor of the House. You have heard the claim that we have not got sufficient officers; apologies are offered to this House for the lack of that spirit of economy naturally expected of this committee—increasing the appropriations over last year nearly $3,000,000, and an increase of pay of

officers and an increase of 4,000 enlisted men and officers are referred to here and in the report. That is exactly what we are trying to keep them from doing. Why do they want to provide more officers; why is there a deficiency in the Navy? Because the plucking board, forsooth, has taken competent men and retired them on salaries for the purpose of making places for officers to take the places of these men who are being retired, who are capable, competent men.

Mr. WEEKS. Will the gentleman answer one more question? Can the gentleman furnish the committee with a list of the competent men who have been so retired—and I refer to competency only in a relative way?

Mr. TRIBBLE. Yes, sir; if you look in the back of the book, you will get the names of those who have been retired by the plucking board. I will challenge you to pick out one incompetent who has been retired by the plucking board. I will furnish you with a list of those who have been retired——

Mr. MANN. Will the gentleman yield?

Mr. TRIBBLE. Yes, sir.

Mr. MANN. Has the gentleman read the report recently submitted to the House by the Committee on Naval Affairs proposing a change in the law about the plucking board?

Mr. TRIBBLE. I have seen no change in that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. The Committee on Naval Affairs the other day reported into the House a bill proposing to change the law in reference to the plucking board. Has the gentleman had the good fortune or the misfortune to read that report?

Mr. TRIBBLE. I happened to get one of those reports yesterday.

Mr. MANN. If the gentleman has read that report he should hand it to the gentleman from Massachusetts [Mr. WEEKS], because if there ever was an excoriation of the plucking board in the most denunciatory language, almost vituperative, it is that report of the Committee on Naval Affairs submitted to the House the other day.

Mr. TRIBBLE. I will say to the gentleman, who is always fair to me and seems always fair to this House—I will give him credit for that—my answer is I do not want so much excoriation from the committee and so much talk about economy from the committee, but more action. Practice economy instead of excoriations.

Mr. MANN. I agree with the gentleman.

Mr. WEEKS. Will the gentleman yield? I would like to say to the gentleman that I have read the report to which the gentleman from Illinois refers, and I do not agree with its conclusion. At the proper time I shall have some remarks to make on that subject, but it seems to me the gentleman from Georgia, being a member of the committee, should have been familiar with this action; he should know the committee, as far as it can, has taken action.

Mr. TRIBBLE. Here is the only one change the committee has made, which I think is the change to which the gentleman from Illinois referred, and that is where a man is retired he shall be retired in the rank and grade which he holds and not be promoted. Heretofore when the plucking board retired an officer he was not getting enough salary, but they retired him in the rank above so the American people could pay him a salary of a rank in which he never served a day.

Mr. HOWARD. The gentleman speaks about the plucking board plucking a man and then retiring him at the grade higher up. Now, in the case where the plucking board does retire a man, does not the gentleman think, as a matter of right, that a man involuntarily retired from the service he loved and in which he has spent his life should have some consideration and be promoted a grade higher?

Mr. TRIBBLE. Certainly. Heretofore he has not even had a hearing. The plucking board walks along, and if Mr. Howard happens to be an officer in the Navy, they pick him out. They do not even give him a hearing. I never heard of a board in the United States, or any State, or anywhere else, that would not give a man an opportunity to make a defense. They would not even give him that chance. I am glad the gentleman brought out that proposition.

Mr. HOWARD. A gentleman says the acts on the part of the plucking board are a star-chamber proceeding, and did not give a man a hearing or any show at all.

Mr. TRIBBLE. I will say if there is anything in the books that describes a star-chamber proceeding, you have it in the plucking board.

Mr. HOWARD. I understand.

Mr. TRIBBLE. Now, Mr. Chairman, I hope that this House, which at the beginning of this session reduced the pay of men all around here that were getting small salaries—to say the least of it, certainly not large salaries—for the purpose of economy, and cut off $185,000 of pay, will now carry on the program of economy and join me in a fight for real economy.

Now, I am offering to this House this simple proposition. Men in the Navy are serving their country in the profession which they selected in their youth. They are there, capable and competent and tried. I am arguing that this House allow them to stay in that Navy and save the expense of paying retired salaries and salaries to new men to take their place, that the people may not have to bear this extra pay year by year out of their hard-earned money.

This is not a political question. It is a question that should appeal to my friend from Tennessee [Mr. PADGETT] over there, who is usually right and I think wants to do the right thing, as well as the gentleman from Illinois [Mr. MANN], on questions of economy on that side of the House, as well as on this side.

And I now appeal to this side of the House, practicing economy, to stand for economy—real economy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, the question before the House is a very simple one. Everybody recognizes that in an organization such as the Navy or the Army there must be promotion, and it is well known that the death rate is not equal to affording the promotion necessary to secure efficient and even simple-handed right and justice to the men who enter the Army and the Navy; therefore there must be some method resorted to to secure an elimination of inefficiency and age of retirement, so that the boys who enter the service can have some hope and some expectation of having a career and an opportunity of accomplishing some service. That is accomplished by the retirement method, and one phase of the retirement is the plucking board.

Now, it is not the question before the committee as to whether or not the plucking board shall continue. The question the gentleman is submitting is that the officers who are retired under existing law, a law that has existed for many years, and a policy that is coexistent with the Army and Navy, shall be retired, but the money appropriated shall not be paid to them. That is the justice of the proposition that he is submitting. I do not think it needs any discussion.

I shall ask the Chair to rule upon the point of order, and if the point of order is overruled, then I shall ask for a vote.

The CHAIRMAN. The Chair is of the opinion that the proposed amendment is a limitation on the appropriation, and therefore overrules the point of order.

Mr. PADGETT. Then I ask for a vote.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would not say anything at this time had not the gentleman from Georgia [Mr. TRIBBLE] mentioned my name in connection with his proposition. I will never cast a vote in this House against the interests of the American Navy. I admire the personnel of the Navy, and I am proud to represent a constituency which believes in it. Its officers and men are the best on the face of the earth, and they deserve the support and the encouragement of every Member of Congress. I do not believe in foolish or unwise economy when it comes to the American Navy. Neither do I believe in the unjust criticisms that have been aimed here to-day at the officers of that great fighting force of our Republic. There is not in all of our population a higher or a better or a nobler class of citizens than the officers and the men who constitute our Navy, and I repudiate the insinuation that these men are only seeking to put their hands into the pockets of the people and working selfishly to gain advantage in reference to their retirement.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. AUSTIN. Directly. I do not believe that the people of Georgia will countenance anything that reflects upon the Navy. I do not believe that the American people, and especially the people of the South, will indorse any movement looking to the curtailment or the reduction of the rank or the pay of the men in the Navy. Who has added imperishable fame and glory to the American flag? Not only the Army, but the Navy. And where is there an American citizen, lover of his country, who does not feel proud of the achievements of our Navy? John Paul Jones, Perry, Decatur, Farragut, a native of my own county, Dewey, Schley, and our splendid colleague from Alabama, Capt. HOBSON [applause], are good examples of its glorious ornaments.

The gentleman from Georgia [Mr. TRIBBLE] well said that there is no politics in our Navy and legislation in its interest.

Thank heaven there is no politics in it; nothing but patriotism; which should fill the hearts of every Member of this House. I propose to stand in the main by this committee, except in the matter of increasing the number of battleships and certain new legislative features. We have at the head of this committee a broad, patriotic Member of this House, my colleague [Mr. PADGETT] from Tennessee [applause], anxious for the welfare and success and devoted to the best interests of the American seamen and the American Navy, and it will be my pleasure to stand here and aid in holding up his hands as far as I can consistently do so, in the discharge of his duties as chairman of that committee.

Mr. TRIBBLE. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. AUSTIN. I do.

Mr. TRIBBLE. I want to ask the gentleman if he was here yesterday and heard the chairman of the Committee on Naval Affairs, to whom the gentleman has referred, state that this plucking board was for the purpose of plucking out one officer to make place for another?

Mr. AUSTIN. I believe the men constituting the so-called plucking board, the sworn officers of the Navy—men who have spent their lives in the service—have nothing in view except the best interests of the service. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TRIBBLE. Mr. Chairman, I ask that the gentleman's time be extended five minutes. I want to ask him a question.

Mr. AUSTIN. I do not care to take more time.

Mr. PADGETT. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEPAGE having taken the chair as Speaker pro tempore, a message from the Senate announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20840. An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations;

S. 139. An act authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes; and

S. 473. An act relating to Navy retirements.

The message also announced that the President having returned to the Senate, in compliance with Senate concurrent resolution 21, the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes, and the Vice President of the United States and President of the Senate having canceled his signature to said bill, the Secretary of the Senate is directed to return said bill to the House of Representatives for the cancellation of the Speaker's signature.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The grades of the active list of the Pay Corps of the Navy are hereby increased by 10 additional paymasters, in all 86 paymasters, and by 20 additional passed assistant and assistant paymasters, in all 116 passed assistant and assistant paymasters: *Provided*, That the total increase of the Pay Corps of the Navy shall not exceed 20 during the first fiscal year.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on this.

Mr. CULLOP. Mr. Chairman, I desire to ask the chairman of the committee a question as to why it was necessary to make the increase provided for in the first two lines of this paragraph. In other words, it reads, "The grades of the active list of the Pay Corps of the Navy."

Mr. PADGETT. I will state to the gentleman that the grades of the active list of the Pay Corps have not been increased for many years. The last increase was when the appropriations of the Navy were about $80,000,000. They are now from $120,000,000 to $130,000,000 a year. The chief of the bureau for years has been recommending—and so has the department—that there should be an increase, stating that the duties have become so much enlarged, the character of the ships has become so different, and the responsibilities have grown to be so much more onerous, that the Surgeon General of the Navy has informed the department that many of the existing members of the Pay Corps are being broken down in health and put on the retired list by the excess of their duties and the heavy burdens placed upon them.

Mr. CULLOP. Then, commencing on line 11, "and by 20 additional passed assistant and assistant paymasters, in all 116 passed assistant and assistant paymasters."

Mr. PADGETT. Yes.

Mr. CULLOP. There is an increase of 20 in that. Why is that?

Mr. PADGETT. That is the same class and for the same purpose, except one is a clerk of a higher grade than the other. There are 10 of the higher grade and 20 of the subordinate grade.

Mr. CULLOP. Mr. Chairman, I make a point of order against that.

Mr. PADGETT. Mr. Chairman, if the gentleman sees fit to do it, before the Chair rules on it I desire very earnestly to address the Chair, because I admit that it is subject to a point of order. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. I stated that it was subject to a point of order, but I want to call the Chairman's attention to the fact that before the gentleman from Indiana [Mr. CULLOP] made the point of order there was debate upon it by the gentleman, with his interrogations addressed to myself for information, without reserving a point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] had reserved a point of order.

Mr. CULLOP. The gentleman from Illinois reserved a point of order.

Mr. PADGETT. Then, I concede that it is subject to the point of order.

Mr. CULLOP. I make the point of order.

Mr. PADGETT. Before the Chair rules upon it, I want to state to the gentleman that this is a very important matter. It is very essential to the proper conduct and expenditure of money and the purchase of provisions, because these pay clerks are charged with the duty of quartermasters. They perform the duties of the commissary. They perform the duties of the pay clerk, and all of these duties have multiplied many times since their number was established, until they have become so onerous that it is to-day a serious matter, so much so that the Surgeon General of the Navy has officially certified to the department, and it has been transmitted to us, that the members of the Pay Corps are being broken down in health because their number is insufficient and their duties overburden them. I submit this appeal to the gentlemen in all fairness to these men, that we ought to have this increase which has been sought for years by the department.

Mr. CULLOP. I suggest to the gentleman that we may very well try it just one more year.

Mr. PADGETT. That is the same suggestion that has been going on for years.

Mr. CULLOP. Very possibly some better solution for the problem can be found than this large increase in the number.

Mr. PADGETT. These men have got to do the work, and their number is not sufficient.

Mr. TRIBBLE. Mr. Chairman, I make the point of order that this debate is out of order.

The CHAIRMAN. The gentleman from Tennessee is proceeding by unanimous consent.

Mr. TRIBBLE. I object.

Mr. HOWARD. Consent has already been given.

The CHAIRMAN. There was no objection at the time the Chair put the request.

Mr. HOWARD. I should like to ask the gentleman a question. How many paymasters are there in the Navy now?

Mr. PADGETT. The number is stated in the section. There are 86 paymasters now, and it is proposed to increase that number by 10, and to increase the number of passed assistant and assistant paymasters by 20, making the total 116.

Mr. HOWARD. As I understand the statement made a moment ago, the Navy Department is now paying out nearly twice as much money as it did when this number was established.

Mr. PADGETT. It is the difference between $81,000,000 and $126,000,000. A few years ago the amount was $138,000,000.

Mr. HOWARD. Do these assistant paymasters have anything to do with the auditing of the accounts rendered to the Navy Department?

Mr. PADGETT. No; not at the department here, as I understand. They come to the Bureau of Supplies and Accounts here, and are audited in the department.

Mr. HOWARD. What are the specific duties of these paymasters and assistant paymasters?

Mr. PADGETT. The assistant paymasters are on ships——

Mr. TRIBBLE. Mr. Chairman, under what rule is the debate now proceeding?

The CHAIRMAN. By unanimous consent.

Mr. PADGETT. The paymasters and assistant paymasters are on board ship. They attend to the disbursement of money on shipboard, and also act as quartermasters and commissaries. They purchase and distribute the food, inspect it, and pay the accounts.

The CHAIRMAN. The time of the gentleman has expired. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

The Auditor for the Navy Department is directed to allow payments made to hospital stewards who were granted permanent appointments as of date of May 13, 1908, which have heretofore been disallowed by reason of a decision of the Assistant Comptroller of the Treasury dated December 29, 1910, and to pay them out of the appropriations for "Pay of the Navy."

Mr. MADDEN. Mr. Chairman, I reserve a point of order against that paragraph.

Mr. TRIBBLE. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] makes the point of order.

Mr. PADGETT. Mr. Chairman, I will ask to proceed for five minutes by unanimous consent before the Chair rules on the point of order.

The CHAIRMAN. Is there objection to the request for unanimous consent?

Mr. TRIBBLE. I object.

The CHAIRMAN. The gentleman from Georgia objects. The Chair will hear the gentleman from Tennessee [Mr. PADGETT] briefly on the point of order.

Mr. PADGETT. Mr. Chairman, I desire to be entirely frank with the Chair. It occurs to me that this is subject to a point of order. In making that statement I want to say that the Naval Committee, looking at the welfare of the Navy and the preservation——

Mr. TRIBBLE. I make the point order that the gentleman is not addressing himself to the point of order, and I object to his statement. He has admitted that my point of order is good.

Mr. PADGETT. This is a question for the Chair. I am addressing the Chair by sufferance of the Chair.

The CHAIRMAN. If objection is made, the gentleman from Tennessee will be required to confine himself to the point of order.

Mr. PADGETT. I am speaking on the point of order. I say that the Naval Committee placed this provision in the bill to take care of the lives and preserve the health of the men in the Navy.

Mr. TRIBBLE. Mr. Chairman, I raise the point of order that the gentleman is not addressing himself to the point of order. The gentleman has admitted that the point of order is good, and therefore he has no right to the floor except to discuss the point of order, which he is not doing, but is explaining why the Naval Committee reports it.

Mr. PADGETT. Mr. Chairman, I only want to say that if the gentleman from Georgia is unwilling to take care of the health of the sick men in the Navy I can not help it.

The CHAIRMAN. The point of order is sustained.

Mr. HOBSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 3, after line 23, strike out the period and add the following: "And in apportioning the pay under this act no Navy pay shall be construed under any act as less than Army pay for like conditions and grades where the officers concerned have had creditable Civil War service."

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry. I want to reserve a point of order and then ask a question. Did the Chair rule that the point of order was well taken on the second paragraph, lines 16 to 23?

The CHAIRMAN. The Chair so ruled.

Mr. MADDEN. Then I submit that the amendment offered by the gentleman from Alabama has no place here.

Mr. HOBSON. If the gentleman will reserve his point of order I will say that, irrespective of the merits of the case, I think it is subject to a point of order; but, before the gentleman makes the point of order, or while he is deciding to make it, I want to state that this simply removes one of the inequalities that happens to have been the result of the recent laws in carrying out the spirit of equalizing the pay between the Army and the Navy. It has been largely straightened out in both services except in this particular. There are seven old officers who served in the Civil War and happened to be on the retired list and failed to get the benefit of legislation equalizing the pay of the Army and Navy. The expense involved is very small. It is in the interest of these seven old men to carry out the spirit of the law that this House has enacted.

Mr. MADDEN. Did the gentleman ever know where an attempt was made to equalize downward?

Mr. HOBSON. I do not believe I ever did. But it is in the interest of these old men who served in the Civil War and are being discriminated against, not in line with but contrary to the spirit of the acts of Congress.

Mr. MANN. How much more do these men now receive on the retired list than officers who are in the Army—who are not out of the Army—and never were on the retired list?

Mr. HOBSON. It is difficult to say, but if we keep on increasing the pensions it would be better for a man never to have stayed in the service.

Mr. MANN. The highest pension that we have allowed any man is $30 a month at the age of 75. Now, how much do these officers get now on the retired list?

Mr. HOBSON. It depends upon what their rank is.

Mr. MANN. The gentleman has named seven officers and he knows what their rank is.

Mr. HOBSON. I can tell the gentleman what the increased pay will amount to.

Mr. MANN. No; but what do they get?

Mr. HOBSON. It differs in each case.

Mr. MANN. What does the lowest one get?

Mr. HOBSON. The difference between two-thirds and three-quarters pay would be $875.

Mr. MANN. And the difference is more than twice as much as some officers would receive under the pension laws if they were not on the retired list.

Mr. HOBSON. The gentleman from Illinois recognizes that this is not analogous with pensions. These officers served in the line and other branches of the Navy long years after the war and are entirely within the category of retired officers.

Mr. MANN. They are in the category of retired officers, but do not wish to remain in the category of other retired officers, but want special favors.

Mr. HOBSON. On the contrary, the purpose is to put them on the basis with other retired officers and equalize their pay.

Mr. MANN. On the basis of some other retired officers who have received special favors.

Mr. HOBSON. No; but those that come under the operation of the general law, to equalize the pay between the Army and the Navy, which has been accepted as a fundamental principle.

Mr. MANN. We do not accept the proposition as a fundamental principle that every time we increase the pay of a man under a special act you have by general law to increase the pay of everybody; that is what the gentleman's proposition amounts to.

Mr. MADDEN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

Mr. MADDEN. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. TRIBBLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. MADDEN. Then, Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph.

Mr. PADGETT. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

That hereafter any officer retired under the provisions of sections 8 and 9 of the act approved March 3, 1899, an act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, shall be retired with the rank and three-fourths the sea pay of the grade from which he is retired.

Mr. CULLOP. Mr. Chairman, on that I reserve the point of order.

Mr. TRIBBLE. Mr. Chairman, I move to strike out the last word. This brings us back to the proposition that I had before the House a short time since. This is in line with the argument I made before the House. The committee has conceded part of the argument I made by offering this paragraph to this bill, and I hope the gentleman from Indiana [Mr. CULLOP] will not insist upon the point of order, because it will save the Treasury of the United States several thousand dollars to allow this to become a law. In other words, it allows the men who are being retired by the plucking board to be retired in the grade in which they are serving. Heretofore they have been retired in the grade to which they have been promoted for the purpose of retirement. The plucking board promoted them and then gave them a better salary. In other words, they plucked them and then gave them a reward for plucking them. I say to the gentlemen here on the floor that it is very poor argument to stand up here and say that these are inefficient men who have been plucked. Yet on the statute books by their own acts they offer a reward for incompetency by promoting before so plucking them. As a matter of fact, these men are not incompetent; and while I am on the floor I desire to say to the gentleman from Tennessee [Mr. AUSTIN] that I yield to no man in my loyalty for the Navy. Where is the man whose heart did not throb with admiration and pride when Admiral Dewey pushed his gunboats into Manila Bay and thrust aside those great German war vessels that lay there watching him, growling like dogs, almost roaring like lions, waiting for an opportunity to pounce upon him, but they dare not touch the flag he bore. I am standing for the Navy—a fighting Navy, an effective Navy, a sea Navy and not a land Navy. This bill carries too much money, and nothing to show for it.

That is why I am complaining. I am complaining about the inefficiency of the Navy. I am complaining about the expenses on the land. How well we all remember when the *Oregon*, then the leviathan of the sea, moved out of San Francisco Harbor, her great smokestacks puffing and her propellers moving her faster and faster to the scene of action of the Spanish-American War. Even little school boys and girls watched her movements with patriotic pride as she moved around the coast of South America into the Atlantic Ocean, and when she rushed into the strife and sent those Spanish vessels to the bottom of the sea even the women of the country shouted with joy. [Applause.]

Mr. Chairman, I make these remarks in answer to the gentleman from Tennessee [Mr. AUSTIN], and I repeat that I yield to no man in my loyalty to the efficiency of the Navy. I have not advocated battleships at this time, but I do advocate a seagoing Navy, and not an expensive land substitute.

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman of the committee a question with reference to this paragraph, and that is why I reserved the point of order. Is this an increase either in pay or rank of any of the retired officers?

Mr. PADGETT. It is a decrease both in rank and in pay.

Mr. CULLOP. Mr. Chairman, I withdraw the point of order.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, it is not subject to a point of order. It comes clearly within the rule respecting legislation that provides for economy. It reduces the rank and the pay and is not subject to a point of order. The old law provides that upon retirement they shall be promoted to the next higher grade and paid at the higher rate. This provides that they shall be retired in the grade without promotion and at a lower grade of pay, so that it is not subject to the point of order. Before I conclude my remarks I must be permitted to say that I felt a very deep thrill of emotion as the gentleman from Georgia [Mr. TRIBBLE] so eloquently, so tenderly, and so pathetically referred to the glory of the Navy and to the brilliancy of the victories at Manila Bay, Santiago, and other places. At the same time I find some difficulty in reconciling his great enthusiasm and admiration of those events and his performance here to-day of refusing the opportunity of providing nurses to take care of the sick men and the wounded. [Applause.]

Mr. FOSS. Mr. Chairman, I wish to state that I thoroughly agree with the gentleman from Tennessee that it is not subject to the point of order. The personnel bill was passed March 3, 1899, and I may say that I had charge of the measure on the floor of this House. It provided for retirement, voluntary and involuntary, of officers with the rank and pay of the next higher grade. This proposition proposes to retire officers under sections 8 and 9 of the personnel bill for voluntary and involuntary retirement with the rank and pay of their present grade; consequently this is a measure of saving and economy to the Government, and under the rules of this House it would not be subject, in my judgment, to the point of order.

Mr. HOBSON. Mr. Chairman, before the Chair decides, I want to repeat what has been said about the effect of this amendment, that it will prevent officers from being advanced a grade and that advancement would carry with it additional pay, so that the effect of the clause is to reduce the the expenditures of the Government and clearly comes within the Holman rule.

The CHAIRMAN. The Chair is of the opinion this paragraph is justified by that portion of Rule XXI and overrules the point of order, and the Clerk will read.

Mr. PADGETT. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 11, insert as an additional paragraph the following——

Mr. CULLOP. I make the point of order that both that paragraph and the next has been passed; it has been read and debate begun on the present paragraph.

The CHAIRMAN. The Chair is informed the Clerk has completed the reading of the paragraph to which the amendment is intended to apply, and the Clerk will report the amendment.

The Clerk read as follows:

Page 4, after line 11, as an additional paragraph, add the following:

"That after January 1, 1914, no captain or commander of the line of the Navy, who is not restricted by law to shore duty only, shall be promoted to the next higher grade who has not performed at least two full years of sea service in cruising ships of the Navy in his grade, and any captain or commander who has not complied with the qualifications for promotion by the date of occurrence of his vacancy for promotion shall be placed on the retired list: *Provided*, That this qualification may be waived by the Secretary of the Navy for meritorious administrative reasons: *Provided further*, That the Secretary of the Navy shall report to Congress at each ensuing regular session the reasons for the waiver of this qualification in each case wherever exercised: *And provided further*, That the Secretary of the Navy shall furnish an opportunity for such sea service to all officers making application therefor to comply with the requirements of this provision: *And provided further*, That during the next fiscal year no promotions shall be made to the grade of rear admiral on the active list of any officer who shall have served over 42 years, and such length of service shall be decreased one year for each succeeding fiscal year until eventually no officer shall be so promoted who shall have served over 38 years, such service in each case to count from the officer's official date of precedence."

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, I do not think that this is subject to the point of order. The effect of it is to reduce expenditures. It provides for sea service instead of shore service, and the difference of shore pay and allowance is greater than sea-service pay.

Mr. MADDEN. Will the gentleman allow me to ask a question right there?

Mr. PADGETT. Certainly.

Mr. MADDEN. Can the gentleman from Tennessee tell the committee how much the reduction is in compensation of any officer in the Navy under the amendment which he has just offered in the committee?

Mr. PADGETT. Yes.

Mr. MADDEN. How much will the aggregate reduction in the Naval Establishment be if the gentleman's amendment is adopted?

Mr. PADGETT. Of course, I could not give that because I can never give at any one time the number of officers who may be on shore or at sea, but I can give you the report and you can

see from the report in its work it will be a substantial reduction.

Mr. MADDEN. Well, can not the gentleman give the committee the information which will enable it to act intelligently as to whether there will be any reduction in the aggregate?

Mr. PADGETT. I think so.

Mr. MADDEN. If so, I think the gentleman should do so. I do not see any reason, if there be a reduction, why the gentleman can not tell what the reduction will be.

How can the Chair decide whether this, under the rule, will be admissible as an amendment unless he is able to know definitely whether it is a reduction or an increase?

Mr. PADGETT. Will the gentleman let me answer?

Mr. MADDEN. Yes, sir.

Mr. PADGETT. The shore pay of a captain is $5,000. His allowances on shore are $1,296, and then he has for lights, and so forth, $376.32, making the allowances $1,672.32 and his total shore compensation $6,672.32. The pay of a captain at sea is $5,500 flat, so that there would be a difference of $1,172.32 between the compensation received by the captain on shore and on sea.

Take a commander. A commander's pay is $4,500. His allowances are $1,142.88, making his shore compensation $5,642.88. His sea compensation is $4,950 flat, making a difference of $692.88 in favor of the sea service. Now, then, if you will take those figures and multiply them by the number of captains and the number of commanders who are sent from shore duty to sea duty, you can arrive at the amount.

Mr. LONGWORTH. Will the gentleman yield?

Mr. PADGETT. Yes, sir; I yield to the gentleman from Ohio.

Mr. LONGWORTH. Of course, I understand the point the gentleman makes as to the lowest pay at sea, but would not the provision that the Secretary must afford an opportunity for sea duty to any officer who asks for it necessitate the putting of other ships in commission and thereby very largely increase instead of reducing the cost?

Mr. PADGETT. I do not know that it would, but I think not, because with the ships that we have, allowing two years to each captain, there would be plenty of time to give each captain his two years' service without forcing extra ships into commission.

Mr. LONGWORTH. But you compel the Secretary to afford an opportunity for sea service to anyone who asks it.

Mr. PADGETT. But for two years. We require him if there is an opportunity for two years' service.

Mr. LONGWORTH. And the gentleman can not assure us that he would not.

Mr. PADGETT. But the captain in the grade would be in the captain's grade four years or more, so that on each ship you could have the service of two captains at least.

Mr. SLAYDEN. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman a question. I am an honest seeker after light, as I am not familiar with the operations of the Navy. What I want to get at is, Would there really be any actual increase in the number of officers afloat and an actual decrease in the number on shore, or would it not necessitate the sending of officers on shore to the sea and require the officers now on the sea to be sent ashore?

Mr. PADGETT. I think it would increase the number to go to sea, and that is the object of the committee.

Mr. SLAYDEN. That is a worthy purpose, I think.

Mr. PADGETT. The register shows a very large proportion of captains and commanders performing shore duty, and we felt there should be some provision that would require a larger percentage of captains and commanders to go to sea.

Mr. SLAYDEN. Another question, if the gentleman will pardon me. Are not all the ships afloat now equipped with the proper complement of officers?

Mr. BUTLER. No; many of the ships are out of commission.

Mr. SLAYDEN. Are not the ships that are in commission at sea equipped with the proper complement of officers now?

Mr. PADGETT. I am informed that they are not.

Mr. SLAYDEN. If they are not, I can see how your amendment would effect a saving; but if they are, I do not see how you can send those ashore to sea and remove those on the sea and send them ashore.

Mr. TRIBBLE. Mr. ROBERTS of Massachusetts, and Mr. TILSON rose.

Mr. PADGETT. I yield to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. I am in sympathy with part of the gentleman's amendment, but I want him to explain this to me: You provide in there that after officers shall make the service at 41 they shall not be permitted to serve in certain ranks, and you provide it shall be so reduced that it will get down to 37 years. Now, is it not a matter of fact that you are providing to retire old men from the service on $6,000 and $7,000 salary, retired pay, and provide a place for younger men to take their place; and will it not increase by putting these men on the salary and putting in new blood, as you call it, and making places for others—just the very thing I have been complaining here about?

Mr. PADGETT. It has just exactly the opposite effect, if you will just let me explain it. An admiral of the upper nine, or the first nine, who retires gets compensation at $6,600. The admiral of the second nine, or lower nine, has retired pay of $4,950. This is to force retirement in the captain's grade instead of permitting the captains to go up to admirals at 59 or 60 years of age, because under the general law in the Navy they must retire at 62; and if a captain becomes an admiral at 60 he can remain in the service only one year, and then he is retired as an admiral at an admiral's pay.

Now, this provides for a decrease gradually. It provides, first, that the officer must have a service of four years as admiral or he can not be promoted, and must be retired as a captain. The next year he must have five years of service as an admiral or he will be retired as a captain. The next year it is provided that he must have six years of service as an admiral, and the next year seven years, so that it ultimately means that a captain must be promoted to an admiral at 55 years of age, on a general average, and have seven years of service, and those who can not be promoted to admiral will be retired as captains on the lower pay. The captain gets $4,125, instead of $4,950 as an admiral of the lower grade, or $6,600 as an admiral of the upper grade; and if he is retired as a commander, he is retired at $3,712.50 as a commander, instead of $4,125 as a captain, or at $4,950 or $6,600 as an admiral.

Mr. TRIBBLE. Mr. Chairman, why retire him at $3,712.50 if he is a good man? What do you want to take him out for?

Mr. PADGETT. I have answered that question of the gentleman so often that I suspect my obtuseness in making myself clear and understood. I have stated that there must be a retirement provision in order to permit a flow in promotions; that if there are no promotions——

Mr. TRIBBLE. Does not that increase the retired list?

Mr. PADGETT. No, sir; because they will ultimately retire as admirals after short service, whereas this enforces retirement as commanders and captains at smaller pay.

Mr. TRIBBLE. Are there not more commanders than admirals?

Mr. PADGETT. The same number would be retired, whether as admirals or captains. The proposition is to substitute retirements of commanders and captains instead of admirals and captains.

Mr. TRIBBLE. That would be all right if you had not the plucking board to take men out.

Mr. HOBSON. I may say to the gentleman that under the operation of this provision the plucking board would have nothing to do.

Mr. TRIBBLE. Then, if you pass this you would have to repeal the law authorizing the creation of the plucking board.

Mr. BURLESON. Mr. Chairman, I am in full sympathy with the amendment offered by the chairman of the committee, the gentleman from Tennessee, so far as I understood it from hearing same read by the reading clerk; but I realize that one must possess somewhat of a technical knowledge of the intricacies of the Navy in order to thoroughly grasp the effect of the legislation proposed in this amendment. I want to ask the gentleman who offers same if he does not think he has not made the term of sea service too short? Ought not an officer to be required to serve three years at sea in a particular grade before promotion to the next higher grade?

Mr. PADGETT. I think not. The captain's service is about four years. The younger officers serve about 75 or 80 per cent of their time at sea, and then as commanders it is about 65 per cent, as I remember it. This provides that the commanders and captains must serve what is estimated to be about 50 per cent. Now, it is impossible to name a percentage, for the reason that we have no basis on which to predicate it, so that we have arrived at what is supposed to be 50 per cent of the time at sea.

Mr. BURLESON. I understand that, and repeat that I am in sympathy with what the gentleman has in mind to accomplish by this amendment, as I have stated; but I believe it would be very much improved if you provided for three instead of two years' service at sea.

I notice further that there is a proviso in the amendment to the effect that the Secretary of the Navy can waive the requirement of sea service preliminary to promotion to the higher grade in the event, in the opinion of the Secretary of the Navy, the officer has rendered meritorious administrative services.

Mr. PADGETT. Oh, no. There is nothing of that kind in it.

Mr. BURLESON. I fear there is, and I would like the gentleman to read again that proviso to which I refer. I think it should be stricken from the amendment. And I fear the last proviso is also objectionable.

Mr. PADGETT. No; I will explain it in a moment, and then the gentleman will be in full accord with it, I think. It reads:

Provided, That this qualification may be waived by the Secretary of the Navy for meritorious administrative reasons.

Mr. BURLESON. To what qualification is reference made? That is, the qualification acquired by the sea service that is required as a prerequisite for promotion.

Mr. PADGETT. No. It becomes necessary for a captain to be appointed Chief of the Bureau of Navigation or Chief of the Bureau of Ordnance, or any of the bureaus, or to be appointed captain of a navy yard or commandant of a navy yard. He is performing an administrative duty. The committee think that the best service will be rendered by not having too frequent changes in those administrative officers, and this provision is in order that they may have a three-year service in conducting these businesses for the Government. If a man is appointed chief of a bureau he can serve out the term. If he was required to perform this sea duty, it would necessitate taking him from that place and putting somebody else there. This is only to afford to the department an opportunity to detail these men to perform these important administrative duties and then notify Congress in each case of the specific reason.

Mr. BURLESON. So, in particular cases, this requirement can be waived by the Secretary of the Navy and an officer who has been continuously on land be promoted to the next higher grade without having had actual sea service during the time he had held the grade from which he is promoted. That ought not to be. No officer should be made a captain without having had some sea service as a commander.

Mr. PADGETT. There might be a few cases.

Mr. BURLESON. As I understand it, that is the very evil we are trying to obviate. No naval officer should become a rear admiral without having had actual sea service in every grade, from ensign to and including captain.

Mr. PADGETT. We are trying not to break up the administration of these important positions.

Mr. BURLESON. As a matter of fact, and I ask the gentleman in charge of the bill the question, Are there not cases, many of them, where naval officers have become rear admirals without having served as long as two years at sea? That frequently naval officers are promoted from one grade to the next higher without ever having served a day at sea in the lower grade?

Mr. PADGETT. I do not know. I am not prepared to answer that question.

Mr. BURLESON. Will the gentleman state that it is not a fact?

Mr. PADGETT. I do not. I said I was not prepared to answer, because I have not looked into it; but the gentleman will realize that it is not good administration to assign a man to be the head of one of the great industrial institutions that we have in our navy yards, and keep him there for 18 months or 2 years, and when he has learned the business and becomes efficient change him and put a new man in there, and then at the end of 18 months or 2 years take him out and put in another new man. That is the very thing that the committee have been trying to avoid, and wherever we have seen it we have been criticizing it. We have insisted that these terms be made sufficiently long so that when a man acquaints himself with the duties of such a position he shall be kept there to render efficient service to the Government.

Mr. BURLESON. I do not understand the full scope and effect of this amendment, but the gentleman tells me he really believes it will correct, in a measure if not entirely, the abuses to which I have alluded, and which have grown up in this particular in the Navy Department.

Mr. PADGETT. I think it will correct them.

Mr. BURLESON. And will eliminate some of the gross favoritism which has been practiced by the department in the matter of shore duty and promotion without actual sea service?

Mr. PADGETT. I think it will correct it absolutely so far as favoritism is concerned; but, necessarily, we must have some provision that will allow the President to appoint men to be chiefs of bureaus where the term is by law four years, and will allow him to designate men as commandants and captains of navy yards, and not necessitate a continued revolution and rotation of these men, and produce anarchy in the yards and in the bureaus.

Mr. BURLESON. I will state again that I believe I am somewhat familiar with the objectionable conditions that the gentleman is striking at, and I believe, through this amendment, if adopted, that it will effect economy; and I hope it will—in a measure, if not wholly—eliminate some of the abuses that have grown up in the Navy Department in connection with shore duty by naval officers, some of whom are now holding down positions of bureau chiefs and in line, under the law as it now is, for rear admiralships after certain length of service, who have never had as much as one year's service at sea in the various grades—officers who, through favoritism, may actually become rear admirals without ever having actually commanded at sea so much as a tugboat.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. PADGETT. I will yield.

Mr. ROBERTS of Massachusetts. I understood the gentleman to make use of the words "the committee thought" such and such things, in speaking of this amendment.

Mr. PADGETT. I want to say that this is not a committee amendment.

Mr. ROBERTS of Massachusetts. That is the point I want to bring out. This amendment has not been brought up in the committee, and when the chairman of the committee stated the thoughts of the committee with regard to these provisions it was an inadvertence and should not carry with it the weight of committee action.

Mr. PADGETT. The gentleman misunderstood what the chairman of the committee said. The chairman said that it was the opinion of the committee that the term of service of commandants and captains at navy yards should be long enough to secure efficient service. I did not say this was a committee amendment.

Mr. ROBERTS of Massachusetts. Has there been any expression of opinion in the committee as to the length of time that a man should be in command of a navy yard?

Mr. PADGETT. Very decidedly; in the hearings.

Mr. ROBERTS of Massachusetts. Has there been such an expression by any vote?

Mr. PADGETT. Not by a vote.

Mr. ROBERTS of Massachusetts. Simply an impression gathered by hearing questions asked?

Mr. PADGETT. Yes. When I hear questions asked, and when I hear comments made, I can form an idea as to the opinion indicated by the question.

Mr. TRIBBLE. Will the gentleman tell the House from what source this amendment came at this late hour, where it emanated?

Mr. PADGETT. Yes; I have no objection to that. The former chairman of the committee, the gentleman from Illinois [Mr. FOSS], suggested and insisted upon the provision that refers to the sea service. The gentleman from Texas [Mr. BURLESON] has talked with me time and again about presenting such a measure to the House. The gentleman from Texas [Mr. GREGG] suggested and formulated the proviso with reference to the captains, requiring a definite term of service before they should be appointed admirals. That is the inspiration that prompted it. I will say further that other gentlemen in the House have talked with me about the matter and we have looked into the record. The other day we had a conversation in which I believe the gentleman from Texas [Mr. GREGG], the gentleman from Illinois [Mr. FOSS], the gentleman from Alabama [Mr. HOBSON], the gentleman from Virginia [Mr. TURNBULL], and myself were present. We looked over the matter and tried to formulate it so that it would accomplish its purpose.

Mr. TRIBBLE. I have nothing to say against those gentlemen; they are all very good men, but the balance of the committee was at call and you could have got us on the phone.

Mr. PADGETT. Yes.

Mr. TRIBBLE. Will the gentleman explain why he brought such an important amendment before the House without giving the other members of the committee an opportunity to consider it?

Mr. PADGETT. At the last meeting of the committee several members expressed the hope that no further general meeting of the committee would be called, that they were busy, and hoped that the chairman would not call another general meeting. Any member of the committee has the right to offer an amendment, and we are submitting this amendment on our own responsibility, with the distinct statement that it is not a committee amendment.

Mr. TRIBBLE. I have no objection to the personnel of the gentlemen who offer it, but there are others on the Naval Affairs Committee.

Mr. PADGETT. It is not submitted as a committee amendment.

Mr. HOWARD. Mr. Chairman, I am in hearty sympathy with the policy of the amendment.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. Does the Chair understand that the point of order has been made? I made the point of order.

Mr. PADGETT. I understood the gentleman reserved it.

Mr. MADDEN. No; I made the point of order.

The CHAIRMAN. The point of order has been made, and the Chair will hear the gentleman on the point of order.

Mr. PADGETT. We are explaining why and how it is that it comes under the Holman rule.

Mr. BUTLER. Mr. Chairman, I want to be heard on the point of order.

Mr. TRIBBLE. I ask unanimous consent that this amendment be allowed to go to the heel of this bill in order that the Members of the House may have an opportunity to see whether it is going to cost the Government several million dollars more.

Mr. HOWARD. Mr. Chairman, the point of order has been made against the amendment, and the question in my mind is whether or not this will increase the expenditure of the department or decrease it, but having taken into consideration the fact that the policy enunciated by this amendment, instead of carrying out economy, instead of 29 battleships, will it not take 35 battleships for the number of officers to go aboard of the ships? Further, is not there going to be an increase in the expenditure for coal and for operating expenses; and if so, how much will that be?

Mr. PADGETT. As I stated in answer to the gentleman from Texas [Mr. SLAYDEN], I thought not; I thought that the ships that were in commission and that captains and commanders would be on these ships instead of on shore, and I did not think it would produce an increase of expenditure. I tried to give figures demonstrating, as I thought, that it would be of a very substantial and material economy, and in addition to the question of economy, that it would add very substantially to the efficiency of the Navy; and, according to my old-fashioned ideas, efficiency results in economy.

Mr. HOWARD. I agree with the gentleman about that. Now, I want to address myself for half a minute to the point of order.

Mr. PADGETT. I want to say that I have not yielded the floor, but if any gentleman wants to ask me a question I will answer it; if not, I am ready to yield it.

Mr. TRIBBLE. Mr. Chairman, I want to ask unanimous consent——

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, I understand the point of order has been raised and is pending and will be for the Chair to determine, and therefore I do not intend to address my remarks to any tribunal except the Chair. If you will look at this amendment you will see that on its face it is a law. It is by appearance a law, and in fact it is a law. It is not contended, as I understand, by the chairman of the committee that his proposed amendment offends no law nor creates one. It matters not to me how the amendment may have appeared here, but I did not know of it as it is. I have no complaint to make, because it is the privilege of the chairman of the committee to offer this amendment if he sees fit. I had seen, however, an amendment similar to this, but the proposed amendment which is now pending is an alteration of the one I saw.

Mr. Chairman, if this is a law, it is clearly out of order unless it shall retrench expenditures by a reduction of the number and salary of the officers of the United States. That it does not pretend to do, except by indirection, as the gentleman from Tennessee [Mr. PADGETT] has stated. I will show directly that it does not have that effect. Secondly, by the reduction of the compensation of any person paid out of the Treasury of the United States. By indirection he makes the attempt to show that it does. If he is correct in that, if this is a reduction of expenditures, I will concede it is in order. But it is not. If you look at this amendment you will see that after the 1st of January, 1914, no officer of the grade of captain or of commander can be promoted to the next grade unless he shall have served two years at sea. There are in the Navy, provided by law, so many captains and so many commanders. There are 70 captains and there are 112 or 115 commanders, and it will be noticed further along in this amendment that it is said that every commander and every captain shall go to sea if he so demands. What will be necessary? First, to provide him with a ship upon which he shall sail and exercise his command.

Mr. LONGWORTH and Mr. PADGETT rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BUTLER. To the gentleman from Ohio.

Mr. LONGWORTH. Mr. Chairman, the gentleman has stated the number of captains and the number of commanders. Can he also state the number of captains that are short of requisite sea service and the number of commanders that are short?

Mr. BUTLER. Yes; I have it all here. Furthermore, let me make this statement——

Mr. PADGETT. Mr. Chairman, will the gentleman yield there?

Mr. BUTLER. Certainly.

Mr. PADGETT. The gentleman stated that there were 70 captains. Thirty-five ships would furnish all the captains for the reason that a captain's grade is a little more than four years, and two years' service at sea would give each captain two years, and then the next two years, so that in each grade 2 captains could serve upon 1 ship and 35 ships would answer all necessities.

Mr. BUTLER. Mr. Chairman, pardon my digression while I answer that question. I have great confidence in the chairman of the committee, and I have great affection for him, but I can not take his statement upon something that involves the knowledge of a naval expert. Let me give him the figures. I know the gentleman is stating the question as he sees it and as he understands it. I will ask the chairman to look at that part of the provision which compels every officer to go to sea if he sees fit to make the demand. The Chair will have to learn from somewhere, from somebody, and from some place whether or not this is a reduction of expenditures. Let me suggest that in the very last construction put upon the Holman rule it was held by the gentleman from Virginia [Mr. SAUNDERS], who was presiding over the Committee of the Whole, considering the Army appropriation bill, that this reduction must appear upon the face of the paper. That is not so in this case. But he went further and said that you may have recourse to law. I think that is right. If by considering the amendment and the law at the same time it naturally and directly follows that there is a reduction of expenditure, the amendment is in order; otherwise not.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. CANNON. I am not familiar with the amendment; but does the gentleman claim that the Chairman of the Committee of the Whole House, like a judge, should refer the matter to a master in chancery to take evidence and report?

Mr. BUTLER. No; I do not.

Mr. ROBERTS of Massachusetts. It must be evident upon its face.

Mr. TRIBBLE. Mr. Chairman, in response to the suggestion of the gentleman from Illinois that inquiry be made as to whether the expenses would be an increase or a decrease, I will say, as a matter of truth, if this matter had been brought before the Committee on Naval Affairs we had the machinery there to make that investigation.

Mr. BUTLER. Yes.

Mr. TRIBBLE. And we have not got it here?

Mr. BUTLER. No.

Mr. TRIBBLE. Does the gentleman propose to take the simple statement of the gentleman who wants to pass the bill as to whether this amendment will create a growing increase or not? Does the gentleman think that is fair?

Mr. BUTLER. Mr. Chairman, I have already said that upon any subject with which our chairman of the Naval Affairs Committee is thoroughly familiar I will take his judgment.

Mr. TRIBBLE. So will I.

Mr. BUTLER. But I say that in this case, as against men who have especial opportunity and who have spent their lives in the service accounting and figuring, the opinion of the gentleman from Tennessee [Mr. PADGETT] ought not to be taken.

Mr. TRIBBLE. May I ask the gentleman another question? Since this matter has not been brought before the Committee on Naval Affairs, and the Committee on Naval Affairs is supposed to investigate questions of this kind and not a select coterie from the Committee on Naval Affairs, I ask the gentleman if my proposition is not a fair one, that this question go to the heel of this bill in order that Members, and especially the members of the Committee on Naval Affairs, may have an opportunity to investigate it and see whether it is going to decrease or diminish the expenditures of the Navy?

Mr. BUTLER. In reply to the question of the gentleman from Georgia, all these measures are now being considered by the Committee on Naval Affairs. They are all a part of what is known as the personnel bill, which has been introduced by the chairman of the Committee on Naval Affairs, which is now pending before that committee, upon which we have had five

or six hearings and, as I understand the proposition—now will the gentleman listen to me—our purpose was to consider it as a whole and not that there should be choice pieces picked out, a part here and there, of that naval personnel bill. Have I answered the gentleman?

Mr. TRIBBLE. The hearing the gentleman speaks of is the one in which Capt. Smith, considered to be an expert in the Navy—and he is an expert—testified for the last week and until Friday of last week; and was there a word as to this matter? It seems to me this important question should have at least been discussed in committee and evidence produced so that each member of the committee could form an intelligent opinion.

Mr. BUTLER. Yes; Capt. Smith's proposition, the highest authority upon that subject, and I think all our friends on the committee will agree no man ever gave his evidence more candidly and unselfishly than Capt. Smith, and therefore we consider him as we do, as being the highest authority; but it is the privilege of a member of this committee, it is the privilege of any Member of this House sitting as a part of this committee to offer an amendment, and I have no criticism to make of the chairman of the committee.

Mr. PADGETT. I want to say in that connection that the last proviso of that amendment was prepared by Capt. Smith himself and written into the amendment, and the first paragraph of it was suggested to me by him, and I took his words and wrote them down myself. [Applause.]

Mr. BUTLER. Will the gentlemen of the committee please applaud that statement, because Capt. Smith is deserving of their emphatic approval. I did not know wholly of this proposed amendment, and therefore in my ignorance I stand here partly uninformed. Having been a member of this committee for 16 years I think by the heavens on high I have a right to have some notice of what is taking place and of what is to take place. I do not criticize the gentleman for——

Mr. TRIBBLE and Mr. PADGETT rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BUTLER. I yield to myself. I will yield to no other. I propose to knock this out on the point of order if I can, and I propose to carry on the war against it as far as my opportunity and ability will sustain me. I think that having sat 16 years upon one committee, having devoted a whole lifetime to it, I might have been told about this proposed amendment.

Mr. PADGETT. Will the gentleman allow me to make a personal explanation to him?

Mr. BUTLER. Of course.

Mr. PADGETT. I want to state that this morning about two minutes before the meeting of the House at 11 o'clock Capt. Smith came to the committee room and suggested a modification of this amendment to me, and I asked him to prepare it. He prepared the last proviso and sent it to me here at the desk. I then went to the committee room and saw him for a few minutes and talked the matter over with him, and I had no objection to showing it to the gentleman, but I had no opportunity to do so.

Mr. ROBERTS of Massachusetts. May I ask which amendment was prepared by Capt. Smith?

The CHAIRMAN. To whom does the gentleman yield?

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. PADGETT. And there was no discourtesy or disposition to hide it from anybody.

Mr. BUTLER. When I rise to be chairman of the Committee on Naval Affairs I am not intending to get even with Mr. PADGETT, whose fairness is admitted, and I hope, of course, to be chairman of that committee some day.

Mr. ROBERTS of Massachusetts. I would like to ask the chairman of the committee which change in the amendment was suggested by Capt. Smith this morning?

Mr. PADGETT. The last proviso.

Mr. ROBERTS of Massachusetts. Did he suggest the first change, and when was that drafted?

Mr. PADGETT. Which change?

Mr. ROBERTS of Massachusetts. Changing the year in which the retirement takes effect.

Mr. PADGETT. That was simply a typographical error. When we agreed upon it, we agreed upon January 1, 1914, but the clerk in writing it wrote it "1913." I ran a pencil through "13" and wrote "14" above it, because it was an error in copying.

Mr. BUTLER. Mr. Chairman, when the chairman of the committee uses the plural "we" he does not intend to include the gentleman from Pennsylvania?

Mr. PADGETT. No; I made that correction myself, and I believe Capt. Hobson was sitting here when I called attention to it that it was simply a correction made in the copying.

Mr. ROBERTS of Massachusetts. Does the gentleman know whether that change from the printed copy which I have here and which was discussed in the subcommittee will make any change in the effect in the first section of the bill if it becomes a law?

Mr. PADGETT. You talk about the subcommittee. When we were meeting the other day you will remember that personally I wanted July 1, 1915, but it was finally suggested that it should be July 1, 1914; but in copying it the Clerk wrote it "1913," though 1914 was agreed upon.

Mr. MADDEN. Mr. Chairman, I would like to argue the point of order which I made.

Mr. BUTLER. Mr. Chairman, this is a special privilege, which, I understand, under the rules, belongs to me. I have the right to continue this argument until the Chair acknowledges its disposition to hear another. I want to acquit the chairman of the committee of any attempt to be uncivil to any of us. I only make a little complaint. Sitting down at the end of a table, and far remote from the chairman, I would like to be advised when the House is to be fired, so I may escape.

Mr. Chairman, when I discovered that an amendment of this character was proposed and it was the purpose of members of the committee to submit it, I addressed a letter to the Secretary of the Navy, asking him what its effect would be, and in his reply to me he said this:

> Three captains and two commanders who, if ordered to sea on July 1, 1912—

And that is when I thought the period was 1913—

> Would not be able to complete this requirement and would, on coming up for promotion, be retired in their grade.

And consequently, if it had stood at that period, there would have been shown on the face of the proposed amendment an increase instead of a decrease in the expenditure. But that date has been changed to January 1, 1914, and the increase does not appear here, so I turn to another part of the Secretary's letter, in which he says that the operation of this amendment will cost next year $28,115,100, and that statement, I understand, is prepared by the high authority—Capt. Smith—so referred to by the gentleman from Tennessee [Mr. PADGETT]. Therefore if Capt. Smith is cited as an authority upon one side, he ought to be accepted as an authority upon the other. The Secretary says:

> While the proviso that the Secretary may waive this sea-service qualification appears to relieve the stringency of the proposed amendment, the further proviso that the Secretary shall furnish an opportunity for such sea service to all officers making application therefor operates to nullify to some extent the power of the Secretary to excuse officers from fulfilling the requirement. In an attempt to give officers the required sea service, it would be necessary for the department—

Please have this in your mind—

> It would be necessary for the department to place additional ships in commission, thus necessitating an additional immediate maximum cost in maintenance of ships, stores, and probable repairs of approximately $28,115,100 in money per annum, and an increase of about 1,424 officers of intermediate and lower grades and 18,500 men.

Mr. TRIBBLE. Will you read that last section over again?

Mr. BUTLER. Yes.

Mr. TRIBBLE. All right, let us have it again.

Mr. BUTLER. Excuse me, Mr. Chairman, a minute. I can not be uncivil to my colleague.

Mr. TRIBBLE. We are traveling the same line together.

Mr. BUTLER. It says:

> In an attempt to give officers the required sea service, it would be necessary for the department to place additional ships in commission, thus necessitating an additional immediate maximum cost in maintenance of ships, stores, and probable repairs of approximately $28,115,100 in money per annum, and an increase of about 1,424 officers of intermediate and lower grades and 18,500 men. Though, as these officers and men are not available, the full number could not be placed in commission.

Mr. Chairman, while that in part bears upon the merits, I read it in your presence, sir, so that you might know the extent to which the Treasury will be taxed beyond what it is taxed at this time by the adoption of the proposed amendment.

Mr. BARTLETT. In reference to the application of the Holman rule, is it not a fact that in order to bring this within that rule the parties proposing the amendment should show by the amendment that it will decrease expenditures by the amendment or by the bill, and it is not incumbent upon those who make the point of order to show it will increase it?

Mr. BUTLER. Replying to the question of my friend from Georgia, that is the law established and recognized here, and, furthermore, let me call to your attention, Mr. Chairman, the act of Congress which provides pay for officers and men at sea. Let me call your attention to the law. It was overlooked, not intentionally, but it was overlooked. The act of Congress providing pay for officers and men at sea added 10 per cent addi-

tional to their salary and shall be paid to them when they are beyond the continental limits of the United States.

Mr. HADGETT. Will the gentleman yield at that point?

Mr. BUTLER. Yes.

Mr. HADGETT. That is entirely true, and in the statement I made I neglected it. They get 10 per cent additional increase on their salary, but they get no allowances. The allowances ashore are far more than the 10 per cent increase at sea, and so the net result is that the sea service is considerably less.

Mr. BUTLER. Mr. Chairman, there are some things in this world that we all can learn, and some things that we all can understand. We are now approaching a point in the construction of this Holman rule that will turn out to be useful to all of us. On the one side it is contended that there will be a decrease of expenditures, and on the other side it is contended that there will be an increase, and by both sides the same authority is cited. Under those circumstances what is the Chairman to do? He must see whether there is a reduction in officers or reduction of their pay. Let me go further. They are not new. The details of this added cost are fully shown, Mr. Chairman. They are wholly shown in the letter to the chairman of the House Committee on Naval Affairs on this same subject, dated March 28, 1912, which apply closely to the requirements of the proposed amendments.

Now let me give you a little further information.

Mr. LONGWORTH. Has the gentleman that letter in his possession?

Mr. BUTLER. Yes; I have that letter. Here it is. At this time I will not go into it. If the Chair should overrule the point of order, then we will use it in the discussion of the merits. I think that the Chair will have no difficulty in reaching a correct conclusion. As the gentleman from Illinois [Mr. CANNON] said, Shall the Chair convert itself into a chancery expert in order to determine whether or not there is a reduction? The burden of showing the decrease is upon him who alleges it.

The battleships now in commission for captains are 31, the armored cruisers in commission for captains are 10, making 41 in all. There are in commission: Battleships, 21; armored cruisers, 5; members to be commissioned to carry this out, of the captain's grade alone, 12; ships for captains yet to be put into commission—let me go further—cruisers and gunboats for command, 34; battleships and armored cruisers on which executive officers serve, 41; unarmored cruisers on which executive officers serve, 35; other executive officers on battleships and cruisers, 10; places required, 62; other places to be made, 27.

Now, while there is no act of Congress which prescribes the duties of a captain or a commander, it is provided that it is within the power of the President of the United States to detail either of them in command of a fleet. Therefore, that provision which enables the officer to demand his sea service as a commander or captain might be in conflict with the authority conferred by statute upon the President of the United States.

But, assuming that this proposed amendment is in violation of law, you come to the next question, which I have endeavored to impress upon the Chair, and that is: Does this amendment upon its face indicate that it will result in a reduction of expenditures upon the United States Treasury? If the Chair has any doubt about the proposed amendment repealing existing law, please permit me to cite the acts of Congress, where I can show that it violates half a dozen of them distinctly. If this proposed amendment indicates upon its face that it will result in a reduction of expenditures, I will agree with the gentleman from Tennessee that it is in order. If it does not, it is out of order.

Now, Mr. Chairman, one word and I shall be through. Will the Chair allow me in my time to have read from the desk a paragraph from a letter. I am tired and I do not want to talk more than is absolutely necessary to convince. Those statements are taken from a letter from the Secretary of the Navy under date of March 28, 1912—a letter addressed to the Committee on Naval Affairs of the House, through its chairman. In that letter the Chair will not find the expense summed at $28,000,000, but he will find it set out specifically and by items, showing the cost which this amendment will involve upon the Treasury.

Mr. ROBERTS of Massachusetts and Mr. TRIBBLE rose.

Mr. BUTLER. I would like to have that read first.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Propositions (a) and (b) are both physically impossible of execution. There are at present sufficient captains and commanders for the whole fleet, but the other grades of officers and the men are materially short. To commission the whole fleet, which would be necessary to carry out the provisions for captains and commanders, would require an increase of approximately 1,424 officers and 18,500 men. This would add to the annual expense of the Navy about $3,956,000 in pay of officers, and $10,220,000 in pay and rations of men, and $3,650,000 in maintenance, and $1,350,000 for probable repairs, making a total of $19,176,000. These figures do not include 43 vessels now under construction. To keep them in active service would require approximately 291 officers and 6,400 men. This would add annually to the above figures about $808,400 in pay of officers, and $3,535,700 in pay and rations of men, and $3,370,000 in maintenance, and $1,125,000 for probable repairs, making a total for vessels under construction of $8,939,100. The above figures show that it would cost annually to place all serviceable vessels now on the Navy list and those under construction in active service $28,115,100.

Mr. BUTLER. Mr. Chairman, I will conclude with this statement: I do not know what the observation of the Chair has been on naval subjects, and therefore permit me to inform you that our fleets at this time are on a peace footing, and it is not the policy of Congress to keep them upon a war footing. If this amendment is put in force it will be necessary to increase our fleet to that condition. You will recall that captains and commanders are officers of very high rank. One corresponds in rank with a colonel in the Army and the other with a lieutenant colonel in the Army. Therefore you only order one of each grade upon the same ship. That is prescribed by the regulations. Such a command may be given by the President of the United States. Therefore to put these men at sea, in pursuance of the congressional order contained in this amendment, in the commands that they are properly entitled to, it will be necessary to make a yearly drain upon the Treasury amounting to $29,000,000.

Mr. ROBERTS of Massachusetts. I should like to be heard on the point of order.

Mr. HOBSON. Mr. Chairman, all these gentlemen have been heard on one side of the point of order. I should like to be heard on the other side.

The CHAIRMAN. The Chair will hear the gentleman from Alabama on the other side.

Mr. HOBSON. Mr. Chairman, I wish to support the proposition that the point of order does not lie. The question is not a complicated one. The effect of this amendment would be to modify somewhat the present proportions of assignments of officers. I want to point out that it is within the power of the Secretary of the Navy to put more ships in commission.

Mr. MADDEN. That means more expense.

Mr. HOBSON. If he does that he will incur greater expense. But the point at issue is that this amendment does not require him to do it.

Mr. Chairman, it is a fact that the number of ships in usual commission in the American Navy as compared with those of other navies is sufficient, without putting another ship in commission, to afford all officers, if they take their turns, an opportunity to fulfill the requirements of this amendment. There is generally a large number of officers ashore who ought to be at sea. On the contrary, I am convinced—and all those who are familiar with the existing conditions are likewise convinced——

Mr. TRIBBLE. Will the gentleman yield?

Mr. HOBSON. Certainly; and I will not tell the gentleman to go far back and sit down.

Mr. TRIBBLE. I will say to the gentleman that I only said that to him in a case where I thought it was proper for me to do so. Now, I wish to ask, Why are these officers ashore?

Mr. HOBSON. I am very glad to answer that. Mr. Chairman, we are all human. Many officers have families. It is an unfortunate incident of efficiency in the military service that you have to be separated from your family for long intervals of time when you are at sea. Unless there is some provision that will cause officers to overcome that natural inclination, you will find in our service, and in all services, that officers inevitably tend to gravitate ashore where they can be with their families. I do not criticise them. I know the lives of devotion and sacrifice that they live.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. HOBSON. I do.

Mr. MADDEN. Does the gentleman admit that under the provisions of the Holman rule an amendment providing for legislation in an appropriation bill must show on its face a reduction in the expenses of the establishment to which it refers?

Mr. HOBSON. No; I am under the opposite impression that the burden of proof is on the other side. When an amendment is offered, and a statement is made that it comes under the rule, if a point of order is made against it the burden of proof rests on the man making the point of order.

Mr. TRIBBLE. May I ask the gentleman a question? Is not the evidence offered here the highest that could possibly be produced—the statement of the Secretary of the Navy?

Mr. HOBSON. I am proceeding to point out how that does not lie in this particular case. Of course if the number of junior officers is to be increased to fill up all of our ships, if all those ships are then to be put in commission and put at sea, there will be the increase that the Secretary of the Navy points out; but the point I maintain is that in our Navy there is no provision of law or regulation that requires a certain amount of sea service as a prerequisite for promotion in any grade. It is a weakness of our service. In almost every other service they apply it not only to the higher grades but even lower down, and it is one of the weaknesses of our service that frequently men are promoted out of a grade without ever having been to sea in that grade.

Of course in answering these questions I may be said to be digressing, but I want it to be distinctly understood that nothing in this amendment requires the Secretary of the Navy to maintain a larger number of ships in commission than ordinarily are maintained.

Mr. TRIBBLE. The Secretary of the Navy says he has an overabundance of officers, and you gentlemen have brought in a bill saying that we have not enough, and providing for 100 or 200 more.

Mr. HOBSON. If the gentleman refers to the naval personnel bill, we followed the recommendation of the Secretary of the Navy.

Mr. LONGWORTH. The gentleman from Alabama has said that there is nothing that would require the Secretary of the Navy to put additional ships in commission. There is a provision in this very amendment that requires him to at the request of the officer.

Mr. HOBSON. I will change that. The gentleman is right. It is possible that if an immediate compliance with the provision were made, if all the officers affected made a request at once, in compliance with this provision, it might require an additional expense, but just what that would amount to it is difficult to determine.

Mr. LONGWORTH. The gentleman gives away his whole case, it seems to me, because this shows that it is possible, if not probable, that the amendment will cause a vast increase in the appropriation instead of a decrease.

Mr. HOBSON. Of course the gentleman realizes that the chairman of the committee can strike out the part requiring the Secretary to assign officers to sea duty upon application.

Mr. LONGWORTH. Yes; but we are debating the amendment as it now stands.

Mr. HOBSON. This amendment was not originally drawn with that provision in it which would give the officer a chance to demand an opportunity to go to sea. It was put in there for the purpose of enabling him to go to sea if the Secretary of the Navy, in persecution, refused it. But the intent of this amendment is to cause a healthy distribution of service, unfortunately not in the interest of the home life of the officers, but in the interest of the efficiency of the Navy and resulting in economy.

Mr. LONGWORTH. And now the gentleman is debating the merits of the question.

Mr. HOBSON. No; I am only answering questions.

Mr. LONGWORTH. The gentleman is debating the merits, and he has shown that the passage of this amendment may put additional ships into commission, and thereby cause a vast increase in the expense, far from showing on its face a reduction of expenditures.

Mr. HOBSON. I will admit that in its present form there might be an increase by putting a few ships into commission.

The CHAIRMAN. The Chair will suggest to the gentleman that he is prepared to rule.

Mr. HOBSON. I will close up what I have to say, Mr. Chairman, if gentlemen will cease asking me questions.

Mr. MADDEN. I was just going to ask the gentleman on the point of order. The gentleman from Alabama will be willing to admit that the Holman rule is intended to be an exception to the general rules of the House.

Mr. HOBSON. Evidently; that is, what has otherwise been the general rule; but the Holman rule is becoming the general rule of the House.

Mr. MADDEN. If this amendment is offered under what is termed the Holman rule, it must be offered with the intent to reduce the expenditures of the Naval Establishment, otherwise it would not be in order. If that is the case, then the amendment on its face must show the intended reduction, otherwise it would not be in order. Now, while it pretends to come under the exception, the gentleman will have to place himself within the exception by being able to show that it is a reduction of the expenses in the Naval Establishment.

Mr. HOBSON. I will bring myself to the point of order and not discuss the merits, which we can discuss later. The evident effect of this amendment is to decrease the proportion of officers on shore and increase the proportion of those at sea. This change would result in a distinct decrease in the pay out of the Treasury. In addition, the effect would be to increase the number of officers retired in lower grades and decrease the number retired in the higher grades.

Under the operation of such a law officers who have been neglecting their profession by remaining on shore duty too long, who have been neglecting opportunities to go to sea, would, in some cases, be retired at a lower grade and not be allowed to be promoted. Their suffering would be unfortunate, but the effect would be to increase the professional efficiency of the service and lower the expense of the Government.

When we take up the requirement of a reasonable time to serve as a qualification for promotion to the grade of admiral, let me tell the Members of this House that the expense of the retired list to the United States to-day in its Navy is a crying scandal to all principles of economy. It is not the fault of any officer. I will pay my tribute to them in their turn; but our system to-day turns out the average rear admiral with less than two years of service. Consequently he can not be expected to become efficient. We have to-day on the retired list of the Navy 196 admirals and commodores. One hundred and forty-nine admirals are on the retired list and 28 on the active list, more than five times as many retired as on active duty.

The total retired pay of the Navy is something over $3,000,000. The total retired pay for the rear admirals and commodores is $1,000,000. I shall not discuss the merits of this case, but the present system completely undermines the efficiency of our flag officers and of the service, and for this inefficiency we pay over a $1,000,000 a year.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. WEEKS. I would like to ask the gentleman a question. I assume that the committee is basing its reliance on this amendment being in order upon the fact that it will reduce expenses.

Mr. HOBSON. That is the Holman rule.

Mr. WEEKS. Would it not be possible to definitely figure out just what would be the result of this amendment, taking the retirements for the next half-dozen years and the promotions as a result of such retirements, and thereby definitely show whether there would be a saving or not?

Mr. HOBSON. I can tell the gentleman at once that there would be probably, if this went into effect at once, in the next five years 15, 20, maybe 30 officers who would be retired as captains instead of admirals.

Mr. WEEKS. Is there any necessity for this being problematical in any way? Can not the result of this change be definitely determined?

Mr. HOBSON. It could in time, perhaps, assuming no deaths occur, and that the question of promotion is not affected by the plucking board and other matters.

Mr. WEEKS. One other question I want to ask. I notice in looking over the Navy Register that there are only two captains on the list who have performed over two years' sea service, and that there are only two commanders who have performed over two years of sea service in those grades.

If this law went into effect in 1914, it would mean that every captain on the list as well as every commander would necessarily have to go to sea at some time to make up the difference between the lacking sea service and the two years that he would have to perform in order not to be affected by this proposed law. I want to ask the gentleman this question, because his training should enable him to answer it: Does he not think that such frequent changes of commanders of ships as would be necessitated by this action would greatly impair the efficiency of the service?

Mr. HOBSON. I would answer that by saying that if an attempt were made to carry out the suggestion of the gentleman you would have to keep most of them permanently at sea the rest of all those two years. But think of the appalling condition to which the gentleman has called attention, where there are only two captains and two commanders in the Navy of the United States who have had two years at sea! There are 70 captains and 112 commanders on the regular active list and only two have had two years at sea.

Mr. WEEKS. Let me call the gentleman's attention to the fact that the senior captain has only been a captain four years on the 1st of July, and the same may be said of the senior commander. If any more of these commanding officers are going to sea, does it not necessarily mean putting more ships in commission?

Mr. HOBSON. I would say to the gentleman that if the Secretary of the Navy should undertake at once to make up

for all of the delinquencies of the officers of those two lists he would probably have to put more ships in commission, but if the gentleman wants to bring it to that point——

Mr. WEEKS. Then there would be no economy.

Mr. HOBSON. I do not even admit that. It would be a question of adjustment. That can be stricken out of this amendment—requiring the Secretary of the Navy to send the men to sea on application. It is not an essential part of this amendment.

In conclusion, the examination of this amendment on its face indicates not only that it is trying to reach a grave condition of inefficiency in the two commanding ranks of the Navy, the admirals and the captains, upon whom must depend the issue of battle, and where is shown a weakness in comparison with every active navy in the world, but it is in fulfillment of legitimate promises and purposes on this side of the House that in taking hold of the responsibilities of the Government we will try to increase the efficiency of the service, and at the same time reduce the expense. With a due proportion in the grade of captains and admirals at sea as compared to those on shore, and with a sufficiently long term of service in the grade of admiral, I do not hesitate to say that the cost of the retired list of admirals will be cut down more than one-half, and that the cost of the retired list of the Navy would doubtless year in and year out ultimately be cut down about 25 per cent. The great cost of the retired list and of administration is so weighing down our naval appropriation each year that we approach the limit of cost the Congress is willing to bear before providing for any increase. While the change would work a hardship against the officers who have neglected their opportunities to go to sea, it would not work a hardship against those who have sought that excellence in their profession that has been possible and desirable. I do not believe it ought to be drastic, but as it stands on the face of it it works an essential decrease in Government expenditures.

Mr. ROBERTS of Massachusetts. Mr. Chairman, may I crave the indulgence of the Chair a moment or two on the point of order? The gentleman from Tennessee, the chairman of the committee, and the gentleman from Alabama [Mr. HOBSON] are endeavoring to argue that on the face of the amendment offered by the gentleman from Tennessee there is a necessary reduction in the expenses of the Navy Department. Now, I want to say to the Chair, and I would like the attention of the Chair for just a moment if I may have it, that on the face of the proposed amendment there is an increase in the naval expenses necessitated by carrying out the terms of this bill. The bill as it first came to my attention provided it should take effect in the year 1913. I have been informed by the Secretary of the Navy that had that date remained in the bill and it became a law three captains and two commanders would have been placed on the retired list within the life of this bill; that is, within the next fiscal year. Now, Mr. Chairman, is not it as plain as daylight that if you force men on the retired list and do not abolish the positions which those men left and which must be automatically filled under the operation of law by other men, who will draw the same pay, allowance, and salaries, that you have increased expenses by increasing the number of men on the retired list?

Mr. HOBSON. Will the gentleman yield? Does not the gentleman of course realize that if those officers had not been retired as commanders and captains they would have been soon retired as rear admirals?

Mr. ROBERTS of Massachusetts. That may be and may not be. Those men might be plucked or retired or disabled or die or be killed in battle or for other reasons go out of the service.

Mr. HOBSON. If they are out of the service, they are no expense at all.

Mr. ROBERTS of Massachusetts. The bill shows there must be necessarily an increase of expenditures by reason of this forced retirement of officers. If the bill provided for a vacation of the positions which are filled by the officers who are retired, then you would have brought about a reduction of expense, because the Government would only pay the retired salary of those officers instead of the full pay, but this bill does not do that. It is contemplated under its terms that officers will be retired because of the lack of necessary sea service and——

Mr. HOBSON. Will the gentleman permit another question?

Mr. ROBERTS of Massachusetts. When you force officers on the retired list and immediately fill their places with other officers, you are increasing the naval expenses.

Mr. HOBSON. The gentleman seems not to have understood it.

Mr. ROBERTS of Massachusetts. I do understand it.

Mr. HOBSON. Those officers have to be retired in some grade.

Mr. ROBERTS of Massachusetts. Not necessarily; they may die in the service.

Mr. HOBSON. Then they would not be any expense. The gentleman's own idea that they may die in the service should show him that they do not increase the expense. The net result, which the gentleman himself must recognize, is that the average officer on the retired list will be at a lower rank than at a higher rank, and that must be a reduction of expense.

Mr. ROBERTS of Massachusetts. It may and it may not.

Mr. HOBSON. It is bound to be.

Mr. ROBERTS of Massachusetts. It is a problematical result, but the effect is to increase your expenses on the retired list. Now, as to the proposition of reducing the cost on the active list and increasing it on the retired list, I shall not endeavor to settle that question, I can not go into it. We do not know what the relative proportion will be in the present year or in any future year, but we do know that by this kind of arbitrary retirement of officers, where you have not abolished an office in which you will put another man at the same salary, that the salaries on the active list will go on at the same amount with the same number of officers of the grade after the passage of this law as before it, and the retired list being increased by the arbitrary retirement of officers, this bill shows on its face will in that respect increase the naval expenses, and the provision which compels the Secretary of the Navy to give sea service to officers requesting it necessitates an increase of expenses. The Secretary of the Navy has informed the Naval Committee that to carry out the provisions of this law would cost about $28,000,000.

Mr. PADGETT. Mr. Chairman, I ask for a ruling.

Mr. TRIBBLE. Mr. Chairman, I think I have a right to be heard, as I am a Member of the committee.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. TRIBBLE. Yes, sir.

The CHAIRMAN. On which side?

Mr. TRIBBLE. I think it is an increase in expenditures and that the point of order ought to be sustained.

The CHAIRMAN. The Chair does not care to hear the gentleman unless he insists on discussing the point of order.

Mr. TRIBBLE. Of course, if the Chair is ready to rule that the point of order is good, then I do not think I wish to be heard; but, if the Chair is not, I would like to be heard.

The CHAIRMAN. A point of order is made against the amendment offered by the gentleman from Tennessee [Mr. PADGETT]. In determining as to the sufficiency of the point of order, it is necessary to ascertain whether the provisions of the amendment come within the requirement of section 2 of Rule XXI. In the opinion of the Chair, viewing the constructions of this rule as have been given it heretofore, and in the light of the application of the rule as heretofore practiced by the committee and the House, this amendment does not come within the provisions or requirements of section 2 of Rule XXI, and the Chair is therefore constrained to sustain the point of order.

The Clerk will read.

Mr. PADGETT. Mr. Chairman, I offer the following modified amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will read.

The Clerk read as follows:

After line 11, page 4, insert:

"That after January 1, 1914, no captain or commander of the line of the Navy who is not restricted by law to shore duty only shall be promoted to the next higher grade who has not performed at least two full years of sea service in cruising ships of the Navy in his grade, and any captain or commander who has not complied with the qualifications for promotion by the date of occurrence of his vacancy for promotion shall be placed on the retired list: *Provided*, That this qualification may be waived by the Secretary of the Navy for meritorious administrative reasons: *Provided further*, That the Secretary of the Navy shall report to Congress at each ensuing regular session the reasons for the waiver of this qualification in each case wherever exercised."

Mr. BUTLER. I only reserve a point of order for the reason that I did not hear the Clerk read very distinctly. I——

Mr. PADGETT. Except the latter part of it, it is identically word for word with the other.

Mr. ROBERTS of Massachusetts. I make the point of order, Mr. Chairman.

Mr. PADGETT. That is the very provision I pointed out, of increasing the Navy retired list and not reducing the pay on the Government list.

Mr. HOBSON. My contention is absolutely correct, that if you do not retire officers in the lower grades you will have to retire them as admirals. They are grinding them out by the hopperful, until we now have 146 rear admirals on the retired list. If they were retired at the lower grade it would be less expensive to the Government. It would not necessarily involve putting additional ships in commission, but it would increase

the proportion at sea as compared to the proportion on land, which would be a decided reduction in cost.

The CHAIRMAN. The point of order is well taken. The Clerk will read.

Mr. HOBSON. Mr. Chairman, before the Clerk reads, I wish to offer an amendment.

The Clerk read as follows:

On page 4, after line 11, add as a new paragraph:

"*Provided*, That there is hereby established a council of national defense, consisting of the President of the United States, who shall be ex officio president of the council; the Secretary of State, who shall preside in the absence of the President; the Secretary of War; the Secretary of the Navy; the chairman of the Committee on Appropriations of the Senate; the chairman of the Committee on Foreign Relations of the Senate; the chairman of the Committee on Military Affairs of the Senate; the chairman of the Committee on Naval Affairs of the Senate; the chairman of the Committee on Appropriations of the House of Representatives; the chairman of the Committee on Foreign Affairs of the House of Representatives; the chairman of the Committee on Military Affairs of the House of Representatives; the chairman of the Committee on Naval Affairs of the House of Representatives; the Chief of the General Staff of the Army; an officer of the Navy not below the rank of captain, to be designated by the Secretary of the Navy; the president of the Army War College; and the president of the Navy War College.

"And that the chairmen of the several committees of the Senate and House of Representatives herein named shall act as members of the council until their successors have been selected.

"And that said council shall report to the President for transmission to Congress a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

"And that said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That in time of war said council shall meet only upon the call of the President of the United States: *Provided further*, That special meetings may be called by the president of the council: *And provided further*, That the council may summon for consultation at any of its meetings any citizen of the United States, and upon request by the council the Secretary of War and the Secretary of the Navy shall order any officer of the Army, Navy, or Marine Corps to appear before the council for consultation."

Mr. BARTLETT. Mr. Chairman, I make a point of order against the amendment.

Mr. HOBSON. Will the gentleman reserve it?

Mr. BARTLETT. If you will let me make it. I make the point of order on the ground that it is new legislation on an appropriation bill, contrary to all the rules of the House, and does not come within the provisions of the new so-called Holman rule.

Mr. HOBSON. I am perfectly prepared to discuss the point of order. I do not think the gentleman wants to make it and precipitate a discussion.

Mr. BARTLETT. The gentleman hopes in vain.

Mr. HOBSON. When the gentleman knows what the bill is——

Mr. BARTLETT. I think I know what it is.

Mr. HOBSON. I mailed you a copy. It is a unanimous committee amendment. But I will speak to the point of order if the gentleman will permit. I do not believe the gentleman wants to make it.

Mr. BARTLETT. Mr. Chairman, I reserve it in deference to the wishes of the gentleman from Alabama [Mr. HOBSON]. When he is through I will make the point of order, and that will be final.

Mr. HOBSON. Mr. Chairman, I will yield the floor to the gentleman long enough to make the point of order.

Mr. BARTLETT. I make the point of order, Mr. Chairman.

Mr. HOBSON. I would like to speak to the point of order, Mr. Chairman.

This bill creates a council of national defense to coordinate the various arms of the Government that are involved in the national defense. I will read in a few moments from the hearings of the men who know, such men as Gen. Wotherspoon, president of the Army War College, and Admiral Mahan, another expert, and show how it would result in not a small saving but a large percentage ultimately of saving in the whole expenses of the Naval and Military Establishments.

But before taking up the authorities upon the subject I will point out that this amendment brings together in this council of national defense the executive branch of the Government and the legislative branch of the Government and experts competent to furnish them with technical information when required. Representing the executive branch of the Government, there is the Secretary of War and the Secretary of the Navy for the technical branches; there is the Secretary of State, representing foreign relations; and the President, the Commander in Chief of the Army and Navy and also at the head of the executive administration of the Government.

Now, then, that clearly will coordinate on general matters of policy, just as the General Board of the Army and Navy coordinates on technical matters. It will not only promote efficiency, but it would frequently, again and again, practically all the time, reduce expenditures by the proper coordination of the different branches. Under its workings the various branches could get together and finally decide on a common policy and reduce the expenses and prevent duplication. That occurs again and again in the coordination of the technical departments of the Army and Navy.

But this council, in addition, would bring together all the parties involved. Take the matter of our foreign policies. The Secretary of State comes in. He can acquaint us with the conditions in foreign lands upon which we might save the question of a cruise of a fleet. We might send a fleet around the world at stupendous expense when it might be unnecessary. We might be maintaining forces at a distance and at a great expense when it might not be necessary.

It is not necessary for me to point out all the great possibilities of this council. Let me impress upon the chairman the fact that there is not one single new officer or office created; that even the meetings would be held at the Army War College, where they would have the available staff and equipment there at their command. Let me point out the fact that there is not one dollar of expense entailed.

That being the condition, it only remains to point out that you could get coordination, reduction of duplication, to show that it will be a reduction of expense to the Government in the end. But without going further into that with regard to the executive branch, let me point out this fact, that it brings together the chairman of the Committee on Military Affairs and the chairman of the Committee on Naval Affairs and the chairmen of the Committees on Appropriations of the two Houses before we determine what is going to be recommended to Congress.

One of the great difficulties incurred by the Democratic Party has been that when we took hold of the reins of Government we had no agency that could show us what is really necessary for efficiency and coordination. It has been frequently alleged that the chairman of the Naval Committee and the chairman of the Committee on Military Affairs bring in recommendation here that are out of keeping with the finances of the Government. That is the very basis, for instance, for the contention that we ought not to have any battleships in this bill. Frequently it is pointed out in the Committee on Appropriations, where frequently appropriations come together, that the naval service and the military service have duplicated. Even in the Marine Corps and in the naval service you sometimes find duplication. All of that would be eliminated. We bring the economy officer of the House and the economy officer of the Senate—we bring the "watchdogs of the Treasury"—right into the fountainhead, where the policies are determined and the recommendations are made. It can not help but end in large economies to get such coordination.

Now, then, I will not detain the Chair long in reading these hearings. They are exhaustive hearings. They have been going on for two or three years. I will simply quote Gen. Wotherspoon, president of the Army War College, who appeared before our committee. He said:

I consider that this bill will coordinate the efforts of the Army and the Navy and the legislative branch into some unified policy which will make for decided economy and still more decidedly for efficiency. I have stated to this committee before and to the Military Committee that I am perfectly convinced that an army three times as efficient and probably twice as strong as we have now can be maintained for the money we are at present spending for the Army.

That means that in his judgment we could maintain the Army at a saving of many millions of dollars every year, or it means that we could have an Army of fully half again the size of the present Army without one added dollar of increased expense.

Mr. SLAYDEN. Mr. Chairman, will my friend from Alabama permit a question?

Mr. HOBSON. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman from Alabama if he believes that it is possible to organize any body of officials in the city of Washington, even though they are already officials of the Army, of the Navy, or of the civil branch of the Government, and even though there is no proposed increase of their compensation, without increasing the general expenses?

Mr. HOBSON. In the long run they probably might buy some additional stationery. I am not sure. In the long run they might send an officer to the Philippine Islands to investigate whether Corregidor or Subic Bay could be abandoned.

Mr. SLAYDEN. We have settled that already, have we not?

Mr. HOBSON. At some time they might send an agent somewhere who would save the Government many millions of dollars, and in doing so would incur incidental expenses; but I do not believe there would be any appreciable increase in expenses except under extraordinary conditions.

Mr. SLAYDEN. Would it not mean a corps of stenographers, clerks, and so forth?

Mr. HOBSON. I do not think so. This is not a board that sits and carries on regular operations. It does not sit often as a cabinet.

Mr. SLAYDEN. Is it not the initiation of a system which will result in increased expenditures?

Mr. HOBSON. I do not think so. If the gentleman will read the report on it he will find that it corresponds to the council of imperial defense of Great Britain, the great council in Germany, and similar councils in most Governments.

Mr. BARTLETT. I should like to read a more detailed statement about this.

Mr. HOBSON. When the gentleman reads the report upon it, I do not think he will make any point of order against it; but if he does, I do not think it will lie.

Mr. SLAYDEN. Did not the gentleman propose an outlay in the bill embodying this same idea?

Mr. HOBSON. As originally drawn and recommended by the committee it did carry $20,000 for an indefinite period, but it did not mean that one dollar of that would necessarily be expended in inaugurating the council.

Mr. SLAYDEN. What does the gentleman mean by "an indefinite period"?

Mr. HOBSON. That if there should arise a condition where it would save the Government money as well as add to the efficiency of the service they might have that appropriation for the purpose of sending messengers, or for some special undertaking which would require a small expenditure, and would have the money on hand.

Mr. SLAYDEN. If the gentleman can establish the fact that it will increase the probability of a successful defense of the country if it is ever assaulted, and that it will not make for expense out of proportion to the benefits, I tell him frankly that I will support it, as I will support every measure of that kind.

Mr. HOBSON. I believe the gentleman will.

Mr. SLAYDEN. But I am unconvinced at this time.

Mr. HOBSON. When we come to debate the merits of the question I will show the gentleman how it will not only promote efficiency, but may actually determine the way in which future wars may end. In the war between Russia and Japan and in the war between England and the Boers it was found that just the lack of that coordination which such a council would bring about caused them to suffer great reverses. Further, the existence of a council like this in Germany has been the foundation and basis of the success of their arms. But I will not discuss that question now.

Mr. SLAYDEN. I want to ask the gentleman if the general staff in Germany has not been alleged to be the author of their great military projects?

Mr. HOBSON. Yes; and if the gentleman has studied that question, as I am sure he has, he will recognize that that general staff is in close touch with the council which has the Emperor at the head of it, and the foreign minister, the cabinet officer representing the army, and the cabinet officer representing the navy; and it is that council which has brought about that efficiency.

I ask the Chair to rule on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HOBSON. Mr. Chairman, I have the greatest respect, admiration, and affection for the Chairman, and I will not appeal.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the act approved May 13, 1908, making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended to read as follows:

"That hereafter immediately upon official notification of the death, from wounds or disease not the result of his own misconduct, of any officer or enlisted man on the active list of the Navy and Marine Corps the Paymaster General of the Navy shall cause to be paid to the widow, and, if no widow, to the children, and, if there be no children, to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man, to defray expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person."

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. I wish to ascertain, if he can tell, what is meant by the words "designated person" at the end of this paragraph?

Mr. PADGETT. Under existing law any dependent relative of an officer or enlisted man, previously designated by him, is entitled to six months' pay upon his death, if it is due to any accident or cause incurred in the line of duty. He can designate any person to receive it. In the event he does not designate anyone it goes to the widow, but he can designate a person and take it away from his wife and children. We intend to eliminate that and require him to designate the widow or the children or a dependent relative.

The Clerk read as follows:

Hereafter the commander in chief of the United States Atlantic Fleet and the commander in chief of the United States Pacific Fleet, respectively, shall each, after being designated as such commander in chief by the President, and from the date of assuming command of such fleet until his relinquishment of such command, have the rank and pay of an admiral; and in each of the above-named fleets the officer serving as second in command thereof shall each, after being designated as such second in command by the President, and from the date of assuming duty as such second in command until his relinquishment of such duty, have the rank and pay of a vice admiral; and the grades of admiral and vice admiral in the Navy are hereby reestablished and authorized for the purposes of this section. The annual pay of an admiral shall be $12,000 and of a vice admiral $10,000: *Provided*, That in time of peace officers to serve as commander in chief and as second in command of the two said fleets shall be designated from among the rear admirals on the active list of the Navy: *And provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy, nor increase the total number of officers allowed by existing law, and that when an officer is detached from duty as such commander in chief or as such second in command, as above provided, he shall return to his regular rank in the list of rear admirals, and shall thereafter receive only the pay and allowances of such regular rank.

Mr. MADDEN. Mr. Chairman, I make a point of order against the paragraph as a change in existing law.

Mr. PADGETT. Will the gentleman reserve it for a moment?

Mr. MADDEN. I will.

Mr. PADGETT. I will state frankly that it is subject to a point of order, and it can only be considered by unanimous consent of the House. If anybody raises a point of order, it is well taken. I want to say to the gentleman that these grades are needed very badly in the Navy. Our Navy has now grown to such size and importance that in the management of it, in its domestic relations and efficient operation, and especially in its international relations and associations, we need the two grades. You will notice this last designation, the necessity to take them from the rear admirals. It does not add to the force at all, but it simply allows the President to designate a commander in chief and a second in command on the Atlantic and the Pacific, and they have the rank and pay of admiral and vice admiral. On account of the importance of the matter I hope the gentleman will not insist on the point of order.

Mr. WEEKS. I would like to add a word, if the gentleman will yield, on the point of order.

Mr. PADGETT. I will yield to the gentleman in a moment. I will give you gentlemen an illustration. Our Navy goes abroad and comes in contact and in association with the navy of Japan or China or of any of the South American countries. I believe there are 26 countries that have a grade of vice admiral and perhaps 15 or 16 that have the grade of admiral. Many of them have no navy to amount to anything, but when our Navy or the naval officers come in contact with them our naval officers have to take a rear position, and our Navy has to be assigned to the rear guard and allow the navies of these foreign countries that may have a gunboat and a vice admiral to take precedence over ours. At the table and all social functions and gatherings our Navy is relegated to the rear, while the little ones are placed in the front; also in all international cooperative naval work.

Mr. SLAYDEN. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. SLAYDEN. I want to begin my question by saying that where McGregor sits is the head of the table. What rank in the Army corresponds to an admiral in the Navy?

Mr. HOBSON. Lieutenant general.

Mr. PADGETT. That is a vice admiral.

Mr. SLAYDEN. A captain corresponds to a colonel; a rear admiral, junior grade, corresponds to the rank of a brigadier general. Now, what is the next rank?

Mr. PADGETT. An admiral corresponds to a general.

Mr. SLAYDEN. The rank that you propose of admiral must correspond to a lieutenant general or a general.

Now, the grade of lieutenant general was abolished by the Sixty-first Congress. It has been abolished by law. Now, why should a similar rank be created in the Navy?

Mr. PADGETT. The reason I give is that the Army has no international contact or international association; it does not come in contact with the armies of other countries, but the Navy is continually and constantly doing so.

Mr. GARNER. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. GARNER. What is the comparative salary of an admiral in other navies as compared with the same position in our own Navy?

Mr. PADGETT. Much higher.

Mr. GARNER. In the small navy?

Mr. PADGETT. I do not know; I am speaking of the principal powers.

Mr. GARNER. I am speaking of the small powers which the gentleman says take precedence of ours. What is their salary as compared with an American officer of the same grade?

Mr. PADGETT. I do not know what it is; but, independent of the question of salary, our officers and our Navy would have to be relegated to the rear.

Mr. GARNER. Does not the gentleman suppose that our officers would prefer to be relegated to the rear at a high salary rather than to have a lower salary and a higher position?

Mr. PADGETT. No; I have been informed by naval officers that so far as the little increase provided for in this matter is concerned it does not count. A rear admiral of first nine now gets $8,000, and we provide $10,000 for the vice admiral and $12,000 for the Admiral. Just for two of them on each ocean, or four in all.

Mr. SLAYDEN. And a 50 per cent increase for the other. That is a trifle.

Mr. PADGETT. I want to say that, so far as the salaries are concerned, I am willing to strike that out and just give the rank and grade to the Navy, and leave the salary as it is now on the list.

Mr. SLAYDEN. Mr. Chairman, the gentleman knows that would only be a preliminary step to the granting of the additional salary, and it ought to be, for if you confer the rank you ought to give the corresponding compensation.

Mr. PADGETT. I am frank to say that I think there ought to be a corresponding salary, but in order to relieve the Navy of embarrassment in every international association, in every international meeting in which our Navy comes in contact with the navies of other countries, where we are relegated to the rear and embarrassed by that condition, the naval officers are willing to forego the question of salary for the rank.

Mr. HOBSON. Mr. Chairman, will the gentleman permit me a suggestion there before he insists upon his point of order?

Mr. SLAYDEN. I am not the man who is making the point of order, but I shall make it if necessary.

Mr. PADGETT. Having said what I did, if the gentleman is going to make the point of order I wish he would make it now.

Mr. HOBSON. Mr. Chairman, I want to say that really, in my mind, it is not the question of social precedence or prestige at functions. It is a question of having a superior command and an inferior command. Take the two squadrons of our fleet, eight vessels each on the line. The commander in chief of that fleet ought not to be of the same rank as the commanding officers of the two squadrons under him. We have now the anomalous position of one rear admiral commanding numbers of other rear admirals. The gentleman is fully posted upon the military necessity of having a commander in chief of a grade higher than any officer in his command in the field.

The gentleman recognizes whenever that position occurs or has occurred in the past in the field, whether in the Army or in the Navy, Congress invariably has created the higher rank, so that the same rank might not be commanding themselves. And it happens now in the organization of the American Navy, and it will be a permanent condition—for it is not as it is in the Army, which seldom comes together with two or three corps, requiring a general and various lieutenant generals—I doubt whether we will ever have such a condition except in time of war—but in the Navy in the operations every day we must have this commander in chief, and we will have to have these commanders of squadrons and commanders of divisions all as rear admirals. You notice that you would have this condition: Two rear admirals in each division in command of four ships each, and over those two rear admirals you will have another rear admiral in command of that squadron, and over the two rear admirals in command of the squadrons you will have still another rear admiral in command of the fleet. It is an anomalous condition that can not permanently be maintained with efficiency.

Mr. SLAYDEN. Mr. Chairman, there is no difficulty, I fancy, in having the senior officer of the grade command the others. That occurs all of the time in military service. If this is done at the very first opportunity some gentleman will rise and say that we must increase the pay of certain officers of the Army because, forsooth, Congress, having harkened to the persuasive and eloquent appeal of my friend from Alabama [Mr. HOBSON], has increased the rank and pay of officers in the Navy. I have heard that absurd argument advanced here for 15 years, that you must equalize the pay of the officers of the Army with those of the Navy, and then, if they grant a little further advance, as when they undertake to equalize it, as they seem always to do, there comes an appeal from the officers of the Navy to equalize their pay with the corresponding grade in the Army.

Mr. HOBSON. The gentleman has not lost sight of the fact that this does not create a permanent grade.

Mr. SLAYDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, the point of order is made, and I ask for a ruling.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, to follow line 7 as an additional paragraph, insert the following:

"That the portion of the act entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes,' approved June 24, 1910, which reads as follows:

"'The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear admiral of the lower nine, and all officers of the Navy who are now serving or who shall hereafter serve as chief of bureau in the Navy Department, and are eligible for retirement after 30 years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after 30 years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred' be, and the same is hereby, repealed: *Provided, however*, That no officer who has ceased to hold the office of chief of any bureau, and who is entitled to the benefits of the provisions of the act of June 24, 1910, shall be denied or deprived thereof by virtue of this repeal.

"SEC. 2. That section 1473 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"'SEC. 1473. Officers who have been or who shall be retired from the position of Chiefs of Bureau of Medicine and Surgery, Supplies and Accounts, Yards and Docks, or of Construction and Repair, or who, after having served four years as chief of bureau, shall be retired at any time after having ceased to hold such position, by reason of age or length of service or disability incident to the service, shall have the rank of rear admiral.'

"SEC. 3. That hereafter officers of staff corps of the Navy below the rank of rear admiral shall be promoted in rank with the officer of the line with whom or next after whom they take precedence on the list of order of precedence of the Navy, and to carry out this provision temporary changes shall be made, when necessary, in the numbers of the various grades and ranks established by law for the staff corps: *Provided*, That there shall be no permanent increase in any grade or rank whose number is now fixed by law and no increase in the total number of officers now fixed by law for any staff corps."

Mr. TRIBBLE. Mr. Chairman, I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. PADGETT. Mr. Chairman, the amendment as offered is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Now, Mr. Chairman, I wish to offer the first paragraph of the bill down to and including the words "are hereby repealed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

That the portion of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910, which reads as follows:

"The pay and allowances of chiefs of bureaus of the Navy Department shall be the highest shore-duty pay and allowances of the rear admiral of the lower nine, and all officers of the Navy who are now serving or who shall hereafter serve as chief of bureau in the Navy Department, and are eligible for retirement after 30 years' service, shall have, while on the active list, the rank, title, and emoluments of a chief of bureau, in the same manner as is already provided by statute law for such officers upon retirement by reason of age or length of service, and such officers, after 30 years' service, shall be entitled to and shall receive new commissions in accordance with the rank and title hereby conferred," be, and the same is hereby, repealed.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against the amendment for the purpose of giving the chairman of the committee an opportunity to tell the committee wherein his amendment is not subject to the point of order.

Mr. PADGETT. Mr. Chairman, under existing law a chief of bureau while holding office has the rank, pay, and title of rear admiral.

Mr. SLAYDEN. And allowances.

Mr. PADGETT. Yes, sir; and allowances. The section which we propose to repeal, which was enacted in 1910, provides that after going out of the office of chief of bureau he shall, while on the active list, continue to have the rank, pay, allowance, and grade of a rear admiral, and after 30 years shall have the right to retire with that rank. Now, this repeals that provision, so that when he ceases to be a chief of bureau he returns to the rank and pay which he had when he was first appointed, or if a commander is appointed chief of bureau and retires, he resumes his rank in the line.

Mr. SLAYDEN. For the purpose of retirement.

Mr. PADGETT. Of course, he can pass on up afterwards.

Mr. SLAYDEN. That is when he is relieved from that bureau.

Mr. PADGETT. When he retires from the office, not from the service, he would resume his original rank.

Mr. SLAYDEN. That, of course, is an economy.

Mr. PADGETT. Yes; an economy, and it is clearly within the rule.

Mr. SLAYDEN. As I understand——

Mr. BURLESON. This corrects what has been denominated as the "admiral factory."

Mr. ROBERTS of Massachusetts. The effect of the repeal of this law is to reduce the number of rear admirals on the active list?

Mr. PADGETT. And also to prevent them from being created by appointment. Under the law as it is now, as I termed it once before, it is an admiral factory. A man is appointed chief of bureau, and he can serve three months and then be removed and go upon the active list as a rear admiral all the rest of his life.

Mr. ROBERTS of Massachusetts. And under this amendment he can only act as a rear admiral——

Mr. PADGETT. While actively serving as chief of bureau.

Mr. ROBERTS of Massachusetts. And when he retires he goes back to his regular rank.

Mr. BURLESON. The provision was really enacted to take care of two men.

Mr. PADGETT. Yes.

Mr. MADDEN. Mr. Chairman, I do not insist upon the point of order.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I wish to expedite matters, and I want to say that there is a very great demand for a dental-surgeon corps in the Navy. There is none, and there should be one. We have an amendment here providing for the establishment of a dental corps in the Navy identical with the one that is in the Army, and I want to ask unanimous consent to present it. If anybody objects, I will say it is subject to the point of order.

Mr. LONGWORTH. It was acted upon by the committee favorably?

Mr. PADGETT. Yes; it is a committee amendment, and it is recommended by the department, and it is identical with the one now existing in the Army. It is a unanimous report from the committee.

We have 44,000 men in the Navy now, not including the officers, not including the Marine Corps, but about 60,000 when you include them. And we have authorized in this bill 4,000 more enlisted men.

Mr. TILSON. What is done at present? Do you have contract dentists?

Mr. PADGETT. They sort of make it up, and they get hospital stewards and that sort to study dentistry and practice on the men as best they can. The service is suffering as a result of it.

Mr. SLAYDEN. How many dental surgeons do you propose to appoint under this?

Mr. PADGETT. I believe it is 30. It puts it on the same basis as the Army, which provides for appointing dental surgeons and then for the employment of dental contract surgeons in the same proportion that they are employed in the Army—one to every thousand.

Mr. SLAYDEN. In precisely the same ratio as in the Army?

Mr. PADGETT. Yes, sir; one to a thousand.

Mr. SLAYDEN. Where do you propose to station them?

Mr. PADGETT. Most of them will be on the ships with the men.

Mr. SLAYDEN. When my friend from Alabama [Mr. HOBSON] gets all the ships he wants, I am afraid that proportion will be disturbed.

Mr. PADGETT. This fixes it one to a thousand.

Mr. SLAYDEN. What sort of rank or pay do you propose to give them? Are they given the same as commissioned officers?

Mr. HOBSON. Yes.

Mr. SLAYDEN. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the several enlisted men of the Navy and Marine Corps then attached to the United States ship *Georgia* the respective sums of money placed by said enlisted men on deposit for safe-keeping with the pay officer of said ship as permitted by article 1331 of the Navy Regulations, which said sums were stolen on February 10 or 11, 1911, by one Edward V. Lee, clerk of said pay officer; and the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I notice that the money which this man Lee stole was money which was deposited with him for safekeeping by the men on board ship. It is a question whether the United States Government should hold itself responsible for the refunding of this money which these men voluntarily deposited with the clerk of the ship, and whether the Congress can properly enact a law now to reimburse them for the loss of their money by their own voluntary act.

Mr. ROBERTS of Massachusetts. Will the gentleman pardon an interruption for just a moment?

Mr. MADDEN. Certainly.

Mr. ROBERTS of Massachusetts. Really the gist of this case is this: That the money taken by the paymaster's clerk included money belonging to the United States Government and to these enlisted men. When the absconding clerk was caught he had $18,000 or $20,000 of that money left. The United States Government took every cent of it and applied it on account of what was taken from the United States, and did not give the men even a pro rata. Now, a bankruptcy court or an insolvency court would have given the men at least a pro rata of the money that was recovered.

Mr. MADDEN. That is true.

Mr. ROBERTS of Massachusetts. This money was deposited at the solicitation of the Navy Department.

Mr. MADDEN. Let me ask the gentleman from Massachusetts this: What was the total amount stolen?

Mr. ROBERTS of Massachusetts. My recollection is that it was $28,000 or $30,000.

Mr. MADDEN. And the man who had the money in his possession had about $20,000 when he was arrested?

Mr. ROBERTS of Massachusetts. Something like that.

Mr. MADDEN. And the Government took it all?

Mr. ROBERTS of Massachusetts. Took it all.

Mr. LONGWORTH. Was there an invitation issued to the men to deposit their money in that way?

Mr. PADGETT. There was an express invitation to the men to deposit this money so that they would have something remaining when they left the service. There is an official regulation providing for their depositing it, and they are encouraged to make their deposits in order to promote thrift and economy amongst the men.

Mr. MADDEN. I am not inclined to oppose the provision in the bill, but I thought it was only fair to ascertain why the Government of the United States should be held accountable for losses made by men who deposited money by their own voluntary act.

Mr. ROBERTS of Massachusetts. Because the Government had invited these deposits and had urged the men to make them and held out to the men the inducement that the money would be paid back to them when they wanted it.

Mr. MADDEN. That would not induce me—the mere fact that the Government invited me to do something which I had the right to refuse to do. That would not make me favor this provision, but the fact that the Government lost money at the same time that the men lost theirs and the fact that the Government has secured part of its money back and the men have not secured theirs is a good reason why we should do something now to reimburse the men for the loss they have incurred, and therefore I have no objection to this provision.

Mr. CULLOP. Mr. Chairman, I would like to ask the chairman of the committee a question concerning this matter. What provision is made with respect to a disbursing officer of this kind with reference to his giving bond for the safety of the funds intrusted to his keeping?

Mr. PADGETT. They give a bond; the principal pay officer does.

Mr. CULLOP. Now, what was done in this case with reference to what happened by the action of Lee?

Mr. PADGETT. I understand that the paymaster himself is pursuing the bond to make good to the Government the deficiency that it lost.

Mr. CULLOP. Does this provision in the bond cover liability for such losses?

Mr. PADGETT. It does not. It does not cover the men. I will state to the gentleman, if he will permit me, what the situation is. There are two provisions. There is a provision of law that authorizes the men to deposit their money for a fixed period, and the Government pays them interest at 4 per cent upon the money, and that money is repayable to them upon their discharge. That money is protected by the bond, as the Government has taken the money and it becomes the money of the Government, and it goes into the Government Treasury. The other provision is a Navy regulation providing that the men may deposit their money with the officer, but they do it at their own risk. The bond of the pay clerk does not protect them and does not cover the money that they deposit. But these men, taken up from all over the country, here and there, under military rule, with their life upon the ship, naturally and properly,

I think, rely upon the officers and upon the integrity of the officers.

Mr. CULLOP. Everybody does that with respect to every public official.

Mr. PADGETT. They deposited their money with them, and this money was stolen.

Mr. CULLOP. I would like to ask the chairman of the great Committee on Naval Affairs whether it would not be the part of prudence to insert some provision to the effect that where, either through the Navy Department or an act of Congress, the Government invites men to deposit their money it should take some kind of bond for the safety of it?

Mr. PADGETT. I understand that the Navy Department has amended its regulations, and has prohibited these pay clerks from receiving money and requiring the money to be paid to the paymaster, and they have stopped payment to the clerks, as was done at the time and before this theft was committed.

Mr. CULLOP. That requirement was made after the injury was inflicted?

Mr. PADGETT. Yes.

Mr. HOBSON. I hope the gentleman from Indiana will not say anything to discourage the men from making the deposits on account of the risk involved.

Mr. CULLOP. I think that in a great department like this prudence requires some provision for the security of the funds deposited by the men in the hands of their officers, and it is laches on the part of the Navy administration not to have made such provision.

Mr. HOBSON. I want to say to the gentleman that these precautions are taken and this money is safeguarded in the same way that other moneys of the Government are safeguarded.

Mr. CULLOP. Then, if they had pursued that course, they could recover the money back, but I understand in this case it was not done. That is my understanding, from the statement of the chairman of the committee.

Mr. HOBSON. I do not know about the details of the bond.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. I happen to know something about this particular transaction from personal knowledge, from the fact that this young man, Lee, visited my home town of Atlanta and stayed there for two weeks, spending his money openly as a modern Crœsus.

This provision in the bill is a perfectly just one, in my judgment, because, under the naval regulations, these men are invited to make their deposits and receive a certain amount of interest from the Government for their deposits.

Now, there is not one man in a thousand who would investigate or stop to think and question the safety of his money when he deposits it with an officer of the Government. I hope this discussion here to-day will throw around the Government some protection from such thefts as this in the future. As I understand the rule, which, I think, is a very proper one, it is that the paymaster has a right to select his own pay clerk. I suppose that privilege is given him for the reason that he ought to be allowed to designate the person who shall handle his funds; but certainly there should be some provision that in the future these pay clerks, who handle hundreds of thousands of dollars, and receive the savings of these enlisted men, shall be placed under bond.

I think the amount of money appropriated in this bill is proper, and I hope there will be no objection to its passage.

Mr. CULLOP. Will the gentleman yield for a question?

Mr. HOWARD. With pleasure.

Mr. CULLOP. I would do everything in my power to encourage these men to save their money, and I am not complaining of that. I am complaining of the negligence of the department in not requiring the person who receives the money to give bond for its safe-keeping and return. I think that is gross negligence. If these men know their money is safe when so deposited, it will be an incentive to them to accumulate and to save their earnings; but if it is not safe there is no inducement to them to do so.

Mr. HOWARD. I think the criticism of the gentleman from Indiana is a just one. That is the reason why I have made the few remarks that I have made with reference to this particular matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, $46,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the islands possessions during the fiscal year 1913.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. PADGETT. There is no change in this. It is the same that it has been for years.

Mr. MADDEN. The part on which I reserve the point of order is the language from line 3—

Payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department * * * in the island possessions—

And so forth. Is not that new?

Mr. PADGETT. No; that was in the bill last year.

Mr. MADDEN. Still, I think it is not permanent law, but only in an appropriation bill.

Mr. PADGETT. We had it in the bill last year, and the language is not changed, and no additional appropriation is included on account of it.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $750,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee how he is able to make such a material reduction while carrying exactly the same items that were carried in the bill a year ago. There is a 25 per cent reduction.

Mr. PADGETT. It is on account of the discharges and reenlistments. They do not have to enlist so many men now as they did a year ago, on account of there not being so many expirations of enlistments.

Mr. TILSON. I see the first item is for travel allowance. Have you been able to reduce that?

Mr. PADGETT. Yes.

Mr. HOBSON. They have been getting lower rates of transportation.

Mr. PADGETT. They have been getting some lower rates of transportation and getting better terms, and the enlistments and discharges have been less. The result is that we have been able to reduce the total under this item from $999,400 to $750,000 for the next fiscal year.

Mr. TILSON. We had a like experience in the Military Affairs Committee, and were able to make reductions in the travel allowances. I wondered if the Naval Affairs Committee had been able to do the same thing.

Mr. PADGETT. Yes; we have been able to do the same thing.

Mr. TILSON. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $125,000: *Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen unless, in case of minors, a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment; except in cases where such certificate is unobtainable, enlistment may be made when the recruiting officer is convinced that oath of applicant as to age is credible; but when it is afterwards found, upon evidence satisfactory to the Navy Department, that recruit has sworn falsely as to age, and is under 18 years of age at the time of enlistment, he shall, upon request of either parent, be released from service in the Navy, upon payment of full cost of first outfit, unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

The Clerk read as follows:

Page 10, line 24, add the following proviso: "*Provided*, That authority is hereby granted to employ the services of an advertising agent in advertising for recruits under such terms and conditions as are most advantageous to the Government."

Mr. PADGETT. I will state that that proviso is added because it is largely through the instrumentality of this agency in the recruiting service that the department has been able to make the reductions referred to a moment ago. The comp-

troller has ruled that there not being any authority he has held up for the future that provision, and we are inserting it in order that we may continue this economy.

The amendment was agreed to.

The Clerk read as follows:

Gunnery exercises: Prizes, trophies, and badges for excellence in gunnery exercises and target practice; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transportation of civilian assistants and equipment to and from ranges, $167,000.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to return to page 10, line 17, where it says that the request may be made by either parent. I want to add that in case the parents are dead the request may be by the guardian. I thought the language of the first part of the section was carried over into that place. I suggest that that change ought to be made.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to page 10, line 21, for the purpose of offering an amendment.

Mr. PADGETT. Reserving the right to object, I would like to say to the gentleman that the language of this provision was worked out by the committee several years ago, when they had a good deal of trouble over adjusting the matter, but finally we got this language after very great labor and pains, and it has been working very satisfactorily.

Mr. MURRAY. But I want to call the attention of the chairman of the committee to line 10 of that same page where it is provided that the statement may be made by a parent or either of the parents, and then there is the additional proviso that in case of their death a verified written statement may be made by the legal guardian. Now, I suggest that, in line 21, on the same page, after the words "upon the request of either parent," the words be added "or, in case of death of the parents, by the legal guardian."

Mr. PADGETT. I see no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 21, insert after the word "parent" the words "or in case of their death by the legal guardian."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Aviation experiments: For experimental work in the development of aviation for naval purposes, $10,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill a question. My inclination would be to move to strike out the word "ten" and insert the word "twenty-five," so as to make it $25,000. I would first like to ask why it is that the amount appropriated for aviation is so much reduced?

Mr. PADGETT. It is reduced at this place only; other amounts are carried in other portions of the bill. We are carrying in the bill about $42,000 or $43,000 for aviation. This is only under the Bureau of Navigation. They stated that that was all they needed in their bureau. In the Bureau of Steam Engineering we are appropriating $20,000, and under the Bureau of Construction we are providing for $10,000, and I think under one of the other bureaus there is a still smaller appropriation. We are giving everything in aviation that the department said they could use to advantage.

Mr. TILSON. I am glad to see that no backward step is being taken, and I withdraw the point of order.

The Clerk read as follows:

Maintenance of naval auxiliaries: Pay, transportation, shipping, and subsistence of civilian officers and crews of naval auxiliaries, and all expenses connected with naval auxiliaries employed in emergencies which can not be paid from other appropriations, $768,373.

Mr. CULLOP. Mr. Chairman, I make a point of order against the paragraph.

Mr. PADGETT. On what account?

Mr. CULLOP. Because it is an increase in the amount.

Mr. PADGETT. But there is no fixed sum for appropriation.

Mr. CULLOP. I will reserve the point of order, and ask the gentleman what is the necessity for this increase?

Mr. PADGETT. The condition of the ships, the number of the colliers that have been completed, and other ships in the auxiliary part of the Navy required to be taken care of.

Mr. CULLOP. How much is the increase?

Mr. HOBSON. About 1 per cent.

Mr. PADGETT. It is about $8,000 in the total amount, and it is needed to take care of the larger colliers, the new ones that have gone into the service, that must be provided for.

Mr. CULLOP. Does the gentleman find it is absolutely necessary to make this increase this year?

Mr. PADGETT. Oh, yes.

Mr. CULLOP. We could not in any way avoid this increase this year?

Mr. PADGETT. Not at all, and take care of the new ships that have come into commission.

Mr. CULLOP. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Naval training station, Cal.: Maintenance of naval training station, Yerba Buena Island, Cal., namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating and lighting; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $70,000.

Mr. MADDEN. Mr. Chairman, I move to amend the section by inserting the words "boats and" after the word "extinguishers," in line 18, page 12.

Mr. PADGETT. Mr. Chairman, I will say to the gentleman that the words "boats and" have heretofore been in there, but the department says they no longer need the money for that purpose.

Mr. CULLOP. Mr. Chairman, before any discussion is had upon this I would like to have the amendment reported by the Clerk.

Mr. MADDEN. Mr. Chairman, the chairman of the committee says that the department suggests that they do not need the money for this purpose, and, therefore, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Miscellaneous: Water rent and lighting, $2,000; cemetery, burial expenses and headstones, $1,000; improvement of grounds, $1,000; repairs to buildings, repairs to and purchase of boilers, furnaces, and furniture, $6,748; music in chapel and entertainments for beneficiaries, $1,000; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants, and necessary subsistence for both, to and from other Government hospitals, $300; support of beneficiaries, $42,373; total miscellaneous, $54,421.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman a question. The words "entertainments for beneficiaries," in lines 23 and 24, page 16, are new.

Mr. PADGETT. Yes; that is true. The gentleman understands that this home is supported out of the prize money, the money that is in trust in the Government, and the interest on the fund the Government pays is devoted to the maintenance of the home. The surplus goes into the Interior Department, the Pension Office, as a part of the general pension fund. These old sailors who are at the home need some entertainment. There was a question as to whether or not, when they would have a little music or something, or pay out a dollar—I believe it is—on a Sunday to some person to act as leader of the choir, or something of that kind, or have a concert some night for the entertainment of the sailors, there would be any authority.

Mr. MADDEN. And there was no authority in law for it?

Mr. PADGETT. The accounting officers might hold this up, and in order that it might be express, we have included the words in the bill.

Mr. BUTLER. It is their own money anyway.

Mr. PADGETT. Yes; I said it was not our money.

Mr. MADDEN. Mr. Chairman, I thought it was just as well to have it explained. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, for Naval Home, $73,469, which sum shall be paid out of the income from the naval pension fund: *Provided*, That for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home.

All moneys belonging to a deceased inmate of the Naval Home or derived from the sale of his personal effects, and which are not claimed by his next of kin, shall be deposited in the Treasury by the governor of the home, as agent, and if any sum so deposited has been or shall hereafter be unclaimed for a period of five years from the death of such inmate it shall be covered into the Treasury: *Provided*, That the governor of the Naval Home is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Navy, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his next of kin: *And provided further*, That claims may be presented hereunder at any time, and when supported by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration.

Mr. HOWARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 17, line 22, after the word "Treasury," insert the words "as miscellaneous receipts."

Mr. PADGETT. Mr. Chairman, I have that amendment noted, and the committee accepts it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee a question. From line 16 on page 17 to line 7 on page 18 seems to be new language.

Mr. PADGETT. Yes.

Mr. MADDEN. And the committee thinks this is the best way to conserve the interests of the people who die in the home?

Mr. PADGETT. Yes. There have been little funds, running from a few cents up to a few dollars, I believe forty or fifty dollars, maybe sixty dollars, which is the maximum amount of money, when the old inmates have died. The accounting officers of the home have no authority to turn it into the Treasury and they have to hold it, and as the change of officers takes place it is handed from one officer to another, without any proper management and disposition of the funds.

Mr. MADDEN. And this is intended to give them an opportunity to clean up their accounts when they make the change?

Mr. PADGETT. And to turn it into the Treasury and to let it stand there as a trust fund to be paid to the beneficiaries when found.

Mr. MADDEN. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MURRAY. Mr. Chairman, before leaving this point, may I suggest to the chairman of the committee the possibility and the desirability of some amendment which will obviate the necessity in the future of competition between civilian employees and men enlisted in the Navy at the navy yards of the country? To explain just exactly what I mean, I have had a great many complaints during the past year from the district which I represent, wherein the Charleston Navy Yard is located, because of a condition that has existed there when enlisted men of the Navy have been obliged to do the same work that has for all time before been done by civilian employees. In order that that practice may be discontinued, I desire to offer the following amendment:

Provided, That no part of the labor herein appropriated for and to be performed at the navy yards in the United States shall be performed by enlisted men of the United States Navy.

Mr. PADGETT. Mr. Chairman, I can not consent to the amendment, but must oppose it. I believe the amendment has not been reported yet.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 6, after the word "proposal," insert the following: "*Provided*, That no part of the labor herein appropriated for and to be performed at navy yards in the United States shall be performed by enlisted men of the United States Navy."

Mr. MURRAY. Before the gentleman expresses any objection, if it goes to the verbiage, I desire to say I have no pride of authorship, and shall be most happy to accept any change in the language of the amendment to carry out the thought in point.

Mr. PADGETT. It is the substance of the matter which I wish to present to the committee. A great many minor repairs aboard ship are done by the enlisted men. If a piece of machinery breaks down or gets out of repair we have on board a machine shop and the enlisted men do the work on board the ship instead of carrying the ship from where it may have become disabled to a navy yard and having the work done in that navy yard, and it would be a great inconvenience and a very great expense to carry the ships into the yards and have them docked or tied up at the dock for the purpose of having these minor repairs done.

Another thing, it is very essential that this work should be done by the men aboard ship in order that they may be trained and experienced and have the knowledge and capacity to keep the ship in repair and in running order. If the ship breaks down at sea it is necessary that the enlisted men on board should have the practice and the experience and the capacity to repair the ship. It is a great economy, and I desire to commend the administration for working out this economy at a small expense aboard ship instead of carrying it into the yards to be done at any time it may be needed.

Mr. MURRAY. Mr. Chairman——

Mr. DICKINSON. Mr. Chairman——

The CHAIRMAN. To whom does the gentleman yield?

Mr. PADGETT. I have said all I care to say, and I yield the floor.

Mr. BUCHANAN. I was of the opinion the gentleman had yielded the floor, and I did not understand the amendment of the gentleman from Massachusetts.

Mr. MURRAY. Mr. Chairman, if I thought that my amendment might cause a ship that is disabled or is in trouble or away from a navy yard to be compelled to proceed to that navy yard for the purpose of having repairs made, of course I would not urge it. I subscribe most heartily to everything the chairman of the Committee on Naval Affairs has said, except I can not commend the policy of the Secretary of the Navy in having competition between the enlisted men and civilian employees at the navy yards. I tried to draft the amendment to provide this, that no part of the labor herein appropriated for and to be performed at navy yards of the United States shall be done by enlisted men. The situation that is complained about, and the complaint that has come to me from a great many people in the district I have the honor to represent, is that these men are entitled to consideration when a ship goes into the navy yard, into the home port, either at the Charlestown yard or at the Brooklyn Navy Yard, which the gentleman from New York represents, or any other place; that the men who are enlisted in the Navy and who are enlisted to be trained for the purposes of war and not for the purpose of being machinists in time of peace, nor for the purpose of being laborers like the men who have their living to earn along that line, are made to do work at the navy yard which has always been done by civilian employees.

I do not believe when a ship gets in trouble at sea or in a foreign port that it should be necessary to bring it back to the United States to have repairs done; but I do believe, and that is the purpose of having my amendment enacted into the law, when those ships go into a port the enlisted men of the Navy ought not to be put in the position where they are the competitors of civilian employees in the work that they have been doing. What is the practical result of it? Men work at these navy yards, as they do in the district I represent, for some weeks, until a fleet might come in or until the ships come in. Then, when these sailors come in off the ships their employment is gone, because the commandant of the yard and the officers of the yard are able to use this enlisted force for the purpose of doing the work of civilian employees.

Now, I am sorry to hear that the chairman of the Committee on Naval Affairs commends that kind of economy. I know that the people of Massachusetts do not commend it.

Mr. BUCHANAN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. MURRAY. Certainly.

Mr. BUCHANAN. I believe I have heard something of the protest that the gentleman has in mind. I have read in a letter of the Secretary of the Navy where the *Nebraska* was being repaired and the work done by enlisted men. I forget the name of the navy yard now.

Mr. MURRAY. That case was at the Charlestown Navy Yard.

Mr. BUCHANAN. At the Charlestown Navy Yard, and that was not at sea. It was not done on the repair vessels spoken of by the chairman.

Mr. MURRAY. I am in favor of breaks at sea being repaired on board ship.

Mr. BUCHANAN. If you will permit me, I will say that I read in the letter from the Secretary that the reason it was done at that time was because at that particular time they had ordered repairs on the *Nebraska* and did not have a sufficient amount appropriated to do all the work necessary, and at the same time they wanted to keep a certain crew of men working, and they worked enough enlisted men to finish the work within the appropriation.

From that letter I took it that it was not the policy of the department to work enlisted men in competition with private citizens. Now, there is a question there, though, which is really a delicate question to settle, and one that requires some deliberate consideration. As the chairman of the committee has stated, enlisted men at sea probably should have some experience so as to qualify them to make them efficient to do the repair work at sea in case of an emergency. At the same time, the workmen in the yards are justified in protesting against

having that work in competition with them. And I take it, according to the letter that I read from the Secretary of the Navy, that it is not really a very serious proposition at this time.

Mr. MURRAY. If the gentleman had a navy yard in his district, as I have, he would know it is a very serious proposition.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MURRAY] has expired.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURRAY. May I ask the gentleman from Illinois [Mr. BUCHANAN] whether or not he is opposed to the amendment?

Mr. BUCHANAN. I am not opposed to the amendment.

Mr. MURRAY. Then we are together.

Mr. BUCHANAN. It ought to have in it something with reference to work being done at the navy yards.

Mr. MURRAY. It does.

Mr. BUCHANAN. Then it does away with the objections of the chairman, saying that this work is to be done in the repair ships at sea.

Mr. MURRAY. My amendment expressly says:

Provided, That no part of the labor herein appropriated for and to be performed in navy yards of the United States shall be performed by enlisted men of the United States Navy.

Now, I realize when there is a break at sea the men on board ship ought to do the repairing. I realize, too, when the ship is in foreign waters the necessary work on board ship ought to be done by enlisted men. I think when the ships are at foreign ports necessary work ought to be done in that way. But when they get to home ports—and I do not think the chairman understands me——

Mr. PADGETT. I understand you.

Mr. MURRAY. The enlisted men ought not to be brought in competition with civilian employees. And I think the gentleman from Tennessee [Mr. PADGETT], the chairman of the committee ought to accept the amendment.

Mr. PADGETT. No, indeed. If I can call the gentleman's attention to the matter, the whole proposition is this: The expenditure as to the Navy is becoming so great and the cost of the Navy is so great that the magnitude of our naval expenditures is beginning to alarm the country. Something must be done to hold down the expenditures. This proposition simply means that the Government can not use the men it has got in its service, but it must allow them to remain idle and the Navy go and hire somebody else to do the work at a higher price.

That amendment, if it goes into the bill, simply means that we must increase the appropriation. The Government has these men. They are under contract with the Government. The Government is paying them. They do not want to get out. The Government is entitled to their services, and the gentleman's idea is that the Government shall not use these men to perform services which they are perfectly competent to perform, and for which they should qualify themselves in order to be able to perform them in an emergency.

Now, then, the Government can not afford to let these men remain idle until the emergency arises, because if the Government should do that they would not be qualified to do the work when needed. The Government must train them and give them work, and have them trained in practice, so that they will be qualified to do the work when the emergency does arise.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Massachusetts?

Mr. PADGETT. I yield to the gentleman.

Mr. MURRAY. Mr. Chairman, if I thought that my amendment was at cross-purpose to the point of view that the chairman has so clearly expressed, I would not insist upon it; but the kind of work that I have in mind is the kind of work that is done in connection with the assembling and disassembling of parts, to use the technical language.

Mr. PADGETT. Then why should not the Government have the benefit of his services? Under what obligation is the Government to go over here and hire these civilian workmen in preference to these men?

Mr. MURRAY. I call to witness Capt. HOBSON, a member of the committee of which the gentleman from Tennessee is chairman, to confirm my statement that this method of employing enlisted men is certain to break down military discipline. As I recall my own experiences when I was in the Army in 1898, when we had returned to Tampa from Cuba we had a joke in the Army to this effect: "Send us the best detail you have in your company." "To do what?" And the answer was, "To load or unload some boxes." [Laughter.]

That is what the men are asked to do who are enlisted to maintain the honor of the Government in time of war and in time of peace. They are not enlisted in the Army nor in the Navy for the purpose of assembling or disassembling parts on board a ship; that is useful and honorable work and the civilian employees at these navy yards are the ones that ought to be kept at work by the United States, when the ships are in port, to do this kind of work. I tell you, by such a policy as that you are going to make out of your enlisted men not the best fighters in the world, as it is my hope to see them made, but you are going to destroy that kind of fighting spirit that is such a valuable asset to the country and which has been such a valuable asset in the times that have gone by. I look upon the question not only as one who represents a civilian population in the district which I have the honor to represent, but also as one with a broader vision than that, who has had some experience, though limited, in the military service of the United States, and I think that some provision along the lines of this amendment that I have proposed ought to be adopted. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I would like to ask the gentleman from Tennessee a question, if he has knowledge as to whether it is the policy of the Navy Department to do repair work in the navy yards with enlisted men?

Mr. PADGETT. I do not understand that it is the regular policy to do the repair work in the Navy with enlisted men, speaking of the Navy as a body, but there is certain repair work that they want the enlisted men to do, and it is necessary that at times they should do this work in order that they may qualify themselves for its performance in an emergency. But they are not going there and doing the work regularly and all the time.

Mr. BUCHANAN. Then if it was not a policy, this amendment would not add anything to the expense, would it?

Mr. PADGETT. Yes. This would prevent any part of this appropriation being available if they used any one man in the yard to do this work. It cuts off entirely the use of an enlisted man in the yards for any purpose at any time under any emergency, and it is too broad and too fast.

Mr. BUCHANAN. I want to say that the practice which the gentleman refers to is putting into competition with enlisted men the workingmen of this country, and I am opposed to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. MURRAY].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MURRAY. Mr. Chairman, division, please.

The committee proceeded to divide.

The affirmative vote was taken.

Mr. MURRAY. Mr. Chairman, I make the point of no quorum present.

Mr. PADGETT. I ask the Chairman to take the negative side, and then, if the gentleman will withdraw his point of no quorum, I will move that the committee rise.

Mr. MURRAY. I withdraw the point of no quorum.

The division was resumed and completed.

The CHAIRMAN. On this question the ayes are 11 and the noes are 17. The amendment is rejected.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated:

S. 139. An act authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 473. An act relating to Navy retirements; to the Committee on Naval Affairs.

S. J. Res. 105. Joint resolution authorizing the Secretary of State, for and on behalf of Surg. Eugene Wasdin, late of the United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government, and to present the same to the widow of the said Surg. Wasdin; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.; and

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER announced that in conformity with a resolution of the Senate requesting the President to return and the Speaker of the House of Representatives and the Vice President to cancel their signatures, he had this day canceled his signature to the enrolled bill (H. R. 14083) to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Saturday, May 25, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce and Labor submitting estimate of appropriation for investigation to be made by the Bureau of Standards (H. Doc. No. 766); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a revised estimate of appropriation for the Public Health and Marine-Hospital Service (H. Doc. No. 768); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Maumee River, Ohio and Indiana (H. Doc. No. 769); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Elk and Little Elk Rivers, Md. (H. Doc. No. 770); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting estimate of appropriation to reconstruct the marine-hospital building at New York and for rent of temporary buildings at Lincoln, Nebr., and Portsmouth, Ohio, while Government buildings of those places are being repaired (H. Doc. No. 767); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, reported the same without amendment, accompanied by a report (No. 756), which said bill and report were referred to the House Calendar.

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors, reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 23504), granting a pension to Thomas J. Turner, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WARBURTON: A bill (H. R. 24825) making an appropriation for the construction of a wagon road through the Olympic National Forest; to the Committee on Appropriations.

By Mr. PEPPER: A bill (H. R. 24826) for the purchase of a site and the erection thereon of a public building at Marengo, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. WEDEMEYER: A bill (H. R. 24827) for the purchase of a site and the erection thereon of a public building at Wyandotte, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID of Nebraska: A bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter; to the Committee on Agriculture.

By Mr. OLDFIELD: A bill (H. R. 24829) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: A bill (H. R. 24830) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

By Mr. GARRETT: A bill (H. R. 24831) to authorize and direct the Mississippi River Commission to make certain examinations and surveys in the State of Tennessee, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. GREGG of Pennsylvania: Resolution (H. Res. 547) requesting the Secretary of Commerce and Labor to furnish the House with information relative to the bituminous coal miners' strike in Westmoreland County, Pa., in the years 1910 and 1911; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24832) granting an increase of pension to Elijah Ogle; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 24833) granting an increase of pension to Nathaniel Perry; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 24834) granting a pension of Eliza A. Paine; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 24835) granting an increase of pension to George W. McClelland; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 24836) for the relief of Stephen Arthur; to the Committee on War Claims.

By Mr. McKELLAR: A bill (H. R. 24837) granting an increase of pension to John A. Scranton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24838) for the relief of the estate of Samuel Mosby, deceased; to the Committee on War Claims.

Also, a bill (H. R. 24839) for the relief of E. B. McHenry, receiver of the Bank of West Tennessee; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 24840) granting a pension to Ward Pine; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 24841) for the relief of A. W. Cleland, jr.; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 24842) for the relief of the legal representatives of J. C. Calhoun, deceased; to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 24843) granting an increase of pension to May S. Bacon; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24844) for the relief of Charles A. Coolidge; to the Committee on War Claims.

By Mr. SULLOWAY: A bill (H. R. 24845) for the relief of Bertha L. Tasker; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 24846) granting a pension to Lucy A. Hopkins; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24847) granting a pension to Hannah M. Brodock; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 24848) granting a pension to Grant Van Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24849) granting an increase of pension to John W. Sidle; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24850) granting an increase of pension to Rachel Sturgeon; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 24851) granting a pension to John McElroy; to the Committee on Pensions.

Also, a bill (H. R. 24852) granting a pension to Margaret A. Montague; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Richmond Chamber of Commerce, of Richmond, Va., favoring a plan of monetary reform; to the Committee on Banking and Currency.

By Mr. BARTHOLDT: Petition of the Missouri State Dental Association, of Clinton, Mo., against passage of bill relative to dental devices; to the Committee on Patents.

Also, petition of the International Christian Endeavor Association, favoring resolution providing for an investigation concerning the Esperanto language; to the Committee on Rules.

Also, petition of the Feisinger Boette Shoe Co., of St. Louis, Mo., against passage of the Thayer-Lenroot bills (H. R. 11380 and 11381); to the Committee on the Judiciary.

Also, petition of the Fortnightly Club of Kirkwood, Mo., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Daughters of Liberty and the Fraternal Order of America, of St. Louis, Mo., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America of Philadelphia, Pa.; Rod of Sholom Lodge, No. 53; Socialist Party; and Pride of the West Lodge, No. 56, of St. Louis, Mo., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Clines Consolidated Benevolent Association, of San Francisco, Cal., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: Petition of the Brotherhood of Locomotive Engineers, the Brotherhood of Railway Trainmen, and the Order of Railway conductors, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

By Mr. BRADLEY: Petition of the Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CRUMPACKER: Petition of the Knights of Columbus of Hammond, Ind., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DICKINSON: Papers to accompany bill granting a pension to J. Walter Craig; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Samuel Owings; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of citizens of La Crosse, Wis., favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Mr. FITZGERALD: Petition of the Downtown Taxpayers' Association of Brooklyn, N. Y., congratulating Civil Engineer Harris upon the construction of a dry dock at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, resolutions of the board of directors of the Wireless Association of Pennsylvania relative to wireless communications at the time of the sinking of the steamship *Titanic;* to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the New York Board of Trade and Transportation of New York relative to House bill 19224, entitled "A bill to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C.; to the Committee on Industrial Arts and Expositions.

Also, petition of the Philadelphia Chamber of Commerce, of Philadelphia, Pa.; the Cleveland Chamber of Commerce, of Cleveland, Ohio; the Cincinnati Chamber of Commerce and Merchants' Exchange, of Cincinnati, favoring the continuance of the efficiency commission; to the Committee on Appropriations.

Also, petition of the National Jewelers' Board of Trade, of New York, protesting against any change in the present patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of the United States Civil Service Retirement Association, Washington, D. C., protesting against any legislation that will reestablish the spoils system; to the Committee on the Judiciary.

Also, petition of Dr. Theodore Herzel Lodge, No. 107, Independent Order Ahawas Israel, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa.; the Farmers' Union of America; the tenth biennial convention of Brotherhood of Railroad Trainmen; and the American Purity Federation, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Kings County Lodge, No. 45, Independent Order Ahawas Israel of Brooklyn, N. Y., against passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Patriotic Order Sons of America of Pennsylvania, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, favoring the placing on a civil-service basis the Diplomatic and Consular Service, etc.; to the Committee on Foreign Affairs.

Also, resolutions of the parishioners of Grace Church, of Brooklyn, N. Y., favoring passage of House bill 20632, for the protection of the natives of Alaska; to the Committee on the Territories.

Also, resolutions of the National Lumber Manufacturers' Association, relative to the amendment to Sherman antitrust law; to the Committee on the Judiciary.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, relative to Panama Canal legislation; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, relative to the importation of injurious insects, etc.; to the Committee on Agriculture.

Also, resolutions of the National Lumber Manufacturers' Association of Cincinnati, Ohio, relative to the control of the Mississippi River and its tributaries and immediate relief; to the Committee on Rivers and Harbors.

By Mr. FORNES: Petition of Paul E. MacMermann, of New York City, against passage of the Works bill relative to license law for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, for vocational training in agriculture, etc.; to the Committee on Agriculture.

By Mr. FULLER: Petition of the City Club, of Chicago, Ill., urging that sections 4 and 5 on classified civil service in the legislative, etc., appropriation bill (H. R. 24023) be stricken out, etc.; to the Committee on Appropriations.

Also, petition of the National Lumber Manufacturers' Association, relative to preventing the importation of injurious insects, etc.; to the Committee on Agriculture.

Also, petition of Zion Lutheran Church, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate commerce liquor bill; to the Committee on the Judiciary.

Also, petitions of the Big Ben Western Clock Manufacturing Co., of La Salle, Ill., and the Birmingham & Seaman Co., of Chicago, Ill., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Brotherhood of Locomotive Engineers, favoring the passage of the anti-injunction bill, etc.; to the Committee on the Judiciary.

Also, petition of the Junior Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175), for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Benard Magoonaugh, Detroit, Mich., favoring passage of House bill 1339, granting increase of pension to the veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Polish-American organizations and parishes of Chicago, Ill., protesting against passage of House bill

22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petition of State Camp, Patriotic Order Sons of America, and Farmers' Union, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GUERNSEY: Petition of T. A. McCann and 34 other members of the Cigar Makers' Union, No. 179, favoring legislation to create a postal express; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Memorial of the House of Representatives and Senate of Arizona, relative to certain lands settled on by the pioneers of Arizona; to the Committee on the Judiciary.

Also, memorial of House of Representatives and the Senate of the State of Arizona, relative to the abolishment of the United States Commerce Court; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 20044, for the improvement of the Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of Sacramento, Cal., favoring sale of public lands for road building; to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of San Francisco, Cal., protesting against passage of House bill 21100, relative to district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Shipowners' Association of the Pacific Coast, protesting against passage of House bill 21100, relative to district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., relative to improvement of levees on Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the city council of Santa Cruz, Cal., favoring passage of Senate bill 6496, for protection of passengers on ocean vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Farmers' Union, the American Purity Federation, the Brotherhood of Railroad Trainmen, and citizens of Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring establishment of bonded district at the ports of the United States; to the Committee on Ways and Means.

By Mr. HOUSTON: Petition of the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of workmen's compensation bill, etc.; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the Long Island Game Protective Association, New York, favoring protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Mutual Benefit Association, New York, N. Y., relative to conditions in the United States customs service; to the Committee on Ways and Means.

Also, petition of the Order of Railway Conductors, New York, N. Y., favoring passage of House bill 20487, a Federal accident compensation bill; to the Committee on the Judiciary.

Also, petition of the Allied Printing Trades Council of New York, N. Y., favoring passage of the 1-cent postage letter rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Junior Order United American Mechanics, New York; and Washington Camp, No. 11, Patriotic Order Sons of America, Long Island City, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the New York Milk Committee, New York, N. Y., favoring the continuance of the commission on efficiency of the Federal Government; to the Committee on Appropriations.

Also, petition of Steinway & Sons, New York, N. Y., relative to the continuance of the assay office at Seattle, Wash.; to the Committee on Appropriations.

Also, resolution of 1,400 members of Local Union No. 309, Brotherhood of Carpenters and Joiners, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Jewelers' Board of Trade of New York City, N. Y., against passage of bills denying right of patentee to control the retail price of their product; to the Committee on Patents.

Also, petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of a practical parcel-post measure; to the Committee on the Post Office and Post Roads.

Also, petition of the Hudson River Improvement Association, of New Jersey, favoring passage of bill calling for an appropriation of $1,570,000 for improvement of the Hudson River; to the Committee on Rivers and Harbors.

Also, petition of the Jewish community of New York, against bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Lithuanian Socialist Federation of America, of Shenandoah, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of McCarthy Bros., Brooklyn, N. Y., favoring passage of House bill 22706, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of Capt. George D. Phinney, Milwaukee, Wis., and S. F. Hughes, Leavenworth, Kans., favoring passage of House bill 1339, granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the convention of the Protestant Episcopal Church, Washington, relative to garb worn by teachers and Indian pupils in Government schools; to the Committee on Indian Affairs.

Also, petition of the American Association of Foreign Language Newspapers, New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Manufacturers' Association of New York, N. Y., favoring passage of Senate bill 3, relative to vocation education; to the Committee on Agriculture.

By Mr. MANN: Petitions of the city council of Chicago, Ill.; the Polish Americans of Hawthorne, Ill.; and the Polish National Alliance of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolutions of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolution of the Brotherhood of Locomotive Engineers of Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of the Richmond Chamber of Commerce, Richmond, Va., favoring legislation for a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. PAYNE: Petition of the Young Men's Christian Association of Middlesex, county of Yates, State of New York, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the Daughters of Liberty of New Haven, Conn., and State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., in favor of a plan of monetary reform; to the Committee on Banking and Currency.

By Mr. RUCKER of Colorado: Resolutions of Lodge No. 140, and United Lodge, No. 264, Independent Order B'rith Abraham, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of the Daughters of Liberty, South Amboy and Bufor, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of F. P. H. M. Aid Lodge, No. 200, Independent Order B'rith Sholom, Perth Amboy, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Mississippi: Petition of citizens of Holly Springs, Miss., favoring passage of the Kenyon-Sheppard interstate liquor bill and the Burkett-Sims bill, to forbid interstate transmission of race-gambling odds and bets; to the Committee on the Judiciary.

By Mr. SULZER: Petitions of the Prospect Heights Citizens' Association and the Manufacturers' Association, of New York, favoring passage of Senate bill 3, for vocation education; to the Committee on Agriculture.

Also, petition of the committee of wholesale grocers, New York, favoring reduction in duties on raw and refined sugars; to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 25, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. LODGE took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

BLACKFEET INDIAN RESERVATION, MONT. (S. DOC. NO. 718).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the reservation made in conformity with an act of Congress in connection with the construction of an irrigation project within the Blackfoot Indian Reservation, Mont., which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

A. Rosenberg, executor of Moses Winstock, deceased, *v.* United States (S. Doc. No. 716);

Edward B. Prime *v.* United States (Portsmouth Navy Yard) (S. Doc. No. 715);

Frank R. Fletcher, 80; Octavia Cavendy, widow of Joseph S. Cavendy, 101, *v.* United States (Brooklyn Navy Yard, N. Y.) (S. Doc. No. 717);

William H. Conger, 8; Mary L. Cummings, widow of Cornelius Cummings, 29; Mary Sullivan, widow of John Sullivan, 37, *v.* United States (League Island Navy Yard, Philadelphia, Pa.) (S. Doc. No. 714);

William H. Reagan *v.* United States (S. Doc. No. 713);

Elizabeth K. Appleton, widow of Edward W. Appleton, deceased, *v.* United States (S. Doc. No. 712);

Fannie E. Atwell, widow of John W. Atwell, *v.* United States (S. Doc. No. 711);

Adelaide A. Barker, widow of Frank T. Barker, deceased, *v.* United States (S. Doc. No. 710);

James A. Beaver *v.* United States (S. Doc. No. 709);

Joseph Black *v.* United States (S. Doc. No. 708);

Peter A. Blossom *v.* United States (S. Doc. No. 707);

Levi D. Bodley, Elizabeth Bodley Mills, David R. Bodley, Jennie Bodley Smith, Almira Bodley Tuley, and Naomi Bodley McDivett, sole heirs of James C. Bodley, deceased, *v.* United States (S. Doc. No. 706);

Robert M. Bolenius, son and sole heir of Adolphus W. Bolenius, deceased, *v.* United States (S. Doc. No. 705);

John D. Bothwell *v.* United States (S. Doc. No. 703);

Sarah F. Bradley, widow of Herbert G. W. Bradley, deceased, *v.* United States (S. Doc. No. 704);

Corinne B. Walworth, daughter and sole heir of Thomas E. Bramlette, deceased, *v.* United States (S. Doc. No. 702);

William A. Braselton *v.* United States (S. Doc. No. 701);

Mary C. Bruce, widow of George W. Bruce, deceased, *v.* United States (S. Doc. No. 700);

Jessie A. Shields, Philip S. Custard, and James M. Custard, sole heirs of Richard C. Custard, deceased, *v.* United States (S. Doc. No. 699);

Philip N. Minear *v.* United States (S. Doc. No. 698); and

Pauline Reich, widow (remarried) of Adolph Moegling, deceased, *v.* United States (S. Doc. No. 697).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had erased his signature from the enrolled bill (H. R. 14083) to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, in accordance with the resolution of Congress of the 17th instant.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5939. An act to extend the time for the completion of dams across the Savannah River by authority granted to the Twin City Co. by an act approved February 29, 1908;

H. R. 5002. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.; and

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the New York Wood Carvers and Modelers' Association, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented petitions of the congregations of the First Baptist Church, the Second Baptist Church, the Third Baptist Church, and the Wayne Avenue Baptist Church, of Germantown; of the Third German Baptist Church of Philadelphia; the East Allegheny Episcopal Church and Sunday School of Philadelphia; of the Chellen Avenue Methodist Church, of Germantown; and of the Wakefield Presbyterian Church, of Germantown, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Sanbornville, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Departmental Conference on Temperance of the Southern Sociological Congress, in convention at Nashville, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of the congregations of the First Congregational Church and of the Swedish Tabernacle, of Rockford, Ill., and resolutions adopted by the Departmental Conference on Temperance of the Southern Sociological Congress, in convention at Nashville, Tenn., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry members of The Ladies of the Maccabees of the World, residents of Chicago and Galesburg, in the State of Illinois, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of members of the Saint Martha's Guild of the Emmanuel Church, of Newport, R. I., and a petition of sundry citizens of Providence, R. I., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which were referred to the Committee on Territories.

Mr. FOSTER presented a memorial of sundry citizens of Monroe, La., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Kinder and Elton, in the State of Louisiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Logansport, Ringgold, Homer, Lake Charles, Natalbany, Ruston, Roseland, Farmerville, and Lillie, all in the State of Louisiana, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Rayville, Logansport, Gibsland, Cossinade, Leroy, Abbeville, Jennings, Iowa, and Napoleonville, all in the State of Louisiana, remonstrating against the extension of the parcel-post system beyond its present limitations, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of Crescent City Lodge, No. 87, Independent Order American Mechanics, of New Orleans, La., praying for the passage of the so-called eight-hour bill, which was ordered to lie on the table.

Mr. MYERS presented a petition of sundry citizens of Anaconda, Mont., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in

the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. O'GORMAN presented resolutions adopted by the Manufacturers' Association of New York, favoring the enactment of legislation to provide for vocational education, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. GRONNA. I present three telegrams in the nature of memorials from citizens of my State, remonstrating against the passage of the Bourne general parcel-post bill. The telegrams are very brief. I ask that they be printed in the RECORD, without reading, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegrams were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *May 10, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

We oppose in strongest terms the passage of the Bourne general parcel-post bill just introduced in the Senate. We are positive this bill is not based on thorough investigation and will create innumerable additional Government employees and an enormous deficit. We strenuously request that you use all possible means to defeat this measure in every particular.

Very truly, yours,

W. B. LONEAS, *Secretary.*

GALESBURG, N. DAK., *May 10, 1912.*

Senator A. J. GRONNA,
Washington, D. C.:

I most urgently ask you to oppose the Bourne parcel-post bill just introduced in the Senate, or any type of parcel-post legislation offering the establishment of either a general or rural parcel post.

G. A. MOACKRUD.

DEVILS LAKE, N. DAK., *May 10, 1912.*

Hon. A. J. GRONNA,
Washington, D. C.:

Hope you will do what you can against the Bourne general parcel-post bill.

O'BRIEN BROS.

Mr. GRONNA presented a memorial of sundry citizens of Munich, N. Dak., remonstrating against the enactment of legislation to prohibit trading in grain futures, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a petition of sundry citizens of Kansas City, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Local Granges of Cornish, Sedgwick, Bucks Harbor, Farmington, and Jefferson, of the Patrons of Husbandry; of Iron Molders' Local Union No. 101, of Bangor; of Pine Tree Division, Order of Railway Conductors, of Portland; of the Central Labor Union of Lewiston and Auburn; and of the International Brotherhood of Stationary Firemen, of Madison, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of members of Harriet Beecher Stowe Hive, No. 1, Ladies of the Maccabees of the World, of Hartford, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

AFFAIRS IN MEXICO.

Mr. OLIVER. I received this morning two letters, one from a friend of mine transmitting a letter from an American engaged in business in the State of Vera Cruz, in Mexico, and the other I received myself from a man who is engaged in business in Tampico. Both convey the same kind of information, which I think it is appropriate to make public at this time, and I send to the desk extracts from the letters and ask that they be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

The revolution is still going on; at least we suppose so, although we hear very little of it down this way. I wish the papers in the United States would quit "yapping" about intervention. There are a few of us down here that can not leave, and if they intervene and we do not leave, we pass in our checks.

The United States has no reason to intervene, and it will be a cruel injustice to the Mexicans, and I do not blame them for feeling sore. If left alone, they will fight it out some way, although it will leave them in a very bad plight. However, it is their funeral and not ours, and as long as they do not molest the foreigner the United States has no right to make this intervention talk and only increase the feeling of bitterness toward those of us who have so much at stake.

If foreigners have been mistreated, robbed, or killed, it has been done by bandits, not by either the rebels or federals, and both sides are very careful not to do injury to foreigners or their interests.

So far as war is concerned, we hear nothing except what we read in the papers. These two Gulf States have always been peaceful, many American farmers have located here, besides the oil business, and the natives find plenty of work at good wages, and they are content, do not want war; they are for peace. I have been here all winter and have not seen an American or Mexican molested, not a dollar's worth of property damaged, nor a day's delay among the oil or other industries on account of war, and we have not seen any demonstration or loud talk. As peaceful as a New England village on Sunday. Ninety per cent of the interviews in the papers are pure fabrications, no foundation to them, usually the imagination of some over-zealous reporter. There is no cause or excuse for intervention. Let our Government keep hands off until there is at least something more tangible happens. These leaders are bandits, and they impose on the poor Indian and invariably compel him to join their band. It looks now as if the Government will be able to crush the leaders and that a few more weeks will see the end of the trouble.

Mr. CULBERSON. What is the paper just read?

The PRESIDENT pro tempore. The Chair understands that they are extracts from letters received by the Senator from Pennsylvania [Mr. OLIVER], who desired that they should be read. There was no objection, and they were read.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6947) granting an increase of pension to Nellie L. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 6948) granting an increase of pension to Emma S. Gere (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6949) granting a pension to Mary Standifer; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 6950) granting an increase of pension to James H. Goldsborough (with accompanying papers); to the Committee on Pensions.

A bill (S. 6951) for the relief of Rollo B. Oglesbee and others; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 6952) regulating the use of names by fraternal orders; to the Committee on Post Offices and Post Roads.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 6953) granting an increase of pension to William Clement (with accompany paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6954) to amend section 715 of the Revised Statutes, as amended by act of Congress of March 3, 1905; to the Committee on the Judiciary.

By Mr. PAGE:

A bill (S. 6955) granting an increase of pension to Dustin Berrow (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CLAPP submitted an amendment proposing to appropriate $10,000 to credit in the account of Pay Director Lawrence G. Boggs, United States Navy, and $7,483.01 to credit in the account of Pay Director S. R. Colhoun, United States Navy, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to increase the salary of the clerk to the Committee on Immigration from $2,220 per annum to $2,500 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $12,000 for additional labor-saving mechanical devices necessary for the economical handling and distribution of mail matter in the post office at Chicago, Ill., etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was ordered to be printed and, with the accompanying papers, referred to the Committee on Post Offices and Post Roads.

OMNIBUS CLAIMS BILL.

Mr. SWANSON (for Mr. MARTIN of Virginia) submitted three amendments intended to be proposed to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were ordered to lie on the table and to be printed.

UNITED STATES DISTRICT COURTS.

Mr. RAYNER submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS DWYER.

On motion of Mr. WETMORE, it was

Ordered, That there may be withdrawn from the files of the Senate the papers accompanying Senate bill 9200, Sixtieth Congress, granting an increase of pension to Thomas Dwyer, there having been no adverse report thereon.

SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk of said court, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

C. D. CLARK,
KNUTE NELSON,
CHARLES A. CULBERSON,
Managers on the part of the Senate.

H. D. CLAYTON,
E. Y. WEBB,
Managers on the part of the House.

The report was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. I send the following resolution to the desk and ask to have it read.

The resolution (S. Res. 321) was read, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal revenue purposes for the year 1911, so arranged as to show the following facts:

First. The total number of corporations engaged in the iron and steel industry; the total aggregate amount of their paid up capital stock outstanding; the total aggregate amount of their bonded and other indebtedness; the total aggregate amount of their gross income; the total aggregate amount of their ordinary necessary expenses of maintenance and operation, exclusive of interest; the total aggregate amount of their losses for the year not covered by insurance; the total aggregate amount of their depreciation for the year; the total aggregate amount of the interest paid by them on their indebtedness; the total aggregate amount of taxes paid during the year to the United States and to any State or Territory thereof; the total aggregate amount of foreign taxes paid; the total aggregate amount received by way of dividends upon stock of other corporations, joint-stock companies, and associations subject to Federal tax; the total aggregate amount of their net income.

Second. The same compilation of statistics of corporations engaged in other metal, manufacturing, and mining industries covered by Schedule C of the tariff act of August 5, 1909.

Third. The same compilation of statistics of corporations engaged in the woolen industry.

Fourth. The same compilation of statistics of corporations engaged in the cotton industry.

Fifth. The same compilation of statistics of corporations engaged in the sugar-refining industry, except beet sugar.

Sixth. The same compilation of statistics of corporations engaged in the beet-sugar industry.

The PRESIDENT pro tempore. Does the Senator from Nebraska ask for the present consideration of the resolution?

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I suggest to the Senator that the usual words, "if not incompatible with the public interest," might be inserted in the resolution.

Mr. HITCHCOCK. The resolution is so guarded that I can see no possible necessity for that precaution. The Senator will realize that these corporations make their sworn returns for the year, and all I am asking for in the resolution is a compilation of those returns as applied to the iron and steel industry of the country and——

Mr. GALLINGER. I listened to the resolution. I do not insist on my suggestion at all, although it is the usual form. I have no doubt the Senator will get the information whether these words are inserted or not. He ought to have it.

Mr. HITCHCOCK. Mr. President, I think there is a very serious reason for procuring this information. We have had here a very interesting address from the Senator from Iowa [Mr. CUMMINS] on the subject of the iron and steel schedule. In his speech the Senator from Iowa made the statement that in his opinion the present tariff on iron and steel is such that it enables the iron and steel industries of the country to exact a hundred million dollars a year in excessive prices from the American people over what should be charged for the articles at a fair profit.

Mr. GALLINGER. I think the information the Senator asks for is very proper, and I do not object to it at all, but I do not recollect in my experience here a resolution addressed to the President which did not contain the words I have suggested. I think the Senator had better insert them. It will not——

Mr. BACON. I suggest to the Senator that those words are always used in a matter which relates to foreign or diplomatic questions, but I do not know that it is considered necessary. Of course, it is always put in the form of a request. I think if the words suggested were inserted in the resolution it would indicate a doubt on our part as to the possibility of the information being furnished.

Mr. GALLINGER. I recognize the point the Senator makes that there may well be a difference in dealing with domestic matters. I will not make the motion if the Senator does not care to have the words inserted, and so far as I am concerned I have nothing further to say.

Mr. SMOOT. Mr. President, I heard only a part of the resolution read, but from what the Senator from Nebraska has just stated I take it for granted that he is asking for information as to what the reports of all corporations in this country show by the reports made to the department, giving the amount of their business, the dividends paid, the capital stock, as a basis for assessing the corporation tax.

Mr. HITCHCOCK. That is, I call for a compilation of the reports of the corporations known as the iron and steel industry, and then a number of others embraced in the metal schedule; and also, after that, for the statistics relative to the woolen and cotton and sugar industries.

The Senator from Utah will realize that we have had here in a number of addresses varying statements made. The Senator from Utah himself, and, yesterday, the Senator from North Dakota [Mr. MCCUMBER], and also the Senator from Pennsylvania [Mr. OLIVER], read into their speeches the so-called testimony of men interested in the industry purporting to show that the present tariff is necessary for their protection and purporting to claim that they could not reduce their prices to the American people without impairing reasonable profits.

My purpose is to show—and I believe it will be shown if the statements are accurate—that the corporations engaged in the iron and steel industry are earning exorbitant profits, and that they are paying taxes on those profits to the Government under the corporation-tax law.

Mr. SMOOT. Mr. President, I will state what was my idea in bringing this question to the attention of the Senate. As I remember the corporation-tax law, the reports were to be made not for public information, but for the information of the department. I only suggest that perhaps it would be inappropriate to ask for the information that is called for in the Senator's resolution.

Mr. HITCHCOCK. Let me correct the Senator. The law as originally passed provided for publicity, and it was one of the chief arguments for the corporation-tax law advanced by the President himself—that it would give to the country the much-desired publicity as to the business of these great concerns. Later on, the corporations themselves made an appeal to the President and secured from him his influence with Congress to prevent individual publicity of the corporations for the reason, as stated, that that would expose one corporation to the information of others.

I am not calling for individual publicity. I am calling for a compilation of the reports of the 600 or more plants engaged in the iron and steel industry—a compilation of the total—showing the total capital invested, the total bonded indebtedness, the total operating expenses, the total amount of dividends paid during the year on their capital stock. This will not expose——

Mr. SMOOT. I am not objecting to receiving that information. The only object I had was to call the Senator's attention to the law as I understood it to be. If it is not in violation of that law, then I have no objection whatever to the passage of the resolution. Mr. President, I have not a copy of the law here, but I was apprehensive that the resolution was in direct conflict with the law.

Mr. HITCHCOCK. I have no objection to the resolution going over until Monday.

Mr. SMOOT. Let it go over, then.

Mr. HITCHCOCK. Very well.

Mr. BACON. Mr. President, I want to say one word before the resolution goes over in order that the suggestion of the Senator from Utah [Mr. SMOOT] may not be considered as passing by consent. It is an absolutely intolerable proposition to me that any law should be construed to mean that Congress is not entitled to any information which can be found in any executive department.

Mr. SMOOT. Of course——

Mr. BACON. That they can lock their doors and shut them in the face of Congress is an absolute—I started to say "absurdity," but that would be too strong an expression, I suppose—but to my mind it is intolerable, and would lead to consequences which might be of the most serious nature.

Mr. SMOOT. That would be true if Congress had not made a restriction upon them in passing the law.

Mr. BACON. Congress did not intend to restrict them in that way.

Mr. SMOOT. If that were true, then I should agree with the Senator from Georgia; but all I ask is that the resolution go over until Monday, and then, if there is nothing in the law to prevent this information being furnished, I shall not have the least objection to the resolution.

Mr. CUMMINS. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] referred to a statement of mine. While his reference was accurate so far as it went, it did not include all the elements of the proposition which I submitted to the Senate. I think I ought not to allow the statement to stand without this correction. I said:

> I come now to say that if the amendment which I have proposed to the metal schedule be adopted it will, if otherwise commerce is made free in the United States, enable the users and consumers of the various articles comprised in Schedule C to buy them for $100,000,000 per year less than they now pay.
>
> * * * * * * *
>
> I mean by what I have just said that the American producers of iron and steel in all the forms enumerated in this schedule could sell what they produce to the people of the United States and to the people of other countries for $100,000,000 less than they now sell them, could still return an ample profit to the capital employed, could still sustain the wages which are now characteristic of America, and lose no man under the American sky a single day's work.

I did not, of course, say that the reduction of these duties alone would enable the users and the consumers of iron and steel to buy them at the reduced price. I added the very necessary qualification that "if otherwise commerce is made free," as I hope it will be made free very speedily.

Mr. HITCHCOCK. The important point, Mr. President, in my attempted quotation from the speech of the Senator from Iowa was that, in his opinion, at the present time those industries are exacting of the American people a hundred million dollars in excess of what they should charge for their product.

Mr. CUMMINS. Of a fair profit—a hundred million dollars in excess of a fair profit.

Mr. HITCHCOCK. And, in my opinion, Mr. President, I will say that the Senator from Iowa has greatly underestimated their exactions. Let the resolution go over.

The PRESIDENT pro tempore. The resolution will go over.

Mr. GALLINGER. Mr. President, before the resolution goes over, I think it well to have put into the RECORD the language of the tariff act of 1909, in reference to divulging these matters. I do not use it as an argument at all to sustain the contention that this is not a proper resolution, but I simply desire that the language may go into the RECORD. I ask that the Secretary read the section which I have marked. It is very brief.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

> Seventh. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the discharge of his official duty, or to divulge or make known in any manner not provided by law any document received, evidence taken, or report made under this section except upon the special direction of the President; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Mr. OLIVER. Mr. President, before the resolution goes over, and as appropriate to the discussion which has taken place, I send to the desk, and ask to have read, a news article which was printed in yesterday's edition of the Wall Street Journal, showing the report of the principal steel corporations in the country as to their profits for the past year. I think, so far as I can judge, this is based not only upon the records of the corporations, but it gives a clearer statement of the actual present condition of all heavy-steel manufacture than anything that I have read in any paper for a long time. It shows, it seems to me, how extremely wide the estimate of the Senator from Iowa [Mr. CUMMINS] is upon the subject.

The PRESIDENT pro tempore. Does the Chair understand that the Senator from Pennsylvania desires that the article be read?

Mr. OLIVER. I think it ought to be read at this time, Mr. President, for the information of the Senate.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Wall Street Journal, May 24, 1912.]

STEEL CORPORATION'S ADVANTAGE OVER INDEPENDENT STEEL COMPANIES—LAST YEAR THE RATIO OF PROFIT PER TON OF STEEL SOLD TO CONSUMERS WAS CLOSE TO $6—COMPETITORS OF THE STEEL CORPORATION REPORTED RATIO OF NET PROFITS PER TON OF STEEL RANGING FROM 11 CENTS TO $3.50—UNITED STATES STEEL'S ADVANTAGE DUE LARGELY TO ITS INCOME FROM RAILROADS, STEAMSHIP LINES, ETC.—EARNINGS OF STEEL COMPANIES COMPARED WITH 1910.

The contention of Charles M. Schwab, president of the Bethlehem Steel Corporation, that the United States Steel Corporation has an advantage of several dollars a ton profit over its competitors is borne out by a comparison of the recent annual reports of certain large steel companies.

United States Steel in 1911 showed a net profit, after all charges except dividends, of $55,218,248, and shipped to consumers 9,476,248 tons of finished steel. The ratio of net profit per ton of steel sold was $5.82, comparing with $8.15 in 1910.

The showing of the independent companies was much less favorable, the ratio running from as low as 11 cents per ton to $3.50 per ton. The Lackawanna Steel Co. reported a net profit available for dividends of only $82,803 last year, which was equivalent to 11 cents per ton. Bethlehem and Cambria Steel made much more favorable showings, but as these companies do not publish their shipments it is impossible to make an accurate statement as to their ratio of net profit per ton of steel delivered. Bethlehem's net profits last year were $2,038,979, and assuming that the company's deliveries amounted to 600,000 tons the margin of profit was $3.40 per ton. In this connection the Bethlehem Steel Corporation specializes extensively, producing very high classes of finished steel—for example, guns, armor plate, and various other classes of ordnance. Besides, it derives a large income from shipbuilding. The foregoing naturally tend to enhance the ratio of net profits per ton of steel produced:

Cambria Steel last year showed net profits of $2,627,338, and assuming that it produced and sold 750,000 tons the margin of profit per ton was $3.50. Pennsylvania Steel made a less favorable showing, its net profits available for dividends being $829,718. The Pennsylvania Co. produced 680,000 tons of ingots, and from this it can be assumed sales of finished and semifinished steel must have been in the neighborhood of 600,000 tons. This would give the company a net profit per ton of steel sold of $1.38. The light demand for rails last year was responsible to a large extent for the Pennsylvania's poor showing.

The following table gives the working capital, net profits available for dividends, and net profits per ton of steel sold by certain companies in 1911:

	Working capital.	Net profits.	Net profits per ton, 1911.
Bethlehem Steel	$7,626,260	$2,038,979	[1] $3.40
Cambria Steel	13,176,101	2,627,338	[2] 3.50
Lackawanna Steel	16,107,783	82,803	.11
United States Steel	225,190,462	55,300,296	5.82
Pennsylvania Steel	10,409,011	829,718	[3] 1.38

[1] Based upon estimated production of 600,000 tons.
[2] Based upon estimated production of 750,000 tons.
[3] Based upon estimated production of 600,000 tons.

Excluding Bethlehem Steel, with which comparisons are difficult on account of the manufacture of highly finished forms and shipbuilding, the Republic Iron & Steel Co., in the calendar year 1911, seems to have made a better showing in the matter of net profits than many of its competitors. As an illustration, it reported net profits available for dividends in 1911 of $1,953,442, a decrease of only $882,931, or 31.1 per cent, compared with 1910. On the other hand, the Steel Corporation reports a decrease of 36.7 per cent; the Cambria Steel Co., 42.3 per cent; Lackawanna, 96.7 per cent; and Pennsylvania, 43.6 per cent. Republic Steel's relative efficiency in the matter of income will be a surprise to many people who have not watched the developments affecting this corporation over the last six years. It has not only greatly enlarged its output, but has strengthened itself in the matter of diversified production. Costs have been greatly reduced as a result of an aggressive campaign on the part of the present management. Its ability to withstand periods of depression was put to a severe test last year. The Pennsylvania's showing was due to the poor demand for rails. Lackawanna suffered from similar causes.

The following table gives the net profits available for dividends of six of the leading steel companies in the calendar years 1911 and 1910, together with the percentage of decrease:

	1911	1910	Decrease.	
				Per cent.
Republic	$1,953,442	$2,836,373	[illegible]	31.1
United States Steel	55,300,296	87,407,184	32,106,888	36.7
Cambria	2,627,338	4,553,333	1,925,995	42.3
Lackawanna	82,803	2,533,104	2,450,301	96.7
Pennsylvania Steel	829,719	1,470,874	(641,155	[illegible]
Bethlehem Steel	2,038,979	2,001,612	[1] 37,367	[1] 1.8

[1] Increase, due largely to highly finished forms and shipbuilding activity.

Above tables reflect the price depression in steel in 1911. While the steel companies received fairly good prices for their products in the first half of the year, the shrinkage in the last half was pronounced.

To go back to the ratio of net profits per ton of steel produced, the strength of the Steel Corporation was more conspicuous in the first quarter of the current year than in the calendar year 1911. United States Steel in January, February, and March earned its preferred dividend, but not its common dividend. On the other hand, many of the independent companies in the same period barely earned fixed charges, while others reported deficits. The Lackawanna Steel Co., for example, showed a deficit after all charges of $450,772. The Republic acted wisely in passing the preferred dividend, thereby conserving its resources. This company will not fare as badly in the first half of this year as the passing of the dividend might signify. It is estimated that Republic in the first half of 1912 will show a surplus available for dividends on the preferred stock at the rate of 4 per cent or 5 per cent a year.

United States Steel in the first quarter of this year was one of the very few companies that reported sufficient surplus to cover preferred dividend requirements. This is the best illustration of the advantage the Steel Corporation has over competitors in the matter of earnings. The corporation's advantage is due to its vast transportation system, the great diversification of its products and concentration of operations. Without its transportation lines the corporation would not have such an advantage over its competitors.

Mr. JOHNSTON of Alabama. Mr. President, I would like to inquire of the Senator from Nebraska whether these returns show the total amount paid in wages? To know what proportion of the total product goes to labor would be very interesting, in view of the tariff legislation that is pending.

Mr. HITCHCOCK. Mr. President, it would be a very interesting statement; and, as I originally drew my resolution, I provided for that showing. When, however, I came to examine the blanks sent out by the department, I found that there was no item provided for the corporation to show the amount paid in wages. I would have no objection at all, at the proper time, to having the resolution amended to call for that information in case it is available; but, unfortunately, the blanks as sent out by the department provide no such opportunity.

The PRESIDENT pro tempore. The resolution goes over.

Mr. CUMMINS. Mr. President, I feel that I can not allow the editorial from the Wall Street Journal——

Mr. OLIVER. Mr. President, if the Senator from Iowa will allow me, it is not an editorial; it is a news item.

Mr. CUMMINS. Well, I do not know——

Mr. OLIVER. The Senator certainly knows the difference between an editorial and a news article.

Mr. CUMMINS. But whatever it is I can not allow it to pass into the RECORD without making an observation with respect to one part of it. I have in my hand the report of the United States Steel Corporation for the year 1911, being the year covered by the statement made in the paper to which you have just listened, and I want the Senate just for a moment to compare the statements made in the paper with the facts as shown by the report. This report says:

The total earnings of all properties after deducting all expenses incident to operations, including those for ordinary repairs and maintenance (approximately $38,000,000), employees' special compensation under bonus plan, allowance for Federal excise tax payable in 1912, and also interest on bonds and fixed charges of the subsidiary companies, amounted to $104,305,465.87.

The net earnings of the company, the report then proceeds to say:

Less charges and allowances for depreciation, viz, sinking funds on bonds of subsidiary companies, $1,610,038.99.

Of course, no intelligent man will insist that a sinking fund to retire the capital of the corporation ought to be deducted from the net earnings or its earnings in order to ascertain what the net earnings are. Next:

Depreciation and extraordinary replacement funds, $18,229,059.76.

It will be found in a subsequent part of this report that a very large part of the $18,000,000 deducted was for the creation of new properties, and is not a part of the expenses of the operation or the maintenance of the enterprise at all. But the result of deducting these two items is the net earnings in the year 1911 were $84,466,367.12. That is at least $10,000,000 less than it would be if it were computed in the way I have suggested.

Then the company proceeds to further deduct the interest on its bonds, amounting to $23,106,923.12. That is a proper deduction, if the capital which is represented by these bonds was honest capital. It then proceeds to deduct, further, more than $6,000,000 for further sinking funds to retire this capital. The result is a balance of $55,218,517.12. It then deducts the dividends paid during the year upon the preferred and the common stock, amounting to $50,634,902, and the surplus after these allowances is $4,083,494.78.

We have been advised—indeed, it is no longer disputed—that the value of its property represented by its capital did not reach $700,000,000, and therefore at least $25,000,000 which is here charged as dividends upon that capital must, in any honest computation, be disregarded, and the result is conclusive that this company, when an honest account is taken of the original value of its property—the honest capital engaged in the business—sold its product last year for $46,000,000 more than it need to have sold its product for in order to have returned a fair dividend or a fair interest upon the real capital or the real value of the property. That item alone constitutes nearly one-half of the hundred million of excess which I declared in my observations the other day might have been saved to the American people.

I felt it necessary to put these facts against the statement of the Wall Street Journal.

Mr. SMITH of South Carolina. I should like to ask the Senator from Iowa a question. I got the impression that they have been laying aside a certain amount as a sinking fund to retire the capital of the company. Does the Senator mean they are putting aside a sinking fund for the purpose of liquidating the capital upon which they are doing business?

Mr. CUMMINS. Of course. The company began with bonds amounting to something like $800,000,000 and stock amounting to the sum of nearly $700,000,000. The policy of the company ever since has been to lay aside each year a fund which, in the course of a very few years, will pay off these bonds, leaving the capital stock to represent the property of the company.

Mr. SMITH of South Carolina. Do they still charge the interest? You have the item of dividends. There is a certain amount laid aside to pay off those bonds. Do they then subtract that which is put aside for the purpose of paying the bonds?

Mr. CUMMINS. The company, as I understand, has never retired any of the bonds issued by itself. It has retired bonds issued by its subsidiary companies, and as rapidly as those bonds are actually taken up, while I have not examined critically the report in that respect, I take it for granted they are no longer counted as a part of the capital of the company.

Mr. SMITH of South Carolina. I was just struck with that feature of it. If they use this money to retire their bonds, then the dividends would be——

Mr. GALLINGER. I ask for the regular order.

Mr. SIMMONS. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is called for.

Mr. BACON. I did not hear the order of resolutions called for.

The PRESIDENT pro tempore. The Senate is on that order now.

RIGHT OF INTERVENTION IN CUBA.

Mr. BACON. I offer a resolution and ask that it may be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 322), as follows:

Resolved by the Senate, That the Committee on Cuban Relations be instructed to investigate and report to the Senate what legislation is proper and necessary to be enacted to prescribe and determine the times when and the manner in which the United States shall exercise the right to intervene in Cuba for the purposes specified in article 3 of the proviso in the act making appropriation for the support of the Army approved March 2, 1901, commonly known as the Platt amendment, and subsequently agreed to by the Government of Cuba, which said article 3 is in words as follows:

"III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a Government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba."

And in particular the said committee is directed to report to the Senate:

1. By what official authority it shall be determined when conditions in Cuba will justify and shall require the exercise of the right to intervene in Cuba in order to preserve and guard the several purposes and objects specified in the said article 3.

2. The measures and means which the President of the United States shall be authorized to use in order by such intervention to secure and maintain the several purposes and objects specified in said article 3.

Mr. BACON. Mr. President, I shall not ask for the present consideration of this resolution if there is any objection on the part of any Senator. I desire, however, to say a word before any action is taken either as to laying it aside or by reference.

This resolution is not one which has any reference to present conditions in Cuba and has no reference to any present anticipation of intervention. I very much hope there will be none. The present condition, though, accentuates the fact that we have never legislated on that subject in a way which we should have legislated 10 years ago. There is no doubt about the right of this Government to intervene when certain conditions justify it. And in order that the matter may be fully presented, I am going to ask that the Secretary read the proviso to the act of 1901, commonly known as the Platt amendment. Then I shall desire to state why it is important, in my opinion, that there should be legislation. The Secretary will find marks on

the paper indicating the place where to begin and where to stop. That contains the full proviso known as the Platt amendment.

The Secretary read as follows:

Provided further, That in fulfillment of the declaration contained in the joint resolution approved April 20, 1898, entitled "For the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect," the President is hereby authorized to "leave the government and control of the island of Cuba to its people" so soon as a government shall have been established in said island under a constitution which, either as a part thereof or in an ordinance appended thereto, shall define the future relations of the United States with Cuba substantially as follows:

"I. That the Government of Cuba shall never enter into any treaty or other compact with any foreign power or powers which will impair or tend to impair the independence of Cuba, nor in any manner authorize or permit any foreign power or powers to obtain, by colonization or for military or naval purposes or otherwise, lodgment in or control over any portion of said island.

"II. That said Government shall not assume or contract any public debt to pay the interest upon which, and to make reasonable sinking-fund provision for the ultimate discharge of which, the ordinary revenues of the island, after defraying the current expenses of government, shall be inadequate.

"III. That the Government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the treaty of Paris on the United States, now to be assumed and undertaken by the Government of Cuba.

"IV. That all acts of the United States in Cuba during its military occupancy thereof are ratified and validated, and all lawful rights acquired thereunder shall be maintained and protected.

"V. That the Government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein.

"VI. That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

"VII. That to enable the United States to maintain the independence of Cuba and to protect the people thereof, as well as for its own defense, the Government of Cuba will sell or lease to the United States lands necessary for coaling or naval stations at certain specified points, to be agreed upon with the President of the United States.

"VIII. That by way of further assurance the Government of Cuba will embody the foregoing provisions in a permanent treaty with the United States."

Mr. BACON. The provisions of that law, commonly known as the Platt amendment, were subsequently incorporated in the constitution of Cuba and are a part of its fundamental law. After that it was also incorporated in a formal treaty entered into between the United States and Cuba and set out in words as it has been read to-day. So there is no question about the right of intervention; but it is a fact that we have no machinery or authority prescribed by statute which shall determine when there shall be an intervention or prescribing what the President shall be justified in doing in case there should be an intervention.

Now, this resolution does not propose any specific measure. It simply directs the Committee on Cuban Relations to inquire, investigate, and report to the Senate what legislation should be had in regard to the matter. The Senate committee is composed of very eminent and conservative Senators, and the matter can be very safely intrusted to them. If they should be of the opinion that no legislation is required, they would so report. I hesitate, however, to believe that the committee will so report. In other words, I have no hesitation in the opinion that there ought to be a provision of law which shall clothe some one with authority to determine when conditions arise which justify intervention and to act when that determination is reached. Now, heretofore that power has been exercised upon one occasion by the President of the United States in the absence of any law. It may be that it is better that he should be clothed with that power, but if so, it ought to be a power specifically conferred upon him by law. There is now no such power conferred upon him by law, and when it is exercised by him it is exercised in the absence of law.

My personal view—I will say it is not a very mature one, because I have not given it the careful consideration which would enable me to say that it is a mature conclusion—is that the better way is to provide that should any such condition arise when Congress is in session it should be brought by the President to the attention of Congress, and it should determine what should be done. It may be necessary that there should also be a provision authorizing the President to act in case Congress is not in session. But all those are matters for the consideration of the committee. It must be apparent as to two things—first, that there should be authority of law for some one to determine when conditions justify intervention; second, that there should be authority of law for what the President shall do when that condition arises and shall have been duly and properly determined to have arisen.

The important fact is, Mr. President, that there is no authority of law now under which the President of the United States is empowered to send an armed force to Cuba. There ought to be such authority of law as will enable the President of the United States to do that whenever, under the provisions of the Platt amendment and the treaty made in pursuance thereof, circumstances develop which justify it.

With the exception of the restraints imposed by the Platt amendment, Cuba is an independent country, an absolutely independent country. We recognize it as such. It is recognized as such by the nations of the world. We have a minister from Cuba resident here, and a minister of the United States is accredited by the United States to Cuba. There are reciprocal diplomatic arrangements of that kind between Cuba and all the prominent nations of the world and a good many that are not so prominent. So, with the exception of the restraints imposed by this law, she has all the attributes of sovereignty and of an independent nation.

Now, it is a most extraordinary situation, of course, when a nation otherwise independent is subject to the restraints which are imposed by the Platt amendment, and I think properly imposed, although I am frank to say I did not vote for it when it was passed, simply because I thought it was in conflict with the pledge which we had made when we went to war—the pledge made in what was known as the Teller resolution—and I did not for that reason vote for it. I thought it was a wise thing, and I have always thought so since, and I am certain it was wise, seeing that subsequent events have justified it.

Mr. RAYNER. Mr. President——

Mr. BACON. Pardon me just one minute and I will yield with pleasure. I just want to finish that thought.

Mr. RAYNER. Certainly.

Mr. BACON. Now, dealing with a nation—because it is an independent nation except so far as restrained, as I have said—when the high function of sending a military force to that country is to be exercised, it is important that it should be done in accordance with law and not by an assumed authority.

I now yield to the Senator from Maryland.

Mr. RAYNER. Mr. President, I entirely agree with the Senator from Georgia that this is an eminently proper resolution. I should like to ask his opinion on this question, because he has examined the subject. If Congress adjourns and affairs take such a turn in Cuba as to require intervention, does the Senator from Georgia think that under the Platt amendment the President would have the right to intervene by sending the Army there, or would it be his duty to convene Congress in extra session for the purpose of getting its consent?

Mr. BACON. I have just passed over that. Possibly the Senator did not hear what I said.

Mr. RAYNER. I was called out of the Chamber for a moment.

Mr. BACON. I will repeat it with pleasure. While referring to the fact that this was a proper subject for investigation by the committee and that it should make recommendations upon it, I ventured to express the opinion that possibly the best provision of law would be one which would devolve upon the President the duty, if conditions arose which in his opinion made it important that there should be intervention, that if Congress were in session the President should lay the matter before Congress, but that possibly it might be important and necessary that another provision should be incorporated in the law that if those conditions arose and Congress was not in session the President should proceed upon his own judgment.

Mr. RAYNER. I think I heard that. I did not make myself quite as plain as I might have done. Suppose before this committee can go on and investigate under the resolution Congress adjourns and there is trouble in Cuba. Under the Platt amendment, how does the President stand? Would it be his duty to call Congress in extra session?

Mr. BACON. I am inclined to think that would be a matter of such gravity that it ought to be done. To send an army into a foreign country is too grave and serious a matter for the President to take the responsibility of doing so without the direct authority of Congress.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. I do.

Mr. CULBERSON. I will ask the Senator if that would not depend upon how the act of intervention is to be regarded, whether as a friendly act or an act of war, the power to declare which is vested alone in Congress.

Mr. BACON. The Senator's inquiry is very pertinent, of course. It might be done in a way that would constitute it practically as an act of war. But there is one thing which differentiates this, if done in good faith, from the ordinary sending of an armed force into a foreign country, and that is there is an agreement that we should do it. I am unhesitatingly of the opinion that whatever is done should be done under authority of law; and I repeat that we should have legislated on this subject 10 years ago.

Mr. CULBERSON. The agreement, though, provides that we should intervene on certain conditions.

Mr. BACON. Yes; that is so. I think the Senator agrees with me that there ought to be some provision of law, and those conditions should be authoritatively ascertained and the law should provide in what manner and by whom the intervention should be made.

In response to the suggestion of the Senator from Texas, there is another thought in my mind and that is that it might be well to provide in the law that whenever the authorities of Cuba should call upon the United States for assistance, which would be in that case an entirely friendly act, for the purpose of carrying out any of the objects provided for as the grounds of intervention in that country, the President should be authorized to furnish the assistance. But all those are matters of detail. However, the questions which are asked me by the learned Senator from Texas and by the distinguished Senator from Maryland emphasize the importance that there should be provisions of law by which this matter in its necessary details should be arranged, and it should not be left to action by the Executive or any head of an executive department under an assumed authority, because as at present situated it would be nothing else.

A case did arise some years ago when the President acted. Congress was not then in session, and while it was not under warrant of law, possibly you might say the necessity of the circumstances justified it, because Congress had failed to do its duty. I think it was the duty of Congress years ago to have legislated in regard to this matter, and we certainly ought not to postpone it any longer than is necessary to enact legislation. In my own mind there can be no possible doubt that there is no authority conferred in the Platt amendment upon the President of the United States to act, and there should be authority conferred upon him, and the manner in which he should act and what he should do when he determines to act should be prescribed by law.

I wish to say one word further, Mr. President, without detaining the Senate. I believe legislation of this kind will tend to prevent disorders in Cuba. I believe the fact that it is recognized by us as a matter of such gravity that we have prescribed by law what shall be done, and that we have given distinct authority of law for the doing of it, will restrain disorders in Cuba. Above all things, in connection with Cuba, I desire that order shall be kept there, because I recognize that disorders in Cuba make the question of final annexation a probable one, and that is what I would above all things avoid. I never want to see the day come when Cuba shall become a part of the United States. I prefer that she shall occupy exactly the relation which she occupies now as an independent nation, and at the same time with sufficient power of restraint on the part of the United States to guard against the recurrence of conditions which drove us to war 14 years ago.

It is with that thought and view and desire that I bring this matter to the attention of the Senate. If it is agreeable to the Senate, I would be glad that the resolution should be now passed, in order that the subject may be committed to the Committee on Cuban Relations. I do not now suggest any specific legislation in it. I simply ask that the committee may be charged with the duty of examining the matter and reporting to the Senate what legislation should be had in view of the Platt amendment and present conditions and those which may possibly develop.

Mr. SMOOT. I should like to ask the Senator if the same result would not be accomplished by just having the resolution referred to the committee without a vote being taken upon it by the Senate? I understand that the resolution is only suggestive anyhow in its provisions.

Mr. BACON. If it were referred to the committee, what would the committee do? If they thought there should be legislation they would come back to the Senate and ask to be instructed. If they thought there should be none they would do exactly what they would do if the resolution were passed, report to the Senate that there should be none. So what is the difference? Why should we multiply the actions of the Senate? Why not simply pass it now and send it to the committee? It does not instruct them to bring in any legislation. It instructs them to report what action, if any, is required. It seems to me to be an unnecessary delay to refer it first to the committee before passing upon it. If this were a resolution which instructed the committee to report a bill or to report any particular piece of legislation, setting out what it should be, then it might be proper to first refer it to the committee.

Mr. GALLINGER. If the Senator will permit me, if the resolution should be referred to the committee, the jurisdiction of the committee would extend only to reporting back the resolution.

Mr. BACON. That would be all.

Mr. GALLINGER. And we would be exactly where we are now.

Mr. BACON. Exactly where we are now.

Mr. SMOOT. I thought that at least we would be this far advanced, we would have the opinion of the committee as to whether the Senate should act. As it is now I really do not know whether the Senate is prepared to act upon the question with the information that Senators have from the mere reading of the resolution.

Mr. BACON. The resolution does not commit the Senate to anything.

Mr. SMOOT. I will not object to the present consideration of the resolution, but I thought the proper course would have been to refer it direct to the committee.

Mr. BACON. I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Senator from Georgia asks for the immediate consideration of the resolution. Is there objection? The Chair hears none. The question is on the adoption of the resolution.

The resolution was agreed to.

AUTHORITY OVER WATER POWER IN STATES.

Mr. JONES. Mr. President, I desire to submit an inquiry to the chairman of the Judiciary Committee before the morning business is closed.

At the last session of Congress the Senate passed a resolution (No. 44) directing the Judiciary Committee to report as early as practicable in this session upon the jurisdiction and power of the Federal Government and the State governments with reference to water-power development. I desire to ask the chairman of the committee what the prospects are for a report from the committee. In doing this, I desire to say that there is no intimation or suggestion whatever that the committee has been delaying in this matter, because I know the members of the committee have been extremely busy upon matters in that committee and also other committees in which they are engaged. All I desire is simply information as to what the prospects are for a report.

Mr. CLARK of Wyoming. Mr. President, the committee had at one time under active and earnest investigation the resolution which was introduced by the Senator from Washington and referred to that committee. We took up the resolution, fully conscious of the magnitude of the work and of the importance of the subject. The committee devoted several entire sessions to the consideration of the resolution, when it was crowded out by what appeared to be business of more immediate necessity.

In these progressive times and in the changes which we are having the Senator knows that the committee has been called upon to consider a number of resolutions proposing amendments to the Constitution. Upon that work the committee has been almost exclusively engaged for the last seven or eight meetings.

To be perfectly candid in my answer, and answering only as one member of the committee, I see no immediate prospect for making a report from that committee on the resolution of the Senator, and for this reason: The resolution is so broad and covers such a broad field that in its solution the committee seems to be very much divided. It is a matter that is discussed from day to day in the Senate, and the same division of opinion that appears in the Senate also appears in the committee. I think the most that the Senator can expect is to have submitted to the Senate the individual views of the committee. That, of course, will be done as soon as the other current business of the committee will allow.

Mr. JONES. Of course, I know the statement of the chairman is entirely correct. There have been a great many important matters submitted to that committee. I consider this a very important proposition. I think that the solution of it rests really at the foundation of legislation along progressive lines with reference to the water-power situation in this country. I was in hopes that we could get the decision of our legal committee with reference to the purely legal right or power or jurisdiction of the National Government and the State governments with reference to this important matter, because I think a proper decision upon that one point rests at the very basis of legislation along practical lines.

Mr. CLARK of Wyoming. If the Senator will allow me, as a demonstration of the progress the committee has made, I will say that the committee started in to cover the whole ground as soon as possible. The report was made by the subcommittee to the full committee, as I remember it. The committee started in at the Atlantic seaboard, and during the few sessions that we devoted to the subject we had got as far as the Hudson River, and seemed to be in confusion at that point, and never got further.

Mr. JONES. I suppose that the same legal principles would apply to the Atlantic seaboard that would apply on the Pacific seaboard and over Atlantic coast streams that would apply over Pacific coast streams. I did not anticipate that we would have so many different legal opinions upon the proposition.

Mr. CLARK of Wyoming. Of course the Senator is aware of the fact that the same principles or the same rules do not apply upon either the Atlantic or the Pacific seaboard that would apply in the interior. The same law might not apply to navigable streams as to waters that were not navigable.

Mr. JONES. But it seems to me the same legal principle ought to apply to the navigable streams that applies to one, and the same principle that applies to one nonnavigable stream ought to apply to all nonnavigable streams.

Mr. CLARK of Wyoming. Possibly when the Hudson River difficulty is settled in the minds of the committee the western navigable streams will be settled upon the same basis. That is all the encouragement I can give the Senator.

Mr. JONES. I hope before the present session of Congress ends we will either have a report from the committee or from the individual members of the committee. It has been my observation that as a usual thing we get as many reports from the Judiciary Committee as there are members upon it with reference to legal propositions, but I was in hopes that this would be an exception, and that the committee would submit a unanimous report.

Mr. CLARK of Wyoming. I will say that is simply another evidence that individual thought is abroad in the country at this time.

Mr. JONES. There is no suggestion that there is not individual thought abroad in the country at this time.

Mr. HEYBURN. Mr. President, I intended to ask a question of the Senator from Washington, but I will cover it by a statement, inasmuch as the Senator has taken his seat.

The fact is that there should never be a report upon such a resolution. The branch of this Government invested with determining that question is the courts, not the legislature. We are getting into deeper water every day by usurping those powers.

The courts of the United States, district, circuit, and Supreme, have passed upon these questions and are authorized to pass upon every phase of them. There is scarcely a possible combination of circumstances that has not been met and passed upon by the courts of the United States as affecting the right to the use of waters both in the States and between the States.

Now, if we are going to propose that Congress shall usurp the powers of the court and take up the time of the committee in inquiring as to what we might possibly desire to do, I think the committee had better pause, and if they have any pigeonholes left that are not full—I know some of them are quite plethoric—they had better put this in one of those pigeonholes.

Mr. CLARK of Wyoming. I regret exceedingly the Senator from Idaho could not have impressed that view upon the Senate when they instructed the Committee on the Judiciary to proceed in a certain matter which I think was entirely within the province of the Senate. The Judiciary Committee always tries to obey the commands of the Senate in any matter that may be referred to it.

Mr. HEYBURN. I was not speaking as a member of the committee or encroaching upon the functions of the committee, but I was speaking, as a Senator and as a citizen, merely a word of admonition that, if that bill or resolution, in whatever form it is, can be safely taken care of in the committee room, it remain there.

Mr. JONES. Mr. President, I simply desire to suggest what the chairman of the committee really suggested, that this resolution has passed the Senate requesting the committee to make this report, and the suggestion that the Senator has so well made, would, I think, have properly come in when the resolution was pending before the Senate. The Senate has acted on the resolution. It is not now my resolution, but the resolution of the Senate.

Mr. HEYBURN. Mr. President, I am indulging in a little of the spirit of the recall. I suppose that in some thoughtless hour a resolution of that kind was offered and passed through, but I think the Senator from Washington and I would not disagree in regard to the principle involved in it.

Mr. JONES. I think not.

Mr. HEYBURN. We know where the jurisdiction should vest which determines such questions, and that is in the courts.

Mr. JONES. I will suggest to the Senator from Idaho that this resolution, when it was up, went over a day at the request of the Senator from Idaho; so that it was not passed on the spur of the moment, but apparently the Senate deliberated over it and deliberately passed it.

Mr. CLARK of Wyoming. The Senator from Idaho suggests that perhaps the best way to deal with this matter would be to put it in a pigeonhole of the Committee on the Judiciary. If I may be allowed to make a suggestion to the Senator from Idaho, I will say I think it might more properly be disposed of, and in a way that the chairman of the committee, at least, would not object to so very much—it might be disposed of by a motion to discharge the Committee on the Judiciary from the further consideration of the subject.

In further answer to the inquiry of the Senator from Washington a few moments ago, I will say that while the committee itself has been engaged in a general discussion in regard to water and water power referred to by him, a very great work was done by the subcommittee having the matter in charge. They investigated the matter thoroughly, and under the chairmanship of the senior Senator from Minnesota [Mr. NELSON] made a very exhaustive and illuminating report. But the full committee did not finally come to any agreement. I will say to him, however, that the report submitted by the Senator from Minnesota is in print and is available for the Senator or any other Senator having interest in this subject matter.

Mr. JONES. I undestand the report of the subcommittee was unanimous.

Mr. CLARK of Wyoming. The report of the subcommittee was unanimous.

The PRESIDENT pro tempore. Morning business is closed.

WASHINGTON IMPROVEMENT & DEVELOPMENT CO.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, which will be stated.

The SECRETARY. The amendment of the House of Representatives is, on page 4, at the end of line 10, to insert:

> Each of said companies, as a condition precedent to approval of its right of way hereunder, shall pay such compensation for the taking or damaging of land and improvements of Indian allottees as the Secretary of the Interior shall find to be justly due from and hitherto unpaid by such company; and each of said rights of way is hereby expressly declared to be subject to the condition that so much thereof as shall not have been occupied by a completed railway at the expiration of five years from and after the date of the approval thereof under this act by the Secretary of the Interior shall ipso facto revert to the United States without any act of reentry or judicial or legislative declaration of forfeiture.

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Washington to the amendment.

Mr. JONES. I would suggest that the amendment went over yesterday at the request of the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, when this matter came up yesterday I asked that it go over because of the innovation similar to the one just referred to, wherein it is now sought to substitute the Department of the Interior for the courts of the United States in performing a duty. The courts have always determined these questions, and in some very notable cases the courts have determined controversies between railroad companies where two or more were seeking to build their road through a canyon too narrow to accommodate their rights of way. The first great decision that was rendered was in the case of Railroad against Allen, in Ninety-ninth United States Supreme Court Reports. That has been followed down through a great many years of careful consideration.

Now we find somebody—and I will not animadvert upon the qualifications of the author of it—who thinks he would like to transfer that jurisdiction from the courts to the Secretary of the Interior. It is only in keeping with this dangerous change that is being pressed upon us. This measure provides in express terms, on page 6:

> *Resolved, etc.*, That the aforesaid railway companies, whose rights of way as filed and located are overlapping each other, shall proceed,

within 60 days after the passage and approval of this resolution, to present their matter of difference to the Secretary of the Interior, and thereupon it shall be the duty of the Secretary of the Interior to give said companies a hearing—

The courts have been performing that function always efficiently, but some one wants to make a short cut across the field and thinks probably that he could do better in dealing with the department, with its peculiar organization; he wants to avoid the courts. There has never been a time when the courts have not been able to perform this function. Great railroad companies have been desirous of building through the same canyons or down the same streams, and under the recognized method of procedure have appealed to the courts. The courts have adjusted their difficulties, and the act of Congress providing for joint occupation of canyons never contemplated that the Secretary of the Interior should have anything to do with the matter; it contemplated that the courts should determine the rights of the parties. Under that condition, for years and years, an established practice has grown up, and here comes as innocent looking a joint resolution as I ever saw which proposes to change the system of government. I do not like to see it done. The Senate may do it; it is doing many strange things; it is progressing generally with its face turned the wrong way, and the further it progresses, of course, the further it will proceed from the true line of wisdom. Progressiveness is not always commendable. First, you want to inquire which way progressiveness is pointing. It may carry you over the precipice into the sea, or it may carry you out into pleasant lands. For that reason I asked that this joint resolution should go over yesterday. I will merely read one further clause here to show how they emphasize it:

And if it shall be found that the right of way as located by the Washington Improvement & Development Co., and now owned by the Great Northern Railway Co., at any particular point along said right of way is so located as to prevent the physical location and construction of said Spokane & British Columbia Railway in and through said valley without great or unreasonable expense, the said Secretary shall direct the readjustment of the locations—

It carries my mind back. I had more than 40 cases on the court calendar once for the adjustment of this class of difficulties between the Union Pacific system and the Northern Pacific going down the St. Regis River. We had no difficulty whatever in adjusting those differences, but now these matters are to be taken out of the established tribunal having charge of them for a vast period of years and turned over to the clerks of a department. Of course, the head of the department would never see them unless perhaps the president of the Great Northern Railroad or some of those people should secure a personal hearing with him.

It is not good legislation, and I say to the Senator from Washington that I am speaking with a knowledge of the application of this system of change. It is not wise legislation; there is no provision for review by the courts; the Secretary of the Interior is the final arbiter. In some cases that I recall it would have meant millions of dollars.

Mr. GALLINGER. Would not an appeal lie?

Mr. HEYBURN. No appeal lies from the decision of any department except as specially provided for by statute. There is no general right of appeal; there is no provision whatever for it.

This may be an innocent measure in reference to going down that little particular piece of road, with which I am familiar. It may not amount to very much, but when you undertake to disturb existing conditions as to the manner of proceeding you will run up against cases where the amount involved will be very great.

Mr. McCUMBER. Mr. President, I think the Senator from Idaho is a little hasty in arriving at his conclusion concerning this measure. Possibly he has not a full acquaintance with what has already been done in reference to it.

Let us remember that the valley through which the rights of way have hitherto been granted by Congress is an Indian reservation, the title other than that which the Indians hold being in the Government of the United States. Several years ago an act of Congress granted to a certain railway a right of way across that reservation. In that grant the location had to be made, then filed with the Secretary of the Interior, and approved by the Secretary of the Interior. That was all done. That was Government land, and it was very proper that the Secretary of the Interior should approve of the location, as provided by the act of Congress.

This same law, Mr. President, required the railroad company to proceed with the construction of the railway within a given number of years. Due to certain conditions, which it is not now necessary to state in the argument, they failed to do that. Then another railway company, desiring to locate through the same valley, located under a general law of the United States in reference to crossing Indian reservations. That general law also provided that the location of the line as laid out should be approved by the Secretary of the Interior.

The second railway proceeded upon the assumption that the time having elapsed within which the first railway was to construct a certain number of miles of its road, its right lapsed and was forfeited. As a matter of fact, it was not forfeited in law, but was simply forfeitable by the Government. The Government did not see fit to forfeit it because the Government had not been injured, nor could it be shown that anyone else had been injured, by reason of the delay; and there were reasons which justified the company in not proceeding according to the law under which it had authority to locate its road across the Indian reservation.

It so happened that in certain sections in the valley the two roads overlapped each other, or, rather, the last locator located its line over a portion of the line which had first been located by the other company.

When this matter came before the Committee on Indian Affairs it came before it in the shape of a request asking for authority on the part of the Government to cancel the right of the first company obtained under the act of Congress, the object being to hold the right of the second company.

Mr. HEYBURN. Under the general act.

Mr. McCUMBER. Under the general act. The second company had also forfeited its right, according to my idea, under the general act, but there had been no injury to the Government. It then became apparent that there would be more or less of a conflict between these two companies. It was desired by the committee that both of them should have the right to go through that valley; but in some instances the location would not be convenient, and so provision was made that, in order that the two might retain their rights and that the Government should not proceed against them where the lines overlapped, they should relocate or change their lines, swerving this way or that way in such a manner as to allow each one of the roads to go through that valley with as little extra cost and damage to the other company as possible.

Mr. HEYBURN. Why not do it under the general law?

Mr. McCUMBER. Simply because one company had already obtained a right there under a special law——

Mr. HEYBURN. But the Senator says that right has been forfeited.

Mr. McCUMBER. And the Government did not desire to forfeit it; it has not been forfeited; the right still exists. If the company which first obtained its right under the general law had forfeited, then they would not stand in an equal position, but the right would be granted to the other company, and the other company might refuse to relocate any portion of that line.

Mr. HEYBURN. That is what the court would do for them.

Mr. McCUMBER. No; this is a case of a right of way over an Indian reservation——

Mr. HEYBURN. That makes no difference.

Mr. McCUMBER. Which is subject to the jurisdiction of the United States; and remember that in both instances the locations were made with the approval of the Secretary of the Interior under a law passed by Congress. If Congress desires to change that law in such a way as to allow them to readjust their lines at the conflicting points, there is certainly no reason why the Secretary of the Interior, to whom authority was granted in the first instance to approve of the locations, should not approve of the readjustment of those locations through the valley in such a manner that both companies may pass through there.

This was regarded as the simplest way to accomplish the purpose; it is satisfactory to both of the companies. They are both willing to get together and relocate their lands, if they can, with as little inconvenience to each other as possible and to get the Secretary of the Interior to approve the locations as they are changed here and there for mutual accommodation.

Mr. HEYBURN. They need no authority from anybody to do that.

Mr. RAYNER. May I ask the Senator a question?

The PRESIDENT pro tempore. To whom does the Senator from North Dakota yield—to the Senator from Idaho or to the Senator from Maryland?

Mr. McCUMBER. I first yield to the Senator from Idaho and then I will yield to the Senator from Maryland.

Mr. HEYBURN. I merely suggest that under the existing law no authority is required for the adjustment of those lines. The courts have always sustained the adjustment of lines under the act which authorizes the joint occupation of narrow defiles and canyons.

Mr. McCUMBER. The Senator is considering now only the question of the general law; but there was a special law in this case as well as a general law. One company located under the general law while the other located under a special law, and neither of the companies desires to lose by a forfeiture whatever rights and privileges it obtained under the particular law under which it made its location.

Mr. RAYNER. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. RAYNER. I should like to ask the Senator from North Dakota does this joint resolution give the Secretary of the Interior the judicial power to determine upon a forfeiture in the case of either of these railroads?

Mr. McCUMBER. Oh, no; not at all. It simply allows the Secretary of the Interior to approve the relocation where the railroad companies are compelled to relocate for mutual adjustment.

Mr. HEYBURN. Mr. President, the Secretary of the Interior is not required to do that. The act authorizing joint occupancy of these canyons has been held to be, and it is undoubtedly, broad enough to authorize the courts to adjust the lines.

I have in mind an instance in point where a line was located so as to zigzag from bank to bank of a canyon and leave no opportunity to build another road up that valley. It was done deliberately. When another road came along with its lines they asked the court to compel the first road to withdraw the points of this zigzagging course. The court did so, and compelled them to relocate their lines. The matter did not go to the Secretary of the Interior at all. The court simply said that they had made a misuse of the law and made them draw in their points so that the other road could be built in the valley.

Mr. RAYNER. Is any judicial question left with the Secretary of the Interior?

Mr. HEYBURN. Oh, this joint resolution proposes to leave all judicial questions to him.

Mr. RAYNER. What judicial question is left to the Secretary of the Interior?

Mr. McCUMBER. He approves the location, and nothing more. I did not think it was necessary to explain the way this matter first came before the committee. An action had been started by the company last locating against the former company in the United States court to forfeit the right. The court properly held that the action would not lie; that Congress having granted the power it is up to Congress to determine whether or not it would exercise the power to declare a forfeiture, and Congress not having exercised that right, the case was dismissed.

Then it came before the committee on an application to grant the authority to the department to commence the action to declare forfeiture, the result of which would have been to have destroyed the rights of the one first there and to have placed the other in its stead over a considerable length of the location. To avoid this and to allow both of the companies to use their lines this bill was modified and formulated, and the Secretary of the Interior does under this just exactly what he was to do and what he did do under both the special and the general law. That is, he approved the location, and here he approves of the relocation across Government land.

Mr. HEYBURN. The language of the amendment itself would seem to challenge the Senator from North Dakota. It provides that the parties shall present to the Secretary within 60 days after the passage and approval of this resolution—

and thereupon it shall be the duty of the Secretary of the Interior to give said companies a hearing.

When you give a hearing, you give it for the purpose of acting upon conflicting contentions.

And if it shall be found—

Found as a matter of judicial determination—

And if it shall be found that the right of way as located by the Washington Improvement & Development Co. and now owned by the Great Northern Railway Co. at any particular point along said right of way is so located as to prevent the physical location and construction of said Spokane & British Columbia Railway in and through said valley without great or unreasonable expense, the said Secretary shall direct the readjustment of the locations.

Those are judicial acts. I want to say at this time that this bill is applicable only to one case, and I do not care very much about it. I would not oppose any adjustment of the difficulties between these lines. I made my objection only because the bill recognizes a principle against which I am opposed—to which I shall always be opposed; and so long as I think it is proper I shall express my opposition to the transfer of the performance of judicial duties from the judiciary system of the country to the Executive; and that is all. I have no care as to this particular case.

Mr. McCUMBER. There is no more a judicial duty under the clause the Senator has read in this respect than there was in the original bill which Congress passed.

If, for instance, the Washington Development Co. had presented a location, the Secretary of the Interior was authorized under the original law to say, "This location is not entirely satisfactory. You must locate it in another place. I will not approve of it at this point." The Secretary had the approving of that, and there are certain Indian rights that attach here and there as to which he had the right to say, "You must avoid these, but I will approve the line along there."

When the two lines conflict, the same authority is given. After he has once approved it, if they change that line so as to conflict he will approve a line, and if they can not agree, he will assist them by suggesting and directing where they may go, and thereby each line will be properly located.

Mr. HEYBURN. The law requires the filing of a map in order that it may be placed upon the public system of surveys, as notice to the world that this railroad intends to build its line there, and when that map is filed the only duty the Secretary has to perform—and it is performed, really, through the General Land Office—is to place that upon the public surveys, and if it is in conformity with the provisions of the statutes the approval is a mere perfunctory act on his part.

The filing of a line through an Indian reservation requires no other act to be performed than that as to the filing of a line anywhere. All the great lines of the Northwest intersect Indian reservations, and the treaty rights between the Indians and the railroad company were adjusted as in other cases of treaties.

Inasmuch as this affects only the one case, I will not pursue it further.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

METAL SCHEDULE.

The PRESIDENT pro tempore. The calendar under Rule VII is in order.

Mr. SIMMONS. I move that the Senate resume the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, there has been for some time comment upon the inactivity of the Senate in the matter of tariff legislation. Certain newspapers of the country, mostly newspapers opposed to any kind of revision, newspapers that do not advocate such revision, have fallen into the habit, notwithstanding what has transpired upon the floor of the Senate, and in disregard of repeated statements that have been made on both sides of the Chamber with reference to the purpose and determination of those who are in favor of revision, of saying that the minority in this Chamber are not sincere in their desire for the passage of the several bills sent to us by the House, and that we do not expect legislation upon this subject, and that we are not seeking to secure action upon those measure at this session of Congress.

There is not, of course, as is well known in this Chamber, whatever may be the impression outside of it, the slightest foundation for these persistent and repeated misstatements and misrepresentation on the part of the newspapers.

I want to say now, Mr. President, and I want to say it with all the emphasis I can command, that this side of the Chamber, in so far as it is able to control the situation—and I think with such assistance as we may be able probably to get from the other side of the Chamber we will be able to control it—is determined that there shall not be an adjournment of Congress or a recess of Congress until the Senate has acted upon each of these bills, whether that action be favorable or unfavorable action.

The statements that we do not intend to press these matters to decision at this session of Congress is utterly unwarranted, without foundation, and in utter disregard of everything that has transpired and of everything that has been said by the friends of the measure upon this floor.

There is, Mr. President, a disposition in some quarters to complain that tariff measures have not been pressed with due diligence before the Senate. That complaint, in my judgment, is utterly without warrant, in view of the facts connected with their consideration. Every measure that has been sent to us by the House has been acted upon by the committee. One of these bills is now upon the calendar.

Mr. GALLINGER. And, Mr. President, if the Senator will permit me, I am sure the Senator will say that in the consideration of those bills in committee he discovered no disposition on the part of the majority members to delay their report.

Mr. SIMMONS. I take very great pleasure in saying that I did not discover at any time during the consideration of these measures in the committee a disposition on the part of the majority members to obstruct. Those measures are all on the calendar. One of them is the unfinished business; and just as soon as it is disposed of it is the purpose of the friends of revision to insist that the others, in turn, be made the unfinished business of the Senate until they are all disposed of.

There has been, it is true, considerable discussion upon the bill which is now before the Senate, but there has not been more discussion than was proper under the circumstances and in consideration of the importance of the measure. There has been no abuse of the right of discussion. There has been no indication of a purpose in any direction to resort to dilatory tactics. On this side of the Chamber only two speeches have been made; on the other side of the Chamber probably four, and they may have been lengthy speeches, but the friends of revision have occupied probably not more than one-third of the time that has been consumed in the discussion.

In saying that, I simply desire to be understood as saying that the friends of this measure have not occupied more time than was proper, and I do not think the opponents of the measure have occupied more time in the discussion of it than was proper and legitimate under the circumstances.

Since this bill became the unfinished business we have kept it continuously before the Senate, allowing only a very reasonable time to enable Senators to get ready to speak, with the single exception that we have yielded to two appropriation bills, neither of which consumed much time, and in those instances we yielded because we thought we would save time by letting those bills be passed in view of the fact that it was expected that the bills would be held a considerable time in conference.

So far from our losing time by reason of permitting these interruptions in the taking up of the appropriation bills, I think we have gained time instead of having lost time.

Mr. President, I think under present conditions we may reasonably expect an early vote upon this bill. I will say on behalf of this side of the Chamber that we are ready to vote at any time. We are ready to vote to-day. Although there are some Senators here who desire to speak, so anxious are we to have action upon this question that they are ready and willing to forego the making of speeches at this time.

There are not more than one or two speeches to be made on the other side. I hope we may be able to get to a vote on this bill early next week. When we have concluded the consideration of this bill I do not see anything in the way of rather quick action upon the other bills. I do not think, probably with the exception of the wool schedule, that there will be anything like as much discussion upon the other bills as there has been upon the pending bill.

But, Mr. President, the country is impatient for an adjournment of Congress. Senators, as well as Members of the other House, are anxious that the present session should be brought to a close. In that condition of things I think probably we might expedite not only action upon these bills, but action upon other bills, and secure an early adjournment by changing our hours, by meeting a little earlier or by providing for night sessions. I should like very much to hear from the other side of the Chamber with reference to the suggestion that we should either meet at 11 o'clock, continuing our sessions until 5, 5.30, or 6 o'clock, or instead of one long session that we should have two sessions, one in the day and the other at night.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. Certainly.

Mr. HEYBURN. How would it do to substitute "wager of battle" if we are to determine this great issue by endurance?

Mr. SIMMONS. I do not think if we should substitute "wager of battle" the Senator would suffer.

Mr. HEYBURN. It seems to me that the same principle is involved. If you are going to tax men's endurance, and we are not all, fortunately or unfortunately, endowed with the same amount of physical strength, then perhaps if we could get the young men in a party in this body they could compel those of us who are further advanced in years to do whatever they determined upon. I do not think that is a good moral principle of legislation.

Mr. SIMMONS. My observation is that the older men stay in the Chamber just about as well as the young men. I do not think that an additional hour would overtax us because, as the Senator knows and as Senators know, during these discussions there is plenty of time for Senators to take relaxation out of the Chamber, and they take that time. They do not have to stay here and hear the discussion.

Mr. HEYBURN. I was not complaining. I was objecting to the principle that was so obvious in its intent on its face.

Mr. SIMMONS. That is not an unusual practice. We have frequently, toward the close of a session since I have been a Member of this body, either met at an earlier hour than usual or we have had night sessions.

Mr. HEYBURN. We have done some rather ridiculous things.

Mr. SIMMONS. There seems to be about as much urgency in reference to adjournment this year as ever before. Almost everyone at this end of the Capitol and at the other end is anxious to get away.

Mr. HEYBURN. That is a good argument against careful legislation.

Mr. SIMMONS. I am not urging it against careful legislation. I am not making any suggestion that these bills should not receive the fullest consideration and the fullest debate. I am simply suggesting a little longer session every day, either in one session or in two sessions, to facilitate an early adjournment.

Mr. HEYBURN. I will withdraw anything that would seem to be an objection, if all Senators will pledge themselves to attend these sessions from beginning to end.

Mr. SIMMONS. All Senators are not going to pledge themselves, for all Senators will not attend. If we had a session of only three hours a day while considering these tariff measures, or any other measures, all Senators would not attend.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.

Mr. CUMMINS. Mr. President, I think I fully appreciate the solicitude of my friends upon the other side of the Chamber concerning an early adjournment, but I think they ought to restrain their impatience. I do not believe the country is demanding that we shall adjourn so that we may attend either the Chicago convention or the Baltimore convention. I think we are commissioned to do a work entirely apart from the work that will be done in either of those great bodies of representatives.

I want, of course, now, as I always do, to complete our duty and adjourn as soon as possible, but the first consideration is to do our work and to do it right, to do it after full debate and full consideration and reflection.

I can not concur with my friend from North Carolina about the advisability of either meeting at 11 o'clock or holding night sessions. So far as I am concerned, I am doing about all that I can do, and I am not willing to add to the burdens of the session by increasing the hours that we spend here either in daytime or at night. When we spend five or six hours in the Senate Chamber six days a week we have done all that can possibly be demanded of us, and I think we have done all that we can do and do it well.

Why not go on with the work of the Senate without thinking so much about the time when we shall adjourn, and hold reasonable hours, and work diligently, and when we have finished the work, then adjourn. Let us not spend a moment in useless debate or in considering matters that are not of the first importance, but let us go on and do what is plainly before us and put out of our minds this matter of getting away from Washington in the middle of June. We can not do it. We can not attend to these four great tariff bills, say what ought to be said about them, and do what ought to be done about them, and about the appropriation bills which are yet to come before us, and about the Panama bill, which is of the first concern, and about the title of the seat of the Senator from Illinois—we can not do all these things and adjourn in the middle of June. If we are to vex our minds all the while with regard to the day and hour of adjournment and try to fashion and mold all our work with reference to getting away at a particular time, we will not accomplish the latter and we will do our work very ill.

Mr. SIMMONS. Mr. President, I have simply thrown out what I have said about a longer daily session, or two sessions, for consideration by Senators on both sides of the Chamber. I think, with slight exceptions, Senators on this side of the Chamber would be perfectly willing to have this extension of the time of our sessions.

I do not wish the Senator from Iowa to understand, in anything that I have said, that I do not wish, and that this side of the Chamber does not wish, that each of these great measures

should receive due and full consideration. I have not suggested any curtailment of debate at all.

Mr. CUMMINS. Mr. President, I want to assure the Senator from North Carolina that in saying what I did with regard to the time of adjournment and the tendency to give scant attention to business before us, I was not replying to anything he said, nor had I anything he had uttered in my mind. I was replying to a rumor that has found its way into the newspapers and has also been circulated in the Senate Chamber. I hope the Senator did not understand that I was imputing these things to him.

Mr. SIMMONS. Mr. President, I want to say that so far as this side of the Chamber is concerned—and I have conferred with Senators on this side very freely about it—we have one fixed purpose, and that is to insist upon a decision upon all of these tariff measures which have been sent to us by the House, or any that may hereafter be sent to us by the House, and we are perfectly willing to stay here just as long as is necessary to discuss them and secure action upon them. I should like to have an early adjournment, but not an early adjournment at the sacrifice of due consideration or by the neglect to insist upon action upon any measure that has been sent to us by the House with reference to the tariff.

Speaking for this side of the Chamber, therefore, I want to say—and I rose only for the purpose of saying it—the suggestions which have found their way into the press that friends of revision are not in earnest in these tariff matters, and that they expect to permit an adjournment or a recess of Congress before action upon those bills, are without the slightest foundation; and, so far as we are able to control the situation, there will be no adjournment of Congress until they are acted upon.

Mr. BACON. Mr. President, I wish to say a word in connection with what the Senator from North Carolina has just said, and to come down a little more to specific matters. The Senator has alluded to articles which have appeared in the press. I wish to call the attention of the Senate to the leading editorial of the Washington Post this morning, which I will read. It is headed, "No spoils for insurgents," and proceeds:

As nobody denied the truth of Senator BORAH'S remark that the leaders on both sides of the Senate are agreed that there shall be no tariff legislation at this session, what Senator BACON said in denial of Senator SMOOT'S statement, with reference to Democratic sentiment on the subject, argues that at least a tacit agreement on the tariff has been reached. Senator CUMMINS'S protest against going home with the tariff bills unacted on evoked no sympathetic response from either side to the controversy. And, as it happened, the House Ways and Means Committee, finally convinced that the Senate Democrats would do nothing, had just tucked away the cotton schedule and the odds and ends of their revenue-only policy, there to stay until the Senate gives indication of tariff action.

I wish to say, Mr. President, that that is not only an absolutely unwarranted statement, it is not only absolutely a misstatement, but I think I am within the mark when I say it is an inexcusable misstatement.

I call the attention of the Senate to the fact that the assertion is made in this editorial that nobody denied the truth or the correctness of the statement made by the Senator from Idaho [Mr. BORAH].

Mr. President, it is to be presumed that the writer of that article, when he observed what the Senator from Idaho said, had read further as to what other Senators said in the debate which ensued, and that such an examination of the RECORD had been made by the writer of the article before he would say that no denial had been made as to the truth or correctness of that statement.

If so, Mr. President, the memory of the writer was very short or his reading very imperfect. While I will not undertake to read in full the debate, which lasted probably an hour or more, on that subject, in which in the most vigorous terms possible the statement made by the Senator from Idaho was denied, I will simply read a few of the things which were said on that day which show how utterly inexcusable is such an unwarranted statement as the one which I have read published in the paper this morning.

Replying to the statement of the Senator from Idaho [Mr. BORAH], the Senator from North Carolina [Mr. SIMMONS] made this statement:

Mr. President, I want to say to the Senator—

That is replying to the Senator from Idaho [Mr. BORAH] in response to the very statement which the Washington Post said was not denied.

Mr. SIMMONS. Mr. President, I want to say to the Senator that he is speaking without authority. I do not know anybody on this side who is not anxious that these bills shall become law, and I will say to the Senator that if they do not become law it will be either because of the action of the Republican side in this Chamber or of the Republican President.

Mr. BORAH. The Senator does not expect, however, that any bill that may pass will become a law, does he?

Mr. SIMMONS. I expect that this bill will pass this body, and I expect it will go to the President of the United States. What he will do with it the Senator can tell better than I can.

Then I ventured to express myself in regard to the statement of the Senator from Idaho, a statement which the Post says was not denied. I will read some of the things which I said.

Mr. BORAH. Mr. President——

Mr. BACON. If the Senator will pardon me until I get through, I will yield to him with great pleasure; but I prefer to continue and read what I said in reply to the statement of the Senator from Idaho. I beg to remind the Senate I am reading this now for the purpose of testing the accuracy of the statement of the editorial writer in the Washington Post that the statement made by the Senator from Idaho was not denied, disputed, or controverted. It is a question of fact whether the statement of the Senator from Idaho was denied. I am not talking now about whether the Senate is or is not in earnest about the passage of the tariff bills, but I am talking about whether or not the statement made to the contrary by the Senator from Idaho was then denied, because the Post says it was not denied. That denial was made by me, as follows:

Mr. BACON. I have had a pretty good opportunity to know what are the attitude and desire of the Democrats, and I can say with the utmost confidence that the statement, whether made directly or by innuendo, that the Democrats are not in favor of this legislation which they are now proposing to pass is absolutely not only without foundation but incorrect. I have been in very close confidential relationship with my colleagues on this side of the Chamber; we have the opportunity for an interchange of views under circumstances where each can judge of the sincerity of the others, and I speak in the utmost confidence and in the sincerity which is due from one speaking in this place when I say that the purpose is to do all that is within our power to pass these tariff bills, and not only that, but we will be greatly disappointed if they do not become law.

Why should the Senator think we do not desire that this metal-schedule bill shall become a law, when it rests with such burden upon those whom we represent, when there is not a single Democratic Senator who does not represent constituents who rest under very great burdens on account of the present law? which burdens would be greatly relieved by this bill if it should be passed.

Not only so, but among the great body of the American people there is not a man who rides on a railroad who does not have to pay an increased cost on account of the cost of the iron rails which are made more costly by the tariff on rails. The Senator knows that, and to say that we are not sincere in this—I am astonished that the Senator should say anything of the kind, unless he can give us any authority for it. If the Senator knows of any single Senator on this side of the Chamber whom he can charge with insincerity in this matter, I hope he will not hesitate from any feeling of delicacy to mention his name.

Again, pursuing the same matter further, I said what I shall now read. I will omit much that I intended to read, but I just want to read that which was most emphatic in denial of the statement which the Senator from Idaho made, which the writer in the Post had the opportunity to examine, and which I suppose was examined before any such statement as that in the Post was made:

Mr. BACON. Now we have the Tariff Board's report, and the Senator from Idaho said that our work necessarily and obviously would have no result; that our own action in regard thereto could not be taken as serious or with any purpose or expectation to accomplish anything.

I am replying to that when I say that non constat the President of the United States will not sign a bill which may be passed by this Congress. In the first place, so far as the woolen bill is concerned, the House of Representatives has acted upon its own responsibility and has passed a bill such as was proper to pass; and the Democratic Members of the Senate approve of that bill and are in favor of its passage. If it is passed, we do not know what view the President of the United States may take of it, in view of the fact that the Tariff Board has acted. But if we can not pass the House bill, the Senators sitting on that side of the Chamber have it in their power to present another bill to the Senate, which, it is presumed, the President will approve; and if it lessens the cost to the consumer, and to the great mass of the consumers of this country, all of whom use wool in greater or less degree, we will vote for your bill, although it is not such a bill as we would desire. And the same is true of the steel bill. It will not be our fault if such bills are not passed at this session.

Omitting much that could be read on the same line, this emphatic declaration was then made by me in the course of my remarks:

I want to say this to Senators: So far as the Democrats of the Senate are concerned and so far as the Democrats of the House are concerned, we propose to do our part in the enactment of this tariff legislation. We propose to do it in the way that we approve if we can accomplish it. If we can not accomplish it in the degree that we approve, we propose then to join with you in anything which lowers the burden of tariff taxation at the present time. I wish to let the Senate know and to let the public know that we are not only sincere in the bills which we propose to enact into law, but we are still further sincere in the effort to relieve the people of this great burden of tariff taxation by saying that we will take your bill whenever you produce it if we can not pass ours, provided it lessens that burden.

Mr. President, those are only a part of the statements which were made in utter denial of the proposition or statement made by the Senator from Idaho. Whether correct or not, they were made, and yet the editorial in the Post says that no denial was made of it.

Mr. President, there is evidently a purpose to produce a wrong impression, and therefore I echo what was stated by the

Senator from North Carolina to-day, not only so as regards some of the press, but some Members of the House, in interviews which have been reported in the papers, seem to be in doubt about it, and I wish to say to them, not as in the House, but when talking to the representatives of newspapers, they need not be in doubt as to what is the purpose of the Senate in that regard. Unless we are forced, over our wish to adjourn, all the tariff bills will be passed by the Senate at this session, either our bills or bills which may be offered in amendment thereof, provided those amended bills thus offered lower the tariff.

Mr. President, it is probably not the correct thing ordinarily to speak of the action of Senators outside of the Chamber, but as this matter is so persistently thrust upon us, I am going to take the liberty of saying that the Democrats more than a week ago held a conference upon this subject and agreed unanimously, without a single dissenting vote, that we would do what the Senator from North Carolina to-day says we are going to do—that we would insist on a vote upon each and every tariff bill which was before the Senate or which should be sent to the Senate by the House. Every newspaper in the country, so far as I know, on the morning after that action reported that action except the Washington Post. The newspapers had the benefit of it; the newspaper men were in attendance and were immediately informed of it. I will not say the Washington Post did not publish it on the next morning, but I will say that I diligently searched it the next morning and there was no mention of the fact that I could find, either that there had been a conference or that the Democratic Senators had thus determined as I have just stated.

In the face of that action by the Democratic Senators in conference, and in the face of the most emphatic denial that it was possible for the Senator from North Carolina and myself on Wednesday to frame of the statement, it is repeated in the paper this morning that it is not the purpose of the Democrats or of the Senate to proceed honestly and in good faith to the enactment of this legislation. I hope there will be no doubt about the question hereafter.

Mr. WILLIAMS. Mr. President, I am a little afraid that the Senator from Georgia [Mr. BACON] attaches too much importance to the Post editorial. On the same page they had two other editorials, each elephantinely humorous—one headed "The Wiley baby" and the other headed "Attacking the hen"—and the contents of each editorial are more or less remotely related to the headline of the article.

This one is headlined "No spoils for insurgents." This editorial contains one insinuation and one assertion. The insinuation is to be found in the headline, and it is unjust. The assertion is to be found in the main body of the article, and it is untrue. Whatever else may be thought of the insurgents, Mr. President, whatever opinion may be entertained concerning their tactical or strategical wisdom, I do not think anybody will charge that they ever went into the movement in which they went with any idea of reaping spoils from it—in the immediate future at any rate.

However far one may differ with them in many respects, I think no man will deny their sincerity, their honesty, their earnestness, their unselfishness, and the fact that they had nothing to gain by the course which they have taken from a personal political standpoint. There is much to gain in their opinions, I suppose, for the country after a while. I myself think they have made a great strategic error. I think any man is almost foolish, if I may use that language, who expects a revision and a reform of a great iniquitous system from the party which has fathered the system itself and which had been a party to the mutual benefits growing out of it—the benefit of money going into the pockets of the privileged and favored few, and the benefit of offices going to the legislators who have voted to keep up the system. It seems to me that they would have been wiser in their generation if they had gone into some party that was in earnest about fighting the tariff. Their faith in the idea that the Republican Party will at some time revise and reduce the tariff, shut off its own campaign funds and its own great influential supporters throughout this country, is an evidence of faith only excelled by that shown by a man who buys a bottle of hair restorer from a bald-headed barber. But whatever else may be said about it, there is no doubt about the fact that they have nothing personally to gain in the immediate future. So the insinuation contained in this headline is eminently unjust.

Now, let us see the assertion:

Senator BORAH's remark that the leaders on both sides of the Senate are agreed that there shall be no tariff legislation.

I do not remember the exact language of the Senator from Idaho; this may be it for all I know:

The leaders on both sides of the Senate are agreed.

Who are the leaders? Who are the leaders of the Democratic Party? Who are the leaders on the other side? The titular leader of the Republican Party sits before me. The selected leader of the Democratic Party has been at home for three or four weeks with a very seriously sick wife. If anybody on this side of the Chamber undertook to speak as a leader he was guilty of great arrogance and great assumption, because the Democratic Party has not made anybody leader for this purpose. Let us go on with this:

A tacit agreement on the tariff has been reached. Senator CUMMINS's protest against going home with the tariff bills unacted on evoked no sympathetic response from either side to the controversy.

* * * * * * *

The swan song in the Senate and the decent burial rites in the House leave nothing to speculation.

I do not remember whether the Senator from Idaho said a "tacit agreement" had been arrived at or not. I think the Post said it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Certainly.

Mr. BORAH. Will the Senator from Mississippi permit me to read what I did say, so that we may have the text before us?

Mr. WILLIAMS. Yes, sir.

Mr. BORAH. I said:

Mr. President, it seems to me that the absence of Senators from the Senate Chamber is by no means a reflection of the interest which they might have in this discussion under certain circumstances, but it is due to the fact that, while there is a great deal of protest to the contrary, nobody really expects any tariff bill which may come before us at this session to become a law, and if both sides would join with equal candor in that proposition it would not be necessary to stay here and carry on this useless discussion.

Mr. WILLIAMS. I was so unfortunate as to be one of the Senators who were not in the Chamber when the Senator uttered those words. Of course, the man who wrote this editorial must have known or, if he did not know, he ought not to be setting himself up as an editorial writer for a great paper at the Capital of the country, that the Democratic Party had held a Senate caucus and passed a resolution saying that we would not agree to adjourn this Congress until every tariff bill which the other House had sent or would send had reached a vote in the Senate. That was known to all men who wanted to know it; it was known to everybody who had not carefully abstained from reading the newspapers; it must have been known to whoever is the editorial writer of the Washington Post; or, if it were not known to him, the owners of the Washington Post ought to try to get somebody who keeps up with current affairs to edit the paper.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. WILLIAMS. I yield to the Senator.

Mr. SIMMONS. Mr. President, I wish to call the attention of the Senator right in that connection to the fact that at the very time the Senator from Iowa [Mr. CUMMINS] uttered the protest referred to in that editorial, an emphatic statement was made to the Senate by myself, speaking for the members of the Finance Committee on this side of the Chamber. The Senator from Iowa stated, as I remember, that those who agreed with him on the other side would insist that there should be no adjournment or recess until four of these tariff bills, which he specified, had been acted upon. Responding for this side of the Chamber immediately after his statement——

Mr. BACON. And interrupting his statement.

Mr. SIMMONS. Yes; and by interruption; I said that, speaking for this side of the Chamber, it was our fixed purpose and determination, so far as we could control the matter, that there should be neither an adjournment nor a recess until every bill that had been sent here by the other House upon the subject of the tariff had been acted upon, nor until every other tariff bill that might be hereafter sent to the Senate from the other House had been acted upon. It was part of the same statement.

Mr. WILLIAMS. Yes. I am glad the Senator interrupted me to let the country know that.

One other statement. As to this editorial, to which I think we are perhaps paying too much attention. I think that probably the editor did not intend the editorial to be taken seriously, but intended it to be treated as a production of elephantine humor, just as the editorial on the Wiley baby and the attack on the hen were intended for pieces of elephantine humor. Perhaps we are going too far with it; but for fear somebody might take it seriously, here is another assertion that the Democrats in the House had quietly tucked away the

cotton bill. It is a matter of public, notorious information, and it is a matter of personal knowledge to me, at any rate, and I think to most people, that the other House has simply said that, until the Senate showed a willingness to vote upon some measure, it would keep it back, but that they are going to send a cotton bill to the Senate as soon as the Senate clears up its docket a little by showing that we are going to vote on something else. So much for that.

Now, to reply to the only thing worth replying to, the remark made by the Senator from Idaho [Mr. BORAH], which seems not to have been at all what the Post reported him as having said. He said he thought most of us knew that there would be no legislation on the subject of the tariff—that is, that none of the bills would become laws, passing both Houses of Congress and receiving the approval of the President. We ought to be frank, of course, with one another and with the country. I think that very probably the Senator from Idaho is right about that; but that has nothing to do with the question of presenting to the country our convictions in a made-up record, that the country may have it before it. I think the Senator is probably right, because the present President of the United States, who is also a candidate to be President again, while he has said that there were excrescences in the tariff system to be lopped off, yet always discovers, when we send him a lopped-off excrescence, that it was not the particular excrescence that he had referred to; and he generally will, I suppose, veto the bills; but although he hides himself behind the fortress—the veil, rather—of the Tariff Commission and tells us that he will not allow any tariff legislation to go through except after the report of the so-called Tariff Board, that the Tariff Board having reported upon the wool schedule, and every fact in its report being in exact keeping with the provisions of the wool bill sent to him last session by the Democratic House and now pending again in the Senate, I have a hope that when it reaches him he will sign it or else that he will indicate to the country wherein it fails to be based upon the facts ascertained by the so-called Tariff Board.

The Senator from Idaho ought not to have twitted us with the fact that there might not be any legislation upon tariff questions.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. The Senator from Idaho—that is one of the unfortunate things about the situation which the Senator from Idaho occupies, as well as the situation occupied by the balance of the men so irreverently called "insurgents"—can not strike without striking at his own party if he strikes right, and if he had struck at the real obstacle in the way of tariff legislation, he would necessarily have struck at a Republican President. Not desiring to do that, he merely threw these remarks out innocuously upon the circumambient atmosphere, and the Post landed them at the door of the conscience of the Democratic Party, where they ought not to have been landed.

One more word before the Senator from Idaho interrupts me. I have really no doubt that if that distinguished ex-President of the United States, who is now a candidate for the Presidency, were in the White House very probably we would get very little tariff legislation past the White House with his approval. It is a curious thing, Mr. President, that he is the only man who is a candidate for the Presidency in either party who has never opened his lips in favor of the reduction of a single tariff duty, now or at any other time, and how my insurgent friends expect to get any legislation upon the tariff question out of him passes my conception. Lately, forced to say something upon the tariff question, he comes out with this vague, spasmodic, characteristic plaint. He says that he is going "to see to it"—I do not know just precisely how, but he is a great man to see to things—he is going "to see to it" that a good deal of the profit derived from the tariff shall go into the pay envelopes of the laborers at the pay window. Just precisely how he is going to do that, just what sort of a law will make a man who is rendered able by an iniquitous tariff system to pay wages, but who has never been rendered willing by Almighty God to do it, I do not know; but at any rate he is going "to see to it." There is not one word about reducing the exorbitant profits of the iniquitous system at all, nor a word about the method of distributing them, but he will "see to it" that more of it goes into the pay envelopes at the pay window.

Well, now, tariff barons, like trusts, are divided into two classes—good tariff barons and bad tariff barons. Hitherto the people who have made those divisions and have thought some sound economic theory was based upon them have been very lenient with good trusts, and they may be equally lenient with good tariff barons for all I know, but they might possibly go out of their way now and then to punish a bad tariff baron just like they went out of their way to punish now and then a bad trust, meaning by a "bad trust" a trust which was not subservient. So there was a later utterance from this suspender of laws, and that later utterance went to the effect that when he was to examine as to whether a tariff was properly laid or not he was going to examine into the question as to whether the man who enjoyed the benefit of it was paying proper wages. Now, we have before us this magnificent vista, requiring almost Godlike wisdom to execute it, but still magnificent vista—somebody in the White House who shall take note of the wages paid in all the factories of the United States, and whenever the wages paid in a particular factory are not satisfactory to him, reduce the tariff on that particular factory.

I suppose if another factory were engaged in producing exactly the same things and were paying good wages, it would be rather difficult to reduce the tariff enjoyed by the bad-wage payer without also reducing the tariff enjoyed by the good-wage payer at the same time. So, as I said a moment ago, it would require almost godlike wisdom; but still we have in prospect a man who, while he may not have it, at least thinks that he proximates it. Then if it is discovered that the wages being paid are all right, the tariff is to be everlastingly continued. It seems to me that is, necessarily, the logical conclusion on that side of the shield.

Now, what have you done with the poor devil who has nothing to do with it either way, who neither owns the capital of the factory nor does the labor in the factory? Is he never to have a hearing at all? Is there nothing to be considered except the distribution of the robber fund? Are capital and labor to enter into a union to be approved by the Government of the United States to share the iniquitous robber profit, provided only that they will share it equably amongst themselves according to some outside party's ideas of what equableness consists of?

I want to be frank with the Senator from Idaho. It is very doubtful whether we will get any tariff legislation. Of course it is doubtful. The Senator from Iowa a moment ago was replying to a rumor. He ought not to have done so, but, being a man for whose example I have the highest possible regard, it emboldens me to refer to a rumor, too. There is a rumor abroad in the country that the present occupant of the White House has agreed that no tariff legislation shall go through unless it be recommended by the Tariff Board, and that such an agreement was made at some time in the past. I do not believe in replying to rumors, and therefore I am not going to reply to this one. I merely mention it so as to keep the Senator from Iowa from conjuring up rumors, too. We ought not to conjure up rumors. For all I know this rumor has not an element of truth in it. It is a rumor, and that is all the statement I make concerning it—that it is a rumor.

Mr. President, every Member of the Senate may just as well satisfy himself right now as to wait weeks or months to satisfy himself that so far as the Democrats of this body can control events they are not going to permit Congress to adjourn until a record vote has been had upon every one of these tariff measures and every other one that the House may send to us. The Senator from Georgia said we would not adjourn unless we were forced to do so. We can not be forced, because it will require a majority in the House of Representatives as well as a majority here to adjourn this Congress. We can not be forced except in one way. The Constitution does contain a clause, to which too little attention has been paid, that when one House passes a resolution to adjourn upon a certain day and the other House fixes upon a different day the President of the United States may adjourn them to a day certain, but I imagine that the incumbent of the White House is not going to put himself in the attitude of exercising that power in order to prevent himself from being embarrassed by the presentation of tariff measures.

If I understand the situation, both Democrats and Republicans in this body are ready to go to the country upon the records which they have made. I do not want to be flattering or complimentary, particularly, but I am willing to go to the country on the record which the so-called "insurgents" have made by their speeches in this body. If they have not riddled your present iniquitous tariff law, even from the standpoint of protectionism—which is not my standpoint—then I fail to understand how it could be riddled. I am willing to go to the country upon the record which the Democratic Members of the House of Representatives have made in their bills and in their speeches. I believe that the Republicans here are willing to go to the country upon the records which they have made. The record is made up and is ready to go to the supreme court of appeals—the people of the United States—and I confess, so far as I am concerned, that if it is not plain so that the supreme court of appeals may give judgment upon it, I do not know how I, at any rate, could make it plain. It seems to me to be so plain

that a man who runs could read it. So that the remark made by the Senator from Idaho was like the croaking of the raven in Poe's celebrated poem—

With little meaning, it little relevancy bore.

It is not a question as to whether a Republican President is going to enable us to have tariff legislation; it is a question as to whether we are going to be true to our promise to the Democratic people of this country and carry it as far toward the goal of becoming legislation as our votes can carry it, and then put the burden at his door, and let him either lift it up or leave it there.

Mr. CLARK of Wyoming. Mr. President, undertaking to speak for nobody but myself, I want to say that I am thoroughly in favor of the proposition of the Senator from North Carolina [Mr. SIMMONS]. I am willing to meet at 11 o'clock in the morning for the very and sole purpose, if necessary, of enabling the Senator from Mississippi and other Senators upon the other side of the Chamber to record their views upon the tariff bills which have come over or may come over from the other House. I have no desire to avoid any responsibility, personally, on those questions myself; but I think Senators magnify the importance of the situation in the Senate. The people of the United States care very little about what is going on or will go on in the Senate of the United States during the remainder of this session. Their attention is diverted elsewhere, and it does not make any difference what we do or fail to do, it will have little or no result upon the country, either as to their confidence or lack of confidence, and it will have little or no result on the coming election.

I am anxious to get away from here, because I deplore the spectacle that we are seeing here in a small measure at the present time, and which we shall see after the national conventions in a greater measure, of the Senate floor being turned into a hustings, where there will be crimination and recrimination, political taunts bandied back and forth, and where we will have scenes enacted that ought never to be enacted anywhere, but, unfortunately, are enacted sometimes in elections outside.

I want to get through with the business of this session. I have no hope of any important legislation aside from the appropriation bills being passed. Already to-day we have been in session three hours, and all, excepting half an hour, of that time we have discussed editorials and their bearing upon the political situation. I believe that we can do our full duty by our country by meeting here at 11 o'clock and letting the Senators who want to record their votes and their views upon great pending measures record them for whatever they may be worth; vote upon these bills, pass the supply bills of the country, and go home, as we can go home before the political conventions assemble.

Mr. GALLINGER. Mr. President, it is perhaps proper that I should say a word. I have conferred with the Senator from North Carolina in reference to the matter of having an earlier session than 12 o'clock, and I agree with him most fully that that would be desirable unless some overwhelming reason can be presented on the other side.

I stated two or three days ago that I wanted to see an adjournment of this session of Congress as speedily as possible, and I ventured the remark, if I remember it correctly, that, in my opinion, we would be serving the country well if we got away at the earliest possible moment. I have not changed my mind. I agree with the suggestion the Senator from Wyoming [Mr. CLARK] has made, that it is desirable that that should happen.

I regret that nearly three hours of time have been spent this afternoon in the discussion of a question that, it strikes me, is so inconsequential as not to deserve our serious consideration. Why, Mr. President, if I had discussed in this body every newspaper editorial or every dispatch which I have read which affected me or my party and misrepresented me or my party, I would have taken a very large proportion of the time of the Senate, which I have to the utmost striven to conserve. I do not think that the utterance of the Democratic Washington Post concerns either one side of this Chamber or the other. Newspapers have got to say something; they have got to say something to-day that they deny to-morrow or they can not fill up their columns; and if they do sometimes reflect upon the Democratic side of this Chamber or the Democratic House of Representatives let it pass. I agree with the Senator from Mississippi, that the editorial to which he has referred is not of much greater concern than those two other editorials which I read with a great deal of interest, but did not think it was necessary to bring to the attention of the Senate.

Mr. President, I am one Republican, speaking for myself alone, who believes that our Democratic friends have a right, not to demand necessarily—for I think they put it a little strong—but they have a right to ask and we have a right cordially to respond to their feelings on that point, that they shall have a vote on these bills, and I am ready to the utmost of my ability to help them get such a vote.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. I think the Senator will agree with me that that right to have a vote grows out of the fact that Senators representing the minority party, as well as Senators representing the majority party, represent the people; and the people have a right to have the votes of their representatives recorded.

Mr. GALLINGER. Yes; they are presumed to represent the people.

I have never, in my somewhat lengthy service here, Mr. President, undertaken to obstruct any legislation by dilatory tactics. I have been very deeply interested in one measure that was defeated by tactics of that kind, and I thought unjustifiably so, but I yielded because I had to do so. It is a fact that if there were a disposition to do so, three Members on this side of the Chamber could keep the Senate in session until the meeting of the next session. We have got appropriation bills to consider. Every line in those bills can be debated; we need not waste our time on tariff bills unless we wish to do so; but I know that I speak the sentiment of every Member on this side of the Chamber when I say there is no disposition to do anything of that kind.

I have believed that we could get away on the 15th day of June, and I believe so now, but to accomplish that result we would have to deny ourselves the privilege of listening to our own voices to any great extent; and I am willing to make that sacrifice; we would have to be diligent in the work of the session, and we would do well not to waste valuable time in the discussion of collateral questions, newspaper editorials, and things of that sort.

Now, Mr. President, all I can say, and all I intend to say, is that I hope we may buckle down to our work diligently and earnestly; reach votes on all these great bills—our Democratic friends call them "great bills," although I do not think they are; but we will call them "great" for the sake of the argument—reach votes on them as early as possible; pass the appropriation bills as speedily as may be; legislate on the question of the Panama Canal, and get away. But if it is the desire or the purpose of any Senator on either side of the Chamber to prolong the debate on these bills and to protract the session, why, Mr. President, I have got my summer clothes in Washington—what few I have—and I am willing to remain here with my friends and enjoy myself as best I can in a heated term that is not comfortable to any of us. I am willing to remain here until the end of the session is properly reached and be content with the result, however uncomfortable it may be to me personally.

I am not, Mr. President, one of the younger Senators of this body, but I am reasonably able to endure fatigue, and I will join with some of the Senators who are younger than myself and stay here and enjoy their companionship as well as I can, and some time before the snow flies we will secure an adjournment. But, on the other hand, Mr. President, I do really feel, and I do believe, that if we only willed to do it, we could complete this session, pass upon every bill that ought to be voted on, and get away before the great political conventions are held. Why, Mr. President, we have had a spectacle here during the past week. I have been in this Chamber for hours with three companions when a Senator was making a great speech. We know that Members of this body, without any excuse from the body, have been away weeks and months, and we know that other Senators will be away for weeks and months, and if this session is continued until the conventions are held, it is possible you may have a quorum here to do business during those two weeks, but I have some doubt of it.

So if there is any way by which we can bring about an adjournment on the 15th day of June, I will cooperate to the extent of my ability to accomplish that result; but if, as I said a moment ago, Senators are determined that that shall not occur, I shall gracefully yield and remain here just as long as they think it is desirable to do so either for the good or the evil of the country, whichever it may be.

Mr. BORAH. Mr. President, it is evident that the Washington Post can congratulate itself on being thoroughly and well read by all the Members of the Senate. They are entirely familiar with the different editorials which appear upon its pages, and in that respect it is entitled, I suppose, to serious consideration, as it seems to be the instructor of a good many different Members of the Senate.

But perhaps the mistake I made the other day was in being a little too candid. I perhaps gave expression too freely to that which was in the minds of all Members of the Senate.

If I should have the good fortune to remain here, I would likely be more diplomatic in expressing that which we all really understand to be the fact. But truth will out, however much we may try to conceal it.

I entertain a different view of the first sentence of the Post's statement to that entertained by the Senator from Georgia and the Senator from Mississippi, because that which the Senator from Idaho said was not denied, has not been denied to-day, and will not, in my judgment, be denied by anyone upon this floor.

I made the statement while the debate was proceeding, with no one listening, that it was evident from that fact that no one expected this bill or any other bill with reference to the tariff to ultimately become a law at this session. I do not think anyone really entertains a serious belief to the effect that, however earnest they may be on the minority side or whatever the views may be on the majority side, that ultimately it will result in a law. But that was the proposition which I was stating. It still represents my views, and every hour since has demonstrated that to be the correct position, and all debate and every action since have demonstrated it to be the correct situation, which is that we do not expect at this session that any of the bills in reference to the tariff will become laws. That does not challenge the sincerity of the minority side with reference to the tariff, and the misfortune was that my friend the Senator from Georgia [Mr. BACON] apprehended it to be an attack upon the sincerity of the Democratic side of the Chamber, which was not my intention. In the running debate some things may have been said which might just as well have been left unsaid, but it was not my intention to charge insincerity. As the original statement was made it had no other purpose and no other result than to state a fact which had been repeated inferentially here this afternoon a half a dozen times.

Mr. BACON. Will the Senator permit me to call his attention to the particular thing which gave rise to the earnestness of the debate? It is on page 6959, in the course of the colloquy between the Senator from Idaho and the Senator from North Carolina. The Senator from Idaho said this. I will read the connection in order that it may be understood fully.

Mr. SIMMONS. I do not know what the Senator means by "the other side." When he says "the other side," does he mean the Democratic side?

Mr. BORAH. Yes; I mean the Democratic side, as I am on the Republican side.

Mr. SIMMONS. Mr. President, I want to say to the Senator that he is speaking without authority. I do not know anybody on this side who is not anxious that these bills shall become law, and I will say to the Senator that if they do not become law it will be either because of the action of the Republican side in this Chamber or of the Republican President.

Mr. BORAH. The Senator does not expect, however, that any bill that may pass will become a law, does he?

Mr. SIMMONS. I expect that this bill will pass this body and I expect it will go to the President of the United States. What he will do with it the Senator can tell better than I can.

Mr. BORAH. It will be a great consolation to the Senators on the other side of the Chamber that it will go to a Republican President.

Mr. SMOOT. And also a great consolation if it is vetoed.

Mr. BACON. The statement of either of these Senators is not only without warrant, but is absolutely wide of the fact.

If that is not an imputation upon the sincerity of Senators, I do not know what language could be used that would be more pointed to that effect.

Mr. BORAH. I stated a moment ago that in the running debate there might have been language used which might indicate a partisan criticism. What I said in the beginning, as I read it a moment ago, when the Senator from Mississippi was on the floor, and that was all there was in my mind until the debate called out some further suggestions. But it is apparent upon the face of the record, because I repeated it several times afterwards, that I did not challenge one side of the Chamber more than the other. I challenged both sides and do now. I have not been very partisan in my statements on the floor of this body, and I do not propose to be. I think people advocate measures here because they believe in them. Because I do not agree with them is no reason why I should challenge their motives, and I very seldom do so.

Mr. OLIVER. Mr. President, what is before the Senate at the present time?

The PRESIDENT pro tempore. House bill 18642.

Mr. OLIVER. Is it the unfinished business?

The PRESIDENT pro tempore. It is the unfinished business.

Mr. OLIVER. We have spent an hour in discussing the Washington Post, and I suggest that perhaps we might do some affirmative legislation before we go away this evening. I therefore ask that the unfinished business be temporarily laid aside and that we proceed to the consideration of unobjected cases on the calendar under Rule VIII.

SEVERAL SENATORS. Oh, no.

Mr. GALLINGER. I think I shall have to object to that.

The PRESIDENT pro tempore. Objection is made.

Mr. GALLINGER. Let us proceed with the consideration of the pending bill.

The PRESIDENT pro tempore. The bill has been read and is in the Senate as in Committee of the Whole and is open to amendment.

SEVERAL SENATORS. Let us vote.

Mr. HEYBURN. Mr. President, I hear a voice which says, "Let us vote on it." We will not vote on it to-day.

It is presumed that the Senate will consider legislation before it votes on it, and if this legislation has received consideration it must have been during the very brief interval that I only occasionally have to take luncheon. I do not mean that it has not received serious consideration from Senators, and very able consideration, but others than those who have spoken will be called upon to vote on this measure. I had despaired of any occasion arising to-day for the continuance of its consideration, and so had put away in my desk some informal memoranda which I have in the way of figures, thinking the question of what the newspapers thought of what had been said in this body was sufficiently interesting to occupy perhaps another hour or two, when an adjournment would be reached. This is the end of a laborious week.

Mr. CUMMINS rose.

Mr. HEYBURN. If the Senator from Iowa desires to, go on this afternoon——

Mr. CUMMINS. I am perfectly willing to go on, but I will have an amendment to present in the way of a substitute for the bill as it comes from the House. I desire to reply, on the amendment, to some of the observations made by the Senators from Utah and Pennsylvania and North Dakota. I do not want to make the reply until I offer the amendment, and when I have offered the amendment and made the suggestions I desire to make upon it, then, if there is no further discussion, I want a vote. I do not want to enter upon what more I have to say with the understanding that when I have finished the subject will go over for a day or more. I am quite at the disposal of the Senate in that respect. If we can go on with no understanding except that when we get through we vote, I am ready to go on.

Mr. HEYBURN. Of course, when we get through we will vote; but that is the burning question—when will we get through, and what constitutes getting through? Those are questions to be considered before the roll call.

Mr. CUMMINS. What I had in mind was, when we got through with the discussion, and I suppose we will not get through with it until every man in the Senate has said what he desires to say.

Mr. HEYBURN. I was just thinking about the time we would get through discussing these proposed tariff measures, and the first period to which my mind attached was about the 1st of November, in order that the Senators and Members may have time to go home and vote. That probably would appeal to us more than to adjourn to consider the necessity of going to the conventions. I presume we will want to make some arrangement between the two Houses for going home to vote.

Mr. President, I am not speaking entirely in jest. I have listened with much interest to the consideration of what somebody said yesterday, and on rereading yesterday's RECORD it occurred to me that we might by a general resolution order the printing of yesterday's RECORD as a part of to-day's RECORD.

The discussion yesterday seemed to center around the proposition whether we would reach a vote; whether Senators were sincere in pressing this legislation. Now, as I have said, and I will not repeat it at length, the primary duty of the Senate is to deal with the supply bills, and, so far as I am concerned, and as far as I can help to bring it about, there will not be any vote upon any tariff measure until after the passage of the appropriation bills.

Like the Senator from New Hampshire [Mr. GALLINGER], in this respect at least, I am quite able to stay here for the purpose of discussing these measures one by one as they are presented. My pay goes on the year round; my oath of office requires me to attend to the duties of Senator without regard to the number of days or weeks or months in the year; and the attention to the duties will not be complete until it appears that the Senate has reached the point of wisdom that would demand a vote. It would be a very great impropriety to vote upon a tariff measure at this time, especially upon this metal schedule. The details of the measure have been dealt with at some length, but I think I am safe in saying that there are other Senators who will give them further consideration. I have not yet completed the laying out, so to speak, of the proposition under consideration. The table is not fully spread. Some of the items are before us and some are not.

The result of this legislation is going to affect the prosperity of people outside of Congress more than it will the Members of

the two Houses. When I say affect them, I mean in their prosperity and their right to enjoy prosperity.

There has been much discussion here about great business organizations now in existence and as to how these schedules would affect business enterprises now existing. I have not given one-tenth of the attention to that side of it that I have given to the question of new enterprise and the establishment and maintenance of conditions that will enable new enterprise to grow and flourish. If we were to legislate merely that those in business might continue in business, one rule would be applicable, but we are here to legislate for the opportunity of others than those now engaged in business to establish new enterprises.

I want to see considered the conditions that will affect the new steel mills, the new mines, the new enterprises. If we were to consider only—take it in the case of mines—the mines that now exist, we would be giving our attention to a fading proposition, and we would be protecting something that would destroy itself, regardless of the protection it received, by the exhaustion of the subject. The legislation we should give attention to is that which will affect the mines of to-morrow and to-morrow and to-morrow. Those who have been so situated as to be able to observe the conditions of mining know that all mines reach an end. No mines are perpetual. The farm produces and reproduces, but with the mine it is a question of exhausting its own capital by every ton of ore that is taken from it.

I am looking to the use and employment of capital that is not now engaged in these enterprises. That is opportunity again. We meet opportunity at every turn. Suppose a duty is proved to-day to be sufficient, based upon existing conditions; suppose all the mills now in operation might continue to operate under existing conditions; are we to give no consideration to the mills of to-morrow, to the capital of to-morrow, to the men of to-morrow? Are we going to exhaust ourselves in this generation? The very purpose stated in the first tariff act that was enacted was that it might encourage the building up of industries.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Apropos of the discussion that was going on this afternoon as to Senators and their manifest intention and desire to legislate on the subject, I suggest that there are 15 Members in the Senate Chamber. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lodge	Rayner
Bacon	Cummins	McCumber	Sanders
Bailey	Curtis	Martine, N. J.	Shively
Borah	Fall	Myers	Simmons
Bourne	Fletcher	Nelson	Smith, Ga.
Bradley	Gallinger	O'Gorman	Smoot
Bristow	Gore	Oliver	Stephenson
Bryan	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Wetmore
Clark, Wyo	Johnson, Me.	Perkins	Williams
Culberson	Johnston, Ala.	Pomerene	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names—not a quorum of the Senate.

Mr. GALLINGER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. CULBERSON. Is it not first in order to call the names of the absentees?

Mr. GALLINGER. There is no such rule.

The PRESIDENT pro tempore. There is no such rule. The motion of the Senator from New Hampshire is in order that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. CLARKE of Arkansas and Mr. BANKHEAD entered the Chamber and responded to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum is now present.

Mr. GALLINGER. I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. HEYBURN. Mr. President, I see it stated that on yesterday, I believe, in speaking of the Republican tariff platform, I am credited with speaking of the platform of 1864. That is either a misprint or it was an accidental remark on my part. There was no tariff platform in 1864. We were busily engaged in other matters. But I intended to refer to the platform of 1860. I am going to call the attention of Senators to the platform of 1860, because that was practically the beginning of the Republican Party and its tariff legislation. It reads:

> That while providing revenue for the support of the General Government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country; and we commend that policy of national exchanges which secures to the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor, and enterprise, and to the Nation commercial prosperity and independence.

That is the kind of ringing declaration which seems to have been forgotten at times since then. It is pretty nearly as strongly expressed in the first tariff act, before the making of platforms. The act of July 4, 1789, had a preamble, which reads:

> SECTION 1. Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandises imported.

That is the first declaration of Congress on any subject. The departments of the Government had not been organized at that time. Congress did not wait to organize the Government before enacting tariff legislation. There was no State Department or Secretary of State at that time. There was no War Department or Secretary of War at that time. There was no Treasury Department of the United States at that time. They were looking first to making provisions for something to put in the Treasury. They were looking first to making provisions for supporting the departments of the Government and giving them duties to perform. Between the enactment of the first tariff bill, the preamble of which I have read, and the purposes therein set forth, 23 days elapsed before we created the Department of State; nearly 3 months elapsed before we created the War Department; and more than 4 months elapsed before we created the Treasury Department.

I call attention to this to emphasize the importance of tariff legislation for the purpose of protection. In order that people might start off, that the wheels of industry might begin to revolve, it was necessary to overcome the conditions that had grown up and then existed out of the English tariff laws affecting our country, where we could not under the law make a horseshoe nail in this country, where we could not under the law engage in any enterprise in competition with an equivalent enterprise in England.

Will Senators wonder that we stand here persistent, even to the point of stubbornness, in the interest of protecting our people against the foreign industrial foe? We do it because there is nothing so important. We had spent eight long years protecting them against the general governmental policy of England, and we turned our attention immediately, when that was accomplished, to protecting them against commercial and industrial war.

I call attention to that at this time in connection with the declaration of the Republican Party when it first assumed the direction of the Government. The conditions following the Revolution and those confronting us in 1860 were not dissimilar, in that they involved on both occasions the preservation of the possibilities to the people to make a Government and to sustain it.

As I said, in 1864 and 1868 the tariff question was not an issue, because there were some undecided questions at that time which must necessarily precede the consideration of industrial conditions.

In 1872, which was the next succeeding national convention, the Republicans made this declaration:

> Revenue, except so much as may be derived from a tax on tobacco and liquors, should be raised by duties upon importations, the details of which should be so adjusted as to aid in securing remunerative wages to labor, and promote the industries, prosperity, and growth of the whole country.

Now, that platform breathes the very essence of the protective-tariff policy of the Republican Party. We were then confronted with the rehabilitation of the industries of the country that had been in some directions to some extent interfered with by the conditions that existed prior thereto.

In 1876, at the next recurring national convention, the Republican Party declared as follows:

> The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which, so far as possible, should be adjusted to promote the interests of American labor and advance the prosperity of the whole country.

In those days we attached special importance to the labor, and we used that word then in a broad sense. Capital is only dross in the absence of labor. It can afford no livelihood for the people, not even for the possessor of it, except in connection with labor. You may take a handful of gold out on the highway, and you will find that it represents nothing more than a handful of pebbles until you come in contact with labor and its products. There for the first time your gold has the capacity of value.

Mr. CULBERSON. Mr. President, I notice that there is only one Senator on the opposite side of the Chamber present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Johnson, Me.	Rayner
Bacon	Cullom	Johnston, Ala.	Sanders
Bankhead	Cummins	Lodge	Shively
Borah	Curtis	McCumber	Simmons
Bourne	Fall	Martine, N. J.	Smith, Ga.
Bradley	Fletcher	Myers	Smoot
Bristow	Gallinger	O'Gorman	Stephenson
Bryan	Gore	Overman	Swanson
Catron	Gronna	Page	Wetmore
Clark, Wyo.	Heyburn	Paynter	Williams
Clarke, Ark.	Hitchcock	Pomerene	

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is absent on important public business.

Mr. SMOOT. I desire to state that my colleague [Mr. SUTHERLAND] is detained from the Senate on business of the Senate. He has a general pair with the Senator from Maryland [Mr. RAYNER], if a vote should be called. I make this announcement for the day.

Mr. WILLIAMS. I wish to make the announcement that my colleague [Mr. PERCY] is absent because of a death in his family.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names; not a quorum.

Mr. HEYBURN. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. HEYBURN. I ask for a division.

There were, on a division—ayes 12, noes 16.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. I do not know that the pair ought to control my vote in a matter of this sort, but, in order to be sure, I will observe the pair. If I were at liberty to vote, I would vote "nay."

Mr. SWANSON (when his name was called). Has the junior Senator from Nevada [Mr. NIXON] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SWANSON. I have a general pair with that Senator, and therefore withhold my vote. If he were present, I should vote "nay." If permissible under the rules, I should like to be recorded as present.

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I had forgotten about it when I voted. I withdraw my vote, as this seems to be a party question.

Mr. CULBERSON (after having voted in the negative). I will ask if the Senator from Delaware [Mr. DU PONT] has voted.

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. CULBERSON. In view of my general pair with that Senator, I withdraw my vote.

Mr. MARTINE of New Jersey. I desire to announce the pair of the junior Senator from West Virginia [Mr. WATSON] and the senior Senator from New Jersey [Mr. BRIGGS].

Mr. RAYNER (after having voted in the negative). I am paired with the Senator from Utah [Mr. SUTHERLAND], and I withdraw my vote.

Mr. OLIVER. Has the junior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDENT pro tempore. The Chair is informed that the junior Senator from Oregon has not voted.

Mr. OLIVER. I have a general pair with the junior Senator from Oregon and therefore withhold my vote. The junior Senator from Oregon requested me to announce that he was compelled to leave the Chamber on important business.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Nebraska [Mr. BROWN] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. JOHNSON of Maine. I desire to announce that my colleague [Mr. GARDNER] is necessarily absent from the Senate. He is paired with the junior Senator from Massachusetts [Mr. CRANE.]

Mr. HEYBURN (after having voted in the affirmative). Mr. President, I voted. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Seeing him in the room I took it for granted that I was at liberty to vote. I would ask if he did vote.

The PRESIDENT pro tempore. He has voted.

Mr. HEYBURN. Then my vote will stand.

Mr. OLIVER. I transfer my pair with the Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. OVERMAN (after having voted in the negative). May I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from California has not voted.

Mr. OVERMAN. I have a general pair with the senior Senator from California, and therefore withdraw my vote.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], but he has released me from that pair on all these votes.

The roll call resulted—yeas 18, nays 25, as follows:

YEAS—18.

Bourne	Curtis	Lodge	Smoot
Bradley	Dillingham	McCumber	Stephenson
Bristow	Fall	Nelson	Wetmore
Catron	Gronna	Oliver	
Cummins	Heyburn	Sanders	

NAYS—25.

Ashurst	Gallinger	O'Gorman	Smith, Ariz.
Bacon	Gore	Page	Smith, Ga.
Bankhead	Hitchcock	Paynter	Tillman
Bryan	Johnson, Me.	Pomerene	Williams
Clark, Wyo.	Johnston, Ala.	Reed	
Clarke, Ark.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NOT VOTING—52.

Bailey	Cullom	Lippitt	Richardson
Borah	Davis	Lorimer	Root
Brandegee	Dixon	McLean	Smith, Md.
Briggs	du Pont	Martin, Va.	Smith, Mich.
Brown	Foster	Newlands	Smith, S. C.
Burnham	Gamble	Nixon	Stone
Burton	Gardner	Overman	Sutherland
Chamberlain	Guggenheim	Owen	Swanson
Chilton	Jones	Penrose	Thornton
Clapp	Kenyon	Percy	Townsend
Crane	Kern	Perkins	Warren
Crawford	La Follette	Poindexter	Watson
Culberson	Lea	Rayner	Works

The PRESIDENT pro tempore. On the motion of the Senator from Idaho the yeas are 18 and the nays 25. The Senate refuses to adjourn. No quorum of the Senate is present.

Mr. SMOOT. Mr. President——

Mr. CULBERSON. The Chair having suggested the absence of a quorum, there is no alternative but to call the roll.

Mr. SMOOT. I was going to suggest that the names of the absentees be called.

Mr. CULBERSON. It will be necessary to call the roll first, I think.

The PRESIDENT pro tempore. On the call of the Senate no quorum was disclosed. Then a motion was made to adjourn. That motion has been lost; but under the call of the Senate there is not a quorum present, and it is proposed to take proceedings under that call.

Mr. CULBERSON. I think not. There was no question raised. The Chair suggested the absence of a quorum.

The PRESIDENT pro tempore. That was apparent on the vote.

Mr. CULBERSON. No Senator suggested the absence of a quorum. The Chair having suggested the absence of a quorum, I suggest now that the rule requires the roll to be called.

The PRESIDENT pro tempore. The Chair did not suggest the absence of a quorum. It was disclosed by the call of the roll for a quorum.

Mr. CULBERSON. On the initiative of the Chair, the Chair declared that it appeared there was no quorum present.

The PRESIDENT pro tempore. It appeared on the face of the call.

Mr. CULBERSON. It is not the usual custom for the Chair to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair was obliged to declare it.

Mr. CULBERSON. I think not. I respectfully submit that there is nothing in the rule which requires the Chair to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair held that the proceeding is under the previous call. Nothing is in order now but to call the roll.

Mr. CULBERSON. On the call of the roll it was disclosed that there was no quorum present, upon which a motion was made to adjourn. On declaring the result upon the motion to adjourn, the Chair suggested—or, to use the language of the Chair, it was disclosed in the statement of the Chair—that on the roll call upon the motion to adjourn there was no quorum present.

The PRESIDENT pro tempore. It was not disclosed on that vote. It was disclosed on the previous call.

Mr. GALLINGER. I ask that the roll be called.

Mr. CULBERSON. I submit to the Chair that, it having been suggested by the Chair that there is no quorum present, the rule requires a call of the roll upon the question as to whether there is a quorum present.

The PRESIDENT pro tempore. There was a call of the Senate, which disclosed the presence of only 43 Senators. There was only one motion in order, unless the Senate decided to proceed to compel the attendance of a quorum. That motion is a motion to adjourn. The failure of the motion to adjourn does not alter the fact disclosed by the roll call. The Senate is still proceeding under the roll call.

Mr. CULBERSON. I move, then——

The PRESIDENT pro tempore. The Chair did not state it on the face of the vote upon the motion, but the Chair stated it under the original call of the Senate.

Mr. CULBERSON. Let it be at that, then. I move that the Sergeant at Arms be directed to request the attendance of the absentees.

Mr. OVERMAN. It seems to me that there ought to be a roll call, because there are a good many of us here who announced pairs.

The PRESIDENT pro tempore. That is undoubtedly in order, if it is demanded.

Mr. OVERMAN. I demand a call of the roll.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. CULBERSON. I submit that I myself suggested a roll call, and the Chair, as I understood it—I may have misunderstood the Chair—ruled that that could not be done.

The PRESIDENT pro tempore. The Chair did not mean to hold that it could not be done. What the Chair indicated was that it was not necessary, as the Senate was proceeding under the previous call. If Senators desire to make the point of no quorum and have a second roll call, there is nothing to prevent it.

Mr. GALLINGER. I ask for the regular order, which is the call of the roll.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Sanders
Bacon	Curtis	Martine, N. J.	Shively
Borah	Dillingham	Myers	Simmons
Bourne	Fall	Nelson	Smith, Ariz.
Bradley	Fletcher	O'Gorman	Smith, Ga.
Bristow	Gallinger	Oliver	Smoot
Bryan	Gore	Overman	Stephenson
Catron	Gronna	Page	Swanson
Clark, Wyo.	Heyburn	Payntor	Wetmore
Clarke, Ark.	Hitchcock	Pomerene	Williams
Culberson	Johnson, Me.	Rayner	
Cullom	Johnston, Ala.	Reed	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names, not a quorum.

Mr. CULBERSON. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SUTHERLAND entered the Chamber, and answered to his name.

Mr. GALLINGER. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate adjourn. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. CULBERSON and Mr. SIMMONS called for a division.

The question being put, there were on a division—ayes 22, noes 18.

The PRESIDENT pro tempore. The motion prevails.

Mr. CULBERSON. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that pair to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from West Virginia [Mr. CHILTON].

Mr. O'GORMAN (when his name was called). I do not see the senior Senator from Connecticut [Mr. BRANDEGEE], with whom I have a general pair, in the Chamber. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. If he were present, I should vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. As he is not present, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Nebraska [Mr. BROWN]. Were he present I should vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present I should vote "nay."

In this connection I desire also to state that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I do not see him in the Chamber, and therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. BURNHAM. I have a general pair, as I have stated; but I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote. I vote "yea."

Mr. SMITH of Georgia. I inquire whether the senior Senator from Indiana [Mr. SHIVELY] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from Indiana has not voted.

Mr. SMITH of Georgia. I transfer my pair with the Senator from Nebraska [Mr. BROWN] to the Senator from Indiana [Mr. SHIVELY] and vote. I vote "nay."

Mr. WARREN. As already announced, I am paired with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the Senator from Iowa [Mr. KENYON] and vote. I vote "yea."

The result was announced—yeas 23, nays 23, as follows:

YEAS—23.

Bourne	Cummins	Heyburn	Sanders
Bradley	Curtis	Lodge	Smoot
Bristow	Dillingham	McCumber	Sutherland
Burnham	Fall	Nelson	Warren
Catron	Gallinger	Oliver	Wetmore
Cullom	Gronna	Page	

NAYS—23.

Ashurst	Culberson	Kern	Simmons
Bacon	Fletcher	Martine, N. J.	Smith, Ariz.
Bankhead	Gore	Myers	Smith, Ga.
Borah	Hitchcock	Pomerene	Tillman
Bryan	Johnson, Me.	Rayner	Williams
Clarke, Ark.	Johnston, Ala.	Reed	

NOT VOTING—49.

Bailey	du Pont	Newlands	Smith, Md.
Brandegee	Foster	Nixon	Smith, Mich.
Briggs	Gamble	O'Gorman	Smith, S. C.
Brown	Gardner	Overman	Stephenson
Burton	Guggenheim	Owen	Stone
Chamberlain	Jones	Paynter	Swanson
Chilton	Kenyon	Penrose	Thornton
Clapp	La Follette	Percy	Townsend
Clark, Wyo.	Lea	Perkins	Watson
Crane	Lippitt	Poindexter	Works
Crawford	Lorimer	Richardson	
Davis	McLean	Root	
Dixon	Martin, Va.	Shively	

So the Senate refused to adjourn.

Mr. GALLINGER. Mr. President, I presume the motion of the Senator from Texas [Mr. CULBERSON], which was interrupted by the motion to adjourn, is now in order?

Mr. CULBERSON. My motion was for the Sergeant at Arms to request the presence of absentees.

The PRESIDENT pro tempore. The Chair's remembrance is that that motion was put and agreed to.

Mr. CULBERSON. Yes; but it was interrupted by the motion to adjourn.

The PRESIDENT pro tempore. But the motion of the Senator from Texas was agreed to and is in force.

Mr. CUMMINS. Did not the last vote disclose the presence of a quorum?

The PRESIDENT pro tempore. It did not.

Mr. CUMMINS. Is it not true that enough Senators have announced pairs, coupled with those who voted, to make a majority of all the Senators?

The PRESIDENT pro tempore. It has not been the practice of the Senate to count as present, in order to make a quorum, those Senators who announce pairs and refrain from voting.

Mr. CUMMINS. It seems to me—I do not know much about the rule—that one who is present for the purpose of announcing a pair must necessarily be present for the purpose of making a quorum. However, I yield to the better judgment of older Senators.

Mr. CULBERSON. Regular order, Mr. President.

The PRESIDENT pro tempore. The regular order is the execution of the order of the Senate.

Mr. WILLIAMS. Mr. President, if it be in order, I will move that the roll be called, as the call of the roll would disclose the presence of a quorum. Senators present who refrained from voting, but announced pairs, will make up a quorum of the Senate.

Mr. CLARKE of Arkansas. I think at least there might be called the list of absentees, as disclosed by the roll call when we were seeking to ascertain the presence of a quorum.

Mr. SMOOT. Nothing is in order——

The PRESIDENT pro tempore. The Senator from Arkansas asks that the roll of absentees be called.

Mr. SMOOT. Is there anything in order other than the motion to adjourn until the order of the Senate has been executed?

The PRESIDENT pro tempore. Not until a quorum is developed——

Mr. SMOOT. Until a quorum is developed.

The PRESIDENT pro tempore. And there are only two ways of developing a quorum that the Chair knows of, and they are to call the roll or to call the roll of absentees.

Mr. OVERMAN. I think a call of the roll of absentees will show that a quorum is present.

Mr. CULBERSON. I suggested awhile ago a call of the absentees, but the Chair overruled the suggestion, if I mistake not. I made the motion——

The PRESIDENT pro tempore. The Chair is not aware that the Senator suggested a call of the absentees at all.

Mr. CULBERSON. I made the point of order that, instead of calling the absentees, the Sergeant at Arms be instructed to request the presence of the absentees.

The PRESIDENT pro tempore. That order was entered.

Mr. CULBERSON. I ask for the regular order, then, to execute the order of the Senate.

The PRESIDENT pro tempore. That is the regular order, and that order is supposed to be in execution; but the Chair takes it that it is within the power of the Senate at any time to call the roll of absentees if it so desires.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If a Senator in the room, who did not answer to his name at the roll call which disclosed the want of a quorum, were to rise in his place and have his name called it would be just as effective as though the Sergeant at Arms brought him into the Chamber, would it not?

The PRESIDENT pro tempore. As the Chair understands, that is the purpose of calling the roll of absentees.

Mr. GALLINGER. Let the roll be called.

Mr. OVERMAN. I demand a call of the absentees.

The PRESIDENT pro tempore. That has been asked for and ordered. The Secretary will call the roll of absentees.

The Secretary proceeded to call the names of the absentees, and Mr. BANKHEAD, Mr. KERN, and Mr. MCCUMBER answered to their names.

Mr. OVERMAN. I think the Secretary is calling the wrong roll, because I know I announced a pair. I am here present, and I know of several others who announced pairs who are not recorded on the last roll call.

The PRESIDENT pro tempore. The Secretary informs the Chair that he did not call the name of the Senator from North Carolina. He called the name of the Senator from Oklahoma [Mr. OWEN].

Mr. OVERMAN. But he ought to have called my name. The calling of the names of those who were here and announced pairs would develop a quorum, I think.

The PRESIDENT pro tempore. The Senator is recorded on the call for a quorum. The absentees being called are not those on the yea-and-nay list on the motion to adjourn, but those who failed to respond to the call for a quorum.

Mr. GALLINGER. Let the call proceed.

The Secretary continued and concluded the calling of the list of absentees.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. I notice that the Secretary called the name of my colleague [Mr. BURNHAM] as an absentee. My colleague voted in the affirmative on the motion to adjourn, and if he is not recorded in that way he ought to be so recorded, and that would have carried the motion to adjourn.

The PRESIDENT pro tempore. If the Senator will allow the Chair a moment, the absentees are those who appeared as absent on the call for a quorum, and not those who failed to respond to their names on the yea-and-nay vote on the motion to adjourn, because the vote on the motion to adjourn does not require a quorum.

Mr. GALLINGER. I understand that; but, if the Chair will pardon me, it seems to me that the other procedure ought to be a proper one—to call the absentees who did not vote on the motion to adjourn. Some of them would appear and vote, and that would settle the matter of adjournment.

Mr. OVERMAN. Of course, Mr. President, that is right. On the yea-and-nay vote the result was announced 23 to 23, but it developed on that vote that there were four or five who were here and who are here now who announced pairs. The Sergeant at Arms can not bring them in, and it seems to me the absentees on that yea-and-nay vote ought to be called. That vote developed that there was no quorum voting, but if the absentees on that vote are called that would show that there is a quorum. How can we get along unless we do that? The Sergeant at Arms can not go and bring me in. I am here and have been here all the time, but I did not vote because I was paired with the Senator from California [Mr. PERKINS.].

The PRESIDENT pro tempore. The Senator is recorded as present on the roll call.

Mr. OVERMAN. No; I was paired.

The PRESIDENT pro tempore. The Senator is recorded on the call for a quorum.

Mr. OVERMAN. I announced a pair, and therefore when the Chair stated the result as 23 to 23 I was not included in that vote, because I was paired, and so were several other Senators.

The PRESIDENT pro tempore. On the roll call which disclosed the absence of a quorum the Senator is recorded as being present. The Senator has never been absent according to the roll call.

Mr. OVERMAN. Mr. President, that is so. I was here then and responded to my name, but when the Chair announced the vote on the motion to adjourn as 23 to 23 I am not recorded as voting. That is also true of several other Senators who responded to their names on the first roll call. Now, if the Sergeant at Arms is executing the order of the Senate he can not do so as to me, and he can not execute it as to half a dozen others who are here. We know that a quorum is present.

The PRESIDENT pro tempore. The Chair will suggest that the call of the absentees has developed a quorum.

Mr. GALLINGER. Mr. President, business having intervened, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair thinks he is bound to state first that a quorum has been developed by the call of the absentees. Forty-nine Senators are present. If there be no objection, the order directing the Sergeant at Arms to request the attendance of absent Senators will be rescinded. The question is on the motion of the Senator from New Hampshire that the Senate adjourn. [Putting the question.] By the sound the ayes appear to have it.

Mr. CULBERSON, Mr. SMITH of Georgia, and others called for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a pair with the senior Senator from Montana [Mr. DIXON]. I therefore withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE].

I transfer that pair to the Senator from Connecticut [Mr. McLEAN] and vote. I vote "yea."

Mr. CULBERSON (when his name was called). Because of my general pair with the senior Senator from Delaware [Mr. DU PONT] I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer the pair to the Senator from Washington [Mr. JONES] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the Senator from Connecticut [Mr. BRANDEGEE], and will withhold my vote.

Mr. OLIVER (when his name was called). I transfer my pair with the junior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the senior Senator from California [Mr. PERKINS] and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is not present. Therefore I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. STEPHENSON (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I desire to inquire whether the senior Senator from Maryland [Mr. RAYNER] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). With the transfer of pairs by which the Senator from Louisiana [Mr. FOSTER] stands paired with the Senator from Iowa [Mr. KENYON] I will vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from New York [Mr. ROOT] and will vote. I vote "yea."

Mr. CULBERSON. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. THORNTON] and will vote. I vote "nay."

Mr. BURNHAM. I have a pair, as I have stated. I transfer it to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "yea."

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Maryland [Mr. RAYNER] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. FOSTER entered the Chamber and voted.

Mr. WARREN. Noting that the Senator from Louisiana [Mr. FOSTER], with whom I stand paired, is present, I withdraw the announcement I made pairing the Senator from Louisiana with the Senator from Iowa, and as the Senator from Louisiana has voted, I shall allow my vote to stand.

The result was announced—yeas 24, nays 22, as follows:

YEAS—24.

Bourne	Cullom	Gronna	Page
Bradley	Cummins	Heyburn	Sanders
Bristow	Curtis	Lodge	Smoot
Burleigh	Dillingham	McCumber	Sutherland
Carter	Fall	Nelson	Warren
Clark, Wyo.	Gallinger	Oliver	Wetmore

NAYS—22.

Ashurst	Culberson	Johnston, Ala.	Shively
Bacon	Fletcher	Kern	Simmons
Bankhead	Foster	Martine, N. J.	Smith, Ariz.
Borah	Gore	Myers	Williams
Brown	Hitchcock	Pomerene	
Clarke, Ark.	Johnson, Me.	Reed	

NOT VOTING—49.

Bailey	Chamberlain	Davis	Guggenheim
Brandegee	Chilton	Dixon	Jones
Briggs	Clapp	du Pont	Kenyon
Brown	Crane	Gamble	La Follette
Burton	Crawford	Gardner	Lea
Lippitt	Owen	Root	Thornton
Lorimer	Paynter	Smith, Ga.	Tillman
McLean	Penrose	Smith, Md.	Townsend
Martin, Va.	Percy	Smith, Mich.	Watson
Newlands	Perkins	Smith, S. C.	Works
Nixon	Poindexter	Stephenson	
O'Gorman	Rayner	Stone	
Overman	Richardson	Swanson	

So the motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, May 27, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 25, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, in whom all our longings, hopes, and aspirations are centered, we approach Thee in the spirit of Him who taught us to pray—

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors, and lead us not into temptation but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair assigns the gentleman from Nebraska, Mr. LOBECK, to preside to-morrow at the memorial exercises for the late Judge LATTA.

LESLIE J. LYONS.

Mr. BORLAND. Mr. Speaker, I call up a privileged resolution (H. Res. 488).

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Attorney General of the United States be, and he is hereby, directed, if not incompatible with public interest, to transmit forthwith to the House of Representatives a copy of the charges filed against Leslie J. Lyons, United States district attorney for the western district of Missouri, together with the report of Arthur T. Bagley, special agent detailed by the Department of Justice to investigate said charges, and a statement of the action of the Department of Justice, if any, upon said charges and report.

Mr. BORLAND. Mr. Speaker, this is a resolution of inquiry directed to the Attorney General, and it is in the same form as House resolution 439, which was passed by the House on March 12, 1912. It may appear——

Mr. CANNON. Is the resolution privileged?

Mr. BORLAND. The resolution is privileged.

Mr. PAYNE. Has it been reported by the committee?

Mr. BORLAND. It has been reported by the committee. I want to explain that this resolution is in the same form as the resolution of March 12, 1912. It calls for a report of the special examiner of the Department of Justice on the official conduct of the United States district attorney, Mr. Lyons, for the western district of Missouri.

Some time in December, 1911, some charges were filed against Mr. Lyons which, among other things, were that he was attorney for companies that were supposed to be violating the Federal law in reference to the fraudulent use of the mails. An investigation was made by the department under the charge of a man by the name of Bagley. That investigation was completed some time in February. At the time it was filed it was not made public, and has not been made public since. At that time there was pending against Mr. Lyons disbarment proceedings in the State courts of Missouri. On March 12 the House adopted the resolution 439, requesting the Department of Justice to transmit all papers relating to the charges against Lyons, and especially the Bagley report. March 13 the Attorney General replied, declining to submit them, on the ground that it was incompatible with the public interest so to do. He said that there were disbarment proceedings pending in the State courts of Missouri, and he did not think it advisable to transmit the papers. On April 5, the disbarment proceedings having terminated by a failure and dismissal of the case, the Attorney General sent to the Judiciary Committee the opinion of the State court of Missouri, with this statement:

This decision deals with substantially all the charges filed against Mr. Lyons with this department, and acquits him of any improper conduct in connection with any of them.

Thereafter I immediately filed the same resolution, in the same terms, on the ground that the proceedings in the State court of Missouri did not cover the charges filed with the

Department of Justice, and that they did not substantially dispose of those charges nor acquit Mr. Lyons of official misconduct in connection therewith.

That second resolution calling for Mr. Bagley's report was heard by the Committee on the Judiciary and by it reported favorably. Now, it develops that on the same day the Attorney General wrote the Committee on the Judiciary that all the charges were substantially disposed of by a decision of the court of appeals, he wrote a letter to Mr. Lyons himself, in which he used this language:

One other point remains to be mentioned, and that is the matter of your employment as attorney for the Oregon Valley Land Co. (see pp. 42 to 70 and 73 to 82 of Bagley's report). Mr. Bagley's report contains much data with reference to this matter which appears not to have been before the Kansas City Court of Appeals. This evidence seems to clearly indicate that the concerns referred to have been under investigation by the Post Office Department at different times; that they may become the objects of a criminal prosecution; and that they are not of a character which would tend to strengthen your usefulness as United States attorney. After reading Mr. Bagley's report on this subject, I feel that it would be very desirable for you to sever your professional connection with those concerns.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

Mr. MADDEN. Is the gentleman reading from a letter from the Attorney General?

Mr. BORLAND. Yes.

Mr. MADDEN. How did the gentleman from Missouri get that letter?

Mr. BORLAND. I have a copy of it, but I am not at liberty to state how I obtained it. I feel very sure that it is a correct copy, and if not, the Attorney General and Mr. Lyons are both familiar with the facts and can correct me if I am wrong about the contents of the letter.

I want to say that this shows that on April 5 the Attorney General transmitted to the House a statement saying that all the charges against Mr. Lyons were disposed of. On the same day he wrote this, calling Mr. Lyons's attention to the specific portion of the Bagley report stating these matters are not disposed of by the Kansas City Court of Appeals.

It has also come to my knowledge, a fact which I laid before the Judiciary Committee, that Mr. Lyons was not only connected with the Oregon Valley Land Co., but he was connected with some of the Florida land swindles, the evidence of which is largely a matter of record.

Now it is necessary, and I think the Attorney General will concede that it is entirely proper to transmit to the House the Bagley report in reference to the United States district attorney in order that we may take proper action in regard to this official.

Mr. DYER. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. DYER. Does the gentleman know whether or not the Attorney General has been made acquainted with these new additional charges in reference to the Florida land schemes?

Mr. BORLAND. Yes; the Attorney General had the matter referred to one of his assistants by the name of Harr. I have been there several times and had one or two talks with Mr. Harr, and I told him plainly and frankly that the proceedings of the Kansas City Court of Appeals related to individual matters with various lawyers and was not sufficiently strong to result in disbarment; that such proceedings would probably fail, but that the most important and grave matter was Mr. Lyons's connection with companies operating all over the United States through the mail in land-fraud schemes, and called his attention to some of the evidence which I then had.

Mr. DYER. I do not know whether my colleague is a member of the Judiciary Committee or not.

Mr. BORLAND. No; I am not.

Mr. DYER. Is this done at the request or direction of the Judiciary Committee?

Mr. BORLAND. Yes; this matter was heard by a subcommittee of the Committee on the Judiciary, and there were four Republicans and one Democrat present. They were unanimous in reporting the resolution a second time. It was then reported by the full committee. I was not present when the full committee acted upon it, but I understand there was no opposition to it in the full committee, and they agreed to the entire propriety of this report being laid before the House.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24565, the naval appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. HULL in the chair.

Mr. BUCHANAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

Mr. BUCHANAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 19, line 7:

"Purchase and manufacture of smokeless powder"——

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment at the end of the last paragraph.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "proposals," in line 6, page 19, insert the following: "*Provided further*, That no part of this appropriation shall be expended for the procuring or producing of such ordnance material and for such armament of ships as manufactured in a Government establishment from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of such work established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the materials and armament named herein."

Mr. PADGETT. Mr. Chairman, I make the point of order against the amendment that the section to which this is an amendment was read on yesterday and completed, and it is now too late to offer an amendment, after the Clerk has begun the reading of the succeeding paragraph.

The CHAIRMAN. The Chair will state, with reference to that point of order, that the gentleman from Illinois had sought recognition before the Clerk began to read.

Mr. PADGETT. I also make the further point of order that it is a change in existing law, and is new legislation. This paragraph was completed yesterday, and the House adjourned, and it is too late to offer an amendment to a paragraph that was completed.

Mr. BUCHANAN. Mr. Chairman, as to the first point of order, I endeavored to secure the floor before the Clerk started to read the other paragraph.

The CHAIRMAN. The Chair has overruled the first point of order made by the gentleman from Tennessee for the reason stated.

Mr. BUCHANAN. Second, Mr. Chairman, I want to say there is such legislation now as applied to an appropriation bill. It is not new legislation. The current naval appropriation bill carries a paragraph similar to this. Therefore it is not new legislation. I do not care to take up the time of the Chair further. It seems to me this is a poor way to try to defeat something that has been established by this Congress for some time.

Mr. PADGETT. Mr. Chairman, I would suggest that the provisions of the current law are only law current with the appropriation bill itself. They do not establish any permanent law, unless they purport to be permanent law. The provision in last year's appropriation bill was limited to and applied only to that bill; hence it is not permanent law. Furthermore, it did not apply to this paragraph, and was under the increase of the Navy.

Mr. BUCHANAN. I would like to ask the gentleman if this point of order was raised when this amendment was offered in the last appropriation bill?

Mr. PADGETT. I am not able to say.

Mr. BUCHANAN. Then I will ask the Chair the same question.

Mr. PADGETT. I want to say to the gentleman that it is my purpose, when we reach the other part of the bill, to see if we can not agree upon the insertion of a general provision in the bill that will cover the whole question of the 8-hour law and not make it applicable to different portions of the bill. Hence I make the point of order at this time.

Mr. BUCHANAN. Mr. Chairman, if the amendment be left open for consideration at that time, in case we do not come to an agreement, that would be satisfactory to me. I have some other amendments on the same subject to offer to other parts of the bill. I would like to have this left open for consideration in case we do not agree upon the provisions that the gentleman has in mind.

Mr. PADGETT. Mr. Chairman, I have no objection, but I want to say to the gentleman I have nothing to conceal about

it. My idea was we would then incorporate into the bill the provisions embodied in the bill as it passed the House or may soon become a law.

Mr. BUCHANAN. I will be satisfied to accept that, leaving this pending in case it is not accepted. If it is accepted, then the amendments I have to offer need not be considered.

Mr. PADGETT. I have no objection to its being left that way, pending with the point of order reserved. I do not think it is good legislation to be injecting it all through the bill at different places.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the amendment of mine be considered as pending.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendments offered be considered as pending for the present. Is there objection?

Mr. MADDEN. Mr. Chairman, I object. Let the amendments be offered at the proper place, when the proper place is reached, and the point of order made against them then.

Mr. BUCHANAN. I would ask my colleague to reserve his objection.

Mr. PADGETT. I stated I was perfectly willing to pass the further consideration of this paragraph.

Mr. MADDEN. This paragraph was adopted, if I understood it correctly.

Mr. PADGETT. The Chairman ruled it had not been finally concluded. I made a point of order that the reading of the paragraph was concluded on adjournment yesterday afternoon.

Mr. MADDEN. There is no doubt about it.

Mr. PADGETT. But the Chair ruled otherwise.

Mr. BUCHANAN. I will say I do not think the gentleman's position is well taken. The fact is there was an amendment voted on the last thing of the session on yesterday afternoon.

Mr. MADDEN. And defeated.

Mr. BUCHANAN. And the amendment was defeated; but the amendment was not of this nature, and that certainly leaves the paragraph open for further amendment.

Mr. MADDEN. No.

Mr. PADGETT. I do not think it is necessary to discuss that, as the Chair has ruled and we have accepted his ruling.

Mr. BUCHANAN. I would like to ask my colleague what objection he has to my request to pass this paragraph for the present, and here is the reason that I am satisfied to leave it pending: In case the bill which the chairman of the Committee on Naval Affairs said he was going to offer, covering this whole matter, as I understand it, is accepted, these amendments will not be then necessary; but in case his proposition is not agreed to, then I would like to have the matter open for the consideration of these amendments.

Mr. MADDEN. What I understood my colleague to ask unanimous consent for was this: To have pending amendments to several paragraphs covering the eight-hour question.

Mr. PADGETT. The gentleman asked that the further consideration of this paragraph and this amendment be passed, not for other amendments but for this one paragraph and this one amendment.

Mr. MADDEN. My understanding was he asked unanimous consent to have pending a number of amendments.

Mr. BUCHANAN. On the same question. I desire to state the purpose of my amendment. This material that is being purchased by the Government I desire to be purchased from firms that have established the 8-hour day.

Mr. MADDEN. And I am opposed to that, I will say to my colleague.

Mr. BUCHANAN. The gentleman is opposed to it and the gentleman can oppose it when it comes up later as well as now, but the chairman of the Committee on Naval Affairs says he expects to offer the 8-hour bill as it passed here which will cover the same thing, as I understand it. If that provision is accepted in the bill then these amendments I have to offer will not be necessary to be considered. They will be considered after the provisions which the chairman of the Committee on Naval Affairs says he will offer at the end of the bill.

Mr. MADDEN. I think there ought not to be a blanket system of amendments understood as pending against various unknown paragraphs of this bill.

Mr. BUCHANAN. They are all on the same subject and if this provision suggested by the chairman of the committee is adopted it will cover them all.

Mr. MADDEN. If my colleague remains in his seat and watches the consideration of the bill when the paragraph to which an amendment would be germane is reached he can introduce his amendment, but I am going to object to having various blanket amendments pending against paragraphs we do not know anything about.

Mr. PADGETT. The proposition now is, if I may state it to the gentleman, is simply this, that on this paragraph he offers this amendment, and when we reach other paragraphs when he offers amendments to them we will dispose of them as we come to them.

Mr. MADDEN. That is the point. I simply wanted to object to permission being granted to offer a number of amendments that we do not know anything about to a number of paragraphs, when reached.

Mr. HOWARD. I understood the Chair to overrule the point of order made by the gentleman from Tennessee [Mr. PADGETT] that this amendment was out of order.

The CHAIRMAN. The Chair will state to the gentleman that he did not pass on the second point of order, that it is new legislation.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that this amendment be pending.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent that the amendment may be considered as pending and that the section be passed.

Mr. PADGETT. That is, subject of course to the point of order that is pending against the amendment?

The CHAIRMAN. To be sure.

Mr. PADGETT. And when passing the section or paragraph, it does not mean that any other amendment can be offered to it later on.

Mr. HOWARD. Mr. Chairman, if the Chair will permit me, on yesterday afternoon when this House adjourned the situation was this: The gentleman from Massachusetts [Mr. MURRAY] introduced an amendment. After some discussion a vote was taken upon that amendment and the gentleman from Massachusetts made the point of order that no quorum was present. Before the Chair could finish counting the number present in the House the gentleman from Massachusetts withdrew the point of no quorum, and a vote was taken on the amendment of the gentleman from Massachusetts [Mr. MURRAY]. Thereupon, immediately after that vote was taken, and without reading any other portion of this bill, the gentleman from Tennessee [Mr. PADGETT] moved that the committee rise. The committee rose, and then the House adjourned. This morning the gentleman from Illinois [Mr. BUCHANAN] offers an amendment to the very paragraph, or at the very point in the reading of the bill where the gentleman from Massachusetts [Mr. MURRAY] offered his amendment on yesterday afternoon. Now, if I understand the Chair, the Chair overruled the point of order made by the gentleman from Tennessee [Mr. PADGETT]. Why is not the amendment of the gentleman from Illinois [Mr. BUCHANAN] in order?

The CHAIRMAN. For the reason that an additional point of order was made against it by the gentleman from Tennessee [Mr. PADGETT], which is now pending. Is there objection to the request for unanimous consent made by the gentleman from Illinois?

Mr. MADDEN. If it applies to any paragraph than the one which is being considered now, I shall object.

Mr. PADGETT. It is only this paragraph and this particular amendment.

The CHAIRMAN. The request applies only to the paragraph to which the amendment was offered.

Mr. MADDEN. If that is all, I have no objection. If it applies to any other paragraph, I have.

Mr. PADGETT. Only this amendment and not other amendments.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, $1,150,000.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 7 and 8, page 19, and insert:
"Manufacture of smokeless powder, $900,000."

Mr. GOOD. Mr. Chairman, the provision that this amendment would strike from the bill provides for the purchase and manufacture of smokeless powder, $1,150,000. The amendment provides for the Government manufacture of smokeless powder and cuts down the appropriation $250,000. According to the testimony before the Committee on Naval Affairs, the Government could manufacture with $900,000 more smokeless powder than it can buy with $1,150,000. The testimony before the Committee on Naval Affairs is that the cheapest powder that has been purchased by the Government was purchased at the rate of 60 cents a pound. Last year the Navy purchased 3,000,000 pounds of powder. The Army and the Navy combined purchased 5,728,826 pounds of powder. Admiral Twining testifies that the actual cost of manufacturing powder at Indianhead is 33.6 cents per pound.

Mr. MADDEN. Will the gentleman yield for a question there?

Mr. GOOD. As soon as I get through.

Mr. MADDEN. That is a good place. What does he include in the cost?

Mr. GOOD. The cost includes all material, all labor, and everything that goes into the manufacture of powder, except the admiral does not include interest on the investment; he does not include depreciation nor the pay of the officers' salaries. Let me remind the gentleman from Illinois, however, that the same depreciation is going on whether we manufacture 3,000,000 pounds or half a million pounds. The same officers' salaries will be paid whether we manufacture any powder or not; and the same interest on the investment must be borne whether we manufacture part of our powder or manufacture all of it. So every pound of powder that we manufacture now in excess of the million pounds that was manufactured last year will, at the utmost, not cost the Government to exceed 33.6 cents per pound.

I want to remind gentlemen on this side of the aisle who have been talking loud and long about economy that here is an opportunity to practice real economy. The purchase of 3,000,000 pounds of smokeless powder at 60 cents a pound will cost the Government of the United States $1,800,000; but if we manufacture that powder, the 3,000,000 pounds, at 33.6 cents per pound, we will effect a saving to the Government of $792,000 on this one item alone. And I want to say here that we have ample capacity to manufacture it all. Admiral Twining said we have capacity at Indianhead to manufacture 3,000,000 pounds of powder, and that we have the capacity at the Government arsenal at Dover, N. J., to manufacture 3,000,000 pounds for the Army, or a capacity to manufacture 6,000,000 pounds of powder altogether, which is 50,000 pounds more than the combined quantity that was purchased and manufactured during the past year.

What does that mean? It means that if the Government of the United States will manufacture its powder it will save every year on 5,728,886 pounds $1,512,425. Oh, but some one may say, "We are building up here a private institution in time of peace that will be valuable to the Government in time of war." I have read statements to that effect for 25 years, and what is the ultimate result? When the Spanish-American War broke out the Powder Trust did not have capacity for manufacturing smokeless powder, and they purchased from Germany the brown powder, and our gunners had to use it. What was the result? We had the best ships in the world, and we had the finest guns in the world. Our gunners surpassed in marksmanship the gunners of the world. And yet, with that brown powder at Santiago, we made less than 5 hits per 100 shots. To-day, after we have increased the quality of the powder, the same gunners, with the same guns and the same ships, are making more than 80 hits per 100 shots.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent that the time of the gentleman from Iowa [Mr. GOOD] be extended five minutes. Is there objection?

There was no objection.

Mr. KOPP. The gentleman in his enthusiasm made the statement that the same gunners, with the same guns and the same ships, are making 80 per cent of hits where they made only 5 per cent in the Spanish-American War. Does the gentleman think that that even approaches the truth and the facts? [Laughter.]

Mr. GOOD. I understand that that is the record of the Navy.

Mr. KOPP. It is not a fact, for the reason that they used different guns, different gunners, and different ships. They have now improved the sighting and the firing apparatus at least 300 per cent—so it is estimated by the naval authorities—since the Spanish-American War, and they have improved the guns themselves—the rifling; and these are the main reasons why the gunnery has improved, and not on account of any great improvement in the powder.

Mr. GOOD. The gentleman evidently has not read the reports and opinions of naval experts on the subject. If he had he would find that we had the poorest powder in those battles that the Government ever used in any conflict. [Applause.]

Mr. KOPP. If the gentleman will yield, I am willing to concede that, but I would like to ask the gentleman to give us his authority for his statement, that the powder is responsible for the low percentage of hits.

Mr. GOOD. Well, I will concede to the gentleman that we have been making improvements all along the line; we have made improvements in sighting and in gun practice and in ships and guns, but I want to say that it is the judgment of military men that the low percentage of hits at Santiago was due to the poor brown powder that was purchased by the Du Pont Co. from Germany, which was used in those guns. And in saying this I do so, not to detract but rather to add to the glory of our Navy in that great battle.

Mr. KOPP. Will the gentleman yield again?

Mr. GOOD. Yes.

Mr. KOPP. Who are the military authorities that the gentleman refers to?

Mr. GOOD. I have never seen that statement disputed, and I have seen the claim made a great many times.

Mr. KOPP. I do not deny the inefficiency of the powder, but I deny the assertion that military and naval authorities claim that the low percentage of hits was due to the powder.

Mr. GOOD. I suppose the gentleman has never discovered that we had very poor powder that was furnished by the Powder Trust during the Spanish-American War.

Mr. BYRNES of South Carolina. Does the gentleman think it is a fair test to compare accuracy of marksmanship when merely practicing with accuracy of marksmanship in the heat of battle?

Mr. GOOD. That may or may not be. I am not a military expert, and am not qualified to answer a question of that kind.

Mr. BYRNES of South Carolina. Would the gentleman think it fair to compare his own marksmanship when merely shooting at a target and his marksmanship when shooting at a man who was pointing a gun directly at him when the all-important question was which hit the other first?

Mr. GOOD. I can readily see how in the heat of battle a gunner might not have the same cool, deliberate judgment that he would have when he was simply practicing.

Mr. MADDEN. I would like to have the gentleman from Iowa tell the committee, if he can, in what respect the powder has anything to do with determining the direction of the shell toward the object at which it is pointed? Would it affect anything except the force of the shot?

Mr. GOOD. I am not a military expert and not able to enlighten the gentleman on that subject.

Mr. MADDEN. How can the powder have anything to do with the question whether they make a hit or a miss?

Mr. HAMILTON of Michigan. Poor powder would make a gun dirty, I should imagine.

Mr. GOOD. I have never seen the statement disputed before that the poor record of American gunners in the battle of Santiago was due to the poor powder. I want to say, Mr. Chairman, that I have read with great interest the hearings before the Committee on Naval Affairs, and I have been astounded at the efforts that were made by members of the committee to try to have Admiral Twining increase the figures that he had testified to as to the cost to the Government of manufacturing powder.

Mr. ROBERTS of Massachusetts. The gentleman attributes the poor marksmanship at Santiago to the inferior powder used. To what does he attribute the good marksmanship of Dewey's men at Manila?

Mr. GOOD. I will say that Dewey's fleet was supplied with smokeless power and was not forced to use the brown powder that had been purchased by the Powder Trust from Germany.

Mr. ROBERTS of Massachusetts. Does the gentleman make that as a statement of fact?

Mr. GOOD. I have seen that stated. Of course I do not know it to be a fact.

Mr. ROBERTS of Massachusetts. I will say to the gentleman that that is on a par with his statement that military authorities give the brown powder as a reason for the poor marksmanship at Santiago.

Mr. GOOD. I will say to the gentleman from Massachusetts that I will not be drawn into side issues in order to give the Powder Trust by this appropriation $750,000 more than they are entitled to. The issue here is whether the Government of the United States shall continue to give this greatest monopoly, which has been declared by the Federal court of Delaware to be a trust in restraint of trade, unreasonable profits on Government purchases. You gentlemen on that side have been saying in your platforms that you do not believe in this kind of legislation and that you will enact legislation that will prevent the very existence of the trusts, but here you are providing in an appropriation bill $792,000 profits to the Powder Trust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Iowa [Mr. GOOD] be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEALD. The gentleman says the powder manufacturers were responsible for the poor marksmanship of some of the ships of the Navy. I will ask the gentleman if he agrees with the opinion of Admiral Knight that the powder manufacturers are entirely at the mercy of the Government, and that the Government is not at the mercy of the manufacturers of powder?

Mr. GOOD. I do not know what that has to do with this issue. The issue here is whether the Government shall continue to manufacture powder at Indianhead and at the Army arsenals. I have no disposition to fight over the battle of Santiago.

We have passed two appropriation bills—one the Army appropriation bill and one the fortification bill—and now we are considering a bill that carries $1,150,000 for powder; and I am asking you on that side of the House, who have said that you were in favor of economy, whether or not you favor the manufacture of smokeless powder at Indianhead, which will produce more powder than the Government can use, or whether we shall continue giving lucrative contracts to the Powder Trust.

Mr. GARNER. What percentage of the Members on the gentleman's side of the House will he deliver?

Mr. GOOD. I am not speaking for my side of the House; I am appealing to the good judgment of that side to say whether or not you will carry out your declarations of economy.

Mr. GARNER. I understand that when the gentleman appeals to patriotism he appeals to this side of the House and leaves his side alone. [Laughter.]

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. HAMILTON of Michigan. How much is the Government now paying for powder?

Mr. GOOD. The last contract entered into by the joint board was 60 cents per pound.

Mr. HAMILTON of Michigan. And what does the gentleman say it will cost the Government to manufacture it, the same quality of powder?

Mr. GOOD. I do not know; but according to the testimony of Admiral Twining, the cost to the Government is 33.6 cents per pound.

Mr. HAMILTON of Michigan. What are the facilities for the Government manufacturing powder? Are they sufficient to produce and manufacture all the powder that the Government needs?

Mr. GOOD. Admiral Twining, on page 54 of the hearings, says that during the fiscal year ending June 30, 1911, the Navy purchased 3,000,000 pounds of the Du Pont Powder Co., at 60 cents a pound, and that the capacity of the powder mill at Indianhead is 3,000,000 pounds per annum.

Mr. HAMILTON of Michigan. What arguments are advanced why the Government should not manufacture its own powder and save money?

Mr. GOOD. The only argument is that we should continue to pay the large profits to the Du Pont Powder Co., the only company that manufactures smokeless powder, and which has been declared by the Federal court in Delaware to be a trust and in restraint of trade, in order that that concern might supply powder in time of war.

Mr. HAMILTON of Michigan. They do not actually urge that as argument against the Government manufacturing powder, do they?

Mr. GOOD. That is the only reason that has been urged here so far, and that is the only reason, the only argument that the gentleman from Michigan will hear urged here to-day.

Mr. HOWARD. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. HOWARD. In the gentleman's investigation in the cost and manufacture and price of powder paid to the Powder Trust, did he find that there was a difference between that paid to the Powder Trust and the cost of manufacture to the Government of about 14.7 cents; that the Government paid that much more than it cost to manufacture?

Mr. GOOD. According to the testimony of Admiral Twining the difference is 26.4 cents; that is the difference between what we paid and what it cost the Government to manufacture.

Mr. HOWARD. What was the amount of powder used last year by the Army and the Navy?

Mr. GOOD. A little over five and a half million pounds.

Mr. SIMS. Will the gentleman yield?

Mr. GOOD. I will.

Mr. SIMS. Why should the country in a time of war be dependent upon any outside or private interest for the necessary material to successfully wage the war?

Mr. GOOD. I can not think of a single reason.

Mr. SIMS. If the Government powder manufactory is not sufficient to manufacture all that we need, and if we now manufacture a part, why should not the facilities for manufacturing be increased?

Mr. GOOD. The bill we are considering provides for increased facilities at Indianhead.

Mr. SIMS. What is the gentleman's proposition?

Mr. GOOD. The proposition in the bill is for the purchase and manufacture of powder, and my amendment provides for the manufacture of smokeless powder, and cuts down the appropriation for smokeless powder a quarter of a million dollars.

Mr. SIMS. Can the Government manufacture a sufficient amount of smokeless powder for its use until the increased facilities are provided for?

Mr. GOOD. Absolutely. The Navy is not equipped to manufacture quite that much. We are only running one shift, but by running three shifts of 8 hours each, it could be manufactured more cheaply, and we could manufacture 3,000,000 pounds.

Mr. SIMS. Is it against the law to work two or three shifts?

Mr. GOOD. No; both the Du Ponts and the Government at times use three shifts of 8 hours each.

Mr. SIMS. There is nothing in the organic law to prevent it?

Mr. GOOD. Nothing absolutely.

Mr. HAMILTON of Michigan. Mr. Chairman, I desire to ask one other question. What is the custom of other countries in this respect?

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HAMILTON of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

Mr. PADGETT. Mr. Chairman, I do not want to cut off debate, but there have already been two extensions of time. We must get on with this bill. I shall not object to this, but I give notice now that hereafter, when there will be no personality in the matter at all, I am not going to consent to an extension of time indefinitely.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Iowa may be extended for two minutes. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. I want to ask the gentleman a question. What is the custom of other countries in this respect? Do they manufacture their own powder or do they buy powder? What, for illustration, is the custom of Germany.

Mr. GOOD. Mr. Chairman, I could not tell the gentleman what the practice or custom is in Germany. I think the custom in France is for the Government to manufacture all of the powder; not only the military powder used by the Government, but France enforces a monopoly in the manufacture of powder and manufactures the powder for her army and navy, but the Government sells powder to individuals. We went into that question a little with Gen. Crozier, who testified that he did not have actual knowledge as to the cost of manufacturing powder in Germany and could not give us a statement as to the relative cost in this and other countries.

Mr. HAMILTON of Michigan. What about England?

Mr. GOOD. I do not know.

Mr. HEALD. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Certainly.

Mr. HEALD. Is it not a fact that the gentleman's attitude on the question of powder supplies to the Navy is at direct variance with the recommendations of the Navy Department and the officers therein?

Mr. GOOD. Mr. Chairman, I think it is fair to say that both the Army and Navy—Gen. Crozier for the Army and Admiral Twining for the Navy—believe the old policy of the Government of letting contracts to private individuals, not only for powder, but for the building of guns and limbers, ought to be continued. But, Mr. Chairman, in that connection it seems to me that Congress ought to have something to say. Gen. Crozier pointed out that we were paying for limbers and guns as high as 127 per cent more in purchasing them than it was costing the Government to manufacture them at its arsenals.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. HAMILTON of Michigan. What is the argument of these gentlemen?

Mr. GOOD. Why, they have no argument. The gentleman from Michigan [Mr. HAMILTON] has heard none. He will hear none.

Mr. FOSS. Mr. Chairman, I do not hold any brief for the Du Pont Powder Co. They have been practically the only powder company in this country for a great many years. They have furnished powder in every war in the history of this country from the Revolutionary War down to the present time, but that is not material here. So far as the question of trusts

and monopolies is concerned, that will be settled in the courts. I suppose every day we are buying for the Government some supplies from trusts and monopolies, but the question of trusts and monopolies ought not to enter into this proposition. All such questions should be determined by the courts.

We must have powder for the Navy. We are spending $125,000,000 every year for the Navy, and yet the expenditure of this money is absolutely thrown to waste unless we have proper powder. Our guns and ships are worth nothing unless we have the powder, and it is a very small amount of money, comparatively speaking, that we use for the purchase of powder—$1,800,000 a year—a little over 1 per cent. Yet powder is the most important thing in connection with the Navy, because we could not use the guns and the ships without it. We do not want, by any action of ours, to cut down the efficiency of our powder or powder supply. We want the best powder and plenty of it, and our Government has pursued in the past, I think, a policy which has been wise and which has brought us to the condition to-day where we are using the best powder, in my judgment, of any navy in the world.

Some years ago, and it has only been in recent years, we discovered that the Government could manufacture this powder. The Committee on Naval Affairs recommended, I believe, an appropriation for the establishment of a powder factory, and Congress passed it; and let me say in this connection that the Du Pont Powder Co. cooperated with the Government and gave all its information, all its improvements in the manufacture of powder, to the Government free and clear, without any charge whatever. We are now manufacturing powder in connection with our Navy, and we have increased the capacity of the plant year after year, as fast as the Navy Department has advised, until to-day we manufacture—or did last year—a little over one million pounds of powder. We are in favor of increasing the manufacture; but at the same time I believe it is a wise policy on the part of this Government to give part of the contract to private concerns. I believe it is wise to encourage private powder manufacture, because in times of war it is infinitely easier for private concerns to extend their capacity than it is for the Government of the United States; and in time of war and great emergency it will take all the capacity of the Government plants and all the capacity of these private powder-manufacturing plants to supply the powder that we need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Let me say another thing——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that he be given five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Now, there is one thing which increases the cost of powder to a private concern: They do not manufacture all their powder in one factory. They have a number of factories in a position so that in times of war they can furnish us a large amount of powder.

Now, so far as my friend from Iowa [Mr. GOOD] is concerned in relation to the question of black powder, we did use black powder in the Spanish-American War. Smokeless powder is of a comparatively recent origin. There have been improvements in powder since the Spanish-American War, and improvements are going on to-day; but the specifications for powder during the Spanish-American War and before it and specifications for powder now, as I understand it, are made up in the Navy Department, and this company has to conform to the specifications of the Navy Department.

So far as the price of powder is concerned, that has been reduced, and now we are paying 60 cents a pound when only two years ago we paid 67 cents. How is that price fixed? Not by the Du Pont Powder Co., but by a joint Army and Navy board.

Mr. GOOD. Will the gentleman yield?

Mr. FOSS. Oh, yes.

Mr. GOOD. From what concern could the Government buy powder except from the Du Pont de Nemours—I refer to smokeless powder?

Mr. FOSS. That is the only concern that makes smokeless powder to-day except the Government.

Mr. GOOD. Then it is in a position to absolutely dictate the price, except as we limit the price that the Government can pay.

Mr. FOSS. I doubt if you can get any concern to go into the manufacture of powder when the only purchaser for it is the Government of the United States; and we buy a comparatively small amount. Why, the powder furnished by the Du Pont concern to the United States Government is only a small fraction of the tremendous business done by that great company—about 5 per cent, so the gentleman from Delaware tells me. Now, I said a moment ago the price of powder which we buy has been fixed by this General Army and Navy Board for a number of years, and it is based upon the actual cost to the Government in the manufacture of powder, so that the Government of the United States for a number of years has practically fixed the price and holds the whole matter in its hands.

Now, what about the cost of powder abroad? I am informed we are purchasing our powder cheaper than any country abroad, with the exception, possibly, of England, which country uses a cheaper powder—a cordite powder and a cheaper powder than ours. Germany pays 85 cents a pound for her powder. France manufactures powder which costs, I think, about 70 cents a pound.

Mr. SLAYDEN. Will the gentleman permit me to ask him if the general quality of powder which France has manufactured in her national plant would be regarded as being as good as the powder we get or other Governments get by purchase?

Mr. FOSS. No; I do not think it is regarded as being as good. I know in one of our hearings it was stated by an expert that the French powder was not as good as ours.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Illinois may have five minutes additional.

Mr. TRIBBLE. Mr. Chairman, I have not any objection, but I just want to ask if the Chairman is going to enforce the rule on this side of the House and let it go on that.

Mr. PADGETT. I did make an exception. We had four extensions—three extensions and the original one—and this is the second extension on that side.

Mr. TRIBBLE. I beg the gentleman's pardon; I understood him to say he would object to extensions by anybody.

Mr. PADGETT. No; I said I was not going to permit indeterminate extensions; that was the language I used.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. Is there anything in the hearings this year that would indicate any test or comparison between our smokeless powder and that manufactured by the French Government?

Mr. FOSS. No; I think there is nothing.

Mr. GOOD. And, further, I will ask the gentleman if the officers of the Army and Navy have not refused to state at all times any difference in the quality now used by the two respective Governments? Is not that the case?

Mr. FOSS. I think it is true that they have not. They have stated confidentially, and it is not in the record. Sometimes, I will say to the gentleman from Iowa, we have confidential hearings, which we can not show in the record.

Mr. SIMS. Is the powder which the Government of the United States manufactures as good as that which it buys?

Mr. FOSS. I think it is just as good.

Mr. SIMS. So far as that is concerned, there is no reason for buying it from private individuals?

Mr. FOSS. The only question is as to the advisability of keeping in operation a private concern which we may have to call upon in time of war and in times of great emergency. We think it is a wise Government policy, so long as the Government fixes the price.

Mr. SIMS. In time of peace we keep on hand a vast number of warships that we do not need at all in order to have them when we do need them. Why not pursue the same policy in regard to the powder? Why not have a capacity in time of peace that we do need in time of war?

Mr. FOSS. Here is a concern which is interested in the manufacturing of powder all the time, and here is a Government concern. Improvements are going on all the time in the manufacture of powder, and the high standard of our powder is due in no small measure to the fact that we kept these two establishments, the Government establishment and the private establishment, working for the interests of the Government.

Mr. SIMS. Do they compete with each other in improvement of powder and in methods of manufacture? Is that the idea?

Mr. FOSS. A competition; yes. In that connection I will say that whenever the Du Pont Co. have seen an improvement in the process of manufacturing powder or have reached themselves an improvement in the constituent elements of the powder, they have given the information to the Government free, not charging a single dollar for it.

Mr. SIMS. If the Government only made what it really needs in time of peace, would not the Du Pont Co. go along

making these improvements? In other words, they do not sell all their smokeless powder to the Government?

Mr. FOSS. Yes; that is all.

Mr. SIMS. The Government is the only customer?

Mr. FOSS. The only customer; and they make it for nobody else.

Mr. SIMS. You think on account of its being for the Government the Government officials do not make the same effort or make the same study to bring about improvements that private enterprise would?

Mr. FOSS. The competition by the Army and Navy factories amounts to a competition in the improvement of powder as well as in price.

Mr. GOOD. Is not the gentleman aware of the fact that that competition was never effected until Congress wrote a limitation as to the amount the Army and Navy Board could pay for powder? We were paying $1.60 for smokeless powder, and it was not until Congress commenced to put limitations on the appropriation bill that we got the price down to 60 cents. And I will say to the gentleman on the question of manufacturing powder—and this is outside of the record—while Col. Buckner absolutely refused to tell the committee what it did cost to manufacture powder, the gentleman told me he knew what it cost the Du Ponts, that it cost less than 25 cents a pound, and when I take that statement in connection with the statement of Col. Buckner before your committee, where he would not give to the world his costs, I have a great deal of confidence in the statement of the gentleman who made it.

Mr. BORLAND. Will the gentleman state what, in his opinion, was the accuracy of those figures on the cost of manufacturing at the Government powder works, of 33 cents?

Mr. FOSS. Admiral Mason, former Chief of Bureau of Ordnance, came before the committee a year ago and made the statement that it cost about 45 cents for the Government to manufacture smokeless powder. Admiral Mason was the Chief of the Bureau of Ordnance for a great many years and had conducted the manufacture of smokeless powder over a period of a number of years. And his judgment was that that was about the actual cost, as he figured it, of manufacturing smokeless powder, but he did not take into consideration a large number of things which would be taken into consideration and made a part of the cost of powder in a private concern. Now, Admiral Twining this year—and he has been chief of the bureau only a short time—has figured out that we are making powder at a less cost than that.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. FOSS. I will say just one word in conclusion: That the short experience which Admiral Twining has had in figuring the cost of powder is not entitled to perhaps the same consideration that the figures of Admiral Mason are entitled to as covering a series of years. But I have no doubt that there has been a decrease in the cost of the manufacture of powder.

Mr. BORLAND. Could you not, then, make a further decrease in the price paid to the Du Pont Co. from those figures?

Mr. TRIBBLE. Mr. Chairman, before proceeding with my remarks, I wish to submit a question to the chairman of the Committee on Naval Affairs. What is the price we pay to the Du Pont Co.?

Mr. PADGETT. Sixty cents.

Mr. TRIBBLE. I did not want to make a mistake about that. Now, Mr. Chairman, if the Members of the House will get the hearings and turn to page 602, they will find the testimony of a representative of the Du Pont Co. I admit that I am a new member on this committee, and I do not want to be a critic, but I turn to the first page of this volume that I hold in my hand and I find the names of the men who have testified before the Naval Committee; and if you will turn there and read with me you will find that I speak the truth. The names of every one of these men, save one, testifying before this committee on each question are those of officials—officials of the Government, of the Navy Department, Members of Congress, or some one in an official capacity of the Government who is presumed to come before the committee for the purpose of giving a fair statement of what the Government should do. In that coterie of distinguished men you will find a representative of the Du Pont Powder Co. appearing before the Committee on Naval Affairs, telling the committee what to do for the Du Pont Powder Co.

Now I submit, Mr. Chairman and gentlemen, that it is not fair to have a representative of a corporation come before the Committee on Naval Affairs to testify and explain why his powder is costing the Government more money and why the Committee on Naval Affairs should recommend to this Congress that we take his powder instead of making it cheaper.

Now, that is the situation that confronts us. As I said, I do not mean to criticise anybody, but there are the facts.

Now, we will turn to the hearings. You will find in these hearings that the statement is made that it costs the United States Government 33 cents and a fraction per pound to manufacture powder.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. When I get through; in a moment. I do not know whether my time is going to be extended or not. You will find there that it costs the Government of the United States 33 cents to make powder, the same powder for which we pay 60 cents to the Du Pont Co., and the gentleman to whom I referred undertakes to explain it. They go on and put in certain items of expense and get it up to 45 cents, and then they go on again and put in other items of expense and undertake to show additional expense to the Government. He puts in our machinery as a question of cost. We have got it. Why not use it?

Mr. SIMS. We have got to keep it up, anyway, whether it is running or not?

Mr. TRIBBLE. Yes; we have got to keep it up anyway. These gentlemen come in here and say we ought to have this machinery, and I fail to see the consistency in not using it.

Now, Mr. Chairman, the gentleman from Iowa [Mr. Good] introduced, in substance, the amendment I had already prepared, ready to be introduced. Being in substance the amendment which I intended to introduce, I shall support heartily his amendment.

Mr. CULLOP. Mr. Chairman, the proposition embraced in the amendment offered by the gentleman from Iowa [Mr. Good] is that the Government shall manufacture its own powder and thereby save at least a quarter of a million dollars a year, instead of buying it of the great Powder Trust, the Du Pont Powder Co.

The gentleman from Illinois [Mr. Foss] said:

> Let the Government go on buying of the trust and the monopoly and let the courts take care of the trust and the monopoly.

I am somewhat astonished at the statement of the gentleman from Illinois in the light of what has occurred in similar efforts, for if the courts and the officials charged with the prosecution of these trusts by the Government take as good care of the Powder Trust as they have taken of the Beef Trust there will not be a conviction in the next 25 years if either Mr. Taft or Mr. Roosevelt is continued President of the United States [applause], a thing which, however, is not probable, as the people under the revelations which have transpired in the last six weeks between these two aspirants have been convinced it is high time to retire both and secure a good Democrat for that important place. [Applause.]

I hold in my hand a chronological statement of the weary pathway that the prosecution of the Beef Trust has trodden through the courts of this country, which clearly proves the impotency of the Department of Justice and the courts to curb, suppress, or punish the Beef Trust, and is a splendid example of the manner in which the courts handle the trusts, and one which admonishes the whole country that but little hope can be reposed in them for speedy relief from the rapacious trusts. The history of the Beef Trust cases plodding their weary way through 10 years of futile litigation constitutes one of the darkest pages of judicial history ever recorded in any civilized country in the world. No loyal citizen of this country can refer to it without regret. The whole history supports the charge that it constitutes a travesty on justice. I submit it for the information of the country.

Mr. FOSS. Will the gentleman yield?

Mr. CULLOP. With pleasure.

Mr. FOSS. I wish to ask the gentleman whether he thinks it is very improper for the Government to buy powder from a trust?

Mr. CULLOP. I think one good way to suppress the trusts is for the Government to manufacture its own powder and quit patronizing the trusts. [Applause.] At the present rate of procedure in the courts, under the present methods of the administration of justice, none of the trusts are likely to be punished there.

Mr. FOSS. Does the gentleman pursue that course of conduct when he is buying his beef?

Mr. CULLOP. I buy where I can buy the cheapest, and I want every other citizen and every municipality in the country to do the same, especially the Government.

Now, Mr. Chairman, the first suit was commenced against the Beef Trust on May 10, 1902, the United States prosecuting a suit against Swift & Co. for a violation of the Sherman antitrust law in restraint of trade. On the 20th day of May a temporary injunction was granted, and it ran its course until the

27th day of May, 1903, when the injunction was made permanent. An appeal was taken to the United States Supreme Court, and, with the great trust buster in the White House, it dragged along in that court until 1905 before the case was heard, when the judgment of the lower court was affirmed, and the injunction remained in force and is in force now. I insert as a part of my remarks the chronological history of this litigation, which was in the courts from May 10, 1902, until February, 1912, when it went out of court by a nonsuit in the Federal court at Chicago with a Scotch verdict, "Guilty, but not proven":

1902.

May 10: Government files petition for an injunction against the Beef Trust in the Federal court in Chicago.

May 20: Judge Peter S. Grosscup issues temporary injunction.

September 10: Packers file a demurrer, alleging they are not engaged in interstate commerce.

1903.

February 18: Judge Grosscup overrules the demurrer and orders the temporary injunction to remain in force, giving the packers till March 2, 1903, to answer, appeal, or default.

March 1: Counsel for packers announce their intention of appealing to Supreme Court of the United States against the overruling of their demurrer, but do not do so. Judge Grosscup then fixes April 18 as the date for the packers to file answer to the Government's bill.

May 27: Judge Grosscup makes the injunction permanent, and the packers enter an appeal to the Supreme Court against the injunction.

June: Mr. Cortelyou, as Secretary of Commerce and Labor, orders Commissioner of Corporations Garfield to investigate the Beef Trust.

1904.

The Government, considering the Grosscup injunction as a complete victory, waits for the defendant packers to ask the Supreme Court to fix a date for hearing the appeal.

July 25: President Roosevelt orders the Department of Justice, through Attorney General Moody, to advance the Beef Trust case to the calendar of the United States Supreme Court, in order that it might be tried early in October.

1905.

January 4: Briefs filed in the Supreme Court by both the Government and the packers.

January 16: Beef Trust case argued in the Supreme Court.

January 31: United States Supreme Court sustains Judge Grosscup's injunction, and the way is clear for the Federal authorities to prosecute and punish packers who continue to defy the decree of the lower court.

February 21: Special Federal grand jury called in Chicago to pass on evidence of violation of antitrust law by packers. Criminal indictments sought.

March 4: Roosevelt transmits to Congress Commissioner Garfield's report on the Beef Trust.

March 29: Thomas J. Conners, general superintendent of Armour & Co., indicted for attempting to influence a witness before the grand jury in Chicago.

April 14: Four officials of the Schwarzschild & Sulzberger Co. indicted for obstructing the service of Federal subpœnas.

July 1: Federal grand jury in Chicago indicts 17 individuals and 5 corporations; bonds fixed at $5,000 in each case.

September 4: Indicted packers obtain an adjournment on the ground they are not ready to plead.

September 21: Four officials of the Schwarzschild & Sulzberger Co. plead guilty to conspiracy to obtain rebates from railroads and are fined $25,000.

October 23: Packers file a special plea in bar claiming immunity from prosecution under the indictment on the ground that the evidence on which it was based had been obtained by the Bureau of Corporations under authority of Congress, and that immunity had been promised them by Commissioner Garfield.

November 17: In an official statement Attorney General Moody declares that no immunity was promised and that none of the information obtained by the Bureau of Corporations had been used before the grand jury.

1906.

February 22: Commissioner of Corporations Garfield admits under oath that he had worked in conjunction with the Department of Justice.

March 21: Judge J. Otis Humphrey holds that the individuals are immune from prosecution under the criminal indictments, but the indictments against the corporations stand.

April 6: Attorney General Moody decides that no appeal can be taken from Judge Humphrey's decision.

October 15: The Department of Justice decides to drop the prosecution.

1907.

September 18: Another Federal grand jury called in Chicago for the prosecution of the packers for violations of the antitrust law. No indictments returned.

1908.

December 7: Grand jury investigation of railroad rebates to the packers and violations by the latter of the antitrust law is begun in Chicago. No indictments.

1909.

February 9: Renewed investigation by a Federal grand jury of charges of rebating and price fixing and effort by Government to prove "that the Meat Trust exists and that the National Packing Co. is its operative machinery."

1910.

March 21: Attorney General Wickersham files a petition against the Beef Trust—the National Packing Co. and 10 subsidiary corporations—for restraint of trade.

September 12: Federal grand jury returns three indictments each against L. F. Swift, Edward H. Swift, Charles H. Swift, Francis A. Fowler, Edward Tilden, J. Ogden Armour, Arthur Meeker, Thomas J. Conners, Edward Morris, and Louis H. Heyman.

September 12: Following these indictments, the Government files a civil suit for the dissolution of the National Packing Co. and the appointment of a receiver. In this suit 10 subsidiary corporations and 16 additional firms and individuals are named.

September 13: The packers give bail in $30,000 apiece.

November 17: Packers protest Judge Landis on the ground that in 1895 he had been employed as a special assistant United States attorney in connection with a prosecution against them under the antitrust act.

December 15: The indictments against the packers are amended and strengthened.

December 24: The packers claim the right to have the civil suit tried before the criminal indictments.

December 27: Attorney General Wickersham orders the civil suit dismissed, in order to avoid delay in the criminal prosecutions.

December 28: Packers protest against the dismissal of the civil suit. Are overruled.

1911.

January 2: Judge Carpenter denies a motion of the packers that the Government be restrained from proceeding against them criminally.

March 22: Judge Carpenter overrules a demurrer by the packers, who allege that Judge Humphrey's immunity decision is continuing in its effects and covers all future time so long as the acts covered by the 1906 decision remain the same. Judge Carpenter denies a motion to quash the indictment.

April 13: Packers present a special plea that the antitrust act itself did not create any new crime, and hence, even if the packers disobey the statutes, they are committing no criminal act.

May 17: Packers come into court again to have the indictments quashed on the ground that there had been no "unreasonable" restraint of trade as defined by the Supreme Court in the Standard Oil decision.

June 3: Packers file briefs asking for rehearing of their motions to quash the indictment against them.

July 5: Packers plead "not guilty," and trial is fixed for November 20, 1911.

What was the result? When the Beef Trust was about to be cornered the President demanded that the Department of Commerce and Labor investigate it, and the Commissioner of Corporations, Mr. Garfield, was called upon to perform that duty, and he made his report to the Secretary of Commerce and Labor, and he reported that he found that this great trust was making small profits, that it should not be interfered with, whitewashing the same, and the Secretary of Commerce and Labor sent that report to the President, who transmitted the same to Congress, giving it a "clean bill of health." This was the course pursued by Mr. Roosevelt as the great "trust buster." It took four years to perform this great acrobatic performance. This is in part his disposition of this the greatest criminal combination in this country, and one which does injury to more people than any other. I desire here to submit an editorial from the New York World commenting on the Beef Trust cases:

THE BEEF TRUST'S CASE USED AS A FOOTBALL IN THE FEDERAL COURTS.

In an editorial leader published on September 5, the World thus comments on this shameful exhibition of judicial and executive inefficiency:

"Elsewhere on this page we print a chronology of the Beef Trust cases, showing how they have been used as a football in the Federal courts for more than nine years.

"No other trust so vitally affects the cost of living; no other trust has such tremendous power to oppress every class of citizens, from the richest to the poorest. Yet the Government's so-called prosecutions have been a continuing grant of immunity, and after nine years the first criminal case is yet to be brought to trial.

"Great corporations will never take the antitrust law seriously if the United States Government itself does not take the law seriously. They will never respect the criminal prohibition against restraint of trade if the Government itself does not respect it. The record in this case is a disgrace to American institutions. It is a scandalous thing that with all its power the Government of the United States in nine years has not yet brought a single packer to the bar of justice to prove his guilt or innocence.

"These prosecutions have served only to make the law ridiculous and to bring the authority of the Federal Government into contempt. In no other civilized country would such a record be possible."

This editorial admirably states the prevailing opinion existing, which we all deplore. Who is to blame for this deplorable condition? The courts and those charged with the administration of justice are solely responsible for the existing condition, and for the impatience manifested by the public over the procedure of the courts and the frequent miscarriage of justice, such as that furnished in the Beef Trust cases. It is in the power of the responsible parties to remove the distrust, to hush the criticism, and to restore confidence in this great department of our Government. But a repetition of such instances as exist in the Beef Trust cases will aggravate this condition and militate against the influence of this great department of our Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Indiana be extended for five minutes. Is there objection?

There was no objection.

Mr. CULLOP. I thank the gentleman from Illinois.

Mr. GOOD. The gentleman from Illinois [Mr. Foss] raised the question a minute ago with regard to the propriety of the Government purchasing trust-made goods, and in response to that I will say that the first Secretary of War under President Taft wrote an order that no powder or ordnance or ordnance stores be purchased from trusts.

Mr. CULLOP. I thank the gentleman for the information, because at that time the Secretary of War was a Democrat

from the State of Tennessee. [Applause on the Democratic side.]

Mr. GOOD. How does it come that he was in a Republican Cabinet, then?

Mr. CULLOP. I presume that the Republican President, in looking over the field of eligibles in the Republican Party, could not find a man whom he thought would be suitable for the place, and therefore he appointed a Democrat. [Applause on the Democratic side.]

Now, what more was done in the Beef Trust case? When they filed their plea for immunity, they set up the claim that Mr. Garfield, the Commissioner of Corporations, had granted them immunity. In a very short time the Attorney General of the United States denied that statement, and said that the Department of Justice had not cooperated with the Bureau of Corporations in procuring the indictment against the Beef Trust. Within less than 60 days after this statement was made, and the official statement of Attorney General Moody had been published to the world, James R. Garfield, the Commissioner of Corporations, filed a statement under oath in the court at Chicago that the information upon which the Beef Trust was indicted had been furnished by him, and the Beef Trust walked out of court scot free and went unwhipt of justice.

What was the next step? In less than 60 days the Attorney General dismissed the civil suit.

When the people began to get restless again under the great outrages of the Beef Trust, another Federal grand jury in Chicago was called to investigate their conduct, but it adjourned without returning an indictment, and again the great criminal combination was permitted to continue its plunder of a helpless people. Method after method was employed to suppress this great trust, but to no avail. Each and every suit was without success. Why was the Department of Justice unable to uphold the law, to enforce it?

The result of nearly 10 years of fruitless litigation strongly tends to establish it was. If this be true, then should it not be changed? Why did it bring so many suits and then dismiss them? Why did it fail to secure indictments, and when it did why did it not convict the indicted parties? Its failure is a humiliating confession that it appears to have been inadequate to meet public requirements. If not, then upon what theory can the result be explained?

We are now having the conduct of both Mr. Taft and Mr. Roosevelt's connection with the Harvester Trust presented to the public by each other. The course pursued by both is not commendable, but it enlightens the public as to how lenient both have been in dealing with the trusts, and relieving the public from the hardships which they impose. And yet, as the statement of these prosecutions show, all the time the injunction was in force, the injunction which had been issued by the district court of Chicago, affirmed by the Supreme Court of the United States, and never in a single instance did the Department of Justice under either one of these Presidents have the defendants cited for contempt for the violation of this injunction. It was suffered to remain dormant. The violation of it constituted a contempt of court for which severe punishment could be administered, but in all the 10 years of this litigation it was never invoked. Why did not the department proceed under it and enforce it, and destroy the power of this great combination in restraint of trade, instead of pursuing the fruitless litigation which has resulted in such ignominious failure?

The people, therefore, I say to the gentleman from Illinois, are not content to leave this question to the courts and not take advantage of the remedy presented here and now. [Applause.]

Mr. KOPP. Mr. Chairman, I have no concern as to whether the Government manufactures all of its powder or not, but I do think the committee ought to be possessed of the facts before it is called upon to vote. If the committee wishes to place its objection to the purchase of powder from the du Pont works on the ground that it is a trust, if it wishes to say that the Government shall not purchase anything from a trust, then I have nothing to say. But the other phase of the question I want to discuss.

The reason why all the Governments of the world buy part of their powder from private concerns is that there may be well-equipped factories to start the manufacture of smokeless powder upon the receipt of a telegram when an emergency comes. For many years France manufactured her own powder, as I am informed, but during the last year she has let a part to private concerns, realizing the necessity of having factories equipped and ready to do business if necessity required.

Now, in this country there are three factories in the manufacture of smokeless powder by private concerns. These three factories are owned by the Du Pont Powder Co. One is located in New Jersey, near New York, where there is a great navy yard; another in New Jersey, near Philadelphia, where there is another great navy yard. We have two owned by the Government—one near the navy yard here at Washington and another factory at Dover, near the seacoast. So that we have five factories; and if war should come, on the receipt of a telegram they would be prepared to manufacture smokeless powder for the use of the Army and the Navy.

There is no other purchaser of this powder but the Government. If the Government does not buy, of course the works will close that part of their factories devoted to the manufacture of smokeless powder for big guns. Of course that is a small percentage of the manufacture by these companies, but they have a special factory and special equipment for it, and if there are no purchasers anyone can see that that part of the factory will be closed.

Now, I ask the committee to do one of two things—and so far as I am concerned it is immaterial which—either to continue the law as it has been, so that we may have three factories located in various parts of the country, or vote us money enough to build two or three more, one near the Philadelphia Navy Yard and one near the New York Navy Yard.

The gentleman says that we have one here, and that we could run it with three shifts. Stop and think. Suppose war should come and we have only one powder factory at Indianhead, and let us concede that it is running with three shifts and manufacturing all the powder needed for the Navy. War comes. We may protect that as well as we please, but one well-directed charge of dynamite would put that factory out of business, and we would be as helpless as a new-born babe. We must have factories located in different parts of the country, to be called upon when an emergency comes. I care not whether it be a private factory or a Government factory. My plea is either that you authorize us to let a part of the purchase go to the Du Pont Powder Works, so as to keep them in existence, or vote the money here to-day to build and equip other reserve factories in different parts of the country near the navy yards, which may be available when the time comes.

Mr. BUCHANAN. Does the gentleman object to saving $250,000, instead of paying it to the Powder Trust, now under indictment by the United States Government?

Mr. KOPP. I would be a fool to violate my oath if I did not try to save every penny to the Government; but in saving for the Government I must not overlook the fact of my country's welfare and its safety.

Mr. GARNER. The gentleman would vote to a trust a million and a half dollars a year for the purpose of guaranteeing that we might have a powder factory in time of war.

Mr. KOPP. We do not donate anywhere near a million dollars to the trust.

Mr. GARNER. According to the gentleman from Iowa [Mr. Good] it costs about $1,000,000 more a year to purchase all the powder we have to purchase, if we have to purchase it from the trust, than it would if we were to manufacture it ourselves.

Mr. KOPP. I am referring to the Navy in any remarks that I make at this time.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. KOPP. Certainly.

Mr. GOOD. I will call the attention of the gentleman to the report made by the Chief of Ordnance of the Army, Gen. Crozier, for 1911, in which he says that the saving from the powder appropriation has, therefore, been about $188,500, which is $23,500 in excess of the cost of the powder factory.

Mr. KOPP. I concede that, but let me ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KOPP. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KOPP. We ought to meet this question without any prejudice. As I said a moment ago, I certainly hold no brief in any sense of the word for the Du Pont Powder Works.

Mr. GOOD. And I certainly have none.

Mr. KOPP. I know the gentleman has not. I am opposed to the trust, and I said in my opening remarks if the gentleman wants to place it upon that ground I am with him, but does the gentleman think that we ought to manufacture all of our own powder at Indianhead?

Mr. GOOD. No. Until we establish a factory upon the Pacific coast we ought to manufacture all of our powder at Indianhead and at Dover. We have ample facilities and can

save $1,524,000 a year by doing it, and until we have established a factory on the Pacific coast I favor the manufacture of every pound of smokeless powder in these two Government arsenals.

Mr. KOPP. Is the gentleman willing to appropriate money now for the building of a powder factory on the Pacific coast and one near Philadelphia or New York, where our greatest navy yards are?

Mr. GOOD. I think the two now in the East have capacity to manufacture all of the powder used by the Army and Navy. I am willing to appropriate money any time to build another Government powder factory on the Pacific coast.

Mr. KOPP. The gentleman overlooks the fact that it is not alone a question of capacity, but it is a question of expediency. It is a question of common defense. The gentleman must stop and reflect that if we should have war—and God forbid that we ever should—and had but one powder factory, and that was put out of business, we would be helpless.

Mr. GOOD. Well, where would we be if we had five factories and they should all be blown up? It is just as easy to blow up five factories as it is one.

Mr. KOPP. It is just five times as hard, and that is the only difference. If the gentleman wants to appropriate money for other factories, I am with him. My plea is to do one of two things, either continue the plan we have now or provide for the building of other factories.

Mr. BOEHNE. How much would one cost?

Mr. KOPP. I have not the figures.

Mr. HEALD. Mr. Chairman, the policy of monopolizing the manufacture of smokeless powder by the Government has not heretofore met with the approval of the officers of either the Army or the Navy. Of course I agree with the gentleman from Iowa [Mr. Good] that it is wholly within the province of Congress to say that we shall alone manufacture all of the powder supplies that we need, but up to this time the invariable opinion of the officers of the Army and the Navy has been that it is not advisable to do so, and I do not believe that, judging by the experience of the past, we are justified in doing so now. This House has always looked to officers of the service for advice and information in determining the policy we shall follow. Economy may be very shortsighted, but while we might save a few thousand dollars by the Government manufacturing all the smokeless powder we need at the present time, emergencies or accident might make it far from economy to be limited in our supplies to the capacity of the plants at Indianhead and Dover. We should not be unmindful of the fact that the smokeless-powder industry has been very largely developed by the private concerns which are to-day manufacturing smokeless powder for the Government only, and they are manufacturing it for the Government only at the behest and direction of the Government itself. The reports of the various officers, including the Chief of the Bureau of Ordnance, all go to show that it is their unprejudiced opinion that the national welfare and I am quoting from the report of the Chief of the Bureau of Ordnance for the year 1908—requires the encouragement of these companies to keep up their plants and their trained forces, even if the output of the Government plants has to be kept much below their maximum capacity. Upon this point several reports of the Chief of the Bureau of Ordnance are interesting. In the report for the year 1907 we find the following:

> The specifications for the powder and most other points in connection with it are fixed by the joint board of officers of the Army and Navy, through whose labors not only the specifications have been improved, but the two services have been brought into perfect agreement as to the details of manufacture and inspection. Upon the recommendations of this board, made after careful consideration of all information available, but especially of that furnished by the Government powder factory at Indianhead, the price to be paid for powder purchased from private firms is fixed from year to year. This has been found a satisfactory way to regulate prices with the so-called Powder Trust, which has thus far accepted without serious protest both the price established by the board and the more exacting specifications which have been insisted upon. With the competition of the naval powder factory at Indianhead and the Army factory at Dover (soon to be completed), and with the revision of specifications and prices made each year by the joint board, the bureau has no fear of finding itself at the mercy of private manufacturers, and feels that it has much to gain by encouraging these manufacturers to keep up their factories and to maintain their valuable force of trained chemists, experimenters, and laborers.

In the annual report of the Chief of the Bureau of Ordnance to the Secretary of the Navy for the year 1908 we find the following:

> The joint Army and Navy powder board has continued its work in connection with the specifications, methods of inspection, etc., and the two services purchase and manufacture their powder under exactly the same conditions with regard to methods, processes, etc., with consequent simplification and economy. One duty of the powder board is to recommend the price to be paid for powder, basing their calculations upon data obtained in the operation of the Government plants, and a small reduction was made during the last fiscal year in view of the slightly lower price of raw materials. The capacities of the Government plants are probably now such that during the continuance of peace the Government may be considered nearly independent of the Du Pont powder companies, and there is no danger of its having to purchase powder at exorbitant prices. Indeed, the companies have always accepted the price named by the Government, and it is only fair to state that during the past few years, when the bureau was obliged to purchase large quantities of powder, these companies have never taken advantage of the situation to charge exorbitant prices. The national welfare requires the encouragement of these companies to keep up their plants and their trained forces, even if the output of the Government plants has to be kept much below their maximum capacity.

In the annual report of the Chief of the Bureau of Ordnance to the Secretary of the Navy for the year 1909 the following statement is made:

> The reserve supply of powder has been added to, although this reserve still remains inadequate. The situation, however, has improved since the last annual report. The extension of the naval powder factory at Indianhead has been taken in hand, and in about nine months the Government plant should be able to double its output. The policy of keeping in operation the private powder plants is a sound one. The manufacture of smokeless powder is attended with unusual hazards, the time required for its production is considerable, and the possibility of the Government plant becoming disabled through fire or other accidents is not to be overlooked. In time of war the Government plants, in spite of all the enlargement which could reasonably be made, would be altogether inadequate. These are sufficient reasons why private sources of supply should be fostered and the Government assured an unfailing supply of powder in case of emergency.

Now, Mr. Chairman, with reference to the manufacture of smokeless powder as a Government monopoly by France, about which the gentleman from Texas was asking some time ago, I will read from a statement of Admiral Knight, referring to an explosion which recently occurred, in which he says:

> Quite lately, as you gentlemen will remember, there have been two terrible disasters in the French navy. I have had occasion to study the evidence which has been brought out in connection with those accidents very carefully, and it has been made entirely apparent to me that the trouble was not in the formula by which these powders were made, but it was in the care with which they were made, or in the lack of care, rather, with which they were made. The powders were apparently good. They doubtless passed all the tests there.

It is clear from his further testimony that, in his opinion, the competition between the private-owned manufactures of powder and Government-manufactured powder does raise the standard and insure the quality of the product; and he further says that he would pass many sleepless nights on a boat where he was in doubt as to the stability of the powder which was in her magazines, and I have no doubt he would. For 100 years, Mr. Chairman, this Government has relied upon private industry for the powder which she has used.

During these more than hundred years the manufacture of powder has grown to enormous proportions, but never have the relations between the Government and the manufacturers of powder been other than amicable and satisfactory. As the Krupps have been relied upon by the German Empire for its guns, so this Government has relied upon the Du Pont Co. for its powder.

The annual expenditures of the Army and Navy are, in round numbers, about $300,000,000, and only about 1 per cent of this vast sum is spent for powder. The price of powder, when smokeless powder was in its experimental stage, was $1.50 per pound, and the last purchases made by the Government were at the rate of 60 cents per pound; and every evidence on the part of the department experts tends to show that this is a fair price. While this advance in manufacture was being made, the Du Pont Powder Co. was the first industrial concern in the United States to establish a service and accident pension for the benefit of its employees, which it is still maintaining.

We relied upon it for the powder which we used in the Mexican War, in the Civil War, and in the Spanish-American War, and to-day, according to the testimony that is before the Committee on Naval Affairs, the people who are manufacturing smokeless powder are maintaining three plants wholly for the service of the Government, wholly that the powder may be supplied to them when they want it, and in the quantities they want and at the price they want it, because it has been shown that the prices are absolutely fixed, and the testimony further shows that the contracts are not made with the manufacturers of smokeless powder for the delivery of powder, but that the price is fixed for the option to take such amount of powder as this Government might need, and at that price we purchase what we need if we need any.

It has been stated on the floor of this House at various times that during the Spanish-American War the Du Pont Powder Co. raised the price of powder to the Government. The evidence before the Committee on Naval Affairs not only shows that this is not true, but, on the contrary, the powder company actually reduced the price of powder in the midst of the war and released the Government from compliance with its part of

the contract to take 2,800,000 pounds, the balance on a contract of 5,000,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Delaware may proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Delaware may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HEALD. Mr. Chairman, in the testimony that has been developed in the various hearings for many years past it has been shown that the development of smokeless powder in this country has been largely the result of experiments that have been conducted by private companies. The testimony shows that the manufacturers of smokeless powder—the Du Pont Powder Co.—to-day are spending on an average $300,000 to $400,000 in experiments to improve the quality of powder and explosives. All of that has been to the advantage of the Government, just the same as when we built the plants at Dover and at Indianhead these private manufacturers of powder furnished every blue print, every model of a piece of machinery, every process for making it, and even furnished them the men to conduct their plant. This has been acknowledged by the various chiefs of ordnance and admirals having charge of that branch of the service.

I do not urge this as any reason why the Government should not extend its industry in the line of the manufacture of smokeless powder, but I do urge as a reason why, in the light of the testimony of Admiral Knight, it is better, far better, for us to maintain competition as such in the hands of private individuals at the same time we are manufacturing on the part of the Government, in order that comparisons may be made, in order that stability may be given to these powders and that the Government may have in the future, as it has to-day, better powder than that furnished to any other Government in the world. The smokeless powder which we are using to-day, in comparison with that which is used in the German Navy and the English Navy, has been improved to a point where it gives to the life of the guns three to five times the life which the English powder gives to the life of the English gun. The English powder costs less than our powder, as has been stated by the gentleman from Illinois [Mr. FOSS], but it is not cheap when you consider that the smokeless powder we are using prolongs the life of the gun from three to five times as long as the powder furnished to the English Navy. The statement of the gentleman from Wisconsin to the effect that the French Government during the past year, realizing the conditions to which I have called attention in the testimony of Admiral Knight, has determined in the future that it will no longer monopolize the manufacture of smokeless powder for its army and navy, but will encourage the manufacture at the hands of private individuals, tends to confirm the wisdom of the course we have pursued for so many years. There is no doubt but what this Government wants smokeless powder of the best quality. They want it in quantities when they want it, and there has not heretofore been any difference of opinion in the reports of the chairmen of the committees of the House, whether they have been on one side of the House or the other, as to the necessity of keeping alive these factories which are to-day manufacturing smokeless powder only for the Government.

Mr. TRIBBLE. Does the gentleman know how much powder the Government has in reserve?

Mr. HEALD. The powder which the Government had in reserve last year was certainly not enough powder to fire all its guns in an engagement lasting one hour and a half.

Mr. TRIBBLE. Does the gentleman mean that is all the powder that the Government has deposited here in the different places to be used in an emergency in the time of war?

Mr. HEALD. I am not referring to all the old brown powder.

Mr. TRIBBLE. That is what I am talking about.

Mr. HEALD. The old brown powder is not good at all.

Mr. TRIBBLE. Then you have not read this.

Mr. HEALD. I have.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. HEALD] has expired.

Mr. HEALD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KENT rose.

The CHAIRMAN. The Chair will recognize the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, it is possible that as a result of experience I may be able to cast a little light on some phases of this subject. At one time, some 15 years ago, I started out in an attempt to manufacture powder in competition with the so-called trust. I was making a powder of a different kind from the nitro powders, which was known as picrate powder, the nitrogen of which was contained in picric acid instead of nitric acid. In the course of that experience I had to learn the cost of smokeless sporting powder as made by the Du Pont people and others. I secured what I believed to be accurate figures at that time as to the cost of shotgun powder, which is practically the same as the Navy powder, a little different in formula, but practically about the same in composition and cost. At that time the nitro powder cost was about 35 cents, according to the best information that I could obtain. Since then there have been economies practiced, especially in what is known as the absorbent part of the powder. These nitro powders rely for explosive qualities on nitrogen gas confined in nitric acid mixed with glycerin and held by an absorbent medium. For cotton there have been substituted much cheaper absorbents, and, without any doubt, a cheapening in the powder. I feel sure it does not now actually cost to exceed 30 cents a pound, if, indeed, the cost is not below 30 cents.

The Government figures here show what a minor charge in plant cost there is in powder manufacture. As a matter of course manufacturers have studied to put as little as they can in powder plants, because by accident they are liable to lose the whole thing. The gentleman from Iowa [Mr. GOOD] said the Government has invested in two plants $400,000, which would amount to 13 cents a pound for one year's annual output of 3,000,000 pounds.

Mr. GOOD. Will the gentleman yield?

Mr. KENT. I do.

Mr. GOOD. He should state in connection with that that the plants are only run at one-third their capacity.

Mr. KENT. And still produce 3,000,000 pounds.

Mr. FOSS. They produce 1,000,000 pounds.

Mr. GOOD. Each plant produces 1,000,000 pounds, but at full capacity could produce 3,000,000 pounds.

Mr. KENT. Which shows the plant cost would be retired by an allowance of 13 cents a pound in one year's output, whereas the Government would pay to the trust about 30 cents profit per pound.

Now, taking another phase of it, if this powder costs not to exceed 30 cents, and the Government pays 60 cents per pound, the Government pays 100 per cent profit. If we wish to encourage private industry, why should we not go to a plant and say, "We wish you to manufacture some of the Government powder, and we shall pay you on a percentage basis"?

Should we give them 100 per cent on that basis? I imagine not. Thirty per cent, or about 40 cents per pound for cost and bonus, would be liberal and would then save the Government 20 cents per pound.

There is no secret about the manufacture of powder. There is no trouble about obtaining the quality in powder. The tests of powder are as definite as can be made in the manufacture of any known article. The tests for pressures, for velocities, the hydroscopic tests as regards the absorption of water, the temperature tests, the tests for breech pressure and deterioration are all simple, clear, and conclusive, and there is no reason why the Government powder should differ a particle from the Du Pont powder, when it is being made under exactly the same formula and with the same end in view.

There is no sanctity attaching to the Du Pont powder on account of the historical reputation of the company.

So far as the trust is concerned, I do not know that this is an item to be considered, except that when the Government pursues a policy of buying from private concerns it should have competitive bids. In the purchase of powder there is only one institution from which purchases can be made, as has been recognized and confessed by the gentlemen on the other side. That concern is a trust, and has been a most offensive and burdensome trust. I know that fact of my own knowledge; but that is neither here nor there.

Mr. HEALD. Will the gentleman yield for a question?

Mr. KENT. I do.

Mr. HEALD. The company to which the gentleman refers has undoubtedly been declared a trust in restraint of trade. Is it not true that the Government, in entering a decree for the dissolution of the company, provided that the plants which manufactured smokeless powder for the Government should be maintained all together under the control of one company?

Mr. KENT. I am not making a demagogic argument against the trust; I am making an economic argument against the policy of the Federal Government being robbed by trust methods by a trust.

Mr. HEALD. May I ask the gentleman another question? He gives the price of smokeless powder at 30 cents a pound. How does he obtain his figures, when the Government figures

and other figures bring the price up to between 40 and 50 cents per pound.

Mr. KENT. I do not know anything about Government figures, so called, or how derived. I spoke of what, to the best of my knowledge, were the facts.

Mr. SISSON. Mr. Chairman, I am disposed to support the amendment offered by the gentleman from Iowa [Mr. GOOD]. The one proposition that seems to be in the way is the question as to whether the Government is now capacitated, with its present output from its factories, for supplying the Government's present needs during the current year. Has the gentleman from Iowa any information or evidence as to the capacity of the factories and the amount of powder needed by the Government? If so, I would be glad if he would give that information.

Mr. GOOD. Answering the gentleman's question, I will say that last year we acquired 5,728,886 pounds of smokeless powder. The testimony of Admiral Twining is that the plant at Indianhead has a capacity of 3,000,000 pounds per annum and the plant at Dover, N. J., has a capacity of 3,000,000 pounds. I think Gen. Crozier claims that the plant at Dover has a larger capacity than that. I do not exactly recall his statement as to capacity.

Mr. SISSON. That would supply the present needs of the Government?

Mr. GOOD. That would not only supply the present needs, but this 5,728,886 pounds is partly composed of reserve powder that the Government has been purchasing—purchasing it for reserve in time of war.

Mr. SISSON. Now, I have one other question. I notice that something over $5,000,000 is carried in this bill for enlarging these two plants that the Government now owns.

Mr. PADGETT. Oh, no; there is nothing for enlarging them.

Mr. SISSON. What was it for?

Mr. GOOD. I will say to the gentleman that the items he refers to provide for the maintenance of the powder factory and proving grounds, and things of that sort.

Mr. PADGETT. There is nothing for an extension.

Mr. SISSON. How much of this reserve powder is carried over? Does the gentleman know how much is bought from the trust that is carried over and never used?

Mr. GOOD. I do have those figures. I think I am safe in saying that a considerable part was reserve powder. Is it not so, Mr. Foss?

Mr. FOSS. I think so.

Mr. SISSON. So that if the powder bought by the Government is not used for the current year it is reserve powder?

Mr. PADGETT. The purchase of the Navy was 3,000,000, and there was placed in reserve a portion of that.

Mr. SISSON. Then, I will ask the chairman of the committee this additional question, which was suggested by the statement made by the gentleman from Iowa [Mr. GOOD]: In reference to the cost of the powder, has the committee any information that that powder can be manufactured at, say, from 25 to 30 cents per pound?

Mr. PADGETT. None whatever; and Admiral Twining states that the actual money cost of the items that he includes was 33.6, and then he does not include various other items which legitimately go into it, which he says if added would run it up to 45 cents and something; and then that does not include any allowance for pensions to employees or taxes or insurance, or anything of that kind, so that it would go above that.

Mr. SISSON. Now, I want to ask the gentleman from Iowa a question. The gentleman from Iowa said something about an agreement in which Gen. Buckner figured. Has the gentleman any information of the nature and character of that agreement?

Mr. GOOD. I will say to the gentleman that that agreement was put in evidence in the suit that was brought by the Government against the Du Pont Trust in the Federal court in the State of Delaware, and it shows that powder manufacturers had divided up the various States among the powder companies; and in 1897 they entered into an agreement as to the territory of the world and agreed that the United States territory should be the property of the Du Pont Powder Trust, and that no other powder company in any country in the world could furnish any powder to any concern in the United States, even to the Government of the United States.

And again, in answer to that question, I want to quote from the testimony taken before the Committee on Naval Affairs last year when Mr. THOMAS asked a pertinent question of Gen. Buckner, who was the manager of the Du Pont Powder Trust. This is the extract:

> Mr. THOMAS. As to the cost you start with, the 40 cents, I understand, and a fraction.
> Mr. DAWSON. 43.21.
> Mr. THOMAS. You start with that basis. Now, what is your actual cost?
>
> Mr. BUCKNER. I submit that this is hardly a fair question. The Government is one customer of ours, and we have competition all over the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask that the gentleman may have one minute more. I want to ask him one more question.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended one minute. Is there objection?

There was no objection.

Mr. GOOD. He further said:

> If I give my cost on powder to you I give it to the world.

And yet he had an agreement with the world that the world would not interfere with him or his company, and it made no difference to the world what it cost him to manufacture powder. [Applause.]

Mr. SISSON. Has the gentleman from Iowa any information as to what effect a failure on the part of the Government to purchase any powder from the trust would have on that institution in the conduct of its present business?

Mr. GOOD. I can answer that by quoting the language of Gen. Buckner again, the vice president of the trust. When he was asked a question as to the improved character of powder, he said before the Naval Committee:

> They want—
>
> That is, the Government—
>
> They want what we want and they make us produce it. They get behind us and discover weaknesses in our powder, and insist that the powder shall be what they want.

So it is the Government that is producing the good powder and that makes the Du Pont Powder Co. supply good powder. [Applause.]

Mr. SLAYDEN. Mr. Chairman, this is precisely the same fight that was made against a corresponding item in the Army appropriation bill that was under consideration here a few weeks ago. No new arguments have been advanced. The enemy is the same—the trust. The chief assailant is the same—the gentleman from Iowa [Mr. GOOD]. He has said nothing new.

I think we may assume that the trusts are damned by everybody; certainly by everybody in this House. Having condemned them, we may proceed to the consideration of a business problem pertaining to the conduct of the business of this Government in a businesslike way. The trusts have no friends. We will admit that and go on without beclouding our thinking, if that be possible, by constantly injecting it into the consideration of this trust question.

The Government powder plant was established a few years ago for the purpose of an economic safety valve. It was intended to be regulatory. It was intended to prevent unjust exactions in the way of price by private manufacturers who sold munitions of war to the Government. It has served that purpose. I am glad that it has, because it happens that the plant established for and by the Army was precisely in accordance with the limitations in a bill that I myself offered for the creation of that plant. It has worked admirably. Coincidentally with the operation of that plant, the price of powder has gone down. Now, he would be a rash individual who would say that it has gone down solely because the Government established that plant. There have been steady improvements in the manufacture of powder, just as there has been a steady improvement in the manufacture of nearly everything which involves an intellectual process and where there are students engaged in the manufacture of that particular article. I am told—how true it is I do not know—that the Du Pont Powder Trust has on its pay roll gentlemen who command salaries ranging up to $20,000 and $25,000 a year. If that be so, it is because those men have knowledge and skill that are of that much value to the industrial plant that we refer to here in terms of opprobrium as the Powder Trust. I am also told—not by Gen. Buckner or any other employee of the Powder Trust, but by honorable, high-placed officials of this Government—that such improvements as have been made from time to time in the manufacture of powder, such developments of the chemical processes required in the manufacture of powder as have been made in the laboratory of that company through the efforts of its privately paid individual employees, have been given freely to the Government. If that be so, it is a patriotic service on the part of those citizens, and for that at least they ought to be commended and not condemned.

When the Government plant was established it was not anticipated that we would ever manufacture all of our powder, and in spite of the fact that circumstances may compel us to buy a large part of our supply from a trust, I say to you that I am not in favor of the Government manufacturing all of its own powder now any more than I would be in favor of the Government manufacturing all the shoes that are re-

quired for its soldiers or all the blankets that it uses to cover their bodies at night or all the clothing that they wear during the day.

I do not believe in having the Government engage in private business operations that may be done as well or better by the citizens, but I do not want to be misunderstood on that point. I want the Government to exercise the power which the citizen has, the opportunity of resisting the unjust exactions of private corporations, and for that reason I favored the creation of a powder plant for the Army; but I believe that it would be wise, while we keep the Army powder plant up to the maximum of efficiency and keep it ready at all times to manufacture the necessary ammunition for war, I believe it would be wise to buy the bulk of our munitions of war from private individuals.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Now, Mr. Chairman, if I may have the five minutes undisturbed I will agree to quit. There may come a time when we will absolutely need, and urgently need, the help of private citizens in equipping the Army and Navy for the defense of the country. It was said by a man who came from the State of my friend on my right, Mr. GREGG, that he went 20 years without needing a pistol, but when he did need it, he needed it like hell. [Laughter.] That may be our condition in reference to powder made by private plants. I do not want to be in the position that we were placed in at the opening of the Spanish-American War. My friend from Georgia [Mr. TRIBBLE] said that he thrilled and throbbed with pride at the performance of Admiral Dewey in Manila Bay. Why, Mr. Chairman, I did not get a single thrill or a throb out of that enterprise. After he had sailed into that bay, over that particular part of the bay that was supposed to be mined, he was in absolute safety, and he anchored off at a perfectly safe distance and engaged in practice with Spanish ships, that were entirely powerless to do us any harm, as targets. There was not much opportunity for thrills there. It was a good excuse for eloquence, but not for real thrills, and, as I suggested to the gentleman privately, in the interest of true history I hope he will correct that statement. We destroyed the Spaniards, but they did us very little harm.

Now, it is unwise, in my judgment, to leave these private plants out of consideration, to leave us in the position that we were in at the beginning of the Spanish-American War, when we did not have in reserve enough ammunition to quell an ordinary street riot. If we had had an enemy of any size, if we had had an enemy sufficiently powerful to occupy a high place in the military world, we would have been in a lamentable condition in the way of being utterly unable to defend ourselves.

Now, Mr. Chairman, this proposition is to deny the Government the right to buy. It is proposing to take away from the Federal Government the power and the privilege of protecting itself in a crisis by going into the market and buying what it may require for the defense of the integrity of our soil. Whatever may be my hostility to the manufacturers of powder, however much I may condemn them for monopoly, however pressing may be the political necessity for denouncing the trusts at home, I would never be willing to put my country in the attitude of helplessness, with its hands bound, denied the privilege of doing what the citizen may do for himself—go into the markets of the world and buy what it needs for self-defense. [Applause.]

Mr. PROUTY. Mr. Chairman, I understand it to be the declared policy of this country to oppose monopoly in so far as the sales are to individuals. I believe it is equally the policy of this Government, or at least should be its policy, to prevent monopoly in those things that the Government is compelled to use. I am sure that on this side of the House we have candidly said and candidly believed that monopoly was a dangerous thing. I am sure that that side of the House has protested it on many occasions, and yet I am quite surprised to-day to find men on both sides of this Chamber standing up and defending in the most vigorous way a thing that every man who has spoken here has said was the most complete monopoly in the world.

Now, I am not going to abuse monopolies. I am not going to discuss that question, but I am going to point a finger of warning to the American people against the condition of having an instrument of war, a thing absolutely vital for the Government to have in case of war, under the control and domination of a complete monopoly. The gentleman says, "Suppose that our plants should blow up, then where would we get our powder?" Let me ask the gentleman, Suppose this monopoly should refuse to sell powder to us in time of war, where would you be? [Applause.] It has already been shown here that this company has a contract with every other country in the world that they shall not sell us powder, and if this company should say they would not sell us powder, I then venture the assertion that the Federal Government would be put in a position where it would at least be willing to compromise the suit it now has against the Powder Trust.

Mr. HEALD. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. HEALD. If the gentleman has read the record, and it is in the hearings here and in court, he would find that the contract, to which the gentleman from Iowa referred, with foreign countries was canceled in 1908.

Mr. PROUTY. I have not read that, and of course I do not know whether that is true or not.

Mr. HEALD. It is in the record.

Mr. PROUTY. Assuming it is true, no man has stood on this floor and said they did not have a complete monopoly of the powder business in this country.

Mr. KOPP. Of smokeless powder.

Mr. PROUTY. Of smokeless powder; yes. The gentleman says that we have been purchasing powder of that company for 100 years for the purpose of prosecuting our wars. That is true. But let me call the attention of the gentleman to the fact that they have not had a complete monopoly for 100 years. It is comparatively recent that they have become a complete monopoly. The gentleman from Texas [Mr. SLAYDEN], in discussing the question, stated that he was not in favor of the Government going into business. He said that he was not in favor of making shoes and clothing for the soldiers. Let me ask the gentleman this question: If there was but one concern in the United States that could or would make shoes for the soldiers of the Army, would he be willing to say that the Government should not then go into the business of making shoes for its own soldiers? Would he rely upon a complete and merciless monopoly to furnish necessary equipment for our soldiers? I think not.

Mr. TRIBBLE. And I can suggest right there to the gentleman that the record shows here that the Government has only one bidder for powder, and that is the Du Pont Powder Co.

Mr. PROUTY. I understand that. Every man has admitted that. I do not claim to have any knowledge or information upon this subject except what I have learned on this floor, but every man who has spoken on both sides of the House has said that they are a complete monopoly; and if the Government did not have any means of its own of making powder the Du Pont Powder people could charge any price they pleased in case of war. Is that a safe situation? I am unwilling to leave this great country at the mercy of any institution. Either break up the trust so there can be numerous manufacturers to whom we can go in time of war or have the Government equipped to take care of itself.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. CULLOP. It has been said here that through the liberality of this Du Pont Powder Co. there has been furnished to the Government all of the improved processes of making powder which it has learned in the manufacture of the same. Have they not been paid very liberally for that gratuity on their part—at the rate of 27.6 cents a pound?

Mr. PROUTY. Mr. Chairman, I was going to make that suggestion. I had a minute of it upon my paper; that if they have been kind to us some fellow has certainly been very kind to them. The facts, as disclosed by my colleague [Mr. GOOD], show that we have paid at least $1,000,000 for that courtesy, and it suggests to me—I do not know whether it so suggests itself to you—in view of what else I have heard on this floor that there is a wonderfully close working relation between certain members of the Government and this trust. I do not say that disparagingly, but it does awaken in my mind a suspicion that there is a close working relation.

[The time of Mr. PROUTY having expired, by unanimous consent he was granted five minutes more.]

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Certainly.

Mr. KOPP. The gentleman stated a moment ago that one reason why he favored the Government manufacturing powder was because it was purchasing it from a monopoly.

Mr. PROUTY. Not exactly that.

Mr. KOPP. That was his direct statement. The question I have to ask is this: Does the gentleman favor the Government undertaking to manufacture every article that it uses that is purchased from a monopoly or a trust?

Mr. PROUTY. No; I did not say that. What I meant to say was this: It is the duty of the Government, if it can—and it has been shown that it can—to divorce itself from the power of the trust to throttle it in time of war.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Mr. Chairman, I believe I shall have to take a few minutes of my own time.

Mr. FOWLER. Just one question.

Mr. PROUTY. Very well.

Mr. FOWLER. I want to ask the gentleman if it is not better for the Government to go into the manufacture of material which it needs to carry on the great departments of the Government, if it becomes necessary to break up a monopoly, than to allow the monopoly to prevail and to patronize that monopoly?

Mr. PROUTY. Yes; I certainly believe that; but I certainly believe that with a commodity that is absolutely necessary in times of war, when the life of the Nation depends upon it, that the Government that has not the courage to go forward and create the instrumentality that constitutes its own instrument of defense is weak indeed, and it shows a marvelous surrender to this monopoly. Now, to go to the real thought that I arose to discuss——

Mr. SLAYDEN. Will the gentleman permit a question, in common fairness? Has anybody on the floor of the House advocated any such thing as he suggests?

Mr. PROUTY. Yes, sir; I will be frank. They may not have put it in those words, but the effect is the same. You say there is nobody who makes it but the trust, and for fear the Government might not get powder enough we are in favor of aiding the trust by buying from it, so it will not be put out of business. If that is not stimulating and encouraging and helping the trust, why I do not know anything about it. [Applause.]

Let me discuss my question for just a moment, please. Every man who has spoken on that side of the question has said when driven to the wall that the war officials have recommended this course, and that is the question that I arose to discuss. I have been in this Congress but a short time. I came from the prairies of Iowa, fresh from the people, and the few months I have spent here has raised a question in my mind whether I have any business here or not. It has become a question in my mind whether the departments are running this Government or whether the American Congress, elected by the people, are running it. I am willing that the war officials shall control certain questions, but I am not willing that the American Congress shall surrender its rights to determine great economic policies to a few fellows who are sitting down in a chair in charge of a department of this Government. Congress created these departments, and it was intended that Congress should direct them, and not that they should direct Congress. [Applause.]. We have said upon every platform in every section of this country that we are opposed to monopoly, and we are going to do what we can to protect all the individuals against the monopolistic effect of those institutions, and yet good men, honest men, stand here on this floor and advocate that the Government shall turn right around and stimulate and help these trusts by buying from them, and frankly say that they are buying of the trust so it will not go out of this business. [Applause.] Now, I would not be so deaf to the argument those people have offered—that we will not have any place to manufacture this powder—if I did not know a little about the powder business myself. I have had just a little bit of experience about that. It does not take any great plant to manufacture powder. If you give me a great big high fence, tin roof, and a few tanks, and a few chemicals, and men to handle them, I can start a powder plant. I am speaking of it in general terms. It is not like building arsenals, it is not like building great plants with vast machinery, it is an ordinary simple process after you have the chemical formula. It is almost as simple as making country soap, if you only know how. I can not do it, you can not do it, but there are fellows who can. There are fellows who can make powder who can not make soap, and there are fellows who can make soap who can not make powder. But our Government has demonstrated that it can make powder cheaper than it can buy it, and that it is just as good or better, and I am in favor of its doing it and beginning now. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LITTLEPAGE. Mr. Chairman, this discussion has been a very beneficial one to the country and, indeed, a very educational one to the membership of this House, and I am reminded of a country scene, which I presented here, of a Texas steer, 3 years old, turned out with his head and tail up, that goes upon the range, and pretty soon the ticks begin to congregate around his legs and sides until before the fall season comes on he is literally covered with ticks sapping out his lifeblood. Well, the people in the West have arranged what they call the "dip." A hole is dug in the ground and filled with liquid, and they arrange so as to drive the steers through or make them jump or swim in this dip to get rid of the ticks that are killing the cattle. Now, what is this picture? Uncle Sam on one side has fastened upon him the Steel Trust, on another side of him the Sugar Trust, on his back the Meat Trust, on his belly the Food Trust, on his rump the Tobacco Trust, on his head the oil, paper, salt, leather, and the Lord only knows how many other trusts that the American people are bedeviled to death with, until the time has now come when the people, through this Congress, are going to apply the dip. [Applause.] Here is an opportunity to save, as I understand it, $1,120,000 per year to the American people, and it is not strange to say Republican insurgents on the other side have admitted that all these years of Republican administration of this Government, that the administration has been paying out this money year after year without any objection. [Applause from the Democratic side.] Now, Mr. Chairman, I am in favor of retrenchment and keeping our promises to the people; I am in favor of taking care of Uncle Sam as best we may, and eliminate these trusts from the body politic. There is no doubt but the Steel Trust, having been fostered by a Republican administration of this Government, has made fabulous fortunes off of the people. [Applause.] The Sugar Trust has made millions and millions off the people as the result of special privileges until the time has come when the people on the Democratic side of this House, with the assistance of the insurgent Republicans, and, God bless you, I admire and appreciate you for it, you are going to stand up in the limelight and let the people see you are going to join with the Democrats in trying to secure for the people the protection which the Government ought to give to our own people.

Let ex-President Roosevelt and President Taft cry and accuse each other of being corrupt, if they will. The people of this country are ashamed of such conduct, as it sets a terrible example before the people of this great country and humiliates us abroad in other and foreign lands.

Let us stand by our guns and defend the people of this land against graft and dishonor. Let us save the taxpayers this $1,150,000 each year by voting for this amendment, and show our colors, our interest in and friendship for our country. I am against the trusts. They have about bursted the Republican Party—the only good thing they have ever accomplished.

It is a remarkable spectacle, Mr. Chairman, that we all witness here on this occasion, when there is an opportunity to save $1,150,000 for the people. The time, I say, has come when the people are about ready to apply the dip to the trust. Let us get rid of these ticks; let the taxes be reduced; let the poor men of this country have meat on their tables at least once a day once more. When we do this, we help each other; and when we help each other, the world grows better and men nobler. [Applause.]

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. LITTLEPAGE. Mr. Chairman, I will not trespass upon the time of the House except to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOBSON. Mr. Chairman, I appreciate how long this debate has run on this one amendment. I do not propose to detain the committee further myself, but there have been two references during the course of this debate which, in my judgment, were uncalled for and should not be allowed to pass without some remark. One of these references would belittle the execution of our fleet in the Battle of Santiago and the other would belittle our victory at Manila Bay.

It happens that I was in prison when the Battle of Santiago was fought, and I can, therefore, with propriety speak of it. Three days after that battle I was a member of the official board which examined every one of the Spanish wrecks. We went from stem to stern on every ship. I want this Congress to know when anyone reflects upon the marksmanship that in actuality it is not fair to compare percentages of hits on that day with percentages of hits to-day, because the conditions have been completely changed. The percentages of hits were high for those days. In addition the ships were burned fore and aft. Many shots struck them in the woodwork and inflammable portions, where they could not be counted. As we went from ship to ship we found that the execution was something remarkable, never before equaled in a fleet engagement.

Do not let anyone imagine that the Spaniards did not have good ships. They had four armored ships of the latest types in the world. They were homogeneous, of 21 knots speed. If they had come out and formed in squadron, utilized their powers of speed, and stood off and maintained 21 knots or 20 or even 19 or 18 knots, our fleet, made up of heterogeneous craft, in which we had not a single battleship of more than 16 knots speed, would have been strung out by night over a distance of 100 miles, and the Spanish fleet could have turned around and swallowed our fleet one ship at a time. What did happen? The Spanish ships of 21 knots speed made 16 knots in battle. The American ships of 16 knots speed made 17 knots in battle. [Applause.]

Ship after ship was so riddled with the fire of our shells that the conflagration that sprung up on them drove them to the beach. Admiral Cervera told me that you could not conceive how terrific the execution was aboard the ships. Speaking of his flagship, the *Teresa*, upon which the execution was not as severe as on the *Vizcaya* and *Oquendo*, he described how shot after shot came in and set them on fire, and the fire soon got beyond control. He said, "There was not a space as big as the palm of your hand where an insect could have lived. And the men had to get off of those ships or be burned." The wreckage, with dead men strewn about, showed that our execution was appalling. It could not have been greater. It is in very poor form for Members to get up superficially and reflect upon the execution of our Navy in that battle. Do you know it is the first time in the history of the world that any fleet ever totally destroyed another fleet?

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. HOBSON. Certainly.

Mr. SLAYDEN. I am not certain that the gentleman is referring to what I said.

Mr. HOBSON. Not yet; I will in a minute.

Mr. SLAYDEN. I want to say to the gentleman that I said nothing reflecting on the execution of the fleet at Santiago. What I said was that the Spaniards had poor execution.

Mr. TRIBBLE. The gentleman will recall that I paid a very high tribute to our fleet.

Mr. HOBSON. Neither of the gentlemen are involved. But I want it to be understood here that our Navy attained a marvelous efficiency in that war. There never had been a case in the history of the world before where one fleet totally destroyed another one. Neither has there been a case in the history of the world when in a fleet action one fleet gained a victory without suffering serious loss.

Mr. MADDEN. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. MADDEN. Then it is not a fact that the inadequacy of the powder prevented the execution which the guns were able to do?

Mr. HOBSON. Of course the gentleman must realize in ballistics that the homogeneity of the powder, its uniformity, is as much of a battle factor as the gun itself in the execution of marksmanship.

That is because the sights are set on the assumption that with a certain elevation you will attain a certain range. Now, if the powder is not uniform, if the powder does not fulfill the assumed qualities of the powder in the ballastic calculations, you will either fall short or go over or vary. It is just as important a part in the marksmanship as the gun itself.

Mr. MADDEN. But, as a matter of fact, the powder did not prevent the execution on the part of the guns in the case referred to by the gentleman from Iowa [Mr. GOOD].

Mr. HOBSON. No; it did not. I wish to say, though, that it was a great pity that our Government was not supplied in the Spanish War with smokeless powder.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANNON. Make it 10 minutes if it is going to be as interesting as this.

Mr. GOOD. The gentleman referred, I suppose, to the statement that there was less than 5 per cent of hits made by the American gunners in the Battle of Santiago?

Mr. HOBSON. Yes.

Mr. GOOD. I think I said that I was merely quoting what I had read.

Mr. HOBSON. Yes.

Mr. GOOD. I would like to ask the gentleman, because I am confident he knows, what is considered to be the true percentage of hits in the Battle of Santiago?

Mr. HOBSON. I will say to the gentleman that, in my judgment, no fleet battle had ever been fought in the history of the world where 5 per cent of hits had been attained before. I do not say that such a percentage would be high now. I did not mean that.

Mr. GOOD. I will ask the gentleman what is the percentage now?

Mr. TRIBBLE. I want to say to the gentleman that the fact was brought out that the powder has to be worked over every five years.

Mr. HOBSON. They have to work over the old powder, but not so much now as formerly. The new powder is more stable.

Now, out of my prison window in Santiago I saw the Spanish soldiers using smokeless powder. It was impressed upon me so much because I could not see them. I knew where they were and could follow them by the sound, but I could not see them, whereas our troops were supplied with the smoke powder. I could see them. The effect was to put us at a very serious disadvantage.

Likewise in the Battle of Santiago, the ships of our fleet, with perhaps one exception—the *New Orleans*, I think, brought some smokeless powder from abroad—had to use the smoke powder. The Spanish fleet was using the smokeless powder. But the point I wanted to bring out is that it has been more or less a frequent occurrence in print for Americans to reflect upon the Battle of Santiago and the execution of our fleet. I wish the critics could have gone aboard those Spanish wrecks and seen where, as the Spanish admiral said, an insect could not have lived, but would have had to get out or else be burned up. That was the case with every last one of them. It was the first time in the history of the world where a fleet was totally destroyed, and it was the first time in the history of the world where the victor came off without suffering serious loss.

Now, then, as to the Battle of Manila Bay, I was likewise out there after the war, and I reconstructed the ships that Dewey sank, and I know what happened to those ships. It was a gallant and a daring thing to proceed over the mines in that harbor. The fact that those mines did not destroy our ships ought not to be any detraction from the courage and gallantry of the act of going over them. As to the Battle of Manila Bay, some Englishman said, "Why did not you close in, where they could hit and hurt you?" We stood off to reduce their execution, in a very strategic way, and we finally won a victory with the same unparalleled efficiency as won at Santiago. The Spanish ships at Manila Bay were under the protection of the Spanish guns ashore, and whenever a fleet is under such protection it puts any opposing fleet at a serious disadvantage. Dewey could not go around the Spanish ships. He could not "T" them or cap them or go across them. He had to take the fire of their shore guns as well as that of the guns of their fleet.

I do not intend to reflect upon the Spaniards. As I say, I saw the dead men on the decks of those ships. I saw a whole gun's crew where every man was dead at his post. No. 1 was just about ready to fire his gun, No. 2 was training it, No. 3 was elevating it. It was a gun's crew of the dead. I saw the men there dead at their posts of duty all over those ships. No one ought to reflect on the Spaniards, for they fought like the brave and good and noble men they were; but the point is, let it be known now, as far as I can help it to be known, that there is no occasion for any American, at least, to reflect upon those victories at Manila Bay or Santiago. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. I ask that the gentleman be given five minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Alabama have five minutes more. Is there objection?

There was no objection?

Mr. HOBSON. I will try not to take all the time. I did not intend to go so far into this question. As I understand the gentleman's amendment, it would strike $750,000 out of the appropriation?

Mr. PADGETT. No.

Mr. GOOD. It would strike out $250,000 and limit the acquisition of powder from these manufacturers.

Mr. MADDEN. As a matter of fact, what it really does is to prohibit the Government of the United States from purchasing powder under any circumstances.

Mr. HOBSON. I was not here when the amendment was offered, and only had it from hearsay. Now, as to the situation in the manufacture of powder. It has been illuminating to hear the gentleman from California [Mr. KENT] and the gentleman from Iowa [Mr. PSOUTY] make statements as to the manufacture of powder, and I want to say that they are correct in

stating that it does not take a great plant to manufacture powder, but it does take organization and the development of experts, probably to a higher degree than in any other manufacturing process in the world. It would be a sound policy to increase the plant of the Government for manufacturing this material and all similar war materials that require this training. [Applause.] Our Committee on Naval Affairs has taken this into account. I believe also, equally as firmly, that where it can be properly done there ought to be encouragement for private establishments to increase their plants.

This fight comes up twice every year when the Military Affairs Committee and the Naval Affairs Committee present their appropriation bills to the House. My impression is that the agitation of this question in the last few years has brought about a decided improvement and amelioration in existing conditions, and that the resulting arrangement now adopted by the Government, by which the Army and Navy get together and practically determine the specifications and in large measure the price of powder for both services, is a sound method. We should continue it. I will not undertake a discussion of the question of the price. I am inclined to think the price is more nearly reasonable now than many Members believe. The method is a good one, and a wise course to pursue is not to be radical in any respect, but to increase the capacity of our plant and keep a watch over the price each year. Now, as to our present plant—when the gentleman says we can practically treble our capacity that would mean three shifts a day, and we do not want that. You ought to have a larger capacity, so that you can run up our production of powder to double or treble what it is now on a single shift. That ought to be our policy.

Mr. GOOD. Will the gentleman yield?

Mr. HOBSON. I will.

Mr. GOOD. Considerable has been said in regard to the credit due to the Du Pont Powder Trust for developing smokeless powder. My opinion is, and I have tried to get at it from every source, that the real credit belongs to the officers of the Army and the Navy of the United States.

Mr. HOBSON. I am glad the gentleman brought that up, because some of the officers of the Army and Navy have practically devoted their lives to that matter and have taken great risk when the experiments in that direction were unsafe. I want to pay tribute to the late Lieut. Commander Bernadou, who was wounded at the time Bagley was killed. Bernadou put in years at Newport at the torpedo station when we began to develop the plant. He was assigned to the duty of investigating the development of smokeless powder. We had other expert officers, and if I had time I would mention them and describe the history of the development of powder by our officers. I do not believe that we ought to detract from the credit that properly belongs to private firms in this country, and all countries—it is true they did it for their own commercial advantage—and I do not believe that credit should be given them one jot or tittle more than is due to our officers and specialists in the Army and Navy. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I suppose what I shall have to say will fall flat after the speech of the eloquent gentleman from Alabama [Mr. HOBSON]. But I am somewhat surprised at the arguments made by some Members against this amendment, and also astonished at the weight it seems to have had. This amendment provides for reducing the expenses of the Government $250,000, and there is really no sound argument against it. It is said by some of those who have spoken that it is necessary for us to buy from the criminal trusts, for instance, so that we may be able to have powder in time of war. Do not you gentlemen think it would be much safer for the Government to save the $250,000 a year and establish and equip plants of its own which it would have absolute control of?

I want to say that many bugaboos have been presented here and through the newspapers of the country about a war. I want to warn those who are here and the people in this country, and you can take it from history of the wars in the past, that the greatest danger we have of a war is from the plutocracy of this country operating through the trusts and the system at the present time. [Applause.] It is remarkable that gentlemen say the trusts are condemned, and ought to be condemned; but it does not seem so by the action of this Congress. It is true we made the effort to have this same thing done in a previous bill, but failed. I believe that if the constituents of any Member of this House knew the conditions that exist and the harm that the trusts have done to the country, any man who would vote to favor the trusts and the profits that they are making, as this bill provides without this amendment, it would be at the sacrifice of his position in this House.

I want to say that I could not go back and face my constituents under the charge that I had voted against an amendment of this kind to reduce the cost to the Government $250,000 annually, also protect it against the inroads that the trust is making on it.

Now, the argument is raised when some of us desire that the Government shall construct its own battleships, that it costs too much money. We are weighing, then, the profits of the big business in the scale, and the argument is that it costs the Government too much, and therefore we ought not to do it. The statement is made by the officials of the Navy Department that it costs the Government 50 per cent more to construct battleships at the Government yards than it does in the private yards of private shipbuilding corporations. Let us see if that be so. If it be true, it is due to bad management. Let us suppose that bad management exists in the powder factories. If it were properly managed, where it is now understood that it costs 33 cents a pound, if properly managed, if there is the same difference in cost in this powder factory that exists in other bureaus, instead of its costing the Powder Trust what it claims it should, it may only cost them about 22 cents a pound to manufacture the powder.

I would not be surprised if we really found, after you take out the dividends on the large blocks of watered stock and the excessive salaries that are paid and other extravagant payments, that powder could be produced for 22 cents a pound instead of what is claimed by the Powder Trust. It has been said that figures will not lie but that liars will figure, and I have found in my experience that the reason that the criminal trusts and corporations of the country pay their agents large salaries is for the purpose of effectively deceiving the people. [Applause.]

Mr. PADGETT. Mr. Chairman, at the conclusion of my remarks I desire to take a vote. I have already indulged this debate quite a while. I now ask unanimous consent that I may have 10 minutes, and then I shall ask for a vote.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. HEFLIN. Mr. Chairman, does the gentleman propose at the end of that time to conclude the debate?

Mr. PADGETT. Yes. It has been running since 11 o'clock.

Mr. HEFLIN. I would like to have five minutes myself.

Mr. PADGETT. The gentleman can have five minutes at some other time on something else.

Mr. HEFLIN. But I want five minutes upon this particular subject, because I am in favor of the amendment.

Mr. PADGETT. Then I shall yield the floor now, Mr. Chairman, and let the gentleman from Alabama proceed for five minutes, but I must close this debate.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. HEFLIN. Mr. Chairman, it seems to me that this is a perfectly plain proposition of economy for the Government, that it is a safe and sane step for this Congress to take. There is a difference of 14 cents per pound in powder manufactured by the Government for its own use and that purchased from the Powder Trust. Can any gentleman hesitate as to how he will cast his vote with that proposition looking him in the face? And yet we are frightened here with suggestions that something might happen to the Government powder plant and you could not buy powder on the outside. I have never seen the occasion arise in this House when the trusts were involved, and Members here were seeking to overthrow or dissolve them, that the trusts did not try to frighten us away from our purpose. [Applause.] If you permit this trust to flourish to the destruction of the Government powder-manufacturing establishments, what would you do in case of war with the Government out of the business of manufacturing powder for its own use? [Applause.] We would be helpless in the hands of the trust. How high would the price of powder go under those conditions? [Applause.] You remember the cotton famine during the war, from 1860 to 1865? Cotton sold for $1.27 a pound. Cotton was scarce. What would this Powder Trust do in case of war? It would put the price of powder high. Sixty cents a pound would not touch it. It would be $1.20 a pound; it might be $2.50 a pound. By the step suggested by this amendment we encourage the Government to make its own supply of powder, and we are dealing a body blow to one of the greatest trusts in the United States. [Applause.] Let us go back to the country, this side, at least, and say that we have kept our pledges; that we have fulfilled our platform, and that whenever we could we dealt a

blow to every trust that came within reach of this Democratic House. [Applause.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I further ask unanimous consent that at the conclusion of my remarks debate on the paragraph and all amendments thereto be closed.

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, does that deny the right to introduce further amendments?

Mr. PADGETT. Not to introduce them, but it does to debate them.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the paragraph and pending amendments close in 10 minutes. Is there objection?

Mr. TRIBBLE. Mr. Chairman, I object. I do not want to speak myself, but I object to the latter part of that request.

Mr. PADGETT. Then, Mr. Chairman, I move that at the end of 10 minutes debate on the paragraph and all amendments thereto close.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that at the expiration of 10 minutes debate on the paragraph and all amendments thereto close.

Mr. TRIBBLE. Mr. Chairman, I withdraw my objection.

The question was taken, and the motion was agreed to.

Mr. PADGETT. Mr. Chairman, I desire in the few minutes that I shall occupy to address myself to the conservative judgment and the business sense of the committee. When I was a boy I heard the remark that whenever a preacher did not have much sermon he jumped on the Jews. [Laughter.] I know it is an easy matter to jump on the trusts. It is popular, and it finds a responsive chord. I have no more sympathy with the trusts than the most extreme man in this body; but that is not the question before this House. What is the proposition? It is that the Government, under no circumstances, under no condition or crisis that might arise within the fiscal year, could purchase a pound of powder.

Now, is that a sensible, conservative proposition? Can we foresee the events until July 1, 1913, and tell what contingencies or what emergencies might arise and say we will absolutely tie the hands of the Government and forbid the purchase of powder?

Mr. GARNER. Will the gentleman yield?

Mr. PADGETT. I can not in the time I have.

Mr. GARNER. It is a question at that point with reference——

Mr. PADGETT. I can not yield in the time, but must proceed with my remarks.

Mr. GARNER. I think it is unfair for the gentleman to cite as an illustration an emergency of that kind, when he should know that we could not have it without consideration of the Congress.

Mr. GOOD. Will the gentleman yield to me for just a correction? Does not the gentleman know we have already appropriated over two and a half million dollars that can be used for the purchase of powder in that time? [Applause.]

Mr. PADGETT. Of course, there are some appropriations, but I am speaking about this one. Now, let me invite your attention to some facts. The devil is entitled to his due. It is said that the Du Pont people are a trust. Assuming that they are and granted that they are. When the Spanish-American War broke out they did not raise the price of powder one fraction of a cent during the whole Spanish War, but continued to sell powder to the Government during the war at the same price at which they had been selling it under the conditions prior to the war. I want to state another fact, that the Government, in the exigencies of the war, made a contract for a very large amount of powder, and when the war terminated and we did not need the powder the company voluntarily gave up its contract, and told the Government to pay simply for what they had purchased and used, and they canceled the surplus and unused part of the contract. That is in the testimony before the committee taken two years ago. Now, then, I want to call attention to another fact. The gentleman from California [Mr. KENT] stated that the whole investment of the Government in the powder plant at Indianhead and Picatinny, in New Jersey, near Dover, was something a little over four hundred and twenty-odd thousand dollars.

Mr. GOOD. In each plant.

Mr. PADGETT. In each plant. As a matter of fact, if the gentleman will look on page 111 of the present hearings before the Naval Committee he will find that the value of the plant, as submitted by the bureau, for the manufacture of powder and the reworking of powder at Indianhead is $1,422,840. Now, let me call attention to another fact. We say it is a trust. The essential conditions will always make it so. There is only one purchaser for smokeless powder; that is the Government; and there only being one purchaser, there will never be but one manufacturer, because the Government does not purchase and does not use enough to justify the investment and the business enterprise of manufacturing this much smokeless powder used for large arms.

The amount of smokeless powder that is sold to the Government is a very small percentage of the output of their factories. It is a side product, so to speak. Now, then, if you destroy this enterprise you can only replace it with some other single unit. You can not and will not have two manufacturers under individual enterprises. Now, what are the facts further? The Government prescribes the conditions, the requirements, and specifications according to which the powder is to be manufactured, and the Government fixes a board composed of Army officers and Navy officers who fix the price. Now, then, when the Government fixes the quality of the powder and fixes the price of the powder, is not that a fair determination of that transaction, whether it is a trust or is not a trust? The Government fixes the price at which it purchases the powder. Now, the gentleman from Iowa [Mr. GOOD] made the statement, as I understood it, conveying the impression that the powder company was selling powder at more than $1 a pound and continued at that price until Congress fixed a limitation upon the price. My recollection is that when Congress fixed the limitation at 64 cents, the first time they fixed the limitation upon the purchasing price, powder was selling under the price fixed by the company and the joint Army and Navy board at 68 to 70 cents instead of a dollar and something.

Mr. GOOD. The gentleman realizes the price originally obtained was $1.00 a pound.

Mr. PADGETT. Several years before that when it was in an experimental stage, when we first began to make smokeless powder—like everything else. I believe that there was a time when steel rails in this country sold at $80 or $90—$100, some one says. Reduction, volume of business, improvement in process and methods have gradually carried this down, like other things; and now, gentlemen, we come back to deal with this question as business men. The Government is manufacturing powder. Only last year the Naval Committee reported an appropriation, and it became the law, appropriating $250,000 to enlarge the plant at Indianhead, showing that we are not neglecting that enterprise. Only within the last year the $250,000 has been used, but you realize that under Government manufacture, under Government operation, you can not in an emergency have an expansion and an enlargement of business, as you can under individual enterprise and initiative. Do we desire to place the Government absolutely upon its own manufacture, with all the machinery that is required to expand, which we know is slow and awkward in its movements?

We do not desire to place the Navy dependent solely upon one institution. We want our own and we want others. If we destroy the one that we have, we have either to substitute somebody else or have to rely absolutely upon ourselves. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 37.

Mr. PADGETT. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Tennessee, Mr. PADGETT, and the gentleman from Iowa, Mr. GOOD, will take their places as tellers.

Mr. MADDEN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] The point of no quorum made by the gentleman from Illinois [Mr. MADDEN] is well taken.

The Clerk will call the roll.

Mr. SLOAN. Mr. Chairman, I would like to have the amendment reported.

The CHAIRMAN. The inquiry is not in order. The Chair, in the absence of a quorum, has directed the Clerk to call the roll.

Mr. YOUNG of Kansas. Mr. Chairman, I ask unanimous consent to have the amendment reported.

Mr. BARTLETT. There is nothing in order except the calling of the roll.

The CHAIRMAN. There is nothing in order except the calling of the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Davis, W. Va.	James	Plumley
Aiken, S. C.	De Forest	Johnson, S. C.	Porter
Allen	Denver	Kahn	Post
Ames	Dickinson, Mo.	Kendall	Prince
Anderson, Ohio	Dickson, Miss.	Kindred	Pujo
Andrus	Difenderfer	Kinkead, N. J.	Randell
Anthony	Donohoe	Kitchin	Redfield
Ashbrook	Draper	Konig	Reilly
Ayres	Driscoll, D. A.	Lafean	Reyburn
Barchfeld	Dupré	Lafferty	Roberts, Nev.
Bartholdt	Evans	Langley	Roddenbery
Bates	Fairchild	Lee, Ga.	Rodenberg
Beall, Tex.	Fields	Legare	Rouse
Bell, Ga.	Fowler	Lever	Rucker, Colo.
Berger	Fuller	Levy	Rucker, Mo.
Bowman	Gallagher	Lindbergh	Scully
Bradley	Gardner, Mass.	Lindsay	Shackleford
Broussard	Gardner, N. J.	Linthicum	Sheppard
Brown	Glass	Littleton	Sherley
Browning	Goeke	Lloyd	Sherwood
Burgess	Goldfogle	Loud	Slemp
Burke, Pa.	Gould	McCall	Small
Burke, S. Dak.	Gray	McCoy	Smith, Cal.
Burke, Wis.	Griest	McDermott	Sparkman
Burleson	Gudger	McGillicuddy	Speer
Burnett	Guernsey	McHenry	Stack
Byrnes, S. C.	Hamill	McLaughlin	Stanley
Calder	Hamlin	Malby	Sulzer
Campbell	Hanna	Mann	Sweet
Cannon	Hardy	Mays	Switzer
Cantrill	Harrison, N. Y.	Miller	Taylor, Ala.
Carlin	Hartman	Moon, Pa.	Thomas
Carter	Hayes	Moore, Pa.	Townsend
Clark, Fla.	Helm	Moore, Tex.	Utter
Claypool	Henry, Tex.	Mott	Vare
Cline	Hill	Murdock	Vreeland
Connell	Hinds	Norris	Warburton
Copley	Hobson	Nye	Wickliffe
Covington	Howland	Olmsted	Wilder
Cox, Ind.	Hubbard	O'Shaunessy	Wilson, Ill.
Cox, Ohio	Hughes, Ga.	Parran	Wilson, N. Y.
Cravens	Hughes, N. J.	Patton, Pa.	Witherspoon
Currier	Hughes, W. Va.	Pepper	Woods, Iowa
Davenport	Humphreys, Miss.	Pickett	

Thereupon the committee rose; and Mr. UNDERWOOD having assumed the chair as Speaker pro tempore, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, finding itself without a quorum, the Chairman had ordered the roll to be called, 181 Members answered present, and that he presented herewith the list of the absentees.

The committee resumed its session.

The CHAIRMAN. Tellers on the amendment offered by the gentleman from Iowa [Mr. GOOD] have been ordered, and the gentleman from Tennessee, Mr. PADGETT, and the gentleman from Iowa, Mr. GOOD, will take their places as tellers.

The committee again divided; and there were—ayes 91, noes 54.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, $125,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word of this item on lines 12 and 13 for the purpose of asking the chairman of the committee a question. I notice that the committee has enlarged the appropriation for machinery, cupolas, furnaces, and for new foundry. This is a new item in the bill, is it not?

Mr. PADGETT. No. In the appropriation bill of last year a new foundry was authorized, and also its equipment, and the limit of cost of all equipment was fixed at $125,000. But upon investigation we find that $100,000 will be sufficient, and we are reporting only $100,000 instead of $125,000 as authorized in the bill of last year.

Mr. MADDEN. Was any part of the $100,000 appropriated last year left?

Mr. PADGETT. Nothing was appropriated last year. It was only an authorization made.

Mr. MADDEN. Was any money expended on the equipment?

Mr. PADGETT. Yes; on the furnaces, but not on the equipment.

Mr. MADDEN. This is a saving of $25,000?

Mr. PADGETT. Yes.

Mr. MADDEN. I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] withdraws his pro forma amendment.

Mr. PADGETT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 19, line 12, after the word "furnaces," insert the words "foundry equipment."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For lining and hooping to the muzzle 8-inch 40-caliber Mark V guns, $60,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee whether this is not a new item, this appropriation of $60,000, and whether it is deemed to be essential?

Mr. PADGETT. It was not in the bill of last year. Of course, in these matters of repairing and modernizing the different guns the amounts may vary in different years. Some years certain guns will have to be modernized, and the next year a different type may be modernized, owing to different contingencies in the service. This is in the general proposition of modernizing and repairing and improving the guns in the Navy.

Mr. MADDEN. Mr. Chairman, I withdraw my pro forma amendment.

Mr. GREGG of Texas. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] withdraws his pro forma amendment, and the gentleman from Texas [Mr. GREGG] moves to strike out the last two words.

Mr. GREGG of Texas. Mr. Chairman, on Thursday I made an address to the House in which I undertook to demonstrate the top-heavy and deplorable condition of our Navy because of our shortage in torpedo craft protection, such as destroyers and submarines and other necessary auxiliaries. This morning's Washington Post has an editorial, possibly inspired, in which it admits that top-heavy condition, but shifts the responsibility from the Navy Department to the Committee on Naval Affairs and to the House.

Now, what are the facts? In 1909 the Secretary of the Navy, in the building program recommended by him to Congress, asked for two battleships and one repair ship. The Committee on Naval Affairs recommended and the House authorized two battleships, two fleet colliers, four submarines, and six torpedo-boat destroyers. Congress therefore authorized ten times as many of these auxiliaries as the Secretary of the Navy submitted in his building program.

In 1910, in the building program submitted by the Navy Department, there were recommended two battleships, one collier, one gunboat, one river gunboat, two seagoing tugs, two submarine torpedo boats, and one submarine tender. The Committee on Naval Affairs recommended and the House authorized two battleships, two fleet colliers, eight torpedo-boat destroyers, four submarines, one submarine tender, one gunboat, one river gunboat, and two sea-going tugs. In this instance we authorized twice as many of the auxiliaries as was recommended in the building program of the Navy Department.

In 1911 the Navy Department, in its recommended building program, advocated the construction of two battleships and two colliers. The committee, however, has this year recommended two fuel ships, six torpedo-boat destroyers, one tender to the destroyers, and four submarine torpedo boats. So in this case we have recommended six times as many of these necessary auxiliaries as were recommended in the building program of the Secretary of the Navy.

Now, why should a newspaper with the pretensions of the Washington Post publish an editorial without taking the trouble to inform itself, so as not to mislead its readers? This recklessness has destroyed the power of the press as molders of public opinion in this country. The people know that some of the newspapers ignorantly mislead them and that others willfully deceive them; therefore they lose confidence in the whole.

This is not true of the entire press of the country. I am glad to say that the largest portion of the press is reliable and dependable; but the few have destroyed confidence in the whole, just as a few shysters bring discredit upon the whole profession of lawyers. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For modifying 5-inch 50-caliber Mark V guns, $75,000.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, and I ask that it be considered as pending.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 4, page 20, insert the following: "*Provided*, That no part of the several appropriations named hereinbefore for new batteries for ships of the Navy shall be expended for the purchase, manufacture, construction, or repair of such of the materials named hereinbefore, as manufactured in a Government establishment, from or by any person, firm, or corporation which has not at the time of the commencement and during the prosecution of said work established an 8-hour work day for all employees, laborers, and mechanics engaged, or to be engaged, in the work on the materials named hereinbefore."

Mr. BUCHANAN. I ask unanimous consent that that amendment be considered as pending, like the other one, and that the paragraph be passed over.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this amendment be considered as pending and that the section be passed for the present. Is there objection?

There was no objection.

The Clerk read as follows:

Small arms and machine guns: For new small arms and machine guns for ships, $203,000.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order to the paragraph, commencing with line 15 on page 20 and ending with line 21.

Mr. PADGETT. That paragraph has been passed and the next paragraph has been read.

The CHAIRMAN. The gentleman from Indiana is too late, because that paragraph has been passed.

Mr. CULLOP. I ask unanimous consent to return to it.

Mr. PADGETT. I decline to do that.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] has offered an amendment, which must first be read.

The Clerk read as follows:

After the word "dollars," in line 24, page 20, insert the following: "*Provided*, That no part of this appropriation shall be expended for the purchase or manufacture of such small arms or machine guns, for ships, as have been or are being manufactured in a Government establishment, from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of the work on said small arms and machine guns established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the materials named herein."

Mr. BUCHANAN. I ask unanimous consent that this amendment be pending until the end of the bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this amendment be pending and that the paragraph be passed for the present. Is there objection?

There was no objection.

Mr. CULLOP. Now, Mr. Chairman, I move to return to the paragraph indicated by me.

The CHAIRMAN. The gentleman from Indiana can not move to return. He will have to ask unanimous consent.

Mr. CULLOP. I ask unanimous consent to return to that paragraph in order that a point of order may be reserved or made against it.

Mr. PADGETT. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to return to the paragraph beginning with line 15, page 20. Is there objection?

Mr. PADGETT. I object.

The CHAIRMAN. The gentleman from Tennessee objects. The clerk will read.

The Clerk read as follows:

Arming and equipping Naval Militia: For arms, accouterment, ammunition, medical outfits, fuel, water for steaming purposes, and clothing, and the printing or purchase of necessary books of instruction, expenses in connection with the organizing and training of the Naval Militia of the various States, Territories, and the District of Columbia, under such regulations as the Secretary of the Navy may prescribe, including salaries of the necessary clerical force and office expenses in the Navy Department, at Washington, D. C., $125,000.

Mr. MADDEN. Mr. Chairman, I make a point of order against the language in line 8, down to and including the words "District of Columbia," in line 10, page 22.

The Navy Department has no authority to expend money for salaries, clerical force, and office expenses in the city of Washington. That is an item which should be provided in the legislative, executive, and judicial appropriation bill.

Mr. PADGETT. Will the gentleman reserve his point of order?

Mr. MADDEN. I will.

Mr. PADGETT. The legislative, executive, and judicial appropriation bill has provided, as it passed the House and is pending in the Senate, for these clerks, but directs that it shall be paid out of this money. I think the provision had better be left in here. The authorization for clerks is a matter that belongs in the legislative bill.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call attention to the fact that if this provision is allowed to remain in the bill as written it will give this bureau not only the clerical assistance allowed in the legislative bill, but an unlimited authority to employ any additional number.

Mr. PADGETT. Not at all, because it expressly limits it in the legislative bill to the number specified.

Mr. BYRNS of Tennessee. There is no limitation on the number in this bill, and, if passed, it will be subsequent to the other and will supersede it.

Mr. PADGETT. I acknowledge that it is subject to a point of order, if the chairman please.

Mr. MADDEN. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSS. Mr. Chairman, I will state that I hold in my hand a bill which has been reported to the House to improve the efficiency of the naval militia of the several States.

Mr. PADGETT. Will the gentleman allow me to make one observation?

Mr. FOSS. I will yield to the gentleman.

Mr. PADGETT. I think the gentleman from Illinois has gone a little too far in his point of order. I do not think he intends to cut off the office expenses. He ought to limit his point of order to the clerks that go in the legislative bill, "including salaries of the necessary clerical force," and leave the words "office expenses" in.

Mr. MADDEN. Then, Mr. Chairman, I will modify my point of order in accordance with the gentleman's suggestion.

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order against the words which the gentleman from Tennessee has just pointed out, "office expenses."

Mr. PADGETT. I will say to the gentleman that the office expenses are always provided for in this bill and do not come under the legislative bill.

Mr. BYRNS of Tennessee. What are the office expenses?

Mr. PADGETT. Furniture and supplies amounting to $404.88.

Mr. BYRNS of Tennessee. This is not a new provision.

Mr. PADGETT. It was put in last year for the first time.

Mr. BYRNS of Tennessee. They have furniture and supplies connected with the office now.

Mr. BARTLETT. If the gentleman will allow me, I want to suggest that if it were necessary to have additional money for office expenses it ought to have been provided for by the legislative bill and been estimated for. No estimate was submitted, and therefore the Appropriations Committee made no appropriation.

Mr. PADGETT. The legislative bill provides for salaries but does not undertake to provide for these expenses.

Mr. BARTLETT. But the legislative bill would provide for these expenses if there had been any estimate furnished by the head of the Navy Department, or anything presented to the committee showing it to be necessary.

Mr. PADGETT. I understand that the legislative bill does not take care of it; that the jurisdiction of those items does not pertain to the committee.

Mr. BYRNS of Tennessee. I think the gentleman is mistaken. It has jurisdiction of all the bureaus in the city of Washington, and if the head of the department had come before the Committee on Appropriations and asked for it in the usual and proper way it would have been allowed if proper. I want to suggest to the gentleman, when he says that there may be some money needed for furniture, that this office has been in existence but a little more than a year and evidently does not need furniture, and I presume when the head of the bureau came before the Appropriations Committee he did not ask for anything of the kind for that reason.

Mr. PADGETT. No; it was submitted to our committee. It is an old office and has existed for a great many years.

Mr. BYRNS of Tennessee. The proper committee for the head of the bureau to have gone before to ask for such expenses was the Committee on Appropriations and have it go in the legislative appropriation bill. Now, this is a practice that not only creates confusion, but is liable to involve the Government in a great deal of useless expense. If we have supplies in one bill and a little in another bill, there is great danger of confusion and unnecessary expense. There ought to be one bill for these items, so that the House may understand when it makes an appropriation that it is making the entire appropriation necessary for the year.

Mr. BARTLETT. I submit that the estimates ought to have been submitted to the Committee on Appropriations, the committee authorized by the rules of the House to provide for all these items.

Mr. BYRNS of Tennessee. Precisely.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to suggest to the gentleman from Tennessee that, so far as my knowledge goes, the Committee on Appropriations have not heretofore provided for furniture in the Bureau of Navigation or the Marine Corps or any of the subdivisions of the Navy Department. They provide for the clerical force and the naval appropriation bill carries in it the provisions for the supplies and office expenses. Under this wording here, "office expenses," are included not only such small items of furniture as they need, but stationery, pens, ink, and things of that sort.

Mr. BYRNS of Tennessee. Mr. Chairman, if the gentleman will get the legislative, executive, and judicial appropriation bill which passed the House and is now pending in the Senate, he will find a liberal appropriation made in that bill for all the office expenses necessary—furniture, stationery, and everything else for the running of the offices in Washington—and I repeat that if we are to provide in one bill for the expenses of an office, and in a separate bill, a bill which does not have jurisdiction of these matters, an additional appropriation for the same purpose, the House will never be able to know what it is appropriating. In other words, it would be a double appropriation for the same purpose. I insist, for that reason, on the point of order.

The CHAIRMAN. The Chair has already sustained the point of order.

Mr. FOSS. Mr. Chairman, as I stated before, the Committee on Naval Affairs has unanimously reported a bill which is now on the calendar of the House to promote the efficiency of the Naval Militia. This bill is meritorious, and passed the last Congress and, I believe, the preceding Congress. I realize that it is subject to a point of order, but I ask unanimous consent that I may offer it as an amendment and that it may be considered as pending at this time.

The CHAIRMAN. Does the gentleman desire to have the bill read?

Mr. FOSS. Mr. Chairman, I simply ask unanimous consent that this bill—the Naval Militia bill—may be offered as an amendment in connection with the naval appropriation bill at this time and be considered by the committee.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the bill (H. R. 2588) to promote the efficiency of the Naval Militia, and for other purposes, which is now on the calendar, be offered as an amendment at this particular time. Is there objection?

Mr. RUBEY. Mr. Chairman, reserving the right to object, I would like to have the matter explained a little bit.

Mr. FOSS. Mr. Chairman, I would say to the gentleman that this practically defines the relations of the Naval Militia to the Regular Navy and puts the Naval Militia on practically the same basis as the Regular Militia to the Army is under the Dick bill, which was passed a number of years ago.

Mr. RUBEY. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri objects.

The Clerk read as follows:

Equipment of vessels: For hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; specifications for purchase thereof shall be so prepared as shall give fair and free competition; canvas for the manufacture of sails, awnings, hammocks, and other work; stationery for chaplains and for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; purchase, repair, and exchange of typewriters for ships; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy yards and naval stations; supplies for seamen's quarters; aviation outfits; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, docks, and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, and running lights; compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps and their appendages for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; service and supplies for coast signal service, including the purchase of land as necessary for sites for wireless telegraph shore stations; instruments and apparatus, supplies, and technical books and periodicals required to carry on experimental and research work in wireless telegraphy at the naval wireless telegraph laboratory; bunting and other materials for making and repairing flags of all kinds; photographs, photographic instruments, and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus, $3,843,800: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service at the several navy yards, naval stations, and coaling stations for the fiscal year ending June 30, 1913, shall not exceed $269,093.60: *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for wireless telegraph shore stations shall not exceed $50,000: *Provided further*, That the total expenditures under this appropriation at the naval wireless telegraph laboratory shall not exceed $5,000.

Mr. RAUCH. Mr. Chairman, I reserve the point of order against the second proviso, beginning on line 23, page 24, providing for a sum to be paid out of this appropriation with reference to land.

Mr. PADGETT. Mr. Chairman, I want to say to the gentleman in that connection that it is not authorizing an additional amount, but we are placing a limitation on the amount that may be expended out of the general sum to not exceed a certain amount. There are wireless stations and they desire to get land along the Atlantic coast and some on the Pacific coast in developing a shore-station wireless system. We are limiting the amount that they may expend for land for that purpose.

Mr. RAUCH. How many stations are intended to be covered?

Mr. PADGETT. My recollection is seven or eight.

Mr. RAUCH. I would ask the chairman of the committee if the station near the city of Washington is included in this proviso?

Mr. PADGETT. The next paragraph provides for the land for the Arlington station. I also understand that some is wanted down on the Florida coast and some in Alaska, and they want to get one on the Pacific coast. I could not say, without refreshing my recollection, as to the other points.

Mr. RAUCH. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The following-described part of the Government land in Alexandria County, State of Virginia, known as the Arlington estate is hereby transferred to, and placed under the control and jurisdiction of, the Navy Department for use for naval purposes: Beginning with the stone monument at the southwestern corner of the Arlington Military Reservation, Va., and extending thence north 4° 5' west 633.34 feet to a stake; thence south 89° 5' east 1,110.23 feet to a stake; thence south 10° 44' east 404.89 feet to a stone in the southern boundary of said reservation; thence south 79° 16' west 1,160.7 feet to the place of beginning, containing 13.4 acres more or less. All bearings refer to the magnetic north.

Mr. TILSON. Mr. Chairman, I reserve the point of order against the paragraph in order to ask the gentleman from Tennessee to explain just what this does.

Mr. PADGETT. Mr. Chairman, the gentleman knows that over here on the Arlington property they are building a powerful wireless station.

Mr. TILSON. The towers are quite visible from the Capitol.

Mr. PADGETT. Yes. The land on which it is built is under the jurisdiction and control of the War Department. The War Department and the Navy Department have recommended that this little portion of land on which this wireless station is situated be placed under the jurisdiction of the Navy Department. The Navy Department operates and has control and jurisdiction of the wireless telegraph.

Mr. TILSON. Then it is entirely with the consent of the War Department?

Mr. PADGETT. Yes, sir.

Mr. TILSON. And it is not sufficient to interfere with Fort Myer or the reservation there?

Mr. PADGETT. It is only a question of the control of jurisdiction. Of course the Government still owns the land and it is only a question of the Navy Department having jurisdiction and control over that small part of 13 acres out of the one or two thousand acre tract over there on which the wireless towers are built.

Mr. TILSON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For the purchase of battle compasses for ships of the Navy heretofore completed, $120,000.

Mr. RUBEY. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. PADGETT. I will be glad if the gentleman will state his point of order.

Mr. RUBEY. I understand that this is new language, is it not?

Mr. PADGETT. No, sir; the purchase of compasses and outfittings for ships is entirely in order, and also the caring for those we purchase. This is a purchase of new kind of compass, but it is not a new business and the point of order does not lie, nor is there any law prescribing what kind of compasses shall be purchased. We are buying these compasses, which are considered to be the best, for the purpose of putting

them on ships, it being considered that they are the most reliable compass for navigation.

Mr. RUBEY. Mr. Chairman, I reserved the point of order for the purpose of getting information. I withdraw the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman whether we could not reach some agreement about the next section, whether it should be passed without prejudice? I do not want to lose my right to offer an amendment to the paragraph.

Mr. PADGETT. The gentleman can offer his amendment and then we can agree to pass it by without prejudice, if he desires to do so, until we reach the other part of the bill.

Mr. HUMPHREY of Washington. The gentleman prefers to have the amendment pending?

Mr. PADGETT. Yes, sir.

Mr. HUMPHREY of Washington. I withdraw the pro forma amendment.

The Clerk read as follows:

Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $4,000,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 7, after the word "dollars," insert:

"*Provided*, That no part of this appropriation shall be expended in time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of Navy vessels or navy yards on the Pacific Ocean, except this limitation shall not apply to vessels crossing the Pacific Ocean or stationed in the Hawaiian Islands or in the Philippine Islands, or to navy yards situated in those islands."

Mr. PADGETT. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order upon the amendment. Then the gentleman from Tennessee desires to pass this paragraph with this amendment pending subject to the point of order worded that the undisputed parts of the bill may be read and then return to it?

Mr. PADGETT. Yes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that this amendment may be considered as pending, that the point of order be reserved against the amendment, and that the section and amendment may be passed without prejudice for the present. Is there objection?

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry. I desire to know—of course, this amendment as offered will be printed in the RECORD, so Members will see what it is?

Mr. PADGETT. That is the reason I ask that it be passed now.

Mr. HUMPHREY of Washington. It will be understood we return to this paragraph and dispose of it before the item for the increase of the Navy.

Mr. PADGETT. Yes; we want to dispose of everything before we take up the increase of the Navy.

Mr. HUMPHREY of Washington. I would like to have that understood.

Mr. LITTLEPAGE. If the gentleman will permit, I would like to ask him how soon this matter will be reached.

Mr. PADGETT. I can not tell the gentleman exactly, but I would presume we would reach it upon the next day in which we had a full consideration of the bill. We may reach the item some time in the afternoon or might not reach it; but I think we would reach it during the next full day's consideration.

Mr. LITTLEPAGE. That would be likely on Monday or Tuesday?

Mr. PADGETT. I do not know we will get Monday, but we will get Tuesday, and I am going to try to get Monday.

Mr. TRIBBLE. What is the purpose of carrying this to the heel of the bill?

Mr. PADGETT. It is a question that has been up before, and we want to dispose of the undisputed parts; and then Members want to see the amendment in the RECORD, so as to be able to familiarize themselves with it.

Mr. TRIBBLE. What is the difference between this and the one we had up on yesterday which Members of the committee had never seen and the gentleman refused to allow it to take its course, although I, as a member of the committee, requested it?

Mr. PADGETT. Because we had the matter under debate, and we had been debating it when the request was made.

Mr. TRIBBLE. I do not know that I object, but I can not see the difference. If any, I think the difference is in my favor.

Mr. PADGETT. We were in the heat of debate when the request was made.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to House joint resolution 142.

The message also announced that the Senate had passed the following resolution (S. Res. 320):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected HENRY CABOT LODGE, a Senator from the State of Massachusetts, President pro tempore of the Senate, to hold and exercise the office in the absence of the Vice President on Saturday, May 25, 1912.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high-power wireless telegraph stations (cost not to exceed $1,000,000), to be located as follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, $400,000, to be available until expended.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the item.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order on the paragraph.

Mr. FITZGERALD. I desire to ask the gentleman from Tennessee [Mr. PADGETT] what is contemplated by this provision?

Mr. PADGETT. I think it fairly well explains itself. It is to establish a world-wide wireless-telegraph system, with a station in Panama, one on the California coast, one in the Hawaiian Islands, one in Guam, one in American Samoa, and one in the Philippines.

Mr. FITZGERALD. What expense will be involved in addition to the million dollars limited here?

Mr. PADGETT. I do not think a great deal will be involved. There will be one operator at each place, of course.

Mr. FITZGERALD. Is this a matter of very great urgency?

Mr. PADGETT. It is regarded as such, especially so in view of the disaster of the *Titanic* recently.

Mr. FITZGERALD. Mr. Chairman, there are several objections I have to the item. One of them, if there were no others, is the provision providing for the station on the Isthmus of Panama. Conditions on the Isthmus are such that the wireless station necessary there should not be under the control of the Navy Department, but should be under the control of the operating force of the canal. At present the Government has a wireless station at the Isthmus of Panama and the information necessary to be obtained from vessels approaching the canal is obtained only with the utmost difficulty.

The only messages, I was informed, that were ever transmitted with any degree of rapidity are the messages which announced the success of the Naval Academy in athletic contests with the Military Academy. In the operation of the canal it will be of the utmost importance that information be furnished to those in charge as to the approach of vessels, so that arrangements may be made for their passage and as to the character and amount of supplies. The information should not be sifted through some other source. But there is another reason why at this time I am very strongly opposed to this provision. The act of June 22, 1906, provides as follows:

Hereafter the heads of the several executive departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted or when deemed imperatively necessary for the public service by the department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates.

The act of March 4, 1909, provides:

Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how, in his judgment, the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not, in his judgment, practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The purpose of these provisions is very apparent. They were enacted to put an end to the practice that had been existing of transmitting to Congress estimates which were palpably insufficient, and after the annual statement was issued to the press by the Secretary of the Treasury as to the relative situation regarding estimates for appropriations and revenues, subsequently to flood Congress with an accession of new estimates, making the statement absolutely worthless.

They were enacted further to place upon the President some responsibility for the expenditures of the Government and to compel him to exercise some authority in preventing estimates being submitted to the Congress grossly in excess of the estimated revenues. No estimate was submitted for this particular service in the regular estimates, but in a letter dated March 2, 1912, it was submitted as a supplemental estimate. In compliance with the law requiring the head of the department to state the reasons for its imperative necessity and for its omission from the regular estimates, the following was submitted to the Congress by the Secretary of the Navy through the Secretary of the Treasury:

I have the honor to transmit herewith, for transmission to Congress, a supplemental estimate of appropriation required for the Naval Establishment for the fiscal year ending June 30, 1913, as follows:

Bureau of Equipment: Navy wireless telegraph stations, $1,000,000.

This item was not included in the original estimates transmitted to you for transmission to Congress, as the department was desirous of keeping the total of the estimates to as low a figure as possible.

In other words, for the purpose of misleading the public and the Congress, an estimate, which is now submitted as necessary for the public service, was withheld from the Congress until after the statement issued by the Secretary of the Treasury had been made.

I took occasion at the outset of this session of Congress to call attention to the fact that the statement made by the Secretary of the Treasury to the effect that this administration was submitting for the next fiscal year estimates lower than the estimated revenues for the next fiscal year was grossly misleading.

I recall that in some of the partisan press of the country my statement was very severely condemned. Yet this is but one of several instances in which the departments have shown a contempt for the law of the land by presuming to send in such a statement as a compliance with the requirement that they should submit no new or supplemental estimates other than those included in the regular Book of Estimates, except to carry out some law subsequently enacted or because of conditions arising in the service which would imperatively require the appropriation to be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five minutes longer.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. Since the 4th day of March the Committee on Appropriations has been engaged in the consideration of the sundry civil appropriation bill. We have already taken five volumes of testimony upon the estimated appropriations required for the public service during the next ensuing fiscal year. Every department of the Government has been aware of the fact that the committee has been working under the utmost difficulty and the greatest pressure in an effort to prepare this bill for submission to the House. To-day estimates have been submitted for $97,000 in one item, and yesterday in the sum of $575,000 for two additional items, in the belief, apparently, that a department needs but to submit an estimate to Congress to have its action ratified by an appropriation without consideration or investigation.

This particular service is not of such an urgent character that it is necessary to make this appropriation at this time, nor were the conditions such that it was not possible for the department to make the estimate in accordance with the law. So far as I am able to do, I propose to compel the executive departments of the Government to comply with the laws which have been enacted, without regard to partisan considerations, in an attempt to put the business of the Government on an intelligent and legitimate basis, and I propose in this instance to insist upon the point of order. If the gentleman from Tennessee wishes to make a statement, however, I shall reserve it for the time being.

Mr. PADGETT. Mr. Chairman, the provision is subject to a point of order. But I want to say that the committee, at least the chairman of the committee and others, had in mind the laws that the gentleman has cited, and we also appreciated the fact that the estimates were not submitted and should have been. I concur fully in what the gentleman from New York has said with reference to the conduct of the department in not submitting estimates. All of the departments send in supplemental estimates. I do not think it is a good practice. At the same time, bearing in mind all these things and thinking of the importance and necessity of this matter and the great humanitarian benefit that would accrue from the establishment of such a wireless system, the committee felt constrained to waive that and to report the measure. If the gentleman insists upon the point of order, it is well taken.

Mr. FITZGERALD. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS.

Navy yard, Portsmouth, N. H.: Crane track and railroad extension, $20,000; tool house for naval station, $2,000; quarters for commanding officer, naval prison, $12,000; improvement and additions to power plant, $10,000; in all, $44,000.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against the item for quarters for commanding officer as being new legislation and not authorized by law.

Mr. PADGETT. Mr. Chairman, I do not think the point of order is well taken. Appropriations for the improvement of yards are always provided for in this bill.

Mr. BARTLETT. May I inquire of the gentleman how much of this is new legislation?

Mr. PADGETT. Perhaps everything under public works is more or less new legislation in this sense, that it provides for something that has not heretofore been provided for. The Bureau of Yards and Docks is charged with the duty and responsibility of making these repairs and improvements. For instance, here is the crane track and railroad extension, $20,000. That extension is needed to reach other points on the yard, and it is simply a continuation of work already authorized.

Mr. BARTLETT. Is this a new crane track and railroad?

Mr. PADGETT. It is an extension of the track that is already there.

Mr. BARTLETT. The tool house for naval prison, quarters for commanding officer, and improvement and additions to power plant are all new provisions, are they?

Mr. PADGETT. No; they are continuations of existing projects or improvements.

Mr. BARTLETT. What law authorizes them?

Mr. PADGETT. The law that established the yard, and the law that heretofore authorized the establishment of a railroad there. This is simply an extension of that railroad.

Mr. BARTLETT. Does the gentleman mean permanent law or some current appropriation bill?

Mr. PADGETT. I do not know whether it was on an appropriation bill, but it was sufficient if it was.

Mr. BARTLETT. Oh, no; an appropriation bill only makes the law for that year.

Mr. PADGETT. True; but if it establishes an institution, then under the rulings of the House an enlargement or extension of that existing institution is in order. If an appropriation bill authorizes the building of quarters, then a provision for the enlargement of those quarters is in order.

Mr. BARTLETT. I think I understand the rule very well, and I understand it to be that where Congress has authorized a public work, a continuance of that public work is in order; but have these officers' quarters been authorized in any bill, or are they a part of any public work now to be done?

Mr. PADGETT. The bills that we have had heretofore have authorized various buildings for this yard.

Mr. BARTLETT. I have particular reference to quarters for commanding officer, naval prison. What law is there now that authorizes such a work?

Mr. PADGETT. As I said, when they established the yard they authorized the construction of buildings, and among those buildings were officers' quarters. Now, this is simply an addition to the general scheme that is already there.

Mr. BARTLETT. As I understand the gentleman, then, it is proposed to appropriate for a commanding officer's quarters upon an authorization for yards and docks at Portsmouth.

Mr. PADGETT. The yard is there, and various things have been authorized there.

Mr. BARTLETT. I am trying to get the gentleman to state what has heretofore been specifically authorized.

Mr. PADGETT. I could not tell the gentleman that. The creation of a naval station there has been authorized, and then there have been various things authorized as parts of that naval station. As I was trying to explain to the gentleman, there was a crane track and a railroad authorized there.

Mr. BARTLETT. Has that been completed?

Mr. PADGETT. I do not know that it is completed, because the length of it has not been limited. They simply authorized a track there and appropriated some money to build it.

Mr. BARTLETT. Is it being used?

Mr. PADGETT. Yes; the part of it that is completed.

Mr. BARTLETT. And this is to extend it?

Mr. PADGETT. Yes.

Mr. BARTLETT. Does the gentleman think that is a continuation of a public work?

Mr. PADGETT. Yes.

Mr. BARTLETT. If you build a house, can you go on and build another house without further authorization?

Mr. PADGETT. That has been expressly held.

Mr. BARTLETT. I think not.

Mr. PADGETT. I think so—on the question of marine barracks. It has been held that where it is an extension or enlargement of barracks already built it is clearly in order to appropriate to add to it or to enlarge it.

Mr. TRIBBLE. Mr. Chairman, suppose at the navy yard at Philadelphia previous legislation had authorized a canal 100 feet long from the river, I will ask the gentleman if he thinks that a subsequent House could have appropriated to extend the canal to New York?

Mr. PADGETT. The rulings are that whenever a public work is in progress, it is in order on a subsequent appropriation bill to enlarge or extend it.

Mr. TRIBBLE. Well, that would be an extension of the canal from the yard at Philadelphia so that they could get through to New York Harbor. Would that be subject to a point of order?

Mr. PADGETT. The extension of a canal and improvements of harbors do not come under this bill.

Mr. TRIBBLE. The gentleman does not mean to say that we have nothing to do with navy yards?

Mr. PADGETT. I say that this bill has nothing to do with the construction of canals or the improvement of harbors; that belongs to the river and harbor bill.

Mr. TRIBBLE. You have been digging a good many canals.

Mr. PADGETT. But not under the naval appropriation bill.

Mr. TRIBBLE. Now, here is an appropriation for a building for the commandant to live in.

Mr. PADGETT. Yes; when we authorized the naval station it carried with it authority for the construction of places for people to work in and for people to live in. It is the general part and scope of the purpose of the bill to authorize the improvement of the naval station.

Mr. TRIBBLE. My answer and objection is that it is creating too many houses for officers to live in on the land and nothing on the sea. That is the reason I object to it.

Now, Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] wants to make a point of order to the whole paragraph, but I by my point of order cut him out, and therefore I will make a point of order to the whole paragraph.

Mr. PADGETT. I want to say as to the point of order to the whole paragraph, Mr. Chairman, that this is reported for the purpose of improving the yard, to extend and maintain the work; and that having already been authorized, its enlargement and extension as a public work is not subject to a point of order, and the point of order is entirely too broad.

Mr. BARTLETT. Mr. Chairman, I understand that my colleague has made a point of order specifically against "quarters of the commanding officer," and then he makes in addition to that a point of order to the other parts of the paragraph. I have unsuccessfully attempted to find out from the chairman of the committee any law authorizing the erection of quarters for a commanding officer. There is a law that establishes this naval station in the navy yard at New Hampshire, and there may be a law carried in the appropriation bill authorizing the building of a railroad extension.

Mr. CANNON. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. CANNON. Does the gentleman claim that there being a law establishing a navy yard at Portsmouth, that you can not provide for the building of a crane, the building of quarters for the officers, the building of a public-service station; that it is subject to a point of order unless you have a report from the committee and legislation that there shall be these things at the navy yard that exists by law?

Mr. BARTLETT. I think I know the rule very well—that wherever a public work is authorized and begun you can in an appropriation bill appropriate money to complete it or carry on the public work. Where the public work has been completed, as building a railroad seems to have been done, authority to build another railroad can not be carried in a subsequent appropriation bill.

Mr. CANNON. I think the gentleman is too narrow in his construction. I do not think it ever has been so held.

Mr. BARTLETT. Now, an appropriation for quarters for a commanding officer—I suppose we have had quarters for the commanding officer there. I suppose a naval prison is not absolutely necessary to carry on a public work.

Mr. SULLOWAY. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. SULLOWAY. I know that there are such quarters there and have been for years. I know the railroad is there and has been there not for a great many years. There is nothing in this section that I see that I do not know of my own knowledge to exist there, and it is only continuing it.

Mr. BARTLETT. The fact that the gentleman from New Hampshire knows all about it will be accepted by me.

Mr. SULLOWAY. I state it as a matter of fact.

Mr. BARTLETT. Whatever facts the gentleman from New Hampshire states I accept without question, but it looks to me that the rule would be carried very far if Congress, after establishing a navy yard and appropriating money to build it, as the gentleman from New Hampshire states, after getting the commander's quarters and officers' quarters erected, could build others under guise of "improvements."

Mr. SULLOWAY. I suggest there have been quarters there for some time. It is an improvement of those quarters.

Mr. TRIBBLE. Those quarters are completed, are they not? They are not in the process of construction?

Mr. SULLOWAY. They are not completed in that sense.

Mr. BARTLETT. They need newer and better ones, I apprehend?

Mr. SULLOWAY. I do not know about the better part of it, but I guess they want something that will protect them from the dropping of rain through the roof.

Mr. CANNON. Mr. Chairman, here is a naval station established by law. Suppose it burned down, is it subject to a point of order to reconstruct it? It may be that this station is not needed. It may be that a majority of the naval stations—the one at Pensacola, the one at Portsmouth, the one at Mare Island, the one at New Orleans—are not needed, but the point is whether or not, being established by law, it is in order for the House of Representatives on an appropriation bill to construct a prison and construct the railway.

Mr. BARTLETT. This is said to be a naval prison.

Mr. CANNON. Yes.

Mr. BARTLETT. Have we established a naval station at Portsmouth?

Mr. CANNON. You have established a naval yard there.

Mr. HOBSON. The prison has been there for 15 years.

Mr. SULLOWAY. There is a prison there.

Mr. HOBSON. It was there when I was cruising as a midshipman 20 years ago.

Mr. TRIBBLE. Then what is the need of another one?

Mr. BARTLETT. Mr. Chairman, I insist that if this rule means what these gentlemen say it does, then there is no limit, and you can build 50 yards of railroad and complete 50 miles in addition to it.

Mr. CANNON. If the gentleman will allow me, it will be in order, the naval station being there, established by law and occupied, so far as this rule is concerned, to add $50,000,000 in improvements on that navy yard, building officers' quarters, and prisons, and public-service stations, and what not. That does not mean, however, that the House would do it.

Mr. BARTLETT. I know the rule is pretty broad, but I never dreamed it would go that far.

Mr. TRIBBLE. Mr. Chairman, I withdraw the point of order, except as to quarters for commanding officer.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] makes the point of order against that clause in the paragraph reading "quarters for commanding officer." The Chair finds a ruling on an identical state of facts, which the Clerk will read, being in volume 4 of Hinds' Precedents, section 3758, page 506.

The Clerk read as follows:

An appropriation for officers' quarters at a navy yard is not in order on the naval appropriation bill as in continuance of a public work. On February 13, 1907, the naval appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read:

"Naval station, New Orleans, La.: Improvement of water front, $25,000; levee improvement and grading, $25,000; central electric light and power plant, extension, $50,000; railroad system, $5,000; drainage system, $10,000; central heating plant, $18,000; paving, $10,000; quarters for commandant, $12,000; fitting up yard buildings 8 and 16, $4,300; dispensary building, $9,000; in all, navy yard, New Orleans, $168,300."

Mr. JAMES R. MANN, of Illinois, made the point of order against the words, "quarters for commandant, $12,000."

After debate, the Chairman sustained the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. CANNON. Mr. Chairman, I do not know who was in the chair at that time, probably a good parliamentarian, but I have a recollection that you can find conflicting decisions touching that matter on such amendments. I recollect away back in the early seventies and also in the nineties such decisions were made, but I am quite sure, without having examined the matter, that there are contrary decisions, and if the Chair will indulge me, I just want to say that, in my judgment, everything that goes to perfect that public work, including officers' quarters, in the light of the rule or any sensible construction of it, as it seems to me, although I do not desire to criticize either the Chairman who made that decision or the present Chairman, would be in order. I merely want to register my protest against the continuation of a ruling founded upon that precedent.

Mr. PADGETT. I was going to offer an amendment to reduce the amount from $44,000 to $32,000, and the $12,000 has gone out, and I want to ask general consent that the Clerk be authorized to correct all totals, as that will save going through it item by item. That is the customary practice.

The CHAIRMAN. Without objection that will be done. [After a pause.] The Chair hears none.

The Clerk read as follows:

Navy yard, New York, N. Y.: One 50-ton locomotive crane, $50,000; paving and grading, $15,000; yard railroad, extension, $10,000; dredging, $50,000; in all, navy yard, New York, N. Y., $125,000.

Mr. MAHER. Mr. Chairman, I desire to offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 4, after the word "dollars" insert "to continue improvement water front, $175,000."

Mr. MAHER. Mr. Chairman, the department has approved an appropriation for this purpose of $350,000. The Brooklyn Navy Yard has just completed the building of what we believe to be the largest governmental dry dock in the United States. This new dry dock just completed is able to dock ships drawing 33 feet of water, and if necessary 35 feet. The basin at the Brooklyn Navy Yard has never been dredged to a depth of over 30 feet and the newer first-class battleships draw between 28 and 29 feet. The amount of $50,000 allowed by the committee is insufficient to perform the work of dredging so as to fully utilize this immense dry dock. My amendment reduces the amount approved by the department by one-half. If we can only have $50,000 to do this work that is absolutely necessary to be done in that yard, why we might just as well try to get along without it, because it is in no sense a sufficient amount. I therefore hope that my amendment will pass in order that the basin may be properly dredged so as to enable the department in Brooklyn to dock the first-class battleships when they need repair.

Mr. PADGETT. Mr. Chairman, all I desire to say in regard to this amendment is that the committee first left out the whole proposition, but on the 15th of April I received a letter from the Secretary of the Navy calling my attention to the dock which has just been completed and the necessity of dredging in front of it in order to make it available, and he asked for $50,000, and we have included that $50,000 in the bill, so we have met the request of the department in this particular matter, and the other amount is not needed at this time for the general matter.

Mr. MAHER. May I ask the gentleman a question?

Mr. PADGETT. Certainly.

Mr. MAHER. Have you given any consideration to the improvement of the water front at that yard?

Mr. PADGETT. Yes; we considered that. The department asked $350,000 in the general estimate, but the committee decided not to allow it; and the gentleman will remember that the department is considering, and the Secretary has given out some interviews relative to, the disposing of the navy yard at New York, and also at Boston and other places, and consolidating all of them in a great navy yard at Narragansett Bay. He stated to the committee that he had not yet reached any conclusion in the matter, and that it was only in the investigation stage; and while the matter is being investigated and until the department is prepared to make definite arrangement, we do not think it advisable to make extensive appropriations. But when he sent a letter to the committee that in order to use this dock it was necessary to have $50,000 to dredge it so ships could get in there, the committee thought that we had met the needs of the service.

Mr. MAHER. My information is that $50,000 will not be sufficient to do the necessary work there.

Mr. PADGETT. That is all that was asked for, and they said it would be sufficient, and it came from the engineers.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Naval station, Key West, Fla.: Power plant, $25,000; grading and paving, $5,000; paving and grading on Whitehead, Front, and Green Streets where abutting on naval station, $5,500, or so much thereof as may be necessary: *Provided, however*, That the cost of the United States Government's share for paving and grading said streets shall not exceed one-fourth of the total cost thereof; in all, $35,500.

Mr. MADDEN. Mr. Chairman, I make the point of order against the paragraph as far as it relates to paving of streets.

Mr. PADGETT. I did not hear the gentleman's point of order.

Mr. MADDEN. That part of the paragraph which refers to pavement of streets at the naval station, Key West, Fla.

Mr. PADGETT. I will say to the gentleman the object of that is there are two streets that surround the navy yard, and they are to be improved. They are public streets, and they have a system there that the abutting property owner contributes his part, and then it provides that the Government shall pay one-fourth of the cost, which is a little more than $5,000.

Mr. MADDEN. Mr. Chairman, I desire to say this: In every city in the United States where the Government has a building, or in every State in the United States where the Government has a building, the law provides that it will not take title until the State provides that no tax of any kind shall be levied against the Government for any improvement.

In the city of Chicago we have a Federal building surrounded by four streets. Under our system of assessments, the abutting property is taxed for the improvement of the streets. For a number of years the Government of the United States refused to pave the side of the streets which came next to the Federal building. I undertook, by an amendment to a bill on the floor of the House, to have a provision inserted providing that the Government should pay for the paving of the streets abutting this property. A point of order was made against the amendment.

Arguments were made for and against the point of order. The point of order was sustained, and, as far as I know, no appropriation has ever been made for the pavement of a public street fronting a Federal public building.

Mr. BARTLETT. May I interrupt the gentleman a moment?

Mr. MADDEN. Yes, sir.

Mr. BARTLETT. Not only has it not been made, but it has been refused to be made by the Appropriations Committee or any other one.

Mr. MADDEN. Yes.

Mr. BARTLETT. And time and again the gentleman from Illinois, Mr. Boutell, a former Member of this House, offered an amendment to pay for more pavement in front of the public building in Chicago, and at the same time I offered one to pave such a street in my own State, calling for about $2,000, where we had paved the street, and the Treasury Department said it ought to be paid, but they were not authorized by law to do it. And uniformly it has been so held.

Mr. MADDEN. I agree with the gentleman that there never has been a case, so far as I know.

Mr. BARTLETT. They did get one through without a point of order being made on it.

Mr. MADDEN. So far as I know, there has never been such a case, and——

Mr. BARTLETT. I call the gentleman's attention to the following from volume 4, section 3779, of Hinds' Precedents:

Nor is it in order to repair paving adjacent to a public building but in a city street, although it may have been laid originally by the Government.

Mr. MADDEN. There is no question but that it is prohibited under the rules of the House.

Mr. PAYNE. I think there is no such case except one. I think the paving of the part of the streets in front of the post-office building at Chicago was done at Government expense, and afterwards there was appropriation offered to pave more of the street and the House promptly voted it down.

Mr. MADDEN. I beg the gentleman's pardon, but he is wrong.

Mr. PAYNE. If the gentleman will look it up, he will find I am right.

Mr. MADDEN. We made a strenuous effort to get the Government to pave the street——

Mr. PAYNE. It was put on the ground that they had already commenced a public work there, and it was ruled out.

Mr. MADDEN. Here is what the situation was there——

Mr. PAYNE. There is no law for it.

Mr. MADDEN. The street on the side of the Government building was left unpaved—one-half of four streets—for a long time, and the final outcome of the thing was that the citizens owning the property on the opposite side of these streets were taxed not only for the pavement on the side of the streets on which they owned property, but for the side of the streets on which the Government owned its property. And if that be the case in the matter of the Federal building in Chicago, and all other Federal buildings that I know anything about, there is no reason why this particular case should be made an exception to the rule. Therefore, I make the point of order.

Mr. PADGETT. May I interrupt the gentleman a moment?

Mr. MADDEN. Yes, sir.

Mr. PADGETT. I want to say that the city of Key West has made no assessment that I know of.

Mr. MADDEN. It could not make an assessment against the Government.

Mr. PADGETT. It has made no assessment nor attempted any. It has simply preferred a request that we should pay one-fourth of the expense.

Mr. MADDEN. The city of Key West has no power to make an assessment against the Federal Government.

Mr. PADGETT. I know that, and it has not attempted to do so. I simply stated it made the request.

Mr. MADDEN. And there was no attempt to assess the property I have reference to. They simply assessed the private owners of property.

Mr. PADGETT. Yes. I want to say that last year there was a provision for paving Burwell Avenue, in Bremerton, in the State of Washington, at $1,000. There is a precedent. I will state that it is subject to a point of order, if the gentleman makes it.

Mr. MADDEN. I make the point of order.

Mr. GARNER. Could I ask the gentleman before he takes his seat, as well as the chairman of the committee, what is their idea of the policy of the Government having a law to pay one-half of the street work where they own property on the street?

Mr. MADDEN. I think they ought to have it without any doubt, but they have not it. They ought to have such a law.

Mr. PADGETT. I think it is entirely equitable and right and fair that the Government should do the same as it compels others to do.

Mr. MADDEN. Yes; but it ought not to be done in a particular case unless it is applied to every other case.

Mr. CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

The unexpended balance of the appropriation made in the naval act approved March 2, 1907, "For construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000," and the naval act approved May 13, 1908, "To complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000," is hereby reappropriated and made available for the erection of officers' quarters and improving grounds at the naval station, Key West, Fla.

Mr. MADDEN. Mr. Chairman, I make a point of order against that paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes a point of order.

Mr. BARTLETT. Mr. Chairman, I desire to call the attention of the Chair to the section preceding that.

Mr. MADDEN. I reserve the point of order, Mr. Chairman.

Mr. BARTLETT. The proviso on page 31, line 20, ought to go out, too.

Mr. PADGETT. It has gone out. The whole thing has gone out, including line 22, up to the words "in all," and so forth. All that goes out.

The CHAIRMAN. Without objection, that will be eliminated. The gentleman from Illinois [Mr. MADDEN] makes the point of order against the paragraph just read.

Mr. PADGETT rose.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. PADGETT. Mr. Chairman, I want to state to the gentleman, if I can have the attention of the gentleman from Illinois [Mr. MADDEN], that he will notice that the appropriations heretofore referred to have already been made, and this is to construct buildings at Pensacola. The department informs us that they do not desire to construct buildings at Pensacola, but they do need and desire to construct buildings at Key West. This is not an additional appropriation. It is simply the transfer of an appropriation and an authorization to use the funds heretofore appropriated for Pensacola to be used for the necessary purposes at Key West.

Now, then, if it is not permitted, the department will be at perfect liberty to go ahead and spend the money at Pensacola.

Mr. SLAYDEN. Will they do it?

Mr. PADGETT. I do not know whether they will or not.

Mr. SLAYDEN. It is not desirable?

Mr. PADGETT. I say they have authority to do it.

Mr. MADDEN. The gentleman does not think they would expend the money at Pensacola if it was not transferred to some other place?

Mr. PADGETT. No; but they have authority to do it. This is simply to transfer the fund that has already been authorized to Pensacola.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I want to ask the gentleman from Tennessee, the chairman of the committee, what rank these officers have for whom it is proposed to build quarters, and whether these quarter are to cost $10,000 each or $5,000 each?

Mr. PADGETT. As I understand it, the amount is $14,000 for the two sets of quarters, or $7,000 each, and then the difference between the amounts is $995. The $14,000 is to be used for the construction of two sets of quarters, which would be $7,000 each, while the $995, or so much thereof as may be necessary, will be used in the improvement of the grounds immediately surrounding the quarters.

Mr. SLAYDEN. What is the rank of these officers?

Mr. ROBERTS of Massachusetts. I understand the commanding officer at Key West is an admiral, but his successor may be a captain.

Mr. SLAYDEN. Is that the place where Admiral Young was living?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SLAYDEN. Is it proposed to rebuild the house for him?

Mr. ROBERTS of Massachusetts. I understand additional quarters are desired.

Mr. SLAYDEN. The text of the bill is clear on that. It says:

The unexpended balance of the appropriation made in naval act approved March 2, 1907, "for construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000," etc.

Now, was that appropriation of $10,000 the total, $5,000 each to be expended on quarters?

Mr. ROBERTS of Massachusetts. Fifteen thousand dollars in all; $10,000 under one act and $5,000 in another.

Mr. PADGETT. But they were for different purposes. Five thousand dollars each was for officers' quarters at Pensacola, and then by a subsequent act, "to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000." That makes $15,000.

Mr. SLAYDEN. Then the amount to be made available for the construction of quarters at Key West is $15,000?

Mr. PADGETT. Fifteen thousand dollars, less $5, which has already been expended.

Mr. SLAYDEN. Practically $15,000. That is for two officers, including the admiral?

Mr. PADGETT. Two marine officers; not an admiral, but two marine officers.

Mr. SLAYDEN. Of what rank?

Mr. PADGETT. Of the higher rank. I could not tell the gentleman the exact rank. I do not know.

Mr. SLAYDEN. The gentleman means of the higher rank in Key West.

Mr. PADGETT. They have a rear admiral there.

Mr. SLAYDEN. They have no admirals in the marines.

Mr. PADGETT. No.

Mr. SLAYDEN. The gentleman said they were marine officers.

Mr. PADGETT. They do not go by the naval designations in the Marine Corps. They go by the Army designations. It would be a lieutenant colonel or a major.

Mr. SLAYDEN. It strikes me it is a pretty extravagant house.

Mr. PADGETT. Seven thousand dollars.

Mr. SLAYDEN. Yes.

Mr. TRIBBLE. Mr. Chairman, I appeal to the gentleman from Illinois [Mr. MADDEN] not to insist on this point of order. There is a principle of administration involved in the question raised here, and I believe that when the gentleman hears what I have to say about it he will withdraw his point of order.

You will find that the Navy Department has withdrawn almost every semblance of defense from the Gulf coast. You will find that the department has undertaken to abandon Pensacola, although it is the deepest harbor we have. You will find that the department has undertaken to abandon New Orleans, which is the mouth of the interior of our country, and protects the whole Mississippi Valley. You will find that the department has totally abandoned Charleston, S. C., and all of the southern ports, and surely the little sum proposed by this committee for Key West will not be swept away also.

Mr. MADDEN. I will not make the point of order.

Mr. CANNON. Mr. Chairman, I do make the point of order, and I want to be heard to say just a word.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] renews the point of order.

Mr. CANNON. I am not here to say that there ought not to be officers' quarters at Key West. I am not here to say that there ought to be officers' quarters at Portsmouth; but the gentleman from Georgia [Mr. TRIBBLE] makes the point of order, which is sustained as to Portsmouth, and insists upon it, taking from the Committee of the Whole the power to pass upon the desirability of erecting the officers' quarters there, and now, somebody else's ox being gored, he protests against the point of order.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. CANNON. Certainly.

Mr. TRIBBLE. Does the gentleman know that the department has cared for all the yards on the eastern coast and left out those on the Gulf coast?

Mr. CANNON. I care not whether they be on the Gulf coast, the Pacific coast, or the Atlantic coast. The gentleman invokes a ruling that I think never ought to have been made, to prevent the erection of quarters at Portsmouth; but when it comes down to a place near his own home, where I think very likely the quarters ought to be erected, when the point of order is made, the gentleman from Georgia says, "Well, I hope the House will be allowed to pass upon it."

I insist on the point of order.

Mr. GARNER. Mr. Chairman, I suggest that it may be advisable to repeal this section in case this appropriation can not be given in this bill, because it is not going to be used.

Mr. CANNON. That would be in order under the Holman rule.

Mr. GARNER. I suggest to the chairman of the Committee on Naval Affairs [Mr. PADGETT] that not knowing whether they would exercise this discretion, it would be well to repeal this section of the law.

Mr. PADGETT. If this goes out on a point of order, I am going to offer an amendment of that kind. I hoped, however, that it might be available.

Mr. MADDEN. In passing over pages 29, 30, and 31 of the bill I noticed there were items for paving—on page 29, at the Boston Navy Yard; on page 30, at the New York Navy Yard; and on page 31, at the Charleston Navy Yard. I assume that these items provide for paving within the grounds, and so I did not make the point of order, but I wish to ask the chairman of the committee whether my assumption was correct.

Mr. PADGETT. It is entirely correct. This paving is entirely within the yards.

Mr. MADDEN. So that it would not come within the rule.

Mr. PADGETT. Not at all.

Mr. MADDEN. That is the point I wish to have appear in the RECORD.

Mr. PADGETT. Yes.

Mr. MADDEN. Because I do not want it to appear that the point was made with reference to one item and not made with reference to three other items, if they all came under the same rule.

Mr. PADGETT. This paving is all within the grounds, and is clearly in order. Has the Chairman ruled upon the point of order made by the gentleman from Illinois [Mr. CANNON]?

The CHAIRMAN. The Chair is of opinion that, under the citations submitted a few minutes ago in connection with a similar point of order, the clause in this paragraph relating to officers' quarters, if the point of order is made, is well taken. The decision the Chair cited was rendered in 1907 by the present Vice President, and it seems to have taken into consideration all the former precedents on this subject, and for that reason the Chair feels assured that it contains the weight of authority. So the point of order is sustained.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment, and as I have not prepared it, I will ask the Clerk to write it down. Amend by inserting:

The act approved March 2, 1907, for the construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000, and the naval act approved May 13, 1908, to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000, are hereby repealed.

Mr. ROBERTS of Massachusetts. Mr. Chairman, may I offer a suggestion to the gentleman that he make the amendment read so much of these acts as provides for these things "is hereby repealed." As I understand the gentleman's amendment, as he stated it, it repeals the entire act, and it should be so much of the act as relates to these matters.

Mr. PADGETT. I will modify my amendment to that extent.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting at bottom of page 31 the following:

"So much of the naval act approved March 2, 1907, for the construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000, and so much of the naval act approved May 13, 1908, to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000, are hereby repealed."

Mr. TRIBBLE. Mr. Chairman, I may be the only one to resist that amendment offered by the gentleman from Tennessee, but I want to say to this House that I do not concede that the Secretary of the Navy has the right to nullify the laws of this Congress that have been passed. This House provided for Pensacola in a previous Congress. I do not live within 400 miles of Pensacola; no, as my colleague, Judge BARTLETT, suggests, not within 500 miles; but, Mr. Chairman, the Secretary of the Navy, as I have said, has undertaken to abandon every defense on the Gulf coast. The Panama Canal is being built in that section of the world, and it is claimed by naval officers, and others who study the map of the world, that if we have any wars in the future they will be fought on the Caribbean Sea, Gulf of Mexico, or Pacific Ocean, in that section of the world lying near the Panama Canal. And yet all the navy yards on the east coast are accorded permanent improvements, so that they can not be abandoned in the future, while every semblance of defense is being taken from the southern coast; and yet some southern gentlemen sit here and vote for appropriations that provide abundantly for the eastern coast and the navy yards on the east coast, and support all the appropriations asked for them, and open not their mouth on questions affecting our southern defense. This little pittance that provided for Pensacola is proposed by the chairman of this committee to be taken from the Gulf coast and to be covered back into the Treasury, and have a law of this Congress nullified thereby because the Secretary of the Navy says so. I, for one, will not stand here and not raise my voice in protest.

Now, Mr. Chairman, before we proceed further on the sections in this bill, I want to put gentlemen on notice that we are coming to provisions appropriating two or three million dollars for the Hawaiian Islands at Pearl Harbor, that pet of the Committee on Naval Affairs. I presume they have spent something like $5,000,000 over there in Honolulu, or Pearl Harbor, on these islands. I put them on notice right now that I will knock every item I possibly can out of the bill when you come to your baby on the Pacific Ocean. I have not been able to knock out those on the Atlantic coast, because I have not raised my voice in protest, except in a few instances. I say the time has come for that part of the country bordering on the Gulf and South Atlantic to be heard from. It is not a question of the South; it is not a question of the East or the North or the West; but it is a question whether or not the protection to the seaboard and navy yards of the South shall be abandoned simply because the Secretary of the Navy happens, forsooth, to say so, and then follow it up to the extent of nullifying an act of this Congress by taking from Pensacola the little pittance that was given her in the last Congress.

Now, it was provided by this committee to make a small appropriation to Key West and start up a small navy yard in one place on the Gulf coast. It is a very small appropriation; it is just a starter; and I felt like we ought to have something permanent, so that in a future Congress I or any other Member who stands for naval stations for the South as well as other sections could point back and say that we started a little navy yard down there and we will keep it up; but now you want to wipe out the last vestige by this amendment, and I protest with all the power I have.

Mr. CANNON. Mr. Chairman, I have listened with much surprise to the gentleman from Georgia [Mr. TRIBBLE]. Touching this appropriation, we have our possessions here in the United States; we have Hawaii, for which we are responsible, being as it is a part of the territory of the United States; we are responsible for the Philippines; we have the great Atlantic Ocean as well as the great Pacific Ocean washing our shores. I do not know whether this appropriation for Pensacola should be transferred to Key West or not. I am quite sure I stand ready to vote for such improvements for the naval station at Key West as are desired. I voted for a dry dock at Beaufort, which had to be abandoned. The *Indiana* got in there, and we

thought it would never get out. I have even voted to build a great navy yard at Charleston. I did not want to do so, because I did not believe there was sufficient water at Charleston Harbor, but I voted for the appropriation bill that carried it. I voted for a navy yard at New Orleans, and I expect to vote for these general bills, although not with the idea that they will be perfect; but I want to say to the gentleman from Georgia [Mr. TRIBBLE] in all kindness that when he rises, representing a constituency the equal of the one I represent, and, speaking for that constituency, says that if the amendment transferring this appropriation from Pensacola prevails, he will on that account make points of order as to items affecting stations on the Pacific Ocean and in the Philippines, on which points of order will lie, it sounds very strange to hear him then turn round and say there is no North, no South, no East, and no West. I want to say to the gentleman that I shall consider the merits of each proposition and register my approval or disapproval by my voice and vote, but he will have to tarry in Jericho until his beard grows before he will coerce my vote or action as a Member of this House.

Mr. HOWARD. Mr. Chairman, when I became a Member of this House I hoped that before I reached the city of Washington to enter upon the discharge of my duties the CONGRESSIONAL RECORDS containing the sectional arguments just made by the gentleman from Illinois [Mr. CANNON], incited by a point of order made by my colleague from Georgia, Mr. TRIBBLE, would have been put into a bonfire and burned, and such sentiments forever eliminated from the transactions of public business in this House. I think the time has arrived when we ought to discuss these matters coolly and deliberately, without regard to what section the appropriations are to go, and we should think only whether the appropriations will be economically expended and are needful. The gentleman from Illinois [Mr. CANNON] has made a point of order against an appropriation carrying $15,000 for the purpose of erecting two officers' quarters at Key West, Fla. Upon what ground did the gentleman from Illinois make his point of order? Because of the fact that the gentleman from Georgia [Mr. TRIBBLE] had made a point of order against a certain appropriation carried in this bill for Portsmouth, N. H.

The point of order made by the gentleman from Georgia carried an appropriation for $12,000. The point of order made by the gentleman from Illinois carried an appropriation for $15,000. My colleague placed himself in the surprising position of being euchered out of $3,000 on the deal. [Laughter.]

That is the ridiculous position this House is placed in when dealing with an appropriation carrying money to maintain one of the greatest establishments of the Government. I am really surprised to see so often in debate in this House this question of where a certain amount of money is to be expended. I want to be governed in what I do and what I say and how I vote upon this bill by the cool, deliberate judgment of these gentlemen who have had this discussion before the committee and who know whether or not these are economical expenditures, and whether they are necessary expenditures, and why they are necessary.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Certainly.

Mr. TRIBBLE. Mr. Chairman, I am a member of the Naval Affairs Committee from the same section of the country as the gentleman who has the floor, and if the Committee on Naval Affairs overrides my efforts to prevent the Secretary of the Navy from abandoning all the naval yards in that section of the United States, does not the gentleman from Georgia think that if I am patriotic, and if I believe in patriotism and in my section of the country, it is my duty to come in here and fight for what I conceive to be just on the floor of the House?

Mr. HOWARD. Mr. Chairman, I believe it is the duty of every man in this House to do what his conscience dictates to him he should do as a public servant in the discharge of his duty, but I do not believe that because of the fact that we can not always have our way about things we should take the bit in our mouths and run away with the cart and say, "You can not have anything because of the fact that I can not have my way." That is not the way we should legislate for the American people; that is not the way the people who send us here expect us to legislate for them, and I think that both the gentlemen from Illinois [Mr. CANNON] and my colleague, the gentleman from Georgia [Mr. TRIBBLE], are wrong when they come down to the proposition——

Mr. AKIN of New York. May I interrupt the gentleman to ask, in regard to the $3,000, if the gentleman does not think that he had better grow whiskers, and he may get the $3,000?

Mr. HOWARD. Grow what? I do not think that question is pertinent to the discussion.

Mr. AKIN of New York. Will the gentleman yield——

Mr. HOWARD. No; I have but five minutes. I have a proposition here that I do not think ought to be treated lightly, and I am serious about this matter.

Now, it is said that points of order are going to be made against Pearl Harbor, against San Francisco, or anywhere else that an appropriation is to be carried, if it is new legislation, or if it is subject to the point of order, not taking into consideraton the question of whether or not it is necessary for the welfare of this country that that money should be so expended there.

Mr. TRIBBLE. Will my colleague yield?

Mr. HOWARD. Certainly.

Mr. TRIBBLE. Mr. Chairman, I desire to correct the gentleman. I have made the statement that I propose to make the point of order on the Hawaiian Islands, and there I stopped. As a member of the Naval Committee I am expected to take interest in this bill and to guard the Treasury, as well as spend millions on the Hawaiian Islands at Pearl Harbor.

Mr. HOWARD. I do not know anything about Pearl Harbor, and I do not care anything about Pearl Harbor other than to say if this money at Pearl Harbor is to be economically and judiciously expended I would support Pearl Harbor, Portsmouth, N. H., or anywhere else in the United States, if the money so appropriated is essential for the protection of my country's honor and the preservation of its institutions. For the sake of our glorious Union, for the sake of our future welfare, let us stop this everlasting agitation that breaks out here once in a while in the heat of debate about sections, and let us all say with the immortal Henry W. Grady, "There is no North, no South, no East, no West, but one united country."

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of pointing out that this amendment proposed will actually precipitate the question of abandoning these yards. I want to call to the attention of members of the Committee on Naval Affairs as well as members of the Committee of the Whole House that the question of abandoning particular stations on the Gulf of Mexico is under serious consideration and that as a matter of policy we have decided not to determine it at this session.

Mr. TRIBBLE. Who has decided it?

Mr. HOBSON. Our committee.

Mr. HIGGINS. I would like to know, as a matter of information, has not the present Secretary of the Navy, either this year or the year before, recommended the abandonment of those stations?

Mr. HOBSON. The gentleman is perfectly correct; the Secretary has requested it year in and year out, but with the opening of the Panama Canal the whole question of location of the battle water of America is being shifted southward, and the question of the Gulf and the Caribbean is assuming a new and prime importance; and the Secretary's policy of the abandonment of the stations in the South is more in accord with the old conditions.

This whole question is of great importance and ought not to be passed on in a flurry of exchange of compliments or points of order, and I do not think that this question of reappropriations should be decided from an afterthought following the point of order just made. If that point of order had not been made the amendment offered by the chairman would not have been made. Now, the point of order may prove of no effect in the Senate, but if the amendment of the chairman should prevail, it simply means that Congress is held down to the prejudgment of the Secretary of the Navy without a full investigation——

Mr. GARNER. If we could get the gentleman from Illinois [Mr. CANNON], by some persuasion, to withhold his point of order and let the bill go through as it is we would cut out all this time.

Mr. HOBSON. I will say to the gentleman from Texas I can understand how the gentleman from Illinois feels.

Mr. GARNER. I understand that.

Mr. HOBSON. And I actually believe, in the interest of this House, that, with all due respect to the Chairman's rulings, that you can not go and appropriate for a building or any other part of a public work in connection with a station; it simply ties your hands for all time in matters of expenditure and the efficiency of this service and of all similar services. I think it is a great pity that we are confronted to-day with the proposition that a Member can rise here and there and prevent us from carrying out the policies of a generation.

But that is not before us. It is not involved in the amendment of the chairman. Irrespective of whether the previous paragraph goes out on the point of order or not, we ought not to decide here whether we are going to abandon stations on the Gulf of Mexico. We put the whole proposition on the Senate to put back these measures if the gentleman does not withdraw his point of order.

Mr. CANNON. I quite agree with the gentleman, and therefore I shall vote against the amendment, the reasons having been assigned therefor. I am perfectly willing the House shall vote; but I for one shall vote in the negative.

Mr. GARNER. Would not the gentleman from Illinois, in deference to the judgment of the Committee on Naval Affairs bringing in this change of location in this appropriation bill, after he has heard these Members of the House and expressed himself with reference to his feeling for the gentleman from Georgia, be willing to withdraw his point of order?

Mr. CANNON. I shall not withdraw the point of order.

Mr. HOBSON. Could the gentleman from Georgia [Mr. TRIBBLE] go back and withdraw his points of order and let us all get along in harmony? Could not that be done by unanimous consent, Mr. Chairman?

Mr. PADGETT. Mr. Chairman. I withdraw the amendment I offered and let it go out on the point of order.

The CHAIRMAN. Without objection, the gentleman from Tennessee will withdraw the amendment.

Mr. PADGETT. It does not require unanimous consent.

Mr. BARTLETT. Regular order, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I ask unanimous consent to return to page 29 of the bill, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] asks unanimous consent to return to page 29, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, on line 10, page 29, after the word "dollars," I move to insert:

Quarters for commanding officer, naval prison, $12,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 10, after the word "dollars," insert the words: "Quarters for commanding officer, naval prison, $12,000."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. ROBERTS].

Mr. SLAYDEN. Mr. Chairman, I want to offer an amendment to the amendment. I move to amend by striking out the word "twelve," in line 11, page 29, and insert the word "eight."

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the word "twelve" in the amendment and insert in lieu thereof the word "eight."

Mr. SLAYDEN. Now, Mr. Chairman, I would like to say one word. I believe $8,000 will build an entirely satisfactory residence for the governor of a small prison.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to say to the gentleman from Texas that this amount of $12,000 was fixed by the Committee on Naval Affairs on the basis of cost of quarters as fixed by the Army. The commander of this prison is an officer of a certain rank. Under the practice—and I am not certain but what it is a law; at least, we are trying to give it the force of law in the Naval Committee—we base the cost of quarters for different stations in the same proportion as is the practice under Army appropriations. And this price was fixed at $12,000 on that theory and that theory alone. So the gentleman will see, if his amendment should be adopted, that it is going to cut the quarters down below those that an officer of his corresponding rank should occupy and below what would be occupied by an officer of the same rank in the Army, and I do not think the gentleman wants to do that.

Mr. SLAYDEN. Mr. Chairman, if I thought $12,000 or $20,000 was needed in order to get adequate quarters, I would not interpose the objection; but I want to suggest to the gentleman a fact with which he is perhaps not familiar. In the construction of quarters for officers of the Army the administrative officials went wild for a while. They built palaces for colonels and majors and captains. But we have fixed a limit and reduced the amount that may be appropriated for quarters, grading them according to rank.

Mr. ROBERTS of Massachusetts. That is just exactly what we have done here. I will say to the gentleman from Texas, and it is based exactly on the Army scale. That is why I wanted to call that point to the attention of the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I think if the gentleman will consult the Quartermaster's Department he will find there is no such allowance now made for the officers of the rank of the man who, if I am correctly informed, is to occupy this position at Portsmouth as the governor of the prison. I think $8,000 is an adequate sum. And even if the quarters for the officers of the Army of corresponding rank were fixed at a higher rate, which they are not, I still would not be influenced by that. I do not believe in the style of reasoning that increases the compensation of an officer of a certain rank in the Navy because an officer in the corresponding rank in the Army has had it, or vice versa. I do not believe in that style of argument. I think $8,000 will build an adequate house, and it is as much as is being allowed now for officers in the Army of corresponding grade. And I want to say to the gentleman that the officers of the Army have welcomed the change. Before we made that reduction the Government was constructing palaces for officers of limited income to live in.

They were beyond their means to keep up. It was an extravagance which was unwarranted, and it was an extravagance which was embarrassing to the occupant of the house. I shall insist, Mr. Chairman, on having a vote on the amendment to the amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to say, in answer to the remarks of the gentleman from Texas [Mr. SLAYDEN], that the Naval Committee have been through the same experience exactly with regard to the cost of quarters for officers at the various navy yards and stations. There have been in the past very expensive and elaborate quarters provided, and the Committee on Naval Affairs have sought to bring down the expense for those quarters, so we have fixed upon the basis adopted by the Army for quarters to be occupied by naval officers of a corresponding rank.

We hold in our bill to the amount that was adopted in the Army bill for an officer of the same rank. That is the case here. I do not think the gentleman is narrow in his views at all, and I do not think he objects to an officer of the Navy whose rank corresponds to that of an officer of the Army having equal quarters.

Mr. SLAYDEN. I do not.

Mr. ROBERTS of Massachusetts. I thought the gentleman would not object to that, and I think he ought to accept my statement that this bill provides for quarters for an officer who corresponds in rank with an Army officer and who should have quarters of the same value.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Texas?

Mr. ROBERTS of Massachusetts. Certainly; I yield.

Mr. SLAYDEN. My information is that these quarters would be occupied by a major or lieutenant colonel of the Marine Corps. We are not providing quarters for officers of the corresponding rank in the Army that cost more than $8,000. At one time, as I tell the gentleman, they did so, but they do not any more. It is now a good time to reform, and to stand by the reformation. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. SLAYDEN] to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ROBERTS of Massachusetts. A division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 29.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to return to page 31 and offer an amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 31 for the purpose of offering an amendment, which the Clerk will report.

Mr. PADGETT. It should follow after line 23. At the end of line 23 add, as a new paragraph, the following:

The unexpended balance of the appropriation made in the naval act approved March 2, 1907, "for the construction of two officers' quarters, navy yard, Pensacola, Fla., $10,000," and that made in the naval act approved May 13, 1908, "to complete officers' quarters, marine barracks, navy yard, Pensacola, Fla., $5,000," is hereby appropriated and made available for the erection of officers' quarters and improving grounds at the naval station, Key West, Fla.

I ask unanimous consent, Mr. Chairman, to return to page 31 and offer that amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 31 for the purpose of offering the amendment which the gentleman has just read. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I desire to say merely a word about that. I think this amendment should be agreed to, and if I may be indulged for a moment, I want to say, with the highest respect for the officer presiding over the Committee of the Whole, as a presiding officer and as a Representative, if I

had been placed as he has been, I apprehend that, relying upon the precedents—and I am sure that there are other precedents that might be invoked—I should have ruled as the presiding officer has ruled; and yet considering, for instance, improvements for the New York Navy Yard, similar to those provisions for which were ruled out, or improvements in the navy yard at Honolulu or in the Philippines or at Guantanamo, I would let the House settle the construction, in the view of former precedents and the rulings in harmony with those precedents. Let us see where we are placed. I am quite in harmony with the principle of preventing legislation upon appropriation bills. I believe it is a wise rule, but the Senate has the power to amend, and after we have placed a narrow construction upon a rule, a construction that does not come within its reason or spirit and is not for the benefit of the public service, and an item goes out upon a point of order, then Members of this House go hot-foot to the Senate and the Senate reinserts the item in the shape of an amendment. Speaking with the highest respect for that great body, they have practically no rules, because if there is anything anybody wants they submit the question whether it is in order. So, in my judgment, we ought to construe our rules liberally, giving the House freedom to express its will through a majority. Otherwise the practice will continue to grow that has been growing, to my knowledge, for almost 40 years, that we cut off our power to originate and submit to the power of the Senate to originate at the sweet will of that body, and then we can not get rid of Senate amendments by points of order.

Mr. GARNER. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. GARNER. Where a point of order is made against a provision that is reported by the committee, and that provision is inserted in the Senate, are not the hands of the House conferees virtually tied, and are they not compelled to agree to that amendment in conference?

Mr. CANNON. Possibly so in the contest in conference; but the conference report is submitted to the House. If it does not meet with the approval of the House, a majority can turn it down, as I have seen conference reports turned down in many scores of instances, and the bills sent back to conference again.

I have asked the indulgence of the House to make these remarks. Perhaps I owe the House an apology. If so, I make it. If I have appeared to exhibit any temper in the last 30 minutes, I regret having exhibited it. It seemed to me that the position taken by the gentleman from Georgia [Mr. TRIBBLE] ought to be combated; and while I may have seemed to have temper, I really had no temper, and after unanimous consent was given to the gentleman from Massachusetts [Mr. ROBERTS] I did not make any point of order against the amendment of the gentleman from Tennessee [Mr. PADGETT]. The truth of the matter is that both appropriations are exceedingly limited in importance in comparison with the great ocean of legislation on appropriation bills which involve annually, including the permanent appropriations, almost $1,000,000,000 for the public service.

Mr. TRIBBLE. Mr. Chairman, I admit that for some time I have been smarting under what I have conceived to be unjust treatment of the Gulf coast by the Secretary of the Navy. My enthusiasm this afternoon has been in the interest of what I conceive to be right. I do not think I was wrong, as is shown by the headlines in the afternoon paper which has just been handed to me. My earnestness on behalf of the continuation of the appropriation for Key West was because I felt that it was an urgent need. Some kind gentleman has sent to me during the heat of this discussion the afternoon paper, with headlines reading as follows:

Warships to be sent to Key West—Navy Department issues orders at request of State officials—Greatest mobilization since Hudson celebration—Presence of vessels expected to awe rebels.

Mr. Chairman, I think what I have said this afternoon in regard to the Gulf ports, navy yards, and harbors being abandoned by the Secretary of the Navy, and in regard to the efforts which have been made absolutely to nullify the laws of this Congress that have been passed heretofore, was absolutely justified.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question being taken, the amendment was agreed to.

The Clerk read as follows:

Naval Station, Pearl Harbor, Hawaii: Dry dock (limit of cost is hereby increased to $3,350,000), to complete, $1,050,000; water-front development, $100,000; street paving, $25,000; water system, $17,000; power distribution, mains and conduits, $75,000; metal and lumber storehouse, $25,000; paint and rigging loft, $25,000; pattern shop, $60,000; storehouses, $100,000; latrines, $10,000; railroad equipment, $45,000; floating crane, to complete, $210,000; in all, $1,742,000.

Mr. TRIBBLE. Mr. Chairman, I make a point of order against two small items of this enormous appropriation. I make the point of order against these two items: Lines 1 and 2, page 33, "street paving, $25,000," and lines 4 and 5, "metal and lumber storehouse, $25,000." It will be noticed that the next item is "a paint and rigging loft, $25,000." It seems to me that one building is all that is necessary, and that a paint and rigging loft is enough for both of them.

Mr. PADGETT. Mr. Chairman, I do not think the point of order is well taken. The act establishing the naval station at Pearl Harbor provided:

The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore purchased for that purpose, and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings.

So that Congress does not fix any limit, does not define the scope of such buildings as may be necessary. It is in the discretion of the Congress and, of course, is in order on an appropriation bill. It was so held two years ago, when a similar point of order came up.

Mr. BARTLETT. What is this item for the paving of streets?

Mr. PADGETT. Pearl Harbor is a new place, out on an island, but there is nothing there in the way of highways. This paving of streets is simply the making of roads, so that the heavy machinery and things that are being carried there—heavy guns, and so forth—can be hauled over the roads.

Mr. BARTLETT. It is not a paving of streets adjacent to the land of the Government, but is on the Government land?

Mr. PADGETT. Yes; on the Government land, in front of the buildings, so that these heavy articles—machinery, implements necessary to put it in condition, heavy guns, and so forth—can be hauled over the road.

Mr. BARTLETT. It is paving its own land, and not land adjacent to the Government land?

Mr. PADGETT. It is right on the reservation.

Mr. CURLEY. If the gentleman will allow me, it is a fact, is it not, that there are no natural highways there of such a nature as would be cut out of the rock itself?

Mr. PADGETT. No; there is no road there.

Mr. CURLEY. And it is necessary to have a paved street or a rigid highway in order to reach the dry dock with heavy loads?

Mr. PADGETT. Yes; and to reach the storehouses and the buildings we are putting there. It is really the building of roads instead of paving.

Mr. BARTLETT. How much paving will this $25,000 do? Is that all that has been appropriated?

Mr. PADGETT. That is all, so far.

Mr. BARTLETT. The gentleman does not know what amount of street that will pave?

Mr. PADGETT. There was a general program submitted a year or so ago giving the various items.

Mr. BARTLETT. Will $25,000 complete the paving or building of the roads necessary to be constructed?

Mr. PADGETT. As I say, this paving is really road building. It is not sidewalk; it is the streets or highways themselves. We use the words "street paving," but it is really road construction.

Mr. BARTLETT. The language in the bill is street paving.

Mr. PADGETT. Yes; that is the language used in regard to all of these yards.

Mr. SLAYDEN. Has the gentleman any estimate of the amount of road construction or paving that will have to be done?

Mr. PADGETT. Yes; it is here, and I have asked the Clerk to find it. It was submitted a year or so ago.

Mr. SLAYDEN. I just want to know what we are going into.

Mr. PADGETT. Here is a table submitted January 12, 1911, the dredging of the channel, $3,445,000. The amount appropriated was $2,800,000, and the amount in the later estimate is $545,000. All that is taken care of.

Mr. SLAYDEN. That is dredging, and I am asking about road building.

Mr. PADGETT. The street paving, grading, and so forth, $200,000.

Mr. SLAYDEN. Does that "and so forth" mean road building?

Mr. PADGETT. Yes; street paving, grading, and road building.

Mr. SLAYDEN. Is that the estimate that the whole thing will cost?

Mr. PADGETT. Yes.

Mr. SLAYDEN. Well, it will cost a good deal more than that, but it is something to have an estimate of the limit.

Mr. PADGETT. The total estimate for the whole thing is $9,448,000.

Mr. SLAYDEN. I am willing to appropriate money for the development and protection of Pearl Harbor, for I have some timid friends on the Pacific coast, whose fears I want to allay.

Mr. PADGETT. Mr. Chairman, I would like to make the statement that the island on which Pearl Harbor is situated, on which this naval station is being built, is an undeveloped island which is not adjacent to any city. I think it is about 8 to 12 miles from Honolulu. It can not be reached except across the water. It is entirely undeveloped; so that when Congress directed the Secretary of the Navy to establish a naval station there and proceed with its establishment, that direction necessarily carried with it the opening and establishing of means of communication from one portion of the ground to another. At one part a building is placed and at another part a different building. At one portion there is a dry dock and at another portion there is another building. The establishment of a naval station from the very necessity of the case carries with it the authority to communicate from one part of the ground to another.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, I would request the gentleman from Pennsylvania [Mr. BATES] to speak upon this subject, because it was his bill, and we went into the subject quite thoroughly on the subcommittee and then reported it to the full committee.

Mr. BATES. Mr. Chairman, the authority for these appropriations for Pearl Harbor is based upon an absolute piece of legislation passed as a distinct act by itself, without reference to any appropriation bill. This was some four years ago. As chairman of the subcommittee of the Naval Affairs Committee on navy yards, I had the honor of preparing the bill. It was reported by the subcommittee and by the full Naval Committee, and then, practically by unanimous vote, passed the House and Senate and was approved by the President. It was a distinct piece of legislation authorizing the Secretary of the Navy to establish at Pearl Harbor a naval station and navy yard, with all necessary adjuncts, and naming those specific features of the navy yard which came in logical order, such as the dredging, the dry docks, and the necessary buildings and machine shops, and all the appurtenances of a well-equipped navy yard. Since then the general Army and Navy board have, by unanimous vote, decided to practically abandon Olongapo and Cavite and make Pearl Harbor the principal naval base and station in the Pacific Ocean. The items of appropriation in this pending bill were all contemplated and authorized by the original act. They are not new legislation and are not subject to the point of order made by the gentleman from South Carolina. I therefore trust that the Chair will overrule the point of order.

The CHAIRMAN. The Chair is of opinion that under the provisions of the organic act that authority is given for the items against which the point of order is made, and the Chair, therefore, overrules the point of order.

The Clerk read as follows:

For the proper control, protection, and defense of the naval station, harbor, and entrance channel at Pearl Harbor, Territory of Hawaii, the Secretary of the Navy is hereby authorized, empowered, and directed to adopt and prescribe suitable rules and regulations governing the navigation movement, and anchorage of vessels of whatsoever character in the waters of Pearl Harbor, Island of Oahu, Hawaiian Islands, and in the entrance channel to said harbor, and to take all necessary measures for the proper enforcement of such rules and regulations.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I crave the indulgence of the committee once more. It is somewhat doubtful if I can be present when the bill has been finally concluded, and I ask unanimous consent, therefore, to return to page 3 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to page 3 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, after line 8, page 3, the following:

"The grades of the active list of the Pay Corps of the Navy are hereby increased by 10 additional paymasters, in all 86 paymasters, and by 20 additional passed assistant and assistant paymasters, in all 116 passed assistant and assistant paymasters: *Provided*, That the total increase of the Pay Corps of the Navy shall not exceed 20 during the first fiscal year."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. BARTLETT. Mr. Chairman, I understood the gentleman to ask unanimous consent to return to a section of the bill.

The CHAIRMAN. The Chair submitted the request for unanimous consent to the committee at the time it was asked, and it was granted.

Mr. SLAYDEN. Is this an increase of the Pay Corps?

Mr. ROBERTS of Massachusetts. It is an increase of the Pay Corps, very much needed.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent to return to page 6 of the bill, at the end of line 7, for the purpose of offering an amendment which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 6 of the bill for the purpose of offering an amendment. Is there objection?

The Clerk read as follows:

Amend by adding after the word "rank," in line 7, page 6, the following:

"*Provided further*, That the service of a midshipman at the United States Naval Academy or of a cadet at the United States Military Academy who shall hereafter be appointed shall not be counted in computing for any purpose the length of service of any officer of the Navy."

The CHAIRMAN. Is there objection?

Mr. HOBSON. Mr. Chairman, I am very sorry——

Mr. HENSLEY. I hope the gentleman will not object. It was put on in the Army bill, and there is no sort of reason why this should not be adopted at this place. There are other places in the bill where it might be adopted, but this seems to be the place for it.

Mr. HOBSON. It would be out of order in any place on an appropriation bill, because under the existing law the service at Annapolis is counted, and, furthermore, it ought to be counted. I have known class after class to leave Annapolis to go to the front and go to war, and I know the service there is as arduous as the service out of the academy, and it tends to give us younger officers.

Mr. HENSLEY. I can not agree with the gentleman from Alabama in the position he takes. This amendment was adopted to apply to the Army bill, and if it applies to the Army bill why should it not also apply to the Navy?

Mr. HOBSON. I think we had a rule with regard to the Army bill, but I am not sure; but this is certainly new legislation.

The CHAIRMAN. Is there objection to the request of the gentleman for unanimous consent to offer this amendment?

Mr. HOBSON. To protect these officers I must utilize the power of objecting, which I seldom utilize. I think it is the first time I have objected to such a request.

Mr. SLAYDEN. Will the gentleman withhold his objection for just a moment?

Mr. HOBSON. Certainly.

Mr. SLAYDEN. Mr. Chairman, an amendment almost precisely like this was put on the Army appropriation bill—a provision to save the people of this country a quarter of a million dollars a year. It simply says, in effect, that the schoolboy period of officers shall not be counted in computing the longevity service for any purpose whatever. It was brought out very elaborately in debate, and the House by an overwhelming majority sustained the contention, that these young men who receive an education at public expense, who are given an honorable profession at good pay, and when they reach the age of 62 years—I believe it is, in the Navy—are retired on three-fourths pay, are not treated harshly if academy service is not counted in computing for any purpose whatever. They are not officers. They graduate from the school to become officers.

Now, that has been adopted as to the Army, and there is no reason I can see why it should not be stopped as to the Navy. Of course the gentleman may interpose a technical objection to returning to the paragraph for the purpose of considering it now. A courtesy of that sort was just shown to the gentleman from Massachusetts [Mr. ROBERTS], and I can see no reason why an equal courtesy should not be shown to the gentleman from Missouri. Of course there is no debate on the question of the point of order. It is legislation, but so is the other.

Mr. PADGETT. Will the gentleman permit me to call his attention to a suggestion?

Mr. SLAYDEN. I understand it is not a question of order yet, but it is a question simply of returning.

Mr. PADGETT. The question I want to suggest was, it has been called to my attention that there is this difference between the Army and the Navy, and it occurs to me the gentleman from Missouri might well look to this in perfecting his amendment. I want to suggest this about the perfecting of his amendment. In the Army there is no such thing as constructive service, and in the Navy there is such a thing as constructive service. Now, the Staff Corps that comes in from civil life are credited with five years of constructive service.

Mr. SLAYDEN. What does the gentleman mean by that?

Mr. PADGETT. In other words, whenever he enters he is credited at once with having been in the service five years.

Mr. SLAYDEN. Whether he was or not? That ought to be stopped by law right now. [Applause.] Does the gentleman stand up here and justify a practice like that?

Mr. PADGETT. I am not saying anything about it one way or the other.

Mr. SLAYDEN. Would the gentleman justify it?

Mr. PADGETT. I think it should be adjusted properly, but the fact that that practice exists, if the amendment goes in as it is, it will affect the line only and leave the staff stand as it is. Therefore I suggest to the gentleman that it might be well for him to withhold his request for a moment to prepare his amendment so as to take care of the whole question in a just and proper way.

Mr. SLAYDEN. Mr. Chairman, I am inclined to think that the gentleman has urged an excellent argument in support of it, and also a good reason why the gentleman from Missouri [Mr. HENSLEY] might defer it and offer it later, and cut out that constructive service which is not an hour long.

Mr. HENSLEY. I withdraw the amendment at this time.

The CHAIRMAN. Without objection, the gentleman will withdraw the amendment.

There was no objection.

The Clerk read as follows:

Buildings and grounds, Naval Academy: For removing overhead wires, providing underground conduits, $60,000; reenforced concrete bridge across Dorsey Creek (to cost $50,000), $25,000; in all, $85,000.

Mr. TRIBBLE. Mr. Chairman, reserving a point of order, I would like to make some inquiries. What is the reason for taking down the wires and putting them under ground?

Mr. PADGETT. The Government has erected and established an institution down there at a cost, I think, of something like ten or eleven millions of dollars. These wires are running overhead. It is recognized that wires put underground render a much better service and are much safer. Then, these overhead wires furnish power as well as light, and atmospheric conditions, I am told, interfere very seriously at times with the efficiency of the service. And it has been recommended for several years that the wires should be put underground, both for ornamental reasons and for more efficient service reasons.

Mr. TRIBBLE. The previous Congress has refused to do it.

Mr. PADGETT. Just as we in this one have refused a great many items. We have struck out of this bill under this very bureau something like $4,000,000. Other items will come up next year. We never in any Congress allow all of the estimates that are submitted. We allow some. The others pass over to the next year, so that there is always a waiting list.

Mr. TRIBBLE. Mr. Chairman, does not the evidence show that this bridge there is not in serious condition?

Mr. PADGETT. It is in serious condition, and the position is this: There is an old wooden bridge there that is dangerous and must be repaired, and authority for the new bridge has been granted by the previous act, mentioned on page 34, beginning with line 3, the next paragraph of the bill. Last year we authorized the new bridge and appropriated $25,000. That was for a wooden bridge. When the Board of Vistors were there last year looking into it and considering the whole question, they recommended that the Secretary hold up the use of this $25,000 and that a recommendation be made to Congress for an additional appropriation of that amount and construct a concrete bridge that would be a permanent structure, instead of a wooden bridge which would necessarily be of limited duration. And this is carrying out the recommendation of the Board of Visitors, that was composed of three Members of the House, two Members of the Senate, and seven appointed by the President, coming from different States of the Union, who were there and inspected the situation.

Mr. TRIBBLE. Mr. Chairman, I make the point of order against the words:

For removing overhead wires, providing underground conduits, sixty thousand dollars.

The CHAIRMAN. The gentleman from Georgia makes the point of order against the clause which he has read.

Mr. PADGETT. Mr. Chairman, I submit to the Chair the question as to whether or not it is subject to a point of order. There is an electric system there, and there is a power system. This is simply an alteration. It is simply a change, or, if you see fit to so call it, it is an extension. It is not an enlargement, but it is a repair or an improvement, and therefore is a continuation of a public work. The work is there, the system is there, and this is simply modifying it and changing it, and therefore I think it is not subject to a point of order. The wires were put up there in one way, and this is simply changing them to a modified construction, and therefore I do not believe it is subject to a point of order.

The CHAIRMAN. The Chair thinks this is authorized and overrules the point of order. The Clerk will read.

The Clerk read as follows:

Naval torpedo station, Newport, R. I.: New power house, toward building (cost not to exceed $60,000) and equipment (cost not to exceed $120,000), to complete, $120,000; paving, $5,000; extension of fresh-water, steam-heating, and conduit systems, $10,000; in all, $135,000.

Mr. PADGETT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The Clerk read as follows:

Page 36, line 12, strike out the word "equipment" and insert in lieu thereof the word "equipping."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Naval magazine, Hingham, Mass.: Improvement of channel, $40,000.

Mr. HOWARD. Mr. Chairman, I reserve a point of order against that particular item.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] reserves a point of order against the item.

Mr. CANNON. Mr. Chairman, there is evidently not a quorum here, and I believe the colored folks quit at noon on Saturdays. That is my understanding. It seems to me we ought to have a quorum. I suggest to the gentleman whether it would not be agreeable to him to make the motion to rise.

Mr. PADGETT. I wanted, in view of final adjournment, to expedite the consideration of the appropriation bills as much as possible.

Mr. CANNON. I will say to the gentleman that he has made wonderful progress, and I congratulate him on it.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24565, the naval appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON of West Virginia, indefinitely, on account of sickness in his family.

To Mr. MORRISON, until May 31, on account of important business.

FEDERAL COURT, SOUTHERN DISTRICT OF TEXAS.

The SPEAKER laid before the House the following resolution (H. Res. 551), presented by Mr. GARNER:

Resolved, That the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, be recommitted to the Committee on Enrolled Bills, with instructions that it be reenrolled as a bill of the second session of the Sixty-second Congress.

The SPEAKER. That is the bill that was signed by myself and the Vice President, and was sent over to the White House, and the Senate passed a resolution asking that it be recalled because the Senate had not adopted the conference report. The question is on agreeing to the resolution.

The resolution was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5030. An act to extend the time for the completion of dams across the Savannah River by authority granted to the Twin City Co. by an act approved February 29, 1908.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 22990. Providing for the construction and maintenance by the city of St. Louis, Mo., and of an intake tower in the Mississippi River at St. Louis, Mo.; and

H. R. 5602. Authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Sunday, May 26, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of appropriation required by the War Department for topographic maps (H. Doc. No. 773); to the Committee on Appropriations and ordered to be printed.

2. A letter from the First Assistant Secretary of the Interior, submitting list of lands reserved from location in connection with irrigation within the Blackfeet Indian Reservation (S. Doc. No. 718); to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimate of appropriation to provide payment for conveying to the seat of Government the votes of the electors of the different States for President and Vice President of the United States (H. Doc. No. 771); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting revised estimate for appropriation for Public Health and Marine-Hospital Service (H. Doc. No. 772); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, submitting estimate of deficiencies required by the various departments of the Government to complete service for the fiscal year ending June 30, 1912, (H. Doc. No. 777); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims, amounting to $200,665.27, which require an appropriation for their payment (H. Doc. No. 775); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication submitting three judgments rendered against the United States and recommending an appropriation to pay same (H. Doc. No. 774); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, amounting to $39,971 (H. Doc. No. 776); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, reported the same with amendment, accompanied by a report (No. 758), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 20739) providing for the issue of patents to allotments on White Earth Reservation in certain uncontested cases, reported the same with amendment, accompanied by a report (No. 760), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUBEY, from the Committee on the Public Lands, to which was referred the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, reported the same with amendment, accompanied by a report (No. 761), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24853) authorizing and directing the Secretary of Agriculture to purchase site and put in operation an agricultural and live-stock experimental station in the first congressional district of Georgia; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24854) to amend an act entitled "An act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States," approved June 9, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. REILLY: A bill (H. R. 24855) to protect fraternal organizations from infringement on their titles or names; to the Committee on Patents.

By Mr. EDWARDS: Resolution (H. Res. 548) requiring the Attorney General to investigate the Fertilizer Trust; to the Committee on the Judiciary.

Also, resolution (H. Res. 549) calling upon the Attorney General for an investigation of the trust or combination controlling the price of cotton bagging and cotton ties in the United States; to the Committee on the Judiciary.

By Mr. MARTIN of Colorado: Resolution (H. Res. 550) requesting the President to furnish the House of Representatives certain information; to the Committee on the Judiciary.

By Mr. CULLOP: Joint resolution (H. J. Res. 320) relative to the rebuilding of levees on the Wabash River; to the Committee on Rivers and Harbors.

By Mr. HAYDEN: A memorial from the Legislature of the State of Arizona relating to mineral lands included within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 24856) granting an increase of pension to Clinton Scoville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24857) granting an increase of pension to Walter Barbo; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 24858) granting an increase of pension to James Boley; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 24859) for the relief of the heirs of Benjamin Grayson; to the Committee on War Claims.

Also, a bill (H. R. 24860) for the relief of the heirs of Evalina Davis; to the Committee on War Claims.

Also, a bill (H. R. 24861) for the relief of A. J. Collett, administrator of the estate of Thomas Collett, deceased; to the Committee on War Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 24862) granting a pension to Edward H. Osmond; to the Committee on Pensions.

Also, a bill (H. R. 24863) granting a pension to Joseph Miley; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24864) for the relief of John P. Stanton; to the Committee on Military Affairs.

By Mr. DUPRÉ: A bill (H. R. 24865) to refund certain taxes paid by J. H. W. Steele; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 24866) granting a pension to Guadalupe G. Martinez; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24867) granting a pension to Bernard Higgins; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 24868) granting a pension to William H. Withers; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 24869) granting an increase of pension to Jerome S. Pinney; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 24870) granting a pension to George F. Willard; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 24871) for the relief of N. Ferro; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 24872) for the relief of Henry N. Penfield; to the Committee on Military Affairs.

Also, a bill (H. R. 24873) granting a pension to Elizabeth Mulvaney; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24874) granting an increase of pension to William S. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24875) to reimburse Stalnaker Marteney for property lost during the Civil War and for unpaid salary; to the Committee on War Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 24876) granting an increase of pension to Mary A. Andrews; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24877) granting an increase of pension to James S. Armstrong; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 24878) granting an increase of pension to Henry C. Johnson; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24879) granting an increase of pension to Inez S. Bacon; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 24880) granting a pension to Anna A. Boeck; to the Committee on Pensions.

Also, a bill (H. R. 24881) granting an increase of pension to Mary Ordner; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 24882) granting a pension to Daniel Madigan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Hebrew-American Typographical Union, No. 83, of New York, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of the Woman's Christian Temperance Union of Stewartsville, and citizens of Dekalb County, Mo., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of John W. Brown and 20 other citizens of Newark, Ohio, against passage of interstate liquor law; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of New York, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Prospect Heights Citizens' Association, favoring passage of Senate bill 3, for vocational education; to the Committee on Agriculture.

Also, petition of Branch No. 180, Workmen's Sick and Death Benefit Fund, in opposition to passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: Resolutions of the Departmental Conference on Temperance of the Southern Sociological Congress, at Nashville, Tenn., favoring passage of antishipping liquor bill; to the Committee on the Judiciary.

By Mr. BROWN: Papers to accompany bill for the relief of estate of Eveline Davis; to the Committee on War Claims.

By Mr. CARY: Petition of citizens of Milwaukee, favoring passage of House bill 22766, for prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. CALDER: Petition of Lion Renault, of New York, against passage of the Works bill, relative to license law for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Hamilton Lodge, No. 107, Order B'rith Abraham, of New York City, N. Y., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Anna T. Kehr, of Brooklyn, N. Y., favoring passage of bill for the sanitary and medical uplift of the natives of Alaska; to the Committee on the Territories.

Also, petition of Nicholas Ehrlich, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, resolution of the National Lumber Manufacturers Association, relative to the control of floods in the Mississippi River and its tributaries and immediate relief; to the Committee on Rivers and Harbors.

Also, petition of Charles M. Hart, of Brooklyn, N. Y., against passage of the Oldfield bill, to change the present patent law; to the Committee on Patents.

Also, petition of C. J. Hudson, of East Norwich, Long Island, N. Y., favoring passage of the McLean-Weeks bill (S. 6497), for the protection of migratory birds; to the Committee on Agriculture.

Also, petitions of Frank Edgar Dixon, of Foster, R. I., favoring passage of House bill 17222, prohibiting the shipping of unweaned calves; of the Mount Sinai Hospital, of New York, favoring passage of House bill 24068, relative to Public Health and Marine-Hospital Service, regarding hospitals, etc.; and of the New York Board of Trade and Transportation, favoring passage of Senate bill 2117, relative to the pay of the commissioned medical officers of the Public Health and Marine-Hospital Service of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER (by request): Petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Petitions of the Boston Lettish Workmen's Association, Roxbury, Mass.; Freedom Lodge, No. 393, United States Grand Lodge, Order B'rith Abraham, Boston; and the Political Refugees' Defense League, Boston, Mass., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DAVIDSON: Petition of Rev. S. A. Elbert and other citizens of Stevens Point, Wis., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolutions of the Grand Army of the Republic, Department of Missouri, St. Louis, Mo., indorsing the action of the Missouri Members of Congress in their efforts to secure for the members of the Enrolled Missouri Militia who rendered active service a pensionable status; to the Committee on Invalid Pensions.

Also, resolutions of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 337, that the Secretary of Commerce and Labor be directed, through the Bureau of Corporations, to make a complete investigation of the business of foreign and domestic fire insurance corporations; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Julius Mile Sons & Co., of New York, against passage of the Works bill, relative to the license law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of the Chicago Flexible Shaft Co., against passage of the Oldfield bill (H. R. 23417) relating to certain proposed amendments to the patent law; to the Committee on Patents.

Also, petition of the prayer meeting class of the First Congregational Church of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the city council of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Capt. George D. Phinney, of Milwaukee, Wis., favoring passage of House bill 1339, to grant increase of pension to certain survivors of the Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of citizens of Portland, Me., favoring passage of the Gardner bill prohibiting the landing of fish in the United States caught by the beam or other trawl; to the Committee on the Merchant Marine and Fisheries.

Also (by request of Mr. HINDS), petition of Pine Tree Division, No. 66, Order Railway Conductors, of Portland, Me., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Resolutions of the Departmental Conference on Temperance of the Southern Sociological Congress, at Nashville, Tenn., favoring passage of the antishipping liquor bill; to the Committee on the Judiciary.

Also, resolutions of State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWELL: Petition of Local No. 725, United Brotherhood of Carpenters and Joiners of America, Salt Lake City, Utah, and Lodge No. 106, International Association of Machinists, Salt Lake City, Utah, favoring passage of House bill 22339, to regulate the method of directing the work of Government employees; to the Committee on Labor.

Also, petition of the Farmers' Union, the Patriotic Order Sons of America, and the Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Billings Chamber of Commerce, Billings, Mont., relative to establishment of a Weather Bureau observatory in Billings, Mont.; to the Committee on Agriculture.

By Mr. HUGHES of New Jersey: Petition of Paterson Tolks Lodge, No. 122, Independent Order Ahawas Israel, of Paterson, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the sixth congressional district of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Petitions of Kingsley Martin and C. J. Hudson, of New York, praying for legislation for the protection of migratory game birds; to the Committee on Agriculture.

Also, memorial of the Prospects Heights Citizens' Association, of New York, favoring legislation providing education in trades, industries, and home economics; to the Committee on Agriculture.

Also, petition of the American Association of Foreign Language Newspapers, protesting against patent legislation that would prohibit owners of patents establishing and maintaining prices on their products; to the Committee on Patents.

Also, memorial of State Camp, Patriotic Order Sons of America, favoring the literacy test for immigration into the United States; to the Committee on Immigration and Naturalization.

Also, memorial of the German Machinists' Benevolent Association, asking Congress to defeat the Root amendment to Senate bill 3175, providing a literacy test for immigrants entering the United States; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of J. Racow, Brooklyn, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Louis Heyman Lodge, No. 633, Independent Order B'rith Abraham, Brooklyn, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Joshua Pack; to the Committee on Invalid Pensions.

By Mr. PARRAN: Petition of 21 citizens of Savage, Howard County, Md., members of American Star Council, No. 32, Junior Order United American Mechanics, favoring passage of bills providing for the literacy test, etc.; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Resolutions of the Chamber of Commerce of Richmond, Cal., relative to creating sentiment in favor of a plan of monetary reform; to the Committee on Banking and Currency.

Also, resolutions of the Southern Sociological Congress, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, letter from the port of Boston, Mass., to accompany House bill 21969, relative to a proposed amendment to the Panama Canal bill relating to steamship companies in which any railway company is interested; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Shipowners' Association of the Pacific Coast, San Francisco, Cal., against passage of House bill 21100 and all bills restricting the salutary powers of courts in the matter of injunctions and restraining orders; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the United Italian Societies and the New Haven Peddlers' Protective Association, of New Haven, Conn., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Grand Army of the Republic, Department of Missouri, favoring the Enrolled Missouri Militia being put on a pensionable status; to the Committee on Pensions.

By Mr. ROBINSON: Resolutions of Cotton Belt Lodge, No. 7, Brotherhood of Railway Conductors of America, against passage of the workmen's compensation act (S. 5782); to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of merchants of Buffalo, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. SPEER: Papers to accompany bill granting an increase of pension to Clay L. Sherman; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: Resolutions of the Manufacturers' Association of New York, favoring passage of Senate bill 3, known as the Page vocational educational bill; to the Committee on Agriculture.

By Mr. TILSON: Petition of the Connecticut Civil Service Reform Association, protesting against section 5 of the legislative, executive, and judicial appropriation bill; to the Committee on the Judiciary.

Also, resolution of the New Haven Peddlers' Protective Association and the United Italian Societies, of New Haven, Conn., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the New Haven Chamber of Commerce, of New Haven, Conn., favoring passage of House bill 18327, relative to printing national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the Manufacturers' Association of New York, favoring passage of Senate bill 3, for vocational education; to the Committee on Agriculture.

Also, petitions of the Brotherhood of Locomotive Engineers, Harrisburg, Pa.; the Patriotic Order Sons of America; the Farmers' Union; State Camp, Patriotic Order Sons of America, of North Carolina; and citizens of Philadelphia, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Society of the United States Military Telegraph Corps, of Indianapolis, Ind., favoring passage of House bill 2920, for relief of members of the United States military telegraph corps; to the Committee on Invalid Pensions.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of the vocational educational bill, known as the Page bill; to the Committee on Agriculture.

Also, petition of the American Association of Foreign Newspapers of New York, against passage of the Brown-Oldfield bills, amending the patent laws; to the Committee on Patents.

HOUSE OF REPRESENTATIVES.

SUNDAY, *May 26, 1912.*

The House met at 12 o'clock noon, and was called to order by Mr. LOBECK as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast called us into being and filled our souls with longings, hopes, and aspirations which time nor space can measure; our wisdom, strength, and love are but reflections of Thy wisdom, power, and goodness. Thou knowest the beginning and the end; we are Thine, dependent upon Thee. Increase our faith and confidence, and awaken in us the brightest hopes, that we may lean on Thee and look forward without fear, since Thy love encircles all. It were not more difficult for Thee to extend our being into some one of Thy many mansions than to have called us into existence. Thou hast taught us to love life; to think of annihilation is overwhelming. When our friends are taken from us our hearts are rent and torn with sorrow and grief, but the angel of love whispers:

Be still, sad heart, and cease repining;
Behind the clouds is the sun still shining.

We can not think our friends out of existence; they remain a part of us. Be this our solace as we here gather on this quiet, peaceful Sabbath day in memory of one who served his State and Nation as a legislator under the Dome of this great Capitol, chosen for the high station by the people who knew him and had confidence in his integrity and ability to serve them. May his bereaved wife and children cherish his virtues and look forward with the brightest anticipations to a reunion beyond the confines of this transitory existence, where they will dwell with him forever, and everlasting praise be Thine through Him who taught us Thy love and the immortality of the soul. Amen.

The Clerk began the reading of the Journal of the proceedings of yesterday.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent that the further reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to dispense with the further reading of the Journal. Is there objection?

There was no objection.

The Journal was approved.

THE LATE REPRESENTATIVE JAMES P. LATTA.

Mr. STEPHENS of Nebraska. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Nebraska offers a resolution, which will be reported by the Clerk.

The Clerk read as follows:

House resolution 552.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to the memory of Hon. JAMES P. LATTA, late a Member of the House from the State of Nebraska.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was unanimously agreed to.

Mr. STEPHENS of Nebraska. Mr. Speaker, we have gathered here to-day to pay tribute to the memory of one of the grand old men of this country, the Hon. JAMES P. LATTA, late Member of Congress from the third Nebraska district. He was born near Ashland, Ohio, October 31, 1844, and died at Rochester, Minn., where he had undergone a surgical operation, on September 11, 1911. He was, therefore, nearly 67 years of age at his death. He spent the early part of his life in eastern Iowa, and when he was 18 years of age he set out for the Territory of Nebraska, traveling alone and on foot the 400 miles across Iowa to his future home in Burt County, where he took up a homestead and where he lived the remainder of his life. His homestead at his death consisted of 3,000 acres of rich Nebraska land lying in the valley at the foot of the Missouri River bluffs. On the slope of the bluffs he built his first home, overlooking the endless miles of rich land untouched by the hand of man. From his doorstep he could see the tall wild grasses glinting and billowing in the sun for 25 miles lying spread out at his feet in a panorama of beauty. It was truly a land of magnificent distances and of great promise of rich reward to those who would subdue it. And to this home he brought his young bride, and there in that beautiful environment they reared their two splendid sons and have materially aided in the development of a great Commonwealth.

Men partake of the character of the country that produces them, and it naturally follows, as day follows night, that our friend should have been a man of large parts. He saw everything in a large way in its relation to the country as a whole, rather than how it might affect him personally at the time. He was never petty either in politics, religion, or business, and never separated his interests from that of the community. He grew so rapidly in business because of the responsiveness of that hospitable land to intelligent effort that in a very short time he became a large factor in the county and State, not only in business but in politics as well. From a farmer, stockman, and beef producer on a large scale he became a banker, and later on a member of the house and senate in the State legislature. In fact he became the financial backbone of his county in times of drought and panic when the small men took to cover to protect themselves. In 1893, after a few years of drought, when the faith of the hard-pressed farmers was about all oozed out, the panic came on to cap the climax. Mr. LATTA had already about exhausted his resources in backing up his faith in the country's future, and this final blow would have completely discouraged and driven to cover all but the bravest and best. But he never wavered in his faith or turned aside in his course. He simply gathered up another bunch of farm mortgages and started East on a hunt for more money with which to save the farmers from utter ruin. By pledging his honor and credit to the last dollar he always came back spilling with succor for the needy. When the broken and totally discouraged farmers, battling against the vicissitudes of nature and the cowardly fear of money lenders, would come to him he put heart into them and sent them back with the assurance that as long as he could hold out he would stand by them. No man knows what a friend like that means to him until he has been pressed to the very brink and is being pushed off, as were those poor drought-stricken farmers in the panic of 1893.

He was a benefactor to his people and for years after, as liquidation was extremely slow, it took all the courage he could muster to keep hundreds of discouraged men from abandoning their lands and giving up the fight. Here is where the devil took our friend up in the mountain top and showed him an empire he could take possession of by the mere acceptance as a gift, what all these men wanted to give, to get rid of further struggle against what seemed to them great odds. They wanted to turn over their lands and cancel the debts. The real test of manhood does not come when men are holding positions of trust under the public eye. It is easy enough to be a man when the band is playing a triumphant march and the world is applauding, but it is quite another thing to do your duty when you are hard pressed and no one but God and yourself are looking on. In such cases even God is sometimes forgotten. Yet I am glad to record that our friend whose memory we revere to-day stood the test. With the mere act of acceptance he could have taken the titles to thousands of acres of the richest land in the world, but instead he gave these broken-spirited men hope to work on, and in a few years the tide turned in their favor.

Cæsar put aside the crown offered him by his countrymen, but the plaudits of the multitude were ringing in his ears. But here our dead friend put aside great wealth that was being thrust upon him because he believed in the Golden Rule and practiced it in his business. He knew these broken-spirited men could not get a fair view of their situation because of their distress, and he was too big to take advantage of them.

As the years went by and prosperity returned these men baptized in the fires of hard times and misfortune of every kind began to come into their own, and one by one they redeemed their homes and got back their titles and never paid a cent of tribute for the splendid service this grand old man of Nebraska rendered them. So it leads me to say that after all it matters little when a man was born or when he died or what station he reached in life, but it matters greatly how he lived. The history of northeastern Nebraska is largely a history of the life and work of Mr. LATTA, and when the end came and we all gathered around his bier it was largely a gathering of those seasoned pioneers who had felt the grip of his friendly hand in times of stress—men who had carved an empire out of the wilderness and made it into the garden spot of the world.

He was just the sort of man required for the work of conquering a new land. He was big and brawny in body and clear of mind. Having been born and raised on the frontier he had little school advantages, yet, in spite of this handicap, he was one of the best-educated men I have ever known, according to my own standards of what the word education means. If that man is best educated who can do the most useful things, then, according to that test, our friend had no peer in the West. He has a record of accomplishments that very few men possess. He has demonstrated his ability to successfully perform every class of work from that of a farm hand to that of a legislator in Congress. There was not a single occupation followed by our people of the West that Congressman LATTA did not master and could not do better than his fellows. He knew the secrets of nature better than any schooled scientist knew them, and he knew how to wrestle from the kindly old earth her glad tribute to those who understand her ways.

It was a most remarkable gathering of pioneers who assembled around his bier when we laid his body away on an eminence overlooking the great Valley of the Missouri. There he had stood as a boy and viewed the splendid prospect with much satisfaction, and there we laid his body nearly 50 years afterwards, where the first rays of the morning sun would silver the grasses over his grave.

The tribute to his memory paid him by these neighbors and friends was the most touching and beautiful I have ever witnessed, and it proved beyond a question of doubt that the rewards of an honest and unselfish life of service are beyond human understanding. It inspired me to hope that I might live long enough to be as useful and well beloved by my neighbors and countrymen as was he.

But the finest tribute of all was paid him daily by his two splendid sons, in their loyalty and admiration of him. These boys, now grown to be busy men of large affairs, up to the day of their father's illness were his constant companions, and every day of their lives, if circumstances permitted, they spent an hour or so with their father talking over their affairs, their hopes and ambitions. I have never known greater appreciation shown a father than these boys showed for theirs. It is a touching proof of the great and kindly intelligent soul of the man who could command the love and admiration of his grown sons in such a manner.

We can not prove by scientific data what the condition of life is on the finer planes of matter where men go after they have laid off their earthly garments, but by analogy we can approximate it, and it is reasonable to assume that the conditions there are closely related to the conditions here, and that the process of growth continues in an unbroken line. That would seem to be a universal law, and we need have no fear of crossing this line of demarcation. The God of the universe only puts us to sleep while the crossing is being made, and I anticipate that our dear old friend has found plenty to do in that new land across the border. I hope he has found work befitting his great strength and courage, and that his life will be as useful there as it has been here.

Mr. Speaker, I ask unanimous consent to have incorporated in my remarks a biographical sketch of Mr. LATTA, written by a close personal friend of his and published in the Burt

County (Nebr.) Herald, and also an account of the funeral services.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to print in the RECORD a biographical sketch and account of the funeral of the late Representative LATTA. Is there objection? There was no objection.

The biographical sketch and description of the funeral of Mr. LATTA are as follows:

"IN MEMORY OF CONGRESSMAN LATTA.

"[By J. E. Sutherland, editor Burt County Herald.]

"'Congressman JAMES P. LATTA died at 7.20 this evening,' was the Associated Press dispatch flashed over the wire from Rochester, Minn., Monday evening that brought deep sorrow into many a home in Tekamah, the home town of the deceased.

"It was here where he came when a boy of 18 years. It was here where he began life by working by the month, chopping wood, breaking prairie, or teaching school. It was here where he bought his first 40 acres and built his first cabin. He commenced farming and raising and feeding cattle, at which he was very successful. He kept on increasing his land holdings until now he owned nearly 3,000 acres. It was here where he engaged in the banking business in 1877 and in 1890 organized the First National Bank of Tekamah, of which he continued to be president until his death. It was here where he was married December 29, 1870, to Miss Libbie Jonas, of Jackson County, Iowa, and reared and educated their two sons, Ed and Bur, in our schools.

"No man could be held in higher esteem by the people whom he associated with all these years than was Mr. LATTA. He had their confidence and respect to such an extent that they loved to honor him in every way possible. He served the city as mayor, councilman, and treasurer; he served the county in the legislature in the session of 1887; he was elected State senator in 1906, and was a member of that reform session of 1907. It was Mr. LATTA who introduced the first bill for the present 2-cent passenger fare. In public matters he knew no party lines; with him it was what is best for the public welfare. He assisted in the passage of all reform measures in that memorable session. It was his record in the senate that singled him out for his party as a winning candidate for Congress in this third congressional district in 1908. He was again reelected in 1910 by the largest majority ever received by a Congressman in Nebraska. In the Masonic order of which he was an early member of the local lodge, he was master for several terms, and he was past high priest of the Royal Arch and past commander of the Jordan Commandery of Knights Templar.

"We have no gift of eloquence or command of language with which to grace a splendid eulogy, ours is the simple tribute of a friend—a friend who knows no words commensurate with the mighty flood of feeling that surges through his breast. Why eulogy? Are not his own life and character his most eloquent eulogy?

"When we remember how he succeeded in every field that he engaged his interests in and to which he gave his endeavor, when we remember his unswerving loyalty to every cause that he espoused, to every promise that he made, to every friend that he had, we begin to appreciate his true worth—he was a man made to be loved, and he was loved. To-day the world seems to be lonesome without him. We miss his kindly face, his cordial handclasp, his genial companionship, his helpful council. To those who knew him as we knew him for more than 40 years, he was an unusually lovable man. He was bright, cheery, kind, strong, and ever ready to lend a helping hand. Combined with these characteristics, he was blessed with good intellectual endowment, a powerful physique, and a pleasing personality, an agreeable voice, and an absolute freedom from affectation. His conceptions were quick and remarkably accurate. His judgment was uncommonly good of both men and measures. He had a wonderful faculty of approaching men, although at times almost bluntly, in such a manner as to prepossess them favorably both as to himself and his object. Few men have been favored with such a rare combination of faculties and powers as he possessed, and yet lacked qualities ordinarily deemed indispensable to success.

"He was not a scholarly man, nor a student in the ordinary sense. At the age of 2 years he came to Jackson County, Iowa, with his parents in 1846, which was then the frontier, and his education was limited to a few terms in a log schoolhouse. His training and experience as a business man enabled him to comprehend accurately and appreciate fully every problem that confronted him. He did not pretend to have the powers of the college bred; he belonged to an altogether different class of men. Although a pleasant and agreeable speaker, capable of presenting his views in a logical manner, he made no attempt at oratory and did not seek to mold audiences by the persuasive powers of eloquence. In Congress he directed his energy in an effort to obtain relief from extortion practiced by the eastern manufacturer on the western farmer. He was only in Congress 14 days when he engaged in a spirited debate for the reduction of the cost of wire fence. Being a new Member, an effort was made to ignore him, but his keen sense of what was right spurred him on until he won his point and secured him recognition that proved much to his advantage through the entire session. He was also very successful in securing increased pensions for old soldiers, and at the close of the session the RECORD showed that he had more special pensions allowed than any other Member of Congress, and had the honor of being the only Member who added an amendment to the Payne-Aldrich tariff bill. He adhorred unfairness; nothing could swerve him from the course that his sense of justice and right marked out for him. It was this splendid side of his character that so endeared him to his fellow men, regardless of political affiliations, and enshrined him in their affections.

"The world is better because he lived. So exalted was his character, so noble and unselfish were his ambitions, that life gave him up reluctantly, and death was proud to take him. But death can not take from us the memory of what he was and what he did. Men come and go; he alone lives in the hearts of his countrymen who truly loves and serves his brother man. Though dead, this immortality, this endless life of human heart and history, is the supreme, the sovereign reward of JAMES P. LATTA."

FUNERAL OF THE LATE CONGRESSMAN LATTA.

The following report of Congressman LATTA's funeral is reproduced from the Omaha Daily World-Herald, of September 16, 1911, whose special reporter was present at the obsequies:

"By the rugged rock of granite that marks the family burial lot on the highest point of Tekamah Cemetery, the body of Congressman JAMES P. LATTA was buried this afternoon—a place typical of the rugged character which had chosen the place in years gone by.

"It was after a funeral service such as Tekamah has never known before, because Congressman LATTA belonged not alone to Tekamah, but to all Nebraska, and from far and near his old friends came with sorrowing hearts. The early train from the south brought many; two coaches attached to an early afternoon freight from the north brought large delegations from Bancroft, Lyons, Oakland, and other points; by automobile and carriage they arrived by the hundred.

"The funeral service was at the LATTA home, where on the large lawn were arranged hundreds of seats and where those for whom seats had not been reserved remained standing while Canon Marsh, of Blair, said the Episcopal service. A quartet composed of Miss Irene Sutherland, Mrs. Neil Cameron, Ralph D. Conkling, and N. W. Preston, the private secretary of Mr. LATTA, sang sweetly, "Softly the Day Fades," "In the Hour of Trial," "Abide with Me," with Miss Adelaide Thomas at the piano.

"The body had rested in the parlor of the old home during the day, surrounded by a wondrous gift of flowers and guarded by Knights Templar in uniform, while thousands passed by to view for the last time the face of their beloved old friend. As the hour approached for the funeral service the casket was borne to the lawn, where the deceased Congressman had passed many happy hours with his family and friends, now meeting again to weep where once all had been joy and laughter.

"After the service was taken up the long march over the hills to the cemetery, located on the crest of one of them. The Masonic fraternity at this moment took charge of the services. Tekamah Lodge, No. 31, Ancient Free and Accepted Masons, of which Mr. LATTA had been a member for 32 years, of which he had been master for two terms and of which he had been treasurer for many years up to the time of his death, Fred Wixer now being master. Jordan Commandery of Knights Templar, of Blair, of which Mr. LATTA was past eminent commander, of which all the Knights Templar are members, was the escort. The active pallbearers were: T. A. Minier and Oscar Samson, of Oakland; C. A. Darling, of Lyons; E. A. Hansen, of Decatur; John Harrington, of Wayne; E. C. Houston, C. Jeep, and L. D. Phipps, of Tekamah. The honorary pallbearers were Col. Wellington Harrington, J. R. Sutherland, R. A. Templeton, sr., and S. T. Story, of Tekamah; Dr. J. B. Whittier, Decatur; Dan V. Stephens, Fremont; Charles P. Mathewson, Walthill; James Parry, Jackson; Watson Tyson, Blair; J. B. Garland and H. A. Garland, who were boyhood friends of the late Congressman, from Jackson County, Iowa. Col. John P. Cameron was marshal.

"The order of march consisted of Jordan Commandery of Knights Templar; Tekamah Lodge, Ancient Free and Accepted Masons; the hearse and pallbearers; relatives and friends in carriages; relatives and friends in automobiles.

"At the cemetery the Masonic burial ritual was observed with all of the pathos and impressiveness and tender sentiment possible. Robert E. French, grand custodian of the Grand Lodge of Nebraska, was in charge of the ceremonials committing the body to earth.

"Official recognition of the dead Congressman was given by the presence of the entire congressional delegation of Nebraska, consisting of Congressmen C. O. LOBECK, of Omaha; JOHN A. MAGUIRE, of Lincoln; CHARLES H. SLOAN, of Geneva; MOSES P. KINKAID, of O'Neill; and GEORGE W. NORRIS, of McCook; and PHILIP P. CAMPBELL, of Pittsburg, Kans.; and I. D. YOUNG, of Beloit, Kans., appointed members of the House committee by Speaker CLARK; and by the presence of Nebraska's two United States Senators, NORRIS BROWN and G. M. HITCHCOCK.

"Other men prominent in public life present were: Acting Gov. John H. Moorehead, of Falls City; Speaker John Kuhl, of Randolph; Senator George W. Wiltse, of Randolph; Willis D. Reed, of Madison; Senator Fred Volpp, of Scribner; DAN V. STEPHENS, of Fremont; Judge W. L. Stark, of Aurora; Gen. John C. Cowin, William Wallace, B. H. Robison, Robert Robison, Herman Peters, and Thomas J. Nolen, all of Omaha; Rev. John F. Poucher, of Stanton; Editors Don C. Van Dusen and Thomas Osterman, and Judge Clark O'Hanlion, of Blair; Senator Philip H. Kohl, of Wayne; Col. John A. Ehrhart, of Stanton; Col. J. C. Elliott and P. Moodie, of West Point; C. E. Bardwell, of Lincoln; Judge Walton and Charles Selleck, of Blair; besides many other friends from over the county and State.

"The relatives and intimate family friends from abroad were:

"Mr. and Mrs. John Harrington, Mrs. Chris Astor, and Mr. and Mrs. Dan Harrington, of Wayne; Miss Margaret Latta, Mrs. Ryan, and Miss Powell, of Omaha; Ed Callery and P. T. Flynn, sons-in-law of the late John Latta, of Duncomb, Iowa; J. B. and H. A. Garland, of Cranston, Iowa; Mrs. Bectol and Mrs. Goza, of Tama, Iowa; Dr. N. P. Hansen, of Elk Creek, Nebr.

"Among the elegant gifts of flowers was a huge shield done in colors, the offering of the United States Congress, besides lodge offerings and many from friends near and far.

"It was just such a funeral in just such a place as would pull the hardest on the heartstrings of the members of the family who are left to mourn, as it would bring more vividly to memory the tender moments that had been spent on the same spot with the deceased in his life. Yet there was something about it— the deep shade of the trees, the songs of the birds, the music selected for the occasion, the words of the minister, the sorrowing friends, the solemnity of the scene—that seemed to designate it as the funeral of the deceased and made to be just the kind of a funeral he himself would have desired had he been able to plan it for himself.

"Those of the immediate family who survive him are: His wife and two sons, Ed and Bur; a sister, Miss Louise Latta; and a brother, George C. Latta; also a cousin, W. W. Latta, who has during all these years been as a brother, so close have been their associations."

Mr. COLLIER. Mr. Speaker, it was my good fortune to become intimately acquainted with Mr. JAMES P. LATTA. We entered Congress at the same time, and for nearly two years we lived at the same hotel. Notwithstanding the difference in our ages, a warm and lasting friendship sprang up between us. Living under the same roof, seeing him nearly every day, I had an opportunity to know his worth and appreciate his merits.

Mr. LATTA was a self-made man. He many times recounted to me the hardships and trials of his early life. When a mere boy, he followed the star of empire westward and, unaided and alone, "exacted from the grasp of reluctant fortune" that success which characterized all his efforts.

Prudent, resourceful, painstaking, and honest, it did not take Mr. LATTA long to acquire what men call a competency. He was not a brilliant man, nor a great orator, but he was rich in that great gift which, for want of a better name, is called common sense. When some question would arise in the House affecting the interest of the people of his district or that of the people of the entire country, I have seen Mr. LATTA rise in his seat, and in earnest tones, and with an eloquence born of the justness of the cause he was advocating, become convincing, forceful, logical, and persuasive.

He was at all times armed with the courage of his convictions. His pioneer training gave him that self-confidence with which he met and vanquished the difficulties which so often confronted him.

His fearless nature, his rugged honesty, his independent spirit, his plain matter-of-fact manner, his industrious habits, his cordial greeting, his genial disposition, his innate modesty, his sterling worth, and true merit were recognized by all who knew him, and the possession of these qualities not alone endeared him to his friends, but gained for him an enviable position in the House of Representatives.

Faithful, conscientious, true to himself and his friends, in the fullness of his strength he accomplished his daily tasks and performed well his work in this busy world of ours.

He left behind him as a heritage to his family an "honest name, the memory of earnest deeds well done."

Death had no terrors for JAMES LATTA. He was firm in that faith which is founded upon the Rock of Ages. He believed with the poet who said that—

Death is but an angel, who to man at last his freedom brings;
And the grave is but a nest in which the soul shall find its wings.

JAMES P. LATTA fought a good fight; he kept the faith; he was affectionate to his family; he was true to his friends; he was devoted to his country; he was faithful to his party and conscientious in his convictions.

His colleagues sincerely mourn his death, and though these historic Halls will echo no more with the sound of his voice, and his pleasant smile, his cordial greeting, and his hearty handclasp have gone forever, yet he is not forgotten.

Death is a mystery which all the intellectual forces of mankind have vainly endeavored to solve.

The lips of the young inquiring "whence" and the old asking "whither" are alike unanswered.

Why some are called in the early morning of youth and some fall asleep in the evening of their days we know not; we can but wonder.

When childhood, tender childhood, meets the dread messenger, though our hearts may be torn with grief, yet we are comforted by the thought that, safe from life's trials and temptations and hardships, ignorant even of the knowledge of evil, the little ones sleep secure in the Master's arms. When death halts the faltering steps of old age, we draw some comfort from the knowledge that threescore years and ten is the allotment for usefulness here on earth. But when the bitter stroke descends unexpected, unannounced, upon vigorous manhood, we stand appalled, our hearts are troubled, and we wonder why this should be. But in this hour of doubt and trouble and grief there comes to comfort the aching heart "the Divine assurance that He doeth all things well."

For 'tis idle to talk of the future, the sad might have been mid our tears.
God knew all about it, yet took him away from the oncoming years.
God knows all about those that love Him; how bitter this parting must be.
And yet through it all God is loving and knows so much better than we.

Mr. RAINEY. Mr. Speaker, we have assembled here to-day to do honor to one who in all the affairs of life in which he participated discharged his full duty as a public servant and as an honest man. JAMES P. LATTA was born 68 years ago on a farm near Ashland, Ohio. He came from a race of sturdy pioneers. He belonged to that class of our citizens which pushed sturdily forward ahead of the march of civilization, which for a hundred years came down our rivers in flatboats and through our long forest avenues in oxcarts, pushing always forward toward the undeveloped sections of the great West. While he was yet a child, his parents yielded again to the call of the West, and in the old, primitive way which characterized the westward march of the early settlers, moved across the States of Indiana and Illinois, then being rapidly settled up, across the great river which flows through the center of the country, and found a home on its western bank in the State of Iowa. They were among the very earliest pioneers in that section of the country.

Here young LATTA grew to manhood, working on a farm during the spring and summer and fall—and farm work in those days was the hardest kind of toil—acquiring in the winter time, in a district school, the rudiments of the education which he afterwards developed in the hard school of practical everyday life. When he attained the age of 19 years, the call of the West came again to him. The section of Iowa in which he lived had rapidly settled up. He started out on foot and traveled alone across the great State, having in view, as he often told me himself, but one definite object—the finding of a new country with fertile soil and those natural advantages which could be developed by the population he felt sure would settle there.

An old friend of his in a Mississippi River town had given him this advice:

If you ever go farther west, travel until you reach a river and then settle on its western bank. The most important towns and cities in the interior of the country along the rivers which flow south are on the western banks of those rivers, and the most valuable land is there.

With this advice to guide him, before he attained his majority, with no money in his pockets, with no capital except his own buoyant spirits, his own hopeful disposition, his splendid, vigorous health, and his hard common sense, he started on his long march toward the West, until finally he reached the Missouri River; and, following the advice of his old friend, he crossed the river, and on the other side, in the Territory of Nebraska, he made his home.

He took up a homestead and commenced to develop it. Seven years later he married an Iowa girl, who stood by his side during the years that followed, fighting with him the hard battle of life on a Nebraska farm. Prosperity came to them as the years passed. He acquired more and more land; the land he acquired increased in value under his skillful methods of development, until finally, at the time of his death, he had accumulated for himself and his wife and his children a comfortable fortune. He organized the First National Bank of Tekamah, now one of the strong financial institutions of that section of Nebraska. He represented his district in the State legislature and in the State senate, and was finally elected to Congress.

He journeyed toward the west across the State of Iowa ahead of the railroads. He lived long enough to see the Territory in which he settled grow into one of our greatest States. He saw the section which he selected as his home develop until on every hand there were cultivated farms, thriving villages, towns, and cities, and a happy, cultured, prosperous, contented population.

He discharged his full duty in all the walks of life—loved by his family and the citizens of the community in which he lived, respected by all who lived within his adopted State. I knew him during the entire period of his service in Congress. Early in out acquaintance I learned to admire his rugged honesty and his keen perception of the duties of the high office he filled so well. I knew him better than most Members of Congress and I profited many times by his judgment in important matters of legislation.

He belonged to that type of men who have made this Nation great. He served courageously, honorably, and honestly the people of his State. He was a good citizen, a faithful, honest public servant, a kind husband and father, a true friend. He discharged with honor to himself and his family and neighbors and friends all the duties imposed upon him in the many years of his active, useful life. He possessed the confidence of men; he never betrayed those who believed in him. He was my friend; I desire to add my tribute to his memory.

Mr. SHARP. Mr. Speaker, during the past four years, which measure the length of my service in this honorable body, the hand of death has visited with unusual frequency its membership. In looking over the personnel of those who have been taken from among us we have been made painfully aware of the fact that those whose services to their country in these legislative halls could be least spared, and whose association with their colleagues has been most helpful, have been conspicuous. Though on account of the brevity of his service he was not so prominent as some of those whose deaths we have come to mourn, yet JAMES P. LATTA, even in the brief period of his membership in this House, not only endeared himself to his associates but left upon them his impress as a man of sterling worth and unusually good judgment. Assiduous and conscientious in the discharge of his duties, he reflected the highest credit upon his constituency.

Early attracted to him by his genial manner, I had an added interest in his career from the fact that he was born in Ashland County, Ohio, which forms a part of the district which I have the honor to represent. While the element of environment has necessarily an important influence upon the career of all men, yet to that of heredity must still be credited the greatest force in giving bent to and shaping that career. I think this must have been essentially true of the one whose death we mourn to-day, for the Lattas of Ashland County, and the branches of that family tree, were people of sterling worth and character. The stock from which he descended was, I take it, typically representative of the so-called Pennsylvania Dutch families who have contributed so much to the prosperity and good name of that splendid county. Though he moved, with his parents, to the West early in life, yet it is easy to imagine that the sturdy characteristics of such people well fitted him for the hardy undertakings which confronted the western settler of 60 years ago. Indeed, we could hardly expect any other result from the life work of such a man than the achievements which were his and which were so signally recognized by the people among whom he lived.

While it is difficult, in a comparative sense, to measure the value of the work of Members of this House, yet there can be no such thing as relativity in those traits which make for integrity of character and personal honor. It is a wise dispensation of Providence which endows men with different abilities and varied attributes. The varieties of the fields of usefulness could hardly take a wider range than is exemplified by the services of the Members of this House, and perhaps in no other assembly of men is the value of such service more accurately gauged than by its membership. To some are given that power of fluency of speech sufficient to exert a potent influence in shaping important measures which come up for discussion upon the floor of the House. With the keenest logic and most forceful rhetoric, fallacious theories are exposed, while to others to whom such endowments have been denied are left the more plodding but not less useful work of framing the essentials of legislative work in the committees. It is in this latter field that our late friend and associate must have been of much practical service, for his experience in agricultural pursuits and wide acquaintance in that work which still has to do with the consideration and treatment of the rights of our Indian population were intimate and accurate.

There is another phase to be considered in connection with men in public life beyond that of mere capacity for usefulness. Is it too much to say that fundamentally in the appreciation of a Member's work lies that element of genuineness of character and integrity of conduct? Judged by this criterion, our friend who has gone before, whose death we mourn, and in whose praise we speak to-day, stood very high in the estimation of his colleagues. With him, even in this day, when party ties bind so lightly and partisanship is almost a thing of the past, his attitude upon all public questions was singularly free from bias and prejudice. His was truly a high conception of the duties of his office. The membership of this House never had a more faithful coworker nor American citizenship a higher standard of fidelity to its best interest. Though it was not vouchsafed to him to occupy a conspicuous place in our country's affairs—for he was rather a private in the ranks of duty—yet in all the essentials that constitute the warp and woof of manhood's structure none possessed them in a higher degree. Truly, in his death not only the people of Nebraska have lost a faithful Representative, but his colleagues a kindly friend.

Mr. KOPP. Mr. Speaker, JAMES P. LATTA, in whose memory we have assembled to-day, was born in Ohio, in 1844. Ohio at that time was of the older civilization. When but a child of 2 years his parents moved to Iowa and became pioneers in that Territory. As the settlers increased and the land went under the dominion of man's labor the spirit of the pioneer moved JAMES P. LATTA, then a boy of 18, to again turn his face toward the setting sun. It was during the dark days of the great War between the States, when the land was stirred with civil strife. With indomitable courage and a determined perseverance this boy started for the Territory of Nebraska, walking the entire distance. The pioneer will always do his part when he has nature's heritage—

Stout muscles and a sinewy heart,
A hardy frame and a hardier spirit;
King of his two hands, he does his part
In every useful toil and art.

The spirit of the pioneer has been the motive power of our civilization. It seems to have been an instinct in the Caucasian race. We know not what developed it in the centuries past, but we do know that it led our people from their original home in Asia across mountains and sea, over river and plain, ever and ever to the westward. Meeting every obstacle, enduring every hardship, overcoming every impediment, it reached our Atlantic seaboard; from thence, with renewed determination, it again moved to the westward; heeding not the war cry of the savage, the stealth of the wild beasts, nor the hardships of nature, it went on and on to the rolling Pacific, leaving in its wake fertile plains, beautiful cities, and happy homes. The pioneer sowed the seed. Those of us who are so fortunate as to live in this century are reaping the harvest. In the State of Nebraska JAMES P. LATTA was a pioneer.

Here he lived and here he died; here he married and reared his family; here he received the bountiful return of nature for his hard labor, and accumulated a competency; here he received the plaudits of his neighbors, and was repeatedly honored by them in being sent to both houses of the State legislature and the Sixty-first and Sixty-second Congresses. This tells the general story of his span of life.

One of the greatest blessings of our system of government is that an open door and a free field is constantly before all our sons and daughters. The humblest, the lowest may ascend to

the highest field of usefulness and success. The poorest boy with a clear conscience, a rugged body, a vigorous mind, and a stout heart has no limitations. Merit—intrinsic merit—is what finally prevails. Mr. LATTA possessed these qualities of heart, of soul, and of mind. He made a success of everything he undertook, because to him failure was unknown. In his lexicon there was no such word as "can't."

It was my good fortune on coming to Washington at the opening of the Sixty-first Congress to be thrown in close touch with JAMES P. LATTA and his devoted wife. While he was my senior by many years, we became close friends. I grew to love him as a father, and when I learned that the angel of death had summoned him it seemed as though one of close kin had been taken away. Death is always an unwelcome guest, and to JAMES P. LATTA an unannounced one. Strong and vigorous of stature, it was little dreamed by those who knew him best that a dreaded malady had fastened upon him its poisonous fangs. He was hurried to the greatest hospital in the world, but there told that life was his but a few weeks longer. With that fortitude which had characterized the every act of his life he prepared for his departure to the unknown world from whose bourn no traveler returns. He had lived his life well; he had performed every duty to the best of his ability and went to the future with no dread, save that dread of parting from those who were near and dear to him.

Our congressional life has many joys and pleasures, many sorrows and vicissitudes. Most that we say here will never be heeded; much that we do here will soon be forgotten; but one thing will never—no, never—perish—sweet friendship, the most delightful relationship of life, will remain like the evergreen and leave us only when body and soul are parted. JAMES P. LATTA has gone, but the memories of his friendship will be with us forever.

Farewell: A word that has been and must be
A word that makes us linger—yet—farewell.

Mr. FOSTER. Mr. Speaker, I am honored by being able to say something of the life and character of Hon. JAMES P. LATTA, formerly a Member of this House.

On Mr. LATTA'S entrance into Congress it was my fortune to become acquainted with him immediately, and I lived in the same house with him during his entire service in the House of Representatives.

Mr. LATTA was of that pioneer, rugged stock that knew what it was to fight for what you get in life. He was deprived of an education, except what he could secure at the public schools of that early time. His education, though, was the learning of good common sense, honesty, industry, and integrity.

When a young man, scarcely 19 years of age, he left his home in Iowa and all that was dear to him then, and started across the country afoot, traveling several hundred miles, settling in the Territory of Nebraska, there to seek his fortune and make his way in the world.

We who have not had that experience little realize what it means to go out into a new country and make a home. I have always felt that those who go into the wilderness, go into a new country, and blaze the way, deserve great credit. It is an easier thing to follow the trail after it has been blazed than it is to start out and make the trail. Mr. LATTA, having industry, integrity, and character and force of determination to win, did win in his new home and became one of the prominent citizens of that great State. He was honored by the people of his State by being elected to the lower house of the legislature, and on his election to Congress he was then a member of the State senate of Nebraska. In these positions he showed his worth as a man. He stood for the right of the people; he knew what it was to struggle. He knew what it was to be poor, and when he became independent, so far as this world's goods are concerned, he did not forget those less fortunate, and his sympathy was always with them.

As a Member of this House he discharged his duties with great credit, which was reflected upon his district, upon the State, and upon the Nation. He took an interest in public affairs and was always at his post of duty, ready to discharge whatever duties might be necessary to be performed as a Member of this House. I feel that the Nation has been honored by the election of such a man as JAMES P. LATTA to Congress. It is to be regretted that he did not live long enough to serve his term and pass to higher honors in the State and the Nation, where he might be of even greater service to the people.

His domestic life was of the happiest. He was a devoted husband and father and took great delight in the company of his family, and he was happy when he was with them. He always tried to make the life of his devoted wife one of pleasure, and she was his constant companion.

And so, my friends, we can offer but little comfort to the sorrowing family in the loss of this dear man, but we can offer them the hope that when they look above and beyond this life they will some day meet the husband and the father there; because we read in the Good Book that it is said, "I will go and prepare a place for you," and I believe that JAMES P. LATTA'S spirit rests with his Maker above, and that when his spirit ascended on high was received, it was said, "Well done, thou good and faithful servant; enter thou into the joy of the Lord."

Mr. CULLOP. Mr. Speaker, the frequency of such occasions as has called this House together to-day admonishes us of the uncertainty of life and the irrevocable fate of all humanity. Travel as man may and the same fate is his ultimate destiny, from which there is no rescue.

JAMES P. LATTA, whose memory we have convened to honor, has traveled the great highway of life from one terminal to the other, and entered into the enjoyment of his well-earned reward. His was an unusual life, full of the experiences which few men have enjoyed. Twice a pioneer on the western frontier, he bore witness to the marvelous development which has transpired in the last half century in a great and growing section of our country.

Born in the State of Ohio, at the age of 3 years his parents moved with him to the far distant Iowa, then the western limit of civilization, and there began the life of a pioneer. He was reared among the hazards and dangers of frontier life until he was about 20 years of age, when he resolved to move westward and become a pioneer on his own responsibility. Not a single mile of railroad or telegraph had been built west of the Missouri River, and the prairie schooner and stagecoach on the old National Trail were the only means of transportation which invaded that boundless territory, with its inexhaustible resources, awaiting the advent of a civilized people to open nature's great storehouses.

Before he had attained his majority, armed with dauntless courage, supported by stalwart manhood and a fixed determination, he started for the frontier in northern Nebraska to found a home and carve out a fortune for himself. He had been educated in the great school of human experience, with limited facilities to cultivate his mind and but few opportunities to apply the fragmentary rudiments of the meager education afforded the old settlers. For 200 miles he penetrated the West on foot, seeking the place of his future home, where he lived until he died. He was one of the first settlers who carried the flickering lamp of civilization into that land where the painted and plumed barbarian held undisputed sway, that its feeble rays might radiate over the expansive prairies and announce the beginning of a new era. He built his home with the hostile Indians as his only neighbors, where the moan of the buffalo, the howl of the wolf, and the scream of the eagle alone broke the silent vigils of the long weary nights.

His pioneer cabin was home, and around it the winds which swept the broad untamed prairies sang requiems to break the monotony of slowly speeding time. But time worked its weary way, and the civilization of which he was the advance guard came trooping along in its westward march, and the uncivilized red man reluctantly, like the Arab, folded his tent and moved along toward the setting sun. As the processes of a never-ceasing evolution unfolded its progress before him for review, he saw the Indian villages disappear, and towns and cities, hives of human industry and thrift, erected on their ruins; he saw the wigwam decay and the home of the sturdy settler take its place; the schoolhouse and the church builded for the diffusion of knowledge and civilization, and the arts of peace supplant the habits and customs of barbarism. He saw the great prairies over which herds of wild beasts had fed and roamed reduced to cultivation and produce beyond the sanguine expectations of the most optimistic; he saw the dry and parched desert drink of the living waters of the streams flowing along its borders and become rich and fertile lands, teeming with products to supply the wants of the people at home, and furnish a surplus to swell the markets in distant sections and aid the ever growing commerce of a mighty people in the greatest country on the globe.

All these occurred within his time, passed under his review like a panorama, and in their marvelous growth he had been a potent factor, and in the important part he had played in this wonderful transformation, this great and good work, his people recognized his merit, his real worth, and confided greater responsibilities to him. They elected him to represent them in their State legislature, where he acquitted himself so satisfactorily that they chose him to represent them in the State senate, and for his faithful attention and splendid work they called

him twice to serve them in the United States Congress, which he was doing when his untimely end came. In every public capacity he was the same true and faithful public servant and never betrayed their confidence or forfeited their esteem.

His experience, covering the many stations he had occupied from a pioneer homesteader to the position of a man of wealth and influence and high public position, enabled him to understand the various wants of the people engaged in various vocations, and his sturdy character and unflinching integrity made him a positive force in advocating the cause of his constituency, which he ably and faithfully did as a Member of this body.

The pioneer is rapidly passing from among us; soon, ah, much too soon, we will know him no more. Their places will not be easily filled. They were heroes whose virtues should be extolled. Their contribution to civilization, to the country's progress, deserves particular attention, and their characters, standing out boldly among the most useful the country has produced, should be impressed upon posterity as great, good, and patriotic. But few, if any, can excel them; their work speaks for itself, and we are forcibly reminded of their wise endeavors in every institution in our common country as the product of their handiwork.

Their work, unaided by example or experience from which they could pattern, dedicated to the foundation of a new civilization, the organization of society and the creation of a new Government, called for the exercise of the best faculties of the head and heart, and the truest wisdom with which man could be endowed, the highest order of integrity and patriotism the world could furnish, in order that what they created might meet the requirements of succeeding ages and measure up to the responsibilities which the future would demand of them. Imbued with this great responsibility, penetrating the darkness in which the future was veiled, estimating with almost mathematical certainty the marvelous progress which would follow their endeavor, they accomplished their work with such wonderful accuracy, with such unselfish patriotism and untiring devotion to public welfare, that it has adequately performed every purpose to which it was dedicated, and as time unfolds the secrets hidden from view, their wisdom and capacity is the more firmly established and revealed.

We venerate the names of our military heroes and great statesmen by the erection of monuments and statues to show our appreciation of their great services to their country; we signalize their achievements in story and song; we glorify their virtues by emulating their examples, but we have failed to pay the proper amount of attention, I fear, to the sturdy characters of our pioneers, who, amid the dangers and hardships, formed settlements, established civilization, and founded social government among hostile foes and conquered the enemies of progress.

To them the country's posterity for all time owes a debt of gratitude which it can never pay. The sturdy pioneer performed a work which redounds to his glory, erected for himself a monument in the hearts of the people which will endure long after monuments of marble and statues of brass have crumbled to dust and have perished from the minds of men. His work was dedicated to the uplift of humanity, and an appreciative posterity will regard it as the greatest heritage ever bequeathed to the human race. Time will not diminish its importance, the people can not underestimate its value, and the future will keep secure their fame and revere their precious memories. In the demise of our lamented colleague a pioneer has fallen and the country suffers because of his removal, but his example is left as a precious legacy to his family and friends. "Peace to his ashes."

Mr. STEPHENS of Texas. Mr. Speaker, the Members of this House are once more called upon to mourn the loss of one of its most useful Members—Hon. JAMES P. LATTA, of Tekamah, Nebr.—near the close of the Sixty-first Congress. He represented the third congressional district of Nebraska, having received 26,832 votes to 24,865 cast for his Republican opponent, Hon. John F. Boyd, in a district that had for many years been a strong Republican district. Mr. LATTA was a member of the State senate at the time of his election to this House. Who has not observed the wonderful, although undefinable, power some men possess over their fellows? Is it personal magnetism or electricity, or is it to be found in what we sometimes hear called electrobiology or mesmerism? Is it the mysterious force of the human will? Is it a secret or unknown power which the human mind can not understand? Whatever it may be, this power was possessed by Congressman LATTA in a remarkable degree. He drew men to him by his earnest, direct, and convincing manner. It has been truthfully said that an honest man is the noblest work of God. The honesty and integrity of Mr. LATTA were unquestioned, and impressed themselves on the voters of his district and his associates in this House in so convincing a manner that they regarded him as one of God's noblemen. And for this reason we who knew him best as a Member of this House reverence his memory the most. Mr. LATTA was a good father, husband, friend, and legislator, and always so impressed himself on his associates. I served on the same committee—the Committee on Indian Affairs—with him, and he was my close personal friend and party associate, and there was no man on the committee for whom I had a higher personal regard. He possessed a remarkably clear judgment on all business affairs, having been a very successful man himself. He very readily grasped the many business matters coming before our committee relating to Indian affairs. He was regarded as one of the safest and best legislators on the committee.

Mr. LATTA was born near Ashland, Ohio, and when 2 years old his father removed to eastern Iowa, being one of the earliest pioneers of that country. His father was a farmer, and young LATTA worked on the farm during crop seasons, and attended school during the winter months, where he acquired his limited education. In 1863, at the age of 19 years, he emigrated to Nebraska, where he lived at the time of his death. He walked several hundred miles in making this change of residence. There were no railroads in this country at that time, and Nebraska was then a Territory. Mr. LATTA was a pioneer and an original homesteader of Nebraska, and grew up and prospered with his State. Mr. LATTA is the only Congressman I ever knew who moved to strike from a bill under consideration in the House an appropriation of money to be expended in his State. Yet this is exactly what he did on February 1, 1910. Page 1345 of the CONGRESSIONAL RECORD shows that the Clerk read the following clause of the Agriculture appropriation bill:

Nebraska National Forest Reserve, $18,250.

Mr. LATTA rose and said:

Mr. Chairman, I move to strike out the last word. I have listened yesterday and to-day to this discussion about the appropriations for these national forest reserves. In my State of Nebraska you appropriate $18,000 for the maintenance of a national reserve. You can buy all the timber on that reserve for less than $5,000. You can not propagate timber there, because the reserve is leased to sheepmen, and the sheep eat off every bush that grows. I agree with the gentleman from Wyoming [Mr. MONDELL] that these appropriations seem extravagant, unreasonable, and uncalled for. We commenced in 1901 with an appropriation of $90,000. In nine years we have increased it to $5,000,000. Now, what have we got for it? Are we making parks or pleasure reserves, or are we trying to propagate and increase the growth of timber? If we are trying to increase the growth of timber, we are also leasing these reserves to men who are grazing sheep, goats, and cattle and horses on them, and thereby destroying every small tree and bush. Now, the two things do not work together. It is unwarranted extravagance and misjudgment, in my opinion. I am not criticising the members of this committee, but are the people getting value received for the money expended? It looks to me as though they are not.

Mr. LATTA then offered an amendment to strike out this Nebraska appropriation, but his amendment was defeated by other Members of Congress from Nebraska. But this incident shows the self-denial and honesty of purpose of our deceased friend. Refusing this needless, in my judgment, appropriation of public funds places Mr. LATTA in a class by himself.

Mr. LATTA did not believe in landlordism and was opposed to large landed estates, and believed that some equitable means should be devised of dividing them up into small holdings, so that the tenants on large farms and ranches and Indian and other land reservations could become the owners of small tracts by making small annual payments therefor. He said that he would be glad to divide up his own large farm and ranch property in the same way, and that he had often advanced money to young tenants on his ranches to pay for their land on the annual installment plan. The members of our committee valued very highly the advice given us by this excellent business man and kind-hearted philanthropist in regard to the best disposition of the large Indian landed estates of the West.

Mr. LATTA was born, lived, and died on the outskirts of American civilization, where he helped to settle and civilize one of the best States in the Union. All honor to this old sturdy pioneer, statesman, loving husband, kind and indulgent father, safe adviser, and faithful friend. This fast-fading school of old pioneers may well be described as—

Tall and strong, and swift of foot were they,
Beyond the dwarfing city's pale abortions;
Because their thoughts had never been the prey
Of care or gain: the green woods were their portions.
No sinking spirits told them they grew gray;
No fashion made them apes of her distortions.
Simple they were, not savage; and their rifles,
Though very true, were not yet used for trifles.

Motion was in their days, rest in their slumbers,
And cheerfulness the handmaid of their toil;
Nor yet too many nor too few their numbers,
Corruption could not make their hearts her soil.
The lust which stings, the splendor which encumbers,
With the free foresters divide no spoil.
Serene nor sullen were the solitudes
Of this unsighing people of the West.

Mr. MAGUIRE of Nebraska. Mr. Speaker, we have laid aside the usual routine of public business and assemble here this afternoon to pay a brief tribute to the life and services of a late Member and our lamented colleague, Hon. JAMES P. LATTA.

He was born near Ashland, Ohio, October 31, 1844, and when a child of but 2 years of age he moved with his parents to the eastern part of the Territory of Iowa. He grew to manhood with much the same training and surroundings as other boys of his time—working on his father's farm and attending district school during the winter months. In 1863, before overland railroads were constructed, he traveled across Iowa and into Nebraska Territory, where he located on a Government homestead in Burt County, near the Missouri River and close to the present town of Tekamah. He lived on this farm, which has been enlarged to 3,000 acres, and in the town of Tekamah till his death on September 11, 1911. A few weeks before his death he sought relief for stomach trouble and underwent an operation, from which he never recovered. He leaves in his immediate family a widow and two sons to mourn his loss.

While we are eulogizing the memory of Mr. LATTA here in this House more particularly from the point of view of his public service, still I can not fail to recall the more realistic and vivid story of his life as told by his friends and neighbors at his home on the day of his funeral, which I attended as one of the official congressional party. The people had gathered there not only from among his neighbors and fellow townsmen, but also from many parts of the State to pay their respects to a departed friend. Each one in that gathering felt a personal loss in Mr. LATTA's death. The simple but eloquent story of his everyday life was in the minds and upon the lips of the thousands of those who knew almost his every deed and act and thought. To them his life was an open book, and in it they prided themselves in having a part. Friends vied with each other in relating his many acts of charity, kindness, and early sacrifice. The people of his district had implicit confidence in his honesty, his industry, and his ability. To travel with him over his large district seemed like going through his own neighborhood, where each one had a personal interest in his welfare and all knew him as "Uncle JIM LATTA."

Mr. LATTA was a man of simple tastes and democratic in manner and sympathy. Because of his companionable disposition, large experience, and good judgment it was indeed a pleasure and a profit to accept his hospitality. Entering Congress at the same time and living at the same hotel, I found it a privilege to have the advantage of his association. Although a man of strong convictions, still he was tolerant and charitable in thought and accorded to others the right to follow their own standards of right living. His long experience gave him a keen insight into the problems and trials which multiply around the average man. When there was conflict of ideas among men he saw and understood how honest differences of opinion might arise among many minds and diversity of environment. He did not fail to take the larger view of life. He was an optimist and had unfaltering faith in the future. Courage and hope rather than fear and despair characterized his attitude toward life. Integrity of word and action made him understood by all, and you always knew what he meant by what he said. Physically he was large, strong, and rugged, and conserved to the last his energies. Temperate in all his personal conduct and habits, he was able, therefore, to lead an active and strenuous life to the very close.

While he directed most of his efforts to the building up and development of the new country and to the care of his increasing properties, still he had been the recipient, more particularly in later years, of many public honors, which he modestly accepted. In 1887 he represented his district in the lower house of the Nebraska State Legislature and in 1907 was a member of the State senate. In 1908 he was elected as a Democrat from the third Nebraska district to the Sixty-first Congress and was reelected to the Sixty-second Congress. Where he played the larger part, I believe, was as a pioneer and Nation builder. He was contemporaneous with the last and greatest epoch of our history which comprehended our industrial and civic expansion and growing nationality.

The rounded character of the man made it possible for him to become a potential force in our industrial expansion, while his constructive nature helped in the organization of political society. When he reached Nebraska Territory he found the Indian and buffalo in possession, with only a few scattered settlements of white men. Natural obstacles in the new country yielded slowly at first. The blizzards, droughts, grasshopper pests, and hard times made up some of the conditions which tried the courage of men, and many were the pioneers who were compelled to surrender the heroic struggle. But with Mr. LATTA he refused to yield and ultimately reaped a comfortable reward, but not more than he deserved. He was a man who was not satisfied with meeting simple situations, but insisted on overcoming great obstacles. When he had passed from the stage of poverty and hardships he did not forget nor cease to help those who still suffered through misfortune. He gave freely to those in need and without any assurance or guaranty of return. While he lived his later years in the new surroundings, still he felt the early spirit and sympathized with the old conditions. When he was called into the larger activities of life and the complex problems of expanding business he never forgot the joys and sorrows of his friends and neighbors.

While his congressional career was not long, still it was an enduring one of splendid service. He was a constant attendant at his committees and in the House and to all his congressional duties up to the time of his last illness. His large fund of information and practical experience were brought to bear in the examination of every question, and in the material and economic development he spoke with some authority. He held a high conception of the public service and left the impress of his life and character as a contribution to the parliamentary history of his country. He ceased to act and laid down life's activities only when the ministering angel of death approached. When the soul of this man passed to its Creator and the earth closed in upon all that was mortal of JAMES P. LATTA, then ended the career of a Christian soldier, a true man, and an honorable public servant.

Mr. KINKAID of Nebraska. Mr. Speaker, as a Member from the great agricultural State of Nebraska, which sent JAMES P. LATTA to Congress, I desire also to add tribute to his memory. My remarks will not be based upon a long and intimate personal acquaintance. Though I had been a resident of Nebraska for nearly 30 years, I had not actually become personally acquainted with Mr. LATTA until I met him here in Washington as Member elect of the third Nebraska district. But, Mr. Speaker, energetic and enterprising men, who for years have helped to build up and advance their communities, their home towns, counties, and States, become known for their citizenship; they gain a reputation which makes them known farther and wider than it is practicable, even, to one with much travel to extend his acquaintance. A man may do so little as never to be heard of beyond the confines of his small community. On the other hand, he may achieve so much as to become widely and favorably known for his great value as a citizen, by reputation merely, throughout a great country like ours and even beyond the seas. LATTA was so much a part of his part of Nebraska that its history could not be written without making him, among its other strong pioneers, one of the principal factors.

Thus it was that for nearly 30 years before I met him here as a Representative of his district I had known him well by his well-earned reputation as one of the leading men and citizens, not only of his home county, but of the territory which comprises the congressional district he so ably and faithfully represented. We had seldom caught sight of each other in Nebraska from the circumstance that we lived on different railway lines which carried us to the metropolis and to the capital of the State and, in a measure, that we were not both Democrats. It was on account of what Mr. LATTA was doing as a business man—a large landowner and farmer, a breeder of pure-bred and high-grade live stock, a leading, active, and popular banker, and a Democratic political factor—that, incidentally, I came to know him by reputation. If prominent farmers and live-stock raisers were being talked of, LATTA was one of them. If popular bankers were the subject, LATTA was sure to receive favorable mention. If a Democratic district or State convention was being discussed, "JIM" LATTA, of Burt, was sure to be taken into the reckoning. So, while I had not really become acquainted with LATTA before his coming here, I knew him as you may know parts of your State or country you have never seen—by learning its geography from a map.

LATTA was so much a part of the business, citizenship, and political geography of his part of the State; he had put himself on the map of northeast Nebraska so conspicuously in its upbuilding that he became, in the county of Burt, in particular, one of its early landmarks, and so he remained during life. LATTA grew as the country grew. Every time a new map had to be made, on account of the development and advancement of his section of the State, such as the formation of new counties and new political divisions, his prominence as a landmark thereon became increased. His progress and development kept pace with that of the new and rapidly developing country which

he had chosen as his home. He made good the advice of Greeley, "Go west and grow up with the country." He helped to develop and advance his section of the State and by so doing developed and advanced himself.

But, Mr. Speaker, it is due mutually to LATTA and northeast Nebraska as a section to observe that his section was not lacking in strong men, successful men—successful in business, prominent as citizens—some who were entitled to be considered as financiers in a great State, others prominent for their citizenship. In fact, the county of Burt, his home, can boast of a number of men who became conspicuous for their ability and achievements in commercial and in public life. The county seat town of Tekamah, where he made his home for nearly 50 years, produced, noticeably, a number of men who distinguished themselves in official life. As a consequence, the favorable estimate to be placed upon LATTA is increased rather than diminished by the character of his environments. It was necessary that he be found worthy in comparison and in proportion with his surroundings in order that he should become politically honored, and it is to his credit that he was found thus worthy, with the standard of the citizenship of his town and county so high.

Taking a wider view, going away from his home to the other counties of his congressional district, the estimate is legitimately increased by the fact that situated therein are some of the best towns and foremost men of Nebraska, men who, like LATTA, distinguished themselves as business men and financiers and, at the same time, for their high qualities and attainments in the best citizenship—political and official honors included.

Mr. Speaker, observation and reflection have convinced me that two particular qualifications contribute largely to exceptional or extraordinary success. From the practical business standpoint, one possessed with the faculty to perceive opportunities, coupled with the ability to improve them, to turn them to his advantage, such a man becomes a capitalist by the possession of these qualities alone. A scholar who was a world-wide traveler declared, having the United States particularly in mind, that "America" was another name for "opportunity." The history of our country, its rapid growth in population, in development, and wealth, and its relative standing with the civilized nations of the world, together with the attainments and achievements realized by persons of humble beginnings, abundantly prove the declaration to have been true. Our United States, over all its broad domain, has been a country of unusual opportunities, and the newer and less developed part has all the time afforded, according to the popular idea, the best opportunities for making a start.

The star of empire has all the time moved from the East westward into the new and undeveloped West. Young men have emulated the example set by their pioneer fathers by leaving their old homes and going West to grow up with the country. It would seem likely LATTA inherited this predilection, his parents having removed from Ohio to eastern Iowa, and this inheritance, Mr. Speaker, proved a rich legacy to LATTA. He was possessed of a practical turn of mind. To him was given the clear vision to recognize opportunities large and small, and he was possessed of the qualifications to make each his own. In his make-up he was not lacking in confidence; neither was he overconfident. A good, sound judgment secured for him about the right balance. Many men perceive opportunities to be good, but have not the ability or confidence or courage to improve them. Others pass opportunities by for want of the faculty to perceive them. It is the few who both perceive and avail themselves of the advantage of the better or best opportunities. It is easy enough to look backward and see the numerous valuable opportunities we have passed, but this constitutes only observation and experience; thus we see what we have lost or missed. It is the foresight which makes for success, Mr. Speaker. Hope pictures the future better than the past or present and sees the distant land superior to the home neighborhood. Distance lends enchantment to the imaginative view, and the farther away the more alluring.

> Thus with delight we linger to survey
> The promised joys of life's unmeasured way.
> Thus from afar each dim discovered scene
> More pleasing seems than all the past hath been.

Young LATTA might have done well at that period, 1863, to have remained near the parental homestead in eastern Iowa. It is certain that on his journey across the State for the Missouri River he passed through much virgin country, affording opportunities equal to what he found in eastern Nebraska, but the imagination of the son of the pioneer parents brought to him the view of the country west of the Missouri as a promise land, where it appeared to him his success might become equal to that of the most successful within the limits of his hitherto limited observation. At this time—1863—the Missouri River Valley did abound in great opportunities—chances commensurate with the work and worth of industrious and virile men.

New communities were to be established; towns, cities, and a capital and metropolis were to spring up in Nebraska; but the new and fertile farm lands were the infallible investment. They were certain to reach a value tenfold, if not a hundredfold or two hundred fold more than then could be realized. LATTA saw this, and he proceeded to make the most of it. He acquired lands and live stock, and continued to expand in these until he had become one of the leading men of business and wealth in his community. Finally, his surplus of money being adequate, he embarked in a bank. When drought, grasshoppers, and, as a result thereof, depression came, he did not lose faith, but persevered, maintaining his faith in the future of the country and the people as well. He banked on his faith in the future of the country; one less farsighted, resourceful, courageous, and magnanimous might have viewed it that he even banked his bank on risks taken with his patrons in their financial exigencies; but LATTA's never-erring business prescience reassured him and he firmly adhered to it. When the patrons of his bank were confronted with executions and mortgage foreclosure, chattel and real, he did not forsake them, even when their holdings, judged by their selling value at the time, did not warrant the risks which he took.

But LATTA looked beyond the exceptional conditions; he reasoned that the country possessed a sure foundation for a prosperous future. He reasoned that the crop failures caused by drought would be followed by a succession of abundant crops, and that grasshoppers might never return again, and his faith was vindicated. The risks his bank took, which in some cases caused his wisdom as a banker to be challenged, turned out to be bread cast upon the waters to bring him an hundredfold. Prosperity restored, business men and farmers, who had been borrowers of his bank, with a few years of good crops and good business became themselves money lenders and depositors, with the result that the deposits of LATTA's bank were greatly augmented. I have not heard that Mr. LATTA in his young manhood aspired to a political career, and infer that his going into politics, being elected first as a representative to the Nebraska State Legislature, and afterwards to the State Senate, was the result of his successful and popular business and citizenship reputation. I deem it probable this was the evolution of circumstances. He had proven, even vindicated, his faith in the country and his confidence in his fellow men, and how could they better return the compliment than by showing their confidence in him by choosing him, first as their State legislator and thereafter as their Congressman? With two terms in Congress, his political ambition was fully gratified.

For some time previous to receiving any warning of his affliction which proved to be fatal he had declared his intention to not be a candidate for renomination or reelection. He had also stated to friends that he would not entertain the thought of a candidacy for governor, for which he had received favorable mention. He regarded his two terms in Congress as a testimonial, a reward, of his previous career, the merits of his citizenship, business and otherwise, including, also, his two terms in the State legislature. Politically, his cup was full, and it was his desire to go back to the sunlit prairies, to his large farm, and behold the broad acres, heavy with grain, to hear the low of countless cattle grazing on green pastures, the industrious rattle of the mower and reaper, to scent the clover and apple blossoms, enjoy the songs of birds, and watch his herd of deer and antelope race and gambol over the hills of the ample park they feel they own.

Mr. Speaker, for his locality LATTA was a man of large wealth, and his constituents had conferred a well-earned distinction by several times choosing him as their lawmaker, state and national. He was fortunate in his domestic life. He could not have wished for more. He is survived by a most estimable wife, with sons who have already become successful and prominent and promising in business spheres. One of them has been honored by being elected mayor of the home town, which office, I think, he now holds. These worthy young men are sure to conserve and add to the property not only they inherit, but as well the good name of their distinguished father.

Mr. Speaker, with other Congressmen I was present at the funeral of Mr. LATTA. The capacity of the town to accommodate even for the daytime the thousands of friends and admirers who came to pay their last tribute of respect to the deceased was taxed to its limit, if not overtaxed. During my stay of 24 hours it was my pleasure to converse with many who had known Mr. LATTA for years and had known as well

the people of Burt County by whom Mr. LATTA was so well known, and I was deeply impressed by the numerous expressions voluntarily made of the high esteem in which he was held. The personal popularity of which I was so strongly convinced he had enjoyed and deserved to enjoy explained fully to me why it was and how it was that Mr. LATTA, a Democrat, in a county which was normally Republican by seven or eight hundred had been able in his several campaigns to carry the county by so large a majority.

In the throng that assembled at the tomb on the green tableland which overlooks the peaceful Missouri Valley were men of every calling and every variation of political faith. Settlers who had been carried through depression, pioneers whose faltering courage had been sustained in seasons of distress, and business men who had found help in periods of panic came to mourn the loss of the man who was ever a vitalizing force in the community where he had established his home. And while older men remembered many a kindly act, the young looked away from the quiet resting place, there in the State which had been the land of promise to the Iowa boy of long ago, and felt within them the power to make much of their opportunities.

Surely, the value of a man's life, the true meaning of his span of years, shall be measured not in material possessions or even in special achievements, but in his relations to his fellow men. If he shall have in him the spirit which recognizes the universal brotherhood, and if he shall be guided by that spirit, then he is to be numbered among those whose sojourn in the world has made the world better. By this measure JAMES P. LATTA is to be remembered as one of the Nation's builders, a man who labored conscientiously in a small way at first, because he could cheerfully accept as his task whatever was nearest to his hand. With a large faith in humanity, as well as in opportunity, he held himself loyally to the work of developing his part of the country, and thus he contributed liberally to the general welfare—thus he set the example of noble citizenship which prepares wisely and abundantly for future generations.

In the years that are coming the influence of JAMES P. LATTA will remain potent. The love and gratitude which he kindled in the hearts of all who knew him will stimulate effort and preserve high ideals which will be passed on. This is the rich heritage that he left, and all who contemplate it must bow in reverence to the name that will stand in Nebraska for all the sterling virtues, the kindly sympathies, the unselfish traits, and the exalted ideals which combine to make a man the representative of the highest type of American citizenship.

Mr. NORRIS. Mr. Speaker, when the history of the great West is written and the story of the development and the advancement, the civilization, the progress of education on the great plains is told it will be found that to JAMES P. LATTA, late Member of this body, and to other men like him, is due more than to any other class of people the wonderful development of that country, the wonderful progress of education, of civilization, and of advancement.

Born of humble parents, living, as I understand it, a life of poverty, he struggled along through life learning from his own experience every one of the trials and difficulties that beset the pioneer. That he was successful in his life financially and politically and in every other honorable respect only goes to demonstrate that he was made of the stuff that constitutes the truest and the noblest manhood.

In our great Commonwealth Congressman LATTA took a prominent part in every one of its steps of advancement. He was there at the beginning; he saw it develop into a great garden spot. He came into the country when it was uninhabited, save by the red men; he saw it pass through all its trials and its troubles, and finally develop into one of the greatest agricultural sections of the country, if not of the entire civilized world. He lived in the midst of its greatest development. He was part and parcel of the advancement that it made. He was moved, Mr. Speaker, by no great personal ambition; he had no particular desire for honor or achievement, but he did every day what he believed was his duty to perform.

Many are the incidents that could be recounted, in addition to those that have been spoken of, that showed, during his life and the development of his great State, the wonderful tenderness of his heart as well as the ability of the man in a business direction. He never sought public office. He had decided, long before it was known either to him or to his friends that his days were numbered, that he would not again be a candidate for election to the House of Representatives. When this announcement was made in the newspapers of Nebraska there was immediate mention of his name in connection with the governorship of our State, but he promptly stated through the public press that at the expiration of his term he would never again seek or accept public office.

He had led an eventful life, marked by honorable deeds all the way through. He had been successful in business, and he desired to put in the balance of his days in living a quiet life in his own home, enjoying the well-earned competency that his efforts had brought to him, and therefore he declined all further political honor. If he had consented to the use of his name as a candidate, it is my judgment that there would have been but little if any opposition to his nomination for that office. His life is emblematic of what comes to the life of the higher class of pioneers. They are courageous, honest, and tenderhearted. The many deeds of kindness that marked his pathway through this world would be an honor to the heritage of any man, and if at his funeral, around his open grave, every man to whom he had done a favor or a kind deed would have thrown upon the coffin a rose of recollection his grave would have been filled with the fragrant flowers of remembrance.

Mr. Speaker, I believe in an immortality. I believe that beyond this life there is an existence better, higher, and happier than the life we live here—a life of everlasting peace, of eternal bliss. We can not brush away the tear from the aged widow's cheek; we can not banish the sorrow from the hearts of loving children and loyal friends, but we can even in this hour reach a condition of satisfaction, almost of joy, at the thought that he whose loss we now mourn, while he was among us, planted along the thorny pathway we must all tread flowers that are blooming for our benefit, for our happiness, and for the comfort and pleasure of those who follow. Mr. Speaker, the Kingdom of God is not meat and drink, but it is love, peace, and joy. Into that kingdom Congressman LATTA has entered, and that peace he now enjoys. We can confer no greater honor upon his memory than to practice the virtues that the story of his life has taught us. We can do nothing greater or grander for the upbuilding of humanity than to remember the example of his every-day life from the time he was a penniless boy walking across the plains of Iowa to his pioneer Nebraska home up to the time of the close of his eventful career. Believing in the life he led, having faith in his honesty, in his integrity, recognizing the benefit that his life has been to humanity, to a broader belief in the Fatherhood of God and the fraternity of humanity, I want to say, honor to his memory here, peace to his ashes now, rest and repose to his soul beyond.

Mr. SLOAN. Mr. Speaker, a stalwart member of our Nebraska delegation, in his late sixties has fallen. The affliction which wasted his vigor and drained his life was brief.

Few men of his age came to this House with form so erect, carriage so virile, and such goodly physique as JAMES P. LATTA. His name, personality, and presence would trace his ancestry near unto the channel which divides the land of Moore and Burns. His facial dress and courteous bearing favor an earlier ancestral strain. So, I believe, we had in him a mingling of the Celt and Gaul.

He was a distant neighbor of my parents in eastern Iowa. He left that place the year I was born. His span of life and activities covered two pioneer periods; one of these in a forest county bordering the Mississippi, the other a somewhat similar county in Nebraska bordering the Missouri. Before his life ended the Nebraska pioneer period had passed; its boundaries had inclosed as fair a field, subdued and adorned by the arts of genius and industry, and its people registered as great an intellectual and moral advance as any part of this superb Union.

I visited his farm home and saw his devotion to the tree planters' cause in the care of the natural forestry as well as the magnificent trees of his own early planting. He was an advocate of tree planting for which our State is named and famed. Among these sported the herds of deer and antelope—forest denizens, which he kept and for which he cared. It was a devotion to the lessons and memory of his youth to love the trees, to preserve and build the forest, and so follow the motto of Nebraska's great secretary, who, in season and out of season, bade the world "Plant trees."

So I thought of my friend LATTA's untimely taking off in figure and imagery of trees. His fall from the appearance of health and strength was the fall of the oak. In the country where he and I spent our respective youths there grew the bending willow, the swaying birch, and the monarch oak. I have seen all of these lashed by the storm. I have seen the droop and disfigurement of willow and birch, but the oak, in all its sturdy grandeur, stood defiant. I have seen a later storm further wound and disfigure willow and birch which still stood to live a weakened life and a delayed dissolution; but the oak, once betraying a weakened heart, defective body, or decayed

root, under the blast of the elements fell with mighty crash, there prone to lie in sublime humility where the shadow of its once proud form had rested. So the human willow or birch oft becomes the scriptural trespasser of fourscore years, while the human oak is not permitted its span of threescore and ten.

There are men who strive for the unattainable and expend their energies in vain though perhaps laudable pursuit; there are those whose faith would move mountains; and there are those whose ideals, pressed with industry and vigor, inspire the living and generations to come. Congressman LATTA was not one of these. There are those who, attempting to move no mountains, lift from the human path obstructing stones; there are those who see the immediate problems of life and solve them; and there are those who see a present task and hasten to perform it with what diligence and ability they possess. Of this latter class was the Congressman. Through a useful and active life he met with resolution and industry the tasks and problems which confronted him. He did not pause to regret yesterday's lost opportunity or dream of to-morrow's mighty achievement. He did the homely duty of to-day. He was a type of Nebraska pioneers; one of that class who came and stayed; the class that inconvenience of frontier life did not fret, frowning nature did not frighten, pestilence did not dishearten, and poverty did not present itself as tarrying guest.

He had faith in the golden West, but he looked not for metal in Pikes Peak slope or California gulch. He looked to his steps and saw beneath his feet more gold in the rich and fecund soil of Nebraska plains than all the Rocky Mountain yield or added coasts' production or yet the product of the Klondike or South Africa's golden store. In this he saw not wealth in lucky strike or deep and devious vein. That, to be pursued, meant leaving the sunshine and pure air of heaven to dig and delve in darkened pit where nauseous gases are. He saw, in prospect, reasonable wealth to be had by stirring seasonably the rich surface, seeding with scientific purpose, cultivating with the art of an engineer, garnering with care and marketing like an economist. Good results and fair reward for him and those about him of his bent and energy followed, so that Mr. LATTA, in building up himself and fortune, drew his community measurably with him.

In the economy of sentiment and practice "neighbor" is a great word. From a neighborhood there can not be banished envy, jealousy, unwarranted grudge, or even hate. But the man who can overstep these, reduce each of them to a minimum, and command the respect, obtain the support of not only friend and ally, but those of different political faith or business affiliation, has not lived his life in vain. That man has achieved one of earth's sweetest, if not most commanding, distinctions.

JAMES P. LATTA was a neighborhood man. His business associates depended on his ripened judgment. His competitors respected his methods and admired his ability. His fellow citizens, overlooking party ties, supported most liberally his political aspirations. His church valued highly his attendance and support, his lodge esteemed his fraternal support, and his family saw in him the qualities of which devoted husband and worthy father are composed.

I had met him casually in Nebraska and found him friendly and courteous. When I first came to Washington, we talked about many practical matters touching a new Congressman's work. Of these he seemed to have a special grasp and freely communicated many helpful suggestions. As I saw more of him I learned more of why he stood so well at home. His bent of mind and corresponding course of action followed practical lines. He talked with a calm and modest pride of his district, its people, and its resources. I assume that, thinking of these, talking of these, and acting concerning these, in his everyday intercourse and relation with his neighbors, inspired a confidence in his honesty and rectitude, which, after all, goes a long way to supplant ultrapartisanship. So it was, whenever he appealed to the people of his county their response was generous and whole-hearted.

Our friend LATTA has answered the question of his being—"whither?" We do not know what message he would return if the question of time should be submitted to him in regions eternal. We are taught the equality of action and reaction, and the unerring relation of cause and effect. Every lesson of well-founded faith indicates the life to come to be a realization of the feeble suggestions read in the acts of this life. If doing well the tasks of earth is warrant for fitting compensation when time shall cease, then Congressman LATTA is enjoying his reward.

Mr. MAGUIRE of Nebraska took the chair as Speaker pro tempore.

Mr. LOBECK. Mr. Speaker, we meet to-day to pay tribute to the memory of our friend and colleague, the Hon. JAMES P. LATTA.

For over 30 years it was my great privilege to know, personally, Congressman LATTA, and from the first day I became acquainted with him I realized I was in the presence of a manly man, a strong, noble character, whose word was as good as the safest bond and who commanded, by his daily life, the respect and confidence of his neighbors in every avenue of life's activity.

During life he was actively engaged in the banking business, also attending to and supervising his farms near Tekamah. Being a keen observer of events, with great foresight, he acquired much land near his home, which has since become very valuable. His great success in life in all his undertakings may be attributed to the uprightness and honesty which he displayed in all his dealings with his fellow man, observing in his daily practice the golden rule—doing unto others as he would be done by.

Congressman LATTA was a strong man of the common people. His ability to use common sense, his knowledge of men, and his foresightedness were keen and his judgment clear on all matters that confronted him. These characteristics made him a giant among all men, and his opinion and judgment were eagerly sought and accepted as coming from one clothed with authority.

In his dealings with the pioneer settlers of northeastern Nebraska he was kind and fair; he knew their struggles in developing that new country; he held out to them a helping hand; and many well-to-do, aye, even wealthy, farmers in his region owe a large measure of their success to the kindness of JAMES P. LATTA. No better corroboration of this statement can be made than the high respect in which he was held by these pioneer settlers. They showed their devotion for him throughout his political career. No office in his State, had he desired it, would they have withheld. They gave further evidence of their love and respect for him when, with the great men of their State, they gathered from near and far to pay their last loving tribute in accompanying his remains to their last resting place.

I met him first when I was a commercial traveler. Often, and on nearly every trip, it was a pleasure to me to go into his bank and visit him. He was so strong, yet so kind and cheerful, that when I left him the world seemed brighter for having met him. The greatest inspiration to our fellow men is to scatter sunshine as we pass by with a happy smile, a cheerful word, kindly advice, and by lending a helping hand. This was one of his strong characteristics. The Master, the gentle Nazarene, understood kindness, taught it, and it has ever been so and will be until the end of time.

I knew Congressman LATTA in public life as a member of the law-making bodies of the State of Nebraska. He commanded, while serving in this capacity, the respect of his fellow legislators and his opinion was eagerly sought by his colleagues and his votes always cast on the basis of equal justice to all. It was my pleasure to campaign in his district at his first election to Congress. Everywhere I went the pioneers knew "JIM LATTA," and everyone loved and respected him. When, later, my people honored me by electing me a Member of this Congress, among the first to congratulate me was JAMES P. LATTA.

Upon coming here, he personally gave me the benefit of his experience; to me he was as a brother—nay, more, a wise counselor—and was so kind in helping me in every way that I at once felt at home in my new work and new associations.

When his illness came he could not understand it. To me it seemed so strange to see this strong, rugged man feel weary; but it was the final call. When he left for his home to rest, as he hoped for, we waited for good news. Every day the Members would ask me, "How is Mr. LATTA?" They knew him, respected, and loved him. We hoped and wished for a speedy recovery and watched for news from the sick room until one day, the news flashed over the wires, "JAMES P. LATTA is no more."

It was my sad privilege to attend the funeral of my friend. A great concourse of neighbors were present to pay final tribute, thus showing the esteem in which he was held. Gentle hands laid him away on a great hill overlooking to the east the State of Iowa, to the north and south the great Missouri River, and to the west the beautiful farms of Nebraska.

JAMES P. LATTA loved his country, his flag, and the Nation. He loved, too, his adopted State of Nebraska. He had known the State for nearly a lifetime. He and his beloved companion knew by experience the struggles of the pioneer. He had seen

his great State grow. He had helped develop it to become one of the greatest agricultural lands, and it was fitting that at the close of his busy life he should be laid away along the banks of the great Missouri, overlooking the fairest of lands, the States he loved best.

No language or words of mine could do justice to the strong character and upright manhood of JAMES P. LATTA. His daily life is his best eulogy. In his passing away his city, his State, and the Nation lost a noble, true-hearted, and upright citizen.

To me it was a personal loss. He was my counselor and my friend, and I accord it a high privilege to pay tribute to his memory here to-day.

Mr. STEPHENS of Nebraska. Mr. Speaker, a number of the Members of the House who desired to speak to-day are necessarily absent, and I ask unanimous consent that those who wish to do so may have the privilege for five days of extending remarks in the RECORD upon the life, character, and services of the late Hon. JAMES P. LATTA.

The SPEAKER pro tempore (Mr. LOBECK). The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent that Members wishing to extend their remarks may have that privilege. Is there objection?

There was no objection.

ADJOURNMENT.

In accordance with the resolution previously agreed to, and as a further mark of respect to the memory of Mr. LATTA, the House (at 2 o'clock and 9 minutes p. m.) adjourned until to-morrow, Monday, May 27, 1912, at 11 o'clock a. m.

SENATE.

MONDAY, *May 27, 1912.*

Prayer by Rev. John J. Van Schaick, of the city of Washington.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SHOE AND LEATHER TRADE IN THE UNITED KINGDOM (S. DOC. NO. 719).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report of Commercial Agent Arthur B. Butman containing the result of his investigations of the shoe and leather trade in the United Kingdom, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16661) to reliquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

S. 5030. An act to extend the time for the completion of dams across the Savannah River by authority granted Twin City Power Co. by an act approved February 29, 1908;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 20686. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial adopted by the Legislature of Arizona, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 4.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate of the First Legislature of the State of Arizona, the House of Representatives concurring therein, respectfully represent:

Whereas by section 24 of the act of Congress entitled "An act to enable the people of New Mexico and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," the Congress of the United States granted to the State of Arizona sections 2 and 32 of every township in said State, in addition to sections 16 and 36, for the support of the common schools of Arizona; and

Whereas said act of Congress further provides that where sections 2, 16, 32, and 36, or any part thereof, are mineral, or have been sold, reserved, or otherwise appropriated, or reserved by or under the authority of any act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof, with a view to desert-land entry, has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections 2275 and 2276 of the Revised Statutes, and acts amendatory thereof and supplementary thereto, are made applicable; and

Whereas said act of Congress further provides that the grants of sections 2, 16, 32, and 36 to said State within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; and

Whereas the operation of the grant in said act of Congress to the State of Arizona is, through local conditions, existing in the State of Arizona, bereft of most of its practical value to the State, and the potential value of said grant to the State indefinitely postponed; and

Whereas it is necessary to the welfare of the State of Arizona and to the proper maintenance of its common-school system that the benefits of said grants to the State be immediately secured:

Therefore your memorialists respectfully pray, That the said grants to the State of Arizona contained in said act of Congress, and as circumscribed by said sections 2275 and 2276, be augmented by further legislation by your bodies authorizing the said State of Arizona to make its lieu selection from any lands of the public domain of the United States whatsoever, including lands reserved for national forests now existing or proclaimed under such terms as may be provided, and that the title thereto, when so selected, immediately vest in the State of Arizona; also to immediately vest title in the State of Arizona to said sections 2, 16, 32, and 36 within the national forests now existing or proclaimed; now, be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the President of the United States, the presiding officers of the Senate and the House of Representatives of the Congress of the United States, and to the United States Senators, and the Representatives in Congress for Arizona a copy of this memorial.

May 2, 1912, passed the senate by vote of 19 ayes, 0 noes.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 23 ayes, 9 noes, 1 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

The VICE PRESIDENT presented a joint memorial adopted by the Legislature of Arizona, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate of the First Legislature of the State of Arizona, the House of Representatives concurring therein, respectfully represent:

Whereas the homesteaders in Arizona who occupy that portion of the State known as the dry-farming sections have found themselves at great disadvantage in trying to make a living upon their homesteads for the first few years of settlement, unless they absent themselves from such homesteads for a considerable portion of the time and find employment elsewhere; and

Whereas United States Senate bill 3367, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads," which passed the Senate of the United States on February 5, 1912, is now before the House of Representatives for the consideration of that body; and

Whereas the above-mentioned act provides for final proof with three years' residence and permits absence from the homestead for six months out of the year; and

Whereas such law would result in great benefit to the homesteaders of the State of Arizona by making the acquiring of homesteads here more practical and thus encouraging the immigration of home builders: Now therefore be it

Resolved, That the First Legislature of the State of Arizona respectfully requests the passage of the above-mentioned act, now pending in Congress; now be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the President of the United States and the presiding officers of the Senate and House of Representatives of the Congress of the United States and to the United States Senators and the Representative in Congress for Arizona a copy of this memorial.

May 3, 1912, passed senate by vote of 19 ayes, 0 noes.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 34 ayes, 1 no.

SAM B. BRADNER,
Speaker of the House of Representatives.

The VICE PRESIDENT presented a joint memorial of the Legislature of Arizona, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 6.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate of the first State Legislature of Arizona, the House of Representatives concurring therein, most respectfully represent:

Whereas on the 22d day of June, 1907, the Reclamation Service, on the part of the United States Government, entered into a certain contract with the Pacific Gas & Electric Co., a corporation having its principal place of business in Phoenix, Ariz., which said contract related to the sale of electric power to be generated in the future by the Roosevelt reclamation project, in the Territory of Arizona, now the State of Arizona, and which said contract sold to said Pacific Gas & Electric Co. all of the electric power generated by said project to be used in the city of Phoenix, Territory of Arizona, now State of Arizona under the following terms contained in article 2 of said contract, to wit:

"ART. 2. The party of the first part (the Government) further agrees while serving to the party of the second part (Pacific Gas & Electric Co.) under the terms of this contract, to refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone to be sold again or retailed. It is agreed, however, that the party of the first part shall have the right to sell or lease power in the city of Phoenix at any time in blocks of 100 to 500 kilowats and over to anyone to be used in manufacturing industries, waterworks, or pumping plants"; and

Whereas said clause in said contract creates a monopoly and a trust in favor of said Pacific Gas & Electric Co., in said city of Phoenix, relieving it from competition and allowing it to charge consumers in the city of Phoenix charges for electric power controlled and governed only by its desire and conscience; and

Whereas the Twenty-fifth Territorial Legislature of the Territory of Arizona, in session in January and February, 1909, petitioned Congress to call upon the Secretary of the Interior to investigate said contract, to the end that, if found illegal, action be taken to annul same, and the civic organizations of the city of Phoenix, its mayor, and council protested to the Secretary of the Interior against said monopolistic contract, all without avail; and

Whereas a committee, appointed by the house of representatives, is now making a general investigation of the Roosevelt reclamation project, the records of which will be available to determine certain facts as to said contract: Therefore be it

Resolved by the First Legislature of the State of Arizona, That we earnestly and respectfully petition and request the Senate and House of Representatives of the United States, in Congress assembled, to call upon the Attorney General of the United States to procure said contract and all correspondence and papers relating thereto and to investigate said contract, and if upon investigation it appears that said contract is unjust, illegal, and creative of monopoly, the proper proceedings be brought to obtain abrogation and annulment of the same, at least to the extent of abrogating such portion of said article 2 as grants to said Pacific Gas & Electric Co. an exclusive monopoly; and now be it further

Resolved, That the presiding officers of each house of the Legislature of the State of Arizona are hereby directed to forward to the President of the United States and the presiding officers of the Senate and the House of Representatives of the Congress of the United States and to the United States Senators and the Representatives in Congress for Arizona a copy of this memorial.

Adopted by the senate by vote of 18 ayes, 1 excused.

M. G. CUNNIFF,
President of the Senate.

May 16, 1912, passed the house by vote of 32 ayes, 1 no, 2 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

The VICE PRESIDENT presented a petition of the Woman's Christian Temperance Union of Dadeville, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Woman's Auxiliary of St. Luke's Church, of Charlestown, N. H., and a petition of the Exeter Branch of the Woman's Auxiliary of the State of New Hampshire, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which were referred to the Committee on Territories.

Mr. SMITH of Arizona. I present a joint memorial adopted by the Legislature of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Memorial to the Senate and House of Representatives of the United States of America, in Congress assembled.

Your memorialists, the First Legislature of the State of Arizona, in session convened, respectfully represent:

Whereas by an act of Congress of the United States passed March 3, 1865, certain lands lying along the east side of the Colorado River, in Yuma County, Ariz., now known as the Colorado River Indian Reservation, were set apart for Indian purposes; and

Whereas by Executive orders dated November 22, 1873, November 16, 1874, and May 15, 1876, the boundaries of said Indian reservation were described as follows, to wit:

Beginning at a point where La Paz Arroyo enters the Colorado River, about 4 miles above Ehrenburg, Ariz.; thence easterly, following the course of said arroyo, to a point south of the crest of La Paz Mountain; thence following the crest of said mountain in a northerly direction to the top of Black Mountain; thence in a northwesterly direction over the Colorado River to the top of Monument Peak, in the State of California; thence southwesterly in a straight line to the top of Riverside Mountain, in California; thence in a direct line toward the place of beginning to the west bank of the Colorado River; thence down said west bank to a point opposite the place of beginning; thence to the place of beginning; and

Whereas the description as given in said Executive orders is ambiguous and uncertain, in that there is much dispute as to which mountain peak is meant by La Paz Mountain, as well as the crest of that mountain to be followed in a northerly direction; and

Whereas the Commissioner of the General Land Office at Washington, D. C., has recently had surveyed the lands embraced within said Indian reservation as per Executive orders as above set forth, and the southeast corner of said reservation has been established on a certain mountain peak purporting to be the particular mountain described in said Executive orders as La Paz Mountain, and a line run from said point to a certain mountain called Black Mountain; and

Whereas the line so run has established the south and east lines of said reservation; and

Whereas the said survey as now established will include within the said reservation a large amount of mineral land, including mines and mining claims that have been owned and worked by citizens of Arizona since 1861; and

Whereas owing to the uncertainty during the past 35 years of the exact location of the boundary lines of said reservation, many prospectors have located, worked, or sold their mining claims to innocent purchasers, who have in turn expended large amounts of money in development work, erecting costly hoisting works, building roads, and otherwise building up this section of the country; and

Whereas the citizens of that community firmly believe that it was the intention of the Congress of the United States, in setting apart the lands embraced within the Colorado River Indian Reservation, to include within its boundaries only such lands as could be used for agricultural purposes, and did not intend to include mineral land; and

Whereas the only land within said reservation which can be used for agricultural purposes, grazing, or timber lands lies in the valley along the eastern side of the Colorado River; and

Whereas that portion of the land now taken in by recent survey, as set forth above, which lies on the mesas or the mountain east of the valley, does not contain one single acre of tillable land, contains no timber nor pasture, hence is of no value whatever, except for the mineral contained in the gravel on the mesas or in the veins of ore in the mountains: Now therefore be it

Resolved by the House of Representatives and the Senate of the State of Arizona, That we call upon the Congress of the United States to enact such law as may be necessary to furnish relief to owners of mines and mining claims located and worked prior to the recent survey as above set forth, lying within the boundary lines of the said Colorado River Indian Reservation, to the end that title to said mineral lands be confirmed to their present owners or their assigns; be it further

Resolved, That a copy of this resolution be forwarded to our Representatives in Congress, the Hon. MARCUS A. SMITH, the Hon. HENRY F. ASHURST, and the Hon. CARL F. HAYDEN, and that they be requested to do all in their power to bring about the passage of an act that will afford the relief as above prayed for.

May 13, 1912, passed the house by vote of 33 ayes, 1 no, 1 absent.

SAM B. BRADNER,
Speaker of the House of Representatives.

May 17, 1912, passed the senate by vote of majority.

M. G. CUNIFF,
President of the Senate.

We, B. F. Thum, chief clerk of the House of Representatives, and J. W. McCollum, secretary of the Senate of the Legislature, of the State of Arizona now in session, do hereby severally certify to the above and foregoing as a full, true, and correct copy of house joint memorial No. 4, and the whole thereof, as adopted by the legislature of the said State of Arizona.

Witness our hands this 16th day of May, 1912.

B. F. THUM,
Chief Clerk of the House of Representatives.
J. W. MCCULLUM,
Secretary of the Senate.

Mr. SMITH of Arizona presented a joint memorial adopted by the Legislature of Arizona, praying that the grants of public lands heretofore made by the United States to the State of Arizona be augmented by further legislation authorizing the State of Arizona to make its lieu selection from any lands of the public domain, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD. (See p. 7200.)

Mr. SMITH of Arizona presented a joint memorial adopted by the Legislature of Arizona, praying for the adoption of an amendment to sections 2291 and 2297 of the Revised Statutes providing for final proof with three years' residence on homesteads, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD. (See p. 7200.)

Mr. SMITH of Arizona presented a joint memorial adopted by the Legislature of Arizona, praying for the enactment of legislation authorizing the abrogation of certain clauses in a contract entered into between the United States and the Pacific Gas & Electric Co., of Phoenix, Ariz., which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD. (See first column of this page.)

Mr. SMITH of Arizona presented a resolution adopted by the Chamber of Commerce of Graham County, Ariz., favoring an appropriation of $1,000,000 for building levees on the Gila River

to prevent the further destruction of farms, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Bisbee, Ariz., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. BILLINGHAM presented a memorial of sundry citizens of Lyndonville, Vt., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BRANDEGEE presented a memorial of members of the Connecticut Civil Service Reform Association, remonstrating against the enactment of legislation providing a five-year tenure of office for civil-service employees, which was referred to the Committee on Appropriations.

He also presented an affidavit in support of the bill (S. 6274) for the relief of Edward W. Whitaker, which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Lodge No. 21, Order B'nith Abraham, of New Haven, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. WATSON presented resolutions adopted by the Ancient and Accepted Scottish Rite of Freemasonry for the Southern Jurisdiction of the United States at Wheeling, W. Va., favoring the enactment of legislation permitting the inscription of any insignia or emblems of that order upon monuments, tombstones, etc., in the national cemeteries of the country, which were referred to the Committee on Military Affairs.

He also presented a petition of Potomac Chapter, No. 132, American Insurance Union, of Piedmont, W. Va., praying for the enactment of legislation granting the privilege of inserting advertisements in the official journals of fraternal associations, which was referred to the Committee on Post Offices and Post Roads.

Mr. FLETCHER. I present a resolution adopted by the Board of Trade of Tampa, Fla., which I ask may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the resolution was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Resolution adopted by Board of Trade of Tampa, Fla.

Whereas the continuance of the work of promoting economy and efficiency in the administration of the Federal Government, begun by a staff of experts appointed by the President of the United States under act of Congress, depends in no small measure upon an appropriation of $200,000 asked for by the present Congress; and

Whereas the important economies already effected and others made possible by this expert commission are in direct line with that policy of retrenchment so strongly advocated by both the President and the Congress: Therefore be it

Resolved, That the Board of Trade of the city of Tampa, Fla., in session Wednesday, May 22, 1912, urges upon Congress the appropriation of $200,000 required to continue this efficiency commission and directs that this preamble and resolution be communicated to the Committees on Appropriations of the Senate and the House and that other important commercial organizations throughout the country be requested to take similar action.

[SEAL.] F. C. BOWIER, *President*.

Attest:

W. B. POWELL, *Secretary*.

Mr. BRISTOW presented petitions of sundry citizens of McPherson, Augusta, and Topeka, all in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Milan and Argonia, in the State of Kansas, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. CURTIS presented petitions of sundry citizens of Stafford and Sterling, in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 4633) for the relief of R. W. Branson, reported it with amendments and submitted a report (No. 799) thereon.

Mr. OVERMAN. I present the views of the minority (Rept. No. 739, Pt. II) on the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which I ask may be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 98) fixing the number of presidential electors, and for other purposes, submitted an adverse report (No. 800) thereon, which was agreed to, and the joint resolution was postponed indefinitely.

Mr. SIMMONS. On behalf of the Senator from Indiana [Mr. KERN], who prepared the report, I submit the views of the minority (Rept. No. 765, Pt. II) on the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, which I ask may be printed.

The VICE PRESIDENT. Without objection, the report will be received and printed.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States," reported it with an amendment and submitted a report (No. 802) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1901, reported it without amendment.

Mr. OLIVER. The joint commission appointed with reference to the fiftieth anniversary of the Battle of Gettysburg has prepared a bill and has requested me to present it. I therefore introduce the bill and ask that it lie on the table.

The bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill was read twice by its title and, with the accompanying paper, ordered to lie on the table.

URGENCY DEFICIENCY APPROPRIATIONS.

Mr. WARREN. From the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, I report it favorably with an amendment, and I submit a report (No. 801) thereon. I ask unanimous consent for its immediate consideration. It is short and involves a very small amount of money.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was reported from the Committee on Appropriations with an amendment, on page 1, after line 6, to insert:

SENATE.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, to continue available during the fiscal year 1913, $2,000.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURNHAM:

A bill (S. 6956) granting a pension to John C. Hardy; and

A bill (S. 6957) granting an increase of pension to James F. Wyman; to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 6958) granting an increase of pension to E. Alice Camp; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 6959) providing for the honorable discharge of George W. Tribett (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 6960) granting an increase of pension to Jane Lutz (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6961) granting a pension to Annie Walker Burch; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 6962) for the relief of the heirs of Zimri A. Carter, deceased; to the Committee on Claims.

By Mr. BACON:

A bill (S. 6963) to pay to the heirs of Lieut. Col. John McIntosh, late of McIntosh County, Ga., certain moneys due for his services in the War of the American Revolution; to the Committee on Claims.

AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL.

Mr. JONES submitted an amendment relative to one clerk at $2,000 in the Nautical Almanac Office who may also act as or be appointed director of that office, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to increase the salary of the assistant clerk to the Committee on Public Health and National Quarantine from $1,440 per annum to $1,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

THE METAL SCHEDULE.

Mr. POMERENE submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

EQUAL SUFFRAGE IN COLORADO (S. DOC. NO. 722).

Mr. SUTHERLAND. I send to the desk a speech delivered by Congressman EDWARD T. TAYLOR, of Colorado, in the House of Representatives April 26, 1912, on the subject of equal suffrage in Colorado. I ask that it be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

LIMITATIONS OF FEDERAL CONTROL OF WATER POWERS (S. DOC. NO. 721).

Mr. ROOT. I ask to have printed as a document an argument on the limitations of Federal control of water powers, made before the National Waterways Commission by Mr. Rome G. Brown, of Minneapolis, Minn. There is a great deal of useful material in it, and I think it will be of very great use to the Senate in its deliberations.

Mr. WILLIAMS. What was the request of the Senator from New York? I did not catch it.

The VICE PRESIDENT. Will the Senator from New York restate his request for the benefit of the Senator from Mississippi?

Mr. ROOT. The discussion is a presentation of the law relating to Federal control of water powers, and is a very illuminative and instructive discussion.

Mr. WILLIAMS. By whom was it compiled?

Mr. ROOT. By Mr. Rome G. Brown, of Minneapolis.

Mr. HEYBURN. Mr. President, is it asked that it be printed as a Senate document?

The VICE PRESIDENT. The Chair so understands. Without objection, an order therefor will be entered.

RECALL OF JUDGES (S. DOC. NO. 723).

Mr. NELSON. I ask to have printed as a Senate document an article on the recall of judges by John H. Hazelton, a member of the New York bar.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

ST. LOUIS SOUTHWESTERN RAILWAY BRIDGES IN ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of a bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 2, line 12, after the word "repealed," to insert a colon and the following proviso:

Provided, That this act shall not be construed as legalizing the construction nor as authorizing the reconstruction of the bridge across Saline River as it now exists, but in rebuilding said bridge such changes shall be made therein as the Secretary of War and the Chief of Engineers may deem necessary and order in the interest of navigation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I submit a conference report on the Army appropriation bill.

The VICE PRESIDENT. The report will be read.

The Secretary proceeded to read the conference report.

Mr. CURTIS. Is consideration asked for the measure at this time?

The VICE PRESIDENT. It is being read, and the question whether it shall be considered will be put after the report is read.

Mr. SMOOT. I would not like to give consent to its consideration at this time. I should like to have it go over and lie on the table.

Mr. CURTIS. Let it be printed in the RECORD.

Mr. SMOOT. Let it be printed in the RECORD, so that we may understand what it is.

The VICE PRESIDENT. Without objection, the conference report will go over and it will be printed in the RECORD.

The report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 7, 8, 9, 11, 13, 15, 16, 21, 22, 29, 30, 32, 38, 41, 58, 61, 63, 64, 65, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 14, 18, 19, 20, 24, 25, 26, 34, 36, 39, 44, 47, 49, 52, 53, 54, 55, 56, 60, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment, as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

"In lieu of the matter proposed by said amendment insert the following: : *Provided*, That hereafter in time of peace whenever any officer holding a permanent commission with rank below that of lieutenant colonel shall not have been actually present for at least two of the last preceding six years in that branch of the Army in which he shall hold said commission and with the organization, if any, to which he shall have been assigned by competent authority, such officer shall not be detached nor permitted to remain detached from said branch or from said organization; and all pay and allowances shall be forfeited by any superior officer for any period during which, by his order, or with his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any other officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso: *Provided further*, That nothing in the foregoing proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join that branch in which he shall hold a permanent commission and the organization, if any, to which he shall be assigned by competent authority, nor shall it be held to apply in the case of any officer

absent temporarily on courts-martial or military boards, or upon leaves of absence authorized by existing law: *And provided further*, That hereafter details to the Ordnance Department may continue to be made as authorized by existing law, and, in the discretion of the President, those details, or any of them, now existing to the Philippine Constabulary need not be terminated until the 1st day of January, 1913."

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 19 of the matter proposed to be inserted by said amendment, after the word "recruiting," insert the words "while not over 45 years of age"; and after the word "Corps," in the same line, insert the words "or Hospital Corps"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of said amendment, after the word "enlist," insert the following: ": *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "man," strike out all down to and including the comma after the word "twelve," in line 2; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Panama," insert the following: ", or Hawaii or Porto Rico"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 7 of the matter proposed to be inserted by said amendment strike out the word "an" and insert in lieu thereof the word "any," and in line 8, beginning with the word "who," strike out all down to and including the comma after the word "thereto," in line 10; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Equipment of Coast Artillery, armories, Organized Militia: There is hereby made available, and the same shall remain available until the end of the fiscal year 1913, the unexpended balances of any appropriations heretofore made for dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars; and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$8,797,080.42"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seven million five hundred and fifty-seven thousand seven hundred and seventy-three"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million eight hundred and eighty-six thousand"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell and convey to the State of Texas, on or before July 1, 1913, for the purposes of a State tuberculosis sanitarium, the military reservation of Fort Clark, Tex., or such portion of it as in the judgment of the Secretary of War may be sold at a price to be fixed by a board of three appraisers, one of whom shall be designated by the Secretary of War, one by the governor of Texas, and the third to be agreed upon by the two appraisers first designated, $1,700,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and in lieu of the matter proposed in said amendment insert the following:

"*Provided*, That a commission to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ten million eight hundred and fifty thousand"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and forty-five thousand six hundred"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 14 of the matter proposed to be inserted by said amendment, beginning with the words "*Provided further*," strike out all down to and including the colon, after the word "acres," in line 28; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell Target and Maneuver Reservation, Wyo., may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu

of the amount proposed in said amendment insert "five hundred"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$300,118.30"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the words "National Guard or"; and in line 3 strike out the words "National Guard or"; and in lieu of the amount proposed at the end of said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: At the end of line 6 of the matter proposed to be inserted by said amendment, after the words "may be," insert the words "hereafter specifically"; and in line 7 strike out the word "law" and insert in lieu thereof the word "Congress"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 2. That hereafter all enlistments in the Army shall be made for the term of four years, and for all enlistments hereafter accomplished four years shall be counted as an enlistment period in computing continuous-service pay."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Change the numerical designation of section 4 so as to read "Sec. 3," and restore the matter proposed to be stricken out by this amendment, with amendments as follows: After the word "rank," in line 30 of the amendment, strike out the period and the word "so" and insert ": *Provided*, That when a permanent officer is promoted he shall take the relative rank of the officers in the grade to which he is promoted which he held as indicated in the relative rank of the Army on the Army Register of 1912: *Provided further*, That so"; and after the word "occurred," in line 37, strike out the period and the word "the" and insert ": *Provided further*, That on and after the 1st day of January, 1917, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That the"; and after the word "*Provided*," in line 44, strike out the comma and the word "That" and insert "*further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 12; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 18; and"; in line 48, strike out the word "forty-six" and insert in lieu thereof the word "forty-eight"; in line 52, after the words "one hundred," insert "and two"; in line 68, after the word "perform," insert ", but such regimental, battalion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organizations to which they belong"; in line 75, after the words "major general," insert "during the service as such of the first incumbent of the office, and thereafter the rank of brigadier general"; in line 81, after the word "first," strike out the word "vacancy" and insert "two vacancies"; in line 84, after the word "occur," strike out the words "that vacancy" and insert "those vacancies"; in line 85, after the word "the," strike out the words "vacancy occurs" and insert "vacancies occur"; and at the end of the amendment, after the word "law," in line 90, insert ": *Provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the major general herein provided for immediately upon the passage of this act, and it shall be the duty of the said major general, under direction of the President and the Secretary of War, to put into effect the provisions of this section not less than 60 days after the passage of this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Change the numerical designation of section 5 so as to read "Sec. 4," and restore the matter proposed to be stricken out by this amendment, amended as follows: In line 9, after the comma which follows the words "rate clerks," insert "civil-service employees and"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army; neither shall any officer, after the 5th day of March, 1913, be detailed, nor be permitted to serve, as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, one of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the two general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States." All officers of the line of the Army now detailed for service in any staff corps, or department, or in the General Staff Corps, shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the staff corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any staff corps, or department, or the General Staff Corps, shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, staff corps, or staff department, from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, staff corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, staff corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74,

and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 6. That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army."

And the Senate agree to the same.

Renumber the two sections at the end of the bill, so as to read "Sec. 7" and "Sec. 8," instead of "Sec. 8" and "Sec. 9."

H. A. DU PONT,
F. E. WARREN,
MURPHY J. FOSTER,
Managers on the part of the Senate.

JAMES HAY,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. LODGE. The report involves new legislation, which the Senate has never examined, and I ask, as a matter of convenience, that a print be made in bill form, showing the bill as it passed the Senate and the bill as reported from conference in parallel columns or in parallel pages for the convenience of the Senate.

The VICE PRESIDENT. In the absence of objection it is so ordered.

LAWS OF PORTO RICO (S. DOC. NO. 720).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the journal of the executive council of Porto Rico for the second session of the extraordinary session of the sixth legislative assembly, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *May 27, 1912.*

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 20, 1912:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910.

On May 27, 1912:

S. 2228. An act to establish Ashtabula, Ohio, a subport of entry in the customs collection district of Cuyahoga, Ohio, and for other purposes;

S. 6100. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River in the State of North Dakota;

S. 6101. An act to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River in the county of Dawson, State of Montana;

S. 6472. An act to authorize the Secretary of the Treasury to sell certain land to the First Baptist Church of Plymouth, Mass.; and

S. 5624. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

STATISTICS OF CORPORATIONS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read Senate resolution No. 321, submitted by Mr. HITCHCOCK on the 25th instant, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1911, so arranged as to show the following facts:

First. The total number of corporations engaged in the iron and steel industry; the total aggregate amount of their paid up capital stock outstanding; the total aggregate amount of their bonded and other indebtedness; the total aggregate amount of their gross income; the total aggregate amount of their ordinary necessary expenses of maintenance and operation, exclusive of interest; the total aggregate amount of their losses for the year not covered by insurance; the total aggregate amount of their depreciation for the year; the total aggregate amount of the interest paid by them on their indebtedness; the total aggregate amount of taxes paid during the year to the United States and to any State or Territory thereof; the total aggregate amount of foreign taxes paid; the total aggregate amount received by way of dividends upon stock of other corporations, joint-stock companies, and associations subject to Federal tax; the total aggregate amount of their net income.

Second. The same compilation of statistics of corporations engaged in other metal, manufacturing, and mining industries covered by Schedule C of the tariff act of August 5, 1909.

Third. The same compilation of statistics of corporations engaged in the woolen industry.

Fourth. The same compilation of statistics of corporations engaged in the cotton industry.

Fifth. The same compilation of statistics of corporations engaged in the sugar-refining industry, except beet sugar.

Sixth. The same compilation of statistics of corporations engaged in the beet-sugar industry.

Mr. HITCHCOCK. Mr. President, my reason for introducing this resolution is to procure exact information, even though it be from a prejudiced source, which shall show under oath the amount of capital invested in the particular industry asking this Congress to continue the high protective tariff which has been in force for a number of years and the amount of profit that industry has made.

Mr. President, here is rather a remarkable situation. We have an average tariff of something like 35 per cent, as I recall it, for the "protection," so called, of the iron and steel industry of the United States. Upon the Republican theory this tariff is for the purpose of enabling the iron and steel manufacturers of the United States to compete in the United States with the foreign iron and steel manufacturers who might be disposed to sell their products here. Yet the fact is that the iron and steel manufacturers of the United States to-day produce in the leading products of the iron and steel industry more than Great Britain produces, more than Germany produces, more than France produces, and more than all those great countries combined produce. Nevertheless, the representatives of the Republican Party in Congress, notwithstanding the gigantic size of that industry, have taken the position that it still must be coddled and protected and that at this Congress not a single schedule shall be reduced a single per cent.

Mr. President, when the bill passed the House of Representatives and was sent to the Senate I had hopes that there would be some one of the dominant party upon the Committee on Finance who would be willing to report some bill for the modification of this tariff. Instead of doing so, however, the Republican majority has contented itself with reporting against any revision of the iron and steel schedule. They have done this notwithstanding the fact that the American manufacturers now enjoy a practical monopoly of the iron and steel market in the United States, and on top of that the manufacturers can and do send to foreign countries $230,000,000 worth of iron and steel products every year.

In other words, the present tariff is sufficient not only to keep out anything but a small importation of iron and steel products from abroad, but the condition of the industry in the United States is such that our manufacturers were able last year to manufacture and sell $230,000,000 worth of their products in other countries in competition with the world. Any reasonable man might conclude from that that if they could sell those products in other countries in competition with the world they do not need the great protection provided by the present law.

I was a good deal interested in the statement made by the Senator from Iowa [Mr. CUMMINS] in attempting to take a fair position from the Republican standpoint and in attempting to show to his associates on the Republican side that even on the Republican theory the present tariff is excessive. The Senator from Iowa declared it as his opinion that this protected iron and steel industry is now exacting of the American people $100,000,000 more than it should charge for the products which it makes, and the Senator from Iowa makes that estimate upon the basis largely of his own investigation and also upon the basis of the annual statement of profits, as I understand it, made by the great Steel Trust.

I am glad the Senator from Iowa has been fair enough to make that statement. I believe, however, it is far too moderate. I believe that if the iron and steel business of the United States amounts, as has been stated, to three thousand million dollars a year it is not unreasonable to say that those manufacturers are charging the American people 10 per cent in excess of what they would charge without the tariff or should charge to make a fair profit even from the Republican standpoint; and 10 per cent on three thousand million dollars would be $300,000,000 a year exacted from the American people in excess of the prices which they should charge for their goods.

We know from the figures presented by the Steel Trust that it controls only about 60 per cent of the iron and steel business. We know that the net profits of that corporation for the past 10 years have been $789,000,000, and we know from the admission made by the Senator from Iowa that all the capital invested in that corporation 10 years ago was less than $700,000,000. In other words, during the last 10 years that single corporation, with an investment of less than $700,000,000 has taken nearly $800,000,000 of profits out of the business at the expense of the American people and has, besides its original investment, a surplus to-day of $344,000,000 accumulated out of profits.

Mr. President, I believe it would be within reason to say, and almost susceptible of proof by a careful examination of the profits of all classes of the privileged capital of the United States, that the exactions from the American people at this time of all the protected industries over and above a fair profit exceed a thousand million dollars a year. That is to say, that with the capital invested in these protected industries which are given a practical monopoly of the American market by the laws of the United States those corporations are exacting from the American people at least one thousand million dollars more than they should exact to secure a fair profit on their investments.

Now, what is the effect of these exactions, Mr. President? As we know, the first effect is the multiplying of millionaires in the country. During the last 25 years we have seen an era during which the number of millionaires has increased beyond the experience of the United States and beyond the experience of the whole world. We have seen our business come into a form of imperialism, and we have seen created such a disparity of wealth as the world has never known even in monarchical countries. The effect is not only to centralize the wealth in the hands of a comparatively few, but it is to intensify the struggle for existence among the industrial classes, and not only among the industrial classes, but among those who labor for fixed salaries, among those who have limited incomes, among the workers of the United States. In spite of the figures which were produced here by the Senator from Utah [Mr. SMOOT] showing the growing wealth of the United States, it is easy to point to the statistics of recent years and show that there has been a constant tendency during the last quarter of a century to intensify the struggle for existence among those who must work to live.

We see this in many ways. We see it in the constant strikes. During the last 25 years in the United States there have been something like 36,756 strikes, 40 per cent of them by men who felt under the necessity to have higher wages. We have seen during that time over 6,000,000 of the workers of the United States participate in strikes. These strikes have been due, as we all know, to the constant increase in the cost of living, the constantly rising tide of necessary expenditures caused by excessive profits of privileged tariff-protected capital.

We have seen during that time another influence of tariff legislation; we have seen a premium put upon the industrial enterprises; we have seen a blight put upon the agricultural growth of the country. During the last 25 years, as we all know, there has been a great increase in the urban population. Every census shows a larger per cent of city population and a smaller per cent of agricultural or country population. Why is it? It is because the agriculture of the country has been taxed for the purpose of building up these industrial centers, and that constant burden upon agriculture and that premium upon city growth have been developed until we have seen the figures grow to astonishing proportions.

Let me put this in a nutshell. In 20 years the increase of population of the United States has been 30 per cent. New York increased 50 per cent, Pennsylvania 51 per cent, Massachusetts 50 per cent, Rhode Island 60 per cent, all of them manufacturing centers. The premium that has been put upon the manufacturing industries of the country, the inducement that was given to people to go into those industrial pursuits resulted in this enormous increase of those industrial States, those States where great industries are located.

How has it been in the agricultural States of the country? It is not so very many years ago that Horace Greeley said to the young men, "Go West and grow up with the country." Let me show you how the West has been growing. During the same period that the United States increased 30 per cent and the manufacturing States of the Union about 50 per cent in population, Iowa—the great agricultural State of Iowa—increased but 16 per cent; my own State, Nebraska, increased 12 per cent; Kansas increased 18 per cent. Those three representative agricultural States were practically stunted, practically blighted in their development because of the burden placed upon their chief occupation, agriculture, for the benefit of the manufacturing industries of the East.

Mr. President, we might not complain if the benefits of that industrial development came to all alike; but we all know that that is not so. We all know that in those industries in the East, privileged by law under the so-called protective tariff, the effect has been to yield enormous dividends to the invested capital, and on top of that, enormous dividends on pretended capital that was not invested. The captains of industry have not stopped at claiming a return upon the money that they invested, but they have resorted to absolute fraud, to a confidence game upon the American people, by watering their stock and by insisting on paying enormous dividends upon stock that cost them not a penny.

So, Mr. President, I have introduced this resolution for the purpose of securing from the President of the United States a statement of what these iron and steel industries claim to be their invested capital and what they admit their profits were last year, as shown by their tax reports. Before the resolution is put to a vote, I shall ask to modify it so as to also include the year 1910. I do this because the Senator from Pennsylvania [Mr. OLIVER] has called attention to the fact, by the newspaper clipping which he published in the RECORD, that the year 1911 was a far less prosperous year for the iron and steel manufacturers of the country than the year 1910, and, for that reason, was probably not an average showing of the profits of those concerns.

But right here, Mr. President, let me call the attention of my Republican friends to this fact, which is shown by the clipping which the Senator from Pennsylvania has put into the RECORD. It shows the utter folly of the Republican attempt to measure the protective tariff by the difference between the cost of manufacturing in this country and abroad, including also a margin of profit. The last Republican platform declared that the proper principle of protection should be to have a tariff high enough to compensate the American manufacturers for the difference between the cost of manufacture in this country and in other countries and to also guarantee them a reasonable profit. It so happens that the clipping which the Senator from Pennsylvania has put into the RECORD reveals the utter impossibility of fixing the cost in the United States, because it shows such a variation between the cost of manufacturing iron and steel products in various American plants. For instance, his statement shows that the Bethlehem Steel Co. made a profit of $3.40 a ton; it shows that the Cambria Steel Co. during the same year made a profit of $3.50 a ton; that the Lackawanna Steel Co. made a profit of 11 cents a ton; that the United States Steel Co. made a profit of $5.82 a ton; and that the Pennsylvania Steel Co. made a profit of $1.38 a ton. How shall the tariff be adjusted? Shall it be adjusted so as to enable the Lackawanna Steel Co. to make what it calls a fair profit, or shall it be adjusted so as to enable the United States Steel Co. to make a fair profit? They are far apart, and the figures themselves afford a convincing proof that to fix the American tariff for the purpose of guaranteeing to all manufacturers of a certain product a fair profit is practically impossible.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I do.

Mr. OLIVER. Mr. President, the Senator from Nebraska is assuming that the profits of the United States Steel Corporation are the ordinary manufacturing profits of the steel business. He must bear in mind that the profits of the United States Steel Corporation are the accumulation of a great number of profits, embracing not only several kinds of manufacturing profits, several steps in the way of manufacturing profits, but also the profits of transportation lines and the profits of merchandising, which do not ordinarily come under the head of manufacturing profits. The United States Steel Corporation is a jobber, as well as a manufacturer; and where the ordinary steel manufacturer producing merchant wares sells to the jobbing merchant, the United States Steel Corporation gets down closer to the consumer, and thereby acquires the jobbing profit as well. Some, at least, of the other large corporations mentioned in the list to which the Senator has referred are simply manufacturers. They do not embrace as many manufacturing profits as the United States Steel Corporation; their list of profits does not include any transportation profits, and practically no merchandising profits.

While I am on the floor, Mr. President, I should like to ask the Senator from Nebraska what he would consider a fair return upon the actual capital invested for a corporation engaged in a business which involves the various risks that steel manufacturing involves? I would merely like to get his ideas on that proposition.

Mr. HITCHCOCK. Mr. President, if the powerful Government of the United States under the control of the dominant party proposes to guarantee profits, those guaranteed profits should be no larger than any guaranteed bond or any guaranteed stock, and the Senator from Pennsylvania well knows that such profits would not exceed 5, 6, or 7 per cent. But what I charge upon the companies for whom the Senator speaks is this, that they have been compelled——

Mr. OLIVER. Mr. President, I want the Senator to understand that I speak for no corporation, and I do not want him to

place me in the position of being an advocate on the floor of the Senate of any corporation. I am speaking for the working people of the United States, to whom accrues the benefit of the protective tariff, and not as the advocate of any corporation or any set of corporations.

Mr. HITCHCOCK. I will change the statement and say, then, that I charge that the corporations, in whose interest the protective tariff has been framed and for whose benefit it has been maintained, and who by campaign contributions have supported the party which has kept it for them—I charge that those corporations have not only attempted to earn dividends upon the real capital invested, but that they have injected a great amount of fraudulent capital and have been attempting to pay dividends upon that fraudulent capital, which had no existence whatever, but on which they have continued to pay dividends at the expense of the American people by charging exorbitant prices for their goods.

Mr. President, I repudiate the idea that the tariff as maintained has been for the benefit of the laboring classes. I charge that the protected industries pay lower wages to their employees than do the unprotected industries of the United States; I charge that there have been more strikes in the protected industries than there have been in the other industries of the United States; I charge that the protected industries, particularly the iron and steel industry, have been particularly outrageous in the extent to which they have oppressed their employees. The Steel Trust, whose great business is in the State represented by the Senator from Pennsylvania, has been convicted of working 50,000 of its men excessive hours; it has been convicted of working those men 12 hours a day and 7 days a week until the public has been outraged. That great trust has been convicted of having crushed out labor organizations in order that it might grind the individual laborer.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. Certainly.

Mr. GALLINGER. The Senator says that there have been more strikes in the protected industries in the United States than in others. Have there been any more serious strikes in the United States than in Great Britain, a free-trade country?

Mr. HITCHCOCK. Most of the strikes in Great Britain have been in the transportation companies in recent years.

Mr. GALLINGER. Oh, no.

Mr. HITCHCOCK. But the fact is that in the industries of Great Britain labor is allowed to organize and that the strikes which have been called there have been called by organized labor, while the strikes in this country in the protected industries have, as a rule, been forced by exactions on unorganized employees. I call the Senator's attention to the strike two years ago in the great Bethlehem steel plant, where some 9,000 men were employed. What was the cause of that strike? It was due to the fact that the company was forcing the men to work on Sundays; forcing them to work 12 hours a day; driving them like slaves, and prohibiting them from having organizations for their own protection. In England men in the big industries work 54 hours a week, which is far below the average in America.

Mr. GALLINGER. The testimony taken by the Committee on Finance shows that in the limited number of cases where men have worked 12 hours a day they wanted to work 12 hours a day; and it further shows that, in deference to a popular sentiment, which I think is proper—and I join in it; and I said so to the witnesses—they are, as fast as they can, eliminating that condition.

Now, the Senator says that the strikes in Great Britain have been in matters of transportation. The Senator is familiar with the great coal strike in Great Britain and with the textile strikes in Great Britain, if he has kept well informed on current affairs, as I judge he has. He is not ignorant of those facts.

Mr. HITCHCOCK. I have said that the larger strikes in recent years in Great Britain have been upon transportation companies. There have been strikes in Great Britain, strikes in Germany, strikes in France, but the fact is that the industrial classes in Great Britain are more content than they formerly were, and the fact is that the immigration which formerly came from Great Britain to the United States in large numbers, because industrial opportunities were greater in this country, has fallen to one-half of what it formerly was; and the only large immigration which we get from Europe at the present time comes, not from Great Britain, not from Germany, not from France, because the industrial classes in those countries are content to stay at home, but it comes from the other less-favored countries of Europe, and is induced very largely by the protected industries in this country, which use that labor when it gets here to the exclusion of American labor.

Mr. GALLINGER. And yet the Senator knows that in Great Britain the laboring man is getting but 50 per cent of the wage paid the laboring man in this country.

Mr. HITCHCOCK. I know that the laboring man in Great Britain, with a much lower cost of living, as is shown by the fact that he stays at home, is content with his plight, rather than to come to the United States.

Mr. GALLINGER. They are immigrating to Canada by the tens and hundreds of thousands.

Mr. HITCHCOCK. I know that the laboring men in the iron and steel industries of Great Britain work only 54 hours a week, while a large per cent of the men in the iron and steel industries in the United States work from 72 to 84 hours a week.

Mr. GALLINGER. Mr. President, that is not a fair statement. The Senator may say that a small proportion, an infinitesimal proportion, of those men work 12 hours a day; but some of them work only 4 or 5 hours a day. It is all in the testimony.

Mr. HITCHCOCK. I can give the Senator some testimony.

Mr. GALLINGER. The Senator knows that in Great Britain there are now 100,000 men on strike.

Mr. HITCHCOCK. At Bethlehem the result as ascertained by the investigation of agents of the United States developed these facts: Out of 9,184 employees, 2,322 worked 12 hours a day for 7 days a week; 2,233 worked 12 hours a day for 6 days a week. Ninety-nine per cent worked over 10 hours a day and 20 per cent worked 7 days a week—practical slavery.

Not only that, but this great industry, maintained at the expense of the American people, which asks for this protection for the benefit, so called and so pretended, of its American labor, employs 60 per cent of its employees from those born in foreign countries. This industry chooses to employ only, or at least chiefly, newly arrived immigrants who are willing to work long hours at low pay.

Mr. GALLINGER. I will ask the Senator if he is willing to join in a propaganda to prohibit those people from coming to this country?

Mr. HITCHCOCK. What people?

Mr. GALLINGER. The people the Senator alludes to—the foreigners to whom the Senator has referred to in that statement as being employed in that industry.

Mr. HITCHCOCK. I am in favor of an immigration law not much different from what we have at present. But I do say it is a false pretense for the smug and smuck capitalists to come to Congress for protection to labor when they chose the cheapest labor they can introduce in this country.

Mr. GALLINGER. Does the Senator seriously think these men can be displaced and Americans be induced to take their places?

Mr. HITCHCOCK. American labor, foreign or naturalized, originally had those places. They were displaced by immigrants whom manufacturers could lure here and then oppress.

Mr. GALLINGER. Does the Senator know of any American laborers now out of employment who formerly had those employments?

Mr. HITCHCOCK. Pennsylvania had its iron mills nearly 100 years ago. For many years they were worked by Americans, and now 60 per cent of the labor is foreign born, and practically all of it is without the self-protection of organization.

Mr. GALLINGER. Does the Senator really think that the iron mills of Pennsylvania could now be manned by American laboring men?

Mr. HITCHCOCK. I will answer that by saying, that so long as they pay 18 cents an hour for labor, it is not likely that American labor, whether native born or naturalized, will accept the positions, and as long as they will not permit the laborers to be organized Americans will not work in those mills.

Now, I want to say to the Senator from New Hampshire that 5,538 of the 9,100 laborers in the Bethlehem mills receive less than 18 cents an hour for their labor.

Mr. GALLINGER. The Senator knows that that is the minimum wage, and it applies only to the men who come here utterly unskilled.

Mr. HITCHCOCK. Of the 9,084 employees 5,558 receive less than 18 cents an hour.

Mr. GALLINGER. They were unskilled.

Mr. HITCHCOCK. I do not know.

Mr. GALLINGER. Why do they come here and not go back to their own countries if they are laboring under these deplorable conditions? There are steamships running to Italy and other countries from which they came, and if they are so terribly downtrodden—they have been sending home thousands and thousands of dollars every year—why do they not go back?

Mr. STONE. I should like to answer that question.

Mr. HITCHCOCK. I yield to the Senator from Missouri.

Mr. STONE. In answer to the Senator's question, Why do they come? I will say because inducements have been held out to them.

Mr. GALLINGER. By whom?

Mr. STONE. By the iron and steel manufacturers.

Mr. GALLINGER. Is there testimony to that effect?

Mr. STONE. Yes, sir; there is testimony to that effect.

Mr. SMOOT. Mr. President——

Mr. STONE. There is testimony from the manufacturers themselves. The laboring men go off a ship and direct to some works.

Mr. GALLINGER. Instead of sending their money home by the million of dollars, they could use the money to go home if their condition here were as deplorable as it is depicted.

Mr. OLIVER. Anybody who knows anything about modern steel manufacture in the larger lines knows that a very large proportion of the labor used in that line of manufacture is absolutely unskilled labor, because the whole theory of modern steel manufacture and practice lies in substituting machinery for man, and the man is only the tender of the machine. Any person who will go to one of these great establishments and watch its operations will see that there are very few exceptions to this rule. These unskilled men are not kept continuously at work. They work by spells. In the operation, they work by heats. The heat comes out only once in four hours, and it requires very hard and trying work of the entire force for a comparatively short time. In the intervals they have spells to rest. In the casting department or the open-hearth department it is the same way. The men lay off and rest. It does not amount to 12 hours a day at one machine, and the men who receive these lower rates of wages necessarily form the majority in number of men about the establishment.

Senators in discussing this question ought to be fair. There is no such undue oppression and there is no such slavery as have been charged in the debate upon this subject.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. I merely desire to say to the Senator from Missouri that if he has evidence showing that inducements have been offered to these immigrants to come here, it is against the law, and if he will put the evidence in the possession of the district attorney the guilty persons will be prosecuted. The law was much improved in that respect by the measure that was passed for that purpose, against which the Senator from Missouri voted.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. HITCHCOCK. I yield.

Mr. STONE. I have no evidence from the mouth of any employer that any organized effort was made in Europe to bring workmen to this country. They denied that. They might well deny it, for confessing would subject them to prosecution, as indicated by the Senator from Massachusetts, for violating the law.

But I have evidence in the record that is before me now on my desk that thousands of men have come across the sea in ships from southern Europe and landed and went from the port where they landed directly to the establishment and entered into employment.

Mr. GALLINGER. They were in search of employment, and they went where they thought they could get it.

Mr. STONE. I should like to know how these men coming from Europe knew just where to go when they landed in New York.

Mr. LODGE and Mr. SMOOT addressed the Chair.

Mr. STONE. I did not ask the President pro tempore to answer. I asked Senators here to answer how these people get off the boat, take a train, and go directly to the works unless they know they will there find employment?

Mr. LODGE. I do not want to interrupt any further the Senator's speech, but that has been investigated and the facts are in testimony. They come here by reason of the fact that their relatives and friends, now in employment here, write them that they can here earn more money. But if there is any evidence of any inducement offered by any employer, that employer becomes subject to the law. The purpose of the bill just passed is to strengthen that part of the law. The immigrants come here through their friends and relatives. It is all in the testimony.

Mr. STONE. The Senator says there is no evidence——

Mr. LODGE. I did not say there was no evidence. The Senator from Missouri said there was no evidence, after having said there was.

Mr. STONE. I do not say that. I said that no employer had ever admitted that he had ever violated the law.

Mr. LODGE. Does the Senator think we must wait until the employer has confessed before we can convict him?

Mr. STONE. No; I do not think so.

Mr. LODGE. If there is any evidence, it is the Senator's duty, as it is that of any other law-abiding citizen, to lay it before the district attorney.

Mr. STONE. There is more than one kind of evidence. You need not have the confession from the lips of the employer who had made a contract or offered some inducement to immigrants in Europe to come here and enter into his employ. I should like to know if the circumstances are not almost beyond contradiction that there are some secret arrangement, when the proof is that six or eight thousand men in the employment of a single manufacturing establishment have come from Europe and gone directly to that establishment and entered into its employ. It is remarkable that they should come without some kind of inducement being offered. There is a circumstantial fact, convincing to my mind, that there was an inducement offered and that they left Europe to come to that very employment.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. For a question.

Mr. GALLINGER. If it is just a question, certainly. Does not the Senator from Missouri think these steamship companies who are inducing these people to come here have information as to where they can get employment? The captains of these foreign ships, which the Senator always seems to favor in preference to the American merchant marine——

Mr. STONE. I do not care to go into the question of the merchant marine, and the Senator's statement is an unfair statement as to my position and is an inaccurate statement.

Mr. GALLINGER. While I think my statement was accurate, I will withdraw that part of it. Does not the Senator think that foreign steamships have been inducing these people to come here?

Mr. STONE. I do not know what agencies are employed. I say the fact that six or eight thousand men have come from Europe and gone directly from the landing point——

Mr. GALLINGER. Not at one time.

Mr. STONE. I did not say at one time.

Mr. GALLINGER. If a hundred came to-day, could not they communicate with another hundred as to their chances of employment here, and do they not actually do this?

Mr. STONE. There is no such happy industrial condition in that particular industry as would, it seems to me, induce men to write their relatives to come.

Mr. GALLINGER. But the fact is that they do write asking them to come.

Mr. STONE. It may be there have been letters, but when I find that at that particular establishment these conditions disclosed by this testimony, of the men receiving salaries scarcely enough to live on and working from 10 to 12 hours a day, frequently 76 hours a week, getting barely enough on which to maintain a family, I hesitate to believe there has been a great flood of letters from Bethlehem to Europe inviting those kinsmen to enjoy the prosperity there prevailing.

Mr. HITCHCOCK. I am rather surprised to hear the statement made by the Senator from Pennsylvania that a very small proportion of these men are required to work those long hours. Let me read what was officially reported after the Government investigation was made:

> During May, 1910, the period covered by this investigation, 50,000, or 29 per cent, of the 173,000 employees of blast furnaces and steel works and rolling mills covered by this report customarily worked 7 days per week, and 20 per cent of them worked 84 hours or more per week, which, in effect, means a 12-hour working day every day in the week, including Sunday. The evil of 7-day work was particularly accentuated by the fact developed in the investigation that the 7-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation, and in which department 88 per cent of the employees worked 7 days a week, but it was also found that to a considerable extent in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sunday just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating 7 days a week for commercial reasons only.

It was not confined to the blast furnaces, as the Senator from Pennsylvania said.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I do for a question. I should like to go on and complete my remarks.

Mr. OLIVER. I simply want to explain that I did not claim that the seven days' work was confined to blast furnaces. It is just as necessary to a certain extent in the open-hearth processes as in blast furnaces.

I further say, Mr. President, that I do not want to be considered as standing here and defending unnecessary Sunday work, and wherever it is found to be unnecessary, as it is unnecessary in the rolling-mill department and in the Bessemer department, I will be found as heartily condemning it as the Senator from Nebraska.

I beg the Senator's pardon for interrupting him.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. BORAH. May I interrupt the Senator long enough to quote a paragraph or two from the report of the stockholders of the United States Steel Corporation with reference to this particular subject?

Mr. HITCHCOCK. I shall be very glad to have the Senator do so.

Mr. BORAH. It ought to be a fair statement of the situation. It is quite in accord with the statements which were made by the Bureau of Commerce and Labor in regard to this matter. They say, upon page 3 of their report:

> As a result of the several meetings held by the committee for the study of the article under discussion, as also through conference with Messrs. Cabot and Fitch, it seemed that the main questions calling for consideration were:
>
> (a) The 7-day week and long turn.
> (b) The 12-hour day.
> (c) The speeding of the workmen.
> (d) The repression of the men.
>
> Before taking up these questions singly, we believe we but state the facts in saying that no one of these practices was inaugurated by the United States Steel Corporation. Rather were they in vogue, to a greater or less degree, in the various companies which were brought into one when the Steel Corporation was organized.

The result of this report is, however, in full that all these different things exist in this industry. The 7-day week, working sometimes 12 hours a day and sometimes 18 and 24 hours on a shift, the speeding of the workmen, and the repression of the men were the subjects which the stockholders felt necessary to investigate.

Now, I am not interested just at this moment as to the tariff feature of this discussion, but I am interested in the other proposition which has come into this discussion because of the measure which is now pending before the Senate. There is no necessity of trying to conceal the fact that there is a species of industrial peonage which exists in this industry, and the sooner we take hold of it the quicker we will discharge our full obligation to those people.

Mr. HITCHCOCK. Mr. President, it is a remarkable fact that the chief complaint in the United States to-day for the overworking and underpaying of employees comes from those industries for whose benefit the American people are paying an enormous tax in increased cost of living, possibly a thousand million dollars a year. The very industry whose hypocritical owners knock at the door of Congress and ask to have taxes levied for the pretended reason that they may pay American wages to American workingmen are the very ones who are working their men 12 hours a day and 7 days a week. They are the ones who are prohibiting labor organizations and who are, as I believe, and as the Senator from Missouri [Mr. STONE] has stated, stimulating immigration, not from England, because the English laborer will not come to America to work for those wages; not from Germany, because the German laborer has refused in recent years to come here; nor from France, from whose industries we have practically no immigration, but from those countries of Europe that are pointed to as unhappy and unfortunate, as far as their industrial classes are concerned.

It is a strange case of circumstantial evidence against the iron and steel industry. If the fact can not be proven, as the Senator from Missouri has charged, that they have induced and procured this immigration, it is a strange case of circumstantial evidence against them that they are the ones who take advantage of that immigration when it comes here.

In the current number of the North American Review, which the Senator from Texas [Mr. CULBERSON] has just been kind enough to hand me, I find a statement discussing Lawrence labor difficulties. We all know that during the present session of Congress a great uproar was produced in this country because of a strike, followed by bloody riots and the practical suspension of the rights of American citizens in the town of Lawrence. It developed in that strike that a very large percentage of the men and women employed in those mills were foreign born. It developed that they were underpaid, earning six, seven, and eight dollars a week.

Now, look at the table published in this article, and I say this is circumstantial evidence against the protected industries. If they are not inducing this immigration, by reason of their connection with the steamship companies, they certainly appear to be the beneficiaries of this immigration.

In the manufacture of agricultural implements and vehicles 50 per cent of the employees are foreign born. In cotton manufactures 68 per cent of the employees are foreign born. In the manufacture of glass 39 per cent are foreign born. In the iron and steel industry 57 per cent are foreign born. In iron-ore mining 52 per cent are foreign born. In the woolen and worsted goods industry 61 per cent are foreign born. That is some circumstantial evidence against these protected industries which are asking to have maintained this exorbitant tariff for the benefit, as they pretend, of the American workingman.

Mr. President, I have already taken up more time than I expected to, and I want to conclude by this statement: The great problem before the American people is not the problem of increasing the wealth of the country. It is the problem of securing a fair distribution of what is annually produced.

Mr. SIMMONS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator is about to conclude his argument, and I think he did not probably hear a statement made by the Senator from Pennsylvania [Mr. OLIVER] with respect to the profits of the steel company. The Senator from Pennsylvania said that the profits of the steel company come from various subsidiary companies, a part of it profits of mines, a part of it the profits of transportation, a part of it profits of manufacture, and a part of it as far down, probably, as to reach the sales to the consumer; and these profits should be added together in reaching the sum total of profits that were charged against the United States Steel Co.

The Bureau of Corporations, in its investigation into the profits of the United States Steel Co., reached its conclusion as to the actual amount of profits that company was realizing not by adding the profits of these various integrations, but by taking the total capital invested by the steel corporation in all its business operations out of which the final result is the manufactured product of steel and iron and estimating the profits of that company upon the total capital that was invested by that company in these various processes from the ore in the mine to the finished product. I do not think the Senator gave the statement of the Bureau of Corporations as to that.

Mr. HITCHCOCK. I should be very glad to have the Senator give it.

Mr. SIMMONS. I shall now, if the Senator will permit me, give it.

The Bureau of Corporations gives these profits year by year, beginning with the year 1901 and including the year 1910. It first gives them by the year and then gives them by average. For those nine years the profits of the steel corporation estimated in this way—"total investment in tangible property as computed by the bureau" and then "earnings as adjusted by the bureau"—were 14.8 per cent; in 1902 the profits of the steel corporation were 5.9 per cent; in 1903, 11.7; in 1904, 7.6; in 1905, 12.9; in 1906, 15.1; in 1907, 14.4; in 1908, 7.8; in 1909, 10.5; in 1910, 10.7. Average for the period of time—1901 to 1910—of the profits of the steel company, estimated upon the total investment, 12 per cent.

Mr. HITCHCOCK. Mr. President, I am glad to have the figures put in by the Senator from North Carolina.

Before I conclude I want to draw attention to an analysis of the figures presented by the Senator from Utah [Mr. SMOOT]. He made some effort to show that there had been, as I recall it, an improvement in the wages paid in the steel industry. It seems to me that his table proves exactly the contrary. He shows that the iron and steel product of the United States for the year 1899 was $804,000,000; the amount of wages paid, $120,000,000. I am leaving off the odd hundred thousand. On that basis the labor working in the iron and steel industry received 15 per cent—that is to say, out of every dollar's worth of iron and steel product labor received 15 cents.

His figures for the year 1907 show that the total product was $1,377,000,000; wages paid, $187,000,000, or 13.6 per cent for labor; in other words, labor received 13.6 cents out of every dollar's worth of product made, as against 15 cents eight years before that time.

Mr. OLIVER. I will ask the Senator from what he is reading.

Mr. HITCHCOCK. I am reading from the tabulated statement which the Senator from Utah displayed upon the wall at the time he made his speech.

Mr. OLIVER. And only 13 per cent of the entire expense went to labor?

Mr. HITCHCOCK. No; out of every dollar's worth of goods made labor receives 13.6 per cent at the present time, and 10 years ago labor received 15 cents out of every dollar's worth of product.

Mr. OLIVER. I think there is something wrong in the Senator's statement.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. There is nothing wrong with either one of the statements, but perhaps it needs explanation, at least to the Senator from Nebraska. The figures given in the table were the figures applying to the finished product, and the labor is not taken into consideration in producing any of the intermediary processes. If the Senator had studied the question in the Statistical Abstract of any great item of manufacture in this country, he would have found that the same rule applies. For instance, the labor in the finished product here does not take into consideration the labor that was put into the manufacture of the ore to pig iron. You can take the Statistical Abstract as to the woolen industry. There are many manufacturers of woolen yarn only and they do not produce a yard of finished product. There are many manufacturers who buy yarns only and then they make the cloth, and the cloth is the finished product. All the labor that was employed in the making of the yarn is taken no account of in the mill that makes the yarn into cloth.

Mr. HITCHCOCK. Mr. President, I shall have to object to the Senator going into a new subject. I have quoted the Senator's figures. I think he can hardly question that he said the iron and steel manufactures of the United States in 1899 amounted to $804,000,000, and that in making those manufactures $120,000,000 was paid in wages. As a mathematical proposition, that is 15 per cent. Now, eight years later, in 1907, the product was valued at $1,377,000,000; the wages paid in manufacturing it were $187,000,000; and that, as a mathematical proposition, is 13.6 per cent. So, where the labor in the steel and iron industry formerly received 15 cents out of every dollar's worth of product, it now receives 13.6 cents out of every dollar's worth of product.

Mr. SMOOT. That is absolutely true, as far as the finished product is concerned.

Mr. HITCHCOCK. No; the Senator is mistaken.

Mr. SMOOT. I am not mistaken.

Mr. HITCHCOCK. I did not take the figures from the finished product; I took the Senator's figures from the total iron and steel industry; and his figures in the iron and steel industry embraced the wages paid to all labor in the iron and steel industry.

Mr. SMOOT. Mr. President——

Mr. HITCHCOCK. His statement was not confined to the finished product.

Mr. SMOOT. I presume I know as well as the Senator what the figures were taken from. I thought the Senator knew they were not taken in the way he states. I say to the Senator the labor that was put into the manufacture of pig iron was not taken into consideration in the figures that were submitted in the diagram that I presented to the Senate. The figures show the prices upon the finished product and not upon any of the intermediary subjects in the manufacture of steel and iron.

Mr. HITCHCOCK. Mr. President, the Senator's table said nothing about the finished product; it said the total iron and steel manufactures of the United States.

Mr. SMOOT. That means the total of the manufactured product in the United States.

Mr. HITCHCOCK. Even on the Senator's present theory, however, it remains true that in the labor paid, as he now says, in making the finished product there has been a decline in those eight years from 15 per cent to 13⅔ per cent, and if there has been a decline in that kind of labor it would naturally follow that there had probably been a decline in the other.

Mr. SMOOT. Not at all. That all depends on what is the cost unit of producing in this country, as to whether a man with modern machinery, with the modern improvements, can produce a ton of steel in this country to-day cheaper than he did at that particular time. It is not a question, Mr. President, as to what was paid the man per day at that particular time; it is a question of the cost of the unit at the different times; and in that regard the statement made by me shows the absolute facts.

Mr. HITCHCOCK. I am making the statement as it appeared upon the Senator's tabulated statement and as it appeared in the CONGRESSIONAL RECORD. It was the total iron and steel manufactures of the United States and the total amount of wages paid in making those manufactures.

Mr. President, I feel like apologizing for having taken up more time than I expected, but interruptions have rather diverted me from the line I had intended to discuss. I want to conclude by saying again that there is only one real great political problem in the United States that involves the welfare of the people, although it appears in many forms. It is not the problem of creating wealth; it is not the problem of producing wealth in this country year by year.

This country is now producing and always must produce more wealth than any other country. This country is now producing more than any other country has ever produced in history, and it is because this country has superior natural advantages: It has the richest mines in the world; it has the most fertile agricultural fields in the world; it has the most marvelous people in the world, for no other people equal the American people with their native-born American stock and engrafted upon it the admirable stock from Europe. The American people are the most industrious people in the world; they have the most nervous energy; they have the greatest ingenuity. America will always produce. The problem is not one of production in this country; but the great problem in this country with which we are confronted in every political measure which comes up is the problem of the distribution fairly of what is annually produced, and this is where the Republican program breaks down. There is a total failure to fairly distribute the production of the energy of the American people.

I heard a statement made—I think it was by the Senator from Idaho [Mr. HEYBURN]—that in the savings banks of this country there was something like four thousand million dollars, representing the savings of the industrial classes. I thought, after all, what a pitiful thing to point to—29,000,000 people engaged in working, and the amount they have saved up, after these generations of work in this country, amounts to four thousand million dollars. Ten million of the 29,000,000 working people have deposits, but the average is only $420 per depositor. At 4 per cent, each depositor would have the munificent income of $17 per year—certainly not much to boast of and not much to depend on.

Mr. President, when I think of the possibilities of wealth production in this country I am reminded of that story of the newly arrived foreigner who was taken to see Niagara Falls. His Irish friend said to him, as he pointed out the natural wonder, "Pat, is not that a wonderful sight?" "Well," said Pat, "I do not know." "Why," his friend said, "is it not wonderful the way that great body of water pours over those rocks and drops down into that abyss?" "Well," said Pat, "what's to hinder it?" [Laughter.] So when I look over this country and see how marvelously it is equipped with natural resources, how wonderfully it is circumstanced in the matter of climate, how it is in a virgin New World beginning where the Old world left off, populated as it is with a wonderful people, having the richest mines and the most fertile fields, with people of the greatest industry, education, and ingenuity—I say, what is to hinder the production of wealth? That is not the problem, but the problem is to see that there is a fair distribution of what is annually produced. When the Congress of the United States is asked to continue tariff taxation for the benefit of certain privileged capital, which has exceeded its rights, when that capital has grown arrogant and fraudulent at the same time, and when the labor that it has employed is the most distressed labor in the United States, then I am disposed to say the time has come to look more to the distribution of the wealth that is annually produced and less to the problem of producing it.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. HITCHCOCK. I do.

Mr. HEYBURN. Mr. President, I should be glad to have any suggestion as to how legislation could affect the distribution of the product of labor. If the Senator has it in mind to explain that or to suggest any method by which legislation can control the distribution of the product of a man's labor, I think it would be welcomed by the Senate and by the country.

Mr. HITCHCOCK. Well, Mr. President, I think Mr. Andrew Carnegie, now a Scottish laird, is in possession of some four or five hundred millions of wealth that was produced in this

country, if it was produced anywhere, and he got it by reason of a protective tariff, which gave to his industry a monopoly value, which monopoly value enabled him to unload it upon American capitalists at the price he received.

Mr. HEYBURN. Mr. President, I must have misunderstood the Senator. I did not know that he was confining his proposition to the distribution of money. I thought he was referring to the distribution of labor and the products of labor. Of course you can confiscate a man's money, I suppose, or get it away from him; but my mind was not pointed in that direction, but it went to the question of the distribution of the result of labor.

Mr. HITCHCOCK. I was referring to the fact that this country was producing enormous wealth every year, and that, by virtue of the tariff law, much of that wealth has been centered in the hands of a few people, and the existence of others has been made correspondingly more difficult. The struggle for existence has increased in this country. More and more women are compelled to enter the productive work of this country every year; more and more children are compelled to enter the productive industries of the country every year simply because the struggle for existence in this country has become harder among the industrial classes and the cost of living, by constant increase largely due to the protective tariff, has brought this about.

Mr. WILLIAMS. Will the Senator from Nebraska pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I yield to the Senator from Mississippi.

Mr. WILLIAMS. May it not well be that the present bad distribution of wealth, which wealth is a product of labor, of course, has been brought about by the hypocritical pretense underlying the protective tariff system? Is it not true that the pretense underlying this system was to give to the American laboring man a higher wage and better remuneration for his labor? Is it not true that somewhere between the law and the result it happened that Carnegie took a toll of $300,000,000 that never reached the laboring man, the pretended ultimate distributee, at all? Is not that somewhat of an answer to the question put by the Senator from Idaho [Mr. HEYBURN]?

To go a bit further, is it not somewhat of an answer that men with great capital and with great political influence in this great alliance that has existed between national politics and big business have hidden behind that tariff shield to effect monopolies, or near monopolies, with the ability to reap just what portion of the product of labor they thought it safe in the face of organized labor to attempt to reap? Is it not true that the pretense has been that the protective tariff was instituted for the benefit of the laboring man? The pretense has been that the tariff would make these great capitalists able to pay more, and also make them willing to do so, whereas the fact is God had to make them willing by special grace, and He never has seen fit to intervene for that purpose.

If the Senator from Nebraska will pardon me, in connection with the great trust evil, which has grown out of this system—not altogether, but for the most part—I will say that I received a letter this morning with a sentence or two in it which strikes me as good, and I want to put in the RECORD a part of it as a proposition for a plank in the platform to be promulgated by the approaching Democratic convention, which, by the way, will declare the policies which shall rule this country for the next four years, because after the two Kilkenny cats who are now representing the Republican Party get through with one another there will not be any material Republican Party left. "There were two cats in Kilkenny who fit and who fit until of cats there weren't any." The Democratic Party is apt to come in by default, because one or the other of the defendants will have left the court with all of his witnesses.

In this connection, if the Senator from Nebraska will pardon me—I seem to be taking up a good deal of his time, but we have until 2 o'clock—I notice that not only the distinguished ex-President of the United States has never come out in favor of a single reduction of a single tariff duty, thereby appealing to the tariff barons for campaign contributions, but that when he had to meet the great trust evil with a proposed remedy he met it with a proposition which seemed to be very welcome to Perkins and to Gary and to all of the men who are at the head of all the trusts in this country, thus likewise appealing to them for campaign contributions, to wit, a policy of "controlling" or "regulating" the trusts, not putting an end to their exploitation, but "regulating" their exploitation through the instrumentality of a presidential or Roosevelt bureau at Washington.

Whether or not these distinguished trust magnates imagined that they could come just about as near regulating the bureau as the bureau could come to regulating them I can not say; but, at any rate, this was their proposal for solving the trust evil, and it was readily seized upon by the ex-President, who has been so much dissatisfied during the last three years and a half because he ascertained that he could not be both ex-President and President at the same time. [Laughter.] As it now seems evident that the "regulars" in the Republican Party are going to be run over by the "insurgents," and this gentleman is to be the nominee of the so-called Republican Party and is to receive the support of the so-called "regulars," it may be pertinent to read what follows as a plank in a Democratic platform directly opposed to the views of the ex-President and directly opposed to the idea that he has as to a proper one, by the promulgation of which he would control trusts.

And as the present President, who will soon be an ex-President, has made a proposition to control trusts by means of Federal incorporation, this plank would also furnish a declaration squarely in the teeth of his proposition. Now, I ask the careful attention of the Senator from Nebraska, because I want his judgment upon this:

Monopolies are contrary to the genius of free institutions—

That is the first sentence—

They are not to be tolerated upon any pretext, excuse, or condition whatsoever. The existing corporate trusts in this country must be *disintegrated* in *fact* as well as in *form*.

I call the attention of the Senator from Nebraska to the fact that the present Republican incumbent of the White House wanted to disintegrate them in *form*, and has succeeded to some extent, but not in *fact*, and that the ex-President—the other Republican candidate—always said, substantially, that he did not want to disintegrate them at all; but that they were the natural outcroppings of modern industrial conditions and ought to be "regulated" so as not to do "too much harm," and that he divided them into two classes—"good" ones; that is, those that were subservient to the administration and would not fight back if they were fought—you remember Perkins threatened that he would fight back and that made his company at once a good trust—and bad ones, the sort that were inimical to the Roosevelt administration.

But let me continue to read this proposed trust, or, rather, antitrust plank:

We pledge our party to this accomplishment if elected to office. The high protective tariff has furnished the opportunity, and the grant of unrestricted corporate powers has been the creating cause of modern monopoly and the means whereby it has evaded existing antitrust laws. The existing law must be enforced civilly and criminally, and the tariff must be reduced, and the corporations must be made safe instruments of commerce and of legitimate business. Corporations with unsafe charter powers or without adequate charter restrictions against monopoly and near monopoly must be excluded from interstate commerce by a specific Federal law. Its requirements must be explicit and effective to destroy holding companies, interlocking directors, intercorporate control and watered stock. Its penalties must be adequate and self-sufficient, and its enforcement must not be optional with a Federal Executive or bureau, nor must it be subject to special Executive or bureau dispensation in particular cases.

We oppose Federal incorporation of license to work monopolistic exploitation of the people as wholly unnecessary and as mere blinds to fasten existing industrial evils on the Nation. Their object is to prevent disintegration, to revolutionize the Government to fit the trusts, instead of reforming the corporations to fit the genius of the Government, to extend and centralize the unlawful existing union of politics and big business, to make each dependent on the other, to make the alliance between the two offensive and defensive, and to make the whole dependent on an oligarchy of presidential favorites and bureaucrats, whose very existence must be fatal to commercial, industrial, and political freedom. Existing evils are due to special privileges of the past and present, to corrupt and incompetent government, and to the chartered libertinage of corporate control. They are not to be corrected by new privileges, by more bureaucracy, by more government, but by punitive and restrictive laws, by the destruction of existing privileges, by reestablishing, confirming, and maintaining the institutions of democracy in their true spirit for the benefit of ourselves and our posterity. Our evils are due to Republican departures in the Federal Government and in the State legislatures from those institutions. Our remedy is to return to them by Democratic watchfulness of corporation grants in the State legislatures and by the virile exercise of the interstate-commerce power conferred upon the Congress of the United States by the Constitution.

Mr. STONE. Mr. President, I should like to know who the able gentleman is who prepared that paper. I think his name ought to be known.

Mr. WILLIAMS. I do not know that I have the gentleman's permission to communicate the fact to the Senate, and I shall, for that reason, not do so; but I regard it as apropos of the question asked by the Senator from Idaho—in fact, as quite an exhaustive answer to him, as well as a suggestion to the Democracy and insurgent Republicans for blazing out a future policy of a rapidly approaching Democratic administration, built upon demonstrated Democratic wisdom and upon equally

well-demonstrated Republican incompetency in the field of constructive statesmanship.

Mr. HITCHCOCK. I regard it as such an appropriate suggestion that I will let it to go in in that way, and I ask unanimous consent to amend my resolution by inserting, after the word "and," in line 4, the words "ten and also nineteen hundred and," so as to have the resolution read:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1910 and also 1911, so arranged as to show the following facts:

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The question is on the adoption of the amendment.

Mr. GALLINGER. Mr. President, I was glad to note that our amiable and delightfully witty colleague the Senator from Mississippi [Mr. WILLIAMS] suggested that certain things would be accomplished by the Democratic Party during the next four years. I am glad the Senator did not extend the tenure beyond that time. If I understand the Senator correctly, the Senator from Missouri is anxious to know what remarkable intellect produced the famous declaration from which the Senator from Mississippi read. Mr. President, I recall with a great deal of vividness the declaration of the Democratic Party on the subject of the tariff in 1892, and I want to read briefly from that platform:

We denounce the McKinley tariff law enacted by the Fifty-first Congress as the culminating atrocity of class legislation; we indorse the efforts made by the Democrats of the present Congress to modify its most oppressive feature in the direction of free raw materials—

Our Democratic friends do not seem to be very well united now on free raw materials. I think there is about as much division in their ranks on that subject as there is between the two Republicans contending for the nomination at Chicago.

Mr. BACON. That is putting it very strongly.

Mr. GALLINGER. I have heard it put quite as strongly as that on the Democratic side—

and cheaper manufactured goods that enter into general consumption, and we promise its repeal as one of the beneficent results that will follow the action of the people in intrusting power to the Democratic Party.

Mr. President, the American people did intrust power to the Democratic Party upon that platform, but it will require a keener intellect than even the Senator from Mississippi possesses to discover the benefits which followed. I know it is a little unfashionable to allude to what followed that election of 1892 so far as concerns the industrial interests of the American people, but I will not now spend much time in calling attention to the unfortunate results which flowed from that Democratic triumph, achieved upon the platform from which I have just read.

Mr. BACON. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. With pleasure.

Mr. BACON. We have heard a great deal upon a great many occasions——

Mr. BORAH. I had the recognition of the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BORAH. I did not know the Senator from New Hampshire had the disposal of the time.

Mr. BACON. I am perfectly willing the Senator from Idaho should go ahead.

The PRESIDING OFFICER. The Senator from New Hampshire had not yielded the floor.

Mr. GALLINGER. I shall be pleased to yield to the Senator from Georgia or the Senator from Idaho for a question.

Mr. BACON. I desire to ask a question. Will the Senator tell us why it is that the act of 1893 was responsible for the panic which followed and that the act of 1907 was not responsible for that of 1907?

Mr. GALLINGER. That question has been asked and answered so often I did not——

Mr. BACON. I do not recall the answer.

Mr. GALLINGER. The Senator's memory is a little at fault. We all know what caused the panic of 1907. It was not an industrial panic in any sense of the word. If the Senator from Georgia will charge his mind with the condition that existed under the tariff law which was enacted by the Democratic Party after their triumph upon the platform from which I have read, he can not fail to remember that there was infinitely more wretchedness and sorrow in the country then than existed in 1907.

I live in an industrial community. I know precisely what happened when the Democratic Party came into power in 1892, and I know what happened in 1907, and I wish to say to the Senator that there is no similarity between the two cases. But, Mr. President, I simply made the remark I did in answer to the suggestion of my genial friend, the Senator from Mississippi, that the Democratic Party is to have four years more of power. The Democratic Party always carries the country in May and June, but they seldom carry it in November, and probably they will meet with their usual disappointment this year.

I want to say to the Senator from Mississippi, who seldom misses an opportunity to excoriate the ex-President, who is a candidate for the presidential nomination on the Republican ticket, that it is amusing to see how our Democratic friends are trembling literally in their boots for fear he be nominated as the Republican standard bearer. I will do what I can to prevent his nomination, and thus contribute to the peace of mind of our Democratic friends.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. If the Senator will not speak of the squalor and the wretchedness which he always says the existing tariff produces, I will gladly yield.

Mr. MARTINE of New Jersey. On the contrary, I will present a picture that will make you glow with admiration.

I hold in my hand a paper known as the Elizabeth Daily Journal published in Elizabeth County, N. J. It is Republican. What attracted my attention is this glaring advertisement:

BRIGGS LORIMER BRIGGS LORIMER BRIGGS LORIMER

AFTER SEVEN YEARS
of
THEODORE ROOSEVELT
New Jersey
Went Republican
by
80,000!
AFTER TWO YEARS
of
WILLIAM HOWARD TAFT
New Jersey
Went Democratic
by
50,000!
WHY?
Paid for by J. P. Storm, agent.

BRIGGS LORIMER BRIGGS LORIMER BRIGGS LORIMER

They ask why. That is the conundrum I leave to the Senator from New Hampshire to solve, and he need not dream that the great Democratic Party is shaking in its boots in fear of the election of a Republican President.

Mr. GALLINGER. That paid advertisement does not trouble me at all. I remember that a great writer once said:

When sorrows come, they come not single spies, but in battalions.

We had political sorrows two years ago, due to Democratic misrepresentations, but they will not be repeated; and I do not think a paid advertisement in a Republican newspaper, if indeed it is a Republican newspaper, is of much value in this argument.

I want to say a few words, and only a few words, in reply to the Senator from Nebraska [Mr. HITCHCOCK], who was very courteous in yielding to interruptions.

The Senator spoke about the population of the eastern industrial States and the population of the western agricultural States, and found fault because more of the immigrants from Europe come to the Eastern States than to the agricultural States of the West. If the Senator could devise some means by which 50 per cent of those immigrants or more would go to the West and engage in agricultural pursuits, it would be a wise solution of what I regard as a serious industrial situation in this country.

I want to ask the Senator why if there is great profit in manufacturing the people of Nebraska and Kansas and Iowa do not engage in it. There is no law against it. There is no reason why manufacturing should not prosper there as well as in Pennsylvania or Ohio or New England or New York, and I commend to the Senator's attention the suggestion that possibly he will find a solution of the troubles that seem to be disturbing his mind if he will see to it that manufacturing enterprises are established in some of the States of the Middle West.

Mr. HITCHCOCK. Is it not a fact that under the trust and the Republican tariff of the last century your industrial enterprises number about 600 plants as compared with something like a thousand before the trust began? How do you expect us

on the western prairies, without coal and without iron, to build up manufacturing establishments when you in the East can not maintain them?

Mr. GALLINGER. I have not been aware of the fact that we are not maintaining a fair share of industrial enterprises in the East. It may not be in iron and steel, but it is in the manufacture of various other commodities that the Middle West might engage in if it sought to do so. The people of the Middle West are directing their energies in other ways. They have become rich by accumulating land. Our people put their money into savings banks. In the Middle West they put it in broad acres. They are a very rich people. I am not sure that it is not wise policy on their part, and they ought not to complain of us because we direct our energies in other channels.

Mr. HITCHCOCK rose.

Mr. GALLINGER. I am very much afraid to yield to the Senator from Nebraska because he has been conferring with the Senator from Georgia.

Mr. HITCHCOCK. I merely want to ask whether the Senator would object to passing the resolution?

Mr. GALLINGER. The Senator's resolution would probably have passed before now if it had not been for the tariff discussion he precipitated.

Mr. HITCHCOCK. I am only asking for information that is in possession of the administration.

Mr. GALLINGER. Probably the resolution will pass in the near future.

Mr. HITCHCOCK. It will have to be passed at once or it will have to go to the calendar.

Mr. GALLINGER. Some of our friends say we are going to be here until next October. I am sorry if that is to be the case, but if it is we can pass a good many resolutions between now and then.

Mr. HITCHCOCK. I think it would be interesting to have this information before the tariff debate closes.

Mr. GALLINGER. The Senator from Idaho at my right [Mr. HEYBURN] says that the tariff debate is not going to close immediately. I wish it might. I should like to close it to-day. But the resolution can wait.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the resolution will go to the calendar. The Chair lays before the Senate the unfinished business, which is House bill 18642.

Mr. HITCHCOCK subsequently said: Mr. President, I ask unanimous consent to have printed, in connection with the discussion to-day, an advertisement which appeared in the Philadelphia Inquirer and other papers of May 23, of the Bethlehem Steel Co., offering to sell $15,200,000 of 5 per cent bonds, and setting forth, among other things, that during the past five years the company has, out of its earnings, expended $13,608,628 upon the enlargement of its plant, in addition to the payment of interest out of its earnings upon its bonded indebtedness.

In this connection, I wish to say that this company, which has made these enormous earnings, has had a paid-in capital of only $300,000, as shown by the testimony of Mr. Schwab himself. It is the same company which has been compelling its men to work 12 hours a day, 76 hours a week, in a large proportion of cases, and the same company which incurred a large strike by reason of insisting that the men should work on Sunday. I ask that this advertisement be printed in the RECORD as a statement of the company itself as to its financial condition.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. Do I understand the Senator from Nebraska to say that all the capital stock that was paid in in that company was $300,000?

Mr. HITCHCOCK. Three hundred thousand dollars is all the capital that the Bethlehem Steel Co. have ever put in.

Mr. SMOOT. Mr. President, that statement has been contradicted time and time again. I know that it has been made here upon the floor, but I have not yet seen any authority for it, and Mr. Schwab says it is not true.

Mr. HITCHCOCK. Let me read what Mr. Schwab said.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska for the printing of the statement referred to by him?

Mr. CUMMINS. I do not believe that question can be settled at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska to print in the RECORD the statement which he presents? The Chair hears none.

The statement referred to is as follows:

[From the Philadelphia Inquirer May 23, 1912.]

Fifteen million two hundred thousand dollar Bethlehem Steel Co. first lien and refunding mortgage 5 per cent 30-year gold bonds. Principal payable May 1, 1942. Interest payable May 1 and November 1. Principal and interest guaranteed by Bethlehem Steel Corporation by indorsement on each bond. Coupon bonds of $1,000 and $500 denominations with full privileges of registration. Coupon and registered bonds interchangeable. Annual sinking fund of 2½ per cent of the face value of bonds of this issue outstanding with minimum sinking-fund limit of $300,000 per year. All or any part of the issue redeemable at the option of the company at 105 per cent and accrued interest on any interest date upon 12 weeks' notice. Equitable Trust Co. of New York, trustee.

FREE OF TAX IN PENNSYLVANIA.

Attention is directed to a letter of Mr. C. M. Schwab, president of the Bethlehem Steel Corporation (copies of which can be obtained from the undersigned), which he summarizes as follows:

Purposes of issue: The proceeds of the $15,200,000 bonds sold to you, in conjunction with Messrs. Kuhn, Loeb & Co., New York, are to be used—

To retire the entire outstanding amount of $6,428,000 Bethlehem Steel Co. 5-year 6 per cent secured gold notes.

To purchase $2,668,000 Bethlehem Steel Co. first extension mortgage 5 per cent bonds, thereby reducing the outstanding amount of that issue to $8,000,000.

To provide additional working capital.

Two million three hundred thousand dollars in bonds remain in the treasury for the general purposes of the company, and the balance of the authorized issue of $50,000,000 bonds is to be reserved under carefully drawn restrictions of the mortgage for refunding the $8,000,000 first extension mortgage 5 per cent bonds, and for construction or acquisition of additional property at not exceeding 90 per cent of its cost, with limitations in issuing bonds for the latter purpose, having reference to net earnings of the Bethlehem Steel Corporation.

Lien of the mortgage: Bonds of this issue will be secured by a mortgage upon the real estate and manufacturing plants of the Bethlehem Steel Co., subject only to its purchase money mortgage ($7,500,000 outstanding), and its first extension mortgage ($8,000,000, as above shown, outstanding, for the retirement of which a sufficient amount of bonds of this issue will be reserved).

These bonds will also be secured by a first mortgage lien upon real estate and manufacturing plants hereafter acquired by the Bethlehem Steel Co., subject only to the after acquired property clauses of the first extension mortgage (so far as applicable), and to any purchase money or other mortgages subject to which such property may be acquired, but against which an equal face amount of bonds of this issue shall be reserved.

Value of assets back of bonds: Upon the issue of $15,200,000 bonds sold, the assets of the Bethlehem Steel Co. over and above its other liabilities, including its prior mortgages above referred to, will be $25,880,758, and the value of other properties represented by stocks to be pledged to secure the guaranty of Bethlehem Steel Corporation will be $6,766,869, making a total of $32,647,627 of assets back of these first lien and refunding mortgage bonds, or more than double the amount sold at this time. To the above values of properties represented by stocks pledged about $28,000,000 should be added to represent the real worth of mining properties of the corporation.

Earnings: The accounts of the Bethlehem Steel Corporation and its subsidiary companies have been audited annually from the date of incorporation to the close of the last fiscal year by Messrs. Price, Waterhouse & Co., and the statements of earnings which follow are based upon the audited accounts.

On the basis of net earnings of the corporation for 1911, before providing for depreciation or for exploitation and exhaustion of minerals, there is available after the payment of all charges, including amortization on prior issues, $3,826,618 with which to meet the interest charges on these $15,200,000 first lien and refunding mortgage bonds. This is over five times the amount so required and over three times the amount of the entire charges on these bonds, including sinking fund and amortization.

In general: The Bethlehem Steel Corporation is one of the most important and successful of the independent steel companies. Its growth and progress have been consistent and steady since its incorporation. Its annual business in 1905 was $14,554,117; in 1911 it was $30,093,022. During the first quarter of 1912 it booked orders aggregating about $12,250,000. Total orders on hand March 31, 1912, about $21,000,000.

The plants are modern and up to date in all particulars and are maintained in a high state of efficiency and repair, as is evidenced by the expenditure or appropriation of $13,608,628 out of earnings during the last five years for this purpose.

The Bethlehem Steel Corporation is well rounded out and self-contained and occupies an independent position, with ample supplies of ore, coal, and other raw materials, which it either owns or controls.

Application will be made to list this issue on the New York Stock Exchange and, if deemed desirable, on one or more foreign exchanges.

Temporary certificates, exchangeable later for engraved bonds, are now ready for delivery.

The form of bonds, the creation of the mortgage, and all legal proceedings connected therewith are to be approved by our counsel, Messrs. Simpson, Thacher & Bartlett.

Having placed a large majority of this issue here and in Europe, we will receive subscriptions for the unsold balance at 91½ and accrued interest.

The subscription will be opened on Thursday, May 23, 1912, at 10 o'clock a. m. and closed at 3 o'clock p. m. the same day or earlier, at the option of the undersigned. The right is reserved to reject any application and to allot a smaller amount than applied for. Payment in full to be made upon allotment. Subscription blanks may be obtained from the undersigned.

A simultaneous issue will be made by Messrs. Hope & Co., Amsterdam, and by Messrs. Salomon & Co., London.

HALLGARTEN & CO.,
5 Nassau Street, New York.
HARVEY FISK & SONS,
62 Cedar Street, New York.
WILLIAM SALOMON & CO.,
25 Broad Street, New York.

Subscriptions will also be received by—

EDWARD B. SMITH & CO.,
Bankers, Broad and Chestnut Streets, Philadelphia.
BROWN BROS. & CO.,
Bankers, Fourth and Chestnut Streets, Philadelphia.

MAY 21, 1912.

Mr. HITCHCOCK. Mr. President, I also ask to have inserted in the RECORD a paragraph from a letter written by Mr. Schwab on November 5, 1909, upon the subject of the capital stock of this company.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

The capital stock of the Bethlehem Steel Co. amounts to $15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at $50 par. While nominally only $1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The Senator from New Hampshire has the floor.

Mr. GALLINGER. The Senator from Nebraska, Mr. President, called attention to the fact that in the savings banks of the country the deposits are only $400 per capita.

Mr. HITCHCOCK. I think the Senator is mistaken; I said $400 per depositor.

Mr. GALLINGER. Per depositor. That is what I meant by per capita.

Mr. HITCHCOCK. Not per capita.

Mr. GALLINGER. Yes; per capita of the depositors. That is correct.

Mr. HITCHCOCK. That is an income of about $17 a year.

Mr. GALLINGER. The Senator seemed to be troubled over the fact as it struck him that that was all that those people possess.

Mr. President, in my little State the deposits in the savings banks are a little less than $400 per depositor, but almost one-half of the men, women, and children in New Hampshire have accounts in the savings banks, and almost the entire sum on deposit—about $78,000,000 I believe it is—in savings banks in my State has been put there by the farmers and the men and women who work in our mills. Yet the average deposit is less than $400 per capita, or was the last time I examined the figures.

Mr. President, a little time ago a very intelligent Englishman visited my city. He came with a letter of introduction to me, and I suggested to him that I would like to show him around the town. I took him in my carriage, and we traversed almost every street in the city of Concord. It is not a great manufacturing city, but we have some important industries there. Most of our people are laboring people. When I brought him back to his hotel and assisted him out of the carriage he said to me: "Senator, where do your working people live?" He had been through almost every street in the town; he had seen those beautiful little houses, painted white with green blinds, where our workingmen live; and it was a surprise to him that he did not find any portion of our city where there were evidences of sorrow and suffering and want such as have been pictured here. It does not exist. It does not exist in the city of Lawrence, notwithstanding all the talk that has been made concerning the conditions there. It does not exist in any industrial city or town in New England, notwithstanding the frightful pictures that have been painted of squalor and rags and wretchedness. Our people are prosperous. They put a portion of their surplus money in the savings banks, and in addition to that they have enough to buy little homes in many cases. Why, in that very city of Lawrence a very considerable proportion of the homes are owned by laboring people. The Senator is wrong when he supposes that $400 is all that those people have saved during a lifetime or during a generation.

Now, Mr. President, if the Senator from Nebraska will give me his attention, I want to say that he seems to think if we take a duty off of an article the American people are going to benefit to the amount of that duty. We tried it when we took the duty off of hides. What a beautiful picture was painted here of the beneficial effect on the consumer of taking off that duty! I did not believe that it would reduce the price of either leather or boots and shoes to the American people, and I said so then, but there were pictures painted here of the benefits that would accrue to the working people of this country if we removed that duty. We were going to have cheaper hides, and, as a consequence, cheaper leather, cheaper boots, and cheaper shoes.

The duty was removed, and the Senator from Nebraska knows that the price of leather and of boots and shoes almost immediately increased, and they are at a higher price to-day than they were when we took the duty off of hides.

Now, I should like the Senator from Nebraska to give me a list—I will not insist upon his giving it to me now; he can take his time to make the investigation—of the articles that have been very largely decreased in price by the removal of the duties.

Mr. JOHNSTON of Alabama and Mr. WILLIAMS addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Hampshire yield, and to whom?

Mr. GALLINGER. I will yield first to the Senator from Alabama.

Mr. JOHNSTON of Alabama. I want to ask the Senator if the price of boots and shoes and leather increased in value, who absorbed that profit? Did any of it go to the workingman? Were his wages increased?

Mr. GALLINGER. That is the very thing I am complaining of. I am complaining of the fact that our Democratic friends and others insisted that the laboring man would get the benefit, and he did not get it.

Mr. JOHNSTON of Alabama. Was not all the reduction absorbed by the manufacturer?

Mr. GALLINGER. I doubt that very much, indeed, because I will say to the Senator that they are making shoes in my State by the hundreds of thousands on which the manufacturer gets a profit of only about 2 cents a pair.

Mr. STONE. How do lower duties increase the price of the manufactured article?

Mr. GALLINGER. I am stating a fact. I am not going to try to interpret what I have said.

Mr. STONE. If the duty is reduced, and if the price of the manufactured article is thereby advanced, the price of the workingman's wages might also be advanced.

Mr. GALLINGER. The Senator is more troubled about matters of that kind than I am. The workingman is not troubled in my part of the country about wages. He is pretty well satisfied. The profit, if there is any, goes more largely to the jobber and the retailer than to the manufacturer.

Mr. WILLIAMS. Mr. President——

Mr. GALLINGER. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I understood the Senator from New Hampshire to ask for an instance where the removal of the duty had reduced the price.

Mr. GALLINGER. There may be one instance, but I asked for a list of such articles.

Mr. WILLIAMS. A man can not give a list when on his feet without previous warning very easily.

Mr. GALLINGER. I gave the Senator from Nebraska time to look it up.

Mr. WILLIAMS. In partial reply to the Senator's question I will give one instance known to everybody, and that was the effect of the removal of the duty on quinine. I suppose the Senator is familiar with that.

Mr. GALLINGER. I am somewhat familiar with it, but it may be that there were other reasons entering into that particular case.

Mr. WILLIAMS. Does not the Senator remember that quinine was over $4 and that there was a cry raised that every manufacturer of quinine in the United States would have to go out of business if we put quinine upon the free list and that the consumers, the sick people, would not be benefited a particle? We did put quinine on the free list, and it went down to less than a dollar, and the manufacturers, although they threatened to go out of business, remained in business and are doing very well here.

Mr. GALLINGER. Mr. President, that may have been due to other causes. I remember that aluminum cost the American people—I have forgotten how much, but several dollars a pound—and I also remember that aluminum, which has remained at the same rate of duty as was imposed years ago, has been reduced in price to less than one-tenth of what it was then. So the tariff has not had anything to do with that.

Mr. WILLIAMS. May I ask the Senator another question?

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. What is the object of putting a protective duty upon an article? Is it not to raise its price?

Mr. GALLINGER. No; not at all.

Mr. WILLIAMS. How can the manufacturer be protected, save by raising the price?

Mr. GALLINGER. He can be protected by keeping the foreign manufacturer out of our market, and thus keeping his plant in operation.

Mr. WILLIAMS. How can the foreign manufacturer be kept out of our market, save by making the price of the article, when imported into the United States, higher than it otherwise would have been?

Mr. GALLINGER. I do not agree to that. I——

Mr. WILLIAMS. Does the Senator mean to say that the object of putting a protective tariff upon an article imported into the United States is not to make it more difficult for the American consumer to purchase that article?

Mr. GALLINGER. That is not the object at all.

Mr. WILLIAMS. And that the only way whereby that difficulty is made is by raising its price to the American consumer?

Mr. GALLINGER. That is not the object at all. The object of putting the duty on is to keep the foreign article—to some extent, at least—out of our markets——

Mr. WILLIAMS. I understand that.

Mr. GALLINGER. And enable the American manufacturer to employ labor and to keep our money at home.

Mr. WILLIAMS. But how does putting the protective duty upon the article keep the foreign manufacturer out of our market, except by making it necessary for him to sell the article at a higher price if he wants to get into our market?

Mr. GALLINGER. Does the Senator remember what happened to borax?

Mr. WILLIAMS. I do not remember that particular verse of the chapter right now, but I should like to have the Senator answer the question I have propounded.

Mr. GALLINGER. I will answer it. Borax was taken from the free list and a duty, as I remember it, of 2 cents per pound was put on it. Since then the price has come down 100 per cent, the consumer formerly paying 9 cents per pound for it, while now it is 4½ cents.

Mr. WILLIAMS. The Senator has just said that the object is to keep the foreign manufacturing competitor, to a certain extent, out of competition in the home market with American manufacturers.

Mr. GALLINGER. And have competition among our own manufacturers.

Mr. WILLIAMS. Yes; with our own manufacturers. Now, my question is, How can the duty operate to accomplish that result save by making the price of the foreign article when imported into the United States higher to the American consumer?

Mr. GALLINGER. I will answer that by two illustrations that are very familiar to the Senator. Does the Senator remember what we paid for steel rails when we did not make any steel rails in this country?

Mr. WILLIAMS. Oh, yes. I do not remember the exact figures, but it is lower now than when we first put a duty on steel rails.

Mr. GALLINGER. From $100 to $170 a ton was the price when we depended on England for them.

Mr. WILLIAMS. Does the Senator from New Hampshire contend that the reduction in the price of steel rails not only in America, but in Great Britain and in France and in Germany and all over the world was owing to the fact that we placed a duty on them in the American market?

Mr. GALLINGER. I absolutely do contend that. We put a duty on steel rails, and the monopoly in England was broken, the price went down, we commenced their manufacture, and now they are being sold for $28 a ton in place of from $100 to $170 a ton. The same thing happened in relation to tin plate; the same thing happened in relation to nails when we were not manufacturing any of them.

Mr. WILLIAMS. In each case the price of the article has gone down, not only in the American market, but abroad, and in almost every case the price has gone down further abroad than it has gone down in America.

Mr. GALLINGER. They had to put it down abroad, to compete with us.

Mr. WILLIAMS. The price decreased here and stopped at the tariff standard. We put the price down to compete with not one foreigner, but a thousand foreigners.

Mr. GALLINGER. They had to put it down abroad because if they wanted to get into our markets at all they had to reduce their price.

Mr. WILLIAMS. Yes; and if we were to prevent them from getting into our market, we had to reduce prices. But to come back to our mutton, how is it possible for the object of a protective tariff, which is to protect the American producer from the foreign producer, to be accomplished at all save by raising the price of the article when imported, and therefore rendering it more difficult for the foreign producer to send it here by rendering it more difficult, because it is at a higher price for the American consumer to purchase it?

Mr. GALLINGER. If we strike down our own industries and give foreign nations the control of our markets, foreign nations can put any price on their product they want, which is the very thing they did when they had control of certain articles of manufacture.

Mr. WILLIAMS. Does not the Senator from New Hampshire admit that wherever a duty is put upon an article and it does not have the immediate result, at any rate, whatever the result may be 50 years from now, to raise its price the object of putting the duty on it has failed? In other words, if protectionism has failed to raise prices of the American-produced article has not protectionism failed of its purpose?

Mr. GALLINGER. Not at all, Mr. President. The prime object, the elementary object, is to keep work in our own factories, to keep capital actively employed at home, and give our manufacturers the privilege of manufacturing for our own people.

Mr. WILLIAMS. Now, assuming that that is the case, assuming that the object of putting the duty on is to enable the American manufacturer to produce the article with American capital and with American labor, how can putting the duty on enable him to do it save by raising the price of the article produced by the foreigner and sought to be imported?

Mr. GALLINGER. Mr. President, I am going to be entirely frank with the Senator from Mississippi. I do not say there are not instances where that follows, but I do say that by keeping the work at home and our money invested at home there will be competition among our own manufacturers. There is competition in almost every line of industrial activity in this country, and the price is not increased, but, on the contrary, in a great many instances it is very largely decreased.

Mr. President, a gentleman called my attention to a watch the other day. He said it cost 65 cents, and it was a good timekeeper. He said there was 46 per cent duty on it. I do not know whether that is the duty on watches. I guess it is higher than that. Now, does the Senator from Mississippi insist that that duty on watches has increased the price of a 65-cent watch and that if we took off the duty it would lower the price?

Mr. WILLIAMS. I am not personally acquainted with the watch which the Senator had shown to him, and if the Senator would show it to me I would not know what it cost to produce it, or how many watches of the same sort are manufactured abroad; but I do know that if a duty of 46 per cent were placed on that watch with the idea in the minds of the protectionists of preventing the foreigner from entering into competition with the maker of that watch in America, and if it did not increase the price to the extent of preventing that competition and did not to some extent thereby increase the price of the foreign article and even of the domestic production to the American consumer, then the object sought to be obtained by the protectionists who levied that duty was defeated by something else; some other factor. Certainly the lowness of its price could not be due to the fact of the highness of the tax.

Mr. GALLINGER. I do not agree with the Senator at all. I was not educated to the extent the Senator has been; I did not have his opportunities; but in the matter of economics we were educated in different schools, and I do not agree with the Senator in his contention. The fact is that the duty on watches enables us to run that great Elgin factory in the State which my distinguished friend [Mr. CULLOM] so ably represents. The duty on watches enables the Waltham factory in Massachusetts to be able to employ several thousands of men—I have forgotten how many, but a very large number—and to give them good wages and to give them steady employment. There is the keenest competition between the Elgin factory, the Waltham factory, and other watch factories in this country. They are making watches at the lowest possible price, in open competition. But if the duty should be removed and Switzerland should invade our market, the Senator knows that it would be a very serious blow to the watch factories of our country.

Mr. WILLIAMS. Now, Mr. President, if the Senator will pardon me——

Mr. GALLINGER. Yes.

Mr. WILLIAMS. He used the word "invade." I always like to hear that word. It always sound like——

Mr. GALLINGER. The Senator can change it to suit himself. It is an invasion, and nothing else.

Mr. WILLIAMS. It sounds like an injurious flood of valuable things at a cheap price. How would the Swiss manufacturer of watches invade the American market unless he put in it a watch of the same quality at a cheaper price?

Mr. GALLINGER. Which he could afford to do with his cheaper labor.

Mr. WILLIAMS. Suppose he could. Now, then, if that be true, and the only way in which he could invade the American market would be by putting a watch in it of the same quality at a cheaper price, then, is not the very instance which the Senator has given, is not the very fear that he has expressed, a direct contradiction of his statement a moment ago that raising the duty did not raise the price?

Mr. GALLINGER. Not at all. If the Swiss manufacturers are permitted to flood this market—I will say "flood" in place of "invade," if it suits the Senator better, because that is what they would do—with the product of their factories, and the American factories went out of business as a result, then the Swiss manufacturer could put any price on his product he pleased.

Mr. WILLIAMS. Mr. President, does the Senator from New Hampshire contend that any particular Swiss manufacturer or all the Swiss manufacturers put together possess a monopoly of watchmaking in the world?

Mr. GALLINGER. Not at all.

Mr. WILLIAMS. Does the Senator intend the Senate and the country to believe that because these people could "invade" America and sell watches, therefore competition between themselves and other foreigners in any selling of watches, and competition between them and American manufacturers likewise, would cease to operate to fix a price?

Mr. GALLINGER. I mean to say, Mr. President——

Mr. WILLIAMS. In other words, the Senator knows that the so-called foreigner is not one man.

Mr. GALLINGER. No; that is the trouble. I wish he was.

Mr. WILLIAMS. But you always talk about him as if he was just one fellow with one product and had the monopoly of it, and all he had to do was to fix a certain price.

Mr. GALLINGER. Not at all. I was unfortunate in my language if I conveyed that idea. I understand that there are other countries that make watches, and I understand that when we remove the bars those countries will put their prices low enough to put our manufacturers out of business, because ours is the best market in the world, and then they will increase their prices. There is no question about that in my mind, at all. And here let me say, about this matter of a protective rate; that there is a good deal of misconception in the minds of many men. There are Senators who have proposed to make a horizontal reduction of 25 per cent on our tariff duties.

They seriously have proposed that. I have heard it during this session. Now, 40 per cent may be the line of safety so far as our manufactures are concerned; that rate may keep out the foreign manufactures sufficiently to keep our own people employed; it may not be prohibitory, but it keeps enough of the foreign manufactures out to keep our own mills running and our people employed. But 38 per cent, or even 39 per cent, may be absolutely destructive to our industries. When we get below the protective point, it is not a question of percentages. Five per cent reduction may be as destructive to our industries as absolute free trade. As I said, there is a good deal of misconception on that point on the part of Senators who gravely discuss this question of the tariff. But, Mr. President——

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. Certainly.

Mr. CUMMINS. I rise simply to mention to the Senator from New Hampshire that he undoubtedly made a mistake with regard to the duty on watches.

Mr. GALLINGER. I took it from the statement of another party, and neglected to verify it.

Mr. CUMMINS. The statement he read may be found in some of these comparative tables. The truth is that the duty on watches such as he described under the present law would be 70 cents for the watch, without any ad valorem duty. Therefore, if it is worth 50 cents abroad, of course the duty would be 120 or 130 per cent.

Mr. GALLINGER. I thank the Senator. It is much higher than I suggested. I took it from the statement made to me by another party. But, Mr. President, the American people are not as badly off as our Democratic friends picture them to be. A correspondent of mine, writing from Detroit, Mich., a man now over 78 years of age, a few days ago called my attention to the fact that he remembers the time when a farmer's wife brought into town 20 dozen of eggs to exchange for 8 yards of calico for a dress pattern, while now a silk dress pattern can be got for that number of eggs, while a dozen and a half of them would buy the calico. He adds that it is not necessary for farmers' wives to wear calico any more. The same gentleman says that "We don't know when we are well off. There is danger of our having a Democratic victory in November and the experience of a Democratic administration for the next four years. The youngsters need the lesson, and were it not for the misery and injury to the workers I would be content. I was a mechanic for 30 years. Men in my trade received then at the highest $2 per day. Now they get $4, and the men who sweep and clean our streets get the $2." That is good protection doctrine, and scores of similar illustrations could be cited if necessary.

In the Payne-Aldrich tariff law the tariff was reduced on gloves, meats, shoes, hides, a great majority of the chemicals, certain high-priced cotton goods, and greatly reduced in many of the steel schedules, in many cases as much as 50 per cent. Has anybody heard of a reduction in price to the consumer of any one of these articles since the passage of that law? If the duty had been sufficiently reduced to allow foreign manufacturers to gain control of the American market, and in that way destroy American industries, then, in place of a reduction, there would have been a large increase in price, for the reason that the foreigner could then make his own price without fear of American competition.

Now, Mr. President, that the RECORD may be right, I want to read as briefly as may be from the testimony that was given before the Committee on Finance in reference to a phase that the Senator from Nebraska [Mr. HITCHCOCK] discussed at great length, namely, the employment of labor in the steel mills of the country. I will not weary the Senate, I hope, by calling attention to certain testimony that was given.

It will be said, Mr. President, as it has been said, that it is "interested" testimony, but I am bound to believe that the gentlemen coming before the committee, some of whom were invited and some of whom volunteered, are honorable men, and that they were not stating a deliberate falsehood for the purpose of misleading the committee when the facts could be ascertained later on. I know there have been men before the Committee on Finance from my own State whose word is as good as their bond, who would not for their lives make a misstatement as to conditions or as to facts. Sitting as a member of that committee, I felt that I could believe the men who testified before us. While they might be mistaken, possibly, as to some matters they presented, on the whole they were honorable men, men of integrity and uprightness, who came there to state the exact truth.

Mr. President, Mr. Schwab gave some testimony in regard to this matter of 12-hour labor, and he presented it as being a condition that exists the world over; that in continuous metallurgical work men have been required to labor 12 hours a day. I interrogated Mr. Schwab on that point, because I do not believe in men working in steel mills 12 hours a day. I believe it ought to be stopped. Mr. Schwab gave the assurance to the committee that the matter was being taken up very seriously, and that the purpose was to get rid of it as far as it was possible to do so, and I have knowledge that that is being done.

Another gentleman who appeared before the committee was a Mr. John A. Topping, who is connected with the Republic Iron & Steel Co. He gave interesting testimony. By turning to page 1334 of the hearings Mr. Topping is found to have said:

> The 12-hour system was established—

Mr. Topping further said, and it is an interesting fact—

> The 12-hour system was established absolutely by the unions, and it is not an institution of the trusts. It is not an institution of manufacturers.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Certainly.

Mr. BORAH. The 12-hour system was established by the unions to get rid of the 14-hour system and the 16-hour system.

Mr. GALLINGER. Very well; they could have gotten rid of the 12-hour system at the same time, I suppose, if they had wanted to do so.

Mr. BORAH. It was more difficult to make progress in the matter, judging by the experience to-day.

Mr. GALLINGER. The Senator knows that this matter was submitted to the men who labor in that industry 12 hours a day, and they almost unanimously said they preferred that it remain as it is. I assume that the Senator knows that.

Mr. BORAH. The Senator does not. I would be glad to know where the information comes from.

Mr. GALLINGER. It comes from the men who were denominated a few days ago "so-called witnesses" by the Senator from Mississippi.

Mr. BORAH. I am not reflecting upon the witnesses, but I did not know that any such information was before the committee of the Senate. I know that no such information came before the committee whose particular duty it was to investigate this particular matter.

Mr. GALLINGER. I think I will find it.

Mr. BORAH. I do know this——

Mr. GALLINGER. I will give the Senator my authority on that point. It was Mr. Schwab, who was a very interesting and, apparently, a very frank witness. I do not think Mr. Schwab intentionally made a single misrepresentation to our committee. He said:

> I can only say that the steel interests a year ago met in New York with a view of changing this condition of affairs by putting on a sixth extra workman, and by making such changes as would give a workman one day a week off. The experiment is now being tried at one of the Steel Corporation's works in Pittsburgh, which we are following with great interest. We proposed it to our workmen, and almost unanimously they desired that the condition continue as it is at present.

Mr. BORAH. It will have no particular value, I presume, nor be very relevant for me to say of my own initiative that I do not think the statement is borne out by the facts. There is certainly evidence that can be gathered without limit to the effect that that is not the desire of the workmen. In addition to that, only a little application of common sense would suggest that no man desires to work 12 hours a day under the conditions under which those men work if they can be permitted to work 8 hours and for the same compensation.

Mr. GALLINGER. I will call the Senator's attention to the conditions in a moment. Here is the testimony of Mr. Topping. Perhaps his testimony can be impeached, but I will call the Senator's attention to what he said on that point. Here it is:

> I well remember that we tried to put into effect a three-turn shift in our sheet mills and tin mills some years ago, before it was finally adopted. The unions that were then in control objected to that plan, because it meant the introduction of more apprentices—

That is something the unions always object to which, I think, is all wrong, because I believe there ought to be apprentices in all these industries—

> because it meant the introduction of more apprentices, more new factors in the union, and they perhaps could not control labor as well with that condition if apprenticeship increased as they could with the restricted number that they had under control.

Mr. Topping continues:

> So the 12-hour system has been with us a great many years. We admit that we have it, but the men who work 12 hours do not work continuously. They work intermittently. They work 12 hours in preference to working a less number of hours, because if you reduced the hours of labor it would mean reduced pay per day.

In this point in the hearings, Senator HEYBURN said:

> That is an interesting proposition, and I wish you would particularize that somewhat, because the impression has gone out that where witnesses have testified to men or boys working 12 hours it meant 12 continuous hours. I wish you would emphasize that a little and apply it to the different classes of 12-hour labor.
>
> Mr. TOPPING. There are no employees that I know of in the steel business that work continuously 12 hours.
>
> The CHAIRMAN. Out of the 12 hours, how many hours do they probably work? Mr. Schwab said some of them only work an hour out of the 12.
>
> Mr. TOPPING. I think it would be very conservative to say that many who work 12 hours do not work continuously over 6.
>
> * * * * *
>
> The CHAIRMAN. You can state in a general way, I suppose, what it shows.
>
> Mr. TOPPING. I have stated that in a general way, Senator. I think, taking the blast furnace man, he would not average six hours. Take the open-hearth man. He would average rather more than that, because during the period of casts is longer than in making a melt in a blast furnace, so that between periods men sit down and smoke, and if you do not watch them some of them take a drink. We watch that, however.
>
> Senator CULLOM. How does the impression go out that such a man works 12 hours when he actually only works 6?
>
> Mr. TOPPING. Because the men are on duty 12 hours, although subject to an interval of time between hours of work for the materials charged into the blast furnace to be smelted before they can be tapped. For instance, take the man who has charge of the work of charging the furnace—that is, putting the raw materials in the top of the furnace. After he has filled up that furnace for each group of men they sit down and wait until the furnace melts down its charge and it is tapped by the tappers below and taken away. As soon as that operation is completed the chargers come back, alternating, charge it again, and the melters below are waiting for the minerals to melt. So while one crew works the other waits, and vice versa.
>
> Senator CULLOM. The man is really on duty all the time?
>
> Mr. TOPPING. He is on duty 12 hours, but he has to work only about half the time.
>
> Senator HEYBURN. How long does it take to tap the furnace?
>
> Mr. TOPPING. It depends somewhat upon the character of the materials you are working and the condition of your furnace. I think there is an interval there of about two hours.
>
> Senator MCCUMBER. His duties consist of six hours of labor and six hours of smoking?
>
> Mr. TOPPING. Whatever he cares to do.
>
> The CHAIRMAN. Reading the newspapers, I suppose, and discussing political questions?
>
> Mr. TOPPING. Yes; reading a "Hunky" paper, as we call the Hungarian papers.

Mr. President, I know nothing about this matter at all beyond what these men have testified, but I have no doubt——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. With pleasure?

Mr. BORAH. Mr. President, the picture which is drawn there is a delightful one, for it seems that it is all at the instigation and insistence of the laboring men and that they are engaged practically a part of the time in smoking and reading newspapers, and, I presume, discussing political matters, and so forth. It would be interesting to know what the laboring men said before the committee upon this subject. I have never been able to find a representative of them or the men individually who indorse those propositions.

Mr. GALLINGER. Has the Senator any protests signed by them against it?

Mr. BORAH. How is that?

Mr. GALLINGER. Has the Senator any protests signed by the laboring men against it? I want the Senator to understand that personally I am against it, and I want it changed.

Mr. BORAH. Well, every man with any feeling of humanity should be against it.

Mr. GALLINGER. Mr. President, that depends. As I said the other day, there was a period in my life when I worked 16 hours a day, and the man who would have compelled me or the government that would have compelled me to have worked a less number of hours would have been the worst possible enemy I could have had on earth.

Mr. BORAH. The Senator from New Hampshire was not working in those places and under those circumstances and in those environments which are characteristic of the places where these men must work.

Mr. GALLINGER. I was working continuously, which is not true of these men.

Mr. BORAH. The continuous work of the Senator in the place where he did work was better for him than for these men to be sitting idly at the places where they sit.

Mr. GALLINGER. Of course, that can not be proven.

Mr. BORAH. Yes, it can be proven; and it is proven every day of the year; it is proven by the condition in which these men are left in middle manhood; it is proven by the condition that they are in when they are thrown off after 10 or 15 years of their life, unable to earn a livelihood, broken down physically, broken down mentally, and destroyed morally.

Mr. GALLINGER. It is not very profitable for the Senator from Idaho and the Senator from New Hampshire to discuss that question further, because I agree with the Senator that this system ought to be changed, and I have the assurance, as the committee had the assurance, that the manufacturers are engaged in changing it at the present time, and have already made considerable progress in that direction. I have no doubt that it will be changed, but there are very grave considerations involved in this question, and the Senator knows that it is not an easy matter overnight to change a situation of this kind, where a continuous metallurgical condition exists, and to say, "You shall not work more than eight hours a day," and stop there and let the industry go to destruction.

Mr. President, I wanted to put into the RECORD this testimony. I have no interest whatever in the question. There was a time in the dim and distant past when we had an iron industry in the State of New Hampshire, but that passed away long before I saw the light of day. We have no interest in it whatever, except in a general way. While New England has little interest in it, I want to say that I do not particularly relish the denunciation of these concerns which are operating on precisely the same principles that similar industries are being operated in every other country of the world with which they have to compete. The Senator knows that in every European country this continuous metallurgical work is carried on, and that men work 12 hours a day; at least that is my information.

Mr. BORAH. Mr. President, the Senator from Idaho has never done anything in regard to this matter other than to present the cold facts as they have been gathered by the Department of Commerce and Labor and as they have been gathered by the committee having the matter under investigation, and the presentation of the facts is the conclusive condemnation of the work. Further than that I have not gone. The Senator from Idaho has not presented here an arraignment stronger than the arraignment that is presented by the stockholders of the United States Steel Co.; it is here upon my desk, and I presume other Senators have it. This committee recognizes that it is an indefensible condition, and seem to recognize that as a mere matter of humanity and for the purpose of preserving American citizenship, upon which the Republic must rest, some change must be had in this situation.

Mr. GALLINGER. Well, Mr. President, the directors of the Steel Corporation were not at all unanimous in that view.

Mr. BORAH. You will always find in a large group of men some men who will calculate dollars and cents rather than humanity.

Mr. GALLINGER. That is true undoubtedly, and I fear it is too often true, not only in the operations of the so-called Steel Trust, but in other operations with which the Senator himself is familiar. I know that one of the directors of that company living in New England sent out thousands of letters asking that this condition should be changed and that, largely in response to what that gentleman said, the process of change is now being carried forward.

Mr. BORAH. Exactly; and that, Mr. President, of itself justifies all that the Senator from Idaho has ever said, because, if it had not been a matter which appealed to the humanity of that man with extraordinary force, he would not have sent out those letters.

Mr. GALLINGER. Certainly not.

Mr. BORAH. It was a condition which could not be defended even by a man whose financial interests were involved.

Mr. GALLINGER. I quite agree with that.

Mr. BORAH. It being true that it is of such a condition and such a nature as to appeal to the heart and mind of such a man, it ought doubly to appeal to the Senate of the United States.

Mr. GALLINGER. The only trouble with the Senator from Idaho is that his humanity, I fear, has run away with his discretion.

Mr. BORAH. If my discretion is going to be run away with at all, Mr. President, I want it to be run away with by humanity.

Mr. GALLINGER. That is a very proper suggestion. The Senator from Idaho in other legislation has always called attention to this condition existing in the works of the so-called Steel Trust as a reason why we should legislate for the purpose of controlling the hours of labor of the workmen in the country, as a whole. I do not think the evil is quite serious enough to warrant that.

The Senator from Idaho cites what the department has found. Why, Mr. President, it is a well-known fact that the department sends out a man or a woman—one or the other—and usually a $1,200 clerk, to make these investigations, and they are likely to find something.

A condition exists at a particular moment that, perhaps, does not exist the next hour. They have got to find something. There is not a special agent of any department of this Government who is sent out to investigate anything who, if he came back without having found something, would not be—in his mind, at least—in danger of losing his job. They think they have got to find something to justify their employment, and they indulge in wild exaggerations sometimes.

Mr. BORAH. Mr. President, if the evidence of the Department of Commerce and Labor breaks down, I will call the stockholders of the corporation.

Mr. GALLINGER. Yes.

Mr. BORAH. They support it in full. There is not to be found anywhere a more remarkable indictment of an industrial condition than comes from those men themselves.

Mr. GALLINGER. Well, I think the Senator perhaps has somewhat misjudged exactly what the stockholders meant to say; but, however that may be, it is in the record and it will speak for itself.

Mr. President, I am through. I had not intended to occupy a moment of the time of the Senate in discussing the tariff or anything relating to it. I used to do that when I was younger than I now am, and I thought I would leave it to the others at this session of Congress; but what I said was largely drawn out by certain statements made by the Senator from Nebraska [Mr. HITCHCOCK] which I felt ought to be answered. I do not think it wise for any man in public life to indulge in general denunciation of the manufacturers of this country. They are doing a great work. There are wrongs, undoubtedly, connected with their enterprises, as there are wrongs connected with everything in life; and I think it may be well for us to give pause and ask ourselves the serious question whether we are not somewhat overworking this subject in the matter of what are supposed to be, or may be, wrongs perpetrated upon the workmen engaged in those great industries.

We can only get reform by agitation. I am glad the Senator from Idaho is an agitator upon this subjct. I think the Senator goes to an extreme length sometimes; but, after all, it is friction that develops thought; it is agitation that brings about reforms; and I will join most heartily with the Senator from Idaho in any propaganda to reform certain conditions in the steel industry of which he complains; but I am not willing to do it overnight.

Mr. BORAH. Mr. President, the Senator again seems to limit my indictment to the steel industry alone. I have only referred to the steel industry to-day because of the fact that it was the particular subject under discussion, and because of the further fact that the reports upon it are more complete. I have no doubt that the steel industry has an immense amount of company; so much so that I have no idea in the world that it feels at all lonesome in this business, and, when the facts are presented, it will be found that whatever has been said in reference to this industry only describes a condition rather than the singling out of a single industry.

Mr. GALLINGER. Now, Mr. President, the Senator enlarges his indictment and applies it to manufacturers in general, I assume. The Senator nods his acquiescence. Well, Mr. President, I think the Senator is just as much mistaken in that matter as he ever was mistaken in anything in his life. It certainly does not apply to the manufacturing concerns of which I have knowledge; it does not apply to hundreds of manufacturing enterprises in the New England and other Northern States. On the contrary, the welfare of the men is being looked into with the greatest possible care. I have in mind a great manufacturing industry in my own State which employs 13,000 men and women, where the comfort of the employees is a matter of earnest solicitude on the part of the employers. Everything possible is being done for the comfort and happiness of the working people, and where they are giving fair wages to their employees. There is no friction there unless the Industrial Workers of the World, or other agitators, try to produce it.

Mr. BORAH. A great many industries in the Senator's State employ men only 8 hours a day.

Mr. GALLINGER. Yes; that is true.

Mr. BORAH. The only object I have in the world in agitating the question is to compel the other manufacturing industries of the country to follow those men who are leading the way and trying to do the humane thing. But the Senator will agree with me that unless it becomes practically a universal proposition one or two industries here and there can not stand out against the competition which results from this kind of continuous employment.

Mr. GALLINGER. I differ from the Senator—and I am going to conclude with this sentence—I differ with the Senator from Idaho in the view that it is an unmixed evil for men to work more than 8 hours a day; and I take sharp issue with the Senator when, in a bill that he is going to pass through the Senate in the near future, he not only compels the contractor for the Government, but the subcontractor and the subsubcontractor to see to it that their men do not work more than 8 hours a day; and if they work a single minute over that time the contractor is to be held to accountability and suffer fines and penalties as the result of what the subcontractor, whom, perhaps, he has never seen, has done. I do not agree with the Senator on that proposition; but the Senator had votes enough to carry that on a record vote, and, of course, those of us who do not agree to it have to yield as gracefully as we can.

Mr. President, I do hope that as this debate progresses Senators will try to persuade themselves that the men who are engaged in manufacturing in this country, as a rule, are honorable, high-minded, well-meaning men; and I feel very sure that the Senator from Idaho will not be able, industrious as he is and acute as he is, to find justification for the indictment against the other manufacturing enterprises of this country which he seems to frame when he says that the Steel Trust is not by any means the only offender, but that it will be found to be a very common practice. That is all, Mr. President, I care to say.

FORT OGLETHORPE, GA.

Mr. CLARKE of Arkansas. Mr. President, about two months since I reported from the Committee on Military Affairs a bill of a local nature, consideration of which has been delayed somewhat because of the pendency of another matter connected with it. That other matter is now out of the way, and I ask unanimous consent for the present consideration of the bill, it being House bill 17029.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

Mr. SMOOT. Let the bill be read. I do not remember what it is.

The PRESIDING OFFICER. The Secretary will read the bill for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. SMOOT. Mr. President, I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. STONE obtained the floor.

Mr. SMOOT. Mr. President, I understand that the Senator from Wyoming [Mr. WARREN] desired to be present when this bill was considered; in fact, he told me on several occasions that, if he were not here, he wanted to be notified before the bill was taken up for consideration. It is for that reason that I objected to the bill. The junior Senator from Tennessee [Mr. SANDERS] now informs me that the Senator from Wyoming has withdrawn his objection to the passage of the bill, and that being the case I will not object to its consideration at this time.

Mr. CLARKE of Arkansas. Mr. President, I should not have made the request I did if I had not been advised that the Senator from Wyoming had withdrawn his opposition to the consideration of the bill.

Mr. STONE. Mr. President, I was recognized, I believe, but I will yield for the consideration of this measure.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, the Senator from Idaho [Mr. HEYBURN] has just entered the Chamber. If the Senator from Idaho has no objection to the present consideration of the bill, I will not object; but I did not want it to be considered in his absence.

Mr. HEYBURN. I ask the status of the bill.

The PRESIDING OFFICER. The bill is being read for the information of the Senate, subject to objection.

Mr. HEYBURN. I shall be glad to hear the bill read before passing upon it.

The Secretary resumed and concluded the reading of the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to convert the regimental Army post at Fort Oglethorpe, Ga., into a brigade post.

SEC. 2. That the Secretary of War, in his discretion, may locate and construct buildings necessary for the use and accommodation of the troops of the brigade at any point in the Chickamauga and Chattanooga National Military Park, whether the same be contiguous to Fort Oglethorpe or not, said buildings to be used for the accommodation of part of the brigade to be located at Fort Oglethorpe: *Provided*, That for the fiscal year 1914 and thereafter the Secretary of War shall submit detailed estimates of any buildings and improvements to be made at said post to Congress for its approval before proceeding further to the construction thereof.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I do not desire to object to the bill because there is not enough on the face of it to indicate whether or not it is objectionable. I presume the committee having charge of it has given it consideration.

The PRESIDING OFFICER. It has been favorably reported from the Committee on Military Affairs.

Mr. CLARKE of Arkansas. I will say to the Senator from Idaho that the Committee on Military Affairs have considered the bill and unanimously recommended its passage.

Mr. HEYBURN. I am not objecting to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. STONE. Mr. President——

Mr. LEA. Mr. President, with the permission of the Senator from Missouri, I should like to ask unanimous consent for the present consideration——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. SMOOT. I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for, which is House bill 18642.

[Mr. STONE addressed the Senate. See Appendix.]

Mr. CUMMINS. I ask that my proposed substitute shall be taken from the table, and that I may be permitted to perfect it before I offer it.

The VICE PRESIDENT. No action has been taken upon the substitute. The Senator can modify it in such manner as he sees fit.

Mr. CUMMINS. I think I can best do that from my place upon the floor.

The VICE PRESIDENT. The Secretary will note the modification of the proposed substitute which the Senator from Iowa desires made.

Mr. CUMMINS. In line 22, page 3—I will send from time to time to the Secretary's desk the changes that I ask——

Mr. BAILEY. Make them in your own way.

Mr. CUMMINS. I desire to mention them as I propose them. In line 22, on page 3, immediately after the word "spiegeleisen," insert the words "ferrosilicon, containing no more than 15 per cent of silicon."

This was a mere omission. As everybody knows, ferrosilicon containing less than 15 per cent of silicon is simply one grade of pig iron.

Mr. WILLIAMS. Mr. President, is the Senator from Iowa offering that amendment to the House bill or to his own substitute?

Mr. CUMMINS. I am perfecting my own proposed amendment.

Mr. WILLIAMS. Very well.

Mr. CUMMINS. In line 7, page 19, paragraph 49, I desire to insert after the word "ferrosilicon," the words "containing more than 15 per centum"; also to strike out the word "fifteen," which now occurs in line 7, on page 19, and substitute "twenty." The effect of this change is to include ferrosilicon containing more than 15 per cent of silicon as one of the ferro-alloys and to raise the duty upon the entire paragraph by 5 per cent, making it 20 per cent instead of 15 per cent.

I desire to insert after the word "tools" and the semicolon, in line 17, page 11, the following:

Crucible or tool steel, in whatever stage of manufacture, not otherwise provided for.

The Senator from Pennsylvania [Mr. OLIVER] in his address a few days ago sharply criticized my proposed amendment because I attached a duty of $1.60 per ton to steel ingots, and he called the attention of the Senate to the fact that there was a kind of steel which might be imported in ingots of very much greater value than the ordinary ingot.

The Senator from Pennsylvania seemed to think that I had made a grave mistake in forgetting or in not knowing of these higher grades of steel or so-called steel. I did not make, Mr. President, any mistake about it, although it may be that the phraseology which I used to express the idea might be made somewhat clearer. The steel mentioned by the Senator from Pennsylvania is not steel at all. A metal composed of 18 per cent of tungsten with a slight percentage of titanium and vanadium is not steel and is not recognized as steel scientifically anywhere, although it is often termed steel in common conversation. Such a metal is an alloy used as a substitute for steel, and I supposed that I had provided for it fully in paragraph 28, which contains this description:

Alloys used as substitutes for steel in the manufacture of tools.

I have no doubt this description will cover the particular metal the Senator from Pennsylvania had in view; but I do not want to leave my amendment susceptible to any misconstruction whatever, and therefore I have proposed the addition which I now send to the desk.

Having made the change just suggested in paragraph 28, it becomes necessary to make a change in paragraph 4, which I do by adding after the word "forms," in line 2, page 4, the words "not exceeding in value 1 cent per pound."

I desire to change paragraph 54. The paragraph as I originally proposed it reads as follows:

54. Monazite sand and thorite, 3 cents per pound; thorium, oxide of and salts of, gas mantles treated with chemicals or metallic oxides, and gas-mantle scraps consisting in chief value of metallic oxides, 30 per cent ad valorem.

After very considerable reflection I have reached the conclusion that the only commodity properly dutiable in this paragraph is the gas mantle; and inasmuch as the thorium out of which the gas mantle is largely made comes from monazite sand, and inasmuch as we do not produce any monazite sand in this country, although there is some, but apparently not accessible enough to warrant gathering together, I have concluded that monazite sand and thorite should be put upon the free list, as well as mantle scrap, and I propose, therefore, to change the paragraph to read as follows:

Gas mantles treated with chemicals or metallic oxides, 30 per cent ad valorem. Monazite sand and thorite, oxide and salts of thorium, and gas-mantle scrap consisting in chief value of metallic oxides shall be admitted free of duty.

This will leave more ample protection to the manufacturer of gas mantles and leave his raw material to enter the country free.

I change paragraph 53 by adding to it:

Tungsten-bearing ores shall pay a duty of 10 per cent ad valorem.

I believed, Mr. President, that that was the true conception of the law when I offered my amendment, and I believe so still; but I have been presented with a decision of the General Board of Appraisers that seems to create some doubt of the application

of that general section of the act of 1909 to tungsten ores, and therefore I make it certain by this change, for I intend that tungsten ores shall bear a duty of 10 per cent.

I add a paragraph to the proposed amendment, as follows:

Molders' and metal workers' patterns, patterns for machinery, and all similar patterns, of which metal is the component part of chief value, 35 per cent ad valorem.

The value of these patterns consists wholly, or practically wholly, in labor bestowed upon them. They are the models from which castings are taken; they require a very large expenditure of work and skill; and therefore I believe they should bear the duty I have suggested.

I strike out, in lines 4 and 5, on page 21, the word "thirty-five" and substitute "twenty-five." The amendment as originally drafted proposed a duty of 35 per cent upon automobiles and parts of automobiles. I have reached the conclusion that there is no possible justification for a duty of more than 25 per cent on automobiles. The bill passed by the House contains a duty of 35 per cent, I believe, which is altogether too high.

I do not intend just at this moment to enter upon a discussion of the automobile paragraph; but I may say that the United States manufactures two-thirds of all the automobiles manufactured in the world. It exports more automobiles than are manufactured in any other country on earth except France. We export more automobiles than England makes altogether, more automobiles than Germany makes altogether, or than Italy makes. We make in this country about 175,000 automobiles per year, and we exported last year $20,000,000 worth of automobiles. Germany made about 15,000 automobiles, England between 10,000 and 15,000, and France about 50,000. France exported, I think, something like 3,000 cars, and we exported, as I have said, $20,000,000 worth of automobiles.

Mr. JOHNSTON of Alabama. Will the Senator please state what the duty on automobiles is under the existing law?

Mr. CUMMINS. The duty at present is 45 per cent ad valorem. The House bill reduced that, as I remember, to 35 per cent. I do not look upon automobiles as a luxury. They have come into such general use, they are needed and desired by men of such moderate income, that it seems to me in the highest degree wrong to keep the duty above 25 per cent. We exported, as I have said, $20,000,000 worth of automobiles last year, and we imported about $2,000,000 worth. Automobiles are a little like fancy patterns in silks and high-grade cotton; one's desire is governed somewhat by his taste or his liking for a particular kind of car. At any rate, no one can defend from the protective standpoint a duty of more than 25 per cent upon this particular commodity; and I have accordingly changed the proposal which I originally made.

Thus modified, Mr. President, I offer the amendment by way of a substitute for House bill 18642; and inasmuch as I intend to say a few words upon the general subject in reply to the very learned arguments made by the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. OLIVER], and the Senator from North Dakota [Mr. MCCUMBER], and inasmuch as but one of those Senators is present, and I am sure that the others would feel that they were deprived of one of the opportunities of their lives if I proceeded in their absence, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Simmons
Bacon	Curtis	Martine, N. J.	Smith, Ga.
Bailey	Dillingham	Myers	Smoot
Borah	du Pont	Nelson	Stephenson
Bourne	Fletcher	O'Gorman	Sutherland
Bradley	Foster	Oliver	Swanson
Bristow	Gallinger	Overman	Tillman
Bryan	Gore	Page	Townsend
Burnham	Gronna	Paynter	Warren
Burton	Heyburn	Percy	Watson
Catron	Hitchcock	Perkins	Wetmore
Chamberlain	Johnston, Ala.	Pomerene	Williams
Chilton	Jones	Rayner	Works
Clark, Wyo.	Lea	Richardson	
Clarke, Ark.	Lippitt	Root	
Cullom	Lodge	Sanders	

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is detained from the Senate on important business.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] has been called from the Chamber on important public business.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CUMMINS. Mr. President, with the indulgence of the Senate, I intend now to reply as briefly as I can, with due regard to the importance of the subject, to the speeches made by the Senator from Utah [Mr. SMOOT], the Senator from Pennsylvania [Mr. OLIVER], and the Senator from North Dakota [Mr. MCCUMBER].

I think I ought to say at the very outset that if there be no further discussion of the amendment I have proposed after I have finished, I intend to ask a vote upon it to-night. It is only fair, I think, to make that statement, in order that Senators may arrange their time accordingly.

I reiterate a statement that I have very frequently made. I view this subject from the standpoint of a protectionist, and I subject every duty which I have proposed in my amendment to the protective test. I have no desire to enlarge the importations of competitive products. I have the keenest desire to help perfect a system that will at once enable American producers to supply our markets, but prohibit American producers from monopolizing our markets under arrangements which enable them to exact unfair, unjust, unreasonable profits from those who buy and consume.

This leads me for a moment to consider a question which has been propounded more than once during this debate, especially by the senior Senator from Idaho, with regard to the classification which one makes when he speaks of producers and consumers.

It is said in a somewhat triumphant way that inasmuch as we are practically all producers and all consumers, there can not be any such classification or division of the people. To me it is a superficial suggestion. The steel industry of the United States is the producer of the commodities embraced within the schedule now under consideration, and all the rest of the people are either directly or indirectly consumers of those commodities. There is always a producing class of a particular article or commodity, and there is always a consuming class of that article or commodity, and therefore when I say it is our duty to give some heed to the needs, wants, and equities of the consuming class, I am not uttering a vain generality. I am dividing the people of the country accurately when I use that phrase, and I therefore reiterate that it is our duty to protect them as well as to protect the producer; and whenever, as I remarked the other day, the duty upon a particular article is raised so high that the price, following after, reaches the point of the duty and its effect is not to correspondingly increase the price of the things that the consumers of that particular article produce and sell, the protective tariff becomes absolutely indefensible. It is in the hope that we can maintain this just equilibrium and be able to vindicate the policy by the result which I have just indicated, that I have so persistently appealed to the Senate and to the country for a readjustment of these duties so that it will not be within the power of any producer to raise his price to a point that will exclude the remainder of the people from participation in the advantages and the benefits of that increase in price.

I remarked the other day, and I repeat it now, that my first proposition with respect to the metal schedule is that pig iron can be produced as cheaply in the United States, taken as a whole, as it can be produced in the countries with which we must compete.

Mr. WILLIAMS. Before the Senator leaves that particular phase of the matter, I should like to ask him a question.

Mr. CUMMINS. Certainly.

Mr. WILLIAMS. Does the Senator know what percentage of the population of the United States is engaged either as employers owning, or as laborers working in, the various factories that make steel and metal? About what percentage would they form of the total population of the United States?

Mr. CUMMINS. I do not know, Mr. President; but, of course, the percentage is very small.

Mr. WILLIAMS. Does the Senator think it would run over 1½ per cent?

Mr. CUMMINS. I do not think it would run 1 per cent of the entire population of the United States.

Mr. WILLIAMS. I mean by that, of course, including the families dependent upon the laborers.

Mr. CUMMINS. Assuming that we have substantially 100,000,000 population, it may be said that the steel industry would draw within its scope three or four million people, which would be more than 1 per cent, but I would not undertake to name a proportion——

Mr. SMOOT. At least 5 per cent.

Mr. CUMMINS. With enough accuracy to warrant comment upon it. At any rate, it is a very small proportion of the whole people. But it is the most important industry in the United States.

Mr. WILLIAMS. The most important protected manufacturing industry.

Mr. CUMMINS. That is quite true. It is because it is the most important industry, because it employs more capital and more men and has more power than any other manufacturing enterprise in this country, that I am so earnest and so persistent with respect to a proper readjustment of the duties covering the commodities embraced within this schedule.

I said the other day, and I may as well comment upon that now, in view of the developments that have occurred since I made my statement, that in my judgment the iron and steel products covered by this schedule could be sold in this country and to the people abroad for $100,000,000 less than they are sold for now, and that those who produce the articles would still reap a fair and reasonable profit upon the capital invested, continuing to pay the wages that are now prevailing and continuing to do all the work that is now being done, so that no man who lives in America would lose a single day's labor by reason of the reduction in price.

When the Senator from Nebraska [Mr. HITCHCOCK] presented his resolution for further information, followed as it was by the introduction of the article or the news statement in the Wall Street Journal, I took occasion to refer to the report of the United States Steel Corporation for the year 1911. I now intend to refer to its report for 1910 and compare it with 1911. Generally it can be said that 1911 was not a good year in this country for the manufacturer. It was bad as compared with some prior years. The volume of output was diminished, and it is quite probable that the prices in some respects at which these articles were sold were less. But it is instructive to look at the results of the work of the United States Steel Corporation during the year before.

One might think that I had some feeling against that corporation. It is not so. I want very clearly to distinguish between the duty of Congress so to adjust its laws that men can not take advantage of each other in the struggle of life and the obligation of men to refrain from taking advantage of each other.

The United States Steel Corporation is engaged in business, and it is idle to expect that it will sell its products for any less than it can get in the warfare in which it is engaged; and therefore when I refer to the history of this corporation it is not as some paper has said with regard to my remarks, an exhibition of malice. If I were to attempt to characterize my own feeling about it, I should say that it was an exhibition, rather, of great admiration for the capacity of these men, coupled with very great regret that our laws are so weak and so ineffective as to permit the results which are recorded in this report.

We will never be able to correct the mistakes that have occurred. It is marvelous to me that the Congress of the United States could sit here all these years that have gone and allow to remain unchanged laws under which such an organization as the United States Steel Corporation could have been brought together. It is strange to me that we are proposing to adjourn this session without amending our laws so as to make it impossible that this instance shall ever have a successor; that in all our talk here about getting away, in the hurry and desire to leave Washington, we seem to be blind to and forgetful of the fact that aside from the tariff and aside from the Lorimer case and aside from the appropriation bills and aside from the Panama Canal bill, there is an imperious necessity for a supplement to the antitrust laws, so that in the future, at least, the American people can and will be protected against the power that was created when this corporation was organized.

But turning to the report that I mentioned, this company ought to be complimented for one thing, at least. It makes an annual report, not secretly, to the Secretary of the Treasury or the Commissioner of Internal Revenue, but it makes it so that all men can read it, and there is no difficulty whatsoever in knowing what the United States Steel Corporation has been doing during the 10 or 11 years of its existence.

We find that for the year 1910 it reports:

> The total earnings of all [its] properties after deducting all expenses incident to operations, including those for ordinary repairs and maintenance (approximately $41,000,000), employees' compensation under bonus plan, provisional allowance for corporation excise tax, and also interest on bonds and fixed charges of the subsidiary companies, amounted to $141,054,754.51.

Mr. SMOOT. From what page is the Senator reading?

Mr. CUMMINS. From page 5. The table then deducts from that the following items:

> Less charges and allowances for the following purposes, viz, sinking funds on bonds of subsidiary companies, $2,176,041.81.

No one will claim, of course, that in ascertaining the profit of the corporation there can be deducted a sinking fund for the purpose of retiring capitalization. When this company proceeds, as it has been proceeding, it will after a few years out of its profits have retired all of its outstanding indebtedness, and therefore all its earnings will be applicable to the payment of dividends upon its stock.

Mr. SMOOT. The Senator recognizes the fact, however, that the working capital provided for the subsidiary companies is not included in the capital stock of the company.

Mr. CUMMINS. I do not know how the $25,000,000, which was originally collected as working capital, is distributed, but that does not make any difference. This company was organized and issued certain bonds. Its subsidiary companies had theretofore issued certain bonds, and they constitute, together with this stock, the capital of the company; and it is the policy of the company—and it is a wise enough policy, too—to take out of its profits every year a sum to pay off its bonds, or create a sinking fund for that purpose.

I am not criticising the fact that it is doing so. I am only analyzing its table to show what the real results are. The next item is—

> Depreciation and extraordinary replacement funds, $22,140,555.53.

An extraordinary replacement fund, as those words are used by this corporation, really means a fund for additions to its property. It is quite right that there should be a sum deducted for depreciation, but there should be no sum deducted for an extraordinary replacement fund; and the remainder of this report shows that about $8,000,000 was used the year before out of this fund for that purpose.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I know the Senator wants to be accurate in the matter. As I understand the extraordinary replacement fund it is this: When machines are thrown out and others purchased to take their place that is a replacement fund and not an addition to the plant. Am I not correct in that?

Mr. CUMMINS. I think not.

Mr. SMOOT. That is as I understand it, Mr. President.

Mr. CUMMINS. I do not think that is the application made of it here, and if that were the application it would be altogether wrong. The proper way in which to keep its books, if that were done, would be to charge up to capital the value of the new machinery in excess of the value of the old machinery that was displaced. But that is not done by this company, and it is not what this extraordinary replacement fund means.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. Mr. President, I do not know anything about what this replacement fund means, but it seems to me, if the Senator is correct in his statement, it is for additions, and the term "replacement" is a misnomer. It can hardly be a replacement, but it is an addition, it seems to me.

Mr. CUMMINS. That is quite true. If it simply used the word "replacement" that would be quite understandable. It must have had some purpose in using the words "extraordinary replacement"; and if the Senator from Utah will go further along in the report he will see what that means. I do not wish to take up time in discussing it. The report shows what it means exactly. It means that property that it does not want to use any longer is thrown away and new property is put in its place.

Mr. SMOOT. That is as I understand it.

Mr. CUMMINS. Certainly; and that is a capital account. It is not an expense account. That is what I am suggesting. I will not discuss it now with the Senator from Utah. He knows just as well as I do that when worthless property or property that is no longer desirable for use is taken out and thrown away the value of the new property in excess of the value of the old property, when new, ought to be charged to the capital account or construction account, and not to expenses.

Mr. SMOOT. I dispute that. I know that if a mill of any kind uses a piece of machinery until it is worn out and it is replaced, that should not be added to the capital stock of the concern. If it did, the capital stock would increase immensely. I do not think that the $22,000,000 found in the statement, taking into consideration the immense amount of machinery that the company has, is an extraordinary amount for repairs or replacement of machinery worn out. Now, I do not——

Mr. CUMMINS. There has been $41,000,000 taken out for repairs before this item is reached.

Mr. SMOOT. The life of a mill of this kind and many other mills is not to exceed 10 years. Companies must take a part of the profit each year to provide for replacements.

I am not going to discuss the question as to whether this is too much or too little. I thought the Senator wanted to get at the real purpose of a replacement fund. I do not believe that a replacement fund should be charged to the expense account.

Mr. CUMMINS. Just a moment. Allow me——

The VICE PRESIDENT. The Senator from Iowa has the floor.

Mr. CUMMINS. Allow me to answer the Senator from Utah a moment. There is every year charged to the depreciation fund a certain percentage of the value of the entire property. That depreciation fund, if properly apportioned, pays for the property when it is worn out. The Senator from Utah knows how it is done. If I do not know very much about the tariff, I do know a good deal about construction accounts, for I have been all my life in a professional way engaged in dealing with them; and I know what is proper to be charged to a construction account or capital account, and what is proper to be charged to a maintenance, repair, or expense account. This is the rule which is adopted by every intelligent and honest corporation with which I am familiar, and it is the rule adopted by this corporation in everything save the extraordinary replacement. It gives warning to the public and suggests just what it is when it terms it an extraordinary replacement account.

If a railroad has a locomotive engine and it wears out and it buys an engine twice as large to take its place, what does it do? If it has kept no depreciation account, it charges the original value of the engine displaced to expense and the added value of the new engine to capital. If it has a wooden bridge and finds it necessary to replace it with a steel bridge, it charges the cost of the original bridge to expense of maintenance and the added value of the steel bridge to capital.

That is precisely what the United States Steel Corporation does, and very properly does. But then it comes to a class of replacements that do not come within that rule, and it calls them extraordinary replacements. That is, if I correctly understand the report, when it finds that it can make a little more money out of a larger plant, a larger converter, a larger mill, it scraps or sells the old mill, the old converter, and it then charges up to extraordinary replacement the expense of building new and larger converters or other mills.

I have no objection to the company doing this, but I do have very great objection when we are trying to ascertain what profit the company is making to have such expenditures charged up to the expenses of the corporation instead of to the capital of the corporation. I proceed.

There is deducted also the payment for the interest upon the 50-year 5 per cent gold bonds. That is right; $13,803,476.64; also the interest upon the 60-year 5 per cent gold bonds of $9,563,383.89. It then seeks to deduct from its net earnings $5,881,089.47 for the creation of a sinking fund upon its own bonds. These bonds, just recited, it desires to retire some time; they will be due some time; and therefore it creates from year to year a fund which when these bonds mature will pay them. It is creating a fund out of the profits which it from year to year earns for that purpose, and not only does it charge up the sinking fund itself, but it charged $1,831,089.47 for interest upon bonds that are in the sinking fund. It then charges $25,219,677 for the dividends on the preferred stock and $25,415,125 for dividends upon the common stock, and after all these sums are deducted from the net earnings there remains a sum of $36,772,382.82.

Mr. GORE. That is velvet.

Mr. CUMMINS. My friend from Oklahoma says that is velvet. That is a part of the velvet, but it is a small part. Now, let us see just what this account would be if it were properly reckoned. If we deduct or eliminate the item for the sinking fund of the subsidiary companies and eliminate $8,000,000 of the $22,000,000 of the extraordinary replacement—and that is a very small estimate—and also eliminate the $5,000,000 and more for the sinking fund of its own bonds, with their interest, and eliminate the dividends upon its stock, just what would happen? We would have a net earning by this company for the year 1910, after paying everything for operation, maintenance, repair, and all the great wages of which we have heard so much, and after paying all the interest upon its bonds, but paying nothing upon its stock, of $103,464,315.47.

That is what this company did in 1910. The bonds of this company represented substantially all its honest capital. There never ought to have been any such amount of preferred stock and there should have been no common stock whatever. Whatever the American people pay as dividends upon the preferred and common stock is just so much that we can charge up to our own negligence. I do not charge it half so much to the avarice or the wrong of those who organized the United States Steel Corporation as I do to the American Congress. Think of it! If honest capital only had been recognized in that organization and it had gone on and done as well as it has done for the year 1910, after paying 7 per cent interest on half of it, 5 per cent interest on the other half, it would have made $100,000,000 in excess of interest upon its capital.

Let us see how that would affect the price of its product. Of the finished products of iron and steel during the year 1910 it sold 10,733,995 tons. If it made $100,000,000 more upon the 10,000,000 tons that it needed to have made in order to compensate its real capital fairly and honestly, it could have sold these 10,000,000 tons on an average of $10 per ton less than it did sell the 10,000,000 tons for.

I do not pretend that this is mathematically accurate, because there is in the product a small amount of spelter, a small amount of sulphite of iron, and a large number of barrels of cement, but the conclusion is accurate enough to enforce the idea that I have in view. But suppose that we allow the preferred stock to represent honest value and take the dividends upon it from the profit I have already named, we still have $78,244,638 of profit, after making all the payments I have suggested, leaving nothing unrewarded save the common stock; and there is no man in America who will assert that the common stock of this great company represented anything whatsoever except the genius of the men who organized it and the weakness of the law under which it was organized.

If we so diminish the profit, it still remains true that the United States Steel Corporation could, in 1910, have sold its entire product for substantially $7 a ton less than the price it received and had good wages for its men, good maintenance for its works, a good reward for its capital, and good promise for the future.

Now, what do my friends on this side of the Chamber say about that? What are you going to say to the American people in the face of a showing of that sort All that you do say is that is true that the United States Steel Corporation is unjustly and excessively protected, but it has a great many poor, feeble associates that must be protected, even though it needs no help. In a measure that is true. I have heard it said elsewhere, but I am not one of those who believe, that the United States Steel Corporation has no advantage over its competitors. I think it has a very considerable advantage. I think that as conditions now are it produces for less, taken as a whole, than any of its rivals, although there are some things which it produces which it can not produce as cheaply as some of its competitors. But will the Senator from Utah say to the Senate or to the country that the United States Steel Corporation can, upon an average, turn out its product for $7 per ton less than can its competitors?

Mr. SMOOT. Mr. President, I certainly would not make any such statement, because it would be absolutely untrue. The Senator has been figuring upon the basis that there was just as much made on a ton of steel rails as there would be upon a ton of highly finished product, because he has taken the total product of all classes of steel made by the United States Steel Corporation.

Further, I want to call the Senator's attention to the fact that in all branches of business they have successful years and lean years. The year 1910 was a very successful year for the United States Steel Corporation, while for the year 1911, figuring exactly upon the same basis as the Senator has figured, the amount of net income was $32,106,888.04 less than it was for the year 1910. With 10,000,000 tons per annum produced, that means in itself $3.20 less profit per ton made in the year 1911 than was made in the year 1910.

I say to the Senator that, of course, I would not claim the United States Steel Corporation could make goods for $7 a ton less than its competitors; that is out of the question. I would also say that the comparison by the ton is not a fair comparison upon which to base a reduction on any one item. I know the Senator will agree with me there.

Mr. President, I could perhaps point out some highly finished product made by the United States Steel Corporation where a reduction of $3 or $4 or $5 a ton would not ruin it, whereas as to great quantities, many tons, if a reduction were made, it would take off all the profit.

Mr. CUMMINS. Mr. President, my admiration of the skill of the Senator from Utah increases every time he addresses himself to this subject or to any other subject.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. NELSON. I should be glad—I will put it in that form—if Senators would give me information on this point: What

has been the effect on prices since the Steel Trust was formed? Have commodities which they manufacture and produce become cheaper or have they become dearer since the Steel Trust was formed? In the case of the Harvester Trust we farmers know by experience what the result of that has been. For our binders, our mowers, and all other agricultural machinery, notwithstanding the combination, notwithstanding the reduction in the cost of production and in the cost of marketing the product, we have had to pay a bigger price than we paid before the Harvester Trust was formed. Has that been the case with the Steel Trust? I should like to hear something on that point.

Mr. CUMMINS. Mr. President, answering the Senator from Minnesota first——

Mr. WILLIAMS. Before the Senator goes to that——

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Before the Senator goes to that, and in keeping with it, I will say I agree with the Senator that the United States Steel Corporation has some advantage over most other companies; but is not that advantage rather exaggerated, in view of the fact that during the last three or four years the so-called independent companies have been getting a larger and larger and and the Steel Corporation has been getting a smaller and smaller percentage of the total trade? They are in competition, as I understand, to some extent.

Mr. CUMMINS. I will answer the Senator from Mississippi in turn. Replying to the Senator from Minnesota, I may say that the United States Steel Corporation was the combination of several existing trusts. I think that the prices on the whole are higher than they were in 1901; certainly the prices have been higher during the last 10 years than they were during the 10 years before. It is impossible, I think, to close one's eyes to the fact that when in 1901 the United States Steel Corporation came together, it absorbed several existing combinations, which, in and of themselves, had dominated the industry in which they were engaged. For instance, the American Steel & Wire Co., with which my friend from Pennsylvania [Mr. OLIVER] is very familiar, became a part of the United States Steel Corporation. I do not believe that the price of wire was raised immediately after—possibly not at all—the United States Steel Corporation was organized, but the American Steel & Wire Co., which was substantially a monopoly, was organized in 1898 or 1899—I think in 1898—and the prices of some forms of wire which it manufactured almost doubled immediately after its organization, and the United States Steel Co., I suppose, has maintained those prices, although I am not sure about that.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. I want to add, in that connection, from my own experience and certain knowledge, that since they got control of the barbed-wire business, the barbed wire has deteriorated, especially what we call their black or painted wire. That, as well as the galvanized wire, has become of an inferior quality. It is not to be compared in durability with the wire we had 20 years ago. It will not stand heat or cold as did the wire we had in the old times.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I think I can give some information in reply to the inquiry of the Senator from Minnesota [Mr. NELSON]. I think that to-day the price of steel products is probably lower than it was in 1901, but it is not so low as it was in 1899. I do not think after the organization of the Steel Corporation there was any material advance in prices over the prices which had generally prevailed in the year or two preceding; but the Steel Corporation has aimed to maintain—and I should like the Senator from Iowa to listen to this, because I think he will probably know something about it—what might be termed a moderate or what they term a moderate level of prices, an average level. But what the Senator from Iowa says about the events of the two or three years immediately preceding is correct. There had been combinations formed which did advance the prices. Nobody will maintain, Mr. President, that the organization of the Steel Corporation or the combination or consolidation of individual plants into great concerns is done either for the purpose of reducing prices or has the effect of reducing prices, nor, as I believe, will they contend that it is for the good of the public.

Mr. NELSON. Will the Senator allow me to interrupt him there?

Mr. OLIVER. Certainly.

Mr. NELSON. If that be true, what is the justification, either on moral, ethical, or legal grounds, for the creation of a trust?

Mr. OLIVER. I am not trying to justify it. That is just exactly what I am saying, that it would be far better for the country, as I said the other day, if the business were in the hands of individuals and if each individual managed his own plant and ran his own factory.

Now, I want to say a word with regard to deterioration in barbed wire and in fencing wire. I think the deterioration to which the Senator alludes dates further back than the organization of the Steel Corporation. It began some years before the organization of the American Steel & Wire Co., but was brought about by the efforts of the manufacturers to reduce the quantity of zinc which they placed upon the wire, and consequently they wiped the wire too close, and the coating is not heavy enough to give it that protection against the weather that it otherwise would have. I do not think that is necessarily chargeable to the combination. It was begun by individual manufacturers.

Mr. CUMMINS. Mr. President, answering the inquiry of the Senator from Mississippi [Mr. WILLIAMS], I suggest that, while the United States Steel Corporation has the power to reduce prices and, I think, very seriously injure its competitors, it has been a benevolent despot, and I think it has been in the minds of those who have managed it that it would be wise if the independents were permitted to grow, so as to maintain at least the appearance of a competition and rivalry that would shield the Steel Corporation from the charge of monopoly or unfair treatment of those engaged in the same business.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him there?

Mr. CUMMINS. Yes.

Mr. NELSON. The Senator is aware of the fact, I presume, that it is the gospel of one of the candidates for the Presidency to change the antitrust law and put all corporations under a commission, which is to regulate them and fix prices and prevent discriminations, as in the case of railroads. I should be glad to hear the Senator's views on that question.

Mr. CUMMINS. Mr. President, I would be glad to respond to the Senator from Minnesota if I dared to do so. The reason I do not dare to do so is because it would take so much of the time that I desire to devote to the discussion of the tariff that the Senate would become impatient. I may say, however, that I am a believer in competition. I believe that the country can be restored to fair and substantial competition. My views upon that subject are rather accurately and somewhat comprehensively set out in a bill that I have introduced and which is now before the Committee on Interstate Commerce. If that committee shall be as diligent as I hope it will be, we may be able to secure a report; and I will defer my remarks upon that subject until the report comes in. [Laughter.]

The Senator from Utah [Mr. SMOOT] was not quite accurate—possibly, however, I may have misunderstood him—if in his last suggestion he referred to 1911. If he did, he was in error, according to my figures. If I were to recast the account of the United States Steel Corporation for 1911 in the same way that I have pointed it out for 1910, the result would be this: That, including dividends of 7 per cent upon the preferred stock, the net earnings were $44,831,585.65, and excluding dividends on stock, the net earnings were $70,051,262.65. The tons produced were 9,476,248. If we exclude all dividends, there could have been a reduction of $7 per ton upon the average without injuring the capital of the company. If we include the $25,000,000 of dividends, there could have been a reduction of more than $4 per ton without impairing in any way the profit upon the honest capital.

I instance, Mr. President, these results not for the purpose of bringing them forward as guides for the establishment of tariff duties, but to answer the oft-repeated statement that if we reduce these duties so that the present producers of iron and steel are compelled to sell their product at a less price than they now sell, somebody will go out of business—either the Steel Corporation or the independents. There are abundant profits remaining after these prices are reduced; they are beyond the amount that I suggested the other day when I said that we could save $100,000,000.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. Will the Senator permit me to ask him whether or not, in his judgment, it would decrease the volume of the business of the Steel Trust to adopt the suggestions in his proposed amendment?

Mr. CUMMINS. I do not think it would increase the volume of business of the Steel Trust.

Mr. HEYBURN. I asked if it would decrease the volume of their business?

Mr. CUMMINS. I do not think it would have any effect upon that particular matter. I think the Steel Trust can exterminate its rivals if it desires to do it. I think it can do it under the present duty, and I think it could do it under any reduced duty.

Mr. HEYBURN. The Senator thinks it would do it under a reduced duty?

Mr. CUMMINS. I do not believe so.

Mr. HEYBURN. What would be accomplished, then, by an adjustment of the duty on the articles that are controlled by the Steel Trust?

Mr. CUMMINS. I would hope that the Steel Trust, fearing that it might meet a formidable competitor from abroad, would itself reduce the price of the articles and that its competitors in this country would also reduce their price; and in that way the people would receive or could receive some benefit from the reduction in duties.

Mr. HEYBURN. Do you think they would reduce the cost to the purchaser or the consumer and still maintain the volume of business?

Mr. CUMMINS. I do. I think the tendency would be to increase the volume of their business, rather than to decrease it.

Mr. HEYBURN. But the profit would be less.

Mr. CUMMINS. It might be less, but it would be ample.

Mr. HEYBURN. If they increased the volume that might compensate for lessened profits.

Mr. CUMMINS. I thought the Senator was asking whether the volume would be increased as compared with the business done by independent companies.

Mr. HEYBURN. No; I mean in the abstract.

Mr. CUMMINS. I believe there would be an increase of business, as there nearly always is an increase in the volume of business when prices are reduced, simply because people are better able to buy under reduced prices than they are with the abnormal or unreasonably high prices.

I repeat what I said when interrupted by the Senator from Idaho, that I am not using this as a measure of the duties. I have other information, which to me is very much more conclusive and satisfactory and which I submitted to the Senate upon a former occasion, with regard to the duties necessary to protect this industry.

I am using these reports simply to show that the fear which it was sought to create here, that if we reduce the duties the United States Steel Corporation might exist, but that the independents or smaller companies would have to go out of business, is without foundation. I think I have shown beyond any reasonable controversy that the prices in this country might be reduced far beyond the reduction which I have proposed in the duties and that still the independent or smaller companies would earn enough on their capital to encourage them in still further expanding their business.

Mr. HEYBURN. One more question, if the Senator will permit.

Mr. CUMMINS. Certainly.

Mr. HEYBURN. Would the Steel Trust in consideration of their reduced profits reduce wages?

Mr. CUMMINS. I do not think so. The wages in this country are not determined by the profits of a particular industry. The United States Steel Corporation pays no higher wages on the whole than are paid by a rival corporation with much less profit. I am not now inquiring whether the corporation is to be blamed for not dividing its profits with its employees. That is not the way business is carried on in this country, but I say the wages of a particular enterprise or manufacturing concern are not fixed with reference to the profits of that particular concern. The wages are determined by the general standard of life in our country, and so long as the United States Steel Corporation or any other corporation engaged in that business can make a fair profit out of its production wages will not be reduced, of course. It would be charging them with inhumanity, as well as charging them with want of intelligence, to believe that wages would be reduced under those circumstances.

Mr. HEYBURN. I have here to-day heard them charged with inhumanity.

Mr. CUMMINS. You have not heard the Senator from Iowa charging them in tariff debate with inhumanity.

Mr. OLIVER. Before the Senator from Iowa departs from the consideration of this matter I should like to have him apply his reasoning to the case of the Lackawanna Steel Co., for instance, which last year showed an average profit, without paying any dividends, of 11 cents a ton on its entire product.

Mr. CUMMINS. It would be utterly impossible for me to apply it to the business of the Lackawanna Steel Co. I have never seen any report of that company. I have never analyzed its work. I do not know anything about the sagacity or skill of its managers. There is no business in the world that has not its derelicts; there is no business that does not leave behind it certain wrecks and failures. It is the history of business life in the United States, I think, that 90 per cent of the men engaged in independent business have some time during the course of their business lives failed. At least I remember that it is a very large percentage. We can not guarantee by any tariff law the capacity to carry on a great business in competition with other people.

Mr. OLIVER. I will say that the plant of the Lackawanna Co. is the most modern. It has been built in the last 10 years, and completed in the last one or two years. It is located in the city of Buffalo, on the lake, and it has every possible advantage of manufacture. I have never heard its management criticized. But somehow or other it made only 11 cents a ton last year.

Mr. GALLINGER. I ask the Senator from Iowa to yield to me for a moment.

Mr. CUMMINS. I yield with pleasure to the Senator from New Hampshire.

Mr. GALLINGER. In view of the press of business to-morrow, which I need not enumerate, I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

Mr. HEYBURN. I hope the Senate will not meet at that hour.

Mr. GALLINGER. It is not a debatable motion.

Mr. HEYBURN. I can express my dissent from the proposition. If I can not do it now, I will do it later.

The PRESIDING OFFICER (Mr. PAGE in the chair). The question is on agreeing to the motion of the Senator from New Hampshire, that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning. [Putting the question.] The ayes seem to have it.

Mr. BACON. Let us have a division.

There were, on a division—ayes 28, noes 10.

The PRESIDING OFFICER. The motion is carried.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CULBERSON. I suggest that the Chair put the question again. Hands were held up on the other side of the Chamber after the decision was announced.

Mr. GALLINGER. I object.

Mr. HEYBURN. I ask for the statement of the Chair with respect to the call for the yeas and nays.

The PRESIDING OFFICER. They were not ordered. Only two or three supported the demand. The motion is agreed to.

Mr. GALLINGER. The regular order.

Mr. CUMMINS. I have now submitted all that I desire to submit with respect to the collateral matter of profits as shown by the report of the United States Steel Corporation, and if a proposition is subject to proof at all, I think I have established that there can be a very material reduction in the prices of these products without injuring the prosperity or taking away the reasonable reward of those engaged in the business.

I now come to the reply which I intend to make to the arguments submitted by the Senator from Utah [Mr. SMOOT] and the Senator from Pennsylvania [Mr. OLIVER]. I restate my proposition: That pig iron, which is the basic material of all these products, can be produced more cheaply or as cheaply in the United States as in any other country of the world. I do not in that statement include China. There are sporadic productions in China which may fall under the cost of productions in the United States. If the Senate believes that pig iron can be produced as cheaply in this country as in any other country, then it has only to determine the cost of converting pig iron entering into the various commodities to which a duty is to be attached; and I want to explain to the Senate the basis of the measure which I have submitted as a substitute for the Democratic bill.

I have assumed that pig iron in the hands of various manufacturers in this country has cost them no more than pig iron in the hands of their rivals in other countries. I am willing to say to my brother Republicans that thereafter I will assume that labor in our country costs twice as much as labor in competitive countries. I do not believe it is true, for I believe that in many of our operations, although we pay higher wages, the labor cost is not greater than it is abroad. The reason of that is that we do business upon a larger scale than any other country in the world. We make things therefore more cheaply than any other country in the world so far as concerns the employment of machinery.

Let me restate what I said about the automobiles. There is not a country in the world that makes as many automobiles

as one single concern in the United States. I pause. I did not state that accurately. There is one concern in the United States which will make next year more automobiles than all the manufacturers of any other country on the earth. That company can employ machinery to an extent unknown elsewhere. It can make operations through machinery which are utterly impossible to its rivals across the sea.

Just so with many forms of iron and steel. Our enterprises are so much larger than they are abroad that they employ machinery to so much greater advantage than can their competitors that our labor cost, though the wages are higher, is in many instances lower than the labor cost abroad.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Gladly.

Mr. NELSON. I interrupt the Senator from Iowa for the purpose of inquiring whether it would not be agreeable to him to have the Senate adjourn at this time, and he can resume his remarks in the morning.

Mr. CUMMINS. I do not feel like deciding that matter. I have said to all the Senators who have asked me about it that I rather expected to close to-night and that a vote would be taken upon my amendment. But I did not anticipate then that so much of the time would be occupied by interruptions. It will require an hour at least for me to conclude what I have to say upon the subject. I might compress it within three-quarters of an hour, but that is not quite likely. Therefore the Senate may do as it thinks wise, and I will be entirely content.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield to the Senator from New York.

Mr. ROOT. It is desirable that there should be an executive session for a very few minutes. The Senator from Illinois [Mr. CULLOM] was fatigued and went home, and he asked me when he left if I would make the motion. If it suits the Senator from Iowa, I will make that motion.

Mr. CUMMINS. Under the present conditions I do not feel that I ought to control the matter, although it is very courteous and kind on the part of Senators to suggest that I may do so. As I have said, whatever the Senate desires to do in that respect will be agreeable to me.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. CUMMINS. I do.

Mr. MARTIN of Virginia. I have no desire to ask a continuance of the session if the Senator from Iowa feels disinclined to proceed further to-night, but I am exceedingly anxious to see progress made. I think it is the general sentiment that we should get to a vote on the substitute before we adjourn this evening, and I think with a little patience we might do that and have the executive session too. Unless the Senator from Iowa feels the fatigue of speech and would prefer to discontinue, I would myself be very glad to see that much progress made to-night.

Mr. CUMMINS. I never felt better in my life. I was about to say never so fresh, but that might be misunderstood. Therefore, whatever the Senate does, it must do without any regard to me.

Mr. MARTIN of Virginia. If the Senator can stand the fatigue of speaking, surely we can remain, and I hope the Senate will hear him through and then vote on his substitute.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, if I am compelled to restate an argument every half hour or 15 minutes, it will greatly prolong my remarks. I am compelled to say again that my amendment is based upon, first, the proposition that pig iron can be produced as cheaply in the United States as anywhere in the world; second, upon the proposition that labor costs twice as much in the United States as in any rival country. I am willing to allow every duty that will be found in my amendment to be tested by that standard.

I would like to know if there is a Senator here who believes that we ought to make a tariff bill upon the hypothesis that labor costs more than twice as much here as abroad; that is, in the iron and steel industry. If there is, then I intend to satisfy even him, for while assuming that labor costs twice as much here as abroad I have added in every case an additional sum so that even the most captious of the protectionists would not be able to quarrel with or question my results.

Now, I intend to ask your consideration to the table presented a few days ago by the Senator from Utah, the conclusion of which is that the labor cost which enters into a ton of pig iron is $4.50. That is true only in the sense that the entire value of pig iron or the material which enters into pig iron may be labor. There is a sense in which that can be sustained. I remarked upon that the other day, and I do not intend to repeat it. But I ask you to turn with me to the table supplied to us by the Bureau of Corporations. We have here a table, on page 16 of part 2, of the report that comprises 106,268,728 tons of iron ore mined during the period from 1902 to 1906. The average labor cost per ton of all these tons of ore comprised in the table is 45 cents. We have here information from the Marquette Range, the Menominee Range, the Gogebic Range, the Vermilion Range, and the Mesabi Range, and the labor cost is 45 cents; other mining cost is 37 cents; the royalty is 25 cents; making a total at the mine on a ton of ore of $1.07. The railroad freight upon each ton of ore is 67 cents. That has been reduced, but that is what it was when this table was made. The Lake freight was 74 cents, making a cost at the lower lake ports of $2.48. There is added 16 cents a ton for general charges, making a total of $2.64 a ton at the lower lake ports.

Mr. SMOOT. That is for the ore?

Mr. CUMMINS. That is for the ore alone. Now, if the Senate will remember that carefully, I come forward to the next table, and one upon which I commented at very great length before, namely, a table showing the cost of producing pig iron.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Allow me to finish this thought, and then I will gladly yield.

In that table the cost of the metallic mixture for a ton of the highest priced pig iron is stated by the Commissioner of Corporations to be $7.30. I accept that. Now, let us see what that includes. It includes the labor paid in the mines; it includes the other mining expense; it includes the royalty; it includes the rail freight; it includes the lake freight; it includes the freight from the lake port to the furnace; and it includes the general charges. Therefore the statement made in the table of $4.50 for the labor cost in a ton of pig iron is misleading, or if it is not misleading, it is not at all in conflict with the proof that I submitted formerly that the metallic mixture for a ton of pig iron cost $7.30.

Mr. SMOOT. I agree with the Senator.

Mr. CUMMINS. Very well.

Mr. SMOOT. But, if the Senator will allow me now, so that I may understand just what his argument is based upon, I should like to ask him if there is an item in the labor cost of $4.50 that is reported by myself that is not absolutely correct. The figures given by me are the actual figures that it cost the manufacturers, and they pay that amount out in actual dollars to labor for securing the conversion of ore into pig iron.

Mr. CUMMINS. Mr. President, I do not know whether the figures presented by the Senator from Utah are accurate or not. I do not intend to question them, and therefore I have not investigated them. My intent is to show that they are immaterial to the conclusion which I formerly attempted to enforce upon the Senate.

Mr. SMOOT. The only object I had in presenting them was to show that the actual labor cost from the time of beginning to dig the ore until it is in pig iron is $4.50 a ton, and if there is a difference of labor in this country of 50 per cent, then as far as the labor itself is concerned the foreigner would have an advantage of $2.25 a ton. In all the statements which I have made to the Senate I have not stated that that was the exact amount that should be imposed as a duty upon pig iron.

Mr. CUMMINS. I did not finish a sentence which I began a short while ago when some one interrupted me. The Senator from Utah is not only indefatigable in investigation and very skillful in making inquiries, but he has the faculty of diverting one's attention from the real point and absorbing him in some curious and interesting excursion in another direction. I realize his power in that respect. I think he made some impression the other day upon the Senate when he announced that the labor cost of a ton of pig iron was $4.50, and the conclusion he sought to draw from it was that there ought to be at least $2.25 per ton duty upon pig iron in order to prevent importation. But now——

Mr. SMOOT. Everything else being equal.

Mr. CUMMINS. But everything else, Mr. President, is not equal, and therein lies the whole fallacy of his argument. The Senator from Utah in his address the other day did not show everything else to be equal. He did not enter into the cost of the material. He did not inquire into the many actual outlays of the men at the furnace in order to secure enough ore and

enough coke and other material to manufacture a ton of pig iron. I am not blaming him for it, because he wants to defeat my bill. I am afraid that he is much fonder of the Democratic bill than he is of mine. If I have been correctly advised, he or some of his associates, anyhow, intend in a negative way to defeat my amendment by allowing the Democratic bill to pass.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. However, I will not quarrel with him about that.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Mr. President, I think the Senator went altogether too far in intimating that I had withheld certain information as to what the other articles that go into the production of pig iron and steel rails cost in a foreign country.

Mr. CUMMINS. No; I did not suggest anything of that kind.

Mr. SMOOT. Mr. President, I can take the report as submitted by Mr. Charles M. Pepper, and he gives it as the information that he collected while abroad, and show that England herself claims that she is in a better position to produce pig iron than America ever will be. I suppose the Senator has read that report. It shows in detail why they have an advantage over the American manufacturer. I presented that statement to the Senate, and I believe that it is just as worthy of consideration as any other statement reported by Mr. Pepper.

Mr. CUMMINS. The Senator from Utah has illustrated in what he has just said my charge against him. He has now drawn the Senate entirely away from the cost of producing pig iron in this country to the cost of producing it abroad. I had not come within an ocean's width, so far as this argument at this moment is concerned, of reaching the cost of making pig iron abroad. I call him back and I call the Senate back to the subject I was discussing, namely, the cost of pig iron in the United States.

The Senator from Utah produced a table, in which it appeared that the labor element in a ton of pig iron cost $4.50. I did not accuse him of withholding any information. I did say that he did not pursue the argument to its legitimate end. I can not blame him for not making an argument against his side of the controversy, but I am supplying the omission which is found in his observations.

Mr. SMOOT. Mr. President, I wish to say to the Senator that I agree with him entirely as to what it costs to produce pig iron in this country. I take the Herbert Knox Smith report and accept that report. The only difference between the Senator and myself is as to the amount of labor it takes to produce a ton of pig iron. I do not take anybody's report outside of the man who pays the money, and it costs in labor $4.50 to take ore from the ground and put it into pig iron. That is the statement I made, and I do not hesitate to make it now, and I do not hesitate to say that it can be proven by the books of the manufacturers of this country.

Now, the Senator says that the labor is 77 cents. That is true from the metallic mixture to pig iron, if you do not take into consideration any labor that goes into the handling of the coke, or the limestone, or the other operating expenses, such as steam, and items of that sort, every one of them requiring men's labor. Then 77 cents, as shown on that diagram, is true; but I say again that to take the ore from the ground and put the ore into a ton of pig iron, the labor of transforming it into that ton of pig iron is $4.50. I can not make it any plainer than that.

Mr. CUMMINS. The Senator from Utah can have every opportunity that I can afford him to make it just as plain as is possible. I repeat that I do not know whether his table is correct or not. I have not investigated that particular phase of the subject, and I make no assertion here that is not the result of some fair study upon my part. I reiterate that it is utterly immaterial, so far as the present controversy is concerned, whether there is $4.50 of labor in a ton of pig iron or not. What we are trying to do, if I understand our platform, is to attach a duty that will measure the difference between the cost of production at home and abroad.

Now, if the labor costs more here and the material costs less, it might be still true that, although there was $4.50 of labor in a ton of pig iron here and only $3 of labor in a ton of pig iron abroad, nevertheless our ton of pig iron costs us less than it costs our competitor in England or Germany or France. Therefore I have brought this table to your attention again simply to dismiss it. It makes no difference whether it is true or false. I want to dislodge it from its place in the senatorial mind and come back to a statement which my friend from Utah admits is true, namely, that in this country for the highest-priced pig iron, the best pig iron that is made in the world, the metallic mixture costs the man who puts it in the blast furnace $7.30. That includes the wages of the mine, the profits of the mine; it includes the wages of the railway men, the profits of the railway company; it includes the transportation upon the Great Lakes and the profits on transportation. Therefore, it would be almost illogical for us to concern ourselves about protecting this labor which has already been paid by the American standard and which altogether combines in it the sum of $7.30.

Now, what I have said of the metallic mixture is true of coke. The labor of mining the coal, transporting the coal, turning it into coke, and getting the coke to the blast furnace are all in the item of $3.89; and so with the limestone. So that we are left with the result, as admitted by the Senator from Utah, of Bessemer pig iron at a cost of $13.26 with the additional cost, which means depreciation and general office expenses, of 75 cents, making a total of $14.01; and that includes, as I demonstrated in my former discussion, $1.79 for profit of intermediate companies, that ought not to be taken into account in determining the cost of pig iron. I therefore repeat, upon the showing formerly made, that if we proceed to lay duties upon iron and steel, upon the hypothesis that pig iron costs in this country more than it costs abroad, we will do violence to the truth; we will repudiate the work of men whom we commissioned to make the investigation on our behalf or on behalf of all the people of the country, and we will perpetuate a burden which has already grown so grievous that the voters of the United States take every opportunity which they have of expressing their dissent from our action or inaction in that respect.

I will not go further with regard to pig iron. If I have proven that pig iron can be produced as cheaply in this country as abroad, I will take up the next item.

Mr. BACON. Mr. President, I desire to ask the Senator if he will yield for a moment.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. Certainly.

Mr. BACON. I think it is a very great imposition on those of us who are constant in our attendance on the Senate day after day and month after month that we should be required to go through these extraordinary hours. Many of us have been on duty since 10 o'clock this morning, and it is an imposition upon Senators, in the absence of any great emergency, that we should be required to remain here longer. Some of us stay here all the time, and I do hope that the Senate will allow the Senator from Iowa to suspend and resume his argument in the morning.

It is a very easy matter, Mr. President, if a Senator does not stay in the Chamber, for him to accommodate himself to such hours as are now forced upon us, but there are some Senators who are constant in their attendance, and they ought not to be subjected to such hardship in the absence of any necessity for it.

Some of us serve upon committees that require daily work. If there are not regular committees in session, there are subcommittees. I know the Senator from New York [Mr. ROOT] will bear me out in the statement, because I serve with him on a number of subcommittees. There is scarcely a morning that we do not have this extra work to perform, and it leaves us no time whatever for our office work. It was half past 2 o'clock to-day before I even saw the inside of my office, and we have got to meet here to-morrow morning at 11 o'clock.

I therefore ask, if I may be permitted to do so, that we now—I do not desire to make a motion, because it should properly come from the other side of the Chamber—that we now suspend our labors, which have been protracted to-day. We have been here six hours and a half, to say nothing of the other work we have to do.

I want to say for myself that I do not shirk any labor. I have, since the Senate met in December, never lost a day from this Chamber; I have not only been here every day, but I have been here all the time every day; and I am not shirking any labor when I make this suggestion. I am simply saying that it is more than we ought to be required to do when there is no great emergency for it.

Mr. SIMMONS. Mr. President, I think most Senators here are expecting a vote to be taken upon the substitute of the Senator from Iowa to-night. So I trust we shall stay here until the Senator has finished his speech, and that we may then take a vote.

Mr. BACON. Well, Mr. President, of course I have not made any motion to adjourn; but I want to say that if Senators insist that we shall remain in session at unusual times and unusual hours I shall also insist, so far as I can do so, that Senators shall all attend. It is an ungracious thing to be calling for a quorum frequently—and I do not intend to ask for a call

now—but starting to-morrow morning, if we have got to come here at an unusual hour and remain after the usual hour, I shall ask that all Senators bear their part of the burden.

Mr. SIMMONS. Mr. President, there are an unusual number of Senators here now.

Mr. BACON. That does not speak very much for the number usually present, then.

Mr. CUMMINS. Mr. President, as I said a while ago, I do not intend to ask the Senate to adjourn in order to accommodate me. I appreciate the willingness of Senators to do so; but I do ask them one thing, and that is that my remarks shall not be interspersed every few minutes with a discussion with regard to adjournment. If I am to go on until I finish, I shall try to do so; but it is hardly fair to have constant recurrence to the matter of adjournment.

Mr. OLIVER. Mr. President, before the Senator resumes, I should like to ask him a question. He expressed himself half an hour ago as thinking that he might finish in three-quarters of an hour. Almost half an hour has been taken up by interruptions, and I should like to have his opinion as to how much longer he will take.

Mr. CUMMINS. Mr. President, I can not answer that question. I intend to present my amendment as fairly and fully as I can, and the length of time I will consume depends wholly upon the colloquies that may arise with my brother Senators concerning various phases of the subject. I think, though, that by 8 o'clock, anyhow, I shall be able to finish, even with the interruptions which may occur.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield to the Senator.

Mr. BRISTOW. I understand the Senator from Iowa is chairman of a subcommittee of a committee of the Senate which has a hearing set for 8 o'clock to-night.

Mr. CUMMINS. That is true.

Mr. BRISTOW. There are to be other Senators there at that hearing, and it seems to me, under the circumstances, we ought to adjourn.

Mr. CUMMINS. It occurred to me that if I——

Mr. BRISTOW. Mr. President, I move that the Senate adjourn.

Mr. SIMMONS. Did I understand the Senator from Iowa to say that he had another engagement?

Mr. CUMMINS. There is a subcommittee of the Judiciary Committee which meets at 8 o'clock this evening. I did not, however, have that in mind.

Mr. SIMMONS. If the Senator from Iowa himself desires that we adjourn, I shall not interpose any objection.

Mr. BRANDEGEE. Mr. President, the motion is not debatable.

Mr. SIMMONS. If the Senator himself desires an adjournment, I will not object.

The PRESIDING OFFICER. The Senator from Kansas [Mr. BRISTOW] has moved that the Senate adjourn.

Mr. SMOOT. Mr. President, I should like to call the Senator's attention to the fact that the senior Senator from Illinois [Mr. CULLOM] desires that there shall be a short executive session held. Will the Senator object to having a brief executive session and then adjourning?

EXECUTIVE SESSION.

Mr. BRISTOW. I withdraw the motion to adjourn, and move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 28, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 27, 1912.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Capt. John L. Hines, Nineteenth Infantry, to be major from May 23, 1912, vice Maj. Stephen M. Hackney, Sixth Infantry, retired from active service May 22, 1912.

First Lieut. A. Owen Seaman, Fifteenth Infantry, to be captain from May 23, 1912, vice Capt. John L. Hines, Nineteenth Infantry, promoted.

COAST ARTILLERY CORPS.

Second Lieut. Roy R. Lyon, Coast Artillery Corps, to be first lieutenant from May 23, 1912, vice First Lieut. William C. Whittaker, detached from his proper command.

CHAPLAIN.

Chaplain Simon M. Lutz, Eighth Infantry, to be chaplain with the rank of captain from May 1, 1912, after seven years' service in the grade of first lieutenant, in accordance with the provisions of an act of Congress approved April 21, 1904.

APPOINTMENTS BY TRANSFER IN THE ARMY.

Second Lieut. Lewis V. Greer, Fourth Cavalry, to be second lieutenant of Infantry, with rank from June 13, 1911.

Second Lieut. John F. Wall, Eighteenth Infantry, to be second lieutenant of Cavalry, with rank from June 13, 1911.

POSTMASTERS.

ALABAMA.

James L. Carwile to be postmaster at Ashland, Ala. Office became presidential January 1, 1911.

John T. Stewart to be postmaster at Wylam, Ala. Office became presidential October 1, 1910.

ARKANSAS.

Dan S. Collins to be postmaster at Foreman, Ark., in place of Dan S. Collins. Incumbent's commission expired May 23, 1912.

E. T. Luckey to be postmaster at Monticello, Ark., in place of Nannie H. Savage. Incumbent's commission expired April 28, 1912.

Eva V. Moss to be postmaster at Earl, Ark., in place of Eva V. Moss. Incumbent's commission expired April 28, 1912.

CALIFORNIA.

Charles C. Cockley to be postmaster at Calexico, Cal., in place of H. H. Griswold, resigned.

FLORIDA.

Roy S. Hanna to be postmaster at St. Petersburg, Fla., in place of Roy S. Hanna. Incumbent's commission expired April 9, 1912.

GEORGIA.

Harry S. Edwards to be postmaster at Macon, Ga., in place of Harry S. Edwards. Incumbent's commission expired May 7, 1912.

Julius Peacock to be postmaster at Vidalia, Ga., in place of Julius Peacock. Incumbent's commission expired February 27, 1912.

Albert N. Tumlin to be postmaster at Cave Springs, Ga., in place of Albert N. Tumlin. Incumbent's commission expired May 7, 1912.

INDIANA.

John W. Call to be postmaster at Gary, Ind., in place of John W. Call. Incumbent's commission expired April 22, 1912.

James E. Carson to be postmaster at Hebron, Ind., in place of James E. Carson. Incumbent's commission expired December 11, 1911.

Charles Hosford to be postmaster at Cayuga, Ind., in place of George L. Watson. Incumbent's commission expired May 20, 1912.

KANSAS.

Theodore C. Conklin to be postmaster at Mulvane, Kans., in place of Charles Hodgson, resigned.

LOUISIANA.

Levi P. Carter to be postmaster at Bunkie, La., in place of Levi P. Carter. Incumbent's commission expired May 14, 1912.

Robert A. Giddens to be postmaster at Coushatta, La., in place of Robert A. Giddens. Incumbent's commission expired May 14, 1912.

Robert P. Halphen to be postmaster at St. Martinville, La., in place of Raoul J. Blenvenu. Incumbent's commission expired May 14, 1912.

Bernard Isaacs to be postmaster at Gueydan, La., in place of Bernard Isaacs. Incumbent's commission expired May 14, 1912.

Mildred P. T. Prescott to be postmaster at Lutcher, La., in place of Mildred P. T. Prescott. Incumbent's commission expired May 14, 1912.

Lou E. Russell to be postmaster at West Monroe, La., in place of Lou E. Russell. Incumbent's commission expired May 14, 1912.

W. M. Terry to be postmaster at Welsh, La., in place of W. M. Terry. Incumbent's commission expired May 14, 1912.

Claude H. Wallis to be postmaster at Houma, La., in place of Claude H. Wallis. Incumbent's commission expired May 14, 1912.

Thomas M. Wells to be postmaster at Colfax, La., in place of Thomas M. Wells. Incumbent's commission expired May 14, 1912.

MASSACHUSETTS.

Gertrude L. Campbell to be postmaster at North Grafton, Mass., in place of John F. Mitchell, deceased.

MICHIGAN.

Ellsworth C. Corbett to be postmaster at Reading, Mich., in place of Ellsworth C. Corbett. Incumbent's commission expired March 10, 1912.

Montague W. Ripley to be postmaster at Montague, Mich., in place of Montague W. Ripley. Incumbent's commission expired April 22, 1912.

Charles N. Spear to be postmaster at Pittsford, Mich., in place of Charles N. Spear. Incumbent's commission expired April 13, 1912.

MISSOURI.

Frank A. Hardin to be postmaster at Cabool, Mo., in place of Frank A. Hardin. Incumbent's commission expired March 10, 1912.

William H. Howe to be postmaster at Hardin, Mo., in place of William Howe, resigned.

James E. Nichols to be postmaster at Breckenridge, Mo., in place of George W. Goina. Incumbent's commission expired April 28, 1912.

NEW JERSEY.

Thomas J. Knight to be postmaster at Stanhope, N. J., in place of Thomas J. Knight. Incumbent's commission expired April 24, 1912.

NEW MEXICO.

T. V. Shelpman to be postmaster at Nara Visa, N. Mex., in place of George Bringle. Incumbent's commission expired May 20, 1912.

NORTH DAKOTA.

George F. Abelein to be postmaster at Anamoose, N. Dak., in place of George F. Abelein. Incumbent's commission expired April 29, 1912.

Iver O. Fosse to be postmaster at Mayville, N. Dak., in place of J. M. Stewart, resigned.

OHIO.

William J. Weirick to be postmaster at Loudonville, Ohio, in place of William J. Weirick. Incumbent's commission expired April 29, 1912.

OKLAHOMA.

George C. Barber to be postmaster at Prague, Okla., in place of George C. Barber. Incumbent's commission expired April 28, 1912.

PENNSYLVANIA.

Daniel M. Bennett to be postmaster at Bridgeville, Pa., in place of Daniel M. Bennett. Incumbent's commission expired May 14, 1912.

Jared H. Buckbee to be postmaster at Elkland, Pa., in place of Clark B. Bailey. Incumbent's commission expired February 10, 1912.

Harry L. Cooper to be postmaster at Edinboro, Pa., in place of Harry L. Cooper. Incumbent's commission expired May 23, 1912.

John S. Edmundson to be postmaster at Duquesne, Pa., in place of John S. Edmundson. Incumbent's commission expired May 7, 1912.

Albert M. Ehart to be postmaster at Wayne, Pa., in place of Albert M. Ehart. Incumbent's commission expired May 11, 1912.

Caroline E. Hall to be postmaster at Swarthmore, Pa., in place of Caroline E. Hall. Incumbent's commission expired April 24, 1912.

Chauncey S. Ickes to be postmaster at Boswell, Pa., in place of Forrest L. Ferrell. Incumbent's commission expired April 6, 1912.

John Leyshon to be postmaster at Farrell (late South Sharon), Pa., in place of John W. Miller, resigned. (To change name of office.)

John B. Moffitt to be postmaster at West Brownsville, Pa., in place of John B. Moffitt. Incumbent's commission expired April 29, 1912.

Louis F. Senn to be postmaster at Brackenridge, Pa., in place of Charles E. King. Incumbent's commission expired January 9, 1912.

SOUTH CAROLINA.

W. J. Adams to be postmaster at Dillon, S. C., in place of Thomas E. Husbands, resigned.

Alonzo T. Folger to be postmaster at Easley, S. C., in place of Alonzo M. Folger, resigned.

A. W. Knight to be postmaster at Bamberg, S. C., in place of Joseph P. Murphy. Incumbent's commission expired April 29, 1912.

TENNESSEE.

William B. Pickering to be postmaster at Carthage, Tenn., in place of William B. Pickering. Incumbent's commission expired May 15, 1912.

UTAH.

T. G. Wimmer to be postmaster at Greenriver, Utah, in place of Thomas L. McCarty, resigned.

VERMONT.

Charles S. Forbes to be postmaster at St. Albans, Vt., in place of George T. Childs, deceased.

WISCONSIN.

Adolph H. Jessell to be postmaster at Birnamwood, Wis., in place of Adolph H. Jessell. Incumbent's commission expired May 14, 1912.

William Vanzile to be postmaster at Crandon, Wis., in place of William Vanzile. Incumbent's commission expired May 4, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 27, 1912.

SURVEYOR OF CUSTOMS.

Samuel L. Daniels, sr., to be surveyor of customs for the port of Burlington, in the State of Iowa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Joseph Francis Farley, jr., to be third lieutenant.
Cadet William Patrick Kain to be third lieutenant.
Cadet David Patterson Marvin to be third lieutenant.
Cadet Floyd Jesse Sexton to be third lieutenant.
Cadet Edward Mount Webster to be third lieutenant.
Second Lieut. of Engineers Lorenzo Chase Farwell to be first lieutenant of engineers.

PROMOTIONS IN THE NAVY.

Commander Charles P. Plunkett to be a captain.
Gunner James A. Martin to be a chief gunner.
Lieut. Commander Powers Symington to be a commander.
Lieut. (Junior Grade) Robert A. White to be a lieutenant.
Lieut. (Junior Grade) Frank H. Roberts to be a lieutenant.
Lieut. (Junior Grade) Lewis D. Causey to be a lieutenant.
Lieut. (Junior Grade) Henry G. Fuller to be a lieutenant.
Capt. Frank E. Beatty to be a rear admiral.
Second Lieut. Nedom A. Eastman to be a first lieutenant in the Marine Corps.
Second Lieut. Randolph T. Zane to be a first lieutenant in the Marine Corps.

POSTMASTERS.

ALABAMA.

W. E. Bosworth, Lafayette.

GEORGIA.

Robert L. Williams, Griffin.

MISSOURI.

Wilbur J. Clark, Hamilton.
Louis Haeffner, Valley Park.
Percy P. Hummel, Laddonia.
John M. Mathes, Aurora.
Thomas B. Milton, Carl Junction.
Philip G. Wild, Spickard.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 27, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we realize that we have not lived to the highest ideals in the past. We have done many things which we ought not to have done and left undone many things which we ought to have done. But a new day is before us. Thou knowest our weakness, the foibles of human nature. We pray for Thy forgiveness, that we may spend no time in vain regrets, but with new zeal, energy, and courage we may press toward the mark for the prize of the high calling of God, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Sunday, May 26, 1912, was read and approved.

CREEK INDIAN LANDS IN ALABAMA.

Mr. DENT. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 16661) relating to the Creek Indian lands in Alabama.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 759).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians or any member or members thereof, under and by virtue of the treaties entered into between the United States of America and the Creek Tribe or Nation of Indians on the 9th day of August, 1814, and at Washington on the 24th day of March, 1832, by which all the lands of said Creek Tribe or Nation of Indians east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under the authority of the same for the benefit of or in behalf of any Creek Indian or Indians, whether the conditions or reservations of sales were complied with or not, and whether or not patents were issued therefor by the United States; and in cases where patents have not been issued under the treaties aforesaid, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases: *Provided, however*, That nothing contained in this act shall be construed to affect or dispose of any right, claim, or title, if any, which any Indian of said Creek Tribe, or his or her heir or heirs, may have in or to any of said land.

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States."

Amend the title by adding at the conclusion thereof the following: "and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814."

And the Senate agree to the same.

SCOTT FERRIS,
S. H. DENT, JR.,
F. W. MONDELL,
Managers on the part of the House.

CHARLES CURTIS,
P. J. MCCUMBER,
W. J. STONE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, submit the following report or written statement in explanation of the effect of the act agreed upon and recommended in the accompanying report:

The bill as agreed upon is substantially a redraft of the bill adopted by the House. While the form is somewhat changed, the substance of the House bill is retained. The only substantial changes made are, first, the addition of the treaty between the United States and the Creek Tribe of August 9, 1814, and, second, a proviso declaring that this act shall not be construed to convey or dispose of the right that any member of the Creek Nation may have to the lands described in the bill.

This proviso, of course, adds nothing to the bill, since, as originally passed by the House, and as now agreed on in conference, it is nothing more than a quitclaim on the part of the United States. This, of course, could not have the effect of disposing of the title of any third person.

The committee thought it necessary to include the treaty of August 9, 1814, as well as that of March 24, 1832, because in this treaty certain described lands in the State of Alabama were ceded by the Creek Nation to the United States; but in said treaty there were certain reservations to certain chiefs or warriors who had been friendly to the United States and had taken an active part in subduing the Indians. This reservation provided that upon voluntary abandonment of such reservations by such chiefs or warriors the right of possession and occupancy should devolve to the United States. As this treaty of 1814 is older by a good many years than the treaty of 1832, which was the treaty of cession of all the lands, and as it is the evident purpose of the Government not to assert any right itself to reservations made so many years ago for and on behalf of the Indians, and in order to fully settle the title to such reservations in the State of Alabama, so far as the Government is concerned, it was thought best to include this treaty of August 9, 1814, in the bill.

The incorporation of this treaty in the body of the bill necessitated, of course, a change to this extent in its title.

SCOTT FERRIS,
S. H. DENT, Jr.,
F. W. MONDELL,
Managers on the part of the House.

Mr. DENT. Mr. Speaker, I yield to my colleague, the gentleman from Alabama, Mr. CLAYTON.

Mr. CLAYTON. Before I proceed, I ask that the bill H. R. 16661 as it passed the House be read, so that the House will see that the bill which has been agreed upon by the conference committee is almost in language exactly as it originally passed the House. Certainly it is the same in substance, with no material change except the treaty of 1814 has been added.

The Clerk read the bill, as follows:

An act (H. R. 16661) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832.

Be it enacted, etc., That the United States of America hereby forever relinquish, release, remise, and quitclaim all right, title, and interest in and to all the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, or any member or members thereof, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians at Washington on the 24th day of March, 1832, by which all the lands of the said Creek Tribe or Nation of Indians lying east of the Mississippi River were ceded to the United States of America, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit of or on behalf of any Creek Indian or Indians, whether the conditions of such reservation or sales were complied with or not, and whether or not patents were issued therefor by the United States of America.

The purpose and intent of this act is to estop the United States of America from now or hereafter asserting any claim whatever to the lands now held under claim or color of title by individuals or private ownership or municipal ownership and situated in the State of Alabama which were reserved or set apart under the said treaty to or for the Creek Tribe or Nation of Indians, or any member or members thereof, in any manner or upon any condition whatever, as well as all lands so situated in the State of Alabama which may have been sold by the United States of America or under authority of the same for the benefit or on behalf of any Creek Indian or Indians, whether patents were issued therefor or not.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases.

Mr. CLAYTON. Mr. Speaker, this bill, H. R. 16661, was originally prepared by me, after conference with my colleagues, Messrs. DENT, BLACKMON, and HEFLIN, representing the districts in Alabama where lie most if not all of the lands which are involved in the original Creek Indian treaty.

This bill passed the House substantially in the form in which it is now presented by the conference report and substantially as just read.

When the bill went to the Senate it was not understood over there, and never was understood by the Senate until my colleague Mr. DENT went into conference with the Senate conferees, and finally persuaded the Senate conferees to adopt the House view of this matter.

After we passed this bill through the House, the Senate passed and sent over here the bill which sought to provide for the issuance of patents to the landowners down there, taking the view that that was a complete remedy and was all that would be necessary to afford relief to the landowners in Alabama. Of course, that was no remedy at all. It was worse than no remedy. It opened up troublesome questions and put the matter in far worse shape than if no legislation at all were had.

But after the Senate were acquainted with the correct view of the matter, which was fully developed in the hearings had before the House Committee on the Public Lands, in which hearings my colleagues, Messrs. HEFLIN, BLACKMON, DENT, and myself participated, the Senate has come to the House view, and has adopted in most particulars the language and substance of the House bill, and have added the treaty of 1814, which I think is well to be added. That treaty of 1814 does not seem to affect any lands in the districts of the Representatives who participated in the hearings of the House, but it does perhaps affect some of the lands in another district in Alabama, and we have no objection to making the bill cover the treaty of 1814. Of course, the title should be amended to conform to this one amendment.

This bill, H. R. 16661, was amended in the Senate on March 16 by striking from it all after the enacting clause and inserting in lieu of the bill stricken out the following:

That the United States hereby relinquishes all of its right, title, and interest in and to the lands set apart or allotted to the Indians under the Choctaw treaty of September 27, 1830, and the Creek treaty of March 24, 1832, and the Secretary of the Interior is authorized to issue patents, without awaiting applications therefor, to those shown by the records of that department to be entitled thereto: *Provided*, That this act shall not be construed to affect any right of the original Indian owners of said land or their heirs.

The insuperable objection to this Senate substitute or amendment is that the records and original papers in many cases involving different parts of these lands, have been either destroyed by fire, or otherwise lost, during the stretch of years constituting three-quarters of a century or more; and under this Senate amendment no relief would be afforded to the owners of these lands. My colleagues, Messrs. DENT, HEFLIN, and BLACKMON, made this clear in the hearings before the Committee on Public Lands on January 10 and 16, 1912. So I affirm, Mr. Speaker, without the fear of successful contradiction, that the Senate amendment would afford no relief to the landowners, but would keep alive the existing uncertainty or cloud upon their title, and would undoubtedly permit the Government to maintain suits for many parts of these lands. The bill as it passed the House and as agreed upon by the conferees quitclaims all right and title of the United States to all these lands.

Of course, as I explained to the House when this bill originally passed here, the United States has no title to any of these lands except the technical title, founded upon the fact that patents had not issued years ago when they should have been issued.

Another change that was made in the House bill was this: The House bill contained, on page 2, line 15, the statement that the United States is estopped. That was precautionary and was a reiteration, in effect, of what was said in another part of the bill. The House conferees yielded to what is, I think, a fastidious notion, and struck out those, it may be, unnecessary words. I am gratified to be able to state that the bill as originally suggested, drawn, and advocated, to afford relief to the people in Alabama in accordance with the plan suggested by my colleague and myself, has finally met with the intelligent consideration and approval of the Senate. [Applause.] I therefore move the adoption of the conference report.

Mr. PAYNE. I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. CLAYTON. With great pleasure.

Mr. PAYNE. I understand the gentleman to say that the bill reported from the conference is substantially the same as the original House bill?

Mr. CLAYTON. Yes.

Mr. PAYNE. But that the principal change is a reenactment of the treaty of 1814.

Mr. CLAYTON. That was one of the changes.

Mr. PAYNE. I understood that was the principal change.

Mr. CLAYTON. I think that may be said to be correct.

Mr. PAYNE. What is the treaty of 1814, and what is the reason for reenacting it now?

Mr. CLAYTON. My colleague, Mr. DENT, desires to answer that question.

Mr. DENT. We do not reenact the treaty of 1814; we simply include the land described in the treaty of 1814 as well as the land described in the treaty of 1832, because both treaties were made between the Government of the United States and the Creek Tribe of Indians and relate to the same subject matter. The treaty of 1832, which included all the lands east of the Mississippi River, might have been sufficient; but, as a matter of precaution, we also described the lands in the former treaty.

Mr. PAYNE. I understood the gentleman from Alabama to say that the other amendment is principally a choice of language between the House bill and the Senate.

Mr. DENT. That is all.

Mr. CLAYTON. The Senate in the main used substantially the House language. The Senate entirely receded from its position. The little bill or amendment which the Senate proposed when this bill went over there was entirely abandoned, because that bill or amendment was futile in its nature and afforded no relief. I am glad to say that the Senate, in its superior wisdom and exalted patriotism, rose to the occasion and adopted in substance the House bill.

Mr. PAYNE. I understand that the same spirit of exalted wisdom, and so forth——

Mr. CLAYTON. Patriotism, if you please, and not "and so forth." The Senate is never actuated by "and so forth," but by patriotism. [Laughter.]

Mr. PAYNE. And the gentleman thinks that the other amendment does not change the original bill?

Mr. CLAYTON. It does not. At least, Mr. Speaker, the Members of the House from Alabama are glad to get the relief afforded by this bill, and we think it is a relief that the House originally said that the people in Alabama were entitled to.

Mr. PAYNE. Of course I know that the gentlemen from Alabama would take care of their constituents. What I was looking after was the interest of the United States a little bit.

Mr. CLAYTON. The United States has not suffered.

Mr. CANNON. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. CANNON. I am not particularly familiar with the bill or the conference report. I see the conference report is signed by the gentleman from Oklahoma [Mr. FERRIS], the gentleman from Alabama [Mr. DENT], and the gentleman from Wyoming [Mr. MONDELL], and also by the three Senate conferees. If I understand the case, this conference report when agreed to will release not a real claim that the United States has——

Mr. CLAYTON. The gentleman is correct.

Mr. CANNON. But what is supposed by some to be a claim of a legal title that in fact the United States does not own and does not interfere in any way between individuals that have the title by setting up any such claim of title; that is, the parties litigate and settle between themselves. In this legislation the United States says, in effect:

We quitclaim any real or conceivable interest that the United States has in those lands.

Mr. CLAYTON. I may say to the gentleman from Illinois that if I had studied over the case a month how to express it in a sententious way, fully and clearly, I could not improve upon the statement made by the gentleman from Illinois.

Mr. CANNON. I gathered from what the gentleman said——

Mr. CLAYTON. The gentleman compliments me, and I am glad my utterances have been so well understood.

Mr. CANNON. I also understand that the gentleman spoke of reenacting these treaties, which were modified by the gentleman from Alabama [Mr. DENT]. Now, there is nothing in this bill, aliunde the matters just referred to, but a quitclaim on the part of the United States to these lands, and nothing that would entail any obligation whatever upon the United States, and nothing upon which to base a claim on the part of any Indian tribes or any individual or anybody else.

Mr. CLAYTON. There is no such claim on the part of the United States nor anybody else, nor can there be growing out of the old treaties or the legislation. It is simply to clear up the title in these lands that these people in Alabama have held, for the most part undisturbed in occupation and cultivation, for 75 years. There is no pretense but that they are the bona fide owners. There are happy homes on many of these lands, and some of our towns and villages are situated on some of these lands. It was never dreamed that anybody would assert any claim to them until about a year or so ago, when some action was brought by a district attorney down there which I do not think met with the approval of the land department.

Mr. CANNON. The gentleman's statement is entirely satisfactory to me.

Mr. CLAYTON. Under the leave to print I insert in the RECORD the following report made by my colleague [Mr. DENT] on this bill when it was originally before the House:

[House Report No. 357, Sixty-second Congress, second session.]

TITLE TO CREEK INDIAN LANDS IN ALABAMA.

Mr. DENT, from the Committee on the Public Lands, submitted the following report to accompany House bill 16661:

The Committee on the Public Lands, to which was referred the bill (H. R. 16661) to relinquish and quitclaim the title and interest of the United States in and to lands formerly owned by the Creek Tribe or Nation of Indians in Alabama, having met and carefully considered the same, together with the facts furnished by the office of the Commissioner of Public Lands and that of the Commissioner of Indian Affairs, as well as other testimony given at hearings had by the committee, respectfully recommend that the said bill do pass with the following amendment, to wit:

At the end of line 26, page 2, add the following paragraphs:

"The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

"That as to all of the lands reserved for the Creek Indians under said treaty of March 24, 1832, which have not been patented, the Commissioner of the General Land Office and the Commissioner of Indian Affairs shall cause to be made upon the records of their respective offices proper notations referring to this act and closing the cases."

By a treaty entered into between the Government of the United States and the Creek Nation or Tribe of Indians on March 24, 1832, (7 Stat. L., 366) the said Creek Tribe of Indians ceded to the United States all of their land east of the Mississippi River. A further treaty entered into between the Government of the United States and the said Creek Nation or Tribe of Indians on the 7th day of August, 1856 (11 Stat. L., 699), confirmed the cession of these lands. There were certain reservations in the original treaty on behalf of the chiefs of tribes, the heads of families, and orphan children. Articles II, III, IV, and VI refer to these reservations, and are as follows:

"ART. II. The United States engage to survey the said land as soon as the same can be conveniently done, after the ratification of this treaty, and when the same is surveyed to allow 90 principal chiefs of the Creek Tribe to select one section each, and every other head of a Creek family to select one-half section each, which tracts shall be reserved from sale for their use for the term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made; and if not, then all the persons belonging to the same town, entitled to selections, and who can not make the same so as to include their improvements, shall take them in one body in a proper form. And 20 sections shall be selected, under the direction of the President, for the orphan children of the Creeks and divided and retained or sold for their benefit as the President may direct: *Provided, however*, That no selections or locations under this treaty shall be so made as to include the agency reserve.

"ART. III. These tracts may be conveyed by the persons selecting the same to any other persons for a fair consideration, in such manner as the President may direct. The contract shall be certified by some person appointed by the President for that purpose, but shall not be valid till the President approves the same. A title shall be given by the United States on completion of the payment.

"ART. IV. At the end of five years all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor in fee simple from the United States.

"ART. VI. Twenty-nine sections in addition to the foregoing may be located, and patents for the same shall then issue to those persons, being Creeks, to whom the same may be assigned by the Creek Tribe."

These reservations were to be disposed of by the chiefs and heads of families within a period of five years from March 24, 1832, by private sale, subject to the approval of the President of the United States. The sections reserved for the orphan children were to be retained or disposed of for their benefit under the direction of the President. There were further provisions to the effect that at the end of the five years all the Creeks entitled to select these reservations and desiring to remain in Alabama should receive patents therefor from the United States. It further appears that by the act approved March 3, 1837, the President was authorized to sell all of the reservations remaining unsold on the 4th day of April, 1837, at public auction in the Creek country and to cause patents to be issued. This sale was made.

In the opinion of the Department of Justice, it is held that whatever may have been the title of the Indians prior to the expiration of the five-year period fixed by the treaty of March 24, 1832, all claim, right, title, and interest of the Indians were, after that, divested out of them.

Representatives of the Land and Indian Offices who appeared before the committee state that there were about 900 cases involved in which purchases had been made in good faith and the money paid but patents were for some reason not issued. They further stated that out of the total number of cases the record disclosed only 14 which did not appear to have a perfect contract right under the law, and that, even in those cases, a further investigation would probably disclose that the original purchaser had bought in good faith. These lands, for the most part, were bought more than 70 years ago; and the present claimants have been in bona fide, open, and notorious possession, paying taxes thereon, during a long period of time—either by themselves or through those under whom they claim.

During all these years these lands have not been treated as a part of the public domain. They have not been subject to homestead entry. All of these people who own and occupy these lands have believed that they had a perfect right to them; and none of them had any thought to the contrary until just prior to a recent action of ejectment which was brought by the Government against the holder of one of these tracts. The Government of the United States has no equitable right or title to these lands. At most, it has merely a technical legal title owing to the fact that patents, which ought to have heretofore issued, have not been issued. And it is proper to say in this connection that even this merely technical title has not been attempted to be asserted by the Government during the lapse of about three-quarters of a century.

In view of the fact that the Creek Tribe or Nation of Indians have not any title whatever left in them, your committee is of the opinion that the Government should quitclaim whatever title remains in it.

In other words, the committee is of the opinion that, so far as the Government of the United States is concerned, there should be a complete relinquishment of its title.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565).

The SPEAKER. Before the Chair puts this motion he thinks it is proper to all concerned to make a short statement about the condition of affairs. This is District day, and the chairman, the gentleman from Kentucky [Mr. JOHNSON], is anxious to go on with the business of the District, and of course the District business ought to be attended to and must be attended to; but there is a general agreement among Members on both sides of the House to press matters before Congress at this particular juncture so as to get rid of the four appropriation bills—the naval appropriation bill, the Military Academy, the sundry civil, and the general deficiency bills.

By recognizing the gentleman from Tennessee [Mr. PADGETT] to make this motion, it is understood on the part of the Speaker and everybody concerned, that as quickly as we can get these appropriation bills out of the way, the District of Columbia Committee shall have its full day, and as far as the Chair is concerned, he is inclined to say if it takes more than one day that committee shall have time enough to get the necessary District business concluded.

This statement is made for the benefit of the Members of the House and for the benefit of the District Committee and for the benefit of the newspapers in the city of Washington, so that there will be no misunderstanding about it, and that everybody may know that there is no disposition to sidetrack District business.

Mr. CANNON. Mr. Speaker, suppose the present appropriation bill be completed to-morrow or Thursday or Friday, and there be no other appropriation bill ready, what then would happen under the rules of the House?

The SPEAKER. The Chair is of the opinion that if it did not happen to be Calendar Wednesday the House would give unanimous consent that the District Committee might have its day.

Mr. LLOYD. Mr. Speaker, I would suggest that there is an appropriation bill now on the calendar, the Military Academy appropriation bill, which is ready to be taken up.

Mr. CANNON. I would suggest to the gentleman from Kentucky [Mr. JOHNSON] that he ask unanimous consent that when this bill is concluded a day should be then given to the Committee on the District of Columbia, not to interfere with conference reports or appropriation bills, or any day that might come, except Calendar Wednesday. Then the agreement would be made.

Mr. FITZGERALD. Mr. Speaker, in view of the fact that the gentleman from Alabama [Mr. UNDERWOOD] felt constrained a few days ago to object to such a request made on behalf of the Committee on Pensions, I shall at this time be obliged to object.

The SPEAKER. The Chair thinks there will not be any difficulty about it.

Mr. CANNON. Then, let us exclude pension day also.

Mr. FITZGERALD. We might be tied up with a number of other matters.

Mr. CANNON. Mr. Speaker, I am interested in District business, and I propose to ask unanimous consent that on the completion of this bill the Committee on the District of Columbia shall have a day, not to interfere, first, with pensions; second, with appropriation bills or conference reports and, of course, Calendar Wednesday or unanimous-consent day, if that is desired.

Mr. FOSTER. If these are all included does the gentleman think there will be anything left?

Mr. FITZGERALD. Mr. Speaker, for the reasons stated a moment ago, I shall object.

The SPEAKER. The question is on the motion of the gentleman from Tennessee, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565).

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to abandon and dispose of the naval reservations at San Juan and Culebra, P. R.; Port Royal, S. C.; New London, Conn.; and Sacketts Harbor, N. Y., and to transfer such property, machinery, and other material as may be of use in the Naval Establishment to other navy yards and stations; and he is further authorized and directed to dispose of the real estate in the manner most advantageous to the United States Government, and shall report to Congress the disposition of said material and real estate at its next regular session: *Provided*, That the real estate comprising the naval reservations at San Juan and Culebra, P. R., shall be transferred to the civil government of Porto Rico.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to amend lines 20 and 21, page 37, by striking out the words "Port Royal, S. C."

Mr. GOOD. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that his amendment is not in order until the point of order has been disposed of.

Mr. GOOD. Mr. Chairman, if there is no statement to be made in regard to it, then I make the point of order.

Mr. PADGETT. Mr. Chairman, I do not think it is subject to a point of order. It clearly comes within the rule. It is a matter of economy, getting rid of what we suppose to be unnecessary and expensive yards. This is to cut down the expense of maintenance. I think it is clearly not subject to a point of order.

I have some other things to say with reference to the amendment, when the point of order is disposed of.

The CHAIRMAN. Will the gentleman from Iowa please state the grounds of his point of order?

Mr. GOOD. It is new legislation. It might be said to be in the interest of economy if the Government in this bill authorized the sale of all of its battleships, but it would be new legislation.

Mr. PADGETT. But new legislation is in order now.

Mr. GOOD. The Holman rule can not be stretched into any such construction as that. This is authorizing the Secretary of the Navy to dispose of a great deal of land—a great many different sites.

Mr. PADGETT. Mr. Chairman, under the rule legislation is now in order on appropriation bills, if the direct effect of it is to economize and reduce expenses. The Committee on Naval Affairs has jurisdiction of the matters proposed to be legislated upon, and I want to state that the department has recommended this action, but has modified it with reference to a part of it, which, when we reach the question of the amendment, I shall take up.

Mr. HIGGINS. Will the gentleman state how far this modification goes?

Mr. PADGETT. I have a letter here from Acting Secretary of the Navy Winthrop, stating that Port Royal, S. C., be made a detention and training camp——

Mr. HIGGINS. Is that the only particular in which the department has changed its recommendations?

Mr. PADGETT. That is the only one they have communicated to me. I will state, however, to the gentleman that I understand that the gentleman has a suggestion he wants to make in connection with New London.

Mr. HIGGINS. The gentleman is correct.

Mr. PADGETT. Which perhaps will address itself to my favorable consideration.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Iowa [Mr. GOOD] makes the point of order against the paragraph on the ground that it is new legislation. Under section 2 of Rule XXI, one provision is that a provision in a bill reported by a committee shall be germane and also shall in its effect retrench expenditures. The Chair is of opinion, according to the plain meaning of the paragraph which in its effect directs the abandonment and disposal of certain naval reservations, would be a retrenchment of expenditure, and therefore comes within section 2 of Rule XXI. The point of order is overruled.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask to have my amendment reported.

The Clerk read as follows:

Amend, lines 20 and 21, page 37, by striking out the words "Port Royal, S. C."

Mr. BYRNES of South Carolina. Mr. Chairman, I trust that the committee will accept the amendment, because it is evident that the item is included in this bill through a misunderstanding as to the recommendation of the Secretary of the Navy. It is true that several years ago the Secretary recommended that Port Royal, together with other naval stations, be abandoned, and in the absence of congressional authority the department proceeded to "starve out" the station. I am informed that all the machinery and property which might be of service to other naval establishments has already been transferred and nothing but the real estate is left. Since this recommendation was made by the Secretary, in fact, during the past year, the Secretary of the Navy decided to utilize this building for the purpose of establishing disciplinary barracks. For this purpose the buildings were put in shape at some expense, and several hundred men are now confined there. To sell this property under these circumstances would mean that it would be sold at a sacrifice and the Government be put to the expense of erecting new buildings for the same purpose at some other place. I believe that the Secretary has to-day written the chairman of the committee asking him to amend the bill as I have suggested, and, in the interest of economy, I ask that his suggestion be accepted and my amendment adopted.

Mr. PADGETT. Mr. Chairman, some time ago the department recommended the discontinuance and disposition of these places together with others, and the committee included these places, but I am in receipt of a letter from Mr. Winthrop as Acting Secretary of the Navy stating that recently the department has established a disciplinary barracks there or a training school for minor offenses, a kind of reformatory institution, so instead of sending sailors to prison they go to a reformatory or training school there and thereby it saves them the odium of a prison sentence. I think it is a good matter and I ask to insert this letter in the RECORD and that the amendment offered by the gentleman be agreed to.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks by inserting a letter in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, May 25, 1912.

Hon. L. P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In August of last year the department established a disciplinary barracks at Port Royal, S. C., for the detention and training of enlisted men, both in the Navy and Marine Corps, found guilty of minor military offenses. It had for some time considered that it was not right to punish by prison sentence men guilty of certain offenses which were due to thoughtlessness, ignorance, or lack of training rather than to any vicious instinct. It is the intention of the department to return to the Navy such of the detentioners at Port Royal as demonstrate their fitness for service in the Navy. In other words, Port Royal is intended to be a corrective institution rather than a prison.

The number of detentioners in the barracks on May 18 was 267, but a far larger number, of course, have been sent there since the establishment of the barracks in August last. Thus far the plan has proved a success, and I consider it desirable to continue this station as a disciplinary barracks. I therefore request that the words "Port Royal, S. C.," be stricken from the naval bill where they appear on page 37, lines 20 and 21.

Sincerely, yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

The question was taken, and the amendment was agreed to.

Mr. HIGGINS. Mr. Chairman, I move to amend by striking out the words "New London, Conn.," where they appear on page 37, line 21.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 21, strike out the words "New London, Conn."

Mr. HIGGINS. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut? [After a pause.] The Chair hears none.

Mr. HIGGINS. Mr. Chairman, one of the questions raised by my amendment to strike out "New London, Conn.," from this paragraph is distinctly a moral one. Does this Congress propose to break faith with the State of Connecticut and repudiate a solemn pledge made after careful consideration by scientific men and recorded in the laws of this country, in the statutes of Connecticut, and in the land records of that State?

The acquisition of this beautiful tract of land, with its extensive water front, for naval purposes did not cost the Federal Government one cent. The issue raised by my amendment is not one of economy, but one of keeping faith with the State of Connecticut. This country, in consideration of the gift of this magnificent property to it, agreed by legislative act to establish and maintain it for naval purposes. It was presented to the Federal Government for that purpose, and upon that condition it has been held.

The State of Connecticut has never been a raider of the Federal Treasury. It has never clamored for Federal appropriations, and from the earliest days it has contributed vastly more to the upbuilding of this Union than it has taken from it. Now, in this bill, without any regard to the facts, without any regard for the conditions, without any regard for the needs of the Navy, it is proposed to break faith with the State of Connecticut

and attempt to sell and dispose of something which this country can not give any title to.

This recommendation comes from the Naval Committee, and I venture the prediction that few, if any, members of that committee have ever seen this station. It is included in this bill at the suggestion of the Secretary of the Navy, who, in recommending it, does not assign a single good reason for such action and goes contrary to what the most experienced naval authorities in this country have held and do hold.

It is quite as important, if not more so, to the people of Brooklyn and New York City as it is to my people. Before it was established the Chamber of Commerce of the city of New York petitioned Congress, asking for it, and adopted strong resolutions urging it as a military necessity and as part of the defenses of New York, and that is urged now by every naval man who is worthy to command a ship or has any practical knowledge of naval tactics.

The history of the location of this station goes back to before 1862. At the direction of Congress in the early sixties the Secretary of the Navy appointed a naval board, composed of the most intelligent naval officers then in the service, to examine Narragansett Bay, the harbor of New London, and League Island, and to report back to Congress which would best serve the public interest. Commanders Stringham, Gardner, and Van Brundt and Chief Engineer Sanger composed this board, and to the report which they made was appended the following resolution:

Resolved, That the harbor of New London possesses greater advantages for a navy yard and naval depot than any other location examined by this board.

In 1864 Congress directed the Naval Committee of the House to visit the proposed site at New London to make a thorough investigation and report back to the House. They made a personal examination, and their report concluded in the following language:

The site near New London, presenting such great natural and economical advantages, has been tendered as a free gift to the Government. The committee recommend its acceptance, and for the purpose of locating thereat a navy yard and depot such as is contemplated by the naval authorities they recommend the passage of the accompanying bill for a public act.

Congress in 1867, convinced of the wisdom of locating a station at this point, passed the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, authorized to receive and accept a deed of gift when offered by the State of Connecticut of a tract of land with not less than 1 mile of shore front on the Thames River, near New London, Conn., to be held by the United States for naval purposes.

The State of Connecticut appropriated $15,000 for the purchase of this tract of land, and in addition the city of New London was authorized to appropriate any sum of money not to exceed $75,000 for the purchase of land to be deeded to the Federal Government for naval purposes, and the city of New London joined with the State in the gift. I will print as an appendix to my remarks a certified copy of the deed, which conveyed this land to the National Government upon a distinct condition and for a definite purpose, and it was accepted by the Government upon that condition.

This conveyance was made on the 11th day of April, 1868, and this Government entered into possession and has been in possession ever since, holding it, as agreed, for naval purposes.

The legal proposition involved requires no discussion. Not only the land thus conveyed but the improvements, now a part of the realty which the Government made, will also revert to the original owners. Only $253,852.47 has been spent on this station, both in the equipment and its repair, during the past 44 years, and this money has been well spent. The buildings are reported by the Secretary of the Navy as being in good condition. A dock over 800 feet long faces a channel over 600 feet wide. The water is of sufficient depth to float the largest ships of the American Navy, and upon the authority of one of our most distinguished admirals, now deceased, I can state to this House that he said that there would not be the slightest difficulty in taking a ship of the type and tonnage of the *Connecticut* up to that station, docking her, and turning her around.

In 1872, or shortly after the Government was presented with this property for naval purposes, the Secretary of the Navy in his report said:

I have heretofore spoken of the claims of the New London station on the liberality of Congress. Some of these are to be found in a good harbor, easy of access from all directions and conveniently situated between two great commercial cities, an industrious and an ingenious people, whose labor is skillful and cheap, and a site for the station already acquired through the liberality of the State, to the improvement of which the Government seems to be virtually pledged. It is already a station of convenience to the service and with moderate expenditure its use could be largely increased.

The last naval appropriation bill carried a provision similar in terms, but it was stricken out in the House upon my motion and I then explained, as I am attempting to do now, the conditions which surround this station. And the Secretary of the Navy has had his attention called to the forfeiture in the deed.

Ample reasons exist for the continuance of this station other than the solemn moral and legal obligations which this Government assumed when it was established. As a result of the findings of the Belknap Board a coaling station was established there. That station is now fully equipped and the present Secretary of the Navy officially reported on February 20, 1911, that it was in good condition.

Secretary von Meyer's predecessors in office have in their annual reports all referred to this station as a necessary and essential part of our Naval Establishment. I will review what they have said quoting from their annual reports to Congress. Their judgment and opinion is not to be treated lightly and is founded upon an appreciation of the true conditions.

Secretary Long in 1899:

The expenses of the bureau at this station during the last fiscal year have been small, chiefly for coal, water, and ash lighters. New London being located near and inside of the outer defenses of the city of New York is a very important strategic point and affords a valuable harbor for torpedo boats and other small ships. It is also an important site for the storage of coal for war purposes. In accordance with the recommendation of the coal board, of which Rear Admiral Charles E. Belknap was president, buildings for the storage of 25,000 tons are now in process of construction.

Again, in 1900, Secretary Long said:

During the past year a modern coal-storage house constructed of granite and steel has been completed at this station. It is located conveniently for the transportation of coal to and from the pier built some years ago. Modern steam-power coal-conveying apparatus of the Brown type has been installed, the pier being strengthened as necessary for the purpose. During the past summer the *Texas* and several other smaller vessels coaled at this station and reported favorably on the facilities for so doing. It is contemplated to add coal pockets to this station, in order to enable torpedo boats to be coaled with great rapidity. Its location inside of the outer defenses of the port of New York renders this coal depot of much importance in time of war.

Again, in 1901, Secretary Long said:

This depot has been much used by small vessels during the past year. To make it more efficient, coal pockets or bunkers of moderate capacity have been constructed on the pier for the purpose of supplying torpedo boats and small craft rapidly. Incidentally, it also prevents the necessity of raising steam on the power plant every time one of these small vessels requires coal. The appliances for storing coal at this depot were the first built and are capable of improvement, which is contemplated in the near future.

In 1902 Secretary Moody said:

The coal depot at this station has been of much service to the fleet during the past summer; for the month of August the average number of ships receiving coal was more than one a day. The new coal pockets have been found very useful for coaling torpedo boats and small craft. Some improvements in the appliances of this depot, the necessity for which has been demonstrated by experience, are contemplated in the future. The capacity of the depot, without storing coal deep enough to endanger its safety from spontaneous combustion, is about 7,000 tons. Its importance is due to the fact that it is located just inside the outer defenses of New York City.

Secretary Moody in 1903 reports:

The coal depot at this station has done efficient service during the past year. No changes or extensive repairs have been made.

Secretary Morton, for the year 1904, reports:

An extension to the plant at this depot has been commenced under the supervision of the Bureau of Yards and Docks.

In 1905 Secretary Bonaparte reports:

Capacity, 11,300 tons. Water storage for ships' use, 100,000 gallons, in tanks.

This language of Secretary Bonaparte is followed in succeeding reports until the present Secretary of the Navy recommends its abolishment and proposes to sell that which the Government can not sell, for it does not possess it except for a stated purpose.

All naval experts, as well as Secretaries of the Navy, reported in favor of this station until Secretary Newberry, whose tenure of office in that position was very short, divided the subject of purchase, transportation and storage of coal, which had all been handled by the Bureau of Equipment since the Civil War, among five bureaus.

Now to follow the history of this station a little further, and this during the term of the present Secretary of the Navy, who now advocates and urges repudiation and recommends that this Government break its solemn pledge. Eighteen thousand dollars was spent at this station for Marine barracks within a few years. The buildings that were already on the property and had been for years were repaired, and in addition a Marine training school was established. The coaling station was, however, continued and is now in good working form.

It was generally considered by those the best able to judge that it afforded an ideal location for a Marine training school. There is an abundance of fresh water available on this property. The New York, New Haven & Hartford Railroad bisects it. It is easily accessible to all eastern centers of population; but even after the expenditure of this money for the Marines, their satisfaction with the surroundings, and with no reason assigned, they were shipped elsewhere and this school was abandoned. Two or three men now hold the fort at this naval station. But $21,626.12 has been spent on this property in 44 years for repairs, and the Secretary now reports the buildings in good condition. It has been abandoned for naval purposes, so far as the Secretary of the Navy can do so without legislative action. This was done soon after Congress refused to pass legislation to abandon it. The present cost of maintenance of this station is a mere bagatelle as compared with the expense which the Secretary of the Navy proposes in dismantling it. And why dismantle it at all?

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman what would be the saving if this station were abolished.

Mr. HIGGINS. My dear sir, the saving would be a mere bagatelle. In fact, it would increase the cost to the Government. I do not think that this provision comes within the Holman rule. No money would be saved by its abolishment. There are two or three men who are holding the fort there now, but I am not speaking for those two or three men. The Secretary of the Navy is trying and has tried to do away with that station, but why I do not know. It is being starved out now as much as it can be. I have heard some reasons given as to why, which I would not care to express upon the floor of the House at this time. I would not urge the continuance of this station if ample scientific authority did not recommend its continuance. There ought to be some definite business policy adhered to for a sufficient length of time for us to demonstrate its wisdom. These sporadic recommendations do not and will not accomplish the purpose sought.

The eastern defenses of New York lie off New London Harbor. There is no coaling station west until you get to Brooklyn. There is no coaling station east until you get to Narragansett. In the event of war any fleet protecting New York from the east would rendezvous at New London Harbor, which can float the navies of the world. These eastern forts are now supplied from New London. This station lies within sight of the harbor and but 2 miles from it. It does not require scientific knowledge to appreciate the strategic value of this station. It has been said that strategy was only common sense, and that is all that I ask should be applied to this proposition. We ought to profit somewhat by our experiences during the Spanish War. The Belknap Board appreciated the value of this station to the Navy. Their reasons and arguments have never been controverted. They can not be successfully. The action proposed is not only unjust but unreasonable and unsound as a military proposition.

Connecticut stands ready, as she always has, to bear her part of the burdens of the national defense. Her gift of this tract of land is only one of many acts which have demonstrated her patriotism and unselfishness. She seeks at all times to cooperate with the Federal Government and not to defy it; but this proposed action is so unwarranted by any test that you may choose to apply, is so founded upon injustice, that its adoption will work a graver injury than the mere abolishment of what misguided and uninformed persons choose to call a useless naval station.

If this is proposed under the guise of economy, great disappointment is in store for the advocates of the proposition. If it is deemed as not being essential to our military establishment, I say to you that if war does come, and may God forbid it, that in the hurry of urgent and vital necessity a coaling station will be improvised at or near this point, and the very lack of it at a critical time will expose Long Island Sound to invasion with consequences that I do not want to contemplate. [Applause.]

The Secretary of the Navy, in a report under date of February 20, 1911, as to the condition of this station, reported as follows:

New London.

No.	Character.	Cost.	Condition.	Use.
1	Brick	$9,000.00	Fair	Storehouse and offices.
2	do	9,000.00	do	Storehouse and pumping room.
3	do	18,000.00	Good	Marine barracks.
4	Wood	700.00	Poor	Machine shop.
5	do	800.00	Fair	Watch house.
6	do	2,000.00	do	Stable.
7	Steel	70,000.00	Good	Coal shed.
8	do	22,500.00	do	North bridge tramway.
9	do	22,500.00	do	South bridge tramway.
10	Steel tower, wood tank	4,473.00	do	Water tank and tower.
11	Wood	3,000.00	do	Coal pockets.
12	do	5,452.10	do	Do.
13	do	24,321.25	do	Do.
A	do	1,500.00	Poor	Quarters.
C	do	4,000.00	Fair	Do.
Original cost of buildings				$232,226.35
Expenditures for repairs				21,626.12
Total				253,852.47

The deed by which the Government holds title to this station is as follows:

Whereas by an act of the General Assembly of the State of Connecticut entitled "An act in addition to and in alteration of an act entitled 'An act concerning land,'" approved July 27, 1867, it is provided as follows:

Whereas the Congress of the United States, by act approved March 2, 1867, has authorized and directed the Secretary of the Navy "to receive and accept a deed of gift here offered by the State of Connecticut of a tract of land on the Thames River, near New London, Conn., with a water front of not less than one mile, to be held by the United States for naval purposes"; and

Whereas this State is desirous of cooperating with the Federal Government in its purpose to locate a navy yard, naval depot, or naval establishment upon said Thames River: Therefore be it

Enacted by the senate and house of representatives in general assembly convened;

SECTION 1. That his excellency, the governor, be, and he is hereby, authorized to appoint the commissioners to select and designate the tract of land so to be conveyed, and to request the Secretary of the Navy to appoint some officer to act with said commissioners in behalf of the United States in the selection of said tract.

SEC. 2. The city of New London is authorized to acquire title to said land, by purchase or otherwise, in trust, and for the purpose of conveying the same to the United States.

SEC. 3. And in case the city can not agree with the party in interest relative to the purchase of said interest, the city may proceed in all respects as provided in sections 50, 51, 52, and 53 of the act entitled "An act for the cession of jurisdiction over certain lands to the United States."

SEC. 4. And when said city has obtained title to the land designated as aforesaid the mayor of said city shall inform the comptroller of this State, and said comptroller, upon being satisfied thereof, shall sign an order upon the treasurer of this State, payable to the city of New London, for the sum of $15,000, to aid in the purchase of said land, and said treasurer shall pay said order to the mayor of said city or its legally authorized agent or attorney.

SEC. 5. And the said commissioners appointed by the governor shall join with said city as agents of the State in the conveyance of the said land to the United States and the cession of jurisdiction thereto for naval purposes.

SEC. 6. The city of New London, at a meeting called for the purpose, may appropriate any sum of money, not exceeding $75,000, for the purchase of land designated as aforesaid.

SEC. 7. Section 48 of the act to which this is an alteration and addition is hereby repealed.

SEC. 8. And the appropriation of the State in aid of the land aforesaid made hereby shall be in lieu of all appropriations heretofore proposed to be made.

Approved July 27, 1867.

And whereas the governor of said State by authority of said act appointed Charles R. Ingersoll, of New Haven; Lorenzo Blackstone, of Norwich; and Ephriam Williams, of Stonington, in said State of Connecticut, to select and designate the tract of land to be conveyed to the United States as therein contemplated; and

Whereas said commissioners in cooperation with Commander J. P. McKinstry, an officer of the United States Navy appointed thereto in behalf of the United States by the Secretary of the Navy, have selected and designated for the purposes in said act declared a tract of land on the Thames River near New London, in the towns of Groton and Ledyard in said State of Connecticut, a particular description of which is hereinafter set forth; and

Whereas the city of New London has acquired to said tract of land so selected and designated as aforesaid, as authorized and by virtue of said act. Therefore for the purpose of conveying to the United States the title to said land, so acquired as aforesaid, and ceding to the United States the jurisdiction of the State of Connecticut over the same as provided in said act

Know all men by these presents:

That the State of Connecticut, acting hereby by Charles R. Ingersoll, Lorenzo Blackstone, and Ephriam Williams, commissioners appointed hereto as aforesaid, and the mayor, aldermen, common council, and freemen of the city of New London, acting herein by Hon. Frederic L. Allen, mayor of said city of New London, their duly authorized agent for the purpose, in consideration of the premises and of $1 and other valuable considerations received by them to their full satisfaction of the United States of America do give, grant, bargain, and sell and confirm unto the said United States of America the following tract of land (described) in the towns of Groton and Ledyard, in said State of Connecticut, bounded westerly on the Thames River and contained within the lines hereinafter mentioned and particularly delineated on a map of said tract of land made by David A. Daboll, surveyor, dated the —— day of November, A. D. 1867, and to accompany this deed; that is to say,

Beginning at a mere stone marked —0— on the east shore of the Thames River on land of Jonathan Colver, being 150 feet northerly of the Pentway, so called, which point is marked "A" on the said map; thence N. 89½° E. crossing the river road, so called, 650 feet to a mere stone marked —0— in said Colver's orchard and continues the same course 41¼ feet to a point in said orchard (the aforesaid line called AB); thence N. 13° W. on land of said Colver about 1,570 feet to a point on Fort Rock, so called, which point is 41¼ feet east of a stone marked —0— (call said last line BC); thence N. 3° E. about 1,548 feet partly on land of said Colver and partly on land lately owned by Courtland Chapman to a point 41¼ feet east of a mere stone marked —0— on land lately owned by said Chapman (call said last line CD); thence N. 3½° E. about 2,160 feet partly on land lately owned by said Chapman and partly on land lately owned by Solomon Perkins to a point on said Perkins's land 41¼ feet easterly of a mere stone marked —0— (call said last line DE); thence N. 84° W. 41¼ feet to said mere stone, and continue the same course about 680 feet, crossing said river road to a mere stone marked —0— on the shore of the Thames River (this point is marked F on said map); thence southerly bounding by and with said Thames River about 351 rods to the place of beginning, to be held by the said United States for naval purposes as contemplated by said act of Congress of the United States relative thereto, approved March 2, 1867, and the act of the General Assembly of the State of Connecticut hereinbefore mentioned, reserving the right to remove all the buildings from said described tract before the 1st day of July, A. D. 1868.

To have and to hold the aforesaid premises with all the appurtenances thereof unto the said United States and their assigns for naval

purposes, according to the provisions of said act of Congress and the act of the General Assembly of said State of Connecticut hereinbefore mentioned.

And the said mayor, aldermen, and common council and freemen of said city of New London do covenant with the United States and their assigns that they have full power and authority to grant and convey said premises as aforesaid, and they do for themselves, their successors, and assigns, covenant with the said United States and their assigns to warrant and defend the same to the said United States and their assigns against any person and persons claiming by, from, or under them and from all incumbrances done or suffered by them.

And the said State of Connecticut does here cede to the United States of America all jurisdiction over said land hereby conveyed within the limits hereinafter set forth and described, only reserving to the said State of Connecticut the right to serve and execute all civil criminal process thereon.

In witness whereof the said grantors have hereunto set their hands by their agents duly authorized thereto as aforesaid and have caused their respective seals to be affixed on this 11th day of April, 1868.

[SEAL.] J. R. INGERSOLL,
LORENZO BLACKSTONE,
EPHRIAM WILLIAMS,
Commissioners as aforesaid.

Signed, sealed, and delivered in presence of—
ABRIL CONVERSE.
CALEB MIX, Jr.
LUTHER R. CASE.

[SEAL.] FREDERICK L. ALLEN,
Mayor and agent of said city of New London, duly authorized as aforesaid.

Witnesses to L. C. Allen, for New London—
ABRIL CONVERSE.
I. W. SMITH.

STATE OF CONNECTICUT,
New Haven County, New Haven, ss:

Be it known that on the 11th day of April, A. D. 1868, before me, Abril Converse, a notary public by lawful authority, duly commissioned and sworn and residing in said State, comes the said State of Connecticut by and in person of said commissioners, Charles R. Ingersoll, Lorenzo Blackstone, and Ephriam Williams, who have signed the foregoing deed in my presence as such commissioners and acknowledged the same to be their free act and deed of said State of Connecticut.

In testimony whereof I have hereunto set my hand and fixed my notarial seal the day aforesaid written.

[SEAL.] ABRIL CONVERSE,
Notary Public.

STATE OF CONNECTICUT,
New London County, New London, ss:

Be it known that on this 17th day of April, 1868, before me, Abril Converse, a public notary in aforesaid State of Connecticut by lawful authority, duly appointed and sworn and residing in said State, and the mayor, aldermen, common council, and freemen of the city of New London, and in person of Frederick L. Allen, mayor and agent of said city of New London, thereunto duly authorized and by a vote of said city, and acknowledged the same to be their free act and deed of said city of New London.

In testimony whereof I have hereto fixed my hand and seal and affixed my notarial seal the day before written.

[SEAL.] ABRIL CONVERSE,
Notary Public.

Received for record January 26, 1901, at 11 o'clock a. m.

[SEAL.] J. A. MORGAN,
Assistant Town Clerk.

OFFICE OF THE TOWN CLERK OF GROTON.

STATE OF CONNECTICUT,
County of New London, ss:

I, Henry L. Bailey, town clerk of said town of Groton, it being an office of record, with a seal, which is hereto affixed, the records and seal of which office I have the custody, do hereby, in the performance of my duty as said clerk, certify and attest, that the hereunto attached instrument is a true and correct copy of record as will appear in volume 41, pages 600–612, of Groton records.

Witness my hand and the seal of said town of Groton, in said county and State, this 8th day of February, 1911.

Attest:
[SEAL.] HENRY L. BAILEY,
Town Clerk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HIGGINS. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Connecticut [Mr. HIGGINS] asks unanimous consent for three minutes more. Is there objection?

Mr. PADGETT. I think I can dispose of the matter for the gentleman if he will simply extend his remarks.

Mr. HIGGINS. Mr. Chairman, I withdraw my request for additional time and ask unanimous consent to extend my remarks in the RECORD.

Mr. HILL. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. Mr. Chairman, I think I can expedite the matter. I want to say that some time ago the department made a recommendation to abolish various yards, among them the ones included in this paragraph, but since that time the department has appointed a board composed of Navy officers and Army officers to take up and consider the whole scheme and project of a reorganization of the navy yards of the country, including the larger ones and the smaller ones. Then they sent me the letter which I put in the RECORD with reference to the changes they have made at Port Royal and the new work they have established there.

And it is also called to our attention that we have not yet established finally our policy, so far as the Caribbean Sea is concerned and the San Juan and Culebra yards there. If we release that land it goes back to the civil government, and in view of these recent changes and developments I am going to enlarge the motion, and move to amend by striking the whole paragraph out.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee to strike out the entire paragraph.

The question was taken, and the amendment was agreed to.

Mr. HIGGINS. Did I understand the gentleman from Tennessee to say that a board had been created now by the Secretary of the Navy proposing to make some recommendations as to these yards?

Mr. PADGETT. With reference to all of the yards—the whole yard system of the country. It has been operating, I think, for some time.

Mr. HIGGINS. If we can get some scientific system, based upon facts, in the department as constituted now, with reference to these navy yards, naval stations, and coaling stations, I think it would be very wholesome and work to the lasting benefit of the Navy, and I had an amendment to do that very thing, which I had expected to offer, but in view of the statement of the chairman of the Naval Committee I will not offer it now.

Mr. PADGETT. That is being worked out now in the way I have stated.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On May 20, 1912:

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain land for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.; and

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River.

On May 22, 1912:

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year.

On May 27, 1912:

H. R. 14052. An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton;

H. R. 19238. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 21590. An act to authorize levee and drainage district No. 25, of Dunklin County, Mo., to construct and maintain a levee across a branch or cut-off of St. Francis River, and to construct and maintain a levee across the mouth of the Varney River, in the State of Missouri;

H. R. 18335. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18337. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 18954. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18955. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For tolls and ferriages; care, transportation, and burial of the dead; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobile am-

bulances, and harness; purchase of feed for horses and cows; trees, plants, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington; naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, and all other necessary contingent expenses; in all, $82,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. On page 39, lines 5, 6, and 7, I see a provision for "rent of rooms for naval dispensary, not to exceed $1,200." Is that something new?

Mr. PADGETT. It is new in this respect. In the growth of business and in the accumulation of documents, and so forth, the authorities have certified to the Navy Department that the weight of the load stored away in the building up here—in the Naval Annex, the Mills Building—has become so heavy that it is endangering the building. Consequently, the Secretary is compelled to move some of the force out of that building, and in order to do so he must rent another one in which to accumulate and take care of the supplies. Here is a letter to me, dated April 12, in which he says:

I have the honor to transmit herewith a copy of a report received from the superintendent of the State, War, and Navy Department Building, calling attention to the fact that some of the rooms in the Navy Department Annex (Mills Building) are dangerously overloaded. Immediately upon the receipt of this report, instructions were given to remove the overload as far as possible by rearrangement of furniture and the transfer of inactive files of papers to the navy yard, Washington, D. C. The Bureau of Medicine and Surgery has reported that when it moved into the Mills Building, less than two years ago, only active files were taken there, and that none of the papers in rooms 701 and 703 can be spared. In order to remove the overload in these two rooms the bureau has suggested that the three rooms in the Mills Building now assigned to the naval dispensary be assigned to the bureau and quarters found elsewhere for the naval dispensary. It will be necessary to rent quarters for the naval dispensary, and inasmuch as the act of March 3, 1877, prohibits the renting of any building or the part of a building in the District of Columbia until an appropriation therefor shall have been made in terms, it is recommended there be restored to the appropriation "contingent, medicine and surgery, 1913," the provision formerly carried in the appropriation "for rent of rooms for naval dispensary, Washington, D. C.," to be inserted—

And so forth.

Mr. TILSON. Mr. Chairman, the explanation is entirely clear and satisfactory, and I withdraw the pro forma amendment.

The Clerk read as follows:

That a Medical Reserve Corps, to be a constituent part of the Medical Department of the Navy, is hereby established under the same provisions, in all respects (except as may be necessary to adapt the said provisions to the Navy), as those providing a Medical Reserve Corps for the Army, and as set forth in the act to increase the efficiency of the Medical Department of the United States Army, approved April 23, 1908.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The amendment is not in order until the point of order is disposed of.

Mr. FOSTER. Is not this new legislation?

Mr. PADGETT. Yes; it is new legislation. It is subject to a point of order if it should be made. But I want to say that it does not involve any expense. A similar institution is provided for in the Army. This is proposed in order to enable the department——

Mr. SLAYDEN. What is it?

Mr. PADGETT. It is a Medical Reserve Corps, similar to that provided for in the Army. Dr. Stokes, the Surgeon General of the Navy, states that it is desirable that we should have a reserve organization of physicians and surgeons throughout the country, to have them identified with the Navy as they are with the Army. There is no appropriation, no salary, no expense involved; simply a connection, so that if war should break out or an emergency should arise, and Congress should authorize it, the Medical Department of the Navy could be in immediate communication with these men and bring them to the aid and support of the Navy.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. PADGETT. Yes, sir; I yield the floor to the gentleman.

Mr. SLAYDEN. I wanted to make a brief statement.

Mr. Chairman, what the gentleman says has no doubt been told to him, but ultimately it will involve increased appropriations. The Army had contract surgeons, and still has a few, but there have been gradually substituted for them medical reserve officers, who have gone into the Army, and little by little, with increasing celerity, too, the contract surgeons have been taken out of the service and regularly commissioned Army surgeons have been substituted for them.

Now, the additional cost that will come from that will be due to this fact, largely: In the first place, they get a rapid promotion at fixed intervals and more pay than the contract surgeon gets, and, in the second place, after having had a certain number of years' service, they will go on the retired list, which a contract surgeon did not do. Any gentleman will see upon a moment's reflection that that will increase the expenses of the service.

Mr. PADGETT. But this does not put them on the active list or on the retired list.

Mr. SLAYDEN. Neither was that done in the Army, but they take the places of the contract surgeons, and they have retiring privileges.

Mr. PADGETT. This provision does not carry any appropriation and it does not identify them in a strictly official sense with the organization of the Navy.

Mr. SLAYDEN. I am not contending that it may not be wise. I am only contending that the statement of the gentleman that it will not involve any additional expense is not accurate.

Mr. PADGETT. I say it will not involve any additional expense unless Congress hereafter by legislation authorizes their payment or authorizes their enlistment in some way.

Mr. SLAYDEN. Have you contract surgeons in the Navy now?

Mr. PADGETT. No, sir.

Mr. SLAYDEN. You have no contract surgeons?

Mr. PADGETT. No.

Mr. SLAYDEN. It may be a wise thing, Mr. Chairman. I am not prepared to say that it is not. But when we make provision for a class of men to go on the retired list it is going to increase the expenses, no matter what gentlemen may say about it.

Mr. TRIBBLE. Will it not be true that as the years go round these men will be knocking at the doors of Congress to be put on the retired list by a special bill?

Mr. PADGETT. I think not. This is simply to get the highest class of surgeons and physicians in the country on a list, so that, should an emergency arise, these men will be available for the Navy. I do not imagine that that class of men, the eminent physicians and surgeons throughout the country, would surrender their practice for the purpose of coming into the Navy unless it was from a patriotic motive or patriotic purpose, if an emergency arose, such as war. I contemplate no condition that would be inimical to the best interests of the country or of the Navy at all.

Mr. FOSTER. This is intended simply to have these physicians and surgeons as a reserve that may be called upon?

Mr. PADGETT. Yes; should Congress authorize it.

Mr. FOSTER. Is it intended, under this provision, that the surgeons of the Navy shall be in consultation with this reserve corps in reference to matters medical concerning the Navy?

Mr. PADGETT. The Surgeon General thought that the surgeons of the Navy would get the benefit of their service, but it would involve no pay. It would simply mean that, courtesy and contact with these men in the reserve corps being established, he would feel at liberty to consult with them as you would with your neighbor. It does not involve a consultation with resulting fees.

Mr. FOSTER. The gentleman is undoubtedly aware of the fact that under the present law a surgeon is not taken into the Navy beyond a certain age?

Mr. PADGETT. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. This is on a point of order, and the five-minute rule does not apply.

Mr. FOSTER. I would like to be recognized, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. FOSTER. They are not appointed in the Navy when they are above a certain age. I take it that this Reserve Corps will not be so limited.

Mr. PADGETT. That is correct.

Mr. FOSTER. This is similar to the provision for the Reserve Corps in the Army, is it?

Mr. PADGETT. Yes; upon identically the same basis.

Mr. FOSTER. So that they may make surgeons members of the Reserve Corps in the Navy when they are beyond the age at which they are taken into the Navy as surgeons. That is true, is it not?

Mr. PADGETT. I so understand.

Mr. FOSTER. So that in time of war there might be surgeons who would be members of the Medical Reserve Corps of the Navy who would be beyond the age for service in the Navy as now provided.

Mr. TALBOTT of Maryland. Who would not be eligible to appointment.

Mr. PADGETT. Yes; they might come in. This is mostly for consultation——

Mr. FOSTER. It is largely for the purpose of consultation and getting the ideas of the surgeons of the country in private practice, for the good they may do the surgeons in the Navy.

Mr. PADGETT. I so understand it.

Mr. FOSTER. So that there will be cooperation between physicians in private practice and those who are in the service of the Navy.

Mr. PADGETT. And give the Navy the benefit of their cooperation and coordination.

Mr. FOSTER. I withdraw the point of order.

Mr. HOWARD. Mr. Chairman, I should like to get some information from the chairman with reference to this particular section. As I understand its provisions, it is practically the same as was enacted in 1908 for the Army.

Mr. PADGETT. It is identically the same provision, changed so as to adapt it to the Navy.

Mr. HOWARD. As I understand the terms of that provision, the appointment of these surgeons in the reserve corps is simply honorary, and in time of war the Government can call upon these surgeons for their services. The regular surgeons in the Navy will, of course, be engaged in their active duties, and these others are supposed to be held in reserve, so that when the hospital ships bring in the sick and wounded they can care for them.

Now, I want to ask what provision is made for dental surgeons in this section, or is there any provision made?

Mr. PADGETT. You will remember that the other day we offered as a committee amendment a provision for dental surgeons, and it went out upon a point of order. I will state to the gentleman that before the conclusion of the bill I am going to ask unanimous consent to return and reoffer it, to see if upon reflection and further investigation of the matter those who objected to it before may not be willing to let it go in.

Mr. HOWARD. Will the gentleman state, for the information of the House, whether the Navy Department has any dental surgeons at all now?

Mr. PADGETT. The Navy has a makeshift arrangement.

Mr. HOWARD. Do not the men have to pay for the service?

Mr. PADGETT. The Navy has no dental corps, and it needs one very much. The committee reported a dental-surgeon bill, which is on the calendar, and by authority of the committee I offered it earlier in the consideration of this bill, but it was objected to and went out on a point of order. A dental corps exists in the Army, and the provision that we reported and asked to incorporate in the bill was identical with the Army provision. With the more than 60,000 men that we have in the Navy, and with no dental corps, the efficiency, health, and even the lives of the sailors are unnecessarily jeopardized by this lack.

Mr. HOWARD. Under the present law the Army gets the benefit of dental surgery.

Mr. PADGETT. Yes.

Mr. HOWARD. But the Navy does not; and if the men get the benefit of dental surgery they have to pay for it out of their own pockets?

Mr. PADGETT. To some extent.

Mr. HOWARD. Not the regular rates, but they do pay an appreciable amount for the service?

Mr. PADGETT. Yes; and then they get inferior service.

Mr. HOWARD. Mr. Chairman, as I understand, there is no point of order against this section, and I want to offer this amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to line 16, page 40:

"*Provided*, That the professional degree and qualification prescribed as a requirement for appointment to said Reserve Corps shall be varied to include, in suitable proportion to conserve the health and efficiency of the personnel of the naval service, the professional degree and qualification required by standard American universities and colleges for graduation in dental surgery."

Mr. FOSTER. Mr. Chairman, I did not quite catch that. Is that intended to have a dental reserve corps?

Mr. HOWARD. Yes.

Mr. PADGETT. Mr. Chairman, I move as a substitute for the amendment the dental surgeon bill that covers the whole question. It is the bill that was offered the other day, is identical with the Army provision, and creates a dental corps in the Navy identical with that in the Army, so that we can look after the welfare of the 60,000 men in the Navy.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the amendment and the substitute.

Mr. GOOD. I reserve a point of order on the amendment and the substitute.

Mr. PADGETT. That comes too late to offer it to the amendment after we have debated it.

The CHAIRMAN. The point of order of the gentleman from Tennessee is well taken as to the amendment offered by the gentleman from Georgia.

Mr. FOSTER. It might not be germane to this particular item in the bill.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 40, after line 16, insert the following measure:

"That the appointment of not more than 30 assistant dental surgeons be, and the same is hereby, authorized, said assistant dental surgeons to be a part of the Medical Department of the United States Navy, to serve professionally the personnel of the naval service, and to perform such other duties as may be prescribed by competent authority.

"That all original appointments herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States between 24 and 32 years of age, and shall be graduates of standard medical or dental colleges trained in the several branches of dentistry, of good moral character, of unquestionable professional repute, and before appointment shall pass satisfactory physical and professional examinations, including tests of skill in practical dentistry, of proficiency in the several usual subjects in a standard dental college course, and in such other subjects of general education as are now or may hereafter be required for admission to the Medical Corps of the Navy.

"That at the end of three years from the passage of this act all acting assistant dental surgeons who have had two or more years' service under their original appointment, as herein provided, shall undergo such physical and competitive professional examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade), in the order of standing as determined by the professional examinations provided for in this section.

"That after the competitive examinations provided for in section 3 of this act have been held, acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and, if found qualified, they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade).

"That if any acting assistant dental surgeon shall fail upon the examinations prescribed in sections 3 and 4 of this act he shall be honorably discharged from the naval service, and the appointment of an acting dental surgeon may be revoked at any time in the discretion of the Secretary of the Navy.

"That all appointees authorized by this act shall take rank and precedence next below other officers of the rank of lieutenant (junior grade) now or hereafter commissioned in the Navy, and shall not exercise command over persons in the Navy other than dental surgeons and such enlisted men as may be detailed to assist them by competent authority.

"That all officers authorized by this act shall receive the same pay and allowances as officers of corresponding rank and length of service in the Medical Corps of the Navy.

"That all officers authorized by the preceding sections of this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1443 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized: *And provided further*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

"That the Secretary of the Navy is hereby authorized to appoint, for temporary service, suitably qualified acting dental surgeons when necessary to the health and efficiency of the personnel of the naval service: *Provided*, That the total strength of the dental corps, including those appointed for temporary service under this section, shall not exceed the proportion of one to each thousand of the authorized enlisted strength of the Navy and Marine Corps: *Provided further*, That appointments issued under authority of this section may be revoked at any time, shall have no legal force or effect except for the time the temporary appointee is in active service, and shall include no right of retirement.

"That all appointments authorized by this act, except the appointment of acting dental surgeons, shall be made by the President, by and with the advice and consent of the Senate.

"That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. HOWARD. Mr. Chairman, I want to offer an amendment to the substitute.

The CHAIRMAN. The point of order is pending.

Mr. FOSTER. Mr. Chairman, while I am not in favor of increasing officers in the Government service where it is not necessary, yet we have had in the Army a Dental Reserve Corps and dentists connected with the Army. It is even of more importance, it seems to me, that we should have dentists in the Navy than it is in the Army. When a man goes to sea he is away from where he can secure the proper services of a dentist if treatment may be necessary. It is well known now that teeth to a man in the Navy or the Army or in civil life is a very important thing, and if not in proper condition may seriously affect his health. We know that when one is suffering with a severe case of toothache he is not fit for any kind of duty.

Mr. BUTLER. Not even that of a soldier.

Mr. FOSTER. No; nor that of a sailor. It seems to me that it is important to the Navy of our country, because on every battleship we have a thousand or more men. I say it is of even more importance to the Navy than it is to the Army. I shall be very glad, indeed, to support this amendment, believing that it is very necessary for the success and welfare of the Navy.

There is one matter in this substitute which I think ought to be changed, that is that it provides for men going into the dental service of the Navy at 32 years of age. It is now provided in the Army that they go in at not over 27 years of age, as I am informed by the gentleman from Texas [Mr. SLAYDEN]. I think the substitute ought to be changed in that respect.

Mr. PADGETT. I will ask, Mr. Chairman, unanimous consent that my amendment be modified by striking out the word "thirty-two" and inserting "twenty-seven."

Mr. SLAYDEN. Mr. Chairman, the substitute now reads, "and all appointees to such grades shall be citizens of the United States between 24 and 32 years of age." As I understand it, the chairman of the committee has consented to modify his amendment, and I suggest the language be amended to read that "appointees to such grades shall be citizens of the United States not over 27 years of age." That will make it correspond to the act providing for a dental corps in the Army. I will accept that modification, Mr. Chairman.

The CHAIRMAN. The Clerk will read the provision as modified.

The Clerk read as follows:

That all original appointees herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States not over 27 years of age.

The CHAIRMAN. Without objection, the modification to the amendment in the nature of a substitute will be agreed to.

There was no objection.

Mr. GOOD. Mr. Chairman, personally I have no objection to this provision. I would like to ask the gentleman from Tennessee what the cost will be to the Government, and also if the provision has been recommended by the Secretary of the Navy?

Mr. PADGETT. It has been recommended for years and years by the different Secretaries and by the Surgeons General of the Navy, and we reported it out, I think, in the last Congress and put it on the calendar, but in the press of business could not get it considered. It is on the calendar now by unanimous report of the members of the committee, and we were authorized by committee action to ask permission to put it in this bill so as to get consideration of it, as there is but little prospect of reaching consideration under the calendar procedure.

Mr. GOOD. What becomes of these dentists after their service in the Navy? Are they placed on the retired list at any pay?

Mr. PADGETT. Yes; just as in the Army, after they reach the age of 62 years and have a service of 30 years they will be placed on the retired list with a grade of lieutenant, as I remember. They can not get above the grade of lieutenant.

Mr. GOOD. As I understand the amendment, they are limited so that they can not perform this service after they are 34 years of age.

Mr. PADGETT. Oh, no; they can not be appointed; they must be young men when they are appointed.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

Mr. SLAYDEN. Mr. Chairman, here is the paragraph that the gentleman from Iowa [Mr. GOOD] was asking about which defines their official rank:

That after the competitive examinations provided for in section 3 of this act have been held acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade).

It is in connection with this definition of the naval rank that I wanted to ask a question of the gentleman from Tennessee. To what rank in the Army does the rank of lieutenant in the junior grade correspond?

Mr. PADGETT. First lieutenant.

Mr. SLAYDEN. Then they are appointed practically as first lieutenants in the Army?

Mr. PADGETT. Yes; after three years of service.

Mr. SLAYDEN. I assume that you provide here for promotion at stated periods in their service?

Mr. PADGETT. I think they are limited in their promotions.

Mr. SLAYDEN. That is what I wanted to find out. It was impossible to tell from the reading of the Clerk.

Mr. FOSTER. Mr. Chairman, while these gentlemen are looking that up I think it is of some importance that we should know something about how promotions are to be made. The gentleman from Texas [Mr. SLAYDEN] and the gentleman from Tennessee [Mr. PADGETT] are trying to find out if this makes ample provision for these promotions in the proper way and whether the bill ought to be changed——

Mr. PADGETT. As I say, they do not have any promotion. They are limited to lieutenants of the junior grade.

Mr. SLAYDEN. What about the pay? Don't they get an increase of pay?

Mr. PADGETT. I understand they do.

The CHAIRMAN. To whom does the gentleman from Illinois yield?

Mr. FOSTER. The gentleman from Tennessee.

Mr. PADGETT. They get the pay provided for lieutenant of the junior grade. I understand that both in the Army and in the Navy after five years of service they get an increase of pay, but they do not get any increase of grade. They are held to the position of lieutenants of the junior grade, and with five years of service they get an increase of pay just as in the Army.

Mr. SLAYDEN. Then do they get fogey pay, as they call it in the Army, for each five years of service until they shall have had it four times? Is that the rule in the Navy?

Mr. PADGETT. Yes.

Mr. SLAYDEN. Do they get the longevity pay equal to that of similar rank in the Army?

Mr. PADGETT. Yes.

Mr. SLAYDEN. I would like to ask the gentleman from Tennessee what this language in section 8 means:

SEC. 8. That all officers authorized by the preceding sections of this act shall be eligible to retirement in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized.

I would like to ask the chairman of the committee to inform the House what that refers to. What does section 1445 of the Revised Statutes mean?

Mr. PADGETT. I can not tell you right now. I looked it up, but it has escaped my mind at this moment. The Clerk will get it.

Mr. HOWARD. I have it here—section 1445 of the Revised Statutes.

Mr. PADGETT. There is the statute right there.

Mr. SLAYDEN. Mr. Chairman, without knowledge of the influence on this legislation that the statute referred to may have, it is legislating in the dark. We do not know what privileges we are granting this new class of officers. We do not know what limit there will be in the end even on the expenditures touching them. There is a statement in the same paragraph that the dentist now employed at the Naval Academy shall not be displaced by the operation of this act. I take it for granted that the dentist at the Naval Academy is a more highly paid person; and I can look a little bit ahead and see the time come when, as an employee of the Government at better pay than is provided for these dentists who are to be appointed, he will come in here with a special bill, after having reached the age of 62 years, or approximately that, and ask to be retired with the pay and allowances of a lieutenant dentist.

Mr. HOWARD. I have the statute here if the gentleman wants to hear it.

Mr. SLAYDEN. I yield to the gentleman from Georgia to read the section of the Revised Statutes that applies to this legislation.

Mr. HOWARD. You have to read 1443 and 1444 in order to get the sense of 1445:

SEC. 1443. When any officer of the Navy has been 40 years in the service of the United States he may be retired from active service by the President upon his own application.

SEC. 1444. When any officer before the rank of vice admiral is 62 years old, he shall, except in the case provided in the next section, be retired by the President from active service.

SEC. 1445. The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer, and such officers shall not be placed on the retired list except on account of physical or mental disability

Mr. SLAYDEN. Mr. Chairman, I suppose the gentleman from Massachusetts [Mr. ROBERTS] is familiar with it. I will ask him if this is intended to be a limitation upon their retirement?

Mr. ROBERTS of Massachusetts. Certainly.

Mr. SLAYDEN. And they will not retire at the age of 62 years?

Mr. ROBERTS of Massachusetts. No; the idea is they will retire at 62. If you read sections 1743 and 1744——

Mr. SLAYDEN. This is section 1445 I am referring to.

Mr. ROBERTS of Massachusetts. Section 1445, taken with the two preceding sections, shows precisely what is meant.

Mr. PADGETT. Section 1445 provides that certain officers are to be retired only for disability. A lieutenant of the junior grade is included in this provision. Now, this gives the retirement privilege for age, and gives them the privilege, when they reach the rank of lieutenant of the junior grade, that they can be retired at 62 years of age. This statute we do not want to apply to them, because this statute prohibits retirement except for physical disabilities.

Mr. SLAYDEN. You mean to say officers covered by that section of the Revised Statutes retire at 62 now?

Mr. PADGETT. It says:

The two preceding sections shall not apply to any lieutenant commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

Mr. SLAYDEN. No matter what their age?

Mr. PADGETT. But this gives them the right to retire at the age of 62. These dental surgeons are given the right to retire at 62, and for that reason it is excepted from the provisions of the bill.

Mr. SLAYDEN. I would like to ask the gentleman another question about this and I would like to have the gentleman from Massachusetts give his attention to it also. It says that the dentist now employed at the Naval Academy shall not be displaced by the operation of this act. Who is he, and why not?

Mr. PADGETT. There is one dentist who is provided by law for the Naval Academy for the 900 midshipmen that are there. He is not under the Medical Corps. This establishment of the dental corps is intended for the general Navy of the enlisted sailormen.

Mr. SLAYDEN. Is the dentist now employed in the Navy an officer?

Mr. PADGETT. Yes.

Mr. SLAYDEN. How did he become an officer? By special act?

Mr. PADGETT. By some special act; yes, sir.

Mr. SLAYDEN. What rank has he?

Mr. PADGETT. I think it is lieutenant, junior grade.

Mr. SLAYDEN. Are you sure he is an officer?

Mr. PADGETT. That is my understanding; yes, sir.

Mr. SLAYDEN. This does not indicate it. It says "the dentist now employed at the Naval Academy."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I would like to know what is the compensation of the dentist at the Naval Academy, because I suspect that he is being employed at a figure very much higher than is to be paid to the lieutenant, junior grade, and the reason he is not taken into that corps by legislation is that he wants the advantage of the additional salary he is now receiving.

Mr. PADGETT. I find that he is not an officer.

Mr. SLAYDEN. It is as I suspected. The dentist employed at the Naval Academy is not an officer, as the gentleman from Tennessee [Mr. PADGETT] seemed for a moment to think, but is employed at a compensation in excess of that which is provided for the lieutenants of the junior grade that will be created by this act. I do not know what his age is. But I think the bill ought to be amended in that particular, at least, and that we ought not to have a dentist now in the naval service who is having higher compensation than officers in the corps will get and who will, beyond all doubt, come later and ask for special legislative retirement.

Mr. TALBOTT of Maryland. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland [Mr. TALBOTT] is recognized.

Mr. TALBOTT of Maryland. The dentist at the Naval Academy has charge of all the dental work at the academy. He is the only dentist there.

Mr. PADGETT. West Point has two.

Mr. TALBOTT of Maryland. West Point has two. The dentist at the academy is obliged to maintain his establishment, support his family, and does not get any allowances from the Government except his salary, and has 900 cadets to look after at all times, except during the short period of vacation. This is not the place to reduce a salary, and I hope the gentleman from Texas will not attempt to interfere with the management of the Naval Academy.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Tennessee [Mr. PADGETT] to the amendment of the gentleman from Georgia [Mr. HOWARD].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now recurs on agreeing to the amendment in the nature of a substitute.

The question was taken, and the substitute as amended was agreed to.

Mr. HOWARD. Mr. Chairman, I want to ask the Chair for the situation here as to this item in the bill. As I understand, this substitute was introduced as a substitute for an amendment offered by myself, and that amendment was to this particular section in this bill providing for the Medical Reserve Corps in the Navy. Now, as I understand the situation, there is no Medical Reserve Corps in the Navy, and the substitute offered by the gentleman from Tennessee and just adopted provides for an active——

Mr. PADGETT. Dental corps.

Mr. HOWARD. Dental corps. His substitute does not provide for anything that my amendment provided for. My amendment provided for an additional number of dental surgeons to the reserve corps, and specifying they should come under a certain grade of examination, or should be graduates of certain standard colleges. Now, then, the effect of the substitute of the gentleman from Tennessee [Mr. PADGETT] is that he has added to the active list in the Navy certain dental surgeons, but he has made no provision by that substitute for what my amendment sought to reach, by providing for dental surgeons in the reserve corps.

Mr. FOSTER. We do not care so much for the reserve corps.

Mr. HOWARD. The proposition is simply this: As I understand the situation, since 1796 there have been medical officers in the Army, and about 50 years after that they commenced having some dentists in the Army. But I would like to get recognition in this substitute provision here for the dental surgeons. In other words, in a battle, if these men are brought to shore and they have got these officers in reserve there, very likely a shell will burst and knock a fellow's teeth out, or break them off, and they need the dental surgeons as well as medical surgeons. And my amendment to the amendment prepared by the gentleman from Massachusetts [Mr. ROBERTS] simply provides for the selection of certain dental surgeons to be placed in reserve.

The CHAIRMAN. The Chair would state to the gentleman that when his amendment was pending the gentleman from Tennessee [Mr. PADGETT] offered a substitute which replaced the entire plan with respect to the organization of the dental corps. No point of order was made, and the committee adopted the substitute and fastened that on the original provisions of the bill. And it is not the province of the Chair to say what would be the effect of the amendment or the substitute. The committee has taken that course.

Mr. PADGETT. I will state to the gentleman that as it is in the bill, it gives us a Medical Reserve Corps, and the amendment gives us an active dental corps.

Mr. HOWARD. The thing I want to reach is not the active dental surgeons at all. I simply offered an amendment, which was germane to this section, providing for dental surgeons in the reserve corps. I do not know whether the gentleman's substitute absorbed this or not.

Mr. PADGETT. The substitute adopted provides for the employment of a certain number of contract dental surgeons, as well as the enlisted men, and I think that takes care of the question fully.

The CHAIRMAN. The Clerk will read.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The Clerk read as follows:

Provided, That the test of qualifications for appointment to the said reserve corps and to the dental corps may be varied to omit the subjects of such branch of the healing art or specialty of surgery of which specialists may be required, and in the discretion of the Secretary of the Navy such specialists may be grouped separately.

Mr. GOOD. I reserve a point of order on that.

Mr. ROBERTS of Massachusetts. The purpose of the provision, Mr. Chairman, is to ascertain the qualifications of doctors, dentists, eye specialists, and ear specialists, whatever they may be, who may come into the reserve corps or into the dental corps by men who are themselves specialists in those branches. In other words, if in the Medical Reserve Corps we want some ear specialists, we do not want their qualifications to be ascertained by dentists. If we want dentists, we do not want their qualifications to be ascertained by eye specialists. That is the only purpose of the amendment—to enable the Secretary of the Navy to have specialists determine upon the qualifications for admission to either of these corps by specialists of the same kind.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Texas?

Mr. ROBERTS of Massachusetts. Yes.

Mr. SLAYDEN. Are you not making provision in that amendment for something of a revolution in the manner of admitting medical officers to the Navy?

Mr. ROBERTS of Massachusetts. This applies only to the reserve corps and the dental corps that has been established. It does not apply to the admission of surgeons into the Navy. It applies only to admissions to the reserve corps and the dental corps that we are creating.

Mr. SLAYDEN. The law prescribes the class of examinations required for admission in the Medical Corps now and the persons by whom the board of examiners shall be appointed and who the members of the board shall be. That is a regulation, I suppose, that the gentleman is proposing?

Mr. ROBERTS of Massachusetts. Yes. We are undertaking to allow the Secretary of the Navy to prescribe specialists to pass upon the qualifications of specialists.

Mr. SLAYDEN. May I ask the gentleman if under the authority to make regulations the Secretary of the Navy could not do that now, provided he did not involve the Government in unauthorized expenditures?

Mr. ROBERTS of Massachusetts. I am not certain whether he can or not, but this makes it absolutely clear that he may. There is no objection in the slightest to the proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited to the naval-hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); and for subsistence of female nurses, and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; labor in general storehouses and paymasters' offices in navy yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under the general account of advances; and for the purchase of United States Army emergency rations, as required: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the general storehouses and paymasters' offices of the navy yards and naval stations for the fiscal year ending June 30, 1913, shall not exceed $402,299.36; in all, $8,542,328.25.

Mr. TRIBBLE. Mr. Chairman, I must admit that I am at a loss to know how to reach in this very large appropriation contained in this paragraph the items I conceive to be subject to a point of order. Upon investigation the Chairman will see that this appropriation exceeds that of the preceding year by nearly a million dollars.

Mr. PADGETT. May I interrupt the gentleman just a moment?

Mr. TRIBBLE. Yes. I will be glad to have any information I can get.

Mr. PADGETT. There is an increase of $532,768 on account of the 4,000 enlisted men that we have authorized in the first part of the bill, and——

Mr. TRIBBLE. Before the gentleman leaves that point, I think the chairman of the committee is mistaken on that. The evidence shows on the two hundred and eighty-third page that the amount of increase is $261,000.

Mr. PADGETT. The gentleman will remember that that was for 2,000 additional men and that the committee subsequently reported 4,000 men, so that it doubles that amount. That makes the $532,761.

Now, then, you will remember that there has been an increase in the daily ration for all of the men. For 48,000 men there is an increase in the cost of the daily ration.

Mr. TRIBBLE. Does the gentleman mean to say that it has been recommended by the committee that there shall be an increase?

Mr. PADGETT. No; there is an actual increase in the prices that they have to pay for food for the men. This is for feeding the men, caring for them, and purchasing the supplies. It is just a matter of mathematical calculation. There are so many men and so many other things provided for, and with these additional men and with the additional cost of food, and so forth, it takes just that much more. That is one of the paragraphs in the bill that is just based upon a mathematical calculation.

Mr. TRIBBLE. I understand that, but the evidence shows that it is vague. On page 283 of the hearings you will find that Admiral Cowie testified that the recommendation was for $8,325,943.95, but that the Secretary of the Navy thought that could be cut $50,000, and they cut it $50,000.

Mr. PADGETT. Yes.

Mr. TRIBBLE. It looks to me a loose way of doing. Millions are involved; the Secretary of the Navy recommends one thing, and then with the stroke of a pen changes his estimates. This carries out my argument that the committee thoroughly investigate and not let the department's recommendation necessarily control.

Mr. PADGETT. There is a very clear explanation there, if the gentleman will just read it. The Secretary first asked for 2,000 more enlisted men, and he said that the total cost would be $8,325,943.95 for the establishment, but he said that it would be impossible for him to enlist all of the 2,000 men at one time, and that they would not all be chargeable for the total 365 days in the year. He thought that on account of not being able to enlist them all at the beginning of the fiscal year he could reduce the amount by $50,000, and the committee accepted that; but later developments occurred, with the new ships coming into commission and under contingencies and emergencies arising, so that it was deemed proper to report in favor of 4,000 additional men.

Mr. TRIBBLE. Who deemed it proper to report 4,000 additional men.

Mr. PADGETT. It was submitted to the full committee, and was agreed to by a unanimous vote. There was not a single man present who voted against it.

Mr. TRIBBLE. It did not receive my vote. Not only that, I protested against the amount in this bill, both in committee room and on the floor of this House, and was always present at the hearings.

Mr. PADGETT. I do not know about that, but I know it was submitted to the committee, and the committee agreed to it, and directed an increase of 4,000 men. Therefore we had to double the amount that would be required for 2,000 men, and that made $532,000 for 4,000 men.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Contingent, Bureau of Supplies and Accounts: For fuel, books and blanks, stationery, interior fittings for general storehouses and pay offices in navy yards; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for same; tolls, ferriages, yeoman's stores, safes, newspapers, and other incidental expenses, $200,000: *Provided*, That hereafter worn-out typewriting and computing machines for the naval establishment may be exchanged as a part of the purchase price of new ones.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word. What has been done with the old typewriters and computing machines heretofore?

Mr. PADGETT. Heretofore they have just been sold for what they could get for them and the money turned into the Treasury; but it has been represented to us that if they were allowed, as individuals are when they go to purchase, to put in their old machines, they could get far more for them when put in with the company in that way than they could get by buying and paying all cash for the new machines and selling the old ones for junk. This is giving the department that business discretion.

Mr. HOWARD. I withdraw my pro forma amendment.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, aeroplanes (not to exceed $10,000), and all other auxiliaries; labor in navy yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy yards, inspectors' offices, such as photographing, books, professional magazines, plans, stationery, and instruments for drafting room, and for pay of classified force under the bureau, $8,479,144: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of

the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home. And the Secretary of the Navy is hereby authorized to make expenditures from appropriations under the various bureaus for repairs and changes on the vessels herein named, in an amount not to exceed the sum specified for each vessel, respectively, as follows: Connecticut, $250,000; Vermont, $250,000; Albany, $350,000; New Orleans, $350,000; Minneapolis, $284,000; Columbia, $292,000; Sylvia, $14,000; Solace, $120,000; Panther, $100,000; Piscataqua, $45,000; Active, $38,000; Unadilla, $45,000; Ulmus, $33,000; Penacook, $23,000; Samoset, $23,000; Pompey, $38,000; Yantic, $38,000; Prometheus, to convert to a repair ship, $350,000; in all, $2,641,000: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of superintending naval constructors, for the fiscal year ending June 30, 1913, shall not exceed $808,630.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 44, line 21, after the word "Prometheus," add the words "or Vestal."

The amendment was agreed to.

Mr. MURRAY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, at page 45, line 5, by striking out the period, inserting a semicolon, and adding:

"*Provided*, No part of any money appropriated in this act shall be used for construction or repair of vessels at navy yards or naval stations in the United States by enlisted men of the Navy."

Mr. MURRAY. Mr. Chairman, I ask unanimous consent that that amendment be passed for the present and be considered as pending.

Mr. PADGETT. I suppose we might dispose of it now. Is there any special reason why the gentleman wants it passed over?

Mr. MURRAY. The only reason is that it is in line with the labor amendments heretofore offered by the gentleman from Illinois [Mr. BUCHANAN], which have been passed over.

Mr. TRIBBLE. Mr. Chairman, I reserve a point of order, if the gentleman from Tennessee does not.

Mr. MURRAY. Mr. Chairman, I have no doubt that the amendment is in order, but I raise the point of order that the gentleman from Georgia is too late.

The CHAIRMAN. The gentleman thinks that the point of order made by the gentleman from Massachusetts is well taken.

Mr. MURRAY. The only purpose I have in having the matter postponed is that the gentleman from Illinois [Mr. BUCHANAN], a member of the committee, has several labor amendments which are practically on the same subject matter and which have already been passed and are pending.

Mr. PADGETT. Very well, Mr. Chairman, I will consent to its being passed over.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Massachusetts will be passed for the present and considered pending.

There was no objection.

The Clerk read as follows:

The Secretaries of War and Navy are authorized to cause to be made from any parts of the wreck of the Maine or its equipment that are suitable for the purpose tablets for donation as relics in conformity with the provisions of the act of December 22, 1911, making appropriations to supply urgent deficiencies: *Provided*, That the cost of such tablets may be charged against any unexpended balances of appropriations heretofore made for the removal of the wreck of the Maine and that the municipalities and other bodies receiving such tablets shall defray the cost thereof, which cost shall be reimbursed to the proper appropriation.

Mr. GOOD. Mr. Chairman, I reserve a point of order to that paragraph.

Mr. PADGETT. Mr. Chairman, I have a letter upon that matter from the Secretary of the Navy that gives such a clear explanation that I think I will read it. It is as follows:

NAVY DEPARTMENT,
Washington, March 7, 1912.

Hon. LEMUEL P. PADGETT, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR CONGRESSMAN: Referring to the provision in the urgent deficiency appropriations act of December 22, 1911, that authorizes the distribution of relics of the wreck of the *Maine*, I have the honor to say that the articles, materials, and parts of the vessel that are of such a character as to show what they are or, so to say, speak for themselves, are not numerous enough to supply those asking for and entitled to mementos. There are available other materials and parts that could, with comparatively slight expense, be made into tablets authenticating the fact that they were once a part of the *Maine*, and such tablets would be equally valuable with other articles from the vessel.

It is believed that the best way to accomplish a satisfactory disposition of mementos of this latter kind would be for the department to have the tablets made and carry the expense thereof in each case until reimbursement could be made by the donee, and in order to facilitate such distribution it is requested that the provision of law mentioned above be amended so as to authorize the use temporarily of funds appropriated for work on the wreck of the *Maine* upon condition that the beneficiaries shall defray such expenses and the proper appropriations be reimbursed accordingly.

Inclosed herewith is a draft of provision that would, it is believed, accomplish this purpose satisfactorily. The effect of it would be simply to enable the War and Navy Departments to have tablets made up to suit organizations and municipalities requesting relics without waiting for estimates of cost to be made, approved, and accepted, while providing at the same time that, as required by the original law, no part of the expense of distribution of relics shall be ultimately borne by the Government.

This draft is in such form that it may be introduced as a separate measure or inserted as a provision in some other appropriate bill.

It is requested that this amendment receive favorable and early consideration by the committee.

Faithfully, yours,

G. V. L. MEYER.

In other words, there are large parts of the wreck of iron and steel that can be made into tablets with an inscription upon it authenticating that it was a part of the battleship *Maine*. They can be distributed to any city, hamlet, town, or community, or association, or Grand Army post, who would only have to pay the actual cost of molding these into tablets.

Mr. GOOD. How much remains of the unexpended balance appropriated for raising the wreck?

Mr. PADGETT. I do not know that I can tell.

Mr. ROBERTS of Massachusetts. I will say to the gentleman from Iowa that I have been advised by the Navy Department that the total expense of making these tablets will not exceed $1,500.

Mr. GOOD. What assurance has the department that the municipalities or associations authorized under the law to receive them will order them and pay for them?

Mr. ROBERTS of Massachusetts. They have more applications now than they can grant.

Mr. GOOD. Yes; but those are free applications.

Mr. ROBERTS of Massachusetts. They have to pay the cost of transportation.

Mr. PADGETT. Under the existing law they have to pay the expenses of transportation and handling, and this additional expense will be comparatively small. Of course, it would depend upon the demand for them, but the department says it is flooded now with demands for these relics, and that they are incapable of meeting them, and the suggestion is made to make these mementoes out of what remains of the wreck and supply this great demand, and the Government at the same time will be put to no expense.

Mr. GOOD. Is the gentleman satisfied that there will be no expense to the Government in the manufacturing and disposing of these mementoes?

Mr. PADGETT. I should think the cost of it would be so little that it would be entirely covered, but if it should not be, and they were left on the hands of the Government, the cost would be very small. The gentleman must remember that as time rolls around the value of these mementoes will become much greater.

Mr. BARTLETT. Mr. Chairman, did the gentleman from Iowa reserve a point of order?

Mr. ROBERTS of Massachusetts. A point of order is reserved.

Mr. BARTLETT. A point of order is reserved, and the point of order is good, I apprehend. I desire to ask the gentleman from Tennessee in what way this amends the urgent deficiency bill passed at this session of Congress providing funds for the raising of the *Maine* and the disposition of the various parts of the wreck that might be preserved.

Mr. PADGETT. It does not in terms amend the act.

Mr. BARTLETT. It changes the law.

Mr. PADGETT. By this subsequent legislation it will give authority to take this old material and make it into tablets with an inscription on it authenticating the fact that it was made out of a part of the battleship, and that the expense of it shall be borne by the recipients of the tablets.

Mr. BARTLETT. The Subcommittee on Appropriations had hearings and went into this matter very thoroughly. The Secretary of the Navy submitted to it at that time a plan, which was agreed to by the subcommittee, the full committee, and reported to the House, by which it was determined in what manner certain parts of this battleship should be disposed of, and to whom it should be disposed of. It was discussed on the floor of the House, amendments were offered, and it was thought proper then, when the matter was fresh in the minds of the House, that nothing further should be done about the matter than was done in that bill, reported to and passed upon by the House. We knew that from all parts of the country would come innumerable requests for parts of this ship, to be preserved as memorials or relics, and it was then thought proper to confine

it in such a way that it could be used only in a certain way. This appropriation bill proposes to do an entirely different thing, and to add to or amend that act.

Mr. ROBERTS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. ROBERTS of Massachusetts. This act does not change the societies that are to receive the relics.

Mr. BARTLETT. I understand that.

Mr. ROBERTS of Massachusetts. But when they came to collect the relics from the *Maine*, if we may term them such, it was found that the greater portion of the material available is in such shape or form as to be not at all desirable by anybody for relics. In other words, it is broken and twisted iron, brass, copper, and bronze that does not on its face indicate that it ever was on the *Maine* or anywhere near it. So far as its appearance goes, it might have been taken from any junk pile in any junk dealer's yard. The people who are entitled to relics and who are applying for them can not get suitable relics from the department because the department has not got them, because there were so few that were saved from that ship. The whole purpose of this provision is to make available for the very purposes of the act to which the gentleman alludes this mass of scrap, which can be cast into tablets carrying on their face the fact that they are from the battleship *Maine*.

Mr. BARTLETT. But that is not the purpose of it. The whole purpose is to authorize a certain class of persons to receive them other than those already authorized.

Mr. ROBERTS of Massachusetts. Oh, no; I beg the gentleman's pardon. He has not thoroughly read the amendment.

Mr. PADGETT. It does not enlarge the beneficiaries or the recipients that are limited by the act which was reported by the Committee on Appropriations. This is simply to authorize putting these relics into shape for distribution to the ones authorized by the former act. The language is:

For donation as relics, in conformity with the provisions of the act of December 22, 1911, making appropriations to supply deficiencies, etc.

It does not enlarge the scope of that act.

Mr. BARTLETT. We appropriated money for the raising of the *Maine* and we appropriated money for this purpose in that deficiency bill.

Mr. PADGETT. Yes; and this is simply to allow them to change the character of the relics so as to make them available, and for identification so that if they should accept a relic it would show what it is, but no other beneficiary, no other donee can get one except those provided for in the act reported by the Committee on Appropriations and passed by Congress.

Mr. BARTLETT. It does not change the manner of distribution?

Mr. ROBERTS of Massachusetts. Not at all.

Mr. BARTLETT. Nor the persons or municipalities?

Mr. ROBERTS of Massachusetts. Not at all. Let me say further to the gentleman, there are pieces of brass piping and sheets of copper that indicate nothing on their face. The Spanish War camp, the municipality, or the Grand Army post that is entitled to a relic from the *Maine*, on application under the existing law, does not care for a common piece of brass piping which means nothing. It is no ornament, and this merely provides the manner by which this junk—and that is what it is—can be put into a form that will be acceptable and desirable on the part of those who are entitled to receive the relics, and the whole cost is to be paid by those people.

Mr. BARTLETT. This is not to incur any expense?

Mr. PADGETT. None whatever to the Government.

Mr. ROBERTS of Massachusetts. It is simply to carry out and expedite the provisions of the act to which the gentleman referred. The unexpended money for the raising of the *Maine* is to be made available and is to be reimbursed by the people who receive the relics at the cost of preparing the tablets.

Mr. BARTLETT. Mr. Chairman, I am not going to make the point of order after that statement, but I thought, on reading the provision of the bill, that it was an effort to amend a proposition which had been very carefully considered by the Committee on Appropriations, and we thought we had reached a conclusion which was satisfactory to the Navy Department.

Mr. ROBERTS of Massachusetts. And it is perfectly satisfactory to our committee.

Mr. FOWLER. Mr. Chairman, I desire to reserve the point of order for the purpose of asking the chairman of the committee a question or two about this unexpended balance. I do not know whether there is an unexpended balance of the money appropriated for the raising of the *Maine*.

Mr. PADGETT. I understand that there is, and that is a matter that is under the jurisdiction of the Committee on Appropriations, and not under the jurisdiction of the Committee on Naval Affairs; hence I have not gone into the expenditure of that. This matter does not involve the question of the accounting for the amount appropriated. That is altogether with the other committee. Ours is simply to authorize to put this junk of material in a condition so that if a town in your district applies for a piece it would get something that would be identified.

Mr. FOWLER. I understand that; but that is not my object. I want to know if it is not true that the unexpended balance appropriated for any definite purpose reverts back into the Treasury of the United States?

Mr. PADGETT. Certainly it does; yes.

Mr. FOWLER. Now, I want to know if it is not a further fact that before an unexpended balance can be used for any purpose it must be reappropriated for the new use?

Mr. PADGETT. If it is already appropriated, and if we enlarge the uses to which it might be applied, the authorization would be sufficient under the law, it having already been appropriated.

Mr. BARTLETT. That is what is proposed to be done here—to give that authorization.

Mr. PADGETT. That is right; that is the proposition.

Mr. FOWLER. The gentleman considers that the transforming of a part of the wreck of the *Maine* into relics is only an addition to the idea of the original appropriation, and that it can be carried into effect without making a reappropriation of the money?

Mr. PADGETT. It does not need an additional appropriation of money. We have already appropriated the money, and this is simply for authority to use it in addition to the purposes specified in the appropriation.

Mr. FOWLER. Suppose there is not an unexpended balance?

Mr. PADGETT. Then there would have to be an appropriation, but when there is an unexpended balance—for instance, once that the Constitution is complied with and Congress has appropriated, there can be an authorization which simply enlarges the scope of the original proposition.

Mr. FOWLER. This provision simply intends to enlarge the scope of a former appropriation with reference to the same subject matter.

Mr. PADGETT. Yes, sir.

Mr. FOWLER. I withdraw the point of order.

Mr. HOWARD. Mr. Chairman, I am not very much worried about the great expense that it is going to cost, because I do not think it is going to amount to very much, because there is a provision for the return of the amount expended to the Government. What I am worried about is, are we going to get enough of these relics to go around?

Mr. PADGETT. That is what the department is trying to do now.

Mr. HOWARD. Has the gentleman any idea that it is going to give enough to go around to all the towns and municipalities that may want it? For instance, I know now since this agitation has gotten up every town in my district practically wants a relic, and I want to know if there is going to be enough to go around. If there are, I should be for it, and if not, I think I should be against it.

Mr. PADGETT. I do not know how many relics it will make, but I will say, as far as my district is concerned, I have had only one application.

Mr. HOWARD. The gentleman's district is very modest, because they know he gets so many other things.

Mr. PADGETT. I have only one request from my district. The object is to break this old junk up and make it into available tablets.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Steam machinery: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, aeroplane, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels; repair and care of machinery of yard tugs and launches, and for pay of classified force under the bureau, $4,250,000: *Provided*, That the sum to be paid out of this appropriation for aeroplane machinery shall not exceed $20,000.

Mr. HOWARD. Mr. Chairman, I would like to ask the chairman of the committee if we did not have a provision for this aeroplane proposition the other day? Do not we have this aeroplane proposition carried further on in the bill?

Mr. PADGETT. Yes; there is still another place in the bill. Under the Bureau of Navigation there was appropriated $10,000, and under the Bureau of Steam Engineering there is an appropriation of $20,000; and then under the Bureau of Construction and Repair there is an appropriation of $10,000; making $40,000. Under the different bureaus under the law they have

certain functions to perform. For instance, the Bureau of Steam Engineering has to deal with engines and machinery. The Bureau of Construction and Repair has to deal with what you might call the hull; and if we compare the flying machines and airships, that is the part that is outside of the machinery——

Mr. HOWARD. I understand; you appropriate separately for each one.

Mr. PADGETT. Yes; for each department.

Mr. HOWARD. I understand.

Mr. FOWLER. I wanted to ask a question about the appropriation for the aeroplane. I saw in another place an appropriation for the same thing.

Mr. PADGETT. There are three places in there. I just explained it to the gentlemen. The appropriation is provided so as to meet the duties as distributed by law to the different bureaus. For instance, under the Bureau of Navigation, which has to do with the personnel of the Navy, the men who fly, we made the appropriation of $10,000 to meet their requirement.

Mr. FOWLER. That is on page 43?

Mr. PADGETT. That is on page 4 or 5, away back in the first part of the bill. Then on page 45, here, we have $20,000 under the Bureau of Steam Engineering. That relates to the engines and the machinery and the machine parts of the aeroplanes. Then, under the Bureau of Construction and Repair there is an appropriation of $10,000, which relates to that part of the aeroplane which might be called the hull or body.

The law, in apportioning the duties of these different bureaus, limits them to certain parts. For instance, the Bureau of Steam Engineering can handle the machinery, but can not have anything to do with the handling of the body of the machine. The Bureau of Construction and Repair must make the body of the machine, but it can not deal with making the engines or purchasing the engines.

Mr. FOWLER. Is that the reason the appropriation was not consolidated in one appropriation?

Mr. PADGETT. Yes, sir; because no one bureau alone was qualified to handle the whole proposition.

The Clerk read as follows:

Machinery plant, naval station, Pearl Harbor, Hawaii: For machine tools and appliances required for the equipment of shops, $300,000.

Mr. HOWARD. Mr. Chairman, did we not provide for machine tools and appliances $200,000 for this same plant just a moment ago?

Mr. PADGETT. We provided under the Bureau of Construction and Repair for their part of the building. This is for the machinery that goes into the building and for the Bureau of Steam Engineering. It is a different bureau. This is not a duplication.

Mr. RUCKER of Colorado. Mr. Chairman, I just came into the Chamber when the aeroplane section was being discussed, and I wish the opportunity of recurring to that for a moment, but not for the purpose of an amendment. I want to know of the chairman if he thinks a sufficient appropriation has been made for aeroplanes, or what may be better determined now, so far as naval warfare is concerned, water planes, and whether or not the chairman and the committee have the most recent reports from discoveries along those lines that have been made and inventions applied in the English navy?

Mr. PADGETT. I will state to the gentleman that the committee was in hearty sympathy with the development of the aeroplanes. We had before us the chiefs of the different bureaus that have to deal with them—the Bureau of Navigation, that deals with the personnel; the chief of the Bureau of Construction and Repair, that deals with the body of it; and the Bureau of Steam Engineering, which deals with the engines and machinery. And we carry in the bill the exact amount they asked for, and which they said would meet all their demands and requirements for the coming year.

Mr. RUCKER of Colorado. How much is that?

Mr. PADGETT. Something over $40,000.

Mr. RUCKER of Colorado. Well, Mr. Chairman——

Mr. PADGETT. They said it was all they could use and all they required.

Mr. RUCKER of Colorado. Will the chairman answer this question: What time was that hearing held, and at what time did these experts come before the committee?

Mr. PADGETT. It may have been during the month of April or the month of March that we had them before us, or it may have been the latter part of February. I am not sure.

Mr. RUCKER of Colorado. I wish to say in this connection, if the chairman will pardon me for a moment, that I have been constantly, and as I thought consistently, against the building of any more battleships, based upon the idea that we would never get into a war with any country on the globe which would require more battleships.

But inasmuch, since the 10th day of this month, when the aeroplane, or waterplane, of a Mr. Horace Short, in England, has been so thoroughly tested that it could fly from a ship or fly from the water, the question has come to my mind whether we should build more battleships or whether we should build more aeroplanes or what is better known as the waterplanes. The point is this, that in my judgment we are doing the wrong thing in building any more battleships or the further fortification of any section of our coasts, especially upon the Panama Canal, where we now propose to spend untold millions, because a waterplane can ascend from the water or ascend from a ship, 250 miles away from any fortification or fleet, and drop not only a bombshell but a pig of iron or an ingot of steel, and will do the same damage to a fortress or vessel that would be done by the exploded bomb. It was demonstrated thoroughly by the English Navy that the battles of the future would be upon the sea, but not fought by the battleships. They will be fought by the aeroplanes or the waterplanes.

Therefore, with a coast from which can be sent up any number of aeroplanes, it stands to reason that no fleet can ever successfully attack this country. If we are going to attack another country, then it would be a battleship proposition, but as long as we are going to stand upon our own dunghill and fight, we are bound to and can successfully do it by the aeroplane.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. I ask leave, Mr. Chairman, to extend my remarks in the RECORD, by inserting an article from the London Mirror and Daily Mail, to which I had reference in my remarks.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

[Special correspondence The New York Times.]

WONDERFUL BRITISH NAVAL WATERPLANE HAS STARTLED THE OTHER POWERS—SCENES AT THE NAVAL REVIEW AT WEYMOUTH, AT WHICH THE HYDROPLANE INVENTED BY HORACE SHORT, PREVIOUSLY SURROUNDED BY COMPLETE SECRECY, AMAZED ALL THE SPECTATORS, INCLUDING KING GEORGE, WHO NOW DESIRES TO TAKE A TRIP IN IT.

LONDON, *May 10.*

No pleasanter surprise for the English nation has been prepared in the last half century than that provided at the naval review at Weymouth by the biplane-hydroplane, or "waterplane"—the more convenient word already on everyone's tongue—which has been invented by Horace Short.

Officially, this extraordinary machine is called the *S 41*, and, according to The Daily Mirror, Great Britain's triumph with it has "stunned the admiralties of Europe, including our own."

The same paper says that every aerial expert in Europe realizes that the naval airmen operating at Weymouth this week are inaugurating a new era in naval warfare.

The King has grasped the tremendous possibilities of the aeroplane that can float in security with or without the additional capacity of rising from the water. His Majesty's enthusiasm is compelling the nation to recognize that Britain's chance to secure the dominion of the air as well as that of the sea has come and must be seized.

"I have," says The Mirror's correspondent at Weymouth, "been privileged to learn a great deal of what is going on that is not public knowledge, and I am able to say with absolute assurance that within two years every British warship larger than a destroyer will carry one or more aeroplanes. It will be possible for these aeroplanes to be launched from the deck without any run at all, and to float even in a rough sea till taken on board. They will be fitted with wireless telegraphy apparatus, controlled by a passenger wearing a sound-proof helmet, and provided with bombs and a rifle. They will command from even only 1,000 feet altitude an area of 50 miles square. They will be capable of alighting on land as easily as on the water.

"The *Hibernia* and *Africa*, which have already been fitted with launching platforms, can lift an aeroplane from the sea alongside with a single hook, and swing it on board. It can be taken to pieces and stowed away. In another 10 minutes, when required, it can be put together again and launched on another flight.

"There are two machines here of incomparable importance, for their achievements are arousing the wonder of the world. They are the amazing biplane-hydroplane, called *S 41*, which has already made Commander Samson, its pilot, famous, and the biplane *S 39*, flown by both Commander Samson and Lieut. Gregory, which is also fitted with floats to enable it to rest on the surface of the sea, but can not arise from the water.

"I have positive knowledge that emissaries from at least two other naval powers are here straining every effort to obtain plans and photographs of the details of *S 41*, and a number of detectives are also here to assist the naval authorities in preventing them."

The *S 41* is launched on wheels, which fall off as she touches the water, and is not adapted for alighting on anything but water; but it is only a simple matter to fit gear to her which will enable her to alight with equal success on land or water. Her stability and security are proved by the fact that Admiral Callaghan's daughter was permitted to make a flight as a passenger in her. She carries petrol enough to keep her aloft for seven hours.

France possesses eight hydroplanes, and Germany has been secretly experimenting and possesses several; but neither power has designed anything so efficient as *S 41*.

The fastest French machine has a speed of only 42 miles an hour; *S 41* has a speed of 55 miles an hour. Here are some other facts about her:

No battleship could hit her at 2,000-foot altitude.

She could drop 300 pounds of high explosive upon the biggest ship and utterly destroy it.

She has made dozens of flights, rising from and descending into the water at will, without the slightest mishap.

In an article on "The waterplane—What it will do," Horace Short, its inventor, says in The Daily Mail:

"The last few months have shown to the world that aviation is no longer a dream, no longer a mere risky sport, but a stern and powerful reality, a science full of enormous possibilities, the scope and consequences of which no man to-day can predict for 20 years hence.

"The continental armies already have their air scouts in actual warfare. A British fleet has seen its sons 3,000 feet above the decks, borne through the air at 60 miles per hour on duty, following a predetermined course, carrying out a specified object, regardless of wind, fog, and rain squalls through which they flew, being only visible to those below when crossing a chance rift in the mist and cloud laden atmosphere. Their speed is double that of the fastest destroyer; their range almost that of the torpedo boat of a few years ago. They have detected the mighty naval fighting arm, the submarine, when it thought itself secure from view, submerged, with only its tiny periscope above the surface. They have carried and dropped, with close precision, ponderous masses of metal, which might have been bombs sufficient to sink or wreck a good-sized warship. They have risen from and alighted on the water, flown from the deck of a battleship, carried dispatches to shore and vessel. They have carried out maneuvers to a time-table without a hitch.

"The lookout has caught a fleeting glimpse of a distant, rapidly moving speck through a chance rift in the clouds. The air scout has seen the fleet. The admiral must realize that all his well-planned scheme has been discovered. What should he do? Change all his well-thought-out plans or boldly continue, with the haunting suspicion—which probably in his mind amounts to a certainty—that his carefully thought out strategical movement has been fully divulged to his opponent long before he can reach the critical position?

"That tiny speck in the cloud rift has vanished long before the guns are loaded and trained upon it, and the admiral well knows that in a few more minutes the full details of his formation, together with true photographs in plan of his mighty fleet, will be discussed by his opponent.

"The human occupants in that tiny speck have fully ascertained—

"1. The composition of his fleet.

"2. Its formation.

"3. And its course.

"And in 30 minutes this information is 40 miles away, irrecoverable.

"The experience of airmanship already at hand leads one to predict that the offensive and defensive hydroaeroplane of the very near future will be constructed so that it can safely remain resting on the open sea in company with the floating sea scouts and torpedo flotillas, while the parent ship will be able to render them assistance in case of need. They will arise and alight on the sea with ease. They must go from the deck of a ship and land on the water or the land, carrying three or four persons, who include two pilots, an observer, wireless operator, and a gunner, and sufficient petrol and provisions for a 500-mile journey at a speed of 60 or 65 miles per hour.

"A duplex power plant of 500 horsepower will enable an efficient design to be made, at the same time giving that further security against engine troubles which is all essential. At the same time the aerial *Dreadnought* will carry its 'dinghy,' sufficient for the crew to leave her when resting on the water if they wish to do so. Her speed on the water when 'skimming' will enable her far to outdistance the fleetest war vessels, so that in case of a forced descent one or both of her engines can be used to propel her through and over the water until she regains her parent ship or shelter harbor. Her offensive armament will consist of special quick-firing guns and bombs, and her wireless equipment will enable her to keep well in touch with the air scouts and the main fleet. Thus the mobility of the aerial *Dreadnought* in either element will far surpass the mobility of the water scout in its single element.

"The air scout, to carry a pilot and observer, will have a speed of 80 or 90 miles per hour and be of about 120 horsepower, fitted to float safely on the water and rise. It will resemble somewhat the *Dreadnought*, its larger brother, but will be of a lighter construction.

"There is to-day only one thing that limits the size of the aeroplane, and that is the weight of the engine. When engines are made of 1,000 horsepower, light, efficient, and reliable, the aerial *Dreadnought* will be still more reliable and controllable, and more effective than its smaller type. The engines, too, will be placed in such positions as to be accessible to the mechanic while in flight; so going another step further to obtain that reliability which will always be of the first importance in naval and military warfare.

"Emerging from the experimental stage, the aeroplane now only requires the thought and study of highly trained engineers and designers, working with experienced naval and military officers, to make it one of the finest fighting machines and an indispensable arm for both army and navy."

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. EDWARDS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

One professor of mathematics, 1 of mechanical drawing, 1 of English, 1 of French, and 1 of Spanish, at $3,000 each.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The Clerk read as follows:

Amend by adding at the end of line 17, page 47: *"Provided*, That no part of the appropriation made in this bill shall be paid to civilian professors of mathematics placed on the retired list of officers after July 1, 1912."

Mr. TRIBBLE. Mr. Chairman, on page 740 of the Navy Yearbook of 1909 you will find professors of mathematics, six on the retired list. There are more of them now. On page 739 you will see that on the active list of professors of mathematics there are 14. If you will turn with me to page 749 you will find there a number of professors provided for as captains and commanders, some drawing salaries at $5,500.

Now, Mr. Chairman, the purpose of my amendment is to undertake to cut off from the retired list people who are not entitled to go on the retired list, and I hope the House will give me a patient hearing on this question. I have not taken up much of the time of this House, and I believe I am fair, and I believe I can convince Members on the floor of this House who have not made up their minds that this is a fair proposition.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia [Mr. TRIBBLE] be allowed to proceed for 10 minutes.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Georgia [Mr. TRIBBLE] be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TRIBBLE. Now, on page 481 of the hearings you will find statements in regard to an effort to get additional professors on the retired list as officers. Bills were introduced before the Committee on Naval Affairs, and this evidence was incidentally brought out in the naval hearings, and I will read for the information of the House some extracts therefrom.

Mr. PADGETT. Mr. Chairman, will the gentleman yield for a moment?

Mr. TRIBBLE. Yes.

Mr. PADGETT. I want to call the gentleman's attention to the fact that on the 30th day of June of the present year, a little more than 30 days from now, the law becomes operative to the effect that no officer on the retired list can be employed in any Government service—I mean in any of the commissioned services—so that a provision prohibiting the thing that the gentleman is complaining of—that retired officers are at work—will go into effect. But these are the active professors at the academy, who are doing the actual teaching, and the gentleman surely does not wish to cripple them or their salaries.

Mr. TRIBBLE. I think I understand the proposition, Mr. Chairman. There are on the list of professors of mathematics not only professors of mathematics proper, but also one professor of physics, and instructors in language. I read:

Mr. TRIBBLE. There is no provision of law at the present time to put them on the retired list?

Capt. GIBBONS. No, sir; they go out with nothing except what they have saved. As I say, the objection has been generally to many of these coming in. I think everybody who is there as an instructor or a professor has a bill for some form of pension. There has never been any other objection.

Mr. TRIBBLE. Do you think that their capacity to teach has been in any way impaired?

Capt. GIBBONS. No, sir; I think Prof. Terry now is an excellent man, but he is getting on and I do not know how long he will last.

Mr. TRIBBLE. Do you not think an active life is a good thing for an old man if he can give proper service?

Capt. GIBBONS. He does not want to retire until he has to. He is performing satisfactory service now.

Mr. TRIBBLE. Why should he be put on the retired list?

Capt. GIBBONS. Simply because of his long service at the Naval Academy.

Mr. TRIBBLE. He is still able to continue his service and is not asking for it?

Capt. GIBBONS. He is not asking for the retired list now.

Mr. GREGG. We have before the committee one of Capt. HOBSON'S bills, H. R. 19234?

Capt. GIBBONS. This is a similar bill for Prof. Corbesier, the sword master at the institution. He has been there even longer than Prof. Terry. This bill is to give the sword master the same pay as the sword master at the Military Academy.

* * * * * * *

Mr. TRIBBLE. I would like to ask if you think these two bills are necessary and if you favor them?

Capt. GIBBONS. I favor both of them on sentimental reasons.

Mr. TRIBBLE. But not on business reasons?

Capt. GIBBONS. That is up to you gentlemen.

Mr. TRIBBLE. You have just stated that these men were capable and that they were not impaired at all?

Capt. GIBBONS. The sword master is near the limit.

Mr. TRIBBLE. From a business standpoint you do not favor the bills, but from a sentimental standpoint you do?

Capt. GIBBONS. From a sentimental standpoint, I do.

I call particular attention to this question:

Mr. TRIBBLE. I would like to ask if you think these two bills are necessary and if you favor them?

His answer is:

Capt. GIBBONS. I favor both of them on sentimental reasons.

Now, Mr. Chairman and gentlemen of this committee, I say that the time has come when the people of this country ought to understand that professors at the Naval Academy are carried on the retired list; men who have never smelled powder, men who, if there had been a battle on every hilltop and in every valley in the United States, would never have been in the

service; men absolutely immune from service; men who are not as likely to be in the service as gentlemen on this floor, because they are over here at the Naval Academy employed as teachers. Yet by some method they have managed to get on the retired list at salaries of $4,000 or $5,000 a year. The people want a seagoing Navy, a fighting Navy, and not a sentimental land substitute. [Applause.] That is the position I have been taking before this House, and I believe the House will agree with me.

In the hearing I made this statement, which I read to the committee because it is in line with the thought that I am trying to emphasize here to-day:

Mr. THAMLE. They were very fortunate in their younger days to get these appointments, they considered themselves highly honored, and as a matter of fact, they sought them?

Capt. GIMMONS. I should say they did.

Mr. THAMLE. And they have had a good salary all their lives. Teachers of equal capacity in the various counties and towns all over the United States are not retired when they reach 65 years of age on a salary?

Capt. GIMMONS. No, sir.

Now, Mr. Chairman and gentlemen, the point I want to make is this, that men apply for these positions as professors at Annapolis. They seek them, and at the time when they apply there are a number of others who are seeking these appointments, too. They strive for them. One secures an appointment and another goes back to the private walks of life. He may follow the plow, he may stand behind the counter, he may work in a sawmill, or any other position in life. He struggles and competes with his fellow men.

The other man who is fortunate is up there at the Naval Academy, draws a big salary, and lives sumptuously all the days of his life. Now, what right has such a professor to be retired at 65 on salary? The poor fellow who was unsuccessful and who went back to the private walks of life, possibly working in a sawmill, has to pay a tax in order to support the man who has lived in luxury all the days of his life, and then after retirement to help support him in ease as a retired officer. I say you have no more right to take these professors out of the Naval Academy and put them on the retired list as commanders or lieutenant commanders, positions in which they never served, and a rank which they never expected to attain—you have no more right to do that than you have to go down into my State and take a man out of the State University of Georgia, or to go out into the country to the town of Bowman, or some other place, and pick out a professor there and put him on the retired list and pay him a salary. Now, right is right and fair is fair, and the people are going to watch this thing. Your constituents will see my remarks in the CONGRESSIONAL RECORD and they will read the testimony before the committee that I propose to put into the RECORD. Look at the number of retired officers in the Navy—rear admirals 151, commodores 40, captains 53, and so on.

I am not considering at this time men in the active service as officers. I am complaining against the method of placing civilians, men who are simply professors in the Naval Academy, being carried on the retired list of this Government and the people having to pay the taxes to support them. I want to illustrate the retirement question by holding up before you a drawing of a ladder. A good deal has been said here about these officers being retired and other officers taking their places, and that such retirement does not cost the Government any material sum. I want you to look at this ladder which I have drawn on this paper, so that you can understand the point I am trying to make. At the top of the ladder is carried admirals at $9,672.32; this is represented as the top round.

Now they are set aside at three-quarters salary, $7,265. He is at the top of the ladder, retired, and goes off the ladder. When you move him off every man on the ladder moves up a round, and each round represents many, many thousands of dollars. Am I right about this proposition, or are gentlemen right who take the position on the other side?

Take a commander; he is lower down on the ladder. He gets $4,479. That commander may retire 20 years before his age of retirement by the plucking board. Estimate how much he has drawn out of the Treasury during that 20 years of his retirement before the age limit and you will find that it amounts to $89,580. When one officer is taken out of the service there is an upward movement in all the ranks, new positions with increased salary. On the active list of officers there are—admirals, 26; captains, 83; commanders, 117; lieutenant commanders, 209; lieutenants, 354. On the retired list there are—admirals, 151; commodores, 119; captains 53; lieutenants, 73. This is only the head of the list of commissioned officers, and you will see nearly as many in the statement given on the retired list as there are on the active list—doing nothing and drawing from $3,000 to $6,000 per year—and yet my amendment to nullify the power of the plucking board was defeated, and this board will continue to retire 15 officers each year before such officers reach the age of retirement.

Mr. PADGETT. Mr. Chairman, the amendment offered by the gentleman from Georgia provides that no part of the appropriation made in this bill—it does not apply to the section, but to the whole bill—shall be paid to any civilian professor of mathematics placed on the retired list of officers after the 1st of July, 1912. I want to say that civilian professors of mathematics are not placed on the retired list at any time. Civilian professors have been trying for years to get the committee to report a bill placing them on the retired list, but we have steadfastly refused to do so. There are a number of such bills pending before the committee at this time, but the committee has never reported a bill to place civilian professors on the retired list.

Mr. BOWMAN. If the civilian professors do as good work as the other professors, why should they not be put on the retired list the same as an officer promoted for a similar service?

Mr. PADGETT. That is a question not involved at this time, and it would open a door to a civil retirement list which would bankrupt the country very promptly.

The gentleman from Georgia refers to the number of professors in mathematics who may be on the retired list, but they are all commissioned officers and held the position and rank of professor of mathematics with the rank of captain, commander, and so forth, as provided in the law under which they were commissioned.

Then the amendment provides against placing professors on the retired list after July 12, 1912, so that it would not affect any on the retired list at this time. In the next place, the general law prohibits the employment of retired officers on the active list for any purpose after June 30, 1912. I therefore hope the amendment will not prevail, as it would only complicate matters and be of no service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Four instructors, at $2,160 each.

Mr. LITTLEPAGE. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question. Has there been any complaint lodged with the committee with reference to the method of examination of the boys appointed by the Members of this House and by Senators for the Naval Academy that the examination has been so hard as to keep the poor boys out of the institution at Annapolis and also at West Point?

Mr. PADGETT. There has been no complaint lodged in the sense of a public complaint or any communication. Members of the committee have discussed the question among themselves whether or not the examination was rigid, but there has been no formal or official complaint. We have recognized that the examinations are difficult and that quite a number of boys have failed to pass them. The other day in a hearing before the committee Capt. Smith was heard on the personnel bill, and we discussed in connection with the legislative requirements of the general personnel reorganization the question of academic examinations, and so forth, and we had quite a hearing upon that. I will state to the gentleman that the curriculum and quality of examinations are fixed by an academic board at the academy, and they can change it, raise it, or lower it as they see fit. Perhaps if the matter was taken up with them they might revise it. It does not require legislation. That academic board is like the faculty of a school that determines the method and course of study.

Mr. LITTLEPAGE. I recently had occasion to examine the questions propounded some time ago to the boys who were appointed, and it struck me that the questions were to a considerable extent catch questions in order to keep boys from passing, and that they thereby keep out many deserving young men in the country who have a great ambition to enter either the one or the other of those institutions. I thought perhaps the matter might have been brought to the attention of the committee and that it might feel called upon to make some recommendation with a view of modifying the method of examination and the curriculum.

Mr. PADGETT. Mr. Chairman, I would say to the gentleman that the committee has discussed the matter. It would be a matter very difficult to deal with in legislation. I have never been impressed with the idea that they were catch questions, but I had been impressed with the idea that it was a very rigid and severe examination for the reason that the standard at the school is very high, and it may be that the board

will take cognizance of the discussions here and may consider it.

Mr. LITTLEPAGE. Mr. Chairman, in that connection, does not the chairman, as well as the committee, feel that the examinations as reported from time to time are entirely too rigid with reference to the opportunities of the young men of the country, and especially the poor young men of the country, to pass them and enter these institutions?

Mr. PADGETT. I do not know that I can say that. I can only say that in my experience the poorest young man whom I ever appointed to one of the institutions made the highest grade in his examinations and in his graduation, while some of the richer ones that I appointed did not make better grades.

Mr. BOWMAN. Mr. Chairman, if the gentleman from West Virginia will permit, I think I can shed a little light on this proposition. A young man who failed in his examination in his first year came to my office a few days ago trying to secure a reappointment. I had brought to my attention the question of the character of these entrance examination papers, and I asked him what he thought about them—if he thought they were too severe or filled with catch questions. He said no; he did not. He thought the questions were calculated to bring out the knowledge the young men might have of the matters at issue.

Mr. LITTLEPAGE. The examinations are certainly so rigid now that it is almost impossible, it seems to me, for boys to pass them.

Mr. TALBOTT of Maryland. But they do get in, however.

Mr. LITTLEPAGE. And I did not know but that it would be a good time and occasion to let the RECORD show that at least some Members of this body feel that in many cases the boys are really being imposed upon. I do not say that with a view of reflecting discredit upon any department of the Government.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would like to say to the gentleman from West Virginia that I recall a member of the Naval Affairs Committee some 10 years ago complaining that the examinations for entrance were so rigid that he could not get boys in his district to pass. So that it would seem that this complaint is not of recent origin. A similar complaint, so far as I know, has been made ever since I have been a member of the Committee on Naval Affairs, some 12 years.

Mr. PALMER. Mr. Chairman, while we are discussing the requirements for admission and the regulations governing entrance to the Naval Academy at Annapolis, I feel I would like to call the attention of the Committee on Naval Affairs to one feature of those regulations which to my mind demands some attention.

As far as I am personally concerned, I have never had any complaints that the examinations were too rigid. On the contrary, the applicants from my district have never had much difficulty in passing the mental examinations; and, like the distinguished chairman of the committee, I, as doubtless many other Members of the House have done, have tried to send to Annapolis and to West Point young men who otherwise would be prevented from securing an education—bright young fellows whose parents are of limited means. I have been struck, however, by the fact that a considerable proportion of the young men who have gone there have found it extremely difficult to pay the sum of $280 in cash which is required to be paid by the boy when he enters the academy.

I was formerly of the impression that the salaries paid to the young men at the academy were sufficient to cover all expenses, purchase of books, equipments, and so forth, and I was of the impression that when this $280 deposit was paid by the boy there was some way for him to secure it back; but I am advised by the Bureau of Navigation and the Secretary of the Navy that there is no way by which it can be returned. I have recently appointed to the academy a young man to whom this $280 is just as much as a million. He is of a family which can not afford to pay that sum upon his entrance to the academy, and it puts him to the necessity of asking somebody to give him this money or to trust him for several years until he is able to pay it back. I offered to the Navy Department personally to guarantee this sum of $280. I was told that the guaranty was all right, but that it was against the rules and regulations to take it.

Assuming that the necessary amount would be loaned to the young man, I tried to arrange so it would be paid back to the person who loaned the money out of the young man's salary, but I find that this plan is not possible with the $50 a month, or whatever it is that a young man gets at Annapolis, as his salary is entirely consumed in the necessary expenses during his residence at the academy.

I do not know whether this is the proper place to consider it, but it does seem to me that as it is a comparatively small thing to the Government and a very large matter to these young men, there ought to be some way by which we can free them from the necessity of putting up that money when they enter the academy.

Mr. PADGETT. I will state to the gentleman that not long since we raised the allowance of the young men at the academy $100, so that they are now getting a little more than $700 a year.

Mr. PALMER. When did that begin?

Mr. PADGETT. Two or three years ago.

Mr. PALMER. Well, I have been told within the last week by the Navy Department that the allowance is not sufficient for them to take out this $280 from the salary, and they told me that is the only way for the young man to get into the academy. This particular young man from my district has passed a most creditable examination both physically and mentally, and the only way for him to get in is to go out and solicit from his friends the loan of $280.

Mr. PADGETT. They do have to get their uniforms, and so forth, at the beginning, but when they get their $600 during the course of the year they could draw enough to repay that out of the money, and there are a number of young men, I have been told when I have been down there, who come out of the academy with a small surplus.

Mr. PALMER. I know the gentleman from Tennessee has wide knowledge of the conditions in the Navy and doubtless at the academy, but I put against his statement that the young men can pay this $280 out of their salary the statement of the Bureau of Navigation and of the Assistant Secretary of the Navy, both of whom told me within the last week that this very thing can not be done with this pay; that they can not arrange it with the small sum which they receive of $50 a month, as this is only sufficient to cover the necessary expenses at the academy.

Mr. PADGETT. There is a certain amount deducted every month, which is to be used after graduation for the purpose of their outfit.

Mr. PALMER. But the amount which is taken out every month from the salary is all taken up with the graduation outfit. At the commencement time, after the four years' course, they are obliged to purchase a certain number of supplies, and in order that the boys shall not expend all the money during the four years they credit a special account with an amount of money every month, and that takes up so much of the salary of the boys that they can not pay back this $280 which they have to pay at the beginning.

Mr. PADGETT. I think the gentleman will find that a boy observing reasonable economy may absorb and take this in and cancel it during his term, because I have been told—and I have been on the Board of Visitors several times and inquired about it—there are boys to-day who upon graduation have to their credit some money over and above even their graduation outfit.

Mr. PALMER. There doubtless are cases.

Mr. PADGETT. That shows that it can be done.

Mr. PALMER. But the trouble with that, if the gentleman will permit, is that the Naval Academy will not permit the withdrawal of a certain amount every month from the salary of these young men in order to pay this $280 back. If the boys could collect it out of their spending money in the course of three or four years perhaps they might pay it all back, but the Navy Department will not permit the withdrawal of the funds to pay back to the person who loans the money to the boy.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PADGETT. The committee will look into that matter.

Mr. PALMER. I ask for a couple minutes more, in order that we may thrash out this matter a little.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. PALMER. I just want to ask the gentleman if it would not be possible for the committee to suggest an additional allowance to cover this original investment and put it on this bill?

Mr. PADGETT. I do not think we could afford to undertake to increase the allowance of 900 boys at the academy by $280 apiece for the year. That would be a considerable sum.

Mr. PALMER. It is not annual.

Mr. TALBOTT of Maryland. Where will you draw the line between who you pay the $280 to?

Mr. PADGETT. We are allowing them now $701 a year, I think it is.

Mr. PALMER. It seems to me it would be possible for a fund to be put at the disposal of the Bureau of Navigation, for instance, to take care of deserving cases.

Mr. PADGETT. That is a question of the regulations of the Navy Department; it is not a law.

Mr. PALMER. That is what I am complaining about; I can not control them, but this House can control them.

The Navy Department is making a regulation which, in my judgment, is unfair to these young men.

Mr. PADGETT. We will take the matter up, and we might make some suggestion to the department to change the regulation; but I do not think we ought to attempt to do so at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

One swordmaster, $1,600; 1 assistant, $1,200; and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each, and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200; and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 2 clerks, $1,500 each; 4 clerks, at $1,200 each; 4 clerks, at $1,000 each; 4 clerks at $900 each; 2 clerks, at $840 each; 1 draftsman, $1,200; 1 surveyor, $1,200; 1 dentist, $2,520; services of organist at chapel, $200; 1 captain of the watch, $924; 1 second captain of the watch, $828; 22 watchmen, at $732 each; 3 telephone switchboard operators, at $600 each. In all, pay of professors and others, Naval Academy, $124,676.

Mr. TRIBBLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, on page 48, in lines 22, 23, and 24, the words, "1 second captain of the watch, $828; 22 watchmen," and insert "12 watchmen."

Mr. TRIBBLE. Mr. Chairman and gentlemen of the House, I think if you will give a hearing to the words of the testimony of the officials of the Academy, as it appears in this book, you will join me in this little move of economy. I have advocated economy in this bill in many particulars, but I have not stricken or advocated the striking from this bill one word that will affect the efficiency of the Navy, and I think you will find when this bill is finished that there has been anywhere from $3,000,000 to $4,000,000 stricken from it; and feeling as I do that the efficiency of the Navy has not been affected, I have no apologies to make for the attacks I have made on this bill.

Now, Mr. Chairman, there are 24 watchmen down there to guard the Naval Academy. In addition to that there are 2 captains of the watch to look after them. Somebody may say, "You will need these watchmen because you have soldiers there." But these watchmen do not have a thing to do with the soldiers. The soldiers have their own watchmen and their own guarding of the gates.

Now, Mr. Chairman and gentlemen of this House, I say there are four gates down there and they have 24 men with which to guard them. Now, if you will give 12 men, as I have provided in this amendment, you can have a change every eight hours for each day. And why in the name of reason do you want more than the 12 watchmen at the expense of the Government down there to guard a few buildings on the college campus?

Now, here is the testimony:

Mr. TRIBBLE. What is the reason one watchman could not properly perform that duty?

Commander COLE. When he was at one gate unauthorized persons might go out the other gate.

Now, listen, please. I want you to listen to this testimony:

Mr. TRIBBLE. Who?

Commander COLE. People who may want to acquire property which is not their own.

Mr. Chairman, who wants anything or who would steal anything from the Naval Academy? Now, I took him up on that proposition:

Mr. TRIBBLE. The visitors would not trouble anything.

Commander COLE. We can not tell.

And then another officer there, who was in the room, saw that I had driven Commander Cole into a hole, and he said:

There are a number of colored people who come in and go out; there is a large class of undesirable people who come in there, I am sorry to say.

And then I said to him:

I would like to have you enumerate some pieces of property that could be carried away from there that there is danger of being stolen, so as to show the necessity of these watchmen.

What is his answer? He says:

A lot of people go there to get relics. They will break off a piece of stone or bricks that is a relic in the academy as a souvenir.

Who ever heard of such an excuse for 26 men to guard relics and pieces of stone? The Government had better build a new stone building down there occasionally than to keep 26 men there on pay of the Government to guard four gates. Changing every eight hours there would be two for each gate, one fellow to watch the other to see that he does not leave.

Now, gentlemen, I ask that you vote for my amendment and pass it.

Mr. PADGETT. There are about 150 acres of ground embraced in the reservation. There are a number of buildings. The outlay that Congress has made there is something over $10,000,000. There are about 900 students, and there are multitudes of visitors going in and out, both foreign and from the city, of different grades and classes, and there is much valuable property there about the dormitories and the buildings, in the way of books, valuable relics on exhibition in the way of flags and other things.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. PADGETT. Yes, sir.

Mr. TRIBBLE. Have you not got the same law down there in that State as anywhere else? If anything is stolen, can not you prosecute the thief in court?

Mr. PADGETT. If you catch him. But it is a very poor solution to have a relic stolen that perhaps could not be replaced at any price if it were destroyed. We remember that only a few weeks ago, right here in this building, with all the guards around here, one of the most valuable paintings was mutilated and very badly injured—right out there in the hall. I do not think there would be any economy in striking out these watchmen there with the great value we have there and the great number of interests to be watched and to be safeguarded, and therefore I hope the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Expenses of the Board of Visitors to the Naval Academy, being mileage and $5 per diem for each member for expenses during actual attendance at the academy, and for clerk hire, carriages, and other incidental and necessary expenses of the board, $3,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The Clerk read as follows:

Amend by striking out all after the word "Academy," in line 16, down to and including the word "thousand," in line 19, and substituting therefor the following: "six hundred," and add after the word "dollars" the following:

"*Provided*, That so much of the act approved February 14, 1879, as relates to the constitution of the Board of Visitors to the Naval Academy be amended and reenacted as follows: 'That hereafter the Board of Visitors to the Naval Academy shall consist of five members of the Committee on Naval Affairs of the Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Naval Academy annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately, as the said committees may elect, during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the Board of Visitors shall be their actual expenses while actually engaged upon their duties as members of said board and their actual expenses of travel by the shortest mail routes: *Provided further*, That so much of the act approved February 14, 1879, making appropriations for the naval service for the year ending June 30, 1880, and for other purposes, as is inconsistent with the provisions of this act is hereby repealed.'"

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit that the amendment is not subject to a point of order. It comes clearly under the provisions of the Holman rule and reduces expenditures.

Mr. GOOD. Then I will make the point of order, because it is not evident on the face of the amendment that it will reduce expenditures. I understand that the previous rulings of the Chair have been that it must be evident on the face of the amendment and the provision it seeks to amend that it reduces expenditures.

Mr. BYRNS of Tennessee. Mr. Chairman, the amendment on its face undertakes to reduce the appropriation from $3,000 to $600. Therefore it is clearly within the provisions of the Holman rule.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PADGETT. I want to call the attention of the gentleman from Tennessee [Mr. BYRNS], before he begins, to the language of his amendment. That, in my opinion, leaves a very wide-open door in the bill. It provides that the actual expenses shall be paid. I know that down at the academy the hotel rates run from $3.50 a day to large amounts a day for rooms during the June week at the academy, and it seems to me that it would

be better for the gentleman to state in his amendment that there shall be a per diem allowance, as there is now under existing law, of $5 per day to pay his expenses, instead of just saying that the actual expenses shall be paid, and let him go down there and engage a room at a large cost a day while he is attending the commencement.

Mr. BYRNS of Tennessee. I would be very glad, Mr. Chairman, to accept an amendment providing that "the expenses of the members of the board shall be their actual expenses while engaged in their duties as members of said board provided the same shall not exceed the sum of $5 per day."

Mr. PADGETT. I think it would be better to provide a certain mileage. I believe they are allowed now not exceeding 8 cents a mile and $5 per diem for expenses. My experience down there has been that the hotel charges the per diem that you get for a room, about the cheapest you can get. About $4.50 or $5 is about the cheapest you can get, and from that up. Then, if you start out with actual traveling expenses, there is a question of what may be the actual traveling expenses.

Mr. SLAYDEN. The actual traveling expenses from Washington to Annapolis?

Mr. PADGETT. Every other year Congress will not be in session, because in the odd years Congress adjourns on the 4th of March, and the members will go from their home cities.

Mr. BYRNS of Tennessee. This provides for the actual traveling expenses.

Mr. SLAYDEN. The gentleman did not catch the actual reading of the amendment. As it was shown to me it provides that they shall go during the sessions of Congress and investigate it just as they would have a hearing in the city of Washington. Their expenses in going from here to Annapolis and back will certainly be very little.

Mr. PADGETT. You do not intend that they shall necessarily go during the commencement week?

Mr. BYRNS of Tennessee. The amendment expressly provides that they shall go during the sessions of Congress, at such times as the committees may determine.

Mr. PADGETT. I overlooked that limitation on the time.

Mr. BYRNS of Tennessee. If this amendment is adopted, it will provide that only members of the Senate and House Committees on Naval Affairs shall be members of the Board of Visitors. I hardly think it probable that any Member of the Senate or House would abuse the privilege of going to Annapolis and paying any exorbitant sum for hotel accommodations.

Mr. PADGETT. I think it is better to place a per diem limitation, if for no other reason, so that the hotel men can not say, "It is an unlimited amount, with the Treasury behind you," and charge an exorbitant figure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I should like five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. At the outset I want to say that I am perfectly willing to accept an amendment, and will be glad to do so, which will provide that the hotel expenses shall not exceed the sum of $5 per day. This amendment is in the interest of economy, and also, in my judgment, in the interest of good legislation. I hope the gentleman in charge of the bill will agree that it may be adopted. Under the present law the President appoints seven members of the Board of Visitors. In addition two members of the Committee on Naval Affairs of the Senate and three members of the Committee on Naval Affairs of the House are appointed, making a board of twelve who visit the academy during the commencement exercises, as I understand. If this amendment is adopted, it will not reduce the number on the board, for it provides that the board shall consist of five Members of the Senate, to be chosen from the Senate Committee on Naval Affairs, and seven Members of the House, who shall be chosen from the House Committee on Naval Affairs. It does not reduce the number of the board, but it certainly reduces the expenses to a very great extent.

In addition to that, it is practical in its operation, because if it is adopted then the members of the two great Naval Committees of the House and Senate will have the opportunity to go to the academy and to examine and investigate the conditions of the Naval Academy while it is actively in operation. They are the men who shape the legislation, the men who prepare the bills and introduce them, and advise Congress as to what ought to be done with reference to the Naval Academy. As it is now, the President appoints seven men. I am not criticising his selection. I do not know who has been appointed in the past. I am sure he has appointed good men and representative citizens of the country, but they are not charged with the responsibility of legislation. They are not charged with any responsibility with reference to the Naval Academy. They go there during the commencement exercises, when the students and everybody are on dress parade. They are no doubt dined by the officers, and it is very proper that they should be. They get their ideas as to what the Naval Academy is from what they see there during commencement week; but this amendment, if adopted, will provide that members of the House and Senate Naval Affairs Committees shall visit the academy not on the day of commencement but during the sessions of Congress, at very little expense, I submit, because we know it is only 40 or 50 miles from here.

As an instance of the economy which will result, I call your attention to the fact that four or five years ago this Congress passed a law providing that the Board of Visitors to West Point Military Academy should consist of members of the Military Affairs Committees of the respective Houses. In other words, they cut off the right of the President to make appointments. As a result they have reduced the appropriation for the Board of Visitors to West Point Academy from $3,000 to $1,000, and I am informed that it only costs about $700 or $800 every year, whereas this bill undertakes to carry $3,000 for the Board of Visitors to the Naval Academy. Now, if this amendment is adopted the appropriation will be cut down to $600. I submit that this board of 12 going from Washington to Annapolis, a distance of 40 or 50 miles, can go for a much less sum.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I have long been in favor of a similar proposition to that now offered by the gentleman from Tennessee, and if my memory serves me the plan has been recommended several times in the past by the Board of Visitors at Annapolis. The only criticism of the gentleman's amendment that I would make is that the amount of money he makes available, $600, is too small. He provides for 12 members of that board, and as I understand, there is to be a limitation of $5 per diem for hotel expenses. That would make $60 per day for 12, and if they remained a week that would be $360 out of the $600, for rooms, meals, and living—too small an amount, in my judgment, for transportation back and forth and for incidental expenses of the board while there.

Mr. BYRNS of Tennessee. I submit to the gentleman that Congress only appropriates $1,000 for the Board of Visitors to West Point, which, as the gentleman knows, is much farther distant; and, it seems to me, taking the distance into consideration, this is much more liberal than the appropriation Congress has been in the habit of making for the visitors to West Point.

Mr. ROBERTS of Massachusetts. I have never been on the Board of Visitors to West Point, and do not know how much territory there is to be covered by that board of inspection. I have been at Annapolis, and I know the grounds are extensive; and I know it is unreasonable to expect a Board of Visitors to walk all over those grounds, and it is necessary, as an incident to the visit of any board, that there be carriages provided to carry them over the reservation. That is another reason why I think the gentleman's amount is too small. It should be at least $750, in order that the members of this board would be enabled to make the proper visit and inspection of the academy.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PADGETT. Mr. Chairman, it will not take $600 to make the inspection. Four days is all we have ever consumed heretofore at any time, even during graduation week, with the entertainment and various things of that kind. So that three or four days would give ample time. You can get a round-trip ticket from here for $1.25, so that I think $600 is ample. The only question is as to the limitation upon the per diem, if it is not deemed necessary to limit that, so that one man would not engage a room at $20 and another at $3.50.

Mr. BYRNS of Tennessee. I want to ask the gentleman if it will be acceptable if the amendment is modified so as to read, "the expenses of the members of the board shall be the actual expenses while engaged in their duties as members of said board, not exceeding $5 a day, and actual expenses of travel by the shortest mail route."

Mr. PADGETT. That is all right.

Mr. TALBOTT of Maryland. As I understand, this amendment excludes any but Senators and Representatives from the Board of Visitors?

Mr. BYRNS of Tennessee. Yes.

Mr. TALBOTT of Maryland. Mr. Chairman, I do not think that is exactly the right thing to do. I think an institution like the Naval Academy should have on the visiting board at least three persons not connected with Congress or legislation affecting the institution. Now, as to the compensation

of the Senators and Representatives, I do not see any necessity for allowing them a per diem. They are receiving a per diem now. All they ought to ask for is their actual expenses. I really believe that, for the good of the Navy, there ought to be some one else on the board besides Members of the House and Senate. We have all the rights now that this will give us. We could go down and inspect the Naval Academy, and the Naval Committee of the House or of the Senate can go there and inspect the academy. They can send for the officials, they can send for the commandant and any other officials and bring them here and examine them. I believe, for the good of the service and for the better satisfaction of the people, it would be wiser to have two or three civilians on the board. If you do, they ought to have a per diem and ought to have mileage.

Mr. PADGETT. Members of Congress get a per diem now and mileage.

Mr. BYRNS of Tennessee. This does not provide for a per diem, but for the actual expenses.

Mr. TALBOTT of Maryland. Nobody objects to that, but, as I said, there ought to be some one on the board besides Members of the Senate and the House, and if you have outside people they are entitled to some compensation, because they receive nothing from the Government, and they would be entitled to a per diem and traveling expenses.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be modified as suggested by the gentleman from Tennessee. Is there objection?

There was no objection.

Mr. TRIBBLE. Mr. Chairman, I rose to advocate the amendment, but since the gentleman from Tennessee accepted it, I shall not take the time of the committee.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For contingencies for the superintendent of the academy, to be expended in his discretion, $2,000.

Mr. PALMER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 51, line 21, insert, after the word "academy," the following: "And to provide for equipment of needy applicants at the time of admission to the academy," and strike out the word "two" and insert the word "six."

Mr. PALMER. Mr. Chairman, a few moments ago I called the attention of the committee to the fact that young men at the academy are required under the naval regulations to make a deposit of $280 and some cents upon their entering the academy to cover initial equipment of clothing and necessary household goods with which they supply their rooms in the barracks. The Navy Department insists that this sum of $280 can not be deducted from the salary received by the young men while they are in the academy. The purpose of this amendment is to put in the hands of the superintendent of the academy the sum of $4,000 with which he may at his discretion give aid to such persons upon their entering the academy as absolutely need it.

Mr. PADGETT. Mr. Chairman, does the gentleman mean that this is to be an increase—a bonus—to them, or is it to be deducted out of the $700 they receive?

Mr. PALMER. My idea of it would be that this sum of $4,000 be put in the hands of the superintendent to be used at his discretion. When a young man passes a creditable examination for admission to the academy, and shows that he is absolutely without funds—that he can not enter the academy unless he receives some help to make this deposit—then let the superintendent of the academy give him such help; and this sum of $4,000 would provide the entire deposit for 15 or 16 boys, and would provide half the deposit for 30 boys, which unquestionably would be all in any given year which would actually need this amount of money.

Mr. PADGETT. Then the gentleman is making a disproportion between the boys and a discrimination which will result in confusion and dissatisfaction. If it is to be used as a fund to advance the boy and to be later deducted from the pay of the boys throughout their course, it might be all right, but if it is to be given in addition, it will be a disturbing factor; an element for disquiet.

Mr. PALMER. Mr. Chairman, I am perfectly willing that it should be deducted, but in leaving the matter to the discretion of the superintendent I have no doubt that is the way that he would work it out. There is nothing in the objection which the gentleman from Tennessee urges—that this would mean discrimination in favor of one student as against another. Every college in the country has endowment funds from which needy students are given assistance, and nobody in the academy will ever express any criticism because some other person in the academy needs it and has been assisted by the Government in order to get into the academy. I say that it is far worse that these young men should be compelled to resort to private charity or the assistance of friends at home and get money in that way to go into the academy of the United States than it is to have them know that Uncle Sam is going to help them when they need it.

Mr. PADGETT. Mr. Chairman, I may say to the gentleman that the amendment is subject to a point of order, and I purposely did not make it, because I wanted it to be considered upon its merits.

Mr. PALMER. I do not think that it is subject to a point of order.

Mr. PADGETT. It certainly is subject to a point of order. There is no law authorizing it, and it does not reduce expenditures.

Mr. PALMER. That is true, but you are making an appropriation here to the superintendent of the academy for contingencies, and all that I am doing is to define those contingencies and increase the amount.

Mr. PADGETT. But the gentleman is not putting it as a contingency. He is naming a specific purpose. I did not raise any point of order because I thought it could be considered upon its merits, but I do think that the gentleman ought to amend it so as to provide that this amount shall be refunded from time to time out of the pay of the young men either before or after graduation. For this reason——

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I take five minutes in my own right, and will yield to the gentleman from Pennsylvania. I just want to suggest that at the academy they have very rigid rules in regard to equality. The richest young man who goes there is not allowed any more money allowance than the poorest. His people are not allowed to send him anything. He is allowed to expend no more than the others; everything is held upon an absolute equality with reference to money and to finances, so that to incorporate this amendment, to give to one more than another, under the traditions and customs that prevail there, would not be beneficial, and I think in view of that, while I am willing that this contingent fund should be placed there for use as intended, I think it ought to be turned back to the Treasury in order to preserve an absolute equality among the young men.

Mr. ROBERTS of Massachusetts. Will the gentleman yield there for a moment? Did I understand the gentleman's motion increased the contingent fund to $6,000, to increase the superintendent's contingent fund from $2,000 to $6,000?

Mr. PALMER. Yes; to be used for the purpose I mentioned.

Mr. ROBERTS of Massachusetts. Does the gentleman's motion define the purposes for which the additional $4,000 is to be used?

Mr. PALMER. I have increased the contingent fund of the superintendent to $6,000 and defined the uses to which the entire contingent fund may be put. It would not mean, I suppose, that all of the $4,000 should be used for that purpose.

Mr. ROBERTS of Massachusetts. The gentleman realizes that the present contingent fund of $2,000 is practically a fund placed at the disposal of the superintendent of the academy for the purpose of entertainment.

Mr. PALMER. So I understand.

Mr. ROBERTS of Massachusetts. And unless there was a very careful distinction made by the motion of the gentleman it might be possible in any given year that the superintendent would have $6,000 with which he could entertain. If he had no application for this deposit to be taken out, he might possibly have the whole $6,000, and I suggest to the gentleman the better way to get at it would be to make a separate provision, a separate contingent fund for that purpose, and not interfere with the present contingent fund.

Mr. PALMER. I will say to the gentleman the reason I offered the amendment in this way was in order to escape the point of order, which, I think, can not lie against the amendment as it is now written, because, after all, it simply defines the contingencies for which this money can be expended; but the idea of the gentleman from Massachusetts is perfectly proper, and if there be no point of order raised against it I will be willing to make that separate amendment and offer it separately instead of an amendment at this point.

Mr. ROBERTS of Massachusetts. I think, Mr. Chairman, the members of the committee are in full sympathy with the

purposes indicated by the gentleman from Pennsylvania, and I doubt very much if any point of order would be raised against such a worthy amendment as that.

Mr. PALMER. Then, Mr. Chairman, I ask unanimous consent to modify the amendment——

Mr. TALBOTT of Maryland. Mr. Chairman, I reserve the point of order; I do not say I will make it.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment——

Mr. PALMER. So it may appear, after line 21, page 51, as follows:

For contingencies for the superintendent of the academy: To provide for equipment of needy applicants at the time of admission to the academy, to be refunded out of salary before or after graduation.

I think, Mr. Chairman, that is sufficiently definite to be regulated by the department.

Mr. GOOD. Mr. Chairman, I reserve a point of order. [Cries of "Too late!"]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that his amendment may be modified as stated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. PALMER. Mr. Chairman, I call for a vote.

Mr. GOOD. Mr. Chairman, I do not believe the House ought to agree to this amendment. A few moments ago the gentleman from West Virginia [Mr. LITTLEPAGE] complained because certain applicants to West Point and Annapolis were not able to pass the examinations, and if any inference is to be drawn from his remarks it must be we are to reduce the standard so that applicants to these institutions can obtain entrance more easily. Now for the first time it has been intimated that certain worthy young men, or rather a young man in the district of the gentleman from Pennsylvania was not able to pay the expenses incident to his entrance. I think it is apparent to everybody that Members of this House have fivefold more applications than they can grant in the way of recommending ambitious young men as cadets to these institutions. This is the first time I have ever heard the point raised that a young man could not enter the Academy at West Point or Annapolis because he could not raise the necessary incidental expenses. I do not believe there is a young man anywhere who desires to go through West Point or Annapolis who can not live on the $700 a year that is allowed him and pay all incidental expenses out of this Government allowance.

This amendment is placing a premium upon the applications of those who will in the future be applicants for entrance to these institutions, and I think we are writing into the statutes to-day something that we will regret if we adopt amendments like this. It will be but the beginning of a reform that will in the end let down the standard of entrance to these institutions and will place a premium upon the applications for entrance to these institutions. And I oppose the amendment.

Mr. TRIBBLE. Mr. Chairman, the very purpose of the gentleman's amendment is to take off any premium, so that poor boys can get in as well as the rich. Now, I think we all agree that, if possible, we ought to select the boys who are not able to educate themselves. I represent a rural district. We have a few city schools in the district, and there are but a few of those schools prepared to advance a boy high enough to assure his entrance at Annapolis. In this statement I do not include the universities, but I can safely say the common schools do not prepare them sufficiently for entrance at Annapolis. If he is a poor boy and not able to attend the universities, in order to enter he must go to a special school. If his father is a poor man, the father must put up the money to send him to a special school in order that he may go to Annapolis. He exhausts all the funds he can get before the boy is ready to enter. This amendment provides that nothing shall be taken out of the Treasury of the United States that is not now taken out of the Treasury. It simply provides that the poor boy may enter the academy and be relieved of paying the sum now required. The entrance fee of $250 now required is considered a loan by this amendment, and he is required to reimburse the Government out of the funds now provided for the monthly pay of the cadet after his entrance.

I approve this amendment, and say, further, I shall keep up the fight to lower the examination for entrance at the Naval Academy and give the poor boys, whose opportunities have been limited, an opportunity to enter the Government school.

Mr. AUSTIN. Mr. Chairman, I am going to give this amendment my earnest support. [Applause.] And the very reason enunciated here in opposition to it is a controlling reason that appeals to my sense of justice in giving it my approval.

The gentleman from Georgia [Mr. TRIBBLE] well said that the average boy, in order to obtain admission to either the Military Academy or Naval Academy, must go to a special preparatory school and fit himself to pass the rigid examination of admission. These preparatory schools are expensive to a poor boy. If you do not send your boy or applicant to one of them, the chances are he is going to fail on his examination. I believe the percentage of failures of those who fail to take advantage of a special preparatory school is about 50 per cent and of those who enter such schools, where there is a special course and trained and experienced instructors, 95 per cent succeed in passing the examination. The two best institutions, I believe, in the world are located at West Point and Annapolis. The rich man can send his son to Harvard, Princeton, or Yale, or any of the other leading institutions of this land, but many of the ambitious sons of poor men are prohibited from entering either one of these Government academies for the reason stated by the author of this amendment [Mr. PALMER] and the gentleman from Georgia [Mr. TRIBBLE].

One of the brightest stars in the American Navy was Commodore Farragut. Had this requirement, the payment of this money, $280, been exacted in his day he never would have entered the Naval Academy. His father was a very poor man and lived in my town, Knoxville, Tenn. There is a marker upon a farm near that city showing it was the birthplace of Commodore Farragut. The senior Farragut made his living in the city of Knoxville by peddling water from the near-by springs, for, in the early days of that city, they were without modern waterworks. Old man Farragut drove his cart with a barrel of water upon it, drawn by a single horse, through the streets of that city. And accompanying him on those daily trips in the delivery of this water was his son, who afterwards entered the Naval Academy—Commodore Farragut. [Applause.] This barefooted boy delivered the water from the cart to the citizens.

This amendment should appeal to every man who feels for and sympathizes with the deserving and ambitious poor boys in the land who desire to enter the Military or Naval Academy.

Mr. CANNON. Will the gentleman allow me a question?

Mr. KOPP. Will the gentleman yield?

Mr. CANNON. I care nothing about the amount involved, so far as the expense is concerned, but has the gentleman considered the question as to whether the water cart and the development of good manhood in the boy were not more responsible for his success than the training in the Naval Academy?

Mr. AUSTIN. His school of adversity and early hardships were of great value, but he needed the training in the Naval Academy to make him the great naval hero of Mobile Bay and of the Civil War, Mr. Chairman, and that is what we must do for every boy in this land who has a chance or opportunity to secure one of these appointments, either to the Military Academy at West Point or the Naval Academy at Annapolis, and let him make something of himself—give him a chance.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Wisconsin?

Mr. AUSTIN. Yes.

Mr. KOPP. Is the gentleman in favor of increasing the appropriation of each boy to that extent?

Mr. AUSTIN. For every boy who is unable to raise this amount, $280, and needs the aid or the credit of this Government advanced to him, and under the provisions of this amendment to repay it out of his salary, either as a student or a commissioned officer in the Navy.

Mr. KOPP. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to continue two minutes more. I wish to ask him a question.

Mr. PADGETT. I shall have to object, Mr. Chairman, and call for a vote. This discussion is not essential.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I would like to say a word just here, before a vote is had.

Mr. PADGETT. Well, go ahead.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, since I have been in Congress I have in every instance made recommendations to the Naval Academy and to the Military Academy in pursuance of competitive examinations. I have always thrown those examinations open to every boy in the district within the required age, and I have gone before those classes before they took the examination and said, "It will cost this Government $20,000 or $30,000 to educate the boy who wins out here and is admitted to the academy. I do not want any one of you to take the examination unless you pledge me here that if you get in and complete your course you will stay in the service of the United States during the balance of your life. I do not propose to recommend any boy to either of these academies to get an

education at the expense of the Government and after a few years have him get out and go into private service and make more money or do something more pleasing to him." I have held that promise open, so that the boys think it is the law and not discretion on my part. The best boy in the examination wins if he passes the physical examination. I have not known an instance where any of these boys who got in did not raise the money to pay for his uniform.

I sometimes think that learning is made too easy these days. I sometimes think that a little trial, a little adversity, a little uphill work, will do for a boy quite as much good as the mathematics and Latin and Greek that he will get in college. [Applause.] We are doing much, it seems to me, to smooth the path for the young men and young women. While we are giving them luxurious rooms and accommodations, we propose also to pepsinize and pulverize and pump the intellectual pabulum into them without requiring them to do anything for themselves. I believe in their doing something for themselves. I do not believe in the Government doing everything for them. I do not think there is any boy in the country who can not get, by borrowing or otherwise, enough money to buy a uniform until he can pay it back out of the $700 a year that he gets from the Government. The Government is doing enough for him. Let him do a little for himself. [Applause.]

Mr. PALMER. Mr. Chairman, I suspect that sufficient has been said with reference to this amendment, yet I can not allow the debate to be closed without making some reference to the statement of the gentleman from Iowa [Mr. GOOD], who said that he had never, in his experience, heard of any boy who was prevented from entering the academy by reason of this charge of $280, and that nobody had ever mentioned any case, except that now it is brought forward, because a young man in my district was unable to pay the money.

Of course, Mr. Chairman, my attention was called to this matter by the fact that a young man in my district was affected by it. But he will not be affected by this amendment if it becomes a law; and it is not to assist anybody in my district, either the young man or anybody else, that the amendment is proposed. It would not go into operation until after it would be beneficial to this young man, for he will have entered before the appropriation would be available.

Mr. GOOD. Will the gentleman yield?

Mr. PALMER. Yes.

Mr. GOOD. There was nothing personal in my statement. I only intended to convey the information that this was the first time I had ever heard the matter urged at all.

Mr. KOPP. Mr. Chairman, does the gentleman think the Government ought to donate this money or any part of it to a certain class of boys and not to the others?

Mr. PALMER. No; I am not asking the Government to do it.

Mr. KOPP. Has the gentleman thought of this contingency: Suppose the boy receives the $280, and then he meets the fate that so many boys meet and is dropped at the end of the first year; what are you going to do in that case?

Mr. PALMER. I think in that case the Government could afford to lose the small sum. [Applause.]

Mr. KOPP. The gentleman is willing to donate part of it if it is necessary?

Mr. PALMER. If that happens.

Mr. KOPP. That is the reason I asked the gentleman the question, to find out his position.

Mr. PALMER. There is no doubt—all of us know it perfectly well from our experience—that a certain proportion of the young men who enter the academy find this $280 an insuperable obstacle as far as their own resources are concerned. They must do one of two things: They must either go out to an individual and beg the money as a gift, which I submit is not a good thing in building the character of the boy, or they must borrow the money from somebody.

If they borrow it from an individual, he treats it as a gift, because he knows he can get no security for it. The Government will not permit the young man to pay it out of his salary month by month; and my proposition simply is that the young man in that event should be permitted to borrow this money from his Government, offering to the Government the security which the Government knows is safe—his salary as an officer of that Government. My entire idea in the thing is to make the young man free and independent. These boys who go into places of this kind as objects of charity, through assistance by individuals, will not get out of the life and experience at the academy all that they are entitled to; but if they are needy and the Government is lending them the money to go through, they will not suffer from the influence which is bound to follow upon making them in a sense objects of charity.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. PALMER. Yes.

Mr. MICHAEL E. DRISCOLL. Is a young man who is old enough to enter the Naval Academy, or the Military Academy, or any other college, who borrows money and gives his note or his word, and treats that as a solemn and binding obligation that he will pay it back with interest, an object of charity? And if he pays it back, does not that tend to develop character and independence? If a boy who does that is an object of charity, then I was an object of charity, because I worked my way through college, and I borrowed the money and paid it back with interest.

Mr. PALMER. The gentleman knows what the difficulties would be in the way of a young boy securing money in that way and how easy it is for kind friends to get together, and instead of one man loaning the $280, to pass the hat and make a present to the boy of this amount, which he has got to have to enter the academy.

It happens in four cases out of five that instead of some person loaning it to the boy, somebody gives it to him, and then the young man is impressed with just the idea that the gentleman from New York wants him to escape—that his education is coming to him too easily, and he will be harmed more by that gift of money for his original equipment than he would by a loan, and much more than he would by the advancement of it by his Government.

Mr. MICHAEL E. DRISCOLL. This is the first time it has ever been brought before the House since I have been here, that it is necessary to borrow this money in this way. It seems to me a law should not be passed here on account of this particular case in Pennsylvania which the gentleman has in mind.

Mr. PALMER. The gentleman must know that the cases are very common all over the country.

Mr. MICHAEL E. DRISCOLL. I never heard of one before.

Mr. PALMER. I am not responsible for the gentleman's lack of knowledge.

Mr. BOWMAN. Does not the gentleman know that some small colleges have a fund that they loan to students under similar circumstances? I know of a number of young men who never would have been able to go through college if it had not been for the amount of money advanced to them out of these funds.

Mr. PALMER. That is a common practice in every college in the land. There is an endowment fund for the very purpose of allowing the heads of the institution to exercise discretion in helping poor students.

Mr. MICHAEL E. DRISCOLL. They do not advance money to get them in, but they pay their expenses after they are in, whereas the Government pays $20,000 or $30,000 each year to these students.

Mr. PALMER. That is a distinction without a difference.

Mr. PADGETT. Mr. Chairman, I move that all debate upon the pending amendment and all amendments to this paragraph be now closed. We are expending more value in time to debate it than it would take to pay it.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate upon this paragraph and amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

Mr. AUSTIN. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be reported again.

There was no objection, and the Clerk again read the amendment.

Mr. LITTLEPAGE. Mr. Chairman, unless the motion of the gentleman from Tennessee prevailed, I move to strike out the last word.

The CHAIRMAN. Debate on this amendment has been closed by vote of the committee.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 26, noes 32.

Mr. PALMER. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Pennsylvania demands tellers. All those in favor of taking a vote by tellers will rise. [After counting.] Thirteen Members have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

Pay, Marine Corps: For pay and allowances prescribed by law of officers on the active list, including clerks for assistant paymasters, five

in all, and for the following additional officers hereby authorized: One major, four captains, four first lieutenants, and four second lieutenants, $936,278.

Mr. GOOD. Mr. Chairman, I reserve a point of order on the following language:

And for the following additional officers hereby authorized: One major, four captains, four first lieutenants, and four second lieutenants.

Mr. PADGETT. Mr. Chairman, it does not occur to me that the point of order is well taken, for the reason that, under the law, the question of the number of the enlisted force of the Marine Corps is not a fixed number, but the law expressly provides that it shall be such as Congress from time to time shall establish. It was left in that form for the purpose of Congress legislating as it might see fit on the appropriation bills each year.

Now, with reference to the active list of the Navy, the commissioned officers, it is different. The personnel bill of 1899 fixed a certain number of admirals, a certain number of captains, a certain number of commanders, lieutenants, and so forth, and a point of order would lie against that, because that is fixed and prescribed by law. In reference to the enlisted men, it provides that the enlisted force shall be such as Congress shall from time to time establish, and hence it is in order to report it upon the bill each year.

Mr. GOOD. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. GOOD. Do I understand the gentleman to say that the law does not prescribe the number of officers in the Marine Corps?

Mr. PADGETT. It does not in the Marine Corps; it provides that the Marine Corps shall be one-fifth, or 20 per cent, of the enlisted force of the Army, and the number of officers is proportioned to the enlisted men, so as to have a proper military organization.

Mr. GOOD. The language here is "for the following additional officers," implying that the law does fix a certain number of officers.

Mr. PADGETT. It provides for such number as Congress from time to time shall authorize, and in the former bill we authorized certain ones, and that leaves it so that at each time when we meet an increase we necessarily say "additional," because, as Congress legislates from year to year, it is fixed for the time being.

Mr. GOOD. While the gentleman is on his feet, let me ask him this question. At the bottom of the page there is a provision for four sergeants; does the same rule apply?

Mr. PADGETT. Yes; and as to the 400 men authorized. These are noncommissioned officers, and make part of the 400 marines. Really, under the law we could have reported for 800 and doubled the number of enlisted men. The law says that the Marine Corps may be one-fifth of the enlisted force, and we have made it only one-tenth.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Provided, That the gunnery sergeants of the Marine Corps shall hereafter receive the same pay and be entitled to the allowances, rank, continuous-service pay, and retired pay of a first sergeant in said corps.

Mr. GOOD. Mr. Chairman, I reserve a point of order to page 54, lines 16 to 19, including the words "in all."

Mr. PADGETT. Mr. Chairman, I will state that if the gentleman insists on it, this is subject to a point of order, but I think he would perhaps not make it when advised of the conditions. Under the previous legislation the pay of the first sergeant was fixed by law, and the gunnery sergeant does now, under the regulations, the same duty, and the department thinks he should receive the same pay for like services that is fixed for the other.

It is a small item, but it is subject to a point of order if the gentleman sees fit to insist upon it. It was overlooked in the former reorganization, and this is simply to equalize them with the others who receive the pay. They perform the same service.

Mr. GOOD. Mr. Chairman, what is the difference in the pay?

Mr. PADGETT. Mr. Chairman, I will read from the hearings, at page 514:

Col. RICHARDS. Gunnery sergeants are now and have been since the establishment of the Marine Corps regularly detailed to duty as first sergeants, both on shore and on vessels of the Navy. The act of May 11, 1908, increased the pay of first sergeants of the Army from $25 to $45, and the pay of all other noncommissioned officers was also increased in the same act. This grade of gunnery sergeant was the only one where the pay was not increased by legislation. The purpose of this language is to so provide that gunnery sergeants will have the pay which corresponds to their rank and duty of first sergeant. Originally their pay was $35. The pay of a first sergeant is now $45, and the intent is to establish their pay exactly upon the same footing as that of first sergeants. The letter of July 27, 1911, is filed herewith.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Fuel, Marine Corps: For heat and light for the authorized allowance of quarters for officers and enlisted men, and other buildings and grounds pertaining to the Marine Corps; fuel, electricity, and oil for cooking, power, and other purposes; and sales to officers, $164,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 58, line 4, after the word "dollars," insert:

"*Provided*, That no part of this appropriation shall be expended for foreign coal."

Mr. PADGETT. Mr. Chairman, I reserve the point of order against the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I do not think that the point of order lies against the amendment. This is clearly a limitation upon the expenditure of the appropriation.

Mr. PADGETT. What is the object of the gentleman's amendment?

Mr. HUMPHREY of Washington. The amendment provides that no part of this appropriation shall be expended for foreign coal for the use of the Marine Corps. I will tell the gentleman why I offer the amendment. I hold in my hand a telegram which I received, which reads as follows:

SEATTLE, WASH., *April 15, 1912.*

Hon. W. E. HUMPHREY, M. C.,
Washington, D. C.:

United States Marine Corps are calling for bids to be opened May 24, and eliminate competition by specifying that all of the coal called for for marine barracks at Bremerton should be British Columbia Wellington coal, notwithstanding the fact that there are two or three differcht coals mined in Washington that are equal to the Wellington coal. This is shown by the analysis by the United States Bureau of Mines. Would appreciate it if you could get this clause eliminated and have Marine Corps buy coal the same as Quartermaster's Department, based on the British thermal heat units.

C. E. HOUSTON.

Mr. Houston represents the Pacific Coast Coal Co. After I received that dispatch I made some inquiry to ascertain why such a provision as that was ever inserted in a call for bids. I had considerable trouble to ascertain why it was done. I must say in justification, however, that the head of the Marine Corps at that time was in Panama. After calling their attention to the matter three or four times, and finally telling them that I intended to introduce a resolution to find out why they were going to use British Columbia coal, I ascertained that some officer out there at Bremerton thought that this British Columbia coal was better than the American coal. I then called the attention of the Assistant Secretary of the Navy, Mr. Winthrop, to it, and immediately he ordered that this call for bids be canceled and that new ones be issued.

Mr. PADGETT. If they have canceled that order by administrative action, is not that far better than to put this legislation on this bill and deprive the department of the opportunity of buying coal in the open market, forcing them to buy from some particular man over there at such price as he may see fit to fix? The department has redressed the gentleman's grievance. He is now seeking to put on a limitation that would tie the hands of the Government and force it to buy from a limited number, and the Government would be at their mercy.

Mr. HUMPHREY of Washington. Mr. Chairman, the gentleman is entirely mistaken.

Mr. PADGETT. I think not.

Mr. HUMPHREY of Washington. I think that the gentleman is, and I will explain why. What I wanted to do was to place a limitation on the expenditure. We can not legislate judgment and patriotism into the officers of the Navy, but we can limit them in the expenditure of the money. I received a letter this morning respecting the matter of furnishing coal at the Bremerton Yard. I do not know whether it is the same officer who called for the former bids or not. This is another bid for 500 tons, but he makes a limitation that no coal miner in the State of Washington or in the United States can meet. Now, there are several different companies in the State of Washington, and any official who has no more patriotism or regard for the interests of the country than to call for bids and specify that the coal shall come from one particular company, and that a foreign company, ought to be restricted in the expenditure of the money and be reprimanded by the department. There is no reason in the world why we should use foreign coal in the Marine Corps. There is not even the excuse that they are going to use it on vessels. It is for the use of the Marine Corps at Bremerton Navy Yard. I think we ought to go on record now as condemning any such proposition.

Mr. BOWMAN. I would like to ask the gentleman, Is there any reason why the officer should specify any given grade of

coal? Is not that giving an opening for some bargaining between him and the owner of some colliery? I have seen all sorts of wickedness creep in that way.

Mr. BUTLER. Let me answer that if I can.

Mr. BOWMAN. No given coal should be specified; it should be based on the British thermal unit.

Mr. HUMPHREY of Washington. They specified only one company, and that a foreign company, when there is plenty of coal in the United States on the Pacific coast, that can be purchased just as cheaply and that is equally good.

Mr. BUTLER. Do they specify one company?

Mr. HUMPHREY of Washington. They do. They say Wellington coal, British Columbia, because, presumably, some officers think it better. They have not given any reason for it. Then another point: In the last case I mentioned, they put in a condition which it is impossible for any company to comply with, although they do not limit as to who may bid.

Mr. PADGETT. What is the impossibility?

Mr. HUMPHREY of Washington. They specify for bituminous coal that it shall not go through a mesh less than 2½ inches, something that there is no mine in America that can comply with, except when you select it, and when you select it it costs much more and there is no reason for putting in such conditions. They want to use it under boilers and the only reason is that it is a little cleaner and will keep the dust off of some officer's uniform, perhaps.

Mr. PADGETT. I would not put it that way. They have a right to make some sort of specifications. Now, treat them squarely in the matter. Has the gentleman submitted the last matter to the department to see whether, they having remedied the gentleman's first complaint, they will not remedy this?

Mr. HUMPHREY of Washington. I have not, because I did not get it until this morning.

Mr. PADGETT. Does the gentleman think it is appropriate, before you have submitted it to the department, when they have corrected your first grievance, to put on here legislation that is prohibitive, the result of which is to force the Government into a limited way in which they can purchase? It appears to me it is not wise or good legislation.

Mr. HUMPHREY of Washington. It took me about three weeks to get them to make the change in the first call for bids. I do not see any excuse in the world for the Navy Department wanting to purchase abroad coal of this cheap class.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. LITTLEPAGE addressed the committee. See Appendix.]

Mr. ROBERTS of Massachusetts. Mr. Chairman, I want to call the attention of the gentleman from Washington [Mr. HUMPHREY] to the full scope of the limitation that he has offered to the amendment to this paragraph. This paragraph provides for the fuel to be used by the Marine Corps, not only within the territorial limits of the United States, but wherever there may be marines using fuel. We have marines in the Philippines and in Samoa, and I do not know in how many different parts of the world marines are stationed, and permanently stationed. Now, if the limitation of the gentleman is adopted it will compel the Navy Department to send American coal in very small quantities to these remote parts of the world, and I suggest to the gentleman that he make his limitation apply only to coal used by the Marine Corps within the territorial limits of the United States.

Mr. HUMPHREY of Washington. I will be very glad to accept an amendment of that kind, as I had no intention of limiting it except to the Pacific coast, where I want them to use our own coal. I am perfectly willing for them to use the coal of West Virginia at other places if they desire and it is economical for them to do so.

Mr. HOWARD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I have not the floor.

Mr. ROBERTS of Massachusetts. I would suggest that the gentleman from Washington indicate to the Clerk a modification of his amendment.

Mr. HUMPHREY of Washington. I suggest it be limited to the use of the Marine Corps on the Pacific coast of the United States.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment to the amendment.

Mr. HUMPHREY of Washington. I simply asked to modify it by placing the further limitation that it be restricted to the Pacific coast of the United States.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 58, line 4, after the word "dollars" insert:
"*Provided*, That no part of this appropriation be expended for foreign coal to be used by the Marine Corps on the Pacific coast of the United States."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PADGETT. Mr. Chairman, that is a limitation. I think it would be unwise legislation.

The gentleman has not submitted any reasons, it occurs to me, that are valid and sufficient and of that urgency and importance that would require us to place restrictive legislation of this character upon this provision.

Now, the gentleman stated that there were some bids and proposals for bids for the purchase of coal that were objectionable, and that he called the attention of the department to the matter and that the department at once canceled the bids and sought to remedy it; and he also stated that to-day he has received additional information that some officer out there has called for bids that are objectionable on account of the rigidity of the specifications.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUMPHREY of Washington. I want to be exactly just to the department. The Assistant Secretary of the Navy remedied it within a day or so after I called it to his attention, but I tried for two weeks to get the Marine Corps to remedy it, and they refused to do it.

Mr. PADGETT. All the dealings of the Marine Corps are subject to the direction of the Navy Department, and the Navy Department remedied the matter.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGET. Yes.

Mr. McKENZIE. I want to ask the gentleman this question: What is the practice in the purchase of coal for the Navy at the present time? Is it done by competitive bids or not?

Mr. PADGETT. Yes; by competitive bids, published and advertised broadcast; and everyone who desires to offer coal is invited to bid.

Mr. BUTLER. Provided he can get up to 15,500 thermal units?

Mr. PADGETT. Provided he meets the specifications.

Mr. HUMPHREY of Washington. What I am complaining about in this particular case is that they do not call for bids generally, but for one particular kind of coal.

Mr. PADGETT. And the gentleman also stated that he had gotten that information this morning and had not called it to the attention of the department.

Mr. HUMPHREY of Washington. That is the other one.

Mr. KNOWLAND. I understand that this amendment would give them authority to advertise, but that would confine this to the United States. They could get Pennsylvania bids and get bids from other parts of the United States?

Mr. PADGETT. Yes; but the freight rates would be absolutely prohibitive, and then by cutting off the opportunity of the Government to purchase on the British Islands, a few miles away, and restricting it from any but the few there in the State of Washington, it would tend to establish a trust, about which we have heard so much denunciation in this body. [Applause.]

Mr. HOWARD. I would like to ask the gentleman a question. Was it not testified before the Committee on Naval Affairs at this very hearing that the coal in the country that the gentleman from Washington was talking about was unfit for use on the vessels of the Navy?

Mr. PADGETT. It is clearly shown that it is not adequate for use on the vessels of the Navy, but this coal is for land purposes.

Mr. HUMPHREY of Washington. There is no claim made that there is any better coal than that of Washington.

Mr. HOWARD. If this coal is not of superior quality, good for use on vessels, then, of course, its inferiority would be characterized by the same percentage of inferiority for the purposes on land, would it not?

Mr. PADGETT. Yes. It might be sufficient on land, but not sufficient for coaling ships. But the whole policy of the Government's tying its hands and restricting itself and not getting the benefit of an open market is wrong. [Applause.] I call for a vote, Mr. Chairman. [Cries of "Vote!" "Vote!"]

Mr. PROUTY. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Iowa [Mr. PROUTY].

The Clerk read as follows:

Add the following: "But in purchasing such articles preference shall be given to those produced in the United States."

Mr. PADGETT. I move to amend the substitute by adding "which can be procured at the same price."

Mr. PROUTY. "At the same price and quality." I will put that in.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the substitute offered by the gentleman from Iowa [Mr. PROUTY], which the Clerk will report.

The Clerk read as follows:

Add to the substitute the words "which can be procured at the same price and quality."

Mr. PROUTY. I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SISSON. Mr. Chairman, I should like to ask the gentleman from Tennessee and the gentleman from Kansas whether or not they propose to carry along some sort of a tester, to be used when a man wants to buy coal?

Mr. PADGETT. The Government tests all coal that it buys, and requires it to meet certain specifications.

Mr. SISSON. In case of emergency, how could the Government buy coal under that amendment?

Mr. PADGETT. This is not emergency coal. It is coal that is bought for general purposes, and fuel for the Marine Corps, advertised for and bought under bids.

The CHAIRMAN. The question is on agreeing to the amendment to the substitute.

Mr. PROUTY. I have accepted the amendment.

Mr. BUTLER. The gentleman can not accept the amendment against protest, and I protest. This is a purely Democratic proposition.

Mr. PADGETT. The gentleman bears fine testimony to the Democratic Party when he says that we give the Government an opportunity to get coal under the best circumstances, at the best price.

The CHAIRMAN. The question is on the amendment to the substitute.

The question being taken, the amendment to the substitute was agreed to.

Mr. CANNON. I desire to offer another amendment to the substitute:

Provided, That the coal shall be mined by labor that is employed not exceeding eight hours a day.

[Applause.]

The CHAIRMAN. The gentleman from Illinois offers an amendment which the clerk will report.

The clerk read as follows:

Add to the substitute the following: "*Provided*, That the coal shall be mined by labor that is employed not exceeding eight hours a day."

Mr. CANNON. Mr. Chairman, I want to be heard briefly on that amendment. In the United States, so far as I know and am informed and believe, coal is mined by eight-hour labor, and in some instances less than eight hours.

Mr. BUCHANAN. Thanks to organized labor.

Mr. CANNON. From an economic standpoint if no other, I think that in that kind of labor, dangerous and underground, eight hours are a sufficient number of hours out of the 24 to be employed.

That being the case, the bids for this coal for the use of the United States are free to all the world, which practically includes British Columbia and Australia, why should the American citizen who employs eight-hour labor—American labor—be compelled to compete with the man in foreign countries who, in the first place, pays his labor less than we pay ours, and, in the second place, works that labor more than eight hours? [Applause.] In other words, I do not want to discriminate against the American citizen in organized labor or in unorganized labor. Therefore, I offer the amendment.

Mr. FOSTER. Mr. Chairman, I wish to offer an amendment to the amendment of the gentleman from Illinois, to add the words "and by union labor," so that it shall be an 8-hour day and also by union labor.

Mr. CANNON. That amendment is not in order. When my amendment is disposed of then the gentleman's amendment will be in order. My amendment is an amendment to the substitute, and a substitute is amendable only in the first degree.

Mr. FOSTER. I offer my amendment to the amendment of the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. That amendment is not in order at this time.

Mr. BUCHANAN. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] has the floor if he desires it.

Mr. FOSTER. I yield to my colleague.

Mr. BUCHANAN. I should like to suggest that if you make the provision that union labor be employed you can cut out the other part of it, because it will be an eight-hour day. Organized labor has already secured an eight-hour day in most industries which are organized.

Mr. FOSTER. I think it would be well to put in the amendment, so that there can be no question about it.

Mr. CANNON. When my amendment is disposed of the gentleman can offer any amendment that is in order.

Mr. FOSTER. Will not the gentleman accept that modification?

Mr. CANNON. I will not accept any amendment to my amendment, because when it is either agreed to or rejected my colleague Mr. FOSTER can offer any amendment he sees fit to offer; and I think the gentleman, with his knowledge of parliamentary law and his great zeal for the public service, is quite competent to stand upon his own merits, without seeking to fasten himself upon my coat tails. [Laughter.]

Mr. FOSTER. I will say to my friend from Illinois that I am very glad to see that he has come to a time in this House when he is taking the opportunity to recognize union labor. [Applause.] I congratulate the country and the House that this amendment has been offered at this time. I am glad indeed to know that my colleague has offered it. I do not desire to cling to his coat tails in this matter, but I would like to have him go a little further and accept a modified amendment and make it apply to union scale of wages, so the worker may not only have a shorter day, but a living wage.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON] to the substitute.

The question was taken, and the amendment to the substitute was agreed to.

Mr. CANNON. Now it is in order for the gentleman from Illinois to offer his amendment.

Mr. FOSTER. Mr. Chairman, I offer an amendment "and by union labor," to follow the words "eight hours a day."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "day," in the substitute, the words "and by union labor."

Mr. FOSTER. Mr. Chairman, I think this amendment speaks for itself, that the coal which the Government proposes to buy shall be mined under the 8-hour day provision, as offered by my colleague from Illinois, and also that there shall be employed union labor, which is an organized effort for fair pay and better conditions in the mines; that these men who employ pauper labor, that do not pay a living wage, can not furnish coal to the Government. I am glad, indeed, that this provision for 8 hours a day has been put in the bill, and I hope this amendment that I offer will be adopted and that my colleague, the gentleman from Illinois [Mr. CANNON] having done good work in putting restrictions on the bill for 8 hours a day, will join with me, and that the labor in this country will be given consideration by the Government in the purchase of the coal under these conditions, so the wages will be fair.

Mr. MICHAEL E. DRISCOLL. And it will be a stand-off between you.

Mr. FOSTER. I hope my colleague will support my amendment as heartily as I supported his.

Mr. CANNON. Mr. Chairman, I desire to say, touching the amendment of my colleague from Illinois, that I never yet in this House have offered an amendment touching the public service that abounded in demagogy, nor have I ever failed to voice my true sentiments upon any question that was presented touching the public service.

I offered the amendment in the best of faith, realizing, if you choose, that through organization and a wise public sentiment we had an eight-hour day in the coal-mining industry.

Let me say to my colleague that union labor in the United States has always received my approval. I have been called upon to defend my position touching union labor. I have received the assaults of people who profess to lead federated labor, not in one campaign, but two, aye, three, and I have always taken the position that if I lived by labor, in the sweat of my face, under the changed and changing conditions in production, that in simple self-protection I would federate with my colaborers, unite for the purpose of making a contract between one employer, whether it be a person or corporation, and on the other hand, the employees—thousands and thousands and tens of thousands of whom could not singly act effectively, each one making a separate contract. That has been my position always, and it is my position now. [Applause.]

Now, the man in union labor goes there voluntarily, and I say again that if I was a coal miner or a worker in the machine shop or operating on the railway I would combine for the purpose indicated. I have appealed, when attacked by Samuel Gompers and some other labor leaders who came in person and sent walking delegates into my district to defeat me—I have frankly said to the 12,000 men federated in the building trades and operating in the mines exactly my position as I have indicated it here. Then I have turned and appealed to them and said, "I have stated everywhere that you do not want excep-

tional legislation, class legislation, for your protection; you are American citizens, thank God, and you never mortgaged your manhood, you never mortgaged your politics, to the dictation of any man or men. You organized for a specific purpose and for no other; and I want to say to you that I am satisfied that I always received 95 per cent of the Republicans of the 12,000 people that were organized in union labor in my district." [Applause on the Republican side.]

A man has a right to be federated—to join the union. A man also has a right not to join a union. They are all American citizens. There are said to be 2,000,000 voters among the federated labor unions of the country.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, there are said to be about 2,000,000 voters among those who are federated in labor organizations. That includes the railway employees who are not federated but who have very efficient organizations without being federated. There are 92,000,000 of people in the United States——

Mr. HAMILTON of Michigan. Ninety-six.

Mr. CANNON. Ninety-six, says my friend from Michigan. There are, say, twenty-five to thirty millions of men laboring on and off the farm and elsewhere who are not unionized, as against the 2,000,000 who are unionized. They have just as much right under the Constitution and under the law to their liberty and protection as has the man who is unionized. Does my friend say they have not? Does any man here within the sound of my voice say they have not? I pause for a reply. I pause for a reply from my other colleague [Mr. BUCHANAN], who was a labor leader. I get no reply. Therefore, when my colleague Mr. FOSTER offers an amendment that the coal shall be produced under an 8-hour day, and that the labor by which it is produced must be unionized, he seeks to say that every man who is not unionized shall be shut out of that industry, and by the same rule out of every industry; and that before he can assert his constitutional right to liberty and equality of opportunity he must be unionized. God save the unions of this country from such statesmanship! [Applause.]

Is there any man on that side of the House who does not agree with what I say? If so let him stand up and speak now. I pause for an answer. No one answers nay. Let us be honest with ourselves. Cooperation and unionization of labor is here to stay. Thank God, it ought to stay. I indorse it, but I defend the multiplied thousands that are so organized and so federated against the hot-footed man or men who wants to pick them out of all the 92,000,000 people of this country and say, "You shall be preferred by law over the other 90,000,000." Shame on such a position!

Mr. Chairman, I am ready for a vote. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. FOWLER. Mr. Chairman, I desire to ask my colleague if under the regulations of coal mining to-day in America it is not practically impossible to mine coal except by labor that is organized?

Mr. CANNON. Why, the labor is organized and it is mining the coal and it is improving its condition. It is improving its hours, improving it from every standpoint. That is the condition. I am for maintaining it. It has been achieved without such proposed legislation as my colleague suggests, and it is not necessary. I deal with practical questions, and not with possibilities.

Mr. BUCHANAN. Mr. Chairman, I am certainly pleased at the turn that matters have taken in regard to an eight-hour day, and pleased to have the support of my colleague in securing legislation providing that work shall be done under an eight-hour day and fair conditions for labor. I am of the opinion, however, that the pending amendment probably would not stand a constitutional test. Having been in the labor movement for a number of years, I have had some experience in securing the passage of city ordinances and State legislation for the betterment of labor and to throw greater safeguards around the life and limb of the workers. I have always considered that where we had a provision for the employment of union labor, it would be considered class legislation. I am somewhat surprised at the absence of our constitutional lawyers to-day. They seem to be very numerous at times.

I have never made any pretense of knowing much about the law, but still I have had some experience with it. I want to say, in addition to what my distinguished colleague and friend, Mr. CANNON, has said, that I have had a wide experience in the organized-labor movement, and I believe, and my record will show, that my efforts have been quite successful. The splendid results of union labor should, it seems to me, bring all labor to the realization of the need of uniting their forces for protecting their interests. Labor, as will be seen, if you look over the history of the world, has never obtained any great consideration in the way of reduction of hours, increase of wages, or betterment of conditions except through unity of action in organized labor. [Applause.] They are sometimes given assistance by those who think they might be a power in politics, and that it might not be safe for a public man to deny the legitimate and fair requests of organized labor. If labor would unite for political action, regardless of past party affiliations, public men who denied their requests for remedial legislation would soon be relegated to the political scrap pile.

I want to say that so far as I am concerned, although I spent the best years of my life for the uplifting and betterment of the workingmen, I do not make any claims to be able to receive 95 per cent of the labor votes, as does my colleague Mr. CANNON. I do not believe that labor has come to a realization of the need of that yet. I have in my endeavors toward organized labor tried to point out to its members the need of their exercising their influence in a wise, legitimate political policy for the purpose of securing legislation giving them their rights as organized workingmen and equality in the legislation and administration of the law. They have never been, and would not be, justified in asking remedial legislation that would not apply to all the people, and they never have asked it, to my knowledge.

Now, something has been said here about the president of the American Federation of Labor in regard to his activity in political affairs. I know something about that matter. I know Mr. Gompers personally, and respect and admire him for his brilliant intellect, rugged honesty, sincerity of purpose, and fidelity to a principle, and I know something about his record as a laboring man. Mr. Gompers hesitated to go into politics, and when he did go into it, it was to carry out the demands of a conference that was held, if my memory serves me right, in March, 1907, and which might be called a special convention which had representatives not only of those organizations affiliated with the American Federation of Labor, but those that were not affiliated with the American Federation of Labor, and I suppose so far as representation is concerned it was one of the largest conventions that the laboring people of this country have ever had.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the time of the gentleman from Illinois may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. That meeting or convention instructed the executive officers of the American Federation of Labor as to what they should do. The plan, as I remember it, was to appeal to Congress for redress, and appeal to the President or to anyone from whom they might get results in the way of remedial legislation against the abuses of injunctions and other policies which were obstructing their fundamental and constitutional rights as organized American workingmen. [Applause.]

Their appeals to the Republican House of Representatives were received with deaf ears. They appealed to the President without avail, and then went to the Republican convention, where they were again turned down. They next went to the Democratic convention, and what they asked for was put in the Democratic platform. What else could these people do under the circumstances except support those who had complied with their wishes and oppose those who had received their appeals with deaf ears? They would have been ingrates and not worthy of the respect and confidence reposed in them if they had not supported the Democratic candidate for President, whose record had been favorable to labor legislation.

The American Federation of Labor never has been a partisan organization. Its political influence has never been used only to support its friends and oppose its enemies. The Socialists in the labor movement endeavored at times to make the Federation of Labor a tool for that political group, but failed. The American trade-union movement has refused to be the tail of the kite of any political organization. [Applause.] Mr. Gompers's political position has been the position of organized labor, and that is what I desire to make clear to you, that Mr. Gompers should not be attacked for what he has done in political matters unless you attack the trade-unions, because

he was carrying out what he had been instructed to do by the representatives of the unions, and I think it was a credit to him to make the political fight he did in 1908. To do so was answering the call of duty.

Mr. GARNER. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. GARNER. Does the gentleman know of any instance where Mr. Gompers or any other national representative of the Federation of Labor has ever asked that their union be officially recognized by the Congress of the United States?

Mr. BUCHANAN. I do not remember that they have ever asked for legislation that would require the Government or any employer to employ union labor. What they have asked for is fair conditions and a square deal. Organized labor is willing to take its chance to get work if you will give it the conditions [applause], because it has the most efficient workmen in its ranks. The question of efficiency, however, is a speech in itself, but I want to say that by personal experience I have learned that where you give the shortest workday and the greatest amount of liberty consistent with the work that is being done you will find the greatest efficiency and, in my opinion, the best products and the labor cost cheapest.

I regret that it seems to be necessary to take up the time of the House to-day in regard to this matter, but the question has been raised in a way which necessitates my making certain explanations. There have been things that have occurred with the organization that I had the honor to represent four years previous to 1905, when I retired from activity in the labor movement, that have cast reflections upon organized labor. My four years as international president of the Structural Iron Workers of this country gave me an insight into what is being done in the industries of this country. There are the so-called captains of industry—I would think that some who are parading as captains of industry would be better named if they were called captains of highbinders instead—and I want to make a distinction here between what I consider the honest, legitimate employers and what I consider commercial and industrial pirates.

The interests of organized labor and honest, legitimate business can not be separated. They lie together, and when they are fighting it is like the right arm fighting the left; and while the legitimate employer and employees are fighting, spurious capital, watered-stock jugglers, and frenzied financiers are robbing them all, yet they continue to jump at each other's throats, apparently ignorant of what the real trouble is.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BUCHANAN. Could I impose upon the committee for five minutes more?

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks that the time of his colleague [Mr. BUCHANAN] be extended for five minutes. Is there objection?

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I shall make this distinction so that I will be understood, because as a representative laboring man I endeavored to teach the members of my organization that their interests lay in the success of the industry in which they worked, and that if the organization became sufficiently powerful to enforce rules that would result in the obstruction of that industry the enforcement of such rules would be antagonistic with their own interests.

While international president of the Structural Iron Workers in 1903 I discovered that some of the big employers in the building industry in New York City were in collusion with a group of unscrupulous and dishonest labor men for the purpose of destroying competition. This naturally developed a system whose disreputable methods and tactics made it incumbent upon me, as the executive head of the ironworkers' organization, to enter into a contest to bring about its overthrow. This group of unprincipled men in the labor movement was applying the resources of the union to their own personal use and ambitions at the sacrifice of the interests and almost the existence of the organization. Upon entering this contest I realized that I was opposing a dangerous, violent crowd and probably taking chances on my life. In fact, many of my friends and associates cautioned me repeatedly of the fact that they might do me bodily injury, but I felt that the interests if not the existence of the organization depended upon the overthrow of this malicious element. I found that the dishonest employer was largely responsible for the methods that were practiced, and once, when I told the president of the Building Employers' Association in New York City that the employers were more responsible for existing conditions than the labor unions, he said to me, "BUCHANAN, you can get no argument out of me about that; I know it better than you do."

This plutocratic element of industrial highbinders and commercial pirates which is preying upon and sucking the lifeblood out of the business world as well as the laboring men has its poisoned fangs stuck into all these movements with a view to creating turmoil and disruption within their ranks and in that way bring about their probable destruction.

It is encouraging to me to have men like my colleague from Illinois [Mr. CANNON] recognize the rights of the laboring people and the need of shorter hours and better conditions. I believe in the labor movement, in that conservative, sensible element which is working earnestly and honestly to uplift the labor interests of this country and thereby make it better and brighter. I believe that when their efforts are understood the better element of business men—which element is in the great majority, if you please; the commercial highbinders and pirates of whom I have spoken are very much in the minority in the business world—the legitimate, fair-minded business men will give organized labor their indorsement when they find that the minority—the highbinders and pirates—on account of greed and avarice, in collusion with the unscrupulous and dishonest element in the labor movement, have been able to retard the real progress of that movement in establishing equitable conditions.

Mr. BATHRICK. Here is an amendment requiring that all the labor of a coal mine furnishing coal to the Government, as I understand it, must be union labor. Is that the way you understand the amendment?

Mr. BUCHANAN. Yes.

Mr. BATHRICK. Do you not think an amendment so radical as this is antagonistic to the labor interests of the country?

Mr. BUCHANAN. No; do not misunderstand me. I believe that the Government should recognize trade-union conditions, because organized labor has established a better wage scale and more favorable conditions than where labor has not been effectively organized; and since the prosperity of the country depends upon labor's interests being protected, I believe legislation favoring union conditions would be advantageous to the people of our country. But, due to many decisions rendered by our judges, labor seems to be impressed that judges are receiving their convictions from the sources that secure them their positions, which are the big business interests and trusts of the country; and while I favor the principle of the amendment, yet I think it would be unwise to pass such legislation, because it would not stand the constitutional test.

Mr. BATHRICK. Now, I am in favor of the eight-hour law——

Mr. BUCHANAN. So am I. I worked for it a number of years and have given the best part of my life to secure it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

Mr. MARTIN of Colorado. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. PADGETT. Let me ask, Mr. Chairman, that this debate come to a conclusion. I do not want to object, but the gentleman's time has been extended already two or three times. I ask that it be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BATHRICK. Mr. Chairman, I want to finish my question. I wish to state that I am in favor of the employment of eight-hour labor on the goods that the Government buys—that is the Government's right the same as a private employer—but I can not be in favor of a proposition which compels the people who manufacture these goods to employ union labor entirely on all classes of goods, shutting out all other kinds of labor by law. I want to ask you if you are in favor of that provision?

Mr. BUCHANAN. I am in favor of the principle of that provision; yes; but I think my colleague ought to withdraw it, because it would be unconstitutional and poor public policy.

Mr. BATHRICK. I thought it was so radical that it was impossible to pass legislation of that kind and would harm labor by the ridicule thus brought upon it.

Mr. BUCHANAN. If you will refer to my record you will be compelled to think that I am in favor of organized labor. I believe in organized labor using its resources in a proper and conservative manner. When I say to you that I had the friendship and support of such men as Senator Hanna and that I had an autograph letter from "The strenuous one" and others high in public life, and had their assistance in my efforts, it would indicate, at least, that I was reasonable in my requests. My

position was, as a representative of organized labor, that the best man in the labor movement for the interests of labor was that man who secured the best terms possible under the conditions that prevailed with the least friction and the least ill will on the part of his employer. I always felt that if I obtained favorable conditions for the members of my organization and at the same time kept the good will of the employer I had accomplished more than if I had called a strike for it.

The history of my organization during the four years that I was its international president speaks for itself, because no other organization in the history of the labor movement ever made greater progress than it did in the same period of time.

Through that unity of action of the ironworkers they have increased their wages from an average of $2.25 a day previous to their organization to an average of $4.50 a day since the organization has been effected and also reduced the hours per day from 10 to 8. The organization also provides for funeral expenses and disability benefits. I gave my best efforts to secure improved conditions for the men who worked at the structural-iron industry, one of the hardest and most hazardous trades there is. The structural iron workers, the men who trip the beams and girders that span the mighty rivers and make possible our great interstate commerce, are worthy of much more consideration than they have ever been given, and I only wish that I could have been of greater service to them in securing the conditions to which they are duly entitled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. Mr. Chairman, I have listened with a great deal of interest to the speech of my colleague from Illinois [Mr. BUCHANAN], who, as he said, has spent a large portion of his life in the real service of the laboring people of the country. There is no man in this House who will vote more readily than I will to aid those who toil in the mines and in the shops and in the fields and other places in this country for their livelihood, and I do not like to see sport made of them or their organizations, those who belong to the organization or those who do not.

I have served eight years with the gentleman from Illinois [Mr. CANNON] and I never heard him, when the Republicans were in power in this House, offer anything that even looked like eight hours to the laboring people of the United States. [Applause on the Democratic side.] And now, when his party has been driven from power in the House and is soon to be driven from power in every branch of the Government [applause], the gentleman talks of eight hours' labor.

Mr. CANNON. Mr. Chairman, will the gentleman yield to an interruption?

Mr. HEFLIN. Yes.

Mr. CANNON. The gentleman says my amendment was unconstitutional. He is mistaken if he refers to me. I think he refers to his colleague, Dr. FOSTER. He offered an amendment that only union labor should be employed. Mine was for an eight-hour law in the production of coal.

Mr. HEFLIN. Digging coal.

Mr. CANNON. For the production of coal, either in Australia by 10-hour labor, or in British Columbia by 11-hour labor, or in the United States by 8-hour labor.

Mr. HEFLIN. Is the gentleman opposed to the man who is not a member of the union digging coal for a livelihood to provide subsistence for his wife and children?

Mr. CANNON. I would protect him, even from the gentleman from Alabama, if he wanted to work in the coal mines, whether he belonged to the union or not. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Chairman, the gentleman is exceedingly late in his efforts to protect the laboring man [applause on the Democratic side]—after 16 years of power in this House—and now the gentleman says the laboring men have not mortgaged their souls and their politics. Let me say a word about the gentleman's party in its relation to labor organizations. The manufacturers, whom the gentleman's party pretends to protect, have served notices on organized labor the day before election that if they did not vote the Republican ticket on the morrow they need not come back to work next day. [Applause on the Democratic side.]

That is one of the fruits of Republicanism in this country. [Applause.] The first eight-hour law ever offered in the Congress of the United States was offered by a Democrat from New Jersey by the name of Rogers. The first political party that ever offered a resolution recognizing union labor in the United States, extending its sympathy and offering its services, was the Democratic Party in national convention in 1868.

Mr. CANNON. Will the gentleman yield?

Mr. HEFLIN. I will yield to the gentleman.

Mr. CANNON. President Grant was the first man in connection with legislation that proposed an eight-hour workingday, as far back as 1868. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Rogers, of New Jersey, a Democrat, offered a bill in this House prior to that time. [Applause on the Democratic side.]

Mr. CANNON. The gentleman may be correct, but if so, he is lost in space, because everybody thinks it was Grant in 1868.

Mr. HEFLIN. I am correct. I have studied the labor question a long time, and I have not been recently converted to the needs of the laboring man.

Mr. MICHAEL E. DRISCOLL. If the gentleman from Alabama has studied the labor question so long, why has he not done something for labor in his own State, just one little thing? [Applause on the Republican side.]

Mr. HEFLIN. The laborer in my State fares far better than he does in the State of the gentleman from New York, where a hundred thousand men are out of employment and begging for work to-day. [Applause on the Democratic side.] The gentleman from New York talks to me about the laboring man——

Mr. MICHAEL E. DRISCOLL. I mean in the way of legislation.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HEFLIN. I see that my remarks have warmed up the opposition a little. Whenever you give them the facts you warm them. [Laughter.] Why, the poor, struggling labor masses in the United States are being driven——

Mr. FARR. Will the gentleman yield?

Mr. HEFLIN. No; not now—are being driven to want and misery by the merciless laws of the Republican Party under the system of high protection. One candidate for President says "Down with the bosses," but he does not name the bosses. The other one is talking about the "dignity of the courts" and the deceit and hypocrisy of the ex-President, but the Democratic Party says, "Here is the evil, here it is." What is it? It is the high protective-tariff system of the Republican Party. [Applause on the Democratic side.]

Mr. FARR. Will the gentleman yield?

Mr. HEFLIN. Now I will yield to the gentleman.

Mr. FARR. I desire to ask the gentleman if in the State of Alabama they are not working convicts in the mines against free labor?

Mr. HEFLIN. Some convicts are working in the mines. I am talking of national affairs. The gentleman can not dodge the issue. That is what a Republican does every time you mention the tariff. We are dealing with national issues now; we are discussing national questions. Your party promised these men employment, you promised them good wages, you promised them work for all, and I think one of you said, "All kinds of work for all kinds of people," and you can not pick up a daily paper now without reading that some poor husband and the father of children has taken carbolic acid or shot his brains out because he could not find work under a Republican administration. [Applause on the Democratic side.]

Mr. GOOD. Will the gentleman yield?

Mr. MICHAEL E. DRISCOLL. Mr. Chairman——

Mr. HEFLIN. I can not yield now. I have only a few moments left. I can not afford to yield any more time. Your candidates are going around the country to-day and they are not talking about the deadly upas tree flourishing in the political life of America—the high protective-tariff system—beneath whose shade you are robbing the American masses to-day. Trusts are springing up all around us, and yet when you have been driven out of this House—the only branch of power you have lost in 15 years—you are trying now to bolster yourselves up by trying to fool again that class that you have deceived so long—the laboring people of the United States. [Applause on the Democratic side.]

Mr. Chairman, thank God for the political judgment day that is coming. [Applause on the Democratic side.] It is not long off, the political judgment day in the United States, and many of you on that day will not be prepared. [Laughter and applause on the Democratic side.] You fooled the laboring people many a time, but at last their eyes are open and they are going to walk with heads erect, ballots in their hands, on election day next November with the party that has stood for labor since its birth; the party whose representative offered the first 8-hour law in Congress will find this mass of the laboring men in the United States solid beneath its flag in the November election. [Applause on the Democratic side.] After that you will have time to think of how you might have served the laboring man during the long years you were in power

before we carried this House. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

Mr. CANNON. I trust the gentleman will not do that.

Mr. MICHAEL E. DRISCOLL. Before that is done I want to make a request for unanimous consent.

Mr. PADGETT. I will amend my motion, and move that the debate close after 10 minutes.

Mr. CANNON. I should like 10 minutes.

Mr. PADGETT. I will yield to the gentleman. I move that debate on this paragraph and all amendments thereto close in 10 minutes; and I ask unanimous consent that the 10 minutes be given to the gentleman from Illinois [Mr. CANNON].

Mr. HEFLIN. I reserve the right to object. If the chairman proposes to close debate in 10 minutes, he must give 5 minutes of that time to a Democrat.

Mr. PADGETT. There has been debate on both sides.

Mr. HEFLIN. I will object unless you divide the time and give some Democrat 5 minutes.

Mr. PADGETT. Who on this side wants five minutes?

Mr. FOSTER. I want a minute.

Mr. MICHAEL E. DRISCOLL. I want a minute on this side.

Mr. PADGETT. I move that at the end of 15 minutes the debate on this paragraph and amendments thereto close, and I will ask that the gentleman from Illinois [Mr. CANNON] have 10 minutes, and the other gentleman from Illinois [Mr. FOSTER] 5 minutes.

Mr. HEFLIN. Mr. Chairman, just a moment, reserving the right to object. How much time has the gentleman from Illinois [Mr. CANNON] consumed in the argument of this question?

Mr. MICHAEL E. DRISCOLL. How much time has the gentleman from Illinois [Mr. BUCHANAN] consumed?

Mr. PADGETT. I think the gentleman from Illinois [Mr. CANNON] had 10 minutes. I have not been keeping track of the time.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] moves that at the expiration of 15 minutes all debate on the paragraph and all amendments thereto be closed.

The question being taken, on a division (demanded by Mr. HEFLIN) there were—ayes 42, noes 14.

Accordingly the motion was agreed to.

Mr. FOSTER. I ask unanimous consent to modify my amendment, and to substitute the one I now send up for the one I previously offered.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent to modify his amendment to the substitute. The Clerk will report it.

Mr. CANNON. The gentleman offers an amendment to the substitute. Does he withdraw that?

Mr. FOSTER. I want to offer this as a substitute for the one I did offer.

Mr. CANNON. It is not amendable, but the gentleman can ask unanimous consent.

The CHAIRMAN. The Chair understands the gentleman from Illinois [Mr. FOSTER] to ask unanimous consent to modify his amendment by offering for it a substitute which the clerk will report.

The Clerk read as follows:

And that does not pay the union scale of wages.

The CHAIRMAN. Is there objection to the substitution of this amendment for the other one offered by the gentleman from Illinois [Mr. FOSTER]?

Mr. CANNON. I have no objection to the gentleman offering it.

The CHAIRMAN. The Chair hears no objection.

Mr. BUCHANAN. I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. If there is no further debate, the question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, the gentleman from New York [Mr. MICHAEL E. DRISCOLL] desired some time.

Mr. MICHAEL E. DRISCOLL. Just a minute or two.

Mr. CANNON. Does the gentleman ask for recognition?

Mr. MICHAEL E. DRISCOLL. Yes; I asked for recognition.

Mr. CANNON. I should like to close the debate.

Mr. MICHAEL E. DRISCOLL. I should like just two minutes, if the gentleman will give it.

Mr. CANNON. I do not give it, because the gentleman can be recognized in his own right.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I do not intend to occupy more than two minutes of your time on this question, but on account of the turn which this debate has taken I am prompted to refer to it in a very few words.

There has been a good deal of buncombe here this afternoon; more playing to the galleries and for home consumption than usual. One gentleman offers an amendment that all coal purchased by the United States shall be mined by labor that is employed not exceeding eight hours a day, and another gentleman, in order to go him one better and make a stronger appeal to his home constituents, offers an amendment that it be mined by union labor. No one can tell how far these gentlemen would have gone in their maneuvering for position had not the gentleman from Illinois [Mr. BUCHANAN], who is a real friend of organized labor, taken up the subject seriously and urged the gentlemen to be careful, else the whole provision might be held to be unconstitutional. He thought they were carrying the joke too far.

The gentleman from Alabama [Mr. HEFLIN] grew so red in the face that I feared he might burst a blood vessel in avowing his sympathy for the downtrodden workingman and his desire to relieve him of some of his burden. I said I would not occupy the time of the committee in discussing this matter here at any length, and I therefore ask unanimous consent to extend a few remarks in the RECORD and to print a few extracts from the statutes, and perhaps from the constitution of the State of Alabama and of some other States which are represented here by gentlemen who are all the time talking buncombe on the question of labor, and who are doing nothing for their people at home on this question.

I question the good faith, I question the sincerity of gentlemen who come here and become very earnest and eloquent talking about labor, their interest in the working men and women, and their sympathy for the people, who in their home States do very little to improve the conditions of labor; where they have statutes in their States which are hostile to employees and servants, which provide that a person who persuades a servant to leave the employment of his master shall be imprisoned in the county jail; that a person who hires or entices away the employee of another shall be punished by a heavy fine; that a person who furnishes food or clothing to the apprentice of another shall be guilty of a penal offense; and that anyone who employs or entices from the employment of another an immigrant may be imprisoned at hard labor.

It strikes me that it would be very appropriate for those gentlemen who make such loud and long speeches in Congress to go back and do a little something for labor in their own States and set an example by acts rather than by talking here and by offering resolutions and bills. In those States the Democratic Party is in absolute and unquestioned control of their State governments. There is no real opposition to them in what they may desire to do in the way of legislation. They may, without let or hindrance, enact laws which are favorable or unfavorable to working people, and I submit that their interest in labor and in humanity manifests itself in words rather than in acts.

I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BARTLETT. Mr. Chairman, reserving the right to object, I would like to know what they are to be.

Mr. MICHAEL E. DRISCOLL. I will put them into the RECORD right from the gentleman's State—your statutes. Are you afraid of your own statutes?

Mr. BARTLETT. No; not in the least; or of you, either. [Laughter.]

Mr. MICHAEL E. DRISCOLL. I do not ask for anything except to put in the RECORD some of the statutes of your States.

Mr. BARTLETT. Let us see what they are.

Mr. MICHAEL E. DRISCOLL. Oh, I will not manufacture them.

The CHAIRMAN. Is there objection?

Mr. HOWARD. I reserve the right to object.

Mr. MICHAEL E. DRISCOLL. They pertain to labor, employees, workingmen, employers.

Mr. BARTLETT. I think I shall not object, but of course I take it for granted that the gentleman's statement that they are from the statutes of the State of Georgia is correct.

Mr. MICHAEL E. DRISCOLL. Alabama and Georgia and other Southern States, whose Representatives here do much talking on the subject of labor.

Mr. BARTLETT. What particular statutes of Georgia has the gentleman in mind?

Mr. MICHAEL E. DRISCOLL. Oh, the gentleman has a lot of statutes down there, and I will select a few of them.

Mr. BARTLETT. Oh, we have several statutes; yes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD?

Mr. HEFLIN. Mr. Chairman, reserving the right to object, I shall have no objection if the gentleman will include in the extension of his remarks a full and complete list of the unemployed now in New York. [Cries of "Oh!"]

Mr. MICHAEL E. DRISCOLL. Is that the condition? Are you afraid of your statutes being put in the RECORD?

Mr. HEFLIN. Not at all.

Mr. MICHAEL E. DRISCOLL. Are you afraid of your constitution?

Mr. HEFLIN. Not at all.

Mr. MICHAEL E. DRISCOLL. Have I got to get a list of all of the men, women, and children who are out of employment in the State of New York in order that I may be permitted to extend in the RECORD a few of your statutes? [Cries of "Regular order!"]

The CHAIRMAN. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MICHAEL E. DRISCOLL. I will first insert a few sections from the Criminal Code of Alabama, 1907.

SEC. 6849. Any person who entices, decoys, or persuades any apprentice or servant to leave the service or employment of his master must, on conviction, be fined not less than $20 nor more than $100; and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than three months.

SEC. 6850. Any person who knowingly interferes with, hires, employs, entices away, or induces to leave the service of another, or attempts to hire, employ, entice away, or induce to leave the service of another any laborer or servant, renter, or share cropper, who has contracted in writing to serve such other person for any given time not to exceed one year before the expiration of the time so contracted for, or who knowingly interferes with, hires, entices away, or induces any minor to leave the service of any person to whom such service is lawfully due, without the consent of the party employing, or to whom such service is due, given in writing or in presence of some credible person, must, on conviction, be fined not less than $50 nor more than $500, at the discretion of the jury, and in no case less than double the damages sustained by the party whom such laborer or servant was induced to leave, one-half to the party sustaining such damage and the other half to the county.

SEC. 6851. When any laborer or servant, renter, or share cropper, having contracted as provided in the preceding section, is afterwards found in the service or employment of another before the termination of such contract, that fact is prima facie evidence that such person is guilty of a violation of that section if he fail and refuse forthwith to discharge such laborer or servant after having been notified and informed of such former contract or employment.

SEC. 6853. Any person who entices away any apprentice from his master, or knowingly employs an apprentice or furnishes him food and clothing without the written consent of his master, or gives or sells such apprentice ardent spirits without such consent, must, on conviction, be fined not exceeding $500.

SEC. 6854. Any person who employs any immigrant, or otherwise entices him from his employer, in violation of the contract of such immigrant, must, on conviction, be fined in a sum not less than the amount of wages for the unexpired term of the contract, and may be imprisoned in the county jail or sentenced to hard labor for the county, at the discretion of the jury, for not more than three months.

SEC. 6855. Any immigrant who abandons or leaves the service of an employer without repaying all passage money and all other advances must, on conviction, be fined in a sum not more than double the amount of the wages for the unexpired term of service and imprisoned not longer than three months, or sentenced to hard labor for the county for not more than three months, at the discretion of the jury.

SEC. 6857. Any person who, by force or threats of violence to person or property, prevents, or seeks to prevent, another from doing work or furnishing materials, or from contracting to do work or furnish materials, for or to any person engaged in any lawful business, or who disturbs, interferes with, or prevents, or in any manner attempts to prevent the peaceable exercise of any lawful industry, business, or calling by any other person, must, on conviction, be fined not less than $10 nor more than $500, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than 12 months.

SEC. 6894. Any two or more persons who conspire together for the purpose of preventing any person, persons, firm, or corporation from carrying on any lawful business within the State of Alabama, or for the purpose of interfering with the same, shall be guilty of a misdemeanor.

SEC. 6895. Any person or persons who go near to or loiter about the premises or place of business of any person, firm, or corporation engaged in a lawful business for the purpose of influencing or inducing others not to trade with, hire from, sell to, or have business dealings with such person, firm, or corporation, or to picket the works or place of business of such other person, firm, or corporation for the purpose of interfering with or hindering any lawful business or enterprise, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

SEC. 6396. Any person who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, or corporation doing a lawful business, or publishing the name of any judicial officer or other public official upon any blacklist, unfair list, or other similar list because of any lawful act or decision of such official, shall be guilty of a misdemeanor.

SEC. 6397. Any person who uses force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place he or she sees fit, shall be guilty of a misdemeanor.

SEC. 6399. Any person, firm, or corporation violating any section of this chapter must, on conviction, pay a fine of not less than $50 nor more than $500, or be imprisoned not to exceed 60 days' hard labor for the county.

The following extracts are taken from the Revised Statutes of Texas of 1895, Penal Code:

ART. 296. "An unlawful assembly" is the meeting of three or more persons with the intent to aid each other by violence or in any other manner to commit an offense or illegally to deprive any person of any right, or to disturb him in the enjoyment thereof.

ART. 309. If the purpose of the unlawful assembly be to prevent any person from pursuing any labor, occupation, or employment, or to intimidate any person from following his daily avocation, or to interfere in any manner with the labor or employment of another, the punishment shall be by fine not exceeding $500.

ART. 324. If any person, by engaging in a riot, shall prevent any other person from pursuing any labor, occupation, or employment, or intimidate any other person from following his daily avocation, or interfere in any manner with the labor or employment of another, he shall be punished by confinement in the county jail not less than six months nor more than one year.

ART. 606. Any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in or from performing the duties of any lawful employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $500, or by confinement not less than one nor more than six months in the county jail.

Also the following extracts are from the Acts of 1903, chapter 94, on conspiracy and boycotting:

SEC. 3. Either or any of the following acts shall constitute a conspiracy in restraint of trade:

1. Where any two or more persons, firms, corporations, or associations of persons who are engaged in buying or selling any article of merchandise, produce, or any commodity enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation, or association of persons any article of merchandise, produce, or commodity.

2. Where any two or more persons, firms, corporations, or associations of persons shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation, or association of persons for buying from or selling to any other person, firm, corporation, or association of persons.

SEC. 4. Any and all trusts * * * and conspiracies in restraint of trade as herein defined are hereby prohibited and declared to be illegal.

SEC. 11. Each and every firm, person, corporation, or association of persons who shall in any manner violate any of the provisions of this act shall, for each and every day that such violation shall be committed or continued, forfeit and pay the sum of $50, which may be recovered in the name of the State of Texas in any county where the offense is committed or where either of the offenders reside, or in Travis County, and it shall be the duty of the attorney general, or the district or county attorney under the direction of the attorney general, to prosecute for the recovery of the same, and the fees of the prosecuting attorney for representing the State in proceedings under this act shall be over and above the fees allowed him under the general fee bill.

SEC. 12. Any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforceable either in law or equity.

SEC. 13. And in addition to the penalties and forfeitures herein provided for every person violating this act may further be punished by imprisonment in the penitentiary not less than 1 nor more than 10 years.

By the foregoing statutes of the State of Texas it is intended, among other things, to severely punish any violation of law which ordinarily grows out of strikes, boycotting, and picketing. Apparently they are intended to protect the employer and the business man from any interference with his trade or business and from any interference with his employees or servants by organized labor or by unorganized labor.

But Texas has another law and practice the effect of which is to build up and establish a political aristocracy in the Commonwealth. It is directed against the poor man, and enhances the political power of the man of means who can pay the tax. I refer to the State poll tax and city poll tax of that State. There are many statutes on this subject for the strict enforcement of the tax and for the disfranchisement of those who do not pay it, the substance of which is as follows:

Every citizen between 21 and 60, with a few exceptions for disability, must pay throughout the State a poll tax of $1.75, and, in addition to that, every man in cities must pay from 50 cents to a dollar additional poll tax, making a tax in the country of $1.75 on every voter and in cities of 10,000 and over of from 50 cents to $1 additional. This tax must be paid on or before the 1st day of February in order that the citizen may vote at the following November election, and he is not qualified to vote at the primary election of his party in the following summer unless he has paid those taxes and is able to produce his receipts for the same. If he lives in the country at a distance from the collector of taxes, he may send in the money by another person, but if he lives in a city of 10,000 population or upward, he must go in person and pay his taxes in order to get his receipt. No man is permitted to pay those poll taxes for another. No party or organization is permitted to do so, and "any person who loans or advances money to another knowingly to be used for payment of poll taxes of such other person is guilty of a misdemeanor," and any candidate for office who pays the poll tax of another is guilty of a felony.

There is no possible subterfuge by which a man can escape paying his poll tax himself with his own money and vote.

Moreover, those taxes must be paid by the man himself and with his own money, and not by any political organization or by any opulent and ambitious individual who, were it not for this provision, might be tempted to advance the money to qualify his impecunious henchmen in the hope that they may vote for his party or himself.

In New York and many other industrial States of the North the overwhelming majority of the population reside in cities of 10,000 population and more, and especially is this true of the poorer classes. If a law such as the aristocratic lawmakers of Texas have adopted were enforced in those Northern States a very large percentage of our voters would be perpetually disfranchised. To begin with, $2.75 is a heavy poll tax and a substantial burden on a poor man. A dollar is a good deal of money when you have not got it. Those taxes would have to be paid in midwinter, before the 1st of February, when business is stagnant, labor not in great demand, money scarce, food and fuel high, extra clothing for the family needed. Under those circumstances the ordinary man would think twice before he would pay $2.75 in order to entitle him to vote in the following November. He may be public spirited and patriotic, interested in the institutions of the country and in politics, but at that time he would need the money for something else than to qualify him to vote at an election nine months in advance.

Again, many men who could spare the money without much self-denial might, through carelessness and indifference, neglect to pay and get the required receipt so long in advance, and they would be hopelessly disqualified, the same as those who could not afford the money. No one can tell what proportion of the voters this kind of a law, if as strictly enforced as in Texas, would disfranchise in the State of New York. I would not be surprised if it would disfranchise anywhere from 30 to 50 per cent. That would mean a property qualification for the exercise of the franchise, and it would mean that a very large proportion of the people would lose their political influence and the rights and privileges which flow from that influence.

The following extracts are from the revised statutes of the State of North Carolina, 1905:

SEC. 3365. If any person shall entice, persuade, and procure any servant by indenture, or any servant who shall have contracted in writing or orally to serve his employer, to unlawfully leave the service of his master or employer; or if any person shall knowingly and unlawfully harbor and detain, in his own service and from the service of his master, or employer, any servant who shall unlawfully leave the service of such master, or employer, then, in either case, such person and servant shall be guilty of a misdemeanor and fined not exceeding $100 or imprisoned not exceeding one month.

SEC. 3374 (as amended by chapter 402, acts of 1907). If any person shall knowingly hire, employ, harbor, or detain in his own service any servant, employee, or wage hand of any other person, who shall have contracted in writing, or orally, for a fixed period of time to serve his employer, and who shall have left the service of his employer, in violation of his contract, he shall be guilty of a misdemeanor and shall be civilly liable in damages to the party so aggrieved. This section shall apply to the following counties: Beaufort, Edgecombe, Person, Pitt, Washington, Warren, Vance, Pender, Halifax, Guilford, Granville, Hertford, Wayne, Wake, and Caswell.

The following extract is from the general statutes of Florida, 1906:

SEC. 3232. Whoever shall entice or persuade by any means whatsoever any tenant, servant, or laborer under contract with another, whether written or verbal, to violate such contract, or shall employ any servant or laborer, knowing him or her to be under contract as aforesaid, shall be punished by imprisonment not exceeding 60 days or by fine not exceeding $100.

The following are extracts from the laws of the State of Tennessee, Shannon's Code of 1896 and supplement of 1904:

SEC. 4337. It shall not be lawful for any person in this State, knowingly, to hire, contract with, decoy, or entice away, directly or indirectly, anyone, male or female, who is at the time under contract or in the employ of another; and any person (s) so under contract or employ of another leaving their employ without good and sufficient cause before the expiration of the time for which they were employed shall forfeit to the employer all sums due for service already rendered and be liable for such other damages (as) the employer may reasonably sustain by such violation of contract.

SEC. 4338. Any person violating the provisions of the first clause of the last section shall be liable to the party who originally had and was entitled to the services of said employee, by virtue of a previous contract, for such damages as he may reasonably sustain by the loss of the labor of said employee; and he shall also be liable for such damages, whether he had knowledge of an existing contract or not if he fails or refuses to discharge the person so hired or to pay such damages as the original employer may claim, after he has been notified that the person is under contract, or has violated the contract with another person, which amount shall be ascertained and the collection enforced by action for damages before any justice of the peace of said county where said violation occurs, or the party violating said section may reside.

The following extracts are from the laws of Arkansas, Digest of 1904:

SEC. 5028. If any laborer shall, without good cause, abandon his employer before the expiration of his contract, he shall be liable to such employer for the full amount of any account he may owe him, and shall forfeit to his employer all wages or share of crop due him, or which might become due him from his employer.

SEC. 5030 (as amended by act No. 298, Acts of 1905). If any person shall interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract, without the consent of the employer or landlord, he shall, upon conviction before any justice of the peace or circuit court, be fined not less than twenty-five nor more than one hundred dollars, and in addition shall be liable to such employer or landlord for all advances made by him to such renter or laborer by virtue of his contract, whether verbal or written, with the said renter or laborer, and for all damages which he may have sustained by reason thereof.

The following is an extract from the Statutes of the State of Kentucky, 1903:

SEC. 1349. If any person shall willfully entice, persuade, or otherwise influence any person or persons, who have contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired without the consent of the employer, he shall be fined not exceeding $50, and be liable to the party injured for such damages as he or they may have sustained.

The following is an extract from the Statutes of Louisiana, act, 1906:

ACT NO. 54.

SEC. 2. Whoever shall willfully interfere with, entice away, intimidate, or induce a hired person, tenant, or share hand to leave the service of the employer or to abandon the land the subject of the contract, or who shall knowingly take into his employ any such person before the expiration of the contract, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than $10 nor more than $200 for each offense, and shall be liable in a civil action for damages to double the amount of any debt due by said hired person, tenant, or share hand to the person who had made the advances.

The following are extracts from the Penal Code of Georgia:

SEC. 119. If any two or more persons shall associate themselves together in any society or organization, with intent and for the purpose of preventing in any manner any person from apprenticing himself to learn and practice any trade, craft, vocation, or calling, or for the purpose of inducing, by persuasion, threats, fraud, or any other means, any apprentice or apprentices to any such trade, craft, vocation, or calling to leave the employment of their employer, or for the purpose, by any means, of preventing or deterring any person from learning and practicing any such trade, craft, vocation, or calling, every such person so associating himself in such society or organization shall be guilty of a misdemeanor.

SEC. 121. When the servant, cropper, or farm laborer of another is under written contract, attested by one or more witnesses, if any person shall employ such servant, cropper, or farm laborer during the term for which he is employed, knowing that he is so employed and that the term of service has not expired, such person so offending shall be guilty of a misdemeanor.

SEC. 122. If any person shall, by offering higher wages or in any other way entice, persuade, or decoy, or attempt to entice, persuade, or decoy any servant, cropper, or farm laborer, whether under a written or parole contract, after he shall have actually entered the service of his employer, or leave his employer during the term of service, knowing that said servant, cropper, or farm laborer was so employed, he shall be guilty of a misdemeanor.

SEC. 123. If any person or persons, by threats, violence, intimidation, or other unlawful means, shall prevent or attempt to prevent any person or persons in this State from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 124. If any person or persons, singly or together, or in combination, shall conspire to prevent or attempt to prevent any person or persons, by threats, violence, or intimidation, from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 125. If any person or persons, singly or by conspiring together, shall hinder any person or persons who desire to labor from so doing, or hinder any person, by threats, violence, or intimidation, from being employed as laborer or employee, such offender shall be guilty of a misdemeanor.

SEC. 126. If any person or persons, by threats, violence, intimidation, or any other unlawful means, shall hinder the owner, manager, or proprietor for the time being from controlling, using, operating, or working any property in any lawful occupation, or shall by such means hinder such person from hiring or employing laborers or employees, such offender or offenders shall be guilty of a misdemeanor.

The following extracts are from the Code of Virginia, 1904:

SEC. 44. A contract for labor for a term of service, not exceeding two years, made in a foreign country with a person who shall immigrate to this State and duly attested by the United States consul or commercial agent at the port where such immigrant shall embark, shall be respected and enforced to the same extent and in the same manner as if made within the State.

SEC. 45. Every contract made as aforesaid shall be in duplicate, the original in the vernacular language of the immigrant, which shall be retained by him; the duplicate in the English language, which shall be recorded in the county or corporation wherein such employer resides within 10 days after the arrival of said immigrant at such residence, and until so recorded such employer shall not be entitled to the benefit of the provisions of this chapter applicable to such contracts.

SEC. 46. Any immigrant who is a party to any such contract shall have the right to apply to a justice, who shall require personal security for the payment of wages at the times specified in said contract; or if not so specified, then monthly; and any immigrant who, without good and sufficient cause, shall be discharged from the service of an employer may recover from him, in addition to the amount due for past services, damages not exceeding the wages for three months of the unexpired term of his contract.

SEC. 47. An immigrant bound by any such contract who shall, without good and sufficient cause, leave the service of his employer shall be liable to said employer for an amount not exceeding the sum which may or would be due for a period not exceeding three months of the term of his contract.

SEC. 48. All the provisions of the four preceding sections shall apply to contracts made with immigrants after their arrival in the United States, as well as to contracts made in a foreign country, except that such contracts made within the United States may be attested by a justice or other officer authorized by law to attest and affix his official seal to such contract.

Virginia is the only State I find whose statutory law provides for contract labor of foreigners; and to show how backward it is in this respect I cite the following sections of the United States Statutes of 1883, chapter 164:

SECTION 1. That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parole or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 2. That all contracts or agreements, express or implied, parole or special, which may hereafter be made by and between any person, company, partnership, or corporation and any foreigner or foreigners, alien or aliens, to perform labor or service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same by knowingly assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia to perform labor or service of any kind under contract or agreement, express or implied, parole or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States, and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid; and it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

You will observe that Virginia, in the face of this Federal statute, maintains a law that a contract made in a foreign country with laborers who shall immigrate to that State shall be respected and enforced. While the statute does not provide that those who make contracts with foreigners in their own country for their labor shall pay the passage of those people to this country it does not prohibit it. Hence it is easy to conclude that it is done. The payment of transportation across the ocean from southeastern Europe to a man or woman who can not raise the money is a great temptation to migrate and accept very low wages under an iron-bound and hard contract. This law and the practice under it are bad in many respects. Too many, rather than too few, immigrants are flocking to our shores of their own volition and paying their way. The flood of immigration is becoming such a menace to this country, in the judgment of many people, that they are urgently demanding legislation which will check it to a very large extent. The importation of contract labor to Virginia reminds one of the time when Africans were imported to the Old Dominion, and it is offensive to the American notion of human freedom.

The following extracts are from the Code of Mississippi, 1906:

SEC. 1146. If any person shall willfully interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract without the consent of the employer or landlord, he shall, upon conviction, be fined not less than $25 nor more than $100, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof.

SEC. 1147. Any laborer, renter, or share cropper who has contracted with another person for a specified time in writing, not exceeding one year, who shall leave his employer or leased premises before the expiration of his contract, without the consent of the employer or landlord, and makes a second contract with a second party without giving notice of the first contract to the second party, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding $50.

The following extract is from the Criminal Code of South Carolina:

SEC. 359. Any person who shall entice or persuade by any means whatsoever any tenant, servant, or laborer, under contract with another, duly entered into between the parties before one or more witnesses, whether such contract be verbal or in writing, to violate such contract, or shall employ any laborer knowing such laborer to be under contract with another, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars, or be imprisoned in the county jail not less than 10 nor more than 30 days.

I further submit a condensed reference to labor laws in those 12 States as a comparison of them with those of other States.

Twenty-eight States of the Union provide by statute that children under the age of 14 shall not be employed in mills, factories, and so forth. Only one of those States is from the above group of 12, viz, Kentucky.

Alabama, Arkansas, Florida, North Carolina, and South Carolina fix the age limit at 12 years, while Georgia fixes it at 10, and Louisiana, Mississippi, Tennessee, Texas, and Virginia have no laws for the protection of children.

Thirty-two States and Territories have statutes which provide that eight hours shall constitute a day's work. They generally apply to public service. Of those 32 only 3 are from the above group of 12, viz, Arkansas, North Carolina, and Texas, which provide, in substance, that men engaged in operating railroad trains shall not work over eight hours a day. The railroads in those States are, generally speaking, owned by foreign capital, and it is an inexpensive matter to make a record in labor legislation for which foreign capital must pay.

These extracts from and references to the statutes of Southern States are placed in the RECORD to illustrate the political inconsistency of certain gentlemen who never miss an opportunity of speaking for labor in the Congress and never improve an opportunity to say a word for it in their home States.

Let us refer back to the anti-injunction bill which was passed through the House a few days ago, and analyze the personnel of the Committee on the Judiciary that reported it. The membership of that committee is as follows:

Democrats: HENRY D. CLAYTON, of Alabama; ROBERT L. HENRY, of Texas; EDWIN Y. WEBB, of North Carolina; CHARLES C. CARLIN, of Virginia; WILLIAM W. RUCKER, of Missouri; JOHN C. FLOYD, of Arkansas; R. Y. THOMAS, Jr., of Kentucky; JAMES M. GRAHAM, of Illinois; H. GARLAND DUPRÉ, of Louisiana; MARTIN W. LITTLETON, of New York; WALTER I. MCCOY, of New Jersey; JOHN W. DAVIS, of West Virginia; and DANIEL J. MCGILLICUDDY, of Maine.

Republicans: JOHN A. STERLING, of Illinois; REUBEN O. MOON, of Pennsylvania; EDWIN W. HIGGINS, of Connecticut; PAUL HOWLAND, of Ohio; FRANK M. NYE, of Minnesota; GEORGE W. NORRIS, of Nebraska; and FRANCIS H. DODDS, of Michigan.

That is a very powerful and important committee, for it passes on constitutional questions, and has jurisdiction of most of the legislation affecting employers and employees and many bills which are of interest to labor and labor organizations.

You will observe that 14 are Democrats and 7 are Republicans. You will further observe that of the 14 Democrats the first 7 and the ninth are from Southern States. Those 8 southern Democrats dominate the 6 Democrats from other parts of the country, and the 14 determine the action of the committee on party questions, because the caucus is king in the Democratic Party in this House.

The gentleman from Texas [Mr. HENRY], who is the second member on the Committee on the Judiciary, as well as chairman of the Committee on Rules, brought in a rule for the consideration of the anti-injunction bill which was adopted by the Democratic majority. That rule denied the right to offer amendments to the bill, and Members were required to vote either for it or against it exactly as it was reported. Let us here reproduce the last paragraph of that bill for the convenience of any who may care to compare its provisions with the foregoing statutes, and let me remark in passing that this was the paragraph about which was the greatest controversy and dispute between those who favored the bill and those who opposed it. It reads as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

The first part of this paragraph provides that no person or persons shall be restrained from terminating the relation of employer and employee at any time, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means to leave their employment.

I do not wish to be understood as criticizing this provision. The relation of employer and employee is one of contract in all enlightened countries and States, and either party who breaks it is, under the common law, liable in damages to the other. I doubt if there is a Member here from any State in the country, save a Southern State, who would think of making it a penal offense for an employee to leave the service of his employer, or that the man who persuades him to leave is

guilty of a crime. There are only 10 States in the Union which make it a crime to violate a contract of employment or to induce or persuade an employee to break such a contract and leave such employment, or to employ a person who has broken such a contract. Those States are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

These are all Democratic and Southern States, and the distinguished chairman of the Committee on the Judiciary, who introduced the bill, drafted the report, and managed it through the House, is from the State of Alabama, which heads this list. Four other distinguished Democrats on this committee come from States which make it a criminal offense for a man to leave his employment and also a criminal offense to entice an employee from his work.

The second part of this paragraph in this anti-injunction bill justifies and legalizes picketing, and in such a way as to open the door for very dangerous and lawless consequences. However, I am not discussing the merits of this bill here, but comparing the records of the Members who reported, advocated, and rushed it through the House, in Congress, and in their home States. There are two States, so far as my examination has gone, which by statutes make picketing a criminal offense, and those are Alabama and Colorado, both Democratic.

The last part of this anti-injunction bill expressly recognizes the boycott and provides for its protection and success. There are only five States which by statutes make a boycott a criminal offense. Those are Alabama, Texas, Indiana, Colorado, and Illinois. Four of these five are Democratic, and again Alabama heads the list, and appears in the three lists.

Alabama is the only State in the Union which by solemn statutory enactment condemns as criminal and penalizes as such the three successive acts which go to make a successful strike, viz, abandoning employment and inducing or persuading others to do so, the picket, and boycott.

Mr. Samuel Gompers and several other officers of the American Federation of Labor sat in the gallery all the while the anti-injunction bill was under consideration in the House. They were manifestly interested in its passage, because it legalizes those acts which the Alabama statutes penalize and would the more easily make labor strikes successful. Mr. Gompers is consistent. He knows what he wants and knows how to go after it. But what about Mr. CLAYTON, the chairman of this great committee? He was born and reared and has always lived in Alabama. Men are usually influenced by their home associations and environment, and if a thing is really good they like to have it for themselves and their home people. Is he consistent, and is he sincere?

Another gentleman was born, reared, educated, and has always lived in Alabama, Mr. HEFLIN, of the fifth district, who is one of the most vociferous advocates in the House of the plain people, and whose perfervid declamation in behalf of the downtrodden workingman, during the debate on the naval appropriation bill, prompted me to make these remarks and place before the House and the country some of the labor laws of his own State.

There are several other able and influential Members of this body from the State of Alabama, among them a prominent candidate for the Democratic presidential nomination. Let them return to their own States and repeal those outrageous statutes which are relics of industrial slavery and peonage. Let them get in step with the march of progress in other parts of the country. Let them, by their acts, give evidence of their good faith and sincerity as friends of the plain people and of labor, and they will be listened to on that subject with attention and respect.

The 10 States above mentioned whose statutes make it a criminal offense, punishable as such, for a servant to leave his master, or for a man to entice a servant away from his master, or for a man to harbor an employee who has left his employer, have 83 Members in this House, 79 of whom are Democrats and 4 Republicans. This statement tells its own story on the question of labor legislation.

Texas has 16 Representatives—all Democrats. Virginia has 10 Representatives—9 Democrats and 1 Republican. Those 12 States, some of whose statutory laws are herein cited, are represented on this floor by 111 Members—106 Democrats and 5 Republicans. The representation from those States was in several previous Congresses the same in number and practically the same as to party affiliation. Those 12 States compose what is known as the "solid South," and no matter what political storms may have swept over other parts of the country they have remained true to the Democratic Party. From the Fifty-fourth to the Sixty-first Congress, inclusive, those Democratic Representatives constituted the bulk of their party in the House. Throughout other parts of the country Democrats, and Republicans too, are swept in and out according as the political gales are favorable or otherwise. Not so in those 12 States, for they have practically only one party. Their Representatives have been solidly Democratic, and by reason of their long and continuous service, their large experience, ability, and ranking positions on most all the great committees they organized the Democratic majority in the present Congress and completely dominate it. They are the men who formulate and report bills on industrial questions. They are the men who talk buncombe in the House on labor matters, and neglect the working people in their own States. They are the men who advocate laws for the Nation which they do not expect to pass, and if they should pass they know such laws will not affect their home conditions to any appreciable extent. Therefore when they talk loudly and eloquently for labor I question their consistency, and in some cases I question their sincerity.

Mr. CANNON rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois. The Chair understands that the gentleman from New York [Mr. MICHAEL E. DRISCOLL] was speaking out of the time of the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Oh, no; I think not. I think I had unanimous consent granted that I might proceed for 10 minutes. I ask unanimous consent to proceed for 10 minutes to close the debate.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, I ask to have again reported the amendment offered by my colleague [Mr. FOSTER] as an amendment to the substitute that I offered.

Mr. FOSTER. It is not a substitute.

Mr. CANNON. It is an amendment to the substitute that I offered.

Mr. FOSTER. Yes; and I want to state this: That inadvertently I inserted the word "not" in the amendment I offered, whereas it should not be there, and I will ask that the Clerk report it correctly.

The CHAIRMAN. Without objection, the Clerk will again report the amendment to the substitute.

There was no objection, and the Clerk read as follows:

Add at the end of the substitute the following: "And that does pay the union scale of wages."

Mr. CANNON. Mr. Chairman, the gentleman from Illinois [Mr. BUCHANAN] repudiated the amendment offered to the substitute by my colleague, Dr. FOSTER, saying that he was in favor of it in principle and believed in it, but that he believed it was not constitutional, and therefore he was not in favor of it. He went further and said that organized labor never had demanded such a provision. I think the gentleman is correct. For many years I have kept general run of the action of organized labor in its platforms. My friend from Illinois, Dr. FOSTER, however, favors class legislation, because he wants to regulate the labor which produces coal that the Government buys by providing that it shall be paid at union scale. That is class legislation. If you can say that it shall be paid at the union scale, you can say that it shall be produced by the union man. Did my good friend think that, ostrich like, he could hide his head in the sand and thereby conceal his body?

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. ALEXANDER. If it be true that it would be unconstitutional to provide that coal should be mined by union labor, is it not equally unconstitutional to say that the mine owner shall pay the union wages?

Mr. CANNON. Precisely. That is my point. One is as unconstitutional as the other, and I believe that neither side of this House will write that legislation upon the statute books. Now, I am 76 years old, Mr. Chairman. I have been almost 38 years a Member of this House. I came into Congress on the 4th of March, 1873. How marvelously this country has grown. I came from a then purely agricultural district, a young man, a rough ashler and possibly a rough ashler yet, and without the privilege of having even a good common school training. I had lots of things to learn; but, thank God, I did know touching the constitutional privileges of every citizen of the great Republic. I could wrestle very vigorously on a country circuit on questions of fact, although I did not know much law, and I guess I have not improved greatly in that respect. [Applause.]

But I know that all law in a civilized nation that does not, like the grace of God, cover every individual, without fear, favor, affection, or discrimination, is no law under the Constitution. Now, some gentleman was kind enough to say, my honored colleague, I believe—no; the gentleman from Alabama

[Mr. HEFLIN], with burly-headed statesmanship and patriotism, with lungs like a bellows and a voice like the bull of Bashan, from time to time throws all questions into the tariff and then jumps on the tariff when he is pressed. [Laughter and applause.]

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. CANNON. I have not much time, but I will yield just for a question.

Mr. HEFLIN. The gentleman says I jump on the tariff. The difference between the gentleman and myself is that he never jumps on the tariff.

Mr. CANNON. I only yielded for a question, as I only have a few moments. The gentleman says I have not been converted, and that therefore I am an enemy of organized labor; that for eight years, while I was Speaker, labor went hungry in its demand and its recognition in a Republican Congress. Thank God, I am like the old woman, when somebody said that there were infants in hell not a span long; she did not argue it; she said, "Thank God, that is a lie." [Laughter and applause.]

Take the record that was made in the eight years I was Speaker, with Theodore Roosevelt as President for six and President Taft for two years. There was more good legislation enacted by Republican Congresses in that period touching labor conditions than was enacted in all the years before or since the organization of the Government. [Applause.] There were demands made to which I did not subscribe as Speaker, and as a Member I do not now. One of them, and perhaps the principal one, demanded by Samuel Gompers and some of the other leaders, was that there should be legislation enacted providing that the right to do business at a particular place or any place is not a property right.

I said and the law says it is a property right, and I did not respond to the demand. That was the principal cause, in my judgment, that made Mr. Gompers come to my district and enter upon a campaign for my defeat. He had a right to come, and I am not abusing him. Oh, I never yet have seen the time when any American citizen is charged with the commission of a crime, as principal or accessory, that I have hotfootedly jumped on and denounced him. An American citizen, whether he be McNamara or any other labor leader or any man who is not a labor leader, whatever the crime may be that he may be charged with, is entitled to his day in court and a trial by a jury, and no man has heard me, when the denunciations came against Mr. Gompers after he had pronounced—before the case was tried—for the innocence of the McNamaras, no one has ever heard me say he is an old fraud and responsible for the crimes committed by the McNamaras on their own confession. Nay, nay. The presumption of innocence runs to him, and that innocence has to be removed beyond all reasonable doubt under the law before I will denounce him on that account. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I thank the committee for the courtesy of allowing me 10 minutes. The Chair did not count the time of the gentleman from New York in the time I have had?

The CHAIRMAN. The Chair did not. All time has expired——

Mr. FOSTER. Mr. Chairman, I will say that the gentleman from Tennessee [Mr. PADGETT], chairman of the committee, in asking unanimous consent to close debate in 15 minutes, provided that my colleague Mr. CANNON should have 10 minutes of that time, and that I should have 5 minutes to close the debate.

Mr. CANNON. Let that be as it may, I did not so understand it, but I ask unanimous consent that my colleague may have five minutes to close debate. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague Mr. FOSTER have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, my colleague from Illinois [Mr. CANNON], the distinguished ex-Speaker of this House, placed a proviso upon an amendment offered a little while ago that no coal should be bought by the Government from any operator, mine owner, or company——

Mr. CANNON. Unless produced by 8-hour labor. That applied to Australia, British Columbia, and the United States, and——

Mr. FOSTER. I am certain it applies to Australia and all the world, and I am glad it does. I want to compliment the gentleman from Illinois not only for indorsing the 8-hour bill in the United States, but indorsing the 8-hour bill for the world.

Now, Mr. Chairman, I am not a constitutional lawyer, but it occurs to me that if we have the right to limit the purchase of coal from mines that must install the 8-hour day, we must say to those mine owners, "You must maintain a union scale of wages." And I for one am ready now to go on record for an honest wage for an honest American workman. I was in this House while the former Speaker [Mr. CANNON] occupied the chair.

But for a long time there was a demand for an eight-hour bill to be passed by Congress; there was a demand by the labor interests of this country that there should be an anti-injunction bill; there was a demand that there should be passed through this Congress the right of trial by jury in cases of contempt. So we say to-day that we are going to fulfill the pledges of the Democratic Party and stand for the rights of labor in this country, that have so long been neglected in these respects.

I believe that every Member of this House ought to vote for a provision which proposes to pay decent wages to the American workmen. We have heard for years that we must levy a high protective tariff and that the laboring man must get a part of that protection. Now, when you have an opportunity to say that this money that we appropriate for the buying of coal shall not be paid to mine owners unless they do pay their men a decent wage, are you going to vote against it? I do not believe that the membership upon that side of the House or the membership upon this side of the House will vote against an amendment of this kind, because we stand for fair wages for American workmen. [Applause.]

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for just one minute.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I just simply want to call attention to the fact that, as I said in the beginning, this whole amendment is wrong in its purpose. While there is no justification for the amendment at all, we have had a long debate, and we have had various amendments to the amendment, and it comes now to the amendment as originally offered, and it should be voted down as a whole in the interests of the Government.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, I am entirely in accord with the purpose of the gentleman from Illinois in his amendment. I know his desire to promote the interests of the men who work in the mines and that he would like to see union wages paid in all coal fields as they are in the State of Illinois; but, in my judgment, this amendment will not accomplish the purpose he has in mind. He proposes that none of this money shall be expended for the purchase of coal, except where union wages are paid. When the gentleman speaks of union wages, what union has he reference to? Is it a bona fide union, like the United Mine Workers, or some pseudounion which any coal operator may organize to suit his own purpose of establishing a union scale of wages far lower than the real union scale? There are many coal fields in the United States where there is no union and where no union wages have been established; and there, on various occasions, unions have been organized that were not bona fide unions, but organized for the specific purpose of preventing a real union of workingmen from getting a foothold, and there would be nothing to prevent any employer of labor in any coal field that is nonunion from organizing a union of workmen for the purpose of establishing a false union wage far lower than the real union wage and thereby bringing into existence a dual labor organization that would be injurious to the workmen in the long run by creating and using a union controlled by the coal operators to keep out a union controlled by the workingmen themselves.

Mr. GARNER. Will the gentleman yield? I know the gentleman's interest in union labor, and I would like to ask him if he would have this Government recognize any union officially?

Mr. WILSON of Pennsylvania. I do not believe that it would be good policy, although I do not believe it is unconstitutional to do so. But when you make the statement that they are to pay union wages, you do not specify what those wages are; you do not specify what union is to make those wages, and not specifying the union, the employers can organize a union themselves and contract with the union they have created, and when they contract with it the wages become union wages, no matter what they are or how far below the standard of the bona fide union those wages may be. It would place the miners in a position where they would have a dual organization that would hardly fail to come into conflict with the regular organization, and the coal operators would not hesitate to take advantage of the

animosities thus created to force reductions of wages upon their workmen. The amendment offered by the gentleman from Illinois [Mr. FOSTER] presents in a new form the idea of a minimum wage scale for all persons employed in the production of material for the use of the Government. It has been prepared and presented in the heat of debate and consequently does not reach the end sought to be attained, but sooner or later the idea will be perfected and enacted into law. In its present form I shall oppose it because I am sure it will not accomplish the purpose my friend from Illinois [Mr. FOSTER] had in mind when he presented the amendment to the House.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON] to the substitute offered by the gentleman from Iowa [Mr. PROUTY].

Mr. CANNON. No; my substitute was an amendment.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Illinois [Mr. CANNON] was adopted, and at that time the gentleman from Illinois [Mr. FOSTER] offered a further amendment.

Mr. CANNON. Then the vote is on the amendment offered by my colleague, Dr. FOSTER?

The CHAIRMAN. Yes.

Mr. BARTLETT. Mr. Chairman, may I ask to have the amendment offered by the gentleman from Illinois [Mr. FOSTER] read?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

Add at the end of the substitute the following words: "And that does pay the union scale of wages."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOSTER].

Mr. BUCHANAN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BUCHANAN. Mr. Chairman, I understood that my colleague from Illinois [Mr. FOSTER] withdrew that amendment.

Mr. RAKER. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. FOSTER. A division, Mr. Chairman.

The committee divided; and there were—ayes 14, noes 58.

So the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I offer the following amendment as a substitute. That follows the amendment that was offered by my colleague, ex-Speaker CANNON.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Add, at the end of the amendment, the following words: "who are not paid less than the union scale of wages."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Iowa [Mr. PROUTY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. PROUTY. A division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 18.

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the substitute as amended.

Mr. RAKER. Mr. Chairman, I ask unanimous consent——

Mr. SABATH. Will the Chair please have the substitute reported again? The Members do not know what it is.

The CHAIRMAN. The Clerk will again report the amendment offered by the gentleman from Washington [Mr. HUMPHREY], as amended.

The Clerk read as follows:

But in purchasing such articles the preference shall be given to those produced in the United States which can be procured at the same price and quality: *Provided*, That the coal shall be mined by labor that is employed at not exceeding eight hours per day.

The CHAIRMAN. The question is on agreeing to the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Military stores, Marine Corps: Pay of chief armorer, at $4 per diem; 1 mechanic, at $3 per diem; 2 mechanics, at $2.50 each per diem; 1 chief electrician, at $4 per diem, and 1 assistant electrician, at $3.50 per diem; per diem of enlisted men employed on constant labor for periods of not less than 10 days; purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, canteens, rifle slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, spare parts for repairing rifles, machètes, purchase and repair of tents, field cots, field ovens, and stoves for tents; purchase and repair of instruments for bands, purchase of music and musical accessories; purchase and marking of prizes for excellence in gunnery and rifle practice; good-conduct badges; medals awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; incidental expenses of schools of application; construction, equipment, and maintenance of school, library, and amusement rooms and gymnasiums for enlisted men, and the purchase and repair of all articles of field sports for enlisted men; purchase and repair of signal equipment and stores; establishment and maintenance of targets and ranges, and renting ranges, and entrance fees in competitions; procuring, preserving, and handling ammunition and other necessary military supplies; in all, $307,737.

Mr. FOCHT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized.

Mr. GREGG of Texas. Mr. Chairman, I want to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania.

Mr. FOCHT. Mr. Chairman, I have been listening daily, sometimes once and sometimes twice and as often as three times daily, to the effusions of my friend from Alabama [Mr. HEFLIN]. Sometimes they were poetic; never prosy.

He comes from the ambitious State of Alabama, where they aspire to the Presidency. [Applause on the Democratic side.] But I am afraid that the only shining light reflected from that State at the moment is Mr. UNDERWOOD'S personality, but if we get nothing more than we just received from the gentleman from Alabama, notwithstanding the courage and ability and popularity of the Democratic leader, Mr. UNDERWOOD, his case is a hopeless one.

Now, my friend from Alabama, Mr. HEFLIN, has undertaken, I think, to do something that does not become him, and in view of the record of his own State is indefensible. I want, Mr. Chairman, to read a few lines from a letter written by a friend of mine who resides near his home, and I think possibly in his district. He has something to say about labor conditions there.

This is what he says:

Shortly after I arrived at this camp—

One of these convict camps of Alabama—

the convict warden came up to me one day and said that if I wished he would show me something, as he termed it, "You damn Yankees are not used to seeing." I followed him to the stockade, where he ordered four trusties to bring out a colored convict who had committed a trivial offense. He then ordered this man to take off all his clothes (he was as fine a speciman of muscle and strength as I have ever seen), then told him to lie on the ground flat on his stomach, and placed the four trusties, one on each arm and leg in order that the man could not turn over. The warden then produced a strap about 4 feet long, one-half inch thick, and about 2 inches wide; this was on a round wooden handle; he then started to punish this man by giving him 25 lashes. When he had finished the man was bleeding from a dozen or more places on his back. He could hardly stand. Later on I saw this same warden start to lash a white convict who was so sick and weak that he looked more like a corpse than anything else. That was too much for me. I left, but later heard that this victim had fainted and they had to carry him to his pen. These were common occurrences at that time in Georgia and Alabama.

I was asked on several occasions while in those sections to help support and join the Society for the Prevention of Cruelty to Animals. I offended quite a few persons by making fun of their society and referring to the manner in which they treated convicts.

I have particularly noticed that the wardens and convict guards of Georgia and Alabama are looked upon as being lower than the convicts themselves by the better class of people, and are sprung from what the southerner calls "poor white trash and sagers." I consider that these men, if you wish to call them that, are the lowest type of manhood in the white race.

While I was in the two States mentioned, from 1905 to 1909, the following companies were working convict labor to my knowledge. The ones I mention I happen to know on account of being in the vicinity where they were worked:

Durham Coal & Coke Co., Chattanooga, Tenn.; convict camp, Durham Mines, Pittsburg, Ga. Tennessee Coal, Iron & Railway Co., Birmingham, Ala.; convict camp, Flat Top Mines, Ensley, Pratt City, and other mines in Alabama. Pratt Consolidated Coal Co., Birmingham, Ala.; Banner Mines, convict camp, Littleton, Ala. Sloss-Sheffield Steel & Iron Co., Birmingham, Ala.; convict camp, Flat Top Mines and others. Republic Iron & Steel Co., Birmingham, Ala. Dimmick Pipe Works, Birmingham, Ala.

All the above camps in Alabama are within a radius of 30 miles of Birmingham.

If you wish to investigate you will find that most of these companies prefer to work convict labor. If they can not get it they have men out all over the country looking for any kind of foreign labor. They will give anyone work in preference to Americans, and the Americans they do work they hold to the lowest possible wages, and will keep other companies from giving them better positions and higher wages, as the inclosed letters from the Tennessee Coal, Iron & Railway Co. will prove.

If what I have written you is not what you want, kindly let me know just what you want, and I can give you more details.

Yours, very truly,

BEN T. PHILLIPS.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. FOCHT. Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North, and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State, greater than that of the camps of Siberia and Russia. I hold in my hand a photograph of a convict camp in Alabama, which any gentleman can see. [Applause.]

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. HEFLIN. I ask the gentleman to withdraw his amendment until I can address the House for five minutes.

Mr. GREGG of Texas. It is one of a series of amendments which have been offered to all these propositions, and I want to offer it now, so that it may be pending; and I will ask unanimous consent that it be passed over under the agreement made with the gentleman from Tennessee and the gentleman from Illinois on Saturday.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "dollars," in line 6, page 59, insert the following: "*Provided*, That no part of this appropriation shall be expended for the purchase or manufacture of such rifles, revolvers, cartridge boxes, bayonets, scabbards, and haversacks as have been or are being manufactured in a Government establishment from or by any person, firm, or corporation which has not at the time of commencement and during the prosecution of the work on the articles named herein established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the work on the articles named herein."

Mr. GREGG of Texas. Mr. Chairman, I understand that the gentleman from Tennessee, the chairman of the committee, is going to introduce an amendment to the 8-hour bill passed by the House, and until that is disposed of I ask to have this amendment passed and be considered as pending.

Mr. CANNON. One moment, Mr. Chairman. When the amendment is offered, then I will give my consent or make my objection.

Mr. PADGETT. The amendment is offered now.

Mr. GREGG of Texas. It is offered now, and I ask that it be passed, as have the other amendments, and be considered as pending.

Mr. CANNON. Well, Mr. Chairman, one swallow does not make a summer. Where does the gentleman's amendment come in?

Mr. PADGETT. At the end of line 6, page 59. There are two other similar amendments identical in language that have been passed.

Mr. CANNON. I have no objection, Mr. Chairman; I thought it was to the paragraph to which the gentleman from Iowa offered the amendment a short time ago and which was agreed on.

The CHAIRMAN. It is to a different paragraph.

Mr. CANNON. I shall not interpose any objection.

The CHAIRMAN. Without objection, the amendment will be passed and be considered as pending.

Mr. HEFLIN and Mr. BARTLETT rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. HEFLIN. Mr. Chairman, I understood that I was to be recognized.

The CHAIRMAN. The Chair was not aware that the gentleman from Alabama was seeking the floor. He was aware that he was seeking time on this side. The Chair has recognized the gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, I have no duty to perform in making a reply to the gentleman from Pennsylvania [Mr. FOCHT] for anything he has said in reference to Alabama. I have no knowledge on the subject of the conditions in Alabama; nor does it devolve upon me to make any defense for her or to reply to what has been said by him with reference to that State. Alabama can take care of herself ably and well; but I want to say, with reference to the statement in the letter which the gentleman has read as to conditions in the State of Georgia, that if the man who wrote that letter referred to any conditions in Georgia as now existing or claims that they have existed since 1907, he has written what is not true.

Mr. Chairman, we did suffer in Georgia for years with an infamous convict system, under which convicts were hired out to private parties, but it was first fastened upon us by a Republican governor and a Republican legislature in 1870. [Applause on the Democratic side.] As a member of the Georgia Legislature in 1882 and 1884 I endeavored to correct it and cast my influence and my vote in favor of abolishing the system and endeavored to have the system abolished. Finally, when the contracts that had been made for 20 years under a Republican governor had expired, when Georgia was able to get control of her own affairs by the aid and influence of her Democratic governor, who insisted that the system of hiring out the convicts be abolished, thank God we did abolish it, and hiring out convicts in Georgia has ceased and never will again be permitted. [Applause.]

We have at present as humane a system as any State in this Union. We tax our people burdensomely in order to provide for a humane and proper system, and there is no convict camp in Georgia to-day controlled by private parties; nor are the convicts worked in competition with free labor as was once the case. I merely rose to say that the statement in the letter read by the gentleman from Pennsylvania, in so far as it refers to the State which I have the honor to represent, in my opinion, is a falsehood and a slander. [Applause.]

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes.

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to ask the chairman of the committee how long we are going to continue this evening, and how long we are going to continue this kind of politics?

Mr. PADGETT. I want to expedite the consideration of the bill and reach at least the increase of the Navy to-night. We ought to reach it by 6 o'clock.

Mr. GOOD. I think we ought to cease this kind of debate.

Mr. PADGETT. Mr. Chairman, I ask that general debate on this paragraph and amendments thereto close at the end of 10 minutes.

Mr. HOWARD. I wish the gentleman would make it 15 minutes.

Mr. PADGETT. I will make it 15 minutes.

Mr. GOOD. Mr. Chairman, I move as an amendment that all debate be limited to the items in the bill.

Mr. PADGETT. That is the rule anyway, if a Member insists on it.

Mr. HEFLIN. Mr. Chairman, I trust that the gentleman from Tennessee will not make any such motion as that.

Mr. GOOD. I shall object to any remarks not confined to the item now under discussion.

Mr. HEFLIN. Does the gentleman from Iowa wish to deny me the opportunity to reply to the assault made upon my State by the gentleman from Pennsylvania?

Mr. GOOD. The gentleman from Alabama has already invited all the attacks that he has received.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the pending paragraph and amendments thereto be closed in 15 minutes.

The motion was agreed to.

Mr. HEFLIN. Mr. Chairman, the gentleman from Pennsylvania [Mr. FOCHT] has read what appears up to this time to be an anonymous letter which reflects upon the State that I have the honor in part to represent. The name of the gentleman who wrote that letter has not been given to this House.

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not in order. He is not speaking to the paragraph under consideration.

Mr. LITTLEPAGE. But he got unanimous consent to proceed.

Mr. HEFLIN. Mr. Chairman, I obtained unanimous consent to proceed for 10 minutes. I requested unanimous consent——

The CHAIRMAN. The Chair would state that under the five-minute rule if the point of order be insisted upon the speaker is obliged to confine himself to the subject matter of the paragraph.

Mr. HEFLIN. But I had 10 minutes. The gentleman from West Virginia [Mr. LITTLEPAGE] did ask unanimous consent that I might proceed for 10 minutes in reply to the gentleman from Pennsylvania, and there was no objection, as I understood it.

The CHAIRMAN. The gentleman from Tennessee intervened with a motion to limit debate. The Chair did not submit the request of the gentleman from West Virginia, but will do so now.

Mr. LITTLEPAGE. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama be permitted to proceed for 10 minutes in reply to the attack made on his State by the gentleman from Pennsylvania [Mr. FOCHT].

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent that the gentleman from Alabama be allowed to proceed for 10 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, I object.

Mr. HOWARD. Then, Mr. Chairman, I move that the gentleman from Alabama have 10 minutes.

The CHAIRMAN. The motion is not in order at this time. The gentleman from Alabama has the floor.

Mr. AUSTIN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. AUSTIN. Mr. Chairman, I rise for the purpose of appealing to my colleague from Iowa to withdraw his objection. This attack upon the State of Alabama came from the Republican side, and I ask in all justice and fair play as a Republican that the gentleman from Alabama have the opportunity to be heard in answer. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Alabama has the floor.

Mr. AUSTIN. Mr. Chairman, the point was not made against the gentleman from Pennsylvania, when he read his letter, from this side, and it is unfair for this side to object to the gentleman from Alabama having an opportunity to reply to it.

Mr. HEFLIN. Mr. Chairman, in order that I may put this matter properly before the country and in the RECORD, I ask unanimous consent, in view of the attack that has been made upon my State by the reading of the letter which purports to be from somebody——

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is out of order.

Mr. HEFLIN. Mr. Chairman, the letter does not speak the truth [applause], and I ask unanimous consent that I may have 10 minutes in which to reply.

The CHAIRMAN. The gentleman from Alabama submits a request for unanimous consent that he be permitted, out of order, to address the committee for 10 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to say to the gentleman that I have no objection to his making any explanation that he desires to make; but he knows, and every Member of this House knows, that this is no place for this kind of discussion, and therefore, Mr. Chairman, I object.

Mr. HEFLIN. Mr. Chairman, before the gentleman does that, I will ask him why he did not make an objection when my State was slandered by a gentleman from his side. Why did he not make that objection then, when a Member on the Republican side was knowingly and intentionally slandering Alabama? Do you want to be unfair; do you want to slander a sovereign State in this fashion; do you want to speak a deliberate falsehood through a Member of that side and then deny me under the rules a chance to reply? [Applause.]

Mr. KOPP. Mr. Chairman, I demand the regular order.

Mr. HEFLIN. Mr. Chairman, was there an objection to my request?

The CHAIRMAN. The request was objected to, and the time of the gentleman from Alabama has now expired.

Mr. HEFLIN. Mr. Chairman, is it permissible to raise a question of personal privilege in the Committee of the Whole?

Mr. FOCHT. Mr. Chairman, I want to say that, notwithstanding the gentleman has already made one speech upon the subject, to which I replied, I hope the House will permit him to go ahead and say what he has to say. I may ask the House later to permit me to reply.

Mr. GOOD. Mr. Chairman, I demand the regular order.

Mr. HEFLIN. Mr. Chairman, I desire to ask this question for information. Is it permissible in the Committee of the Whole to raise the question of personal privilege?

The CHAIRMAN. The Chair is under the impression that where a question of personal privilege properly rises under the proceedings, it may be brought to the attention of the committee.

Mr. HEFLIN. Then, Mr. Chairman, I rise to a question of personal privilege.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. The attack made by the gentleman from Pennsylvania [Mr. FOCHT] upon the district and upon the State that I have the honor to represent referred to me personally and constitutes a reflection upon the people that I represent, and I desire to state my question of personal privilege and to reply to that unwarranted attack and slander.

Mr. PAYNE. Mr. Chairman, what is it the gentleman from Alabama is making a speech about? I want to know what the regular order is.

The CHAIRMAN. The Chair did not hear the gentleman from New York.

Mr. PAYNE. I am trying to find out what the regular order is, and I find the gentleman from Alabama is making a speech. I can not hear what——

The CHAIRMAN. The gentleman from Alabama arose to a question of personal privilege and is now stating it.

Mr. PAYNE. Mr. Chairman, I do not understand the gentleman can do that in the Committee of the Whole House on the state of the Union, and I make a point of order against it.

Mr. GOOD. Mr. Chairman, I make the further point of order that the grounds stated by the gentleman do not present a question of personal privilege.

The CHAIRMAN. The rule in regard to questions of privilege is:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members, individually, in their representative capacity only.

If it does not affect a Member in his representative capacity, the question of privilege would not arise.

Mr. HEFLIN. The gentleman from Pennsylvania has reflected upon my people and has referred to me or to my district in connection with the convict system in the State, and in order that the truth may now go in the RECORD, I desire to reply now.

The CHAIRMAN. The Chair, ruling on the point of order, would say the Chair does not think the gentleman makes out a case of personal privilege under the state of affairs so far.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent, in order that this matter may be adjusted now, that the gentleman from Alabama may have 10 minutes to address the committee, and that the gentleman from Pennsylvania [Mr. FOCHT] may have 5 minutes to follow him.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Alabama may have 10 minutes in which to address the committee and the gentleman from Pennsylvania [Mr. FOCHT] may have 5 minutes. Is there objection?

Mr. GOOD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard, and the Clerk will read.

The Clerk read as follows:

Total Marine Corps, exclusive of public works, $7,425,578.78.

Mr. PADGETT. Mr. Chairman, we have now reached the increase of the Navy, I think.

Mr. CHAIRMAN. We have.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24565, the naval appropriation bill, and had directed him to report that it had come to no resolution thereon.

PORTO RICO (S. DOC. NO. 720).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress, approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the second session and the extraordinary session of the Sixth Legislative Assembly, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *May 27, 1912.*

The SPEAKER. Ordered to be printed and referred to the Committee on Insular Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. J. M. C. SMITH, for one week, on account of important business.

To Mr. HELM, for 30 days, on account of important business.

To Mr. GREGG of Pennsylvania, for five days, on account of important business.

To Mr. BOEHNE, for three days, on account of important business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at

Corpus Christi, Tex., and for a clerk for said court, and for other purposes:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post; and

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railway Co., in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley, and in case of their failure so to do to authorize and direct the Secretary of the Interior to readjust said rights of way.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, May 28, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 24699) authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing the storm-drainage system, as well as the sanitary-sewer system, of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., reported the same without amendment, accompanied by a report (No. 763), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 24883) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 24884) to purchase and provide grounds, erect buildings, and furnish the same for the Greenville Indian School, at Greenville, Cal., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 24885) to equip, build, complete, and furnish water, electric light, and sewerage systems for the Fort Bidwell Indian School, on the Government reservation at Fort Bidwell, Cal., and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 24886) providing for second homestead and desert-land entries, and for other purposes; to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 24887) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Committee on Appropriations.

By Mr. KAHN: A bill (H. R. 24888) for the protection of certain societies, fraternal orders, or associations in the use of the mails; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 24889) to require that the printing of records, which is done under the supervision of the clerks of the United States courts, shall be let annually upon competitive bids; to the Committee on the Judiciary.

By Mr. PALMER (by request): A bill (H. R. 24890) forbidding the use of the mails to fraternal organizations adopting names already employed by such organizations duly organized; to the Committee on the Judiciary.

By Mr. DAVENPORT: A bill (H. R. 24891) to establish public highways or roads along all section lines in the Seneca, Wyandotte, Ottawa, Eastern Shawnee, Peoria, West Miami, and Quapaw Tribe of Indians in the Quapaw Agency, in eastern Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. NEELEY: A bill (H. R. 24892) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

Also, a bill (H. R. 24893) to prohibit the use of titles already used by fraternal orders; to the Committee on the Judiciary.

By Mr. ANDERSON of Ohio: Resolution (H. Res. 553) authorizing the payment of a certain sum of money to Mabel Adler; to the Committee on Accounts.

By Mr. RODDENBERY: Concurrent resolution (H. Con. Res. 53) to print 10,000 copies of Senate Document No. 219, Fifty-sixth Congress, second session; to the Committee on Printing.

By Mr. DONOHOE: Joint resolution (H. J. Res. 321) relative to observance of Memorial Day; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Missouri (by request): Memorial of the Legislature of the State of Arizona, favoring S. 3367, providing more liberal conditions under which land may be acquired by homesteaders; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Arizona, favoring legislation authorizing the State of Arizona to make land selections in lieu of selections already made and disposed of as mineral lands, etc.; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Arizona, praying Congress to call upon the Attorney General of the United States for contracts, correspondence, and papers relating to grants to the Pacific Gas & Electric Co.; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 24894) granting an increase of pension to Daniel Murphy; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 24895) granting a pension to Elizabeth J. Legg; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 24896) granting an increase of pension to Zachariah T. Funk; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 24897) to correct the military record of Richard Hogan; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 24898) granting a pension to John Callahan; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 24899) for the relief of John W. Randall; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 24900) granting an increase of pension to Fanny M. Campbell; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 24901) granting a pension to Augusta A. Crommett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24902) granting an increase of pension to Mary L. Stone; to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 24903) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 24904) for the relief of the legal representatives of Alexander Harlin, deceased; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 24905) granting an increase of pension to Ida M. Fiala; to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 24906) for the relief of R. Jane Brewer; to the Committee on War Claims.

Also, a bill (H. R. 24907) granting compensation to Charles K. Remsburg; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 24908) granting a pension to Ellen M. Leary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24909) granting a pension to Thomas F. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24910) granting a pension to Joshua I. Cooksey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24911) granting a pension to Mary E. Dolan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24912) granting a pension to Susan M. Kinkead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24913) granting a pension to Charles J. O'Brien; to the Committee on Pensions.

Also, a bill (H. R. 24914) granting a pension to Albert W. Barnes; to the Committee on Pensions.

Also, a bill (H. R. 24915) granting a pension to Mahala J. H. Johnson; to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24916) granting an increase of pension to Alexander Sutherland; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 24917) granting a pension to Clyde N. Gregson; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 24918) granting a pension to William Putnam; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 24919) for the relief of Lewis W. Crain; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 24920) granting an increase of pension to Robert O. Backus; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 24921) granting a pension to Elizabeth Nazworthy; to the Committee on Pensions.

By Mr. TUTTLE: A bill (H. R. 24922) for the relief of Samuel Baker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petitions of the Immigration Restriction League, of Boston, Mass., and State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Protestant Episcopal Church, diocese of Washington, relative to garb worn by teachers and pupils in Government schools; to the Committee on Indian Affairs.

By Mr. BULKLEY (by request): Petitions of the World's Purity Federation and citizens of Cleveland, Ohio, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of Mrs. Pence, of Brooklyn, N. Y., favoring passage of bill for the sanitary and medical uplift of the people of Alaska; to the Committee on the Territories.

Also, petition of the Richmond Chamber of Commerce, of Richmond, Va., relative to sentiment in favor of plan of monetary reform; to the Committee on Banking and Currency.

Also, resolutions of the Grand Army of the Republic, Department of Missouri, indorsing action of the Missouri Members of Congress in their efforts to secure for the members of the Enrolled Missouri Militia who rendered active service a pensionable status; to the Committee on Invalid Pensions.

Also, petition of the Central Labor Union of Brooklyn, N. Y., against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Fielder & Hanan (Inc.), of New York City, N. Y., against passage of any bills for change in patent laws; to the Committee on Patents.

Also, petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring support of House resolution 357, relative to collecting data relating to the loss of life and property by fire in the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prospect Heights Citizens' Association and the Manufacturers' Association, of Brooklyn, N. Y., favoring passage of the vocational educational bill, known as the Page bill; and of H. H. Holley, of Brooklyn, N. Y., favoring passage of Senate bill 6497, for Federal protection for migratory birds; to the Committee on Agriculture.

Also, resolution of the National Lumber Manufacturers' Association, favoring amendment to Sherman Antitrust Act; to the Committee on Foreign Affairs.

Also, petition of the Polk & Calder Drug Co., of New York City, N. Y., against passage of the Richardson drug bill (H. R. 14060), relative to regulation of the sale of drugs, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolutions of the Immigration Restriction League, favoring passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. CALLAWAY: Resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CRAGO: Petition of the Italo-American Alliance of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the United States Civil Service Retirement Association of Washington, D. C., against five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, resolution of David Wilson Camp, No. 59, United Spanish War Veterans, of Poughkeepsie, N. Y., favoring passage of House bill 11169, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, resolution of the Richmond (Va.) Chamber of Commerce, favoring a revision of our currency system; to the Committee on Banking and Currency.

Also, resolutions of the Immigration Restriction League and State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DOREMUS: Resolution of Michigan Lodge, No. 111, Order B'rith Abraham, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Detroit, Mich., against passage of the Root amendment, for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the St. Louis Red Cross Society, St. Louis, Mo., favoring passage of House bill 16844—the Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Association of Machinists, Washington, D. C., favoring passage of amendment to be offered to the naval appropriation bill, to prevent enlisted men to be used to repair ships, etc.; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of the Immigration Restriction League favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of numerous merchants of Gardner, La Salle, Yorkville, and Marseilles, Ill., in opposition to passage of legislation to establish a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of the First Lutheran Church, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, relative to improvement of the United States Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, petition of J. H. R. Story, Philadelphia, Pa., favoring passage of House bill 1339, for granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of Chapin & Gore, Chicago, Ill., against the passage of Senate bill 5461, relating to the granting of licenses for barrooms in the District of Columbia, etc.; to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petitions of Plimpton, Cowan & Co., of Buffalo, N. Y.; Lehre & Fink, of New York; and Polk & Calder Drug Co., of Troy, N. Y., protesting against the passage of the Richardson drug bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Phonograph Co., New York, protesting against any change in the patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of the National Lumber Manufacturing Association, Cincinnati, Ohio, relative to amending the Sherman anti-trust laws; to the Committee on Foreign Affairs.

Also, petitions of the American Association of Foreign Language Newspapers, New York; the Italo-American Alliance of the United States of America; Paul Brown Lodge, No. 421, United States Grand Lodge, Order B'rith Abraham, New York; Jewish branch of the Socialist Party of New York, N. Y.; Ladies' Waist and Dressmakers' Union, Local No. 25, I. L. G. W. U.; Eben Israel Lodge, No. 69, United States Grand Lodge, Order B'rith Abraham, New York; Jarozlausa Lodge, No. 21, Independent Order B'rith Abraham, New York, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Julius Blumberg, New York, N. Y.; E. William Sweeney, New York, N. Y.; H. M. Marks & Co., Chicago, Ill.; William H. Enhaus & Son, New York, N. Y.; and Blackman-Ross Co., New York, N. Y., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the United Anglers' League, Brooklyn, N. Y., relative to the commercial fish around New York; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: Resolutions of the Immigration Restriction League of Boston, Mass., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the International Brotherhood of Stationary Firemen, No. 270, favoring passage of Senate bill 5474 and House bill 19133, for postal-express service; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of Pine Tree Lodge, No. 500, of Bangor, Me., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HAYDEN: Petition of the Legislature of the State of Arizona, relating to mineral lands included within the Colorado River Indian Reservation; to the Committee on Indian Affairs.

By Mr. KAHN: Petition of Lodge No. 325 and Lodge No. 166, Order B'rith Abraham, San Francisco, Cal., protesting against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of F. C. Drew, San Francisco, Cal., favoring passage of the Sulzer diplomatic establishment bill; to the Committee on Foreign Affairs.

Also, petition of the Shipowners' Association of the Pacific Coast, San Francisco, Cal., opposing passage of House bill 21100, relative to United States district courts; to the Committee on the Judiciary.

Also, petition of Wolff & Dolan, San Francisco, Cal., in opposition to the Oldfield bill relative to price maintenance; to the Committee on Patents.

Also, petition of C. Shilling & Co., San Francisco, Cal., opposing the passage of Senate bill 5461, for regulating liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Dried Fruit Association of California, San Francisco, Cal., in opposition to cut in appropriation for State Department; to the Committee on Appropriations.

Also, petition of John Polikarpoff and five others of San Francisco, Cal., protesting against the Root amendment to the immigration bill, subjecting any alien liable to deportation who conspires with others to overthrow a foreign government; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the Workmen's Circle, New York, and the Italo-American Alliance of the United States of America, Philadelphia, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., relative to a more adequate monetary system; to the Committee on Banking and Currency.

Also, petition of J. E. Rhoads & Sons, New York, relative to House bill 16844, requiring the manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of Williams & Humbert, New York, protesting against the Works bill (S. 2309); to the Committee on the Judiciary.

Also, petition of the New York State Vegetable Growers' Association, Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the North Side Board of Trade, of New York, relative to the improvement of the Bronx Kills, Harlem River, and East River, N. Y.; to the Committee on Rivers and Harbors.

Also, petition of the United Anglers' League, Brooklyn, N. Y., relative to the commercial fish around New York and adjacent States; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Petition of the United States Maimed Soldiers' League, of Philadelphia, Pa., favoring passage of House bill 1339, for increasing pension of veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolution of the Immigration Restriction League, favoring passage of Senate bill 3175, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the Immigration Restriction League, favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Petition of the Immigration Restriction League, of Boston, Mass., favoring passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolutions of citizens and the city council of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Women's Trade Union League of Chicago, Ill., favoring passage of House bill 11372—the seamen's bill—for protection of life at sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. McKENZIE: Petitions of business men of Chadwick, Polo, Killedgeville, Byron, Pawpaw, Lee, Leaf River, Amboy, and Subletto, Ill., protesting against any parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Polo, Ill., favoring the giving of the Interstate Commerce Commission further power toward regulating the express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: Petition of Androscoggin Council, No. 74, Livermore Falls, Me., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Rumford, Me., favoring passage of Senate bill 5474 and House bill 19133 for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: Petition of the North Carolina Patriotic Order Sons of America favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of priests and lay delegates of the Episcopal Diocese of Central New York favoring bill for improving conditions of people of Alaska; to the Committee on the Territories.

Also, resolution of the Manufacturers' Association of New York, in favor of passage of vocational education bill; to the Committee on Agriculture.

By Mr. MORGAN: Petition of the session of the First Presbyterian Church, Oklahoma City, for the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Alexander Sutherland, of Tennessee; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Sierra Madre Board of Trade, relative to appropriation for fighting the Mediterranean fly; to the Committee on Agriculture.

Also, petition of the Shipowners' Association of the Pacific Coast, relative to the district courts of the United States; to the Committee on the Judiciary.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sarah Ann Jaggers Auxiliary, No. 19, United Spanish War Veterans, of Fresno, Cal., favoring passage of House bill 17470, for pensioning the widows of Spanish-American War veterans; to the Committee on Pensions.

Also, petition of the Long Beach Chamber of Commerce, protesting against the passage of House bill 11372, prohibiting the towing of log rafts in the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., protesting against the Root amendment, making any alien liable to deportation who conspires a violent overthrow of a foreign government; to the Committee on Immigration and Naturalization.

By Mr. POST: Petition of the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Petition of citizens of New York City and the Immigration Restriction League of Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Resolution of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: Petition of citizens of the State of Massachusetts, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, against the stop watch for employees of the Government; to the Committee on the Judiciary.

By Mr. SABATH: Resolutions of Captain Dreyfuss Lodge, No. 165, Order B'rith Abraham; the Polish National Alliance of the United States of North America; and the Association of Jewish Women of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty of Tuckerton and Asbury, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Sophia Yacht Club, Avalon, Catalina Island, Cal., protesting against passage of bill requiring motor boats to have both a licensed pilot and engineer; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Thum, mayor of Pasadena, Cal., favoring continuance of the bureau of efficiency; to the Committee on Appropriations.

Also, petition of the Long Beach Chamber of Commerce, protesting against passage of House bill 11372, for prohibiting the towing of log rafts in the open sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLOWAY: Petition of the Polish Societies of Manchester, N. H., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Gossville, N. H., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Stratham, N. H., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Storer Post, Grand Army of the Republic, Portsmouth, N. H.; Albert M. Perkins Post, Grand Army of the Republic, Epping, N. H.; and George S. Cram Post, Grand Army of the Republic, Meredith, N. H., favoring passage of House bill 14070, for increasing pensions for deafness; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of the Hartford Central Labor Union, of Hartford, Conn., favoring passage of the Campbell bill (H. R. 16844), to compel manufacturers of foodstuffs to place their names and addresses upon all goods manufactured by them; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Resolutions of the Trenton (N. J.) Chamber of Commerce, favoring passage of House bill 17736 and Senate bill 4308, providing for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Trenton, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the congregation Anshe Chesed, of Somerville, N. J., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of members of Local Union No. 540, Carmen's Union, and Local Union No. 228, Journeymen Tailors, of Trenton, N. J., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petition of John O'Byrne and other citizens of Gregg and Upshur Counties, Tex., favoring passage of the old-age pension bill; to the Committee on Pensions.

Also, resolution of the Immigration Restriction League of Boston, Mass., favoring passage of Senate bill 3175, restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *May 28, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Sanders
Bacon	Curtis	Myers	Simmons
Borah	Fall	Nelson	Smith, Ariz.
Bourne	Foster	Newlands	Smith, Ga.
Brandegee	Gallinger	Nixon	Smith, S. C.
Bristow	Gardner	O'Gorman	Smoot
Bryan	Gronna	Oliver	Stephenson
Burnham	Guggenheim	Overman	Sutherland
Burton	Heyburn	Page	Thornton
Chamberlain	Johnston, Ala.	Percy	Tillman
Chilton	Jones	Perkins	Townsend
Clark, Wyo.	Lippitt	Pomerene	Warren
Clarke, Ark.	Lodge	Rayner	Watson
Culberson	McCumber	Richardson	
Cullom	McLean	Root	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Senate.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted Twin City Power Co. by an act approved February 29, 1908;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 142. Joint resolution to declare and make certain the authority of the Attorney General to begin and maintain and of any court of competent jurisdiction to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898.

REPORT OF NAVAL BOARD (S. DOC. NO. 725).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 23d instant, certain information relative to the appointment of a board to consider the question of transferring certain offices of the Navy Department to the Department of Commerce and Labor, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

JOSEPH M. PADGETT *v.* UNITED STATES (S. DOC. NO. 724).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Joseph M. Padgett *v.* United States (Washington Navy Yard), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 319) making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes.

The message also transmitted to the Senate resolutions of the House on the life, character, and public services of JAMES P. LATTA, late a Representative from the State of Nebraska.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Dingman's Methodist Episcopal Church, of Delaware, Pa., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Chamber of Commerce of Quincy, Ill., praying for the enactment of legislation to provide for the preparation and printing of a national directory of commercial organizations of the United States, which was referred to the Committee on Manufactures.

He also presented a memorial of the Silver Crown Building & Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Hillside, Ill., praying for the enactment of legislation to prohibit the use of insignia and garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Chicago, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Bond County, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of members of the Woman's Auxiliary of St. Paul's School, of Concord, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. POMERENE. I present letters from the legislative committee of the Grain Dealers' National Association and the transportation committee of the Peoria Board of Trade and sundry telegrams from chambers of commerce and commercial organizations throughout the State of Ohio in favor of Senate bill 6810, relating to bills of lading. I do not ask that they be read, but I should like to have them printed in the RECORD.

There being no objection, the letters and telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate.

DEAR SIR: The Grain Dealers' National Association gives its hearty support and approval to Senate bill 6810.

This association represents the entire grain interests throughout the United States in all of its branches. Its membership of more than 2,000 is composed of country shippers, receivers, and exporters. This membership makes it national in scope and thoroughly representative of the entire grain industry of the country.

The matter of bills of lading has been one of great importance and serious consideration by this organization for a great number of years, and Senate bill 6810 meets the hearty approval not only of this association itself, but of its constituent members.

It is to be hoped that this measure will receive the approval of Congress at the present session, because there is a crying necessity for remedial legislation of this character.

Respectfully submitted by the legislative committee of the Grain Dealers' National Association.

A. E. REYNOLDS, *Chairman.*

—

WASHINGTON, D. C., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate.

DEAR SIR: On behalf of the Peoria Board of Trade I want to state that we are very much in favor of Senate bill 6810, in regard to the bill of lading matter, and believe it is the bill that should be passed.

This matter is of vital importance to the whole grain interests of the country, and we are very much in need of the protection such a bill will give us.

TRANSPORTATION COMMITTEE PEORIA BOARD OF TRADE,
By WM. T. CORNELISON.

—

CINCINNATI, OHIO, *May 25, 1912.*

Senator POMERENE,
Washington, D. C.:

The Cincinnati Branch, National League of Commission Merchants, heartily indorse your amended bill S. 6810, now before the United States Senate. We trust that you will use your best efforts in urging the passage of this bill.

VIRGIL M. GERRARD, *Secretary.*

—

CHICAGO, ILL., *May 23, 1912.*

Senator ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The undersigned respectfully asks that you give your support and influence to Senate bill 6810, the Pomerene bill, in contradistinction to Senate bill 967. Letter will follow.

JOHN C. SCALES,
Chairman Refrigerator-Car Line Committee,
National League Commission Merchants.

—

EAST ST. LOUIS, ILL., *May 27, 1912.*

Senator POMERENE,
Washington, D. C.:

The East Side Manufacturing Association, representing large number of shippers, favor passage Pomerene substitute Senate bill 6810, relative bill of lading, and urge upon you the importance of your support of same.

EAST SIDE MANUFACTURERS' ASSOCIATION.
F. M. HANSON, *President.*

—

INDIANAPOLIS, IND., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Shippers and receivers of Indianapolis, represented by the Indianapolis Freight Bureau, strongly indorse Pomerene substitute Senate bill 6810, on bills of lading, and urge its adoption.

INDIANAPOLIS FREIGHT BUREAU.
By C. C. HANCH,
Chairman Executive Committee.
J. KEAVEY,
Commissioner.

CHICAGO, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Chicago Association of Commerce sent their attorney, Cornelius Lynde, to Washington to approve, with certain modifications, which Mr. Lynde reports were acceptable, the so-called Pomerene bill-of-lading bill. With these modifications acceptable to you, we favor the Pomerene substitute bill, known, we understand, as Senate bill 6810.

THE CHICAGO ASSOCIATION OF COMMERCE,
By H. C. BARLOW, *Traffic Director.*

—

DETROIT, MICH., *May 27, 1912.*

Senator POMERENE,
Washington, D. C.:

Michigan Manufacturers' Association is anxious that substitute bill lading bill becomes a law.

H. C. HERTZ, *Secretary.*

—

ST. JOSEPH, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

We indorse substitute Senate bill 6810, and earnestly urge its passage.

THE DAVIS MILLING CO.,
ROBT. R. CLARK, *President.*

—

CHICAGO, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Chamber, Washington, D. C.:

Many members of the Illinois Manufacturers' Association are interested in the amendments to the bill of lading measure agreed upon at the conference held in Washington, May 22, and are anxious to secure the passage of the Pomerene substitute, Senate bill 6810.

JOHN M. GLENN, *Secretary.*

—

NEW YORK, *May 27, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This organization, comprising 300 wholesale produce commission merchants, located in 29 principal cities of the United States, offers its unqualified indorsement to your substitute bill No. 6810, containing amendments agreed to by bankers and shippers at conference held at Washington on May 22, and would urge its passage on next Wednesday, at which time, we understand, this bill will come to a vote.

R. S. FRENCH, *Business Manager*
National League of Commission Merchants of the United States.

—

CEDAR RAPIDS, IOWA, *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The Cedar Rapids Commercial Club, representing the shipping interests of Cedar Rapids, Iowa, indorse the Pomerene substitute, Senate bill No. 6810, and urge its passage.

CEDAR RAPIDS COMMERCIAL CLUB,
By W. G. HASKELL, *President.*

—

MINNEAPOLIS, MINN., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

This will confirm our letter to you and other Senators comprising the committee handling Senate bill 6810, on bills of lading, and will also confirm similar letter to Senators from Minnesota approving the Pomerene substitute bill and urging all to use every effort toward passing this bill without change. We, as one of largest shippers, believe this bill fits the situation and clearly places the shipper in position of knowing his rights. Hence the necessity of favorable action is not imperative, and we request such action of United States Senate.

PILLSBURY FLOUR MILLS CO.,
By JAS. C. ANDREWS.

—

CHICAGO, *May 27, 1912.*

Senator ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

Representing the shoe wholesaling interest of the United States, we urge the passage of the Pomerene substitute Senate bill 6810, because it is a complete code on bills of lading, practically already adopted by nine States, pending in others, and the best calculated for securing uniformity in both State and Federal laws governing bills of lading.

NATIONAL SHOE WHOLESALERS' ASSOCIATION,
S. W. CAMPBELL, *Secretary.*

—

ST. JOSEPH, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The Commerce Club of St. Joseph, Mo., strongly indorses Pomerene substitute Senate bill 6810.

H. G. KRAKE, *Commissioner.*

—

MINNEAPOLIS, MINN., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Pomerene substitute Senate bill 6810, relating to bills of lading, is indorsed by our body as the best and fairest for the shippers of the country, and, in our opinion, imposes no hardship on common carriers, and we earnestly desire its passage.

THE MINNEAPOLIS CHAMBER OF COMMERCE,
By C. A. MAGNUSON, *Chairman Committee.*

—

OMAHA, NEBR., *May 27, 1912.*

ATLEE POMERENE,
Senate Office, Washington, D. C.:

Commercial Club of Omaha, representing various business interests, Omaha, South Omaha, and Council Bluff, indorses your substitute Senate bill 6810 on behalf shipping interests of these three cities. We hope you will succeed in having same enacted into law. Bill undoubtedly represents best thought of all interests concerned and will give relief from many abuses now prevalent. Have advised Nebraska Senators of our position and am urging them to cooperate with you.

E. J. MCVANN,
Manager Traffic Bureau.

—

CHICAGO, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

We strongly indorse and urge the passage of the Pomerene substitute Senate bill No. 6810, relating to bills of lading.

NATIONAL IMPLEMENT AND VEHICLE ASSOCIATION,
E. W. MCCULLOUGH, *Manager.*

—

QUINCY, ILL., *May 27, 1912.*

Senator ATLEE POMERENE,
Washington, D. C.:

This bureau approves your substitute bill 6810, relating to bills of lading, and respectfully requests its passage by the Senate.

QUINCY FREIGHT BUREAU.
L. B. BOSWELL, *Commissioner.*

—

ST. LOUIS, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

We strongly indorse substitute Senate bill 6810, relating to bills of lading, and urge its passage.

ST. LOUIS MANUFACTURERS AND EXPORTERS' ASSOCIATION,
By JAMES A. TROY, *Assistant Secretary.*

—

MOLINE, ILL., *May 27, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

Understanding that the Pomerene substitute Senate bill 6810, covering bills of lading, will be reached on the Senate Calendar Wednesday, the 29th, we wish to indorse this bill, it being along the lines recommended by the National Industrial Traffic League, and being, we believe, the most satisfactory for adoption.

DEERE & CO.

—

ST. JOSEPH, MO., *May 27, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

The St. Joseph Board of Trade unanimously indorses Pomerene substitute Senate bill 6810. We consider it of vital importance in safeguarding our commercial interests and respectfully solicit your favorable consideration.

THE ST. JOSEPH BOARD OF TRADE.
J. L. FREDERICK, *President.*
F. FREDERICK, *Secretary.*

—

BOSTON, MASS., *May 25, 1912.*

Hon A. POMERENE,
Washington, D. C.:

The National League of Commission Merchants strongly indorse the amended Pomerene bill. It meets the needs of both banking and business interests.

EDGAR W. J. HEARTY,
Secretary Boston Branch.

—

BOSTON, MASS., *May 25, 1912.*

Senator ATLEE POMERENE,
Washington, D. C.:

Boston Fruit and Produce Exchange much interested in the amended Pomerene Senate bill 6810. It meets the needs of bankers and shippers. Every effort for its passage will be appreciated.

ALTON E. BRIGGS, *Exchange Secretary.*

Mr. SMITH of Georgia. I present resolutions adopted by Masonic lodges in the State of Georgia, favoring the passage of House joint resolution No. 271 relating to the use of the insignia of fraternal or secret societies. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

LANDRUM LODGE, NO. 48, F. AND A. M.,
Savannah, Ga., May 18, 1912.

Hon. HOKE SMITH,
United States Senator, Washington, D. C.

DEAR SIR: I have the honor to transmit to you the inclosed copy of resolution passed last night by Landrum Lodge, No. 48, Free and Accepted Masons, and to request that you give the resolution your favorable attention and exert your influence as therein urged.

Yours, very truly,
[SEAL.] W. C. TRAVIS, *Secretary.*

Whereas we are informed that there is pending in the House of Representatives a resolution introduced by Mr. HARRISON of Mississippi (H. J. Res. 271) directing the Secretary of War to permit emblems or insignia of fraternal or secret societies to be inscribed on monuments, tombstones, slabs, or markers in the national cemeteries of the United States; and

Whereas many men have found both consolation and refreshment in the brotherly love and affection which such organizations are intended to promote, and naturally many such men desire to have their last resting places marked by the emblems of some beloved fraternity; and

Whereas it seems but simple justice that the wishes of the dead should be granted in this respect: Now therefore be it

Resolved by Landrum Lodge, No. 48, Free and Accepted Masons, That Congress be requested to pass this resolution and permit the placing of such emblems and insignia over the graves of members of fraternal and secret orders.

Resolved further, That a copy of these resolutions be sent by the secretary, under the seal of the lodge, to Senators for Georgia and to the Representative from this district, and also to the Committee on Military Affairs of the House of Representatives at Washington, with the request that they exert their influence to have the said resolution, No. 271, passed.

Passed May 17, 1912.

A true copy.

W. C. TRAVIS, *Secretary.*

—

ZERUBBABEL LODGE, NO. 15, FREE AND ACCEPTED MASONS,
Savannah, Ga., May 23, 1912.

Whereas the Declaration of Independence was drawn by Masons, and all the early struggles for the independence of this country were aided and encouraged by the Masons, who have ever stood for individual liberty and for the highest ideals in private and public life; and

Whereas under a rule of the War Department no insignia or emblem of a fraternal or secret society can be placed over the grave of one buried in a national cemetery; and

Whereas many worthy and patriotic Masons have laid down their lives for their country and the members of this order still constitute a large part of the defenders of the State and Nation; and

Whereas there is now pending before the Committee on Military Affairs of the House of Representatives House joint resolution No. 271, by Mr. HARRISON of Mississippi, providing for the placing of insignia or emblems of fraternal or secret societies on graves in national cemeteries: Now therefore be it

Resolved, That Zerubbabel Lodge, No. 15, Free and Accepted Masons, and the members thereof, do most heartily approve said House joint resolution No. 271, and do most earnestly request the House Committee on Military Affairs and the National Congress to pass said resolution No. 271, and we further urge upon our Senators and Representatives in Congress to use their influence in favor of the same; be it further

Resolved, That the Secretary of this lodge forward a copy of this resolution to the two Senators from Georgia, to the Representative in Congress from this district, and to the House Committee on Military Affairs, under the seal of the lodge, and call their attention to this request.

[SEAL.] WILLIAM A. BISHOP, *Secretary.*

—

Whereas the Junior Order United American Mechanics is a secret order in which are taught the purest patriotism and the deepest devotion to our beloved country; and

Whereas it has come to our attention that under an order or rule of the War Department it is forbidden for the emblems or insignia of secret or fraternal orders to be displayed on the graves in the national cemeteries; and

Whereas it is our understanding that a resolution has been introduced in the House of Representatives by Mr. HARRISON of Mississippi, known as House joint resolution No. 271, providing that the emblems and insignia of secret and fraternal orders be permitted to be placed on tombstones, monuments, slabs, and markers in national cemeteries under certain regulations: Now therefore be it

Resolved by Resolution Council, No. 2, of the Junior Order United American Mechanics, That we most heartily approve the said resolution No. 271, above mentioned, except that we favor allowing the deceased to designate, prior to his death, what emblems or insignia shall be placed over his grave, and also favor placing such insignia and emblems as the deceased may have selected when in life, without regard to the wishes of the nearest relatives; and we further favor allowing such emblems and insignia to be placed over the graves of persons leaving no near relatives when the fraternal or secret society to which such deceased person belonged or his legal representative so requests.

Resolved further, That we urge and request the Senators from Georgia, the Congressman from this district, the House Committee on Military Affairs, and all Members of Congress to use their influence toward the passage of the said resolution by Mr. HARRISON of Mississippi, No. 271, and that the secretary of this council send to each of the said Senators and to our Representative and the House Committee on Military Affairs a copy of this resolution.

Passed by Resolution Council, No. 2, Junior Order United American Mechanics, this 20th day of May, 1912.

A true copy.

[SEAL.] ROBERT M. TENNILLE, *Secretary.*
C. W. HOLLIDAY, *Councilor.*

Mr. SANDERS. I present a communication from the secretary of the National Federation Retail Implement and Vehicle Dealers' Associations, of Abilene, Kans., and a communication from the National Implement and Vehicle Association, of Chicago, Ill., remonstrating against the establishment of a rural parcel post. I ask that the communications be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the communications were referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

THE NATIONAL FEDERATION RETAIL IMPLEMENT
AND VEHICLE DEALERS' ASSOCIATIONS,
SECRETARY'S OFFICE,
Abilene, Kans., May 23, 1912.

Hon. NEWELL SANDERS,
Washington, D. C.

MY DEAR MR. SANDERS: It is needless to tell you the position our federation takes in regard to parcel-post matters. We have had this matter up a number of times with your association, and I am sure that it was discussed the year that you were president. We feel that the establishment of a rural parcel post would be very disastrous. I do not care to engage in a detailed discussion of the matter, because I think you know all of the arguments we have to set forth. I am simply writing you at this time to ask on behalf of the 5,000 implement and hardware dealers affiliated in our federation your influence in defeating any parcel-post legislation at this session of Congress. We believe that the only way to settle this matter now is to refer it all to a commission with power and means to make a thorough investigation. So many plans have been suggested that it seems to me it would be unadvisable to enact any legislation until due consideration has been given the subject.

Wishing you abundant success, and assuring you of my esteem, I remain,

Sincerely, yours, H. J. HODGE, *Secretary.*

NATIONAL IMPLEMENT AND VEHICLE ASSOCIATION
OF THE UNITED STATES OF AMERICA,
Chicago, May 25, 1912.

Hon. NEWELL SANDERS,
United States Senate, Washington, D. C.

DEAR MR. SANDERS: I have a letter from our mutual friend, Mr. H. J. Hodge, of the National Federation of Retail Implement and Vehicle Dealers' Associations, relative to parcel post, to the inauguration of which you are aware that the retail dealers in our lines are strongly opposed.

You will also recall that the old Association of Agricultural Implement and Vehicle Manufacturers were also on record against it, and while our present association has given no official expression on the subject, yet a great many of our members stand with the dealers in their position.

We believe the attitude they now take is a reasonable one, inasmuch as they suggest referring the whole question to a commission with power and means to make a thorough investigation. This certainly ought to bring valuable facts to light, and as the question has been before the public many years and will have a most important bearing on the retailing of merchandise throughout the country a little further delay pending the report of such a commission can not possibly be seriously detrimental to any interest, and we hope it will be your pleasure to take the same view of it and support any bill which will secure the desired result.

With the kindest personal regards, I beg to remain,

Yours, truly,

E. W. MCCULLOUGH.

Mr. GRONNA presented a memorial of sundry citizens of Larimore, N. Dak., remonstrating against the enactment of legislation to restrict the free and open marketing of grain, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Kintyre, N. Dak., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

Mr. ASHURST presented a petition of Grand Canyon Lodge, No. 249, Brotherhood of Railway Carmen of America, of Winslow, Ariz., praying for the enactment of legislation to prohibit fraud upon the public by requiring manufacturers to place their own names upon manufactured articles, which was referred to the Committee on Manufactures.

Mr. ROOT presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Hudson, N. Y., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri, reported it without amendment and submitted a report (No. 803) thereon.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 93) to establish a botanical laboratory at Denver, Colo., reported it with an amendment and submitted a report (No. 804) thereon.

Mr. BRISTOW, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 5790) for the relief of C. E. Moore, reported it without amendment and submitted a report (No. 805) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 807) accompanied by a bill (S. 6977) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 73. William H. Wyatt.
S. 714. Eliza J. Anderson.
S. 1023. Charles E. Young.
S. 1138. William H. Power.
S. 1716. Nancy J. Tolfree.
S. 1950. William R. Amen.
S. 2102. Abner K. Gray.
S. 2651. William P. Gilbert.
S. 2861. Daniel Davenport.
S. 3004. Wesley Hunt.
S. 3107. Sue B. Merrill.
S. 3184. Godfrey Hammarberg.
S. 3359. Joseph S. Ewing.
S. 3460. Mary Ann Babcock.
S. 3554. Henry M. Dunlap.
S. 3577. Clyde W. Duvall.
S. 3690. Henry C. Carbee.
S. 4016. James S. Evans.
S. 4088. Levi Wilt.
S. 4090. Hamilton E. Turner.
S. 4290. Francis M. Berry.
S. 5252. Marcus Connelly.
S. 5289. Allen M. Ripley.
S. 5311. Orlando C. Beck.
S. 5447. Thomas E. Ellis.
S. 5448. Calvin E. Barney.
S. 5464. Etta B. Stewart.
S. 5807. Theodore H. Wilson.
S. 5951. Mary Agnes Drumgoold.
S. 5967. John T. Allen.
S. 6019. Robert Ashurst.
S. 6024. Marion H. Bolerjack.
S. 6025. James McDaniel.
S. 6026. John W. Webb.
S. 6083. Edward Murphy.
S. 6119. Robert H. Overley.
S. 6120. Samuel P. Murrell.
S. 6137. Reason Walker.
S. 6285. Martha L. Perry.
S. 6290. Rachel Ann Bovee.
S. 6295. Eliza T. Eastin.
S. 6306. Howard Mobley (known as Howard Miller).
S. 6434. John A. Camp.
S. 6448. Palmer Atkinson.
S. 6451. Robert Wood.
S. 6491. Alexander Harris.
S. 6510. Edward H. Baker.
S. 6588. Frederick O. Nims.
S. 6635. Margaret J. Grable.
S. 6645. William Dawson.
S. 6679. Thomas Maujlin.
S. 6690. Edwin W. Johnson.
S. 6706. James Sweet.
S. 6708. Thomas McCarty.
S. 6752. George B. Turney.
S. 6754. George Elliott.
S. 6770. Robert W. Shaffer.
S. 6783. Thomas B. Rand.
S. 6804. Thomas A. Christy.
S. 6805. Michael McNulty.
S. 6806. George W. St. Clair.
S. 6807. Henry H. Bowman.
S. 6811. Henry Johnson.
S. 6816. Jeremiah Williams.
S. 6817. William Kenover.
S. 6831. Addie E. Ferrell.
S. 6832. Sarah D. Shaw.
S. 6849. Melissa J. Sheffield.
S. 6854. Smith Whitman.
S. 6856. Charles F. Wellman.
S. 6858. Cyrus E. Prindle.
S. 6859. Frederick Richards.
S. 6860. Elroy S. Jennings.
S. 6865. Lyman C. Putman.
S. 6866. James A. Dunton.
S. 6867. Elias H. Davis.
S. 6868. Charles H. Robinson.
S. 6880. Martin O'Dowd.
S. 6895. Lydia M. Cole.
S. 6917. Oliver C. Swarthout.
S. 6923. Frederick Braun.
S. 6924. Jennie Bassett.
S. 6937. Emma L. Tappan.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 808), accompanied by a bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, the bill being a substitute for the following Senate bills heretofore referred to the committee:

S. 152. Grant Noble.
S. 350. Edward F. Shaughnessy.
S. 428. Gust Carlson.
S. 451. Ira Howell.
S. 4768. Jethro J. T. Garde.
S. 5324. William Buck.
S. 5393. Anna E. R. Webb.
S. 6676. Marion Franklin.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it without amendment and submitted a report (No. 809) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendment and submitted reports thereon:

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 810);

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 811);

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 812);

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors (Rept. No. 813); and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 814).

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 6965) making it unlawful for any society, order, or association to send or receive through the United States mails, or to deposit in the United States mails, any written or printed matter representing such society, fraternal order, or association to be named or designated or entitled by any name hereafter adopted, any word or part of which title shall be the name of any bird or animal, the name of which bird or animal is already being used as a part of its title or name by any other society, fraternal order, or association; to the Committee on Post Offices and Post Roads.

By Mr. LIPPITT:

A bill (S. 6966) granting an increase of pension to Sarah J. Viall; to the Committee on Pensions.

By Mr. SANDERS:

A bill (S. 6967) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights"; to the Committee on Patents.

By Mr. SMOOT:

A bill (S. 6968) granting an increase of pension to James Luther Justice; and

A bill (S. 6969) granting a pension to Barbara Haws (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6970) to remove the charge of desertion from the military record of Jose G. Griego; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 6971) granting a pension to Corda P. Gracey (with accompanying papers); to the Committee on Pensions.

A bill (S. 6972) for the relief of John I. Brown & Son and others (with accompanying paper); to the Committee on Claims.

By Mr. ROOT:

A bill (S. 6973) granting an increase of pension to Mary A. Crocker (with accompanying papers); to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 6974) for the relief of the owners of the steamship *Esparta*; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 6975) to carry out the findings of the Court of Claims in the case of Marie L. Hermance, administratrix of Jeremiah Simonson, deceased; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 6979) granting an increase of pension to Emma E. Myers (with accompanying paper); to the Committee on Pensions.

A joint resolution (S. J. Res. 110) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $1,500 for the construction of a sidewalk bordering the property of the Government at Fort Banks, Mass., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $2,000 for the salary of a chief of division of compilation in the Bureau of Foreign and Domestic Commerce, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the pay teller in the office of the assistant treasurer at Cincinnati, Ohio, from $1,800 per annum to $2,000 per annum, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,500 for civilian assistant in the Bureau of Yards and Docks, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

JOHN T. MCCROSSON AND OTHERS.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—GEORGE B. DUNCAN.

On motion of Mr. BRADLEY, it was

Ordered, That there be withdrawn from the files of the Senate the papers in the case of Senate bill 182, Sixty-second Congress, for the relief of George B. Duncan, there having been no adverse report thereon.

PROPOSED TARIFF LEGISLATION.

Mr. NEWLANDS. I submit a proposed amendment to the pending tariff bill, which I ask may be read.

The VICE PRESIDENT. Without objection, the proposed amendment will be read.

The Secretary read as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909:

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic Parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer, and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now therefore

Be it enacted:

SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however*, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further*, That such reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles and products in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President, in appointing such commissioners, shall designate the term of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

The VICE PRESIDENT. Does the Senator desire to have the proposed amendment referred to the Committee on Finance?

Mr. NEWLANDS. I will take action in regard to that later on. Let the proposed amendment lie on the table.

The VICE PRESIDENT. Without objection, the proposed amendment will lie on the table for the present.

PUBLIC-LAND ENTRIES.

Mr. SMOOT. I submit a conference report and ask that it be considered immediately.

The report was read, as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with amendments as follows:

Amendment numbered 1: On page 2, line 7, of the House amendment, strike out the word "any" and insert in lieu thereof the word "that."

Amendment numbered 2: On page 2 of the House amendment strike out the following words: "That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence," and in lieu of the words stricken out insert the following: "That upon filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office."

Amendment numbered 3: After the word "shown," on page 2, line 12, of the House amendment, strike out the semicolon and insert a comma and the following: "and the person commuting must be at the time a citizen of the United States."

Amendment numbered 4: On page 2 of the House amendment, at the end of section 2291, insert the following: "*Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead laws double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: *Provided*, That the Secretary of the Interior shall, within 60 days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within 120 days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act."

That the House agree to the same.

REED SMOOT,
W. L. JONES,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

SCOTT FERRIS,
EDWARD T. TAYLOR,
FRANK W. MONDELL,
Managers on the part of the House.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. I ask that the conference report be printed and lie on the table.

The VICE PRESIDENT. Without objection, the conference report will be printed and lie over.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Idaho if he would not allow us to consider the report to-day?

Mr. HEYBURN. If I had time to see how much new legislation is in the bill as reported by the conferees that was not in it when it was before our committee, I would be ready to consider the bill to-day. I have no desire to delay it; but, of course, I have not had time to read the report. There are certain provisions in it that are very radical. I merely want to look at the report, and that is only a fair request.

Mr. SMOOT. I had hoped, Mr. President, that we could have the matter considered and disposed of to-day.

Mr. HEYBURN. I know; I do not quarrel with that sentiment of getting things through, but I have some responsibility; I served on the committee which reported the bill, and I want to know how much change has been made in it.

Mr. NEWLANDS. Mr. President, I wish to make a statement regarding this report. The bill has been in conference for two months. The original bill was passed in the Senate; it went to the House, where a new bill was substituted for it. The debate in the House showed that they expected the conferees to fully consider the question of reservations embraced in the conservation policy relating to minerals, timber, and water power. The Secretary of the Interior was desirous that these reservations should be put into the bill. I was in sympathy with the Secretary of the Interior in that contention. It was the contention over that question which kept the bill so long in conference. The House conferees refused to make these reservations, contending that they should be considered in a separate bill, and at the last moment I have yielded and signed the report, because I am unwilling to withhold from the homesteaders of the country the relief to which I think they are entitled.

I favored a reduction of the period of residence from five years to three years; I favored the allowance to homesteaders of a period of absence of five months, during which they could pursue vocations that would enable them to obtain a livelihood; but I was desirous of opening up the entire surface of the public domain to homestead entries, with certain reservations from the grant as to timber, water power, and minerals, so that the entrymen would be free from vexatious investigations and inquiries regarding the character of their land, compelling the investigation of numerous special agents and delay in the ripening of their titles. I wished not only to protect the homesteader in securing for him a wider range of entry upon public lands, but I also wished to protect the future homesteader from the monopolization of the public domain likely to result from the enactment of a law which would be used for purposes of evasion and not for the purpose of settlement.

We all know that, under the existing misfit land laws of the United States, great monopolies have been created in the West in the shape of forests, ownership to the extent of a million acres having drifted into the hands of one firm, and also in coal, iron, and water power. The conservation movement was designed to protect these natural resources in land, in water, in minerals, and in timber from spoliation and monopoly.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I will state to the Senator that I would be glad to yield, and to-morrow I will——

Mr. HEYBURN. I do not desire the Senator to yield that I may speak upon this report. I desire to withdraw my objection to the present consideration of it.

The VICE PRESIDENT. Is there further objection to the present consideration of the report? The Chair hears none. The question is on agreeing to the conference report.

Mr. NEWLANDS. Mr. President, I wish to go on with my statement.

The VICE PRESIDENT. The Senator from Nevada.

Mr. NEWLANDS. I was stating that the purpose of this conservation movement was to protect the natural resources in land, in water, in minerals, and in forests from spoliation and from monopoly, and to offer that protection in the interest of the real homeseeker and homesteader; and, so far as I am concerned, I am unwilling to cease my efforts in that direction until this purpose is fully accomplished by law.

Reference frequently is made, Mr. President, to the Canadian law as a more liberal land law for the homesteader than that on the statute books of the United States. With regard to that I have to say that whilst the Canadian land laws are liberal they absolutely exempt from the grant to the homesteader the water power, the minerals, and the timber; and the Secretary of the Interior, whilst in favor of liberalizing our land laws and our homestead laws so far as residence and absence from actual occupation are concerned, and patterning them after the Canadian land laws in that direction, was simply desirous that the restrictions upon the grant imposed by the Canadian land laws should be inserted in our law. I regarded that as a reasonable suggestion, and I contended through long weeks of discussion upon this subject in favor of making such a reservation.

Mr. President, the home seeker is interested only in securing the surface of the land; that is all he wants for a home; that is all he wants for cultivation. The possible minerals in the shape of coal and iron that may be beneath the surface are of no concern to him, nor is he engaged in entering upon land for the purpose of creating water power or of engaging in the lumber business. He wishes land simply for cultivation and for a home. The solicitude which has been shown for the home seeker

in this effort to withhold from the grant these resources is, in many cases, a hypocritical solicitude, a solicitude ostensibly urged in the interest of the home seeker and the homesteader, but really asserted in the interest of the concentration of these natural resources, the monopoly of these natural resources, and the exploitation of these natural resources by the great combinations of the country. It arises from the deadly hostility to the declared policy of both parties that the natural resources of the country should be protected from monopoly.

Mr. President, whilst I have been desirous that the grant should be restricted so far as the natural resources are concerned, I have not been in favor of a great national landlordship, of concentrating the administration of the public domain in Washington for all time. Legislation upon that subject will come hereafter when we have settled the crucial question as to whether these natural resources shall be retained for the benefit of all the people or whether they shall be turned over to monopoly. That question will then be discussed and disposed of in a manner satisfactory to the people of the Western States.

The Nation has always dealt fairly with the people of the West. The Nation has never regarded itself as the owner of these lands in the sense that they constitute a national asset. The Nation has always regarded itself as the trustee of these great natural resources, holding that trusteeship for the interest of the settlers of the West, both those who are there now and those who are to come, and it will, doubtless, when the beneficiaries show by their laws that they also propose to protect the people's rights, that they also intend to guard these natural resources against combination and monopoly—the Nation will doubtless turn them over to the States under some restrictions that will require a fair discharge of the trust by the States, substituted for the Nation as the trustee for the people of the States.

I am aware that the West is restive under present conditions; that it does not like this espionage of officials two or three thousand miles away; that it resents the presence of special agents, who are charged by the national laws which we have enacted with responsibility regarding the classification of these lands; that they do not like the idea of national landlordism, of the payment of royalties upon timber and coal and iron. That can be easily obviated if we will simply turn over to the States the royalties collected by the Nation, with the intention later on of turning over the entire control of these great resources to the States as soon as by their laws they show that they are strong enough to maintain their trusts; but no one will contend, at all events I will not contend, that States in a condition of infancy possess the strength to resist the great exploiting combinations which have sought to control the legislation of the country and the administration of the country, and which will find the States weaker agencies in their hands.

So, Mr. President, my contention involves nothing but loyalty to the West, nothing but loyalty to the people of the West, nothing but loyalty to the States of the West. My contention involves the protection and preservation of these great natural resources for all the people of the West, and it is against the policy which will permit them gradually to drift, as they have in the past been drifting until checked by the conservation policy, into the hands of combinations and monopolies.

Mr. President, I should like to speak more at length upon this subject, but I know that other matters are pressing, and I shall simply content myself with asking the privilege of inserting in the RECORD my letter to the conferees upon this subject and certain other letters and documents relating to the matter.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the request of the Senator from Nevada is granted.

Some of the letters and papers referred to are as follows. The rest will be printed hereafter:

THE SECRETARY OF THE INTERIOR,
Washington, May 3, 1912.

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.

MY DEAR SIR: By direction of Secretary Fisher I inclose herewith a copy of a letter from the Commissioner of the General Land Office addressed to the Secretary, quoting the exact wording of the Canadian statutes upon which the "three-year homestead law" of that country is based.

The provisions quoted are from the Canadian Dominion Lands Act, and there is also attached to the letter a copy of the report of the American consul general at Vancouver, British Columbia, on the subject of "Homesteading Regulations for the Province of British Columbia." There is also inclosed a copy of a memorandum furnished by Senator JONES in connection with the proposed three-year homestead law.

Yours, very truly,

H. A. MEYER,
Private Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, April 30, 1912.

The honorable the SECRETARY OF THE INTERIOR.

SIR: In department letter of February 15, 1912, to the chairman of the Committee on Public Lands of the House of Representatives, which was in the nature of a supplemental report on H. R. 17246 and S. 3367, being the proposed "Three-year homestead law," it was suggested that if such a law was enacted that it should embody, in addition to the liberal provisions modeled upon the Canadian Dominion Lands Act, the provisions and restrictions of that law, and these restrictions were specified.

In order that the exact wording of the provisions referred to, contained in 7-8 Edward VII, chapter 20, entitled, "An act to consolidate and amend the acts respecting the public lands of the Dominion," assented to July 20, 1908, may be presented, I set forth the same in full, numbering each to correspond with the numbering used in the different paragraphs of said letter of February 15:

"(1) All unoccupied surveyed agricultural lands to which this act applies that are not reserved or that have not been disposed of shall be open to entry for homestead: *Provided*, That no entry for a homestead shall convey any right to salt, coal, petroleum, natural gas, gold, silver, copper, iron, or other minerals within or under the land covered by the entry, or any exclusive or other property or interest in, or any exclusive right or privilege with respect to any lake, river, spring, stream, or other body of water within or bordering on or passing through the land covered by the entry. (Sec. 8, p. 3, the Dominion lands act.)

"(2) The minister may, if he deems it necessary, require the holder of a homestead entry to furnish proof by declaration or otherwise that he is duly performing his homestead duties in each year subsequent to the date of his entry. (Par. 2, sec. 13, p. 7.)

"(3) If an entrant for a homestead fails in any year to fulfill the requirements of this act in respect to homesteads, or the requirements of the laws in force in respect thereto when the entry was obtained, the minister may cancel the entry and all rights of the entrant in virtue thereof shall thereupon cease and determine: *Provided*, That any subsequent entrant for the same land may be required by the minister to pay in cash reasonable compensation for the improvements, if any, of the person whose entry is canceled, and that the minister may, in his discretion, pay to the latter the amount of such compensation, in whole or in part. (Par. 2, sec. 15, p. 7.)

"(4) If entry is obtained for land which, though not reserved at the time, is ascertained to be valuable on account of merchantable timber upon it, the minister may, within six months of its date, cancel the entry. (Par. 4, sec. 15, p. 8.)

"(5) If, after entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply, or for the location or construction of any works necessary to the development of any water power, or for the purposes of any harbor or landing, the minister may, at any time before the issue of letters patent, cancel the entry or withdraw from its application any portion of the land entered for, but where the land is required for the location or construction of works necessary to the development of any water power, only in so far as the land is necessary for that purpose. (Par. 6, sec. 15, p. 8.)

"(6) Everyone is guilty of an indictable offense and liable to two years' imprisonment who buys, trades, or sells, or professes to buy, trade, or sell, land or any interest in or control of land open to homestead entry, or for which homestead entry has been granted, before patent therefor has been issued. (Par. 9, sec. 15, p. 8.)

"(7) Every entrant for a homestead shall, except as hereinafter otherwise provided, be required, before the issue of letters patent therefor, (*a*) to have held the homestead for his own exclusive use and benefit for three years from the date of entry; (*b*) to have resided thereon at least six months in each of three years from the date of entry or the date of commencement of residence; (*c*) to have erected a habitable house thereon; (*d*) to have cultivated such an area of land in each year upon the homestead as is satisfactory to the minister; and (*e*) to be a British subject. (Sec. 16, p. 8.)

"(8) Proof under this section shall be in the form of a sworn statement by the applicant, corroborated by the sworn statements of two disinterested parties resident in the vicinity, which statements shall be made before the local agent, or the officer acting for him, or such other person as is thereunto authorized by the minister: *Provided*, That on any application for letters patent by the legal representative of the entrant, or by his assignee, or by the guardian or committee of an entrant who has become insane or mentally incapable, or by a person who in the event of such an insane entrant's death would be his legal representative, the minister may receive proof of the facts in such manner as he sees fit to require, and, upon being satisfied that the claim has been proved, may allow the claim and cause letters patent to issue accordingly. (Par. 2, sec. 25, p. 11.)

"(9) Any person who receives consideration for abandoning a homestead, or who pays consideration for such abandonment, shall forfeit the right of homestead entry at the minister's discretion." (Par. 2, sec. 31, p. 17.)

The statement in the last paragraph of the letter of February 15, 1912, as to the requirements as to residence and the amount of land enterable in the Province of British Columbia is taken from a report dated Vancouver, B. C., August 29, 1910, made by the American consul general to the Secretary of State, on the subject of "Homesteading regulations for the Province of British Columbia." A copy of this is inclosed for your information.

Very respectfully,

FRED DENNETT, *Commissioner.*

OFFICE OF THE AMERICAN CONSULATE GENERAL,
Vancouver, B. C., Canada, August 29, 1910.

Subject: "Homesteading regulations for the Province of British Columbia."

SIR: I have the honor to quote below the homesteading regulations of British Columbia promulgated by the Dominion Government covering the homesteading of lands in the railway belt in this province:

"Regulations for the administration and disposal of Dominion lands in the railway belt of British Columbia have been passed by the governor in council.

"The belt is divided by the regulations into five main divisions dominated by the topography of the country, comprising, from east to west, upper Columbia division, lower Columbia division, Shuswap division, Kamloops division, and coast division.

"The regulations provide for the classification of the lands remaining undisposed of according to their character, location, and altitude. Considerable divergence in climate, timber, and soil conditions exists in the different divisions of the belt.

"In each division the disposal of lands will be in accordance with conditions prevailing therein. In the coast division the settler will be entitled to enter for 40 acres of bench lands as a homestead and preemption. If the settler is prepared to cultivate a larger area than is required in connection with a half legal subdivision entered as a homestead, he is permitted to preempt the adjoining 20 acres in the legal subdivision.

"The same provisions will apply to bench lands in the lower Columbia division and the Shuswap division. It is required in this case that the settler should clear a total of 10 acres and cultivate a total of 6 acres before patent, and double that amount if preemption is also taken.

"In the upper Columbia division, on account of the very high altitude of the lands and the character of the country, the area of the homestead is fixed at 40 acres, with preemption privilege on any adjoining 40 acres, and the area to be cultivated is slightly more. In the Kamloops division the area of homesteads is fixed at 160 acres, or a quarter section.

"The lands are divided into flooded lands, bench lands, and uplands. Flooded lands are lands subject to overflow at high water and are largely valuable for hay purposes, and will be administered as such; and where not reserved for hay by settlers will be disposed of only on lease.

"Uplands are lands which are for the most part at too great an elevation to admit of the successful cultivation of fruit. They may be disposed of as homesteads of one quarter section each, excepting in the lower Columbia division, where, on account of special conditions obtaining in that valley, they will be open as homesteads and preemptions in areas of 40 acres each. Uplands may also be leased to actual settlers for grazing purposes in areas of one quarter section each.

"Bench lands are deemed to include bottom lands not subject to overflow and vary in altitude in different divisions. In the upper Columbia division they comprise lands below 1,000 feet above the Columbia River, in the lower Columbia below 800 feet above the Columbia, in the Shuswap division below 1,200 feet above the Shuswap Lake, in the coast division below 2,500 feet above sea level. Above these altitudes all land is classified as upland.

"The terms of residence in all divisions for entries granted under the new regulations is fixed at five years and a residence of at least six months is required in each year.

"Provision is made for a conditional purchase entry in the case of bench lands in all divisions excepting the Kamloops division. The conditional purchase entry will be permitted for an entry of 20 acres in each of the other divisions except the upper Columbia, where the area will be 40 acres.

"Residence is not required except for six months during the fifth year after the date of entry, but the entrant is required to clear and cultivate the land each year for five years from the date of entry at a greater rate than is required for homestead and to pay for land at the rate of $10 per acre in five installments. The conditional purchase privilege and preemption privilege do not apply to the Kamloops division nor to the uplands in other divisions, where entry of 160 acres is permitted. The price of preemptions is $5 per acre, payable in five yearly installments, additional residence not required.

"Entry on land remaining in timber berths will not be permitted.

"Timberlands which are not in timber berths are defined. While the area of homesteads, preemptions, and conditional purchases is limited, as above stated, to 20 or 40 acres, as the case may be, it is not proposed to limit the right of any one person to acquire a total area of 160 acres, but only to limit his right to acquire more than he can cultivate at one time under ordinary conditions. Thus, after an entrant has secured patents for land first entered for, he may make another entry, and so on, until he has secured a total of 160 acres; but no person will be allowed to secure under homestead preemption or conditional purchase entry more than a total of 160 acres.

"The present regulations are the result of careful study by the department of the interior of conditions in the railway belt. The cultivatable land which may hereafter become available for settlement consists for the most part of bottom and bench lands rising from the large river and lake systems and constitute only a small fraction of the mountainous area. Such cultivatable lands are therefore very scarce and are very productive, and since the inauguration of the fruit industry in British Columbia they have attained high values. Twenty acres of such land properly cultivated will yield larger returns than a quarter section of prairie land, and there is similarly proportionate difference in the cost of preparing it for crop.

"It has therefore become apparent to the department that the homestead law which is suitable for the settling up of the prairie country is not adapted to conditions such as obtain in the railway belt of British Columbia, and that the successful development and settlement of respective districts in proportion to their productive capacities can only be effected by applying a homestead law such as the new regulations provide."

Respectfully submitted.

I am, sir, your obedient servant,

GEO. N. WEST,
American Consul General.

The honorable SECRETARY OF STATE,
Washington, D. C.

THE SECRETARY OF THE INTERIOR,
Washington, May 27, 1912.

MY DEAR SENATOR: As requested by you, I have examined the basis of agreement on the pending three-year homestead bill (S. 3367), which has been suggested by the House conferees in a communication to the conferees on the part of the Senate, and I return the same herewith.

I have already expressed very fully to you and to the other members of the conference committee the reasons why the first and third suggestions of the House conferees should not be adopted. I assume from what you and Congressman TAYLOR tell me, and also from the present communication from the House conferees, that the second suggestion made in this communication offers in substance the basis upon which alone there is any prospect of agreement. I regret very much the definite refusal to adopt the proposed amendments with regard to the reservation of minerals and of tracts necessary for future development of water power and reservoir sites. I believe that these amendments would enable us to establish more liberal rules for the benefit of the genuine homesteader, to reduce materially the work of the special agents, and to expedite the work of passing upon claims and issuing patents. I believe that you concur substantially in the reasons I have urged for inserting provisions upon these subjects for the protection of public rights, and also in the opinion that they are directly in the interest of the Western State and of the homesteaders themselves.

If, however, the House conferees compel the continuance of the system heretofore prevailing, under which the mineral or nonmineral character of the land must be determined as a question of fact at the time of patent, and lands suitable for water power or reservoir sites must be withdrawn from homestead entry, it becomes the more important to have the provisions with respect to residence and cultivation such as to remove as far as possible the temptation to acquire mineral lands and water power or reservoir sites under the homestead law. The purpose of the homestead law is to encourage and promote the actual settlement and agricultural development of those portions of the public domain that are suitable for homes. The real homesteader is the home maker. His object is not to acquire timber or minerals or water power. He intends to live upon the land and to cultivate it. Reasonable requirements as to residence and cultivation are therefore no obstacle to him. They protect him against those who seek to acquire the land to sell and not to settle. The requirements which the law imposes upon him should be such, and only such, as can readily be complied with by the genuine homesteader and with which it is to the real interest of the genuine homesteader to comply. It is not to his interest to make the provisions of the law so lenient that the public lands may be acquired by those who do not wish to utilize and develop them, but to sell them at a profit to real settlers like himself, who really desire them for homes for themselves. Such a profit represents merely an added burden which the real settler must carry. It is for this reason, and for this reason alone, that I have urged the amendments to the pending bill. You will find the exact language of the Canadian statutes in a communication from this department, which has been printed as Senate Document No. 644. I believe that the provision of the Canadian law requiring proof of annual cultivation to the satisfaction of the Secretary of the Interior would give greater flexibility to administration and would enable the Secretary to fit the law to the facts in each case under general regulations which he could prescribe.

If a limit is to be fixed in the statute I prefer a maximum limit of one-quarter, with power to accept less under general administrative regulations. I recognize, however, that the present suggestion of the House conferees permits a certain degree of flexibility in providing that the entryman shall "cultivate not less than one-sixteenth of the area of his entry beginning with the second year of the entry, and not less than one-eighth beginning with the third year of the entry," with a provision reducing this requirement upon a showing satisfactory to the Secretary. I assume that the effect of those provisions and of the words "not less than" would be to establish the requirement of one-sixteenth and one-eighth, respectively, as the general rule, and that to justify a different requirement exceptional circumstances would have to be shown, but could be shown. I believe the department can work out feasible regulations with respect to cultivation under such a statute. In view, however, of the fact that the provision is extended to apply to entries under the enlarged homestead laws, the character of the cultivation required should be made to conform to the language used in the enlarged homestead act, so that after the word "cultivate," in the fourth line of the suggested proviso, there should be inserted the words "to agricultural crops other than native grasses." Indeed, this language should be inserted in any event so as to make certain that such cultivation as is required includes seeding as well as plowing and excludes mere summer fallowing.

After the words "beginning with the third year of the entry" there should be inserted the words "and until final proof." If we are to reduce the period of residence and the period and extent of cultivation generally required the entryman should continue to cultivate whatever is in fact required of him until he makes his final proof. Otherwise we will be in the position of having only a single season's cultivation of any substantial part of the entry. No bona fide entryman can possibly object to such a requirement, but, on the other hand, it would constitute a real obstacle to the perversion of the law.

I suggest also that it might be well to insert after the words "upon a satisfactory showing," toward the end of the suggested proviso, the words "and under regulations prescribed by him," so that it may be clear that regulations are to be issued under which the entryman may know in advance at least the general rules upon which modifications of the cultivation requirements would be made.

I wish also to call your attention to the fact that in the copy of the bill printed for the use of the Senate Committee on Public Lands, showing proposed changes by the House, there has been an important change from the existing law, in line 7, on page 2, where the word "any" has been substituted for the word "that." The present law reads, "if at that time citizens of the United States shall be entitled to a patent"; the bill reads, "if at any time citizens of the United States shall be entitled to a patent."

In the bill introduced by Senator BORAH the word "that" is used. An examination of the proceedings of the Senate on February 5, when the bill passed, fails to disclose any motion substituting the word "any." Nevertheless, the bill as printed in the House of Representatives, as coming from the Senate and referred to the House Committee on the Public Lands, shows the change from "that" to "any," and this appears to have remained in the bill ever since. I have no means of ascertaining how it got there. It would tend to encourage the very thing of which bitter complaint is being made, namely, the exodus of American farmers to Canada, for under the bill as it now reads a homesteader in this country could remove to Canada at any time after the three-year period of residence, and upon completing his final proof could forswear his allegiance to this country, become a citizen of Canada, and at the same time obtain a patent in the United States, where he might avoid the payment of taxes upon his land until he applied for and received his patent.

The further proviso which is suggested by the House conferees to give the entryman of an unperfected entry the full period now allowed by law within which to make final proof seems to me open to serious objection from the point of view of those who are interested in local taxation. Much complaint has reached the department with regard to settlers who postpone making proof upon their entries so as to avoid taxation. The suggested proviso would enable an entryman who had made his entry during the current year to perfect it within the next two years, and yet he would be allowed to wait until the expiration of seven years before making final proof, during all of which period the land would not be taxable. Would it not be well to permit the entryman under entries pending at the time of the passage of the act to elect whether to make proof under the new or the old law, but to require him to perfect his entry within not more than five years from the date of the entry if he elects to act under the new law?

With regard to the further suggestion as to the five months' absence, I believe the language suggested by the House conferees is an improvement upon that now in the bill, and I wish to call your attention to the fact that the proponents of this bill in the Senate—Senators JONES and BORAH—have expressed their willingness to reduce the period to four months instead of five.

I think the Senate conferees should accept the proposal of the House conferees to agree to the amendment providing that no patent shall issue to any subdivision of land more valuable for the timber it contains than for agricultural purposes.

The amendment, however, should read "no entry shall be made on nor shall any patent issue to any subdivision of land more valuable for the timber it contains than for agricultural purposes." The mere prohibition of the patent might encourage entries for the sake of cutting timber, and thus perpetuate the very evil which the amendment is chiefly intended to prevent.

Contrary to representations that are frequently made, the general homestead law continues to be of the greatest importance, and immense areas of the public domain are being acquired under its provisions. The Commissioner of the General Land Office informs me that during the last fiscal year there were 44,360 original entries made under this law, not including those under reclamation projects or those under the enlarged homestead act or the Kinkaid Act.

Respectfully, yours,

WALTER L. FISHER, *Secretary.*

HON. FRANCIS G. NEWLANDS,
United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

BATTLE OF GETTYSBURG.

Mr. OLIVER. I wish to give notice that to-morrow, immediately following the routine morning business, I shall ask the Senate to consider and dispose of the bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill.

EIGHT-HOUR LAW.

Mr. BORAH. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request?

Mr. LODGE. The Senator from Michigan [Mr. SMITH] and the Senator from Maryland [Mr. RAYNER] both gave notice some time ago that they would speak this morning. They can hardly be expected to speak on this bill.

Mr. BORAH. I observe that the Senator from Michigan is not present, and I had not noticed that the Senator from Maryland was. If the Senator from Maryland desires to proceed, I will withdraw the motion.

Mr. RAYNER. I should like to see this bill proceeded with. Although the Senator from Michigan is not present, I am ready to go ahead. I will not take over half an hour or 25 minutes of the time of the Senate.

Mr. BORAH. Under the circumstances I shall not press the motion.

Mr. RAYNER. The Senator from Michigan, the chairman of the subcommittee, is not present.

Mr. LODGE. I have been informed that he will be here in a few moments.

Mr. RAYNER. Shall I go ahead or wait for the Senator from Michigan?

Mr. SWANSON. No; go ahead.

The PRESIDING OFFICER. The Senator from Idaho withdraws the request, and the Senator from Maryland is recognized.

Mr. RAYNER. I will proceed, but if the Senator from Michigan comes in, I will stop and let him go along. He is chairman of the subcommittee.

The PRESIDING OFFICER. The Chair is informed that the Senator from Michigan has been sent for, and probably will be here very soon.

Mr. NELSON. I observe on the calendar of to-day that a notice has been given by "Mr. SMITH of Michigan, that on Tuesday, May 28, 1912, immediately after the morning business is disposed of, the subcommittee, appointed to investigate the causes leading up to the disaster of the steamship *Titanic*, will make its report, preceding which he would address the Senate thereon."

What I desire to say is that the subcommittee made its report to the full committee, and the report expected to be presented to-day is the report of the Committee on Commerce and not of the subcommittee.

Mr. BORAH. What is before the Senate?

The PRESIDING OFFICER. Nothing is before the Senate.

Mr. RAYNER. I shall proceed with the understanding that when the Senator from Michigan [Mr. SMITH] comes in he may proceed.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. HEYBURN. Is the report of the committee before the Senate?

The PRESIDING OFFICER. The report has not been submitted, the Chair will state to the Senator.

Mr. HEYBURN. I suggest we should have the report read. We could then more readily apply the Senator's remarks to it.

Mr. TILLMAN. I suggest the absence of a quorum. That will consume some time.

BRIDGE ACROSS RED RIVER OF THE NORTH, MINN.

Mr. NELSON. In order to give the Senator from Michigan time to appear, I ask unanimous consent that the Senate proceed to the consideration of a bridge bill. It is the bill (H. R. 23634) to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES ON ALASKA COAL LANDS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 5860) to provide for agricultural entries on coal lands in Alaska.

Mr. HEYBURN. I ask that the matter go over.

The VICE PRESIDENT. Objection is made.

PUBLIC BUILDING AT WAYNESVILLE, N. C.

Mr. OVERMAN. While we are waiting, I ask unanimous consent for the consideration of the bill (S. 6459) for the erection of a public building at Waynesville, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 8, after the word "exceed," to strike out "seventy-five" and insert "sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected, on a lot now owned by the Government of the United States at Waynesville, N. C., a suitable building to accommodate the needs of the United States post office at that place, and for other purposes, at a total cost not to exceed $60,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Morning business is closed.

LOSS OF STEAMSHIP "TITANIC."

Mr. SMITH of Michigan. Mr. President, I had expected to send to the Clerk's desk this morning the unanimous report of the Committee on Commerce. For the purpose of verifying some figures it will be delayed a few moments. I shall not detain the Senate, but will proceed with my address.

Mr. President, my associates and myself return the commission handed to us on the 18th day of April last, directing an immediate inquiry into "the causes leading up to the destruction of the steamship *Titanic*, with its attendant and unparalleled loss of life, so shocking to the people of the world." Mindful of the responsibility of our office, we desire the Senate to know that in the execution of its command we have been guided solely by the public interest and a desire to meet the expectations of our associates without bias, prejudice, sensationalism, or slander of the living or dead. That duty, we believed, would be best performed by an exact ascertainment of the true state of affairs.

Our course was simple and plain—to gather the facts relating to this disaster while they were still vivid realities. Questions of diverse citizenship gave way to the universal desire for the simple truth. It was of paramount importance that we should act quickly to avoid jurisdictional confusion and organized opposition at home or abroad. We, of course, recognized that the ship was under a foreign flag; but the lives of many of our own countrymen had been sacrificed and the safety of many had been put in grave peril, and it was vital that the entire matter should be reviewed before an American tribunal if legislative action was to be taken for future guidance. Therefore, we determined that the testimony of British officers and crew and English passengers temporarily in the United States should be first obtained. We deemed it important to have the surviving officers and sailors of this ship meet the passengers of all classes before our committee. Without any pretension to experience or special knowledge of nautical affairs, nevertheless I am of the opinion that very few important facts which were susceptible of being known escaped our scrutiny. Energy is often more desirable than learning, and the inquisition serves a useful purpose to the State.

We went to the side of the hospital ship with purpose and pity and saw the almost lifeless survivors in their garments of woe—joy and sorrow so intermingled that it was difficult to discern light from shadow, and the sad scene was only varied

by the cry of reunited loved ones whose mutual grief was written in the language of creation.

At 10 o'clock on that fateful Sunday evening this latest maritime creation was cutting its first pathway through the North Atlantic Ocean with scarcely a ripple to retard its progress.

From the builders' hands she was plunged straightway to her fate and christening salvos acclaimed at once her birth and death. Builders of renown had launched her on the billows with confident assurance of her strength, while every port rang with praise for their achievement; shipbuilding to them was both a science and a religion; parent ships and sister ships had easily withstood the waves, while the mark of their hammer was all that was needed to give assurance of the high quality of the work. In the construction of the *Titanic* no limit of cost circumscribed their endeavor and when this vessel took its place at the head of the line every modern improvement in shipbuilding was supposed to have been realized; so confident were they that both owner and builder were eager to go upon the trial trip; no sufficient tests were made of boilers or bulkheads or gearing or equipment and no life-saving or signal devices were reviewed; officers and crew were strangers to one another and passengers to both; neither was familiar with the vessel or its implements or tools; no drill or station practice or helpful discipline disturbed the tranquillity of that voyage, and when the crisis came a state of absolute unpreparedness stupefied both passengers and crew and, in their despair, the ship went down, carrying as needless a sacrifice of noble women and brave men as ever clustered about the Judgment Seat in any single moment of passing time.

We shall leave to the honest judgment of England its painstaking chastisement of the British Board of Trade, to whose laxity of regulation and hasty inspection the world is largely indebted for this awful fatality. Of contributing causes there were very many. In the face of warning signals, speed was increased and messages of danger seemed to stimulate her to action rather than to persuade her to fear.

At noon on that fatal Sunday the steamship *Baltic* warned her of ice within 5 miles of her track and near the place where the accident occurred; at 5 o'clock in the afternoon and again, an hour before the accident, when but a few miles away, the steamship *Californian* signaled the *Titanic* to beware of danger, which her operator curtly acknowledged; the same evening the *Titanic* transmitted to the Hydrographic Office in Washington a message from the steamship *Amerika*, saying she had passed "two large icebergs" near the track of the ill-fated ship. In the face of these warnings, each revolution of her engines marked at the moment of the collision her highest speed of 24½ miles per hour.

The *Titanic* rushed onward on her true course—one recognized as appropriate and agreed upon by mariners as the international highway for westbound vessels, yet dangerous at this season of the year, when the Labrador current may be bearing vast masses of ice across the track of ships. Scores of these towering glaciers planted themselves in the very pathway of this ship and were so large and so numerous that, in the absence of fog, they should have been easily discernible by the lookout, who says in his testimony that if he had been supplied with glasses, such as he had been accustomed to on the *Oceanic* and on this vessel, between Belfast and Southampton, but which were denied him by Second Officer Lightoller between Southampton and the place of this accident, he could have seen the iceberg with which this ship collided "soon enough to get out of the way." One of these icebergs was nearly 200 feet above the level of the sea, with seven-eighths of its ponderous bulk hidden beneath the surface. They are composed of ice and earth and rock, and old sailors of the coast of Newfoundland usually give them a wide berth. Land has been formed by these deposits, and icebergs have frequently grounded in 20 fathoms of water with protruding spires more than a hundred feet in height. As they go southward their journey is slow and erratic, and the influence of spring often causes explosions in the ice, which frequently serve to warn sailors of danger; sometimes the drift of field ice, led by a great berg, has been known to convoy schooners in a calm, while shipwrecked sailors have drifted hundreds of miles in safety upon the irregular surface of the ice. Skillful seamanship finds little difficulty in avoiding these obstacles, and those most familiar with the North Atlantic are usually alert at this season of the year to avoid unnecessary peril.

Capt. Smith knew the sea and his clear eye and steady hand had often guided his ship through dangerous paths. For 40 years storms sought in vain to vex him or menace his craft. But once before in all his honorable career was his pride humbled or his vessel maimed. Each new advancing type of ship built by his company was handed over to him as a reward for faithful services and as an evidence of confidence in his skill. Strong of limb, intent of purpose, pure in character, dauntless as a sailor should be, he walked the deck of this majestic structure as master of her keel.

Titanic though she was, his indifference to danger was one of the direct and contributing causes of this unnecessary tragedy, while his own willingness to die was the expiating evidence of his fitness to live. Those of us who knew him well—not in anger, but in sorrow—file one specific charge against him: Overconfidence and neglect to heed the oft-repeated warnings of his friends. But in his horrible dismay, when his brain was afire with honest retribution, we can still see, in his manly bearing and his tender solicitude for the safety of women and little children, some traces of his lofty spirit when dark clouds lowered all about him and angry elements stripped him of his command. His devotion to his craft, even "as it writhed and twisted and struggled" for mastery over its foe, calmed the fears of many of the stricken multitude who hung upon his words, lending dignity to a parting scene as inspiring as it is beautiful to remember.

The mystery of his indifference to danger, when other and less pretentious vessels doubled their lookout or stopped their engines, finds no reasonable hypothesis in conjecture or speculation; science in shipbuilding was supposed to have attained perfection and to have spoken her last word; mastery of the ocean had at last been achieved; but overconfidence seems to have dulled the faculties usually so alert. With the atmosphere literally charged with warning signals and wireless messages registering their last appeal, the stokers in the engine room fed their fires with fresh fuel, registering in that dangerous place her fastest speed.

President Ismay testified: "My recollection is that between Southampton and Cherbourg we ran at 60 revolutions, from Cherbourg to Queenstown at 70 revolutions, and when we left Queenstown we were running at 72 revolutions, and I believe that the ship was worked up to 75 revolutions, or about 22 knots per hour, but I really have no accurate knowledge of that." And he again said, when asked if she was running at her maximum speed at the time she was making 75 revolutions: "No, sir; my understanding is, or I am told, that the engines were balanced and would run their best at 78 revolutions."

It has been said many times—often in my hearing and often by letter—that the last dinner which he had partaken in the café of his ship, given by Mr. and Mrs. Widener, of Philadelphia, might have had some influence upon the action of the captain, but I have the word of the hostess, whose husband was lost in this catastrophe, that at that dinner Capt. Smith touched no liquor of any kind; indeed, that he asked that all glasses be removed from his plate. I make this statement because I think it is due to the memory of the dead, whose habits of life are worthy the highest praise.

Last Saturday, in company with Admiral Watt, of the Navy, I visited the *Olympic*, a sister ship of the *Titanic*, just before she sailed from New York. Down deep in the bottom of that ship, 24 feet below the level of the sea, I found the head fireman of the *Titanic*, and there in the grease and the heat, by a dim light and surrounded by his companions, he swore that he was the first man to see the water come through the sides of the stricken ship. He said that the tear extended through the side of the forward fireroom, that the water came from a point about 20 feet below the sea level, and rushed like a mighty torrent into the ship.

We know from those who gave the order to construct the ship that the designer of the *Titanic* and *Olympic*, who was himself aboard the *Titanic* and did not survive, a young man but 39 years of age, designed the ship to carry safely two of her water-tight compartments full of water in case of accident, the presumption being that by collision but one bulkhead and at most two of her water-tight compartments would be injured, in which event, the water-tight doors being closed, the ship could carry this additional weight without serious danger.

By the supplementary testimony of this head fireman I am able to say that five compartments filled almost instantly. He also said that at the time the ship struck the iceberg the indicator in the fireroom displayed the letters "full speed," and that the ship had been running full speed during the entire afternoon and evening; that 24 of her boilers were lighted out of the 29, and at no other time on the voyage were so many boilers lighted; that when he received a bell signal he looked hastily to the indicator and found that the white light, "full speed," had been taken from the indicator and the red light, "stop," had been substituted in its place. Instantly the water-tight doors between the firerooms were closed, but the danger had been accomplished, the harm had been done, and through a space extending past four bulkheads a tear had been made in that steel

bottom admitting more water than the ship was able to carry. The water came in with tremendous force, and within five minutes after she struck the ship listed about 5 degrees.

I then reached a conclusion which, in my opinion, accounts for the small proportion of steerage passengers who were saved. The occupants of the forward steerage were the first of the passengers to realize the danger. One or two witnesses said they stepped out of their berths into water probably an inch or two inches deep. Those in the forward steerage knew directly of the impact and of the presence of water, which came up from the lower part of the ship into the mail room and the forward steerage. Those steerage passengers went on deck and as fast as they were able took places in the lifeboats, while the after steerage, more than an eighth of a mile away, was by the operation of the added weight raised out of the water. That after steerage was a deck higher than the forward steerage, and was lifted higher and higher until the ship finally disappeared, so that these steerage passengers got their first warning of real danger as the angle of the deck became very great. I feel that the small number of steerage survivors was thus due to the fact that they got no definite warning before the ship was really doomed, when most of the lifeboats had departed.

At 12.55 Sunday afternoon, answering the warning of Capt. Ranson, of the steamship *Baltic*, at whose christening he had taken such a proud part, and on whose bridge he had so often braved the perils of the Atlantic, Capt. Smith only replied, "Thanks for your message and good wishes. Had fine weather since leaving." The soft warmth from the Gulf Stream, through which they had passed during the day, gave way at night to chill and cold; the air and water registered their lowest point an hour before the collision. The warnings of shipmasters fell upon deaf ears and officers and crew seemed to have regarded the paper bulletins of danger with absolute indifference and, as if to stir their laggard spirits, nature gave a warning of approaching peril so significant that passengers in stateroom and steerage shut out the chill and spoke to one another of the sudden cold. Sailors off the Grand Banks know the importance of the thermometer, which is almost as necessary to their safety as is the compass. Even the quartermaster, Hichens, who regularly took the temperature of the water from the sea, says, "It suddenly became bitter cold," and added that the first order received by him from Second Officer Lightoller at 8 o'clock Sunday evening was "to take his compliments down to the ship's carpenter and inform him to look to his fresh water; that it was about to freeze," and he says he was also directed by the same officer to find the deck engineer and bring him the key to open the heaters in the corridor and officers' quarters, wheelhouse, and chart room on account of the intense cold. He also said he took the temperature of the air and water just before he went to the wheel, at 8 o'clock, and that the bucket, with which he dipped the water to make the tests "was a small paint tin," an old one, only improvised for the occasion; that the new one, a long piece of leather, leaded, was not furnished him; while Mrs. Walter Douglas, of Minneapolis, asserts under oath that both she and her husband, who went down with the ship, saw the quartermaster Saturday afternoon attempt to reach the water with this bucket and says that he was unable to do so and that both she and Mr. Douglas saw him fill the bucket from a hydrant on the deck and take that water to be tested.

Hichens then said:

> At 10 o'clock I went to the wheel. * * * All went along very well until 20 minutes to 12, when three gongs came from the lookout, and immediately afterwards a report on the telephone, "Iceberg right ahead." The chief officer rushed from the wing to the bridge. * * * He rushed to the engines. I heard the telegraph bell ring; also give the order, "Hard astarboard." Repeated the order, "Hard astarboard." "The helm is hard over, sir." * * * The captain * * * came back to the wheelhouse and looked at the commutator (clinometer) in front of the compass, which is a little instrument like a clock to tell you how the ship is listing. The ship had a list of 5° to the starboard * * * about 5 to 10 minutes after the impact.

At that moment the ice, resistless as steel, stole upon her and struck her in a vital spot, while the last command of the officer of the watch in his effort to avert disaster, distracted by the sudden appearance of extreme danger, sharply turned aside the prow, the part best prepared to resist collision, exposing the temple to the blow; at the turn of the bilge the steel encasement yielded to a glancing blow so slight that the impact was not felt in many parts of the ship, although representing an energy of more than a million foot tons, said to be the equivalent of the combined broadsides of 20 of the largest guns in our battleship fleet fired at the same moment, with a blow so deadly many of the passengers and crew did not even know of the collision until tardily advised of the danger by anxious friends, and even then official statements were clothed in such confident assurances of safety as to arouse no fear. The awful force of the impact was well known to the master and builder, Mr. Andrews, who, from the first, must have known the ship was doomed and never uttered an encouraging sign to one another. Neither ever adjusted a life belt to himself. The builder, whose heart must have broken when he realized he had not prepared that ship to resist a blow so dangerous, seemed to have been quite willing to go down with the ship. There is evidence to show that no final warning was given by any officer. President Ismay asked the captain whether he thought the blow was serious. The captain only replied, "I think it is." Col. Astor, at the request of his wife and others who stood near him on the boat deck, was asked to make the same inquiry, and did; and to that inquiry the captain replied, "I think it is dangerous."

There is evidence tending to show that even the water-tight compartments were not successfully closed either above or below. No general alarm was given, no ship's officers formally assembled, no orderly routine was attempted or organized system of safety begun. Haphazard they rushed by one another on staircase and in hallway, while men of self-control gathered here and there about the decks, helplessly staring at one another or giving encouragement to those less courageous than themselves.

Life belts were finally adjusted to all. Only Saturday night I gathered from one who rescued the bodies brought in by the Mackay-Bennett ship that, while he found 190 bodies in one "pack," as they call it at sea, 62 miles from the place where the ship went down and within 500 yards of the iceberg which is supposed to have done the damage, all of these 190, with the exception of a little child 2 years of age, were well fitted with life belts, and it is the testimony of the surgeon who accompanied the ship that in the position in which he found them he is of the opinion that many of them lived at least four hours after they were thrown into the water, and were killed by the cold, and yet no relief came. The lifeboats were cleared away, and although strangely insufficient in number—and right here I want to say that my observations on the steamship *Olympic* on Saturday were most gratifying. I saw the voluntary double equipment of lifeboats. Where they had formerly carried 20 they now carry 42, leaving ample room for passengers who desire to use her decks for other purposes and affording better protection to passengers and crew.

The *Titanic* boats were only partially loaded and in all instances unprovided with compasses and only three of them had lamps. They were manned so badly that, in the absence of prompt relief, they would have fallen easy victims to the advancing ice floe, nearly 30 miles in width and rising 16 feet above the surface of the water. Their danger would have been as great as if they had remained on the deck of the broken hull, and if the sea had risen these toy targets, with over 700 exhausted people, would have been helplessly tossed about upon the waves without food or water. One witness swore that two of the three stewards in her boat admitted that they had never had an oar in their hands before and did not even know what the oarlock was for. The lifeboats were filled so indifferently and lowered so quickly that, according to the uncontradicted evidence, nearly 500 people were needlessly sacrificed to want of orderly discipline in loading the few that were provided. There were 1,324 passengers on the ship. The lifeboats would have easily cared for 1,176 and only contained 704, 12 of whom were taken into the boats from the water, while the weather conditions were favorable and the sea perfectly calm. And yet it is said by some well-meaning persons that the best discipline prevailed. If this is discipline, what would have been disorder?

Among the passengers were many strong men who had been accustomed to command, whose lives had marked every avenue of endeavor, and whose business experience and military training especially fitted them for such an emergency. These were rudely silenced and forbidden to speak, as was the president of this company, by junior officers, a few of whom, I regret to say, availed themselves of the first opportunity to leave the ship. Some of the men, to whom had been intrusted the care of passengers, never reported to their official stations, and quickly deserted the ship with a recklessness and indifference to the responsibilities of their positions as culpable and amazing as it is impossible to believe. And some of these men say that they "laid by" in their partially filled lifeboats and listened to the cries of distress "until the noise quieted down" and surveyed from a safe distance the unselfish men and women and faithful fellow officers and seamen, whose heroism lightens up this tragedy and recalls the noblest traditions of the sea.

Some things are dearer than life itself, and the refusal of Phillips and Bride, wireless operators, to desert their posts of duty, even after the water had mounted to the upper deck,

because the captain had not given them permission to leave, is an example of faithfulness worthy of the highest praise, while the final exit of the Phillips boy from the ship and from the world was not so swift as to prevent him from pausing long enough to pass a cup of water to a fainting woman, who fell from her husband's arm into the operator's chair, as he was tardily fleeing from his wireless apparatus, where he had ticked off the last message from his ship and from his brain.

Even the electric signal of distress was only sent upon its unseen search for help after a delay of nearly 20 minutes, and its spark was arrested by an accident so providential as to excite wonder. In five minutes more the ill-paid operator on the *Carpathia*, who snatched this secret from the air, would have forgotten his perplexities in slumber, and no note would have been taken of the awful importance of the passing hour. Partially undressed, he had left the telephone receiver upon his head, and through it heard the call for help. On the instant the ship's course was changed and the captain replied: "We are coming to your relief." The elements of nature have chosen darkness as the most helpful medium of radiocommunication, and operators should be at their posts at that time of the voyage, ready to catch every unfavorable sign and to apprise officers and crew of dangers besetting the ship. Neither timber nor iron nor steel are impervious to its secrets; in its limitless quest no barrier seems insurmountable, and distance is annihilated as by the lightning's flash; schoolboys toy with its mysteries and catch its lessons from the housetops. Marconi, genius and gentleman, sitting in his office in the capital of the Argentine Republic, read, as in an open book, a wireless message direct from the coast of Ireland. When the world weeps together over a common loss, when nature moves in the same direction in all spheres, why should not the nations clear the sea of its conflicting idioms and wisely regulate this new servant of humanity? To that end wages must be increased in proportion to the responsibility assumed, and service, to be useful, must be made continuous night and day, while this new profession must rid itself of the spirit of venality, to which, in my opinion, the world is indebted for a systematic reign of silence concerning the details of this disaster, so apparent as to excite international concern, and should be discouraged.

It is no excuse that the apparatus on the *Carpathia* was antiquated; it easily caught the signal of distress and spoke with other ships nearly 200 miles away, both before and after the accident, while the operator says it was good for 250 miles. The steamship *Californian* was within easy reach of this ship for nearly four hours after all the facts were known to Operator Cottam. The captain of the *Carpathia* says he gave explicit directions that all official messages should be immediately sent through other ships, and messages of passengers should be given preference. According to "Jack" Binns, the inspector, the apparatus on the *Californian* was practically new and easily tuned to carry every detail of that calamity to the coast stations at Cape Sable and Cape Race, and should have done so. The course taken was singularly in accord with the reticence of the officials of the White Star Co., who knew at 2.30 Monday morning, through the steamship *Virginian* and their office in Montreal, what was supposed to have occurred. I recognize that this was not official and that they would insist upon confirmation because of their faith in the vessel, but it was the truth, nevertheless, and, according to their own admission, the information then given and which they battled against during all of that day, contained absolutely the entire story, and yet, at 7.51 Monday evening, a message from their own office, officially signed, contained the positive assurance of the safety of the passengers, was sent to a half-crazed father at Huntington, W. Va., nearly two hours after their admitted familiarity with the details of the disaster. Possibly this was an accident, and I know it is greatly deplored by the managing officer of that company. But it is little wonder that we have not been able to fix with definiteness the author of this falsehood.

It is not a pleasant duty to criticize the conduct or comment upon the shortcomings of others, but the plain truth should be told. Capt. Lord, of the steamship *Californian*, sailing from London to Boston, who stopped his ship in the same vicinity where the *Titanic* is supposed to have met with the accident, passed two large icebergs at 6.30 p. m. Sunday evening, April 14; at 7.15 he "passed one large iceberg and two more in sight to the southward." Because of ice he stopped his ship for the night in latitude 42° 5′ N., longitude 50° 7′ W., and at 10.50 (ship's time and 0.10 New York time) he sent a wireless message to the *Titanic*, telling them he was "stopped and surrounded by ice." The *Titanic* operator brusquely replied to "shut up," that he was "busy." Capt. Lord stated that "from the position we stopped in to the position in which the *Titanic* is supposed to have hit the iceberg was 19½ miles," and the course south, 16 west. I am of the opinion it was much nearer than the captain is willing to admit, and I base my judgment upon the scientific investigation of the Hydrographic Office of our Government. He says this was the last communication he had with the *Titanic*. He also says, "We doubled the lookout from the crew, put a man on the forecastle head—that is, right at the bow of the ship—and I was on the bridge myself with an officer" until half past 10, "which I would not have been under ordinary conditions." He thus admits extraordinary conditions, and that he received reports of icebergs, growlers, and field ice 42° north from 40° 50′ west from Capt. Barr, of the steamship *Caronian*, the day before, and also from the steamship *Parisian* on that Sunday, while the steamship *New Amsterdam* reported to him several days before that they had seen field ice "extending as far to the northeast as horizon is visible."

He also admits that the morning after this accident he "was practically surrounded by icebergs, the largest from 100 to 150 feet high and from 700 to 800 feet in width above the water." He admits that the officer on watch on the steamship *Californian* saw some signals and that when he (the captain) came off the bridge at half past 10 he said: "I pointed out to the officer that I thought I saw a light coming along, and it was a most peculiar light." He also said that he went below and told the engineer to keep the steam ready, saying that he saw these signals, and then said: "There is a steamer coming. Let us go to the wireless and see what the news is." He says he "met the operator coming" and said: "Do you know anything?" The operator replied: "The *Titanic*."

I call attention to the fact that the last communication with the *Titanic* was the one to which I have referred, which occurred at 10.50 ship time, or nearly an hour before the accident occurred.

And the captain said: "I gave him instructions to let the *Titanic* know," which he did, and found that it was the *Titanic*, although the captain said: "This is not the *Titanic*; there is no doubt about it." He then says: "She came and lay, at half past 11, alongside of us until, I suppose, a quarter past 1, within 4 miles of us. We could see everything on her quite distinctly; see her lights. We signaled her at half past 11, with the Morse lamp. She did not take the slightest notice of it. That was between half past 11 and 20 minutes to 12. We signaled her again at 10 minutes past 12, half past 12, a quarter to 1, and 1 o'clock with a very powerful Morse lamp, which you can see about 10 miles."

He further says that "when the second officer came on the bridge at 12 o'clock, or 10 minutes past 12, I told him to watch that steamer which was stopped. I pointed out the ice to him; told him we were surrounded by ice; to watch the steamer, that she did not get any closer to her.

I call attention to the fact that from the chart you can readily see the position of the *Californian*, and that to the eastward there is no ice, to the southward of her there is no ice, and to the northward there is no ice; this ship was not surrounded by ice. She was against the ice in her westward course, and was in exactly the same situation as the *Titanic* before the impact.

"At 20 minutes to 1 I whistled up the speaking tube and asked if she was getting any nearer. He said, 'No; she is not taking any notice of us;' so I said, 'I will go and lie down a bit.' At a quarter past 1 he said, 'I think she has fired a rocket,' and, continuing, 'She did not answer the Morse lamp'"—this is the officer on the bridge, who continued, "and she has commenced to go away from us."

Indeed, she had commenced to go away, never to return.

"I then said, 'Call her up and let me know at once what her name is.' So he put the whistle back, and, apparently, he was calling. Then I went to sleep." Capt. Lord then says, "Rockets are used as signals of distress and can not be mistaken." He does not believe that he could have seen the *Titanic* Morse signals, but is not quite so doubtful about being unable to see rockets that distance.

Most of the witnesses of the ill-fated vessel before the committee saw plainly the light, which Capt. Lord says was displayed for nearly two hours after the accident, while the captain and some of the officers of the *Titanic* directed the lifeboats to pull for that light and return with the empty boats to the side of the ship.

Ernest Gill, a member of the crew of the *Californian*, says that he came on deck from the engine room at 11.50, ship's time, and just before the accident that fatal Sunday evening, and saw plainly, over the rail on the starboard side "the lights of a very large steamer about 10 miles away," and that he "could see her port side lights"; that he then went to his cabin and said to his mate, William Thomas, that it was "clear off to the starboard, for I saw a big vessel going along at full speed"; that he could not sleep and went on deck again and "saw a white rocket about 10 miles away on the starboard side and in seven or eight minutes saw distinctly a second rocket in the same place," saying to himself "that must be a vessel in distress."

Why did the *Californian* display its Morse signal lamp from the moment of the collision continuously for nearly two hours if they saw nothing? And the signals which were visible to Mr. Gill at 12.30 and afterwards, and which were also seen by the captain and officer of the watch, should have excited more solicitude than was displayed by the officers of that vessel, and the failure of Capt. Lord to arouse the wireless operator on his ship, who could have easily ascertained the name of the vessel in distress and reached her in time to avert loss of life, places a tremendous responsibility upon this officer from which it will be very difficult for him to escape. Had he been as vigilant in the movement of his vessel as he was active in displaying his own signal lamp, there is a very strong probability that every human life that was sacrificed through this disaster could have been saved. The dictates of humanity should have prompted vigilance under such conditions. And the law of Great Britain giving effect to article 2 of the Brussels Convention in regard to assistance and salvage at sea is as follows:

> The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew, and passengers (if any), render assistance to every person, even if such person be a subject of a foreign State at war with His Majesty, who is found at sea in danger of being lost, and if he fails to do so, he shall be guilty of a misdemeanor.

The Senate passed, on the 18th day of April last, a bill giving effect to the same treaty, which clearly indicates the disposition of the Government of England, and our own as well, in matters of this character.

I am well aware from the testimony of the captain of the *Californian* that he deluded himself with the idea that there was a ship between the *Titanic* and the *Californian*, but there was no ship seen there at daybreak and no intervening rockets were seen by anyone on the *Titanic*, although they were looking longingly for such a sign and only saw the white light of the *Californian*, which was flashed the moment the ship struck and taken down when the vessel sank. A ship would not have been held there if it had been eastbound, and she could not have gone west without passing the *Californian* on the north or the *Titanic* on the south. That ice floe held but two ships—the *Titanic* and the *Californian*. The conduct of the captain of the *Californian* calls for drastic action by the Government of England and by the owners of that vessel, who were the same owners as those of the ill-fated ship.

Contrast, if you will, the conduct of the captain of the *Carpathia* in this emergency and imagine what must be the consolation of that thoughtful and sympathetic mariner, who rescued the shipwrecked and left the people of the world his debtor as his ship sailed for distant seas a few days ago. By his utter self-effacement and his own indifference to peril, by his promptness and his knightly sympathy, he rendered a great service to humanity. He should be made to realize the debt of gratitude this Nation owes to him, while the book of good deeds, which had so often been familiar with his unaffected valor, should henceforth carry the name of Capt. Rostron to the remotest period of time. With most touching detail he promptly ordered the ship's officers to their stations, distributed the doctors into positions of greatest usefulness, prepared comforts for man and mother and babe; with foresight and tenderness he lifted them from their watery imprisonment and, when the rescue had been completed, summoned all of the rescued together and ordered the ship's bell tolled for the lost, and asked that prayers of thankfulness be offered by those who had been spared. It falls to the lot of few men to perform a service so unselfish, and the American Congress can honor itself no more by any single act than by writing into its laws the gratitude we feel toward this modest and kindly man. The lessons of this hour are, indeed, fruitless and its precepts ill-conceived if rules of action do not follow hard upon the day of reckoning. Obsolete and antiquated shipping laws should no longer encumber the parliamentary records of any Government, and overripe administrative boards should be pruned of dead branches and less sterile precepts taught and applied.

Upon the bosom of the sea the nations have for ages commingled together, arts and manufactures have been exchanged freely, and the knowledge of language spread to the remotest limit of civilization. The sea, once a torment to primitive man, has long since given way to his intelligent mastery, and in its changing moods there is real glamour; there the daring spirit of the explorer and trader still lingers in this period of sharpest rivalry; there prizes await the fleetest skipper.

I think the presence of Mr. Ismay and Mr. Andrews stimulated the ship to greater speed than it would have made under ordinary conditions, although I can not fairly ascribe to either of them any instructions to this effect.

The very presence of the owner and builder unconsciously stimulates endeavor, and the restraint of organized society is absolutely necessary to safety. As men have re-formed anew the natural banks of the ocean and struck the shackles from its contracted bounds, dedicating its bays and shores to commerce, so must we do our utmost to overcome its perils.

Piracy and pillage are twin trophies of international concern and, under the same searching scrutiny, modern shipping should be free from every inherent defect.

The calamity through which we have just passed has left traces of sorrow everywhere; hearts have been broken and deep anguish unexpressed; art will typify with master hand its lavish contribution to the sea; soldiers of state and masters of trade will receive the homage which is their honest due; hills will be cleft in search of marble white enough to symbolize these heroic deeds and, where kinship is the only tie that binds the lowly to the humble home bereft of son or mother or father, little groups of kinsfolk will recount, around the kitchen fire, the traits of human sympathy in those who went down with the ship. These are choice pictures in the treasure house of the affections, but even these will sometime fade; the sea is the place permanently to honor our dead; this should be the occasion for a new birth of vigilance, and future generations must accord to this event a crowning motive for better things.

Recently we have witnessed a marked concentration of control of ocean transportation. Three companies—the International Mercantile Marine Co., the Hamburg-American Co., and the Royal Mail Steam Packet Co.—control 604 ocean steamers with a gross tonnage of 3,632,233 tons. These companies control more tonnage than the total American tonnage of all classes on the Great Lakes—2,943,523 tons. Any one of these companies controls tonnage nine times as great as the over-sea steam tonnage of the United States, and twice as great as the total registered steam tonnage of the merchant marine of the United States.

Regulation of steamship transportation is as necessary as regulation of railroad transportation, and less difficult to obtain. Transportation by rail is conducted through settled localities, where many residents would quickly discover and immediately report any irregularities or disregard of safety requirements, while by water it is conducted beyond the criticism of any except the actual passengers on the ship, making it all the more necessary for definite regulations.

Lanes of travel must be more carefully defined, strength of bow more positive and water-tight subdivision to limit submergence, life-saving equipment better and numerous enough for all, discipline and practice a rudimentary exaction, eye more keen and ear alert to catch the warning cry; as on British battleships as well as on our own, powerful lights should be provided for merchant vessels to search out the partially submerged derelict; buoys should be carried by every ship to mark temporarily the place of the ship's burial in case of accident; and men of strength and spirit there must be, won back to a calling already demoralized and decadent. But 10 per cent of the men before the mast in our merchant marine are natives or naturalized Americans; even England, that 20 years ago had barely 7,000 Orientals on her merchant ships, now carries over 70,000 of that alien race. Americans must reenlist in this service, they must become the soldiers of the sea, and, whether on lookout, on deck, or at the wheel, whether able or common seamen, they should be better paid for their labor and more highly honored in their calling; their rights must be respected, and their work carefully performed; harsh and severe restraining statutes must be repealed, and a new dignity given this important field of labor.

"In our imagination we can see again the proud ship instinct with life and energy, with active figures again swarming upon its decks; musicians, teachers, artists, and authors; soldiers and sailors and men of large affairs; brave men and noble women of every land. We can see the unpretentious and the lowly, progenitors of the great and strong, turning their back upon the Old World, where endurance is to them no longer a virtue, and looking hopefully to the new. At the very moment of their greatest joy the ship suddenly reels, mutilated and groaning." With splendid courage the musicians fill the last moments with sympathetic melody. "The ship wearily gives up the unequal battle. Only a vestige remains of the men and women that but a moment before quickened her spacious apartments with human hopes and passions, sorrows, and joys." Upon that broken hull new vows were taken, new fealty expressed, old love renewed, and those who had been devoted in friendship and companions in life went proudly and defiantly on the last life pilgrimage together. In such a heritage we must feel ourselves more intimately related to the sea than ever

before, and henceforth it will send back to us on its rising tide the cheering salutations from those we have lost.

During the delivery of the speech of Mr. SMITH of Michigan,

The VICE PRESIDENT. The Senator from Michigan will suspend for a moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be laid aside until the Senator from Michigan and the Senator from Maryland have finished the speeches of which they have given notice.

The VICE PRESIDENT. Without objection, the request of the Senator from North Carolina is complied with.

At the conclusion of his speech, Mr. SMITH of Michigan said:

Mr. President, I send to the Clerk's desk a joint resolution, which I desire to have read.

The joint resolution (S. J. Res. 111) to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the thanks of Congress be, and the same are hereby, presented to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for promptly going to the relief of the steamship *Titanic* and heroically saving the lives of 704 people who had been shipwrecked in the North Atlantic Ocean.

SEC. 2. That the President of the United States is hereby authorized and requested to cause to be made and presented to Captain Rostron a suitable gold medal appropriately inscribed, which shall express the high estimation in which Congress holds the service of this officer, to whose promptness and vigilance was due the rescue of 374 women and children and 330 men.

SEC. 3. That the sum of $1,000, or so much thereof as may be necessary, for the purchase or manufacture of said medal is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). To what committee does the Senator desire to have the joint resolution referred?

Mr. SMITH of Michigan. Mr. President, this recognition is so highly deserved, the valor shown by this officer is so marked and worthy of emulation, I am going to ask Senators to give unanimous consent for immediate consideration and that the joint resolution be put on its passage without a reference to committee.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Michigan?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH of Michigan. Out of order I desire to introduce a bill and joint resolution, and I will ask their reference to the Committee on Commerce.

The bill (S. 6976) to regulate navigation by steam passenger vessels, to amend sections 4400, 4471, 4488, 4490, section 3 of act of July 9, 1898, section 1 of act of June 24, 1910, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

The joint resolution (S. J. Res. 112) providing for the creation of a commission to investigate the laws and regulations for the construction and equipment in the navigation of vessels, was read twice by its title and referred to the Committee on Commerce.

Mr. SMITH of Michigan. The report of the Committee on Commerce has been unanimously agreed upon, and I am directed to make the report which I send to the Clerk's desk. We have thought it desirable to give the full sailing list as well as the full list of the crew from Southampton, Cherbourg, and Queenstown, also a full and complete list of those rescued and of those lost. I will ask that the report be read following the speech of the Senator from Maryland, who has given notice of his desire to proceed now, and when it is read that it be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. RAYNER. Mr. President, I desire to ask the attention of the Senate briefly to the subject matter indicated in my notice in reference to the disaster to the *Titanic*.

I shall not bring to your attention the harrowing details of this overwhelming calamity, but my purpose is to ascertain what lessons this disaster teaches us and what legislation, if possible, can be framed in order to avoid its recurrence.

Mr. President, we must change the admiralty and navigation laws of this country. They consist of an incongruous collection of antiquated statutes which should be repealed and reenacted so as to meet the necessities of ocean intercourse of the present day. This is surely one lesson that has been taught us by this dreadful calamity. Without entering into minute details, I submit to the Senate the following suggestions for its consideration. In the first place, let me say a word about the investigation by the Senate committee. The committee of the Senate has no power beyond that which it has exercised. In conducting the investigation it acquired its jurisdiction under the constitutional clause to regulate commerce. It is because Congress has jurisdiction to regulate commerce between the States and foreign countries that the committee had the right to undertake this investigation. It would have had no right whatever to summon and examine witnesses unless it had jurisdiction over the subject matter, and the jurisdiction that it has is based upon the fact that by virtue of this examination it is able to recommend to the Senate, under this clause of the Constitution, such improvement in our laws as will enable us to avoid a recurrence of this accident. Therefore the Senate was perfectly right in appointing this committee, and the committee, acting strictly within its jurisdiction and the decision of our courts under a case that I read to the Senate a few weeks ago, has done its full duty in the premises and has done it well, and the committee, and especially its able chairman, deserves not only the gratitude of the Senate but the commendation of the country for the impartial performance of their delicate and arduous duties. If it had not been for the prompt action of the senior Senator from Michigan there would have been no investigation, and his analysis and conduct of the case, thorough in every respect, deserves the appreciation of the Senate and the approval of the people in the highest degree.

I come now to the second proposition. It seems to be universally conceded that this ship was not equipped with a sufficient number of lifeboats to provide for the safety of its passengers. There may have been a sufficient number in accordance with the rules of the British Board of Trade, but it is a conceded fact that the great loss of life occurred because there was an insufficient number to meet the necessities of the case and rescue the passengers and crew.

Third. The failure of foreign steamships to carry searchlights is utterly inexcusable, and if a proper searchlight had been upon this vessel, in my judgment, the accident could have been avoided.

Fourth. The failure to supply the proper officers with binoculars was unquestionably an act of negligence, especially as I gather from the testimony that a demand had been made by the proper officers for them, and the demand had been refused.

Fifth. There was not the proper attention paid to the wireless messages that the ship received. This appears to me to have been an inexcusable act of negligence.

Sixth. The speed of the vessel was not lowered, as it should have been, when notice was received that she was in a dangerous zone. My own judgment therefore is that there was negligence in this case and that the disaster was attributable to the want of due care upon the part of the company and of those in charge of the ship. The proper tribunals will determine upon this question unaffected by any conclusion that we may arrive at in the premises.

I have said that the navigation and admiralty laws of the United States ought to be changed. Now, in what respects ought the proper amendments to be made?

First. In the first place, we can not change the criminal features so far as crimes and criminal negligence occur upon a foreign ship on the high seas. Prosecution for criminal negligence in the *Titanic* disaster can only be brought in the British courts, as a British ship upon the high seas is British territory. This is an unbending rule, and, as announced by the Federal courts is stated as follows:

> The general rule is that such courts have no jurisdiction of the offense even when committed upon the high seas, except when committed on board of a ship or vessel of the United States, unless it appears that the vessel was sailing under no national flag.

The only exception to the rule is that where death occurs in one of our States as the direct result of injuries or exposure resulting from criminal negligence of some one on the ship. Such a prosecution, as has been decided by the Supreme Court of Massachusetts, might be sustainable upon the theory that the crime was committed where it took effect.

Second. There ought to be a remedial statute providing that a civil action for personal damages against the owners of the ship could be brought in either the Federal or State courts, and the limited liability statutes of the United States should be repealed.

Third. There ought to be a statute providing that surviving relatives under Lord Campbell's Act can bring suit either in the State or Federal courts, and the limited liability statutes should be repealed so as not to apply to a case of this sort.

Fourth. There ought to be a statute providing for a sufficient number of lifeboats and for the adequate equipment of ships with wireless telegraph. There is no doubt about our right to pass such a statute, even as to foreign ships, because we have full authority to say that foreign ships shall not enter or leave our ports unless they are properly supplied in this particular, and even our statutes now are supposed to furnish that remedy.

Fifth. The doctrine of "knowledge or privity of the owner" should be swept from the statute book, and it should not be necessary in order to hold the owners to a full responsibility to prove that the negligence occurred with the privity or knowledge of the owners. There is no reason why owners of ships should not be responsible for the negligence of the crew in the same way that railroad corporations are held responsible for the negligence of their employees. The whole subject is largely in our own hands. We should, without delay, pass a system of laws that, in my judgment, would be sufficient to avoid a repetition of this heart-rending disaster. For a full discussion of the law as it now stands I refer the Senate to the following cases: Schoonmaker *v.* Gilmore (102 U. S., 118); Richardson *v.* Harmon (222 U. S., 96); the case of La Bourgogne (210 U. S., 97); and Commonwealth *v.* MacLoon (101 Mass., 1).

And the cases I have already referred to in Thirteenth Wallace and One hundred and ninth and One hundred and thirtieth United States.

Now, just let me explain to Senators how the law stands. I think I can do it in a few moments.

At present you can not recover in the Federal courts for the death of a passenger. There is no recovery at all by the surviving family or the surviving relatives in the Federal courts for the death of a passenger. In these accidents the British law provides, under Lord Campbell's Act, that recovery can be had, and in the case that I have cited, in Two hundred and tenth United States, the Supreme Court held that it would administer the French law; that the law which governs a casualty of that sort is the law of the country to which the ship belongs, and therefore France having a law providing for recovery in case of death, the Supreme Court, in the case I have quoted, the *La Bourgogne* case, held that the Supreme Court of the United States would administer the French law in the Federal tribunal. This ought to be changed, and we ought to be able to administer American law in American tribunals and not have to resort to the law of the country that owns the ship upon which the accident takes place.

Now, in the second place, I want to say that you can not recover at all if the owner of the ship surrenders the ship and surrenders the freight. We have an old statute here that is a reenactment of an English statute, passed 175 years ago, and we have never changed it. It was passed during the reign of George II, in 1734. It was improved upon in the reign of George III, in 1786, and again in 1813. That is the limited-liability statute. Look at it for a moment. The owners of the *Titanic* can come into court and surrender their freight money, the pending freight, and there is no recovery against them in any State or Federal court. No matter how many suits are brought in the State court, no matter how many suits may be brought in the Federal courts, the owners of that ship, no matter how able they may be financially to answer in damages, can go into the Federal courts, sue out an injunction, have a trustee appointed, bring the ship if it exists—of course in this case the ship is gone—bring pending freight into court, and escape all liability whatever for injury to passengers, for injury to goods, or for any cause whatever.

That is the statute that is now upon the statute books of the United States. It ought to be repealed or modified. There is no reason on earth why it should continue. When it was passed it was thought to afford an invitation to shipowners to take to the sea and risk the hazardous character of the adventure, but I apprehend there is no more danger on the sea now than there is on land; and if these statutes are not repealed there certainly ought to be some modification of them.

Now, if you can prove the privity of the owner you can recover, and the only question of privity which arises in the *Titanic* case is whether the presence of Mr. Ismay on board this vessel carries with it the privity and knowledge of the owner. You can recover full damages if you can prove privity and knowledge of the owner, but if you can not prove the privity and knowledge of the owner then the company is not responsible for the negligence of its crew, and all that can be recovered is the ship if it exists and the freight money if it is brought into court.

The only open question in this case is whether or not the presence of Ismay on the ship makes the owners responsible. I am inclined to think his presence on the ship would not have this effect. He was one of the trustees of the line. He was one of the directors of the line. He was upon the executive committee of the line. He was chairman of the finance committee or upon the finance committee, and he was president of the line. In fact, he was almost the line itself. But, nevertheless, I doubt very much whether as a proposition of law his mere presence on the ship itself, admitting that he was not present as a passenger, would come within the Federal statute, which holds that damages can only be recovered where there is a privity or knowledge of the owner. Thus stands the law, and the law ought to be changed.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Yes.

Mr. NELSON. Will the Senator allow me a question? I presume the Senator refers to what is commonly called the Harter law. Under that law if the ship is properly equipped and seaworthy the owners are not liable for any mistake of the master in navigating the ship, and in case of damage occurring they are only liable for the value of the ship and the freight earned.

Now, the question I put to the Senator is whether under that law in a case of this kind where there is a total loss the insurance would not be available under that law?

Mr. RAYNER. I think not, Mr. President. It ought to be made available, but there is a decision of the Supreme Court (I can not give my friend from Minnesota the case) in which the point came up involving the question the Senator has asked, and, I believe, though I am not certain, that the court held that insurance was not counted.

In Great Britain, I believe, the law provides that the freight money shall be equal to £15 to the registered ton; and in the loss of the *Titanic* that would amount to a great deal; but we have not any such statute, and there is no recovery here at all. There is no recovery for death, because it does not come within the admiralty laws, and there is no recovery for damages against the company unless you can prove the privity and the knowledge of the owner. The Senator from Minnesota [Mr. NELSON] will notice the last case on the subject is the case in Two hundred and tenth United States Reports, which is one of the best opinions, in my judgment, that was ever delivered in the Supreme Court of the United States. Chief Justice White goes into an elaborate and exhaustive discussion of all the questions that are involved in that disaster in case of a collision, and he administered the Code Napoleon in the Supreme Court of the United States, where it required a very thorough investigation to discover what the French law upon this ruling was. The Supreme Court came to the conclusion that under the French code you could recover for death; but they came to the further conclusion that there was no privity or knowledge of the owners, and that, therefore, they had a right in the *Bourgogne* case, in the case of the collision of a French with a British ship, to go into the Federal courts, surrender freight money, and escape all liability. These provisions have been on the statute books from time immemorial. We have a bill now in the Judiciary Committee attempting to remedy these obsolete provisions of our navigation laws, and they ought to be remedied, because nearly every other civilized government has adopted statutes in reference to them.

There is another lesson that this disaster teaches us and which ought to be one of general application, and that is the lesson of corporate responsibility. We must enact legislation that will make the controlling and superior officers of corporations within our own jurisdiction criminally responsible for the careless and negligent management of the public-service corporations which they control. I have made this suggestion over and over again, and I repeat it now in the most emphatic way that I can, that it is a shame and an outrage that the criminal statutes of this land permit the men who are really responsible absolutely to escape from the penalties of the law, and inflict penalties and punishments upon those who are simply acting under their superior orders. We know how a large number of these corporations are organized, and what I have reference to now are American corporations, because in

Great Britain corporations are controlled by laws that are more efficient and severe than ours. Let us look at the scheme a minute.

A number of individuals organize a trust. We call these companies trusts for want of a better name. The promoters absorb and consolidate a number of competing companies, and then, in order to promote the scheme, a bonded indebtedness is created. The promoters in almost every instance get the bonds and the public gets the stock. Then the consolidated company goes into operation and, as a rule, the bondholders, who consist of the individuals who practically own the constituent companies, have very little, if any, interest in the active management of the concern. The president and managing officers—I will not say in all cases, but in a great many instances of the administration of public-service corporations—perform simply perfunctory duties, their position being largely a sinecure, and the management being left to other hands. I know of one railroad accident after another and one steamship accident after another that are entirely due to the negligence of the directorate of the respective companies. Did we ever hear of a director or a president of any public-service corporation being indicted for manslaughter in an American court in any case whatever where the accident was directly attributable to the oversight, neglect, or carelessness of the company's management? American corporations in a number of instances are running loose and wild without curb and without reins. Take the street railroads of Washington. I have never in any city in the Union seen such an utter disregard of the people's rights. I have time and time again intended to offer some measure here to bring them to bay and call them to terms, and I expect to follow up this purpose. They are violating their charters and they are not giving the people proper accommodations and facilities. I have been in these cars hundreds of times when afflicted and helpless people have been made to stand from almost terminus to terminus simply because the management of these railroads will not run a sufficient number of cars and will not give to the people of this District the rights that they are entitled to. They forget that they are the trustees of the public as well as the trustees of their stockholders.

It is a delusion that these gentlemen are laboring under that they represent private stockholders alone and that their duty ceases when they pay their own salaries and interest upon their bonds and a dividend upon their stock. They owe just as great a duty to the public as they do to the private interests that they represent, and I think the time has come when we must lock hands in this Congress of the United States and demand of these public-service corporations, interstate and in the District of Columbia, that under the heaviest penalties they must properly administer their charter obligations and that the public will no longer stand by and permit the gross violation of their public duty to take place from day to day as it is now doing in this District and elsewhere. What occurs here occurs all around us, and I call upon Congress, taught the lesson as it is by this terrible disaster, to fix the standard and the measure of responsibility, not against sailors and captains and conductors and brakemen and motormen, unless where they are personally negligent, but upon the heads of these corporations, where the responsibility attaches to them for the proper direction and management of the interests that they represent.

There is another lesson, however, Mr. President, that this disaster has taught us, of more importance than a change in our admiralty and navigation laws, and of far greater and more overwhelming significance than the lesson of corporate responsibility, and that is the lesson of religious faith. Disasters like this, instead of weakening, should strengthen the faith of the Nation. There is no use of appealing to reason or to philosophy in a case of this sort. The mind stands aghast and appalled as these calamities come thick and fast. We forget in our moments of sorrow that it never was intended that the intellect of man should reason out such a problem. Suffering and affliction, as they come to the pure and the innocent in a hundred forms, are inexplainable.

The convulsions of nature alone that have swept myriads of human beings to an untimely death can not be reconciled by any process of human reasoning. When reason halts, the Creator has implanted in the soul another faculty, however, that gives us light in the hours of tribulation. It is the light of faith, a pillar of fire in the night of our darkness and despair. Throughout my life I have spent many hours of the day, and many silent and sleepless hours of the night, in the struggle for the light of reason, but in my advancing years the light that gives me fortitude and courage is the sublime light of faith, that never dims nor wanes, and at the supreme moment when reason vanishes, breaks in upon us with all the radiance of the morning sun. We can reason out the negligence of man, but we can not reason out why, in the course of nature, an iceberg from the Arctic Zone should just at this very moment have taken its course upon the path of desolation and of death. Upon all this and kindred subjects the most profound intellect of the greatest philosophers who ever lived have illumined the world just about as much as the credulity of the earliest races, who attributed every phenomenon of nature to the interposition of Divine Providence. What this Nation needs are some severe lessons that will strengthen the pillars and the altars of its faith. We are to a large extent to-day defying the ordinances of God, and the sooner we awaken to a realizing sense of our responsibility the better it will be for the spiritual elevation of the country. We are running mad with the lust of wealth, and of power, and of ambition. We are separating society into castes, with fabulous fortunes upon the one side and destitution and poverty on the other. It takes a terrible warning to bring us back to our moorings and our senses. We are abandoning the devout and simple lives of our ancestors, and the fabric of our firesides is weakening at the foundation. If this disaster teaches no lesson or points no moral, then let us pass it by with stoical indifference, until the next disaster comes, and in the meantime let the carnival go on. May the heart-rending scenes upon this night of anguish and of woe give us faith and lead us back to the altars of our fathers. I will not rehearse the agonies of this midnight sacrifice. I can not afford to dwell upon them or listen to the details that almost distract the mind and break the heart. It is the lesson and the moral that I am searching for.

I will say this, however, in closing. The agonies of separation at this scene, that palsy the tongue when it attempts to describe them, were worse than the agonies of death. I knew well one of the courageous passengers who, with his wife, yielded up their lives on this occasion. The man was a splendid type of American citizenship. I served with him in the House of Representatives, and he was esteemed and beloved by all who knew him. In private life he was a benefactor of the human race. In public life he was an unpurchasable tribune of the people. His heroic wife had the blood of martyrs in her veins, and from the most authentic account that I can obtain, the account of a witness who was not examined by the committee, because her testimony was not necessary for the purposes of the investigation, she went to her death with the same spirit of heroic fortitude with which her ancestors went to the fagot and the flame.

A harrowing thought flashes across my mind, and that is, it might possibly have been unnecessary to have presented to this devoted man and woman the terrible alternative that confronted them, and it might have been possible that both of them could have been rescued. I shall dwell upon this incident no longer.

I shall close my brief remarks with this remembrance. As the ship was sinking, the strains of music were wafted over the deck. It was not the note of any martial anthem that had in days gone by led embattled legions on to victory. It was a more inspiring stanza than this. It was a loftier and holier melody amid the anguish and the sublime pathos of that awful hour that swept through the compartments of the sinking ship. It was a rallying cry for the living and the dying, to rally them not for life, but to rally them for their awaiting death. Almost face to face with their Creator, amid the chaos of this supreme and solemn moment, in inspiring notes the unison resounded through the ship. It told the victims of the wreck that there was another world beyond the seas free from the agony of pain, and, though with somber tones, it cheered them on to their untimely fate. As the sea closed upon the heroic dead, let us feel that the heavens opened to the lives that were prepared to enter.

Father of the Universe, what an admonition to the Nation! The sounds of that awe-inspiring requiem that vibrated o'er the ocean have been drowned in the waters of the deep, the instruments that gave them birth are silenced as the harps were silenced on the willow tree, but if the melody that was rehearsed could only reverberate through this land, "Nearer, my God, to Thee," and its echoes could be heard in these halls of legislation, and at every place where our rulers and representatives pass judgment and enact and administer laws, and at every home and fireside, from the mansions of the rich to the huts and hovels of the poor, and if we could be made to feel that there is a divine law of obedience and of adjustment and of compensation that should command our allegiance, far above the laws that we formulate in this presence, then, from the gloom of these fearful hours we shall pass into the dawn of a higher service and of a better day, and then, Mr. President, the lives that went down upon this fated night did not go down in vain. [Applause in the galleries.]

The VICE PRESIDENT. Visitors in the gallery will please refrain from manifestations of applause, which are in violation of the rules of the Senate.

Mr. SMITH of Michigan. Mr. President, I ask that the report be read and that the names contained at the back part of the report be printed in the RECORD as a part of the report, but not read.

The VICE PRESIDENT. The Chair thinks the report can not be read except by unanimous consent. The Senate has given consent to lay aside the unfinished business until the conclusion of the speeches delivered by the Senator from Michigan and the Senator from Maryland. The report can be printed, but the Chair thinks, under that unanimous-consent agreement, it can not now be read.

Mr. NELSON. I ask unanimous consent that the unfinished business be laid aside until the report can be read—not the names, but simply the report.

Mr. SIMMONS. I should like to inquire of the Senator from Minnesota how long he thinks it will take to read the report?

Mr. NELSON. I do not think it will take over 15 or 20 minutes.

The VICE PRESIDENT. There are 19 pages of printed matter in the report, aside from exhibits and addenda, which the Senator from Michigan does not care to have read. Without objection, the Secretary will read the report, and the unfinished business will be temporarily laid aside for that purpose.

Mr. POINDEXTER. I ask unanimous consent that the speech of the Senator from Michigan [Mr. SMITH], delivered this morning, be printed as a part of the report when the report is printed.

The VICE PRESIDENT. The Chair understands the Senator from Washington desires that the report and the speech of the Senator from Michigan be printed together as a Senate document?

Mr. POINDEXTER. Yes, sir.

The VICE PRESIDENT. Without objection, the order therefor is entered.

Mr. MYERS. Mr. President, I ask unanimous consent that the speech of the Senator from Maryland [Mr. RAYNER] be included in the document.

The VICE PRESIDENT. Without objection, that modification of the order will be made.

The Secretary proceeded to read the report submitted this day by Mr. SMITH of Michigan from the Committee on Commerce.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the further reading of the report be dispensed with and that the entire report, with illustrations, including the names of passengers, be printed in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and an order is entered as requested.

The report in full is as follows:

[Senate Report No. 806, Sixty-second Congress, second session.]

INVESTIGATION INTO LOSS OF STEAMSHIP "TITANIC."

Mr. SMITH, from the Committee on Commerce, submitted the following report.

The Subcommittee on Commerce, to whom was referred the resolution of inquiry into the loss of the British steamship *Titanic*, respectfully reports that that duty has been performed, and the committee has reached its conclusions thereon.

The resolution is as follows:

Resolved, That the Committee on Commerce, or a subcommittee thereof, is hereby authorized and directed to investigate the causes leading to the wreck of the White Star liner *Titanic*, with its attendant loss of life, so shocking to the civilized world.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, send for persons and papers, to administer oaths, and to take such testimony as may be necessary to determine the responsibility therefor, with a view to such legislation as may be necessary to prevent, as far as possible, any repetition of such a disaster.

Resolved further, That the committee shall inquire particularly into the number of lifeboats, life rafts, and life preservers, and other equipment for the protection of the passengers and crew; the number of persons aboard the *Titanic*, whether passenger or crew, and whether adequate inspections were made of such vessel, in view of the large number of American passengers traveling over a route commonly regarded as dangerous from icebergs; and whether it is feasible for Congress to take steps looking to an international agreement to secure the protection of sea traffic, including regulation of the size of ships and designation of routes.

Resolved further, That in the report of said committee it shall recommend such legislation as it shall deem expedient; and the expenses incurred by this investigation shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of said committee.

Attest:

CHARLES G. BENNETT, *Secretary*,
By H. M. ROSE, *Assistant Secretary*.

Accordingly the following Senators were appointed as members of the subcommittee: WILLIAM ALDEN SMITH, Michigan, chairman; GEORGE C. PERKINS, California; JONATHAN BOURNE, jr., Oregon; THEODORE E. BURTON, Ohio; F. M. SIMMONS, North Carolina; FRANCIS G. NEWLANDS, Nevada; DUNCAN U. FLETCHER, Florida.

WITNESSES EXAMINED.

We examined 82 witnesses upon various phases of this catastrophe, including the examination 53 British subjects or residents of Great Britain and 29 citizens of the United States or residents thereof.

We interrogated 2 general officers of the International Mercantile Marine Co., which owned the steamship *Titanic*—J. Bruce Ismay, of Liverpool, England, president, also a passenger on the ship on this voyage, and P. A. S. Franklin, of New York, vice president in the United States of the International Mercantile Marine Co.; all the surviving officers, 4 in number—Charles Herbert Lightoller, second officer, of Netley Abbey, Hampshire, England; Third Officer Herbert John Pitman, of Somerset, England; Fourth Officer Joseph Groles Boxhall, of Hull, England; and Fifth Officer Harold Godfrey Lowe, of North Wales; and 24 members of the crew, whose names are as follows:

Andrews, C. E., assistant steward, 145 Millbrook Road, Southampton.
Archer, Ernest, seaman, 59 Porchester Road, Southampton.
Barrett, Frederick, leading fireman, Southampton.
Brice, W., seaman, 11 Lower Canal Walk, Southampton.
Bride, H. S., telegrapher, London, England.
Bright, A. J., quartermaster, 105 Figgrove Road, Southampton.
Buley, E. J., seaman, 10 Cliff Road, Woolston, Southampton.
Burke, W., saloon steward, 57 Bridge Road, Southampton.
Clench, E., seaman, 10 The Flats Chantry Road, Southampton.
Collins, J., assistant cook, 65 Ballycarry, Belfast.
Crawford, A., bedroom steward, 22 Cranbury Avenue, Southampton.
Crowe, G. F., steward, 89 Milton Road, Southampton.
Cunningham, A., bedroom steward, 60 Charlton Road, Southampton.
Evans, F. O., seaman, 14 Bond Street, Southampton.
Etches, H. S., bedroom steward, 23a Gordon Avenue, Southampton.
Fleet, F., lookout (sailor), No. 9 Norman Road, Southampton.
Haines, Albert, boatswain's mate, No. 52 Grove Street, Southampton.
Hardy, J., steward, Oakleigh Holyrood Avenue, Highfield, Southampton.
Hemming, Samuel S., lamp trimmer, 31 Kingsley Road, Southampton.
Hitchens, Robert, quartermaster, 43 James Street, Southampton.
Hogg, G. A., lookout (sailor), 44 High Street, Southampton.
Jones, Thomas, seaman, 68 Westfield, Liverpool.
Moore, G., seaman, 51 Graham Road, Southampton.
Olliver, A., quartermaster, 38 Anderson Road, Southampton.
Osman, F., seaman, 43 High Street, Itchen, Southampton.
Perkis, W. A., quartermaster, Victoria Road, Bitterne, Southampton.
Pitman, H. J., third officer, Castle Carry, Somerset, Southampton.
Ray, F. D., saloon steward, Palmer Park Avenue, Reading.
Rowe, G. T., quartermaster, 63 Henry Street, Gosport.
Symons, G., lookout (sailor), 55 Franchise Street, Weymouth.
Taylor, W. H., fireman, No. 2 Broad Street, Southampton.
Ward, W., saloon steward, 107 Millbrook Road, Southampton.
Wheelton, E., saloon steward, Norwood House, Shireley, Southampton.
Widgery, J. (baths), 25 Ilokeby Avenue, Redland, Bristol.

We took the testimony of 21 passengers of all classes (including President Ismay) and of 23 other witnesses on subjects related to our inquiry (including Vice President Franklin).

We held our sessions in New York and in Washington, and took testimony by deposition in other parts of the country and in the Dominion of Canada.

The results of our investigation may be stated as follows:

OWNERSHIP OF STEAMSHIP "TITANIC."

We find that the *Titanic* was a White Star steamer and was owned by the Oceanic Steam Navigation Co., of England, all the stock of which company is in turn owned by the International Navigation Co. (Ltd.), of England, and the stock of that company, in turn, is owned by the International Mercantile Marine Co., an American corporation organized under the laws of New Jersey.

INTERNATIONAL MERCANTILE MARINE CO.

Mr. J. Bruce Ismay, of Liverpool, England, is president of the International Mercantile Marine Co., and Mr. P. A. S. Franklin, of New York City, is vice president of that company in the United States.

The board of directors of the International Mercantile Marine Co. is composed of the following persons:

C. A. Griscom (chairman), E. C. Grenfell, John F. Archbold, John I. Waterbury, the Right Hon. Lord Pirrie, George W. Perkins, Charles Steele, J. Bruce Ismay (president), Percy Chubb, E. J. Berwind, Harold A. Sanderson, P. A. B. Widener, Charles E. Torrey, and J. P. Morgan, jr.

The International Mercantile Marine Co., through its various ramifications and constituent companies, owns the White Star Line, the American Line, the Red Star Line, the Atlantic Transport Line, the National Line, and the majority of the stock of the Leyland Line.

This company is capitalized as follows (in round numbers): $102,000,000 between the preferred and common shares; $52,000,000 of 4½ per cent bonds; $19,000,000 (about) of 5 per cent bonds; $7,000,000 (about) of underlying bonds.

The total stock and bonded liability is about $180,000,000.

This company owns and operates a fleet of about 125 vessels, with a total of about 1,150,000 tons register, doing a general transoceanic transportation business throughout the world.

GENERAL PARTICULARS OF STEAMSHIP "TITANIC."

The *Titanic* was built by Harland & Wolff, of Belfast, Ireland. No restriction as to limit of cost was placed upon the builders. She was launched May 31, 1911. She was a vessel of 46,328 tons register; her length was 882.6 feet, and her breadth was 92.6 feet. Her boat deck and bridge were 70 feet above the water line. She was, according to the testimony of President Ismay, "especially constructed to float with her two largest water-tight compartments full of water."

The vessel, fully equipped, cost £1,500,000 sterling, or about $7,500,000.

At the time of the accident the vessel carried insurance of £1,000,000 sterling, or about $5,000,000, the remaining risk being carried by the company's insurance fund.

The *Titanic* was a duplicate of the *Olympic*, which is owned by the same company, with the single exception of her passenger accommodations, and was built to accommodate 2,599 passengers, with additional accommodations for officers and crew numbering 903 persons.

TRIAL TESTS OF STEAMSHIP "TITANIC."

The committee finds from the evidence that between six and seven hours was spent in making trial tests of this vessel at Belfast Lough on Monday, the 1st day of April last. A few turning circles were made, compasses adjusted, and she steamed a short time under approximately a full head of steam, but the ship was not driven at her full speed. One general officer of the steamship company was on board during the trial tests, while the builders were represented by Mr. Thomas Andrews, who had superintended the building of the vessel. Mr. Andrews conducted certain tests at Southampton and represented the builders both at Southampton and on the first voyage.

With a partial crew, the ship sailed from Belfast immediately after the trial, for Southampton, where she arrived on Wednesday, April 3, about midnight. She made fast with her port side to the wharf, where she remained until April 10, about 12 o'clock noon, when she sailed for Cherbourg, Queenstown, and New York.

ONLY TWO LIFEBOATS LOWERED.

Many of the crew did not join the ship until a few hours before sailing, and the only drill while the vessel lay at Southampton or on the voyage consisted in lowering two lifeboats on the starboard side into the water, which boats were again hoisted to the boat deck within a half hour. No boat list designating the stations of members of the crew was posted until several days after sailing from Southampton, seamen being left in ignorance of their proper stations until the following Friday morning.

CERTIFICATE OF BRITISH BOARD OF TRADE.

On Wednesday morning, the day the ship sailed from Southampton, Capt. Clark, a representative of the British Board of Trade, came aboard and, after spending a brief time, issued the necessary certificate to permit sailing.

BOAT DAVITS AND LIFEBOATS OF THE STEAMSHIP "TITANIC."

The *Titanic* was fitted with 16 sets of double-acting boat davits of modern type, capable of handling 2 or 3 boats per set of davits. The davits were thus capable of handling 48 boats, whereas the ship carried but 16 lifeboats and 4 collapsibles, fulfilling all the requirements of the British Board of Trade. The *Titanic* was provided with 14 lifeboats, of capacity for 65 persons each, or 910 persons; 2 emergency sea boats, of capacity for 35 persons each, or 70 persons; 4 collapsible boats, of capacity for 49 persons each, or 196 persons. Total lifeboat capacity, 1,176. There was ample life-belt equipment for all.

DEPARTURE OF THE STEAMSHIP "TITANIC."

The ship left Southampton Wednesday, April 10, at 12.15 p. m., with the ship's complement of officers and crew (see Exhibit A) numbering 899 persons. As the *Titanic* left the wharf at Southampton the moorings of the *New York* were carried away by the backwash from the *Titanic's* starboard propeller, causing a delay of about half an hour.

PASSENGER LIST AND SURVIVORS OF STEAMSHIP "TITANIC."

The *Titanic* arrived at Cherbourg late the same afternoon. The *Titanic* left Cherbourg and proceeded to Queenstown, Ireland, arriving there on Thursday about midday, departing for New York immediately after embarking the mails and passengers. Her passenger list was made up as follows:

First-class passengers who sailed on the *Titanic:*
Women and children 156
Men 173
Total 329

First-class passengers, survivors:
Women and children 145
Men 54
Total 199

First-class passengers lost:
Women and children 11
Men 119
Total 130

Second-class passengers who sailed on the *Titanic:*
Women and children 128
Men 157
Total 285

Second-class passengers, survivors:
Women and children 104
Men 15
Total 119

Second-class passengers lost:
Women and children 24
Men 142
Total 166

Third-class passengers who sailed on the *Titanic:*
Women and children 224
Men 486
Total 710

Third-class passengers, survivors:
Women and children 105
Men 69
Total 174

Third-class passengers lost:
Women and children 119
Men 417
Total 536

SUMMARY OF PASSENGERS AND SURVIVORS.

Including the crew, the *Titanic* sailed with 2,223 persons aboard, of whom 1,517 were lost and 706 were saved. It will be noted in this connection that 60 per cent of the first-class passengers were saved, 42 per cent of the second-class passengers were saved, 25 per cent of the third-class passengers were saved, and 24 per cent of the crew were saved.

	On board.			Saved.			Lost.			Per cent saved.
	Women and children.	Men.	Total.	Women and children.	Men.	Total.	Women and children.	Men.	Total.	
Passengers:										
First class	156	173	329	145	54	199	11	119	130	60
Second class	128	157	285	104	15	119	24	142	166	42
Third class	224	486	710	105	69	174	119	417	536	25
Total passengers	508	816	1,324	354	138	492	154	678	832	
Crew	23	876	899	20	194	214	3	682	685	24
Total	531	1,692	2,223	374	332	706	157	1,360	1,517	32

(See Exhibit B for full names and addresses of passengers rescued and passengers lost.)

WEATHER CONDITIONS DURING VOYAGE.

During the entire voyage the weather was clear, with the single exception of a 10 minutes' fog, and the sea was calm throughout the voyage, with sunshine the whole of each day and bright starlight every night. No untoward incident marred the trip. Greetings were frequently exchanged with passing vessels by appropriate signals.

ICE WARNINGS.

On the third day out ice warnings were received by the wireless operators on the *Titanic*, and the testimony is conclusive that at least three of these warnings came direct to the commander of the *Titanic* on the day of the accident, the first about noon, from the *Baltic*, of the White Star Line. It will be noted that this message places icebergs within 5 miles of the track which the *Titanic* was following, and near the place where the accident occurred. The message from the commander of the *Baltic* is as follows (p. 1058):

STEAMSHIP "BALTIC," *April 14, 1912.*

Capt. SMITH, *Titanic:*

Have had moderate variable winds and clear fine weather since leaving. Greek steamer *Athinai* reports passing icebergs and large quantity of field ice to-day in latitude 41.51 north, longitude 49.52 west. Last night we spoke German oil tank *Deutschland*, Stettin to Philadelphia, not under control; short of coal; latitude 40.42 north, longitude 55.11. Wishes to be reported to New York and other steamers. Wish you and *Titanic* all success.

COMMANDER.

The second message was received by the *Titanic* from the *Californian*, of the Leyland Line, at 5.35 p. m. New York time, Sunday afternoon, reporting ice about 19 miles to the northward of the track which the *Titanic* was following. This message was as follows (p. 735):

Latitude 42.3 north, longitude 49.9 west. Three large bergs 5 miles to southward of us. Regards. (Sig.) Lord.

The third message was transmitted from the *Amerika* via the *Titanic* and Cape Race to the Hydrographic Office in Washington, D. C., reporting ice about 19 miles to the southward of the course being followed by the *Titanic*, and reads as follows (p. 507):

STEAMSHIP "AMERIKA," VIA "TITANIC" AND CAPE RACE, N. F., *April 14, 1912.*

HYDROGRAPHIC OFFICE, *Washington, D. C.:*

Amerika passed two large icebergs in 41.27 N., 50.8 W., on the 14th of April.

K. N. U. T.

This message was actually received at the Hydrographic Office in Washington at 10.51 p. m., April 14.

The fourth message was sent to the *Titanic* at 9.05 p. m. New York time, on Sunday, the 14th of April, approximately an hour before the accident occurred. The message reads as follows:

"We are stopped and surrounded by ice."

To this the operator of the *Titanic* replied:

"Shut up. I am busy. I am working Cape Race."

While this was the last message sent by the *Californian* to the *Titanic*, the evidence shows that the operator of the *Californian* kept the telephones on his head, and heard the *Titanic* talking to Cape Race up to within a few minutes of the time of the accident, when he "put the phones down, took off his clothes, and turned in."

The *Baltic's* operator on that Sunday overheard ice reports going to the *Titanic* from the *Prinz Friedrich Wilhelm*, and from the *Amerika* (p. 1059), while the *Carpathia* on the same day overheard the *Parisian* talking about ice with other ships (p. 497).

ICE BOTH TO NORTHWARD AND SOUTHWARD STEAMSHIP "TITANIC'S" TRACK.

This enables the committee to say that the ice positions so definitely reported to the *Titanic* just preceding the accident located ice on both sides of the track or lane which the *Titanic* was following, and in her immediate vicinity. No general discussion took place among

the officers; no conference was called to consider these warnings; no heed was given to them. The speed was not relaxed, the lookout was not increased, and the only vigilance displayed by the officer of the watch was by instructions to the lookouts to keep "a sharp lookout for ice." It should be said, however, that the testimony shows that Capt. Smith remarked to Officer Lightoller, who was the officer doing duty on the bridge until 10 o'clock ship's time, or 8.27 o'clock New York time, "If it was in a slight degree hazy there would be no doubt we should have to go very slowly" (p. 67), and "If in the slightest degree doubtful, let me know." The evidence is that it was exceptionally clear. There was no haze, and the ship's speed was not reduced.

SPEED.

The speed of the *Titanic* was gradually increased after leaving Queenstown. The first day's run was 464 miles, the second day's run was 519 miles, the third day's run was 546 miles. Just prior to the collision the ship was making her maximum speed of the voyage—not less than 21 knots, or 24¼ miles per hour.

THE COLLISION.

At 11.46 p. m. ship's time, or 10.13 p. m. New York time, Sunday evening, April 14, the lookout signaled the bridge and telephoned the officer of the watch, "Iceberg right ahead." The officer of the watch, Mr. Murdock, immediately ordered the quartermaster at the wheel to put the helm "hard astarboard," and reversed the engines; but while the sixth officer standing behind the quartermaster at the wheel reported to Officer Murdock "The helm is hard astarboard," the *Titanic* struck the ice (pp. 229 and 450). The impact, while not violent enough to disturb the passengers or crew, or to arrest the ship's progress, rolled the vessel slightly and tore the steel plating above the turn of the bilge.

FIRST DAMAGE REPORTED.

The testimony shows that coincident with the collision air was heard whistling or hissing from the overflow pipe to the forepeak tank, indicating the escape of air from that tank because of the inrush of water. Practically at once, the forepeak tank, No. 1 hold, No. 2 hold, No. 3 hold, and the forward boiler room, filled with water, the presence of which was immediately reported from the mail room and the racquet court and trunk room in No. 3 hold, and also from the firemen's quarters in No. 1 hold. Leading Fireman Barret saw the water rushing into the forward fireroom from a tear about 2 feet above the stokehold floor plates and about 20 feet below the water line, which tear extended 2 feet into the coal bunker at the forward end of the second fireroom.

SERIOUS NATURE OF DAMAGE REALIZED.

The reports received by the captain after various inspections of the ship must have acquainted him promptly with its serious condition, and when interrogated by President Ismay, he so expressed himself. It is believed, also, that this serious condition was promptly realized by the chief engineer and by the builders' representative, Mr. Andrews, none of whom survived.

FLOODING OF THE VESSEL.

Under this added weight of water the bow of the ship sank deeper and deeper into the water, and through the open hatch leading from the mail room, and through other openings, water promptly overflowed E deck, below which deck the third, fourth, fifth, sixth, seventh, and eighth transverse bulkheads ended, and thus flooded the compartments abaft No. 3 hold.

WATER-TIGHT COMPARTMENTS.

The *Titanic* was fitted with 15 transverse water-tight bulkheads, only 1, the first bulkhead from forward, extended to the uppermost continuous deck, C; bulkheads Nos. 2, 10, 11, 12, 13, 14, and 15 extended to the second continuous deck, D; and bulkheads Nos. 3, 4, 5, 6, 7, 8, and 9 extended only to the third continuous deck, E. The openings through deck E were not designed for water-tight closing, as the evidence shows that flooding over deck E contributed largely to the sinking of the vessel. The bulkheads above described divided the ship into 16 main water-tight compartments, and the ship was so arranged that any 2 main compartments might be flooded without in any way involving the safety of the ship. As before stated, the testimony shows that the 5 extreme forward compartments were flooded practically immediately, and under such circumstances, by reason of the nonwater-tight character of the deck at which the transverse bulkheads ended, the supposedly water-tight compartments were not water-tight, and the sinking of the vessel followed.

DISTRESS CALLS SENT OUT.

No general alarm was sounded, no whistle blown, and no systematic warning was given the passengers. Within 15 or 20 minutes the captain visited the wireless room and instructed the operator to get assistance, sending out the distress call, C. Q. D.

DISTRESS CALLS HEARD.

This distress call was heard by the wireless station at Cape Race that evening at 10.25 p. m. New York time, together with the report that she had struck an iceberg, and at the same time was accidentally overheard by the *Mount Temple*, which ship was immediately turned around (p. 760) toward the *Titanic*. Within two or three minutes a reply was received from the *Frankfurt*. Within 10 minutes the wireless operator of the *Carpathia* fortuitously and largely by chance heard the *Titanic's* C. Q. D. call (pp. 901 and 929), which he reported at once to the bridge and to the captain. The *Carpathia* was immediately turned around (p. 19) and reported her latitude and longitude to the *Titanic*, together with the fact that she was steaming full speed toward the stricken ship (pp. 148 and 901). The *Frankfurt*, however, did not give her latitude or longitude, and after waiting 20 minutes asked the operator of the *Titanic*, "What is matter?" To this the *Titanic* operator replied that he was a fool (pp. 151 and 153).

In view of the fact that no position had been given by the *Frankfurt*, and that her exact distance from the *Titanic* was unknown at that time, the answer of the operator of the *Titanic* was scarcely such as prudence would have dictated. Notwithstanding this, however, the *Frankfurt* was overheard by the *Mount Temple* to report, "Our captain will go for you" (p. 929). Communication was promptly established with the *Olympic* and the *Baltic* (pp. 151, 158, and 901), and the *Caronia*, some 800 miles to the eastward, overheard the *Titanic's* C. Q. D. call. The wireless messages of the *Titanic* were recorded in part by the Cape Race station (p. 175) and by the *Mount Temple* (p. 929), and in part by the *Baltic* (pp. 1059 and 1060). The *Mount Temple* last heard the *Titanic* after the accident at 11.47 p. m. New York time (p. 929).

The *Baltic* and the *Carpathia* lost touch about the same time, the last message they received being "Engine room getting flooded" (pp. 107 and 1060). The *Virginian* last heard the *Titanic's signals* at 12.27 New York time, and reported them blurred, and ending abruptly (p. 175).

FIRST PRESS REPORT.

This information is contained in a report received by the Associated Press from Cape Race, and communicated by them to the public and also to Vice President Franklin of the White Star Line, and later verified from his office in Montreal, as follows (p. 1022):

CAPE RACE, NEW BRUNSWICK, *Sunday night, April 14.*

At 10.25 o'clock to-night the White Star Line steamship *Titanic* called "C. Q. D." to the Marconi wireless station here and reported having struck an iceberg. The steamer said that immediate assistance was required.

Half an hour afterwards another message came, reporting that they were sinking by the head, and that women were being put off in the lifeboats.

The weather was calm and clear, the *Titanic's* wireless operator reported, and gave the position of the vessel as 41.46 north latitude and 50.14 west longitude.

The Marconi station at Cape Race notified the Allan liner *Virginian*, the captain of which immediately advised that he was proceeding for the scene of the disaster.

The *Virginian* at midnight was about 170 miles distant from the *Titanic* and expected to reach that vessel about 10 a. m. Monday.

2 A. M. MONDAY.

The *Olympic* at an early hour this (Monday) morning was in latitude 40.32 north and longitude 61.18 west. She was in direct communication with the *Titanic* and is now making all haste toward her.

The steamship *Baltic* also reported herself as about 200 miles east of the *Titanic* and was making all possible speed toward her.

The last signals from the *Titanic* were heard by the *Virginian* at 12.27 a. m.

The wireless operator on the *Virginian* says these signals were blurred and ended abruptly.

VESSELS IN VICINITY OF STEAMSHIP "TITANIC."

At this time the committee thinks it advisable to invite attention to the reported positions of the vessels in the vicinity of the *Titanic* when her calls of distress were being sent out.

The *Californian*, of the Leyland Line, west bound, was in latitude 42° 05′ north, longitude 50° 07′ west, and was distant in a northerly direction 19¾ miles according to the captain's figures (p. 716).

The *Mount Temple*, of the Canadian Pacific Railroad line, west bound, was in latitude 41° 25′ north, longitude 51° 14′ west, and was about 49 miles to the westward of the *Titanic* (pp. 759 and 760) and on her return to the *Titanic's* position passed an unknown schooner.

The *Carpathia*, of the Cunard Line, east bound, was 58 miles away, and she steered a course north 52° west to reach the *Titanic* (p. 20).

The *Birma*, a Russian ship, was 70 miles off at 12.25 a. m. on Monday, the 15th of April (pp. 780 and 929).

The *Frankfurt*, of the North German Lloyd Line, east bound, was in latitude 39° 47′ north, longitude 52° 10′ west, 153 miles to the southwest (p. 772).

The *Virginian* at midnight was about 170 miles distant from the *Titanic* (p. 175).

The *Baltic*, of the White Star Line, east bound, was about 243 miles southeast of the *Titanic's* position at about 11 o'clock Sunday evening, New York time (p. 1053).

The *Olympic*, of the White Star Line, east bound, at 12.14, New York time, was about 512 miles to the westward, in latitude 40° 22′ north, longitude 61° 18′ west (p. 771).

STEAMSHIP LIGHT SEEN FROM STEAMSHIP "TITANIC."

Sixteen witnesses from the *Titanic*, including officers and experienced seamen, and passengers of sound judgment, testified to seeing the light of a ship in the distance, and some of the lifeboats were directed to pull for that light, to leave the passengers, and to return to the side of the *Titanic*. The *Titanic* fired distress rockets and attempted to signal by electric lamp and Morse code to this vessel. At about the same time the officers of the *Californian* admit seeing rockets in the general direction of the *Titanic* and say that they immediately displayed a powerful Morse lamp, which could be easily seen a distance of 10 miles, while several of the crew of the *Californian* testify that the side lights of a large vessel going at full speed were plainly visible from the lower deck of the *Californian* at 11.30 p. m. ship's time, just before the accident. There is no evidence that any rockets were fired by any vessel between the *Titanic* and the *Californian*, although every eye on the *Titanic* was searching the horizon for possible assistance.

THE STEAMSHIP "CALIFORNIAN'S" RESPONSIBILITY.

The committee is forced to the inevitable conclusion that the *Californian*, controlled by the same company, was nearer the *Titanic* than the 19 miles reported by her captain, and that her officers and crew saw the distress signals of the *Titanic* and failed to respond to them in accordance with the dictates of humanity, international usage, and the requirements of law. The only reply to the distress signals was a counter signal from a large white light which was flashed for nearly two hours from the mast of the *Californian*. In our opinion such conduct, whether arising from indifference or gross carelessness, is most reprehensible and places upon the commander of the *Californian* a grave responsibility. The wireless operator of the *Californian* was not aroused until 3.30 a. m., New York time, on the morning of the 15th, after considerable conversation between officers and members of the crew had taken place abroad that ship regarding these distress signals or rockets, and was directed by the chief officer to see if there was anything the matter, as a ship had been firing rockets during the night (p. 736). The inquiry thus set on foot immediately disclosed the fact that the *Titanic* had sunk. Had assistance been promptly proffered, or had the wireless operator of the *Californian* remained a few minutes longer at his post on Sunday evening, that ship might have had the proud distinction of rescuing the lives of the passengers and crew of the *Titanic*.

INTERNATIONAL SIGNALS OF DISTRESS AT SEA.

The committee deems it important to emphasize the meaning of signals of distress and includes in its report the international code, which is as follows.

Signals of distress.

When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately:

In the daytime.

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) The international code signal of distress indicated by NC.

(3) The distant signal, consisting of square flag, having either above or below it a ball or anything resembling a ball. (This is purely a code signal, and is not one of the signals of distress given in the Rules of the Road, the needless exhibition of which entails penalties upon the master of the vessel displaying it.)

(4) The distant signal, consisting of a cone, point upward, having either above it or below it a ball or anything resembling a ball.

(5) A continuous sounding with any fog-signal apparatus.

At night.

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.)

(3) Rockets or shells, throwing stars of any color or description, fired one at a time at short intervals.

(4) A continuous sounding with any fog-signal apparatus.

STEAMSHIP "TITANIC'S" LIFEBOATS CLEARED AWAY.

When Capt. Smith received the reports as to the water entering the ship he promptly gave the order to clear away the lifeboats (p. 238), and later orders were given to put women and children into the boats. During this time distress rockets were fired at frequent intervals.

The lack of preparation was at this time most noticeable. There was no system adopted for loading the boats; there was great indecision as to the deck from which boats were to be lowered; there was wide diversity of opinion as to the number of the crew necessary to man each boat; there was no direction whatever as to the number of passengers to be carried by each boat, and no uniformity in loading them. On one side only women and children were put in the boats, while on the other side there was almost an equal proportion of men and women put into the boats, the women and children being given the preference in all cases. The failure to utilize all lifeboats to their recognized capacity for safety unquestionably resulted in the needless sacrifice of several hundred lives which might otherwise have been saved.

CAPACITY OF LIFEBOATS NOT UTILIZED.

The vessel was provided with lifeboats, as above stated, for 1,176 persons, while but 706 were saved. Only a few of the ship's lifeboats were fully loaded, while others were only partially filled. Some were loaded at the boat deck and some at the A deck, and these were successfully lowered to the water. The twentieth boat was washed overboard when the forward part of the ship was submerged, and in its overturned condition served as a life raft for about 30 people, including Second Officer Lightoller. Wireless Operators Bride and Phillips (the latter dying before rescue), passengers Col. Gracie and Mr. Jack Thayer, and others of the crew, who climbed upon it from the water at about the time the ship disappeared.

LIFEBOAT DEVICES.

Had the sea been rough it is questionable whether any of the lifeboats of the *Titanic* would have reached the water without being damaged or destroyed. The point of suspension of the *Titanic's* boats was about 70 feet above the level of the sea. Had the ship been rolling heavily the lifeboats as they were lowered would have swung out from the side of the ship as it rolled toward them and on the return roll would have swung back and crashed against its side. It is evident from the testimony that as the list of the *Titanic* became noticeable the lifeboats were crushed against the high side as they were being lowered. Every effort should be made to improve boat-handling devices and to improve the control of boats while being lowered.

CONFLICT IN LIFEBOAT REPORTS.

In the reports of the survivors there are marked differences of opinion as to the number carried by each lifeboat. In lifeboat No. 1, for instance, one survivor reports 10 in all. The seaman in charge reports 7 of the crew and 14 to 20 passengers (p. 374). The officer who loaded this boat estimated that from 3 to 5 women and 22 men were aboard (pp. 404 and 405). Accepting the maximum report as made by any one survivor in every boat, the total far exceeds the actual number picked up by the *Carpathia*.

NO DISTINCTION BETWEEN PASSENGERS.

The testimony is definite that, except in isolated instances, there was no panic. In loading boats no distinction was made between first, second, and third class passengers, although the proportion of lost is larger among third-class passengers than in either of the other classes. Women and children, without discrimination, were given preference.

Your committee believes that under proper discipline the survivors could have been concentrated into fewer boats after reaching the water, and we think that it would have been possible to have saved many lives had those in charge of boats thus released returned promptly to the scene of the disaster.

CONDUCT ON LIFEBOATS.

After lowering, several of the boats rowed many hours in the direction of the lights supposed to have been displayed by the *Californian*. Other boats lay on their oars in the vicinity of the sinking ship, a few survivors being rescued from the water. After distributing his passengers among the four other boats which he had herded together, and after the cries of distress had died away, Fifth Officer Lowe, in boat No. 14, went to the scene of the wreck and rescued four living passengers from the water, one of whom afterwards died in the lifeboat, but was identified. Officer Lowe then set sail in boat No. 14, took in tow one collapsible boat, and proceeded to the rescue of passengers on another collapsible lifeboat.

The men who had taken refuge on the overturned collapsible lifeboat were rescued, including Second Officer Lightoller and passengers Gracie and Thayer, and Wireless Operators Bride and Phillips, by lifeboats No. 4 and No. 12, before the arrival of the *Carpathia*. The fourth collapsible lifeboat was towed to the side of the *Carpathia*, and contained 28 women and children, mostly third-class passengers, 3 firemen, 1 steward, 4 Filipinos, President Ismay, and Mr. Carter, of Philadelphia, and was in charge of Quartermaster Rowe.

SHIP SINKING.

The ship went down gradually by the bow, assuming an almost perpendicular position just before sinking at 12.47 a. m., New York time, April 15. There have been many conflicting statements as to whether the ship broke in two, but the preponderance of evidence is to the effect that she assumed an almost end-on position and sank intact.

NO SUCTION.

The committee deems it of sufficient importance to call attention to the fact that as the ship disappeared under the water there was no apparent suction or unusual disturbance of the surface of the water. Testimony is abundant that while she was going down there was not sufficient suction to be manifest to any of the witnesses who were in the water or on the overturned collapsible boat or on the floating débris, or to the occupants of the lifeboats in the vicinity of the vessel, or to prevent those in the water, whether equipped with life belts or not, from easily swimming away from the ship's side while she was sinking.

CAPTAIN ROSTRON.

The committee invites your attention to the course followed by Captain Rostron, commanding the *Carpathia*. Immediately upon the receipt of the wireless call of distress Captain Rostron gave the order to turn the ship around and set a definite course toward the *Titanic* and instructed the chief engineer to call another watch of stokers and make all possible speed to that ship.

Realizing the possible presence of ice, because of the collision, Captain Rostron doubled his lookouts and exerted extra vigilance, putting an extra lookout on duty forward and having another officer on the bridge. The captain immediately instructed the first officer to "prepare all our lifeboats and have them all ready for turning outboard." He further sent for the heads of the different departments and issued the following order, which the committee deem of sufficient importance to quote in full:

English doctor, with assistants, to remain in first-class dining room.

Italian doctor, with assistants, to remain in second-class dining room.

Hungarian doctor, with assistants, to remain in third-class dining room.

Each doctor to have supplies of restoratives, stimulants, and everything to hand for immediate needs of probable wounded or sick.

Purser, with assistant purser and chief steward, to receive the passengers, etc., at different gangways, controlling our own stewards in assisting *Titanic* passengers to the dining rooms, etc.; also to get Christian and surnames of all survivors as soon as possible to send by wireless.

Inspector, steerage stewards, and master at arms to control our own steerage passengers and keep them out of the third-class dining hall, and also to keep them out of the way and off the deck to prevent confusion.

Chief steward: That all hands would be called and to have coffee, etc., ready to serve out to all our crew.

Have coffee, tea, soup, etc., in each saloon, blankets in saloons, at the gangways, and some for the boats.

To see all rescued cared for and immediate wants to be attended to.

My cabin and all officials' cabins to be given up. Smoke rooms, library, etc., dining rooms, would be utilized to accommodate the survivors.

All spare berths in steerage to be utilized for *Titanic's* passengers, and get all our own steerage passengers grouped together.

Stewards to be placed in each alleyway to reassure our own passengers, should they inquire about noise in getting our boats out, etc., or the working of engines.

To all I strictly enjoined the necessity for order, discipline, and quietness, and to avoid all confusion.

Chief and first officers: All hands to be called, get coffee, etc. Prepare and swing out all boats.

All gangway doors to be opened.

Electric sprays in each gangway and over side.

A block with line rove hooked in each gangway.

A chair sling at each gangway for getting up sick or wounded.

Boatswains' chairs, pilot ladders, and canvas ash bags to be at each gangway, the canvas ash bags for children.

Cargo falls with both ends clear, bowlines in the ends and hights secured along ship's sides for boat ropes or to help the people up.

Heaving lines distributed along the ship's side and gaskets handy near gangways for lashing people in chairs, etc.

Forward derricks topped and rigged and steam on winches; also told off officers for different stations and for certain eventualities.

Ordered company's rockets to be fired at 2.45 a. m. and every quarter of an hour after to reassure *Titanic*.

The committee deems the course followed by Capt. Rostron of the *Carpathia* as deserving of the highest praise and worthy of especial recognition. Capt. Rostron fully realized all the risk involved. He doubled his lookouts, doubled his fireroom force, and notwithstanding such risk pushed his ship at her very highest limit of speed through the many dangers of the night to the relief of the stricken vessel. His detailed instructions issued in anticipation of the rescue of the *Titanic* are a marvel of systematic preparation and completeness, evincing such solicitude as calls for the highest commendation. The precautions he adopted enabled him to steer his course between and around icebergs until he stopped his engines at 4 o'clock in the morning in the vicinity of the accident, where he proceeded to pick up the *Titanic's* lifeboats with the survivors.

ON THE SCENE OF THE WRECK.

The first boat was picked up at 4.10 a. m. Monday, and the last of the survivors was on board by 8.30 a. m., after which Capt. Rostron made arrangements to hold service, a short prayer of thankfulness for those rescued, and a short burial service for those who were lost."

Upon the arrival of the *Californian* upon the scene, about 8 o'clock in the morning, the captain of the *Carpathia* communicated with her commander, stating that all of the passengers had been rescued from the boats but that he thought one was still unaccounted for; and arrangements were made whereby the *Californian* made an exhaustive search in the vicinity for this missing boat.

Capt. Rostron stated that the *Carpathia* picked up 15 lifeboats and 2 collapsible boats. Evidence was given before the committee by at least one occupant of every lifeboat, satisfying the committee that the 16 lifeboats with which the *Titanic* was equipped were all accounted for. Thirteen of these lifeboats were hoisted on board and carried to New York by the *Carpathia*.

After arranging for a thorough search of the vicinity by the *Californian*, Capt. Rostron headed his vessel for New York, reporting immediately by wireless to the officials of his company in New York, as follows:

NEW YORK, latitude 41.45; longitude 50.20 west.—Am proceeding New York, unless otherwise ordered, with about 800, after having consulted with Mr. Ismay and considering the circumstances. With so much ice about consider New York best. Large number icebergs and 20 miles field ice with bergs amongst.

BODIES NOT VISIBLE.

The committee directs attention to the fact that Captain Rostron, of the *Carpathia*, although four hours in the vicinity of the accident, saw only one body, and that Captain Lord, of the *Californian*, who remained three hours in the vicinity of the wreckage, saw none. The failure of the captain of the *Carpathia*, of the captain of the *Californian*, and of the captain of the *Mount Temple* to find bodies floating in that vicinity in the early morning of the day following can only be accounted for on the theory that those who went down with the ship either did not rise to the surface or were carried away or hidden by the extensive ice floe which during the night came down over the spot where the ship disappeared, while those bodies which have been found remote from the place where the ship went down were probably carried away from the scene by the currents or by the movement of the ice.

WIRELESS SERVICE.

Numerous wireless messages of an official character were given to the operator on the *Carpathia* on Monday morning, April 15, with explicit instructions from the captain to send them immediately, and, if necessary, relay through other vessels.

Captain Rostron's testimony on this point before the committee on April 19, 1912, the day following his arrival in New York, is unqualified upon this point, and is as follows:

"From the very commencement I took charge of the whole thing and issued orders that every message sent would be sent under my authority, and no message was to be sent unless authorized by me. My orders were: First of all, the two official messages. The two official messages were to the Cunard Co. and the White Star Co., as regards the accident, telling them that I had gotten approximate number of passengers aboard and was returning to New York. That was to the White Star Co., and the other one was to our company, of course, telling them that I was proceeding to New York unless otherwise ordered, and considered New York the best for many considerations.

"After those two messages were sent, I sent a press message to the Associated Press, practically in the same words as I had sent to the companies, over my signature.

"Those were the three first messages that were sent. After these messages were sent, we began sending in the names of the first-class passengers. This was by the *Olympic* on Monday evening. We got the first, and, I think, all the second, off by the *Olympic*. Then we lost touch.

"I controlled the whole thing through my orders. I said I placed official messages first. After they had gone and the first press message, then the names of the passengers. After the names of the passengers and crew had been sent my orders were to send all private messages from the *Titanic's* passengers first in the order in which they were given in to the purser; no preference to any message."

The question having arisen as to the authority exercised over the operator of the *Carpathia*, the chairman of the subcommittee sent the following cablegram to Captain Rostron.

NEW YORK, *May 4, 1912.*

To Captain ROSTRON,
Cunard Steamship "Carpathia," Gibraltar:

Original wireless message sent by Bruce Ismay addressed Islefrank, New York City, immediately after he boarded *Carpathia* Monday morning, April 15, containing these words, "Deeply regret advise you *Titanic* sank this morning after collision iceberg, resulting serious loss life. Further particulars later," signed Bruce Ismay, is now in my possession. Ismay under oath waived secrecy, and I desire cable from you containing contents of that message and any memoranda thereon showing hour and date when sent by *Carpathia* operator and through what ship or shore station. Also whether relayed through other ship station. Also whether operator was forbidden by you to communicate such message or any other message via steamships *Californian* and *Olympic*. Also whether operator was prevented by you from sending this message or any other concerning accident. Cable answer collect to me, Washington.

WILLIAM ALDEN SMITH,
Chairman Senate Subcommittee.

And received the following reply:

GIBRALTAR, *May 13, 1912.*

Senator WILLIAM ALDEN SMITH,
Chairman Senate Subcommittee, Washington:

Ismay's telegram begins "Islefrank, New York; deeply regret advise you *Titanic* sunk this morning, 15th, after collision with iceberg, resulting serious loss of life. Further particulars later. Bruce Ismay, Exc." (ends). Purser asked my permission to send it, which I granted. As it was official message, Ismay mentally very ill at time, our purser asked him to add last three words; now find sent through Sable Island 17th April. Message given to purser afternoon of 15th; purser took message to Operator Cottam personally and gave my permission to send early as possible. I did not forbid relaying message to any ship. On contrary, particularly mentioned doing all possible to get official messages, names of survivors, then survivors' messages away by most convenient means. By *Olympic* were sent my messages signed by self to Cunard, Liverpool, and New York, White Star, and press messages, Ismay's, almost identical with mine; worked *Olympic* as long as possible. Only messages I prevented sending were further press messages. I desire full investigation my actions.

ROSTRON.

10.40 p. m.

Notwithstanding the specific instructions of the captain to the wireless operator on the morning of April 15 regarding the transmission of Mr. Ismay's message to Mr. Franklin in New York, the evidence shows that the message in question was not received by Mr. Franklin until about 9 o'clock Wednesday morning, April 17. The original message, in the possession of the committee, shows that the message was transmitted from the *Carpathia*, April 17, via Halifax. Our investigation discloses the fact that the message was delivered to Mr. Franklin in New York promptly after its receipt by the Postal Telegraph & Cable Co.

The message in question is as follows:

STEAMSHIP CARPATHIA, *April 17, 1912 (via Halifax).*

ISLEFRANK, *N. Y. C.:*

Deeply regret advise you *Titanic* sank this morning, after collision iceberg, resulting serious loss life. Further particulars later.

BRUCE ISMAY.

This message was received by Mr. Franklin in New York about 9 a. m. April 17.

PUBLIC INFORMATION.

The record further discloses the first official information concerning the disaster communicated to the public by the officials of the White Star Line was received from Capt. Haddock, of the *Olympic*, at 6.16 p. m. Monday, April 15, as follows:

Carpathia reached *Titanic's* position at daybreak. Found boats and wreckage only. *Titanic* had foundered about 2.20 a. m. in 41.16 north, 50.14 west. All her boats accounted for. About 675 souls saved, crew and passengers, latter nearly all women and children. Leyland Line steamship *Californian* remaining and searching position of disaster. *Carpathia* returning to New York with survivors; please inform Cunard.

HADDOCK.

Notwithstanding this information in possession of the officials of that company, a telegram was sent to Representative J. A. HUGHES, Huntington, W. Va., dated New York, April 15, 1912, reading as follows:

Titanic proceeding to Halifax. Passengers will probably land there Wednesday all safe.

WHITE STAR LINE.

8.27 p. m.

The committee have been unable to fix the identity of the author of this telegram. We find, however, that this message was delivered to the Western Union branch office, in the same building as the offices of the White Star Line, 11 Broadway, at 7.51 p. m. on that day, but are left wholly in doubt as to the person who sent it or the purpose of the author in sending such a message. Whoever sent this message, under the circumstances, is guilty of the most reprehensible conduct.

INFORMATION WITHHELD.

The committee does not believe that the wireless operator on the *Carpathia* showed proper vigilance in handling the important work confided to his care after the accident. Information concerning an accident at sea had been used by a wireless operator prior to this accident for his own advantage. That such procedure had been permitted by the Marconi Co. may have had its effect on this occasion. The disposition of officials of the Marconi Co. to permit this practice and the fact of that company's representatives making the arrangements for the sale of the experiences of the operators of the *Titanic* and *Carpathia* subjects the participants to criticism, and the practice should be prohibited. The committee are pleased to note that Mr. Marconi approves of such prohibition.

RECOMMENDATIONS.

The committee finds that this accident clearly indicates the necessity of additional legislation to secure safety of life at sea.

By statute the United States accepts reciprocally the inspection certificates of foreign countries having inspection laws approximating those of the United States. Unless there is early revision of inspection laws of foreign countries along the lines laid down hereinafter, the committee deems it proper that such reciprocal arrangements be terminated, and that no vessel shall be licensed to carry passengers from ports of the United States until all regulations and requirements of the laws of the United States have been fully complied with.

The committee recommends that sections 4481 and 4488, Revised Statutes, be so amended as to definitely require sufficient lifeboats to accommodate every passenger and every member of the crew. That the importance of this feature is recognized by the steamship lines is indicated by the fact that on many lines steps are being taken to provide lifeboat capacity for every person on board, including crew; and the fact of such equipment is being widely advertised. The president of the International Mercantile Marine Co., Mr. Ismay, definitely stated to the committee (p. 985):

"We have issued instructions that none of the ships of our lines shall leave any port carrying more passengers and crew than they have capacity for in the lifeboats."

Not less than four members of the crew, skilled in handling boats, should be assigned to every boat. All members of the crew assigned to lifeboats should be drilled in lowering and rowing the boats not less than twice each month, and the practice of such drill or practice should be noted in the log.

The committee recommends the assignment of passengers and crew to lifeboats before sailing; that occupants of certain groups of staterooms and the stewards of such groups of rooms be assigned to certain boats most conveniently located with reference to the rooms in question; the assignment of boats and the shortest route from stateroom to boat to be posted in every stateroom.

The committee recommends that every ocean steamship carrying 100 or more passengers be required to carry 2 electric searchlights.

The committee finds that this catastrophe makes glaringly apparent the necessity for regulation of radiotelegraphy. There must be an operator on duty at all times, day and night, to insure the immediate receipt of all distress, warning, or other important calls. Direct communication either by clear-speaking telephone, voice tube, or messenger must be provided between the wireless room and the bridge, so that the operator does not have to leave his station. There must be definite legislation to prevent interference by amateurs and to secure secrecy of radiograms or wireless messages. There must be some source of auxiliary power, either storage battery or oil engine, to insure the operation of the wireless installation until the wireless room is submerged.

The committee recommends the early passage of S. 6412, already passed by the Senate and favorably reported by the House.

The committee recommends that the firing of rockets or candles on the high seas for any other purpose than as a signal of distress be made a misdemeanor.

The committee recommends that the following additional structural requirements be required as regards ocean-going passenger steamers the construction of which is begun after this date:

All steel ocean and coastwise seagoing ships carrying 100 or more passengers should have a water-tight skin inboard of the outside plat-

ing extending not less than 10 per cent of the load draft above the full load water line, either in the form of an inner bottom or of longitudinal water-tight bulkheads, and this construction should extend from the forward collision bulkhead over not less than two-thirds of the length of the ship.

All steel ocean and coastwise seagoing ships carrying 100 or more passengers should have bulkheads so spaced that any two adjacent compartments of the ship may be flooded without destroying the flotability or stability of the ship. Water-tight transverse bulkheads should extend from side to side of the ship, attaching to the outside shell. The transverse bulkheads forward and abaft the machinery spaces should be continued water-tight vertically to the uppermost continuous structural deck. The uppermost continuous structural deck should be fitted water-tight. Bulkheads within the limits of the machinery spaces should extend not less than 25 per cent of the draft of the ship above the load water line and should end at a water-tight deck. All water-tight bulkheads and decks should be proportioned to withstand, without material permanent deflection, a water pressure equal to 5 feet more than the full height of the bulkhead. Bulkheads of novel dimensions or scantlings should be tested by being subjected to actual water pressure.

EXHIBIT "A."—*Particulars of crew of steamship "Titanic."*

[In many cases the addresses given only represent the places in Southampton, etc., at which the members of the crew usually stayed, their permanent home addresses not being known.]

A.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Archer, E.	59 Forchester Road, Woolston, Southampton.	A. B.	Saved.
2. Anderson, J. (2 saved.)	1 Cosens Court, Southampton	do	Do.

ENGINE DEPARTMENT.

1. Allsop, A. S.	134 Malmesbury Road, Southampton	Junior electrician	
2. Adams, R.	168 Romsey Road, Southampton.	Fireman	
3. Allen, H.	3 French Street, Southampton.	do	
4. Allen, E.	9 Short Street, Southampton	Trimmer	Saved.
5. Avery, J.	122 Hills Road, Southampton.	do	Do.
6. Abraham, C. (2 saved, 4 lost.)	3 Charles Street, Southampton.	Fireman	

VICTUALING DEPARTMENT.

1. Ayling, F.	22 Wilton Street, Southampton.	Assistant vegetable cook	
2. Allen, E.	32 Grove Street, Southampton.	Scullion	
3. Andrews, C.	145 Millbrook Road, Southampton.	Assistant steward	Saved.
4. Akermann, A.	26 Rochester Street, Northam, Southampton.	Steward	
5. Ashcroft, A.	28 Canterbury Road, Beacombe Cheshire.	Clerk	
6. Allsop, F.	73 Obelisk Road, Woolston, Hants.	Saloon steward	
7. Ashe, H.	15 Wyresdale Road, Liverpool.	G. H. steward	
8. Asher, P.	136 Northumberland Road, Southampton.	Saloon steward	
9. Abbott, E.	93 Northumberland Road, Southampton.	Pantryman	
10. Allan, F.	Short Street, Southampton	Lift attendant	
11. Allan, R.	Staying at Devonfield, Charlton Road, Shirley, Southampton.	Bedroom steward	
12. Allaria, B.	9 Orchard Place, Southampton.	(R) Assistant waiter.	
13. Aspelagi, G.	76 St. Pauls Road, London, NW.	(R) Assistant plateman.	
14. Andersen, W.	12 Queens Terrace, Southampton	Bedroom steward	
15. Akerman, J. (1 saved, 14 lost.)	25 Rochester Street, Northam, Southampton.	Assistant pantryman.	

B.

DECK DEPARTMENT.

1. Brice, W.	11 Lower Canal Walk, Southampton.	A. B.	Saved.
2. Boxhall, J. G.	"Manora," Westbourne Avenue, Hull.	Fourth officer	Do.
3. Bailey, W.	377 Portswood Road, Southampton.	Master at arms	Do.
4. Bright, A.	105 Firgrove Road, Southampton.	Quartermaster	Do.
5. Bradley, F.	25 Threefield Lane, Southampton.	A. B.	
6. Bailey, E. (3 saved, 1 lost.)	10 Cliff Road, Woolston, Southampton.	do	Do.

ENGINE DEPARTMENT.

1. Bell, J.	34 Cosmo Road, Southampton.	Chief engineer	
2. Barlow, C.	10 St. Marys Road, Southampton.	Fireman	
3. Beauchamp, G.	Redbridge Road, Southampton.	do	Saved.
4. Biggs, E.	65 College Street, Southampton	do	
5. Baines, Rich.	9 Union Place, Southampton	Greaser	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

B—Continued.

ENGINE DEPARTMENT—continued.

Name.	Address.	Rating.	
6. Barnes, Chas.	45 York Road, Southampton	Fireman	
7. Brown, J.	2 Russell Street, Southampton	do	
8. Bendell, T.	26 Woodley Road, Southampton.	do	
9. Bessant, W.	30 Henry Road, Southampton	do	
10. Bennett, G.	3 Deal Street, Southampton	do	
11. Bannon, J.	9 St. George Street, Southampton.	Greaser	
12. Barrett, F.	34 King Street, Southampton.	Leading fireman	Saved.
13. Blake, T.	25 Peel Street, Northam, Southampton	Fireman	
14. Bailey, G. W.	16 Brook Road, Woolston, Southampton.	do	
15. Barrett, F. W.	26 Bevois Street, Southampton.	do	
16. Ball, W.	51 Brintons Road, Southampton.	do	
17. Brooks, J.	128 Lyon Street, Southampton.	Trimmer	
18. Bevis, J.	171 Empress Road, Southampton.	do	
19. Brewer, H.	27 Palmerston Road, Southampton.	do	
20. Bott, W.	6 Nichols Road, Southampton.	Greaser	
21. Burroughs, A.	73 Adelaide Road, Southampton.	Fireman	
22. Benwills, E.	4 Orchard Lane, Southampton	do	
23. Blackman, H.	58 College Street, Southampton.	do	
24. Blake, P.	19 Endle Street, Southampton	Trimmer	Do.
25. Black, D.	Sailors' Home, Southampton	Fireman	
26. Brown, J.	237 Desborough Road, Eastleigh.	do	
27. Blaney, J.	Sailors' Home, Southampton	do	
28. Barnes, J.	Woodley Road, Woolston, Southampton.	do	
29. Bradley, F.	4 Greens Court, Southampton	do	
30. Billows, J.	28 Bell Street, Southampton	Trimmer	
31. Blake, S.	Holyrood House, Southampton.	Mess steward	
32. Burton, E.	24 Chapel Street, Southampton.	Fireman	
33. Binstead, W.	49 Endle Street, Southampton	Trimmer	Do.
34. Briggs, W.	Sailors' Home, Southampton	Fireman	
35. Butt, W.	6 Cawte Road, Southampton	do	
36. Blann, E.	99 Pound Street, Southampton.	do	
37. Black, A.	6 Briton Street, Southampton	do	
38. Bullicombe, C.	42 Kentish Road, Southampton.	do	
39. Beattie, F. (4 saved, 35 lost.)	3 Isthmus Street, Belfast	Greaser	

VICTUALING DEPARTMENT.

1. Bennett, Mrs.	22 Cranbury Avenue, Southampton.	Stewardess	Saved.
2. Bliss, Miss	56 Upper Park Road, New Southgate.	do	Do.
3. Burke, W.	57 Bridge Road, Southampton.	Saloon steward	Do.
4. Brown, E.	88 Suffolk Road, Southampton	do	Do.
5. Best, E.	87 Malmesbury Road, Southampton.	do	
6. Boyes, H.	105 Clovelly Road, Southampton.	do	
7. Bristowe, H.	Shorlands, Kent	do	
8. Boughton, E.	10 Richmond Road, Southampton.	do	
9. Barker, E.	4 Grand Parade, Harringay, London.	do	
10. Barrows, W.	34 Hanover Street, Islington, London, N.	do	
11. Burr, E.	34 Victoria Road, Woolston, Hants.	do	
12. Barringer, A.	53 Padwell Road, Southampton.	do	
13. Brown, W.	"Nestleton," Hillside Avenue, Bitterne, Southampton.	do	
14. Baggett, A.	106 Park Road, Southampton	do	Do.
15. Benham, T.	64 Peach Street, Wokingham	do	
16. Bully, H.	31 Carlton Crescent, Southampton.	Boots	
17. Barlow, G.	"Carminster," Foundry Lane, Southampton.	B. R. steward	
18. Beothby, W.	21 Winchester Road, Shirley Southampton.	do	
19. Byrne, J.	218 Balfour Road, Ilford, Essex.	do	
20. Beedman, G.	81 Shrewsbury Road, Southampton.	do	
II. Bogie, L.	109 The Crescent, Eastleigh	do	
III. Brookman, J.	34 Richmond Street, Southampton.	Steward	
III. Bristow, R.	49 Westridge Road, Southampton.	do	
24. Barton, S.	85 College Street, Southampton.	do	
25. Burrage, A.	9 Emsworth Road, Southampton.	Plates	Do.
III. Baxter, H. R.	110 Shirley Road, Southampton.	Steward	
27. Barker, E.	"May Bush," Old Shirley, Southampton.	Second purser	
28. Bailey, G.	Brooklands, Shepperton	Saloon steward	
29. Bochetes, J.	28 Oak Bank Road, Southampton.	Assistant chef	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

B—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
30. Bedford, W.	163 Manor Road, Itchen, Hants.	Assistant cook	
31. Bull, W.	27 Shandall Street, Southampton.	Scullion	
32. Beere, W.	2 Avenue Cottage, Shirley Warren, Southampton.	Kitchen porter	
33. Buckley, H.	7 Brunswick Square, Southampton.	Assistant vegetable cook.	
34. Burgess, C.	65 Bridge Road, Southampton	Extra third baker	Saved.
35. Barnes, W.	25 Parsonage Road, Southampton.	Assistant baker	
36. Barker, A.	Kingsworthy, Winchester	do	
37. Barker, T.	20 Upper Bugle Street, Southampton.	Assistant butcher	
38. Bride, H. S.	Care of Marconi Co., London	Second Marconi	Do.
39. Barrow, H.	17 Derby Road, Southampton	Assistant butcher	
40. Butt, R.	6 Cawte Road, Southampton	Saloon steward	
41. Bagley, E.	183 Priory Road, St. Denys, Southampton.	do	
42. Boyd, J.	52 Cranbury Road, Southampton.	do	
43. Butterworth, J.	270 Priory Road, Southampton.	do	
44. Beston, W.	1 Hanley Road, Southampton	Assistant deck steward.	
45. Burke, R.	26 Southampton Road, Chandlersford, Hants.	Lounge attendant	
46. Back, C.	33 Weymouth Terrace, Southampton.	Assistant attendant.	
47. Broome, Athol	White Lodge, Bitterne Park, Southampton.	Assistant veranda café.	
48. Bessant, E.	39 Shirley Park Road, Southampton.	Baggage master	
49. Barrett, A.	164 Northumberland Road, Southampton.	Bell boy	
50. Broom, H.	2 High Street, East Cowes	Bath steward	
51. Baxter, F.	81 Atherly Road, Southampton.	Linen keeper	
52. Bishop, W.	17 High Street, Itchen, Hants.	Bedroom steward	
53. Bond, W.	20 Hanley Road, Southampton	do	
54. Brewster, G. H.	5 Carlton Place, Southampton	do	
55. Bunnell, F.	Father, 212 Bedford Road, Rockferry, Liverpool.	Plate washer	
56. Bradshaw, I.	2 Portland Street, Southampton.	do	
57. Ball, Percy	7 Windsor Terrace, Southampton.	do	Do.
58. Bowker, Miss	The Cottage, Little Sutton, Cheshire.	(R) Cashier	Do.
59. Bochet, G.	4 Tonbridge House, Mercer Street, Long Acre, London.	(R) Second waiter	
60. Basilico, G.	27 Old Compton Street, London.	(R) Waiter	
61. Banfi	33 Aubert Park, Highbury Hill, London.	do	
62. Beux, D.	5 Beauchamp Place, Brompton Road, London.	(R) Assistant waiter	
63. Bernardi, B.	113 High Street, Notting Hill Gate, London.	do	
64. Bolbens, H.	57 Orchard Place, Southampton.	(R) Larder cook	
65. Bietrix, G.	22 Albert Mansions, Lambeth, London.	(R) Sauce cook	
66. Blumet, J.	26 Richmond Street, Southampton.	(R) Plateman	
67. Berthold, Florentini.	52 St. James Road, Little Poultenay Street, London.	(R) Assistant scullery-man.	
68. Bazzi, L. (10 saved, 58 lost.)	21 Great Chapel Street, Oxford Street, London.	(R) Waiter	

C.

DECK DEPARTMENT.

1. Couch, F.	Port Isaac, Cornwall	A. B.	
2. Clench, G.	10 The Flats, Chantry Road, Southampton.	do	
3. Clinch, P. (1 saved, 2 lost.	do	do	Saved.

ENGINE DEPARTMENT.

1. Coy, F. E. G.	134 Portswood Road, Southampton.	Junior third assistant engineer.	
2. Cunningham, B.	6 Briton Street, Southampton.	Fireman	
3. Crimmins, J.	7 King Street, Southampton	do	Saved.
4. Corcoran, D.	Sailors' Home, Southampton	do	
5. Castleman, E.	37 North Road, St. Denys, Southampton.	Greaser	
6. Cooper, H.	9 George Street, Southampton	Fireman	
7. Cherrett, W.	13 Nelson Road, southampton	do	
8. Chorley, J.	2 Regent Street, Southampton	do	
9. Carter, F.	11 Cross Court, Southampton	Trimmer	
10. Cavell, G.	Lower East Road, Sholing, Southampton.	do	Do.
11. Coe, H.	10 Green Court, Southampton	do	
12. Couch, J.	42 Canton Street, Southampton	Greaser	
13. Cross, W.	97 Ludlow Road, Southampton	Fireman	
14. Clark, W.	30 Paget Street, Southampton	do	Do.
15. Curtis, A.	55 Kingsley Road, Southampton.	do	
16. Collins, S.	Sailors' Home, Southampton	do	Do.
17. Cannner, J.	17 Shamrock Road, Woolston, Southampton.	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

C—Continued.

ENGINE DEPARTMENT—continued.

Name.	Address.	Rating.	
18. Crabb, H.	101 Firgrove Road, Southampton.	Trimmer	
19. Cooper, J.	27 Pound Street, Southampton	do	
20. Carr, R.	Wellham Cottage, Winchester Road, Southampton.	do	
21. Calderwood, H.	Sailors' Home, Southampton	do	
22. Coleman, J.	7 Mortimer Road, Woolston, Southampton.	Mess steward	
23. Cotton, A.	Shore Cottage, Hythe, Southampton.	Fireman	
24. Casey, T.	Sailors' Home, Southampton	Trimmer	
25. Creese, H.	2 Enfield Grove, Woolston, Southampton.	Deck Engineer	
26. Chisnall, G.	53 High Street, Itchen, Southampton.	Boilermaker	
27. Coombes, G.	45 Coleman Street, Southampton.	Fireman	Saved.
28. Couper, R.	101 Dukes Road, Southampton	do	Do.
29. Copperthwaite, R. (6 saved, 23 lost.)	39 Mount Street, Southampton	do	

VICTUALING DEPARTMENT.

1. Charman, J.	Mother, 19 Burford Road, Horsham; Malden Hill House, Lewisham.	Saloon steward	
2. Christmas, H.	4 Brintons Road, Southampton.	Assistant steward	
3. Chapman, J.	31 Belleview Road, Southampton.	Boots	Saved.
4. Chitty, G.	Sister, Mrs. Carpenter, "Clovelly," Newtown Road, Bitterne Park, Southampton.	Steward	
5. Cox, W.	110 Shirley Road, Southampton.	do	
6. Cecil, C.	194 Millbrook Road, Southampton.	do	
7. Crispin, W.	"Sanlon Villa," Eastleigh	G. H. steward	
8. Campbell, D. S.	White Star Line, Southampton.	Clerk	
9. Crow, G. F.	89 Milton Road, Southampton	Saloon steward	Do.
10. Carney, W.	11 Cairo, W. Derby Road, Liverpool.	Lift attendant	
11. Corben, E.	55 Floating Bridge Road, Southampton.	Assistant printer	
12. Clark, T.	Sefton Mount, Hillside Avenue, Southampton.	Bedroom steward	
13. Cunningham, A.	60 Charlton Road, Southampton.	do	Do.
14. Crawford, A.	22 Cranbury Avenue, Southampton.	do	Do.
15. Cullen, C.	21 Warberton Road, Seaford, Liverpool.	do	Do.
16. Crumplin, C.	"Anchor and Hope," Threefield Lane, Southampton.	do	
17. Caton, Miss	50 Highbury Hill, London, N.	T. B. attendant	Do.
18. Crosbie, J. B.	47 St. Dunstans Road, Keasington, London.	do	
19. Cave, H.	17 Shirley Park Road, Southampton.	Saloon steward	
20. Crafter, F.	143 Albert Road, Southampton.	do	Do.
21. Cartwright, J.	77 Gossett Street, Bethnal Green, London.	do	
22. Cook, George	13 Franklin Road, Westham, Weymouth.	do	
23. Coleman, A.	2 Myrtle Bank, Oak Tree Road, Bitterne Park, Southampton.	do	
24. Cheverton, W.	Mill Street, Newport, I. O. W.	do	
25. Crisp, H.	36 Macnaughten Road, Southampton.	do	
26. Casswill, C.	81 Melbourne Street, Southampton.	do	
27. Conway, P.	Parents, 131 Bentham Road, South Hackney, London; 25 South Front, Southampton.	do	
28. Caunt, W.	55 Sidney Street, Southampton.	Grill cook	
29. Coombs, C.	78 Dukes Road, Southampton.	Assistant cook	
30. Colzan, J.	27 West Street, Southampton.	Scullion	Do.
31. Collins, John	65 Ballycarry Street, Belfast	do	Do.
32. Chitty, G.	Mrs. Carpenter, "Clovelly," Newton Road, Bitterne Park, Southampton; 68 Bevois Street.	Assistant baker	
33. Crovella, L.	5 Orchard Place, Southampton.	(R) Assistant waiter	
34. Coutin, A.	37 Orchard Place, Southampton.	(R) Entrée cook	
35. Charbolson, A.	19 Kennington Park Gardens, London, S. E.	(R) Roast cook	
36. Cornaire, M. (9 saved, 27 lost.)	15 Trafalgar Square, Chelsea, London.	(R) Assistant roast.	

D.

DECK DEPARTMENT.

1. Davis, S. J. (1 lost.)	42 Duncan Street, Landport, Portsmouth.	A. B.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
D—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Dyer, H. R.	53 Middle Street, Southampton	Senior fourth assistant engineer.	
2. Dodd, E. C.	26 Queens Parade, Southampton.	Junior third engineer.	
3. Dodd, R.	12 Queens Park Terrace, Southampton.	Junior fourth assistant engineer.	
4. Duffy, William.	11 Garton Road, Itchen, Southampton.	Writer	
5. Davies, T.	2 Church Lane, Southampton.	Leading fireman	
6. Dilley, J.	44 Threefield Lane, Southampton.	Fireman	Saved.
7. Dillon, T. F.	Sailors' Home, Southampton.	Trimmer	Do.
8. Dore, A.	9 Mount Street, Southampton.	do	Do.
9. Doel, F.	20 Richmond Street, Southampton.	Fireman	Do.
10. Doyle, F.	10 Orchard Place, Southampton.	do	
11. Dymond, F.	2 Farmers Court, Southampton	do	Do.
12. Dawson, J.	70 Brintons Road, Southampton.	Trimmer	
13. Diaper, J.	102 Derby Road, Southampton	Fireman	Do.
14. Dickson, W. (6 saved, 8 lost.)	10 Oriental Terrace, Southampton.	Trimmer	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Deeble, A.	31 Atherley Road, Southampton.	Saloon steward	
2. Dyer, W.	46 Stafford Road, Southampton.	do	
3. Derrett, A.	Father, care of Fry, High Street Chambers, Wotton under Edge, Gloster. Tindem, Hillside Avenue, Southampton.	do	
4. Dodd, Geo.	57 Morris Road, Southampton.	Second steward	
5. Deslands, F.	405 Portswood Road, Southampton.	Saloon steward	
6. Davies, B. J.	12 the Polygon Road, Southampton.	do	
7. Davies, J.	19 Eastfield Road, St. Denys, Southampton.	Extra second baker.	
8. Dinenage, J.	4 Cawte Road, Southampton.	Saloon steward	
9. Dolby, J.	12 Devonshire Road, Polygon, Southampton.	Reception-room attendant.	
10. Davies, Gordon.	"Trefusis," Hillside Avenue, Bitterne, Southampton.	Bedroom steward	
11. Donoghue, F.	60 Ludlow Road, Southampton.	do	
12. Dashwood, W.	Sailors' Home, Southampton.	Saloon steward	
13. Doughty, W.	39 Queens Square, London	do	
14. Dean, G.	"De Kalb," King Edward Avenue, Southampton.	Assistant steward	
15. Daniels, S.	119 Albert Road, Southsea	Steward	Saved.
16. Dunford, W.	16 Bridge Street, Southampton	Hospital steward	
17. Dennarsico	20 Church Street, Soho, London.	(R) Assistant waiter.	
18. De Bracq, M.	12 Mead Street, Kennington, London.	do	
19. Donati, Italio	3 Whitfield Street, Tottenham Court Road, London.	do	
20. Dornier, S.	3 Orchard Place, Southampton	(R) Assistant fish	
21. Deavernini, L. (1 saved, 20 lost.)	4 Queens Park Terrace, Southampton.	(R) Assistant pastry.	

E.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Evans, F.	20 Deal Street, Southampton.	L. O.	Saved.
2. Evans, F. O. (2 saved.)	14 Bond Street, Southampton.	A. B.	Do.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Ervine, A.	Meronfield, Belfast	Assistant electrician.	
2. Evans, W.	11 Ryde Terrace, Southampton.	Trimmer	
3. Elliott, E.	1 Wilmington Street, Wilmington Square, London.	do	
4. Eagle, A. J.	13 Lyon Street, Southampton	do	
5. Eastman, C. (5 lost.)	17 Cecil Avenue, Southampton.	Greaser	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Ennis, W.	141 Bedford Road, Southport	T. B. attendant	
2. Evans, Geo.	46 Richmond Road, Southampton.	Saloon steward	
3. Etches, H. S.	23a Gordon Avenue, Southampton.	Bedroom steward	Saved.
4. Edwards, C.	7 Brunswick Square, Southampton.	Assistant pantryman	
5. Edge, F.	28 Clovelly Road, Woolston, Hants.	Deck steward	
6. Egg, W. H.	1a Trent Road, Brixton, London.	Steward	
7. Evans, Geo.	2 Nightingale Gardens	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
E—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
8. Edbrooke, F.	98 Lake Road, Landport	Steward	Saved.
9. Ede, G. B.	Manor Farm Road, Bitterne Park, Southampton.	do	
10. Ellis, J. (2 saved, 8 lost.)	40 Dukes Road, Southampton.	Assistant vegetable cook.	Do.

F.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Fleet, F.	9 Norman Road, Southampton.	L. O.	Saved.
2. Forward, J.	Sailors' Home, Southampton.	A. B.	Do.
3. Foley, J. (3 saved.)	2 Queen's Road, Southampton.	Storekeeper	Do.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Farquharson, W.	90 Wilton Avenue, Southampton.	Senior second engineer.	
2. Fraser, J.	54 Tennyson Road, Southampton.	Junior third assistant engineer.	
3. Fitzpatrick, H.	169 Nelson Street, Belfast	Junior boilermaker	
4. Fitzpatrick, C. W.	93 Millbrook Road, Southampton.	Mess steward	Saved.
5. Fredericks, W.	6 Elm Road, Chapel, Southampton.	Trimmer	Do.
6. Ford, H.	Royal Oak, Southampton	do	
7. Foster, A.	38 North Front, Southampton.	Storekeeper	
8. Ford, T.	36 Russell Street, Southampton.	Ldg. fireman	
9. Flarty, E.	21 Stamford Street, Southampton.	Fireman	Do.
10. Ferris, W.	5 Hanover Buildings, Southampton.	Ldg. fireman	
11. Fraser, J.	Sailors' Home, Southampton	Fireman	
12. Fryer, A.	1 Charlotte Place, Southampton.	Trimmer	Do.
13. Ferrary, Auto	38 St. Mary's Place, Southampton.	do	
14. Fay, F. (4 saved, 10 lost.)	31 Stamford Street, Southampton.	Greaser	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Fairall, H.	31 Surrey Street, Ryde, I.O.W.	Saloon steward	
2. Freeman, E.	5 Hanley Road, Southampton.	Deck steward	
3. Fletcher, P.	13 Strathville Road, Southfields, London.	Bugler	
4. Faulkner, R.	16 Malmesbury Road, Southampton.	Bedroom steward	Saved.
5. Fellows, A.	51 Bridge Road, Southampton.	Assistant boots	
6. Fenton, F.	19 Middle Road, Sholing, Hants	Saloon steward	
7. Fropper, R.	8 Washington Terrace, Southampton.	do	Do.
8. Ford, F.	Rector Dunsfold; 66 Oxford Street, Southampton.	Bedroom steward	
9. Ford, E.	100 Brintons Road, Southampton.	Steward	
10. Foley, W. C.	15 Monsons Road, Southampton.	do	Do.
11. Finch, H.	32 French Street, Southampton.	do	
12. Fox, W. T.	Totton, Hants; Polhawn, Springfield Road, Ealing.	do	
13. Farrendon, E.	23 South Street, Emsworth	Confectioner	
14. Franklin, A.	Egremont, Newton Road, Southampton.	Saloon steward	
15. Feltham, G.	64 St. Denys Road, Southampton.	Vienna	
16. Fanette, M.	Cairo Café, 3 Soho Street, Oxford Street, London.	(R) Assistant waiter.	
17. Fei, Carlo (3 saved, 14 lost.)	26 Annes Court, Dean Street, Soho, London.	(R) Sculleryman	

G.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Golder, M. W.	15 Lansdown Road, Southampton.	Fireman	
2. Gregory, D.	30 Floating Bridge Road, Southampton.	Greaser	
3. Goree, F.	5 Belvedere Terrace, Southampton.	do	
4. Gosling, B.	11 Lower York Street, Southampton.	Trimmer	
5. Godley, G.	17 Mount Street, Southampton.	Fireman	Saved.
6. Gosling, S.	17 French Street, Southampton.	Trimmer	
7. Green, G.	57 Howards Grove, Southampton.	do	
8. Gear, A.	2 Stamford Street, Chapel, Southampton.	Fireman	
9. Gordon, J.	Sailors' Home, Southampton	Trimmer	
10. Gunnery, O.	24 Canute Road, Southampton.	Mess steward	
11. Gardner, F.	Totton, Southampton	Greaser	
12. Graham, T.	26 Downpatrick Street, Belfast.	Fireman	Do.
13. Grodidge, E.	44 Ratcliffe Road, Southampton.	do	
14. Graves, S. (2 saved, 12 lost.)	8 North Front, Southampton	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
G—Continued.

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Gibbons, J. W.	Harbour View	Saloon steward	Saved.
2. Gunn, J.	23 Bridge Road, Southampton.	Assistant steward	
3. Gold, Mrs.	Glenthorne, Bassett, Southampton.	Stewardess	Do.
4. Gregson, Miss	28 Lorne Road, Portswood, Southampton.	do	Do.
5. Goshawk, A.	6 Conventry Road, Southampton.	Saloon steward	
6. Gollop, C.	Sister, E. Gollop, 25 Orcheston Road, Bournemouth; 27 Briton Street.	Assistant cook	
7. Gill, P.	24 Waverley Road, Southampton.	Ship's cook	
8. Giles, J.	28 Compton Street, Everton, Liverpool; 104 Lyon Street, Southampton.	Second baker	
9. Geddes, R.	80 Grove Road, Southampton.	Bedroom steward	
01. Gill, S.	17 Suffolk Avenue, Southampton.	do	
11. Guy, J.	5 College Terrace, Milton Abbas, Hants.	Assistant boots	Do.
12. Gatti, L.	Montalto, Harborough Road, Southampton.	(R) Manager	
13. Guilio, Casali	50 Greek Street, Soho, London.	(R) Waiter	
14. Gilardino, V.	15 Belle Vue Road, Southampton.	do	
15. Gros, Claude G. (4 saved, 11 lost.)	8 Lumber Court, London, W.C.	(R) Assistant coffee man.	

H.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Hutchinson, J. H	40 Onslow Road, Southampton.	Joiner	
2. Haines, A.	52 Grove Street, Southampton.	Boatswain's mate	Saved.
3. Hemmings, S.	31 Kingsley Road, Southampton.	Lamp trimmer	Do.
4. Humphreys, S.	113 Duke's Road, Southampton.	Q. M.	Do.
5. Hichens, R.	43 James Street, Southampton.	do	Do.
6. Hogg, G. A.	44 High Street, Southampton.	L. O.	Do.
7. Horswill, A. E.	44 Derby Road, Southampton.	A. B.	Do.
8. Holman, H.	Cascard, Britannia Road, Northam, Southampton.	do	
9. Hopkins, R.	4 Woodstock Road, Belfast	do	Do.
10. Harder, W. (8 saved, 2 lost.)	46 Winton Street, Southampton.	Window cleaner	Do.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Hesketh, J. H.	80 Garrett Avenue, Liverpool	Second engineer	
2. Harrison, N.	30 Coventry Rd, Southampton.	Junior second engineer.	
3. Harvey, H. G.	49 Obelisk Road, Woolston, Southampton.	Junior second assistant engineer.	
4. Hosking, G. F.	28 Avenue Road, Itchen, Southampton.	Senior third engineer.	
5. Hodge, C.	16 Ivy Road, Woolston, Southampton.	Senior third assistant engineer.	
6. Hodgkinson, L.	67 Arthur Road, Southampton.	Senior fourth engineer.	
7. Hands, B.	St. Michael's House, Southampton.	Fireman	
8. Hurst, C. J.	Laundry Road, Southampton.	do	
9. Hall, J.	2 Westgate Street, Southampton.	do	
10. Hallett, G.	101 Church Street, Southampton.	do	
11. Hurst, W.	15 Chapel Road, Southampton.	do	Saved.
12. Hill, J.	10 Kingsland Square, Southampton.	Trimmer	
13. Hart, T.	51 College Street, Southampton.	Fireman	
14. Hunt, T.	2 Queens Street, Southampton.	do	
15. Harris, F.	57 Melville Road, Gosport	do	Do.
16. Hodges, W.	6 Britannia Road, Southampton.	do	
17. Hinton, W.	26 Cumberland Street, Southampton.	Trimmer	
18. Haslin, J.	Sailors' Home, Southampton	do	
19. Hasgood, R.	19 Woodley Road, Woolston, Southampton.	Fireman	
20. Hunt, S.	1 French Street, Southampton.	Trimmer	Do.
21. Harris, F.	12 Wilton Street, Southampton	do	
22. Hebb, A.	5 Bells Court, Southampton	do	Do.
23. Head, A.	10 Russell Street, Southampton	Fireman	
24. Hendrickson, C.	256 Northumberland Road, Southampton.	Ldg. fireman	Do.
25. Haggan, J.	Sailors' Home, Southampton	Fireman	Do.
26. Hannam, G.	1 Oxford Terrace, Southampton.	do	
27. Harris, H.	83 Belgrade Road, Southampton.	do	
28. Hopgood, R. (6 saved, 22 lost.)	81 Romsey Road, Southampton.	do	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Hughes, H.	Ivy Bank, Dyer Road, Southampton.	Assistant second steward.	
2. Howell, A.	12 Cliff Road, Itchen, Southampton.	Saloon steward	
3. House, W.	44 Derby Road, Southampton.	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
H—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
4. Hoare, Leo	108 Lyon Street, Southampton.	Saloon steward	
5. Hendy, E.	21 Paynes Road, Southampton	do	
6. Harris, C. W.	14 Short Street, Southampton.	do	
7. Heinen, J.	Norden Hill House, Lewisham.	do	
8. Hawkesworth, John.	18 Wilton Road, Southampton.	do	
9. Humphreys, H.	Brother, Humphreys, 9 Plaswell Lane, Doigelly.	Assistant steward	
10. Hinckley, G.	2 Oxford Street, Southampton.	Baths	
11. Hamblyn, E.	2 Norman Villas, Dyer Road, Southampton.	B. R. steward	
12. Harding, A.	Station Cottage, Swaythling, Hants.	Assistant B. R. steward.	
13. Humby, F.	2 Golden Grove, Southampton.	Plates	
14. Hart, J.	Aberdeen, Foundry Lane, Southampton.	Steward	Saved.
15. Hylands, L.	55 Orchard Place, Southampton.	do	Do.
16. Hill, H.	Florence Hill, 68 Upper Richmond Street, East Sheen, London; 66 Oxford Street.	do	
17. Halford, R.	2 Latimer Street, Southampton	do	Do.
18. Hartnell, F.	Miss Trestrall, Star Hotel, Southampton; 25 Argyle Road.	Saloon steward	Do.
19. Harrison, A.	131 Oakley Road	do	Do.
20. Holland, T.	38 Walton Vale, Liverpool	Assistant reception room attendant.	
21. Hawksworth, W.	Bellmoor, Lemon Road, Southampton.	Assistant deck steward.	
22. Hamilton, E.	5 Shirley Road, Southampton	Assistant S. R. steward.	
23. Halloway, S.	60 Hertington Road, Southampton.	Assistant clothes presser.	
24. Harris, C. H.	14 Short Street, Southampton.	Bell boy	
25. Hayter, A.	10 Mayflower Road, Southampton.	Bedroom steward	
26. Hill, J.	64 Padwell Road, Southampton.	do	
27. Hewett, T.	96 Devonshire Road, Southampton.	do	
28. Hogg, C.	24 Bulwer Street, Brock Road, Liverpool.	do	
29. Hardy, John	Oakleigh, Holyrood Avenue, Highfield, Southampton.	Chief second-class steward.	Do.
30. Hall, F.	28 Derby Avenue, North Finchley, London; 70 Sidney Road, Shirley.	Scullion	
31. Hutchinson, J.	91 Woodcroft Road, off Earls Road, Wavertree, Liverpool.	Vegetable cook	
32. Hardwick, R.	4 Heysham Road, Southampton.	Kitchen porter	Do.
33. Hatch, H.	446 Portsmouth Road, Woolston, Hants.	Scullion	
34. Hines, G.	Bridge Street, Bruckley, Northants.	Third baker	
35. Hensford, J.	132 Malmsbury Road, Southampton.	Assistant butcher	
36. Harris, E.	13 Greenhill Avenue, Winchester.	Assistant pantryman	
37. Hiscock, S.	19 Palmerston Road, Southampton.	Plate washer	
38. Hogue, E.	Alison Gardens, Dulwich, London.	do	
39. Hopkins, F.	14 Fanshawe Street, Southampton.	do	
40. Henry, W. (7 saved, 33 lost.)	27 Romsey Road, Southampton.	Assistant boots	

I.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Instance, T.	12 Guillaume Terrace, Southampton.	Fireman	
2. Ingram, C. (2 lost.)	18 Lower Canal Walk, Southampton.	Trimmer	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Ings, W.	Care Northover, 45 Stratton Road, Southampton.	Scullion	
2. Ingrouville, H.	15 Floating Bridge Road, Southampton.	Steward	
3. Ide, H. (3 lost.)	Mother, Harris Mill Road, Hertford; 114 Lyon Street, Southampton.	Bedroom steward	

J.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Jewell, A.	32 College Street, Southampton.	L. O.	Saved.
2. Jones, T.	68 Nesfield Street, Liverpool	A. B.	Do.
3. Johnson, A. J.			
4. Johnson, W. J. (2 saved, 2 lost.)			

[1] Not Titanic crew, both American Line men, traveling as passengers.

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
J—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Jupe, H.	74 Bullar Road, Bitterne Park, Southampton.	Assistant electrician.	Saved.
2. Joss, N.	55 Bond Street, Southampton.	Fireman	
3. James, Thos.	27 College Street, Southampton	do	
4. Judd, C.	98 Derby Road, Southampton.	do	
5. Jago, J.	47 Millbank Street, Northam, Southampton.	Greaser	
6. Jukes, J.	Moor Green, West End, Southampton.	do	
7. Jacobson, John	97 Duke's Road, Southampton	Fireman	
8. Jarvis, W. (1 saved, 7 lost.)	29 Canal Walk, Southampton	do	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Jessop, Miss	71 Shirley Road, Bedford Park, London.	Stewardess	Saved.
2. Johnston, J.	Sailors' Home, Southampton	Saloon steward	Do.
3. Jones, R. V.	7 Portland Terrace, Southampton.	do	
4. Jenner, H.	3 Belle View Road, Southampton.	do	
5. Jones, H.	Broad Street, Alresford	Roast cook	
6. Johnston, H.	183 Albert Road, Southampton.	Assistant ship's cook	
7. Joughin, J.	Elmhurst, Leighton Road, Southampton.	Chief baker	Do.
8. Jermany, W.	Alpha House, Richmond Road, Southampton.	Bedroom steward	
9. Jackson, H.	22 Graham Road, Southampton.	Assistant boots	
10. Jones, A.	Woodfield, Charlton Road, Southampton.	Saloon steward	
11. Jenson, C. V.	17 Morris Road, Southampton.	do	
12. Jones, A.	22 Ludlow Road, Woolston, Hants.	Plates	
13. Jeffery, W.	2 Church Lane, Highfield, Southampton.	(R) Controller	
14. Jenin, C.	56 Seddlescombe Road, West Brompton, London, S. W.	(R) Soup cook	
15. Jollet, B.	Jamison Street, Notting Hill Gate, London, W.	(R) Pastry cook	
16. Jouanmault, G. (3 saved, 13 lost.)	2 Orchard Place, Southampton.	(R) Assistant sauce	

K.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. King, T. (1 lost.)	23 Middle Market Road, Great Yarmouth.	Master-at-arms	

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Kemp, Thos.	11 Cedar Road, Southampton	Executive fourth assistant engineer.	
2. Kelly, William	9 Claude Road, Dublin	Assistant electrician.	
3. Kenchenton, Fredk.	9 Latimer Street, Southampton.	Greaser	
4. Kearl, C.	17 Chantry Road, Southampton.	do	
5. Kirkham, J.	4 Chapel Street, Southampton.	do	
6. Keegan, Jas.	2 Cross House Road, Southampton.	Leading fireman	
7. Kasper, F.	6 Brunswick Square, Southampton.	Fireman	Saved.
8. Kerr, T.	7 Hanley Street, Southampton.	do	
9. Kearl, C.	37 Bay Road, Sholing, Southampton.	Trimmer	
10. Kelly, Jas.	12 Woodley Road, Southampton.	Greaser	
11. Kemish, G.	238 Shirley Road, Southampton.	Fireman	Do.
12. Kinsella, L.	7 Canal Walk, Southampton	do	
13. Kensler, A.	21 Blechynden Terrace, Southampton.	Storekeeper	
14. Knowles, T. (3 saved, 11 lost.)	Fannee's Lane, Lymington	Firemen's messman	Do.

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Kingscote, W. F.	24 Elgin Road, Southampton	Saloon steward	
2. King, A.	Mother, Mrs. Tait, 132 Mile Street, Gateshead-on-Tyne.	Lift attendant	
3. Kieran, M.	7 Avenue Road, Southampton	Assistant storekeeper	
4. Ketchley, H.	40 Northcote Road, Portswood, Southampton.	Saloon steward	
5. Knight, Geo.	45 Ludlow Road, Woolston, Hants.	do	Saved.
6. Kitching, A.	170 Derby Road, Southampton.	do	
7. Keene, P.	14 Rigby Road, Southampton.	do	Do.
8. Kelland, T.	Commercial Street, Bitterne, Southampton.	Library	
9. Klein, H.	56 Oakley Road, Southampton	Barber	
10. Kieran, J.	Inglewood, Bellmoor Road, Southampton.	Chief third-class steward.	
11. Knight, L.	37 Spring Lane, Bishopstoke	Steward	
12. King, E. W.	Currin Rectory, Clones	Clerk	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
K—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
13. Kerley, W. T.	Woodminton Cottages, Bowerthalk, Salisbury.	Assistant steward	
14. King, G.	46 Threefield Lane, Southampton.	Scullion	
15. Kennell, C. (2 saved, 13 lost.)	6 Park View, Southampton	Heb. cook	

L.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Lightoller, C. H.	Nikko Lodge, Netley Abbey, near Southampton.	Second officer	Saved.
2. Lowe, H. G.	Penrslet, Barmouth	Fifth officer	Do.
3. Lee, R. R.	62 Threefield Lane, Southampton.	L. O.	Do.
4. Lucas, W.	2 Corporation Flats, Southampton.	A. B.	Do.
5. Lyons, W. H. (4 saved, 1 lost.)	27 Orchard Place, Southampton.	do	
6. Leonard, L., not Titanic crew, American Line man.			

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Lindsay, W.	3 Coleman Street, Southampton.	Fireman	Saved.
2. Light, W.	25 Grove Street, Southampton	do	
3. Long, F.	19 Sidford Street, Southampton	Trimmer	
4. Lahy, T.	19 Spurling Road, E. Dulwich	Fireman	
5. Lee, H.	94 Bevois Street, Southampton	Trimmer	
6. Light, C.	24 Lower Back of Walls, Southampton.	Fireman	
7. Long, W.	3 Marine Terrace, Southampton.	Trimmer	
8. Lloyd, W. (1 saved, 7 lost.)	18 Orchard Place, Southampton.	Fireman	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Lane, A. E.	207 Victoria Road, Woolston, Hants.	Saloon steward	
2. Lydiatt, C.	112 Brunswick Square, Southampton.	do	
3. Lefever, G.	25 Orchard Place, Southampton.	do	
4. Levett, G.	5 Shirley Cottages, New Southgate.	Assistant pantryman.	
5. Light, C.	Thorny Hill, Christchurch, Hants.	Plate washer	
6. Lovell, J.	21 Highlands Road, Southampton.	Grill cook	
7. Lock, A.	70 Newland Road, Worthing; 309 Portswood Road, Southampton.	Assistant cook	
8. Leader, A.	Kelston, Fenton Road, West Southbourne.	Assistant confectioner.	
9. Lavington, Miss.	Manor Farm, Headbourne Worthy, Winchester.	Stewardess	Saved.
10. Leather, Mrs.	28 Park Road, Port Sunlight	do	Do.
11. Latimer, A.	4 Glenwyllen Road, Waterloo, Liverpool.	Chief steward	
12. Lloyd, H.	Criterion restaurant, Southampton.	Saloon steward	
13. Littlejohn, A.	11 Western Terrace, Chapel Road, Southampton.	do	Do.
14. Lake, W.	Florence Hotel, Southampton	do	
15. Lucas, W.	3 Cardigan Terrace, Southampton.	do	Do.
16. Lawrence, A.	66 Oxford Street, Southampton.	do	
17. Lacey, Bert. W.	26 Southampton Road, Salisbury.	Assistant steward	
18. Longmuir, J.	130 The Crescent, Eastleigh	Assistant B. R. steward.	
19. Leonard, M.	45 Charlesworth Street, Southampton.	Steward	
20. Lewis, A. (5 saved, 15 lost.)	90 Radcliffe Road, Southampton.	do	Do.

M.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Murdoch, W. M.	94 Belmont Road, Portswood, Southampton.	First officer	
2. Moody, J. P.	St. James House, Grimsby	Sixth officer	
3. Maxwell, J.	27 Leighton Road, Shirley, Southampton.	Carpenter	
4. Moore, G.	51 Graham Road, Southampton.	A. B.	Saved.
5. McCarthy, W.	9 Gratton Hill Road, Cork, Ireland.	do	Do.
6. Matherson, D.	20 Richmond Street, Southampton.	do	
7. McGough, J.	St. George's Street, Southampton.	do	Do.
8. Mathias, M. (3 saved, 5 lost.)	2 Western Esplanade, Southampton.	Mess-room steward	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
M—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Mackie, W. D.	2b Margery Park Road, Forest Gate, London, S. E.	Junior fifth assistant engineer.	
2. Millar, R.	19 North Street, Alloa, N. B.	Extra fifth assistant engineer.	
3. Magee, W.	11 Douglas Terrace, Stirling	Senior sixth assistant engineer.	
4. McReynolds, W.	1 Lagan View, Belfast	Junior sixth assistant engineer.	
5. Millar, T.	19 Meadow Street, Belfast	Assistant deck engineer.	
6. Middleton, A.	Ballisodare, Sligo	Assistant electrician.	
7. McAndrew, Thos	Sailors' Home, Southampton	Fireman	
8. Marrett, G.	32 Elm Street, Southampton	do	
9. McRae, Wm.	43 Threefield Lane, Southampton.	do	
10. Mintram, W.	15 Chapel Road, Southampton	do	
11. Major, W.	4 Oriental Terrace, Southampton.	do	Saved.
12. Moores, R.	174 Northumberland Road, Southampton.	Greaser	
13. Mason, J.	3 Wycomb Cottages, French Street, Southampton.	Leading fireman	
14. McGregor, J.	7 Briton Street, Southampton	Fireman	
15. May, A.	75 York Street, Southampton	do	
16. Maskell, L.	26 Albert Road, Southampton	Trimmer	
17. Morrell, R.	51 Malmesbury Road, Southampton.	do	
18. Morgan, A.	18 Threefield Lane, Southampton.	do	
19. McInerney, T.	35 Elston Street, Liverpool	Greaser	
20. McIntryo, W.	20 Floating Bridge Road, Southampton.	Trimmer	Do.
21. McGann, J.	18 George's Place, Southampton.	do	Do.
22. Morris, W.	5 Marine Parade, Southampton.	do	
23. Moore, R.	Manor Cottage, Headbourne, W. F.	do	
24. Mitchell, B.	45 Bevois Valley, Southampton.	do	
25. May, A. W.	75 York Street, Northam, Southampton.	Firemen's messman	
26. Murdoch, W.	Sailors' Home, Southampton	Fireman	Do.
27. Morgan, T.	do	do	
28. Moore, J.	64 Arthur Road, Southampton	do	Do.
29. Mason, F.	30a Waverley Road, Southampton.	do	Do.
30. Morris, A.	18 Short Street, Southampton	Greaser	
31. Mayo, W.	24 Cable Street, Southampton	Leading fireman	
32. McGaw, E.	6 Broadlands Road, Southampton.	Fireman	
33. Mayzes, T.	8 Commercial Street, Southampton.	do	Do.
34. Marsh, F.	4 Back of Walls, Southampton	do	
35. Milford, Geo.	3 Graham Street, Southampton.	do	
36. McGarvey, E.	54 College Street, Southampton.	do	
37. McCastlen, W.	53 French Street, Southampton.	do	
38. McQuillan, W.	Sea View Street, Belfast	do	
39. McAndrews, W. (7 saved, 32 lost.)	17 New Capley Road	do	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Middleton, M. V.	84 Felsham Road, Putney, London.	Saloon steward	
2. Muller, L.	67 Oxford Street, Southampton.	Interpreter	
3. Mabey, J.	190 Albany Road, Southampton.	Steward	
4. Mantle, R.	60 Brintons Road, Southampton.	do	
5. Mullen, T.	12 Onslow Road, Southampton.	do	
6. McElroy, H. W.	Polygon Hotel, Southampton.	Purser	
7. MacGrady, J.	Platform Tavern, Southampton.	Saloon steward	
8. Mellor, A.	6 Carlton Place, Southampton	do	
9. McCawley, T. W.	22 Camden Place, Southampton.	Gymnasium	
10. Mishellany, A.	123 Ledbury Road, Bayswater, London, W.	Printer	
11. McMurray, W.	60 Empress Road, Liverpool	Bedroom steward	
12. Marks, J.	93 Livingstone Road, Southampton.	Assistant pantryman.	
13. Marriott, J. W.	5 Shingley Cottages, New Southgate; 7 Chilworth Road.	do	
14. Morris, F.	46 Deloume Street, Fulham, London.	Bath steward	Saved.
15. Major, E.	9 Old Park Villas, Palmers Green, London.	do	
16. Moore, A.	142 St. Marys Road, Southampton.	Saloon steward	
17. Martin, A.	13 High Street, Fareham	Scullion	Do.
18. Mills, C.	94 Albert Road, Southampton	Assistant butcher	Do.
19. Maynard, J.	21 Highlands Road, Southampton.	Entrée cook	Do.
20. Maytum, A.	12 Stafford Road, Southampton.	Chief butcher	
21. Morgan, W.	46 Besbero Road, Birkenhead	Assistant storekeeper.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
M—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
22. Marsden, Miss	7 Westmoreland Terrace, Southampton.	Stewardess	Saved.
23. McLaren, Mrs.	9 Shirley Road, Southampton	do	Do.
24. Martin, Mrs.	Fosbrooke Road, Portsmouth	do	Do.
25. Moss, H.	37 Charlton Road, Southampton.	Saloon steward	
26. MacKay, C.	18 Milton Road, Southampton	do	Do.
27. McMicken, A.	43 Suffolk Avenue, Southampton.	do	Do.
28. McMullen, J.	120 St. Marys Road, Southampton.	do	
29. Martin, Miss	1 Apsley Villas, Horn Lane, Acton, London.	(R) Second cashier	Do.
30. Monoros, J.	27 Tension Street, Waterloo, London.	(R) Assistant waiter	
31. Monteverdi, J.	4 Queens Park Terrace, Southampton.	(R) Assistant entrée	
32. Mattman, A.	3 Orchard Place, Southampton.	(R) Ice man	
33. Manga, Paul	53 Neal Street, London	(R) Kitchen clerk	Do.
34. McCarty, F.	Devonfield, Charlton Road, Southampton.	Bedroom steward	
35. MacKie, G. (11 saved, 24 lost)	31 Winchester Road, Shirley Southampton.	do	

N.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Nichol, A. (1 lost.)	St. Cloud, Oak Tree Road, Shirley, Southampton.	Boatswain	

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Noon, John	Sailors' Home, Southampton.	Fireman	
2. Ness, H.	12 Black Lane, Southampton	do	Saved.
3. Nuttbean, W.	Sportsman's Arms, High Street, Southampton.	do	Do.
4. Newman, C.	9 Latimer Street, Southampton.	Storekeeper	
5. Norris, J.	5 Spa Road, Southampton	Fireman	
6. Nettleton, G.	23 Empress Road, Southampton.	do	
7. Noss, B. (2 saved, 5 lost.)	8 St. Peters Road, Southampton.	do	

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Nichols, A.	43 Suffolk Avenue, Southampton.	Steward	
2. Nichols, W. K.	16 Kent Road, Southampton	Assistant steward	Saved.
3. Neale, H.	10 Cliff Road, Freemantle, Southampton.	Assistant baker	Do.
4. Nicholls, T.	3 Brunswick Square, Southampton.	Saloon steward	
5. Nannini, F. (2 saved, 3 lost.)	33 Aubert Park, Highbury Hill.	(R) Head waiter	

O.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. O'Loughlin, W. F. H.	Polygon Hotel, Southampton.	Surgeon	
2. Olliver, A.	38 Anderson Road, Southampton.	Quartermaster	Saved.
3. Osman, F. (2 saved, 1 lost.)	43 High Street, Itchen, Southampton.	A. B.	Do.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Olive, C.	43 College Street, Southampton.	Greaser	
2. Othen, C.	6 Northumberland Road, Southampton.	Fireman	Saved.
3. Oliver, H.	15 Nichols Road, Southampton.	do	Do.
4. O'Conner, J. (3 saved, 1 lost.)	9 Tower Place, Bargate Street, Southampton.	Trimmer	Do.

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Orr, J.	45 Coleman Street, Southampton.	Assistant vegetable cook.	
2. Osborne, W.	7 Hewetts Roads, Freemantle, Southampton.	Saloon steward	
3. Orpet, W.	1 Vaudry Street, Southampton	do	
4. Owens, L.	29 Earls Road, Southampton	Assistant steward	
5. Olive, E. R.	37 Hanley Road, Southampton	Clothes presser	
6. O'Connor, T. (6 lost.)	12 Linacre Lane, Liverpool	Bedroom steward	

P.

DECK DEPARTMENT.

Name.	Address.	Rating.	
1. Pitman, H. J.	Care W. H. Taylor, Castle Cary, Somerset.	Third officer	Saved.
2. Perkis, W.	Victoria Road, Bitterne, Southampton.	Quartermaster	Do.
3. Pascoe, C. H.	68 High Street, Itchen, Southampton.	A. B.	Do.

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
P—Continued.

DECK DEPARTMENT—continued.

Name	Address.	Rating.	
4. Peters, W. C.	114 Ludlow Road, Woolston, Southampton.	A. B.	Saved.
5. Pigott, F.	2 Windsor Terrace, Southampton.	do	Do.
6. Ponidestre, J. (6 saved.)	4 Elm Road, Southampton	do	Do.

ENGINE DEPARTMENT.

1. Parsons, F. A.	38 Bugle Street, Southampton.	Senior fifth assistant engineer.	
2. Priest, J.	27 Lower Canal Walk, Southampton.	Fireman	Saved.
3. Pand, G.	Sailors' Home, Southampton	do	
4. Preston, T.	42 Millbank Street, Southampton.	Trimmer	
5. Pelham, G.	Sailors' Home, Southampton	do	Do.
6. Pearce, J.	14 Drummond Road, Southampton.	Fireman	Do.
7. Perry, E.	3 Ryde Terrace, Southampton.	Trimmer	Do.
8. Podesta, J.	31 Chantry Road, Southampton.	Fireman	Do.
9. Prosnall, G.	3 Brew House Court, Southampton.	Greaser	Do.
10. Palles, T.	25 Upper Palmer Street, Liverpool.	do	
11. Painter, C.	172 Mortimer Road, Southampton.	Fireman	
12. Paice, R.	30 Houndwell Gardens, Southampton.	do	
13. Pusey, R.	School Lane, Hythe, Southampton.	do	Do.
14. Phillips, G.	5 Grove Street, Southampton	Greaser	
15. Pitfield, W.	13 Albert Road, Woolston, Southampton.	do	
16. Painter, F.	16 Bridge Road, Southampton.	Fireman	
17. Pugh, P.	29 Peel Street, Northam, Southampton.	Leading fireman	
18. Proudfoot, R.	2 Pear Tree Green, Southampton.	Trimmer	
19. Ferry, H. (7 saved, 12 lost.)	3 Ryde Terrace, Southampton.	do	

VICTUALING DEPARTMENT.

1. Phillimore, H	72 Priory Road, Southampton.	Saloon steward	Saved.
2. Parsons, R.	Ashbrittle, near Wellington, Somerset.	do	
3. Proctor, C.	29 South View Road, Southampton.	Chef	
4. Platt, W.	107 Belgrave Road, Southampton.	Scullion	
5. Phillips, J. T.	Care of Marconi Co., London	First Marconi	
6. Penny, W.	29 Lodge Road, Southampton	Assistant steward	
7. Pacey, R.	Cambridge Villa, Millbrook Road, Southampton.	Lift attendant	
8. Parrin, W.	24 Bollmoor Road, Southampton.	Boots	
9. Petty, E.	26 Orchard Place, Southampton.	Bedroom steward	
10. Pearce, A.	23 Kent Road, Southampton	Pantry	Do.
11. Pook, R.	162 Alexandra Road, Plymouth.	Assistant bedroom steward.	
12. Pridesaux, J. A.	23 Cotlands Road, Bournemouth.	Steward	
13. Port, F.	Rockbourne	do	Do.
14. Pearce, A.	Father, 76a Holderness Road, Bournemouth.	do	
15. Prior, H. J.	48 Padwell Road, Southampton.	do	Do.
16. Pugh, A.	72 Orchard Lane, Southampton.	do	Do.
17. Parsons, E.	26 Roberts Road, Southampton.	Chief storekeeper	
18. Prentice, F.	71 Denzil Avenue, Southampton.	Assistant storekeeper	Do.
19. Pritchard, Mrs.	9 Roslyn Road, East Ham, London.	Stewardess	Do.
20. Pusey, Jno.	61 Manor Road, Itchen, Hants.	Saloon steward	
21. Pryce, W.	Heathdean, Newlands Avenue, Southampton.	do	
22. Perriton, H.	11 St. Andrews Road, Southampton.	do	
23. Perkins, T.	New Inn, Sobert-w., Hants	Telephone operator	
24. Paintin, A.	49 Stratford Street, Iffley Road, Oxford.	Captain's steward	
25. Pennell, F.	16 West Street, Shirley, Southampton.	Bath steward	
26. Penrose, J.	30 Southview Road, Southampton.	Bedroom steward	
27. Price, E.	53 Grove Road, Holloway, London.	(R) Barman	
28. Piazza, P.	94 Newport Building, Shaftesbury Avenue, London.	(R) Waiter	
29. Phillips, J.	8 Jessie Terrace, Southampton.	(R) Storeman	
30. Piatti, L.	15 Princes Street, Cavendish Square, London.	(R) Assistant waiter	
31. Perotti, A.	2 Denmark Place, Charing Cross Road, London.	do	
32. Poggi, E.	Bowling Green House, Southampton.	(R) Waiter	
33. Petrachio, A.	4 Richmond Building, Dean Street, London.	(R) Assistant waiter.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
P—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
34. Petrachio, S.	4 Richmond Building, Dean Street, London.	(R) Assistant waiter.	
35. Pedrini, Alex.	Bowling Green House, Southampton.	do	
36. Pacherat, J. (7 saved, 29 lost.)	3 Orchard Place, Southampton.	(R) Assistant larder.	

R.

DECK DEPARTMENT.

1. Rowe, G. (1 saved.)	63 Henry Street, Gosport	Quartermaster	Saved.

ENGINE DEPARTMENT.

1. Reed, R.	3 Wickhams Court, Southampton.	Trimmer	
2. Read, J.	3 Nelson Place, Southampton	do	
3. Richards, H.	25 Summers Street, Southampton.	Fireman	
4. Rudd, H.	20 Peel Street, Northam, Southampton.	Storekeeper	
5. Rous, A.	18 Ratcliffe Road, Southampton.	Plumber	
6. Reeves, F.	22 Cable Street, Southampton	Fireman	
7. Rickman, G.	40 Derby Road, Southampton	do	
8. Roberts, G.	5 Withers Court, Southampton	do	
9. Rice, C.	12 Oriental Terrace, Southampton.	do	Saved.
10. Ranger, T. (2 saved, 8 lost.)	81 Middle Road, Southampton.	Greaser	Do.

VICTUALING DEPARTMENT.

1. Ricks, C.	1 Hanley Road, Southampton.	Assistant storekeeper	
2. Rogers, E. J.	120 Oxford Avenue, Southampton.	do	
3. Roberts, Mrs.	9 Chestnut Grove, Netts	Stewardess	Saved.
4. Robinson, Mrs.	128 Shirley Road, Southampton.	do	Do.
5. Revell, W.	102 Malmesbury Road, Southampton.	Saloon steward	
6. Ray, F.	Palmer Park Avenue, Reading	do	Do.
7. Rowe, M.	86 Bridge Road, Southampton	do	
8. Ranson, Jas.	72 Harrowdene Road, Knowle, Bristol.	do	
9. Rummer, G.	50 Cranbury Avenue, Southampton.	do	
10. Robinson, J.	Vine Cottage, Carlisle Road, Southampton.	do	
11. Rule, S.	81 Atherley Road, Southampton.	Bath steward	Do.
12. Roberts, H.	39 Merry Road, Liverpool	Bedroom steward	
13. Rogers, M.	13 Greenhill Avenue, Winchester.	Saloon steward	
14. Russell, R.	Anchor Hotel, Redbridge, Hants.	do	
15. Ridout, W.	6 Queen Ann Buildings, Southampton.	do	
16. Randall, F.	182 Empress Road, Southampton.	do	
17. Ross, R.	70 Inkerman Road, Woolston, Hants.	Scullion	Do.
18. Roberts, F.	Solicitors, Brook, Knight, and Sullivan, Farnborough; Dawsons Cottages, Reading.	Third butcher	
19. Ryerson, W. E.	18 Salop Road, Walthamstow, London.	Saloon steward	Do.
20. Robertson, G.	36 Mount Street, Southampton.	Assistant steward	
21. Reed, C.	140 Derby Road, Southampton.	Bedroom steward	
22. Rice, F.	40 Thackeray Road, Southampton.	Steward	
23. Ryan, T.	87 Albert Road, Southampton.	do	
24. Rice, J. R.	37 Kimberly Drive, Crosby	Clerk	
25. Rotta, A.	10 West Street, St. Martins Lane, London.	(R) Waiter	
26. Ratti, E.	5 Lumber Court, St. Martins Lane.	do	
27. Ricardona, E.	50 Greek Street, Soho, London.	(R) Assistant waiter.	
28. Rousseau, F.	7 Kenmerton Place, London, S.W.	(R) Chef	
29. Rigozzi, A. (6 saved, 23 lost.)	6 Titchfield Street, London	(R) Waiter	

S

DECK DEPARTMENT.

1. Simpson, J. E.	Packenham Road or Street, Belfast, Ireland.	Assistant surgeon	
2. Symons, S.	53 Franchise Street, Weymouth.	L. O.	Saved.
3. Smith, W.	42 Bridge Street, Southampton	A. B.	
4. Scarrott, J.	36 Albert Road, Southampton	do	Do.
5. Sawyer, R. F.	55 Bevois Street, Southampton	Window cleaner	
6. Smith, E. J., Capt	Woodhead, Winn Road, Southampton.	Commander	
(2 saved, 4 lost.)			

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
S—Continued.

ENGINE DEPARTMENT.

Name.	Address.	Rating.	
1. Smith, J. M.	Cawdor, Millars Road, Itchen, Southampton.	Junior fourth engineer.	
2. Shepherd, J.	16 Bellevue Terrace, Southampton.	Junior second assistant engineer.	
3. Sloan, F.	77a Clovelly Road, Southampton.	Chief electrician	
4. Stafford, M.	4 Southbrook Square, Southampton.	Greaser	
5. Sparkman, H.	Spring Road, Sholing, Southampton.	Fireman	Saved.
6. Smither, H.	1 Ash Tree Road, Southampton.	do	
7. Shiers, A.	5 Peel Street, Southampton	do	Do.
8. Senior, H.	17 South Road, Clapham, London.	do	Do.
9. Saunders, W.	136 Edward Street, Southampton.	do	
10. Self, A.	75 Romsey Road, Southampton.	Greaser	
11. Stubbs, H.	11 Spa Road, Southampton	Fireman	
12. Snow, E.	21 Lower Canal Walk, Southampton.	Trimmer	Do.
13. Stanbrook, A.	36 York Street, Southampton.	Fireman	
14. Self, E.	3 Kingsley Road, Southampton.	do	Do.
15. Snooks, W.	Sailors' Home, Southampton.	Trimmer	
16. Shillaber, C.	21 Nelson Road, Southampton.	do	
17. Stocker, H.	Middle Road, Sholing, Southampton.	do	
18. Skeats, W.	29 King Street, Southampton.	do	
19. Sheath, F.	12 Bell Street, Southampton	do	Do.
20. Steel, R.		do	
21. Smith, E.	1 St. Marys Buildings, Southampton.	do	
22. Shea, Thos.	18 Briton Street, Southampton.	Fireman	
23. Saunders, T.	17 Sussex Terrace, Southampton.	do	
24. Sullivan, S.	27 Marsh Lane, Southampton.	do	
25. Scott, Archd.	3 Lower Ditches, Southampton.	do	
26. Small, W.	14 Russell Street, Southampton.	Leading fireman	
27. Sangster, C.	83 Bevois Street, Southampton.	Fireman	
28. Snellgrove, G.	9 Cecil Avenue, Southampton.	do	
29. Scott, F.	107 Clifford Street, Southampton.	Greaser	Do.
30. Street, A.	10 Crown Street, Shirley, Southampton.	Fireman	Do.
31. Saunders, W. (8 saved, 23 lost.)	1 Southbrook Square, Southampton.	Trimmer	

VICTUALING DEPARTMENT.

1. Stap, Miss.	41 Bidston Avenue, Birkenhead.	Stewardess	Saved.
2. Sloan, Miss.	1 Kersland Road, Strandtown, Belfast.	do	Do.
3. Smith, Miss.	Balmoral, Cobbett Road, Southampton.	do	Do.
4. Snape, Mrs.	Hill Lane, Sandown	do	
5. Slocombe, Mrs.	8 Leopold Terrace, London, N.	T. B. attendant	Do.
6. Strugnell, Jno.	Scullard's Hotel, Southampton	Saloon steward	
7. Smillie, J.	16 Malmesbury Road, Southampton.	do	
8. Skinner, E.	Criterion Restaurant, Southampton.	do	
9. Stroud, E. A.	Mother, 167 Shirley Road, Berkshire; 120 Malmesbury Road, Southampton.	do	
10. Samuels, W.	128 Osborne Road, Southampton.	do	
11. Smith, C.	Holydene, Portsmouth Road, Woolston, Hants.	B. R. steward	
12. Stone, E.	91 Shirley Road, Southampton	do	
13. Seward, H.	54 Stamford Street, London, S. E.; 5 Shirley Road, Southampton	Pantryman	Do.
14. Sedunary, S.	34 Emsworth Road, Southampton.	Steward	
15. Slight, H. J.	48 Bellevue Street, Southampton.	do	
16. Sevier, W.	Westbourne Street Mews, Paddington.	do	
17. Savage, C.	8 Harold Road, Southampton.	do	Do.
18. Saunders, W. E.	29 Albert Road, Southampton.	Saloon steward	
19. Simmons, F. C.	263 Millbrook Road, Southampton.	do	
20. Stewart, J.	77 Earls Road, Southampton	Veranda café	Do.
21. Swan, W.	62 Hale Road, Walton, Liverpool.	Bedroom steward	
22. Siebert, J.	8 Harold Road, Shirley, Southampton.	do	
23. Stone, E.	105 St. Andrews Road, Southampton.	do	
24. Stebbing, S.	25 Richville Road, Shirley, Southampton.	Chief boots	
25. Scott	6 Upper Canal Walk, Southampton.	Assistant boots	
26. Smith, F.	33 Ordnance Road, Southampton.	Assistant pantryman.	
27. Shea, J.	77 Portsmouth Road, Woolston, Hants.	Saloon steward	
28. Smith, R. G.	46 Stafford Road, Southampton.	do	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.
S—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
29. Symonds, J.	61 Church Street, Shirley, Southampton.	Saloon steward	
30. Stagg, J. H.	66 Commercial Road, Southampton.	do	
31. Stroud, H.	167 Shirley Road, Southampton.	do	
32. Stubbings, H.	North Cottage, Woodside, Lymington.	Cook and mess	
33. Slight, W.	Hillside, Broadland Road, Southampton.	Larder cook	
34. Simmons, W.	2 Thackeray Road, Southampton.	Pass cook	
35. Simmonds, A.	80 Bevois Valley Road, Southampton.	Scullion	Saved.
36. Smith, C.	35 Itchen Ferry, Hants	do	
37. Shaw, H.	47 Towcester Street, Liverpool.	do	
38. Smith, J.	5 Sir George's Road, Freemantle, Southampton.	Assistant baker	
39. Scovell, R.	141 Foundry Lane, Southampton.	Saloon steward	
40. Sesea, Gino	3 Little Poulteney Chambers, Poulteney Street, London.	(R) Waiter	
41. Scavino, C.	19 Strowbridge House, 231 Hampstead Road, London.	(R) Carver	
42. Saccaggi, G.	22 Ponsonby Place, Westminster, London.	(R) Assistant waiter.	
43. Salussolia, G. (8 saved, 35 lost.)	7 Coldbath Square, Farringdon Road, London.	(R) Glass man	

T.

DECK DEPARTMENT.

1. Taylor, C.	85 High Street, Southampton	A. B.	
2. Terrell, D.	2 Trinity Cottages, Southampton.	do	
3. Tamlyn, F.	20 Southampton Street, Southampton.	Mess-room steward	
4. Turnguist, W., not Titanic crew, American Line man. (1 saved, 3 lost.)			Saved.

ENGINE DEPARTMENT.

1. Turley, R.	Sailors' Home, Southampton.	Fireman	
2. Triggs, R.	3 Canal Walk, Southampton	do	Saved.
3. Toung, F.	28 Russell Street, Southampton	do	
4. Tizard, A.	23 Lr. York Street, Southampton.	do	
5. Thomas, J.	20 Newman Street, Southampton.	do	
6. Tozer, J.	6 Chattis Street, Orchard Lane, Southampton.	Greaser	
7. Threlfall, T.	128 St. Martin's Court, Southampton.	Ldg. fireman	Do.
8. Thresher, G.	36 Mount Pleasant Road, Southampton.	Fireman	Do.
9. Taylor, J.	35 Russell Street, Southampton.	do	Do.
10. Taylor, W. H.	2 Broad Street, Southampton	do	Do.
11. Thompson, J.	11 Court, 2 House, Primrose Hill, Liverpool.	do	Do.
12. Taylor, J.	23 Queen's Street, Southampton.	do	
13. Taylor, T. (6 saved, 7 lost.)	94 Manor Road, Southampton.	do	

VICTUALING DEPARTMENT.

1. Taylor, W.	42 Morris Road, Southampton.	Saloon steward	
2. Thomas, A. C.	11 Brunswick Road, Southampton.	do	Saved.
3. Thessinger, A.	102 French Street, Southampton.	Bedroom steward	Do.
4. Tucker, B.	43 Suffolk Avenue, Southampton.	Second pantryman	
5. Terrill, F.	5 Grove Street, Southampton	Assistant steward	Do.
6. Talbot, G. F. C.	4 Lemon Road, Southampton.	Steward	
7. Thayler, M.	19 Station Road, West Croydon.	do	
8. Taylor, C.	5 Oxford Street, Southampton	do	
9. Turner, G. F.	Awberry, Bond Road, Bitterne Park, Southampton.	Stenographer	
10. Topp, T.	89 Millbrook Road, Farnborough.	Second butcher	
11. Thorley, W.	18 John Street, Southampton	Assistant cook	
12. Thompson, H.	Eastwood, Lumsden Avenue, Southampton.	Second storekeeper.	
13. Taylor, L.	6 Shirbourne Road, Blackpool.	T. B. attendant	
14. Toms, F.	Allerdale, Bitterne Park, Southampton.	Saloon steward	Do.
15. Thomas, B.	122 Avenue Road, Southampton.	do	Do.
16. Turner, L.	19 Terminus Terrace, Southampton.	do	
17. Turvey, C.	90 Cornwall Road, Bayswater, London, W.	(R) Page boy	
18. Tietz, C.	Richmond Tavern, Bridgwood.	(R) Kitchen porter	
19. Testoni, E. (5 saved, 14 lost.)	32a St. James Building, Little Poulteney Street.	(R) Assistant glassman.	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

U.

VICTUALING DEPARTMENT.

Name.	Address.	Rating.	
1. Urbini, R. (1 lost.)	16 Manette Street, Charing Cross Road, London.	(R) Waiter	

V.

ENGINE DEPARTMENT.

1. Veal, A.	15 Imperial Avenue, Southampton.	Greaser	
2. Vear, W.	2 Spa Gardens, Southampton	Fireman	
3. Vear, H. (3 lost.)	do	do	

VICTUALING DEPARTMENT.

1. Veal, T.	20 Forster Mount, Southampton.	Saloon stewarh	
2. Vine, H.	55 Leith Mansions, Maida Vale, London.	(R) Assistant controller.	
3. Valvarsori, E.	7 Great Russell Street, London.	(R) Waiter	
4. Vioni, R.	8 Lynton Mansions, Kennington Road, London.	do	
5. Vicat, J.	13 Howley Street, London, SE.	(R) Fish cook	
6. Vilvarlarge, P.	Rue National, Ambroise, France.	(R) Assistant soup	
7. Vocelin, H. (7 lost.)	8 Lumber Court, London, W. C	(R) Coffeeman	

W.

DECK DEPARTMENT.

1. Wilde, H. T.	25 Grey Road, Walton, Liverpool.	Chief officer	
2. Winn, W.	8 Church Street, Southampton.	Quartermaster	Saved.
3. Weller, S. (2 saved, 1 lost.)	Holyrood House, Southampton	A. B	Do.

ENGINE DEPARTMENT.

1. Wilson, B.	40 Richmond Road, Shirley, Southampton.	Senior second assistant engineer.	
2. Ward, A.	Manor House, Romsey	Junior fourth assistant engineer.	
3. Wardner, F.	45 Endle Street, Southampton.	Fireman	
4. Woods, H.	St. Michael's House, Southampton.	Trimmer	
5. Ward, J.	22 James Street, Southampton.	Leading fireman	
6. Williams, E.	2 Canal Walk, Southampton	Fireman	
7. White, F.	14 Northbrook Road, Southampton.	Trimmer	
8. Wilton, Wm.	5 Queens Street, Southampton.	do	
9. Webber, F.	49 Avenue Road, Southampton.	Leading fireman	
10. Witcher, A.	9 Wilson Street, Southampton.	Fireman	
11. White, W.	9 Coblens Street, Woking	Trimmer	Saved.
12. Witt, H.	28 Lower College Street, Southampton.	Fireman	
13. Webb, S.	Sailors' Home, Southampton	Trimmer	
14. Witt, F.	St. Michael's House, Southampton.	do	
15. White, A.	3 Southampton Place, Southampton.	Greaser	Do.
16. Woodford, H.	14 Clovelly Road, Southampton.	do	
17. Waterdge, E.	Millbrook, Southampton	Fireman	
18. Wyeth, J.	14 Millbank Street, Southampton.	do	
19. Watson, W. (2 saved, 17 lost.)	13 York Street, Southampton	do	
1. Warwick, F.	Totton, Hants	Saloon steward	
2. Webb, B.	33 Hanley Road, Southampton.	Smoke-room steward.	
3. Wright, F.	22 Steur Street, Shepherds Bush, London.	Racquet-court attendant.	
4. Watson, W.	23 Oakley Road, Southampton	Bell boy	
5. Wareham, R.	46 Park Road, Southampton	Bedroom steward	
6. Whittman, H.	12 Eichville Road, Shirley, Southampton.	do	
7. Ward, P.	36 Richmond Road, Southampton.	do	
8. Ward, E.	6 Blechynden Terrace, Southampton.	do	
9. Walpole, J.	12 Stafford Road, Southampton.	Chief pantryman	
10. Wrapson, H.	33 Southampton Street, Southampton.	Assistant pantryman.	
11. Williams, W.	52 Northumberland Road, Southampton.	Assistant steward	Saved.
12. Wood, J. T.	7 Norfolk Road, Upper Clapton, London.	do	
13. Witter, J.	55 Porchester Road, Woolston, Hants.	Smoke-room steward.	Do.
14. Widgery, J.	25 Roksby Avenue, Redland, Bristol.	Baths	Do.
15. Willis, W.	59 Derby Road, Southampton.	Steward	
16. White, J.	41 Thackeray Road, Portswood, Southampton.	G. H. steward	

EXHIBIT "A."—*Particulars of crew of steamship "Titanic"*—Continued.

W—Continued.

VICTUALING DEPARTMENT—continued.

Name.	Address.	Rating.	
17. Wright, W.	9 Emsworth Road, Shirley, Southampton.	G. H. steward	
18. Windebank, J.	Elmhurst, Shirley, Southampton.	Sauce cook	Saved.
19. Welch, W. H.	North Haven, Bond Road, Bitterne Park, Southampton.	Assistant cook	
20. Whitford, A.	33 Richmond Street, Southampton.	Saloon steward	
21. Wiltshire, W.	8 Britannia Road, Southampton.	Assistant butcher	
22. Wake, S.	2 Gloster Passage, Southampton.	Assistant baker	
23. Williams, A.	52 Peter Road, Walton, Liverpool.	Assistant storekeeper.	
24. Whiteman, A. H.	9 Dyer Road, Southampton	Barber	Do.
25. White, A.	36 Furbrooks Road, Portsmouth.	Assistant barber	
26. Walsh, Miss	57 Church Road, Southampton.	Stewardess	
27. Wallis, Mrs.	28 St. Marys Street, Southampton.	Matron	
28. Wheat, J.	14 Cobden Gardens, Bitterne, Southampton.	Assistant second steward.	Do.
29. Wheelton, E.	Norwood House, Shirley, Southampton.	Saloon steward	Do.
30. Weatherstone, T.	5 Kenilworth Road, Polygon, Southampton.	do	
31. White, L.	248 Romsey Road, Southampton.	do	
32. Ward, W.	107 Millbrook Road, Southampton.	do	Do.
33. Whiteley, T.	29 St. Johns Park Mansions, London.	do	Do.
34. Wormald, T. (9 saved, 25 lost.)	5 Testwood Road, Southampton.	do	

Y.

ENGINE DEPARTMENT.

1. Young, F. (1 lost.)	28 Russell Street, Southampton.	Fireman	

VICTUALING DEPARTMENT.

1. Yoshack J.	103 Malmesbury Road, Southampton.	Saloon steward	
2. Yearsley, H. (1 saved, 1 lost.)	6 Gloster Passage, Southampton.	do	Saved.

Z.

VICTUALING DEPARTMENT.

1. Zarracchi, L. (1 lost.)	9 Orchard Place, Southampton	(R) Wine butler	

Summary of crew list.

	Total.	Saved.	Lost.
Deck department	70	46	24
Engine department	327	72	255
Victualing department	494	96	398
Band	8		8
Total	899	214	685

In the above totals are included 23 women in the victualing department, of whom 20 were saved and 3 lost.

EXHIBIT "B."—*Particulars of the first-class passengers who sailed on the steamer "Titanic," April 10, 1912.*

Total number sailed: Women and children, 156; men, 173; total, 329.
Total number saved: Women and children, 145; men, 54; saved, 199.
Total number lost: Women and children, 11; men, 119; total lost, 130.

ALPHABETICAL LIST OF FIRST-CLASS SURVIVORS.

Allen, Miss Elizabeth Walton.
Allison, Mrs. H. J., and maid.
Allison, Master, and nurse.
Anderson, Mr. Harry.
Andrew, Miss Cornelia I.
Appleton, Mrs. E. D.
Astor, Mrs. J. J., and maid.
Aubert, Mrs. N., and maid.
Barkworth, Mrs. A. H.
Baxter, Mrs. James.
Beckwith, Mr. R. L.
Beckwith, Mrs. E. L.
Bishop, Mr. D. H.
Bishop, Mrs. D. H.
Blank, Mr. Henry.
Bonnell, Miss Caroline.
Bonnell, Miss Lily.
Bowen, Miss.
Bowerman, Miss Elsie.
Brayton, Mr. George.
Brown, Mrs. J. J.
Brown, Mrs. J. M.
Bucknell, Mrs. W., and maid.
Calderhead, Mr. E. P.
Cardell, Mrs. Churchhill.
Cardeya, Mr. T. D. M., and manservant.
Cardeya, Mrs. J. W. M., and maid.
Carter, Mr. W. E.
Carter, Mrs. W. E., and maid.
Carter, Miss Lucile.
Carter, Master William T.
Cassebeer, Mrs. H. A.
Cavendish, Mrs. T. W., and maid.
Chaffee, Mrs. Herbert F.
Chambers, Mr. N. C.
Chambers, Mrs. N. C.
Cherry, Miss Gladys.

Chevré, Mr. Paul.
Chibnall, Mrs. E. M. Bowerman.
Clark, Mrs. Walter M.
Compton, Mrs. A. T.
Compton, Miss S. R.
Cornell, Mrs. R. C.
Crosby, Mrs. Edward G.
Crosby, Miss Harriet.
Cummings, Mrs. John Bradley.
Daly, Mr. P. D.
Davidson, Mrs. Thornton.
de Villiers, Mrs. B.
Dick, Mr. A. A.
Dick, Mrs. A. A.
Dodge, Mr. Washington.
Dodge, Mrs. Washington.
Dodge, Master Washington.
Douglas, Mrs. F. C.
Douglas, Mrs. W. D., and maid.
Earnshaw, Mrs. Boulton.
Endres, Miss Caroline.
Eustis, Miss E. M.
Flegenheim, Mrs. A.
Flynn, Mr. J. I.
Fortune, Mrs. Mark.
Fortune, Miss Ethel.
Fortune, Miss Alice.
Fortune, Miss Mabel.
Frauenthal, Mr. T. G.
Frauenthal, Dr. Henry W.
Frauenthal, Mrs. Henry W.
Frolicher, Miss Marguerite.
Futrelle, Mrs. J.
Gibson, Mrs. L.
Gibson, Miss D.
Goldenberg, Mr. E. L.
Goldenberg, Mrs. E. L.
Gordon, Lord Duff.
Gordon, Lady Duff, and maid.
Gracie, Col. Archibald.
Graham, Mrs. William G.
Graham, Miss Margaret.
Greenfield, Mrs. L. D.
Harder, Mr. George A.
Harder, Mrs. George A.
Harper, Mr. Henry Sleeper, and manservant.
Harper, Mrs. Henry Sleeper.
Harris, Mrs. Henry B.
Haven, Mr. H.
Hawksford, Mr. W. J.
Hays, Mrs. Charles M., and maid.
Hays, Miss Margaret.
Hippach, Mrs. Ida S.
Hippach, Miss Jean.
Hogeboom, Mrs. John C.
Holverson, Mrs. A. O.
Hoyt, Mr. Frederick M.
Hoyt, Mrs. Frederick M.
Ismay, Mr., and manservant.
Kenyon, Mrs. F. R.
Kimball, Mr. E. N.
Kimball, Mrs. E. N.
Leader, Mrs. F. A.
Lindstroem, Mrs. J.
Lines, Mrs. Ernest H.
Lines, Miss Mary C.
Longley, Miss Gretchen F.
Madill, Miss Georgette Alexandra.
Marechal, Mr. Pierre.
Marvin, Mrs. D. W.
McGough, Mr. J. R.
Meyer, Mrs. Edgar J.
Minahan, Mrs. W. E.
Minahan, Miss Daisy.
Mock, Mr. Philip E.
Newell, Miss Alice.
Newell, Miss Madeline.
Newsome, Miss Helen.
Omont, Mr. F.
Ostby, Miss Helen R.
Pears, Mrs. Thomas.
Penasco, Mrs. Victor, and maid.
Peuchen, Maj. Arthur.
Potter, Mrs. Thomas, jr.
Rheims, Mr. George.
Robert, Mrs. Edward S., and maid.
Rolmane, Mr. C.
Rosenbaum, Miss.
Rothes, the Countess of, and maid.
Rothschild, Mrs. M.
Ryerson, Mrs. Arthur, and maid.
Ryerson, Miss.
Ryerson, Miss.
Ryerson, Master.
Scalfeld, Mr. Adolphe.
Soloman, Mr. A. L.
Schabert, Mrs. Paul.
Seward, Mr. Frederic K.
Shutes, Miss E. W.
Silverthrone, Mr.
Silvey, Mrs. William B.
Simonius, Mr. Oberst Alfons.
Sloper, Mr. William T.
Smith, Mrs. L. P.
Snyder, Mr. John.
Snyder, Mrs. John.
Spedden, Mr. Frederick O.
Spedden, Mrs. Frederick O., and maid.
Spedden, Master R. Douglas, and nurse.
Spencer, Mrs. W. A., and maid.
Stabelin, Dr. Max.
Stehli, Mr. Max Frolicher.
Stehli, Mrs. Max Frolicher.
Stengel, Mr. C. E. H.
Stengel, Mrs. C. E. H.
Stephenson, Mrs. W. B.
Stone, Mrs. George M., and maid.
Swift, Mrs. Frederick Joel.
Taussig, Mrs. Emil.
Taussig, Miss Ruth.
Taylor, Mr. E. J.
Taylor, Mrs. E. J.
Thayer, Mrs. J. B., and maid.
Thayer, Mr. J. B., jr.
Thorne, Mrs. G.
Tucker, Mr. G. M., jr.
Warren, Mrs. F. M.
White, Mrs. J. Stuart, maid, and manservant.
Wick, Mrs. George D.
Wick, Miss Mary.
Widener, Mrs. George D., and maid.
Willard, Miss Constance.
Williams, Mr. R. M. J.
Woolner, Mr. Hugh.
Young, Miss Marie.

The following names have been cabled as amongst the first-class passengers saved; it is thought they are maids and valets:

Chandowson, Miss Victorine.
Lesneur, Gustave, Mr. Cardeya's valet.
Olivia, Mlle., Mrs. Penasco's maid.
Pericault, Miss A.
Renago, Miss Maman T.
Renalt, Miss Apple.
Segesser, Miss Emma, Mme. Aubert's maid.
Serepeca, Miss Augusta.
Stefanson, H. B.

List of first-class passengers.

[Corrected Apr. 25.]

Passenger's name.	European address.	American address.
Allen, Miss Elizabeth Walton (saved).	4 South Terrace, Littlehampton.	4140 Pendell Boulevard, St. Louis, Mo.
Allison, Mr. H. J.	132 Abbey Road, West Hampstead, NW.	Montreal, Quebec.
Allison, Mrs. H. J., and maid (saved).		
Allison, Miss		
Allison, Master (saved), and nurse (saved).		
Anderson, Mr. Harry (saved)	Waldorf Hotel, London.	
Andrews, Miss Cornelia I. (saved).		
Andrews, Mr. Thomas	Care of Harland & Wolff, Belfast.	
Appleton, Mrs. E. D. (saved)		
Artagaveytia, Mr. Ramon		Care of E. Metz Green, Consul Uruguay, New York.
Astor, Col. J. J., and manservant.		840 Fifth Avenue, New York City.
Astor, Mrs. J. J. (saved), and maid (saved).		
Aubert, Mrs. N. (saved), and maid (saved).	17 Le Seuer Street, Paris.	
Barkworth, Mr. A. H. (saved).	Tranby House, Hessle, East York, England.	
Baumann, Mr. J.		
Baxter, Mrs. James (saved)		Montreal, Quebec.
Baxter, Mr. Quigg		

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Beattie, Mr. T.		Care of Mr. Morgan, 66 Leonard Street, New York.
Beckwith, Mr. R. L. (saved)		Care of McKean, Brewster & Morgan, 40 Wall Street, New York.
Beckwith, Mrs. R. L. (saved)		
Behr, Mr. K. H.		40 Wall Street, New York.
Bishop, Mr. D. H. (saved)		
Bishop, Mrs. D. H. (saved)		
Bjornstrom, Mr. H. (Steffenson; see end list.)		
Blackwell, Mr. Stephen Weart.	Brown, Shipley & Co., Son.	167 West State Street, Trenton, N. J.
Blank, Mr. Henry (saved)		Care of Whiteside & Blank, Newark, N. J.
Bonnell, Miss Caroline (saved)		Youngstown, Ohio.
Bonnell, Miss Lily (saved)	Carlton Hotel, London	
Borebank, Mr. J. J.		Lodges of the World, Winnipeg.
Bowen, Miss (saved)		Care of A. D. Britton, 180 Montague Street, Brooklyn, N. Y.
Bowerman, Miss Elsie (saved).	Thorncliff, St. Leonards on Sea, England.	
Brady, Mr. John B.		Care of Miss E. M. Brady, Hotel Wellington, New York City.
Brandeis, Mr. E.		Omaha, Nebr.
Brayton, Mr. George (saved)	Hotel Metropole, London, W. C.	Union Trust Building, Los Angeles, Cal.
Brewe, Dr. Arthur Jackson		
Brown, Mrs. J. J. (saved)		Denver, Colo.
Brown, Mrs. J. M. (saved)		
Bucknell, Mrs. W. (saved) and maid (saved).		
Butt, Maj. Archibald W.		Care of Lewis F. Butt, Augusta, Ga.
Calderhead, Mr. E. P. (saved)		Gimbel Bros., New York City.
Cardell, Mrs. Churchill (saved)		
Cardeza, Mrs. J. W. M. (saved) and maid.		
Cardeza, Mr. T. D. M. (saved) and manservant.		
Carlson, Mr. Frank		
Carran, Mr. F. M.		Care of A. Metz Green, consul for Uruguay, New York City.
Carran, Mr. J. P.		
Carter, Mr. William E. (saved)		
Carter, Mrs. William E. (saved) and maid.	Rotherley Manor, Rotherley, Leicester.	Philadelphia, Pa., Attorneys Winthrop & Stimson, 32 Liberty Street, New York City.
Carter, Miss Lucile (saved)		
Carter, Master William T. (saved).		
Case, Mr. Howard B.	Vacuum Oil Co., London.	Care of Standard Oil Co., Rochester, N. Y.
Cassebeer, Mrs. H. A. (saved)	59 Rue Vaneau, Paris	
Cavendish, Mr. T. W.	23 Chesham Place, London.	Care of Simpson Crawford Co., New York City.
Cavendish, Mrs. T. W. (saved) and maid (saved).		
Chaffee, Mr. Herbert F.		Amenia, N. Dak.
Chaffee, Mrs. Herbert F. (saved).		
Chambers, Mr. N. C. (saved)	Royal Mail S. P. Co., London.	Care of W. Bruce Cobb, 49 Wall Street, New York City.
Chambers, Mrs. N. C. (saved)		
Cherry, Miss Gladys (saved)		Care of E. H. Fallows, 30 Church Street, New York City.
Chevré, Mr. Paul (saved)	96 Avenue des Terres, Paris.	
Chibnall, Mrs. E. M. Bowerman (saved).		
Chisholm, Mr. Robert		
Clark, Mr. Walter M.		Care of Hon. W. A. Clark, 20 Exchange Place, New York.
Clark, Mrs. Walter M. (saved)		
Clifford, Mr. George Quincy		
Colley, Mr. E. P.	Farmagh, Rathgar, Dublin.	Care of Mrs. K. B. Burr, 451 Lexington Avenue, New York City.
Compton, Mrs. A. T. (saved)		Lakewood House, Lakewood, N. J.
Compton, Miss S. R. (saved)		
Compton, Mr. A. T., jr.		
Cornell, Mrs. R. C. (saved)		
Crafton, Mr. John B.	Victoria Hotel, London	Care of H. B. Crafton, Roachdale, Ind.
Crosby, Mr. Edward G.	Grand Trunk Ry., London SW.	Transportation Co., Milwaukee, Wis.
Crosby, Mrs. Edward G. (saved)		
Crosby, Miss Harriett (saved)		
Cummings, Mr. John Bradley		Care of Hervey, Barber & McKee, 30 Nassau Street, New York.
Cummings, Mrs. John Bradley (saved).		
Daly, Mr. P. D. (saved)		Care of Curtis, Mallet, Prevost & Colt, 30 Broad Street, New York City.
Daniel, Mr. Robert W.		328 Chestnut Street, Philadelphia, Pa.
Davidson, Mr. Thornton		Care of Mr. Sparling, Grand Trunk Ry., 290 Broadway, New York City.
Davidson, Mrs. Thornton (saved).		
de Villiers, Mrs. B. (saved)	111 Rue Farder, Brussels.	
Dick, Mr. A. A. (saved)	Care of Dean & Dawson, Hotel Cecil, London.	Calgary, Alberta.
Dick, Mrs. A. A. (saved)		

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Dodge, Mr. Washington (saved)		San Francisco, Cal.; attorney, Nathan Urdaver, 116 Nassau Street, New York City.
Dodge, Mrs. Washington (saved).		
Dodge, Master Washington (saved).		
Douglas, Mrs. F. C. (saved)		
Douglas, Mr. W. D		Minneapolis, Minn.
Douglas, Mrs. W. D. (saved) and maid.		
Duiles, Mr. William C		
Earnshaw, Mrs. Boulton (saved)		Care of R. B. Evans, 1335 Land Title Building, Philadelphia, Pa.
Endres, Miss Caroline (saved)		Care of D. H. McIntyre, Punxsutawney, Pa.
Eustis, Miss E. M. (saved)		Hotel Belmont, New York City.
Evans, Miss E		Care of E. G. Alsdorf, 40 Wall Street, New York City.
Flegenheim, Mrs. A. (saved)		Gimbel Bros. New York City.
Flynn, Mr. J. I. (saved)		
Foreman, Mr. B. I		306 West Ninety-ninth Street, New York City.
Fortune, Mr. Mark		
Fortune, Mrs. Mark (saved)		
Fortune, Miss Ethel (saved)	Hotel Metropole, London.	(291) Portage Avenue, Winnipeg, Manitoba.
Fortune, Miss Alice (saved)		
Fortune, Miss Mabel (saved)		
Fortune, Mr. Charles		
Franklin, Mr. T. P	17 Cheapside, E. C	
Frauenthal, Mr. T. G. (saved)		
Frauenthal, Dr. Henry W. (saved).		
Frauenthal, Mrs. Henry W. (saved).		
Frolicher, Miss Marguerite (saved).	Care of Mr. Oberstag, Basel.	Care of E. J. Stehli, 13 West Seventy-sixth Street, New York City.
Futrelle, Mr. J	44 Gloucester Terrace, Hyde Park, W.	(Hotel Belmont, New York City.
Futrelle, Mrs. J. (saved)		
Gee, Mr. Arthur		Care of Edwin Gee, Lawrence, Mass.
Gibson, Mrs. L. (saved)		(Care of Curtis, Mallet, Prevost & Colt, 30 Broad Street, New York City.
Gibson, Miss D. (saved)		
Giglio, Mr. Victor	57 Avenue Montaigne, Paris.	
Goldenberg, Mr. F. L. (saved)		Do.
Goldenberg, Mrs. H. L. (saved).		
Goldschmidt, Mrs. George B.		
Gordon, Lord Duff (saved)		(Care of Lucile (Ltd.), 17 West Thirty - sixth Street, New York (sailed Lusitania May 8, 1912).
Gordon, Lady Duff (saved) and maid (saved).		
Gracie, Col. Archibald (saved).	Savoy Hotel, London, W	Hotel St. Loüne, Washington Square, New York City.
Graham, Mr.		Care of I. Eaton & Co., 45 East Seventeenth Street, New York City.
Graham, Mrs. William G. (saved)		
Graham, Miss Margaret (saved).		
Greenfield, Mrs. L. D. (saved)		
Greenfield, Mr. W. B. (saved).		
Guggenheim, Mr. Benjamin		Care of J. K. McGowan, 165 Broadway, New York.
Harder, Mr. George A. (saved)		(117 Eighth Avenue, Brooklyn, N. Y.
Harder, Mrs. George A. (saved)		
Harper, Mr. Henry Sleeper (saved) and manservant (saved).		
Harper, Mrs. Henry Sleeper (saved).		
Harris, Mr. Henry B		(50 Central Park West, New York City.
Harris, Mrs. Henry B. (saved).		
Harrison, Mr. W. H	30 James Street, Liverpool.	
Haven, Mr. H. (saved)		
Hawksford, Mr. W. J. (saved)		
Hays, Mr. Charles M	Grand Trunk Ry., London, SW.	Grand Trunk Ry., Montreal.
Hays, Mrs. Charles M. (saved) and maid.		
Hays, Miss Margaret (saved)		304 West Eighty-third Street, New York City.
Head, Mr. Christopher		Care of G. W. Head, Grain Exchange, Winnipeg.
Hilliard, Mr. Herbert Henry		Boston, Mass.
Hipkins, Mr. W. E		Avery Scale Co., North Milwaukee, Wis.
Hippach, Mrs. Ida S. (saved)		(Hotel Imperial, New York City.
Hippach, Miss Jean (saved)		
Hoskesson, Mrs. John C. (saved).		
Holverson, Mr. A. O	Piccadilly Hotel, London, W.	Chuett, Peabody & Co., New York City.
Holverson, Mrs. A. O. (saved).		
Hoyt, Mr. Frederick M. (saved).	Care of Brown, Shipley & Co., London.	
Hoyt, Mrs. Frederick M. (saved).		
Hoyt, Mr. W. F		36 West Thirty-fifth Street, New York City.
Isham, Miss A. E		Care of Edward Isham, 28 West Thirty-seventh Street, New York.

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Ismay, Mr. (saved) and manservant.	30 James Street, Liverpool.	
Jakob, Mr. Birnbaum	11 Rue Membling, Antwerp.	
Jones, Mr. C. C		Fillmore Farms, Bennington, Vt.
Julian, Mr. H. F		Care of G. W. Shepherd, 30 Church Street, New York.
Kent, Mr. Edward A		512 Delavan Avenue, Buffalo, N. Y.
Kenyon, Mr. F. R		(Care of J. Kenyon, Southington, Conn.
Kenyon, Mrs. F. R. (saved)		
Kimball, Mr. E. N. (saved)		Care of McKean, Brewster & Morgan, 40 Wall Street, New York City.
Kimball, Mrs. E. N. (saved)		
Klaber, Mr. Herman		Care of D. S. Netter, 441 Market Street, Philadelphia, Pa.
Lambert-Williams, Mr. Fletcher Fellows.	6 W. Bickerhall Mansions, Gloucester Place, London, W.	
Leader, Mrs. F. A. (saved)		
Lewy, Mr. E. G		Lewy Bros. Co., State and Adams Streets, Chicago, Ill.
Lindstroem, Mrs. J. (saved)		
Lines, Mrs. Ernest H. (saved)		Care of Kraushaar, Harmon & Mathewson, 55 Wall Street, New York City.
Lines, Miss Mary C. (saved)		
Lingrey, Mr. Edward		
Long, Mr. Milton C		Springfield, Mass.
Longley, Miss Gretchen F. (saved).		
Loring, Mr. J. H	28 Park Lane, London, W.	Care of Thos. Plunkett, 49 Broadway, New York City.
Madill, Miss Georgette Alexandra (saved).	4 South Terrace, Littlehampton.	4140 Pendell Boulevard, St. Louis, Mo.
Maguire, Mr. J. E		
Marechal, Mr. Pierre (saved)		
Marvin, Mr. D. W	58 Acre Lane, Brixton, SW.	
Marvin, Mrs. D. W. (saved)		
McCaffry, Mr. T		Vancouver, British Columbia.
McCarthy, Mr. Timothy J		
McGough, Mr. J. R. (saved)		Gimbel Bros., New York City.
Meyer, Mr. Edgar J		(Care of Saks & Co., New York City.
Meyer, Mrs. Edgar J. (saved)		
Millet, Mr. Frank D		
Minahan, Dr. W. E		
Minahan, Mrs. W. E. (saved)	Savoy Hotel, London, W.	Fond du Lac, Wis.
Minahan, Miss Daisy (saved)		
Mock, Mr. Philip E. (saved)		Care of Curtis, Mallet, Prevost & Colt, 30 Broad Street, New York City.
Molsom, Mr. H. Markland	Junior Athenaeum Club, Piccadilly, W.	
Moore, Mr. Clarence, and manservant.	Almond's Hotel, Clifford Street, W.	1716 Massachusetts Avenue, Washington, D. C.
Natsch, Mr. Charles		
Newell, Mr. A. W		(Care of Bureau of University Novel, Boston, Mass.
Newell, Miss Alice (saved)		
Newell, Miss Madeline (saved)		
Newsom, Miss Helen (saved)		Care of McKean, Brewster & Morgan, 40 Wall Street, New York City.
Nicholson, Mr. A. S		Care of Mrs. E. M. Cory, 1 Greenwood Avenue, Brooklyn, N. Y.
Omont, Mr. F. (saved)		
Ostby, Mr. E. C		Providence, R. I.
Ostby, Miss Helen R. (saved)		
Ovies, Mr. S		Care of H. B. Claflin Co., New York City, Mr. J. M. Menendez.
Parr, Mr. M. H. W		
Partner, Mr. Austin	Care of Meyers & Robertson, 11 Copthall Court, London, E. C.	Care of Barrow, Wade & Guthrie, 32 Broad Street, New York City.
Payne, Mr. V	Grand Trunk Ry., London, SW.	Grand Trunk Ry., Montreal.
Pears, Mr. Thomas	"Inevagiewy," Ilsworth, NW.	(Care of Walter Janvier, 417 Canal Street, New York City.
Pears, Mrs. Thomas (saved)		
Penasco, Mr. Victor		Care of Mrs. F. Garcia, 6 East 54th Street, New York City. Sail La Provence May 9.
Penasco, Mrs. Victor (saved), and maid.		
Peuchen, Maj. Arthur (saved)	Savoy Hotel, London, W	Toronto, Ontario.
Porter, Mr. Walter Chamberlain.		
Potter, Mrs. Thomas, jr. (saved).		Care of R. B. Evans, 1335 Land Title Building, Philadelphia, Pa.
Reuchlin, Mr. Jonkheer J. G		Care of Holland-America Line, 39 Broadway, New York City.
Rheims, Mr. George (saved)	42 Rue de Paradis, Paris.	4140 Pendell Boulevard, St. Louis.
Robert, Mrs. Edward S. (saved), and maid (saved).	4 South Terrace, Littlehampton.	Trenton, N. J.
Roebling, Mr. Washington A., 3d.		225 West 107th Street, New York City.
Rolmane, Mr. C. (saved)		

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Rood, Mr. Hugh R	Ritz Hotel, London, W.	
Rosenbaum, Miss (saved)		
Ross, Mr. J. Hugo	Savoy Hotel, London	
Rothes, the Countess of (saved), and maid (saved).		Ritz-Carlton Hotel, New York City.
Rothschild, Mr. M		(753 West End Avenue, New York City.
Rothschild, Mrs. M. (saved)		
Rowe, Mr. Alfred	6 Petersham Place, Gloucester Road, W.	Care of Knox & Co., 17 Battery Place, New York City.
Ryerson, Mr. Arthur		
Ryerson, Mrs. Arthur (saved), and maid.		
Ryerson, Miss (saved)		(Care of G. S. O'Loughlin, 31 Nassau Street, New York City.
Ryerson, Miss (saved)		
Ryerson, Master (saved)		
Saalfeld, Mr. Adolphe (saved)	Victoria Park, Manchester.	Hotel Astor, New York City (sails Cedric May 16).
Saloman, Mr. A. L. (saved)		
Schabert, Mrs. Paul (saved)		Curtis, Wallet, Prevost & Colt, 30 Broad Street, New York City.
Seward, Mr. Frederic K. (saved)	Savoy Hotel, London, WC.	
Shutes, Miss E. W. (saved)		168 West One hundred and twentieth Street, New York City.
Silverthorne, Mr. (saved)		St. Louis, Mo
Silvey, Mr. William B		(Care of Mrs. S. Deshler, 1811 Wyoming Avenue, Washington, D. C.
Silvey, Mrs. William B. (saved)		
Simonius, Mr. Oberst Alfons		Ritz-Carlton Hotel, New York City.
Sloper, Mr. William T. (saved).	Waldorf Hotel, London, W.	
Smart, Mr. John M		
Smith, Mr. J. Clinch		Care of C. S. Butler, 32 Nassau Street, New York City.
Smith, Mr. R. W		Care of Ford & Lyon, Fitchburg, Mass.
Smith, Mr. L. P		
Smith, Mrs. L. P. (saved)		Huntington, W. Va.
Snyder, Mr. John (saved)		
Snyder, Mrs. John (saved)		Minneapolis, Minn.
Spedden, Mr. Frederick O. (saved)		
Spedden, Mrs. Frederick O. (saved), and maid (saved)		Morristown, N. J.
Spedden, Master R. Douglas (saved), and nurse (saved)		
Spencer, Mr. W. A		
Spencer, Mrs. W. A. (saved), and maid (saved)		(Care of J. C. Tiedeman, St. George's Church, New York.
Stabelin, Dr. Max (saved)		Ritz Hotel, New York City.
Stead, Mr. W. T	5 Smith Square, Westminster, London, SW.	13 Astor Place, New York City.
Stehli, Mr. Max Frolicher (saved)		(Care of E. J. Stehli, 13 West Seventy - sixth Street, New York City.
Stehli, Mrs. Max Frolicher (saved)		
Stengel, Mr. C. E. H. (saved)		(South Broad Street, Newark, N. J.
Stengel, Mrs. C. E. H. (saved)		
Stephenson, Mrs. W. B. (saved)		
Stewart, Mr. A. A		
Stone, Mrs. George M. (saved), and maid (saved).		Cincinnati, Ohio.
Straus, Mr. Isidor, and manservant		(Care of R. H. Macy & Co., New York City.
Straus, Mrs. Isidor, and maid (saved).		
Sutton, Mr. Frederick		Care of Mrs. E. C. Sutton, Haddonfield, N. J.
Swift, Mrs. Frederick Joel (saved).		
Taussig, Mr. Emil		
Taussig, Mrs. Emil (saved)		
Taussig, Miss Ruth (saved)		
Taylor, Mr. E. Z. (saved)	Whitehall Hotel, Bloomsburg Square, W. C.	Care of S. E. Wright, Wilson, N. C.
Taylor, Mrs. E. Z. (saved)		
Thayer, Mr. J. B		
Thayer, Mrs. J. B., and maid (saved).		(Pennsylvania R. R. Co., Philadelphia, Pa.
Thayer, Mr. J. B., jr. (saved).		
Thorne, Mr. G		
Thorne, Mrs. G. (saved)		
Tucker, Mr. G. M., jr. (saved)		
Uruchurtu, Mr. M. E		Care of R. R. Uruchurtu, Mexico City, Mexico.
Van der Hoef, Mr. Wyckoff		109 Joralemon Street, Brooklyn, N. Y.
Walker, Mr. W. Anderson		East Orange, N. J.
Warren, Mr. F. M		
Warren, Mrs. F. M. (saved)		
Weir, Mr. J	Care of Mrs. Carter, 6 Howe Street, Edinburgh.	
White, Mr. Percival W		(Winchendon Springs, Mass.
White, Mr. Richard F		Waldorf-Astoria, New York City.
White, Mrs. J. Stuart (saved) and maid (saved) and manservant.		

List of first-class passengers—Continued.

Passenger's name.	European address.	American address.
Wick, Mr. George D		Youngstown, Ohio.
Wick, Mrs. George D. (saved)		
Wick, Miss Mary (saved)		
Widener, Mr. George D. and manservant.		(Land Title Building, Philadelphia, Pa.
Widener, Mrs. George D. (saved), and maid (saved).		
Widener, Mr. Harry		
Willard, Miss Constance (saved).		Care of J. W. Moffit, Duluth, Minn.
Williams, Mr. Duane		(Care of Alex Williams, Philadelphia Club, Philadelphia, Pa.
Williams, Mr. R. M., jr. (saved)		
Woolner, Mr. Hugh (saved)		
Wright, Mr. George		Care of I. Jackerman Polhemus Printing Co. 121 Fulton Street, New York.
Young, Miss Marie (saved)		234 West 44th Street, New York City.

The following names have also been cabled as amongst the first-class passengers saved, whom we are at present unable to identify, but it is thought they are maids and valets:

Chandowson, Miss Victorine.	Steffanson, H. B., on list as H. Hjornstrom.
Renago, Miss Maman T.	Serepeca, Miss Augusta.
Olivia, Mlle., Mrs. Penasco's maid.	Lesneur, Gustave, Mr. Cardeza's valet.
Renalt, Miss Appie (or Effie).	Pericault, Miss A.
Segesser, Miss Emma, Mme. Aubert's maid.	

List of second-class passengers of steamship "Titanic," rescued by steamship "Carpathia."

1. Angle, Mrs.
2. Abelson, Mrs. Hanna.
3. Ballis, Mrs. Ada E.
4. Buss, Miss Kate.
5. Becker, Mrs. A. O., and 3 children.
6. Beane, Mr. Edward.
7. Beane, Mrs.
8. Brown, Mildred.
9. Brown, Miss Elizabeth.
10. Bentham, Lillian W.
11. Bystrom, Karolina.
12. Brybl, Dagmar.
13. Beesley, Mr. L.
14. Clark, Mrs. Ada.
15. Cameron, Miss Clara.
16. Caldwell, Albert F.
17. Caldwell, Mrs. Sylvan.
18. Caldwell, Infant Alden.
19. Collyer, Mrs. Charlotte.
20. Collyer, Miss Marjorie.
21. Christy, Alice.
22. Christy, Julia.
23. Collet, Stuart (Mr.).
24. Doling, Mrs. Ada.
25. Doling, Miss Elsie.
26. Drew, Mrs. Lulu, and child.
27. Davies, Mrs. Agnes.
28. Davis, Miss Mary.
29. Davis, John M.
30. Del Carlo, Mrs. S.
31. Drachstedt, Baun von (saved as first class).
32. Durano, Florentine.
33. Durano, Miss A.
34. Faunthorpe, Mrs. Lizzie.
35. Garside, Ethel.
36. George, Master Wm. Rons S.
37. Hart, Mrs. (Esther).
38. Hart, Child (Eva).
39. Harris, George.
40. Hewlett, Mrs. Mary.
41. Harper, Nina.
42. Hold, Mrs. A.
43. Hosno, Mr. Masabumi.
44. Hocking, Mrs., and daughter.
45. Herman, Mrs. Jane.
46. Herman, Miss Kate.
47. Herman, Miss Alice.
48. Hamlin, Mrs. H., and child.
49. Hoffman, Loio.
50. Hoffman, Lues.
51. Ilett, Bertha.
52. Jacobsohn, Mrs. Amy.
53. Jervan, Mrs. M.
54. Keane, Miss Nora A.
55. Kelly, Mrs. F.
56. Kantor, Mrs. M.
57. Leitch, Jessie.
58. Laroche, Mrs.
59. Laroche, Miss Simmome.
60. Laroche, Miss Louise.
61. Lehman, Bertha.
62. Lauch, Mrs. A.
63. Lamore, Amelia.
64. Mellinger, Eliz.
65. Mellinger, Child.
66. Marshall, Mrs. Kate.
67. Mallett, Mrs.
68. Mallett, Master R. E.
69. Mellers, W. J.
70. Nasser, Mrs.
71. Nye, Elizabeth.
72. Oxenham, Thos.
73. Phillips, Alice.
74. Pallas, Mr. Emilio (?).
75. Padro, Mr. Julian.
76. Pinsky, Rosa.
77. Portaluppi, Emilio.
78. Parish, Mrs. Davis.
79. Quick, Mrs. Jane.
80. Quick, Miss Vera W.
81. Quick, Miss Phyllis.
82. Reynolds, Mrs. E.
83. Ridsdale, Lucy.
84. Renouf, Miss Lily.
85. Rugg, Miss Emilly.
86. Richards, Emily, and 2 children.
87. Rogers, Miss Selina.
88. Sincock, Miss Maude.
89. Slayter, Miss H. M.
90. Shelley, Mrs. J.
91. Sinkkonen, Miss Anna.
92. Smith, Miss Marion.
93. Silven, Lylie.
94. Toomey, Miss.
95. Trent, Mrs. Jessie.
96. Trout, Miss E.
97. Williams, C. Chas.
98. Weitz, Mrs. (Mathilda).
99. Webber, Miss Susie.
100. Wright, Miss Marion.
101. Watt, Mrs. Bessie.
102. Watt, Miss Bertha.
103. West, Mrs. E. A.
104. West, Miss Constance.
105. West, Miss Barbara.
106. Wells, Addie.
107. Wells, Master.
108. Wells, Miss.
109. Ware, Mrs. Florence.
110. Whilems, Chas.
111. Walcroft, Nellie.

Total saved	119
Women and children saved	104
Men saved	15
Total	119

MAY 15, 1912.

List of second-class passengers, arranged alphabetically.

Abelson, Mrs. Hanna.	Andrew, Mr. Frank.
Abelson, Mr. Samson.	Ashby, Mr. John.
Angle, Mr. W.	Bailey, Mr. Percy.
Angle, Mrs.	Ballis, Mrs. Ada E.
Andrew, Mr. Edgar.	Bambridge, Mr. Charles P.

Banfield, Mr.
Bateman, Mr. Robert J.
Beane, Mr. Edward.
Beane, Mrs. Ethel.
Beauchamp, Mr. H. J.
Becker, Mrs. A. O.
Becker, Miss Ruth Elizabeth.
Becker, Miss Marion Louise.
Becker, Master Richard.
Beesley, Mr. L.
Bentham, Miss Lillian W.
Berneman, Mr. W. S.
Botsford, Mr. W. H.
Bowenur, Mr. Solomon.
Bracker, Mr. James H.
Brown, Mrs. E. C.
Brown, Miss E.
Brown, Mr. S.
Brown, Miss Mildred.
Bryhl, Mr. Curt.
Bryhl, Miss Dagmar.
Buss, Miss Kate.
Butler, Mr. Reginald.
Byles, Rev. T. R. D.
Bystrom, Mrs. Carolina.
Cameron, Miss Clear.
Carbines, Mr. W.
Campbell, Mr. William.
Caldwell, Mr. Albert Francis.
Caldwell, Mrs. Sylvia M.
Caldwell, Master Alden G.
Carver, Rev. E. C.
Carver, Mrs. E. C.
Chapman, Mr. C.
Chapman, Mr. D. H.
Chapman, Mrs. D. H.
Christy, Mrs. Alice.
Christy, Miss Jule.
Clarke, Mr. Charles U.
Clarke, Mrs. Ada Maria.
Corcy, Mrs. P. C.
Collett, Mr. Stewart.
Coleridge, Mr. R. C.
Collyer, Mr. Harvey.
Collyer, Mrs. Charlotte.
Collyer, Miss Marjorie.
Corbett, Mrs. Irene C.
Collander, Mr. Erik.
Cotterill, Mr. Harry.
Cunningham, Mr. Alf.
de Carlo, Mr. Sabastiani.
de Carlo, Mrs. Sabastiani.
de Brito, Mr. Jose.
Davies, Mr. Charles.
Dawnson, Mr. William James.
Davis, Miss M.
Davis, Master John M.
Davis, Mrs. Agnes.
Deacon, Mr. Percy.
Debaen, Mr. William.
Decit, Miss Bertha.
Denbury, Mr. Herbert.
Doling, Mrs. Ada J.
Doling, Miss Elsie
Doanbeault, Baron von.
Drew, Mr. James U.
Drew, Mrs. James U.
Drew, Master Marshall.
Durand, Miss Florentina.
Durand, Miss Asunciion.
Eitemiller, Mr. G. F.
Enander, Mr. Ingvar.
Fahlstrom, Mr. Arne D.
Fallbrook, Mr. Charles.
Fauntthorpe, Mr. Harry.
Fauntthorpe, Mrs. Lizzie.
Fox, Mr. Stanley H.
Frost, Mr. A.
Funk, Miss Annie.
Funney, Mr. Joseph.
Gale, Mr. Henry.
Gale, Mr. Shadrach.
Garside, Miss.
Gaskell, Mr. Alfred.
Gavey, Mr. Galovence.
George, Master William Rand S.
Giles, Mr. Ralph.
Gill, Mr. John.
Giles, Mr. Fred.
Giles, Mr. Edgar.
Gilbert, Mr. William.
Gillespie, Mr. William.
Givard, Mr. Hans L.
Graiis, Miss E.
Greenberg, Mr. Samuel.
Hassey, Mr. M.
Hamalainen, Mrs. Anna, and infant.
Harris, Mr.
Hart, Benjamin.
Hart, Mrs. Esther.
Hart, Miss Eva M.
Hale, Mr. Reginald.
Harper, Miss Mina.
Harper, Mr. John.
Harris, Mr. George.
Harbeck, Mr. William.
Herman, Mr. Samuel.
Herman, Mrs. Jane.
Herman, Miss Kate.
Herman, Miss Alice.
Hickman, Mr. Leonard.
Hickman, Mr. Lewis.
Hickman, Mr. Stanley.
Hodges, Mr. Henry P.
Hocking, Mrs. Eliza.
Hocking, Miss Neille.
Hocking, Mr. George.
Hocking, Mr. Samuel J.
Hoffman, Mr.
Hoffman, Masters.
Hood, Mr. Ambrose.
Howard, Mr. Benjamin.
Howard, Mrs. Ellen T.
Hold, Mr. Stephen.
Hold, Miss Annie.
Hunt, Mr. George.
Hewlett, Mrs. M. D.
Jacobsohn, Mr. S. S.
Jacobsohn, Mrs. S. S.
Jarvis, Mr. J. D.
Jewan, Mrs. A. B
Jefferys, Mr. Clifford.
Jefferys, Mr. Ernest.
Jonkin, Mr. Stephen.
Kantor, Mr. S.
Kantor, Mrs.
Karnes, Mrs. J. F.
Keane, Mr. Daniel.
Keane, Miss Nora A.
Kelly, Mrs. F.
Kirkland, Rev. Charles Leonard.
Knight, Mr. R.
Lahlenen, Mr. William.
Lahlenen, Mrs. William.
Lamore, Mrs. A.
Lamb, Mr. J. J.
Laroche, Mr. Joseph.
Laroche, Mrs. Joseph.
Laroche, Miss Lemoine.
Laroche, Miss Louise.
Lehman, Miss Bertha.
Leinot, Mr. Rene.
Leisch, Miss Dessie.
Levy, Mr. R. J.
Leyson, Mr. R. W.
Lingan, Mr. John.
Louch, Mr. Charles.
Louch, Mrs. Alice A.
McCrie, Mr. J. M.
McCrae, Mr. Arthur G.
McKane, Mr. Peter D.
Mack, Mrs. Mary.
Mallet, Mr. A.
Mallet, Mrs. A.
Mallet, Master Andre.
Malachard, Mr. Noel.
Manevila, Mr. Joseph.
Mangeavacche, Mr. Emilio.
Maraweck, Dr. E.
Marshall, Mr. Henry.
Marshall, Mrs. Kate.
Matthews, Mr. W. J.
Maybery, Mr. Frank H.
Mellenger, Mrs. Elizabeth, and child.
Mellers, Mr. William.
Meyer, Mr. August.
Milling, Mr. Jacob E.
Mitchell, Mr. Henry.
Mudd, Mr. Thomas C.
Myles, Mr. T. F.
Nasser, Mr. Nicolas.
Nasser, Mrs. Nicolas.
Nesson, Mr. I.
Nicholls, Mr. Joseph C.
Norman, Mr. Robert D.
Nye, Mrs. Elizabeth.
Oldworth, Mr.
Otter, Mr. Richard.
Oxenham, Mr. T.
Paard, Mr. Julian.
Palm, D. A.
Parker, Mr. Clifford R.
Parks, Mr. Frank.
Parrish, Mrs. L. D.
Pallas, Mr. Emilio.
Permachity, Rev. P. Joseph M.
Phillips, Miss Alice.
Phillips, Mr. Robert.
Pinsky, Miss Rosa.
Ponesell, Mr. Martin.
Portaluppi, Mr. Emilio.
Pulbaum, Mr. Frank.
Quick, Mrs. Jane.
Quick, Miss W. V.
Quick, Miss Phyllis.
Reeves, Mr. David.
Renouf, Mr. Peter H. Y.
Renouf, Miss Lillie.
Reynolds, Miss E.
Ridsdale, Miss Lucy.
Richards, Mrs. Emily.
Richard, Mr. Emile.
Rogers, Mr. Harry.
Rogers, Miss Selina.
Rugg, Miss Emily.
Sedgwick, Mr. C. F. W.
Senkkonen, Miss Anna.
Sharp, Mr. Percival.
Shelley, Mrs. J.
Silver, Miss Lyyli.
Sincock, Miss Maude.
Sjostedt, Mr. E. A.
Slemen, Mr. Richard J.
Slayter, Miss H. M.
Smith, Mr. A.
Smith, Miss Marion.
Sobey, Mr. Hayden.
Stanton, Mr. S. Ward.
Stokes, Mr. Philip J.
Svillner, Mr. Johan Henrik.
Swane, Mr. George.
Sweet, Mr. George.
Toomey, Miss Ellen.
Trent, Mrs. Jessie.
Trout, Miss E. E.
Troupeansky, Mr. Moses Aaron.
Turpin, Mr. William J.
Turpin, Mrs. D. A.
Veale, Mr. James.
Wells, Mrs. A. D.
Wells, Miss Joan.
Wells, Master Ralph.
West, Mr. E. A.
West, Mrs. E. A.
West, Miss E. M.
West, Miss F. J.
Watcroft, Miss Nellie.
Ware, Mr. William J.
Wheaton, Mr. Edward W.
Webber, Miss Susie.
Wheeler, Mr. Edwin.
Williams, Mr. C
Wright, Miss Marion.
Watt, Mrs. Bessie.
Watt, Miss Bertha.
Ware, Mr. John J.
Ware, Mrs. F. L.
Wilhelms, Mr.
Weltz, Mr. L.
Weltz, Mrs. L.
Watson, Mr. E.

Particulars of the second-class passengers who sailed on the steamship "Titanic" April 10, 1912.

Total number sailed: Women and children, 128; men, 157; sailed, 285.
Total number saved: Women and children, 104; men, 15; saved, 119.
Total number lost: Women and children, 24; men, 142; lost, 166.

Second-class berthing list.

Passenger's name.	Address.
Mrs. Hanna Abelson (saved)	Hebrew Shelter and Emigrant Aid Society, 229 East Broadway, New York City
Mr. Samson Abelson	
Mr. Edgar Andrew	Brother is S. Alfredo Andrew, New York Ship Building Co., Camden, N. J.
Mrs. Angie (saved)	With sister, 212 East Forty-sixth Street, New York City.
Mr. W. Angle	1 Mill Street, Warwick, England.
Frank Andrew	
Mr. John Ashby	
Mr. Percy Bailey	Wife is 517 Synnes Street, West Hoboken, N. J.
Mrs. Ada E. Balls (saved)	26 Gwavas Street, Penzance, Cornwall, England, or care of Harry Luley, 1021 Heffernon Avenue, Akron, Ohio.
	227 West One hundred and twenty-fifth Street, thence to Jacksonville, Fla.
Mr. Chas. P. Bambridge	20 Grenville Road, Plymouth, England.
Mr. Banfield	Brother is in Houghton, Mich.
Mr. Robert J. Bateman	
Mr. Edward Beane (saved)	
Mrs. Ethel Beane (saved)	
Mr. H. J. Beauchamp	
Mrs. A. O. Becker (saved)	Care of Thos. Cook & Son, Bombay, or Benton Harbor, Mich., or, until May 18, Lancaster, Ohio.
Miss Marion Louise Becker (saved)	
Master Richard Becker (saved)	
Miss Ruth Elizabeth Becker (saved)	
Mr. L. Beesley (saved)	4 Tetchfield Terrace, London, N. W.; or care Cornell Club, New York City.
	11 Kay Terrace, Rochester, N. Y.
Miss Lillian W. Bentham (saved)	Care of Thos. Cook & Son, London, or, father is William B. Botsford, 402 West Fifth Street, Elmira, N. Y.
Mr. W. S. Berneman	
Mr. W. H. Botsford	General post office, London.
Mr. Solomon Bowenur	
Mr. Jas. H. Bracker	152 Abbey Road, London, N. W.
Mr. Jose de Brito	
Miss E. Brown (saved)	Brother of Dagmar Bryhl, who survives and returns to G'burg, Sweden, on Baltic, May 9.
Mrs. E. C. Brown (saved)	
Miss Mildred Brown (saved)	
Mr. S. Brown	
Mr. Curt Bryhl	
Miss Dagmar Bryhl (saved)	Care Oscar Lustig, 511 Pearl Street, Rockford, Ill.; returned to Gothenburg, steamship Baltic, May 9.
Rev. T. R. D. Byles	1901 Lexington Avenue, New York City.
Mrs. Carolina Bystrom (saved)	Care of Rev. Daniel, Bellmore, Long Island, thence to San Diego, Cal.
Miss Kate Buss (saved)	
Mr. Reginald Butler	3 Upper Montague Street, London, England.
Mr. Albert Francis Caldwell (saved)	Mamaroneck, Conn.(?)
Master Alden G. Caldwell (saved)	Care of Harland & Wolf, Belfast, Ireland.
Mrs. Sylvia M. Caldwell (saved)	
Miss Clear Cameron (saved)	Care Branchini, Lucca, Italy.
Mr. William Campbell	Returned to Italy on Cretic May 18.
Mr. W. Carbines	
Mr. Sabastiani de Carlo	
Mrs. Sebastiani de Carlo (saved)	
Mrs. E. C. Carver	McWheelers, West Droyton, England.
Rev. E. C. Carver	Care of George & George, Lenkeard, England.
Mr. C. Chapman	
Mr. D. H. Chapman	
Mrs. D. H. Chapman	Returned to England, Megantic, May 11.
Mrs. Alice Christy (saved)	
Miss Jule Christy (saved)	Returned to England, Celtic, Apr. 25.
Mrs. Ada Maria Clarke (saved)	Colaba - Grange Lane, Netley Abbey, England.
Mr. Charles V. Clarke	232 Strand, London, W. C.
	Finska, A. A.
Mr. R. C. Coleridge	Care of M. E. Collett, Fort Byron, N. Y.
Mr. Erik Collander	Mount Hill, Bosingstoke, Hants, England, or Payette, Idaho.
Mr. Stewart Collett (saved)	Do.
Mrs. Charlotte Collyer (saved)	Do.
Mr. Harvey Collyer	General Lying-In Hospital, York Road, London.
Miss Majorie Collyer (saved)	
Mrs. Irene C. Corbett	26 Adelaide Street, Penzance, England, or care of Mrs. Richards, 457 Rhodes Avenue, Akron, Ohio.
Mrs. P. C. Corcy	
Mr. Harry Cotterill	Care of Harland & Wolf, Belfast, Ireland.
Mr. Alf Cunningham	

Second-class berthing list—Continued.

Passenger's name.	Address.
Mrs. Agnes Davis (saved)	Mohawk, Mich.
Master John M. Davis (saved)	Do.
Miss M. Davis (saved)	29 Fleet Lane, New Gate, London.
Mr. Charles Davies	
Mr. William James Dawnson	
Mr. Percy Deacon	
Mr. William Debaen	
Miss Berthe Decit (saved)	
Mr. Herbert Denbury	
Mrs. Ada J. Doling (saved)	Canute Road, Southampton, England; returned to England, Philadelphia, May 11.
Miss Elsie Doling (saved)	
Baron von Drashkledt (saved as first class).	
Mr. James V. Drew	
Mrs. James V. Drew (saved)	Constantine, Penryn, Cornwall, England.
Master Marshall (saved)	
Miss Asuncion Durand (saved)	Care of Monter, Barcelona, or Calle Zulinta, Habana, Cuba.
Miss Florentina Durand (saved)	
Mr. C. F. Eitemiller	Bonnington Hotel, Southampton Row, London, or 29 Web Avenue, Detroit.
Mr. Ingvar Enander	
Mr. Arne D. Fahlstrom	
Mr. Charles Fallbrook	16 Charles Street, Truro, Cornwall, England, or care of George Filbrook, P. O. Box 115, Houghton, Mich.
Mr. Harry Faunthorpe	
Mrs. Lizzie Faunthorpe (saved)	Care of John Devine, 669 Brooklyn Street, Philadelphia, Pa.
Mr. Stanley H. Fox	Sister is D. B. Fox, 1250 Astor Street, Chicago, Ill.
Mr. A. Frost	Care of Harland & Wolf, Belfast, Ireland.
Miss Annie Funk	Care of Thos. Cook & Son, London.
Mr. Jos. Fynney	
Mr. Henry Gale	
Mr. Shadrach Gale	
Miss Garside (saved)	Care Mrs. Ellison, 522 Seventy-fifth Street, Brooklyn, N. Y.
Mr. Alfred Gaskell	
Mr. Galevence Gavey	
Master Wm. Rand S. George (saved)	26 St. Marys Street, Penzance, England, or care of Mrs. Emily Richards, 457 Rhodes Avenue, Akron, Ohio.
Mr. William Gilbert	
Mr. Edgar Giles	Wheal Unity Road, Pordwen, Cornwall, England.
Mr. Fred Giles	
Mr. Ralph Giles	10 Gunderstone Road, West Kensington, England.
Mr. John Gill	3 Griffin Road, Clevedon, England.
Mr. William Gillespie	
Mr. Hans L. Givard	Alliance Hotel, Southampton.
Miss B. Graiis	Care of Alexander Wolf, 154 Nassau Street, New York City.
Mr. Samuel Greenberg	Care of Mrs. S. Hall, Rodney Hoke, near Cheddar, England.
Mr. Reginald Hale	389 Clay Avenue, Detroit, Mich.
Mrs. Anna Hamalainen and infant (saved).	
Mr. Wm. Harbeck	3 Claude Villa, Denmark Hill SE., England.
Mr. John Harper	3 Claude Villa, Denmark Hill SE.; returned Celtic Apr. 25.
Miss Mina Harper (saved)	47 Granvill Road, Hoe Street, Walthamston, England.
Mr. Harris	41 Claredon Street, Pimlico SW.
Mr. George Harris (saved)	Care of Bloomfield-Slemfold House, Whalebone Road.
Mr. Benjamin Hart	Chadwell Heath, Essex, England; returned on Celtic Apr. 25.
Mrs. Esther Hart (saved)	Imperial Japanese Ry. Co., Tokyo, Japan.
Miss Eva M. Hart (saved)	Bernardsville, N. J.
Mr. M. Hasono (saved)	Do.
Miss Alice Herman (saved)	Do.
Mrs. Jane Herman (saved)	Care of Mrs. Groves, 6 The Avenue, Brondesbury, England, or Rapid City S. Dak.
Miss Kate Herman (saved)	
Mr. Samuel Herman	
Mrs. M. D. Hewlett (saved)	
Mr. Leonard Hickman	
Mr. Lewis Hickman	
Mr. Stanley Hickman	
Miss Marsh Hiesunen	
Mrs. Eliza Hocking (saved)	26 St. Marys Street, Penzance, England, or care of Mrs. Emily Richards, 457 Rhodes Avenue, Akron, Ohio.
Miss Nellie Hocking (saved)	
Mr. George Hocking	26 St. Marys Street, Penzance, England, or 457 Rhodes Avenue, Akron, Ohio.
Mr. Saml. J. Hocking	3 Fore Street, Devonport, England.
Mr. Henry P. Hodges	
Masters Hoffman (saved)	Children, care of Miss Hays, 204 West Eighty-third Street.
Mr. Hoffman	Care of Thos. Cook & Son, Monte Carlo.
Mrs. Annie Hold (saved)	630 M Street, Sacramento, Cal.
Mr. Stephen Hold	
Mr. Ambrose Hood	
Mr. Benjamin Howard	85 Cheltenham Street, Swindon, England.
Mrs. Ellen T. Howard	The Gardens, Ashstead, Epson.
Mr. George Hunt	7 Fembridge Square, London, and care F. Jones, 73 Apach Road, Josephine Avenue, Buxton.
Mr. S. S. Jacobsohn	Returned to England, Megantic, May 11.
Mrs. S. S. Jacobsohn (saved)	The Crest, Stoneygate, Leicester, England.
Mr. J. D. Jarvis	
Mr. Clifford Jefferys	227 West 145th Street, New York City.
Mr. Ernest Jefferys	
Mrs. A. B. Jervan (saved)	
Mr. Stephen Jonkin	

Second-class berthing list—Continued.

Passenger's name.	Address.
Mrs. Kantor (saved)	Care of Lieberman, 1314 Brook Avenue, Bronx, N. Y.
Mr. S. Kantor	
Mrs. J. F. Karnes	Care of Mrs. Lavely, North Water Street, Kittanning, Pa.
Mr. Daniel Keane	Father (?) of Nora Keane, who survived and went to Harrisburg, Pa.
Miss Nora A. Keane (saved)	Harrisburg, Pa.
Mrs. F. Kelly (saved)	31 Bedford Place, Russell Square, London, England, or 68 West Seventy-first Street New York City
Rev. Charles Leonard Kirkland	Care of Harland & Wolf, Belfast, Ireland.
Mr. R. Knight	
Mr. Wm. Lahlenen	Brother is C. Albert Sylvan, Hancock, Mich.
Mrs. Wm. Lahlenen	
Mr. J. J. Lamb	Care of Linnix, 2236 Austin Avenue, Chicago, Ill.
Mrs. A. Lamore (saved)	
Mr. Joseph Laroche	131 Grand Rue, Villagnif.
Mrs. Joseph Laroche (saved)	Do.
Miss Louise Laroche (saved)	Do.
Miss Lemoine Laroche (saved)	Do.
Miss Bertha Lehman (saved)	Care of Jos. Lehman, 171 West 95th Street.
Mr. Rene Leinot	12 Rue Le Sueur, Paris.
Miss Dessie Leisch (saved)	3 Claude Villa, Denmark Hill SE.; returned Celtic, Apr. 25.
Mr. R. J. Levy	Grand Hotel, Paris.
Mr. R. W. Leyson	171 Cromwell Road, South Kensington, London.
Mr. John Lingan	
Mrs. Alice A. Louch (saved)	Returned to England, Celtic, Apr. 25.
Mr. Charles Louch	Regent Street, Weston Super-Mare, England.
Mr. Arthur G. McCrae	Care Bank of Australasia, 4 Threadneedle Street, SE.
Mr. J. M. McCrie	Wife is 503 North Sixteenth Street, Sarnia, Ontario.
Mr. Peter D. McKane	
Mrs. Mary Mack	
Mr. A. Mallet	6 Rue Corumalle, Paris.
Mrs. A. Mallet (saved)	Returns to France.
Master Andre Mallet (saved)	
Mr. Noel Malachard	
Mr. Joseph Manevila	21 The Oval, Hackney Road, N. E., England.
Mr. Emilio Mangeavacche	Thos. Cook & Son, London, or care of Miss Jennie Zuckerman, 1814 Clinton Avenue, Bronx, New York City.
Dr. E. Maraweck	Brother is A. H. Maraweck, care of Pacific Phone & Telegraph Co., San Francisco, Cal.
Mr. Henry Marshall	
Mrs. Kate Marshall (saved)	7 New Street, Birmingham, England. Returned, Celtic, Apr. 25.
Mr. W. J. Matthews	Penwithick, St. Anstell, Cornwall, England.
Mr. Frank H. Maybery	1 Whitecross Road, Weston Super-Mare, England.
Mr. Wm. Mellers (saved)	Richmond County Club, Dongan Hills, Long Island, N. Y.
Mrs. Elizabeth Mellenger and child (saved).	Care of Mrs. C. C. Jones, Bennington, Vt.
Mr. August Meyer	26 St. Kindas Road, Harron Road, England.
Mr. Jacob E. Milling	
Mr. Henry Mitchell	
Mr. Thos. C. Mudd	
Mr. T. F. Myles	
Mr. Nicolas Nasser	Care of Thos. Cook & Sons, London; 652 Bolivia Road, Cleveland, Ohio.
Mrs. Nicolas Nasser (saved)	
Mr. I. Nesson	
Mr. Joseph C. Nicholls	
Mr. Robt. D. Norman	A. E. G. Electric Co., 50 Wellington Street, Glasgow.
Mrs. Elizabeth Nye (saved)	Salvation Army, London.
Mr. Oldworth	Chauffeur to Mr. Carter, first-class passenger.
Mr. Richard Otter	Care of Herbert Green, Southwell, Portland, Dorset.
Mr. T. Oxenham (saved)	86 South Street, Ponders End, N., England.
Mr. Julian Paard (saved)	Care of Montes, Barcelona, or Calle Zulcieta, Habana, Cuba.
D. A. Palm	Do.
Mr. Emilio Pallas (saved)	
Mr. Clifford R. Parker	Care of Harland & Wolf, Belfast, Ireland.
Mr. Frank Parks	85 Abingdon Road, Kensington, — W. or Deer Lodge, Mont.
Mrs. L. D. Parrish (saved)	Care of P. J. Ariot, St. Augustine's College, Ramsgate, England.
Rev. P. Joseph M. Permachitz	700 Thirteenth Street, New Brighton, Beaver County, Pa.
Miss Alice Phillips (saved)	Father of Alice Phillips, who survived and went to 700 Thirteenth Street, New Brighton, Beaver County, Pa.
Mr. Robert Phillips	
Miss Rosa Pinsky (saved)	Milford, N. H.
Mr. Martin Ponesell	Luna Park, Paris.
Mr. Emilio Portaluppi (saved)	
Mr. Frank Pulbaum	
Mrs. Jane Quick (saved)	
Miss Phyllis Quick (saved)	
Miss W. V. Quick (saved)	
Mr. David Reeves	
Miss Lillie Renouf (saved)	
Mr. Peter H. Y. Renouf	
Miss E. Reynolds (saved)	
Mr. Emile Richard	St. Dean d'Angeleys, Charente, France.

Second-class berthing list—Continued.

Passenger's name.	Address.
Mrs. Emily Richards (saved)	26 St. Marys Street, Penzance, England, or care of Mrs. E. Richards, 457 Rhodes Avenue, Akron, Ohio.
Miss Lucy Ridsdale (saved)	8 Quebec Street, Montague Square, London; or 1117 —— Street, Marietta, Oslo.
Mr. Harry Rogers	Uncle is Fred Adams, 40 Oxford Street, Lee Park, Wilkes-Barre, Pa.
Miss Selena Rogers (saved)	Care of Mrs. Bower, 4 East Eighty-ninth Street, New York City.
Miss Emily Rugg (saved)	119 South Van Buren Street, Wilmington, Del.
Mr. C. F. W. Sedgwick	68 Ampthill Road, Aigburth, Liverpool, England.
Miss Anna Senkkonen (saved)	Brighton, Mass.
Mr. Percival Sharp	85 Abingdon Road, Kensington, —W. or
Mrs. J. Shelley (saved)	Deer Lodge, Mont.
Miss Lyyli Silven (saved)	Care of Calvert Sylvan, Hancock, Mich.
Miss Maude Sinclair (saved)	Hancock, Mich.
Mr. E. A. Sjostedt	Hjo, Sweden.
Miss H. M. Slayter (saved)	Moon Island, near Vancouver, British Columbia.
Mr. Richard J. Slemen	Landrabe-St. Germans, Cornwall, England.
Mr. A. Smith	11 Berwick Street, London.
Miss Marion Smith (saved)	Care of Mrs. Kelly, 68 West Seventy-first Street, New York City.
Mr. Hayden Sobey	Fort Hallow, near Helston, Cornwall, England. Intended going to Houghton, Mich.
Mr. S. Ward Stanton	Thos. Cook & Son, London and Paris.
Mr. Philip J. Staker	Uncle is Phillip O'Grady, Kewanee, Ill.
Mr. Johan Henrik Svillner	
Mr. George Swane	154 Abbey Road, London, N. W.
Mr. George Sweet	
Miss Ellen Toomey (saved)	Care of Mrs. Bridget Hannery, 119 Bates Street, Indianapolis, Ind.
Mrs. Jessie Trent (saved)	Care J. G. Grosman, 13 South High Street, Columbus, Ohio.
Mr. Moses Aaron Troupeansky	African Hotel, Southampton.
Miss E. C. Trout (saved)	Auburndale, Mass.
Mrs. D. A. Turpin	Plymouth, England.
Mr. William J. Turpin	59 Chaddlewood Avenue.
Mr. James Veale	Care of B. Veale, Port Navis, Falmouth, England.
Mrs. F. L. Ware (saved)	196 South Main Street, New Britain, Conn.
Mr. John J. Ware	Care of H. J. Long, 13 Salthrope Road, Moreley Square, Bishopston, Bristol, England.
Mr. William J. Ware	Do.
Miss Nellie Watcroft (saved)	Mamaroneck, Conn.(?)
Mr. E. Watson	Care of Harland & Wolf, Belfast, Ireland.
Miss Bertha Watt (saved)	Care of Mrs. Ballantyne, 2 Garst Road, Wandsworth, England, thence to Portland, Oreg., care of W. Watt.
Mrs. Bessie Watt (saved)	
Miss Stella Webber (saved)	61 Heath Street, Hartford, Conn.
Mr. L. Weitz	Care of Bronsgrove Guild, Bronsgrove, Worcestershire, England, or care of Bronsgrove Guild, Bank of Toronto Building, Montreal.
Mrs. L. Weitz (saved)	
Mrs. A. D. Wells (saved)	226 Arch Street, Akron, Ohio.
Miss Joan Wells (saved)	Do.
Master Ralph Wells (saved)	Do.
Mr. F. A. West	Newborn-Truro, Cornwall, England.
Mrs. E. A. West (saved)	Returned to England per Celtic, Apr. 25.
Miss E. M. West (saved)	
Miss D. J. West (saved)	
Mr. Edward W. Wheaton	
Mr. Edwin Wheeler	Mr. Vanderbilt's servant.
Mr. Wilhelms (saved)	
Mr. C. Williams (saved)	
Miss Marion Wright (saved)	Cottage Grove, Oreg.

Particulars of the third-class passengers (steerage) who sailed on the steamship "Titanic," Apr. 10, 1912.

THIRD-CLASS PASSENGERS, ACCORDING TO SEX, WHO EMBARKED ON THE "TITANIC."

	Male.	Female.
Southampton	366	76
Cherbourg	67	38
Queenstown	33	57
Total	466	224

Total (male and female)	710
Saved	174
Total lost	536
Number women and children saved	105
Number men saved	69
Total	174

List of third-class passengers, survivors from steamship "Titanic," reported by purser of steamship "Carpathia" April 18, 1912.

1. Abbott, Rose.
2. Anderson, Etna.
3. Aks, Leah.
4. Aks, Filly.
5. Abrahamson, August.
6. Asplund, John.
7. Abelseth, Olaus.
8. Abelseth, Karen.
9. Asplund, Selma.
10. Asplund, Lillian.
11. Asplund, Felix.
12. Assaf, Marion.
13. Anderson, Carla.
14. Buckley, Daniel.
15. Bradley, Bridget.
16. Badman, Emily.
17. Blackstrom, Mary.
18. Bolos, Nourelain.
19. Bakline, Latifa.
20. Bakline, Marie.
21. Bakaline, Eugene.
22. Bakline, Helene.
23. Banoura, Ayout.
24. Coutts, Winnie.
25. Coutts, William.
26. Coutts, Leslie.
27. Carr, Ellen.
28. Cohen, Gurshon.
29. Cribb, Alice.
30. Conolly, Kate.
31. Dorkings, Edward.
32. Driscoll, Bridget.
33. Daly, Eugene.
34. Devany, Margaret.
35. Draplin, Jennie.
36. Dean, Ettie.
37. Dean, Bertram.
38. Dean, Gladys.
39. Davidson, Mary.
40. Dahl, Chas.
41. Daly, Marcella.
42. Dowdell, Elizabeth.
43. Dyker, Elizabeth.
44. Dugemin, Joseph.
45. Emanuel, Ethel.
46. Fat-ma, Mustmani.
47. Glynn, Mary.
48. Goldsmith, Emily.
49. Goldsmith, Frank.
50. Gilnagh, Kate.
51. Hyman, Abraham.
52. Howard, Mary.
53. Hakkurainen, Ellen.
54. Herronen, Hilda.
55. Hanson, Jenny.
56. Hadman, Oscar.
57. Hanna, Meme.
58. Hillstrom, Hilda.
59. Hiekkinen, Laina.
60. Hankonen, Elina.
61. Jermyn, Annie.
62. Johanson, Oscar.
63. Joseph, Katherine (Peters).
64. Joseph, Mary.
65. Jensen, Carl.
66. Johanson, Berendt.
67. Johanson, Oscar L.
68. Johnson, Alice.
69. Johnsen, Eleonora.
70. Johnsen, Harold.
71. Jansson, Carl.
72. Jussila, Eric.
73. Kassen, Nassef.
74. Kelly, Annie.
75. Kelly, Mary.
76. Krikorian, Nichan.
77. Kennedy, John.
78. Kink, Anton.
79. Kink, Louisa.
80. Kink, Louisa.
81. Karum, Franz.
82. Karum, Anna.
83. Karlson, Einar.
84. Lundin, Olga.
85. Lundstrom, John.
86. Landergren, Laura.
87. *Lindquist, Einer.
88. Lulic, Nicola.
89. Madsen, Fridjof.
90. *Mulder, Theodore, De.
91. Moran, Bertha.
92. Madigan, Maggie.
93. Mocklare, Ellen.
94. McDermott, Della.
95. Manion, Margaret.
96. Murphy, Mary.
97. Murphy, Kate.
98. *Moor, Mier.
99. *Moor, Beile.
100. Mulvihill, Bertha.
101. McCoy, Bernard.
102. Mullen, Kate.
103. Murphy, Norah.
104. Midtsjo, Carl.
105. Moss, Albert.
106. *Messenacker, Guilliamo De.
107. *Messenacker, Emma De.
108. Monbarck, Omine.
109. Monbarck, Genios.
110. Monbarck, Hallm.
111. McCormack, Thos.
112. McCoy, Agnes
113. McCarthy, Kate.
114. McCoy, Alice.
115. McGowan, Mary.
116. McGowan, Annie.
117. *Nelson, Bertha.
118. Nyster, Anna.
119. Nilson, Hemina.
120. Nicolay, Jamila.
121. Nicola, Elias.
122. Naked, Said.
123. Naked, Waika.
124. Naked, Maria.
125. Niskanen, John.
126. O'Brien, Hanna.
127. O'Dwyer, Nellie.
128. O'Keefe, Pat.
129. O'Leary, Norah.
130. Olson, Arthur.
131. Olman, Vilna.
132. Osman, Mara.
133. Person, Ernest.
134. Ryan, Edward.
135. Riordan, Hannah.
136. Roth, Sarah.
137. Schurlinch, Jean.
138. Sop, Jules.
139. Shine, Ellen.
140. Smyth, Julian.
141. Stanley, Amy.
142. Swenson, Cervin.
143. Sandman, John.
144. Sjoblom, Anny.
145. Sandstrom, Agnes.
146. Sandstrom, Margaret.
147. Sandstrom, Beatrice.
148. Saljilsvik, Anna.
149. Stranden, Jules.
150. Thomas, Tamin.
151. Thomas, Assad.
152. Tonglin, Gunner.
153. Thornycroft, Florence.
154. *Trombisky, Buk.
155. *Turnquist, Wm. H.
156. Turgo, Ann.
157. Turkula, Hedvig.
158. *Vagil, Adelle Jane.
159. Womenstrom, August.
160. Wilkes, Ellen.
161. Yasbeck, Salini.
162. Youssef, Brahmin.
163. Youssef, Hanne.
164. Youssef, Marian.
165. Youssef, Georges.
166. Vartanian, David.
167. Zuni, Fabin.
168. *Luigi, Finoli.
169. Ah Lam.
170. Bing Lee.
171. Fang Lang.
172. Hee Lang.
173. Chip Chang.
174. Foo Chiang.

Total saved, 174; women and children, 105; men, 69.

List of third-class passengers (other than foreign) embarked at Southampton, steamship "Titanic," sailed April 10.

[Those marked with an asterisk (*) were saved.]

Abbott, Eugene; *Abbott, Rosa; Abbott, Rossmore; going to Providence, R. I.
Abbing, Anthony.
Adams, J.
*Aks, Filly; Aks, Leah; care of Carrie Greene, 131 College Place, Norfolk, Va.
Alexander, William (to Albion, N. Y.).
Allen, William.
Allum, Owen G.; to New York City (father).
* Badman, Emily; going to Skaneateles, N. Y.
Barton, David.
Beavan, W. T.
Billiard, A. van.
Billiard, James (child).
Billiard, Walter (child).
* Bing, Lee.
Bowen, David.
Braund, Lewis; going to Saskatoon, Canada.
Braund, Owen; going to Saskatoon, Canada.
Brocklebank, William.
Cann, Ernest.
Carver, A.
Celotti, Francesco.
* Chip, Chang; joining steamship *Anetta*, Donald Steamship Co.
Christmann, Emil.
* Cohen, Gurshon; going to an uncle in Brooklyn, N. Y.
Cook, Jacob.
Corn, Harry.

* Coutts, Winnie; * Coutts, William (child); * Coutts, Leslie (child); going to husband and father in New York.
Coxon, Daniel.
Crease, Ernest J.; going to Cleveland, Ohio.
Cribb, John.
* Cribb, Alice.
* Dahl, Charles; going to Fingal, N. Dak.
Davies, Evan.
Davies, Alfred.
Davies, John.
Davis, Joseph.
Davison, Thomas.
* Davison, Mary; going to H. J. Finck, Bedford, Ohio.
* Dean, Bertram; * Dean, Hetty; Dean, Bertram (child); * Dean, Vera (infant); going to Hume, Mo., but returned steamship *Adriatic*, May 2.
Dennis, Samuel.
Dennis, William.
* Dorkings, Edward; going to Oglesby, Ill.
* Dowdell, Elizabeth; going to Union Hill, N. J.
* Drapkin, Jenie.
* Dugemin, Joseph; going to Albion, N. Y.
Elsbury, James.
Emanuel, Ethel (child); going to grandparents in New York City.
Everett, Thomas.
* Foo, Cheong.
Ford, Arthur.
Ford, Margaret.
Ford, Miss D. M.
Ford, Mr. E.
Ford, M. W. Y. N.
Ford, Maggie (child).
Franklin, Charles.
Garfirth, John.
Gilinski, Leslie.
* Goldsmith, Frank J.; * Goldsmith, Emily A.; Goldsmith, Frank J. W.; going to Mrs. Goldsmith's father, Henry Brown, 115 Butternut Street, Detroit, Mich.
Goodwin, Frederick.
Goodwin, Augusta.
Goodwin, Lillian.
Goodwin, Charles.
Goodwin, William (child).
Goodwin, Jessie (child).
Goodwin, Harold (child).
Goodwin, Sidney (child).
Green, George.
Guest, Robert.
Harknett, Alice.
Harmer, Abraham.
Hee, Ling.
* Howard, May; going to Jane Hewitt, 1032 Florence Avenue, Albion, N. Y.
* Hyman, Abraham; going to Springfield, Mass.
Johnston, C. (child).
Johnston, E.
Johnston, Mrs.
Johnston, William (child).
Johnstone, A.
Johnstone, W.
Keefe, Arthur.
Kelly, James.
* Lam, Ah; joining steamship *Anetta*, of Donald Steamship Co.
Lam, Len; joining steamship *Anetta*, of Donald Steamship Co.
* Lang, Fang; joining steamship *Anetta*, of Donald Steamship Co.
Leonard, L.
Lester, James.
* Ling, Lee; joining steamship *Anetta*, of Donald Steamship Co.
Lithman, Simon.
Lobb, Cordelia.
Lobb, William.
Lockyer, Edward; going to Ontario, N. Y.
Lovell, John.
MacKay, George.
Maisner, Simon.
McNamee, Eileen.
McNamee, Neal.
Meanwell, Marian.
Meek, Annie.
Meo, Alfonso.
Miles, Frank.
* Moor, Beile.
* Moor, Meier.
Moore, Leonard.
Morley, William.
Moutal, Rahamin.
Murdlin, Joseph.
Nancarrow, William.
Niklasen, Sander.
Nosworthy, Richard.
Peacock, Alfred (infant).
Peacock, Treasteall.
Peacock, Treasteall (child).
Pearce, Ernest.
Peauzzi, Joseph.
Perkin, John.
Peterson, Marius.
Potchett, George.
*Rath, Sarah; going to New York City.
Reed, James.
Reynolds, Harold.
Risien, Emma.
Risien, Samuel.
Robins, Alexander.
Robins, Charity.
Rogers, William.
Rouse, Richard H.
Rush, Alfred.
Sadowitz, Harry; going to Providence, R. I.
Sage, John.
Sage, Annie.
Sage, Stella.
Sage, George.
Sage, Douglas.
Sage, Frederick.
Sage, Dorothy.
Sage, William (child).
Sage, Ada (child).
Sage, Constance (child).
Sage, Thomas (child).
Sather, Simon.
Saundercock, W. H.
Sawyer, Frederick.
Serata, Maurice.
Shellard, Frederick.
Shorney, Charles.
Simmons, John.
Slocovski, Selman.
Somerton, F. W.
Spector, Woolf.
Spinner, Henry.
*Stanley, Amy; going to Grace French, 310 Prospect Street, New Haven, Conn.
Stanley, E. R.
Storey, T.
Sutehall, Henry.
Theobald, Thomas.
Thomson, Alex.
*Thorneycroft, Florence; going to Clinton, N. Y.
Thorneycroft, Percival; going to Clinton, N. Y.
Tomlin, Ernest.
Torber, Ernest.
*Trembisky, Berk.
*Tunquist, W.
Ware, Frederick.
Warren, Charles.
Webber, James.
*Wilkes, Ellen; going to son in Akron, Ohio.
Willey, Edward.
Williams, Harry.
Williams, Leslie.
Windelov, Einar.
Wiseman, Philip.

List of third-class Scandinavian and continental passengers embarked at Southampton, steamship "Titanic," sailed April 10.

*Abelseth, Karen; going to Los Angeles, Cal.
*Abelsett, Olai; going to Minneapolis, Minn.
*Abrahamson, August.
Adolf, Humblin.
Ahlin, Johanna; going to Chicago, Ill.
Ahmed, Ali.
Alhomaki, Ilmari.
Ali, William.
Anderson, Alfreda.
*Anderson, Erna.
Anderson, Albert.
Anderson, Anders.
Anderson, Samuel.
Anderson, Sigrid (child).
Anderson, Thor.
*Anderson, Carla; returned on steamship *Adriatic*, second class.
Anderson, Ingeborg (child).
Anderson, Ebba (child).
Anderson, Sigvard (child).
Anderson, Ellis.
Anderson, Ida.
Andreason, Paul.
Angheloff, Minko.
Apslund, Carl (child); Apslund, Charles; *Apslund, Felix (child); Apslund, Gustaf (child); *Apslund, Lillian (child); Apslund, Oscar (child); and *Apslund, Selma; going to Worcester, Mass.
Arnold, Josef.
Arnold, Josephine.
Aronson, Ernest.
Asim, Adola.
*Apslund, Johan; going to friend, Mrs. A. Engstrom, 212 Fifty-third Street, Brooklyn.
Assam, Ali.
Augustsan, Albert.
Backstrom, Karl.
*Backstrom, Marie; going back to Finland.
Balkic, Cerin.
Benson, John.
Berglund, Ivar.
Berklund, Hans.
Bjorkland, Ernst.
Bostandyeff, Guentcho.
Braf, Elin.
Brobek, Carl.
Cacic, Gego.
Cacic, Luka.
Cacic, Maria.
Calic, Manda.
Calic, Peter.
Carlson, Carl.
Carlson, Julius.
Carlsson, August.
Coelho, Domingo.
Coleff, Peyo.
Coleff, Sotio.
Cor, Bartol.
Cor, Ivan.
Cor, Ludvik.
Dahl, Mauritz.
Dahlberg, Gerda; going to Chicago, Ill.
Dakic, Branko.
Danbom, Ernest.
Danbom, Gilbert (infant).
Danbom, Sigrid.
Danoff, Yoto.
Dantchoff, Christo.
Delalic, Regzo.
*De Messemacker, Emma; going to Tampico, Mont.
*De Messemacker Guillaume; going to Tampico, Mont.
*De Mulder, Theo,; going to E. De Cierck, 33 Lessine Street, Detroit.
Denkoff, Mitto.
Dimic, Jovan.

Dintcheff, Valtcho.
Dyker, Adolf; 468 Washington, West Haven, Conn.
*Dyker, Elizabeth; going to mother and father, West Haven, Conn.
Edimovic, Jeso.
Edwardson, Gustaf.
Eklund, Hans; going to Bern, Eklund, Jerome Junction, Ariz., care of J. Bergren.
Ekstrom, Johan.
* Fiapil, Luigi; going to 707 Catherine Street, Philadelphia, Pa.
Fischer, Eberhard.
Goldsmith, Nathan.
Goncalves, Manoel.
Gronnestad, Daniel; going to Regina, Saskatchewan.
Gustafsen, Gideon.
Gustafson, Alfred; to Nielsen & Lundbeck, New York.
Gustafson, Anders.
Gustafson, Johan.
Haas, Alaisia.
* Hadman, Oscar; going to 414 West First Street, Sioux Falls, S. Dak.
Hagland, Ingvald; going to New York, N. Y.
Hagland, Konrad; going to New York, N. Y.
Hakkurainen, Pekka.
* Hakkurainen, Elin; going to Monessen, Pa.
* Hankonen, Eluna; going to Indianapolis, Ind.
Hansen, Claus.
* Hansen, Jenny; going to sister in Racine, Wis.
Hansen, Henry.
Heinonen, Wendla.
Hendekovic, Ignaz.
Henriksson, Jenny; going to Iron Mountain, Mich. (Olaus Ras).
Hervonen, Helga; going to Monessen, Pa.
* Hervonen, Hildwe (child); going to Monessen, Pa.
* Hiekkinen, Laina; going to Monessen, Pa.
* Hillstrom, Hilda; going to Evanston, Ill.
Holm, John
Holten, Johan.
Hoff, Ylio.
Ilmakangas, Ida.
Ilmakangas, Pista.
Ivanoff, Kanio.
* Jansen, Carl.
*Janson, Carl; going to Sioux Falls, S. Dak. (414 West First Street).
Jardin, Jose.
Jensen, Hans, Svenst, and Niels.
*Johannesson, Bernt; going to brother in Brooklyn, N. Y.
Johannessen, Elias.
Johansen, Nils.
*Johanson, Oscar; going to 65 Poplar Street, New Haven, Conn.
*Johanson, Oscar; going to Detroit, Mich.
Johansson, Erik.
Johansson, Gustav; going to Eddy, N. Dak.
Johnson, Jakob.
*Johnson, Ella; *Johnson, Harold; *Johnson, Eleanara (infant); going to husband in St. Charles, Ill.
Johnson, Carl; going to Swedeburg, Nebr.
Johnson, Malkolm; going to 814 Seventh Street, Minneapolis, Minn.
Jonkoff, Lazor.
Jonnson, Nils
Juselia, Katrina.
Juselia, Mari.
*Juselia, Erik; going to Monessen, Pa.
Jutel, Henry.
Kallio, Nikolai.
Kalvig, Johannes; going to Roland, Iowa.
Karaglic, Milan.
*Karlson, Elmar; going to 447 Bergen Street, Brooklyn, N. Y.
Karlson, Nils.
Kedic, Tido.
*Kink, Anton; *Kink, Louise; *Kink, Louise (child); going to uncle in Milwaukee, Wis.
Kink, Maria.
Kink, Vincenz.
Klasson, Klas.
Klasson, Hilda (child).
Klasson, Gertrud (child).
Laiklnen, Sofia; going to New York City.
Laleff, Kristo.
* Landegren, Aurora; going to New York City.
Larson, Viktor; going to New York City.
Larsson, Bengt; going to 70 Smith Street, Hartford, Conn.
Larsson, Edward; going to 70 Smith Street, Hartford, Conn.
Lefebre, Frances; Lefebre, Henry (child); Lefebre, Ida (child); Lefebre, Jeanne (child); Lefebre, Mathilde (child); going to Mystic, Iowa.
Leonnes, Anttl.
Lindablom, August; to Nichols Avenue, route No. 13, Starford, Conn.
Lindell, Edward.
Lindell, Ella.
Lindhal, Agda; to mother, 20 Woodruff Street, Saranac Lake, N. Y.
*Lindqvist, Vino; going to Monessen, Pa.
*Lulic, Nicola; going to Chicago, Ill.
Lundall, John.
*Lundin, Olga; going to sister in New York.
Lundstrom, Edwin; going to brother in Chicago, Ill.
Lyntakoff, Stanko.
*Madsen, Fridjof; going to Brooklyn to join a ship.
Maenpas, Mattl.
Makinen, Kalle.
Mampe, Leon.
Marinko, Dimitri.
Markoff, Marin.
Melkebuk, Philemon.
*Miltsjo, Carl; going to Chicago, Ill.
Mikanen, John.
Mosson, Berta.
Moeff, Ivan.
Markoff, Lazar.
Marko, Dika.
Markoff, Mitto.
Moen, Sigurd.
*Moss, Albert; going to Philadelphia to join steamer.
Murman, Oliver.
*Nyster, Anna; going to cousin in New York City.
Naidenoff, Penko.
Nandewalla, Nestor.
Nankoff, Minko.
Nedelio, Petroff.
Nenkoff, Christo.
Nieminen, Manta.
Nilson, August.
*Nilson, Helmina; going to Joliet, Ill., care of Edward Sander.
Nirva, Isak.
*Nyskanen, John; going to Graniteville, Vt.
Nyoven, Johan.
*Nelson, Bertha; going to Missoula, Mont., 533 East Trent Street.
Odahl, Martin; going to Peoria, Ill.
*Olman, Veiln; going to Chicago, Ill.
*Olsen, Arthur; going to stepmother in Brooklyn, N. Y.
Olsen, Carl.
Olsen, Henry.
Olsen, Ole; going to Moose Jaw, Saskatchewan.
Olson, Elen; going to Mitchell, S. Dak.
Olson, John.
Olson, Elida.
Oreskovic, Luka.
Oreskovic, Marta.
Oreskovic, Teko.
*Osman, Mara; going to Steelton, Pa.
Pacruic, Mate.
Pacruic, Tame.
Panula, Elna.
Panula, Erneste.
Panula, Juha.
Panula, Marta.
Panula, Sanni.
Panula, Urho (child).
Panula, William (infant).
Pasic, Jakob.
Pastcho, Petroff.
Paulsson, Alma; Paulsson, Gosta (child); Paulsson, Paul (child); Paulsson, Stina (child); Paulsson, Torberg (child); going to husband, Nils Paulsson, 120 West Erie Street, Chicago, Ill.
Pavlovic, Stefo.
Pekonemi, E.
Pelsmaker, Alfons de.
Peltomaki, Mihoial.
* Person, Ernest; going to 3546 La Salle Avenue, Chicago, Ill.
Peterson, Ellen; going to Claus Ras, 805 East Second Street, Iron Mountain, Mich.
Peterson, John.
Petersen, Olaf.
Petranec, Matilda.
Planke, Augusta Vander.
Planke, Emilie Vander.
Planke, Jules Vander.
Planke, Leon Vander.
Plotcharsky, Vasil.
Randeff, Alexandre.
Rintamaki, Matti.
Rosblon, Helen.
Rosblon, Sally (child).
Rosblon, Viktor.
Runnestvet, Kristian.
* Salander, Carl; going to Red Wing, Minn.
Saijilsvik, Anna; going to Proctor, Minn.
Salonen, Werner.
* Sandstrom, Agnes; * Sandstrom, Beatrice (child); * Sandstrom, Margretha (child); going to husband and father in San Francisco.
Sdycoff, Todor.
* Sheerlinck, Jean; going to E. De Clerck, 33 Lessine Street, Detroit.
Sihvola, Anttl.
Sivic, Hansen.
* Sjobloen, Anna; to father, care of Gab. Gustafson, Olympia, Wash.
Skoog, Anna; Skoog, Carl (child); Skoog, Harold (child); Skoog, Mabel (child); Skoog, Margret (child); Skong, William; going to uncle, Olaus Ras, 802 East Second Street, Iron Mountain, Mich.
Slabenoff, Peteo.
Smiljanic, Milo.
Soholp, Peter.
Solvang, Lena; going to Centerville, S. Dak.
* Sop, Jules; going to E. De Clerck, 33 Lessine Street, Detroit, Mich.
Staneff, Ivan.
Stoytcho, Mikoff.
Stoytchoff, Ilia.
Strandberg, Ida; going to New York, N. Y. (Finnish Steamship Co. agency.)
* Stranden, Jako; going to Graniteville, Vt.
Strilic, Ivan.
Strom, Elma; Strom, Selma (child); 3905 Grapevine Street, Indiana Harbor, Ind.
Sundman, John; going to Cheyenne, Wyo.
Svensson, John.
* Swensson, Servin; going to Alcester (Beresford), S. Dak.
Tikkanen, Juho.
Todoroff, Lallo.
* Tonglin, Gunner; going to Erick Morberg, 802 South Marshall, Burlington, Iowa.
Turcin, Stefan.
* Turgo, Anna; going to Ashtabula, Ohio.
* Turkula, Hedwig; going to Hibbing, Minn.
Uselas, Jose.
* Vacious, Adulle.
Van Impe, Catharine (child).
Van Impe, Jacob.
Van Impe, Rosalie.
Vande Velde, Joseph.
Vereruysse, Victor.
Vook, Janko.
Wendal, Olof.
* Wennerstrom, August; going to 7041 Center Avenue, Chicago, Ill.
Wenzel, Zinhart.
Westrom, Holda.
Widegrin, Charles.
Wiklund, Carl
Wiklund, Jacob.
Wirz, Albert.
Wittenrougee, Camille.
Zievens, René.
Zummermann, Leo.

List of third-class passengers embarked at Cherbourg, steamship "Titanic," sailed April 10.

Abi, Weller; going to wife, 1330 South Halstead Street, Chicago, Ill.
*Assof, Marian; going to Ottawa, Ontario.
Attala, Malaka.
Babara, Catherine.
Babara, Saide.
* Bachini, Latifa; * Bachini, Marie; * Bachini, Eugene; * Bachini, Helene; going to father in New York City.
Badt, Mohamed.
* Banoura, Ayont; going to Youngstown, Ohio.
Bexros, Tannons.
Bontos, Hanna.
Boulos, Sultani.
* Boulos, Mentbora; going to Troy, N. Y.
Boulos, Akar.
Canons, Elias.
Caram, Joseph.
Caram, Maria.
Casnin, Nassef; going to Fredericksburg, Va.
Chanini, Georges.
Chemat, Emir, Farres.
Chronopoulos, Apostoles.
Chronopoulos, Demetris.
Dibo, Elias.
Drazenovic, Josef.
Elias, Joseph.
Elias, Joseph.
Forfa, Assad.
Gerios, Assef.
Gerios, Jousef.
Gerios, Youssef.
Gheorgheff, Stanio.
Hanna, Mansour.
* Hanna, Meme.
Jean Nassr, Saade.
Johann, Markin.
* Joseph, Mary.
Jusef, Shanine; going to Youngstown, Ohio.
* Karun, Franz.
Karun, Anna (child).
* Kassen, Housseing.
Kassein, Fared.
Khalil, Betros.
Khalil, Lahie.
Kraeff, Theodor.
* Krikorean, Nichan; going to Yarmouth, Nova Scotia.
Lemberopoulos, Peter.
Malinoff, Nicola.
Monbarek, Assi; going to Port Huron, Mich.
* Moncarek, Hanna; * Moncarek, Genios (child); * Moncarek, Halim (child); going to Wilkes-Barre, Pa.
Mousea, Mantoura.
Muselman, Fatima; going to Michigan City, Ind.
* Naked, Said; * Naked, Waika; * Naked, Maria; going to Waterbury, Conn.
Nasr, Mustafa.
* Nicola, Jamila; * Nicola, Elias (child); going to friends in New York.
Norel, Mansouer.
Odele, Najib, Jene.
Orsen, Sirayaman.
Ortin, Lakarian.
* Peter, Catherine Joseph.
Peter, Miki.
Peter, Anna.
Rahbed, Enai.
Roufoul, Baccos.
Saad, Amin.
Saad, Khalil.
Samaan, Hanna.
Samaan, Elias.
Samen, Jousef.
Sarkis, Mardirosian.
Sarkis, Lahond.
Seman, Betros.
Shedid, Daher.
Steinman, Attalla.
Stankovic, Jovan.
Tannans, Daper.
Tannons, Thomas.
Thomas, Charles.
* Thomas, Tamin; * Thomas, Assad (infant); going to Yarmouth, Nova Scotia.
Thomas, John.
Toutik, Nakle.
Usher, Baulmer.
* Vartanian, David; going to Brantford, Ontario.
Vassilios, Catavelas.
Yousif Weaper (Shanine).
Yaiseviac, Ivan.
Yazbeck, Antonl.
* Yazbeck, Salini; going to Wilkes-Barre, Pa.
* Youssef, Ibrahim.
* Youssef, Hanne.
* Youssef, Marian (child).
* Youssef, Georges (child).
Zabour, Tamini.
Zabour, Hillien.
Zakarian, Maprl der.
* Zenni, Filip; going to Cincinnati, Ohio.

List of third-class passengers embarked at Queenstown, steamship "Titanic," sailed April 11.

Barry, Julia.
* Bradley, Bridget.
* Buckley, Daniel; going to friends in New York City.
Bourke, John; Bourke, Cath.; going to Ellen Hugh, 66 Ruby Street, Chicago, Ill.
Buckley, Kath.; going to Marg. Buckley, 71 Mount View Street, Roxbury, Mass.
Burke, Jeremiah; going to Mrs. Burns, 41 Washington Street, Charleston, Mass.
Burke, Mary; going to Ellen Hugh, 66 Ruby Street, Chicago, Ill.
Burns, Mary.
Canavan, Mary.
Canavan, Pat; to sister, K. Canavan, 1512 Diamond Street, Philadelphia.
* Car, Ellen; going to Honor Carr, 38 East Seventy-fifth Street, New York.
Car, Jeannie; to P. Mullarkey, 7 Hamilton Street, Hartford, Conn.
Chartens, David; going to David Vance, 310 West One hundred and eighth Street, New York.
Colbert, Patrick; going to Rev. Brother Christopher, Sherbrooke, Quebec.
Conolly, Kate; going to J. Bunbury, Dobbs Ferry.
Conlin, Thomas H.; going to Rosa Conlin, 2238 Fairhill Street, Philadelphia.
Connaghton, Michel; going to Mrs. Horan, 965 De Kalb Avenue, Brooklyn.
* Conolly, Kate.
Connors, Pat.
* Daly, Marcella; going to friends at 356 East One hundred and fifty-seventh Street, New York City.
* Daly, Eugene; going to E. G. Schuktze, 477 Avenue E, Brooklyn, N. Y.
* Devaney, Margareth; going to brother in New York.
Dewan, Frank.
Dooley, Patrick; going to R. Dooley, 142 East Thirty-first Street, New York.
Doyle, Elin; to Bridget Fox, 123 West Eightieth Street, New York.
* Driscoll, Bridget; going to cousins in New York.
Emmeth, Thomas.
Farrell, James.
Foley, Joseph.
Foley, William; going to brother, Jer. Foley, 252 West One hundred and fifteenth Street, New York.
Flynn, James; going to his brother, Ant. Flynn, 236 East Fifty-third Street, New York.
Flynn, John; going to 3434 Frazier Street, Oakland, Pittsburgh, Pa.
Fox, Patrick; going to brother Fox, 123 West Eightieth Street, New York.
Gallager, Martin; going to 296 East One hundred and forty-third Street, New York.
*Glinagh, Katie.
*Glynn, Mary; going to Washington, D. C.
Hagardon, Kate; to sister, M. Hagardon, 133 West One hundred and twenty-sixth Street, New York.
Hagarty, Nora; to Mrs. Burns, 41 Washington Street, Charlestown, Mass.
Hart, Henry; going to John Hart, box 307, Marion, Mass.
Healy, Nora; going to friends in New York.
Horgan, John.
Hemming, Norah.
Henery, Delia.
*Jermyn, Annie; going to sister in Boston, Mass.
Kelly, James.
*Kelly, Annie K.; going to Chicago, Ill.
*Kelly, Mary; going to friends in New York.
Keane, Andy; going to John Keane, 162 Melrose Street, Auburndale, Mass.
*Kennedy, John; going to 29 Perry Street, New York, N. Y.
Kilgannon, Thomas; going to 449 West Fifty-ninth Street, New York.
Kiernan, John.
Kiernan, Philip.
Lane, Patrick; going to O'Mahony, Hotel Webster, West Forty-fifth Street, New York.
Lemon, Denis.
Lemon, Mary.
Linehan, Michel.
*Madigan, Maggie; going to friends in New York.
*Mannion, Margareth; going to sister in New York.
Mangan, Mary; to brother, Ed. Mangan, 1848 Lincoln Avenue, Chicago.
*McCarthy, Katie; going to Mrs. P. J. Murray, 231 East Fiftieth Street, New York.
*McCoy, Agnes; *McCoy, Alice; *McCoy, Bernard; going to 267 St. Marks Avenue, Brooklyn.
*McCormack, Thomas; going to friends in New York.
*McDermott, Delia; going to St. Louis, Mo.
McElroy, Michel.
*McGovern, Mary; going to friends in New York.
McGowan, Kath.; to 3241 North Ashland Avenue, Chicago, Ill.
*McGowan, Annie; going to aunt in Chicago, Ill.
McMahon, D.
McMahon, Martin; going to 415 West Fifty-third Street, New York.
Meehan, John; to Nora Meehan, 4745 Indiana Avenue, Chicago, Ill.
Mernagh, Robert; going to M. Mernagh, West Street, Chicago, Ill.
*Mocklare, Ellie; going to friends in New York City.
Moran, James.
*Moran, Bertha; going to 1226 Shakespeare Avenue, New York, N. Y.
Morgan, Daniel J.; going to 22 Dow Street, Troy, N. Y.
Morrow, Thomas; to brother, Waddell Morrow, Gleichen, Alberta, Canada.
*Mullen, Katie; going to Mrs. P. J. Murray, 231 East Fiftieth Street, New York.
*Mulvihill, Bertha; going to sister in Providence, R. I.
*Murphy, Norah; going to Mrs. P. J. Murray, 231 East Fiftieth Street, New York.
*Murphy, Mary; going to 2238 Fairhill Street, Philadelphia, Pa.
*Murphy, Kate; going to 2238 Fairhill Street, Philadelphia, Pa.
Naughton, Hannah; going to P. Naughton, 453 West Thirty-third Street, New York.
O'Brien, Denis.
O'Brien, Thomas; going to Mrs. W. Hunt, 638 Sherman Place, Chicago, Ill.
*O'Brien, Hannah; going to friend in Brooklyn, N. Y.
O'Connor, Maurice; to Michael O'Connor, 539 East Seventy-second Street, New York, N. Y.
O'Connell, Pat D.
O'Connor, Pat.
O'Donaghue, Bert.
*O'Dwyer, Nellie; going to cousin in New York City.
*O'Keefe, Pat; going to J. Phelan, 416 West Thirty-eighth Street.
*O'Leary, Norah.

O'Neill, Bridget.
O'Sullivan, Bridget.
Peters, Katie; supposed to go to Mrs. Egan, 243 East Forty-fifth Street, New York.
Rice, Margaret; Rice, Albert (child); Rice, George (child); Rice, Eric (child); Rice, Arthur (child); Rice, Eugene (child); going to Spokane, Wash., care of Mrs. T. Coleman, East 1922 Columbia Avenue.
*Riordan, Hannah; going to friends in New York.
Ryan, Patrick; going to 1503 Hoe Avenue, Bronx, N. Y.
*Ryan, Edward; going to sister in Troy, N. Y.
Sadlier, Matt; going to Thomas Sadlier, R. F. D. 3, Lakewood, N. J.
Scanlan, James; going to Kate Scanlon, The Plaza, New York.
Shaughnessy, Pat; going to sister, 1500 Lexington Avenue, New York.
*Stipe, Ellen; going to brother in New York.
*Smyth, Juna; going to friends in New York.
Tobin, Roger; to Mrs. Egan, 243 East Forty-fifth Street, New York.

Mr. NELSON. I make the request that the testimony taken by the committee be printed as a Senate document. (S. Doc. No. 726.)

The VICE PRESIDENT. Without objection, an order therefor will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the testimony of witnesses taken in the hearings of the *Titanic* disaster inquiry be printed as a Senate document.

THE METAL SCHEDULE.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. BORAH. Is the unfinished business now before the Senate?

The VICE PRESIDENT. The unfinished business is now before the Senate.

Mr. BORAH. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Jones	Richardson
Bailey	Culberson	Lea	Root
Bankhead	Cullom	Lodge	Sanders
Borah	Cummins	McLean	Simmons
Bourne	Dillingham	Martin, Va.	Smith, Ariz.
Brandegee	du Pont	Myers	Smith, Ga.
Bristow	Fall	Nelson	Smith, Mich.
Bryan	Fletcher	O'Gorman	Smith, S. C.
Burton	Foster	Oliver	Smoot
Catron	Gallinger	Overman	Swanson
Chamberlain	Gardner	Page	Thornton
Chilton	Gronna	Perkins	Townsend
Clapp	Heyburn	Pomerene	Watson
Clark, Wyo.	Johnston, Ala.	Rayner	Williams

Mr. OLIVER. I desire to announce that my colleague [Mr. PENROSE] is necessarily absent from the Chamber.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is necessarily detained from the Chamber.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SMITH of Georgia. I send to the Secretary's desk an amendment intended to be proposed to the metal schedule bill. I will offer it when the time comes to offer amendments, and I understand that it will be accepted by the minority of the Finance Committee who have charge of the bill. I ask that the amendment may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

"Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts."

The VICE PRESIDENT. The pending question is on agreeing to the substitute offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, before continuing my observations upon the amendment I have offered I desire to supply a word in paragraph 20, which was omitted either in writing the amendment or in printing it. I desire to insert the word "saw" after the word "steel," in line 5, on page 10.

The VICE PRESIDENT. The Secretary will note the modification.

The SECRETARY. On page 10, line 5, in the proposed substitute, after the word "steel," insert the word "saw."

Mr. CUMMINS. The clause will then read:

And on steel circular saw plates there shall be paid $3 per ton in addition to the rates provided herein for steel saw plates.

Reference to the comparative table prepared by the Finance Committee, I think, will show a very inadequate duty upon circular and steel saw plates, and the result in that comparison has been reached on account of the omission of the word I have just had inserted in the amendment.

I intend, Mr. President, to do what I think I have never done before in the discussion of any matter before the Senate; it is to ask that I be permitted to finish my remarks without interruption, for I have the greatest desire to speedily bring the debate to an end, and the subject is so vast that interruptions inevitably carry not only myself but those who engage in the colloquies into every part of the field we are examining.

The VICE PRESIDENT. So far as the Chair can, he will see that the Senator from Iowa is not interrupted.

Mr. CUMMINS. I have no doubt the Chair is in sympathy with the suggestion I have just made.

Last night, before adjournment, I was endeavoring to state concretely and briefly the basis of the amendment I have proposed. First, it is founded upon the assumption, which I believe to be sustained, and amply sustained, by the proof, that the average cost of making pig iron in this country is less, certainly not greater, than the cost of making pig iron in other countries of the world. Second, that with respect to all the heavier forms of iron and steel, ordinarily known as tonnage iron and steel, I have reached the duties which will be found in my amendment by assuming that the labor entering into the commodities, in whatever process is undertaken, from pig iron to the ultimate form, costs twice as much in this country as it costs in other countries.

Third, I have added to the duties in each instance an allowance that will fairly compensate for the additional capital involved in the production in America as compared with the production abroad. If I have faithfully complied with the rules that are involved in these three propositions it seems to me that the duties which will be found in my amendment must necessarily be protective, must preserve our market for our own producers, if our own producers are willing to occupy it with fair and reasonable profit.

It is said, especially by the Senator from Utah [Mr. SMOOT], that the report of Mr. Pepper respecting the production of pig iron in Luxemburg, Germany, shows that it costs there less than it costs here. I believe it to be true that pig iron fit to be manufactured into steel can, in some parts of the Luxemburg district, be produced at less cost than such pig iron can be produced in some parts or in some mills of the United States. But we are endeavoring here to find an average cost, and I think therein lies the error into which the Senator from North Dakota [Mr. MCCUMBER] was led, because he found one place in Germany in which pig iron could be manufactured a little more cheaply than the high cost in the United States. Taking Mr. Pepper's report as authentic and as reliable—and I am quite willing to do so—the Senator from North Dakota reached the conclusion that we ought to adjust our tariff duties with reference to that low cost. I do not think so; for if, as it seems to me, we take the lowest cost that can be found abroad and compare it with the highest cost that can be found in our own country, we will reach an end entirely unjustified by the doctrine itself or the interpretation which even my Republican friends put upon it.

We have found that the average cost in our country is less than the average cost in England. We have found with respect to part of the production in Germany that it is no less there than here. If we wanted to be entirely fair, we would compare the lowest cost in Germany with the lowest cost in the United States, and when we do we will discover that the United States Steel Corporation produced pig iron in 1910—that being the last year of which we have reliable information—more cheaply than. It is asserted by Mr. Schwab, by the Senator from North Dakota, or by Mr. Pepper, the same quality of pig iron can be produced for in the Luxemburg district; and to establish that I desire to refer again to the report of the Commissioner of Corporations.

On page 108 he submits a table know as Table No. 32. It is headed "Comparison of Steel Corporation's integration furnace cost per gross ton for Bessemer, northern basic, and southern pig iron, as shown by the records of the corporation, for 1910." The table itself discloses that there have been excluded the return upon the investment in any stage of the production from the mine to the furnace. The result is, as shown by the table, that in the examination of 6,269,534 tons of Bessemer steel the total was $9.71 per ton, and the southern pig iron, concerning which the investigation was carried over on a production of 585,273 tons, the cost was $8.57 per ton.

I instance this simply to show that if we are selecting in our country that place and that company in which and by which pig iron can be produced at its lowest cost, we will discover

that we are doing quite as well as any blast furnace in the Luxemburg district.

In the same connection I desire at this time to indicate what the Steel Corporation was doing in the way of producing steel rails in 1910, and I refer to Table 38 of the report of the Commissioner of Corporations. This table is headed "Steel Corporation's mill cost per gross ton of heavy standard Bessemer rails, as shown by producing companies' cost sheets, approximate intercompany profits included therein, and integration mill cost, as shown by the records of the corporation, for 1910." The first item of the table shows a cost of $20.23. This includes all the intercompany profits. The last column of the table is headed thus: "Integration cost, exclusive of any return to investment on any anterior stage of production or transportation." And treating the production from that standpoint, the cost of producing steel rails to the United States Steel Corporation in 1910 was, per ton, $15.37, and I hazard this statement, that there is no other rail mill in the world, no matter where it is situated, that pretends to manufacture steel railway rails at a cost of $15.37 at the present time. I have mentioned these things in order to fortify my conclusion that upon the average we produce our pig iron as cheaply as it can possibly be produced abroad.

Now I come to the second paragraph of my general proposition. If what I have stated be true, what duty ought to be attached under the Republican doctrine upon steel rails? I have in my amendment named a duty of $2.50 per ton. The Democratic bill names a duty of 10 per cent. I refer to this table again in order to apply the rules that I have just suggested.

The labor cost in producing steel rails is $1.25 a ton. Steel rails from the ingots, the raw material, or all the material that enters into the production of a ton of steel rails, cost the average company in the United States $18.29. If I have shown anything in this somewhat extended discussion, I have shown that the raw material costs the company that manufactures it into steel rails a little less, I think very considerably less, than it costs any rail mill in Europe; and therefore we need no duty to compensate our manufacturers with respect to the cost of raw material, and in the raw material there is included the American labor standard or scale from the mine to the rail mill. If we credit the rail mill with raw material costing $18.29, we have already taken care of all the labor actually employed in the production of raw material, and by raw material I mean the form in which it is used in the rail mill. We have already seen that it costs in labor, upon the very same hypothesis, 61 cents to reduce the ore, the coke, and all other materials that enter into a ton of pig iron, and therefore we have the labor cost, and it is not asserted that there is any other cost greater in this country than abroad, save the capital cost, of which I spoke a few moments ago. We have a total labor cost for manufacturing a ton of steel rails from pig iron into the finished product of $1.86. There is no escape from that proposition. It can not, as it seems to me, be controverted by anyone who is willing to accept the investigation carried on by our own Government here and abroad.

I therefore apply the rule I have suggested: If our labor costs twice as much as the labor abroad for performing the same operation—and mark you I am only adding that for the purpose of meeting what I look upon as an unreasonable demand upon the part of my brother Republicans, for I do not believe the labor cost here is greater than the labor cost abroad, but I am assuming that it is—therefore it costs the foreign manufacturer one-half of $1.86, or 93 cents, in labor; and in order to equalize our own manufacturers it is necessary to attach a duty of 93 cents.

I mean to equalize the labor cost. I have attached a duty of $2.50 instead of 93 cents. I have done that because, first, I really wanted to satisfy my friends upon this side of the Chamber; second, because I do not want to approach the danger point; and third, because the capital employed in producing a ton of steel rails in the United States is somewhat larger than the capital invested in producing a ton of steel rails abroad. That is because it costs us more to build plants, our machinery costs us a little more, and I have, out of good measure, allowed the difference between the 93 cents a ton and $2.50 a ton to cover that contingency.

There is not a man in the Senate who, looking at it with a dispassionate mind, can establish the necessity for as high a duty as I have proposed. I am speaking of it now, of course, wholly from the standpoint of the duty required for protection and not for revenue. I do not believe there will be any considerable revenue at $2.50 a ton. If you wanted to get any revenue out of steel rails you would be compelled to reduce the duty to fifty cents a ton or a dollar a ton, and even then no very great quantity of this commodity would come into the United States.

I take now the next large item in the production of steel in this country—structural iron and steel—and referring to the same table it will be found that the raw material in a ton of structural steel costs $20.21. It costs no more here than abroad, and that again accounts for all the labor expended at the American wage scale in bringing the raw material into existence. The labor cost of structural steel is $2.15. That is all that labor does in turning a ton of ingots into structural steel. Now, adding to $2.15 the 61 cents for turning the pig iron into ingots, and we have a labor cost of $2.76. That is all. In every other respect we are upon equal terms with our rivals in other countries. But if it costs us more for labor than it does them, and if it costs us twice as much, then we ought to put a duty on structural steel of one-half of $2.76, or $1.38, a ton, and there is nobody anywhere who can vindicate or can justify a duty of more than $1.38 a ton except that we may compensate the additional capital.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. The Senator from Nebraska probably was not in the Chamber when I made the announcement that I hoped to pass through my speech without further interruption. My experience leads me to believe that if I do not follow a rule of that sort I will never get through.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa indicates that he does not wish to yield.

Mr. CUMMINS. However, I will yield at this time because the Senator from Nebraska was not in the Chamber at the time I made the announcement.

Mr. HITCHCOCK. I should like to have the Senator from Iowa reconcile in some way the difference between the labor cost, as he makes it out, in these finished products and the labor cost as made out by the Senator from Utah. I believe, of course, that the Senator from Iowa is much more accurate, but I can hardly reconcile the difference between the aggregate labor cost as made up by the two Senators.

Mr. CUMMINS. I did that last night. I do not know anything about the table used by the Senator from Utah. I have no reason, however, to doubt its accuracy. The reason that he does not reach the same result that I do is largely because he gives to labor in the antecedent forms or processes no credit for the cheapened material, for the cheapened transportation, as compared with our competitors in the other countries. For instance, when I say that the metallic mixture required to produce a ton of pig iron costs in this country $7.30, I have included in that all the labor expended in mining the ore and in transporting it, as well as the other material that is necessary to enter into the furnace with the iron ore.

Now, our iron ore costs us less than it costs abroad. Our coke costs us less than it costs abroad. Our coal is much cheaper, and the transportation is much less in most instances. I have not analyzed the table of the Senator from Utah, but I do not dispute it. I only know that the table that I have produced is the proof furnished by the Commissioner of Corporations upon this subject, and I intend to accept it.

Now, the duty on structural iron and steel ought to be but $1.38 a ton. I have put a duty of $3 a ton on it for less advanced forms, and $4 a ton upon the more advanced forms. I have doubled, as I said before, the amount necessary to furnish reasonably fair protection to this industry, and when anyone votes to maintain a duty upon structural steel of from $8 to $20 a ton, as the duties are under the present law, he votes to make the American people pay a price for this material which yields to the producer, where competition at home has been extinguished, an extortionate and indefensible profit.

In passing I may say that the duty placed upon this commodity by the Democratic bill is 15 per cent ad valorem. If the structural material is worth $30 abroad, the Democratic duty would be $4.50. If it is worth $40 abroad, the duty would be $6 a ton. So I think it can be said to be true that the specific duty which I have put upon structural iron and steel is somewhat lower than the duty named by the House of Representatives.

I now pass to the next great item of iron and steel, namely, merchant bars. The raw material in merchant bars costs us in this country $21.40 a ton. The labor of conversion is involved in three processes—first, from the pig iron into the ingot; second, from the ingot into what is known as sheet bars; and, third, into the bar itself. The first process involves labor of the value of 61 cents per ton, the second process of the value of 55 cents per ton, and the last of the value of $3.06 a ton, making

a total labor cost for converting pig iron into merchant bars of $4.22.

This is again upon the hypothesis that our producers manufacture pig iron as cheaply as it can be manufactured anywhere in the world. If our labor cost was twice as much as it costs abroad for the same operations, we ought to put a duty upon merchant bars in order to just equalize that difference of $2.11. I have put a duty in my amendment upon bars of $3.50 for the larger bars, and $4.50 for the smaller bars. The Democratic bill attaches a duty on bars of 10 per cent. I think there is no material difference between the Democratic bill and my own in that respect, for merchant bars vary from $25 a ton to $50 a ton, and sometimes in very rare instances more; but I have added this additional duty solely to avoid approaching the danger point where we would be compelled to yield our markets to the other countries of the earth, and to compensate for the additional capital which we invest as compared with other countries.

I now pass to rods—wire rods—another very great article of commerce in this industry, the rods as shown by this table, and this is the table furnished by the Commissioner of Corporations. The material that makes a ton of rods costs our people $21.42. Again, there are three processes here—one in converting the pig iron into ingots; labor cost, 61 cents; then the ingot into bars, 55 cents; and again, the bars into rods, $1.53; making a total of $2.69 for all the labor—I mean the labor that we are trying to protect—involved in these three operations.

The duty therefore upon rods, to be mathematically accurate, should be $1.34½ a ton, and when we charge the importer $1.34½ a ton we have equalized the difference between the amount that we have paid for labor and the amount that he has paid for labor upon the hypothesis that ours has cost twice as much. I am proceeding upon that hypothesis, although I know it is not true in all instances. I think it is true that we pay double the wages that they pay abroad. I believe that is true, but with our greater production, with our more skillful operation, we are able to utilize, through machinery, labor in a way that they do not utilize it abroad, and we make it more efficient than they make it abroad in very many of the fields of industry.

But let us see what I have done. Although we need a duty of but $1.34 a ton, I have attached a duty of $4.25 a ton. I have done this, first, because there is a wide range in the cost of drawing rods or rolling rods. It depends somewhat upon the size of the rod. I have tried to name a duty that would protect the most expensive rod so far as cost is concerned, and in doing it I have put a duty upon the less expensive rods greater than the conditions of the trade require. Again, I have sought to keep our manufacturers free from unfair rivalry on account of the higher capital cost in our own country.

The Democratic duty upon rods is 10 per cent. I think it is somewhat lower than my duty, although I can not conceive that there would be any revenue derived under it.

The next article is wire. Wire, of course, comes from the rod, and therefore I will not go further back than the rod, as I have just been considering that article. I have found that the labor cost in a rod is $2.69 per ton. The cost of turning the rod into wire or drawing it, to use the technical expression, is $1.62 per ton according to the report we have before us. This, of course, does not include some of the finer wires that are used for pianos and other purposes, sometimes ornamental and sometimes useful. But the labor cost is $1.62 for the last operation, making a total labor cost for converting pig iron into coarse wire of $4.31 per ton. If England or Germany or France paid out half that much the labor cost there would be $2.16 a ton, and that is all the duty that under our platform could be attached to this article, except for the compensation of capital. I have put a duty upon this wire of from $5 to $8 a ton—more than double the amount required under the computation I have just made; and I have done it for the very same reason that I have given with respect to other commodities. I do not want the foreign manufacturer to be able to enter our markets. I want them all to be abundantly high to protect every interest at home, but I do not want them to be so high that our own manufacturer, freed from competition at home, can raise his price to any point his avarice may lead him.

I may say the Democratic bill puts a duty of 20 per cent upon wire.

The next item is what is known as sheet iron or iron and steel sheets. This is one of the principal commodities of the tonnage steel business. These sheets are, of course, taken first from the pig into the ingot, and then from the ingot or billet rolled into sheets, and there are three operations. The pig iron into the ingot costs 61 cents in labor. The ingot into the billet or the sheet bar costs 57 cents in labor. The bar into the sheet costs $10.39 in labor, making a total of $11.57 for turning pig iron into iron or steel. Upon the same hypothesis, our duty should be $5.75 per ton, and when we attach that duty we have equalized this difference of which our platform in 1908 speaks.

Now, mark what I have done. In my amendment I have attached a duty of $10 a ton upon the thicker sheets and $12 a ton upon the thinner sheets—almost double the amount necessary to measure the difference between the cost of production at home and abroad.

Mr. HEYBURN. Mr. President, I should like to inquire if the Senator would prefer to go on without interruption.

Mr. CUMMINS. I would rather go on and finish without interruption.

Mr. HEYBURN. I make the inquiry, because if we are going to vote on this amendment immediately upon the close of the Senator's remarks, some of the things will go out unanswered and the reading world may think there was no answer to them.

Mr. CUMMINS. Mr. President, I will say that if after I have finished my remarks upon the subject any Senator desires to make any inquiry of me, I shall be very glad to answer it. I know that is not a very satisfactory way of debating, but as I remarked when the Senator from Idaho was out of the Chamber, I felt that unless I could go on without interruption I was likely, as a very distinguished lawyer in New York once said, to make my speech immortal by making it eternal.

Mr. HEYBURN. And unanswered.

Mr. CUMMINS. I do not crave immortality of that sort.

Mr. HEYBURN. Would not the Senator also like to make it unanswerable rather than unanswered?

Mr. CUMMINS. Mr. President, I have no concern about that. I know that I am making it unanswerable. I am not so sure, however, that I can enjoy immunity from an answer.

I come now to another form of iron and steel that is well known by all true Americans, because it is intimately connected with what is known as the tin-plate industry. I mean black plate, a plate of steel prepared, gotten ready, made for the subsequent coating of tin or zinc or whatever may be put upon it. Black plate has the same process precisely that I have already instanced with regard to sheets, except the preparation of which I have spoken. The cost is first 61 cents from the pig into the ingot, 57 cents from the ingot into the sheet bar, and $14.19—now we are reaching labor, and a great deal of labor—$14.19 for converting it into the black plate. The total of these labor items is $15.37 per ton.

On the same assumption that we pay twice as much for doing this work as is paid abroad our duty upon black plate should be $7.64 per ton. Then we would be ready to start upon even terms, without regard to the transportation from the foreign country to our own, with the foreign producer.

But I have put a duty upon black plate of $12.25 a ton, before the acid or pickling process, in order to prepare it for the tin, and of $14.25 after being so prepared. I have again doubled, or substantially doubled, the difference in the cost of labor here and abroad, and it is impossible for me to conceive why anyone desires to maintain the duty which the Payne-Aldrich tariff law attaches to this commodity.

I have one other item and I shall have finished this review—universal plates. The universal plates are of course the cheaper form of plate iron and steel. The universal plates go through the same process practically—pig into ingots, ingots into billets, and then the billets into the plates. The total labor cost of performing those operations, as given by the Commissioner of Corporations, is $3.04, and a duty that will equalize us with the foreign countries, if we pay twice as much for labor as they pay abroad, would be $1.52 a ton. But I have put upon this commodity a duty on the cheaper forms of $4 a ton, and upon the higher-priced forms of 15 per cent.

Is there anyone here who will gainsay my proposition that this duty which I have named in the amendment covers the difference between the cost of production at home and abroad, if I have established my proposition that the material itself costs no more here upon the average than it costs abroad?

Before passing, I will say that the Democratic bill puts a duty upon these plates of 15 per cent.

Now, Mr. President, I have finished my specific review of the heavier forms of iron and steel. I could pass through all the items of the schedule contained in the paragraphs which I have rewritten and could show, just as I have shown concerning the items I have already mentioned, that I have pursued a logical and, as I believe, a scientific method in reaching these duties. The duties have risen as the articles themselves have passed through various processes of manufacture, and the duty varies, as it should vary, with the labor that has been expended in production.

The remainder of this amendment is precisely like the dozen great items that I have already mentioned. There is no difference in principle. If what I have already passed over in detail is accepted as sound, then all these items which relate to the heavier forms of iron and steel are also sound, but I can not and must not take up each of these items for the purpose of performing, in the presence of the Senate, the mathematical operations through which the duties were reached.

I now come for a few minutes to consider those paragraphs in the amendment which cover an entirely different kind of commodities. Twenty-eight paragraphs in this schedule—I think I have named the right number—I have not rewritten at all; and the reason I could not vote for the bill passed by the House of Representatives is that, in my opinion, the duties upon these twenty-eight or more paragraphs are reduced in the House bill below the protective point. They cover high forms of production. They cover articles into which a very great deal of labor has entered. They cover forms in which the cost of the raw material is but a slight factor in the cost of the ultimate product.

I can understand perfectly how my Democratic friends, desiring to place duties at the point at which the maximum revenue will be derived upon their importation, have reduced the duties as they have, but they differ so entirely from the commodities I have just been considering, that from the protective standpoint the Democratic duties upon many of these things can not be said to be adequate and will not be efficient. Therefore it would be impossible for me, believing that we ought to award that full measure of protection of which I have been speaking, to consent to the reduction of duties shown in the House bill.

I have, however, in one or two instances reduced the duty even below the House bill. I mentioned one of them the other day. I have reduced the duty on automobiles from 45 per cent in the Payne-Aldrich law and from 35 per cent in the House bill to 25 per cent. I do not think there is any justification from the protective standpoint of assessing a duty upon automobiles of 45 per cent. What I said a moment ago applies to automobiles and the labor cost in them. I have no doubt we pay men and women, if there are any women employed in our automobile factories, more than they pay them abroad; but because our production is so great we are able to use men in the management or the conduct of machinery, so that the efficiency of a single man is much greater in this country than it is abroad.

I desire only to mention one or two facts with regard to this industry, of which Americans ought to be very proud. France makes about 30,000 automobiles. The value at the factory in France of the 30,000 cars is substantially $50,000,000. Germany makes about 10,000 cars, with a value at the factory of about $20,000,000. Great Britain builds about 15,000 cars, with a value of about $2,000 per car. Italy, Belgium, and Switzerland have scarcely entered the race.

The United States will make this year about 175,000 cars. We make more than two-thirds of all the cars that are used in the world. We export cars of the value of more than $20,000,000 per year. Our export of automobiles is of greater value than the total value of all the cars made by either England, Germany, Switzerland, Belgium, or Italy. There is but one country that makes as many cars as the United States exports. We export these cars not so much as we do many other things to neutral ports, but we export these cars to England, to France, and to Germany. We export them because we can build a cheap car better and for a lower price than any other country in the world can build it.

It is not wise, as it seems to me, for us to maintain a practically prohibitive duty upon automobiles, because, first, we shall engender the spirit of retaliation abroad and we may shortly be excluded from a market that we very greatly desire; and, second, because while we import about $2,000,000 in value of automobiles, we export about $21,000,000 in value of cars, and our imports are largely, if not altogether, of the very highest priced cars. The importations do not seriously interfere with our production at home, and, under the proof that has been submitted, it can not be said that with respect to our manufacture the other countries of the world have any advantage over us. It can not be alleged that it costs more to produce a car here than it costs to produce it in either England, Germany, or France, although I readily admit that you can select a particular kind of car that would cost us more to build than it would cost in Germany or France. For the reason I have given I have reduced the duty from 45 per cent to 25 per cent. So much for automobiles.

Mr. BACON. Will the Senator permit me to ask him, as he has investigated the question, what does he find to be the relative cost of the cheaper cars in the European factories and the American factories?

Mr. CUMMINS. I hardly dare venture upon much of the history or explanation of this business, but I have heard this about it: The cars we export cost about from $1,000 to $1,200 each, while the cars we import come here in an unfinished condition mainly; that is, we import the chassis, and we ourselves build on the body principally, because they do not abroad manufacture these cars in sufficient quantities to warrant them in equipping to construct metal bodies, and our cars are mainly constructed with metal bodies. They have a great many advantages over the wooden bodies, and, therefore, we have adopted that kind of construction to a very great degree. So the cars come in from Germany, France, and England, in so far as they come in at all, in the unfinished condition of which I have just spoken. I think the average-priced value of the car or that part of the car coming would be more than $3,000.

Mr. BACON. The particular point of the inquiry that I made of the Senator was this: I desired to know, if he had the information, what was the relative cost of manufacturing in Europe and in this country of the cheaper grades of cars such as are commonly used?

Mr. CUMMINS. I think, Mr. President, that no one questions the fact that we can make the cheaper cars at a lower cost than can any other country anywhere.

Mr. BACON. Does the Senator think that reducing the duty to 25 per cent—and I am very frank to say I am in favor of that personally—would increase the importation of that grade of cars?

Mr. CUMMINS. No; I do not. I do not think that there would be any of the cheaper cars imported under any duty, however low it might be, but there might be some of the higher grade of cars imported under the duty of 25 per cent.

Mr. BACON. That are not now imported?

Mr. CUMMINS. That are not now imported. I think it would be a very excellent corrective. I think 25 per cent will measure the difference between the cost of producing the higher-priced cars here and abroad, and that when we put a duty on of 45 per cent, we have put a wall so high that only extreme taste or fashion will ever mount it.

Mr. BACON. If the Senator will pardon one other question, the Senator spoke of the fact that the number of cars manufactured in Italy was almost negligible. Do they, or do they not, manufacture a very high-grade car in Italy?

Mr. CUMMINS. They manufacture one car anyway of a very high grade in Italy.

Mr. BACON. I knew nothing about the number they manufactured.

Mr. CUMMINS. The number manufactured is very small.

Mr. BACON. I had my attention called to the fact that they manufactured there a very high-grade car; but I did not know the fact that they manufacture very few of such cars.

Mr. CUMMINS. That is true. France manufactures the greatest number of cars in Europe. France has the largest export trade in Europe.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. I assume that the reason we can make cars such as the Senator has been speaking of at as low a cost probably as any other country, comes from the fact that we make so many that we standardize them——

Mr. CUMMINS. Unquestionably.

Mr. GALLINGER. As we are competing with the world successfully in the making of bridges, because we have standardized our bridges, in contradistinction to our handicap in building ships, for we hardly build any, especially for the foreign trade, while England perhaps will have a dozen ships under construction at the same time; and the fact that she standardizes that particular kind of a ship enables her to build it much cheaper than she could otherwise possibly build one or we could build one. That is my view of it.

Mr. CUMMINS. The Senator from New Hampshire has stated the whole case, and it might be emphasized by reference to instances. A factory in Germany that turns out 2,000 cars, or even 1,200 cars, is regarded as a large enterprise. One man works upon all parts of each machine, and it requires a long time to build a machine, just as the old shoemaker worked on all parts of the shoe that he finally turned out. We have one enterprise in the United States, I am told, that will in the coming year build 70,000 cars. That enables the company to standardize every part of the car. The parts are all convertible, and each mechanic has his own particular thing to make, and he can employ machinery in making it. That multiplies

his efficiency; and that is the reason we can build these cars cheaper than they can be built anywhere else.

I now come to another paragraph, concerning which I think I ought to call attention. My amendment differs very materially from the Democratic bill with respect to zinc and lead. The House bill attaches a duty of 25 per cent ad valorem on the lead contained in lead ore. It attaches no duty whatever, as I remember it, upon the zinc in zinc ore; that is made free. I do not think it is wise either from a revenue standpoint or from a protective standpoint. I have not changed the duty upon lead ore or upon zinc ore. I do not believe the duty on either ought to be changed.

Mr. HEYBURN. That is, from the present duties?

Mr. CUMMINS. From the present duties. And I will explain why, inasmuch as this constitutes one of the prominent phases of that part of the bill which I have not rewritten and which is, therefore, allowed to stand. Lead ore is precisely like wool in one respect. The Tariff Board has reported that the cost of wool in this country varies all the way from less than nothing, paradoxical as that may seem, to 19 cents per pound.

Mr. HEYBURN. That is from a loss to a profit.

Mr. CUMMINS. And just so with lead. The cost of producing lead or lead ore differs quite as largely and as radically as does the cost of producing wool. The cost of producing lead in the Idaho district is one sum; the cost of producing lead in the Colorado district is another sum; the cost of producing lead in the Missouri district or the southeastern Kansas district is another sum. I pause for a moment to say that the present duty on lead no more than compensates the difference between the cost of producing lead in some of these mines, for instance, in the Idaho district. I do not believe that a cent and a half a pound, which is now the duty on lead in lead ore, is any more than the difference between the cost of producing the lead in Idaho and the cost of producing it in Mexico. The duty of a cent and a half a pound is a little more, in my opinion, than the difference between the cost of producing lead in Colorado and the cost of producing it in Mexico. So, if we reduce the duty on lead ore, the result necessarily is, that we close some of the mines that are now producing lead, for they can not continue to operate if the price is materially reduced. We do not produce more lead than we ought to produce and, therefore, viewing it from a protective standpoint, it seems to me that, inasmuch as we are not producing a surplus of lead, it would be contrary to the protective doctrine to reduce the duty on lead ore.

My remark with regard to lead ore is applicable as well to zinc ore. We can not produce zinc ore or zinc in this country as cheaply as it can be produced abroad; and the result of reducing the duty would, in my opinion, be the closing of many of our mines, which now are running to produce this commodity. So, therefore, I have not reduced these duties at all. I have not changed them.

But we pass now to the next stage. I have reduced the duty in my amendment upon lead bullion and pig lead and the like from 2½ cents per pound to 1¼ cents per pound. I have reduced it because I do not believe that the differential can be defended.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SMOOT. I am aware that the Senator said at the beginning of his remarks that he did not wish to be interrupted, and if he still objects, I will not interrupt him.

Mr. CUMMINS. Well, I would rather the Senator from Utah would wait until I finish, and then I will be very glad to answer any question that he may propound to me. I want to make this part of my argument as concise as possible, because I have undertaken the very difficult task of convincing the senior Senator from Idaho [Mr. HEYBURN] that I have done right in reducing the duty on lead bullion and pig lead from 2½ cents per pound to 1¼ cents per pound.

Again I introduce the parallel of the wool schedule. We put a certain duty on wool, and then, when we come to ascertain what duty ought to be placed upon the manufactures of wool, we endeavor to compensate the manufacturers for the increase, hypothetical or real, as the case may be, in his raw material occasioned by the duty upon it. So we ought to do with the lead manufacturer. I have put a duty of a cent and a half a pound on the lead in the ore, precisely as it is now in the law. Then, I give to the manufacturer or the smelter, first, the cent and a half a pound, which I have already put upon the raw material, namely, the lead in the ore, and, then, I have to ascertain the difference between the cost of reducing lead ore in this country and reducing lead ores in other countries. Our Republican platform requires us to give to that smelter just the difference between the cost of doing his work here and what it costs abroad. We have given him under the Payne-Aldrich tariff law the difference between a cent and a half a pound and 2½ cents a pound, or five-eighths of a cent per pound, for the purpose of compensating him for his increased labor charge. What does that mean? It means that the smelter for his protective duty—not compensatory duty, for I have already given him that in the cent and a half—but for his protective duty he is given an advantage of $12.50 a ton. That is more than it costs in the United States to reduce lead ore to lead bullion or pig lead. It is more than the smelter pays all told—I mean in labor—for doing that work.

Therefore I have reduced that differential, as I called it a few moments ago, or protective duty, as I had better call it, from five-eighths of a cent per pound to three-eighths of a cent per pound. Three-eighths of a cent per pound means $7.50 per ton, and I do not believe that it will ever be contended here or anywhere else that it costs the lead smelters in this country $7.50 per ton more than it costs the lead smelters in other countries to take ore and convert it into lead bullion or pig lead.

What I have said with regard to the lead smelter applies also to the zinc smelter, for I have pursued precisely the same policy, and I have adjusted the rates in the case of zinc in the same way that I have the rates for the lead smelter.

Mr. President, I fear that some errors which have crept into the comparative statement, to which I have referred more than once, may have made an impression on some Members of the Senate, especially upon this side. I called the attention of the Senator from Utah several days ago to the utter inaccuracy of attempting to reduce specific duties to ad valorem duties where the specific duties cover the same article with a wide range of prices or values. You will find in this comparative statement, I think, two or three articles on which it appears I have reduced the duties to an abnormally low point—covering only two or three articles, however—to a point of 4 or 5 per cent ad valorem. I have not the time, and I will not take the time, to analyze those items. I only ask that if any one of you has happened to take them up for the purpose of judging of the merits of my amendment, you will not forget to trace the article to its place, not only in the Payne-Aldrich tariff law, but in the amendment I have proposed, and you will find that in these two or three articles—they cover not very important items, it is true—the whole error lies in attempting to group commodities that vary from 1 cent a pound to 10 cents a pound in a single bracket and in reducing specific duties to ad valorem duties covering that tremendous range of values.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SUTHERLAND. Will the Senator permit me to ask him a question with reference to his lead schedule?

Mr. CUMMINS. I will.

Mr. SUTHERLAND. I wondered if the Senator had ascertained that the vast quantity of lead ores produced in this country are of low grade, while a very large proportion of the lead ores in Mexico are of high grade, and if so, whether he has taken that fact into consideration in fixing the differential of three-eighths of a cent per pound?

Mr. CUMMINS. I have.

Mr. SUTHERLAND. In other words, if I may illustrate my question, it will cost more to extract a pound of lead from a ton of low-grade ore than it will to extract a pound of lead from a ton of high-grade ore.

Mr. CUMMINS. The Senator from Utah has stated a fact with which, I am sure, we will all agree. Ordinarily it does cost more to extract a ton of lead from low-grade ore than a ton of lead from high-grade ore, and I have taken that into full consideration, because I have attached a differential of $7.50 a ton, and I do not believe there is a smelter in the United States in which the cost is $7.50 a ton for converting our own grade of lead ore into lead. I have attempted to draw as far away as possible from the danger point upon that item as I have upon all others.

Mr. SUTHERLAND. May I ask the Senator another question?

Mr. CUMMINS. Yes.

Mr. SUTHERLAND. As I understand, in the Missouri lead-ore districts the lead ores contains no silver, or comparatively little silver, while the Mexican ores are silver-lead ores, sometimes containing a very large amount of silver. I desire to ask whether or not the Senator has taken that into consideration in making his schedule?

Mr. CUMMINS. No; I have not taken that into consideration, because that would pertain to the duty on lead ore, and I have not changed the duty on lead ore; it remains at 1¼ cents per pound as it is under the present law.

Mr. SUTHERLAND. The point to which I wanted to direct the Senator's attention was that the lead in Mexican ores, which contain a high percentage of silver, might be regarded as a by-product and the cost of extracting the lead would be little or nothing, because the silver in the ores themselves would justify the smelting, while in the Missouri districts, there being no silver, the lead is not a by-product, but is the very thing which the miner is after and which the smelter is after in reducing the ore.

Mr. CUMMINS. The Senator from Utah has stated, of course, a very difficult question. He has instanced a case in which it is utterly impossible mathematically or accurately to apply the Republican doctrine of protection, namely, to ascertain and enforce the difference between the cost of production at home and abroad. The Tariff Board, in dealing with wool, has assumed that everything but wool is a by-product, and if it applied the same principle to a silver mine in Mexico it would treat the lead as a by-product, and would probably come to the conclusion that it would probably cost nothing at all either to produce lead ore in Mexico or to produce lead bullion; but it is impossible to make any law covering all those disparities.

Mr. President, I desire to call the attention of the Senate to one other item which I have changed radically among the 28 paragraphs not rewritten. Under the present law we levy a duty upon monazite sand and upon thorium and upon thorite, with its oxides and its salts, levying the same duty upon the latter as we levy upon the gas mantles, to make which the thorium is mined and manufactured. We have no hope, in my opinion, in this country of manufacturing or producing thorium. There is some monazite sand, it is said, in North Carolina that contains some thorium, but not in sufficient quantities to warrant its development. The United Gas Improvement Co., I think, tried hard to establish an industry there to produce its own thorium from American sand. I think its experiment was a failure, for it long since abandoned the effort, and it, the largest manufacturer of gas mantles in this country, imports its monazite sand from Brazil.

Now, I have rewritten this section on the assumption that it was our business to manufacture gas mantles, if we could, against the whole world, and inasmuch as we must import the raw material out of which they are made, it ought to be allowed to come into the country with as little burden as possible. I have, therefore, rewritten the section, taking the duty from monazite sand and from thorium and from gas-mantle scrap and retaining the duty of 30 per cent upon gas mantles. They are the real products in the manufacture of which American capital and American industry are now engaged. I hope earnestly that this change will meet the approval of the Senate, because I regard it as essential to the best interests of this industry. It is one of the infant industries. It is one of the enterprises which really needs the encouragement and support of our tariff law.

Mr. HEYBURN. It is a case of second childhood. It was a great industry, and it languished, and now it is starting anew in life.

Mr. CUMMINS. The production of thorium in our country has never been a great industry and apparently never will be. If the Senator means that the production of gas mantles is a great industry, he is quite right, but he is not right in assuming it is in its second childhood. It is now in its superb manhood.

The difficulty it encounters—and we might as well speak frankly about it—is that a great corporation imports the monazite sands from Brazil and makes thorium for itself. It makes no thorium for sale. It would, I assume, if it could, exclude every other manufacturer of gas mantles in the country, but the independent manufacturers of gas mantles can not import monazite sands, because they do not do their business upon a sufficient scale to warrant it. But they are compelled to import thorium or the oxide of thorium and use that in the manufacture of gas mantles, and they ought to be given a chance fairly to compete with the large manufacturer by getting their raw material free, especially as there is no reasonable hope that we will be able to furnish that raw material for many years to come, if ever.

One other section I have added to these 28 paragraphs of which I have spoken. I have made a new paragraph for metal molds—for the pattern maker in metal. He is not sufficiently protected now. The metal pattern is allowed to go with the other forms—the merchantable forms of iron and steel. The metal pattern is not for sale. It is not in common use. It is made in order that there may be a casting made from it. It has to be most carefully, most skillfully fashioned in order to accomplish its purpose, which is to receive the molten iron or steel and then turn it out without injury or damage. I have added a new paragraph in order that the industry may be sufficiently protected. I hope that that also will commend itself to the protective patriotism of the Republican Senators.

Senators, I have completed a review of my amendment. I, of course, have not gone over every item. I can not do that, but I will be very glad to do it, in so far as I may be able, if anyone is interested in any particular paragraph.

With some exceptions, a part of which I have noted, I have reduced these 28 paragraphs 20 per cent as compared with the Payne-Aldrich law, and I believe that is all they ought to be reduced in order to furnish fair and reasonable protection to the manufactures of this country.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. May I ask the Senator from Iowa what is the relative percentage of reduction made by these two bills that are presented to us?

Mr. CUMMINS. There is no such thing as a relative percentage.

Mr. NEWLANDS. What is the percentage, then?

Mr. CUMMINS. These averages with which the Senate has been deluded so often have no meaning whatsoever. My bill in a general way is as low as the House bill upon the heavier forms of iron and steel. I think, upon the whole, it is as low. It is not so low, it is very much higher than the House bill, upon these more intricate forms and more highly developed forms of manufacture into which a great deal of labor has entered and in which the raw material is but a small proportion of the ultimate value. But it is utterly impossible to compare them by percentages. The House bill is an ad valorem bill throughout. My bill is a specific bill, so far as that principle can be applied without injustice.

Mr. NEWLANDS. I will say to the Senator that I have heard it alleged that the Payne-Aldrich bill fixes an average duty of about 35 per cent, the Cummins bill an average duty of about 22½ per cent, and the Democratic bill, or the House bill, an average of about 19 per cent. Would the Senator regard that as fairly accurate?

Mr. CUMMINS. I do not. I do not believe that it means anything at all as applied to the business of the country. Of course it is accurate mathematically as applied to these figures——

Mr. NEWLANDS. I should like to ask the Senator another question, and that is, in view of his experience in the Senate during the last four years in endeavoring to accomplish tariff reductions, whether he thinks the method we have been pursuing thus far has been a satisfactory method of reducing the tariff.

Mr. CUMMINS. I say with the utmost frankness it has not been satisfactory to me, if the Senator means the result.

Mr. NEWLANDS. I will state what I mean. Undoubtedly the majority of this body favor tariff reduction, but they favor it on differing principles, the Republican Party having regard to the difference in the cost of production here and abroad, with a fair profit to the manufacturer added, and the Democratic Party having regard to a gradual reduction of the duty toward a revenue basis. Now, the country expects a reduction, and the sentiment of both Houses—the majority—is favorable to a reduction. Can not the Senator suggest some method by which we could practically accomplish that reduction at this session?

Mr. CUMMINS. I can. If the Senator from Nevada and his associates will vote for this amendment, I think it will became the law of the land. Will the Senator from Nevada do it?

Mr. NEWLANDS. Is that the only suggestion?

Mr. CUMMINS. It is the only suggestion at this moment. I believe this amendment which I have offered proposes a fair and reasonable reduction of the duties on iron and steel; that it is logical, with some claim to scientific adjustment.

I understand what the Senator from Nevada is thinking about just as well as he does. If my friends the Democrats succeed in passing their bill, it will not become a law. Therefore we will have no reduction. That is, we are told it will not become a law. If, however, the Democrats will vote for the amendment that I have now proposed by way of a substitute, and we pass that, while I will not assure the Senator from Nevada that it will become a law, it has a better chance of becoming a statute of the United States than has the House bill.

Therefore, will the Senator from Nevada come to the aid of a somewhat perplexed progressive at this moment and secure the passage of this amendment?

Mr. NEWLANDS. I will say, Mr. President, that if the Democratic measure fails to receive the signature of the President I shall be glad to vote for the measure presented by the Senator from Iowa.

Mr. CUMMINS. Ah! Then the Senator never will know whether it will receive the approval of the President or not unless he votes for it and thus enables it to become an act of Congress.

Mr. NEWLANDS. Undoubtedly we can remain here until the Senator's bill becomes a law, in the contingency of the refusal of the President to sign the Democratic measure.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. I for one would be glad to have the Senator explain more fully the reasons why the Democratic bill would not be signed and why his bill would be signed. It might aid us in coming to a conclusion as to what is our duty in the matter.

Mr. CUMMINS. I will be very glad to do that. The Democratic bill is declared to be a purely revenue measure, and that there has been eliminated from it all of the protection that could be eliminated from it having regard to the revenue that is desired. The President of the United States is a Republican, and it would be easier for him to be persuaded that there is no protection or not sufficient protection in the House bill than it would be to persuade him that there is not sufficient protection in the amendment I have offered. I will be perfectly frank with the Senator. That is the reason I think if the House bill is passed there may be rocks upon which it may founder before it becomes a law.

Inasmuch as it is seen how recalcitrant a body of men I have to deal with on the other side of the Chamber, I want to address a word or two to my Republican friends. You are about to vote upon this amendment. I know that some of you do not believe that it is sufficiently protective, but I want to know whether there is a single one of you who will assert that it is not more protective than the bill which passed the House. I want to know if there is a single Republican who will dare challenge the bill in comparison with the bill that passed the House?

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I assume the Senator wants a reply.

Mr. HEYBURN. Certainly.

Mr. CUMMINS. Neither is protective. They do not sufficiently reach the word "protective."

Mr. HEYBURN. Very well. I know the standards of the Senator from Idaho. I assume it does not fulfill his expectations as to protection, but the amendment I have proposed is more protective, even from his point of view, than the bill which passed the House and which is now before the Senate subject to amendment. The duties are higher in the bill I have proposed upon all the great forms of steel and iron—I mean the real manufactures of steel and iron—than in the House bill.

Mr. HEYBURN rose.

Mr. CUMMINS. I yield to the Senator.

Mr. HEYBURN. You can not span a 20-foot chasm with an 18-foot bridge any better than you can with a 15-foot bridge. Neither of them will span the chasm. The Senator's amendment does not treat lead more fairly than the House bill. He dropped into one mistake. He made sufficient provision—that is, a satisfactory one—for the protection of certain classes—lead in the ores, for instance—and then permitted the lead to be mined and smelted outside of our country, at outside wages, and brought in in competition with our labor.

Mr. CUMMINS. Of course I know that an 18-foot bridge will not enable one to successfully cover a 20-foot chasm, but is it not true that it is easier to step from the end of an 18-foot bridge to the solid ground than it is to step from the end of a 15-foot bridge to the ground?

Mr. HEYBURN. If a man could not cover the 2 feet at all, he is just as far from his destination as if there were no bridge.

Mr. CUMMINS. I am sure the Senator from Idaho will have no difficulty in covering this negligible difference, even measured by his own standard. But I appeal from him, then, to the other Republican Senators, whose views may not be so rigid. The Senator from Utah and the Senator from Pennsylvania have both reviewed my bill. The Senator from Pennsylvania came near suggesting that I had busied myself with this bill largely for the purpose of doing something, and that really I had not decreased the duties seriously enough to occasion alarm.

Mr. OLIVER. I should like to say to the Senator that I have no recollection of ever having intimated anything of the kind.

Mr. CUMMINS. I listened to the Senator from Pennsylvania, and that is the way I understood him, although I am frank to say that when his speech was published in the RECORD the intimation did not appear.

Mr. OLIVER. I said nothing that was not published in the RECORD.

Mr. CUMMINS. Very well. I suppose as I grow older my ears mislead me and deceive me more and more.

Mr. OLIVER. Very likely.

Mr. CUMMINS. But I very distinctly caught that general notion of the Senator from Pennsylvania, and I speak of it in a gratified sense. I am using it as a compliment to the Senator from Pennsylvania, because if I may infer his real belief with regard to this subject from the speech that he made—and a very able and very interesting speech it was—he himself believes that there are many articles upon which the duties of the Payne-Aldrich law could be reduced without injury to the producers of iron and steel and to the great benefit of the general public.

The Senator from Utah [Mr. SMOOT], whose knowledge upon the details of the metal schedule—and I may broaden that to include every schedule of the tariff—is surpassed by that of no Senator either now or at any time in the past, who has been over the whole subject with a comprehensiveness of learning and a keenness of analysis which has never been excelled, was of the opinion that while some of the duties in the amendment I have proposed were too low, yet they are at least in the direction of protection; whereas the House bill was headed straight for the port of free trade.

I only instance these things, not to express a hope that either the Senator from Idaho or the Senator from Utah or the Senator from Pennsylvania would as a separate proposition vote for this amendment if it were in the form of an independent bill. I mention it for the purpose of appealing to them and to all the Republican Senators to vote for it as against the bill for which it is offered as a substitute.

What defense has any Republican here for voting against the amendment I have proposed when the question upon that vote is whether it is better legislation than the House bill? You are not expressing your opinion with regard to the wisdom of this measure; you are not saying to the country you believe the duties here imposed are sufficiently and adequately protective; you are simply saying that, as between a bill which is formed along the lines of protection—and which I believe is completely and fully protective—and a bill organized upon the doctrine of a tariff for revenue alone, you think this is the better bill. If you will vote your real consciences and your real judgments, I shall be entirely satisfied, no matter what the vote on the amendment may ultimately be; but what you intend to do, as I have been informed, is to vote against the protective amendment and in favor of the free-trade bill. What you intend to do is to refuse to substitute the bill I have offered for the revenue bill, because you think there would be less danger of the Chief Executive of the United States signing the revenue bill than of signing the protective bill.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. HEYBURN. An objection which I entertain to the Senator's amendment or the substitute, whichever it may be termed, is that it is drawn or framed upon the hypothesis that no other business than that now established needs consideration or is entitled to it; upon the hypothesis that no new concerns, be they manufacturers of iron or steel or any of the articles enumerated in his bill; that no others are to follow; that the machinery and the buildings will last forever; and the men who are engaged in them will live forever.

Now, that is not the true spirit of protection. The spirit of protection is not only to maintain that which we have, but to make it possible for other similar enterprises to be born, to have their growth and others after them, and so on, forever. That is protection. But the Senator's schedule does not include the consideration of that proposition.

Mr. CUMMINS. I do not claim that it does; and therein lies, possibly, the fundamental difference between the Senator from Idaho and myself. He desires—and I grant his absolute sincerity in the position—duties levied upon iron and steel upon the hypothesis that there has never been a mine opened; that there has never been a blast furnace erected or a rail mill established; that this whole country is a virgin continent yet to be explored and still to be developed; and he desires duties

that would, under those circumstances, enlist capital in the work of exploration and production.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator.

Mr. HEYBURN. Mr. President, if I may be permitted, I do, as the Senator suggests, regard the opportunities of life in the business world in this country as absolutely virgin soil to the generations not yet launched in the business. To those who have not established business it is as virgin as ever, and that element constitutes the opportunity upon which the future greatness and wealth of the country must rest. If it rested only on the present generation, with present established business, with the existing capital, it would be only a question of a lifetime when it would pass out, or the men would pass out. But the true policy of protection goes as far as I have expressed it.

Mr. CUMMINS. Mr. President, the issue is clearly made between the Senator from Idaho and myself. If anyone believes that the duties upon iron and steel should be fixed upon the hypothesis that there had been no iron discovered, no furnaces erected, no railroads built, no rolling mills constructed, and that we were about to invite capital into this unexplored region, a country fertile and rich in its resources—if that were the situation, then the duties which I have proposed in my amendment are not sufficient. But if we are to take the country as it is, with mines of greater extent and greater richness than the mines of any other country in the world, with a railroad system that measures in its extent about one-half of all the railway mileage in the world, with rolling mills and furnaces and factories in full and complete operation, with a capacity to produce more iron and steel than any other country in the world now produces or has ever produced, then the duties which I have proposed will be found to be ample for the protection of a condition of that sort, and that is the condition which actually exists.

Now choose between the senior Senator from Idaho and myself. He is honestly of his opinion; I am honestly of mine. Speaking to the Republican Senators of this body, I want it published to the world whether you believe in the doctrine which he has so emphatically stated, or whether you believe in the doctrine which I have attempted to assert. If you vote with me and for my amendment the country will accept that vote as indicating an opinion on your part that the duties should be adjusted with reference to existing conditions. If you vote against my amendment, while I do not say it will necessarily be true, there will be much reason for the country to believe that you insist on retaining duties measured by the standard just asserted by the senior Senator from Idaho. One more word and I shall conclude.

We Republicans were taunted yesterday or the day before by a distinguished Senator on the other side of the Chamber with the statement that you, or enough of you to be effective, upon the final vote upon this measure, intend to absent yourselves and allow, by your absence and your silence, the House bill to receive a majority of the votes in this Chamber, although it is known by every Republican here and elsewhere that it does not embody the Republican doctrine. I was never so humiliated as a Republican in all my public life as to hear a taunt of that sort with no indignant response from the men to whom it was directed.

Tell me what you intend to do with regard to this amendment so far as that charge is concerned. Do you intend to allow a bill which does not pretend to meet your economic opinions and which is contrary to your fundamental beliefs to pass the Senate by refusing to vote simply in order to give the President of the United States a better opportunity, from his standpoint, to veto the measure? I do not believe that Senators will dare to repeat what was done a year ago upon the same subject covered by the measure now before you.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. HEYBURN. A taunt is not to be taken very seriously when it comes from the opposition. The fair presumption is that the Republicans will vote for the principle of a protective tariff, and in my judgment—and I set myself up as the censor of no other man's principles—to refrain from voting your principles is as bad as to vote against them.

Speaking for myself, and I assume to speak for no other, there will be no absenteeism if I am in good health and able to be here when the vote comes; and I shall not vote for the House bill. I shall do what I can within legitimate means to prevent it from coming to a vote. I am not going to filibuster, and if it comes to a vote I shall vote against it. I shall expect the senior Senator from Iowa to do the same thing, because he does not believe—he has stated to-day and yesterday that he does not believe—in the justice of the tariff schedules sent here by another body and supported by the other side. I know the Senator well enough to believe that he, not believing, will not support.

Now, where are the votes to come from on this side of the Chamber to pass the Democratic measure, for—I dislike to use different words in describing Republicans—I will say the Republicans of this side must, in justice to the principles they profess, support the Republican measure and vote against the Democratic measure at any and all times. How can the minority's tariff measure pass this body, that being the case?

Mr. CUMMINS. Mr. President, of course it could not pass the body if all the Republicans were moved by the same sense of duty which actuates the senior Senator from Idaho.

Mr. HEYBURN. We are bound to assume that they are.

Mr. CUMMINS. I never dreamed that he would attempt to pass the House bill by refraining from voting. He did not a year ago.

But I reply now to the senior Senator from Idaho in respect to my attitude toward the House bill. If the House bill were confined to a reduction of the duties, as they are reduced in it, to the heavier forms of iron and steel, I would vote for it in a moment, because I believe it to be fully protective from our standpoint. But inasmuch as it reduces the duties upon the more highly organized manufactured forms of iron and steel to a point which I believe is not protective, I can not vote for the House bill, and I do not intend to vote for it. So there need be no uncertainty with regard to that particular matter.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I should like to ask the Senator from Iowa one single question. Does the Senator from Iowa think that the House bill is better or worse than the existing Payne-Aldrich law?

Mr. CUMMINS. I believe that the House bill, as applied to the iron and steel industry, is not so good as the Payne-Aldrich tariff law.

Mr. WILLIAMS. I asked the Senator from Iowa that question, because there has been a great deal of discussion in the magazines and a great deal upon the floor of the Senate coming from the school of politics to which he belongs in denunciation of the Payne-Aldrich metal schedule, and I had hoped that even though the bill came from the Democratic Party he could find it within his heart to recognize that some good might come out of Nazareth; and as he has been contending for a reduction of duties, I had hoped that even though our scheme of reduction was not precisely his scheme—not exactly the scheme but very close to it—he might find it in his heart to vote in behalf of the great consuming public of America, in behalf of whom he has delivered very many very eloquent speeches.

I had rather hoped that we were both prepared to serve the people rather than our parties. I am. If the Democratic bill should fail, I would vote for the bill offered by the Senator from Iowa, because while I do not think it goes sufficiently far in reducing taxes upon the American people it is infinitely better than the Payne-Aldrich law, and I would be reduced to a choice between the Payne-Aldrich law and his bill. I had hoped that when he was reduced to a choice between the Democratic bill and the Payne-Aldrich law he would follow in the lines of his utterances.

Mr. CUMMINS. Mr. President, if I believed the Senator from Mississippi held the opinion that might be fairly inferred from the utterance he has just made, it would greatly concern me. But I have too high a regard for his capacity and understanding to make the inference which one might be inclined to draw.

I can not vote for the House bill, because I believe that upon a great many things it reduces the duty below the protective point. As I have said a great many times, being a protectionist, if I am forced to decide whether a duty shall be above or below the protective point, I must choose the higher point.

Mr. WILLIAMS rose.

Mr. CUMMINS. Be calm. I would do so for the reason that if the duty does not come to the protective point it ceases to answer in any degree the protective principle. I believe the House bill applied to these heavier forms of iron and steel is not a revenue bill at all. I believe you are deluding yourselves upon that subject. I do not believe it is a revenue bill, because,

I do not think that the duties are low enough to invite any considerable importations of those commodities. I would therefore vote for that part of the House bill if I were driven to a choice between it and similar paragraphs in the Payne-Aldrich tariff law. It matters not to me whether the law or bill originates with the Democratic Party or with the Republican Party. I am not held so close to the hearts of our friends upon this side of the Chamber that I can refuse the kindly offices of sympathy from my friends upon the other side. I will vote for any measure, no matter from whence it comes, that will reduce the duties upon the Payne-Aldrich law, provided they do not reduce them below the point which will furnish fair and reasonable protection for our own people.

The difficulty with the House bill, as I have said, from my standpoint—it is perfect from your standpoint—is that with regard to the 28 or 30 paragraphs which embrace the advanced forms of manufacture of the Payne-Aldrich law, in my opinion you fall below, and in many instances far below, the level of protection.

If I were to vote to put those paragraphs of the House bill into the law and so expose the producers who are protected by them to the unfair competition or rivalry from abroad, I would be compelled to abandon a principle that I have held so long as I have known anything of political economy or of national politics, whereas the Senator from Mississippi, on the other hand, is not so situated. He believes in a tariff for revenue. Really I think he believes in free trade, and that is not disparaging, because if it were not for protection, as I said the other day, I would not raise the revenue of this country at the customhouses. But he believes in a tariff for revenue. Our tariff is higher than a revenue tariff, and any reduction on any duty is an approach toward the principle which he so ably and so eloquently espouses and advocates. Therefore he can, without any inconsistency whatever, vote for any reduction in the tariff duties and he will be entirely in harmony with the views that he has held his whole life long. But it is not so with one who views the economic question from the standpoint I have occupied.

Therefore I am sure the Senator from Mississippi will see that my earnestness for tariff reduction or the sincerity of my efforts for tariff reduction is not challenged by the fact that I can not, must not, will not go below that point which I believe furnishes the people of this country a protection which they can justly demand.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa further yield to the Senator from Mississippi?

Mr. CUMMINS. I yield again to the Senator.

Mr. WILLIAMS. The Senator from Iowa has made a mistake when he says that I would vote for any reduction. I would not. I recognize that there confronts the American people a condition to which I would not apply my theory ruthlessly, or overnight, as the Germans say. I am not criticizing the Senator from Iowa. I have the highest regard for his sincerity. I believe him to be intellectually honest, and that is a very high compliment to pay to a man. I believe that he has intellectual integrity. I have not attempted to attack his sincerity or his integrity at all. I would be false to myself if I had attempted it. But it does seem to me that in his remarks to-day he has put himself outside the pale of those who differ with other men upon a question of principle, and has put himself in the pale of those who differ with them only upon a question of percentages.

The Senator from Iowa speaks of the "protective point." What is the protective point? If there be any real protective point it is the point of prohibition of foreign imports. Wherever a protective duty fails to keep out of competition with American producers the entire foreign production, whatever it may be, fails to any extent whatsoever, it fails just to that extent in being a protective duty.

Now, I have hitherto understood that the Senator from Iowa wanted a sufficient importation of foreign production to compete with American production to the extent, at any rate, of making the American producer treat the American consumer fairly. If I am mistaken about that I have mistaken the Senator from Iowa clear through. I have understood the difference between a protective prohibitionist, a reasonable protectionist, and a man who believes in a tariff for revenue. I do not understand what the Senator from Iowa means by the protective point.

Mr. CUMMINS. Does the Senator from Mississippi want me to explain now?

Mr. WILLIAMS. I would be glad to understand it.

Mr. CUMMINS. I have explained it a great many times, but possibly not in the hearing of the Senator from Mississippi. The protective point is that point at which the domestic producer can supply the entire domestic market.

Mr. WILLIAMS. Ah!

Mr. CUMMINS. Just a moment. Theoretically I have stated the protective point. If the domestic price is raised above a fair one from the American standpoint, then the importation comes in. If the domestic price is kept at or below the American level, the importation does not come in, again theoretically. When, however, we are ascertaining or fixing the protective point, it being impossible to do it with absolute and mathematical accuracy, if it be fixed along the lines I have already stated, there will be in the very nature of things a certain importation. In order to exclude all importations the wall must be raised so high that it would be far above the protective point. If it is fixed as nearly as we can fix it at a protective point, trade and commerce, with their ebb and flow, will pass over the barrier and there will be a reasonable importation.

Mr. WILLIAMS. Now, Mr. President, if I understand the Senator from Iowa, and I think probably I do, the protective point is the point of the tariff duties at which the American producer can supply the entire American market at a satisfactory profit.

I think that is a summary of what the Senator from Iowa has said. Where are we left when that definition is given? We have thousands of schedules, and the protective point is the point of tariff levy at which—and I am using now, in the first three words, the Senator's own words—the entire American market will be the field for the American producer at a satisfactory profit. The words "at a satisfactory profit" are mine, not his. Who is going to determine what the "satisfactory profit" is? How is it to be determined? Upon what basis? By whom? Are we to be left forever to determine this very important point by hearing the so-called testimony of so-called witnesses who appear in behalf of their own pocketbooks in order to make the best showing that they possibly can for themselves and against the public to the American national legislators? What will constitute a satisfactory or, as the Republican platform calls it, a reasonable profit? Who is to determine when it exists? Who is to determine when it is exceeded? Who is to determine what percentage constitutes it?

I come back to what I said. I think the Senator has extirpated all points of difference in principle between him and the Senator from Idaho. If the Senator from Idaho were called upon to testify as to what he thought was the protective point, he would say it was the point at which the duty was so high that the foreigner could not compete. If the Senator from Utah chief apostle in the church of protectionism, were called upon to define what he considered a satisfactory protective duty, he would define it in exactly the same way—that it was the rate of duty which gave to the American producer the American market, regardless of the American consumer.

The Senator from Idaho has said we are all consumers and we are all producers. With regard to any particular schedule we are not. Not 1 per cent of the American people are engaged either with their capital or their labor in making metal, and the other 99 per cent are engaged every now and then to some slight extent, more or less, in buying these numerous products. The trouble with the Senator's statement is that he has forgotten what he has sometimes previously dwelt upon so eloquently, to wit, the fact that the American consumer, the American buyer, has some rights. The negro upon my plantation who looks at the rear elevation of a mule day after day while he plows cotton and corn has some rights in this country when it comes to economical arrangements, though he does not make steel, though he does not manufacture wool nor cotton, and has nothing to do with the manufacture of those things

Mr. President, this brings me back to the Republican platform, and then I am through.

Mr. CUMMINS. I hope the Senator from Mississippi will not inject a long speech into mine; but I have no objection to——

Mr. WILLIAMS. Upon second thought, Mr. President—I forgot myself—I have injected too much already, and I will leave off even the other sentence that I intended to put in now, but I could not well keep my seat in face of the last explanation of the Senator from Iowa. Before I take my seat, however, I want to say that I have just about as much confidence in the political integrity and the intellectual integrity of the Senator from Iowa as I have in my own, which last confidence is absolute, but I think he is making a great strategic mistake.

Mr. CUMMINS. Mr. President, I never listen to the Senator from Mississippi without feeling a little better than before he began to speak. He has the faculty of lifting one up somewhat even while he criticizes him. I think I would rather have the

compliment that he has just bestowed upon me than any honor that is likely to befall me. I do not agree with the Senator from Mississippi. I do not see that I have stated my belief in any other terms or in any other form than I have often heretofore stated it. I can not plead guilty to the accusation that in my estimate of the tariff the consumer is forgotten. On the contrary, as I said the other day, the difference between the Senator from Pennsylvania [Mr. OLIVER] and myself is that I always begin the consideration of a tariff schedule by thinking of the consumer and then of the producer, while others reverse the process of reflection.

I now feel, however, before I say the final word, which I must say in a moment, that I should yield to the Senator from Utah [Mr. SMOOT], who claimed my attention some time ago.

Mr. SMOOT. Mr. President, referring to the legislative situation, I want to say merely a few words. I find myself in the position that I can not vote for the pending Democratic bill, and I do not want to vote for the substitute offered by the Senator from Iowa [Mr. CUMMINS]. There are many rates in the substitute I could approve, but, taken as a whole, it would be impossible for me to vote for it. What am I to do? Am I to vote for his amendment believing that if I did so it would become a law?

Mr. BAILEY. You mean the President would approve it?

Mr. SMOOT. I do not know what the President would do. I can not say as to that.

Mr. BAILEY. It could not become a law unless he did approve it.

Mr. SMOOT. Or am I to vote against it and allow the Democratic bill to pass?

Let us look at the history of tariff legislation at our last session. The Republicans in this Chamber voted against an amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the Democratic wool bill; they voted against the Democratic wool bill; and as soon as both of these bills were defeated, a Democrat immediately arose, asked for the reconsideration of the bill, and then the Democrats voted with a few Republican Senators, and the bill was passed. I may, on second thought, be mistaken as to the Senator who asked for a reconsideration. It may have been a Republican who asked for that reconsideration, but, be that as it may, every Democrat voted for the bill that they had a few minutes before voted against. We are told now that that shall again be the program; that if we vote against the Democratic bill and if we vote against the substitute offered by the Senator from Iowa, as soon as that is done some Senator will ask for a reconsideration, and the Cummins amendment will be passed.

What am I to do, Mr. President, as a Senator believing in the principles of protection? Am I to allow this thing to happen, knowing that that is the program? I do not believe that it would be proper or right; I do not believe that the American people, when they understand the situation, will say that a Senator who believes in protection should sit here and allow a program of that kind to be carried out.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes.

Mr. WILLIAMS. I would like to ask the Senator from Utah a question. I want to ask him to do an exceedingly difficult thing for the Senator from Utah; I want to ask him to put himself in my place for the nonce with regard to the answer that he will make to the question I am about to ask him—that is awfully difficult, I know—but suppose he were a Democrat and in favor of reducing tariff taxes, and suppose that he had failed in getting through a bill which reduced them, say, 50 per cent, just for an illustration, and suppose he then had an opportunity to vote for a bill that reduced them 20 per cent, does he not understand that it would be absolutely impossible for him in our place to be true to himself and pursue any other course than that of supporting the next best bill?

Mr. SMOOT. Mr. President, I say, just as the Senator from Iowa has stated, that the Senator from Mississippi perhaps is consistent in his position and statement, but that is not all there is in this proposition. We know what the program is; and, as was stated by the Senator from Iowa, we were taunted with it by a Democratic Senator only yesterday. So far as that is concerned, it did not trouble me in the least, because I know the Senator who taunted the Republicans knew that that would be the program, and he will help to carry it out. Therefore, Mr. President, the Republican Members who believe in protection and in all that the word "protection" implies, unless a bill can be provided that all the Republicans can agree upon, I believe are justified in doing the very best they can to defeat a bill that they do not believe would be amply protective to the industries of this country.

Mr. WILLIAMS. Before the Senator from Utah sits down——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. WILLIAMS. Before the Senator from Utah sits down I should like to ask him one question. I do not know whether I understood him or misunderstood him; but I gathered from his speech the other day that he admitted that some of the duties in the metal schedule were too high.

Mr. SMOOT. I called attention to the fact that the rate on tin plate could be reduced, based upon the testimony of the men who make it.

Mr. WILLIAMS. Now, Mr. President, having secured that confirmation of my recollection, or, rather, of my hearing, I want to ask the Senator a question: He is, of course, a great Republican constructive statesman, as all Republican statesmen are, and why is it that the Senator from Utah has not introduced a bill reducing those duties where they are too high even from his standpoint?

Mr. CUMMINS. Mr. President, I hope the Senator from Utah will not make his answer to that question long. I really think it is not quite fair to inject two such prominent figures as the Senator from Mississippi and the Senator from Utah in the foreground of my speech.

Mr. BAILEY. If the Senator from Iowa will permit me, the Senator from Utah——

The VICE PRESIDENT. Does the Senator from Iowa submit to interruption by another important character? [Laughter.]

Mr. CUMMINS. I do; I think, now that these two eminent gentlemen are grouped together, I might as well admit another.

Mr. BAILEY. Well, I wanted to make plain what the Senator from Utah intends for the initiated to understand, and that is, he is serving notice on you that Republicans like him intend to refrain from voting and let us pass the Democratic bill.

Mr. CUMMINS. Precisely. I understand that. He is not, however, serving notice upon me, but is really answering the charge that I made a few moments ago against him and those who are with him, that they were about to do that thing.

Mr. BAILEY. It is not often they can do so good a thing.

Mr. CUMMINS. I was trying to convince them that they ought not to do it.

Mr. SMOOT. That has been the burden of the Senator's speech here for the last half hour.

Mr. CUMMINS. Surely; and I think I have made a step in advance when they feel compelled to explain and defend.

Mr. WILLIAMS. They were forced into an experience meeting at any rate.

Mr. CUMMINS. Yes. Mr. President, as the Senator from Utah was describing that rather tortuous way which led him finally to the conclusion that he ought to pass a measure in which he did not believe at all in order to defeat a measure in which he believed partly, I could not help thinking of those lines which run something like this:

Oh what a tangled web we weave
When first we practice to deceive.

You are deceiving yourselves. Why do you not take on some of the candor and the courage displayed by the senior Senator from Idaho [Mr. HEYBURN]? He will not flee this Chamber when the House bill is to be voted upon; he will sit here and record his judgment with respect to that bill; and I simply want all Republican Senators to accept him as a model in this respect—as an example—upon the vote about to be had. I do not ask the Senator from Utah to vote for a measure in which he does not believe; but I do ask—and I believe the country will ask presently—that Republican Senators shall sit here and record their honest beliefs respecting the subject, and not refrain from voting so as to send a bill to the President in order that he may veto it because it is a Democratic bill.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I yield to the Senator from Oklahoma.

Mr. GORE. I wish to inquire of the Senator from Iowa if he intends to insist upon the use of the word "first" in his quotation?

Mr. CUMMINS. Mr. President, that was a mere act of memory, and I may not have correctly quoted the passage. It has been many years since I have had any occasion to apply it to anybody, and I therefore may have misquoted it.

Mr. GALLINGER. The Senator quoted it correctly.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Yes.

Mr. SMOOT. I do not think there is any disposition on the part of any Republican to try to deceive anybody. I do not believe that there is any disposition on the part of the Democrats to deceive the Republicans or themselves. I think the program is known by every Democrat in the Chamber, and I think they have agreed to it time and time again.

Mr. ASHURST and Mr. OLIVER addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. CUMMINS. Mr. President, I must insist on finishing my observations, and then the whole subject will be open for discussion. Indeed, I had finished——

The VICE PRESIDENT. The Senator declines to yield.

Mr. CUMMINS. I intended from the beginning that my last word should be a word of adjuration, of appeal to my Republican associates to stand up and be counted upon this subject.

You know that my bill is a better bill from the protective standpoint than the Democratic bill. Therefore I am entitled to your affirmative votes in order to substitute it for the House bill, and when it is substituted for the House bill, if you are not convinced that it is a better bill than the Payne-Aldrich tariff law, then record your votes against it. In that way the record of the Senate will be written with sincerity, with courage, and with some comprehension of our responsibility in the performance of our public duties; but do not, for conscience sake, permit any amendment or any bill to pass or to be defeated in order that an ulterior purpose or object may be accomplished.

Mr. President, I have finished.

Mr. SMOOT. I should like to ask the Senator just one question. It is this: In all the tariff legislation from the beginning of tariff legislation in this country, does the Senator remember a time, with the exception of the last Congress, where bills were introduced and all of them voted down, and then the Democratic Party voted for the bill that they voted against and it was passed by the solid vote of the Democratic Party and a few votes on the Republican side of the Chamber?

Mr. CUMMINS. My experience in the Senate has been brief. The Senator from Utah knows much more about the history of the Senate and what has occurred here than I do. Therefore I will not attempt to answer his question.

Mr. WILLIAMS. Is it not true that hardly ever a measure is passed where some one does not vote against some amendment but does vote for the bill?

Mr. CUMMINS. That is not the question.

Mr. SMOOT. Not at all.

Mr. WILLIAMS. It is the same principle.

Mr. OLIVER. Mr. President, the appeal of the Senator from Iowa [Mr. CUMMINS] to his Republican associates to vote in favor of his amendment as against the Democratic bill is a very fair sample of that plausible but very fallacious kind of argument in which the Senator from Iowa is an adept. When a tariff bill similar in nature to this was before the Senate last year, the Democratic Senators and a section of the Republican Senators laid a trap for the other Republican Senators, and it succeeded. When another bill of the same nature came before the Senate, Republican Senators refused to be led into this trap.

Now, as between the bill as it came from the House and the substitute offered by the Senator from Iowa, I will say that both are objectionable to the protectionists of the Senate. The House bill is a revenue measure. The substitute offered by the Senator from Iowa is insufficiently protective. I am against both measures, and I propose, as a Senator performing my duty as one of the representatives of my State, to do everything I can, either by voting or refraining from voting, to prevent the adoption of either of these measures.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Upon that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I am informed that that Senator is absent from the city on important public business. I therefore withhold my vote.

Mr. GALLINGER (when Mr. CRAWFORD's name was called). I have been requested to announce that the Senator from South Dakota [Mr. CRAWFORD] is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], but I am released on this vote, and will vote. I vote "nay."

Mr. GORE (when Mr. OWEN's name was called). My colleague, the Senator from Oklahoma, is paired with the Senator from South Dakota [Mr. GAMBLE].

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I transfer the pair to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Missouri [Mr. REED], and will vote. I vote "nay."

The roll call was concluded.

Mr. BURNHAM. I have a pair with the junior Senator from Maryland [Mr. SMITH]. I am informed that if he were present and voting he would vote against the pending amendment. As I am of the same mind, I will vote. I vote "nay."

Mr. BAILEY. I have a pair with the Senator from Montana [Mr. DIXON] and therefore withhold my vote. I desire this announcement to stand not only for to-day, but until the conclusion of the work in which he is now engaged.

I also desire the announcement to stand as an explanation of why I have not voted on some other roll calls.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is detained from the Chamber on public business.

Mr. LODGE. My colleague [Mr. CRANE] has a standing pair with the Senator from Maine [Mr. GARDNER].

The result was announced—yeas 12, nays 60, as follows:

YEAS—12.

Borah	Clapp	Jones	Poindexter
Bourne	Cummins	Nelson	Townsend
Bristow	Gronna	Page	Works

NAYS—60.

Ashurst	Dillingham	McCumber	Sanders
Bacon	du Pont	McLean	Shively
Bankhead	Fall	Martin, Va.	Simmons
Bradley	Fletcher	Myers	Smith, Ariz.
Brandegee	Foster	Newlands	Smith, Ga.
Bryan	Gallinger	O'Gorman	Smith, S. C.
Burnham	Gore	Oliver	Smoot
Burton	Guggenheim	Overman	Stephenson
Catron	Heyburn	Paynter	Sutherland
Chamberlain	Hitchcock	Percy	Swanson
Chilton	Johnston, Ala.	Perkins	Thornton
Clarke, Ark.	Kern	Pomerene	Tillman
Culberson	Lea	Rayner	Watson
Cullom	Lippitt	Richardson	Wetmore
Curtis	Lodge	Root	Williams

NOT VOTING—23.

Bailey	Davis	La Follette	Reed
Briggs	Dixon	Lorimer	Smith, Md.
Brown	Gamble	Martine, N. J.	Smith, Mich.
Clark, Wyo.	Gardner	Nixon	Stone
Crane	Johnson, Me.	Owen	Warren
Crawford	Kenyon	Penrose	

So the substitute of Mr. CUMMINS was rejected.

Mr. HEYBURN. I suggest that it is rather late in the day, and the Senate is not ready to vote upon the pending bill. I therefore move that the Senate adjourn.

The motion was rejected.

Mr. HEYBURN. Mr. President, the Senate is evidently in an industrious mood and desires to further consider the measure before the Senate. The zeal of Senators is rather unusual, but very gratifying. No greater mistake could be indulged in than to think that this measure has received that consideration which it will receive or must receive before being sent out to the country as an enactment, so far as the Senate is concerned.

I was engaged at a very interesting point to the Republicans when this matter was last before the Senate. I know that the Democrats take very little interest in a Republican platform. I know that Republicans are presumably ~~very~~ greatly interested in the principles of their party. I am going to test it, because my remarks will be addressed to the Republicans for a few moments. Then if the Democrats are still in evidence I will address some remarks to them.

The VICE PRESIDENT. Meanwhile will the Senate be in order? Will Senators please refrain from conversing in audible tones—those other than the one entitled to the floor?

Mr. HEYBURN. In support of the suggestion of the Chair I will say that I will undertake to do all the talking that is indulged in while I have the floor. I do not mean by that that I am not ready to be interrupted, but there will be some talk going on.

Yesterday I was calling the attention of the Republican Members to the promises they had made and declarations of principles that are as binding upon them to-day as they were when they were announced. The principles of a Government do not change. The declarations of principles are to be respected.

Mr. President, I would inquire if the rules permit me to stroll back where I can be close to those who are present. These Senators did not wish to adjourn. I assume that they had some reason for not desiring to adjourn. I am going to talk rather plainly about it. They will either pass on the motion to adjourn with reasonable frequency or they will make it unnecessary. They certainly do not imagine that I am going to refrain from discussing this question in the Senate Chamber because they do not care to hear it. They never were more mistaken if they do.

I am going to call the attention of Senators to what the Republican Party told the people it stood for in 1884, and that is not very far back. Most Senators were then actively engaged or interested, at least, in the affairs of the Government. This is the declaration, and it is as much a part of the Republican policy and principles to-day as it was when it was published by the convention in 1884:

> It is the first duty of a good government to protect the rights and promote the interests of its own people.
>
> The largest diversity of industry is most productive of general prosperity and of the comfort and independence of the people.
>
> We therefore demand that the imposition of duties on foreign imports shall be made not "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security—

Bear that word in mind; I will revert to it directly—

> security to our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor, as well as capital, may have its just reward and the laboring man his full share in the national prosperity.
>
> Against the so-called economic system of the Democratic Party, which would degrade our labor to the foreign standard, we enter our earnest protest.
>
> * * * * * * *
>
> The Republican Party pledges itself to correct the inequalities of the tariff and to reduce the surplus.

Now, the first part of that platform, the protective part of it, was good Republican doctrine, and it would have won the election for the Republican Party in that year. But the Democrats were making the campaign upon the cry of surplus. They made nearly as much noise about it as they now make on the tariff question, and some—enough—of the members of the committee that framed this platform were deceived by that noise, because they were charged with the iniquitous crime of so conducting the affairs of the Government as to produce a surplus that they immediately took to the woods and promised they would not do it again. The result was the American people said, "Well, if you are not for protection and the fruits of protection, we will give you a chance to think it over," and they elected a Democrat President of the United States.

So what they did—and this is a warning against giving heed to the cry of those who have it in mind to scare you away from the principles which they fear—the committee went on and said:

> The Republican Party pledges itself to correct the inequalities of the tariff and to reduce the surplus.

The Republican Party, running before the charge made against them by Democrats ambitious for power and office, retreated and lost out to the Democrats. You ought to be very careful that that lesson is not repeated.

I read that platform and emphasized it particularly because we repeated that mistake in 1892. We apologized for being Republicans. We asserted the doctrine of Republicanism, asserted the benefits that had been derived from it, and then, because the Democrats were making so much noise that some of the people thought there must be something in their cry, we retreated from it and apologized and said we would not do it again. So the Democrats came in, and they got rid of the surplus. That is their strong point. No one ever charges the Democratic Party with so administering the affairs of the Government as to create a surplus. That is one thing they are not guilty of.

In that platform, however, shifting as it was, we declared specifically for the duty on wool. The Republican Party said:

> We recognize the importance of sheep husbandry in the United States, the serious depression which it is now experiencing, and the danger threatening its future prosperity; and we therefore respect the demands of the representatives of this important agricultural interest for a readjustment of duties upon foreign wool.

They had that in mind, but they promised a change. Well, the people had put them in power because of what they were, what they stood for, and the people expected them to remain hitched, but because somebody gave a long yapping at their heels they broke loose and ran away. We have seen that kind of thing happen not only in conventions but elsewhere.

Now I come to a platform that commended the Republican Party to the people, the next one, in 1888. We learned some sense from the chastisement that we got in 1884, and we quit apologizing for being Republicans.

I have heard some discussion here in connection with these tariff schedules where I think, without realizing just exactly the effect of the words, there has been some apology for Republican legislation and a tacit promise to undo it. I am not in sympathy with that kind of talk or action.

Now I beg your attention to the platform that speaks Republicanism, that of 1888, when we nominated Benjamin Harrison for President of the United States on a real Republican platform. This is it:

> We are uncompromisingly in favor of the American system of protection; we protest against its destruction as proposed by the President—

Cleveland—

> and his party. They serve the interests of Europe; we will support the interests of America. We accept the issue and confidently appeal to the people for their judgment. The protective system must be maintained. Its abandonment has always been followed by general disaster to all interests except those of the usurer and the sheriff.

They had gotten a little Republican vigor into them by that time, and they realized the effect of their declarations of apology. The usurer and the sheriff came pretty soon afterwards, when we did have a Republican administration.

> We condemn the proposition of the Democratic Party to place wool on the free list—

And yet we hear men in this body, in this Congress and in the last Congress, on the Republican side of this Chamber, who are willing to compromise for free wool or its equivalent. They stand here and engage in cheeseparing and quibbling and refining of figures to try to prove that we could possibly live if we did not have what we are entitled to. Bear that declaration in mind when we come to consider the woolen schedule—

> and we insist that the duties thereon shall be adjusted and maintained so as to furnish full and adequate protection to that industry throughout the United States.
>
> The Republican Party would effect all needed reduction of the national revenue by repealing the taxes upon tobacco, which are an annoyance and burden to agriculture, and the tax upon spirits used in the arts and for mechanical purposes.

We have already legislated that last declaration into law.

Upon that platform we elected our President, and we entered upon an era of prosperity. During that administration we enacted the McKinley tariff bill. In 1888 both parties boasted of their prosperity.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. JONES. Does not the Senator think that at this time of the day we ought to have a quorum?

Mr. HEYBURN. I think there is a quorum here, probably. There are many here who had better be at home in their household, but they like to be here. I think they like to hear me talk.

Mr. JONES. I make the point of no quorum, Mr. President.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lodge	Sanders
Bailey	Cummins	McCumber	Shively
Borah	Curtis	McLean	Simmons
Bourne	du Pont	Martin, Va.	Smith, Ariz.
Bradley	Fall	Myers	Smith, Ga.
Brandegee	Fletcher	Newlands	Smith, S. C.
Bristow	Gallinger	O'Gorman	Smoot
Bryan	Gore	Oliver	Swanson
Burnham	Gronna	Page	Tillman
Burton	Heyburn	Paynter	Townsend
Catron	Hitchcock	Percy	Watson
Chilton	Johnston, Ala.	Perkins	Williams
Clapp	Jones	Poindexter	Works
Clark, Wyo.	Kern	Pomerene	
Clarke, Ark.	Lea	Richardson	
Culberson	Lippitt	Root	

The VICE PRESIDENT. Sixty-one Senators have answered the roll call. A quorum of the Senate is present.

Mr. GALLINGER. I ask the Senator from Idaho if he will yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes, sir.

Mr. GALLINGER. Mr. President, no Senator is more anxious to complete the work of the present session than I am, but there are certain things that we can not do, as is well

known to every Senator who has had much experience here. Yesterday, as a matter of courtesy to the Senator from Iowa [Mr. CUMMINS], the Senate adjourned perhaps a few minutes later than to-day, but we had been in session only from 12 o'clock on yesterday. We have been in session to-day continuously from 11 o'clock.

The Senator from Idaho is not in robust health and he wishes to discuss this question. I think he ought to be given a fair opportunity to do it when the Senators are in their seats and when they are not tired with the arduous duties of a long legislative day. Desiring to extend the same courtesy to the Senator from Idaho that was extended to other Senators, I now move that the Senate adjourn.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator withhold his motion?

Mr. GALLINGER. Certainly, I withhold it.

Mr. SIMMONS. I will ask the Senator if he will not withhold his motion for a few minutes that some amendments may be offered?

Mr. GALLINGER. With pleasure.

Mr. SIMMONS. Then there will be no opposition to an adjournment.

The VICE PRESIDENT. The Senator from Idaho has the floor, however, if the Senate continues in session.

Mr. HEYBURN. I yielded to the Senator from New Hampshire.

The VICE PRESIDENT. Does the Senator yield for the purpose of having amendments considered?

Mr. HEYBURN. Yes.

The VICE PRESIDENT. Very well.

Mr. SMITH of Georgia. I sent to the Secretary's desk an amendment which I desire to offer.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will state the amendment.

The SECRETARY. It is proposed to amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts.

Mr. GALLINGER. I inquire if there are other amendments to be offered?

Mr. SIMMONS. On behalf of the minority members of the committee in charge of the House bill, I accept the amendment just offered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GALLINGER. The Senator desired it to lie over, did he not? The Senator did not wish action upon his amendment this evening, as I understand?

Mr. SMITH of Georgia. I offered the amendment this morning. Our purpose was to perfect such amendments to the minority report this evening as the committee agreed to.

Mr. GALLINGER. Mr. President, it is manifest that we can not consider and vote upon that amendment this evening. It will be discussed, I think, somewhat.

Mr. SIMMONS. I did not suppose, Mr. President, that a vote would be asked upon the amendment this evening; I supposed it would simply be offered, and that I would state for the minority that we would accept the amendment.

Mr. GALLINGER. Precisely.

Mr. SIMMONS. When we next consider the bill we can vote upon the amendment.

The PRESIDING OFFICER. Then the amendment offered by the Senator from Georgia will be considered as the pending amendment.

Mr. GALLINGER. I now renew my motion to adjourn.

Mr. SIMMONS. There are one or two other amendments yet to be offered, I understand.

Mr. GALLINGER. Very well. I withhold the motion.

Mr. POMERENE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. Is it an amendment to the amendment or a new amendment?

Mr. POMERENE. It is a new amendment; it is to a different paragraph of the bill.

The PRESIDING OFFICER. There is one amendment now pending.

Mr. GALLINGER. I suggest that the amendment might be read for information, and be printed and lie over.

The PRESIDING OFFICER. Without objection, the amendment will be read for the information of the Senate.

The SECRETARY. On page 20, line 21, after the semicolon, it is proposed to insert: Machine tools, 20 per cent ad valorem.

And on page 22, line 9, to strike out the words "machine tools."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFCER. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. I yield.

Mr. SIMMONS. I desire to state that, on behalf of the minority members of the Finance Committee, we will accept that amendment. I understand there is one other amendment to be presented.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read, for the information of the Senate only, as it is not in order at this time.

Mr. POINDEXTER. Do I understand that the amendment which was offered by the Senator from Ohio [Mr. POMERENE] is accepted by the minority members of the committee?

The PRESIDING OFFICER. The Senator from North Carolina simply expressed a willingness to that effect. The amendment can not be accepted; it will have to be voted on in its regular order.

The Chair desires to inform the Senator from Nevada [Mr. NEWLANDS] that his proposed amendment has already been read; that it is now on the table, and as it is not in order nothing further can be done with it at this time.

Mr. SIMMONS. I understood that the Senator from Nevada wished to make some statement as to his purpose with respect to that amendment.

Mr. GALLINGER. Mr. President, I will not yield for a speech from any Senator.

Mr. SIMMONS. He does not intend to make a speech.

Mr. NEWLANDS. I will state that I can make the explanation in a few words to-morrow morning.

EXECUTIVE SESSION.

Mr. GALLINGER. Certain Senators have expressed a wish to have an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes) the Senate adjourned until to-morrow, Wednesday, May 29, 1912, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1912.

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Gustavus Urban Stewart to be third lieutenant.

UNITED STATES MARSHALS.

Henry L. Fassett to be United States marshal for the western district of New York.

Guy Murchie to be United States marshal for the district of Massachusetts.

POSTMASTERS.

ALABAMA.

Henry J. Godfrey, Columbia.
James W. McNeil, Luverne.
Robert L. Wilson, Stevenson.

MISSISSIPPI.

Malcolm S. Graham, Forest.
Sidney M. Jordan, Louisville.
Lewis M. Joyner, Agricultural College.
Andrew M. Patterson, jr., Como.
Wade H. Phyfer, New Albany.
James M. Tyler, Bogue Chitto.

OHIO.

Charles H. Huffman, Richwood.

PENNSYLVANIA.

John F. Fenstermacher, Mount Joy.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 28, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, in whom we live and move and have our being, make us conscious of Thy presence by quickening our minds and conscience, that we may walk in the light of Thy countenance, and, without taking ourselves too seriously, do the work Thou hast given us to do in humility, yet with courage and fortitude, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama [Mr. HEFLIN] rise?

Mr. HEFLIN. I rise to a question of personal privilege.

The SPEAKER. The motion of the gentleman from Tennessee will be pending while the gentleman from Alabama rises to a question of personal privilege. The gentleman from Alabama will state it.

Mr. HEFLIN. Mr. Speaker, on yesterday the gentleman from Pennsylvania [Mr. FOCHT] in referring to me said:

Now, my friend from Alabama [Mr. HEFLIN] has undertaken, I think, to do something that does not become him, and, in view of the record of his own State, is indefensible.

In another place he says:

Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State.

This is a question of privilege, Mr. Speaker, and reflects upon me and my service here, and charges something that is not true, namely, that I had assaulted the North, and I desire to address the House upon the question of personal privilege.

Mr. DALZELL. Mr. Speaker, I make the point of order that the gentleman has not stated any question of personal privilege.

The SPEAKER. The Chair could not hear distinctly what the matter was. The gentleman from Alabama will read the passage on which he claims he has the right to rise to a question of personal privilege.

Mr. HEFLIN. I am reading from the RECORD of yesterday, Mr. Speaker, page 7265. The gentleman from Pennsylvania said:

I want, Mr. Chairman, to read a few lines from a letter written by a friend of mine who resides near his [my] home, and I think, possibly, in his district.

And in that letter, Mr. Speaker, there is a reflection not only upon my district, but the entire State.

The SPEAKER. But read what is in the letter.

Mr. HEFLIN. Of course, the letter itself, Mr. Speaker, does not refer to me, but what the gentleman himself said does. He said in another place:

Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama [Mr. HEFLIN] has said in his assaults on the North and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State—greater than the camps of Siberia and Russia.

Now, the other question of privilege. When I arose and asked unanimous consent to proceed for 10 minutes, the gentleman from Iowa [Mr. GOOD] objected.

The SPEAKER. Where is that?

Mr. HEFLIN. It it on page 7266, near the center of the second column. I said:

Does the gentleman from Iowa wish to deny me the opportunity to reply to the assault made upon my State by the gentleman from Pennsylvania?

Mr. GOOD. The gentleman from Alabama has already invited all the attacks that he has received.

I had made no statement in my speech that invited any such attack; but the gentleman from Pennsylvania proceeded undisturbed; no one objected upon this side of the House; and when I rose, after this slanderous assault had been made upon my people——

The SPEAKER. The gentleman from Alabama will suspend. What is the point that the gentleman from Pennsylvania [Mr. DALZELL] made?

Mr. DALZELL. That the gentleman has not stated any question of personal privilege.

The SPEAKER. The Chair is inclined to think that that point is well taken. Of course, men might stand up here and abuse Alabama or Missouri or any other State until they were black in the face without laying the foundation for a question of personal privilege. The rule is that the question of privilege rests upon something that affects a man injuriously or scandalously in his representative capacity.

Mr. HEFLIN. That is exactly what I am trying to get at. My grounds, as stated, constitute a question of privilege.

The SPEAKER. Now, what part of this is it that the gentleman claims appertains to him in his legislative capacity?

Mr. HEFLIN. The rule says, "The rights, reputation, and conduct of Members, individually, in their representative capacity," and so forth, constitute a question of privilege.

The SPEAKER. That is exactly it, and it is a very narrow question, too.

Mr. HEFLIN. Now, it reflects upon me, Mr. Speaker. He says that this man who writes the letter about the conditions in Alabama lives near my home, lives, he thinks, in the district that I represent, and that I can not stand here and make a speech upon these other questions because these conditions that he talks about exist down there; that my position is indefensible; that I have attacked the North, which is not true, Mr. Speaker.

The SPEAKER. That part of it, if it is considered scandalous or affecting the gentleman in his representative capacity, would lay the foundation. The Chair can understand very well how the gentleman from Alabama would feel outraged in his feelings if somebody assaults the State of Alabama, but that does not make a question of personal privilege.

Mr. HEFLIN. Mr. Speaker, the gentleman says:

Mr. HEFLIN has undertaken, I think, to do something that does not become him——

The SPEAKER. That was the gentleman's opinion about it.

Mr. HEFLIN (continuing)—

And, in view of the record of his own State, is indefensible.

The SPEAKER. Well, that was just simply in that gentleman's opinion.

Mr. HEFLIN. It forms a basis, Mr. Speaker, to my mind, for a question of personal privilege. I am convinced of that.

Mr. UNDERWOOD. Mr. Speaker, if my colleague will yield to me for a moment, I ask unanimous consent that my colleague from Alabama [Mr. HEFLIN] shall proceed for 20 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that his colleague be allowed to proceed for 20 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. [Applause.]

Mr. HEFLIN. Mr. Speaker, in my speech yesterday with reference to the unemployed of this country and the dreadful conditions obtaining under the high protective tariff system of the Republican Party, I reflected upon no particular State, upon no particular Member. I simply arraigned the Republican Party, and stated that for 16 years the Republican Party had been in power and that we had been trying to obtain remedial legislation for the laboring people of the United States and had failed. After I had discussed some of the things that have oppressed the laboring men of America, Mr. FOCHT, of Pennsylvania, arose and reflected upon me and delivered a slanderous assault against my State. The gentleman read a letter—and where it comes from, God only knows; no post mark, no date, no particular convict camp was referred to, and yet it contains a charge against an officer of the State of Alabama with reference to his treatment of a convict. It names no place; it names no man, and yet the gentleman from Pennsylvania calls the writer of this mysterious, slanderous letter a friend of his.

Where is that convict camp where the gentleman says they whipped a black man in the presence of a northern man? There is no truth in that statement. The State that I have the honor in part to represent has a reformatory for young criminals, both white and black, and Alabama stands well with reference to her humane treatment of convicts within her borders. [Applause.]

Mr. Speaker, Alabama has a law which forbids and punishes cruel treatment of convicts. We have State inspectors, whose duties are to report on the health, sanitary condition, and general treatment of convicts. I do not claim that conditions are perfect in the convict system of Alabama, but I do resent the false and slanderous charge contained in the letter read in this House yesterday regarding that system.

Mr. Speaker, the gentleman from Pennsylvania [Mr. FOCHT] by his attack on me and on my State yesterday is responsible for my speech this morning. As evidence of that fact I quote from the gentleman from Tennessee [Mr. AUSTIN], a Republican. On yesterday, when I tried to obtain unanimous consent to reply to the speech of the gentleman from Pennsylvania [Mr.

FOCHT], Mr. GOOD, a Republican, objected, and here is what Mr. AUSTIN said:

Mr. AUSTIN. Mr. Chairman, I rise for the purpose of appealing to my colleague from Iowa to withdraw his objection. This attack upon the State of Alabama came from the Republican side, and I ask in all justice and fair play as a Republican that the gentleman from Alabama have the opportunity to be heard in answer. [Applause on the Democratic side.]

Mr. Chairman, the point was not made against the gentleman from Pennsylvania, when he read his letter, from this side, and it is unfair for this side to object to the gentleman from Alabama having an opportunity to reply to it.

So, Mr. Speaker, what I shall say now I feel justified in saying on account of what was said here yesterday by the gentleman from Pennsylvania [Mr. FOCHT].

Now, Mr. Speaker, there is an old saying that "those who live in glass houses should not throw stones." For the benefit of the gentleman from Pennsylvania I desire to read from the hearings before the Rules Committee regarding the treatment of free labor in Pennsylvania:

Mr. FEEHAN. Mr. Chairman and members of the committee, I understand you have but little time to listen to the numerous arguments that we intended to present, and I will be as brief as possible.

I want to state that we are desirous of this investigation, and expect to prove, as Mr. WILSON stated—

Mr. WILSON is one of the honored Democratic Representatives from Pennsylvania and a true and tried friend of the laboring man.

That there is peonage—

What!

That there is peonage—

Where? In Pennsylvania. [Applause]—

that the coal companies have erected stockades, and that they have resorted to other methods to compel the mine workers and others who are not mine workers, whom they have imported into their mine localities, to work in the mines, keeping them there against their will. I know from experience hundreds of cases where men have escaped, got over what they call the "dead line," where deputies employed by the coal companies are stationed to patrol the outer edges of the company's property. They have some privileges, liberties, inside of the company's property, but if they attempt to get out at any time they are restrained from doing so, and frequently threatened, and often beaten and driven back in.

Where is this? It is in Pennsylvania. No such condition exists in Alabama—not anywhere in the State of Alabama. [Applause on the Democratic side.]

If they get over what the imported men call the "dead line" and are captured again, they are taken back forcibly, and in many instances men who have escaped from these stockades in the mining localities have come into the miners' headquarters to obtain information as to how they could get away from the place and to get financial assistance.

Listen. Taken back by force for what? For trying to escape from the clutches of the cruel industrial slavery of the State of Pennsylvania under Republican rule. [Applause on the Democratic side.]

They have been sometimes badly wounded; many of them had their heads cut; some of them even shot and otherwise disfigured—

What a fearful condition!

That is the condition that prevails, and the citizens of Westmoreland County know that condition and have known of it in a general way since the strike was inaugurated. We expect that a Federal investigation will put a stop to this. We expect to prove on investigation that men, in order to go to church on Sunday morning, were required to get a pass out from the officials of the coal company or the deputies.

Think of that. These men are not convicts, and yet they are not permitted to go out and worship God on Sunday unless the industrial boss gives them a written pass, and this in the gentleman's State of Pennsylvania.

Why, Mr. Speaker, the black slave in Alabama in the old slave days was treated a thousand times better than were these poor white industrial slaves in Pennsylvania under the reign of the Republican Party. [Applause on the Democratic side.] Men guarded in a camp, not permitted to get out, hounded by guards and deputies, lashed and shot and driven back; human beings held in the remorseless grasp of the most despotic industrial slavery in the world! [Applause.] And yet the gentleman [Mr. FOCHT] gets up and talks about a letter that some mysterious fellow, one Ben Phillips, has written. He did not give his name yesterday. If he did, I did not hear it. It was an anonymous letter then so far as this House knew. The letter speaks of punishing a convict in Alabama. Why, I suppose in all the convict camps in the United States they have some discipline; they have some means of punishment for wrongdoing and violated rules; but, as I said before, we have a statute against cruel treatment of convicts in my State.

Mr. Speaker, the condition recited here by this leader of organized labor in Pennsylvania, Mr. Feehan, could not exist in Alabama for one hour. [Applause on Democratic side.] The gentleman from Pennsylvania [Mr. FOCHT] says that in my speech yesterday I assaulted the North. Why did the gentleman make that statement? What was his purpose in making it? I have made no assault upon the North. Not one word can be found in that speech that can in any way be construed into an assault on the North. Some of my best friends in this House are northern men. I claim among my friends here some clever Republicans from the North. I have made no assault upon the North, and why did the gentleman from Pennsylvania do me the injustice to say that I had assaulted the North? I want to say to him, and those like him, the time for that kind of political buncombe is past. [Applause on the Democratic side.]

Mr. PALMER. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. HEFLIN. Yes.

Mr. PALMER. If the gentleman will permit me, I have no doubt that everything the gentleman says about industrial conditions in Pennsylvania is absolutely true; but, in justice to the fair name of our State, I want to call his attention to the fact that very recently Pennsylvania has seen the light, and both of the great political parties have driven out of power the leaders of the organizations in those parties that have been responsible for legislative conditions which have made these horrible things possible in the industrial centers of the State. [Applause on the Democratic side.] And as the promises of these new organizations in Pennsylvania will doubtless be carried out, we hope the future will be able to show conditions which will not justify any such criticism. [Applause.]

Mr. HEFLIN. Mr. Speaker, my good friend knows that I would have made no reference to these conditions had it not been for the attack on me and on my State by the gentleman from Pennsylvania [Mr. FOCHT]. I am glad the gentleman from Pennsylvania [Mr. PALMER] made the statement that he did.

Now, then, let me read a sentence from the letter which was read by the gentleman from Pennsylvania [Mr. FOCHT] yesterday. Listen:

If what I have written you is not what you want, kindly let me know just what you want and I can give you more details.

[Laughter.]

In other words, Mr. Speaker, if this picture of the weeping convict is not strong enough for political purposes drop me a note, and I will fix the next one to suit your purpose. [Laughter.]

Mr. Speaker, when wages have been reduced below a living wage and the laboring man can not get justice from his employer, what else can he do but use his power as an organization and strike? It is often his only remedy, and he has a right to exercise it. Many a time he has been wrong and many a time he has been right, and right is right as God is God. [Applause.] When they struck in Pennsylvania some time ago, what happened to them? They were cruelly treated. Some were beaten with clubs, some were shot, and some were murdered, and we are told that innocent women and children were murdered. Black policemen, it is said, with their clubs struck down women of the white race, American mothers, struck them down and murdered them in Pennsylvania during that strike. Did the gentleman from Pennsylvania [Mr. FOCHT] have this horrible condition in mind when he assaulted my State without foundation of fact [applause on the Democratic side] when he read the mysterious letter from one Ben Phillips, who promised to write any kind of letter if they would just let him know what kind of letter they wanted?

Mr. Speaker, I do not care to detain the House longer now. I regret the necessity that called forth these remarks from me. I made them in obedience to a sense of duty to my State, myself, and the truth of the matters involved.

Mr. Speaker, the issues of this campaign are going to be fought out before the American people, and they are not going to allow anyone to inject in immaterial issues or cause them to lose sight of the greatest of all evils, the high protective tariff system of the Republican Party. [Loud applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I desire to have the House understand that the gentleman from Pennsylvania [Mr. FOCHT] has not been present during the speech just delivered by the gentleman from Alabama [Mr. HEFLIN]. I do not know what the wishes of the gentleman from Pennsylvania may be in the matter, but I think that the House ought to know that the speech was made in his absence.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the Military Academy bill, as I shall be necessarily absent when that bill is considered.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend some remarks in the RECORD on the Military Academy bill (H. R. 24450). Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

CONTINGENT EXPENSES, HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent, pending the motion of the gentleman from Tennessee, that the Speaker lay before the House House joint resolution 319.

The SPEAKER. The gentleman from New York asks unanimous consent that, pending the motion of the gentleman from Tennessee, the House consider the resolution of which the Clerk will read the title.

The Clerk read as follows:

House joint resolution 319, making appropriations to supply deficiencies for contingent expenses of the House of Representatives for the fiscal year 1912, and for other purposes, with a Senate amendment.

The Senate amendment was read.

Mr. FITZGERALD. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

The title to the joint resolution was amended.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the Senate amendment was concurred in was laid on the table.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 24565), with Mr. HULL in the chair.

Mr. HENSLEY. Mr. Chairman, I ask unanimous consent to return to page 6 of the bill, line 7, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 6 of the bill for the purpose of offering an amendment. Is there objection?

Mr. CANNON. Mr. Chairman, let us see what it is.

The CHAIRMAN. Without objection, the amendment will be reported for information.

The Clerk read as follows:

Amend by adding, after the word "rank," in line 7, page 6, as follows: "*Provided further*, That the service of a midshipman at the United States Naval Academy or of a cadet at the United States Military Academy, who shall hereafter be appointed, shall not be counted in computing for any purpose the length of service of any officer of the Navy: *Provided further*, That so much of the act approved March 3, 1899, entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' as contained in section 13 of said act relating to five years' constructive service for officers and warrant officers entering the Navy from civil life, which reads as follows: 'That all officers, including warrant officers, who have been or may be appointed to the Navy from civil life shall, on the date of appointment, be credited for computing their pay with five years' service,' shall not apply to officers and warrant officers appointed to the Navy after the date of the passage of this act."

The CHAIRMAN. Is there objection?

Mr. BUTLER. I object. I know nothing at all about it, and therefore I object.

Mr. HENSLEY. Mr. Chairman, I will ask the gentleman to reserve his objection.

Mr. BUTLER. Mr. Chairman, I will reserve the objection, but I am going to object to going back to this paragraph. Here is a provision of law that I have never seen and know nothing about.

Mr. HENSLEY. Mr. Chairman, I ask for an opportunity to explain to the gentleman from Pennsylvania, and I think he will withdraw his objection. The present law provides that the time these young men are attending the Naval Academy at the expense of the Government of the United States shall be counted as service actually rendered, when the fact is that the period of time spent at the naval school is spent for the purpose of training the young men to render service afterwards when they do actually enter the Navy. As is well known, it costs the United States Government nearly $20,000 to give a young man four years' schooling at this academy. I submit to the gentleman that this four-year period is not service and should not be counted as such.

When the Army bill was before the committee the gentleman from Virginia, Mr. HAY, chairman of that committee, introduced, as an amendment coming from the committee, a similar amendment to the one I offer, and it passed the House. I see no reason why this four years' time should be counted as service, when it is not. Further, under the present law, as I understand it, when one enters the staff service from civil life he is, instanter, credited with five years' actual service, or five years' service, so to speak. This amendment eliminates that feature. I am told that this will effect a saving of something over $400,000 annually. It does not apply to those in the school to-day, but it applies to those who enter on and after the passage of this bill. That is the proposition.

Mr. KOPP. Mr. Chairman, will the gentleman yield?

Mr. HENSLEY. Yes.

Mr. KOPP. Has this matter been submitted to the Committee on Naval Affairs?

Mr. HENSLEY. Not to the committee, but it has been submitted to the members of the committee.

Mr. KOPP. Does the gentleman think that it is quite fair to the committee to ask that we pass on such an important matter as this is without the opportunity of any consideration by that committee?

Mr. HENSLEY. I will confess to the gentleman that the matter was not called to my attention in time to have it brought before the Committee on Naval Affairs, or I should have done so.

Mr. KOPP. I might add that it appeals to me as being a sensible amendment, yet it changes a law of long standing and is very far-reaching in its results. It does seem to me we ought to give it careful consideration and not adopt it on a few minutes' discussion in the House.

Mr. LEWIS. May I interrupt the gentleman——

Mr. HENSLEY. Let me answer just one thing. I would have gladly submitted this amendment, which I prepared only yesterday morning—though it was offered in another form on Saturday—to the gentleman from Wisconsin, but I had no opportunity to do so; but I did submit it to the chairman of the committee and, as I understand, he thinks it is right and is ready to support it now.

Mr. BOWMAN. Does not the gentleman think that amounts to a reduction in wages; that this change which he proposes amounts to a reduction in the wages of these cadets?

Mr. HENSLEY. No.

Mr. BOWMAN. If they are reduced in rank, it certainly will amount to a reduction in salary.

Mr. HENSLEY. But they are not reduced in rank.

Mr. BOWMAN. But they are placed at a disadvantage with those who preceded them.

Mr. HENSLEY. It only applies to the future.

Mr. BOWMAN. I think it places them at a disadvantage in relation to those who have gone before. In view of the fact that the cost of living has increased, does the gentleman think it right to reduce these wages when we are asking everybody else to advance them?

Mr. HENSLEY. This House did it in relation to the military bill, and it is identical with the amendment which was then agreed to in that bill. What I am asking is that the House have a chance to pass on it. I am only asking now to return to that section of the bill that makes this proper, and then let the House pass upon this proposition. If a majority of the Members of this House see fit to vote against this amendment, that is their privilege.

Mr. CANNON. Mr. Chairman, I will ask for three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, we have the second navy on earth. It is a necessary arm of defense. There is difficulty in securing sufficient officers, difficulty and more difficulty in securing sufficient seamen to man these great engines of war for our national defense. The law is now that a young man who goes to the Naval Academy commences his service. There is no

more strenuous discipline and service anywhere in the Navy than at the Naval Academy.

Mr. BURLESON. It is the hardest period in his whole career.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENSLEY. Mr. Chairman, I make the request that the gentleman may have two minutes more in order to answer a question.

The CHAIRMAN. The gentleman from Missouri asks that the gentleman from Illinois may have two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. HENSLEY. Does the gentleman from Illinois believe that if these institutions, the academies at West Point and Annapolis, were thrown open to the young men of the country who measure up to the standard physically, mentally, and morally, they would not be willing to pay their own expenses in receiving the necessary training to qualify them in entering the Government service?

Mr. CANNON. The gentleman asks a question. I reply that it is my experience that it is almost impossible to get competent boys to enter the Naval and Military Academies. There are better rewards outside. For two years from my district it has gone without representation at West Point because there was no one desiring to go. At last I think I have a young man who passes up in G who will go.

Now, I want to say these boys are subject to this discipline. These boys are liable to be called out of the academy into active service. They have been heretofore and may again. I am for protecting these boys. Oh, there is not a great many of them, and they do not vote, and the gentleman feels free to attack them, because there is nobody to defend them——

Mr. HENSLEY. Mr. Chairman——

Mr. CANNON. I am not speaking of the gentleman personally.

Mr. HENSLEY. I never have attacked these boys. Let me ask the gentleman one question.

Mr. CANNON. The gentleman can get a little time of his own. I am here to say that I stand by the Army and stand by the Navy, and I am ready to vote a marked increase in the pay of seamen and of the minor officers. I am ready to refuse my consent or vote to make two classes of men in the Navy. I wondered the gentleman said it was not called to his attention. We all know of the strife for promotion—length of service—that exists in the Army and Navy. I imagine that it exists because the human animal that is of any account in civilization, resting upon the unit, wants to climb and better his condition. I do not know what the far-reaching effect of this provision might be, but on the merits I am against it; and if the gentleman from Pennsylvania does not object, I will. If the law is to be amended, let it be done after consideration by the Naval Committee, reported to the House, and passed by the House after consideration. I do not approve of tying this legislation on this great appropriation bill as a rider.

Mr. BUTLER. The gentleman will object if he ever gets the chance.

The CHAIRMAN. Is there objection?

Mr. BUTLER. I object for two reasons—first, that I do not want to return; secondly, I know nothing whatever of the subject and was never talked to about it. I exercise the right I have, and I object.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed the following vessels:

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 63, after line 10, insert, as a separate paragraph:

"Two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class; to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armor and armament, not to exceed $6,000,000 each."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I presume the members of the committee will desire more or less discussion on this battleship provision. I would like to see if some arrangement for time can not be made with the chairman of the committee. I will state for the benefit of the chairman that, while he was absent from his seat, I think a cog has been slipped from the understanding of last evening, and the battleship provision is now before the committee. The suggestion I make is that some arrangement be made for discussion of the battleship provision.

Mr. PADGETT. I was called out for just a moment to meet a party who was talking to me about another bill. I supposed that the debate would proceed for a minute or two until I got back.

Mr. ROBERTS of Massachusetts. I understood from the chairman last evening the matters that had been passed over during the discussion of the bill would be taken up before we got on to the increase in the Navy, but the Clerk began reading the bill under "Increase of the Navy," and came to a point where the battleship amendment should be offered and I had no other course but to offer it. Now, if the chairman desires to go back and take up the matters that were passed over before we take up the increase, I ask unanimous consent that we return to that portion of the bill and that my amendment be held as pending.

Mr. PADGETT. I would be glad to do that and dispose of matters back of that with the exception of the question of the eight-hour amendment. I stated to the committee the other day when the amendments were offered that I did not think it was good legislation to inject all through the bill provisions with reference to the eight-hour law and that I was going to ask unanimous consent at the appropriate place under the provision for the increase in the Navy to incorporate the bill that was passed by this House by a large majority of both sides of the House at the present session and is now pending in the Senate reported by the committee without amendment.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I would ask unanimous consent that the motion just offered by me be considered as pending and that the chairman of the committee be permitted to go back to such portions of the bill as he wishes to have disposed of before we take up the increase in the Navy.

Mr. McCALL. Mr. Chairman, if my colleague will yield——

Mr. ROBERTS of Massachusetts. I yield for a question.

Mr. McCALL. The gentleman from Missouri [Mr. BARTHOLDT] is proposing to offer an amendment to the amendment of my colleague, and I simply wish to have his right saved.

Mr. ROBERTS of Massachusetts. There will be a long debate over the coal provision first——

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the amendment just offered by him be considered as pending and that the committee return to unconsidered portions of the bill and take them up for consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I want to say this in reference to the matter of the gentleman from Missouri [Mr. HENSLEY]. I said the other day when he offered the amendment that there should be some amendments to his amendment in order to put it in proper shape and that it should be withdrawn and that he should put it in shape, and I further said to him so far as I was concerned that I was perfectly willing that they should return and each have an opportunity to offer his amendment, which he did this morning. Of course I had no right to bind anybody except myself.

Now, the gentleman from Missouri [Mr. HENSLEY] desires that I should ask unanimous consent to return to the provision.

Mr. CANNON. Will the gentleman allow me? Has the gentleman prepared the amendment of which he speaks?

Mr. PADGETT. I am speaking of the one offered by the gentleman awhile ago.

Mr. CANNON. Has the gentleman prepared the amendment he thought ought to be made?

Mr. PADGETT. Yes; he has prepared the one he indicated to me that he wanted to prepare along those lines.

Mr. CANNON. It meets the gentleman's approval, does it?

Mr. PADGETT. Yes; personally I have no objection to it.

Mr. CANNON. The gentleman is chairman of the Committee on Naval Affairs?

Mr. PADGETT. Yes.

Mr. CANNON. This is legislation?

Mr. PADGETT. Yes.

Mr. CANNON. Does the gentleman have any fear that his committee would not report that bill for consideration?

Mr. PADGETT. I do not know what the feelings of the committee are. I have not talked with the members of the committee. I do not know the feeling of any member of the committee except the gentleman who offered the matter.

Mr. BUTLER. We had no hearing on it?

Mr. PADGETT. None whatever.

Mr. CANNON. My objection to it is twofold: First, on the merits; and, second, it ought to be considered and passed upon its merits as a separate act of legislation and not fastened on this great money bill.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I suggest that this matter might well be considered by the committee in connection with the personnel bill, on which we are now having hearings and to which it very properly relates.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. PADGETT. Yes.

Mr. HENSLEY. I want to say, Mr. Chairman, to the gentleman from Tennessee and all the members of the Committee on Naval Affairs that, as I understood the statement made by the chairman of the Committee on Naval Affairs, there would be no question about returning to this portion of this bill, so that I should be permitted to offer this amendment at this time. I had no idea but that the House would be given an opportunity to pass upon the merits of the amendment. Now, whether I misunderstood the gentleman from Tennessee or not I am unable to say, but I submit that to me it appears unfair to have the situation that is presented here at this time.

Mr. PADGETT. Mr. Chairman, there can be no misunderstanding whatever as to the position of myself in the House. It is of record, and it speaks for itself and is known of all who were here. The gentleman asked unanimous consent on the floor to return to this point and offer an amendment. Pending the question of unanimous consent, and before unanimous consent was granted, while the discussion was going on pro and con, I suggested to him that his amendment was not in proper form and should be amended to be in proper shape, and then the matter was withdrawn. I said to him that, so far as I was concerned, he should have an opportunity to ask to return to this place and offer his amendment. I have granted that opportunity this morning. He has returned. He has submitted his request, and it has been declined. I am not responsible for that in any way, and I did not mislead him, for I simply stated to him that he could have opportunity to return.

Mr. PAYNE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. If there is no further discussion the Clerk will report the first item passed over unfinished.

Mr. PADGETT. Let us return to the question of coal transportation, on page 26.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 7, after the word "dollars," insert:

"*Provided*, That no part of this appropriation shall be expended in time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of naval vessels or navy yards on the Pacific Ocean, except this limitation shall not apply to vessels crossing the Pacific Ocean or stationed in the Hawaiian Islands or in the Philippine Islands, or to navy yards situated in these islands."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. PADGETT. Mr. Chairman, I wanted to ask the gentleman from Washington, the author of the amendment, if we can not agree upon time for closing debate on this amendment.

Mr. HUMPHREY of Washington. I think so. What time would the gentleman suggest?

Mr. PADGETT. I suggest that 30 minutes will be ample.

Mr. HUMPHREY of Washington. Thirty minutes on a side?

Mr. PADGETT. No; all told.

Mr. HUMPHREY of Washington. We never have disposed of it heretofore in 30 minutes. On a question of this importance I do not think that is long enough.

Mr. PADGETT. It has been debated over and over again.

Mr. HUMPHREY of Washington. If the gentleman is willing to confess that my amendment ought to pass, I would be willing to limit the time.

Mr. PADGETT. I never would confess that if I had the reasoning faculties that I have now.

Mr. HUMPHREY of Washington. Which did not agree with the authorities before.

Mr. PADGETT. Then I will agree to 20 minutes to a side.

Mr. HUMPHREY of Washington. I think the gentleman ought to allow 30 minutes on a side, because this is one of the most important features in the bill. I would rather proceed under the five-minute rule.

Mr. PADGETT. The gentleman may control one-half the time or the Chair can control it.

Mr. HUMPHREY of Washington. Why not make it 30 minutes on a side?

Mr. PADGETT. That is too long a time.

Mr. SIMS. Members will get up and leave the Hall.

Mr. HUMPHREY of Washington. Why not proceed under the five-minute rule?

Mr. PADGETT. I wish to serve notice now that at the end of 40 minutes I shall move to close debate under the five-minute rule on this paragraph and all amendments to it.

SEVERAL MEMBERS. Do it now.

Mr. PADGETT. I move to close debate on this paragraph and the pending amendment, and all amendments, at the end of 40 minutes.

The CHAIRMAN. The Chair will state to the gentleman that a motion to close debate is not in order at this time.

Mr. PADGETT. That is true, as there has been no debate upon it.

Mr. HUMPHREY of Washington. Why does not the gentleman ask unanimous consent?

Mr. PADGETT. I ask unanimous consent that at the end of 40 minutes debate be closed upon this paragraph and all amendments, and that one half the time be controlled by the gentleman from Washington [Mr. HUMPHREY] and the other half by myself.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that all debate on the pending paragraph and amendments thereto be limited to 40 minutes, and that one half the time be controlled by himself and the other half by the gentleman from Washington [Mr. HUMPHREY]. Is there objection?

Mr. SHARP. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHARP. Does the gentleman mean to include in this 40 minutes any amendment that may be offered to the subsequent portion of the bill?

Mr. PADGETT. This is the only paragraph to which it applies. We have read all of the bill except this, down to the increase of the Navy.

Mr. SHARP. But this does not apply to the increase of the Navy.

Mr. PADGETT. It does not apply to it in any way.

The CHAIRMAN. The Chair hears no objection to the request, and it is so ordered.

Mr. HUMPHREY of Washington. Mr. Chairman, for the benefit of the members of the committee I think it might be well to give a brief history of this proposed amendment. Two years ago it was offered by me at the suggestion of the gentleman from Alabama [Mr. UNDERWOOD] and a vote was taken upon it after a limited discussion, and it was defeated in the committee by one vote.

A year ago I offered a similar amendment, and after debate it was agreed to in the Committee of the Whole by a 3 to 1 vote. It went over to the Senate, and at about 2 o'clock on the morning of the 4th of March the conferees came to me and said that if it was insisted upon it might defeat the entire naval appropriation bill. So, under those circumstances, as the one who had offered the amendment, I did not urge that it be retained.

One would think from these expressions of the sentiment of this House, gentlemen on that side of the aisle having voted almost unanimously in favor of it, some attention would have been given to it by the Navy Department, but such has not been the fact.

I have attempted, without any success whatever, to induce the Navy Department to make use of the coal upon the Pacific coast for some purposes.

Now, it costs to-day to take a ton of Pocahontas coal from the Atlantic to the Pacific Ocean between $6 and $6.50 a ton. The Pacific coast coal laid down at the Bremerton Navy Yard costs $4 a ton. In other words, the freight upon the Pocahontas coal costs from $2 to $2.50 more than the entire cost of the coal from the Pacific coast laid down at the navy yard.

The objection has been raised that the Pacific coast coal is not equal to the Pocahontas coal, and that is true to a limited extent, but it only varies from 6 per cent to 10 per cent, according to how it is used. But I call the attention of the committee to this fact, that it costs the Government from $1,000,000 to $2,000,000 a year additional to send this coal around to the Pacific coast, and that when war comes, if it ever does come, we will be compelled to use the Pacific coast coal, because we have no means of transporting Pocahontas coal rapidly, and when it is taken over there and stored it soon becomes of less value than the Pacific coast coal. So I ask this question of this House: If we are compelled, as we would be, to use Pacific coast coal in time of war, why should we continue, at an expense of one to two million dollars a year, to use this high-priced coal in time of peace?

Mr. GOOD. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GOOD. Has the gentleman presented this argument before the committee, and is there anything in the hearings on this proposition?

Mr. HUMPHREY of Washington. I did not, because the committee was familiar with it; it has been argued on the floor of this House, and it passed the House by a vote of 3 to 1 a year ago, and the committee was familiar with all the facts.

Mr. GOOD. Did any of the officers of the Navy appear before the committee?

Mr. HUMPHREY of Washington. They did not appear before the committee, so far as I know. We had a hearing in the Navy Department on January 24, 1912, in which this matter was thoroughly discussed—gone into fully.

Mr. GOOD. Then there is nothing in the hearings?

Mr. HUMPHREY of Washington. No; there is not in regard to this matter, so far as I know.

Now, Mr. Chairman, if the Navy Department would spend the same amount of money that it costs extra for Pocahontas coal for two or three years they could develop the coal fields of Alaska and get a better coal than the Pocahontas. I am not going to make the charge that there is any collusion between the Navy Department and the Pocahontas Coal Co., but such statements have been made by high authority, and insinuations have been made on the floor of the House that such is the case. I want to read a few words from a speech made by the gentleman from Alabama [Mr. UNDERWOOD] on this question when it was up a year ago. He said:

Mr. Chairman, I agree thoroughly with the proposition advanced by the gentleman from Washington. The closest corporation in this country is the combination between the Pocahontas coal people and the Navy Department, and it has been so for 20 years. I know that during the Spanish-American War, when Alabama coals that were perfectly good for steaming purposes were offered to the Navy Department for $3.25 a ton over the ship's rail at Mobile, only a night's sail from Tampa, the Navy Department bought Pocahontas coal and shipped it by rail to Tampa at an expense of $9.60, and that proposition has been kept up ever since.

Mr. UNDERWOOD, continuing, said:

There is no reason in time of peace why these Pacific coals could not be used for our Navy. They are absolutely as good steaming coals as the Pocahontas coal. They are the same class of coals as the Alabama grades of coal, and 20 years ago, when Mr. Herbert was Secretary of the Navy, he sent out the battleships *Montgomery* and *Mobile* to test the Alabama coals, and the only difference between them and the Pocahontas coal was not that they did not produce as much steam power or that they did not have as great a steaming radius per ton per mile as the Pocahontas coal, but that they produced a little more smoke and clogged the flues a little sooner, a few hours sooner in a 40-hour trial. Now, what have these men got to do but clean the flues?

Then he added these words of warning, that I want to call to the attention of gentlemen on that side of the aisle, on February 21, 1911:

This business of making the Navy Department a close corporation, bound in here between the Allegheny Mountains and the Potomac River, has got to stop, or you will raise a prejudice against the Navy in this country that will bring more injury to it than anything else you can do. You want to build all your battleships on the eastern coast line. You want to buy all your supplies on the eastern coast line. You want all the navy yards there. You do not want the people of the United States to have any share in this Navy except in a few States. You might as well make up your minds, if you want a big navy and a navy that will be popular with the people of the United States, you have got to stop this, and you had better stop it right now by voting for the amendment of the gentleman from Washington.

Mr. HOWARD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. HOWARD. Will the gentleman comment on this statement, found on page 314 of the hearings before the Naval Committee, in which Admiral Cowie says:

This question of coal supply on the Pacific has been one so vexing on account of its vital importance to our fleet for its maintenance in the Pacific that, with the opportunity confronting us whereby high-grade fuel could be obtained, the bureau believes that every possible effort should be made by the department to cause Congress to take advantage of this opportunity to solve this problem and provide for the safety of the country by making the necessary appropriation for mining and operating these fields, whose product alone will insure the safety of our fleets in the Pacific.

Will the gentleman state whether or not there is any foundation in fact for that statement?

Mr. HUMPHREY of Washington. I will answer it by saying that they have never made a fair test of the Pacific coast coal. They have been promising to make tests ever since I have been a Member of this House. I asked them to make the test and report here so that it could be used two years ago, but they failed to do it, and I also repeated that a year ago and they also failed. They are still making tests on the Pacific coast coal or promising to do it.

In the hearing that we had before the Navy Department last January they ended the hearing by promising to make a fair and full test of the coal of the Pacific coast, but they have never done so.

Now, I want to read one more statement from the gentleman from Alabama [Mr. HOBSON], who has more knowledge upon this subject than any man in this House. He says:

I wish to register here a complaint that the Navy Department is not encouraging the development of appliances so that it can use the other coals. When it found, for instance, that the coal in Alabama approximated to the needs of the Navy it would have been in the line of economy and the best interests of the Government to have undertaken to develop smoke-consuming devices and other devices, so that the department could then use Alabama coal.

The same applies to the Pacific coast coal, not only that mined on the mainland but that in Alaska, and the Navy Department has not shown great interest in developing additional sources of supply that would prove of great, if not vital, importance in time of war, and we are put to millions of dollars of expense, perhaps, unnecessarily.

So the whole question is, Are we going to pay one or two million dollars a year unnecessarily for Pocahontas coal and permit the Navy Department to make no effort whatever to learn the use of other coals that they will have to use in the time of war?

No gentleman on the floor of this House and no man representing the Navy Department can say that in case of war they will not be compelled to use these Pacific coast coals. Had they not better get accustomed to them in time of peace? Would it not be better for this Government, instead of spending this one or two million dollars extra each year, to compel the Navy Department to experiment with Pacific coast coals, become accustomed to their use, and have some mines developed out there that would be ready to furnish fuel to them in time of emergency?

I reserve the balance of my time.

Mr. PADGETT. Mr. Chairman, the essence of this whole matter is to prohibit the Government from getting the benefit of the open market and the best terms that can be had in the purchase of its coal, and the best coal, and to limit the Government to a restricted area. It is nothing more or less than a proposition to create a coal trust for the benefit of some coal miners in the State of Washington. We may just as well understand fully and frankly what it is. That is all that it is.

With reference to the question of tests, the Navy Department has repeatedly made tests. The Bureau of Mines of the Government, a different department, has made several tests, and every single one of these tests, without exception, has shown that the coal was not suited and was not fit for use in the vessels of the Navy. I have here memoranda of various tests that have been made by the departments of the Government. The department, through the Bureau of Steam Engineering, made tests of Washington State coals and various other coals—British Columbia coal, and coal from Colorado, Wyoming, Utah, and New Mexico—giving the names of the mines, et cetera.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KAHN. Is there any evidence of any test having been made of Alaska coal?

Mr. PADGETT. Alaska coal is not available. The Matanuska coal fields are 120 miles from a railroad, and the Naval Committee has had up at this session, not in a formal way, but we have been gathering evidence and having communications, and have submitted the matter to the Navy Department, the matter of Alaskan coal, and there is a reference on page 313 of the hearings to the Alaska coals, with a view of getting them. There are in Alaska, at Matanuska, fields of coal that are of sufficient grade and test, but that coal is not available. Two gentlemen who were interested in the development of those fields were to see me, and I said to them that we would gladly cooperate with them to secure the coal whenever they put a railroad to it. They intimated to me that they wanted the Government to guarantee their bonds. I said to them that I was not willing to advocate that proposition, but for the reservation of the lands and for making contracts and all of that I was willing to cooperate.

Mr. KAHN. I understand that there was a test made of Alaska coal, and that it showed that it had 1,000 British thermal units more than any other coal that is mined in this country.

Mr. PADGETT. No; it does not show that much. It is referred to in the hearings. I think it shows a total of something like fifteen thousand and odd.

Mr. KAHN. More thermal units?

Mr. PADGETT. Yes; here it is:

From the reports of analyses made from samples recently obtained by the Director Bureau of Mines, while in Alaska, from the Matanuska and Bering fields, it is shown that these coals are exceptionally low in ash and sulphur, and exceedingly high in heating value, the British thermal units in some cases running as high as 15,400 as received, while the best eastern coals average a little under 14,800 British thermal units.

Mr. KAHN. That is what I had reference to. Does not the gentleman think, in view of the fact that these coal fields in Alaska have not been developed, it would be a good thing on the part of the Government to open them up for the use of the Navy?

Mr. PADGETT. I have indicated that I was perfectly willing to do it and would be glad to cooperate, but I am not willing to forbid the Government getting the benefit of the best coal as long as these fields are 120 miles from a railroad.

Mr. CANNON. Mr. Chairman, does not the gentleman from Tennessee believe that it is well to pursue the policy that we have pursued, namely, that the Government should not guarantee the bonds or encourage the building of the roads, and should continue to make it impossible for private capital to develop those coal fields and get the transportation? Upon the whole, is it not better that we should do without the Alaska coal for this and perhaps many other generations, and keep it there stored, as it always has been, for the benefit of a remote posterity?

Mr. PADGETT. No; I am not willing to go that length. I am not willing to adopt that policy. Now, Mr. Chairman, in my time I am going to ask that the Clerk shall read this memoranda furnished by the Paymaster of the Navy, that is a complete answer to this proposition, and I ask the attention of the committee to the reading of that statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., May 27, 1912.

MEMORANDUM RE COAL, PACIFIC COAST.

NAVY YARD, MARE ISLAND, CAL.—COAL FOR YARD USE.

1. After a full investigation of western-coast coals available for use at the navy yard, Mare Island, it is found that only one company at San Francisco was able to furnish western-coast coal—Black Diamond coal from State of Washington, cost $6.75 per ton on barges alongside sea wall, Mare Island, and $6 per ton on Navy barges at company's bunker. Cost of eastern coal at yard, $8.19 per ton.

2. Efficiency reports of Pocahontas and western-coast coals prove that for the same work as would be obtained from one ton of Pocahontas coal the cost of Black Diamond coal (State of Washington coal) would be between $10 and $11, showing an increased cost of western-coast coals where used, or between $2 and $3 over the cost of Pocahontas coal.

3. The Navy Department issued orders during the latter part of 1911 for commandants at Mare Island and Puget Sound to use western-coast coals for yard and yard craft, provided same could be done at not greater cost than the use of eastern coals. From the reports from the navy yard, Puget Sound, on the use of western-coast coals for yard craft, it has been noted that coal used aboard tugs does not furnish sufficient steam, and does not give satisfaction. It requires constant use of jet, and when tugs are handling large ships it is almost impossible to hear signals from the bridge of the ship when jet is going. The coal does not give sufficient steam for tugs to handle large ships in safety. Coal gives 80 per cent ashes and fires have to be cleaned every hour. The coal used is one of the best State of Washington coals, and coal was washed to be cleared of impurities before being received. The boiler house of the U. S. S. *Philadelphia*, station ship, at Puget Sound, used about 10 tons a day of western coal, when an average of only 2.94 tons of eastern coal had been used heretofore. The present cost of eastern coal at Puget Sound is about $7.59, and the cost of western coal is between $3.66 and $4, which price is a low figure for western coal.

4. Naval officers who are responsible under the department for the efficiency of our ships have uniformly taken the ground that our ships of war should use only the highest grade of coal. In foreign ports only the best grade of Welch coal from the admiralty list are purchased, except in such of these ports where the best American coals can be had at satisfactory prices. In our own ports, Pocahontas, New River, and Georges Creek coals are procured. It has been found from experience that the best coal is cheaper as it contains a greater heating efficiency, and a still more important fact, that it is not as subject to spontaneous combustion, and therefore will stand storage in coal piles, and in bunkers of ships of war for a much longer period than inferior coals.

5. The main source of supply of coals for the Navy is at present obtained from the largest producers of the best grades of Pocahontas, New River, and Georges Creek coals. The purchase of coal for the Navy has been made a matter of deep and careful study, and the department now feels assured at all times of a sufficient supply of coal to meet any needs from the mines producing the highest grades of steaming coals in this country and at the lowest market rates.

6. The coal supply for the Navy in the Pacific has become a matter of great national importance. The department in its endeavor to provide for a satisfactory quality of coal for the Pacific has caused careful investigation to be made under the direction of the Bureau of Mines of all the principal coals in the western coast States, as well as in British Columbia. Nine of the best of these coals have been tested under the boilers of some of our largest vessels in the Pacific, and the results of these tests have shown that these coals do not possess the required characteristics for naval fuel, the following objections being most noticeable:

Excessive smoke.

Increased consumption of coal, making a corresponding reduction in the steaming radius of the fleet.

An increase in the number of colliers to supply coal.

Deteriorating effects on the boilers.

Increase of labor in handling coal and ashes in the fireroom.

BRITISH COLUMBIA COAL—PRICE AT SAN DIEGO, CAL.

7. During the summer of 1911, while the Pacific Fleet was at San Diego, Cal., there was somewhat of a shortage of coal for the fleet. An inquiry as to the available fuel suppliers at that port was made, and it was found that 2,000 tons of Nainaimo coal (British Columbia) could be purchased at $8.75 per ton. Roughly speaking, it takes 2 tons of Nainaimo coal to do the same work as 1 ton of Pocahontas—Pocahontas coal at that time costing on the Pacific coast, at Mare Island, about $8.50 per ton, including transportation. In other words, the department was called upon to pay $17.50 for $8.50 worth of work, not to mention ill effects of western coal on boilers, etc., and reduction of steaming radius.

8. The best British Columbia coal (Crows Nest Pass or Fernie) costs at Seattle, including duty (about 50 cents per ton), about $7.55 per long ton. This coal is less efficient than eastern coal and costs but a fraction less.

9. Shipments to Pacific coast, 1906–1911, inclusive, for past six years:

Number of tons of eastern coal shipped	676,000
Cost for transportation	$3,476,000
Cost for both the coal and transportation	$5,359,000

Issues of coal at Mare Island and Puget Sound (tons).

1907	38,419.00
1908	142,943.47
1909	95,228.39
1910	73 273.44
1911	89,484.48
Total tons issued during the past 5 years	439,348.78

Shipments to Pacific coast, fiscal year 1911.

Shipments.	Tons.	Cost of coal.	Transportation.	Average per ton.		
				Coal.	Transportation.	Coal and transportation.
Foreign	124,087	$327,347.10	$660,409.02	$2.64	$5.32	$7.96
American	34,756	93,841.20	223,514.59	2.70	6.43	9.13
Total	158,843	421,188.30	883,923.61	2.65	5.56	8.21

10. The department has made 7 tests of Washington State coals, 3 tests of British Columbia coal, and on June 4 a test of 900 tons of Primero coal, from the State of Colorado, will be started on the armored cruiser *Maryland*, this coal costing $9.50 per ton on lighters in San Francisco Harbor. The prices of Washington State coal in Seattle for test have ranged from $4.10 to $5.40 a ton; the cost of British Columbia coal at Vancouver has ranged from $5.80 to $5.85 per ton. None of the coals so far tested has been found economical or satisfactory for naval use. With the battleship fleet operating in the Pacific it is estimated that 500,000 tons of eastern coal will be required on that coast, and by the use of western coast coals so far tested the consumption would be 45 per cent more than Pocahontas coal, so it will be seen that the requirements of Washington State coal would be about 725,000 tons a year. The department is doing everything in its power to procure satisfactory west-coast coal, and will continue tests with that end in view.

T. J. COWIE.

Mr. PADGETT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. PADGETT. Mr. Chairman, I yield that to the gentleman from West Virginia [Mr. LITTLEPAGE].

Mr. LITTLEPAGE. Mr. Chairman, I regret exceedingly that I have not more time. I simply want to say to this House that there is the official statement you have heard read from one of the important bureaus of our Government, a Government which every patriotic man ought and does love. This statement shows that if we let the conditions alone as they are now everything is all right and all will be well. If this amendment is adopted, as the statement shows, it means that it will cost the Government 45 per cent more for the coal which this amendment seeks to force upon this Government than the present cost. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEPAGE. The amendment offered by the gentleman from Washington on the 21st day of February, 1911, when it seemed there were five Republican Congressmen here from West Virginia, not one of whom, according to the RECORD, opened his mouth in opposition to the same, and on this account it did pass this House by the great majority the gentleman mentioned, is found on page 3228 of the RECORD, and reads as follows:

Provided, That no part of this appropriation shall be used to transport coal from the Atlantic to the Pacific Ocean.

Had I then been a Member of this House, the amendment should not have passed without the same exposition then I have been endeavoring to make during the past two days of the amendment under consideration, which reads as follows:

Provided, That no part of this appropriation shall be expended in the time of peace for transporting coal from the Atlantic to the Pacific Oceans for the use of the naval vessels or the navy yards on the Pacific Ocean, except this limitation shall not apply to the vessels crossing the Pacific or stationed in the Hawaiian Islands or in the Philippine Islands or to navy yards situated on those islands.

The same amendment as of a year ago on a much larger scale and much greater importance to us all and to this Republic.

Mr. Chairman, I submit for the candid consideration of this House the following reliable information, as it comes to me from a thoroughly reliable source, and I impart it to my brother Congressmen in absolute good faith, and trust you will give it credence with the belief upon your part that I am faithfully endeavoring to treat this important matter with candor and with perfect fairness and frankness when I say this amendment is in the interest of the Pacific slope or the western coal combine:

MEMORANDUM RE COAL, PACIFIC COAST.

NAVY YARD, MARE ISLAND, CAL.—COAL FOR YARD USE.

1. After a full investigation of western coast coals available for use at the navy yard, Mare Island, it is found that only one company at San Francisco was able to furnish western coast coal—Black Diamond coal from State of Washington cost $6.75 per ton on barges alongside sea wall, Mare Island, and $6 per ton on Navy barges at company's bunker. Cost of eastern coal at yard, $8.19 per ton.

2. Efficiency reports of Pocahontas and western coast coals prove that for the same work as would be obtained from one ton of Poca-

hontas coal, the cost of Black Diamond coal (State of Washington coal) would be between $10 and $11, showing an increased cost if western coast coals were used, or between $2 and $3 over the cost of Pocahontas coal.

3. The Navy Department issued orders during the latter part of 1911 for commandants at Mare Island and Puget Sound to use western coast coals for yard and yard craft, provided same could be done at not greater cost than the use of eastern coals. From the reports from the navy yard, Puget Sound, on the use of western coast coals for yard craft it has been noted that coal used aboard tugs does not furnish sufficient steam and does not give satisfaction. It requires constant use of jet, and when tugs are handling large ships it is almost impossible to hear signals from the bridge of the ship when jet is going. The coal does not give sufficient steam for tugs to handle large ships in safety. Coal gives 80 per cent ashes, and fires have to be cleaned every hour. The coal used is one of the best State of Washington coals; and coal was washed to be cleared of impurities before being received. The boiler house of the U. S. S. *Philadelphia*, station ship at Puget Sound, used about 10 tons a day of western coal when an average of only 2.94 tons of eastern coal had been used heretofore. The present cost of eastern coal at Puget Sound is about $7.59, and the cost of western coal is between $3.66 and $4, which price is a low figure for western coal.

4. Naval officers who are responsible under the department for the efficiency of our ships have uniformly taken the ground that our ships of war should use only the highest grade of coal. In foreign ports only the best grade of Welch coal from the admiralty list are purchased, except in such of these ports where the best American coals can be had at satisfactory prices. In our own ports, Pocahontas, New River, and Georges Creek coals are procured. It has been found from experience that the best coal is cheaper, as it contains a greater heating efficiency, and a still more important fact that it is not as subject to spontaneous combustion, and therefore will stand storage in coal piles and in bunkers of ships of war for a much longer period than inferior coals.

5. The main source of supply of coals for the Navy is at present obtained from the largest producers of the best grades of Pocahontas, New River, and Georges Creek coals. The purchase of coal for the Navy has been made a matter of deep and careful study, and the department now feels assured at all times of a sufficient supply of coal to meet any needs from the mines producing the highest grades of steaming coals in this country and at the lowest market rates.

6. The coal supply for the Navy in the Pacific has become a matter of great national importance. The department, in its endeavor to provide for a satisfactory quality of coal for the Pacific, has caused careful investigation to be made, under the direction of the Bureau of Mines, of all the principal coals in the western coast States, as well as in British Columbia. Nine of the best of these coals has been tested under the boilers of some of our largest vessels in the Pacific, and the results of these tests have shown that these coals do not possess the required characteristics for naval fuel, the following objections being most noticeable:

Excessive smoke.
Increased consumption of coal (making a corresponding reduction in the steaming radius of the fleet).
An increase in the number of colliers to supply coal.
Deteriorating effects on the boilers.
Increase of labor in handling coal and ashes in the fireroom.

BRITISH COLUMBIA COAL—PRICE AT SAN DIEGO, CAL.

7. During the summer of 1911, while the Pacific Fleet was at San Diego, Cal., there was somewhat of a shortage of coal for the fleet. An inquiry as to the available fuel suppliers at that port was made, and it was found that 2,000 tons of Nainaimo coal (British Columbia) could be purchased at $8.75 per ton. Roughly speaking, it takes two tons of Nainaimo coal to do the same work as one ton of Pocahontas—Pocahontas coal at that time costing, on the Pacific coast at Mare Island, about $8.50 a ton, including transportation. In other words, the department was called upon to pay $17.50 for $8.50 worth of work, not to mention ill effects of western coal on boilers, etc., and the reduction of steaming radius.

8. The best British Columbia coal (Crow's Nest Pass or Fernie) costs at Seattle, including duty—about 50 cents per ton—about $7.55 per long ton. This coal is less efficient than eastern coal and costs but a fraction less.

9. Shipments to Pacific coast, 1906–1911 inclusive, for past six years:

Number of tons of eastern coal shipped	676,000
Cost for transportation	$3,476,000
Cost for both the coal and transportation	$5,359,000

Issues of coal at Mare Island and Puget Sound (tons).

1907	38,419.00
1908	142,943.47
1909	95,228.39
1910	73,273.44
1911	89,484.48
Total issued during the past five years	439,348.78

Shipments to Pacific coast, fiscal year 1911.

Shipments.	Tons.	Cost of coal.	Transportation.	Average per ton.		
				Coal.	Transportation.	Coal and transportation.
Foreign	124,087	$327,347.10	$660,409.02	$2.64	$5.28	$7.92
American	34,756	93,841.30	223,514.59	2.70	6.43	9.13
Total	158,843	421,188.30	883,923.61	2.65	5.56	8.21

10. The department has made seven tests of Washington State coals, three tests of British Columbia coal, and on June 4 a test of 900 tons of Primero coal from the State of Colorado will be started on the armored cruiser Maryland—this coal costing $9.50 per ton on lighters, in San Francisco harbor. The prices of Washington State coal in Seattle for test have ranged from $4.10 to $5.40 a ton; the cost of British Columbia coal at Vancouver has ranged from $5.80 to $5.85 per ton. None of the coals so far tested have been found economical or satisfactory for naval use. With the battleship fleet operating in the Pacific, it is estimated that 500,000 tons of eastern coal will be required on that coast, and by the use of western coast coal so far tested the consumption would be 45 per cent more than Pocahontas coal, so it will be seen that the requirements of Washington State coal would be about 725,000 tons a year.

Now, let me say to you in addition to the foregoing that a saving of 45 per cent in the cost of coaling the ships, and especially with the best steam coal on earth, is a matter of vital importance to the Treasury Department of the Government, much less of vital importance to the Government in having the best coal to be procured on the continent; and I have no hesitancy in saying to the American people, through this Congress, that in West Virginia is to be found the finest coking and steam coal there is to be found anywhere on this earth. We are very proud of our natural wealth in West Virginia; we are very proud of our coal miners who mine the coal; we are very proud of our operators who have invested their life's savings in the development of our coal mines; who have come with their families away from the cities and builded their homes, in many instances, in the woodland, near their mines, where they can be with their property day and night, in order to facilitate in every way possible the supply of their products to the markets of the country.

I want to give you here an analysis of the New River smokeless coal, some of which the Navy Department of the Government is using. My distinguished friend Mr. HUMPHREY, from the great State of Washington, has made a great fight upon the floor of this House to protect and promote the material interests of those engaged in the mining of coal beyond the Rockies and along the Pacific slope. He has quoted from a speech made by Mr. UNDERWOOD, a very distinguished Member of this House and one of the most lovable characters in American politics, which speech was made some time ago—before I came here—and in which, he says, Mr. UNDERWOOD intimated that there was a combination and conspiracy between the Navy Department and the Pocahontas coal operators. Mr. UNDERWOOD will not say this now.

While my district in West Virginia does not include the Pocahontas region, which is a very wealthy part of my sister State, Virginia, I know the majority of the men engaged in the coal industry there, and there is no better class of men on this continent than the men engaged in the coal business in the Pocahontas region. They went into that rugged wilderness country, bought the land, built railroads, constructed houses, built tipples, opened up coal mines, and spent vast fortunes of money in getting in position to realize something upon their heavy investments. They are solvent, reliable, patriotic, and they are just as honest as the day is long, and God Almighty has never created better people than those dwelling within the Commonwealth of West Virginia; and I here resent any improper imputations sought now or heretofore by any man in or out of this Congress to impugn bad motives upon the part of these splendid men.

Very many of them do not agree with me in politics, but they are among the people of my State, and I am proud to be in position here to proclaim in this magnificent presence that they are of our best people.

This is my Government and my people's Government, and for any man to intimate there has been improper dealings between the Navy Department of this Government at any time and the men engaged in the coal industry in the Pocahontas region, or anywhere within the confines of West Virginia, I say again, I am here to resent it and proclaim to the world that there is no foundation in fact that will justify any such insinuation coming from any man. My people have the coal; they bought the land and own it; they have it for sale; their production is in the market. I am proud of them and proud of the coal we have in my State—apparently an inexhaustible amount of coal, oil, and gas—and if you people want to get rich and receive better treatment than you have ever received anywhere on this earth, come with your money into the hills of West Virginia, make your investments, take care of them as our people have, grow up with our State, and take pride in our State's institutions, and you will all lay by a competency for old age. We have churches, Sunday schools, schoolhouses, courthouses, and, above all, our people are the most generous and hospitable anywhere to be found on the American Continent. Climatic conditions are of the very best, and it is a fruitful field for investors to visit. We have no use for stragglers. When people come among us we want them to know that so long as they are law-abiding, liberty loving, and respect the rights of others, look after and take care of their own rights, we invite them to dwell with us.

Now, in this connection I submit for your consideration an analysis of the New River smokeless coal, to be found in my district, in a region of country traversed by the Chesapeake & Ohio Railroad, one of the very best railroad companies doing

business in the United States, and which analysis was finally completed on June 3, 1910:

Moisture	1.18
Fixed carbon	71.80
Volatile	22.54
Ash	4.48
	100.00
Sulphur	.89
B. T. U.	15,040
B. T. U. (dry basis)	15,220

Is it any wonder that the Government of the United States, and especially the Navy Department, is exceedingly anxious to have such coal? It does not leave clinkers in the furnaces, nor does it leave cinders; and while I do not desire to embarrass my friend from the State of Washington, nor would I say anything derogatory of the coal mined on the Pacific slope, but from what I understand from the analysis of that coal in history and the history thereof, and from what information I can get, I understand that it will produce heat and leaves the furnaces practically full of cinders and clinkers, requiring most of the time of the firemen to pull them out, and such a coal will burn out furnaces quicker than any other coal produced. There is much difference between cinders and clinkers and a soft white ash. The coal the Government is using from West Virginia, as it burns out leaves no clinkers, no cinders, and nothing but white ashes or dust.

This amendment ought to be defeated, and it will be defeated, because there are so many men in this Congress, every one of whom is an intelligent man, and I believe every one of whom is honestly inclined, a great majority of whom are men of affairs, business experience, and therefore broad minded; and they know that if it requires practically 2 tons of the western or Pacific slope coal to produce as much steam as 1 ton of the West Virginia coal will produce, and if there is from one to three dollars difference in the price of the coal per ton, every one of you men know that it is a money-saving proposition to this Government to continue the use of the West Virginia coal. The Secretary of the Navy wants it done, and insists that it shall be done. He does not want to cripple the Navy; he wants to get along as cheaply as he can and make the best record he can—that is, a record of economy—and when the information comes from that office that to continue the use of the West Virginia coal means a saving of, in round numbers, 45 per cent in the cost of the coal to the Government, I say to you that the patriotism of the men of this House, the moral desire to do right is such that this amendment can never pass this House.

I do from the bottom of my heart thank my Democratic friends all over the East of this country and from the Southland and those of you who reside in the Middle West for the very great interest you have taken in this matter. Let the vote come; let men show their colors; and when the final count is had this desperate amendment will be defeated.

I have no word of complaint against my brother Congressman from the State of Washington for waging the fight he has, as he is necessarily anxious to do what he can for the people of his western clime. And while it is true, as stated by him, this amendment has heretofore passed this Congress, I am here to-day to tell you that it has never been resisted until this contest began, nor have the facts relative to this important matter been placed before the American Congress until within the last few days.

If I have been instrumental in doing the Government a service in this matter, if I have been instrumental in saving the Government a vast amount of money, if I have been instrumental in properly presenting the cause of the business men of my State, defending the rights of the operators, and protecting the interests of the miners of my State, I am content and proud of the opportunity to do so. Let justice be done, it matters not where the chips fall. Let us look at this matter from a thoroughly business standpoint, from the standpoint of dollars and cents, and if you do I am sure the Government will not be harassed by the incorporation of this unmeritorious, if not deceptive, amendment to this important naval bill.

I have been carefully watching this amendment from the moment it was first introduced, nor have I lost a minute's time from this House while in session, as I was anxious in the discussion of this amendment to do this House a service and let the country know that the West Virginia coal operators are giving value received for every single penny they are receiving from the Government of the United States for their coal.

My friend from Washington has intimated that the Government is paying to my people $6.50 a ton for the coal delivered along the coast of the Pacific slope. Nearly all of this money is absorbed by railroad companies and steamship companies which have to haul and float the coal to the market. They give employment to hundreds of railroad men and seamen. The fact is, our operators are making very little profit on their coal. I wish they could make $6.50 a ton profit and that it was economical upon the part of the Government to pay that price.

My friend has also intimated that 2,000,000 tons of the eastern coal per annum was being shipped to the Pacific slope. So far as I am individually concerned, I hope it all comes from West Virginia, as that would mean a trade to my people of at least $12,000,000. I hope he is right in his assumption, and I wish it was $112,000,000 that the coal operators in West Virginia were getting annually for their coal, and that the consumers of the coal could make use of it, as that would give employment to hundreds and thousands of idle men and give them fair prices for their labor and good conditions under which to labor.

I love to see and deal with broadgauged men. Let us demonstrate to the American people that we are broadgauged, capable of ignoring little things in life in order to accomplish the more important matters.

Mr. Chairman, let the vote come; we are ready. This Congress is ready, and as Representatives of the American people, they are for one time, at least, in dealing with this important subject, conscientiously prepared to act. Their verdict will be the verdict of the people; their judgment will be the judgment of the American people, and when it has been explained and they have acted, all will be well with my people.

Mr. HUMPHREY of Washington. Mr. Chairman, I yield four minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I hope the amendment offered by the gentleman from Washington will be adopted. There is, in my opinion, no question but what it is in the interest of economy. There is no question but what in time of peace, and the provision applies only to times of peace, our Navy will be supplied with a fuel in every way as satisfactory as it is supplied by shipping the Pocahontas and other Chesapeake coals around the Horn. I have another reason for favoring this amendment. In my opinion, if the Navy had been using Pacific coast coals for the last three or four years we would have found much less difficulty in settling the question of opening the Alaskan coal fields. In my mind there is no question at all but what certain influences emanating from localities where the Chesapeake coals are mined and controlled have made it more difficult to arrive at a satisfactory solution of the Alaskan coal situation. So long as the Navy uses Chesapeake coals, so long as those industries and the carrying industries which carry the coal are interested in preventing the development of the Alaskan coal fields, so long it will be more difficult than it would be otherwise to open those fields to development; and if the Navy is compelled to use Pacific coast coals, we will have an added influence in favor of a reasonable development on the Pacific coast. There are coals on the Pacific coast that are just as satisfactory in every way for naval use as the Chesapeake coals, except that perhaps they do not contain quite as many steam units in the same space, but that is a matter of entire indifference except under the stress of war.

Mr. PADGETT. Will the gentleman yield?

Mr. MONDELL. In just a moment. Under the stress of war it is absolutely essential that we shall have the greatest number of steam units in a given cargo space, but that is a matter of entire indifference in times of peace. The land service and the tender service do not need the most intensely condensed fuel in the world for efficient use——

Mr. PADGETT. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. PADGETT. The statement I have here shows from official tests made that the western coals cost $17 and for the same heat in eastern coals it costs $8.50, and there is a difference of not less than 45 per cent.

Mr. MONDELL. The gentleman has figures which, in the opinion of certain people, prove that.

Mr. PADGETT. No; that is the official test made by the Bureau of Mines.

Mr. MONDELL. I have investigated this question of steaming coals, I know something about it myself, and I do know——

Mr. BUTLER. Will the gentleman yield?

Mr. MONDELL (continuing). That there have been many tests which show that there are Pacific-coast coals that have very nearly the same steaming efficiency as the Pocahontas coals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. And I am of the opinion that the amendment is in the interest of economy.

Mr. HUMPHREY of Washington. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. HUMPHREY of Washington. Mr. Chairman, I think that if there is any place connected with the Government service

where they ought to put the soft pedal on monopoly it is in the case of the Pocahontas coal proposition and the Navy. They practically limit their purchase to that one company.

Mr. BUTLER. Will the gentleman yield?

Mr. HUMPHREY of Washington. No; I will not yield. Of all the millions of tons of coal that they have sent to the Pacific Ocean, it all comes from the Pocahontas mine, so far as I know.

Mr. PADGETT. No; there are three of them.

Mr. BUTLER. Four companies.

Mr. HUMPHREY of Washington. Four companies.

Mr. BUTLER. There are four companies—the Pennsylvania, the Georges Creek, the New River, and Pocahontas.

Mr. HUMPHREY of Washington. They never get any coal except right up here in our little part of the country. So far as monopolies are concerned, there are more than six different mines in the State of Washington that I know; there are several mines in British Columbia and one mine down in Oregon. Nobody wants to limit this coal to any particular State or mine. Now, to show you how unfair the gentleman's statement is, that the Pocahontas coal is 45 per cent better—and I have here a copy of the hearings before the Navy Department—that was only when they were running under forced draft; the Bureau of Mines says there is only 6 to 8 per cent difference in efficiency in the Washington coal and the Pocahontas.

Mr. PADGETT. Will the gentleman let me ask him a question?

Mr. HUMPHREY of Washington. I will not, because the gentleman insisted on limiting the time. It makes a difference, because the Navy does not know how to use western coal and does not want to learn. And in that particular test to which the gentleman [Mr. PADGETT] refers, let me show you the unfairness of the proposition. They refused to take freshly mined coal, although those interested offered to furnish it to them without cost. I have here a copy of the hearings in which the man who represented the coal company, Mr. Huston, made the charge, in talking to the Secretary of the Navy, that the tests had not been fair, and he admitted it and said they would give him a further test.

Now, to show you the unfairness of that long recital that was just read, they ended up by saying it would take 725,000 tons of western coal per year. For what? For the entire fleet, not for the vessels that are on the Pacific Ocean. I want to say to this committee now that there is but one vessel out on the Pacific coast, except in the reserve fleet, and that is a third-class cruiser, and the reserve fleet has only a lot of old, secondhand, dilapidated, antiquated vessels, and the Navy Department wants you to think that they ought to have high-priced coal to run them at a high rate of speed up and down that coast in time of peace.

The truth about it is it is only a question of convenience, that is all, whether or not you are going to have a little more smoke and a little more coal. I want to ask again: Are you going to pay one or two million dollars a year in order that these men who are out on the Pacific coast, in time of peace, may have a coal that makes a little too much smoke? That is the whole question.

Now, this coal is good enough for the great merchant vessels that run on the Pacific. It is used by the Pacific Mail, which has among the finest vessels in the world, and it is used by the great Hill vessel, and it is used by the Revenue Cutter Service. It is used by the merchant vessels which run from that country to Europe—foreign vessels—it is good enough for everyone, in fact, except the Navy. But the Navy wants you to buy this high-priced coal, and pay from one to two million dollars a year extra for it, to be used on vessels that stay on Puget Sound or run up and down the coast to San Francisco. What is the use of running vessels in time of peace at a high rate of speed? The Navy experts even say the difference is not over 10 per cent in ordinary speed. As the gentleman from Alabama [Mr. HOBSON] says, when you compel them to use this coal, they will learn how to get rid of the smoke. And let me again call your attention to this fact: That when we had that hearing at the department, Mr. Huston, representing one of the coal companies, said to the Secretary of the Navy, "In time of war you would be compelled to use Pacific coal. Do you not think you had better get accustomed to it in time of peace?" The Secretary of the Navy admitted that this was the most serious question.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HUMPHREY of Washington. Division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 71.

So the amendment was rejected.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 26, line 7, by adding at the end of the line the following proviso:

"*Provided*, That the coal purchased by the Government shall be mined by labor that is employed not exceeding eight hours a day."

Mr. LITTLEPAGE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Debate is not in order at this time.

Mr. PADGETT. I would like to have the amendment read again.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to return to page 6 for the purpose of offering a proviso by way of amendment; a proviso to the amendment which was adopted last Saturday, I believe.

Mr. ROBERTS of Massachusetts. What page?

Mr. PADGETT. Page 6.

Mr. ROBERTS of Massachusetts. Reserving the right to object, Mr. Chairman, I would like to inquire as to the purport of the amendment.

Mr. PADGETT. I will state that the amendment that was adopted the other day repealed the provision passed in 1910, relative to bureau officers, and I have this amendment:

Provided, That no officer who has received his commission under the provision of said act shall be deprived of said commission or the rank, title, or emoluments thereof by virtue of this repeal.

That is the usual clause that is inserted to save the repealing clause.

Mr. FITZGERALD. Mr. Chairman, I ask that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment for information, without objection.

There was no objection.

The Clerk read as follows:

Add, at the end of the amendment, the following proviso:

"*Provided*, That no officer who has received his commission under the provisions of said act shall be deprived of said commission or the rank, title, or emoluments thereof by virtue of this repeal."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HENSLEY. Mr. Chairman, while we are on that page, I offer an amendment.

The CHAIRMAN. The Chair will state that the gentleman's motion would require unanimous consent.

Mr. HENSLEY. We are on that page now.

The CHAIRMAN. Unanimous consent was given only to return to this page for the purpose of offering the amendment which was offered by the gentleman from Tennessee.

Mr. PADGETT. Mr. Chairman, I will ask unanimous consent to return to that page in order that the gentleman may offer the amendment.

Mr. BUTLER. Is that the same amendment?

Mr. PADGETT. Yes.

Mr. BUTLER. I object.

The CHAIRMAN. Objection is made. The Clerk will report the next unfinished amendment.

Mr. PADGETT. Mr. Chairman, this disposes of all the matters that were passed over for consideration except the amendments relative to the eight-hour provisions. I am going to ask that they remain in abeyance until we take up the question of the eight-hour provisions under the "Increase of the Navy."

Mr. ROBERTS of Massachusetts. I want to suggest to the Chairman that perhaps he is in error in saying that we have disposed of all the amendments. If I am not mistaken, my colleague, Mr. MURRAY, from Boston, has an amendment which was passed over.

Mr. PADGETT. That is included.

Mr. ROBERTS of Massachusetts. That is not an eight-hour provision.

Mr. PADGETT. That is connected with the labor question.

Mr. ROBERTS of Massachusetts. I do not want to imperil my colleague's rights.

Mr. PADGETT. Oh, no. Then suppose we return to page 59, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment pending.

Mr. MURRAY. Mr. Chairman——

Mr. PADGETT. Let me ask the gentleman from Massachusetts, was not the gentleman's amendment offered on page 59?

The CHAIRMAN. On page 45, as the Chair is informed.

Mr. MURRAY. I think it was on page 45, at the end of that portion of the bill in regard to the Bureau of Construction and Repair, at line 5, page 45.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 45, line 5, by striking out the period and inserting the following:

"*Provided*, That no part of any money appropriated in this act shall be used for construction or repair of vessels at navy yards or naval stations in the United States by enlisted men of the Navy."

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to substitute for the pending amendment an amendment which is to the same effect but which is phrased in language that is more satisfactory to the men who are affected in the navy yards by the provision.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MURRAY] asks unanimous consent to substitute for his amendment the following.

Mr. PADGETT. Let the Clerk report the amendment.

The Clerk read as follows:

On page 45, line 5, after the word "dollars," insert the following: "*Provided*, That no part of the appropriations authorized by this act shall be expended for the pay of enlisted men or seamen, not including officers, while doing repair work belonging to any recognized trade on battleships or other vessels of the Navy when such battleships or vessels are docked or laid up at any navy yard for repairs. This provision shall not apply to such ordinary duties as are engaged in by the crew while at sea, except the dismantling and assembling of armament for the purpose of repairs."

Mr. PADGETT. Mr. Chairman, I reserve the objection and also the point of order. It is clearly subject to a point of order, because it is not limited to this paragraph, but it says "this act."

Mr. MURRAY. I will withdraw it and offer it at a later place. As it relates to the same subject matter, however, I thought we might save time by offering it here.

Mr. ROBERTS of Massachusetts. Mr. Chairman, inasmuch as the matter ought to come before the committee for settlement, I suggest that my colleague Mr. MURRAY be allowed to offer his amendment as a new paragraph, on page 63, line 6, just before the increase of the Navy.

Mr. MURRAY. I had in mind to offer it at page 65, line 6.

Mr. PADGETT. Then the gentleman will not have to ask unanimous consent for that.

Mr. MURRAY. I wanted to offer it now, so that we might clean up the whole matter.

Mr. PADGETT. We will take it up when we reach it.

Mr. MURRAY. Very well, then I withdraw the amendment at this time.

Mr. PADGETT. Now, we reach the question of the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS] relative to the battleships.

Mr. BARTHOLDT. I should like to offer an amendment to the amendment offered by the gentleman from Massachusetts.

Mr. MURRAY. Do I understand that the gentleman from Missouri has an amendment to my amendment or to the amendment of my colleague Mr. ROBERTS?

The CHAIRMAN. He offers his amendment to the amendment of the gentleman's colleague Mr. ROBERTS. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "two first-class battleships," and the word "each" wherever it occurs, and insert in lieu thereof the words "one first-class battleship."

Mr. PADGETT. Before we get to that, let me ask the gentleman [Mr. MURRAY] what became of the amendment he offered, for which he asked to substitute this other one, and then stated that he would bring it up on page 65. Do I understand that the gentleman withdraws the amendment on page 45 for the purpose of introducing the other one at page 65?

Mr. MURRAY. No, Mr. Chairman, I desire to have my rights on the original amendment that I offered on page 45.

Mr. PADGETT. Then we had better dispose of that.

Mr. ROBERTS of Massachusetts. May I ask my colleague if he intends to offer both amendments?

Mr. MURRAY. Yes; I want this one to this paragraph as to the Bureau of Construction and Repair. I would rather have this other one that I have in my hand, but I do not want to lose my opportunity to insist on both of them.

Mr. PADGETT. We have to come back anyway, so suppose we wait until we get to page 65.

Mr. ROBERTS of Massachusetts. As I understand, if the later amendment of my colleague is adopted, his first amendment will not be necessary, and will not be pressed.

Mr. MURRAY. That is it. That is why I wanted first consideration of this subsequent one; but that was objected to.

Mr. PADGETT. We will consider it when we reach page 65.

Mr. MURRAY. I suppose we might reach an agreement——

Mr. PADGETT. It can be offered then. I do not want to make any agreement now, because it may be subject to a point of order.

Mr. MURRAY. I do not believe it is.

Mr. PADGETT. I will ask the gentleman from Massachusetts [Mr. ROBERTS] if we can arrive at an agreement, as to the debate on the paragraph and all amendments thereto.

Mr. ROBERTS of Massachusetts. I think so, Mr. Chairman. I do not know how many Members who favor battleships desire to speak at this time. I assume there will be several of them. Personally I do not propose to take much time, perhaps not over five minutes. What does the gentleman from Tennessee suggest as a reasonable time for this debate?

Mr. BARTHOLDT. I suggest an equal division of time between those who desire one and two battleships, and no battleship.

Mr. PADGETT. I do not know about that.

Mr. BARTLETT. Mr. Chairman, it is not very clear what amendment is being referred to here. Is it the battleship proposition?

Mr. PADGETT. The battleship proposition.

Mr. BARTLETT. We have had a game of battledore and shuttlecock, and I wanted to find out what was pending.

Mr. PADGETT. It occurs to me that under the existing conditions an hour's debate on this question will be ample, 30 minutes on a side. I will yield to the gentleman from Missouri [Mr. BARTHOLDT] some of my time.

Mr. ROBERTS of Massachusetts. I would suggest 40 minutes on a side, in view of the magnitude of the proposition.

Mr. BARTHOLDT. Can not the gentleman make it 30 minutes for each proposition?

Mr. PADGETT. Then those against all battleships would claim half of the time, because the one battleship is a battleship proposition. The one-ship men can get recognition with the two-ship men. I think one hour's debate will satisfy everyone.

Mr. CANNON. Of course, the bill will be read. This is general debate, I take it, that the gentleman is fixing the time for?

Mr. PADGETT. No; this is under the five-minute rule, and at the end of the hour debate will be closed.

The CHAIRMAN. The gentleman has the power to move to close debate under the five-minute rule at any time, and, after all, that is the most valuable debate. If the gentlemen desire more than five minutes, I have no objection to the hour being divided as the gentleman suggests, but this is a large committee and it is a short paragraph. The gentleman from Tennessee, on the reading of the paragraph, can close debate at any time under the five-minute rule, if the majority desire.

Mr. PADGETT. I will state that the gentleman from Massachusetts [Mr. ROBERTS] and myself discussed the matter, and after looking over the field it occurred to us that with the information we had before us an hour would be sufficient time.

Mr. CANNON. I do not know that I shall want any time, and still I might want five minutes, and I apprehend that that is the case with many gentlemen on this side.

Mr. PADGETT. Mr. Chairman, I will state that we will proceed under the five-minute rule for the present, but gentlemen may expect that after about an hour there will be a motion to close debate if it is not arranged otherwise.

Mr. ROBERTS of Massachusetts. Mr. Chairman, this is the first time since the second session of the Fifty-ninth Congress when the Naval Committee has reported a bill that did not carry battleships. During all that time the Naval Committee has consistently reported two battleships for each session of Congress, and each session of Congress has enacted into law a provision for two battleships. Now, however, we have before us a naval program that omits battleships entirely.

The program heretofore has not been one of increase of battleships of the American Navy; it has been a program to keep an effective fighting force of the size we then had. The additions of each year have not been for the purpose of building up an enormous Navy, but they have been made for the purpose of placing in commission effective fighting vessels to take the place of those becoming obsolete by reason of age or by reason of the rapid strides in naval architecture and the development of fighting vessels.

The effect of the program which has been carried on thus far has been to place the United States to-day second among the list of naval powers of the world, second in the amount of tonnage already constructed.

And while the United States has been carrying on this moderate and sensible program, some of the other nations of the earth have been carrying on a larger program, a more elaborate construction of ships, so that, when the ships already author-

ized by the United States are constructed and the ships that are authorized by other nations are constructed, the United States will drop to third place among the naval powers of the world.

But if at this session the Congress stops the program of building battleships, it immediately drops the United States not merely from second to third, but down into the fifth position among the naval powers of the world. Is that something the people of this country want to see done? The letters, petitions, and memorials that are being received by scores by Members of this body, and by the Committee on Naval Affairs, lead me to believe that the American people do not look upon such a policy with any degree of approval. If there is any one institution in this country of which the American people are proud it is their Navy; and they want to see it maintained on its present plane of efficiency. [Applause.]

And I say to our Democratic friends on the other side that if they imagine they are making a popular move by stopping this increase of our Navy and preventing the building of battleships to take the place of those that are becoming obsolete, they are making the greatest of mistakes, as they will learn later. The Navy of the United States appeals to the patriotism of the people.

There is no institution in this country more popular among the people than the Navy; and they want to see that Navy maintained as an efficient fighting unit.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MURRAY. Mr. Chairman, I am in favor of the amendment offered by my colleague from Massachusetts, Mr. ROBERTS. In spite of the action of the Democratic caucus on a recent occasion, I rise at this time as much a Democrat as any man in this Chamber to support that amendment. I said in that caucus that I believe the Democratic Party would make a grave and serious mistake if they adjourned this Congress without carrying out the pledge of the Denver platform—to enact such laws as would give the United States an adequate Navy.

I tried to point out to my colleagues in that caucus that with a Nation which has to-day the annual wealth of more than $125,000,000,000, a restricted naval program that provided for no battleships at a time when the naval appropriation was $125,000,000 was a short-sighted policy of national defense.

I have tried to show that, in spite of the arguments as to the expenditures against the Navy, the naval appropriation is about one-tenth of 1 per cent of the annual wealth of the American people. [Applause.]

It is a fundamental of the business management of to-day that insurance against risk and loss must be paid for and accounted as a fixed charge on the business. Men may try to get insurance on their lives and property at low rates, but in the last analysis they are pretty sure to get that insurance at any rate.

I believe that it is wise from the point of view of protecting the national wealth against possible loss from causes that seem now most unlikely to arise, but causes that may come upon us at a most unlikely time, to appropriate a comparatively small amount which well may be charged up to insurance. The total expenditure of $125,000,000 a year for the Navy is a tax of 1 and a small fraction of 1 per cent of the total of capitalized industries in the country. Such an appropriation represents an actual per capita tax of about $1.30, which is small indeed when it is compared with the per capita income of $590. It is shown that the Spanish War cost the United States $500,000,000. We had a Navy in that war that was splendidly efficient [applause]; but if we had had a Navy that included then four more *Oregons* than the one we did have, it is certain there would have been no war. [Applause.] The cost of these additional ships would have been, to be sure, approximately $30,000,000. An investment, therefore, of 6 per cent of the money the war cost would have saved half a billion of dollars and hundreds of lives. [Applause.]

I said a few moments ago to one of my very good friends, the chairman of the Committee on Interstate and Foreign Commerce, Judge ADAMSON, of Georgia, that I was in favor of two battleships. He asked me if I was in favor of a navy to comprise 100 battleships. Of course, I am not and so I told him. The judge wondered what I believed an adequate navy to be, and I am glad that he asked me the question.

Mr. Chairman, I believe it is wise to quote from the remarks of the gentleman whose duty it is in this connection to advise this legislative body. I refer to the head of the great Navy Department, and I find at page 36 of the Annual Report of the Secretary of the Navy an expression of what may be accepted as an adequate American Navy. That statement gives not only the opinion of the Secretary himself, but also the consensus of opinion of the best men in the Navy and out of it who have given consideration to this subject. You may readily see by an examination of the accompanying tables the sea strength of the navies of the world as of December 1, 1911.

SEA STRENGTH.

Tables showing the relative strength of the Navy and its importance in comparison with foreign navies December 1, 1911. Vessels undergoing trials are considered as completed. The following vessels are not included in the tables: Those over 20 years old, unless they have been reconstructed and rearmed since 1905; transports, colliers, repair ships, converted merchant vessels, or any other auxiliaries; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.

Vessels built.

	Battleships, Dreadnought type.[1]	Battleships.[2]	Armored cruisers, Invincible type.[3]	Armored cruisers.[4]	Cruisers.[5]	Destroyers.	Torpedo boats.	Submarines.	Coast-defense vessels.[6]
England	12	[illegible]	5	[illegible]	[6] 79	[6] 192	[illegible]	65	.....
Germany	7	21	2	9	[illegible]	109	[illegible]	14	5
United States	[illegible]	[illegible]	.....	12	30	[illegible]	20	20	4
France	.....	[illegible]	.....	[illegible]	10	72	200	[illegible]	2
Japan	.....	13	2	11	15	58	[illegible]	10	2
Russia	.....	[illegible]	.....	6	11	[illegible]	29	31	2
Italy	.....	8	.....	10	6	[illegible]	[illegible]	9	.....
Austria	.....	6	.....	3	6	14	[illegible]	6	6

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 tons or more displacement.
[3] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection: also called battleship cruisers.
[4] Includes all unarmored cruising vessels above 1,000 tons displacement.
[5] Includes smaller battleships and monitors. No more vessels of this class are being proposed or built by the great powers.
[6] Includes vessels of colonies.

Vessels building or authorized.

[Includes vessels authorized, but not yet laid down, as well as those actually under construction.]

	Battleships, Dreadnought type.	Battleships.	Armored cruisers, Invincible type.	Armored cruisers.	Cruisers.	Destroyers.	Torpedo boats.	Submarines.
England[1]	10	.....	[3] 5	.....	[3] 10	[3] 31	.....	[3] 17
Germany[2]	9	.....	3	.....	6	12	.....	[4] 10
United States	6	.....	.....	.....	1	14	.....	18
France	4	.....	.....	.....	.....	13	.....	15
Japan[5]	3	.....	4	.....	3	2	.....	3
Russia	7	.....	.....	.....	.....	13	.....	8
Italy	4	.....	.....	.....	3	10	46	11
Austria	4	.....	.....	.....	3	[illegible]	12	6

[1] England has no continuing shipbuilding policy, but usually lays down each year 5 armored ships with a proportional number of smaller vessels.
[2] Includes vessels of colonies.
[3] Germany has a continuing shipbuilding program, governed by a fleet law authorized by the Reichstag. For 1912 there are authorized 1 battleship, 1 armored cruiser 2 cruisers, 12 destroyers; eventual strength to consist of 38 battleships, 20 armored cruisers, 38 cruisers, 144 destroyers.
[4] $3,570,000 authorized for experiments and further construction.
[5] $78,837,591 authorized to be expended from 1911 to 1917 for the construction of war vessels.

Personnel.

Rank.	England.	France.	Germany.	Japan.	United States.
Admirals of the fleet	4	.....	2	1	(1)
Admirals	12	.....	5	7	.....
Vice admirals	22	15	12	[illegible]	.....
Rear admirals	55	53	22	38	[7] 53
Captains and commanders	[illegible]	340	302	296	212
Other line officers	2,274	1,509	1,596	1,710	1,114
Midshipmen at sea	606	61	398	154	287
Engineer officers	940	506	433	696	.....
Medical officers	593	[2] 413	296	[2] 358	348
Pay officers	697	216	236	324	302
Chaplains	138	.....	.....	.....	24
Warrant officers	2,494	[3] 2,350	2,512	1,520	545
Enlisted men	105,434	53,316	[illegible]	42,043	47,500
Marine officers	425	.....	[illegible]	.....	334
Enlisted men (marines)	[6] 19,635	.....	[7] 4,672	.....	9,521
Total	133,965	58,755	60,974	47,167	60,217

[1] The Admiral of the Navy.
[2] The United States now has, temporarily, as extra numbers, due to promotion for war service, and to officers restricted by law to engineering duty only on shore only, 12 flag officers, 25 captains, 4 commanders, 11 lieutenant commanders, and 1 lieutenant.
[3] Includes pharmacists and apothecaries.
[4] Includes pharmaceutical officers.
[5] Includes adjutants, premier maîtres, and maîtres of all branches.
[6] Includes 3,100 men of the Coast Guard.
[7] Marine Infantry and Seaman Artillery.

This table shows that the United States is now second among the navies of the world, but that it will drop to third when vessels now building, or authorized by various countries, shall have been completed.

I invite your attention also to this table which shows the warship tonnage of the principal naval powers as of December 1, 1911:

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS.

Number and displacement of warships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons, Dec. 1, 1911.

[Vessels undergoing trials are considered as completed. The following vessels are not included in the tables: Those over 20 years old, unless they have been reconstructed and rearmed since 1905; those not actually begun or ordered, although authorized; transports, colliers, repair ships, torpedo depot ships, converted merchant vessels, or yachts; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.]

Type of vessel.	Great Britain.				Germany.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	12	236,350	10	247,000	7	141,720	[illegible]	217,400
Battleships, first class[2]	42	617,500	.....	.....	21	252,712	.....	.....
Coast-defense vessels[3]	[illegible]		.....	.....	5	20,273	.....	.....
Armored cruisers[4] (Invincible type)	5	96,850	[5] 4	90,800	2	41,637	3	72,650
Armored cruisers	34	406,800	.....	.....	9	94,245	.....	.....
Cruisers above 6,000 tons[6]	[5] 14	146,500	.....	.....	.....	.....	.....	.....
Cruisers, 6,000 to 3,000 tons[6]	42	200,460	[5] 10	50,040	24	98,180	6	32,650
Cruisers, 3,000 to 1,000 tons[6]	23	49,540	.....	.....	15	34,528	.....	.....
Torpedo-boat destroyers	[5] 192	108,700	[5] 31	26,980	109	58,474	12	9,000
Torpedo boats	[illegible]	12,710	.....	.....	22	3,780	.....	.....
Submarines	65	20,736	[5] 17	13,610	14	4,140	10	6,000
Total tons built and total tons building	.....	1,896,149	.....	428,430	.....	749,699	.....	337,700
Total tons built and building	2,324,579				1,087,399			

Type of vessel.	United States.				France.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	6	115,650	[illegible]	106,000	.....	.....	4	92,368
Battleships, first class[2]	25	334,146	.....	.....	20	286,005	.....	.....
Coast-defense vessels[3]	4	12,900	.....	.....	2	15,400	.....	.....
Armored cruisers[4] (Invincible type)	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	12	157,445	.....	.....	22	211,070	.....	.....
Cruisers above 6,000 tons[6]	5	43,800	.....	.....	3	24,022	.....	.....
Cruisers 6,000 to 3,000 tons[6]	14	49,541	.....	.....	5	21,250	.....	.....
Cruisers 3,000 to 1,000 tons[6]	11	13,631	.....	.....	2	4,706	.....	.....
Torpedo-boat destroyers	[illegible]	21,306	14	12,550	72	26,782	13	9,170
Torpedo boats	28	4,892	.....	.....	200	19,166	.....	.....
Submarines	[illegible]	4,490	18	8,805	66	22,304	15	9,182
Total tons built and total tons building	.....	757,711	.....	127,355	.....	630,705	.....	110,720
Total tons built and building	[illegible]				741,425			

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] Colonial vessels included.
[6] All unarmored war ships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protected decks.

Number and displacement of warships, built and building, etc.—Contd.

Type of vessel.	Japan.				Russia.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	.....	.....	2	41,600	.....	.....	7	158,000
Battleships, first class[2]	13	191,698	.....	.....	[illegible]	122,259	.....	.....
Coast-defense vessels[3]	2	9,086	.....	.....	2	10,386	.....	.....
Armored cruisers[4] (Invincible type)	2	29,200	[illegible]	110,000	.....	.....	.....	.....
Armored cruisers	11	108,900	.....	.....	6	63,500	.....	.....
Cruisers above 6,000 tons[6]	2	13,130	.....	.....	7	46,490	.....	.....
Cruisers 6,000 to 3,000 tons[6]	8	30,303	3	15,000	2	6,355	.....	.....
Cruisers 3,000 to 1,000 tons[6]	[illegible]	9,158	.....	.....	2	2,680	.....	.....
Torpedo-boat destroyers	58	22,608	2	1,200	95	35,794	[illegible]	13,200
Torpedo boats	59	5,560	.....	.....	29	3,722	.....	.....
Submarines	10	1,726	3	959	31	6,648	8	4,800
Total tons built and total tons building	.....	421,309	.....	168,750	.....	297,819	.....	175,060
Total tons built and building	590,119				473,879			

Type of vessel.	Italy.				Austria.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[1] (Dreadnought type)	.....	.....	[illegible]	85,020	.....	.....	4	[illegible]
Battleships, first class[2]	8	95,700	.....	.....	5	74,613	.....	.....
Coast-defense vessels[3]	.....	.....	.....	.....	[illegible]	41,700	.....	.....
Armored cruisers[4] (Invincible type)	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	10	78,520	.....	.....	3	18,806	.....	.....
Cruisers above 6,000 tons[5]	.....	.....	.....	.....	.....	.....	.....	.....
Cruisers 6,000 to 3,000 tons[5]	.....	.....	3	9,670	3	11,483	3	10,449
Cruisers 3,000 to 1,000 tons[5]	5	12,470	.....	.....	[illegible]	7,050	.....	.....
Torpedo-boat destroyers	22	7,587	10	6,130	14	5,762	6	4,800
Torpedo boats	[illegible]	7,713	28	3,390	43	6,899	12	2,400
Submarines	9	1,822	11	3,500	6	1,686	6	1,800
Total tons built and total tons building	.....	203,812	.....	108,310	.....	167,093	.....	[illegible]
Total tons built and building	312,122				267,442			

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] Colonial vessels included.
[6] All unarmored war ships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

Relative order of warship tonnage.

Present order (tonnage completed).		As would be the case were vessels building now completed.	
Nation.	Tonnage.	Nation.	Tonnage.
Great Britain	1,896,149	Great Britain	2,324,579
United States	757,711	Germany	1,087,399
Germany	749,699	United States	[illegible]
France	630,705	France	741,425
Japan	421,309	Japan	590,119
Russia	297,819	Russia	473,879
Italy	203,812	Italy	312,122
Austria	167,093	Austria	[illegible]

Now, we do not propose to rival England and Germany and Japan in the matter of a building program for the Navy. But we do believe that the annual appropriation should be such that it will provide for the future of our Nation a fleet of at least 20 ships in the first line and 20 ships in the second line of the Navy. The present strength of the Navy is 37 battleships, of which 28 may be considered as worthy of a place in the first line and the remaining 9 as second-line ships. Sixteen of these 28 are pre-*Dreadnaughts* and their qualifications of the first line is indeed doubtful; certainly three years from now they can not be so qualified, and the first fleet has been reduced to 12 ships—new ships are added to it. Four of the nine ships classed now in the second line will reach the limit of the recognized life of a battleship in 1915–16. They must be removed, therefore, from the second fleet and relegated to the line of harbor defenses.

The ships that we may provide for at this time can not be ready for at least three years, and we must legislate at this time with the thought in mind as to what the condition of our Navy may be in the year 1915–16.

There is a splendid page of our American history that tells the story of how Perry and his men on Lake Erie in the War of 1812 hastily built a navy and with it swept England from the seas. It is only matched by that page of American history which shows that with undaunted courage the "embattled farmer" stood in Massachusetts and in other places and made a great fight for constitutional Government for equality and liberty. [Applause.]

That courage can be exampled at any time by American soldiers and sailors; but present-day conditions are such that a navy can not be hastily put together. If we permit this Congress and future Congresses to go by without making the appropriations necessary to maintain an adequate navy, the time may come, and I for one am afraid that it will come, when we shall wish that we had made this appropriation.

I listened with great interest the other day to my colleague from Massachusetts, Judge HARRIS, as he told of the great work that his illustrious father did as his share in contributing to the building of the original American Navy. I felt a reasonable and just pride as I listened to his recital of that story, and I shall never forget his recital of what that father said to him when he brought to him the news of Dewey's victory at Manila. "Well, boy," said the father, "it seems now after many years that eight years of hard work and strife has finally been of some service to the country." I wonder whether or not it will ever again be necessary to repeat the victory of Manila Bay. If such a necessity does arise, the economy of to-day will be looked upon as a foolhardy policy, in view of any such contingency, and it is because I feel this way that I am pledged to step out of the ranks of my Democratic colleagues and to urge this House to support the amendment of my colleague, Mr. ROBERTS, even though it comes from a Republican member of the Committee on Naval Affairs. I protest that this bill is not a political measure. I protest that when it comes to the matter of the American Navy we should not be Republicans, Democrats, nor partisans of any class, but we should give to the consideration of the matter the best opinion and political judgment that we can, in order that there may be a true and right solution of the great problem that confronts us. [Applause.]

It has been only 14 years since the Spanish War, and we all remember the great work the battleship *Oregon* did when she made her great triumphant world tour from Manila to Santiago. We all know what splendid work that ship did at that time, and it is hard for some to realize that the time has come when the *Oregon* must be retired from the first line of fighting ships in the Navy; but the fact is, as is contained in the Secretary's report and as given to us by the Navy experts of the country, that not only the *Oregon*, but the *Indiana*, the *Iowa*, the *Massachusetts* must soon be retired from the first line. We are not asking to do anything more than to maintain the Navy at its present standard of efficiency when we ask to have the resolution for two battleships appropriated.

Now, I have no fears of the danger of war. I have no thoughts of impending disaster; but I want to help in every way that I may to maintain an adequate Navy, particularly at this time when the Panama Canal, at an expenditure of $400,000,000 of American money, is about to be completed. I want our Navy to be of such strength that it may be able to maintain its high place among the navies of the world. And in urging this thought upon this House I am trying to reflect the sentiment of that great water-front district in the city of Boston that has honored me by sending me as its Representative to this House.

If you believe that this is a sectional question, however, let me call your attention to the editorial comments of the newspapers of the country, regardless of their political affiliations, on the days just after the caucus that we Democrats had on this matter of a building program for the Navy. If you believe that this is a sectional question, let me assure you that men who have campaigned throughout our country bear testimony to the fact that mere mention of the glorious work of the American Navy always touches a responsive chord in the breasts of the American citizens. I hope, therefore, that, regardless of party and regardless of the section of the country from which they may come, a sufficient number of the Members of this House may support this amendment for two battleships to insure an appropriation by this House. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, during the general debate I took occasion to say that the battleship question does not cause the usual excitement this year. The reason probably is that everyone knows what the final disposition of the question will be. The Democratic majority of the House will vote for no battleships. The Senate will insist on at least one, and the House will finally yield to a program so wisely limited in order to keep the Navy at its present state of efficiency. [Applause.] I have consistently voted for the last 8 or 10 years for one battleship. Way down deep in my heart I am frank to say that I am for no battleships. [Applause.] I do not think we would incur any risk whatsoever if none were provided this year. But so it may not be said that those of us who are favoring arbitration are willing to go to the extent of denying to the country such means of defense as seem, unfortunately, still necessary, under present conditions I am willing to vote for one, which means a vote not for an increase of the Navy, but for the maintenance of the Navy at its present strength. No matter what position a man may take on the question of battleships, there may be and are great differences among us, but there is no difference as to one paramount proposition, and that is we are all in favor of the absolute security of our country. [Applause.] Now, that security might be achieved in two different ways. It might be achieved according to the old system, which unfortunately is still in vogue, of building battleship after battleship and thereby taxing the resources of all the nations to their utmost.

Or it might be done in the same way that civilized nations are now guarding their domestic peace, namely, by law, or, speaking in an international sense, by the perfection of the necessary legal machinery to adjust and settle international difficulties in a peaceful way. And along this line I wish to call the attention of the Members to the fact that this legal machinery is no longer a mere dream of theorists, inasmuch as The Hague conferences, the first as well as the second, have unanimously agreed upon the creation of a high court of nations, which is to decide all questions of an international character that might be brought before it. That high court of nations was established in 1899 at the first Hague conference. At the second conference the court was perfected. In order to secure a real judicial tribunal The Hague conference agreed on a court of arbitral justice, and the motion to establish such was carried unanimously by all the nations represented at that conference—44 in number. Only the mooted question of how the judges should be distributed among the different nations and how many judges should be appointed is the cause of its not having been put in execution so far. But all signs point to the probability that at the next Hague conference in 1915 that court will be established.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I would ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. And in connection with that court, the nations will agree on general arbitration treaties such as have been proposed by President Taft recently. We are going to have them in spite of the Senate of the United States, because the time is very close at hand when that great body will have to do the bidding of the will of the American people regarding this great question. And after we have arbitration treaties with all great powers these powers among themselves will negotiate similar ones, so that the civilized world will be one great net of arbitration treaties. And the next question will be a code of international law to be sanctioned by all the parliaments and to be applied in all cases that may be brought before that court.

This, Mr. Chairman, is a substitute for your battleships, more humane and much more economical and much more in accordance with modern civilization than your method of force. And that substitute, I hope, will be supported even by those who are now supporting the policy of battleships. I think we

ought to all join hands if we can for a substitute such as that which will relieve the people of this country and other countries of a well-nigh unbearable burden of taxation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KONIG, Mr. SAUNDERS, and Mr. TURNBULL rose.

The CHAIRMAN. The gentleman from Virginia [Mr. TURNBULL] is recognized.

Mr. TURNBULL. Mr. Chairman, if I had been given the power to fix the battleship program in the bill under consideration, I think I should have included therein one battleship or one fast armored cruiser, as that has been the policy heretofore advocated by the Democrats. But when a majority of my colleagues on this side of the House, after due consideration, determined otherwise, I abided by the decision, as I always expect to do.

I am a highland man, if I may use that expression, and prior to becoming a member of the Naval Committee had given very little attention to the character of the ships to be built or of the needs of our Navy along that line. I am in favor of having a Navy sufficient to protect our rapidly increasing foreign commerce, to protect our seacoasts in time of war, and to give assurance of protection to our citizens in whatever country they may desire to do business. I attended the naval review in New York in October, 1911, and was justly proud of our 7-mile line of battleships exhibited on that occasion, and I am doubly proud of the officers in command and of the men behind the guns, for I believe the same spirit now exists among those men that animated and permeated the hearts of the brave men who manned our ships and helped so materially in giving life to our Nation and liberty to our people in the beginning. I am satisfied that as a fighting force they have no equal in any of the nations of the earth. [Applause.]

Since I have become a member of the Naval Committee I have studied the subject of the needs of our Navy in every way I possibly could, and have listened carefully to the testimony taken before the committee on the subject, and the more I try to study and consider the question from a common-sense business standpoint the more I doubt the expediency or wisdom of the construction of any more battleships of the *Dreadnought* type, such as those we are now building or have already in commission.

Let us look at the history of and effect of this battleship building. When the *Merrimac* and the *Monitor* had the engagement in Hampton Roads, our ships were wooden vessels and our guns were smooth bore and of short range. When we began to armor plate the ships, we began to improve the type of the guns, and they were changed from smooth bores to rifles. As the thickness of the armor plate was increased, the size and length of the guns were increased. As the size of the guns was increased of course the size, character, and destructiveness of the projectiles were increased.

We invented the torpedo, which is a projectile loaded with high explosives that are fired out of tubes, and when started they propel themselves, and it is admitted that when one of these strikes one of our *Dreadnoughts* it ends the life of the ship, it matters not what is the thickness of the armor plate. Then the submarine boats were invented so that they can travel under water and fire these torpedoes with the same accuracy, almost, as if they were upon the surface of the water. This necessitated the building of torpedo-boat destroyers to try and prevent the deadly effect of the torpedo boats, and now it is claimed that each one of these *Dreadnoughts* should have to protect it five torpedo boats and two destroyers. In addition to what I have stated, a torpedo shell has been invented that can be fired out of the same guns as the steel projectiles with nearly the same range, and it is admitted that if one of these shells strikes the ship or strikes and explodes in the water within from 40 to 100 feet of the ship that it will destroy it.

Now, then, what do we deduce from this state of facts? We build a battleship of the *Dreadnought* type that costs not less than $12,000,000, armored with the heaviest armor plate and equipped with the best guns known, and this ship can be destroyed, first, by a steel projectile fired out of a 14-inch rifle, which it is claimed will pierce the armor and destroy the ship certainly at a distance of 10,000 yards; second, by a torpedo fired out of a torpedo tube; third, by a torpedo shell fired out of a 14-inch gun; fourth, by a mine that may be put in any harbor.

When I consider these facts, I ask myself the question, What good is the armor if the projectile will pierce it? What superior advantage does a large ship have over a smaller one if it can be sunk by a torpedo, torpedo shell, or mine as readily as a smaller ship? We all know, whether we have any common sense or not, that a large ship can be hit more readily than a smaller one. If what I have said is true, the fighting capacity of our ships has not advanced one inch beyond the ships in which Decatur and Perry won their victories. These large ships are of slow speed and can travel only in very deep water. The ships do not do the fighting, but it is done by the men with the guns, and I can not help but feel that three ships built at the same cost that one of these big ships costs now, and with a greater rate of speed and manned by the same men and with the same character of guns will be more effective than the one big ship. This is certainly true if there is anything in the tactics of the great generals that the way to win a battle is to get there first with the most men.

In my judgment we are putting too many eggs in one basket. We are expending our revenues faster than we gather them in. Think of the great expense and ask yourself the question, Where are we drifting? We are simply aping foreign nations, with no fixed policy of our own. Have we made any progress? Yes; but principally in the facility with which we spend the people's money, wrung from them, it is claimed, by unjust taxation; for the cost of the Navy has increased in the last 20 years from about thirty millions to one hundred and thirty millions of dollars. It is easy to expand, but it is hard to contract, and it looks as if we are using greater efforts to find new subjects of taxation than we are to reduce the burdens now resting upon us.

Mr. Chairman, there is great unrest among the people all over the country. It looks as if the wealth of the country continues to accumulate in the hands of a few, and the burdens of the people who do the work and receive the wages are becoming greater as the days go by. If we would win battles in the future we must so act as to keep the men behind the guns contented and happy. Let the people at home become discontented and poverty stricken, and then patriotism and love of country will vanish and the big ships and the big guns will become useless. [Applause.]

Mr. KONIG. Mr. Chairman, it will take me but a few minutes to express my views on the subject now under discussion. I am a Democrat, and a party man at that, and, thank God, since I have been a Member of this House I have never had to vote against my party organization. The question of the size of the American Navy is not now and never has been a party question; and, moreover, whatever the caucus may have done in respect to this bill, I am not bound by it, for I remained away from the caucus.

Just exactly how many battleships or how many cruisers or how many torpedo boats we have, I confess I do not know as well, perhaps, as I ought to, and I also confess I do not know just exactly how our Navy compares in strength with that of France or of England or of Germany. But I do know, Mr. Chairman, that there are other navies far larger and far better equipped than ours. And I also know, Mr. Chairman, that the President of the United States and the Secretary of the Navy have urged Congress to make an appropriation for two additional battleships. These officials are in the possession of the information that makes them experts; and in any event I would rather follow their judgment and be guilty of an extravagance than to refuse to follow it and suffer the disastrous consequences that must attend upon a false economy in so important a matter as the strength of our Navy.

The American Nation, whether wisely or unwisely, has become a world power; our interests are no longer confined to the North American Continent. We have become an empire, with possessions in all corners of the world; we have those gold bricks within the shadow of the shores of Japan—the Philippine Islands; we have Hawaii to watch over, and also Porto Rico, and we must not forget our foster child, Cuba. The Panama Canal represents an investment of hundreds of millions of dollars and the best engineering genius of all time. If the American flag is ever to come down in any of these possessions or dependencies, it must come down of our own freely given consent. We can not let ourselves be put in the position where we may be forced to lower the flag.

These considerations and the consideration that a fellow who can take care of himself seldom has to fight compel me as a lover of peace to vote for the building of additional battleships. [Applause.]

Mr. MONDELL and Mr. MARTIN of Colorado rose.

Mr. MARTIN of Colorado. Mr. Chairman, I do not care about shutting off that side altogether. I am willing to follow the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I thank the gentleman from Colorado. I shall support the amendment of the gentleman from Missouri [Mr. BARTHOLDT] for one battleship. [Applause.] And I shall support it with some reservation, because, as a matter of fact, I had fully made up my mind not to vote for any battleships this year. It is not often that that side of the House does a really good thing, but I think they

did a very excellent thing when the caucus decided against battleships, not that I think the caucus decision will stand as a final decision of the Congress, because I think that ultimately we shall provide for one battleship. But I think it was a most excellent thing to challenge the attention of this country to the mad race of the world in competition in the building of enormous and costly ships of war, ships of a character that never have been tried out in actual warfare, and ships that, at the very best we can hope for them, will within a decade be useless and valueless. England, Germany, and France, and to a lesser extent Japan and Russia, each feels it can not afford to be too far distanced in this race for military preparedness.

We are the only nation in the world that can safely halt our naval program, for there is not a man under the flag who knows his country and understands the condition of the world that has the slightest notion that there would be any danger whatever to our country, its honor, or its people if we did not build a battleship in the next 20 years. [Applause.] Not that I believe we should wholly neglect this arm of defense. On the contrary, I have always believed that we should adopt and steadily maintain a decent and reasonable naval program, that we should have such a Navy as will form a reasonable first line of defense in the very improbable event of a great war.

We are in a position now to do the world a mighty service in calling to the attention of the civilized world the fact that we are not being carried away by this naval madness that seems now to control all the courts of Europe and the Orient—a naval madness that is well-nigh rushing into bankruptcy the greatest nations of the world. Let us stop and think how rapidly these naval expenditures have been increasing, the world over, in the past few years, and how certainly they must lead to the bankruptcy of the nations if they are to be continued in the same ratio for a few years longer. There must be a halt in this tremendous increase of naval armaments, and we are in such a position that we can show all the world that we are not carried away by this desire to have more and larger ships than any other nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MONDELL. I am not one of those who look for the speedy coming of the millenium. I am not one of those who believe that wars will ever wholly cease. But I am one of those who look forward with hopeful anticipation toward the day when most of the differences between the nations shall be settled by courts of arbitration. I think we have seen more than the dawning of that day. I think we are well within it, and I sincerely hope that generations will pass before there shall be another great war among the great civilized nations of the world. And if we are not to have wars constantly recurring, then it is the duty of every citizen of every civilized country to use the influence he has, be it great or small, in the checking of the wasteful expenditures for war-like purposes. [Applause.]

How much the world might do, what benefits might be brought to the human race, what splendid monuments of peace could be erected, if we expended the money we are now expending for these huge leviathans of the deep for works that would benefit mankind, instead of joining in a mad race to prepare the biggest ships and the most ships with which to blow men off the earth and out of the water. If we could use the same sums of money in the great undertakings of peace, and if we could retain in the paths of useful productiveness the men whose lives are now wasted in warlike pursuits, how much better it would be for all the world.

We can not, of course, disarm. We must maintain a fair Army and a fair Navy. We must maintain a Navy in keeping with our great wealth and power and position in the world. But we should not endeavor to make a display of our power by building battleships as some people make display of wealth by wearing costly jewels. The one is as undesirable as the other. Our place in the world and our influence and strength in war and peace depend infinitely more upon our 90,000,000 of intelligent citizenship than upon all of the bayonets in the country and all the guns we will ever mount on battleships. [Applause.]

If we would turn our attention to and spend the money now wasted in these great armaments, upon works that would be helpful to all mankind, all the world would rise up and call us blessed. Let us not allow our Navy to be reduced to a point where we shall not have a Navy in keeping with our power and wealth and our influence in the world. One ship a year is quite sufficient to maintain an adequate Navy in this country, and if we adopt a one-battleship program we shall have given notice to all the world that we do not propose to join or participate in this unwise, wasteful, and wicked race for enormous armaments, taxing the people for their construction and their upbuilding. I hope the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT] may be adopted. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, that this is not a political question, at least that it is not properly a party question, is strikingly illustrated by the fact that the Republican Member from Wyoming approves and the Democratic Member from Colorado disapproves of the battleship program, or rather the no-battleship program, which has been adopted on this side of the House.

Right at the outset of his remarks the gentleman [Mr. MONDELL] stated a fact which strongly inclines me in favor of continuing, for the present at least, our present battleship program, and that is what he referred to as the mad race of the other powers of the world to build up great navies. I want to ask the gentleman from Wyoming if he thinks this great Nation, with its tremendous responsibilities as a world power, can afford to sit idly by and see the peace of the world—yes, even the map of the world—threatened by the building up of these great navies, and yet this Nation not place itself in a position to protect the peace of the world.

Mr. MONDELL. Is that a question?

Mr. MARTIN of Colorado. That is not a question. At least it ought not to be a question. If it is a question, it is one that ought to answer itself. It is a question that ought to point to the undoubted duty of this Nation to place itself in a position where, if necessary, it would be able to assert itself in favor of the peace of the world. One day during this session our Socialist brother, the gentleman from Milwaukee [Mr. BERGER] made what I thought was a very pat and apt suggestion, and that was that neutrality is a good thing if only you are able to enforce it.

Mr. Chairman, I subscribe most heartily to that proposition. I was one of the thirty-odd Members on this side of the House who voted for two battleships in each of the two naval appropriation bills in the Sixty-first Congress, and I regret very much that the pending naval appropriation bill does not make similar provision. [Applause.]

While I represent the State which above all others in the Union is secure from foreign attack or invasion, I take some pride in the fact that I am as much in favor of an adequate Navy as any Member of this body who represents a seacoast district. I take some pride in the fact that I am a big-Navy Democrat; not a big Navy as a threat and menace against the peace of the world, but a big Navy as a guaranty of the peace of the world; and that I understand and believe to be, in this time of striving for naval supremacy, the true need and the highest mission of an adequate American Navy.

As I have listened to the objections of gentlemen to continuing for a time longer, at least, our present naval program, it has seemed to me that they looked at this question, both in its larger and in its smaller aspects, with an entirely too limited vision. It seems to me, as I have listened to some gentlemen, that the chief question at issue is whether the Navy is built up around battleships or coal barges. Which is the unit of a navy? I have never heard that a naval engagement ever turned upon the auxiliaries. I have never heard that a naval engagement hinged upon transports and colliers, or even submarines and destroyers. In the great decisive naval battle between China and Japan, in the decisive battle between Japan and Russia, and in the two great naval battles between the United States and Spain, I did not hear anything about auxiliaries. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. There is no use asking for five minutes more. A man could not undertake to discuss this subject in five minutes. I will ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I did not hear about auxiliaries in the China Sea, or the Japan Sea, or Manila Bay, or Santiago, or even in the present war between Italy and Turkey. I did not read about any auxiliary fleet convoying and supporting the *Oregon* in its great historic cruise around the Horn. I do not understand such a fleet could make such a cruise. But I do not say that all these auxiliaries are not necessary to the naval power which would keep abreast of

the naval equipment of other countries. I simply say that these factors, in which the American Navy is said to be deficient, are minor. As for transports and colliers, we have 300 vessels in the coastwise trade which could be seized and impressed into the defense of the country should occasion require.

But it is objected that the Navy is badly balanced because of the disparity between fighting ships and auxiliaries. A more practical and analytical way of stating the proposition would be to ask whether we have too many battleships or too few auxiliaries. If we had sufficient auxiliaries for the present number of battleships, would the Navy be too large? If no, then we should continue the present rate of increase in battleships, thus maintaining our front while bringing up our rear. If yes, then we ought to reasonably curtail the battleship program, not stop it altogether. It is all right to balance the Navy, but it is a matter of vital importance whether it is balanced up or down.

But it is further argued that our ships become quickly obsolete. My reply to this is twofold. First, they do not become obsolete any more quickly than the vessels of other nations; and second, the same objection would apply with even more force to such novel factors in naval warfare as submarines and torpedo-boat destroyers. If, as has been argued by gentlemen on this side of the House, we are to await the development of the best type of battleship, then let us await the development of the best type of submarine and destroyer. What is the use of building a lot of submarines and destroyers that may be obsolete to-morrow? And how will we know the best type when it comes? The truth is, to state these objections is to answer them. They are so feeble they fall of their own weight.

The same may be said of the proposition that we want a defensive, not an aggressive, Navy. I confess, perhaps because it is that I am so dense, that I can no more distinguish between a defensive and an aggressive navy than I can between good trusts and bad trusts. According to my way of reasoning, a navy is either adequate or inadequate, measured by the power and the responsibility of the nation.

I can conceive of no other practicable test. This is one case where, in my judgment, a half loaf is not better than no bread. A weak Navy would provoke, not prevent, trouble. Either we should have and maintain a first-class Navy or none. It takes two years to build a modern fighting ship and so long to build a modern Navy that you must keep building. When you want a Navy you want it badly and at once. One naval battle decided the war between China and Japan, one naval battle decided the war between Russia and Japan, two naval battles decided the war between the United States and Spain. In these four engagements, three navies were destroyed and their countries humbled and driven from power for decades; and unless the human race has suddenly lost the instinct of the ages, other powers will meet the same fate. Members of this House participated in the greatest civil war of all history. Since then the world has witnessed the terrible Franco-Prussian War, the war between Turkey and Greece, the war between England and the Transvaal, the war between China and Japan, the war between Japan and Russia, the war between the United States and Spain; so that, within the memories of yet vigorous and active men, every great nation of the world—England, the United States, Germany, France, Spain, Russia, Italy, Turkey, China, Japan, all of them—have been involved in war. Shall we see no more terrible wars? To ask this question in the light of history and of the racial instinct is to answer it.

And it is agreed that these future wars, and particularly so far as this country is concerned, will be determined upon the seas.

This fact ought to determine us, so far as our own welfare is concerned, upon the character of our naval policy. But, above this, standing here as the dominant and responsible power of one-half of the world, our duties and liabilities in the Western Hemisphere are vast and growing, and we must be in a position to meet them.

But, above this, we owe a duty to the whole world. We can not sit idly by and see other nations go on in a mad race to build up great navies with which to threaten the peace without being in a position to assert ourselves in behalf of the peace of the world. Our Navy is to-day steaming toward Cuba, not to intervene, but by the possibility and ability to intervene to restore peace. Does this smaller lesson convey to gentlemen no suggestion of the possibilities of its reproduction upon a far larger scale? This is what I mean, and the latter ideas I have been expressing are what I had in mind when I stated at the outset that I feared gentlemen viewed this question with a too limited vision.

Mr. Chairman, I am for an adequate Navy, as promised by the Democratic national platform, and I want to say in conclusion that no political party can afford to incur the distrust of the country with reference to the national defense. The national sense of honor is a tinder box, needing only the spark of danger to explode it, and the Nation will cry with one voice, "Are we ready?" and if we are not ready, then God help the party or the policy responsible for lack of readiness. The people will not.

Mr. NYE. Mr. Chairman, this Nation ought to have a great and high ambition, and to my mind the field of that ambition is to exert its influence toward the establishment of the world's universal peace. [Applause.]

No longer I hope will the leading minds of this great Republic be moved by an ambition, to show to the world a great Navy strutting and posing, with its cruel guns, bellowing a message of brutality and death to mankind in this civilized age.

We are told that we must stand for a Navy if we would be popular. The trouble with our House of Representatives, and the trouble with our politics, and our parties, to-day is the effort to be popular. [Applause.] The lessons of history tell us that no great hero of the past, or great man of the past, was in his day very popular. The advocates of new truth, the pioneers of justice and right, ever since the dawn of history, have not had the crowd with them. The world has waited and built their monuments centuries after they were dust. They were outcasts while they lived. They were unpopular. If our motto is always to be to vote for and support only that which is popular, the days of the Republic are numbered.

I am ready and willing to talk about something else besides popularity in these days. It is not safe for us to enshrine our heroes until they are dead and a long time dead. If there is one lesson the American people ought to learn it is not to worship individuals, but to reverence principles, to enshrine our ideals rather than men, and march forward toward the realization of those ideals of right and justice and peace. [Applause.]

We are always told that the way to have peace is to prepare for war. No long-standing proverb or saying has less sense or less logic. I assert that the way to prepare for peace is to be peaceful. [Applause.] How are we going to have peace? If we have passed the youth day of bombast and swagger as a nation, then let us stand on the rock of faith and trust to that which is best in men and in other nations as well as ourselves, and we shall have no war. The way to have peace, Mr. Chairman, is to have faith in peace [applause] and to quit the popular hurrah for navies that has so long moved men and nations to the sensational and spectacular. Human reason is always swept from its throne by the spectacular, but we face a new day and, I trust, a new era.

I want to say this in passing, that I have not any faith in "peace," if it is not to cost us something.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GREGG of Texas. Mr. Chairman, I ask unanimous consent that the gentleman be allowed five minutes more.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Minnesota be extended five minutes. Is there objection?

There was no objection.

Mr. NYE. Mr. Chairman, the individual who avoids brutal contest and physical battle, sometimes at the cost of a little suffering, learns that it pays a bigger dividend than anything else. The greatest teacher whoever stepped upon this grain of sand has taught us that it is better to suffer wrong than to do wrong. I am not so afraid of our national pride, and all that sort of thing, that I would not be willing as an American citizen, honoring my flag, I trust, as well as any man in the Nation, that I would not be willing that we pay our share of the cost of an enduring peace among the nations of the world. [Applause.]

That which is worth the most to mankind ought to cost something and as a Nation we should be willing to pay it. I will admit I am tired of the talk of peace that seems to mean nothing. We talk peace and prepare for war. We boast that we are a peace-loving people and proceed to build large navies. This Nation made the greatest mistake in all the centuries when it voted to fortify the Panama Canal. [Applause.] It stood at the pivotal moment when it could have shown that its trust and confidence was in the good will of men and not in the disposition to fight. Yes, we talk peace and then we get ready for war. The time is coming when the manhood and character of this Nation will spurn this spirit of resentment, of war, just as civilized people to-day can only have a good standing in the world by going into court rather than by putting a chip on their shoulders and going out to slug somebody.

On what principle is it that civilized men settle their differences in courts of justice? On that same principle civilized

nations may settle their disputes without resort to force. Slowly it may be, but surely we are outgrowing the degrading brutalities of the past and asserting a higher freedom and nobler national dignity. Our true defense is moral. Our armor is the virtue and patriotism of a great people, and our real scepter is our love of peace.

I do not know but that I will vote for one battleship. I have voted for one heretofore. I have done it reluctantly, and I am frank to say that I believe you are nearer right over there than we are. [Applause on the Democratic side.]

The Navy is not symmetrical. As the gentleman from Texas [Mr. GARNER] said in his address the other day, it is top-heavy. Yes, it is top-heavy and it is show heavy. Has not the time come, Mr. Chairman and gentlemen, for us to show the world that we mean in good faith to maintain that peace which, though it may cost us, as well as other nations, something, will be a blessing to all men?

What we need in this day and age of ours is faith, faith not only in the possibility of peace, but in the practicability of peace. [Applause.] Right may be radical, but it is always practical. Only small minds shrink from it and say: "At a more convenient season I will call for thee."

I think the position of the present Executive on this subject reflects high honor upon the Nation and makes his administration worthy of a place in the centuries, because it is a step toward the world's final peace. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. WILDER. Mr. Chairman, I have listened to three men almost in succession talking against the amendment of the gentleman from Missouri. It seems to me, however, there ought to be some golden mean that we might strike on this subject between the somewhat ambitious program suggested by the distinguished gentleman from Alabama and the do-nothing policy of his party caucus. It seems as if in these days the pendulum was inclined to swing extremely to one side or extremely to the other, as if we have arrived at a time when a sane proposition would scarcely receive the attention of anyone. One has said that in order to be peaceful we should act in a peaceful manner. About everything I have heard said on this subject indicates to me that there is a lack of practical relation and application between our naval affairs and our Army affairs. An army can be built up in a very short order, but not so with a navy. Suppose when Japan started in her recent war that ended with the sinking of Rojestvensky's ships in the Japan Sea she had not been able to go in a harbor in Korea and sink a couple of Chinese ships to start with. Suppose Dewey had not been able to take his swing in Manila Bay and sink every one of Montojo's ships without a single loss of life. Suppose Sampson or Schley, whichever one it was who did the fighting at Santiago, had had no ships with which to meet and sink Cervera's ships. I might go on indicating suggestions of this sort to quite some extent. As I have said before, armies may be raised in short order, but not so with ships. We come down to the Spanish-American War, and we put $50,000,000 at the free use of the President of these United States—enough money to build five battleships such as contemplated at the present time. The result of that war went into the hundreds of millions before we were done with it. Of what moment is the cost of few or many ships compared with the need at such times? A warship means about 10 cents apiece of the entire inhabitants of this great Nation. Two mean 20 cents apiece, and it will not be paid by the very poor, but more of it will be paid by the others; but that is the average.

Another has said that we should have a Navy and Army somewhat commensurate with the great importance and wealth and power of this country, and in the same argument he rather reluctantly indicated that he might stand for one more ship and wished there might not be any. I wish there might be two. It is an incidental proposition when the insurance of this country is contemplated, when the well-being of this country with all its immense wealth is contemplated. I will doff my hat to no one in my desire for peace, but what good does it do to propose peace when the navies of some other nations are threatening our peace? That is exactly the condition in which the other nations of the earth want us. Who are we standing for? Are we standing for ourselves or other nations of the earth? It seems to me that the most common kind of prudence requires that we provide our national armament in advance for those things which we can not prepare in a moment, and that fact is essentially true in reference to the Navy; but this is not necessarily so or in such a manner the fact in reference to our Army. It is notorious that our Volunteer Army—that is, the men who come from the State militias, or even the farms or factories and otherwise—do substantially as good service as the service of the Regular Army. But what are we to do for ships? Are they to be brought from the farms? Are they to be grown on the farms? No; they must be prepared beforehand. [Applause.]

Mr. CANNON. Mr. Chairman, I have listened with much interest to speeches that have been made on each side of the House for peace, the prophecies of the millennium, and all that kind of thing. After all, I do not believe in the millennium. If we want complete rest, I trust we will get it after we cross over, because we are to be changed in the twinkling of an eye. But if there was an absolute millennium on earth, and the human family had complete rest, we would go back to barbarism. So I am not in favor of the millennium as long as we remain as we are. The human animal is a virile one. What is true of individuals is true of nations. Gentlemen, the oldest civilization is in China, with her 400,000,000 of people. The German, the English, and the French zones divide up their influence in China; and it is only because of the leadership of William McKinley and those who succeeded him that we at last have the open door in China, that otherwise would have been closed if it were not for the United States—Japan coming in as a factor with Great Britain. Mr. Chairman, if the nations of the world would let the Chinese alone, they would conquer the world by their patience and industry. We do not do it. We shut them out because we can not compete with them. They have no navy. They are a peaceful people. And yet they come and go and submit to the will of little Japan and all the other nations.

Now, the United States—and I confess it—is the greatest nation on earth—almost the greatest in population and every other respect. What are our burdens? What are our duties? They are to preserve the Government of the people first, to care for the greatest coast line of any nation on earth, to protect production at home and commerce among ourselves and with foreign nations, and to support the Monroe doctrine.

Mr. Chairman, would gentlemen reject the Monroe doctrine? It is a matter of serious consideration and, perhaps, discussion as to whether there ought to have been a Monroe doctrine; but we have it, and if you propose to abandon it the multiplied millions, amounting to the whole population, would rise up and say "no."

I want to be practical. We have these burdens. We are building the Panama Canal. We have, with a very small per cent of our production, the greatest foreign trade of any nation on earth. They do not want our trade? Oh, no. They would not take our trade if they could get it. Mr. Chairman, I met a missionary on my way home a few days ago who is located in far-away Tibet—a very intelligent man, attached to the missionary corps. He told me about the Chinese. He was in that part of Tibet that now belongs to China. I said, "How about the opium trade?" He replied, "China never wanted opium. It was forced on her." I said, "At last we have agreed it shall not be forced on her longer." He said, "The opium-producing colonies of Great Britain were so languishing in their production on account of the loss of the Chinese market that the British merchant was demanding that the exclusion of the opium policy should be abandoned." I said, "Do you think there is any danger of it?" He said, "I do." I replied, "Why, she is a great Christian nation and the mother nation of this country." "Yes," said he, "it is a great nation and it is the mother country, but for all that and with her trade and with her power she wants markets."

Mr. Chairman, suppose we sit down and inaugurate in the United States the millennium. I will say to the gentleman from Minnesota [Mr. NYE]. It would no sooner be inaugurated than this most promising market in the world would be divided up into zones of influence, as China is now divided by the virile nations of the world. Ah, you say, but they can not conquer us. We are bigger, without arms and without training and without a navy, than all the balance of the world. Great thunders of the Fourth of July, they dare not tread upon us! [Laughter and applause.]

Well, now, I believe in a reasonable Navy, not the equal of Great Britain, but——

Mr. CLINE. Would the gentleman make as the basis of our Navy our coast line?

Mr. CANNON. Coast lines are a valuable adjunct. Why, that coast line has enough tonnage and enough commerce to make it the principal factor in building up and sustaining the great shipyards in this country. Without that patronage they would go into decay.

The CHAIRMAN (Mr. MCKELLAR). The time of the gentleman has expired.

Mr. BUTLER. Will the gentleman require 10 minutes?

Mr. CANNON. Oh, no; only five minutes. I should be modest about asking for time.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois [Mr. CANNON] be allowed to continue his remarks for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PADGETT. Mr. Chairman, if the gentleman will permit me just a moment, I desire to say that at the conclusion of the gentleman's five minutes the gentleman from Illinois [Mr. FOWLER] desires five minutes, and I shall then move to close debate.

Mr. KAHN. Mr. Chairman, I hope the gentleman will not insist upon that. I should like to have five minutes on this question.

Mr. PADGETT. Then I will include five minutes to the gentleman from California. I now move, Mr. Chairman, that debate close at 2 o'clock. It is now 25 minutes after 1. I have allowed a great deal of leeway already.

Mr. CANNON. Now, Mr. Chairman, I hope I am conservative. I hope I do not desire to see our country engaged in war. I hope we may have continuing peace. But as to that prophecy about pruning hooks and swords—I believe it originated with Isaiah—bless my soul, I believe it is farther off now than when it was uttered over there in little Palestine.

Do you say, "Are we going to abandon progress?" No; by no manner of means. But I say there is no great nation, in my judgment, save alone the United States, that is not increasing its armament. We have got so much room to expand in, growing from ninety millions to four hundred millions, so much room upon this continent that we are not crowded now, and will not be perhaps for the next hundred years, for a breathing space. But all the other great nations of the earth are increasing their armament. What for? For trade, for commerce. Why? Because without the trade and without the commerce they believe that their people could not be employed. That is the reason why. Ah, England was willing to quit building if Germany would quit building. But Germany would not.

Now, all I want to do, inasmuch as it takes three years plus to build a battleship, is to have at least two battleships all the while in process of construction to take the place of the two or more ships that will be antiquated. [Applause.] That is all I want. Why, the *Oregon*, whose trip around the Horn caused the construction of the Panama Canal, is now practically old junk, and there are many others like it. Naval architecture progresses.

People prophesy that the aeroplane is to be the great war force or war weapon of the future. Perhaps so. But we can not afford to sit down and see the world develop the aeroplane. We can not afford to see them monopolize the high explosives and the higher explosives. We have got to keep step. It is insurance. It is the best insurance. By keeping step with the weapons with which to preserve peace we insure peace, I trust, without war.

It has been said that we have ever presented a vigorous manhood. But I do not care how vigorous is the manhood of one man or ten thousand, if you will send them up against one man or ten thousand armed with a repeating rifle that loads in the cartridge and will bring down 15 or 20 victims and then load again in less than 30 seconds, the one would almost put the unarmed ten thousand to flight under such conditions. I shall vote for two battleships, and do it heartily. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, the distinguished gentleman from Illinois [Mr. CANNON], the ex-Speaker of this House, who has just taken his seat, has voiced the sentiment of a certain school of political economists in this country whose teachings are based upon the doctrine that our future greatness depends upon the size and strength of our standing armies and threatening navies. I am truly glad to know that there is another and better school of political economy abroad in our land, based upon that immortal doctrine enunciated by our Savior more than two thousand years ago: "On earth peace, good will toward men." I stand for this doctrine to-day and invite you to accept it as our national policy instead of that offered by our distinguished ex-Speaker. While his tenure of office in this House has been long and his political sagacity is great, yet his doctrine had its origin in barbarism and blood and found its greatest supporters in paganism and polygamy. It stands to-day for force and murder and is a living menace to our intellectual and moral growth and to the prosperity and happiness of mankind. Its best boast is slavery, torture, and death, and the brightest page of its history is the blood of 15,000,000,000 men, women, and children. What a fitting tribute Gen. Sherman paid to it when he said, "War is hell." [Applause.]

On the other hand, Mr. Chairman, the doctrine of peace had its origin in love and liberty. It stands for the rights of men, wherever they be, rich or poor, high or low, and against the shedding of human blood. Its greatest weapon is, "Do unto others as you would have them do unto you." It is supported by the best religion the world ever knew, with an instinct of a happier life in a better world. The brightest page of its history is the saving of the souls of men from the sins of the world. Then, in the language of our greatest modern soldier, "Let us have peace."

Mr. Chairman, the policy of this Nation has always been for peace. Our forefathers left kindred and homes of plenty across the sea to satisfy their longings for peace of conscience and peace of state and pitched their tents in an unknown land where the flash of sabers had never been seen and the roar of cannons had never been heard. A mere handful of men and women with the Bible in their hands and the love of God and liberty in their hearts, in the midst of wild beast and savage men, established a new civilization and surrounded it by schoolhouses and church houses as its wall of defense. Acting under the inspiration of this national policy, the seed of these God-fearing men and women has developed and multiplied until to-day we stand first in power and influence among the nations of the world, while other countries, with a national policy of force and murder, have dwindled in national importance and lost much of their former prestige. The sturdy manhood of our citizenship has always been equal to the emergency, and whenever our peace has been threatened by insurrection at home or invasion by enemies from abroad it has furnished us with the volunteer soldier—the best soldier the world ever knew—and being armed with right, we have always been thrice armed for victory. On all occasions, whenever forced to fight, America, without a strong navy and a large standing army, has always maintained herself both on land and on sea, and in every contest in which she has been called to measure her metal she has acquitted herself most nobly. [Applause.] What she has done in the past she is able to do in the future.

At the court of The Hague its representatives talk of world-wide peace and spread this news to the four corners of the earth, and yet the great nations of the world are running mad in trying to outstrip each other in the size and strength of their navies. At the same time they are annually appropriating large sums of money to experiment in the construction of successful flying machines, with the hope of arming them with skyrockets to be dropped down like flaming meteors from heaven to destroy these mighty fleets. [Applause.]

And yet, Mr. Chairman, in the face of all this madness, I am sorry to say, we have men here on the floor of this House contending that we should appropriate from $30,000,000 to $40,000,000 annually for the purpose of constructing great seagoing hounds, surpassing in viciousness, if possible, Dante's hell hounds, to keep up an eternal yelping the world around. [Applause.]

Mr. Chairman, the time has come when some great power should propose to the nations of the world the dismantling of battleships and their elimination from the high seas as a means of settling international disputes. It is to the great discredit of the world that such disputes have hitherto been settled by the arbitrament of battle. The wonderful progress of mankind demands a more peaceable method of adjustment, and to continue a policy of blood and bluster is to oppose the advancement of the times. The statesmanship of to-day ought to be clothed in the garments of the progress of the times and no fourteenth-century statesmanship policy should be contemplated for America. In the light of our present advancement and our peculiar fitness for leadership among nations I feel that we should be first to propose this great reformation, and to show our good faith in the wisdom of such a national policy let us stop building for terror and trouble and let all of our works be for peace and progress. Let us propose to the representatives at The Hague that they prepare an international arbitration treaty at their next meeting for the adjustment of all international controversies, to be submitted to the civilized powers of the world for their ratification, the same to become effective between the countries so ratifying on and after such ratification. Our Constitution was drafted and adopted on this plan. Such a treaty would be worth more to the peace and advancement of mankind than all the battleships which could be constructed at the present rate of building in the entire world for the next century to come. There is no reason for a strong standing navy unless it be for the purpose of carrying on war. [Applause.]

The preachers in the pulpit plead for universal peace, the newspapers and magazines of the world daily fill their columns with reasons and plans for it, the statesmen in their council chambers throughout the civilized countries talk in favor of it, but annually construct against it.

The rulers of nations exchange diplomatic papers concerning it and lead the people to believe that they are about ready to adopt it, but at the same time they go ahead with the construction of new monsters of the deep, with greater speed and greater destructive powers. It will never be accomplished until some great power formulates a plan for it and has the moral courage to carry it out. A nation is not necessarily prepared for war because she has a large standing army and a big navy. We whipped Great Britain in two wars, one on land and the other on the sea, and yet we had no standing army for the one (Revolutionary War) and but a small navy for the other (War of 1812). The cause of right was with us in both of them and undoubtedly gave us an overshadowing advantage which resulted in our victories.

Mr. Chairman, the world is practically at peace to-day, but there never has been such a scramble among nations for big fleets and improved engines of death as is going on now. I am forcibly reminded of a story I once heard of a camel on coming in the presence of a wild boar that was busily engaged in whetting his tusks on the root of a tree, had his curiosity so aroused that he inquired of him, "What are you doing, sir?" Whereupon the boar replied, "I am preparing for war in time of peace." The wild-boar policy is what our ex-Speaker and his school of statesmen are advocating for America. Philosophers often peer into the misty future and foretell coming events, thereby giving the people an opportunity to escape disaster. Noah built the ark long before the flood, yet it was the means of perpetuating both human and animal life and the species thereof. Joseph was sold into Egyptian bondage by his envious brothers, but his preparation for the seven years of famine was the means of saving the lives of his cruel brothers. It is a most noble mission to prepare in advance for future happiness and prosperity, but no one can justify preparation for human slaughter and human destruction. The wild-boar policy originated in the dens of the devil. The Bible teaches us that on a certain occasion Jesus found a certain man possessed of many devils, and after casting them out they entered a herd of swine, and the entire herd ran into the sea and were drowned. Whether the wild boar escaped and is at large as a missionary of the devil I am not prepared to say, but it is quite evident that his doctrine is not in harmony with doctrine of peace and the golden rule and ought not to be accepted by any civilized power. Our greatest war is our war against war, and we ought to wage this war so unrelentingly in every clime until we prevent wars.

Mr. Chairman, we have not yet taken into consideration the question of our new possessions—Hawaii, Philippine Islands, Guam, Porto Rico, the Panama Canal, and the Canal Zone. Many of our citizens and some Members of this House believe that a strong navy is necessary in order to properly protect these possessions and discharge our duty to other nations whose citizens are interested therein. Members of Congress plan for the government of the Philippine Islands as though they were permanent property of ours. Capital is flocking there for investment and trying to gobble up the valuable parts of these rich islands in order, as I take it, that our permanent possession may be made possible. I am not in sympathy with this policy. America should retain the permanent possession of territory which may become States of this Union ultimately, and all property within our possession which is not so intended should be handled by us as a protectorate until a republican form of government can be established, with the view of ultimate independence for such territory. This ought to be our policy with the Philippine Islands, for it is evident that they can never become States of our Union. They are too far away and too far south. Their people are not Caucasian, and hence not desirable as part and parcel of this country. While they are intelligent and able in business and government, yet their environments and their social status is so at variance with our customs and institutions that they can never be amalgamated with us. Our other possessions are so close to us that we do not need a big navy for their protection. There can be no excuse, Mr. Chairman, for a strong navy in America unless it is to perpetuate a colonial policy. [Applause.]

It may be that America will embark upon this dangerous program, but if she does she has the history of the world against her. I have no doubt but that we have men in this Chamber who would gladly see her adopt such a policy, but even the thought of its possibility makes me tremble for the safety of my country. It is a trait of human character that we do not like to keep costly things just to look at. We are anxious to put them into use, if for no other reason, just to see how they work.

The same thing is true of nations. Large standing armies and big navies are highly expensive, and if a nation has been at great expense to maintain these luxuries, in the course of time she becomes anxious to try them to see how they work, and might pick quarrels on trivial matters as an excuse to declare war for conquest. It is the history of the world that all republics which have taken on a colonial policy have ruled their colonies ruthlessly and, in many instances, cruelly, thereby engendering hatred among the subjects against the mother country, which has invariably resulted in rebellion and the loss of liberty. Ancient Venice, Genoa, Athens, Pisa, Carthage, Syracuse, Rome, Holland, and republican France all tell the same sad story. They not only lost their colonies, but they lost their own liberties. Mr. Lincoln said that no man is good enough or wise enough to rule another without his consent. The same is true of nations. No country is good enough or wise enough to rule another country without the consent of the people of that country. With the fate of both the ancient and modern republics which have adopted a colonial policy staring us in the face, who will declare for a colonial policy for America? As the lurking magazine lieth in watery ambush to blow unsuspecting fleets into fragments, so lieth the colony of a republic to blow her ship of state into kindling wood. Beware of a colony for our Republic, my countrymen, oh, beware! [Applause.] A few days ago the House adopted an amendment to the Post Office appropriation bill for the purpose of stimulating and encouraging the construction of a system of good roads in this country by giving national aid thereto. Were we to expend as much money for this purpose annually as we have been using for the construction of battleships it would not be long until America would have an ideal system of hard roads, and it would add real and substantial happiness and prosperity to our own people. Internal improvements ought to command our best thoughts and our wisest action, for therein lies the greatest hope for the happiness of our people and the perpetuity of this Republic. Let the battleship give place to good roads and internal improvements generally.

Mr. RUCKER of Colorado. Mr. Chairman, since my refulgent light spread itself upon this House, relieving the former Erebus and atmospheric oppression, I regret that I still find there is a dearth in finding out what is done and said upon this floor in matters of so much importance as this. Why, three years ago I made a speech here—a great speech [laughter]—the greatest speech; in fact, the only speech that was made upon the battleship proposition. [Laughter.] If there had been a censor upon the speeches that went into the CONGRESSIONAL RECORD and a historian beside, who would keep account of those things, the subject matter of this debate never would have again occurred, because they may have read my speech. [Laughter.] In fact, I believe some Member having the good of the country at heart should introduce a bill making ineligible for reelection anyone who did not read my speech.

Why, Mr. Chairman, I first offered an amendment to strike out the two battleships in my adolescent period of service. I got 17 votes upon that amendment. The next time it came up, having more influence, I got about 18 votes against the two battleships.

And then you all know that I am a caucus man. [Laughter.] I have been extremely fortunate in the Democratic caucuses, because whenever I have bolted a Democratic caucus they no sooner get back into the House after my vote had been recorded and the fact was known in the Senate and its intelligence was communicated back to the House than it immediately comes over to my side. [Laughter.]

Now, in this matter, contrary to the usual method, I stood by the Democratic caucus decree, and again the Democratic caucus is standing by me. Therefore I take pleasure in casting my vote against the two battleships. [Applause.]

I want to say to you, furthermore, gentlemen, that, notwithstanding you did not read by speech of three years ago, if you had read my speech I delivered yesterday, each and all of you would vote against the battleships for the very reason that battleships have gone out of commission. Aeroplanes and waterplanes have taken their place. I asked the chairman of this committee who these experts were that they called before the committee to determine what was the proper appropriation to make for the development of aeroplanes, and it developed that these men came before this committee before the greatest exploit of the greatest development of the age had been made at Weymouth, England, on the 10th of this month, where it was shown that the aeroplane or, rather, the waterplane, can rise from the deck of a ship without running space; that it can rise from the water; that it can descend upon the water; that it can descend upon the land; and that it can go to a distance of

500 miles without making a landing either upon the land or upon the sea. In such a case, with our immense seacoast and borders, what is the necessity of longer fortifying our coast? Why, gentlemen, it is absolutely senseless, and the fortification of the Panama Canal is so much money thrown away. Gentlemen, do not be so self-centered; for the sake of the country and for your self-respect, please read my speech. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the gentleman from Virginia [Mr. SAUNDERS] a few moments ago spoke of the "mad rush for war." I want to ask him whether the people of the United States were not just as ready and just as mad to rush to war after the battleship *Maine* was sunk in Habana Harbor as the most excitable nations on earth? I want to ask him whether it did not require all the skill and ability and energy of the then President of the United States, the lamented McKinley, to hold Congress back from precipitately declaring war against Spain, in order that this country might be at least partially prepared for the then impending conflict?

Mr. Chairman, war comes suddenly. It comes unexpectedly; and it is the experience of the modern world that the more a nation is prepared for war the less the likelihood of that nation becoming involved in war. The highwayman lurking in the shadow of a tree for a likely victim seldom undertakes to attack a strong, powerful individual who might worst him in the fight. He rather looks for a physically weaker brother, one who shows evidence of being more apt to fall at the very beginning of his onslaught. It is even thus with nations. This country stands behind the Monroe doctrine. There is not a man in this House that dare cast his vote against the maintenance of that doctrine. I believe the overwhelming sentiment of this country would be for war if war were necessary to maintain it. If we intend to maintain it, we must have an adequate fleet. Our fleet is the only thing that will stand behind that doctrine. It has nothing behind it in international law. To-day its strength lies largely in the will of the people of the United States.

And what is happening on the American continent to-day? In South America large numbers of settlers from foreign countries are taking up great areas of the rich agricultural and grazing land. I understand that in Brazil alone German colonizing concerns have taken up 8,000 square miles of land. The States of Santa Catharina and Rio Grande de Sul are largely controlled by German companies. The nations are reaching out for the trade of South America. They are sending their immigrants and their settlers there, and these create a market for the products of the mother country. No one can tell what complications may arise as the result of this colonization. We have nothing but the tacit consent of European countries to our maintenance of the Monroe doctrine. I do not believe that a single power in all Europe has ever acknowledged acquiescence in the doctrine in writing. Indeed the soundness of our position has been attacked occasionally in recent years in various European periodicals. A sharp attack on the Monroe doctrine appeared in a recent number of a leading German review—the Grenzhotel—and the National Zeitung, commenting on that attack, urges the Fatherland to examine closely whether things resting on such shallow legal and historical foundations as the Monroe doctrine need be tolerated, or whether, at the bottom, they are not merely American arrogance which requires sharp and decisive opposition.

Admiral Mahan, in an article published in the New York Times on the 24th of this month, says that twice recently, once from Canada and once from an English source in China, has come a suggestion that the present feeling of Germany against Great Britain might be placated by Great Britain repudiating the Monroe doctrine. Personally I have no reason to believe there is anything in the suggestion to cause alarm. But the game of world politics is an absorbing one. Combinations and alliances are ofttimes made between world powers that are startling in their effect upon world policies. We are an isolated nation. Many of our statesmen have strenuously contended that therein lies our strength. But in my opinion that very isolation demands of us the construction and maintenance of a most powerful Navy, especially if we expect to continue our championship of the Monroe doctrine.

Mr. Chairman, the gentleman from Illinois [Mr. CANNON] well stated the case of the oldest nation in the world, China. The Celestial Empire has been bullied by every little nation that wanted a slice of her territory. She has had to suffer indignities, she has had to concede "spheres of influence" to the land-grabbing countries of the world. Why? Because she has neither an adequate army or navy to defend herself.

Does anyone believe that China, with her teeming millions, would be a prey to the rapacity of European nations for territorial aggrandizement if she were adequately prepared to defend her rights? Why, of course not.

Man is a fighting animal. There is no use trying to deceive ourselves. I agree with the gentleman from Illinois [Mr. CANNON] that the millenium has not yet come. The fighting instinct seems to be inborn. Deprecate the fact as we may, we see that instinct manifested in the fights among schoolboys. As we reach maturer years the instinct is outgrown by most of us. And yet in many cases it is only latent, and it frequently asserts itself upon slight provocation even among adults. The gentleman from Virginia [Mr. SAUNDERS] speaks of settling cases in court. True, the great majority of men take their differences into the courts and cheerfully abide by the judges' decisions. But some men still resort to murder in settling their disputes. Men are still shot down by such of our countrymen who refuse to submit their causes to peaceful arbitration. And while I am as strong an advocate of peace as any Member on this floor, I am nevertheless of the opinion that many questions between nations will continue to be settled by the arbitrament of war. It will be many generations before we can settle everything in the courts.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I have only five minutes. I yield, however, to the gentleman from Missouri.

Mr. BARTHOLDT. I merely wish to say that the Monroe doctrine is recognized by nearly all the nations of the earth, and certainly has not been invented for the purpose of keeping up militarism in the United States.

Mr. KAHN. Oh, there is no question about the fact as to why the Monroe doctrine was enunciated.

Mr. BARTHOLDT. And another thing——

Mr. KAHN. I can not yield any further. As a matter of fact, the Monroe doctrine was announced at the time when the Spanish-American colonies were throwing off the yoke of the mother country and were assuming their stations as American Republics. It was enunciated because President Monroe at that time believed that no foreign power ought to be allowed to take land forcibly on the American continent. He undoubtedly voiced the sentiment of his period. We had but a few years before concluded our second war with Great Britain. Our Navy played a glorious part in the settlement of that war. There was no question as to its ability to cope with the navies of the other world powers of that epoch. And in announcing his famous doctrine, President Monroe undoubtedly believed that the prestige won by the American Navy in the War of 1812, and the heroism manifested by our naval commanders and sailors in the war against Algeria, Tunis, and Tripoli in 1815 were but an earnest of a strong and powerful Navy for all time to come.

Mr. Chairman, it has been well said that "battleships are cheaper than battles." I firmly believe in that declaration, and so believing, I heartily advocate the amendment of the gentleman from Massachusetts [Mr. ROBERTS] for the construction of two battleships at this time. [Applause.]

Mr. PADGETT. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be now closed.

Mr. McCALL. Will not the gentleman agree to prolong the agony for just two minutes? [Cries of "Vote."]

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate on the paragraph and all amendments thereto be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT] to the amendment proposed by the gentleman from Massachusetts [Mr. ROBERTS]. Without objection the amendment to the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment to the amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Massachusetts [Mr. ROBERTS].

The question was taken; and on a division (demanded by Mr. ROBERTS) there were—ayes 60, noes 87.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ROBERTS of Massachusetts and Mr. PADGETT were appointed tellers.

The committee again divided; and the tellers reported—ayes 80, noes 125.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZGERALD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Two fuel ships to cost, exclusive of armor and armament, not to exceed $1,140,000 each.

Mr. CONRY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. GOOD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. PADGETT. Mr. Chairman, it is not worth while to report the amendment until the point of order is disposed of.

The CHAIRMAN. That is true. The amendment is not in order pending the disposition of the point of order.

Mr. GOOD. Mr. Chairman, as I understand it, last year we made an appropriation for two fleet colliers at this point in the bill. As I understand it, these are unauthorized unless they are colliers.

Mr. PADGETT. Mr. Chairman, these are colliers. We are calling them fuel ships, because the last battleships are being constructed to run with oil instead of coal, and the department desires some of the colliers equipped to carry oil as well as coal, so that to designate them that they may not be confused with the exclusive coal-carrying colliers we designate them as fuel ships.

Mr. GOOD. Then they are to take the place of ones we appropriated for last year, except that they have an equipment for oil?

Mr. PADGETT. Yes.

Mr. GOOD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

After the word "each," on page 63, line 13, insert the following proviso:

"*Provided*, That no part of the appropriation shall be expended for the construction of any such ships by any person, firm, or corporation which has not, at the time of the commencement and construction of such vessels, established an 8-hour work day for all employees, laborers, and mechanics engaged on or to be engaged in the construction of the vessels named herein."

Mr. PADGETT. Mr. Chairman, this is the same amendment, in substance, that was offered heretofore that has been passed over. I ask unanimous consent that it remain in abeyance until we reach line 20, on the next page, page 64, when we will take up the matter of general legislation, and if we do not agree on anything we will return and dispose of this.

Mr. CONRY. Well, on the condition that it remains pending.

Mr. PADGETT. That it remains pending, just as the others.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the amendment be considered as pending and be passed over for the present. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 63, line 13, after the word "each" strike out the period and insert a comma and insert the words "which shall be built in a navy yard."

Mr. PADGETT. Mr. Chairman, as the other amendment provides that it should come in after the word "each" it will not come at that place if the other is adopted and the character of the amendment at this time not being either a substitute or an amendment to this amendment it would not come in unless the gentleman from New York consents that this one come in ahead of his.

Mr. BUCHANAN. Mr. Chairman, I desire to offer that as a substitute for the other amendment.

The CHAIRMAN. The Chair will state to the gentleman that the other amendment has been passed over informally.

Mr. FITZGERALD. Mr. Chairman, I suggest that by unanimous consent the gentleman from New York be given the privilege of withdrawing his amendment to be offered at the conclusion of the bill if he desires.

Mr. PADGETT. At this point?

Mr. FITZGERALD. Yes.

Mr. PADGETT. That is all right; I have no objection to that.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman from New York be permitted to withdraw his amendment and have the right to return to this portion of the bill and reoffer it after that section of the bill if he so desires.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his colleague be permitted to withdraw his amendment for the present with the privilege after the consideration of the bill has been concluded of recurring to this paragraph for the purpose of reoffering this amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, I desire to discuss the amendment I have offered.

Mr. PADGETT. Mr. Chairman, has the amendment been reported?

The CHAIRMAN. It has.

Mr. BUCHANAN. Mr. Chairman, the experience of the Government in building its own war vessels, auxiliaries, and so forth, has been of great advantage not only to the Government but to the men who are employed in that class of work. It has reduced the contract price paid to the private-contract shipyards. It is admitted by all of those who know about the conditions that the men are securing better conditions, and also that we are getting a better class of work done when these vessels are constructed in the Government shipyards, and therefore I hope that the amendment which I have offered will be agreed to.

Mr. PADGETT. Mr. Chairman, this amendment provides that these ships are to be built in a navy yard and not elsewhere. It is a plain and simple question. We have had a number of illustrations with reference to it. The *Florida* and the *Utah* were duplicate ships, sister ships. One was built in a navy yard at a cost of $6,200,000, not counting $500,000 of overhead charges, which, if you add the overhead charges, would amount to $6,700,000. The other ship, the *Utah*, was built by contract at $4,020,000. There was another instance where we built the *Prometheus* and the *Vestal*, two colliers, that cost us in a navy yard $1,150,000 in round numbers and in private yards, by contract, we could produce the ships for $890,000.

Mr. CANNON. How much was the first?

Mr. PADGETT. The colliers, a million and a half in round numbers.

Mr. CANNON. And in private yards?

Mr. PADGETT. Eight hundred and ninety thousand dollars in private yards. Now, with this simple statement, I do not care to argue this question. If the House sees fit to place this limitation upon it——

Mr. HENSLEY. Will the gentleman yield?

Mr. PADGETT. In a moment. And requires them to be built in a navy yard, you must realize that we must increase the appropriations to pay for them.

Mr. HENSLEY. Will the gentleman from Tennessee give any reason why this great difference? Why should there be such a difference as this?

Mr. PADGETT. Yes; there are several reasons. One of the reasons is that the navy yard pays higher wages. Another reason is that the navy yard employees get about 28½ days of holiday with pay during the year; and then, I think, with the lack of business organization and utilizing to the best advantage, the labor employed in the navy yard is not adequate to that in private yards under private management.

All of these things contribute to the cost. Now, it is a plain, simple question, and I am not going to take up the time with it. A few weeks ago I had a conversation with a labor leader that to me was very illustrative. He came into my room and said he wanted to urge that we should build one of the battleships in the navy yard compulsorily. I said to him that I could not take that position, that it was a question of labor and that labor was employed wherever it is built—whether in the private yard or in the navy yard the labor is employed and paid. He said, "Yes, that is so; but in the navy yards we get much better pay and we get holidays with pay and leaves, and so forth." I said to him, "If that is true, why is it that the employees in the navy yards are always complaining of their wages and demanding of us that we shall increase them?" Then it was he made the reply, "If we do not make complaints and keep up a fuss about our wages they may be reduced." I said to him, "Do you think as a patriotic citizen that is the way to deal with your Government?"

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. MARTIN of South Dakota. In the incident that the gentleman cited to the committee, where the battleship and collier were made in private yards, were they made under the eight-hour system?

Mr. PADGETT. No, sir. The outside contracts were made, as I understand it, on a nine-hour basis.

Mr. MAHER. What is the difference in the construction of the *Louisiana* and the *Connecticut*?

Mr. PADGETT. There has always been a dispute over that, but not a very great difference, I think.

Mr. MAHER. Do you know what the difference is?

Mr. PADGETT. I do not remember the exact figures. I have not looked into it of late years.

Mr. MAHER. I think the facts will show that there is no difference whatever.

Mr. PADGETT. There is some difference. The navy yard is greater—about 4 per cent.

Mr. CANNON. Will the gentleman allow me?

Mr. PADGETT. The *Louisiana* cost $7,426,000 and the *Connecticut* cost $7,911,000; something like $500,000 difference in the cost. Repairs up to an even date on the two ships are—on the *Louisiana* $547,351 and on the *Connecticut* $634,234.71.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection?

There was no objection.

Mr. PADGETT. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. As I understand the gentleman, it is proposed to amend this bill so that in cases of contract for the building of ships it shall be done by 8-hour labor.

Mr. PADGETT. No, sir. It is provided it shall not be built by contract at all, but shall be built in a Government navy yard.

Mr. CANNON. But I am speaking of the general legislation.

Mr. PADGETT. Yes, sir.

Mr. CANNON. In the bill which this House passed and the Senate has favorably reported, and which you propose to put upon this bill, that provision is made?

Mr. PADGETT. Yes, sir; for the 8-hour law. And we have placed the appropriation on the 8-hour basis for all the work.

Mr. CANNON. And the gentleman states that the wage in the navy yard is much larger than in the private yards?

Mr. PADGETT. I said materially.

Mr. CANNON. Materially larger; with leaves of absence, and so forth?

Mr. PADGETT. Yes, sir.

Mr. CANNON. Those are favored places in comparison with the great bulk of mechanics who are in union labor and who will be under the eight-hour law?

Mr. PADGETT. Yes, sir.

Mr. CANNON. Then, I will ask the gentleman if, in the last analysis, labor does not pay it all?

Mr. PADGETT. This is a discrimination against outside union labor in favor of the labor in the navy yards, to which we are already giving advantages and favors that outside labor does not possess.

Mr. CANNON. And outside union labor increases 10 times in number, in comparison with that in the yards?

Mr. PADGETT. That is true.

Mr. CALDER. There are 10 other ships in this program, are there not?

Mr. PADGETT. Yes.

Mr. CALDER. They will be built by contract in other yards?

Mr. PADGETT. There are some small ships to be built in other yards. The position I take is this: It is a wrong policy and we are running wild on this question. Let us allow the Government, which is spending the tax money of the people, free to contract this work where the Government will get the worth of its money, and for the benefit of the labor that is outside as well as inside of the navy yards.

Mr. SIMS rose.

The CHAIRMAN. Will the gentleman from Tennessee yield to his colleague [Mr. SIMS]?

Mr. PADGETT. I will.

Mr. SIMS. In making these calculations as to the cost of building a ship by contract and by the Government, does the gentleman allow nothing for interest on capital invested by the private contractor?

Mr. PADGETT. Nothing whatever.

Mr. SIMS. And does the gentleman say that the Government, on account of the increased amount of wages paid, loses all the difference claimed and allows nothing for repairs or insurance or replacement or interest on the capital?

Mr. PADGETT. Yes.

Mr. SIMS. Then you must have a very incompetent set of men in charge of the navy yards if they can not do better than that.

Mr. PADGETT. I am only telling what the cold facts are. I said that a lack of proper organization and ability to utilize the organization is contributing to the excess cost.

Mr. SIMS. If they are not any more competent to do a business transaction that that, that makes a difference as great as you make it and allows nothing absolutely for interest and replacement and maintenance and insurance, they are not competent to be in charge of a hen roost. [Laughter.]

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. PADGETT. Yes; I yield to the member of the committee [Mr. BUCHANAN].

Mr. BUCHANAN. Is it not a fact that those who made the statement before the committee to the effect that they were paying, I believe, 25 per cent more than private shipyards finally stated that they did not know what private shipbuilding companies were paying? Did they not?

Mr. PADGETT. No; I think not. They stated that the expenses are fixed by boards, and that upon the general average they made about 25 per cent more than the outside shipyards.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD rose.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I am in favor of continuing the policy of building some of the vessels authorized for the Navy in Government yards. In 1900 I initiated a movement in this House which resulted in the adoption of a policy by which the Government yards, which are maintained at a very great expense, were utilized to a very small degree in the construction of new vessels for the Navy. Ever since that policy was initiated the department has been doing its utmost to discredit the yards and to bring into disrepute the new work done there for the Navy.

We have established powder factories, and in those factories we manufacture powder more cheaply than we can purchase it by contract. We maintain arsenals at Rock Island, Ill., Frankford, Pa., and Springfield and Watertown, Mass., and in those arsenals we manufacture small arms and ammunition more cheaply than it can be manufactured by private contractors. We seem to be able to enter into any line of manufacture of munitions of war and to compete successfully with private manufacturers excepting in the construction of ships. In determining costs in this line, by a skillful jugglery of the figures, it is made to appear that it costs inordinately more to build ships in a navy yard than by contract in private yards.

The *Connecticut* and the *Louisiana* were built as the first ships in competition, one in a navy yard and one in a private shipyard. The navy yard was without full equipment, without experience, without practice, and yet, despite the utmost efforts of the Navy Department to show a very great discrepancy, and although they charged against the yard building the ship even the cost of educating at the Naval Academy the officers employed in the yard, the best that could be done was to make a difference of about 5 per cent in the cost.

The navy yard worked 8 hours as against 10 hours in the Newport News Shipbuilding Co.'s yard. I have been reliably informed that the private yard was compelled to work overtime in order to keep pace with the progress made on the *Connecticut*. For the first time in the history of the Government, as a result of that competition, a ship authorized by the Government was turned out within the time fixed by the contract—three years—instead of running from 36 to 42 months over the time.

Since then we have been getting our ships in less than three years' time instead of in seven years' time. The ships now authorized to be built by contract are no longer utilized by the private contractors as a means of keeping their plants going while the interests of the Government are sacrificed, but the interest of the Government is now compelled to be put first.

When this movement to utilize the navy yards started a differential of 4 per cent was given to shipbuilding plants on the Pacific coast, and, taking the bids submitted year after year, the low bid on the Pacific coast was to a penny exactly 4 per cent in excess of the low bids on the Atlantic coast.

They talk about the difference in the cost of building these ships. I demonstrated to this House last year by a carefully drawn diagram prepared by an expert in the Navy Department, who resented the practices indulged in there of misleading the country and the House, that they had shifted from the ordinary yard-maintenance charges over $600,000, if I recall correctly, to the cost of the ship there under construction, and to refute the conclusions of the department I demonstrated that at a period when there was no ship under construction the overhead charges had increased at the same ratio as when a ship was under construction and the maximum force employed thereon.

What has resulted from this practice? The gentleman speaks of the cost of the *Utah*, $4,200,000, and yet the testimony before his committee is to the effect that the contractor who built that ship built it at a loss of in the neighborhood of $500,000. Is it a wise policy to have our ships built by contractors at a loss of half a million dollars? Does that explain many of the mysterious accidents that are happening upon our contract-built ships in this country? The battleship *Florida*, just completed at a navy yard, is heralded as the fastest battleship afloat, exceeding the speed requirements of the specifications and making almost a knot better than her sister ship built in a private yard, and for the first time in many years since the paying of a bonus for excess speed has any ship built for the Navy exceeded in so marked a degree the speed requirements set forth in the specifications.

Mr. KOPP. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KOPP. Is it the gentleman's position that this increased cost in the navy-yard-built ship is due to the indirect charges solely?

Mr. FITZGERALD. My position is, in the first place, that the difference in cost which is pretended by the department does not exist. In the second place, whatever difference does exist is due in some part at least to the inefficient manner in which the department is at present conducted, and I am not certain but that it is done deliberately for the purpose of stopping yard construction, although I should be reluctant to believe such to be deliberately done.

Mr. KOPP. Will the gentleman yield for another question? I call his attention to the fact that according to the testimony before the Naval Committee the difference between the two ships—the *Florida* and the *Utah*, one built by private contract and the other in the navy yard—was $2,182,000, while the total indirect charges were only $954,000, leaving over $1,000,000 after you have taken out all indirect charges. How can the gentleman explain that?

Mr. FITZGERALD. Add $500,000 dead loss to the contractor and it comes down to half a million dollars, and still the contractor apparently is engaged in the eleemosynary work of building ships for the Government for nothing.

Mr. KOPP. Will the gentleman yield for one more question?

Mr. FITZGERALD. And if there be no other objection, I would object to permitting any contractor to work for the Government for nothing, particularly in the vital matter of building battleships or other ships essential to the defense of the country.

Mr. KOPP. Granting that what the gentleman says is true and that the contractor lost $500,000 on that ship, I call the gentleman's attention to the fact that there is still a difference of $700,000 after taking out that loss, if there be a loss, and after deducting all the indirect charges.

Mr. PADGETT. I call attention to the fact that the two million one hundred thousand and some odd dollars does not include the $500,000.

Mr. FITZGERALD. I do not agree with those figures.

Mr. KOPP. That is the testimony.

Mr. FITZGERALD. The gentleman asked me a question. I do not agree to those figures.

Mr. KOPP. So far as that loss was concerned, it was merely an estimate on the part of Admiral Watts, that he believed the contractor must have lost $500,000. Personally I do not believe they are doing business for nothing or at a loss.

Mr. FITZGERALD. There is talk here about the cost of building ships at the yards, and last year or the year before much ado was made over the fact that it was necessary to increase the limit of cost of a yard-built ship, because it could not be completed within the limit of cost. Is there complaint when they can not build ships authorized by contract within the limit of cost? Not at all. The latest vessels authorized to be built by contract, I am informed, were treated in an interesting manner. When the bids were received, the bids were all in excess of the limit of cost. Did the department come to Congress and complain that it was impossible to build those ships, as they did with the ones placed in the navy yards?

Mr. PADGETT. They were less than the limit by about $100,000.

Mr. FITZGERALD. They could not be built within the limit of cost.

Mr. PADGETT. They were built within the contract. The contract limit of cost was $6,000,000.

Mr. FITZGERALD. The gentleman will pardon me while I make my statement. I think I am correct. When it was ascertained that it would not be possible to get the ship that had been laid down as planned they substituted inferior material in many respects. They substituted nickel steel for special hardened steel that was intended to be placed in the ship. I will ask the gentleman from Tennessee if that is not true?

Mr. PADGETT. I have not heard that.

Mr. FITZGERALD. I have, and it is a matter of some notoriety, but it has not been done so far as I have been able to learn as to any ship that was set to be built in a Government yard.

Mr. Chairman, there was without question some years ago an understanding among the shipbuilding plants of the country to divide the business of the Government among them, and never until we initiated the policy, not of building all the ships—we have built, I think, ships costing some $25,000,000, out of a total of $396,000,000, in Government yards—never, until this policy was established, was the hold of the Shipbuilding Trust on the Government broken. A new standard of efficiency and speed in construction was also established, which elicited the admiration even of the great British naval constructor who visited this country about two years ago and expressed surprise that it was possible to put a ship off the ways as speedily as we did the *Florida*.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BUCHANAN. Mr. Chairman, I ask that the gentleman have his time extended two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended two minutes. Is there objection?

There was no objection.

Mr. BUCHANAN. I want to ask the gentleman from New York if he can reconcile this: Here is a statement in the hearings by Rear Admiral Watts, Chief of the Bureau of Construction and Repair, who says that the labor cost on the *Florida* was $2,815,388.15—that that was the whole labor cost according to the statement of the constructor. Now they tell us that, due to the increased cost of labor in Government yards, one vessel costs more than two millions more, due to labor cost, than in a private shipyard.

Mr. FITZGERALD. I can not reconcile the figures nor can anyone else. They do not fit. The labor cost is not very much different from the cost of material. Double the labor cost, make liberal allowances for all other items, and there still remains almost a million dollars of the stated cost to be allotted. In that connection let me call attention to the fact that under the direction of Congress the Department of Commerce and Labor made an investigation to determine how it was that working 10 hours a day the Newport News Ship Yard had hardly been able to keep up with the Government yard with an 8-hour day. The report of that department made to the House shows that twenty-four and a fraction more per cent of work was turned out in the Government yard in an 8-hour day than in the private yards with a 10-hour day. So remarkable and astounding was the record that the naval attaché of the German embassy asked me to furnish a copy of that report for transmission to Germany, in order to show the capacity and efficiency of the Government yards in this country.

To illustrate the difficulty of obtaining accurate information about costs from the Navy Department let me remind the House that when it was proposed to compel contract ships to be built in yards having an eight-hour day it was asserted that the cost would be increased 20 to 25 per cent. The following statement shows bids for colliers to be constructed under the eight-hour provision and without it.

Proposals received for the construction of fleet colliers Nos. 9, 10, 11, and 12.

[Proposals opened June 20, 1911.]

Name.	Time, months.	Number of vessels.	Class 2, bidders' price—plans.	Remarks.[1]
Newport News Steamship & Dry Dock Co., Newport News, Va.	Both in 22	Nos. 9 and 10	[2] $995,000	Proposal accompanied by certified check for $60,000.
	Both in 22	Nos. 11 and 12	[2] 975,000	
	4 in 24	Nos. 9 and 10	[2] 980,000	Vessels to be constructed at Newport News.
		Nos. 11 and 12	[2] 980,000	
	Both in 22	Nos. 11 and 12	[2] 997,000	Babcock & Wilcox boilers.
Maryland Steel Co., Baltimore	1 in 18	1 of 11 and 12	984,000	Bond for $35,000.
	Both in 24	Both 11 and 12	[2] 973,000	Transverse system.
	1 in 18	1 of 11 and 12	962,000	Isherwood system.
	Both in 24	Both 11 and 12	[2] 951,000	

[1] All proposals based on second form of payment in Construction and Repair letter June 10, 1911. [2] Each.

No proposals received under Class 1, department's plans.

Publicly opened at the Navy Department by direction of the Secretary of the Navy.

——— ———, *Solicitor.*

Mr. Chairman, *Nos. 9* and *10* are to be built under the 8-hour law; *Nos. 10* and *11* are not so restricted. The Newport News Shipbuilding and Dry Dock Co.'s bids show a difference of $20,000, or 2.05 per cent, only. If they get four they would build each of them for $980,000; that is, there is apparently no difference in price between those under the 8-hour law and those not under it, or if there is any difference, as may be noted, it is $5,000, or only one-half per cent.

Comparing Maryland Steel Co.'s bids, the lowest, $951,000, as against Newport News Co.'s high bid, $995,000, there is only a difference of 4.6 per cent. It is to be noted that the Maryland Steel Co.'s bid is for the Isher-Wood system of construction, which is undoubtedly somewhat cheaper construction than that for which the Newport News Co. bid.

As far as the general provisions are concerned with regard to these bids, they speak for themselves.

They demonstrate the futility of accepting the figures of the department upon the question of cost. I favor the pending amendment; I hope it will be adopted.

Mr. PADGETT. Mr. Chairman, I move that all debate on this paragraph and amendments close in 10 minutes.

Mr. REDFIELD. I will say to the gentleman that I would like five minutes.

Mr. CALDER. I want a few minutes.

Mr. PADGETT. All you gentlemen are on one side, and you ought to be content with four speeches against one.

Mr. JONES. I would like five minutes on the gentleman's side.

Mr. PADGETT. Mr. Chairman, I will modify that and move that all debate close in 15 minutes, 5 minutes to be given to the gentleman from California, Mr. KNOWLAND, 5 minutes to the gentleman from New York, Mr. REDFIELD, both on one side, and 5 minutes to Mr. JONES, on the other side.

Mr. CALDER. I hope the gentleman will extend it three minutes more.

Mr. PADGETT. I will make it 18 minutes, to give 3 minutes to the gentleman from New York, Mr. CALDER.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on this paragraph and amendments thereto be closed in 18 minutes.

The motion was agreed to.

Mr. KNOWLAND. Mr. Chairman, the statements of the chairman of the committee would, I am free to admit, present a very strong case against the construction of ships in navy yards were they to go unchallenged. But I want to present to the House some facts that I believe will convince this body that instead of resulting in a loss to the Government that the construction of these colliers in navy yards has resulted in a direct saving to the United States.

Let me call your attention to the fact that in 1908 the naval appropriation bill provided for the building of two colliers. It was understood that these two colliers were to be constructed in private shipyards, and the limit of cost placed upon them was $1,800,000 each. No protest was made in the committee as to the cost, and no one voiced a protest on the floor of this House. An amendment was inserted on the floor providing that one of the colliers should be built in a navy yard of the United States. That amendment remained in the bill.

Immediately private shipbuilding firms reduced their prices. Bear in mind that $1,800,000 each was to be the cost of these colliers, but as soon as we provided that one should be built in a navy yard of the United States the various private firms submitted exceptionally low bids ranging from $822,500 to $900,000. There were three or four separate bids, and these bids were all so much alike that it at least gave suspicion of collusion. The result was that the Secretary of the Navy refused to build the collier in a navy yard notwithstanding the mandate of Congress, because of these bids—no doubt at below cost. The next year the bids were raised to $900,000, then to $1,000,000, and again to $1,100,000.

This year the limit of cost is placed at $1,140,000. After the eight-hour law was placed upon construction of the colliers there was only one of these private concerns that submitted a bid, and that bid was for $1,500,000, a larger amount than it cost to build the collier in a navy yard of the United States. A contract has since been let to a private firm at a lower figure, made possible because this firm was given a contract for two colliers. A navy yard could build two much cheaper than one no doubt. I believe it is sound business policy for this great Government, in order to maintain the navy yards at a high standard of efficiency and to retain an efficient, skilled, and permanent force of mechanics, to occasionally build a ship in these yards, and I also contend that it has a tendency to keep the private shipbuilding firms from combining and submitting excessive bids. We know in one instance that it has resulted in lowering the cost of colliers from $1,800,000 to less than $1,000,000. I would not advocate the building of all ships in navy yards, but we find that nearly every foreign country—France, Germany, England, and Japan—are building some of their ships in the navy yards, because they appreciate that to keep these yards up to a high standard of efficiency, and to retain skilled mechanics, has an excellent effect upon the private shipbuilding concerns. While it may cost a few dollars more, in the long run we are saving money to the Government by providing that occasionally small ships at least be constructed in the navy yards of the Nation. [Applause.]

Mr. REDFIELD. Mr. Chairman, the distinguished chairman of the Committee on Naval Affairs, had he gone a little more in detail into the cost of the *Florida*, would have discovered a state of facts which I am inclined to think would have surprised him, for it is a fact that the engines of the *Florida*, which were built at the Brooklyn Navy Yard, actually cost less—some tens of thousands of dollars less—than the engines of the *Utah*, which were built at a private yard in Camden, N. J. The fact was stated to me by one of the engineer officers of the Navy. I went to the Chief of the Bureau of Steam Engineering and asked him if it was true that the engines of the *Florida* actually cost less than the engines of the *Utah*. He said it was true. I asked him if he would put it in writing, and he did. He gave me the figures, and I have them. I have them not here with me, but I showed them at the time to my colleague, Mr. FITZGERALD, and so far as the construction of that portion of the ship is concerned—and it is a very large portion, nearly or quite one-third of it—it actually costs less to-day to build the great engines of battleships in the Brooklyn Navy Yard than it does at private plants; and the detail facts I shall be very glad to state as soon as I can look again at the letter. The difference is some tens of thousands of dollars in that one ship.

Secondly, no one has ever ventured to question that the Government gets a better ship when it builds its own vessels; and it gets a better ship for two very excellent reasons. In the first place, the element of profit is entirely left out. The private contractor, if he will survive, must make, if he can make, a profit out of his vessels. In an effort to meet the competition of the navy yards they have sometimes failed to make a profit; but the effort for profit is always there in the private ship and can never be eliminated in any calm judgment of the wisdom of building a ship in a private or a public yard. Apart from the element of profit, which is in every one of the ships built in the private yards, there is the high professional pride of the naval constructors in building a better ship with their own hands for their fellows to use; and in a thousand little details

that make up the life of a battleship and count for its security, and especially bear upon its cost of maintenance and repair, the public-built ship is a better-built ship and a cheaper ship to maintain, a better vessel in very many ways than you get out of a private yard for the same or a less price.

I am not myself wholly unfamiliar with the facts from personal knowledge. Before I ever expected to enter these halls I was in a way connected directly with the building and equipment of four of our great vessels, one of them built in a public yard and three in private yards; and it is true that you get a better ship all through if she is built in the navy yard than you get if she is built with the necessary element of profit which is necessarily present in a private yard. And for the evidence of it you have only to look at two vessels recently constructed under the same specifications, with each of which I had myself a little something to do—the *Florida* and the *Utah*. The *Utah* far outdid any other previous ship. I said to the admiral commanding the Bureau of Steam Engineering, "Wait until the *Florida* comes." He said, "She will hardly do better." And I said, "She will." And she did better. So that the fastest ship and the strongest ship we have got, beating not only all other ships, but beating a fine ship built in a private yard, under the same specifications and at the same time, is the *Florida*, built in the Brooklyn Navy Yard. You have got to explain these hard, solid facts away before you can say it is always cheaper to build in a private yard, for in what does cheapness consist—first cost or ultimate cost? Never in first cost, unless the ultimate cost can be considered, and not alone in ultimate cash cost, but in usefulness, endurance, stability, and power, and in this respect unquestioned and so far unchallenged by anybody, the ships built in the public yards have been supreme. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES. I did not expect, Mr. Chairman, to take part in this debate, but I have been so much astonished at the statements that have been made by gentlemen favoring this amendment as to the comparative cost of building ships in Government yards and building them in private yards, and as to the comparative strength and speed of ships built in Government yards and those built in private yards, that I can not permit these misleading and absolutely unfounded statements to go unchallenged. The facts show just the reverse of what is claimed by these gentlemen. I wish first to notice the statements made by the gentleman from New York [Mr. FITZGERALD]. The gentleman has stated that the *Florida*, which was built at a Government yard, was one of the few of our battleships whose speed has exceeded that required in the specifications. He would create the impression that the battleships built in private yards had fallen short of the speed requirements. Let me tell the House, Mr. Chairman, that the great battleship *Delaware*, which was built at Newport News, Va., by the Newport News Shipbuilding & Dry Dock Co., one of the world's most powerful *Dreadnoughts*, exceeded its contract speed by 1 knot. Many of the greatest battleships of our Navy were built by this great private shipbuilding concern, and there has never been one of them whose speed did not exceed that required under the specifications. The *Texas*, which is designed to be the most powerful battleship afloat, and which was successfully launched only a few days ago at Newport News, is to cost the Government less than $6,000,000. It was estimated by the Brooklyn Navy Yard authorities that it would cost $7,500,000 to build this ship at that yard. The Government has thus saved more than $1,500,000 by building this ship at this great private yard. Something has been said in regard to the *Louisiana* and the *Connecticut*, built some years ago. The *Louisiana* was built at Newport News, a private yard, and was completed five months ahead of the *Connecticut*, built at a Government yard. It is true that the *Louisiana* was built under the 10-hour system, but it is not true, as has been stated, that any nightwork was done upon that ship. These facts show what little reliance can be placed upon the alleged facts of the advocates of this amendment.

I wish to say further, Mr. Chairman, in reply to the gentlemen who represent Government navy yards that it is known to everybody who possesses any knowledge upon the subject that ships can be and are built cheaper in private than in Government yards. I had not supposed until I listened to these gentlemen that this was a question about which there was any room for argument or dispute. I deny, too, most emphatically that the ships which are built in private yards are in any respect inferior to those built in the navy yards. The facts absolutely disprove such absurd charges as these.

The Government has its representatives and expert supervisors and inspectors stationed at every private yard where a Government ship is being built, and there is not a bolt that goes into the construction of that ship that is not carefully inspected. These inspectors are thoroughly trained men, whose competency is beyond question, and they reject every piece of wood or steel which does not come up to the most rigid requirements of the specifications. The naval constructors, under whose supervision the ships are built in private yards, are experts in shipbuilding and it is not possible for any private shipbuilding concern to slight Government work. Those who are competent to speak upon this subject know that this is true. It is a serious reflection upon the Navy Department to intimate that private yards turn out inferior work and for that reason are enabled to build Government vessels at a less price than they can be built in Government yards. It is easy enough for gentlemen to make these charges, but I challenge any man upon this floor to name a single ship ever built for the Government by the Newport News Shipbuilding Co. that was not built strictly according to specifications or into which inferior material or bad workmanship entered. It is easy to make unsupported and reckless charges such as these, but it will be quite another thing to prove them, and I demand the proof. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALDER. Mr. Chairman, in the naval bill of two years ago one battleship was authorized to be built in a Government yard and 1 battleship and 15 auxiliary vessels were authorized to be built by contract. In the naval bill of last year 2 battleships and 13 auxiliary craft were authorized, all to be built by private contract. So that in the two years past out of 29 vessels provided for only 1 has been authorized to be built in a navy yard of the country. In the program of this year there are 13 vessels authorized. We come here to-day and ask that 2 of those 13 be built in Government yards. We do not ask that all of these vessels be built at navy yards, but simply a small proportion of them. It has been our argument, Mr. Chairman, for years that it ought to be the policy of this Government to continue in the highest state of efficiency some of its navy yards, so that at a moment's notice they will be able to handle any naval proposition that may be put upon them. Now, to those of you who are not familiar with navy-yard matters, let me suggest the fact that three or four times each year the fleets come in for repair, and between the time the fleets are in and away at sea many men are discharged from the navy yard and the efficiency of the force is broken up, and I am advised by no less authority than the Secretary of the Navy himself that while a ship is under construction at the yard, when the fleet comes in for repair or alteration, it is the custom to take the men from the new vessel and put them on the repair work. This is done without the slightest inconvenience, and enables the Government to fit the fleet for sea without delay at much less cost than if it were compelled to call in several thousand men, many unfamiliar with naval work, employ them for several weeks, and then lay them off again.

Much has been said of the difference in the cost of construction of vessels built in the yards and those built by contract. We are informed that before the session ends to-day an amendment is to be put into this bill providing for the construction of all these vessels by 8-hour labor. When that is done it will materially increase the cost of the contract-built ships, with the effect that unquestionably we will be able to compete with the private yards of the country almost on equal terms. And taking into consideration the necessity of having at least two or three of our great yards constantly in shape to handle this work at a moment's notice, it seems to me the argument falls to the ground.

Mr. Chairman, I hope the amendment of the gentleman from Illinois will prevail; it will mean that the navy yard at New York will keep its very efficient force together for another year, at least, in the construction of one of these colliers. During the debate this afternoon the gentleman from Virginia [Mr. SAUNDERS] made the statement that the attitude of the Democratic Party in caucus in opposing the construction of any battleships this year had met with almost universal favor throughout the country, and he particularly cited the attitude of the newspapers of the country. Such has not been my experience, as an evidence of the public sentiment of the great State of New York on this important subject, and, as I understand it, the feeling throughout the entire country can be no better emphasized than in the editorials of some of the great New York dailies, which I propose to print as a part of my remarks. The Brooklyn Eagle, New York Times, New York Sun, New York Herald, all four the most independent politically of any newspapers in the country:

[From the Brooklyn Daily Eagle, Mar. 27, 1912.]

A DEMOCRATIC CRISIS SELF-PRECIPITATED.

The Democratic House caucus has resolved that there shall be no increase of the strength of the Navy this year and no measure to authorize any new Federal buildings. The national need had to be sacrificed to beat back the local greed. The Navy is a national need. The demand for Federal buildings on a numerous scale is a local greed. The local greed has fought the national need to a standstill, and the national need has been sacrificed to beat back the local greed.

This makes the House a slaughterhouse instead of a House of Representatives. It makes the caucus a trading body instead of a body of legislators for the public good. It is a disgraceful spectacle, but not an uninteligible or a surprising one. No political party has ever successfully been an enemy of the National Navy. The Whigs tried that before the Civil War. The Federals tried that before the Whigs. The Democrats tried it at times after the Civil War, and are now trying it again. They have made a mistake which ought to be fatal or which certainly ought to be at once retraced.

As usual, there are explanations. They are, however, explanations that will not explain. The people of the United States will not excuse Representatives who say: "We had to scant the Navy in order to beat the excessive demands for large Federal buildings in small towns." The subordination of a national need in order to curb a local greed will not be justifiable to the American electorate. The preservation of Democratic supremacy in the next House can not be made to depend on the beating of petty local sentiment for Federal buildings at national expense in hole-and-corner districts. There is a better alternative. It is to change the control of the next House of Representatives from Democracy to Republicanism. That has been done before because of the hostility of the Democracy to the Navy, and of the surrender of the Democracy to banded rapacity for local buildings at national expense.

The action of the Democratic House caucus has done not a little to restore the Republican Party to House control. It can not be too soon and too absolutely renounced by the Democracy of this House, if that party would carry the next. The Navy can not be stricken down by the Federal-buildings ring of Representatives of both parties without the Democracy, which controls and is responsible for this House, losing the next. The loss of the next House should carry with it the loss of the next Presidency; and this in spite of Republican divisions or dissentions.

The Republican Party would welcome the opportunity to sink its divisions in order to rally the people for the preservation of the Navy against a party that would immediately cripple the Navy by a policy which would progressively destroy the Navy. "The Navy," triumphantly exclaimed Commodore and United States Senator Richard Field Stockton, "is the darling of the Nation." His words have not lost force or meaning or national hold on national sentiment. The House yesterday greatly weakened its hold on American sentiment, and the weakening of the hold is deserved.

We care not to deal seriously with the excuses. There was reason for patriotic Democrats to bolt the caucus. There was no reason for them to strangle the Navy in order to strangle the Federal-buildings ring. They could have left the fate of that ring to a not wholly demoralized Senate and to the action of a patriotic President and to the action of a patriotic people.

And the banded river and harbor cabal of rapacious Congressmen must yet be confronted, and it may drive the Democratic House to as pusillanimous a course as the Federal-buildings ring has done. There is no statesmanship in cowardice. There is no politics which commands respect in surrendering what should be preserved in order to flank what should not be tolerated. A party that truckled to free silver should have learned enough from surrendering its convictions not to offend the sentiment for the Navy by such a course as was taken in the caucus on Wednesday. The buildings ring could have been left to the Senate and the veto power. The Navy should not have been abandoned in order to head off a motley combination of jobbers and cranks.

[From the New York Times, Feb. 2, 1912.]

BUILD THE TWO DREADNOUGHTS.

The interruption of the building up of our Navy for economical reasons would be bad policy, and we do not believe that the policy will prevail, in spite of the recent action of a Democratic caucus in Congress. Secretary Meyer's protest, printed Wednesday, states the case clearly. His arguments seem unanswerable, unless we are willing to have our Navy deteriorate. England is building five new *Dreadnoughts*, and Germany three, while Japan has ordered five. The Secretary of the Navy points out that one *Dreadnought* is the equal of five battleships of the older type.

The boast that the United States now occupies second place among the naval powers of the world is ill founded, according to the Naval League. We have not been keeping pace with the other powers in the building of warships of the latest type, and it would be blind folly now to lose the advantage of such progress as we have made. Provision should be made to meet the President's request for the addition of two *Dreadnoughts* to our fleet this year. The Democrats should take pride in the fact that much of the credit for the modernization of our Navy belongs to them. It began in the first Cleveland administration. The plan of building two new battleships yearly was the result of a compromise originally, as four were asked for in 1909, and the understanding reached then was that two should be authorized each year thereafter. No party question is involved in this matter. The caucus was controlled by a false idea of economy.

[From the New York Times, May 24, 1912.]

THE NEED OF INCREASING OUR NAVY.

Admiral Mahan presents in The Times this morning a clear and logical argument against the plan of the Democratic majority of the House of Representatives so to cripple the United States Navy as to affect our standing in the community of nations. Only by keeping our naval establishment on a footing with the great navies of the world can we secure peace to the whole American Continent and hold securely our foreign possessions. The policy of increasing the Navy by at least two ships of the first class every year should not be abandoned. Admiral Mahan points out that Mr. Stead, the peace advocate, favored as a peace measure the building of two British warships for every one built by Germany.

We talk a great deal of the Monroe doctrine. As Admiral Mahan says, the only leg it has to stand upon is a strong Navy. He finds a curious inconsistency in the fact that in the very session in which the House Democratic caucus voted against an appropriation for two battleships a Democratic Senator saw fit to introduce a resolution reaffirming the Monroe doctrine. The action of the House of Representatives in the matter of warships is purely political. It puts the majority in the light of rebuking Republican expenditures. The United States Navy, however, is neither Republican nor Democratic. The Senate should not hesitate to restore the appropriation for the new warships.

[From the New York Sun, Mar. 29, 1912.]

CRIPPLING THE NAVY.

The Democrats at Washington, by an almost unanimous vote in caucus, have decided not to vote any money for the construction of new battleships at a time when England has 18 *Dreadnoughts* completed and 14 building, when Germany has 9 completed and 15 building, and when Japan is preparing to add 8 *Dreadnoughts* and 8 powerful battle cruisers to her fleet.

Regarding the *Michigan* and *South Carolina* as *Dreadnoughts*, only because they have a main battery of eight 12-inch guns (they would be no match for the swifter and more heavily armed *Florida* or *Utah*), the United States Navy has 6 *Dreadnoughts* in her fleet, 4 more building, and 2 authorized. That is the end of the chapter so far as the Democratic Party is concerned.

The action of the Democratic majority is notice to the world that when the Panama Canal opens the United States will have only 10 *Dreadnoughts* in commission (the 2 ships authorized by the Sixty-first Congress will not have been completed), with no more than 12 ships of the first battle line in sight. If the canal should be finished in the summer of 1914, England will have 32 *Dreadnoughts* flying the flag and Germany 21. The *Dreadnought* strength of Japan at that time can not be surely determined, but her first battle line will be almost as strong as that of the United States, and Japan will be steadily pursuing a policy of naval expansion, such as the United States has abandoned.

A more alarming aspect of the case is that Germany, which may some day challenge the Monroe doctrine, not satisfied with 24 *Dreadnoughts* completed and building, is planning a battle fleet of 1 flagship and 5 squadrons of 8 battleships each, with 10 large cruisers and 30 small cruisers as reconnaissance ships.

In the general expansion of armaments among the great naval powers, the United States is compelled to relinquish the minimum of safety in new construction and go to the rear, because the Democrats in the House are bent on posing as the party of frugal economy on the eve of a presidential election. The American people have never been treated to such an exhibition of vicious humbug. No retrenchment could be more uncalled for, unpatriotic, and perilous, and it is flagrantly indefensible, because the Democrats in the Sixty-first Congress voted for at least one new *Dreadnought*.

[From the New York Herald, Feb. 2, 1912.]

BATTLESHIPS AS A MATTER OF BUSINESS.

Representative CLAUDE KITCHIN, of North Carolina, has favored the country with his reasons for opposing any authorization of battleships this session. In an explanation that must make the judicious grieve he delivers himself of the great truth that small ships can be built more cheaply than large ones. Quite so. Therefore, he concludes we must, for the present, delay providing battleships and authorize auxiliaries alone.

Has Mr. KITCHIN even given serious thought to what such delays in the past have meant to us? Between 1883 and 1900, for example, one hundred and ten millions were spent on warship construction and repairs. In seven months of 1898 the Spanish War cost us something more than five hundred millions. Had one-fifth of this last expenditure—let us say one hundred millions—been devoted to fleet construction, our sea force would have been doubled and four hundred millions of dollars would have been saved, for no Spanish War would have been fought.

With such odds in sea power against her Spain could, with honor, have declined hostilities, Cuba would have been freed, and reparation have been made for the *Maine*. And, happiest of all, the suffering and pathetic waste of life would have been spared. But no. The same delay Mr. KITCHIN is preaching now was preached then, and for the same reasons, and here, offered as a cold fact of business management, was the pitiable outcome of this policy of delay.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out the letter "a" before the word "navy," and inserting the letter "s" after the word "yard."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment. The Clerk will report the modification.

The Clerk read as follows:

Modify the amendment by striking out the letter "a" in front of the word "navy," and adding the letter "s" to the word "yard," so that it will read, "which shall be built at navy yards."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 81, noes 19.

So the amendment was agreed to.

The Clerk read as follows:

Six torpedo-boat destroyers, to have the highest practicable speed, to cost, exclusive of armor and armament, not to exceed $940,000 each.

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment and ask that it be considered as pending until after the amendment of the chairman of the committee is acted upon.

The CHAIRMAN. Does the gentleman desire the amendment to be reported?

Mr. GREGG of Texas. Yes, sir; and then be considered as pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "each," in line 16, page 63, insert the following:

"*Provided*, That no part of this appropriation shall be expended for the construction of any of said torpedo-boat destroyers by any person, firm, or corporation which has not at the time of the commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may be considered as pending and passed for the present. Is there objection?

Mr. CANNON. Mr. Chairman, I do not object, but I ask unanimous consent that every Member may offer an amendment at every paragraph in this bill that appropriates money to the same effect, and let them be pending.

Mr. FITZGERALD. Well, that was said facetiously.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

One tender to destroyers to cost, exclusive of armor and armament, not to exceed $1,315,000.

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, and I ask unanimous consent that after it is reported it be considered as pending and take the same course as the other one which I have just offered.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will read.

The Clerk read as follows:

After the word "dollars," in line 19, page 63, insert the following: "*Provided*, That no part of this appropriation shall be expended for the construction of said tender to destroyers by any person, firm, or corporation which has not at the commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]?

There was no objection.

The Clerk read as follows:

Four submarine torpedo boats in an amount not exceeding in the aggregate $2,240,000; and the sum of $800,000 is hereby appropriated for said purpose.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment. First, let me ask the gentleman from Texas [Mr. GREGG] if he proposes to offer that same amendment?

Mr. GREGG of Texas. Yes.

Mr. PADGETT. I wanted to offer a new paragraph at that point. Let the gentleman proceed with his amendment.

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] offers an amendment which the Clerk will report.

Mr. GREGG of Texas. I ask unanimous consent——

Mr. CANNON. Unanimous consent is given to every Member to offer an amendment to every paragraph that appropriates any money. Two positives make a negative, and two negatives make a positive; and if it comes to two consents that comes to no consent.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

After the word "purpose," line 23, page 63, insert the following: "*Provided*, That no part of this appropriation shall be expended for the construction of any submarine torpedo boats by any person, firm, or corporation which has not at the time of commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels herein named."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]?

There was no objection.

Mr. PADGETT. Mr. Chairman, I offer the following as a new paragraph.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 63, after line 23, as a separate paragraph, insert the following: "The appropriation made by the act of May 4, 1898, for one gunboat to be built on the Great Lakes, to take the place of the U. S. S. Michigan (now Wolverine), is hereby made available for the construction of a river gunboat, which may, as advantage may offer, be built elsewhere than on the Great Lakes or their connecting waters."

Mr. PADGETT. Mr. Chairman, this is not an additional appropriation, but heretofore an appropriation was made to construct a gunboat for use on the Great Lakes; but on account of our treaty relations with Great Britain it can not be carried out. They need a gunboat of that description in Chinese waters, and this is simply to authorize the appropriation heretofore made for a gunboat on the Lakes to be for a gunboat to be used in Chinese waters.

Mr. PAYNE. To convert this appropriation in this way means, I suppose, an economy in the appropriations of this Congress.

Mr. PADGETT. This was an appropriation of a previous Congress, and it is proposed to use it for something that is now needed instead of for something that can not be used.

Mr. PAYNE. But doing it in this way will enable the gentleman to show a smaller appropriation for naval construction in this bill?

Mr. PADGETT. This Congress is not responsible for it, because this appropriation was made heretofore, and the Secretary says he can not use it.

Mr. PAYNE. On account of our relations with Great Britain?

Mr. PADGETT. Yes.

Mr. PAYNE. And so we propose to sneak that appropriation into this bill for something that we do need, that should be charged to this bill but will not be.

Mr. PADGETT. I am perfectly willing to charge it here if you want to. We are going to use that appropriation to build a gunboat to be used in Chinese waters.

Mr. PAYNE. I think the square way would be to appropriate just this amount of money and have it counted in this bill as an appropriation.

Mr. PADGETT. I am putting it exactly in the language in which the Secretary of the Navy asked for it. I do not suppose the gentleman desires to discredit his own Secretary.

Mr. PAYNE. The gentleman does me too much honor when he credits me with the possession of so important a Secretary.

Mr. GOOD. What was the amount of the former appropriation?

Mr. PADGETT. It reads—

To cost, exclusive of armament, not more than $260,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question being taken, the amendment was agreed to.

Mr. ESTOPINAL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert as a new paragraph the following:

"One submarine tender, to cost not to exceed $1,000,000; and the sum of $400,000 is hereby appropriated toward said purpose."

Mr. ESTOPINAL. Mr. Chairman, the purpose of this amendment is to provide a tender for the submarines that have been appropriated for in this bill. We have now a number of submarines in commission, but there is not in the Navy a proper tender for those submarines. What tenders we have are makeshifts.

There are at present 16 submarines in active service provided with tenders which, although sufficient in number, are in all cases improvised for the purpose and are by no means efficient or satisfactory. The *Severn*, for example, has no motive power, and must be towed by another vessel, while the *Fortune*, on the Pacific coast, is but a tug, and the *Mohican*, of the Asiatic station, besides having no motive power, is very old and can be used practically only as a stationary barrack ship.

There are 4 submarines in reserve at Charleston with no tender whatever assigned, and these vessels can not operate at any distance from that place for this reason. The 4 submarines on the west coast which will soon be commissioned will have the services of the *Alert* as tender, but that vessel is nearly 30 years old and is not suited for such duty, although being the best available.

There are, in addition, 15 submarines under construction which will be assigned to the active flotillas in the next year or two, which, with the 4 boats in reserve at Charleston without a tender, make a total of 19 for which tenders will have to be assigned and for which but one such vessel, authorized last year, is the only provision thus far made. It should be noted that I make no reference to any submarines that may be authorized in the naval appropriation bill now under discussion.

As 1 tender can care for 5 submarines, it is apparent that 3 additional tenders should be ready for service in the comparatively near future. I am informed that there are no vessels of the Navy suitable for conversion to submarine tenders that can be spared from their present assignments, and that, furthermore, a thoroughly satisfactory tender can not be developed from a ship designed for other purposes without extensive expenditures.

The existing type of submarines and those now under construction are very dependent upon their tenders, which act as mobile bases, furnish quarters for the personnel, carry stores and supplies of all kinds necessary for the operation and maintenance of the submarines, and are equipped with suitable dynamos for charging their batteries, and with machine shops capable of making all ordinary repairs. Without a tender these submarines are very much restricted in their sphere of activities and can not venture far from a fixed locality.

With the long coast line of the United States and the present number of submarines in the Navy it is apparent that circumstances might arise rendering necessary a change of base of any of the submarine groups, involving possibly long distances to be traversed. Without sufficient tenders this would not be

possible and the consideration of both offensive and defensive strategy would be accordingly handicapped.

It, therefore, seems most important that this type of vessel be authorized at the present time, and accordingly I move that there be inserted in the bill under discussion the necessary authorization for the construction of 1 submarine tender not to exceed $1,000,000 in cost.

As we are providing for submarines, we ought to provide for the necessary adjuncts to the submarines. I hope that this amendment will be adopted; it is almost useless to have submarines unless they have tenders.

I can assure the Representatives from the great interior ports of the country which are dependent, many for safety and all for their prosperity, in a large measure, on the stability of the improvement at the mouth of the Mississippi River, that the adoption of this amendment will have direct and important bearing on that protection, for it will enable the Department of the Navy to effectively patrol the waters of the Gulf of Mexico at its mouth with submarines fully equipped for such defense.

Mr. Chairman, I append a description of the modern submarine which has been furnished me, and which shows how much confidence we may place in them as instruments of defense, and the people of the Mississippi Valley may place great faith in them if a sufficiently large number, fully equipped for service, with the necessary tenders, be stationed at the mouth of the river:

The modern submarine is a vessel ranging in length from 150 to 230 feet, having a speed of from 14 to 17 knots on the surface and 10 to 12 knots submerged. Propulsion on the surface is by means of internal-combustion oil engines, usually of about 1,000 horsepower per boat, although one boat is being built with engines of 5,000 horsepower. These vessels are very seaworthy—can remain at sea without injury in the severest storms—and in this respect are superior to destroyers. They can cruise on the surface at a distance of 5,000 miles without replenishing their fuel supply. They can pass from the surface to the submerged condition in a time of only three minutes and can run completely submerged at any depth down to 200 feet, and can also, by means of their periscopes, obtain a view of the surface without danger of being themselves discovered, except when only a few hundred yards distant from the enemy. Even if discovered at this close range they are immune from attack for the reason that they can almost instantly dive to any depth desired.

Their armament consists of modern torpedoes, which, due to the fact that the submarine can approach with impunity to very close quarters, may be considered very accurate and exact. The chances of misses when fired from a submarine are very small as compared to the chances when fired from a long range from surface vessels. The uses of submarines in time of war would be both defensive and offensive. Primarily they would be used to protect seaports, landing places, and other strategic points. When provided in a sufficient number an attack from sea or the landing of an enemy's force is rendered practically impossible. For certain purposes of defense, such as the Panama Canal, the submarine would be as effective as a large fleet of battleships stationed on either side of the canal. Guns on shore alone could never fully protect this most important strategic point. A ship could lie off at such great distance as to be practically safe from the attacks of the fort and at the same time land shells into the canal, doing immense damage. As a weapon of defense the modern submarine as at present developed could be used in connection with the battleship fleet.

Its surface speed is now such that it could cruise with the fleet and would be left behind only in extreme cases—where the maximum speed of the fleet would be called for. Instead of accompanying the fleet modern submarines could be used to cruise in flotillas alone, searching out and destroying the enemy wherever he might be found.

Mr. GREGG of Texas. Mr. Chairman, I hope this amendment will be adopted. It is contemplated that some of the submarines authorized in the bill will be sent to New Orleans for the protection of the mouth of the Mississippi. They will be built in the East; they can not be sent to New Orleans nor used after they get there without a tender, and I trust that the committee will agree to this amendment.

Mr. PADGETT. Mr. Chairman, I want to say that the gentleman from Louisiana, Gen. ESTOPINAL, has presented these matters and urged them before the committee, and it is true that a submarine tender is needed. The committee did not include it in the appropriation bill, because, considering all matters and the amount of the bill, we felt that it was as much as the bill should carry in the report to the House. But this tender is needed, and if the committee sees fit to include it I shall not enter any protest against it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was agreed to.

Mr. GREGG of Texas. Mr. Chairman, I offer an amendment, to follow right after the one just adopted, and I ask that it take the same course as the other amendments that have been passed in the same line.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend the amendment by adding after the last word, as follows: "*Provided*, That no part of this appropriation shall be expended for the construction of said submarine tender by any person, firm, or corporation which has not at the time of the commencement and the continuation of said vessel established an 8-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of said submarine tender."

The CHAIRMAN. Is there objection to the request of the gentleman from Texas that the amendment should be passed?

There was no objection.

Mr. KNOWLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 63, after line 23, by adding the following paragraph: "The Secretary of the Navy may build any or all of the vessels authorized in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, corporations, or agents thereof bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect or the purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I raise a point of order to that provision.

Mr. KNOWLAND. That is the same provision that has been in the naval bill heretofore.

Mr. ROBERTS of Massachusetts. It has appeared in the bill ahead of the provision for submarines. Submarines are of such a character and so controlled by patents that it is not possible for the Government to build them in the navy yards. If the gentleman will modify his amendment I will withdraw the point of order. I am in sympathy with it, but do not want to tie up the construction of submarines.

Mr. KNOWLAND. Then I have no objection to excepting the submarines, and I will modify my amendment in that particular.

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. ROBERTS of Massachusetts. Now, Mr. Chairman, can we have the amendment as modified read by the Clerk?

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

The Secretary of the Navy may build any or all of the vessels in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized, except submarines, in such navy yards as he may designate should it reasonably appear that persons, firms, corporations, or agents thereof bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, or unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. ROBERTS of Massachusetts. I have no objection to that.

Mr. PADGETT. Mr. Chairman, the word "submarines" ought to be inserted in the first part of the amendment. It only appears once in the amendment, and it should appear twice. Let the Clerk report the amendment as it now stands.

The Clerk read as follows:

The Secretary of the Navy may build any or all of the vessels authorized in this act, except submarines, in such navy yards——

Mr. PADGETT. That is all right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California as modified.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $8,046,205.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 2, page 64, insert the following: "*Provided*, That no part of this appropriation for the construction and machinery of vessels shall be expended for construction of any vessels by any person, firm, or corporation which have not at the time of commencement and during the construction of said vessels established an eight-hour working day for all employees, laborers, and mechanics engaged or to be engaged in the construction of vessels named herein."

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that that be considered as pending.

Mr. PADGETT. Consent has already been given for that.

Mr. PAYNE. Mr. Chairman, if the gentleman from Illinois will yield, I desire to ask the chairman of the committee, in connection with this amendment and others, if this appropriation does not apply to the completion and construction of vessels where contracts have already been made?

Mr. PADGETT. The amendment has been offered, but it is simply passed for the present, and it should not apply to those heretofore contracted for.

Mr. PAYNE. I wanted to call attention to that.

Mr. PADGETT. Yes. When we take them up for consideration we will also take up that question.

Mr. PAYNE. Of course you can not go into a wholesale violation of contracts by enacting legislation of this kind without its being subject to a point of order.

Mr. PADGETT. They are just offered now and are passed subject to points of order and for consideration.

Mr. PAYNE. I understand that part of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Increase of the Navy: colliers: On account of two fleet colliers heretofore authorized, $581,321.48.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk. It is an amendment of the same character as that which I just offered, and I ask unanimous consent that this be considered as pending.

The CHAIRMAN. Without objection, the same disposition will be made of the amendment which the gentleman from Illinois has just submitted.

There was no objection.

Mr. PADGETT. Mr. Chairman, I desire now to ask unanimous consent to offer at this place the bill H. R. 9061, the 8-hour law, as passed by this House at the present session of Congress on the 14th day of December, 1911, which is the one that I have heretofore mentioned several times. This act was passed by an overwhelming vote, a large majority on both sides of the aisle. It has been reported faborably, without amendment, by the Senate committee. Instead of having all of these various matters interjected through the bill here and there and elsewhere, so that we will have to deal with all of those separately, and which, perhaps, may be in conflict with the general law that may be passed, I am asking unanimous consent that this amendment may be incorporated. When the bill goes to conference, should the Congress change it in any way and the law become different, in the conference we would have this changed, made to conform to the law as it shall pass. If there is no change made in the bill, it would remain as it is; and should the Senate not take action before receding from the action of the House I should submit the matter to the House for its future instruction.

I desire to make that statement that it may be clearly understood what my purpose is. I ask that this may be incorporated as an amendment at this time, to come after line 20, page 64.

Mr. ROBERTS of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS of Massachusetts. What has become of the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] to follow the word "cents," in line 9, page 64?

The CHAIRMAN. The Chair was about to inquire whether the gentleman from Tennessee offered his amendment as a substitute to the amendment offered by the gentleman from Illinois.

Mr. PADGETT. I offer my amendment to come after line 20, page 64. I thought that had been reached.

The CHAIRMAN. That has not been reached.

Mr. PADGETT. Then I withdraw it until that time.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I desire to reserve a point of order against the amendment offered by the gentleman from Illinois [Mr. BUCHANAN.] I want to suggest to the gentleman from Illinois, if he will give me his attention, that, as I understand the wording of his amendment, it would apply to all vessels that were authorized in the last Congress and which, as I understand it, are now under construction. Contracts have been let for the construction of those vessels, and to attach such an amendment as this to them would be a violation of the contracts which the Government has already entered into, and I do not think the gentleman desires to place the Government in any such position as that of impairing the obligation of its contracts.

Mr. GREGG of Texas. Would anything that we now adopt be retroactive?

Mr. ROBERTS of Massachusetts. It would make it so here.

Mr. CANNON. Suppose it does; could we not pay the damage on suits brought in the Court of Claims?

Mr. ROBERTS of Massachusetts. Oh, yes; we could pay the damages, but we do not want to subject people who have entered in good faith into contracts with this Government to a suit at law.

I am in favor of these eight-hour provisions going on to all new authorizations in the bill, but I am not in favor of an eight-hour provision going on this bill which is going to impair a contract already entered into by this Government, and I do not think the gentleman from Illinois is.

Mr. WILSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Massachusetts. Yes.

Mr. WILSON of Pennsylvania. I understand that those amendments are pending and are subject to points of order.

Mr. ROBERTS of Massachusetts. This is one that has just been offered.

Mr. WILSON of Pennsylvania. Yes; but the gentleman from Illinois has asked that it be considered as pending. It is in the same position as the others.

Mr. ROBERTS of Massachusetts. That is what I have been endeavoring to find out.

Mr. WILSON of Pennsylvania. Until the amendment which is proposed to be offered by the gentleman from Tennessee, to follow after line 20, page 64, has been disposed of.

Mr. ROBERTS of Massachusetts. If the gentleman from Pennsylvania will pardon me, I do not think he understood the parliamentary situation. The gentleman from Illinois [Mr. BUCHANAN] offers this amendment to which I have reserved the point of order, but before any action could be taken upon it, the chairman of the committee, the gentleman from Tennessee [Mr. PADGETT], rose to his feet and asked unanimous consent to offer as an amendment at this time the general eight-hour law. That left the motion of the gentleman from Illinois wholly undetermined. I thereupon reserved a point of order, and pointed out to the gentleman wherein I think his amendment is out of order and not a fair motion to make on this provision of the bill.

Mr. WILSON of Pennsylvania. I simply wanted to call the attention of the gentleman to the fact that the amendment proposed by the gentleman from Tennessee [Mr. PADGETT] has in it a provision that exempts its application from contracts already made.

Mr. ROBERTS of Massachusetts. I am not finding any fault with the amendment of the gentleman from Tennessee. It is the amendment of the gentleman from Illinois, that preceded it, that I am questioning.

The Clerk read as follows:

Total increase of the Navy heretofore and herein authorized, $16,839,373.48.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to present as an amendment the bill which I have just explained, which is the eight-hour law as it passed the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 20, page 64, insert the following:

"That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for on on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation, and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting, by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor of subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department, or the Commissioners of the District of Columbia, file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

"That nothing in this section shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable. Nothing in this section shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," being chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or to apply to work done under contracts made prior to the passage of this act."

Mr. PADGETT. Mr. Chairman, just a pro forma amendment. As this was an act and we are incorporating it as one section in the bill here, in line 12, page 3, the word "act" should read "section," and, on page 4, line 8, the word "act" should read "section," as it is incorporated in this general act.

The CHAIRMAN. Without objection, the amendment will be modified as indicated by the gentleman.

There was no objection.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Now I ask——

Mr. BUCHANAN. Mr. Chairman, I have an amendment.

Mr. PADGETT. Let me dispose of this. I ask unanimous consent, to expedite matters, that all of the amendments heretofore offered and reserved which have relation to the eight-hour law be now disagreed to.

Mr. MURRAY. Do I understand the gentleman that that will include my amendment?

Mr. PADGETT. Certainly not; that is not embraced in the eight-hour law.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all the amendments indicated that were offered as pending and passed by informally be considered as withdrawn. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I desire to offer the following amendment to be added as a paragraph at the end of the amendment just adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the amendment just adopted the following as a new paragraph:

"That no part of the appropriation authorized by this act shall be expended for the pay of enlisted men or seamen, not including commission and warrant officers, while doing repair work belonging to any recognized trade on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs: *Provided further*, That this provision shall not apply to such ordinary duties as are engaged in by the crew while at sea excepting dismantling and assembling armament for the purpose of repairs."

[Mr. MURRAY addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, I do not know that I quite understand the amendment. It is to prohibit repairs of any kind by enlisted men?

Mr. PADGETT. In the ships at navy yards aside from battleships. It takes the greater ships, but excludes the other vessels.

Mr. ROBERTS of Massachusetts. The amendment goes a little bit further than that. It prevents the enlisted personnel of the Navy who are on battleships that are in navy yards from doing any work on that ship that is ordinarily done by the recognized crafts or trades in the navy yard while the battleship is in the yard except such ordinary duties as the sailors do at sea.

Mr. CANNON. I want to ask, and I ask in good faith for information, is it important when a battleship goes to sea that there should be some enlisted men aboard the ship who will be competent to make repairs necessary in distress——

Mr. PADGETT. Very important.

Mr. CANNON. Either from battle or storm?

Mr. PADGETT. Under any circumstances I think it is very important, and it does not occur to me that as amended this will prevent that, and therefore I did not object.

Mr. CANNON. But the men must know how.

Mr. PADGETT. Yes.

Mr. CANNON. Now then, if when they are in the navy-yard docks and being repaired, not being skilled, they are shut out from being skilled, it seems to me if this amendment is adopted the gentleman ought to increase the membership of the crew of the battleship by a sufficient number of trained mechanics to meet emergencies that might arise from war or from storm.

Mr. CALDER. Mr. Chairman, I would like to answer the gentleman from Illinois by saying that these ships have in their service machinists, boiler makers, and all those trades who may be needed to repair vessels at sea. For the last 20 years we have had enlisted men as boiler makers and such mechanics competent to keep things in repair.

Mr. ROBERTS of Massachusetts. Mr. Chairman, I move to strike out the last word. I want to say to the gentleman from Illinois that the reason for this amendment is because some of the battleships during the present fiscal year have been put into a navy yard for repairs and because of a lack of funds in the Navy Department the crews, while the ships were in dock there or at the wharf in the navy yard, have been put to work doing things that are ordinarily done by the yard mechanics, and to make the situation more aggravated the yard mechanics that would ordinarily do that work were being discharged right and left because there was not money enough to keep them at work. Now, that is the situation, and this amendment seeks to prevent that recurring in the future.

Mr. CANNON. Now, let me understand. For the want of an appropriation, if the battleships were repaired at all, there was no money to pay the ordinary mechanic, who was discharged, and a seaman who was a mechanic, if he was fitted to repair it, was put at work on it.

Mr. ROBERTS of Massachusetts. Now, the claim is made that these seamen are not skilled mechanics and are not doing good work in addition to taking work away from the men employed heretofore.

Mr. CANNON. I take it they must be skilled mechanics, because the other sailor and navigator, the gentleman from New York [Mr. CALDER], says that they have theses mechanics, boiler makers, etc., in the regular crews, so that the gentleman must be mistaken.

Mr. ROBERTS of Massachusetts. I am telling the gentleman what the men in the navy yard say.

Mr. CANNON. What is the fact?

Mr. ROBERTS of Massachusetts. I am not competent to judge.

Mr. CANNON. I want to ask the gentleman in charge of the bill and the gentleman from Massachusetts, who offered the amendment, if the gentlemen have taken in consideration the absolute necessity of much larger appropriations, so that these battleships when they come into dock could be repaired by the ordinary employee or mechanic in the navy yard, and therefore be something to pay? Otherwise we, by law, would shut out the mechanic, who I am sure is of equal skill and belongs to the regular crew which is enlisted, and prevent him, by this provision, from making in whole or in part——

Mr. ROBERTS of Massachusetts. I want to say to the gentleman further——

Mr. CANNON. You know I am a landlubber. I want to know.

Mr. ROBERTS of Massachusetts. I want to say to the gentleman that I have heard of complaints coming from the enlisted men that they have been compelled to do work while the ships were in the navy yard that formerly had not been done by enlisted men when the ship was in the navy yard. There is a double complaint over this practice that has come to me.

Mr. CANNON. Was the seaman, who was competent to repair the ship, under pay?

Mr. ROBERTS of Massachusetts. He was under pay, certainly; but the practice heretofore has been for the seaman not to be put to this kind of work when the ship was in the navy yard.

Mr. CANNON. What was he doing in the meantime?

Mr. ROBERTS of Massachusetts. I could not tell you. He did not want to do the work that shore mechanics should be doing.

Mr. PADGETT. I will be frank with the gentleman that I think the effect of this will be to increase the expense; but this House has manifested such a marked disposition to recognize the demand with reference to labor, that when the gentleman from Massachusetts [Mr. MURRAY] modified it and placed it in the present form I said to him I would withdraw my opposition to it.

Mr. CANNON. How much does my friend think it would increase the expense?

Mr. PADGETT. I am not prepared to say.

Mr. CANNON. I want to make this remark in justice to all parties. I know the gentlemen on both sides of the House who represent the navy-yard districts. They are most splendid Representatives, and, if it costs two or three millions more, they are worth it.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PETERS. Mr. Chairman, I heartily urge the adoption of the amendment which my collegue from Massachusetts [Mr. MURRAY] has just offered. The gentleman from Illinois [Mr. CANNON] is not conversant with the conditions in our navy

yards, or he would not voice the objections which he has just made.

The purpose of this amendment is to prevent the employment in navy yards of sailors in work which is being done at those yards by regular mechanics of recognized trades. It is obviously unfair to these mechanics to have their work taken from them and given to enlisted sailors from the vessels. Whenever this takes place it causes friction on both sides. The enlisted men from the vessels resent their employment in other work not connected with their work as seamen, and the men in the yards, who have families to support and belong to recognized trades, naturally resent the competition of enlisted men in their work.

It is urged that this seldom takes place. Then, Mr. Chairman, there can be little interference occasioned by the provisions of this amendment. This amendment is not intended to interfere with good discipline or with efficiency; it is intended to assist in the conduct of the yards and to prevent occasions arising which might cause feeling between the mechanics in the yards and the enlisted men on the vessels. Many of the employees in the Charlestown Navy Yard live in my district, and I have received letters of complaint from them on this subject. I am glad to see the chairman of the committee accept this, and trust that his decision will be followed finally by the House.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. MURRAY].

The question was taken, and the amendment was agreed to.

Mr. BUCHANAN. Mr. Chairman, I want to offer the following amendment, to follow the last two amendments.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a separate paragraph following the amendment:

"*Provided*, That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce or trade of the United States, or the commerce, or trade between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract."

Mr. PADGETT. Mr. Chairman, that is the same provision that was agreed to last year.

Mr. CANNON. Have there been any contracts let since that was adopted?

Mr. PADGETT. Yes.

Mr. CANNON. How was it ascertained as a fact that a maker of structural steel was or was not in the trust?

Mr. PADGETT. I have not been charged with the duty of finding out or ascertaining.

Mr. FITZGERALD. I understand the Secretary of the Navy made one of the officers make an affidavit.

Mr. CANNON. Now, an affidavit would be a lie without a penalty for perjury. There is a penalty for forming a trust. I am just anxious to know whether this be merely high-sounding "leather and prunella" to show to the galleries and on the stump what we have been doing to break up the trusts, or whether it really be a matter of force.

Mr. FITZGERALD. Mr. Chairman, I recollect that a few years ago an amendment was placed on the bill prohibiting the purchase of any powder from a trust. It was ascertained that the only place the powder could be purchased was from a trust, and the powder was purchased.

Mr. CANNON. In spite of the law?

Mr. FITZGERALD. In spite of the law.

Mr. CANNON. Has not the Judiciary Committee been called upon to impeach the official who purchased it for violating the law?

Mr. FITZGERALD. Oh, no. It was expected that a Republican official would violate it. Nobody paid any attention to it.

Mr. CANNON. Then it ought to be expected that a Democratic House would impeach.

Mr. FITZGERALD. It happened when the House was Republican, and nobody expected it.

Mr. CANNON. It is not barred by the statute of limitation now. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The question was taken, and the amendment was agreed to.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a separate paragraph the following:

"After January 1, 1914, no captain or commander of the line of the Navy, who is not restricted by law to shore duty only, shall be promoted to the next higher grade who has not performed at least two full years of sea service in cruising ships of the Navy in his grade: *Provided*, That hereafter, except in time of war, no officer shall be appointed a chief of bureau, or to any other position in which his temporary rank shall be more than one grade higher than his rank in the regular service, and in no case shall an officer be appointed a chief of bureau who has not performed two years' sea service in command in the grade of commander and two years' sea service in the grade of captain."

Mr. ROBERTS of Massachusetts. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order against the amendment.

Mr. BURLESON. Will the gentleman reserve the point of order and permit me to ask him a question?

Mr. ROBERTS of Massachusetts. I will reserve the point of order, although I assure the gentleman that it is a waste of time, because I shall insist upon it.

Mr. BURLESON. I should like to ask the gentleman if he thinks a commander of the Navy ought to be promoted to be a captain of a ship when he has never served a day at sea as a commander?

Mr. ROBERTS of Massachusetts. As a general proposition, no; but there are exceptional cases, where it would be an injustice not to promote him.

Mr. BURLESON. Will the gentleman state one of those exceptional cases?

Mr. ROBERTS of Massachusetts. Yes; I can state half a dozen.

Mr. BURLESON. State just one, and I will be content.

Mr. ROBERTS of Massachusetts. Here is a commander who is an expert in ordnance, and his services are so valuable to the Government that he is kept on ordnance work, and when his time for promotion comes he has not been able to go to sea as a commander. Ought that man to be retired and his services lost to the Government, when he has been doing the Government most valuable service in designing our guns and perfecting our means of offensive warfare?

Mr. BURLESON. This amendment does not contemplate that such an officer shall be put on the retired list.

Mr. ROBERTS of Massachusetts. Why should the man be kept out of his deserved promotion because he has not seen two years' sea service as commander through no fault of his own? I can cite half a dozen other instances where it would be a hardship not to allow a man to go from one grade to another.

Mr. BURLESON. One further question: Is the gentleman in favor of the petty favoritism that has some time been practiced in the Navy Department by denying some officers shore duty in order that others may be saved from sea service?

Mr. ROBERTS of Massachusetts. If the gentleman gets his provision into the law there will be a one-man plucking board, because one man, by refusing to detail an officer to sea duty, can force him on to the retired list.

Mr. BURLESON. Have you not under existing law got it in the power of one man now?

Mr. ROBERTS of Massachusetts. No; because the sea-service requirement is not now a prerequisite to promotion.

Mr. BURLESON. Under the law as it is, is it not within the power of one man now to take an officer of the Navy and make him chief of a bureau, and by keeping him there a few months enable him to retire as an admiral when he has completed 30 years' service?

Mr. ROBERTS of Massachusetts. No man's promotion to-day depends on his sea service, and it is not in the power of any one man to prevent an officer being promoted. I make the point of order.

Mr. BURLESON. I confidently expected the gentleman from Massachusetts would make the point of order.

Mr. ROBERTS of Massachusetts. Then the gentleman is not disappointed.

The CHAIRMAN. The point of order is sustained.

Mr. CALDER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the amendment just adopted add the following as a separate paragraph:

"That hereafter the per diem clerical, drafting, inspection, and messenger force at navy yards and naval stations under the Navy Department shall be granted leave of absence with pay not to exceed 15 days in any one year, which leave may in exceptional and meritorious cases where an employee is ill be extended, in the discretion of the Secretary of the Navy, not to exceed 15 days additional in any one year."

Mr. PADGETT. Mr. Chairman, I make the point of order against that. It is legislation.

Mr. CALDER. Will the gentleman withhold the point of order?

Mr. PADGETT. No; I can not. It is too late in the day.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

Mr. CALDER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

The Secretary of the Navy is requested to consider the advisability of a permanent policy of stationing torpedo boats and submarines at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico and the Pacific coast as the proper naval defense thereof.

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. PADGETT. It is subject to a point of order if the gentleman desires to make it. It is only expressing to the Secretary of the Navy the suggestion of the committee that he shall consider these matters.

Mr. GOOD. If the gentleman will notice, this provision simply authorizes the Secretary of the Navy to investigate this matter in one particular locality.

Mr. PADGETT. No; it says on the Gulf coast and the Pacific coast.

Mr. GOOD. It seems to me if a provision of this kind is proper it ought to give the Secretary of the Navy broader power, so that he can investigate the subject with regard to the advisability of establishing the permanent policy of stationing torpedo boats in the Atlantic and Pacific and at other places.

Mr. PADGETT. He already has some on the Pacific, but not enough, if you will allow me to express my own judgment; but there are on the Atlantic a great many in proportion to what we have. This is simply asking him to consider whether or not it is advisable to have them on the Gulf coast and additional ones on the Pacific coast.

Mr. CANNON. Has he the power to inquire touching that matter now?

Mr. PADGETT. Yes.

Mr. CANNON. I want to suggest to the gentleman from Tennessee, if I may, what is the use of this amendment? I always bow to the will of the majority, because I must; and we have voted by a great majority to-day that there is no danger of war. Why go to this useless expense? [Applause on the Republican side.]

Mr. GOOD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk completed the reading of the bill.

Mr. CANNON. Mr. Chairman, I desire to introduce one amendment, with one word, and have one minute to explain it. I move at the end of the last line of the bill to insert the word "notwithstanding."

In the minute, if I may be recognized, I desire to say that when I was a small boy there was a queer old creature by the name of Campbell, who could not read or write, and still he was a great correspondent. We used in that time foolscap paper, and he dictated to me until every side of that foolscap of four pages was filled, and then he would dictate until I wrote across, and then finally when I would read the letter to him that contained almost everything known and unknown, seen and unseen, from the birth of Christ to the death of the devil, he said, "Sonny, 'notwithstanding' is a mighty good word to conclude a letter with." [Laughter.]

The CHAIRMAN. The pro forma amendment by the gentleman from Illinois is withdrawn.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise and report the bill, with the various amendments, to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and had directed him to report the same back, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question upon the bill and all amendments to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I move to recommit the bill to the Committee on Naval Affairs, to report the same back forthwith, containing the paragraph in the hands of the Clerk, and on that I move the previous question.

The SPEAKER. Is the gentleman from Massachusetts opposed to the bill?

Mr. ROBERTS of Massachusetts. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Recommit the bill to the Committee on Naval Affairs with instructions to report the same back forthwith with the following paragraph:

"That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed one first-class battleship, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, to cost, exclusive of armor and armament, not to exceed $6,000,000."

The SPEAKER. On that the gentleman moves the previous question.

The previous question was ordered.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I ask that this vote be taken by yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 140, answered "present" 14, not voting 132, as follows:

YEAS—106.

Akin, N. Y.	Green, Iowa	Longworth	Roberts, Nev.
Anderson, Minn.	Greene, Mass.	McCall	Rodenberg
Austin	Griest	McCreary	Sells
Ayres	Hamilton, Mich.	McKinley	Simmons
Barchfeld	Harris	McKinney	Sloan
Bartholdt	Haugen	McLaughlin	Smith, Saml. W.
Bates	Hawley	McMorran	Steenerson
Butler	Hayes	Maher	Stephens, Cal.
Calder	Heald	Martin, S. Dak.	Sterling
Campbell	Helgesen	Matthews	Stevens, Minn.
Cannon	Henry, Conn.	Miller	Sulloway
Cary	Higgins	Moon, Pa.	Talcott, N. Y.
Catlin	Hill	Morgan	Taylor, Ohio
Crago	Howell	Morse, Wis.	Thistlewood
Curry	Howland	Murray	Tilson
Danforth	Humphrey, Wash.	Needham	Towner
Davis, Minn.	Kahn	Nelson	Utter
Dodds	Kennedy	Norris	Volstead
Donohoe	Kent	Nye	Warburton
Draper	Knowland	Palmer	Wedemeyer
Driscoll, M. E.	Konig	Patton, Pa.	Weeks
Esch	Kopp	Payne	Wilder
Farr	La Follette	Powers	Willis
Fordney	Lawrence	Pray	Wilson, Ill.
French	Lee, Pa.	Prince	Wilson, N. Y.
Gardner, Mass.	Lenroot	Rees	
Good	Lindbergh	Roberts, Mass.	

NAYS—140.

Adair	Driscoll, D. A.	Humphreys, Miss.	Rothermel
Adamson	Dupré	Jacoway	Ruby
Alexander	Edwards	Jones	Rucker, Colo.
Allen	Ellerbe	Kitchin	Russell
Anderson, Ohio	Estopinal	Konop	Sabath
Barnhart	Evans	Korbly	Saunders
Bartlett	Faison	Lafean	Shackleford
Beall, Tex.	Fergusson	Lamb	Sharp
Blackmon	Ferris	Lever	Sherwood
Booher	Finley	Lewis	Sims
Borland	Fitzgerald	Lloyd	Sisson
Brantley	Flood, Va.	Lobeck	Slayden
Broussard	Floyd, Ark.	McDermott	Smith, N. Y.
Buchanan	Foster	McGillicuddy	Smith, Tex.
Bulkley	Fowler	McKellar	Stephens, Miss.
Burgess	Francis	McKenzie	Stephens, Nebr.
Burke, Wis.	Gallagher	Macon	Stephens, Tex.
Burleson	Garner	Maguire, Nebr.	Stone
Byrns, Tenn.	Garrett	Moon, Tenn.	Sweet
Callaway	George	Moss, Ind.	Taggart
Candler	Glass	Neeley	Taylor, Ala.
Claypool	Godwin, N. C.	Oldfield	Taylor, Colo.
Clayton	Goodwin, Ark.	Padgett	Thayer
Cline	Gregg, Tex.	Patten, N. Y.	Tribble
Collier	Gudger	Peters	Turnbull
Conry	Hamlin	Post	Underhill
Cullop	Hardwick	Pou	Watkins
Dent	Harrison, Miss.	Rainey	Webb
Dickinson	Hay	Raker	Whitacre
Dickson, Miss.	Heflin	Rauch	White
Dies	Hensley	Redfield	Wickliffe
Difenderfer	Houston	Reilly	Wilson, Pa.
Dixon, Ind.	Howard	Richardson	Witherspoon
Doremus	Hughes, Ga.	Robinson	Young, Kans.
Doughton	Hull	Roddenbery	Young, Tex.

ANSWERED "PRESENT"—14.

Davenport	Fornes	Littlepage	Speer
Davidson	Hardy	Martin, Colo.	Underwood
Dwight	Henry, Tex.	Farran	
Dyer	Johnson, S. C.	Riordan	

NOT VOTING—132.

Aiken, S. C.	Anthony	Boehne	Burke, Pa.
Ainey	Ashbrook	Bowman	Burke, S. Dak.
Ames	Bathrick	Bradley	Burnett
Andrus	Bell, Ga.	Brown	Byrnes, S. C.
Ansberry	Berger	Browning	Cantrill

Carlin	Gray	Levy	Reyburn
Carter	Greene, Pa.	Lindsay	Rouse
Clark, Fla.	Guernsey	Linthicum	Rucker, Mo.
Connell	Hamill	Littleton	Scully
Cooper	Hamilton, W. Va.	Loud	Sheppard
Copley	Hammond	McCoy	Sherley
Covington	Hanna	McGuire, Okla.	Slemp
Cox, Ind.	Harrison, N. Y.	McHenry	Small
Cox, Ohio	Hartman	Madden	Smith, J. M. C.
Cravens	Hayden	Malby	Smith, Cal.
Crumpacker	Helm	Mann	Sparkman
Curley	Hinds	Mays	Stack
Currier	Hobson	Mondell	Stanley
Dalzell	Holland	Moon, Pa.	Stedman
Daugherty	Hubbard	Moore, Tex.	Sulzer
Davis, W. Va.	Hughes, N. J.	Morrison	Switzer
De Forest	Hughes, W. Va.	Mott	Talbott, Md.
Denver	Jackson	Murdock	Thomas
Fairchild	James	Olmsted	Townsend
Fields	Johnson, Ky.	O'Shaunessy	Tuttle
Focht	Kendall	Page	Vare
Foss	Kindred	Pepper	Vreeland
Fuller	Kinkaid, Nebr.	Pickett	Wood, N. J.
Gardner, N. J.	Kinkead, N. J.	Plumley	Woods, Iowa
Gillett	Lafferty	Porter	Young, Mich.
Goeke	Langham	Prouty	
Goldfogle	Langley	Pujo	
Gould	Lee, Ga.	Randell, Tex.	
Graham	Legare	Ransdell, La.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. UNDERWOOD with Mr. MANN.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. STEDMAN with Mr. HANNA.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. PAGE with Mr. WOOD of New Jersey.

Mr. McCOY with Mr. VREELAND.

Mr. LINTHICUM with Mr. VARE.

Mr. LEVY with Mr. SWITZER.

Mr. LEGARE with Mr. REYBURN.

Mr. LEE of Georgia with Mr. PROUTY.

Mr. KINKEAD of New Jersey with Mr. PORTER.

Mr. KINDRED with Mr. PLUMLEY.

Mr. JOHNSON of Kentucky with Mr. PICKETT.

Mr. HOLLAND with Mr. MURDOCK.

Mr. HELM with Mr. MOTT.

Mr. HAYDEN with Mr. MONDELL.

Mr. HAMILTON of West Virginia with Mr. LANGHAM.

Mr. GOULD with Mr. KINKAID of Nebraska.

Mr. GOLDFOGLE with Mr. KENDALL.

Mr. GOEKE with Mr. JACKSON.

Mr. DICKSON of Mississippi with Mr. HUGHES of West Virginia.

Mr. DAVIS of West Virginia with Mr. HINDS.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. HARRISON of New York with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. COPLEY.

Mr. BYRNES of South Carolina with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. BOWMAN.

Mr. ANSBERRY with Mr. AMES.

Mr. AIKEN of South Carolina with Mr. AINEY.

Mr. BELL of Georgia with Mr. FOCHT.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. GRAHAM with Mr. SLEMP.

Mr. STANLEY with Mr. ANTHONY.

Mr. SHERLEY with Mr. MALBY.

Mr. HARDY with Mr. OLMSTED.

Mr. JAMES with Mr. GUERNSEY.

Mr. BROWN with Mr. CURRIER.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. TALBOTT of Maryland with Mr. PARRAN.

On the vote:

Mr. FOSS (to recommit) with Mr. SMALL (against).

Mr. DALZELL (to recommit) with Mr. HENRY of Texas (against).

Mr. VREELAND (to recommit) with Mr. BATHRICK (against).

Mr. MOORE of Pennsylvania (to recommit) with Mr. BURNETT (against).

Mr. SULZER (to recommit) with Mr. CONNELL (against).

Mr. SPEER (to recommit) with Mr. GREGG of Pennsylvania (against).

Mr. O'SHAUNESSY (to recommit) with Mr. ROUSE (against).

Mr. CURLEY with Mr. FULLER.

Mr. PUJO with Mr. DE FOREST.

Until May 28:

Mr. HUGHES of New Jersey with Mr. YOUNG of Michigan.

Ending May 31:

Mr. MORRISON with Mr. MADDEN.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

From May 15 and ending two weeks hence:

Mr. CANTRILL with Mr. LOUD.

Mr. HARDY. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. OLMSTED. I voted "no." I wish to withdraw my vote and answer "present."

The name of Mr. HARDY was called, and he answered "Present."

Mr. JOHNSON of South Carolina. Mr. Chairman, I voted "no." I desire to withdraw my vote and answer "present." I am paired with the gentleman from Massachusetts, Mr. GILLETT.

The name of Mr. JOHNSON of South Carolina was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 16961. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of 9th day of August, 1814; and

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. SMALL, for one week, on account of death in family.

To Mr. THAYER, for one week, on account of important business.

To Mr. BORLAND, for two weeks, on account of important business.

To Mr. PADGETT, for 10 days, on account of important business.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, next Thursday is Memorial Day. A great many gentlemen on both sides of the House desire to be absent upon that day. I therefore ask unanimous consent that when the House adjourns to-morrow, Wednesday, it adjourn to meet on Friday, May 31, 1912, at 11 o'clock a. m.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-morrow, Wednesday, it adjourn to meet on Friday, at 11 o'clock. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD, at 5 o'clock and 26 minutes p. m., the House adjourned until to-morrow, Wednesday, May 29, 1912, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate for appropriation for reenforcing floor in room 400, Patent Office Building, and to equip same as a file room (H. Doc. No. 779); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting special-agent report on shoe and leather trade in the United Kingdom (S. Doc. No. 719); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting, pursuant to section 2, act of July 7, 1884, schedule of claims allowed by the accounting officers of the Treasury Department (H. Doc. No. 778); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 321) relative to observance of Memorial Day, reported the same without amendment, accompanied by a report (No. 788), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 5207) to provide an American register for the steamer *Oceana*, reported the same with amendment, accompanied by a report (No. 793), which said bill and report were referred to the House Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 302) authorizing and directing the Secretary of War to accept the title to 4,000 acres of land at or near Anniston, Ala., for the purpose of establishing maneuver camps, rifle and artillery ranges, etc., reported in lieu thereof joint resolution (H. J. Res. 322) authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, accompanied by a report (No. 789), which said joint resolution and report were referred to the Committee of the whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 17709) for the relief of John M. Oak, reported the same with amendment, accompanied by a report (No. 764), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased, reported the same with amendment, accompanied by a report (No. 765), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, reported the same with amendment, accompanied by a report (No. 766), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley, reported the same with amendment, accompanied by a report (No. 767), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17850) to pay Cowden & Cowden, of Armory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture, reported the same with amendment, accompanied by a report (No. 768), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (H. R. 20873) for the relief of J. M. H. Mellon (administrator), James A. Mellon, Thomas D. Mellon, Mrs. E. L. Sevird, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Marlin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, Jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa., reported the same with amendment, accompanied by a report (No. 769), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 18294) for the relief of John C. Sullivan, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12476) for the relief of Henry W. Carpenter, reported the same with amendment, accompanied by a report (No. 771), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 15181) for the relief of Harry S. Wade, reported the same with amendment, accompanied by a report (No. 772), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 13938) for the relief of Theodore Salus, reported the same with amendment, accompanied by a report (No. 773), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 644) for the relief of Mary E. Quinn, reported the same with amendment, accompanied by a report (No. 774), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 14333) for the relief of John Johnson, reported the same with amendment, accompanied by a report (No. 775), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16621) for the indemnification of Frank Wenzel, reported the same with amendment, accompanied by a report (No. 776), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 22863) for the relief of H. C. Owens, reported the same with amendment, accompanied by a report (No. 777), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 19819) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna, reported the same without amendment, accompanied by a report (No. 778), which said bill and report were referred to the Private Calendar.

Mr. CATLIN, from the Committee on Claims, to which was referred the bill (H. R. 3668) for the relief of William F. Norris, reported the same without amendment, accompanied by a report (No. 779), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey, reported the same without amendment, accompanied by a report (No. 780), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 7672) for the relief of Mary J. Manning, reported the same without amendment, accompanied by a report (No. 781), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 21760) for relief of the estate of William B. Taylor, reported the same without amendment, accompanied by a report (No. 782), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (H. R. 20511) for the relief of Samuel Butter & Co., reported the same without amendment, accompanied by a report (No. 783), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17355) for the relief of Robert F. Scott, reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 15594) for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19,

1908, reported the same without amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg., reported the same with amendment, accompanied by a report (No. 786), which said bill and report were referred to the Private Calendar.

Mr. FAIR, from the Committee on Claims, to which was referred the bill (S. 462) for the relief of Slavo Ramadanovitch, heir of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased, reported the same without amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

Mr. AINEY, from the Committee on Claims, to which was referred the bill (H. R. 14748) to refund certain taxes paid by the heirs of William Hannum, deceased, reported the same without amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co., reported the same without amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

Mr. CATLIN, from the Committee on Claims, to which was referred the bill (S. 4037) for the relief of the J. Kennard & Sons Carpet Co., reported the same without amendment, accompanied by a report (No. 792), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 23439) granting an increase of pension to Walter K. King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23852) granting an increase of pension to Clyde C. Elkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24180) granting an increase of pension to Rachel I. Halloway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24570) granting an increase of Pension to John Richardson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22462) granting an increase of pension to R. W. Tuffs; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24423) granting an increase of pension to Martin Kimble; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23503) granting a pension to John F. Klossy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16782) granting an increase of pension to Charles Almendinger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24422) granting a pension to Charles A. Ward; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24611) granting a pension to John Y. Thornton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22397) granting a pension to Thomas Corlan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23335) granting a pension to Eugene Jobe; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21791) granting a pension to Anna A. Engel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22090) granting a pension to Ellen Cardenas; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19373) granting a pension to Sarah Scott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20693) granting a pension to Bertie L. Wade; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13525) granting a pension to James E. Welch; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16879) granting a pension to Martha Fitzpatrick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 24923) providing for site and public building at Sylvania, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 24924) providing for purchase of site and for public building at Millen, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. MOTT: A bill (H. R. 24925) to amend the copyright law passed March 4, 1909; to the Committee on Patents.

By Mr. PETERS: A bill (H. R. 24926) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: A bill (H. R. 24927) to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 24928) regulating trials by jury; to the Committee on the Judiciary.

By Mr. HENRY of Texas: Resolution (H. Res. 554) to print 2,500 copies of the hearings on the investigation of the strike at Lawrence, Mass.; to the Committee on Printing.

By Mr. DENT: Joint resolution (H. J. Res. 322) authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, favoring the passage of the three-year homestead bill; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Arizona, asking that said State be permitted to select additional lands within forest reserves; to the Committee of the Public Lands.

Also, memorial of the Legislature of the State of Arizona, requesting an investigation of a certain contract made by the United States Reclamation Service with the Pacific Gas & Electric Co.; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 24929) granting a pension to Charlotte C. Morrison; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 24930) granting a pension to William G. Park; to the Committee on Pensions.

Also, a bill (H. R. 24931) granting a pension to Fred A. Hecker; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 24932) granting an increase of pension to Mary C. Titman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 24933) for the relief of Eli A. Helmick, major, United States Army; to the Committee on War Claims.

Also, a bill (H. R. 24934) granting an increase of pension to Joshua Duran; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 24935) for the relief of the heirs of Alexander K. Phillips, deceased; to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 24936) granting a pension to George F. Dickey; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 24937) to correct the naval record of Rev. Oscar Samuel, alias August Meier; to the Committee on Naval Affairs.

By Mr. FRENCH: A bill (H. R. 24938) granting a pension to John W. Clark; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 24939) granting a pension to Amanda Dimsdale; to the Committee on Pensions.

By Mr. HARDWICK: A bill (H. R. 24940) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 24941) for the relief of William Corley; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims; to the Committee on Indian Affairs.

By Mr. KENT: A bill (H. R. 24943) granting a pension to Thomas B. Kneedler; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 24944) granting a pension to Alphonso Penley; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 24945) granting an increase of pension to Theoda C. Newlon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24946) to grant an easement to the city of Kingfisher, Okla., for public street purposes, over a strip off the east, west, and south sides of the Government acre, in the city of Kingfisher, Okla.; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 24947) to establish a fish hatchery and fish-culture station in the first congressional district in the State of Nebraska; to the Committee on the Merchant Marine and Fisheries.

By Mr. MARTIN of South Dakota: A bill (H. R. 24948) authorizing the Secretary of War, in his discretion, to deliver to the John Mangan Post, Grand Army of the Republic, Selby, S. Dak., condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 24949) granting an increase of pension to Samuel K. Howard; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 24950) granting an increase of pension to George De Garmo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24951) granting an increase of pension to Lorenzo English; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 24952) granting a pension to Mary A. Swaggerty; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 24953) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. SLOAN: A bill (H. R. 24954) granting a pension to Rutherford B. H. Kinback; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 24955) granting a pension to Flora A. White; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 24956) for the relief of Ira Haworth; to the Committee on the Public Lands.

By Mr. TALCOTT of New York: A bill (H. R. 24957) granting a pension to Mary A. Snider; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 24958) granting a pension to Kate Spencer Carpenter; to the Committee on Pensions.

Also, a bill (H. R. 24959) granting an increase of pension to Thomas A. Davis; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 24960) granting an increase of pension to Jackson Kindsman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AKIN of New York: Petitions of citizens of New York; the Brotherhood of Locomotive Engineers, of Harrisburg, Pa.; and the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Grand Army of the Republic, Department of Missouri, in favor of securing a pensionable status for members of the Enrolled Missouri Militia; to the Committee on Pensions.

By Mr. ANDERSON of Minnesota: Papers to accompany invalid claim for increase of pension for Charlotte E. Morrison, of Milford, Steele County, State of Minnesota, widow of the late Samuel Morrison, of Company D, Eleventh Regiment Minnesota Volunteer Infantry; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Charlotte C. Morrison, widow of Samuel Morrison; to the Committee on Invalid Pensions.

Also, papers to accompany claim for increase of pension for Charlotte E. Morrison, of Steele County, Minn., widow of late Samuel Morrison, Company D, Eleventh Regiment Minnesota Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition of the Manufacturers' Association of New York, in opposition to any change in present patent laws; to the Committee on Patents.

Also, petition of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Resolution of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357, relative to investigation of the business of foreign and domestic fire insurance corporations of the United States; to the Committee on Appropriations.

By Mr. CALDER: Petition of the New York Milk Committee, of New York City, N. Y., favoring continuance of Commission on Efficiency; to the Committee on Appropriations.

Also, petition of the Samuel Felt Drug Co., of Watertown, N. Y., favoring passage of the Richardson bill (H. R. 14060) relative to pure drugs, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Alice Cleaveland, of Brooklyn, N. Y., favoring passage of bill for the betterment of conditions in Alaska; to the Committee on the Territories.

Also, petition of the National Jewelers' Board of Trade, of New York City, against passage of amendment changing present patent laws; to the Committee on Patents.

Also, resolution of the American Purity Federation, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, favoring placing on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

Also, petition of Sample & Co., of New York City, against passage of the Works bill, relative to license for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the New York State Vegetable Growers' Association, of Ithaca, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Resolutions of the Merchants' Exchange, of St. Louis, Mo., favoring passage of the Newland river-regulation bill; to the Committee on Rivers and Harbors.

Also, resolutions of the Missouri State Dental Association, favoring passage of Senate bill 5177, amending the patent laws, etc., and resolution opposing bill by Senator CULLOM to restore the so-called Low patent covering crown or bridge work; to the Committee on Patents.

Also, resolutions of Pride of the West Lodge, No. 56, Order B'rith Abraham, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of citizens of Troy, N. Y., favoring passage of the Hughes-Borah bill, to create a commission on industrial relations; to the Committee on Rules.

Also, petition of State Camp, Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of Senate bill 3, known as the Page bill, for vocational education; to the Committee on Agriculture.

Also, petition of Alexander Lodge, No. 34, Order B'rith Abraham, of Troy, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Petition of the Woman's Auxiliary of the Board of Missions, Diocese of Central New York, relative to conditions of natives of Alaska; to the Committee on the Territories.

By Mr. ESCH: Petition of the United States Civil Service Retirement Association, of Washington, D. C., against the five-year tenure of office clause contained in House bill 24023; to the Committee on Appropriations.

By Mr. EVANS: Petition of citizens of Chicago, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of the Advertising Men's League of New York, N. Y., favoring passage of House bill 18327, relative to printing a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Civil Service Retirement Association, Washington, D. C., protesting against any legislation that will reestablish the spoils system; to the Committee on Appropriations.

By Mr. FULLER: Petition of the American Association of Foreign Language Newspapers, against passage of the Oldfield-Brown bills, relating to proposed amendment to patent law, etc.; to the Committee on Patents.

Also, petition of merchants of Leland and Morris, in the twelfth congressional district of Illinois, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of laboring and professional men of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the National Lumber Manufacturers' Association, favoring certain amendments to the Sherman Antitrust Act, etc.; to the Committee on Foreign Affairs.

Also, petition of John Nash, R. F. D. No. 1, Hunlock Creek, Pa., favoring passage of House bill 1339, to grant increase of pension in certain cases; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Resolution of citizens of Chicago, against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of the University of Chicago, Chicago, Ill., against passage of the Root amendment, relative to the deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. GOOD: Petition of citizens of the State of Iowa, favoring passage of bill providing for building one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. HAMILTON of Michigan: Petition of retail merchants of Hartford, Mich., against passage of the Oldfield-Brown bills, for proposed change in patent laws; to the Committee on Patents.

By Mr. HAMLIN: Papers to accompany House bill 24549, to pension Martha E. A. Ackerman, of Miami, Mo., widow of Thomas Stoker Ackerman, deceased, a teamster in the service of the United States during the War with Mexico; to the Committee on Pensions.

By Mr. HELGESEN: Petition of the Woman's Christian Temperance Union and 12 other citizens of Tyner, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of C. E. Jacobson and 120 other citizens of Glen Ullin, N. Dak., protesting against the removal of tax from colored oleomargarine; to the Committee on Agriculture.

Also, petition of a church at Leal, N. Dak., and the Presbyterian churches of Tyner, Backoo, and Cavalier, N. Dak., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of the Hartford Central Labor Union, Hartford, Conn., favoring passage of House bill 16844, requiring the manufacturer's brand on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Brotherhood of Locomotive Engineers of Harrisburg, Pa., favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Women's Auxiliary of Windham, Conn., relative to condition of the natives of Alaska; to the Committee on the Territories.

Also, petition of the United States Civil Service Retirement Association, protesting against compulsory retirement in civil service; to the Committee on Appropriations.

Also, petition of Hebrews of New Britain, Conn., against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Young People's Eastern Connecticut organizations, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HILL: Petition of 7 merchants of Danbury, Conn., against amendment changing present patent laws; to the Committee on Patents.

By Mr. HOWELL: Petition of J. A. Lawson, of Salt Lake City, Utah, favoring passage of House bill 22339, to regulate the method of directing the work of Government employees; to the Committee on the Judiciary.

Also, petition of Matthew Cullom and other citizens of Utah, against passage of House bill 17593, to divest intoxicating liquors of their interstate-commerce character in certain cases; to the Committee on the Judiciary.

By Mr. KINDRED: Petition of the Manufacturers' Association of New York, protesting against change in the present patent laws without the opinion of a committee of experts; to the Committee on Patents.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of Branch No. 157, East River, Workmen's Sick and Death Benefit Fund, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Lithuanian Socialist Federation of America, of Mahanoy City, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Resolution of Jacob S. Strahl Lodge, No. 139, Independent Order Ahawas Israel, Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of E. Locker & Co., of Brooklyn, N. Y., favoring passage of Senate bill 3607, relative to so-called disintegration of the Tobacco Trust; to the Committee on the Judiciary.

By Mr. MAHER: Petition of citizens of New York, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of a mass meeting of Americans, Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of business men of Aledo, Ill., against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of Rhode Island Lodge, No. 213, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Rhode Island favoring passage of House bill 22339 and Senate bill 6172, against use of the stop watch in timing Government workmen; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions of the Chamber of Commerce of Eureka, Cal., favoring passage of House bill 22589, for acquisition by the United States of suitable homes for its diplomatic representatives abroad; to the Committee on Foreign Affairs.

By Mr. SCULLY: Petitions of the Daughters of Liberty, East Orange, N. J., and the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: Papers to accompany bill granting pension to Mrs. Flora A. White, of Litchfield, Mich., widow of Charles P. White, deceased, a member of Company H, Fourth Michigan Infantry; to the Committee on Invalid Pensions.

By Mr. TAGGART: Petitions of Local No. 64, Osawatomie, Kans., International Association of Machinists, and Local No. 90, United Brotherhood of Leather Workers on Horse Goods, Fort Scott, Kans., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Brotherhood of Locomotive Firemen and Engineers, of the State of Kansas, against passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of merchants of Fort Scott, Kans., protesting against any legislation that would affect price maintenance; to the Committee on Patents.

By Mr. TALCOTT of New York: Petition of Guiding Star Council, Daughters of Liberty, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Resolution of the Connecticut Merchants' Association, against passage of any parcel-post system that is not self-sustaining; to the Committee on the Post Office and Post Roads.

By Mr. TUTTLE: Petition of U. S. Grant Post, No. 117, Grand Army of the Republic, in the fifth congressional district of the State of New Jersey, favoring passage of House bill 4070, for relief of veterans whose hearing is defective; to the Committee on Invalid Pensions.

By Mr. UTTER: Petition of citizens of Rhode Island, favoring passage of House bill 22339, for prohibiting the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of South Providence Lodge, No. 328, Independent Order B'rith Abraham, Providence, R. I., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

WASHINGTON:
1912.

VOLUME XLVIII, PART VIII.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

WEDNESDAY, *May 29, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SPECIAL AGENTS AND SECRET SERVICE (S. DOC. NO. 728).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 29th ultimo, certain information relative to the money for special agents and secret-service men, the number of agents employed, and methods of investigation pursued by them with reference to homestead entries. The communication, with the accompanying papers, will be referred to the Committee on Public Lands and printed.

Mr. HEYBURN. I suggest that it lie on the table. I think my colleague [Mr. BORAH] introduced the resolution and wishes to discuss the subject.

The VICE PRESIDENT. Without objection, the communication and accompanying papers will be ordered printed and lie on the table, subject to future disposal.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the follow causes:

Spencer Gordon, administrator cum testamento annexo of the estate of Charles Harris Lester, deceased, *v.* United States (S. Doc. No. 729); and

Ida C. Hughes and Ellen C. McNally, daughters and sole heirs at law of Christopher H. McNally, deceased, *v.* United States (S. Doc. No. 727).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, its assistant enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership, situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under or by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of 9th day of August, 1814;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Presbyterian Church of Roseland, Chicago; the Bethany Reformed Church, of Roseland, Chicago; and of the Bethesda Evangelical Free Church, of Chicago, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Greelyville, Rock Hill, and Chester, all in the State of South Carolina, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of Rumford Grange, No. 109, Patrons of Husbandry, of East Concord, N. H., and the petition of Sam B. Tarrante, of Manchester, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Petworth Citizens' Association, of the District of Columbia, and of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the General Federation of Women's Clubs, remonstrating against the enactment of legislation to limit the term of office of civil-service employees to five years, which was ordered to lie on the table.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. SMITH of Maryland presented a memorial of members of the Stationers' Association of Baltimore, Md., remonstrating against the enactment of legislation to prevent manufacturers of patented articles from fixing the retail selling price, which was referred to the Committee on Manufactures.

He also presented memorials of sundry citizens of Salisbury, Gapland, Brownsville, Hagerstown, and Rohrersville, all in the State of Maryland, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of Johnstown, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. WARREN presented sundry papers to accompany the bill (S. 6961) granting a pension to Annie Walker Burch, which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of 39 citizens of Pawtucket, R. I., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which was referred to the Committee on Territories.

Mr. ROOT presented petitions of the congregations of the Baptist and Methodist Churches of Waverly, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. POMERENE. I present telegrams from a number of commercial organizations throughout the country relative to the bill (S. 6810) relating to bills of lading. I do not ask that the telegrams be read, but that they lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CINCINNATI, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association strongly indorses and urges passage of Pomerene substitute Senate bill 6810 relating to bills of lading.

G. M. FREER,
Commissioner the Receivers' and Shippers' Association.

—

COLUMBUS, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association earnestly desires that Pomerene substitute bill 6810, containing amendments agreed to by bankers and shippers May 22, be enacted. We believe its provisions just and equitable to all concerned. We hope you can give it your active support.

OHIO GRAIN DEALERS' ASSOCIATION,
J. W. MCCORD, *Secretary.*

—

COLUMBUS OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association earnestly desires that Pomerene substitute bill 6810, containing amendments agreed to by bankers and shippers May 22, be enacted. We believe its provisions just and equitable to all concerned. We hope you can give your active support.

OHIO SHIPPERS' ASSOCIATION.
J. W. MCCORD, *Secretary.*

—

BALTIMORE, MD., *May 28, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

On behalf of the Council of Grain Exchanges of North America, I strongly urge passage of Pomerene substitute bill 6810 regarding bills of lading. This measure meets some of the reasonable demands of the business interests and does not impose conditions that should not apply to common carriers.

CHARLES ENGLAND.

—

BALTIMORE, MD., *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The Baltimore Chamber of Commerce indorses Pomerene substitute Senate bill 6810, believing the better safeguarding of bills of lading to be an imperative necessity which should be recognized by the railroads.

F. A. MEYER, *President.*

—

PHILADELPHIA, PA., *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

Philadelphia Chamber of Commerce strongly indorses Senate bill 6810, relating to bills of lading, and urges upon Congress its early adoption.

N. B. KELLY,
Secretary Philadelphia Chamber of Commerce.

KANSAS CITY, MO., *May 29, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The transportation bureau of the Commercial Club of Kansas City indorses Senate bill 6810 and strongly urges its enactment into law.

G. H. WILSON.

—

CHICAGO, ILL., *May 29, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

I strongly indorse Pomerene substitute Senate 6810 and hope it will be enacted into law at an early date.

W. F. PRIEBE,
Chairman Transportation Committee, National Poultry, Butter, and Egg Association.

—

BOSTON, MASS., *May 28, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

Favorable action on bill 6810 very desirable, as it will give all concerned much needed protection and guidance on this matter, the present status of which is very unsatisfactory.

D. O. IVES,
Manager Transportation Department Boston Chamber of Commerce.

—

EVANSVILLE, IND., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Evansville Manufacturers' Association heartily indorses Pomerene substitute Senate bill 6810, relating to bills of lading, fully realizing that its terms are fair and satisfactory to shippers and receivers of freight, and is also impartial.

J. C. KELLER,
Manager Traffic Department.

—

KANSAS CITY, MO., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senator, Senate Building, Washington, D. C.:

Realizing the importance of proper legislation covering bills of lading, we hereby heartily indorse Pomerene substitute Senate bill 6810, and we hope to see its speedy passage by both Houses of Congress.

GEO. H. DAVIS,
President Kansas City Board of Trade.

—

SIOUX CITY, IOWA, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The commercial, jobbing, and manufacturing interests of Sioux City heartily indorse your bill regarding bills of lading, known as Pomerene substitute Senate bill 6810. This legislation is badly needed, and the terms of your substitute bill will go a long way toward preventing confusion and litigation and will make for uniformity of laws on this subject.

SIOUX CITY COMMERCIAL CLUB.
W. E. HOLMES, *Secretary.*

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 816); and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 817).

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, to report it with amendments, and I submit a report (No. 818) thereon.

Mr. CURTIS. Mr. President, I hope the acting chairman of the committee will give notice when he expects to call up the bill he has just reported. I desire to say to Senators that it increases appropriations over and above estimates to the extent of some $3,000,000; that it increases appropriations over those contained in the bill as it passed the House by some $4,000,000, and that it carries general legislation, private claims, and other kinds of legislation. I desire the opportunity to be here when this bill is taken up and to make points of order against those items.

The VICE PRESIDENT. The bill will be placed on the calendar.

CLINTON & OKLAHOMA WESTERN RAILWAY.

Mr. SMOOT. From the Committee on Public Lands I report back favorably the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes, and I submit a report (No. 815) thereon. The Senator from Oklahoma [Mr. GORE] informs me that it is very necessary that the bill shall become a law, and if there is no objection to it, I should like to ask for its immediate consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FALL:

A bill (S. 6980) to amend section 11 of an act entitled "An act to enable the people of New Mexico to form a constitution and State government," approved June 20, 1910, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. FALL. Section 11 of the act refers to the selection and location of public lands, and therefore the bill should go to that committee.

The VICE PRESIDENT. The reference will be to the Committee on Public Lands.

By Mr. FALL:

A bill (S. 6981) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; and

A bill (S. 6982) for the relief of E. H. Biernbaum; to the Committee on Claims.

By Mr. KERN:

A bill (S. 6983) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana; to the Committee on Commerce.

A bill (S. 6984) granting an increase of pension to Noah W. Carr (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6985) granting an increase of pension to Jerome S. Pinney; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6986) for the relief of the estate of Henry Ware, deceased; to the Committee on Claims.

A bill (S. 6987) granting an increase of pension to James Garnett (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6988) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River (with accompanying papers); to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 6989) granting a pension to James, alias John H., Fithian (with accompanying papers); and

A bill (S. 6990) granting an increase of pension to George W. Graves (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6991) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land in the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; to the Committee on the Library.

By Mr. SHIVELY:

A bill (S. 6992) granting a pension to Naomi Fiedler (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6993) granting an increase of pension to Annie Mellinger (with accompanying papers); to the Committee on Pensions.

A bill (S. 6994) to grant an honorable discharge to George Webb; to the Committee on Naval Affairs.

By Mr. CRANE:

A bill (S. 6995) for the relief of Sardine G. Williams and others (with accompanying papers); to the Committee on Claims.

Mr. GORE. At the request of my colleague [Mr. OWEN], I introduce a bill and ask that it be referred to the Committee on Military Affairs.

The bill (S. 6996) to correct the military record of Joseph Hawkins was read twice by its title, and (with accompanying paper) referred to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 6997) to incorporate the Glesboro Railroad Co. (with accompanying paper); to the Committee on the District of Columbia.

Mr. GORE. At the request of my colleague [Mr. OWEN], I introduce a joint resolution and ask that it be referred to the Committee on Post Offices and Post Roads.

The joint resolution (S. J. Res. 113) calling upon the Postmaster General for report upon the practicability and cost of establishing a telegraph and telephone system as part of the postal service, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $10,000 to enable the Secretary of War to prepare an estimate of the cost per mile and the aggregate cost of widening and surfacing the main traveled roads and bridges of the Yellowstone National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to increase the number of nautical experts in the Hydographic Office, at $1,800 per annum, from one to two, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

HUDSON RIVER IMPROVEMENTS.

Mr. BURTON submitted the following resolution (S. Res. 323), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate all correspondence and documents, or copies of documents on file in his office or in his possession, relating to the attitude and action of the State of New York regarding the conditions imposed upon the appropriation of $1,300,000 for the improvement of the Hudson River, made by the act of June 25, 1910, together with any other information that it may be appropriate to transmit therewith.

MISSOURI RIVER BRIDGE NEAR COUNCIL BLUFFS, IOWA.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended. I only do so because it is of very great importance that the bill be passed.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act to authorize the Central Railroad & Bridge Co. to construct a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, and amended February 27, 1909, and June 25, 1910, so as to give to the Central Bridge Co., of Council Bluffs, Iowa, all the authority and rights granted under the act, if the actual construction of the bridge authorized by the act is commenced within one year and completed within three years from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL ARBITRATION TREATIES.

Mr. OVERMAN. I send the following letter to the desk and ask that it be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read the communication presented by the Senator from North Carolina.

The communication was read and referred to the Committee on Foreign Relations, as follows:

371 CENTRAL PARK WEST,
New York City, May 13, 1912.

Hon. LEE S. OVERMAN,
United States Senate.

MY DEAR SENATOR OVERMAN: I noted in March the press reports of the terms upon which the Senate consented to the ratification of the proposed arbitration treaties between the United States, France, and Great Britain. I have secured a certified copy of these documents, and find that the Senate's resolution of approval expressly declares, among other things, that these treaties do not authorize the arbitration of any question "concerning the alleged indebtedness or money obligation of any State of the United States." As the Senate thought it worth while to include these words in its resolution of approval, and as you represent the State of North Carolina in the Senate, I deem it my duty to inform you that in 1906 a committee of eminent citizens of this country tendered to the Government of Colombia a large donation of repudiated North Carolina bonds, together with an expression of the committee's regret at the course pursued toward Colombia by the United States as regards Panama. At that time I was acting as counsel to the Colombian Legation at Washington, and was consulted by the Colombian minister in regard to this proposal. I advised against acceptance of this offer, and in due course the committee of American citizens was informed that the Government of Colombia was unwilling to receive the bonds.

The circumstances under which this proposal was made to and rejected by Colombia are worthy of comment. Before I became counsel to the Colombian Legation a proposal to arbitrate the Panama matter was made by Colombia and refused by the United States. The proposal charged violation of the law of nations by collusion between high officials of the United States and citizens of Colombia, prior to the declaration of Panama's independence, and violation of the treaty of 1846 by acts of the United States after the declaration of Panama's independence.

The refusal to arbitrate was based principally on two grounds: First, that the proposal involved the honor of the United States; and, second, that Colombia sought thereby to subject the policy of the United States to foreign dictation. When I was consulted by the Colombian minister, soon after receipt of this unfavorable note from our State Department, I advised him that, in my opinion, Colombia had a complete case against the United States, taking into account only admitted acts of this Government after the declaration of Panama's independence, and that the objection to arbitration made in the note under consideration could be obviated by proposing to arbitrate the alleged violation of international law and of the treaty of 1846 by admitted acts of the United States, leaving out entirely all reference to the alleged secret and unlawful intercourse between high officials of the United States and citizens of Colombia prior to Panama's declaration of independence. I pointed out that this would reduce to a minimum the difficulties of securing an arbitration during that administration, whose high officials committed, or were believed to have committed, the acts complained of, and that in case the administration then in control of the United States should decline this offer a subsequent administration could be expected to arbitrate the entire question at an opportune time.

The Colombian minister accepted this advice and filed such a proposal with the State Department, disclaiming any desire to interfere with the governmental policy of the United States further than to secure an impartial judgment as to whether the United States had violated principles of international law to which it had assented, or the terms of a treaty which it had solemnly concluded with Colombia.

In this proposal the loss of Panama was accepted as irreparable and the question resolved itself into one of financial recompense to Colombia in case a violation of legal duties on the part of the United States was found by the arbitrators. Perhaps I should add that an arbitral court of The Hague Tribunal was proposed, or a court constituted in some other way as the United States might prefer.

The Colombian minister was waiting in vain for a reply to this proposal when the tender of repudiated North Carolina bonds was made to and rejected by Colombia. Shortly after that the minister, who had consulted me, resigned his post, and I thereupon ceased to have any professional relation with Colombia or to its legation at Washington. But, as an American citizen and an advocate of justice, I have continued to follow with interest all the published incidents in the progress of this case, and have never for one moment lost faith in the ultimate consent of this country to let justice be done to Colombia as regards Panama.

Recent events convince me that the time for this is near at hand, and I take this opportunity to refer to some of these; for example, the recent action of President Taft in proposing, and of the Senate in agreeing to, the arbitration of all justiciable questions that may hereafter arise between the United States and Great Britain or France. I observed with great satisfaction the almost unanimous acceptance of that proposal by the Senate, also the declaration in the majority report of the Senate Committee on Foreign Affairs that a similar treaty would be in order with all friendly nations. As I see it, the point of difference between the Senate and the President in regard to one paragraph of these treaties was of small importance, though the public discussion of the treaties made the difference appear large, and resulted in the misrepresentation of the Senate's position. The fact that the Senate wished to mark out by its own deliberate decision, as particular cases arise, the rather indefinite boundary line of the arbitration area, as determined by these treaties, was taken as a sufficient reason for calling the Senators obstructionists. The wisdom and integrity of the Senate, as proven by its actions during more than a century, were apparently lost sight of for the time being.

Having solemnly agreed to arbitrate questions capable of solution by the application of principles of international law, the Senate can be implicitly relied upon, in my humble judgment, to keep that promise as certainly as it can to uphold the Constitution and the laws of the United States duly enacted. To distrust the Senate in this respect is to distrust the operation of the principle of democratic government, for the Senators are those citizens of the various States who are placed by the operation of this principle in a position of joint responsibility with the President in the conduct of the foreign affairs of our country.

The framers of our Constitution placed so much reliance upon the Senate that one-third plus one was given the power to prevent an action in our foreign affairs proposed by the President and approved by the other two-thirds of the Senators less one. The vitalest rights of Americans are dependent upon the wisdom and the integrity of the Senate in upholding the Constitution and the enacted laws of the United States. Why can not the Senate be equally trusted to fulfill a bounden duty as respects international arbitration, self-imposed by its own deliberate act, and becoming by such act a part of the law of our land?

As the Senate passes over to courts of arbitration under the terms of the Taft treaties the various justiciable questions that are outstanding or that may hereafter arise, this action will gradually define the arbitration boundary line as described in these treaties, so that questions of various kinds will thereafter go to the court of arbitration almost as a matter of course. Until that line is clearly defined it would be difficult to find safer men for its demarcation than the President and the constitutional two-thirds of the Senators present at any session duly called.

The Panama case is justiciable, because it can be fully settled by the application of well-recognized principles of international law to which the United States has assented (for violation of which it has held Great Britain accountable) and by the judicial construction of a treaty solemnly concluded by the United States and Colombia, by the terms of which the United States assumed certain obligations for a calculable consideration, paid by Colombia and received by the United States and now being enjoyed by it and by its citizens.

The Panama Canal will soon be completed. The charge that the United States violated the law of nations and the treaty of 1846 in its acquisition of the right to construct the canal ought to be settled before the canal is finished. The charge that there was collusion between disloyal citizens of Colombia and high officials of the United States Government resulting in the declaration of Panama's independence and in Colombia's loss of a member of her body constitutes a stain upon the honor of the United States so long as the United States refuses to permit a judicial investigation of that charge. For the protection of our own honor, therefore, as well as for the proper administration of justice, the completion of the canal should be accompanied by the judi-

cial determination of all questions growing out of the manner of our acquisition of the right to build it. Even if the United States has done no wrong in the Panama matter, a judicial decision of the claim to the contrary is essential in order to uphold the reputation of our country for justice and equity.

In addition to the foregoing considerations there are several others which call for the judicial settlement of this case at an early date. I will mention briefly only three more.

The third Hague conference is expected to assemble during 1915. The United States should enter that conference with the prestige of having secured a judicial determination of all the outstanding controversies to which it is a party and which are justiciable, as that word is defined in the Taft treaties. Decisions can not be expected prior to the assembling of the Hague conference, unless the preliminary steps for the arbitration of the cases are taken at an early date.

The Panama case is between one of the heaviest-armed nations of the world and one of the lightly armed republics of South America, a republic which was supposed to have not only a general guaranty for its protection through the maintenance of the Monroe doctrine by the United States, but a specific guaranty of continued sovereignty over Panama through faithful observance by this country of the promise contained in the treaty of 1846. Claiming that this treaty warranted the use of our armed forces to prevent Colombia from maintaining her own sovereignty over the Isthmus, when one of the express objects of the treaty was to perpetuate Colombia's possession of Panama by the armed power of the United States, and then refusing to let the question thus raised be judicially determined, does not satisfy the demands of justice or comport with the former high character and present reputation of the United States. As I see it, the claim that this country is entitled to leadership in the movement for peace and justice is to be determined by the willingness of this country to submit its conduct to arbitration not merely in cases that may hereafter arise, but in cases that have already arisen, when these cases can be settled by the application of principles of international law or the terms of treaties to which this country is a party.

The newly appointed Colombian minister will come to Washington as the result of a highly honorable act on the part of Colombia toward the United States. I refer to the proffered welcome of Secretary Knox on Colombian soil, notwithstanding continued refusal of this country to arbitrate the Panama case during the past nine years, necessitating, as it did, the recall of a valued Colombian official who had "done the State some service."

Knowing your devotion to justice and right, I feel that you will take any steps that may be proper to secure the earliest possible settlement of this and all other justiciable questions in exact accordance with the law of nations and with the treaties to which our country is a party.

Thanking you for your courtesies to me, I remain,

Very sincerely, yours,

HAYNE DAVIS.

REFUND OF PENALTIES ON ALCOHOL.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated section 3297 and 3297a of the Revised Statutes and the regulations thereunder.

The VICE PRESIDENT. The Senator from Maryland asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. RAYNER. I want to say a word about the bill. It was unanimously reported by the Committee on Ways and Means of the House; it unanimously passed the House; it was reported favorably unanimously by the Committee on Finance of the Senate; and has been approved by different departments of the Government. It is to refund certain penalties that have accrued against the hospitals of the country for not properly denaturing alcohol. The alcohol was never used as a beverage, and the bill is an eminently just measure. I do not think there is any objection to it at all.

The VICE PRESIDENT. The bill will be read by the Secretary for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, on appeal to him made to abate, remit, and refund all taxes or assessments for taxes the liability for which is asserted against any scientific institution or college of learning on account of any alcohol withdrawn from bond free of tax in accordance with the provisions of sections 3297 and 3297a, Revised Statutes, and not used as authorized by the above-mentioned law and regulations thereunder; but no assessment made of tax imposed shall be abated or refunded as to any alcohol so withdrawn and used for beverage purposes; and all applications for relief under this act shall be filed in the office of the Commissioner of Internal Revenue within one year from the date of the approval of this act, and no liability incurred on or after March 1, 1912, shall be relieved against hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR ST. LOUIS, MO.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of a bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery. I call the attention of the Senator from Nebraska [Mr. HITCHCOCK] to the request, because I think he has heretofore objected.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I object.

The VICE PRESIDENT. Objection is made.

BATTLE OF GETTYSBURG.

Mr. OLIVER. Mr. President, having given notice to the Senate yesterday that I would do so, I now ask unanimous consent for the present consideration of Senate bill 6964.

The VICE PRESIDENT. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed: First. To make all necessary and proper detail of officers of the United States Army to make such surveys, measurements, and estimates as may be necessary in providing a sufficient supply of good water for public use upon the 1st, 2d, 3d, and 4th days of July, 1913, upon the battle field of Gettysburg, in the Commonwealth of Pennsylvania, upon the commemoration of the fiftieth anniversary of the Battle of Gettysburg, and to make all necessary provisions and perform all necessary acts in connection with bringing upon said battle field upon said occasion such sufficient supply of good water fit for drinking and other purposes connected with and incidental to such occasion.

Second. To provide for all necessary sewerage, sanitation, and hospital service necessary for the health and accommodation of persons attending upon such occasion.

Third. To provide and furnish all necessary camp and garrison equipment for visiting veterans of the Civil War, together with all necessary rations and supplies for such veterans during said celebration.

SEC. 2. That the steps hereinbefore authorized to be taken by the War Department shall be fully completed before the 1st day of July, 1913, and that all camp equipment, supplies, and rations shall be fully ready for occupancy and use.

SEC. 3. That the Fiftieth Anniversary of the Battle of Gettysburg Commission of the Commonwealth of Pennsylvania shall have charge of the order of exercises during the celebration; that the physical control of the camp and grounds and the movements of troops and marching bodies therein shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose.

SEC. 4. That there is hereby appropriated from the Treasury of the United States, out of any funds not otherwise appropriated, one-half of such sum as may be necessary to carry out the foregoing provisions of this act, not to exceed the sum of $150,000: *Provided*, That out of the sum of $250,000 heretofore pledged by the Commonwealth of Pennsylvania by act of the general assembly of that Commonwealth, adopted on the 14th day of June, 1911, the commission appointed by the governor of Pennsylvania, in accordance with said act and having charge of such celebration, shall set aside and appropriate a sum equal to the amount above appropriated, to wit, the sum of $150,000; so much of which as may be necessary shall be expended for the purposes provided in this act, under the sole direction of the Secretary of War: *And provided further*, That until the said commission shall adopt a resolution agreeing that the Commonwealth of Pennsylvania shall bear one-half of the expenses incurred in carrying out the provisions of this act, and shall furnish to the Secretary of War a certified copy of such resolution, no part of the sum hereinbefore appropriated shall be expended.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. SIMMONS. Mr. President, I dislike to object to the consideration of this bill, and I will not do so if it will not provoke any debate. If it does——

Mr. OLIVER. I hope the Senator will not object. I do not think there will be any extended debate upon the bill.

Mr. SIMMONS. If there is any extended debate, I hope that the bill will be laid aside.

Mr. OLIVER. I will say that if there is a disposition shown to extend the debate, I will not insist upon the consideration of the bill to-day; but there is very great necessity for action upon this subject at this session of Congress, if it is to be acted upon at all, and I trust that Senators will allow the bill to pass.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHIVELY. Mr. President, is the bill accompanied by a written report?

Mr. OLIVER. The bill is accompanied by a very extensive report, I will say to the Senator. The matter was referred to the War Department, which presented a very elaborate report,

estimating that this work would cost $285,943.34, of which the State of Pennsylvania has agreed to contribute one-half. If I had time I could explain the matter in detail; but I think there is a general disposition to assist the veterans of the Civil War on both sides in celebrating this epochal battle, and I trust that no objection will be made.

Mr. SHIVELY. What is the exact amount carried by this bill?

Mr. OLIVER. Not to exceed $150,000. I will state that the State of Pennsylvania has appointed a commission and has pledged itself to contribute a sum not to exceed $250,000. Out of that sum the commission having charge of the affair has agreed to contribute sufficient to pay half the expense of establishing this camp, all to be done under the supervision of the War Department; so that the limit to which this measure goes will be $150,000.

Mr. SHIVELY. Let me understand the Senator. Does the Senator say that in no event will this cost the Federal Government a sum to exceed $150,000?

Mr. OLIVER. I state that most emphatically.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 321, requesting the President to send to the Senate a compilation of the returns of corporations for internal-revenue purposes for the year 1911.

Mr. SIMMONS. I object.

The VICE PRESIDENT. Objection is made.

Mr. CULLOM. Regular order!

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

THE METAL SCHEDULE.

Mr. SIMMONS. Mr. President, is the morning business over?

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS. Then I ask unanimous consent that the Senate proceed to the consideration of the metal-schedule bill.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Georgia [Mr. SMITH], which the Secretary will state.

The SECRETARY. It is proposed to amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes appear to have it.

Mr. SIMMONS. I ask for a division.

The VICE PRESIDENT. A division is requested.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. I should like to have the amendment again stated.

The VICE PRESIDENT. The amendment has just been stated; but, without objection, the Secretary will again state it.

The Secretary again stated the amendment.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], and therefore withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and therefore withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I do not see him present. I therefore withhold my vote.

Mr. PERCY (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair to the Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. HEYBURN (after having voted in the negative). I should like to inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted.

The VICE PRESIDENT. He has not.

Mr. HEYBURN. I saw him present. I am paired with him. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and will let my vote stand.

The roll call was concluded.

Mr. GARDNER. I have a general pair with the Senator from Massachusetts [Mr. CRANE]. For that reason I withhold my vote.

Mr. BRANDEGEE (after having voted in the negative). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and I should like to ask if he has voted.

The VICE PRESIDENT. The Senator from New York withheld his vote because of his pair with the Senator from Connecticut.

Mr. BRANDEGEE. I was not on the floor when that happened. Therefore I withdraw my vote.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is detained from the Senate Chamber on important public business.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Senate necessarily. I do not know how he would vote on this question.

Mr. DU PONT (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and as he is not in the Chamber I withdraw my vote. If he were present and I were free to vote, I would vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Nebraska [Mr. BROWN].

The result was announced—yeas 33, nays 35, as follows:

YEAS—33.

Ashurst	Gronna	Newlands	Smith, S. C.
Bacon	Hitchcock	Overman	Swanson
Bryan	Johnson, Me.	Paynter	Thornton
Chamberlain	Johnston, Ala.	Pomerene	Tillman
Chilton	Kern	Rayner	Watson
Clarke, Ark.	Lea	Shively	Williams
Fletcher	Martin, Va.	Simmons	
Foster	Martine, N. J.	Smith, Ariz.	
Gore	Myers	Smith, Md.	

NAYS—35.

Borah	Curtis	Nelson	Smoot
Bourne	Dillingham	Nixon	Stephenson
Bradley	Fall	Oliver	Sutherland
Bristow	Gallinger	Page	Townsend
Burnham	Guggenheim	Penrose	Warren
Burton	Jones	Perkins	Wetmore
Catron	Lippitt	Richardson	Works
Cullom	Lodge	Root	
Cummins	McLean	Sanders	

NOT VOTING—27.

Bailey	Crane	Gardner	Percy
Bankhead	Crawford	Kenyon	Poindexter
Brandegee	Culberson	La Follette	Reed
Briggs	Davis	Lorimer	Smith, Ga.
Brown	Dixon	McCumber	Smith, Mich.
Clapp	du Pont	O'Gorman	Stone
Clark, Wyo.	Gamble	Owen	

So the amendment of Mr. SMITH of Georgia was rejected.

Mr. POMERENE. I offered an amendment yesterday, which I ask may be considered.

The VICE PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 20, line 21, after the word "development," insert "machine tools, 20 per cent ad valorem," and on page 22, line 9, strike out the words "machine tools."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. POMERENE. Mr. President, the rate fixed in the Dingley law on machine tools was 45 per cent ad valorem. In the

hearing on the Payne-Aldrich bill the manufacturers asked to have this duty reduced to 30 per cent ad valorem. Under the bill as it comes from the House machine tools, with sewing machines, cash registers, and similar manufactures, were placed on the free list.

It seems to me, in view of the character of the manufacture of machine tools, they ought not to be placed on the free list, particularly at this time. The duty on the raw material, particularly steel, which enters into their manufacture, is levied at 15 per cent ad valorem, and the effect of the proposed amendment is to take machine tools out of the free list and transfer them to the dutiable list under a duty of 20 per cent ad valorem. In other words, a reduction of 33⅓ per cent from the present duty; and I call the attention of the Senator from North Carolina to this amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. POMERENE. Certainly.

Mr. SIMMONS. We will accept the amendment.

Mr. SMOOT. Mr. President, I can not altogether understand the present situation. This item of machine tools was discussed in the committee. Every member of the minority of that committee voted against any change in the House bill. We had testimony, pages and pages of it, and now a Democratic Senator offers an amendment placing machine tools on the dutiable list, and the minority members of the committee accept the amendment.

Of course, I understand why this is done. That is, I think I do. A delegation from Ohio came to Washington—and, by the way, most of the machine-tool manufacturers are in Ohio—and we find the Democratic Senator from Ohio offering an amendment to place machine tools upon the dutiable list and to take them from the free list as provided for in the Democratic House bill. The Democratic members of the Finance Committee had ample opportunity to make that change before the bill was reported to the Senate, and did not. Are we to understand that this amendment, offered as it is at this time, is the sentiment of the Democrats of the Senate?

I merely wanted to call attention to the fact that it looks to me like trying to play politics with this item, and I hardly think it is the proper thing to do.

Mr. WILLIAMS. Mr. President, I do not know of anybody who could with worse grace make an objection to playing politics on a tariff schedule than the Senator from Utah. But we are not playing politics at all. The minority representatives on the Finance Committee were not convinced by the hearings that were had that these articles ought to be placed upon the dutiable list, and did, as the Senator says, make a report in favor of the bill with them upon the free list. Very largely the failure to convince the minority members was because of the character of the testimony, so called. Speaking for myself I attached very little importance to it. I generally attach very little importance to the utterances of interested witnesses who are volunteer witnesses. But since that time we have come to the conclusion that that was too drastic a cut upon that particular article in the schedule.

Mr. SMOOT. Has there been any additional testimony?

The PRESIDING OFFICER. Senators should get permission of the Chair before interrupting each other.

Mr. SMOOT. Has there been any additional testimony received by the Democratic members of the committee?

Mr. WILLIAMS. So far as I am concerned, upon reading and an examination of the testimony—not additional testimony in the sense of additional witnesses, or so-called witnesses—I have come to that conclusion just as I have come to a conclusion on the duties on several other articles.

Mr. RAYNER. May I ask the Senator a question? As I understand the two bills, it is on the free list in the House bill, and the Senate Finance Committee has put it on the dutiable list?

Mr. WILLIAMS. The Senate Finance Committee bill will put them on the dutiable list.

Mr. RAYNER. If this amendment is adopted?

Mr. WILLIAMS. Yes; if it is amended. The present duty is 30 or 35 per cent.

Mr. SMOOT. Thirty per cent.

Mr. WILLIAMS. This amendment will make it 30 per cent, which is a reduction of 33⅓ per cent on machine tools.

There was before the committee some testimony that put us, I may say, upon a line of inquiry with regard to another matter right in connection with this schedule. That was with regard to what might possibly be the construction and meaning of the words "machine tools." It seemed evident that the Ways and Means Committee of the House had one idea in their minds, and various people connected with the trade either had or pretended to have a different idea of what the phrase "machine tools" meant. If the phrase "machine tools" was extended to mean all the things that these people in the trade say that the trade means by the phrase, then I do not think it was the intent of the author of the bill as it came from the House to put all these things upon the free list at one fell swoop.

Mr. SMOOT. I want to say that this same program proposed will be carried out still further as we progress in the consideration of the Democratic bills. I think it will be found that as soon as we reach the chemical bill we will have indigo, that the House bill provided a duty on, carried over to the free list. Of course I know why it is done, Mr. President, and so I suppose every other Member knows. It is only the carrying out of the policy that I desire to call attention to later.

Mr. WILLIAMS. Mr. President, the Senator from Utah has shown no great degree of detective ability in his ascertainment of the fact that certain things that were put upon the dutiable list in the chemical schedule by the House will be placed in the bill which will be offered here by the minority members of the Finance Committee upon the free list, among other things, indigo, Chinese nut oil, and some things that go into the making of varnish. We thought we had good reasons for doing that, and it was announced to the entire Finance Committee, as the Chair will remember [Mr. GALLINGER in the chair] that we would do it.

So the bill which we will introduce upon the chemical schedule already contains those amendments to which the Senator refers, the bill as amended being offered as a substitute for the House bill. We did that for the same reason we did this, because after full reflection and thought, as far as we were capable of it, we thought it was the right course to take for men viewing the question from our standpoint.

Mr. SMOOT. Of course I know that the Senators on the other side found a good excuse for putting indigo on the free list. It was because it is used for the dyeing of cotton goods that are made in the South. I know the protest which came from the manufacturers of the South has been heeded, and I will guarantee that that will be the action taken by the Democratic Members when we reach the chemical bill.

Mr. WILLIAMS. Mr. President, one word more. It is astonishing, it is more than astonishing, it is astounding that any Senator of the United States should have the audacity to suggest that tariff legislation of this country either was or could be sectional in the interests of the South. If there is any objection to the whole tariff system at all it is that it has been uniformly the history of sectionalism against the South, and the Senator from Utah knows it as well as I do.

Now, then, we are going to vote to keep indigo upon the free list. It is true that indigo enters as a coloring matter into the production of cheap cotton goods, and it is true that a good number of cheap cotton goods are made in the South, but it is not true that the South alone makes that grade of goods—overalls and things of that sort—dyed with indigo.

Mr. SMOOT. I did not say that.

Mr. WILLIAMS. Ah, but the Senator threw out the statement that it was done because it would help the South. Your side has not been tender toward this, and God knows none of you have been tender toward us. From the beginning of the history of tariff legislation down to now you have robbed the agricultural masses of the South in order to enrich the manufacturing capital of the Northeast.

Mr. POMERENE. Mr. President, I offered this amendment in good faith. The Senator from Utah has seen fit to charge me with playing politics, and perhaps, if he is judging of me by his own conduct, he is justified in forming that judgment of me in this matter.

It is true that quite a number of these machine-tool people came to me and placed their case before me. I suggested their appearing before the Finance Committee, and they did so appear.

As a matter of fact, the duty under the Dingley law was 45 per cent ad valorem. The machine-tool people appeared before the Finance Committee, as I have been advised, at the time of the consideration of the Payne-Aldrich bill and voluntarily asked for a reduction of the duty from 45 per cent ad valorem to 30 per cent ad valorem, and some of the so-called stand-pat element in that committee, as I am told, criticized them severly because they presumed to come before that committee and ask for a reduction of the duty on that or any other article. They were regarded as curiosities, and I think to some extent they are curiosities when they appear before a committee and ask for a reduction of duties. As a rule the committee has been accustomed to have men come and ask for an increase of duties.

Now, I recognize the fact that an injustice, as I believe, has been done to these people. I believe that will be the feeling of all who will study the proposition. I believe in a gradual reduction of these protective tariff duties to a revenue basis, just as our party has declared time and time again. I do not believe we should reduce them from a highly dutiable rate to the free list, particularly when the raw material is placed upon the dutiable list.

I feel that these duties could be reduced 33⅓ per cent without causing any harm or suffering to anyone or to any class of people. I do not think that at the present time they should be put upon the free list. I had supposed that instead of my proposition being one of dissatisfaction to the opposite side of the Chamber they would be entirely satisfied therewith. It is not my desire, and it is not the desire of those on this side of the Chamber, to injure any industry of any kind, but I feel that in these tariff rates we should be just in the matter, and it was to that end that I offered the amendment.

Mr. LODGE. Mr. President, I move to amend the amendment of the Senator from Ohio by striking out "twenty" and inserting "thirty."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the amendment offered by the Senator from Ohio, before the words "per cent," strike out "twenty" and insert "thirty," so that if amended it will read:

Machine tools, 30 per cent ad valorem.

Mr. SMOOT. Mr. President, the Senator from Ohio just made the statement that he did not think it was right to have machine tools put upon the free list or any other article in which the raw material was made dutiable, as I understood him. Is that his position?

Mr. POMERENE. I made that statement.

Mr. SMOOT. Then, I hope to see the Senator from Ohio vote against free cotton ties, as there is a duty upon the wire that makes the cotton ties.

Mr. POMERENE. We will cross that bridge when we come to it.

Mr. SMOOT. And I know exactly how the Senator from Ohio will cross it, too.

Mr. RAYNER. Mr. President, I shall vote against the amendment of the Senator from Ohio, and vote, of course, against the amendment to it offered by the Senator from Massachusetts. I believe in keeping everything on the free list that can be kept on the free list consistent with the revenues of the Government. I do not think it is possible for us to maintain any such position as is suggested in the amendment of the Senator from Ohio. I dislike very much not to accommodate him, but if we can maintain the proposition the Senator from Ohio is now making we ought to maintain it everywhere. Then every man has a right in his own State and in his own district to favor protection and vote for reducing the tariff on every article produced in everybody else's State and in everybody else's district. I do not believe in that sort of politics. I think it is our duty to stand by the House bill. I say no sufficient argument has been adduced to show why this industry should have protection in Ohio and why other industries in other States should not have protection. If that argument is made, every man has a right to stand by his State and ask for protection. I have declined to ask for protection in favor of any protected industry in the State of Maryland, and I think that is the Democratic position. I propose to stand by the House bill.

Mr. CUMMINS. Mr. President, I wish to suggest that there is a little bit of inconsistency on both sides. In the amendment which I proposed yesterday, and which was voted upon yesterday and voted down with the help of the Senator from Utah, a duty upon machine tools of 25 per cent ad valorem was proposed. He voted against that amendment and in favor of a bill which put machine tools upon the free list. I therefore think he is a little bit inconsistent in expressing indignation now with respect to the amendment of the Senator from Ohio which proposes to restore 20 per cent upon this article.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. The Senator is speaking as if the condition about machine tools was the only item in the schedule. It was a better item than the others, but there were many much worse than in the Democratic bill.

Mr. CUMMINS. On the contrary, from a practical standpoint, as has been asserted here over and over again, the very great majority of the items in my amendment carried higher duties than the bill from the other side. But there is the same inconsistency on the part of my Democratic friends. They have just voted for an amendment which proposes to put a very large list of articles upon the free list. No one of them has any better right to be on the free list than machine tools, which they now propose to put on the dutiable list. I hope you will all conclude before you have finished this that the real systematic proposal was that made by the Senator from Iowa, and that you all made a great mistake in not voting for his amendment.

Mr. SMOOT. Mr. President, I simply want to state to the Senator from Iowa that I was not inconsistent, because of the fact that I made the statement, before ever I voted, that I was not in favor of either one of the bills as they were presented. There are a good many items in the Senator's bill that I would gladly have voted for, but it was presented as a whole, and I had no chance to vote for satisfactory rates without voting for unsatisfactory ones.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. SMOOT. Certainly.

Mr. BACON. I notice the Senator and his colleagues on the committee representing the majority have given notice of an amendment to the woolen bill. I judge by that that he recognizes the fact that the woolen schedule should be changed, and there should be a revision and reduction.

As Senators have not offered any amendment to the metal bill, I want to inquire if my conclusion is correct that by their failure to do so they intend to be understood as favoring the present tariff duties in the Payne-Aldrich law on metals?

Mr. SMOOT. Until there is a report from the Tariff Board or some information more than we have at the present time.

Mr. BACON. The Senator was on the committee when the present law was enacted and did not have any Tariff Board then. I take the liberty of inquiring of the Senator whether, when the Payne-Aldrich bill was enacted, and he himself on the Finance Committee assisted in its framing and advocated it on the floor of the Senate, he thought he had all the information necessary for him to determine what the rates of duty should be in that schedule?

Mr. SMOOT. We had at that time all the information that it was possible to get, so far as the cost of manufacturing goods in this country is concerned.

Mr. BACON. The Senator had all the information he then thought was necessary to enact the law, did he not?

Mr. SMOOT. All that it was possible to get.

Mr. BACON. The Senator does not answer my question. I ask the Senator the question, if he will pardon me for repeating it, Whether they then had all the information that they then thought necessary in order to enable them to frame a correct rate of duty on that metal schedule?

Mr. SMOOT. We had the information and testimony that was presented to the committee, and upon that information and testimony we framed the bill to the best of our ability.

Mr. BACON. But the Senator——

Mr. SMOOT. But not only that, the Senator must know that the rates in many instances were cut at least in two, as has been stated. As far as I am concerned I have stated to the Senate and to the Senator that until we have more information on what is the difference between the cost of producing in this country and abroad, I think it unwise to undertake to revise the metal schedule.

Mr. BACON. If the Senator will pardon me, I wish to see if I can get him to answer the particular question which I asked. I do not ask him to answer yes or no, but I ask him to answer the question. He has not answered it yet, and that is, Whether, when the Payne-Aldrich tariff bill was framed and when the Senate Finance Committee, of which the Senator was then a member, reported that bill favorably to the Senate, did the Senator at that time think they had all the information which was necessary to then frame a bill which should impose the correct rates of duty upon that schedule?

Mr. SMOOT. I will state that we thought we had all the information we could possibly obtain, and we did have the information necessary to make the changes that were made in that bill. But I call the Senator's attention to the fact that this bill to-day was written in the Democratic House without any information or any desire to obtain any information.

Mr. BACON. I am not talking about that bill; I am talking about the Payne-Aldrich bill. I want to find out whether the Senator thinks the Payne-Aldrich bill is correct in its various rates of duty imposed?

Mr. LODGE. Mr. President——

Mr. SMOOT. It is as correct——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMOOT. I have the floor. I yield to the Senator from Massachusetts if he desires to speak.

Mr. LODGE. I will take the floor in my own time, Mr. President.

Mr. SMOOT. I simply rose in the first place to call attention to the inconsistent attitude of the Senator from Ohio in the statement that he made a short time ago.

Mr. BACON. I was trying to counterbalance that by directing attention to the inconsistent attitude of the Senator from Utah.

Mr. SMOOT. The position of the Senator from Ohio is this: He does not want machine tools to be put upon the free list because the material that goes into machine tools is dutiable, and not 10 minutes before he made that statement he had voted to put implements of all kinds—thrashing machines, shovels, hoes, stay chains, and nearly all the tools that are used around a farm—upon the free list.

Mr. LODGE obtained the floor.

Mr. BACON. I will say——

The PRESIDING OFFICER. The Senator from Massachusetts has been recognized.

Mr. LODGE. I am taking the floor in my own time.

Mr. BACON. I congratulate the Senator.

Mr. LODGE. I think the Senator has reason to congratulate me. My friend the Senator from Georgia seems to be hungering and thirsting for information as to our view about this matter. I can tell him my view in a moment. When he asks if in acting on what is called the Payne-Aldrich bill we had all the necessary information, no, and no committee ever in making a tariff bill had all necessary or possible information. We had some information and on that we did the best we could. This bill is an evidence on its face that it was made without any information or with misinformation.

I take the single item of the ferro-alloys. Apparently the same great mind that defined a wether as "a sheep after the first shearing" thought that ferro-alloys were all alike and all made in the same way. So he takes ferromanganese out of this classification and dumps it in with a lot of other high-priced ores made by the electric-furnace system; takes that blast-furnace product, puts 15 per cent on it, and more than doubles the duty. That is an example of the condition of information on which this bill was made.

I prefer the schedule as it stands in the Payne-Aldrich bill, where large reductions were made; I prefer that schedule in that bill to anything that has been offered. I have not the least objection to saying that to the Senator from Georgia or to anybody else.

As to local feeling, there is no need to apologize for it. It is perfectly natural in the Senator from Ohio. When I first came into the Senate I heard a distinguished Senator from the State of Alabama say here—and the remark always remained with me—that in the course of a long life he had observed that human nature was pretty evenly distributed throughout the United States. Human nature is pretty evenly distributed now; and everybody in the Senate—and I have seen evidences of it time and again on both sides—is not in a hurry to sacrifice the industries of his own State. I have seen many an occasion when the revenue duty became so elastic that it furnished protection for a particular locality, and I do not think any Senator needs to apologize for looking after the industries of his own State. We all do it in one way or another, except the Senator from Maryland [Mr. RAYNER], who says that he does not; but most of us are not quite so Roman, and we are generally looking after our own industries.

Mr. RAYNER. Mr. President, I am sorry that I can not agree with the Senator from Massachusetts that the most of us are looking after our own industries. I do not think that is the case at all. This is the first time I have known a Democratic Senator to rise here and ask for protection for an industry of his own State; and I would like the Senator from Massachusetts to select Members on this side who are looking after the industries of their States; I would like the Senator to select——

Mr. LODGE. Mr. President——

Mr. RAYNER. One moment now. I would like the Senator to select Senators, as a rule, who stand in any different position from that I occupy. For instance, I was asked years ago—and the Senator will recollect it, because he served in the House of Representatives with me—I was asked whether I would vote for free coal, the production of coal being one of the principal industries in my State, and I said "yes." One industry after another was quoted there in the House of Representatives, and I was challenged to say whether or not I would vote for protection. I made the same reply that I have made to-day, that we have no right to stand here—and I think Senators will agree with me, as a rule, on the Democratic side—to vote for protection in our own States and in our own districts and to vote for free trade in everybody else's State and in everybody else's district. The doctrine of tariff for revenue goes to the ground if that is done. I deny that the statement of the Senator from Massachusetts is a correct statement. I would like very much to accommodate our friend from Ohio; but, as I understand, this is the first amendment that the Democratic minority of the Finance Committee have agreed to make to the bill as it came from the House—I do not know whether I am right about that—but I understand that in all the different schedules and parts of schedules that have come from the House the Democratic minority of the Finance Committee have agreed to make this one amendment in order to protect an industry in Ohio. I say that we have no right to do it.

The point has been made that the raw materials that go into the manufacture of this industry are taxed. I think that is wrong. I think wherever you can lower the duty on the raw materials that you ought to do it, and wherever you can make raw materials free, it ought to be done; but there are any number of cases in the schedules where this can not be done. There are any number of cases in which you can not take off the duties upon the raw materials. This furnishes no reason why we should not keep the manufactured article upon the free list if it is possible to do so.

The House of Representatives has passed a Democratic tariff bill, and I have been given no reason and I have heard no reason why we should abandon our doctrine and protect an industry in any State. I do not care in whose State it is, whether it is in my State or in any other State. I would not stand on this floor as a representative of the Democratic Party and claim protection for any industry of the State of Maryland. That is my doctrine.

Mr. LODGE. Mr. President, I took pains to except the Senator from Maryland——

Mr. RAYNER. But the Senator from Massachusetts had no right to take pains to except me, because I am not an exception.

Mr. LODGE. Mr. President, who has the floor?

Mr. RAYNER. I stand with every other Democratic Senator upon this side of the Chamber, and the Senator had no right to isolate me and except me.

Mr. LODGE. I thought I had been recognized.

The PRESIDING OFFICER. The Senator from Massachusetts had been recognized. The Chair will now take occasion to admonish Senators—for the rule has been violated in countless instances to-day—that they should address the Chair and get permission to interrupt other Senators.

Mr. RAYNER. I beg the Senator's pardon.

Mr. LODGE. I wanted to complete my sentence. I said that I carefully excepted the Senator from Maryland, and pointed out that his attitude was Roman. I cast no reflection upon him, but I say that this is the first instance, perhaps, where it has occurred on this schedule. But, Mr. President, is it necessary to go back over the past to remind Senators of sugar and lumber and rice and alligator skins and pineapples? Must I go on with the list? I have seen some pretty good protectionist votes cast on the other side of the Chamber. I remember that as to quebracho and chestnut juice—the duty on those articles emanated from Virginia. I am reminded, too, of peanuts, and long staple cotton, and tea in South Carolina—all of those have been offered on the other side of the Chamber in my time as articles to be protected. I do not hold that as a reflection against those Senators. It is perfectly natural. I do not hold such a strong and rigid virtue as that. I know that the Democrats are in general for a tariff for revenue only; but if they can soften the asperities of a tariff for revenue for the localities in which they are peculiarly interested, I can not see any harm at all in their doing so.

Mr. RAYNER. I do not think the Senator from Massachusetts——

Mr. LODGE. I can mention other cases if the Senator wishes me to do so.

Mr. RAYNER. Yes; I would like the Senator to mention some others, because I do not think he has mentioned a single case that is applicable to this subject.

Mr. LODGE. Mr. President, how about Louisiana sugar, to begin with?

Mr. RAYNER. Mr. President, with that exception, every case which the Senator has mentioned is a case where Senators on this side voted for a duty for revenue, and not a duty for protection.

Mr. LODGE. How about the duty on pineapples that was moved by a Democratic Senator when the Payne-Aldrich bill was pending?

Mr. RAYNER. That duty, Mr. President, was defeated. There is a reduced duty on pineapples; and the large majority of us stood up here and voted for a reduction of the duty. There is no necessity for the Senator from Massachusetts selecting a single Senator and saying that that Senator, for some reason or other, represented the principles of the Democratic Party. Why does not the Senator pick out a majority of the Democratic Senators on this side? There is not a Senator on this side who ever voted against a revenue duty and for a duty for protection. I challenge contradiction.

Mr. LODGE. Mr. President——

Mr. RAYNER. I yield.

Mr. LODGE. I thought I had the floor; but I yield.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. RAYNER. I thought the Senator had finished.

Mr. LODGE. I had not.

Mr. RAYNER. I yield.

Mr. LODGE. I do not want the Senator to yield. I will take the floor in my own right.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. I yield to the Senator from Maryland.

Mr. RAYNER. I shall be done in a moment. I do not speak continuously for three or four days. I generally finish in about three or four minutes. I have very little to say here, except this: I do not like the idea of being singled out; I do not like the idea of being made an exception to the Democratic side.

The Senator talks about free sugar. I recollect the day when the whole Democratic side of the House of Representatives stood up, man after man, unanimously voting in favor of free sugar. We are not responsible for things that took place in the Senate afterwards. It is not fair to select a single Senator upon this side any more than it would be fair to select some single Senator on the other side as representing the principles of the party. The overwhelming majority of the Senators on this side have always voted for a tariff for revenue as against a tariff for protection. There may be isolated instances to the contrary; and I think in the case of lumber good reasons were given. The tariff on lumber was a revenue tariff. So far as the tariff on tea was concerned, the Senator from South Carolina [Mr. TILLMAN] had no idea that his amendment would succeed.

Now, let us get to the point and stop talking about the Payne-Aldrich bill and matters that have no reference to this subject. Let us talk about the amendment before the Senate. I certainly do not desire to comment upon the Senator from Ohio; that is the last thing in the world that I would do; but the Senator from Ohio comes here—let us be perfectly frank about it—and asks for protection upon an Ohio industry, and he asks the Democratic side to aid him in protecting an Ohio industry. I am opposed to that.

Mr. LODGE. Mr. President, the Senator from Maryland accused me of picking him out alone as unassailable, whereas I said everybody was. He asked me to name others besides the Senator from Ohio on the Democratic side who in the past had manifested an interest in the industries of their own States. I named 8 or 10, and I can name a good many more. The Senator says they were individual Senators. Of course they were; that is why I named so many articles, because each article meant one or two more Senators. I wanted to cover as many as I could. I have found no fault with them for doing so, and I do not see why they should not have done so.

The Senator says there were good reasons for the revenue duty on lumber. There are always good reasons for a protective duty for the locality that needs it. There is nothing so flexible as a revenue duty. You can fix the rate at a protective point or you can fix it lower, just as you please; there is nothing stable about the revenue point. I do not blame Senators for doing it, and I am criticizing nobody for doing it; but, on the contrary, I simply was pointing out that it had been done many times and it will be done a great many more times before we get through talking about the tariff.

Mr. RAYNER. Mr. President, I certainly do not object to the Senator's stand. I admire the stand the Republican Party has taken for protection, and I have nothing to say about that. Any man who is for protection as a principle certainly deserves the respect of the other side, to say the least.

So far as lumber is concerned, of course I voted for free lumber, but there were other Senators who voted differently. What I contend for is this: I contend for the proposition that we have not any right to protect the industries of our own States. I am for a tariff for revenue; I am for putting everything on the free list that can be put upon the free list consistent with the raising of revenue. If a tariff for revenue gives incidental protection I can not help it, but I am for a tariff for revenue. I am not for a tariff for protection with incidental revenue, and I believe that the vast majority of Senators on this side agree with me in the views I have expressed.

Mr. BACON obtained the floor.

Mr. RAYNER. I want to say this before the Senator from Georgia commences. The Senator from Georgia, after an exhaustive examination, compiled a table of yea-and-nay votes taken during the tariff session of 1909. It was one of the most instructive tables used during the last campaign, showing exactly how each Senator voted on all amendments proposed to the tariff bill. I think that table absolutely sustains the views I am expressing, that nearly every Senator on this side all the time, through all the schedules, in all the votes, voted for a tariff for revenue and not for a tariff for protection.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia was recognized. Does he yield to the Senator from Ohio?

Mr. BACON. In a moment. What the Senator from Maryland has said about the votes cast by the Democrats during the consideration of the Payne-Aldrich bill is true, as shown by the RECORD; but that is not what I rose to say. I rose to say simply this: That I was trying to get the Senator from Utah and others who think with him to state plainly whether they favor the present metal schedule as found in the law. I have not been able to get them to say whether they do or not.

Mr. LODGE. Mr. President, if the Senator will permit me——

Mr. BACON. I beg the Senator's pardon. I will yield to the Senator in a moment; I want to finish my statement. This is as far as the Senator from Massachusetts would go, that he preferred the metal schedule of the Payne-Aldrich law to anything else that was offered. That is what the Senator said. That is also true, I presume, of the woolen bill—that he prefers the woolen schedule as it is now found in the law rather than anything which has been offered. But the point that I was trying to get the Senator's attention to was that, while in the case of the woolen schedule they do recognize that there should be a reduction by giving notice that they themselves intend to offer a bill which will reduce the duties to a certain extent, they have failed to make any such offer in the case of the metal schedule, from which I drew the conclusion that they favor the metal schedule as it stands. That is all I want them to say. They shelter themselves behind the excuse that, in the first place, it is better than anything which has been offered, which is not an answer, because the same thing is true, in their opinion, as to the woolen bill; and, second, that they have not had information from a Tariff Board, when Congress has been legislating for over a hundred years on the tariff without the assistance of a Tariff Board, and when the Congress, then strongly Republican in both branches, three years ago did not express any hesitation as to whether or not their conclusions were then correct as to what should be the real duties in the metal schedule; but all at once there has developed a great amount of uncertainty, to put it as mildly as possible. They do not know now what it ought to be, forsooth; they must wait until they can have the report of a Tariff Board before they can express an opinion whether the present law is as it should be or is not as it should be.

I want to say another word, Mr. President, and that is this: This is the first Congress for a long time in which the Democrats have had responsibility, in part, as to the framing of a tariff law. The Democratic House has sent us a bill and, whatever may be said about the past, Senators on the other side of the Chamber will have the opportunity, if they wish to do so, to vote for a revenue tariff bill, and they will find that Senators on this side of the Chamber will sustain the Democratic House in an effort to reduce the tariff; and they will not be distinguished by any such want of fidelity to principle as the Senator from Massachusetts and the Senator from Utah would suggest.

Mr. RAYNER. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Maryland raises the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	McLean	Shively
Bacon	du Pont	Martin, Va.	Simmons
Bankhead	Fall	Martine, N. J	Smith, Ariz.
Borah	Fletcher	Myers	Smith, Ga.
Bourne	Foster	Newlands	Smith, S. C.
Bradley	Gallinger	Nixon	Smoot
Bryan	Gardner	Oliver	Stephenson
Burton	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Townsend
Chilton	Johnson, Me.	Penrose	Watson
Clapp	Johnston, Ala.	Perkins	Williams
Clarke, Ark.	Jones	Pomerene	Works
Cullom	Kern	Rayner	
Cummins	Lodge	Richardson	
Curtis	McCumber	Sanders	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

The question is upon the amendment of the Senator from Massachusetts to the amendment offered by the Senator from Ohio.

Mr. RAYNER. On that I ask for the yeas and nays.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. BACON. I raise the point of order that when a Senator addresses the Chair, even if the yeas and nays have been demanded, the question ought not to be put as to the yeas and nays until after the Senator has finished. How does anyone know whether or not it will be two hours before the yeas and nays are called, and the contemplation of the law is that the yeas and nays will be called for by those who are present at the time and who are going to participate?

The PRESIDING OFFICER. The present occupant of the chair does not agree with the Senator from Georgia. The Senator from Ohio is recognized.

Mr. POMERENE. Mr. President, I do not intend by the amendment which I have offered or by the remarks which have been made by several Senators to be placed in a false attitude. I did not offer this amendment as a protectionist. I do not offer it as a protection duty. I am not asking for protection for any single industry in Ohio. I am asking simply that justice be done under all the circumstances of the case.

Neither the Senator from Massachusetts [Mr. LODGE] nor the Senator from Utah [Mr. SMOOT], nor anyone else, I think, who has studied this question, will say that a duty of 20 per cent would be a protective duty. It is a revenue duty, and nothing more and nothing less than that. In fact, some of the testimony before the committee shows that in order to make it a protective duty they desire an increase to 45 per cent, and I have letters to that effect from some of the men interested in that business.

Under the Dingley bill it was on a protective basis of 45 per cent. Under the Payne-Aldrich bill it was reduced to 30 per cent. Under the Underwood bill it is proposed to put it upon the free list. I think by reducing it from 30 per cent, as it now is, to a duty of 20 per cent ad valorem, we will leave it on a revenue basis. It certainly is not on a revenue basis when it is placed on the free list.

Am I extreme in this? Is my position wrong or different from that of my party? Let us see what the platform says on the subject:

> We favor immediate revision of the tariff by the reduction of import duties.
>
> This is a reduction of 33⅓ per cent.
>
> Articles entering into competition with trust-controlled products should be placed upon the free list.
>
> It is not contended here that the machine tools are trust made, by any means.
>
> Material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home.

And that is true with regard to most of the articles placed on the free list, or the greater proportion of them, under the amendment proposed by the Senator from Georgia. I do not have the memorandum at hand now. They have been sold at times, at least, at a lower price abroad than at home.

Then the Democratic platform further reads:

> And gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

That is what I propose in this amendment. Here are these articles, which are manufactured not by the trust, but by people of modest means. We are reducing their tariff, and I hope to have it, as it will be some day, on a free-trade basis; but under our platform and in harmony with my views on this subject I do not think it is proper that these articles should be taken entirely from a protection basis and placed on a free-trade basis at once, but let us do so gradually, and it is to that end that I offer the amendment.

The PRESIDING OFFICER. The Secretary will call the roll on the question of agreeing to the amendment to the amendment.

Mr. BACON. I rise to a parliamentary inquiry. As I understand it, the vote is now on the amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is correct.

Mr. BACON. I did not know that all Senators knew that fact.

Mr. LODGE. To make it 30 per cent instead of 20 per cent.

The PRESIDING OFFICER. That is the fact.

The Secretary proceeded to call the roll.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. If I were at liberty to vote upon this proposition, I should vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. I transfer the pair to the junior Senator from Oklahoma [Mr. GORE], who is now absent and will be for some time. I will continue the transfer during his absence. I shall vote during the day without any further explanation. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I desire to announce that the senior Senator from Louisiana [Mr. FOSTER] is paired with the Senator from Wyoming [Mr. WARREN].

Mr. WATSON. I announce the transfer of my general pair to the Senator from Missouri [Mr. REED].

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "yea."

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent from the Chamber. If he were here, he would vote "nay."

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer it to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. JONES. My colleague [Mr. POINDEXTER] is necessarily detained from the Chamber. I think if he were present he would vote "nay."

The result was announced—yeas 27, nays 37, as follows:

YEAS—27.

Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	du Pont	Nixon	Smoot
Burnham	Fall	Oliver	Stephenson
Burton	Gallinger	Page	Sutherland
Catron	Heyburn	Perkins	Wetmore
Cullom	Lippitt	Richardson	Works
Curtis	Lodge	Sanders	

NAYS—37.

Ashurst	Cummins	Myers	Smith, Ga.
Bacon	Fletcher	Nelson	Smith, S. C.
Bankhead	Gronna	Newlands	Swanson
Borah	Hitchcock	O'Gorman	Tillman
Bourne	Johnston, Ala.	Overman	Townsend
Bristow	Jones	Pomerene	Watson
Bryan	Kern	Rayner	Williams
Chamberlain	Lea	Shively	
Chilton	Martin, Va.	Simmons	
Clarke, Ark.	Martine, N. J.	Smith, Ariz.	

NOT VOTING—31

Bailey	Davis	Kenyon	Poindexter
Briggs	Dixon	La Follette	Reed
Brown	Foster	Lorimer	Root
Clapp	Gamble	McCumber	Smith, Md.
Clark, Wyo.	Gardner	Owen	Stone
Crane	Gore	Paynter	Thornton
Crawford	Guggenheim	Penrose	Warren
Culberson	Johnson, Me.	Percy	

So Mr. LODGE's amendment to Mr. POMERENE's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. BURTON. I suggest an amendment to the amendment of my colleague, to strike out the word "twenty" and insert the word "twenty-five."

The VICE PRESIDENT. The Senator from Ohio offers an amendment to the amendment, which will be stated.

The SECRETARY. Before the words "per cent," strike out "twenty" and insert "twenty-five."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, I rise to ask a question for information. I should like to ask some Senator on the other side, as well as on this, as to the line of demarcation between a protective duty and a revenue duty. If I understood the Senator from Ohio correctly, he said that under the Dingley bill this identical article bore a 45 per cent duty. It was then reduced in the Payne-Aldrich law to a 30 per cent duty. The Senator from Ohio proposes to reduce it to a 20 per cent duty, and the gentlemen on the other side have taken occasion to criticize the Senator from Ohio with the statement that 20 per cent would be still protective. Now, by a logical deduction, if 45 per cent was protective and 30 per cent was protective and 20 per cent is protective, then a duty of 25 per cent must of necessity be protective. I do not see exactly

wherein lies the argument in twitting the Senator from Ohio with a protective duty, when he proposes to reduce it to 20 per cent and it is still protective, and when the claim has been made by Members on the other side that they simply want a rate of duty that will measure the difference between the cost of production at home and abroad, with a reasonable profit to the manufacturer.

I am not standing here to say that I am advocating the amendment offered by the Senator from Ohio. I am going to vote for that article to go on the free list for the reason that, as a Democrat, believing in protection for revenue, I believe that the principle of a protective duty being necessary for the support of the Government has been so abused by the other side that we can not even vote for a revenue duty without being twitted with having a special interest in view.

As one of the Senators from South Carolina, I want to say that I have been consistent wherever it was possible for me to be so, and that I have voted, as near as possible, for all articles to go on the free list, not because it was strictly in accord with the doctrines of my party, but because the mere fact of a revenue duty had been so abused by protectionists that I could not vote even for this revenue duty without laying myself open to the charge that I was attempting to hide behind a revenue duty rather than to come out in the open and say that I wanted protection. It is better for the people of this country to suffer for the lack of sufficient revenue than to be put in the attitude of being open to a charge that a Senator is using a subterfuge to hide behind a special interest in his own part of the country.

Mr. HITCHCOCK. Mr. President, it seems to me that the amendment offered by the Senator from Ohio [Mr. POMERENE] can be defended on purely Democratic doctrine and as being in line with the bill itself. The average tariff on the metal schedule as existing at present is 35 per cent. The bill sent to us by the House of Representatives represents an average of 22 per cent. The Senator from Ohio proposes a duty of 20 per cent on an article that is rather highly finished. It seems to me that for that reason his amendment can be defended as Democratic and as being in harmony with the other provisions of the bill.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Ohio [Mr. BURTON] to the amendment of the Senator from Ohio [Mr. POMERENE].

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE], and withhold my vote. As I understand that Senator from Missouri is absent for the day I desire this statement to stand for the day.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER], and vote. I vote "yea."

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE], and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. I do not observe that he is in the Chamber, and so I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber, and I therefore withhold my vote.

Mr. WATSON (when his name was called). I again transfer my general pair with the Senator from New Jersey [Mr. BRIGGS] to the Senator from Missouri [Mr. REED], and vote. I vote "nay."

The roll call was concluded.

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If the junior Senator from South Dakota were here he would vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Then I, having a pair with that Senator, withdraw my vote.

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. GAMBLE] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. McCUMBER. I understand that the Senator from Mississippi [Mr. PERCY], with whom I am paired, would probably vote the same way that I would vote on this question. So I withdraw the announcement of the pair, and vote "nay."

Mr. FOSTER. In the absence of my pair, I withhold my vote.

Mr. SMITH of South Carolina (after having voted in the negative). I ask if the junior Senator from Delaware [Mr. RICHARDSON] has voted? He intimated to me that he might be absent.

The VICE PRESIDENT. The junior Senator from Delaware has not voted.

Mr. SMITH of South Carolina. Then I transfer my pair with that Senator to the Senator from Mississippi [Mr. PERCY], and will let my vote stand.

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Borah	Catron	Lippitt	Poindexter
Bourne	Cullom	McLean	Root
Bradley	Cummins	Nelson	Sanders
Brandegee	Curtis	Nixon	Sutherland
Bristow	du Pont	Oliver	Wetmore
Burnham	Fall	Page	Works
Burton	Gronna	Perkins	

NAYS—33.

Ashurst	Hitchcock	Myers	Smith, S. C.
Bacon	Johnson, Me.	Overman	Smoot
Bryan	Johnston, Ala.	Pomerene	Swanson
Chamberlain	Jones	Rayner	Townsend
Chilton	Kern	Shively	Watson
Clarke, Ark.	Lea	Simmons	Williams
Fletcher	McCumber	Smith, Ariz.	
Gallinger	Martin, Va.	Smith, Ga.	
Heyburn	Martine, N. J.	Smith, Md.	

NOT VOTING—35.

Bailey	Davis	La Follette	Reed
Bankhead	Dillingham	Lodge	Richardson
Briggs	Dixon	Lorimer	Smith, Mich.
Brown	Foster	Newlands	Stephenson
Clapp	Gamble	O'Gorman	Stone
Clark, Wyo.	Gardner	Owen	Thornton
Crane	Gore	Paynter	Tillman
Crawford	Guggenheim	Penrose	Warren
Culberson	Kenyon	Percy	

So Mr. BURTON's amendment to Mr. POMERENE's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. RAYNER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present and I will therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is not present, and therefore I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again transfer my pair to the senior Senator from Mississippi [Mr. PERCY] and vote. I vote "nay."

Mr. WATSON (when his name was called). I make the same announcement as to the transfer of my pair as on the previous vote. I desire this announcement to stand for the day. I vote "nay."

The roll call was concluded.

Mr. HEYBURN. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. DILLINGHAM. Because of the absence from the Chamber of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. JOHNSON of Maine. I wish to announce the pair of my colleague [Mr. GARDNER] with the junior Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 17, nays 43, as follows:

YEAS—17.

Borah	Cummins	Newlands	Williams
Brandegee	Gronna	Oliver	Works
Bristow	Hitchcock	Perkins	
Catron	Johnston, Ala.	Poindexter	
Chamberlain	Kern	Pomerene	

NAYS—43.

Ashurst	Fall	Martin, Va.	Smith, Ariz.
Bacon	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Gallinger	Myers	Smith, S. C.
Bradley	Heyburn	Nelson	Smoot
Bryan	Johnson, Me.	Nixon	Stephenson
Burton	Jones	O'Gorman	Sutherland
Chilton	Lea	Overman	Swanson
Culberson	Lippitt	Page	Thornton
Cullom	Lodge	Rayner	Townsend
Curtis	McCumber	Sanders	Watson
du Pont	McLean	Shively	

NOT VOTING—35.

Bailey	Brown	Clark, Wyo.	Crawford
Bankhead	Burnham	Clarke, Ark.	Davis
Briggs	Clapp	Crane	Dillingham

Dixon	Kenyon	Percy	Smith, Mich.
Foster	La Follette	Reed	Stone
Gamble	Lorimer	Richardson	Tillman
Gardner	Owen	Root	Warren
Gore	Paynter	Simmons	Wetmore
Guggenheim	Penrose	Smith, Md.	

So Mr. POMERENE's amendment was rejected.

Mr. NEWLANDS. I ask the Secretary to read the amendment I offer.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Insert the following as a new section at the end of the bill:

That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however*, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further*, That such reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

Mr. NEWLANDS. Mr. President, the purpose of this amendment is to bring the two great parties of the country in harmony in accomplishing a needed reduction in the tariff, such reduction to be accomplished in a manner consistent with the principals of both parties.

For many years a reduction in the tariff has been urged. The Democratic Party has been urging it ever since the Civil War, and, with the exception of a few years, when it secured a temporary reduction of the tariff, its efforts have been without result. The Republican Party has recently declared for a revision and reduction of the tariff. The Republican Party proposes to establish that reduction by ascertaining the difference in the cost of production at home and abroad. The Democratic Party in its platform has pledged itself to a gradual reduction of duties toward a revenue basis.

This amendment accomplishes a reduction without violating the principles of either party. It provides for an immediate reduction of 10 per cent upon all existing duties and a reduction at the rate of 5 per cent per annum for four years thereafter, making a total reduction of 30 per cent. But the amendment contains a proviso that this reduction shall not apply to any duty fixed at this session of Congress or to any duty the importations under which to-day equal one-tenth of the domestic production, and therefore the reduction does not apply to any duty in the existing tariff which can be fairly termed a revenue duty.

The proviso also declares that the annual reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the total domestic production of such article, thus accomplishing a termination of the reduction whenever we reach the importing level and when increased importations may seriously disturb American labor or American industries.

It may be said that this involves an indorsement of the Republican principle of protection. I deny that. It does not affirm or approve in any way the Republican principle of protection. It simply recognizes the fact of protection, and that under a protective system industries have been so stimulated that if a radical change is made serious readjustments may follow.

The Democratic Party recognizes the fact of protection in its platform, for it provides for a gradual reduction of duties. Every Democratic platform has declared its intention not to affect American wages or to seriously impair American industries. The Democratic Party has wisely recognized the fact of protection and is determined to legislate so gradually and so progressively as not to injure the American workingmen or American industries. It has recognized the fact that a sliding reduction is essential in order to reach safely the goal of a revenue basis which it has in view.

Mr. President, the debate which has just ensued——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. Mr. President, I should like to suggest to the Senator from Nevada that the amendment which he has introduced is a very important amendment, but it has not been referred to the Committee on Finance, and they have had no opportunity to give it consideration. The amendment can be offered to some other of these bills which will be brought before the Senate, and I suggest to the Senator that, instead of pressing it as an amendment to this bill, he withdraw it, and let it be referred to the Finance Committee for consideration, and then to offer it later on to some other of the tariff bills.

Mr. NEWLANDS. Mr. President, I ask the Senator from North Carolina how many other revenue bills are there to which this amendment could be offered?

Mr. SIMMONS. There are four others.

Mr. NEWLANDS. What are they?

Mr. SIMMONS. One is the sugar schedule, another is the excise bill, another is the chemical bill, and the other is the woolen bill. I think probably the Senator's amendment would come better in connection with the excise bill than with any other, but that would be a matter for the determination of the Senator from Nevada.

Mr. NEWLANDS. Well, Mr. President, I will accept the suggestion of the Senator from North Carolina and will frame the amendment so that it may be applicable to any of the pending revenue bills. I recognize the force of what he says. I regard this as a very important amendment. I hope that it will receive the careful consideration, the nonpartisan consideration, of the Committee on Finance, for I regard it as a rational solution, which will bring about gradually and progressively a reduction in the tariff, which all desire, without in any way prejudicing American interests.

I will add—and I shall be brief upon the subject—that the discussion which has recently taken place upon the amendment offered by the Senator from Ohio [Mr. POMERENE] in regard to the duty on machine tools demonstrates the necessity of some such action as I suggest. The bill came from the House of Representatives to this body and was reported by the minority of the Finance Committee. It contained a free list including machine tools. Machine tools are suddenly transferred from a dutiable list involving a tax of 30 per cent, I believe, to the free list.

Workingmen employed in this industry in the State of Ohio complain that the reduction is too radical, and the Senator from Ohio, a Democrat, recognizing that fact and justifying himself by a Democratic platform which he has quoted, offers a duty of 20 per cent upon machine tools, a reduction of 33⅓ per cent upon the existing duty, and that amendment is accepted by the minority members of the Finance Committee, but rejected by the Senate, and rejected by a divided vote among the Democrats themselves, the Senator from Maryland [Mr. RAYNER] declaring that he was going to stand by the free list. Why? Did he assert that he had any knowledge upon the subject? No. He simply declared that the other House had put these articles upon the free list, and that he proposed to stand by the House. I assume that each member of the Democratic Party in the House took the same position when it came from the Ways and Means Committee. We should probably find, if we made inquiry of the Ways and Means Committee, that the placing of these machine tools upon the free list was the act of one member, who had made the investigation. Thus we find the action of an entire body relegated finally to the judgment and the decision of an individual member of the Ways and Means Committee in the other House. I do not say it is so, but it is quite possible that it is so.

With these differences of views amongst Democrats themselves, how are we to arrive at any harmony of action? Is it not a great deal better to feel our way down toward a revenue tariff than to jump down from a high protective tariff to a revenue tariff, to jump down from high protective duties to a free list? If we gradually reduce these duties, what possible harm can be accomplished? I do not propose to reduce by this amendment a single revenue duty. The reduction does not apply to any duty the importations under which equal one-tenth of the total domestic production of any article. Is there any Democrat who will insist upon it that importations shall exceed one-tenth of the total of domestic production? If so, let him name his limit. Surely the importation of one-tenth of the articles produced in our domestic manufactures will give a revenue; and the effect of my amendment will be to absolutely destroy every prohibitory duty. That is an object which the Democrats wish to accomplish, and which every reasonable Republican ought to wish to accomplish. The Republicans should not be in favor of prohibitory duties; they wish duties that will enable American producers to command the American market, according to the statement of the leaders of that party—both stand pat and insurgent—the other day. By that I assume they do not mean the command of the American market to the absolute exclusion of all foreign goods, but they must be desirous that some portion of foreign manufactures in each grade of industry shall slip over the tariff wall as a regulator against extortion and exaction.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. GRONNA. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Fall	McLean	Smith, Md.
Borah	Fletcher	Martine, N. J.	Smith, Mich.
Bradley	Gallinger	Myers	Smoot
Brandegee	Gardner	Nelson	Stephenson
Bristow	Gronna	Newlands	Sutherland
Burton	Heyburn	O'Gorman	Thornton
Catron	Hitchcock	Page	Tillman
Clark, Wyo.	Johnson, Me.	Perkins	Townsend
Culberson	Johnston, Ala.	Poindexter	Williams
Cullom	Jones	Root	Works
Cummins	Kern	Sanders	
Dillingham	Lea	Shively	
du Pont	Lodge	Simmons	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I am aware that the Senator from North Carolina [Mr. SIMMONS] wishes to bring this bill to a vote this afternoon, if possible, and I will simply close what I have to say on this subject by stating that my amendment will absolutely do away with every prohibitory duty and will change every prohibitory duty into a revenue duty; that whilst accomplishing this, the reduction is so shaped as that the reduction shall cease when the importation of any article equals one-tenth of the total domestic production, thus relegating the whole matter to Congress, and thus preventing a flood of importations which may prostrate American workmen or injure American industries. The amendment does not apply to any duty which shall be specifically fixed at this session of Congress or hereafter fixed, so that the whole range of tariff duties is before us for future special revision.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Yes.

Mr. CULBERSON. If this amendment does not apply to any duties which may be fixed at this session or at any subsequent session, to what duties can it apply?

Mr. NEWLANDS. It applies to all the duties that are not fixed at this session; so that if legislation should fail entirely, it would apply to every duty in the Payne-Aldrich Act.

Mr. CULBERSON. The contemplation is, then, that nothing will be done at this session?

Mr. NEWLANDS. Well, I very much fear that nothing will be done. I hope to accomplish something myself, and will use every effort in that direction, but I have assumed that all legislation might fail, and that, at all events, only partial legislation would be secured.

Mr. CULBERSON. My inquiry was to secure information. The first proviso of the amendment of the Senator from Nevada reads:

Provided, however, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law.

I was concerned with knowing to what that did apply, and it was purely for information that I asked the question.

Mr. NEWLANDS. The Senator understands, of course, that if we should revise, say, the metal schedule, and it should receive the approval of the President, this amendment would not apply to that, because that metal schedule would contain duties specifically fixed at this session of Congress, and the proviso would apply to it; but the amendment would apply to every other schedule with reference to which no duties have been changed, and thus work a gradual and automatic reduction of excessive duties.

Mr. CULBERSON. Then, if we should pass a law fixing a tariff at this session on one schedule, Schedule K, for instance, and not upon any of the others, this automatic reduction would go on with reference to the others for four years, but not with reference to Schedule K?

Mr. NEWLANDS. Yes; it would not apply to Schedule K in that event, because presumably——

Mr. CULBERSON. Would that not be unequal and inequitable and disarrange the whole tariff procedure?

Mr. NEWLANDS. I do not think so, Mr. President. We have already adopted the policy of considering each schedule by itself, without relation to the others; and if Congress does exercise its judgment with reference to the revision of a particular schedule, and that judgment is confirmed by the President of the United States, there is no reason why the automatic reduction provided for by this amendment should apply to it; but, with reference to all the other schedules concerning which legislation is either unsought or fails, it is extremely desirable that a gradual reduction, running over a period of four years, should be accomplished which would destroy the prohibitory duties, change them all into revenue duties, and yet, at the same time, accomplish a reduction without seriously increasing the importations of the country. The bill guards against a flood, which might prove serious, and applies a brake to the reduction when it threatens injury.

This amendment is tariff reduction with a brake, to be applied under a rule fixed by Congress—a self-acting brake. The tariff commission which this amendment provides for has no power to fix duties and no power to reduce duties, but is simply to ascertain the facts upon which the reduction shall take place; and we thus in this amendment simply fix the rule of action.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. I am through, Mr. President. I will state that I will accept the suggestion of the Senator from North Carolina, withdraw the amendment which I have offered to this bill, and present it to another revenue bill, so that it can be considered by the Finance Committee. I would suggest that it be added to that bill which is most likely to receive the signature of the President.

The VICE PRESIDENT. The Senator from Nevada withdraws his amendment.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk, and I ask that it may be read. I offer it to be inserted as a new section on page 22, after the word "parts," in line 14.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after line 14, it is proposed to insert the following:

That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. GRONNA. Mr. President, I offered this amendment some time in February last, and I asked to have it referred to the Committee on Finance. Whether that committee has considered it or not, I do not know.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. I can give the Senator some information. The Committee on Finance considered the question, including the entire reciprocity act, and reported favorably a bill which is now on the calendar. On the first day of this session of Congress I introduced a bill providing for the repeal of the entire act; so that, having provided for that, it did not seem necessary to the committee to provide for the repeal of particular sections.

Mr. GRONNA. If the Senator will permit me, I wish to ask him this question: Does the Senator from Idaho think that his bill will be passed at this session of Congress?

Mr. HEYBURN. Yes; I expect it to pass.

Mr. GRONNA. This amendment, Mr. President, does not provide for the repeal of section 2 of the reciprocity act.

Mr. GALLINGER. Now, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Yes.

Mr. GALLINGER. Can the Senator give any good reason why that section should not be repealed, as well as the other sections, if we are going into the matter of repealing the law?

Mr. GRONNA. I can give a reason why from my standpoint the Senate should not initiate it. Section 2 is now a law, and as I understand the Constitution of the United States all revenue measures must originate in the House. The reciprocity law is as much a revenue measure as any other tariff law which we have upon our statute books.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield further?

Mr. GRONNA. I yield.

Mr. GALLINGER. That section does not provide any revenue at all.

Mr. GRONNA. Section 2 is operative whether it is accepted by Canada or not; it is a law whether the Canadian Government rejected it or not. About a year ago this iniquitous measure was passed by Republican votes. We, who have believed——

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes; I yield.

Mr. HEYBURN. I think the Senator's recollection is at fault. My recollection is that it was not passed by Republican votes, but that Democratic votes, with a few Republican votes, passed the measure. A majority of the Republicans voted against it in both Houses.

Mr. GRONNA. I should like to have the Senator from Idaho tell me who those Republicans were who voted for that measure, and whether they are the ones who are now known as "stand-pat protectionists," or whether those who are generally known as "insurgents."

Mr. HEYBURN. Well, there is only one kind; no man is a Republican who is not a protectionist.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. GRONNA. Certainly.

Mr. CLARK of Wyoming. Accepting the division which the Senator from North Dakota is pleased to make, I will say that some of the strongest opponents of this measure on the floor of the Senate and on the floor of the other House were those who are called "stand-pat" Republicans; and some of the most earnest speeches—perhaps not the most effective, but the most earnest—against this bill upon the floor of the Senate were made by what are sometimes called "stand-pat" Republicans.

Mr. GRONNA. Is it not also true that the measure did pass by the support of what is known as the "standpatters" of this body?

Mr. CLARK of Wyoming. It is true, Mr. President, that the bill was passed by the Democratic Party, assisted by certain Republican Members on this floor.

Mr. GRONNA. Yes.

Mr. CLARK of Wyoming. If there are two Republican Members on this floor who are classed as "standpatters," they are the Senator from Idaho [Mr. HEYBURN] and the Senator from New Hampshire [Mr. GALLINGER]; and my recollection is that both of those Senators opposed the bill——

Mr. GALLINGER. And spoke against it.

Mr. CLARK of Wyoming. And I know that for myself I opposed it, as did other Republican Members upon the floor of the Senate.

Mr. GRONNA. That is true. I should not have referred to the two factions in the Republican Party were it not for the fact that we have been taunted by men of our own party, men on this side, and I want to make the statement, without fear of successful contradiction, that if the Republicans had enacted the Payne bill as it passed the House there would, in my opinion, have been no great dissatisfaction on the part of the American people. That measure, when it passed the House and when it was known as the Payne bill, before it became known by any other name, provided a reduction of tariff duties.

Mr. HEYBURN. Mr. President, I do not want to interrupt the Senator unless he is willing to be interrupted——

Mr. GRONNA. I yield to the Senator.

Mr. HEYBURN. What promise was ever made that the tariff legislation of that Congress would be a reduction? I read it in the Democratic platform, but it never was written into the Republican platform. I think, probably, some of the men who advocated it outside of this body and some in the body must have turned two pages at once and confused the Democratic declaration in favor of reduction with the Republican declaration that did not contain any such promise. Why should we have adopted a bill that was a reduction? It was a fulfillment of a Democratic promise when it came over here, and we took that sting out of it.

Mr. GRONNA. Mr. President, I will try to answer frankly the Senator from Idaho. It was understood, I believe, by every Republican in this country——

Mr. HEYBURN. Oh, no.

Mr. GRONNA. That an extra session of Congress would be called for the purpose of revising the tariff. There was not a single Republican who had the courage to go upon the stump and advocate any increase in the tariff; at least I never heard of any in the country where I live, and where I help to elect Republican candidates. It was announced from every platform that the revision called for meant a downward revision.

Mr. HEYBURN. Mr. President, the country at large understood no such thing. The Senator probably did not hear the echo of the voices of Republicans who were speaking along straight, well-established Republican lines. Not only did we not concede in our country that it was to be a revision downward, but we took occasion at all times to assure the people that it was not to be a revision downward.

Mr. GRONNA. Well, Mr. President, there may be an honest difference of opinion about that. I have made the statement, and I emphasize it now, that the extra session of Congress was called for the purpose of revising the tariff and that it was understood as clearly as it could be understood that an honest revision would be a downward revision, not on all the 4,000 items contained in the tariff bill, but on items where the tariff was unduly high. Tariff rates that had been prohibitive for many years, rates that simply applied to industries owned and controlled absolutely by monopolies, were the rates the American people wanted to have revised.

It is true, as the Senator says, that there was no demand for a reduction in the duties on agricultural products. Personally I have no objection to reducing them. If they are too high, reduce them. But there was no demand by the American people that the agricultural schedule should be revised and reduced. The agricultural industry is not owned and controlled by a monopoly. It never has been and it never will be. There are more than 35,000,000 people who depend upon this great industry. There are some ten or eleven million people who own and operate these farms, and it is an absolute impossibility to build up a monopoly in this industry.

We showed conclusively to the Committee on Finance a year ago when this iniquitous measure was passed in this body that the farmers were not receiving any unduly high prices for their agricultural products. We proved it beyond a question of doubt that they had not unduly profited in their industry.

I believe the Senator from Idaho [Mr. HEYBURN] will agree with me on this: I may not personally be regarded as being so good a protectionist as he is, but I believe in protection. It is true that just a moment ago I voted to place agricultural implements on the free list. I acknowledge as a protectionist, as a genuine 100 per cent pure protectionist, perhaps I should not have voted for it; but I do not know how I could justify my position by voting for a duty upon agricultural implements and then say to those who are engaged in the farming industry that their products shall be placed upon the free list.

When we gave Canada reciprocity with our country in agricultural products we might just as well have placed them on the free list for all the world. We proved to the Senate a year ago that it would be an injury to the farmers of this country if that bill was passed. It is still a law in this country as much as we can make it so, and if it had not been for the action the people of Canada took we would to-day be facing the question of free trade with Canada, not in manufactured products, but in what you call raw materials.

Mr. President, I did not intend to make a speech upon this question at all. I did not intend to say as much as I have already said, but I make the statement, based upon the importations of the year 1907, the Payne bill as it passed the House was, on the average, a small reduction.

Computed on the basis of the dutiable imports for the year 1907, the average rate of the Dingley law is 41.12 per cent, while the average rate of the Payne-Aldrich law is 41.58 per cent—on the whole an increase. The figures from which these average rates are calculated are those prepared under direction of the Finance Committee. If we take both the free and dutiable imports, we find that the average rate of the Dingley law was 23.25 per cent, while the average rate of the new law is 23.51 per cent. There can therefore be no doubt as to whether the revision was upward or downward. The average rate of the new law is clearly higher than that of the Dingley law.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. Was there an increase on the imports of agricultural implements and products?

Mr. GRONNA. No, there was not; it was a small reduction.

Mr. HEYBURN. It was a reduction?

Mr. GRONNA. Yes, there was a small reduction; I do not recollect just how much.

Mr. HEYBURN. That was not in response to any platform demand?

Mr. GRONNA. Taking the whole bill, I think the average duty, taking the goods on the dutiable list in the Dingley law, was some 43 or 44 per cent; and when it passed the House there was a decrease, a small decrease, but there was a decrease.

Mr. HEYBURN. I would ask the Senator, Was that decrease confined to a class of items or was the decrease he mentions applicable to the entire bill?

Mr. GRONNA. I have reference now to the entire bill.

Mr. HEYBURN. Now, what decrease was there in agricultural implements, and did the Senator favor a decrease in duties upon agricultural implements and products?

Mr. GRONNA. I want to be perfectly frank with the Senator from Idaho. I voted for the Payne bill as it passed the House.

Mr. HEYBURN. The Senator did not object to the protection given to agriculture and the related products.

Mr. GRONNA. I do not believe I have any right to refer to what happened in the House; only that which has been printed in the RECORD. The Senator from Idaho knows as well as I do that the Members of the House were permitted to vote on only 5 as against 4,000 items in the bill. We either had to vote against the whole bill or vote for it. Under the rule adopted by the House, we were not permitted to offer amendments and to vote upon them separately, and I have acknowledged that I voted for the bill as it passed the House, but I did not vote for it when it came back from the Senate, because I found that the rates had been increased.

Mr. HEYBURN. Did the Senator vote on it in both bodies?

Mr. GRONNA. I did not vote for the bill as it came back to the House from the Senate.

Mr. HEYBURN. Did the Senator vote upon the question in both branches? In other words, is it a fact that the Senator was in the House at one stage of the legislation——

Mr. GRONNA. No.

Mr. HEYBURN. And before final action came here?

Mr. GRONNA. No.

Mr. HEYBURN. That is true of one or two Members.

Mr. GRONNA. I was a Member of the House, and I voted against it when it came back from the Senate because there had been an increase made.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Certainly. I shall be through in a few moments.

Mr. GALLINGER. The Senator recognizes the fact and will he not admit that the aggregate duties in the so-called Payne-Aldrich bill, as it became a law, were a decrease over the bill then upon the statute books?

Mr. GRONNA. I took the bill and figured it, taking the rates and basing them upon the importations of the year 1907. I took that year because that was a normal year, and any man who figures the bill will agree with me that the bill as passed by the Senate, on the average carries a higher rate of duty than the Dingley law.

Mr. GALLINGER. Why did the Senator take the importations for 1907 instead of some later year?

Mr. GRONNA. I took that year because I thought that was a fair average to base my figures upon, and for no other reason. It was neither the highest nor the lowest. It occurred to me that it was only fair to find an average, and I considered that the year 1907 was an average year for importations.

Mr. GALLINGER. If the Senator will permit me one moment, I will not disturb him again. Of course, we have not seen the Senator's figures, but I want to say to the Senator in all seriousness when he says that the Payne-Aldrich bill increased the duties as a whole, in the aggregate, the Senator differs with every other Senator who has made an estimate or who has examined the rates.

Mr. GRONNA. It is hardly fair to state it that way. I think the Senator should allow me for basing my figures upon the importations of a particular year. It may be that, figuring on some other year, my statement might be incorrect; but I contend that, based upon that particular year, upon the importations of 1907, there was an increase instead of a reduction. At least that is the way I estimated it.

Now, Mr. President, I hope that the Senators who believe in protection will accord the same privilege and will do equal justice to all industries, and I hope there will be no objection, at least on this side of the Chamber, to accepting the amendment I have offered. The people have again spoken on political questions, and we ask ourselves the question why they have spoken in the manner they have. But any Senator who will take the time to visit the people will become as fully convinced as I am that they believe there was a great injustice done to the people engaged in this great industry.

If it had been in the interest of the consumer, as some people in the cities were led to believe, then, Mr. President, it would be a different question. How are you going to benefit the consumer by taking the tariff off of the raw material—and I should not use the term "raw material," because it is the farmer's finished product—how are you going to favor the consumer by taking the tariff off of wheat and laying it on flour? I do not believe any one of you is going to eat whole wheat. How are you going to benefit the American people by taking the duty off of cattle and leaving a duty on beef? It is obvious, Mr. President, that the Milling Trust and the Beef Trust would reap the benefit and not the consumer.

Mr. President, I have occupied more time than I intended when I rose; and upon the question of agreeing to the amendment I will ask for the yeas and nays.

Mr. GALLINGER. I have a substitute which I desire to offer for the amendment proposed by the Senator from North Dakota.

Mr. SIMMONS. While the Senator from New Hampshire is preparing his substitute, I ask that the amendment be again read.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 22, after line 14, insert:

> That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. GALLINGER. Without much hope that the substitute I offer will be agreed to—it ought to be agreed to—I submit it and ask for a vote on it.

The PRESIDING OFFICER. The Senator from New Hampshire offers a substitute for the amendment of the Senator from North Dakota, which will be stated.

The SECRETARY. It is proposed to insert as a substitute the following:

> That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed.

The PRESIDING OFFICER. The question is on agreeing to an amendment in the nature of a substitute offered by the Senator from New Hampshire.

Mr. POINDEXTER. Let me make an inquiry. Does the Senator from New Hampshire offer a substitute repealing the entire act?

Mr. GALLINGER. The entire act.

Mr. WILLIAMS. On that let us have the yeas and nays.

Mr. McCUMBER. I want to ask the Senator from New Hampshire if he believes that we on this bill should attempt to change a law that has already been passed, which originated in the House, with reference to the tariff? I have supported always the other two propositions, because I did not want to get into conflict with the universal practice. Very probably the constitutional way of arriving at these things, where we repeal a portion of existing law, is for the act to repeal to originate in the House, although I would like to repeal the law.

Mr. GALLINGER. I have not any doubt in the world as to our constitutional right to repeal any act.

Mr. WILLIAMS. In order that we may get a ruling, I make the point of order that this would be virtually the origination of a revenue act in the Senate; that it is not germane to the metal schedule, and if in order at all, it would be in order upon its own merits. I make the point of order that under the Constitution——

Mr. CLARK of Wyoming. Mr. President, we can not hear the Senator from Mississippi.

Mr. WILLIAMS. I make the point of order that under the Constitution we can not originate a revenue measure.

The PRESIDING OFFICER. The Chair will state that the amendment is offered as a substitute for an amendment to a tariff measure; and the Chair is of the opinion that the amendment offered by the Senator from New Hampshire, as a substitute for an amendment to a tariff measure, is in order. The question is on agreeing to the substitute offered by the Senator from New Hampshire.

Mr. HITCHCOCK. I should like to have it stated.

The PRESIDING OFFICER. The substitute will again be stated for the information of the Senate.

Mr. CULBERSON. Let the amendment of the Senator from North Dakota be reported again.

The PRESIDING OFFICER. The amendment of the Senator from North Dakota will again be reported for the information of the Senate.

Mr. HEYBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Lodge	Pomerene
Borah	Fletcher	McCumber	Sanders
Bourne	Gallinger	McLean	Simmons
Bryan	Gardner	Martin, Va.	Smith, Ariz.
Burton	Gore	Martine, N. J.	Smith, Md.
Catron	Gronna	Myers	Smoot
Chamberlain	Guggenheim	Nelson	Stephenson
Chilton	Heyburn	O'Gorman	Sutherland
Clapp	Hitchcock	Oliver	Watson
Clark, Wyo.	Johnson, Me.	Page	Williams
Culberson	Johnston, Ala.	Paynter	Works
Cummins	Jones	Penrose	
Curtis	Kern	Perkins	
du Pont	Lippitt	Poindexter	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. CULBERSON. Before the roll was called I made a request that the two amendments be reported.

The PRESIDING OFFICER. The amendment offered by the Senator from North Dakota and the substitute therefor offered by the Senator from New Hampshire will be reported for the information of the Senate.

The SECRETARY. The amendment proposed by the Senator from North Dakota reads as follows:

That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

The substitute offered by the Senator from New Hampshire reads:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed.

Mr. HEYBURN. Mr. President, this is about the first real meritorious question that has been considered for a long time. The so-called tariff questions have afforded means of exhausting the time of the Senate and postponing the consideration of the appropriation bills. But we have a glint of sunshine here in the nature of needed legislation—legislation that will meet with the approval of the country, to wit, the repeal of a mistake that was condemned not only at home but abroad. That is a combination of condemnation not to be overlooked.

I am not going to expand on the question of Canadian reciprocity; not that it has been exhausted, but I just want to say to the Republicans of this body that they have an opportunity, as one Senator suggested, to purge their record. They have an opportunity to come out as real protectionists in voting upon this substitute.

I have on several occasions made an attempt to obtain unanimous consent for the consideration of a bill now on the calendar providing for the accomplishment of the same purpose, and there has been objection to it, not much to my surprise. I asked for a roll call that Senators might have an opportunity to come into this Chamber and vindicate themselves, those who made the mistake of voting for what was known as the reciprocity treaty. I hope they will come in. If I could send my voice out to the various recesses where they are now I should like to have an opportunity to do it.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. I do.

Mr. GRONNA. If the Senator will allow me, I wish to call attention to the fact that when the Senator from Idaho asked me the question as to the rate on agricultural products I had reference to agricultural machinery. I did not mean to say that the Senate did not increase the duty on agricultural products.

Mr. HEYBURN. I was not going to hold it against the Senator. I had the fact in my mind when I asked the question, but I do not expect Senators always to be ready with quick and accurate information on subjects to which their attention has just been called.

Mr. GRONNA. I understood the Senator to refer to agricultural machinery instead of agricultural products.

Mr. HEYBURN. That tariff legislation is ancient history now. Those who led the consideration of it upon this floor have passed out into the business world or elsewhere. Probably not over half the Senators are here who were here at that time. I would not want to revive the consideration of that question under those circumstances.

There is no room for doubt in regard to the suggestion that was made that this amendment could not originate in this body. If the Senator is still of that opinion, I will take the time of the Senate to refer to the decisions interpreting the constitutional provision. I will read that in order that it may be in the RECORD in connection with it. I have not heard it stated correctly once out of ten times when it has been stated on the floor of this body. It is less than three lines. It is section 7 of Article I of the Constitution of the United States, and it reads:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as with other bills.

That is an accurate reading of the constitutional provision. It has been before the courts three times, and at no time has it involved the question raised in this case. Now we are going to have a yea-and-nay vote on this amendment. I understand that the Senator from North Dakota will be content to see the substitute adopted.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from North Dakota?

Mr. HEYBURN. Certainly.

Mr. GRONNA. So far as I am able to do so, I am willing to accept the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. Then the Chair understands the Senator from North Dakota withdraws his amendment.

Mr. GRONNA. Yes; for the present I withdraw the amendment.

The PRESIDING OFFICER. Then the substitute offered by the Senator from New Hampshire becomes the amendment before the Senate.

Mr. GALLINGER. It becomes the original amendment.

Mr. HEYBURN. The question, then, is on the substitute, which becomes the original amendment. I do not suppose it is necessary to call attention to decisions of the United States Supreme Court, which I have before me, interpreting this provision of the Constitution. If I thought any Senator would be deterred from voting for this provision because of any lurking idea that he would in doing so be transgressing the organic law of the land, then I would feel it necessary and proper to refer to the decisions.

Mr. GRONNA. Will the Senator permit me to make a parliamentary inquiry of the Chair?

Mr. HEYBURN. I yield for that purpose.

Mr. GRONNA. By withdrawing my amendment and accepting the substitute offered by the Senator from New Hampshire, would it be in order for me to again offer my amendment?

Mr. LODGE. Oh, yes.

Mr. GALLINGER. Yes; if it is defeated.

The PRESIDING OFFICER. The Senator can offer the amendment at a later time.

Mr. GALLINGER. If the pending amendment is defeated.

Mr. HEYBURN. On that I ask for the yeas and nays.

Mr. CUMMINS. Mr. President, I was very much in favor of the amendment proposed by the Senator from North Dakota. It is impossible for me to vote for the substitute presented by the Senator from New Hampshire. If I understand the effect, it will be to restore a duty of $3.75 per ton upon print paper. The duty is too high. It is not defensible upon any testimony or evidence or any report ever presented to Congress.

To me in 1909 it seemed clear that there should be a duty of $2 per ton upon paper. I am not willing to cast a vote the effect of which would be to re-create a duty of $3.75 per ton on paper. Therefore I offer the following amendment to the amendment proposed by the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be read.

The SECRETARY. Add at the end of the amendment the following proviso:

Provided, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in said section 2.

Mr. GALLINGER. I will say to the Senator from Iowa that I will vote for his amendment to the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire accepts the amendment offered by the Senator from Iowa. The question is now on agreeing to the amendment of the Senator from New Hampshire as modified by the Senator from Iowa.

Mr. GALLINGER. Yes; I modify it.

Mr. POINDEXTER. I did not hear the amendment offered by the Senator from Iowa.

Mr. GALLINGER. Let it be read.

The PRESIDING OFFICER. The Secretary will read the amendment as modified for the information of the Senate.

The SECRETARY. On page 22, after line 14, insert the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in said section 2.

The PRESIDING OFFICER. The yeas and nays have been asked for on agreeing to the amendment as modified. Is there a second?

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Iowa exactly what the effect of that provision is? Does it reduce the duty on all paper?

Mr. CUMMINS. Prior to 1909 the duty on paper that would be embraced in the amendment was $6 a ton. In the House revision of 1909 the duty was reduced to $2 a ton. The Senate increased the duty to $3.75 a ton, and that is the law at the present time, or was the law until the passage of the so-called reciprocity act with Canada, which made paper of that sort free, and it is now entering our customhouses without the payment of any duty whatsoever under certain circumstances.

Mr. LIPPITT. I understand that that applies to the whole world except simply as to Canada.

Mr. CUMMINS. The rate of $3.75 applies to the world.

Mr. LIPPITT. The rate of $3.75 applies to the world, and the free entrance of paper applies to Canada.

Mr. LODGE. No. If the Senator will excuse me, that point was made in regard to the favored-nation clause, and all the favored nations having with us a treaty and that made paper out of wood pulp are now asking the free entry of the paper which was protected at the time of the passage of the reciprocity act.

Mr. LIPPITT. What is the situation in regard to granting that request? It has not been granted as yet?

Mr. LODGE. It has not been granted.

Mr. LIPPITT. The duty of $3.75, I understand, applies everywhere except as to Canada?

Mr. LODGE. Except as to Canada, the principal source of wood-pulp paper.

Mr. LIPPITT. The effect of the amendment proposed by the Senator from Iowa would be to make the duty $2 per ton on paper from Canada, and would it remain $3.75 on paper from all other countries?

Mr. CUMMINS. It would not. If this amendment is adopted and the law of which it is sought to be made a part finally passes, the duty on paper of all the world would be $2 per ton.

Mr. LIPPITT. The effect of it would be that instead of free entry from Canada there would be a duty of $2 a ton and a reduction of the duty of $3.75 from all other sources to $2?

Mr. CUMMINS. Precisely. I think no one will question that the report of the Tariff Board fails to sustain a duty of $3.75 per ton from any quarter of the earth.

Mr. LIPPITT. I was simply asking so that I might have it clearly in my mind.

Mr. GALLINGER. The phraseology of the Senator's amendment ought to be changed. Where it says "in said section 2" it should read "in section 2 of said act."

Mr. CUMMINS. I think so. I wrote it very hastily.

The PRESIDING OFFICER. The Senator modifies his amendment.

Mr. CUMMINS. I think it ought to be rewritten, but I found it necessary to produce it quickly.

Mr. HITCHCOCK. I should like to ask the Senator from Iowa a question. Should his amendment pass, would the duty on Canadian paper be $2 a ton while the duty on paper from other countries would remain at $3.75 a ton?

Mr. CUMMINS. No; if the amendment I have proposed should finally become a law, there would be a duty on print paper of $2 a ton, no matter from whence it might enter our ports.

Mr. HITCHCOCK. I did not hear the Senator.

Mr. CUMMINS. The duty of $2 a ton would apply to the whole world under the amendment that I have proposed.

Mr. CULBERSON. It would repeal the free-of-duty proposition from Canada?

Mr. CUMMINS. Yes. We have now a certain law with regard to the duty on print paper. The law was, prior to the reciprocity act, $3.75 per ton. The reciprocity act allowed certain papers manufactured or originating in Canada to come in free. It is now sought by the substitute of the Senator from New Hampshire to repeal that act, and I have added to that as an amendment that after the act is repealed all paper described there shall enter our ports at $2 per ton.

Mr. HITCHCOCK. One other question. I should like to ask whether the Senator from Iowa or the Senator from New Hampshire has any evidence that section 2 of the Canadian reciprocity bill has resulted in any disastrous consequences, as were predicted at the time it was passed, by reason of admitting Canadian paper free of duty?

Mr. CUMMINS. I do not know; but I had an opinion with regard to the duty on paper in 1908, and again in 1910, when we investigated the subject. I reached the conclusion that the duty ought to be $2 per ton.

Mr. HITCHCOCK. On what theory?

Mr. CUMMINS. On the theory that it costs that much more to make it in this country than to make it abroad.

Mr. HITCHCOCK. Then, as we have had free paper for a year, I ask the Senator if he can point to any disastrous consequences to American industries as the result of having paper on the free list?

Mr. CUMMINS. In the first place, we have not had free paper. The Canadian arrangement, I take it, has not possibly fulfilled all the hopes of those who originated it. But that does not alter the opinion I then formed, and that I still hold, that there ought to be a duty of about $2 a ton upon print paper.

Mr. GALLINGER. If the Senator will permit me, the question of revenue is of some consequence.

Mr. CUMMINS. Precisely.

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Iowa whether the proposition to impose a duty of $2 or any other amount is not a revenue where there is now no duty, and whether it would be a violation of the constitutional provision?

Mr. CUMMINS. I do not think, Mr. President, that it would be a violation of the Constitution. It has been held that if the House passes a bill which changes the duty on a single article, around that bill there can be gathered a full and complete revision of the tariff.

Mr. HEYBURN. I recognize that.

Mr. CUMMINS. I hesitated to offer the amendment because, generally speaking, I thought we ought to confine ourselves to the schedule under consideration. But inasmuch as the amendment of the Senator from New Hampshire was offered, I could not see it pass without expressing my view.

Mr. GALLINGER. The Senator from Iowa does not question our right to transfer an article from the free list to the dutiable list in the House bill?

Mr. CUMMINS. I do not.

Mr. GALLINGER. Certainly not.

Mr. HEYBURN. No; and I am not going to press the suggestion further than that it may not appear hereafter that we overlooked it, so that in interpreting it no one may be in a position to say that we overlooked it. Upon this article there is now no duty, and we are going to impose one of $2 by a piece of original legislation. I merely made the suggestion for the reason that I have stated.

Mr. CUMMINS. I have no doubt about our power constitutionally to do what has been proposed. Of course, that power ought to be exercised with wisdom and properly when necessary.

Mr. GRONNA. Mr. President, I merely want to say a word in regard to the inquiry made by the Senator from Nebraska with regard to print paper. The Senator from Nebraska knows as well as I do that a commission was appointed to investigate this question. There were Republicans and Democrats upon that commission, and they brought in a report that there should be a duty of $2 instead of $6, which was the law at that time. No attention was paid to it, or at least the report of that commission was ignored. Instead of lowering it to $2 it was reduced to $3.75.

The PRESIDING OFFICER. The yeas and nays have been asked for. Is there a second?

Mr. CULBERSON. Now, let us have the amendment as amended read so that we can understand the question.

The PRESIDING OFFICER. The Secretary will read the amendment as perfected, for the information of the Senate.

The Secretary read as follows:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

The PRESIDING OFFICER. The yeas and nays have been asked for. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I will transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. If he were present, I should vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. SMITH of South Carolina was called). I was requested to state that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. BACON. I wish to add to what the Senator from New Jersey has stated, that the Senator from South Carolina has been called away by illness in his family.

The roll call was concluded.

Mr. SHIVELY (after having voted in the negative). I am paired on this vote with the senior Senator from Rhode Island [Mr. WETMORE]. I voted inadvertently, and I desire to withdraw my vote.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] has been called from the city. He is paired with the Senator from Nevada [Mr. NIXON]. I also announce that the Senator from Tennessee [Mr. LEA] is unavoidably absent.

Mr. FOSTER. On account of the absence of my pair, the junior Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I inadvertently voted. I transferred my pair to the Senator from Oklahoma [Mr. GORE], but the Senator from Oklahoma is now in the Senate. I withdraw my vote.

Mr. HEYBURN (after having voted in the affirmative). Because of the absence of my pair from the Chamber I will withdraw my vote.

Mr. GORE. My colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired with the Senator from South Dakota [Mr. GAMBLE]. I will let this statement stand for the day.

Mr. BURNHAM. I inquire if the junior Senator from Maryland [Mr. SMITH] has voted.

The PRESIDING OFFICER (Mr. CURTIS in the chair). He has not voted.

Mr. BURNHAM. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Kentucky [Mr. BRADLEY] is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Borah	Curtis	McCumber	Smith, Mich.
Bourne	Dillingham	McLean	Smoot
Brandegee	du Pont	Nelson	Stephenson
Burton	Gallinger	Oliver	Sutherland
Catron	Gardner	Page	Thornton
Clapp	Gronna	Penrose	Townsend
Clark, Wyo.	Guggenheim	Perkins	Works
Crane	Johnson, Me.	Root	
Cullom	Jones	Sanders	
Cummins	Lodge	Simmons	

NAYS—27.

Ashurst	Fall	Martine, N. J.	Pomerene
Bacon	Fletcher	Myers	Rayner
Bristow	Gore	O'Gorman	Smith, Ariz.
Bryan	Hitchcock	Overman	Tillman
Chamberlain	Johnston, Ala.	Paynter	Watson
Chilton	Kern	Percy	Williams
Culberson	Martin, Va.	Poindexter	

NOT VOTING—31.

Bailey	Davis	Lippitt	Smith, Ga.
Bankhead	Dixon	Lorimer	Smith, Md.
Bradley	Foster	Newlands	Smith, S. C.
Briggs	Gamble	Nixon	Stone
Brown	Heyburn	Owen	Swanson
Burnham	Kenyon	Reed	Warren
Clarke, Ark.	La Follette	Richardson	Wetmore
Crawford	Lea	Shively	

So Mr. GALLINGER's amendment was agreed to.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. GALLINGER. Mr. President, I am informed that the Vice President will be necessarily absent from the city on Thursday, Friday, and Saturday of this week and Monday of next week. I rise to ask unanimous consent that the Senator from Georgia [Mr. BACON] be designated to act as President pro tempore of the Senate on those days.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER submitted the following resolution (S. Res. 324), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, Friday, Saturday, and Monday next, May 30, 31, June 1 and 3, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 325), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, Friday, Saturday, and Monday next, May 30 and 31, June 1 and 3, 1912.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. WATSON. I offer the following amendment. I hope the Senator in charge of the bill will accept it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add a new section to the bill to read as follows:

SEC. 3. That the President is hereby authorized, in any case of emergency, to suspend the collection of customs duties on any article included for taxation in the tariff law in effect on the day the President issues his proclamation suspending the collection of duty on any article, so that such article may be imported free of duty for not exceeding the period of six months. When the President decides to suspend the collection of duties on any article, he shall issue his proclamation to that effect. Such suspension of the collection of customs duties for the period named by the President in his proclamation shall take effect on the day following the issuing of said proclamation, and shall continue for the period named.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. SIMMONS. Mr. President, that is a very important amendment, dealing not only with this schedule but with all tariff schedules. It has not been referred to the Committee on Finance; there has been no opportunity to give it consideration; and I hope the Senator from West Virginia will withdraw the amendment and let it be referred to the committee. He can offer it to some other of the tariff-schedule bills hereafter.

Mr. WATSON. Mr. President, I withdraw the amendment, and ask that it be referred to the Finance Committee.

The PRESIDING OFFICER. Without objection, the amendment will be printed and referred to the Committee on Finance.

Mr. HITCHCOCK. Mr. President, I move to amend the bill by inserting, on page 2, line 6, after the word "steel," the word "six" in place of "eight," so that the provision will be for a duty of 6 per cent on pig iron instead of 8 per cent.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In section 1, on page 2, line 6, before the words "per cent," it is proposed to strike out "eight" and to insert "six," so as to read:

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 6 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HITCHCOCK. Mr. President, I wish to say a word in reference to the amendment. The present law provides for a duty of something less than 15 per cent on these articles. The House bill provides a duty of 8 per cent. The substitute offered by the Senator from Iowa [Mr. CUMMINS] provided a duty of slightly less than 6 per cent, and I think it is fair to say that the Senator from Iowa demonstrated in the address which he delivered that there is no need for any duty larger than the one which he proposed.

The product of pig iron in this country amounts to almost $400,000,000 worth annually, and we practically export as much pig iron as we import. I believe that the duty of 6 per cent is applicable for revenue purposes and in harmony with the rest of the bill. I should like to have the Senator in charge of the bill accept the amendment, if possible.

Mr. SIMMONS. Mr. President, I am not in a position to accept the amendment.

Mr. HITCHCOCK. Then I ask a yea-and-nay vote on the amendment.

Mr. SIMMONS. In making that statement I did not intend to express any personal opinion about it; but I am not authorized, as in other instances where I have accepted amendments by the minority members of the committee, to do so in this case.

The PRESIDING OFFICER. The Senator from Nebraska asks for the yeas and nays. Is there a second? Not a sufficient number, in the opinion of the Chair, have risen to second the demand. The question is on the amendment. In the opinion of the Chair, the ayes have it.

Mr. MYERS. I call for a division on the demand for the yeas and nays.

Mr. HEYBURN. Mr. President, I did not distinctly hear just what became of the amendment proposed by the Senator from West Virginia [Mr. WATSON]. Was it withdrawn?

The PRESIDING OFFICER. It has been referred to the Committee on Finance.

Mr. HEYBURN. So that the only amendment now pending is the one offered by the Senator from Nebraska [Mr. HITCHCOCK]?

The PRESIDING OFFICER. That is carried, unless, in the opinion of the Chair——

Mr. GALLINGER. Mr. President, I thought the Chair declared that the negative vote had prevailed. However that may be, I will first ask that the amendment shall be again stated.

The PRESIDING OFFICER. Without objection, the Secretary will restate the amendment.

The SECRETARY. On page 2, line 6, before the words "per centum," it is proposed to strike out "eight" and insert "six," so as to read:

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 6 per cent ad valorem.

Mr. GALLINGER. I ask for the yeas and nays on that amendment.

Mr. HITCHCOCK. I understood that the yeas and nays were refused.

The PRESIDING OFFICER. There has been a division called for.

Mr. HITCHCOCK. And that the Chair had so decided.

The PRESIDING OFFICER. That was on the request of the Senator from Nebraska, since which time there has been a vote,

and now the yeas and nays are demanded. The Chair thinks the question should be put.

Mr. HITCHCOCK. I understood that the Chair had announced the result of the vote.

The PRESIDING OFFICER. In the opinion of the Chair the "ayes" had it, but that vote was challenged by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HITCHCOCK. And there was no call for the yeas and nays until subsequent business had intervened.

The PRESIDING OFFICER. The Chair will hold that it is not too late to demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, I withhold my vote.

Mr. FOSTER (when his name was called). In the absence of my pair, the Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired for the day with the senior Senator from Virginia [Mr. MARTIN].

I am also requested to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Nevada [Mr. NEWLANDS].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], so that I shall not vote. I make that announcement for the day.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). I would ask if the senior Senator from Alabama [Mr. BANKHEAD], with whom I am paired, has voted?

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The senior Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I desire to announce for the day that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

Mr. SHIVELY (after having voted in the affirmative). I desire to inquire whether the Senator from Rhode Island [Mr. WETMORE], with whom I am paired, has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SHIVELY. Then I withdraw my vote.

The result was announced—yeas 36, nays 20, as follows:

YEAS—36.

Ashurst	Cullom	Jones	Rayner
Bacon	Cummins	Kern	Simmons
Borah	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Md.
Bryan	Gore	O'Gorman	Thornton
Chamberlain	Gronna	Overman	Tillman
Chilton	Hitchcock	Percy	Watson
Clapp	Johnson, Me.	Poindexter	Williams
Culberson	Johnston, Ala.	Pomerene	Works

NAYS—20.

Burnham	Fall	Page	Sanders
Catron	Lodge	Paynter	Smith, Mich.
Crane	McLean	Penrose	Stephenson
Curtis	Nelson	Perkins	Sutherland
du Pont	Oliver	Root	Townsend

NOT VOTING—39.

Bailey	Crawford	La Follette	Richardson
Bankhead	Davis	Lea	Shively
Bourne	Dillingham	Lippitt	Smith, Ga.
Bradley	Dixon	Lorimer	Smith, S. C.
Brandegee	Foster	McCumber	Smoot
Briggs	Gallinger	Martin, Va.	Stone
Brown	Gamble	Newlands	Swanson
Burton	Guggenheim	Nixon	Warren
Clark, Wyo.	Heyburn	Owen	Wetmore
Clarke, Ark.	Kenyon	Reed	

So Mr. HITCHCOCK's amendment was agreed to.

Mr. WATSON. On page 2, line 13, I move to strike out the word "fifteen" and insert the word "ten."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. SHIVELY. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 13, before the words "per centum," it is proposed to strike out "fifteen" and to insert "ten," so as to read.

Ferromanganese, chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, 10 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be offered, the bill will be reported to the Senate.

Mr. HEYBURN. Mr. President, for some reasons I regret that the bill is not yet ready to be reported to the Senate. I was calling attention yesterday when the Senate closed its session to the position in which the Republican Party stands in regard to this question. It ought to interest them, and it would interest them if they were as zealous as the Democrats. I have been somewhat interested during the discussion of this question to observe that, while the Democrats have raised the cry—and I am afraid have impressed some Republicans with the seriousness of that cry—that there is a great demand for this legislation; that the interests of the people individually and collectively are at stake—I have been interested to see the measure of zeal shown by the attendance of Members upon the other side and their participation in this debate.

If I thought this measure, this Democratic destruction of prosperity, was so vital as they seem to think it is, I would stay in my seat, if I sat on the other side, as long as my physical condition would permit, and I would speak on behalf of my belief as long as my voice could be heard. They have been content in the arrogance of power—and I do not use that word in an invidious sense—and in the possible expectation of an alliance with some Members of the Senate on this side to allow it to go without a word of recommendation or defense. I am rather astonished. Are you so sure that you are going to get the assistance on this side that you anticipate? Senators on the other side must be well aware of the fact that without it they can not pass the bill, and yet they are going along gloriously, assuming that they will pass this bill. I say—and I base my statement upon my faith in Republicans—that they will not pass it. If I lose in that proposition, it will be because I have made a miscount of the Republicans. I used to know how to count them.

Mr. BACON. Will the Senator from Idaho permit me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Yes.

Mr. BACON. I want to say that whatever confidence we have had in regard to that matter has been due to the assurances we have had from the other side of the Chamber. The Senator from Pennsylvania [Mr. OLIVER] on yesterday or the day before boldly announced that it was the purpose of the majority to absent enough of their Members to permit this side to carry the vote, and he defended his course in that regard.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Yes.

Mr. OLIVER. Mr. President, I certainly made no such statement. I think the Senator from Georgia undoubtedly misunderstood what I said. I said that I was opposed to this bill and that I was opposed to the substitute offered by the Senator from Iowa [Mr. CUMMINS], and, speaking for myself, and for myself alone, I held myself at liberty to defeat both measures, either by voting against them or by abstaining from voting, and I proposed to use my own judgment as to which course I would pursue; but I did not declare to the Senate my intention of doing anything in the premises.

Mr. BACON. Mr. President, with the permission of the Senator from Idaho, I will recall to the recollection of the Senate that the Senator from Iowa [Mr. CUMMINS] had asserted in no ambiguous terms, but, on the contrary, in the most emphatic terms and with iteration and reiteration, that that was the purpose of Senators belonging to the majority; and the Senator from Pennsylvania made the utterance of which he now speaks in response and in reply to the charge which had been made by the Senator from Iowa. If he did not mean to be taking the position that he was justified in doing exactly what the Senator from Iowa charged was intended to be done, then I do not understand the use of the English language. I simply repeat that whatever confidence we have in the matter is not because of any majority of votes on this side, but because of that announced intention on the part of the Republicans. Of course, we are ready to pass our bill, expect to do so, and will endeavor to do so.

Mr. HEYBURN. By what kind of votes does the Senator expect to pass the bill?

Mr. BACON. By Democratic votes exclusively.

Mr. HEYBURN. Entirely?

Mr. BACON. Yes, sir.

Mr. HEYBURN. Then the Senator counts every man a Democrat who votes for that bill?

Mr. BACON. Well, I have no right to speak about others.

Mr. HEYBURN. I merely want to get a line on the thing.

Mr. BACON. I did not say that every man who votes for the bill is a Democrat, because I think that properly a good many Republicans could vote for it and should do so. What I did say was that the Democrats would vote for it; I did not say that all who voted for it would be Democrats.

Mr. HEYBURN. The Senator used the word "exclusively."

Mr. BACON. I meant that, according to the announced program as stated by the Senator from Iowa, who seemed to be sure of his ground, and which was not denied by any Senator, but which, on the contrary, was defended on the other side, I supposed they were not going to vote for this bill——

Mr. BRISTOW. Mr. President——

Mr. BACON. But that they had the information that enough Senators who occupy the same relation to the bill which the Senator from Idaho occupies would abstain from voting, and that that would leave a majority for the Democrats, the Senator at the time saying that the Senator from Idaho would not be one of them.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes.

Mr. BRISTOW. I should like to inquire of the Senator from Idaho what he would call the Senator on this side of the Chamber who absents himself from the Chamber so as not to vote and thereby permits the Democratic bill to pass?

Mr. HEYBURN. I never call names.

Mr. President, it is obvious that the other side rely upon gaining some votes upon this side; but we have made some history to-day. We had a vote here a few moments ago in which there seemed to be a degree of harmony most gratifying and which has not always existed. I will pin my faith in men on very small things sometimes, and I believe that men who go wrong on their judgment may always be brought back to a proper conception of the right. I have faith, a vast amount of it, and I am not going to yield it up until I see somebody who comes here wearing a Republican badge voting with the Democrats. So I am in rather a happy and contented frame of mind on that subject.

Do you suppose, Mr. President, that a Senator representing the great industry of lead mining could be counted upon by the other side to vote for a reduction of the duty upon lead? Yesterday the Senator from Iowa introduced an amendment that proposed a reduction of $5 a ton upon lead bullion. He provided for a duty upon lead ore and proposed a reduction of $3 a ton upon lead bullion. I have been in the lead country a long time, and supervised a good many settlements for ore. The settlement for lead ore is based upon the bullion value and contents, so that the proposition really struck at the whole lead industry. The reduction suggested by the Senator would merely be a temptation to those who deal in Mexican mines and Mexican ores to build their smelters on that side of the line, reduce their ores into bullion, and send it over to compete in our field of production with our bullion——

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Just a moment, until I finish the thought—and inasmuch as the product of lead and the use of it in our country are about the same, that is a very material proposition.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; I yield.

Mr. CUMMINS. The Senator has stated the case accurately, but possibly all Senators did not follow the lead schedule with sufficient care to know just what the statement of the Senator from Idaho means. At the present time the duty on lead in ore is $30 per ton, and the duty on lead in bullion is $42.50 per ton. My amendment did not reduce the duty on lead in ore, but it reduced the duty on lead in bullion from $42.50 per ton to $37.50 per ton; and if the Senator from Idaho can convince the Senate that in this country it costs to reduce lead ore to lead bullion in excess of $7.50 a ton over the cost in other countries he will have convinced me of error. I simply wanted the Senate to know what the total duty was on lead bullion and lead ore.

Mr. HEYBURN. Mr. President, the difficulty with the Senator from Iowa is that he starts to reason from a false premise. In the first place, it is the bullion that regulates the price of the ore, and the displacement of our product in bullion by Mexican bullion would diminish our market for the bullion that we produce. Nobody uses ore; it has to be reduced to bullion before it is ready for use.

Mr. President, this is not only a large item, but, inasmuch as we produce the lead that we use in this country in equivalent quantities, it is more important than the ordinary schedules, and there is a wide margin between the production and the use.

Mr. President, I merely started out with that as an example of the discrepancy between the contention of the Senator from Iowa and the facts in this case. I know that in some commodities the line of reasoning adopted by the Senator from Iowa would be a true line of reasoning, but it does not apply to this commodity.

Let us see something about it. In the first place, to produce a ton of ore you mine 6 tons; I will say 5 tons to be conservative. You mine 5 tons of raw material out of the ground. You break it down, and hoist it to the surface, and you carry it to the mill in order to get 1 ton of lead ore. That ton of lead ore, when you have reduced it by concentration or other processes, will contain about 60 to 62 per cent lead, and the balance is waste, and when you send that to the smelter you pay the wages incident to the transportation and you pay the freight on the waste, and when you get to the smelter you pay the smelting charges on the waste. So you have been mining and shipping and smelting waste all along the line in order to get a ton of ore, and when you have that ton of ore, it represents the wages and the expense incident to the mining of 5 tons of rock.

It costs just as much to mine barren rock as it does rich ore. It costs just as much to send it over the railroad or the transportation line. It costs just as much to put it through the smelter. In fact, it costs more, because you have to introduce into the charge certain other metals or minerals in order to fuse the lead ore.

So I have been somewhat impatient with the discussion of the question of the duty on lead based upon the assumption that you mine lead. We do not mine lead. We mine vast quantities of rock in which there is lead. If you sell the ore without treating it, you get the bullion value. If you treat it, you reduce it to bullion.

There is the difficulty with the proposition of the Senator from Iowa. You pay exactly the same wages to the man who breaks the barren rock that stays in the mine or goes over the dump. You not only spend your money for the 5 tons that goes to the concentrator, but you spend in addition to that your money for rock that never goes anywhere, but stays on the dump of the mine.

No one has taken that into consideration at all. It was assumed, I say, that you mine lead. Nobody mines lead. The reason the industry is of such supreme importance is because it has been the foundation of States. There are great States in the Union to-day which would not have existed except for the mines. The pioneer goes there, not because of the climate or the scenery or the soil, but because of the existence or supposed existence of these ores, and being there he first directs his attention to the thing he went for, and not being fortunate in securing a foothold in mining and being in the country looking around for other possibilities, staying there for other purposes, he, with the other men coming in, have developed the foundation upon which the State rests.

The State of Colorado was a mere prospecting ground. It was not known for anything within its boundaries except the metals and ores. The same is true of the States of New Mexico and of Arizona.

The same is true of the States of Montana and Idaho and California. Nobody ever went to those States originally with any idea of doing anything except to mine. Idaho had passed through its gold-mining experience for years and had produced more real wealth than any State east of the Mississippi River, and there was an interval during which time men were estimating the possibilities and reaching out for new discoveries. It resulted in developing agriculture and horticulture and industries of all kinds that were a safe foundation for a State.

That is something in the making of a State. The miner either realizes his desire in mining or goes down into the valleys or into the fertile portions of the State and stays permanently. He never would have gone there to settle except that he went there to mine. The people who engage in mining in all its branches, seeing around them possibilities for home building, engage in it. So there is a whole lot more involved in this question than the mere matter of how many dollars were taken out of the ground. There are the growth and the increase of the resources of the State in timber, in agriculture, in horticulture, and grazing that stand very high in the estimate of the wealth of this country.

We are not to be overlooked by the trader, by the money changer, by the huckster, and the broker. They can not stand and point the finger of superiority at us. We furnish them with the material with which they do business. A city is merely a place of exchange. It produces nothing except the energy and the disposition of the men to engage in gainful enterprise. That is all a city does.

It is fashionable for those who live in cities to assume a superiority over those who live in the country. No greater mistake ever was made in the world. You picture a man from the country in lines of derision, when, as a matter of fact, he is the furnisher of everything upon which you base your prosperity.

Mr. President, that applies to this industry. It supports 100,000 families in the United States. If it did not support them, who would? Can some Senator tell me who would support these 100,000 families if you withdraw or destroy this industry? Could they be taken up by the commercial world of the East? They are the customers of the commercial world. Without them the profits of the commercial activities of the country would be diminished, if not destroyed.

It is my intention that when this measure goes out—whether according to the prophecy of the Senator from Georgia or not—it shall be accompanied with a biography and a history; that it shall go out tagged, so to speak, that those who come to inspect it two years and four years from now will know what it means. You have seen things written in invisible ink, and when you hold them up to the light there will appear something you did not suspect existed. When, two or four years from now you hold up to the light the tag which I propose to place upon this bill, you will find written upon that tag, "Destruction to American industry and prosperity." That is what this legislation means.

I do not believe that Senators have the right to legislate by general consent in regard to these measures. There is a duty resting upon Members of this and the other branch of the Congress of the United States to give their reasons, because the people will want to know their reasons. I want to call attention to just one item of history that I have here before me, in which I participated, and in which I see other Senators present who participated.

I refer to the mistake of 1892. In 1892 the Republican Party in convention made a cowardly platform. They confessed themselves scared by the noise that was being made by the Democrats, and the country said "If you are not brave enough to have a principle and stand up to it we will have none of you," and they turned the Republican Party out of power and turned into power a party that professed what they would do rather than recited what they had done. Just think of a platform of a national party going before the people, situated as our people are, making this declaration:

> We believe that all articles which can not be produced in the United States, except luxuries, should be admitted free of duty—

The Democrats had said that before and we had repudiated it.

> And that on all imports coming into competition with the products of American labor there should be levied duties equal to the difference between wages abroad and at home.

They deserved defeat, and they got it. They not only defeated the political organization but they defeated the American people in their homes. They took away from them their prosperity by substituting the pretentious pretensions of the other party. It was my fate to be a member of the committee that made this platform. Those words were not written in it with my consent.

What does it say? Let us look at it. That there should be duties levied equal to the difference between wages at home and abroad. I want to make a reference to that. That was equivalent to saying that in this country those who sustain it in war and in peace should have no better standing than the people of other countries who contend with it in both war and peace. A more unreasonable declaration never was made in a platform. The men who made it—a number of them were my friends and still are my friends—forgot that they lived in the United States of America. They did not know in that hour of unwisdom that an American citizen is entitled to more, in or out of the United States, than any foreigner is entitled to.

They talk about putting us upon an equal footing with Germany, France, and England without making any provision for the fact that we support this Government and the foreigners contribute nothing to it; that we maintain the institutions and pay the taxes and they do not; that we pay taxes upon the very goods which they send here under the doctrine of free trade. If a cargo comes in from England or Germany and lands in New York, upon landing it becomes the property of an American citizen, and he has to pay taxes on the very thing that destroys his market. The people with whom they are seeking to put us on an equal footing pay no taxes upon the articles of manufacture either there or here.

And then again this cheeseparing has fretted me from the beginning of this discussion—to see Senators stand here and shave down to the very quick in estimating how much torture the American producer can stand; upon how low a basis he can live; with how little he can get along without starving. That has been the spirit of too much of the discussion on the tariff question.

I look at it from just the opposite standpoint. The question with me is how prosperous can we make the American citizen; how can we improve the conditions that surround him; how easy can we make it for him to compete in the markets or abroad? That is the point of reason from which the tariff should be considered by Americans, and not how tolerable it might be for him were conditions changed.

I should like to see more of it. Senators have fled from the consideration of this question who were pledged to the consideration of it by their constituents. They flee from it and propose to absent themselves when the responsible hour comes. I will have none of it. The legislation and the consideration of questions should be in this Chamber, not in the committee rooms, which are adjuncts to a Chamber, not out in the byways and highways and secret corner where two men may come together and whisper how they can jockey in the political controversy. They will jockey themselves out of office. They always do. They will jockey the country into difficulties. I call it "jockeying" when a man says "Let us stay away from our duty. Let us not perform our duty, in order that we may accomplish something." That is jockeying. I have not been, and I know I never will be, able to bring myself to such an agreement.

This is a place for controversy and contest and decision; not a place to come in and put a ticket in the slot to record your action. This is a chamber for consideration, and consideration among men in council of responsibility means an interchange of ideas. What we say here goes to the country; it goes to our masters. They elected us to this position in order that we may use our judgment and wisdom in the best manner for the benefit of their best interests. If we come here and divide up into coteries and then absent ourselves when the hour of responsibility comes, the people will know what to do. They will not need any recall. They will forget the men who did it at the next election, and they ought to forget them. One might imagine in this Chamber sometimes that there was nothing of interest before the Members of this body except what they may be chattering about among themselves in their little coteries of two or three. That is doubtless interesting to them.

Now, Mr. President, of course, we will assume that when we come to vote every Senator will have mastered every question upon which he votes, and the people will probably accept that hypothetical condition until they learn better. A man makes a promise, upon the strength of which he comes to Congress, that he will support legislation imposing protective duties upon wool and lead and lead ores. The people expect him to keep that promise. That is the solemn pledge of the Republican Party.

In 1892 they did not get a chance to put it in operation. They had just before that declared themselves so inefficient or their intentions so uncertain that the people said, "Just go home and stay there until you know what you want to do, and then present yourselves to us and we will tell you whether we want you to do it or not." They did send the Republican Party into retirement at that election and they elected a Democratic President and Congress. I am not going to dwell upon their action. I never was fond of these exhibitions of chambers of horrors. I never visit them. I let that rest. There will be some chambers of horrors for the individuals who have forgotten the pledges that the party placed them under in regard to this tariff question, but they will each of them enjoy it in their own way.

How can a man be a Republican and not be in favor of a protective tariff that protects? How can a man be a Republican and come here and engage in cheeseparing down to the very quick to determine whether or not the people of the country can barely live rather than how they can be certainly prosperous?

The Republican Party has stood for prosperity in the past when it was sane. I will pass from that platform of 1892, which was the Waterloo of the Republican Party, and, in my judgment, forfeited all claim that the party might have upon the people, and I will go to 1896, after the earthquakes, and the volcanoes, and the nightmares, and the distress, and the poverty of four years, and I find new leaders at the head of the columns. I find constructive statesmen in the place of the shivering time servers of four years before. I find men who knew what they wanted and dared to proclaim it in the great convention of 1896. They knew how to take the rank and file of American industry and organize it so that its march would be to the certain goal of prosperity. They did it with as true a hand as ever guided a purpose to a destiny.

I am looking about among the men for such men in this hour that confronts us. I have not yet been able to see through and beyond the ranks of selfish speculation, the ranks of the

men who conceive it the very acme of their purpose and of their glory to hold an office. I would rather stand down among the masters than to be their servant. Serve them, if they choose you so to do, but if you undertake it, do it according to their purpose and their will. The man who cares more to be elected to office that he does to fight for the principles of a great party is not fit for any office. The man who considers, rather, how he can be elected or reelected than how he can keep the pledge given the people ought not to be in office. The man in office does not outrank the creator of the office. This is not a Government of politicians. It is a Government of the people who make jobs for politicians, but the people are the masters. When I see in this hour consideration given not to how we can insist upon and fix the principles of the party upon our Government, but rather what position we can gain for our selfish advancement, I am startled. The fact is that it would be a fair conclusion that there were only a few men in this body who care anything about the question of the tariff and tariff legislation. That is a fair conclusion to be drawn. There are only a few of them. That is borne out by the measure of attention that they give to the consideration of these questions.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. JONES. I suggest the absence of a quorum.

Mr. HEYBURN. The Senator need not call for a quorum on my account. I am talking to the whole country. I have a pretty big audience.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Kern	Pomerene
Baron	Dillingham	Lodge	Root
Brandegee	Fletcher	McCumber	Shively
Bristow	Foster	Martine, N. J.	Simmons
Bryan	Gallinger	Myers	Smith, Ariz.
Burnham	Gardner	Nelson	Smith, Ga.
Catron	Gore	O'Gorman	Smith, Md.
Chamberlain	Gronna	Oliver	Smith, Mich.
Chilton	Guggenheim	Page	Sutherland
Clapp	Heyburn	Paynter	Thornton
Clark, Wyo.	Hitchcock	Penrose	Townsend
Culberson	Johnson, Me.	Percy	Watson
Cullom	Johnston, Ala.	Perkins	Williams
Cummins	Jones	Poindexter	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HEYBURN. Mr. President, we have heard nothing in the consideration of this bill on behalf of the real merchants and the people who deal with them. The large manufacturing establishments could not reach the people except through lesser establishments that constitute the means of distribution of what the larger concerns produce. They have not been heard. They were not heard before the committee that prepared this bill for consideration. Yet it depends upon those people as to whether the products of the large mills will ever reach the people at all. They are the medium of distribution. Their prosperity tells infinitely more for the welfare of the people than does the prosperity of the large manufacturing plants. They are the people who are looking most anxiously to Congress awaiting its action. You strike down their prosperity and the climax is close at hand.

You may take away all the profits of the large plants that have been discussed so much, and the owners probably would go down to the Waldorf-Astoria or to the seashore or to Europe and live the rest of their lives without any suffering, while these industrial enterprises that depend upon them would suffer all the agony that belongs to poverty, disappointment, and distress. It would change the lives and the destiny of millions of people who never saw the United States Steel or any of these large enterprises that have been discussed as though they were all there was to be considered. You strike down the prosperity of the country for a day and you change the destiny of millions of people any day and change their course of life from that time to the end. You shut down the mills in a village or any one of these manufacturing centers for six months and thousands and thousands of people will have been compelled to change their residence, to change their plans of life, both in regard to the adult members who toil and in regard to the children who depend upon them. The possibilities of the education of the hundreds of thousands of children in this country are vitally affected by every shutdown or strike from whatever source it may originate. You bring about a condition such as we had in 1893, 1894, and 1895, and you have changed the destiny of the American people; millions of them, who with that four years of standing ground would have attained their cherished ambition, never again can reinstate themselves. The period of education passed for many during those four years of financial distress. The period that was selected by their parents in which they were to be educated passed, and their opportunity was lost because of the inability of the parent to carry out the purpose. Instead of being well-equipped citizens, they were forced to this shuffling industry of opportunity.

Who was responsible? The Democratic Party as a party and the people they were able to deceive into supporting or believing in the doctrine of comparative free trade. How many millions of people in this country were so affected by that period of stagnation that they never can recover from it? Industry closed, the door of opportunity to the apprentice is closed. The boy who would have entered without difficulty to learn his trade or occupation in the mills and industries of the country was deprived, because the mills and industry had no opportunity to afford him, and instead of being on the way to prosperity, he was a victim of conditions and circumstances over which he could exercise no control.

This question of the prosperity of the people is a very serious thing; and when we are dealing with those questions that will affect it one way or the other we can not be too serious. We can not grow impatient—we dare not—with the consideration of them. The Congress of the United States that passed the first tariff bill spent three months in its consideration. We read it on three pages, and we are apt to think they did it over night. They gave serious consideration to those questions, realizing that they were laying the foundation of the prosperity of the people of that age. Well, we lay the foundation of the prosperity of the people every two years or four years in this country, or every time we take up the question whether our people shall be classed as the people of other countries, on an equal footing, as was laid down in that foolish platform. I have never yet forgiven the unwisdom of that hour, notwithstanding that I participated in the making of the platform; but I did not agree to the provisions that lost us the election.

What was done in the last national platform? I want to read a phrase, however, in the intermediate platform. These were the days when Republicans were really Republicans, and they were not dickering and trading as to how they could support this and that amendment and receive in return the support for some other. These are the closing words in the tariff platform of 1896, when intelligence and patriotism ruled the convention. After declaring in favor of the protective tariff policy of the party, they say:

The country demands a right settlement, and then it wants rest.

In referring to the duties not agitated every day, not revision by schedules, not revision by fugitive amendments upon other bills, after that nightmare of Democracy, they said the country wants to return to the conditions under which it was prosperous, upon the theory that like conditions produce like results. When they said that they put the clinch on it. Let me read the words——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. In a moment. I do not want to break in now on this:

The ruling and uncompromising principle is the protection and development of American labor and industry. The country demands a right settlement, and then it wants rest.

That is the way to talk. Now, I yield to the Senator.

Mr. CUMMINS. I agree to that. There is nothing in the world that we need so much as a right settlement of the tariff question, followed by a long rest. I want to say to the Senator from Idaho that personally I very greatly prefer the platform of 1896 on the tariff question over the platform of 1908.

Mr. HEYBURN. So do I.

Mr. CUMMINS. And if the Senator from Idaho has read all of that platform which relates to the question of protection, he will discover why I think it is a better expression of our doctrine than that which occurred in 1908.

Mr. HEYBURN. It does not require very close study to determine that question.

Mr. CUMMINS. Has the Senator the whole platform before him?

Mr. HEYBURN. Yes; I have all the platforms of the Republican Party right here in my hand.

Mr. CUMMINS. Might I be permitted——

Mr. HEYBURN. Is the Senator referring to the platform of 1908?

Mr. CUMMINS. No; the platform of 1896.

Mr. HEYBURN. Here is the platform of 1896. The Senator will get some indication as to what I think about it by the marks and interpolations I have made in it. Of course I do not approve of the tariff plank in the platform of 1908. The Republicans of the country will denounce it on the first opportunity.

Mr. CUMMINS. I do not want it to be inferred that I ever intend to denounce the platform of 1908. On the contrary, I think, if fairly construed, it means just what the protectionist believes; but I do think it was an unfortunate expression.

Mr. HEYBURN. I will state about it in a minute.

Mr. CUMMINS. Will the Senator from Idaho listen to me while I read a part of the platform which he may have overlooked?

Mr. HEYBURN. I have already read it into the RECORD, but I will listen to the Senator with patience.

Mr. CUMMINS (reading):

We renew and emphasize our allegiance to the policy of protection——

Mr. HEYBURN. Is the Senator commencing at the beginning?

Mr. CUMMINS. At the beginning—

as the bulwark of American industrial independence and the foundation of American development and prosperity.

This true American policy taxes foreign products and encourages home industry. It puts the burden of revenue on foreign goods. It secures the American market for the American producer. It upholds the American standard of wages for the American workingman. It puts the factory by the side of the farm and makes the American farmer less dependent on foreign demand and price. It diffuses general thrift and founds the strength of all on the strength of each. In its reasonable application it is just, fair, and impartial; equally opposed to foreign control and domestic monopoly, to sectional discrimination and individual favoritism.

I have oftentimes in my political life attempted to enforce upon the American people this wise declaration that the doctrine of protection fairly applied is "equally opposed to foreign control and domestic monopoly." It is therefore that I have endeavored to stand for a system of duties that would not permit domestic monopoly and the exactions of a profit which domestic monopoly always secures.

Mr. HEYBURN. Mr. President, the Senator has read with splendid emphasis the doctrine of the Republican Party, but it occurred to me while he was reading it that he was rather within the scope of those that I mentioned the other day who read the commandment:

Six days shalt thou labor and do all thy work, but the seventh day * * * thou shalt not do any work.

The last part of it is the only part that he practices.

Mr. CUMMINS. No, Mr. President; I disclaim that. Every part of the platform is attractive to me. I see no inconsistency in it. It expresses, taking it all together, the fairest and justest doctrine that ever became a part of a governmental policy. I only wish that we had retained and reiterated in 1908 the expression of 1896.

Mr. HEYBURN. Mr. President, I said a few moments ago—I think before the Senator from Iowa returned to the Chamber—that I am looking now into the Republican rank and file in this country for the man or men who can duplicate the wisdom of that convention. I am looking for the man who can get away from personal advantage and skirmish for office, write a platform like that, and go before the people with the result that those men went before the people. That is what I am looking for. This cheeseparing, lead-pencil tariff declaration of the last platform, which meant, if it meant anything, that the Government would guarantee a reasonable profit without determining the tribunal in which the question of reasonable profit should be determined. That is what I call "a lead-pencil platform." This is not.

This true American policy taxes foreign products.

It taxes them. They were not afraid to use the word "tax" merely because it was hurled back at them by the Democracy. The Democracy has succeeded in making a lot of people believe that the word "tax" is a word of opprobrium. I have heard it used here and before the committee in considering these tariff questions as though it was enough to condemn a man to charge him with wanting to tax the foreign producer for coming into our market; but those men were not afraid to do it, and the American people sustained them. Just look at this phrase:

And encourages home industry—

They do not say by what per cent. You do not require any lead pencil to determine what the Republican Party meant that wrote that platform.

It puts the burden of revenue on foreign goods; it secures the American market for the American producer.

That is the law and the gospel of the Republican Party that we ought to be sounding here and up and down the land as we march against the common enemy of the American people.

It upholds the American standard of wages for the American workingman.

It does not say how nearly it can put the American workingman on a par with the German or the English or the French or the Mexican or the Canadian workingman; it declares that it is in favor of putting him before those people—above them—in the standard and scale of compensation and prosperity.

It puts the factory by the side of the farm.

We here have lost sight of that. Who has considered the effect upon the sale of farm products and the encouragement to the productions of the farm in dealing with the steel schedules? With the billions of dollars represented by the enterprise, they have sought only to account for it along the trail of the money changers. How much of it have they traced into the country and sought to apply to the development of the resources of that great element of our population, with 16,000,000 of laborers, wage earners, and with 35,000,000 of population? How much of this great wealth have they sought to trace to them? In those days of Republicanism that was the first thought in their minds; that was the front banner in the procession—the relation between these industries and the people who supported them. Let us get back to those lines of protection, and we shall have the confidence and the support of the American people. Those are grand words.

It diffuses general thrift, and founds the strength of all on the strength of each. In its reasonable application it is just, fair, and impartial; equally opposed to foreign control and domestic monopoly.

I am speaking against the foreign control of our markets; I am speaking against the foreign influence or competition in the field of production and sale. The farmer is interested in having a market, and his market can only be based upon the purchasing power of the people of the country. If you destroy or impair their purchasing power, it affects the market of every man and woman in this country for whatever they may have to sell, whether it be the skill and energy of the man or the woman, or whether it be the fertility of the soil or the vicissitudes of life. They are all at stake in this balance.

When we made our declaration in regard to domestic policy, we were speaking of recent history. We did not have to read it; we knew it; we had lived through it. It had been subjected to the sifting process of no man's reasoning power. We knew that yesterday and last year and last month. There was desperate poverty; there was a lack of reward for industry; there was no market for industry. We knew those things, and when we wrote into the platform—

We denounce the present Democratic tariff as sectional, injurious to the public credit, and destructive to business enterprise—

We knew what we were talking about; it was not a question of cheeseparing and hairsplitting.

Then, there is the threat—because it is a threat—that is continually going out that we are going to elect to buy of a foreigner unless our people at home will be dictated to by somebody else as to what they shall receive for their labor or enterprise.

If I had my way, so far as the disclosures of the tariff are concerned, you would not know there was another government or another people on the face of the earth, except as we saw them come creeping through subject to our control, not coming through with a mandate as to what our markets should do with them when they came, but with a plea for admission to the advantages belonging to our Government. I would maintain this Government for its own people first, and I am not envious of those who grow rich; I am not envious of the men of millions, about whom we have heard so much. There is one solution to all ambition, and that is that we all die. It has solved many a question in this world among men. There are not 2 per cent of the fortunes to-day in the hands of men whose fathers had them. The field of opportunity has opened the door of fortune to those whose fathers knew only labor. What is the use in bothering ourselves because some man is rich? If he is rich within the law, it is his right. If the law is wrong that enables him to be rich, change the law as to the man affected, but do not repeal and amend laws affecting a hundred thousand other people in order to get at the one man. Go after the man himself.

These are pertinent considerations in dealing with this great business question of the country, because it is the Government itself. The issues that have been headlined in the papers for the last few weeks and months, and which have been discussed and wired over the world, are of no consequence to the people; they do not affect the prosperity of the people nor their happiness or comfort; they represent only the rivalries among men, the strife of men to attain not something for the benefit of their generation and their country, but something that will add to their physical or mental comfort as individuals. I am not interested in that question. They can have what they gain under the law and keep it without making me envious or jealous. We have been dealing with the wrong end of the question; and I do not suppose, from the conditions that surround this discussion now, that we are going to get back into

the right track until the people put us there. It may be in this generation, or it may be in the next. I merely call attention now to the fact.

It may not seem a reasonable thing for me to stand here and criticize the platform made by the last Republican national convention, but I am speaking to Republicans when I refer to it, and I am doing so because there seems to me to be a disposition here to disregard the old lines and the old principles under which the party dominated the country for the country's good and the good of the people. Think of adopting a plank like this and then attempting to live up to it and misconstruing it and adding to it:

The Republican Party declares unequivocally for a revision of the tariff by a special session of Congress immediately following the inauguration of the next President.

That was a concession to the taunts of the Democracy. We were then living under a Republican system of tariff and we ought to have obtained a reputation by that time for wisdom enough to ask the people to trust the Republican Party to do the thing without putting it in those apologetic terms, apologizing for the Democracy, trying to look more like a Democrat than a Democrat in the hope that Democrats would support us, not knowing us from the Democrats, and hoping that the Republicans would remember us when we took off the disguise. That is what we were confronting and what we have been confronting of late.

Here was a Republican convention promising to jump at the snap of the Democratic whip and telling them just how we would do it. We were not content to say, "Well, Miss Democracy, we have dealt with this question before, and I guess you will have to trust us to deal with it again, relying upon our wisdom and conservative judgment to do it right." That was not enough—that was not bid enough for Democratic support, for the support of the discontented between the lines.

Then, again, see what we said:

In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad—

That is, the cost of production abroad—

together with a reasonable profit.

Whoever conceived that last sentence would be a curiosity to me—"a reasonable profit." Who is going to determine? The profit to no two men is equal. The profit of men engaged in the same business on the same block, buying of the same man and selling to the same class of customers, would not be equal. Profit depends upon skill and management and expense and all the other considerations that enter into it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. I will ask the Senator if it is not equally as absurd for any man to suppose that we can determine the cost of production abroad, which is a varying matter from day to day and month to month?

Mr. HEYBURN. It varies every day.

Mr. GALLINGER. It is absolutely impossible to determine that accurately.

Mr. HEYBURN. There was the underlying fallacy of it. The cost of production of one article that I have in mind in Germany varied more than 100 per cent in 90 days—I referred to it the other day in my remarks—and it did so because there had been certain strikes and economic conditions surrounding that particular productive section of the country, and the cost of the item there had been enhanced. Then when they resumed work under the conditions of the employers the price went clear down below where it was when they started.

It is the fluctuation. How could a manufacturer in this country know the cost of production abroad unless he cabled every day? You have only to take up their trade sheets to see the vast shipments and the frequent and continuous change in the cost of production. Men go out on a strike for 25 per cent increase in their pay, and they get it. That adds to the cost of production. Times are hard and men are hunting employment in numbers, and that depreciates the cost of labor.

Then, again, this proposition takes no account of the different conditions—the cost of the buildings, and so forth. I think anyone who has been personally in a position to inspect it will agree with me when I say that the large majority of the manufactured products in countries like Germany and especially in Germany are made in inexpensive buildings. There are great workshops, there are finely equipped establishments, but the great majority of the products of that country are made in cheap workshops, made by people who live in cheap homes, made by people who are content to work for low wages.

What kind of a basis to rest on is the declaration in that platform—the difference in cost between abroad and home? Where is the element of stability and certainty that the business world requires as the condition of doing business? That was written in that platform. They first tried to forge new principles. They undertook to write into it a phrase from the Democratic platform of the same year—a pledge of the party to a revision downward.

Now I am going to ask the Senator from Iowa whether or not, in his judgment, there was in the Republican platform any pledge for a revision downward?

Mr. CUMMINS. I think there was a pledge for revision downward——

Mr. HEYBURN. I said in the Republican platform.

Mr. CUMMINS. Not in the words of the platform, but when it is remembered that that part of the platform was adopted after a very long campaign insisting upon a reduction of duties, I am sure the Senator from Idaho can not doubt that it was the general understanding that the platform would be followed by a revision reducing generally the tariff duties.

Mr. HEYBURN. That is rather a secondary process of reasoning. There had been agitation upon this subject, and the minds of the people were alert, and presumably the men in the convention had in mind whether they would adopt it, and they affirmatively did not, and the Senator arrives at the conclusion that they meant something just the opposite of what they did when they were alert. If the question had not been agitated at all, if men's minds were not alive to it, he might have claimed that it was through lack of attention and by inadvertence that they did not say they were in favor of revision downward, but the Senator's statement that the minds of the people were alert precludes the possibility that they omitted it through inadvertence.

The Democratic platform had declared for a revision downward; and were we in such harmony with the Democratic convention and the Democrats that we would go and write into our platform in specific language the declaration of the Democratic platform?

I do not think that anyone is justified in concluding that the national Republican Party and those who sent the delegates there ever for a moment intended to concede that there was error in Republican legislation and that the Republican duties should be written down under a pledge to get up in the morning before breakfast and do it.

Now, Mr. President, they went on. They said they would do this on the basis of a reasonable profit to American industries. There never was such reckless language written into a platform as those words—a reasonable profit to American industries. Who was to determine the reasonable profit? Can the man who does business in an expensively equipped business house make the same profit as the man who does it under a tent? Can the man who has a large investment in buildings in which he does business compete on the basis of profits with the man who has no expense? Do not the rents and the cost of the buildings enter into the question whether or not he can make what may be termed a reasonable profit? Is it a reasonable profit for the man who sells $10,000 worth of goods in a year to make 5 or 6 per cent on them as against the man who sells a million dollars worth of goods out of a less expensive establishment and makes 6 per cent on them? Can you possibly take that as a basis?

This platform is history, and I am only speaking, as I say, to Republicans a word of warning along Republican lines, that they may not repeat such mistakes, and inasmuch as we were not pledged in dealing with the question of tariff duties to reduce them downward or at all, I feel perfectly free, without being open to the charge of attacking my party or its platform, in calling attention to a just and proper interpretation of this language. No matter what the men who wrote it intended, we are entitled to interpret it by the dictionary of Republicanism.

I have been for three years here in this body fighting and contending against the assumption that the Republican Party was pledged to that which Senators have been continually insisting it should do; that is, to revise the tariff downward. Republicans here have become so obsessed with that idea that I think they really believed there was moral obligation resting upon them to revise the tariff downward. Their wires had become crossed. They had been reading the declaration of the Democratic platform probably without knowing it. The very fact that it was written in a Democratic platform would put me on notice.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. POINDEXTER. The Senator will concede, I suppose, that this part of the Republican platform of 1908 was adopted on account of the public agitation of the tariff question for a long time preceding it. Does the Senator contend that there had been any agitation to increase the duties on any important schedules of the tariff law?

Mr. HEYBURN. We had made a declaration in favor of a tariff system, and we had followed that with a declaration "Let that stand," and we were not agitating it. The worst thing that happens in this country is the frequent agitation of this question.

Mr. POINDEXTER. I agree with the Senator there.

Mr. HEYBURN. And changes in conditions do not warrant——

Mr. POINDEXTER. The Senator——

Mr. HEYBURN. Pardon me. And changes in conditions do not warrant interference with the tariff unless you proceed upon the assumption that you will make a change every day to comply with extraneous or outside conditions. Then you would have to change it every day. If you are going to revise or make a tariff based upon the changing conditions you would have to make it every day.

I now yield to the Senator from Washington.

Mr. POINDEXTER. I agree with the general statement which the Senator makes. Of course, that has nothing to do with the particular inquiry as to the proper construction of the platform of 1908. I think myself the tariff ought to be taken out of political campaigns. It could be taken out, and the country ought not to be continually agitating the question. But it was agitated; it was the subject of general agitation and the leading public question in this country for a long time before the platform of 1908 was adopted, and the only insistent demand that was made with regard to changing the tariff in any way whatever was that it should be reduced and not increased.

Mr. HEYBURN. The Senator has evidently been unconciously in a Democratic environment.

Mr. POINDEXTER. I am speaking of the——

Mr. HEYBURN. There was no such demand among Republicans.

Mr. POINDEXTER. This was a Republican convention and a Republican platform.

Mr. HEYBURN. But it did not demand a reduction of duties.

Mr. POINDEXTER. That is a question——

Mr. HEYBURN. It does not even mention the reduction of duties.

Mr. POINDEXTER. That is a question we are just discussing.

Mr. HEYBURN. We have only to read it.

Mr. POINDEXTER. My understanding is that it meant a reduction of duty.

Mr. HEYBURN. It does not say so here.

Mr. POINDEXTER. My understanding is that it meant a reduction of duty, because it was in response to a demand in the Republican Party——

Mr. HEYBURN. No.

Mr. POINDEXTER. For a reduction of duty; and there was no general demand in the Republican Party for an increase of duty.

Mr. HEYBURN. No. That demand came from such communities and such people as demand a change in the Constitution every day and a change in the system of government every day; the people who want everything submitted by initiative and referendum. Those people are always making a noise, and a great noise. You have to be very careful to distinguish. They understand the art of ventriloquism. They can throw that voice into the most respectable circles at times and you do not know whether you are hearing the voice of the present or of the absent.

Mr. POINDEXTER. On the question of ventriloquism I do not think we are confined to one side. There are those who are willing, when the proper occasion presents itself, to amend the Constitution if necessary, and there are those who are not willing to amend it at all.

Mr. HEYBURN. Let us not get into that question. I have thought some of proposing an amendment, merely for educational purposes, to change the oath of office that the Senator took and the President took and I took. Let it be that "we will support and amend the Constitution."

Mr. POINDEXTER. The only difference between the Senator and myself in this regard is this: The Senator constitutes himself as the instructor and the educator, for he says he is willing in that capacity to introduce an amendment for educational purposes. I am perfectly willing to sit at his feet and learn from him either in regard to the tariff or in regard to the Constitution, but when we come to fix the standards of Republicanism I prefer to accept the Republican national convention and the Republican national platform of 1908, which the Senator now says resulted from these people who are always talking and always making a noise, I am more willing to accept them as the standards of the party than simply the assertions of the Senator from Idaho.

Mr. HEYBURN. I am accepting them as standards, but I want them correctly interpreted. I do not want anything written into them. I do not want the word "downward" written in when it says we will revise the tariff. It is bad enough as it was. I do not want it improved in that way.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes; although I did want to answer an assertion of the Senator from Washington, but probably I can consolidate them.

Mr. CUMMINS. In any event, the Senator from Idaho ought to feel much gratification, because if any influence arose out of the platform of 1908 for a downward revision the Congress of the United States very successfully resisted that influence.

Mr. HEYBURN. I do not know that they did. I am not going into that phase of it now. I may later.

I want to say something to the Senator from Washington. This is an opportune time. The Senator from Washington says the sentiment was in favor of tariff reduction, outside of Congress. That is the effect of what he said. There never was a sentiment of that kind that met the favor of the American people and there never will be. There are a lot—I do not know how I ought to designate them and still be respectful—of unoccupied, would-be politicians who can always tell how the other man can perform his task; but, fortunately for the people, they never perform any of their own. They are like the man on the fence who tells the farmer how he can plow a furrow or a man who sees a mechanic at work and tells him how to do the work. There is no one I know of that favored such a proposition who was ever intrusted by the people—I mean originally; I know where it started—with the responsible duties of Government. They started the propaganda and it afforded a convenient nucleus for the men who wanted something the people would not give them. By and by it got to be quite a big, floating body. Senators have seen seaweed start from one little plant or leaf and others attach themselves to it, until it begins to think it is an island, and by and by a continent, and now these people begin to think they are the earth.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Certainly.

Mr. SIMMONS. I wish to inquire of the Senator from Idaho if we will not agree on some hour to-morrow at which to take a vote on this bill?

Mr. HEYBURN. Let me say to the Senator that I have a work to perform. I am performing it at the right place. It is not the work of converting the Democracy. I have converted only a few Democrats, to my own personal knowledge. I have had some who were influenced in their judgment by what I have said; but I am talking for the Republican Party, I hope and believe, beyond the walls of this building as well as within it. I am trying to do that which will help to lay the foundation for the success of Republican principles—if not to-day, then some other day.

The work that I am engaged in is too serious for me to pause and consider whether or not my own convenience or that of others would be served by fixing a time to vote. I do not for a moment imagine that I can stand here and talk on this question indefinitely. But I am going to talk it until I have said what I think ought to be said, and as I think it ought to be said, as nearly as I can. I am not at all impatient with the duties of government. I am not at all impatient that we should make a mistake in this hour by our action. I am not at all impatient that we should be left in a position where the Republicans of the country will say, "You had the opportunity and the power to say to the American people where you stood and why you stood there, and merely because a combination was made between Democrats and some other people you thought best to retreat from the field." I would never retreat from a field of action or controversy where my duty required me to remain and fight it out.

Mr. SIMMONS. If the Senator will permit me, I will state to him that there is no such combination and agreement, so far as I know, between this side and the other side or any part of the other side of the Chamber.

Mr. HEYBURN. I will take that in absolute verity if the Senators who voted in a certain way to-day will stand up in their places and say that they will stay by their party when the vote comes upon this bill. I am not afraid to stand up and say how I will vote. If by a poll of Republican Senators with which we are credited it appears that the Democratic minority is not

to be allowed to pass this Democratic measure in a Republican Senate, then we can probably talk about a vote.

Yesterday, when the senior Senator from Iowa [Mr. CUMMINS] was closing the debate upon his amendment, he made certain declarations which really brought some hope to my heart. He said he would not vote for the Democratic bill. Now, let the Democrats stand up and say they will not vote for the Cummins substitute, and we will begin to untangle this tangled skein.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes; I yield.

Mr. SIMMONS. I did not rise for the purpose of getting into any controversy with the Senator about how Senators on that side of the Chamber are going to vote.

Mr. HEYBURN. But, Mr. President, the question is to be solved on that side as well as this.

Mr. SIMMONS. I simply rose for the purpose of seeing if it was not possible to accommodate the Senator and fix an hour to-morrow. I have no disposition, I assure the Senator, to interfere with his speaking as long as he desires. I thought possibly that by meeting to-morrow at 11 o'clock we could agree to vote at 5 or 6 o'clock to-morrow evening, as no one shows any disposition to further discuss this question except the Senator from Idaho. That would allow him probably as long a time as he would desire. I simply meant to ask the Senator, in all kindness, whether that arrangement would be satisfactory to him.

Mr. HEYBURN. I give the Senator the fullest credit for sincerity and candor in this matter, and I have no feeling, of course, as he knows, one way or the other.

Mr. SIMMONS. I am sure of that.

Mr. HEYBURN. We are both proceeding along lines that seem to us wise and patriotic. Suppose we were to fix a time to vote to-morrow. To-morrow is a holiday outside of this Chamber. I do not know, but I believe we are going to sit to-morrow.

Mr. SIMMONS. My understanding is that we will not adjourn over to-morrow.

Mr. HEYBURN. If we should fix a time to vote to-morrow evening, there would be vacant seats here all day to-morrow waiting for the evening to come. If I have any words of wisdom, or that I deem to be words of wisdom, they would fall upon empty seats. Now, why should I do that? If I were filibustering or speaking merely for the purpose of making a speech, I might do that; but I am sincere in my endeavor to awaken a response in the minds and hearts of my fellow Senators. That being the case, I can not conscientiously take any chance to meet the conditions that to-morrow nobody will attend the Senate. Senators would wait until the hour for voting. To-morrow morning I have made an arrangement to perform a patriotic duty that is always a pleasure to me, and I intend to do that during the morning hours, unless the Senate controls me in some other way.

Mr. SIMMONS. If the Senator will pardon me, I suppose there is a way in which the Senator might be assured of a good audience all the while to-morrow. If we would agree to vote to-morrow immediately after the conclusion of the Senator's speech, he would have a good audience all day probably.

Mr. HEYBURN. I gathered that from a somewhat familiar acquaintance with the rules of procedure. I had realized that that might be done. I am not impatient with the existing conditions.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas.

Mr. HEYBURN. I do.

Mr. CURTIS. I wish to suggest that to-morrow being Decoration Day, we adjourn over until Friday.

Mr. HEYBURN. That question is, I think, under consideration, and I want to say this——

Mr. CURTIS. I hope the Senator will agree to that

Mr. HEYBURN. Of course I would be very glad to see it that way, but I desire to see this. It is no pleasure to me to detain the Senate here after the ordinary hour of adjournment. I have not any patience with a condition of affairs that would punish a man because he dares to perform his duty. I am not speaking frivolously—I trust I am not—and I am speaking for a cause that is worthy to be spoken for. Why the ordinary hour of adjournment can not be observed I am unable, from my point of view, to understand; but if they are not to be observed, then there is only one thing left to do and that is to do my duty; that is all.

Mr. CURTIS. Will the Senator yield to me to make a motion?

Mr. HEYBURN. What motion is it?

Mr. CURTIS. That when the Senate adjourns it be to meet on Friday.

Mr. HEYBURN. Yes; I will yield to the Senator to make the motion.

The PRESIDING OFFICER. The Senator from Idaho yields to the Senator from Kansas?

Mr. HEYBURN. For the purpose of making the motion. I do not yield the floor.

Mr. CURTIS. I wish to state that the House has adjourned over, so I am advised, until Friday, and I move that when the Senate adjourns to-day it adjourn to meet on Friday at 12 o'clock.

Mr. SIMMONS. I rose to move to amend the motion by moving that when we adjourn we adjourn until 11 o'clock to-morrow; but at the suggestion of Senators around me I will modify the amendment. I had understood it was not the desire of the other side to adjourn over to-morrow, and I had been relying upon that; but if it is the desire of the other side to adjourn over to-morrow, of course I would not want to antagonize an adjournment over Memorial Day. So I will change my amendment so as to make it 11 o'clock on Friday.

Mr. HEYBURN. Has the Senator taken into consideration the committee meetings on that day? The 11 o'clock meeting interferes with committee meetings very much.

Mr. SIMMONS. We all have committee meetings, but near the close of a session, when we are anxious to get through, we have to sit a little longer hours.

Mr. CURTIS. So far as I am concerned I am willing to accept the suggestion, and I will move that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock.

The PRESIDING OFFICER. The Senator from Kansas moves that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock a. m.

Mr. CLARK of Wyoming. Of course I am aware of the patriotic sentiment which moves the Senator from Kansas in making the motion, but at the same time I for one am not in favor of adjourning over to-morrow. The patriotic exercises of to-morrow are nearly all confined to the forenoon, and those of us who desire so to do can well attend to that duty and still have the full legislative day here in the Senate to work. There are very many and very important matters pending before the Senate now that will sorely try our patience and strength before we get through. I for one am anxious to sit as long as we consistently can until the work of the Senate and of Congress shall be wound up and finally disposed of.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

Mr. GALLINGER. I am aware of the fact——

Mr. CULBERSON. Mr. President, I have not objected heretofore, but this debate will be interminable if no one raises a question of order. A motion to adjourn is not debatable.

Mr. GALLINGER. No; it is not. I recognize the fact that it is not debatable, and I was simply going to ask unanimous consent to say a word, and then I hope the vote will be taken. It is not a debatable question.

The PRESIDING OFFICER. In order that we may keep strictly within the rule, the Chair will put the unanimous-consent request of the Senator from New Hampshire.

Mr. GALLINGER. I ask unanimous consent that I may be permitted to say a few words.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. LODGE. Mr. President, if I may say a word on the point of order, this is not a motion to adjourn to a day certain. It is not a motion to adjourn at all.

The PRESIDING OFFICER. The motion is that when the Senate adjourns it shall adjourn to meet on Friday.

Mr. LODGE. That is a very different motion. It is a debatable question, in my opinion.

Mr. GALLINGER. Mr. President, I may be wrong about it, but I had an impression that any motion relating to adjournment is not a debatable question. But whether that be so or not, I am going to say only a single word. I had said to some Senators on the other side as well as to Senators on this side that I thought we ought to sit to-morrow. I have not changed my mind, and I hope the motion to adjourn over will not be agreed to.

The PRESIDING OFFICER. The question is on the adoption of the motion of the Senator from Kansas that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN], and I will withhold my vote. If privileged to vote, I would vote "nay."

Mr. O'GORMAN (when his name was called). In the absence of the senior Senator from Connecticut [Mr. BRANDEGEE], with whom I am paired, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber, and therefore I withhold my vote.

Mr. SHIVELY (when his name was called). In the absence of the senior Senator from Rhode Island [Mr. WETMORE], with whom I am paired, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. I notice that he is not in the Chamber, and therefore I withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the senior Senator from Virginia [Mr. MARTIN]. I am sure that that Senator would vote "nay" if present, and therefore I will vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I announced the transfer of my pair to the Senator from Oklahoma [Mr. GORE]. As that Senator is now present, I transfer my pair to the senior Senator from Mississippi [Mr. PERCY], and I will let my vote remain.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not here, and I desire to withdraw my vote.

The result was announced—yeas 22, nays 30, as follows:

YEAS—22.

Bourne	Gronna	Nelson	Smith, Mich.
Burton	Heyburn	Page	Thornton
Clapp	Jones	Perkins	Townsend
Curtis	Kern	Poindexter	Works
Dillingham	McCumber	Root	
Foster	Martine, N. J.	Sanders	

NAYS—30.

Ashurst	Culberson	Hitchcock	Pomerene
Bankhead	Cullom	Johnson, Me.	Simmons
Borah	Cummins	Johnston, Ala.	Smith, Ariz.
Bristow	du Pont	Lodge	Smith, Ga.
Bryan	Fletcher	Myers	Tillman
Catron	Gallinger	Newlands	Watson
Chilton	Gardner	Overman	
Clark, Wyo.	Gore	Penrose	

NOT VOTING—43.

Bacon	Davis	Martin, Va.	Smith, Md.
Bailey	Dixon	Nixon	Smith, S. C.
Bradley	Fall	O'Gorman	Smoot
Brandegee	Gamble	Oliver	Stephenson
Briggs	Guggenheim	Owen	Stone
Brown	Kenyon	Paynter	Sutherland
Burnham	La Follette	Percy	Swanson
Chamberlain	Lea	Rayner	Warren
Clarke, Ark.	Lippitt	Reed	Wetmore
Crane	Lorimer	Richardson	Williams
Crawford	McLean	Shively	

So Mr. CURTIS's motion was rejected.

Mr. CULBERSON. Mr. President, it is a small matter, but a moment ago I made the point of order that the motion that the Senate adjourn, or that when it adjourn it adjourn to a day certain was not debatable. The Senator from Massachusetts [Mr. LODGE] took issue, and said that it was debatable. I ask the Secretary to read Rule XXII for the benefit of the Senate, so as to show that no motion relating to adjournment is debatable.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely
To postpone to a day certain.
To commit
To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. LODGE. Mr. President, I think the Senator from Texas is right. I think the rule covers a motion to adjourn to a day certain.

Mr. GALLINGER. Undoubtedly.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow (Thursday, May 30, 1912) at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 29, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great men who in thought and deed have contributed to the dignity of life. We do not build monuments to the evildoer; his acts we would forget. We build monuments to the men who think great thoughts and do noble deeds that we may perpetuate their memory and emulate their virtues. To wait on destiny is futile, since destiny waits on us. Do the opportunity of to-day and we are prepared for the opportunity on the morrow. Live well to-day and we shall be prepared to live better to-morrow. Every good thought, every noble deed, weaves itself into our being and is its own reward. "For he that hath, to him shall more be given; and he that hath not, from him shall be taken even that which he hath."

Help us, we beseech Thee, to build monuments for ourselves which shall survive the wrecks of time, that we may glorify ourselves by glorifying humanity and our Maker. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following telegram, which the Clerk will read.

The Clerk read as follows:

JAMAICA PLAINS, MASS., *May 27, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:

I request leave of absence for one week, on account of illness of my father, who is in a very critical condition.

GEORGE EDMUND FOSS.

The SPEAKER. Without objection, the leave will be granted; and the Chair ought to state, in justice to Mr. Foss, that this telegram came to him yesterday morning, but was misplaced in some way, and the Chair had forgotten who it was who asked leave, and the Chair has no doubt that yesterday was the particular day the gentleman wanted to have the leave granted.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railroad Co. in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to adjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do, to authorize and direct the Secretary of the Interior to readjust said rights of way;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North;

H. R. 16661. An act to relinquish, release, remise, quitclaim all right, title, and interest of the United States of America in and to all of the lands held under claim or color of title, by individuals or private ownership or municipal ownership, situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians

on March 24, 1832, and under or by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814; and

H. J. Res. 319. A joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the Schuylkill River.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print some remarks in the RECORD on the Schuylkill River. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MCMORRAN was granted leave of absence, for two weeks, on account of illness in family.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 17200.

BUREAU OF MINES AND MINING.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that we may close debate on the bill H. R. 17260 after 1 hour and 30 minutes time.

The SPEAKER. Who is to control the time?

Mr. FOSTER. I would ask that I be permitted to control one half and any gentleman who may be opposed to the bill control the other half.

The SPEAKER. Who is the chief opponent of this bill? The gentleman from Illinois asks unanimous consent that general debate on this bill be confined to 1 hour and 30 minutes. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

Mr. MARTIN of Colorado. I was going to reserve the right to object.

Mr. FOSTER. Then, Mr. Speaker, I move that general debate close in two hours.

SEVERAL MEMBERS. Make it an hour and a half.

Mr. FOSTER. I ask to modify that by making it 1 hour and 30 minutes.

The SPEAKER. The gentleman from Illinois moves that all general debate on this bill close in 1 hour and 30 minutes.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. MARTIN of Colorado) there were—ayes 38, noes 6.

Mr. SISSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 6, answered "present" 10, not voting 142, as follows:

YEAS—234.

Adair	Conry	Godwin, N. C.	Kinkaid, Nebr.
Alney	Crumpacker	Goldfogle	Kitchin
Akin, N. Y.	Cullop	Good	Knowland
Alexander	Dalzell	Goodwin, Ark.	Konop
Ames	Danforth	Graham	Kopp
Anderson, Minn.	Davis, Minn.	Green, Iowa	Korbly
Ansberry	Davis, W. Va.	Greene, Mass.	Lafean
Anthony	Dent	Gregg, Tex.	Lafferty
Austin	Dickinson	Griest	La Follette
Ayres	Dies	Gudger	Lamb
Barnhart	Difenderfer	Hamilton, Mich.	Langham
Bartlett	Dixon, Ind.	Hamlin	Lawrence
Beall, Tex.	Donohoe	Hammond	Lee, Ga.
Bell, Ga.	Doremus	Hardwick	Lee, Pa.
Blackmon	Doughton	Hardy	Lenroot
Bussher	Draper	Harris	Lever
Bowman	Driscoll, D. A.	Harrison, Miss.	Lewis
Brantley	Dupré	Hawley	Lindbergh
Broussard	Edwards	Hay	Linthicum
Brown	Ellerbe	Hayden	Littlepage
Buchanan	Esch	Hayes	Lobeck
Bulkley	Estopinal	Heflin	Longworth
Burgess	Evans	Helgesen	McCall
Burke, Pa.	Faison	Henry, Conn.	McCreary
Burke, Wis.	Fergusson	Henry, Tex.	McDermott
Burnett	Ferris	Hensley	McGillicuddy
Butler	Finley	Holland	McGuire, Okla.
Byrnes, S. C.	Fordney	Howard	McKellar
Byrns, Tenn.	Fornes	Howell	McKenzie
Callaway	Foster	Howland	McKinley
Campbell	Fowler	Hughes, Ga.	McKinney
Candler	Francis	Hull	McLaughlin
Carlin	French	Humphrey, Wash.	Macon
Carter	Gallagher	Humphreys, Miss.	Maguire, Nebr.
Cary	Gardner, Mass.	Jacoway	Maher
Claypool	Garrett	Jones	Martin, S. Dak.
Cline	George	Kahn	Miller
Collier	Glass	Kennedy	Moon, Tenn.
Moore, Pa.	Prouty	Slayden	Tribble
Morgan	Pujo	Sloan	Turnbull
Morse, Wis.	Rainey	Smith, Tex.	Underhill
Moss, Ind.	Raker	Speer	Utter
Murdock	Rauch	Steenerson	Volstead
Murray	Rees	Stephens, Cal.	Warburton
Needham	Reilly	Stephens, Miss.	Watkins
Neeley	Richardson	Stephens, Nebr.	Wedemeyer
Nye	Robinson	Stephens, Tex.	Weeks
Oldfield	Roddenbery	Sterling	Whitacre
Palmer	Rodenberg	Stone	White
Parran	Rothermel	Sulloway	Wickliffe
Patten, N. Y.	Rubey	Sweet	Wilder
Patton, Pa.	Rucker, Colo.	Taggart	Willis
Payne	Sabath	Talbott, Md.	Wilson, N. Y.
Peters	Sells	Talcott, N. Y.	Wilson, Pa.
Post	Shackleford	Taylor, Ala.	Witherspoon
Pou	Sharp	Taylor, Colo.	Young, Kans.
Powers	Sherwood	Thistlewood	Young, Tex.
Pray	Simmons	Tilson	
Prince	Sims	Towner	

NAYS—6.

Farr	Martin, Colo.	Page	Sisson
Fitzgerald	Mondell		

ANSWERED "PRESENT"—10.

Adamson	Davenport	Dyer	Underwood
Browning	Davidson	Garner	
Cannon	Driscoll, M. E.	Riordan	

NOT VOTING—142.

Aiken, S. C.	Dwight	Kent	Roberts, Mass.
Allen	Fairchild	Kindred	Roberts, Nev.
Anderson, Ohio	Fields	Kinkead, N. J.	Rouse
Andrus	Flood, Va.	Konig	Rucker, Mo.
Ashbrook	Floyd, Ark.	Langley	Russell
Barchfeld	Focht	Legare	Saunders
Bartholdt	Foss	Levy	Scully
Bates	Fuller	Lindsay	Sheppard
Bathrick	Gardner, N. J.	Littleton	Sherley
Berger	Gillett	Lloyd	Slemp
Boehne	Goeke	Loud	Small
Borland	Gould	McCoy	Smith, J. M. C.
Bradley	Gray	McHenry	Smith, Saml. W.
Burke, S. Dak.	Gregg, Pa.	McMorran	Smith, Cal.
Burleson	Guernsey	Madden	Smith, N. Y.
Calder	Hamill	Malby	Sparkman
Cantrill	Hamilton, W. Va.	Mann	Stack
Catlin	Hanna	Matthews	Stanley
Clark, Fla.	Harrison, N. Y.	Mays	Stedman
Clayton	Hartman	Moon, Pa.	Stevens, Minn.
Connell	Haugen	Moore, Tex.	Sulzer
Cooper	Heald	Morrison	Switzer
Copley	Helm	Mott	Taylor, Ohio
Covington	Higgins	Nelson	Thayer
Cox, Ind.	Hill	Norris	Thomas
Cox, Ohio	Hinds	Olmsted	Townsend
Crago	Hobson	O'Shaunessy	Tuttle
Cravens	Houston	Padgett	Vare
Curley	Hubbard	Pepper	Vreeland
Currier	Hughes, N. J.	Pickett	Webb
Curry	Hughes, W. Va.	Plumley	Wilson, Ill.
Daugherty	Jackson	Porter	Wood, N. J.
De Forest	James	Randell, Tex.	Woods, Iowa
Denver	Johnson, Ky.	Ransdell, La.	Young, Mich.
Dickson, Miss.	Johnson, S. C.	Redfield	
Dodds	Kendall	Reyburn	

So the motion to close debate was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SMALL with Mr. WILSON of Illinois.

Mr. SULZER with Mr. WOOD of New Jersey.

Mr. TOWNSEND with Mr. YOUNG of Michigan.

Mr. WEBB with Mr. MCMORRAN.

Mr. SMITH of New York with Mr. KENDALL.

Mr. JOHNSON of Kentucky with Mr. MOTT.

Mr. KINDRED with Mr. NELSON.

Mr. KINKEAD of New Jersey with Mr. PICKETT.

Mr. KONIG with Mr. PLUMLEY.

Mr. LEGARE with Mr. PORTER.

Mr. LEVY with Mr. REYBURN.

Mr. LLOYD with Mr. ROBERTS of Massachusetts.

Mr. MCCOY with Mr. ROBERTS of Nevada.

Mr. O'SHAUNESSY with Mr. SAMUEL W. SMITH.

Mr. PADGETT with Mr. SUTZER.

Mr. PEPPER with Mr. VREELAND.

Mr. REDFIELD with Mr. VARE.

Mr. RUSSELL with Mr. GUERNSEY.

Mr. HUGHES of New Jersey with Mr. MATTHEWS.

Mr. HELM with Mr. KENT.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GREGG of Pennsylvania with Mr. HILL.

Mr. HAMILTON of West Virginia with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York with Mr. JACKSON.

Mr. GOULD with Mr. HINDS.

Mr. FLOYD of Arkansas with Mr. HIGGINS.

Mr. FLOOD of Virginia with Mr. HEALD.

Mr. CRAVENS with Mr. HAUGEN.

Mr. CURLEY with Mr. FOSS.

Mr. COX of Ohio with Mr. FOCHT.

Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.

Mr. CLAYTON with Mr. DODDS.

Mr. CONNELL with Mr. CURRY.

Mr. BURLESON with Mr. CURRIER.

Mr. BATHRICK with Mr. COPLEY.

Mr. BOEHNE with Mr. CRAGO.

Mr. ALLEN with Mr. BARTHOLDT.

Mr. ANDERSON of Ohio with Mr. BATES.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. GOEKE with Mr. DE FOREST.

Mr. JAMES with Mr. CALDER.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. SCULLY with Mr. BROWNING.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHERLEY with Mr. MALBY.

Mr. GRAHAM with Mr. SLEMP.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. STEDMAN with Mr. HANNA.

Mr. BORLAND with Mr. OLMSTED.

From May 25 to May 31:

Mr. MORRISON with Mr. MADDEN.

May 29 to May 31:

Mr. SAUNDERS with Mr. CATLIN.

May 20, for two weeks:

Mr. ROUSE with Mr. FULLER.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

May 15, for two weeks:

Mr. CANTRILL with Mr. LOUD.

Mr. BROWNING. Mr. Speaker, I want to change my vote. I voted "yea." I want to be marked "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BROWNING, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. General debate is limited to 1 hour and 30 minutes. A quorum is present, and further proceedings are suspended under the call. The Doorkeeper will unlock the doors. Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, and the Chair will ask the gentleman from Colorado [Mr. MARTIN] to take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910. By order of the House, general debate is limited to one hour and a half.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that this one hour and a half be divided equally between those who may be opposed to the bill and those who favor it, and that I may control one half of the time and some one who may be opposed to it may control the other half.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the time be controlled, one half by himself and the other half by some one opposed to the bill.

Mr. CANNON. Is this general debate?

Mr. FOSTER. General debate.

Mr. CANNON. The gentleman from Illinois [Mr. FOSTER] is entitled to an hour.

Mr. FOSTER. I will say to my colleague that I do not desire to use any time myself.

Mr. MILLER. Mr. Chairman, reserving the right to object, I would like to inquire of the gentleman from Illinois [Mr. FOSTER] whether he anticipates there are enough gentlemen on the floor opposed to this bill to occupy one-half of the time? My impression is that there are very few who are opposed to the bill, and therefore a division of time between those who are in favor of the bill and those who are opposed to it would not be fair.

Mr. BARTLETT. How much does the gentleman estimate this bill will cost the Government in addition to what the Bureau of Mines costs now?

Mr. FOSTER. I do not think it would cost much, but I will say to the gentleman that that matter is entirely under the control of Congress.

Mr. BARTLETT. I know; but the gentleman proposes to establish certain offices and require certain things to be done. If the bill becomes a law, the duty will devolve upon Congress to make appropriations.

Mr. FOSTER. The bill especially provides "as Congress may from time to time appropriate."

Mr. BARTLETT. Of course Congress could appropriate or it could abolish the offices on the ground that it would retrench expenditures under the Holman rule.

Mr. FOSTER. If Congress should decide in one Congress to take up certain problems and appropriate for those particular problems in that year, the other problems would be taken up at a subsequent time.

Mr. BARTLETT. Unless the Holman rule should be invoked in the next Congress or the Congress succeeding. If you appropriate for an office and do not create a salary, the officer might have a suit against the Government for recovery.

Mr. FOSTER. I suggest to the gentleman from Georgia that while the present Committee on Appropriations is in power I do not think there will be any trouble about that.

Mr. BARTLETT. But there may be a change in the party, but I hope not.

Mr. FOSTER. I think the gentleman will watch this in the next Congress.

Mr. MILLER. I would like to ask the gentleman from Illinois one further question. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MILLER. Has the gentleman in mind any gentleman on the floor of the House who cares to act in opposition to the bill and cares to have the disposal of 45 minutes?

Mr. FOSTER. No. I will say to the gentleman from Minnesota that I do not desire to use any time myself at all.

Mr. MILLER. I understand that.

Mr. FOSTER. But I wanted to arrange that Members who did desire to have time could have it.

Mr. MILLER. I suggest that the gentleman from Illinois [Mr. FOSTER] be allowed to control all of the time.

Mr. FOSTER. I would not ask for that.

Mr. MILLER. I know the gentleman's modesty would forbid.

Mr. CANNON. The gentleman is entitled to an hour, and then whoever might be recognized would be entitled to the remainder of the time. Then the bill is to be considered under the five-minute rule. It seems to me the gentleman had better take his hour.

Mr. FOSTER. I simply want to be perfectly fair.

Mr. CANNON. That is fair.

Mr. FOSTER. Then, Mr. Chairman, I ask to be recognized in my own right.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. FOSTER. I yield 15 minutes to the gentleman from Pennsylvania [Mr. PALMER].

Mr. PALMER. Mr. Chairman, we are all of us apt to be most interested in the working of those agencies of Government which come in the closest touch with our own people.

Two years ago or thereabouts when the bill to organize the Bureau of Mines was offered in the House I gave it my cordial support, and I doubtless would have done so if there had been no miners and no mines in my own district, because I recognized the great value which this bureau could be to the mining industries of the entire country and to the people at large. We all at that time assumed, however, that the principal activity of this bureau would be with respect to the coal mines of the country, and on account of the local interest in that business in my own district I gave it my support even more gladly than I otherwise would have done.

I come from the anthracite coal district of Pennsylvania. In one of the counties in my district—Carbon County—anthracite coal was first mined in this country and used for commercial purposes nearly 100 years ago. From that time down to the present the people of that county have been engaged in large numbers, and with an immense amount of capital, in the business of mining and selling anthracite coal.

At the time this bureau was originally created I indulged the hope that the interpretation of the language giving powers to the bureau would be broad enough to cover the activities of certain other mining industries in my State and district, and

I myself believed that the language of the law was sufficient for that purpose. I want to say that so far as my observation has gone, and so far as I have learned from the people interested in coal mining especially, the work of this bureau, under the efficient and able management of its chief, Dr. Holmes, has fully justified its creation. And although the time of its operation has been comparatively short, the work which it has done has fully come up to the expectations of those who devised the plan that resulted in the creation of this bureau.

But, Mr. Chairman, there are, as I intimated, other mining industries besides the coal-mining industry which are in need of the kind of service that this bureau has been giving in the coal-mining regions, and the present bill, as I understand it, is intended, in the creation of a new organic act for this bureau, to widen its jurisdiction and enlarge the scope of its work in order to include metal mining and quarrying. It is in relation to the quarrying business that I particularly desire to address myself to-day, and it is because of this addition to the jurisdiction of the bureau, permitting it to cover the operations in stone, cement, and slate quarrying, that I believe the bureau, with these enlarged powers, will be even more eminently useful to the people of the country than it has been since it was first organized.

After the bureau began its operations it was learned that it was paying no attention to conditions in the quarrying business, and I introduced a bill (H. R. 15784) to amend the organic act of the Bureau of Mines in section 2, so that it should be the—

province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining and quarrying in slate, cement rock, granite, and other quarries.

And so forth. That bill went to the Committee on Mines and Mining, which gave it careful and close consideration. The committee granted a hearing to the interests affected by it and to those men who desired that the operations of the bureau should be extended in this manner. While I had hoped that the language of the new organic act, as reported in the Foster bill, would be a little more definite with regard to the operations of the bureau with respect to cement rock, slate, and granite quarries, I am satisfied, and I believe the persons interested in those business operations are satisfied, that under the new language contained in this bill their interests will be safeguarded.

I submitted that bill to the chief of the bureau, who replied that in his judgment such an amendment to the organic act would be eminently proper and wise, and concluded a letter to me by the statement:

I quite agree with you that such work should not only be authorized in the organic act of the Bureau of Mines, but that it is important that such work should be done.

Members should not minimize the importance of this addition to the jurisdiction of this bureau. It is of itself a sufficient argument to pass this bill. In my own district in Pennsylvania, Mr. Chairman, 85 per cent of the slate mined, manufactured, and produced in the United States is taken out of the earth. It comes from enormous quarries, holes in the ground, which are sometimes 500 feet deep and often deeper, and have reached as high as 1,000 feet in diameter at the opening. The refuse from these quarries is piled in immense heaps on the quarries' edge, so that frequently there is a distance from the top of the refuse pile to the bottom of the quarry of 1,000 feet. Men are compelled to work in these quarries hanging almost literally on the side of a perpendicular rock declivity; they are transported from the bottom to the top in baskets, and across the quarry in baskets or buckets, and it is an extremely dangerous occupation.

The same condition exists in the granite quarries in Vermont and in other parts of the country, although I am not prepared to say that the holes in the ground are as large as in the slate belt of Pennsylvania.

Mr. CANNON. Will the gentleman yield?

Mr. PALMER. I will.

Mr. CANNON. The slate quarries that the gentleman speaks of are in the State of Pennsylvania?

Mr. PALMER. The slate quarries to which I have just referred are in the State of Pennsylvania.

Mr. CANNON. And the granite quarries are in Vermont?

Mr. PALMER. The largest granite quarries are in Vermont, and there are many granite quarries in other States of the Union, as the gentleman knows.

Mr. CANNON. Has the State of Pennsylvania paid any attention to this industry under its police powers?

Mr. PALMER. The State of Pennsylvania has passed very adequate laws relating to the inspection of anthracite and bituminous coal mines, but they have not passed any such legislation requiring inspection in quarries.

Mr. CANNON. Has any effort been made to have them?

Mr. PALMER. Yes; an effort has been made to have Pennsylvania pass a comprehensive system of inspection laws for these quarries along much the same lines as the inspection of the anthracite and bituminous coal fields. I myself drafted a quarry-inspection bill, which I have twice presented to the Pennsylvania Legislature and which I have argued before their committees time and time again, but for some reason, generally suspected to be the close affiliation between certain of the operators of these quarries and the organization which has been all-powerful in that legislature, it has so far been impossible for the people of Pennsylvania to get this service for their own State.

Mr. CANNON. I will ask the gentleman further: If the only power under the police powers does not reside in Pennsylvania to go with "thus saith the State of Pennsylvania," and is there any power in the Congress of the United States as to these slate quarries to go with "thus saith the United States do so and so"?

Mr. PALMER. I think we passed that question when we passed the original act creating this bureau. If it is lawful, if it is proper, if there is power in this Congress to do these things with relation to other mining enterprises which the Bureau of Mines has been engaged in since its creation, certainly there is no reason why the activities should not be extended to the slate and rock quarries. Every quarry and every mine is in one State or another; is within the jurisdiction of some one State and subject to its laws. As far as coal mining is concerned, the States may have exercised their right to inspect the conditions under which men are compelled to work, and the fact that they have not done so with respect to granite, slate, and cement quarries is no reason why, after we have given the assistance of the Government to men engaged in the mining of coal, we should not extend it to those in the dangerous occupation of mining rock and cement.

Mr. CANNON. If the gentleman will allow me, Alaska belongs to the United States, and we are responsible for the Philippines. There is no doubt about the Bureau of Mines, where we can go with "thus saith the United States," where we can make all manner of investigation, and go with authority. Now, so far as the slate quarries of Pennsylvania are concerned, Uncle Sam must pull off his hat and say to Pennsylvania, "Will you be kind enough to come in and make an investigation and employ my force?" I merely want to say if the gentleman and his State had been as vigilant touching the slate quarries as they have touching the mining of coal, would there have been any necessity for this legislation touching slate?

Mr. PALMER. Oh, yes; I think there would, because the work of the Bureau of Mines is totally and entirely different from the work of the mine-inspection bureaus in the various States. I will not go into detail about what the Pennsylvania law is with respect to inspection, but, in a word, it divides the State into districts, appoints State officers, who see that the laws which have been passed by the State for the safety and health of miners are observed.

It would be a good thing, undoubtedly, if the State had done the same thing with respect to these quarries. But this Bureau of Mines does not propose to inspect the quarries, does not propose to endeavor to enforce any laws relating to the safety of quarrymen, but it proposes, as I read the organic act of the bureau, to make investigations of conditions under which men must work, and from a scientific standpoint, after examination by experts, to issue bulletins giving the country the benefit of that examination in order that the owners and operators of slate and cement and rock quarries may, if their judgment approves—and there is no way to enforce it—adopt improved methods and adopt such means of insuring the safety of the miners as may be recommended.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman shall proceed for such time as he may desire.

Mr. PALMER. I do not want to take that privilege. I do not want more than 10 minutes.

Mr. CANNON. I ask unanimous consent that the gentleman proceed for 10 minutes.

The CHAIRMAN. The time for debate was limited in the House to 1 hour and 30 minutes.

Mr. PALMER. The gentleman from Illinois took the floor and was entitled to an hour and he yielded me 15 minutes.

Mr. CANNON. I ask unanimous consent that the gentleman have 15 minutes, not to be taken out of the time.

Mr. BARTLETT. But the House has already ordered, on a roll call, a limit of one hour and a half debate.

The CHAIRMAN. The Chair understands the gentleman from Illinois took the floor in his own right for an hour and yielded 15 minutes to the gentleman from Pennsylvania; and he can yield as much more time as he wishes.

Mr. CANNON. I understand that the gentleman from Illinois [Mr. FOSTER] was recognized for an hour and yielded 15 minutes of that time to the gentleman from Pennsylvania [Mr. PALMER]. That leaves him 45 minutes. If the gentleman from Illinois [Mr. FOSTER] would yield the floor, reserving his 45 minutes, then it would be in order for the gentleman from Pennsylvania [Mr. PALMER] or myself to ask that the gentleman's time be extended for 15 minutes. That would take 15 minutes of the remaining time.

Mr. BARTLETT. Mr. Chairman, I have no objection to that or to the gentleman having time. In fact, I have no objection to any arrangement, except that the House, having by vote on a roll call limited the amount of debate to an hour and a half, we can not, in Committee of the Whole, change that.

Mr. CANNON. Precisely. We can not do that, but the 15 minutes would come out of the hour and a half.

Mr. FOSTER. Mr. Chairman, I yield 10 minutes more to the gentleman from Pennsylvania [Mr. PALMER].

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. PALMER. Which, I hope, begins now.

Mr. CANNON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. PALMER. Mr. Chairman, I have no objection to interruptions. The subject which I am discussing is not a large one, and I hope it will not take very much time. I have referred to the slate quarries in the slate belt of Pennsylvania, because I have personal knowledge and information about conditions there. I know, as every man who is familiar with the slate belt knows, that two-thirds of the enormous number of accidents resulting in loss of life and injury to limb in those quarries could be prevented if the foremen and superintendents of the plants had been instructed by some expert who had studied conditions in all the quarries everywhere. In some quarries these accidents almost never happen and in others they are very common, which of itself is evidence that in many cases it is ignorance or carelessness which causes the accidents.

The constant temptation in slate quarries is to save the excavation of waste. Slate is apt to be beneath the soil, and the top is taken off in order to get to it. Unless all of that top is removed and removed far enough away so that there will be no danger of a slide, then every man who goes into such a quarry takes his life into his hands.

I have taken the trouble to investigate through the coroner's office of one county in Pennsylvania—Northampton—the number of deaths which have occurred in these quarries in the past 10 years. They are only the deaths on which the coroner sat. Manifestly there have been a large number of others resulting from injuries some time after the injury was inflicted. The record is by no means complete, and yet I have from that single county a list of 232 names of men who have thus lost their lives in accidents of that character in those quarries.

Mr. MILLER. Over how long a period of time?

Mr. PALMER. Ten years in one county.

Mr. MILLER. How many men are employed in that county in that kind of work?

Mr. PALMER. It is difficult to say how many men are employed in that county, but I would say the number does not exceed 4,000 at the outside. In addition to this list there is an enormous list of injuries to these people. They are a high class of workmen—not cheap foreign labor—principally Welshmen coming from the quarries of Wales to go into the slate business of Pennsylvania.

Mr. MILLER. Can the gentleman give us any comparison between the mortality statistics in that quarrying industry and coal mining?

Mr. PALMER. Not of my own authority, but an officer of the International Union of Slate Workers, which I think is the name of their organization, has made the statement over his signature that after investigation the proportion of injuries and casualties in the slate business is found to be larger than in the coal-mining business in Pennsylvania.

Mr. MILLER. I thought likely it was, and that is the reason I made the inquiry.

Mr. TILSON. Mr. Chairman, may I interrupt the gentleman to ask him a question for information?

Mr. PALMER. Certainly.

Mr. TILSON. Is the slate industry confined to excavation from above, or are there shafts and runs underground the same as in coal mining?

Mr. PALMER. No; they are all quarries; but they may be in a mountain side, where the entire side of a mountain is taken out and the men are compelled to work 500 feet above the level of the ground, or there may be enormous holes in the ground where men will be compelled to work 500 feet below the surface of the ground.

Mr. TILSON. The principal danger is from slides?

Mr. PALMER. Yes. Of course there is also the danger of premature explosions from blasting operations. There is a danger from overloaded baskets or buckets carrying the slate to the surface. These accidents happen in half a dozen or more different ways. I have a list, prepared by the men themselves, in which they name two-thirds of the accidents as easily preventable if proper precautions had been taken. I do not say that the operators have been careless or negligent. They have fierce competition and they are bound to operate so that they can make the most money, but they have not in some cases taken the pains and time and trouble to investigate the methods by which these serious accidents could be avoided. Methods are adopted in some quarries which could be duplicated everywhere, and which would be, without increasing the expense or operation of the quarries, if a bureau like this so advised it in a report.

Everything that I have said with relation to slate quarries applies with equal force to the cement-rock quarries of the country. They are not confined to Pennsylvania, and are all over the country. I do not know exactly how the cement rock is taken out of the ground in other parts, for I have never visited those quarries or mines, but in Pennsylvania I do. In my district there is the largest cement mill in the world, a plant large enough to take a single order for 5,000,000 barrels, and it is now completing that order by sending cement to the Panama Canal for the United States Government. The cement rock is taken out of the mountain side. Enormous quarries are chiseled into the sides of the mountains in the south and west sides of the Blue Ridge Mountains of Pennsylvania. I have stood at the bottom of those quarries and looked at men clinging, like flies to a window pane, on the side of a rocky declivity which marks the boundaries of those quarries, so high up that their features could not be distinguished. They looked one-third their size.

The danger there is just as great as in the slate quarries, and the extraordinary development of the cement business growing out of the large increase of the use of concrete everywhere has opened up so many of these giant quarries, has made competition in the business so considerable, has encouraged men engaged in the business to operate so rapidly, that I am convinced that, as in the slate quarries, a suggestion from experts having the confidence of the people, such as the Bureau of Mines would have, would result in an enormous saving of life and limb of the men who are compelled to work in those quarries.

Now, Mr. Chairman, there are many other features of this reorganization of the bureau, if I might call it such, that appeal to me. There are many other reasons why this act should be passed, but in my judgment, as I said a moment ago, there need be no other reason advanced than that under the new organic act the Bureau of Mines would be permitted to make investigations of those conditions to which I have referred, in the confident belief on the part of those most interested that such investigations would result in great benefit to the men engaged in those enterprises. I cordially approve all that this bureau has done in the interest of the coal miner. I know that it has been of tremendous value to the coal mines of the country, and especially to the men engaged in that work. I want to say that those men who go down hundreds of feet into the bowels of the earth to take out the slate, or climb the mountain sides for hundreds of feet to blast out the cement rock, are entitled to just as much consideration at the hands of the Government as are those men who go down beneath the soil and, with lamps on their hats, dig out the anthracite and bituminous coals which feed the insatiable maw of industry everywhere. If there is reason for the protection of the one, there is reason for the protection of the other. If there is value in the work of this bureau for the coal miner, there is value in it for the quarryman, and I shall be glad, for the sake of those men who have long struggled to secure legislation in their own State by which their safety would be improved, if they will finally secure some relief out of this legislation which is before the House to-day. [Loud applause.]

Mr. FOSTER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, when this House passed the original act providing for a Bureau of Mines there was a great deal of hostility to the legislation. It was claimed at that time that it was unnecessary and inexpedient, because other branches of the Government service could adequately carry on the same kind of work. There was necessarily at that time a prognostication in a somewhat speculative manner as to the probable work of the Bureau of Mines and its probable value and effect upon the important industry of mining in this country. After an experience of two years we are now able to tell

what this Bureau of Mines can do and should do, and therefore we are able to state the exact terms of the organic act that creates it. Also I think we are now agreed that instead of the hostility that originally was to be found with respect to the establishment of the bureau we have an atmosphere entirely friendly, but inclined to keep proper restrictions upon the activities of this as in the case of any other bureau. I remember it was particularly stated two years ago that the reason for the establishment of the Bureau of Mines was to promote the safety of the men engaged in mining, and particularly coal mining. We had served up to us with a good deal of dramatic strength the horrors of coal mining, how many accidents had occurred that resulted in the death even of hundreds in single cases. The House no doubt had in mind largely in the framing of the phraseology of the bill at that time that the activities of the bureau should be largely exercised in investigation of conditions concerning the coal-mining industry, and as a result the Bureau of Mines has largely confined its activities to health conditions, safety appliances, and protective measures in this class of work. I recall a short time ago when the gentleman from Pennsylvania, who has just delighted the House with a splendid speech, occupied the floor with respect to a tariff bill, of which he was the author. During the course of his remarks, which were both eloquent and instructive, I remember he said that iron was king and that the palace of the king was the State of Pennsylvania. I took no exception to the remark at that time and do not now, but at this moment I would add a little to that and say that if it were not for the iron-ore mines in the State of Minnesota that king's palace would be but a whited sepulcher for dead men's bones. The time will not be far away when the grand State of Pennsylvania, that I admire as all do, will depend for its prosperity upon the great mines of regions far to the west. She must turn to these western areas that the wheels of industries within her borders may turn and that prosperity may be promoted among her people. In the county in which I live is mined one-half of all the iron ore mined in the United States, so I am more interested in that side of the question than in quarrying or in coal mines. I may confess that two years ago I was somewhat impressed with the great number of accidents of a horrible nature that were held up to view, accidents that were largely confined to the coal-mining industry; but after some investigation I find that the number of men each year who fall in the industrial army by fatal accidents in iron mines of the country is a greater total in proportion to the men engaged than those who fall in the same way in the coal-mining industry.

In other words, fatal accidents in iron mines to-day are more numerous in proportion to the men engaged in the work than in the coal-mining industry. As a result, therefore, it is certainly proper that this Bureau of Mines should have full and enlarged power and be given instructions, I will say, Mr. Chairman, to undertake in reference to iron mines all of the activities they have hitherto displayed in respect to coal mines. I agree to all that the gentleman has said in respect to quarrying both limestone or cement stone and slate in the country. I think I could make a similar argument in respect to nearly every mining industry within the borders of the United States. To-day many of the western States are largely given to copper mining, an extremely hazardous occupation, because the men are nearly all deep down in the bowels of the earth, and while fire damp and some of the gases attendant upon coal mining are not prevalent, there are other many and important dangers. So, Mr. Chairman, I think it is highly proper that at this time, at the expiration of two years of activity, we should give to the Bureau of Mines the enlarged powers and full authority to carry on the work for which they have already demonstrated complete competence. Again, I do not know of any work more important from an industrial and purely financial standpoint. We are actuated largely, of course, in the consideration of a measure of this kind by humanitarian considerations, and it is proper. We think of the men who are injured, who are suffering, and of the suffering of those who are dependent upon them. But the community has an interest in the matter beyond that of sympathy. Whenever a man falls a victim to an accident in a mine, leaving a family, the community must bear the expense of the support of that family, and if we multiply these by the hundreds, as we must, the consideration is an important one.

The gentleman from Pennsylvania [Mr. PALMER] has called attention to the fact that two hundred and forty-some men had met their death in the quarrying business in one county of Pennsylvania during the past 10 years. I want to say to him that almost that number annually falls in two counties in Minnesota. If we are to take into consideration the large number who are injured in such a way as to prevent their ever again engaging in gainful occupations or manual labor, we would have the number multiplied several times. By reason of the lax methods that have in many instances been employed in the mining industry we have been gradually collecting in every mining community a large number of people who belong to the dependent class who have become public charges, and by reason of that consideration the public at large is interested in every kind of preventive measure that can be found.

And yet there is a field for this Bureau of Mines independent of this, and it is well worth mentioning while the subject is up for consideration. I have had an opportunity to get a little insight into some of the activities of the Mining Bureau. To illustrate, we have had recently an investigation by an important committee of this House to see what ought to be done with one of the great corporations of the United States, namely, the United States Steel Corporation; an investigation not yet completed. I believe it was thought at one time that the Steel Corporation probably controlled a majority of the steel-manufacturing industries of the country and controlled more than half of all the iron ore deposits. Quite likely they do control a majority of the steel-manufacturing plants and over one-half the iron ore now merchantable, but it is only a small part of that which can be made merchantable. There is a region along the northern shore of Lake Superior in my own State that contains iron ore of a peculiar kind. It is mixed with titanium and is called titaniferous ore. The number of tons of that ore that lie there exposed to the naked eye runs up into the thousands of millions. I repeat it—thousands of millions—and nobody wants it, because it is not merchantable, because it can not to-day be reduced in furnaces. It has been the dream of metallurgists and the dream of mining experts that some man would find a method of reducing this class of ore. The Bureau of Mines has taken into consideration this problem, having secured the activities of one of the best mining engineers of the country, and I think I am not exceeding the limits of propriety when I say that he has almost solved the problem. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FOWLER] five minutes.

Mr. CANNON. I again ask the gentleman to reserve his time and yield the floor just for the present and let the gentleman from Minnesota [Mr. MILLER] be recognized further, so that he can utilize part of the half hour.

Mr. FOSTER. I will say that I think he has probably used all the time he desires.

Mr. MILLER. I could use five more minutes if the gentleman could give them.

Mr. FOSTER. I regret I can not do so. For the present I yield five minutes to my colleague from Illinois [Mr. FOWLER].

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] is recognized.

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. CANNON. Is the gentleman from Illinois [Mr. FOSTER] going to yield any more time to his colleague?

Mr. FOSTER. No; I have not any more time.

Mr. CANNON. Mr. Chairman, this is a very interesting question, and an old one. It ought to receive full consideration.

I have counted, and I find that out of the nearly 400 Members of the House there are just 26 here. They ought to hear this discussion, and I therefore make the point that no quorum is present. I want to compel gentlemen to come and listen during the consideration of an important bill like this.

The CHAIRMAN. The Chair counts 32 gentlemen present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Cooper	Goldfogle	Kent
Allen	Copley	Gray	Kindred
Ames	Covington	Gregg, Pa.	Kinkead, N. J.
Anderson, Minn.	Cox, Ind.	Guernsey	Konig
Anderson, Ohio	Cox, Ohio	Hamill	Kopp
Andrus	Crago	Hamilton, W. Va.	Lafferty
Anthony	Cravens	Hanna	Lamb
Ashbrook	Curley	Harrison, Miss.	Langley
Barchfeld	Currier	Harrison, N. Y.	Legare
Bartholdt	Daugherty	Hartman	Levy
Bates	Davenport	Haugen	Lindsay
Bathrick	De Forest	Hayden	Littleton
Berger	Denver	Hayes	Lloyd
Boehne	Dickson, Miss.	Heald	Longworth
Borland	Dodds	Helm	Loud
Bowman	Dupré	Higgins	McCoy
Bradley	Dwight	Hinds	McCreary
Broussard	Estopinal	Hobson	McGuire, Okla.
Brown	Fairchild	Hubbard	McHenry
Burke, S. Dak.	Fields	Hughes, N. J.	McKinley
Burleson	Flood, Va.	Hughes, W. Va.	McMorran
Campbell	Focht	Humphreys, Miss.	Madden
Cantrill	Foss	James	Maher
Carlin	Fuller	Johnson, Ky.	Malby
Catlin	Gardner, N. J.	Jones	Mann
Clark, Fla.	Gillett	Kendall	Matthews
Connell	Goeke	Kennedy	Mays

Moore, Tex.	Pujo	Slemp	Talbott, Md.
Morrison	Randell, Tex.	Small	Taylor, Ohio
Mott	Reyburn	Smith, J. M. C.	Thayer
Norris	Rouse	Smith, Samuel W.	Thistlewood
Olmsted	Rucker, Mo.	Smith, Cal.	Thomas
O'Shaunessy	Russell	Smith, N. Y.	Townsend
Padgett	Saunders	Sparkman	Tuttle
Palmer	Scully	Speer.	Utter
Pepper	Sells	Stack	Vare
Peters	Shackleford	Stanley	Vreeland
Pickett	Sharp	Stedman	Wickliffe
Plumley	Sheppard	Steenerson	Wood, N. J.
Porter	Sherley	Sulzer	Woods, Iowa
Post	Sherwood	Switzer	Young, Mich.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had found itself without a quorum, whereupon he had directed the roll to be called, whereupon 228 Members, a quorum, had answered to their names, and he reported the names of the absentees to the House.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. FOSTER. Mr. Chairman, I reserve the balance of my time.

Mr. MONDELL. Mr. Chairman, I desire to be recognized in my own right.

The CHAIRMAN. The gentleman from Wyoming is recognized in his own right.

Mr. MONDELL. I yield 10 minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman and gentlemen, we are all apparently agreed that the establishment of the Bureau of Mines was a splendid piece of constructive legislation. Apparently the Members here all agree that during its existence it has done splendid work. I have heard on the floor of this House no criticism offered concerning the management of the bureau or the efficiency and proficiency of the men in charge of same. All agree that Prof. Holmes, the director of the bureau, and those associated with him are peculiarly fitted for the great work which has been intrusted to their care. Apparently it is the sole purpose of the Members of this House to amend the law as it now exists in such a way as will give this bureau more power and more authority and widen and broaden the sphere of its usefulness. The bill now under discussion by this House was prepared and brought forward by the Committee on Mines and Mining, of which Congressman FOSTER is the chairman. I have not a doubt but that this committee has given this subject careful consideration. I have no doubt but that it is the intention and purpose of the Committee on Mines and Mining to so amend the law as will give the Bureau of Mines more, and not less, power and authority. But, with all due respect to the able gentlemen who compose this committee, I submit that the framers of the Foster bill, which we are now considering, will be disappointed in the power and authority given the Bureau of Mines if the Foster bill should become a low without amendment.

Section 2 of the law as it now is and section 2 of the Foster bill are the ones which give life, authority, and vitality to the Bureau of Mines. These are the sections which regulate its scope of operation. These are the ones which give it the power to investigate. These are the ones which enable it to accomplish the work for which the Bureau of Mines was created.

Section 2 of the present law reads as follows:

SEC. 2. That it shall be the province and duty of said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to said industries, and from time to time make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

That is the law as it now exists. Section 2 of the Foster bill provides:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to investigate explosives and fuels and unfinished mineral products belonging to or for the use of the United States, with a view to their most efficient use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

With these provisions before us we are in a situation to judge whether or not the Foster bill unamended will come up to the expectation and meet the requirements for which the Bureau of Mines was originally established.

It will be remembered that some years ago there followed in this country one terrific and appalling mine accident after another in which hundreds and thousands of the lives of our brothers working beneath the soil were snuffed out. They were so frequent and so terrible that the public mind and conscience were so aroused as to their cause and cure that more stringent laws were demanded looking to the proper care, safety, and protection of the miners. Upon investigation it was discovered that in many, if not all, of the States in the Union the laws on the statute books and the power of the State authorities were inadequate to afford the proper amount of protection. It was believed that the National Government alone could deal adequately with this great subject—one involving the safety and protection of the great army of miners scattered throughout the length and the breadth of this country. It was under these conditions and by reason of this necessity that the Bureau of Mines of the United States Government was established. Section 2 of the law creating the Bureau of Mines says that it shall be the duty of the Bureau of Mines and its director—

to make diligent investigation of the methods of mining, especially in relation to the safety of mines and the appliances best adapted to prevent accidents, the proper improvement of conditions under which the operations are carried on, * * * the prevention of accidents, etc.

These constitute the principal work for which the Bureau of Mines was originally established and intended. These provisions have been left out of the Foster bill. It has been contended by its advocates that its language is sufficiently broad and comprehensive to cover and provide authority for all the things embodied in the old law; but, as a friend to the miners, as one interested in their welfare, I object to leaving anything to chance.

I do not want their rights and interests under the law to be left to interpretation, implication, or construction. Their rights should be specifically provided for. The old law in this respect ought to be reenacted in the Foster bill, together with some amendments to the old law. At the proper time I shall offer amendments to this bill reembodying this part of the old law in the Foster bill, together with an amendment or two to the old law as it now exists. The Bureau of Mines should be given power and authority to investigate the cause and prevention of mine fires. This is left out of the present law. It should be given power and authority to inaugurate rescue and first-aid work. This is left out of the law as it now exists. All this is left out of the Foster bill. It is true that section 3 of the Foster bill provides that it shall be the duty of the Bureau of Mines to—

prepare, publish, and distribute, subject to the direction of the Secretary of the Interior * * * reports of inquiries and and investigations * * * concerning the nature, cause, and prevention of accidents—

also concerning the safety, methods, and appliances; also concerning rescue and first-aid work; also concerning causes and prevention of mine fires. But I submit that under section 2 of the Foster bill the Bureau of Mines will have neither the power nor the authority to make any investigations concerning these subjects; and having no power and authority to make investigations concerning them, it will have no power or authority to make reports about them. These are the things concerning which the miners of this great country are vitally concerned. The power of the Bureau of Mines to make investigations and inquiries concerning these vital subjects is the one in which the miners of this country are most concerned. It was to make inquiries and investigations concerning these subjects and afford relief to the miners that the Bureau of Mines was originally established.

I trust that before this bill is passed these vital provisions will be embodied in it, to the end that those things which are most dear to the hearts of the miners and most essential to their safety and lives will not be left to interpretation or construction. These provisions ought to be made so clear and so explicit that there could be no chance for misinterpretation or misconstruction, no opportunity to deprive the miners of the things for which the Bureau of Mines was established.

This Bureau of Mines has done a splendid service, and I want to see this Foster bill so amended as to put in it the things to which I have called your attention. In that event there will be no question as to the jurisdiction of the Bureau of Mines over these vital subjects.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. POWERS. I will.

Mr. TAYLOR of Colorado. Does not the gentleman think that the language of the Foster bill, authorizing the Bureau of Mines and its employees to look after the health and safety of persons employed in mining and quarrying, is broad enough to cover what the gentleman refers to?

Mr. POWERS. I do not. On the contrary, under section 8 of your bill you provide that it shall be the duty of the Bureau of Mines to make reports concerning the nature, the causes, and prevention of mine accidents, and so forth. But I

submit that under section 2 of your bill you strip the Bureau of Mines of the power to make these investigations, and you require a report on matters concerning which it has no power to investigate.

Mr. TAYLOR of Colorado. Has the gentleman carefully studied the report of the department on it?

Mr. POWERS. I have studied the bill and the reports on it, with what intellectual powers I have.

Mr. TAYLOR of Colorado. I will say as one of the members of the committee that this bill was considered with Dr. Holmes, of the Bureau of Mines, with the Department of the Interior, and we had a number of hearings on it. We all of us intended to do the very thing the gentleman feels ought to be included, and after various drafts of the bill not only Dr. Holmes and the other officials, but the mining people themselves in the coal and the metalliferous mines, decided that the language was broad enough. So we felt that if we made it broader than we have we might be open to just criticism and thereby probably defeat the bill. We could not open up the field so broad as to take the whole Treasury of the United States, and we had to put some restrictions on it. We feel that this language is sufficient to cover all that the gentleman desires to include.

Mr. POWERS. Mr. Chairman, I have not a doubt but that the committee framing this bill had the very best intentions regarding the good of the Bureau of Mines and the splendid work it is accomplishing. I have no doubt but that Dr. Holmes and others are intensely and vitally concerned with regard to this matter; but I submit that under the language of the bill as now framed it will not cover the ground that the framers of this bill think it will cover. I do not believe in leaving anything to chance. This bureau has done a great work. There are a number of mine-rescue stations scattered throughout the United States. These rescue stations are headquarters for a group of Government employees engaged in rescue and instruction work. They have with them at these stations at least one car equipped with all the modern devices and appliances for the purpose of doing mine-rescue work. They go from place to place throughout the country instructing the mine operators and miners how to prevent mine accidents and the best methods of rescuing entombed miners. I applied to this Bureau of Mines for a mining-rescue car with a corps of trained and skilled employees to go to the district I have the honor to represent and give what instructions in their power to give to those engaged in the coal-mining industry. I am glad to say that the Director of the Bureau of Mines complied with my request and sent to the eleventh district of Kentucky a mining-rescue car well equipped and in charge of trained operators. This was the first time that such a mining-rescue car ever entered the eleventh congressional district. They went from mine to mine, and were received with glad hands by both the operators and the miners. Much interest was taken in this work, much instruction given, much good accomplished. I have the promise of the director of the bureau that he will each year send to the eleventh district this mining-rescue car for such time as he will be able to spare to it. Those in charge of the rescue car are required each day to telegraph their exact whereabouts to the Bureau of Mines, so that in case of a mine disaster anywhere the Bureau of Mines will know just where all of its mining-rescue cars are and just how long it will take them to be rushed to the scene of the disaster. From time to time I get a letter from some mine operator or from some miner making a request that the Government send to his locality this mining-rescue car for the purpose of giving instructions in the best methods of preventing mine accidents and what to do in case of them. I file those letters carefully away, and when the mining car reaches the district I see to it that those making the request are supplied with the best instructions in the power of the Government to give.

This Bureau of Mines is accomplishing great good, as I have before stated. Its power of usefulness should not be hampered by the lack of specific legislation defining what it can and what it can not do; and I hope that the amendment which I shall later offer will be incorporated into and made a part of this bill and thereby a part of the law.

Mr. MONDELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, at this time I desire to read some extracts from a speech delivered by Abraham Lincoln before the Young Men's Lyceum of Springfield, Ill., on January 27, 1837.

It seems to have been a prophetic utterance and it deserves to be reproduced at this time for the guidance of the American people. So much has been recently quoted from Abraham Lincoln to justify all sorts of vagaries in governmental affairs that this may appeal to the sober senses of the people and make them, before it is too late, awaken to some of the dangers which confront our Government.

Mr. Lincoln said:

"All the armies of Europe, Asia, and Africa combined * * * could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point, then, is the approach of danger to be expected? I answer, If it ever reaches us it must spring up amongst us; it can not come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen we must live through all time or die by suicide.

"I hope I am overwary; but if I am not, there is even now something of ill omen amongst us. I mean the increasing disregard for law which pervades the country—the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of courts and the worse than savage mobs for the executive ministers of justice. * * *

"I know the American people are much attached to their Government; I know they would suffer much for its sake; I know they would endure evils long and patiently before they would ever think of exchanging it for another; yet, notwithstanding all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property are held by no better tenure than the caprice of a mob, the alienation of their affections from the Government is the natural consequence; and to that, sooner or later, it must come. * * *

"When I so pressingly urge a strict observance of all the laws let me not be understood as saying there are no bad laws or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing. But I do mean to say that although bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example, they should be religiously observed. * * * There is no grievance that is a fit object of redress by mob law. * * *

"But it may be asked, 'Why suppose danger to our political institutions?' * * * We hope there is no sufficient reason. We hope that all danger may be overcome; but to conclude that no danger may ever arise would itself be extremely dangerous. There are now, and will hereafter be, many causes, dangerous in their tendency, which have not existed heretofore, and which are not too insignificant to merit attention. That our Government should be maintained in its original form, from its establishment until now, is not much to be wondered at. It had many props to support it through that period, which are now decayed and crumbled away. * * * Then all that sought celebrity and fame and distinction expected to find them in the success of that experiment. Their all was staked upon it; their destiny was inseparably linked with it. * * * If they succeeded, they were immortalized; their names were to be transferred to counties and cities and rivers and mountains, and to be revered and sung, toasted through all time. If they failed, they were to be called knaves, and fools, and fanatics of a fleeting hour; then to sink and be forgotten. They succeeded. The experiment is successful, and thousands have won their deathless names in making it so. But the game is caught. * * * This field of glory is harvested, and the crop is already appropriated. But new reapers will arise, and they, too, will seek a field. It is to deny what the history of the world tells us is true to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do, they will naturally seek the gratification of their ruling passion as others have done before them. The question then is, Can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it can not. Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; but such belong not to the family of the lion or the tribe of the eagle. What, think you these places would satisfy an Alexander, a Cæsar, or a Napoleon? Never. Towering genius despises a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and if possible it will have it, whether at the expense of emancipating slaves or enslaving freemen. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such a one does, it will require the people to be united with each other, attached to the government and laws, and generally intelligent, to frustrate his designs. Distinction will be his paramount object, and although he would as willingly, perhaps more so,

acquire it by doing good as harm, yet that opportunity being passed and nothing left to be done in the way of building up, he would set boldly to the task of pulling down."

How prophetic those words were can easily be illustrated by something which happened a few years ago. Plans were initiated for the remodeling of the White House, known officially as the Executive Mansion. Conferences were had between the then Executive, former President Roosevelt, and the Congress as to the extent to which the remodeling should go. As a result of certain conferences a memorandum was prepared by the architect selected for the purpose of making the changes in the White House, and the memorandum covered not only the plans for the reconstruction, but a provision for the so-called executive offices, which at that time were built. Under the head of "Temporary Executive Offices," the memorandum transmitted from the White House to the Capitol for the information of Members of Congress has a statement, and the entire page is herewith reproduced in facsimile:

PAGE _____

Memorandum in regard to the White House.

The White House was planned and constructed as a residence. The office features of the house are maintained at the expense of space which should be at the disposal of the President's family; and at the same time the public business is done in the present cramped quarters with serious inconvenience, and under unhealthful conditions for the secretaries and clerks.

TEMPORARY EXECUTIVE OFFICES.

The problem of the location of a permanent building for the offices of the President involves many considerations as to the amount of accommodation needed and the scope and variety of the functions to be carried on in such a building. Provision for temporary quarters for the Executive offices is comparatively a simple matter. A building of brick, one story high, and containing from 50 to 75 per cent more room than the offices now occupy, can be constructed in the grounds of the White House, opposite the entrance to the Navy Department. The building would take the place now occupied by a brick wall, which screens a number of hot-houses and forcing beds for plants.---functions which may well be provided for elsewhere, in connection with the propagating gardens.

(To be permanent during my lifetime! T.R.)

The temporary building would include:

1. A Cabinet room.
2. President's office and retiring room.

The problem of the erection of a permanent building for the offices of the President involves many considerations as to the amount of accommodation needed, the scope and variety of the functions to be carried on in such a building. Provision for temporary quarters for executive offices is comparatively a simple matter.

The word "temporary" was underscored by President Roosevelt, and on the margin of the memorandum, in his own handwriting, is this statement: "To be permanent during *my* lifetime. T. R." It will be noticed that the word "my" is underscored.

If anybody misunderstands the purposes of this gentleman, so accurately pictured by Abraham Lincoln in 1837, he need but refer to this document, which perhaps will become historic, to see what he had in mind just 10 years ago. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LITTLEPAGE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6964. An act authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; and

S. 6923. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

The message also announced that the Senate had passed the following resolution (S. Res. 325):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, May 30, Friday, May 31, Saturday, June 1, and Monday, June 2, 1912.

BUREAU OF MINES.

The committee resumed its session.

Mr. MONDELL. Mr. Chairman, the gentleman from Kentucky [Mr. POWERS] expressed some doubt as to whether the enactment of this legislation would bring about conditions satisfactory to those responsible for it. He suggested that the framers of the measure would be disappointed in its administration, in that the authority conferred is not as wide as it is supposed to be. I am glad that, to a certain extent, that in a certain sense, the fears of the gentleman from Kentucky are justified. I am heartily in favor of this legislation. I believe it is wise, but I should hesitate to vote for it if it proposed some things that some gentlemen supporting it suggest that it does propose. I should be inclined not to support the bill if I thought its provisions were as broad as some gentlemen have suggested they are.

We all understand that the Federal Government has in the ordinary sense no police authority or powers in the States. We can not confer upon the Federal Government any such power or authority. We ought not do it if we could, because to do it would be to relieve the people locally of those duties and responsibilities in the performance of which alone can a free government be founded and maintained. But fortunately we can not do it. The fundamental law prohibits us from doing it. The people have conferred no such powers on the Federal Government. Nor is there anything in this bill that warrants any suggestion that it proposes to attempt to extend the police power, authority and control of the Federal Government.

The gentleman from Kentucky [Mr. POWERS] is correct in saying that all of the power conferred on this bureau is conferred in section 2; that section 3 adds nothing to the jurisdiction of the bureau, but simply is declaratory on the matter of reports. What the act proposes is that the bureau shall make inquiries and investigations of mining and of the preparation, treatment, and utilization of mineral substances, and what for? For the purpose of improving health conditions and increasing the safety, efficiency, economic development of mines, and the prevention of waste in mining, quarrying, metallurgical, and other mineral industries.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I can not yield at this time. That is an enlargement of the present authority of the bureau. It does enlarge the scope of its operations, but does not enlarge the scope of those operations by pretending or attempting to do the impossible thing of extending within the States police powers to be exercised by the Federal Government. All that the Federal Government should do in these matters is to aid and stimulate the people locally to live up to their responsibilities to do their duty and to perform the proper and necessary functions of a local government.

That is all this proposes to do. It is legislation providing for a bureau to stimulate and inform and disseminate information. So that it does not, fortunately, go as far as some gentlemen seem to think it does. On the contrary, in my opinion, it goes much further in other directions than the gentleman from Kentucky imagines it does, and I do not think it is open to the criticism or objection that he makes, and if the gentleman will allow me I will now refer to that matter.

The gentleman from Kentucky objects to section 2 on the ground that it does not enlarge the present scope and authority of the bureau. I think it does. He thinks it leaves out some things that are now contained in the fundamental law of the bureau.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. That it does not confer all the jurisdiction that the law now does, particularly with regard to reducing accidents in mining operations, as I understand it. I yield to the gentleman from Kentucky.

Mr. POWERS. I suggest to the genleman that the Foster bill does enlarge the powers of this bureau along certain lines, but it restricts the power of the bureau along the lines for which the bureau was originally created.

Mr. MONDELL. My opinion is that the gentleman is entirely mistaken. Certainly the inquiries, the investigations concerning mining with a view of improving health and increasing safety herein provided for cover all that is covered by the language of the present law. In other words, not only is the scope of the bureau enlarged by this legislation, but it retains all the authority that it now has, and particularly in regard to the matters referred to by the gentleman from Kentucky.

The enlargement of the scope and authority and jurisdiction of the bureau is a very important one. The enlargement is particularly in the field of investigation and inquiry relative to metalliferous mining, quarrying, and operations of that character—operations over which the bureau, except by the very broadest interpretation of present law, has no jurisdiction whatever. It is exceedingly important that a mining bureau shall have authority to make investigations and inquiries with regard to all classes of mining and allied industries. I congratulate the committee that in doing this they have accomplished all that ought to be done without so supplanting or reducing the necessity of local control or activity as to leave the entire responsibility in the hands of the Federal Government. That could not be legally done. It ought not to be done, for within the States is the sovereign control over all these matters. The operations of the Bureau of Mines since it was established have fully justified the expectations and the hopes and confidence of those who were instrumental in the enactment of that legislation. They have been wonderfully effective in the best possible way in awakening the people of the States and of the communities to their duties and responsibilities and in quickening them in the discharge of their duties and responsibilities in bringing the mining companies and those operating mines to adopt improved methods of safety in mining operations and in educating the miners in methods and practices which will reduce the danger of accidents. We look forward to still wider activities on the part of the bureau in the interest of our miners and our mining industries.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Chairman, I take it that this is an excellent bill, and I think we are unanimous in our support of it, perhaps, with some amendments; but it only occurred to me to say in connection with the bill that there is a subject to come before this House—I hope very soon—which is so closely allied to this bill that I thought it proper to mention it.

That is the subject embraced in the bill known as the workmen's compensation act. I am very much in hope that that will come out of the Committee on the Judiciary within a few days, although I understand there will be some opposition. I attempted to say the other day when I had the floor that I believed there is an indication of better feeling between the employers and employees of this country than there has been heretofore, and from what I can learn of the hearings before the distinguished commission that have had this bill under consideration I understand that those hearings were remarkable in that there was an evident purpose down deep in the hearts among the em-

ployers and employees to come to a better understanding than they have ever done before. I believe this legislation which I have mentioned and which I trust the House will pass this session is a door and avenue through which greater things will be done in support of friendly legislation for the benefit of both capital and labor, employer and employee. People are thinking as never before, and this bill now before the House indicates that we are recognizing that all industrial legislation should have primarily at its base the interest and welfare of the workingman. I simply want to say I hope that the report which I have heard that the bill will be opposed by prominent gentlemen on the other side of the House is not correct; that the bill will be reported by the committee, and, if necessary, I should be glad to support a special rule by which it could come before the House and be passed. The commission which has had it under consideration are among the ablest men in the Nation, in both the Senate and the House, and representatives both of labor and capital have given their thought and best energies to a solution, at least for the present, of a question which will be for the common good of our people, industrially and socially. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder;

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; and

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

The message also announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6459. An act for the erection of a public building at Waynesville, N. C.; and

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean.

BUREAU OF MINES.

The committee resumed its session.

Mr. FOSTER. I yield 10 minutes to the gentleman from Pennsylvania [Mr. FARR].

[Mr. FARR addressed the committee. See Appendix.]

Mr. FOSTER. I do not care to consume any more of my time.

The CHAIRMAN. The time for general debate having expired, the Clerk will report the bill for amendment.

The Clerk read as follows:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to increasing health, safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries, and concerning explosives and fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 2, line 16, strike out the word "increasing" and insert in lieu thereof the word "improving."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, line 16, after the word "health," insert the words "conditions and increasing."

Mr. RAKER. Mr. Chairman, that comma should go out after the word "health."

Mr. FOSTER. I think we should take up the committee amendments first.

The CHAIRMAN. The question is on agreeing to the committee amendment which has been read.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 19 and 20, strike out the comma after the word "industries," in line 19, and the word "concerning," insert a semicolon, and add the words "to investigate."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Now, Mr. Chairman, I move to strike out the comma after the word "health," on line 16 of page 2.

Mr. FOSTER. Let us have that reported.

The CHAIRMAN. The gentleman moves to strike out the comma after the word "health," on line 16 of page 2.

Mr. RAKER. It does not mean "health." It means "health conditions." That is what the language is intended to mean.

Mr. FOSTER. Yes; "not health," but "health conditions." The comma was printed there inadvertently.

Mr. RAKER. The comma was there when the amendment was made, and of course it remained there when the bill was reprinted. If you strike out the comma, you carry out the intent and meaning of the committee by taking up the subject of the health conditions.

Mr. CANNON. I think it is broader than that. I am not much on punctuation. I frequently have great trouble with badly written manuscript, in telling a comma from a fly speck, and after all, the punctuation does not control. But is the gentleman correct? Let us see. The language reads, "with a view to improving health, conditions."

Mr. RAKER. Conditions of what?

Mr. CANNON. Conditions of increasing safety.

Mr. RAKER. That is all right; but that condition would mean nothing if it is left in there, if it stands alone.

Mr. LOBECK. It might be "improving conditions."

Mr. MONDELL. It seems to me, if the gentleman will yield to me——

Mr. CANNON. Certainly——

Mr. MONDELL (continuing). That the comma might either remain or be stricken out, depending on the intent of the House. If the comma remains, then the proposition is that these things are to be done for the purpose of improving health, for the purpose of improving conditions, and for the purpose of increasing safety. But if stricken out, then these things are to be done for the purpose of improving health conditions.

Mr. RAKER. From a reading of the report of the committee and the hearings of the committee, the gentleman will notice that this was so intended, and the language was put in for the purpose of improving health conditions.

Mr. MILLER. There can not be any difference between "improving health" and "improving health conditions," can there?

Mr. RAKER. Possibly not.

Mr. MILLER. Undoubtedly it was meant that the comma should go out.

Mr. RAKER. Yet, when the distinguished gentleman from Wyoming and the distinguished ex-Speaker take up a matter like that here, I think it is worthy of the attention of the House.

Mr. CANNON. Let me read it with the comma in: "With a view to improving health, conditions, and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying," and so forth. Now, reading it with the accent which I have given it, it has a meaning, and the comma ought to be there.

Mr. RAKER. Will the gentleman yield right there?

Mr. CANNON. Certainly.

Mr. RAKER. While the House can readily and fully appreciate the emphasis of the gentleman from Illinois, the public and those construing this act will never have the benefit of that emphasis.

Mr. CANNON. Oh, but anybody that reads it correctly, with the comma in, will read it just as I have read it.

Now, then, as the gentleman claims it should read, without the comma, "improving health conditions." "Health" is not improved by putting on "conditions." "Health conditions"—the word "health" qualifying "conditions"; "improving health conditions and increasing safety," and so on. I think the gentleman perhaps punctuates better than I do, but I doubt the wisdom of striking out the comma.

Mr. FOSTER. I will say to my colleague that before this bill was printed as it is here, in reference to striking out the word "increasing" and putting in the word "improving," it was thought it would be better to use the word "improving" instead of "increasing."

Mr. CANNON. I think that is wise. That we have agreed to.

Mr. FOSTER. Now, the word "increasing" is changed to "improving health." Leaving the comma there was all right, but after we struck out the word "increasing" and inserted

the word "improving" and inserted also the word "conditions," of course the comma was overlooked. It seems to me what we are trying to get at here is improving the health conditions of the miner.

Mr. CANNON. Yes. That is the only kind of conditions you could improve—health conditions. But if you should say, "with a view to improving health, conditions, and increasing safety," then "conditions" would add something. But you limit it by striking out the comma to improving health. That is just one subject.

Mr. MILLER. What conditions?

Mr. CANNON. Any possible conditions.

Mr. MILLER. Convenience and enjoyment of work, and things like that?

Mr. CANNON. Yes.

Mr. BURKE of Pennsylvania. Does not the word "conditions" cover all that is contemplated by the committee?

Mr. FOSTER. No. The intention is that only the conditions under which the miners work, as affecting health, shall be investigated by this bureau.

Mr. BURKE of Pennsylvania. Either would suit me; but if you strike out the word "conditions," you accomplish all that is desired. What is the difference between "improving health" and "improving health conditions," as contemplated by the committee?

Mr. FOSTER. The conditions under which the miners work as they affect health. For instance, in some mines of the country the miners contract hookworm disease. Now, if you can improve the conditions under which a miner works, that is what is intended in this provision.

Mr. BURKE of Pennsylvania. Does it mean sanitary conditions?

Mr. FOSTER. Yes; sanitary conditions surrounding the mine, but not outside of it.

Mr. KOPP. I call the gentleman's attention to the fact that the work of improving health would properly be something for a physician. It would be very improper for a bill to attempt to do that. But improving health conditions is improving the conditions under which health can be had.

Mr. FOSTER. I think there is something in what the gentleman says—that a physician improves the health; but the conditions under which workmen operate is something that this bureau can consider.

Mr. CANNON. Apollos may water, but the Lord giveth the increase. The physician may prescribe, but nature does the work.

Mr. FOSTER. With all his other accomplishments, I see that my colleague knows something about the healing art.

Mr. CANNON. The gentleman from Illinois [Mr. FOSTER], being a friend of the bill, and the gentleman from California [Mr. RAKER] being also a sponsor for it and having its well-being in keeping, I suggest to them that they limit its operation by striking out the comma; but I give way to their superior investigation of the subject.

Mr. FOSTER. I will say frankly to my colleague that I think it ought to be restricted to just those conditions, and I believe it is proper that it should be done.

Mr. SISSON. Mr. Chairman, I am sure the gentleman from California [Mr. RAKER] is absolutely correct in his reading of this paragraph, because if you leave the comma there, as suggested by the gentleman from Wisconsin [Mr. KOPP], you will perhaps extend this power to the right to employ physicians to go and minister to the sick. If the representative of the bureau finds a man sick in a mine, he will have a right to go and employ a physician. He would have the right to minister to the patient, if the patient was willing to take the medicine. So the result would be that it would broaden the power of the department to the extent that they would have regular hospitals established by the Federal Government for the purpose of caring for the sick in the mines.

Mr. MILLER. I call the gentleman's attention to the previous part of the sentence, of which those words are a constituent part, which would rather preclude the idea he presents. It would not permit them to employ a physician even in that case. It would permit them to employ a physician to conduct an investigation to ascertain whether or not the man was sick.

Mr. SISSON. It is very doubtful whether it would be limited by the language that precedes it or not.

Mr. MILLER. Oh, yes. It says—

Inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions.

Mr. SISSON. Improving the health of whom? Of the miners.

Mr. MILLER. That is evidently what was contemplated, of course.

Mr. SISSON. If you place that power in the hands of the bureau, why would they not have the right to employ a physician?

Mr. MILLER. They might order a physician to go and conduct an investigation to see whether a man was sick or not, but he could not prescribe for him.

Mr. SISSON. If the man was willing to take the medicine prescribed, unquestionably the physician could prescribe for him, and he would have the right to visit the patient; but I do not understand that to be the purpose of this bill. The purpose of this bill is to improve the conditions in the mines, so as to make a comfortable and healthful place for men to work.

Mr. MILLER. The gentleman is undoubtedly correct.

Mr. SISSON. Then, why leave the comma there?

Mr. MILLER. I think the comma ought to go out.

Mr. SISSON. I support the amendment of the gentleman from California [Mr. RAKER].

Mr. TAYLOR of Colorado. I move that all gentlemen be allowed to extend their remarks regarding this comma.

Mr. MONDELL. Mr. Chairman, sometimes a punctuation mark is very important. And I think that we are under obligations to the gentleman from California [Mr. RAKER] for having called our attention to this superfluous comma. It is not only superfluous, but if left in it would be unfortunate in its effect on this legislation. The striking out of the comma has the effect, as the gentleman from Illinois [Mr. CANNON] has stated, of limiting the authority conferred by the language in the bill. If the comma remains in the bill, the bureau might conduct inquiries and investigations with a view to improving health. In other words, it could conduct medical investigations with a view to improving the health of those who might be found to be suffering from one disorder or another.

Of course, nothing of that sort is contemplated, for this is a bureau of mines, not a bureau of health. But more than that, if the comma remained in the bill, it would authorize the bureau to investigate all sorts and kinds of conditions in and around and pertaining to mines, which would clearly be an attempt to invade the police powers of the State and to legislate in the direction of giving Federal control over all the operations of mining, never contemplated by the legislation.

Mr. CANNON. Does the gentleman claim there is any provision in this bill which, if it was forced and there was not consent given, does not invade the police powers of the State?

Mr. MONDELL. I do not understand the gentleman's question.

Mr. CANNON. This bill is a mere matter of investigation to disseminate knowledge. What would happen if any State should say to the Federal Government, "You shall not go into the mines"?

Mr. MONDELL. If the gentleman listened to my remarks a short time ago, he will understand that I am supporting the bill, because I do not understand that it invades the jurisdiction of the States. Yet if this small and relatively insignificant but still important comma were to remain in, I think it might be interpreted as an attempt to invade the jurisdiction of the States in certain matters.

The CHAIRMAN. The question is on the motion of the gentleman from California [Mr. RAKER] to strike out the comma in line 16, on page 2.

The question being taken, the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, after the word "and" and before the word "fuels," insert the word "the."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

On page 2, line 20, after the semicolon, insert the following: "to inquire into the economic conditions affecting these industries."

Mr. FOSTER. That is intended so that the Bureau of Mines might inquire into the economic conditions as well.

Mr. FITZGERALD. What does the gentleman mean by inquiring "into the economic conditions"?

Mr. FOSTER. That means in reference to the best use of them, so that they may conduct a line of investigations in that respect.

Mr. FITZGERALD. In what respect? The Bureau of Mines is supposed to do a definite and understandable work in connection with investigations. Now the gentleman puts in language "to inquire into the economic conditions." Just what line of investigation does that contemplate?

Mr. FOSTER. It might be determined the better way of mining coal, a cheaper way, and to study a cheaper way of mining metals, so as to show these conditions.

Mr. FITZGERALD. The trouble will be that the gentleman will divert the Bureau of Mines from its original purpose of making investigations to add to the safety of miners into a bureau that will be utilized by private enterprises of the country in determining the best and cheapest method for them to pursue their work for the purpose of making a profit.

Mr. FOSTER. No; this is specially confined to fuels for the use of the United States.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. FOSTER. My amendment is to line 20, after the semicolon, and it says "belonging to and for the use of the United States."

Mr. FITZGERALD. But the gentleman's amendment precedes that. How would it read if the gentleman's amendment were adopted?

Mr. FOSTER. It is intended——

Mr. FITZGERALD. I know what is intended if the amendment be adopted, but I want to know whether the gentleman from Illinois has the particular thing in mind that he wants to do?

Mr. FOSTER. Let me say this that there is another matter in which there might be an economic use of a mineral product, like lignite, how to burn it, and get the best use of it. For instance, the briquetting of that product; that is very important to some States. For instance, it is found that aluminum can not be melted without great loss except it is put into certain forms. That might be a matter of investigation to this department.

Mr. FITZGERALD. Should it?

Mr. FOSTER. I do not know whether it would or not.

Mr. FITZGERALD. You will put this bureau in a position where the original purpose is completely lost sight of, and it would be made an adjunct to the private enterprises of the country to do the work which they are now doing, and have it done hereafter at the expense of the Government.

Mr. MILLER. Does the gentleman from New York advocate that private interests should make tests of soil and plant industry?

Mr. FITZGERALD. I am not going to discuss what the Department of Agriculture is doing.

Mr. MILLER. If it is important for the Department of Agriculture to conduct these investigations in order to disseminate the information throughout the United States for the benefit of the people, is it not proper for the Bureau of Mines to carry on these investigations? To illustrate. I am more familiar with the mining of iron ore than anything else.

I happen to know that the Bureau of Mines has been conducting investigations respecting the way that iron ore is mined in different parts of the United States, not exhaustively but tentatively; and to their great surprise they found that it was carried on at certain places at enormous expense and cost, ridiculously large, so large that the product was almost valueless. I will not mention the exact spot, but they found in North Carolina a place where by the most crude and antediluvian methods—if I may use such a term—they were laboriously getting from the earth iron ore and finally selling it at a cost that barely made it possible to mine some of the very best of that ore. The quantity of ore that was merchantable at that place was not one-twentieth of the great body of the ore there, and which was valueless because the men in that locality did not know of a way that it could be mined under modern conditions. By making investigations of the most modern methods of mining of various kinds of ore, embodying those investigations in a report and promulgating it to the world, it will bring to the use of mankind and make property for mankind immense wealth now sealed up. I am in favor of it, and I know that no other bureau or individual would do it.

Mr. FITZGERALD. I think it would be very desirable if I had property that might be utilized and I had neither the enterprise nor the industry, or was unwilling to expend my own capital for ascertaining the means to utilize my property, if the Federal Government in a purely paternal spirit came upon it and conducted all the investigations at the expense of the country and gave me the information that as an enterprising person I should do for myself. You might just as well confer on some bureau the power to investigate methods of the great department stores, the way their business is conducted and show that it is conducted in an inadequate and antiquated way, and that if it were conducted by more modern methods those engaged in such enterprises could greatly profit thereby.

I am not in sympathy with that sort of government at all. I believe the Bureau of Mines and Mining has a useful function to perform, but if it is to be diverted from such functions, to be utilized for the private purpose of those who own mining properties, it is a very dangerous thing.

Mr. FOSTER. I think the gentleman from New York is entirely mistaken about that.

Mr. FITZGERALD. Oh, I am not; because I intend to offer an amendment in a few moments in which I shall point out that that is the purpose proposed under this particular paragraph of the bill.

Mr. FOSTER. Oh, I think the gentleman is mistaken about that.

Mr. FITZGERALD. I am not; because I have been in communication with gentlemen who own such properties and who would much prefer to have these investigations made at the expense of the Government rather than by themselves. I can mention one company. It is notoriously a fact that it has discontinued certain investigations which it very gladly made, because it is now having them made for its benefit at the expense of the United States Government.

Mr. FOSTER. I will say to the gentleman from New York that these matters taken up under this section of the bill will be only general——

Mr. FITZGERALD. Oh, no; the gentleman is mistaken.

Mr. FOSTER. Wait until I get through. I like to hear the gentleman from New York talk, but I wish he would wait for a moment.

Mr. FITZGERALD. I do not blame the gentleman for preferring to listen to himself. [Laughter.]

Mr. FOSTER. Mr. Chairman, this is not intended, and would not be, I take it, to go into the matter of ores that come from mines that are privately owned.

Mr. RAKER. Mr. Chairman, will the gentleman yield right there?

Mr. FOSTER. Yes.

Mr. RAKER. I understand the amendment proposed is to inquire into the economic conditions affecting these industries. What does this add to the bill? You have already in here a provision for inquiry into scientific and technologic investigations concerning mining and the preparation, treatment, and utilization of mineral substances, and so forth, with a view to economic development. What does this add to it?

Mr. FOSTER. I think it broadens it somewhat.

Mr. RAKER. In what particular?

Mr. FOSTER. They might be able to go into a general line of investigation—for instance, in a great field of ores—not in any particular mine; but, for instance, if it were found in certain Government land that there existed certain ores or minerals or oils or gases they might be able to determine in a general way how the economic use of them might be brought about—in improving that condition.

Mr. RAKER. It does not go any further than that?

Mr. FOSTER. No; I think not.

Mr. STEPHENS of Texas. Is it not a fact that the Geological Survey as now constituted has entire control of that subject matter, and have they not made maps and issued bulletins on these subjects, and are not those bulletins and maps in the folding room to the credit of every man who wants them? This information is available for the very purpose the gentleman designates here as desirable to put in this bill, and if put in the bill it would be a complete duplication of the work already done.

Mr. FOSTER. I think not. I think the gentleman is mistaken about that, because if the Geological Survey is doing that they are going beyond their province and are duplicating the work that ought to be done by the Bureau of Mines. The Geological Survey has only to do with the topography and geology of the country and has nothing to do with mining or the economic use of those substances.

Mr. STEPHENS of Texas. Several books have been written and published by that department with reference to where the various minerals of the country can be found and the kind of minerals to be found in every part of this country, and they have had expert men all over the country engaged in securing the information found in the geological publications. I know that is true in New Mexico and Arizona, because I have met these experts in the field and have talked with them.

Mr. FOSTER. Oh, the gentleman is right about that, if that is what he means.

Mr. STEPHENS of Texas. And they publish bulletins and make maps and reports, I understand, on these various districts.

Mr. FOSTER. I will say to the gentleman that he is entirely right. I misunderstood him; but it is the duty of the Geological Survey to have charge of the topography and the geology of the particular land under investigation. Their work ends there. If they have determined out in Texas or Wyoming or some other State that there are certain minerals located in that par-

ticular region, their work ends there, and they have nothing more to do with the mining of it.

Mr. STEPHENS of Texas. Is that not just as far as the United States ought to go?

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. I should like to inquire under what rule we are proceeding.

The CHAIRMAN. We are supposed to be proceeding under the five-minute rule, but debate is now proceeding by unanimous consent.

Mr. SISSON. Mr. Chairman, I think the gentleman from Illinois [Mr. FOSTER] is entirely mistaken as to what this clause means if it goes in his bill. If the clause would limit this bureau to the line of work which is in his mind, and in the committee's mind, there would perhaps be no objection to it, but this certainly does not confine it to that line of work at all. On the contrary, if I owned a mine or mining land and was unwilling to make experiments for the purpose of ascertaining whether it was valuable or not, the Bureau of Mines and Mining could be requested by me to go and inquire into the economic conditions affecting these industries, and I would be engaged in that industry, and the language is so drawn and so broad that the man who drew that clause knew exactly what he was about.

I do not know whether he is connected with the Bureau of Mines and Mining, or whether he is a miner, but if he had a mining lawyer to draft the clause he could not have put more into this bill in 10 or 12 words than he has put in here. It means that after the Government shall have investigated and examined the conditions for that particular industry, if it has come and reported that he is mining this particular mine in a perfectly satisfactory way, and that he has mined it economically, it becomes a certificate for him to sell stock upon. It becomes a certificate from the Federal Government that his mine is all right. If he is mining on land about which he is doubtful, he then could go to the Bureau of Mines and Mining and have the investigation made at the expense of the Government and thereby exploit his mine.

Mr. FOSTER. Will the gentleman yield? I think the gentleman means exactly what he says, but I want to call his attention to this: That the Bureau of Mines does not go out and give a cerificate of any mining property. Then, further than that, they would only examine as to the general conditions of mines; not as to this particular mine, but as to the condition of mines—affecting a whole range of mines. For instance, there might be 100 or more mines that would be affected in the particular way in which that particular mine would be affected.

Mr. SISSON. I have no doubt that what the gentleman proposes is perfectly sincere. I have no doubt on earth that the gentleman means absolutely what he says about it.

Mr. FITZGERALD. I suggest to the gentleman that they can not do that particular thing under the present law, but they could under this provision.

Mr. SISSON. Practically, there is no limit under this language to the energies of this particular bureau. There is no limit to the amount of money that they might expend under this clause if it is put there without any limitation.

Mr. MILLER. Will the gentleman explain to the committee how the Bureau of Mines can make a single investigation of one single mining property in the way in which it is said it can be done?

Mr. SISSON. Under this clause it can be done.

Mr. MILLER. How?

Mr. SISSON. Under this clause, containing all of the industries enumerated here, both concerning mining and the preparation, treatment, and utilization of mineral substances, and so forth. It says they are to investigate into the conditions affecting these industries. Which industries?

Mr. MILLER. But not to a mine, but the whole mining industry of the United States.

Mr. SISSON. But in investigating the whole mining industry of the United States they examine one mine at a time.

Mr. MILLER. That is true; but I do not see how they can be said to give a certificate in reference to any particular mine or——

Mr. SISSON. I think it shows so by its terms. I have no doubt in the world but that the Bureau of Mines is like every other bureau of this Government. They are anxious to extend their activities and extend the influence of the bureau over which they preside. I have no doubt in the world that the Chief of the Bureau of Mines and Mining is anxious to have this clause, because he knows that with this clause in the bill he will be permitted to go over the whole entire mining district, metalliferous, and everything in the United States and make a universal investigation.

Mr. TAYLOR of Colorado. Let me say that for 20 years the Western States have been trying to get recognition by this Government for the metalliferous mining industries. We worked for 10 years or more before we were able to pass the law which established the Bureau of Mines.

Mr. SISSON. The gentleman is occupying my time.

Mr. TAYLOR of Colorado. I will try to have the time extended. Now, I want to suggest after we accomplished that, after we succeeded in getting the Bureau of Mines, the authorities that be, the Interior Department and the Appropriations Committee of the House, thought it was not broad enough to apply to metalliferous mining at all, and we were completely left out after working for 15 or 20 years. And I may say frankly that these amendments are at the instance of the metalliferous mining industries of the West. That is to assist them. We ask merely that the authority of the Bureau of Mines be so enlarged that they may take in investigations for the development of those other industries similar to the way they do the industries they do investigate.

Mr. SISSON. I am glad to get that information, because I was sure that that did not originate in the mind of this committee. I am glad to get that information because it carries out just exactly the idea I had in the very beginning, that the miner of this country and the people who own the mines in this country want these investigations made at the expense of the taxpayers and not at their own expense. They want their property developed at the expense of the Federal Government of this country.

Mr. RUCKER of Colorado. Has the gentleman ever investigated the subject very carefully as to what attention the Government has ever given to the consideration of mining interests of the West from which it has received millions upon millions of dollars?

Mr. SISSON. I have not.

Mr. RUCKER of Colorado. Now, do not you believe honestly and frankly, having the amount of land we have, that we ought to develop the best method we could for the purpose of advancing the mining interest the same as many other interests have been developed?

Mr. SISSON. Now, Mr. Chairman, I am not in sympathy at all with the idea that the Federal Government should become a wet nurse to every industry, nor do I believe that the activities of the Federal Government should be extended so far as to aid and assist in the development of private enterprises that will inure greatly to the interest of the people who own the mines. I do not believe that the taxpayers of this country ought to be called upon to do that; if so, they ought to be called upon to make investigations for the purpose of helping the railroads, helping the banks, and as the gentleman from New York suggested, the department stores. It is a tendency dangerous in this country, and I am not at all in sympathy with it.

The Bureau of Mines and Mining, as originally created, was established for the purpose of aiding and benefiting the health conditions of the miner; and when it was called for and demanded it was urged by men like my friend WILSON of Pennsylvania, who was interested in labor and in the men who labored in the mines. It was not intended that it should be exploited for the purpose of developing that particular industry for the benefit of the mine owners, the property owners. It was never intended that that should be the scope and work of this Bureau of Mines and Mining when the matter was originally contemplated, and for a number of years they fought for it, because the laboring men wanted to have their conditions investigated in order that they might be helped.

But with these amendments you begin to suggest what conditions of labor shall be investigated and what economic conditions shall be investigated, and the energies of that bureau will be multiplied many times in looking into the conditions of profits and the economic conditions maintained in this country, instead of confining its energies within the lines that would benefit purely the labor of the country.

Mr. TAYLOR of Colorado and Mr. KOPP rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. SISSON. I will yield to the gentleman from Wisconsin.

Mr. KOPP. I will not interrupt the gentleman now.

Mr. SISSON. Then I will yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I would like to ask the gentleman if he thinks the health of the coal miners is more sacred than the health of the metalliferous miners, and whether there

are more deaths occurring in the coal mines than there are in the metalliferous mines?

Mr. SISSON. I have no objection to appropriating enough money to investigate the health conditions of all the mines in the United States, whether coal mines or metalliferous mines.

Mr. TAYLOR of Colorado. That is what we are trying to accomplish.

Mr. SISSON. That is not the amendment under discussion here, and if it is intended for that purpose it is drawn by the man who is interested in the mine property and who is not interested in the workingman and the people.

Mr. FOSTER. The gentleman from Mississippi has no right to make a statement of that kind, that this bill is drawn in the interest of the mine owner.

Mr. SISSON. There are provisions in the bill here that give you all the power you want for an investigation of the health conditions, whereas this particular provision is to investigate the economic conditions, and those affect the profits; and that fact suggested to my mind the statement that this must have been drawn in the interest of the mine owner, and not in the interest of the miner.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MILLER. Does the gentleman think we ought to appropriate $200,000, or any other sum, to investigate the best method of dealing with the boll weevil?

Mr. SISSON. I did not understand the gentleman's question.

Mr. MILLER. I say, does the gentleman think we ought to take the taxpayers' money and appropriate $200,000 or some such sum to investigate the boll weevil?

Mr. SISSON. I have no objection to doing that. Has the gentleman any objection to the investigation of the gypsy-moth proposition in the United States? I will say for myself that I have no objection to the investigation of these conditions, because these things affect every man who labors in the field and who labors in the orchard. But this provision now under discussion is solely for the benefit of the mine owner.

Mr. MILLER. Is it the health of the workingman of African descent who toils in the cotton fields in which the gentleman is interested?

Mr. SISSON. It will help them and all others who work in the cotton fields; and if you destroy the cotton section of my country you will have thousands of smokeless factories and turn thousands of people out of work.

Mr. MILLER. Oh, as to that, I could say you would turn thousands of men out of employment in the mines in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. The gentleman has just stated that, in his judgment, this bill is drawn in the interest of the mine owner.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Under what rule are we working—the five-minute rule or the hour rule?

The CHAIRMAN. The five-minute rule, plus. [Laughter.]

Mr. McKENZIE. I want to ask the gentleman if he knows whether or not the miners of this country are opposed to this bill?

Mr. SISSON. I do not know whether they are opposed to it at all, but I do not think they would be opposed to it if you put in it a few more clauses like this.

Mr. WILSON of Pennsylvania. Mr. Chairman, the amendment that is proposed here deals not only with the economic conditions in the mineral mines of the West, but economic conditions in the coal mines of the East as well. It deals not only with those economic conditions as they affect the owners of the mines, but also as they affect the employees in the mines, and the economic conditions as they affect the entire people.

I have personally little or no experience with mineral mining. My experience in that line has been very limited. But I do know something about the waste in the mining of coal, and wherever waste of that kind occurs it not only injuriously affects the owner of the property, but it injuriously affects the community at large. You may take a crop from a piece of land and next year grow another crop on it. You may even take a crop of timber from land and in the course of a few years take another crop of timber from the same land. But when you have once taken a crop of coal out of the land there is no method known to man by which you can produce another crop of coal, and so it is important that the economic conditions under which coal is mined should be the very best that can be determined upon.

In the mining of coal there is at the present time an enormous amount of waste. Approximately there are some 1,750 tons of coal per foot in thickness per acre in coal land. Coal weighs about a ton to the cubic yard. It may vary a few pounds more or less. The operation which succeeds in getting 1,400 or 1,500 tons per acre per foot out of the land is an exceptionally fine and well-conducted operation. There are more operations where not more than 1,000 to 1,200 tons per acre per foot are secured than there are that secure 1,500 tons per acre per foot.

Now, gentlemen, all of that coal that is lost in the mine is a loss not only to the owner of the coal land but a loss to the entire community. And what is true of coal lands is true, possibly not to the same extent but still true, with regard to mineral lands. When you find a seam of ore existing anywhere where the percentage of metal in the ore is low, or the means necessary to extract the metal from the ore is too expensive to make it profitable, then that ore is not available for use for the entire community.

If by the investigations proposed in this amendment you can determine more economical methods by which those ores can be extracted, then you make available not merely for the individual owner of the ores, but to the people at large, a greater supply of ores than you now have. There are underlying nearly all the Appalachian chain iron ores with a percentage of iron not sufficiently high to make them valuable at the present time under existing methods. If by the adoption of an amendment of this kind and the work on the part of the bureau in developing methods we are able to secure a method of converting those low-grade ores into iron and steel, which method is cheaper than the present method of converting them, then you will make all those ores available not only to the owners of the ore bed, but to the entire people at large, and you get away from the claim that has been made that the ores are being monopolized by a few companies or individuals. In my judgment, this amendment will not detract any from the bureau in its work with reference to the safety of those engaged in mining. The prime purpose of the bureau and the power that it now has under existing law is to promote the health and safety of those engaged in mining. That will continue to be its prime purpose, the fundamental reason for which it was established. But there is no reason why, in addition to that purpose of promoting the safety and health of those engaged in mining, we should not also empower the bureau with the related subject of taking care of the waste that occurs in mining.

Mr. KOPP. Mr. Chairman, I wish to submit a few observations on the words "economic development," in connection with the amendment offered by the gentleman from Illinois. It seems to me that the gentleman from Mississippi [Mr. SISSON] is too narrow in his construction of its effect when he claims that the economic investigation referred to would be of benefit only to the mine owners. It seems to me that in all this work of conservation, not, perhaps, in the general acceptance of the term, but whenever we do anything for the saving of our timber, for the saving of our metals, for the saving of our lands, our crops, or any of our natural resources, it is not for the benefit alone of the community where these resources are located. When we destroy the boll weevil and preserve a good cotton crop it surely inures to the benefit of all of us, and it is for that reason also, I take it, that we spend millions of dollars in investigating many subjects relating to our agricultural and commercial life. It is because the net result will benefit all of us. That being true, it seems to me that we ought not to object to the Government going on and looking after these questions of conservation, so to speak. Why is it that in Germany before any man can cut down a tree he must plant another near it? It is because they want to save the forests for all the people of Germany for all time. Why is it that in Switzerland before any farmer can cut his grapes and make wine he must have the consent of his Government? It is simply because Swiss wine has a reputation throughout the world, and in order to preserve that reputation for all the people, in order that these resources may remain available for all the people, the Government prohibits any man from cutting his grapes until they are ripe and have reached the proper stage of development.

Now, in the bowels of this earth are wrapped up millions of dollars in wealth. Many things are there of which we know little, and of whose use and value we know little. As an illustration, if you will pardon a personal reference, in my home town where I live there was a printer, Mr. R. I. Dugdale, the proprietor of a little newspaper, who in a little addition he built to his kitchen started to experiment with what is known as oil rock.

There are unknown quantities of oil rock, so called, scattered through this country, but no one has yet found any practical use for it, or, at least, discovered a method of utilizing it. This

printer, experimenting with that oil rock in an old kitchen stove and a homemade retort, succeeded in working it up until he produced a powerful gas. That was only a few months ago. He is now working on it. I have no doubt he is going to develop a process by which we can use oil rock, which up to this time has been absolutely useless, and serve us for fuel and light, and this will be a benefit to the people in my State, and in Missouri, Oklahoma, Colorado, and Idaho, where vast quantities of it are to be found; but it will benefit not only them, but all the people of the whole country.

Mr. Chairman, it does seem to me that it is a narrow construction for us to say that if the Government, in its laboratory investigations with reference to unknown metals and minerals, discovers a process whereby we can add millions to our wealth—I say it is a narrow construction to say that it is of benefit alone to the man who may happen to have a piece of land upon which is located some of these deposits. For one, I favor the adoption of the language just as it is. I favor legislation which will give the National Government jurisdiction to inquire into the great unknown resources of nature which are locked up in the bowels of the earth, that we may find out where they are, what they are good for, and bring them out and make them of some benefit to mankind. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I am in favor of the amendment providing for an investigation of economies in mining for the reasons given by the gentleman from Pennsylvania and the gentleman from Wisconsin and others that I shall give myself. The question of whether or not it pays to mine a 2-foot vein of coal or abandon it, or to go down a particular depth for a given quantity of ore, is the question involved. The economic question, whether or not it is a good thing to leave a 2-foot vein of coal or a quantity of ore forever in the earth or to inaugurate a process of mining that will make it feasible to get these products to the surface and to make them marketable and of use to the people, is the question.

To illustrate, in my own section of the country we have great zinc mines. For a time we mined it from great pockets. The miner was in luck who found a pocket, and made his fortune out of it. Practically all these pockets have been mined out, and the question of continuing zinc mining in that section of the country is one of economic policy. Whether or not we shall do deep mining, much deeper, much more expensive mining, and bring the ore from a sheet vein to the surface at a much greater cost than it took to get it out of the pockets, is one of economic policy and has recently affected the economic policy of the United States.

I, with others, had some difficulty in convincing Congress some three years ago that it was wise to make it possible for American-owned property of that kind to employ American miners at American wages to bring ore out of the earth at a greater expense and place it on the market formerly supplied from pocket ore in competition with pocket ore from other countries mined at a much lower cost. That policy was then adopted, but I regret to say that it was receded from by this House within the last few months. It is a question of economic policy, and this Congress decided that it did not pay to develop and operate American mines and that it was better to leave these large quantities of ore in the earth and leave thousands of laborers out of employment in the United States, leave the property undeveloped and untaxed in the community in which it is located, and let the benefit go to other property and labor employed at lower wages in other countries. The question was decided without scientific investigation and without considering the waste of leaving property unused and abandoned.

I think as an economic proposition there is nothing more valuable in this bill than to develop the best methods of mining coal and ores of all kinds where it has heretofore been regarded as existing in unpaying quantities and to bring it to the surface under a policy to be developed by new and scientific methods and to make it valuable to the people of the United States. I am heartily in favor of the amendment.

Mr. RUCKER of Colorado. Mr. Chairman, I can not contribute anything to the knowledge of my mining friend from Mississippi [Mr. SISSON], having only been in the business myself for 35 years. I know he is interested and that he is moved and actuated by saving to the Government a few dollars. Now, if you will view this bill properly you will see that it is sufficiently guarded in the interest of the Government.

I want to say to my friend that the laws of the United States provide just how one may get title from the Government to a mine. The difficulty has been for years and years that the court, wherever a contest was between the parties, had to determine whether there had been in the first place a discovery of ore within the statute. Assuming that was true and it was decided in favor of one party, the second question was, Was it of commercial value? And therein is the importance of the provision in this bill, for the tests provided will determine that.

Again, hitherto we have always been able to determine our controversies over the question of discovery by decisions of the courts. Now it is practically taken away from the courts, and the department, the Secretary of the Interior, questions the fact of whether you have discovered ore of an economic value. And hence in the interest of the Government, because the Government is interested in disposing of this vast area in the western country that is supposed to be of a mineral character, if it is of a mineral character the Government wants to dispose of it; and the Government has the means wherewith, under the provisions of this bill, to determine whether it is of a mineral character and of sufficient commercial value to permit it to sell it to an individual.

So it is not the individual miner altogether that is getting the benefit under this bill, but it is the Government determining what is the value of its own property, and to encourage being brought out of the bowels of the earth a hidden dollar and put it into the channels of trade, where it will become taxable property and add to our national wealth. The Government—the people—the whole of us are vitally interested in getting it out. If you pass this bill you enable the Government to determine what of this vast area of unoccupied land is of value for mineral purposes, and it will bring the prospector and the Government on better contractual terms, facilitate the disposal of these areas, enabling the Government to cover so much more into the Treasury, save to the miner unnecessary expenditure of money and labor, and finally, if the value is there, add to the taxable wealth of the State and turn into the channels of trade this hidden treasure to the advantage of the Nation.

Mr. FITZGERALD. Mr. Chairman, the organic act of the Bureau of Mines provided:

It shall be the duty of the Bureau of Mines to make diligent investigation of the methods of mining, especially in relation to the safety of miners and the appliances best adapted to prevent accidents; the possible improvements of conditions under which mining operations are carried on; the treatment of ores and other mineral substances; the use of explosives and electricity; the prevention of accidents and other inquiries and technologic investigations pertinent to said industries, and from time to time to make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of said bureau.

This proposed paragraph provides that it shall be the province and duty of the Bureau of Mines, subject to the direction of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries. It would seem that that would be about as comprehensive as anybody could frame a provision in the English language, but the gentleman from Illinois [Mr. FOSTER] now proposes to add:

And to investigate the economic conditions of these industries.

If it does not mean the broadening of this most comprehensive power, then it has no meaning at all; and if it is to broaden this power, I should be pleased to have somebody state what has not yet been stated, what is to be done under that power. I have the impression that one of the purposes of this provision is to do what I have already said, to put upon the Federal Treasury the cost of a large number of things that should be borne either by the States or by private individuals.

I have here a letter from a chairman of a committee appointed by the Denver Chamber of Commerce in which he calls my attention to the fact that the State of Colorado has already appropriated $125,000 for an ore-testing plant at the Colorado School of Mines, at Golden, which plant would be at the disposal of the United States Bureau of Mines in its metallurgical research work in the western field. So that the State of Colorado with a school of mines, having expended $125,000 for a testing plant in that school, is prepared and willing, if some of the things in this bill be passed, to permit the United States to pay the expense of operating and maintaining the testing plant. I am not surprised that gentlemen from Colorado are so anxious to have these amendments incorporated in this bill. I am not surprised that gentlemen who have ore-bearing properties which they should like to work at a profit desire to have the Federal Government do what has hitherto been done by those owning those properties, spend the money of the Federal Government in these preliminary examinations, which are necessary in order to determine whether the property is of value.

This information is not culled from my imagination. It is based upon statements made to me by men owning such properties, calling upon me to support appropriations for work of

such a character, the statements to me being that the United States can so much more easily and better do it, and the cost should not be borne by the person interested.

The Bureau of Mines has an important work to do under the organic act. If any construction has been given that act which makes it impossible to do the work in metallurgical-mining regions that is being done in the coal-mining regions under that, it should be changed; but a number of things they have done and that are desired to be done should not be permitted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes debate on the amendment close.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that at the expiration of five minutes debate on the pending amendment close. Is there objection?

Mr. LITTLEPAGE. Mr. Chairman, I object.

Mr. FOSTER. Then, Mr. Chairman, I move that all debate be closed on the pending amendment in five minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, before the Bureau of Mines was created the work was conducted under the Geological Survey. Before the restrictions were placed upon it one of the investigations conducted was to determine the relative efficiency of certain kinds of engines using alcohol or gasoline as a fuel. An investigation was conducted with an attempt to determine the value of ethyl alcohol for fuel purposes, which would have been of value to those building and perfecting engines for use of these fuel substances. Unless an amendment which I propose to offer is adopted, there is no limit to the extent to which these investigations can be carried. It is an important thing to determine to just what an extent the Federal Government is to assume the burden of these investigations.

Some three or four years ago the Frick Coal Co., of Pittsburgh, conducted a number of very important investigations to determine a number of matters of vital interest to the company in the conduct of its operations. It does so no longer. It permits the Bureau of Mines, at the expense of the Federal Treasury, to relieve it of the burden which formerly belonged to it.

The primary object of the Bureau of Mines, one which should be kept in mind and from which we should not permit it to be diverted, is the protection of the men engaged in the mining industry, and by investigations to determine the causes of mine accidents, to outline methods by which accidents can be prevented, not only by the use of explosives that will not be hazardous to handle, but in proper shoring and working in the mines. But to investigate the economic conditions of these industries is to go much further.

A gentleman interested very largely in an industry, which I think might more properly be put under the head of quarrying than anything else, pointed out to me a short time ago that it would be very beneficial to his company to have certain investigations made by the Bureau of Mines. It would be expensive to make those investigations. That expense would be borne by the company, but if certain changes could be made in the organic act of the Bureau of Mines, the Federal Government would very kindly relieve the company of the necessity for bearing the expense of such an investigation. There is such a broad field into which it would be possible to go that we should be careful before we put in language which is so general as to be indefinite.

Mr. BURKE of Pennsylvania. I would like to have the gentleman's view of this amendment. I believe I am in accord with the gentleman. Does he believe that this particular amendment does enlarge the scope of this bureau?

Mr. FITZGERALD. I am not sure. The paragraph provides:

To conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health, conditions, and increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries.

I supposed that that was about as comprehensive as it would be possible to express the purpose and object of this bureau, but when it is found necessary now to add—

and to inquire into the economic conditions affecting these industries—

it seems to me it is intended to make it a catchall, so that any possible inquiry or investigation that might be suggested under a liberal definition of the word "economic" could readily be brought within the purview of this amendment. I believe, under the circumstances, it should not be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired.

Mr. CANNON. Even to settle a contention as to whether it is protective in its policy?

Mr. FITZGERALD. Well, I take it under that language that we might inquire as to the wisdom of a protective tariff, for instance, as to iron ore.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 22, strike out the following words: "with a view to their most efficient use," and insert the following: "with reference to their mining, preparation, treatment, and use."

Mr. FITZGERALD. Let that be again reported.

The amendment was again reported.

Mr. FOSTER. The intention of this, as I take it, is to mean that these mineral products belonging to or for the use of the United States, having reference to the mining of these, if belonging to the United States, and the preparation of products belonging to the United States, the treatment or use for the United States, this simply confines it to those products belonging to or for the use of the United States. It does not go beyond that scope.

Mr. FITZGERALD. It changes entirely the purpose?

Mr. FOSTER. Yes.

Mr. FITZGERALD. The investigations heretofore conducted of the mineral substances or fuel supply belonging to or for the specific use of the United States were such investigations as would demonstrate the most efficient use to which they could be put by the United States; but this enters into an entirely different domain.

Mr. FOSTER. I will say to the gentleman from New York that this is confined particularly to those products which belong to the United States. It does not go beyond that.

Mr. FITZGERALD. It does say for the use of——

Mr. FOSTER. Or for the use of the United States; certainly.

Mr. FITZGERALD. Then whenever it would be proposed, for instance, to purchase coal for the use of the Capitol——

Mr. FOSTER. What about it?

Mr. FITZGERALD (continuing). It would open up the way of the possibility of going to the mine and making the most comprehensive investigation possible as to methods of preparation and use. I am familiar with that, because that very question has been called to my attention in connection with the purchase of fuel for the Capitol.

Mr. FOSTER. I will say to the gentleman there is a way of mining coal belonging to the United States or for the use of the United States in which you would not get the best use of that coal. That is true; and I think the gentleman from New York will readily understand.

Mr. FITZGERALD. Well, I accept the compliment.

Mr. FOSTER. I would refer that matter to my friend from Pennsylvania, who probably knows more about the mining of coal than any other Member here.

Mr. FITZGERALD. Does this have reference only to coal?

Mr. FOSTER. No; the provision applies to any mine product belonging to or for the use of the United States. I think the gentleman from Pennsylvania, who is a practical man and has had experience in the coal-mining business and has seen more coal mined, possibly, than any other man here, will realize that there are certain ways of mining coal that are not efficient ways of mining and that there are many in which this could be put to the advantage of the United States.

Mr. CANNON. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. CANNON. The language of the proposed amendment is, "mineral products belonging to or for the use of the United States." Now, the United States owns almost one-half, or say one-third—I will not be accurate—of the area of the United States, and if we count Alaska it will be one-half, and I suppose this bureau would be turned loose on every acre of land for investigation as to the coal or any other product.

Mr. FOSTER. If Congress should say so, I think they would have the right to do it. I will say further to my colleague that this keeps it from the Geological Survey and the Bureau of Standards. Now, this deals with the raw product and not with the finished product. That is one reason why I think that language should be in there, and it is thought so by the Secretary of the Interior, for the reasons which I have given you—to keep it away from the Bureau of Standards and the Geo-

logical Survey, so there can be no duplication of work between those different bureaus.

Mr. MILLER. Will the gentleman permit a brief suggestion?

Mr. FOSTER. Certainly.

Mr. MILLER. The Government has on its forest area large quantities of mineral lands other than coal. It has copper, lead, zinc, enormous areas of iron ore. There has been heretofore employed and in some places is now employed what is known as the pillar method. That is a bad method for two reasons. In the first place, it is extremely wasteful, because there is a quarter to a third of iron-ore product which can not be mined by that process. Secondly, it is extremely dangerous, and accidents under that method are frequently occurring. Such an investigation as this amendment contemplates would certainly lead to governmental supervision of mines upon its own area and avoid such a method as that. It seems to me from every consideration of public policy this is a very important and valuable feature of the bill.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FOSTER. Certainly.

Mr. FITZGERALD. Is this a committee amendment?

Mr. FOSTER. This is an amendment suggested by the Secretary of the Interior for the reasons I have stated to my colleague from Illinois, that it will prevent duplication between the Bureau of Standards, the Geological Survey, and the Bureau of Mines. It is not a committee amendment, and why this amendment is offered at this time is as I have said.

Mr. FITZGERALD. I inquired because it would not afford me any embarrassment if I did not feel inclined to support the bill in charge of the gentleman if he shows that he has no more affection for it than to offer this amendment.

Mr. FOSTER. I have stated to the gentleman the reason why it is offered.

Mr. MONDELL. Mr. Chairman, I regret to oppose an amendment offered by the chairman of the committee, but I hope this amendment will not be adopted. I can not believe that its effect has been carefully considered. I am inclined to think that under this amendment the Government could open up a coal mine or a gold mine or a copper mine on the public lands of the United States. Now, that might be a good thing in the opinion of some, but it is not the sort of thing I am in favor of. This amendment is as broad as a provision could well be drawn, and its effect would be to give the Bureau of Mines a very broad authority and invite the bureau into all manner of active operations in connection with mineral lands owned by the Government.

I do not believe it is wise to do that. I do not believe that the committee intended to do it, and I have no doubt but that this amendment would authorize that to be done. It seems to me that we have gone quite far enough when we have authorized these investigations in a broad way, with a view to the most efficient use of the properties of the United States, and that it is unwise to go as far afield as this amendment does.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. I will be glad to.

Mr. RAKER. What distinction can you make between the amendment now offered and the bill as it now appears if you carry out the full meaning of the words, "with a view to their most efficient use"? First, if you get the efficient use, must you not find out the mining, the preparation, and their treatment to get the most efficient use? In other words, is not this language simply carrying out in so many more words the language that is already in the bill on page 2?

Mr. MONDELL. No; I do not think so, because as the bill stands without the amendment it simply authorizes certain investigations with a view to the most efficient use of the property of the United States. But when you allow these investigations to be made with reference to mining, preparation, treatment, and use, it seems to me you authorize the bureau to go as far as to open a mine, to investigate mining by practical operations on the public lands. And in my opinion if the amendment is adopted the bureau will have authority to do that. I think the bureau has all the authority it ought to have and all that it needs under language as it is now in the bill, and that it can do all that it ought to do without the amendment. I think the amendment is dangerous.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. POWERS. Mr. Chairman, I offer the following amendment, which I ask the Clerk to report.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. POWERS].

The Clerk read as follows:

Amend, section 2, by striking out, on page 2, lines 11, 12, and part of line 13, down to and including the word "Interior."

Mr. POWERS. So that the section will read——

The CHAIRMAN. The gentleman's amendment is just to strike out the language read?

Mr. POWERS. To strike out the language read and insert what I have on the slip there.

The CHAIRMAN. The Clerk will conclude the reading of the amendment.

The Clerk read as follows:

SEC. 2. It shall be the province and duty of the said bureau and its director, under the direction of the Secretary of the Interior, to make diligent investigation of the methods of mining, especially in relation to the safety of miners, the cause and prevention of mine fires, rescue and first-aid work, and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the cause and prevention of mine accidents, and

Mr. POWERS. Mr. Chairman, I want to say that my amendment does not affect the committee amendment, as agreed upon by the House. It has the scope and all the authority that the committee and the House has put into section 2. My amendment puts into section 2 the present law governing the Bureau of Mines, with this exception: That it adds to the present law, giving the bureau the power and authority to investigate the cause and prevention of mine fires and make reports on rescue and first-aid work.

Now, that is the only amendment to the original law which my amendment proposes. The gentlemen in charge of the bill believe that the language of the bill is sufficiently comprehensive to cover all the things covered by the present law. In my judgment, with all due respect to the committee and the investigation which they have given to this subject, the bill bearing the name of the gentleman from Illinois [Mr. FOSTER] does not cover it. In section 3 of the Foster bill they provide that the Bureau of Mines shall make reports concerning the nature, causes, and prevention of accidents; second, shall make reports concerning safety methods and appliances; shall make reports concerning rescue and first-aid work; and shall make reports concerning the cause and prevention of mine fires. I take the position that there is nothing in the bill of the gentleman from Illinois [Mr. FOSTER] which authorizes the Bureau of Mines to make any investigations in regard to these particular subjects. These are the ones for which the Bureau of Mines was originally established, the main purpose being to prevent accidents in mines and to save the lives of miners.

Now, then, my amendment simply puts in the law as it now is on these particular subjects, with some particularity, that enumeration, and leaves Mr. FOSTER's bill in its entirety as about to be passed by the House.

I fear that without this amendment the scope and operation of the Bureau of Mines will be narrowed and contracted along the very lines for which that bureau was originally created.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, when the Bureau of Mines was established I offered an amendment which related especially to the safety of miners and to appliances best adapted to prevent accidents. That was in the original act, and that particular language has not been incorporated in this bill. But I think in this bill we go even further than the gentleman's amendment could possibly go. I think this bill broadens the scope of the work of the Bureau of Mines, and for one, having offered on the floor of the House the amendment which was incorporated into the original bill, I am willing to believe, and I have no doubt that under this provision more work will be done looking toward the safety and better conditions of miners than was done under the old act. While I see the gentleman's idea is that there shall not be any lack of proper precautions for the lives and safety of the miners, while I know that it is the gentleman's idea to secure the greatest amount of precautions in that direction for the benefit of those who work in the mines, yet, in my judgment, there is no question but that all this is taken care of in this section.

When the gentleman speaks of issuing bulletins it simply indicates that they are going to investigate in reference to those subjects, and they would not issue the bulletins unless they had made the investigations. The gentleman does not conceive that they will issue a lot of bulletins with regard to subjects that they have not investigated.

Mr. POWERS. My point is that they can not issue these bulletins unless they have the power to investigate.

Mr. FOSTER. When you say—

To conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions and increasing safety—

That language is broad enough to cover the whole subject of safety appliances that may be used about the mines. I think there is no question about it, and I for one, who take special pride in having placed that language in the original act, am willing to say that this language here is stronger and better than the other language was.

Mr. POWERS. My amendment does not take anything at all from the bill.

Mr. FOSTER. I understand that.

Mr. POWERS. But it meets some conditions which, in my judgment, have been left out.

Mr. FOSTER. I appreciate the gentleman's interest in this matter. Certainly it is and ought to be the great work of this bureau to find out better and safer ways for the miners to work and under better conditions. I want to see that brought about as much as the gentleman from Kentucky does, but I believe that under this section the powers of this bureau are larger than they were under the old law and that the scope of the bureau is better defined.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment of the gentleman from Kentucky.

The question being taken, the amendment was rejected.

Mr. LITTLEPAGE. Mr. Chairman, I desire to offer an amendment.

Mr. STEPHENS of Texas. I have an amendment which I wish to offer.

Mr. CANNON. Mr. Chairman, I want to ask my colleague a question.

Mr. FOSTER. Yes.

Mr. CANNON. Does not my colleague see that it is perfectly evident that we can not complete this bill to-day?

Mr. FOSTER. I should like, if we could, to go ahead and complete it in Committee of the Whole.

Mr. CANNON. I am told by several Members that there are important amendments to be offered in good faith. It is now 20 minutes to 5 and pretty warm. Evidently there is no quorum present. I suggest that the gentleman move that the committee rise.

Mr. STEPHENS of Texas. I desire to have my amendment pending, that is all.

Mr. CANNON. I suggest to my colleague that he move that the committee rise.

Mr. FOSTER. It is now only 20 minutes to 5. It is too early to do that. I think we ought to conclude another paragraph. I could not agree to move to rise now.

Mr. MONDELL. Can not this paragraph be disposed of? Are there any further amendments to it?

The CHAIRMAN. The gentleman from West Virginia [Mr. LITTLEPAGE] has sent an amendment to the Clerk's desk.

Mr. CANNON. I give notice to the gentleman. I will not make the point just at this minute, but the committee can not give intelligent consideration to this important measure with less than a quorum.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from West Virginia [Mr. LITTLEPAGE].

The Clerk read as follows:

Page 2, line 22, before the word "and," insert the following:
"To thoroughly investigate the cause of explosions in coal mines, with a view of minimizing and preventing the same."

Mr. LITTLEPAGE. Mr. Chairman, this is a very important bill. It seeks to accomplish measures of relief which are very important, especially to the coal miners of this country. What coal miners wish most of all is to ascertain the cause of explosions in coal mines, in order that the necessary precautions may be taken to prevent those explosions, and in that way prevent the loss of life which has happened in so many hundreds of cases all over the country heretofore. If Members will read this bill, I do not think they will find in it any direct instructions to this bureau to investigate the cause of coal-mine explosions. Explosions and resulting loss of life and destruction of property makes the blood of men run cold. The awfulness is indescribable. They occur in all countries where coal is mined. Let us take a step in advance and in the right direction. The operators and miners alike and in one accord will say amen and will blend their energies to facilitate efforts in doing what we can. If the membership of this House could go and investigate in the vicinity where explosions have taken place; if they could see the effects of the explosions and see the mangled forms of miners, in many instances torn limb from limb, hear the screams of women and children, there is not a Member on the floor of this House that would vote against this amendment.

I say to the membership of this House that of all the things the coal miners in this country want, it is some legislation in

the direction, at least, that will give them the hope and belief that the Government intends to look into the question of preventing the explosions in the coal mines of the country. My observation and my experience have been that there is nothing this Congress could do that would so please the coal miners in this country as for the Government, as far as it can, to look into and to take a hand in preventing the explosions in the coal mines. That is the dread of the miner every day and every hour of his life, especially in mines generating gas or dust in dangerous quantities. I want to say to the membership of this House that while I am heartily in sympathy with the bill, I do feel that it needs this amendment. In my district there are 30,000 coal miners and mine workers, and I feel that if the Government's attention was directed to giving such instruction and making such investigations and reports as this amendment provides to investigate the other matters provided in the bill, nothing would give the miners more encouragement and more hope than that. I trust that the membership of this House will seriously consider this amendment. [Applause.] Let us do what we can for the relief and protection of these wealth producers. We can let them know and the country know that we want to protect and preserve our coal miners and enable them to live, be prosperous, and happy.

Mr. FOSTER. Mr. Chairman, this is practically the same amendment as that offered by the gentleman from Kentucky, which is now included in the bill.

Mr. LITTLEPAGE. Where is there any specific provision that the department shall investigate and determine the cause of coal-mine explosions?

Mr. FOSTER. It provides that they may investigate for improved health conditions and increased conditions of safety. I do not think you can get any broader language than that.

Mr. LITTLEPAGE. I disagree with you. We can put the matter beyond question here and now. Do not stand on narrow and uncertain grounds. Let us be certain, broad, and liberal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. LITTLEPAGE].

The question was taken; and on a division (demanded by Mr. LITTLEPAGE) there were—ayes 6, noes 18.

So the amendment was lost.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

At the end of section 2, at the bottom of page 2, add the following:
"*Provided*, That nothing herein contained shall be construed so as to permit the Bureau of Mines to pursue any investigation or to disseminate any information now authorized by law."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the chairman of the committee will accept that amendment. I think it is very necessary. It was stated on the floor that that could not be done, that there would be no duplication of work under the bill, but in order to make assurance doubly sure, I have offered this amendment.

Mr. RAKER. Mr. Chairman, under the gentleman's amendment every particle of information that is allowed to be disseminated under the laws now existing the bureau will be prohibited from sending out.

Mr. STEPHENS of Texas. Oh, no.

Mr. RAKER. Why certainly; the very purpose of the original bill was to disseminate information, and the gentleman's amendment prohibits that being sent out. You prohibit information that is now authorized by law from being disseminated.

Mr. STEPHENS of Texas. I do not think that would be the effect of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment: To insert before the word "fuels," in line 20, and after the word "the," which was inserted by amendment, the word "mineral."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, before the word "fuels," and after the word "the," inserted by amendment, insert the word "mineral."

Mr. FOSTER. Is that in order to keep away from anything except coal, oil, and gas?

Mr. FITZGERALD. The purpose is not to include wood and alcohol and matters of that character. It is to confine it to mineral fuels. I am trying to prevent such things as was contended for in 1909 could be done—to test wood, to promote the development of the furnace for using wood as a fuel, and the use of alcohol as a fuel. I suppose the gentlemen interested in this bill wish to confine it to coal, lignites, and mineral fuels, and do not intend that the bureau shall go into the business of testing any gases or liquid fuels.

Mr. FOSTER. Oils and gases are considered as mineral substances, and also natural gas.

Mr. FITZGERALD. Yes; the gases are included as minerals.

Mr. MILLER. I think the Government ought to have the authority to investigate peat. I do not know whether the gentleman's amendment would exclude peat or not. Otherwise I am friendly to the gentleman's amendment.

Mr. FITZGERALD. I will be perfectly frank with the gentleman. I do not desire in any unfair way to prevent certain things being done.

Mr. MILLER. Would the gentleman modify his amendment so as to say mineral fuels, including peat?

Mr. FITZGERALD. The gentleman from Illinois, the chairman of the committee, might accept the amendment, and if it goes further than it should go it can be corrected. By the time the bill is taken up again it can be ascertained whether it goes too far, and if it does I will not object to a reconsideration.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. RAKER. I understand the purpose of the amendment is to have it apply to mineral fuels entirely.

Mr. FITZGERALD. Yes.

Mr. RAKER. Then ought it not to read "to investigate explosives"—strike out the word "and"—"the mineral fuels, and unfinished mineral products belonging to"?

Mr. FITZGERALD. I think that is a good suggestion.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. STEPHENS of Texas. They are extracting gasoline now from natural gas. Some private inventors have got hold of the use of that method. Would that be covered by the gentleman's amendment?

Mr. FITZGERALD. I think that natural gas would be covered.

Mr. STEPHENS of Texas. They extract the gasoline from the gas, and the gas is then used for lighting purposes and the gasoline for all other purposes for which gasoline is now used.

Mr. FOSTER. Mr. Chairman, let us have a vote. I am not opposed to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 28, noes 8.

So the amendment was agreed to.

Mr. CANNON. Mr. Chairman, at the hour of 5 o'clock and with the thermometer at 90 in the shade, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Illinois suggests the absence of a quorum. The Chair will count. [After counting.] Forty-one Members present; not a quorum.

Mr. CANNON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois that the committee do now rise.

The question was taken; and on a division, at the suggestion of the Chair, there were—ayes 25, noes 25.

So the motion was rejected.

Mr. CANNON. Mr. Chairman, I demand tellers. If gentlemen want to punish themselves without making any headway, that is their own affair.

Mr. FOSTER. I have asked that we stay in session only 5 or 10 minutes more, and then I should be willing to rise. That is all. I do not want to keep the House here unnecessarily. I suggest that it is only 5 o'clock.

Mr. CANNON. But it has developed that there is no quorum present.

The CHAIRMAN. Does the gentleman from Illinois demand tellers?

Mr. CANNON. Yes.

Mr. RAKER. Would not the gentleman consent to go on for a little while?

Mr. CANNON. I can not, a quorum not being present.

The CHAIRMAN. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Twelve Members have risen—not a sufficient number—and tellers are refused. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	Bates	Burke, S. Dak.	Connell
Akin, N. Y.	Bathrick	Burleson	Cooper
Allen	Berger	Calder	Copley
Ames	Borland	Cantrill	Covington
Andrus	Bowman	Carlin	Cox, Ind.
Anthony	Bradley	Catlin	Cox, Ohio
Ashbrook	Broussard	Clark, Fla.	Crago
Bartholdt	Burgess	Clayton	Cravens
Crumpacker	Helgesen	Malby	Sherley
Curley	Helm	Mann	Sherwood
Currier	Higgins	Matthews	Simmons
Dougherty	Hinds	Mays	Siemp
Davis, W. Va.	Hobson	Moon, Pa.	Small
De Forest	Hubbard	Moore, Tex.	Smith, J. M. C.
Denver	Hughes, N. J.	Morrison	Smith, Saml. W.
Donohoe	Hughes, W. Va.	Morse	Smith, Cal.
Ellerbe	Humphrey, Wash.	Mott	Sparkman
Estopinal	Jackson	Nelson	Stack
Evans	James	Norris	Stanley
Fairchild	Johnson, Ky.	Olmsted	Stedman
Fields	Johnson, S. C.	O'Shaunessy	Stephens, Nebr.
Flood, Va.	Kahn	Padgett	Sulloway
Floyd, Ark.	Kendall	Palmer	Sulzer
Foss	Kent	Patten, N. Y.	Switzer
Fuller	Kindred	Peters	Talbott, Md.
Gardner, Mass.	Kinkaid, Nebr.	Pickett	Talcott, N. Y.
Gardner, N. J.	Kinkead, N. J.	Plumley	Taylor, Ala.
Garrett	Konig	Porter	Taylor, Ohio
Gillett	Lamb	Pou	Thayer
Glass	Langley	Prince	Thistlewood
Gocke	Legare	Rajo	Thomas
Gould	Levy	Randell, Tex.	Townsend
Graham	Lindsay	Ransdell, La.	Tuttle
Gray	Littleton	Reilly	Underwood
Green, Iowa	Lloyd	Reyburn	Vare
Gregg, Pa.	Loud	Riordan	Vreeland
Gregg, Tex.	McCoy	Roberts, Mass.	Webb
Guernsey	McCreary	Rothermel	Weeks
Hamill	McGillicuddy	Rouse	Whitacre
Hamilton, W. Va.	McGuire, Okla.	Rucker, Mo.	Wilson, Ill.
Hanna	McHenry	Russell	Wilson, N. Y.
Harrison, N. Y.	McKinley	Saunders	Wood, N. J.
Hartman	McLaughlin	Scully	Woods, Iowa
Haugen	McMorran	Sells	Young, Mich.
Hayes	Madden	Sharp	
Heald	Maher	Sheppard	

The committee rose; and Mr. HAY having assumed the chair as Speaker pro tempore, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 210 Members responded to their names, a quorum, and he returned the names of the absentees.

The SPEAKER pro tempore. A quorum being present, the committee will resume its sitting.

Thereupon the committee resumed its sitting.

The Clerk read as follows:

SEC. 3. That the director of said bureau shall prepare, publish, and distribute, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this act.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17200, the Bureau of Mines bill, and had directed him to report that it had come to no resolution thereon.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (H. R. 24699) extending the time for the payment of certain war-revenue taxes erroneously collected, and the same was referred to the Committee on the Judiciary.

EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that all Members may have five days after the completion of this bill to extend their remarks in the RECORD.

Mr. CANNON. On the bill?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I want to find out in regard to this. Did the gentleman say all Members or all Members who have spoken on the bill?

Mr. FOSTER. Mr. Speaker, I will ask that all Members who have spoken on the bill have the right to extend their remarks on the bill for five days.

Mr. PAYNE. Mr. Speaker, I have no objection to that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all gentlemen who have spoken on this bill shall have five legislative days after the bill gets out of the House to extend their remarks in the RECORD on the bill itself. Is there objection?

Mr. HILL. Mr. Speaker, reserving the right to object, I would like to make an inquiry, an answer to which I think would be

for the general information of the country. This bill will not be in order again, I understand, until next Wednesday. That will be the 0th of June, and five legislative days after that will carry it to the 11th of June. I would like to inquire whether the Democratic majority in control of this House has any plans for adjournment [applause]; and, if so, whether that information could be given us, so that we would know——[cries of "Regular order!"] Mr. Speaker, I am in order. I am asking for information, and I am asking in good faith. Otherwise I shall object to this printing. I want to know whether the request covering five legislative days after this bill gets out of the House—the bill not being in order again until next Wednesday—is buncombe, or whether we will have those five legislative days occurring after that time. Somebody in authority here ought to be able to answer that question.

Mr. FOSTER. Mr. Speaker, I would like to withdraw the request for the five days——

Mr. HILL. I am asking the question in good faith.

The SPEAKER. If the gentleman is asking the Speaker, the Speaker can not tell him.

Mr. HILL. I did not suppose he could. I was asking the floor leader.

Mr. FITZGERALD. I wish to say this side of the House will be prepared to adjourn very speedily whenever a demoralized and reactionary Republican Senate acts upon the bills sent there for the relief of the American people.

Mr. HILL. Mr. Speaker, I do not think that is a fair answer to the question; for, in view of the votes there to-day, there is no Republican Senate. I think the gentleman's answer is not a fair one. [Applause.] I think a great many of us would like to have the question answered. If this Democratic majority of 63 confesses its utter inability to answer the question, I will withdraw my objection.

Mr. CANNON. The replication having been filed and the issue made, I suppose it would be in order to have a jury to try the issue.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, this afternoon I submitted some remarks to the committee and called attention to a historic document. I desire to ask unanimous consent to have reproduced in the RECORD as part of my remarks a facsimile of the document, with the notation on the margin to which I called the attention of the committee.

Mr. PAYNE. Mr. Speaker, my impression is that that can only be done by the Joint Committee on Printing.

The SPEAKER. Is there objection to the printing in the CONGRESSIONAL RECORD of the document which the gentleman from New York [Mr FITZGERALD] holds in his hand?

Mr. FITZGERALD. I wish to have it made in facsimile.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6450. An act for the erection of a public building at Waynesville, N. C.; to the Committee on Public Buildings and Grounds.

S. 6984. An act authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill; to the Committee on Military Affairs.

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the north Atlantic Ocean; to the Committee on the Merchant Marine and Fisheries.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House, under its previous order, adjourned until Friday, May 31, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MILLER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 18504) to provide for the sale of fractional block No. 6 in the town of Forest Grove, Oreg., no longer needed for school purposes, reported the same with amendment, accompanied by a report (No. 795), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries, reported the same without amendment, accompanied by a report (No. 796), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes, reported the same with amendment, accompanied by a report (No. 803), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes, reported the same without amendment, accompanied by a report (No. 799), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas, reported the same without amendment, accompanied by a report (No. 797), which said bill and report were referred to the House Calendar.

Mr. CANDLER, from the Committee on Alcoholic Liquor Traffic, to which was referred the bill (H. R. 22826) to prohibit the sale of intoxicating liquor to minors within the admiralty and maritime jurisdiction of the United States, reported the same with amendment, accompanied by a report (No. 800), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (S. 4778) to correct the military record of John T. Haines, reported the same without amendment, accompanied by a report (No. 798), which said bill and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (S. 2427) for the relief of the legal heirs of A. G. Strain, reported the same without amendment, accompanied by a report (No. 801), which said bill and report were referred to the Private Calendar.

Mr. McCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 20092) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley, reported the same with amendment, accompanied by a report (No. 804), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 22409) for the relief of John Dembroski, and the same was referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 24961) to provide a civil government for Porto Rico, and for other purposes; to the Committee on Insular Affairs.

By Mr. RODDENBERY: A bill (H. R. 24962) to prohibit the interstate transportation of pictures of prize fights, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFFERTY: A bill (H. R. 24963) for the acquisition of a site and the erection thereon of a public building at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: A bill (H. R. 24964) to amend an act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 24965) to encourage and promote the sinking of wells on desert lands in the State of Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 24966) making appropriations for the improvement of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. RANSDELL of Louisiana: A bill (H. R. 24967) to prevent floods on the Mississippi River and to improve navigation thereon; to the Committee on Rivers and Harbors.

By Mr. KINKAID of Nebraska: A bill (H. R. 24968) to authorize reduction of value of improvements required by act of April 28, 1904, and acts amendatory thereof, providing for homestead entries of certain lands in Nebraska of not exceeding 640 acres; to the Committee on the Public Lands.

By Mr. SHERWOOD: Resolution (H. Res. 555) providing for pay for the examiner detailed to the Committee on Invalid Pensions from the Pension Bureau; to the Committee on Accounts.

By Mr. DONOHOE: Resolution (H. Res. 556) directing the Committee on the Post Office and Post Roads to investigate the methods employed by the United States district attorney at Baltimore, Md., and the special agents of the Post Office Department in the bringing of indictments against the board of directors of the Potomac Refining Co. of Maryland in the United States court at Baltimore, Md.; to the Committee on Rules.

By Mr. DIFENDERFER: Resolution (H. Res. 557) directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer; to the Committee on Interstate and Foreign Commerce.

By Mr. POU: Resolution (H. Res. 558) providing for consideration and vote on House bill 56; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 24969) for the relief of Charles H. Clark; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 24970) granting an increase of pension to James Forsyth Harrison; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 24971) for the relief of the E. I. du Pont de Nemours Powder Co., a corporation organized under the laws of the State of New Jersey; to the Committee on Claims.

Also, a bill (H. R. 24972) for the relief of the International Smokeless Powder & Chemical Co., a corporation organized under the laws of the State of New Jersey; to the Committee on Claims.

By Mr. BULKLEY: A bill (H. R. 24973) granting a pension to Sarah E. Van Orman; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24974) granting an increase of pension to Francis Short; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 24975) granting a pension to Johanna F. Weand; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 24976) for the relief of Eduardo Martinez; to the Committee on Claims.

Also, a bill (H. R. 24977) granting a pension to Francisco Montoya; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24978) granting a pension to Jennie Riggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24979) granting an increase of pension to Sarah E. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24980) granting an increase of pension to Andrew J. Bowyers; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 24981) granting a pension to Mary E. Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24982) granting an increase of pension to Cornelius Lefever; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24983) to correct the military record of William Forney; to the Committee on Military Affairs.

By Mr. LAFFERTY: A bill (H. R. 24984) for the relief of Frank Medrith; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 24985) granting a pension to Everett L. Stokes; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 24986) granting a pension to Caroline Cooper; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 24987) for the relief of Thomas J. Hunt, surviving partner of Mosby & Hunt; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 24988) granting an increase of pension to Henry W. Worrell; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 24989) granting an increase of pension to Philip M. Musick; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 24990) granting an increase of pension to John Gray; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24991) granting an increase of pension to Mary E. Thacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24992) granting an increase of pension to Wesley Martin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 24993) granting a pension to Elizabeth A. White; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 24994) correcting the military record of John Robinson; to the Committee on Military Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 24995) granting a pension to Edwin N. Kendall; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMES: Papers to accompany bill for the relief of Charles H. Clark, commissioned officer in the United States Army, relative to longevity pay; to the Committee on Military Affairs.

By Mr. AYRES: Memorial of citizens of New York City, favoring passage of the Dillingham bill providing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the National Lumber Manufacturers' Association, favoring free tolls on the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Resolutions of the Patriotic Order Sons of America of Americus, Ga., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Chamber of Commerce of Savannah, Ga., favoring building homes for our consuls abroad; to the Committee on Foreign Affairs.

Also, resolutions of the Chamber of Commerce of Savannah, Ga., favoring passage of House bill 1823; to the Committee on Industrial Arts and Expositions.

Also, resolutions of Solomon Lodge, No. 1, Free and Accepted Masons, of Savannah, Ga., favoring passage of House joint resolution 271, relative to marking graves in our national cemeteries; to the Committee on Military Affairs.

By Mr. BLACKMON: Petition of the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of business men of Walden and Livingston Manor, N. Y., against passage of bill to prevent price restrictions on part of certain manufacturers; to the Committee on the Judiciary.

By Mr. BULKLEY: Petition of the Franklin Club, of Cleveland, demanding the impeachment of United States Judge Hanford, of the Seattle district, for alleged usurpation of power not authorized under the Constitution; to the Committee on the Judiciary.

Also, petition of Workmen's Circle, No. 79, Cleveland, Ohio, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of the United Brotherhood of the Churches of West Chester, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. CALDER: Resolution of the National Lumber Manufacturers' Association, favoring passage of bill relative to importation of nursery stock; and of the Long Island Game Protective Association, of New York, favoring passage of the McLean-Weeks bill (S. 6497), for the protection of migratory birds; to the Committee on Agriculture.

Also, petition of Mrs. Thomas B. Coles, of Brooklyn, N. Y., favoring passage of bill for better conditions for people of Alaska; to the Committee on the Territories.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bills, proposing change in patent laws; to the Committee on Patents.

Also, petition of Leopold Weis, of Brooklyn, N. Y., against passage of Senate bill 5461, known as the Works bill, relative to license for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: Resolutions of Cream City Lodge, No. 476, Order of B'rith Abraham, of Milwaukee, Wis., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of citizens of New York, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of Browning & Co., of New York City, against passage of House bill 24023 in its present form; to the Committee on Appropriations.

By Mr. FRANCIS: Petition of State Camp, Patriotic Order Sons of America, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Lumber Manufacturers' Association, favoring opening of canal free to American ships engaged in our coastwise domestic trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Lumber Manufacturers' Association, relative to immediate adoption of measures of relief for future sufferers from floods along the Mississippi River and its tributaries; to the Committee on Rivers and Harbors.

Also, petition of the National Lumber Manufacturers' Association, favoring passage of bill relative to importation of nursery stock, etc.; to the Committee on Agriculture.

Also, petition of the National Lumber Manufacturers' Association, favoring passage of amendment to the Sherman Anti-trust Act, relative to trade with foreign countries and favoring measure to place on a civil-service basis the Diplomatic and Consular Service of the subordinate classes; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Salem Church and the Emanuel Lutheran Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the W. D. Allen Manufacturing Co., Chicago, Ill., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of John Weaver, Beaverdam, Ohio, favoring passage of House bill 1339, for granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the United States Civil-Service Retirement Association, protesting against the enactment of the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

By Mr. GARNER: Petition of the Confederate Veterans of Texas, asking that money collected as taxes on cotton and the interest for same for 50 years should be used as pension for them and their widows in their old age; to the Committee on Appropriations.

By Mr. GOLDFOGLE: Resolutions of the national committee for mental hygiene; the board of managers of the State Charities Association; the board of directors of the Milwaukee Chamber of Commerce, of Milwaukee, Wis.; the directors of the Houston Chamber of Commerce, of Houston, Tex.; the Baltimore Chamber of Commerce, Baltimore, Md.; the executive committee of the Lowell Board of Trade, of the State of Massachusetts; and B'rith Abraham lodges of the Columbian Alliance, of New York City, against passage of bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Mutual Benefit Association, fifth division, surveyor's office, United States customs, port of New York, favoring passage of House bill 23241; to the Committee on Ways and Means.

By Mr. HAYDEN: Petition of citizens of Bisbee, Ariz., favoring a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of the Salt Lake County Medical Society, favoring legislation for creating a department of public health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Salt Lake Commercial Club, in favor of the enlargement of the scope and jurisdiction of the Bureau of Mines; to the Committee on Mines and Mining.

Also, resolutions of Utah Lodge, No. 139, Independent Order B'rith Sholon, of Salt Lake City, Utah, against passage of House bill 22537; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Albany Towing Co., Rensselaer, N. Y., relative to the improvement of the dam at Troy, N. Y., etc.; to the Committee on Rivers and Harbors.

Also, petition of Jerome Romine, San Antonio, Tex., favoring passage of House bill 1339, for increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of citizens of New York, favoring passage of House bill 22527, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOBECK: Petition of Robert Muir, secretary Local Omaha Lodge, No. 31, International Association of Machinists, Omaha, Nebr., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of citizens of the State of Nebraska, favoring passage of the anti-Taylor system bill (H. R. 22339); to the Committee on Labor.

Also, petition of citizens of Blair, Nebr., favoring the passage of the Haugen bill and opposing the passage of the Lever oleomargarine bill; to the Committee on Agriculture.

Also, petition of the Richmond Chamber of Commerce, favoring a more adequate monetary system; to the Committee on Banking and Currency.

By Mr. MARTIN of South Dakota: Petition of the South Dakota Woman's Christian Temperance Union, of Aberdeen, S. Dak., against passage of House bill 14925; to the Committee on the Judiciary.

Also, petition of citizens of New York City, favoring passage of the Dillingham bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKELLAR: Petition of citizens of Shelby and Tipton Counties, Tenn., asking for relief from the floods of the Mississippi River; to the Committee on Rivers and Harbors.

By Mr. PARRAN: Petition of Seabrook Council, No. 69, Daughters of America, Seabrook, Md., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of the First Baptist Church of Hamilton, Mont., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of citizens of Ballentine, Mont., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Resolution of the Workingmen's Circle of San Antonio, Tex., against passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Los Angeles (Cal.) Chamber of Commerce, favoring continuance of the work of the Efficiency Board; to the Committee on Appropriations.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of the Daughters of Liberty, Crasmere, N. H., and the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Resolution of citizens of New York City, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolution of citizens of New York City, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 30, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, who art the Ruler of the nations, our fathers trusted in Thee and were not ashamed, and we in our day acknowledge Thee to be our God and implore Thee to continue Thy favor unto us, even unto us who are their sons and the heirs of all their labors and of all their tears. In ways which we could not understand Thou hast led us and Thou hast guided us in paths which we had not known. Of the little one Thou hast made a great nation and us who were many Thou hast made one. As Thou wast with our fathers, so be Thou with us, we pray Thee. Keep us free and undivided, that by Thy grace we may be that happy nation whose God is the Lord.

And unto Thee, our God, whose we are and whom we serve, will we ascribe praise now and forevermore. Amen.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Jones	Rayner
Bacon	Cummins	Lodge	Sanders
Borah	Curtis	McCumber	Shively
Bourne	Dillingham	McLean	Simmons
Bradley	du Pont	Martin, Va.	Smith, Ariz.
Brandegee	Fall	Martine, N. J.	Smith, Ga.
Brist ow	Fletcher	Myers	Smoot
Bryan	Foster	Nelson	Stephenson
Burnham	Gallinger	O'Gorman	Sutherland
Catron	Gardner	Overman	Thornton
Chamberlain	Gronna	Page	Townsend
Chilton	Heyburn	Paynter	Warren
Clark, Wyo.	Hitchcock	Penrose	Watson
Clarke, Ark.	Johnson, Me.	Perkins	Williams
Culberson	Johnston, Ala.	Pomerene	Works

Mr. MARTIN of Virginia. My colleague [Mr. SWANSON] is unavoidably absent from the city. He is paired with the Senator from Nevada [Mr. NIXON]. I make this statement to answer for all roll calls during the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber.

The PRESIDENT pro tempore. Sixty Senators have answered to their names and a quorum of the Senate is present. The Journal of yesterday's proceedings will be read.

Mr. GALLINGER. I ask unanimous consent that the reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the reading of the Journal be dispensed with. Is there objection? Without objection, it is so ordered. The Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

The Sanford & Brooks Co. (Inc.) v. United States (S. Doc. No. 730); and

Sophie M. Guard, executrix of Alexander McCook Guard, deceased, v. United States (S. Doc. No. 731).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

AGRICULTURE APPROPRIATION BILL (S. DOC. NO. 732).

Mr. BURNHAM. I present a conference report on House bill 18960, the agriculture appropriation bill.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the report, the entire report being as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 42, 50, 51, 57, 58, 72, 101, 103, 104, 105, 106, 107, 111, 120, 124, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 154, 155, 160, 178.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 46, 47, 49, 53, 54, 55, 62, 63, 64, 67, 68, 70, 75, 76, 78, 80, 81, 82, 83, 84, 91, 93, 96, 98, 99, 100, 108, 110, 112, 114, 117, 118, 121, 125, 126, 127, 128, 129, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 156, 157, 158, 159, 161, 162, 165, 166, 167, 168, 171, 172, 173, 174, 175, 176, 177, 179, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$600,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,217,866"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,620,316"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$25,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$8,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$52,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$80,765"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,795"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: After the word "demonstrations" strike out the word "in" and insert the words "and for"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "That for the purpose of establishing an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station in the State of North Dakota, west of the Missouri River; for the purchase of a suitable site and necessary farming land, to be selected by the Secretary of Agriculture; for the erection of buildings and other improvements to adapt such site to the purpose of making it an experimental farm to demonstrate the kind and character of plants, shrubs, and trees, berries, and vegetables best adapted to the climate and soil of the semiarid lands of the United States, and for the purchase of necessary stock and machinery, the sum of $50,000 or so much thereof as may be necessary, be, and the same is hereby, appropriated"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,658,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,323,580"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are chiefly valuable for agricultural purposes, and that are not needed for public purposes or for use by the public, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: At the end of the amendment, after the word "forests," insert the following: "But it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the act of June 4, 1897"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$170,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following: "And the Secretary of Agriculture shall investigate the best methods of distillation of Douglas fir and other northwestern species of fir and timber, and ascertain the yields of distillates of various species, and the refining and commercial use of the distillates"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$20,180"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$165,640"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$400,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the language inserted by said amendment insert the following as a new paragraph:

"That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1912, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$3,107,285"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,343,045"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$968,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$30,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$328,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$672,340"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$177,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$202,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$194,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$219,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,867,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,221,496"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,898,496"; and the Senate agree to the same.

H. E. BURNHAM,
F. E. WARREN,
JOHN H. BANKHEAD,
Managers on the part of the Senate.

JOHN LAMB,
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. GALLINGER. I did not understand that my colleague asked present consideration for the report. It seems to me it ought to be printed and go over. I should like myself to look at it.

Mr. BURNHAM. That course is entirely agreeable to me.

The PRESIDENT pro tempore. The conference report will be printed and go over, subject to call.

Mr. HEYBURN. I think the bill as it would stand amended should be printed, showing in italics the changes that have been made in the conference, so that we may have it before us. It is too extensive a bill to undertake to review and criticize in a few minutes or even in an hour.

Mr. WARREN. Mr. President, I ask leave to call the attention of the Senate to the condition we are in about the appropriation bills.

The PRESIDENT pro tempore. The matter has not been disposed of which has been brought before the Senate. The Senator from Idaho suggests——

Mr. WARREN. I am talking about the matter now before us.

The PRESIDENT pro tempore. Then the Senator is in order.

Mr. WARREN. We are now almost to the 1st day of June. There have been only two of the regular annual appropriation bills of the session which have received the signature of the President, and they are very unimportant as to size of bill and as to their provisions leading to delay and debate. I speak of the diplomatic and consular appropriation bill and the fortifications appropriation bill. All the great appropriation bills of the session, except the two mentioned, or all those that have arrived at this end of the Capitol, are here unacted upon as to finality, though under consideration in subcommittees. Some of the annual appropriation bills have not yet made their appearance from committees on the other side, and the more important ones which have been reported are filled from cover to cover with legislation.

Mr. President, if we are going into this easy-going idea of laying aside appropriation bills and apportioning the time here for agreements to this, that, and the other thing, we might as well expect that we are going to spend the entire summer in session and adjourn some time next autumn. There has never been a time in my remembrance when the appropriation bills have been sidetracked, through the good nature, or otherwise, of members of appropriation committees, and given less attention by those not engaged in their preparation and defense than in the present session of the Senate. When we were considering appropriation bills on the last day of the last session, complaints were made by members of the Appropriations Committee that they had not received sufficient notice and they were not present at meetings of the committee, all of which may occur again if too much of the business of the Appropriations Committee is crowded into the last few days.

I want to request the favor of the members of the Committee on Appropriations that they be always ready, at a moment's notice, at any time, if need be, to go into committee or conference, and not to expect two or three days' notice beforehand; and I want to ask of the Senate that no more unanimous-consent agreements be made of any kind or character, except such as may be made subject to consideration of appropriation bills.

I believe I have been patient about it, as we all have at this end of the Capitol. I believe that all those who have a care for these appropriation bills and have them specially in charge have been particularly patient. I know we have been very industrious. But here we are. We have the District of Columbia appropriation bill, with hundreds of amendments which have not been composed, for reasons well understood by those having it in charge. It came over here as the first bill. The Indian appropriation bill has not yet been reported to the Senate.

Mr. CURTIS. It was reported yesterday.

Mr. WARREN. The Senator from Kansas reminds me that it was reported yesterday. I am glad. We have the Post Office appropriation bill, lately brought here with I do not know how many matters of legislation attached to it or how much money in it. We have the legislative, executive, and judicial appropriation bill now before the committee. It is also filled with legislation, besides the hundreds of differences that must occur over items and amounts, and so forth.

It seems to me it is now time for the Senate to give some earnest attention to the appropriation bills and to the disposition of the conference reports one way or the other when they are presented here.

Mr. GALLINGER. Mr. President, I am not sensitive, and I presume the Senator from Wyoming, who has a great burden upon him, did not mean to criticize me for asking that the conference report on this appropriation bill should go over.

Mr. WARREN. On the contrary, I was drawing attention to the difficulties, and that my colleague on the committee, who is always prompt and effective, has been unable even to get an agreement to compose those District bill differences. Yet he has been industriously laboring, as I know, on that subject.

I only speak of the fact that these great money bills are here without the final composure of differences, and here we are at the time or date when we ought to be adjourning.

Mr. GALLINGER. I greatly sympathize with what the Senator says, and yet, of course, unless this bill, which is an important bill, is explained to the Senate it ought to go over and the report should be printed. I have no desire to delay it a moment.

As to the District of Columbia appropriation bill, I will say, Mr. President, and I say it not in criticism of the other House, because I could not indulge in a criticism of that kind, after that bill passed the Senate with something over 400 amendments it was not acted upon by the other House for two months, and it came back here very recently. An early meeting of the conference committee has been called, and I have no doubt we will get that bill through in due time in some shape or other.

I think the Senator is right in calling attention to this matter. Unfortunately most of these bills are now in committee. They have not been reported to the Senate. As soon as this report is printed we ought to take it up in good faith and pass on it as promptly as possible, and also take up and pass the Indian appropriation bill. The pension appropriation bill and those bills are weighted down as they never have been before with legislation. I do not know how much they have been improved by the appropriate committees. I hope that those which have been acted upon and the one which has just been reported on have been improved in that particular. Some Senators made a suggestion to me that it would be wise for the Senate if it struck out all general legislation on these appropriation bills, but unfortunately we can not reach the general legislation that the other House puts in these bills, and so we are handicapped in that regard.

But I join with my good friend from Wyoming, the chairman of the committee, of which I happen to be a member, in the desire that the consideration of these bills shall be expedited as much as possible.

Mr. WARREN. I am glad to have drawn out the remarks of the Senator from New Hampshire, and I am glad that he stated what is a well-known fact, that attention at another place was not given to the amendments from this side for many weeks.

Mr. GALLINGER. For two months.

Mr. WARREN. But in the enumeration of bills—I wish to cut it short—here is the naval appropriation bill, which involves a large amount of money and I presume will lead to differences of opinion and many amendments. We have in committee the legislative appropriation bill. This day makes two weeks, every day of which and more than half of the nights up to midnight have been occupied upon that bill by the subcommittee, and it is not yet ready to be submitted to the full committee because of the great number of changes that have been made, the legislation that elsewhere has been introduced in various places, and the several pages at the end of the bill that are filled with entirely new matter.

I am informed that we shall have another very large bill shortly, the sundry civil appropriation bill, which is the omnium gatherum of everything left from the others except the deficiency. I understand that that bill will be a category from first to last of the needed legislation of the country. I am not finding fault with that. The House is proceeding under its rules. It has changed the rules, as it has a right to do, and adopted new ones which makes it within the rules, regular and special, to attach any kind of legislation to an appropriation bill; and we have that condition and all that new legislation to meet. The House is a coordinate branch of the Government. Furthermore, we have the heads of the several departments to deal with. Some of them seem to assume that they own Congress, body and mind, and they want everything in the bills left in or taken out to suit their figures. So Senators who are on the appropriating committees are between these fires—the Senate on the one side, the House of Representatives on another, and the departments on still another. Therefore the life of a Senator who happens for the time being to be serving upon those committees is not entirely a happy nor an easy one, especially if he is one of those who are selected as managers of a conference.

I have no objection to this conference report going over and being printed; that is a very proper thing to do; but I want to call the attention of the Senate to the condition of these bills.

I do not believe there has been a time which can be pointed to back in history where there has been at so late a period in the session so few money bills acted on, and yet there is not a single appropriation bill that I know of which has come from the other side of the Capitol to this Senate which has not been

directly taken up by our committees and proceeded with as fast as it could be done under the circumstances and in view of all the new legislation proposed in this new and unusual way.

Mr. LODGE. Will the Senator allow me to interrupt him for just a moment?

Mr. WARREN. Yes.

Mr. LODGE. The Senator referred to the naval bill. The naval bill only reached the Senate last night.

Mr. WARREN. That is true, and two of the largest annual appropriation bills are not yet reported out of committees of the other House to that body.

Mr. MARTIN of Virginia. Mr. President, the remarks of the Senator from Wyoming are a very proper and timely warning to those Senators who are charged with the duty of preparing appropriation bills and presenting them to the Senate; but I must say that I do not see any occasion for a criticism of the Senate, as such, for there has not been an objection interposed; there has not been a particle of delay or hindrance in the consideration of an appropriation bill, so far as I can recall. I think the Senate stands ready now, as it has stood ready for a long time, to take up, consider, and dispose of any appropriation bill that is presented to the Senate by the chairmen of the respective committees having charge of those matters.

The PRESIDENT pro tempore. Without objection, the order will be entered, under the suggestion of the Senator from New Hampshire and also the Senator from Idaho, as to the printing of the bill.

Mr. HEYBURN. My request was that the bill be printed with the amendments and changes in italics, so that we could at once see them.

The PRESIDENT pro tempore. It will be so ordered, without objection.

Mr. BURNHAM. I wish to say that at the earliest opportunity I shall call up the conference report on the agricultural appropriation bill, and I hope that its consideration will be continued until it is disposed of.

PETITIONS AND MEMORIALS.

Mr. BRISTOW presented a petition of members of the Cloud County Medical Society, of Kansas, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of members of the Citizens' Association of Chevy Chase, D. C., and a petition of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the congregation of the People's Church of Washington, D. C., favoring the enactment of legislation authorizing the use of vacant school buildings in the District of Columbia for educational purposes, which were referred to the Committee on the District of Columbia.

Mr. JOHNSON of Maine presented a petition of members of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the Diocese of Maine, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. GARDNER presented petitions of Harvest Home Grange, Patrons of Husbandry, of Surry; of the Granite Cutters' Association of Portland; of the Loom Fixers' Union of Biddeford; of the United Brotherhood of Carpenters and Joiners of Augusta; and of sundry citizens of Egypt and Rumford, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Division, No. 607, International Brotherhood of Locomotive Engineers, of Calais, Me., praying for the enactment of legislation granting the privileges of second-class postage rates to the publications of fraternal societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Camp Hamlin-Hagerty, No. 3, Department of Maine, United Spanish War Veterans, of Lewiston and Auburn, Me., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. BURTON presented resolutions adopted by the board of directors of the Chamber of Commerce of Columbus, Ohio, favoring the enactment of legislation to encourage the building of railroads throughout the country, which were referred to the Committee on Interstate Commerce.

Mr. SMITH of Maryland presented a memorial of the Society of Friends of Hughesville, Md., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of members of the Typographical Union of Boston, Mass., remonstrating against the enactment of legislation providing for the coinage of half-cent pieces, which was referred to the Committee on Finance.

Mr. WETMORE presented a memorial of Rhode Island Lodge, No. 213, Order B'rith Abraham, of Providence, R. I., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CURTIS presented a petition of sundry citizens of Topeka, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. POMERENE. I present several letters from commissioners on uniform State laws, and telegrams from the Produce Exchange of Toledo, Ohio, and the Van Dusen-Harrington Co., of Minneapolis, Minn., in support of Senate bill 6810, relating to bills of lading. I do not care to have the letters and telegrams read, but I ask that they be printed in the RECORD.

There being no objection, the letters and telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS,
New York City, May 20, 1912.

Hon. ATLEE POMERENE,
Senate Chamber, Capitol, Washington, D. C.

DEAR SIR: I write in advocacy and approval of your substitute Senate bill 6810, relating to bills of lading in interstate and foreign commerce.

I consider that it will be of great advantage in advancing the cause of uniformity of legislation in this regard, a work upon which our conference of commissioners on uniform State laws has been engaged for many years.

Trusting that your bill will be enacted into law, I am,
Very faithfully, yours,

CHARLES THADDEUS TERRY.

—

CHALMERS & KENT.
Phoenix, Ariz., May 15, 1912.

Hon. ATLEE POMERENE,
United States Senator, Washington, D. C.

MY DEAR SIR: As a former member of the board of commissioners on uniform State laws of the Territory of Arizona, I desire heartily to indorse Senate bill 4713, relating to bills of lading in interstate and foreign commerce, which bill I understand has recently been introduced by you in the Senate. It seems to me most desirable that there should be a Federal law in harmony with the uniform bills of lading law now enforced in several of the States, and as the bill introduced by you is in harmony with such law I trust it may pass Congress.

Yours, very truly,

EDWARD KENT.

—

PEORIA BOARD OF TRADE,
Peoria, Ill., May 18, 1912.

Hon. ATLEE POMERENE,
Washington, D. C.

DEAR SIR: By action of the Peoria Board of Trade, I am directed to state that we are in favor of the Pomerene Senate bill 6810 and not in favor of Senate bill 957.

We are constrained to take this position after a fair and impartial consideration of both bills covering some length of time. Besides, features in Senate bill 957 which we deem do not properly safeguard the shippers' rights, Senate bill 6810 covers the rights and liabilities as between buyers and sellers of negotiable bills of lading and carriers. This latter feature is very important to the grain trade.

Yours, truly,

C. H. FELTMAN, *President.*

—

103 OAK HALL BUILDING,
Pawtucket, R. I., May 20, 1912.

Senator POMERENE,
United States Senate, Washington, D. C.

DEAR SIR: As a member of the Commission for the Promotion of Uniformity of State Legislation for the State of Rhode Island, I heartily approve your substitute Senate bill 6810 relating to bills of lading in commerce with foreign nations and among the several States.

I have written Senators WETMORE and LIPPITT urging their active support of this measure, which means the support of the great cause for the uniformity of State legislation and will have a tremendous influence upon the legislatures of those States which have not already enacted the law.

Very truly, yours,

CLARENCE N. WOOLLEY.

—

TOLEDO, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Toledo Produce Exchange strongly indorses Pomerene substitute, Senate bill 6810, on bills of lading, and urges that same be enacted into a law at this session of Congress.

FRANK I. KING, *President.*

MINNEAPOLIS, MINN., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senator, Senate Office Building,
Washington, D. C.:

We can not too strongly indorse Pomerene substitute, Senate bill 6810, containing amendments agreed to by bankers and shippers at conference held in Washington May 22. Practical experience convinces us that every section is essential for the protection of an innocent holder of a bill of lading, and we hope action will be taken at this session of Congress removing the unsatisfactory conditions that now exist.

THE VAN DUSEN HARRINGTON CO.,
By H. A. FELTUS, *Traffic Manager.*

REPORTS OF COMMITTEES.

Mr. BRANDEGEE, from the Committee on Interstate Commerce, to which was referred the bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, reported it without amendment and submitted a report (No. 819) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona, reported it without amendment.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves," reported it without amendment and submitted a report (No. 822) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, State of Oklahoma, reported it with an amendment and submitted a report (No. 823) thereon.

Mr. HEYBURN. Two petitions relating to labels on manufactured articles were referred on yesterday, or a few days ago, to the Committee on Manufactures, which should have been referred to another committee. I move that the Committee on Manufactures be discharged from the further consideration of the petitions and that they be referred to the Committee on Interstate Commerce.

The motion was agreed to.

OLMSTEAD LANDS, NORTH CAROLINA.

Mr. CHAMBERLAIN. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 20738) for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture to report it with an amendment, and I submit a report (No. 820) thereon. I call the attention of the Senator from North Carolina to the bill.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was to add at the end of the bill a new section, as follows:

SEC. 4. That nothing herein contained shall be construed to affect in any way any private or corporate rights now existing with reference to said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WHITE RIVER DAM, ARK.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 20247) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., and I submit a report (No. 821) thereon. I call the attention of the Senator from Arkansas to the bill.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent for the present consideration of the bill.

Mr. SMOOT. I am not going to object to the consideration of the bill at this time, but I shall object to any other bills being considered by unanimous consent during the presentation of morning business.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, on page 1, after line 13, to insert as a new section the following:

SEC. 2. It is understood, and this act is enacted on the express conditions, that the State of Arkansas shall first consent to the construction of said dam and shall have authority to fix from time to time reasonable charges for power and current furnished by the said Dixie Power Co., to regulate the service for the electric current and power produced by requiring that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same without discrimination as to service and charge, and in the order in which application therefor is made, except that in the event power and current sufficient to supply all applicants can not be produced that preference shall always be given to such applicants as shall consume the same within the said State. Upon the expiration of the authorization granted by this act the said dam shall, at the option of the said State, become the property of the State of Arkansas, or any grantee of hers, upon the payment to the said Dixie Power Co. of the value thereof as a structure, disconnected from any license, grant, permission, or franchise, as said value may be ascertained by negotiation, or, in default of agreement, by fair arbitration or by judicial proceeding, as said Dixie Power Co. shall elect.

The amendment was agreed to.

Mr. BORAH. May I ask for a rereading of the provision with reference to the power company?

The PRESIDENT pro tempore. The Senator refers to the amendment reported by the committee?

Mr. BORAH. Certainly.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. BORAH. Mr. President, I am not going to discuss this matter at length nor object to the consideration of the bill, but, if I am not misled as to the purport of the amendment, it reserves to the State of Arkansas a right which, in my opinion, the State of Arkansas has absolutely without any act of Congress giving it.

Mr. CLARKE of Arkansas. I quite agree with the Senator, but I thought it was better to put it upon the face of the act, so that there can be no controversy about it in this particular case.

Mr. BORAH. What I want to be understood as saying in the RECORD, so that there may be no mistake about it, is that I think that that power now rests in the State, and we can neither take it away nor add anything to it.

Mr. CLARKE of Arkansas. But it is better to have it in the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 6998) granting an increase of pension to Elmer E. Rose (with accompanying papers); and

A bill (S. 6999) granting an increase of pension to John F. Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 7000) granting an increase of pension to Winfield Scott McGowan (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 7001) granting a pension to Annie Robb; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes; to the Committee on Public Lands.

By Mr. CURTIS:

A bill (S. 7003) for the relief of Frank Revelette (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 7004) to correct the military record of Thomas H. Barrett; and

A bill (S. 7005) to correct the military record of Hosea Stone (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7006) granting an increase of pension to Morris P. Jolley (with accompanying papers);

A bill (S. 7007) granting an increase of pension to Isaac N. Deffen (with accompanying paper);

A bill (S. 7008) granting a pension to Margaret A. Graham (with accompanying papers);

A bill (S. 7009) granting an increase of pension to J. W. Groom;

A bill (S. 7010) granting an increase of pension to Archibald Vandling (with accompanying papers); and

A bill (S. 7011) granting a pension to Jacob Menschis (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York; to the Committee on Public Buildings and Grounds.

By Mr. CRANE:

A bill (S. 7013) for the relief of John Murray and others, lately laborers and mechanics employed in and about the United States arsenal at Watertown, Mass (with accompanying papers); to the Committee on Claims.

By Mr. BACON:

A bill (S. 7014) granting an increase of pension to Mrs. Courtenay A. Stovall; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 7015) to provide American registry for the steamer *Damara;* to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 7016) granting an increase of pension to Martha A. Hughes; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $100,000 for continuing the extension of the quay wall at the navy yard at Portsmouth, N. H., etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GARDNER submitted an amendment proposing to appropriate $1,200 for the salary of a shipping commissioner at Rockland, Me., etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—WILLIAM J. SEALS.

On motion of Mr. BRISTOW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of William J. Seals, which are filed with the bill S. 4120, Sixty-second Congress, there having been no adverse report thereon.

HEARINGS BEFORE THE COMMITTEE ON NAVAL AFFAIRS.

Mr. PERKINS submitted the following resolution (S. Res. 326) which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs or any subcommittee thereof be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

SENATOR FROM ILLINOIS.

Mr. KERN. I desire to give notice that on Monday of next week, at the close of the morning business, I shall ask consideration of a matter of the highest privilege, the resolution declaring that WILLIAM LORIMER is not entitled to a seat on this floor.

The PRESIDENT pro tempore. The notice will be entered.

THE EIGHT-HOUR LAW.

Mr. BORAH. I ask unanimous consent for the present consideration of Calendar No. 545 bill (H. R. 9061).

Mr. SIMMONS. I object.

Mr. BORAH. Notwithstanding the objection, I move that the Senate take up for consideration Calendar No. 545; and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Idaho——

Mr. WILLIAMS. What is the proposition?

Mr. SIMMONS. What is the bill?

Mr. BORAH. The 8-hour bill. I will say to the Senator that my opinion is it will not take 30 minutes to conclude the bill, but I may be in error as to that.

Mr. SIMMONS. I will say to the Senator that I dislike very much to object, and if he will wait until to-morrow morning, I think there will be no objection to taking up his bill and finishing it. But there are many Senators here to-day anxious to go on with the bill which we have been considering, and they will take time. I hope the Senator will let his bill go over until to-morrow, and I assure him, if he calls it up in the morning hour to-morrow, there will be no objection from this side.

Mr. BORAH. I shall accommodate the Senator if we can dispose of it to-morrow. One day will not make any particular difference. But I remind the Senator that the same statement has been made to me heretofore. I do not want it postponed too long.

Mr. SIMMONS. Yesterday, the Senator knows, we got into other matters——

Mr. BORAH. If the Senator thinks to-morrow I will not be opposed in the request; I will let it go over until to-morrow.

Mr. WARREN. I have no desire to interfere with this arrangement except to this extent: I ask that whatever arrangement is made be subject to appropriation bills, which has always been the rule.

Mr. BORAH. I am not going to make any more concessions. If there are any rules here which will put this bill out of the way, Senators will have to invoke the rule. Whatever rule there is, I will have to submit to. But this is the third time I have been personally requested to let the bill go over, and I do not want to have it occur again.

Mr. WARREN. I have no desire to interfere with the Senator's wishes. I do not oppose his measure. When it comes to unanimous consent or when it comes to a motion to take up the bill, I suppose we will all be allowed to express our opinion yes or no.

Mr. BORAH. I think so.

Mr. WARREN. As I said before, I think in these consent arrangements Senators ought to remember that we may want to report some of the appropriation bills and conference reports and have them considered. I do this only in the interest of the business of the Senate.

The PRESIDENT pro tempore. The calendar is in order.

THE METAL SCHEDULE.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the resumption of the consideration of House bill 18642.

Mr. HEYBURN. I understood that the Senator from North Carolina moved that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. The Chair misunderstood him if he did. The Chair understood him to make a request.

Mr. SIMMONS. I will withdraw the motion, and request unanimous consent.

The PRESIDENT pro tempore. The Senator from North Carolina has a right to make the request. If he desires to do that, he can. The Chair understood him in the first instance to ask unanimous consent.

Mr. HEYBURN. I object to its consideration by unanimous consent.

Mr. SIMMONS. I move, notwithstanding the objection, that the bill be taken up.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate resume the consideration of House bill 18642, the title of which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Carolina. [Putting the question.] The ayes appear to have it, and the Senate resumes the consideration of the bill. The Chair is informed that there is no amendment pending to the bill.

Mr. HEYBURN. The matter has not yet been laid before the Senate.

The PRESIDENT pro tempore. The Chair so understood it by having the title read. The Chair will formally lay before the Senate the bill.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HEYBURN. Mr. President, yesterday at the close of the session I was engaged in some discussion that was intended particularly for the ears of the Republican Members of this body. The fact is that any discussion of this question from a Re-

publican is appropriately addressed to the Republican Members of the body.

The matter under consideration is one of political policy, and I use the term "political" as the equivalent of governmental policy. These propositions, submitted by those who are neither Republicans nor Democrats, do not, in my judgment—and I say it in all kindness—come within the same class; that is, of political questions, governmental questions. They originate from the spirit of dissatisfaction and discontent and antagonism in the contest for office. I attack no man's good faith when I say that. Men become obsessed with the idea that they want office, and they come to believe that in order to do so they must stand in a class by themselves; that there is no hope for them within the ranks of party organizations. They are often mistaken. It is often true that men who go outside of party organizations to seek preference in office would succeed better if they adhered to the recognized principles of their party. But their zeal misdirects them, and when they once get a certain distance from the shore it is very difficult for them to swim back, and very often they attempt to go toward the other side, and drown on the way. Can anyone cite me to an instance in the political history of this country when he did not drown on his way in the attempt? I say it in all kindness. Has there ever been one of these freaks that started from the Republican Party and started to swim out into the ocean of controversy and contest who reached either shore, and did not despair? I recall none in the history of the party, and I have taken that question up with some degree of care, and now I make the statement and the challenge to anyone to point to a single instance where a political offshoot ever started from either side where it was not lost between the lines and sunk into oblivion as a political organization. It has been going on all of my lifetime, and history records that it has been going on since the beginning of the Government.

I may be engaging in a vain enterprise when I am talking to the men who represent that place in politics.

But there are present some members of this party who entertain discontent, combined with ambition. They are personally up to the standard of the Senate so far as their individual honesty is concerned, but I can find no better word than to say that they are obsessed. They see one thing. They fix their eye upon it. It is an ignis fatuus. It is a star of deception, but they will fail into a thousand ditches in trying to walk directly to it, and by and by they walk into some ditches that are so deep that they drown and you just see the bubbles rising where they have gone down.

Is it possible that men are going to follow that in the hour of responsibility, with the lessons of the past in front of them?

The Republican Party is going to a great national contest. It is strong enough and right enough to win. It is entitled to the support of Republicans, and those Republicans should face the flag at the head of the column. The only possible thing that can defeat the success of the Republican Party is that these dissatisfied elements will undertake to march in a different direction from that being taken by the Republican Party.

The Republican Party is not always perfect. It is not always up to the high standards that should control it, as I spent some time yesterday in pointing out, but it is better than any other party, and the only field of hope lies within the scope of its horizon. There is no hope out in the floundering, wallowing ditches; there is no hope in a single sail upon the ocean; there is no fleet of strength and concentration of principle that will take it up in the midst of the ocean and rescue it from the waves and the turmoil that surround it in its loneliness, to which to say, "Lead us; become our leader." There is no hope for such a condition as that.

There is no moral reason why such a condition should exist. Every code of morals of a community in government or individually is against such a probability. Why should they? They have run away from the body of responsibility. They may be sailing in fancied sunshine and smooth waters, but to what end are they sailing? They have deserted the ship, the fleet to which they belong. Do you think you can go over into the Democratic fleet, take the leadership there, or ever be recognized as anything more than a useful adjunct to that party for temporary purposes? Do you believe in the principles of the Democratic Party? Then go there and do not claim to be Republicans hyphenated and multiplied. Old John Hickman, who sat in Congress 60 years ago, in a political speech made when I was a boy—and it made an impression on me, and, of course, it was not then new—described that kind of politics as assuming the cloak of virtue for the purpose of enabling you to do that which you dared not do openly. I recall another man who sat in Congress who said it was stealing "the livery of the court of Heaven to serve the devil in." Either of those expressions covers the field.

Senators who profess to be Republicans, who go into Republican caucuses, whose names are listed among the Republicans of this body have no right to go out of caucuses and disregard the rule of the majority of the Republican caucus. They have no right to do it in dealing fairly among men. The only thing they have to do, if they can not agree with their party as an organization, is to sever themselves from it, either refrain from activity in political life or join the other party or attempt to make a new party and go down among those I have described. But do not claim to be Republicans and to write that honored and honorable name upon your banners unless you are going to be Republicans.

Mr. President, I have it in mind to draw some comparisons, without going into specific figures, on the tariff question as it affected certain industries within this schedule. But before I enter upon that subject I desire to refer to a memorandum I have made, without detaining the Senate. Inasmuch as I have it in my mind to complete my remarks today, I will refrain from the temptation of dealing in specific figures, because this question should be decided upon principle, with due reference to figures. It is a question between the producer and consumer in this country primarily. I am not going to compare the American producer with the producer of any other nation in determining as to the measure of prosperity that our people are entitled to. A man is entitled to make a thousand per cent in this country, if he can do it without disregarding the rights of another person, and I would not admit that because that person could supply himself from Germany or some other country with the commodity involved in the purchase Congress could put a penalty upon our own citizens who would prefer to deal with our own citizens.

We use our foreign commerce for the purpose of producing a margin in our favor and drawing money from abroad. We have $2,000,000,000 invested in foreign commerce. I say "we"; I mean the people of the United States have $2,000,000,000 invested in that kind of commerce.

Mr. President, we have a great many times that sum invested in our own home business. We can cut the foreign commerce off and be always a solvent people. We can cut it out entirely, disregard it, and be a solvent people. We would not accumulate wealth as a whole. That is only accumulated by drawing upon the wealth of the outside world, with the exception of the production of gold and silver. We have added to our wealth, regardless of foreign trade or commerce, something over $3,000,000,000 by the production of money metals. That represents half of the wealth of the United States. We produce that from the ground. Producing agricultural crops or the forest proceeds add nothing to our wealth, because we consume it. We keep nothing of it except the buildings made from the lumber and the improvements upon the land, and that class of things, but from that which we eat or consume we gain no added wealth.

What has this to do with the tariff question? It has this: A people who can do that are entitled to the opportunity to do it without encroachment or competition or resistance from outside the country. That is what the protective tariff stands for. It stands to keep out of our field of production the people of other countries. We have no responsibility for them whatever. It is utterly immaterial to the people of this country from either a moral or a physical standpoint whether the people of Germany or England or France or any other country prosper or not. I am speaking now from a sense of governmental responsibility. We have no responsibility whatever for those people, and we have a responsibility for our own people and their success.

I was speaking yesterday toward the close of my remarks about the lead industry, and I was speaking of it as a text, because the rules and principles that apply to it apply generally. We have a community in Idaho where 31 or 32 years ago there was an absolutely unsettled country that produced nothing. It was not even a grazing field for cattle. It was a county. A vigorous, industrious old man, then long past the ordinary age at which men engage in any kind of endeavor, but who had been mining and prospecting during his life, went into that field and discovered gold in small quantities at first. It was all by his own personal endeavor. He was a crippled old soldier. He had received his wounds in battle, and barely recovered from those wounds so that he might go out into the frontier, from which he had come to engage in the war. He went out there, and he could only travel a few miles a day. He had an equipment of his own, a few pack horses and a saddle horse. He had heard from the Indians that there was gold in that

country. He went to that section and camped at a place called Evolution—he called it Evolution; it had no name before. It was in the Bitter Root country. He went into camp there, and he found some gold in the stream by panning the sands. It was a little gulch; I know it well. It is called Prospect Gulch, because it was the first place of prospecting in that country. He worked there a while, and would take out enough gold—which is coin in that country, or equivalent to coin—to buy provisions. He would make a trip for provisions with those animals down to what was then Fort Sherman on the Coeur d'Alene Lake. He went down there and got provisions enough to last him a season and came back upon the encouragement he had received from that small stream.

He started over the range to see if there were any other gold-bearing sands on a larger scale. The old man's wounds were such that he would have to camp sometimes for a day or two and lie under a tree until he could gain strength enough to resume his journey. He was alone. He had only a portion of his pack train with him. But he made the journey. After a few days he reached Pritchard Creek, named after the man. Andrew J. Pritchard was the man to whom I refer. When he arrived there he was so exhausted that he had to lie idle for several days under a tree and allow his stock to find a living picking and grazing about. But as soon as he was able he took his pick and shovel and gold pan and explored the creek immediately around where he was camped and discovered that it was very rich in gold. He sent word to the outside world to his friends, "I have found rich gold diggings." I heard of it thousands of miles away. After he had written his friends personally, he published a statement in the newspapers in order that the whole world might know of the opportunities, and they flocked in there by the thousands. Some of them the first thing they did when they went in there was to jump the old man's claims, notwithstanding the fact that there were hundreds of thousands of acres adjoining them that were just as good and offered just as good opportunity as did Mr. Pritchard's. But with that disposition which unfortunately some possess they jumped his claims, and they wanted to hang him. There was an outfit that came in there that proposed to hang the old man, and if you could have seen him rise up and defy those people and offer battle to them you would have seen the kind of a man who goes to the front in this country and is the pioneer upon which the civilization rests. They did not hang him.

I am only giving you an idea of the way the development of this country came about. There seems to be an impression throughout this eastern country that a man goes there and pulls golden apples off of trees. Why, the hardship that precedes the discovery of these mines is inconceivable to those who have not come in contact with it. That man had to go into court and for years and years contend for his rights, and he won them. He lost them first before a jury of the same class who had participated in jumping his claim, but the cases went to the supreme court of the State and they gave him his claims, because he was entitled to them under the law.

Now, that is up to the point of the prospector. Of course, then the people went in there and they took millions and millions of dollars of gold out of those placer claims. The placer claims are the grubstake of a mining country. Without any exception the placer claims have been the foundation of the quartz or lode claims. While men are digging placer and the ground is being covered by claims, other men coming in with the intention of participating in the benefits of the placer claims, finding that the ground is taken out, wander out into the hills and mountains around and they find the lode claims.

Now, while those placer claims were in their prime, so to speak, this class of men who came in there expecting gold placers went out and discovered the great lode claims of that country; they discovered lead, silver-bearing ores, and zinc and copper. They discovered the country that has produced over $400,000,000 in metal values. It added that much to the value of the country. It was a substantial addition, not one that was eaten to-day and forgotten to-morrow, but a substantial wealth that entered into the building up not only of that country, but all the United States, a substantial wealth that avoided the necessity of paying the prices of the foreign producer because he was the only producer. Not only those mines have made a market for the proceeds of the hundreds of thousands of acres of land, but because those mines were there homemakers came to produce the necessities of life—wheat in the Palouse country lying adjacent and vegetables growing in the valleys in quantities inconceivable to those who have not specific knowledge, and a population incident to the production, until to-day, dependent entirely upon these mines, gathered around the original discoverer of them, we have a population of 100,000 people, who are there because the mines were there; and, in addition to that, we have the legitimate products of the mines, which taken altogether in that State of Idaho equal more than $500,000,000 in substantially indestructible wealth.

We lose sight of the distinction between destructible and indestructible wealth. The wealth that enters into the building of permanent things, that last practically forever, is more desirable than the wealth which goes into the daily comfort and livelihood of mankind. One gives comfort temporarily and necessarily; the other is the foundation of government. Government, reduced down to the last analysis, is substantially located and occupied humanity. Humanity unoccupied and unlocated does not and could not constitute government. It would be the government of the Arab in his tent, the government of the Indian on the trail, and that is not government in the sense that we use it. What we want is government fixed to the soil, with its houses, its fences, and its barns, and, above all, its titles, because that is the basis of right.

Out of this little beginning we have that civilization, and as we have it, so have all the people of this country, from the landing of the English at Jamestown, the Pilgrims in Massachusetts, the Swedes on the Delaware. We have the same class of beginning of a settlement as was represented by the old man, Andrew J. Pritchard, when he went into that country. The ore had been there since the very beginning of time; the opportunity had existed since the beginning of time; but here was a connecting link. Man's energy and the ore must be connected or based upon man's rights. Had it not been that Mr. Pritchard knew that upon the discovery of those mines he had rights connected with the discovery he would not have gone there. So there must be as a basis for government man and man's rights. Neither can stand alone. The right disassociated from the man is like the sunshine of the bygone centuries; the man disassociated from rights is helpless; he is in the same position as the Indian on the trail or the Arab in the desert. No government can rest upon such conditions; none could be founded.

That is a very fertile source for useful consideration when we are dealing with these questions, because I am talking for the rights of citizenship at home as distinguished from any possible responsibility that we may have for the consideration of the citizenship of other countries. I have attempted to picture the beginning of the homes of this country. Those people are a part of the Government, not ornaments. They bear the relation to the Government that the most responsible wheel in its machinery bears. They are the producers.

We have heard a great deal about the consumers here. Speeches have been made covering days in talking about the rights of the consumer. There would be nothing to consume if it were not for these producers. People could not live in the country as consumers except that the producing element is protected and sustained that it might produce; and I am talking about producers.

I am talking about sections of this country and interests and enterprises of this country that produce that which the consumer must have, and if we are let alone, if we are protected in the right that comes from settlement and the building up of government, we shall produce all that the people need in this country, and we shall produce a great deal more. Is not that a better presentation of the question under consideration than was the presentation based upon the consumer? That based upon the consumer is like the cat and the cook. The cat thinks the cook is of much more importance than the master of the house. Senators are not hungry, but they conjure up in their minds a condition of starvation and hunger, and then plead for it. It is basing your argument upon a dream; and when you wake up the dream and the argument have both passed away. My idea is to build up production, to encourage it so that the consumer will never lose a moment's sleep as to whether or not he is going to have enough to eat to-morrow. That is the ideal condition of government. The idea of discussing this question from the standpoint that we are at the mercy of the world and must have its products does not appeal to me. We are not. We can build a wall higher than the imaginary tariff wall around this country and multiply it many times, and we shall have within that wall the raw material for government and prosperity and greatness and happiness. If in the division of the water and the land there had been only this country above the water, it would have been a world equal to every opportunity and every demand of mankind; we would have been as prosperous and as happy had we never known of any other country than this. If between now and to-morrow morning you would cut the cables and sink the ships that con-

nect us with other countries, we would be sufficient unto ourselves. We lose sight of that and assume that we must of necessity have the help of some other country and some other people in order that we may exist at all. It is that basic error that lies at the bottom of all this talk and the cheeseparing and hairsplitting that we have heard here as to the probabilities and the possibilities that if Germany should do this and Italy should do that and England should do something else, what would happen to us? Nothing would happen to us that would tend to our destruction or discomfort. Our own side of the House has fallen into that mistake to some extent. They have considered how intolerable it would be to lose the results of German labor and of German enterprise, rather than how intolerable it would be to produce the things ourselves. That we get the right point of view is important.

I was starting to say that I have here a statement from the head of the labor organization in our immediate mining country. It is not the American Federation of Labor or any of its branches, but it is an orderly organization of our miners that succeeded the disorderly organization that we drove out. I will show you what he says as to the effect of existing conditions upon actual business affairs. His name is John A. Rock, of Kellogg, Idaho. He is at the head of the organization of those who labor in the mines. We work about 4,000 men in these mines, and they produce from $15,000,000 to $22,000,000 a year. It is wealth that is never destroyed. It is not eaten up; it will be in existence—that is, the result of the labor will be in existence—when we are all gone, as a part of the substantial equipment of the affairs of men. That is the kind of industry that we especially want to protect, but we must protect them all.

Appearing before the committee, Mr. Rock said:

The miners of the Coeur d'Alene district feel that the proposed lead schedule of the Underwood bill is a grave menace to the present prosperity of the district; and they feel that if a change is made that causes a drop in the lead market they will be the first ones to suffer.

He is talking about the miners, the men who work in the mines.

I ask it, gentlemen, that you will be interested in the number of men employed, their wages, and their living conditions.

In the Coeur d'Alene mining district of Shoshone County, Idaho, there are between 4,500 and 5,000 men actually engaged in mining.

That is, in productive mining.

The company that I am working for—one of the largest in the district—employs about 600. Of this number 60 per cent are American born. The foreigners we have are mostly Norwegians or Swedes or Cornishmen, all of whom have declared their intention to become American citizens or are already naturalized. The district is particularly free from Austrians, Italians, and Greeks. Considering that it is the American miner who usually does all the prospect mining at the smaller properties, I believe the average of 60 per cent Americans is maintained throughout the entire district.

Fifty per cent of the men who work for the same mine that I do are married men; and I believe this ratio is easily maintained throughout the district.

Board and room throughout the district is firmly fixed at $30 to $35 a month.

The wages of the men employed are as follows: Muckers, $3 and $3.50.

Those are what you would call shovelers; those are the men who go in after the blasts are fired and fill the cars with their shovels, who do that class of work in the mines. They are called "muckers"; in other words, they clean up the drift or the tunnel, or whatever it may be.

Machinemen, $3.50 and $4.

Those are the men who handle the drills. Whatever the class of drills happens to be, they are all of the same general character and, of course, these men must have certain skill as mechanics.

Timbermen, $3.50 and $4.

Those are in effect carpenters. They frame the timbers and put them in the mines. The timbering of one of these mines would probably be an interesting problem to one who had not seen it. They build them up thousands of feet in depth and length with the same care and precision with which you would build a house; they do not merely drive timbers into the ground to hold up a piece of rock, but they timber that mine so that if the timbers were taken out of there the structure would stand as firmly as a house. Then they generally fill in the waste between the timbers, unless they have some special reason to leave it open. Those are skilled workmen, and they get from $3.50 to $4 per day.

All underground helpers, such as skip tenders, car trammers, nippers, and timber rustlers, $3.50 to $4.

Those are the ordinary men who work as the names indicate.

Hoist men, motor men, and pump men, $4; millmen, blacksmiths, and machinists, $3.50 to $7.

They are paid according to the skill necessary to perform their duties.

Everywhere in the district the men underground are paid at least $3 a day. No one works for less than that, and the average price is at least $3.50. Everywhere men underground work only eight hours for a day's work.

There is another thing that I should like to have you know. The mining companies confine their business to mining. There is no mining company in the district that forces its employees to board at a certain company boarding house in which it has an interest or forces its married men to live in company houses. The residences of the different towns, which vary from $500 to $1,500 in cost, are quite generally owned by the miners themselves. In fact, I may say that the companies help their men in this way: That they will build a house for them and allow them to make payments on it until it is their own.

I pause there to say that the condition of affairs that makes this necessary is the direct result of the sustained market for the products of those mines, and it is sustained by reason of the tariff duties that discriminate in favor of the American product, because I need not bring proofs to establish the fact that Mexico can produce all the lead we produce and multiply it and that Mexican lead is produced under conditions where no man owns his own home, where the standard of living is at the lowest, where the wages are from 30 to 50 or 60 cents a day, and they produce lead under conditions not known in this country; that is to say, in many instances the lead is produced in connection with a higher percentage of silver than ours and at infinitely less cost both of production and of transportation and smelting or concentrating.

The Senator from Iowa [Mr. CUMMINS] offered an amendment to this bill in which he proposed to reduce the duty on lead bullion $5 a ton. That would only mean that they would smelt their lead ore on the Mexican side of the line—across the Rio Grande River, if you please, or wherever it was convenient—and ship it in with the advantage of $5 a ton against our mines producing lead in our country. The result is obvious.

Mr. SMOOT. Will the Senator allow me to interrupt him for a moment?

Mr. HEYBURN. Yes.

Mr. SMOOT. In this connection I would like to call the Senator's attention to the fact that when the miner who produces lead sells that lead to the smelter the settlement is made not upon the price of the ore, but it is made upon the price of bullion.

Mr. HEYBURN. I was just coming to that.

Mr. SMOOT. And if the rate upon the lead bullion is reduced, it would mean a reduction to the producer and not altogether to the smelter.

Mr. HEYBURN. Mr. President, the Senator from Utah has stated the situation accurately. I was proceeding to state it. There is no value in lead ore so long as it remains ore, any more than in building stone or road-making material. It has no value at all except for the bullion that it will produce. If you reduce the duty on bullion $5 a ton—and that is a very large reduction—you give the Mexican miner and ore producer the advantage of $5 over the American producer. The result would be that the smelters now operating in America upon the product of the American mines would go south of the line—and some of them have only to cross the river—and they would smelt Mexican ores produced by Mexican labor instead of smelting American ores produced by American labor. The result would be that the wages paid for mining ores would be paid in Mexico to Mexicans, and there would be comparatively no wages paid to American lead miners. The money paid for smelting ores and the capital invested in smelting would be a Mexican investment; and, of course, the corresponding value would be lost to the American side of the line. If you invest a million dollars in a mining and smelting plant in Mexico, it is of no benefit to those on the American side of the line, except that they may buy machinery on this side of the line, and that advantage is growing less and less all the time, for they can buy machinery in Germany or in England; and the Mexicans are just as close to those people in a business way as they are to us, and a little more so.

Now, there is the situation as affected by the amendment offered by the Senator from Iowa which proposes this reduction on lead bullion. They came pretty near slipping it into the Payne-Aldrich bill, but I discovered it before it got too far and pulled it out. Of course there are always combinations of men and capital waiting for an opportunity of that kind.

I will proceed a little with this statement, because it is authentic and absolutely accurate. I have dealt with the question of the independence and freedom from control of monopoly or trusts that is enjoyed by the workmen in the lead mines. They do not have to live in boarding houses owned by the mines and have the price taken out of their pay roll; they do not have to deal at company stores and have the amount of their bill taken

out of their pay roll; they get the amount of wages they have earned clear and free from everything, except that they themselves may have given orders against it. So that there is no grinding monopoly or trust over these men, who are strictly the product of the protective tariff policy of the Republican Party. During the time when we did not enjoy the benefit of that protection we did not have these conditions.

There is another point in connection with that. It seems to be assumed here that the product of the mines is uniform. Any mine and all mines will produce different qualities of ore. If the duty on lead is reduced to the level of the tariff duty under the Wilson-Gorman bill, lead goes down to 2¼ cents a pound, because foreign competition can bring it in. In the last days of that system of tariff duties lead in the Coeur d'Alene country, the largest lead-producing country, was worth only 2¼ cents a pound. That is $50 a ton. In order to get that ton of lead you had to mine 5 tons of rock, and it costs as much to mine a ton of rock as it does to mine a ton of solid ore or any other valuable thing. You had to mine 5 tons of the crude, as we called it, and you had to take that to a concentrator, which is a very expensive instrumentality, and concentrate it 5 into 1. That 1 ton would contain 60 per cent lead and the balance would be waste, except for the silver that was in it. In the average mine the ore would carry about 30 ounces of silver, 60 per cent lead, and the balance is waste. Now, that had to be shipped to the smelter and freight paid on the waste just as well as on the metal value.

That was the condition, and when you reduced the tariff so that the lead was worth only 2¼ cents a pound after all this expensive process or treatment we had to leave 3 tons of ore on the dump to 1 that we could send to the mill, because those 3 tons that we left behind were not quite rich enough to yield any profit. Sometimes we could not send into market at all ore that required the reduction of 5 into 1. We kept it on hand, either in the mine or on the dump or in ore bins, because it would not pay the cost of production. So we had to do what we called rob our mines, taking out the high-grade ore that would bear the expense of treatment and shipping. It results not only in robbing the mine or else suspending operations, but it results in the waste of a very large percentage of the real quantity and value of the ores.

However, I will pursue this testimony a little further, and then I will take up another branch of it. Of the wages that were paid to these miners in this camp, in just one branch of this camp, one town, we have a record. He says:

The stores of the different towns are in the hands of men who have made their money by saving their wages when working for mining companies.

Then the witness says:

Within the last year in my home town there have been erected an $18,000 bank building, a $16,000 grocery-store building, a $36,000 hotel, and a $15,000 furniture store, all of which are owned by private parties who have saved their money.

We have a $40,000 Y. M. C. A. building in Kellogg, which the Bunker Hill Co. built, and toward which the treasurer's report for the year just ended shows they donated $3,232.78 for current expenses, against which the membership fees of men employed by the company amounted to $2,209.

That gives evidence of the relation which exists between these high-class men, living under protective conditions, and the companies they work for, and yet men writhe in agony and wring their hands over the oppressed and downtrodden workingmen of this country. As is true of that particular section, so it is true of all our great mining sections. It is because the conditions are such that they can exist and do these things that they do them. It is proposed to change those conditions and render these people unable to live thus.

In the community of Wardner-Kellogg—

That is a town that merges, runs together—

In the community of Wardner-Kellogg we have five churches, which support three ministers independently and two more in connection with Wallace.

The whole district supports five different high schools, all of which prepare the pupils to enter the university. A boy can stay at home, passing a grade a year, until he is 18 years old. There are 700 children of school age in the Wardner-Kellogg school district, 600 in the Wallace district, 300 in Mullin, 250 in Burke and Mace, and 200 in Murry.

Then he gives the cost of maintaining these various institutions, which statement I will ask to put into the RECORD without reading it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter is as follows:

I have here some of the costs of maintenance:

The average cost per mind for the last three years in Wardner was $48.40 per annum; in Kellogg, $47.87; in Mace, $82.20; in Wallace, $42.50. These figures do not include money expended on buildings. The present average monthly salaries in Wallace are $2,350; in Mullan, $1,250; in Mace, $650; in Burke, $780; in Wardner-Kellogg, $2,500.

This information is given me by the State superintendent of schools.

The district at Burke has recently built a new $21,000 concrete high school, and Nyhone district has voted, no more than a month ago, $25,000 for a new high-school building. Whether that will be put up or not I think depends on the price of lead.

Now, gentlemen, I have shown you some of the things that the miners of my district are doing. I take pride in adding that the local union to which I belong has donated over $1,000 to the churches of the town, has built a pavilion at a cost of $2,000, and equipped a lodge room over the Y. M. C. A. at a cost of $2,500 more in a little more than a year. The fact that we can afford to do these things shows that labor is in good, healthy circumstances.

Mr. HEYBURN. Then he calls attention to another feature:

Another thing I should like to bring to your attention is this: The mines are particularly liberal in helping anyone who wishes to secure a college education. I came to the Bunker Hill and Sullivan mine with a high-school education, and was able, through my own efforts and because of the way they helped me, to work my way through three years of the University of Idaho. I know of practically hundreds of other boys who have secured a college education by working in the Coeur d'Alene mines. The mine owners are very liberal in every respect, and help as much as they can men who are trying to get an education.

Then he says, in answer to a question which I asked him—and I read the question:

Senator HEYBURN. Right there, let me ask this question: It is customary, is it not, for the young men from the university to engage in these mines in various capacities during their vacations every year?

Mr. ROCK. Yes, sir.

Senator HEYBURN. And it has been the custom for years?

Mr. ROCK. Yes, sir.

Senator HEYBURN. It has been the means of their earning enough money to go through the university?

Mr. ROCK. Yes, sir. These universities are scattered all over the United States, and we have men there from the eastern universities as well as the western ones. Every summer boys come there from Yale, Harvard, Princeton, Columbia, and the various universities that have mining schools in connection with them.

Senator HEYBURN. They come to the mines and spend their summers there?

Mr. ROCK. Yes, sir.

Senator HEYBURN. Receiving employment as well as practical experience and education?

Mr. ROCK. Yes, sir.

There is another feature—

He says—

There is another feature that I wish to mention in passing, gentlemen. I was in the Coeur d'Alene mining district in 1907, during the panic, when the price of lead went down. Two or three of the largest mines there were forced to close at that time, and practically every mine in the district was forced to curtail the number of men it employed. It is a general assumption among all the men of that district—it is common knowledge, in fact—that when the price of lead in the New York market goes below 4 cents most of the mines can not run.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Shively
Bacon	Curtis	McCumber	Simmons
Bailey	du Pont	McLean	Smith, Ariz.
Borah	Fall	Martin, Va.	Smith, Ga.
Brandegee	Fletcher	Myers	Smoot
Bristow	Gallinger	O'Gorman	Sutherland
Bryan	Gronna	Oliver	Thornton
Burnham	Heyburn	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Chamberlain	Johnson, Me.	Perkins	Watson
Chilton	Johnston, Ala.	Pomerene	Wetmore
Clark, Wyo.	Jones	Reed	Williams
Clarke, Ark.	Kern	Root	
Cullom	Lippitt	Sanders	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho.

Mr. HEYBURN. Mr. President, I have read that it was the custom at sea, when one vessel captured another or when a vessel earned prize money, in determining the portion of it that should go to the captain and the portion of it that should go to the sailors, they threw it up on a ladder, and that which adhered to the rounds of the ladder went to the seamen and that which fell through belonged to the captain. The success of a division was estimated by the result of that rule.

Mr. President, I really have something to say that I want to say to Senators in regard to this proposition. I want them to give me their attention, if they will, for a few minutes. We have heard much talk about the production of the mines and the division of the result of that production between labor and other costs and profits. There is a vast field of mining in which it is all outgo and no income for years and years. Some of the largest mines in the United States expended hundreds of thousands of dollars, extending over years and years of working and waiting, before they realized a dollar.

Mr. THORNTON. Mr. President, with the permission of the Senator from Idaho, I will say I am leaving to attend a committee meeting. He said he would like to have the attention of Senators. I am only leaving in order to attend a committee meeting.

Mr. HEYBURN. I would not have the Senator remain against his interest and wishes.

I want to call attention to the fact—and it is a fact—that the mines of the United States have cost more than they have produced; that is to say, the cost of making mines is greater than the production from mines. But do not make the mistake of thinking that that is a reason for abandoning the search for mines. It is loss to one man and gain to another. The nonproductive mine that buys machinery contributes just as much to the labor and cost of making that machinery as the productive mine that buys it contributes. The nonproductive mine has furnished employment to just as many men as the productive mine has furnished employment to. The nonproductive mine pays out in wages practically as much as the productive mine, and thus the country is benefited to the extent of the application of the wages so paid to the commercial business of the country. The man who works in a nonproductive mine receives the same wages as the man who works in a productive mine. He expends just as much or as great a proportion of his wages with the store for the various purposes. He lives in a home and has a family and contributes to the commercial life of the country. He is doing it because it is through that process that the productive mines are ultimately produced.

I have in mind one of the very great mines of the world. These things occurred under my observation. Men with a reasonable amount of money took a bond on it, agreeing to pay so much at a certain time at their option. They expended over a hundred thousand dollars—and I think I might multiply that—equipping the mine with a plant—the machinery and all the appliances for mining. Finally they had reached a point where they had lost confidence in their investment. Having expended this money and maintained a whole community, on the last shift of work, the last row of holes they ever intended or expected to put into that mine broke into the ore bodies of the Standard mine.

They took up the bond. They have produced and paid in dividends millions and millions of dollars, and it has furnished employment to hundreds and thousands of men. It built a town about it. It built up a citizenship; it built schools; it built churches; it educated the children. I know boys who went from there to the university who are to-day serving the Government of the United States as accredited officers.

All these things came from what was for years a nonproductive mine. All nonproductive mines do not become productive mines in the way of producing ore for the owners, but they are productive mines to the community. We expend just as much money in that Coeur d'Alene country on nonproductive mines in the year as we expend upon productive mines, and the community derives the benefit from it. A fair percentage of them become productive mines—sometimes at the end of a month, sometimes at the end of a year, and sometimes at the end of 10 or 20 years. We have mines that for 20 years were merely a matter of expense to the owners until on some fortunate day the ore was found and the story was rewritten. Now, do not imagine for a moment that it is only the people in that environment who benefit from those mines. Much of the merchandise that they purchase comes from the looms of this coast. The iron that they furnish a market for is made in your foundries, mined from your mines by labor paid and expended here in this country. You have whole towns and communities that exist because of the nonproductive mines in the United States.

How long do you suppose those nonproductive mines would pursue their quest for ore if you would remove the duty or reduce the duty on lead below a protective basis? They are mining there and staying by their endeavor in the confidence that Republican tariff duties will be maintained, and they would not remain there, they would not go there, except for their confidence in the stability of the Republican administration and a government in accordance with Republican principles. They represent hundreds of thousands of men engaged directly and indirectly in those enterprises. They went from your firesides, many of them; they went out there because you had no opportunity open to them. You had nothing to offer them that, in their judgment, was equal to the opportunities of that country. Do you want us to send them back to you broke, because you have made unprofitable the occupation that they went out there to engage in?

Then, again, hundreds of thousands of men and women in these eastern countries have interests in those enterprises, productive and nonproductive. They are genuine, substantial investments. Do you want them to have the evidence of their interest sent back to them stamped "of no value," because you have destroyed and stricken down the interest in which they were engaged?

When they come back to you, what will you do with them? Will you put them to work in your mills and factories? You are proposing with the same stroke to strike down the mills and factories, and if the disengaged and unemployed people from the West and from the East were to start they might meet in the great Mississippi Valley. What would they do with them? What have they to offer them? They have not the land any more. The land is occupied. They would go to the land in our country, but you have tied it up. You have made it so burdensome and onerous for a man to get a home on the public domain that few will attempt it. They ridicule the idea. They say, "Do you think I am going down here to run the gantlet of a lot of inspectors who are seeking not how to make it possible for a man to find a home, but rather how to prevent him from finding a home?" So they will not turn toward the land. You have tied up the forests so that they can not work in the forest. What are you going to do with the unemployed?

Recently I saw the captain of the unemployed, and I take the liberty of mentioning his name, because it has been mentioned so often here. He is Col. Coxey. He represents the inevitable result of legislation that stops industry or discourages it. It may not cause every man to be idle. I do not undertake to say that every machine shop would stop work, that every factory and foundry would be closed. I only undertake to say that that would result to the extent that a very large proportion of those now having employment would not have it, and you can not answer me as to what you will do with those people. I challenge anyone here or elsewhere to tell me how you would dispose of the unemployed that would result from the passage of this measure. You can not take care of them at home in any section of the country. Would you try to foist them on some other part of the country? You would send them from the eastern town into the wheat fields if it was harvest time, and if it was winter you would try to send them into the lumber, but you would find no employment for them, because those industries, too, would have received a blow to which the chestnut blight is ambrosial.

You have got a serious question, and we are not treating it as seriously as it should be treated. I do not say we are jockeying with it, but some are proposing to jockey with it. I am not going to join in such a process or proceeding. Before we do that which will inevitably result in stagnation of business and opportunity and pass generations over unprovided for I want to know the alternative. If we had a great war, we might send regiments by the thousand away and let them be shot or take the chances of it. You might as well do so as to send them out into that field of the unemployed that we once saw. I saw them. I happened to be here when they came camping and marching down here.

I first saw them when they started on the first car loaded with Coxey's army at Oakland, in California. I followed that car until it came East. It came up over the railroad to Portland, Oreg., and then up the Columbia River. I saw them paddling their way across the Coeur d'Alene Lake on logs, sitting there like frogs, each man on a log, some logs with two men on them, trying to get across the lake. Then I saw them capture the freight train. They kept losing after that. The conditions were not as pleasant as had been promised them. I said to one of them when I saw him in Oakland, "Where are you going?" He says, "We are going to Washington," in just as cheerful a mood as though he were going down to a camp fire to have a good time. I said, "What are you going to Washington for?" "Oh," he said, "we are going down there to adjust things." He said, "We have a large organization, and we have a great man at the head of it, and when we get there they will pay attention to us."

I did not care to enter into an argument with him, but I remembered it, and when I saw that same man in Spokane I talked to him and asked him, "How are you getting along?" "Oh, we are getting along all right, but they are making it very hard for us—the railroad companies." So I said, "Why not get tickets and ride in the car like other people?" He said, "Oh, well, that is against our principles. We are not going to do that. We are exercising a right of citizenship." And he delivered a lecture on the Constitution of the United States and the inalienable rights a man has under it. I went up home. My residence then was at Osborne, which is a suburb of the city in which I now live. I saw that man when he came along. He had paddled himself across the lake on a log and had had many vicissitudes and some hunger. I said to him, "Do you not think you are about tired of this?" He said, "I am getting pretty tired of it." I said, "If you will look around here I can

get you a job." The result was that he got a job driving a team and in six months he owned that team. He bought it, and it was the foundation of his business as a teamster in that country, and he never got to Washington.

But I saw them here, some of them. Now, are you going to bring about those conditions? That has been charged with being sensational, but like conditions produce like results. The question is, Are you going to turn a lot of men loose to look for employment where there is no employment for them? Are you going to do it in the interest of the laboring men of Europe or the laboring women of Europe? Are you going to take the chances on doing it? That is more important. It is easy enough to say, "We are not going to do that; our policy will afford these people just as much opportunity to labor and prosper as that which you propose."

But you have only to read back within your own easy recollection; and I ask you, Are you going to take a chance on it? Have you a right to take the chances? You came here to represent those people. They individually are not capable of running a government. They are capable of exercising the rights of citizenship, and those rights vary according to the capacity of the citizen. It is all nonsense to say that one man is as capable as another to engage in the direct election of a President of the United States, or of a United States Senator, or of any other officer. They are capable to perform that part of the duty adapted to their ability; that is all.

I have seen a lot of twaddle in the papers, and have heard a lot of it in speech, condemning men who dared to say that all men are not equally capable of being judges, or Senators, or Presidents, or bricklayers, or carpenters, or any other labor. Yet you are going to try—I hope you will not succeed—but you are going to try to take away from these people the opportunity. Because you want to give it to the foreigner? Would you rather have foreign goods than home-made goods? No matter how cheaply you could buy them, would you rather buy your coat of a foreigner and thus deprive your own fellow citizen of the right, at least, to contribute toward the making of it; to furnish something that went into it?

You will say that you would not prefer to see a foreigner make your coat than to have it made at home. Would you rather have a coat made of foreign wool than of domestic wool, if you could get it for the same price? Yet you have said in defense of the measure that you are urging that you want to put them on an equal footing. Even one of the foolish platforms upon which the Republican Party went down to defeat said that. The people said, "No; are we not any better or have we not any more rights than a foreigner? Has the Republican Party reached that stage of degradation that it would put us only on an even footing with a Mexican or a foreigner of any country?" Is there nothing to be proud of in the fact that you are an American citizen? Are you not distinguished above all men on earth because you are an American citizen? Then why be content with saying we shall be exactly on an even footing with foreigners in the great household of the government of production and consumption?

Now, if you put our mines where we will be in competition with Mexican miners you will close our mines. That is no idle boast, because men are not going to mine ore merely for the sake of being industrious. I have said about all I desire to say in regard to the lead subject.

The conditions that exist in Idaho in regard to this matter are not dissimilar to those that exist in Missouri, or in Colorado, or in Utah, and some other leading mining sections. The result of a reduction of the duty upon the product of these mines will be about the same, varying only according to the variance in local conditions. I do not imagine that any one of those who are acting with the Democracy in regard to this matter will strike this blow at lead and the lead-mining industry. Yet it rests exactly on the same principle as other articles.

Mr. President, it was not my intention to confine myself to a discussion of the lead schedule. What is true of the lead schedule is true of the zinc schedule, or the items of zinc and lead in Schedule C. Zinc is mined under the same circumstances. The wages of the miners are the same, the cost of production is the same. We have zinc mines and zinc concentrating mills right in the midst of our lead mines and lead mills.

Mr. Samuels, who is the principal owner of one of these mines and mills, appeared before the committee and made a statement that is unanswerable in favor of his contention that a reduction of duties would close the mill. Senators have doubtless given attention to it in reading the report of the proceedings before the committee. The zinc industry is very new in that country, but its possibilities are unlimited, and the question is whether the mines will lie there in idleness or whether they will be developed, whether they will produce occupation for labor, whether they will afford opportunity for commercial investment and business enterprise, or whether they shall lie there as they did for unknown centuries. The real wealth of this country is in the ground, and the people have a right to have the opportunity to avail themselves of the benefit of that wealth. It is a right. It is not something to be doled out to them at the pleasure of a coterie of men. We are sent here to protect the people in their rights, and it is a duty that rests upon us.

I have taken a single State merely as a text. We have other industries resting upon the same basis. We have spent millions of dollars to irrigate our lands, in order that they might produce crops. That is in southern Idaho, in what is known as the semiarid region. Of what avail is it to have expended that money if we destroy the market for the crops that grow upon the land by reason of the expenditure of that money? If you are going to destroy the market—that is, the market for the American product—of what avail is it to those people that the factories can run on foreign raw materials?

When we come to discuss the wool bill we will be confronted with that proposition. When we come to discuss the lumber schedule we will be confronted with an equally important one.

But it is the schedules in the aggregate that count and that are important. No greater evil was ever inflicted upon the country than this idea of revising the tariff by schedules. There is no possible opportunity to balance them one against the other. There is no single schedule in our tariff law that does not bear directly a responsible and dependent relation to every other schedule. The men who work in the mines are the market for the men who work on the farms. The men who work in the foundries are the market for the men who till the land, who make the shoes, who weld the iron, who mine in the ground. How can you intelligently establish a schedule involving a class of articles without considering at the same time the effect that it will have upon every other schedule? I have stood here for years contending against this fragmentary way of dealing with the tariff law. The Republican Party has denounced it as impracticable and impossible. Of what avail is it to make rules that would insure prosperity to the iron and steel schedule unless we at the same time take into consideration the rates and duties that affect the men who are engaged in the enterprises that foster and support and make a market for the products? What matters it if the Steel Trust can produce a thousand tons or a million dollars' worth of an article or commodity if it has no market for it? How can it have a market unless the people to whom it would sell have prosperity and money enough to buy their product? How can those people have prosperity and money enough unless they too in their turn are protected against the encroachment of foreign competition in what they produce and what they use? Of what avail is it if we protect the farmer if the farmer has no market? How can the farmer have a market among unpaid and unemployed people? How can he have a market among those who have nothing wherewith to buy? I am simply illustrating the fallacy of this idea of revising a tariff by schedules.

If we pass this steel schedule and have done all the harm that we can to those who mine ore and convert it into articles of usefulness and then do not revise any other schedule, we have destroyed the balance in the commercial law between those commodities. Suppose we revise the steel schedule or the metal schedule, and then revise the lumber schedule, we have put in antagonism two of the greatest industries of this country, an antagonism that they themselves are powerless, under the law which we have laid down for them, to adjust. Suppose that we open the competition of foreign production to the products of the farm, as was sought to be done in the Canadian reciprocity bill, so that the farmers of this country have not sufficient protection to keep out the products of their neighboring countries, where is the market for the products of the people of this country? Will they sell to the operatives of the metal schedule and those who make iron in its various forms? They will be out of business; they will be closed up; the owners will be off enjoying the spas of Europe while the workingmen will go home wondering and waiting when they will again be employed. The farmer will have no market for his products in a bankrupt community of laboring men. I repeat that it is impossible intelligently to reform the tariff laws by schedule, and especially do I insist on that to the Members of this side who have been carried away with such a theory.

Mr. President, I desire to place in the RECORD a table which is found on pages 769 and 770 of the testimony of Mr. Burbidge. This table gives the statistics in regard to the production of mines and wages and other matters directly applicable to this question.

The PRESIDING OFFICER (Mr. CLARKE of Arkansas in the chair). Does the Senator from Idaho ask permission to have the table printed in the RECORD?

Mr. HEYBURN. I ask that it may be printed in the RECORD.

The PRESIDING OFFICER. Unless there is objection, such will be the order.

The table referred to is as follows:

PARAGRAPHS 51 AND 52.

Summary for mines and quarries, Idaho, 1909.

	Total.	Producing.	Nonproducing, reporting development work.
Number of operators	890	174	716
Number of mines	2,431	370	2,061
Capital	$80,998,754	$48,892,888	$32,105,866
Expenses of operation and development	$9,652,288	$7,198,763	$2,453,525
Services:			
Officials	$66,350	$43,015	$23,335
Superintendents	$395,994	$226,236	$169,758
Clerks	$108,246	$88,627	$19,619
Wage earners	$5,348,460	$4,045,918	$1,302,542
Miscellaneous:			
Supplies	$2,383,373	$1,847,458	$535,915
Fuel and rent of power	$442,813	$356,199	$86,614
Rent and royalties	$29,687	$27,632	$2,055
Taxes	$164,935	$158,145	$6,790
Contract work	$319,828	$22,665	$297,161
Rent of offices and sundry expenses	$452,604	$382,868	$69,736
Value of product		$8,649,342	
Character of organization:			
Individual	167	63	104
General partnership	290	35	195
Incorporated companies	[1] 493	[2] 76	[2] 417
Number of proprietors and partners	871	169	702
Number of proprietors performing manual labor	297	115	182
Salaried employees:			
Officers of corporation	73	24	[illegible]
Superintendents	202	[illegible]	111
Clerks	[illegible]	64	35
Wage earners, number [3]	5,714	3,592	2,122
Acreage:			
Owned—			
Mineral land	133,515	42,222	91,293
Timber land, not included in mineral land	1,534	1,149	385
Other land	2,682	2,303	379
Leased—			
Mineral land	5,735	3,246	2,489

[1] Includes 2 cooperative associations.
[2] Includes 1 cooperative association.
[3] Dec. 15, or nearest representative day.

Principal mining industries, Idaho, 1909.

	Silver-lead mines.			Copper mines.
	Total.	Producing.	Nonproducing.[1]	
Number of operators	757	60	697	4
Number of mines	2,185	154	2,031	27
Capital	$72,733,889	$40,752,663	$31,985,906	$3,027,944
Expenses of operation and development	$9,007,444	$6,582,783	$2,424,661	$310,540
Services—				
Officials	$60,350	$37,015	$23,335	(2)
Superintendents	$325,506	$187,548	$137,958	$10,250
Clerks	$100,022	$82,017	$18,005	$5,400
Wage earners	$4,984,771	$3,698,106	$1,286,665	$167,132
Miscellaneous:				
Supplies	$2,247,826	$1,718,126	$529,700	$84,431
Fuel and rent of power	$394,212	$337,598	$56,614	$8,320
Royalties or rent of mines	$25,267	$23,152	$2,055	
Taxes	$150,019	$143,237	$6,782	$9,674
Contract work	$308,344	$12,683	$295,661	$8,100
Rent of offices and sundry expenses	$411,187	$343,301	$67,886	$17,233
Value of product		$7,926,022		$416,086
Character of organization:				
Individual	109	13	96	1
General partnerships	193	5	188	
Incorporated companies	[3] 455	42	[3] 413	3
Number of proprietors and partners	712	34	678	1
Salaried employees:				
Officers of corporations	67	18	[illegible]	(2)
Superintendents	174	64	110	[illegible]
Clerks	91	58	33	3
Wage earners, number [5]	5,151	3,077	2,074	134
Acreage:				
Owned—				
Mineral land	101,861	14,139	87,722	1,395
Timber land, not included in mineral land	1,284	899	385	
Other land	1,562	1,343	219	480
Leased—				
Mineral land	3,963	1,474	[illegible]	

[1] Reporting development work.
[2] Salary of officials included with superintendents.
[3] Includes one cooperative association.
[4] One office included with superintendents.
[5] Dec. 15, or nearest representative day.

Mr. HEYBURN. For whom is it we are proposing to make this sacrifice, Mr. President? We are proposing to give employment to men who neither owe nor contribute to citizenship of this country in time of war and who fight it in time of peace. The other day, in one of the courts in the State of Washington, a man applying for papers of citizenship was asked by the judge whether in time of war he would fight for Italy or the United States. He was a candid man, and he said, "I would fight for Italy, of course." And the judge refused to grant him citizenship. We are proposing to take these nonproductive people and give them an advantage. I will say, in order to be conservative, equivalent to our own citizens without imposing upon them any of the responsibilities or burdens of citizenship. Will we do it? That is the question. If Congress does it, will the American people sustain them in doing it? The American people never have sustained them when they have attempted to do it. It has always been a single lap with the party that did it.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. May I ask the Senator from Idaho whether, in his investigations in committee regarding the tariff, he has found any duty which can be safely reduced without injury to the American workingmen or without turning over their jobs to foreign workingmen?

Mr. HEYBURN. First, by paring down the profits in this country.

Mr. NEWLANDS. I will ask the Senator whether, in his investigation, he has found any such duty?

Mr. HEYBURN. I have found a great many duties that might be pared down by paring the individual down to fit the duty; but I was opposed to that. I am not in favor of paring the American citizen down to the size of a foreigner.

Mr. NEWLANDS. What I wished to ask the Senator was, whether, consistently with the protective principle and with the full protection which he stands for of the American workers, certain reductions could not be made in what are regarded as the excessive duties of this tariff and whether any such have come under his observation?

Mr. HEYBURN. Mr. President, I saw no place where the paring down of the duty would not pare down the prosperity of the American citizen.

Mr. NEWLANDS. The Senator, then, regards the existing tariff as a perfect tariff and one not requiring any change or alteration?

Mr. HEYBURN. Perfect? No; no law was ever perfect.

Mr. NEWLANDS. Well, I will modify it.

Mr. HEYBURN. Satisfactory.

Mr. NEWLANDS. The Senator, then, regards it as satisfactory, and one that does not require any change?

Mr. HEYBURN. As satisfactory as any tariff law could be, especially one enacted under the circumstances that surrounded the enactment of that law. There should have been no revision of the tariff at that time. Conditions had not changed between the making of the Dingley law and the time when we took up that question under a threat of the Democracy. The Democracy can look fiercer and its threats can be more terrifying sometimes than the nerves of a certain class of Republicans can stand, and they get nervous and confused and yield when they ought not to.

Mr. NEWLANDS. May I ask the Senator another question, and that is, whether the reductions made in the Payne-Aldrich bill from the Dingley tariff have, in the judgment of the Senator, proved prejudicial to the interests of the American workingman?

Mr. HEYBURN. Yes; I answer that unhesitatingly.

Mr. NEWLANDS. I should be very glad to have the Senator suggest some instances of that kind.

Mr. HEYBURN. It is for the Senator from Nevada to suggest any instances in which they have proved beneficial. That is the side to reason on. We are not here to experiment on how close we can cut to the nerve; we are not here in the position of a vivisectionist standing over a tied animal to see how nearly we can extinguish his life without doing it; but we are here to see how strong we can make the workingman and to add to the strength, to the possibilities, and to the conditions of prosperity.

Prosperity seems to be a beast of hideous mien to a Democrat. My attention has been most forcibly called to that. I am not making any invidious comparisons when I say that. I am speaking of the Democrat who is the composite of all Democrats, so that he has no personality about him, and I can say what I please about him. In 1884 Republican prosperity had resulted in a large surplus of $60,000,000. We would think it large now,

and I heard those figures rolled out in oratorical beauty up in the country where I live. Men were going up and down talking about the surplus. It surprised them. A Democrat had never seen a surplus, you know, at all. I could name a lot of them who were old dyed-in-the-wool Virginia and West Virginia and Kentucky Democrats. That surplus made them miserable. They would sit up nights and worry about the surplus. That was their whole argument—surplus prosperity to the whole people. Now, their cry is the same in that it is that the individual is too prosperous. You want to shave him down to fit within the armor of the antiquated Democracy. It is just like we see to-day men trying to put themselves into the armor of the days of the Lilliputians. We will not engage in that with you. We will stand out in the opposite direction, and not try to see how closely we can pare the prosperity of American citizens, but will see how broad we can build them and what margin of expansion we can give to them. We are not content ever with the prosperity of the American citizen. We want him to have the opportunity to increase it.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. HITCHCOCK. I should like to know whether the Senator from Idaho agrees with ex-President Roosevelt, who will possibly be the next presidential candidate of the party to which the Senator belongs, when that ex-President intimates that the workingman in America does not receive in his pay envelope the benefit of the protective tariff for which the Senator from Idaho is speaking?

Mr. HEYBURN. I do not give heed to the nod and beck of monarchs. The Senator from Nebraska uses the words "when that ex-President intimates." The intimation of no man controls or influences my judgment. I require him to put the responsibility of formulated speech behind the principle that he advances.

Mr. HITCHCOCK. I will quote the language, if the Senator from Idaho will then reply to it. I have here an extract from what the ex-President has recently said.

Mr. HEYBURN. Mr. President, I would allow almost anything, from an editorial in the Age of Reason up—I start at the very bottom—I would allow almost anything to be read into my speech but that kind of a document. I do not desire that to be read into my speech because I shall send out the message, which I am uttering here to the extent of my ability, in order that at least a portion of the people of the United States may have the benefit, if it is a benefit, of my views; and I do not propose to pay for the expense of printing and sending out that document nor any like it. I am not distributing that kind of literature this season. [Laughter.]

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Nebraska?

Mr. HEYBURN. I object to that document being injected into my speech. I do not object to things that the Senator may say on his own responsibility, but I do not care to have any speech injected. I like to be interrupted by Senators, because it enables one to meet the thoughts that otherwise we would not have any opportunity to know.

Mr. HITCHCOCK. Let me ask whether the Senator objects to having quoted the statement which has just recently been made by the great Republican leader who will be the standard bearer to lead the Senator from Idaho in the approaching campaign?

Mr. HEYBURN. The Republican Party has not yet selected its leader, and the Democrats are enjoying considerable unction in selecting leaders for the Republican Party. After the Republican Party has selected its leader and said to that leader upon what principles he shall stand I not only will welcome, but I will rejoice in having the Senator inject it into my speech, but let us——

Mr. HITCHCOCK. I want to remind the Senator——

Mr. HEYBURN. Let us mark time, now, for awhile until the Republican Party has organized its army.

Mr. HITCHCOCK. I want to remind the Senator from Idaho that after his party has selected this eminent ex-President and leader it will then be too late for me to inject this quotation into the speech which the Senator is now delivering.

Mr. HEYBURN. That may be something in favor of my present attitude. [Laughter.]

I was talking of the market of the producer. The market is as variable as the product. What relation do our citizens bear to this Government? I hear it discussed here every day from the standpoint that the citizen is a vassal and that the Government is a master. Many men have gone on the rocks upon that mistake. The men who grow comfortable and smug in office are dangerous to themselves and to the people, because no man has title to an office except at the will of the people.

I am not inclined to indulge in this talk about the common people. From the standpoint of citizenship there are no common or uncommon people in this country. From the standpoint of personal equipment there is every grade of person in this country. Some are competent to perform the highest duties, and some are competent to perform no duties.

Now, we have a school growing up—I will not use that word "growing"; it attempted to grow—that would contend that all men are equal in their ability to participate in government, and that seeks to endow them with the opportunity. Nothing could be more dangerous in the world. They harp upon the expression in the Declaration of Independence and in their own imagination upon the phrase "All men are free and equal." Many of them do not know where the expression originated. Free and equal before the law in their rights; yes; and I would stand for that always, and the Republican Party stands for it.

All men have equal rights before the law, and it is upon that basic principle that this Government was founded. Whether they are allowed to exercise them or not is a question that I will not at this time enter upon. They have that right; but it does not follow that all men are equal to the performance of the duties of citizenship. There is a political school that contends that they are; that contends that the man who lives back in the clearing district and reads one paper or none is as capable of voting on the choice of a President by direct vote, or on the selection of a Senator, as the man endowed with the ordinary equipment of intelligence and education. I will never consent to such a doctrine.

The question of the direct election of Senators by the vote of the individual citizen is as rank a fallacy as ever was undertaken to be incorporated into a great system of government. They are capable of selecting a neighbor who shall speak for them. A man needs a very much less degree of intelligence and capacity to select a man whose judgment is to represent a question. He does not need to know about the question itself. Every day you hear men say: "Well, I do not know anything about that question; I leave that to your judgment." You hear it here in the Senate; you hear it in the committee room. Men say, "I have not given attention to that; but if you have looked into it and investigated it I will accept your judgment." And yet they would take a man who has no capacity to judge, who has the same rights under the law, but who is incapable of exercising the rights, and they would put him where he might, by a rank want of knowledge, destroy the Government. I only say that in passing, in speaking of this question of citizenship, and I am not afraid to say it. If a man came to me and reproached me for having said it, and claimed that he had been misjudged, I would put him on the defensive; I would say, "All right; do you know this candidate? Have you ever seen him or read a word that he has written or heard a word that he has spoken?" "No." "Do you know men who know him and who know as to his capacity?" "No; I do not know anybody who knows him." "Well, how is it that you are going to cast your vote for him?" "Well, he is an insurgent"—he would not say that; he would say, "He is a progressive, and I am going to vote for him."

I am tired of this word "progressive." I am tired of hearing men usurp the use of a word as a watchword to which they are not entitled. Is it progressive to attempt to change the organic law of the land by destroying a part of it? Is it progressive to take away from the judgment of the courts that finality that has stood as a bulwark of our institutions? Is it progressive to turn over the exercise of representative government to the hands of an irresponsible democracy? Is that progress? I said they have usurped the word. They have undertaken to usurp a great word as a name for their proposed action to be written upon their banner. I will not concede it to them.

Is not a party progressive that has administered the affairs of this Government from the days of its puny existence until this time, with the results that confront us? Would you dare say that the great Republican Party has not been progressive when it has shown itself capable of saving the Nation from destruction and reorganizing it, of reorganizing the great financial system of this Government, of inaugurating a settlement system that has resulted in the population of a vast territory that was vacant when they found it, and of bringing about the prosperity of the individual and the combination of individuals? Do you say that is not a progressive party? We are doing what we have done too often. Merely because somebody claims something we are conceding that they are entitled to it, because we are too tired to combat their contention; and it is to this cle-

ment that we are to-day indebted for the difficulty that confronts us in enacting this legislation—the element that has arrogated to itself the right to be termed "progressive" and that has denounced the Republican Party as being retrogressive. This organization has no record to stand on; it never accomplished anything. Compare its record with that of the Republican Party and the comparison becomes odious. I want to locate the trouble this afternoon and place the responsibility upon it, and say to men, "Are you going to insist on the stand you have taken, or are you going to be manly and say, 'We were mistaken; we thought we had correct ideas of government, which, if applied, would be beneficial; but experience has taught us that our wisdom, measured individually or in the aggregate, is not the equal of that of the organized Republican Party.'"

The Republican Party is a principle; it is not men. Men come and go: they live and die; and it makes no difference what name a man bears who is chosen to speak for the principles of the Republican Party, just as our Government itself has stood for a principle from the beginning.

I read a speech of a man within a day or two who spoke of the origin of the United States of America. He said that the origin of the term "United States of America" was in the Constitution. The United States of America existed by name before the Constitution was framed. It was the United States of America that made the Constitution. The term "United States of America" was used in the Articles of Confederation. We did not form a new Government when we made the Constitution; we adjusted the instrument to the changed conditions; and in that instrument we declared for the preference rights of American citizenship.

I am not making these animadversions upon those who have undertaken to build up a new party with any spirit of malice or disdain on my part. I recognize the fact that we are confronted by a grave situation, and we come to you with pleadings, with respectable and respectful insistence, and ask you to stay the hand that would despoil a great party with a great history; to be patient in the councils of that party; and to yield to the majority of it. That is all we ask of you. We ask of you not to give aid and comfort to the enemy of the Republican Party. Is that an unreasonable request? Suppose you are right, you are more likely to obtain what you seek in the Republican Party than you are out of it.

I see Senators looking up the question as to the origin of the name "United States of America." I trust they have found that I am correct.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. The Senator was quite correct, but he did not go quite far enough back for it. He should have gone to the Declaration of Independence.

Mr. HEYBURN. No; they were merely free colonies then.

Mr. SUTHERLAND. The Declaration of Independence in the concluding paragraph says:

> We, therefore, the representatives of the United States of America—

And so on.

Mr. HEYBURN. Well, I may not have been broad or wide enough or long enough in my statement, but I certainly was correct so far as I stated it upon that view without refreshing my mind.

There is not a Democrat on the other side who will change his views on the tariff question because of anything said on this side, and while I am pleased to give them the benefit of what I may say, I am not hoping to obtain any converts. But I do hope and I do pray that those who would resist the Republican principle of protection, which is protection which protects, will see the error of their way, come into the Republican Party, and stay there; and if you do not get what you think you are entitled to just as soon as you arrive, wait and labor and fight within your own party.

The situation is like a man who, belonging to one army in struggle with another, goes out between the lines and jumps up and down and hollers, denouncing both, one at one time and another at another time, and lands nowhere, while he is liable to fall between both fires. Stay by the army that you enlisted with. If your cause is just, you are more apt to win in the Republican Party than anywhere else, and if it is unjust you ought not to win anywhere. There is no place in the world that will more nearly convince a man of his errors than in the party; but he does not want side conferences.

When a tree is growing, in its early stages or at almost any stage, we often see sprouts that go up from the roots—suckers, they call them—and if you leave them on the tree they draw from the life of the tree. When you go out to look for fruit, you do not look on the sprouts for it; you expect the fruit to be on the tree. There is no hope for the sprout. There never comes a time when the sprout accomplishes or amounts to anything. You have to depend upon the tree, and that is all that this movement means.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Certainly.

Mr. MARTINE of New Jersey. Suppose that in the course of time the main trunk, the original tree, becomes diseased, and limb after limb falls off; then what becomes of the sucker, so called?

Mr. HEYBURN. I presume probably it would die when the roots die.

Mr. MARTINE of New Jersey. No; the sucker establishes a new root for himself, and becomes the dominating power over the old stump. I say, with all due respect to the distinguished Senator, that that is about the condition of the Republican Party.

Mr. HEYBURN. Yes, Mr. President, I know that is the opinion of some Democrats about it. I know some Democrats who have real respect for the Republican Party as the result of experience.

The Senator from New Jersey was dealing rather in poesy than in wisdom when he made that comparison. The idea of one standing up in this hour and comparing the Republican Party to the rotten old hulk of a tree.

Mr. MARTINE of New Jersey. I beg the Senator's pardon——

Mr. HEYBURN. It seems to me it does not call for any defense on my part.

Mr. MARTINE of New Jersey. I did not draw the simile between the tree and the sucker. It was the distinguished Senator from Idaho who drew the parallel between the tree and the sucker. I am only citing to the Senator a condition that occurs every day in tree and plant life, and since he made the simile he should not find fault with its application.

Mr. HEYBURN. The explanation is entirely satisfactory.

I feel that I am not spending my time in vain. I am going to sow seed, some of which may germinate and grow. I would not assume the position of a critic. I am criticizing not men, but men's acts and deeds. I have seen good men, men for whom I have a very high personal regard, attempt this on several occasions before.

I remember, when the Greeley movement came along, hearing Gov. Curtin, of Pennsylvania, try to argue my father into the belief that the Republican Party had performed its mission, and that there was nothing left of it than just a hulk, as described by the Senator from New Jersey, and the only way to be a man at all and have a right under the law was to join that movement. My father said to him, "Governor, it is easier to get out of the Republican Party than to get back into it. Just take warning." And history has proved that to be true.

I afterwards lived to see Gov. Curtin sit in Congress as a Democratic Member from Pennsylvania. He got so far from the shore that he could not swim back. There is a wide ocean lying between the Democratic Party and the Republican Party, and if a man just goes plunging forward on the waves from the Republican Party long enough he will wind up in the Democratic Party.

I want Senators to think of it. I feel that I have a right to submit this proposition to them. I prefer to do it in open council rather than to assume to talk to them individually about it. I do not regard their position as a private affair when it is attempted to be applied in legislation. I regard it as entirely a private affair when you converse in private life, and therefore I would not feel at liberty to reason or argue with Senators on these questions except as I do here in connection with the performance of a duty which I regard as a great one. I do not assume or presume that I have the power to convince or to convert men, but I have the power and the right, which I am exercising, of putting before the Senate and before the American people for comparison these two positions. That is all.

I would offend no man by criticizing his conclusions or his actions from a personal standpoint. We go before the people—Senators among those whom I refer to—and plead with men for their support of certain principles, and we are here in the position that any of us would stand in if we were before the people discussing political questions. We may argue and we may plead as we might not have the right to do under the rules of propriety in individual conversation.

I want to see the Republican Party have all the strength and power and wisdom in unity of council rather than counciling in bunches here and there. There is no greater danger to a political organization than the connivance and council of a few. Men conceive that they are leaders, and they will select two or three men or Senators and get them off in a coterie and agree upon something without knowing whether or not other Senators agree with them. They can not make it work. There will always be found in the party men who can be Republicans without the support or without the consent of any other man, who do not need the approbation of any men or any man or any coterie of men to be loyal and true Republicans.

I have seen it in other days in this body when just a few who had made the mistake of thinking that they were—what was it they used to call themselves; they had a name, topnotchers, I guess—conceived the idea that they were running the Government. I have seen them go down to defeat many and many a time because of it. I want to know something of the idea of every man with whom I am to act in cooperation in politics. I do not allow any man to go off by himself and formulate the destiny of any measure and carry it out. I may agree with him, and if I do I will not vote against my judgment because he has offended, but I will be on the alert.

Mr. President, those remarks are addressed to those who are responsible for the prophesied defeat of the Republican Party in the vote that will come to-day. It is said that they will vote against the Democratic bill and then the Democrats will condemn their bill openly and candidly and come back and take the bill that they voted against only yesterday and enact it as a Democratic measure—condemn it to-day and approve it to-morrow. For what? How? Is power to be desired above principle? Consider that. There was a scene enacted here not long ago similar to the one I have described. Do you suppose that the country—the thinking, intelligent people of this country—approve of that? That is jockeying, political jockeying, and it is just as reputable here as it is on the race course, and no more so. It is high time we understood it.

In the best days of this Government, in the most responsible days of this Government, it would not have been tolerated for a moment. The opinion of the Senate would have condemned it as the opinion of the country would have condemned it. I am now talking to all the Republicans and all the Democrats. I am not talking against time. I propose that whatever may happen in the vicissitudes of life to leave permanently here a condemnation of that kind of legislation. I intend to leave of record here my appeal—and it comes from my heart and my judgment—to those who are stepping out of the Republican organization, to do what? To lay the foundation of a new party? Great heavens, they certainly have not so wild a dream as that! A new party made of what? Made up of Republicans? Such a thing is absolutely impossible.

There is no possible destiny for that movement but oblivion. There is the possibility remaining to those who have engaged in it of regaining and holding and attaining in the Republican Party the place and power and eminence for which their natural qualifications fit them well. The party in its time has overlooked the political lapse or transgression of many a man. We have had great leaders who in hours of unwisdom came pretty near making mistakes, but I will tell you that an honest confession of error is one of the best recommendations to a man in public life.

I may not be able to have any influence on this vote; I do not know; but I will not believe it until the vote is cast; I am not going to lose my faith in principle arrayed against whatever else you may call it until the evidence is made of eternal record and the final judgment is entered. There are men engaged in this defection for whom I had estimated leadership and high honors; they are not men whom I condemn personally or individually; I could name many of them, and they have the capacity for great positions. The question is, Are they going to throw it away?

The position to-day is like that of 1872. There is no monument in this country to the achievements or memory of Mr. Forney, who owned, edited, and conducted the Philadelphia Press during the war, that brought such distinguished honor to him, and who aspired to be a Senator of the United States, and who, because of his discontent, followed off in the Greeley movement. There is no monument to Gov. Curtin, of Pennsylvania, who had won a high place in the estimation of the American people by his splendid administration of the affairs of the State during the great crisis, and yet he started out to sea in his little boat. He was going to draw the continent after him. He was going to compel the approval of men. He went down into oblivion.

Mr. President, I wish there were weeks instead of hours to elapse between this time and the vote upon the pending bill. I wish that men might go into council with themselves and thrash it out, as we all must do at intervals in our life great questions that affect our destiny. But unfortunately this is the hour of passion. It is not the hour of judgment. Many a man, if he could have thinking time, would save himself and his position and his party against error.

Mr. President, I heard the testimony of these representatives of industry before the Committee on Finance of this body, and it was nearly all directed to the large producer. I was impressed with the mistake at that time, as I have always been impressed with it. I have in my library all the hearings and proceedings in connection with the great McKinley bill, and with the Dingley bill, and I read them from end to end—every one of them. I first commenced my studies of this question of political policy under the tutorship of Henry C. Carey, than whom no greater disciple of Republicanism ever lived.

When I was a boy I read his book until I wore it out, and I have followed all that has followed on that subject—the proceedings in Congress and out of it—and I know that when we abandon that principle even a little we are giving away just that much of the rights of the American people.

It is with a feeling of dread that I see this measure come to a vote—not this first vote; this first vote will be harmless, but it is with a feeling of dread that I see the Republican Party fluke in the hour of responsibility and put itself in the position of explanation when it ought to be the master and recognized as such. That is true not only with this schedule, but those that will come teeming up like horrors to confront us throughout this session. It gives me a feeling of dread to know that there is a policy here as to which the Republican Party is going to take to the woods. It is going to get behind trees so that it shall not be seen when the hour of responsibility comes. My dread is not for the future so much as the present conditions by which we must be confronted within a few brief months, because I know that there are Republicans in the United States intelligent enough and brave enough to fight for the principles of their party as they did in 1896, when the leaders who sent the party down under the waves of defeat in 1892 were drowned in the sea of political—pretty near, cowardice, under the threat of the Democracy; and I know that when the old ship comes up again there will be new commanders on her deck, new men at her wheel and at her guns, and that the chart and the compass will be in the hands of men who know how to point the Ship of State to the destiny of success.

But between now and then what confronts us? A condition of legislation that is not only a menace to-day, but will be a realization when the Democratic Party shall have compared American citizenship and American industry with those of other lands and rendered their judgment in favor of those of other lands, and when there will be an interrogation point before every proposition of industrial enterprise. I can see that confronting us, with all the consequences that will follow the four years. At my time of life I look upon it as a desperate situation—and that it should be brought about in the face of a Republican majority by a defection of men who have no substitute to offer, only just that the tantalizing wedge may slip on either bevel to one party or the other, voting with the Democrats to-day and against them to-morrow and with them another day and so on—when there is no necessity for such a desperate condition to arise, to see it pressing on us, as the hands of the clock move, we have only the satisfaction—aye, we have no satisfaction, except in the knowledge that at the end of the administration that is to follow there will come the redemption of the people.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	McCumber	Reed
Bacon	Curtis	McLean	Root
Borah	Fletcher	Martin, Va.	Sanders
Bourne	Foster	Martine, N. J.	Shively
Bradley	Gallinger	Myers	Simmons
Brandegee	Gardner	Nelson	Smith, Ariz.
Bristow	Gronna	O'Gorman	Smith, Ga.
Bryan	Heyburn	Oliver	Smith, Md.
Burnham	Hitchcock	Overman	Smoot
Chamberlain	Johnson, Me.	Page	Thornton
Chilton	Johnston, Ala.	Paynter	Tillman
Clark, Wyo.	Jones	Penrose	Townsend
Clarke, Ark.	Kern	Perkins	Watson
Culberson	Lippitt	Pomerene	Williams
Cullom	Lodge	Rayner	Works

Mr. REED. I wish to announce that my colleague [Mr. STONE] is necessarily absent. He is paired upon the pending bill with the Senator from Wyoming [Mr. CLARK].

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present. If there be no

further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER]. Were he present, I should vote "nay," and I am informed he would vote "yea."

Mr. MARTINE of New Jersey (when Mr. DAVIS's name was called). I beg to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from South Dakota [Mr. CRAWFORD].

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him in the Chamber. I desire to say that if he were present and I were at liberty to vote, I would vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were at liberty to vote, I would vote "nay."

Mr. JONES (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is necessarily absent. As announced by the senior Senator from Kansas [Mr. CURTIS], my colleague is paired with that Senator. If my colleague were present, he would vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate on business of the Senate.

The roll call was concluded.

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is necessarily detained from the Chamber. If he were present, he would vote "yea." He is paired with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is detained from the Senate. If he were here, he would vote "nay." He is paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. HEYBURN. I desire to transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. CUMMINS. My colleague [Mr. KENYON] is necessarily absent. If he were here, he would vote "nay."

Mr. REED. My colleague [Mr. STONE] is necessarily absent. If he were present, he would vote "yea." He is paired, however, during his absence with the senior Senator from Wyoming [Mr. CLARK].

Mr. FOSTER (after having voted in the affirmative). May I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. FOSTER. I have a general pair with that Senator, and I withdraw my vote.

Mr. CLARK of Wyoming. I desire to state that my colleague [Mr. WARREN] is necessarily absent from the Senate on business of the Senate.

Mr. JOHNSTON of Alabama. I wish to announce that the junior Senator from Texas [Mr. BAILEY] is paired with the senior Senator from Montana [Mr. DIXON].

The result was announced—yeas 35, nays 22, as follows:

YEAS—35.

Ashurst	Gore	Newlands	Simmons
Bacon	Gronna	O'Gorman	Smith, Ariz.
Bryan	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, Me.	Paynter	Smith, Md.
Chilton	Johnston, Ala.	Percy	Thornton
Clarke, Ark.	Kern	Pomerene	Tillman
Culberson	Martin, Va.	Rayner	Watson
Fletcher	Martine, N. J.	Reed	Williams
Gardner	Myers	Shively	

NAYS—22.

Borah	Cullom	McCumber	Sanders
Bourne	Cummins	McLean	Smoot
Bradley	Dillingham	Nelson	Townsend
Bristow	Gallinger	Oliver	Works
Burnham	Heyburn	Page	
Burton	Jones	Perkins	

NOT VOTING—38.

Bailey	Curtis	Lea	Smith, Mich.
Bankhead	Davis	Lippitt	Smith, S. C.
Brandegee	Dixon	Lodge	Stephenson
Briggs	du Pont	Lorimer	Stone
Brown	Fall	Nixon	Sutherland
Catron	Foster	Owen	Swanson
Clapp	Gamble	Penrose	Warren
Clark, Wyo.	Guggenheim	Poindexter	Wetmore
Crane	Kenyon	Richardson	
Crawford	La Follette	Root	

So the bill was passed.

PROPOSED TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, during the consideration of the metal schedule I presented an amendment providing for a sliding reduction in all tariff duties at the rate of 10 per cent the first year and 5 per cent per annum for the four years following, making a total reduction of 30 per cent. That amendment was provided with a brake intended to stop the reduction whenever the importations reached a certain percentage.

The Senator from North Carolina [Mr. SIMMONS] requested me to withdraw the amendment and to present it to some other revenue bill, in order that it might be considered by the Finance Committee, and I took action pursuant to his suggestion. I now offer that amendment, which is intended to be proposed to any revenue bill or bill amending the present tariff act, and I will ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Nevada that it will be necessary to state some bill to which it is proposed as an amendment. Otherwise the amendment could not have any status.

Mr. NEWLANDS. Well, I will offer it to the excise bill.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary, in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now, therefore,

Be it enacted: SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

Mr. NEWLANDS submitted the following amendment, intended to be proposed by him to House bill 21213, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909. Insert the following:

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic Parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now, therefore,

Be it enacted: SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a Tariff Commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes. I think it will take only a few moments to get the bill through.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, after the words "one hundred and," to strike out "fifty-two million dollars," and insert "sixty-four million five hundred thousand dollars, or so much thereof as may be necessary, to be immediately available," so as to make the clause read:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $164,500,000, or so much thereof as may be necessary, to be immediately available: *Provided,* That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further,* That the amount expended under each of the above items shall be accounted for separately.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to strike out:

For salary of one agent for the payment of pensions, $4,000; and from and after the 1st day of July, 1912, there shall be only one agent for the payment of pensions to be appointed in the manner now provided by law and who shall receive a salary at the rate of $4,000 per annum; and section 4780 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions is repealed.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

For salaries of agents for the payment of pensions, at $4,000 each, $72,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

For clerk hire, and other services, pension agency, including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $350,000, or so much thereof as may be necessary: *Provided,* That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the pension agency, and the amounts to be paid to each.

And to insert:

For clerk hire, and other services, pension agencies, $385,000, or so much thereof as may be necessary: *Provided,* That the amount of clerk hire, and other services, and the salaries paid shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 3, after line 14, to insert:

For rent of pension agency at New York, N. Y., $4,250, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 13, after the word "That," to strike out "hereafter" and insert "not later than January 1, 1913," and in line 18, after the word "depositary," to insert "except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government," so as to make the clause read:

SEC. 3. That not later than January 1, 1913, pensions shall be paid by checks drawn, under the direction of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the proper assistant treasurer or designated depositary, except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

That postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mail to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried; and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned as herein provided on account of the death or remarriage of the pensioner shall be canceled.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

SEC. 5. That in case of sickness or unavoidable absence of the agent for payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such agent for payment of pensions.

The amendment was agreed to.

The next amendment was, at the top of page 6, to strike out:

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the agent for payment of pensions may designate and authorize the necessary number of clerks to sign the name of the agent for payment of pensions to official checks.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to strike out:

The official bond given by the agent for payment of pensions shall be held to cover and apply to the acts of the persons authorized to act in his place.

The amendment was agreed to.

The next amendment was, on page 6, line 9, to change the number of the section from 6 to 5.

The amendment was agreed to.

Mr. McCUMBER. On behalf of the Committee on Pensions, I send to the desk an amendment which I ask to be inserted on page 3, after line 17.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 3, line 17, it is proposed to insert:

For examination and inspection of pension agencies, as provided by the final provision of the act of August 8, 1882, amending section 4766, Revised Statutes, $1,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ERSKINE R. K. HAYES.

Mr. CULLOM. I rose to move that the Senate proceed to the consideration of executive business, but I yield to the Senator from Ohio [Mr. BURTON].

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 3459) for the relief of Erskine R. K. Hayes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. I shall not object to this bill, but I shall object to taking from the calendar any other bill to-day.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The first amendment was, on page 1, line 6, before the word "thousand," to strike out "ten" and insert "five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Erskine R. K. Hayes, the sum of $5,000, in full compensation for injuries received on the 16th day of December, 1902, while in the performance of his duty as an employee of the Bureau of Printing, Treasury Department, in the city of Washington, D. C.

The amendment was agreed to.

Mr. REED. Mr. President, I wish to inquire of the Senator from Ohio how it happens that a bill can be reported for this Government employee who was injured allowing $5,000 for the injury when the policy of the committee appears to be to pay a sum equal to one year's wages.

Lest I might be misunderstood, I want to say before I take my seat that I did not rise for the purpose of opposing this bill; I do not know what its merits are; but I am curious to know why a bill which I have before the committee is, I am informed, to be reported allowing a sum equal to one year's salary, and that that is to be done upon the basis that the committee has determined upon a policy of that kind.

If the committee have determined upon that sort of policy, it ought to be applied to all; if they have not determined upon it, then these cases ought to be settled upon their merits. I want to get some light, if possible, from the Senator from Ohio.

Mr. BURTON. I will state, Mr. President, that the action of the Committee on Claims was no doubt prompted by the extremely serious and painful quality of this injury. The Senator from Michigan [Mr. TOWNSEND], who reported the bill, is present, and I think perhaps he can explain more clearly than I the policy of the committee in this regard.

Mr. TOWNSEND. Mr. President, the committee has on several occasions during this session of Congress, and I think perhaps during other Congresses, taken up cases which seem to possess peculiar merit by reason of the fact that the injuries received and the condition of the claimant were about as bad as it was possible for them to be, and considered some of those cases on their peculiar and special merits.

The Committee on Claims has not been favorable to reporting claims that were not founded on a legal right or some equitable right which seemed to require the recognition of Congress.

This particular case is one where the claimant was in the employ of the Government operating the electrical machine attached to an elevator in the Bureau of Engraving and Printing. It was his duty to go into the basement early in the morning and set in motion the motor for the purpose of operating the car. It appears that the Government had been making repairs in the basement and for that purpose had taken up a portion of the floor, some 10 or 12 feet in length and 3 or 4 feet wide, and had made an excavation of the earth below. Then they had thrown in some loose earth and covered it over temporarily with boards extending above the floor about an inch. There was a space affording an opportunity for the employee to have gone around the ends of the boards without crossing them; but they had been in that condition for something like four months, and the Government had left them there.

In the meanwhile they had warped up at the end. This man on the morning in question went down into the basement to perform the work, tripped on these boards, and fell in such a manner as to break his leg and injure his back. He laid off for a while and was treated in the hospital. He finally supposed that he had recovered. He left the employ of the Government and went to Ohio, where he took a position as deputy or assistant in the clerk's office of a county town there, the name of which I can not now recall. He continued that work for a while, until he began to get worse. His back commenced to trouble him. The upshot of it is that he is now one of the most hopeless cripples it is possible to imagine. He has an abscess on his back which has been discharging constantly for years; he has decreased in weight from something near 200 pounds until his weight is now about 100 pounds.

When he was better for a while after he was injured he was married, and a child came as the result of the marriage. So that he has a child now; but he has no means, and his wife has to care for him. It is a dreadful care, because the stench which comes from the discharge is almost unbearable. This man placed a claim before the Government when he was injured, and then dropped it because he thought he was not injured so badly as he had at first supposed. Afterwards, when this condition developed, which no one doubts was caused by the accident, he again presented his claim to the Government. He asks for $10,000. He owns a home worth $1,600, upon which there is a mortgage of $1,000; he has no means of support, and no relatives upon whom he can depend.

When his case went to the Court of Claims the court held that the Government was not negligent because he had previously passed around and over these boards and knew of the condition—that is, he contributed, the court held, to his own injury—but the same court holds that the Government itself was negligent in view of the fact that it left this hole in that condition for so many months. Your committee believed that these were peculiar circumstances, similar to those, perhaps in degree, if not quite the kind, which attached to the young lady who was injured at the Census Bureau when her scalp was torn from her head, where the Government was not at fault, and yet this Congress believed it was but the right thing for us to do to contribute to her support, and perhaps compensate her in some degree for the terrible calamity which had befallen her. Your committee reduced the amount to $5,000, and provided that $3,000 could be used immediately, $1,000 to pay for the mortgage on his home and the other $2,000 to assist him in the care which he needs, the medical and surgical aid which he might possibly obtain, although all the evidence is that it is absolutely a hopeless case. Your committee provides that the balance of the $2,000 shall be paid in monthly payments of $100 until the full sum of $5,000 shall have been paid.

I sympathize with the notion that this Congress ought not on every occasion to contribute money because a claimant asks for it. I understand, as the committee understands, that we must view these cases with great care; but precedents have been established which seem to me to warrant this Congress in granting this amount of relief. A year's salary under the law, while it would be of some value, would scarcely be of sufficient worth to render the aid which this man and his family need at the present time. For these reasons the Committee on Claims has felt that this matter ought to be passed upon affirmatively by the Senate. The case has been considered by the whole committee, and has the unanimous report of the committee in its favor.

Mr. REED. Mr. President, I would not on any account be understood as opposing this appropriation. I tried to make that plain a moment ago. I am not opposing it. I believe that the committee would not, after an investigation of the facts, have recommended this award and done so in an improvident manner. I think that it is only proper and right, if any employee of the Government is injured in a serious way, and the acts of the Government of a negligent character have contributed to that injury, the Government ought not to visit the entire calamity upon the head of the unfortunate who was himself only guilty of a portion of the negligence; but what I am trying to get at, Mr. President, is this: There is a claimant here, the bill for whose relief went through the House of Representatives, as I understand—at least the bill is here. He lost his hand.

Mr. TOWNSEND. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. Yes.

Mr. TOWNSEND. What is the name of the claimant?

Mr. REED. His name is Cole.

Mr. TOWNSEND. I do not recall the claimant. I do not believe we have passed upon that case.

Mr. REED. I am going to try to make it plain, if the Senator will pardon me.

This man lost his hand while employed on the Panama Canal, under circumstances which would probably permit a recovery in a court of law if he had been working for a corporation or an individual. The bill was turned over to one of the members of the committee as a subcommittee, and the information which came to me was that your committee had determined upon a policy of paying but one year's salary; and that because of that the most this man could expect would be a sum equal to one year's salary.

The case does not come strictly within the terms of the bill which was passed providing for compensation. In company with some four or five others, his injury occurred just prior to the enactment of that bill, and is referred to in a special message of the President recommending that relief be granted.

If we are to have a hard and fast rule fixing one year's salary as the limit in this case, and that is to apply, it ought to apply in all cases, or else we ought to settle these cases—each one of them—upon their merits. I agree that $5,000 is not too much to allow in this case. I insist, however, that if an exception ought to be made, it ought to be made in all cases, and that all of these cases ought to be determined upon their particular merits. That is the reason for this inquiry, and not to stop the passage of this bill.

I now understand from the Senator who has just spoken that his committee does not have a rule—that is, at least, a hard and fast rule—in regard to these matters.

Mr. TOWNSEND. We have a rule, if the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. Certainly.

Mr. TOWNSEND. We have a rule that we try to apply in order to cover as many cases as we can. We cover all cases, except those, perhaps, where the situation is so peculiar and so serious that it has seemed best for us to make an exception.

The rule has been adopted, but there have been two or three exceptions. I will mention one to the Senator. One was the case of the young lady who had her scalp torn from her head this year; another I do not now recall; and it seems to me there was still a third that was reported at this session, but we have adopted a rule, perhaps not a hard and fast rule, because we have made these exceptions.

Mr. REED. In the case of the young lady to whom the Senator refers, as I understand it, there was clearly no liability. The Government made the appropriation, however, in the interest of humanity. In this case there was no liability, but the Government is asked to make the appropriation, because of the seriousness of the injury and the unfortunate condition in which this man is placed. In the case I speak of the man lost his right hand, and a year's salary at the small wages he was earning would be utterly inadequate as compensation.

I ask that all these cases be considered on their merits or that none of them be considered on their merits; that we either adopt a rule and adhere to it, or that we take the broad grounds, which, I think, is the proper ground, that every case shall be considered upon its merits by the committee. I have made the inquiry and have elicited the information, and I have no objection to this bill, but shall be glad to vote for it.

Mr. OVERMAN. I desire to say to the Senator from Missouri that all these cases are usually referred to a subcommittee, and each particular case is first considered by the subcommittee. There are hundreds and hundreds of these claims pending. If the Senator will suggest to the chairman that the bill to which he has alluded be referred to some member of the committee, the bill will certainly be considered on its merits.

Mr. REED. I think the Senator from Kentucky has it as a subcommittee of one man.

Mr. SMOOT. Mr. President, I was not present in the committee when this particular bill was considered, and I have not had time to read the report, but I have listened to the statement of the Senator from Michigan [Mr. TOWNSEND]. I believe in following the rule that the committee has followed for a number of years past in all of these personal-injury cases. It is true that in one case of late, that of the young lady who was injured at the Census Bureau, the claimant was paid more than a year's salary, and yet very little more when the expenses attached to her sickness are taken into consideration.

I am not going to object to the consideration of this bill at this time, because of the fact that I have not had time to look into it and was not present in committee when the report was made, having been called to a meeting of another committee of the Senate; but I want to say to the Senator from Missouri that so far as I am concerned as a member of the Committee on Claims I shall with every vote at my command follow the rule in all personal-injury cases that we have followed for a number of years past; and I will say that in this particular case, no doubt, I would have voted that way in committee, although there may have been a majority of the committee who would have voted otherwise.

Mr. REED. Mr. President, if I may inquire, upon what ground is such a rule established as that regardless of the character of the injury one year's salary shall be held to be compensation? Why one year, instead of two years, or instead of two months? Upon what is such a rule based?

Mr. SMOOT. In answer to the Senator, I will say that about four years ago there was a law passed by Congress giving one year's salary to employees engaged in the construction of the Panama Canal who were injured. Since the passage of that law—and that seems to be the only expression we have had from Congress upon this particular personal-injury matter—the committee followed the expression of Congress, and has in nearly every case given one year's salary to those who have been injured. That is the basis of it, I will say to the Senator.

The PRESIDENT pro tempore. There is another amendment reported by the committee, which the Secretary will state.

The SECRETARY. On page 1, line 10, after the words "District of Columbia," it is proposed to insert "$3,000 of said sum shall be payable upon the passage and approval of this bill, and the balance shall be payable in monthly installments of $100 until the full sum of $5,000 shall be paid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. Mr. President, I take it that the Senator is not going to ask for the consideration of the bill at this time, but will ask that it be laid aside after it becomes the unfinished business.

Mr. SIMMONS. I am not going to ask for its consideration at this time.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from North Carolina.

The motion was agreed to.

Mr. NELSON. Mr. President——

Mr. SIMMONS. Just a moment, if the Senator please. Before asking to lay the bill aside temporarily, I wish to state that I shall not ask for the consideration of this bill until Monday. I hope that to-morrow and Saturday we will be able to dispose of some bills that are pressing, so that on Monday we may be ready to enter upon the consideration of this measure and continue its consideration to a final vote. I now ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. In the absence of objection, the unfinished business will be temporarily laid aside, as requested by the Senator from North Carolina.

CHARLEY CLARK.

Mr. NELSON. I am directed by the Committee on Public Lands, to which was referred the bill (S. 6153) for the relief of Charley Clark, a homestead settler on certain lands therein described, to report it without amendment, and I submit a report (No. 824) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill reported by him from the Committee on Public Lands. The Secretary will read the bill for the information of the Senate.

Mr. SMOOT. Mr. President, I am not going to object, but I simply want to make an explanation. I gave notice that I would object to the consideration of any further bills upon the calendar, on the ground that I understood the Senate desired to go into executive session, but as I am now informed that an executive session will not be held this evening, I have no objection to the consideration of this bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read for information.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the homestead entry of Charley Clark for the west half of the northeast quarter of section 31, in township 153 north, range 40, in the Crookston land district, Minnesota, under the act approved February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," upon which final proof and payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, shall be allowed and permitted to remain of record as of the date of the entry, and patent shall issue in the name of Charley Clark for the land.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALVA, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla. The bill was reported to-day.

Mr. SMOOT. That is the bill which I reported from the Committee on Public Lands this morning, is it not?

Mr. GORE. Yes, sir.

Mr. SMOOT. Of course it is not yet on the calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment on page 1, line 13, after the word "specified," to insert "or if at any time thereafter cease to be used as an armory by said Company I, First Regiment Oklahoma National Guard," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to Company I, First Regiment Oklahoma National Guard, the following tract of land, in the city of Alva, Woods County, State of Oklahoma, to wit: Lot No. 19, in block No. 41, according to the original plat thereof, which patent shall be issued upon the express condition that Company I, First Regiment Oklahoma National Guard, must erect an armory building upon said lot within two years after the approval of this act: *Provided, however*, That if said

armory building shall not be erected upon said lot within the time specified, or if at any time thereafter cease to be used as an armory by said Company I, First Regiment Oklahoma National Guard, title to said lot shall thereupon, without further action, revert to and be in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUBLIC BUILDING AT NOGALES, ARIZ.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill (S. 6565) to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment on page 2, line 2, before the word "thousand," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office, customhouse, and other Government offices in the city of Nogales, county of Santa Cruz, State of Arizona, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $120,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of pension bills on the calendar, beginning with Calendar No. 665.

Mr. GALLINGER. I suggest that the Senator ask unanimous consent. He can not well make a composite motion covering several bills.

Mr. McCUMBER. Very well, then, I will ask unanimous consent that pension bills on the calendar be considered, beginning with the number I have indicated.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of the pension bills indicated by him in the order in which they appear on the calendar. Is there objection? The Chair hears none. The Secretary will state the first pension bill.

The bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 2, after the name "*North Carolina*," to insert "United States Navy," so as to make the clause read:

The name of Richard Hyam, late ordinary seaman on U. S. S. Ohio, Gem of the Sea, and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 12, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John F. Rankin, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the name "Henry," to strike out the initial "C" and insert the initial "L," so as to make the clause read:

The name of Henry L. McCain, late of Company I, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 24, before the word "hospital," to insert "and," so as to make the clause read:

The name of Sarah A. Loveladу, widow of Thomas A. Loveladу, late of Company M, and hospital steward, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 15, to strike out:

The name of Arthur Branagan, late of Company C, Ninety-sixth Regiment, and Company L, Ninety-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 15, to strike out:

The name of William M. Capps, late principal musician, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. McCUMBER. On page 16, I move to strike out all of lines 5 to 8, inclusive, the case of Andreas Wirth, the beneficiary having died since the bill was reported to the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 16 strike out lines 5 to 8 inclusive, as follows:

The name of Andreas Wirth, late of Company A, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 12, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Leroy S. Jones, late of Company B, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 12, after the word "Colored," to strike out "Troops" and insert "Volunteer Infantry," so as to make the clause read:

The name of Noah Hayes, late of Company D, Eleventh Regiment, and Company B, One hundred and thirteenth Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 7, to strike out:

The name of Matthew F. Stuckey, late of Company K, One hundred and sixty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Hanger, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to strike out:

The name of Mary C. Roos, widow of Everett J. Roos, late of Company E, Nineteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Amos Graham, late of Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 12, after the words "Companies G and," to strike out the letter "J" and insert the letter "K," so as to make the clause read:

The name of Rachel Ann Keifiein, widow of Daniel R. Keifiein, late of Companies G and K, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 3, after the word "Company," to strike out the letter "H" and insert the letter "K," so as to make the clause read:

The name of Ira Kennicutt, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Edward B. North, late of Company G, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 22, to strike out:

The name of Charlotte Atkinson, former widow of Thomas B. W. Francisco, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 3, to strike out:

The name of Sarah Knepley, widow of Edward C. Knepley, late of Company E, First Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 7, to strike out:

The name of Jennie M. Metz, widow of Thomas J. Metz, late of Company B, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, after line 13, to strike out:

The name of Viola Phillips, widow of John B. Phillips, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 38, after line 9, to strike out:

The name of Sumner P. Boies, late of Company F, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 41, after line 14, to strike out:

The name of Mary E. Martin, widow of George G. Martin, late lieutenant colonel First Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to strike out:

The name of Charles Britton, late of Company I, Fourth Regiment United States Infantry, and Company D, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 3, before the word "widow," to strike out the name "Krieger" and insert "Kreiger"; in line 4, before the word "late," to strike out the name "Krieger" and insert "Kreiger"; and in line 6, after the word "month," to insert "such pension to cease upon proof that soldier is living," so as to make the clause read:

The name of Mary De Kreiger, widow of Peter W. De Kreiger, late of Company C, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that soldier is living.

The amendment was agreed to.

The next amendment was, on page 44, line 15, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Hugh Lappin, late of Company I, Seventieth Regiment, and Company D, Seventy-third Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 3, to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Daniel Williams, late of Company E, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 4, to strike out:

The name of John H. Baty, late of Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and Independent Battery Pennsylvania Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 18, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James T. Singleton, late of Company A, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 22, before the word "dollars," to strike out "thirty-six" and insert "forty," so as to make the clause read:

The name of Andrew Smith, late of Company H, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS—STATISTICS OF CORPORATIONS.

Mr. SMOOT. Mr. President, it is now 20 minutes to 5 o'clock, and I notice there are 10 other pension bills on the calendar. It will be quite late before they are all disposed of; a number of Senators desire to go to their offices and do work which is demanding their attention; and I should like to have unanimous consent that no other bills than the pension bills be considered this afternoon. I ask unanimous consent that that be the understanding of the Senate.

Mr. HITCHCOCK. Mr. President, I have been waiting for some time to get up, by unanimous consent, the little call for information which was crowded out the other day. If the Senator will permit me to pass that resolution, which I think will require no further discussion——

Mr. SMOOT. I have a number of bills that I, too, would like to have the Senate consider, but I will say to the Senator that no doubt we will go on the calendar to-morrow; I know there are a good many Senators here who would not——

Mr. HITCHCOCK. The urgency of this is that if this information amounts to anything it will be of some value in the consideration of tariff legislation.

Mr. SMOOT. I have no doubt the Senator will find plenty of time to-morrow to pass his resolution. I hope he will agree to the request I have submitted, because it will only——

Mr. HITCHCOCK. If the Senator will let me present my request at the present time, I think the resolution will be out of the way inside of two minutes. I understand from conversations with Senators on the other side that there is no objection to it.

Mr. SMOOT. That is something I know nothing about; but we have a unanimous-consent agreement now that we will go on and pass these 10 more pension bills, which will take us quite late in the day. I do not think the Senator will gain anything by objecting to my request. I assure him I will not object to the consideration of his resolution to-morrow, and there is no special bill that will take precedence of it.

Mr. HITCHCOCK. I have already made several attempts to get up the resolution; I feel that it is an urgent matter, and I am waiting patiently until the pension bills are out of the way, and I am perfectly willing to wait until they are out of the way. I deferred to the Senator from North Dakota that he might get these pension bills out of the way.

Mr. SMOOT. Then the Senator objects to my request?

Mr. SIMMONS. Mr. President, I hope the Senator from Utah will not object to the consideration of the resolution of the Senator from Nebraska. I am sure it will not take two minutes to dispose of it. We discussed it the other day pretty thoroughly, and just as we were about to take a vote on it the hour of 2 o'clock arrived and it went over. The information sought to be gathered by the resolution I believe will be very valuable to all of us in the consideration of the tariff bills.

Mr. SMOOT. If there is no objection, I will include the resolution of the Senator from Nebraska in the unanimous-consent agreement for which I ask.

Mr. GALLINGER. Mr. President, I trust that request will be acceded to. The Senator from Nebraska interrupted me a couple of days ago, when I was making a little offhand talk, with the suggestion that he would like to have the resolution passed. I did not feel that I could permit it right then. I think the Senator's resolution ought to be considered, and I have no doubt it will be promptly passed. So I hope it will be included in the understanding.

The PRESIDENT pro tempore. The Senator from Utah asks that no other business shall be transacted this afternoon except the pension bills, which has already been consented to, and Senate resolution 321. Is there objection? The Chair hears none, and it is ordered.

PENSIONS AND INCREASES OF PENSIONS.

The bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 19, to strike out:

The name of Agnes W. Culley, widow of Frank C. Culley, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

Mr. McCUMBER. I hope the amendment will be disagreed to, other evidence having been furnished since the report was made.

The amendment was rejected.

The next amendment was, on page 4, after line 10, to strike out:

The name of Annie H. Schuler, widow of David A. Schuler, late of General Service, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "late," to strike out "of" and insert "first lieutenant," and in line 20, before the words "Company K," to insert "captain," so as to make the clause read:

The name of Margaret I. Anderson, widow of Hamilton A. Anderson, late first lieutenant Company D, One hundred and thirty-second Regiment, and captain Company K, Forty-third Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 22, before the word "Veteran," to insert "Sixth Regiment," so as to make the clause read:

The name of Daniel W. Young, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and Company A, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "Company," to insert "first lieutenant"; in line 24, after the word "Eleventh," to insert "Regiment"; and in the same line, after the word "Colored," to insert "Volunteer," so as to make the clause read:

The name of Annie A. Lewis, former widow of George W. H. Allen, late of Battery E, First Regiment Rhode Island Volunteer Light Artillery, and first lieutenant Company L, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to strike out:

The name of James S. Carter, late of Company E, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of William E. Peters, late of Company M, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 2, after the name "*Princeton*," to insert "United States Navy," so as to make the clause read:

The name of Charles Rossiter, late first-class fireman, U. S. S. North Carolina, Seneca, and Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 20, before the word "dollars," to strike out "thirty-six," and insert "thirty," so as to make the clause read:

The name of Pethuel Dorcas, late of Company H, Sixty-sixth Regiment, and Company G, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 4, after the name "*Norwich*," to insert "United States Navy," so as to make the clause read:

The name of Thomas L. Stringer, late landsman, U. S. S. North Carolina, Henry Andress, and Norwich, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 2, to strike out:

The name of John N. Fox, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, at the top of page 3, to strike out:

The name of Oliver P. Allen, late of Company G, First Regiment Ohio Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the word "receiving," to insert "*Provided*, That in the event of the death of Charles Flannigan, helpless and dependent son of said Patrick Flannigan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Anne Flannigan, the name of said Charles Flannigan shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Anne Flannigan," so as to make the clause read:

The name of Anne Flannigan, widow of Patrick Flannigan, late of the United States Marine Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles Flannigan, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 5, after line 12, to strike out:

The name of William Hazelbaker, late of Company G, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 23, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Thomas J. Turner, late of Company K, Fifth Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 18, to strike out:

The name of John L. Doyle, late first-class fireman, U. S. S. North Carolina, Potomac, and Tennessee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 7, before the word "dollars," to strike out "thirty" and insert "thirty-six," so as to make the clause read:

The name of William N. George, late of Company L, Eleventh Regiment Pennsylvania Volunteer Cavalry, and Company K, Eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Robert Sutor, late of Company I, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 10, before the word "Volunteer," to strike out "Mounted," and in the same line, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Andrew J. Mullins, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 14, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of James Simpson, late of Company D, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 17, after the word "receiving," to insert "*Provided*, That in the event of the death of Ella M. Branyan, helpless and dependent child of said James A. Branyan, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Levinnia Branyan, widow of James A. Branyan, late of Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ella M. Branyan, etc.

The amendment was agreed to.

The next amendment was, on page 23, after line 24, to strike out:

The name of Peter Golden, late of Company K, Eighty-eighth Regiment Illinois Volunteer Infantry, and Company B, Twenty-third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 8, after the name "Gideon," to insert the letter "M"; in line 9, after the word "Tennessee," to strike out "Mounted"; and in line 10, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Mary J. Burriss, widow of Gideon M. Burriss, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 27, line 4, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Bradford R. Gilbert, late of Company E, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Jackson Goodman, late of Company I, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to strike out:

The name of Julia C. McCue, widow of Jeremiah D. McCue, late of Company I, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 9, to strike out:

The name of Benjamin F. Musselman, late of Company E, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 25, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Thomas Hampson, late of Companies M, F, and A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 33, to strike out:

The name of Lydia A. Wright, widow of Daniel C. Wright, late unassigned Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 18, before the word "Volunteer," to strike out "Iowa" and insert "Indiana," so as to make the clause read:

The name of Lewis W. Brown, late of Company F, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 24, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Adam B. Hastings, late of Company I, Sixty-second Regiment, and Company G, Sixty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to strike out:

The name of Henry Pruess, late of Company A, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, line 10, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of Nathan Mainaird, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry B. Dewald, late of Company B, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 6977) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate stated:

William H. Wyatt, late of Company A, Twelfth Regiment Kansas Volunteer Infantry, $30 per month.

Eliza J. Anderson, widow of John T. Anderson, late of Company K, Forty-second Regiment United States Colored Volunteer Infantry, $16 per month.

Charles E. Young, late of First Independent Battery New Hampshire Volunteer Light Artillery, $50 per month.

William H. Power, late of Company B, Ninety-ninth Regiment, and Company B, Forty-eighth Regiment, Indiana Volunteer Infantry, $24 per month.

Nancy J. Tolfree, dependent mother of Burgon F. Tyler, late second lieutenant Company H, Thirty-first Regiment Missouri Volunteer Infantry, $24 per month.

William R. Amen, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, $30 per month.

Abner K. Gray, late of Company D, First Regiment Maine Volunteer Cavalry, $30 per month.

William P. Gilbert, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, $30 per month.

Daniel Davenport, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, $30 per month.

Wesley Hunt, late of Company G, One hundred and second Regiment Illinois Volunteer Infantry, and Battery B, First Regiment Illinois Volunteer Light Artillery, $30 per month.

Sue B. Merrill, widow of Sherman M. Merrill, late chaplain One hundred and seventy-seventh Regiment New York Volunteer Infantry, and post chaplain, United States Army, $20 per month.

Godfrey Hammarberg, late of Company H, Ninth Regiment Minnesota Volunteer Infantry, $30 per month.

Joseph S. Ewing, late of Company F, Tenth Regiment Iowa Volunteer Infantry, $30 per month.

Mary Ann Babcock, widow of George W. Babcock, late of Company F, First Regiment Wisconsin Volunteer Infantry, $20 per month.

Henry M. Dunlap, late of Company D, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month.

Clyde W. Duvall, helpless and dependent son of Jacob B. Duvall, late of Company I, One hundred and eighteenth Regiment Ohio Volunteer Infantry, $12 per month.

Henry C. Carbee, late of Second Battery, Vermont Volunteer Light Artillery, $50 per month.

James S. Evans, late of Company D, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, $24 per month.

Levi Wilt, late unassigned, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month.

Hamilton E. Turner, late of Company D, Thirty-first Regiment Iowa Volunteer Infantry, $50 per month.

Francis M. Berry, late of Company G, One hundred and tenth Regiment Illinois Volunteer Infantry, $40 per month.

Marcus Connelly, late of Company E, One hundred and thirtieth Regiment Ohio National Guard Infantry, $24 per month.

Allen M. Ripley, late of Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, $40 per month.

Orlando C. Beck, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, $30 per month.

Thomas E. Ellis, late of Company B, Eighty-seventh Regiment Illinois Volunteer Infantry, $40 per month.

Calvin E. Barney, late of Company K, One hundred and eighth Regiment Illinois Volunteer Infantry, and Eightieth Company, Second Battalion, Veteran Reserve Corps, $36 per month.

Etta B. Stewart, helpless and dependent daughter of Orren P. Stewart, late of Company D, Second Battalion, Sixteenth Regiment United States Infantry, $12 per month.

Theodore H. Wilson, late of Company E, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, $24 per month.

Mary Agnes Drumgoold, helpless and dependent daughter of Michael Drumgoold, alias Michael Gould, late of Company A, Seventy-first Regiment New York Volunteer Infantry, and landsman, U. S. S. *Colorado*, United States Navy, $12 per month.

John T. Allen, late of Company F, Third Regiment Kentucky Volunteer Infantry, $30 per month.

Robert Ashurst, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, $36 per month.

Marion H. Bolerjack, late of Companies D and H, Thirteenth Regiment Illinois Volunteer Cavalry, $30 per month.

James McDaniel, late of Company G, Sixth Regiment Illinois Volunteer Cavalry, $24 per month.

John W. Webb, late of Company B, Seventh Regiment Tennessee Volunteer Mounted Infantry, $24 per month.

Edward Murphy, late of Company A, First Regiment Kentucky Volunteer Cavalry, $30 per month.

Robert H. Overley, late of Company C, Tenth Regiment Kentucky Volunteer Cavalry, $24 per month.

Samuel P. Murrell, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, $24 per month.

Reason Walker, late of Company C, Seventieth Regiment Illinois Volunteer Infantry, $12 per month.

Martha L. Perry, dependent mother of Thomas J. Matlock, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, $12 per month.

Rachel Ann Bovee, former widow of Silas Gillman, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, $12 per month.

Eliza T. Eastin, widow of James C. Eastin, late of Company K, Ninth Regiment Kentucky Volunteer Cavalry, $20 per month.

Howard Mobley, now known as Howard Miller, late of Company M, Fifth Regiment United States Colored Volunteer Cavalry, $24 per month.

John A. Camp, late of Company I, Tenth Regiment, and Company K, Forty-fourth Regiment, Wisconsin Volunteer Infantry, $30 per month.

Palmer Atkinson, late of Company E, Sixty-sixth Regiment Indiana Volunteer Infantry, $36 per month.

Robert Wood, late of Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, $24 per month.

Jonathan D. Harrington, late of Company G, Third Regiment Delaware Volunteer Infantry, and Company C, Twenty-first Regiment Veteran Reserve Corps, $30 per month.

Alexander Harris, late of Company K, Twelfth Regiment United States Colored Volunteer Heavy Artillery, $36 per month.

Edward H. Baker, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, $30 per month.

Frederick O. Nims, late of Company B, Fifty-sixth Regiment Illinois Volunteer Infantry (Mechanic Fusileers), $24 per month.

Margaret J. Grable, widow of Joseph R. Grable, late of Company B, Third Regiment Indiana Volunteer Cavalry, and Company D, Ninth Regiment Veteran Reserve Corps, $20 per month.

William Dawson, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, $30 per month.

Thomas Maupin, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, $30 per month.

Edwin W. Johnson, late of Company F, Forty-fifth Regiment Massachusetts Militia Infantry, $24 per month.

James Sweet, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and landsman, U. S. S. *Eastport*, United States Navy, $30 per month.

Thomas McCarty, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, $30 per month.

George B. Turney, late of Company K, Fifty-first Regiment Missouri Volunteer Infantry, $20 per month.

George Elliott, late of Company K, First Regiment Delaware Volunteer Infantry, $24 per month.

Robert W. Shaffer, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, $30 per month.

Thomas B. Rand, late of Company B, Second Regiment Wisconsin Volunteer Infantry, $30 per month.

Thomas A. Christy, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, $30 per month.

Michael McNulty, late of Company C, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, $30 per month.

George W. St. Clair, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, $30 per month.

Henry H. Bowman, late of Companies F and A, First Regiment Indiana Volunteer Cavalry, $30 per month.

Henry Johnson, late of Company K, Ninth Regiment Maine Volunteer Infantry, $50 per month.

Jeremiah Williams, late first lieutenant Company H, Eighty-sixth Regiment New York Volunteer Infantry, $30 per month.

William Kenoyer, late of Company H, Sixth Regiment Iowa Volunteer Cavalry, $30 per month.

Adilie E. Ferrell, widow of George F. Ferrell, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and former widow of Davis L. Wetmore, late of Company F, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $12 per month.

Sarah D. Shaw, widow of Martin V. B. Shaw, late of Company D, Fourth Regiment Massachusetts Militia Infantry, $20 per month.

Melissa J. Sheffield, widow of John A. Sheffield, late of Company B, Fifty-seventh Regiment Massachusetts Volunteer Infantry, $20 per month.

Smith Whitman, late of Company L, Eleventh Regiment Kansas Volunteer Cavalry, $30 per month.

Charles F. Wellman, late of Company G, Fourth Regiment Maine Volunteer Infantry, $30 per month.

Cyrus E. Prindle, late captain Company D, Thirteenth Regiment Connecticut Volunteer Infantry, $30 per month.

Frederick Richards, late of Company E, Tenth Regiment Connecticut Volunteer Infantry, $36 per month.

Elroy S. Jennings, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, $30 per month.

Lyman C. Putman, late of Company F, Fourth Regiment Maine Volunteer Infantry, $30 per month.

James A. Dunton, late of Company H, Second Regiment Maine Volunteer Cavalry, $30 per month.

Elias H. Davis, late of Company A, Fourth Regiment Maine Volunteer Infantry, and Company I, Ninth Regiment United States Veteran Volunteer Infantry, $36 per month.

Charles H. Robinson, late of Company D, One hundred and twelfth Regiment New York Volunteer Infantry, $30 per month.

Martin O'Dowd, late of Company B, Thirty-fourth Regiment Wisconsin Drafted Militia Infantry, $24 per month.

Lydia M. Cole, widow of Emory Cole, late of Company C, First Regiment Wisconsin Volunteer Cavalry, $20 per month.

Oliver C. Swarthout, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, $30 per month.

Frederick Braun, late of Company A, Thirty-second Regiment Indiana Volunteer Infantry, $30 per month.

Jennie Bassett, widow of Samuel Bassett, late first lieutenant Company F, One hundred and thirty-fifth Regiment New York Volunteer Infantry, $20 per month.

Emma L. Tappan, widow of George Arthur Tappan, late second lieutenant Company H and first lieutenant Company G, Eighty-second Regiment United States Colored Volunteer Infantry, $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the persons named at the rate stated:

Grant Noble, late of Company D, Sixteenth Regiment United States Infantry, War with Spain, $12 per month.

Edward F. Shaughnessy, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, $12 per month.

Gust Carlson, late of Battery B, Utah Volunteer Light Artillery, War with Spain, $10 per month.

Ira Howell, late of Company A, First Regiment Colorado Volunteer Infantry, War with Spain, $12 per month.

Jethro J. T. Garde, late of Company G, Twenty-first Regiment United States Infantry, $12 per month.

William Buck, late of Company H, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, $14 per month.

Anna E. R. Webb, widow of Alexander S. Webb, late brigadier general, United States Volunteers, and brevet brigadier general and major general, United States Army, $30 per month.

Marion Franklin, widow of Samuel R. Franklin, late rear admiral, United States Navy, $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 21478) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered by the Senate as in Committee of the Whole. It proposes to pension the persons named at the rate stated:

Andrew N. Shuttleworth, late of Company H, Second Regiment West Virginia Volunteer Infantry, War with Spain, $10 per month.

John Moore, late of Troop H, Tenth Regiment United States Cavalry, $12 per month.

Walter Cox, late of Company G, Sixth Regiment United States Volunteer Infantry, War with Spain, $24 per month.

John S. Edmonds, late of band, Second Regiment Alabama Volunteer Infantry, War with Spain, $8 per month.

William W. Barber, late of Capt. E. T. Kendrick's independent company, Florida Mounted Volunteers, Seminole Indian War, $16 per month.

Wright W. Patrick, late of Capt. Bullock's independent company, Florida Mounted Volunteers, Seminole Indian War, $16 per month.

John Johnson, late of Company E, Fourth Regiment United States Infantry, War with Spain, $12 per month.

Benjamin J. Oswald, late of Company I, Twenty-second Regiment United States Infantry, $30 per month.

Sam Smallpage, late of Company D, Fourth Regiment United States Infantry, Oregon and Washington Territory Indian War, $16 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 22194) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 9, to strike out:

The name of Alice Downing, widow of Bedford M. Downing, late of Company B, First Regiment District of Columbia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional for each of 3 minor children of the soldier until they, respectively, reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to strike out:

The name of Thomas Joyce, late of Company D, Second Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 9, before the word "late," to strike out "deceased," so as to make the clause read:

The name of Mary Norris Tillman, widow of James H. Tillman, late colonel First Regiment South Carolina Volunteer Infantry, War with Spain, and pay her a pension at the rate of $30 per month, and $2 per month additional on account of one minor child of the officer until such child reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, line 14, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Charles H. Norred, late of Company I, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 19, to strike out:

The name of Bernard F. Morrow, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 10, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of Thomas H. Chance, late of Company C, Ninth Regiment, and Company K, Thirtieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 5, before the word "Illinois," to insert "Regiment," so as to make the clause read:

The name of Edgar H. Cooper, late of Company K, Tenth Regiment Illinois Volunteer Infantry, and Battery D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, one page 13, line 16, after the word "receiving," to insert: "*Provided*, That in the event of the death of Fred Smith and Frank Smith, helpless and dependent children of said Daniel Smith, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary J. Smith, widow of Daniel Smith, late of Company G, Thirty-first Regiment, and Company G, Seventeenth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Fred Smith and Frank Smith, helpless and dependent children of said Daniel Smith, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 14, line 24, before the word "Volunteer," to strike out "Mounted," and on page 15, line 1, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Joseph J. Voorheis, late of Company C, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 23, after the name "Underbyer," to insert "alias Underkofler," so as to make the clause read:

The name of Oliver H. Underbyer, alias Underkofler, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 15, before the word "dollars," to strike out "thirty" and insert "twenty-four," and in line 16, after the word "month," to strike out "in lieu of that he is now receiving" and insert "The same to be paid him without deduction for former alleged overpayments or erroneous payments of pension," so as to make the clause read:

The name of Edwin S. Butts, late of Company G, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month. The same to be paid him without deduction for former alleged overpayments or erroneous payments of pension.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from North Dakota to line 16, page 21. Should there be a period and a capital "T" or a semicolon and a small "t"?

Mr. McCUMBER. I move to amend the amendment by striking out the capital "T" and inserting a small "t," so as to read "the same to be paid," and so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, after line 10, to strike out:

The name of William C. Tilley, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William H. Bishop, late of Company H, First Regiment, and Company F, Second Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 17, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James M. Cartee, late of Company G, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Peabody, late of Company E, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 25, after the word "Regiment," to insert "Ohio National Guard Infantry," so as to make the clause read:

The name of Jennie B. Richards, widow of Frank O. Richards, late of Company H, One hundred and fiftieth Regiment Ohio National Guard Infantry, and Company E, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 9, after the word "seventy-eighth," to strike out "and" and insert "Regiment Pennsylvania Drafted Militia Infantry, and Company E," and in line 11, before the word "Pennsylvania," to strike out "Regiments" and insert "Regiment," so as to make the clause read:

The name of John M. Campbell, late of Company E, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Samuel Barnett, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 10, before the word "Volunteer," to strike out "Illinois" and insert "New York," so as to make the clause read:

The name of Alonzo J. McMaster, late fife major Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 13, after the name "Daniel," to strike out "Seiner" and insert "Leiner," so as to make the clause read:

The name of Daniel Leiner, late of Company B, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 8, to strike out:

The name of Henry Q. Graham, late chaplain Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 15, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Robert Smith, late of Company C, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now recieving.

The amendment was agreed to.

The next amendment was, on page 32, after line 20, to strike out:

The name of Mary F. Belcher, widow of Lewis W. Belcher, late of Company F, Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 35, line 12, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Dudley W. Dye, late of Companies H and D, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 16, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Peter A. Gipp, late of Company E, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 22, after the word "Volunteer," to strike out "Infantry" and insert "Engineers," so as to make the clause read:

The name of John E. Goewey, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 17, after the word "Tennessee," to strike out "Mounted," and in the same line, after the word "Volunteer," to insert "Mounted," so as to make the clause read:

The name of James W. B. Turk, late of Company D, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 21, before the word "Volunteer," to strike out "Mounted," and in the same line, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Isaac N. Wakefield, late of Company E, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 14, after the word "receiving," to insert "*Provided*, That in the event of the death of Luther McRill and Rena McRill, helpless and dependent children of said Newton McRill, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary E. McRill, widow of Newton McRill, late of Company E, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Luther McRill and Rena McRill, helpless and dependent children of said Newton McRill, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 41, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of George H. Kimmel, late of Company C, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 24, before the name "Gage," to strike out "Theodoic" and insert "Theodoric," so as to make the clause read:

The name of Matilda A. Gage, widow of Theodoric Gage, late of Company D, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 6, before the word "dollars," to strike out "forty" and insert "fifty," so as to make the clause read:

The name of Christopher Colgate, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to strike out:

The name of Kate E. Smith, widow of Corydon W. Smith, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 2, before the word "Volunteer," to strike out "Mounted," and in line 3, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Benjamin F. Henderson, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 44, line 23, after the words "Company B," to strike out "Squadron" and insert "McClellan's Dragoons, and Company I, Twelfth Regiment," so as to make the clause read:

The name of Matilda Graves, widow of Amherst F. Graves, late of Company B, McClellan's Dragoons, and Company I, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 4, after the word "Regiment," to insert "Missouri State Militia Cavalry," so as to make the clause read:

The name of Melancthon W. Gavin, late of Company G, Fourth Regiment Missouri State Militia Cavalry, and Company K, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 45, line 13, after the word "Volunteer," to strike out "Cavalry" and insert "Infantry," so as to make the clause read:

The name of Joseph Rue, late of Company A, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 18, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John W. Snively, alias William Princeton, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 21, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Charles H. Robinson, late of Company A, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 5, after the words "name of," to strike out "Erwin" and insert "Ervin," so as to make the clause read:

The name of Ervin J. Anderson, late of Company E, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 23, after the word "Company," to strike out the letter "L" and insert the letter "C," so as to make the clause read:

The name of McCager S. Gee, late of Company H, Twenty-second Regiment, and Company C, Seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, after line 12, to strike out:

The name of Hugh L. Freeman, late of Company I, Fourth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

The name of Nathaniel L. Lawrence, late of Company H, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 6, before the word "dollars," to strike out "thirty" and insert "twenty," so as to make the clause read:

The name of Louis O. Edgar, late of Company B, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows or dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, line 9, before the word "dollars," to strike out "eighteen" and insert "twelve," so as to make the clause read:

The name of Hugh J. McKane, late of Company F, Second Regiment Mississippi Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 6, before the words "minor children," to strike out "two" and insert "each of the"; and in line 7, before the word "reach," to strike out "respectively," so as to make the clause read:

The name of Kate C. G. Ewing, widow of Lee M. Ewing, late of Fourth Company, United States Volunteer Signal Corps, United States Army, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the soldier until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "late of," to insert "U. S. S. *Iroquois*," so as to make the clause read:

The name of William Alexander, late of U. S. S. Iroquois, United States Navy, War with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "late," to strike out "of" and insert "fireman, first class," and in line 19, before the word "dollars," to strike out "twenty" and insert "twelve," so as to make the clause read:

The name of Thomas M. Davis, late fireman, first class, United States Navy, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 5, before the word "mother," to insert "dependent," so as to make the clause read:

The name of Catherine Werner, dependent mother of George C. Werner, late of Company M, First Regiment Georgia Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Simon P. Kieffer, late of Company B, Twenty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to strike out:

The name of Evelyn Barnette, widow of William J. Barnette, late captain and rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of Noah Y. Ream, late of Company F, Second Regiment Ohio Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 3, to strike out:

The name of Alfred B. Light, late of Company D, Third Regiment Missouri Mounted Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Jane R. Bonnin, widow of George W. Bonnin, late sergeant, Company E, Second Regiment Pennsylvania Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 16, before the word "dollars," to strike out "twenty-four" and insert "twenty," so as to make the clause read:

The name of Jane R. Adams, widow of George William Adams, late captain of Maj. Chevallie's battalion, Texas Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 8, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of William A. Dew, late of Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Edgar A. Whitaker, late of Company H, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 10, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Jacob Alonzo Goodale, late of Company E, Eighty-sixth Regiment, and Company F, Forty-second Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the word "Colored," to strike out "Troops" and insert "Volunteer Infantry," and in line 17, after the word "receiving," to insert "*Provided*, That in the event of the death of Theresa J. Quinn, helpless and dependent daughter of said John E. Quinn, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Helena M. Quinn the name of the said Theresa J. Quinn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Helena M. Quinn," so as to make the clause read:

The name of Helena M. Quinn, widow of John E. Quinn, late of Company B, Thirtieth Regiment Massachusetts Volunteer Infantry, and Company G, Seventy-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Theresa J. Quinn, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 13, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry M. Parks, late of Company E, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 13, after the word "late," to strike out "of" and insert "unassigned, Forty-first Regiment," and in line 14, after the word "Infantry," to strike out "unassigned," so as to make the clause read:

The name of James Woolsey, late unassigned, Forty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to strike out:

The name of Joseph C. Kuebbeler, alias Carl Kuhne, late of Company E, Tenth Regiment New York Volunteer Cavalry, and Company E, First New York Provisional Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to strike out:

The name of Anna Currigan Chamberlin, widow of Wesley Chamberlin, late of Company G, Twenty-fifth Regiment, and Company A, One hundred and thirtieth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, line 12, after the word "Missouri," to strike out "Infantry" and insert "Militia," so as to make the clause read:

The name of Benjamin F. Dunivan, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to strike out:

The name of Hattie Fordyce, widow of Isaac N. Fordyce, late of Company K, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to strike out:

The name of Mary A. Barrows, widow of James H. Barrows, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 10, to strike out:

The name of John B. Berry, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to strike out:

The name of Christina Bates, former widow of Jacob Nohl, late of Company K, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 8, before the word "Mounted," to insert "Volunteer," and in line 9, before the word "Infantry," to strike out "Volunteers," so as to make the clause read:

The name of Josiah H. Newland, late of Company G, Thirty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 9, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Albert N. Hopkins, late of regimental band, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 6, after the word "Tennessee," to insert "Volunteer," and in line 7, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Susan Reed, widow of Calvin Reed, late of Company A, First Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 24, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Lizzie Brooks, widow of William Brooks, late of Company H, Forty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 2, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the clause read:

The name of Carrie Keefer, widow of Benjamin F. Keefer, late captain Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 16, before the word "Mounted," to insert "Volunteer," and in line 17, before the word "Rifles," to strike out "Volunteer," so as to make the clause read:

The name of Sylvester B. Van Duser, late of Company F, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 18, before the word "Veteran," to insert "Regiment," so as to make the clause read:

The name of Ann Fagan, widow of Terrence Fagan, late of Company E, Thirty-fifth Regiment Iowa Volunteer Infantry, and Company G, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 23, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Samuel W. McElderry, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "John," to strike out "Stabo" and insert "Stobo," so as to make the clause read:

The name of John Stobo, late of Company I, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 19, before the word "Mounted," to insert "Volunteer"; and, in line 20, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of James Finn, late of Company C, First and Eighth Regiments Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 2, to strike out:

The name of Henry W. Baker, late of Company F, Eleventh Regiment, and Company K, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John Staley, late of Company F, Fourth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Annis, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 11, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Gideon Morisette, late of Company C, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 12, to strike out:

The name of Ann Moffitt, former widow of James Moffitt, late of Company L, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to strike out:

The name of William G. Miller, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to strike out:

The name of Ellen P. Abbott, widow of James N. Abbott, late of Company I, Eleventh Regiment Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Franklin Prentice, late of Company M, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Joseph P. Foss, late of Company A, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "Regiment," to strike out "Eighty-ninth" and insert "Eighty-eighth," and in line 12, after the word "month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of Thomas S. Vale, late of unassigned Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 22, after line 21, to strike out:

The name of Robert Watson, late of First Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 22, before the word "adjutant," to insert "first lieutenant and," so as to make the clause read:

The name of Benjamin F. Hudson, late first lieutenant and adjutant Forty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

The name of Henrietta Brown, widow of Frederick H. Brown, late seaman U. S. S. North Carolina, Sabine, and Clifton, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 7, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry Lavine, late of Company G, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 9, after the name "Charles A.," to strike out "McCay" and insert "McCoy," so as to make the clause read:

The name of Charles A. McCoy, late of Company F, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 22, after the word "Volunteer," to strike out "Heavy Artillery" and insert "Infantry," so as to make the clause read:

The name of George A. Wheeler, late of Company G, Eighteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to strike out:

The name of Clara S. Stout, widow of William H. Stout, late of Company D, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 35, line 24, after the word "receiving," to insert: "*Provided*, That in the event of the death of Marie G. Reinhart, helpless and dependent child of said William Reinhart, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary Reinhart, widow of William Reinhart, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Marie G. Reinhart, helpless and dependent child of said William Reinhart, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to strike out:

The name of Lee Heath, late of Company F, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 39, line 17, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Charles H. Austin, late of Company K, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 11, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Lloyd S. Brooks, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 9, after the name "Harlow," to strike out "Reilly" and insert "Reilley," and in line 10, after the words "*North Carolina*," to strike out "*Huntington*" and insert "*Kensington*," so as to make the clause read:

The name of Harlow Reilley, late coal heaver U. S. S. North Carolina, Kensington, and Hartford, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 48, to strike out:

The name of Nicholas Roth, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, after line 4, to strike out:

The name of Frederick Hogendobler, late of Hoffman's battalion, Ohio Volunteer Infantry, and Company K, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 49, after line 10, to strike out:

The name of Edward Pierce, jr., late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, line 7, after the word "alias," to insert "Henry," so as to make the clause read:

The name of Henry B. Mechling, alias Henry C. Mechling, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I understand that unanimous consent has been given for the consideration of Senate resolution No. 321.

The PRESIDENT pro tempore. The Chair so understands. The Secretary will read the resolution.

The Secretary read Senate resolution No. 321, submitted by Mr. HITCHCOCK on the 25th instant, as follows:

Resolved, That the President be, and he is hereby, requested to send to the Senate a compilation of the returns made by the corporations for internal-revenue purposes for the year 1911, so arranged as to show the following facts:

First. The total number of corporations engaged in the iron and steel industry; the total aggregate amount of their paid-up capital stock outstanding; the total aggregate amount of their bonded and other indebtedness; the total aggregate amount of their gross income; the total aggregate amount of their ordinary necessary expenses of maintenance and operation, exclusive of interest; the total aggregate amount of their losses for the year not covered by insurance; the total aggregate amount of their depreciation for the year; the total aggregate amount of the interest paid by them on their indebtedness; the total aggregate amount of taxes paid during the year to the United States and to any State or Territory thereof; the total aggregate amount of foreign taxes paid; the total aggregate amount received by way of dividends upon stock of other corporations, joint-stock companies, and associations subject to Federal tax; the total aggregate amount of their net income.

Second. The same compilation of statistics of corporations engaged in other metal, manufacturing, and mining industries covered by Schedule C of the tariff act of August 5, 1909.

Third. The same compilation of statistics of corporations engaged in the woolen industry.

Fourth. The same compilation of statistics of corporations engaged in the cotton industry.

Fifth. The same compilation of statistics of corporations engaged in the sugar-refining industry, except beet sugar.

Sixth. The same compilation of statistics of corporations engaged in the beet-sugar industry.

Mr. HITCHCOCK. I should like to inquire whether the RECORD shows that the amendment including the year 1910 has been agreed to?

The PRESIDENT pro tempore. The Chair is informed that the amendment was offered, but not acted on upon a former occasion.

Mr. HITCHCOCK. Then, if necessary, I offer it at the present time, so as to include the year 1910 as well as the year 1911.

The PRESIDENT pro tempore. The amendment is pending. The Secretary will state the amendment.

The SECRETARY. After the words "nineteen hundred," in line 4, it is proposed to insert the words "and ten, also for nineteen hundred," so as to read:

For the year 1910, also for 1911.

The amendment was agreed to.

Mr. HITCHCOCK. I understood the Senator from Pennsylvania intended to offer an amendment, but he appears to have left the Chamber.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

The PRESIDENT pro tempore. Under the unanimous-consent agreement no further business is in order. The Chair awaits the pleasure of the Senate.

Mr. BRISTOW. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday May 31, 1912, at 12 o'clock m.

SENATE.

FRIDAY, *May 31, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore, under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Mount Carmel, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Peoria, Ill., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of the congregations of the Methodist Church and the Second Congregational Church, of Rockford, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Normal, Ill., praying that an appropriation of $250,000 be made for the suppression of the white-slave traffic, which was referred to the Committee on Appropriations.

Mr. SANDERS presented a petition of members of the Woman's Auxiliary of Jackson, Tenn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. WARREN presented the petition of O. L. Manchester, mayor, and 127 other citizens of Normal, Ill., praying that an appropriation of $250,000 be made for the suppression of the white-slave traffic, which was referred to the Committee on Appropriations.

Mr. OVERMAN presented resolutions adopted by the Waynesville District Conference of the Methodist Episcopal Church South, in convention at Fines Creek, N. C., and a petition of sundry citizens of Mocksville, N. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Moore County Medical Society, of North Carolina, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. McLEAN presented petitions of the Central Labor Union and of Local Union No. 35, Metal Polishers and Buffers, of Hartford, in the State of Connecticut, praying for the enactment of legislation to require manufacturers to place their names upon drticles manufactured by them, which were referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of members of the Woman's Missionary Society of the Reformed Presbyterian Church of New Castle, Pa., and a petition of the Woman's Auxiliary of Trinity Parish, of New Castle, Pa., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which were referred to the Committee on Territories.

He also presented a memorial of Housum Post, No. 309, Department of Pennsylvania, Grand Army of the Republic, of Chambersburg, Pa., remonstrating against the incorporation of the Grand Army of the Republic, which was referred to the Committee on the District of Columbia.

He also presented petitions of the Bucks County Medical Society, the Columbia County Medical Society, the Northampton County Medical Society, the Chester County Medical Society, the Blair County Medical Society, and the Adams County Medical Society, and of sundry citizens of Pittston, Johnstown, Adams County, Tamaqua, and Schuylkill Haven, all in the State of Pennsylvania, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Glasco, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Hallowell, Oswego, and Parsons, all in the State of Kansas, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS IN THE SOUTH (S. DOC. NO. 734).

Mr. FLETCHER. Mr. President, I desire to present some resolutions adopted by and a petition of the Southern Commercial Congress as a part of the resolutions of that Congress, which I ask to have printed in the RECORD. The resolutions and petition have reference to the subject of the drainage of swamp and overflowed lands. It is a very important matter to the whole country, and a valuable contribution to that subject was made by Mr. J. O. Wright, who was for some years connected with the Department of Agriculture and the drainage operations in that department, and at present is the chief drainage engineer for the State of Florida. It is an address delivered at the Southern Commercial Congress at Nashville, Tenn., April 8, 1912. I ask that the address, along with the resolutions and accompanying petition, be printed as a public document.

The PRESIDENT pro tempore. The Senator also makes a request for printing in the RECORD.

Mr. FLETCHER. I ask that the resolutions and petition be printed in the RECORD, and that the resolutions, petition, and address be printed as a public document.

The PRESIDENT pro tempore. The resolutions, petition, and address will be printed as a public document, unless there be objection. The Chair hears none, and it is so ordered. There being no objection, the resolutions and petition will be printed in the RECORD.

The resolutions and petition are as follows:

To the Senate and House of Representatives of the United States:

At the Fourth Annual Convention of the Southern Commercial Congress, held in Nashville, Tenn., April 8 to 10, 1912, a resolution, introduced by John M. Parker, of New Orleans, La., first president of the Southern Commercial Congress, was adopted by the section on drainage and reported to the convention and adopted by it, as follows:

Whereas there are in the United States 80,000,000 acres of swamp and overflowed lands that are not only nonproductive but a hindrance to the general welfare and a menace to the public health; and

Whereas practically all of this land is held in private ownership and it is necessary to have the consent and cooperation of the owners of this land in order to inaugurate a complete system of drainage and reclamation; and

Whereas the reclamation of these swamp and overflowed lands will be of great benefit to the owners thereof, to the State in which the land is situated, and also to the Federal Government, because of the improvement in public health and in the construction of public highways and in the increase in the agricultural products of the country: Therefore be it

Resolved: 1. That an educational campaign be inaugurated to set forth to the people of the United States, and especially to the owners of swamp and overflowed land, the economic value of reclaiming these lands to make them fit for agriculture.

2. That a commission be appointed to simplify and standardize the drainage laws of the several Southern States; a simple and direct method of procedure applicable as far as possible to all the States should be prepared and its adoption secured by the legislatures of the several States.

3. That the Southern Commercial Congress petitions the Congress of the United States to make a complete survey of all the swamp and overflowed lands in the United States and work out a plan for draining each individual project as a part of a complete system; and that this plan embrace an examination of the soil of the swamps, showing its value from an agricultural standpoint and its adaptability for the growth of profitable crops.

4. That we urge and solicit the cooperation of all commercial organizations, railroads, banks, and business interests in general located in these States in carrying out these principles.

In pursuance of the foregoing the Southern Commercial Congress petitions the Congress of the United States to enact such legislation and make such appropriation as may be necessary for the purpose of authorizing and making by the proper department a complete survey of all the swamp and overflowed lands in the United States and working out a plan for draining each individual project as a part of the complete system, such plan to embrace and such work to include an examination of the soil of the swamp and overflowed lands, showing their value from an agricultural standpoint and their adaptability to the growth of vegetable crops, and to include plans and estimates for reclamation in each instance.

Respectfully submitted.

SOUTHERN COMMERCIAL CONGRESS.
DUNCAN U. FLETCHER, *President.*

Attest:
[SEAL.] CLARENCE J. OWENS, *Secretary.*

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate take up the conference report on the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that at this time the Senate proceed to the consideration of the conference report upon the agricultural appropriation bill. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to.

Mr. HEYBURN. Mr. President, I should like to have the morning business finished, the introduction of bills and other matters. There is a rather lean attendance of the Senate this morning, and we have morning business to transact.

Mr. BURNHAM. There is some uncertainty as to the length of morning business, and I should like very much to have the report considered.

Mr. BORAH. Mr. President, my attention was diverted while the matter was being taken up.

The PRESIDENT pro tempore. The Chair would state to the Senator from Idaho that the question was put on the motion of the Senator from New Hampshire and declared carried. Does the Senator from Idaho desire to move to reconsider the vote?

Mr. BORAH. I do. I will say to the Senator who has charge of the bill that I suggested yesterday morning I would call up House bill 9061, if I could, to-day. I do not think it will take long to dispose of that bill, and I want to dispose of it, if I can, this morning. For that reason I am making this objection.

Mr. WARREN. The motion was made to take up the conference report, and the motion was carried.

The PRESIDENT pro tempore. The Chair has already so stated, and the Senator from Idaho desires a reconsideration of that action.

Mr. WARREN. I shall be very sorry to have it reconsidered. I say this without any wish to delay or to oppose the bill the Senator from Idaho has in charge. On the contrary, I should like to have his bill passed.

Mr. BORAH. I will say to Senators they will not make any progress if the conference report is taken up at this time under the circumstances.

Mr. WARREN. If I am to accept that as a challenge, I might say to the Senator that he need not expect to make very much progress with his bill if he antagonizes all the appropriation bills.

Mr. BORAH. I suggested yesterday morning that I would desire to take up House bill 9061 to-day.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

Mr. BORAH. I simply meant to observe that at this time there will be no considerable progress made by proceeding with the conference report.

Mr. WARREN. If the Senator says there was an understanding yesterday to take up House bill 9061, it was just that mention that brought the comment from me that if taken up it should be subject to conference reports and appropriation bills. There was no agreement that it should be considered to-day. It was simply a suggestion by the Senator from North Carolina to the Senator from Idaho, as I understood it.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum.

Mr. WARREN. I do not know that when I am in the middle of a sentence I can be taken off the floor by the suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is a point of order which can be made at any time.

Mr. WARREN. I do not wish to interpose further.

The PRESIDENT pro tempore. The Chair will state, in justice to the Senator from Wyoming, that the Senator from Connecticut made the point of no quorum several moments ago, and the Chair in deference to the Senator postponed ordering the roll to be called.

Mr. WARREN. That is all right, and I beg the Chair's pardon. I did not hear the point when it was made.

Mr. BRANDEGEE. I suggest the absence of a quorum now.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martin, Va.	Smith, Ariz.
Bacon	Cullom	Martine, N. J.	Smith, Ga.
Borah	Curtis	Oliver	Smoot
Bourne	Dillingham	Overman	Stephenson
Brandegee	Fletcher	Page	Sutherland
Bristow	Gallinger	Penrose	Swanson
Brown	Gardner	Perkins	Warren
Bryan	Gronna	Poindexter	Watson
Burnham	Heyburn	Rayner	Wetmore
Catron	Johnston, Ala.	Richardson	Williams
Clapp	Jones	Root	Works.
Clark, Wyo.	Lodge	Sanders	
Clarke, Ark.	McCumber	Simmons	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Out of order, I desire to submit——

The PRESIDENT pro tempore. The Chair will state that the Senator from Wyoming has the floor.

Mr. WARREN. I do not wish to occupy the floor longer.

Mr. BORAH. I withdraw the motion I made to reconsider.

The PRESIDENT pro tempore. The Senator from Idaho withdraws the motion to reconsider, and the Secretary will read the conference report.

The Secretary proceeded to read the report.

Mr. HEYBURN. Mr. President, I would inquire whether the report is being read for amendment or consideration as we proceed?

The PRESIDENT pro tempore. The Senate can not amend a conference report.

Mr. HEYBURN. Yes; where the conferees put in new matter it can be dealt with.

The PRESIDENT pro tempore. The conference report has to be dealt with as an entirety.

Mr. HEYBURN. Except where the conferees put in new matter.

The PRESIDENT pro tempore. It has to be dealt with as an entirety under all circumstances; and the only advantage which can be taken——

Mr. HEYBURN. Mr. President, I had it in mind to inquire as to the proper time to interpose an objection. An objectionable section has just been read. The question arose in my mind as to whether or not I should wait until the entire report had been read and then recur to it, or whether it would not be more convenient and efficient to deal with it at the time when it is reached.

The PRESIDENT pro tempore. The Chair will state to the Senator that the usual course is that the report be dealt with in its entirety. It must be voted on in its entirety.

Mr. HEYBURN. I realize that.

The PRESIDENT pro tempore. An objection as to a particular item can only be used as a reason for the rejection of the entire report.

Mr. HEYBURN. I realize that.

The PRESIDENT pro tempore. Separate items can not be dealt with separately.

Mr. HEYBURN. I realize that; but as to whether this might be a proper time to deal with them——

The PRESIDENT pro tempore. That is entirely within the control of the Senate. The Chair can only suggest that the usual custom is to finish the reading of the report.

Mr. HEYBURN. Let the reading of the report be completed, then. I can recur to it.

The Secretary resumed and concluded the reading of the conference report. (See yesterday's proceedings, pages 7410 and 7411.)

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. BORAH. Mr. President, I want to direct the attention of the Senator in charge of this bill to amendment numbered 85, on page 50, to see if I am able to understand what has taken place among the conferees. The amendment which was adopted by the Senate read:

> That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

That amendment was adopted by the Senate, Mr. President, after a considerable debate here upon the all-important proposition to the West, that a vast amount of agricultural lands are tied up in the forest reservations, which ought to be eliminated. As was stated at the time, there was not any considerable sentiment in the West in favor of impeaching the forest reserves in their integrity as forest reserves, but there was a great desire to have the agricultural lands eliminated from the forest reserves and thrown open to settlement and entry. It was supposed that that had been accomplished to some extent, although I am frank to say that a Senator who sat by my side prophesied that it would never result in any good, and a man familiar with the work of conferees can sometimes prophesy with great success.

The conferees have changed the phraseology of that section, so that it reads as follows:

> That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are chiefly valuable for agricultural purposes, and that are not needed for public purposes or for use by the public, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid.

Does the Senator in charge of this bill think that that is any different in its practical workings than the law which we now have, and will it be any different in its operation? It says:

> And that are not needed for public purposes or for use by the public.

It has been deemed upon the part of those people who have been making the selection heretofore that every acre in the forest reserves was needed for the public use, and that it was better for the public that the land be retained in the reserves. With this kind of a qualification to the provision which was adopted by the Senate, what possible benefit will be derived in the way of eliminating these agricultural lands from the forest reserves other than that which has been derived in the past? I think—and I am sure—that the Senator from Wyoming [Mr. WARREN] is desirous of having these agricultural lands eliminated; and, while he is more familiar with the subject perhaps than the Senator in charge of the bill, it seems to me that it will result in no change whatever, so far as the practical operation of the proposition is concerned. I would like the Senator's views as to what benefit we are to expect from this amendment as it is now found in the bill.

Mr. WARREN. Mr. President, the Senator from Idaho is not mistaken as to the intent of the Senator from Wyoming to get all the relief that is possible along the lines which the Senator indicates. The Committee on Agriculture accepted one amendment, which was offered by the Senator from South Dakota [Mr. CRAWFORD], which will afford great relief in this, that it makes an appropriation for surveys of all tracts, large or small, that have any evidence of being fit for agricultural use, without waiting to run the regular township and range lines north and south and east and west through, but to locate boundaries on natural lines and points, so that those who wish to settle will not, as heretofore, have to expend a large amount of money for surveys to find where they are and to have their entries conform to the surveys; in other words, it makes little separate reservations up to which the regular surveys will come.

The provision to which the Senator alludes, if I remember aright, was put on as an amendment on the Senate floor, and when it came to be considered by the conferees it seems the Secretary of Agriculture felt that in cases where, for instance, in a forest there is a lake or water hole which the public—that is, those who rent the land for grazing horses, cattle, or sheep—are using there might be immediately bordering on that water land fit for agriculture, which, if entirely absorbed, would of course cut out the general public who wish to use that water and who, in fact, would have to have water for the stock. That is one of several problems and it is one hard to cover in legislation, and it will occur to the Senator that it would be a rather difficult problem if three or four homesteaders could take up the water in a place where, perhaps, no other water could be found for many miles.

Mr. BORAH. Well, Mr. President, I do not see what the Secretary of Agriculture has to do with the supervising of the manner in which people shall settle up a State, whether or not they shall go there and cover by a homestead entry a spring, and thereby interfere with people who may graze stock or with people who may be in the stock-raising business. The question which we desire to have settled is whether or not agricultural lands in forest reservations, regardless of whether they are near springs or distant from springs, should be eliminated from the reserves, so that people may settle on them in their own way and according to what they believe to be to the interests of those who are making the settlement.

Suppose a spring is found in a forest reserve and it is surrounded by agricultural land, that is all the more reason why it should be eliminated, because it will be more practicable and serviceable to those who desire to make homesteads. A man can not make a homestead very successfully without water any more than he can raise stock without water. It is simply a question whether you will open the way for those who are trying to make homesteads or whether the Secretary of Agriculture will continue to supervise the method of developing our Western States.

I submit, Mr. President, with all due consideration for those who have this bill in charge, that it would have been a better thing to do, as we would then have known where we were, to have stricken that amendment wholly from the bill, because this provision gives us no relief; it does not change the law, in my judgment, in its practical operation one particle, and it is simply another illustration of how utterly impossible it seems to be to get legislation for this situation. What possible defense can there be for keeping tied up in the forest reserves a lot of agricultural land? Why should there be strategy and practice of all kinds of, I will not say deception, but rather the acute use of language for the purpose of preventing people from taking up the agricultural lands? What are they there for?

Mr. WARREN. Mr. President, so far as concerns the homestead law applying to the lands in the States, and so forth, unfortunately the forest reserves are assumed to be the property of the United States, and they are assumed to be in charge, and are in charge, of the Secretary of Agriculture. Of course, that brings the whole question up. The amendment, as I have said, was put on by the Senate, and we had to meet the conferees on the part of the House. The conferees of the House side have always been—as I think the Senator remembers—exceedingly strong in their ideas and demands regarding the whole subject of forestry; and in composing differences between the two Houses it is incumbent upon the Senate conferees to protect intact every provision that is adopted by the Senate, if it is possible to do so; but if that is not possible, we are compelled to yield some points.

I do not claim that this bill in a great many particulars is an ideal one or all that we would like to have it; but I do think it is about the best we have ever had, and I do believe, containing, as it does, the two matters I have mentioned, which are in the direction of solving this difficulty, we shall in the long run land where the Senator and I desire we should land—that is, to protect in the forest reserves only the actual timberlands and to open to settlement for the benefit of homesteaders every acre of land that can be used for agricultural purposes. It is a matter not of choice, as the Senator will understand, but the report has to be agreed to as a whole. We could have yielded to the House one or two more items, but there did not seem to be any indication that we could do any better than we did in considering this difference between the two Houses by yielding any more to them in other directions.

Mr. BORAH. Well, it might be said to be true that the conferees felt the necessity of yielding, but that spirit has not yet come over the Senator from Idaho.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SUTHERLAND. I entirely sympathize with the view of the Senator from Idaho with reference to the lands in forest reserves which are suitable for agricultural purposes. I do not know whether he called attention to another change made in this amendment which, if I understand it correctly, is still more serious. The language of the original amendment was:

> The same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

The language of the amendment agreed upon by the conferees is:

> The same shall be open to settlement and entry under the homestead laws applicable to the national forests.

And so forth.

Mr. BORAH. The Senator is absolutely correct. I said a few moments ago that it did not, in my judgment, change the present law a particle.

Mr. SUTHERLAND. It would seem to me under that language it undertakes to give with one hand and to immediately take back with the other.

Mr. BORAH. That is quite correct.

Mr. SUTHERLAND. It does not give anything at all; and it is perfectly useless to spend $25,000 in doing a thing of this kind. We had better eliminate the amendment altogether.

Mr. HEYBURN. Mr. President, if Senators will permit me, I will add something to the light on that subject by calling attention to the provision in lines 16, 17, and 18, on page 51, where the amendment is made to read:

> But no land listed under the act of June 11, 1906, shall pass from the forest until patent issues.

So that the poor settler has to live there until they see fit to give him a patent.

Mr. BORAH. I also call attention to the fact that we have appropriated $25,000 for a vain thing. On page 89 is a provision, however, where we make a transfer of this $25,000 to some other bureau in case it is found that no land in the forest reserve is fit for use—

> And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 10 per cent shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture.

We have appropriated here $25,000. That $25,000 ought not to be appropriated for this purpose, because I submit to anyone who will glance over this amendment—lawyer or layman, it is so plain upon its face—that is not changed one particle, the present law, so far as the practical operation is concerned. One can get the homestead just as before. One must make an application for an entry and serve just as before, and one must wait for the patent just the same as before, and one must have his application and right to the homestead measured by the laws relative thereto as before. What change has been made under this amendment? What modification that is worth $25,000?

I think the West does not need the $25,000; and if we are going to receive no benefit whatever, I submit there ought to be stricken out from the bill the entire appropriation and another amendment adopted or else leave it as it was.

I said the other day—and I am not going to repeat it at length—that they were selecting in forest reserves more ranger stations than homesteads, and the result of it has been that the settlers who are seeking homes in the West have turned aside from these great reserves and no longer make an effort to secure homes there.

It is by reason of the law which the Senate, after full consideration, determined ought to be changed, and now there comes back in the conference report the same proposition as is now embodied in the statute, with a little change of language that in my judgment means the same thing.

Mr. HEYBURN. I should like to direct my colleague's attention to one point. Perhaps his attention has already been called to it. I refer to line 24, on page 50, where there is a provision which directly applies to the principle he has just stated.

Mr. BORAH. What line?

Mr. HEYBURN. It exceptionally provides for rangers.

Mr. BORAH. Exactly; and it says "not needed for public purposes."

Mr. HEYBURN. That means rangers' stations.

Mr. BORAH. Exactly. There is not a foot of land in forest reserves, whether agricultural, mineral, or timber, that is not, in the estimation of these people, to be kept there for the public good and for a public purpose, and this clause in this section gives them the latitude they desire.

In addition to that it specifically provides that it shall be according to laws relative to forest reserves. What we wanted, and it was but fair, was to have these lands classified and taken out of the reserves entirely—eliminated from the reserves—so that when the settler went upon his homestead he would know he had to comply with the general law, and no one else could pass upon the question whether it was a homestead. What we wanted was to pass the supervision from under the special examiner and put it under the control and operation of the general law with reference to homesteads, and until that relief is had it will be of no benefit to the West. There is no subject more important to us. If we can not settle up our agricultural lands, we can not build a State. If we can not reduce them to taxation, we can not maintain our public institutions. If we can not have homes where the Lord intended homes should be built by the nature of the lands He created, we can not be expected to thrive and prosper as we should thrive and prosper, the same as people do in other States.

Who can offer a valid reason for keeping agricultural lands in a forest reserve? The most enthusiastic conservationist can not offer a valid reason for including alfalfa and wheat lands in a forest reserve, and that is all that the West has asked to be eliminated. It is a question most vital to the entire West, and I think that this report ought to go back.

Mr. HEYBURN. Mr. President, I should like to add an inquiry to those asked by my colleague [Mr. BORAH]. Why keep horticultural lands in a forest reserve? An apple tree will grow where a pine tree will grow. Various fruit trees will grow where lumber trees will grow. Very little attention is given to it here, and yet horticulture is one of the largest items in the growth and prosperity of our State. We have a phenomenal growth in the planting and cultivation of trees and fruit. I will not go into the details of it. I only point it out as an additional reason or two why this conference report should not be adopted.

Now, as the Senate sent this bill out amendment No. 85, on page 50, did not contain the words of limitation that have been placed in it by the conference committee. The amendment says—

> that the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes.

The conference committee, as is shown in line 22, inserted the word "chiefly," so that they weigh one against the other, and that, of course, can only be determined at the end of the trial. The word "chiefly" should not be accepted. It is a dangerous word of limitation, and should never have been accepted.

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I yield.

Mr. BURNHAM. Is not that the language of the forest homestead law of 1906?

Mr. HEYBURN. We were not trying to reenact the act of 1906. We were trying to improve upon it and relieve the people from the burdens it imposed; and the Senate agreed to do so.

Mr. WARREN. If the Senator will allow me, on reflection he will hardly say that the insertion in conference of the language he mentions was not permissible. The fact is the House sent to us a bill without a word upon that subject. The Senate put in certain words. The difference between nothing and what might be an extreme view is always within the purview and the consideration of the conference committee. If there are to be no new words used in conference, then there is no necessity of a conference, because all these matters would have to go out or remain in as they were.

Mr. HEYBURN. I was not speaking so much as to the power as I was to the wisdom.

Mr. WARREN. Of course, as to that, that is a debatable question.

Mr. HEYBURN. But why should it have been put in? Why, in considering in conference an amendment adopted by the Senate, should the language of the Senate have been so modified as to change the entire system of classification?

Mr. WARREN. I think that is hardly true. It is modified, but it was a question whether to modify or to strike out. Now, it is true that being in the bill as a Senate amendment, if the House did not insist upon retaining it, we could have cut it out. But when a matter of that kind goes to conference it is usually the case for the conferees to do the best they can with it.

Mr. HEYBURN. I realize that.

Mr. WARREN. I do not understand from the remarks of the junior Senator from Idaho that what is complained of is that it does harm, but that his complaint is that it does no good.

Mr. HEYBURN. I was not referring to the remarks of my colleague. I was making an independent criticism of this from my own standpoint.

Mr. CLARK of Wyoming addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I yield to the Senator from Wyoming for a moment.

Mr. CLARK of Wyoming. I just wanted to ask my colleague a question on one point of this matter. It is whether or not, in their opinion, the amendment as proposed by the conference committee adds to or takes from the right of the settler to locate a homestead in a forest reserve?

Mr. HEYBURN. That goes——

Mr. CLARK of Wyoming. I should like to ask my colleague what, in their opinion, will be the effect of the amendment?

Mr. WARREN. I think distinctly it does, because that, coupled with the other amendment, provides for those surveys and for those survey funds, and that it shall be done at the expense of the Government instead of the settler, so that the settler can know where the boundaries are and make his location without having to spend a lot of money, as he now does.

Now, a man goes to the forest and, with few exceptions, he has not the faintest idea where the corners are. This and the other amendment provide for surveying all of that land which is considered fit for agricultural purposes, and if we can move in that direction and see the result of it for one year we can go further later on.

Mr. HEYBURN. In other words, it provides that a man shall ride to an execution instead of walking and bearing his own cross. While we here are invested with the power of legislating to the extent of real ultimate wisdom, we do not have to stop on the road or go half way this year with the promise of going the whole way next year. We have the power to legislate a complete and perfect act as well as to legislate by piecemeal.

I desire to finish my comparison of these two sections. I am strongly opposed to the word "chiefly." It has given us more trouble than any other word in the classification of lands. The Senate in its wisdom provided by amendment No. 85 for the classification of "all lands within the boundaries of national forests that are suitable and fit for agricultural purposes." These lands may be more applicable or more suitable or more adapted to some other purpose. Now, are they suitable? There is a vast difference between that and the comparison that is woven into line 22, on page 50, of the bill as it comes from conference. It is new matter. That word "chiefly" does not appear in the amendment.

The Senator from Wyoming very properly suggests that, under the rule, it being a Senate amendment carrying an entirely new consideration into the bill, of course it might be changed without violating the rule. I am not questioning the power to do it, but the wisdom to do it. When you permit those people to compare in classification a piece of land and say whether it is more valuable than the other, then they may exercise judgment; but when you say to them "if it is suitable for agriculture"—I do not care what else it might be suitable for—"it shall be open to agricultural entry," that is a very largely extended right to the settler, and I should insist on the conferees restoring the language of the Senate amendment and saying that forest lands that are suitable for agricultural purposes, without putting them in comparison with any other purpose, shall be classified and open to settlement, even though they might be more suitable for forest rangers' stations or other purposes.

Then I call my colleague's attention to the language in line 24, which is of very wide application and one that was intended by the members of the committee or whoever inspired it to reserve to them the rights they are now exercising, of withholding from entry lands they want for residences for their superabundant employees. As my colleague has suggested, they are more numerous than the homesteaders.

Mr. BORAH. They do not vote there.

Mr. WARREN. Mr. President——

Mr. HEYBURN. A moment, please.

These rangers and persons occupying this vast number of homes on the forest reserves do not pay taxes to the State and are not always citizens of the State. They certainly pay no taxes upon these homes, while other people have to pay taxes upon their homes. They pay no taxes, and some of them have a great deal of property. They contribute nothing to the expense of the Government that protects them. They are dividing up a great inheritance, taking their part over and subjecting that of other settlers to the burdens of citizenship.

Mr. WARREN. I hope the Senator from Idaho will not overlook the fact that while this is not what he would like or I would like, it does bring about certain procedure, because it provides for the classification and survey of the lands——

Mr. HEYBURN. Of what?

Mr. WARREN. Of lands suitable for agriculture.

Mr. HEYBURN. No; it does not.

Mr. WARREN. Wait a moment. There is no express direction of that kind. I admire the spirit expressed by the Senator from Idaho; I admire a man who never will yield; but, unfortunately, when a man has to face the guns of the House and of the department, with the Senate entertaining a divided opinion, it is necessary to make concessions in order that legislation may be effected. In some circumstances it is better to take a half loaf.

Mr. HEYBURN. Mr. President, in my judgment at least this bill does not improve existing conditions.

Mr. WARREN. I differ there. As I have stated, taking that with the others, I think we have made a good deal of progress. I hope we will make more.

Mr. HEYBURN. Some ingenious spirit has reinvested this question with the same taint as is found in the present law; that is to say, we have left the power to an executive officer to determine whether or not it is chiefly valuable for agriculture rather than for other purposes, followed in the next line by the reservation in favor of Government uses, with the knowledge that the Government uses, under the ruling of the department, include the forestry stations. They are more numerous than the homesteads.

Now, take those three positions together, and I fail to see any improvement in the existing conditions.

Mr. WARREN. The Senator will admit that pretty much all the forestry stations have already been made, so that we do not stand in quite the imminent danger we did before.

Mr. HEYBURN. I thought that when they had 700; then I thought it when they had 1,200; I thought it as they leaped forward by the thousands; and I thought it until they reached the limit of infamy. But the limit is not in sight under existing conditions.

Mr. BURNHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. BURNHAM. I desire to ask the senior Senator from Idaho a question for information. Suppose that quite an area was heavily timbered, covered with very valuable timber, would the Senator say it should be used for agricultural purposes? I should like to know what the Senator says about what should be the disposition of such an area.

Mr. HEYBURN. That affords me an opportunity that I have overlooked on several occasions.

Mr. BURNHAM. I am very glad if I have furnished the Senator an opportunity to say a word.

Mr. HEYBURN. There has been a lot of sentiment here in favor of timber on the domain—that it was more valuable than agricultural land. In the State of Idaho the agricultural land is more valuable than any timberland in it by the acre, and that is true in any State of the Union where they have agricultural land. The agricultural land in the counties of Lacon, Nez Perce, Shoshone, Idaho, and those surrounding counties will bring more under the hammer to-day than any acre of timberland in it. When speaking of timber, they talk about small items in feet and it sounds large. Two hundred billion feet sounds large. You could probably put the timber off of an acre on three cars upon a railroad.

When we talk about the value of timber we talk about the stumpage value, because although that contains the element of cutting it down, it is the nearest the original cost we can get. You can take any acre of land that you are acquainted with and take a lead pencil and a piece of paper and figure out the value of the timber on it on a stumpage basis or on a manufacturing basis, which will deduct the cost of manufacturing it. Then compare it with an acre of wheat land or fruit land or vegetable land and you will find that while you are preserving this land for these trees to grow upon you are losing money on your investment. I make that statement without any fear of successful contradiction.

Mr. BORAH. Mr. President——

Mr. HEYBURN. The trees grow one crop. You can grow 300 bushels of potatoes to the acre and you can get more from one year's crop of potatoes off that ground than the exhaustion of the timber would bring you. I yield to my colleague.

Mr. BORAH. There are valuable lands in the West which are agricultural lands and yet carry a great deal of timber; but there is a vast amount of lands which are not agricultural lands and never would be agricultural lands which carry a vast amount of timber. Those latter lands are the lands which ought to be reserved, if any are to be reserved at all, and about that no objection is being made at this time. But as to those which are agricultural lands as soon as the timber is taken off, there is no possible way by which you can determine the value of the land as compared with the timber upon them. The timberland has an estimable value at this time. The value of the land for agricultural purposes is not to be estimated.

Suppose some of the farms in the State of New Hampshire which were cleared off a hundred years ago and have been under cultivation ever since were to be considered, would you say that it was better to have let the timber grow upon those farms than to have cultivated them for a hundred years and made homes out of them?

Mr. BURNHAM. I think the conditions a hundred years ago in New England were very different from the conditions in the West in the Forest Service and in regard to forest lands.

Mr. BORAH. We realize that. We suffer from that difference. We know the difference. There is no question about that proposition. There is a vast amount of difference when you come to weigh the value of a piece of land for agricultural purposes and for timber purposes. It has been estimated by those who know that there is quite enough land in the United States which is valuable for timber, which would be good for timber and nothing else, to supply the timber the people of the United States need, without occupying agricultural land. Why take the vast areas of agricultural lands and undertake to raise timber upon them when you have vast areas of land upon which you can grow nothing but timber? It is a system by which you would drive the agricultural interests of the producers of this country into other countries to live and to acquire land.

Mr. HEYBURN. Mr. President, we squeezed out a great quantity of venom from the existing law when we adopted this amendment, after protracted discussion in the Senate. We are to-day protesting against the reinstatement of that venom; that is all. The venom comes in small packages. It is like some very powerful medicines; it kills in small quantities.

The insertion of the word "chiefly," a very small word, changes the whole system of Government as applied to the public lands and their classification. We cut out "chiefly" because it was deadly poison to the settlers and those who would avail themselves of the rights on the public lands. Someone has hunted up the fragments of that broken bottle and refilled it and tried to put it back in the bill. Now, we are here to protest against it.

We insist that the conferees on the part of the Senate shall insist upon omitting the word "chiefly" where they have inserted it. They have omitted it on line 13 and inserted it on line 22. It is important to us. I say "us"; I mean all the people of the United States, because I defy the East to prosper independent of the West. We are not only your market, but we are your producers. We saved you in 1907 when you had the bank panic. It was in the East; it was not in the West.

Now, that line 24 must come. That is an exception from the area of land opened to classification. That is as great as the land subject to classification and may be made many times greater by the construction of some clerk in the department.

Let me gather up the suggestions. Strike out the word "chiefly," in line 22, on page 50, and restore the language as it is found in the Senate amendment. Strike out the proposition that comes to us from the conference committee. When I first rose to inquire as to the manner of dealing with this question, I had before me the language that was afterwards dealt with by the Senator from Utah [Mr. SUTHERLAND]. I rose, if in order, to move to strike out the words in line 3, page 51, applicable to national forests, because that put us right back where we are now. We thought when this bill went from the Senate with the Senate amendments we had it reduced down within reasonable lines, and for the present at least very much improved. It comes back to us with the objections that we thought we had overcome reinserted in the bill, and we certainly shall do what we can to oppose the adoption of the conference report. Let it go back to the conference and let our conferees say to those with whom they confer that the Senate will not submit to having undone all the good work that they accomplished.

Mr. BORAH. Mr. President, may I make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. The Senator from Wyoming, in discussing this question a few moments ago, said the conferees were between the Senate and the House and the Agricultural Department or the departments. That brings to my mind the proposition that there has grown up a custom here of the conferees of the Senate representing the departments instead of representing the Senate.

Mr. WARREN. Evidently the Senator did not hear what I said yesterday in regard to the departments, or he would hardly make that remark as applied to me.

Mr. BORAH. The Senator said it just a moment ago. I was addressing myself to the remark the Senator just made, that the conferees had to satisfy the House and the Senate and the department. The department has nothing in the world to do with this proposition.

Mr. WARREN. I think I did not say to satisfy; I said we were between the fires.

Here is what I wish to have understood: The House is a coordinate branch, having the same rights that we have. The departments have the right of administration, and in whatever we do we must tie it as closely as we can, but in the end they have the administration. The Senator knows that.

Mr. HEYBURN. Under the law; not outside of it.

Mr. WARREN. Under the law and as they construe the law.

Mr. HEYBURN. Not as they construe it. They have no power to construe the law.

Mr. WARREN. I have often heard of the man who was in jail and was told he could not be put in jail. It is true that they have to follow the law; but when I said as they construe it, I meant that we are not there to see that they do this or do that. We make the law as plain as we can and hold them responsible as far as we can. I simply used the term as being between the departments, because they have the handling of this money and they have the administration. We can not avoid that. We will tie them up as closely as we can and as well as we can, and then must take the consequences.

Mr. HEYBURN. We have the power to control this subject under consideration. I agree with my colleague and also with the Senator from Utah and the Senator from Wyoming that those words applicable to the national forests in line 3, page 51, ought to be stricken out, and that our conferees ought to insist that they should be omitted. We fought it over here for days in the Senate, if I may use that term, and we were supported by the vote of the Senate. Why should not the conferees sustain the wisdom of the Senate? Then, again, in amendment 86——

Mr. BORAH. I do not know that it would be proper to ask this question; if it is not proper to ask it I will consider it not asked; but I should like to ask if this section was not redrafted in accordance with the suggestion of the Department of Agriculture?

Mr. HEYBURN. Mr. President, if my colleague will permit me, I will suggest that there is the strongest reason for believing that the objections to the Senate amendment came from the department, and from nowhere else.

Mr. WARREN. Mr. President, if Senators propose to impale the conference committee upon that kind of assertions, with the conferees bound as they are with whatever confidential relations may exist between the Houses, we can not here say what the House may do or the House may say. But I wish in this connection to say that so far as I am concerned no department has dictated anything to me to go into a conference report unless I asked the favor that they draft it as a part of the law.

Mr. HEYBURN. I cheerfully accede to that. I did not make a statement——

Mr. WARREN. And when we get to the House they may draft it or we may draft it. Whether or not an amendment has been drafted by the department, it is not for us to make an accusation. We know that we meet honorable gentlemen in conference, and we must consider them as they do us.

Mr. HEYBURN. I was speaking from an entirely impersonal standpoint. I was speaking of the condition that exists. So I say I still believe that these changes came from the department, because they were departmental propositions. The department was merely fighting to retain the conditions under which they have been administering this law—conditions which the Senate had repudiated by the adoption of this amendment.

Now, a little further, in line 8, page 58, the word "chiefly" is again inserted, notwithstanding the fact that the Senate had stricken out that word, in defining what lands should be classified and how they should be classified. It comes back again, and it comes back wherever they can get it in.

I go down to lines 16 and 18, on page 51. I called my colleague's attention to it during his remarks in interrupting him. I want to say an original word in regard to that. After providing in this insufficient and imperfect way for the classification of these lands, they then say:

But no land listed under the act of June 11, 1906—

And we all know that act—

shall pass from the forest until patent issues.

Of course, under the law the title does not pass in the United States, but this adds the additional burden that they shall not pass from under the dominion and control of the Forestry Service. In other words, during all the five years that a man was living on his homestead he would be subject, not to the laws of the United States under which he was seeking to acquire, but subject to the annoyances and restrictions of the Forestry Service.

Mr. WARREN. I do not so understand that.

Mr. HEYBURN. It says so in English.

Mr. WARREN. One moment—

But no land listed under the act.

They might list a good deal that was not settled upon.

Mr. HEYBURN. I am only referring to that which is sought to be taken up.

Mr. WARREN. The moment a man settles on it he is entitled to all the benefits he gets under the homestead act.

Mr. HEYBURN. No; this restriction applies to him. It is intended to apply to him. I know what the intention of the department is from considerable experience with them in regard to these matters. They insist upon retaining the jurisdiction over the individual settler who has selected listed lands of this character, and they do it.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. I wish to say to the Senator from Idaho that, as he well knows, I am thoroughly in accord with him so far as his remarks touch amendment No. 85, but he is now directing his remarks to amendment No. 89, on page 51. I understand that that amendment is not subject to criticism at this time in the conference report. As I understand it, that amendment is exactly as the Senate agreed upon it.

Mr. HEYBURN. I understand that, too. As I said, I think in the beginning of my remarks on it. I was indulging in a criticism of a principle that is in this bill without pointing to it as one of the matters contained in the report.

Mr. CLARK of Wyoming. I thought the Senator was addressing himself to it in opposition to the conference report.

Mr. HEYBURN. I am going to discuss another one for a minute that comes under the same classification as the last one. I want to call attention to the purpose of the enactment of the stone-and-timber act as it affected homesteads and settlers.

There was a vast proportion of the country that was not within timber or near it, and the stone-and-timber act was originally enacted in order that a homesteader or settler upon open land might have, in addition to that, the opportunity to secure timber for building and fencing or stone for building and fencing. I know in the early days in the Palouse country and countries so situated there were millions of acres of land that had no timber at all and no available stone for building purposes. Those men, in addition to their homestead, went up into the mountains that lie all around and encircle that vast country and took up their little stone-and-timber claims, and they hauled their wood and their stone from those claims to sustain and build up their ranches.

It was necessary; it was a wise provision. If that law was abused and taken undue advantage of, that is the fault of the administrators of the law and not of the law itself. That was the purpose of the stone and timber act. The stone and timber act should have been limited to those who owned their land; it should have been an adjunct to a homestead. The law should have provided, and should now be amended so as to provide, that a person having a homestead upon which there was not sufficient growth of timber to supply the needs of building and maintenance of buildings should have the right to go upon the timberlands and take up a limited quantity, and that the same should pass with the nontimbered lands. I make that suggestion. I have on other occasions felt that it should be made, and I have omitted doing so.

Mr. President, the question, I presume, being upon the adoption of the conference report, I sincerely hope that the Senate will sustain the position which it took when this bill was before it, and send this report back to conference, with instructions to our conferees to make a further effort to secure the provisions that we incorporated in this bill in this body; in other words, that we shall not retreat from them as yet. There is no great hurry about this matter. If there was, it is better to do it right, and I would regret very much to see one of those forms of adoption, when the Chair says, "Those in favor of the adoption of the report of the conference committee will say 'aye'" and "those opposed will say 'no'"; and to see that inattention that sometimes attends the determination of such questions. I am not asking the Senate to do anything new; I am only asking it to stand by what it has already done.

Mr. JONES. Mr. President, amendment numbered 95, on page 54, as it passed the Senate, provided that an addition of 25 per cent of the proceeds of forest reserves in forest States should be available at the end of the fiscal year 1912 for the purpose of the construction of roads in the State in which the forest reserve is located. The really important part of that amendment, however, in my judgment, as it passed the Senate was the provision that this should apply hereafter, making it a permanent law. Apparently the conferees have agreed upon a provision that instead of 25 per cent additional it shall be reduced to 10 per cent. That would not be so objectionable, although it is rather undesirable, but they have left out the word "hereafter," so that, as agreed to by the conferees, it simply provides that an additional 10 per cent of the proceeds for the year ending June 30, 1912, shall be available. It does seem to me that that was a very great mistake on the part of the conferees.

Mr. BURNHAM. Mr. President, the word "hereafter" was stricken out after very considerable discussion for the reason that some of the conferees—I need not state on which side—were opposed to making this appropriation permanent and desired to leave it open so that it might be determined from year to year. It is a matter of difference between 25 and 10 per cent. It was a compromise, and was the best that could be done. We came as near as we could to the Senate amendment.

Mr. JONES. It seems to me that the department under this amendment will have no assurance that it will have anything additional for the coming year, and the work can not be planned. In my judgment, it amounts to practically no benefit out of this additional 10 per cent. That is the objection that I have to it. I am inclined to think that it is worse than no provision at all; and unless we make an increase which the department can rely upon, under which they can plan their work and lay out their roads, to appropriate such a small additional amount for the one year is practically throwing that much money away. I think that our conferees should at least have insisted upon continuing the appropriation, so that the department could lay out its work; and if it was found not a good measure let Congress repeal it hereafter.

I am very sorry that the conferees not only reduced the appropriation to 10 per cent, but especially that they cut down the provision for future work by the appropriation.

Mr. WARREN. Mr. President, it is the easiest thing in the world when a Senator has his mind intently fixed upon a certain course to think that it is foolish to do anything else. I want to say to the Senator that he can not possibly have more anxiety than I had to retain this provision as it was in the bill as it went from the Senate, but it came down to the simple

alternative that we should take that or take nothing. I am not enough used to money to say that a couple of hundred thousand dollars shall be thrown over my shoulder this year because I can not get an equal amount next year. If I want it this year, I want it now; and if I can get it next year, I also want it then. As I have said it was either to take this 10 per cent or to take nothing. If we took nothing this year, we had no place to start the next year upon.

I want to say furthermore, in justice to the Forestry Bureau as such, that it stood for the idea of appropriating hereafter and making the appropriation 25 per cent.

I ought to say to the Senator that this was one of the last items, after long and tedious hours, to which the conferees on the part of the Senate consented to yield; as this appropriation now stands it amounts to something over $200,000, which will be available at the end of this month. It does seem to me that if we accept this for the Forest Service, knowing almost exactly how much it is, we have the advantage of having the $200,000 with which to commence this work, and we shall have a better basis to start upon again. Not only that, but we have secured the expenditure for roads of the receipts from the forests in the localities from where they were collected; in other words, 10 per cent of the money that comes from the forests in Idaho and the forests in Montana is to be invested upon the roads there within those forests with the understanding that, so far as possible, the Forest Service will cooperate with the county authorities in connecting with regular county roads. After the struggle to maintain our position I do not think it would be wise on the part of the conferees to say if we can not get all we want we will take nothing.

Mr. HEYBURN. Well, Mr. President, we promised not to try to do this again. In the Sixtieth Congress, when the Forest Service, controlling at that time the department of which it was only a bureau, undertook to carry the fund resulting from the forests as a separate fund, subject to their disposition, some of the oldest and most experienced and able Senators in this body joined with those who objected to it and completely abolished that practice. In other words, they said that the money should be turned into the Treasury of the United States, and there is a law on the statute books now which was enacted at that time which provides that this money shall be turned into the Treasury of the United States; that we shall not say by an act of Congress "There is hereby appropriated, out of any money in the hands of the Chief Forester not otherwise expended," a certain sum, but that we shall adhere to the law and the custom of the ages, and say that "There is hereby appropriated, out of any money in the Treasury of the United States," and so forth.

Mr. WARREN. Will the Senator permit me there?

Mr. HEYBURN. Yes.

Mr. WARREN. I have been one who has undertaken to maintain that law, I believe, in conection with all appropriation bills and to as great an extent as any Senator could do.

Mr. HEYBURN. I know the Senator has stood with us.

Mr. WARREN. But we have made exceptions in certain cases, and every later law repeals, to a certain extent, a former one. We found it necessary in the great reclamation act to provide for turning over the money going out and coming in, and in the act that forms the foundation of the Forest Service we provided for a certain percentage of the receipts—first, 10, and then 25 per cent—to be paid directly to the States. That money did not go to the Treasury of the United States and become a part of the general fund.

Mr. HEYBURN. I am not referring to that.

Mr. WARREN. The provision under consideration simply adds that much more that we are to take from this Government money extracted from what we think are our forests and reinvest it in the roads in these forests of ours.

Mr. HEYBURN. I had no reference whatever to the proportion to be paid to the States; I had reference only to the fund available to the Forestry Service to be expended under its irresponsible direction. If I am correct in my recollection, the senior Senator from South Carolina [Mr. TILLMAN] took an active part in the suppression of the bad practice of allowing a department of the Government to retain money coming into its hands and reappropriating it on its own judgment, without having it turned back into the Treasury.

Mr. WARREN. We all accepted that; and that fund, as the Senator will remember, represented the sum total of the moneys received from the forest reserves and was used as a lump fund——

Mr. HEYBURN. Amounting to $1,300,000.

Mr. WARREN (continuing). To pay to Tom, Dick, and Harry any price the managers of that fund saw fit to pay. We took the wise course of having the money go into the Treasury to be appropriated out again.

Mr. HEYBURN. We took the constitutional course.

Mr. WARREN. Yes.

Mr. HEYBURN. We have again been forgetting the constitutional provision with regard to the disposition of appropriations remaining unexpended at the end of the year or the proceeds of the Government at the end of the fiscal year, and have been allowing executive officers to make appropriations on their own responsibility because they happened to have the money in their hands. We provided then—and it is the law and the statute now—that they should turn in the unexpended balance and proceeds arising from the execution of their particular departments to the Treasury of the United States. I can remember when the distinguished Senator from Maine, Mr. Hale, stood here and inveighed against any relaxation in favor of any minor proposition, because, as he said, the great principle was involved as to whether or not the Treasury of the United States was to be our medium of circulation in business transactions of the Government or whether or not bureau chiefs and division heads should say, "We have so much money on hand which we have realized in the execution of the law, and we will expend it as we see fit." They tried to do that without Congress knowing that they were doing it. In the report they made in that year they did not disclose the fact that they had this money in hand until we compelled them to do so. They proposed to expend it. I do not say that they proposed to misappropriate it, but they wanted a great big fund, a treasure fund, that they might use.

It is the law of the land that they shall not do so, and yet we are proposing here in this conference amendment, on page 55 of this bill, that they may take $225,000—that is the figure estimated—without turning it into the Treasury and receiving authority to expend it. We are in effect enacting a law that says the Secretary of Agriculture is hereby authorized to expend this money, not out of the Treasury of the United States, but out of the money that he has received as an officer of the United States. Let us not do it.

The rule of "Oh, just do it this time" is the most dangerous rule that could possibly be invoked in legislation. That is the suggestion, as I understand—"Let us do it this time, because there are some particular circumstances which we have not time to explain." We understand the situation perfectly well. They have this money. Let them turn it into the Treasury of the United States, and let us provide then, as the wisdom of the Congress may dictate, for its payment in response to an appropriation. If they take this $225,000 this year, they will be back to where they were when we found them at it a few years ago with $1,300,000 in just such a fund.

I think that the bill ought to go back to conference in order that these suggestions may be given further attention.

The PRESIDING OFFICER (Mr. LODGE in the chair). The question is on agreeing to the conference report.

Mr. HEYBURN. I ask for the yeas and nays.

Mr. SMITH of Georgia. Mr. President, I assume that the conferees on the part of the Senate sought to retain all the provisions that they could that were incorporated when the bill was pending in the Senate; and if the report is sent back to the conferees it will be for the purpose of enabling them to see if they can retain for the Senate more of the provisions which have been put in by the Senate.

The PRESIDING OFFICER. If the Senate choose to disagree to the conference report, they then, under the ordinary course, insist further on their amendments and ask for a further conference, with such instructions as the Senate choose to add if they desire to add any.

Mr. SMITH of Georgia. Mr. President, in voting not to agree to the report, then, we simply ask our conferees to insist further upon the action of the Senate heretofore taken and obtain for us, if possible, more of our action than they have already obtained. It does not seem to me that it is in any sense a reflection upon the committee; but we simply give them once more our backing to obtain for the Senatee a little more what the Senate wants.

I wish to call attention to one amendment that was yielded, which I am especially anxious to see the conference committee insist on, and I shall vote against approving the report particularly for that reason, because it is that matter to which my attention especially is directed.

The Senate placed in the bill as an amendment a provision for a division of markets in the Statistical Bureau of the Agricultural Department. I see that the conferees on the part of the Senate have yielded to the House conferees, and that that provision is stricken out. I can not doubt, Mr. President, that with somewhat more insistence the House conferees will agree to that amendment. To place it on this bill is the only way to pass it at this session of the Senate.

I am sure of its great value; it involves a very small expense, but it is a practical outlay in the interest of the whole people.

The Senator from North Dakota [Mr. GRONNA] called my attention a few moments ago to the work which might have been done recently by such a bureau in gathering statistics as to the quantity of potatoes in different sections of the United States. In one portion of the United States there were large quantities selling at a small price, while in other portions they were selling at a very high price because the supply there was very short. He also called my attention to the fact that recently in some sections seed corn was very scarce, while in other sections the supply was ample. I believe that the proposed division of markets could gather information, and would naturally absorb information, with but little expense in matters of that kind. Where a supply exists those interested would often communicate with the division of markets, and where a shortage exists they would call on the division of markets; so that with less expenditure more practical good could be accomplished than in nearly any line of expenditure we make in connection with the Agricultural Department.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes, sir.

Mr. GRONNA. I also want to call the Senator's attention to the fact that recently we imported several thousand bushels of potatoes from Ireland, which paid a duty of 25 cents a bushel and which were sold right in this city at prices as high as are paid for apples—$2 a bushel—while out in the West they were selling for 60 cents a bushel.

Mr. SMITH of Georgia. I thank the Senator from North Dakota. It is the earnest conviction of the heads of the farmers' organizations that this clearing house of the United States will be of very great value to them. I can see, from the practical illustration given by the Senator, how valuable it can be, and I am going to vote against approving the report of the conference committee, especially because I hope that by insisting somewhat more upon that feature of the action of the Senate the House will yield.

Mr. WARREN. Mr. President, I sympathize with the Senator in his wish to have his particular measure adopted, and I want to assure him that the conferees of the Senate did the best they could for him. Will the Senator please consider for a moment the condition in which the conferees were placed? Very nearly every Senator in the body has something in which he is deeply interested. If every Senator should seek to send back a conference report because he does not get the particular thing he wants, I think the Senator will see how difficult it would be to compose these differences between the two Houses.

I must say that I think the Senate conferees have done very well, under the circumstances. As the Senator will see from the report here, the Senate receded to from 29 of its amendments. The House receded from its opposition to 112, and it receded from the balance of the amendments with modifications. I think that is a pretty fair percentage for the managers of the Senate to attain. I do not believe we can get as good an agreement hereafter, because some of these agreements were only reached after a pretty severe struggle and because of the desire of the House members to close up on one general proposition.

If the motion prevails to send it back to conference every item will be open, and we will be just where we began. The House is not bound to recognize a single recession as now made. It is a dangerous proposition, where a reasonable conference has been held and after a reasonable report is made, in my judgment, to send it back with any expectation of getting any better results. Of course some Senator, in order to save one amendment, might wish the conferees to submit to recessions that we have not made. I do not think the Senator from Georgia would want that done, but we are in that position, and I hope the report of the conference committee will be adopted.

Mr. BORAH. I should like to ask the Senator in charge of the bill if the appropriation for the buffalo reserve is retained in the bill?

Mr. BURNHAM. The Wind Cave Reservation?

Mr. BORAH. Yes.

Mr. BURNHAM. I think that remains.

Mr. BORAH. That is good.

Mr. HEYBURN. I rose in response to the suggestion or what might be taken from the language of the Senator to mean that the objections I have urged against this report are in a spirit of criticism. They are not.

Mr. WARREN. I understand that perfectly.

Mr. HEYBURN. I am objecting to this provision to which I called attention, and I am in very keen sympathy with the suggestion of the junior Senator from Georgia. I think were it possible we should have the enjoyment in our domestic business circles of the consular reports from abroad. That is a pretty big territory. That should be at the expense of the Government. But I am not going to urge it or to make any captious objection. I hope the bill will go back to the committee. It is not unusual that a bill goes back to the conference committee.

Mr. WARREN. It is very unusual in the case of a general appropriation bill.

Mr. HEYBURN. But there is the same reason for an appropriation bill going back to the conference committee as in the case of any other bill. I think if the Senate conferees were to urge upon the other members of the conference committee the fact that the Senate was very earnest upon this matter and was not inclined to yield that which they had gained after so much struggle in the way of amendments to the existing law, some good might result from it, and I will move, if there is no other motion pending, that the bill be sent back to conference.

The PRESIDING OFFICER. No motion is necessary. The question is on agreeing to the report.

Mr. HEYBURN. I was inclined to ask that the bill go back with instructions, which is within the rule. I will not do that. I will stand upon the proposition of sending it back.

The PRESIDING OFFICER. In respect to a motion to send back the conference report with instructions, the Chair suggests that the motion to agree has, of course, precedence of any other motion.

Mr. HEYBURN. I know it has, Mr. President. I know it has precedence of any other motion, but we have heretofore sent back reports with instructions.

The PRESIDING OFFICER. It is certainly within the power of the Senate to send it back with instructions.

Mr. WARREN. Usually, when reports are sent back with instructions, it is where the conferees have agreed upon some parts of the bill and have not agreed as to others, and while such a motion would not be out of order, it is very unusual to send a conference report back with instructions, after the conferees have come to a full agreement.

Mr. HEYBURN. I will move to send it back with instructions. I have given some attention to the rules in this particular——

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. SMITH of Georgia. It is true that the House yielded to a number of suggestions of the Senate, but the whole of the original bill came from the House. That bill dealt with innumerable matters, and when we agreed to what the House did we were acquiescing in their measure. This is a body of concurrent jurisdiction. Nearly everything in the bill we agreed to, and if they had agreed to every suggestion of the Senate the House still would be here presenting in legislation far more than the Senate was presenting, and it seems to me for us to insist a little more vigorously—just a little more—upon what the Senate has added is not unreasonable, and I am sure in doing so I for one have the greatest respect for our representatives upon the conference committee. I would cast no vote that was intended to manifest any lack of confidence in them. I am extremely anxious to see this legislation go upon the pending bill, and I have reason to think and to entertain the hope that if we insist the conferees on the other side will yield.

Mr. WARREN. Replying to the Senator, he must understand that general annual appropriation bills arise in the House under our Constitution, or rather under the custom for all these years.

Mr. SMITH of Georgia. Not under our Constitution, but under practice.

Mr. WARREN. Revenue bills arise there under the Constitution, but the contention of the House all these years has been that general appropriation bills should also arise on the other side.

Mr. WILLIAMS. In the First Congress I think there were several members of the Constitutional Convention, and they all, without exception, asserted that it was the constitutional right of the House to originate supply bills, and it was also the assertion of Mr. Hamilton, in an article in the Federalist, that the power to originate supply bills was exclusively within the constitutional right of the House. I do not want to get into that subject now. I promised on a former occasion, and got permission, to put into the RECORD some views on that subject, but I have not done so, although I have it partially prepared and will insert it within the next week. I give notice of that now.

Mr. WARREN. The debate took in its scope that feature, and the Senator from Mississippi and I had a colloquy. I

remember his taking the opposite ground. He was going to insert in the RECORD certain matter. I was to be notified, that I might insert some views upon my side of the question. I have not heard from it since, so I have not done anything about it.

Mr. WILLIAMS. I now notify the Senator from Wyoming that I will insert it during this seven-day week if I can.

Mr. Madison took the position in the Virgina convention, when recommending the adoption of the Federal Constitution, that all "supply bills"—showing that this was equivalent to the phrase adopted, being "general appropriation bills," to wit, "bills to raise revenue"—must originate in the House. Special appropriation bills were not required to originate in the House; only the general or "supply" bills. The meaning of the phrase to "raise revenue" is synonymous with the phrase "bills to raise money for the Government," and meant to raise revenue by appropriation of the Legislature, and to put this revenue, as a Government revenue, at the behest of the Executive. When there is no money in the Treasury it is done by levying taxes, and when there is money in the Treasury it is done simply by appropriating it out of the Treasury, so that the Executive may expend it. Not one dollar can be expended by the Executive until the Legislature authorizes its expenditure. Until then it is not Government revenue. Money can not become available for the Government until the legislative branch has provided it by appropriation for paying current expenses. The legislative branch provides by taxes or by appropriations, or by both in one bill, the Government revenues to be expended on executive warrants.

Even if the money be in the Treasury, it is not Government revenue until after an appropriation by Congress.

Mr. SMITH of Georgia. Mr. President, it is not my desire to raise a constitutional discussion of that question. I do not think it makes any difference so far as the present question is concerned. I am only exceedingly anxious that the conferees shall take into consideration the provisions I refer to, and if we do disagree to this report, they would have to take up in conference only certain provisions of the bill. However, I do not know what is the parliamentary practice.

The PRESIDING OFFICER. The Chair will say to the Senator from Georgia that the motion to agree to the conference report, of course, takes precedence of all others, because it is the motion which will most quickly bring the Houses into agreement. If that motion is not agreed to, it is then in order to insist upon a further conference. The report has to be accepted or rejected in its entirely, but in insisting upon a further conference it is within the power of the Senate, and it was so decided upon one occasion, to instruct as to any particular amendment which the Senate has adopted.

Mr. SMITH of Georgia. If the conference report is not agreed to, I would be glad to consult the wishes of the conferees as to whether they would simply prefer to confer further upon certain questions or upon the entire subject.

With reference to that, I should prefer that it be given that direction which would facilitate the labor of these gentlemen, who I know have labored so earnestly for us both in this matter and other matters.

Mr. BORAH. On what page does the amendment of the Senator from Georgia appear?

Mr. SMITH of Georgia. Page 76; it is numbered 154.

Mr. BORAH. Providing that there shall be a division of markets?

Mr. SMITH of Georgia. That is it.

Mr. BORAH. "The chief of said division shall receive a salary of $3,000 per annum, and the assistant chief a salary of $2,500 per annum."

Mr. SMITH of Georgia. Yes. It is found on that page.

Mr. BORAH. This, as I understand, is one of the amendments which the Senate put into the bill and which was left out in conference. I hope this bill will go back for further conference, not in any sense as a criticism of the conferees, but there are many things in this bill which it seems to me we may well desire to have reconsidered.

For instance, on page 68 we have the amendment which the Senate put on the bill providing fifteen or twenty thousand dollars for a bison reserve, to take care of some buffalo.

Mr. WARREN. Does the Senator from Idaho wish to send this bill back so that the Senate conferees may have an opportunity to recede from the amendments the Senate added?

Mr. BORAH. No; but it seems to me it ought to more regularly deal with this and other matters which are important.

Mr. WARREN. I wish the attention of the Senator from Georgia. The Chair covered the ground very well, that when a conference report is rejected the matter is back exactly where it was when it was first sent to conference, without any binding agreement upon any of the conferees.

Now, I undertake to say, with a great appropriation bill, after the conferees have got together in full agreement, to send it back to get the balance of the Senate's amendment allowed is taking a hazard to which I ought not to neglect the opportunity of directing the attention of Senators. In my somewhat extended service here it has been almost never that a general appropriation bill that was fully agreed upon has been sent back, and I can not recall a time when there has been a full agreement that a bill has been sent back with instructions, although it may have happened.

Mr. SMITH of Georgia. May I ask the Senator——

Mr. HEYBURN. I should like to be permitted to say——

The PRESIDING OFFICER. If Senators will permit the Chair, the Chair stated that the report must be accepted or rejected in its entirety.

Mr. WARREN. Yes.

The PRESIDING OFFICER. And the Chair stated that it was not the practice of the Senate to give instructions, but that the power to give instructions was undoubted.

Mr. HEYBURN. Mr. President——

Mr. SMITH of Georgia. Will the Senator permit me to ask the Senator from Wyoming a question?

Mr. HEYBURN. Certainly.

Mr. SMITH of Georgia. I understand that if the conference report is not agreed to, it will be agreeable to the Senator from Wyoming to limit our request for a further conference as to certain items.

Mr. WARREN. It depends upon the instructions.

Mr. SMITH of Georgia. I want to know.

Mr. WARREN. My desire is that the report shall be adopted, but if it is rejected, then the Senate may take whatever course may be its pleasure.

Mr. SMITH of Georgia. My own preference would be to limit it to these particular items, so as to relieve the conference committee of the labor——

Mr. HEYBURN. That can be accomplished by the Senate sending certain items to be reconsidered and by directing the attention of the committee to them.

The Senator from Wyoming has very plausibly and properly stated that this had been a work of magnitude, that they had agreed, and that if it went back to conference it would be all open again, and so forth. But I would suggest that there have been times when conference committees advised the Senate that disagreements existed so that they could make a partial report and then ask for a further conference. Had those who have been so zealously contending for the maintenance of the rights of the settler been advised of these changes, they undoubtedly would have submitted to a partial report of the committee and then asked that the conferees on the part of the Senate be instructed to consider further these particular items. But we had no knowledge of it. I never dreamed that the conferees would bring in an agreement here involving such radical retractions of the action we had taken. We thought we had gained a victory, and we find that we not only gain nothing but that a new policy has been placed upon us. It seems to me, and I do not say it in any spirit of——

The PRESIDING OFFICER. The Chair is obliged, the hour of 2 o'clock having arrived, to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. If there is no objection, it will be so ordered, and the unfinished business is temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, I have but little more to say. Had we been advised of the jeopardy to the great interests that we had contended for strenuously, we would then have been prepared to take such steps as we might take under the rules of practice governing conferences and the rules of procedure generally, and we would have anticipated the difficulties that confront us to-day. But we had no opportunity until last night, when this bill came in from the conferees, to know that we had lost in conference all that we had gained in the Senate. We are not, of course, inclined to yield without some effort to retrieve against such loss.

Had there been a partial report, advising us that the conference was not able to agree upon these points, we might then,

under the rules of this body, have asked that the report so far as it had been agreed upon be accepted and that a further conference be had upon these items. But we are in rather a difficult position this morning, with the first intimation of the utter defeat of those who contended for these reforms in the Forestry Service confronting us here on a final vote as to whether or not we will accept this report.

Now, that is all I desire to say.

Mr. BORAH. Mr. President, before this matter is voted upon I should like to have the Senate understand in a brief sentence what it is that we are interested in from the western part of the United States so far as this bill is concerned.

The proviso in the bill as it passed the Senate was the elimination of the agricultural lands from the forest reserves. It passed the Senate by a large vote with practically no opposition because it was conceded that it was a thing that ought to be accomplished, and we appropriated a certain sum of money for it.

Now, they retain an appropriation of $25,000, but the amendment has been so adjusted as to accomplish nothing at all. So we are in a position of appropriating $25,000 without getting any relief whatever.

Now, one thing or the other certainly can be accomplished; either we can secure this enactment as it ought to be, with the provision as it should be written so that it will be effectual, or else we can certainly eliminate the provision and not pretend to do that which is not being done.

There is not anything more vital to us who are in the new States than this question, although it is covered by a simple, short amendment. I do not understand how conferees coming from either side of this legislative body or the other could long contend against the elimination of the lands. I venture to say here and now that if the influence of the departments were eliminated there would not be any difficulty in the end in agreeing upon this amendment.

I am not willing that it shall be said, until I know, that the influence which keeps the amendment in the form in which it is now is in the House or is in any other than the department. It seems that we have arrived at the time when the conferees represent not only the bodies which legislate, but represent the bureaus of the Government. It is well worth our while to see whether or not the representatives of the Senate can avail against the representatives of the bureaus in making laws.

If for no other reason, the bill ought to go back to settle for once and all whether the wisdom of the Senate or the wisdom of Congress shall prevail in writing a law or whether the objection of the department shall prevail in preventing its having final action.

Mr. BURNHAM. Mr. President, I wish to say just a word. The conferees met together—the conferees of the Senate representing the amendments, every one of them, that was proposed and passed by the Senate. We met the conferees on the other side and heard their views with reference to these different amendments and we discussed each and every one of them.

I wish to say that, out of 180 amendments proposed by the Senate, the House receded in 111 and the Senate conferees in 29, and of the Senate recessions I have heard only three or four complaints. I think this compares very favorably with any conference report on such a measure as this that has ever been submitted.

With reference to this report, I do not believe if it went back to the House again with everything open, as it would be, we would secure a conference report nearer the measure as it passed the Senate than it stands to-day. I trust that the conference report will be adopted. It is the result of the labors of the Senate conferees faithfully and earnestly given to this subject, together with the conferees of the other House. With fair-mindedness they approached this question and by mutual concessions they agreed upon this confefence report, and I sincerely trust that it may receive the favor of the Senate. I move its adoption.

Mr. CHAMBERLAIN. Mr. President, I heartily agree with the Senator from New Hampshire in expressing the hope that the Senate will not refer the bill back to the conference committee. It is true, as the Senator from Georgia says, that in accepting the provisions of the bill as it came to us from the House we agreed with the House on innumerable propositions. But it is also proper to say in this connection that there was not an item in the bill as it came to us from the House on which there were not hearings and the opinions of the departments and other witnesses had on the subject?

I have examined the conference report in the light of the bill, and it seems to me that the conferees on the part of the Senate have done most excellent work. The report comes from the conference committee with a number of the appropriations very materially reduced, but in its essential details it is a bill that is in as good shape or in better shape than when it passed both Houses and went to conference.

I hope that the conference report will be adopted.

Mr. FLETCHER. Mr. President, ordinarily I should feel very much inclined to agree with the Senator from Oregon [Mr. CHAMBERLAIN] and those who favor the adoption of this conference report, but I believe that a further consideration of this matter by the conferees will result in a more satisfactory adjustment of the differences between the two Houses.

I am impressed with what the Senator from Georgia has said regarding amendment No. 154, on page 76 of the bill. It seems to me that that is a very important amendment, of great interest to the agricultural people of our country; that it is so valuable that it ought not to be yielded if it can be sustained, and certainly not until other provisions in the bill submitted by amendments of the Senate are again thrashed out before the conferees.

For instance, it does not seem to me possible that the conferees, upon a full and fair and further consideration of all these amendments, will prefer that the Senate shall yield that amendment, which is of so great importance to the agricultural interests of this country, and insist upon a game preserve in the State of Wyoming, acquiring some 2,000 acres of land and involving an appropriation of $50,000.

Mr. WARREN. Mr. President——

Mr. FLETCHER. I am in favor of that amendment; I agree to it; but it seems to me that there is no comparison in the value of the two propositions to the whole country.

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. Certainly.

Mr. WARREN. A rather personal allusion has been made to a matter affecting my State. I wish to say that I did not originate that amendment. I did not ask for it, because it is in Wyoming. I told the committee plainly that Wyoming did not require it, and if they should want to put in any other State a preserve for elk the important matter was whether the United States wished to preserve the elk or not, not that Wyoming should be benefited.

On the other hand, I want to say to the Senator if there had been the slightest objection upon the part of any one of the committee or of the conferees on the other side the amendment would have gone out as far as I am concerned. I put it before them. I said if any man had objection I was willing that it should go out.

Mr. FLETCHER. I had no intention——

Mr. BORAH. Mr. President——

Mr. FLETCHER. One minute, if the Senator will allow me. I had no intention whatever of implying that the Senator from Wyoming was looking out for any particular local interest or anything of that sort. I have no such notion. I simply compared two items in the bill, that is all. Those items happened to fall under my eye as being appropriations of a similar amount of money. One involves an appropriation of $50,000 and so does the other involve an appropriation of $50,000. It seems to me if the conferees would consider the two items side by side they would insist rather upon yielding the appropriation for a game reserve than the item for establishing this bureau of information of so great importance to the people.

Mr. WARREN. Mr. President, I can not allow that assertion to go unchallenged. On the game-preserve matter there was not a dissenting voice. It was not disputed at all. When we came into conference the House conferees said, "Very well; we recede." It was not a matter of weighing it against any other amendment, as I said a moment ago. It would not have taken a moment to wipe it out if there had been objection, if I could have gained anything anywhere else. I cared nothing more for it nor did the Senate conferees care any more for it than that it was a public matter.

The proposition the Senator is talking about received all the aid that we could give it. One was a contested matter; the other was not. So the comparison is not certainly a fair one. It was an uncontested matter in one case and a contested matter in the other.

Mr. FLETCHER. Of course, I understand bills are contested on amendments put on in the Senate. Senate amendments are presented and the bills are contested by the House conferees as thus amended. The Senate conferees are obliged to yield in one instance and not in the other.

I do not for a moment impute any impropriety whatever on the part of the Senator from Wyoming. That is not my idea or my purpose, and I trust he will not consider it in that way. I simply mentioned it as being in the bill and as being located in Wyoming. It would not make any difference to me whether

it was located in any other State, nor would it make any difference to the Senator. I simply submitted the subject of a game preserve being established in this country at an expense of $50,000 as against a proposition involving this bureau or division in the Agricultural Department which would be of so much value, I take it, to the farmers of the country.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Idaho?

Mr. FLETCHER. I yield.

Mr. BORAH. I wish to ask if the amendment on page 69, covered by amendment 121, did not originate in the House and was not urged in the Senate, from whom did the strength come which enabled it to get there and stay there? It is one of those things which have been put in words by the department to show that the department is running the bill.

Mr. WARREN. What does the Senator allude to?

Mr. BORAH. I allude to the game reserve on page 69.

Mr. FLETCHER. It is a Senate amendment.

Mr. BORAH. The same thing is true with reference to the amendment on page 68.

Mr. FLETCHER. Amendment 117, page 68.

Mr. BORAH. Almost every amendment that had to do with the creation of additional game reserves for bison, elk, and so forth, carrying large appropriations, passed through without any criticism or any objection, and almost every important amendment which had to do with extending additional rights to the agricultural interests has been defeated.

Now, that is the condition in which we are passing this bill through the Senate. We are appropriating here $100,000 for game reserves and cutting out a question of markets, which is of concern to all the agricultural interests of the country. It simply demonstrates what is written upon the face of the bill so radically and conclusively that it can not be controverted—that the department is amending and is passing this measure.

Mr. FLETCHER. I, of course, Mr. President——

Mr. WARREN. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. Certainly.

Mr. WARREN. The Senator from Idaho knows as well as I do that in every appropriation supply bill it commences with and is founded upon the estimates of the departments. It is the duty of departments to estimate, and it is not only considered a duty but an aid and privilege to Congress that they have those estimates so as to have what the department idea is of what is required.

Mr. BORAH. I concede that proposition, but the manner of making estimates and sending them to Congress for the consideration of its Appropriation Committees is a different proposition from a department putting its ban upon one amendment or its approval upon another.

Mr. FLETCHER. I was going to say, Mr. President, that I have no idea where that amendment originated or where the amendment originated establishing a game preserve at the Wind Cave National Park, in the State of South Dakota. I do not mean to say that I am opposed to either one of them, but, on the contrary, I value the interest taken by the Agricultural Department and the information it furnishes. I do not for one instant mean to intimate that they have suggested anything that was not for the public good and in the public interest. I do not mean to intimate that either of these amendments is not proper. I favor both of them. I am in favor of the game preserve in Wyoming for the elk and the game preserve in South Dakota for the buffalo. I think it well to take care of that condition. I am not criticizing that. I am not criticizing anybody who offered the amendment, but I do submit that whereas the conferees have been able to maintain their position with regard to a great majority of the amendments made by the Senate they have given up a number of them, and that as compared with the amendments for game preserves the amendment on page 76 providing for this division of markets in the Agricultural Department, the latter is of vastly more importance to the whole country in my judgment.

Mr. BURNHAM. Mr. President, I wish to say in regard to the amendment passed here to the appropriation bill that the Senate committee had that same bill before it and reported it favorably, and it is upon the calendar. It was regarded as a matter in which there was so much legislation that it could be better considered by the Senate when the bill on that report should be presented to the Senate. So it was thought best not to place a matter of legislation of this sort into an appropriation bill where there was less opportunity for its discussion, and it was left for the Senate at some future time to consider the whole matter. That is one reason why the amendment was not agreed to. Of course there was other objection made by conferees, but that is one of the considerations that entered into the question.

The PRESIDENT pro tempore. The question is on the motion to agree to the report of the committee of conference. [Putting the question.] The noes appear to have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a pair with the Senator from Montana [Mr. DIXON]. In his absence and without his authority I do not feel at liberty to vote.

Mr. LIPPITT (when his name was called). I am paired with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were at liberty to vote, I would vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I will transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], except as to votes on the tariff measures, on which I am not paired, and reserve the right to vote, and certain executive matters that I will mention in executive session.

Mr. SWANSON (when his name was called). I beg to inquire if the junior Senator from Nevada [Mr. NIXON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. SWANSON. I have a general pair with that Senator, and consequently I withhold my vote. If he were present, I should vote "nay."

Mr. WATSON (when his name was called). On account of my general pair with the senior Senator from New Jersey [Mr. BRIGGS], I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). I inquire whether the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HEYBURN. I am paired with that Senator.

Mr. JOHNSTON of Alabama. I will say to the Senator from Idaho I am satisfied my colleague, the senior Senator from Alabama, would vote as he would vote.

Mr. HEYBURN. Then I am at liberty to vote, and my vote will stand.

Mr. GALLINGER. I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BRISTOW. I desire to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent from the Chamber and he is paired with the junior Senator from Arkansas [Mr. DAVIS].

The result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Bourne	Cullom	McLean	Smith, Mich.
Bradley	Curtis	Page	Smoot
Brown	Dillingham	Percy	Stephenson
Burnham	du Pont	Perkins	Townsend
Burton	Gallinger	Richardson	Warren
Chamberlain	Johnson, Me.	Root	Wetmore
Crane	McCumber	Sanders	

NAYS—36.

Ashurst	Culberson	Kern	Rayner
Bacon	Fletcher	Martin, Va.	Reed
Borah	Foster	Martine, N. J.	Shively
Bristow	Gardner	Myers	Simmons
Bryan	Gore	Nelson	Smith, Ga.
Catron	Heyburn	Oliver	Stone
Chilton	Hitchcock	Overman	Sutherland
Clapp	Johnston, Ala.	Poindexter	Tillman
Clark, Wyo.	Jones	Pomerene	Works

NOT VOTING—32.

Bailey	Dixon	Lippitt	Penrose
Bankhead	Fall	Lodge	Smith, Ariz.
Brandegee	Gamble	Lorimer	Smith, Md.
Briggs	Gronna	Newlands	Smith, S. C.
Clarke, Ark.	Guggenheim	Nixon	Swanson
Crawford	Kenyon	O'Gorman	Thornton
Cummins	La Follette	Owen	Watson
Davis	Lea	Paynter	Williams

So the conference report was rejected.

Mr. GALLINGER. Does the conference report automatically go back to the committee, Mr. President?

The PRESIDENT pro tempore. The Chair would say undoubtedly not. It will take some further action on the part of the Senate to accomplish that.

Mr. GALLINGER. That is what I thought.

Mr. FLETCHER. Mr. President, I move that the Senate further insist upon its amendments to the bill disagreed to by the House of Representatives and ask for a further conference with the House thereon.

Mr. WARREN. Mr. President, I believe it is usual for such a motion to be made by the Senator in charge of the bill. It is the custom for that Senator to make whatever motion may be necessary for disposing of a bill that is in his charge.

Mr. FLETCHER. I, too, supposed that was customary, Mr. President, but nobody seemed to be doing it; and as it seemed to be going by default, I thought I would make the motion.

Mr. BURNHAM. I will make the two motions which, I understand, are usual in such cases. I move that the Senate further insist upon its amendments and that the report be recommitted to the committee of conference.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD were appointed.

Mr. WARREN. I desire to say that I am of course subject to the disposition of the Senate and I desire to do its bidding; but at the present time, with the pending appropriation bills and with constant calls upon my time, if I am placed upon the board of managers on this bill in a new conference, I am afraid that I can not give it the immediate attention that perhaps the Senate may require. I am therefore perfectly willing to step aside.

Mr. CHAMBERLAIN. Mr. President, I desire to express the hope that the Senator from Wyoming will not ask to be excused and that he will not be excused from serving on the conference committee.

The PRESIDENT pro tempore. The Senator from Wyoming has not presented any application to that effect.

Mr. WARREN. Mr. President, I only desired to say to my colleagues that, if immediate attention to this matter is required, I can not attend to it without neglecting other important public business. I am willing to do the work. I want simply to give notice to the Senate; and if they wish to put another in my place it will be perfectly satisfactory to me.

Mr. BURNHAM. I should regret it exceedingly if the Senator from Wyoming should withdraw from the conference committee. I sincerely hope that he will continue to remain a member of it.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported it with amendments and submitted a report (No. 825) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia relating to notaries public, reported it without amendment and submitted a report (No. 826) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army, reported it without amendment and submitted a report (No. 827) thereon.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6341) to provide for the erection of a public building at Weston, W. Va., reported it with an amendment.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, reported it with an amendment and submitted a report (No. 828) thereon.

Mr. SANDERS. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 1485) for the relief of William Mullally, to submit an adverse report (No. 829) thereon.

Mr. POMERENE. I suggest that the bill go to the calendar.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. SANDERS, from the Committee on Military Affairs, to which was referred the bill (S. 5949) for the relief of James Danielson, submitted an adverse report (No. 830) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP (by request):

A bill (S. 7017) to supplement an act to protect trade and commerce against unlawful restraint and monopolies as approved July 2, 1890; to the Committee on Interstate Commerce.

By Mr. BRISTOW (by request):

A bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 7019) removing the charge of desertion from the military record of Nelson Wilkinson and extending to him pensionable rights (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7020) granting an increase of pension to Mary P. Hamersly (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7021) granting an increase of pension to Cyrenius Mulkey (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7022) to subject the lands in the former Fort Niobrara Military Reservation in Nebraska to homestead entry (with accompanying paper); to the Committee on Public Lands.

By Mr. TILLMAN:

A bill (S. 7023) granting a pension to Dora D. Walker (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7024) granting an increase of pension to Mary Jones (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7025) granting an increase of pension to Martha J. Stephenson; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7026) granting an increase of pension to Mary E. Northend (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein; to the Committee on Public Lands.

NAVAL STATION, KEY WEST, FLA.

Mr. BRYAN submitted an amendment proposing to appropriate $5,500 for paving and grading on Whitehead, Front, and Green Streets, at the naval station, Key West, Fla., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, I wish to give notice that next Tuesday, at the close of the routine morning business, unless some other appropriation bill is pending, I shall ask the Senate to take up House bill 20728, the Indian appropriation bill.

THE OPIUM EVIL (S. DOC. NO. 733).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State covering the report of the American delegation to the International Opium Conference, held at The Hague from December 1, 1911, to January 23, 1912.

In submitting this report the Secretary of State makes certain recommendations regarding bills now before the Congress for the control of our foreign and domestic traffic in habit-forming drugs. I have several times called the attention of the Congress to the necessity for the passage of the proposed measures, and I now indorse the view of the Secretary of State that the Congress should promptly pass these measures, more especially because this Government took the initiative and has been generously supported by 12 other Governments in its efforts to mitigate, if not entirely suppress, the world's opium evil.

Inasmuch as the international opium convention and its protocol de cloture, signed at The Hague by representatives of the United States, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, and Siam, have been given publicity by the conference and by the signatory Governments, it is deemed not improper to accompany the report with authentic copies of them.

I am not able at the present moment, however, to ask the advice and consent of the Senate to the ratification of the convention, for it is provided by the final articles of the convention that ratification is to depend upon the Netherlands Government securing by the 31st of December next the supplementary signatures of 34 States named in article 22 of the convention, and that in case the signatures of all the powers invited to sign the convention shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications. It is my hope and belief that the Netherlands Government will secure the necessary signatures to the convention by the date fixed and that I can then ask the advice and consent of the Senate to the ratification of the convention.

Therefore, at the present time, the international opium convention and its protocol de cloture are submitted to the Congress merely for its information as to the great step in advance which has been taken by 12 States in cooperation with the United States to bring the opium evil to an end.

WM. H. TAFT.

THE WHITE HOUSE, *May 31, 1912.*

THE METAL SCHEDULE—PERSONAL EXPLANATION.

Mr. REED. Mr. President, I call the attention of the Senator from Michigan [Mr. SMITH] to a statement which I desire to make in the nature of an explanation.

When the steel bill came to a vote on yesterday, I voted upon that bill in the absence of the Senator from Michigan. I did so under a misapprehension with regard to the arrangement for a pair with that Senator. I have learned that the Senator from Michigan was relying upon that arrangement, and I am making the statement now, in order that it may be of record, that he understood he was paired, and I am also making the statement, in justice to myself, so that it may be known that the vote I cast was under a misapprehension with reference to the arrangement.

Mr. SMITH of Michigan. Mr. President, I think the Senator from Missouri is very generous in his statement. I have found no fault whatever with the Senator for voting yesterday in my absence, and should not do so. I think, indeed, that he had ample justification for assuming that it was perfectly agreeable to me. His very generous statement I highly appreciate, and desire to thank him for it.

I wish to say this, however: That I was absent from the Senate yesterday when the vote was taken on the steel bill in performance of a promise I had made to the Grand Army of the Republic organization, which was observing the Memorial Day exercises at Arlington. I had no idea that the vote would be reached on the steel bill yesterday, and acted in cooperation with no other Senator in reference thereto. My absence was due entirely to the fact that I had another engagement, which I regarded as important. If I had been here, I would have voted against the passage of the bill.

EIGHT-HOUR LAW.

Mr. BORAH. I ask unanimous consent that the Senate proceed to the consideration of House bill 9061.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the Senate proceed to the consideration of House bill 9061.

Mr. BAILEY. What is the bill?

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BAILEY. Mr. President, if I thought my objection would finally defeat the bill I would object, but I know it finally must come to a vote and so I will not object.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The pending amendment is that offered by the Senator from New York [Mr. O'GORMAN], which will be stated.

The SECRETARY. On page 4, line 6, after the word "condition," it is proposed to strike out "on account of which the President shall subsequently declare the violation to have been excusable," and also, in line 5, before the word "danger," to insert the word "imminent," so that if amended it will read:

No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by imminent danger to life or to property, or by other extraordinary event or condition.

Mr. BORAH. Mr. President, I do not see the Senator from New York present, but I have had some discussion with the Senator from New York with regard to this amendment. I hope the amendment will be defeated. This particular provision in the bill received much consideration at the hands of the committee and was practically agreed upon by all as necessary to the efficiency of the bill; that is, those who favored the bill at all; and those who were opposed to it in its entirety nevertheless regarded some such provision as this necessary to make it a working bill. This provision is that in certain emergencies the President shall declare the violation of the law to have been excusable. This is not an unconstitutional principle, nor an unusual principle in our legislation. I have some authorities here upon the subject, but I do not propose to stop at this time to discuss it, and, with this explanation, I shall, so far as I am concerned, permit the amendment to come to a vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York, which has just been read.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BAILEY. Mr. President, I had intended to address the Senate at some length against this bill, but upon inquiry among Senators I have learned that to do so would be a waste of time and of breath, for it does not seem that those who are opposed to it are even numerous enough to force a roll call upon it if that demand should be resisted. But while I shall forego my inclination to discuss it, I am not willing to see it pass until I have recorded my protest against it.

In the first place, I object to it because it is an effort on the part of Congress to regulate a matter which belongs wholly to the States of this Union. It is plainly designed to regulate the hours of labor within the States; and if that should be attempted by a direct provision, every Senator in this Chamber understands that it would fall before an objection in the courts. Of course, I understand that it happens in many instances, as it does in this, that Congress may, by indirection or by a subterfuge, take from the States matters which properly belong to them and subject those matters to congressional regulation.

But, sir, waiving all question of Federal jurisdiction, I would not support this bill, even in the legislature of a State, because I will never vote to deny a full-grown American citizen the right to make his own contracts with respect to his own employment outside of certain, and peculiar, occupations. I recognize the right of a State, under a proper exercise of its police power, to regulate the hours and conditions of employments which are hazardous or unwholesome; but no government has any right to say to the humblest of its citizens, clothed in his right mind, that it, and not he, shall determine how long he may work at healthful and safe pursuits. That is a kind of tutelage to which I will never agree to reduce an American citizen of legal age and mental competence.

But, Mr. President, if I had no objection like that I would not vote for this bill, because I know that this world can not be run on an 8-hour basis, and so does every other man in this body. There is not a Senator here who can do his work in 8 hours. I do not profess to know the habits of other Senators, and I have no right to speak for them, but for myself I can say that I am compelled to work double that time oftener than I am able to complete my task within 8 hours. Not only is it true that we can not discharge our official duties in 8 hours, but no merchant in this country could escape the bankrupt court if he should open and close his doors upon an 8-hour schedule. The men who are engaged in the basic industry of all the world

are not able to do it. If the farmers of the United States should agree that they would work only 8 hours in the day, one of two things would happen—the weeds would encumber every American field or the farmers would be compelled to reduce their acreage at least 33⅓ per cent. Then, sir, what would come to pass? The cry which we hear throughout the land about the high cost of living would be heard with redoubled fury. The men who now congregate in the market places of our cities and declaim against the high price of bread and meat would then have a better reason for doing so, because even the well-paid skilled labor of the cities could scarcely provide the present comforts of their table.

Mr. President, I do not believe that any class of people in this country are entitled to shorter hours or to lighter work than the men who create the very basis of our wealth. Washington said agriculture was the most ancient and the most honorable of all pursuits; and, while he probably overstated it when he said it was the most ancient, because undoubtedly the pursuit of the stream and of the chase—if, indeed, they can be called pursuits—antedated agriculture, he did not err when he said it was the most honorable of all occupations; and it is utterly incomprehensible to me how American legislators can obtain their consent to say that, while the farmers of this country may work 12 hours in the day and 12 months in the year in order to procure the money with which to pay their taxes the Government shall take the taxes which they contribute and pay them to men who work 8 hours in the day, and work nearly all of that 8 hours in the shade.

The farmer not only works through long hours, but he works in the heat, in the cold, and in the rain; he does not have a half holiday on Saturday. It is true he is not always in his field, because the necessities of his home require him sometimes to visit the nearest town or city, but even then he is upon an errand, and he goes to buy the provisions which are needed in order that he may continue his work. The artisans in our cities and in our industrial centers lay down their implements of labor on Saturday afternoon and rest through the Sabbath day; but it is not so with the farmer; his herds and flocks must still be tended; his horses can not go without grain and water from Saturday until Monday; and every day of his life, when his health will permit him to leave his house, the farmer must do some work. Yet while he labors 12 hours in the day in order that he may pay his debts, educate his children, and meet the Government's tax demands against him, shall this Government take his money, earned by 12 hours' labor in sun and in rain, and give it to the men who work in the shade only 8 hours of the day? That, sir, is a discrimination against the very best part of the American people. Are the foreigners who constitute a large part of the labor engaged in these manufacturing industries better entitled to the consideration of the American Congress than the Americans born and employed on our farms? Is this rule of justice and mercy to be applied by the American Congress in favor of the foreign-born working in our factories while it is denied to the native-born who cultivate our farms?

We might leave this, as we have left so many other matters of this kind, to agreements between the employer and the employee. I believe, sir, in labor organizations, and I believe those organizations were intended to do, and ought to do, without the intervention of law, just such work as this. If the employees can organize and force the employer to agree with them on an 8-hour day, that is none of our concern; but when the employees can not force that concession, neither ought it to be our concern to say that the employers must grant it.

One of two things must happen if this bill becomes a law. Either the wages of labor will be reduced to meet the reduction in the hours or else the cost of producing these articles must be increased. I hardly think anyone desires to increase the cost of any article, if I may judge by the complaints which fill this Chamber from day to day against the high cost of living.

I have witnessed a curious change of public sentiment in the last 12 or 15 years. When I first entered politics there seemed to be a widespread disposition, which might almost be characterized as a crane, among the American people to exalt the producer of commodities, and anyone who was producing something or who would erect a factory or establish an enterprise to produce something had only to ask and the Government freely gave him what he asked. Of course, these producers, in their greed, not only oppressed the American consumer, but they overreached themselves, and in the last four or five years there has come a complete reversal of the tendency, until now the demand everywhere is for the consumer, and you never hear anybody lifting his voice in behalf of the producer.

As between the consumer and the producer, if that states the whole case, I am on the producer's side, because the producer of wealth, whether it be on the farm or in the factory, contributes to the sum of human comfort and human happiness, while it often happens that the consumer is a mere idler—if rich, living upon the fortune which his forefathers accumulated, and, if poor, living upon the labor of others. For such men I have no such patience and respect as I have for a man who is working out for himself and his family, and helping his fellow men to work out a great destiny for his country. But, while I believe that the producer deserves consideration, I would do full justice to the consumer.

The advocates of this measure care nothing about the articles which the Government may buy; and the purpose of this bill is to compel every enterprise which contracts with the Government to comply with the 8-hour rule now to be established, and through a kind of coercion to compel the application of that rule in all rival and competing establishments. This Congress may say that the Government shall not buy the steel for its ships, the guns for its Army, or any other article from any contractor who has worked his men longer than 8 hours a day; but it will not dare to say that the Government shall not buy horses or cattle or mules or hay or grain produced on a farm where the farm laborer has worked more than 8 hours in a day.

If we are not to witness an increase in prices arising from such legislation as this, then there must be a corresponding reduction in the wages of labor. If you tell me that the labor organizations will take care of that, I ask why can they not take care of this? If they can prevent a reduction in wages to correspond with this reduction in the hours of labor, then, sir, they can compel a reduction in the hours of labor without coming to the American Congress with a bill like this.

Mr. President, I am not ashamed to say that those to whom I trace my lineage were mechanics in the early times, and I think they had as much right to contract for their personal services as I have to contract for my professional services. I believe, sir, that a man who works with his hands is as tall, in contemplation of the law, as the man who works with his brain, and as one who believes in the dignity of labor I deny the right of the American Congress to deprive the American workingman of the right to make his own contracts with respect to his own labor.

Mr. SANDERS. Mr. President, I wish to call the attention of the Senate to another grave discrimination in connection with the operation of this bill. All over the country we have factories doing miscellaneous work. Those factories could not exist on the eight-hour plan, and they have been in the habit of contracting for Government work, which they do along with the general work of the country. If this bill passes it will deprive all of those shops over the country of all this Government work, and it will deny the right of doing this work and reaping a profit from it to the men who own the shops and the laborers who work in them. I am very much opposed to any legislation of that kind.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BAILEY. Mr. President, if I were at liberty to vote, which I am not, in consequence of my pair, I would ask for a roll call on this question, but inasmuch as I could not vote on the roll call, I forbear to ask for the yeas and nays.

Mr. SANDERS. I ask for a roll call.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). If I were at liberty to vote I should vote "nay," but owing to my pair with the Senator from Montana [Mr. DIXON], I withhold my vote.

Mr. BORAH (when the name of Mr. CUMMINS was called). The Senator from Iowa [Mr. CUMMINS] is absent from the city. If he were present, he would vote "yea."

Mr. BORAH (when Mr. KENYON's name was called). The Senator from Iowa [Mr. KENYON] is absent from the city. If present, he would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were permitted to vote, I should vote "nay."

Mr. RICHARDSON. I am paired with the Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a pair with the Senator from Louisiana [Mr. FOSTER]. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], and withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were here, I should vote "yea." I think if he were here, he would vote the same way, but I do not feel at liberty on that opinion to violate the pair.

Mr. OLIVER. I will take the responsibility of saying to the Senator from Mississippi that he need not withhold his vote on account of his pair.

Mr. WILLIAMS. Very well. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER]. This will stand for the day.

Mr. HEYBURN (after having voted in the negative). I voted, not knowing whether or not the Senator from Alabama [Mr. BANKHEAD], with whom I am paired, would be present. He has not voted. I therefore transfer my pair with that Senator to the junior Senator from Illinois [Mr. LORIMER], and will allow my vote to stand.

Mr. BRISTOW. I desire to state that the Senator from South Dakota [Mr. CRAWFORD] is necessarily absent. If he were present, he would vote "yea." He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. SMITH of Arizona. I announce my pair with the Senator from New Mexico [Mr. FALL]. I do not know how he would vote. If I could vote, I would vote in favor of the measure.

Mr. POMERENE. The Senator from Maine [Mr. GARDNER] is not present, and I have been requested to announce his pair with the Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 45, nays 11, as follows:

YEAS—45.

Ashurst	Clarke, Ark.	Martin, Va.	Smith, Ga.
Bacon	Culberson	Martine, N. J.	Smith, Mich.
Borah	Cullom	Myers	Smoot
Bourne	Curtis	Newlands	Stone
Bristow	Fletcher	Overman	Sutherland
Brown	Gronna	Perkins	Tillman
Bryan	Hitchcock	Poindexter	Townsend
Catron	Johnson, Me.	Pomerene	Williams
Chamberlain	Jones	Rayner	Works
Chilton	Kern	Reed	
Clapp	Lodge	Shively	
Clark, Wyo.	McLean	Simmons	

NAYS—11.

Bradley	Gallinger	Page	Sanders
Dillingham	Heyburn	Percy	Wetmore
du Pont	Oliver	Root	

NOT VOTING—39.

Bailey	Dixon	Lea	Richardson
Bankhead	Fall	Lippitt	Smith, Ariz.
Brandegee	Foster	Lorimer	Smith, Md.
Briggs	Gamble	McCumber	Smith, S. C.
Burnham	Gardner	Nelson	Stephenson
Burton	Gore	Nixon	Swanson
Crane	Guggenheim	O'Gorman	Thornton
Crawford	Johnston, Ala.	Owen	Warren
Cummins	Kenyon	Paynter	Watson
Davis	La Follette	Penrose	

So the bill was passed.

EXECUTIVE SESSION.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and (at 3 o'clock and 30 minutes p. m.) the Senate proceeded to the consideration of executive business. After 2 hours and 20 minutes spent in executive session the doors were reopened.

PUBLIC GROUNDS, ROMAN, MONT.

Mr. MYERS. From the Committee on Indian Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site, and I submit a report (No. 831) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Indian Affairs was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the town of Ronan, Mont., under such terms, conditions, and regulations as he may prescribe, not to exceed 20 acres of unallotted tribal land within the Flathead Indian Reservation at not less than its appraised price; said lands to be used by the town of Ronan for school, park, or other public purposes: *Provided*, That the net proceeds received from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the Flathead Indians and draw interest at the rate now provided by law, and may thereafter be used for the benefit of said Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; read the third time, and passed.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 1, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 31, 1912.

SECRETARIES OF LEGATIONS.

Alexander R. Magruder, of Maryland, now second secretary of the embassy at Rome, to be secretary of the legation of the United States of America at Lima, Peru, vice Roland B. Harvey, nominated to be secretary of the legation at Santiago.

Roland B. Harvey, of Maryland, now secretary of the legation at Lima, to be secretary of the legation of the United States of America at Santiago, Chile, vice Paxton Hibben.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY.

Second Lieut. Marshall Magruder, Sixth Field Artillery, to be first lieutenant from May 28, 1912, vice First Lieut. Edwin De L. Smith, Fourth Field Artillery, detached from his proper command.

INFANTRY ARM.

Lieut. Col. John S. Mallory, Infantry, unassigned, to be colonel from May 28, 1912, vice Col. William P. Evans, Infantry, unassigned, retired from active service May 27, 1912.

Maj. Maury Nichols, Third Infantry, to be lieutenant colonel from May 28, 1912, vice Lieut. Col. John S. Mallory, unassigned, promoted.

Capt. Matthias Crowley, Seventeenth Infantry, to be major from May 28, 1912, vice Maj. Maury Nichols, Third Infantry, promoted.

First Lieut. Clifford U. Leonori, Eighteenth Infantry, to be captain from May 28, 1912, vice Capt. Matthias Crowley, Seventeenth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Harry Albert Musham, of Illinois, to be second lieutenant of Infantry, with rank from April 24, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from May 29, 1912.

John Seymour Cromwell Fielden, jr., of Pennsylvania.
Norman Thomas Kirk, of the District of Columbia.
Fletcher Olin McFarland, of Minnesota.
Samuel King Carson, of Virginia.
Walter Winthrop Ellis, of Delaware.
Joe Wallace Fenn, of Alabama.
George Washington Guthrie, of Pennsylvania.
Howard Hume, of the District of Columbia.
James Everett Kessell, of Iowa.
Harry Toulmin Lay, of Alabama.
John George Leitch, of Pennsylvania.
Bernard Mann, of Pennsylvania.
Jesse Garfield Maxon, of Illinois.
Arthur Monroe Mendenhall, of Rhode Island.
Bert Frank Ober, of Pennsylvania.
Francis Oral Vicars, of Montana.

RECEIVERS OF PUBLIC MONEYS.

Nazari V. Gallegos, of New Mexico, to be receiver of public moneys at Tucumcari, N. Mex. (Reappointment after change from Territory to State.)

Benigno C. Hernandez, of New Mexico, to be receiver of public moneys at Santa Fe, N. Mex., vice Frederick Muller. (New appointment after change from Territory to State.)

Harold Hurd, of New Mexico, to be receiver of public moneys at Roswell, N. Mex. (Reappointment after change from Territory to State.)

Manuel Martinez, of New Mexico, to be receiver of public moneys at Clayton, N. Mex. (Reappointment after change from Territory to State.)

Enrique H. Salazar, of New Mexico, to be receiver of public moneys at Fort Sumner, N. Mex. (Reappointment after change from Territory to State.)

REGISTERS OF THE LAND OFFICE.

Charles C. Henry, of New Mexico, to be register of the land office at Fort Sumner, N. Mex., vice Arthur E. Curren. (New appointment after change from Territory to State.)

Charles L. Hunt, of New Mexico, to be register of the land office at Clayton, N. Mex., vice Edward W. Fox. (New appointment after change from Territory to State.)

Royal A. Prentice, of New Mexico, to be register of the land office at Tucumcari, N. Mex. (Reappointment after change from Territory to State.)

Manuel R. Otero, of New Mexico, to be register of the land office at Santa Fe, N. Mex. (Reappointment after change from Territory to State.)

Thomas C. Tillotson, of New Mexico, to be register of the land office at Roswell, N. Mex. (Reappointment after change from Territory to State.)

POSTMASTERS.

NEW MEXICO.

Vincent B. May to be postmaster at Las Cruces, N. Mex., in place of Thomas Branigan.

John Pfluger to be postmaster at Santa Fe, N. Mex., in place of Edward C. Burke.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 31, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet James Marsden Earp, to be third lieutenant.

POSTMASTERS.

GEORGIA.

Harry S. Edwards, Macon.
William T. Rudolph, Thomaston.

LOUISIANA.

E. C. Crawford, Gretna.

NEW YORK.

William D. Smith, Northville.

PENNSYLVANIA.

Jared H. Buckbee, Elkland.
Harry L. Cooper, Edinboro.
Chauncey S. Ickes, Boswell.
Wesley B. McAlpine, South Brownsville.
John B. Moffitt, West Brownsville.

TENNESSEE.

W. A. Hill, McKenzie.
William B. Pickering, Carthage.
William J. Walker, Tiptonville.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 31, 1912.

POSTMASTER.

ARKANSAS.

Mattie C. De Vaughan to be postmaster at Waldo.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 31, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the universe, Father of our souls, cleanse our hearts from guile, and make straight our paths, that we may walk worthy of the vocation wherewith we are called and fulfill our destiny, to-day, to-morrow, and always, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Wednesday, May 29, 1912, was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Military Academy appropriation bill.

Mr. POU rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. I want to ask the gentleman from Virginia a question.

The SPEAKER. Does the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. POU. I want to ask the gentleman if he is not willing that the rules be followed and that the claims bills be taken up to-day? I will say in that connection that I have been told twice that an arrangement had been made by which the Committee on Claims will be displaced. I do not know who has the right to make such an arrangement; I certainly was not consulted, but I understand that an arrangement has been perfected whereby the Committee on Claims shall be displaced to-day, and I rise to protest against it.

Mr. HAY. I will say to the gentleman from North Carolina that I do not know of any arrangement by which the Committee on Claims is to be displaced. Certainly I am not a party to any such arrangement. But I am compelled to call up this appropriation bill because the desire of the House is, as I understand it, to adjourn as soon as it possibly can, and it can not adjourn until these appropriation bills have been passed. I will state to the gentleman that this bill is a very short one and will take very little time, and that the gentleman will have the balance of the time.

Mr. POU. Under the rules, the committee of which I am chairman has the entire day, and I confess some surprise that the gentleman could not select some other day on which to make his motion.

Mr. HAY. The gentleman must understand that under the rules my motion is a privileged motion.

Mr. POU. I am perfectly aware of that, and it is simply a question of preference with the gentleman as to whether he will make the motion this morning or not. I am well aware of the fact that if he makes the motion that the House go into Committee of the Whole House on the state of the Union it displaces the Committee on Claims, if the motion prevails. But I want to say to the House now that the House has had a committee very hard at work all of this session, and this is that committee's day. Hereafter, as best I can, I shall oppose every attempt to displace the Claims Committee on the days when its bills, under the rules, ought to have preference.

Mr. HAY. Mr. Speaker, I submit that this is not a debatable question.

The SPEAKER. The Chair will state that this discussion has been proceeding by unanimous consent.

Mr. PRINCE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PRINCE. I want to find out whether general debate will be limited in Committee of the Whole.

The SPEAKER. That has not been suggested yet.

Mr. HAY. I ask unanimous consent, Mr. Speaker, that general debate be confined to one hour, one half of the time to be controlled by the gentleman from Illinois [Mr. PRINCE] and one half by myself.

The SPEAKER. Pending the motion to go into Committee of the Whole House on the state of the Union, the gentleman from Virginia [Mr. HAY] asks unanimous consent that general debate be limited to one hour, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. PRINCE]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Military Academy appropriation bill.

The question was taken on the motion of Mr. HAY; and on a division (demanded by Mr. POU) there were—ayes 25, noes 16.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, with Mr. HENSLEY in the chair.

Mr. HAY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, it is not necessary for me to go into any general discussion of the provisions of this bill. The total estimates submitted by the department for the support of the Military Academy aggregate $1,894,928.63. The amount appropriated for the last fiscal year was $1,163,424.07. The

accompanying bill carries an appropriation of $1,034,059.26, which is a reduction of $129,364.83 over last year's bill and is $860,869.37 below the estimates.

The bill carries no new items, and is purely and simply an appropriation bill.

I reserve the balance of my time.

Mr. PRINCE. Mr. Chairman, this is practically an appropriation bill. There may be a few items that, if one was inclined to be captious, might be criticized; but the days are lengthening; the time for this Congress to adjourn, or the time when it ought to adjourn, is getting near. [Applause.]

From what I have seen here during my service in the House I am inclined to think that what is known as the Holman rule has made this session of Congress at least six weeks longer than it ought to have been; and if legislation is put upon appropriation bills in the short session which is to follow in December, Congress will meet and adjourn without passing the appropriation bills.

Last year we had a special session. Committees were appointed, held meetings, and prepared a great deal of legislation last summer for the present session of Congress, which met last December. The months of December, January, February, March, April, and May have now gone, and not all of the appropriation bills have passed this House. It is evidently a clear demonstration to the people of this country either that the rules are at fault or that our friends upon the other side are not competent to take care of the appropriation bills for the support of the Government.

There are yet undisposed of by the House, because they have not passed this body, the Military Academy, general deficiency, and sundry civil appropriation bills. On this day, May 31, two appropriation bills have been approved by the President—an urgent deficiency bill, passed December 22, 1911, and the diplomatic and consular appropriation bill, April 30, 1912. Of the other appropriation bills, the District of Columbia, agricultural, Army, pensions, fortifications, Indian, Post Office, rivers and harbors, legislative, executive, and judicial, and naval have not been disposed of. In all, here are 15 appropriation bills, of which two have passed both Houses of Congress and been approved by the President.

A party came into power pledging to do expeditious work, pledging to have rules in this House that would be efficient in their operation, pledging that the American Representatives should have a voice, pledging to do many, many things, and here, on the 31st of May, 1912, with a special session called in April, 1911, committees appointed, and the official program all mapped out, the net result is two appropriation bills passed and approved by the President. At that rate how long it will take I do not know. The dog days may come and go and we may still be here wrangling over legislation on appropriation bills. I am utterly and unalterably opposed to legislation on appropriation bills. To put legislation upon an appropriation bill compels the Executive to swallow it, legislation and appropriation combined, or be charged with starving the Government because he will not accept an appropriation bill. If the legislation is proper, let it stand upon its own merit, let it be disposed of upon its merits, let no logrolling be done and no pie passing bills be allowed to help get appropriation bills through and force them to the Executive.

In the years that the party to which I belong had control of this House we presented appropriation bills, we presented legislation, we discussed legislation, and it passed or failed to pass, whatever it was. But here is linked together legislation and appropriations, and the net result of which is on May 31, 1912, as I have said, with a special session of months preparing legislation—the net result to the country is 2 appropriation bills passed and approved and 13 undisposed of at this moment so far as being signed by the President.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. STEPHENS of Texas. Is not the trouble at the other end of the Capitol and not in this House? The House has passed all of the appropriation bills except three, but they are held up at the other end of the Capitol. Is not that the fact?

Mr. PRINCE. Let us see how that is. The urgent deficiency passed the House December 16, 1911; the District of Columbia bill, January 25; Agriculture, March 12; the Army, February 16; the Indian, April 9.

Mr. STEPHENS of Texas. The Indian bill has just been reported in the Senate.

Mr. PRINCE. I am giving the dates of the passage of the appropriation bills in the House.

Mr. STEPHENS of Texas. But the trouble is in the Senate.

Mr. PRINCE. Not necessarily. The legislative bill did not pass the House until May 10, and the naval appropriation bill did not pass until May 28. Why lay it on a coordinate branch? May 28 the naval appropriation bill passed this House. Is it fair to try to dodge the responsibility by putting it onto a coordinate branch of the Government? Let us tell the whole truth and not half a truth. A half of the truth is worse than the full statement. I think if my colleague had studied the calendar printed on to-day—May 31, 1912—he would have answered his own question, which I am glad he asked me.

Mr. Speaker, in the days when my distinguished colleague was Speaker of the House we did much business. We passed the appropriation bills. We had our unanimous-consent legislation, and I believe that as much, if not more, general legislation, more legislation for the benefit of the people in their respective districts was passed under the management and under the control of the distinguished gentleman from Illinois [Mr. CANNON] as Speaker than has been passed in these days.

Now what have we been doing? We have been busily engaged in investigating. Thousands and thousands, yes into the hundreds of thousands of dollars, have been appropriated for the purpose of investigating somebody somewhere under certain conditions. And what are the net results? Water hauls. When this Congress will have closed and been written up, it will be found that it has done but very little to relieve the public. We are apparently engaged in scoring for position. Our friends on the other side are getting ready to meet the campaign. They have tons and tons of literature, and, you might say, canned wind to hurl out in the campaign, but I am inclined to think by the way some of the States have spoken recently that that canned wind will not go to the people, because there will be somebody else nominated and another kind of an issue presented. [Applause on the Republican side.] They will send this literature, that is all ready to be sent out under certain circumstances, to the junk dealer for disposition as waste paper. [Applause on the Republican side.]

Gentlemen, we may think here that we are playing politics on a great scale; we may think here that we are making issues. Not at all. The people make the issues. I remember when I first entered this Congress of hearing men debate upon the tariff, of hearing long speeches by splendid men, for they were strong. On this side of the House stood Gen. Grosvenor, the gentleman from Illinois [Mr. CANNON], the gentleman from Connecticut [Mr. HILL], the gentleman from New York [Mr. PAYNE], the gentleman from Pennsylvania [Mr. DALZELL], and a number of distinguished men; and on the other side stood your distinguished Speaker [Mr. CLARK], Mr. Sayers of Texas, Mr. Crisp of Georgia, Mr. Turner of Georgia, and strong advocates they were, not playing little politics, but they were giants struggling in a great arena. They were preparing for a great campaign on that question. The people spoke out through their candidates, and all of the literature that was prepared for that great campaign went to the junk dealer, as it will at this time. The issue was the gold standard or free silver at 16 to 1; that was the issue then. It will not be the issue now. There will be issues that the people frame, and let me say to you, my countrymen, that you have been weighed in the balance and found wanting. We will have the President again as a Republican. We will have 60 majority in this House in December, after the November election. [Applause on the Republican side.]

Mr. SHACKLEFORD. Mr. Chairman, why does not the gentleman from Illinois [Mr. PRINCE] make that 75? Does he not think it would sound better?

Mr. PRINCE. Why, yes; I will make it 75 to suit the gentleman. I hope, however, that he will stay with us.

Mr. SHACKLEFORD. When you are going to make big claims, make them big and be done with it.

Mr. PRINCE. Then we will make it 75, if that is satisfactory.

Mr. HILL. Mr. Chairman, I trust the gentleman from Illinois will pardon me, but I would like to call his attention to the fact that after the last Democratic House of Representatives was in power the next House was Republican by 140 majority. [Applause and laughter on the Republican side.]

Mr. PRINCE. I thank the gentleman. I have been very modest in my claims, because I am somewhat of a conservative.

Mr. SHACKLEFORD. Is not modesty upon political subjects one of the gentleman's chronic ailments?

Mr. PRINCE. Mr. Chairman, I am frank to say to the gentleman that he and I have served here for a number of years, and that I do not think he has heard me make what he would call a political speech in this House, unless the present one may smack of it, and perhaps may be charged as such; but for 16 years or more I have stood on the floor of this House and tried to argue questions as a Member of Congress broad enough to see the whole country.

Mr. SHACKLEFORD. Mr. Chairman, I do not think the gentleman from Illinois ever resorts to political speeches except when he—to use a slang phrase—is in a hole, and considering the hole that he finds himself in at this time, I am perfectly willing to forgive him for even on this occasion resorting to this political effusion, which is so out of line with his general course, and I apologize to the gentleman by saying that I know he would not do it even now if it were not for the extreme emergency with which he is confronted.

Mr. PRINCE. Mr. Chairman, I thank the gentleman for his kindly allusions, but if he had been here in the House promptly, as he should have been to receive prayers, and had been here when I commenced my address, he would have heard differently, and if he had been here to hear me go over the appropriation bills and have seen the time that was wasted in the discussion of measures in carrying out the Holman rule, he would have agreed with me.

Mr. SHACKLEFORD. Is not that rather due to the fact that under the present organization of the House the opposition is permitted to take time to discuss and even obstruct the passage of measures?

Mr. PRINCE. I do not see how the opposition could obstruct. The Democrats have 70 majority, and they have the power to do what they please.

Mr. SHACKLEFORD. And we are pleased to give you more liberal time to discuss measures than you gave us.

Mr. PRINCE. Evidently you have, as appears by the RECORD here, when you passed the naval bill on May 28, and you surely have given yourselves opportunity for unlimited discussion. You can not charge us with that. You have the power, and you can do what you please. You are responsible for what is done, and the country will hold you responsible, as it should hold you responsible. The country will hold you responsible for the class of legislation that you have passed, and will hold you responsible for putting legislation on appropriation bills. The country will hold you responsible for prolonging this session, and will hold you responsible for these fake investigations that you have made, in which you have squandered the public money. It will hold you responsible from the beginning of the special session down to the close of this session, and the country will speak, and speak loudly, and you will understand its voice when you hear it in November. The farmers of this country will hold you responsible for the reciprocity legislation, and there are many good friends of mine who are sitting on that side of the House representing Western and Middle Western States whose faces will not be seen in this Hall after the 4th of March next. You entered into the game of politics before the special session, hoping you would embarrass some of us by voting in favor of reciprocity, but when the special session was called you found you had set a trap for yourselves, and you had to go into it, and the people will speak to you when the time comes.

Mr. LLOYD. Who was it that set the reciprocity trap about which the gentleman is speaking at the present time? Was not this Congress called into extra session to consider reciprocity at the instance of the President of the United States?

Mr. SHACKLEFORD. And on the advice of an ex-President.

Mr. LLOYD. And is it not true that the gentleman, with the rest, voted for that bill?

Mr. SHACKLEFORD. The President did it on the advice of a prominent ex-President, as appears by public correspondence. [Laughter and applause on the Democratic side.]

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman is not shaking his gory locks at me?

Mr. PRINCE. No, no; and in this connection I want to congratulate my friend from Colorado. I saw his picture in the paper this morning. I saw where, as a splendid soldier of the Confederate cause, he and 12 of his associates gathered together upon Memorial Day to talk over in a nonpartisan way the part they took in that great struggle. I also notice that he says that we will have no decorations of any kind except the decoration, the most beautiful that any room could be decorated with, the Stars and Stripes. [Applause.] That is what he had over his picture, and I am glad to meet a man like that, because we are a united people under one flag only, the Stars and Stripes.

Mr. SLAYDEN. Mr. Chairman——

Mr. PRINCE. Let me answer another one of these questions. My friend asks who called that session together? I answer, a Republican President, but he was daily visited by the Speaker of this House and conferred with as to how they would run that bill through the House. They were bedfellows then.

Mr. LLOYD. Mr. Chairman, does the gentleman mean that the Speaker of this House forced himself upon the President? Is not it true that these conferences were sought by the President, and is it not a fact that the Speaker of this House was called to the President from time to time to consult with him about that legislation, and he did, as a matter of fact, because the Republican leaders—most of them—were not in sympathy with the President of the United States and it was necessary for him to consult with Democratic leaders in order to accomplish the result desired?

Mr. PRINCE. I think that is true; I do not deny that, but I say they were bedfellows on it, and you had a caucus, and you agreed unanimously to vote for it, and the Democrats passed the measure, and a majority of the Republicans in the House voted against it. (See CONGRESSIONAL RECORD, Apr. 21, 1911, pp. 559 and 560.)

Mr. SHACKLEFORD. Is not it the same thing the other President did about the railroad bill, and did not he get it through by Democratic votes?

Mr. PRINCE. Let me answer one question at a time. Now, another question. The gentleman asked me if I did not vote for the reciprocity proposition. I did not. [Applause on the Republican side.] I voted against it in the regular session. I made a speech against it, and if the gentleman was here he could have heard it, in the special session. I did not think it was a good measure then, and I do not think it is a good measure now. I think it was an effort to strike down the thirteen or more millions of people of our country, and they will call your party, that caucused in favor of it, to an account. [Applause on the Republican side.] Now, another question. You say the former President recommended it. He has answered that, and he is able to answer any question, as I read in the press to-day. [Applause.] I think he is able to answer the criticism that was made against him about being forever in the White House, that that office building should remain there during his lifetime.

Mr. ADAIR. Oh, he is able to get on any side on any question.

Mr. PRINCE. I want to put what he said in the RECORD, because the public knows how he answered the question as to his being a dictator by saying—

> The talk of imperialism was no more foolish then than it is now. I have too much respect for you to tell you that you are in no danger of a dictatorship. When any man tells you that, get him a nurse and a perambulator, for if he really believes it he isn't fit to be at large.

Mr. SHACKLEFORD. Will the gentleman permit me one other question? And, if it is not embarrassing to the gentleman to make the explanation, I should like to have him explain why it is that he has come in at this eleventh, death-bed hour professing a regard for a great man who is now in the public eye; why did not he do that many moons ago? Why is it necessary for him to come now and pronounce a panegyric upon the ex-President? Is it due to any condition which the gentleman finds in his own State or in his district or elsewhere that has impelled him to do these things——

Mr. PRINCE. I thought the gentleman was to ask a question and not to make a speech. What is the gentleman's question? Let us get down to brass tacks.

Mr. SHACKLEFORD. A gentleman over there seems to be prompting the gentleman.

Mr. PRINCE. Go ahead. The gentleman is not a mind reader and can not tell what the gentleman is going to ask.

Mr. SHACKLEFORD. I want to know what stirred the gentleman this morning to make this eulogy, why was he not stirred up earlier——

Mr. PRINCE. I will answer that. The gentleman asked this question. What has stirred me to make this speech with reference to the former President? Why, the gentleman is the man who did that; the gentleman asked me the question. The gentleman is the man who brought it out.

Now, gentlemen, this is a Government of the people, of the great body of the people. I am one of those who do not believe that they are wrong. We have free schools in this country, we have churches in this country, we have a free press in this country, we have Chautauquas in this country. When the sun rises in Maine, as it takes its course westward, it looks down upon seventeen or nineteen million boys and girls with their schoolbooks under their arms, with their little buckets and dinner pails, starting to the public schools that are maintained at public expense, to be trained to perform the functions of citizenship in the United States. Talk about mob rule! [Applause.] Talk about the danger of the people! What are we educating them for? What does the pouring out of millions and hundreds of millions of dollars to educate the boys in schools mean but to make them citizens of this Republic?

Afraid of them? The great Lincoln was not afraid of them. No man who holds a public position or seeks to hold a public position ought to fear the plain or common people. [Applause on the Republican side.] Mr. Lincoln said that the good God above must have loved the plain people, because he made so many of them.

Now, I have no fear about it. This is a Government of the people. If at Chicago the party should see fit to nominate a splendid man who has been President for four years, well and good. If it sees fit to take a private citizen from the ranks and ask him to lead the party, well and good. I am content. If your convention, when it meets in Baltimore, should see fit to nominate that honest and genial Speaker of this House [Mr. CLARK], well and good. [Applause on the Democratic side.] Whoever it may be, whether it be the brainy young man who represents an Alabama district, and one of the cool, calm, and well-equipped men of this House [Mr. UNDERWOOD], well and good. [Applause on the Democratic side.] It is for the people to determine, and why should we engage here in bickering back and forth as individuals? It is little in us. Let us trust the people; and when the issue is joined, take your side and present it; and when the issue is joined, we will take our side and present it. We will call you to account before the bar of the public, and, I say, in my judgment you will be weighed in the balance and found wanting, and we will be in control of the Presidency, and the House, and the Senate for the next four years. [Applause on the Republican side.]

Now getting back to this bill, if I may be permitted to go on without interruption, it is a bill which is in its nature an appropriation bill. I imagine, when we get at this bill in a few minutes and begin to read it, it will pass readily through this House, for there is no objection to it which I know—none whatever—not worth speaking about. It confines itself to its legitimate functions—that of an appropriation bill—and when the appropriation bills confine themselves to their proper functions there is no objection to them to speak of in the House. There is always a little bickering here and there; but when it is loaded up with legislation that is so wicked, that is so ill-digested, that may or may not destroy the purposes for which the appropriations are made, then it is that it meets opposition; then it is that it consumes time; then it is that it should properly consume time. Legislation should stand upon its own merits and not be yoked to a bill that has to be passed or the failure of the passage brings criticism upon the Executive because he sees fit in his wisdom or lack of wisdom to oppose such a bill by his constitutional prerogative of a veto.

But, Mr Chairman, I have no objection to this bill. I know of no one on this side who desires to speak, and I now close, reserving the balance of my time if anybody should wish to use it. [Applause on the Republican side.]

Mr. HAY. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, there are few men in this Chamber on either side for whom I feel personally a higher regard than for my friend who has just taken his seat. There are few men in this House who have made since I have been here a speech that is as vulnerable as the one the gentleman has made. The gentleman seeks to indict the Democratic Party and the chieftain of his own party for having together passed Canadian reciprocity, and yet, if I remember correctly, the gentleman himself voted for the measure.

Mr. PRINCE. I know my colleague would not knowingly make a misrepresentation.

Mr. HARDWICK. Am I not right about that?

Mr. PRINCE. No, sir; you are not. I voted against it in the regular session, as the RECORD will show, and in the special session, as the RECORD will show. At no time when it came into the House, up to this moment, have I ever favored it.

Mr. HARDWICK. I am glad to accept the gentleman's statement, of course. I am sorry to have made the mistake as to the gentleman's position; but the fact remains that his party and his party's chieftain, with whose nomination he proclaims he will be entirely satisfied, are responsible for the legislation the gentleman now seeks to denounce because he believes it is unpopular with the farmers of this country.

Yet this legislation was produced—a fact to which one of my colleagues called attention in a colloquy which has already occurred on this floor—by the union and joint operation of the two opposing candidates for the Presidency of the United States in the Republican Party, Theodore Roosevelt as well as William H. Taft.

The gentleman says that whatever candidate the Republican Party presents in November is certain of success. The gentleman's optimism, in my judgment, is just about as well founded as is his judgment in this matter. It is impossible for the country to believe that two wings of the Republican Party, as radically at war as these two wings are, can ever coalesce on either one of the two opposing candidates. Certainly gentlemen on this floor and throughout the country who have denounced either one or the other of these two candidates in bitterest terms in public and in private will have a good deal of recanting to do before they can ever bring themselves to it.

But, my friends, it matters not about that. I agree with the gentleman that there has been a weighing in the balance, and some one has been found wanting. It is the Republican Party that stands condemned.

Mr. DYER. Mr. Chairman, will the gentleman permit an interruption?

Mr. HARDWICK. Not just at present. It is not the party that we represent on this floor. It is not the party which the people intrusted with power in 1910. But it is the thoroughly divided, discordant, discredited, and dishonored party once honored by the leadership of Lincoln, twice led to victory by McKinley, and now doomed, I believe, to everlasting and unending defeat at the hands of an outraged people whom it has deceived and betrayed. [Applause on the Democratic side.]

Oh, my friend from Illinois [Mr. PRINCE] is, no doubt, a recent convert to this doctrine of the new Rooseveltism. Roosevelt himself is a recent convert to the doctrines that he now proclaims. Think of the man who once denounced William Jennings Bryan as a Socialist and an anarchist, because Bryan ventured to take issue with the Supreme Court of the United States as to the decision on the income tax, now demanding the recall of judicial decisions!

Mr. GOOD. Does the gentleman mean the governor of New Jersey? [Laughter on the Republican side.]

Mr. HARDWICK. I mean Roosevelt, Theodore Roosevelt, the only wild man in this country in either party who has ever announced for the recall of judicial decisions. [Applause on the Democratic side.] Think of the gentleman who once denounced Bryan as an anarchist and Socialist, because he did not agree to the changed income-tax decision, now wanting to recall all judicial decisions, including those of the Supreme Court of the United States, on occasion, if we may credit his New Jersey speeches, now standing before the people in the attitude which he now occupies! Think of the man who once wrote to Harriman, "Come to the back door of the White House, so as not to attract attention, and give us a quarter of a million dollars, so that we can carry the State of New York," now standing as the champion of popular control and of civic virtue! [Applause on the Democratic side.]

Oh, Roosevelt, Roosevelt, if we ever wipe out of our dictionaries the word "demagogue," if we ever wipe out the word "charlatan," if we wipe out every word that stands for insincerity and double-dealing and popular debauchery and leave the word "Roosevelt," every man who has followed his career in this country will know what it means. [Applause on the Democratic side.] Put him up, if you will, as your candidate. He has whipped your "standpat" hosts into mute submission. He will be nominated in Chicago——

Mr. DYER. And elected——

Mr. HARDWICK. And when you get through with nominating him, the sober sense of the American people will repudiate him by a majority so great that no man will ever again doubt that the American people are capable of self-government. [Applause on the Democratic side.]

Mr. DYER. Does the gentleman speak for the State of Georgia or for the whole country on that?

Mr. HARDWICK. For the whole country, even for the gentleman's own State of Missouri and the gentleman's own district, as well as mine.

Mr. DYER. I think the gentleman does not know how the district I represent or the State I represent voted, else he would not make that statement.

Mr. HARDWICK. Will Missouri go for Roosevelt?

Mr. DYER. I think Missouri will be found in the Republican column.

Mr. BOOHER. If the gentleman from Georgia will allow me, I will say that it will not be found in the Republican column unless you import more negroes there than you did two years ago. [Applause and laughter on the Democratic side.]

Mr. DYER. Mr. Chairman, will the gentleman be courteous enough to allow me a minute?

Mr. HARDWICK. Yes.

Mr. DYER. I want to ask the gentleman from Missouri [Mr. BOOHER], who made that statement, if he can point to a single fraudulent negro vote cast in the last election?

Mr. BOOHER. Yes. [Applause on the Democratic side.] Let me call the gentleman's attention to the registration lists of the city of St. Louis. They were revised after the November election, 1910, and before the 16th day of January, 1911, as I remember, and the names of 16,000 negro voters were stricken from the registration lists, because they could not be found by the election officers.

Mr. DYER. Let me answer that.

Mr. HARDWICK. I want to say a few words myself, Mr. Chairman.

Mr. DYER. Will the gentleman from Georgia allow me to ask a question on that subject?

Mr. HARDWICK. No; the gentleman can get some time of his own.

The CHAIRMAN. The gentleman declines to yield.

SEVERAL MEMBERS. Regular order!

Mr. DYER. Evidently gentlemen do not want to hear the truth about that.

Mr. HARDWICK. While this Missouri row is entertaining it does not illustrate what I want to say. I still believe, whether it resides in Missouri or not, there is enough intelligence, enough patriotism, enough memory in the American people not to crown this dangerous demagogue as the Mexican king of this Republic. He is going to be nominated, but he will not be elected. [Applause on the Democratic side.]

Mr. PRINCE. Will the gentleman yield for a question?

Mr. HARDWICK. No; I have not the time now.

Mr. PRINCE. I will give you a minute of my time.

Mr. HARDWICK. Very well, if you will give me time. We have occupied more than a minute already. Make it five minutes.

Mr. PRINCE. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has four minutes.

Mr. PRINCE. Then I can not yield any more time.

Mr. HARDWICK. Now, my friends, as far as we are concerned on this side of the Chamber, thank God we have had no such bitter internecine war in our own ranks as our friends on the other side of the Chamber have had. Whether we nominate at Baltimore the distinguished Speaker of this House, who presides with ability and grace over its proceedings [applause], or whether we nominate that brilliant young leader from the State of Alabama, whose Democracy is true and tried [applause], or whether we nominate the great governor of Ohio, who has demonstrated his ability to win Democratic victories in Republican territory, or whether we nominate that gentleman who, in my judgment, would be the best leader of them all, the glorious governor of New Jersey, who has won splendid victories every time he went against a Republican, I believe I can see Democratic success in the skies in November. [Applause on the Democratic side.]

In conclusion, I wish to call attention to the following editorial from the New York World of Thursday, May 30, 1912. It is, in my judgment, a most brilliant as well as most accurate summary of the political situation:

"FOR PRESIDENT—WOODROW WILSON.

"Woodrow Wilson, of New Jersey, should be the Democratic candidate for President.

"That is the opinion of the World. That is the counsel of the New Jersey primaries. That is the logic of the situation.

"It is time for facts and not for theories. Judson Harmon might prove a strong candidate in New York and Ohio, but his nomination has been rendered impossible. CHAMP CLARK would be a hopelessly beaten candidate in New York, New Jersey, and Connecticut. He could do no better than Mr. Bryan, who has lost these States three times and would lose them again if nominated. OSCAR W. UNDERWOOD is of presidential size, but he has been untested as a candidate in the North and is an unknown quantity to most of the voters. Woodrow Wilson alone has a record of continuing victory in the section in which victory is essential to Democratic success.

"What other Democratic candidate could poll so many votes in the great debatable States of the East—New York, New Jersey, and Connecticut?

"What other Democratic candidate, who could carry these States, would be so strong in the great debatable States of the Middle West—Ohio and Indiana?

"What other Democratic candidate could make so powerful an appeal to hundreds of thousands of thoughtful independent voters without whose support no Democratic President can be elected?

"What other Democratic candidate could so well stem the rising tide of Rooseveltism, which now threatens to engulf representative government and republican institutions?

"What other Democratic candidate would so fully measure up to the ideals of the sane radicals and the sane conservatives upon whose joint action the result of the election will hinge?

"The World hitherto has withheld its active support from all candidates. It advocated an open convention at Baltimore and advised its Democratic friends to await the action of the Republicans at Chicago. The open convention is assured. The measure of all the candidates has been taken. The situation is clarified and further delay is unnecessary.

"Like a twentieth-century Genghis Khan, Theodore Roosevelt, with his horde of prairie Populists and Wall Street Socialists, is sweeping down upon the Republican National Convention. Mr. Taft seems as powerless to check him as the degenerate Romans were to check the descent of the Goths and the Vandals. The historic party of Lincoln and Seward and Chase and Sumner and Conkling and Chandler and Blaine and Garfield and Harrison and Sherman and McKinley is apparently in the death throes. This is the twilight of the gods, and the Democratic Party must rise not only to its opportunity but to its responsibility.

"How can it do its duty better than to match sanity against lunacy, statesmanship against demagogy, the historian against the Rough Rider, the educator of public opinion against the debaucher of public opinion, the first term against the third term, the tariff reformer against the standpatter, the man who would prosecute trust magnates against the man who protects trust magnates, the man with clean hands against the man who draws his campaign fund from Wall Street, the supporter of constitutional government against the champion of personal government, law against lawlessness, Americanism against Mexicanism, the Republic against the dictatorship?

"Who better represents these issues than Woodrow Wilson? Who is better qualified than Woodrow Wilson to appeal to the intelligence and common sense of the American people against the most cunning and adroit demagogue that modern civilization has produced since Napoleon III?

"Who would stand a better chance of election in this great national crisis?

"Let us look at the facts:

"It will require 266 electoral votes to elect a President. The so-called Southern States, including Maryland and Missouri, have 175 votes. Assuming that Arizona will go Democratic, too, practically any Democratic candidate for President can count on 178 electoral votes. But 88 more are necessary to victory. Where can these 88 be found?

"It is folly to look for them west of the Mississippi River. The West is in the midst of another revival of Populism. In Theodore Roosevelt it has found a new substitute for its gospel of free silver. He is the political reincarnation of James B. Weaver, Mary E. Lease, Jerry Simpson, and Peffer. He is the heaven-born ratio of 16 to 1 in a still more fascinating form. It is idle to think that any Democrat could appeal to the West against Roosevelt. It is idle to think that anybody who is not a far more masterful and dangerous demagogue than Roosevelt could command the support of the Populists who now call themselves Republican Progressives.

"The Democratic Party, if it is to win the election and safeguard American institutions, must unite the East and the South as Tilden did in 1876. The candidate must carry New York with its 45 electoral votes. He must carry New Jersey with its 14 electoral votes. He must carry Connecticut with its 7 electoral votes. To lose these States is to give Roosevelt a walkover. To win these States is to win not only 66 of the 88 electoral votes that are needed, but in all probability it is to win Ohio with 24 votes; it is to win Indiana with 15 votes, which is the historical political ally of New York and New Jersey; it is to give the Democratic Party an opportunity of victory in Massachusetts with its 18 votes, and to bring Delaware with its 3 votes back into the Democratic column. In other words, it is to elect a Democratic President of the United States.

"It is in the East that Democratic victory must be won. It is in the East that Rooseveltism must be overthrown. It is the East that must save the country from a third term and all it implies. For that reason the World regards Woodrow Wilson as the strongest candidate the Democratic Party can nominate.

"The New Jersey primaries were a vital test of his political strength, not only in New Jersey, but in New York. They proved that local opposition to him is largely a myth. Although the campaign against him was well organized and abundantly financed, it failed miserably. He swept the State, and the only four delegates he lost were lost through the personal efforts of James Smith, jr., a political boss whom Gov. Wilson kept out of the United States Senate. In a section of the country where Wall Street and the political bosses are most powerful, Gov. Wilson demonstrated that he has the confidence of the rank and file of the party, without which any man's candidacy is futile. He demonstrated as well that his political strength is the kind of strength that is essential to Democratic success in the vitally necessary States of New York, New Jersey, and Connecticut.

"So much for that.

"During Gov. Wilson's public career the World has been compelled to take issue with him on many questions. We regarded with grave misgivings his sudden conversion to the initiative and referendum, reversing the principles of a lifetime. We regretted his apparent disposition to imitate Mr. Bryan's sweeping charges against the so-called Money Trust without supporting these charges with facts and specifications. We regretted his long campaign tours, his too eager chase after the nomination, and certain symptoms of instability which threatened to weaken his public usefulness. We have not hesitated to warn him when we thought he was going astray, and shall not hesitate to do so again in the future.

"But Gov. Wilson's elements of weakness are vastly overbalanced by his elements of strength. He has proved his political courage and his fearlessness. He has proved himself sound on tariff reform. He has proved himself sound on the Sherman law. He has proved himself sound on corporation control. He has proved himself sound on trust prosecutions and personal guilt. He has proved himself sound against government by Wall Street plutocracy. He has proved himself sound on the independence of the judiciary. He has proved himself sound on the fundamental principles of constitutional government. He has proved that he is instinctively and temperamentally a Democrat. He has proved himself a free man who can not be bulldozed by bosses or influenced against his convictions even by his personal friends. That is the sort of man who ought to be President.

"Gov. Wilson has had more public experience than Grover Cleveland had when he was elected President. He is better known to the rank and file of the party than Samuel J. Tilden was when he was nominated for President. The World believes that he would be a progressive constitutional President whom the American people could trust and for whom they would never have cause to apologize.

"We appeal to all Democrats to consider this matter soberly and thoughtfully and without prejudice. We appeal to the delegates to the Democratic National Convention to be swayed by no considerations except those of principle and the public welfare. We appeal to Mr. Bryan to throw his great political influence upon the side of Gov. Wilson and aid the Democratic Party to meet adequately this great crisis in the Nation's history. He has the most brilliant opportunity for disinterested, patriotic leadership that has come to any American of this generation, and he has before him in Theodore Roosevelt a striking example of the meaning of ruthless and unyielding ambition.

"It is not in behalf of Woodrow Wilson that the World urges his nomination. It is not merely in behalf of the Democratic Party as a party. It is in behalf of the American people. It is in behalf of American institutions. It is in behalf of the Republic. It is in behalf of the Nation that is now confronted with the gravest menace that it has faced since the obliteration of human slavery and the overthrow of secession."

Mr. BORLAND. Mr. Chairman, in connection with this bill for the maintenance of the United States Military Academy at West Point it will be of interest to take a glimpse into the storied past of that institution. I have asked and obtained the unanimous consent of the House to submit herewith an address delivered June 16, 1848, in the chapel at West Point before the officers and cadets by Col. Alexander W. Doniphan, of Missouri. Col. Doniphan was a gallant soldier of great natural military genius. I feel sure that the friends and admirers of Col. Doniphan everywhere will be delighted to read this address. Col. Doniphan preserved no copy of the address at the time, and none was known to be in existence until a few weeks ago. Col. D. C. Allen, of Liberty, Mo., the friend and biographer of Col. Doniphan, noticed a copy advertised in the catalogue of a second-hand bookstore in Peekskill, N. Y., which he at once secured. It was published recently in the Liberty Tribune.

WEST POINT IN 1848.

[Address delivered to graduates of the United States Military Academy, West Point, N. Y., of the class of 1848, by Alexander William Doniphan (see extract at end of address), of Liberty, Clay County, Mo.]

"Proud old institution; the admiration of her friends, the reproach of her enemies. Here she stands, firm and unshaken as the granite heights by which she is surrounded—esto perpetua. The biography of her sons, whether the gallant survivors or the lamented dead, is her best eulogy."

THE ADDRESS.

"GENTLEMEN OF THE GRADUATING CLASS: By the kind partiality of my colleagues, I have been deputed to express the gratification which the Board of Visitors have received from witnessing your examination—not your examination alone, but that of all the classes. I regret that my duties as a member of the board and the large number of friends and visitors by whom I have been constantly surrounded preclude me from presenting you with an address worthy of your attention, instead of a mere infliction on your patience and a test of your politeness. You will, I trust, however, take the will for the deed; look to the feelings which prompt and not to the feebleness of the execution. You have now completed your collegiate course, and are now ready to enter upon the active duties of a profession that, if honorably and zealously pursued, rarely fails to lead to honorable distinction. You have been selected by your country as her peculiar children; you have been educated by her bounty for her interest and the advantage of your countrymen, and not for the mere purpose of bestowing upon you as individuals the blessings of this thorough course of scientific instruction. The country now looks to you with confidence to fulfill the high and ennobling purposes for which you have been educated. Yours is a profession of great labor, although it is a road to honorable distinction. Superiority and renown can only be obtained by industry. Your destiny is to a great extent in your own hands; you have mastered only the elements of your profession. It is true you have laid deep the foundation of scientific and military learning, and upon such a basis you can erect the most noble superstructure. You have yet much to learn of military history, of the composition of armies, of the strategy of war; to learn by what peculiar strokes of genius great victories have been won, or by what mistake or defect overwhelming numbers have been so often defeated. War was originally a mere means of satiating savage vengeance. Originating with barbarians, it partook of all the fierceness of its origin; but in the rapid march of improvement in government, in science, in morals and religion, it has become a science—a very complicated one, indeed; indeed, it is a combination of all the sciences. The proper officer is not only master of all the precise sciences—if I may use that term—from the first elements of plain arithmetic to the most sublime problems in astronomy, but his learning must be varied; indeed, almost infinite. There is scarcely a branch taught in the whole range of learning from the study of which he may not derive great advantage. He should have a correct knowledge of military, international, and, to some extent, of municipal laws. Indeed, he can not fail to find ample necessity for such knowledge at every step. He has not only to settle questions of moment of international law arising with neutral nations and with the citizens of neutral nations, in the preliminaries of treaties, in every armistice concluded, in every truce or capitulation, but a knowledge of diplomacy will also be found useful, if not indispensable. And the great general who plans campaigns should not be ignorant of political economy. He should fully understand the resources of his own and the enemy's country, the products and supplies, the points from which they must be obtained, as well as the means and cost of transportation. In addition to this ample store of useful knowledge—paradoxical as it may appear to the superficial observer—the useful officer should be indued with every Christian virtue; patient in suffering, whether from hunger, thirst, fatigue, scorching suns, piercing colds, drenching rains, or pestilential diseases; all must be borne, and not only borne without a murmur, but with such cheerfulness as to dispel all gloom from his companions and followers. He should be generous to the weak and humble, magnanimous to the fallen, obedient to superiors, forbearing to inferiors, exacting proper discipline without tyranny or oppression, alive to the best interests of his country, ever making his own interest only secondary, and indued with a philanthrophy that neither the carnage of the battle field nor the savage warfare of enemies shall steel to the cries of suffering humanity. Women and children, helpless infancy, and more helpless age can never appeal to an American officer in vain. Remember your country wars with nations, not with individuals; she never revenges national wrongs on private citizens.

"Do not deem it arrogant in me to tender some advice, rather personal than professional. In addition to all your attainments, do not neglect to adorn your minds with elegant accomplishments of polite literature. Nothing has a more chastening influence than classic learning, ancient and modern. These sublime productions of genius liberalize the mind, elevate the feelings, and give a proper direction to the ambition. They teach you to despise that low and groveling ambition or thirst of praise—the bane of the lower ranks of all professions—that seeks to detract from superiors, to decorate itself with stolen plumage. I would not have you unambitious, however. Virtuous ambition is ever to be cherished, and by none more than a soldier. It is the parent of noble deeds; it leads to fame and distinction by deeds, not by detraction; that ambition which is content with the achievement of great ends and modestly awaits its reward, not that morbid ambition that is accompanied to the field by a hired corps of letter writers and puffers to magnify small things into great ones. Never be guilty of the

ridiculous folly—as I know you never will— so happily ridiculed by Byron of blowing your own trumpet and finding a brazen one best suited to your taste, but rather cherish the sentiment of another distinguished poet—

"Oh, give me honest fame or give me none!

"But you will not all remain in the Army—a majority of you, perhaps, may; but the past history of the graduates, and my own observations, satisfy me that many of you will grow weary on our peace establishment, and having formed other and, I hope, happier connections in life than cold and gloomy old bachelorism affords, from interest, from conveniences, or from necessity some of you will retire from the Army. But your usefulness to your country need not be lost. The works projected by the General and State Governments, or by the enterprise of corporations and private individuals, afford an ample field for the scientific engineer; professorships in colleges—the learned professions—volunteer corps, scientific agriculture, and even the sacred desk, have heretofore received valuable accessions from the halls of West Point. A wide field of usefulness is spread before you in which your energies may be properly rewarded and your taste gratified. This institution is to the literary system of this country what the heart is to the human system. It receives the learning, the discoveries, and attainments of all nations through the veins, and having properly digested and improved upon them, sends them forth in healthful arterial streams to all the other institutions of our country. It thus elevates the standard of learning at home. Indeed, to use a homely figure, it is the great city clock by which all the smaller clocks and watches are regulated.

"But to say nothing more of the advantages afforded to literature in general by the lights of this institution, let us turn for a moment to that class who denominate themselves utilitarians, who reject or discard every discovery or improvement in science that does not have some direct and immediate connection with the thrift, the comfort, or convenience of men. What has enlightened science done, and what is she daily doing, to advance these ends? In our almost magic flight from one portion of our splendid country to another we scarce stop to reflect how much we are indebted to the midnight labor and vigils of some devotee of science. The rich products of our fertile soil find a distant market and a rapid and cheap means of transportation. Land has advanced, population has increased, commerce, wealth, and manufactures have doubled, cities, towns, and villages have sprung up as if by enchantment under the system of scientific improvement. We view these giant works with astonishment, we admit their utility, we praise the elegant execution of the work, but little of our admiration is ordinarily bestowed upon the labors of the scientific scholar who first discovered the application of propelling powers or made the scientific surveys and plans for their construction. A large majority of these works have been furnished with engineers for their surveys and construction from the halls of this national nursery. If this institution was deemed of great national importance by Washington, by whose favor and recommendation it was first established, of how much greater importance is it in this great age of wonders and inventions. We live in an astonishing age; we travel by steam and converse by lightning. How fortunate should we esteem ourselves that we are permitted to live in the middle of the nineteenth century. Future ages will be, doubtless, far more advanced, but no age will ever witness a more rapid progression; in none will discovery follow discovery in a more rapid and startling career. Wonderful epoch! A century is no longer a hundred years; a century of improvement is crowded into 10 years of time. Favored age! We hold up the mirror of science before us, and the whole stream of ancient and modern learning for 6,000 years is presented almost at a glance. Constantly startling discoveries in truth and science are bursting upon our vision, and we stretch the hand and almost lift the curtain that veils the rich storehouse of futurity. The question is no longer asked how much will yet be discovered. The question is not, Where will discoveries terminate? but the proper question is, Will they ever end? Will they not be coextensive with time? Will not the electric flash that sets the world on fire illume some new discovery as it springs from the great laboratory of the human mind?

"This is, indeed, the age of reason—the vast improvements in the art of printing and the rapidity of conveying intelligence have produced a wonderful revolution. Mind has triumphed over physical force; the world is now governed by intelligence; the impulse that agitates the great capital of Europe imparts its thrill instantaneously to all others; the sensation is simultaneous. The world is strangely and startlingly convulsed; thrones are crumbling; dynasties are tottering to their fall; the iron heel is robbed of the power of oppression. Who can tell, in this vast whirlpool of convulsed elements, what results may be produced? Who can tell, in its wild career, but its vortex, widening and deepening, may yet reach our shores? Who can tell when this threatening volcano may begin to spout forth its burning lava, or from what particular apex? This ignitable mass needs but the magic spark to again envelop the world in flames. How soon may some meteor—ah, more than meteor, some comet—come again, and again rise, which shall roll the lurid cloud of war over the fairest portions of Europe until the curtain may drop at some second Waterloo? We fondly hope that the murmurs of the threatening volcano may be stilled and the bright rainbow of peace may span the world. But one truth is clear—we can not hide it from ourselves—God has decreed that man shall be free; "the right divine" has heard its final knell. But whether this glorious consummation is to be attained by the slow and peaceful progression of learning, of civilization, and of Christianity, or the dread ordeal of war and violence, He has wisely concealed from man's feeble vision.

"But my feelings—perhaps my imagination—have borne me wide of the object which I set out to present to you—the excellence of West Point Academy. 'The best test of the value of any institution is to be estimated by its results.' The worth of this institution can best be seen by visiting it, and especially at an examination; becoming acquainted with its officers and professors; witnessing reviews, drills, parades, and military exercises; hearing the classes examined; scrutinizing the manner of imparting instruction; seeing the thoroughness of the course; the discipline, police, and administration; the urbanity of its officers and professors; their bright moral deportment and officer-like example. But without the advantages of a visit, the community may very properly estimate its usefulness by the history of its results and the war just happily closed. Individually, I have had some experience that enables me to judge of the efficiency of many of the officers graduated here. Being connected with the Army of the West, under the command of that gallant and accomplished soldier, Gen. Kearney, I had ample means of becoming acquainted with many officers who had received their military education here, not only of the Regular Army, but in the Volunteer Corps. Without a military education myself and without any actual experience in war, after our separation from Gen. Kearney we were thrown upon our own resources. It was a fearful responsibility and one that I would gladly have foregone; personal danger is a matter of little moment to a soldier; but the lives of a thousand men, young, brave, and generous, many of them the sons of my friends and neighbors; the honor of the corps, even the reputation of the State, was in some degree at stake. I have always deemed it very fortunate that we had been for three months with Gen. Kearney and his regulars. Our officers and men had been drilled by officers of the Regular Army before our departure from Fort Leavenworth; and like most other volunteer commands, we had some officers who had graduated and some who had been here for several years. To the training received from these sources I attribute much of the efficiency of the column. Some of our officers had been similarly drilled in Florida, rendering them more efficient. For myself, I most cheerfully acknowledge the great advantages I derived from the skill and attainments of those who had been more fortunate in their early military education. I feel gratified when I reflect that neither false pride nor a wanton recklessness of the lives of the soldiers prevented me from applying to officers of inferior ranks for such information as I needed; and I take pleasure in always sharing with them fully the meed of praise that the generous feelings of my countrymen have awarded to the expedition. My observation was not confined to my own column, nor to the Army of the West; but, returning home by Saltillo and Monterey, I had ample means of obtaining correct information of the services of every corps that had been engaged on Gen. Taylor's whole line. I have seen regiments and squadrons of Regular and Volunteer forces who had been successful above all praise. I saw others equally brave who had failed of gaining any reputation. I saw one regiment, equally brave, composed of as good material as any of the more fortunate, but fallen, dejected; the dark, black pall of mourning enveloped it, a drapery more melancholy, more somber than that worn by the gallant dead. And why were they dejected? Why had they fallen? Braver men never lived; more gallant spirits never rallied beneath the folds of their country's flag when the tocsin sounded to arms; but it was not commanded by Davis, McKee, Hardin, Marshall, Clay, or Fry—ah, it was not commanded at all. The names of the other regiments are inscribed high on the roll of fame in letters as bright and burning as Buena Vista itself. But this is lost, fallen forever, for the mere want of official fitness in a single

commander. Have you ever contemplated how wide such a misfortune extends? It is not confined to the wretched commander—I would to God it were; it is a pity that it is not. It extends to the gallant youths who with high hopes and beating hearts left their happy homes for the hardships and perils of war. It does not stop here. However unjustly, the State is in a degree identified with it. Ah, worst of all, it will be written in the history of our country. Nor is this all; it reaches the domestic hearth, and in its widening circle it includes the agony of fathers, the crushed and bleeding hearts of mothers. Scarce a regiment of Volunteers or Regulars has failed to sustain the honor of our country in this brilliant war—brilliant from its success and brilliant from the magnanimity and clemency with which it was prosecuted—and scarce a corps was without some officers, either graduated or partially educated here.

"But West Point needs no eulogy from me; her sons have pronounced her eulogy, not in words, but deeds. As long as the victories of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista are remembered, and the gallant officers who gained them, West Point will need no eulogy. Or let her worth be estimated by the results of the campaign into the valley of Mexico, from the first embarkation until the American flag floated from the capitol of the most ancient city of the Aztecs, exhibiting the eagle without its serpent and the cactus, exchanged for the arrows and the olive branch; a campaign that will proudly compare with the best campaigns of Marlborough, Frederick, or Napoleon. While Vera Cruz, Cerro Gordo, Contreras, Churubusco, Molino del Rey, and Chapultepec are recorded in American history she will need no eulogy. It has fought itself into favor; it challenges the admiration of nations abroad; it has put down opposition at home. Even the heartless demagogue has grown ashamed of his opposition and ceased his querulous croakings. Proud old institution; the admiration of her friends the reproach of her enemies. Here she stands, firm and unshaken as the granite heights by which she is surrounded—esto perpetua. The biography of her sons, whether the gallant survivors or the lamented dead, is her best eulogy. Young gentlemen, I point you to that study; emulate them, follow their bright example. Living, you will be respected; and should you unfortunately fall, the tears of the sorrowing patriotism will oft bedew your memory.

"In conclusion, for myself and on behalf of the board I take this opportunity of expressing our admiration of the entire management of the institution, and to return our thanks for the polite attention of the officers, professors, and cadets during our visit."

THE MEXICAN WAR.

COL. ALEXANDER W. DONIPHAN AND THE FIRST MISSOURI MOUNTED VOLUNTEERS.

[Extract from Col. Switzler's History of Missouri, pp. 260, 261, and 262.]

About the middle of May, 1846, Gov. Edwards, of Missouri, called for volunteers to join the "Army of the West"—an expedition to Santa Fe—under command of Gen. Stephen W. Kearney. Corps of mounted volunteers were speedily organized, and early in June began to arrive at Fort Leavenworth, the appointed rendezvous. By the 18th of the month the full complement of companies to compose the First Regiment having arrived from the counties of Jackson, Lafayette, Clay, Saline, Franklin, Cole, Howard, and Callaway, an election was held, which resulted in the choice of Alexander W. Doniphan, colonel; C. F. Ruff, lieutenant colonel; and William Glipin, major.

* * * We can not follow this command through the great solitudes between Fort Leavenworth and Santa Fe, which place it reached on August 18, nor its heroic and successful descent upon Chihuahua under the command of Col. Doniphan, Gen. Kearney having left for the Pacific coast. Suffice to say that the Battles of Brazito and Sacramento will ever be remembered in history for the valor displayed by the Army of the West from Missouri.

The Battle of Brazito, or "Little Arm" of the Rio Del Norte, December 25, 1846, on a level prairie bordering on that stream, was very disastrous to the Mexicans. Col. Doniphan commanded the Missouri troops in person, numbering only about 800 men. The Mexicans, under Gen. Ponce de Leon, mustered cavalry and artillery, 1,100 strong. The Mexicans were defeated with a loss of 61 killed—among them was their general—5 prisoners, and 150 wounded. The Americans had 8 wounded and none killed. Two days after the Battle of Brazito, December 27, 1846, the United States forces, under command of Col. Doniphan, took possession of El Paso, in the department of Chihuahua.

On the 28th of February, 1847, Col. Doniphan, with 924 men and 10 pieces of artillery, fought and vanquished in the pass of Sacramento 4,000 Mexicans under Maj. Gen. Jose A. Heredia, aided by Gen. Garcia Conde, former Minister of War in Mexico. The battle lasted more than three hours, resulting in a Mexican loss of 304 men killed, 40 prisoners (among them was Brig. Gen. Culin), and about 500 wounded. Also 10 pieces of artillery, $6,000 in specie, 50,000 head of sheep, 1,500 head of cattle, 100 mules, 20 wagons, etc. The American loss was 1 killed—Maj. Samuel C. Owens, of Independence—and 11 wounded, among the latter severely, J. S. Fleming, of Columbia.

Col. Doniphan did not, like Hannibal, after the Battle of Cannæ, loiter on the plains of Italy when he might have entered Rome in triumph, but immediately followed up his success. Therefore, early on the next morning, March 1, 1847, he dispatched Lieut. Col. D. D. Mitchell with 150 men, under Capts. Weightman and Reid, and a section of artillery, to take formal possession of the city of Chihuahua, the capital, and occupy it in the name of the Government. On the approach of this force the Mexicans fled from the city, leaving it undefended, and Col. Mitchell entered it without the slightest resistance. On the morning of the next day Col. Doniphan, with all his military trains, the merchant caravan, and colors gally glittering in the breeze, triumphantly entered the city to the tunes of "Yankee Doodle" and "Hail Columbia" and fired in the public square a national salute of 28 guns.

Mr. PRINCE. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, at the last election held in the State of Missouri, in November, 1910, the gentleman who was chairman of the Democratic State committee of Missouri and who lived in Kansas City, made the charge that in St. Louis there had been fraudulent votes and false registration of negro voters. At the election there were candidates for judge of the supreme court. The returns showed that the Republican candidates had been elected. The chairman of the Democratic State committee caused contests to be instituted against the successful Republican candidates. The majority of the supreme court of Missouri, which had charge of these contests, were Democratic judges. They appointed a distinguished Democrat from St. Joseph, Mo., Judge Culver, as a commissioner to take testimony upon the charges made that there had been fraudulent voting and the fraudulent registration of negro voters in St. Louis.

For a year and a half he had been taking testimony without any objection, with every facility open to him, with the poll books and votes cast in St. Louis thrown open to him, and here two weeks or so ago he made his report to the supreme court that he had not found a single fraudulent negro vote in St. Louis. [Applause on the Republican side.]

Mr. BOOHER. The gentleman does not pretend to say that that is the report of Judge Culver?

Mr. DYER. Yes; that is the substance of his report, that there was not a single fraudulent vote cast in St. Louis.

Mr. BOOHER. Oh, the gentleman has not read it.

Mr. DYER. The gentleman from Missouri himself can not state with any show of fact or any proof that there was a fraudulent vote. It is an easy charge to make that there were fraudulent votes, but with the record open, with the poll book open, with every facility given them by a Democratic supreme court, with full opportunity to count and inspect the ballots, they have not found a single fraudulent vote, and it is now an inopportune time for the gentleman from Missouri, my colleague, to make such a statement.

Mr. BOOHER. Will the gentleman yield?

Mr. DYER. Yes.

Mr. BOOHER. Did not the Republican election board of the city of St. Louis strike the names of 16,000 registered negroes off the list in January, after the election in November?

Mr. DYER. That may be; I do not know, but it has nothing to do with the fraudulent voting. [Laughter and applause on the Democratic side.] Mr. Chairman, in the city of St. Louis, like every other great city, there is a registration system, and every man must register and be on the books before he can vote. After the election is over and the next registration comes around the board of registration naturally strikes men's names from the books who have moved away, and this has been done after every election. It has been done years before, and it has been done ever since that policy prevailed and the law enforced. But, as I was saying to my colleague, for whom I have the greatest regard, he would not make a statement of that kind unless it was in the heat of passion, because he knows that there are no facts to substantiate it; he knows that the whole election of St. Louis has been investigated from every angle; that members of the State legislature contested the ballots and carried it to a Democratic legislature of Missouri, and they would not seat the Democratic contestants. The Republicans stayed there. They carried it to Congress, and they have not found a single fraudulent vote that they can point to in a contest that they brought to the House. They can not do it; and I think the gentleman ought not to make a statement of that kind, casting aspersions on the electorate of that great city without some proof; that he has not got and can not give. [Applause on the Republican side.]

Mr. HAY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 17 minutes.

Mr. HAY. I yield 10 minutes to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Chairman, I should not have entered this discussion if it had not been for the rank statement by my friend from Missouri [Mr. DYER], in reply to a question from the gentleman from Georgia [Mr. HARDWICK], that Missouri would certainly be found in the Republican column at the next election. Missouri two years ago gave an apparent Republican majority on the face of the returns for the candidates for State offices of about 3,000 on an average. I want to call the gentleman's attention to the fact that after the election was over two years

ago in November, a special election was held in the city of St. Louis—my recollection is it was the 16th of January, but I may not be correct as to the date—and under the laws of the State of Missouri the registration board of that city had to revise the registration lists for that special election. The election board of St. Louis is composed of two Republicans and one Democrat. When that list was revised in the city of St. Louis within two months after the election in November the names of 16,000 negroes were stricken from it. Six thousand names were stricken from the list in the gentleman's own district.

Mr. DYER. Will the gentleman yield?

Mr. BOOHER. No; not now. And the residence of these negro voters could not be found in the city of St. Louis by the men upon that Republican election board who investigated to find out where they went. Altogether on the revision of that registration list the names of 16,000 negro voters in the city of St. Louis were stricken from the list inside of two months from the election in November.

Mr. DYER. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. DYER. Can the gentleman tell the House that there was a single fraudulent vote cast in that election, or can he give the name or address of a single fraudulent voter?

Mr. BOOHER. I have said that there were 6,000 names stricken from the list in the gentleman's own district within two months after the election.

Mr. DYER. Oh, that is something the gentleman read in the newspapers.

Mr. BOOHER. Does the gentleman from Missouri say that 6,000 names were not stricken from the list in the district he represents?

Mr. DYER. The names of men are stricken from the list after any election. They do not vote in that election, but there was not a single fraudulent vote cast.

Mr. BOOHER. I say it is not only prima facie evidence of fraud, but evidence strong enough to convince any reasonable man that where in a city you strike 16,000 names from a registration list within two months after an election, that a large number were fraudulent names, and that fraudulent votes were cast.

Mr. DYER. I will ask the gentleman if Judge Culver is from his city?

Mr. BOOHER. This is not to come out of my time?

Mr. DYER. No; he does not live there. He is like the gentleman from Kansas City—making charges where he does not know the facts.

Mr. BOOHER. Mr. Chairman, I wish the gentleman would keep quiet.

Mr. DYER. Will the gentleman permit me to ask him a question?

Mr. BOOHER. Not now. Every other county in the State of Missouri at that election, save one, and every other city in the State of Missouri at that election, showed large Democratic gains over the vote cast before, but when it came to the city of St. Louis, from a majority of 13,000 two years before it rose to the magnificent majority of 25,000. Where were your 16,000 votes that were stricken from your registration list? They voted the Republican ticket. [Applause on the Democratic side.]

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. BOOHER. No.

Mr. DYER. The gentleman makes a misstatement there about the election returns two years ago.

Mr. BOOHER. I can not yield to the gentleman. I do not know what Judge Culver's report was. For him I have the highest regard. There is no man who stands higher as a man and lawyer in the State of Missouri than R. E. Culver, and he has never reported to the supreme court or anybody else that there were no fraudulent votes cast in the State of Missouri. That is not his report. The gentleman has not read it.

Mr. DYER. I have.

Mr. BOOHER. Or he would not stand here and make these statements.

Mr. DYER. I will ask the gentleman——

Mr. HARDWICK. Mr. Chairman, I rise to a point of order. The gentleman from Missouri [Mr. DYER] must first address the Chair.

Mr. SLAYDEN. Mr. Chairman, it makes no difference which gentleman from Missouri makes a speech, but I do insist that the rules be complied with. The gentleman from Missouri [Mr. DYER] should first address the Chair if he wishes to interrupt his colleague.

Mr. DYER. Mr. Chairman, I will ask the gentleman to yield.

Mr. BOOHER. Mr. Chairman, I can not yield. I have been interrupted and I have no time left. I say again, and I weigh my words when I say them, that when within less than two months from an election you strike from the registration list of any city the names of 16,000 voters, and this is done by the party in power, which happened to be my friend's party, that it is not only presumptive, but convincing evidence that there were fraudulent votes cast in the city of St. Louis in that election. [Applause on the Democratic side.] When the gentleman admits that 6,000 names were stricken from the list in his district——

Mr. DYER. Mr. Chairman, the gentleman ought not to misquote me.

Mr. BOOHER. But the gentleman has not denied it.

The CHAIRMAN. The gentleman has declined to yield.

Mr. DYER. Mr. Chairman, I appreciate that, but I desire to ask him a question.

Mr. BOOHER. Well, ask your question and be through with it.

Mr. DYER. I want to ask the gentleman if he can say that I made any such statement? I did not.

Mr. BOOHER. Does the gentleman say there were not 16,000 names stricken from the registration books, as I have stated?

Mr. DYER. I will not deny that there were names stricken out after that election, as after every other election, and the gentleman, my colleague, will not deny that there were no fraudulent votes cast.

Mr. BOOHER. The gentleman will not deny that in his own district there were 6,000 names stricken from the poll list.

Mr. DYER. I do deny it. The gentleman has not proved it.

Mr. BOOHER. He will not deny there were 16,000 names stricken from the poll list in St. Louis, and he will not deny they could not be traced.

Mr. DYER. I do deny that; and I will leave it to Judge Culver.

The CHAIRMAN. The gentleman from Missouri [Mr. DYER] will take his seat.

Mr. DYER. Mr. Chairman, I ask the gentleman to yield for a question.

Mr. BOOHER. No; not any more.

The CHAIRMAN. The gentleman declines to yield.

Mr. BOOHER. Mr. Chairman, it is unfortunate that these things are true. I regret it as much as anybody; but when you take into consideration that in every other city in that State, in every other county save one in that State, there were large Democratic gains over the vote two years before, and in St. Louis a majority of 13,000 was run up suddenly into a majority of 25,000, there can be no question in the mind of anybody that that majority can be traced to its source when we take into consideration the further fact that 16,000 names were stricken from the registration list. They could not be traced, they could not be found, they did not reside in the city of St. Louis. What became of them?

Mr. MARTIN of South Dakota. May I ask the gentleman were the names stricken off before or after the election?

Mr. BOOHER. They were stricken off after the election in November and before the 16th of the following January, as I understand.

Mr. HARDWICK. After they had voted.

Mr. BOOHER. Yes; after they had voted in November the 16,000 names were stricken from the list.

Mr. DYER. Will the gentleman yield?

Mr. BOOHER. No. I am not going to engage in this controversy about who is going to be nominated at Chicago. I do not care who is nominated there. The American people will see to it that whoever is nominated will be retired to private life after the votes are counted in November. [Applause on the Democratic side.] Think of the great party spoken of by my friend from Illinois. He says he did not vote for reciprocity and stands up and says he is going to make a campaign among the American farmers against reciprocity. Will you nominate President Taft because he is the great bulwark of reciprocity? Will you nominate Mr. Roosevelt because he is for free trade with Canada and not reciprocity? In his letter that has been published he said that he was for free trade with Canada. That is his position when he wrote to the President when he requested his assistance. But he has seen the light. Did he see something? He must have some other ground to stand on, and he says now, "Just as soon as I found out it would be a great disadvantage to the American farmer I changed my mind, and I am not for reciprocity now"; but he fails to state when he saw the light. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DYER. Mr. Chairman, I understand that all debate is now closed, but I ask unanimous consent for the purpose of extending my remarks to include——

The CHAIRMAN. The Chair will inform the gentleman that all time has not expired. The gentleman from Virginia has seven minutes remaining.

Mr. HAY. Mr. Chairman, as no one desires to use any time on this side, I will ask the Clerk to read the bill.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks by including the report of the distinguished Democratic commissioner, Judge Culver, of St. Joseph, upon the question of whether or not there was a single fraudulent vote given in the city of St. Louis at the last election.

Mr. BOEHNE. I shall object to the gentleman putting any portion of Judge Culver's report in the RECORD, but if he proposes to put the whole of it in——

Mr. DYER. I ask unanimous consent to include the whole of the report if the gentleman can get any satisfaction out of that.

Mr. BOOHER. If I understand the gentleman is to put in the whole report, I will not object.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he be permitted to extend his remarks to include the whole of this report to which he has referred.

Mr. BOEHNE. Is that the only document the gentleman wishes to put in?

Mr. BOOHER. Well, any other official document the gentleman has——

Mr. BOEHNE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk read as follows:

For pay of nine assistant professors (captains), in addition to pay as first lieutenants, $3,600.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 17, page 2, strike out the word "nine" and insert "ten"; in lines 18 and 19 strike out the words "thirty-six hundred" and insert the words "four thousand"; and at the end of the word "dollars," in line 19, page 2, add this proviso: "*Provided*, That hereafter the departments of English and history be authorized two assistant professors, one for English and one for history," so that it will read: "For pay of 10 assistant professors (captains), in addition to pay as first lieutenants, $4,000: *Provided*, That hereafter the department of history and English be authorized two assistant professors, one for English and one for history."

Mr. HAY. Mr. Chairman, I reserve the point of order. I have no objection to the amendment, provided the gentleman will strike out the proviso.

Mr. KAHN. The proviso was asked by the superintendent of the academy——

Mr. HAY. I understand that.

Mr. KAHN. On the ground that they require an additional assistant professor in the departments of English and history just as much as they require one in the departments of Spanish and French.

Mr. HAY. The amendment without the proviso will care for them for one year, and I would prefer that to be done. Now, if the gentleman will insist upon the proviso I shall be compelled to make the point of order; otherwise I will not.

Mr. KAHN. I will ask that the proviso be stricken out.

Mr. HAY. All right. I have no objection to the amendment, then.

Mr. BUTLER. Mr. Chairman, reserving the point of order, this is an increase of salary?

Mr. HAY. No; it is no increase of salary, but it is an increase of one instructor in English.

Mr. KAHN. One assistant professor in English.

Mr. BUTLER. I thought that the amendment——

Mr. HAY. That carries with it the increase of $400 which each one of these instructors receive, so that when you increase the number of instructors you increase the appropriation to the extent of $400, which is added to the man's salary.

Mr. KAHN. They have 9 assistant professors and they want 10.

Mr. BUTLER. How does that compare with the salary at Annapolis? Is it the same?

Mr. KAHN. I do not know.

Mr. HAY. I imagine the salaries at West Point are more than at the Naval Academy. They generally are.

Mr. BUTLER. I do not object, but I presume we will be asked to increase the salary at Annapolis.

The CHAIRMAN. The question is on the amendment as modified.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the amendment be reported as modified.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 17, page 2, strike out the word "nine" and insert "ten."
In lines 18 and 19, strike out "three thousand six hundred" and insert "four thousand."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For extra pay of one enlisted man employed as janitor and substitute teacher in the children's school, at 50 cents per day (submitted), $156.50.

Mr. HAY. Mr. Chairman, I ask unanimous consent to return to line 12, on page 11, for the purpose of striking out the word "submitted," which ought not to be there.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to return to line 12, page 11, in order to strike out the word "submitted." The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, line 12, by striking out the word "submitted," in parentheses.

Mr. BUTLER. Mr. Chairman, will the gentleman from Virginia [Mr. HAY] answer a question?

Mr. HAY. I will.

Mr. BUTLER. It says:

For extra pay of one enlisted man employed as janitor and substitute teacher in the children's school.

Will the gentleman please inform me what school that is?

Mr. HAY. That is the school established at West Point some three or four years ago, against my protest, I may say, and it is generally known as "Capt. Bradley's School."

Mr. BUTLER. I would not know it any better by that, I will say to my friend.

Mr. HAY. But it is a school for the children at that post.

Mr. BUTLER. The children of officers?

Mr. HAY. Of officers and men.

Mr. BUTLER. Children of officers and enlisted men?

Mr. HAY. Yes; and of employees at that post.

Mr. BUTLER. It is very singular to have a school at an Army post.

Mr. HAY. It is very unusual.

Mr. BUTLER. Is this school maintained at the expense of the Government?

Mr. HAY. Yes.

Mr. BUTLER. And maintained by this bill?

Mr. HAY. Yes.

Mr. BUTLER. We are learning something every day.

Mr. SLAYDEN. Might I interrupt the gentleman for a moment to say that if he will look at the RECORD he will doubtless find that he voted for that school.

Mr. BUTLER. I do a great many bad things——

Mr. SLAYDEN. I protested against the establishment of the school. I did not think it should have been done, but it was done.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Military Academy annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately as the said committees may elect during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board and their actual expenses of travel by the shortest mail routes: *Provided further*, That so much of sections 1327, 1328, and 1329, Revised Statutes of the United States, as is inconsistent with the provisions of this act is hereby repealed.

Mr. PRINCE. Mr. Chairman, I offer an amendment on page 17, line 5, to strike out the words "or times," so that it will read:

Annually at such time as the chairman of said committee——

Mr. SLAYDEN. I am assured by the chairman of the committee that he is willing to accept that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 5, strike out the words "or times."

Mr. BUTLER. Mr. Chairman, I would like to ask the purpose of changing the law. I will not make a point of order, but why do you change it?

Mr. PRINCE. We call for a vote on the amendment, and then will take that up.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SLAYDEN. Mr. Chairman, I also offer an amendment in line 13, after the word "board," to make it in perfect harmony with the amendment adopted on the naval appropriation bill, so that it will read:

The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, not to exceed $5 a day.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 17, line 13, by inserting, after the word "board," the words "not to exceed $5 per day."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. BUTLER. This corresponds, I understand, very largely, in its effect, with the amendment made to the naval appropriation bill?

Mr. SLAYDEN. Absolutely.

The Clerk read as follows:

For the purchase of surveying instruments, $1,000: *Provided*, That this appropriation shall be immediately available: *And provided further*, That when any instrument, apparatus, implements, or materials which have been heretofore or may hereafter be purchased or acquired for the use of any department of instruction or for the maintenance and operation of the waterworks are no longer needed or are no longer serviceable they may be sold in such manner as the superintendent may direct and the proceeds credited to the appropriation for the department or the waterworks for which they were purchased or acquired.

Mr. BUTLER. Mr. Chairman, will the gentleman from Virginia please tell me what is the necessity for making this appropriation immediately available?

Mr. HAY. To which appropriation does the gentleman refer?

Mr. BUTLER. For the purchase of surveying instruments.

Mr. HAY. The necessity for making the appropriation immediately available for instruments of this kind, when, I suppose, they have had thousands of dollars' worth of such instruments heretofore.

Mr. HAY. I understand the superintendent would not have insisted unless they were needed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For full settlement of the claim of John G. Pavek for use and occupation of his property by the United States from May 20, 1908, to March 31, 1909, $800.

Mr. BUTLER. Mr. Chairman, I move to strike out the last word. Will the chairman of the Committee on Military Affairs tell me what necessity there was of occupying the property of John G. Pavek? It seems to me that is a curious proposition.

Mr. HAY. The property was condemned. The gentleman from New York [Mr. BRADLEY] can give the particulars about that.

Mr. BUTLER. It has been suggested by a gentleman on this side that the discussion should not be started.

Mr. HAY. It is entirely proper. I will make a statement concerning it if the gentleman desires.

Mr. BUTLER. Never mind. I withdraw my pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No pay shall be withheld from Lieut. Col. J. M. Carson, jr., Deputy Quartermaster General, United States Army, because of the payment by him in May, 1909, when major and quartermaster, United States Army, for eight horses or polo ponies purchased pursuant to instructions from the Secretary of War for use in the instruction of cadets at the United States Military Academy.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word.

Mr. BUTLER rose.

Mr. HAY. Does the gentleman from Pennsylvania desire to be heard?

Mr. BUTLER. The gentleman from Oklahoma, I understand, was going to speak of that.

Mr. HAY. I will ask unanimous consent that the gentleman from Oklahoma be allowed 25 minutes.

Mr. BUTLER. Does the gentleman propose to speak about this provision of the bill that no pay shall be withheld from Lieut. Col. Carson, jr., because of a mistake made by him? Was the mistake made by him?

Mr. HAY. The Comptroller of the Treasury ruled that under the law the quartermaster could not pay for these polo ponies. He purchased the polo ponies under instructions from the Secretary of War, and his pay has been stopped to that extent.

Mr. BUTLER. A polo pony is no part of the military establishment?

Mr. HAY. No; but for the instruction of cadets——

Mr. BUTLER. In the game of polo?

Mr. HAY. No; in the game of riding. In teaching them how to ride it is necessary for them to have polo ponies or horses of that description.

Mr. BUTLER. I guess they would have fared better with the item if they had not called them "polo ponies."

Mr. HAY. They are called "polo ponies" in the Army appropriation bill, and for that reason the language in this item had to conform with the language in the Army appropriation bill.

Now, Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may have 25 minutes in which to address the committee on any subject he may desire. I may say that I intended to turn over that time to the gentleman, but he was out of the hall at the time this debate began, engaged in the business of the House, and was unable to get here. I trust there may be no objection.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may be allowed 25 minutes in which to address the committee.

Mr. GOOD. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman on what subject the gentleman from Oklahoma proposes to enlighten the House?

Mr. HAY. I do not know upon what subject, but I will say to the gentleman from Iowa that the gentleman from Oklahoma asked me to give him the time on this bill, and I obtained half an hour for the purpose of yielding it to him. But when the House met he was in a conference committee, and therefore was unable to get here, and for that reason I do not know what the gentleman is going to talk about. I have no idea.

Mr. GOOD. Is it the purpose of the gentleman from Virginia to ask leave to extend remarks in the RECORD for all the Members who speak on this bill, so that they may print remarks on any subject?

Mr. HAY. Not at all. I have no objection to anybody extending remarks, if he desires to do so.

Mr. BUTLER. I have no disposition to object——

Mr. GOOD. Will the gentleman modify his request so that the gentleman from Illinois [Mr. PRINCE] may also have 25 minutes, if he desires to use it, to yield to some one on this side of the House?

Mr. HAY. Yes; I think that is fair.

Mr. PRINCE. I was going to make the same request myself.

Mr. BUTLER. I have no objection.

Mr. HAY. I ask unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] may have 25 minutes and the gentleman from Illinois [Mr. PRINCE] 25 minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the gentleman from Oklahoma [Mr. FERRIS] have 25 minutes and the gentleman from Illinois [Mr. PRINCE] 25 minutes to address the House on any subject. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman and gentlemen of the Sixty-second Congress, certain standpat reactionary newspapers of the country and certain Republican statesmen both in and out of Congress have begun their usual attack on the Democratic legislation enacted for the people. They are beginning to utter weird and denunciatory statements that the Democratic House is playing politics and not acting in good faith with the American people. They follow this with the sanguine statement that the Senate surely will not feel called upon to take any action on the Democratic bills, and if they were so imprudent as to consider them and pass them, surely the Republican President would veto them.

If the conditions in the country were ordinary or the spectacle a different one, I would not trespass upon the time of the House to answer these charges, but the statements made by them are not without purpose and, if unanswered, I fear will not be without effect.

Let us examine the bills passed by a Democratic House during the first year of their return to power and see if they are

tinged with politics, bad faith, broken promises, or of blasted hopes. Again, let us observe and see if they are not first in strict accord with our pledges to the people; second, in strict accord with our platform pledges; third, in strict accord with the wishes and desires of the bulk of the American people and for their best interests as well.

Let us observe if the bills the Democratic House has passed should be vetoed by a Republican President. Let us see if they are bills that should be smothered by a legislative body at the other end of the Capitol, whose political faith is other than our own.

On these propositions I join issue with them squarely and assert that our bills are good bills and that the Democratic House has kept the everlasting faith. [Applause.]

ELECTION OF SENATORS BY DIRECT VOTE.

House joint resolution No. 39, providing for election of Senators by direct vote, passed the Democratic House on April 22, 1911. (See CONGRESSIONAL RECORD, 1st sess. 62d Cong., p. 243.) The vote stood 295 for, 17 against. Sixteen of the seventeen voting "no" were Republicans, one was a Democrat.

The passage of this resolution so promptly after being returned to power is simply a case of doing in office what we have all promised we would do while trying to get office.

The passage of this resolution in office is simply permitting the people to do well for themselves what has too often been done poorly for them by the legislatures of the country. It is simply permitting the people to do well openly and aboveboard for themselves what legislatures have too often been doing poorly and clandestinely for them.

This legislation has been an issue in every campaign since I was born. Few men have ever dared or cared to oppose it out of office, but too many by far have always opposed it in one form and another in office.

If this resolution had been the law of the land two years ago Illinois would not to-day be blushing for shame behind WILLIAM LORIMER, who is now on trial for the seat the people did not give. If this legislation had then been the law, WILLIAM LORIMER would not be writhing in pain amidst blighted hopes and a blasted name. If this legislation had then been enacted and the law, the Senate would not to-day be under a cloud of distrust and the comment of the street. If this had then been the law, certain Senators would not from warmth of heart and hope of innocence for LORIMER have made their return impossible by voting in that trial as they had hoped. If this legislation had then been the law, the Senate could take up the business of the country and not spend so much time in the trial and expulsion of their Members.

Surely this can not be the legislation of which our opponents complain. Surely we did not divorce the affections of the American people in returning to them this power that should have never been taken from them at the beginning. Surely it is not criminal to trust the people who trusted us to be their representatives. Surely the voices of our opponents will not reach a welcome ear when the legislation is but our solemn promise to the people for all these years. Surely confidence and esteem will not be aborted by doing what we promised and what the people desired.

Surely the people will approve our early action. Surely the people will deplore your refusal to act. We did in one year what you steadfastly refused to do during your long lease of power. I think it safe to rest our cause on this legislation with the people.

CAMPAIGN PUBLICITY SO THE PEOPLE MAY KNOW.

On the 14th day of April, 1911, the Democratic House said by the passage of a bill requiring publicity of campaign expenses the people shall know who puts up the money to elect men to Congress. The vote appears on page 268 of the RECORD, first session Sixty-second Congress, and it shows the vote to be 307 for the bill and no one against the bill.

On the 20th day of April, 1912, the Democratic House passed by a unanimous vote a bill requiring candidates for the Presidency to make known their contributors and to file a full and complete statement therefor. This bill again takes the people into our confidence. Again the Democratic House during its first year of power does for the people what the Republican Party has steadfastly refused to do for the past 16 years, though in full control of the Government at both ends of the Capitol and in the White House.

Can such bills as these be lacking in good faith? Can the passage of such wholesome bills for the good of all of us be playing politics? Is this one of the bills which are, by our opponents, denominated political bills? Is this one of the bills that our opponents are telling the country are poorly digested and unworthy? Is there any reason why the people should not know? Is there any reason why the light should not be thrown on the matter, so that all might read, know, and understand? Is this a bill that we are ashamed of, when no man on either side of the House had the courage, or even the desire, so far as the record goes, to vote against it? Is it possible that every Republican and every Democrat in the House would vote for a bill without any merit? Is it possible that a bill with such a wholesome purpose is not for the interests of the people who sent us here?

Who is there here who will set out in terms plain that he is now against this bill?

I assert this bill is in the interest of the people who sent us here and that the men and parties that oppose it are opposing legislation that the people want and would be wholesome for them to have. If it is a bad bill, why did not you oppose it when the bill passed the House unanimously on April 20 of this year?

FARMERS' FREE LIST.

This bill passed the House on the 8th day of May, 1911, by a majority of 127. Democrats voting for, 209; and no Democrat against. Republicans for, 27; and 109 against. Your Republican President vetoed this bill on the 18th day of August, 1911. The Democratic House passed it a second time, this session. Are you going to veto it again?

This bill removes all burdensome taxes from the tools the farmer uses to feed the world. This bill removes the taxes from the lumber from which homes are built. This bill removes the burdensome tax from the shoes we wear on our feet. This bill removes the taxes from all the vehicles and implements that are so necessary. This bill is a curbing of the Harvester Trust. I ask, Is this one of the bills on which we were playing politics?

Is this one of the bills that forever renders us unworthy? With the increased cost of living and the manifest clamor for the bright lights of the crowded city, is this such a bill as will ruin and destroy the confidence of the American people in the Democratic Party? Is this emphatic and well-digested stroke at the Harvester Trust, which is, perhaps, the most vicious of them all, to be our complete undoing? Is this the bill they refer to when they say we are weird, fantastic, and political prank players, not acting in good faith?

Is this bill that will help to repopulate the American farm and clean the fence rows of the weeds of desolation and neglect to be the crime of politics for which we must suffer everlasting defeat? Is this the bill that was vetoed by President Taft on the 18th day of August, 1911, for which he is now being stoned and destroyed from one end of this country to the other? He acted on stand-pat, safe and sane Republican advice then, and look at his almost pitiable plight of this day. A man who can not carry his own State for a return term against a man who is breaking all rules of precedent in seeking a third term.

STATEHOOD FOR THE TWO NEW STATES.

This bill admitting fair Arizona and New Mexico into the Union passed the House August 17, 1911. They admitted two bright new States into the Union that should have been admitted long ago. Is this one of the bills that renders us political pirates? Is this one of the bills that proves our disloyalty to the people? Is the passage of a bill in office precisely as we promised in the platform and out of office, is that such a crime as will accomplish our formal farewell to even a hope of success? Is this such a step as will forever demonstrate our complete unworthiness? Who is there here to-day who is ashamed of fair Arizona and New Mexico? Who is there here who are not proud of them and their membership in this House? [Applause.]

INCOME TAX.

This bill passed the Democratic House March 19, 1912, by a majority of 212. Democrats for, 174; against, 6. Republicans for, 24; against, 97. This merely subjects the income of the rich to taxation, so that they will bear the expenses of government in proportion to the benefits derived from government. It is an expensive element of government to protect the millions of the rich, and each citizen should undoubtedly contribute to his protection in proportion to the benefits he enjoys. Can this legislation or the application of such a wholesome rule be the treason that will be our undoing? Can the passage of this bill, which is craved by the great bulk of our people everywhere, can this be the rock on which we must strand? Can this be the bill that will amount to a complete displacement of the affections of the people? Can this be the bill that renders the people of this country sorry that they placed us in power? Is this the legislation that is undigested, unworthy, and enacted in bad faith? Is this the bill on which we were playing politics and tampering with the people's confidence and esteem? I do not believe the charges true. I do not believe the American people will accept them either as true or sincere. I assert that this House has kept the everlasting faith since it came into power. I assert that it will keep it while intrusted with the people's tasks. [Applause.]

THE COTTON SCHEDULE SHOULD NOT HAVE BEEN VETOED.

This bill reducing the tariff taxes on cotton and cotton cloth passed the House on the 3d day of August, 1911. Democrats for the bill, 172; Democrats against the bill, none; Republicans for the bill, 30; against the bill, 90. The bill passed by a majority of 112. This bill was vetoed by President Taft on the 22d day of August, 1911. (See CONGRESSIONAL RECORD of Aug. 3, 1911, 1st sess. 62d Cong.)

Why will the President veto bills so universally desired in a Republic like our own? Why will a party try to uphold him in such an un-American act? Does it not fairly make us stand in amazement and wonder if the power should not be divested to the end that the legislative branch may not be stripped of their power and their mission under the Constitution?

The veto power has been abused more in the last 12 months than could have been dreamed of in a Republic like ours under a Constitution made for all of the people. Our Republic has been looked upon as one to blaze the way for all the rest. Why make our Republic a byword and a joke? Why allow a President to overthrow and vitiate the things we were sent here to do.

CHEMICAL BILL IN THE INTEREST OF THE AFFLICTED VETOED ALSO.

This schedule went to the President as an amendment to the cotton bill the first time and it was vetoed. The Democratic House passed it a second time on the 21st day of February, 1912. Democrats for, 177. No Democrat voted no. Republicans for the bill, 2. Republicans against the bill, 127. (See CONGRESSIONAL RECORD of Feb. 21, 1912; 2d sess. 62d Cong.)

There must, I think, be exceedingly few who would criticize the Democratic House for trying to strip the Drug Trust of their power to extort inhuman prices from the afflicted of this country. I anticipate it will require more than bald charges of infidelity on the part of standpatters to secure from the people a verdict of unfaithfulness for the passage of this act.

Can the great Republican Party longer defend their action in smothering and vetoing bills of this character? Is it any wonder that the voters turned the Republicans out in the face of such a record? Is it any wonder that there is to-day in the House a Democratic majority of 71 when the Sixtieth Congress had a majority for the Republicans of 57? The people have delivered their verdict once on your broken promises and they will deliver it in the future if gratitude and self-appreciation is still the law.

THE STEEL SCHEDULE SHOULD BE REVISED, IS THE VERDICT OF ALL.

This bill first passed and went to the President as an amendment to the cotton bill. It received the President's veto on the 22d day of August, 1911. The Democratic House passed it a second time on January 29, 1912. Democrats for, 190; Democrats against, 3; Republicans for, 21; Republicans against, 107; majority, 101. (See CONGRESSIONAL RECORD of Jan. 29, 1912, 2d sess. 62d Cong.)

The reduction of the tariff tax on steel is in the interest of every man who uses iron in any form. Who is there of us who does not use it? The farmer with his implements, the carpenter with his tools, the contractor who builds our buildings, and from the humblest citizen in all the land to the most powerful all in unison and accord ask to be free from the grasp of the Steel Trust. Andrew Carnegie, the steel king of the world, says no tariff on steel is longer needed and that no country can compete with us, anyway. In the face of such testimony can any satisfactory reason be given why a Republican President should veto this bill? Can any man justify the Senate in smothering such a bill? Surely the Democratic House was moving with its face eastward and toward the light when it passed this bill. Surely the Democratic House has not forfeited its right to the respect of men when it clings so close to the people's rights and the people's desires.

We passed the bill pursuant to our platform pledges. You have killed it for reasons only known to yourselves. We have, so far as power within the Democratic Party lies, given relief. You have refused to grant relief when it was clearly within your power. This aligns your party with the Steel Trust; this arrays us against them.

The record is plain, not garbled; easy to understand, not difficult. Surely the American people have a choice. Which will they choose? Which course ought to meet their approval? Which course will meet their approval?

FREE SUGAR FOR EVERY BREAKFAST TABLE.

The free-sugar bill passed the Democratic House on the 15th day of March, 1912, by a majority of 95 votes. (See CONGRESSIONAL RECORD, 2d sess. 62d Cong., of Mar. 15, 1912.) Democrats for, 173; Democrats against, 7; Republicans for, 25; against, 96. This bill curbs the Sugar Trust and affords the American people cheaper food. The American people have too long been in the grasp of the Sugar Trust, the price going up to-day and down to-morrow at the will of the trust. Surely the Democratic House did right in liberating the people from their grasp. Surely the American people will not be displeased with legislation that will help every family of the Republic and make living cheaper. Surely the Democratic Party was not playing politics in passing this legislation, for most of the sugar is grown in Democratic country. Havemeyer and the Sugar Trust magnates may cry out against this legislation, but surely the American people will not join you in your unholy assault on the party that passed this legislation.

GOOD ROADS VERSUS BATTLESHIPS.

Your Democratic House on May 28, 1912, voted down by a majority of 34 the big Navy battleship program. On May 2, 1912, we passed the amendment to the Post Office appropriation bill providing Federal aid for the post roads of the country by a majority of 83. I ask, in this time of profound peace and an efficient Navy, which program will benefit the larger number of the American people?

We promised you in our Denver platform aid for post roads. We promised you a curtailment of expenses in the extravagant appropriations for the Army and Navy. On May 2 and May 28, respectively, we delivered the goods. We simply did in office what we promised to do out of office in our platform and on the stump. Shall we be condemned for this? Shall we and must we suffer the assaults of the reactionaries of all creeds and parties for so doing.

I tell you, sirs, the Congress has in the past given subsidies in land grants to the railroads, given high protection to the manufacturers, improved lavishly the waterways, dredged the streams and rivers, have appropriated for Army and Navy until it brings a shudder from us all, but have done nothing for the post roads of the country. Every civilized country save our own has long ago well committed themselves to the improvement of their post roads, which are and ever will be the property of us all. I tell you, sirs, the Federal Constitution itself anticipated that we should improve the post roads of the country. The constitutionality no longer is a matter of doubt or concern. We are not without precedent. The American people are entitled to it; we promised it; we have delivered the goods.

Highways are not the property of any one man. They are not susceptible of monopoly or abuse. They are to-day and ever will be the property of all mankind that inhabits our fair shores. We should not longer hesitate or falter in their improvement and upbuilding.

I, for one, in time of peace and an efficient Navy, am willing to go to the country on the issue, Good Roads and Economy *v.* Battleships and Extravagance. One is to maim and kill, the other contributes to the peace, progress, and happiness of our people. One places homes in ashes and disaster, the other encourages home ownership, industry, and peace. One brings heartaches, want, and disaster, the other brightens every hope of man. One devastates the farm and lets it grow up in weeds of neglect, the other repopulates it, reduces the cost of living, and improves every condition of man.

BUREAU OF MINES FOR THE WORLD'S TREASURE DIGGERS.

The Democratic House has reported and is now considering and will pass H. R. 21213, creating a bureau of mines for the protection of America's miners. This bureau will increase the safety of every man engaged in the hazardous employment of the mine. It will relieve him of conditions and dangers that no human was intended to subject himself to or endure. It will do for the American miner what should have been done for him 20 years ago. It is the doing for the miner what we told him we would do for him. It is the doing for the miner during our first year of power what the Republicans, under Cannonism, have refused and failed to do for them during their 16 years of unbroken and unbridled power.

Still, our standpat opponents charge bad faith and politics to the Democratic House which is acting in strict conformity with their pledges and the people's desires. Still, they say we are prank players and unsafe. Will such assaults be received with any degree of seriousness on the part of the people we seek to protect? Will American organized labor give ear to these reactionary soothsayers who are trying to mislead, garble, and defraud?

I tell you, sirs, organized labor is to-day thinking for themselves, and you shall not be heard to abuse their confidence, their trust, and their patriotism while they are toiling beneath the surface of the earth bringing forth each night treasure that will and does enrich the world.

CONVICT-LABOR LEGISLATION FOR AMERICAN LABOR.

On March 4, 1912, we passed our convict-labor bill (see CONGRESSIONAL RECORD, 2d sess. 62d Cong., of Mar. 4, 1912). No one voted against the bill. This bill says American labor shall not be compelled to compete with the convict labor of this country. Is it politics to exempt America's young manhood and womanhood from such competition? Is it bad faith to lift

aloft and brighten the future of our men and women who toil? Is it unpatriotic to do for labor what we would want done for ourselves? Is it lacking in good faith to do in office what we promised we would do while we were securing our offices?

American labor may have lost their gratitude, their sense of appreciation, and their loyalty, but I shall never believe it. Organized labor may be mislead by garbled statements and charges which are more untrue than words can depict, but I do not believe it. Organized labor may strike the hand that has during its first year of power so often caressed them, but it is not the rule or their reputation. They may approve your 16 years of refusal to act and your present attempt to deceive, but it would not be in accord with any rule of rhyme or reason known to man.

I would much prefer to believe that organized labor and every father and mother of the toilers of the Republic will approve our earnest and sincere accomplishments for their sons and daughters. I would much prefer to believe that they will forever voice their disapproval of your failure to act when in power and your present effort at deception when out of power. [Applause.]

EIGHT-HOUR DAY FOR AMERICAN LABOR.

This bill passed the House December 14, 1911, second session Sixty-second Congress, page 349. No one even demanded a roll call. No one voted no. This bill has long been the hope of labor; has long been the request of labor, with bowed down head; is the hope of labor in the morning with dinner pail in hand as he goes to his daily task; is the dream of labor as he returns at night with tired muscles, but with rested brain. Is the passage of this bill, that recognizes the humble but just request of the man who toils for us in peace and fights for us in war—is this to be the Waterloo of the Democratic Party? Is this one of the crimes of which you complain? Is this the legislation, enacted in the interest of labor, to make the man who toils forever turn his back on the hand that caresses him and gives him what he wants? Is this to be the iceberg of disaster that will sweep the Democratic Party to an unknown, unmarked, watery grave? Pray tell us where do all of these weird and spectacular prophecies hail from. Which bill is it that has so outraged the morals and the pledges to all the people? What bill is it that renders us political acrobats in the eyes of a just constituency? If the keeping of our word to labor and the keeping of faith with men who can not enter upon this floor and make their appeals known to us, can never get our ear or look into our face, is playing politics, let us all embrace it together, for surely it is golden in the eyes of every man. [Applause.]

ANTI-INJUNCTION.

This bill passed May 14, 1912, with 243 for and 31 against; present, 6; not voting, 113. No Democrat voted no. CANNON, DALZELL, and FORDNEY, the great modern trinity of standpatters of the twentieth century, voted against it, along with the other 28 Republicans who would not yield this one request to American labor. This bill has passed the Democratic branch of Congress; the responsibility is now with you.

This may well be termed the one supreme wish of labor. This is their hope by day, their dream by night. This is the resurrection of their blasted rights. This is the one bill that guarantees the laborer his solemn rights and will lift aloft the standard of his manhood and the improvement of his future. This is the bill that guarantees to labor his constitutional rights. Is this the bill that condemns us? This is the bill we promised in our platform and in our stump speeches.

Is the fulfillment of that pledge to union labor to be our undoing with labor? The American people have never in the past, with their clear heads and grateful hearts, exacted any such toll as that, and it is my belief they will not so exact it in November. The American people are thinking and labor is organizing for themselves to-day, and I thank the God that directs the destinies of men for it. They are not less patriotic than before, and they will not be less true to the men and parties that befriend them. To trust the people in the past has been but to inspire patriotism in their breasts and patriotic sentiments in their heads. To doubt them and to refuse to trust them has in the past and should in the future prove the downfall of the parties and men who practice it upon them. China is to-day a Republic. Let America be not only a Republic in name but in truth as well.

The anti-injunction bill has been the hope and the one wish of the toilers of this country since my boyhood. And all these years with the Republican Party in full control they have first heard them and then refused them. Have scorned them and have turned them away. Now, when the time has at last come when the Democratic Party is to do in office for labor precisely what they said they would do while trying to get office, must we bear the stigma of being called demagogues, hypocrites, slandered, abused, and considered unworthy of confidence and faith?

Lay on your charges, grumblings, croakings, and complaints mountain high, and American labor will remove them and efface them with the closing of each day. Lay on your charges, you can not blind the eyes of a confiding loyal citizenship who read, understand, and know. Is this one of the bills you would have your Republican Senate smother in committee? Is this one of the bills you would have your already seduced and discredited President veto? Would you further heap upon the head of a drowning man the request that he must veto this one demand of the humble toilers of this country? Your advice on former vetoes has been his disaster. Will you still heap ruinous demands upon the head of a warm-hearted President, who smiles more than he thinks; whose heart is more active than his brain; on a President who means well, but executes poorly; on a President who thinks ill toward none, but accepts advice and doctrines that should not be accepted?

You shall not go on the turret of deceit and subterfuge, in the height of political hypocrisy and alienate the friendship of labor when she deserves fair treatment. You shall not instill into the minds of labor an untrue perspective that will deny them the relief they have clamored for so long. You shall not longer, unchallenged, practice gross deception upon them at our expense. You shall not, on top of your long years of false promises and broken faith, turn the face of labor toward their enemies and their back upon their friends. You shall not by deception blast their hopes in this hour of need. The masks shall be torn from your faces and the people shall behold the faces of the representatives of the party which was in full power for 16 years and heeded labor not, the faces of men and a press who would now mislead them and deny them the relief they crave, desire, and which is almost within their grasp. [Applause.]

WOOL BILL.

This bill, reducing the tariff on wool and woolens, passed the House the first time on the 20th day of June, 1911. It was vetoed by the President on the 17th day of August, 1911. The bill passed the second time on April 1, 1912, by a majority of 98. Democrats voting yes, 170; Democrats voting no, none. Republicans voting yes, 20; those voting no, 92. (See CONGRESSIONAL RECORD of June 20, 1911, 1st sess. 62d Cong.; also see CONGRESSIONAL RECORD of Apr. 1, 1912, 2d sess. 62d Cong.)

This is the schedule that President Taft said was indefensible in his famous, yet true, Winona speech. This is the schedule that he said on the stump should be revised; and this is the schedule that he vetoed when in office. The passing of the wool bill was the curbing of the Woolen Trust to help every man, woman, and child in the Republic that is a wearer of wool. This is a bill that would save millions for the people and do injustice to none. This is the bill that everyone advocates when on the stump and only 20 Republicans would vote for when in action.

Is it possible that the party of Lincoln and the party of the saluted McKinley has so dwindled and descended that they will not only break their own promises in person, but they will even try to abort the efforts of those who would keep the everlasting faith?

By your false advice and garbled statements of the facts you forced your President to walk in the valley of political death when you forced him at the special session in 1911 to veto these bills. You forced him to oppose in office precisely what he had stood for on the stump. You crucified his political destiny on an altar of broken promises and blighted faith. You have created conditions that have caused him to go on the stump and defend himself as the criminal stands at the bar of justice charged with fraud, deceit, and crime. You have humiliated this Republic in marshaling your President to do a series of un-American tasks. Pitiable it is, indeed, to see him lose his own State in the primary for a second term. It is but Judas-like for the Republican Party to kiss and then betray. He vetoed the wool bill amidst their plaudits, kisses, and caresses. They in return strike the hand that caressed them and take to their heels for personal safety.

I shall not believe many of the American people will follow your flimsy effort at political fraud, false advice, and deceit. I would much prefer to pin my faith to the ever-wholesome thought that a confiding public will usually grasp the hand that caresses them and will spurn the hand of those that wrong them. The rule is as old as the hills about us; the rule is more wholesome than it is aged. I pin my faith to the fact that the Democratic Party and we of the Democratic faith have during our first year in power kept the everlasting faith and that you have broken it. [Applause.]

CHILDREN'S BUREAU.

This bill creates a bureau to care for the children of tender years and unfortunate circumstances; children who come into the world to find circumstances and conditions more unfortunate than human flesh and blood were intended to endure; a bureau to care for unclaimed infants, infanticide, orphanage, desertions, and dangerous and deleterious occupations that would blight the future of the child who was not of sufficient discretion to understand and know.

Bill passed April 2, 1912. Yeas, 178; nays, 17. (See CONGRESSIONAL RECORD, 2d sess. 62d Cong., p. 442.)

Can this be one of the bills that strikes at the foundation stone of the Government in which we live? Can this be the bill that will condemn this Democratic House in years to come? Is this one of the bills that will make a confiding public that sent us here shrug their shoulders in disapproval? Can it be the crime of politics to care for humanity when they can not care for themselves? Is this deceit, politics, and demagogy? Is the caring for the weak in time of infancy, helplessness, and need, to the end that they may grow to manhood and womanhood—is that the crime of politics of which we stand charged and are soon to be convicted? If this be politics, let us pray that the God of the universe quicken the understanding of all mankind until he may play politics, for such politics are as golden as the doctrine of the Christian religion itself. In fact, it is the religion of human sympathy, human justice, and equal rights, which is to-day and ever should be a towering element for good in this Republic. [Applause.]

FREEDOM OF PETITION FOR CIVIL-SERVICE EMPLOYEES.

On the 31st day of January, 1902, Theodore Roosevelt, then President, issued the following order:

FIRST EXECUTIVE ORDER.

All officers and employees of the United States of every description serving in or under any of the executive departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 31, 1902.*

On the 26th day of November, 1909, Theodore Roosevelt, then President for a second term, issued the following order:

SECOND EXECUTIVE ORDER.

The Executive order of January 31, 1902, is hereby amended by adding "or independent Government establishments" after the word "departments" in the third and ninth lines.

As amended the order will read as follows:

"All officers and employees of the United States of every description serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way, save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 25, 1908.*

The Democratic House, on May 2, 1912, repealed those orders and made the civil-service employees, numbering 391,350, free men under the Constitution; returned to them the rights that the Constitution guaranteed to them and that Theodore Roosevelt had taken from them. Was it wrong for the Democratic House to repeal it? Is this alienating the rights of the people in our employ? Is the repeal of those orders cowardice or demagogery under our Constitution? Is this one of the bills that you condemn? Is this one of the acts for which our unworthiness is forever established? Must we, because we uphold the constitutional rights of men, women, and children in the employ of the Government to be sacred and permit them to speak as free men, to be scandalized and abused? I assert the Democratic House did right in repealing it. I prefer to believe President Roosevelt did wrong when he established it. It is just to our people. The restoration is what the fathers who wrote the Constitution said our people should have. Let us rest our cause here with the people. [Applause.]

INDIAN APPROPRIATION BILL.

The Democratic House passed, on April 9, 1912, the cleanest bill ever passed by any Congress in the last series of years, carrying only $7,467,255. The committee made some reforms in the Indian service, and especially in Indian affairs in Oklahoma, by the elimination of certain employees who were no longer needed or wanted. We found that in the Five Civilized Tribes alone in Oklahoma that the Interior Department expended during the last fiscal year $1,308,023.98, and of that amount only approximately $130,000 ever reached the Indian's pocket in any form. The major portion of this enormous sum was for useless officers, who were an annoyance to the Indian, an expense to the Indian, undesired by the Indian, and a prostitution of the proceeds of a once princely estate. All of this vast sum expended annually, save and except the $275,000 appropriated in the Indian appropriation bill, came out of the Indians' tribal funds. This fact the Indian did not know. These reforms and reductions of employees is no easy task and not pleasant for any party or men to perform. They bring displeasure and disapproval to the men who must be discharged; but who is there who would not, when the facts were known, lend a helping hand to save the money for the Indian who was at the beginning the original occupant and owner, but who has since been transformed into our ward? Who is there here that would not to-day help save for the once aboriginal owner of this entire country who served on the reception committee when our forefathers landed in the Mayflower so long ago? Who is there here who, from cold business judgment, would not help to save the Indian has last remnant of money and land to the end that we may not on the coming morrow be compelled, from Federal appropriations, to support him and reestablish him? Who is there here who does not feel keenly duty bound to protect the remnant ward of a fast vanishing race? Who is there here who does not well know that we converted the Indian from proprietor to a ward, from a landed gentry to a supplicant at our door? Who is there who does not know that the Indian has too long been bartered from pillar to post to make way for the march of princely progress which the God of the universe did not the Indian bountifully endow, hence must conclude did not intend? Who is there here who thinks we did not do right in seeking to save a million dollars annually for the Five Civilized Tribes in Oklahoma alone? Who is there who does not think we should save more for them as the years speed by?

Scorn our action if you will, but the stubborn fact remains, the Indian was here first. He owned it all then. We own it all now. Fine-spun logic may momentarily becloud the issue, but the stubborn facts are like the poor, they are ever with us.

ECONOMY IN RUNNING HOUSE BRANCH OF CONGRESS.

We organized the Democratic House, eliminating the chair warmers and unnecessary officers, to the end that we might save the American people $180,000 annually on the expense of running the House branch of Congress alone.

Can this be one of our pranks of which the reactionary press and the pullback politicians complain? Is this one of the bills that is ill-advised and in full ignorance of the welfare of the people? Is this the step that forfeits all hope of approval by the American people of the efforts of the Democratic House? Is this to be our *Titanic* of disaster?

I would prefer to believe that the American people will cherish our efforts at economy here and elsewhere. I would prefer to believe that the people will criticize you on the other side of the Chamber for building up such an oligarchy of worthlessness in the employees of the House of Representatives of the United States. I would prefer to believe that this is what we promised out of office, and it is the thing we should do in office. Why should we look the people in the face on the stump and promise them one thing, and when in power in Washington, out of their sight, do another thing? I can not conclude that such a proceeding will longer be acceptable to an intelligent people who read the papers daily from the rural route. I can not conclude that a confiding, patriotic citizenship will turn its back on the men and party who abrogate unnecessary expenses, thereby effecting a saving of the people's assets.

ABROGATION OF CANNONISM AND CZARISM IN THE HOUSE.

The last Democratic platform promised to remove from the American Congress one-man power and return it to its deliberative character, as was intended by our forefathers who wrote our Constitution. I think there must be a few, indeed, who will say in this regard that we have not kept the everlasting faith. Under the old régime the Speaker appointed all of the committees. To-day, how different. They are elected by the House.

Every section of the country gets representation and a square deal. Under this plan there are fewer pets, and no man has all the power. Each Member has some power, but no one has all. There is less insurrection in the House and better results for the people with powers well distributed. The Speaker can not now appoint members of the other party who are out of joint with their party on important committees so that they can and will misrepresent the party of which they are but humble members. Congress is to-day once more a deliberative body. Under one-man rule and Cannonism it was not so. One way is within the Constitution; the other is without its spirit or intent. One is the right way; the other is the wrong way.

We used to have to go hat in hand seeking permission from the Speaker to call up a bill that all the people wanted, independent of the Speaker. To-day how changed! We have a

House Calendar, and the business is taken up in the order that it appears on the calendar. On the days specially set apart for suspension of the rules, when the Speaker does determine the order, recognition, and consideration of bills, the Speaker of the House recognizes one Democrat and then one Republican, and back and forth, alternating between the two. One was a right way; the other was a wrong way. I ask which shall you this day choose?

It was urged with fervor by our opponents and worshipers of Cannonism that we could not do business without the gag rules of the Cannon Republican Congress, but the fallacy of such a prophecy, charge, or contention is to-day swept to the winds by the stubborn fact that we have passed more bills in less time and in orderly fashion than any Congress that has ever sat in recent years; the further fact that the House has all of its program of tariff and appropriation bills through, and the Senate, which is smaller and should be a more speedy body, has passed or considered but few of our bills and is to-day delaying the adjournment of Congress.

Is this redemption of the American House to its former status as a deliberate body the thing of which they complain? Is the fact that we have kept our promises and kept the faith in this most sacred regard—is this to be our last leap to political oblivion? I can not believe it. I do not believe it.

The American people are the ones who have answered on this subject by their ballot, and they will answer it again if the Democratic Party, the Republican Party, or any other party seeks to return gag rule and one-man power in the Congress of the United States. It was not the intention of the fathers who wrote the Constitution to let one man run Congress, and the people will not permit it to be so now. It was not the intention of the fathers to let one man trample down the rights and liberties of men either in Congress or out, and the people will not permit that to be done.

The weird prophesies of our Republican opponents on the other side of the aisle as to our early falling out and our early disruption and disintegration seems to have fallen into disuse. So much is this true that we not only get practically all of the Democratic votes on every bill, but usually 25 to 100 per cent of the Republicans. Where is the leadership of that Roderick from Illinois that he can not hold the shattered remnants of that once boastful band? They are in the minority. They have little to fight over. Where is the leadership of that chieftain of old from Danville that he does not marshal his magic wand and whip them into line? Has the time come when the party of Lincoln and the party of the sainted McKinley has become a by-word and a joke? Have they lost all adhesion, leadership, and the power of accomplishment? Will the party full of tradition, both beautiful and unbeautiful, the party of many promises and few deliveries, in the face of this voting record ever persist in attacking everything that is good because it does not emanate from their own party? Will they ever persist in attacking good things when they are so shattered and so torn they can not vote as a unit even on adjournment? Will they still by their utterances and their publications encourage a disorganized, disrupted Senate in applying the smothering process to bills the people want and to bills they promised to pass? Will such a course of destruction and iconoclastic endeavor yield for them personally or for their party the progress and the advancement that has been hoped for by them? Will they continue to neglect the legislation the people need, spending all their time trying to expel certain of their membership who are other than desirable? [Laughter.]

REPUBLICANS CLAIM TO BE PARTY OF PROGRESS.

Some of the Republicans, I think the third-termer Sagamore Hill wing of them, relying on the ignorance of the people in modern political history, are still claiming that they are the party of progress. What a spectacle it is for them to seriously lay such claims. What an absurdity it is for them to so delude themselves in vainly attempting to delude the public. Their recent record for progressive performances consists of the Payne bill. This bill has already been shot so full of holes there is little sport in longer shooting at it. It is, however, one of their recent progressive bills passed while in full control of the Government. Its only genuine claim to progressiveness is that it travels up instead of down. The passage of this bill progressed your party from Uncle Joe and 58 Republican majority in the Sixtieth Congress to CHAMP CLARK and a Democratic majority of 71 in the Sixty-second Congress. [Applause.] Taft signed the Payne bill in office and later said it was indefensible in Winona. This progressive act on his part has brought disaster and defeat as his daily companion. Taft vetoed statehood for Arizona as one of his acts of judicial acumen and his ever-present political sagacity. It is this last element of judgment and farseeing on the part of our President that moved to action the effervescent third-term occupant of Sagamore Hill. Again, we must remember his persistent vetoes of the farmer free-list and cotton bills that the people wanted and that Congress had passed. Again, we must wonder if it does not make his advisers shudder with shame when they think of the pain, the disgrace, and political disaster they heaped upon their President and the country in subjecting him to the attacks that have been made upon him. We can not but pause and wonder if the words of the brilliant Dolliver were not true when he, in substance, said:

> Our President is a good man, amiable and lovable in all that the term implies, but surrounded by a group of men who know precisely what they want.

That speaks volumes. It can never be unsaid, for he is no longer here. It can never be disbelieved, for recent disclosures seem to prove it true.

Again, we must observe their progressiveness in that Commonwealth of Illinois. In 1860 she gave us a Lincoln. To-day she gives us LORIMER. In 1896 Ohio gave us a McKinley. To-day she gives us a Taft, who promises the people relief from tariff burdens on the stump and vetoes their bills when in office. A party once clothed with dignity and progress; to-day one of scandal and reaction. They have traveled from Pinchot to Ballinger, from success to defeat, and they are still on the toboggan.

Is this the party of progress that is to-day whistling while they pass their own political cemetery to keep down their well-grounded fears? Is this the party that asserts with complaisance that surely the bills passed by a Democratic House will never pass the Senate, and if passed by the Senate, surely the Republican President will scarcely look at them, but will scorn them, will disapprove them, and veto them? In the light of your scattered votes in this House, in the light of your recent leadership, in the light of your present disgraceful contest for the Presidency, where does this bland complaisance hail from? Who possesses it? Be not too stanch in your doughty prophecies that the President will veto all our bills, for the President has had some very good experience and considerable exercise since he last vetoed our bills on your advice. Be not too stanch in your reliance upon the smothering process of a shattered Senate, most of whom have had to take to their heels on every political principle they ever stood for or advocated in the past.

This Congress should not adjourn or be permitted to adjourn until every bill in the interest of the people has been voted upon, either up or down. The people ought to know who are with them and who against them.

Everybody is with them on the stump, but the people are more interested to-day in knowing who are with them in action. This is the only way to test their fealty. To adjourn and leave these enumerated bills languishing in the Senate committee will not satisfy a patience-stricken Republic. To leave them smothering in the committees until after another election is but to force the people to once more vote for men with whom they are unacquainted. I pin my faith in the future destiny of my party to the fact that the bills we have passed are good bills. I pin my faith to the fact that we promised if given power they would be passed. I pin my faith to the fact that the great bulk of the people of this country want them passed. I pin my faith to the fact that the people know better to-day than they ever knew before what they want. I pin my faith to the further fact that they are going to have these bills passed.

Let the reactionaries and political bosses go on in their weird unsound croakings of abuse. Let them slander the Democratic House in press and on this floor. Let them challenge our good faith, for surely the people are an intelligent people, for surely the people are a just people, and surely the people are our people. I shall not fear them. I do not fear them, but, on the contrary, I shall trust them, and my vote shall be theirs. [Applause.]

Mr. PRINCE. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. AINEY] 15 minutes, or so much of that time as he desires.

Mr. AINEY. Mr. Chairman, I am sure that whenever an utterance of Abraham Lincoln is brought to the attention of the American people it excites the deepest interest and receives most thoughtful consideration.

With a keenness of political vision, coupled with a loftiness of purpose and a hungering after the well-being of the people of this land, he was able to discern the rocks and shoals which encompassed the pathway of the ship of state and to clearly chart a course whereby these dangers might be avoided.

When one considers his lack of early opportunity it is almost beyond belief that as a young man scarce 29 years of age he made an address before the Young Men's Lyceum, of which he was a member, in Springfield, Ill., on January 27, 1837, which,

with its clearness of statement and grasp of the tendencies of the time, marked him out from among his fellow men.

This address thus early in his career emphasized three fundamental characteristics of his thought and life—his love for the common people, his love for his country, and his deep desire that the one might continue in order that the beneficence of its protection might afford these common people their rights in the fullest measure and give to them the enjoyment of life, liberty, and the pursuit of happiness.

Abraham Lincoln, in all the changing circumstances and deepest trials of his varied career, never departed from these conceptions. His confidence in the people never changed; he believed that their opinion was usually right, and when wrong readily corrected by themselves.

It is to be regretted, therefore, that for no other apparent purpose than gaining a cheap political advantage a few garbled extracts from that magnificent address of Abraham Lincoln are printed in the RECORD at the request of the gentleman from New York [Mr. FITZGERALD], whereby it is attempted to make them convey a thought foreign to the life thought of their author and which they do not say when read in the light of omitted portions. Therefore, Mr. Chairman, I arise on this occasion in order that I may ask unanimous consent that the entire address may be printed in the RECORD and the martyred President may make his own refutation of this effort to make one address of his life out of harmony with all his other utterances.

I trust the gentlemen of the committee will bear with me while I speak further of this address. It should be considered, of course, in the light of its purposes, its setting, and its announced scope, and its figures of speech interpreted in the light of the day and times. The circumstances which influenced the warnings of this speech were those of which the assassination of Lovejoy, within a few months of its delivery, were the direct result. In this address Mr. Lincoln recounted lynching after lynching which had occurred, and he specifically noted those in Mississippi, St. Louis, and Vicksburg. It was against these mobs and this mob law that he pointed the arrows of his remarks. It was never within his conception to use these words in any other sense than here apparent, and it has been left to a later age to apply such an expression to the great mass of people living under and entitled to the protection of our great Nation.

"What," said he, "has this to do with the perpetuation of our political institutions?" He then points out, in answer, that these lawless ones, despising law and government, would invade the rights of the peaceful people, and they, in turn, finding the Government unable to protect them from this lawlessness, would be forced to take the law in their own hands, and then the great influences which upheld the Government, the popular respect and love of country, would go gone, for, said he:

> By such things the feelings of the best citizens will become more or less alienated from it, and thus it will be left without friends or with too few, and those few too weak to make their friendship effectual. At such time and under such circumstances men of sufficient talent and ambition will not be wanting to seize the opportunity to strike the blow and overturn that fair fabric.

It is under such circumstances that the "strongest bulwark of any Government may effectually be broken down and destroyed"—I mean the attachment of the people. While such attachments last, "vain will be every effort and fruitless every attempt to subvert our national freedom."

The whole spirit of this address teaches the preservation of the country by preserving for it the love of her citizens, and that such preservation can only be accomplished by insuring to them their equal rights under the law.

The lesson is plain, but not everyone wishes to learn it. The farmer, wage earner, the man in the store, and the clerk in the office are equal in their rights under the Constitution of the land, and any law or conception of government which proposes to destroy that equality is wrong.

The people are sovereign. We preserve the fiction of this in the entitlement of process in many of our Commonwealths.

The Federal and State constitutions recognize this sovereignty by reserving to the people the right to amend it. That sovereignty they have from time to time exercised.

It is because that sovereignty has been invaded and all the people are not equal under the law, and election after election have been held and law after law passed without their ability to successfully protest, that the spirit of unrest is abroad in the land.

In such measure as this original conception of the sovereignty of the people has been lost sight of or ignored have the hearts of a patient people been turned away.

The membership of this House will be held accountable for the performance of their duty in the light of the effect thereof. Are the activities of this House in the interest of all the people, or is it performing its work in the interest of the few to the burdening of the many? Will its efforts win "the attachment of the people" to the Nation, which Lincoln said was the essential to its perpetuity?

I am glad indeed that there stands out boldly and at the forefront of our American political life one who appears to be causing the gentleman on the other side great anxiety, who is the firm advocate of those fundamental principles which Lincoln enunciated.

He comes not in advocacy of mob rule, as the gentleman from New York would intimate, nor as one who would aggrandize himself by wresting the power from the sovereign people, but as one who seeks in their interest the fullest right and liberty under the law to journey along the pathway of life with equal opportunity and freed from the oppressions of special privilege in their pursuit of that happiness which is theirs under the basic principles of our American institutions.

As the champion of the common people Theodore Roosevelt has already accomplished much [applause on the Republican side], and from the list I mention the following:

Dolliver-Hepburn railroad act.
Extension of forest reserve.
National irrigation act.
Improvement of waterways and reservation of water-power sites.
Employers' liability act.
Safety-appliance act.
Regulation of railroad employees' hours of labor.
Establishment of Department of Commerce and Labor.
Pure food and drugs act.
Federal meat inspection.
Navy doubled in tonnage and greatly increased in efficiency.
Battleship fleet sent around the world.
State militia brought into coordination with Army.
Canal Zone acquired and work of excavation pushed with increased energy.
Development of civil self government in insular possessions.
Second intervention in Cuba; Cuba restored to the Cubans.
Alasky boundary dispute settled.
Reorganization of the consular service.
Settlement of the coal strike of 1902.
The Government upheld in Northern Securities decision.
Conviction of post-office grafters and public-land thieves.
Directed investigation of the Sugar Trust customs frauds and the resultant prosecution.
Suits begun against the Standard Oil and Tobacco Cos. and other corporations for violation of the Sherman Antitrust Act.
Corporations forbidden to contribute to political campaign funds.
Keeping the door of China open to American commerce.
Bringing about the settlement of the Russo-Japanese War by the treaty of Portsmouth.
Negotiating 24 treaties of general arbitration.
Reduction of the interest-bearing debt by more than $90,000,000.
Inauguration of movement for conservation of natural resources.
Inauguration of the annual conferences of governors of States.
Inauguration of movement for improvement of conditions of country life.

Now, Mr. Chairman, I ask unanimous consent to print the whole of the address of Abraham Lincoln before the Young Men's Lyceum, at Springfield, Ill., January 27, 1837, in full in the RECORD. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

ADDRESS BEFORE THE YOUNG MEN'S LYCEUM OF SPRINGFIELD, ILL., JAN. 27, 1837.

[In the autumn of 1836, Lincoln, in conjunction with a few prominent young men, formed a young men's lyceum for mutual improvement. His speech delivered before this club is one of the earliest preserved to us. It appeared in the Sangamon Journal for Feb. 3, 1838.]

"As a subject for the remarks of the evening, 'The perpetuation of our political institutions' is selected.

"In the great journal of things happening under the sun, we, the American people, find our account running under date of the nineteenth century of the Christian era. We find ourselves in the peaceful possession of the fairest portion of the earth as regards extent of territory, fertility of soil, and salubrity of climate. We find ourselves under the government of a system of political institutions conducing more essentially to the ends of civil and religious liberty than any of which the history of former times tells us. We, when mounting the stage of existence, found ourselves the legal inheritors of these fundamental blessings. We toiled not in the acquirement or establishment of them; they are a legacy bequeathed us by a once hardy, brave, and patriotic, but now lamented and departed, race of ancestors. Theirs was the task—and nobly they performed it—to possess themselves, and through themselves us, of this goodly land, and to uprear upon its hills and its valleys a political edifice of liberty and equal rights; 'tis ours only to transmit these—the former unprofaned by the foot of an invader, the latter undecayed by the lapse of time and untorn by usurpation—to the latest generation that fate shall permit the world to know. This task of gratitude to our fathers, justice to ourselves, duty to posterity, and love for our species in general, all imperatively require us faithfully to perform.

"How, then, shall we perform it? At what point shall we expect the approach of danger? By what means shall we fortify against it? Shall we expect some trans-Atlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined, with all the treasure of the earth—our own excepted—in their military chest, with a Bonaparte for a commander, could not by force take a drink from the Ohio or make a track on the Blue Ridge in a trial of a thousand years.

"At what point, then, is the approach of danger to be expected? I answer, If it ever reach us it must spring up amongst us; it can not come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a Nation of freemen we must live through all time, or die by suicide.

"I hope I am overwary; but if I am not, there is even now something of ill omen amongst us. I mean the increasing disregard for law which pervades the country—the growing disposition to substitute the wild and furious passions in lieu of the sober judgment of courts, and the worse than savage mobs for the executive ministers of justice. This disposition is awfully fearful in any community; and that it now exists in ours, though grating to our feelings to admit, it would be a violation of truth and an insult to our intelligence to deny. Accounts of outrages committed by mobs form the everyday news of the times. They have pervaded the country from New England to Louisiana; they are neither peculiar to the eternal snows of the former nor the burning suns of the latter; they are not the creature of climate, neither are they confined to the slaveholding or the non-slaveholding States. Alike they spring up among the pleasure-hunting masters of southern slaves and the order-loving citizens of the land of steady habits. Whatever then their cause may be, it is common to the whole country.

"It would be tedious as well as useless to recount the horrors of all of them. Those happening in the State of Mississippi and at St. Louis are perhaps the most dangerous in example and revolting to humanity. In the Mississippi case they first commenced by hanging the regular gambler—a set of men certainly not following for a livelihood a very useful or very honest occupation, but one which, so far from being forbidden by the laws, was actually licensed by an act of the legislature passed but a single year before. Next, negroes suspected of conspiring to raise an insurrection were caught up and hanged in all parts of the State; then, white men supposed to be leagued with the negroes; and, finally, strangers from neighboring States, going thither on business, were in many instances subjected to the same fate. Thus went on this process of hanging, from gamblers to negroes, from negroes to white citizens, and from these to strangers, till dead men were seen literally dangling from the boughs of trees upon every roadside and in numbers almost sufficient to rival the native Spanish moss of the country as a drapery of the forest.

"Turn, then, to that horror-striking scene at St. Louis. A single victim only was sacrificed there. This story is very short and is perhaps the most highly tragic of anything of its length that has ever been witnessed in real life. A mulatto man by the name of McIntosh was seized in the street, dragged to the suburbs of the city, chained to a tree, and actually burned to death; and all within a single hour from the time he had been a freeman attending to his own business and at peace with the world.

"Such are the effects of mob law, and such are the scenes becoming more and more frequent in this land so lately famed for love of law and order, and the stories of which have even now grown too familiar to attract anything more than an idle remark.

"But you are perhaps ready to ask, 'What has this to do with the perpetuation of our political institutions?' I answer 'It has much to do with it.' Its direct consequences are, comparatively speaking, but a small evil, and much of its danger consists in the proneness of our minds to regard its direct as its only consequences. Abstractly considered, the hanging of the gamblers at Vicksburg was of but little consequence. They constitute a portion of population that is worse than useless in any community; and their death, if no pernicious example be set by it, is never matter of reasonable regret with anyone. If they were annually swept from the stage of existence by the plague or smallpox, honest men would perhaps be much profited by the operation. Similar, too, is the correct reasoning in regard to the burning of the negro at St. Louis. He had forfeited his life by the perpetration of an outrageous murder upon one of the most worthy and respectable citizens of the city, and had he not died as he did, he must have died by the sentence of the law in a very short time afterwards. As to him alone, it was as well the way it was as it could otherwise have been. But the example in either case was fearful. When men take it in their heads to-day to hang gamblers or burn murderers, they should recollect that in the confusion usually attending such transactions they will be as likely to hang or burn some one who is neither a gambler nor a murderer as one who is, and that, acting upon the example they set, the mob of to-morrow may, and probably will, hang or burn some of them by the very same mistake. And not only so; the innocent, those who have ever set their faces against violations of law in every shape, alike with the guilty fall victims to the ravages of mob law; and thus it goes up, step by step, till all the walls erected for the defense of the persons and property of individuals are trodden down and disregarded. But all this, even, is not the full extent of the evil. By such examples, by instances of the perpetrators of such acts going unpunished, the lawless in spirit are encouraged to become lawless in practice; and having been used to no restraint but dread of punishment, they thus become absolutely unrestrained. Having ever regarded government as their deadliest bane, they make a jubilee of the suspension of its operations, and pray for nothing so much as its total annihilation. While, on the other hand, good men, men who love tranquillity, who desire to abide by the laws and enjoy their benefits, who would gladly spill their blood in the defense of their country, seeing their property destroyed, their families insulted, and their lives endangered, their persons injured, and seeing nothing in prospect that forebodes a change for the better, become tired of and disgusted with a government that offers them no protection, and are not much averse to a change in which they imagine they have nothing to lose. Thus, then, by the operation of this mobocratic spirit, which all must admit is now abroad in the land, the strongest bulwark of any government, and particularly of those constituted like ours, may effectually be broken down and destroyed—I mean the attachment of the people. Whenever this effect shall be produced among us, whenever the vicious portion of population shall be permitted to gather in bands of hundreds and thousands, and burn churches, ravage, and rob provision stores, throw printing presses into rivers, shoot editors, and hang and burn obnoxious persons at pleasure and with impunity, depend on it, this Government can not last. By such things the feelings of the best citizens will become more or less alienated from it, and thus it will be left without friends, or too few, and those few to weak to make their friendship effectual. At such a time, and under such circumstances, men of sufficient talent and ambition will not be wanting to seize the opportunity, strike the blow, and overturn that fair fabric which for the last half century has been the fondest hope of the lovers of freedom throughout the world.

"I know the American people are much attached to their Government; I know they would suffer much for its sake; I know they would endure evils long and patiently before they would ever think of exchanging it for another; yet, notwithstanding all this, if the laws be continually despised and disregarded, if their rights to be secure in their persons and property are held by no better tenure than the caprice of a mob, the alienation of their affections from the Government is the natural consequence; and to that, sooner or later, it must come.

"Here, then, is one point at which danger may be expected.

"The question recurs, 'How shall we fortify against it?' The answer is simple. Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars.

"While ever a state of feeling such as this shall universally or even very generally prevail throughout the Nation,

vain will be every effort and fruitless every attempt to subvert our national freedom.

"When I so pressingly urge a strict observance of all the laws, let me not be understood as saying there are no bad laws, or that grievances may not arise for the redress of which no legal provisions have been made. I mean to say no such thing. But I do mean to say that although bad laws, if they exist, should be repealed as soon as possible, still, while they continue in force, for the sake of example they should be religiously observed. So also in unprovided cases. If such arise, let proper legal provisions be made for them with the least possible delay, but till then let them, if not too intolerable, be borne with.

"There is no grievance that is a fit object of redress by mob law. In any case that may arise, as, for instance, the promulgation of abolitionism, one of two positions is necessarily true—that is, the thing is right within itself, and therefore deserves the protection of all law and all good citizens, or it is wrong, and therefore proper to be prohibited by legal enactments; and in neither case is the interposition of mob law either necessary, justifiable, or excusable.

"But it may be asked, 'Why suppose danger to our political institutions? Have we not preserved them for more than 50 years? And why may we not for 50 times as long?'

"We hope there is no sufficient reason. We hope all danger may be overcome, but to conclude that no danger may ever arise would itself be extremely dangerous. There are now, and will hereafter be, many causes, dangerous in their tendency, which have not existed heretofore, and which are not too insignificant to merit attention. That our Government should have been maintained in its original form from its establishment until now is not much to be wondered at. It had many props to support it through that period which now are decayed and crumbled away. Through that period it was felt by all to be an undecided experiment; now it is understood to be a successful one. Then, all that sought celebrity and fame and distinction expected to find them in the success of that experiment. Their all was staked upon it; their destiny was inseparably linked with it. Their ambition aspired to display before an admiring world a practical demonstration of the truth of a proposition which had hitherto been considered at best no better than problematical, namely, the capability of a people to govern themselves. If they succeeded, they were to be immortalized; their names were to be transferred to counties, and cities, and rivers, and mountains, and to be revered and sung, toasted through all time. If they failed, they were to be called knaves and fools and fanatics for a fleeting hour, then to sink and be forgotten. They succeeded. The experiment is successful, and thousands have won their deathless names in making it so. But the game is caught, and I believe it is true that with the catching end the pleasures of the chase. This field of glory is harvested and the crop is already appropriated. But new reapers will arise, and they, too, will seek a field. It is to deny what the history of the world tells us is true to suppose that men of ambition and talents will not continue to spring up amongst us. And when they do they will as naturally seek the gratification of their ruling passion as others have done before them. The question then is, Can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it can not. Many great and good men, sufficiently qualified for any task they should undertake, may ever be found whose ambition would aspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair, but such belong not to the family of the lion or the tribe of the eagle. What! think you these places would satisfy an Alexander, a Cæsar, or a Napoleon? Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves or enslaving freemen. Is it unreasonable, then, to expect that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time spring up among us? And when such an one does, it will require the people to be united with each other, attached to the Government and laws, and generally intelligent to successfully frustrate his designs.

"Distinction will be his paramount object, and although he would as willingly, perhaps more so, acquire it by doing good as harm, yet, that opportunity being past and nothing left to be done in the way of building up, he would set boldly to the task of pulling down.

"Here, then, is a probable case, highly dangerous, and such an one as could not have well existed heretofore.

"Another reason which once was but which to the same extent is now no more has done much in maintaining our institutions thus far. I mean the powerful influence which the interesting scenes of the Revolution had upon the passions of the people as distinguished from their judgment. By this influence the jealousy, envy, and avarice incident to our nature and so common to a state of peace, prosperity, and conscious strength were for the time in a great measure smothered and rendered inactive, while the deep-rooted principles of hate and the powerful motive of revenge, instead of being turned against each other, were directed exclusively against the British Nation. And thus, from the force of circumstances, the basest principles of our nature were either made to lie dormant or to become the active agents in the advancement of the noblest of causes—that of establishing and maintaining civil and religious liberty.

"But this state of feeling must fade, is fading, had faded, with the circumstances that produced it.

"I do not mean to say that the scenes of the Revolution are now or ever will be entirely forgotten, but that, like everything else, they must fade upon the memory of the world and grow more and more dim by the lapse of time. In history, we hope, they will be read of and recounted so long as the Bible shall be read; but even granting that they will, their influence can not be what it heretofore has been. Even then they can not be so universally known nor so vividly felt as they were by the generation just gone to rest. At the close of that struggle nearly every adult male had been a participator in some of its scenes. The consequence was that of those scenes, in the form of a husband, a father, a son, or a brother, a living history was to be found in every family—a history bearing the indubitable testimonies of its own authenticity in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related—a history, too, that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned. But those histories are gone. They can be read no more forever. They were a fortress of strength, but what invading foeman could never do the silent artillery of time has done—the leveling of its walls. They are gone. They were a forest of giant oaks, but the all-resistless hurricane has swept over them and left only here and there a lonely trunk, despoiled of its verdure, shorn of its foliage, unshading and unshaded, to murmur in a few more gentle breezes and to combat with its mutilated limbs a few more ruder storms, then to sink and be no more.

"They were pillars of the temple of liberty; and now that they have crumbled away that temple must fall unless we, their descendants, supply their places with other pillars, hewn from the solid quarry of sober reason. Passion has helped us, but can do so no more. It will in future be our enemy. Reason—cold, calculating, unimpassioned reason—must furnish all the materials for our future support and defense. Let those materials be molded into general intelligence, sound morality, and, in particular, a reverence for the Constitution and laws; and that we improved to the last, that we remained free to the last, that we revered his name to the last, that during his long sleep we permitted no hostile foot to pass over or desecrate his resting place, shall be that which to learn the last trump shall awaken our Washington.

"Upon these let the proud fabric of freedom rest, as the rock of its basis; and as truly as has been said of the only greater institution, 'the gates of hell shall not prevail against it.'"

Mr. PRINCE. Mr. Chairman, do I understand that the other side has consumed all of their time?

The CHAIRMAN. They have consumed all of their time.

Mr. PRINCE. Mr. Chairman, I ask the indulgence of the House for a moment or two until the gentleman from Minnesota [Mr. STEENERSON] returns. He has gone to get some papers. When he returns I shall give him the balance of the time.

The CHAIRMAN. Does the Chair understand that the gentleman from Illinois asks unanimous consent to wait until the gentleman comes in?

Mr. PRINCE. Yes.

Mr. HAY. Mr. Chairman, I will have no objection, providing the time continues to run.

Mr. PRINCE. But he is only getting some papers.

Mr. HAY. I understand; but other business is pressing.

Mr. PRINCE. Then, Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I have listened with considerable interest to the remarkable speech made by the gentleman from Oklahoma [Mr. FRANTZ], wherein he pointed with pride and viewed with alarm the action of the respective political parties in Congress, but I failed to hear him say one word in support of the vote of his side of the House on the one important measure passed at the special session of Congress, the measure that struck down that small degree of protection which has been given to the farmers of the United States. That protection was struck down by the bill known as the Canadian reciprocity act, and I hold in my hand the record of the vote of the House upon that act. It was passed by 268 votes. I have been checking the votes that were cast against it. I find that every Democrat who voted at all upon that bill voted for it, with the following 10 exceptions:

Messrs. BATHRICK, CLAYPOOL, DOUGHTON, FOWLER, GUDGER, HAMMOND, PUJO, RUCKER of Colorado, WEBB, and WHITACRE.

There were 268 who voted in favor of it. Sixty-six of those were cast by Republicans. The rest, or 202, were cast by Democrats. A majority of the Republicans of this House—79—voted against the bill. The bill was a Democratic measure, and was passed by the Democrats in this House, 202 Democrats voting for it and only 10 Democrats voting against it. It was a measure adopted by a Democratic caucus, and the Democratic Party can not escape the responsibilities for the measure. You on that side can not escape the criticism that will come to you from the farming districts of the country, a criticism that should come down upon you in no uncertain manner. You can not escape your responsibility by pointing to the fact that the Chief Executive, who was a Republican, was in favor of it. The fact remains that this House was responsible for the legislation it passed, and practically every Democrat in it, except 10, voted for the measure.

Mr. HENRY of Texas. Who called the Congress together to consider it?

Mr. GOOD. Oh, you can not escape your vote on that proposition.

Mr. HENRY of Texas. I voted in favor of it, and I will vote that way again.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to print with my remarks the vote by which the Canadian reciprocity act passed Congress.

The CHAIRMAN. Is there objection?

Mr. HAY. Mr. Chairman, the vote is already printed in the RECORD, and I object.

Mr. HENRY of Texas. Would not the gentleman explain how the bill passed the Senate?

Mr. PRINCE. Mr. Chairman, I yield one minute more to the gentleman from Iowa [Mr. GOOD].

Mr. HENRY of Texas. Mr. Chairman, I will ask the gentleman to analyze the vote in the Senate.

Mr. GOOD. Mr. Chairman, I can not yield. I have only a minute. I do not wonder that objection should come from that side of the House to printing their votes on the question of reciprocity. I know you on that side are ashamed of it, and the constituencies that sent you here are ashamed of it; and when the voters go to the polls next November they will repudiate your action upon that great measure. [Applause on the Republican side.]

Mr. PRINCE. Mr. Chairman, I yield 12 minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I have here a petition which I desire to read to the House. I am standing now in the back part of the Hall, but if the petition were stretched out it would more than reach to the front part of the Hall and back again. It is as follows:

REPEAL RECIPROCITY.

Whereas at the Sixty-second session of Congress, upon the recommendation of President Taft, there was passed a bill putting into effect a so-called reciprocity pact with Canada, whereby all the products of American farms, especially of northwestern farms, were to be put into unprotected competition with products from the Canadian farms, by free trade upon all Canadian grains and other farm products:

Whereas said reciprocity pact did not make a proportionate reduction on machinery, nor on any other products of Canadian and American manufactories, or other Canadian and American industries, whereby Americans, as a whole, would be given an equivalent advantage in the Canadian markets;

Whereas since American farmers are obliged to buy their supplies in a tariff-protected market at American market rates, therefore American farmers are justly entitled to a fair protection of the American market for their own farm products;

Whereas the difference between the export price on grain (which is the Canadian price, and which would under reciprocity become the American price also) and the yearly average Minneapolis and Duluth price amounts to the farmers of Minnesota and the Dakotas alone to over $50,000,000 a year, or about a million dollars a week, and a similar difference applies more or less to other States in proportion to their staple crops to be competed against by Canada;

Whereas the law having been passed by our Congress and signed by President Taft, leaves the situation entirely in the hands of Canada to pass a similar law now or at any time without further action upon the part of the United States, whereby all the evils of this so-called reciprocity, with the calamitous loss to American farmers, would become an actuality unless Congress first repeals its passage of the law;

Whereas the recent elections in Canada gave the party opposed to reciprocity only a small majority, which is in danger of being reversed at any time, even in political exigencies in Parliament, without another popular election: Therefore

We, the farmers of the Northwest, feeling that many Members of the Sixty-second Congress voted for the passage of the reciprocity bill without a full realization of the injury which the schedules would inflict upon American farming and other interests, do now petition and urge upon the United States Congress to repeal the law before Canada puts it into effect.

Now, I want to file this or leave it in the basket to go to the proper committee. As will be observed, it is a genuine document, containing 31,000 signatures of farmers, who farm and who know what they are talking about. I will say that when the act was passed——

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. RUCKER of Colorado. I want to ask unanimous consent to be allowed to sign this petition.

Mr. STEENERSON. Well, that is all right. I will say nearly every industry, whether it be the industry of manufacturing or—manufacturing prefers stability and certainty in the law affecting it. It is not right to leave the farmers in suspense as to the tariff on their products.

Mr. GOOD. Is the gentleman willing to pass the petition over on that side of the House and permit some of those who voted for reciprocity to now sign the petition?

Mr. STEENERSON. Certainly, and I believe, as a matter of party advantage, that all the gentlemen on the other side will be willing to vote for the repeal of reciprocity, because they now see that without the repeal of that law they are placing the farmers at a disadvantage.

Mr. LOBECK. Will the gentleman yield?

Mr. STEENERSON. Certainly.

Mr. LOBECK. Was this petition signed before Roosevelt changed his mind in regard to reciprocity?

Mr. FARR. He did not change his mind.

Mr. LOBECK. Yes; he said at first he was in favor of it and since then he is down on it.

Mr. STEENERSON. With respect to that I am very proud of Roosevelt having changed his mind. I am sorry the Democrats have not changed their minds, and I hope they will, and if they follow the illustrious example of the sage of Oyster Bay I think they will possibly come in and join with us and repeal the reciprocity law.

Mr. GUDGER. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. GUDGER. I would like to ask the gentleman if he would not be willing to pass this petition to President Taft and have him sign it before passing it to the Democratic side of the House. [Applause on the Democratic side.]

Mr. STEENERSON. I think it would be a useless task to present it to President Taft, and if the Democrats are so foolish as to follow his lead I think they deserve the defeat that will certainly be dealt them at the next election. [Applause on the Republican side.] The only way that I can possibly see of their success will be for them to accept the inevitable and recognize, as they said in the debate, that to pass reciprocity alone without any other tariff legislation would be unfair to the farmers. Therefore, with the present outlook in regard to tariff legislation and the likelihood that no tariff bill will be enacted during the balance of the session, they ought to repeal that law, which alone was justified on the theory that the farmers were to have compensation in other tariff legislation for their loss by Canadian reciprocity. That was the condition precedent which the Democrats laid down when they passed the reciprocity bill.

Mr. GUDGER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GUDGER. I would like to ask the gentleman, predicting the success of his party, if he predicts that success upon the ground that Taft is to be nominated for President at Chicago?

Mr. STEENERSON. I predict it upon the success of the usual wise deliberations of the Republican national convention. [Applause on the Republican side.] They know what to do and they will select the proper man.

Mr. HENRY of Texas. If the gentleman will yield to me, I would like to ask him if he remembers this letter?

Mr. STEENERSON. Did I write it?

Mr. HENRY of Texas. No; the gentleman did not write it:

DEAR MR. PRESIDENT: It seems to me that what you propose to do with Canada is admirable from every standpoint. I firmly believe in free trade with Canada for both economic and political reasons.

THEODORE ROOSEVELT.

[Applause on the Democratic side.]

Mr. STEENERSON. That is not free trade with Canada. I think that the writer of that letter was laboring under a mis-

apprehension. Free trade with Canada was not the proposition of the Canadian agreement. It was free trade for the farmer, but it was protective duties on manufactures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Texas. Was he laboring under a misapprehension then or now?

Mr. STEENERSON. He is certainly right now, and the sooner the gentlemen on the other side come over to that view the better for their political future.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. BOEHNE. Mr. Chairman, reserving the right to object, we have had an hour and 50 minutes this morning of the time of this House spent in filling up the RECORD with political buncombe. I think it is about time that we were attending to business, the business of the people of this country. We are not fooling the people——

The CHAIRMAN. Will the gentleman suspend until the Chair can put the motion?

Mr. BOEHNE. And therefore I object.

The CHAIRMAN. Objection is heard. The question is on the motion that the committee rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HENSLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24450, the Military Academy appropriation bill, and reported it back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRESIDENTIAL TERM, ETC.

Mr. POU. Mr. Speaker——

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. For what purpose does the gentleman from North Carolina [Mr. POU] rise?

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of bills on the Private Calendar.

Mr. HENRY of Texas. Whom does the Speaker recognize?

The SPEAKER. The gentleman from Texas offers a privileged resolution. The Chair will state that this is the fifth Friday. If the House desires to take up bills on the Private Calendar in preference to the rule offered by the gentleman from Texas [Mr. HENRY], it will vote the motion of the gentleman from Texas down.

The Clerk will report the resolution of the gentleman from Texas.

The Clerk read as follows:

House resolution 475.

Resolved, That immediately upon the adoption of this resolution House joint resolution 204 be taken up for consideration, and at the expiration of four hours a vote be taken on the resolution and all pending amendments thereto.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were—ayes 14, noes 31.

Mr. HENRY of Texas. I make the point that there is no quorum present.

Mr. BOWMAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. BOWMAN. For information. I would like to have the resolution read.

The SPEAKER. The resolution is not debatable. The gentleman from Texas [Mr. HENRY] raises the point that there is no quorum present. There is only one thing to do. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees.

The gentleman from Pennsylvania [Mr. BOWMAN] asks unanimous consent to have the resolution again reported. Is there objection?

There was no objection.

The resolution was again read.

The SPEAKER. The question to be voted on is the previous question on that resolution.

Mr. SIMS. Mr. Speaker, to what does the resolution refer?

The SPEAKER. The Clerk has just read it.

Mr. SIMS. He read it by number, and we can not tell what the resolution is.

Mr. HENRY of Texas. This is on the previous question.

Mr. SIMS. What do you want to get up? We do not know what we are voting for.

The SPEAKER. You are voting for the previous question on this resolution, and the resolution is to give four hours of general debate to another resolution to amend the Constitution.

Mr. HENRY of Texas. I am perfectly willing to state that it is to amend the Constitution.

The SPEAKER. The resolution is not debatable. The Clerk will call the roll.

The question was taken; and there were—yeas 69, nays 143, answered "present" 9, not voting 171, as follows:

YEAS—69.

Ansberry	Foster	Lee, Pa.	Roberts, Nev.
Beall, Tex.	Gallagher	Lenroot	Rodenberg
Berger	Garner	Linthicum	Sloan
Blackmon	George	McCall	Smith, N. Y.
Bowman	Goodwin, Ark.	McCreary	Smith, Tex.
Burgess	Greene, Mass.	McKinley	Stephens, Tex.
Burleson	Hardwick	McLaughlin	Tuttle
Campbell	Hardy	Martin, S. Dak.	Watkins
Carlin	Hawley	Miller	Webb
Carter	Henry, Tex.	Morgan	Wilder
Cary	Hill	Morse, Wis.	Wilson, Pa.
Clayton	Jackson	Neeley	Witherspoon
Dalzell	Jones	Oldfield	Young, Kans.
Dent	Kahn	Parran	Young, Mich.
Diles	Kent	Pray	Young, Tex.
Fergusson	Kinkaid, Nebr.	Prince	
Fitzgerald	La Follette	Prouty	
Flood, Va.	Lawrence	Reilly	

NAYS—143.

Adamson	Draper	Johnson, S. C.	Robinson
Ainey	Driscoll, D. A.	Kennedy	Roddenbery
Akin, N. Y.	Driscoll, M. E.	Kinkead, N. J.	Rothermel
Alexander	Edwards	Kitchin	Rubey
Anderson, Minn.	Ellerbe	Kopp	Rucker, Colo.
Anderson, Ohio	Esch	Korbly	Russell
Anthony	Evans	Lamb	Shackleford
Austin	Faison	Lee, Ga.	Sherwood
Ayres	Farr	Lever	Simmons
Barnhart	Ferris	Lewis	Sims
Bartlett	Finley	Lindbergh	Sisson
Bell, Ga.	Floyd, Ark.	Littlepage	Smith, Saml. W.
Boehne	Fowler	Lloyd	Steenerson
Booher	Francis	Lobeck	Stephens, Cal.
Brantley	French	McKellar	Stephens, Miss.
Buchanan	Godwin, N. C.	McKinney	Stephens, Nebr.
Bulkley	Good	Macon	Sterling
Burke, Wis.	Green, Iowa	Maguire, Nebr.	Stevens, Minn.
Burnett	Gudger	Mondell	Stone
Butler	Hamilton, Mich.	Moon, Tenn.	Sulloway
Byrnes, S. C.	Hamlin	Moss, Ind.	Sweet
Byrns, Tenn.	Hammond	Murdock	Switzer
Callaway	Harrison, Miss.	Nelson	Taggart
Cannon	Hay	Page	Talbott, Md.
Claypool	Heald	Patten, N. Y.	Taylor, Colo.
Collier	Helgesen	Patton, Pa.	Taylor, Ohio
Covington	Henry, Conn.	Pepper	Thistlewood
Cullop	Hensley	Post	Towner
Curley	Higgins	Pou	Turnbull
Danforth	Hubbard	Raker	Volstead
Davis, Minn.	Howell	Ransdell, La.	Warburton
Dicklinson	Howland	Rauch	Wedemeyer
Dickson, Miss.	Hughes, Ga.	Redfield	White
Dixon, Ind.	Hull	Rees	Wilson, Ill.
Dodds	Humphreys, Miss.	Richardson	Wood, N. J.
Doremus	Jacoway	Roberts, Mass.	

ANSWERED "PRESENT"—9.

Browning	Hayden	Langley	Martin, Colo.
Davenport	Houston	Malby	Slayden
Dwight			

NOT VOTING—171.

Adair	Cantrill	De Forest	Gillett
Aiken, S. C.	Catlin	Denver	Glass
Allen	Clark, Fla.	Difenderfer	Goeke
Ames	Cline	Donohoe	Goldfogle
Andrus	Connell	Doughton	Gould
Ashbrook	Conry	Dupré	Graham
Barchfeld	Cooper	Dyer	Gray
Bartholdt	Copley	Estopinal	Gregg, Pa.
Bates	Cox, Ind.	Fairchild	Gregg, Tex.
Bathrick	Cox, Ohio	Fields	Griest
Borland	Crago	Focht	Guernsey
Bradley	Cravens	Fordney	Hamill
Broussard	Crumpacker	Fornes	Hamilton, W. Va.
Brown	Currier	Foss	Hanna
Burke, Pa.	Curry	Fuller	Harris
Burke, S. Dak.	Daugherty	Gardner, Mass.	Harrison, N. Y.
Calder	Davidson	Gardner, N. J.	Hartman
Candler	Davis, W. Va.	Garrett	Haugen

Hayes	Loud	Palmer	Sparkman
Heflin	McCoy	Payne	Speer
Helm	McDermott	Peters	Stack
Hinds	McGillicuddy	Pickett	Stanley
Hobson	McGuire, Okla.	Plumley	Stedman
Howard	McHenry	Porter	Sulzer
Hubbard	McKenzie	Powers	Talcott, N. Y
Hughes, N. J.	McMorran	Pujo	Taylor, Ala.
Hughes, W. Va.	Madden	Rainey	Thayer
Humphrey, Wash.	Maher	Randell, Tex.	Thomas
James	Mann	Reyburn	Tilson
Johnson, Ky.	Matthews	Riordan	Townsend
Kendall	Mays	Rouse	Tribble
Kindred	Moon, Pa.	Rucker, Mo.	Underhill
Knowland	Moore, Pa.	Sabath	Underwood
Konig	Moore, Tex.	Saunders	Utter
Konop	Morrison	Scully	Vare
Lafean	Mott	Sells	Vreeland
Lafferty	Murray	Sharp	Weeks
Langham	Needham	Sheppard	Whitacre
Legare	Norris	Sherley	Wickliffe
Levy	Nye	Slemp	Willis
Lindsay	Olmsted	Small	Wilson, N. Y.
Littleton	O'Shaunessy	Smith, J. M. C.	Woods, Iowa
Longworth	Padgett	Smith, Cal.	

So the previous question was refused.

The Clerk announced the following pairs:

For the session:

Mr. SLAYDEN with Mr. TILSON.

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. PADGETT with Mr. SWITZER.

Mr. DUPRÉ with Mr. GRIEST.

Mr. DONOHOE with Mr. FOSS.

Mr. DIFENDERFER with Mr. CURRIER.

Mr. DAVIS of West Virginia with Mr. CRUMPACKER.

Mr. CONRY with Mr. PAYNE.

Mr. CONNELL with Mr. COOPER.

Mr. CANDLER with Mr. COPLEY.

Mr. BROWN with Mr. BURKE of Pennsylvania.

Mr. BATHRICK with Mr. BARTHOLDT.

Mr. ADAIR with Mr. AMES.

Mr. COX of Ohio with Mr. FOCHT.

Mr. WICKLIFFE with Mr. REYBURN.

Mr. WILSON of New York with Mr. SELLS.

Mr. HELM with Mr. SPEER.

Mr. GOLDFOGLE with Mr. HARRIS.

Mr. PETERS with Mr. VARE.

Mr. RAINEY with Mr. WEEKS.

Mr. SHARP with Mr. VREELAND.

Mr. SMALL with Mr. WILLIS.

Mr. STANLEY with Mr. PICKETT.

Mr. SULZER with Mr. PLUMLEY.

Mr. TALCOTT of New York with Mr. PORTER.

Mr. THAYER with Mr. POWERS.

Mr. PALMER with Mr. UTTER.

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. PADGETT with Mr. NEEDHAM.

Mr. MURRAY with Mr. MATTHEWS.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. MCDERMOTT with Mr. MCKENZIE.

Mr. LEGARE with Mr. LONGWORTH.

Mr. MCCOY with Mr. MCGUIRE of Oklahoma.

Mr. HUGHES of New Jersey with Mr. LANGHAM.

Mr. HOWARD with Mr. LAFEAN.

Mr. HEFLIN with Mr. KNOWLAND.

Mr. HARRISON of New York with Mr. KENDALL.

Mr. GREGG of Texas with Mr. HUMPHREY of Washington.

Mr. GREGG of Pennsylvania with Mr. HINDS.

Mr. GRAHAM with Mr. HAYES.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. BROUSSARD with Mr. NYE.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GARRETT with Mr. FORDNEY.

Mr. JAMES with Mr. CALDER.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. SHERLEY with Mr. MALBY.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. STEDMAN with Mr. HANNA.

Mr. BORLAND with Mr. OLMSTED.

Mr. JOHNSON of Kentucky with Mr. MOTT.

Mr. SHEPPARD with Mr. BATES.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. KINDRED with Mr. HAUGEN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. GOEKE with Mr. DE FOREST.

Mr. PUJO with Mr. MCMORRAN.

Mr. FLOOD of Virginia with Mr. HEALD.

Mr. GOULD with Mr. HINDS.

Mr. HAMILTON of West Virginia with Mr. HUGHES of West Virginia.

For two weeks from May 16:

Mr. CANTRILL with Mr. LOUD.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

Ending June 3:

Mr. DOUGHTON with Mr. GILLETT.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

For two weeks from May 20:

Mr. ROUSE with Mr. FULLER.

Ending May 31:

Mr. MORRISON with Mr. MADDEN.

Mr. SAUNDERS with Mr. CATLIN.

Mr. LANGLEY. Mr. Speaker, I voted "no," but I notice that the Clerk announced my pair with my colleague, Mr. FIELDS, and in view of that fact I withdraw my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LANGLEY, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. FITZGERALD. Mr. Speaker, is a quorum present?

The SPEAKER. A quorum is present. Further proceedings under the call will be dispensed with, and the Doorkeeper will unlock the doors.

Mr. BARTLETT. Is the motion lost?

The SPEAKER. The motion is lost.

Mr. HENRY. Mr. Speaker, I ask unanimous consent to make a statement.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. HENRY. Mr. Speaker, I would not care to have pressed this resolution to-day, and would not have presented it to-day in the first place had I not been informed and had I not understood that the Committee on Claims declined this morning to go on if they could not precede the Committee on Military Affairs. Therefore I withdraw the resolution for the present.

The SPEAKER. The resolution is withdrawn.

LEAVE OF ABSENCE.

Mr. NYE, by unanimous consent, was granted leave of absence indefinitely, on account of illness in his family.

CLAIMS.

Mr. POU. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion of Mr. POU was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. HAMLIN in the chair.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills on the Private Calendar, further consideration of the bill (H. R. 23451) to pay to certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

Mr. RODDENBERY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. When this bill was under consideration on a previous day, what was the parliamentary status at the time the committee rose? Was not the committee dividing on a vote at the time?

The CHAIRMAN. The committee was dividing, and the point of no quorum was raised. The vote was being taken on an amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Does not the vote now recur on that amendment?

The CHAIRMAN. The vote undoubtedly now recurs on the amendment of the gentleman from Georgia.

Mr. FOSTER. May we have the amendment read?

The CHAIRMAN. If there be no objection, the Clerk will report the amendment that was pending at that time.

The Clerk read as follows:

Page 3, line 15, strike out the words "one thousand."

The CHAIRMAN. The question is on the amendment just reported by the Clerk.

Mr. AUSTIN. Mr. Chairman, the committee, on page 3, in line 15, inserted the sum of $1,500 to pay Charles T. Hanson for loss of right foot while in the employ of the War Department in the Quartermaster's Department.

The CHAIRMAN. There is an amendment pending.

Mr. AUSTIN. I understand there is an amendment pending. I am going to reach that in a moment. The gentleman from Georgia [Mr. RODDENBERY] moves to strike out "1,000," so that this paragraph would read:

To pay $500 to Charles T. Hanson for the loss of his right foot while in the employ of the War Department in the Quartermaster's Department at Boston, Mass.

Mr. Chairman, I wish to oppose this amendment submitted by the gentleman from Georgia, and I hope this committee will vote it down.

Mr. RODDENBERY. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. The point of order is that all debate had been exhausted, that a vote had been ordered, that a rising vote had been taken, and that the gentleman from Tennessee is out of order.

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from Georgia is well taken. Debate had been exhausted on that amendment. The question is on the motion of the gentleman from Georgia, which has been reported by the Clerk.

The question being taken, the amendment of Mr. RODDENBERY was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. RANSDELL of Louisiana having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On May 29, 1912:

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and

H. R. 22999. An act providing for the construction and maintenance by the city of St. Louis, Mo., of an intake tower in the Mississippi River at St. Louis, Mo.

On May 30, 1912:

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

The committee resumed its session.

The Clerk read as follows:

To pay $1,000 to D. M. Rowland, father of Robert Blain Rowland, late a seaman of the United States Navy, who was killed in the discharge of his duty in the Manila Harbor during target practice.

Mr. AUSTIN. Mr. Chairman, I think this amount is wholly inadequate. I think the committee ought to increase it.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. AUSTIN. Yes; I move to strike out "one thousand" and insert "five thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the words "one thousand" and inserting the words "five thousand" in lieu thereof.

Mr. AUSTIN. Mr. Chairman, this committee will do itself no credit by voting an appropriation of only $1,000 to the dependent parents of an American seaman who, through no fault of his own, lost his life in the discharge of his duty.

In the case of Samuel A. Armour, where a lighthouse inspector lost his life in the discharge of his duty, this committee placed the amount of damage at $3,000. That sum of money was voted to his widow. Now in this particular case the proposition is to vote the parents of this seaman only $1,000. I can not understand, Mr. Chairman, how Members of this House can sit here and go on record for voting such an insignificant sum for the loss of a human life.

Mr. BUCHANAN. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BUCHANAN. The gentleman does not hold that the father of a deceased sailor is entitled to as much compensation as the widow and children of the deceased sailor would be entitled to?

Mr. AUSTIN. No; but I do want to say that it is the duty of this committee to vote down these insignificant sums brought in here under the provisions of a law enacted by the Sixtieth Congress fixing a sum of money in payment of the loss of a limb or life at such a sum that it is a dishonor to us; and I repudiate it, and I hope there is honor and justice enough in this House to change these sums.

Mr. CULLOP. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CULLOP. I would like to ask the gentleman how old this young man was when he lost his life.

Mr. AUSTIN. He must have been over 18 years of age, because he was a regularly enlisted seaman. The statement was made on the floor of this House when the bill was recently under consideration by the gentleman who represents that district in Iowa [Mr. PEPPER]. He can give you information in regard to what character of young man he was, his parentage, and everything connected with his history.

Mr. CULLOP. I would like to ask the gentleman from Iowa if he was over 21 years of age.

Mr. PEPPER. He was past 19.

Mr. CULLOP. What pay was he getting?

Mr. PEPPER. The regular seaman's pay, I think; $15 a month.

Mr. CULLOP. Under the law his parents would be entitled to two years' pay if they had sued to recover in the courts. In other words, if they had sued in the courts to recover what the young man earned and contributed to the support of his father and mother, if he had a mother living, the measure of damages would be what he earned in two years less what it took to support him. That would be the measure of recovery under the law of the land if it was such a case in which a suit would lie. Now, why should Congress vote a larger sum than he would get if he had resorted to the civil courts to recover? What reason is there for it? These matters should be adjusted on a reasonable and sound basis.

Mr. AUSTIN. Let me ask the gentleman from Indiana, does that justify the gentleman from Indiana voting to this man's parents only $1,000 because a previous Congress passed an unjust general liability act?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks to have his time extended five minutes. Is there objection?

There was no objection.

Mr. CULLOP. No; Congress did not pass that law, it is the law of the land, the law of every civilized country. Such is the measure of damages. It is the rule laid down for the Government of you and of every other man in the country in the civilized walks of life. If he had resorted to the courts of law to recover damages that would have been the measure of his damages. Now, why should a special law be made by Congress granting a larger sum than the miner or the railroad man or any other citizen of the Republic would have if he resorted to the courts? I can not understand the gentleman's method of reasoning on a proposition of that kind. Why should not he be bound by the same rule of law that every other citizen in the Republic is bound by?

Mr. AUSTIN. Now, if the gentleman from Indiana is through with his question I will answer it. The committee in passing on this identical bill increased the amount over that fixed in the Government general-liability law, in the case of the lighthouse inspector, Mr. Armour, and increased it to $3,000, in violation of the law quoted by the gentleman from Indiana. If it was right and just in this committee to ignore the Government liability law in that case, why not equalize and bring up all the other amounts in this bill?

Mr. CULLOP. Will the gentleman permit?

Mr. AUSTIN. Yes.

Mr. CULLOP. That was not a parallel case.

Mr. AUSTIN. A parallel nothing! The lighthouse case fell under the General Government liability law like every case named in this bill. The gentleman complains of my seeking to override the Government liability act in this particular case when I offer an amendment, but the law was overridden in the lighthouse keeper's case.

Mr. CULLOP. In that case if the widow had resorted to the courts she had a right to recover what her husband would have earned and contributed to her support during the expectancy of his life.

Mr. AUSTIN. Let me ask the gentleman: Did he vote for the amount given the widow of the lighthouse inspector, $3,000? Did he?

Mr. CULLOP. Because that stood on a different line of liability.

Mr. AUSTIN. Did the gentleman vote to increase it?

Mr. CULLOP. That stood upon a different basis.

Mr. AUSTIN. Oh; because you wanted an excuse and an opportunity to get round the Government general liability law in that particular case; but in this you want to hold this seaman's parents down to a literal enforcement of the provisions of that law.

Mr. LITTLEPAGE. Are there not two theories involved in this question? One is the loss to the parent of the services of the minor. If he were a single man and the administrator had brought suit, would not the amount and the liability have been regulated by the laws of the State? Usually the amount is $10,000.

Mr. CULLOP. Oh, no.

Mr. LITTLEPAGE. Is it not a fact that in the States generally the estate of minors goes to the father?

Mr. AUSTIN. Mr. Chairman, I want to state to the gentleman from Indiana [Mr. CULLOP] that the report itself shows in this particular case that it was the fault of the Government and not the fault of the sailor. The Supreme Court of the District of Columbia on Saturday affirmed the decision of the lower court in a case against the Chesapeake Beach Hotel Co., where the amount fixed by the jury was $10,000 for the loss of a life, and only a week ago the Supreme Court of the District of Columbia rendered a decision against the Washington Terminal Co. fixing damages at $7,500 in favor of a brakeman who lost a limb, while here we are voting $1,000 for the loss of a life!

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. PEPPER. Mr. Chairman, I do not want to criticize in any way the members of the committee who reported this bill. I consider that the members of the Committee on Claims have, perhaps, the hardest work of any committee work in this House, and yet I am very strongly of the opinion that in this particular case they have overlooked, possibly, the real justice underlying this claim. I would like to see the amendment of the gentleman from Tennessee adopted, because I believe this case offers an unusual spectacle, so far as the real liability of this Government is concerned. I want to call the attention of the committee to some passages in the report found on pages 34 and 35. A board or court of inquiry was appointed to investigate the facts with reference to the death of this young man, and the board reported as follows:

The board believes that the responsibility of the death of the deceased is primarily due to the faulty system of target practice followed on board the U. S. S. *Cincinnati*.

Thus absolutely fixing the responsibility, not upon any man alone in this case, but upon the system followed by the Government of the United States upon one of its ships.

Again:

The court is also of the opinion that further proceedings are unnecessary, but that Commander J. M. Robinson, United States Navy, commanding U. S. S. *Cincinnati*, and Lieut. J. F. Hines, United States Navy, the ordnance officer of that vessel, should be admonished for their neglect to take proper precautions while conducting Morris tube gun practice in a frequented harbor.

Again:

The commander in chief considers, however, that to admonish two officers, whose gross carelessness, as well as neglect of duty and disobedience of the regulations, resulted in the death of one of the best young men of the fleet, is not treating the matter with the serious importance it deserves, and private letters of reprimand will be sent to Commander J. M. Robinson, United States Navy, and Lieut. J. F. Hines, United States Navy.

Thus was absolutely fixed the personal responsibility upon officers of the U. S. S. *Cincinnati*.

This young man was killed. Nobody claims that there was any fault or negligence on his part. He was absolutely murdered in cold blood; not by accident, not by some explosion that nobody is responsible for, not because something happened that nobody could anticipate, but by the direct and criminal neglect of a man who is a commander and represents this Government upon that ship.

As a direct result of the faulty system employed by the Government of the United States, this young man was murdered, and now the Government proposes to say to the parents, in view of the fact that their son was murdered, that it will give them $1,000, and for them to be satisfied.

I say in all seriousness that there is something more involved here than mere compensation for the loss of the life of this splendid young man. It seems to me this Government would be stultifying itself to place the value of $1,000 upon a young man's life which was lost in this way. I hope the amendment will be agreed to. I think it is fair and just, and ought to be adopted. Five thousand dollars is small enough. Let us put our stamp of disapproval and condemnation forever on the methods heretofore followed by our Government in paying its just obligations.

Mr. GREEN of Iowa. Mr. Chairman, I desire to remind the committee that the chief difficulty that bills of this character have heretofore encountered in previous Congresses has been to get anything whatever allowed, and the difficulty which the Committee on Claims will encounter as we proceed in this case will be to get the bill through with moderate and even very small sums allotted to the several parties making these claims. As has been stated heretofore, with the exception of the claims for the Ford Theater disaster, in all the history of the previous Congresses, with thousands of such claims to be considered, only two or three for personal injuries have ever been allowed. Those are the only instances. I went through them carefully myself. If gentlemen will inquire of the members of the Committee on Claims with reference to the basis on which these sums were awarded, they will find in each instance that there was a definite principle and a definite reason for fixing the sum named.

If the committee will turn to page 36 of the report on the claim under consideration a moment, under the communication from the Acting Secretary of the Navy, Beekman Winthrop, they will see that there is a statement contained in it that the decedent did not remit to his parents a sum in excess of $15 per month. It will follow, therefore, if the parents had a right to sue in a court of law, as they have not, and recover anything from the Government, as they have not, this sum which is awarded here, taking into consideration that it is to be paid now in cash, is really as much as those dependent parents could recover in a court.

Mr. BARTLETT. Will the gentleman permit me a question?

Mr. GREEN of Iowa. With pleasure.

Mr. BARTLETT. Suppose this was not the United States Government as an employer, but an employer who, under any law, was liable to pay for the damage resulting, could the parents recover any more than the value of the life of the young man to them, which would be measured by what he could earn for them from the time he was a minor until he became of age?

Mr. GREEN of Iowa. I was trying to explain—while it is not definitely stated in the report, as I recall the fact, this young man was over 21, and so, really, there would have been no right to recover; but he was paying this sum to his parents.

Mr. BARTLETT. I understood he was 19 years old.

Mr. PEPPER. Will the gentleman permit a question?

Mr. GREEN of Iowa. Certainly.

Mr. PEPPER. I was much interested in the question of the gentleman from Georgia. Is it the statement of the gentleman from Iowa that there is no liability in an ordinary accident if the young man is killed when he is over 21; that there is no liability to the parents whatever? Is that the position of the gentleman?

Mr. GREEN of Iowa. No; not necessarily.

Mr. PEPPER. To his dependent parents?

Mr. GREEN of Iowa. The dependent parents might possibly recover.

Mr. BARTLETT. The right to recover for a homicide does not exist in common law at all.

Mr. GREEN of Iowa. It will be observed this young man, according to the Secretary, sent home not exceeding $15 a month, and in view of that fact this amount is put in——

Mr. PEPPER. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. PEPPER. Has that rule been followed all the way through in all the cases?

Mr. GREEN of Iowa. So far as I know, this is a solitary case of that kind we have in the whole bill.

Mr. PEPPER. But is that the policy?

Mr. GREEN of Iowa. I will withdraw that statement; there is another, either in this bill or another.

Mr. PEPPER. There is hardly a case in here but what that rule, if it was adopted, would go far below what the amounts are. Is not that true?

Mr. GREEN of Iowa. You could not apply that rule in any way except where the relation of a child to dependent parents exists. I believe there is another case in this bill; if not, it is in another bill.

Mr. AUSTIN. I would like to ask the gentleman a question.

Mr. GREEN of Iowa. With pleasure.

Mr. AUSTIN. Is it not a fact that the Senate on yesterday, in the case of Erskine R. K. Hayes, voted him $5,000 for an injury received in the Bureau of Engraving and Printing, Treasury Department?

Mr. GREEN of Iowa. It is a fact, and at the time other Members in the Senate stated it was entirely a new precedent and contrary to their rules. It awarded to claimant, who had been a helpless cripple for years, requiring constant attendance, and suffering from a constant discharge, all of which was caused by the injury received.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3459. An act for the relief of Erskine R. K. Hayes;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 6565. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18800) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20738. An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture;

H. R. 20947. An act to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark.;

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes";

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows or dependent relatives of such soldiers and sailors;

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

CLAIMS FOR PERSONAL INJURY AND DAMAGE TO PRIVATE PROPERTY.

The committee resumed its session.

Mr. POU. Mr. Chairman, I move that all debate on this paragraph be now closed.

The CHAIRMAN. The gentleman from North Carolina moves that all debate on this paragraph be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. PEPPER) there were—ayes 16, noes 28.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to amend, line 22, page 3, by striking out the word "one" and inserting the word "three."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the word "one" and inserting the word "three."

Mr. LANGLEY. That is the same case?

Mr. PEPPER. It is the same case. Mr. Chairman, it seems to me everything that has been said in reference to the rule governing this committee——

Mr. POU. Mr. Chairman, I regret very much to interrupt my friend, but I made the motion that all debate upon the paragraph and amendments be now closed.

Mr. PEPPER. Very well.

The CHAIRMAN. The Chair would like to inquire from the gentleman from North Carolina if his motion included the paragraph and all amendments thereto?

Mr. POU. The paragraph and all amendments thereto.

The CHAIRMAN. The Chair did not understand the gentleman to put it that way.

Mr. PEPPER. Mr. Chairman, I am perfectly willing, in view of the desire of the chairman of the committee to get this bill through, even though he did not put it that way, to waive the right of debate, and take a vote upon this question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. PEPPER) there were—ayes 4, noes 28.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman. I move to amend, on page 3, line 22, by striking out the word "one" and inserting in lieu thereof the word "two."

The CHAIRMAN. The gentleman from Iowa [Mr. PEPPER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the word "one" and inserting the word "two."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the chairman announced that the noes seemed to have it.

Mr. PEPPER. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 18, noes 31.

So the amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to amend, on page 3, line 22, by striking out the words "one thousand" and inserting the words "one thousand five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 22, by striking out the words "one thousand" and inserting the words "one thousand five hundred" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. PEPPER. Division, Mr. Chairman.

The committee divided; and there were—ayes 21, noes 26.

So the amendment was rejected.

The Clerk read as follows:

To pay $1,500 to Severin Hartman for loss of his left arm while in the discharge of his duty at Rock Island Arsenal, Ill.

Mr. FOWLER. Mr. Chairman, on page 4, line 1, I move to strike out the words "one thousand five hundred" and insert in lieu thereof the words "two thousand."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 4, line 1, by striking out the words "one thousand five hundred" and inserting the words "two thousand."

Mr. FOWLER. Mr. Chairman, I do not desire to take up the time of this committee with useless discussion. I think it will be conceded by my colleagues that I have always been conservative in my vote and action on measures here in this House. When this bill was before the Committee on Claims, of which I am a member, I asked that the amount be made $3,000, as I recollect. I reserved then my right to try to have this amount increased, Mr. Chairman, on the floor of the House.

This young man was employed in an arsenal of the United States doing a certain piece of work. There was a revolving piece of machinery which carried in it certain knives for certain purposes. While this young man was engaged at his specific labor, one of these knives in this revolving machine became loose and was detached and thrown by the force of the revolution of the wheel to which it was attached a distance of 86 feet away. It struck this young man and severed one of his arms. He now is a young man with but one arm, and it is proposed by this bill to pay him for that injury the sum of $1,500. It is perfectly evident, Mr. Chairman, that the young man was not negligent upon his part in any way whatever, but steadfast at his post of duty, performing it as a faithful servant, and while so doing, by the negligence of his master, the United States, he lost one of his arms. And I say, Mr. Chairman, that he ought to have a sum whereby he would be able to support himself in some kind of decency. We all know that $2,000 is not enough, and I almost feel like condemning myself for offering an amendment for only that amount. But inasmuch as it has been shown by the temper of this committee that they are not willing to allow large sums, I have sought by this amendment to give to this young man a small additional compensation to what this bill carries.

Mr. GUDGER. I want to ask the gentleman a question. This accident occurred in 1905?

Mr. FOWLER. Yes.

Mr. GUDGER. I want to ask if this man is not now in the employment of the Government at the same wages that he received at the time of the accident, and that he is to be retained by the Government in his position just as long as he lives?

Mr. FOWLER. Mr. Chairman, that is no argument whatever to my contention. I carry but one hand with me, and a man who has never lost a limb does not know the humiliation and the disadvantage with which a man goes through life maimed and decrepit by virtue of such a dismemberment.

Mr. GUDGER. Will the gentleman yield? You stated a while ago that this man ought to have some compensation with which to support his family?

Mr. FOWLER. You are mistaken. I did not. If the gentleman so understood me he misunderstood what I said.

Mr. GUDGER. Well, is it not a fact that since 1905, at the time of this accident, this man has been retained by the Government in his present position, at the wages at which he was earning at the time of his accident, and is to be retained by the Government during his lifetime?

Mr. FOWLER. Mr. Chairman, I repeat that what the gentleman has propounded is no argument in this case whatever.

Mr. GUDGER. But I am asking you if it is a fact.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOWLER] has expired.

Mr. FOWLER. Mr. Chairman, I ask that my time be extended for five minutes. I think it is the only time that will be taken up by me during the consideration of this bill.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. FOWLER. I think it is true the young man is in the employ of the United States——

Mr. GUDGER. At the same wages?

Mr. FOWLER (continuing). But in reply to the contention that he undertakes to interpose that because the young man is employed in the service of the Government and is earning money it is a reason why he should not be compensated for the loss of his arm, I will say that flesh and blood never can be measured by dollars and cents, and never will be measured by dollars and cents by me. [Applause.]

Mr. FRANCIS. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FRANCIS. Wherein is the Government negligent in this case?

Mr. FOWLER. The negligence of the Government was in having knives in a revolving machine not secured so as to protect the lives and the limbs of the men whom the Government required to work in close proximity to that wheel.

Mr. FRANCIS. Does the bill show that?

Mr. FOWLER. The report, Mr. Chairman, shows exactly those conditions.

Mr. FRANCIS. Another question. Will the gentleman yield?

Mr. FOWLER. Yes; I will yield to the gentleman, although I want to discuss one other point.

Mr. FRANCIS. Is it not a fact that in this case the committee followed the Panama cases, in which, no matter whether the Government is negligent or not, the party is allowed to recover where he is not negligent, and was not that rule followed?

Mr. FOWLER. I do not think so. The committee originally reported one year's salary for this young man. I made a motion to make it $3,000, and we finally agreed upon $1,500.

Mr. Chairman, I repudiate the principle upon which this one year's salary is based. It is inequitable, unfair, and un-American in its character. [Applause.] Let us examine that rule which has been thrust into this case so anxiously by some of my colleagues: If an employee in hazardous employment should have a finger mashed while working for the Government, thereby incapacitating him, he would be entitled to receive $5,000 in money under that rule from the Treasury of the United States, provided he were on a salary of $5,000 a year; but if a poor man, laboring upon an arduous piece of work, should lose an arm—aye, if he should lose both arms, if he should lose both legs and both arms, or if he should lose both legs and both arms and both eyes—under that harsh rule, so inequitable in its character, all that he can draw is the pitiful sum of $300, if that be all that his wages amount to for one year.

Mr. Chairman, I say that this young man is entitled to compensation for the permanent injury he has sustained. If the Government's machinery gets out of repair, if it should break or any part of it should get into such a condition that it could not be used, the Government, at the expense of the United States, would foot the bill; and I ask this committee if machinery is worth any more to the Government of the United States than men laboring to do our work and the work of this country?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEPPER. Mr. Chairman, I want to reply briefly to the arguments presented by some questions asked of the gentleman from Illinois [Mr. FOWLER]. The question was asked if it was not true that Severin Hartmann is now employed by the arsenal at the same wages that he was employed at before, and if he had not received assurances that he would be continued in employment for the rest of his life. I do not know whether that is true or not. It may be true. That has nothing whatever to do with this claim. But I want to say this: That if the Government of the United States is paying Severin Hartmann $1.75 a day or any other sum, it is getting the worth of its money. And if it is paying him just as much as it was paying before he lost his arm, it was not paying enough when the accident occurred. [Applause.]

The Rock Island Arsenal is not a philanthropic institution. They are not employing men out there simply to enable them to support their families.

Mr. GUDGER. I would like to ask the gentleman if they have not changed this man's work from that of a carpenter to such work as he can do with one hand?

Mr. PEPPER. I have no doubt but that they have changed his work. Naturally when you cut off a man's arm you change his work, not only that—you change his life, his hopes, and his opportunities, and you are going to pay him only $1,500 for it. I say it is wrong. I say that if that were tried in a court in Illinois or in Iowa, and my friend Judge GREEN here was on the bench and we had a jury of Iowa men out there on this case, I would like to see you get off with a verdict of only $1,500, when a man's arm is cut off, with no negligence on his part, and the negligence established entirely on the part of the Government.

Mr. FOWLER. He would not set aside a $5,000 verdict.

Mr. PEPPER. No. He would not set aside even an $8,000 verdict. I will ask the gentleman from Iowa [Mr. GREEN] if he would.

Mr. FOWLER, who made this motion, has gone over the evidence. He is a member of the subcommittee that passed on this claim, and he has now made the motion to increase it. It seems to me if you are going to follow the advice of the committees of this House and take their judgment, you ought to pass the amendment and make this allowance $2,000. It ought to be double that amount.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I want to say that I am with the gentleman this time.

Now, as I have observed in these claims, there are two distinct lines on which damages are allowed. In some cases compensation is allowed to injured persons or to the dependent relatives of persons who are killed where there is no liability on the part of the Government and where there would be no liability on the part of a private employer. My notion is that whatever you give to such a person is a gratuity, and if that person does not get all he thinks he ought to receive, he should not find much fault, because if he should go into court the chances are that no case would be made out and no damages of any kind recovered.

But here is a case which is different. It seems to me on the facts, meagerly as they appear in this report, that this young man had a cause of action; that is, that if he had been employed by any private concern instead of the Government, he would have had a cause of action under the common law. In the first place, no one claims that he was guilty of negligence which caused or contributed to his accident. It appears that there was something the matter with this piece of machinery, that it was loose, defective, dangerous, and that while it was in ordinary use, in its ordinary work, a blade flew off and across the room 80 feet with such force that it injured this young man's arm so badly that it had to be amputated. It seems to me that any good negligence lawyer who had an opportunity to examine the facts immediately after the accident could easily have made out a case of negligence against the employer if he were a private individual or a corporation. It would have been easy to show that there was some defect in that machine, that that defect could have been discovered by the exercise of ordinary care and prudence on the part of the employer. An inspection by a competent inspector before the accident would have shown that that defect existed, and the failure to remedy the defect was negligence, which could have been established on a trial, and a case could have been made out to go to a jury. It seems to me quite a clear and strong case on the merits, because a case is always strong when a plaintiff is injured or loses an arm or leg without fault or negligence on his part.

The plaintiff's case is always weak before a jury when they can show some negligence on the part of the plaintiff which caused or contributed to the accident. It seems to me there is no question here but what a case would have been made out that the employer, in this case the United States, was guilty of negligence in permitting this machine to remain out of order to such an extent that one of the blades or knives flew off when the machine was in ordinary operation and flew 80 feet across the room with such force as to destroy this man's arm. Two thousand dollars is not enough. In any State of this Union the average verdict for that accident would be from $5,000 to $8,000. At least that would be the average verdict of a jury in the State from which I come, and it would not be set aside as excessive by any court of which I have any knowledge. This ought to be $5,000 on the case that is made out here. A recovery of that amount ought to be had. It is not a gratuity. It is not asking something for nothing. It is asking reasonable and fair compensation for an accident for which the defendant, the Government, was responsible and the plaintiff was in no respect responsible.

Mr. AUSTIN. Mr. Chairman, I take pleasure in supporting this amendment offered by the gentleman from Illinois [Mr. FOWLER]. I know we are in a hopeless minority in this fight, but we give you notice now that we are going to fight these unjust propositions as long as we are here and can obtain recognition and have the breath to speak, because we believe the small amounts reported here are unfair, unjust, and discreditable to the American Congress, the American Government, and the American people. It is no justification to tell me that a previous Congress passed a law which every man of fair play and a high sense of honor and justice knows to be unjust. It will not do to say that we are discharging our conscientious duty as Members of this House when we follow the decisions of our predecessors who fixed this low standard of the value of human life and human limb.

The responsibility of my vote on this question is not the mere question of voting to put through an unjust Government general liability law of four years ago. I am not complaining of the members of this committee, I have no personal grievance or public criticism of them, but I do protest against this method of settling and adjusting these claims. I hope that we can see the justice of liberalizing or changing or modifying this cruel and unjust Government general liability law.

Why, the Senate has passed a workman's compensation act that gives to the widow of a mechanic killed in a private plant $4,800 for the loss of life, and where there is a child $6,000. We will pass through this House a law, a workman's compensation act, that will compel every private corporation in the United States to pay to an injured mechanic a much larger and higher sum of money than we are voting out here to-day to the same class of mechanics injured or crippled in the Government arsenals, navy yards, and workshops of the country. We have voted $1,000 here for the loss of an American sailor, and yet we are giving in a workman's compensation bill that passed the Senate, that in that case alone would compel a private corporation to have paid not less than $4,800.

Mr. BOOHER. Will the gentleman yield?

Mr. AUSTIN. In a moment. Let me call your attention to the unjust attempt in this bill, the indefensible action of this committee. Page 3, to Raymond R. Ridenour, for injury to his hand while in the discharge of his duty on the Isthmus of Panama, $500. An injury to his left hand $500, and upon the same page we pay the parents of a sailor who lost his life on account of a defective target practice $1,000. You think a human life is worth $1,000 and the injury to a left hand $500. Do you tell me that this is right, that this is fair, that this is just? I repudiate it. It is not, and any action of any committee, or the operation of any Government general liability law passed in the Sixtieth Congress can not make it right. It is eternally and everlastingly wrong.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. AUSTIN. In a moment. Now, on the same page, we pay $1,500 to the heirs of Charles E. Stump, who lost his life from injuries received while in the discharge of his duty on the Isthmus of Panama.

To Loretta E. Smith, widow of George H. Smith, $1,248, who lost his life while in the employ of the Government in the erection of the Capitol power plant.

And the next item is to pay $1,500 to Charles P. Hanson for the loss of his right foot while in the employ of the War Department in the Quartermaster's Department at Boston, Mass.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I had hoped that we would not have to review the allowances which have heretofore passed the House in this bill, but the attack which has just been made by the gentleman from Tennessee [Mr. AUSTIN] upon these provisions probably renders some answer necessary.

The gentleman from Tennessee ought to know, with reference to the Rowland claim, that we have just passed, that that allowance was not for a loss of life; that we were not paying for a loss of life, but something to the parent as compensation for what he might have received out of the salary of this man if he had lived.

This particular claim that we have under consideration, Mr. Chairman, is one of the most liberal allowances in the whole bill. If this is raised, I do not know of one of these personal-injury allowances but that ought to be raised, too. We have taken into consideration the circumstances that surrounded this man, the fact that he was reemployed at the same wages, and all these other matters, and have made by far the most liberal allowance that has been made anywhere.

Now take, for example, the paragraph for the allowance of $1,500 to Hanson for the loss of his foot without any fault on his part. Take the allowance, page 2, of $1,500 to Florence Lambert, for loss of one hand and the other disabled, receiving frightful injuries about the face and the loss of one eye, and who suffered torture as a result of that injury. In all these cases the allowance is really much smaller than is the one under consideration.

The gentleman from New York [Mr. MICHAEL E. DRISCOLL] has stated that here was a case which could be made out in court for full compensation. If he will examine the report more fully he will see that this is not that kind of a case at all. So far as the evidence before the committee is concerned, the report of Capt. Jamieson, shown on page 39, is that there was no precaution that could be taken further than what had been taken with reference to these knives, and that there was no negligence on the part of the other employees of the Government.

Mr. MICHAEL E. DRISCOLL. He does not remember all of the facts.

Mr. GREEN of Iowa. The statement contained in the report is as follows:

The molding machine and all other machines in the shop are provided with guards to minimize danger as much as possible, and I am convinced that all possible precautions are constantly observed.

That is all the committee had before it to go upon. There would have been no case had this been a private employer, with what the committee had before it.

Mr. MICHAEL E. DRISCOLL. Did the gentleman ever know of a case where the employer or the superintendent did not come in and say that all possible precautions were taken to avoid accidents? Did the gentleman ever try a case where that did not happen? Yet here is a case where it is shown that just as soon as the machine was started up it exploded, broke, and this knife flew 85 feet across the room with tremendous force.

Mr. GREEN of Iowa. The trouble with the gentleman is just that which is the trouble with some others who have spoken on this subject, that they seem to think the committee must consider something entirely outside of the record.

Mr. PEPPER. Does not the fact that this knife came loose from the molding machine and flew across the room, under the circumstances, show that somebody was negligent at some time?

Mr. MICHAEL E. DRISCOLL. I think that would raise a prima facie case of negligence.

Mr. GREEN of Iowa. Mr. Chairman, there is no rule of law which is better settled than that the mere happening of an accident does not prove negligence.

Mr. PEPPER. But that is not this case.

Mr. MICHAEL E. DRISCOLL. Accidents may happen in some cases in such a way as to establish a prima facie case of negligence. It depends on how the accident happens.

Mr. GREEN of Iowa. I shall have to disagree with the gentleman as to the question of law, but in any event there is no law that renders the Government responsible, and hence we have endeavored to put these cases on the broad principle of equity, not allowing any of these people all that they ought to have, but such a sum as we thought we could get through. It is no kindness to try to put larger sums on this bill, because if it is done it will never get through the other House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAGUIRE of Nebraska. Mr. Chairman, this is one of the bills that I reported. It is one of the bills that I as chairman had before my subcommittee. I am favorable to a liberal allowance in these personal injury cases. I went through the files of something like 150 cases that are before my subcommittee and searched out the personal-injury cases and gave them preference, and I think there are no cases before that subcommittee at this time where the evidence is complete that have not already been reported or acted upon. This omnibus bill is made up largely of these cases.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE of Nebraska. I will yield to the gentleman from Pennsylvania.

Mr. BOWMAN. Mr. Chairman, I learned the woodworking business and have run machines similar to this. Upon examining the evidence it shows that on the day those knives were put in they were worked for several hours. The next morning the operator went there and tightened up the boxes. He did not pay any attention to the knives. He tightened up the boxes to see that the cutters ran true. In other words, he showed extra care, and I can not see anything in the evidence here that tends to show the least bit of negligence on the part of any person, but, on the contrary, the greatest care. As a matter of fact, these knives frequently break out and fly considerable distances.

Mr. MAGUIRE of Nebraska. Mr. Chairman, from the information furnished the comimittee by the War Department there is no negligence shown at all on the part of anyone in this arsenal in the case of this accident. I searched out these cases. I believe we have been comparatively liberal with this one. It was reported for $1,500. The man would have received only about $550 if eligible and had received compensation under the regular 1908 general employer's liability act. I consider that act entirely inadequate to do justice and equity in the personal-injury cases that fall within its provisions; this case falls outside its provisions, of course, in point of time, and relief has to be sought direct from Congress.

The Committee on Claims did not follow the wide range of sentiment that prevails on the floor of the House as to the amount of the allowance, but was reasonably well agreed after full and careful consideration of all the facts in each case. Now in most of the claims with private employers, if they had to seek the courts for relief, they would be compelled to pay something like half the amount received for attorneys' fees and court costs. In most of these cases we are passing upon here there are no attorneys' fees or court expenses. It is a clear amount of $1,500, or whatever the amounts may be, and goes directly to the legal heirs or the individuals. This man is, I understand, now employed in the arsenal, receiving, I think, about the same pay as before the injury, although I am not certain about that. I am in favor of passing immediately these personal-injury cases and giving them a reasonable amount, and am not in favor of taking any chances about getting them through by an overloading of the bill with large amounts and have these meritorious cases defeated before final passage and the injured ones or their families continue without relief. Here is a case that has been running for seven years. It has been before this Congress before. The committee decided in favor of giving $1,500, so that this bill may go through and pass and give practical relief to this man now instead of appealing to abstract justice and waiting for years for relief.

Mr. Chairman, I hope this allowance will pass as it is in the bill, at $1,500, and give this man who met with this accident relief, of which he has been deprived for more than seven years. In practically all these cases of injury the relief needed is immediate, and to wait imposes great hardships to the individual or, in case of death by accident, to his surviving family. The Government ought to be one of the very best employers, and relief ought not be delayed in these hazardous occupations, as in a large number of these cases, for a long period of years. The employers' liability act of 1908 has given quite a measure of relief, but of course does not apply to those injured before its passage. In its operation it applies only to a limited number of employees in hazardous Government work, and the allowances under its provisions are not at all adequate. I hope to see the time in the very near future when the provisions of our Government liability law will be very much liberalized. But I am now for granting immediate relief in those cases that are specifically before us and have been lingering for many years.

Mr. POU. Mr. Chairman, I will take up just a few minutes and no more. In the first place, I want to remind the committee that these people could not have gotten one single cent but for this legislation. Every item in this bill, almost without exception, is a gift on the part of the Government, pure and simple. Now, speaking for myself, I want to repeat what I said before and that is in nearly all of these cases the amounts are smaller than these people would have gotten if a jury had passed on their cases, but this committee was entering upon a reform. We did not know whether we would be sustained by this House or not, and we did not want to bring in a bill which would fail of passage in this House. Under all the circumstances we have tried to allow a reasonable and just amount in every case, and in no case did we go too high.

Mr. PEPPER. That is true.

Mr. POU. Now, I ask you to cooperate with the committee in helping to put this bill through. I am afraid this is about our last day in court. To any gentleman who wishes to promote the passage of this legislation I think I feel safe in saying this is about the last opportunity to do so.

Mr. AUSTIN. Will the gentleman yield?

Mr. POU. I will.

Mr. AUSTIN. I wish to say to the gentleman, while I have opposed this bill, I have voted every time to take up this bill for consideration.

Mr. POU. I know that is true.

Mr. AUSTIN. I do not seek to defeat it. I hope to have it amended, and even if I fail in that I hope to create a sentiment in the House against this method of settling these cases.

Mr. POU. In that I am thoroughly in accord with the gentleman, and I am ready to shake hands with him across this aisle in amending the law of 1908 so these people will not get ridiculously small amounts, so that a man who is totally blind, who has had both legs cut off, will get more than $500 or $600 or some amount that will not pay his doctor's bill; but we are confronted with a condition here and not a theory, and I hope we may be able to get through, at least, these two omnibus bills before the day is over. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the Chairmon announced the noes seemed to have it.

On a division (demanded by Mr. FOWLER) there were—ayes 22, noes 36.

So the amendment was rejected.

The Clerk read as follows:

To pay $420 to Annie T. Jackson, widow of Frank W. Jackson, who lost his life in the employ of the United States Government on board the steam tug Cynthia.

Mr. POU. Mr. Chairman, I wish to offer, by authority of the committee, the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend line 8, page 4, by striking out the words "four hundred and twenty" and inserting in lieu thereof the words "one thousand."

Mr. AUSTIN. Mr. Chairman, I want to answer, if I can, a statement made by the gentleman from Iowa [Mr. GREEN] that the other body will not agree to changes of this bill or that this House is in danger of losing this legislation. I want to call attention to the fact that in the Senate on yesterday, according to the RECORD, not a vote was cast against a bill which voted $5,000 in payment of a laboring man in the Bureau of Engraving and Printing for an injury that occurred to him, and the committee stated "That no just fault can be charged against the Government." In that case the laboring man tripped himself in some way in the Bureau of Engraving and Printing and was permanently injured through no fault, as stated by the report of the committee on the part of the Government, and they voted him in the Senate yesterday $5,000. Now, here is a proposition to vote the wife of a fireman on a Government tug $1,000, and we have already voted in one case $500 to Raymond Ridenour; nature of accident, "thumb and first finger of left hand cut off."

Mr. LEWIS. Will the gentleman yield for a question?

Mr. AUSTIN. In just a moment. I am not finding fault with the amount voted Mr. Ridenour. I am sorry it was not larger, but I just wish to call attention to this unfair and unjust method of settling these cases. We have voted to one workman $500 for the loss of his thumb and first finger of his left hand, which were cut off.

And we vote to the widow of a fireman on a Government tug $1,000 for the loss of her husband, and perhaps a father, and we vote a thousand dollars to the dependent parents of an American seaman for the loss of the seaman through a defective method of target practice that his superior officers were responsible for. I wish to burn these inequalities into the minds and hearts of the Members of this House who are voting on every proposition here to keep down and not increase these amounts.

Mr. FRANCIS. Will the gentleman from Tennessee [Mr. AUSTIN] permit a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Ohio?

Mr. AUSTIN. I do not yield. It is enough to vote against the entire membership of the Committee on Claims without dividing my time with them.

Mr. FRANCIS. We will give you another minute.

Mr. AUSTIN. Now, the gentleman from Oklahoma [Mr. FRANCIS] this morning obtained permission to make a political speech on the floor of this House, recounting the legislation that the majority have given to the laboring people of this country. Is it just legislation to the wives and mothers of mechanics in arsenals, on ships of our Navy, in navy yards, and on the canal for this majority to vote a few dollars in payment of a human life or $1,248 or $1,500 for the loss of a right leg or a right arm? Is it heeding the cries of justice from the dependents of these laboring men and these mechanics? Is it heeding the cries of people who are made cripples for the rest of their lives through no fault of their own?

Mr. POU. Mr. Chairman, I am sorry that the gentleman has seen fit to inject politics into this matter. I wish to state that the reason this bill did not get through the last day that it was up was on account of the opposition on that side of the House.

Mr. AUSTIN. I repudiate the Government's general liability law, because it is not just and we are not responsible for it.

Mr. BUCHANAN. Mr. Chairman, I am of the opinion that the committee purposes to be fair with these claimants and also that the small amounts allowed are due to our system or our laws in reference to our industries. I have been in a position in life to know something about the results of this network of laws that has been thrown around men in the industries of this country that have practically made it impossible for them to get justice. These claims, in my opinion, can not be based on the grounds of justice. The idea of allowing a widow, without there are some surrounding circumstances that make it proper to do it, the small sum of $1,000 seems to me ridiculous. But I say I am of the opinion that the committee desires to be fair about this matter, and without trying to put any blame on the committee I wish to say that it is due to the condition under which we have lived all these years. I say I have been in a position to see the harm resulting from it. I have been in a position where I have seen widows condemned to the washtub and orphans reduced to destitute poverty as a result of the very bad conditions which we have in this country. I am pleased to hear my Republican friend from Tennessee [Mr. AUSTIN] stand up here in defense of these people who should be allowed more, in my judgment. I agree with him on the matter.

But I have had some experience in endeavoring to secure legislation in our city and State legislatures in this country, and I know that the representatives of labor unions have been endeavoring to induce the legislators of the country to pass better laws; for instance, to abolish the fellow-servant assumed risk and the contributory-negligence defense which the employers of labor in this country have successfully made where workmen who have been injured have had their rights taken away from them under the pretense of the common law and the fellow-servant law. And it is encouraging to me to have the gentlemen here now declaring for better conditions. And let us hope we may be able to secure the passage of laws that will abolish that condition that we now have of making cripples and paupers and which will give the working people of this country—the men who are responsible for the prosperity and development, the men who have made this country great, the men who, in the trade in which I have worked, take their lives in their hands every hour in which they work—their just dues. Every skyscraper in every city in the country is a monument to two or three ironworkers and every bridge that spans the mighty rivers of this country is probably a monument to a dozen deaths of ironworkers—constructions of which have made it possible for the commerce of the country to develop in the manner in which it has. Is it not high time that we give these people the consideration to which they are entitled? It seems to me that instead of making this $1,000 it should, at least, be made $2,000. Not being familiar with the circumstances, I would like to have more information in regard to it.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. BUCHANAN] has expired.

Mr. AUSTIN. Mr. Chairman, I move to strike out "one thousand" and insert "three thousand."

Mr. BUCHANAN. I desire to make it $2,000 instead of $1,000.

Mr. AUSTIN. Why not make it $3,000, the same is the widow of the lighthouse inspector? The gentleman voted for that.

The CHAIRMAN. Does the gentleman from Illinois offer an amendment?

Mr. BUCHANAN. Yes; I desire to offer an amendment to make it $2,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The Clerk read as follows:

Amend the amendment by striking out the word "one" and inserting the word "two."

Mr. LEWIS. Mr. Chairman, speaking to the point of the amendment, without any particular cause to advocate or oppose the case in mind this afternoon, it is apparent that we have before us in the matter of these claims the same subject that has reached the Senate already, and I trust will reach the House very soon, with regard to accidents on railroads.

It is proper to remark in that connection that all over the world, except in the Capital of the Republic of the United States legislators have recognized that the calamity of accident, since it must happen, ought to be charged to the business as a proper element of expenditure and necessary cost in the business, and not to the victims, as now happens in our country.

In the 40 or more items that are included in this bill all the ethics of the argument which has impressed other nations to the point of effectual remedial legislation are presented. It is, of course, obviously impracticable that the Committee of the Whole can take up 43 individual cases, either in one day or two days, and dispose of them upon their particular and peculiar merits.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield to a question?

Mr. LEWIS. Yes.

Mr. GREEN of Iowa. Would not the gentleman also recognize that the Committee on Claims labors under peculiar difficulties right there, being unable to try the case as a court of law would, getting in witnesses and going through the matter?

Mr. LEWIS. I am very glad the gentleman has made that statement. I understand the Committee on Claims has not had the ethical freedom, may I say, to deal with these subjects according to their merits. They have had forced upon them a statute with all its constraints and limitations, and have not had an opportunity of applying the principle of compensation to these respective cases.

I rise in a wholly suggestive way this afternoon. I want to know if there is any objection to this House at this moment adopting a provision that the principles of the Sutherland bill, which has already passed the Senate, shall be applied to these cases through the Court of Claims of our Government?

If that is practicable, these people will receive recognition according to the merits of each individual case—a recognition

that is only beggared and mocked by the amounts allowed them in this bill, under the constraints which the committee has been operating under. I do not know of any reason why a provision like that should not be received. The Sutherland bill is a well-known and well-understood measure. There is no reason why its principles should not be adopted and applied to the subject matters of the bill now before the House and the whole subject dealt with.

Mr. CANNON. Does the gentleman propose to apply the principle of the Sutherland bill and send these bills to the Court of Claims?

Mr. LEWIS. Yes; there to be disposed of under the principles of the Sutherland bill.

Mr. CANNON. That means, of course, if you send them to the court, a division of the amounts to be recovered with the attorneys.

Mr. LEWIS. Some limitation ought to be applied to that.

Mr. CANNON. I am perfectly willing to apply the principles of the Sutherland bill to the matter of accidents to employees of the United States. I think that would be just. But I would not be willing to send them to the Court of Claims. I would devise the machinery by which a settlement could be made at the election, if you choose, of the parties that were injured that would enable them to get the amounts that the Government pays.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS. Mr. Chairman, may I have a little more time—two minutes more?

The CHAIRMAN. The gentleman from Maryland asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. LEWIS. With regard to the machinery of it, I would make an application of the principle of the Sutherland bill to the facts in this case. I have no special feeling in this connection. I mention the Court of Claims because it is an established institution that ought to be competent probably in the premises.

Mr. CANNON. Under existing conditions, the Sutherland bill not having passed, I have to-day, without knowing anything of the merits of this bill, followed the Committee on Claims, which has unanimously made these reports. I did not know what else to do. I hope the Sutherland bill will pass, and other legislation that ought to follow along that line.

Mr. BARTLETT. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland [Mr. LEWIS] yield to the gentleman from Georgia [Mr. BARTLETT]?

Mr. LEWIS. I do.

Mr. BARTLETT. Mr. Chairman, I want to say to the gentleman from Maryland that so far as I am concerned, and the constituency that I represent, and the railroad employees who form a part of that constituency, I am at no time in favor of the Sutherland bill and shall not be in favor of it, nor shall I vote for it. I shall not vote for any principle which makes that the exclusive remedy for those who are injured in railroad accidents.

Mr. LEWIS. The gentleman has utterly failed to understand my discussion.

Mr. BARTLETT. Perhaps I have.

Mr. LEWIS. I said the principles of the Sutherland bill, and not the mere incident to which he refers. The principles of the Sutherland bill are in the main these, that when a man is killed as a soldier of industry, his family or those dependent upon him shall receive an equivalent to four or five years of his wages, and that when he is totally disabled he himself shall receive the same recognition from the employer. Those are the principles to which I refer.

Mr. DIES. Mr. Chairman, I want to say to the gentleman from Maryland [Mr. LEWIS] that the statutes already provide that Congress may send any of these claims to the Court of Claims. That is already the law. And I want to say for the benefit of one of the gentlemen who preceded the gentleman from Maryland, who complained at the inadequate compensation provided by the Committee on Claims, that until May 31, 1908, no provision was made by statute for cases of this kind. Then Congress passed the present act, which limited the liability of the Government to persons employed by the United States as artisans or laborers in any of the manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification works, or hazardous employment on construction work in the reclamation of arid lands, or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission.

Now, the fact about it is that until 1908 none of these claims were cognizable by Congress. Then Congress provided a scale of compensation and an enumeration of occupations which would be compensable by Congress under the provisions of the statute. In the case now under consideration $420 would be the amount which could be collected if the injury had occurred under the law as it now exists.

Mr. AUSTIN. Under that law, if this man had lost his left arm, would not the compensation have been the same?

Mr. DIES. Very likely it would have been $420 under the law as it now exists. The question I wish to put to the gentleman from Tennessee is: Shall a person not entitled to anything by law, shall a person whose right of action accrued before the law became effective, recover more than a person who comes within the purview of the law?

Mr. AUSTIN. That is not my position.

Mr. DIES. If the gentleman's contention were enacted into law, the effect would be to give a person entitled to nothing, whose cause of action accrued before the law became effective, more than a person who was entitled to something under the law after it became operative. Now, Mr. Chairman, speaking for myself, I would prefer a general law that placed all people upon an equal footing. I detest a private claim bill or a private bill of any character. I believe if the law is to compensate A for a given injury, that law should be general and compensate all persons who bring themselves within the terms of the general statute. I know that in an attempt on the part of Congress to adjudicate these claims separately, injustice and unfairness are bound to result.

There are before the Claims Committee almost 2,000 claims. Possibly not more than 100 or 200 can be acted on by Congress, and possibly not those thoroughly. If the problem is to be solved in a spirit of statesmanship you would take it up as Congress took it up when we passed the act in 1908, making a general law applicable to professions, occupations, and a scale of injuries, and all attempts to pass upon these questions seriatim by items in each individual case must result in injustice and in giving relief to those who can quickest get the ear of Members of Congress.

Mr. DICKINSON. Mr. Chairman, I want to say a few words in opposition to the amendment which seeks to raise this amount to $2,000. The committee, following the rule laid down in the law, and also the uniform recommendation of the department in reference to these claims, saw fit to allow $1,000, although the claim was introduced for $1,500, and this committee saw fit to place it at $1,000. It has been suggested that the amount should be placed at $3,000, the same amount as was allowed in the case of the widow of the lighthouse keeper. The pending amendment is for $2,000. One element of damages in this case, which is an element in damage cases ordinarily, is the loss that comes to the party surviving from loss of wages. In the case of the lighthouse keeper the wages received were, I believe, $900 a year. In this case the amount received by this laborer was $420 a year, or a little over $1 a day.

I hope, Mr. Chairman, that the amendment offered by the gentleman will not prevail, but that the amount fixed in the bill by the committee will be adhered to.

Mr. BUCHANAN. Will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. BUCHANAN. In this case has the widow any children, or were there any children in the case of the widow of the lighthouse keeper?

Mr. DICKINSON. I have no definite recollection except a mere impression, and that is not sufficiently definite. My impression is that the widow of the lighthouse keeper did have some children, but as to this one I have no information about it at all. My recollection is that this party was in the service only a very brief length of time, some two or three days.

Mr. BUCHANAN. The gentleman says this matter was based in part if not wholly upon the matter of wages?

Mr. DICKINSON. We took into consideration the fact that if it was not before the committee, and was within the provisions of the law, that they would not get but one year's pay. But I do not like longer to detain the committee, and we want to get along with the bill.

Mr. BUCHANAN. I was merely seeking for information.

Mr. DICKINSON. I have given to the gentleman all the information I have about this matter. Mr. Chairman, I move that all debate be now closed on this paragraph and all amendments.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, before that motion is put I want to ask a question or two of the chairman. I wish to know, and I want to state two or three facts before I ask the question, on what principle or theory these cases are adjusted by the committee, because they are all practically negligence cases.

Now, as I stated before, where there is no case made out that would succeed in any court of common law, or otherwise, anything you give is a gratuity, and in that case the party injured

must be satisfied. But in the case which has merit and which would, if properly taken care of, succeed in a common-law court without any statute to relieve the severity of the common law, then it seems to me the damages allowed should be based on the loss and not on the gratuity here.

Now, in this case the report shows that the husband of this woman was free from negligence; there was no charge of any negligence against him.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask to be recognized in my own right for three minutes.

The CHAIRMAN. The Chair is of the impression that all debate on this amendment has expired.

Mr. AUSTIN. No; Mr. Chairman, the gentleman from Missouri made the motion and then withdrew it.

Mr. DICKINSON. Mr. Chairman, I would like to renew my motion to close debate, for we are anxious to get along with the bill.

Mr. MICHAEL E. DRISCOLL. I would like to have the gentleman answer my question.

Mr. POU. Mr. Chairman, with the permission of the gentleman from Missouri I want to say to the gentleman from New York that not one of these cases has any standing in court. Every one of these appropriations is a gift, pure and simple, out of the Treasury of the United States.

Mr. MICHAEL E. DRISCOLL. The report says that the boiler exploded, and there is nothing to show why or how it exploded, whether on account of the carelessness of those in control of it or not, and it seems to me that ought to be stated.

Mr. POU. I will say to the gentleman the information which came to us was that if this woman could get $420 she would be satisfied.

The CHAIRMAN. The Chair desires to call the attention of the committee to the fact that this debate is out of order. Time for debate has expired. The question is on the motion of the gentleman from Missouri [Mr. DICKINSON] that all debate on the paragraph and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois to the amendment of the gentleman from North Carolina.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $15 to Hermann Boges and Henry Elkman for damages to fences by United States soldiers at Leon Springs, Tex.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to return to line 24, page 4, for the purpose of offering an amendment to change the name of the post office.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to line 24, page 4, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I move to amend by striking out the word "Spring" and inserting in lieu thereof the word "Springs."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 24, strike out the word "Spring" and insert in lieu thereof the word "Springs."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman if they are selling horses in Texas for $75; and if so, what kind of horses are they?

Mr. SLAYDEN. Mr. Chairman, I will reply to the gentleman from Tennessee by saying that I suppose they are $75 horses. [Laughter.]

The Clerk read as follows:

To pay $2,427.88 to J. Kennard & Sons, St. Louis, Mo., for penalties assessed against and collected from said firm erroneously.

Mr. POU. Mr. Chairman, I offer an amendment to change the name "J. Kennard & Sons" to "J. Kennard & Sons Carpet Co."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 16, after the word "Sons," strike out the comma and insert the words "Carpet Co."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $439.09 to W. W. Blood, of Greenville, Cal., for labor and construction work at the Greenville Indian school, at Greenville, Cal.

Mr. RAKER. Mr. Chairman, I notice in this item——

The CHAIRMAN. Does the gentleman from California offer an amendment?

Mr. RAKER. Mr. Chairman, I was about to move to strike out the last word, just for the purpose of making a short statement, as the report is full, and the full amount of $439.09 is included in full in the bill, and this is the amount actually and justly due, and I therefore withdraw the pro forma amendment and ask that the claim be allowed.

The Clerk read as follows:

To pay $1,500 to Jeanie G. Lyles, mother of Lieut. Dewitt C. Lyles, who was the inventor of a packsaddle now in use by the United States Army.

Mr. RUCKER of Colorado. Mr. Chairman, I move to amend by striking out the word "one," in line 9, page 8, and insert in lieu thereof the word "two," so it will read "$2,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 9, strike out the word "one" and insert in lieu thereof the word "two."

Mr. POU. Mr. Chairman, I am authorized to say on the part of the committee that there will be no objection to an amendment increasing the amount to $2,000.

Mr. BEALL of Texas. Mr. Chairman, I would like to ask the chairman of the Committee on Claims a question in regard to that. Is not this one of many cases of like kind where there are claims against the Government for the use of some article which has been made by some employee of the Government?

Mr. POU. I think there are very few of these cases, but I will say to the gentleman this: That this soldier, who has since lost his life, was one of the heroes of the Philippine service. He was a man of great inventive genius, and invented a pack saddle which the Government is now using. Upon the basis of royalty which the Government agreed to pay him, he would probably have received even more than $2,500, but his mother wished the matter settled all in a lump sum, and we finally agreed on $1,500; but upon further consideration we came to the conclusion that she was justly entitled to at least $2,000. Twenty-five hundred dollars was recommended by the War Department, and this will settle this matter for all time to come. The Government at this time is using the invention of this man, and $2,000 is a very very small price to pay for it.

Mr. BEALL of Texas. Mr. Chairman, all that the chairman of the committee has said is doubtless true. He presents a case that appeals very strongly to our sympathies, but it is a hard case like this that is usually resorted to for making a precedent that will be dangerous in the future. Some years ago I had the honor of serving on the Committee on Claims, and I remember that there was then pending before that committee a number of cases similar in character to this case. At that time the committee refused to report them favorably.

I rather suspect that if this is done in this case it will be used as a precedent in the future for enforcing payment of claims against the Government of like general character, but that will not possess the equity and merit of this case. Now, it is undoubtedly true, Mr. Chairman, that it often occurs that employees of the Government invent some appliance that may be of use to the Government, and the Government takes it and uses it and in some instances derives great benefit from it, but heretofore the policy of the Government has been not to pay for such use. The Government through its patent laws will protect such an inventor against all others, but will not give a monopoly against itself. Whether it is right or wrong, just or unjust, in making this appropriation you are establishing a precedent, and the result will be that there will be claims for multiplied thousands of dollars——

Mr. POU and Mr. FOWLER rose.

Mr. BEALL of Texas (continuing). Against the Government by employees of the Government.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BEALL of Texas. I yield to the gentleman from North Carolina, the chairman of the committee.

Mr. POU. Mr. Chairman, I will say that the Supreme Court of the United States has recently decided a case on all fours with this, that the soldier is entitled to the same rights as a civilian with respect to any appliance that he patents and the Government will have to pay for it if the Government uses it. It is not optional at all.

Mr. BEALL of Texas. But here, Mr. Chairman, was something that was not patented. It was simply a contrivance that this man worked out which the Government since that time has seen fit to use, and I do not believe the chairman of the committee or anybody else will say that there is anything approaching a legal claim against the Government in this case.

Any private individual could have made use of it without incurring any obligation.

Mr. CANDLER. Will the gentleman yield?

Mr. BEALL of Texas. Certainly.

Mr. CANDLER. Is it not a fact, while this contrivance was not patented, that the man who invented it died before he made an application for a patent, and there is no question but what he would have been entitled to a patent had he applied for it?

Mr. BEALL of Texas. I do not know what the facts are. It seems from the report there never was any patent, never any application for a patent, nothing that would prevent any individual or would prevent the Government from using this appliance, and no legal obligation could be created. I would have no special objection to the payment of this $1,500 if that were all, but I predict that instead of being $1,500 there will be claims before the Committee on Claims, based upon this as a precedent, involving twenty, fifty, one hundred, or perhaps many hundred thousand dollars, and what argument can the Committee on Claims make against those claims which will be based upon this as a precedent?

My heart goes out in sympathy to this good mother. She deserves well of her country, because she gave her son to its service. I honor her and I honor his memory, but we are called upon here to deal with the people's money. We can give our own under the impulse of sympathy, but I question whether we are justified in manifesting our sympathy by a donation from the Public Treasury. I know it will result in many demands being made for large appropriations based upon this most distressing case as a precedent.

Mr. FOWLER. Mr. Chairman, I had an opportunity to investigate this case personally, and went into it to some extent. The case was submitted to me by the committee for this purpose. The facts are practically as set forth in this report. Lieut. De Witt C. Lyles was a soldier in the Philippine War. During the fight with the uncivilized natives in the mountains of one of the islands it became necessary to carry a rapid-fire gun across the mountains on horseback. There was no convenient method for doing that, and this lieutenant, during his leisure hours, not at any time occupying any time which belonged to his regular military service to his country, invented an attachment to a packsaddle whereby these rapid-fire guns might be carried across the mountains easily, rapidly, and conveniently on horseback. Now, it is true that he did not make an application for a patent, although it was a patentable idea. The Government at once adopted his invention, and put it into general use in the Army wherever it was necessary to carry these rapid-fire guns. For this reason the committee thought it was necessary to make an allowance in this case, in order to create an incentive for those who were in the Army to invent that which would be beneficial to the Government. For this reason, more than for any other reason, we were induced to allow the amount of $1,500.

There is no other claim of this character that I am aware of now before the committee. Probably there may be one or two, but I have no recollection of any. I understand the rule to be different to that which the gentleman from Texas has stated with reference to the rule of the Government in paying for such inventions. I understand it to be the rule of the Government to allow compensation to an inventor in the department in which he is working if he invents an article that is useful and patentable during his leisure hours, although he does not take out a patent, in order to inspire such inventive genius, and especially is it so if the Government uses those articles. Where they are patented, of course, the Government will have to pay the patented price before it could use the article. I think there ought to be an allowance of $2,000 in this case. I stood for that in the committee, and I stand for it to-day. If the committee stands by the $1,500 I will have to go with the committee; but if the chairman of the committee, on behalf of the committee, accepts the amendment of $2,000 or $2,500, then, of course, I am in perfect harmony with the committee with the allowance, because I think it is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I am very sorry my friend from Texas [Mr. BEALL] has taken the position he has here without, as I know, familiarizing himself with the conditions presented by this record. Mr. Chairman, I am especially interested in this bill, more intensely interested in it than I ever was in any matter that I have before ever had in Congress, or in any matter that I have had professionally before the bar. The widow, who is the claimant in this case, is the widow of a 35-year acquaintance of mine, a comrade of mine in the Confederate service, and she not only lost her husband, but has given two of her sons to the cause of the Spanish-American War. This one who invented this packsaddle being on a hike on one of the greatest campaigns ever had in the Philippines, after the saddles had worn out and they either had to leave their guns upon the mountain side or else pack them away in some other fashion, invented this attachment for a packsaddle enabling that body of troops to make the most distinguished march against the Filipinos that is recorded in the history of the Philippine war.

After that, Mr. Chairman, leading a band of 16, he found his way through the jungles, without water, except as it would rain from heaven; without a bite of food for seven days and nights; fighting their way with bolos; eaten up by insects, as well as leeches upon their bodies, for, as you gentlemen know, in the humid regions leeches attach themselves to the bodies of people.

I have here the testimony of Gen. Funston, of Gen. Davis, of Gen. Smith, the major of the battalion; of Lieut. Lyles, showing that to his perseverence and his judgment they all owe their lives.

It was not a usual or a casual invention which he made, because he was an adept in invention. He had given more than one to the Government. He had made, as Gen. Funston and Gen. Davis say here, the map that is now used in the Philippines. He was an artist in this respect. And now, my friends, I believed that when I got this bill presented to the Sixty-first Congress, from a Republican committee, giving this widow $2,500, and but for it being the last day of Congress, and the gentleman from Wisconsin, Mr. Stafford, who went out of this House on that day, unmoved——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. RUCKER of Colorado. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for three minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Colorado. Mr. Stafford objected to its being considered, the bill being on the Unanimous Consent Calendar, and through this objection Congress did not have an opportunity to pass upon the bill. But I say a committee of the latter, without a dissenting voice, gave this widow $2,500, and this committee, although I do not know for what reason, and I have no criticism to make of them, reduced it by $1,000.

Now, I do not want to put it upon sentimental grounds. I want to put it on the ground of the contract that has been entered ino on the part of the Government. This young man died before the expiration of the time when he could have obtained the patent on this invention. The mother did not secure a patent because the Government had already agreed with her to pay her 10 per cent royalty upon this invention.

Mr. BYRNS of Tennessee. Will my friend yield?

Mr. RUCKER of Colorado. Yes.

Mr. BYRNS of Tennessee. I want to ask if the mother of this soldier is not drawing a pension?

Mr. RUCKER of Colorado. Yes, sir.

Mr. BYRNS of Tennessee. How much is she getting?

Mr. RUCKER of Colorado. Twenty-five dollars.

Mr. BYRNS of Tennessee. Does not the gentleman think the Government is treating her liberally, inasmuch as it grants only $12 as a rule?

Mr. RUCKER of Colorado. I hope the gentleman will not put it upon the ground of compensation.

Mr. BYRNS of Tennessee. I would suggest to the gentleman that possibly that had something to do with the committee cutting the amount down.

Mr. RUCKER of Colorado. That may be true. At the same time, if she is drawing two pensions because of her two sons, $25 a month is not too much for her with which to take care of an invalid daughter, for upon the very day that this committee reported this bill she lost the only daughter she had to help her. That was two months ago. Now she has to get along with an invalid daughter on her hands with this pitiable sum of $25.

But I was going on to say that I put this upon a legal ground.

Mr. GREEN of Iowa. Will the gentleman yield to a question?

Mr. RUCKER of Colorado. Yes, sir.

Mr. GREEN of Iowa. Is not this woman drawing a pension at this time?

Mr. RUCKER of Colorado. I have already answered that.

As I say, I am putting this on legal ground. Here is my friend from Missouri [Mr. SHACKLEFORD], who was on the committee that gave me $2,500.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RUCKER of Colorado. I would like to have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER of Colorado. Now, as I have said, he did not take out a patent and she did not take out a patent, because the Government had already agreed with her for a 10 per cent royalty upon this invention, based upon the price of $1.80 for each saddle.

Mr. BEALL of Texas. Did the Government pay that royalty?

Mr. RUCKER of Colorado. They gave her credit for it, and the reason why it is put here at the sum of $2,500, I want to say to you, gentlemen, is because I made the contract with the Secretary of War for $2,500 instead of carrying the account from year to year upon a 10 per cent royalty.

I agreed with the Secretary of War, and the report that was agreed upon by the gentleman from Missouri [Mr. SHACKLEFORD] and presented to this House showed fully the contract that was made between the Government and this widow for $2,500 instead of a 10 per cent royalty; and if I had not carried out an agreement which, in my judgment, I thought I was under obligations to my Government to carry out, I would have put in a claim here for $20,000 instead of $2,500. But I made that contract with the Government, and I stood by it, and I want this committee to stand with me. [Applause.]

Mr. POU. Mr. Chairman, I merely wanted to explain a mistake that I inadvertently made. I am not authorized by the committee to agree to an amendment fixing the amount to $2,500, but I am authorized to agree to an amendment fixing the amount at $2,000.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Texas?

Mr. POU. Yes.

Mr. BEALL of Texas. The gentleman from Colorado [Mr. RUCKER] has just given a very interesting account of the services performed by this soldier, and the very great benefits derived from this invention. I would like to know why these facts are not incorporated in the report. Did the Government ever enter into an obligation to pay any royalty upon this contrivance?

Mr. RUCKER of Colorado. I can show you that it did.

Mr. BEALL of Texas. I do not express any doubt about it; but I wondered why a statement of these very material facts was not incorporated in the report.

Mr. POU. I will say to the gentleman that the report is not as full on this case as on the others, and does not cover the question of royalty; but this was the very last item, and the printer had the bill and was asking us not to send him any more matter to be incorporated therein, and we thought that in view of the fact that it was a unanimous report, the report itself would take the place of the evidence.

Mr. CANDLER. Mr. Chairman, I was on the Committee on Claims when this original report was made. I am not at present a member of that committee, but, as stated, I was a member at the time the original bill was pending before the committee and when the original report was made.

I am an economist. I do not believe in extravagance of any kind or in paying something for nothing, but I do believe in paying just and honest compensation for anything that is acquired either by an individual or by the Government of the United States. This Government is too rich and has too many resources to appropriate to itself the property of one of its citizens and then refuse to make to him just and reasonable compensation for the property taken. [Applause.]

I have made it a rule all my life to pay my honest debts, and may the good Lord grant that I may always in the future have the ability to meet the obligations which I incur; and as I pay my own obligations, I am in favor of this Government meeting its obligations and meeting them promptly. One criticism of the Government of the United States of America is that it does not meet its obligations as promptly as it ought to meet them. [Applause.] There is complaint to-day against the Government to the effect that while it is the most exacting creditor it is at the same time the most dilatory debtor that there is in the country. [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. CANDLER. In a moment. There are many honest claims pending against the Government of the United States which the Government fails to meet and pay. Now I will yield to the gentleman.

Mr. STEPHENS of Texas. The gentleman from Colorado [Mr. RUCKER] has said that this invention was not patented. Is the gentleman from Mississippi aware of the fact that there is no property right in an invention vested in anyone until a patent has been taken out? And does not the gentleman know that this party has no right to compensation whatever because no patent was issued to him and this is merely a gratuity? Is not that the correct position?

Mr. CANDLER. No; it is not a gratuity; it is an honest debt. I have great regard for the judgment and opinion of the gentleman from Texas, and while it is true that this invention was not patented, yet it still remains that the Government of the United States took and appropriated the invention. Unfortunately, the inventor died before he had secured a patent. If he had lived, if God had spared him to present his claim to the Patent Office, there is no question but what he could and would have obtained a patent. The fact that his death intervened prevented him from securing a patent. His invention was his property whether patented or not, and if the gentleman from Texas had taken it he ought to pay for it, and as the Government did take and appropriate it it ought to pay for it.

This good mother of his not only gave, as my distinguished colleague from Colorado [Mr. RUCKER] says, her husband to the cause of the Confederacy that she loved, where he was a comrade of my friend from Colorado, but with the patriotism that beats in the heart of every American to-day, whether he lives in the North or in the South, that loves and admires Old Glory that floats above us all, she gave two sons to the cause of that flag in the Spanish-American War.

If you vote to her to-day the amount which is asked, you will pay her no more than the War Department says she is entitled to. You will simply pay her an honest debt which the Government owed her son and which has descended to her as his heir. Certainly she is entitled to the highest consideration of the Members on both sides of this House. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto be now closed.

Mr. CANDLER. Let me have five minutes more to close my remarks.

Mr. LITTLEPAGE. I ask unanimous consent that the gentleman from Mississippi have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Mississippi have five minutes more. Is there objection?

There was no objection.

Mr. CANDLER. I thank my distinguished friend from West Virginia [Mr. LITTLEPAGE] and the House for this courtesy.

Mr. BEALL of Texas. Before the gentleman resumes his argument let me say that this is a case that appeals very strongly to sympathy. I will ask the gentleman, if this bill passes and this payment is made, can the gentleman estimate what the probable cost to the Government of the United States is going to be?

Mr. CANDLER. It will be $2,500.

Mr. BEALL of Texas. In this case.

Mr. CANDLER. Yes.

Mr. BEALL of Texas. How many scores of other cases are there in which the same principles are involved, which cases have been uniformly denied by Congress? As far as I am concerned I am perfectly willing to have this good woman get $1,500.

Mr. RUCKER of Colorado. Twenty-five hundred dollars.

Mr. BEALL of Texas. But it means hundreds of thousands of dollars in the days to come.

Mr. CANDLER. I do not think so. In this case it will be $2,500 if this amendment is adopted, and the War Department says a fair calculation of what will be due to this good woman is $2,500, and that that is a reasonable amount. That is what the official authorities of the Government say. As to what it may cost the Government in other claims that is not a matter which should be considered in passing upon this claim. I believe every claim presented against the Government of the United States should be considered upon its own merits, but if this claim involves the presentation of other claims that are honest and in accordance with equity and in accordance with law, as this claim presents itself, then the Government of the United States ought to pay them. In other words, the Government ought to pay its honest debts—no more and certainly no less. I do not believe in going out into any field of speculation. I believe the members of this Committee on Claims are honest. I believe they are sincere. I believe that they give to every claim proper and sufficient consideration, and if a claim is presented and is found to be honest and just and right they will report it to this House and recommend its payment. If it is not honest, if it is not just, if it is not right, they will report adversely to this House, and this House will refuse to pay it, exactly as it ought to. They will properly consider and honestly

approve or disapprove future claims which may be presented, and "sufficient unto the day is the evil thereof." That emergency and situation will take care of itself when presented and be properly and judiciously determined.

Mr. BEALL of Texas. The gentleman seems to base his argument on the proposition that this woman ought to be paid 10 per cent on the probable cost. Where does the gentleman get the idea that on that basis the amount would be $2,500?

Mr. CANDLER. On the statement made by the War Department.

Mr. RUCKER of Colorado. This estimate was made by Gen. Crozier.

Mr. BEALL of Texas. It has been repeatedly quoted here at $570.

Mr. RUCKER of Colorado. Oh, no.

Mr. CANDLER. If the Government continues to use this device the amount will increase from year to year, and, as was suggested by the gentleman from Colorado [Mr. RUCKER], in the course of a few years it will amount to $20,000 or $25,000 instead of $2,500. Had not the Government better settle for $2,500 now?

Mr. BEALL of Texas. You are paying for the future, and proposing to settle it in a lump sum?

Mr. CANDLER. Yes. The claimant would have a continuous claim and the amount would accumulate during the future. We can and ought to settle it now in a lump sum which is reasonable and honest and be done with it for all time.

Mr. BEALL of Texas. The report shows it to be three thousand, and that would be six thousand, and 10 per cent of that would be $600.

Mr. CANDLER. That report contains the amount up to the time the report was made, and it would now run into the thousands. But the gentleman from Colorado says he, representing this good woman, made a contract with the Government of the United States that they would settle and settle in full for $2,500, and that would be the end of the whole matter. I think that is a good settlement on the part of the Government, and it ought to be adopted and accepted. The Government ought to stand by its contract as the gentleman from Colorado stood by his contract. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHACKLEFORD. Mr. Chairman, I was a member of the committee that considered this claim. It appeared that the device had been used and adopted by the Government for the future, and we agreed, as the gentleman from Colorado says, upon the recommendation of an amount which I do not now remember, but I think it is as he says. I am in favor of the allowance of this claim. It ought to be paid, and I am going to vote for it. But there have been some things said here in connection with it that I can not agree to. Gentlemen say—and I have heard such statements made before juries many times—"this woman gave her husband and she gave her sons. She never had but one father; she never had but one mother" [laughter], and various other claptrap that is thrown in as a makeweight to get cases through Congress. Such appeals ought not to be made here.

Here is a claim against the Government of the United States. If it is a valid claim it should be paid. If it is not a valid claim the fact that the claimant is a widow woman, that her husband is dead, that she had sons, none of these appeals to the sympathies ought to be made. Let every case stand or fall accordingly as it is a legitimate claim or not.

Mr. CANDLER. Mr. Chairman, I appealed to the House to pay this claim because I believe it is a just claim and honest.

Mr. SHACKLEFORD. I concur in that.

Mr. CANDLER. And because the War Department reported in favor of the amount which is embodied in the amendment offered by the gentleman from Colorado. If I did not believe that it was honest and right I would not advocate this payment from any sympathetic or sentimental standpoint, but from a calculation made by the War Department it is conclusively shown that $2,500 is a reasonable settlement on the part of the Government of the United States for the property of this man, which the Government took from him and which it appropriated for Government purposes. I do not believe that I have a right to take your property, Mr. Chairman, unless I pay you what it is reasonably worth, and that is a principle of law which no man will deny. I do not believe that the Government of the United States should be permitted to take the property of its citizen and appropriate that property to its own use without paying for it any more than that one citizen should take the property of another citizen without paying for it. The law is if a man takes and appropriates to his own use property of another he shall pay that other its reasonable value, and the War Department says the reasonable value of the property taken by the Government of the United States from this man and appropriated to the use of the Government is $2,500. That being true, this claim ought to be paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken; and on a division (demanded by Mr. RUCKER of Colorado) there were—ayes 16, noes 26.

So the amendment was rejected.

Mr. POU. Mr. Chairman, I move to amend by striking out the words "one thousand five hundred" and inserting in lieu thereof the words "two thousand."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 9, strike out the words "one thousand five hundred" and insert in lieu thereof the words "two thousand."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

PAYMENT OF GOVERNMENT EMPLOYEES FOR INJURIES RECEIVED.

Mr. POU. Mr. Chairman, I move that the committee now proceed with the consideration of the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

The motion was agreed to.

Mr. POU. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That $61,555.74 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in the discharge of their duties, without any fault on their part, and to pay certain other claims arising under the various departments of the United States Government as hereinafter stated, the same being in full, and the receipt of the same being taken in each case as full and final release and discharge of the respective claims, namely.

With the following committee amendments:

Page 2, line 1, strike out the word "and."

Page 2, line 2, strike out the word "being" and insert in lieu thereof the words "to be."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The Clerk read as follows:

To pay $3,000 to Emma H. Ridley, wife of the late Dr. George V. Ridley, who lost his life January 7, 1907, in the discharge of his duties in the Canal Zone while in the employ of the Isthmian Canal Commission, said sum being equal to one year's pay at the rate of compensation being paid him at the time of his death.

Mr. STEPHENS of Mississippi. Mr. Chairman, I move to strike out the paragraph just read, being on page 2, beginning on line 17 and concluding on line 23.

I dislike always to oppose the committee of which I am a member, but I gave notice when this matter was before the committee that it was my purpose to oppose this paragraph when it came up for consideration in the House. This Congress has paid, or is preparing to pay, a good many claims against the Government. Most of those meet my approbation. I have voted that certain persons employed by the Government, who were injured in the course of their employment, should be paid a year's salary, and in some cases more. My reasons for that action were that if the party injured had been in the employ of a private corporation he would have had a right of action based on the injury received, and could have recovered in a court of law. In this case, however, we have an entirely different matter.

Mr. Chairman, this man was a physician in the employ of the Government. He took the risks incident to his employment. I have voted, as I say, that other men who were injured in the employ of the Government should be paid, because if they had been injured while in the service of a private corporation they could have recovered. But in this kind of case no such right of action or right of recovery existed. He was a physician there in the employ of the Government and while performing an autopsy he contracted a disease, and from that disease died. Now, Mr. Chairman, we ought to be fair, we ought to be just; but we ought not to be more than fair and more than just,

because the money comes out of the Federal Treasury. I am in favor of this physician being placed upon the same basis as any other physician and as every other physician in this land. Suppose this doctor had not been employed by the Government and had gone out in his private practice and performed an autopsy and contracted a disease, would any right of action have accrued to him or to his family? Not at all. If any physician in the country exposes himself and contracts a disease which causes his death, his widow and children have no right of action for damages nor can they look to the Government for aid. If a physician engaged in private practice had died under exactly the same circumstances as Dr. Ridley, his wife could have recovered nothing. It is remarkably strange to me that Members of Congress think that the whole legal or equitable status of the case is changed simply by the fact that this man was employed by the Government.

I insist, Mr. Chairman, that this claim ought to be considered just in the same way that any claim might come to a physician engaged in his private practice.

Mr. GARNER. Will the gentleman yield?

Mr. STEPHENS of Mississippi. I do.

Mr. GARNER. Is the gentleman a member of the Committee on Claims?

Mr. STEPHENS of Mississippi. I am.

Mr. GARNER. Is this the only item in this bill that the basis of recovery is not considered from the standpoint of the right to recovery if the beneficiary had been working for a corporation?

Mr. STEPHENS of Mississippi. Why, I think so.

Mr. GARNER. In other words, it is an exception?

Mr. STEPHENS of Mississippi. Yes; an exception.

Mr. GARNER. To the items contained in this bill.

Mr. STEPHENS of Mississippi. I think that is true.

Mr. RAKER. Will the gentleman yield for a question?

Mr. STEPHENS of Mississippi. I will.

Mr. RAKER. The gentleman being upon the committee and having heard this matter discussed, what is the real basis of the contention that this doctor is entitled to this allowance?

Mr. STEPHENS of Mississippi. Why, the matter has been pressed by some one who seems to be especially interested in this claim, and it has been considered by the committee. I have no criticism, of course, to any member of the committee, but I think that the matter of sentiment enters very largely into it.

Mr. RAKER. What I meant was I understood that Dr. Ridley was an attending physician at the hospital.

Mr. STEPHENS of Mississippi. Yes; he was on the Panama Zone.

Mr. RAKER. And at the hospital; and after attending upon several patients he himself took down with the same disease, pneumonia I think it was, and died.

Mr. STEPHENS of Mississippi. Yes; he was performing an autopsy, and the body was full of pus, and it burst, and his face became bespattered with the pus and he contracted some kind of pneumonia that I never heard of before—incipient pneumonia, I think it was—and he died in a few days after the pus struck his face.

Mr. GARNER. To make the situation perfectly clear to the committee, your position is this: That the Congress ought not to pay a claim where the person doing work for the Government would not have the right to recovery in case he was working for a corporation, and this is an exception?

Mr. STEPHENS of Mississippi. Yes.

Mr. GARNER. And, of course, if we pass this it will set a precedent for paying all claims, regardless of whether or not the law compels corporations to pay them.

Mr. STEPHENS of Mississippi. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, I merely want to say a word. I do not think that this claim is an exception. This physician lost his life without any fault on his part from an accident pure and simple, just as we have reported——

Mr. MONDELL. What sort of an accident?

Mr. POU. I am going to explain in a few minutes—where we pay an injury where the blame could not be put on either side. Now, this man was a physician, a pathologist at the Ancon Hospital. He was ordered to perform an autopsy, and while he was performing that autopsy the pus spurted in his face. Shortly thereafter he contracted the same disease from which the deceased lost his life, and the superintendent of the Ancon Hospital reports that, in his opinion, this doctor contracted the disease by reason of the accident. Now, there was no fault on the part of the physician, and the Committee on Claims, as I understand it, has not undertaken to bind itself by any hard and fast rule. The only question that appeals to the Committee on Claims is whether the payment is just and right and this physician was in the discharge of his duties.

Mr. BOWMAN. Will the gentleman yield?

Mr. POU. Yes.

Mr. BOWMAN. May I ask if this principle did not guide the committee, that this doctor was there acting in a certain sense as a soldier to protect others from that disease and in his endeavor to observe the cause of the disease he contracted the disease and died in the line of his duty?

Mr. POU. Certainly the suggestion of the gentleman is a good one, and he puts it in better form than the committee did. No doubt that is one of the considerations that prompted the committee to act.

So you have these facts.

Mr. RODDENBERY. If this death had occurred subsequent to May 30, 1908, would the physician have been entitled under the general law relating to accidental death?

Mr. POU. I suspect not. I want to say to the gentleman that the Committee on Claims is not following the law of 1908, because it is not a just law. It is a travesty on justice in a number of instances. We are trying to blaze away for a new era in this country. I take the position that the Government ought to pay every man who is injured in its service, or his dependent relatives when he loses his life in the service, without any fault on his part. The day is coming, and coming very shortly, when no man may think he can stand in opposition to that.

Mr. RODDENBERY. Does the gentleman maintain that by these special private bills he can accomplish the end he desires, or is that the way in which to compensate justly?

Mr. POU. I have just stated that the Committee on Claims took each case and considered it upon its own merits. If it believed that the claim was just and right against the Government the Committee on Claims allowed it, and I was simply expressing my own sentiments with respect to the payment of these claims about which I have been talking. So in a nutshell the matter was just this: This man was in the performance of duty. He lost his life without any fault on his part in the line of duty, and we have allowed him one year's pay, and I fail to see any difference in this injury and that in the case of a man who is injured by machinery where the blame can not be put upon either side. In other words, a pure accident.

Mr. HAWLEY. Are there not other instances where claims of this character have been paid?

Mr. POU. I think there are two or three other cases.

Mr. RAKER. I find in the report of the Isthmian Canal Commission, on page 12, in the committee's report, referring to Dr. Ridley, that he had been on the Isthmus at the time of his death for nearly two years without being able to get his leave, and owing to such conditions he was physically unable to throw off the disease when it was contracted. Now, the position taken by the chairman of the committee as to the doctor attending the patients at the hospital is that if in his doing his regular work he should contract a disease from which he should die then the Government should pay——

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. RAKER. Mr. Chairman, I ask that he be given one minute longer, so that he can answer my question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAKER. And that this same principle would apply to any working man or woman in or about the hospital where the disease could or would be contracted, and therefore if they might get it, then the Government should likewise pay for their deaths. I can see no difference in these cases, and both cases should be considered alike and payment made.

Mr. POU. I think not. The superintendent of the Ancon Hospital reported that the spurting up of the pus—which is almost too disgusting to talk about here—was the cause of his losing his life.

Mr. RAKER. I did not find that in the report.

Mr. POU. That was the fact, though.

Mr. RAKER. There were peculiar and particular conditions in this case.

Mr. POU. I will say to the gentleman that the report is not as full as we should have had it.

Mr. STEPHENS of Mississippi. Will the gentleman yield? This person is not the only one who died of that disease there. Does not the report say it was a virulent kind of disease?

Mr. POU. I do not know. I can not answer that question.

Mr. STEPHENS of Mississippi. And it was shown that it might have been contracted if the patient had not been treated?

Mr. POU. I move that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POU. Mr. Chairman, at the time I made the motion I was not aware of the fact that my colleague on the committee [Mr. GREEN] desired to be heard. I ask that the time be made eight minutes instead of five, and that five minutes be allowed to the gentleman from Georgia [Mr. RODDENBERY], and that my colleague on the committee [Mr. GREEN] be allowed three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Chairman, in this case the physician, according to the contention of the honorable chairman of the committee, stands on a footing of having contracted a disease accidentally, which produced his death, contending therefore that the death resulted from an accidental cause. The alleged accident was that in the discharge of his duty a sputum of some sort was emitted, and from contact with it he contracted the disease from which he died. The report discloses that a very virulent type of pneumonia was prevailing at the time among the employees, and numbers contracted it. Upon the line of the argument of the gentleman, the other employees in the zone who, in line of their duty, contracted the disease were just as much accidentally brought to their death as was the physician. It is too radical a departure, and opens the way by such a precedent to make the Government liable for too great a number of private claims, to permit the innovation without a quorum voting. If this physician had come to his death since May, 1908, in the alleged accidental manner, his wife could not recover under the law. I therefore shall feel constrained to insist on having a quorum present on establishing such a far-reaching new standard and precedent for future liability.

The physician in the discharge of his duty contracted from his patients this virulent disease. The other employees on the zone in the discharge of their duties also contracted this virulent disease and numbers of them died. Now, if upon the theory announced by the gentleman as representing the committee the physician, drawing $3,000 a year, is entitled to have his dependents compensated, the other employees, drawing $20, $40, and $50 per month, by coming into contact with the same virulent disease while in the discharge of their duty, are entitled to have compensation extended to their dependents. They are not found in this bill; and, gentlemen, the chairman of the committee announces that it is covered by no general law, but that the committee, recognizing the trend of sentiment and public justice, propose to set a precedent and perform justice in this and similar cases. If so, they might as well extend it to these other lower-salaried employees; and I would be glad if the distinguished member of the committee on the minority side, when he comes to utilize the three minutes he has asked for, will distinguish and explain to the committee why the physician at $3,000 a year, when he contracted a disease in the discharge of his duty, should be compensated, while the other less-favored employees on the zone, also in the discharge of their duty, who are thrown in contact with the same virulent disease, are not entitled also to be the recipients of special compensation by special acts of this character. I deem it proper to announce to the committee that if it undertakes to carry out the established precedents by providing for persons who could not recover anterior to 1908, but who could have recovered if they had been injured since the enactment of the law of 1908, I shall make no point; but if they undertake, in the language of the chairman of the committee, to set a new precedent and a new standard authorizing recovery, as is proposed in this case, it should take at least a quorum with which to do it.

Mr. GREEN of Iowa. Mr. Chairman, I doubt whether the distinguished gentleman who has just spoken fully understood the statement of the chairman of the committee. If he did, the chairman of the committee does not fully express the reasons that I had for the approval of this claim when I made this report.

It is true that there is no law authorizing the payment of these claims, for the reason that the Government compensation act did not go into effect until 1908, and each one of these matters that pertains to injuries received on the Isthmus of Panama occurred prior to that time.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question there?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from California?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. How many died of the same disease, approximately, when the doctor died?

Mr. GREEN of Iowa. The committee has no record of that. I am unable to answer the gentleman's question.

Mr. TURNBULL. Was not the physician required to make these autopsies at the time?

Mr. GREEN of Iowa. Yes. I was just coming to that. This doctor was assigned to what the committee thought to be an extremely dangerous and special duty, namely, the duty of making autopsies on those parties who had died of this virulent type of pneumonia, an exceedingly infectious disease, as the testimony taken before the committee showed. Having been assigned to this dangerous duty, the committee thought he was entitled to be classed among those who were engaged in hazardous employments, according to the language of the act, and the committee believed that those who received injuries prior to the enactment of the compensation act of 1908 should be placed in the same status and have the same standing as those who received injuries since that act was passed. And, believing that this physician was engaged, by direction of his superiors, in a hazardous and extremely dangerous duty when he was making these autopsies, the committee thought he ought to receive compensation in the same manner.

Mr. STEPHENS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. GREEN of Iowa. Yes.

Mr. STEPHENS of Mississippi. I understood the gentleman to say a moment ago that there was nothing to show the occurrence of other deaths from pneumonia at this time.

Mr. GREEN of Iowa. No; nothing to show the number of them.

Mr. STEPHENS of Mississippi. There is nothing in this report, I think, that shows how many there were. It says, "Many autopsies were required of this character," indicating that there were many deaths from this type of pneumonia.

Mr. GREEN of Iowa. There were a number, but I could not say how many.

Mr. STEPHENS of Mississippi. The report says there were many. Of course, how many we do not know.

Mr. GREEN of Iowa. These claims were allowed regardless of whether or not negligence was shown on the part of the other employees of the Government. That is frequently to be shown by the terms of the compensation act, and in most of these claims which were found in this bill for injuries received on the Isthmus of Panama there was no negligence shown on the part of the Government or its employees.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GREEN] has expired. The question is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. STEPHENS].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STEPHENS of Mississippi. A division, Mr. Chairman.

The committee divided; and there were—ayes 12, noes 20.

Mr. RODDENBERY. Mr. Chairman, I make a point of no quorum.

Mr. POU. Mr. Chairman, I ask unanimous consent to eliminate from the bill this paragraph, extending from line 17, page 2, to line 23, inclusive.

Mr. RODDENBERY. Mr. Chairman, I object. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] makes the point of no quorum present. The Chair will count.

Mr. RODDENBERY. Mr. Chairman, I will withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Georgia withdraws the point of no quorum. The gentleman from North Carolina [Mr. POU] asks unanimous consent to eliminate from the bill the paragraph beginning on line 17, page 2, and extending to line 23, inclusive. Is there objection?

Mr. AINEY. I object.

Mr. RODDENBERY. Mr. Chairman, then I renew the point that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia renews the point of no quorum.

Mr. SIMS. I move to strike it out. The other was a matter of unanimous consent.

Mr. RODDENBERY. I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the paragraph, commencing with line 17, page 2, and ending with line 23 on the same page.

Mr. MICHAEL E. DRISCOLL. I make the point of order that that has already been voted on.

Mr. SIMS. Then I will move to strike out the word "thousand."

Mr. AINEY. I withdraw my objection to the request of the chairman of the Committee on Claims.

The CHAIRMAN. Does the gentleman from North Carolina renew his request?

Mr. POU. Yes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to strike out the paragraph beginning with line 17 on page 2 and ending with line 23. Is there objection?

Mr. MICHAEL E. DRISCOLL. Reserving the right to object, I should like to ask the gentleman why he wants to strike it out.

Mr. POU. Because there is a different principle involved in this, and I will say to the gentleman that it is the intention of the committee to bring this in as a separate bill. I want to put this bill through to-night if I can.

Mr. MICHAEL E. DRISCOLL. But you have got it in this bill now.

Mr. POU. That is true, but the point of no quorum is threatened, and we are practically at the mercy of any gentleman who wants to make the point of no quorum. There are so many items in this bill about which there is no controversy that I should like to have it put through to-night if I can.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CANNON. I will suggest that if the bill is amended in the committee by striking out the paragraph it will be in order to move in the House to reinsert it.

The CHAIRMAN. There being no objection, the paragraph is stricken out, and the Clerk will read.

The Clerk read as follows:

To pay $1,375 to Marcellus Trozell, as compensation for the loss of a leg while in the discharge of his duties in the Canal Zone on April 7, 1908.

Mr. POU. Mr. Chairman, I move to strike out on page 3, from line 9 down to and including line 12. I will state that that is erroneously in the bill. It was not called to the attention of the committee to be acted upon, but it is a fact that that man's bill passed during the last session, and he has got his money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. POU].

The question being taken, the amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee with reference to an item we have just passed to pay to Pedro Sanches a compensation of $1,200 for the loss of both hands. How did that accident occur? Was it through any fault of his?

Mr. POU. I do not think there was any fault on his part. The bill which he authorized to be introduced here only asked for $600, and we increase the amount, because we thought it was right and just to do so.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

To pay $1,500 to Benjamin Demorest, for the loss of a leg on the U. S. lighthouse tender *Oleander*, on the Mississippi River.

With the following committee amendment:

In page 3, line 20, after the word "for," insert the words "personal injuries and."

The amendment was agreed to.

Also the following committee amendment:

Page 3, line 21, insert at the beginning of the line the words "while employed."

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The chairman of the committee moves to strike out the lines referring to the claim of Marcellus Troxell. I notice on page 10 of the report is a copy of a bill which contains a number of the claims in this bill, and among others the claim of Marcellus Troxell. Is that the bill which became a law, and under which Troxell was paid his money?

Mr. POU. The bill became a law during the Sixty-first Congress. It was a separate bill introduced by the gentleman from West Virginia, Mr. Woodyard, and I looked up the law myself with Mr. Sabine, and we found the statute. It was approved, and the money has been paid.

Mr. MONDELL. The bill printed in the report has not become a law, then?

Mr. POU. Oh, no.

Mr. HAWLEY. That is a bill of this Congress and this session.

Mr. MONDELL. I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

To pay $5,000 to Theodore E. Rollett, for injuries received while serving as quartermaster on the lighthouse tender *Marigold*, which injuries crippled and wholly incapacitated said Rollett for any manual labor during the remainder of his life.

Mr. AUSTIN. Mr. Chairman, I would like to have an explanation. It appears that we are paying this claimant $5,000, and in the previous case only $1,200. Now, why is it that we pay $5,000 in one case, and in the two cases following the Rollett case, $800 to John Moynihan and $1,500 to Robert Coggan?

Mr. POU. I will say to the gentleman that the difference in the amount was varied because of the difference in the degree of helplessness. Now, this man was crippled and wholly incapacitated for any manual labor during the remainder of his life. The injuries were incurred without his fault or negligence and solely through a defective track used for the carriage of a car on which he was riding in connection with the performance of his duties, and through the improper handling of the cable attached to the car. As I recollect, this man is absolutely helpless.

Mr. AUSTIN. I am not complaining of the amount; I would vote to double it. But what I want to know is, What is the basis on which you fix the amount of damage for a permanent injury in one case at $1,200 and another case at $1,000 and in another case $5,000? Is it a year's salary?

Mr. POU. No; of course we took into consideration the salary.

Mr. AUSTIN. Well, take this $800 case.

Mr. POU. To which case does the gentleman refer?

Mr. AUSTIN. To the Moynihan case. That is an injury which resulted in total helplessness, and $800 is recommended. It is for the loss of both hands. I understand that it is the man who fell down the elevator in the Kansas City post office.

Mr. POU. The difference is this: In Moynihan's case the injury resulted in paralysis of both arms. In the other case the man is totally helpless, is compelled to lie on an inclined plane, and has to be fed with a spoon by a nurse who has to attend him. In the other case the man, as I recollect, goes about his business, but to a certain extent has lost the use of both arms.

Mr. AUSTIN. But here is a man with both hands blown off by a premature explosion, through no fault of his own, and we only give him $1,200. That man is just as helpless as the man who was paralyzed and is allowed $5,000.

Mr. FRANCIS. That man that the gentleman speaks of only asked for $600.

Mr. AUSTIN. Well, suppose he only asked for $25, would that relieve us from a sense of justness and fairness in giving him what he is entitled to?

Mr. FRANCIS. Would you give him $2,500 if he did not ask for it?

Mr. AUSTIN. Yes; if he was entitled to it. I would not dishonor myself by voting $25 or $600 to a man permanently injured.

Mr. FRANCIS. This man resides in Spain, and all he asked for was $600.

Mr. AUSTIN. I do not care where he lives. I want to know how and why here in one case you give $800 for a permanent injury and in another case $1,200 and in another $5,000. Why should not all these cases be settled on the same basis and by the same standard?

Mr. FRANCIS. If the gentleman from Tennessee will search the records of the courts of his State he will find that in the thousands of awards of damages by jurors there are more discrepancies than he will find in this bill here. He ought not to expect to draw these cases out of a basket as you would eggs and find them all alike. The committee has gone over these cases carefully and thoroughly, looked into the evidence and all the attending circumstances, which can not be put into a report. They have looked into the merits of each claim separately. We have taken them up carefully and gone through them and have found that there is a difference in them, and have awarded in each case such sum as the committee thought was just and fair. The party to whom the gentleman refers is a Spaniard. He lives now in Spain, and he sent over here a claim for $600. Six hundred dollars in his country is more than $1,200 in ours. We did not want to put our hands in the Treasury to give him any more money than he asked for.

Mr. AUSTIN. Well, Mr. Chairman, let us see.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. The Chair means to state that my time has been exhausted by a member of the Committee on Claims.

The CHAIRMAN. The Chair is not responsible for that.

The Clerk read as follows:

To pay $800 to John Moynihan for personal injuries received from a defective elevator in the United States post-office building in Kansas City, Mo., said injuries resulting in paralysis of both arms.

Mr. AUSTIN. Mr. Chairman, I move to increase the amount from $800 to $2,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "eight hundred" and insert in lieu thereof the words "two thousand."

Mr. AUSTIN. Mr. Chairman, it seems to me from the statement made by the gentleman who was answering my question a few moments ago that the basis in the particular case he cited was the fact that the claimant was living in Spain, and that he asked for only $600. Here is the case of an American citizen, a citizen of Missouri, who was injured in an elevator shaft, and it is proposed to give him $800 for a permanent injury. In a case that we have just passed on we voted $5,000 for a permanent injury, and then in another case we are told that this committee is restricted in these amounts on account of the Government's general liability law, passed in the Sixtieth Congress. Yet there are a number of instances where the committee has not followed the Government's general liability law for allowing to the party injured a year's salary, but they have exceeded that amount.

Mr. FRANCIS. Does the gentleman want us to follow that law?

Mr. AUSTIN. But the gentlemen on the committee have, in defense and in explanation and in answer to my questions respecting certain insignificant sums recommended here, stated that the committee is following the Government's general liability law, passed by a Republican Congress. I pointed the gentleman to the fact that the committee is ignoring the Government's general liability law in a number of these cases, and if it can be done in a number of cases, and the amount can be brought up to $5,000 for a permanent injury in one case, why can it not apply that same rule to all other cases where there are permanent injuries, and especially in the case of where a man has lost both of his hands?

Mr. FRANCIS. But the gentleman has known of men who have gone into court, men of affairs and money, and who have recovered as much as $5,000 for the loss of an arm, and he has also known of men who were common laborers who have gone into court and for the loss of an arm would get five or six hundred dollars or maybe $1,500. Is not that true?

Mr. AUSTIN. I do not know of a single case where an employee or a mechanic was voted by an honest jury $500 for the loss of a hand or an arm or a foot, where he suffered the injury through no fault of his own. I do not believe that any jury in the gentleman's district or in mine would dare bring in a verdict of such an amount, and I do not believe there is a man in this Congress who would dare in his own town or district or State bring in a verdict for $1,000 in any case where a man lost his life through no fault of his own. I think an outraged public sentiment would drive that man not only out of public life but out of the community in which he lives. Yet we are supposed to be the jurors in these cases, and these helpless cripples and these poor widows and orphans of mechanics and laboring men are looking to the 400 sworn officials of the Government, the lawmakers of the land, to give them equal and exact justice, and that is not what we are doing when we vote $1,000 for the loss of a human life or $1,500 for the maiming of a workingman who lost both his hands through no fault of his own.

Mr. FRANCIS. The committee has possibly as much sympathy for the workingman as the gentleman from Tennessee. They probably would be as ready to go down into their own pockets and pay the workingman for any injury he might have sustained, but they are not quite as willing to go into the United States Treasury and lavish upon any claimant such an amount as he may ask at the hands of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

To pay $325 to the dependent parents of James J. Feeny, Brooklyn, N. Y., as compensation for injuries received at the Brooklyn Navy Yard May 24, 1910, while in the discharge of his duties; said sum equals one year's pay at the time the accident occurred, and the said James J. Feeny has died since the introduction of the bill for his relief on February 7, 1912.

With the following committee amendments:

Page 4, lines 16 and 17, after the word "to" following the word "dollars," insert the words "Patrick Feeny."

Line 17, strike out the word "parents" and insert the word "father."

Line 18, after the word "York," strike out all of line 18, and all of lines 19, 20, 21, 22, 23, and 24 and insert in lieu thereof the words "who died as a result of injuries received in the discharge of his duty at Brooklyn Navy Yard, May 24, 1910; the said sum being equal to the amount the said James J. Feeny would have received for one year's services at the rate he had been paid when so employed.

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

Mr. AUSTIN. Mr. Chairman, I understood the gentleman in charge of this bill to state the other day that he would offer an amendment to increase this amount.

Mr. POU. Yes; the Clerk has the amendment, and I will ask him to report it.

The Clerk read as follows:

Page 4, line 16, amend by striking out the words "three hundred and twenty-five" and inserting in lieu thereof the words "seven hundred and fifty."

Mr. AUSTIN. Mr. Chairman, I move to amend by making that $3,000.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "seven hundred and fifty" and inserting in lieu thereof the words "three thousand."

Mr. AUSTIN. Mr. Chairman, I believe the proof in this case showed the father of this boy had expended some $300 for physicians' bills, drug bills, and so forth, in connection with the accident which resulted in his son's death and I believe also the proof shows that this boy was aiding in the support of his father. Now, the amendment offered by the chairman of the committee is to place a value of $750 on the life of this boy who worked in the New York Navy Yard.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to make it $1,500.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out "seven hundred and fifty" and inserting in lieu thereof the words "fifteen hundred."

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. AUSTIN) there were—ayes 7, noes 17.

So the amendment to the amendment was rejected.

Mr. AUSTIN. Mr. Chairman, I move to strike out "seven hundred and fifty" and insert "one thousand," and I am going to have a quorum here on that proposition.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "seven hundred and fifty" and inserting in lieu thereof the words "one thousand."

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. AUSTIN) there were—ayes 19, noes 21.

So the amendment to the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I move to amend the amendment by making the sum $999.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "seven hundred and fifty" and inserting in lieu thereof the words "nine hundred and ninety-nine."

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. FOWLER) there were—ayes 13, noes 25.

So the amendment to the amendment was rejected.

The CHAIRMAN. The vote now recurs on the original amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by striking out all of line 1, page 5, after the word "ten" down to and including the word "employed" in line 4, page 5.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To pay $27 to W. H. Carter, of Wilkes County, N. C., in full compensation for services and expenses incurred as brandy gauger during December, 1897.

Mr. POU. Mr. Chairman, I ask unanimous consent to return to page 5, line 19, and insert in line 19, before the words "Peter Deel," the words "legal representatives of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 19, insert, after the word "to," the words "legal representatives of."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add, at the end of the last line as a new section, the following:
"*Provided*, That no part of this appropriation shall be paid to any person on account of injury or death of any employee, except when such injured or deceased employee was at the time of such death or injury a citizen of the United States."

Mr. RODDENBERY. Mr. Chairman, the purpose of this amendment is to limit the appropriation to such persons as were citizens of the United States at the time the injury is sustained, or to the representatives of such deceased persons as were citizens of the United States at the time of injury resulting in death. It appears by this bill and report that Pedro Sanches, a laborer, a citizen of Spain, in 1907, or some other time, received while employed by our Government an injury, and there are other instances in the bill where laborers from other countries while working in the Canal Zone likewise received injuries, and Congress is providing by a special bill to compensate them for the injuries sustained. Now, if this item were for an injury since May, 1908, it would be legally justified; but when these employees, laborers and other persons, engaged their services to the United States prior to May, 1908, they did it with full knowledge that there was no law in this country which would entitle them to any compensation for injuries to themselves or compensation to their dependents if death might come to them.

I perceive no right and no duty in the Congress of the United States, in cases where there is no statute providing it, to put alien laborers and alien employees on the same footing with injured or deceased citizens of the United States.

Mr. GREEN of Iowa. The gentleman is aware they are so put by the present law?

Mr. RODDENBERY. By the present law; and I have stated if it were under any general law the objection might not obtain, but now the Congress in special cases is going beyond and outside of any general statute in recognizing what gentlemen call a moral obligation. We go behind the statute and provide for compensation. If we go behind any statute we should confine it, in my judgment, to citizens of the United States. I see no reason why we should go out of the citizenship of our country to appropriate from the Treasury of our people to pay Spaniards, Italians, and other foreigners. They left their own country, where they could neither find labor nor bread, and to obtain employment came to our possessions, which the money of our people have made wholesome and habitable, and where they obtain a salary equal to three times what they could get in their own country, and under better conditions than they could get at home. While thus employed they sustain an injury, and we are asked to pass an act by Congress to pay them for injuries sustained or damages to their dependents in case of death.

I submit to you that such legislation would not receive the approbation of the people of this country whom we represent. It is not founded in justice or wise public policy, and there is but slight precedent for it.

The amendment I offer will not affect any appropriation in this bill for a citizen of the United States who sustained an injury as such citizen or who lost his life as such citizen, nor will the amendment relieve the United States from liability where the injury or death results from negligence or fault of the Government. If the amendment is adopted it means that Congress will say, "We will not tax the people of the United States to pay compensation in the nature of damages to Spaniards, to Italians, to Turks, to imported negroes, and to every other class of alien people who come across the Gulf or across the ocean seeking employment at the hands of our inviting and beneficent Government."

I hope the committee will adopt the amendment.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. POU. Mr. Chairman, I see no reason why the Government of the United States should treat a foreigner differently in this respect than its own citizens. I will say that this man was very badly injured. He had to be deported by the Government. The State Department is very anxious that this claim be allowed. It has been the subject of diplomatic correspondence for three years between the two countries.

I move that all debate on the bill and all amendments thereto do now close.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment of the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

Mr. POU. Mr. Chairman, I move that the bill, together with the amendments thereto, be laid aside with a favorable recommendation.

Mr. ROBERTS of Nevada rose.

The CHAIRMAN. For what purpose does the gentleman from Nevada [Mr. ROBERTS] rise?

Mr. ROBERTS of Nevada. I wish to offer an amendment by adding a new section. It is at the request of the officials of the Forestry Department, and is for a small amount.

The CHAIRMAN. Will the gentleman from North Carolina [Mr. POU] withhold his motion? The gentleman from Nevada was on his feet and the Chair recognized him at the time. The Clerk will report the amendment.

The Clerk read as follows:

Add a new section at end of bill:
"To pay to Joe Cook, of Manhattan, Nev., a balance due him from the United States on account of the erection of a ranger's headquarters on the Toiyabe National Forest, under contract with the United States for the construction of a building costing $922.25, which contract was, after the completion of the building, held to be invalid as to the excess above $500, by the Comptroller of the Treasury, the sum of $422.25."

Mr. POU. Mr. Chairman, I make the point of order that a motion has been made and carried, closing the debate on the bill and all amendments thereto.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] is right in that; but that does not shut out amendments. All debate has been closed on the paragraph and the amendments.

Mr. ROBERTS of Nevada. This is a new amendment, Mr. Chairman. I ask unanimous consent for just two minutes.

The CHAIRMAN. The gentleman from Nevada asks unanimous consent for two minutes in which to discuss his amendment.

Mr. POU. How much time does the gentleman wish?

Mr. ROBERTS of Nevada. I do not believe I will take more than two minutes.

Mr. POU. If he will not make it more than three minutes, I will not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBERTS of Nevada. Mr. Chairman, I wish to say to the committee that the officials of the Forest Service have been trying for some time to see that this poor man, Mr. Cook, of Manhattan, Nev., gets the balance that is due him, $422.25. This amendment that I have offered is an outline amendment which was sent to me for my guidance.

Mr. DICKINSON. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Nevada yield to the gentleman from Missouri?

Mr. ROBERTS of Nevada. Well, I have only three minutes.

Mr. DICKINSON. One question. Has any bill ever been introduced for this claim?

Mr. ROBERTS of Nevada. No; there has not been. But Mr. Potter, the Assistant Forester, wrote this letter which I hold in my hand and prepared the text of the amendment which I have offered here. They have been trying to find a way to pay this man what is due him. The Solicitor ruled that it was impossible to pay him because this contract could not go above $500. But the United States entered into a contract with Mr. Cook to build this house, and he built the house, and they paid him $500; but under the law the Solicitor could not pay him any more, notwithstanding the fact that the Government entered into a contract with him signed by the Assistant Secretary of the Interior, and Mr. Cook performed his work. They paid him, I say, $500, but they could not pay him any more. I ask that this amendment be adopted in justice to this man who has performed the work and who is without fault in the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nevada.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. ROBERTS of Nevada. A division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 20.

So the amendment was rejected.

Mr. POU rose.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] is recognized.

Mr. POU. I move, Mr. Chairman, that the bill H. R. 23451, with amendments, be reported to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. The question is on agreeing to that motion.

The motion was agreed to.

Mr. POU. Mr. Chairman, I make the same motion with respect to the bill 24121. That is the second bill.

The CHAIRMAN. The question is on agreeing to that motion.

The motion was agreed to.

Mr. POU. I now move, Mr. Chairman, that the committee rise and that both bills, H. R. 23451 and H. R. 24121, with amendments, be reported to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] moves that the committee do now rise and that the bills H. R. 23451 and H. R. 24121, with amendments, be reported to the House with the recommendation that the amendments be agreed to and that the bills as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole, reported that that committee had had under consideration bills on the Private Calendar and had instructed him to report back to the House the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, with sundry amendments, and also the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, with sundry amendments, with the recommendation that the amendments be agreed to, and that the bills as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole reports that that committee has had under consideration House bill 23451 and House bill 24121, with sundry amendments to each of them, and reports them back with the recommendation that the amendments be agreed to, and that the bills as amended do pass. The Clerk will report the first bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POU, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. POU, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder;

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; and

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated.

S. 3459. An act for the relief of Erskine R. K. Hayes; to the Committee on Claims.

S. 6565. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Nogales, in the State of Arizona; to the Committee on Public Buildings and Grounds.

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee on Pensions.

S. 6977. An act granting pensions and increase of pensions to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

HOUSE BILL REFERRED.

The following House bill, with Senate amendments, was referred to the Committee on Ways and Means:

H. R. 18642. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

INTERNATIONAL OPIUM CONVENTION (S. DOC. 733).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State covering the report of the American delegation to the International Opium Conference held at The Hague from December 1, 1911, to January 23, 1912.

In submitting this report the Secretary of State makes certain recommendations regarding bills now before the Congress for the control of our foreign and domestic traffic in habit-forming drugs. I have several times called the attention of the Congress to the necessity for the passage of the proposed measures, and I now indorse the view of the Secretary of State that the Congress should promptly pass these measures, more especially because this Government took the initiative and has been generously supported by 12 other Governments in its efforts to mitigate, if not entirely suppress, the world's opium evil.

Inasmuch as the international opium convention and its protocol de cloture, signed at The Hague by representatives of the United States, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Persia, Portugal, Russia, and Siam, have been given publicity by the conference and by the signatory Governments, it is deemed not improper to accompany the report with authentic copies of them.

I am not able at the present moment, however, to ask the advice and consent of the Senate to the ratification of the convention, for it is provided by the final articles of the convention that ratification is to depend upon the Netherlands Government securing, by the 31st of December next, the supplemental signatures of 34 States named in article 22 of the convention, and that in case the signatures of all the powers invited to sign the convention shall not have been secured by December 31, 1912, the Netherlands Government shall immediately invite all the powers who have signed by that date to designate delegates to proceed to The Hague to examine into the possibility of nevertheless depositing their ratifications. It is my hope and belief that the Netherlands Government will secure the necessary signatures to the convention by the date fixed, and that I can then ask the advice and consent of the Senate to the ratification of the convention.

Therefore, at the present time the international opium convention and protocol de cloture are submitted to the Congress merely for its information as to the great step in advance which has been taken by 12 States in cooperation with the United States to bring the opium evil to an end.

WM. H. TAFT.

THE WHITE HOUSE, *May 31, 1912.*

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and asks for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

Mr. RUSSELL. Mr. Speaker, I also desire to call up the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and asks for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

Mr. RUSSELL. Mr. Speaker, I also desire to call up the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

Mr. RUSSELL. Mr. Speaker, I also desire to call up the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent to disagree to Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up a bill the title of which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

ADJOURNMENT.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Saturday, June 1, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting, pursuant to House resolution 393, information relative to bids and contracts made with various persons and corporations under the head "Increase of the Navy" (H. Doc. No. 782); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Attorney General of the United States, transmitting, pursuant to House resolution, information relative to charges preferred against Leslie J. Lyons, United States attorney for the western district of Missouri. Certain information is withheld by direction of the President (H. Doc. No. 781); to the Committee on the Judiciary and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Olcott Harbor, N. Y. (H. Doc. No. 780); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands, reported the same without amendment, accompanied by a report (No. 810), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 1679) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, reported the same with amendment, accompanied by a report (No. 812), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter, reported the same with amendment, accompanied by a report (No. 813), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANDERSON of Minnesota, from the Committee on Pensions, to which were referred sundry bills, reported in lieu thereof the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 805), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 21526) for the relief of H. J. Randolph Hemming, reported the same with amendment, accompanied by a report (No. 806), which said bill and report were referred to the Private Calendar.

Mr. FOWLER, from the Committee on Claims, to which was referred the bill (H. R. 2461) to provide for the repayment of the ransom of Ellen M. Stone, reported the same with amendment, accompanied by a report (No. 807), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 23080) for the relief of George P. Heard, reported the same without amendment, accompanied by a report (No. 808), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 5135) to correct the military record of John J. Troxell, reported the same with amendment, accompanied by a report (No. 809), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14607) authorizing the President to reinstate Gaston Lee Holmes as a midshipman in the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 811), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. STEPHENS of Nebraska: A bill (H. R. 24997) for the purchase of a site and the erection thereon of a public building at Columbus, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 24998) providing for the manner of locating lands valuable for phosphate; to the Committee on the Public Lands.

By Mr. HOWLAND: A bill (H. R. 24999) to provide for the purchase of a site for a public building in the city of Cleveland, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GOULD: A bill (H. R. 25000) providing for a preliminary examination and survey of Weavers Ledge, Bass Harbor, Me.; to the Committee on Rivers and Harbors.

By Mr. RAKER: A bill (H. R. 25001) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890,

by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. NORRIS: A bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 25003) to amend section 680 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. TAYLOR of Alabama: A bill (H. R. 25004) to provide for a naval coaling station on the western shore of Mobile Bay, in the State of Alabama; to the Committee on Naval Affairs.

By Mr. ROBINSON: A bill (H. R. 25005) authorizing the Commissioner of the General Land Office to make reconveyances in certain cases; to the Committee on the Public Lands.

By Mr. ADAIR: A bill (H. R. 25006) to provide for the purchase of a site and the erection of a building thereon at Bluffton, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25007) to provide for the purchase of a site and the erection of a public building at Decatur, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: Resolution (H. Res. 559) authorizing the payment, out of the contingent fund of the House, to Joseph McCoy the sum of $1,200 for services rendered to the Committee on Pensions; to the Committee on Accounts.

By Mr. ANSBERRY (by request): Resolution (H. Res. 560) expressing the profound regret of the House on hearing of the death of Wilbur Wright, of Dayton, Ohio; to the Committee on Rules.

By Mr. EDWARDS: Resolution (H. Res. 561) requesting, requiring, and directing the Attorney General of the United States to immediately institute an honest and thorough investigation of the Beef Trust in the United States, and directing that criminal prosecutions be at once instituted in the courts against those forming and operating such trust or monopoly; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25008) granting an increase of pension to John P. Kinkead; to the Committee on Invalid Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 25009) granting a pension to Charlotte Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25010) granting an increase of pension to James W. Tuckerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25011) granting an increase of pension to William H. Winter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25012) granting an increase of pension to Lorenzo Emmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25013) granting an increase of pension to Henry Heisserman; to the Committee on Invalid Pensions.

By Mr. BATHRICK: A bill (H. R. 25014) granting a pension to Florence Wood Hayden; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 25015) authorizing the Secretary of War to donate to the city of Oregon, Mo., one small bronze cannon with its carriage and six cannon balls; to the Committee on Military Affairs.

By Mr. BULKLEY: A bill (H. R. 25016) granting a pension to Anna Margaret Lynskey; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 25017) granting an increase of pension to William A. Vincent; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 25018) granting a pension to Hattie Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25019) granting an increase of pension to Charles B. Kemp; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia (by request): A bill (H. R. 25020) for the relief of George F. Emblen; to the Committee on the Public Lands.

By Mr. FARR: A bill (H. R. 25021) granting an increase of pension to John W. Sanford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25022) granting an increase of pension to Seth A. Bonney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25023) granting an increase of pension to Dennis Mortimer; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 25024) for the relief of the estate of the late William P. Butler; to the Committee on War Claims.

By Mr. GOULD: A bill (H. R. 25025) granting an increase of pension to Hollis Tibbitts; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 25026) granting an increase of pension to Rufus G. Blanchard; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 25027) to correct the military record of Columbus Shannon; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 25028) to correct the military record of Wade W. Barber; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 25029) to remove the charge of desertion against Martin Van Buren, alias Martin Van Buren McReynolds; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25030) granting a pension to Ione Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25031) granting an increase of pension to Joseph Gnau; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 25032) granting an increase of pension to Diana Clark; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25033) granting a pension to Emma L. Allberry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Confectionery Workers' International Union of America, New York, protesting against the Root amendment to Senate bill 3175, making all aliens who conspire to violently overthrow a foreign Government liable to deportation; to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of the American Purity Federation, the Farmers' Union, citizens of New York, N. Y., and the Brotherhood of Railway Trainmen, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United States Civil Service Retirement Association, of Washington, D. C., against passage of the five-year tenure of office clause contained as a provision in House bill 24023, and of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring continuance of the Federal Efficiency Commission; to the Committee on Appropriations.

Also, petition of William J. Shroder, of Cincinnati, Ohio, favoring passage of the Crago bill (H. R. 17470), for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Italo-American Alliance of the United States of America, of Philadelphia, Pa., and the Jewish Community, of New York City, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Resolutions of the Cleveland Chamber of Commerce, of Cleveland, Ohio, favoring continuance of the Economy and Efficiency Commission; to the Committee on Appropriations.

Also, petition of Lee A. Phelan and 20 other citizens of Newark, Ohio, against passage of interstate liquor law; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Louisiana Reclamation Club, in relation to control of waters of the Mississippi River; to the Committee on Rivers and Harbors.

Also, memorial of the Bakery and Confectionery Workers Union, No. 164, against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY (by request): Resolution of the Brotherhood of Railroad Trainmen, in convention at Harrisburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill for removal of the charge of desertion now against John L. Kelly; to the Committee on Military Affairs.

Also, papers to accompany bill granting pension to Jennie B. Wright, widow of Ichabod W. Carpenter, late of Company H, New York Heavy Artillery; to the Committee on Invalid Pensions.

By Mr. CALDER: Resolution of the Socialist Party of the tenth assembly district, Borough of Brooklyn, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Alfred E. Shipley, M. D., of Brooklyn, N. Y., favoring passage of bill for continuance of Bureau of Efficiency and Economy; to the Committee on Appropriations.

Also, petition of the William Rahr Sons Co., of Manitowoc, Wis., favoring passage of House bill 17222, relative to shipping unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Erie Chamber of Commerce, of Erie, Pa., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance; to the Committee on Interstate and Foreign Commerce.

Also, petition of Paul E. Vernon & Co., of New York City, favoring passage of Senate bill 3462 and House bill 19857, relative to conservation of our public grazing range; to the Committee on the Public Lands.

Also, petition of M. T. Davidson Co., of Brooklyn, N. Y., against passage of the Oldfield bill for change in the present patent law; to the Committee on Patents.

Also, petition of the Allied Printing Trades Council of New York City, N. Y., and the Brotherhood of Locomotive Engineers, at Harrisburg, Pa., favoring passage of House bill 20427, the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the United Wine & Trading Co., of New York City, against passage of the Works bill, relative to license for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY: Petition of the Woman's Auxiliary to the Board of Missions of Protestant Episcopal Church, Mineral Point, Wis., favoring relief to the natives of Alaska; to the Committee on the Territories.

Also, petition of the Woman's Auxiliary Branch of St. Mark's Church, Milwaukee, Wis., relative to conditions of natives of Alaska; to the Committee on the Territories.

By Mr. DAVIS of West Virginia: Petition of retail merchants of Clarksburg, W. Va., against legislation seeking to abolish fixed resale prices on patented goods; to the Committee on Patents.

By Mr. DRAPER: Petition of Local No. 79, Metal Polishers International Union of North America, Troy, N. Y., protesting against the use of the stop-watch system on Government employees; to the Committee on Labor.

Also, petition of the Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Civil Service Reform League, New York, N. Y., protesting against section 5 of House bill 24023, relative to prohibiting an appointment for a longer time than five years; to the Committee on Appropriations.

By Mr. DYER: Petition of the Immigration Restriction League, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Retail Druggists' Association of St. Louis, Mo., favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of the American Mining Congress, Washington, D. C., favoring passage of House bill 17290, providing for a Bureau of Mines; to the Committee on Mines and Mining.

By Mr. ESCH: Petition of Mineral Point (Wis.) Branch of the Woman's Auxiliary to the Board of Missions of the Protestant Episcopal Church, relative to the condition of the natives of Alaska; to the Committee on the Territories.

By Mr. FULLER: Petition of D. G. Talconer, Lexington, Ky., favoring passage of House bill 1339, granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Swedish Tabernacle, Rockford, Ill., favoring the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of J. B. Greenhut, Illinois representative of the Gettysburg Fiftieth Anniversary Commission, favoring passage of Senate bill 6964, relating to the Gettysburg peace jubilee, etc.; to the Committee on Appropriations.

Also, petitions of numerous merchants of the cities of Seneca and Peru, Ill., against the enactment of any legislation to establish parcel post; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Petitions of the Lithuanian Garment Workers, Local Union No. 269, Chicago, Ill., and of the Adam Mickeweics Citizens' Club, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for the relief of the estate of the late William P. Butler, of Company F, Fourth Kentucky Cavalry; to the Committee on War Claims.

By Mr. GOULD: Petition of the Maine State Board of Trade, relative to prohibiting of fishing by beam trawling; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the United States, relative to a survey of Weavers Ledge, Bass Harbor, Me.; to the Committee on Rivers and Harbors.

Also, petition of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the diocese of Maine, relative to the conditions of the natives of Alaska; to the Committee on the Territories.

Also, petition of the Quarry Workers' International Union, No. 29, of Hallowell, Me., favoring the passage of the postal-express bill; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of State Camp, Patriotic Order Sons of America, of North Carolina, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Department Conference on Temperance of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interestate liquor bill; to the Committee on the Judiciary.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of Fixers' Union, No. 54, Biddeford, Me., favoring passage of the postal-express bill; to the Committee on the Post Office and Post Roads.

By Mr. HARDWICK: Petition of Scottish Rite Masons, favoring passage of House joint resolution 271, granting permission to place insignia or emblem of fraternal societies, etc., on graves in the national cemeteries; to the Committee on Military Affairs.

Also, petition of the Southern Commercial Congress, favoring the survey of swamp lands; to the Committee on Agriculture.

By Mr. HILL: Resolutions of Lithuanians of New Britain, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HOWLAND: Petition of citizens of Cleveland, Ohio, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Branch No. 79, Workmen's Circle, of Cleveland, Ohio, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of Passaic County (N. J.) section of the Socialist-Labor Party of the United States, protesting against the illegal and arbitrary action of Judge Hanford; to the Committee on the Judiciary.

Also, petition of the governing board of the city of Trenton, protesting against the Pennsylvania Railroad Co. constructing a bridge across the Delaware River at Trenton, N. J., as proposed; to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of citizens of Oakland and Berkeley, Cal., favoring passage of House bill 13114, to provide old-age pensions; to the Committee on Pensions.

By Mr. LINDSAY: Petition of the Labor Council of Greater New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of P. D. Ellithorpe, Fresno, Cal., favoring passage of House bill 1339, for increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: Resolution of the Protestant Episcopal Diocese of Washington, D. C., relative to religious garb in Indian schools; to the Committee on Indian Affairs.

By Mr. MAGUIRE of Nebraska: Petition of the Federation of Nebraska Retailers, Omaha, Nebr., favoring the passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Petition of members of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the Diocese of Maine, favoring passage of a bill for the medical and sanitary relief of the natives of Alaska; to the Committee on the Territories.

By Mr. McKINNEY: Petition of business men of Monmouth, Ill., protesting against the passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Martin Van Buren, alias Martin Van Buren McReynolds; to the Committee on Military Affairs.

By Mr. MOTT: Petition of Hannibal Center Grange, of Hannibal, N. Y., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Watertown (N. Y.) Chamber of Commerce, favoring passage of House bill 22589, relative to provisions of the Lowden Act; to the Committee on Foreign Affairs.

By Mr. MURRAY: Petition of Boston Typographical Union, relative to the bill to establish the half-cent piece as a unit of currency; to the Committee on Coinage, Weights, and Measures.

By Mr. PARRAN: Petition of 25 citizens, members of Long Corner Council, No. 51, Junior Order United American Mechanics, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Resolution of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of the Borough of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of New York, favoring passage of House bill 22339 and Senate bill 6172, against the stop-watch system for Government employees, and of the Allied Printing Trades Council of New York, favoring passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REES: Papers to accompany bill granting an increase of pension to Diana Clark; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of Grand Lodge of Connecticut, Free and Accepted Masons, Hartford, Conn., favoring passage of House joint resolution 271, granting permission to place insignia or emblem of fraternal societies, etc., on graves in national cemeteries; to the Committee on Military Affairs.

Also, petition of the New Haven Chamber of Commerce, New Haven, Conn., favoring the preparation and printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Hartford Central Labor Union, Hartford, Conn., favoring passage of House bill 16844, requiring manufacturers' brands to appear on all food goods; to the Committee on the Judiciary.

Also, resolution of 100 workers of Wallingford, Conn., against passage of the Dillingham and other bills, restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Lithuanians of New Britain, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SIMMONS: Petition of retail merchants of Wilson, N. Y., against passage of the Oldfield-Brown bills, proposing amending present patent law; to the Committee on Patents.

By Mr. SIMS: Petition of members of St. Luke's Branch of the Woman's Auxiliary of the Protestant Episcopal Church, State of Tennessee, relative to betterment of conditions for people of Alaska; to the Committee on the Territories.

By Mr. SMITH of New York: Petition of Niagara Lodge, No. 148, United States Grand Lodge, Order B'rith Abraham, Buffalo, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: Petition of Sam Lanham Camp, No. 1383, asking that the cotton tax collected after the Civil War be credited into a pension fund for the soldiers and widows of the Confederacy; to the Committee on War Claims.

By Mr. STEENERSON: Petition of 31,070 farmers of the Northwest, urging repeal of the reciprocity bill; to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Merchants' Association of Butte, Mont., favoring passage of House bill 22589, for building diplomatic buildings as proposed; to the Committee on Foreign Affairs.

By Mr. WILSON of Pennsylvania: Petition of the United Trade and Labor Union of Buffalo, N. Y., asking for the passage of the Wilson seamen bill (H. R. 23673), requiring sufficient manning of all boats; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Patriotic Sons of America, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *June 1, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAMB, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property;

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims; and

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder;

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of Juan L. Rodrigues, of Porto Rico, praying for the enactment of legislation relative to the legal status of all notaries practicing in Porto Rico as recommended in the report of the commission of the Legislative Assembly of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a resolution adopted by the State Council, Order of Independent Americans of Pennsylvania, favoring the passage of the so-called Dillingham immigration bill, which was ordered to lie on the table.

Mr. CATRON presented petitions of sundry citizens of Luna, Eddy, Chaves, Roosevelt, and Grant Counties, of New Mexico, praying for the enactment of legislation providing for two judicial districts for the State of New Mexico, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the Chamber of Commerce, of New Haven, Conn., praying for the enactment of legislation to provide for a permanent exhibit of the resources of the States in or near Washington, D. C., which was referred to the Committee on Industrial Expositions.

Mr. WARREN presented the petition of Peter Olsen and 37 other citizens of Lost Springs, Wyo., praying for the enactment of legislation providing homestead entries of 640 acres in certain States, which was referred to the Committee on Public Lands.

Mr. THORNTON presented a petition of the Young People's Missionary Volunteer Society, of Hammond, La., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

LAND AT PENDLETON, OREG.

Mr. CHAMBERLAIN. I report back favorably from the Committee on Indian Affairs with an amendment in the nature of a substitute the bill (S. 3203) to authorize the sale of certain land within the Umatilla Indian Reservation to the city of Pendleton, Oreg., and I submit a report (No. 839) thereon. I ask for the immediate consideration of the bill. I will state that my reason for making the request is that the sale of the land is for the purpose of furnishing a reservoir site for water for municipal purposes.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the city of Pendleton, a municipal corporation in Umatilla County, State of Oregon, under such terms, conditions, and regulations as he may prescribe, not to exceed 200 acres of unallotted tribal Indian lands within the Umatilla Reservation at not less than its appraised value, said lands to be used by the city of Pendleton, Oreg., for municipal waterworks purposes: *Provided*, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit, in the discretion of the Secretary of the Interior.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations I report back with amendments the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and I submit a report (No. 832) thereon.

I desire to give notice that I shall move to take up the bill Monday morning, and I hope it may be the pleasure of the Senate to proceed with it to a finish. As it is quite a long bill, with many amendments, I hope that Senators who desire to give it attention may do that meantime, so that we may proceed as rapidly as may be, on account of other appointments which have been made for next week, as shown on the calendar.

Mr. BRISTOW. When can we get copies of the bill? It is a very important bill.

Mr. WARREN. If the Senator desires a copy, I can furnish him one now.

Mr. BRISTOW. Printed, with the amendments?

Mr. WARREN. A printed copy showing the amendments.

Mr. BRISTOW. I would be greatly pleased to have a copy. I should like to have a copy at my desk and one for my office.

Mr. HEYBURN. Would it not be better to have the bill printed showing the amendments and giving such information as we usually have upon the face of the bill? We will want to give attention to it between now and the time when it is taken up, and being so lengthy a bill we, of course, can not take it up right on the moment it is before us in print.

Mr. WARREN. It is printed in the usual way and shows every amendment printed in italics.

Mr. HEYBURN. It is now printed and available to all Senators?

Mr. WARREN. It will be available immediately. It is available now as to a few copies, and the others will follow in a few moments. I presume the Senator does not desire any different plan of printing than the usual form, because every amendment is shown in italics.

Mr. HEYBURN. The only question was as to the short time that will intervene before the bill is taken up.

Mr. WARREN. If it is the pleasure of the Senate to take any more time, I can certainly afford to wait, if the Senate can, but it seems to me, with the notices given here, which run late into next week, with the long, tedious struggle that will necessarily ensue in conference, we ought, if possible, to dispose of the bill on Monday.

Mr. HEYBURN. I entirely agree with the Senator, only I thought, if the copies were available to-day, we could then take up the bill for consideration.

Mr. WARREN. The copies will be here.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on the District of Columbia, to which was recommitted the bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, reported it with amendments and submitted a report (No. 833) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 2451. A bill providing against the abandonment of destitute, infirm, or aged parents (Rept. No. 834); and

S. 6672. A bill to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point, beginning at the existing gas main in the Foxhall and the Conduit Roads, to the District line (Rept. No. 835).

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 3569) for the relief of Ralph Deremer, submitted an adverse report (No. 836) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 6682) for the relief of John Duggan, alias John McCarty (or McCarthy), reported it without amendment and submitted a report (No. 837) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C., reported it with an amendment and submitted a report (No. 838) thereon.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS (by request):

A bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes; to the Committee on the Judiciary.

SENATOR FROM ILLINOIS.

Mr. KERN. Mr. President, I gave notice the other day that next Monday morning I would call up the case of the Senator from Illinois as a question of the highest privilege. Since that time I have learned that there is a possibility that Senator LORIMER may be able to be here by Tuesday. In view of that, I have concluded to call the matter up on Tuesday morning instead of Monday morning, and I will address the Senate on the question at that time.

The PRESIDENT pro tempore. The notice will be changed accordingly.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property; and

H. R. 24121. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims.

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions, the morning business is closed. The Chair will call the attention of the Senate to the fact that there is a unanimous-consent order which takes effect immediately on the close of the morning business.

Mr. CULBERSON. Before that goes into effect, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McLean	Simmons
Bacon	Dillingham	Martin, Va.	Smith, Ariz.
Borah	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Foster	Myers	Smoot
Bradley	Gallinger	Nelson	Stephenson
Brandegee	Gronna	Oliver	Sutherland
Bristow	Heyburn	Overman	Swanson
Brown	Hitchcock	Page	Thornton
Bryan	Johnson, Me.	Percy	Tillman
Burnham	Johnston, Ala.	Pomerene	Townsend
Catron	Jones	Reed	Warren
Clark, Wyo.	Kern	Richardson	Wetmore
Clarke, Ark.	Lea	Root	Williams
Culberson	Lippitt	Sanders	Works
Cullom	McCumber	Shively	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to the roll call, and a quorum of the Senate is present.

ANTI-INJUNCTION BILL.

Mr. MARTIN of Virginia. Mr. President, I desire to make an inquiry of the chairman of the Judiciary Committee. What is known as the Clayton anti-injunction bill, being House bill 23635, was referred to that committee on the 15th day of May. I have had numerous inquiries about the bill, and I desire to ask the chairman of the committee what the probabilities are in respect to a report? It concerns——

Mr. CLARK of Wyoming. I failed to get the preliminary statement of the Senator.

Mr. MARTIN of Virginia. The bill known as the Clayton anti-injunction bill was passed by the House of Representatives some time ago, and has been referred to the Senate Committee on the Judiciary. I desire to know something about the probability of getting it reported to the Senate from that Committee. I will say to the Senator that I have had quite a number of inquiries, from labor organizations particularly, as to the status of the matter, and I should like to be able to answer as to the probabilities in respect to a report on the bill. I will say that I would be very glad to have the bill brought before the Senate just as soon as it can possibly be considered by the committee and reported.

Mr. CLARK of Wyoming. Mr. President, I will give the Senator all the information in reference to the bill which the chairman has. The bill has not been for a great length of time before the Judiciary Committee. Immediately upon the receipt of the bill by reference from the Senate to the committee, a subcommittee was appointed, to which the bill itself and subjects connected with the bill were referred. That committee as yet has made no report to the full committee. I know that the members of the subcommittee are diligent, as are the members of the entire committee, never missing a meeting at least once a week, and sometimes on two days in the week. I can assure the Senator that action will be taken upon the bill as soon as possible.

Mr. MARTIN of Virginia. I am very glad to have that assurance from the Senator. The bill concerns a large number of people, and they are very importunate regarding it.

Mr. CLARK of Wyoming. I will say to the Senator that I myself have received a large number of letters indicating

interest in the bill, and I want to assure the Senator that there has been no undue delay nor will there be any in the consideration of the bill.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. The Chair again announces that morning business is closed and calls attention to the fact that there was a unanimous-consent agreement that the Senate should proceed to the consideration of executive business after the morning business had closed.

Mr. CLARK of Wyoming. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 4 hours and 50 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, June 3, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 1, 1912.

UNITED STATES ATTORNEY.

James W. Freeman, of Montana, to be United States attorney for the district of Montana. (A reappointment, his term expiring May 31, 1912.)

PROMOTIONS IN THE NAVY.

I nominate the following-named midshipmen to be ensigns in the Navy from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date:

Milton M. Fenner and

Frank J. Lowry.

First Lieut. Harry O. Smith to be a captain in the Marine Corps from the 28th day of April, 1912, to fill a vacancy.

POSTMASTERS.

ARIZONA.

Fred E. Cadwell to be postmaster at Douglas, Ariz., in place of Fred E. Cadwell. Incumbent's commission expired May 23, 1912.

COLORADO.

Ella New to be postmaster at Delta, Colo., in place of Ella New. Incumbent's commission expired May 22, 1912.

Frank Simonton to be postmaster at Victor, Colo., in place of Eugene Reardon, removed.

CONNECTICUT.

Frederick B. Crofutt to be postmaster at Danbury, Conn., in place of Augustus G. Ising. Incumbent's commission expired May 22, 1912.

R. Clifford Tyler to be postmaster at Chester, Conn., in place of R. Clifford Tyler. Incumbent's commission expired February 10, 1912.

DELAWARE.

Benjamin I. Shaw to be postmaster at Harrington, Del., in place of Benjamin I. Shaw. Incumbent's commission expired May 23, 1912.

GEORGIA.

John S. Brown to be postmaster at Locust Grove, Ga., in place of Edward T. Peek, deceased.

Edgar R. Gunn to be postmaster at Oxford, Ga., in place of Virginia W. Henderson. Incumbent's commission expired February 27, 1912.

ILLINOIS.

Archibald B. Campbell to be postmaster at Tolono, Ill., in place of Archibald B. Campbell. Incumbent's commission expired May 14, 1912.

INDIANA.

John Perry to be postmaster at Kramer, Ind. Office became presidential April 1, 1912.

IOWA.

W. E. Richards to be postmaster at Edgewood, Iowa, in place of Sears T. Richards, deceased.

MINNESOTA.

Charles Canfield to be postmaster at Winnebago, Minn., in place of Charles Canfield. Incumbent's commission expired February 4, 1912.

MISSISSIPPI.

John C. Clifton to be postmaster at Senatobia, Miss., in place of John C. Clifton. Incumbent's commission expired April 28, 1912.

Andrew J. Darden to be postmaster at Centerville, Miss., in place of Andrew J. Darden. Incumbent's commission expired April 28, 1912.

Mae Wright to be postmaster at Osyka, Miss., in place of Mae Wright. Incumbent's commission expired April 28, 1912.

MISSOURI.

Alexander T. Boothe to be postmaster at Peirce City (late Pierce City), Mo., in place of Alexander T. Boothe. To change name of office.

David B. Ormiston to be postmaster at Linneus, Mo., in place of David B. Ormiston. Incumbent's commission expired January 13, 1912.

Rachael A. Smith to be postmaster at Deepwater, Mo., in place of Rachael A. Smith. Incumbent's commission expired May 15, 1912.

NEBRASKA.

Henry Niebuhr to be postmaster at Winnebago, Nebr. Office became presidential January 1, 1912.

OHIO.

Samuel Bailey to be postmaster at Beverly, Ohio, in place of Samuel Bailey. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Robert L. Sample to be postmaster at Maysville, Okla. Office became presidential January 1, 1912.

Squire J. Thompson to be postmaster at Wellston, Okla., in place of Squire J. Thompson. Incumbent's commission expired May 7, 1912.

OREGON.

George W. Spring to be postmaster at Lents, Oreg., in place of George W. Spring. Incumbent's commission expired February 12, 1912.

SOUTH DAKOTA.

James D. Stewart to be postmaster at Dupree, S. Dak. Office became presidential April 1, 1912.

TEXAS.

Charles R. Bone to be postmaster at Beaumont, Tex., in place of Charles R. Bone. Incumbent's commission expired April 28, 1912.

Crockett Campbell to be postmaster at Lufkin, Tex., in place of Crockett Campbell. Incumbent's commission expired April 21, 1912.

James T. Harrell to be postmaster at Manor, Tex., in place of Jacob M. Harrell, resigned.

William P. Harris to be postmaster at Sulphur Springs, Tex., in place of William P. Harris. Incumbent's commission expired March 11, 1912.

Covey M. Hughes to be postmaster at Wharton, Tex., in place of Covey M. Hughes. Incumbent's commission expired April 28, 1912.

Clarence V. Rattan to be postmaster at Cooper, Tex., in place of Clarence V. Rattan. Incumbent's commission expired April 28, 1912.

George H. Sparenberg to be postmaster at Big Spring, Tex., in place of George H. Sparenberg. Incumbent's commission expired April 2, 1912.

UTAH.

E. W. Redmond to be postmaster at Eureka, Utah, in place of Herbert Hopes, resigned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 1, 1912.*

The House met at 11 a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in the broad fields of endeavor, in the complicated conditions of our civilization, in the mad rush for wealth, power, and influence help us to remember our dependence upon Thee; that Thy laws are imperative, and if we are saved from the impending dangers which threaten us it must be through loyalty to Thee and the laws which Thou hast ordained. Increase, therefore, our faith and make us susceptible to the heavenly influences that right may prevail in the individual and in the powers which control the destiny of our Republic. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MABEL ADLER.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 553 (H. Rept. 814).

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Mabel Adler, widow of Henry Adler, late a folder of the House, a sum equal to six months of his salary as such employee and an additional amount, not exceeding $250, for the funeral expenses of said Henry Adler.

Mr. LLOYD. Mr. Speaker, in this case one of the employees of the House, a folder, died a few days ago, and this is the usual resolution that we pass following the death of one of the employees of the House. I ask for a vote.

The SPEAKER pro tempore (Mr. FITZGERALD). The question is on the resolution offered by the gentleman from Missouri.

The question was taken, and the resolution was agreed to.

PAYMENT OF EXPENSES OF INVESTIGATION BY COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 536 (H. Rept. 817).

Resolved, That all expenses that may be incurred by the Committee on the District of Columbia in making the investigation authorized by H. Res. 154, to an amount not exceeding $10,000 in addition to that heretofore authorized by H. Res. 200, shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. LLOYD. Mr. Speaker, several months ago the District of Columbia Committee was authorized to make certain investigations by House resolution 200, and following that the limit of cost was fixed at $5,000 which they might incur. They have expended nearly the $5,000 in their investigation, and are doing some splendid work in ascertaining conditions in the District. They feel that they need $10,000 more to meet the expenses of investigations that will be made hereafter. The committee is of the opinion that it is proper to allow them the limit of cost, and therefore report favorably the resolution.

Mr. DALZELL. What particular investigation is it?

Mr. LLOYD. The Committee on the District of Columbia has been examining the methods of city government in the District, the method of assessments, the method of collection, the methods of bookkeeping, and making a general overhauling of the business methods of the District of Columbia.

Mr. DALZELL. Is it not a fact that there are two or three different investigations of the District now going on?

Mr. LLOYD. No; not that I know of.

Mr. MONDELL. Is this being carried on by the District of Columbia Committee?

Mr. LLOYD. Yes. I might say that there are some subcommittees which are not incurring expense that are making investigations of one subject and another. One of these subcommittees, as I gather from the committee, is investigating the Insane Hospital, and there may be other subcommittees investigating some other matters in the District, but I do not think any of these subcommittees have thus far incurred any expense.

Mr. DALZELL. This is the only one authorized up to this time to incur expense, is it?

Mr. LLOYD. Yes.

Mr. FOSTER. Does the gentleman think it is necessary to appropriate $10,000 more for this investigation?

Mr. LLOYD. It may be necessary to have the $10,000. This limits the amount that can be expended; it does not direct them to expend $10,000.

Mr. FOSTER. If I remember correctly, when the other resolution came into the House, it was stated that it was the judgment of the committee that $5,000 was all that was necessary to complete the investigation.

Mr. LLOYD. I think that statement was made, but it has developed a very much wider scope of investigation than they thought was necessary at the time.

Mr. FOSTER. The single question is whether they are not going into a field so wide as to incur unnecessary expense to be borne by the Government. It seems to me that the House is entitled to some explanation as to why this $10,000 is necessary.

Mr. LLOYD. I will yield to the gentleman from Kentucky, the chairman of the committee.

Mr. LONGWORTH. Before the gentleman takes his seat, I want to ask the gentleman if the committee has already expended the $5,000?

Mr. LLOYD. It has expended nearly $5,000.

Mr. LONGWORTH. And now asks to be authorized to expend $10,000 more?

Mr. LLOYD. Yes.

Mr. LONGWORTH. The gentleman from Kentucky, as I understand, is to be asked to explain why this extra amount is necessary.

Mr. LLOYD. Yes.

Mr. LONGWORTH. We desire an explanation as to how this very large amount of money can be expended in the District of Columbia where there can be no traveling expenses.

Mr. HILL. Before the chairman of the District Committee takes the floor, I want to say that I assume the chairman of the Committee on Accounts has some reason for making this recommendation, and that the Committee on Accounts has fully investigated the matter, and I would like to ask him what has been the character of the expenditure thus far. Has it been for counsel fees, or what is the character of the expenditure that has already been made?

Mr. LLOYD. The expenses thus far incurred have been mainly expenses for accountants, for experts to examine books and methods.

Mr. HILL. And not for counsel fees?

Mr. LLOYD. No; not a cent for counsel fees. As far as I have information, the experts who have been employed are genuine experts, and are not paid exorbitant fees, and have really earned their money.

Mr. DALZELL. How long have they been at it?

Mr. LLOYD. Nearly a year.

Mr. DALZELL. And what have they found out?

Mr. LLOYD. They have found out a good many things.

Mr. DALZELL. I saw a statement in the paper the other day that they have not found out anything except that they were entitled to their salary up to this time.

Mr. BARTLETT. That is information from people who do not want to be investigated.

Mr. LLOYD. I think the gentleman will find that they have already ascertained that there is a very large amount of money that belongs to the Government which has heretofore not been shown by the books of the District and that this will amount into the hundreds of thousands of dollars.

Mr. BUTLER. Does the District pay one-half the expense of the investigation?

Mr. BARTLETT. No; the Government pays it all.

Mr. BUTLER. Why should the Government pay it all?

Mr. BARTLETT. Because it is paid out of the contingent fund of the House.

Mr. BUTLER. Is there not some way in which we could compel the District to pay part of this investigation?

Mr. LLOYD. Not unless it is in an appropriation bill.

I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I do not know that I have anything to add to the statement already made by the chairman of the Committee on Accounts, unless it be that the greater portion of this money has been expended for accountants who have been investigating the accounts between the Federal Government and the District of Columbia.

Mr. DALZELL. Mr. Speaker, I will ask the gentleman how he expects to spend the $10,000?

Mr. JOHNSON of Kentucky. Along the same lines of former expenditures. A good portion of this money has been expended in stenographers' fees and the employment of a man to help ascertain property which has been assessed too low, as well as that which has been assessed too high. For instance, it has developed only this morning that a very prominent man, associated with a former Federal administration, has had his property in the District of Columbia assessed entirely too low, and it is contemplated that we will take his deposition to prove that fact. Then the accounts of the purchasing agent have been gone over; and, as was anticipated in the beginning, nothing criminal was found, but he has improved his methods as a result of this investigation, which has now been printed in the form of hearings.

We found that the District had an incomplete inventory of the property that it owns.

I will say at this point that the gentleman from New York [Mr. REDFIELD], who has been conducting that part of the investigation, has just this moment come into the Chamber, and I prefer to have him explain that feature.

Mr. LONGWORTH. Mr. Speaker, before the gentleman does that, I would like to ask the gentleman from Kentucky if it is contemplated to proceed with these investigations during the summer recess?

Mr. JOHNSON of Kentucky. It is, and for that reason we want this money allowed before Congress adjourns.

Mr. LONGWORTH. All summer?

Mr. JOHNSON of Kentucky. As nearly so as possible.

Mr. LONGWORTH. Why is it expected that the committee will sit here all summer, when, as I understand it, it is rather difficult now to get a quorum of the committee, even when Congress is in session?

Mr. JOHNSON of Kentucky. We have a subcommittee that is investigating these matters, and they have been most active, always having a quorum when needed.

Mr. LONGWORTH. As I understand it, less than $5,000 have been expended in over a year.

Mr. JOHNSON of Kentucky. Yes.

Mr. LONGWORTH. And now it is contemplated to expend $10,000 between now and the 4th of next March.

Mr JOHNSON of Kentucky. Yes. I will say this to the gentleman, that before this original resolution was introduced I myself during the preceding three years had found what I believe to be hundreds of items of money owing from the District of Columbia to the Federal Government. An accountant has gone over those. In a number of the items that I had selected he found nothing due.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes more to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Speaker, in looking up the items which I had hunted out during the preceding three years the accountant has been constantly going through these books. Some of the items which I thought were owing to the Government by the District have been found by him, as I said, not to be due. Others have been found to be due from the District to the Federal Government. He is going along now from book to book—musty books stored away for years—and, day after day, he is finding money owing to the Federal Government by the District of Columbia.

Mr. DALZELL. If the gentleman will allow me, How many experts have you now engaged on these books?

Mr. JOHNSON of Kentucky. We have now two.

Mr. DALZELL. How much salary has been paid to them?

Mr. JOHNSON of Kentucky. In round figures, about $3,000.

Mr. DALZELL. Are they employed by the committee by contract—how much are they paid?

Mr. JOHNSON of Kentucky. One is getting $105 a week and the other is getting $30 a week. The one who is getting $30 a week is calling off to the accountant, in order that an employee of the District government may not do that for him. In other words, to make sure the tallying is correct; and he also helps to take out these books. Besides, he is a good accountant.

Mr. DALZELL. Has the gentleman contemplated the employment of others?

Mr. JOHNSON of Kentucky. We do not.

Mr. DALZELL. Ten thousand dollars will go to those two?

Mr. JOHNSON of Kentucky. No; it will go also to stenographers. We are just getting to the point where stenographers are used in the investigation.

Mr. DALZELL. Well, it will go to these two employees and stenographers?

Mr. JOHNSON of Kentucky. And to a real-estate expert.

Mr. DALZELL. Ten thousand dollars seems to be a pretty big sum for this.

Mr. DYER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. DYER. This is the first time such an inquiry has been made in the District of Columbia matters for years.

Mr. JOHNSON of Kentucky. My information is the first in 30 years.

Mr. DYER. I will ask the gentleman another question, if he will permit. Does the gentleman think the resolutions, 154 and 200, under which this special committee was authorized by Congress to make this investigation, sufficient to justify the expenditure, if need be, out of this fund for an investigation of public hospitals?

Mr. JOHNSON of Kentucky. There is no question in my opinion about that; and I will say to the gentleman that a little later along it is my purpose to go into that, and I trust to have his assistance in it.

Mr. DYER. I will say to the Members of the House that it is the purpose of the subcommittee which the gentleman selected, of which I am chairman, to ask that a special investigation be made in connection with these other investigations of the hospital service in this city and the money that has been expended for charity, not only for public hospitals, but for private hospitals and also of charitable organizations. I believe out of such an investigation the Government will receive a great deal of benefit, and it is the purpose in the investigation of these other matters to ask for an investigation of that.

Mr. CANNON. I just came in, and I understand this is an investigation, under a former resolution of the House, touching the contributions that have been made from the Federal Treasury or appropriations for the services of the District. I recollect when the resolution was adopted—$10,000 it is to cost in the end.

Mr. JOHNSON of Kentucky. Five thousand dollars was the original amount.

Mr. CANNON. And now it is $10,000 more.

Mr. JOHNSON of Kentucky. Not exceeding $10,000 more.

Mr. CANNON. Of course it is useless to prophesy what the end will be, and I desire to criticize in no unfriendly manner this investigation, but I am thoroughly of the opinion that if one-tenth part of that had been expended getting at the status from public documents touching District and Federal expenses in education that we would get much better results than we are liable to get at the end of the investigation.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. LLOYD. I yield five minutes additional to the gentleman from Kentucky.

Mr. CANNON. Will the gentleman yield further?

Mr. JOHNSON of Kentucky. Yes.

Mr. CANNON. I have never been upon the District Committee, but I have had experience touching District appropriations. The District, upon the one hand, complains, and with something of equity, that we throw expenditures upon the District that, on the half-and-half principle, ought not to be there. Of course we have plenipotentiary power that we divide expenses where they had not heretofore been divided.

I do not desire to criticize, because criticism would be in vain, but just to make a great, big interrogation point. Not playing the rôle of prophet, I believe in the end the Treasury will be out $15,000 and no good will come.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is my opinion that as a result of this investigation conducted by the gentleman from New York [Mr. GEORGE] probably $100,000,000 of taxable property will be added to your assessors' list at the next assessment.

Mr. CANNON. If the gentleman will allow me, that is by jacking up the assessors of the District.

Mr. JOHNSON of Kentucky. And the large part of this money has been used for that very purpose, and more of it will be used for that purpose.

Mr. CANNON. And if the gentleman can find some means to compel assessors to comply with the law in assessing property as the law provides, he will be entitled to sainthood if he can only spread that throughout the United States. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Speaker, I do not expect that the gentleman from Illinois will ever be "canonized." [Laughter.] I am making no pretensions to that myself. But if he will cease his objections along this line and let the committee pursue the lines they have undertaken, I believe that we will establish here an assessment plan that will reach throughout the Union and have beneficial results. [Applause.] As I just said, I believe that as a result of this investigation $100,000,000 of property in the District of Columbia that has escaped taxation will, at the very next assessment, be taxed. In addition to that, as will be stated by the gentleman from New York [Mr. REDFIELD], the stores—the property belonging to the District of Columbia—have not been correctly accounted for. The man who kept the store will admit that anybody can come into that storehouse with an old lantern, an old shovel, an old anything, and say that that belongs to the District of Columbia and take out a new one in exchange for it, when he has no knowledge that the transaction is right or not. In addition to that, the accountant who is going through the books containing accounts between the District of Columbia and the Federal Government has found enough, which we will prove by the people who kept this account, to pay the amount now asked for thousands of times over. Now, if that is not money well spent, then no dollar has ever come out of the contingent fund of this House that ever has been well spent.

Mr. MICHAEL E. DRISCOLL. The gentleman's statement of increasing the assessment roll a million dollars is very interesting. Does he expect to find property that has not been assessed in the past or expect to increase assessment on property that has been assessed in order to get the other million dollars?

The SPEAKER. The time of the gentleman from Kentucky [Mr. JOHNSON] has again expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. GEORGE].

Mr. GEORGE. Mr. Speaker, I should like to answer that question. This committee has found a vast amount of property, real estate, in the District of Columbia systematically undervalued and underassessed. It has also found a great amount of property, mainly in the east part of Washington, oversassessed. It has found square blocks where the average increase

of assessment at this triennial period is 20 and 30 per cent over the preceding assessment on identically the same unchanged little homes, whereas the assessments on buildings in the northwest and in the business area have not materially increased. This committee has found and will present the evidence to this House in its report that the Willard Hotel, for instance, has been underassessed something like $800,000. It has found that the little homes in the eastern part of the District have been assessed for more than they will sell. It has found that there are no proper rules for assessment. It has found grossly inadequate machinery for assessment. It has found that three men are engaged in the work of assessing real estate in the District of Columbia, while six men are engaged in the work of assessing personal property in the District of Columbia. By all the rules of adequate assessment there should be not 3 men on the work of real-estate assessment, but 10 men; and Mr. Lawson Purdy, president of the tax board of New York, the greatest municipal tax expert in th world, is of the opinion that 16 men ought to be engaged in that work here.

Mr. MICHAEL E. DRISCOLL. What system of personal tax is now in practice—of personal tax on personal property?

Mr. JOHNSON of Kentucky. One dollar and fifty cents on $100.

Mr. SIMS. That is the rate, but the assessment is only on tangible property.

Mr. MICHAEL E. DRISCOLL. Are residents of Washington taxed on personal property except that which is tangible?

Mr. SIMS. Tangible.

Mr. MICHAEL E. DRISCOLL. How are you going to change that system?

Mr. GEORGE. We are not going to change that system. The District Committee is not purposing to do anything about that matter at this time. It is inquiring now only into real-estate taxation and assessment. I am referring to them to indicate the inadequacy of the machinery. I think that this is the most careful and, in fact, the only real examination into the assessment and taxation of real estate that has occurred since Congress has been founded. I think that we can, as a consequence of this inquiry, get enough increased revenue from the proper assessment of one piece of property, the Willard Hotel, to pay for this whole examination many times over.

Mr. CULLOP. Mr. Speaker, will the gentleman permit a question there?

The SPEAKER. Does the gentleman yield?

Mr. GEORGE. With pleasure.

Mr. CULLOP. What is the Willard Hotel assessed at?

Mr. GEORGE. The ground at about $525,000 and the building at about $700,000.

Mr. CULLOP. How much does the gentleman estimate that that is undervalued?

Mr. GEORGE. The testimony would indicate that the assessment of both land and building should be approximately $2,000,000.

Mr. CULLOP. What is the rule adopted by the assessor?

Mr. GEORGE. That would be the assessment.

Mr. CULLOP. What is the rule adopted by the assessors for assessing property? What valuation?

Mr. GEORGE. There is scarcely any rule.

Mr. CULLOP. Is there any uniformity about it?

Mr. GEORGE. There is no uniformity.

Mr. CULLOP. It is a partial matter to persons in the location of property, is it not?

Mr. GEORGE. It would appear to be.

Mr. CULLOP. Now, I understood the gentleman to say that intangible property was not taxable.

Mr. GEORGE. It is not. But I also say that the committee has not gone into that question in this inquiry, nor does it propose to use in such an inquiry any of the money now being asked for.

Mr. CULLOP. By what authority do they let that class escape?

Mr. SIMS. There is no law to do it.

Mr. CANNON. Mr. Speaker, as I understand, the law provides that the property shall be assessed at its value, and then it is listed for taxation, as I recollect it, at three-quarters of its value.

Mr. GEORGE. Two-thirds.

Mr. CANNON. Two-thirds of its value, and 1½ cents on the hundred?

Mr. GEORGE. Yes; taxed at the rate of 1½ per cent on two-thirds of the value.

Mr. JOHNSON of Kentucky. Will the gentleman allow me to make a statement there?

Mr. GEORGE. Certainly.

Mr. JOHNSON of Kentucky. The law under the organic act of 1878 was that both real property and personal property should be assessed at $1.50 a hundred. Some years ago there was tacked onto the District appropriation bill an amendment which left personal property taxed at $1.50 a hundred at a fair cash value and real estate was reduced, and since that time it has been assessed at $1.50 on a two-thirds valuation.

Mr. CANNON. Yes.

The SPEAKER. The time of the gentleman from New York [Mr. GEORGE] has expired.

Mr. CANNON. Will the gentleman yield me five minutes?

Mr. LLOYD. I yield to the gentleman from Illinois [Mr. CANNON] five minutes.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. Mr. Speaker, I am not a so-called "sharp," touching District of Columbia affairs, yet I have some general knowledge about them. I recollect very well the legislation that the gentleman refers to touching taxation on the District of Columbia bill. Representative Babcock, at that time chairman of the Committee on the District of Columbia, was incapacitated and seriously ill, and we were running behind in the District revenues, and the House adopted an order making in order the production of a revenue bill, so far as the House was concerned, upon the appropriation bill.

I recollect very well that as a result of that legislation the revenues of the District government began at once to increase materially, and they have increased from that time to this and are still increasing. I have no particular pride in that matter, but I happened to be chairman of the Committee on Appropriations at that time, though I was not a member of the District Committee.

A good many tolerably drastic provisions, as some people in the District thought, were put into that legislation. If I recollect aright, the banks had been practically without taxation, and there was a tax of 3 per cent—I will not be positive as to the exact figure—placed upon their gross earnings; also a material and substantial tax required to be paid upon the gross earnings of the public-service corporations, if I recollect aright.

It was a shaking of the dry bones. Now, it may be that the dry bones ought to shake again. But I wonder why it is that, with the discriminations existing touching the assessment of real estate, the gentleman from New York [Mr. GEORGE] says, "We have paid no attention to assessing intangible personal property"? He says they are nonassessable. Is that right?

Mr. GEORGE. Intangible personal property under the law was not assessable.

Mr. CANNON. Precisely; and you have not investigated that matter at all?

Mr. GEORGE. We have found real estate taxation a sufficiently large job at this time.

Mr. CANNON. But you have paid no attention to the other. Is that of any kinship to the gentleman's theories that taxation ought to be on real estate especially?

Mr. GEORGE. I do not understand that my peculiar views have anything to do with the committee.

Mr. CANNON. Precisely; but there is probably more of what you call intangible property that is not, under the law, assessed than there is real estate in the District.

Mr. SIMS. How could the committee find that out?

Mr. CANNON. Take the contingent fund and "smell" as they are "smelling" now. [Laughter.]

Mr. SIMS. It seems, Mr. Speaker, that the gentleman says he was proud of having passed the law as it stands.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Will the gentleman from Missouri tell me how much has been appropriated so far out of the contingent fund of the House for the purpose of these various investigations?

Mr. LLOYD. About $74,000 for all investigations of every kind. Does the gentleman mean expended or authorized?

Mr. LONGWORTH. Authorized.

Mr. LLOYD. The amount authorized is from $150,000 to $200,000.

Mr. LONGWORTH. Two hundred thousand dollars authorized.

Mr. LLOYD. For all expenditures of every kind, and about $74,000 has been expended. There has not been more expended out of the contingent fund this year than is usual, notwithstanding these investigations.

Mr. BARTLETT. Ten thousand dollars more.

Mr. LLOYD. I yield five minutes to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Speaker, I have a natural reluctance to report upon an unfinished job. I have never found that when

a piece of work was half done it was in such shape that an adequate and final statement could be made about it.

Mr. DYER. Will the gentleman yield? I should like to ask him a question.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. REDFIELD. Certainly.

Mr. DYER. I should like to ask the gentleman from New York if he believes that he is required to make a report now.

Mr. REDFIELD. If I may be allowed to proceed, I will explain. Although that is so, I think it is very well that straight questions are asked which call for straight answers as to what the committee have done to justify their request for more funds, in which request I am very glad to join.

In the first place, it ought to be said, in justice, that the work that has been done has in large part met with the approval, cooperation, and support of many of the officers of the District of Columbia. It would be doing them wrong not to say that. It has been done in an economical way, for the subcommittee has been divided again into five subcommittees, each person doing one job and doing it so that the five go along together.

Now, as to what definite things can be said to have been found justifying a further study, let me say very frankly, without meaning to imply more than I now say and reserving always the fact that I am speaking of an unfinished work and subject to other evidence that may come, that certain things have been found that are worth your very serious thought, and that I, as a business man, would not be content to leave in their present condition. For example, it has been found that there are public funds in the hands of private persons or private boards, subject to private check, and without bond, and deposited in private institutions and not in the Treasury of the United States. We have from the auditor of the District a written statement of such funds, and the matter has not yet been examined to the bottom; but there appear to be a number of such funds having fairly considerable balances over which the shadow of the law has not yet been cast. It is a fact, now a matter of sworn testimony, that, in a certain sense, there is no tax roll at all in the District of Columbia; and I want, if I can, to explain that technical matter, so that you may see just how it has worked. This is a case of accidental interference on my part with my friend Mr. GEORGE in his work, outside of my own province, but illustrating how things turn up.

The property is assessed upon field books. The field books are taken and turned into office books. The office books are turned into cards. Up to the point where the cards are made representing each piece of property there is no actual extension or figuring of the tax to be paid in dollars, but merely the facts from which that may later be figured. At that particular point the cards are transferred onto the ledger, and there, for the first time, appear the dollars and cents in actual money to be paid. From these ledger accounts the bills are made. Those bills go to the collector of taxes, and there remain in the assessor's office no original vouchers with which to verify the totals of those bills. The cards not having been extended and footed there, the ledger having been extended and footed there, there are not two footings to compare with one another, but only one, with no basis of comparison. There exists no total aggregate tax roll to verify the total of the tax bills, with the result that, although some years ago—for 1902—all the taxes were supposed to have been collected, they have yet been receiving since taxes for 1902 to the extent, if I am correctly informed, of some thousands of dollars. That is obviously a matter none of you would stop at, and we have got to go further.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LLOYD. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. REDFIELD. It is a fact, a small fact, but I found in one of the supply rooms of the District no system whereby the supplies of the District were marked as belonging to the District. That is, on a shovel there was no mark "D. C." and on a lamp no mark "D. C.," nothing to prevent any man who was friendly with the foreman taking an old lamp and getting him to take it back to the supply house and giving him a new one in its place. Immediately on that fact being pointed out it is a part of our evidence that a die was bought, and now all goods are marked "D. C." I venture the assertion that that stamping of the letters "D. C." on the supplies may pay a fairly large interest on the $15,000.

Now, as to supplies in schools—this is incomplete and I would rather not speak of it at all, but I think you are justified in knowing what seems to be true. The system of dealing out supplies in schools is so much per teacher per annum, and that, apparently, without regard to whether the teacher has 20 or 40 or 50 scholars. The teacher gets so many gross of pens, so much chalk, and so many pencils per annum. It is a part of the testimony that it is largely "a matter of faith." I am using the language of the testimony.

There are also other matters and methods. The District Commissioners rule in a somewhat personal way. The present judgment of some of the District officers prevails in a very peculiar manner. I have had some reason to feel that specifications were unduly exclusive. It is certainly a fact that where other cities can get bids from 15 or 20 manufacturers, Washington gets them on like goods from only 2. It is a fact that the lowest bidder is sometimes not given the contract. I have personally examined into the facts of a half dozen such cases, and in all those cases with the cooperation and approval and support of the District officers themselves. It seems to me that we are going to find a certain laxity of business methods, a certain want of system which will be willingly corrected. It will not make a fuss, but it will save money, and I believe it will result in tangible, plain, ordinary, nonspectacular gain to the people of the District. [Applause.]

Mr. MARTIN of South Dakota. Before the gentleman takes his seat I would like to ask him a question.

Mr. REDFIELD. I yield to the gentleman.

Mr. MARTIN of South Dakota. Is there any board or system of equalization of assessments whereby, before the final levy, the tax on a piece of property which has been undervalued may be raised, or that which has been incidentally overvalued may be reduced, so that the entire tax roll may be made up on a system of equalized assessments?

Mr. REDFIELD. I shall have to say that my friend from New York [Mr. GEORGE] has had everything to do with the assessors and assessments, and I can not answer that question. My work has been confined to investigating the purchasing methods of the District.

Mr. GEORGE. Yes; there is an appeal board, but that appeal board is made up of some of the gentlemen who made the original assessment. An appeal board is availed of by the large taxpayer, who manages to get his assessment down, but not by the small taxpayer.

Mr. JOHNSON of Kentucky. In other words, the appeal is made from the assessors to the assessors.

Mr. MARTIN of South Dakota. Is that a fault in the law itself?

Mr. JOHNSON of Kentucky. That is a fault in the law itself, the law of which the gentleman from Illinois a few moments ago expressed his pride.

Mr. CANNON. If the gentleman from Kentucky will allow me, the "gentleman from Illinois" performed a duty cooperating with his committee to correct an abuse and want of legislation that should have come from the Committee on the District of Columbia. The section he does not claim, but a betterment of conditions and constantly increasing revenues. If the gentleman can improve upon it, he will have my commendation.

Mr. SIMS. Mr. Speaker, I am heartily in favor of voting the appropriation for the information we will get out of the investigation, but after-all it is a mere contention between who shall pay the part the District pays. If we increase the assessment, if we discover property that has not been assessed, it does not help the Government of the United States one particle, because we only get half of the entire budget from the property of the District taxpayer.

As a matter of justice between themselves, assessments ought to be equal, and I am heartily in favor of it; but we will never have a logical scientific system of assessment, taxation, and appropriation in this District until we abolish the so-called half-and-half plan. Just think about this city growing to 500,000 inhabitants. The very fact of its growth will increase the city's burden to be paid in gross, but it will not increase the benefits to the Government as a Capital. The Government pays now about $6,000,000 a year as one-half, when it is only one-half of that part that the city is taxed for, because there are a great number of expenses that the Government pays exclusively that are naturally and necessarily a city benefit. Why should the people living in the best kept city in the United States pay less taxes for it than is paid for living in any other city in the United States? There is no taxation of intangible personalty here at all, and but one half of the general burdens, though many of them are absolutely local and incidental to the fact of citizenship. Why should the Government of the United States that does not send 10 per cent of the children to the public schools here pay one half of all the public-school taxes?

On the other hand, it would be unjust to the taxpayers of the District of Columbia to ask them to pay one cent toward an expenditure of a national character, such as the opening of a great highway to the boundary or doing anything else of a national character. The people of the District of Columbia can not bond themselves like other cities and place part of the burden upon the future. We ought to abolish the half-and-half system and let the Government make the appropriations, pay them, and then tax the people justly and fairly without any reference to half or any other mathematical proportion of the District budget, and until we do that we will have these troubles galore.

Mr. LLOYD. Mr. Chairman, I yield one minute to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I said a few minutes ago that in my opinion the taxable property as a result of this would be increased $100,000,000. I do not have that upon my own information, but it is given to me by the gentleman from New York [Mr. GEORGE], who has been conducting this examination.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARNER. The result of this investigation may enable the District Committee to report some legislation to the House that would be worth one hundred times more than the investigation or a thousand times more than the investigation would cost?

Mr. JOHNSON of Kentucky. Yes.

Mr. CANNON. Why not fix it at a hundred thousand?

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman from Missouri a question. The discussion seems to lead along the lines that these inequalities in taxation and assessments will be corrected along with this investigation. Of course if we raise $1,000,000 more by the increased valuation in taxation, that goes into the Treasury, and the Government of the United States under the law of course pays one dollar out for every dollar that the District pays out. If that is true, does not the gentleman think that the expense of this investigation ought to be borne at least equally by the District of Columbia and the United States, and not wholly by the Federal Government?

Mr. LLOYD. I hardly think it should, because this is a Government investigation to determine whether the funds of the Government are properly cared for.

Mr. FOSTER. That is true, but still the people of the District are getting the benefit of this investigation if it accomplishes anything along those lines.

Mr. LLOYD. More than that, if there was anything of that kind authorized, it would have to be done through the Committee on Appropriations.

Mr. FOSTER. I realize that, but in my judgment it ought to be done.

Mr. LLOYD. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. GARNER. Mr. Speaker, there is another resolution from the Committee on Accounts.

The SPEAKER. The Chair will ask the gentleman to withhold that for a moment until some conference reports are disposed of.

Mr. GARNER. Very well.

FORTIFICATIONS APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I call up the conference report on the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The SPEAKER. The gentleman from Kentucky calls up a conference report on the fortification appropriation bill. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 686).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20111) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, and 6, and agree to the same.

SWAGAR SHERLEY,
GEORGE RAUCH,
JAMES W. GOOD,
Managers on the part of the House.

GEO. C. PERKINS,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. 20111) making appropriations for fortifications, etc., submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the amendments, namely:

On amendments Nos. 1 and 2: Makes certain verbal corrections in the reappropriation of an unexpended balance for the purchase and installation of searchlights at our most important harbors.

On amendment No. 3: Strikes out the appropriation of $150,000 proposed by the Senate for the acquirement of lands at Cape Henry, Va.

On amendment No. 4: Makes the appropriation for tools, electrical and other supplies, and appliances for the use of troops, available for maintaining searchlights as well as for electric light and power plants at seacoast fortifications in the United States, as proposed by the Senate.

On amendment No. 5: Makes the appropriation for preservation and repair of structures erected for torpedo defense in the insular possessions also available for maintaining channels for access to torpedo wharves in the insular possessions, as proposed by the Senate.

On amendment No. 6: Makes the appropriation for tools, electrical and other supplies, and appliances for the use of the troops also available for maintaining searchlights at seacoast fortifications in the insular possessions, as proposed by the Senate.

The bill as finally agreed upon appropriates $4,096,235, the same amount as passed by the House, and is $1,437,472 less than the appropriations for the current fiscal year.

SWAGAR SHERLEY,
GEORGE RAUCH,
JAMES W. GOOD,
Managers on the part of the House.

Mr. SHERLEY. Mr. Speaker, the conference report leaves the bill exactly as it was as it passed the House, so far as the amounts are concerned, but it makes certain verbal changes and authorizes certain moneys, repair and maintenance funds, to be expended for maintenance of particular works that were not directly authorized in the bill.

Unless some gentleman desires a detailed explanation, I move that the conference report be agreed to.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

HOUSE BILLS WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such sol-

diers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War and to widows or dependent relatives of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments; to the Committee on Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended;

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes; and

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I ask the Chair to lay before the House the pension appropriation bill, with Senate amendments, now on the Speaker's table.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Georgia asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD.

AGRICULTURE APPROPRIATION BILL.

Mr. LAMB. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendments to the agricultural appropriation bill (H. R. 18900) and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Virginia moves that the House further insist upon its disagreement to the Senate amendments and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. LAMB, Mr. LEVER, and Mr. HAUGEN.

NIGHT TELEPHONE OPERATOR.

Mr. GARNER. Mr. Speaker, I offer the following resolution and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 533.

Resolved, That the salary of the night telephone operator shall hereafter be $900 per annum instead of $720, as now provided by law.

Mr. BARTLETT. Mr. Speaker, I have no objection to passing the resolution, but it can not be passed as a privileged resolution.

The SPEAKER. The gentleman asks unanimous consent for its present consideration. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

HOMESTEAD ACTS.

Mr. FERRIS. Mr. Speaker, I call up the conference report on the bill S. 3367, the homestead bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 794).

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3367) to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with amendments as follows:

Amendment numbered 1: On page 2, line 7, of the House amendment, strike out the word "any" and insert in lieu thereof the word "that."

Amendment numbered 2: On page 2 of the House amendment strike out the following words: "That the entryman may be absent from the land for not more than five months in each period of one year after establishing residence," and in lieu of the words stricken out insert the following: "That upon filing in the local land office notice of the beginning of such absence, the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding five months in each year after establishing residence, and upon the termination of such absence the entryman shall file a notice of such termination in the local land office."

Amendment numbered 3: After the word "shown," on page 2, line 12, of the House amendment, strike out the semicolon and insert a comma and the following: "and the person commuting must be at the time a citizen of the United States."

Amendment numbered 4: On page 2 of the House amendment, at the end of section 2291, insert the following: "*Provided further*, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged-homestead laws double the area of cultivation herein provided shall be required, but the Secretary of the Interior may, upon a satisfactory showing, under rules and regulations prescribed by him, reduce the required area of cultivation: *Provided*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required: *Provided*, That the Secretary of the Interior shall, within 60 days after the passage of this act, send a copy of the same to each homestead entryman of record who may be affected thereby, by ordinary mail to his last known address, and any such entryman may, by giving notice within 120 days after the passage of this act, by registered letter to the register and receiver of the local land office, elect to make proof upon his entry under the law under which the same was made without regard to the provisions of this act."

That the House agree to the same.

REED SMOOT,
W. L. JONES,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

SCOTT FERRIS,
EDWARD T. TAYLOR,
FRANK W. MONDELL,
Managers on the part of the House.

The statement was read, as follows:

STATEMENT.

The conference report as adopted leaves unchanged the two important features of the bill as it passed the House, to wit, the provision for a three-year homestead period and for a five-month leave of absence in each year for homestead settlers. The leave of absence provision is, however, modified in form.

The amendments to the House amendment are as follows:

Amendment No. 1 corrects a typographical error.

Amendment No. 2 relates to the leave of absence and was adopted with a view of making the character of the leave and the conditions under which it should be exercised clear.

Amendment No. 3 was adopted at the suggestion of the Secretary of the Interior in order to make the requirement of citizenship under commuted entries uniform with the requirement under other entries.

Amendment No. 4, first paragraph, provides a definite and uniform minimum requirement of cultivation applicable to all homestead entries except reclamation entries and Kinkaid entries in Nebraska, with regard to which the law as to cultivation remains unchanged. The effect of the provision upon entries under the enlarged-homestead acts amounts to a reduction by one-half of the area of cultivation now required. The second proviso designates the classes of entries to which the provision of cultivation applies and excludes entries under section 6 of the enlarged-homestead acts from the provision reducing the homestead period.

The third proviso makes it the duty of the Secretary of the Interior to send copies of the act to entrymen affected by it and gives the entrymen the option of accepting the provision or proceeding to proof in accordance with the law at the time the entry was made.

SCOTT FERRIS.
EDWARD T. TAYLOR.
F. W. MONDELL.

Mr. FERRIS. Mr. Speaker, the report is a unanimous report, the bill has been carefully considered in conference, and unless some one has a question to ask I move the adoption of the conference report.

The question was taken, and the conference report was adopted.

UNALLOTTED INDIAN LANDS, ETC.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the bill S. 405 and move that the House recede and concur in the amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 689).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 405) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1, on page 1, line 7, after "reservation," insert "heretofore."

That the House recede from its amendment to the Senate bill.

JNO. H. STEPHENS,
SCOTT FERRIS,
C. H. BURKE,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1 in the disagreement between the two Houses, found on page 1, line 7, inserts the word "heretofore" after the word "reservation," so that the bill as amended would only apply to lands opened to settlement and entry before the passage of this act. This amendment of the House having been receded from would leave the unallotted or otherwise unreserved lands in any Indian reservation open for settlement and entry that had not been classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification or appraisement, in the opinion of the Secretary of the Interior, had been erroneous, subject to reclassification or reappraisement.

JNO. H. STEPHENS,
SCOTT FERRIS,
C. H. BURKE,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

TERMS OF PRESIDENT, VICE PRESIDENT, SENATORS, AND REPRESENTATIVES.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 475 (H. Rept. No. 832).

Resolved, That immediately upon the adoption of this resolution House joint resolution 204 be taken up for consideration, and at the expiration of four hours a vote be taken on the resolution and all pending amendments thereto.

The SPEAKER. The Clerk will report the resolution to which this resolution applies, so that Members can understand what they are doing.

The Clerk read as follows:

House joint resolution 204, proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution and as a substitute for Article XII thereof:

"ARTICLE —.

"SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

"SEC. 2. The second Tuesday of January, at noon, shall constitute the commencement and termination of the official term of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term shall expire on the second Tuesday of January immediately following. The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected. Congress shall assemble at least once in each year, and such meeting shall be on the second Tuesday in January, unless Congress shall by law appoint a different day.

"SEC. 3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States. In all cases not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

Mr. RICHARDSON. Mr. Speaker, I would be very glad to ask for some information on this subject.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. RICHARDSON. Mr. Speaker, I am opposed to this resolution, and I want to be advised at the proper time of an opportunity when I will have a chance to express my views of opposition against this constitutional amendment. I do not want to let the opportunity slip.

Mr. HENRY of Texas. I will state to the gentleman that he shall have all the opportunity he desires and the time necessary to express his views either for it or against it.

Mr. RICHARDSON. Well, it is against it, and I am very much obliged for the information.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. CULLOP) there were—ayes 82, noes 11.

So the previous question was ordered.

The SPEAKER. The gentleman from Texas has 20 minutes and the gentleman from Pennsylvania has 20 minutes.

Mr. SHERLEY. Mr. Speaker, I desire to inquire whether the distribution of the time is among gentlemen who favor and oppose the proposition?

Mr. DALZELL. I suppose the 20 minutes' time is on the adoption of the resolution.

Mr. SHERLEY. I understand; but there may be some gentlemen opposed to the resolution. I think we are wasting time——

Mr. DALZELL. I have no application for time on this side.

The SPEAKER. The invariable practice on the rule matter is that the chairman of the Committee on Rules has one half the time and the leading member of the minority the other half.

Mr. HENRY of Texas. Mr. Speaker, I think we might as well have a vote on the resolution and then have the four hours of general debate on the bill. We might as well vote on the rule.

The SPEAKER. The question is on the adoption of the rule——

Mr. SHERLEY. I suggest that with all the great power of the chairman of the Committee on Rules, it is not within his province to determine whether the matter shall be debated. It may be that gentlemen opposed to the rule may want to be heard before the vote is taken, and if the gentleman desires to discuss a little matter like an amendment to the Constitution of the United States he can do so.

Mr. HENRY of Texas. I have no objection.

Mr. SHERLEY. Objection? It is a matter of right.

Mr. DALZELL. Does the gentleman want some time?

Mr. SHERLEY. No; I do not. But I do not propose to have the matter disposed of as a matter of course.

Mr. HENRY of Texas. The gentleman says he does not want time now, but on the resolution he shall have all the time he wants.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. If necessary, I rise to consume a part of the 40 minutes. I want to control 20 minutes of the time, if possible.

Mr. BUCHANAN. I understand the previous question has been ordered.

Mr. RODDENBERY. The previous question has been ordered, and that is the reason each side is entitled to 20 minutes.

Mr. HENRY of Texas. Does the gentleman wish to speak on the resolution?

Mr. RODDENBERY. I wish to speak on the rule.

Mr. HENRY of Texas. I ask that the gentleman be allowed to control 20 minutes, if the gentleman from Pennsylvania [Mr. DALZELL] does not object.

Mr. DALZELL. I do not object.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] has not stated which side he is on.

Mr. RODDENBERY. May I inquire, as a parliamentary question, if in order to be heard it is necessary to state whether one favors the rule or not?

The SPEAKER. Ordinarily it would be, but if the gentleman from Texas yielded 20 minutes to the gentleman to oppose the motion, and it turned out the gentleman from Georgia [Mr. RODDENBERY] was in favor of it, it might put some other gentlemen in the House in rather an awkward predicament.

Mr. SHERLEY. Mr. Speaker, I wish to make this suggestion. The rule says that 20 minutes shall be had on a side. It is not for the gentleman from Texas [Mr. HENRY] to say who shall represent the opposition. Naturally he, as proposer of the proposition, should be recognized in the affirmative; but as to the other 20 minutes, it is not a matter of gift of his, it is a matter of right.

Mr. RICHARDSON. Mr. Speaker, I desire to oppose the rule, the motion, the previous question; in fact, I am opposed to everything connected with it.

The SPEAKER. The gentleman has already had assurance that he will have all the time he wants.

Mr. RICHARDSON. We are using some time to find some one who is opposed to it, and I think I shall occupy 20 minutes' time in opposition to the resolution.

Mr. GARNER. If the gentleman from Pennsylvania [Mr. DALZELL] will permit a suggestion, it seems to me this matter could be adjusted in a moment. If the gentleman from Pennsylvania, having 20 minutes, and the gentleman from Texas [Mr. HENRY], 20 minutes, and only the gentleman from Georgia wishing 20 minutes, either of them yielding him 10 minutes the thing might be settled.

Mr. DALZELL. Mr. Speaker, I wish to say if the gentleman from Alabama [Mr. RICHARDSON] desires to oppose the rule I will yield him my 20 minutes.

Mr. HENRY of Texas. Well, Mr. Speaker, I desire to be heard briefly on the rule.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized. The Chair will state, in order to save trouble, by inviolable usage, in the first instance, the practice is that the gentleman from Texas shall have 20 minutes, and the leading member of the Rules Committee on the other side 20 minutes. If it ever turns out that the Committee on Rules does not want to discuss a rule and anybody else does want to discuss it, the Chair will assume the authority, without any reference to the practice, to divide the time equally between those who want to advocate the rule and those who do not.

Mr. HENRY of Texas. Mr. Speaker, this rule brings up for consideration and makes privileged the House joint resolution providing for a change in the date of inauguration of the President and Vice President. The rule does not limit the right of debate for four hours in any respect. Any amendment that is pertinent and appropriate may be offered to the joint resolution.

Mr. SHERLEY. Will the gentleman yield there?

Mr. HENRY of Texas. Yes.

Mr. SHERLEY. Does not the rule expressly limit the debate to four hours and provide then that the vote will be taken, and does not the right to offer amendments depend on recognition, and does not any man who is recognized have an hour?

Mr. HENRY of Texas. Any man who is recognized will have the right to offer an amendment and it shall be considered as pending.

This is not an effort to suppress the views of any Member of the House in regard to this question, but to give the utmost freedom of debate and of amendment during the consideration.

This resolution was reported six months ago from the Committee on the Judiciary. As the author of the resolution, it has been my purpose to report it to the House and state fully every pertinent fact and leave it open for amendment and allow it to remain on file in the document room in order that Members might procure copies of the report and resolution and thoroughly understand every provision of the same.

It is a most important resolution. If the Members of this House are in favor of changing the inauguration date and the other four important matters set out in this amendment, they can so vote by a two-thirds majority here to-day after the resolution has been discussed for four hours and amendments have been offered. I have no desire to thrust this resolution into the House and keep any gentleman from speaking upon it or offering any proper amendment. If two-thirds of this House is not in favor of the resolution, carrying five very important changes to the Constitution, then I make no complaint. It is a nonpartisan matter.

It does not refer to the proposition of making the term six years, nor would I be in favor of putting that kind of amendment on this resolution, because I realize that if we can not continue to keep this resolution before this House as a nonpartisan matter, it has no chance to pass through the House and Senate. There is nothing partisan in it, and there shall be nothing partisan so far as I am concerned. But it is a plain proposition to change the inauguration date, to eliminate the short session of Congress now held under the present Constitution, and provide for the convening of Congress on the second Tuesday of January. Thus the short session will be eliminated and Congress will meet on the second Tuesday in January. Then it can hold until the next January if it sees proper to do so.

The resolution provides that Members who are elected in November shall take their seats at the convening of Congress

about 60 days thereafter, on the second Tuesday in January. It provides that the Speaker can be elected about 60 days after the election, and this House will not be without a Speaker and the officers necessary to organize it for a single day. As it is now, for nine months we are without a Speaker and officers of the House.

There are other important changes embraced in this resolution. I have referred to two important changes that are set out. The third change is a provision in the event that the President elect and Vice President elect should die between the assembling of the electoral college and the inauguration on the 4th day of March there may be congressional action. There is here a complete hiatus in our Constitution, and there is no method by which successors to the President elect and the Vice President elect could be chosen between the assembling of the electoral college and the inauguration of those officials. In other words, to make it perfectly plain, if Mr. Taft and Mr. Sherman had died between the casting of the electoral votes in the various State capitals and the 4th day of March there would have been no power to choose their successors, and for four years this Government would have been without a President or Vice President, and there would have been no power to which a bill could be sent and signed and no authority to convene Congress in extraordinary session. And, strange as it may seem, during all our 125 years of existence as a Government that occurrence has not yet happened.

But there is a manifest hiatus in the Constitution, pointed out by James G. Blaine, the brilliant statesman from Maine, by Senator Hoar, of Massachusetts, and referred to time and again by some of the greatest statesmen this country has produced. In this joint resolution we provide a method by which the successors to the President elect and the Vice President elect may be chosen.

Mr. BARTLETT. You mean you provide that Congress may provide a manner?

Mr. HENRY of Texas. The resolution provides that Congress may prescribe a manner, copying exactly the language of the present Constitution, which is that Congress may enact a method by which a successor to the President and a successor to the Vice President may be chosen, repeating word for word the old language of the Constitution, by which these vacancies may be filled. In pursuance of that provision the Congress in 1886 for the first time prescribed how successors to the President and Vice President should be chosen in case of their death or disability. If you will examine the Constitution of the United States, on page 98 of the House Manual and Digest, you will find this language, written there when the Constitution was written:

> And the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President; declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

The framers of the Constitution provided the method whereby the successors to the President and the Vice President, after their inauguration, could be chosen. So, following identically the same language and extending it, we cure the hiatus by providing that the successors to the President elect and the Vice President elect, should they die or be disabled, can be chosen by any method fixed by Congress. I assume that we are no wiser than those who drew and passed the statute of 1886, which has worked well.

Mr. HARDWICK. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Georgia?

Mr. HENRY of Texas. I yield to the gentleman from Georgia.

Mr. HARDWICK. So far as this provision provides for shortening the term of Congressmen, and for having the Congressmen who are elected in November come here and begin their duties in the following January, I am heartily in favor of it; but why, on the other hand, should we lengthen the term of a defeated and discredited administration? Why not require the President to come in and be inaugurated at the same time that the new Congress comes in?

Mr. HENRY of Texas. That is a question of judgment or choice with every individual Member. If the gentleman wishes, he may offer an amendment providing that the President shall come into office on the second Tuesday in January. Just two or three words will make the amendment effective, providing that he shall come into office when the Members of Congress do.

Mr. BEALL of Texas. Under that sort of an arrangement what provision would you have for counting the electoral votes? You would have no Congress in session until the second Tuesday in January.

Mr. HENRY of Texas. You would have to provide for the new Congress counting the electoral vote, and then make provision for the inauguration of the President and Vice President a week or two thereafter. You would necessarily have a short period there, and the old President would have to lap over for a week or two in any view of the case. There might be a contest. So I have assumed that it is not much worse, if it is any worse, to allow the President to hold on about 60 days longer than he does now. He holds on now from November until the 4th of March, although he and the House may be discredited.

Under this amendment the Members hold from November until the following 4th of March and are entitled to count the votes electing the President and Vice President. Under my proposed amendment the new Members come into office in January and they count the electoral vote. There is no election between the Congresses; all the elections come in November, September, and June, and then Congress convenes in January, and there are no more elections until that Congress expires.

Gentlemen, I beg of you to take this amendment, take this report wherein I have set out all these things, analyze them, and you will find that the resolution makes some important changes demanded by the American people.

Mr. BARTLETT. Will the gentleman yield?

Mr. HENRY of Texas. I will.

Mr. BARTLETT. Does not the gentleman think that with such important changes demanded by the people as this is, that the term of President should be limited to one term of six years, and is not this a good place to put it on?

Mr. HENRY of Texas. That would come in another part of the Constitution.

Mr. BARTLETT. In Article II.

Mr. HENRY of Texas. But I will say to the gentleman that a resolution has been reported to the Senate and one is pending before the Judiciary Committee, and I understand that the Committee on the Judiciary intends to report out that resolution, but that belongs to another part of the Constitution. Besides, to be perfectly candid with my colleagues here, that raises a partisan question that I do not wish to be tied onto this meritorious joint resolution.

Mr. SHERLEY. If the gentleman will allow me, I was going to suggest to the gentleman that inasmuch as we have four hours of debate, and anybody has the right to offer amendments, that we can easily consider all these questions and amend the Constitution in any particular.

Mr. HENRY of Texas. That is true.

Mr. SHERLEY. An amendment to the Constitution is so simple a thing that it ought to be easily discussed in all of its bearings and attended to in four hours. It is such a simple thing, amending the Constitution for the Government of 90,000,000 people.

Mr. HENRY of Texas. I will say that I do not want any snap judgment on this resolution, and am willing to discuss it four hours, four days, or four weeks.

Mr. SHERLEY. Then why did the gentleman bring in a rule limiting it to four hours' debate? It is perfectly absurd to talk about amending the Constitution of the United States with four hours' discussion.

Mr. HENRY of Texas. But if gentlemen will take this report——

Mr. SHERLEY. But I am not willing to accept the gentleman's report as the last word.

Mr. HENRY of Texas. I think if the gentleman would read it, with all his learning and legal knowledge, he would be so thoroughly convinced that he would make a speech in behalf of the joint resolution. In my judgment, whenever any Member of this House will take the resolution and analyze its features, it will commend itself to his judgment.

Now, if Members do not want the inauguration on the last Thursday in April, why, adopt an amendment by a majority vote making it the second Tuesday in January. If, as some gentlemen say, they want the President of the United States sworn in by a justice of the peace in a room 16 by 16 feet, if that is the view they take of the question, by a majority of this House they can write that amendment on this joint resolution. As for me, I am proud of my country; proud of the inauguration of the President of the United States. I wish 100,000 or 200,000 of patriotic citizens could come here and witness the inauguration of the President, whether he be Republican or Democrat. [Applause.]

Mr. Speaker, it is one of the greatest schools of patriotism, and speaks well for the American people that they take an interest in the installation of the highest official in the Republic.

But if they do not want a parade, if the last Thursday in April is not the proper inauguration day, then let them put an amendment on here to make it the second Tuesday in January. But let us make the other change, eliminate the short session

of Congress, which is becoming an intolerable evil and an obstacle to the transaction of business. Make the change and prescribe the other provisions, curing the hiatus in the Constitution as pointed out. Take time, read the report, the documents appended to it, by Judge Parker, former chairman of the Judiciary Committee; by William Henry Crain, a distinguished Member of Congress from Texas; and by Mr. J. Hampden Dougherty, an able member of the New York bar, pointing out all these defects, making them so plain that even by friend from Kentucky [Mr. SHERLEY], with his superior knowledge, if he will read them, will be convinced. I hope he will take up these things and do me the honor to read them, as I always read all of his productions and listen with pleasure to his discussion of public questions.

How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has one minute remaining.

Mr. HENRY of Texas. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] is recognized for 20 minutes.

Mr. RICHARDSON. Mr. Speaker, if I am correctly informed, including the proposition of the gentleman from Texas, there will be, if this resolution should pass, three propositions pending before the American people to change the Constitution of the United States. That is enough of itself to attract the attention of thoughtful people. We are all satisfied that in the present condition of public sentiment this is the most unfortunate and inopportune time that we ever have had in the history of our great Republic to suggest or submit to the people the question of a change of our Constitution. The people are in a less deliberate and less calm frame of mind than for a long time. I will not attempt to picture the causes for this mental disturbance. We all know it. Suppose the question were submitted to the thoughtful Members of this House to-day as to which of the different methods proposed by the Constitution of the United States, if that great and vital instrument is proposed to be amended, they would prefer or select. Would you incline to the authorized mode by conventions in three-fourths of the States, or otherwise? I am not precipitate in act or thought in my disposition to favor change of the provisions of our Constitution. There is nothing light or trivial in such a proposition to me. To my mind it is a solemn work. I confess that I am opposed in every respect to the alteration or amendment of the Constitution unless a strong, practical, good reason is given for it which conserves the interests of all the people. I have read with a great deal of care every proposition that has been made for several years past to change the Constitution of the United States in respect to the inaugural date, including that of that great lawyer, Judge De Armond, Judge Parker, and others. This is a very different proposition from that which was suggested by Mr. De Armond, and the fact is, as I recall it, not a single proposition corresponded with the others. It matters not what the gentleman from Texas may say about knowledge, as yet I have never been able to find any good and sufficient and imperative reason why the Constitution should be amended and inauguration day changed as a mere matter of benefit to the people of the United States. Where are they concerned? I do not pretend to say that the great city of Washington is not properly and very much interested in it. That is true. Even the distinguished chairman of the Rules Committee and a member of the Judiciary Committee has in the past made several propositions to change the day of inauguration, but they were not all the same. I am not only talking about the rule, but I am entirely opposed to the whole proposition and proceedings to amend the Constitution. There is no occasion for me to confine myself to a discussion of the rule. It is enough for me to know that a rule is proposed here to-day among thoughtful, prudent, patriotic Members of Congress that after a discussion of four hours we shall vote to amend the Constitution of the United States. Is that time enough to consider and pass upon this grave question, hampered as we will be by the rules in the hands of the chairman and others?

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Yes.

Mr. HENRY of Texas. I want to ask the gentleman two questions. He said there ought to be some good reason given for making the change.

Mr. RICHARDSON. I think so. That is what I said.

Mr. HENRY of Texas. Does the gentleman think the hiatus, the omission, in the Constitution wherein there is no way to provide a successor to the President elect and the Vice President elect in case of their death should be remedied?

Mr. RICHARDSON. I think this, that the contention that the gentleman makes that the fathers of our Constitution left within its own bosom the instrument of death is not true. I do not believe that this Government would go to pieces or be the victim of lawlessness or be destroyed or would have been in any serious danger if Mr. Taft and Mr. Sherman had both died before the 4th of March. I do not believe that our fathers left any such menace to their well-finished work.

Mr. HENRY of Texas and Mr. HUMPHREYS of Mississippi rose.

The SPEAKER. To whom does the gentleman from Alabama yield?

Mr. RICHARDSON. To the gentleman from Texas.

Mr. HENRY of Texas. Then the gentleman does not agree with Senator Hoar and the unanimous Senate, which passed through the Senate two or three times identically the language that I have here.

Mr. RICHARDSON. That is not a fair way to put it. I have read the able speech of Senator Hoar on that subject, but I still think it is not the time to change our inaugural date.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, does not the gentleman believe that if Mr. Taft and Mr. Sherman had died, as suggested——

Mr. RICHARDSON. That the Government would have gone to anarchy?

Mr. HUMPHREYS of Mississippi. Oh, no; but that the gentleman who then occupied the Presidency would then have been willing to make further sacrifice and to fill up that hiatus for four years, until his successor could have been selected? [Laughter.]

Mr. RICHARDSON. Mr. Speaker, I do not believe that the fathers of our country left a provision in the Constitution, or the absence of a provision, which meant destruction of our own Government and the instrument which they made. I believe that if such a calamity as that were to befall us—and it would be very extraordinary—the Government would find some way to go along and be maintained in every respect and preserve its life. I believe that some temporary provision would be resorted to until the people could properly provide for the failure of the President and Vice President to fill their offices. It is at least comforting to us to know that for 130 years of existence we have not encountered any such difficulty, even if it exists at all.

Mr. SIMS. Mr. Speaker, this resolution, as I understand it, provides that the terms of Members of Congress shall be shortened to January.

Mr. RICHARDSON. Yes.

Mr. SIMS. And that the President's time shall be lengthened until May.

Mr. RICHARDSON. Yes.

Mr. SIMS. So that we would cut off the terms of the people's representatives by two months and shorten the opportunity for legislation and give the President four months extra in which to veto what those representatives did.

Mr. RICHARDSON. Yes; that is true.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Mr. Speaker, I do not care to yield to anybody at this time.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. RICHARDSON. I do say, Mr. Speaker, I am disposed to admit, so far as I am concerned, that there is one constitutional amendment for which I might be induced to vote, and it is the only one I know of, and I am not going to commit myself entirely to that, and that is to make the term six years and the President not eligible to reelection. I am disposed to think I should support that to make the term six years and not to have the President eligible for another term. I am not, however, in favor of this change in the inaugural date, chiefly on account of inclement weather. I was about to say from my reading of the Constitution and knowledge about it, but my recollection of reading the Constitution of the United States and its contemporaneous history and studying it is that Gen. Washington was inaugurated as President of the United States on the 30th of April purely accidentally, and my judgment as a student of American history is that I do not think that there was ever so important a period in the history of our Republic as occurred between the 4th day of March and the 30th day of April when Washington was inaugurated, and if the American people ever gave, in my opinion, a proper estimate of appreciation of that great man's character it was in that period between the 4th of March and the 30th of April, when his great manhood and character asserted itself and established the fundamental principles of our Government. [Applause.] Why do I say that? Why, Congress was to have met on the 4th day of March. There were only eight Senators there and a few Members, not a quorum, and day after day they continued to meet until Adams came some time in April and was sworn in

as Vice President, and then Washington came in April and was inaugurated, and it was then that our Government was fully equipped and launched. Now, gentlemen, the reason that I said my friend, Mr. HENRY, had never satisfied my mind, that he had given no good reason why the 4th of March should be changed as the date of inauguration, is this: I have never known much complaint to come from the people about giving the 13 months' time to think before assuming the authority of a lawmaker. No body or people have ever suffered or complainted about that. It has worked well. It is a great pity we have not the time and leisure to think now. [Applause.] To think what is best for our Government. That is why I say he has never presented to me a good and sufficient reason, and I have never heard any genuine complaint from the people. I have heard it here in Washington through various and divers resolutions introduced, every one of them different. Every statesman that the gentleman has spoken about presented a different day and a different hour for the inauguration, presented a different time for Congress to hold over and for the President to be inaugurated at a time different from what the people elected him. These are grave questions; these are serious questions.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. RICHARDSON. Yes.

Mr. HENRY of Texas. They are grave questions, but twice the Judiciary Committee has reported this resolution unanimously. Now, would the gentleman be willing to accord the Judiciary Committee some consideration after they have studied this question for years——

Mr. RICHARDSON. Certainly I do.

Mr. HENRY of Texas. As against the judgment of the gentleman, when it is perfectly apparent he has not read the report lately?

Mr. RICHARDSON. Read what?

Mr. HENRY of Texas. Read the report lately.

Mr. RICHARDSON. Yes; I have read it; read it lately and read it years ago. Why, my dear sir, you are not the only Member of Congress who has read it. [Laughter and applause.] You are not the only one. That is a direct implication that I was talking about a matter I had not read.

Mr. HENRY of Texas. Oh, I did not mean that at all.

Mr. RICHARDSON. I do not care how——

Mr. HENRY of Texas. But I meant lately. I assumed the gentleman had.

Mr. RICHARDSON. I have it on my table there and at my room.

Mr. HENRY of Texas. And it will take two hours to read it.

Mr. RICHARDSON. That is very true, and it is difficult to understand even then. [Laughter and applause.]

Mr. HENRY of Texas. Yes; that is true. It is difficult to understand—by some.

Mr. RICHARDSON. Yes; so it is. I yield a great deal of courtesy and respect and reverence to the Judiciary Committee, guided, influenced, and controlled, of course, supremely by the gentleman from Texas, chairman of the Rules Committee. Of course I yield a great deal of regard and respect to the opinion of that committee, but I do not undertake to say that they are the only lawyers in Congress. I do not say that which probably some of them want to have accorded to them, but I do say that I do not think when the hard, common-sense Members of this House come to look at it they will ask themselves the question wherein and how and in what respect do the people of this country find any benefit from changing the inaugural date from the 4th of March to the 30th of April simply on account of inclement weather. That is the question we are asking ourselves. That is the question that is being asked, and that is the one that Mr. HENRY has to answer and the Judiciary Committee or any other committee that comes in here and says that because we do not see it as the committee sees it, yet because they bring the resolution in we all must vote for it. Not at all; and I put a question that is a right question to be asked, and it is a right question for him to answer. Why, my recollection is in the last decade—the Weather Bureau shows that in the last decade there are about as many wet days on the 30th day of April—and I have it in my possession—as there are on the 4th of March. So, if it is a matter of inclement weather and the matter of a great parade day, we ought to be advised whether we have any guaranty that the last Thursday in June will furnish us good weather for the show.

Mr. HENRY of Texas. Will the gentleman from Alabama yield?

Mr. RICHARDSON. No; I will not. But I wish to say that I have from Mr. Moore, the Chief of the Weather Bureau, a statement for the last decade comparing the 30th of April and the 4th of March, and I find there is not a great deal of difference, considering natural conditions and the seasons of the year, but there is a little difference. Probably there are a few more wet and colder days in March than in April. I will supply the weather report as soon as I can reach my room at the hotel.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has three minutes left.

Mr. RICHARDSON. I yield three minutes to the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for three minutes.

Mr. RODDENBERY. Mr. Speaker, the three minutes which the gentleman from Alabama has been so kind to yield will not be adequate for the remarks which I desire to submit.

Mr. HENRY of Texas. The gentleman will have the time later.

Mr. RODDENBERY. Then I yield three minutes to the gentleman from Alabama.

Mr. MARTIN of South Dakota. Will the gentleman from Alabama [Mr. RICHARDSON] yield me the three minutes?

Mr. RICHARDSON. Yes; I will.

Mr. MARTIN of South Dakota. Mr. Speaker, I favor the general purpose of changing inauguration day along the line of the resolution of the gentleman from Texas, but I do oppose the form of the rule which the gentleman asks us to adopt on so important a matter as a constitutional amendment. Here is a rule not to limit general debate on this section, but providing a time absolutely when the vote must be taken. Four gentlemen may get recognition under that rule and take up the four hours, and it will cut off the further offering of amendments.

Mr. HENRY of Texas. Will the gentleman yield there?

Mr. MARTIN of South Dakota. In a moment. An amendment to the Constitution of the United States ought not to be passed by a gag rule to limit the time to the moment when the vote must be brought to bear, without any knowledge of how serious the desire and the necessity for amendment of the resolution in the particular form the gentleman has prepared it.

Mr. HENRY of Texas. There is no intention to gag any Member of the House, and I always intended to state that half of the time be given to one side of the House and the other half to the other side of the House.

Mr. SHERLEY. If that be true, I will say that there will be no general agreement made that this rule be carried.

Mr. MARTIN of South Dakota. Four Members may get recognition and consume not only the time, but shut off all opportunity for amendment.

Mr. HENRY of Texas. If the gentleman will allow it, I will ask unanimous consent now that amendments may be offered and be considered as pending.

Mr. MARTIN of South Dakota. The gentlemen, in trying to put through a rule of this kind, ought to bring in a rule which will allow amendments.

Mr. HENRY of Texas. Has the gentleman an amendment?

Mr. MARTIN of South Dakota. I may have. I think it is unfair——

Mr. HENRY of Texas. The rule allows it.

Mr. MARTIN of South Dakota. It does not allow it. It provides after this rule is adopted that the House must vote on the resolution at the end of four hours.

Mr. HENRY of Texas. The rule provides for pending amendments.

Mr. MARTIN of South Dakota. It does not limit general debate.

The SPEAKER. The time of the gentleman from South Dakota [Mr. MARTIN] has expired.

Mr. HENRY of Texas. The gentleman ought not to assume that attitude. This rule provides for a vote on the resolution and all pending amendments, and any gentleman can offer an amendment and he can get a vote. Now, if you are for it let us adopt the rule, and you can offer your amendment, and if it is a good one the House will adopt it.

Mr. MARTIN of South Dakota. Will not the gentleman concede that although you might offer an amendment you can not debate it and can not offer it after four hours?

Mr. HENRY of Texas. I will give you all the time you want out of my time.

The SPEAKER. The time of the gentleman from Texas [Mr. HENRY] has expired. All time has expired. The question is on agreeing to the rule.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HENRY of Texas. I ask for a division.

The House divided; and there were—ayes 39, noes 41.

Mr. HENRY of Texas. Mr. Speaker, I make the point that there is no quorum present.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. DIXON of Indiana. Pending that motion, I would like to present a joint resolution.

The SPEAKER. The House can not do anything without a quorum. The gentleman from Kentucky [Mr. SHERLEY] moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 41, nays 184, answered "present" 9, not voting 158, as follows:

YEAS—41.

Booher	Harrison, N. Y.	La Follette	Sims
Fulloп	Hawley	Longworth	Sloan
Davis, Minn.	Hay	Macon	Stephens, Miss.
Dickson, Miss.	Higgins	Martin, S. Dak.	Stevens, Minn.
Draper	Howell	Morgan	Sulloway
Driscoll, M. E.	Howland	Murdock	Towner
Ellerbe	Humphrey, Wash.	Nelson	Warburton
Evans	Humphreys, Miss.	Palmer	Witherspoon
Floyd, Ark.	Johnson, S. C.	Patten, N. Y.	
Green, Iowa	Kennedy	Richardson	
Gudger	Korbly	Sherley	

NAYS—184.

Adamson	Fulson	Kitchin	Rauch
Ainey	Farr	Knowland	Redfield
Akin, N. Y.	Ferris	Konop	Rees
Alexander	Fitzgerald	Kopp	Reilly
Anderson, Minn.	Flood, Va.	Langham	Roberts, Mass.
Anderson, Ohio	Foster	Langley	Roberts, Nev.
Ansberry	Fowler	Lee, Ga.	Roddenbery
Anthony	Francis	Lee, Pa.	Rodenberg
Austin	French	Lenroot	Rothermel
Bartlett	Gallagher	Lever	Rubey
Beall, Tex.	Garner	Lindbergh	Russell
Berger	George	Lloyd	Saunders
Blackmon	Godwin, N. C.	Lobeck	Shackleford
Boehne	Good	McCall	Simmons
Bowman	Goodwin, Ark.	McCoy	Sisson
Brantley	Graham	McCreary	Smith, Saml. W.
Buchanan	Greene, Mass.	McDermott	Smith, N. Y.
Bulkley	Gregg, Tex.	McGillicuddy	Smith, Tex.
Burgess	Hamilton, Mich.	McGuire, Okla.	Stephens, Nebr.
Burke, Wis.	Hamlin	McKellar	Stephens, Tex.
Burleson	Hammond	McKenzie	Sterling
Burnett	Hardwick	McKinney	Stone
Butler	Hardy	Madden	Sweet
Byrns, Tenn.	Harris	Maguire, Nebr.	Switzer
Calloway	Harrison, Miss.	Malby	Taggart
Candler	Haugen	Mann	Taylor, Colo.
Cannon	Hayden	Miller	Taylor, Ohio
Carlin	Hayes	Mondell	Thomas
Cary	Heflin	Moon, Tenn.	Townsend
Clayton	Helgesen	Morrison	Tribble
Collier	Henry, Conn.	Morse, Wis.	Turnbull
Cullop	Henry, Tex.	Murray	Tuttle
Dalzell	Hensley	Needham	Underwood
Danforth	Hill	Neeley	Volstead
Davis, W. Va.	Holland	Norris	Watkins
Dent	Howard	Oldfield	Webb
Dickinson	Hughes, Ga.	Page	Wedemeyer
Dies	Hughes, N. J.	Patton, Pa.	Wickliffe
Dixon, Ind.	Hull	Pepper	Wilder
Dodds	Jackson	Pou	Willis
Doremus	Jacoway	Powers	Wilson, Ill.
Doughton	Jones	Pray	Wilson, Pa.
Driscoll, D. A.	Kahn	Prouty	Wood, N. J.
Dupré	Kent	Rainey	Young, Kans.
Edwards	Kinkaid, Nebr.	Baker	Young, Mich.
Esch	Kinkead, N. J.	Randell, La.	Young, Tex.

ANSWERED "PRESENT"—9.

Bradley	Davidson	Dyer	Houston
Browning	Dwight	Finley	Littlepage
Davenport			

NOT VOTING—158.

Adair	Conry	Gillett	Legare
Aiken, S. C.	Cooper	Glass	Levy
Allen	Copley	Goeke	Lewis
Ames	Covington	Goldfogle	Lindsay
Andrus	Cox, Ind.	Gould	Linthicum
Ashbrook	Cox, Ohio	Gray	Littleton
Ayres	Crago	Gregg, Pa.	Loud
Barchfeld	Cravens	Griest	McHenry
Barnhart	Crumpacker	Guernsey	McKinley
Bartholdt	Currier	Hamill	McLaughlin
Bates	Curry	Hamilton, W. Va.	McMorran
Bathrick	Daugherty	Hanna	Maher
Bell, Ga.	De Forest	Hartman	Martin, Colo.
Borland	Denver	Heald	Matthews
Broussard	Diffenderffer	Helm	Mays
Brown	Donohoe	Hinds	Moon, Pa.
Burke, Pa.	Estopinal	Hobson	Moore, Pa.
Burke, S. Dak.	Fairchild	Hubbard	Moore, Tex.
Byrnes, S. C.	Ferguson	Hughes, W. Va.	Moss, Ind.
Calder	Fields	James	Mott
Campbell	Focht	Johnson, Ky.	Nye
Cantrill	Fordney	Kendall	Olmsted
Carter	Fornes	Kindred	O'Shaunessy
Catlin	Foss	Konig	Padgett
Clark, Fla.	Fuller	Lafean	Parran
Claypool	Gardner, Mass.	Lafferty	Payne
Cline	Gardner, N. J.	Lamb	Peters
Connell	Garrett	Lawrence	Pickett
Plumley	Sabath	Speer	Tilson
Porter	Scully	Stack	Underhill
Post	Sells	Stanley	Utter
Prince	Sharp	Stedman	Vare
Pujo	Sheppard	Steenerson	Vreeland
Randell, Tex.	Sherwood	Stephens, Cal.	Weeks
Reyburn	Slayden	Sulzer	Whitacre
Riordan	Slemp	Talbott, Md.	White
Robinson	Small	Talcott, N. Y.	Wilson, N. Y.
Rouse	Smith, J. M. C.	Taylor, Ala.	Woods, Iowa
Rucker, Colo.	Smith, Cal.	Thayer	
Rucker, Mo.	Sparkman	Thistlewood	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. GLASS with Mr. SLEMP.

Mr. SLAYDEN with Mr. TILSON.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. O'SHAUNESSY with Mr. SPEER.

Mr. LAMB with Mr. SELLS.

Mr. WILSON of New York with Mr. REYBURN.

Mr. WHITE with Mr. PRINCE.

Mr. THAYER with Mr. PORTER.

Mr. TALCOTT of New York with Mr. PLUMLEY.

Mr. SULZER with Mr. STEENERSON.

Mr. STANLEY with Mr. STEPHENS of California.

Mr. SMALL with Mr. WEEKS.

Mr. SHERWOOD with Mr. VREELAND.

Mr. ROBINSON with Mr. UTTER.

Mr. SHARP with Mr. VARE.

Mr. POST with Mr. PICKETT.

Mr. PETERS with Mr. OLMSTED.

Mr. PADGETT with Mr. MOTT.

Mr. MARTIN of Colorado with Mr. MATTHEWS.

Mr. LINTHICUM with Mr. MCLAUGHLIN.

Mr. JAMES with Mr. CALDER.

Mr. KINDRED with Mr. MCKINLEY.

Mr. HAMLIN with Mr. LAFEAN.

Mr. HELM with Mr. LAFFERTY.

Mr. HAMILTON of West Virginia with Mr. KENDALL.

Mr. GREGG of Pennsylvania with Mr. HUGHES of West Virginia.

Mr. ESTOPINAL with Mr. HEALD.

Mr. GOLDFOGLE with Mr. HINDS.

Mr. DIFENDERFFER with Mr. GUERNSEY.

Mr. FINLEY with Mr. CURRIER.

Mr. DONOHOE with Mr. GILLETT.

Mr. COX of Ohio with Mr. FOSS.

Mr. COVINGTON with Mr. FOCHT.

Mr. CONNELL with Mr. DE FOREST.

Mr. CLINE with Mr. CURRY.

Mr. CLAYPOOL with Mr. CRUMPACKER.

Mr. CARTER with Mr. CRAGO.

Mr. BYRNES of South Carolina with Mr. COPLEY.

Mr. BROWN with Mr. COOPER.

Mr. BELL of Georgia with Mr. CAMPBELL.

Mr. AYRES with Mr. CATLIN.

Mr. ALLEN with Mr. BURKE of Pennsylvania.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. ADAIR with Mr. AMES.

Mr. BATHRICK with Mr. BARTHOLDT.

Mr. GARRETT with Mr. FORDNEY.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. BROUSSARD with Mr. NYE.

Mr. DAVENPORT with Mr. BURKE of South Dakota.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. MCMORRAN.

Mr. MOORE of Texas with Mr. MOORE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. SCULLY with Mr. BROWNING.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SHEPPARD with Mr. BATES.

Mr. STEDMAN with Mr. HANNA.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. TUTTLE with Mr. J. M. C. SMITH.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

Mr. CONRY with Mr. PAYNE.

Ending June 1:

Mr. THOMAS with Mr. HUBBARD.

From May 29, for two weeks:

Mr. BORLAND with Mr. LAWRENCE.

From May 20, for two weeks:

Mr. ROUSE with Mr. FULLER.

From May 15, for two weeks:

Mr. CANTRILL with Mr. LOUD.

Mr. BARNHART. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. BARNHART. No; I was not.

The SPEAKER. The gentleman does not come within the rule.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the House refuses to adjourn. The question is on the adoption of the rule.

Mr. SHERLEY. Mr. Speaker, I ask that the Chair announce the vote on the adoption of the rule. There has already been a division upon it.

The SPEAKER. The gentleman made the point of no quorum, which vitiated that vote.

Mr. SHERLEY. I did not know that the Chair had announced the vote before.

The question was taken; and on a division (demanded by Mr. HENRY of Texas) there were—ayes 56, noes 52.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The Clerk called the name of Mr. ADAIR.

Mr. EDWARDS. Mr. Speaker, I rise for the purpose of asking unanimous consent that the resolution be again reported. There are many Members present who were not here when it was reported before.

The SPEAKER. The gentleman asks unanimous consent that the resolution be again reported.

Mr. MANN. It is too late. The roll call had begun.

The SPEAKER. It is too late.

The question was taken; and there were—yeas 120, nays 101, answered "present" 8, not voting 163, as follows:

YEAS—120.

Adamson	Dixon, Ind.	Jones	Patton, Pa.
Akin, N. Y.	Doremus	Kent	Pepper
Alexander	Driscoll, D. A.	Kinkaid, Nebr.	Post
Anderson, Minn.	Edwards	Kinkead, N. J.	Pray
Anderson, Ohio	Esch	Knowland	Prouty
Ansberry	Farr	Konop	Rainey
Austin	Fergusson	Lafferty	Reilly
Barnhart	Ferris	Lamb	Rodenberg
Beall, Tex.	Fowler	Langley	Rothermel
Berger	Gallagher	Lee, Pa.	Rubey
Blackmon	Garner	Lenroot	Rucker, Colo.
Boehne	George	Lever	Shackleford
Bowman	Godwin, N. C.	Lindbergh	Smith, N. Y.
Buchanan	Goodwin, Ark.	Lloyd	Smith, Tex.
Burgess	Graham	Lobeck	Steenerson
Burke, Wis.	Greene, Mass.	McCall	Stephens, Nebr.
Burleson	Gregg, Tex.	McCoy	Stephens, Tex.
Burnett	Hamlin	McCreary	Sterling
Butler	Hammond	McDermott	Stone
Calloway	Hardwick	McGillicuddy	Sweet
Carlin	Hardy	McGuire, Okla.	Taggart
Cary	Hayden	Maguire, Nebr.	Townsend
Clayton	Hayes	Morgan	Turnbull
Cline	Heflin	Moss, Ind.	Tuttle
Dalzell	Henry, Conn.	Murray	Underwood
Davenport	Henry, Tex.	Needham	Watkins
Davis, W. Va.	Hensley	Neeley	Webb
Dent	Holland	Norris	Wickliffe
Dickinson	Hughes, Ga.	Oldfield	Wilson, Pa.
Dies	Jacoway	Patten, N. Y.	Young, Tex.

NAYS—101.

Ainey	Good	Macon	Simmons
Andrus	Green, Iowa	Madden	Sims
Bartlett	Gudger	Malby	Sloan
Booher	Hamilton, Mich.	Mann	Smith, Saml. W.
Bulkley	Harrison, Miss.	Martin, S. Dak.	Stephens, Miss.
Byrns, Tenn.	Harrison, N. Y.	Mondell	Stevens, Minn.
Candler	Haugen	Moon, Tenn.	Sulloway
Cannon	Hawley	Morrison	Switzer
Collier	Hay	Mott	Taylor, Ohio
Cullop	Hill	Murdock	Thistlewood
Curley	Howell	Nelson	Thomas
Danforth	Hull	Pace	Towner
Davis, Minn.	Humphrey, Wash.	Palmer	Tribble
Dickson, Miss.	Humphreys, Miss.	Powers	Volstead
Dodds	Jackson	Raker	Warburton
Doughton	Kahn	Randell, La.	Wedemeyer
Draper	Kennedy	Rauch	Wilder
Driscoll, M. E.	Kitchin	Redfield	Willis
Ellerbe	Korbly	Rees	Wilson, Ill.
Evans	La Follette	Richardson	Witherspoon
Fairchild	Langham	Roberts, Mass.	Wood, N. J.
Faison	Longworth	Roberts, Nev.	Young, Kans.
Flood, Va.	McKenzie	Roddenbery	Young, Mich.
Floyd, Ark.	McKinley	Russell	
Francis	McKinney	Sherley	
French	McLaughlin	Sherwood	

ANSWERED "PRESENT"—8.

Bradley	Dyer	Foster	Houston
Browning	Finley	Glass	McKellar

NOT VOTING—163.

Adair	Denver	Johnson, Ky.	Randell, Tex.
Aiken, S. C.	Diffenderffer	Johnson, S. C.	Reyburn
Allen	Donohoe	Kendall	Riordan
Ames	Dupré	Kindred	Robinson
Anthony	Dwight	Konig	Rouse
Ashbrook	Estopinal	Kopp	Rucker, Mo.
Ayres	Fields	Lafean	Sabath
Barchfeld	Fitzgerald	Lawrence	Saunders
Bartholdt	Focht	Lee, Ga.	Scully
Bates	Fordney	Legare	Sells
Bathrick	Fornes	Levy	Sharp
Bell, Ga.	Foss	Lewis	Sheppard
Borland	Fuller	Lindsay	Sisson
Brantley	Gardner, Mass.	Linthicum	Slayden
Broussard	Gardner, N. J.	Littlepage	Slemp
Brown	Garrett	Littleton	Small
Burke, Pa.	Gillett	Loud	Smith, J. M. C.
Burke, S. Dak.	Goeke	McHenry	Smith, Cal.
Byrnes, S. C.	Goldfogle	McMorran	Sparkman
Calder	Gould	Maher	Speer
Campbell	Gray	Martin, Colo.	Stack
Cantrill	Gregg, Pa.	Matthews	Stanley
Carter	Griest	Mays	Stedman
Catlin	Guernsey	Miller	Stephens, Cal.
Clark, Fla.	Hamill	Moon, Pa.	Sulzer
Claypool	Hamilton, W. Va.	Moore, Pa.	Talbott, Md.
Connell	Hanna	Moore, Tex.	Talcott, N. Y.
Conry	Harris	Morse, Wis.	Taylor, Ala.
Cooper	Hartman	Nye	Taylor, Colo.
Copley	Heald	Olmsted	Thayer
Covington	Helgesen	O'Shaunessy	Tilson
Cox, Ind.	Helm	Padgett	Underhill
Cox, Ohio	Higgins	Parran	Utter
Crago	Hinds	Payne	Vare
Cravens	Hobson	Peters	Vreeland
Crumpacker	Howard	Pickett	Weeks
Currier	Howland	Plumley	Whitacre
Curry	Hubbard	Porter	White
Daugherty	Hughes, N. J.	Pou	Wilson, N. Y.
Davidson	Hughes, W. Va.	Prince	Woods, Iowa
De Forest	James	Pujo	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FOSTER with Mr. KOPP.

Mr. BRANTLEY with Mr. ANTHONY.

Mr. DUPRÉ with Mr. HARRIS.

Mr. FITZGERALD with Mr. HOWLAND.

Mr. HOBSON with Mr. HELGESEN.

Mr. HUGHES of New Jersey with Mr. CURRY.

Mr. JOHNSON of Kentucky with Mr. REYBURN.

Mr. LEE of Georgia with Mr. VREELAND.

Mr. PADGETT with Mr. SELLS.

Mr. SAUNDERS with Mr. SPEER.

Mr. SISSON with Mr. FOCHT.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the resolution.

The Clerk read House joint resolution 204, proposing an amendment to the Constitution of the United States, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution and as a substitute for Article XII thereof:

"ARTICLE —.

"SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

"SEC. 2. The second Tuesday of January, at noon, shall constitute the commencement and termination of the official term of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its terms shall expire on the second Tuesday of the January immediately following. The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected. Congress shall assemble at least once in each year, and such meeting shall be on the second Tuesday in January, unless Congress shall by law appoint a different day.

"SEC. 3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But

in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the last Thursday in April next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States. In all cases not provided for by Article II, clause 5, of the Constitution, where there is no person entitled to discharge the duties of the office of the President, the same shall devolve upon the Vice President. The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected."

REQUISITIONS FOR MEMBERS' SALARIES, ETC.

The SPEAKER. Before proceeding with the joint resolution, the Chair will recognize the gentleman from Indiana [Mr. DIXON] on an important matter which involves the business of the House.

Mr. DIXON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution, which I send to the Clerk's desk.

Mr. HENRY of Texas. Mr. Speaker, this is without prejudice to the pending order?

The SPEAKER. Yes. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 323.

Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

Resolved, etc., That Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, be, and he is hereby, authorized and directed to sign all necessary checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms of the House of Representatives, to secure the money appropriated for the salaries and mileage of the Members of the House of Representatives during the temporary disability of the said U. S. Jackson, Sergeant at Arms; and the Treasurer of the United States is hereby authorized to pay the said money to the said Riddell, cashier, in conformity to the provisions of this resolution, upon the approval by the Secretary of the Treasury of a bond in the sum of $50,000 of the said Riddell, payable to the United States of America.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Indiana if he is able to say whether there is any precedent for this resolution?

Mr. DIXON of Indiana. No; I do not know that there is. I consulted with the Treasurer and also with the comptroller, and it seems that at one time in the Forty-seventh Congress they passed a bill authorizing the Treasurer of the United States to pay the Members in such a contingency. In conference with the Secretary of the Treasury he said that he would very much prefer to have it this way on account of the bookkeeping.

Mr. MANN. Then this has the approval of the Secretary of the Treasury?

Mr. DIXON of Indiana. The Secretary of the Treasury was not there, but his chief assistant read it and the comptroller read it, and both approved it.

Mr. MANN. Who pays the expense of this bond?

Mr. DIXON of Indiana. Mr. Riddell is already under bond for $50,000, and it will be made payable to the United States instead of to Mr. Jackson.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. DIXON of Indiana. Certainly.

Mr. BARTLETT. The resolution provides for a bond of $50,000, but the terms of the bond are not provided in the resolution.

Mr. DIXON of Indiana. No; it provides that the bond shall be satisfactory to the Secretary of the Treasury.

Mr. BARTLETT. Ordinarily in providing for a bond in special cases the conditions are for the faithful performance of the duty, or the faithful payment of the money. I merely make the suggestion to the gentleman.

Mr. DIXON of Indiana. At the Treasury they said this would be satisfactory.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles, disagreed to by the House of Representatives, had agreed to the conferences asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

Mr. KOPP, by unanimous consent, was given leave of absence indefinitely, on account of important business.

TERMS OF PRESIDENT, VICE PRESIDENT, SENATORS, AND REPRESENTATIVES.

The SPEAKER. The gentleman from Texas is recognized for one hour.

Mr. DIES. Mr. Speaker, I rise to a question of personal privilege.

Mr. HENRY of Texas. Mr. Speaker——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This rule provides that immediately on the adoption of this resolution, House resolution 204 shall be taken up for consideration. The parliamentary inquiry is whether, that rule having been adopted by the House, proceedings can now be interrupted so as to set aside the rule by a question of personal privilege.

The SPEAKER. The point of order is sustained.

Mr. LENROOT. Will the gentleman from Texas yield?

Mr. HENRY of Texas. Yes. Does the gentleman from Wisconsin wish to make a request for unanimous consent?

Mr. LENROOT. Yes.

Mr. HENRY of Texas. Very well; I will yield to the gentleman.

Mr. LENROOT. Before entering on the general debate, I want to ask whether or not an agreement can not be entered into for general debate, leaving some time for the reading of the bill and amendments?

Mr. HENRY of Texas. I am perfectly willing, as far as I am concerned.

Mr. LENROOT. Then, Mr. Speaker, I ask unanimous consent that general debate be limited to two hours.

Mr. SHERLEY. I object.

Mr. LENROOT. Three hours?

Mr. SHERLEY. I again object. It was the Committee on Rules that forced us into this situation.

Mr. HENRY of Texas. Mr. Speaker, the situation is not bad, and we will take care of it.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized for one hour.

Mr. HENRY of Texas. Mr. Speaker, the rule just adopted provides for four hours' debate on the joint resolution and pending amendments, and, of course, any gentleman who secures recognition from the Chair has the right to offer any pertinent amendment to this resolution. The rule does not undertake to prevent the offering of amendments and the freest discussion of this resolution. Notwithstanding the efforts of some gentlemen to make it appear that this is a gag rule and brought in for the purpose of precluding amendments, such is not the case. The rule provides for a vote on the joint resolution and all pending amendments, and so far as I am personally concerned, it would please me if any gentleman who thinks he can improve this joint resolution to have him offer his amendment and submit it to the judgment of the House.

This should be a nonpartisan question. Gentlemen should lay aside all feeling and prejudice, if there be any on this occasion, and take up the questions involved and consider them as become Representatives of the people who have a great duty to perform. I shall not be chagrined personally if this joint resolution is not passed through the House, for it is nothing to me. It proposes a great reform, which will be for the betterment of our Government and make the Constitution conform to the necessities and emergencies of the times.

If I may have the attention of gentlemen, permit me briefly to point out what is proposed in the joint resolution. Under the present Constitution it happens that inauguration day falls on the 4th day of March, although the 4th day of March appears nowhere in the Constitution except in the twelfth amendment, and did not appear there until some years after this Government was organized, when the contest arose between Thomas Jefferson and Aaron Burr for the Presidency of the United States. It was then necessary to submit to the States the twelfth amendment, when, for the first and only time, the 4th day of March appeared in that instrument. It is not prescribed there that the 4th day of March shall be the day of the inauguration, but it so happens that this Government, which began its career under the organization by our fathers, commenced operations on the first Wednesday in March, which was the 4th day of March, and then became the beginning and the ending of the terms of the President, Vice President, Senators, and Representatives. Their terms began on the 4th day of March, although George Washington was not inaugurated as President of the United States until the 30th day of April thereafter, because a quorum had not appeared in either branch of Congress until several days after the 4th day of March, when the vote for the President and Vice President could be counted. Washington went out of office after he had served two months less than four years the first term.

It is now said that we are extending the term of some President. What if we do? We are doing no more than was done by our fathers when they lessened the term of a President and took from him 60 days. What merit is there in an objection of that kind? A constitutional amendment is necessary in order to change the date of inauguration, and it can not be brought about by statute or joint resolution. You can not shorten the terms of Members of this House and of the Senate by statute or joint resolution, and in order to change the beginning of terms of Members of Congress from the 4th day of March you must either curtail the term of some future Congress or extend it. This can only be done by constitutional amendment.

Having recited that much of our early history, permit me to analyze the resolution. It proposes five things:

First. There is a proposition that, beginning with the Sixty-third Congress, the term of office of the President chosen at the election of November, 1912, immediately preceding, shall continue until the last Thursday of April, 1917, at noon, and the last Thursday of April at noon shall thereafter be the commencement and termination of the official term of the President and Vice President.

Second. Upon the ratification of the proposed amendment the second Tuesday of January at noon shall constitute the commencement and termination of the official terms of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected, which is always the short session, immediately following the general election for Representatives in Congress, after the ratification of this amendment, shall hold no annual session after such election, and such short session of Congress as now provided shall terminate on the second Tuesday of January immediately following. The Senators whose existing term would otherwise expire on the 4th of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected.

Third. When the proposed amendment becomes operative Congress shall assemble at least once in each year on the second Tuesday in January, unless Congress shall by law appoint a different day. This may be done by joint resolution or statute, as was frequently done in the early days of our history.

Fourth. In the proposed amendment the time for an election of a President, when that duty devolves upon the House, is extended to the last Thursday in April, because it is limited now by amendment 12 to the 4th day of March, and this extends the time so as to make it conform to the inauguration day.

Fifth. In the last two sentences of the proposed amendment Congress is given power to provide by law for the danger of the death of the President elect, or of the death of the President elect and Vice President elect, before the beginning of their terms of office, as well as for the failure to elect such officers. The joint resolution here reported is indicated by showing the present article 12 in Roman type and the proposed changes in italics. So if anyone will take the resolution, which is in this report set forth at length, it will be found that the present article 12 is set out in Roman type and the proposed changes are set out in italics, which are the additions or the new parts of article 12.

Now, Mr. Speaker, there are five important changes proposed by this joint resolution which, if submitted to the States of this Union, I believe will be ratified by a three-fourths vote. There may be some who believe that this inauguration event should occur in January. There may be others who think it should be in March, as it is now, and there may be those who contend it should occur on the last Thursday in April, as I insist. The truth is our fathers thought and planned and desired that this Government should begin its career on the first Monday in December; that the President should then be inaugurated; that Congress should convene on that day; but, by reason of certain States not having ratified the Constitution in time, nine of them not having given their assent, it was impossible to carry out the plan and desires of our fathers, and they were unable to inaugurate this Government on the first Monday in December. So they waited for certain legislatures to act on the Constitution and ratify it, but when they finally acted the first Monday in December had passed. The next thing done was that the constitutional convention which framed this Constitution in Philadelphia passed a resolution, which is set out in the report herewith, calling upon the Congress of the Confederation of States to set a time when they would begin operations under the new Constitution. The resolution which was passed by the constitutional convention was received, and George Washington wrote a long letter explaining what had been done, and then the Congress passed a resolution that on a certain date elections should be held and the people should vote for President and Vice President, for Senators and Representatives, and on another day the electors for President should convene and cast their votes for President and Vice President, and in the same resolution it provided that the first Wednesday in March, which happened to be the 4th of March, this Government should begin its operations under the new Constitution.

Now, gentlemen, that is the way the 4th of March had its beginning for the presidential term. There ought to be some change. That situation brought about the short session of Congress, because when you elect a Member of Congress in November then the old Members serve until the 4th day of March, and Congress convenes in December and their terms terminate on the 4th day of March and then the terms of the new Members commence, and unless an extraordinary session is called they draw their salary for nine months before they take the oath of office and really begin their service. For nine months we are without a Speaker and an organization of the House. If you wish to get rid of the short session and desire to eliminate this three months' session, where more vicious legislation is put through than at any other time during the existence of the Congress, you can only do it by a constitutional amendment. If you do this, you can provide for the convening of Congress on the second Tuesday in January or the third or the fourth, whenever you please. The new Congress will go into power 60 days, a little less or more, after it is elected. Members who have been discredited at home go out of office in 60 days, a little more or less, and the new administration begins its term. But it is said we prolong the term of the President. The President's term is prolonged under the present system, and no matter how you write your amendment, no matter in what phraseology you couch it, it is utterly impossible not to lap over the term of the President after the election.

You must give him time to make his preparations to get out. You must give Congress time to count the votes and prepare for the inauguration. The President is elected for four years anyway. Here we have the spectacle of the Republican President in power two years after there is a Democratic House. Who knows what may be the result of the coming election? Who can say that this House may not again be Democratic and the Senate Democratic? Or that this House might not be Republican and the Senate Democratic, and with a Democratic Presi-

dent? You can not make these objections fit into one another. So here is the sensible thing to do. The reasonable thing is to eliminate this short session by a constitutional amendment, provide that 60 days after this Congress is elected it shall take the oath of office, Congress shall convene and shall begin its labors.

And then from the second Tuesday in January it can sit as long as both bodies agree, whether 60 days or 9 months or 11 months, or whatever time it chooses. And the other session shall begin the second Tuesday in January and may run until the next Congress, which begins on the second Tuesday of January following. There will be no election coming between to distract the attention of Members. A Member can remain here until the business is finished, and when Congress has adjourned it will not be necessary to return home and enter a campaign, as he must do under the present arrangement. So there will be no election between sessions of Congress. Members will have nothing to do except devote their attention to their public duties. There will be no campaigns at home. That will be attended to just before the convening of the first session of the Congress to which they are elected.

Now, gentlemen, is not there some wisdom in such a proposition? Have we not seen bills fail here in the short session that should have passed? Have we not seen things put through in a few brief moments after midnight without due consideration that could not be passed in that way if this constitutional amendment should be adopted?

Take up the propositions one after another. If you are not in favor of changing the inauguration date in this way, then choose some date that suits you. For six long years I have studied this question. I have conversed with a majority of the Members of this House and now ask some gentleman to propose a date that would suit everybody if he can. It is out of the question. The 4th of March does not suit them; the second Tuesday in January would not suit them. Let us see if we can not get together on a reasonable date for inauguration of the President and change this system and put it back where our fathers intended it should be in the beginning of our Government.

On the inauguration proposition, what do you want? If you do not like the last Thursday in April, propose an amendment, which you may do, and change, in a few words, the date, and I will not have a word to say if the House so wills. Some say that this change is only desired by the local inhabitants of Washington City. Why, gentlemen, practically every governor in the United States has appealed to Congress to change the inauguration date. We have sentiment coming up to us from all over the United States asking for this change. There are those who say they do not care how cruel the weather may be; that they would leave it at it is. I remember when Mr. Taft was inaugurated as President of the United States on the 4th day of March as one of the bitterest and coldest days ever experienced in Washington. There was a terrible snowstorm blowing all day.

Thousands upon thousands had come here from every part of the country. They had come from the South, from the North, from the far West, from Pennsylvania and Virginia, and from all over this land, to witness a patriotic ceremony in the inauguration of the President of the United States. Many of you remember that day, and what a terrible ordeal those men in the uniform of the United States suffered. It meant death and destruction to our soldiers and sailors assembled here. I have heard men say the more cruel the day the better it would be. Are we going to decide a great question on such reasoning as that? Are we going to allow ourselves to say our form of Government can not be changed in that respect, when a simple resolution changing the Constitution will bring about the desired result?

Gentlemen, let us take up the other proposition, about the hiatus in the Constitution. Examine that provision to which I have referred, which is on page 28 of the Constitution, Manual, and Digest, and you will find that there is a provision for electing a successor to the President and Vice President after their inauguration. Our fathers made ample provision in that regard. But notwithstanding the reasoning and argument of the distinguished gentleman from Alabama [Mr. RICHARDSON], I undertake to say that Blaine and Hoar and Walthall and George and Ransom and Vance and Vest, and all of those Senators who voted for the proposition to cure that defect in the Constitution were absolutely correct. If any man pretending to be a lawyer will read the Constitution, he will find that if the President-elect and the Vice President-elect die between the casting of the electoral vote and inauguration day there is no power in our Constitution to fill the vacancies for four years.

There is written in this amendment the simple language used by Senator Hoar, which passed the Senate on two occasions. It is not my language. If gentlemen want to criticize it, let them criticize the phraseology of that great lawyer, so long representing the Commonwealth of Massachusetts. The Committee on the Judiciary carefully worked it out. They submitted it to the Senate and passed it through that body, and then it came over here, and I am sorry to say it was lost in some committee of the House. Who will oppose curing that defect in the Constitution? What is there radical and revolutionary in it that causes gentlemen to shrink?

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. HENRY of Texas. I do.

Mr. SHERLEY. Is it not that same lack of interest which makes people absent themselves here while the author of it is discussing it?

Mr. HENRY of Texas. Well, I am glad at least to say that the absence of so many distinguished gentlemen is compensated by the presence of my friend from Kentucky.

Mr. SHERLEY. But the Constitution, which the gentleman is treating so lightly, requires that two-thirds of the House shall vote for it.

Mr. HENRY of Texas. Oh, twice the Committee on the Judiciary has reported that resolution. This resolution has been reported for about six months, and has been on the calendar, and I have put the report in the hands of every Member on both sides of this House, and asked them to consider it in order that no one might say there is snap judgment. And, so far as the gentleman from Kentucky [Mr. SHERLEY] is concerned, I do not expect to convince him, I am sorry to say, on this or any other matter.

But, Mr. Speaker, here is a plain proposition that can be understood. If Members will only take advantage of the report that has been filed and read it, they can vote intelligently on it. There is no difficulty in understanding it. The facts are set out at length. There are appended to it documents bearing on the question giving the history. It makes no real difference to me whether gentlemen express great approval, or whether they vote for it or against. It is not with me a personal matter. But I believe there is an interest in it throughout the country, and it matters not to me whether or not I father the resolution, whether or not I am the author of an amendment to the Constitution of the United States. That is immaterial. The important thing is that this inauguration date should be changed, and along with it these other things ought to be written in the Constitution. And I believe if this House will submit the amendments to the various States, no matter what the inauguration day may be, eliminating the short session and thus providing a long session for the convening of Congress in January and curing the hiatus pointed out, it will be ratified.

It is not an unimportant question. It is a great question for the American people to perfect their organic law, and all that I desire is to have the judgment of my colleagues in this House. There are many reasons that I could urge in favor of changing the date of the inauguration from the inclement day of March 4 to a later date, but those things are set out in the report; and, notwithstanding what the distinguished gentleman from Alabama [Mr. RICHARDSON] has said, if you will take this report you will find appended a statement from the health department and from the Weather Bureau giving the state of the weather for the last 20 years and showing what the 4th of March has been during each of those years. It is idle to say that the 4th of March is an appropriate time for that ceremony. The experience of more than a hundred years has demonstrated that such is a failure and was not the day designed by the framers of the Constitution. And I here submit a statement throwing light on the inauguration days:

CHANGING INAUGURATION DAY.

[Baltimore Evening Sun.]

After three years of discussion and delay Mr. HENRY's resolution changing inauguration day from March 4 to the last Tuesday in April is reported favorably by the House Committee on the Judiciary, and the indications are that it will quickly pass the House. It involves, of course, an amendment to the Constitution, for whenever the proposed change is made the term of the outgoing President will be lengthened by about seven weeks, and so it must receive a two-thirds majority in each House, and after that it must be approved by the legislatures of three-fourths of the States. Consequently 1917, and not earlier, has been specified as the time when the change will take place if the amendment is approved.

The present movement is not new. It was launched so long ago, in truth, that nobody remembers the date. After the second Cleveland inauguration, on March 4, 1893, a day of snow and high wind, it gained a good deal of strength, but Congress, after a tedious discussion, dropped the matter, and it was not revived until after the Taft inauguration, in 1909, when the weather was so bad that most of the customary ceremonies had to be abandoned. As the following brief table shows, the chances of bad weather on inauguration day are about two in three:

Year.	President.	Weather.
1873	Grant	Cold, high wind.
1877	Hayes	Snow and wind.
1881	Garfield	Sleet on ground.
1885	Cleveland	Fair and cold.
1889	Harrison	Cold rain.
1893	Cleveland	Snow, cold, gale.
1897	McKinley	Clear.
1901	McKinley	Drenching rain.
1905	Roosevelt	Fine.
1909	Taft	Blizzard.

Thus it appears that since 1873 there have been but three fine inauguration days, and on one of these the temperature was uncomfortably low. We all know the result. Thousands of participants, exposed to wind and cold, fall ill afterwards and many of them die. On several occasions the incoming President has himself suffered much, and there is always the risk that he may be seriously and even fatally affected. Late in April the weather is almost certain to be fine, and even should there be rain it is commonly warm rain, and unaccompanied by snow, sleet, or Arctic winds.

The Constitution did not provide where Congress should assemble. The first session of Congress was held in the city of New York, and George Washington was inaugurated there.

I do not think there was ever a better time to take up an amendment to the Constitution when the people are stirred to action, and when they are more patriotic, perhaps, than ever in the history of this Government. And let me say to gentlemen that our Constitution has been amended on numerous occasions. Only a few years ago we submitted an amendment providing for an income tax. We have submitted amendments on numerous occasions.

The other day we submitted an amendment providing for the greatest reform that has come to the American people since the foundation of the Government, the election of Senators by a direct vote of the people. [Applause.] Now is the occasion to seize the opportunity and amend this Constitution as it should be. And in the wisdom of the American people it will not be many months until the income-tax amendment and the one providing for electing Senators by direct vote of the people will be written into this Constitution as part of our governmental system. [Applause.]

Now, by providing for these three changes, for another date for the convening of Congress, and for the beginning of the term of the President, Vice President, Senators, and Representatives, you have perfected this system, which has proven to be the greatest upon which the sun ever shone.

Yes, now is the time to submit the amendment, when all the people who are taking governmental affairs in their hands will assemble around the ballot box and vote and instruct their senators and representatives in the State legislatures to recognize their will and carry out their commands. [Applause.]

Now is the time to do it, when a few individuals can not sneak into legislatures and thwart the will of the American people. Let us submit these amendments now. Why should gentlemen be afraid of this? Some men are afraid of amending the Constitution. Others are afraid they can not properly word the amendment, and are afraid of themselves.

The system we have now is good, and the people are electing the President just as fast as they can in every State. If I would accede to the desires of every one of my friends and put all the amendments on that they propose we would handicap this joint resolution so that it would never be heard of again. One friend wanted to make the term of Representatives three years. Another one sitting by said, "I would never vote for that in the world; let us make it four years." [Laughter.] When an amendment of that sort was submitted once it was voted down by a large majority in the House. If we were to make the term of a Representative for life we might get some votes on both sides. [Laughter.]

Mr. RODDENBERY. Will the gentleman yield?

Mr. HENRY of Texas. I will yield to the gentleman from Georgia.

Mr. RODDENBERY. What are the views of the gentleman with reference to submitting an amendment providing that the terms of office of Members of Congress, Senators, and the term of the Vice President shall begin on the first Monday in December?

Mr. HENRY of Texas. I have thought of that a great deal, and would not object to it but from the fact that you have your elections in November, and under some State constitutions you can not get your certificate of election until the end of 40 days, and therefore a Member elect would not have his certificate in time to come here in December. So I have concluded, after ransacking all the constitutions of the States in the Union, that the ideal time to begin a session of Congress would be the second Tuesday in January. In the State of Oregon they elect their Representatives in June. In two other States, Maine and Vermont, they elect them in September, but in the great majority of States on the second Tuesday in November, and that day is fixed by the constitutions of various States, and you could not have the amendment that the gentleman speaks of without amending those State constitutions. So when you think of these things and make a search you will find that you run up against constitutional provisions in some States and provisions in the Constitution of the United States. But if you take the matter and endeavor to work it out, study the reports of Senator Hoar and Senator Vest and Senator Platt, of Connecticut, and those great lawyers on the Judiciary Committee, and others named, you will come to the conclusion that there is only one way, and that is as it is worked out here, and the only place where there should be room for difference of opinion is as to the proper day for the inauguration of President.

You can not inaugurate the President on the day that Congress convenes, no matter when you put it, because Congress must begin, organize under the Constitution in regular session, the Senate must come over here, the Vice President must preside with the Speaker, the Vice President must take the envelopes containing the electoral votes, open them in the presence of the joint session, and hand them down to the tellers in front of the Speaker's desk. Those are the constitutional requirements for these things. Let good judgment rule, and join in passing this resolution demanded by the American citizens.

Mr. FLOYD of Arkansas rose.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. FLOYD] is recognized.

Mr. STERLING rose.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to speak in opposition to the resolution.

Mr. STERLING. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STERLING. I will ask if the time upon this side is controlled, or if the time has been equally divided?

The SPEAKER pro tempore. No division of the time has been arranged. Recognition is in the discretion of the Chair. The gentleman from Arkansas is a member of the Judiciary Committee, and the Chair understands is opposed to the resolution. The gentleman from Arkansas is recognized.

Mr. GARNER. Mr. Speaker, may I now ask the gentleman from Arkansas a question?

Mr. FLOYD of Arkansas. I yield to the gentleman.

Mr. GARNER. It is a question that I intended to ask my colleague, but he said he did not have the time to answer it.

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DIES. Does the gentleman from Arkansas desire to speak in opposition to the amendment?

Mr. FLOYD of Arkansas. Yes; I do.

Mr. GARNER. Mr. Speaker, I rose for the purpose of asking the gentleman from Texas [Mr. HENRY] a question as to the effect of this resolution, but he did not have the time to answer it, it seemed. It is a question which I think of great importance, so far as the State of Texas is concerned. This resolution provides that on the second Tuesday in January the office of Senators and Representatives shall expire. The Legislature of the State of Texas meets for the election of a Senator on the second Tuesday in January. They do not elect for some two or three weeks under the form of the present constitution. Would there be a vacancy in the Senate of the United States from the State of Texas during that interim?

Mr. HENRY of Texas. Just a moment, and I will take it out of my time. I will say to the gentleman that the Senators of the United States are elected under a statute of the United States, and that statute provides that we elect Senators two weeks after the convening of the legislatures. Now, that statute can be amended providing for the election on the first day of the convening of the legislatures, which would cure the defect in Texas and other States.

Mr. FLOYD of Arkansas. Mr. Speaker, I decline to yield to the gentleman.

Mr. HENRY of Texas. I am not taking this out of the gentleman's time.

Mr. FLOYD of Arkansas. But I have the floor.

Mr. MANN. Mr. Speaker, a parliamentary inquiry: How does the gentleman from Arkansas get the floor.

The SPEAKER pro tempore. The Chair recognized him.

Mr. MANN. How come he to be recognized by the Chair? I insist that this side of the House is entitled to recognition.

Mr. FLOYD of Arkansas. I am opposed to the resolution offered by the gentleman from Texas.

Mr. MANN. Whether the gentleman is opposed to it or not, this side of the House is entitled to recognition.

Mr. DIES. Mr. Speaker, I make the point of order the gentleman is not in order.

Mr. MANN. I am in order; I am making a parliamentary inquiry. How does the gentleman from Arkansas get the floor?

The SPEAKER pro tempore. By recognition from the Chair.

Mr. MANN. Does the Chair consider that there is a Republican side of the House?

The SPEAKER pro tempore. The gentleman stated he was opposed to the resolution and secured recognition from the Chair.

Mr. MANN. But this side of the House is entitled, certainly, to some time in opposition.

The SPEAKER pro tempore. The Chair will state that no Republican arose and asked for recognition.

Mr. MANN. I have no doubt gentlemen arose if the Chair had looked around to see them, but he only recognized the gentleman from Arkansas.

Mr. GARNER. The gentleman from Illinois is mistaken. The gentleman from Texas had the floor, and the gentleman from Texas ceased and yielded to the gentleman from Arkansas.

Mr. MANN. That was rigged in and the gentleman from Arkansas takes the floor in his own right, and I insist the gentleman from Arkansas is not entitled to recognition.

Mr. SHERLEY. But, Mr. Speaker, the gentleman from Arkansas is entitled to recognition in opposition unless some member of the committee reporting this resolution had claimed the floor, and then it would be in the discretion of the Chair. There is no rule of this House that divides this House here in the middle of the aisle. It is not a political question.

Mr. MANN. It is only one of fair play.

Mr. SHERLEY. And fair play is being recognized, and it is not for the gentleman from Illinois to make the inference that the Chair has not been fair.

Mr. MANN. The ranking Republican on the Committee on the Judiciary was entitled to the floor.

Mr. PAGE. Mr. Speaker, I demand the regular order.

Mr. DIES. Mr. Speaker——

Mr. DALZELL. Mr. Speaker——

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present. You will have to have men here to do that.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-five Members are present; not a quorum.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. RODDENBERY. Mr. Speaker, I move a call of the House.

Mr. MANN. I have made a motion to adjourn, and that is a preferential motion.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 25, noes 36.

So the motion was rejected.

Mr. RODDENBERY. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia, who moves a call of the House.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

On a division (demanded by Mr. HENRY of Texas) there were—ayes 27, noes 33.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The SPEAKER pro tempore. Nineteen gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

Mr. MANN. Mr. Speaker, I make the point of order that 19 is not a sufficient number; we are in the House.

The SPEAKER pro tempore. The point of order is overruled. There were 50 present according to the last count.

Mr. MANN. That could only be determined by taking the other side.

Mr. HENRY of Texas. Nobody has demanded the other side, and I make the point of order it is too late.

The SPEAKER pro tempore. It takes one-fifth of those present, and the point of order is overruled.

The question was taken; and there were—yeas 126, nays 59, answered "present" 14, not voting 194, as follows:

YEAS—126.

Adair	Farr	Johnson, Ky.	Rauch
Adamson	Fergusson	Jones	Reilly
Alexander	Ferris	Kent	Roberts, Nev.
Barnhart	Fitzgerald	Kinkead, N. J.	Roddenbery
Bartlett	Floyd, Ark.	Kitchin	Rothermel
Beall, Tex.	Fowler	Konop	Ruby
Blackmon	Francis	Korbly	Rucker, Colo.
Brantley	Gallagher	Lafferty	Russell
Buchanan	Garner	Lee, Pa.	Shackleford
Bulkley	Godwin, N. C.	Lever	Sherley
Burgess	Goodwin, Ark.	Lloyd	Sherwood
Burke, Wis.	Gould	Lobeck	Sims
Byrns, Tenn.	Graham	McCoy	Sisson
Callaway	Greene, Mass.	McCreary	Smith, N. Y.
Candler	Gregg, Tex.	McDermott	Smith, Tex.
Carlin	Gudger	McGillicuddy	Stephens, Nebr.
Carter	Hamlin	McKellar	Stone
Cary	Hammond	McLaughlin	Sweet
Clayton	Hardwick	Macon	Taggart
Cline	Hardy	Maguire, Nebr.	Thomas
Collier	Harrison, Miss.	Moon, Tenn.	Townsend
Cullop	Harrison, N. Y.	Morrison	Tribble
Davis, W. Va.	Hay	Neeley	Tuttle
Dent	Hayden	Oldfield	Underwood
Dickinson	Heflin	Page	Warburton
Dickson, Miss.	Henry, Tex.	Patten, N. Y.	Watkins
Dixon, Ind.	Hensley	Pepper	Wilson, N. Y.
Driscoll, D. A.	Holland	Post	Wilson, Pa.
Driscoll, M. E.	Hughes, Ga.	Pou	Witherspoon
Edwards	Hull	Powers	The Speaker
Ellerbe	Humphreys, Miss.	Rainey	
Falson	Jacoway	Raker	

NAYS—59.

Ainey	French	Longworth	Richardson
Anderson, Minn.	Good	McKinney	Rodenberg
Austin	Green, Iowa	Malby	Sloan
Booher	Hamilton, Mich.	Mann	Smith, Saml. W.
Bowman	Harris	Martin, S. Dak.	Stephens, Miss.
Butler	Hawley	Morgan	Sterling
Campbell	Hill	Murdock	Stevens, Minn.
Cannon	Howland	Needham	Switzer
Curley	Jackson	Nelson	Taylor, Ohio
Dalzell	Kahn	Norris	Towner
Danforth	Knowland	Palmer	Volstead
Davis, Minn.	La Follette	Patton, Pa.	Wedemeyer
Dodds	Langley	Pray	Wilson, Ill.
Draper	Lenroot	Prouty	Young, Kans.
Esch	Lindbergh	Rees	

ANSWERED "PRESENT"—14.

Berger	Curry	Glass	McKenzie
Boehne	Dies	Houston	Moss, Ind.
Bradley	Dyer	Johnson, S. C.	
Burnett	Foster	McCall	

NOT VOTING—194.

Aiken, S. C.	Dwight	Lafean	Rouse
Akin, N. Y.	Estopinal	Lamb	Rucker, Mo.
Allen	Evans	Langham	Sabath
Ames	Fairchild	Lawrence	Saunders
Anderson, Ohio	Fields	Lee, Ga.	Scully
Andrus	Finley	Legare	Sells
Ansberry	Flood, Va.	Levy	Sharp
Anthony	Focht	Lewis	Sheppard
Ashbrook	Fordney	Lindsay	Simmons
Ayres	Forness	Linthicum	Slayden
Barchfeld	Foss	Littlepage	Slemp
Bartholdt	Fuller	Littleton	Small
Bates	Gardner, Mass.	Loud	Smith, J. M. C.
Bathrick	Gardner, N. J.	McGuire, Okla.	Smith, Cal.
Bell, Ga.	Garrett	McHenry	Sparkman
Borland	George	McKinley	Speer
Broussard	Gillett	McMorran	Stack
Brown	Gocke	Madden	Stanley
Browning	Goldfogle	Maher	Stedman
Burke, Pa.	Gray	Martin, Colo.	Steenerson
Burke, S. Dak.	Gregg, Pa.	Matthews	Stephens, Cal.
Burleson	Griest	Mays	Stephens, Tex.
Byrnes, S. C.	Guernsey	Miller	Sulloway
Calder	Hamill	Mondell	Sulzer
Cantrill	Hamilton, W. Va.	Moon, Pa.	Talbott, Md.
Catlin	Hanna	Moore, Pa.	Talcott, N. Y.
Clark, Fla.	Hartman	Moore, Tex.	Taylor, Ala.
Claypool	Haugen	Morse, Wis.	Taylor, Colo.
Connell	Hayes	Mott	Thayer
Conry	Heald	Murray	Thistlewood
Cooper	Helgesen	Nye	Tilson
Copley	Helm	Olmsted	Turnbull
Covington	Henry, Conn.	O'Shaunessy	Underhill
Cox, Ind.	Higgins	Padgett	Utter
Cox, Ohio	Hinds	Parran	Vare
Crago	Hobson	Payne	Vreeland
Cravens	Howard	Peters	Webb
Crumpacker	Howell	Pickett	Weeks
Currier	Hubbard	Plumley	Whitacre
Daugherty	Hughes, N. J.	Porter	White
Davenport	Hughes, W. Va.	Prince	Wickliffe
Davidson	Humphrey, Wash.	Pujo	Wilder
De Forest	James	Randell, Tex.	Willis
Denver	Kendall	Ransdell, La.	Wood, N. J.
Difenderfer	Kennedy	Redfield	Woods, Iowa
Donohoe	Kindred	Reyburn	Young, Mich.
Doremus	Kinkaid, Nebr.	Riordan	Young, Tex.
Doughton	Konig	Roberts, Mass.	
Dupré	Kopp	Robinson	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye."

So a call of the House was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. ANDERSON of Ohio with Mr. ANTHONY.

Mr. ANSBERRY with Mr. CRAGO.

Mr. BURLESON with Mr. HELGESEN.

Mr. BELL of Georgia with Mr. GRIEST.

Mr. DOREMUS with Mr. HAUGEN.

Mr. DOUGHTON with Mr. HAYES.

Mr. EVANS with Mr. HENRY of Connecticut.

Mr. FLOOD of Virginia with Mr. HOWELL.

Mr. GEORGE with Mr. KENNEDY.

Mr. LEGARE with Mr. KINKAID of Nebraska.

Mr. MURRAY with Mr. MCCALL.

Mr. REDFIELD with Mr. MCKINLEY.

Mr. SABATH with Mr. MADDEN.

Mr. UNDERHILL with Mr. MILLER.

Mr. STEPHENS of Texas with Mr. MONDELL.

Mr. TAYLOR of Colorado with Mr. ROBERTS of Massachusetts.

Mr. TAYLOR of Alabama with Mr. SIMMONS.

Mr. TURNBULL with Mr. FOCHT.

Mr. WICKLIFFE with Mr. SULLOWAY.

Mr. KONIG with Mr. YOUNG of Michigan.

Mr. YOUNG of Texas with Mr. WOOD of New Jersey.

Mr. LEVY with Mr. MCGUIRE of Oklahoma.

Mr. WEBB with Mr. WILLIS.

Mr. MOSS of Indiana. Mr. Speaker, I would like to vote "aye."

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. MOSS of Indiana. No.

The SPEAKER. The only way the gentleman can vote is to vote "present."

The name of the gentleman from Indiana [Mr. MOSS] was called, and he voted "Present."

The SPEAKER. The roll call discloses that 200 Members have voted—a quorum being present.

Mr. UNDERWOOD. As a quorum is present, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with further proceedings under the call.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 109, noes 0.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. At what time under this rule will the vote be taken?

The SPEAKER. The vote will be taken four hours after the debate began, taking out the time that has been used.

Mr. LONGWORTH. Will that time be taken out?

The SPEAKER. Of course that time will be taken out. "Four hours of debate," the rules says.

Mr. LONGWORTH. I beg the Chair's pardon, but——

The SPEAKER. The Chair will examine the rule.

Mr. MANN. If the Chair will permit me, I will read the rule. It is very short.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. The rule reads:

Resolved, That immediately upon the adoption of this resolution House joint resolution 204 be taken up for consideration, and at the expiration of four hours a vote be taken upon the resolution and all pending amendments thereto.

The SPEAKER. The Chair supposed, when he said what he did before, that the rule provided for four hours' debate. Undoubtedly the vote must be taken at the end of four hours after the debate began.

Mr. LONGWORTH. That is the reason why I asked the question. Then the vote must be taken four hours after the rule was adopted, regardless of whether the rest of the time be taken up in roll calls or not?

The SPEAKER. Yes; under this peculiar rule that is the case. [Laughter.]

Mr. MANN. "Peculiar" is a very modest word for it.

Mr. BUTLER. This is a hot way to amend the Constitution. [Laughter.]

Mr. HENRY of Texas. Mr. Speaker, if gentlemen would rather filibuster than debate the rule, I have no objection.

The SPEAKER. It is not debatable.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to speak in opposition to this resolution. I desire to call attention to what I think is a serious defect in the resolution. This proposes an amendment to the Constitution——

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIES. Do I understand that under this peculiar rule a plea of personal privilege is not in order?

The SPEAKER. Does the gentleman understand what?

Mr. DIES. Am I to understand that under this peculiar rule a plea of personal privilege is not in order?

The SPEAKER. The gentleman can not take the gentleman from Arkansas off the floor.

Mr. DIES. By an appeal to personal privilege?

The SPEAKER. By anything. [Applause.]

Mr. FLOYD of Arkansas. Mr. Speaker, I want to call attention to one or two points of objection to the joint resolution now under consideration. The gentleman from Texas [Mr. HENRY] has said that this is not a party question, and it is not. It deals with the Constitution of the United States. It affects all the people of all parties, and I insist that when we consider the fact that during the entire history of our Republic there have been only 15 amendments to the Constitution, and that 12 of those amendments were made by the very men who framed the Constitution itself and that the other three amendments were made after four years of terrible war in this country, as a result of that conflict, and that with these exceptions the people of the United States have stood firmly by the Constitution, it is evident that it is not their disposition to seek to amend it lightly. And I want to declare here that no greater constitutional chart of the rights of any people has ever been written than this Constitution of the United States.

I am not one of those who oppose all amendments to the Constitution. Do not understand me in that way. I am one of those who insist that when we do make amendments to the Constitution we ought to improve the Constitution; that when we submit amendments to the Constitution there ought to be some great public interest involved, affecting the people of the United States; and that to make a greater holiday for Washington is no justification for an amendment to the Federal Constitution. [Applause.]

Now, I want to call your attention to what in my judgment is a serious defect in this resolution as it has been drafted, and in order to do so I want first to call your attention to provisions in the first and second sections thereof. Section 1 proposes an amendment to Article XII. Section 1 reads as follows:

SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

Now, I want to call attention to the peculiar wording of that provision. I understand that some gentlemen are advocating the proposition now that we ought to have a six-year term for President, and make him ineligible for a second term. But if you will read the language of this provision, it is susceptible of the construction that this proposed amendment limits the term of President to one year. Read it and see. Let me read it again:

SECTION 1. Beginning with the Sixty-third Congress, the term of office of the President and Vice President chosen at the election immediately preceding shall continue until the last Thursday of April, in the year 1917, at noon, and the last Thursday of April, at noon, shall thereafter be the commencement and termination of the official term of the President and Vice President.

If that does not mean every year, what does it mean? It does not say every successive four years. It says—

Thereafter—

Every year. Now, if the meaning of that language is not to the effect that the President is to be elected for one year, what does it mean?

It is true Article II of the present Constitution says that the President shall have a term of four years, but this new amendment to the Constitution says that after 1917 the term shall begin and end on the last Thursday of April without any qualifying words.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. HENRY of Texas. I simply desire to suggest to the gentleman we are dealing with terms, and if the gentleman

will take pains to read the whole Constitution and the other articles, he will find his point is not well taken.

Mr. FLOYD of Arkansas. Yes; but you are amending the Constitution, and the subsequent amendment, when it comes in conflict with any of the provisions of the Constitution, gives rise to a construction and contention that the intention of the people was to change the original provision. And I will call your attention to some other provisions in this particular amendment upon which you rely, that appear to make it further conflicting with the original instrument.

That is one objection. It is not clear what it means. It is not definite, and therefore is objectionable.

Now, there is another proposition I wish to consider.

Mr. MANN. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. MANN. In speaking of its being indefinite, suppose this amendment to the Constitution was submitted, and on the 4th of March, 1917, it had not yet been ratified by three-fourths of the States. Then I take it that the President then in office would go out and the President who had been elected would go in on the 4th of March.

Mr. FLOYD of Arkansas. I should think so.

Mr. MANN. Suppose that between that time and the last Thursday in April a sufficient number of additional States should ratify the amendment so that three-fourths of the States had ratified the amendment. Who would be President of the United States? And would war ensue?

Mr. FLOYD of Arkansas. That would create another complication. I can not tell the gentleman from Illinois who would be President or what might happen in such contingency, and I want to say in this connection that there are numbers of complications that might be produced and arise by reason of this amendment not only in the election of the President but in the election of Representatives and Senators, and in other ways.

Mr. MANN. I hope the gentleman will yield to somebody to say who would be President, and whether the man who had been sworn in would be kicked out and another one would take his place.

Mr. FLOYD of Arkansas. I am going to discuss later who would be President in certain contingencies.

Mr. HENRY of Texas. Would Roosevelt be President?

Mr. MANN. I can tell the gentleman that Roosevelt will be President until the 4th of March, 1917, anyway.

Mr. FLOYD of Arkansas. Now, I wish to call attention to another provision and to another vital objection to this amendment. Section 2 provides that—

> The second Tuesday of January, at noon, shall constitute the commencement and termination of the official term of the Senators and Members of the House of Representatives. The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term shall expire on the second Tuesday of the January immediately following. The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected. Congress shall assemble at least once in each year, and such meeting shall be on the second Tuesday in January unless Congress shall by law appoint a different day.

Now, what is proposed? Take section 1 and section 2 together. The gentleman from Texas [Mr. HENRY] proposes, by constitutional amendment, to lengthen the term of some one President and make the expiration and beginning of all future terms on the 30th day of April. In the same amendment he proposes to make the beginning and the end of the terms of Members of Congress on the second Tuesday in January, thereby disjointing the Constitution. Thus you destroy the uniformity and symmetry of those constitutional provisions relating to the terms of Representatives, Senators, and the President in a most vital respect, and such fundamental change will affect and may utterly destroy the autonomy of the successful party after any presidential election, and especially will this be true where an adverse or opposite political party succeeds at the election.

Now, what reason is there that the new administration and the Members of the new Congress should not go in at the same time? This is a most vital objection to this proposed legislation. The President's term necessarily ends the 30th of April; the terms of Members of Congress commence and end on the second Tuesday in January. What is the reason for that? Nearly four months intervene; the new Congress comes in, but the old President holds on to hamper, to interfere, and to block any legislation that might be sought to be enacted by the new Congress.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. HENRY of Texas. Is not the old President holding over now over a Democratic House?

Mr. FLOYD of Arkansas. Yes; but as one Democrat I do not desire to pass any legislation that will give him 30 days additional term of office.

Mr. HENRY of Texas. But you expect a Democratic President next year.

Mr. FLOYD of Arkansas. It does not matter; I am opposed to this on principle. The Constitution of the United States ought to be simple and harmonious. I think the Representatives in Congress, Senators, and President ought to take their offices on the same day, and I think the fundamental defect in this amendment is the separation of these two events, providing that the President shall take his seat at one time and Congress shall be organized and enter upon their duties three or four months before a newly elected President is qualified and inaugurated.

Mr. SIMS. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. SIMS. Does not the gentleman know that the third Tuesday of April is a much better time to have a street fair and a parade, which is a matter that some overlook?

Mr. FLOYD of Arkansas. I do not think that we ought to deal with the Constitution on information gathered from reports of the Weather Bureau or at the instance of people who want a great quadrennial pageant and parade in the city of Washington. This is too serious a proposition. Under our form of government the people are supposed to rule, and theoretically they do rule, and we ought to stand for legislation that will enable the majority to rule; and where the majority in one party succeeds the other we ought to throw the full machinery of the newly elected party into power and let them exercise their efforts to carry out the reforms in legislation that they have pledged themselves to the people that they would enact.

Why hamper the new Congress for four months with the old President, antagonizing the wants of the people who have elected the Congress and the new President? This is no party matter. If past history is repeated, this Constitution will stand unchanged for another 100 years. What matter who is going to be President for the next four years when we are dealing with great fundamental propositions that will last for a hundred and, I doubt not, for a thousand years if only right principles are incorporated into our fundamental law and if we remain true to our past traditions, true to the spirit of the fathers, and true to the principles of those great men who formulated, ordained, and established the Constitution of the United States?

Mr. BOOHER. Will the gentleman yield?

Mr. FLOYD of Arkansas. I will.

Mr. BOOHER. I would like to ask the gentleman if he thinks the second section fixes the length of the term of a Member of Congress or of a Senator. I will read the language I refer to:

> The Congress in existence when the Members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term shall expire on the second Tuesday of the January immediately following.

What does that language mean?

Mr. FLOYD of Arkansas. It means that the Congress that is in existence at the time of the ratification of this amendment shall cease in January instead of the 4th of March, and the effect will be to cut off the difference of time in the terms of Representatives then in office between the second Tuesday in January and the 4th of March. In other words, their terms will be cut short about two months.

Mr. BOOHER. Now, suppose that they have the election in November, when Members of Congress are elected, and before the second Tuesday in January sufficient States should ratify this amendment to the Constitution, do these Members of Congress go out of office under this peculiar language?

Mr. FLOYD of Arkansas. I would think so. They would go out according to the meaning of the language, and this brings up any number of complications about the election of Senators, about the terms of Senators, and the terms of Congressmen. Why, this very provision is ambiguous as to the terms of Senators. Let me call attention to the fact that while it provides that the terms of Members of Congress in existence at the time of the ratification of the amendment shall go out of office on the second Tuesday of January, it does not provide that Senators whose terms are expiring shall go out, but that they shall continue until their successors are elected and qualified. So we have the anomalous condition of the President coming in at one date, the Representatives in Congress at another date, and the Senators at another date, the latter continuing until their successors are elected and qualified.

There is another proposition to which I wish to call attention. The distinguished gentleman from Texas [Mr. HENRY] says there is one provision in this resolution that ought to justify every Member of Congress in voting for it, and he

calls attention to the hiatus that might occur in the event that the President and Vice President, after the casting up of the electoral votes, should die before the 4th of March following. But does the gentleman propose any direct remedy in this proposed amendment for such a defect in the Federal Constitution, if such a defect there be? I think not. I think the provision of the gentleman from Texas in trying to cure that defect in the Constitution, if there be such defect, is not a safe remedy in such contingency.

Mr. DIES. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. FLOYD of Arkansas. Certainly; I yield.

Mr. DIES. Does not the gentleman think, in spite of all the weighty reasons he has given, that if this light and flippant change in the Constitution be made by this Congress it would give justification in precedent for great statesmen in some future Congress to make a more learned and more fundamental change in the law of the land? In other words, does not the gentleman think that our toying with the Constitution now in this indiscriminate manner might open the floodgates so that wise men coming after us could make material changes?

Mr. FLOYD of Arkansas. Mr. Speaker, I am not here to criticize the proponents of this measure. I am not here to criticize any Member who may desire to support it. I am here as a patriotic citizen, as a Representative of the people of the United States, to urge upon all men of all parties not to change the Constitution unless they change it for the better. Do not pass an amendment that is probably worse than the original instrument. I desire to call attention to this last provision, which I think does that:

> The Congress may by law provide for the case where there is no person entitled to hold the office of President or Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability shall be removed or a President shall be elected.

Let us suppose that at some time in the future some ambitious and unscrupulous man should succeed to the Presidency of the United States. Suppose that the new Congress elected should represent the views of the incumbent President and be of his party. Suppose that the new President elect should be of an opposite political party. Four months intervene after the new Congress, loyal to the old President, has assembled in Washington before the new President can be qualified—four long months for intrigue, four long months for plot, with an ambitious President in the White House, with a Congress loyal to him—and under this provision if something should happen to the President elect and the Vice President elect the Congress loyal to the party of the President who had been recently defeated would be the one to elect a new President, or to say what officer should hold the Presidency until his successor should be elected and qualified, and yet in this amendment of the gentleman from Texas there is no provision for a new election until the next presidential election—four years hence. In a contingency such as above described you put it in the power of Congress, without the consent and against the will of the people, to reelect or continue in office for four more years a President already repudiated at the polls.

Why did not the gentleman from Texas provide that when Congress should elect a new President in such contingency that the tenure of office of the person so elected should be only temporary, only until there could be a presidential election called and the people of the United States, through the properly constituted electorate, should elect a new President to succeed the old one? Why did he not also provide for the calling of a new election in such event? I think that is the most fatal provision in the whole amendment proposed by the gentleman from Texas. It is fraught with dangerous and far-reaching consequences that may involve the perpetuity of the Government itself, and yet he urges it as the strong provision that should guarantee our support of it.

Mr. Speaker, I am most serious in my opposition to this resolution, and I have presented as best I could my objections to it. I thank you. [Applause.]

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 35 minutes left.

Mr. FLOYD of Arkansas. Mr. Speaker, I reserve the balance of my time.

Mr. STERLING rose.

The SPEAKER. The gentleman from Illinois [Mr. STERLING] is recognized for an hour.

Mr. STERLING. Mr. Speaker, I yield five minutes of that time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, in amending the Constitution in any particular we ought at least to be careful that we do not involve ourselves in greater difficulties than those from which we wish to escape. This amendment to the Constitution is proposed for the purpose of changing the date of inauguration and provides that, beginning with the Sixty-third Congress, the term of office of the President, and so forth, shall be changed. Suppose the amendment be not adopted until after the end of the Sixty-third Congress. There is no limitation in the Constitution as to when amendments shall be adopted. The only provision is that when they are submitted by the Congress they shall be adopted by three-fourths of the States. There is no time limit in the Constitution, and if this constitutional amendment should be submited to a vote of the people and be adopted by three-fourths of the States 10 years from now, it takes effect.

Possibly there would be no great difficulty in that case, but suppose this amendment be submitted to a vote of the people and be not adopted by the 4th of March, 1917—that there may be one State short. The old President goes out. The new President comes in on the 4th of March, and then between that time and the last Thursday in April the amendment receives the required constitutional support from the States. Who, then, is President? I defy any man to say, and when we deliberately propose an amendment to the Constitution which leaves in doubt who is President of the United States, we invite not merely controversy but we invite civil war. That ought never to be done in cold blood.

The President who has been sworn in on the 4th of March, 1917, would claim that he was the President because the constitutional amendment had not taken effect when he was sworn in. Who will undertake to say that the former President, whose term of office is extended by the terms of the amendment, would not have the right to also claim that he was President until the last Thursday in April? It seems to me that in adopting an amendment to the Constitution it ought at least to receive care enough to provide against a contingency of that sort. The simplest man can see the difficulty and I think could remove it by a short change in the phraseology, but under the rule by which we are operating now there is no chance for real consideration and no chance for real amendment to the proposition involved. And it seems to me that the only safe way to do is to vote against the change of parade day until at least a constitutional amendment has been properly prepared. If we want to amend the Constitution in reference to the term of President, what we ought to do is to make the presidential term six years and provide that a man can only be elected to that office for that one term. [Applause.] That would be the sensible thing to do. I heard the distinguished Speaker of this House, in an address some time this winter, declare that, in his judgment, the term of President ought to be six years and no chance for a President to use his office to seek a reelection. That is a proper amendment to the Constitution. Why do you not present something of importance to the people instead of a proposition to change parade day at the expense of difficulty perhaps as to when the term commences?

Mr. HENRY of Texas. Will the gentleman permit an interruption?

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. STERLING. Mr. Speaker, I now yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I think that all must realize the seriousness of the propositions that are before us. With the idea of the gentleman many of us sympathize, at least in part. I think there is coming a time when we will seriously consider whether there should be some change regarding the provision of the Constitution with regard to the length of the presidential term and, perhaps also, of the date of its commencement. And I think we are also of agreement upon the proposition that it is unfortunate that the service of Congressmen should commence so long after the election. But, Mr. Speaker, I very seriously doubt the wisdom of placing in one amendment two propositions relating to two separate departments of the Government. We ought to consider them, perhaps, with relation to each other, but I do not think they ought to be submitted to the people of the country together. There might be those who would support the one and not the other, and the expediency or wisdom of supporting the one and not the other provision might be dependent upon entirely different causes; and so it seems to me that it would have been much better if these proposed amendments should have been submitted to this House for consideration separately. I can hardly believe that gentlemen of the House can support this first section of this proposed amendment in its present form. It is so drawn that no one can tell what its effects may be. Notice its language:

> Beginning with the Sixty-third Congress the terms of office of the President and Vice President, etc., shall be determined, etc.

We are here called upon to determine when the term of President shall commence by the time when the Congress shall

be elected; and, as was suggested by the gentleman from Illinois, unless three-fourths of the States shall have adopted this constitutional amendment before the election which is referred to by this section, then no one knows what this amendment may mean or what its effect will be. Certainly if the idea is worthy of serious consideration, then this section ought to be redrawn. I can hardly think, Mr. Speaker, that gentlemen here present can believe that it would be wise for us to adopt it in its present form because of these serious and inherent defects. It is to become a part of our fundamental law, not a law that may be repealed by any succeeding Congress; and if gentlemen really desire the idea that they suggest should become a part of the Constitution of the United States they should so frame it that it will be defensible in the arenas of the several States when they are called upon to consider it. It seems to me that gentlemen are very unwise who desire to see these changes made in thus presenting them for consideration. I should not favor under any circumstances a change of the Constitution that would provide that the Congress should commence on the first Tuesday of January and that the President should not be inaugurated until the last of April.

That certainly would be placing the President and Congress under embarrassments which it is easy to anticipate at this time and which might work great evil. The term of the President of the United States should commence, if a change is made in the date of the commencement of congressional terms, the last of January, or else the congressional term should be changed until it can approximately, at least, commence at the same time when the term for the President commences. I am certain, Mr. Speaker, that there can be no question as to the unwisdom of attempting to submit this amendment to the States. [Applause.]

The SPEAKER. The gentleman has consumed seven minutes.

Mr. TOWNER. Mr. Speaker, I yield back the balance of my time.

Mr. STERLING. I will ask the gentleman from Wisconsin [Mr. LENROOT] how much time he desires?

Mr. LENROOT. Perhaps not over 10 minutes.

Mr. STERLING. I yield 15 minutes to the gentleman from Wisconsin.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 15 minutes.

Mr. LENROOT. Mr. Speaker, I am heartily in favor of the more important provisions of this resolution. I am frank to say that I believe there is much to be said concerning the point raised by the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. TOWNER]. But even conceding that their construction of the first paragraph be correct, I have no hesitation in saying that—admitting it is defective in that respect—it is less defective than is the present Article XII taken as a whole. The more important part of this resolution is that which provides for Congress beginning its sessions 60 days after the election of its Members instead of the present method of a Congress remaining here and legislating after it has been repudiated by the people. That, to my mind, is the most important thing in this resolution, and if we must accept some defects in some contingencies, remote as they are, I am willing to trust another House to correct the defect named by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. What would the gentleman say as to the proposition of the time for electing Senators? In my State, and in most of the other States, the legislature meets in January. In our State next year we elect a Senator to succeed the senior Senator from Illinois. If this amendment had been in the Constitution we would have had to elect a Senator two years ago. Is this on the theory of getting men fresh from the people by electing them two years earlier than otherwise provided by law?

Mr. LENROOT. There may be something in the suggestion of the gentleman. I want to get back in the short time I have to what I consider the main proposition, and if the gentleman from Illinois [Mr. MANN] is correct, that if this resolution, adopted in its present form, will not permit the election of Senators by legislatures, as they are now elected, but would compel their election two years previous to the time they should assume their office, then I would thoroughly agree with the gentleman from Illinois that this resolution should not be adopted in its present form. But, Mr. Speaker, one most serious defect in the resolution in its present form, to my mind, is that which extends the term of the President and makes his term begin on the last Thursday in April. If that should be adopted in that form, we have this situation: A Congress commences its business on the second Tuesday in January, fresh from the people, but the old President, through half of the life of that Congress, acts as President, but in the middle of that session a new President comes in.

Let us suppose, Mr. Speaker, that we had an entire change of policy; that the old President is of one political party, the newly elected President is of another political party; then we would have nothing but chaos in that session of Congress. I propose and shall offer an amendment providing that the term of the President shall begin on the last Thursday in January, 16 days after the term of the Congressmen begins—16 days after the Congress convenes. That, Mr. Speaker, will give the new Congress 16 days in which to canvass the vote, and if the election should be thrown into the House it gives them 16 days in which to elect the President, if that shall be their duty.

Now, it may be said that that is too short a time. But, Mr. Speaker, we have national conventions, two of them, shortly coming on, with a prospect of a deadlock in one and perhaps in both of them, and yet no one will say that two weeks would not be ample time for either of those conventions to come to an agreement as to who their nominee for President shall be. And so two weeks will be ample time for the House of Representatives to canvass the vote or, if the election shall be thrown into the House, to elect a President.

Mr. Speaker, I wish to offer an amendment, which I will send to the Clerk's desk.

Mr. MANN. Before the gentleman offers his amendment, will he yield for a question?

Mr. LENROOT. Yes.

Mr. MANN. Suppose it would take two weeks to organize the House of Representatives, as it has done in the past on a number of occasions?

Mr. LENROOT. I will say in reply to that that it is not necessary, in order for the House to canvass the vote and perform its duty under this resolution, that it should organize through the election of a Speaker. The old Clerk calls the House to order, and it is a legal House, and it has done business in the past before the organization is completed by the election of a Speaker. And furthermore, it is within the power of the House to elect a Speaker pro tempore, and the action of the House would be entirely legal in canvassing the vote and electing a President, if that be its duty, whether the House be fully organized or not.

Mr. MANN. Even if there were contests, which in all likelihood would not be settled by that time?

Mr. HENRY of Texas. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HENRY of Texas. I call the gentleman's attention to the fact that that was done in the First Congress.

Mr. MANN. But there were no contests.

Mr. HENRY of Texas. But it was done.

Mr. MANN. Anybody can see that there might be a great many contests under that arrangement.

Mr. GARNER. I would like to ask the gentleman what he thinks of the provision providing for the election of Senators two years in advance?

Mr. LENROOT. I have not looked into that.

Mr. MARTIN of South Dakota. Mr. Speaker, will the gentleman permit an interruption?

The SPEAKER pro tempore (Mr. CLAYTON). Does the gentleman yield?

Mr. LENROOT. Yes.

Mr. MARTIN of South Dakota. Does not the gentleman think that this House should be pretty sure about these fundamental matters before voting for a proposition of this kind?

Mr. LENROOT. Yes. It has been suggested to me, and there is no doubt in my mind about it, that long before 1917 Senators of the United States will be elected in November by popular vote, just as Representatives are now elected; and if that be true, of course the contention of the gentleman from Illinois [Mr. MANN] will not amount to anything.

Mr. RODDENBERY. Will the gentleman yield?

Mr. LENROOT. I do.

Mr. RODDENBERY. Under the rule, can we have the gentleman's amendment reported?

Mr. LENROOT. I have asked to have it reported.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. LENROOT.]

The Clerk read as follows:

Amend House joint resolution 204 by striking out the word "April" wherever the same occurs in the resolution and insert in lieu thereof the word "January."

Mr. LENROOT. Now, Mr. Speaker, that amendment, if adopted, will mean just this: That the President will take his office on the last Thursday in January instead of the last Thursday in April, as provided by the present resolution. And, furthermore, Mr. Speaker, it will entirely obviate the criticism that has been made by the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. TOWNER] as

to the first section of the bill, because if the date is fixed on the second Thursday in January it would be an absolute impossibility for a newly elected President to take his office on the 4th of March, and the question then could not arise as to who was the President between the 4th of March and the last Thursday of April. So that, Mr. Speaker, if this amendment is adopted, it will make the first paragraph entirely clear, and there will be no possible danger of any misconstruction that might possibly be given to the paragraph.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Nebraska?

Mr. LENROOT. I do.

Mr. SLOAN. Does not the gentleman think it would be better, instead of fixing it as specified in the first section, as being this date following the election of the Sixty-third Congress, that the section should be changed so that it would read, "following the ratification of the amendment by the required number of States," so that it would be operative if it were adopted?

Mr. LENROOT. I have no objection to such a change. I am speaking now only of the amendment that I proposed, if it be adopted. Under that there will be no possible danger of the contingency arising spoken of by the gentleman from Illinois [Mr. MANN] and the gentleman from Iowa [Mr. TOWNER].

Now, Mr. Speaker, we get back to what this means. It means that if this amendment be adopted and this resolution be passed and finally ratified, we will have the administration, both executive and legislative, coming into power practically at the same time, as they ought to. There will be only 16 days' difference between the time the President takes office and the time Congress enters upon its duty, and there can be no objection to that short period of time, because we all know as a practical matter that no legislation is sent to the President during the first 10 days of a session of Congress.

Now, Mr. Speaker, a parliamentary inquiry. I have another amendment on another subject that I desire to offer.

Mr. NORRIS. Mr. Speaker, before the gentleman leaves that I want to call his attention to the effect of his amendment to the first section, on page 2, line 1. Supposing the date were changed, as he suggests in line 2, from April to January, then the words "shall continue until" will not fit. I have an amendment prepared that I was going to offer on the subject, until the gentleman offered his. The words ought to be "shall expire." It would shorten the term, the gentleman must remember, instead of lengthening it.

Mr. LENROOT. Yes; that is true.

Mr. NORRIS. So that the particular language, if left that way, would have no meaning.

Mr. LENROOT. I think the construction would be the same, but there is no question that the phraseology suggested by the gentleman would be preferable.

Mr. NORRIS. If the time is changed from after the 4th of March until before the 4th of March, then the term would expire sooner than it otherwise would.

Mr. DIES. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Texas.

Mr. DIES. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of no quorum present. The Chair will count. [After counting.] Seventy-nine Members present, not a quorum.

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HENRY of Texas. If the House should adjourn at this time, will the pending matter be a special continuing order when the House next meets?

Mr. MANN. That is pretty hard on unanimous-consent day, if it is a continuing order.

The SPEAKER pro tempore. The Chair is of the opinion that an adjournment now could not displace the order for unanimous-consent or suspension day.

Mr. HENRY of Texas. Then will it be a special continuing order on the following day, Tuesday?

The SPEAKER pro tempore. The present occupant of the chair would hesitate to go into the field of prophecy. [Applause.] The Speaker of the House might rule on that when the contingency arose.

Mr. HENRY of Texas. Mr. Speaker, this is a parliamentary inquiry and a respectful one, and the present occupant of the chair has the power of the permanent occupant in reference to a question of this sort.

Mr. MANN. That matter may require argument.

The SPEAKER pro tempore. The Speaker of the House might not agree with the opinion of the present occupant of the chair when that question arose; but the present occupant of the chair will give the gentleman his off-hand opinion, if he desires it, rather than be considered discourteous, as the present occupant of the chair, like the Speaker, desires to be courteous at all times.

Mr. HENRY of Texas. I should like the Chair's opinion.

The SPEAKER pro tempore. The Chair is of the opinion——

Mr. DIES. A point of order, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman from Texas allow the Chair? The personal opinion of the present occupant of the chair is that the pending matter would be the business properly before the House on Tuesday.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERY. Is not the question presented by the gentleman from Texas purely a question of order?

Mr. HENRY of Texas. I move that the House do now adjourn.

Mr. STERLING. Mr. Speaker, I do not think that motion is in order when the gentleman from Wisconsin [Mr. LENROOT] has the floor, and his time has not expired.

The SPEAKER pro tempore. The point of order was made that no quorum was present, and the Chair counted and ascertained that there were only 79 gentlemen present.

Mr. MANN. I make the point of order that a motion to adjourn is not in order. The House has full privilege to adopt a rule which shuts out a motion to adjourn, and the rule which the House adopted this afternoon provides that at the expiration of four hours a vote shall be taken upon the resolution. Now, the House having adopted an order of that kind, it is not within the province of the House to adjourn unless it reconsiders the vote by which it adopted the order.

The SPEAKER pro tempore. The Chair will rule on the point of order raised by the gentleman from Illinois, and the Chair holds that it is quite competent for the House to entertain and pass upon a motion to adjourn at any time.

Mr. MANN. Before the Chair overrules the point of order, will the present occupant of the Chair permit me to call his attention to the ruling made by the Speaker this afternoon, that under the rule a vote would be taken four hours, numerically, after the consideration of the resolution was begun, regardless of the amount of time consumed in debate, or the amount of time consumed in roll calls, or a point of no quorum, or a call of the House, or otherwise.

The SPEAKER pro tempore. That assumed that a quorum of the House would be in session at the expiration of the four hours, in which case it might be a correct position to say that the House must then come to a vote on the pending resolution. But the Chair is still of the opinion that the House can adjourn in the existing condition at any time short of the four hours.

Mr. DIES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DIES. In view of the fact that I raised a question of personal privilege and the Speaker held that the rule having provided for four hours, at the end of which time a vote should be taken, that that must be carried out, no matter what the stomach of the House was, does the Chair hold that a motion to adjourn has preference over the question of personal privilege?

The SPEAKER pro tempore. The Chair thinks the motion to adjourn is a superior motion to the desire of the gentleman from Texas to be heard on a question of personal privilege.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. How did the gentleman from Texas get the floor to make the point of order that there was no quorum present? Can the gentleman from Texas take a Member off the floor for the purpose of making a point of order that there was no quorum present?

The SPEAKER pro tempore. The question raised by the gentleman from Texas [Mr. GARNER] is very easy of solution. The gentleman from Texas [Mr. DIES] got recognition of the Chair; the Chair thought he was going to raise a parliamentary question, which he did, and the Chair has ruled upon it. The Chair is still of the opinion that the House can not do anything in the present situation, there not being a quorum present, and that the motion of the gentleman from Georgia [Mr. RODDENBERY] that the House do now adjourn is in order.

Mr. GARNER. Then, if I understand the occupant of the chair, when a gentleman is addressing the House and another gentleman arises in his place and says, "Mr. Speaker, a parliamentary inquiry," and the Speaker recognizes him and he makes a point of no quorum, he takes him off his feet.

Mr. MANN. This is mere debate. Anybody can make the point of no quorum at any time.

The SPEAKER pro tempore. The gentleman from Texas must bear in mind that the question of no quorum was raised, and was raised in a proper way, and there was no objection to its being raised. The Chair proceeded to count, and ascertained that there was no quorum present. The Chair is still of the opinion that there was no quorum present and of the opinion that the motion made by the gentleman from Georgia is in order.

Mr. HENRY of Texas. Mr. Speaker, I understand the motion to adjourn is pending.

The SPEAKER pro tempore. The pending motion is the motion of the gentleman from Georgia [Mr. RODDENBERRY] that the House do now adjourn, and it is not debatable.

The question was taken, and the motion was agreed to.

ADJOURNMENT.

Accordingly the House (at 4 o'clock and 50 minutes p. m.) adjourned until Monday, June 3, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. EVANS, from the Committee on Military Affairs, to which was referred the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington, reported the same with amendment, accompanied by a report (No. 815), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FINLEY, from the Committee on Printing, to which was referred the bill (S. 4239) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported the same with amendment, accompanied by a report (No. 816), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARDY, from the Committee on the Territories, to which was referred the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, reported the same with amendment, accompanied by a report (No. 818), which said bill and report were referred to the House Calendar.

Mr. TUTTLE, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes, reported the same with amendment, accompanied by a report (No. 819), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RUCKER of Colorado, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6544) for the relief of the heirs of John W. West, deceased, reported the same without amendment, accompanied by a report (No. 820), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank under certain conditions, reported the same with amendment, accompanied by a report (No. 821), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 25034) to reduce the duties on manufactures of cotton; to the Committee on Ways and Means.

By Mr. RUSSELL: A bill (H. R. 25035) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Nebraska: A bill (H. R. 25036) for purchase of a site and the erection thereon of a public building at Central City, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. BRADLEY (by request): A bill (H. R. 25037) to protect persons in extreme cases of illness against suffering and danger from unnecessary noises; to the Committee on the District of Columbia.

By Mr. GREGG of Texas: A bill (H. R. 25038) to provide for the purchase of a site for a public building in the city of Crockett, in the State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 25039) for the relief of the widows of Union soldiers, sailors, or marines; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 25040) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. RAUCH: A bill (H. R. 25041) to provide for the erection of a public building in the city of Huntington, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. SULLOWAY: Resolution (H. Res. 562) to pay Herman Gauss for services rendered Committee on Invalid Pensions; to the Committee on Accounts.

By Mr. RODDENBERY: Resolution (H. Res. 563) for consideration of H. R. 22527; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 25042) granting an increase of pension to Ophelia L. Reynolds; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25043) granting a pension to Eliza J. Seay; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 25044) granting an increase of pension to Mary Caroline Dumas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25045) authorizing and directing the Treasurer of the United States to issue duplicates of certain Government bonds; to the Committee on Ways and Means.

By Mr. KONOP: A bill (H. R. 25046) granting a pension to Louisa Crane; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 25047) granting a pension to Francis S. Torback; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 25048) granting an increase of pension to Charles B. Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25049) for the relief of the legal representatives of James Bronson; to the Committee on War Claims.

Also, a bill (H. R. 25050) for the relief of Henry C. Pearson; to the Committee on War Claims.

By Mr. LEVY: A bill (H. R. 25051) for the relief of James B. Burbank; to the Committee on War Claims.

By Mr. LEWIS: A bill (H. R. 25052) for the relief of the three loyal heirs of Charles M. Butler and Elizabeth Francis Butler; to the Committee on War Claims.

By Mr. LITTLEPAGE: A bill (H. R. 25053) for the relief of Henry C. Bates; to the Committee on War Claims.

By Mr. McGILLICUDDY: A bill (H. R. 25054) granting a pension to James Devine, alias James Smith; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 25055) granting a pension to Dempsey P. Wilder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25056) to remove the charge of desertion from the military record of Solomon Slaughter; to the Committee on Military Affairs.

By Mr. PUJO: A bill (H. R. 25057) granting a pension to Caroline Reese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25058) for the relief of Laulette Snowden (formerly Stafford); to the Committee on War Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 25059) granting a pension to Lucy A. Fay; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 25060) for the relief of Joe Cook; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 25061) for the relief of Squire Simes; to the Committee on War Claims.

By Mr. FIELDS: A bill (H. R. 25062) for the relief of the trustees of the Methodist Episcopal Church South, of Louisa, Ky.; to the Committee on War Claims.

By Mr. GOODWIN of Arkansas: A bill (H. R. 25063) for the relief of Turner Butler; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of St. Dominik Society, No. 269, of Metz, Mich.; of St. Isadores Society, No. 285, of Blue Island, Ill.; and of the directors of the Polish Roman Catholic Union of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolution of St. Stanislas Kostka Society, No. 514, of Homestead, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Coshocton (Ohio) Council, No. 65, Junior Order United American Mechanics, favoring passage of bill relative to garb in Indian schools; to the Committee on Indian Affairs.

Also, petition of Vorter & Bangham and 10 other merchants of Shreve, Ohio, favoring regulation of express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Petitions of local Santa Maria Socialist Party, of Santa Maria, Cal.; of local Bristol Socialist Party, of Bristol, Conn.; of Branch No. 434, Workmen's Circle, of New Haven, Conn.; of Russian branch Socialist Party, of Chicago, Ill.; of 10 citizens of Pullman, Ill.; of the Lithuanian Socialist Federation of America, of Clinton, Ind.; of the Lithuanian Socialist Federation of America, of Lewiston, Me.; of Socialist clubs (250 members) of Beverly, Mass.; of Scandinavians of Greater Boston, Norwood Lithuanian Socialist Federation of America, Quincy Scandinavian branch Socialist Party, and Roxbury Lettish branch Socialist Party, of Boston, Mass.; of Hancock Copper Miners' Union, No. 200, of Hancock, Mich.; of I. Rodin, of St. Louis, Mo.; of Lettish branch Socialist Party, of Newark, N. J.; of local Passaic County Socialist Party and of local Passaic County Workingmen's Circle, of Paterson, N. J.; of the mass meeting of fifteenth assembly district of the Socialist Party and United Polish Societies, of Brooklyn, N. Y.; of the Benevolent Society for Propagation of Cremation, of the Bronx, N. Y.; of the Atlantic Seamen's Union; of Branch No. 7, Socialist Party; of Manhattan Lodge, No. 7, Brotherhood of Machinists; of German Machinists' Benevolent Association of New York; of International Union of the United Brewery Workers; of Jewish branch of Socialist Party; of Ladies Waist and Dress Makers' Local Union, No. 25; of Socialistische Liedertafel; of Typographia No. 7; of Local Unions Nos. 476 and 497, United Brotherhood of Carpenters and Joiners of America; of Workmen's Circle; of Workmen's Sick and Death Benefit Fund of the United States of America; and of Wood Carvers and Modelers' Association, of New York City; of conference for the aid of the Socialist campaign in Russia, citizens in town meeting, citizens in mass meeting, Italo-American Alliance of the United States of America, and the Socialist Party, of Philadephia, Pa.; of 73 citizens and Lithuanian Alliance of America, of Pittston, Pa.; of 500 citizens in mass meeting, of Mahanoy City, Pa.; of English, German, and Finnish branches of Socialist Party, of Pawtucket, R. I.; of Baron Hirsch Lodge, No. 159; of 205 citizens; of Independent Harmony Lodge, No. 282; of Polish National Alliance, Nos. 179 and 611; and of United Israelite Society of Wisconsin, of Milwaukee, Wis., opposing the Dillingham bill and especially the Root amendment incorporated therein; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Resolution of St. Wasil Society, Wilkes-Barre, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Daughters of Liberty of Pittston and Hazleton, Pa., and of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of State Camp, Patriotic Order Sons of America, favoring passage of the Dillingham bill providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Papers to accompany bill to protect persons in extreme cases of illness against suffering and danger from unnecessary noises; to the Committee on the District of Columbia.

By Mr. BUCHANAN: Petition of the Polish National Alliance of America, and the Italo-American Alliance, and others, protesting against House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railroad Trainmen, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. COX of Indiana: Petition of merchants of Scottsburg, Ind., against passage of bills changing present patent laws; to the Committee on Patents.

By Mr. DICKINSON: Papers to accompany bill granting a pension to J. Walter Craig; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolution of a number of citizens of Normal, Ill., favoring an appropriation of $250,000 in enforcing white-slave-traffic; to the Committee on Ways and Means.

Also, resolutions of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of State Camp, Patriotic Order Sons of America, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of Prospect Heights Citizens' Association of New York, favoring passage of the Page bill to encourage instruction in agriculture, etc.; to the Committee on Agriculture.

Also, resolutions of the Richmond Chamber of Commerce, of Richmond, Va., favoring adequate monetary legislation; to the Committee on Banks and Currency.

By Mr. FULLER: Petition of Reynolds Piano Co., of De Kalb, Ill., protesting against the enactment of any legislation proposing to change the patent law; to the Committee on Patents.

Also, petition of P. D. Ellithorpe, Fresno, Cal., favoring passage of House bill 1339, granting increase of pensions to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the American Mining Congress, favoring passage of House bill 17260, to provide a new organic act for the Bureau of Mines, etc.; to the Committee on Mines and Mining.

Also, petition of the Second Congregational Church of Rockford, Ill., in favor of the passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GOOD: Petition of citizens of the State of Iowa, favoring passage of House bill 22339 and Senate bill 6172, against the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Resolution of the Lithuanian Socialist Federation of America, of Minersville, Schuylkill County, Pa., against passage of House bill 22527, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the United States Civil Service Retirement Association of Washington, D. C., protesting against any legislation that tends to reestablish the spoils system; to the Committee on Appropriations.

By Mr. POU: Petition of J. K. Parker and others, of North Carolina, against gambling in farm products; to the Committee on Agriculture.

Also, petition of the Junior Order United American Mechanics and of the Farmers' Union, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. POWERS: Resolution of the Brotherhood of Locomotive Engineers, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PUJO: Papers to accompany bill granting a pension to Caroline Reese; to the Committee on Invalid Pensions.

By Mr. REILLY: Petition of the New Haven Chamber of Commerce, of New Haven, Conn., favoring passage of House bill 19227; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of the Associated Charities of Boston, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Associated Charities of Boston, Mass., protesting against the making of a one-half cent piece as a unit; to the Committee on Banking and Currency.

By Mr. ROBINSON: Petition of Phenix Lodge, No. 279, Independent Order B'nai B'rith, of Pine Bluff, Ark., against passage of House bill 22527, restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of Pride of Denver Lodge, No. 333, Independent Order B'rith Abraham, and Western Lodge, No. 260, Independent Order B'rith Sholom, Denver, Colo., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Jesse Setter and others, of Denver, Colo., favoring the building of a battleship in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of J. W. Sanford and others, of Denver, Colo., favoring the enactment of an old-age pension law; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., favoring passage of House bill 22527, for restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of citizens of St. Paul, Minn., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

SENATE.

MONDAY, *June 3, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Ophelia Alvey, daughter and sole heir of James T. Brothers, deceased, *v.* United States (S. Doc. No. 754);

John A. Bull *v.* United States (S. Doc. No. 753);

Charles L. Byam *v.* United States (S. Doc. No. 752);

Robert A. Cameron *v.* United States (S. Doc. No. 751);

John P. Campbell *v.* United States (S. Doc. No. 750);

Emma A. Campbell, widow of John W. Campbell, deceased, *v.* United States (S. Doc. No. 749);

L. S. Exum, Amanda C. Maners, Eliza Lancaster, Josephine Anderson, Ella Thompson, brother and sisters, and J. R. League, son of Minerva League, sister, sole heirs of James T. Exum, deceased, *v.* United States (S. Doc. No. 748);

Jane F. Hawkins, sister, Albert Hodge, nephew, and Binnie Hodge, niece, sole heirs of Michael T. Hall, deceased, *v.* United States (S. Doc. No. 747);

Thomas Heimback *v.* United States (S. Doc. No. 746);

Edgar A. Kimmel and Henry T. Kimmel, sons, and sole heirs of George Kimmel, deceased, *v.* United States (S. Doc. No. 745);

Martha H. Alburty, Adella J. Teed, and Frank E. Martin, children, and Margaret Burke, Mary Flynn, Charles Martin, Ethel Belle Davies, and Adella Phillips, grandchildren, sole heirs of Charles E. Martin, deceased, *v.* United States (S. Doc. No. 744);

Henry B. Mason *v.* United States (S. Doc. No. 743);

Robert E. Mason and Helen E. Bruce, children and sole heirs of Pardon Mason, deceased, *v.* United States (S. Doc. No. 742);

Robert T. Moore, son and sole heir of William Moore, deceased, *v.* United States (S. Doc. No. 741);

Charles H. Murch *v.* United States (S. Doc. No. 740);

Edward S. McCalmont, executor of John S. McCalmont, deceased, *v.* United States (S. Doc. No. 739);

Augustus A. McCollom *v.* United States (S. Doc. No. 738);

Thomas McConnell *v.* United States (S. Doc. No. 737);

Elizabeth J. Champion, widow of James P. W. McCurdy, deceased, *v.* United States (S. Doc. No. 736); and

John P. McDougal *v.* United States (S. Doc. No. 735).

The foregoing findings were, with accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage to Members of the House of Representatives during the temporary disability of the said U. S. Jackson, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands;

S. 3967. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads; and

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Rockford Frame & Fixture Co., of Illinois, remonstrating against the proposed reduction of the appropriation for the maintenance of the Bureau of Trade Relations, which was referred to the Committee on Appropriations.

Mr. GALLINGER presented a petition of members of the Woman's Auxiliary of Lancaster, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District; which were referred to the Committee on the District of Columbia.

Mr. JOHNSTON of Alabama. I present a petition signed by sundry officers, ministers of the Gospel, and many other prominent citizens, of Wadeville, Ala., in regard to the liquor traffic. I ask that the petition be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

The undersigned citizens of Tallapoosa County, in the State of Alabama, a county in which the legalized sale of intoxicating liquors has been prohibited by the vote of the qualified electors of the county under the laws of the State of Alabama, and believing that the citizens of each State should have the right to prohibit the sale of such liquors in the State or any subdivision thereof, without interference by the Federal Government, and that the Federal Government should not grant a license to any person to sell such liquors in any State or any county thereof in which the sale of same is prohibited by the laws of such State, and that no authority should be granted by the Federal Government to any person to ship or transport any such liquors from a State where the sale of same is permitted by law into a State, or any county thereof, where the sale of same is prohibited by the laws of the State.

We therefore most respectfully memorialize your honorable body in behalf of the Kenyon-Sheppard bill and pray its adoption.

Mr. RAYNER. I present a memorial signed by 7 citizens of Baltimore, Md., remonstrating against the passage of Senate bill 1, known as the Owen bill, or any similar medical legislation. I ask that the memorial, together with the signatures, lie on the table and be printed in the RECORD.

There being no objection, the memorial, together with the signatures, was ordered to lie on the table and to be printed in the RECORD, as follows:

To the Congress of the United States:

We, the undersigned citizens of the United States, do earnestly ask Congress not to pass Senate bill No. 1, known as the Owen bill, or any similar medical legislation.

L. S. Taylor, 103 North Monument Street, Baltimore, Md.; George R. Gaither, 602 Cathedral Street, Baltimore, Md.; Frank T. Harrison, Catonsville, Md.; C. T. Harrison, Woodlawn, Md.; C. T. Williams, Druid Apartments, Baltimore, Md.; C. E. Slee, 103 West Monument Street, Baltimore, Md.; E. Crump, 103 West Monument Street, Baltimore, Md.

Mr. CULLOM presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Chicago, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Merchants' Association of Manila, P. I., remonstrating against the enactment of legislation placing certain restrictions upon the sale of the so-called friar lands in the Philippine Islands, which was referred to the Committee on the Philippines.

Mr. NELSON presented resolutions adopted by the International Association of Master House Painters and Decorators of the United States and Canada, in convention at Rochester, N. Y., favoring Government supervision and control over labor unions, which were referred to the Committee on Education and Labor.

He also presented a memorial of Baron Hirsch Camp, No. 28, Woodmen of the World, of Minneapolis, Minn., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. RICHARDSON presented a memorial of sundry citizens of Wilmington, Del., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. McLEAN presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Derby, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented a memorial of the Board of Trade of Holland, Mich., and a memorial of the Chamber of Commerce of Lansing, Mich., remonstrating against any reduction of the duty on sugar, which were ordered to lie on the table.

He also presented a petition of members of the Real Estate Board, of Detroit, Mich., praying that an appropriation be made for the construction of a public highway from Washington, D. C., to Gettysburg, Pa., as a memorial to Abraham Lincoln, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, submitted an adverse report (No. 840) thereon, which was ordered to be printed.

Mr. SIMMONS, from the Committee on Finance, submitted the views of the minority on the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, which were ordered to be printed as part 2 of Report No. 840.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, reported it with amendments and submitted a report (No. 841) thereon.

SALARIES AND MILEAGE OF MEMBERS.

Mr. WARREN. Mr. President, I understand there is an emergency matter on the desk that has been received from the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate House joint resolution 323.

Mr. WARREN. The Committee on Appropriations have examined the joint resolution, and I move that it be formally referred to the committee, which will favorably report it and ask for its passage.

The joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson was read twice by its title and referred to the Committee on Appropriations.

Mr. WARREN subsequently said: I report back from the Committee on Appropriations favorably, and without amendment, the joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. STONE. Mr. President, I should like to ask the chairman of the Committee on Appropriations if he can tell whether, if this joint resolution be passed, it would authorize the signature necessary to the payment of the salaries of subordinate officers of the House of Representatives?

Mr. WARREN. I understand the joint resolution simply empowers one of the assistants to do what the principal would do if he were well and able to do the work.

Mr. STONE. As I heard it read, it was simply to authorize the assistant to sign what the principal might have signed in the payment of the salaries and mileage of Members of the House of Representatives. Does the Senator from Wyoming know whether that signature is necessary for the payment of salaries of the subordinate officers?

Mr. WARREN. I do not. It is entirely a House matter, which came here for the relief of the House. It does not apply to any other department except the officers of the House. Therefore, I assumed that the House had investigated it and that the joint resolution was in proper shape.

Mr. STONE. I presume that is so.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7028) for the relief of Fanny A. Crocker (with accompanying papers); to the Committee on Indian Depredations.

By Mr. FLETCHER:

A bill (S. 7029) for the relief of the heirs at law of Bartlett Baker and others; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on Public Lands.

By Mr. MARTIN of Virginia:

A bill (S. 7031) for the relief of L. L. Scherer; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 7032) granting an increase of pension to Patrick J. Whelan (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7033) for the relief of Henry States; to the Committee on Public Lands.

By Mr. REED:

A bill (S. 7034) for the relief of the estate of Jacob Keeney, deceased; and

A bill (S. 7035) for the relief of Charles Banshaf and others; to the Committee on Claims.

A bill (S. 7036) granting an increase of pension to John F. Burton (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 7037) for the relief of John Green and others, of the State of Idaho; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 7038) to promote the safety of ocean navigation; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $1,750,000 toward the construction of eight submarine torpedo boats, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $5,000 to enable the Commissioner of Fisheries to investigate the method of fishing known as beam or otter trawling, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Fisheries and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. GALLINGER submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly

known as the Bowman and the Tucker Acts, which were ordered to lie on the table and be printed.

ANTI-THIRD TERM LEAGUE.

Mr. GALLINGER. On the 16th of May last I presented a petition from ex-Senator Henry W. Blair, president of the Anti-Third Term League, which was printed in the RECORD at my request. I have a brief paper from ex-Senator Blair somewhat explanatory of that petition, and I make the same request—that it may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

We have organized the National Anti-Third Term League because we believe the integrity of our form of government and the preservation of our free institutions are seriously threatened by the proposed candidacy of Mr. Roosevelt for a third term.

To be sure, he is the only person in the country who could possibly be such a candidate at the present time, for he is the only one who has had a second term. But our special opposition is not to him as a man or on account of the principles or want of principles which he may represent, but to the third term itself.

We protest against the indorsement of the third term, which is implied by the election of delegates pledged to vote for him as a candidate in the national convention.

We protest that his name ought not to be considered at all in that convention because he is the third term itself.

We do not believe the Republican Party in any State designs to disregard the unwritten law which prohibits either the "form or the substance" of the third term of the presidency to any man, just the same "form and substance" of a third term as that which Mr. Roosevelt renounced and denounced in the most solemn manner.

We propose to help him redeem that pledge.

This is just what we are and mean.

THE NATIONAL ANTI-THIRD TERM LEAGUE.
HENRY W. BLAIR, *President*.

Organized May 6, 1912.
Headquarters: Rooms 808-809 Colorado Building.

PLATFORM.

No third term, either "in form or substance," for any man as President of the United States.

INDORSERS.

On the 4th of March next I shall have served three and a half years, and those three and a half years constitute my first term.

The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

THEODORE ROOSEVELT.

(After his election to the Presidency November, 1904.)

Three years afterwards he said he had not changed and should not change.

Roosevelt is not eligible and has no moral or legal right to be a candidate at all. He can not be President again, for he has had two terms. He has said so himself. There are millions of Republicans who will never vote for him as President again. It is against the unwritten law, which is the strongest of all laws. No candidate or faction or convention can, and the people never will, repeal it. Roosevelt is impossible. George Washington or Abraham Lincoln, if now running for President, would be defeated. I certainly for one would vote against both, and I am among the most conservative and hidebound of Republicans. I helped to organize the party, and have fought for it through thick and thin, both in war and in peace. A third term is revolution. It leads first to anarchy and then to monarchy and slavery—straight to the disfranchisement of both races and the practical reenslavement of the colored man.

It is the first step that costs. Revolutions never go backward.

The third term makes the United States first a Mexico and then a Russia.

But there will be no third term. Mark that.

THE CONSTITUTION OF THE UNITED STATES (S. DOC. NO. 755).

The PRESIDENT pro tempore. Is there further morning business?

Mr. CLARK of Wyoming. Before morning business is closed, I desire to ask unanimous consent for an order. I hold in my hand a document entitled "The Constitution of the United States of America." I ask that it be printed as a Senate document, and that a thousand additional copies be also ordered printed, and I further ask that the document, with the exception of the index, be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the Constitution of the United States be printed as a document, and also that it be printed in the RECORD excepting the index, and that a thousand additional copies be printed for the use of the Senate. Is there objection?

Mr. SMOOT. I should like to ask the Senator why he wants to have the Constitution printed as a public document.

Mr. CLARK of Wyoming. For the information and for the benefit of the public. Considerable interest is being evinced. I will say, throughout the United States to-day as to the present Constitution and proposed amendments. I think it would be a matter of public interest.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The order as agreed to was reduced to writing, as follows:

Ordered, That the Constitution of the United States of America be printed as a document, also that 1,000 additional copies be printed for the use of the Senate.

The Constitution of the United States is as follows:

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the Constitution for the United States of America.

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

No person shall be a Representative who shall not have attained to the age of 25 years, and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least 1 Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose 3; Massachusetts, 8; Rhode Island and Providence Plantations, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; and Georgia, 3.

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers and also a President pro tempore, in the absence of the Vice President or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the Members present.

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a Member of either House during his continuance in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President

of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding $10 for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The Congress may determine the time of choosing the electors and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been 14 years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed or a President shall be elected.

The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be

delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature or of the executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present the 17th day of September in the year of our Lord 1787 and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEO. WASHINGTON,
Presidt and deputy from Virginia.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any persons of life, liberty, or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference

with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 323) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson, and it was thereupon signed by the President pro tempore.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. Agreeably to the notice heretofore given, I move that the Senate proceed to the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

ANNIE R. SCHLEY.

Mr. RAYNER. I ask the Senator from Wyoming whether he will yield to me. I should like to call up the bill (S. 4568) granting an increase of pension to Annie R. Schley, the widow of the late Rear Admiral Schley. I wish to make a few remarks in reference to the career of Rear Admiral Schley.

Mr. WARREN. I assume that this particular case is rather an emergency.

Mr. RAYNER. It is an emergency.

Mr. WARREN. I will yield if there is no objection.

Mr. SMOOT. Before the Senator yields I should like to call attention to the fact that the chairman of the Committee on Pensions is not present in the Chamber, and I believe he desires to be present when that bill is considered.

Mr. RAYNER. I hope the chairman of the committee will not offer much opposition. He can be sent for. The bill has practically been here for about six months. I have been trying for about six months to make some headway with it, and I should like very much, for the reasons I will state, to have it acted on by the Senate.

Mr. WARREN. Unless there is objection from other quarters, I shall not object.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Simmons
Bacon	Curtis	McLean	Smith, Ariz.
Borah	Dillingham	Martin, Va.	Smith, Ga.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Bradley	Foster	Myers	Smoot
Brandegee	Gallinger	Nelson	Sutherland
Bristow	Gardner	Oliver	Thornton
Brown	Heyburn	Overman	Tillman
Bryan	Hitchcock	Page	Townsend
Burnham	Johnson, Me.	Perkins	Warren
Catron	Johnston, Ala.	Rayner	Watson
Chamberlain	Jones	Richardson	Wetmore
Clapp	Lea	Root	Williams
Clark, Wyo.	Lodge	Shively	Works

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained by public business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to the roll call. A quorum of the Senate is present.

Mr. RAYNER. Mr. President, the bill that I call up is the bill (S. 4568) granting an increase of pension to Annie R. Schley.

Mr. McCUMBER. Does the Senator wish to call it up simply for the purpose of an address, or for the purpose of asking unanimous consent that it be considered and passed on at this time?

Mr. RAYNER. To ask unanimous consent that it be considered and passed and for the purpose of addressing the Senate.

Mr. McCUMBER. I will not object when the Senator makes that statement.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent that the Senate proceed to the consideration of the bill (S. 4568) granting an increase of pension to Annie R. Schley. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "fifty," to strike out the words "one hundred and," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie R. Schley, widow of Winfield S. Schley, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. RAYNER. Mr. President, the bill is entitled "A bill granting an increase of pension to Annie R. Schley," and it provides:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie R. Schley, widow of Winfield S. Schley, late rear admiral, United States Navy, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving.

The committee reported $50 a month, and my motion to amend will be to increase the pension to $150 a month, as in the bill I originally introduced.

Mr. President, in offering this amendment to the bill of the Pension Committee, asking $150 a month for the widow of Admiral Schley instead of $50 a month as allowed by the committee, I desire to say that I have no comment whatever to make upon the action of the committee. With the committee it is a matter largely of precedent and of rules and regulations. With us in the Senate I apprehend it will be a matter of patriotism and impartial justice. It is really a pittance that I am asking for the widow of Admiral Schley in her comfortless and declining years. I do not regard it exactly in the light of a pension, because it is beyond that, a recognition of the memorable services that this gallant officer performed for his country at so many stations and places that it would be almost impossible to enumerate them in the brief presentation that I am making to the Senate. One thing is sure, and that is that if this amendment is adopted it will meet from one end of the Union to the other with the commendation of our countrymen.

Admiral Schley was esteemed during his life by all who knew him personally and admired by hundreds of thousands who did not know him personally, and now in death there is not even in bated breath a whisper of enmity upon the part of those who were hostile to him during his life.

Mr. President, we pay nearly $200,000,000 a year in pensions. Is there a patriot in the land, or in any section of it, who will criticize an allotment to his surviving widow of $150 a month? As the report shows, she is in dire need of it, and if she did not need it I would not be here asking for it on her behalf at the hands of an American Congress. She is without the means to erect a suitable memorial upon his grave. Just think of it. Would any other country on this earth deny her at least this tribute to his memory? He deserves more than a shaft of marble and an epitaph to commemorate him. He deserves in this Capital of the Nation a testimonial that shall speak to all the ages of his illustrious deeds. And even such a memorial will perish and decay before his memory shall depart from the thoughts and remembrance of posterity.

I do not intend to exaggerate the achievements of his career. He was criticized when he was alive, but of all the heartless vocations in the world that of the critic is the most unenviable. A critic is generally a person who has no reputation of his own, but who expects to rise in public estimation upon the ruins of those whom he attempts to detract and humiliate. As a rule, contemporary historians are not fair judges of the events that are transpiring around them. History has hardly ever been cor-

rectly written by any man who was the living witness of its events, because, generally, political prejudice and personal enmities enter into the narrative and the recital. The career of Admiral Schley seems to be an exception to this rule, because never in my life have I known a man so universally idolized by the Nation whom he served. He had but one idea in his mind, and every other plan and purpose of his life seemed to be subordinate to that, and that idea was his country. When he entered its service he took a vow upon its altars that he would devote and dedicate his life to its cause, and I challenge the bitterest enemy that he ever had to point to a single and isolated instance where he ever wavered or faltered when duty summoned him to the front. He never possessed the element of fear, he never knew what fear was, and I am satisfied that in his own mind the greatest ambition that he could have achieved would have been at any moment to have given up his life in defense of the Union that he helped to cement and whose colors he proudly carried in every clime, from the Arctic to the Torrid Zone.

Is the widow of such a hero to pass her years in desolation and in sorrow without the ordinary necessities of life? If so, then the history of civilization presents no parallel to a case like this, and the heart of the Nation would no longer thrill with the patriotic recognition of patriotic deeds.

I will not refer to history in support of the assertion that in the earliest days even heathen nations accorded to their heroes and to their surviving families the recognition to which they were entitled. I will take a modern instance in referring to the fact that when in the war Great Britain waged in Africa Khartum was captured by a British general, the same year in which Schley destroyed the Spanish fleet at Santiago, all the honors were heaped upon her commander that a government could bestow. There was conferred upon him a great title at the hands of the Crown; he was voted the gratitude of both houses of Parliament; an enormous fund was subscribed to found a university in the capital that he captured; he was made governor general of the territory in which his services were rendered, and was granted a pension equal to $150,000 in American money.

This Republic, I know, will not be ungrateful. I will not rehearse at this moment a detailed description of his achievements in almost every quarter of the globe to which he had been sent. He has written his own biography in modest and accurate terms, and his biography has been written by others, and they will be read in the years to come by the rising generation, and will furnish an incentive to them to follow his deeds and emulate his example.

At Santiago he was surrounded by a band of heroic captains whose names will illustrate the annals of American history. Some are living, some are dead. Wainright is living, this valorous and intrepid man who performd a feat upon that day unsurpassed for daring skill by any that John Paul Jones ever performed upon the waters of the deep. Clark is living, who ran his ship, as if upon the wings of lightning, from sea to sea just in time that his soul could breathe the fire of battle amid the carnage of that day. Evans is gone. All honor to his imperishable name. He was separated from Schley in life; they are united in death. Chadwick, the commander of Sampson's ship, is living and has attested in the strongest way to the efficient maneuver that Cook, the great commander of the *Brooklyn*, ordered at a critical moment of the conflict. Sampson is dead, and I would have been here this day asking for a pension on behalf of his widow if she had not acquainted me with the fact that her situation was such that she did not need the aid of Congress.

All honor to the living and to the dead, and shame to the carping censors who would intrude themselves upon this scene of reunited glory.

I do not intend to enter upon a description of the conduct of Schley at Santiago, but it seems to me that this is the proper occasion, and I propose to avail myself of it, to show that the famous order for what is known as the "loop" of the *Brooklyn* that Schley gave upon the spur of the moment and in the heat of battle decided the conflict and saved the day for the American arms. After years of silence upon the subject by all who witnessed the event, Admiral Chadwick, the captain of Admiral Sampson's flagship, has proclaimed this fact to the world, but in deference to the memory of Schley I desire it once and forever to go down in unambiguous terms and indelible letters upon the records of an American Congress. We demonstrated it at the trial, and now comes the sustaining approval of Chadwick, which places it beyond the realm of doubt and uncertainty. I say that Schley gave the order. This is not entirely accurate. Cook, the captain of Schley's flagship, gave it, but Schley approved it, and with the generous heart that he had he was willing to assume all responsibility for it, even if it had been a mistake or an error, but it was neither, and it was a triumph of naval and nautical skill that was never understood by portfolio chiefs, but the scope of which was entirely grasped by Admiral Dewey when he declined to concur in the opinion of the remaining admirals who sat with him upon the tribunal that decided the case. I have not one word of comment to make upon their action, but, Senators, listen to the narrative for a moment. I would like anyone who ever takes the trouble to read a word of anything that I have ever said upon this floor to reflect upon the statement that I now make and to which I challenge contradiction.

Admiral Sampson before he left for Siboney gave the order to his fleet to close in upon the Spanish ships in the event that they made an effort to come out of the harbor of Santiago. Sampson with all his great skill and experience as a naval commander could not possibly have foreseen what the Spanish plan of battle would be. The *Brooklyn*, Schley's flagship, was steering a course diametrically opposite to that steered by the Spanish fleet, and in their attempt to escape the Spanish squadron had practically broken through and passed the battleship line, creating an emergency that no one could have foreseen and which had to be met immediately. The commander of the *María Teresa*, the leading ship of the Spanish fleet, intended to ram the *Brooklyn*, in accordance with the Spanish plan of battle. Not only this, but, owing to this new situation, there was danger of a collision among the American ships, and Cook immediately sent word to Schley that "We will soon be in the cross fire of our own fleet." It was then that Cook gave the order "hard aport" and the *Brooklyn* swung rapidly around to the west a little more than half her tactical diameter, and Sears, the flag lieutenant of the *Brooklyn*, was ordered by Admiral Schley to hoist the signal, "Follow the flag." Then, with Clark of the *Oregon* upon the *Brooklyn's* quarter, the most terrific fighting of the day began. In a short time smoke was seen issuing from the ports and hatches of the *María Teresa*, the leading Spanish ship. The smoke upon the *Brooklyn* had blinded the crew so that they could not see what was going on. "Keep the boys informed" said Schley to Cook, and every few minutes of the action word was sent by Cook to cheer them on, and the ringing cheers came back until the *María Teresa*, leaping from fire into flame, burning from fore to aft, turned into the beach 6 miles west of the Santiago Harbor. Then the *Brooklyn*, receiving more shells than and inflicting as much injury as the whole of the American fleet combined, went westward on her course in pursuit of the remaining Spanish ships until fire was seen issuing from the *Oquendo*, the second vessel of the Spanish fleet, and with the *Oregon* and *Brooklyn* in pursuit she was beached within a half mile of where the *María Teresa* gave up the fight.

Then came the *Viscaya*, and in her flight and in her despair, and in the last straits that she was in, she made a desperate turn toward the *Brooklyn* and the *Oregon* that were pursuing her, but as she did this she was struck by a shell from one of the vessels and, hauling her colors down, she was beached at Acerraderos, 16 miles distant from where the battle began. Then it was that Ellis, struck by a shell, fell upon the *Brooklyn* at the side of Schley, and then it was that as his headless body was about to be cast overboard Schley gave the order, "Bring the body back and we will give it Christian burial." The *Colon*, the last of the ships, was then making toward the Torquino River. Schley signaled the *Oregon*, under the command of Clark, to try his 13-inch guns upon her, and with the combined fire of the *Brooklyn* and the *Oregon* upon the ship, and with no possible chance of escape, and with her human cargo doomed to certain death if the fighting continued, her commander ran his ship ashore at the mouth of the Torquino River, fired his leeward gun, lowered his flag, and the colors of Spain went down before the colors of the Union upon the Western Continent.

"This entire plan of battle was all a mistake," said Schley's enemies, "and he ought to have conducted a different line of battle." Now, let me read you Dewey's verdict. These are his words:

> Commodore Schley was the senior officer of the squadron off Santiago when the Spanish squadron attempted to escape on the morning of July 3, 1898. He was in absolute command and is entitled to the credit due to such commanding officer for the glorious victory which resulted in the total destruction of the Spanish ships.

I will venture the prediction that you could go to-day to any section or quarter of this Union, from its eastern to its western coast, and assemble promiscuously any convention of patriots that you could collect and this verdict of Admiral Dewey's would be affirmed and ratified and applauded by the reechoing acclamation of his countrymen.

There is another charge that Schley had to meet that I desire briefly to refer to, and that was that in the conduct of the

fleet along the Cuban coast he had disobeyed orders of the Navy Department. This was not the first time that Schley in his military career had found it necessary to disobey the orders of his superior officers. During the Civil War, at the siege of Port Hudson, when he was in charge of the *Monongahela*, the signal was raised upon Farragut's vessel to retreat. The quartermaster reported to Schley that it was impossible for him to see the signals. The order had been previously given to storm the battery. This was the signal that Schley saw, and instead of retreating he leveled his guns against the fortifications. He was reprimanded by Farragut, but afterwards the admiral called him into his private cabin and said to him: "I have reprimanded you in the presence of the crew because you did not follow the signal to retreat, but I now congratulate you upon the work that you have done. May you repeat this accomplishment in after years." It will be recalled as an historic incident that years before Horatio Nelson at Trafalgar raised his signal "England expects every man to do his duty" and fell mortally wounded upon his flagship, at the battle of the Baltic he placed his glass to his blind eye and reported to his commander, Sir Hyde Parker, that it was impossible for him to see the signal to retreat, which was accurately true, and, instead of retreating, he made his famous charge upon the Danish line.

The time has passed when Secretaries of War or Secretaries of the Navy who have never perhaps observed any military tactics except a dress parade and who could hardly tell the difference between a revenue cutter and a battleship can fight battles with lead pencils and rulers and india rubber thousands of miles away from home. You tell a naval commander, for instance, that he must coal at sea when, owing to the condition of the tide and winds, coaling from a collier is absolutely impossible, he is bound to disobey orders or go to the bottom of the deep; you order an admiral to sail eastward on the southern coast of Cuba when he is encountering the Gulf Stream, and to make as good time as a vessel on the northern waters, where there are no impediments to encounter, and you are bound to have an unexecuted order. You instruct him to watch for signals on the Cuban coast and then you instruct another officer to meet him who knew the significance of the signals, but who failed to impart their meaning to him, so that he could not tell whether the signal lights were made by the Spanish forces or by the Cuban insurgents, and then you authorize a distinguished metaphysician and psychologist who was presiding over the Navy Department to court-martial him for not obeying orders. I ask what sort of discipline and justice and intelligence you can expect in the service of your country? I make the assertion that Schley never disobeyed a single order in all his military service except when it was absolutely necessary or utterly unintelligent, incomprehensible, and impossible of execution.

And now, Mr. President, all of these transactions have closed and Schley is gone. He has fought his last battle, he has raised his last signal, and his guns have roared their last farewell. He is now upon the beach where the tide no longer ebbs and flows. He has crossed the bridge that spans this life to the eternal shores and his ship has passed the horizon and is anchored in the harbor from which no voyager ever returns. I always felt that he never recovered from the blow his country dealt him. He delivered her as great a victory as she ever gained upon the sea and she accepted it with ingratitude and with ungracious hands. The greatest struggle he ever passed through was not amid the shot and shell at Santiago; it was when the shafts of malice and hatred were leveled at his breast; but he stood with head erect just as his boatswain described him standing on the *Brooklyn's* bridge with head erect when every other head was bowed but his. During all these trials his devoted wife stood by his side with all the fervor of her girlhood days, and in the hours of gloom and anxiety with heroic fortitude she cheered him on with all the consecration that only a woman can bestow and with all the sacred, self-sacrificing love that only a woman can feel. During one of the sleepless hours of the night, as the trial was proceeding, when he realized that all the mighty resources and influence of those in authority were arrayed against him, he said to me:

> I have battled with the elements in the Arctic Zone, I have battled with the foe in the service of my country, but this is the severest ordeal through which I have ever passed. I wish I had died at Santiago. I am weary; I am weary.

Yes, Mr. President, he was weary; but the weary sun hath made a golden set and by the bright track of its fiery car it gives token of a goodly day to-morrow.

Mr. President, I move that the amount named in the original bill—$150 a month—be substituted for the amount—$50 a month—named in the bill reported by the committee, and on that motion I ask for the yeas and nays.

Mr. HEYBURN. Mr. President, I am going to vote for the pension to the widow of Admiral Schley, but I am not for a moment going to do it as an indorsement of any claim on his behalf as against Admiral Sampson; and, so far as I am concerned, it is not to be taken as an expression in favor of Admiral Schley in the contest as between Admiral Schley and Admiral Sampson.

Mr. RAYNER. This bill raises no such issue as that, Mr. President.

Mr. HEYBURN. The Senator's remarks raise such an issue.

Mr. RAYNER. There is not one word in the remarks of the Senator from Maryland that could be so construed; on the contrary, if the Senator had listened to them instead of writing something at his desk, he would have noticed that I said that I would be equally ready to propose a pension on behalf of the widow of Admiral Sampson, had she not acquainted me with the fact that she did not need any pension; otherwise, I would have been here claiming for the widow of Admiral Sampson just exactly what I am claiming for the widow of Admiral Schley. They are united now in death, and there is no use of creating hostilities.

Mr. HEYBURN. I was not referring to anything in regard to a pension for Mrs. Sampson. I listened carefully to the Senator's remarks; but we differ in our conclusion as to who was the winner of that victory. I am not willing to concede, either directly or indirectly, at any time that Admiral Sampson was not the winner and entitled to the credit for the winning of that victory. I knew Admiral Schley well during his lifetime, and we were personal friends; nevertheless, I am not going to be suspected in this hour of changing my opinion in regard to the merits of that controversy.

Mr. RAYNER. The Senator is frequently a friend in life but an enemy in death.

Mr. HEYBURN. Mr. President, no; that is uncalled for. I am not voting here on sentiment; I am voting on the question of whether the widow of this gallant officer is entitled to a pension.

Mr. McCUMBER. Mr. President, the last Battle of Santiago seems to have lasted about as long, and no longer, than the first battle. The contest between Admiral Sampson and Admiral Schley was undoubtedly very much more earnest and probably more bloody and determined than the Battle of Santiago. I do not think it is a proper thing here for us to try over again that battle nor the controversy between the commodores connected with it. We had a thorough investigation of the subject. For my part I thought the investigation was uncalled for. I still believe it was, but Congress felt that an investigation ought to be had. It was had, and after a very full consideration the Commander in Chief of the Army and Navy of the United States came to the conclusion that the men who were really entitled to the great credit of the Battle of Santiago were the captains of the several ships, and he did not accord to them any wonderful credit for having destroyed an enemy so much inferior to themselves. But, Mr. President, they were all gallant officers; nobody denies that; and now the question arises, when we are asked to grant a private pension, whether we shall take one man and glorify him above all others in the service, whether we shall take the widow of one officer and grant her an annuity three times as much as we grant to the widows of other officers of equal rank and who have performed their duty to the Government as earnestly, as zealously, and as successfully, in my opinion, as the officer who has been discussed so eloquently to-day by the Senator from Maryland [Mr. RAYNER].

The last large pension bill that was granted by the Congress of the United States was granted in 1887 to the widow of Gen. John A. Logan. The majority of the Committee on Pensions reported against granting any special pension whatever. The Senate, however, voted in favor of a bill granting a pension of $2,000. There was such a strong opposition to it and so much feeling because of the injustice that was done all the other officers and the widows of all the other officers in the great Civil War that Congress has not since that time dared to vote such an enormous pension to anyone.

The report that was made at that time, in 1887, gave the names and the number of widows who had been granted pensions, and they take all the generals, the brigadier generals, and the major generals; they take the admirals, the rear admirals, and so forth, and out of about 75 at least that had been given pensions only 3 were granted above $50 per month. We have followed that rule right along since that time, and the Committee on Pensions has never reported, to my knowledge, for the widow of any officer of the Civil War or of any other war a greater amount than $50 per month. We have been granting that for years.

Now, to single out the widow of one officer and grant her $150 a month or $100 a month or any other large sum is a rank injustice to the widow of every other officer who has served under the flag of the United States.

Mr. RAYNER. Will the Senator permit me?

Mr. McCUMBER. You can not place it in any other light before the American people and especially before the widows of the hundreds of officers who have received a less amount. I think I am as patriotic in my impulses as any Senator here, but I think that my patriotism is measured by a justice and by a desire to treat everyone who serves his country exactly in the same way.

I confess, Mr. President, that, following my own convictions, I commend most highly the law of 1890, which granted pensions for the widows and soldiers of the Civil War where the death or injury was not the result of the service in the war. In that law it is declared emphatically that ranks shall not be considered. That is the most just law that was ever passed by the United States, because the soldier in the rank who listens and hears the command of his officer to charge over the trenches and into the mouths of blazing cannon has done as much for his country as the man who stands back in safety and orders him to make that charge. And when the Government is to pay a debt of gratitude to the man who escaped maimed or to the widow of that man where life is the penalty, the Government should pay as much to the widow of that man as to the widow of an officer. That is my own conviction, and I believe that is the conviction of the hearts of the mass of the American people upon this subject of pensions.

Mr. RAYNER. Mr. President——

Mr. McCUMBER. I will yield to the Senator in one moment. We have made the distinction. When we have attempted to destroy the distinction Congress has voted the committee down. So the committee has taken the sentiment of the Senate and the House as its guide and has made a distinction between the widow of the officer or the man in the ranks and the widows of the higher officers. I do not think we ought to have done so, but we have done it; and having done so, and in my opinion having by that act done an injustice against the soldier of the rank and against the widow of the soldier of the rank, I do not want to supplement that by a greater injustice by treating officers and the widows of officers of like rank in a different manner. For that reason I say that when he have reached the ultimate amount of $50 a month and have for years declared that to be the highest amount we would grant, then we ought not to select the widow of one officer and make that one a favorite and place her upon a pedestal above the widows of all other officers of equal rank who have shown equal ability and have been as patriotic in their duty.

I now yield to the Senator from Maryland.

Mr. RAYNER. The Senate has over and over again, I think, passed pensions bills as large as this. I recollect the pension to the widow of Gen. Hawley.

Mr. McCUMBER. Mrs. Hawley never received a pension at all.

Mr. RAYNER. The Senator talks about this being exceptional. The record is against it.

Mr. McCUMBER. Mrs. Hawley did not receive one dollar of pension, and she has not got it to-day.

Mr. RAYNER. Because the House did not pass the bill. She received it in the Senate.

Mr. McCUMBER. She was voted only $50 a month, and that not on the recommendation of the committee.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Did she receive $50?

Mr. McCUMBER. The Senate, I think, passed it at $50.

Mr. GALLINGER. I introduced the bill to grant a pension to Mrs. Hawley, but I have an impression that the Committee on Pensions refused to report the bill at all. That is my recollection.

Mr. McCUMBER. The Committee on Pensions did refuse to report the bill. My remembrance is, however, that the bill did pass the Senate and it was defeated in the House.

Now, we have two other cases. The case of the widow of Admiral Evans was before us a short time ago. She is receiving $30 a month now, and the committee decided that under the evidence before them they could not allow a greater amount than that. I will say, frankly, that was because the evidence was not forthcoming to bring her case within the rule. That rule is that in order to receive a private pension bill there should be a showing of destitution, and where there has been no showing of destitution the committee refuses to report any bill.

We have a rule here which we have tried to follow. That rule is that in measuring destitution the same rule shall be applied to the widow of an officer as to the widow of a private soldier; that the word "destitution" shall not be changed to fit particular cases, but that it shall be given the same meaning in every case. It is the opinion of the committee that a person who receives $50 a month, without any effort, has received enough at least to take him or her without the definition of being destitute.

Having applied that rule to all the others, I certainly feel, Mr. President, that it should be applied in this case.

Here is a thought that I want to submit not only to the Senator from Maryland but also to others. It has come to this pass in the matter of private pension bills: The general law gives to the widow of a captain and those above that rank $30 per month in every case where the death of the soldier was due to an ailment or disease or wounds received in the service. If it should be more, then, to treat every one alike, we should raise that amount to $45 or $50 or $60 or $100—whatever we think is just and proper. But for the last five years there has not been a single death of an officer, in my opinion, but that you will find that immediately thereafter there is an application for a private pension bill. In other words, we are treating the widows of all the officers under the private-pension-bill system, and we are treating most of the soldiers under the general law. If we are not giving enough we ought to give more by a general law and treat them all alike, so that we shall not be accused of dealing unfairly or unjustly to anyone. If it is $50 for one widow it ought to $50 for every one of them, unless they are able to make a showing of destitution.

But, Mr. President, I want to keep the record straight. I want to treat the widows of all these officers alike and do exact justice, and because I believed that you did an injustice to 500 of them when you granted those widows $50 a month, so I believe it would be an injustice to add one of them and make it $150 a month. Therefore, I oppose the increase in this case to $150.

Mr. RAYNER. My amendment is to give a pension of $150 a month in lieu of $50 a month as reported in the bill. I move to substitute $150, which was the original bill.

The PRESIDENT pro tempore. The Chair will state to the Senator from Maryland that the bill now contains a provision for $150, and the amendment proposed by the committee would strike out $150 and insert $50. It meets the same end as that sought by the Senator from Maryland to vote on the amendment of the committee.

Mr. RAYNER. Then I ask——

Mr. McCUMBER. I suggest that the proper vote for the Senator from Maryland and those who agree with him would be in this case to disagree with the amendment of the committee.

The PRESIDENT pro tempore. The question is, Will the Senate agree to the amendment of the committee?

Mr. NELSON. I should like to inquire of the chairman of the Committee on Pensions what the resources of Mrs. Schley are. What are her means, as the evidence before the committee shows?

Mr. McCUMBER. I think it shows very little, at least.

Mr. LODGE. Mr. President, it seems to me if we make this large increase in this particular case it is impossible to draw the line. There have been widows of many admirals, gallant officers, distinguished in the service, and who were left in very straitened circumstances, to whom the committee never has given more than $50 a month, and some not so much. I have particularly in mind the widow of a distinguished admiral, who was left almost penniless, with a very small amount of money, and the committee would not even raise her pension from $30, the pension provided by law, to $50 a month. It seems to me it would be a very unfair and a very dangerous precedent to establish to select one widow in this way and give this very large pension.

Mr. McCUMBER. The Senator from Minnesota requested me to give a statement of the income of the widow of the late Admiral Schley. The report shows as follows:

> In a sworn statement filed with your committee it is stated that Mrs. Schley has an income of $425 per year, from the investment of her distinguished husband's life insurance, in addition to the $12 per month she is receiving as pension. In addition to this she received last year $500 from the sale of the writings of Admiral Schley, but this source of income will of course terminate within a very short time.

There is $425 a year that seems to be permanent, as well as the $12 per month; so, with the $50 per month which we propose to give her, she then would be receiving $1,025 a year.

Mr. SHIVELY and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Minnesota yield.

Mr. NELSON. I yield to the Senator from Indiana.

Mr. SHIVELY. I was going to suggest to the Senator that this would simply be an increase from $12 a month to $50 a month, and it would not make the increase he has suggested.

Mr. McCUMBER. Yes; I said with the $425 the $50 a month which we propose to allow her would be $600, making $1,025.

Mr. RAYNER. The income of $500 from the sale of the book does not amount to anything. That may go in a year or two. With the $12 a month and the $425 it would take three or four years to pay the funeral expenses and erect a proper tombstone.

Mr. NELSON. Mr. President, as an ex-corporal of the Union Army, I feel impelled to say a few words in this case.

All nations have their heroes and we all delight to honor them. I feel that it is not fair in a case of the kind of Admiral Schley to put him on a level with the ordinary and common officers of the Navy. He was one of the great heroes of the Spanish-American War, and it is a shame to this great country to leave his widow with only $400 a year to live on after services such as he rendered the country. He was practically in command of our fleet at Santiago. It fought under his direction. If he had been an admiral in the English Navy and rendered such services, he would have been given an estate, he would have been ennobled, and his family would have been pensioned in the most liberal manner.

In this great country of ours, when we have the case of a man of this kind, who rendered such great service, he should not be put on the level of an ordinary routine admiral in the Navy. I think the ordinary soldiers and the ordinary sailors and the ordinary officers of our Army and Navy would all of them be well satisfied to have one of our great naval heroes honored in this way. We gave the widow of Admiral Farragut $2,000 a year, a very small sum, indeed, and while I concede that Admiral Schley's record is not as great as that of Admiral Farragut, it seems to me it would be a shame to leave to the widow of such an officer the paltry pension of $50 a month.

The PRESIDENT pro tempore. The pending question is on agreeing to the amendment proposed by the committee, which is to strike out "$150" and insert "$50." Of course, if the amendment is adopted, the pension originally proposed of $150 is stricken out and $50 is put in the bill, and if the amendment is not adopted the provision of $150 must stand. The question is on agreeing to the amendment of the committee.

Mr. McCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON], and withhold my vote.

Mr. GALLINGER (when Mr. BURNHAM's name was called). I wish to announce that my colleague [Mr. BURNHAM] is paired with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is necessarily absent from the city. He is paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and I therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. Upon this proposition I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. PAYNTER (when his name was called). I would vote "nay" on this proposition except for my general pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. It is a general pair, and I withhold my vote.

Mr. MARTIN of Virginia (when Mr. SWANSON's name was called). My colleague [Mr. SWANSON] is detained from the Senate in discharge of official business in connection with Senate work. He is paired with the Senator from Nevada [Mr. NIXON].

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to my colleague [Mr. PERCY] and vote. I vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN], but I am informed that if he were here he would vote "nay." Therefore I will vote. I vote "nay."

Mr. GORE. The junior Senator from Maine [Mr. GARDNER] transferred his pair to me, and I will allow the transfer to stand.

Mr. DILLINGHAM. May I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DILLINGHAM. I will withhold my vote.

The result was announced—yeas 10, nays 42, as follows:

YEAS—11.

Borah	Jones	Page	Smoot
Bristow	Lodge	Root	Sutherland
Hitchcock	McCumber	Smith, Ga.	

NAYS—41.

Ashurst	Foster	Nelson	Smith, Mich.
Bourne	Gardner	Newlands	Smith, S. C.
Bradley	Gronna	Oliver	Stone
Brandegee	Johnson, Me.	Overman	Thornton
Brown	Johnston, Ala.	Perkins	Townsend
Bryan	Lea	Poindexter	Warren
Catron	Lippitt	Rayner	Watson
Chamberlain	McLean	Reed	Williams
Clapp	Martin, Va.	Richardson	
Clark, Wyo.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NOT VOTING—43.

Bacon	Cullom	Guggenheim	Percy
Bailey	Cummins	Heyburn	Pomerene
Bankhead	Curtis	Kenyon	Sanders
Briggs	Davis	Kern	Smith, Ariz.
Burnham	Dillingham	La Follette	Smith, Md.
Burton	Dixon	Lorimer	Stephenson
Chilton	du Pont	Nixon	Swanson
Clarke, Ark.	Fall	O'Gorman	Tillman
Crane	Gallinger	Owen	Wetmore
Crawford	Gamble	Paynter	Works
Culberson	Gore	Penrose	

So the amendment of the committee was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it may first be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," on page 1, line 10, to increase the appropriation for compensation of Senators from $690,000 to $720,000.

The amendment was agreed to.

The next amendment was, on page 1, line 11, to increase the appropriation for the mileage of Senators from $47,000 to $51,000.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "journal clerk," to insert "principal clerk, reading clerk"; in line 15, after the word "each," to strike out "principal clerk, reading clerk"; in line 17, after the word "bookkeeper," to insert "one clerk, printing clerk"; in line 18, after the word "revenue," to strike out "and general appropriation"; in line 21, before the word "indexer," to insert "compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220"; in line 22, before the word "assistant," to strike out "printing clerk"; in the same line, before the word "clerks," to strike out "three," and insert "two"; on page 3, line 1, after the word "stationery," to strike out "$1,900," and insert "$2,000"; in line 4, after the word "each," to insert "laborer in stationery room, $720"; and in the same line, after the words "in all," to strike out "$88,960," and insert "$93,060," so as to make the clause read:

> Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent

fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, one clerk, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, assistant librarian, and two clerks, at $2,220 each; four clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; three laborers, at $840 each; three laborers, at $720 each; laborer in stationery room, $720; in all, $93,080.

The amendment was agreed to.

The next amendment was, on page 3, line 8, before the word "assistant," to strike out "first assistant, $2,000; assistant, $2,000," and insert "two assistants, at $2,250 each"; and in line 9, after the words "in all," to strike out "$12,520," and insert "$13,020," so as to make the clause read:

Document room: Superintendent, George H. Boyd, $3,000; two assistants, at $2,250 each; assistant, $1,440; two clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

The amendment was agreed to.

Mr. REED. Mr. President, before we proceed any further, I want to ask the Senator in charge of the bill a question for information. I desire to ask him why, in line 10, on the first page, the appropriation for the compensation for Senators is changed from $690,000 to $720,000?

Mr. WARREN. Because there has been an increase of four new Senators since the estimate was made, and the increased amount is simply the difference.

Mr. REED. It just makes that difference?

Mr. WARREN. I think it does; and I think the Senator will so find.

Mr. REED. I have not figured it. I only asked for information.

Mr. WARREN. The same is true as to the proposed appropriation for mileage.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 3, line 14, after the word "clerk," to strike out "$1,440" and insert "$1,800"; in line 16, after the word "each," to strike out "assistant clerk, $1,440," and insert "two assistant clerks at $1,440 each"; in line 17, before the word "clerk," to insert "laborer, $720"; and in line 19, after the words "messenger, $1,440," to insert "messenger, $1,200," so as to read:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200.

Mr. REED. Mr. President, does that last amendment mean that there is to be another employee at $1,200 a year?

Mr. WARREN. Mr. President, perhaps I ought to say at this point that on the page now being considered there are numerous amendments. In each case they simply provide for putting on the annual roll what the Senate itself had ordered done in providing employees and paying them from the contingent fund of the Senate. As the Senator will remember, there was a very decided reform movement when the present Congress assembled in the way of having every employee noted as to where he was employed, in order to destroy what was termed "the bad practice of details." Before that time certain employees had been detailed to this or that Senator's committee in the line of economy, as it was thought. Some of us who were rather familiar with appropriations were of the opinion that the proposed changes would make no saving, but we had to submit. It is now thought desirable to show exactly where every man is employed, and we have carried out that plan. We took from the roll of employees who had been so detailed thirty-odd men. Meanwhile the Committee on Contingent Expenses from time to time allowed this committee, that committee, and the other committee clerks or messengers to take the place of those formerly detailed. In that way we have added some 8 or 10 more employees than we disposed of previously, and, of course, at an additional cost, perhaps, of from $15,000 to $20,000. The duty of the Committee on Appropriations is to fulfill the law; the Senate has already provided for these employees, and they are now being paid from the contingent fund of the Senate, which is hardly proper; in fact, the law regarding the contingent fund makes it impossible to indefinitely continue that practice without infringing upon the law.

Mr. REED. This amounts to a recognition of these places?

Mr. WARREN. For the next fiscal year.

Mr. REED. For the continuance of these places for the next year?

Mr. WARREN. Yes.

Mr. REED. We are not merely appropriating money for services that have been rendered, but it is expected to carry this over into next year?

Mr. WARREN. We are not doing anything in regard to these employees except putting them on a regular roll, paying them a stated amount, and placing everything in plain sight, rather than having them paid from the cashier's desk and charged to the contingent fund. That is all.

Mr. REED. Mr. President, while the Senator is on his feet I wish to ask another question. Of course, if this bill was one that simply proposed to pay the debts that we have created, I would not rise to say anything, but it is intended now to provide for next year. Now, I want to know why a messenger gets $1,440 in some instances and $1,200 in others? What reason is there for that discrimination?

Mr. WARREN. There are differences that have been recognized heretofore in the importance of committees, according to the character and volume of their work, and there also have been differences regarding the amount of work occasioned by seniority places on the higher committees of some of the Senators. It is pretty hard to say that every committee shall have employees at the same salary and of the same number, because the work is not evenly distributed.

Mr. REED. Mr. President, I can recognize the fact that one committee has work requiring technical knowledge or peculiar skill and another committee may have work of a simpler character, but the work of a messenger——

Mr. OVERMAN. I want to say to the Senator that I think he will find that the committee has not increased any salary or added anybody to the pay roll, but we have followed the law as it exists under resolutions which have been passed by the Senate. The question as to why this distinction should be made I am not able to answer, but the Senate has done it.

Mr. REED. Exactly.

Mr. WARREN. If the Senator will allow me, I wish to add to what the Senator from North Carolina [Mr. OVERMAN] has said that we have but followed what has been determined upon and reported by other committees and what the Senate itself has passed upon. We are simply obeying the command of the Senate in these matters as to the salaries that are paid here. The responsibility is not with the Committee on Appropriations. If the Senator has the idea that he has to reckon with the Committee on Appropriations in this matter, he is mistaken, because the Committee on Appropriations did not fix those salaries, but, as I have said, it simply followed what the Senate itself has heretofore established in regard to them.

Mr. REED. I understand that; and nothing I have said here is intended in the slightest degree as a criticism of the committee or of its work.

Mr. WARREN. I understood that, Mr. President, but it was as a matter of information that I responded to the Senator.

Mr. OVERMAN. Many amendments have been reported by the Committee on Appropriations to the House bill. The House bill only provides for the places established under the current law which was passed last year, and the Senator will understand that what the committee have added in italics is to cover places that have been added by the Senate since that time. Heretofore there have been stuck around all over this building, in positions that nobody knew anything about, certain men—a great number of them—who were paid from the contingent fund of the Senate. A man was slipped in here and a man was slipped in there. We determined to provide for these places in the regular appropriation bill, so that the entire Senate and everyone else might know who is provided for and where he is employed, instead of having everything in the dark.

Mr. REED. I think that is very commendable, and I believe I understand the situation. The point I am trying to make, or to give expression to, in my very imperfect way, is this: It seems to me now is the time to equalize these salaries. I was saying that, of course, there might be committees having employees required to possess particular and special skill, where a salary commensurate with their ability ought to be paid, and other committees, requiring service of a simpler sort, where a smaller salary would be proper. But now, when you come to the question of a messenger, unless it is a misnomer, and unless somebody is working under the name of messenger who is not in fact a messenger, they all ought to be of about the same class and receive the same amount of pay. Simply because a resolution was passed here in the hurry of some day's work giving a messenger to a certain committee at $1,440,

and the next day because a resolution was framed for another at $1,200, now when we have the matter before us there is no reason why we should perpetuate that inequality. I think that a messenger is a messenger, and whatever is just and proper to pay one should be paid to all the others. For that reason I have made these inquiries.

I think, Mr. President, they all ought to be paid $1,200 or $1,300 or $1,440, and that discrimination of this kind ought to cease. If any of these men are in fact not performing the duties of messengers, but are performing labor of a different character, they ought to be properly named in this bill, and their salaries ought to be fixed at whatever sum is right. I know the disposition of the Senate on bills of this kind is to regard such a matter as too burdensome for the Senate to pass upon in session, and consequently any effort to amend such a bill is generally regarded with little favor. That is particularly true when some Members are anxious to get away.

But as I glance over these pages, simply catching what I may as my eye runs over them, I find that the clerk's salary is very frequently $1,440, the messenger's salary very frequently $1,440; and, again, you will find plenty of clerks working at $1,200, if I am not mistaken, and you will also find plenty of messengers working at $1,200. So there is no system about it, and there is on the face of the papers no equity about it. If there be back of the mere names some reasons, I would like to know what they are.

In this connection, not to take up the time of the Senate unduly, I want to register my protest for whatever it is worth against the inequalities which exist generally. We pay a man who runs an elevator a certain salary. I think he gets a hundred dollars a month, or twelve hundred dollars a year. It is a position which can be filled with very little experience, without any education, without any special qualifications whatever. There is not one man in a thousand who can not learn to run an elevator. I am not saying that twelve hundred dollars a year is a penny too much to pay, but I think it is pretty liberal for that class of work. These men work on hours and work on shifts, so that they do not have long and tiresome hours of labor.

I never was in favor of being niggardly about the question of wages, and I am not so now, but if you come to the question of the clerks for Senators you will find messengers who are receiving as much pay as a Senator's clerk; you will find plenty of messengers receiving more pay than a Senator's stenographer; and you will find elevator men receiving the same pay as a Senator's stenographer.

The fact of the matter is, that no man is fit to be the clerk of a Senator who is not a man of education and of superior intelligence. He is constantly required to visit the departments and look after business in which the public are interested or in which various citizens of the Republic are interested, and he is required to possess a knowledge and a skill in many instances which would do credit to the ordinary lawyer. Just in proportion as he is educated, qualified, and learned is he able to serve the public and serve the constituency of his State. To keep a man of that kind at $1,440 a year, upon a par and level with a mere messenger, is inequitable, it is unjust, and it is against the interest of the public service. Any man can carry a package from one end of the town to the other and perform the duties of a mere messenger, while it requires learning, skill, and intelligence to perform these other duties in which the public are interested.

Mr. WARREN. If the Senator will allow me, perhaps I ought to say that a large number of these persons designated "messengers" are really clerks and stenographers; but the old name carries forward the appropriation as messengers. I think quite a proportion of them are really clerks and stenographers.

Mr. REED. That brings me to the statement I made early in my remarks, that if they are not in fact messengers, then the term is a misnomer and we ought to name them after the positions they actually occupy.

Now, I go a step further. Take stenographers to Senators. We call them, I think, messengers. They should not be so denominated. But no man is fit to hold that position who is not qualified, or at least very nearly qualified, to be a reporter in a court. The amount of work that must be performed by these men, particularly if they come from large and populous States, is onerous and burdensome in the extreme. They are frequently kept in their offices long after the usual working hours and they are required to possess a high degree of skill and efficiency.

I find that the clerk, or messenger of a Senator, as he is called—the stenographer—gets $1,200 a year; but if he happens to be a messenger for a committee he gets $1,440 a year, in some instances, and $1,200 a year in other instances. The same kind of men doing the same kind of work receive different compensations. I protest against that. I do not believe that the clerk of a Senator receives as much money as a competent stenographer ought to receive. I do believe that there are many positions around this Capitol that come under the direct jurisdiction of Congress where men are paid out of all proportion to the services they render, if we are to take as a standard the amount which is received by clerks and stenographers holding important positions.

I want to ask the Senate to give some thought and consideration to this subject. I want to ask the chairman of the committee if he does not think that these salaries could be equalized and the committee in a short time could ascertain the respective duties of the men covered by the bill and report a bill that would equalize the salaries.

Mr. WARREN. What was the Senator's inquiry? I hope the Senator will excuse me, but I was looking at the bill.

Mr. REED. I understand that the Senator was examining the bill. I made the inquiry whether it was not possible for the committee to report a bill here that would equalize the salaries and give us the proper name or title for the men engaged in the various employments which are covered by the bill. In other words, whether we could not have it stated on the face of the bill who are stenographers, and the compensation of "stenographers"; who are actually messengers, and the compensation of "messengers"; and whether they could not put all these men now in the various classes at the same salary and report a bill of that kind. Why is it necessary, if we have in the past made these inequalities by passing separate bills, to perpetuate these inequalities in this bill?

Mr. WARREN. Does the Senator assume that all clerks to committees and assistant clerks should be at the same salary, exactly?

Mr. REED. I see no reason why they should not be if they put in all their time.

Mr. WARREN. That in theory, perhaps, sounds well, but it requires an experience and ability for some work, in some committees, that are not required in others. Consequently men of great experience and more talent must be employed in order to do the work. So it would hardly be possible to put them all on a level as committee clerks. Some committees never have a meeting; other committees hardly have a day's rest during the session.

Mr. REED. If the Senator will pardon me, a committee that never has a meeting has no business to have a clerk at any salary.

Mr. WARREN. Unfortunately, perhaps, but nevertheless it is true, we make no provision for a Senator to have a clerk if he is chairman of a committee. I want to say to the Senator, if he will permit me——

Mr. REED. Certainly.

Mr. WARREN. I was unfortunate enough to be placed on the subcommittee on this bill when I first went on the Committee on Appropriations, and it is the bête noir of all bills. For instance, the gentleman who preceded me as chairman of the Appropriations Committee would never serve on the subcommittee on this bill because of the immense number of salaries it carries that affect not only Senators but Members of Congress and people at large, and it is impossible, with the differences of opinion that exist, to compose those differences so as to arrive at terms of satisfaction to everybody.

We have had various committees at work upon this. For instance, the Appropriations Committee will pass a bill with certain salaries. Perhaps a week or ten days afterwards a Senator will rise in his place and introduce a resolution to provide for an extra clerk at a certain salary. That goes to a certain committee, comes back, and the Senate approves of it. It is then out of the hands of the Committee on Appropriations and the place is established by law. All that the Committee on Appropriations can do is to follow and appropriate the money. This equalization has been tried a great many times. There have been committees on equalization, and whatever has been the result, there has always been more or less dissatisfaction, because one Senator looks at his own work, perhaps, a little differently from that of his neighbor. It seems to me that the present arrangement is as equitable as any arrangement heretofore made. In fact, I believe it to be more equitable. And if changes ought to be made here, the duty belongs just as relevantly to other committees of this body as to the Committee on Appropriations, and rather, I should say, to the Committee on Contingent Expenses of the Senate, because that is the committee which is called upon from time to time to raise the salaries or increase the number of clerks.

For instance, a Senator rises and asks to have a clerk whose salary is $1,440 raised to $1,800, and the resolution goes to the

Committee on Contingent Expenses, and it raises the salary of that clerk. The Committee on Appropriations thereafter accepts it as the will of the Senate.

A complete reorganization, I presume, is what the Senator is thinking of. I should never object to a reorganization if conditions could be bettered; but I must say that taking the past as a criterion, I think we have not made the progress in undertaking to reclassify that the sanguine people had hoped for.

Mr. REED. I take it, Mr. President, that the Senator does not mean to say either one of two things—that the Senate has reached a condition of perfection, and therefore no changes should be made, and to assert that it has reached a condition so hopeless that defects can not be remedied. I confess I do not criticize the Senator for not thinking that anything in the shape of a real reform can be passed in the present Senate. I am inclined to join him in the sentiment that it is a somewhat hopeless case.

Mr. WARREN. Mr. President, perhaps the Senator has given more color to that statement than I intended. I do not regard the present arrangement of the clerks of committees in the Senate as in complete disorder and in a position where immediate reform is necessary. I believe that generally speaking they are all right. As to a perfect arrangement I have never claimed that it was or that it ever will be. As I said, the interests of different Senators are bound to be reflected more or less in their own households, in their own clerkships, and so forth.

Mr. REED. I did not mean to put the Senator in that light, because he has been very courteous in answering these inquiries. I simply meant, by stating the matter in a somewhat extreme way, to point out what I thought was the defect in his logic.

What the Senator has said, however, warns me in insisting upon all that I have undertaken to maintain. It amounts to this: Some Senator concludes that he wants an additional clerk for a committee, which may and may not meet. He makes up his mind what he wants that clerk paid and introduces a resolution. If he happens to be a liberal and generous man, either with his own money or the public's, he introduces the proposition at a high salary. If he is of an economical turn of mind, he introduces it at a lower amount.

The PRESIDING OFFICER (Mr. BORAH in the chair). Will the Senator from Missouri suspend?

Mr. REED. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 20182. It will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I should like to inquire of the Senator from Wyoming whether he thinks we will be able to finish the consideration of the appropriation bill to-day?

Mr. WARREN. I am in hopes that we may. Of course, it is entirely within the will and pleasure of the Senate. But I think the Senator will agree with me that it is rather important to get the bill through. It is a bill of about 170 pages, with innumerable changes, and I think the Senator will agree that it is important that we should get it through as soon as we can and get it into conference, which will naturally take some time.

Mr. SIMMONS. I recognize the importance of that, Mr. President, and of course I do not desire to interfere with the Senator in going on with the appropriation bill, but I merely inquired whether he thought it was probable that he could finish the bill to-day.

Mr. WARREN. Yes; I indulge the hope that we may.

Mr. SIMMONS. In view of the importance of getting the appropriation bill into conference, I will ask that the unfinished business be temporarily laid aside, so that the Senator from Wyoming may proceed with the pending bill.

The PRESIDING OFFICER. The Senator from North Carolina asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Missouri will proceed.

Mr. REED. I was saying, Mr. President, that it is perfectly manifest from the statement of the Senator in charge of this bill that we have allowed the system to grow up of Senators coming before the Senate with a resolution for the employment of a clerk or a messenger and naming the compensation to be paid in the resolution and the Senate passing it without considering it in connection with the salaries paid to others filling like positions. The result is——

Mr. WARREN. No, Mr. President; I hardly think the Senator desires to carry that reflection. Of course, the chairman of this committee has been chairman for only a few months, and the reports from the committee from time to time have been such that there was no reason why he, as chairman of the committee, should contend against them, because they did not exceed the amounts that had been paid to others along the same line.

Mr. REED. Mr. President, I do not want to take the time of the Senate in haggling about the technicalities of a statement. The fact is this bill on its face shows, as I have already stated, that here are messengers receiving $1,440 a year, here are other messengers receiving $1,200 a year, here are clerks receiving $2,500 a year, and then many clerks are receiving only $1,200 a year.

I understand perfectly well that there may be a difference in the class of men required to perform certain clerical duties, and it may be necessary to pay some of them twice as much as you pay others, because you are requiring a higher degree of skill and efficiency. But I also understand that the fundamental fact remains that time after time resolutions have been introduced here creating a basis, fixing a salary in the resolution, and without any serious consideration the resolution has been passed. The result has been that the salary has depended in most instances upon the degree of generosity or the degree of economy which is exercised by the particular individual who introduced the resolution.

Now, it does seem to me that it is utterly wrong to pay an elevator man the same salary that you pay a high-class stenographer, capable of taking his position in a court and reporting evidence; and it is absolutely wrong to pay a messenger, who carries messages, the same salary that you pay the clerk of a Senator, who is required every day of his life to serve a constituency, numbering in many instances two or three millions of people, before the various departments of the Government. The fact that these resolutions have been introduced in this haphazard way, and thus the salaries have been once fixed on an inequitable basis, is no reason why, when we come to pass a general appropriation bill, we should perpetuate the mistakes which have been made.

I am not content to see a bill passed in this way. I would be content to see it passed if the Senate would appoint a committee and instruct that committee to equalize the salaries and report its findings here to the Senate, so that when these salaries come to be paid at the next session we could fix them upon a proper basis; but in its present form it seems to me that it is very unjust.

Just let me call attention to a few of these items as I run over them. Here are, for the Committee on Additional Accommodations for the Library of Congress, a clerk at $2,220 and a messenger at $1,440. I want somebody to tell me why a clerk for the Committee on Additional Accommodations for the Library of Congress is a more valuable man than the clerk of a Senator. I should like to inquire whether the Committee on Additional Accommodations for the Library of Congress have had one meeting at this session. I do not think there is anybody on this floor, except the members, who can tell who is on that committee without looking at the Directory.

Mr. HEYBURN. I will ask if the Senator can tell us?

Mr. REED. I do not know. I am saying that to emphasize the fact that so far as I have any light there is no reason why that salary should be $2,220, and other men should be employed requiring high skill, and constantly employed, at $1,440.

Mr. WARREN. Mr. President, there does not seem to be a very full attendance in the Senate; the chairman of that committee is not in his place at the present moment, but I will say that the chairman of the committee represents one of the greatest States in the Union, and the clerk is not only the clerk of the committee, but he is his personal clerk as well. He is one of those Senators who has been here a long time, so that in the distribution of the so-called steering committee on the Democratic side they have assigned to him that particular committee chairmanship. Those have been the standard rates and salaries for a number of years. It is a minority committee, and it is entirely within the hands of the minority as to who shall be the chairman. The Senator from Texas [Mr. BAILEY] is the present chairman of that committee. I can not state how often it may have meetings or what business it does.

Mr. REED. Mr. President, I am not complaining about who was put in as chairman of the committee; I am not complaining that the chairman of the committee has not performed his duties; but I am complaining that a salary should be paid here of several hundred dollars more than is paid to the clerk of an ordinary committee, or more than is paid to the clerk of a Senator. That is the point.

If that was a committee constantly in session, such a committee, for instance, as the great Finance Committee, I could see how a clerk of the committee would have very onerous

duties to perform and great labor, and he would of necessity possess considerable skill if he filled his place properly. But here is a committee that, so far as I know, has but slight duties to perform.

It is said he is also the clerk of a Senator. Well and good. He can not put in any more time than a clerk has to put in of a Senator coming from one of the large and populous States. He has all the work he can do as the clerk of the Senator, and if he had any considerable duties to perform as clerk of a committee he would not be able to perform both.

I take it that all this amounts to, in the long run, is that here is a man who has the title of clerk of a committee, and because he has that title, without any considerable duties to perform, he receives several hundred dollars a year more than his brother clerks, who do just as much work. Now, if that is true, it is not fair. It is not right.

Mr. WARREN. On general principles I do not believe that is true. A Senator who has no chairmanship of a committee has no responsibilities of that committee. The Senator is exclusively engaged in his business or the public business of a Senator. In the case of a chairmanship of a committee, the Senator has no clerk. He simply has the clerks of this committee, and the fact that one gets $2,200 and another $2,000 is because it is assumed that the Senator representing a great State, who has been here a number of years, has, because of his seniority, high places upon other committees, from which he has to make reports, upon which he has to expend labor, and he must have a better class of help than one who comes in new and who has not as yet those responsible duties to perform. For instance, a minority man may have a perfectly unimportant committee as chairman, but he may serve on the Appropriations or the Finance Committee or he may serve on the Naval Affairs Committee or he may serve on the Judiciary Committee, and on other important committees, and he must have his work done. If he prepares speeches, he must have his clerk hunt for his citations and papers, and he must do his departmental work. It has been thought that the difference between $2,000 for a newcomer who has no committee and $2,220 for the older Senator who has increasing duties is not a distinction between the two that is reprehensible in any way. That has been not only the belief of one side of the Chamber but of both sides of the Chamber.

Mr. REED. Mr. President, that is a strange philosophy. It amounts to this, that as a man gets wise and needs help less, because of his accumulated wisdom, he shall have wise men to surround him and advise him and assist him. But in the days of his darkness and ignorance, when he first breaks into the effulgence of this great body, he is not only to have his mind clouded by ignorance, but he is to be hobbled by inferior help. The truth is, if it was desired to put those of us who are newcomers, who suffer by reason of our inability to comply with the law of seniority, upon a basis of usefulness we ought to have high-priced men assigned to us so that we would not make so many mistakes.

Mr. WARREN. Will the Senator allow me?

Mr. REED. Certainly.

Mr. WARREN. I agree with the Senator's position as to newcomers. I have been a newcomer, and I desire to say to the Senator that I had no clerk. No other newcomer had in those days, except during the session itself, when he had a per diem clerk. I felt very much like making a row about it, as far as I could, and I succeeded, after long and strenuous effort, in obtaining an annual clerk at $1,200; and that is all a new Senator had here for years. I was one of those who strove to have it higher in the first place, and I have striven since then. The salary went from that sum to $1,500, and then to $1,800, and finally to $2,000, with a second clerk, or messenger, at $1,200. All that time the clerk of the Committee on Accommodations of the Library, which the Senator has seen fit to allude to specifically, had $2,220, just as he has now, and those $2,220 clerks are the same as they were then, when we newcomers could not get even one $1,200 clerk. So I think that, speaking in the line of reform, if the Senator is right in the reform that he proposes, he will at least admit that we have proceeded quite a way along the route he asks us to travel.

Mr. REED. Mr. President, that is very encouraging. A moment ago the Senator discouraged me; he led me to believe that it was impossible to effect any change in this body; that we had either reached a condition of perfection or a condition of fossilization, I do not know which, but anyway that we could not move.

Mr. WARREN. The Senator's remarks are very amusing; but I did not make any such statement as that, as the RECORD will show.

Mr. REED. That was my construction. Of course we all construe things differently. I confess there are some things here so abstruse anybody is likely to make mistakes; at least I am.

Now, I did not single out that committee to criticize it. I expressly said I did not criticize the committee. I did not criticize the Senator. I made no complaint on that ground, but as my eye happened to strike that one committee I inquired why the clerk of the committee received more than the clerk of a Senator, in view of the fact that the Senator had stated he was, in fact, merely the clerk of the chairman, having whatever small duties there were connected with the committee. I did not single it out for criticism, and I do not do it now. It was just one item that happened to strike my eye.

Mr. President, the Senator's remarks between the words and between the sentences reveal this: He states that when he first came here as a Senator he had no clerk, he had no stenographer, he had no help, but that these positions with these high salaries then existed.

Mr. WARREN. Excuse me. I said I had no help except a per diem man during the session.

Mr. REED. Yes, I accept the correction. But the Senator said the positions at higher salaries then existed. If I understand the Senator's argument right, it amounts to this: The theory is that when you come here you do not amount to much anyway; that there are various plums or persimmons high up on the tree, and when you have been here long enough you will get some of the plums.

Mr. President, that is the very thing I am protesting against. I am protesting not on account of the Senators, because whatever honors a Senator can get by long service, that comes to him personally and because of his experience, well and good, let him have them. I am not discussing that, but I do insist that the man who happens to be clerk for a Senator who has been here 10 years is not in equity or good conscience entitled to any more pay than a clerk who performs the same duties for a man who has been here only 10 months.

I go further than that. The Senator stated that he got along when he first came here with a per diem man. Well, if I represented a State with only 150,000 voters in it, or less, I could get along with a per diem man now. I do not say that to criticize the Senator nor to criticize his State, but there is a sufficient inequality now arising out of the fact that some Senators have to keep up a correspondence with the people of a State that has a population of 200,000 or 250,000 people; and others have to look after States, as I believe in the case of New York, of five and a half million people, and the work is not equal.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. Certainly.

Mr. WARREN. Perhaps the Senator has forgotten that a State like New York has 37 or 40 or 42 Members of Congress, while the smallest States have but one Member, and so the correspondence comes to Senators from small States that would naturally go to Members of the House from large States. It is hardly fair to say that the representation is the same with the small State that has but one Representative in Congress.

Mr. REED. But they have the same representation here. Then I want in all fairness to say to the Senator from Wyoming that there is a great difference between the burdens falling upon any man in the Senate to-day and the burdens that fell upon a Senator 10 or 12 years ago. Of course, I can not speak of that from experience; I was not here; but I can speak of it from equally certain knowledge. We have added in the last 10 or 15 years to the departments of this Government; we have added to the Cabinet; we have added all sorts of bureaus; we have multiplied the work of the Federal Government enormously; and year after year that is growing and increasing, so that to-day a man who sits here representing a State with any considerable population can keep a clerk and a very competent stenographer busy at their machines 8 and 10 hours a day and yet fall behind in the work that comes crowding upon him.

I have taken, because of these interruptions, about ten times as much of the Senate's time as I expected. I say that in my humble judgment a committee ought to be appointed to equalize the salaries of these various employees and to report back to the Senate; and at the proper time I intend to offer that kind of a resolution. I do not intend to undertake to obstruct the passage of this bill; that is furthest from my thought; but I should like to see it so arranged that men performing similar work would get the same pay; and it does seem to me that is not an impossible task.

Mr. HEYBURN. Mr. President, we evidently look upon this question from a different standpoint. The necessity of a Senator depends upon the work which he has to perform as a Sena-

tor regardless of his committee. The work assigned to a Senator who chances to be chairman of a committee that has little before it may be greater than that of a committee that has much business before it and none before any other. All this morning, before the meeting of the Senate, my clerks were engaged upon work assigned to me as a subcommittee by a committee of which I am not chairman. I have five assignments of that kind. It keeps the clerks busy.

My Committee on Manufactures affords a good deal of work, but committees of which I am not chairman involve upon me many times as much work, and receive, or must receive, at the hands of my secretary, much more work than the committee of which I am chairman. It will not do at all to judge a Senator's work by the amount of work before the committee of which he happens to be chairman. For instance, the Committee on the Philippines refer to me a bill which involves the making of a tariff law for that committee, or any other matter of that importance; they refer it to me as a member of the Committee on the Philippines, not as chairman of the Committee on Manufactures. I can not go to the Committee on the Philippines and say: "Please detail me some clerical force here to assist with this work"; I am not at liberty to do that. The nominal clerks of the Committee on Manufactures must do that work. The Committee on Public Lands refer measures that require a vast amount of work, research, and preparation for report in great detail. I can not go to the Committee on Public Lands and say, "I should like to have the assistance of some of the clerks to the Committee on Public Lands to do this work." I must do it with the clerks of the Committee on Manufactures. Thus it goes. I think it will be obvious that you can not measure the necessity for assistance by the chairman of a committee by the business that is referred to the committee of which he is chairman.

We have suffered under that condition here throughout many years, and it is pretty annoying to be required to do work and to have men coming to you, as they are coming to me continually, and saying, "How soon can you get that report ready?" "How soon can you report this measure from the committee?" of which I am not chairman at all, and urging me to do the work. I work all kinds of hours and under all kinds of extraordinary circumstances, yet a committee of this body, invested with the recommending power in regard to clerical help that a committee shall have, declines to give me another assistant. The result is that I am compelled to suffer under the burden of insufficient help. Is that fair?

I have no idle committees; I have no nominal assignments to any committee. I am on eight committees, and there are none of them committees without business.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. REED. I do not know whether the Senator from Idaho was really addressing his remarks to me, but whether he was or not I am enlightened by what he says. I understand him to say that, being burdened with work imposed upon him as a member of various committees, he has to call in to help him the clerks assigned to the committee of which he is chairman.

Mr. HEYBURN. I do not have to call them in. I have them there.

Mr. REED. You have them there and use them.

Mr. HEYBURN. Certainly.

Mr. REED. That is all right for a Senator who is the chairman of a committee, but what becomes of a Senator who is a member of a number of important committees and who has work assigned to him but who, unfortunately, is chairman of no committee and has no extra clerks?

Mr. HEYBURN. He should have sufficient clerical force to enable him readily and easily to perform any duties that may be assigned to him. In raising this question the Senator referred to the Committee on Additional Accommodations for the Library of Congress.

Mr. REED. Would the Senator pardon me a moment, while we are on that matter?

Mr. HEYBURN. Just a moment. The chairman of that committee is on the Committee on Census, on the Committee on Finance, on the Committee on Irrigation and Reclamation of Arid Lands, and on the Committee on Rules. Any one of those committees, and some others that I did not mention, would require as much clerical help as he has, and perhaps more. He is not a Senator for some particular committee or from some particular State, but he is a Senator of the United States. He is as much a Senator for the State of Missouri as he is for the State of Texas.

Mr. REED. I am not trying to get into an argument with the Senator, understand me. I agree with his last statement that the Senator who is chairman of this committee and a number of the other committees which have just been named by the Senator is a Senator from his State and is also a Senator of the United States, but that is true of every Member of the body——

Mr. HEYBURN. Certainly.

Mr. REED. According to his capacity. Of course there are some men of greater experience, of greater natural ability than others, and they may be more potential; but the Senator from Idaho has expressed an idea that I should like to get his view upon. He stated that if a Senator did not have the chairmanship of a committee, he ought to have all the help that is necessary, or some similar expression.

Mr. HEYBURN. For the work that he has to perform.

Mr. REED. Yes. I agree with the Senator on that point. The very thing that I complain about is that this additional help comes not to a Senator because of the labors which may be actually imposed upon him, but it comes because he happens to be the chairman of a committee. If he does not get the chairmanship of a committee, he does not get the additional help. For instance—not to make it personal at all—the Senator from Idaho is chairman of the Committee on Manufactures. I happen to be an humble member of that committee. I grant fully that the chairman, because he is chairman, perhaps, and perhaps for many other reasons, has a greater burden upon that committee than have I, but the Senator is also a member of several other important committees, and he has a large amount of work assigned to him. He is able to perform that work in part, at least, because as chairman of the Committee on Manufactures he has the command or the direction, at least, of the clerks of that committee, and he uses them as best he is able to use them to assist him in the work which calls to him from other committees. Of that I make no complaint or criticism; but that is a privilege that comes to the chairman of a committee; it does not come to anybody else.

I want to ask the Senator if he does not believe that a committee ought to be appointed to equalize all of these matters, including salaries? We started in discussing merely, as the Senator will remember, the question of differences in salaries; and, as usual, we have gotten a little aside from the question; but the Senator from Idaho has certain clerks in the Manufactures Committee. He may have an expert or two there, but there certainly is an inequality, a difference in the salaries that are paid to men performing exactly the same kind of labor.

Mr. HEYBURN. Mr. President, I will simply say that in the work that has been done and presented to this body from the Committee on Manufactures there has never been any expert called in.

Mr. REED. What are the salaries paid in that committee; does the Senator recall?

Mr. HEYBURN. To whom?

Mr. REED. To the clerks to the Manufactures Committee.

Mr. HEYBURN. I have it right here.

Mr. REED. I would not bother the Senator to look it up.

Mr. WILLIAMS. I have it right here, if the Senator will pardon me:

Clerk to the Committee on Manufactures, $2,500; assistant clerk, $1,440; messenger, $1,440.

Mr. HEYBURN. The Committee on Manufactures has one $2,500 clerk, one $1,440 clerk, and a messenger.

Mr. REED. Let me ask the Senator, without making this personal—I am simply trying to get light—does the Senator have in addition to those clerks two other clerks of his own?

Mr. HEYBURN. Do I have what?

Mr. REED. Does the Senator have any additional clerks of his own?

Mr. HEYBURN. No; I have not. When I require additional service, I pay for it myself.

Mr. REED. The three clerks of the Manufactures Committee do your personal work unless you pay for it yourself?

Mr. HEYBURN. My personal work?

Mr. REED. I mean your work in committee.

Mr. HEYBURN. I quit personal work when I came to the Senate. I do my public work here.

Mr. REED. The Senator is——

Mr. HEYBURN. I say that in entire good temper.

Mr. REED. Oh, certainly. When I said "personal work" I meant the work which the Senator performs as a Senator aside from his work in the committee. The clerk of the Senator's committee receives $2,500. If the Senator were not the chairman of a committee that clerk would receive but $1,800 a year, if I understand correctly.

Mr. WARREN. Mr. President, I must correct the Senator from Missouri. The sum of $2,000 a year is the minimum for any Senator's clerk.

Mr. REED. Two thousand dollars. Very well.

Mr. HEYBURN. May I help the Senator out a little?

Mr. REED. Certainly.

Mr. HEYBURN. The clerk the Senator refers to as receiving $2,500 is Mr. Addison T. Smith. Mr. Smith is not only useful to the committee of which he is clerk, but he is called upon by Senators in connection with legislation affecting their committees, and as a member of the bar of this District. He has been more than 20 years in the service of the committee. He was before that in the other House. He is a man capable of performing the duties of a member of either of these bodies; he is useful not only to the committee or to me, but, I repeat, he is useful to many other Senators who come to him for information and suggestions.

Mr. REED. Mr. President, if the Senator will pardon me just once more, that brings the matter right to the point from which I started, or almost to that point, that if there are men possessed of a certain knowledge and special skill they ought to be so classified. All men possessing that expert knowledge and skill ought to be compensated for it; but, outside of those special instances, it still remains true that one messenger gets $1,200, another gets $1,440, and one clerk gets $1,440, while another gets but $1,200, and that these inequalities run throughout this bill. I do not believe that the Senator—I know he will state it fairly—will say that these inequalities do not exist to a large extent, that they ought to be remedied, and that equalization ought to result.

Mr. HEYBURN. Does the Senator think that in the case of Mr. Smith there should be a reduction in his salary? Mr. Smith voluntarily, during the ordinary recess of the Senate, when employees are enjoying themselves, as a rule, took charge of the affairs of the investigation of Mr. STEPHENSON at Milwaukee and spent his time there, days and nights, up to midnight very often, in gathering the witnesses, arranging them, and providing for them, so that the work ran like a piece of machinery. There are very few men who can do that kind of work. He did it, as I say, in addition to his duties in connection with the Committee on Manufactures. Would the Senator think that his pay should be reduced at all?

Mr. REED. Mr. President, I have been very clear in my statement that I am not here haggling to reduce the salaries of men below where they ought to be. I said very clearly, perhaps before the Senator came in, that it was not a question with me of trying to cut down the salaries of these employees, but it was a question of giving the same pay for the same kind of work to all men engaged in that same kind of work with the same degree of capacity.

Mr. HEYBURN. Mr. President, I ask the Senator would he give to all other men holding similar positions the same pay, whether they performed the work or not?

Mr. REED. No, Mr. President; I would classify these clerks, and if there was a man possessed of special skill, learning, and ability I would put him in class A, to illustrate.

Mr. HEYBURN. Then what would you do with him after you put him there?

Mr. REED. I would give him a salary commensurate with his duties.

Mr. HEYBURN. What would be his duty after you have placed him in class A? Would he be transferred to some other committee?

Mr. REED. Oh, not necessarily. The Committee on Manufactures, a great committee, might be entitled to a clerk of that kind. That is not difficult to get at; but the Senator is a little aside—he is too logical not to see the point—from the point I am discussing. You can not break down the force of the fact that there are inequalities between men performing the same kind of service by showing that there is some man who does not perform the same kind of service and who is entitled to greater pay. If we have men of special skill, let us so classify them and so pay them. What I complain of is that throughout this bill there is not one illustration, but there are scores of illustrations, of the fact that men who do perform substantially the same service as others do not receive the same pay.

If the inequality exists, whether we can wipe it out absolutely and reach a condition of perfection is not the question; but the question is, Can we improve it? I ask the Senator candidly and fairly if he does not believe that a committee assigned to this work could improve present conditions?

Mr. HEYBURN. Mr. President, conditions shift from day to day. The Senator knows from experience that a period of six months might intervene during which there would be no assigned duty to a committee or to the chairman of a committee, and then again for six weeks there might be some important matter assigned to him as chairman or member of a subcommittee every week; so that I would be curious to know upon what basis the Senator would attempt to equalize conditions.

Mr. REED. Mr. President——

Mr. HEYBURN. Now, just a moment, and I will close; and then the Senator will have free opportunity. I only intervened to make the suggestions I have submitted, because I have sometimes rather chafed under the situation that existed here, where a committee—and I do not intend to be personal in my criticism of it—endowed with the power of reporting favorably or otherwise upon the applications for assistant help by a committee should receive a resolution introduced in this body and bury it. I would rather have them report adversely on it.

In the last session of Congress and in this session I introduced a resolution asking for an additional assistant clerk, but it has not been reported upon; it has been treated with a contempt of inattention that is not becoming in this body. I have frequently intended to call up the resolution and ask that the committee be discharged from its consideration, but I have enough rows on hand and so I have not moved in the matter. They have, however, no right to remain silent, and I do not intend they shall remain silent many days.

The idea that because the chairman of some committee only has a certain amount of business, every other Senator should be cut down to his size is an erroneous view of this thing. All any Senator wants is enough help. No Senator wants to have sitting around him in state and idleness people who have nothing to do—if he does, he is not fit to be in any body of this kind—but he does want enough help to perform the duties that he has to perform, and his judgment ought to count for something in the matter rather than the judgment of a lot of men who do not know anything about it, who do not seek to know, and do not even inquire, but who measure it up by some rule of political graft. I am getting tired of it. I do not consider what they call the patronage of this body as graft, and, so far as I am concerned, I will measure it by the necessities of the occasion. If a committee needs help, so far as I am concerned, that committee should have all the help it wants—and when I use the term "committee," I mean the chairman of the committee, because the chairman of the committee is the committee, so far as the responsibilities of the committee are concerned.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. WILLIAMS. I thought the Senator had concluded.

Mr. HEYBURN. No; the Senator will know when I am through. I will be through when I sit down.

Mr. President, I want to see the rule established here that whenever the chairman of a committee applies for more help he will get it. A Senator, being chairman of a committee, who would apply for help when he did not need it ought to be turned out of this body, but he ought to be present when he was tried; it ought not to be a question to be disposed of in silence behind the door of some committee room, and for that reason I object to the rule suggested by the Senator from Missouri. How can a Senator perform his duties unless he has help enough to do them? I have known men who did not know how to work but were always attempting to criticise the work that other men performed. I have known men who were so lazy by nature that they did nothing themselves, and their greatest discomfort arose out of the fact that other people did work. Now I will sit down.

Mr. WILLIAMS. Mr. President, I had not intended to intrude into this very interesting debate. I agree with the Senator from Missouri [Mr. REED] that there ought to be a committee appointed by the Senate for the purpose of considering and, if possible, decreasing the expenses of the Senate and equalizing the pay of employees to some extent—of course, with due regard to the character of the work to be performed by the employee. I have been drawn into the discussion, however, by rather a vicious attack made by the Senator from Idaho [Mr. HEYBURN] upon the Committee to Audit and Control the Contingent Expenses of the Senate, in which he virtually charges that, for some reason or other, they have not accorded due meed of recognition to the claim which the country has upon him and which he has upon the services of assistants.

The Senator seems to forget that he has made his main argument upon the ground that employees ought not to be paid in proportion to the importance of the committees which they serve as clerks or assistant clerks, but because a man who happens to be chairman of an unimportant committee might have a great deal of other work to do. Mr. President, it is also true that a man who happens to be chairman of no committee at all frequently has a great deal of work to do. His correspondence and his department work are perhaps equal to the similar work of the chairman of a committee; and then when he comes to the work which he must do on a subcommittee of committees

of which he is a member, that work is equal, at any rate in proportion to the number of committees to that assigned to other members of the committee who are chairmen.

The Senator has made this rather uncalled-for attack upon the committee, and it may be due to other Members of the Senate to let the Senate know what assistance the Senator from Idaho already has. The Senator from Idaho, as chairman of the Committee on Manufactures—a committee, I take it, which in itself does not entail much labor—and the Senator himself has rather confessed that what labor was entailed upon him by his senatorial service was entailed upon him as a member of some other committee or simply as a Senator—he has, as chairman of this unimportant committee, first, a clerk at $2,500—and I believe the clerk of no other committee has any greater salary, except the clerks to the Committees on Appropriations, Finance, and perhaps one or two others of first magnitude, which do a great deal of work and who do committee work, not merely the chairman's work—he has a clerk at $2,500, then an assistant clerk at $1,440, and a messenger at $1,440. One of these last is nearly always a stenographer.

Now, take as a mere illustration, the case of the Senator from Missouri [Mr. REED] or that of the Senator from Oregon [Mr. CHAMBERLAIN]. Each of them has to help him in doing his work only one clerk, who gets $2,000, and one stenographer, who gets $1,200; so that there has been no unfair treatment of the Senator from Idaho. He is enjoying—I have not time to calculate it now—the assistance of $2,880 plus $2,500 amounting to $5,380 worth of hired assistance.

Neither one of the two other Senators I have mentioned, and many others, such as the junior Senator from Virginia [Mr. SWANSON], the Senator from West Virginia [Mr. WATSON], and I myself, although some of us are on important committees, which entail a great deal of work, and we have the same work in connection with subcommittees that the Senator from Idaho has, none of us has more than $2,000 plus $1,200, which amounts to $3,200 worth of assistance.

Of course a man may make for himself any amount of work in the world he wants to. I knew a man once, a lawyer in my town, who, with five cases on the docket, could keep himself busy 16 hours a day. He hardly ever had over five cases at a term of court, yet he never seemed up with his work. It depends upon how the man works and upon his ability to focus himself upon his work.

But I did not rise to discuss the general subject. The chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, the Senator from New Jersey [Mr. BRIGGS], is absent. Another member of the committee, the Senator from Arkansas [Mr. CLARKE], is also absent; the Senator from Vermont [Mr. DILLINGHAM] is absent—all seem to be out of the Chamber except me. I rose only to say that I think the attack made upon the committee on the ground that it had been actuated by some desire of doing injustice to the Senator from Idaho or to any other Senator is totally ill placed. The Senator from Kansas [Mr. BRISTOW], another member of the committee, I see is present, and I believe he, with the Senators I have named, and I constitute the full committee.

I am sure that there is no man upon the committee who ever had the slightest idea of considering a proposition of this sort when put to them in any way except upon its merits. The committee came to the conclusion that the Senator from Idaho had already more help than the majority of the Members of the Senate, and therefore was not entitled to any more. We turned down several requests from several other Senators in just the same way and for just the same reason. As usual in the world, it is those who already have too much who cry for more.

The Senator from Idaho says that when any chairman of a committee asks for clerical help he ought to have whatever he asks for. That will not do. The Senator says, in reenforcing his statement, that no Senator who is chairman of a committee would ask for any help that he did not need. Ah, what a man needs is one thing and what a man thinks he needs or fancies he needs is another thing. I take it that no chairman of a committee would ask for anything that he did not think he needed, but that is a different thing from what he really needs, and a man ought to get along, if possible, with what he needs. I dare say if we adopted the rule of giving to every chairman of a committee of this body all the clerical and messenger service that he requested we would soon double the clerical and messenger expenditures of the Senate of the United States. I had the honor not long ago to call the attention of the Senate to the fact that it costs the American people for the Senate and House of Representatives to be waited upon ten times as much at its costs the English people for the House of Lords and the House of Commons. This disparity is not decreasing, but is increasing.

Now, as to myself, I have simply a clerk and a stenographer. I have no messenger; I have no assistant clerk or any help of that sort. I find that by doing a good deal of the work myself, as we all must do in the long run, for most of it can not be left to clerks and one must do it one's self, my force is not very much overworked, although at times it has to work long hours, but only when I work with them, and that I myself am not very much overworked. I could work more without danger to my health or without any risk of depriving of its necessary attention any other business that called upon me for attention.

Much of our time, of course, is taken up by sitting in the Senate. Lately this has been abused to some extent, because every time a Senator makes a speech it has become a habit for some one to call for a quorum to listen to him. We might be at work in our offices a good deal of the time, and we would be doing much more good than sitting here listening to one another, unless the discussion be upon some subject in which one is especially interested and where he wants to find out something from others to fix his conclusion. Very frequently the question under discussion is one with which one is familiar and about which one has formed his opinion and upon which he knows beforehand how he is going to vote; but still we are compelled to sit here and listen to Senators two, three, and four hours at a time.

I do not think the Senator from Idaho, upon second thought, will assert that he has been just in his criticism of the committee. The committee could not possibly be actuated by any desire to do him an injustice or by any desire to be partial to anybody else over him. It was actuated by the same motive in his case that has actuated it in every other case, when it has received requests of the same character with like result. The recital of the membership of the committee and of the present clerical and messenger assistance enjoyed by the Senator as compared with that enjoyed by other Senators of at least equal ability and capacity for service demonstrate that fact.

Mr. BRISTOW. Supplementary to what has been said by the Senator from Mississippi [Mr. WILLIAMS], I desire to say that the Committee on Manufactures, of which the Senator from Idaho [Mr. HEYBURN] is chairman, has the same number of clerks that the Committee on Commerce has—three—the only difference being that the assistant clerk in the case of the Committee on Commerce gets $1,800, while what might be termed the assistant clerk of the Committee on Manufactures gets $1,440. The Committee on Manufactures has the same number of clerks as has the Committee on the District of Columbia.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. I want to use that to illustrate the point I was making, that one of the clerks of the Committee on Manufactures gets $1,440, while in the case of the Committee on Commerce the assistant clerk gets $1,800. Do I correctly understand the Senator?

Mr. BRISTOW. Yes.

Mr. REED. There are two important committees, one the Committee on Commerce and the other the Committee on Manufactures, and I happen to be a member of both those committees. Does the Senator know of any reason for that difference in the salary, based upon merit? Let me say to the Senator—he has come in since I began to make my remarks—that I do not rise here to criticize the committee making this report, and I have not criticized them. I am simply urging the equalization of compensation where the service is the same, and upon that point this debate started.

Mr. BRISTOW. I do not think it is practicable to determine with mathematical accuracy what the specific compensation of this clerk or that clerk should be. It seems to me that $1,800 is not an excessive compensation for the second clerk or the assistant clerk to the Committee on Commerce. I consider that one of the very important committees of the Senate. Take the Committee on Foreign Relations. It has the same number of clerks as has the Committee on Manufactures, of which the Senator from Idaho [Mr. HEYBURN] is the chairman. The assistant clerk of the Committee on Foreign Relations get more pay than does the assistant clerk to the Committee on Manufactures. It would seem to me that that is perfectly proper, because it requires a man of wider experience, at least presumably it does. These committees have been adjusted through the years and years of experience, and I do not think you can pass a general act fixing specific and

definite compensation for the clerks of all committees alike. I do not think it could be made to apply with exact justice and equity.

The Committee on Contingent Expenses in passing upon the requests coming before it does the best it can to treat every Senator fairly and generously, as it thinks it is justified, considering the expenditures of the Senate and the amount of work that is to be done. Of course it is very difficult to determine with exact accuracy what ought to be done. We can only do the best we can with the information we have.

I am sorry the chairman of the committee is not here, but in justice to the committee that has passed on a number of such requests during this session of Congress, I want to say that we have considered the request of the Senator from Idaho [Mr. HEYBURN] and have not passed favorably upon his request for a fourth clerk, because we did not think it was justified, considering the clerks that were assigned to other committees.

Mr. HEYBURN. Mr. President, I would say it would result in this: That if we have not clerical force enough to do the work, we will not take the work; in other words, one is not compelled to accept an assignment to duty as a subcommittee; and when things pile up beyond the possibility of reporting on them, it will result in Senators refusing to act on subcommittees; that is all. I am only about five assignments behind now; I hope to catch up this week if no more will come to me, but I certainly am not going to take work that I can not perform for want of clerical assistance.

Mr. BAILEY. Mr. President, I am not entirely certain that it is a wise rule to allow one Senator the assistance of three people and allow other Senators the assistance of only two. The only explanation, perhaps I ought to say the only defense, of that is that, as the Senators grow in length of service, they have come into this additional assistance, and I believe that nearly any Senator who remains here longer than one term will find that the demands on his time increase with the length of his service. The matter equalizes itself at last, because the Senator who remains finally has the assistance which these increased demands upon his time and his attention make necessary. But I am not sure that that is a sufficient reason, and I would be willing to give to each Senator as much clerical assistance as may be allowed to any other Senator. But while I am in some doubt about that I am in no doubt whatever that there is an entirely sufficient reason for what appear to be the discrepancies in the salaries, and I do not predicate that explanation upon the fact that one clerk may be more important than another. We understand that the committee chairmanships come to Senators according to the length of their service; and it is fair to say that the clerk of a Senator serves somewhat in proportion to the length of the Senator's service; and if the United States does not increase the pay of a long-time and faithful employee over and above the pay of a beginner, it is the only institution in the land that fails to observe that just and proper rule. You go into a storehouse and you find several clerks at the same counter. One, having been there a long time and thus better qualified to do his employer's work, will be receiving a higher salary than a clerk of equal character and equal intelligence, but less experienced.

I happen to know that the clerk to the Committee on Additional Accommodations for the Library has been here for nearly 20 years, first in the other House and then in the Senate, and I think I pay him no compliment above what he deserves when I say that he possesses a capacity equal to some Senators and some Representatives, and if a 20 years' service does not earn for him the moderate addition of $250 as against a clerk or secretary in the first year or two of his service, then we fail to observe the rule that obtains in all other places.

Mr. WILLIAMS. As an illustration as to what the Senator said of the difference in value of clerkships of the various committees, the Senator will remember an illustration in the House of Representatives which proves that sometimes a man becomes indispensable as a clerk to a certain committee. The Senator will recall that the clerk of the Committee on Appropriations of the House of Representatives has served there since before the Senator and I entered the other House, has served under both parties, neither one thinking that they could get along without him. Of course, a man of that kind deserves and ought to have very much higher pay than a man who serves as clerk of a committee whose duties almost anybody might be capable of performing.

Mr. BAILEY. The Senator is entirely right about that, and I fully agree with him. But in what I am saying I am leaving out of account the important work of a committee, and I am considering the matter as it relates to the individual work of a Senator. The first clerk provided for here is a clerk of a committee that never meets, but that clerk does his work, and he does it with unusual fidelity and intelligence. I think the increase in his salary since he has been an employee of the Senate has not been greater proportionately than the increase which has come to the Senators themselves in their salaries. I believe that it works itself out justly and fairly in the end, unless it be, indeed, that a Senator employs a clerk or a secretary, and finds him unsatisfactory and dismisses him, or unless it might happen to be that some Senator uses his clerkship or secretary's place as political patronage, and passes it around among his deserving supporters. In those cases, of course, the clerks or secretaries do not get the benefit of the increase which is predicated upon supposed length of service. I believe that the man who has been here for 20 years is entitled to a little more than the man who has been here 10 years, because he is undoubtedly better able to do the work; he can render better service to the Senator himself; and I think a secretary who has been here 10 years is entitled to something more than a secretary who has been here only two years, because he can undoubtedly render better service.

Mr. WILLIAMS. If the Senator will permit me, in reenforcement of what I have said, the clerk to whom the Senator has referred, has been here 20 years in the public service and has fitted himself for his place by long time, and yet he gets only $2,220, whereas the clerk of the Committee on Manufactures gets $2,500. The Committee on Additional Accommodations for the Library has no assistant clerk at all, whereas the Committee on Manufactures has an assistant clerk at $1,440. They each have a messenger at $1,440.

Mr. BAILEY. Mr. President, I want to be entirely frank with the Senate. I have three persons assisting me, and I have never inquired exactly how the provision was made, and I hope the chairman of the committee has not omitted the provision to pay them, because they all earn it. I know that the clerk of the Committee on Manufactures receives $250 more than the clerk of the Committee on Additional Accommodations for the Library, but I can not believe that any clerk who is merely the clerk of a Senator in the Chamber earns more than the clerk to the Committee on Additional Accommodations for the Library.

But I did not arise to institute a comparison of that kind. I only rose to suggest that I believe there is a basis for a difference in the salaries of the clerks, because it will be found upon examination that it is graduated according to a presumed length of service; and I believe the better rule is to let these clerks come into an increase by a length of service here as we do in almost every other relation of our lives.

Mr. REED. Mr. President, just a word. The Senator from Texas discusses this matter in a very fair way, and there is no quarrel between his ideas and mine, in the main. I have not urged that there should not be a difference in salaries of employees of the Senate. I have urged that there should be no difference in salary where there is the same character of service rendered and the same amount of service rendered. I agree with the Senator from Texas that if a clerk remains at his post of duty for many years and acquires special skill, in fixing his salary his increased usefulness and his fidelity should be considered. I said that early in my remarks. I have not varied from it.

I have said from the first that if there are men employed by committees in positions that require special skill, and those men have that skill, they should be paid for it. The Senator from Texas dropped a remark, however, which I think is explanatory of this situation, and that was that these clerks were presumed to have greater experience, as I understood it, because they are the clerks of the chairmen of committees, which chairmen would be men of greater experience or they would not have the positions.

Mr. BAILEY. Not greater experience, but a longer time of service. These committee chairmanships go by seniority. I have never had very much patience with that rule, but it is observed. For instance, if the Senator will permit me——

Mr. REED. Certainly.

Mr. BAILEY. As the Senators holding the minority chairmanships pass out for one reason or another, the Senators next in order of service step up, and the chairmanships are not presumed to mean larger experience except where a larger experience must be presumed from a longer service.

Mr. REED. Yes; I understand that, and there is no difference between us.

The question, then, resolves itself into this: The chairman of a committee gets to be chairman because of length of service. Now, his clerk is presumed—because he is the clerk of a man of longer experience—to be a clerk of longer experience.

That is a presumption. But I am afraid that it is a presumption that is not always based on fact. The difference in salary ought not to be determined upon the presumption following merely from the fact that one man works under another, but it ought to be a fact itself.

I take it there can be no difference among Senators in regard to this view: First, if a man is required to possess special skill and knowledge, he ought to receive more pay than a man who is not required to possess it; and, second, it would be entirely proper to recognize length of service in fixing salaries, because that would have a tendency to encourage men to hold these positions.

That brings me back to the point I was discussing an hour ago: That these positions ought to be classified; and if there is a committee that requires a skilled man for its clerk, that fact ought to be ascertained, and it can be ascertained, and a salary ought to be paid which would compensate the individual holding the place for his special skill. When you get outside of those positions requiring special skill, then the salaries ought to be fixed according to the value of the work. There ought to be no question about that among Senators. I insist that these inequalities stand out on the face of this bill.

The Senator from Texas spoke of the long length of service of the clerk of his committee. Well and good; he ought to be paid for that. I agree to that. But look at the bill as we go along. Here is a messenger to the Committee on Coast and Insular Surveys. That messenger gets $1,440 a year. Is that based upon length of service or special skill? There is certainly nothing to show it. The messenger to the Committee on Coast Defenses gets $1,200 a year. Why should there be that difference? The assistant clerk to the Committee on Conservation of National Resources gets only $1,200 a year. The messenger for that committee, ranking below the assistant clerk, gets $1,440 a year. The clerk to the Committee to Examine the Several Branches of the Civil Service gets $2,220, and the messenger to that committee gets $1,440.

Now, Mr. President, I am not going to weary the Senate by going through this bill, but it is just as plain as anything can be that, taking the bill by and large, these salaries have not been fixed with reference to length of service. They have not been fixed with reference to special ability or special fitness. We have crystallized in this bill the haphazard legislation that has gone through the Senate from time to time, and we are perpetuating here the inequalities which arise from the fact that one man in introducing a resolution asked for a certain salary to be fixed to a certain position then to be created and another man introducing a resolution to create a similar position fixed a different salary.

I take it that the Senate is in no humor to undertake to thrash this matter out at this time. What I have said has been with a view of challenging, if I could, attention to these inequalities and with a view to introducing a resolution to create a committee and direct that committee to report a bill that will, as far as possible, equalize the present inequalities.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued on page 3, line 20.

The next amendment of the Committee on Appropriations was, on page 3, in line 21, before the word "clerk," to insert "messenger, $1,200"; in line 22, before the word "messenger," to insert "assistant clerk, $1,200"; in line 25, before the word "clerk," to insert "messenger, $1,200"; on page 4, line 1, after the word "messenger," to strike out "$900" and insert "$1,200"; in line 5, before the word "clerk" where it occurs the second time, to insert "messenger, $1,200"; in line 9, before the word "clerk," to insert "messenger, $1,200"; in line 11, before the word "messenger," to insert "assistant clerk, $1,200"; in line 15, before the word "clerk," to insert "messenger, $1,200"; in line 21, before the word "clerk," to insert "messenger, $1,200"; on page 5, line 4, before the word "clerk," to insert "clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220; messenger, $1,440"; in line 6, before the word "clerk," to insert "messenger, $1,200"; in line 8, before the word "messenger," to insert "assistant clerk, $1,440"; in line 11, before the word "clerk," to insert "messenger, $1,200"; in line 13, before the word "clerk," to insert "messenger, $1,200"; in line 16, before the word "clerk," to insert "messenger, $1,200"; in line 18, before the word "clerk," to insert "messenger, $1,200"; in line 21, before the word "messenger," to insert "assistant clerk, $2,220; assistant clerk, $1,600; assistant clerk, $1,440"; on page 6, line 8, before the word "clerk," to insert "messenger, $1,440"; in line 11, before the word "clerk," to insert "messenger, $1,200"; in line 13, before the word "clerk," to insert "messenger, $1,200"; in line 15, before the word "messenger," to strike out "assistant clerk, $1,800" and insert "two assistant clerks, at $1,800 each"; in line 19, before the word "clerk," to insert "messenger, $1,200"; in line 22, before the word "messenger," to strike out "assistant clerk, $1,800" and insert "two assistant clerks, at $1,800 each"; in line 24, before the word "clerk," to strike out "messenger" and insert "assistant clerk, $1,440; messenger, $1,200"; on page 7, line 2, after the word "messenger," to strike out "$900" and insert "$1,200"; in line 4, before the word "clerk," to insert "messenger, $1,200"; in line 7, before the word "clerk," to insert "clerk to the Committee on National Banks, $2,220; messenger, $1,440"; in line 8, before the word "clerk," to insert "messenger, $1,440"; in line 13, before the word "clerk," to insert "messenger, $1,200"; in line 14, before the word "assistant," to strike out "two" and insert "three"; on page 8, line 3, before the word "assistant," to insert "assistant clerk, $1,800"; in line 4, before the word "clerk," to insert "messenger, $1,440"; and in line 18, after the words "in all," to strike out "$318,640" and insert "$370,940," so as to make the clause read:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Census, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Claims, $2,500, assistant clerk, $2,000, assistant clerk $1,440, messenger, $1,200; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Conference Minority of the Senate, $2,220, assistant clerk, $1,800, messenger, $1,200; clerk to the Committee on Conservation of National Resources, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Engrossed Bills, $2,220, messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of Justice, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440, messenger, $1,200; clerk and stenographer to the Committee on Finance, $3,000, assistant clerk, $2,220, assistant clerk, $1,600, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, $2,220, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Indian Depredations, $2,220, messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Interstate Commerce, $2,500, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Manufactures, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on National Banks, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, three assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, three assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to

the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,800, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Trasportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $370,940.

The amendment was agreed to.

The next amendment was, on page 8, line 22, before the words "Sergeant at Arms," to strike out "clerk to" and insert "Assistant"; in line 25, before the word "messengers," to strike out "forty-seven" and insert "thirty-seven"; on page 9, line 1, after the word "each," to insert "messenger at card door, $1,600"; in line 4, after the word "storekeeper," to strike out "$1,800" and insert "$2,220"; in line 7, after the word "each," to strike out "two skilled laborers at $900 each" and insert "skilled laborer, $900"; in line 13, after the sum "$1,400," to strike out "two laborers, at $840 each," and insert "laborer, $840"; in line 14, before the word "laborers," to strike out "thirty" and insert "twenty-seven"; and in line 16, after the words "in all," to strike out "$148,884" and insert "$132,604," so as to make the clause read:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 4 messengers, acting as assistant doorkeepers, at $1,800 each; 37 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; messenger at card door, $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; 4 skilled laborers, at $1,000 each; skilled laborer, $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; chief telephone operator, $1,200; 2 telephone operators, at $900 each; night telephone operator, $720; telephone page, $720; superintendent of press gallery, $1,800; assistant superintendent of press gallery, $1,400; laborer, $840; 27 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $132,604.

The amendment was agreed to.

The next amendment was, on page 9, line 24, before the word "messengers," to strike out "three" and insert "two," and on page 10, line 1, after the words "in all," to strike out "$14,700" and insert "$13,500," so as to make the clause read:

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 2 messengers, at $1,440 each; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers, acting as mail carriers, at $1,200 each; and messenger for service to the press correspondents, $900; in all $13,500.

The amendment was agreed to.

The next amendment was, on page 10, line 4, before the word "privates," to strike out "seven" and insert "sixteen," and in line 5, after the sum "$1,200," to strike out "$8,550" and insert "$18,000," so as to make the clause read:

For police force for Senate Office Building under the Sergeant at Arms, namely: For 16 privates, at $1,050 each; 1 special officer, $1,200; $18,000.

The amendment was agreed to.

The next amendment was, on page 10, line 8, before the words "mail carriers," to strike out "seven" and insert "six"; in line 9, before the words "riding pages," to strike out "four" and insert "three"; and, in line 10, after the words "in all," to strike out "$17,300" and insert "$15,187.50," so as to make the clause read:

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); 6 mail carriers and 1 wagon master, at $1,200 each; 3 riding pages, at $912.50 each; in all, $15,187.50.

The amendment was agreed to.

The next amendment was, on page 10, line 12, before the word "folders," to strike out "nine" and insert "six"; in line 13, before the word "folders," to strike out "fourteen" and insert "eight"; in the same line, after the word "each," to strike out "page, $800," and in the same line, after the words "in all," to strike out "$25,360" and insert "$16,720," so as to make the clause read:

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 6 folders, at $1,000 each; 8 folders, at $840 each; in all, $16,720.

The amendment was agreed to.

The reading of the bill was continued to line 9, on page 11.

Mr. REED. I move to strike out the figures "1,200" in the ninth line, on page 11, and to insert the figures "1,800."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 11, line 9, after the dollar mark, strike out "1,200" and in lieu insert "1,800," so as to read:

Stenographers to Senators: For 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the three junior minority committees, at $1,800 each.

Mr. WARREN. It was the unanimous-consent agreement of the Senate that we should first consider the committee amendments before other amendments were to be offered.

The PRESIDENT pro tempore. The Chair inadvertently forgot that. The amendment will be reserved until after the committee amendments have been acted on.

Mr. REED. Did I understand that there has been a unanimous-consent agreement of that kind?

The PRESIDENT pro tempore. There was when the bill was taken up. The unanimous-consent request was that the bill should be read for amendment, that the committee amendments should first be acted on, and then other amendments would be in order. That was the request submitted to the Senate.

Mr. REED. I beg pardon of the Senate. I did not know that that was the unanimous-consent agreement.

Mr. WARREN. I will say to the Senator the usual course is to go through with the bill as we are doing, and certain amendments will then, perhaps, be offered by the committee, and following those the bill will be open to amendments offered on the floor.

The PRESIDENT pro tempore. The Chair will state that where there is a Senate amendment an amendment could be offered at the time.

Mr. WARREN. Oh, yes.

The PRESIDENT pro tempore. An amendment to the amendment.

Mr. MARTINE of New Jersey. Do I understand that it is in order for me to offer an amendment now?

The PRESIDENT pro tempore. No; the Chair is constrained to answer in the negative because it is not an amendment we are now upon. If there were a committee amendment pending, an amendment by the Senator would be in order to that amendment, but not an independent amendment, and there is now before the Senate no amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 11, line 12, after the word "including," to strike out "$5,000" and insert "$6,000"; and in line 13, after the word "Senate," to strike out "$16,625" and insert "$18,125," so as to make the clause read:

Contingent expenses, namely: For stationery and newspapers for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

Mr. WILLIAMS. I wish to ask the Senator in charge of the bill about that item "for stationery and newspapers for Senators and the President of the Senate." Are there really any newspapers that are bought by the Senate for Senators?

Mr. WARREN. That is the old language; and if a Senator chooses to have newspapers charged to his regular allowance of $120, it may be done.

Mr. WILLIAMS. But it never is done in any case now.

Mr. WARREN. Hardly ever; but the Senator knows that every six months settlement is made with each Senator as to his stationery account.

Mr. WILLIAMS. Yes.

Mr. WARREN. If he has taken any newspapers, they can be charged to him. Otherwise, the money is handed him if he has not drawn the stationery.

Mr. WILLIAMS. I would suggest that the chairman of the committee offer an amendment striking out the words "and newspapers," because it leads to a good deal of confusion in the public mind. A great many people in the United States think that payment is made out of the contingent fund for the newspapers Senators read. It is little things like these—little mistakes for the most part—that prejudice the public mind, when handled with a view and purpose of creating prejudice. People see that sort of thing repeated in the newspapers and they do not know any better.

Mr. WARREN. I will say to the Senator that that is in the main part of the bill. I shall not object if the Senator offers the amendment when we get to the matter of receiving amendments. I shall not oppose it.

Mr. WILLIAMS. I was going to suggest that the chairman of the committee offer it. I will do it, though, later if you say so.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 11, line 22, after the word "thousand," to strike out "$2,000" and insert "$8,000," so as to make the clause read:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

For fuel, oil, cotton waste, and advertising, for the heating apparatus, exclusive of labor, $5,000.

The amendment was agreed to.

The next amendment was, on page 11, line 25, after the word "furniture," to strike out "$5,000" and insert "$8,500," so as to make the clause read:

For purchase of furniture, $8,500.

The amendment was agreed to.

The next amendment was, on page 12, line 2, after the word "laborer," to strike out "$2,000" and insert "$3,000," so as to make the clause read:

For materials for furniture and repairs of same, exclusive of labor, $3,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to insert:

For rent of warehouse for storage of public documents for the Senate, $3,600, to be immediately available, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

Mr. WILLIAMS. Mr. President, I am opposed to that amendment upon the ground that it has a tendency to delay and postpone the building of a public archives building, which shall be fireproof and where Government documents and archives of every sort shall be stored. I think this has the effect of inclining people to delay still further about the building, which we ought to have.

In addition to that I want to say a few words generally about renting buildings in Washington. There is more or less of something suspicious about it. I remember when we built the Agriculture Department Building. We were going to get rid of an immense amount of annual rental paid by the Government in the city of Washington when we did it. The Forestry Service, I believe, and several other bureaus of the Agriculture Department are still renting premises down town.

Earlier than that we built the new Post Office Building, and the old Post Office Building was given up to the Interior Department, right opposite the old Patent Office Building, and in spite of that the Interior Department is still renting buildings everywhere. The Judiciary Department is renting them.

I think there ought to be a commission of Senators and Representatives appointed at some time—I will not offer it now on this bill, of course—for the purpose of inquiring into the various contracts of rental by the Government in the city of Washington, to find out not only what departments and what bureaus have rented the premises, but what particular flesh and blood man, representing the Government, made the actual contract, and how the rentals that are paid by the Government compare with similar rentals of equal accommodations rented by other people.

I do not know that there is anything wrong, but I do know that rumors are afloat all the time about it, and that it is common talk that the Government pays very much more for what it rents in the city of Washington than other people have paid for the same premises who had them previously.

But in connection with this particular question I see an item just following concerning which I wish to ask the Senator from Wyoming. What does this mean?

For miscellaneous items on account of the Maltby Building.

Mr. WARREN. Will the Senator allow me to allude to his remarks as to the rental first?

Mr. WILLIAMS. Yes.

Mr. WARREN. I agree perfectly with the Senator that we ought to build our own buildings instead of renting them. The Maltby Building was one of the purchases that the Government made to avoid renting. I do not believe it was a very fortunate purchase; but we have had it to care for, and as circumstances have changed from year to year as to the uses that we have put it to we have each year provided for it in a lump sum, as we are doing this year. The House, according to information I get, left it out because they were under the impression that we had moved everything out and into the new Office Building, but that is not the fact. The building is being used, and quite a large portion of it, at the present time. This provides for the elevator men and the various expenses of conducting the business.

Mr. WILLIAMS. Who is using it, and how is it used?

Mr. WARREN. I have not the memorandum at hand, but there are several uses made of it. For instance, a portion of the Census Bureau is there. There was a very large portion of it used for a long time by the Immigration Commission. There is a portion of it being used by the statistician who is in the employ really of the Finance Committee. There are various employments for it. I will say to the Senator that the subcommittee was very careful to inquire of the Sergeant at Arms, the Secretary of the Senate, and the Superintendent of the Capitol about the matter, as to how much room we could possibly get if we moved these documents into it. But if we did that we would have to strengthen it, and we found that there were those in the building using so much of it that we could not obtain more than the two lower floors at the present time.

Mr. WILLIAMS. Is it used to any extent by the Senate or by Senators now?

Mr. WARREN. It is used to some extent. The chairman of the Committee on Pensions can inform me, but I think there is a room or two used by the Committee on Pensions. Am I right about that?

Mr. McCUMBER. Yes.

Mr. WILLIAMS. We paid, if my memory serves me correctly, something like two and a half millions of dollars for offices for 92 men. That was the number of Senators we had at the time we built the Office Building. It is an enormous building, covering a whole square, capacious, roomy, and the rooms are numerous; and now to have to confess that in spite of that expenditure the Senate is compelled to find partially for its agencies rooms elsewhere seems to me to be rather humiliating.

Mr. WARREN. Mr. President——

Mr. WILLIAMS. And that is especially the case when one takes into account the manner in which a part of the Senate Office Building is now occupied.

Mr. WARREN. Let me say to the Senator that it was the original intention to move the documents into a large portion or all of the first floor of the Office Building. The construction was provided for accordingly, with steel beams underneath. The desire of Senators to have two rooms and then three rooms and sometimes four rooms has been so all-present and pressing that it seems the subcommittee of the Committee on Rules has consented to the arrangement, and we are left with only a small portion of room there for the folding rooms, and we have not space in which to put the documents that are now in storage in the large stable building. Furthermore, on looking the matter up with the Superintendent of the Capitol and the Sergeant at Arms, I find there has been very serious objection on the part of Senators who occupy that building to having the documents stored therein; that it would be insanitary and unhealthful, and for that reason we still have to provide for the storage of these documents.

The Senator will notice that the amendment which he read contains a provision for moving the documents. A year ago the chairman of the Committee on Appropriations was very insistent that something should be done, and therefore that language was put in. The annual rental is $3,600. It was put in there so that the removal could be made, but the protests of Senators have been such that it has not been done.

This year we speculated on it and asked the architect of the Capitol there to see whether we could strengthen the Maltby Building, which is notoriously weak and unsafe, and we could then accommodate these documents. We were informed by the Sergeant at Arms and by the Superintendent of the Capitol that while we could strengthen that building and store some of those documents, even with all the vacant room in the Office Building and with all we can spare in the Maltby Building we still could not take care of more than one-half of the documents that are now in storage down here in the building, something like 70 by 250 feet in size and extending from 8 to 16 feet high. The documents are there at the disposal of Senators and of the officers of the Senate.

Mr. WILLIAMS. Mr. President, if I understand the mapping of the situation now, it is this: We built a magnificent marble palace, which is a grace to the Capital and would be an ornament to any city in the world—a beautiful thing. It adds to the life of the Nation as all things of beauty do. We spent two and a half million dollars for it. We did it because the Maltby Building was "unsafe," and upon the ground that it was so heavily stored with documents and books that it was in danger of tumbling down. The documents and books are still in the Maltby Building.

Mr. WARREN. No; the books and documents are in a very large building, formerly a car stable, and not in the Maltby Building.

Mr. WILLIAMS. I thought the Senator said a great many of them were there yet.

Mr. WARREN. No; I said we were figuring upon the proposition to store a large quantity of them there, but the building was too weak without strengthening, and finally we discovered it could only take care of a small portion of the documents and we would still have to rent.

Mr. WILLIAMS. I understand now.

Now, the second position in the topography of the situation is that, notwithstanding the fact that we have the most magnificent office building in the world—Venice in all her wealth and Rome in all her glory never had anything approaching it—very large and with every convenience—we are still compelled to use the Maltby Building for something. We have never been able to sell it and put the money in the Treasury and get rid of it in some way or other.

Mr. WARREN. May I ask the Senator from Rhode Island if the Maltby Building is included in the real estate that it is expected to buy and use for the purpose of improving the ground between the Peace Monument and the Union Station?

Mr. WETMORE. It is included in one of the two squares that have recently been condemned by the United States Government under a law that provides for taking in a certain number of squares from the Union Station to the southern boundary of B Street, and which contemplates finally the acquiring of all those squares between the Union Station and the Capitol Grounds.

Mr. WILLIAMS. How many squares were included by that law? I have forgotten.

Mr. WETMORE. I do not recall the exact number, but I think there were 12 or 13.

Mr. WILLIAMS. Twelve, I think.

That brings me to another matter that looks to me as if the real estate interests of Washington had something to do with it. When that bill was passed, authorizing somebody to condemn those 12 or 13 squares, it was my own fault that I did not understand the proposition fully, as I was in the other House at the time. I heard others also say they did not understand it fully; we ought to have kept up with the public business; but I understood—I thought—the proposition was to condemn a little land right around the front of the Union Station for a Union Station park. But it turned out afterwards to be a proposition to condemn 12 squares, all, with the exception of 3 of them, compactly built, with expensive houses, running all the way down from the Union Depot to the Peace Monument, taking in the Maltby Building—Government property which has got to be thrown away, for it can never be sold now—all for the purpose of creating a greenery between the Capitol Grounds and the Union Station grounds, in the city of America which has the most bountiful supply of parks of any other city that I know of, here or abroad, right in the neighborhood of a great park, and a beautiful one at that—the Capitol. It not only turns out that we never can sell the Maltby Building, and thereby get any money to put in the Treasury, but we have deliberately authorized ourselves to condemn it for park purposes.

Then, more wondrous still, it turns out that nothing can be stored in the Senate Office Building, because "Senators complain that documents and books are insanitary and unhealthy." Why, Mr. President, if books had been unhealthful and insanitary this country would have ceased to enjoy the benefit of my constructive statesmanship many and many a year ago. [Laughter.] My whole house is full of them; nearly every student's house is full of them; nearly every college professor's house in the country is full of them, and that class live longer than any other class of people. That is one reason why we can not make more useful this two-and-a-half-million-dollar investment for offices for 96 men.

There is another reason which a Senator informs me of, and that is that Senators, "not being satisfied with two rooms, wanted three; some of them wanted four, and some of them wanted five." Simply because they "wanted them," I suppose they had to have them. But there is another reason yet. About half of one floor of the Office Building is filled with utterly useless bath arrangements. There is not a Senator here who wants the public to believe that he does the washing of his person at the public expense. It seems to me absurd and foolish. There is not a Senator who saves $10 a year out of all of that. Big graft is wicked; little graft is stupid. It merely gives the demagogues—it merely gives the muckrakers——

Mr. SMITH of Georgia. An excuse to rake.

Mr. WILLIAMS. An excuse to rake, as my friend from Georgia says. It gives the populistic demagogue a chance to get up everywhere and point to a lot of little bits of things that amount to nothing. We do not get any benefit from it. I never went into those magnificent and varied bath arrangements there but once in my life, and then I went in principally to see how it was carried on. Every Senator has his bath at his own home. There is no use having the United States Government bathe us, or worse yet, pay men whose raison d'être on the roll is to bathe us and who do not do it. If you will get rid of that, you will have a place to store these books, and you will not have to spend $3,600 for this warehouse rental, and you will not have to spend $17,280 to strengthen the Maltby Building. It strikes me as being worse than merely very wrong, because it is so foolish. A blunder in politics is sometimes worse than a crime. A very great man said that; and he was right. Another very great man said that more empires had been toppled over by the freshness and bad manners of flunkeys than by bad laws. There are little bits of things that nag. Tourists come here and go around, and the guides say, "Here is where Senators bathe at the public expense." A calculation has been made, and they will say it costs "so many dollars to bathe a Senator."

A Populist down in my State once had a calculation by which he proved that when the baths were here in the old Capitol it cost $12 to bathe a Senator and $18 to shave a Senator. The graft is not worth while, outside of every other consideration; it is as foolish as a man's going down into a pasture with a red flag and flaunting it at a bull. There is no sense in it. What is the use? You can go through the pasture just as well without the red flag. You have no need for the red flag. It does not keep the rain off you; it does not keep the sun off you; it does not do any good; and it makes a bad impression on the bull. [Laughter.] There is no sense in this. Rome built magnificent baths; the Baths of Caracalla, the greatest fool among the emperors, was the greatest of them; but they, at least, built them for the people.

I suggest that the Committee on Appropriations could find a place in the Senate Office Building for all the offices and officers over in the Maltby Building, especially those that are attached to senatorial work, public commissions, and things of that kind, if this bath foolishness were removed. Then we could sell the Maltby Building. By the way, one of the very first things we ought to do is to repeal the act whereby we agreed to buy 12 squares from the Peace Monument up to the new Union Depot, and including the new hotel, which I believe they call the "Continental," and running from there two or three squares on the other side—I have forgotten exactly, but to First, Second, or Third Streets—I do not know which—in the northeast. Not only must we pay for the ground, but for solidly built houses, some of them very expensively constructed.

Whom is it going to help? Merely the real-estate men who are renting property in Washington at exorbitant prices. You are merely tearing down that many well-built houses which have been there a long time and are very convenient to the Capitol. You are doing no good from the standpoint of a park, because if you want a park in northeast or southeast Washington, that is not where you want it. You have one for this part of Washington right here. Keep three squares there right in front of the Union Depot, or four squares if you choose, for a depot greenery and vista and then repeal the law as to the other eight squares.

Mr. President, it is no wonder—and I am going to repeat it almost as often as old Cato repeated his everlasting phrase that "Carthage must be destroyed"—that it costs the American people ten times as much to have the Senate and the House of Representatives waited on as it costs the people of Great Britain to have the House of Lords and the House of Commons waited on, including office accommodations as a part of the waiting.

Understand, I am not quarreling about that magnificent Senate Office Building, which is a thing of beauty, and which justifies itself in that sense. Buildings ought to be constructed frequently for no other reason than that they are beautiful, because the education of the taste of a people is just as important as the education of its intellect. When you educate a people's taste you educate its morals, you elevate its character, and give refinement and culture to men and women. I do say, however, that after you have spent the money and obtained the building, you ought to use it for the purposes for which you constructed it, to wit, for offices for the Senate and rooms for everything concerning the Senate's business, including, amongst other things, documents that are thought necessary to be kept on hand for Senators.

I move to strike out the words from line 7 to line 11, inclusive, on page 12.

The PRESIDENT pro tempore. The Chair would suggest to the Senator that those words are not yet in the bill. They are simply proposed by the committee as an amendment. The only

thing that would be necessary for those who are opposed to it would be to vote against it.

Mr. WILLIAMS. That is true. I hope that the committee amendment will be voted down.

Mr. WARREN. Mr. President, the Senator will not accomplish his purpose in the manner he proposes. The documents are in that building, and they can not be removed without money to remove them. What disposition does the Senator propose to make of those documents?

Mr. WILLIAMS. Leave them there.

Mr. WARREN. But you can not leave them there on property that belongs to private individuals without paying rent.

Mr. WILLIAMS. When did it belong to private individuals? I thought we had bought the Maltby Building?

Mr. WARREN. But these documents are not in the Maltby Building.

Mr. OVERMAN. This is exactly the amount we are paying for rent of the building.

Mr. SMITH of Georgia. For rental and to take care of the documents.

Mr. WARREN. It is for rental of the building and to take care of them.

Mr. OVERMAN. The estimate is that it will take $3,000 to remove them, and we are paying $3,000 rent. If it will take $3,000 to move them, what are you going to do for rent and where will you move the documents?

Mr. WILLIAMS. Move them to the Senate Office Building.

Mr. OVERMAN. How would you move them? Who is going to move them?

Mr. WILLIAMS. I would take the $3,000 and move them to the Senate Office Building. That building is owned by the Government.

Mr. OVERMAN. I agree with the Senator that there ought to be some provision for them, either in the Maltby Building or in the Senate Office Building; but we have got to pay a rental for the building in which they are stored, amounting to $3,600, so long as we occupy the building and until we can move the documents. Wherever the Committee on Rules may determine they shall go, it will take a large amount of money to move them. I think the estimate was nearly $3,000. If the Senator will read the provision, he will find that the appropriation of $3,000 is not only for rent, but may be used also for moving the documents.

Mr. WILLIAMS. This is the language, and it is rather involved:

For rent of warehouse for storage of public documents for the Senate, $3,600, to be immediately available, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

So that from this you might both continue the rent and then pay for moving the documents.

Mr. OVERMAN. No. If we come to the conclusion that we want to move them, then we have the money appropriated for the purpose of moving them; but without the money to move them, we can not move them.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Wyoming has the floor. To whom does the Senator yield?

Mr. WARREN. Mr. President, I only wish to occupy the floor for a moment.

Mr. WILLIAMS. Before the Senator replies, I should like to ask him one question for information. How was this matter formerly carried?

Mr. WARREN. It has been formerly carried as an item of $3,600 for rent. A year ago I raised the same question the Senator now raises, and I agree with him perfectly. We ought to do away with this expenditure, but in trying to do away with it we were confronted, first, with the proposition that there was no money for the removal of the documents. Last year we incorporated exactly the same provision as is now proposed, and when we found this year that the documents had not been moved an inquiry was instituted and I elicited the information which I have given the Senator. The documents are there, and we shall have to provide some way for their care. So we put in this provision again with the admonition, so far as the Committee on Appropriations is concerned, to the Sergeant at Arms and to the Superintendent of the Capitol that something must be done with those documents. It is not the province of the Committee on Appropriations to state where the documents shall go or to state how many rooms Senators shall have. That is a matter with the Committee on Rules, which has charge of the Office Building, and we have framed this provision so that the Committee on Rules or the officers of the Senate can take it up if necessary and go on with the work of providing some other place for these documents. To strike this provision out would leave us with no money to move the documents and would leave us liable for the rent of the building until they are taken out.

Mr. WILLIAMS. Are they useless documents that have piled up?

Mr. WARREN. No; they are documents that have accumulated there from day to day.

Mr. SMITH of Georgia. Will the Senator permit me to ask him a question?

Mr. WARREN. The Senator from Missouri [Mr. REED] had asked me to yield to him.

Mr. REED. I yield to the Senator from Georgia to ask a question.

Mr. SMITH of Georgia. Suppose we strike out the words "for rent of warehouse for storage of public documents" and put in simply a provision for the removal of public documents for the Senate, $3,000. That would furnish the money necessary for the removal, stop the rental, and necessitate the removal, would it not?

Mr. WARREN. Yes; but you can not stop the rental until you complete the removal. We must leave some leeway to those having it in charge, because the rental will go on until you complete the removal.

Mr. SMITH of Georgia. Then provide rent for 30 days and provide the money for the removal. Would not that cover it?

Mr. WARREN. Well, I am not competent, and I do not believe any Senator is competent, unless he should visit the building and look over the ground, to say whether or not it could be done in 30 days or 10 days or 60 days.

Mr. OVERMAN. I should like to ask the Senator from Georgia where he would move them?

Mr. SMITH of Georgia. I would move them to the Senate Office Building.

Mr. OVERMAN. I want to say that the original idea was to put them in the Senate Office Building, but Senators began to demand a third room. The rooms on the first floor were intended for documents, but Senators finally went into those rooms, and are occupying them to-day. Will we run Senators out of those rooms and put the documents in them? A great many of those rooms have been furnished and are being occupied. Now, if the Senator's proposed amendment should be adopted, we would have to remove the documents forthwith and deprive Senators of those rooms.

I agree with the Senator from Mississippi that there is room in the basement, but we had the Superintendent of the Capitol Building and the Sergeant at Arms before us, and consulted them about this very matter. The Committee on Appropriations, however, could not order the work done; the Committee of Rules may do so hereafter; but to amend this appropriation bill now and require the removal to be made forthwith, without any place being provided for the documents, will put us in a bad position. We do not know now how the matter can be arranged. We have the money now to rent the building until we can move the documents, and with this appropriation we will have enough money to move them when it can be determined where they shall be moved. All we can then do is to call the matter to the attention of the Committee of Rules and let them provide a place. It is not for us to provide a place. We can vote the money to pay the rent and to provide for removing the documents.

Mr. SMITH of Georgia. If the Senator will permit me to ask him a question, I understood the Senator from Wyoming to say that last year exactly the same provision was put in the bill as is proposed now, but nothing was done toward removing the documents.

Mr. OVERMAN. Yes; but the Superintendent of the Capitol started to put the documents in the Senate Office Building. Senators objected, however, and said they did not want these documents there; they wanted the rooms for their own use.

Mr. SMITH of Georgia. That was the reason I was suggesting that we ought not to leave in the same language as last year, but we should have action here that will require them to be removed.

Mr. OVERMAN. I should like to see some such action taken.

Mr. SMITH of Georgia. Well, let us act in the matter.

Mr. OVERMAN. If the Senate wants to say that some Senators shall move out of their rooms in order to put these documents in those rooms, where they were intended to be put, the committee would like to see that done.

Mr. SMITH of Georgia. If arrangements can not be made for the storage of the documents in the basement, then it would seem to me that Senators will have to give up some of their rooms.

Mr. OVERMAN. We wanted to store the documents in the basement, but some Senators said, "We do not want the documents put there to bring cockroaches and rats, as is the case

in the House Office Building." Then we wanted to put the documents in the Maltby Building, but we were advised that the Maltby Building would not hold them, and that we would have to spend some money to restore that building.

Mr. WILLIAMS. How many vacant rooms are there in the Senate Office Building?

Mr. OVERMAN. There are comparatively few.

Mr. WILLIAMS. The Senator from Arizona [Mr. SMITH] has just informed me that there are two big rooms in the Office Building which might be used for this purpose; so that all you have to do is to move the documents.

Mr. OVERMAN. If anyone chooses to take that action, all right; but let it be by a resolution authorizing the Committee on Rules to take such action.

Mr. WILLIAMS. Why could we not do it on this bill?

Mr. OVERMAN. On an appropriation bill?

Mr. WILLIAMS. Yes. Why can you not take the amount that is needed and give direction that these documents shall be moved to the Senate Office Building, using for that purpose the rooms and space now occupied by the baths? Of course, you will have to increase the appropriation somewhat, because you will have to take out the bathing apparatus, and all that sort of thing.

Mr. SMOOT. I wish to state to the Senator that there is not room in the Office Building for the documents that are now in the warehouse, and it would be impossible to put them in there. If the printing bill becomes a law, as I hope it will, then I believe that within a year, at least after that time, the rooms in the Senate Office Building will be sufficient to hold the documents that will have to be carried under that law.

Mr. WILLIAMS. How will the printing bill affect that?

Mr. SMOOT. In the printing bill we have a valuation plan, and documents will not be ordered under the new bill and printed until there is a call for them. Under the present law, whenever there is an order made, the Public Printer prints them immediately.

Mr. WILLIAMS. I remember now, and I see the change that will be effected.

Mr. SMOOT. I hope that this provision in the bill will be allowed to go through.

Mr. WILLIAMS. Mr. President, feeling confident that members of the Appropriations Committee are in sympathy with the purpose I have in view and that they are going to proceed to try to accomplish it as best they can and that they will use their influence with the Committee on Rules for that purpose, I am disposed to withdraw my opposition.

Mr. OVERMAN. I want to say, in answer to the suggestion of the Senator from Arizona, that there are two very large rooms in the Office Building which might be used for this purpose; that we had an estimate made of the space in those rooms to ascertain whether or not they would hold these documents, and we were informed they would not hold one-third of them. So you see that we have made some investigation of the matter.

Mr. WARREN. I want to say to the Senator from Missouri, the Senator from Georgia, and other Senators that the Committee on Appropriations is exceedingly anxious to bring about what is now proposed. It has been so for the last year. If Senators had been present when the report of the subcommittee on this matter was made and when it was explained, they would have been satisfied that the Committee on Appropriations was not neglecting its duties in this regard; but, in view of the new printing bill, which it is hoped may become a law, and in view of the fact that if the bathrooms were given up there would only be room for a very small portion of these documents, we concluded to let it go over for this one year, hoping that our efforts with the other committees may bear fruit, and that Senators who are now expressing themselves about these documents may aid the Committee on Appropriations and aid the Committee on Rules to make room enough in the Office Building for the documents.

If a majority of the Senate agree that it is insanitary to have them there, and they do not desire to have them there, then we shall have a provision in the bill that will enable the Committee on Appropriations in the most economical manner to take care of these documents. The matter has received a great deal of attention. I do not see that the language can be changed. I want to express my gratitude to the Senator from Mississippi, first, for bringing this subject up, and, second, for doing what I think is wise, to leave the provision the way it is, so that the matter may be taken up with the proper committee.

Mr. WILLIAMS. I want to ask the Senator a question about the next clause, although I think it has not yet been read.

Mr. REED. Before the Senator does that—I understand he is going to leave this subject——

Mr. WILLIAMS. I am going to the next clause, which is part of the same amendment.

Mr. REED. Very well.

Mr. WILLIAMS. Following the amendment which has been under discussion occurs this committee amendment:

For miscellaneous items on account of the Maltby Building, $17,280.

I ask the Senator why could we not strike that out of this bill and give orders through the Sergeant at Arms to all the commissions and to others occupying that building to go over to the Senate Office Building? There is plenty of room for them.

Mr. WARREN. They would probably have to take some of the employees along with them, and I do not know that it would reduce expenditures at all. I think that matter will take care of itself, like the other, during the next year.

Mr. WILLIAMS. If they would leave that building I think we might sell it.

Mr. WARREN. I say I think this will take care of itself during the year. I think this is the last year it will be necessary to put such a provision in the bill, and I hope the Senator will not move to strike it out.

Mr. SMITH of Georgia. What are these miscellaneous expenses?

Mr. WILLIAMS. These miscellaneous expenses, I understand, are for elevator men, messengers, custodians, janitors, and charwomen, are they not?

Mr. WARREN. They are for all kinds of expenditures, such as are necessary around every building, and as the Senator says, they include elevator men, janitors, light, heat, and all those matters.

Mr. OVERMAN. Not only that, Mr. President, but there are some employees who are here at these doors belonging to the patronage of the majority side that are assigned to the Maltby Building.

Mr. WILLIAMS. Why not have them in the Senate Office Building?

Mr. OVERMAN. Because they belong here. They could not be put in the appropriation for the Senate Office Building. They are men who sit at the doors here, who are on the Senate roll, and they are charged up to this fund. That has never been changed.

Mr. SMITH of Georgia. It ought to be changed.

Mr. OVERMAN. It never has been changed.

Mr. WARREN. It seems to me that it ought to read so much a year as long as we use the Maltby Building as it is now being used.

Mr. WILLIAMS. The Senator perhaps did not understand what the Senator from North Carolina [Mr. OVERMAN] said, that some of these items that are charged as miscellaneous items cover the salaries of janitors and men at the doors.

Mr. WARREN. That naturally follows; but when we complete the removal from the Maltby Building, which, it is hoped, will be within the next year, then that can be wiped out and new terms used in providing for these employees.

Mr. WILLIAMS. I would change that in the appropriation bill now.

Mr. REED. Mr. President, I want to say to the Senator from Wyoming that the only difficulty about the arrangement he suggests is that it leaves us just where we were a year ago and just where we were when we started on this discussion. We have had an illuminating discussion, and it seems to be the consensus of opinion that something ought to be done at some time; but we are not doing it, and this matter will go over until next year and, likely enough, be forgotten.

It seems to me we ought at this time to order these documents removed to the Senate Office Building as soon as practicable. We ought to give the committee the authority they desire, and this clause in the bill ought to be so drawn as to pay rent for the time the building is occupied; and the rest of the appropriation ought to be used in removing these documents.

I do not like the idea that has been expressed here that the committee got ready to remove these documents and Senators objected. What Senators? I do not understand that individual Senators have the right to control the action of committees of the Senate or the disposition of public documents on the ground that cockroaches are offensive to them or that the smell of printed literature offends their nostrils. Therefore I suggest that we amend this clause so that it will read:

For removing public documents from the present place of storage to the Senate Office Building, $3,600, to be immediately available.

That will get action. If there is a little rent involved, I take it, the proprietor of the building may have to wait for the

small amount that may accrue until the next session of Congress makes an appropriation. I move to amend——

Mr. SMOOT. Mr. President, just a word before the Senator makes that motion. If the Senate should make such an order in this bill, it would be an utter impossibility to take all the documents that are in this warehouse and put them in the Senate Office Building. As I have already stated, there is no room there; I doubt very much whether there is room for one-third of them, and it would be a physical impossibility to carry out that order. I merely wish to call that to the Senator's attention. I do not know it to be a fact, but I think the Senator has never been to this warehouse to see the immense quantity of public documents stored there; and I know that if he would look at them and see the number he himself would immediately say that it is an utter impossibility to provide for them in the Senate Office Building.

Mr. REED. How large is this building and what is its storage capacity?

Mr. SMOOT. It is a very large storehouse.

Mr. REED. Can the Senator give us an idea of its size?

Mr. OVERMAN. It used to be an old railroad car barn. It is a very large building.

Mr. SMOOT. I think it is 200 feet long and that it is all of 70 feet wide.

Mr. SMITH of Georgia. I would like to ask the Senator if it is not probably true that a large part of the material stored there is really waste paper and that it ought to be burned?

Mr. SMOOT. We never burn anything. We have a committee to sell that paper at 80 cents a hundred pounds, or to the highest bidder.

Mr. OVERMAN. I believe we have a Committee on the Disposition of Useless Papers. If so, it does not seem that they have done their duty.

So far as removing these documents is concerned, a Senator has just suggested to me that he has two rooms in the basement where these documents could be stored, which he would give up if some of the Senators who have three rooms would give up their third room and let him have a room upstairs. You can see, therefore, the trouble we have had. If the Committee on Rules would take away from Senators who have three rooms one of the rooms they are now occupying, and the Senators who are downstairs could be moved upstairs, the documents might be stored where it was intended they should go; but we would have all sorts of trouble.

The only feasible plan seems to be that suggested by the Senator from Missouri. If it is left to a committee, I agree with him that the committee could probably make some arrangement by which most of these documents could be moved; but I do not think that more than one-half of them could be moved into the Senate Office Building. There are a great many documents which ought to be disposed of, and if the Committee on the Disposition of Useless Papers would get to work, probably hundreds of them could be disposed of, so that the documents we need could be placed in this building. I hope that such an arrangement may be made; but it is not for the committee to decide that. If the Senate desires to make any provision upon the subject in connection with this appropriation bill, I can not prevent it; but I was suggesting to the Senate the trouble we would have if we ordered the documents moved over there now. Where would you put them?

Mr. REED. If there is no room in the Senate Office Building to store these documents now, we do not escape that difficulty for a moment by referring to the committee the impossible task of putting something into a space that is not big enough to hold it. If the committee can hereafter solve this problem, they can do it under a resolution offered here, and if it is impossible of solution now, then the committee can solve it hereafter. Either there is space enough in the Senate Office Building to hold these documents or there is not space enough. If there is space enough, and we direct their removal there, the committee will be able to remove them. If there is not space enough, then the committee can not make that space.

It is said that we can dispose of a part of these documents; that we can sell them; that we can make way with them. If that is true, then that will be a fact whether we pass the resolution I was about to suggest, or it will not be a fact. It seems to me we ought to go at least this far on this day: We ought to amend this bill giving the committee specific authority to remove these documents, if it be practicable to do so, and to cut down the number as far as practicable. If we put it in that form, the committee has got specific authority to act.

Mr. FOSTER. Will the Senator yield for a statement?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. REED. Certainly.

Mr. FOSTER. It was distinctly stated before the committee that at present there is not sufficient room in the Senate Office Building to which these documents could be removed. If the Senator's proposed amendment prevails and this statement is true, then the Senate is ordering these documents to be removed to a place where there is not sufficient room to hold them. Do you want a resolution of that kind passed?

Mr. REED. If that is the fact, we might as well face it to-day and not be talking about passing some resolution authorizing the committee to do it hereafter. If there is no room there, let us face it and get a building to hold these documents. The point I am objecting to, if the Senator please, is this: We are confronted, first, by a statement that there is not room, and if we pass a resolution directing their removal to that building it would be an impossible task. Then, coming along with that, is the suggestion that if we just wait a little while the committee can accomplish it. If the committee can accomplish it at all, they can do it now, saving, of course, the exception which has been stated by the Senator from Utah, that there will be some cutting down.

Mr. WARREN. Will the Senator allow me?

Mr. REED. Certainly.

Mr. WARREN. There is a fact the Senator has entirely overlooked. This appropriation is for the year 1913, which extends from July 1, 1912, to July 1, 1913. On the 4th of March in that year there will probably be a great many changes, and that would be a much better time to rearrange matters in connection with the office building, it seems to me, than it is now, when Senators are located there. The chairman of the Committee on the Disposition of Useless Papers, the Senator from Arkansas [Mr. CLARKE], is not in the Chamber, but if he should get the gist of this debate and should feel like looking into the matter to ascertain what documents could be destroyed that would help a good deal. The Senator from Utah has referred to the new printing bill. That will also help.

Of course, the Committee on Appropriations does not have charge of this matter; the Committee on Rules has charge of the Office Building. The chairman of that committee does not happen to be here, but I am sure the Committee on Rules will be glad to conform substantially to the wishes of the Senate as a body, and they have tried, I think, heretofore to conform as nearly as they could to the wishes of Senators individually, as well as to the wishes of the Senate as a body. I think during the next year we will see the obliteration of this vexatious question. That is my opinion, and I do not believe we ought to undertake to do other than what this amendment provides for at this time.

Mr. REED. Mr. President, it strikes me that the Senator and myself are in complete accord on one proposition, and that is that there will probably be a great many changes on the 4th of next March, and it might be that if we postpone action to-day it will, I trust, save inconveniencing a large number of our Republican brothers. It may be that the lapse of time will be sufficient to remove the difficulty so far as they are concerned.

Mr. WARREN. I am asking no quarter for the Republican Senators or for the Committee on Appropriations. It is no object to us to defeat any provision the Senate may wish to make in regard to the disposition of these documents. I would be as glad, perhaps, as the Senator is to burn them. I do not care.

Mr. REED. I understand that the principle governing in the Republican camp to-day is that quarter is neither to be asked nor given, and I trust for the good of the country that that spirit will be maintained.

But, speaking more seriously of this matter, I want to ask the Senator from Wyoming if he will object to an amendment being offered to the bill later—that is, whether he will make a point of order against it—directing the committee to investigate, and, if feasible, to remove these documents?

Mr. WARREN. May I ask what committee? The Senator does not mean the Committee on Appropriations, of course?

Mr. REED. The Committee on Rules. But I want to have go into this bill the provision authorizing them to do so.

Mr. OVERMAN. I have no objection to that, but although I am not chairman of the committee—and I am sorry the chairman is not here—I want to call the attention of the Senate to the trouble the Committee on Rules has had. The Senator himself, as he knows, desired a third room, and he asked me, as representing the minority side, to do what I could to get it for him. I might say the same thing as to a number of other Senators. I have looked out for them the best I could, and tried to get rooms for them. Here is another Senator, the Senator from Missouri, who asked for a third room, and he has gotten it. We have tried to accomplish what we could in the way of contributing to the comfort and convenience of all Senators, in order that they may carry on their work properly.

We have been met with the question as to where these documents should be stored. We wanted to dispose of them in some way, but did not know exactly how to do so. After hearing this debate, however, which has taken a wide scope, and which has elicited a good deal of information, I think the committee will try to bring about a solution that will take care of these matters.

The Senator must consider the fact that the report of the Committee on Printing shows that a great many of these documents will be done away with, and also that this debate will probably bring out the fact that the Committee on the Disposition of Useless Papers has something to do, and if they will perform their duty and get rid of them, then the Committee on Rules can act.

Mr. REED. And the clerk of the committee can earn his salary.

Mr. OVERMAN. Yes, the clerk can earn his salary; but what can the Committee on Rules do under present conditions, with every Senator wanting a third room?

Mr. WILLIAMS. Refuse to give it to them. Members of the House of Representatives of equal legislative dignity have only one room apiece. I do not think there is an extra room over there.

Mr. OVERMAN. I do not think the Senator would refuse to give me a third room if I needed it and he had one to spare.

Mr. WILLIAMS. I certainly would refuse to do so if the public needed that third room for something else.

Mr. OVERMAN. I think the best thing to do is to provide that no Senator shall have more than two rooms. When that is done we can take care of every document. That is the question up to the Senate now. Will the Senate provide that no Senator shall have more than two rooms? Let us meet it face to face, and say that no Senator shall have more than two rooms, and the Committee on Rules will remove those documents forthwith.

Mr. REED. If that is all there is in the way, this question ought to be easily settled. The Senator speaks about the embarrassment his committee is under, and I know that it is. There is constant clamor for more room, and so long as the rooms are there, empty and unused, there is no reason why Senators should not enjoy them.

My idea in introducing the resolution providing that these documents should be taken there was to relieve the committee of the very embarrassment from which it is suffering. If they fill these rooms with documents, there will be no additional rooms left for Senators, perhaps, and the committee can answer that the Senate has ordered it; but so long as we put the burden on the committee to refuse a request for a room when the room stands there vacant, the committee, being composed of fair, good-humored, accommodating, and reasonable gentlemen, will give the room, because it is only fair that they should. So I think the resolution should be adopted, with the understanding that it will not be objected to on the ground that it is out of order, being new legislation. I will prepare such a resolution and introduce it before the bill is passed, and all I ask is a vote upon it.

I want to say to the Senator, further, as he speaks about the additional rooms for Senators, we have over there in the Senate Office Building a restaurant that is patronized by but very few people and is, I think, of very little use. It certainly is not of much use to any man who has any high regard for his stomach and his digestive apparatus. There is a kitchen in connection with that. I think if you would clean those things out, including your Turkish bath, you would find that there would be a good deal of additional room in that building. But I am in favor of drawing the resolve in such a form as to leave a large discretion with the committee, but nevertheless to give it authority to act.

Mr. OVERMAN. I think there is a Democratic caucus room there that could be used for documents.

Mr. REED. I was going to say there is a Democratic caucus room over there that is big enough to hold a meeting of a thousand people. While we expect some additional Members, we will not have enough to fill it. It is a room nobody can be heard in. There is a Republican caucus room that is a palace almost in itself, and that I do not think is occupied by our Republican brethren because it is so large. They may meet there; I do not know.

Mr. OVERMAN. Would the Senator oppose the documents being placed in those rooms?

Mr. REED. I would be glad to see the rooms put to some useful purpose.

Mr. OVERMAN. I do not think the Senate would agree to having the documents put in those rooms.

The PRESIDENT pro tempore. Without objection, the amendment pending on page 12——

Mr. SMITH of Georgia. I do not understand that the second amendment, as to $17,280, is agreed to.

The PRESIDENT pro tempore. Without objection, the amendment, down to line 11, on page 12, is agreed to. The next amendment will be stated.

The SECRETARY. On page 12, after line 11, insert, "For miscellaneous items on account of the Maltby Building, $17,280."

Mr. SMITH of Georgia. Mr. President, I object to that appropriation. It does not indicate what we are doing it for. No Senator who votes for it, unless he has some outside information, could give any explanation of it. "Miscellaneous expenses on account of the Maltby Building." What for? What are we spending that money for?

Mr. OVERMAN. I do not see the chairman here, but I will say when that was brought up by myself in the committee, I asked for an itemized list from the Sergeant at Arms, and he produced an item of every expense in the Maltby Building. I do not see how we can get rid of it at this time. To my surprise I found a good many officers included in that who are actually employed in the Capitol and who have really nothing to do with the Maltby Building proper, and yet they are on this $17,000 roll. It seems they have been used by the majority side. I do not say they are not needed. They are probably needed in the Capitol. Still, they appear on this Maltby Building roll, and we do not make an appropriation elsewhere for them. If we need these men, we would have to increase the appropriation somewhere else in order to take care of them. Among them are messenger boys and elevator men, and there are those who take care of the building. I think there are less in proportion there than in connection with any other building I know of.

So, with the itemized bill in my hand, after an examination and a cross-examination of every item, if we are going to let these employees stay, I can not see what it would amount to to take them from one roll and put them on another roll.

Mr. SMITH of Georgia. Would it not be better to take them from a roll where they do not belong and put them on a roll where they properly belong? If they are serving here in the Capitol they ought to be on that roll.

Mr. OVERMAN. I agree to that.

Mr. SMOOT. I think the Senator will find, if he makes an examination into the question, that the men who are on this roll were originally at the Maltby Building at the time Senators were located in the Maltby Building, and every year the appropriation has been for that building to take care of those employees. They have been transferred from there to places in this building.

Mr. SMITH of Georgia. When you gave up that building why were not they transferred to the Senate Office Building to do the service there?

Mr. WARREN. I think I ought to say that there has been a good deal of time when duties were done at both places. I think it better to leave it this way at present, because it will probably fall out at the end of the year, anyway.

Mr. SMITH of Georgia. I would like to ask what is being done with the Maltby Building now? It is not used as a Senate office building any longer.

Mr. SMOOT. A part of the Census Office is there. A great deal of the work is done there under the Census Office, and of course that work being done there, it compels us to have janitors, elevator boys, and so on.

Mr. SMITH of Georgia. Would not that belong to the census pay roll and not to the Senate pay roll?

Mr. SMOOT. No; it comes in the legislative appropriation bill. I will say to the Senator that there is a great deal of folding done in that building to-day, the folding of Senator's speeches and of Congressmen's speeches. The folding that they are compelled to do is done over in that building to-day.

Mr. SMITH of Georgia. Mr. President, I am opposed to carrying that kind of an appropriation. It is a small matter, but if we do not start at the top when the Senate legislates and be careful about expenses and items, it is likely to run down through all the various departments and set an example of carelessness in the way in which money is to be spent. I think the men who work here ought to be charged up to work around the Senate building, and I do not think a sufficient explanation is made to justify this appropriation.

Mr. OVERMAN. If the Census did not have the use of this building they would have to pay a large rent for some other building.

Mr. SMITH of Georgia. Then let it be charged up to the Census.

Mr. OVERMAN. What difference does it make when the people have to pay the money, anyway? I do not think the Senator would object if he would look at the items we had before us. I think the Maltby Building ought to be disposed of, but we can not do that at once. I think the documents really ought to be put in the Maltby Building. We have an estimate from the engineer that he can put those documents in there, and that was our idea, instead of putting them in the Senate Building. They can occupy two rooms and still let the Census have the rooms they have there now. We can economize in the way of space. We discussed all these questions. You can not do it all at once. This Maltby appropriation has been carried, as the Senator has said. The elevator men and others we had there have been kept. If you move to strike out this appropriation now, you will have to provide for these employees somewhere else.

Mr. SMITH of Georgia. Unless you drop them. I will ask if the same appropriation was made for the Maltby Building when the Senators had their offices there?

Mr. OVERMAN. Oh, no; this is nothing like it.

Mr. SMOOT. This item is not near as large as it was when the Senators were there. It is nowhere near the amount. This is simply to take care of the absolute expenses necessary to keep the Maltby Building in shape for the work that is being done there at the present time.

Mr. SMITH of Georgia. Does not the Senator think that is a very large sum to take care of that small building to let somebody else work there?

Mr. SMOOT. It is not to let somebody else work there. The work has to be done somewhere, and if, as the Senator from North Carolina said, we did not have this building there would have to be another building rented in some other part of the city to accomplish the work that is being accomplished there.

Mr. SMITH of Georgia. What work?

Mr. SMOOT. The census work that is being done there.

Mr. OVERMAN. For this amount of money I do not suppose you could rent another building anywhere in the city.

Mr. SMOOT. I am quite sure you could not for this amount rent a building with space enough to accommodate the people who are working there.

Mr. SMITH of Georgia. But you are furnishing that building to the Census Bureau, and they are working there.

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Then why should we appropriate money in addition? Why should not the Census, if it uses the building, run it and pay its men who are there? If there are men really on this roll called "for miscellaneous items on account of the Maltby Building" who are not doing work there, but are in the galleries here or around the Senate, ought they not to be taken off that miscellaneous roll and be charged up frankly and openly where they do the work?

Mr. SMOOT. That would be absolutely the case, Mr. President, if they were not used in other places than the Maltby Building; but their time is divided; a part of their time they are at the Maltby Building and a part of it at other places. This roll has been for the Maltby Building in the past, and it has been cut down until now it is $17,280.

Mr. FLETCHER. Mr. President, there seems to be objection to this item becauses of the language "miscellaneous items on account of the Maltby Building." The Senator from North Carolina states that the committee had an itemized statement showing just what was covered by this appropriation. I suggest that such a statement ought to be furnished to the Senate in some way or printed in the RECORD, so we can ascertain what it does mean. There seems to be some difference among Senators in regard to the matter.

Mr. WARREN. I would like to have the Senators have all the information that the committee has, and I am sorry they are such unbelievers.

Mr. SMITH of Georgia. Will the Senator allow me? It is not that we are unbelievers. We are voting for a miscellaneous appropriation without anything to indicate what it is for.

For miscellaneous items on account of the Maltby Building, $17,280.

That carries no idea except the suggestion that it is necessary to keep up that building. It is not simply Senators that we must consider. It is the people of the country. It is the other Government officials. It is the men engaged in other departments. If we make a record that looks as if we are careless, they will naturally become careless, and it reaches all out through the Government service, multiplying in quantity of wasted money as it goes further and further from us.

Mr. WARREN. I did not intend to open up the remarks of the Senator from Florida to others, and I intended to say only a few words myself. This bill comes from the other side, with some thousands of pages of hearings, and the subcommittee has gone all through that.

We had representatives of every one of the departments before us, and we have the testimony in print. Here is one of the volumes. It is all here. It is impossible in a bill to carry all the items. Miscellaneous expenses or contingent expenses have to be granted to every one of these departments, and this one is entirely for the Senate, and consequently is closer than any other one. There is no dark scheme in this $17,000. If the Senators want to strike it out, they can do that. But, of course, you will have to close your Maltby House in such a case, because you can not use the building without the elevators and without the building being taken care of, kept clean, and so on. The Senator from Georgia says we do not explain who were in there, and so forth.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Florida [Mr. FLETCHER] has the floor. Does he yield to the Senator from North Carolina?

Mr. FLETCHER. Yes.

Mr. OVERMAN. The subcommittee worked for 9 or 10 days, day and night, on this bill, and the hearings are printed. If there is any special item that any Senator objects to, he can turn to the index that has been made and find the subject in a moment. There is not only one book, but there is another book of testimony taken by the committee. If a Senator objects to every miscellaneous item in this bill, he will be objecting to a great many. If the Senator will read the testimony, perhaps he will not object to it.

Mr. FLETCHER. Mr. President, what I was suggesting was to meet the difficulty in the mind of some Senators apparently as to what this item covers. I have no question but that the committee has gone through it and found that it is a proper item, and I can see how there would be needed an appropriation of this sort. But it seems to be admitted that while it is now under the name of the Maltby Building it covers some items that really do not precisely refer to that building at all.

Mr. OVERMAN. Some of the men who do work over there are also employed here.

Mr. FLETCHER. All that I am suggesting is that the Senator put a statement in the RECORD covering this amount of $17,000. I do not suppose it will be a long statement. I have no objection to the item. I do not criticise it, but some want the information.

Mr. OVERMAN. I do not think there will be any objection to that. In fact, I will be glad to do that.

Mr. FLETCHER. If the Senator will simply put in the RECORD the items which this appropriation of $17,280 covers that, I think, will satisfy the minds of Senators, and then if there are objections to the items they can specify them.

Mr. SMOOT. Mr. President, I have here exactly what the items are. I find this item here is for wages entirely and these are the parties that it is paid to: W. H. K. Depue, F. J. Merkling, John B. Swift.

Mr. SMITH of Georgia. Will the Senator give the salary of each?

Mr. SMOOT. I will. W. H. K. Depue, $1,800. We all know Mr. Depue works at one of these doors. F. J. Merkling, $1,440.

Mr. REED. Where does he work?

Mr. SMOOT. I think he is at one of the doors.

John B. Swift, $1,440.

Mr. REED. Will the Senator kindly tell us where these different gentlemen work, as near as he can, as he goes along?

Mr. SMOOT. I can not answer that offhand because some of them work at doors here. Their duties are divided; they go wherever they are called. I will say that the next one is C. F. Jelliff, messenger, Maltby Building.

Mr. REED. And salary?

Mr. SMOOT. One thousand four hundred and forty dollars.

W. H. Stilley, engineer, Maltby Building, $1,440.

Mr. REED. The Senator is forgetting to give us the salaries as he goes along.

Mr. SMOOT. W. H. Stilley, engineer at Maltby Building, $1,440; Michael J. Mack, fireman at Maltby Building, $1,000; A. T. Hodge, fireman at Maltby Building, $1,000; A. W. Warfield, firemna at Maltby Building, $1,000; M. Thomas, elevator conductor, Maltby Building, $800; C. C. Burr, elevator conductor, Maltby Building, $800; Charlie West, skilled laborer, Maltby Building, $800; B. W. Kenney, laborer, Maltby Building, $720; Joseph Montgomery, laborer, Maltby Building, $720; Florence R. McKeever, laborer, Maltby Building, $720; Jesse Stotts, laborer, Maltby Building, $720; S. H. Sheppard, laborer, Maltby Building, $720; J. H. Smithers, laborer, Maltby Building, $720.

That, Mr. President, amounts to $18,480, and there is one place, that of custodian, $1,200, that has been taken from it, leaving a balance of $17,280.

Mr. WILLIAMS. How many of those are Census Bureau employees?

Mr. SMOOT. None of these are from the Census Office. They have been appointed to take charge of the building. The Census employees are located in the office and do the work of the Census Bureau, and they are paid from that department.

Mr. WILLIAMS. Their salaries are carried on the Census appropriation?

Mr. SMOOT. I do not think their salaries are carried in the bill.

Mr. OVERMAN. Excepting the elevator boys and firemen. Of course they get the benefit of it.

Mr. WILLIAMS. Of course; they take care of the building.

Mr. SMOOT. So every item, Senators will see, is appropriated directly for. As I said before, the men are used in different places. Many of them are at the doors here and other places where it becomes absolutely necessary to have them.

Mr. WARREN. Mr. President, in order to show the good faith, if Senators want to know who are the sponsors behind every one of these men, we have that information.

Mr. OVERMAN. I think you had better read that.

Mr. WARREN. Senators can have that information if they desire it.

Mr. OVERMAN. Let it be read. Let us have it all.

Mr. WARREN. As to Mr. W. H. K. Depue, he was put there on the recommendation of the Senator from New Jersey [Mr. BRIGGS]. He is on the door of the Senators' gallery.

Mr. F. J. Merkling——

Mr. OVERMAN. I want the Senator from Georgia [Mr. SMITH] to hear this.

Mr. WARREN. F. J. Merkling is charged to the Senator from Virginia [Mr. MARTIN]. He is his backer, I suppose.

J. B. Swift, messenger in men's southwest gallery, is charged to the Senator from Minnesota [Mr. CLAPP].

Mr. Jelliff, messenger, $1,440, on the diplomatic gallery door, to the Senator from Illinois [Mr. LORIMER].

Mr. Stilley, engineer, $1,440, engineer at the Maltby Building, to the Senator from Delaware [Mr. DU PONT].

Mr. M. J. Mack, fireman, Maltby Building, $1,000. He is not credited or charged to the patronage of any Senator.

Mr. Hodge, fireman, $1,000, on the ladies' gallery door, to the Senator from Massachusetts [Mr. CRANE].

Mr. Warfield, fireman, $1,000, Maltby Building, is charged to no one.

Mr. Thomas, on the elevator, $800, is on the janitor's force. He is charged to no one.

Mr. Burr, on the elevator, $800, warehouse of the folding room—it is of course at the Maltby Building—to the Senator from Connecticut [Mr. BRANDEGEE].

Charlie West, skilled laborer, $800, is on the janitor's force, as well as Kenney, laborer, at $720, and Montgomery, laborer, at $720, the regular force of the Sergeant at Arms, charged to no Senator.

There is Florence R. McKeever, laborer, at $720, from Kansas, in the folding room. The Senator from Kansas [Mr. BRISTOW] is her backer.

Mr. Jesse Stotts, laborer, $720, is on the janitor's force, charged to no one.

Mr. Sheppard, $720, is in the post office, charged to the Senator from Washington [Mr. POINDEXTER].

Mr. Smithers, laborer, $720, is simply on the regular Senate roll.

Mr. STONE. Mr. President, I should like to have some of those who are not charged to anybody. [Laughter.] I have not anything charged to me.

Mr. WARREN. I, the committee chairman, have none charged to me. I would like to have some.

Mr. OVERMAN. I have not been able to get any myself.

The PRESIDENT pro tempore. The amendment, without objection, will be agreed to.

Mr. SMITH of Georgia. I still object to it.

The PRESIDENT pro tempore. The question, then, is on the adoption of the amendment, which will be again read.

The SECRETARY. On page 12, after line 11, insert:

For miscellaneous items, on account of the Maltby Building, $17,280.

The amendment was agreed to.

The next amendment was, on page 12, line 18, after the words "printed page," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $50,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

To enable the postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $200.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and under the administration of the Librarian of Congress, but, until otherwise ordered, it shall be kept and maintained in the Senate Office Building in immediate charge of a custodian, who is hereby authorized at a salary of $2,500 per annum, and the sum of $2,500 is hereby appropriated for the salary of such custodian during the fiscal year ending June 30, 1913.

Mr. WILLIAMS. I wish to ask for some information from the Senator in charge of the bill. Prefatory to that I will say that I do not think the position taken by the Senator from North Carolina [Mr. OVERMAN] is quite sound. I refer to his opinion to the effect that we ought to read all these hearings.

Mr. OVERMAN. Oh, no; I do not say that; the Senator misunderstood me. I said, if the Senator had any particular objection to any particular item he would find that in the index.

Mr. WILLIAMS. Turn to the index and find the item and then inform himself. A much quicker route for the information is to apply for the information to competent men who have studied the question and had the reading. It is much quicker and much more satisfactory. It seems to me, if the Senator from Wyoming will pardon me, a part of this is unnecessary. It reads:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and under the administration of the Librarian of Congress, but, until otherwise ordered, it shall be kept and maintained in the Senate Office Building in immediate charge of a custodian who is hereby authorized at a salary of $2,500 per annum, and the sum of $2,500 is hereby appropriated for the salary of such custodian during the fiscal year ending June 30, 1913.

The question which I desire to ask of the Senator from Wyoming is why it is necessary to keep and maintain this library in the Senate Office Building with a specially employed custodian at $2,500 a year when the great Congressional Library, another most magnificent marble palace in the city of Washington, has space to burn for the storing of books.

Mr. WARREN. Oh, no, Mr. President, not space to burn. We are called on from year to year to build extra stacks to take care of the accumulations over there.

Mr. WILLIAMS. Yes; stacks would have to be built here and there, but the room is there, an abundance of it.

Mr. OVERMAN. I think this item was inserted at the special request of the Finance Committee. I so understood it.

Mr. WILLIAMS. Then, if it was the special request of the Finance Committee, as one of the nonconsidered members of the Finance Committee who have nothing to do with providing salaries of $2,500 for somebody as custodian, I had no knowledge of it. I received no sort of information, and I do not see any sense or use in it. It seems to me if it read this way:

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is put under the administration of the Library of Congress, and the sum of $2,500, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books to the Congressional Library.

We would save at least $2,500 a year for a very indefinite period.

Mr. WARREN. I think the Senator is in error about that. The library is a very expensive one, and it has been accumulating, I understand, and from my observation I think it is true, with a great deal of care by the Monetary Commission during the last several years. It is a library that has been fitted up in rooms with steel cases and a steel spiral staircase to get to the top, where they seemed to want to economize room as much as possible. It is adjacent to the Finance Committee room, and it has been the desire of the House side as well as the Senate side, on the part of those who served on the Monetary Commission, that until some later date it might be preserved intact near by where it would be as useful as possible.

As to the $2,500, that is the salary the present custodian is getting, and possibly more than will be provided when we get through with the bill in conference; but as long as we had that salary, and because he is an expert in that line, and because of the particular usefulness of this library, it was thought best to insert that salary. The Library of Congress belongs to both House and Senate, and this will eventually properly be lodged there; but it will have to have a custodian there just the same.

Mr. WILLIAMS. Now, what was the authority of the commission for constructing a library room in the Senate building?

Mr. WARREN. Their authority was in the law which provided for that commission and which gave them everything between the sky and the earth.

Mr. WILLIAMS. That is it exactly. I wanted to get that statement.

Mr. WARREN. And I must say that their expenses, while possibly extravagant, were less so than usual commissions would have incurred under the expansive limit they had, and one of their very best investments was this library.

Mr. WILLIAMS. Mr. President, it is not at all wonderful that a commission with authority to do everything between the earth and the sky came within its limits. I should imagine that almost any limit would not exceed the authority.

Mr. WARREN. I desire to say that the Senator from Mississippi was a Member of the House, if I mistake not, which cooperated in passing the law, and I never heard of his objecting to it over there.

Mr. WILLIAMS. I do not think he was; but that is immaterial. If he was, he is not in the slightest responsible for what this commission has done or for its touring around and its enormous expenditure and its accumulation of this expensive library. The Senator from Wyoming is perfectly correct in saying that it is very expensive, and I was startled by the figures when I saw them.

Mr. WARREN. But both the Senator and I voted for cutting off further expense.

Mr. WILLIAMS. Yes; and I predicted at the time that we had better watch it, because apt as not, it might leave an employee or two behind it; and that is what I am trying to inquire into now. I find that they went to work and they have not only bought an expensive library, but without any specific authority of Congress for that specific purpose, under the general authority which hovered around between the earth and the sky, they have constructed a library room in the Senate Office Building with various arrangements for convenience. Now, it is proposed finally to send it over to the Congressional Library, and the books ought to be sent to the Congressional Library, because they ought to be at the behest and for the benefit and edification of the Members of the House as well as the Members of the Senate, and they ought to be open for the perusal and study of students and scholars everywhere, and such other people as choose to edify themselves by the perusal of those books.

Mr. OVERMAN. If the Senator will allow me, I will state that I understood that inasmuch as the monetary question will come up in the near future, temporarily, if not longer, that library matter ought to be kept there where the Finance Committee could get at it.

Mr. WILLIAMS. Oh, no; I draw——

Mr. OVERMAN. I want to say also that one reason why we voted to put it in was because the Senate had acted on this particular question about three weeks ago. A bill passed the Senate and went to the House providing that this should be done.

Mr. SMOOT. That is right.

Mr. OVERMAN. If the Senate had acted upon it and it had passed through the Senate requiring this to be done, we thought it was our duty as a committee of the Senate to put it in. But for the action of the Senate I would not have agreed to it.

Mr. WILLIAMS. Mr. President, one word, and then I will yield to the Senator from Utah. From the premises laid down by the Senator from North Carolina I arrive at a directly antagonistic conclusion.

The fact that monetary legislation is to be had is a reason, to my mind, for not consigning this information, if it be useful, to a place where it will be confined only to Senators, but would be a reason for consigning it right now to a place where it would be convenient to the entire American public that choose to study the question, including, certainly, the Members of the House of Representatives as much as ourselves, and certainly, in my opinion, other people as well.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. WILLIAMS. And there will be found there already custodians to take charge of it without any extra appropriation for a special custodian.

Mr. OVERMAN. It has got a right to be there, and with a custodian it will be as open to the public there as it would be in the Library of Congress.

Mr. WILLIAMS. Unfortunately it would be more open to the public. The old Congressional Library is called the Congressional Library——

Mr. WARREN. May I ask the Senator a question right there?

Mr. WILLIAMS. One moment, because this is a right pretty thought. It is called the Congressional Library; and I remember that in Amos Cummings's lifetime he wanted to change the name to National Library. I said, "Why, Amos, you remind me of a man who wanted to strike out what seemed to be the unnecessary letters in words that carry by their existence in the word the history of the word itself. They tell you whether they came from the Norman French or from the Latin or whether by accident they came from the Spanish; like the men who want to strike the letter 'u' out of the word 'honour.'" I have never any patience with them. I am perfectly willing to see the letter "u" struck out of the word "labour," because it came directly from the Latin. So I said, "Amos, do not do that; let the history of the Library remain for all time. You are right about it having become a national library, but do not let us call it one; let us carry the name so that it will help those who want to study its history and find out what it was." It was originally a congressional library, but now it has become a national library. Of course, anybody who wants to study any book in that great library can go there and study it. It is free to the entire public to go to. It is true that Members of Congress still have some exclusive privileges in connection with it, which they ought to have. It can not, however, be said that it is open to anybody to any great extent over here where it now is.

Now I yield very gladly to the Senator from Wyoming first, because he interrupted me.

Mr. WARREN. The Senator has got very far away from the subject matter that I wanted to talk about. I wanted to ask him how often he visits the Senators' reading rooms in the Library and how many Senators within the range of my voice go there twice a year on an average?

Mr. WILLIAMS. I do not visit them at all, but I have books sent to me every week.

Mr. WARREN. But books could be sent as readily from over here.

Mr. WILLIAMS. But people who can not do that go to the public library over there. Students from all over this country are going there and people who are collecting facts to serve as a basis for history and all sorts of investigations are going to the Congressional Library all the time. It is a great institution of great public utility. I should like to see a man like McLaughlin, of Chicago, and I should like to see all these men—Henry Adams and men who have been studying this question—have equal access to these books, and have it right away. I am going to propose, therefore, in a moment to amend the amendment in the manner in which I have indicated and which I will again repeat. Now, I again yield to the Senator from Wyoming.

Mr. WARREN. The Senator knows, of course, that the monetary library has not been open like a library of fiction or like the ordinary library of reference, but that it is one more largely for Congress itself; and whether it should be in the Senate Office Building or the House Office Building the courtesies between the two Houses make that equal. So far as the accommodation of books of the library for the Senate is concerned, as the Senator admits, if he wants a book he sends for it; but the nap has not yet been worn off the carpet of the Senator's reading room, and I do not believe the average is one Senator a week the year around in that room.

Mr. WILLIAMS. Mr. President, one word. I have two reasons for wanting to modify this provision. I want to be frank about them. The first is the reason I have given, to wit: If you are going to do it at all, you ought to do it at once. If you are going to make this information accessible to everybody, you ought to do it as soon as possible, for—

> If it were done when 'tis done, then 'twere well
> It were done quickly.

My second objection is that under this "nigger in the woodpile" is the custodian at $2,500, in whose employment for the purpose of taking care of these books I see no necessity, when the books can be carried over to the Congressional Library and be catalogued and taken care of by the regular Library force much better than any one custodian in the world could possibly take care of them. I mean by that every utility in connection with them could be served.

Mr. WARREN. I think there is no class of books anywhere nearly of the importance of this collection that does not have a special custodian in the library. You will have to have your man just the same. I do not know who this man is. He might go there or he might not, but when you take this collection to the library you will require a custodian for it.

Mr. WILLIAMS. I do not know who he is, but I know that the regular library force can catalogue these books and take

care of them. I do not know, but I should not at all be surprised to find that the custodian was very close to somebody on the Monetary Commission.

Mr. SMITH of Arizona. How many volumes are there in that library?

Mr. WILLIAMS. I have forgotten. It cost a big pile of money, but I have forgotten just how many books there are. I was astonished when I read a statement regarding it.

Mr. SMOOT. There are several thousand volumes; I should judge between eight and ten thousand volumes.

Mr. WILLIAMS. They cost some $50,000, did they not?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. LEA in the chair). Does the Senator from Mississippi yield to the Senator from Utah?

Mr. WILLIAMS. I do.

Mr. SMOOT. I simply wanted to state that no matter what anyone may say as to the good accomplished by the Monetary Commission, they must admit that they have collected the best monetary library in all the world. I have heard men who knew, make that statement time and again. That library now is intact, and the man who is its custodian is peculiarly adapted for its care. He knows every volume thoroughly. Any Senator can ask him to bring him a reference upon any subject in the library, and he will be furnished with the book almost immediately. If the library is to be of any use whatever to Congress or to the people outside, there must be a custodian who knows the contents of the library. The present custodian, as I have before stated, is peculiarly fitted for this work. He is a graduate of one of the best universities in the United States; he has made a study of this particular question; and he knows, as I have said, almost everything that is in every book in that library. We are going to have monetary legislation. Most of the meetings to consider the subject will be held, as the Senator perhaps knows, in the Finance Committee room, where these questions will be discussed. I do think that it would be for the best interests of every Senator who is going at least to pass upon these great questions to have the library immediately at hand and have the custodian there, so that any question which may be asked while in meeting could be answered immediately and the information handed to the committee in five minutes after the request was made.

It is for that reason that I think it would be much better to leave the library where it is until the Monetary Commission shall have at least acted upon and presented monetary legislation to the Senate and the other House.

Mr. WILLIAMS. Mr. President, I am singularly lucky this afternoon in that everything said against the proposition which I am propounding reenforces me in my devotion to it. The Senator from Utah now tells us that this is the largest and best monetary library in the world. I presume that, with the Treasury of this great Government behind them, feeling that they were at liberty to spend all they wished to spend, the commission secured about the best selected monetary library in the world, and I do not doubt it is. I have looked over it; in fact I find some very curious things amongst it, and that is the very reason why I do not want to leave this precious jewel within the exclusive possession of the Senate of the United States. That is one reason why I want the Representatives of the people—and the Senator will pardon my devotion to the Representatives of the people; I was so long a part of them—I want the Representatives of the people to get a fair chance at them.

Mr. OVERMAN. I understand there is a good deal of jealousy between the Representatives of the people and the Senate because the Senate has passed a bill requiring this thing to be done, but the Representatives of the people say "No; they shall be placed in the House Office Building."

Mr. WILLIAMS. In the House Office Building?

Mr. OVERMAN. Yes.

Mr. WILLIAMS. Then I am trebly reenforced, because if the Representatives of the people want these books so badly that they are demanding that they be put in the House Office Building, then my proposition to compromise the issue and put the books where both Houses can have equal access to them is all the more recommended to my judgment. I hope there will not be a single vote against it. I now offer to amend——

Mr. WARREN. Will the Senator allow me a moment? It is quite certain that we shall not be able to finish this subject to-night; and, if the Senator is willing, I will be glad to lay the bill aside, so that one of the colleagues of the Senator on the other side of the Chamber may bring up a small matter which he wishes to have disposed of.

Mr. WILLIAMS. I will agree to that immediately after stating the amendment and giving notice of its pendency. I move to amend the Senate amendment so that it will read, beginning at line 23, on page 12:

> The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress; and the sum of $250, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books constituting it to the Congressional Library.

Mr. WARREN. So that the Senator may perfect his amendment, I will say that the present library occupies steel shelving and trimmings fitted to the particular rooms now occupied, and that shelving might not be applicable to the other library.

Mr. WILLIAMS. Then, I will modify the amendment, right after the word "books," by inserting "and the present stacks and shelving to the Congressional Library."

Mr. WARREN. Does the Senator wish to include any appropriation for new furnishings?

Mr. WILLIAMS. Does the Senator think that $250 will be sufficient to do the work?

Mr. WARREN. Not to remove the books and supply the new furniture necessary to take care of them, because the present shelving is fitted to the room where the books now are, and will hardly fit the rooms to which they would be moved.

Mr. WILLIAMS. Very well, then, I will modify the amendment a little and make the appropriation $500, or so much thereof as may be necessary.

Mr. WARREN. Let me call the attention of the Senator to another matter. This being a Senate committee amendment, if we strike it out, of course, something will have to be inserted in its place. As this bill will have to be settled in conference between the House and the Senate, I wish the Senator to consider, and let me know to-morrow, whether he would not like to include a sufficient sum so that it will leave some play room between the House and the Senate. The House may want to keep it on the the Senate side when we meet. I suggest that to the Senator.

Mr. WILLIAMS. Just at this moment I do not see that that will be necessary. It seems to me that in case of a difference existing as to the subject matter, the conferees could modify it in any way they chose.

Mr. WARREN. I have been pulled up rather sharply lately on the matter of changing items in conference.

The PRESIDENT pro tempore. Before the bill is laid aside, the Chair will suggest that the amendment be stated, so that it may be considered as pending in its perfected form. The amendment as proposed by the Senator from Mississippi [Mr. WILLIAMS] will be stated by the Secretary.

The SECRETARY. It is proposed to amend the amendment of the committee so that it will read:

> The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress; and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books and the present stacks and shelving to the Library of Congress.

Mr. WARREN. I wish to say that I have agreed to lay aside the bill so that the Senator from South Carolina [Mr. SMITH] may ask for the consideration of a small matter, but before asking that the bill be laid aside, I desire to say that I hope we may proceed with the further consideration of this bill to-morrow morning immediately after the routine morning business. I have been in communication with two Senators who have special notices recorded in the calendar, one of whom desires me to proceed and the other will confer with me in the morning; so to those Senators who wish to be here when the bill is proceeded with I may say that the prospects are that we will go on with the bill to-morrow morning. I now ask that the bill be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, the bill will be temporarily laid aside.

EIGHT-HOUR BILL.

Mr. LODGE. I ask that the 8-hour bill (H. R. 9061), as it passed the Senate may be printed, so as to show the Senate amendments numbered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

KINGSTON LAKE BRIDGE, CONWAY, S. C.

Mr. SMITH of South Carolina. Mr. President, I have a bill that will cause no debate at all. It is simply to grant to the citizens of Conway, S. C., the privilege of building a bridge across a navigable stream. They had to go through this routine form. The matter was referred to the War Department for information, which they have furnished, and the Committee on Commerce has recommended that the bill be passed. I ask

unanimous consent for the present consideration of Senate bill 6777.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 8, after the word "commissioners," to insert "and approved by the Secretary of War," so as to make the bill read:

Be it enacted, etc., That the board of county commissioners of Horry County, S. C., be, and they are hereby, authorized to construct, maintain, and operate a steel or wood bridge across Kingston Lake at Conway, S. C., at such a point as may be determined by the said board of county commissioners, and approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 4, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 3, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely wise, just, pure, and holy; whose mercy is from everlasting to everlasting, create within us as a ruling passion the desire to mold our characters into the likeness of our Maker, that we may be wise, just, pure, holy in all that pertains to life, and at least hear the words, "Well done, good and faithful servant, enter thou into the joy of thy Lord." And thine be the praise forever. Amen.

The Journal of the proceedings of Saturday, June 1, 1912, was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of the Civil War, with Senate amendments thereto, disagree to Senate amendments, and to ask for a conference.

Also, to call up the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of the Civil War, with Senate amendment thereto, disagree to the Senate amendments, and to ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up the bills H. R. 23063 and H. R. 23557, with Senate amendments thereto, to disagree to the Senate amendments, and to ask for a conference. Is there objection?

There was no objection.

The Chair announced the following conferees: Mr. SHERWOOD, Mr. RUSSELL, and Mr. LANGHAM.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purpose of a public park and public-school site; and

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads; and

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.; to the Committee on Indian Affairs.

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site; to the Committee on Indian Affairs.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

MEMORIAL DAY.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to print as a part of my remarks the able and patriotic address delivered by my colleague, the gentleman from Kentucky [Mr. LANGLEY], on Decoration Day at Glenwood Cemetery, in this city.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print as a part of his remarks in the RECORD a speech delivered by Representative LANGLEY, of Kentucky, on Memorial Day. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, it is understood that this will appear in the RECORD at the end of the proceedings?

Mr. AUSTIN. Yes.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day, and the Clerk will report the first bill on the Calendar for Unanimous Consent.

FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

Mr. CARTER. Mr. Speaker, I ask unanimous consent to have that bill passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection?

Mr. CARTER. Mr. Speaker, I make the same request in respect to the bill H. R. 22083, relating to inherited estates in the Five Civilized Tribes in Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to pass without prejudice the bill H. R. 22083. Is there objection?

There was no objection, and it was so ordered.

MEXICAN WAR SURVIVORS.

The next bill on the Calendar for Unanimous Consent was the bill H. R. 14054, to increase the pensions of Mexican War survivors in certain cases.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand that all of the provisions of this bill are covered in the general pension act.

Mr. RICHARDSON. Mr. Speaker, I am informed that through the kindness of my friend from Illinois, Mr. MANN, a few days ago, while I was absent, the Mexican bill was called up on the Calendar for Unanimous Consent. The Mexican bill was placed on that calendar for the purpose of making provision for these veterans in the event that the Sherwood bill did not pass.

The SPEAKER. Then there is no need to pass this bill.

Mr. RICHARDSON. No; it should be stricken from the calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill be laid on the table.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

EXCHANGE OF SCHOOL SECTIONS WITHIN AN INDIAN OR OTHER RESERVATION, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I think after they get through with any discussion I shall object.

Mr. RAKER. Will the gentleman object to the consideration of the bill?

Mr. MANN. I think so.

Mr. RAKER. Mr. Speaker, under the circumstances it is a long distance from here to California, and I have parties who have a good deal of information in regard to this matter. I hope by next Unanimous Consent Calendar day to have all the information desired in shape, and I ask unanimous consent that this bill be passed without prejudice until next Unanimous Consent Calendar day.

Mr. MONDELL. Mr. Speaker, I do not know I shall object to unanimous consent, but I do not understand why we should have to wait over for any information from California in reference to this bill. As a matter of fact, this is a bill in which every one of the public-land States is equally interested. We are all equally interested in having legislation, and it does not apply to California any more than it does to Wyoming, Montana, or any of these other States. It is simply an act declaratory of the present law, something made necessary by reason of the fact that there has been some difference of opinion in regard to the proper interpretation of the present law.

Mr. GARNER. May I interrupt the gentleman? Mr. Speaker, the last Unanimous Consent Calendar day we did not get through with the business on the calendar, and where a gentleman announces his intention to object to the bill anyway, it does not seem to me it is looking to the progress of business in the House to continue discussion on a bill where a gentleman is certain he is going to object in the end. If any gentleman in the House wants to have unanimous consent to extend his remarks in the RECORD on any bill on the Unanimous Consent Calendar he can get that privilege, but to use up 20 minutes or more in a discussion of a bill that is certainly going to be objected to, seems to me folly, and that the time of the House ought to be utilized on those bills that may be considered for the purpose of passing them.

Mr. RAKER. If the gentleman will allow me, we have not consumed two minutes upon this proposition. By the time the next unanimous-consent day comes around I will be in a position to give all the information that may be needed to avoid any possible objection to unanimous consent, and there ought not to be any objection to giving two weeks' time within which to do that and permit this bill to go over until next calendar day.

Mr. GARNER. I have no objection to the request of the gentleman from California to pass this without prejudice, and the gentleman from Illinois does not object to that, but why consume 30 minutes to accomplish the same purpose——

Mr. FOSTER. The gentleman does not think that a fair discussion of these bills is not a proper thing in the House?

Mr. GARNER. No; I do not object to a discussion of these bills; but when the gentleman from Illinois has already given notice that he is going to object I see no use in the discussion.

Mr. EDWARDS. But the gentleman from California simply wants it to go over now.

Mr. GARNER. He has a right to ask unanimous consent.

Mr. FOSTER. It occurs in the calling up of these bills there may be matter we do not understand and possibly an explanation of the object of the bill would make it so there would be no objection.

Mr. GARNER. Mr. Speaker, that is correct; and whenever the gentleman from Illinois [Mr. FOSTER] rises in his place and says that he would like to have this bill explained in order to determine whether he will object I am not objecting to that, but when the gentleman from Illinois [Mr. MANN] says that he intends to object, then I see no necessity of continuing this discussion.

Mr. FOSTER. I judge the gentleman from Illinois states that he will object on his present information.

Mr. MANN. I stated I thought I should object; I did not say I intended to object.

Mr. FOSTER. The gentleman from California might convince the gentleman from Illinois that he was wrong.

Mr. RAKER. Mr. Speaker, let me say to the gentleman from Texas and the gentleman from Illinois——

Mr. JACKSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is to find out whether gentlemen are going to object to this bill or not.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that we pass, without prejudice, the consideration of this bill to the next Unanimous Consent Calendar day.

The SPEAKER. The gentleman from California asks unanimous consent to pass over this bill without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman whether he thinks it will be sufficient to pass it over this day, or whether it will be necessary to pass it over a few more times?

Mr. RAKER. I will be in a position at the next unanimous-consent day to let it go on; and if not, I will have to take another course.

Mr. MANN. I do not object.

The SPEAKER. Is there objection to passing over this bill without prejudice? [After a pause.] The Chair hears none, and it is so ordered.

DISPOSAL OF SURPLUS LANDS, STANDING ROCK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

The Clerk proceeded to read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, lying and being within the following-described boundaries, to wit: Commencing at a point in the center of the main channel of the Missouri River where the township line between townships 18 and 19 north intersects the same; thence west on said township line to a point where the range line between ranges 22 and 23 east intersects the same; thence north along the said range line to the northwest corner of section 19, in township 21 north, of range 23 east; thence east on the section line north of sections 19, 20, 21, 22, 23, and 24 to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to a point where the same intersects the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west in North Dakota intersects the same; thence north on said range line between ranges 84 and 85 west to a point where it intersects the center of the main channel of the Cannon Ball River; thence in a northeasterly direction down and along the center of the main channel of said Cannon Ball River to a point where it intersects the center of the main channel of the Missouri River; thence in a southerly direction along the center of the main channel of the said Missouri River to the place of beginning, and including also entirely all islands, if any, in said river, except such portions thereof as have been allotted to Indians: *Provided*, That sections 16 and 36 of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization, heretofore engaged in mission or school work on said reservation, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

Mr. BURKE of South Dakota. Mr. Speaker——

Mr. FOSTER. Reserving the right to object——

Mr. BURKE of South Dakota. Mr. Speaker, the bill has not been read yet. The committee has reported a substitute, and the substitute in section 1 is exactly the same as Senate bill 109. I ask unanimous consent that, beginning on page 12, line 3, of the bill, the substitute be read instead of the original bill.

The SPEAKER. Without objection, the Clerk will read the substitute.

There was no objection.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Standing Rock Indian Reservation, in the States of

South Dakota and North Dakota, lying and being within the following-described boundaries, to wit: Commencing at a point in the center of the main channel of the Missouri River where the township line between townships 18 and 19 north intersects the same; thence west on said township line to a point where the range line between ranges 22 and 23 east intersects the same; thence north along the said range line to the northwest corner of section 19, in township 21 north, of range 23 east; thence east on the section line north of sections 19, 20, 21, 22, 23, and 24 to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to a point where the same intersects the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west in North Dakota intersects the same; thence north on said range line between ranges 84 and 85 west to a point where it intersects the center of the main channel of the Cannon Ball River; thence in a northeasterly direction down and along the center of the main channel of said Cannon Ball River to a point where it intersects the center of the main channel of the Missouri River; thence in a southerly direction along the center of the main channel of the said Missouri River to the place of beginning, and including also entirely all islands, if any, in said river, except such portions thereof as have been allotted to Indians: *Provided*, That sections 16 and 36 of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, respectively: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *Provided, however*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper authority of any religious organization, heretofore engaged in mission or school work on said reservation, for such lands thereon (not included in any town site herein provided for) as have been heretofore set apart to such organization for mission or school purposes.

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in said proclamation: *Provided*, That prior to said proclamation the Secretary of the Interior shall cause allotments to be made to every man, woman, and child belonging to or holding tribal relations in said reservations who have not heretofore received the allotments to which they are entitled under provisions of existing laws: *Provided, further*, That the said Secretary is hereby authorized to designate the superintendent of the Standing Rock Indian School to allot each child born subsequent to the completion of the allotments herein provided for and 60 days prior to the date set by said proclamation for the entry of said surplus lands: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed lands, if any, within said reservation, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands containing coal or other valuable minerals the said Secretary is hereby authorized to reserve them from disbursement or disposition until further action by Congress: *And provided further*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars or Philippine insurrection, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged.

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the States of South Dakota and North Dakota, respectively, shall be permitted to select or locate any lands to which they may be entitled by reason of the loss of sections 16 or 36, or any portions thereof by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe, and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any one town site, and patents shall be issued to the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct. He shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses and other public buildings, or in improvements within the town sites wherein such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid shall be credited to the Indians as hereinafter provided: *Provided further*, That all children of school age and of Indian parentage shall be admitted at all times to the public schools within said town sites on an equal footing with all other children admitted to the said schools.

SEC. 4. That the price of said lands entered as homesteads under the provisions of this act shall be as follows: Upon all lands entered or filed upon within three months after the same shall be opened for settlement and entry, $6 per acre, and upon all lands entered or filed upon after the expiration of three months and within six months after the same shall have been opened for settlement and entry, $4 per acre; after the expiration of six months, after the same shall have been opened for settlement and entry, the price shall be $2.50 an acre.

SEC. 5. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal installments, the first within two years and the remainder annually in three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the price fixed herein: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for the payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation of final entry as now provided by law where the price of land is $1.25 per acre; and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to patent for the lands entered: *Provided further*, That any lands remaining unsold after said lands have been opened to entry for five years may be sold to the highest bidder for cash, without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and patents therefor shall be issued to the purchasers.

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums of which the said tribe may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization: *Provided*, That from any moneys in the Treasury to the credit of the Standing Rock Indians derived from the proceeds arising from the sale and disposition of their portion of the surplus and unallotted lands disposed of under section 6 of the act approved May 29, 1908, the Secretary of the Interior be, he is hereby, authorized, in his discretion, to distribute and pay to each of the Indians belonging to said tribe and entitled thereto a sum not exceeding $40 per capita.

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the States of South Dakota and North Dakota, respectively, for such purpose, and in case any of said sections or parts thereof are lost to either of the said States by reason of allotments thereof to any Indian or Indians or otherwise, the governor of each of said States, respectively, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States, as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

SEC. 8. That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 9. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $180,000, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of $10,000, or so much thereof as may be necessary, for the purpose of making the surveys and allotments provided for herein: *Provided*, That the said $10,000, or so much thereof as may be expended for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

SEC. 10. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36, or the equivalent, in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of the said lands and to expend and pay over the proceeds received from the sale thereof only as received and as herein provided: *Provided*, That nothing in this act shall be construed to deprive the said Indians of the Standing Rock Indian Reservation of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to have the gentleman from South Dakota [Mr. BURKE] give some explanation of this bill. I have some communications from parties interested in the opening of this reservation, and it occurs to me that if the things contained in those communications are true, the Government ought not to open this reservation at this time and dispose of these lands.

The SPEAKER. Does the gentleman object?

Mr. FOSTER. I reserve the right to object.

Mr. BURKE of South Dakota. Mr. Speaker, the Standing Rock Reservation contains about 1,300,000 acres of land. It has all been allotted, with the exception of about 219,000 acres, which this bill proposes to put upon the market and to have sold to homestead settlers.

The Standing Rock Indians are one of the Sioux Tribes of Indians, and have in allotments the largest area of land of any tribe of Indians in the United States. The heads of families have 640 acres of land each. Their wives have 320 acres each. An unmarried Indian over the age of 18 years has 320 acres. Every child under 18 years of age has 160 acres. Consequently, a family of five in this tribe of Indians will have 980 acres in the husband and wife and 160 acres for each child, making in all 1,440 acres, which ought to be enough land for one family.

The original treaty, made in 1889, contemplated that after the allotments had been made the surplus lands should be disposed of and sold to homestead settlers. The theory of the law was that it would be beneficial to the Indians in many respects

to have the surplus lands settled upon and improved by the white people.

The communication that the gentleman from Illinois [Mr. FOSTER] refers to is from a delegation of Indians. This delegation came to Washington during the winter and spent some weeks here, and were twice before the Committee on Indian Affairs. They objected to the passage of this Senate bill for several reasons. The principal objection that they had to the bill was that they had not directly received any part of the proceeds from the sale of that portion of the Standing Rock Reservation which was opened to settlement under the law passed in 1908, and they were very solicitous that there be something paid to them from the sale of that land.

That law provides that the money shall go into the Treasury and be expended for the Indians for their support, civilization, and education. The Indians claim that the agent, Maj. McLaughlin, who negotiated with them before that law was passed, promised them that some part of the proceeds would be paid to them. After listening to this delegation and considering the communication which the gentleman referred to, the committee unanimously reported a substitute.

We have put into the substitute a provision by which not exceeding $40 per capita may be paid from the proceeds of the sale of a portion of the reservation opened under the act of 1908, and I may say that one of the leading Indians of that delegation said to me before he left Washington that if there was a provision that they could have that payment, then they practically had no objection to the passage of the bill.

Another objection that they had to it was section 11, which provided that there should be paid 20 per cent of the proceeds received from the sale of the land opened under this act of 1908. They objected to that very strenuously, and that section is eliminated from the bill.

Another objection they had to the passage of the bill was that it provided for the appraisement of the land, and that it involved an expense of from fifteen to twenty-five dollars. We have eliminated that, and provided that the land shall be disposed of under terms to be fixed so that all land taken in the first three months shall be sold at a certain price, and at a less price for the next three months, and after that a price of $2.50 an acre.

The department, in reporting upon this bill, recommends:

Notwithstanding the opposition to the opening of their reservation as expressed by the Indians in their council of November 28, 1911, I am of the opinion that the enactment of Senate bill 109, if amended as suggested herein, would be to the advantage of the Standing Rock Tribe at large.

We have made not only the amendments suggested by the department, but we have gone further, by making a provision that there shall be a per capita payment to the Indians.

If you will take the House report, you will find the report made by Maj. McLaughlin, the inspector who went to the Standing Rock Reservation and negotiated with these Indians, a man who has been in the Indian Service for more than 40 years, who for many years was the agent of the Standing Rock Indians, and he said in the concluding part of his report:

In conclusion, I desire to state that the Standing Rock Indians are well disposed and will acquiesce in any course pursued in the administration of their affairs; and notwithstanding their apparent opposition, as voiced by their chosen spokesmen, to the provisions of the pending bill, they will graciously accept whatever may be determined upon in this matter. Furthermore, having been intimately acquainted with the Standing Rock Indians for the past 30 years and believing that the opening of the surplus lands of their reservation will be beneficial to them as a people, as well as in the interests of the service, I respectfully recommend that legislation for the opening of their diminished reservation be enacted along the lines of Senate bill 109, Sixty-second Congress, first session, with the modifications herein suggested, and that at least one reasonable cash payment be made to them from the proceeds of their lands opened by the act of May 29, 1908.

Mr. GARNER. Mr. Speaker, I think the gentleman from South Dakota has made a very clear explanation of the bill. Undoubtedly the gentleman from Illinois [Mr. MANN] knows whether he is going to object to it. I want to give notice now that when these bills are called up, as they come up I am going to call for the regular order; and if gentlemen have not sufficiently examined a bill to know whether they will object to it, they will have to take the consequences. I demand the regular order.

Mr. BURKE of South Dakota. I do not understand that the gentleman objects to this bill——

Mr. GARNER. I do not object to the bill.

The SPEAKER. Did the gentleman from Texas object?

Mr. GARNER. I did not. I demand the regular order.

The SPEAKER. The regular order is what is going on now.

Mr. GARNER. The regular order is for the Chair to put the question whether or not there is objection.

The SPEAKER. The regular order is for Members to talk these things out. They sometimes exceed the limits of patience, but the Chair has no control of that.

Mr. GARNER. Mr. Speaker, if a gentleman, as the gentleman from Illinois [Mr. MANN] has done in this instance, reserves the right to object, and any gentleman in his place rises and says, "I demand the regular order," it is the duty of the Chair then to ask if anyone objects to this bill.

The SPEAKER. Perhaps that is true.

Mr. GARNER. I think it is true, and that is what I have done.

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object——

Mr. EDWARDS. I object.

The SPEAKER. The gentleman from Georgia [Mr. EDWARDS] objects.

Mr. STEPHENS of Texas. I hope the gentleman will not object to this bill. If there were any objectionable features in it, they have been removed.

The SPEAKER. The gentleman has already objected. The bill goes off the calendar, and the Clerk will report the next one.

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23470) to protect American trade and American shipping from foreign monopolies.

The bill was read, as follows:

Be it enacted, etc., That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce, or are monopolizing or attempting to monopolize any part of such trade or commerce, in violation of such act, the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States; whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

SEC. 2. That a penalty of $25,000 shall be imposed upon any vessel which shall enter or clear from any port of the United States in violation of the provisions of a judgment or decree rendered as provided in section 1 of this act, for each and every such entry or clearance, which penalty or penalties may be recovered by proceedings in admiralty in the district court of the United States for the district in which said vessel may be, and which court may direct the sale of said vessel for the purpose of realizing the amount of said penalty or penalties and cost.

SEC. 3. That the Postmaster General is hereby authorized and directed to cancel any contract for carrying the ocean mails pursuant to the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," on satisfactory evidence to him that any vessel performing such a service under such contract is, at the time of performing such service, owned, operated, or controlled by any person or persons who, in any proceeding, civil or criminal, instituted by the Government of the United States, have been adjudged by a court of the United States to have violated the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that said vessel performing such a service under such contract at the time of performing such service is being used to carry out the purposes and objects adjudged unlawful in such proceeding.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask some gentleman to explain this bill.

Mr. GARNER. I demand the regular order.

The SPEAKER. The rule ought to be construed in some reasonable way. The House is not obliged to vote on a bill or give unanimous consent instantly without knowing what there is in the bill. The Chair thinks there ought to be a reasonable limit. The Chair is with the gentleman from Texas that far.

Mr. HARDY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARDY. My impression is that on the last unanimous-consent day this bill was up for unanimous consent and was being considered.

The SPEAKER. Was there a reservation of the right to object?

Mr. MANN. This bill was not reached on the last unanimous-consent day.

Mr. ALEXANDER. Yes; it was.

Mr. GARNER. Yes; it was, and it went over.

Mr. HARDY. We were engaged in the discussion of it. I do not believe there was any objection to it.

The SPEAKER. The Chair will ask the gentleman, for information, how it happened that if this bill was being discussed at the time the House adjourned on last unanimous-consent day there are six or eight bills ahead of it on the calendar to-day?

Mr. ALEXANDER. I think it occurred in this way, that other bills preceding it had been passed over by unanimous

consent, and for that reason they had precedence on the Unanimous Consent Calendar to-day.

Mr. MANN. That is correct.

Mr. ALEXANDER. It is a fact that this bill was being considered.

Mr. MANN. There was a reservation of the right to object.

Mr. ALEXANDER. The gentleman from Illinois [Mr. MANN] and others discussed it somewhat.

Mr. STEPHENS of Texas. I requested that two of these preceding bills be passed over on account of the sickness of the gentleman from Oklahoma [Mr. CARTER].

The SPEAKER. The RECORD will show.

Mr. GARNER. If I may be indulged a moment, I have no desire to cut off opportunity to ascertain the purport of a bill before the House, but the Chair will remember that on the last unanimous-consent day we considered the Unanimous-Consent Calendar all day and yet did not finish the calendar.

The SPEAKER. No; but there were three pages and a half of that calendar.

Mr. FOSTER. I think we did remarkably well last unanimous-consent day.

Mr. GARNER. If we are going to take up 30 minutes or an hour in the discussion of each bill, and then if some gentleman is going to object, he undoubtedly knows whether he intends to object, and I do not believe it is in the interest of public business to let the discussion proceed indefinitely under such circumstances.

Mr. FERRIS. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. FERRIS. I would like to call the gentleman's attention to the fact that on Calendar Wednesday when a Member is recognized he has the right to speak for one hour, and I would like to call attention to the fact that we have not been getting for a long while the benefit we ought to; we have not got off the calendar on Wednesday but one bill—and I might say on the side that that rule ought to be amended——

Mr. MANN. It ought to be abolished.

Mr. FERRIS. This is the only possible hope that Members have of getting their little bills through. I hope the gentleman from Texas will exercise more leniency than he has manifested this morning so that we may explain these bills, at least for a little time, and let the Member who feels it his duty to reserve an objection know whether he is going to object or not. Here we are with a calendar loaded to the guards with bills. No one himself, unless he is more diligent than the most of us, can tell the moment the title to a bill is read whether he is going to object or not. Unless he is given more latitude than the gentleman—and I want the gentleman from Georgia [Mr. EDWARDS] to hear this—unless he is given more latitude to explain it, the Unanimous Consent Calendar will be of no more use than Calendar Wednesday. These bills, while seemingly unimportant, are important, and they ought to be disposed of. The big appropriation bills have the right of way, and I think a man should hesitate a good while before he cuts off all possibility of getting these local bills considered.

Mr. GARNER. Mr. Speaker, the gentleman from Oklahoma evidently misunderstands my object in the premises. In the first place, referring to Calendar Wednesday, I have no way under the rules of hastening matters, or else I would take that procedure. Under the rules of this House on Calendar Wednesday when a bill is taken up and a Member gets the floor he is entitled to one hour, unless the previous question is moved, and the next gentleman has an hour. So, under the rules, if I am not in charge of a bill I do not feel authorized to move the previous question.

But the Unanimous Consent Calendar: I am anxious to let the man who has a bill have the opportunity to have it considered. I am not making objection myself, and each Member of the House will realize that I have made no objection to any bill that has come up, because I believe if you let a bill come up and it is a bad bill the House will defeat it on its merits; but I do protest against this manner of discussing a bill a half an hour or an hour and then some gentleman saying, "I object." You have had the entire discussion with no benefit to the House, whereas if you permit a bill to come up on its merits and then discuss it, if it is not meritorious the House will refuse to pass it.

Now, one word further: I do not propose to insist on the regular order as each one of these bills is called, but I am calling the attention of the House at this time to the fact that they may take notice that a prolonged discussion of any bill before the question is put as to unanimous consent will not be permitted, but the regular order will be demanded.

Mr. MANN. Mr. Speaker, the Clerk reported the bill H. R. 23470, and thereupon I reserved an objection, and thereupon the gentleman from Texas [Mr. GARNER], without waiting for anything, demanded the regular order, evidently for the purpose of having the bill brought before the House for consideration or objected to. If no objection was made to the consideration of the bill, and the bill came before the House, it might take all the day under the rules of the House. It is a shorter procedure, as a rule, to reserve an objection until an explanation is made.

Now, this bill is not a local bill; no more important bill has been presented to this House than this bill, and no more drastic legislation has been proposed to this House than is contained in this bill. I should be unwilling to have it pass without some statement, so that Members of the House should not hereafter be permitted to say that this bill with all of its provisions, drastic as they are, passed by unanimous consent and I knew nothing about it. I want an explanation of the bill, so that members are put on notice and know what the bill is when they vote for it. As I say, it is frequently a shorter procedure to reserve an objection.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARNER. If the question was put and unanimous consent given for the consideration of the bill, would it not be opened up by discussion?

Mr. MANN. Yes; and it might take a day.

Mr. GARNER. And if it is as important a bill as the gentleman says it is, why should it not take all day, not only to-day but the next day, to consider important legislation like this?

Mr. MANN. No; it ought not to take all day on unanimous-consent day. If a bill is called up and the bill is found to be so important that it ought to receive full consideration and discussion, objection ought to be made, because it ought not to be taken up on unanimous-consent day.

Mr. GARNER. Then ought not the gentleman from Illinois to make the objection at once? A measure that the gentleman says ought to take more than one day to consider, ought not the objection to be made at once?

Mr. MANN. I have not said that it ought to take more than one day to consider it. I have not said that it ought to take 10 minutes. I should think 10 minutes ought to be enough, and possibly less time to state what every bill is, so that every Member can have brought home to him what it is.

The SPEAKER. The truth about the whole situation is this: There are three processes of getting a bill up which are exceptions to the general rule, and all three are intended to expedite, not to retard, public business. The first one is by unanimous consent, the second is by suspension of the rules, and the third is by a motion to discharge the committee. Evidently the philosophy of it is that bills would be put on the Unanimous Consent Calendar to which there could be no reasonable objection—that is, when Members find out what is in the bill there will be no objection to it. The two-thirds rule takes in a class of bills which are a little more difficult.

The gentleman from Texas [Mr. GARNER] is technically right when he demands the regular order, which means that the Chair should immediately put the question, "Is there objection?" But if that were done, without any chance for explanation, Members would object, as we have already seen them do, to every bill that was called up, and thereby make a farce out of the Unanimous Consent Calendar. Of course, the theory is that every Member understands every bill which comes up here, but that is a very wild presumption. [Laughter.]

When a bill is read the Chair does the best he can to keep order, but frequently there is so much confusion that Members do not know what is in the bill when the Clerk gets through. No Member ought to be refused the privilege of reserving the right to object, but to strike it out would be to the detriment of somebody else.

Some of these bills that are called up by unanimous consent are extremely important bills, and there ought to be a reasonable time allowed upon them. Whenever the Chair thinks a reasonable time has come, he puts the question for unanimous consent. Undoubtedly allowing a reasonable time for inquiries touching the contents of a bill tends to expedite the public business.

As far as Calendar Wednesday is concerned, the Chair is very frank to state publicly what he has stated privately, that he believes that rule ought to be changed and a limit fixed to the time that any gentleman can hold up the House upon that day. [Applause.]

The gentleman from Illinois [Mr. MANN] upon this bill has reserved the right to object, and the Chair is willing to hear him. Is there objection?

Mr. MANN. Mr. Chairman, I have no desire to be heard. I want to hear something about the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

I would like to inquire what the RECORD shows with reference to the status of this bill.

The SPEAKER. The RECORD shows that when the House adjourned upon last unanimous-consent day the bill was in precisely the condition that it is now in. The gentleman from Kentucky [Mr. SHERLEY] reserved the right to object and proceeded to make some remarks, and the gentleman from Illinois [Mr. MANN] then suggested the absence of a quorum, whereupon the gentleman from Alabama [Mr. UNDERWOOD], seeing there was no quorum, moved that the House adjourn, and the House did adjourn.

Mr. ALEXANDER. Mr. Speaker, I will undertake to briefly explain this bill. As has been suggested, it is an important bill, but it is not at all complicated in its provisions. On account of its importance and its far-reaching effect, I hope nobody will object to its consideration, for I do not believe there is any gentleman on this floor who is friendly to the combinations, whether they be domestic or foreign, at which this bill strikes. When the bill was first introduced in the House by the gentleman from Washington [Mr. HUMPHREY] it simply provided that no foreign ship in a combination or pool should be permitted to enter or depart from an American port under the penalties similar to those prescribed in section 2 of the bill. That did not meet the views of the committee. It was then referred to the Department of Justice for consideration and report to the committee. A substitute for the bill was sent to me as chairman of the Committee on the Merchant Marine and Fisheries from the Department of Justice. After consideration that bill did not meet the view of the committee. I then requested the Attorney General to appear before the committee. He kindly did so, and the provisions of the substitute bill were discussed at length. As I stated, the original and the substitute bill were aimed at foreign shipping pools or combinations. The committee suggested that it should apply to domestic as well as foreign combinations. The Attorney General readily yielded to that suggestion. It was also suggested that the law should be so framed that there would be no doubt that the courts, having found that ships were in these unlawful combinations and pools in violation of the terms of the Sherman Antitrust law, should have the authority in the decree to expressly provide that no ship used as an instrument to carry out the unlawful purpose of the combination should be permitted to enter or depart from an American port until the court should find that the combination or pool no longer existed. Also that section 2 should provide that if in the meantime any vessel should enter or depart from an American port, which vessel by the terms of the decree was prohibited from so entering or departing, it should be subject to the penalties prescribed in section 2. The Attorney General concurred in the suggestions of the committee, and sections 1 and 2 were redrafted to conform to that view. The bill further provides that the Postmaster General shall cancel any mail contract which may have been entered into with a company the vessels of which are embraced in the decree of the court and are being operated in violation of law. That is the substance of the bill, and it is simply to make more effective the provisions of the Sherman antitrust law and provide a better remedy for the violation of that law.

Those who have studied the question at all agree that not only the foreign shipping interests are in these pools or combinations, but that our domestic shippers, our coastwise shipping, as far as that is concerned, are all to a more or less extent in these combinations or pools. After full consideration by the committee and after conferences with the Department of Justice, and finally after having had the Attorney General before the committee and having discussed the matter thoroughly, this bill was evolved and has the approval of the Department of Justice.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. ALEXANDER. Certainly.

Mr. HARDY. I would like to state that it is also the purpose of this bill to make certain the authority of the court to render the decree which the Attorney General said should be asked for in the suits pending against these unlawful combinations, and the Attorney General thought it might be essential to have this bill passed into law in order to efficiently administer the proceedings of the court.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for the suggestion. Suits are already pending in the Federal courts in New York the purpose of which is to dissolve these rings or pools or unlawful combinations; and while the Attorney General did not say that the court has no power under the Sherman antitrust law to enter a decree to the effect that vessels in the pool might not enter or depart from our ports so long as the rings, pools, or unlawful combinations exist, yet we wanted it in the form of express law that it should be a part of the decree of the court. Hence we provide:

That whenever in a proceeding brought under the provisions of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it shall be adjudged that the owners, managers, or operators of any vessel or vessels, whether of the United States or of any foreign country, are engaged in a contract, combination, or conspiracy in restraint of interstate or foreign trade or commerce or are monopolizing or attempting to monopolize any part of such trade or commerce in violation of such act the court may, by its judgment or decree, prohibit all vessels employed pursuant to such contract, combination, or conspiracy, or in such monopolization or attempt to monopolize, from entering at or clearing from any port of the United States, whereupon it shall be unlawful for such vessel or vessels to so enter or clear until the court shall find that such contract, combination, or conspiracy has been canceled, terminated, or dissolved, or such monopolization or attempt to monopolize ended.

In my view, the chief merit of this bill is this, that after it has once been judicially determined that these companies have been in a combination or ring or pool and the court has expressly decreed that the vessels named shall not enter or depart while the combination exists, it throws the burden on the companies to show that the ring, pool, or combination has been dissolved and that the ring, pool, or combination no longer exists, and the burden is not upon the Government, as it would have been in the original bill, to prove it in each case.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. TOWNER. I understood the gentleman to say, although I was unable to hear him distinctly, that the bill as it now stands meets with the approval of the Department of Justice.

Mr. ALEXANDER. Yes.

Mr. TOWNER. Is it the opinion of the Department of Justice that the Sherman antitrust law is sufficient to bring these foreign combinations that are now doing this business under its jurisdiction?

Mr. ALEXANDER. Yes.

Mr. TOWNER. I am quite sure that it would be possible to bring them under its jurisdiction, but I am not sure at all that they are now under its jurisdiction.

Mr. ALEXANDER. I will say to the gentleman that the Attorney General has no doubt upon that question. There are two suits now pending, one relating to the Far Eastern trade and one to the north Atlantic trade, involving that question.

Mr. TOWNER. I take it the gentleman assumes or takes for granted the proposition that this foreign shipping can be brought within the jurisdiction of the Sherman antitrust law.

Mr. ALEXANDER. Yes; of course, we have a right under the Constitution, which vests in Congress the power to regulate commerce between the States, and foreign commerce, to legislate on the subject matter, and it is our opinion these vessels that have entered and departed from American ports come under the provisions of that law.

Mr. TOWNER. Well, the difficulty, I suppose, lies with the determination whether or not a trust which was entirely foreign in its makeup and constituent parts could be brought under the jurisdiction of the Sherman antitrust law unless so specifically stated. It seems to me that is rather a serious question and one I have not given sufficient consideration——

Mr. ALEXANDER. The answer of the Shipping Trust is that we can not enforce this law for the reason that 90 per cent of our commerce is carried on foreign ships, and if we should undertake to enforce the provisions of this act we would cut off our means of transportation of our goods in foreign commerce. But the answer to that is that the prosperity of those companies depends upon their commerce with the United States, and we take it that rather than subject themselves to the penalties under this act they will obey the law, otherwise they will be the greater losers, and, next, we are not disposed to yield to any such suggestion as that.

Mr. TOWNER. I would like to ask the gentleman whether it would not be easy to have an amendment to this bill to place them unquestionably and specifically under the terms of the Sherman antitrust law?

Mr. ALEXANDER. Well, we would not care to suggest at this time, with two suits pending in the United States District Court of New York in which demurrers have been overruled, that there is any lack of authority under the Sherman antitrust law to enforce the law against this ship combination.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to protect American trade and American shipping from domestic and foreign monopolies."

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, be, and is hereby, amended so as to read as follows:

"SECTION 1. That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Arizona, Colorado, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming, 320 acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over 1½ miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. BUCHANAN. Mr. Speaker, reserving the right to object——

Mr. MANN. As I understand this bill, while it names a number of States which should have the enlarged-homestead law as the Senate passed it, one is North Dakota, and as the House committee reports it, they have an addition of California.

Mr. RAKER. Yes, sir.

Mr. MANN. What reason is there for extending the enlarged-homestead law to California or North Dakota?

Mr. RAKER. Of course, the gentleman is aware that it applies to Colorado, Montana, Nevada——

Mr. MANN. Yes; to these other States named.

Mr. RAKER. For the same reason that it is necessary to apply it to the other States. There is a large quantity of land in the east and southeast of California where a man has a present homestead, and if he could enter 160 acres and cultivate it or cultivate one-eighth of it and then continue on until he makes final proof, he is in better shape to make a living and provide for his family and himself and build up the country. The reason for North Dakota is specified in Senator GRONNA's letter to the committee in the Senate when it passed the bill.

Mr. MANN. Well, Mr. Speaker, we made the enlarged-homestead law apply first to one or two States, and we have increased it on the theory that there were certain arid lands in the West this side of the Rocky Mountains where it was impossible to do anything without having more than 160 acres. In some places it has been abused and in some places it has been a very beneficial act, but it seems to me we ought to have very full information in regard to it, and there is absolutely no information in regard to it in relation to California.

Mr. RAKER. I want to call attention to the fact that this matter was submitted to the department, and the gentleman will find full information on page 3 of the report. They have gone into the matter thoroughly and reported in favor of this bill. The same circumstances which would call for the application of this extended homestead to Nevada, Colorado, and New Mexico call for it so far as the south and east of California are concerned.

Mr. MANN. How much land is there in California that this bill would apply to if it should be passed?

Mr. RAKER. I should believe possibly half a million acres.

Mr. MANN. That is down in the lowlands of the southeastern part of California?

Mr. RAKER. Along the eastern side of the State, and the southeastern, and such places.

Mr. MANN. Some of it, if we gave 320 acres or 32,200 acres, you could not make a living, and the gentleman does not expect to apply it there with any effect?

Mr. RAKER. Yes; the eastern part of the State, and places like that.

Mr. MANN. The bill ought not to be passed, because it would be a pure confidence game.

Mr. RAKER. In this the gentleman from Illinois is entirely mistaken, and I hope there will be no objections and that the bill with the amendment will pass.

Mr. MONDELL. Will the gentleman from Illinois yield for a moment?

Mr. MANN. Certainly.

Mr. MONDELL. I will say to the gentleman from Illinois I made some inquiry of the Land Office officials with reference to the situation in California with regard to the enlarged homestead laws. I can say that it is the opinion of the officials charged with the responsibility of administering the homestead laws that there are some areas of land in California in different sections to which the enlarged homestead law might properly be applied. The gentleman recollects that this law does not apply to any lands until the Secretary of the Interior designates them as lands of a character not irrigable at a reasonable cost. It enlarges the homestead area as to certain classes of lands, because on those classes of lands more than 160 acres is necessary, or believed to be necessary, for the support of a family. They must be nonirrigable and nonmineral and not containing merchantable timber. They are either dry lands, where they must practice dry-farming methods, or very rough lands in the hills where but a small portion of the 320 acres can be cultivated and where that area is necessary for a permanent home for the support of a family.

I think there is no question but that in the two States now proposed to be embraced within the provisions of the bill there are considerable areas which the Secretary will probably designate as falling under the provisions of the act.

Mr. MANN. The provision of the law is that "no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known water supply." Of course, if the land is such that it does not require irrigation at all, it still may be taken up under the provisions of this law?

Mr. MONDELL. Yes.

Mr. MANN. There is much land in California that does not require irrigation, where we ought not certainly to give more than 160 acres. Yet under the provisions of this law that land which has a plentiful supply of water fall might be taken up under the provisions of the law in areas of 320 acres.

Mr. MONDELL. I suppose the gentleman is aware of the fact that these entries are limited to lands that do not contain merchantable timber. There are now no lands in the State of California subject to homestead entry, nonirrigable and nontimbered, where the entryman does not require more than 160 acres to care for a family and to make a fair home.

Mr. MANN. I am not aware of that, and, with due respect to the gentleman, I do not think he is aware of it.

Mr. MONDELL. The gentleman thinks he is not aware of it, but if the gentleman had lived as long as I have lived in the West——

Mr. MANN. In California?

Mr. MONDELL. I have not lived in California; but if the gentleman recalled the successive waves of homestead seekers who have gone over that land in the last 40 years he would realize that if there were 160 acres in that territory that was good land it would long since have been taken.

Mr. MANN. There were more acres of land taken up last year than in any year in the history of the country—much of it good, new land.

Mr. CAMPBELL. Mr. Speaker, will the gentleman from California permit a question?

The SPEAKER. Does the gentleman from California yield to the gentleman from Kansas?

Mr. RAKER. I do.

Mr. CAMPBELL. Does this apply to lands in the neighborhood of San Bernardino, Cal.?

Mr. RAKER. If the lands come within the description of the bill, that they are nonmineral and nonirrigable and nontimbered and not appropriated, and, in the opinion of the Secretary of the Interior, not susceptible of irrigation at a reasonable cost.

Mr. CAMPBELL. But the lands in that section of the country are irrigable, and anywhere from 10 to 20 or 30 acres of land makes a ranch upon which men are making a good living.

Mr. RAKER. Oh, no.

Mr. CAMPBELL. Oh, I have been there.

Mr. RAKER. That land could not be entered under this act.

Mr. CAMPBELL. The gentleman said it would apply to land in that neighborhood. If it does apply to it, or if it could be made to apply to it, I would certainly object, because 40 acres would make an ample ranch.

Mr. RAKER. I mean only lands that are designated by the Secretary in San Bernardino County, not in the city. The unoccupied lands in the county are very extensive. Take it up in Mono and Modoc and Lassen and other counties of that character and it would apply and it would be beneficial. This matter was taken up with the Secretary of the Interior, and he makes a report to the effect that the department approves it and sees no objection to it. And it applies in the same way as to Nevada and Oregon and other States adjoining.

Mr. CAMPBELL. I would rather have the gentleman's own opinion in regard to a policy than that of some clerk in a General Land Office or in the Department of the Interior, if he knows about the subject.

Mr. RAKER. I would say to the gentleman that from personal experience I am satisfied that with the restrictions here specified it would be a good thing, because there are many acres of land in that country that would come under private use and taxation if we could add to the holding of a homesteader a sufficient amount to enable him to handle it by virtue of expending the money necessary to put it under successful cultivation.

Mr. CAMPBELL. Well, there are so many people without any sort of homestead that I do not think it is very good policy to enlarge the size of the homestead where it is possible to irrigate and make 10 or 20 or 30 acres a sufficient homestead for anyone.

Mr. RAKER. This does not do that.

Mr. CAMPBELL. Here is a plan to enlarge a homestead to 160 acres.

Mr. GRAHAM. The bill contains the words "or less," and the discretion is given to the Secretary to make it as low as 40 acres.

Mr. CAMPBELL. It can not always be predicted whether land can be irrigated or not. An inspector of the General Land Office might be sent out to inspect a piece of land, a section of country, and he might report back, "No; this can not be irrigated." But some practical engineer could go there and construct an irrigating ditch and irrigate that whole section of country.

Mr. GRAHAM. If the department declares it to be nonirrigable, the chances are that it is nonirrigable. And would it not be better to utilize it now than to wait to see if in the future a spring might break out or some sort of water supply could be found?

Mr. CAMPBELL. Oh, well, there is sufficient water supply out there if engineers can be found to construct irrigating ditches. They are constructing them and extending the irrigable area constantly.

Mr. GRAHAM. This land is above the source of any known water supply.

Mr. FERRIS. Mr. Speaker, I want the gentleman to look at that proviso on page 2:

That no lands shall be subject to entry under the provisions of this act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply.

It seems to me that is about as secure as you could possibly make it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, after the word "Arizona," insert the word "California."

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

CHEYENNE AND ARAPAHO SCHOOL LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the following-described tracts of land within the State of Oklahoma, to wit, the southeast quarter and the south half of the northeast quarter of section 30, the east half of section 31, and section 32, all in township 19 north of range 13 west of the Indian meridian; and the west half of section 5 and the northeast quarter of section 8, and section 6, all in township 18 north of range 13 west of the Indian meridian; and also any other tract or tracts of land within what was formerly the Cheyenne and Arapaho Indian Reservation which heretofore may have been reserved for agency or school purposes which, in the judgment of the Secretary of the Interior, are no longer needed or necessary for the purpose for which said tract or tracts were originally reserved; and said lands shall be opened to entry and settlement and the proceeds thereof disposed of under the conditions, terms, and provisions prescribed in the act approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman a question. I notice that the department in reporting upon this bill states that it has authority now to make sale of the land in question. Is that the case?

Mr. MORGAN. Mr. Speaker, in answer to the gentleman's inquiry I will state that I have in my hand a letter from Assistant Secretary Adams, dated May 21, 1912, and addressed to Hon. John H. Stephens, chairman of the Committee on Indian Affairs, which letter is very brief and will probably explain that. He says:

SIR: Referring to the report of the department of May 2 relative to H. R. 22647 providing for the disposition of certain lands embraced within the Cantonment school and agency reserve, Oklahoma, Hon. Dick T. Morgan calls attention to the reference therein to the act of June 17, 1910 (36 Stat. L., 533), and suggests that the act cited does not now afford authority for any disposition of the lands covered by the proposed bill. By reference to the act it appears that Mr. Morgan's contention is correct, and I am so advising your committee in accordance with his request.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

In other words, it was an oversight that this statement was made in the first letter of the Secretary of the Interior, which is printed by the committee in its report.

Mr. MANN. The gentleman means that the department was very careless in making such a statement as that.

Mr. MORGAN. I call it an inadvertence, an oversight.

Mr. MANN. This bill proposes to make a sale of land now occupied for a school, which sale the superintendent of the school did not recommend, and then the bill provides that the proceeds of the sale shall be deposited in the Treasury to the credit of the Indians. Objection has been made by some of the Indians to the sale of the lands. The committee in its report says that that objection is not valid, because the Indians have been paid for the land and have no interest in it. If that is so, why should the proceeds be turned into the Treasury for their benefit?

Mr. STEPHENS of Texas. I will say to the gentleman that it will be a gratuity.

Mr. MORGAN. Mr. Speaker, the Cheyenne and Arapaho Indians occupied something like 2,000,000 acres of land. The Government, in treating with the Indians, allotted 160 acres to each Indian. In that treaty the Indians ceded all their right, title, and interest to lands other than their allotments. Now, there were certain schools, with lands surrounding these schools, which were used for school and agency purposes by the Government. These lands, technically, were ceded to the United States; so that, legally speaking, these Indians have no right, title, or interest in those lands. Heretofore, in opening a small school reservation of this kind, Congress—very wisely, in my opinion—by the act of June 27, 1910, provided that the proceeds of the sale of these lands should be placed in the Treasury of the United States to the credit of the Cheyenne and Arapaho Indians. Now, it is thought that, as a matter of justice and right to these Indians, the proceeds from the sale of these little remnants of land reserved by the President for school purposes ought not to go to the people of the United States, but ought to be preserved for school purposes or some worthy purpose for the benefit of these Indians.

Mr. MANN. If the gentleman will permit me, I call his attention to the report of the committee in this case. Among other things, the report says:

To the letter of the Secretary of the Interior is also attached a letter, signed by the Indians, opposing the disposal of these lands, but the Indians have been misled relative to the land. This is shown in the closing sentence in the petition, which reads as follows: "We understand that when this reserved land is no longer needed for school and agency purposes, the land reverts to the Cheyenne and Arapaho Indians."

That is quoted from the petition of the Indians. Now, the committee goes on to say:

From this statement it appears that the Indians, as well as the superintendent of the school, believe that these lands belong to the Indians. Such, however, is not the case. This is shown by the letter of the Secretary of the Interior, which says "that the territory within which the Cantonment lands are included was ceded to the United States by act of March 3, 1891 (26 Stat. L., 989, 1022), and payment in full therefor was made to the Indians by the United States." In other words, the Indians have ceded all right, title, and interest in these lands. The land belongs entirely and exclusively to the United States and the Indians have no title or claim thereto.

Now, if it be the fact that the Indians have no title or claim to the lands, why should the proceeds go to the credit of the Indians? If it be a fact that the Indians have some legal or moral claim to the land, why should it be disposed of against their protest?

Mr. MORGAN. Mr. Speaker, the committee in their statement had reference, of course, to the naked legal title, which does belong to the United States and not to the Indians. But these Cheyenne and Arapaho Indians are not very far advanced

in civilization and education, and in making this treaty they did dispose of these lands. But it has been the practice in disposing of such lands instead of putting the funds derived from the sale of the lands into the National Treasury for the benefit of all the people of the United States to devote such funds to the education of the Indians. Now, the Indians evidently had a misconception when they stated in their petition that these lands when no longer needed for school purposes will revert to the Indians. Of course, that is not true.

Now, these lands are not needed there——

Mr. MANN. Is it not a fact that the department in making the report on the bill stated that if this money was to be considered as the money of the Indians it ought to be used for school purposes and not deposited in the Treasury as other funds arising from the public sale of lands?

Mr. MORGAN. I will yield to the gentleman from Minnesota [Mr. MILLER] to answer that.

Mr. MILLER. Mr. Speaker, I do not know that I am possessed of any excessive information in regard to this. I have looked it up somewhat, but I am confident from the remarks of the gentleman from Illinois that I know as much as he does about it, and possibly some things that he does not know.

Mr. MANN. If the gentleman knows as much as I do about it, it is strange that he is for the bill. Let us see whether he does or not.

Mr. MILLER. Well, our judgment might lead us to different conclusions. The gentleman from Illinois asked if this land was not the property of the Indians, why we are selling it against their protest, and why there was any desire on the part of the committee that the proceeds should go to the Indian funds. The committee had a clear conception of this situation, and I think when the facts are explained to the gentleman from Illinois he will see the justice of it.

Mr. MANN. Why does not the gentleman state the facts and not give us so much hot air?

Mr. MILLER. I am so accustomed to listening to hot air from the gentleman from Illinois——

Mr. JACKSON rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MANN. I have not the floor.

Mr. MILLER. I have the floor, Mr. Speaker, at present, and I do not propose to be taken off my feet by anybody.

Mr. MANN. Any Member can take the gentleman off the floor if he sees fit.

Mr. MILLER. But you will cut your head off at the same time.

Mr. JACKSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JACKSON. Is this bill to be objected to?

The SPEAKER. It is still being discussed under the reservation of a right to object.

Mr. JACKSON. I think we have discussed it sufficiently so that any gentleman can tell whether he wants to object or not, and I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of this bill?

Mr. MANN. I object.

Mr. MORGAN. I hope the gentleman will not object.

Mr. MANN. It is due to the gentleman from Kansas that objection is made.

Mr. MORGAN. I hope that the gentleman from Kansas will withdraw his demand.

Mr. JACKSON. I think with five distinguished gentlemen on the floor discussing this matter we are not getting very far.

The SPEAKER. Does the gentleman from Kansas withdraw his demand?

Mr. JACKSON. I have nothing to withdraw. If the gentleman from Illinois wants to object it is entirely satisfactory to me.

Mr. MORGAN. I hope the gentleman from Illinois will withdraw his objection.

The SPEAKER. Does the gentleman from Illinois withdraw his objection?

Mr. MANN. The gentleman from Kansas demanded the regular order, which was that we should fish or cut bait, and I did not cut bait. [Laughter.]

RIVER AND HARBOR BILL.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., *June 1, 1912.*

The Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby resign my position as a member of the conference committee on the river and harbor bill. My reason for this action is that I am obliged to leave Washington for an absence of at least one week, and in all probability for a longer time.

Very respectfully, yours,

GEO. P. LAWRENCE.

The SPEAKER appointed Mr. DAVIDSON, of Wisconsin, as a conferee in place of Mr. LAWRENCE.

NAVAL HISTORY SOCIETY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24026) to incorporate the Naval History Society.

The Clerk read the bill, as follows:

Be it enacted, etc., That Charles Francis Adams, of Massachusetts; James Barron, of New York; Willard H. Brownson, of the District of Columbia; French E. Chadwick, of Rhode Island; William C. Church, of New York; George Dewey, of the District of Columbia; Henry A. du Pont, of Delaware; Loyall Farragut, of New York; Caspar F. Goodrich, of Connecticut; Charles T. Harbeck, of New York; Grenville Kane, of New York; Stephen B. Luce, of Rhode Island; John F. Meigs, of Pennsylvania; Robert W. Neeser, of New York; Herbert L. Satterlee, of New York; Charles H. Stockton, of the District of Columbia; Charles W. Stewart, of the District of Columbia; Robert M. Thompson, of New York; Richard Wainwright, of the District of Columbia; John W. Weeks, of Massachusetts, and their associates and successors, be, and they are hereby, incorporated and made a body politic and corporate in the District of Columbia, by the name of "The Naval History Society"; and by that name may sue or be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal, and change the same at pleasure, and be entitled to use and exercise all the powers, rights, and privileges incidental to fraternal and benevolent corporations within the District of Columbia.

SEC. 2. That the object of such corporation shall be to discover and procure data, manuscripts, writings, and whatever may relate to naval history, science, and art, and the surroundings and experience of seamen in particular, and to preserve same by publication or otherwise; and to acquire, establish, or maintain in the city of Washington or elsewhere, for the use of its members and others, a house or rooms having a library, reading room, and such other appurtenances and belongings as may be desired.

SEC. 3. That said corporation may adopt a constitution and by-laws, and shall have power to amend the same at pleasure: *Provided*, That they do not conflict with the Constitution and laws of the United States.

SEC. 4. That said corporation shall have the right to hold meetings at any place in the United States, but annual meetings for the election of officers shall be held in the city of Washington, where the principal office of said corporation shall be.

SEC. 5. That the said corporation shall have the power to take and hold, by gift, grant, purchase, or devise, real and personal property not exceeding in value $500,000, which shall not be divided among the members of the corporation, but shall be used and administered as a trust for the purposes of the corporation, and so far as unexpended transmitted to their successors for the further promotion of such purposes.

SEC. 6. That the government of such corporation shall be vested in a board of 11 managers, to be elected by the members of such corporation, and the corporation shall have such officers as it constitution and by-laws may prescribe. The incorporators herein named, or a majority of them, shall act as the board of managers until their successors in office are chosen at the first meeting of the society after the passage of this act.

SEC. 7. That this charter shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

SEC. 8. That this act shall take effect immediately on its passage.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. SLAYDEN. Mr. Speaker, the purpose of this bill is absolutely and clearly explained in the text and a further and more elaborate explanation is made in the report. In the language of the report:

The purpose of the Naval History Society that it is proposed to incorporate is purely patriotic and entirely national in its scope. The object is to discover and procure data, manuscripts, writings, and whatever there may be relating to naval history, science, and art, and the surroundings and experience of seamen in general, and of American seamen in particular, and to preserve the same by publication or otherwise. There is no thought of private gain, and the bill distinctly provides that the real and personal property received by the society, whether by gift, purchase, or otherwise, shall not be divided among the members of the corporation, but shall be used and administered as a trust for the purposes of the corporation, and so far as unexpended transmitted to their successors for the further promotion of such purposes.

Every patriotic citizen of this country is proud of the achievements of our Navy. There is nothing local or sectional in this pride, for the Navy is as much identified with one section of the country as another, and its achievements in the past are the common heritage of all the people. No State in the Union now has or ever has had a navy of its own. There is and has been but one Navy and that is the American Navy, the common property of all the States and all the people. The Navy is thus essentially national, and any legislation relating to it or affecting it must and should be of national origin.

Mr. Speaker, this bill was introduced by the gentleman from Georgia [Mr. BRANTLEY], and sent to the Committee on the Library. That committee had an elaborate hearing by distinguished gentlemen who are interested in the procuring of data referring to the history and operations of the American Navy, who want to see it properly edited and published.

It seems that up to this time there has been nothing but a voluntary association, limited in the theater of its operations, and not doing completely what these gentlemen who are interested in the preservation of the history of the American Navy thought should be done. They have an opportunity to secure bequests that will make them entirely solvent and enable them to gather data and secure its publication.

The committee was unanimous in its approval of the bill, and I can see no reason why it should not be passed. As to the objection that may be made by some gentlemen that they should have taken a charter from a State, I can only say that

the Navy, by its very nature, does not belong to or appertain to any particular State. We do have volunteer organizations in the event of war from New York, Texas, and other States, but never is that the case in any important operations of the Navy. The Navy is purely national in its scope and nature, and therefore it was believed that there could be no reasonable objection to granting a national charter.

Mr. MANN. I notice that the report says:

Every patriotic citizen of this country is proud of the achievements of our Navy. There is nothing local or sectional in this pride, for the Navy is as much identified with one section of the country as another, and its achievements in the past are the common heritage of all the people.

All of which is true and very well stated. Then, looking at the incorporators, who are 20 in number, we find 8 from New York, 5 from the District of Columbia, 2 from Rhode Island, 1 from Delaware, 1 from Connecticut, and 1 from Pennsylvania, which looks to me quite sectional; not only sectional, but almost centralized in one State. Nearly a majority of these incorporators reside in the city of New York. Now, here you propose to incorporate a national society to inculcate patriotism on the part of the Nation at large, composed of a few very eminent gentlemen located in small sections of the country, mostly in New York City and a few in the District of Columbia. It is no reflection upon New York City to say that there are other parts of the country. I know that it is seldom that persons that reside in New York, and sometimes in districts that are near New York, on the floor, know that there are other portions of the country. [Laughter.]

Mr. TOWNSEND. Mr. Speaker, let me suggest to the gentleman from Illinois that the reason that the proposed incorporators are limited in geographical extent is that they happen to be the gentlemen who compose the voluntary association to carry out in part the purposes of the bill. They were the only ones sufficiently interested to appear before Congress and ask for the incorporation. There will undoubtedly be associate members attached to this body who will represent every great State, including the State of Illinois.

Mr. MANN. I have no doubt that every State in the Union with an hour's notice, could get plenty of gentlemen who would like to be incorporated as a naval history society by the United States Congress.

Mr. TOWNSEND. Not 20 accomplished gentlemen, who are as much interested and who have accomplished as much as these gentlemen have.

Mr. MANN. I do not know how much they have accomplished, but the work for the Navy has not been altogether accomplished by these great States, much as they have done.

Mr. TOWNSEND. Mr. Speaker, I am not referring to military work, but purely historical work.

Mr. MANN. Perhaps they have done more historically than they have in real combat.

Mr. SLAYDEN. Mr. Speaker, I am sure that the membership of the Naval History Society will be expanded just as rapidly as gentlemen who take an interest in it apply for membership. It happens that these gentlemen had organized themselves and had been operating in a voluntary capacity. They now want the privilege of receiving certain bequests that are awaiting them. With that they propose to buy manuscripts and other papers and things of historic interest and value.

Mr. JACKSON. Mr. Speaker, will the gentleman yield for a question?

Mr. SLAYDEN. Yes.

Mr. JACKSON. Does not the gentleman think, in line with what has been suggested by the gentleman from Illinois [Mr. MANN] and others, that if you are going to incorporate a body of this kind you ought to include in it some representative from the Great Lakes, from the Pacific coast, and, inasmuch as the river navigation of the country has had considerable naval history, that some one from the State of Louisiana or the State of Missouri ought to be included in this board which is to compose the charter members of this great society?

Mr. SLAYDEN. Mr. Speaker, the gentleman perhaps knows as well as I do that measures of this kind do not originate with the Members of Congress. The old voluntary Naval History Society was operated at the personal expense of certain gentlemen in private life, who, by reason of former association with the Navy, being perhaps the sons of eminent commanders or related in some other way, had taken an interest in the matter and had undertaken all of the expenses pertaining to the gathering of such data as was necessary for their purposes. They are properly the charter members. I have no sort of doubt they will be glad to take into association with them any creditable, reputable citizen of any part of the country who has an interest in the matter and will help to pay the expenses of the society, but I do not feel authorized to add the name of any man to the list we have here.

Mr. JACKSON. Can not the gentleman tell us why they have not already done so?

Mr. SLAYDEN. Mr. Speaker, I believe the gentleman from Massachusetts [Mr. WEEKS], who is one of the incorporators, may be able to answer that question.

Mr. WEEKS. Mr. Speaker, I see no objection to adding any number of names to the incorporators who appear in this bill. If the gentleman from Kansas [Mr. JACKSON] or the gentleman from Illinois [Mr. MANN] would like to have their names added——

Mr. JACKSON. No; I thought that, inasmuch as these gentlemen seem to have the matter in hand, they certainly had been in conference or communication, perhaps, with certain citizens of different States who would be interested in the subject and they would know who ought to be suggested.

Mr. WEEKS. The gentleman from Kansas knows that somebody has to start associations of this sort; there is now a voluntary organization which is getting together matter which is being printed. The men who appear as the incorporators in this act are among those who have been furnishing the funds to do what has been done up to this time. Of course the membership in this society will be extended, and a general invitation will quite likely be extended to all those who are interested in work of this character to join the society. The idea of any local character being given it is entirely removed from the minds of those gentlemen who appear as incorporators. I would be glad to have the gentleman from Kansas or the gentleman from Illinois join as incorporators of the society.

Mr. GARNER. There is no object, I presume, of laying a foundation for future appropriations by the Government to sustain the library of the society or the society itself?

Mr. WEEKS. Absolutely nothing of the sort.

Mr. TAYLOR of Colorado. I would like to inquire whether or not this is not a rather close corporation which we are giving a national standing, and whether or not there ought not to be a little more liberality as to others getting into it; whether or not there ought not to be, for instance, a provision that the governor of each one of the States shall be an ex officio member, so that this little coterie of distinguished gentlemen could not select for all time who should be a member of the society.

Mr. McCALL. Mr. Speaker, if the gentleman will permit, of course the objection which was made to the place of residence of the incorporators is more apparent in its force than real. This is simply a nucleus, in any event. These gentlemen are simply named, in the first place, to take the incorporation. They will probably enlarge, and may have 500 or 1,000 members.

Mr. TAYLOR of Colorado. These particular gentlemen designated to take this corporation are the individuals who will exclusively determine who hereafter shall belong, are they not?

Mr. McCALL. Yes; but we know from the character of the men that they are broad minded. There is Charles Francis Adams, who is the president of the Massachusetts Historical Society, the oldest and one of the greatest historical societies, with a great membership, and undoubtedly it is the purpose of these gentlemen, if they shall associate themselves together and have an incorporation, to elect associate members, and as they are broad minded I have no doubt they will take their membership from all over the country.

Mr. TAYLOR of Colorado. I trust the gentleman will not assume that I am presuming that they are not broad-minded men. My only doubt was that when we incorporate a national society, we ought not to do it in the way that one may incorporate a little private company in a State.

Mr. McCALL. I fancy none of these gentlemen was present who desires to be named as an incorporator.

Mr. WEEKS. May I add this: Six of these incorporators are retired rear admirals. Half of them are graduates of the Naval Academy, and almost every one of them has been connected with the Navy in some way at some time. That is the reason they are directly interested in this association. It is simply carrying on in this form the work they have been doing in another form, and it is believed that as there is a gift which is likely to come to the society, and others which may come, there should be an incorporation.

Mr. SLAYDEN. I want to suggest to the gentleman from Colorado that it is not the purpose of these gentlemen to limit the membership to themselves.

Mr. WEEKS. Oh, not at all.

Mr. SLAYDEN. They hope to make a large organization.

Mr. TAYLOR of Colorado. Why should there not be an automatic membership of retired naval officers—that is, if they desire to join the society?

Mr. GARNER. But they might not want to put up the necessary money.

Mr. WEEKS. There will be an opportunity given to every reputable man who wishes to come into this association and who will pay the dues which will be imposed to do so.

Mr. TAYLOR of Colorado. I suppose the gentleman is authorized to speak for the others?

Mr. WEEKS. No; I am authorized to speak only for myself.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. SLAYDEN. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Is it not a fact that in almost all of these bills that Congress passes incorporating some society or association that the original number of incorporators is comparatively few?

Mr. SLAYDEN. Necessarily limited——

Mr. LONGWORTH. Necessarily limited in the legislation.

Mr. SLAYDEN. And by all the circumstances.

Mr. LONGWORTH. And I venture to say few bills have been passed containing a list of more than 20 incorporators. Is not that the fact?

Mr. MANN. Most of them contain a great many more.

Mr. SLAYDEN. I have now pending a bill which contains a larger list of charter members, but that has been changed and modified from time to time, chiefly because of the death of some of the proposed incorporators.

Mr. LONGWORTH. At any rate there have been a number of such bills in which the number was very small?

Mr. SLAYDEN. It is necessarily limited, but not for the purpose of restricting membership, which they want to enlarge.

Mr. MANN. As I understand, the purpose of the naval-history society, if incorporated, is to study naval history and publish in regard to naval history; in other words, to largely control naval history, because we all know that history is not a record of things which actually took place, but is a record of what somebody says took place.

Mr. SLAYDEN. If the gentleman is going into the domain of criticism, that is another matter.

Mr. MANN. I would like to ask the gentleman, in view of some incidents of recent history about which there has been a great deal of controversy, whether the corporation the gentleman proposes now is to influence the future history of naval affairs of this country in favor of Schley or Sampson?

Mr. SLAYDEN. Well, Mr. Speaker——

Mr. MANN. I believe that is one of the important things that this corporation will have to deal with, so as to determine what will be the thought 100 years from now—whether it shall be in favor of Schley or Sampson.

Mr. SLAYDEN. Mr. Speaker, if the gentleman had been with the committee when we had hearings he would have realized that a great majority of those gentlemen who appeared will not for any very long time take any particular interest in what happened at Santiago or elsewhere.

Mr. ADAMSON. If the gentleman will permit, I think the high authority to which the case was appealed decided that neither of them was in it; that it was a battle of captains.

Mr. MANN. I shall withdraw my reservation of the right to object because one name on the list of incorporators, the gentleman from Massachusetts [Mr. WEEKS], is sufficient leaven not only to leaven the entire lump but the whole barrel of flour. [Applause.]

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, reserving the right to object; now, there are four States represented by the proposed organization—Massachusetts, New York, Rhode Island, Delaware, and the District of Columbia.

Mr. MANN. And Pennsylvania, five.

Mr. AUSTIN. California also. Not a Southern or Western State, nor a Middle State, nor a State up by the Lakes is represented. If this is to be really national and take in the naval history of the United States, why should not the gentleman agree to an amendment, to which the gentleman from Massachusetts, whose name is here as one of the incorporators, says there is no objection, and enlarge the number?

Mr. SLAYDEN. Does the gentleman want an answer to that?

Mr. AUSTIN. Yes; I want to ask the gentleman in charge of this bill if he will not consent to that?

Mr. SLAYDEN. I will say I do not think there is any man on this floor more jealous of the dignity and the rights and the part played in history by the South than I am, and I have constituents who, I think, may become members of this historical society. But I do not believe it would be agreeable to any one of them for me to undertake to compel their association with those gentlemen who have been in the naval history society.

I do not believe my constituents would like that, and I think on reflection the gentleman will reach the conclusion that the constituents whom he may have in mind would not like it. I have not the slightest doubt that nearly every reputable citizen who has enough interest in this matter to apply for membership and to pay such dues as may be assessed will be made members of this Naval Historical Society.

Mr. AUSTIN. I understood the gentleman from Massachusetts to state some were there without their knowledge or consent——

Mr. SLAYDEN. I do not think the gentleman stated that, because if he did he is mistaken.

Mr. WEEKS. I did not state that.

Mr. AUSTIN. Have all of these gentlemen been connected with this movement in regard to this organization?

Mr. SLAYDEN. That is my information, and they have been putting up the funds for it.

Mr. WILSON of Pennsylvania. If the gentleman will allow me a suggestion, the incorporation of this society will not give any official status to any statement that may be made by this association.

Mr. SLAYDEN. None whatever.

Mr. WILSON of Pennsylvania. It would be just as acceptable from a historical standpoint if it was made by this association unincorporated as if it was incorporated.

Mr. SLAYDEN. Yes; and that is not the purpose of it. I will say to the gentleman——

Mr. WILSON of Pennsylvania. If the gentleman will permit, I simply wanted to bring out this thought, that the whole purpose of incorporating this society would be to facilitate the management of its affairs and——

Mr. SLAYDEN. To receive bequests and to have means to do its work. A bequest of importance is now waiting on the granting of this charter.

Mr. WILSON of Pennsylvania. It is desired as part of the business handling of its affairs.

Mr. SLAYDEN. Yes.

Mr. TOWNSEND. If the gentleman from Texas will permit, I simply want to add to what the gentleman from Texas has said, that this national incorporation would be an advantage to the society by receiving the benefit of bequests; that I happen to know of a very important historical literary bequest that will be made to the national association, the owner of which would not make it to a State association.

Mr. SLAYDEN. Or a private association.

Mr. TOWNSEND. It is one of the best naval historical collections.

Mr. GARNER. Mr. Speaker, I am sure we have had all the information the House wants in regard to this matter, and I would like to have the regular order.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, accepting the assurance of the gentleman in charge of this bill that the other sections of this country shall be recognized in this organization, I withdraw the objection.

Mr. SLAYDEN. Mr. Speaker, I take great pleasure in saying that so far as my influence goes I will use it to have the gentleman himself elected.

Mr. AUSTIN. Oh, no; I do not wish to be elected, but I did not want the entire South and West of this country ignored in the organization.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4568. An act granting an increase of pension to Annie R. Schley.

CUSTOMS DISTRICT OF PHILADELPHIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4011) amending sections 2541 and 2543 of the Revised Statutes of the United States, defining the boundaries of the customs collection districts of Philadelphia, Pa., and Bridgeton, N. J., and establishing ports of entry and subports of entry therein.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Is there objection?

Mr. BUTLER. Mr. Speaker, I reserve the right to object.

Mr. DALZELL. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Unanimous consent for consideration of the bill has not yet been obtained.

Mr. GARDNER of New Jersey. Mr. Speaker, I object.

Mr. MOORE of Pennsylvania. I ask the gentleman to reserve his objection.

The SPEAKER pro tempore. Objection is made.

Mr. DALZELL. The gentleman from Pennsylvania [Mr. BUTLER] has not objected. He has reserved his objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. GARDNER] objected.

Mr. MOORE of Pennsylvania. I asked the gentleman from New Jersey to reserve his objection. I would like to know if he yields to that request?

Mr. DALZELL. Does the gentleman from New Jersey object?

Mr. GARDNER of New Jersey. I object.

The SPEAKER pro tempore. The gentleman still objects, and the bill will be stricken from the calendar.

SUBJECTION OF LANDS OF FORT NIOBRARA MILITARY RESERVATION TO HOMESTEAD ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22090) to subject the lands in the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unreserved lands within the former Fort Niobrara Military Reservation, in the State of Nebraska, together with the south half of the north half and south half of section 4; the south half of the north half and the south half of section 5; the south half of the northeast quarter, northwest quarter of the northeast quarter, northwest quarter and the south half of section 6; all of sections 7, 8, and 9; south half of section 10; all of sections 15, 17, 18, 19, 20, 21, and 22; north half of section 27; southwest quarter and the north half of section 28; all of sections 29 and 30, all in township 33 north, range 25 west; all of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 17, and 20 to 29, inclusive, all in township 33 north, range 26 west; the southeast quarter of section 26; south half of the northeast quarter and the south half of section 33 and the south half of the northwest quarter, northeast quarter, and south half of section 34; all of section 35, all in township 34 north, range 26 west, sixth principal meridian, except as hereinafter expressly provided, shall be subject to entry at such time, in such manner, and under such regulations as the Secretary of the Interior may prescribe, as follows: All that portion of said lands lying north and west of the Niobrara River, together with that part of the southeast quarter of section 22, the southwest quarter of section 23, the west half of section 26, and all of section 27, in township 34 north, range 27 west, lying south and east of the said Niobrara River, except such part of the lands south and east of the said river as the Secretary of the Interior may reserve from entry as provided by section 8 hereof, shall be entered and patented under the general provisions of the homestead laws; and all the remaining portion of said lands lying south and east of said Niobrara River shall be entered and patented under the provisions of the act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, but entries made under this act shall not be subject to commutation.

SEC. 2. That lots 1 and 2 and the west half of the southeast quarter and the west half of section 33 and all of section 32, in township 34 north, range 27 west, sixth principal meridian, within said reservation, be, and the same are hereby, granted to the State of Nebraska for use by said State as an agricultural experimental station.

SEC. 3. That the Secretary of the Interior, upon the payment of $1.25 per acre therefor, shall cause patent to issue to the village of Valentine, in the State of Nebraska, to the east half of section 19; the southwest quarter of the southwest quarter of section 20; the east half and the southwest quarter of section 29; the northwest quarter and the northeast quarter of the southwest quarter of section 30; the northwest quarter of the southwest quarter of said section 30, except that parcel of land in the southwest corner of said northwest quarter of the southwest quarter described as follows: Commencing at the southwest corner of the northwest quarter of the southwest quarter of section 30, running thence north 435.6 feet; thence east 500 feet; thence south 435.6 feet; thence west 500 feet to the place of beginning, all of said lands being in township 34 north, range 27 west, sixth principal meridian.

SEC. 4. That the Secretary of the Interior, upon the payment of $1.25 per acre therefor, shall cause patent to issue to W. F. Gilman to the parcel of land within said reservation, described as follows: Commencing at the southwest corner of the northwest quarter of the southwest quarter of section 30, township 34 north, range 27, running thence north 435.6 feet; thence east 500 feet; thence south 435.6 feet; thence west 500 feet to the place of beginning.

SEC. 5. That the Secretary of the Interior, upon the payment of $1.25 per acre therefor, shall cause a patent to issue to Charles H. Cornell for lot 4 in section 22 and lot 1 in section 27, in township 34 north, range 27 west, within said reservation.

SEC. 6. That the Secretary of the Interior shall cause patent to issue to the State of Nebraska for section 9 in exchange for section 36 in township 34 north, range 27, title thereto to be conveyed by Nebraska to the United States, upon the ratification by the State of Nebraska by an act of the legislature to be passed at the next regular session and the consent of W. F. A. Meltendorff, lessee, of said school section 36.

SEC. 7. That said former military reservation lands be, and the same are hereby, exempted from the statutes requiring payment to be made of the appraised value thereof.

SEC. 8. That the Secretary of the Interior is hereby directed to reserve from entry under this act a tract of land not exceeding 640 acres in area, upon which the buildings used in connection with said military reservation are located, and to sell the lands so reserved and the buildings thereon at public auction at not less than their appraised value, after one year from the date of the approval of this act if the Government shall not have appropriated the same to some public purpose.

SEC. 9. That the disposition of said military reservation lands shall be subject to the rights acquired by Charles H. Cornell, by acts of Congress approved June 18, 1906, and February 18, 1911.

SEC. 10. That the costs of carrying out the provisions of this act shall be paid from the appropriation for the expenses of the survey, appraisal, and sale of abandoned military reservations.

Amend the title so as to read: "A bill to subject the lands in the former Fort Niobrara Military Reservation in Nebraska to homestead entry."

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this bill or the gentleman from Nebraska, who introduced it, if this does not give to one Charles H. Cornell a water-power site for a mill at $1.25 an acre against the express statement of the Secretary of the Interior that water-power sites should be reserved?

Mr. KINKAID of Nebraska. Mr. Speaker, answering the question of the gentleman from the State of Illinois [Mr. FOSTER], I am pleased to assure him that the Secretary of the Interior has given his express sanction to the sale of these lands to Charles H. Cornell. I will say further that Charles H. Cornell owns the water-power site, having acquired it under the laws of the State of Nebraska, and owns the land on one side of the river, and he has the material on the ground ready to construct a dam, and he simply wants to abut on the other side of the river. He already has the right to abut on this side of the river, which is Government land, by virtue of an act passed by Congress a session or two back; and the Secretary of the Interior recommends reserving the water-power sites, except such as are provided for in the bill, excluding those and agreeing to this.

Mr. FOSTER. Then there is another water-power site provided for in section 4, is there not?

Mr. KINKAID of Nebraska. That is a mill site.

Mr. MONDELL. I will say to the gentleman from Illinois that a right is reserved to the person named to buy 5 acres of land.

Mr. KINKAID of Nebraska. There is a large flouring mill, which has been in operation for several years—I have forgotten how long—and the mill owner, by a mistake made by a surveyor, abutted his dam against the military reservation land, and it is considered proper to sell to him 5 acres on that side of the little stream that his dam crosses.

Mr. FOSTER. But it does not provide for selling this and giving the present occupant the right to purchase at a fair price, does it?

Mr. KINKAID of Nebraska. The affidavits here show that the land is really worthless. The affidavits show that this land consists of precipices, except where there is room for sand hills. I will read you briefly one affidavit, signed by four affiants who were examined together. They are leading citizens, all of them, and I know them personally right well. They are gentlemen of high standing. They state that the affiants have examined personally these lands described in the bill, and that they are covered with rocky canyons and precipices; that is, these lands that the city wants to buy and the mill owner wants to buy also, and it includes the 5 acres for the mill dam to abut. Affiants state the land is covered with rocky canyons and precipice after precipice, with no grazing ground of any value existing thereon. And further, at the conclusion of the affidavit, it is stated that the land is absolutely worthless for farming purposes; that no crop could ever grow on such land; that it has no hay growing on it, and no amount of grass sufficient for stock grazing.

Mr. FOSTER. In section 2 it is proposed to give to the State of Nebraska some of this land as a site for an agricul-

tural experiment station, so that by the time we get through with this, the Government will be expected to make up the difference of these lands.

I observe also in section 7 that the gentleman proposes that this land which is to be opened for settlement shall be exempted from the statute requiring payment to be made of the appraised value thereof. So that it seems to me that the gentleman has in this bill evidently taken good care of the State of Nebraska, on which I compliment him as a wise and careful Representative. But it seems to me that the National Government in all this is to get the little end of the horn, as it is called, and that there will be nothing left by the time that the State of Nebraska and other parties take the water-power sites, and the part that goes to the State of Nebraska, and so on. So, Mr. Speaker, I think that this bill ought to go back to the Committee on Public Lands and be reconstructed.

Mr. KINKAID of Nebraska. Just a moment. I guess the gentleman is not going to object.

The SPEAKER pro tempore. Does the gentleman from Illinois reserve the right to object?

Mr. FOSTER. I reserve the right to object.

Mr. KINKAID of Nebraska. Mr. Speaker, I thank the gentleman from Illinois [Mr. FOSTER] for all the compliments he has expressed, which are undeserved. The provisions of this bill taking care of the State of Nebraska and exempting specifically the lands from sale at the appraised value are well fortified by precedent. Where lands of an abandoned military reservation are of a very poor quality and are such that ordinarily homesteaders will not enter them and you have got, instead of leaving them subject to entry in quarter-section amounts, to increase them fourfold and make them one section, it is evident that the lands should not be disposed of as existing law provides.

And it has been the practice to exempt from appraised value lands of a very poor quality, and that has been done in two or three instances in the district which I have the honor to represent, namely, as to Fort McPherson and also as to Camp Sheridan. Homesteaders did not succeed in perfecting their entries, broke down, were unable to pay the appraised value, and they relinquished and kept on relinquishing. A successor would come in and make an entry and then relinquish again, so that finally an act was passed exempting these lands from payment of the appraised value.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKAID of Nebraska. Certainly.

Mr. MANN. Under the existing law can not this land be disposed of by sale as an abandoned military reservation?

Mr. KINKAID of Nebraska. There are some other lands which are not on the military reservation. The lands on the military reservation are less than a township in extent, and those lands can be sold under what I would now call an obsolete statute.

Mr. MANN. The statute is not obsolete, although the practice of really selling any Government land may be obsolete as long as gentlemen are so insistent that the land shall be given away to their constituents. But is not this the fact, that under the existing law this land can be sold to people who are willing to buy it? Under this bill the land will be given away and people will not have to pay for it. Is not that the distinction between the bill and the law?

Mr. FOSTER. That is the effect of this bill.

Mr. GARNER. It is evident that the gentleman from Nebraska realizes——

Mr. BAKER. Will the gentleman from Texas allow the gentleman from Nebraska to finish his explanation?

Mr. GARNER. I might allow the gentleman to stand here and talk for two hours, or he may extend his remarks in the RECORD, but the gentleman from Illinois [Mr. FOSTER] has given notice that he is going to object.

Mr. KINKAID of Nebraska. I do not think the gentleman is serious in that.

Mr. GARNER. May I ask the gentleman from Illinois [Mr. FOSTER] if he is going to object?

The SPEAKER. Is there objection?

Mr. FOSTER. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The bill goes off the calendar.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD, from the Committee on Appropriations, reported a bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 826), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves points of order.

Mr. FITZGERALD. Mr. Speaker, I wish to give notice that I will call the bill up for consideration to-morrow morning.

Mr. MANN. At what time to-morrow?

Mr. FITZGERALD. Immediately after the reading of the Journal.

Mr. MANN. We may have some unfinished business to-morrow, perhaps.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 97, authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The joint resolution was read, as follows:

Resolved, etc., That the American Red Cross is hereby given permission to allow the temporary structure erected by it in Potomac Park, under the provisions of the joint resolution approved May 11, 1911, to remain in position for a sufficient length of time to be used for exhibition purposes by the Fifteenth International Congress on Hygiene and Demography at its meeting in 1912, and that authority is hereby given to the Chief of Engineers, United States Army, to grant permission to the responsible officers of the Fifteenth International Congress on Hygiene and Demography to erect on the public grounds, on a site to be approved by the Chief of Engineers, such additional temporary structures as may be necessary for exhibition purposes: *Provided*, That the United States shall be put to no extra expense of any kind thereby, and that all the structures shall be promptly removed by the Fifteenth International Congress on Hygiene and Demography at the close of the meeting and the site cleared of all débris and put in as good condition as before the erection of the structures.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object. I wish to call the attention of gentlemen to the situation created by this bill.

By resolution of Congress the Red Cross Society was authorized to erect some temporary structures on one of the public reservations in the District of Columbia upon condition that they should be removed and the grounds restored to their original condition without expense to the United States.

This resolution apparently relieves the Red Cross Society from that obligation and devolves it upon the Congress on Hygiene and Demography. They have estimated that $12,000 will be required to do that work. They expect to raise $40,000 by subscription, and they hope to get Congress to give them $51,000, in addition to the $60,000 that they have already had, to make this congress a success. In the present shape of this resolution Congress will practically be paying for the removal of these structures and the restoring of the grounds to their original condition.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I hardly think this resolution if passed would relieve the Red Cross from anything. It would impose the obligation additionally upon the Congress on Hygiene and Demography.

Mr. FITZGERALD. I am not so sure that it does not relieve the Red Cross.

Mr. MANN. I think not. They have given bond, as I understand it, to remove these buildings.

Mr. FITZGERALD. What would be the effect of this resolution, which turns these buildings over to this Congress and provides that they shall be removed at the expense of this Congress? As nearly as I can ascertain from the investigation I have given——

Mr. MANN. Here is a law permitting the Red Cross to erect buildings and requiring the Red Cross to remove those buildings, under bond, as I recall it. That removal is to be at the close of the Red Cross meeting here.

Mr. FITZGERALD. No.

Mr. MANN. Yes. Now, here is a permission proposed to be given to the Red Cross to permit the Congress on Hygiene and Demography to use these buildings instead of removing them at the time originally contemplated. As a part of the provision the Congress on Hygiene and Demography is required to remove the buildings. But the Red Cross is obligated under the original provision to see that those buildings are removed and the grounds replaced in good order in any event. I do not think they are relieved by this.

Mr. AUSTIN. There is a provision here——

Mr. MANN. Now, here is the situation in regard to it. We have unfortunately gotten in the habit of giving easy invitations to people to come to Washington and meet. One of these invitations was given for this Congress on Hygiene and Demography, originally provided for the year 1908, I believe. It was

extended afterwards by permission of Congress. There is absolutely no place in Washington for such a congress to meet. No such congress ought ever to be invited by this Congress to meet in Washington. They ought to meet in some other American city, where they have facilities for taking care of such a congress. This is an international congress. It probably will be as large as the tuberculosis congress was several years ago, with four or five thousand members.

When the tuberculosis congress met there was great demand for the use of this Capitol and the House Office Building.

The House very generously shifted the burden of objecting to that on my shoulders. Fortunately my shoulders were able to stand up under it. We happen to have a National Museum Building, and we gave $40,000 for the purpose of putting it in shape for that tuberculosis congress. Of course, if we do not allow these buildings of the Red Cross to be used in the end we will build some buildings for them.

Mr. FITZGERALD. Mr. Speaker, there are some other features in regard to this Congress on Hygiene and Demography that make me somewhat suspicious of their intention and ability to remove these buildings. As the gentleman said, this Congress was authorized to be held in 1908 or 1909. Congress appropriated $10,000 to pay the preliminary expenses of it. Then it was postponed, and Congress appropriated $10,000 additional to pay for the preliminary expenses, and in the diplomatic and consular appropriation bill that passed this year there was $40,000 additional placed at the disposal of the State Department to pay expenses in connection with this congress. An estimate of $51,000 was submitted for some other purposes connected with the congress.

I was curious as to what had been done with the $20,000 appropriated for the preliminary expenses. I ascertained that a secretary had been appointed at a salary of $5,000 a year, and had drawn three years' salary, amounting to $15,000, out of the $20,000, and had made one trip, at least, to Europe, at the expense of the Government out of the $20,000; so that more than $15,000, as I recollect, of the $20,000 appropriated for the preliminary expenses of preparing for this congress has been turned over to one gentleman, who has been at various times secretary to one kind of congress or another. I think he was secretary to the tuberculosis congress. I am not sure whether he calls himself a hygienist or a demographist, but one or the other.

Mr. MANN. Is it Dr. Fulton?

Mr. FITZGERALD. I think it is Dr. Fulton who is the secretary of this outfit. He has drawn about $16,000 out of the $20,000 appropriated for the preliminary expenses—$15,000 in salary and the balance in expenses. Congress never dreamed that it was creating anything so "soft" when it appropriated this money for these so-called preliminary expenses. I do not care whether it is Dr. Fulton or Dr. anybody else; whoever is responsible for that situation has been guilty, in my opinion, of gross impropriety in the administration of public funds.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I have met Dr. Fulton several times. I think he is secretary of this association. I know I met him in connection with the tuberculosis congress, and in connection with the extension of the meeting of this congress for hygiene and demography. In fact, I got myself considerably disliked one time by Dr. Fulton and some other members of the tuberculosis congress because I would not consent to their using the House Office Building or the Capitol Building for a meeting. But, after all, Dr. Fulton is a very competent man.

Mr. FITZGERALD. I should hope so.

Mr. MANN. Five thousand dollars a year is not an exorbitant salary for a competent man. This work requires his entire time. Dr. Fulton is organizing this congress, an international congress of hygiene and demography, one of the most important subjects which concerns the human race to-day. It concerns matters that receive the greatest attention and the ones that receive the most consideration to-day, and the organization of this congress is no slight matter. The tuberculosis congress that was held here, which gentlemen who attended it will realize, was an enormous affair and productive of immense good. For the first time in many years we are beginning to see the tide of tuberculosis on the ebb. The movement is going the other way; we are overcoming the growth and increase of tuberculosis. The congress of hygiene and demography is along the same lines, and to organize it requires great attention.

Now, the gentleman says that the secretary received this fund. The fund donated by the Government is not the only fund that is used; there has been a considerable sum of money raised by private means and by societies.

Mr. FITZGERALD. For this particular congress it is hoped to obtain $40,000 by private subscription. We have already appropriated $60,000.

Mr. MANN. It is hoped to obtain $40,000 by private subscription, but the gentleman will remember that a large sum of money is raised for its use by different societies throughout the country which is not expended here, but through the organization a much larger sum than $40,000 is raised. Now, I have no doubt it is true—because the gentleman from New York would not make the statement unless he knew it to be true—that the secretary has received the appropriation which the Government made, but other moneys have been paid out of private funds.

Mr. GARNER. Mr. Speaker, may I suggest that one reason that this secretary's salary has been so great is that the appropriation of $10,000 was made with the expectation that the next congress would assemble in 1908, but instead of that it was postponed; and at the next session we appropriated another $10,000 for preliminary work, and it was the distinct understanding, my recollection is, that the total limit should be $40,000, and the House Committee on Foreign Affairs carried that limit out, but an additional amount was placed on it in the Senate, and the House agreed to the conference report, which carried a larger amount than the original understanding.

Mr. FITZGERALD. My recollection is that the diplomatic bill this year carried altogether about $40,000 for this purpose.

Mr. MANN. It carried $10,000 in the House, and was increased to forty or fifty thousand dollars in the Senate, and, I suppose, compromised in conference. I was not here when the conference report was agreed to.

Mr. FITZGERALD. That makes $50,000, and the request is now made for $5,000 additional. My understanding of the original appropriation for preliminary expenses was not to employ a high-priced secretary, but to pay for clerical assistance required in the Department of State in sending out invitations, which are sent out pursuant to the proclamation issued by the President.

Mr. MANN. But this is a matter of great organization.

Mr. FITZGERALD. Oh, I understand. I have learned a great deal about it since I have undertaken this investigation, and I am quite sure that nobody ever anticipated that out of the $20,000 appropriated for preliminary expenses some one was to be paid $15,000 in salary.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. Is there objection to the present consideration of the joint resolution?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman from Illinois whether in his opinion this resolution makes obligatory on this Congress alone the removal of these buildings?

Mr. MANN. I was going to suggest to the gentleman from New York that if there be any question about that, why we should not provide that these buildings shall be removed by the American Red Cross instead of by this society, keeping the present obligation in force?

Mr. BARNHART. That is all right.

Mr. FITZGERALD. I have no objection to that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This resolution is on the Union Calendar.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the resolution has been read, and I move to amend, on page 2, lines 8 and 9, by striking out the words "Fifteenth International Congress of Hygiene and Demography" and inserting in lieu thereof the words "American Red Cross."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, lines 8 and 9, strike out the words "Fifteenth International Congress of Hygiene and Demography" and insert in lieu thereof the words "American Red Cross."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution as amended.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. AUSTIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

RADIO COMMUNICATION.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15357, to regulate radio communication.

The Clerk proceeded to report the bill.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill S. 6412, to regulate radio communication, may be substituted for the House bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that a Senate bill of like tenor be substituted for the House bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from Missouri where the Senate bill is?

Mr. ALEXANDER. It is on the table.

Mr. MANN. Has it been referred to a committee?

Mr. ALEXANDER. It has; and it has been reported back. It is in substance the same bill.

Mr. MANN. It is House Calendar 243.

Mr. ALEXANDER. I will state for the benefit of the House that Senate bill 6412 is the same as H. R. 15357, with the exception of three or four minor amendments. For that reason I ask unanimous consent that it be substituted for the House bill.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, the House bill is on the House Calendar. Has it been transferred from the Union Calendar? It is printed as being on the Union Calendar No. 193. It seems to be on the House Calendar with the same number. 193. It would be very odd that it would have the same number, having been transferred from one calendar to the other.

The SPEAKER. The Clerk at the desk informs the Chair that the bill was transferred from the Union to the House Calendar.

Mr. MANN. It is No. 193 on the House Calendar and the same number on the Union Calendar.

Mr. BUTLER. Mr. Speaker, reserving the right to object to the request of the gentleman from Missouri—I do not happen to have a copy of the Senate bill here, but have a copy of the House bill. I could not hear what the gentleman said a moment ago concerning the difference between the Senate bill and the House bill.

Mr. ALEXANDER. Mr. Speaker, as the Clerk reads, the gentleman will find that there is no material difference between the two bills.

Mr. BUTLER. But I do not happen to have a Senate bill here.

Mr. ALEXANDER. Has the gentleman a copy of the House bill?

Mr. BUTLER. Yes.

Mr. ALEXANDER. Very well; he can follow the reading with the House bill and he will see that it is to all intents and purposes the same as the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the Senate bill of like tenor, 6412, be substituted for the House bill?

Mr. MANN. That does not affect the right of objection?

The SPEAKER. No; that will not interfere with the right of objection to the Senate bill. [After a pause.] The Chair hears none, and the Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 6412) to regulate radio communication.

Be it enacted, etc., That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the receipt or transmission of radiograms or signals the effect of which extends beyond the exclusive jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this act shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce and Labor. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

SEC. 2. That every such license shall be in such form as the Secretary of Commerce and Labor shall determine and shall contain the restrictions, pursuant to this act, on and subject to which the license is granted; that every such license shall be issued only to citizens of the United States or to a company incorporated under the laws of some State of the United States and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station and in case of a station in actual operation at the date of passage of this act shall contain the statement that satisfactory proof has been furnished that it was actually operating on the above-mentioned date; shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein and such regulations as may be established from time to time by authority of this act or subsequent acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

SEC. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce and Labor. Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States. Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this act or subsequent acts or treaties of the United States, or any one of them, in addition to the punishments and penalties herein prescribed, upon conviction shall suffer the suspension of the said license, and the same shall not be renewed for a period of one year from and after the date of his conviction of any such failure. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $100 or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense: *Provided*, That in case of emergency the Secretary of Commerce and Labor may authorize a collector of customs to issue a temporary permit in lieu of a license to the operator on a vessel subject to the radio ship act of June 24, 1910.

SEC. 4. That for the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said private and commercial stations shall be subject to the regulations of this section. These regulations shall be enforced by the Secretary of Commerce and Labor through the collectors of customs and other officers of the Government as other regulations herein provided for.

The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

The Secretary of Commerce and Labor may grant special temporary licenses to stations actually engaged in conducting experiments for the development of the science of radio communication, or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and under such conditions as will insure the least interference with the sending or receipt of commercial or Government radiograms, of distress signals and radiograms, or with the work of other stations.

In these regulations the naval and military stations shall be understood to be stations on land.

REGULATIONS.

NORMAL WAVE LENGTH.

First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed 600 meters or it shall exceed 1,000 meters. Every coastal station open to general public service shall at all times be ready to receive messages of such wave lengths as are required by the Berlin convention.

OTHER WAVE LENGTHS.

Second. In addition to the normal sending wave length all stations, except as provided hereinafter in these regulations, may use other sending wave lengths: *Provided*, That they do not exceed 600 meters or that they do exceed 1,000 meters: *Provided further*, That the character of the waves emitted conforms to the requirements of regulations third and fourth following.

USE OF A "PURE WAVE."

Third. At all stations if the sending apparatus, to be referred to hereinafter as the "transmitter," is of such a character that the energy is radiated in two or more wave lengths, more or less sharply defined, as indicated by a sensitive wave meter, the energy in no one of the lesser waves shall exceed 10 per cent of that in the greatest.

USE OF A "SHARP WAVE."

Fourth. At all stations the logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

USE OF "STANDARD DISTRESS WAVE."

Fifth. For the purpose of sending signals of distress every station on shipboard shall be so adjusted, except on vessels of small tonnage unable to have plants insuring that wave length, as to permit these signals to be sent with a wave length of approximately 300 meters.

SIGNAL OF DISTRESS.

Sixth. The distress call used shall be the international signal of distress . . . — — — . . .

USE OF "BROAD INTERFERING WAVE" FOR DISTRESS SIGNALS.

Seventh. When sending distress signals the transmitter of a station on shipboard may be tuned in such a manner as to create a maximum of interference with a maximum of radiation.

DISTANCE REQUIREMENT FOR DISTRESS SIGNALS.

Eighth. Every station on shipboard, wherever practicable, shall be prepared to send distress signals of the character specified in regulations 5 and 6 with sufficient power to enable them to be received by

day over sea a distance of 100 nautical miles by a shipboard station equipped with apparatus for both sending and receiving equal in all essential particulars to that of the station first mentioned.

"RIGHT OF WAY" FOR DISTRESS SIGNALS.

Ninth. All stations are required to give absolute priority to signals and radiograms relating to ships in distress; to cease all sending on hearing a distress signal; and, except when engaged in answering or aiding the ship in distress, to refrain from sending until all signals and radiograms relating thereto are completed.

REDUCED POWER FOR SHIPS NEAR A GOVERNMENT STATION.

Tenth. No station on shipboard, when within 15 nautical miles of a naval or military station, shall use a transformer input exceeding 1 kilowatt, nor, when within 5 nautical miles of such a station, a transformer input exceeding one-half kilowatt, except for sending signals of distress or signals or radiograms relating thereto.

INTERCOMMUNICATION.

Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively.

DIVISION OF TIME.

Twelfth. At important seaports and at all other places where naval or military and private or commercial shore stations operate in such close proximity that interference with the work of naval and military stations can not be avoided by the enforcement of the regulations contained in the foregoing regulations concerning wave lengths and character of signals emitted, such private or commercial shore stations as do interfere with the reception of signals by the naval and military stations concerned shall not use their transmitters during the first 15 minutes of each hour, local standard time. The Secretary of Commerce and Labor may, on the recommendation of the department concerned, designate the station or stations which may be required to observe this division of time.

GOVERNMENT STATIONS TO OBSERVE DIVISIONS OF TIME.

Thirteenth. The naval or military stations for which the above-mentioned division of time may be established shall transmit signals or radiograms only during the first 15 minutes of each hour, local standard time, except in case of signals or radiograms relating to vessels in distress, as hereinbefore provided.

USE OF UNNECESSARY POWER.

Fourteenth. In all circumstances, except in case of signals or radiograms relating to vessels in distress, all stations shall use the minimum amount of energy necessary to carry out any communication desired.

GENERAL RESTRICTIONS ON PRIVATE STATIONS.

Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes at the date of passage of this act, shall use a transmitting wave length exceeding 200 meters, or a transformer input exceeding 1 kilowatt, except by special authority of the Secretary of Commerce and Labor contained in the license of the station.

SPECIAL RESTRICTIONS IN THE VICINITIES OF GOVERNMENT STATIONS.

Sixteenth. No station of the character mentioned in regulation 15 situated within 5 nautical miles of a naval or military station shall use a transmitting wave length exceeding 200 meters or a transformer input exceeding one-half kilowatt.

SHIP STATIONS TO COMMUNICATE WITH NEAREST SHORE STATION.

Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiograms transmitted. The station on shipboard shall then wait until such shore station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

LIMITATIONS FOR FUTURE INSTALLATIONS IN VICINITIES OF GOVERNMENT STATIONS.

Eighteenth. No station on shore not in actual operation at the date of the passage of this act shall be licensed for the transaction of commercial business by radio communication within 15 nautical miles of the following naval or military stations, to wit: Arlington, Va.; Key West, Fla.; San Juan, P. R.; North Head and Tatoosh Island, Wash.; San Diego, Cal.; and those established or which may be established in Alaska and in the Canal Zone; and the head of the department having control of such Government stations shall, so far as is consistent with the transaction of governmental business, arrange for the transmission and receipt of commercial radiograms under the provisions of the Berlin convention of 1906 and future international conventions or treaties to which the United States may be a party, at each of the stations above referred to, and shall fix the rates therefor, subject to the control of such rates by Congress. At such stations and wherever and whenever shore stations open for general public business between the coast and vessels at sea under the provisions of the Berlin convention of 1906 and future international conventions and treaties to which the United States may be a party, shall not be so established as to insure a constant service, day and night, without interruption, and in all localities wherever or whenever such service shall not be maintained by a commercial shore station within 100 nautical miles of a naval radio station the Secretary of the Navy shall, so far as is consistent with the transaction of governmental business, open naval radio stations to the general public business described above, and shall fix rates for such service, subject to control of such rates by Congress. The receipts from such radiograms shall be covered into the Treasury as miscellaneous receipts.

SECRECY OF MESSAGES.

Nineteenth. Every operator shall be obligated in his license to preserve, and shall preserve faithfully, the secrecy of radiograms which he may receive or transmit; and for failure to preserve such secrecy his license may be revoked by the Secretary of Commerce and Labor.

PENALTIES.

For violation of any of these regulations, subject to which a license under sections 1 and 2 of this act may be issued, the owner of the apparatus shall be liable to a penalty of $100, which may be reduced or remitted by the Secretary of Commerce and Labor, and for repeated violations of any of such regulations, which shall be deemed a misdemeanor, the license may be revoked.

For violation of any of these regulations, subject to which a license under section 3 of this act may be issued, the operator shall be subject to a penalty of $25, which may be reduced or remitted by the Secretary of Commerce and Labor, and for repeated violations of any such regulations, which shall be deemed a misdemeanor, the license may be suspended.

SEC. 5. That every license granted under the provisions of this act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not willfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed $500 or imprisonment for not to exceed one year, or both.

SEC. 6. That the expression "radio communication" as used in this act means any system of electrical communication by telegraphy or telephony without the aid of any wire connecting the points from and at which the radiograms, signals, or other communications are sent or received.

SEC. 7. That a person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent distress signal or call or false or fraudulent signal, call, or radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent distress signal or call shall be a fine of not more than $2,500 or imprisonment for not more than five years, or both, in the discretion of the court, for each and every such offense, and the penalty for so uttering or transmitting, or causing to be uttered or transmitted, any other false or fraudulent signal, call, or radiogram shall be a fine of not more than $1,000 or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense.

SEC. 8. That a person, company, or corporation shall not use or operate any apparatus for radio communication on a foreign ship in territorial waters of the United States otherwise than in accordance with the provisions of sections 4 and 7 of this act and so much of section 5 as imposes a penalty for interference. Save as aforesaid, nothing in this act shall apply to apparatus for radio communication on any foreign ship.

SEC. 9. That the trial of any offense under this act shall be in the district in which it is committed or in any district in which the offender may be found, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district the trial shall be in the district where the offender may be found or into which he shall be first brought.

SEC. 10. That this act shall take effect and be in force on and after 90 days from its passage.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. ALEXANDER. Very well.

Mr. MANN. This is a very important subject to which attention has been particularly attracted in recent days. I have examined the bills which the gentleman from Missouri has reported from his committee and would like to take occasion to congratulate the gentleman from Missouri on the very hard, earnest, and intelligent work that his committee has done in reference to these various propositions.

Mr. ALEXANDER. I appreciate the compliment.

Mr. MANN. I think the work done by the Committee on the Merchant Marine and Fisheries at this session is the most important that has been done by that committee in many years, and, I will say, is as important as any committee of this House. Yet it seems to me that a bill of this sort ought to receive more consideration than can be given it on the unanimous-consent calendar. Now, does not the gentleman believe if Congress runs on he will have an opportunity to bring this up by unanimous consent, fixing a day for its consideration in the near future? The gentleman has introduced a rule providing for the consideration of a number of bills. Of course, if we should have the good fortune to adjourn Congress in the middle of this month, I take it——

Mr. BUTLER. That is a radiogram the gentleman is sending.

Mr. MANN (continuing). That this bill would have to go over; but, even at that, if we should adjourn this month without the consideration of this bill and these other bills which the gentleman has for consideration, the gentleman will remember, when we convene in December, there are no appropriation bills ready to report, and that gentlemen who are ready to take up other bills at once usually get most of the month of December for the passage of such bills. This being a Senate bill, and we pass it, that would end it. Now, I do not think the gentleman ought to ask the House to consider a bill like this on unanimous-consent day, notwithstanding its great importance and notwithstanding the intelligent work which the gentleman and his committee have done on this and the other bills.

Mr. ALEXANDER. Mr. Speaker, I appreciate all the gentleman has said, and I appreciate very much the compliment he has paid to my committee.

Mr. MANN. It was deserved.

Mr. ALEXANDER. Now, I felt it my duty, in view of the lateness of the session and the chances that the bill might not

be reached on the call of committees, to exhaust every parliamentary method to secure consideration of this bill.

Mr. MANN. The gentleman was quite right in that, of course.

Mr. ALEXANDER. And I appreciate the weight of the suggestion made by the gentleman from Illinois, and, as the bill has been read, if the gentleman thinks it ought not to be considered to-day, why would it not be well to ask unanimous consent that its consideration may be deferred until the next Unanimous Consent Calendar day? That will give the Members of the House an opportunity to study the bill, and if there are amendments which they wish to have considered, I shall be very glad to entertain them. I think it possibly may be better to let the House adopt amendments to the bill if it so desires and let it go over to the Senate, and if they are rejected let the bill go to conference. This bill, of course, comes to the House and the Senate from the Department of Commerce and Labor, cooperating with the Navy and War Departments. There are very large commercial interests involved; extensive hearings have been held both by the Senate and House committees, and the bill has been considered for months past by subcommittees of the House and the Senate, and as amendments were suggested in one committee they were conveyed to and considered and in most instances agreed to by the other, so that the two bills are in all essential particulars the same.

Mr. BUTLER. I notice a little difference in the reading.

Mr. ALEXANDER. I can point out the differences to the gentleman. It was simply that I might discharge a duty which is an important one in having wireless telegraphy regulated, to prevent the interferences that are a constant source of annoyance, and to place this great art on some footing under wholesome and reasonable regulations that I have placed it on the Calendar for Unanimous Consent.

Mr. MANN. Will the gentleman yield to allow me to ask one question on the subject matter of the bill?

Mr. ALEXANDER. Certainly.

Mr. MANN. What jurisdiction, in the first place, has the Government of the United States over an electric current which passes in the air from one State to another? How can anybody tell the effect of a radiogram which extends beyond the exclusive jurisdiction of a State or Territory where the same originates?

Mr. ALEXANDER. Of course, that provision is incorporated under the provision of the Constitution vesting in Congress the power to regulate commerce between the States, and if a radiogram or message sent by a station within a State is received by a station beyond a State it might be regarded as interstate business and may be taken as evidence of the fact that they are violating this law. The purpose of the bill is to prevent interference by amateurs with commercial and Government business.

Mr. MANN. If the gentleman will permit, I do not think he gets part of my question. Say there is an amateur working with a wireless instrument and he sends out a current. It goes beyond the limits of a State, and by the fact it goes beyond the limits of the State he is subjected to an offense under the provisions of this bill.

Mr. ALEXANDER. Yes; if they use a wave length exceeding 200 meters or it interferes with Government or commercial stations.

Mr. MANN. Oh, it does not make any difference what is the wave length he uses. If he has not taken out a license under the provisions of this bill, he can not send out a radiogram or other electric current the effect of which extends beyond the limits of the State. How does anyone know how far it goes, and if they do know, how far does the commerce clause of the Constitution give to us the power to say that that thing done in a particular State the effect of which extends beyond the State is punishable? In other words, we say that a man on the Indiana side of the State line between Indiana and Illinois can not talk because the sound of his voice goes across the State line.

Mr. ROBERTS of Massachusetts. If that is an interference with interstate commerce.

Mr. MANN. That has nothing to do with interference with interstate commerce. This requires a license. I only ask the gentleman——

Mr. BUTLER. So that he may think about it.

Mr. MANN. So he may think about it. Now, if the gentleman will permit, I do not propose to place the responsibility upon the gentleman, but assume it myself. I shall object to the consideration of the bill at this time, but will not object to the gentleman asking unanimous consent to pass the bill over without objection to the next calendar day.

Mr. ALEXANDER. I think that is quite fair.

Mr. MANN. And let it come up on the next calendar day.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the consideration of this bill may go over without prejudice until the next calendar Monday.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that the consideration of this bill go over without prejudice until two weeks from to-day.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The bill on the Unanimous Consent Calendar is the House bill. As I understand, the Senate bill has been substituted now for that on the Calendar for Unanimous Consent, and it is the Senate bill that goes over.

The SPEAKER. Yes; it is the Senate bill that goes over. Is there objection?

Mr. BUTLER. Mr. Speaker——

Mr. MANN. What about the House bill?

The SPEAKER. The House bill will be laid on the table, under the usual practice, if anybody asks for it to be.

Mr. MANN. The House bill might as well be laid on the table.

Mr. BUTLER. This request carries the consideration of the bill over for two weeks from this day?

The SPEAKER. That is the Senate bill.

Mr. MANN. Unless it should come up sooner?

The SPEAKER. Yes; and by unanimous consent the House bill is laid on the table. The Chair will call the attention of the gentleman from Missouri and of the gentleman from Illinois to the fact that the last six days of the session are suspension days. Of course, that has nothing to do with the Calendar for Unanimous Consent.

Mr. MANN. Mr. Speaker, I hope the Speaker will not make that statement, because it has always been held heretofore that the last six days of the session, which will not occur at this session, being suspension days, are also Unanimous-Consent Calendar days.

The SPEAKER. The Chair does not hold that now, because the Chair is not required to pass an opinion upon it. The Chair was referring only to the two-thirds rule. There may not be the six days in contemplation of that clause. We do not know about it.

CARRIAGE OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23001) to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4472 of the Revised Statutes of the United States, as amended by the act of March 3, 1905, and by the act of May 28, 1906, be further amended by substituting a colon for the period at the end of said section as amended and adding thereto the following proviso: "*Provided further*, That nothing in the foregoing or following sections of this act shall prohibit the use, by steam vessels carrying passengers for hire, of lifeboats equipped with gasoline motors and tanks containing gasoline for the operation of said motor-driven lifeboats: *Provided, however*, That no gasoline shall be carried other than that in the tanks of the lifeboats."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 5, by adding, after the word "lifeboats," the following proviso:

"*Provided further*, That the use of such lifeboats equipped with gasoline motors shall be under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of Commerce and Labor."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SUBPORT OF ENTRY AND DELIVERY, INDIANA HARBOR, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana.

The Clerk read the bill, as follows:

Be it enacted, etc., That Indiana Harbor, in the State of Indiana, on the southern shore of Lake Michigan, be, and the same is hereby, constituted a subport of entry and delivery within the district of Chicago, Ill., and customs officers shall be stationed at said subport with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services, and receive such compensation, as in the judgment of the Secretary of the Treasury the exigencies of commerce may require.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, this bill being on the Union Calendar, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF CERTAIN LANDS TO STATE OF IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20684) authorizing the donation of the lands, buildings, and other property heretofore used as the Lemhi Indian School, on the Lemhi Reservation in Idaho, to the State of Idaho.

The Clerk read the bill, as follows:

Be it enacted, etc., That the lands and buildings and other property heretofore used as a school for the Lemhi Indians, and situated on the Lemhi Reservation in Idaho, are hereby donated to the State of Idaho, to be used as a reform school by said State; and the Secretary of the Interior is hereby authorized to issue patent in fee to the State of Idaho for the property embraced in this grant.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have the amendment reported, reserving the right to object.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out lines 3, 4, 5, 6, 7, 8, and 9, page 1, and substituting the following:

"That the Secretary of the Interior be, and he is hereby, authorized to cause to be sold, under such regulations, terms, and conditions as he may prescribe, the unappropriated school and agency lands on the former Lemhi Indian Reservation, in the State of Idaho, described as follows: Northwest quarter, northwest quarter southwest quarter, section 28, northeast quarter northeast quarter, west half southwest quarter northeast quarter, east half southeast quarter northeast quarter, excepting 1 acre of ground and the building thereon to be sold to the school board of district No. 26, Lemhi County, Idaho; lot 1, northwest quarter southeast quarter, south half southeast quarter, section 29, township 18 north, range 24 east, Boise meridian, containing 434 acres, together with the buildings thereon, and to convey the same by patent or patents in fee simple to the purchaser or purchasers: *Provided*, That the State of Idaho shall be given the preference right for one year from and after the passage of this act to purchase said lands, together with the buildings, at the present appraised value thereof."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho."

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

NORWEGIAN ICE BREAKER "KIT."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit*.

Mr. WILSON of Pennsylvania. Mr. Speaker, in the absence of the gentleman from Texas [Mr. HARDY], I ask unanimous consent that the bill go over until the next unanimous-consent day, without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill go over, without prejudice, until the next unanimous-consent day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SUBPORT OF ENTRY AT BAY CITY, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17079) to make Bay City, Mich., a subport of entry.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the substitute be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

That Bay City, in the State of Michigan, be, and is hereby, constituted a subport of entry in the customs collection district of Huron, and that the privileges of the first section of the immediate transportation act, approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said subport. And such customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport as, in his judgment, the interests of the service may require, who shall receive such compensation as may be fixed by him.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. MANN. Mr. Speaker, this is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. RAINEY, a motion to reconsider the last vote was laid on the table.

RADIO COMMUNICATION ON CERTAIN OCEAN STEAMERS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The bill was read as follows:

Be it enacted, etc., That the act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended by the addition of the following words to section 1:

"*Provided also*, That on and after the 1st day of July, 1912, it shall be unlawful for any ocean-going steamer of the United States or of any foreign country, carrying 100 or more persons, whether passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication in good working order, in charge of two or more persons skilled in the use of such apparatus, one of whom shall be on duty at all hours of the day and night, which apparatus shall be capable of transmitting and receiving messages over a distance of at least 100 miles, night or day."

The following substitute proposed by the Committee on the Merchant Marine and Fisheries was read:

That section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry 50 or more persons, including passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, under all atmospheric conditions safe for an operator to work.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

"That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart."

SEC. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean-going cargo steamers shall take effect on and after July 1, 1913.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman whether he thinks it would be proper for this bill to go over with the other one, which went over a few minutes ago?

Mr. ALEXANDER. This is a substitute for the Senate bill, which was passed by the Senate as an amendment to the act of June 24, 1910. I would prefer that it be considered now. It is a simple proposition. If any amendments are desired to improve the bill, we have no particular pride in the language.

Mr. MANN. I should like to ask the gentleman one question in reference to the bill, if I may.

Mr. ALEXANDER. Certainly.

Mr. MANN. The provision is that the radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Just what jurisdiction has the United States to say how a vessel shall be navigated on the high seas, outside of the 3-mile limit, if that vessel belongs to a foreign country?

Mr. ALEXANDER. I should say that we have no jurisdiction to enforce the penalty, and as to those vessels it would be no more than advisory. At the same time, I could point the gentleman to legislation by Congress along the same lines, in which they prescribe regulations for foreign ships on the high seas.

Mr. BUTLER. Could we not decline to admit them to American ports and decline to give them clearance papers?

Mr. MANN. That is the trouble. Supposing Great Britain makes one regulation for foreign ships on the high seas and we make another regulation concerning the same ships on the high seas. Those ships would be on the high seas, but they would be between the devil and the deep sea.

Mr. BUCHANAN. They would be between two devils, would they not?

Mr. ALEXANDER. In my opinion the practical effect would be that it would be impossible to enforce the penalties except as to American vessels or foreign vessels in American waters.

Mr. MANN. Of course we could decline to give clearance and entry unless they did certain things, but I do not see where we get the authority to control the navigation of a foreign vessel on the high seas, and I have been afraid that if we assume that authority other nations will assume the same thing, and that there will be conflict rather than accord.

Mr. BUTLER. Will the gentleman explain why it is that the limit is placed at 100 passengers? It seems to me all ships carrying passengers for hire, even if no more than half a dozen, ought to have the very best wireless apparatus.

Mr. MANN. How can a little tugboat carry wireless apparatus?

Mr. BUTLER. A little tugboat would not be carrying passengers for hire.

Mr. MANN. Not on the high seas.

Mr. BUTLER. No.

Mr. MANN. But they would on the rivers and lakes.

Mr. ALEXANDER. The House substitute provides that it shall apply to 50 or more persons, including the crew. The Senate bill makes it apply to 100 persons.

Mr. BUTLER. I did not hear the reading of the amendment.

Mr. ALEXANDER. That is the existing law, except that the existing law does not apply to cargo vessels, whereas the committee amendment does apply to cargo vessels as well as to passenger vessels.

Mr. BUTLER. Does not the law apply to vessels carrying both passengers and freight?

Mr. ALEXANDER. Not the existing law.

Mr. BUTLER. It should.

Mr. ALEXANDER. This amendment proposes to do so.

Mr. BUTLER. I did not hear it as it was read, and I could not get a copy of the bill. I understand that the committee substitute applies to vessels carrying 50 or more persons, including the crew.

Mr. ALEXANDER. With the gentleman's permission, I will explain briefly the provisions of the House substitute for the Senate bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object until the gentleman finishes his explanation.

Mr. ALEXANDER. The act of June 24, 1910, which may be found on page 424 of the navigation laws of the United States, requires passenger vessels to be equipped with wireless apparatus. That act applies to passenger steamers carrying 50 or more persons, including passengers and crew. It also provides that these vessels should be equipped with apparatus for radio communication, and that the apparatus should be in charge of a skilled operator. This bill only amends section 1 of that act.

The first amendment suggested by the Committee on the Merchant Marine and Fisheries to the Senate bill is to postpone the time when the act shall go into effect till October 1, 1912. I am not sure but that the bill should be amended so as to provide that it shall go into effect on the 1st of January next, because I have communications from the companies manufacturing wireless apparatus and from the vessel owners who are endeavoring to secure operators stating that it will be very difficult to provide the apparatus and to secure skilled operators by the 1st day of October next.

The second respect in which the House substitute amends the Senate bill is to provide that the act shall apply to cargo as well as passenger vessels, where they carry or are licensed to carry 50 or more persons, including passengers or crew, or both. The House substitute provides:

That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry 50 or more persons, including passengers or crew, or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance when it is safe for the operator to work the set.

There are times when it is dangerous to the operator's life to work the set, for instance, during thunderstorms.

You will note that we further amend the existing law by providing—

that an auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, etc.

Suggestions have been made that we ought to provide for an auxiliary power supply to enable the sending set to send messages over a distance of 300 miles or more, but manifestly if the ship was foundering at sea it would not be possible for a ship more than 100 miles away to go to her relief, and hence 100 miles for all practical purposes will meet the situation.

Mr. BUTLER. That is only six hours' notice. I was wondering why the gentleman did not increase the distance of the radiograph from 100 to 300 miles, but he is making the explanation.

Mr. ALEXANDER. Yes. Then it is well known that daylight absorbs the radio energy, and the efficiency of the apparatus in the daytime is not so great as at night. The provision in the committee substitute is that the auxiliary power supply shall be efficient for 100 miles both day and night.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. MOORE of Pennsylvania. There is nothing in this bill that binds ordinary tugboats plying in harbors to comply with its conditions, is there?

Mr. ALEXANDER. No. The Senate bill and the committee substitute both provide:

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated.

The criticism that we have no jurisdiction over foreign vessels navigated outside of our waters is a legitimate criticism, but we will not undertake to enforce any penalty against those vessels in our courts for an offense committed outside of the 3-mile limit, but it is intended to apply to all vessels of the United States.

The committee substitute for the Senate bill further provides that such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master in the case of a vessel of the United States, and that every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

Now, the Berlin convention regulates many of these matters, and from time to time we may pass further legislation relating to wireless telegraphy, and hence that clause was inserted to meet those conditions as they may arise.

Mr. GARNER. Mr. Speaker, may I ask the gentleman for whose benefit he is making this explanation?

Mr. ALEXANDER. I am making it for the benefit of the House.

Mr. GARNER. Who reserved the objection?

Mr. ALEXANDER. The gentleman from Illinois [Mr. MANN].

Mr. GARNER. But the gentleman from Illinois has been busily engaged in conversation with two other gentlemen for some time.

Mr. MANN. I beg the gentleman's pardon; I can listen to all that the gentleman from Texas says worth hearing and talk with two other gentlemen besides. [Laughter.] I have listened carefully to what the gentleman from Missouri has been saying, and I will say, further, that I do not desire to object. The gentleman desired to explain his bill, and I reserved an objection. I did not desire to talk all day on the bill.

Mr. GARNER. Well, Mr. Speaker, I simply wanted to bring the matter to a close.

Mr. WILLIS. Will the gentleman from Missouri yield for a question?

Mr. ALEXANDER. Yes.

Mr. WILLIS. I want to ask the gentleman whether he has considered what might be the result of the language in lines 19, 20, and 21, on page 3——

That the provisions of this section shall not apply to steamers plying only between ports less than 200 miles apart.

It occurs to me that there are ports less than 200 miles apart between which vessels are plying and where such vessels carry a large number of passengers. I ask the gentleman whether it would not be advisable to have that language stricken out?

Mr. ALEXANDER. That is the existing law, passed in 1910.

Mr. WILLIS. Does the existing law apply to steamers on the Great Lakes the same as on the ocean?

Mr. ALEXANDER. It does not, but this will. I am told that most of the steamers on the Great Lakes are equipped with wireless telegraphy now.

Mr. WILLIS. Even if it is existing law, does not the gentleman think it would be wise to have this provision stricken out so that the requirement might apply to vessels that carry a large number of passengers between lake ports where the lives of thousands of people are involved? I do not see why this distinction should be in there.

Mr. ALEXANDER. We were reluctant to disturb existing law unless it was necessary.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read the amendment in the nature of a substitute.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The amended Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISPOSITION OF CONDEMNED BRONZE OR BRASS CANNON IN CERTAIN CITIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, and so forth.

The Clerk proceeded to read the bill.

Mr. HAY. Mr. Speaker, this bill was read in the House in full two weeks ago and I ask unanimous consent to dispense with the reading of the bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to waive the reading of the bill. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Will the gentleman from Virginia object if I offer an amendment to the bill?

Mr. HAY. Not at all. I think every city that wants one of these cannon ought to have it.

Mr. MANN. I would like one for the city of Chicago or for a Grand Army post.

The SPEAKER. The Clerk will read the amendment.

Amend, page 5, after line 8, by inserting as a new paragraph the following:

"To the city of Chicago, Ill., one condemned bronze or brass cannon with its carriage and a suitable outfit of cannon balls, to the use of L. H. Drury Post, No. 467, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War."

Mr. GARNER. That does not cost the Government anything; it is subject to the proviso, is it?

Mr. MANN. It comes in ahead of the proviso.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

IMMIGRATION STATION SITE, BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

The Clerk began to read the bill.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to have this bill go over.

Mr. TOWNER. Mr. Speaker, I was just going to ask, at the request of the gentleman from Maryland [Mr. LINTHICUM], that, pending some facts which he desires to investigate, the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Texas and the gentleman from Iowa?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4568. An act granting an increase of pension to Annie R. Schley; to the Committee on Pensions.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

DESERT-LAND ENTRIES, CHUCKAWALLA VALLEY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 6508) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.

The Clerk read the bill, as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 each; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5 and 6 south, range 22 east, Santa Bernardino meridian, State of California, shall be canceled because of failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1913.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I will state that I understand the situation and think the bill is all right, but reading it over hurriedly just now this fact has occurred to me, that it might affect some entries other than those the gentleman had in mind, because it provides that no entry shall be canceled because of failure on the part of entryman to make any annual or final proof falling due upon any such entry prior to May 1, 1913. Does the gentleman want to include any such entries against which contests might have been filed?

Mr. RAKER. I think this would cover them all. In other words, if there have been contests filed——

Mr. MONDELL. Does the gentleman know whether there have been such contests?

Mr. RAKER. There seem to have been none, so far as the report of the department is concerned and so far as the information that I can get from those who live in the valley is concerned. I received several letters, one yesterday and one to-day. The history of the matter is set out clearly in the report. It simply gives these people up until that time to determine whether they will go ahead and try to improve the desert claims. There are about 780 of them, and there is a contest now between the United States and Mexico as to who is entitled to the water. This bill will give these people the necessary temporary relief until the water controversy between the United States and Mexico is settled. This relief is urgent and necessary and I trust it will pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, this is on the Union Calendar, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BETWEEN DAUPHIN ISLAND AND MAINLAND AT CEDAR POINT, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23799) to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved June 25, 1910, entitled "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands," be amended to read as follows:

"SEC. 6. That the authority granted in section 1 of said act shall be considered withdrawn and deemed to be revoked if the said railroad bridge or bridges and approaches thereto be not constructed and put in operation by or before the 18th day of September, 1916."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I do not suppose that the gentleman from Maryland [Mr. COVINGTON] in charge of the bill will know, but there is some item relating to this matter, I think, which was inserted as an amendment in the Senate to the river and harbor bill. Is the gentleman familiar with that?

Mr. COVINGTON. I understand, Mr. Speaker, that the necessity for this bill is that the bridge work depends upon certain river and harbor work, and that the time for construction of the bridge having expired and the river and harbor work not having been completed, but an appropriation now being provided for it, it is necessary to extend the time to construct the bridge. It is represented that it can not be satisfactorily constructed until the river and harbor work is done.

Mr. MANN. There is in the river and harbor bill now in conference a Senate amendment. I do not recall just what it is, nor whether it is as to the same company, but it gives certain rights to some company with reference to Dauphin Island. I do not know whether it is in conflict with this or whether it is the same thing. Of course, if it is the same thing it does not make any difference. If it goes through in this bill, it would not have to stay in the river and harbor bill.

Mr. COVINGTON. I do not think it affects this proposition.

Mr. MANN. I think it does affect this, but I shall not object.

Mr. SABATH. Mr. Speaker, reserving the right to object, I will ask the gentleman where Dauphin Island is?

Mr. COVINGTON. It is near Mobile, Ala.

Mr. SABATH. Is that the property that is now being used by a railroad?

Mr. COVINGTON. I think so.

Mr. MANN. Dauphin Island is between Mobile and the Gulf. We have had this matter up a number of times in the Committee and in the House.

Mr. COVINGTON. This legislation in one form or another has been before the House a number of times.

Mr. SABATH. Is not this the fact, that this railroad is trying to preclude other companies from getting into the harbor?

Mr. COVINGTON. Oh, no.

Mr. SABATH. If I am not mistaken, some charges have been made to that effect.

Mr. COVINGTON. Mr. Speaker, I think the gentleman refers to the situation of the Mobile & Ohio Railroad Co., in connection with what are known as the Turner-Hartwell Docks. That is a controversy with regard to the exclusive operation of certain water-front properties and the monopoly of terminal facilities at Mobile.

Mr. SABATH. That is it.

Mr. COVINGTON. It has no connection whatever with the Dauphin Island Railway & Harbor Co.

Mr. SABATH. This is not the property or place?

Mr. COVINGTON. No. The dock and terminal controversy is a matter which is now before the Interstate Commerce Commission as affecting the right to the exclusive control of dock operations within the city of Mobile.

Mr. SABATH. That is what I had reference to.

Mr. MANN. This is an effort to construct a competing proposition below the city.

Mr. COVINGTON. This is an effort of the citizens of Mobile themselves to provide for the destruction of the exclusive monopoly that exists there.

Mr. SABATH. I understood there was an exclusive right maintained by the Mobile & Ohio Co., and no other railroad company was able to enter the harbor and could not obtain any facilities. I did not know whether this was owned by the Mobile & Ohio or was a separate and distinct and independent railroad.

Mr. COVINGTON. It is a separate and distinct concern. It provides competition rather than promotes monopoly.

Mr. SABATH. The gentleman is sure of that?

Mr. COVINGTON. That is my understanding.

Mr. SABATH. And will give the people of Mobile relief from the operation of the Mobile & Ohio Railroad?

Mr. COVINGTON. That is my understanding.

Mr. MOORE of Pennsylvania. It does not involve any cost to the Government?

Mr. COVINGTON. None at all.

Mr. ADAMSON. It is merely extending the time to build the bridge.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out section 6 and insert:

"That the Dauphin Island Railway & Harbor Co., a corporation existing under the laws of the State of Alabama, be, and it is hereby, authorized to construct, maintain, and operate a bridge or bridges, and approaches thereto, between the mainland, at a point suitable to the interests of navigation at or near Cedar Point, and Dauphin Island, both Little and Big, situated in Mobile County, State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the authority hereby granted shall be considered as withdrawn and deemed to be revoked if the said bridge or bridges and approaches thereto be not constructed and put in operation by or before the 18th day of September, 1916."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GOOSE CREEK, BERKELEY COUNTY, S. C.

The next business on the Calendar for Unanimous Consent was the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

The Clerk read as follows:

Be it enacted, etc., That the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, its successors and assigns, be, and they are, hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, at or near a point within a radius of about one and one-half miles below the waterworks spillway, in Berkeley County, State of South Carolina, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore (Mr. GRAHAM). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk reads as follows:

Page 1, line 9, after the words "South Carolina," insert "at a point suitable to the interests of navigation."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER OF THE NORTH AT PEMBINA, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 6614) to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

The Clerk read as follows:

Be it enacted, etc., That the municipal authorities of Pembina, in the State of North Dakota, and St. Vincent, in the State of Minnesota, are hereby authorized to construct and maintain a pontoon bridge across the Red River of the North, at a point suitable to the interests of navigation within the corporate limits of said cities, in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

WALHALLA, NECHE, AND ST. JOHN, N. DAK., SUBPORTS OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (S. 4572) to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress, approved June 10, 1880, to said subports.

The Clerk read as follows:

Be it enacted, etc., That Walhalla, Neche, and St. John, in the State of North Dakota, be, and the same are hereby, designated subports of entry in the customs collection district of North and South Dakota.

SEC. 2. That the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the said subports.

SEC. 3. That the Secretary of the Treasury is hereby authorized to discontinue the said subports of entry, or to withdraw the privileges of the first section of the act of June 10, 1880, therefrom, at any time when he shall be satisfied that the interests of commerce or of the revenue no longer require their continuance.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I observe that this bill proposes to make three different places in North Dakota subports of entry. We have already to-day passed two bills each making one place a subport of entry and another bill of the same character was objected to. What is the additional expense, if any, to the Government where one of these towns is made a subport of entry? Does the gentleman happen to know?

Mr. HAMMOND. In the report it appears that there will be no extra expense to the Government. These are three small towns on the North Dakota border. Already a customs officer is there to examine freight and passengers' baggage, and if they are made subports of entry there will be no additional expense so far as known.

Mr. MANN. I know the Secretary of the Treasury reports in this case that there will be no extra expense. I desire to have it go on the record because I am very certain that that statement is incorrect.

Mr. HAMMOND. Unless business should increase so very, very largely that it will be necessary to have more officers there I can say the statement is correct. I do not see how there can be any more expense. The amount of business done in all three of these towns will not probably exceed $6,000 at the present time, and this is simply a convenience——

Mr. MANN. I understand it is a convenience which I think should be granted where it can be and where it is not too expensive.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMMOND. Mr. Speaker, this bill is upon the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAMMOND, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF BRIDGE ACROSS SNAKE RIVER IN WYOMING.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21171) authorizing the use of the reclamation fund in the construction of a bridge across Snake River in Wyoming.

Mr. MONDELL. Mr. Speaker, I wish to ask the gentleman from Oklahoma [Mr. CARTER] if he intends to object to the consideration of this bill. If he does, I do not care to take up the time of the House in having it read.

Mr. CARTER. Mr. Speaker, I much regret that at the request of my colleague from Oklahoma [Mr. FERRIS] I will be obliged to object.

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar.

LIGHTING OF PINEY BRANCH ROAD FROM GEORGIA AVENUE TO BUTTERNUT STREET.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to light and maintain the lights on Piney Branch Road from Georgia Avenue to Butternut Street.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, considering the fact the District of Columbia Committee has been shunted a few times from District day, I suppose there is no real objection to putting a District bill on the Calendar for Unanimous Consent, although that is not to be the customary thing.

Mr. LOBECK. I do not think so.

Mr. MANN. Now, may I ask the gentleman: Under the existing law the District Commissioners have the authority to light this street?

Mr. LOBECK. They seem to have that authority whenever they want to change a street or make any changes in a street.

Mr. MANN. Well, now, I have been here a long time, and I do not recall any case where Congress passed a bill directing that a certain street be lighted. I am very confident that the District Commissioners have authority to light streets out of appropriations that Congress makes for that purpose. Now, does the gentleman propose that Congress shall hereafter determine in each case where a gas lamp shall be located and not the District Commissioners?

Mr. LOBECK. I only know in this case that this street was lighted for over 30 years, and I know from having seen the street myself that the lights should not have been removed, but by some authority the lights have been taken away from the street, and a wrong has been done to citizens and home owners on that street. It is a street that has much travel now, more than any street in that neighborhood.

Mr. MANN. Is not this the case, that Congress appropriates so much money for street lighting, but did not appropriate the amount which the District Commissioners asked for, but Congress made a reduction, a perfectly proper practice. Thereupon the District Commissioners, making an examination of the situation and being compelled to make use of the money as best they could, came to the conclusion that this street might do without lighting better than some other street and thereupon cut off the lamps. Now Congress proposes to order the lamps to be restored, but did not provide the means.

Mr. LOBECK. No. It is reported that the commissioners removed these lights, placed them on another street, and removed the lights from a street that has a great deal of travel on it, that has buildings built along it and homes built along it and has been lighted for the last 30 years. This street or road has been lighted during all that time. The lights should not have been taken away, as anyone will agree who will go over the street.

Mr. MANN. The fact is they cut off those lights in order to light some other place.

Mr. LOBECK. That is what is reported.

Mr. MANN. The gentleman said the commissioners moved these lamps to another street——

Mr. LOBECK. You can call it moving, but they took them away.

Mr. MANN. I do not know whether they did or not. The fact is that they cut off these lights because they could not light all the places they wanted to light, and they had to cut off at some place. Now, does the gentleman believe that it ought to be the policy of Congress to determine where a gas lamp shall be located instead of leaving that to the commissioners after we determine how much money shall be expended for the purpose?

Mr. LOBECK. If they do not expend the money appropriated for the lighting fund any better than they do in other funds of this city, I want to say that it is no credit to the commissioners. They have plenty of money to light the city with.

Mr. FOSTER. Do I understand from the gentleman that there were lights on this particular street before?

Mr. LOBECK. Yes; for over 30 years.

Mr. FOSTER. And the commissioners removed the lights to some other street where, in their judgment, they were more necessary?

Mr. LOBECK. They removed them a block away, so it is said, to a new street, and then placed some lights on that street.

Mr. FOSTER. Does the gentleman from Nebraska think it is a good policy, when the general law covers these cases, that

Congress should be asked to pass a bill placing lights on certain streets?

Mr. LOBECK. Well, I do not know what you have a District of Columbia Committee for, if it has no jurisdiction—where the General Government pays part of the expense.

Mr. FOSTER. I gather from what my colleague from Illinois [Mr. MANN] has said that you have a law on the statute book placing this matter in the hands of the District Commissioners.

Mr. MANN. Nobody denies that. That is too patent for question.

Mr. FOSTER. Now, you want to pass a law saying that this particular street shall be lighted, notwithstanding the statement of the commissioners that it is not necessary.

Mr. LOBECK. If I thought the judgment of the commissioners was infallible, I would agree with the gentleman. But the people who have spent their money in improving this street and in building their homes along it are entitled to protection, and the Commissioners of the District have taken that protection away from them. A light is as good as a policeman.

Mr. SABATH. Mr. Speaker, will the gentleman yield to me?

Mr. LOBECK. Yes.

Mr. SABATH. I desire to inquire if there is any truth in the report that I hear to the effect that there is a tendency on the part of the commissioners to discriminate; that they do light certain sections of the city, namely, some special subdivisions owned by some real large property owners and discriminate against other sections of the city?

The SPEAKER. Is there objection?

Mr. SIMS. How are you going to correct abuses if the exercise of the discretion is lodged with the commissioners unless by an act of Congress?

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I understand the Piney Branch Road is a street that has been opened for 50 years or more, and has been lighted for many years?

Mr. LOBECK. Yes.

Mr. MADDEN. And there are other streets in that neighborhood that are being opened and paved and they are not lighted?

Mr. LOBECK. They are lighted.

Mr. MADDEN. I understand some of the streets connected with Piney Branch Road in this neighborhood are not lighted, and it is the intention of the commissioners to take the lights away from the Piney Branch Road and put them in some other place along that street?

Mr. LOBECK. That is my understanding.

Mr. MADDEN. There is no need for a bill to direct the commissioners to light the streets, is there?

Mr. LOBECK. They took the lights away, and the people want them replaced. They have been there for 30 years.

Mr. MADDEN. It ought not to be necessary to enact legislation for that.

Mr. LOBECK. The travel is greater on that street now than it was when it was laid out, and the lights should not have been removed. The commissioners have no right to destroy property to benefit others.

Mr. SIMS. Suppose the commissioners will not exercise their discretion?

Mr. MADDEN. There ought not to be any necessity for legislating in this way.

Mr. LOBECK. There is a church on that road, and many houses there.

Mr. SABATH. The charge is made that the District Commissioners in certain sections favor the large landowners.

Mr. MANN. Nobody who knows the facts believes that.

Mr. MADDEN. I do not believe we have the right to assume that the commissioners discriminate against anybody.

Mr. SABATH. Why, then, should they remove the lights from one street and put them on other streets?

Mr. MADDEN. I think the gentleman will find, if he asks why it was done, that it will not be necessary to have legislation. I object to the consideration of this bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. SABATH. Is the gentleman opposed to allowing the people on that street to have their street lighted?

Mr. MADDEN. No; I do not object to that; but I object to the consideration of this bill.

The SPEAKER. Objection is heard, and the bill goes off the Calendar for Unanimous Consent.

TRANSFER OF CERTAIN LANDS TO SULPHUR SPRINGS, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to deed to the city of Sulphur Springs, in the State of Texas, for street purposes and no other, a strip of land not exceeding 9 feet in width off both the east and south sides of the Federal building site in said city.

The SPEAKER. Is there objection?

Mr. MANN. Who is in charge of the bill?

Mr. STEPHENS of Texas. I have looked into the report, Mr. Speaker, and——

Mr. MANN. The report indicates in this case that there is reason for deeding to the city of Sulphur Springs a strip of land 9 feet in width on the east side of the building site and a strip of land not to exceed 6 feet 2 inches on the south side. Is the gentleman willing to have the bill corrected so as to make the description of the land correct, instead of saying "a strip of land not exceeding 9 feet in width on both the east and south sides," making it "a strip of land not to exceed 9 feet on the east side and a strip of land not to exceed 6 feet 2 inches on the south side"?

Mr. STEPHENS of Texas. It seems to me, in reading the report, that that was the object and intention when they drafted this bill. I have no objection to the gentleman's suggestion.

Mr. MANN. That correctly describes it and saves any difficulty.

Mr. STEPHENS of Texas. Let the gentleman offer an amendment.

Mr. FOSTER. This, as I understand, deeds to the city of Sulphur Springs, Tex., a strip of land 9 feet wide on two sides?

Mr. MANN. The amendment which I propose will cover a strip of land 9 feet wide on one side and 6 feet 2 inches wide on another side. They already have possession of the land under a license from the Government.

Mr. FOSTER. Is the street the same width all the way through?

Mr. AUSTIN. Certainly.

Mr. FOSTER. How does it come that this particular point is 9 feet narrower, where the Government building is located? Did they sell it to the Government and then ask the Government to give it back to them?

Mr. MANN. The sidewalk space was a part of the lot. They sold the lot to the Government, which included what was used for the sidewalk space on the street. That being the case, they found that the Government owned that sidewalk space, but the Government then gave a license to the city to use that space for a sidewalk. Now it is proposed to deed to the city what is used for the sidewalk. Evidently in laying out the land in some way the property used for sidewalk space was not dedicated as a part of the street.

Mr. STEPHENS of Texas. I think it is well guarded. It says that it shall be for street purposes and no other purpose.

Mr. MANN. While it says street purposes, it means a sidewalk. There is a sidewalk there now.

Mr. AUSTIN. It is recommended by the department.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the word "both" in the beginning of the line, and the words "and south" in the same line, and strike out the letter "s" in the word "sides" in the same line, and at the end of line 8 add:

"And a strip of land not exceeding 6 feet and 2 inches in width off the south side of said building site."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. AUSTIN, a motion to reconsider the last vote was laid on the table.

FIFTH INTERNATIONAL CONGRESS OF CHAMBERS OF COMMERCE.

The next business on the Calendar for Unanimous Consent was House joint resolution 234, making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The joint resolution was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That for the necessary expenses of the meeting in the United States of the International Congress of Chambers of Commerce and Commercial and Industrial Associations, including a tour by the foreign delegates of the principal commercial, industrial, agricultural, and social centers of the United States, for the purpose of acquainting them with our institutions and enterprises, $50,000 be, and hereby is, appropriated.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America and suggest their cooperation.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I reserve the right to object. I desire to inquire if this bill carries an appropriation.

The SPEAKER. Fifty thousand dollars.

Mr. BARTLETT. Then it is on the Union Calendar, Mr. Speaker?

The SPEAKER. Yes; it is on the Union Calendar.

Mr. PETERS. Mr. Speaker, if I am granted unanimous consent for the consideration of this bill, I propose then to ask unanimous consent to substitute for it Senate joint resolution 72, which has passed the Senate and is now on the Speaker's table. Senate resolution 72 provides for extending to the Governments of the commercial nations of the world an invitation to be officially represented at the Fifth International Congress of Chambers of Commerce, to be held at Boston September 24, to 28. Since the resolution has already passed the Senate, it will immediately go to the President on its passage by this House. This resolution does not call for an appropriation.

Mr. BARTLETT. Then I suggest to the gentleman that he ask to substitute the Senate resolution, and I will ask him if he does not think there ought to be an amendment to the Senate resolution providing that no expense shall be incurred hereafter by the United States. I am not willing to vote for a bill which carries an appropriation for this purpose, and I doubt very much whether we ought to pass a resolution inviting people from other countries to come here for any purpose on behalf of the United States without providing for the payment of the expenses for the entertainment of our guests. I am not in sympathy with the proposition at all.

Mr. PETERS. There is no appropriation intended or asked for.

Mr. BARTLETT. Mr. Speaker, I have been fortunate or unfortunate enough to remain here in this House nearly 18 years and I never saw one of these little innocent propositions come in to invite people to the United States to participate in any exposition or other entertainment that we proposed to have for them that did not eventually cost the United States Government a good deal of money; and I do not think we ought to engage in this kind of business—of extending an invitation to foreigners as a national thing or that the Government of the United States should invite people here to participate in what is given the character and nomenclature of a national undertaking and invite them as our guests here unless we do propose to treat them as our guests. I am not willing that we shall engage in the business of making a mere meeting of the chambers of commerce of the United States on a matter in which the United States takes no part as a Government a national matter.

Mr. MANN. Will the gentleman yield?

Mr. BARTLETT. Yes; I will.

Mr. MANN. As I understand, this meeting is to be held this summer or fall?

Mr. CURLEY. September 24 to 28.

Mr. MANN. So that it can not occur that at any subsequent session of Congress we shall be asked to provide any money to meet these expenses?

Mr. BARTLETT. To pay those already incurred.

Mr. MANN. There is no danger of that.

Mr. BARTLETT. I have heard on previous occasions the solemn promise on the floor of this House that no such appropriation would be asked for later and still the Government has later on paid for the expenses. Take the Buffalo Exposition and the Charleston Exposition. We were solemnly assured that Congress never would be asked to pay any money, and yet we did pay hundreds of thousands of dollars.

Mr. MANN. Those were expositions.

Mr. BARTLETT. They were local affairs.

Mr. MANN. I suggest that the assurance of the gentleman from Boston that they will not ask for any more money at this time is sufficient.

Mr. BARTLETT. At this or at any other time.

Mr. MANN. Or, as far they are concerned, at any time. That would bind them and would carry it beyond this session of Congress. Heretofore these propositions have bound the gentlemen who made the promises, but they have not bound their successors or other gentlemen who came into Congress. In this case these gentlemen from Boston, being bound at this session of Congress, we will have passed the critical point before the next session, and hence there is no danger.

Mr. CURLEY. If my colleague from Massachusetts asks that Senate resolution 72, which has already passed the Senate, be considered in lieu of this resolution now pending, and it is passed on favorably by the House, does not that dispose of the question of the appropriation of money?

Mr. MANN. I was assuming that that proposition was the one—that we extend the invitation but that there shall be no appropriation made by Congress in regard to it.

Mr. PETERS. I will make that assurance on behalf of the chambers of commerce, that no appropriation will be asked.

Mr. FITZGERALD. I do not question the sincerity of the gentleman, but I wish to add one observation. The State Department has declined to issue such invitations heretofore unless some money was appropriated to enable the department to perform certain services which it claims were necessary. That was the way in which the $20,000 in two appropriations was obtained for the Congress on Hygiene and Demography, out of which was paid the compensation of $5,000 a year for the secretary of the congress. I simply wish to add that if the State Department makes a request for any money for services in connection with this proposition I shall assume that it is bound by this statement, as well as everybody else.

Mr. PETERS. The gentleman may assume that, and that no appropriation will be asked for with my approval.

Mr. BARTLETT. If the gentleman from Massachusetts will allow me, what is the purpose of having the United States Government extend an invitation?

Mr. PETERS. Because it is an international event. The chambers of commerce abroad are semiofficial bodies. Their Governments extended invitations to our commercial bodies; it is essentially an international affair. They have some semiofficial bodies which are cooperating to bring the delegations here. I hope the gentleman will not place any great embarrassment in the way of this legislation.

Mr. BARTLETT. Any earnest appeal by the gentleman from Massachusetts like that always meets a ready response from me, and I will not object if the gentleman will call up and pass the Senate joint resolution in lieu of the House joint resolution.

Mr. PETERS. I am about to make that request.

Mr. CANNON. Will the gentleman yield for a question?

Mr. PETERS. Certainly.

Mr. CANNON. What would the gentleman from Massachusetts think of an individual that invited another individual to bring his knitting across the sea and visit him and at the same time bring his lunch. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. PETERS. Mr. Speaker, I ask unanimous consent——

The SPEAKER. The Chair hears none.

Mr. FITZGERALD. But, Mr. Speaker, the gentleman from Massachusetts was about to ask unanimous consent that the Senate joint resolution be substituted for the House joint resolution.

The SPEAKER. The gentleman from Massachusetts was asking unanimous consent to consider the House joint resolution.

Mr. PETERS. I will put it in one request, to consider the House joint resolution and substitute the Senate joint resolution in lieu of that.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to consider the Senate joint resolution of like tenor instead of the House joint resolution. Is there objection? [After a pause.] The Chair hears none. The Senate joint resolution is on the Speaker's table, and the Clerk will report it.

The Clerk read the Senate joint resolution, as follows:

Senate joint resolution 72.

Resolved, etc., That the President of the United States be, and he is hereby, authorized and requested to extend to the Governments of the commercial nations of the world an invitation to be represented officially at the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations, to be held in Boston, Mass., September 24 to 28, 1912.

That the Secretary of State is hereby requested to ask the Governments of the commercial nations of the world to notify the leading business organizations of their respective countries of this action by the Congress of the United States of America and suggest their cooperation.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PETERS, a motion to reconsider the last vote was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the House joint resolution lie on the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House joint resolution lie on the table. Is there objection.

There was no objection.

PATENTS TO SEMINOLE ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill H. R. 23184, directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however*, That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. DAVENPORT. Mr. Speaker, I do not know what the gentleman reserves the right to object for, because there can be no injury done to anyone by this bill.

Mr. MANN. I thought the gentleman was going to ask to have this go over.

Mr. DAVENPORT. I want to say to the gentleman from Illinois that while he reserves the right to object, I want to understand if there is anything in the bill that he bases his objections upon; anything that he might want to object to the consideration of the bill for? I do not know whether the House will pass it or not, but if there is any valid objection, if there is anything that is not shown in the report the gentleman wants explained, then I am willing to make the explanation.

Mr. MANN. There is no reason shown yet for the passage of the bill, either by the gentleman or in the report. It is a bill that affects the administrative department of the Government, and has not been referred to the department for information or otherwise. The gentleman can not expect to pass by unanimous consent a bill which reflects directly upon the administration of the Government, without giving the administrative officers any opportunity to explain, or give information concerning it.

Mr. DAVENPORT. That is the very thing the bill does not do. It does not reflect on the department.

Mr. MANN. I think it does.

Mr. DAVENPORT. The committee investigated this matter, went over that question, and knowing that there had been some question by the department as to whether they ought to deliver the deeds before a certain court decision was delivered, they did not report the bill until after the Supreme Court rendered the decision, and said that the question of withholding the patents in no way affected the allottees of the Five Civilized Tribes.

Mr. MANN. The other day the gentleman was supporting a proposition to cut off investigations by the Interior Department by which it might make these investigations. He now proposes to have a law directing the department to issue the patents without an investigation. Possibly we begin to see why they did not want to have the money with which to make the investigation—in order that they may have a plea that they must give patents without investigation.

Mr. DAVENPORT. Oh, the gentleman from Illinois is certainly mistaken, and he surely does not want to leave the impression on the House that I at any time or under any circumstances objected to the Interior Department ever investigating patents in any of the Five Civilized Tribes, and his statement that as to what he saw with reference to my desiring to have patents delivered without investigation, is unwarranted and without foundation. I did object to an appropriation to keep a certain number of agents in the Indian Territory where they are not needed, but that appropriation had nothing to do with this bill.

Mr. MANN. We told the gentleman at that time that this money was necessary to make this investigation. The gentleman was opposed to making the appropriation of the money, saying that it was not necessary. That was what the appropriation was asked for.

Mr. DAVENPORT. It was not.

Mr. MANN. I say it was, and the gentleman says it was not.

Mr. DAVENPORT. And it never has been used for that purpose.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

GRANTING CERTAIN LAND TO PORTLAND, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant, relinquish, and convey, by quitclaim deed, to the city of Portland, Oreg., a strip of land approximately 10 feet in width off of the Seventh Street side of the new post-office site in said city of Portland, Oreg., and extending along said Seventh Street from Hoyt to Glisan Streets, being part of the east end of lots 8, 5, 4, and 1, in block 8; and he is further authorized and directed to grant, relinquish, and convey to said city of Portland, by quitclaim deed, a strip of land approximately 10 feet in width off of the Seventh Street side of the customhouse site, in said city, and extending along said Seventh Street from Davies to Everett Streets, the Secretary of the Treasury to reserve such portion of said strip for the use of the United States as he may consider necessary for areas, steps, approaches, etc., the said strips of land to be used for street purposes only.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like to know why the city of Portland does not pay for this land?

Mr. HAWLEY. Mr. Speaker, the city of Portland has found it necessary to open Seventh Street more extensively than ever before on account of the increased travel on the street. They are building a large bridge across the Willamette River at the foot of this street, and in order to make the street of uniform width they desired this additional strip of land. They submitted the question of reducing the width of the Government property there to the same width as the other Government property along that street to the Secretary of the Treasury, Mr. MacVeagh. The Secretary, under date of March 29, 1912, in a letter to the senior Senator from the State, said that—

the enactment of said bill into a law would not militate against the efficiency of the buildings in question.

Mr. FITZGERALD. Why should the city not pay the United States? When the United States bought the land it paid very liberally for it. If it wished to take the property of any private citizen there, it would have to pay very liberally for it. Why should not the Government insist upon being paid now? Why should the Government donate the land to the city?

Mr. HAWLEY. The improvement of the street at the expense of the city will make the property so much more accessible and valuable to the Government that we can readily do this and still be the gainers by the transaction.

Mr. FITZGERALD. It will not make it any more valuable to the Government, because if we ever abandon it for public purposes and seek to sell it we would sell it to some citizen in Portland for an insignificant amount——

Mr. MANN. Sell it! We would give it away.

Mr. FITZGERALD. Or give it to them.

Mr. HAWLEY. The improvement of the street makes the property much more accessible——

Mr. FITZGERALD. To the citizens of Portland, Oreg.

Mr. HAWLEY. And to the Government.

Mr. FITZGERALD. I inquire about it because a few years ago the city of New York desired a little strip of land in Staten Island upon which to build a road around the lighthouse depot there——

Mr. MANN. Oh, the gentleman ought not to refer to that, because I am thoroughly familiar with it.

Mr. FITZGERALD. It very greatly enhanced the value of the property, and the city was permitted to do so on paying to the Federal Government about $33,000.

Mr. MANN. The city of Brooklyn—or one of the cities over there—desired to use a large amount of ground of great value to the Government for its exclusive benefit, and the Government gave it to the city for a song. The matter went through my committee.

Mr. FITZGERALD. The gentleman is mistaken. I am thoroughly familiar with it.

Mr. MANN. And so am I.

Mr. FITZGERALD. The road was around the Government lighthouse depot, and the city of New York paid the Government $33,000 for the land upon which the road was constructed.

Mr. MANN. For the benefit of the city.

Mr. FITZGERALD. It was of benefit not only to the people of Staten Island but equally beneficial to the Government.

Mr. MANN. That road was exclusively for the benefit of the citizens there, and it was a detriment to the Government to have it there.

Mr. FITZGERALD. The gentleman is mistaken. This street here is exclusively for the benefit of the people of Portland, Oreg.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Oregon a question, if I may; also the gentleman from New York. We have been quite insistent upon having reports from departments upon bills of this kind reported from committees. The distinguished gentleman who presides over the Treasury Department, for whom I have very high regard, reports as follows, and this is all there is to his report:

I have the honor to inform you that if said bill is enacted into law this department will take the necessary steps to comply with the authority vested in it by said legislation.

Mr. FITZGERALD. Does not the gentleman from Illinois think that is a very great concession for an official who lives in Chicago to make to Congress? [Laughter.]

Mr. MANN. Yes; it probably looks that way to the gentleman from New York. Here is a bill directing the Secretary of the Treasury to do certain things, and when asked for a report upon the bill he says that he has the honor to inform us that if we direct him to do it he will comply with the direction. Of course he will comply with the direction. That is mandatory upon him, but what he ought to have done was to give the House some information concerning the bill.

Mr. MONDELL. He did.

Mr. MANN. He did not give a particle of information in his report upon the bill, not an iota of information. He wrote a letter to one of the Senators from Oregon that gave a little information, but precious little.

However, I shall not object to the bill if the gentleman will allow me to help correct a defect which occurred at the other end of the Capitol. I object to their grammar.

Mr. HAWLEY. With pleasure.

Mr. MANN. I notice that the bill provides for taking a strip of land 10 feet in width "off of" the Seventh Street side, and so forth. That is in the bill twice; "off of" some street. Now, it is sufficient to say "off the street," and I think that the House ought, in justice to its own dignity and standing, to correct this grammar.

Mr. HAWLEY. Will the gentleman offer the amendment he suggested?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend, in line 6, page 1, and in line 2, page 2, by striking out after the word "off" the word "of" in each case.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "of" after the word "off," and in line 2, page 2, strike out the word "of" after the word "off."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LAFFERTY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATENTING OF CERTAIN LANDS TO RURAL HIGH-SCHOOL DISTRICT NO. 1, NEZ PERCE COUNTY, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4791) authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause a patent to issue to rural high-school district No. 1, of Nez Perce County, Idaho, for the use and benefit of said district, for the following-described tract of land within said county, to wit: Commencing at the southeast corner of lot No. 27, on the north boundary of Fort Lapwai Military Reservation, in section 2, township 35 north, range 4 west, Boise meridian; thence south along the west line of the Presbyterian mission reserve 300 feet; thence south 85 degrees west 726 feet; thence north 300 feet to the north boundary of the Fort Lapwai Military Reservation; thence north 85 degrees east along said military reservation boundary 726 feet, to the place of beginning, containing 5 acres, more or less: *Provided*, That Indian pupils residing within said district shall at all times be admitted to such schools as may be established on the lands granted herein on terms of equality with the white pupils: *Provided further*, That in the event the proposed school building is not completed within two years after the title has passed to the rural high-school district No. 1, the land shall revert to the United States: *And provided further*, That in the event said lands are ever abandoned and not used for educational purposes all right, title, and interest therein conveyed to the said district by this act shall be forfeited and the same shall revert to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING CERTAIN LANDS FOR RESERVOIR PURPOSES, TWIN FALLS, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the authorities of the city of Twin Falls, in the State of Idaho, for reservoir purposes, in connection with the water supply of said town, for the following-described land, to wit: The south half northeast quarter and the northwest quarter southeast quarter section 6, township 12 south, range 18 east, Boise meridian, in the Hailey, Idaho, land district, containing 120 acres, said patent to contain a provision that said land shall be used for reservoir purposes and in connection with the water supply for said city only; and in case said land shall cease to be used for such purposes it shall at once revert to the United States: *Provided*, That said city shall pay $1.25 per acre therefor.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to inquire what these lands are worth now on the market?

Mr. FRENCH. I presume that they have no value. They have been available for public entry for years. They lie many miles away from the nearest town, and, indeed, in a country that is covered with sagebrush, cactus, and juniper shrub. I regard them as really being worthless lands.

Mr. CULLOP. How far are they from any town?

Mr. FRENCH. About 18 miles from Twin Falls. There may be some small post office or hamlet nearer, but there is no considerable town nearer than Twin Falls.

Mr. CULLOP. It seems to me the price is inadequate for the land to be used for that purpose if it was anywhere near any settlement.

Mr. FRENCH. It would be, but I have no idea these lands are worth $1.25 an acre.

Mr. CULLOP. How many acres are there?

Mr. FRENCH. One hundred and twenty acres.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS TUG FORK OF BIG SANDY RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River.

The Clerk read as follows:

Be it enacted, etc., That the Norfolk & Western Railway Co., a corporation organized under the laws of the State of Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate bridges and approaches thereto across the Tug Fork of Big Sandy River at such points where the same forms the boundary line between the States of West Virginia and Kentucky, or the boundary line between the States of West Virginia and Virginia, as may be selected by said company and approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend page 1, lines 10 and 11, by striking out the words "as may be selected by said company," and insert in lieu thereof the words "at points suitable to the interests of navigation."

Mr. COVINGTON. Mr. Speaker, I desire to correct the committee amendment by striking out, in line 1, page 2, of the bill, the words "at points," and insert in lieu thereof the words "as may be."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the words "at points" and insert in lieu thereof the words "as may be."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion by Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAM ACROSS CHOCTAWHATCHEE RIVER, DALE COUNTY, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.

The Clerk read as follows:

Be it enacted, etc., That the Choctawhatchee River Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Choctawhatchee River, at a point suitable to the interests of navigation, at a point about one-eighth of a mile below or west of the bridge across said river, on the road known as the Newton and Ozark Public Road, in Dale County, in the State of Alabama, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. And, Mr. Speaker, in that connection I would like for the name to be pronounced correctly, "Choctawhatchee," and not "Choctawhatchee." It is a beautiful and historic Indian name, and I object to its being murdered as it was done in the reading of the bill.

BRIDGE ACROSS DELAWARE RIVER SOUTH OF TRENTON, N. J.

The next business on the Calendar for Unanimous Consent was the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors.

The Clerk read as follows:

Be it enacted, etc., That section 6 of the act approved March 16, 1906, authorizing the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors to construct, maintain, and operate a bridge across the Delaware River between a point south of and within 1 mile of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 1 mile of the southern boundary line of the borough of Morrisville, in the county of Bucks and State of Pennsylvania, be, and the same is hereby, so amended that the time within which the said bridge shall be required to be completed shall be within five years from the date of the approval of this act: *Provided*, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

SEC. 2. That said act as thus amended be, and the same is hereby, revived and reenacted.

Mr. COVINGTON. Mr. Speaker, I understand there is an objection——

Mr. MANN. Mr. Speaker, I reserve the right to object——

Mr. WOOD of New Jersey. Mr. Speaker, I object.

Mr. COVINGTON. Mr. Speaker, I desire to make a request before objection is made, if it should be made. I understand, after reference to the chairman of the committee, that arrangement has been made by which there will be opportunity for the persons who are opposed to this measure to be heard, and I desire to ask whether it would not be entirely satisfactory to have the bill passed without prejudice for two weeks?

Mr. WOOD of New Jersey. Mr. Speaker, I prefer to have the bill stricken from the calendar.

The SPEAKER. Does the gentleman object?

Mr. WOOD of New Jersey. I do.

JAIL BUILDING AND FIXTURES ON ABANDONED FORT ASSINNIBOINE MILITARY RESERVATION IN MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the jail building and the fixtures of said building, now situate on the abandoned Fort Assinniboine Military Reservation, in the State of Montana, be, and the same are hereby, granted to the county of Hill, in the State of Montana, and said county, by its duly authorized officials, shall have the right to enter upon the said abandoned Fort Assinniboine Military Reservation at any time after the passage of this act and remove said buildings and such fixtures.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I was very much pleased a while ago on seeing a bill come in here from the Committee on the Public Lands proposing to have a State pay something for some lands and buildings which the Government owns. Evidently that feeling did not reach as far as Montana.

Mr. PRAY. Mr. Speaker, I will state to the gentleman from Illinois that the jail on the abandoned Fort Assinniboine Military Reservation is practically of no value as it stands—no commercial value. Hill County was created in February of this year. There is no jail there worth the name.

Mr. MANN. Well, if it is a good jail they had better buy it.

Mr. PRAY. Havre, the county seat, is 6 miles from the fort. It would be necessary to remove the building and fixtures that distance from the reservation.

Mr. MANN. We would sell it cheap.

Mr. PRAY. The county could not afford to pay anything for it if the officials were obliged to pay for the removal of the building and fixtures a distance of 6 miles.

Mr. MADDEN. Does this bill contemplate the removal of the present building to another site?

Mr. PRAY. Yes. It allows the commissioners of the county of Hill to enter upon the reservation and remove the brick building and fixtures.

Mr. MADDEN. I will say to the gentleman that it would cost more money to remove it than it is worth. I say that from experience.

Mr. PRAY. They are willing to take chances in that respect.

Mr. MANN. If the gentleman will permit me, here is a military reservation which has been abandoned. Thereupon the State asks to have the reservation, with the buildings, turned over to the State, without any expense to it, for certain school purposes, and the county asks to have one of the buildings turned over to it. Does not anybody ever think of old Uncle Sam?

Mr. PRAY. I will say to the gentleman from Illinois that I am not asking for the turning over to the State of Montana——

Mr. MANN. Not at this time——

Mr. PRAY. Of the buildings on the reservation. I know that there is a bill of that kind pending in a committee of the Senate, but it has not yet come over here. This building could properly be turned over to the county without affecting any educational institution that might be established there. An educational institution could hardly have any use for a jail.

Mr. MANN. In fact, when we grant land to a State for school purposes and it happens to be in a forest reservation, they avail of the right to exchange it, and then they sell the forest land for as high as $10 an acre and make a profit out of the Government. Nobody ever attempts apparently, in relations between the States and the Federal Government, to protect the financial interests of the Federal Government. The States and counties think if the Government owns any land that it is not using they have the right to it. I do not. [Applause.]

Mr. PRAY. I will say to the gentleman that the Government will not lose anything by turning over the jail and fixtures to this county. It is of no use or value to the Government. There are many precedents for a measure of this kind. The gentleman knows that heretofore, on the admission of new States into the Union, Federal buildings have been turned over to the newly organized counties, and I see no reason why the same thing should not be done in this case.

Mr. MANN. I think the gentleman had better present a reasonable proposition.

Mr. PRAY. I hope the gentleman from Illinois will not object to this bill. The jail and fixtures are worth nothing where they are and could now be utilized by this new county. Even if the Government retains the jail it can get nothing out of it.

Mr. MANN. One thing is certain, and that is that the Government can not lose anything by our not passing the bill.

Mr. BUTLER. How long ago did the Government abandon this property?

Mr. PRAY. The fort was abandoned last November, and the buildings, so I am informed, are not very well taken care of. I can see no good reason why a little matter of this kind should not be allowed to pass. We have precedents for it. It has been done before a number of times.

Mr. MANN. There is full authority for the disposition of all of these lands under existing law, and I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The bill will be stricken from the calendar.

PATENTS TO ALLOTMENTS ON WHITE EARTH RESERVATION IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20739) providing for the issue of patents to allotments on White Earth Reservation in certain uncontested cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the expiration of 90 days from and after the passage of this act the Secretary of the Interior shall cause to be issued fee-simple patents in the name of the allottee for any land within the White Earth Reservation, in Mahnomen, Becker, or Clearwater Counties, in the State of Minnesota, upon presentation of the certificate of the register of deeds of the county where the land is situated showing that such land has been conveyed by deed, or encumbered by way of mortgage executed by the allottee prior to January 1, 1912, and in case of the death of the allottee by his heirs at law or legal representatives; and that no notice of lis pendens on behalf of the United States, or the allottee, has been filed against such land, or, if filed, that it has been discharged, which certificate shall be brought down to a date at least 90 days subsequent to the passage of this act, and when issued the Secretary of the Interior shall transmit such patents to the register of deeds of the county where the land is situated by registered mail, which shall be deemed a delivery thereof.

With the following committee amendment:

That from and after the passage of this act the status of the lands heretofore or hereafter allotted to the Chippewa Indians on the White Earth Indian Reservation, in the State of Minnesota, as regards restrictions on alienation or incumbrance, shall be as follows: All lands of adult Indians enrolled upon the rolls herein provided for as mixed bloods having no more than one-half or less than one-half Indian blood shall be free from all restrictions. All other allotted lands shall be restricted and not subject to alienation, contract to sell, power of attorney, or other incumbrance by the allottee prior to July 1, 1933, except that Indians enrolled on said rolls as of more than half and not over three-quarters Indian blood who have allotments in area exceeding 80 acres may designate in writing, executed, witnessed, and acknowledged as a deed, 80 acres as a homestead, and file the same in duplicate with the Indian agent and the register of deeds of the proper county, and after such designation all restrictions as to alienation by the allottee shall be wholly removed as to the surplus lands over and above the 80 acres so designated. The Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions heretofore removed in cases where conveyances have heretofore been made.

SEC. 2. That within six months from the date of the passage of this act a complete roll of persons to whom allotments have heretofore been made, or may hereafter be made, on the White Earth Indian Reservation, in the State of Minnesota, shall be made under the direction of the Court of Claims. Such roll shall show the allotment number or numbers, the name, age, sex, and quantum of Indian blood of each allottee, and when completed and approved by said court shall be conclusive as to the facts therein shown in so far as such facts affect or determine the right or power of such allottees to hereafter alienate, convey, or otherwise dispose of their allotted or inherited lands on said reservation: *Provided*, That where an Indian is found to have less than one-half Indian blood the exact quantum of Indian blood need not be ascertained, but such Indian shall be enrolled under the heading "Less than one-half Indian blood." And for the purpose of carrying this section into effect the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That upon the expiration of six months from and after the passage of this act the Secretary of the Interior shall cause to be issued fee-simple patents in the name of the allottee for any land within the White Earth Indian Reservation, in Mahnomen, Becker, or Clearwater Counties, in the State of Minnesota, upon presentation of the certificate of the register of deeds of the county where the land is situated, showing that such land, or any interest therein, has been conveyed by warranty deed or quitclaim deed, or encumbered by way of mortgage executed by the allottee prior to January 1, 1912, and in case of the death of the allottee by his heirs at law or legal representatives; and that no notice of lis pendens on behalf of the United States or the allottee has been filed against such land, or if filed that it has been discharged, which certificate shall be brought down to a date at least six months subsequent to the passage of this act, and when issued the Secretary of the Interior shall transmit such patents to the register of deeds of the county where the land is situated by registered mail, which shall be deemed a delivery thereof.

SEC. 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. GRAHAM. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] reserves the right to object.

Mr. STEPHENS of Texas. Mr. Speaker, this is a bill introduced, I believe, by the gentleman from Minnesota [Mr. STEENERSON], and he can explain the bill better than I can. I yield to him.

Mr. STEENERSON. Mr. Speaker, as will be observed, the original bill was what is embraced in section 3 of the substitute.

Mr. GRAHAM. Will the gentleman yield for a question or two?

Mr. STEENERSON. Yes.

Mr. GRAHAM. The bill now reported is really a substitute for a former bill?

Mr. STEENERSON. A substitute reported from the Committee on Indian Affairs.

Mr. GRAHAM. Has the substitute been referred to the Interior Department for a report?

Mr. STEENERSON. As I understand it, the substitute is the result of a letter written by the Assistant Secretary of the Interior, by direction of the President, requesting the repeal of the so-called Clapp amendment of 1906, removing restrictions upon alienation by adult mixed-blood Indians on White Earth Reservation.

Mr. GRAHAM. Is there any report from the Secretary of the Interior on the substitute, or on the original bill, for that matter?

Mr. STEENERSON. The only communication is a letter from Assistant Secretary Adams, requesting the repeal of the Clapp amendment, and this is a partial repeal. This repeals the Clapp amendment in part. The chairman of the Committee on Indian Affairs, the gentleman from Texas [Mr. STEPHENS], introduced a bill pursuant to a letter from Assistant Secretary of the Interior, Mr. Adams, requesting the repeal of the Clapp amendment. That was brought in before the committee. I understand the subcommittee—and I am not a member of the committee—deliberated whether they would repeal the Clapp amendment in whole or in part, and the result of their deliberation was that they have in this bill repealed it in part. They could not very well reimpose restrictions upon those who had been released. Of course it will be effective as to those who become of age hereafter.

Mr. GRAHAM. But no report of the Secretary of the Interior accompanied the bill or is referred to by the committee.

Mr. STEENERSON. There could be no such report, when they were acting on the initiative of the Secretary of the Interior.

Mr. CARLIN. In view of the fact that the gentleman from Illinois [Mr. GRAHAM] is going to object, I demand the regular order.

The SPEAKER. Does the gentleman from Illinois object?

Mr. GRAHAM. I reserved the right to object, subject to the explanation of the gentleman from Minnesota [Mr. STEENERSON]; but I would like to ask, further, if the repeal of the Clapp Act is contained in section 4 of the amended bill?

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. GRAHAM. I object.

The SPEAKER. The bill will be stricken from the Calendar for Unanimous Consent.

MANEUVER CAMP NEAR ANNISTON, ALA.

The next business on the Calendar for Unanimous Consent was House joint resolution 322, authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

The joint resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. BLACKMON. Mr. Speaker, I ask unanimous consent that this resolution be passed without prejudice.

The SPEAKER. The gentleman from Alabama asks that this resolution be passed without prejudice. Is there objection?

There was no objection.

ZUNI NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture, for the purpose of increasing the area of the timberland included within the Zuni National Forest by the addition thereto of certain privately owned timberland lying within the exterior limits of the said national forest, be, and the same is hereby, authorized and empowered, in his discretion, in behalf of the United States, to enter and to consummate contracts for the exchange of timber on any national forest in New Mexico for privately owned timberlands embracing in the odd-numbered sections of township 11 north, range 12 west, New Mexico principal meridian, which are now within the exterior limits of the Zuni National Forest, New Mexico: *Provided*, That such exchange shall be made under the following conditions: The saw timber on such private lands shall be exchanged for the saw timber on such national forest lands, thousand feet for thousand feet; cordwood and posts from piñon and cedar on such private lands shall, after estimate and appraisal by forest officers, be exchanged for an equivalent value of national forest timber at an appraisal of not less than $2.50 per thousand feet board measure; and the privately owned land at a valuation of not more than 62½ cents per acre shall be exchanged for an equivalent value of national forest timber at an appraisal of not less than $2.50 per thousand feet board measure: *Provided further*, That the national forest timber to be so exchanged shall be cut under the rules and regulations promulgated by the Secretary of Agriculture for the cutting of timber on the national forests, and that the time within which such timber shall be removed shall be determined by the said Secretary of Agriculture: *And provided further*, That upon the consummation of

such exchange the land deeded to the United States thereunder shall forthwith become and thereafter continue to be national forest land to all intents and purposes as if such land had been duly withdrawn by the proclamation which placed the contiguous land under the jurisdiction of the Secretary of Agriculture for forest purposes.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this bill proposes to make an exchange of timber for timber and timberlands. It looks to me like a reasonable proposition. As I understand, the proposition is to exchange timber which the Government now has within the Pecos National Forest. The bill provides for the exchange of timber on any national forest in New Mexico. Would the gentleman be willing to agree to an amendment, on page 1, line 10, to strike out the words "on any" and insert the words "within the Pecos," so as to confine the matter of exchange to timber within the Pecos National Forest?

Mr. FERGUSSON. Yes. I understand the object is to exchange the timber in the Pecos National Forest for timber and lands within the exterior limits of the Zuni National Forest. The land within the Zuni National Forest is railroad land, the Government having the alternate sections. The object of this bill from the Government standpoint is to permit the exchange of the timber on the Pecos National Forest for this railroad-owned land that has been bought by a private party, so that the Zuni National Forest may be consolidated. At both ends it is for the interest of the Government.

Mr. MANN. And, as I understand, for the further reason that the timber in both forests is ripe.

Mr. FERGUSSON. Yes.

Mr. MANN. Unless it is cut now, it probably could not be sold advantageously for a good while to come.

Mr. FERGUSSON. That is especially true of the Pecos Reserve, for this reason: It is away up in the mountains. The dead and fallen timber on the Pecos Reserve can be exchanged now for this land and timber on the Zuni Forest, because just north of the Pecos Forest is a private Mexican land grant which is owned by private parties, on which they have a mill now sawing ties. They have also a method of getting the ties out by floating them down the Rio Grande, at a good deal of expense. If that mill goes away before this exchange is consummated, then the Government will have great difficulty in getting rid of the dead and fallen timber, and, of course, in removing the danger from forest fires.

The SPEAKER. Is there objection?

There was no objection.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, on page 1, line 10, by striking out the words "on any" and inserting the words "within the Pecos."

The SPEAKER. The question will first be taken on the committee amendments. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 9, strike out the words "enter and to consummate contracts for the."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 1, line 10, strike out the word "of" after the word "exchange."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 17, after the word "measure," insert the following: "*Provided*, That the Attorney General of the United States shall first pass upon the title of the privately owned land to be exchanged under the provisions of this bill."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, lines 1 and 2, strike out the words "upon the consummation of such exchange."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, line 3, strike out the word "thereunder" and insert the words "under the provisions of this act."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Strike out the language in lines 4 to 8, inclusive, reading as follows: "and thereafter continue to be national forest land to all intents and purposes as if such land had been duly withdrawn by the proclamation which placed the contiguous land under the jurisdiction of the Secretary of Agriculture for forest purposes," and insert in lieu thereof the words "a part of the Zuni National Forest."

The committee amendment was agreed to.

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Page 1, line 10, strike out the words "on any" and insert in lieu thereof the words "within the Pecos."

The amendment was agreed to.

The amended bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERGUSSON, a motion to reconsider the last vote was laid on the table.

AMERICAN ACADEMY IN ROME.

The next business on the Calendar for Unanimous Consent was the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the American Academy in Rome incorporated by the act of Congress approved March 3, 1905, may by a resolution of its board of trustees enlarge its purposes so as to include the study and investigation of the archæology, literature, and history of the classical and later periods; and that the said corporation may take and hold real and personal property to an amount not exceeding $3,000,000.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I reserve the right to object.

Mr. SLAYDEN. Mr. Speaker, this bill proposes to amend the charter granted by Congress in March, 1905, to the American Academy in Rome, which is a corporation that has for its purpose the training of American students in the art of painting, sculpture, and architecture, as well as in the study of archæology.

Mr. MADDEN. Let me ask the gentleman, does this bill authorize the ownership of real estate in this country to the extent of $3,000,000?

Mr. SLAYDEN. I must confess that I never read the charter granted in 1905. I dare say I was in the House and ought to be familiar with it, but I am not. Their office is in Washington, but the academy is in Rome. It had endowments given it shortly after the charter was granted amounting approximately to $800,000. Then Mr. McKim, the New York architect, made them a considerable bequest, and other subscriptions were given them that brought it up to somewhat more than they were authorized to hold. Within the last few months a lady residing in Rome has willed to the academy her villa, estimated to be worth between $200,000 and $300,000. They can not receive it and hold it under the charter, because it will carry the value of their holdings above the legal limit.

Mr. MADDEN. This provision in the bill which authorizes them to acquire real estate to the value of $3,000,000 is to enable them to take this title, is it?

Mr. SLAYDEN. Title to that property and other bequests that may be made. It is proposed by the friends of the late Frank Millet, whom many Members of the House knew as a great artist and a thoroughly high-class American citizen, to raise a fund of $100,000 as a memorial to him. He lost his life, as Members may remember, on the *Titanic*. The income from these endowments is expended in the way of scholarships for American students, to support the poor young men while studying art in Rome. That is the sole purpose of the endowment. This institution can not accept what is to be given it unless the charter is amended in the way proposed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RESIGNATION FROM THE JUDICIARY COMMITTEE.

The SPEAKER. The Chair desires to lay before the House a matter of routine business.

The Clerk read as follows:

WASHINGTON, D. C., *June 3, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby resign as a member of the Committee on the Judiciary.

Yours, very respectfully, ROBERT L. HENRY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE OF ABSENCE.

Mr. WICKLIFFE, by unanimous consent, was given leave of absence for 10 days, on account of important business.

SALE OF LAND IN FOREST GROVE, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18504) to provide for the sale of fractional

block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, and to convey by patent in fee simple to the purchaser the fractional block No. 6, as designated and numbered on the recorded plat of Naylor's addition to the town of Forest Grove, Oreg.: *Provided*, That N. R. Wells, who has been occupying the tract, be permitted to remove the improvements made thereon by him and his family prior to the date fixed for the sale hereunder, and that the proceeds of sale be used for the benefit of the Salem Indian School.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether the department has not now authority under existing law to sell the land?

Mr. HAWLEY. It has the authority to sell the land, but is not authorized to make the arrangement with Mr. Wells, which fair play seems to indicate.

Mr. MANN. What element of fair play is it which seems to indicate that where the Government owns a piece of property and a man deliberately moves a building upon it without any authority whatever the Government shall sell him the land in order to carry out a fair-play proposition?

Mr. HAWLEY. This land was originally purchased by the Government for the purpose of establishing and maintaining an Indian school.

Mr. MANN. And was used for that purpose.

Mr. HAWLEY. For one year. The school was then moved to Salem, Oreg. When they removed the school they had some buildings on the land, and in order to care for what property they had on the premises they requested Mr. Wells to act as caretaker and gave him authority to move this building on the land. He has remained there and cared for the buildings of the Government during that time. The Government having no use for the land, desires to sell it, and the city desires to have the land subject to taxation, and so this proposition is made. Since the Government allowed him to move the building upon the land he has cared for all of the property without compensation, and it seems to me he ought to have the privilege of removing the building, that is less than $200 in value.

Mr. MANN. I do not find anywhere in the report that the Government permitted this man to move his building onto this land. My friend from Oregon says since the man has taken care of the lot for all these years, therefore we ought to do something for him. What is the fact? This was a vacant lot; it did not require or need to be taken care of. The man moved his house onto it, did not have to pay rent, did not pay taxes, did not pay anything, got the use of it for nothing, and then supposes that we ought to pay him for taking care of the lot which would have taken care of itself.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order. The regular order is, Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. Is the gentleman from Virginia going to insist upon my declaring now whether I object or not?

Mr. CARLIN. Mr. Speaker, if the gentleman intends to object, I shall insist upon the regular order; if he does not intend to object, I shall let him go on as long as he desires.

Mr. MANN. I shall not declare my intentions until I know what the gentleman from Virginia is going to do.

Mr. CARLIN. Then, Mr. Speaker, I demand the regular order.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

ADJOURNMENT.

Mr. HARDWICK. Mr. Speaker, I move that the House do now adjourn.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, June 4, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a communication from the Acting Secretary of Agriculture submitting an estimate of reappropriation for inclusion in the general deficiency bill (H. Doc. No. 783); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Department of Commerce and Labor, giving views on H. R. 21220, in response to inquiry of the chairman of the Committee on Immigration and Naturalization (H. Doc. No. 784); to the Committee on Immigration and Naturalization and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior for reappropriation in sundry civil bill for examinations into the water supply of San Francisco (H. Doc. No. 785); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior submitting an estimate of appropriation for the acquisition of lands for the enlargement of the Capitol grounds (H. Doc. No. 786); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce and Labor submitting estimate of appropriation to replace the lighthouse tender *Armeria* (H. Doc. No. 787); to the Committee on Appropriations and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Joseph Fornance, executor of the estate of James Fornance, deceased, *v.* The United States (H. Doc. No. 788); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hamilton Trust Co., of Brooklyn, N. Y., executor of Loomis Lyman Langdon, deceased, *v.* The United States (H. Doc. No. 793); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Clifford H. Frost and Frank B. McAllister, trustees under the will of the estate of Zealous B. Tower, deceased, *v.* The United States (H. Doc. No. 790); to the Committee on War Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha R. Hitchcock, widow and executrix of Ethan Allen Hitchcock, deceased, *v.* The United States (H. Doc. No. 791); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Oliver D. Greene, administrator of the estate of Oliver D. Greene, deceased, *v.* The United States (H. Doc. No. 792); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the Union Trust Co., administrator of estate of Thomas Murray Tolman, deceased, *v.* The United States (H. Doc. No. 789); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Louis J. Garesché, administrator of J. P. Garesché, deceased, *v.* The United States (H. Doc. No. 794); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Frank H. Phipps *v.* The United States (H. Doc. No. 795); to the Committee on War Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James W. Scully *v.* The United States (H. Doc. No. 796); to the Committee on War Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin D. Critchlow *v.* The United States (H. Doc. No. 797); to the Committee on War Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George Lemuel Turner *v.* The United States (H. Doc. No. 799); to the Committee on War Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Maria T. Knox, administrator of George T. Balch, deceased, *v.* The United States (H. Doc. No. 798); to the Committee on War Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case

of J. Nelson Caldwell, administrator of the estate of J. N. Caldwell, deceased, v. The United States (H. Doc. No. 800); to the Committee on War Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Henry Catley v The United States (H. Doc. No. 801); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George H. Chadeayne, ancillary executor of Joseph H. McArthur, deceased, v. The United States (H. Doc. No. 802); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Simon Lyon, administrator of the estate of John A. Campbell, deceased, v. The United States (H. Doc. No. 803); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John M. Wilson v. The United States (H. Doc. No. 804); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Isabella H. Silvey, widow of William Silvey, deceased, v. The United States (H. Doc. No. 805); to the Committee on War Claims and ordered to be printed.

24. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lizzie F. Remington, executrix of Philip Halsey Remington, deceased, v. The United States (H. Doc. No. 806); to the Committee on War Claims and ordered to be printed.

25. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William L. Marshall v. The United States (H. Doc. No. 807); to the Committee on War Claims and ordered to be printed.

26. A letter from the Secretary of War, transmitting copy of House Document No. 1110, Sixty-first Congress, third session, regarding an abandoned cemetery in Bucks County, Pa., known as the China or White Hall Cemetery (H. Doc. No. 808); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 4445) concerning unrigged vessels, reported the same with amendment, accompanied by a report (No. 823), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 6977) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 822), which said bill and report were referred to the Private Calendar.

Mr. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 20124) for the relief of E. Rosenwald & Bro., reported the same without amendment, accompanied by a report (No. 824), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14593) authorizing the President to reinstate Charles Lewis Clifford as a midshipman in the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 825), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred House bill 15207, reported in lieu thereof a resolution (H. Res. 567) referring to the Court of Claims the papers in the case of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, accompanied by a report (No. 827), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17123, reported in lieu thereof a resolution (H. Res. 568) referring to the Court of Claims the papers in the case of Fred Fox, jr., accompanied by a report (No. 828), which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 25065) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25066) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 25067) providing for the sale of restricted surplus allotments of the Choctaw and Chickasaw Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 25068) providing for the sale of restricted surplus allotments of the Choctaw and Chickasaw Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. FITZGERALD: A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. RUSSELL: A bill (H. R. 25070) for the acquisition of a site and the erection of a building thereon at Sikeston, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25071) for the acquisition of a site and the erection of a building thereon at Westplains, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. DENT: A bill (H. R. 25072) to establish a subport of entry and delivery at Montgomery, in the State of Alabama; to the Committee on Ways and Means.

By Mr. McKINNEY: A bill (H. R. 25073) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25074) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same, and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; to the Committee on the Library.

By Mr. COPLEY: A bill (H. R. 25075) making an appropriation for the improvement of Fox River, Ill.; to the Committee on Rivers and Harbors.

By Mr. ALEXANDER: A bill (H. R. 25076) to promote the safety of ocean navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. LLOYD: A bill (H. R. 25077) providing for the purchase of a site and the erection thereon of a public building at Unionville, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 25078) for the protection of fraternities; to the Committee on the Judiciary.

By Mr. GUERNSEY: A bill (H. R. 25079) for the establishment of a national park and acquiring national forests in the Mount Katahdin region of the State of Maine; to the Committee on Agriculture.

By Mr. LINDBERGH: Resolution (H. Res. 564) providing for the appointment of a committee to investigate the personal conditions and the property rights of the Mississippi Chippewa Indians; to the Committee on Rules.

By Mr. BELL of Georgia: Resolution (H. Res. 565) to pay Charles L. Williams and Marshall Pickering, special messengers, $1,200 per annum each; to the Committee on Accounts.

By Mr. AKIN of New York: Resolution (H. Res. 566) authorizing the appointment of a committee to investigate the conduct of the Assistant Attorney General of the Post Office Department in withholding mail matter of a Member of the House of Representatives; to the Committee on Rules.

By Mr. DICKINSON: Resolution (H. Res. 567) referring the bill (H. R. 15207) for the relief of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, deceased, to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 568) referring the bill (H. R. 17123) for the relief of Fred Fox, jr., to the Court of Claims; to the Committee of the Whole House.

By Mr. CULLOP: Joint resolution (H. J. Res. 324) proposing an amendment to the Constitution of the United States providing for the election of all public officers by the qualified electors of the several States and the respective districts thereof, other than the members of the President's Cabinet, ambassadors, ministers plenipotentiary, and consuls, and fixing their terms of office; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEWIS: A bill (H. R. 25064) for the relief of the vestry of St. Peter's Parish, in Montgomery County, Md., a corporation; to the Committee on War Claims.

By Mr. CARTER: A bill (H. R. 25080) granting an increase of pension to Ellie A. Hill; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25081) granting a pension to Alberta W. K. Brown; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25082) granting a pension to James Kelley; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25083) granting a pension to Oscar W. Davis; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 25084) granting a pension to Lurena A. White; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 25085) granting an increase of pension to Thomas Clark; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25086) granting a pension to Samuel F. Webb; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 25087) granting a pension to Frazier Ward; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25088) granting an increase of pension to Patrick F. Heenan; to the Committee on Pensions.

By Mr. McDERMOTT: A bill (H. R. 25089) granting a pension to Joseph Mulholland; to the Committee on Pensions.

Also, a bill (H. R. 25090) granting a pension to Edward A. Mueller; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 25091) granting an increase of pension to Thomas Campbell; to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 25092) granting a pension to Augustus B. P. Palmer; to the Committee on Pensions.

By Mr. NEELEY: A bill (H. R. 25093) granting an increase of pension to Anderson R. Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25094) to remove the charge of desertion from the record of William T. Adams; to the Committee on Military Affairs.

Also, a bill (H. R. 25095) authorizing the issuance of a patent to the NW. ¼ sec. 27, T. 17 S., R. 40 W., Dodge City (Kans.) land district, to George H. Lowrey; to the Committee on the Public Lands.

By Mr. PARRAN: A bill (H. R. 25096) granting a pension to Genoa Harrison Eakle; to the Committee on Pensions.

By Mr. PEPPER: A bill (H. R. 25097) granting a pension to Susan F. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25098) granting a pension to Albert S. Allen; to the Committee on Pensions.

By Mr. SPEER: A bill (H. R. 25099) granting a pension to Bell B. Orr; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25100) granting an increase of pension to Thomas F. Gher; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 25101) granting an increase of pension to Albert Foraker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of S. & Stan Kostka, No. 440, Chicago, Ill.; St. Joseph Society, No. 25, Erie, Pa.; St. Stanislaus M. B., No. 244, Philadelphia, Pa.; Polish, Ruthenian, and Lithuanian American citizens, Scranton, Pa.; Workmen's Sick and Death Benefit Fund of the United States of America; Latt Albet Surajdy Society, No. 74, Manistee, Mich.; and A. Hamsans Society, No. 21, Alpena, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the American Association of Masters and Pilots, of St. Louis, favoring passage of House bill 23676; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Lodge No. 21, Firemen and Enginemen, of St. Louis, Mo., protesting against the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of 37 citizens of St. Louis, Mo., protesting against increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the Daughters of Liberty, Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Labor Council of Greater New York, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against the passage of the Richardson drug bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce and the Nineteen hundred and twenty Club, Augusta, Ga., favoring investigation of the fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Theodore Metzeler, New York, protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of O. H. A. Milham, Brooklyn, N. Y., protesting against bill exempting labor unions from the Sherman anti-trust law; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of citizens of the eleventh congressional district of Illinois, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the eleventh congressional district of Illinois, favoring Government regulation of express companies; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Joliet, State of Illinois, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CURLEY: Resolutions of Boston Typographical Union, of Boston, Mass., against the lowering of the coinage unit; to the Committee on Banking and Currency.

Also, petition of the United States Civil Service Retirement Association, against passage of the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, resolutions of the Manila Merchants' Association, of Manila, P. I., favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, resolution of Chicago citizens, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Associated Charities of Boston, Mass., and the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DIFENDERFER: Petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Manila Merchants' Association, protesting against further sale of the Philippine friar lands; to the Committee on Insular Affairs.

By Mr. DANIEL A. DRISCOLL: Petition of Niagara Lodge, No. 148, and United States Grand Lodge, Order B'rith Abraham, Buffalo, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of American Exporter, of New York, favoring passage of House bill 20044, for the improvement of the foreign service; to the Committee on Foreign Affairs.

Also, petition of the Manila Merchants' Association, of Manila, P. I., against sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Medical Department of the Alumni Association of St. Louis University, favoring passage of the Owen bill (H. R. 11724); to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for the relief of Patrick Burke; to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Manila Merchants' Association, protesting against sale of the Philippine friar lands; to the Committee on Insular Affairs.

By Mr. FULLER: Petition of the American Vigilance Association favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of Swedish Baptist Church, Rockford, Ill., favoring passage of the Kenyon-Sheppard Interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Jerome Romme, San Antonio, Tex., and Oscar Dunlap, South Bend, Wash., favoring passage of House bill 1339 for increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also petition of the Rockford Manufacturing and Shippers' Association, Rockford, Ill., favoring passage of Senate bill 6810, relating to bills of lading in commerce with foreign nations and among the several States; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Resolutions of First Bohorschaner Lodge, No. 463, and Eolvos Lodge, No. 4, Independent Order B'rith Abraham, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Los Angeles Chamber of Commerce, Los Angeles, Cal.; the New York State Chamber of Commerce; the board of trustees of the Toledo Chamber of Commerce, of Toledo, Ohio; and the Merchants' Exchange of St. Louis, Mo., favoring provision for mental examination of immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the National Lumber Manufacturers' Association, relative to control of floods in the Mississippi River and its tributaries and immediate relief; to the Committee on Rivers and Harbors.

Also, petition of the Retail Cutlers' Association of New York and vicinity, against use of trading stamps and coupons; to the Committee on Ways and Means.

Also, petition of the Wisner Manufacturing Co., of New York City, N. Y., favoring lowering of letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Committee of Wholesale Grocers, of New York City, N. Y., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of John G. Klein & Co., of New York City, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, petition of William Rahr Sons & Co., of Manitowoc, Wis., favoring passage of House bill 17222, relative to shipping unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Long Island Game Protective Association, of New York City, favoring passage of the McLean-Weeks bill (S. 6497) for Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. GOULD: Petition of citizens of Bar Harbor, favoring passage of House bill 19133, creating a postal-express system; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of R. E. Butler, A. W. Sclewcler, and A. H. Nudgley, San Francisco, Cal., relative to the passage of the Stephens-Gould net-weight bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Martha Washington Council, No. 2, and other members of Daughters of Liberty, San Francisco, Cal., and of the Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Rosenblatt Co., San Francisco, Cal., protesting against passage of the Works bill relative to establishment of a license law for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Waterhouse & Lester Co., San Francisco, Cal., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., favoring continuance of the Efficiency Commission in the administration of the Federal Government; to the Committee on Appropriations.

By Mr. LEVY: Petition of Joseph Isaacs, of New York City, against passage of bills proposing change in present patent law; to the Committee on Patents.

Also, petitions of the Prospect Heights Citizens' Association and the Manufacturers' Association, of Brooklyn, N. Y., favoring passage of the Page bill, known as the vocational education bill; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the American Exporter, New York, relative to the improvement of the United States Consular and Diplomatic Service; to the Committee on Foreign Affairs.

Also, petition of the Manila Merchants' Association, protesting against the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MALBY: Resolution of Joel Lodge, No. 118, Independent Order B'nai B'rith, of Plattsburg, N. Y., against passage of Senate bill 3175 and House bill 22517; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petition of Brass Workers Local Union, No. 189, Newark, N. J., favoring the prohibiting of the use of the stop-watch system; to the Committee on Labor.

Also, petition of the United States Civil Service Retirement Association, Newark, N. J., favoring pensioning all Government employees who have served for 20 years or more; to the Committee on Reform in the Civil Service.

Also, petition of the National Jeweler's Board of Trade, New York, protesting against any legislation that would affect price maintenance; to the Committee on Patents.

Also, petition of New Jersey Lodge, No. 38, Independent Order B'rith Abraham, Newark, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, Harrisburg, Pa., and General Putnam Council, No. 137, Junior Order United American Mechanics, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of American Yeoman, Des Moines, Iowa, relative to the Dodds amendment to an appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Sociological Congress, Nashville, Tenn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MOTT: Resolutions of State Council of Pennsylvania, Order of Independent Americans, favoring passage of the Dillingham bill, restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Manila Merchants' Association, of Manila, P. I., favoring the sale of the friar lands; to the Committee on Insular Affairs.

Also, petition of the Hannibal (N. Y.) Board of Education, favoring passage of bill relative to agricultural school; to the Committee on Agriculture.

Also, resolutions of the United States Civil Service Association, against the five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. PARRAN: Petition of 20 citizens, members of Patapsco Council, No. 58, Junior Order United American Mechanics, favoring passage of bills providing for restrictions of immigration and the illiteracy test; to the Committee on Immigration and Naturalization.

Also, petition of 23 citizens of Hughesville, Charles County, Md., members of the Society of Friends, against passage of the Warren bill, to promote rifle practice in the public schools of the United States; to the Committee on Military Affairs.

By Mr. REYBURN: Petition of State Council of Pennsylvania, Order Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of State council of Pennsylvania, Order Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of Atlantic Council, No. 154, Junior Order United American Mechanics, Point Pleasant, N. J.; the Brotherhood of Locomotive Engineers at Harrisburg, Pa.; the Daughters of Liberty of Ridgefield, South Amboy, and Asbury Park, N. J.; and the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Civil Service Reform League, against section 5 of the legislative, executive, and judicial appropriation bill (H. R. 24023), against the five-year tenure of office; to the Committee on Appropriations.

Also, resolutions of the Richmond Chamber of Commerce, of Richmond, Va., and the New Jersey bankers, favoring sound banking and currency reform; to the Committee on Banking and Currency.

Also, petition of the Atlantic City Turnverein, of Atlantic City, N. J., against passage of interstate liquor bills; to the Committee on the Judiciary.

Also, petition of the American Mining Congress, favoring passage of House bill 17200, providing a new organic act for the Bureau of Mines; to the Committee on Mines and Mining.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bills, proposing change in patent laws; to the Committee on Patents.

By Mr. SULZER: Petition of the Central Federated Union, New York, favoring increase of the scale of wages in the Government Printing Department; to the Committee on Appropriations.

Also, petition of the Advertising Men's League (Inc.) of New York City, favoring the printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Stern-Kaitzenstein Co., New York, and A. L. Shakman, New York, N. Y., favoring passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, relative to the Fifth International Congress of Chambers of Commerce; to the Committee on Foreign Affairs.

Also, petition of the Lackawanna Steel Co., New York, and the Labor Council of Greater New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalizaton.

By Mr. THISTLEWOOD: Petition of citizens of Coulterville, Ill., against passage of the Oldfield and Brown bill, proposing change in patent laws; to the Committee on Patents.

By Mr. TILSON: Petition of the Bridgeport (Conn.) Branch of the United States Civil Service Retirement Association, against the provision in House bill 24023; limiting the term of office in the civil service to five years; to the Committee on Appropriations.

Also, petition of the New Haven Chamber of Commerce, of New Haven, Conn., favoring passage of House bill 19227, to provide for the permanent exhibit of the resources of the States in the Union in or near Washington, D. C.; to the Committee on the Judiciary.

Also, petition of the New Haven Chamber of Commerce, New Haven, Conn., favoring continuance of the Director of Consular Service and the Division of Information; to the Committee on Expenditures in the State Department.

By Mr. WILSON of New York: Resolutions of the Manila Merchants' Association, of Manila, P. I., favoring passage of bill to dispose of Philippine friar lands; to the Committee on Insular Affars.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Labor Council of Greater New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *June 4, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Lord, our heavenly Father, who by Thy holy word hast promised that Thou wilt in no wise leave us nor forsake us, and that Thou wilt be with us in the time of trouble, look with compassion upon us, we pray Thee, as we stand before Thee, with hearts pained and saddened. Our hearts are saddened by the loss of the Member of this Congress so suddenly called from the labors of earth; and we are sore pained for the Member of this body, our fellow-laborer, who this hour lies hovering between life and death. Be nigh unto him, we pray Thee, and comfort him with Thy presence. If it be Thy will, send forth Thy healing Spirit and restore him to life and strength, that again he may share the counsels and deliberations of the Senate.

And unto Thee, our Father, whose we are, living or dying, will we render praise now and for evermore. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

PENSION APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact and conclusion and opinion filed by the court in the cause of R. L. Garber, administrator of the estate of James Rhodes, deceased, *v.* The United States (S. Doc. No. 758), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Alfred C. Cassell *v.* United States (Washington, D. C., Navy Yard) (S. Doc. No. 757); and

Hannah McCray, widow of John McCray, deceased, James H. Macon, sr., *v.* United States (Pensacola Navy Yard) (S. Doc. No. 756).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports;

S. 4791. An act authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho;

S. 6508. An act to exempt from cancellation certain desert-land entries in Chuckawalla Valley, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

The message also announced that the House had passed the following bills and joint resolution, each with an amendment, in which it requested the concurrence of the Senate:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909;

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910;

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The message further announced that the House had passed the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate.

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes;

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 20684. An act providing for the sale of the Lemhi School and Agency land and lands on the former Lemhi Reservation, in the State of Idaho;

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers;

H. R. 23470. An act to protect American trade and American shipping from domestic and foreign monopolies;

H. R. 23799. An act to amend "An act to authorize the Dolphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands;

H. R. 24026. An act to incorporate the Naval History Society; and

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.

The message further informed the Senate that Mr. DAVIDSON had been appointed a member of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, vice Mr. LAWRENCE, excused.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of the executive committee of the Illinois and Chicago Civil Service Reform Associations, remonstrating against the adoption of sections 4 and 5, as proposed in the legislative appropriation bill, relative to a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented a petition of members of the Women's Guild of Grace Episcopal Church, of Cambridge, Ill., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of members of the Warren County Medical Society, of Illinois, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a memorial of members of the Evangelical Ministers' Alliance of Washington, D. C., remonstrating against intervention in Cuba by the United States, which was referred to the Committee on Cuban Relations.

Mr. GALLINGER presented the petition of W. P. Lord, of Lancaster, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Southwest Citizens' Association of the District of Columbia, praying that an appropriation be made for the construction of a modern school building in the vicinity of the Randall School in the District, which was referred to the Committee on the District of Columbia.

Mr. CATRON presented petitions of sundry citizens of Chaves County, N. Mex., praying for the enactment of legislation providing for two judicial districts for New Mexico, which were referred to the Committee on the Judiciary.

Mr. LORIMER presented a memorial of sundry citizens of Galesburg, Ill., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Local Granges, Patrons of Husbandry, of Bridgton, Union, Passadumkeag, Sheepscott, South Bridgton, Greenfield, West Bethel, and Fairfield, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Woman's Auxiliary to the Board of Missions of the Episcopal Church in the Diocese of Maine, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

Mr. CURTIS presented a petition of sundry citizens of Kansas City, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. SHIVELY presented resolutions adopted by the Federation of Labor of Fort Wayne, Ind., favoring an investigation relative to the production, transportation, and sale of coal, which were referred to the Committee on Interstate Commerce.

Mr. WILLIAMS presented a petition of sundry citizens of Jackson, Miss., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of Holland Camp, No. 38, United Spanish War Veterans, Department of Michigan, praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Charlevoix, Mich., remonstrating against the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

He also presented a petition of Benona Center Grange, No. 994, Patrons of Husbandry, of Shelby, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the German Central League of Saginaw, Mich., praying for the enactment of legislation providing for the protection of migratory game birds, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council of Grand Rapids, Mich., praying for the enactment of legislation to protect the labels and other emblems of labor organizations in the District of Columbia and the Territories, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 4675) for the relief of George W. Brown, reported it without amendment and submitted a report (No. 842) thereon.

He also, from the same committee, to which was referred the bill (H. R. 16493) to correct the military record of William Z. Norman, reported it with an amendment and submitted a report (No. 843) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 5886. A bill for the relief of Calvin G. Linville (Rept. No. 844); and

S. 3797. A bill to remove the charge of desertion from the military record of Lemon Barnes (Rept. No. 845).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 7039) for the relief of Calvin D. Cowles and others; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 7040) authorizing the Secretary of War, in his discretion, to deliver to the city of Canton, Ill., condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. LORIMER:

A bill (S. 7041) to amend the military record of William H. H. Edwards; to the Committee on Military Affairs.

A bill (S. 7042) granting an increase of pension to F. W. Chapman;

A bill (S. 7043) granting a pension to Tim McCarthy;

A bill (S. 7044) granting a pension to Ethel T. Scudamore; and

A bill (S. 7045) granting an increase of pension to William Goulding (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7046) granting an increase of pension to James Allinsworth (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7047) granting an increase of pension to George E. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. LEA:

A bill (S. 7048) for the relief of heirs or estate of L. B. Moore, deceased; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 7049) granting an increase of pension to Samuel D. Plandk; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7050) to establish a mining-experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN (for Mr. CLARKE of Arkansas) submitted an amendment relative to leasing the Arlington Hotel premises at Hot Springs, Ark., etc., intended to be proposed to the sundry civil appropriation bill (H. R. 25069), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. CULLOM submitted an amendment proposing to pay the balance due the depositors in the Freedman's Savings & Trust Co., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment relative to the transmission through the mails of publications of State boards or departments of public charities and corrections, intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

COAL LANDS IN ALASKA.

Mr. BORAH submitted two amendments intended to be proposed by him to the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, which were referred to the Committee on Public Lands and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SHIVELY submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

LOSS OF STEAMER "TITANIC."

Mr. SMITH of Michigan submitted the following resolution (S. Res. 327), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be reimbursed out of the contingent fund of the Senate an amount not to exceed $566.71 additional expenses necessarily incurred by order of the subcommittee of the Committee on Commerce in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington and care while in Washington in attendance upon said committee.

FREEDMAN'S SAVINGS AND TRUST CO (S. DOC. NO. 759).

Mr. CULLOM. I ask to have printed as a public document a statement by Rev. James L. White, a colored citizen of Washington, D. C., relative to the Freedman's Bureau and the Freedman's Bank and the balance due the depositors in the Freedman's Savings & Trust Co.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

PAY AND ALLOWANCES OF CERTAIN ARMY OFFICERS (S. DOC. NO. 760).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Cuban Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War with reference to the receipt by the three officers of the United States Army detailed for service in connection with the army of the Republic of Cuba of pay and certain allowances from the Government of Cuba.

It seems proper that these officers, who have been placed at the request of the Government of Cuba in a position where, by the nature of their official duties, they have had to incur considerable additional expense, should be authorized to receive the additional pay and allowances which the Government of Cuba has generously tendered them.

I recommend that the consent of Congress be given as requested by the Secretary of War.

WM. H. TAFT.

THE WHITE HOUSE, *June 4, 1912.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act:

On June 3, 1912:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908.

ENLARGED HOMESTEADS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, which was, on page 1, line 10, after "Arizona" to insert "California."

Mr. SMOOT. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C., which was, on page 2, in lines 7 and 8, to strike out "Fifteenth International Congress on Hygiene and Demography" and insert "American Red Cross."

Mr. GALLINGER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

RADIO COMMUNICATION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

Mr. NELSON. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Michigan, Mr. BURTON, and Mr. NEWLANDS conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 23001. An act to amend section 4472 of the Revised Statutes of the United States, relating to the carrying of dangerous articles on passenger steamers; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest; and

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho.

H. R. 17149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 23470. An act to protect American trade and American shipping from domestic and foreign monopolies was read twice by its title and referred to the Committee on the Judiciary.

H. R. 24026. An act to incorporate the Naval History Society was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, and so forth, was read twice by its title and referred to the Committee on Military Affairs.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. LEA. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Jones	Simmons
Bacon	Cummins	Kern	Smith, Ariz.
Bailey	Curtis	Lea	Smith, Ga.
Borah	Davis	Lorimer	Smith, Md.
Bourne	Dillingham	McCumber	Smith, S. C.
Bradley	du Pont	Martin, Va.	Smoot
Brandegee	Fletcher	Myers	Stephenson
Bristow	Foster	Nelson	Stone
Brown	Gallinger	Oliver	Sutherland
Bryan	Gardner	Overman	Thornton
Burnham	Gronna	Page	Tillman
Catron	Guggenheim	Perkins	Warren
Chamberlain	Heyburn	Rayner	Wetmore
Clapp	Hitchcock	Richardson	Williams
Clark, Wyo.	Johnston, Ala.	Shively	Works

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

Mr. KERN. Mr. President, I rise to address myself to Senate resolution 315. I ask that it be laid before the Senate.

The VICE PRESIDENT. The Senator from Indiana calls up the privileged matter which will be read by the Secretary.

The Secretary read Senate resolution 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, in speaking to the Senate on this question I have no purpose to indulge in rhetorical flourishes; I shall employ no words of mere ornamentation; but I shall content myself by giving to the Senate as briefly and concisely as I can my views on the single question of law presented in the case, and as plainly and as briefly as I can I shall present to the Senate the salient points in this vast volume of testimony, as I conceive them to be salient points, with the sole view of informing Senators respecting the evidence adduced at the hearings, because I know that a very large majority of the Members of this body have not had time to wade through the thousands of pages of testimony offered in the case.

Mr. President, in addressing the Senate in support of the resolution declaring vacant the seat of one of its Members because of corrupt methods and practices employed in his election, I am performing one of the most unpleasant duties ever devolving upon me in the course of my life. It has never given me pleasure, sir, to inflict pain upon my fellow men, nor by word or act to do them injury.

In the practice of my profession, which covered a period of 40 years, my voice was raised many times in defense of men charged with wrongdoing, seldom in a demand for their condemnation, and in the few cases of that kind in which I succeeded in the conviction of men charged with crime, the pride of professional victory vanished as I witnessed the downfall of the men against whom my efforts had been directed, and the lamentations of the mothers, wives, and children of such men were so distressing that, except in cases of exceptional public importance, I abandoned that field of practice altogether.

My duty here is particularly painful, because the man against whose right to a seat here is in question is a fellow Senator, representing a State adjacent to my own, a man of pleasing personality, whose private life, as I understand, has been pure and whose home life is ideal. My personal relations with him during my short stay here have been exceedingly pleasant, and I can but regard him as a genial and kindly man.

The fact that he is a Republican while in every nerve and fiber I am a Democrat does not mitigate the unpleasantness of my work, because throughout my life my dearest and most valued personal friends have been Republicans, and while I come from a State noted for the fierceness of its political conflicts I am proud to say that in that Commonwealth the people are big enough and broad enough to yield to others the same liberty of thought they claim for themselves, and when the conflicts have ended and the smoke of battle blown away they recognize in each other the same good neighbors and friends that they were before they were summoned into action.

But, sir, from the moment I accepted the responsibilities attaching to a membership on this committee of investigation I have been deeply impressed with the gravity of the case, the momentous questions involved—questions momentous alike to the Senator whose right to a seat here is involved and to nearly an hundred million people interested vitally in the perpetuity of their Government and the stability of its institutions. And it is but fair to say that I believe that every member of this investigating committee entered upon the discharge of his duties fully alive to the importance of the case and highly resolved to render fair, impartial, and patriotic service to the country.

It would be idle to say that any member of the committee was without preconceived opinions on the question submitted to them by the Senate for investigation, for it was known to the Senate, as it was known of all men, that four members of the committee had served upon the Burrows committee which had investigated the same questions, five members of the committee had voted in the Senate on those questions, and that the other three, while new members, were men who had read the published testimony and the very able arguments made in the Senate on both sides of the case—that they were men who, having so read, must have thought on the subject, and having thought, must have formed some opinion as to the merits of the controversy.

I believe, sir, that every member of that committee realized from the beginning that he was handicapped by these opinions already formed, but that all were determined that there should be a full and complete investigation—a thorough exploration of every known place where facts might possibly exist which would in any degree illuminate the questions to be investigated.

That this investigation has been complete, and of an entirely different character from that of the Burrows committee, is attested by the fact that whereas the testimony taken by that committee is contained in a single volume of 748 pages, the testimony adduced before this committee fills 8 volumes and covers 8,587 pages.

In this investigation counsel on both sides were given the widest latitude, and neither pains nor expense was spared in exploring every avenue which might possibly lead to the truth and in bringing before the committee nearly every person likely to be in possession of facts which might possibly aid in the solution of the questions before it.

Now, sir, after the conclusion of these labors there are widely divergent views amongst members of the committee, not only as to the facts proven, the weight of evidence, the credibility of witnesses, but also on the main question as to whether corrupt methods and practices were employed in this election.

Mr. President, I hesitate not to accord to my associates upon this committee, collectively and individually, the same honesty of purpose and purity of motive that I claim for myself. From my point of view it is inconceivable that from the facts proven the members constituting the majority of the committee could reach the conclusion they have announced, but I recognize the fact that my viewpoint is not theirs and that I have no right, even if I had the remotest inclination, to asperse their motives or reflect upon their honesty of purpose. So that, while in the remarks I shall make I may with earnestness and zeal endeavor to enforce my views of this case upon the Senate, I trust that no part of this address may be construed as an attempt to belittle or stigmatize the members of the committee who do not agree with me, for they are gentlemen for whom I entertained the kindliest feeling when I commenced service with them, and the long months of constant association have resulted rather in strengthening than diminishing that feeling of personal regard.

RES ADJUDICATA.

Mr. President, before proceeding to a discussion of the evidence, I desire to allude briefly to the defense of res adjudicata which was first mentioned in the presence of your committee on the very last day of the hearings in February of this year.

I do not propose to discuss this question at length, because a majority of the Members of this body are lawyers by profession and those who are not are men of affairs, not likely to be misled by this eleventh-hour technical defense.

I shall only remind the Senate that under the Constitution it is the judge of the elections, returns, and qualifications of its own Members; that acting under this authority on the 7th of June, 1911, it passed the resolution naming this committee and specifically authorizing and directing it to investigate whether corrupt methods and practices were employed in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois, and also to inquire fully into and report upon the sources and use of the alleged jack-pot fund or other fund in its relation to and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. Yes.

Mr. HEYBURN. I desire once, and only once, to interrupt the Senator for the purpose of inquiring as to the status of this investigation. I have it in mind that only the Senate concurrently elected can inquire into the regularity of the election of a Senator of that class. I do not believe that subsequent Senates may go back and repudiate or overrule the action of the Senate to which the Member was elected. Were it not that we are divided into classes, and recognizing the fact that the Senate is a continuing body, I think there would be nothing in the suggestion; but the Senator was elected together with the Members constituting one-third of this body, and that Senate investigated this matter. Now, can a new class of Senators coming in reopen that question and review the action of the Senate to which he was elected a Member?

That presents a question rather different from the question as I have heard it discussed and read; but it is worthy of consideration, because if the next class can raise the question, it might be done repeatedly. If the Senator were reelected and reelected every succeeding Senate that might be opposed to him might reopen the question. It is quite a large and material question.

Mr. KERN. Mr. President, I have always supposed that the Senate of the United States was a continuing body, and that though every Member of the body might die, the Senate would still be in existence. I had supposed, sir, that it was a continuing body, the same as a court is a continuing institution. The judge of a court may resign; the judge of a court may die; and yet the court continues and the incumbent of the office of judge continues to administer the affairs of that tribunal. But I do not propose at this time to be diverted from the line of discussion which I have mapped out.

Why did the constitutional provision clothe this body with the power to be the sole judge of the qualifications, election, and returns of its own Members? It was to the end that the Senate of the United States might always act respecting the qualifications of its Members unfettered by judicial decisions or precedents, and deal with each case according to its own merit.

Neither during the debate, sir, which preceded the adoption of the resolution, nor at the time of its adoption, was there any suggestion made by Senator LORIMER or by anyone in his behalf that the Senate had not ample power to direct a reinvestigation of his case. He tacitly acquiesced in the action of the Senate. When your committee met he appeared in person and by counsel, and was present throughout the months of investigation cross-examining all witnesses called by the committee and examining scores of witnesses in his own behalf on every possible phase of the case, not only as to matters not called to the attention of the former committee, but bearing upon all the questions investigated by that committee, and it was not until the hearings had ended that intimation was given that the power of the Senate to order, or that of the committee to make a full investigation of the questions submitted, was to be questioned.

If any members of the committee believed that the questions being investigated were res adjudicata, they were strangely reticent in not mentioning it, but, on the other hand, proceeded with an investigation at a cost of more than $50,000.

Mr. DILLINGHAM. Mr. President, may I interrupt the Senator for just a moment to set myself right?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. Yes.

Mr. DILLINGHAM. I think, if the Senator will look at the debate preceding the adoption of the resolution authorizing this investigation, he will find that I called attention specifically to the du Pont case and the report that was filed by the committee on that occasion, written by the late Senator Hoar, where he used this language:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or facts which are involved.

I will say that I called attention to such expression of views in the remarks I then made and based my contention on that ground, that it was alleged there was a large amount of newly discovered evidence. I do not want to interrupt the Senator; I merely wanted to set myself right.

Mr. KERN. Will the Senator permit me to ask him if he did not vote in favor of the reopening of this case and a reinvestigation?

Mr. DILLINGHAM. I did, and I advocated it. In doing so I placed myself upon the ground of newly discovered evidence.

Mr. KERN. But the Senator did not object to reopening the case on that or any other ground. He surely recognized the power of the Senate to reopen the case or he would not have voted in favor of its reopening.

Mr. DILLINGHAM. Will the Senator allow me one word more?

Mr. KERN. Certainly.

Mr. DILLINGHAM. I voted gladly and freely to reopen the case because, under the representations made, I thought, in view of the ground taken by a previous committee, whose views have been read, that the case ought to be reopened. I was fully conscious of the fact then, as I am now, that if there was no newly discovered evidence that would change the former action of the Senate the principle of res adjudicata ought to be applied, and thus have the matter ended. In my view of the case, not having found such evidence, I think that that doctrine should be considered and applied. I do not want to interrupt the Senator any further. I beg his pardon for having done so at all, but I did not want by implication to be placed in a wrong position.

Mr. KERN. I am glad the Senator interrupted me. I only beg to remind him that, while I have no doubt his mental processes were as he has stated, it is remarkable, if he believed the Senate had no power to do more than investigate or reinvestigate newly discovered evidence, that he voted for a resolution which commanded this committee to go out and enter upon a full and complete investigation of all the facts in the case and to report back to the Senate upon the original question that was submitted to the Burrows investigating committee in 1909.

Mr. President, if the power of the Senate under the Constitution to order the reinvestigation of a case for any reason is conceded, then this defense of res adjudicata must fail. Conceding for the moment that this proceeding is analogous to a civil action at law, the granting of a new trial, even on the sole ground of newly discovered evidence, opens up the case for a full and complete reinvestigation. And here the Senate, without reciting the reasons why, reopened the case and directed the committee to investigate the question not as to the truth of the alleged newly discovered evidence, to investigate not the question as to whether there was newly discovered evidence of such weight and character as to justify action, but to investigate the question as to whether corrupt methods or practices had been employed in Senator LORIMER's election; not to examine new evidence which might be adduced, but to hunt out, hear, and report all evidence bearing upon the subject to be investigated.

The time for a plea of former adjudication was when the Senate was considering the question as to whether the case should be reinvestigated. After acquiescing in that action—aye, taking part in that action—and, without objection or protest, taking part in the proceedings before the committee, using the process of the Government in procuring the attendance of his witnesses before the committee at public expense, it is now too late for Senator LORIMER to be permitted to urge this remarkable defense.

Mr. President, I do not know what prompted other Senators to vote for a reinvestigation of this case except as they stated the reasons for their action on the floor of the Senate, and only a few of them expressed themselves upon that question. It was not solely on account of the newly discovered evidence that I voted for this second investigation. I was very largely influenced to that action by the firm belief that the first investigation had been utterly incomplete and had failed to develop facts which must have been accessible.

I could not fail to observe that the confessions of Link, Beckemeyer, and Holstlaw had been discredited by that committee because of the claim that they had been coerced into making them by barbarous methods alleged to have been employed by the prosecuting officers of Cook and Sangamon Counties, and yet these prosecuting officers were not permitted to come before

the committee and refute these charges, as they have done in this investigation. Although one of the chief offenders, as alleged, the distinguished and able prosecuting attorney of Cook County, Ill., was before the Burrows committee he was not asked a single question on the subject of the coercion of these men.

This case, sir, largely turns upon that proposition. The confessions of Beckemeyer and Holstlaw and Link were repudiated by the Senate, in speeches made on the floor of this body, for the sole reason that they had been coerced into making them by methods intolerable in a civilized country. And yet, sir, the prosecuting officers charged with the employment of these methods were not asked a word on the subject as to whether or not the charges were well grounded.

I might cite numerous other instances of the failure of that committee to investigate important questions which of necessity pressed upon them, but the one instance named is fairly illustrative.

Whatever the causes that existed for ordering the reinvestigation, it was ordered; that order was acted on; the new investigation has been made, Senator LORIMER freely and without protest participating in it; and the report of the committee is here for final disposition. It will be quite apparent to lawyers that this plea comes too late, if it ever could have been made. The plea itself is res adjudicata.

I desire to call attention to some of the statements and arguments made on this subject in the report of the majority. I read from page 38:

> Before the public hearings in this case closed counsel for Mr. LORIMER raised the contention that all of the issues relating to the election and qualifications of WILLIAM LORIMER as a Senator of the United States from the State of Illinois had been adjudicated and finally determined by the Senate of the United States by its action on the 1st day of March, 1911; that such former adjudication and final determination of the issues was in law and justice a bar to any further proceedings designed to call in question the validity and legality of the election of Mr. LORIMER and his right to his seat in the Senate.
>
> Your committee is of the opinion that all such issues touching the election and qualifications of WILLIAM LORIMER were so finally adjudicated, and that the action of the Senate on the 1st day of March, 1911, recognizing the right of Mr. LORIMER to retain his seat in the Senate of the United States is a bar to any further proceedings in the Senate.

Again, from page 41:

> Under all the authorities we have been able to find, the Senate acts in this matter in a judicial character and its decision is of the same nature as the decision of any regularly constituted court of justice, and has the same force and effect. We are here exercising a judicial function. This being true, the doctrine of res adjudicata applies in this case.

Again, from page 54:

> Our conclusion is the doctrine of res adjudicata applies here and the former judgment of the Senate, rendered March 1, 1911, herein is conclusive.
>
> Under the principles laid down by the highest judicial tribunals in the land, the Senate of the Sixty-second Congress would not question the title of Mr. LORIMER to his seat, the right to which was determined in the Sixty-first Congress, even though new evidence had been produced to impeach it. This committee, however, would not feel inclined to follow this rule implicitly—

Why not? If we are sitting as a judicial body, bound by judicial precedents—if, as a court, we are bound by the law—what warrant is there for the suggestion here that the Senate ought not under any circumstances to apply those judicial authorities and precedents?

> This committee, however, would not feel inclined to follow this rule implicitly, and if new and substantial evidence had been discovered showing clearly that he had secured his election by corruption we would recommend—

What?—

> we would recommend a reconsideration in order that the honor and integrity of the Senate may be maintained. Absolutely no new and substantial evidence has been discovered impeaching his title, and for the Senate under such circumstances to reconsider its action taken in another Congress would be to invoke the rule of might instead of the rule of right, and would violate the uniform and universal rule of action followed by all the courts of Christendom and the unbroken precedents of the Senate itself.

If there has been new evidence which tended to impeach the title of the sitting Member, I assume they would agree that the case ought to be reopened and that the Senate ought to act upon the report. I assume that if the new evidence discovered fortified or confirmed the evidence already introduced the same rule would obtain. If, then, it be shown in this evidence, new and old, that four malefactors have confessed participation in the corruption charged; if it be shown that these men were corrupted by Lee O'Neill Browne and his accredited agent, Robert E. Wilson; if it be shown that Lee O'Neill Browne was the active and duly accredited agent of Senator LORIMER; if by the new evidence or by the new and old the relationship between White and Browne and LORIMER has been traced and shown to have continued until very nearly the time of the exposure, and if it be further shown that Browne and LORIMER attempted to quiet White by providing him, a Democrat, with an appointment in a Republican county office in Chicago; if it be shown that Senator LORIMER's interest in Browne continued to be such that he paid $10,000 out of his own funds to aid in his defense in a case where his guilt was unmistakable; if it be shown that about the time of the payment of the corruption money to White, Beckemeyer, Link, and Holstlaw, a number of other Democratic members who had betrayed their people in the matter, were exhibiting almost simultaneously in various parts of the State $100 bills which they had in their possession and for which they were unable to account; if circumstances have multiplied since the former hearing dispelling all doubt as to the bribery of Holstlaw and the other confessing malefactors, then, according to the report of the majority, the honor and integrity of the Senate would demand affirmative action regardless of the defense of res adjudicata. These things which I have just enumerated I propose in a subsequent part of this address to show. Every member of the majority of this committee is a lawyer of experience and ability. So every such member, in common with every lawyer in the country, is entirely familiar with the law of res adjudicata. The law of res adjudicata has not changed since the Senate voted on the 7th of June, 1911. It has not changed for a hundred years. The principle is so well known to lawyers that it is regarded as one of the elementary, fundamental principles. If it is the law now that the Senate was without power to reopen and cause the reinvestigation of the case, it was without power on the 7th of June 1911, and it must have been known then to every lawyer in this body, including the members of the investigating committee. Yet, as I pointed out a while ago, the distinguished Senator from Vermont, the chairman of the committee, addressed the Senate in favor of a reinvestigation and favored the proposition to place the work of reinvestigating the case into the hands of his committee; and every member of the committee, I believe, voted in favor of opening the case.

There was a proposition pending in the Senate for a month to refer this matter of reinvestigation to a special committee of five members. That was opposed, I believe, by every member of the Committee on Privileges and Elections, including myself. If these gentlemen believed then as they believe and declare now, why did they not decline this useless and fruitless task? If the Senate was without power to act, and the committee, its creature, was under the law to be sent forth to combat imaginary windmills and be compelled to report, after seven long, weary months of effort, that its work according to law and precedent was a joke, why did not these gentlemen of the majority declare their views of the law and spare the country the expense of the investigation and spare the members of the committee that very arduous and trying experience during the heated and sultry days of last July and August while this investigation was grinding its weary way along? One Senator here, a member of the committee, has declared in an address to the Senate that he was so intent upon his duties as a member of this committee that he did not permit himself to read the newspaper accounts of the investigation during the seven or eight long months that it dragged along. His life during that period must have been a dreary waste. Why did he subject himself to such cruel privation if, as a lawyer, he knew that the committee was powerless to condemn and the Senate powerless to act except in violation of law and precedents?

If this defense prevails, the plain people of the country, unfamiliar with this technical term of the law, will be utterly confused and bewildered, and they will ask: "Is it true that four men confessed to taking bribes, two of whom connected the bribe with the election of the Senator?" and the answer must be, "Yes; it is true, but it was res adjudicata"; and then, when the question is asked whether the confessions of these men were fortified by other circumstances, and the answer is given, "Yes; fortified and buttressed at every point until doubt was dispelled"; and the next questions follows, "Why, then, no action?" the only response, res adjudicata. Is it true that there were all over the State of Illinois, immediately upon the distribution of this money, a dozen members of the legislature, impecunious and bankrupt before that time, who all at once began to display hundred-dollar bills? Is it true that they were unable in a single instance to account for their possession of those hundred-dollar bills? Yes; it is true. Then, adding that to the confession, adding that to the fortification and buttressing of the confessions by outside evidence, adding to that the thousand other circumstances of the case, the innocent voter will puzzle his brain as to how there could be escape in such a case, but he will have to be satisfied with the explanation that puzzles him still more—res adjudicata.

Fellow Senators, I know it is urged here that the people of this country are not to be consulted by the Members of this body in cases of this kind. It is claimed, perhaps, that they are not even to be considered in such cases. But you must be

aware of the impression that would be made upon the public mind by a decision that this hairsplitting defense of res adjudicata is a sufficient answer to these serious charges. Such a decision would be received with derision in every part of the country by the men and women who believe in fair and open administration of justice and whose common sense tells them that the interposition of such a defense is for the purpose of thwarting justice rather than promoting it.

Gentlemen, this charge is too serious and this evidence too strong for the course of justice to be thwarted by this miserable technical defense which was born out of the travail of the closing scenes of the committee's hearings.

Mr. President, having concluded this part of my speech, as I have been indisposed all the forenoon, I should like to continue my remarks to-morrow.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDING OFFICER (Mr. MYERS in the chair). The pending question is the amendment of the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the Committee on Appropriations on page 12. The amendment to the amendment will be read.

The SECRETARY. It is proposed to amend the amendment of the committee so that it will read:

> The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

Mr. WILLIAMS. Mr. President, for fear there may be some Senators present who were not present upon yesterday when this question was under consideration, I wish that they may at least understand it.

It is an amendment to a Senate committee amendment. The Senate committee amendment provides that the library collected by the National Monetary Commission shall be transferred ultimately to the Library of Congress, but it provides that in the meantime it shall be kept and maintained at the Senate Office Building under the charge of a custodian at $2,500 a year. The Senate committee amendment as amended by my amendment would force the removal of the library of the Monetary Commission to the Congressional Library at once and do away with the necessity of the salary of this custodian. That is the question as it presents itself sharply for the consideration of the Senate.

Mr. GALLINGER. Mr. President, may I ask the Senator from Mississippi how many volumes are in that so-called library at the present time.

Mr. WILLIAMS. I understand that there are from 6,000 to 8,000, but I do not know. I have understood that to be the number. I made inquiry and was so informed.

Mr. JOHNSTON of Alabama. I do not think there are near so many as that, I will say to the Senator from New Hampshire, because I went into the room. It is a small office room, just as Senators have in the Senate Office Building, and that one room is pretty well filled up. Then there are two or three cases in the Senate Finance Committee room with volumes in them, but they are large volumes. I should estimate that there are about 3,000 volumes.

Mr. WILLIAMS. They are very expensive books, and I have been told that there are 6,000 or 8,000 volumes. I know they fill one whole side of the Finance Committee room, and I know they fill one room and spread out into another. They overflow two rooms, one a very large one.

Mr. GALLINGER. I think there could not be six or eight thousand volumes, but I have not made a personal examination recently.

Mr. WILLIAMS. I asked some Senator yesterday going down on the street car. We were talking about it, and he said there were six or eight thousand volumes. It astonished me somewhat that there was so great a number of them. It is a regular little library, and a very valuable one.

Mr. HEYBURN. I desire to ask a question of the chairman of the committee. It is as to whether these volumes or any of them are in duplicate. I do not understand that they are. So those books ought not to be taken from the library as we ordinarily take books for independent use, because some other Senator might desire to use the same books at the same time. I should like to inquire during what hours the library is kept open.

Mr. WARREN. From 9 in the morning until 10 at night.

Mr. HEYBURN. The hours are the same as at the Congressional Library?

Mr. WARREN. Oh, I thought the Senator was inquiring about the Congressional Library.

Mr. HEYBURN. I know about that. I refer to the library where it is now located.

Mr. WARREN. I suppose that would be arranged, if not the same way, according to whatever the wants of the public might be.

Mr. HEYBURN. I understand it is not kept open now during any specified hours, so that it is only available when the custodian happens to be there. Is that a fact?

Mr. WARREN. As I understand it, it is rather disorganized now, since the Monetary Commission has ceased to exist. I do not know that I would be able to inform the Senator what the regulations are as to hours.

Mr. HEYBURN. I have this in mind: Senators must do the work in connection with any question depending upon the use of that library out of hours—that is to say, when we are not in session. If the books were at the Congressional Library, they would be available in the evening. If Senators were working upon any question that might be up for consideration they would want to have access to that library out of hours—that is, out of senatorial hours.

I do not understand that the library is now opened at any particular time, but, of course, if the books were in the Congressional Library we could go over there in the evening and spend an hour or two in investigating questions that might be up for consideration, and it would be very much more convenient, unless corresponding regulations could be made as to the keeping open of this library.

I speak only from what I should consider my own methods. Questions necessitating the use of that library would be taken up after the Senate had adjourned, and probably after this custodian had locked up the rooms and gone away, while if the books were at the Congressional Library we could go over there through the evening hours up to 10 o'clock and have a convenient reference to them or use of them.

Mr. WARREN. I have some information here which I will give when the Senator is through.

Mr. HEYBURN. I will yield until the Senator gives it.

Mr. WARREN. I should like the attention of the Senator from Mississippi. The Senator from Mississippi yesterday, and I assume he may have the same impression to-day, thought there must be a Senegambian in the woodpile somewhere about the library. I have taken some pains to ascertain. I understood, when we adopted this amendment in committee, that it was on the recommendation of the Librarian of Congress as the best solution of this problem. I now hold in my hand a letter written by the librarian covering the ground, and I will ask if the Senator will kindly allow it to be read at this time.

Mr. HEYBURN. Certainly.

The PRESIDING OFFICER. The letter will be read by the Secretary.

Mr. WARREN. I will say before the reading that the reason why this man was employed was because he was recommended by the librarian as being the man who should have charge of the library, and he had no backing from any Senator or Member of Congress.

Mr. HEYBURN. I do not raise a question as to his efficiency or the propriety of his appointment.

Mr. WARREN. This will cover the point the Senator has been talking about.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

> COMMITTEE ON THE LIBRARY,
> UNITED STATES SENATE,
> *Washington, D. C., June 4, 1912.*
>
> MY DEAR SENATOR WARREN: If I recall rightly the details, I was asked to recommend a librarian for the Monetary Commission, and immediately and without hesitation recommended Mr. Slade as admirably fitted for the post by education, training, and a long experience with us in the Library of Congress precisely to the purpose.
>
> Faithfully, yours,
>
> HERBERT PUTNAM.

I may add that if the project be carried out, Mr. Slade would, as custodian, render a service to Senators and the Senate committees far in excess of the mere care and use of that collection, for his knowledge of the Library of Congress is such that he would constantly draw upon it in their behalf, and, in fact, act as an outpost of it.

Should the collection come to the main library, it could not well be kept separate, but would have to be merged. It would not in this case require the special custodian. On the other hand, its usefulness would be greatly impaired by the lack of one devoted to it, with close knowledge of it, and applying himself to the duty of making it serviceable to Congress.

Mr. WARREN. I have only one further word to add. Of course, I am presenting the matter for Senators according to the information I get. I shall be perfectly satisfied with whatever the Senate chooses to do; but it seems to me that one point ought to be considered now. If this is a rare library that is not easily duplicated and is now kept together where a reference to it can be made instantly, we ought not to distribute it all through the Congressional Library.

If that is what you wish to do, to avoid the employment of a custodian, well and good; but if, on the other hand, it is worth preserving the individuality of that library and you have to have a custodian, then the question of the custodian would seem to be eliminated and it comes down to the question of where it would be best protected and most convenient.

Mr. HEYBURN. It could be just as well protected and as completely under the management of a custodian in the Congressional Library if we direct that it shall be so.

Mr. WARREN. But the amendment offered by the Senator from Mississippi does not carry any provision for that, and we should have to provide for it if it is to have a custodian.

Mr. HEYBURN. I attach little importance to the question of the salary, because I presume that it would cost about as much to keep a custodian specially fitted for the work in charge of it in the Congressional Library as it would over here.

Mr. WARREN. Will the Senator allow me a moment?

Mr. HEYBURN. Yes.

Mr. WARREN. This, being put in by the Senate, must necessarily be only an offer to the House, because the House has equal rights, and when it comes to conference the matter of salary will be, of course, adjusted according to the views of the House and the Senate, if they can be ascertained. But it is better, if you are to have a custodian, to have the salary included, I think. It might be stricken out in conference.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. I will ask the chairman of the committee whether this man who is recommended by the Librarian of Congress is now in the service of the Government and employed in the Library of Congress?

Mr. WARREN. I assume that he has been employed, but he has been paid, I think, from the Monetary Commission. As to his exact status to-day I would be unable to tell the Senator.

Mr. GALLINGER. My thought was that if he is in the employ of the Government in the Library of Congress it is not going to cost us anything more to have him take charge of this library in the Library Building.

Mr. WILLIAMS. If he did he would go back to his old salary and not to the extravagant amount of $2,500 a year.

Mr. WARREN. There is no provision in the bill for his salary except the amendment of the committee.

Mr. HEYBURN. Is there a provision anywhere for him as an employee of the Congressional Library?

Mr. WARREN. Not that I know of.

Mr. HEYBURN. It seems to me, Mr. President, if those books are as accessible and the custodian is as constantly there to give attention, it would make but little difference, so far as the Members of the Senate are concerned, as to whether they were in the Senate Office Building or in the Library. But my attention is directed more particularly to the completeness of the service of the custodian. Undoubtedly Senators will want to make a very extended use of these books or of that library, or some of them, and they ought to be as available both as to convenience and as to hours as though they were in the Congressional Library. If the House is willing to have that library over here in the Senate Office Building, that is for the House to determine, and I am not going to enter any plea on their behalf, but I am only speaking of the convenience to Senators. I do not know to what extent it has been catalogued, whether as to the subject or merely as to the name of the volume and its place on the shelves, but it should be accessible to Members of both Houses at such hours as would accommodate them in using it.

I repeat, I have given no thought to the question of the custodian, because it would be practically the same for the same service wherever it was. I do not know that the Senate is going to take up the consideration of any financial legislation, but it may do so, and when it does any Senators anxious or willing to enter into a thorough preparation for the consideration of a question of that kind should have the freest access to those books. If we go over there now, I assume that every courtesy is extended and every convenience provided for the use of those books. But whether that custodian will be there during all the hours when they might desire to consult the books is a very important question.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. I asked the Senator to yield for the purpose of making this suggestion: It seems to me that the Senator from Wyoming [Mr. WARREN] has a total misapprehension of how books may be accessible in a public library. He seems to think that these books ought to be kept together in a batch, the idea being that you or I could go there, look them over, and find out what we want. It does not make a bit of difference in what part of a library building a book is, it is shelved according to certain rules of classification, chiefly topical. The only thing that you need in a batch is the name of the book. If you go over there, for example, you will find the names of books there that were bought by Congress from Mr. Jefferson. Mr. Jefferson's library is in a separate catalogue. You would find after these books went there one of the first things the librarian would do would be to print a list of the books contained in the Monetary Commission library, so you would not go to the shelves, but the names of the books on the shelves, the authors, the topics, would be brought to you. You could send for it to the Library and have it sent to you. The Library over there has, I suppose, a great number of these bibliographies, so that you can get the books that are published upon any subject you want almost by asking the librarian to send you the bibliography upon that subject. For example, if you wanted to write something or study something about Mr. Jefferson, you would ask for a bibliography, and the librarian would send you the Jefferson bibliography, which is this thick [illustrating], I suppose, and it contains the name of every book in the Library ever written about Jefferson. So when you wanted these books you could either send for the bibliography of the Monetary Commission library or you could send for a list of the books upon the subject of banking and currency. That would include those. Then, running down them, you would find what you wanted, and have it sent to your chamber. You could not have that done where that library is now placed.

Mr. HEYBURN. Well, Mr. President, I think it would be decidedly wise to keep the books together in stacks, so that we would know just exactly where the books that are now in those rooms are and so that those desiring to use them could have access to the stacks for the purpose of looking over the books.

Mr. WILLIAMS. But—one moment more, if the Senator will pardon me—that is totally unnecessary. If the librarian thinks it is necessary or advisable he can do it that way, but it is totally unnecessary. They have this matter so arranged that all I have got to do right now is to sit down and write the name of any book that is in the Congressional Library, together with the name of the author, give it to a page here, and send it over there, and it will be back here in a very short time—I started to say eight minutes; but in a very short time. I might write for three books at the same time. One of them might be in the northwest corner, one of them in the southeast corner, and one in the center of that great Library upon the shelves; but before the man at the desk is a map on which is the name of the stack where a particular book is, and this communication is at once sent to the person in charge of the stack, and the book comes right straight back. It is not a question of keeping books together, but it is a question of being able to get them immediately.

Mr. HEYBURN. Mr. President——

Mr. WILLIAMS. Now, if the Senator will pardon me, one more remark, for I do not want to disturb him again. A Senator asked how many books were there, and I told him that some one had stated to me yesterday, going down upon the car, I think, that there were six or eight thousand. I find by reference to the RECORD of yesterday that the Senator from Utah [Mr. SMOOT], who has a rare faculty for accuracy about details, in reply to a similar question, said:

> There are several thousand volumes; I should judge between eight and ten thousand volumes.

So I should say 6,000 would be a very reasonable estimate of the number of books there. I do not know, however.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. I will say that I had never heard stated definitely by anyone the number of books in the library, but it was suggested to me just before making the statement yesterday that there were the number I named in the library.

Mr. President, I wish to say, so that the Senator will understand the matter, that Mr. Slade was recommended by the librarian for the position of custodian of the Monetary Commission's library. His salary was fixed and paid by the Monetary Commission. After the Monetary Commission ceased, Mr. Slade was paid out of the contingent fund of the Senate by order of the chairman of the Committee on Finance, and is being paid to-day out of that fund. If he is to continue as custodian of the library an appropriation must be provided in this bill.

Mr. CULBERSON. I will ask the Senator from Utah what authority—and I am asking purely for information—did the chairman of the Finance Committee have to order the salary paid out of the contingent fund of the Senate?

Mr. SMOOT. By the passage of a resolution authorizing the payment of whatever expense there might be in attending to the business of the committee.

Mr. CULBERSON. That is what I wanted to get at.

Mr. HEYBURN. I will ask the Senator if he knows what salary the commission paid?

Mr. SMOOT. They paid Mr. Slade a salary of $2,500 a year.

Mr. HEYBURN. Mr. President, what I was addressing my remarks to is not included within the consideration of the salary of this man.

Mr. SMOOT. I understood that, Mr. President, but I wish to say to the Senator, if he has no objection, that Mr. Slade at the present time is receiving the same salary that he received before, and the question on which the Senator was speaking was as to how long each day Mr. Slade was in cifarge of the library.

Mr. HEYBURN. No; I was not. I am not discussing Mr. Slade. I am discussing the question of the arrangement of these books.

Anyone accustomed to investigating questions knows that if he had access to the stack he will open a book that promises information and find that it contains none, or at least not what he was seeking, and he will immediately put it back on the stack and look at another book and see whether or not that contains the desired information. In looking up a law question you will stand up in front of your stacks of law books and probably eliminate a dozen from consideration that seem to promise information before you find the one that you want to give consideration to, but that would mean we would be sending for books and having them brought over here merely to ascertain whether they contained any information upon the particular subject. If they are in accessible stacks you will stand in front of those stacks, take down a book and look at it, and perhaps it may contain what you want or it may not. That will obviate the necessity of bringing over a large number of books. Whether that stack is in this room or whether it is in the Congressional Library is not very material, if the hours are so arranged as to make them accessible for that purpose.

I would like to see these books, if they go to the Congressional Library, placed in stacks by themselves, catalogued, and accessible, so that Senators or Members of the other House could go over to the stacks and by a few moments' investigation determine whether they wanted any of the books. While Senators had them sent over here by the dozen or the score for the purpose of finding out whether they wanted them at all other persons in Congress or elsewhere might desire to refer to those same books. The question of convenience is a very important question in disposing of these books.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. I think, if I read a part of the amendment, the Senator will see that it renders it very easy for the librarian to do just what he wants. This is the language in the latter part of the amendment:

> And the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of removing the books and the present stacks and shelving to the Library of Congress.

All the librarian will have to do will be to set up stacks and shelves, and put in the books, if he thinks that is the best way to make the books accessible to the reading public.

Mr. HEYBURN. Mr. President, from experience with libraries and reference to them, we all know that much depends upon the arrangement of the books so far as the availability of the information contained in them is concerned. I really care little whether those books are in their present quarters or in the Congressional Library if the same convenience can be afforded for reference; but if we are to keep these rooms open and keep a custodian there during all the hours the Congressional Library is open we would have to provide for elevator service, and we would have to provide that that custodian should remain there, say until 10 o'clock at night. I undertake to say that any busy Senator would have to defer his investigations until after the adjournment of Congress.

Mr. WILLIAMS. And he would have to remain there while Congress was in session.

Mr. HEYBURN. Yes.

Mr. WILLIAMS. And all the elevator service would have to go on all the time.

Mr. HEYBURN. He would undoubtedly have to remain there in and out of session. All that I desire is that the arrangement, whatever it is, shall insure accessibility to those books. My private opinion is that they would be more accessible if they were in designated locations and stacks in the Congressional Library; but if you can make this just as convenient and as complete as possible, I am not otherwise very particular about it.

As I have said, of course you will add to the expense of maintaining the Congressional Library to the extent of whatever it would cost to keep some one whose attention should be given entirely to that stack. If we engage in financial legislation here Senators of necessity will be giving a great deal of attention to that library, if it is what it is claimed to be. If, however, it is made up of a lot of essays written by men who call themselves financiers, as is the case with some of the volumes that I have in my room, I would not bother myself about them; but if there be valuable and reliable statistics or information contained in those books, we will have to be able to find them quickly; to investigate them then and there; and to make such notes and memoranda as are proper, so that when on the floor in the discussion of these questions if you have a reference to a subject and the treatment of a subject you will not have to send for several books in order to determine what you need on the floor.

The Congressional Library has a system, but if it is not a convenient system it is entirely within our power to change it. We can provide that the librarian shall keep this stack together, available, and under the care of a custodian, who can refer you to books that you may need in order that you may run down the subject.

Mr. WILLIAMS. I should like to suggest one difficulty in that connection, if the Senator will pardon me. If we did that, and made the librarian keep this as a separate library within a library, there would have to be a librarian for it, and there would have to be an assistant, because one man can not stay there during all the hours it should be accessible.

Mr. HEYBURN. No.

Mr. WILLIAMS. He would have to be relieved. If the books take the ordinary course, each one goes to its classified place; and as they are topically arranged, they will probably be all together anyhow; but they would fall within the regular service of the librarian. We would not have to hire another man or woman at the Congressional Library to put six or eight thousand more volumes in that library.

Mr. HEYBURN. No; but they have now assistants whose services are devoted to certain classes of the library.

Mr. WILLIAMS. Absolutely to certain classes. The Senator uses the word "classes" in the sense of the subject matter of the books

Mr. HEYBURN. The subjects matter of the books.

Mr. WILLIAMS. Yes; but not somebody to keep a certain territorial area—a library within a library, or a sort of imperium in imperio—but they have certain people who have charge of certain stacks, and those stacks for the most part are topically arranged in connection with matters of this sort. Of course, when you come to fiction, poetry, and literature of that kind, the books are not topically arranged; they are arranged on a different principle. But if you were to provide that this library were to be kept separately over there, you would have to carry along with this library the custodian, or you would have to appoint some other custodian to attend to it, as if it were a sort of separate library, whereas if it is merely carried over and is subjected to the usual rules and treated in the usual way, not another employee will be required.

Mr. HEYBURN. It would not be practicable at all to place these books according to the authors, for instance. They should be arranged according to the topic, "Finance."

Mr. WILLIAMS. They would be so arranged, naturally, anyhow.

Mr. HEYBURN. Then they would be together. The Congressional Library is open on Sundays, and there are some zealous Members of both Houses who find it necessary to do a good bit of that kind of work on Sunday. All I desire is a convenient arrangement that will enable us to have full advantage of whatever this library may present. I do not suppose if there are 8,000 volumes in this Monetary Commission library, that all of them are very important; but we will have to sift them. I like to go into a library with the books on the shelves and with the right to go up to a book, take it down, stand there, and see whether or not it is a book that I want to investigate.

Mr. WILLIAMS. If the Senator will pardon me, that is a thing that ought never to be allowed in any library.

Mr. HEYBURN. I do not think a Senator——

Mr. WILLIAMS. Nobody ought to go to the stacks or shelves except the employees of the library.

Mr. HEYBURN. I think that is a very inefficient way of arranging a library. I would not think of arranging one under my own control in that way. I must have access to the books on the shelves. They belong to the Senators and Representatives in Congress, and they should not be placed under embarrassing rules where they would have to send to a custodian, and say, "Bring me volume so-and-so, treating on a certain class of finance," and he brings it to you only to take it back again. You should be able to look for it yourself.

I only make these remarks in the interest of a proper arrangement. No lawyer ever handles his library as is suggested here. Any lawyer who knows how to use books has his shelves so arranged that he can look at a book and put it back again without loss of time. But to sit there and say to one of these messengers, "I want volume so-and-so," only to find that you do not want it at all, you would suffer a loss of time; and that would not occur if the investigator went to the shelves and looked at the books himself. You must not have it limited as to hours, for we want the fullest access to the books that can be had. That is all I want.

Mr. SMOOT. Mr. President, if it were not for the fact that the question of monetary legislation will be under consideration—if not at this session, more than likely at the next session—I would not care whether the Monetary Commission library now in the Finance Committee room of the Senate should remain there or be transferred to the Congressional Library; but for the very reason the Senator from Idaho has mentioned I believe that it ought to remain where it is, so that whenever the Finance Committee meets for the purpose of considering the framing of legislation affecting our monetary system it can have the reference books right at hand and not wait to send to the Congressional Library for them. We have a custodian who knows every book, and, as I said yesterday, he is peculiarly qualified for the position. He is at the office at 9 o'clock in the morning, and I have often sent there for books at 7 o'clock at night and found him there. I do not think that he remains there later than that, however. The thing for us to consider in this connection is as to whether it will be more convenient for the Finance Committee, in preparing legislation and gathering the necessary information, to have this library in the committee rooms or at the Congressional Library. I believe, Mr. President, with the library as it is, it will be much more convenient for the committee to get such information than if they had to send to the Congressional Library for it.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. WILLIAMS. The Senator will pardon an interruption. Does he not think that the convenience of these books to the members of the committee as against that of the General Legislature is very small ground upon which to base his argument? Does he not think that the books should be available to all Members of the National Legislature? If you are going to have a library in the Finance Committee, because some time that committee is going to consider a monetary bill, then you ought to have in that committee room a library of the tariff—a library of 50,000 volumes. I think there are that many, and most of them are very entertaining, if you have time to peruse them. If we start this business of putting into every committee room a library on the matters under the jurisdiction of each committee, we had better abolish the Congressional Library, which was originally instituted for the very purpose of keeping books that Senators and Representatives wanted, and allow Senators to have in their committee the special books connected with their own work. I do not think that argument ought to have much weight.

Mr. SMOOT. Mr. President, the Monetary Commission collected this library for the purpose of affording to Congress information to be used in considering legislation with a view of revising our monetary system, and as it was selected it was put into the rooms of the Finance Committee. The stacks are especially fitted for the room. The cases were made to conform to the room.

I do not think they could be used at the Congressional Library.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Mississippi?

Mr. SMOOT. Yes; I yield.

Mr. WILLIAMS. The Senator has now made a little broader statement. The first argument was that it was for the use of the library of the Committee on Finance, and now he has gone back further and says this library was for use in formulating monetary legislation. Does he not think that is too restricted a statement? It was not done solely, nor even chiefly, for the Monetary Commission. The Monetary Commission was not appointed to get this information solely for Members of Congress. This information was to be filtered through Members to all the people of the United States who were concerned in the consideration of the importance of legislation of that sort to the people of the United States. Does he not think it is too restricted a field, that he has taken a too restricted territory in his statement, and that the broader and better ground is that the books ought to be not only accessible for the Finance Committee, but all Senators, and not only all Senators, but all Members of the House of Representatives, and not only all Members of the House of Representatives, but all students and bankers and financiers, and so forth?

Mr. SMOOT. I think the Senator from Mississippi is wrong when he says it was not collected chiefly for the use of Congress. I think that was the purpose; that it was collected to be used in securing information for the purpose in view of revising our monetary system.

Mr. HEYBURN. May I ask a question?

Mr. SMOOT. Yes. I yield to the Senator from Idaho.

Mr. HEYBURN. I understand there are chutes running from the Congressional Library to both Houses of Congress, and when we order a book it comes from the Library in a very few minutes. That chute runs to the House as well as the Senate, and if we have information as to what books we shall want during a debate and order them, they can be sent immediately to the Senate. On the other hand, the Senate Office Building is a half mile from the House—I believe that is the distance—and it would necessitate probably the time and expense of sending those books over in the wagons that run to and from the Library.

Mr. SMOOT. The Senator knows there is no chute from the Library to the Senate Office Building nor to the House Office Building, and those are the places where the committees meet. There is a chute running from the Library to the central Dome of this building.

Mr. HEYBURN. But it is available to the Senate and the House, whereas if the suggestion is complied with we will place those books a half mile distant from the House of Representatives and a quarter of a mile from this Chamber, and time must elapse before we can get the books. Perhaps an argument will have been finished or a vote had before the book would be in the hands of the Senator wanting to refer to it.

The use of the books is not of as much importance to the committee as it is to a Senator on the floor, because these questions are thrashed out on the floor, and the present arrangement for sending them quickly to the Capitol is certainly a convenience, and a convenience far greater than would be afforded by having to send them by messenger or by wagon. I think we ought to take that into consideration.

Mr. SMOOT. I will further state that if the proposed amendment of the Senator from Mississippi is adopted it will not provide for the salary of the present custodian. I understand he desires that the books be transferred to the Congressional Library, and that the Congressional Library shall hereafter handle the Monetary Commission's library.

Mr. President, I believe the custodian to-day of that library, if it is transferred to the Congressional Library, should go to the Congressional Library and handle this particular library. The librarian sent a letter here this morning, which has been read from the desk, stating that Mr. Slade was at one time an employee of the Congressional Library and is ably fitted for the position now held by him. There is no provision made in any appropriation bill for his salary.

Mr. WILLIAMS. Mr. President, this man was formerly employed in the Congressional Library at a small salary; I do not know what; certainly not $2,500. All the Congressional Librarian has to do is to restore this man, if he chooses, to the rolls at his old salary, giving him what he is worth.

Mr. SMOOT. I call the attention of the Senator from Mississippi to the fact that there will be no place for him, as he is not provided for in any appropriation bill.

Mr. WILLIAMS. I have never found that there was no place for anybody when the man at the head of things wanted him. I have frequently been unable to find any place when I wanted a man appointed. But if there is a desire on the part of those in power to find a place for him, you can bet 25 tons of gold against a dozen eggs that they can find a place, and at his old salary, too.

The Senator from Wyoming [Mr. WARREN] suggests to me that those are rather large odds which I am offering. But it shows my confidence in the proposition; and the odds are not so large because the price of eggs, though the eggs be not completely fresh, has gone up so. If this particular man is wanted, the librarian can take care of him by just putting him back on the roll at his old figure. There will not be a bit of trouble about that. The matter of the custodian can be taken care of, if it is desired to put him back at his old salary—not this salary—and then I imagine nobody would have any objection to offer.

Mr. REED. Mr. President, I was not here when the letter of the librarian was read. I wondered what happened that the librarian assumed to advise the Senate what it ought to do with reference to business before it. So far as I am concerned——

Mr. SMOOT. I take it for granted the librarian was asked by the chairman for an explanation as to the item under discussion, and that it was in answer to that request that he sent the letter.

Mr. REED. How is that?

Mr. SMOOT. I say I take it for granted that information was requested from the librarian, and in answer to that request he sent the letter.

Mr. REED. I only know what I have heard here in regard to it. The statement was made that a letter from the librarian was read, saying this man was necessary to take charge of these books.

Mr. SMOOT. I never made any such statement.

Mr. REED. That is the way I understand it. What was it sent here for?

Mr. SMOOT. I stated that there was read from the desk a letter from the librarian stating that he recommended this man to the Monetary Commission for the position of custodian of the Monetary Commission's library; that he was peculiarly fitted for the place, and that he also added in the letter that the library as it is now located would be of more or greater advantage to the committee than if transferred to the Congressional Library, although the latter part of this I did not state when the Senator from Missouri entered the Chamber.

Mr. REED. Here is the letter, it just having been handed to me.

Mr. WATSON. How is it addressed?

Mr. REED. To "My dear Senator WARREN." After stating that he had recommended Mr. Slade to the Monetary Commission, in a postscript he adds this:

> I may add that if the project be carried out Mr. Slade would as custodian render a service to Senators and the Senate committees far in excess of the mere care and use of that collection, for his knowledge of the Library of Congress is such that he would constantly draw upon it in their behalf and, in fact, act as an outpost of it.
>
> Should the collection come to the main Library it could not well be kept separate, but would have to be merged. It would not in this case require the special custodian; on the other hand, its usefulness would be greatly impaired by the lack of one devoted to it, with close knowledge of it, and applying himself to the duty of making it serviceable to Congress.

If that does not constitute a letter of advice to the Senate of the United States with reference to what it ought to do in the matter now being discussed, then I am unable to understand the English language, and I simply rise to remark in language which is plain at least that I regard that as a piece of superlative impudence, wholly unwarranted, and ought not to be tolerated.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. WARREN. I want to ask the Senator how he can be consistent when he asks the chairman of the committee for information and then on what he bases his information, if the committee is to be debarred from addressing a communication to a man having charge of some one of the great bureaus or departments of the Government and get an answer in a perfectly deferential way. Is not that inconsistent?

I hold no brief to defend the librarian. He has always wanted more in the appropriation bill than we have been able to give him, but in this matter he can not be blamed, in my judgment, for answering the inquiry I made as to the facts. The question was raised here last night how this man came to be employed. I presumed the librarian knew what is a good and what is a poor man in the way of a custodian. I also asked him what would be the result in sending the books over there. There was no color on the part of the committee in what they desired, nor is there any color in the letter. It merely states the facts. I do not think I ought to sit silent in my place, after having had the letter read, and hear a Government officer charged with impertinence for merely answering a letter requesting information. Where are we to get our information? Where is the committee to get its information if it is debarred from asking the heads of bureaus and heads of departments for it? Are they to answer and say to the chairman of the Committee on Appropriations contemptuously, "It is none of your business"?

Mr. REED. If the Senator has concluded his question, I will proceed. The Senator says that he did not send his letter with any color, by which I take it he means he did not ask this man for his opinion, but for facts. It would have been entirely proper for the librarian to have stated that he had recommended Mr. Slade and to have stated that he recommended him because of his experience; it would have been entirely proper for the librarian to have said that if these books came to the Library he could not keep them together, because that would be a mere statement of fact, if it be a fact—a fact, however, which I very much doubt, because I think with a little shifting they could keep all these books together in that great building. But this gentleman does not stop at a statement of fact. He proceeds to tell us what ought to be done, and he seemingly does it without having been asked to advise us, because the Senator says he did not ask him for any coloring. He proceeds to tell us what service this man can render the Senate; in fact, he becomes the advocate of this particular man. No man reading this letter can arrive at any other conclusion, unless he starts out, in my judgment, with a peculiar frame of mind.

I take it this brings us to the very kernel of this whole controversy. It is not a question as to where the books shall be so much as it is a question as to who is to draw the salary of custodian of these books; and, accordingly, after a debate that has lasted now for a day and a half, we find that the appeal put forward by the Senator from Utah that if we do move the books to the Library, where they belong and ought to be, then this particular man should follow the books and the salary should follow the man; and on top of that comes a letter from the librarian recommending this particular man and insisting that he is the one man to have the custody of these books.

The VICE PRESIDENT. Will the Senator suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. MARTIN of Virginia. The Senator from North Carolina [Mr. SIMMONS], who is in charge of the bill, is engaged in a meeting of a conference committee, and at his request I ask that it be temporarily laid aside.

The VICE PRESIDENT. Without objection, upon the request of the Senator from Virginia, the unfinished business is temporarily laid aside. The Senator from Missouri will proceed.

Mr. REED. All this battle, in my judgment, is not over whether the books shall be close to the Finance Committee room or whether they shall be in the Senate Office Building or whether they shall be in the Congressional Library, but it is over the question as to whether this particular gentleman shall continue to draw $2,500 a year for sitting in the same room where the books are and looking wise. That is about all there is to it. If it was a special act it ought to be entitled an act to perpetuate this particular man in office and insure him his salary. So we find the librarian, for whatever reason he saw fit to do it, telling us, in effect, that this is the only man who can take care of those books. My experience in life has led me to this conclusion: Whenever you get a job that only one man on earth can fill, you ought to abolish the job and do it quick, because that one man may die and then we would be in an awful situation.

Mr. BACON. Will the Senator pardon me for a moment?

Mr. REED. Certainly.

Mr. BACON. I wish to suggest to the Senator that, so far as the individual man is concerned, I do not suppose that would be a matter of much concern for the librarian in making the suggestion regarding him, because if I understand correctly we furnish the money for the payment of the salary, and the question of the selection of the man rests with him under the present law and not with Congress. So I suppose, as far as that part of it goes, in reference to the particular man, it could not have been with a view of having Congress name that man, because under the law of the land he would have the right to name him, and it would not be necessary for him to come to Congress for that purpose.

I suppose that what was in the mind of the librarian, who, by the way, is a very worthy and efficient officer, was simply the fact that if the books went over there it would be necessary

to have some additional force, and though it was not necessary to be done, he named this particular man as one suitable for the work. I say it was not necessary, because he himself could appoint him.

Mr. REED. Possibly, then, he wanted to be frank with the Senate or with certain Senators and let them have the assurance in advance that he had his eye on this man. I am constrained to believe that he is not the only man who has his eye on this particular man.

I say, Mr. President, again, if this position is one that can only be filled by one man, then we ought to abolish it utterly, because if the Lord should gather that man to his fathers this country would be in an awful condition. I know there is one man in this country that the world is certain to resolve itself back into chaos and old night, and all the elements are going to melt with fervid heat, when that man passes away; and the only solace and satisfaction that some of us have lies in the fact that we may die and pass away from this vale of tears before he goes, and the world and all that is therein contained comes to destruction. But I hope that principle will not be extended to the custodian of this library.

There has been a good deal of talk about the importance of having these thousands of volumes. Nobody seems to know how many volumes there are. Nobody has ventured a guess as to whether the number is 1,000 or 10,000. The vast amount of study that has been given to these books is evidenced by the fact that nobody has counted them, and nobody can come within thousands as to the number of them. Nobody is sufficiently familiar with this library to give us any definite notion with reference to that important fact. Yet we are told that the library is so important that it must be near the Commitee on Finance.

It strikes me that we are bordering upon the absurd when we say that the Senate Finance Committee can not consider financial legislation unless next door to it there is a library of so many volumes that nobody has counted them or can come within several thousand of the number there are. Every man here knows that the Finance Committee of the Senate will not get together in its room and undertake to read the books in that library or to examine the books in that library. It may at some time upon some disputed fact have occasion to send for a book, but it is utterly absurd to claim that it will sit there and burrow through these volumes. It may be that as a matter of antiquarian taste and as a mere love of book lore upon the shelves the expenditure of this money was justified. Yet I undertake to say that there never was for all practical purposes a more complete waste of money than when the books were bought, and that there is not a man on this earth to-day, and never will be a man, who will give to that library any exhaustive study, except it be a historian engaged in tracing the history of financial legislation.

I want to say that instead of the Finance Committee getting together to burrow through those books as they threaten to do, they are much more likely to get together on a financial bill as they got together on a tariff bill, to wit, the Republican Members get together in a room, call before them the men interested in financial legislation, to wit, the great bankers and owners of trust companies, and consult them as to their wishes and put their wishes forward in a bill. Just as it has been admitted on this floor that different members of the Finance Committee in the past got together with the proprietors of the great protected industries behind locked doors and in secret and wrote the amendments to the Payne-Aldrich bill. That will be the kind of library which they will be consulting. They will be consulting the wishes of the great financial centers of this country as expressed by their mouthpieces, and they will not be hunting through musty tomes and ancient literature that gives us the history of money from the days when they bought by swapping first things, and then some representative of the things, and finally down through all the ages to our present monetary system.

The thing to do is to cut this little graft out of this bill, $2,500 a year to this man to look after these books. I undertake to say that those books will not be inquired after to any considerable extent, and when they are inquired after, tabulated and catalogued as the books are in the library, they can be taken from the shelves by a $900 a year clerk and brought to the desk of any man who wants to read them.

As far as I am concerned I propose to protest upon the passage of this bill against carrying items of this kind.

Mr. GALLINGER. Mr. President, it strikes me that we have spent a good deal of time over an inconsequential matter, and yet I want to say a word in addition to what has been said.

I regret that the Senator from Missouri has arraigned the Committee on Finance in its method of investigating questions relating to the tariff, and that he looks forward to the same methods which he denounces in the matter of framing a monetary bill. I do not know that we will ever have sane monetary legislation in this country; I have some doubt about it; but I am not going to waste time on that matter. I wish to say just a word or two in connection with the amendment of the committee and the amendment submitted by the Senator from Mississippi to the amendment.

Mr. President, as to the number of volumes in this so-called library I am quite as much at sea as every other Senator. It was stated in debate a little time ago that there are eight or nine thousand volumes, and it has been whispered in my ear within five minutes that there are about 3,000 volumes. I doubt very much whether there are 3,600 volumes or a thousand volumes upon monetary subjects, and if we had a little more time I think I would take the trouble to make a little investigation along those lines. I do not think the library is as important as some people believe it is.

It must be remembered that this library belongs not to the Senate but to both Houses of Congress, and it is a serious question in my mind whether we ought to establish a library in the Senate Office Building that will be open to the three or four hundred Members of the other House. I think that they might well, and I am sure that they will, object to having this library, if it is to be of any practical use, housed in the Senate Office Building, something over a third of a mile from the House Office Building.

It does seem to me that it is but a proposition sensible in every way that these books should be in the Congressional Library, midway between the two Houses, where they could have access to them, where the Senate has a reading room and the House has a reading room palatially furnished, and where I am told Senatoes and Members seldom are found. But if they desire to investigate these subjects, if these books are in the Congressional Library, they have delightful rooms there where they can go, and they will have an assistant not at $2,500 but at about $900 a year to wait on them. So much for that.

Now, Mr. President——

Mr. SMITH of Georgia. Will the Senator allow me just a word?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. Also it is true that any Senator can telephone to the Library and they will send him nearly any book on nearly any subject that he wants to examine in his office, or they will furnish it to him here.

Mr. GALLINGER. They come through the pneumatic tube under the Dome here.

Mr. SMITH of Georgia. If the Senator will allow me one word more, I only wish to express my appreciation of the splendid services that I have always received whenever I have called upon those at the Congressional Library to render me service. For that reason, I should like to have these books there, because I know I can get them quickly and easily if I ever want them.

Mr. GALLINGER. There is not any doubt about that splendid service, and it is at our command. Every request that is made by us is complied with with alacrity. I believe that is exactly what we ought to seek, rather than to have the library housed over here without any facilities such as we enjoy at the present time.

Now, as to the salary of this man, I think there is a good deal of anxiety expressed to take care of this particular man. He was in the employ of the Librarian of Congress at one time. I can not speak with authority as to what his salary was, but if he was such an extremely valuable man I wonder he was not kept there. I have observed that the Librarian of Congress, who is a very independent man, can usually work in a clerk there when he wants to, but he is horrified if a Senator should suggest the propriety of his doing that Senator a little favor. He does not think that that is right. So this man having been in the employ of the Librarian of Congress, if he was so extremely valuable, he ought not to have been separated from the Library of Congress, and if a little additional work is imposed upon the Librarian of Congress in placing this library in that building, I have no doubt but that he can find a place for this man, though not at $2,500 a year, because if you turn to this bill you will find that the Toner Library, which is a much larger library than this, has an attendant at $900. The Washingtonia Library has an attendant at $900 and an assistant, I believe. I do not know the extent of the Smithsonian Deposit, but I think it is a large deposit, and it has a custodian at $1,500. The Congressional Reference Library has a custodian at $1,500 provided for in this bill.

I never saw this man in my life. I presume he is a man of ability, a man of some knowledge of books, but I am not worrying over the possibility of that man's services being dispensed

with, because I have no doubt there are a multitude of other men who can do the work just as well as he.

It does seem to me that the persistent efforts to keep this library in the Senate Office Building, where I think it ought not to be, and the suggestion that this man ought to follow the library, have not much force. I remember that we had a railroad in New Hampshire once that frequently changed hands, and it was always said that the rolling stock and a certain number of lawyers went with it; they followed the change; it was a part of the understanding and the program.

Mr. President, I dislike exceedingly to differ even in minor particulars with the committee of which I am a member, but I really think that the suggestion made by the Senator from Mississippi in the amendment he has offered to the amendment will adequately provide for the protection of this library and will secure to the Members in both Houses better facilities than they can possibly enjoy if the amendment of the committee should be agreed to.

Mr. OVERMAN. Mr. President, as I said yesterday, I agree with what the Senator from Mississippi has said, but the Senate Committee on Appropriations acted in accordance with the Senate joint resolution which the Senate itself passed. It is exactly in accord with the provision inserted by the committee. It passed the Senate, and the committee of the Senate has, in acting upon this appropriation bill, acted in accordance with the current law so far as it can. I made the suggestion just as the Senator has that these books ought to go to the Library, and I shall vote for the Senator's amendment. But I want to show the Senator why the Appropriations Committee acted as it did. Here is a current law that the Senate has already passed; that is, it is a Senate resolution that it passed on March 14, 1912. It provides:

> That all books, maps, and other documents now in the possession of the National Monetary Commission be, and they are hereby, transferred to and made a part of the reference library of the Committee on Finance, United States Senate, and said property shall not be disposed of as provided by section 3618 of the Revised Statutes of the United States.

Mr. BACON. Before what committee was that, if any?

Mr. OVERMAN. I do not know. All I know is that it is a joint resolution of the Senate that was passed.

Mr. BACON. I want to say for myself, and I presume it is true of other Senators, very frequently we have legislation of that kind on the calendar, and it goes through sometimes when no attention is given to it. I certainly would never have agreed to it at that time if I had known it was before the Senate.

Mr. OVERMAN. It passed.

Mr. BACON. By whom was it introduced?

Mr. OVERMAN. By the Senator from Ohio [Mr. BURTON].

Mr. CULBERSON. Does the resolution show from what committee it was favorably reported?

Mr. OVERMAN. I only have a copy in my hand. There is nothing to show from what committee it came. It was before the Committee on Banking and Currency.

Mr. GALLINGER. Is it a joint resolution or simply a Senate resolution?

Mr. OVERMAN. A joint resolution.

Mr. GALLINGER. Has it become a law?

Mr. OVERMAN. I do not know whether it has become a law or not. I know that the Senate acted on it.

Mr. GALLINGER. I do not think it became a law.

Mr. OVERMAN. It went from the Senate, and was referred to the Committee on Banking and Currency.

Mr. CULBERSON. That is the House committee.

Mr. OVERMAN. The House committee. It is Senate joint resolution No. 88 and passed the Senate, and is now pending before the Committee on Banking and Currency in the House of Representatives. But that was the action of the Senate.

Mr. BACON. I understood the Senator to say that it was a House resolution.

Mr. OVERMAN. No; I said it was a Senate joint resolution, S. J. Res. 88, but it is in the House of Representatives, having passed the Senate, and it is now before the Committee on Banking and Currency.

Mr. WILLIAMS. It had to be passed by both Houses before it could be a law.

Mr. OVERMAN. I say the Senate took action on the joint resolution. In that we did not go as far as the Senate Committee on Appropriations did. But if the Senate desired the books to be kept there, we provided they should be kept there until otherwise ordered, and made provision for one year. The committee acted upon the idea that the Senate had acted upon the question and desired to have them kept there. I am in favor of the amendment of the Senator from Mississippi transferring the books to the Congressional Library.

Mr. BACON. Mr. President, I just want to say one word without detaining the Senate long. I entirely agree with the suggestion that this library should go to the Congressional Library for a great many reasons, which I will not repeat, although satisfactory to me. I think it would be highly improper in view of the fact that the House has its joint interest in the property that it should be kept in the Senate Office Building, and I think it would be highly undesirable on account of the inconvenience of those who are particularly interested in the Senate Office Building to have it there.

I think it proper to say one word with reference to this letter from the librarian. I do not entirely agree with my friend from Missouri in the view he takes of it. We have rather had occasion to complain that officers in the different departments have not been as ready as we sometimes thought they should have been to give us the information which we desired. I am not disposed to criticise an officer when he responds promptly to an inquiry made to him either in the name of the Senate or by an individual Senator, even though he may have in some particular gone outside of the response required to the immediate inquiry.

I do not believe that the librarian intended to be officious in the matter. I do not agree with him at all in the suggestion that the library officer now in charge of this library should be transferred with the library, and what I say is not in defense of that proposition. I disagree with him in that regard. I think these books ought to be sent to the Library, to be treated like any other books that belong to the Library; and if the increased labor imposed by the presence of those books is such as to demand an increased force, it will be brought to the attention of Congress in the proper way; but I do not think that an officer, even though he may give us views with which we do not agree, is to be considered as endeavoring to unduly communicate with Congress when he responds promptly to an inquiry made to him as in this instance by the chairman of the Committee on Appropriations. I think, as I said, he is a very worthy and efficient officer. I am not in a position to judge whether he is open to the criticism which the Senator from New Hampshire [Mr. GALLINGER] made upon him, but I say, as far as his duties as a librarian are concerned, I have been impressed with the fact that he is a very superior and efficient officer.

Mr. HITCHCOCK. Mr. President, I concur in what the Senator from Georgia [Mr. BACON] has said, and I am glad to hear the fact stated by the Senator from New Hampshire [Mr. GALLINGER] that the librarian is disposed to be somewhat independent when Senators ask him for the appointment of positions in the Library. I think it would be a deplorable condition if the librarian were disposed to yield pleasantly when Senators ask for positions upon his Library staff.

If there is one place in the Government where it has been shown that patronage is abused it is that patronage under the control of the Senate. There is hardly a place in the Government service where there are so many men occupying positions approaching to the standard of the sinecure. I think the Senators of the United States have not shown themselves to be admirable as advisers to an administrative officer in filling appointive positions. If the librarian is to conduct the Library in the interest of the public service and is to secure full service for the salaries earned, he ought not to be subject to the influence of every Senator in the awarding of positions, and he certainly ought not to be partial to particular Senators.

I am glad to hear that the librarian has shown independence and in the selection of his staff and in the appointment to positions has not yielded to senatorial influence. I consider that a certificate of good character rather than a just criticism.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WILLIAMS. Mr. President, before we go further I want to make a statement to the Senate in the hope that it may lead to some stress being brought on the proper quarter to do what we all agreed substantially yesterday that we wanted to do, and passed over the provision.

A Representative in the other House this morning left this telephone message for me: "He states that there are 10 or 12 census employees working in the Maltby Building, and that Director Durand"—this is the Director of the Census—"says he can move them to the Census Bureau if necessary; in fact, he intends to move them there in the near future."

He also states in the same telephone message: "That on referring to the Book of Estimates, it will be ascertained that the appropriation for miscellaneous items for the Maltby Building has not varied over $2,000 in 10 years."

That leads me to this: I believe that if the chairman of the Committee on Appropriations were to request the Director of

the Census to move his men out of the Maltby Building back into the Census Building as soon as he could, it would be done within a week, showing us what has occurred here in the Senate, you understand. A part of the message also was—the clerk told me he failed to take it down—that the director said he could make room for them in the Census Building.

Mr. WARREN. Mr. President, the Committee on Appropriations has no jurisdiction whatever over the Maltby Building, except to provide for the appropriation. The Committee on Rules has charge of that.

Mr. WILLIAMS. I did not suggest that the Committee on Appropriations had such jurisdiction. I merely suggested that if you were to drop a note calling the attention of the Director of the Census to what had occurred here, that the fact of these census employees being there necessitated our keeping elevator people and everybody else in there all the time, and that you had been informed by a statement of mine in the RECORD, founded upon a statement made to me by Representative JOHNSON of South Carolina—I might just as well name him—I think the Director of the Census would move them out in a week.

Mr. WARREN. Is that the Representative JOHNSON who is chairman of the subcommittee who prepared this legislative bill?

Mr. WILLIAMS. I do not know. It is Representative JOHNSON of South Carolina.

Mr. CULBERSON. He is the chairman of the subcommittee.

Mr. WARREN. I will say to the Senator, then, that that Member of the House will have his opportunity when the matter commes to conference, as he will undoubtedly be in charge of the conferees on the House side, and those things can be composed there. There are other employees besides those of the Census Bureau in that building. It seems to me, in view of the fact that there are some of those employees, as was stated yesterday, employed here on the floor or at the doors of the Senate and in other places, that we ought not to wipe out that appropriation.

Mr. WILLIAMS. What I was trying to get at was this: The one real reason why we have to maintain anybody in the Maltby Building now is because some of the census employees are there at work, and I think somebody said some Senate commission or committee was there.

Mr. WARREN. There are numerous persons there.

Mr. WILLIAMS. A part of the Pension Committee, I think. They can be moved, of course, at once. If that is done, we shall lock the whole thing up, discharge the elevator attendants, the custodians, and the remainder of the employees and sell the building.

Mr. GALLINGER. Mr. President, I desire to say a single word in response to the remarks of the Senator from Nebraska [Mr. HITCHCOCK]. I know the Senator from Nebraska did not intend to apply what he said to me directly, although he did not quite comprehend what I had in mind, as he naturally would not.

About 14 years ago I joined with my then colleague, Senator Chandler, to ask for a position in the Congressional Library for a man who had been State librarian of the State of New Hampshire. He was given a small position and I think is still employed there. He was a competent man. From that time to the present I have not asked the librarian to appoint anyone from my State and probably never shall. I have given two or three letters, perhaps, to parties not residents of New Hampshire, some of whom came with a request from my colleagues to give them a word of commendation, and I ventured to do that. I do not know that it influenced the librarian one way or the other, and I would not expect that it should.

What I more particularly meant to lay stress on was the fact that I have reason to believe the librarian finds it in his power, and that he exercises his right, to give places to parties that very likely are competent in that great institution and that there is no obstacle in his way of doing that when he desires to do it. For that reason I felt that there would be no obstacle in the way of his giving a position to this gentleman, who is now in charge of the so-called Monetary Commission library. That is all I meant to say.

The Librarian of Congress is, beyond question, a very competent man; he is administering the affairs of that great institution with great ability. He came here recommended in the highest possible terms from the public library at Boston, where they always try to get the best. I had no purpose of reflecting in an improper way upon that official at all.

Now, Mr. President, if the chairman of the committee will permit me, I should like to ask him to go back, because I was detained from the Senate on yesterday, to an item on page 12, contained in lines 7, 8, 9, 10, and 11. I only wish to ask a question about it. That clause reads:

For rent of warehouse for storage of public documents for the Senate, $3,600, to be immediately available, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

I have noticed in reading this bill—in fact, I noticed it when the bill was before the committee—that we are paying immense rentals in the District of Columbia. I think I am not mistaken, certainly not if the statement was correct that was submitted to the committee, that there is one building in this District that was hired by the District government year after year for $8,000, the owners claiming they ought to have $10,000 and always saying that the Government owed them $10,000 each year, but nevertheless they receipted in full. I say that building, if I am not mistaken, is now being rented to a department of the Government for more than twice that amount.

It has often occurred to me that if some Senator or some committee of the Senate or of both Houses would take hold of this matter of rented buildings in the District of Columbia, ascertain their value, and ascertain what a fair rental would be, they would astonish themselves and astonish Congress in view of the developments they would find. I may be wrong about it; but that is my impression.

Here is the item for the rental of a warehouse for the storage of public documents. When we erected the Senate Office Building—and I chanced to be on that commission, and my distinguished friend the senior Senator from Illinois [Mr. CULLOM] was the chairman of it—we were told that the lower story of that building, especially on the C Street side—you will remember the building slopes down to C Street—would provide ample facilities for storing, I think, all the documents certainly of the Senate. I know that that entire floor is empty, or comparatively so; and unless there is some valid reason for not using it for storage purposes it does seem to me that we ought not to pay $3,600 a year rental for storing public documents for the Senate. I want to ask my distinguished friend, the chairman of the Committee on Appropriations, if he has at all looked into the matter of the possibility of storing all these documents in the Senate Office Building on the lower floor?

Mr. WARREN. Mr. President, the most of yesterday was spent in a debate of that subject. It seemed that the lower floor of the Office Building, which was prepared for documents and had steel beams put under it, has been apportioned to Senators, and they now occupy the room, or nearly all of it, that was intended for documents. The Senator from North Carolina [Mr. OVERMAN], who is a member of the Committee on Rules and who, I believe, is the chairman of the subcommittee in assigning rooms to the minority, reported quite fully upon that subject.

Mr. GALLINGER. I did not mean the floor that is No. 1, but the floor underneath.

Mr. SMITH of Georgia. Which is half above ground.

Mr. GALLINGER. Yes; it is half above ground.

Mr. SMITH of Georgia. And amply suited for documents.

Mr. WARREN. On one side it is not only not half above, but it is one and one-half below the ground.

Mr. GALLINGER. On the C Street side.

Mr. WARREN. If you go into the cellar, of course it is another proposition.

Mr. GALLINGER. I mean the lower floor, you may call it the cellar, but I would not call it that, exactly; it is a basement.

Mr. SMITH of Georgia. The end of the building toward the depot is, even as a basement, about half above the ground.

Mr. GALLINGER. Well, Mr. President, I was not present yesterday, and hence I did not hear the debate. I have not had time to read the RECORD, which I usually try to do, but frequently fail. However, I call attention to this, and more particularly for the reason that I am profoundly of the opinion that the Government is paying exorbitant rentals in the District of Columbia. Perhaps it is my duty as chairman of the Committee on the District of Columbia, although it is a governmental matter, to make an inquiry, rather than that of any other Senator; but I think it is a matter that might be inquired into very carefully. I believe I heard it whispered when I was on my feet that some Senator had made such an investigation, but I know of my own knowledge that the owners of the buildings in the District of Columbia are doing exactly what the owners of buildings everywhere else would do; they are getting just as high a rent as they can for their buildings, and I question very much whether as great care is being exercised in that matter as would be if we were purchasing buildings.

Mr. OVERMAN. Is not the Government to-day paying very much greater prices for some buildings than they were rented for prior to the time they were rented to the Government? In other words, has not the District of Columbia itself rented some buildings, then gave them up, and subsequently the Government has rented them for about twice the original rental?

Mr. GALLINGER. That is what I suggested a moment ago. That, I think, is an accurate statement. I want the owners of buildings in the District of Columbia, of course, to get a fair return upon their investment; that is proper; but I do not think the poor old Government, which, of course, has not many friends, should be imposed upon to an undue extent in this matter.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. In confirmation of what the Senator is saying—of course, neither he nor I like to base our action upon rumors; we want proof—but not long ago some one pointed out to me a building here that is now being rented by the Government. The building was owned by a florist and it used to be rented by a private individual—I have forgotten now by whom—and my friend said to me that the Government was paying four times as much rent for that building as the previous tenant had paid. So that upon yesterday I suggested that there should be a joint committee of the two Houses—not one of these commissions, but a joint committee—to try to ascertain, first, how much the Government was paying, and, secondly, not alone what department or bureau entered into the contract, but what particular flesh-and-blood man represented the Government in making the agreement, so that if we find any fraud, or stuff like that, we will know the man to punish and not place the blame in the wrong place; and then to find out how the rent paid by the Government for premises compares with the rent paid by others for the same or for similar premises in the District of Columbia.

I had intended, I will say to the Senator, almost at the beginning of the session to introduce a resolution to that effect and have it referred to the appropriate committee, my notion being that members of the Committee on Public Buildings and Grounds in the Senate and members of the Committee on Public Buildings and Grounds in the House of Representatives should form a joint committee for the purpose of determining the question; but it escaped me later on in doing other things, and I never thought of it again until yesterday, when we were running over this bill. I should be very glad if the Senator would introduce a resolution of that sort, because, coming from him, and moreover from his side of the House, it would have much more easy sailing than if it came from me or from my side. It ought to be done; there is no doubt about it. I am afraid—I hate to use the word—but I am afraid there is graft going on and that men—I do not mean the bureaus or the departments, for they are not flesh and blood, but somebody acting for them—either receive a bonus or receive some benefit in some way from this abuse, and I am persuaded that the abuse exists.

Mr. GALLINGER. I will be glad to confer with the Senator about the matter.

Mr. SMITH of Georgia. Does the Senator know how much the Government is paying annually for rent now?

Mr. GALLINGER. I do not know the aggregate amount, but I think the chairman of the committee probably has the information.

Mr. WARREN. I have it here, and every Senator can have it if he will look in the Book of Estimates. Every piece of property that the Government rents is included in that publication.

Mr. SMITH of Georgia. I will ask what is the aggregate amount?

Mr. WARREN. The aggregate amount is $586,274.74.

Mr. SMITH of Georgia. That was the information I had received.

Mr. WARREN. Of which the District of Columbia is paying $44,360. I suggest to my colleague on the committee that he might look at that some time.

Mr. GALLINGER. Well, Mr. President, I am not subject to criticism from the Senator from Wyoming on this matter. I would make no distinction as to the District of Columbia. If the District authorities are renting buildings they ought not to rent or paying too high rentals, I should be in favor of calling them to account.

Mr. SMITH of Georgia. I should like to say to the Senator from New Hampshire that I obtained the figures five hundred and eighty odd thousand dollars, and then I was told by a Member of the other House that there were other rentals in the District of Columbia in other directions that would really carry the total up to over $800,000. I have not any accurate information to support that statement, and I think it is probably a mistake.

Mr. WARREN. There is no doubt about that, Mr. President.

Mr. SMITH of Georgia. That it is a mistake?

Mr. WARREN. Yes. It is bad enough as it is. The present chairman of the Appropriations Committee has for years been seeking to remedy this condition, not only by urging the construction of our own buildings, but in trying to secure lower rents. I want to say to the Senator from New Hampshire [Mr. GALLINGER], my colleague on the committee, that the subcommittee spent the greater part of one day and a good deal of one night in figuring upon this very problem which now at this late time he brings up—the matter of $3,600 for the rent of the building where these documents are stored and their removal. It is a matter that we spent several hours on a year ago, and we had the Superintendent of the Capitol and the Sergeant at Arms before us, and undertook to formulate some plan whereby this appropriation could be obviated. The wording "for the removal of books" was put in at my suggestion, so that we might have them moved into the office building; but the Committee on Rules and the Sergeant at Arms informed me that they have listened to the importunities of Senators who desired those rooms, and it is not an easy proposition to walk up to a Senator and say, "Get out of this room; they want to fill it with documents." So we have once more, hoping it may be the last time, put in this $3,600 item, so that it can be used for moving the documents or for paying rent.

I will say in this connection that it is the cheapest rent per square foot by a very large percentage that the Government is paying. We hope this trouble will not occur again, but there will have to be some self-denial practiced on the part of those who are now using the Senate Office Building if we get all these public documents in there.

Mr. SMITH of Georgia. If the Senator from Wyoming will pardon me, it was not with reference to the item of $3,600 that I rose, but in reference to the item of $580,000 paid for rental of buildings in the District of Columbia.

Mr. WARREN. I understood that, but the Senator from New Hampshire stated that he was not here yesterday, and I wanted to give him the substance of what was said then.

Mr. SMITH of Georgia. Is it not true that a considerable portion of that $580,000 consists of rentals for properties arranged for by the departments without coming directly to the Committee on Appropriations?

Mr. WARREN. If the Senator will permit me, it would only take a moment to insert in the RECORD what each department is paying out for rent; and when the Senator from New Hampshire is through, I shall be glad to insert the figures.

Mr. SMITH of Georgia. I should be very glad if the Senator would read them, because I think it would help the departments to obtain a reasonable rental if it were known that an investigation was in prospect.

Mr. WARREN. With the permission of the Senator from New Hampshire, I shall give the figures:

The State Department, $11,480; Treasury Department, $52,000; War Department, $15,220; Quartermaster's Department, United States Army, $45,377.10; Navy Department, $40,326.24; Interior Department, $59,100; Post Office Department, $48,455; Department of Agriculture, $85,329; Department of Commerce and Labor, $87,581.24; Department of Justice, $31,580.40; United State Commerce Court, $11,772; United States Court of Customs Appeals, $7,000; Interstate Commerce Commission, $41,000; Public Printer, $5,003.76; and the District of Columbia, $44,360.

Mr. WILLIAMS. Mr. President, I would like to ask the Senator one question——

Mr. WARREN. If the Senator would like, I can give the particulars for the District of Columbia as they are given here.

Mr. WILLIAMS. I want to ask the Senator this question: I notice that the Public Printer is paying out money for the rent of a building——

Mr. WARREN. Yes.

Mr. WILLIAMS. He has the old Printing Office, and we built him a magnificent great new building, covering two squares, I believe. Does the Senator recall what he is renting an additional building for?

Mr. WARREN. I am not able to inform the Senator, but I imagine that it is for storage purposes for public documents, printer's supplies, and so forth.

Mr. SMOOT. Mr. President, it is for warehouses used in connection with the Public Printing Office; and the $3,600 item that is mentioned in this very amendment is part of the $5,000 that is paid out by the Government Printing Office for rent.

Mr. SMITH of Georgia. Mr. President, if the Senator from New Hampshire will allow me a moment——

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. I wish to express my very cordial approval of the suggestion of the Senator from Mississippi. I do hope that the Senator from New Hampshire will move that a joint committee on this subject be appointed to look into the matter and make suggestions as to what we ought to do, preparatory to lessening this enormous expenditure for rent. Coming from the Senator from New Hampshire, in view of his long service, no one will feel that it is intended as a reflection upon any particular person, but simply a business proposition and a business effort to make a saving where we ought to make it, if it can be done.

Mr. GALLINGER. Mr. President, I owe the Senate an apology for calling attention to this matter, which it seems was discussed at great length on yesterday, and I owe the chairman of the committee an apology for not having taken it up when the committee was considering the bill. I have been laboring under some handicaps, from the fact that I have a great deal of work in connection with other bills, especially a conference upon an appropriation bill, and this matter escaped my attention, or, rather, the item had been passed upon before I attended a meeting of the committee, and I ought to have looked into the RECORD and noticed that this matter had been discussed on yesterday, as I am told, at great length.

Another thing has impressed me along the same line as this matter under discussion, and that is, that it does not make very much difference how many public buildings we construct in the District of Columbia, immediately some department wants more room. I think if a committee is appointed it might well devote part of its time likewise to looking into the several departments and ascertaining if they could not economize more. I think that we might do a public service in that regard. However, so far as that is concerned, I will talk with the Senator from Mississippi and the Senator from Georgia, and, while I do not think that I necessarily ought to introduce a resolution of this kind, I will be glad to cooperate with them in the matter.

Mr. President, I have said all I care to say, and, as I remarked a moment ago, perhaps I owe the Senate an apology for going back and raising any question about this matter. I am not posing here as an economist, and yet there are some things in the administration of public affairs that appeal to me very strongly. I think we are inclined in this age to run riot in certain directions in the line of extravagance that we might curb if we took a business view of these public questions. All I care to do is to try to correct any evils that may exist and save the Government some money.

Some years ago there was a proposition to purchase a certain building in the District of Columbia. I will not go into the particulars, but the senior Senator from Minnesota [Mr. NELSON] in conjunction with myself took up that matter and made a careful investigation. We found that the amount named in the bill was just about twice the value of the building, and, while I made some enemies on account of the position I took about that matter, we did defeat the proposition and saved that money to the Government. I think the building is now being rented to the Government, and I presume at a good round rental, although I do not know.

Mr. WILLIAMS. I wish to ask the Senator in charge of the bill a question about an item which I notice under the head of "Capitol police."

Mr. WARREN. Will the Senator excuse me a moment? I simply wish to say, in regard to what the Senator from New Hampshire has said, that there is no apology due me whatever and that there was no criticism of him intended on my part; I merely desired to lay before him the facts.

I hope the suggestion of the Senator from Georgia may be effectuated and that the Senator from New Hampshire may take up the matter of the rental of buildings. There is always room for improvement.

Referring to the building which it has been said it was proposed to buy at twice its value, that is one of the difficulties we encounter; and here is another: Some years ago we undertook, so far as the Senate was concerned, to purchase the Census Building. We were unable to get the proposition accepted by the House or through conference, and there never has been a time since when we could buy that same building for anywhere near the small sum for which it could then have been purchased. It could not be bought to-day for twice the sum then asked. So that the difficulties of the Appropriations Committee multiply in whatever direction we may seem to go. If we want to buy a building there must be graft somewhere, in the minds of the suspicious; there must be something wrong, and we lose the opportunity. The judgment of a committee, after a careful examination of the facts, may be that we ought to buy; but we are met with the statement that there must be some graft in it.

When we come to the matter of rentals, we have to deal with the different departments—the War Department, on the one hand, the Agricultural Department, on another, and so forth; and it is very hard for Congress, and certainly it is difficult for a committee of Congress, to prevent the rental of any building until such time as the Senate and House have passed upon the proposition and determined what amount should be paid. I assume there must be overpayments in some cases, and I know that in some others which we have investigated we are renting at a lower rate than others, private parties, are paying; but I presume the average is somewhat higher, as the Senator has said.

Mr. WILLIAMS. I wish to ask a question of the Senator from Wyoming in charge of the bill. I notice under the head of "Capitol police" there is 1 lieutenant and 34 more privates provided for than are provided for in the bill as it came from the House. How does the provision of the bill as proposed to be amended by the Senate committee compare with this year's law? Did the House cut the number?

Mr. WARREN. The House cut the number a little more than half. In other words, they did not leave the number provided in the current law.

Mr. WILLIAMS. Does this bill as it is now propose an increase over the present law?

Mr. WARREN. The Senate has restored the number to cover those now on duty. That is all.

Mr. WILLIAMS. It has but kept up the number?

Mr. WARREN. Yes, sir.

Mr. WILLIAMS. I did not know whether it was an increase or a restoration.

Mr. WARREN. It is no increase whatever.

Mr. WILLIAMS. It is simply a restoration.

Mr. WATSON. I should like to ask the Senator in charge of the bill if he does not think we could dispense with half of these policemen? I notice sleepy-headed officers sitting around that never would be allowed in a real business institution. They are of no use to anybody, even themselves, except to draw their salaries. That, I think, is of personal knowledge to every Senator. Why pension them in this manner?

Mr. WARREN. If those employed here and there are pensioned, it is a different understanding than what I have. I understand that every one of them is on duty. But there are 24 hours in the day, and under the law and custom such employees are on duty 8 hours of each 24. So it takes three shifts. There are various places where, as the Senator from West Virginia says, they may be sitting at these doors where they must necessarily watch the incoming and the outgoing, but there has to be a watch on account of the liability of fire or accident, and therefore these policemen are watchmen as well. If it is thought that this building and grounds can go without guards and without sufficient police, there will be no captious opposition to their going on behalf of the committee or of myself, although I think they should all be retained. If we have all been wrong here for a hundred years, and if it requires nobody to watch the building, well and good. We had a valuable Senate painting quite recently carved up.

Mr. SMITH of Georgia. Notwithstanding the 67.

Mr. WARREN. If the Senator wants to know my opinion, I believe we could better afford to have a sufficient watch on the Capitol than to take the chance we would run without it.

Mr. McCUMBER. Mr. President, I did not rise to discuss the number of policemen provided for in this bill, but I do want to make an inquiry in reference to the compensation of the policemen.

The Senator probably feels, as I do, that if there is any criticism which can be made on the legislative bill, it is in relation to the apportionment of salaries. We divide clerks into classes—A, B, C, and D—and we pay them salaries according to the class they may be placed in, without reference whatever to the work that is performed in that particular class. The result is you have at a table one employee working for $900 a year, or for 11 months, and you have working at the same table another clerk receiving $1,400, doing exactly the same kind of work. That certainly is an inartistic method of distribution of salaries. I believe that all salaries should be based upon the character of work done and the skill necessary to do that work.

I appreciate, however, that that is a difficult problem to be solved by the committee. But what I especially want to call the Senator's attention to is this: We are paying in our departments, on the average, I believe, for the labor of women,

about $1,200 per year. As a rule there are perhaps three or four in nearly every family receiving these salaries. So that it makes a very good family salary.

I have always believed that as a rule a man's position in life is to be the provider. I believe he should have a salary or earnings sufficient to care for a family; and I believe if there should be any differentiation at all in salaries it ought to be in favor of the man who is compelled not only to take care of himself, but also to take care of others. The Capitol policemen as well as the policemen throughout this city are men mostly of middle age, mostly married men, mostly men of families, and when I compare the salaries allowed to them with the salaries of clerks doing copying, and so forth, it raises naturally an inquiry in my mind why the policeman, who is required not only to do very hard service at times, but who is supposed to be alert, who is supposed to be patient and enduring, should have a salary of only a thousand and fifty dollars a year to care for himself and his family while the average girl in a department receives $1,200 a year and has to care for herself only.

I do not agree with the Senator who preceded me with reference to these policemen. I believe the policemen in the city of Washington and in the Capitol are not only the equal but the superior of policemen elsewhere, and I also believe this force is one of the poorest paid, and this is a city where the cost of living is exceedingly high.

I notice there are two amendments in the provision between line 8 and line 15. The amendments are made necessary by reason of adding to the number of policemen, and while we are supposed to be considering only committee amendments, in the corrections and amendments increasing the amount, there will be a necessary amendment to the sum total. I at least am going to move to modify them, and I will place it in a single motion, if there is no objection.

I move to strike out "$1,800," where it appears on line 8, page 13, and insert in lieu thereof "$2,000"; upon the same line, strike out "$1,200" and insert "$1,600"; strike out "$1,200," in line 9, and insert "$1,600"; and in line 10, strike out "$1,050" and insert "$1,500."

Mr. SMITH of Georgia. I wish to suggest that by unanimous consent amendments of the committee were first to be considered on this reading of the bill, and until they are disposed of——

Mr. McCUMBER. But the amendment proposed by the committee can also be amended; and I will explain it. This is an amendment by the committee, and therefore an amendment to its amendment would be in order.

Mr. SMITH of Georgia. The amendment by the committee applies only to the number of officers, not to their salaries.

Mr. McCUMBER. Oh, no. It applies to their number, and that affects the total amount of the salaries. If we were to adopt the amendment we have a certain number at $78,150, and if that is fixed it would require a second amendment in order to raise any of the salaries of the policemen preceding.

Mr. SMITH of Georgia. But the amendment proposed by the Senator from North Dakota goes to a subject that the amendment of the committee does not apply to—the amount of the compensation of each one of these men. He proposes to go into a new subject matter and change the salary paid to each man, and it would seem to me clear that it reaches a different subject than that to which the amendment of the committee applies.

Mr. WARREN rose.

Mr. McCUMBER. Just a moment. That could not be right. I will endeavor to make this perfectly clear. Suppose there were adopted the amendment of the committee in line 13, striking out "$41,250" and inserting "$78,150." Then the bill, before being reported to the Senate, is further amended by striking out the words "one thousand eight hundred" and inserting in lieu thereof "two thousand." You will then readily see that this amendment does not stand alone, but is dependent upon any other amendment within that paragraph. Therefore, if you amend any portion of that paragraph, fixing either the number or the sum total, it makes it proper that you should amend it as a part of the committee amendment before the matter goes from the Committee of the Whole and before the Senate.

The Senator certainly will see that if he will stop to consider for a moment.

Mr. SMITH of Georgia. I understand the position of the Senator. I think it is a mistake to agree by unanimous consent to consider committee amendments alone, and in the future as to any bill in which I am interested I shall object to that course. There should be opportunity to offer other amendments to perfect a particular section before we pass from it, because while we are considering it we should consider all subjects related to it. It would lessen the consumption of time——

Mr. McCUMBER. The Senator knows that that is not a parallel case.

Mr. SMITH of Georgia. I suppose there is a practice in the Senate, with which I am not familiar, and whatever that practice is it ought to be followed in this instance. The chairman of the Committee on Appropriations is much more familiar with the subject than I am.

Mr. WARREN. I suggest that the orderly way would be first to determine the number of employees, second the salaries, and third the total.

Mr. McCUMBER. That is right.

Mr. WARREN. That being true, I ask the Senator to state his amendment; then we shall proceed with the reading of the section, and then perfect the Senate amendments so far as they go.

Mr. McCUMBER. I agree entirely with the Senator and I did state——

Mr. WARREN. I did not wish to take the Senator off the floor.

Mr. McCUMBER. No; that is all right.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Chair calls the attention of the Senator from North Dakota to the unanimous-consent agreement of yesterday.

Mr. McCUMBER. I understand the unanimous-consent agreement, and I agree with the Senator from Wyoming that the orderly way to consider these amendments would be first to consider the number of officers; second, the salary; and third, the total. Now, the committee moves to amend the total. The Chair will quickly perceive that if we adopt that amendment, then a motion would not be in order to amend any of the others while the bill was in the Senate as in Committee of the Whole.

Mr. SMOOT. Mr. President, in all appropriation bills the totals are not taken as final. I call the Senator's attention to the fact that on May 28, 1896, Statutes at Large 29, page 148, this rule was adopted:

> That hereafter the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided.

In other words we could go through an appropriation bill, make changes, and if for some reason the footing was not properly changed, it would not affect the appropriation in the least. That has been the rule of the Senate ever since 1896, and generally I will say there is a motion made that all footings be corrected by the clerks.

Mr. WARREN. Usually the Senator in charge of an appropriation bill makes such a request and it is granted—that all footings shall be corrected by the clerks.

Mr. McCUMBER. That is not the issue here at all. It is this: The Senate as in Committee of the Whole now proposes to adopt an amendment in line 13, on page 13. Now, if they passed that total and did not ask that it be inserted until we have determined what the salary shall be, that would be applicable; but now as in Committee of the Whole we are reaching that amendment, and that amendment fixes the total. Suppose we vote for an amendment and it is adopted, and then afterwards we adopt another amendment fixing the salary of any one of these officers for a greater amount, then the total remains as it is, inaccurate and improper. The orderly and proper way is that which has just been suggested by the Senator from Wyoming, to complete first the number and the salaries and then adopt your total, or else allow the total to be passed over until we can vote on the other question.

Mr. SMOOT. The only amendments that are being considered now, under the unanimous-consent agreement, are committee amendments. The committee has made no amendment to the salary, but it has made an amendment as to the number. When the committee amendments are adopted or disapproved of, then the Senator from North Dakota can offer any amendment as to the number or as to any salary and have it acted upon.

Mr. SMITH of Georgia. If the Senator from Utah will permit a suggestion, it is this: If the Senator from North Dakota is right in his view that justifies him in moving an amendment anywhere prior to the total being fixed, the fact that some change in the total has to be made will practically do away with the unanimous-consent agreement of the Senate and open up everything.

Mr. McCUMBER. I will not take up any further time in debate. We were on this bill all day yesterday and up to this hour to-day, and we have disposed of but a few pages of it. I simply desire to say I am willing to have passed over the amendment, which I purpose to make, until we reach the matter. But right now I do not wish it to be understood that I

agree with the proposition that when the committee has made an amendment that that amendment can not be further amended upon the suggestion of any Senator under the unanimous-consent agreement, for it certainly can.

Mr. WARREN. Mr. President, I am sorry there are not more Senators in the Chamber, but I think I ought to state briefly how this question has come up.

Last year the Committee on Accounts on the House side recommended that the police force be cut in two and that the appropriation for those who were cut off should be covered back into the Treasury. I do not know whether it received the sanction of the caucus or not. That is a matter, of course, about which I am not informed. But it did not seem to receive attention in either the Committee on Rules or the Committee on Appropriations, but in an informal way representatives of the Committee on Accounts visited me; I referred them to the Committee on Contingent Expenses of the Senate; but they stated that the committee did not seem to want to discuss it. So I appointed a subcommittee, consisting of the Senator from Rhode Island [Mr. WETMORE] and the Senator from North Carolina [Mr. OVERMAN], who took up that subject and sifted it from top to bottom.

The decision then was that we could not act favorably upon what the Committee on Accounts had recommended, and it has gone on until now.

The committee on the other side have cut the 67 policemen down to 33 for the House and Senate. They are appointed by the Sergeant at Arms of the House and the Sergeant at Arms of the Senate jointly, and I think the Senator from Rhode Island, for his subcommittee, ought to give the Senate the benefit of the tables they made, so the Senate and the country, for that matter, may know exactly what these men do and where they are stationed. Then if the Senate feels it can get along with half of these policemen, it will act upon full intelligence.

So I shall ask the Senator from Rhode Island to give us the benefit of his research.

Mr. WETMORE. Mr. President, as has already been stated by the chairman of the Committee on Appropriations, a year ago he appointed a subcommittee consisting of the Senator from North Carolina [Mr. OVERMAN] and myself to take this matter of the Capitol police into consideration. I think we have sifted it pretty thoroughly, and have come to the conclusion that the police force can not properly be reduced. We must take into consideration, in the first place, that the Capitol Building has cost about $17,000,000, is not fireproof, and is uninsured both as to building and contents. The building is very large—750 feet in length by 350 feet in width. In addition, the grounds about the Capitol are in area about 50 acres. The chief of the Capitol guides states that sightseers and persons having business here, to the extent of about a million people, go through the Capitol Building each year.

The Capitol police are allowed 50 days' annual leave, when the sessions of Congress will permit, and, in addition, sick leave, in the discretion of the Sergeants at Arms of the House and the Senate.

The police are employed 8 hours a day, 365 days a year, including Sundays. The 50 days' leave, therefore, is not quite equal to the fifty-two Sundays that other employees receive with pay.

I have here a list showing the shifts and assignments of the Capitol police force.

There are 15 stations, manned night and day with 3 men each on 8-hour shifts. These 15 stations require 45 men.

For day service only there are 13 stations—1 man at each station.

For night service only there are 2 stations—1 man for each.

Attached to the headquarters, day service, are 3 men.

On special duty for day service there are 4 stations, requiring 4 men.

The reserve, not assigned, consists of 5 men.

At the present time there is 1 vacancy. This makes up the total of 73 men.

All of the men on day service work from 9 a. m. until Congress adjourns. They not only work the regular eight hours, but remain on duty as long as Congress is in session.

The number of entrances to the Capitol is 17. Twelve of these are unguarded and 5 are guarded. Now, I have here a diagram of each of the stories of the Capitol—basement, first story, and so forth—and on this diagram is marked the station of every man. The list I have in my hand shows the stations, the number of men required to man the stations, the location, and the service, whether regular or not.

In addition to that, I have another sheet which shows exactly what is the duty of every man at each of these stations. It is rather long. I can read it, if the Senate desires.

I have also another list in my hand, which shows the names of every member——

Mr. WATSON. I should like to inquire if the statements show to what Senators these men are charged?

Mr. WETMORE. No; I have not that, but that is very easily ascertained.

Mr. WATSON. I think it would be well to get that information if we can.

Mr. SMITH of Georgia. Are these men charged to Senators, or are they selected on the basis of efficiency and as a result of some kind of a competitive examination?

Mr. WETMORE. I take it these men are included within what is termed Senate patronage, although I do not know. It would make no difference whether they are or not, because this number of men is needed.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. WETMORE. Certainly.

Mr. WATSON. Did the committee inquire in any way into the efficiency of these men?

Mr. WETMORE. I take it for granted, unless complaints are made, that they are efficient men. I have had no complaints brought to my attention.

Mr. WATSON. I should like to ask the Senator what is the police force of an average city of 75,000 people?

Mr. WETMORE. I think, Mr. President, it is necessary to have an adequate force to properly protect the Capitol Building, preserve order, and prevent vandalism. The building is open to the public, and a very great number of people visit it while Congress is in session as well as during the summer recess.

Mr. WATSON. I think the building should be well policed, but I think there is an unnecessary number of inefficient men around this building, as I think every Senator will agree.

Mr. WETMORE. If the Senator from West Virginia can point out any place where a man can be spared, I shall be glad to aid him.

Mr. WATSON. I can point out some perfectly useless men acting as policemen around this building.

Mr. WETMORE. Would you give me a list of useless men?

Mr. WATSON. I can do it very readily.

Mr. WETMORE. With their names?

Mr. WATSON. I do not know their names.

Mr. WETMORE. You can easily determine that, I take it.

Mr. WATSON. I do not think any Senator will disagree with that statement.

Mr. WETMORE. I am not so sure about that.

Mr. SMITH of Georgia. The Senator spoke of a million people visiting the building. I suppose he meant in 12 months. He did not state within what length of time.

Mr. WETMORE. During a year.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. WETMORE. Certainly.

Mr. WILLIAMS. I suggest that the Senator have this matter published in the RECORD.

Mr. WETMORE. I should like to have it inserted in the RECORD. I prepared these tables in order that they might be inserted in the RECORD.

Mr. WILLIAMS. I have not heard the Senator make that request yet.

Mr. WETMORE. I make the request now. I ask that the tables and figures I have may be inserted in the RECORD.

Mr. WILLIAMS. The Senator said we could very easily get the information as to how these men were appointed, and upon whose recommendation. Where could we get it?

Mr. WETMORE. I suppose from the Sergeant at Arms of the House and the Sergeant at Arms of the Senate. I may state as to the positions that were to be made vacant on the House side, where it was not thought necessary to have so many people to take care of the building, all those places have been filled.

Mr. WILLIAMS. I should not be at all surprised.

Mr. WETMORE. I do not suppose anyone should be surprised.

Mr. WILLIAMS. I would not be at all surprised if twice as many places, if allowed by law, would be filled on that side and on this side too; and I should not be a particle surprised if about 40 per cent of the men who filled them were absolutely inefficient, hangers on of Democratic Representatives and Republican Representatives, and Democratic Senators and Republican Senators. I do not see what that has to do with it, but I should like to have that list included among the other things which the Senator is going to put in the RECORD, and with the

backers, I believe you call them, or vouchers, of these different employees, and who they were charged to.

Mr. WETMORE. I suppose any Senator can get that information by a request from the Sergeant at Arms.

Mr. WILLIAMS. The Senator has just said that we could easily get it. I do not know whether I could or not.

Mr. WETMORE. Any Senator can get it easily.

Mr. WILLIAMS. Certainly the Senator could, but I do not know that I could.

Mr. WETMORE. I am quite sure the Senator from Mississippi can get it as easily as the Senator from Rhode Island.

Mr. WILLIAMS. I do not know about that.

Mr. WETMORE. Suppose the Senator tries it, and if he is unable to get the information he might ask me, and we would try together.

Mr. WILLIAMS. I ask that the Senator be permitted to insert that matter with these other things and a list of the vouchers behind these gentlemen.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. If the Senator from Wyoming will indulge the Chair he will put the request of the Senator from Rhode Island. It is that the report which he has read and other matter be printed in the RECORD. Without objection, it is so ordered.

The matter referred to is as follows:

Capitol police stations.

No. of station.	Men.	Location.	Service.
Headquarters:			
A	1	Captain	Day service.
B	3	Lieutenants (1 for each relief).	Regular relief.
17	1	Plain-clothes man	Day service.
18	1	do	Do.
C	3	Sergeants (1 for each relief)	Regular relief.
D	1	Clerk	Day service.
19	1	Turnkey	Do.
21	1	Special	Whenever assigned.
Cellar, 10	3	Terrace, west door	Regular relief.
Basement:			
1	3	West door	Do.
2	3	Senate door	Do.
7	3	House door	Do.
8	3	Office Sergeant at Arms, House of Representatives.	Do.
9	3	Crypt	Do.
Principal floor:			
3	1	Senate floor	Day service.
4	3	Rotunda	Regular relief.
5	3	Statuary Hall	Do.
6	1	House floor	Day service.
12	1	Senate reception room	Do.
14	1	Speaker's door	Do.
13	2	Senate gallery	Do.
15	1	Upper dome	Do.
16	1	Lower dome	Do.
Capitol grounds:			
22	3	Northeast	Regular relief.
23	3	Northwest	Do.
24	3	Southeast	Do.
25	3	Southwest	Do.
26	1	Special bicycle	Day service.
27	1	Cab stand, south	Do.
28	1	Cab stand, north	Do.
Senate Annex, 11	3	Maltby Building	Regular relief.
Senate warehouse, 29	1	First and B Streets SW	Night service.
Detailed duty:			
20	1	Capitol telephone exchange	Do.
E	1	Special duty, House Office Building.	Assigned to lieutenant police, House Building.
F	1	Special duty, Sergeant at Arms' office, House.	
G	1		Vacant.
H	1	South door (doorkeeper), Senate special duty	
Reserves, I	5	Not assigned	
Total	73		

CAPITOL POLICE STATIONS.

Station No. 1. West front: Regular detail. Important post. Visitors coming in on west front use this door, and officer is needed to direct strangers and sight-seers and to keep a lookout for beggars and suspicious characters getting into the building.

Station No. 2. Senate door: Regular relief. Principal entrance to Senate wing; open from 6 a. m. to midnight. Telephone station.

Station No. 3. Senate floor: Day service. Officer patrols corridors on the Senate floor. On duty from 9 a. m. to adjournment of Senate; also assists doorkeepers at south door of Senate and relieves them when they go to meals.

Station No. 4. Rotunda: Regular service. Principal entrance for excursionists. Important post during day on account of large number of strangers and sight-seers congregating there. When one of the Houses is in session officer guards the Rotunda door to the other wing. Raises and lowers the flags on east and west fronts.

Station No. 5. Statuary Hall: Regular relief. Important on account of the large number of strangers and sight-seers and in order to prevent vandalism. This post is abandoned when officer is required for special duty. Might be changed to day service only.

Station No. 6. House floor: Day service. Officer stands at main House card door. Space is very limited and it is necessary to keep crowds moving during session of the House. Assists doorkeepers in sending cards to Members of the House.

Station No. 7. House door: Regular relief. Main door of House wing. Open from 6 a. m. to midnight. Telephone station.

Station No. 8. Sergeant at Arms House of Representatives: Regular relief. Guards safe in disbursing office, which is on the ground floor in southeast corner of the building.

Station No. 9. Crypt: Regular relief. Doors open here to admit supplies being delivered prior to opening of building. This officer also prevents removal of Government property not authorized (see Police Manual, p. 21); also guards property condemned and awaiting sale.

Station No. 10. Terrace: Regular relief. Main west entrance to building. Three doors to guard—two Terrace doors and door to main building. Open day and night. Telephone station. Used by engineers, mechanics, and laborers going in and out at night and in the early morning.

Station No. 11. Senate Annex: Maltby Building. Regular relief. Only watchman in building. Telephone station.

Station No. 12. Senate reception room: Day service. Duty on Senate card door. Preserves order in the reception room, keeps crowds moving, and assists men at card door. On duty from 9 a. m. until Senate adjourns.

Station No. 13. Senate gallery: Day service. Two officers on this station regularly. On occasions when galleries are crowded and corridors filled with visitors waiting to be admitted, it has been necessary to detail two extra officers.

Station No. 14. Speaker's door: Day service. This officer guards the Speaker's door and keeps order in the corridor.

Station No. 15. Upper Dome: Day service. On duty from 9 a. m. to 4 p. m. This post is necessary for the preservation of order, to protect the Dome from defacement, and to guard sightseers from dangerous places.

Station No. 16. Lower Dome: Day service. On duty from 9 a. m. to 4 p. m. Conditions same as above.

Station No. 17. Special: (Webber) Day service. Detective. Plain-clothes man. Considered as necessary as any station in the Capitol. Circulates among the crowds to protect visitors from questionable characters. Also detailed to serve subpœnas of investigating committees.

Station No. 18. Special: (Quarles) Day service. Detective. Plain-clothes man. Conditions same as above.

Station No. 19. Turnkey: Officer locks and unlocks 13 doors of the Capitol every day except Sundays and holidays, opening 3 of them at 7 a. m. to admit supplies for the restaurants, also janitor and Government Printing Office employees, and closes them when the Senate and House adjourn, however late that may be. No other person in the past two years has had possession of the key that safeguards the Capitol. The plan of having one special officer to do this service has had the approval of the Superintendent of the Capitol and the Sergeants at Arms of the Senate and House.

Station No. 20. Telephone exchange: Night service. On detail at Capitol telephone exchange as night operator for the past 10 years. The telephone operators on day service are women.

Station No. 21. No regular station. Carried as a special on duty sheet to have a special man available for emergency duty.

Station No. 22. Northeast grounds: Regular relief. Patrol. Protects the lawns from trespassers and the roadways and plaza from invasion by unauthorized vehicles and from fast driving of all kinds.

Station No. 23. Northwest grounds: Regular relief. Same as above.

Station No. 24. Southeast grounds: Regular relief. Same as above.

Station No. 25. Southwest grounds: Regular relief. Same as above.

Station No. 26. Special: (Bicycle) Day service. The bicycle officer patrols the grounds and driveways, warns automobile and carriage drivers against fast driving, keeps an eye on hackmen who follow their calling in the Capitol Grounds and can not be controlled by an officer on foot, catches and sends to the pound dogs without licenses.

Station No. 27. Cab stand, south: Day service. Directs the coming and going of all vehicles, their station while waiting, and calls Members' carriages. Important station.

Station No. 28. Cab stand, north: Day service. Main entrance to Senate wing. Duties of this officer same as above.

Station No. 29. Senate warehouse: Night duty. Is the only watchman in the building at First and B Streets SW., where Senate documents are stored.

Station A. Captain: Has general supervision of the Capitol police force under direction of the Sergeant at Arms of the Senate and Sergeant at Arms of the House of Representatives; is responsible for discipline, issues all orders, makes assignments and transfers, passes on applications for leave of absence, makes contracts for uniforms for the men, etc.

Station B. Lieutenants: Regular relief. One lieutenant for each relief. Day and night service. Is in command of the relief. Makes three inspections of all posts during his tour, including the Maltby Building, Senate Office Building, and Senate warehouse and the four posts on the Capitol Grounds.

Station C. Sergeants: Regular relief. One sergeant for each relief. Day and night service. Has charge of guardroom; keeps the record of his relief and makes daily report; acts as assistant to the lieutenant.

Station D. Clerk: Day service. Keeps the record of officers coming into the service and going out, keeps the time book, accounts of officers charged with equipments, pay accounts, and pay rolls, records of all lost and found articles, and records of all arrests and orders issued.

Station E. Detached service: At request of Sergeant at Arms of the House, detailed to assist the lieutenant in the House Office Building, where they are short-handed, and the force is composed almost entirely of new men.

Station F. Detached duty: On request of Sergeant at Arms of the House, detailed to do duty in plain clothes in House galleries.

Station G. Detached duty: (This station is now vacant.)

Station H. Assigned to Sergeant at Arms of the Senate, and is acting as doorkeeper at the south door of the Senate.

Station I. Not assigned: The four officers not assigned, as well as the two officers on detached duty, are all required to take the places of men sick or on leave, and, in addition, to man certain stations that, while not continuous, still require men for considerable periods—such as the officer at the Supreme Court while the court is in session; the officers detailed at the hearings of committees; and extra officers on the main floor when the building is filled with sight-seers.

Assignment of Capitol police.

	Stations.	Number of men.
Regular stations, night and day, 3 men each station, 8-hour shifts (1, 4, C, 10, 1, 2, 7, 8, 9, 4, 5, 22, 23, 24, 25, 11)	15	45
Regular stations, day service only, 1 man to each station (17, 18, 3, 6, 12, 14, 15 (2 men), 16, 26, 27, 28)	13	13
Regular stations, night service only (20, 29)	2	2
Headquarters, day service (A, D, 19)	3	3
Special duty, day service (21, E, F, H)	4	4
Reserve, not assigned (I)	5	5
Vacancy (G)	1	1
Total		73

NOTE.—All day-service men, except the two on the Dome, work from 9 a. m. until House adjourns.

Entrances to Capitol.

	Cellar.	Basement.	Principal floor.	Total.
Guarded night and day	1	2		3
Guarded day		1		1
Law library, 4.30 to 10.30 p. m.		1		1
Unguarded		9	3	12
Total	1	13	3	17

ROSTER OF THE UNITED STATES CAPITOL POLICE.

First relief: Lieutenant Stephan; Sergeant Davis; Privates Barnard, Doyle, Farrell, Greene, H. J. Hauser, Johnson, Lane, Murphy, Nolan, Perry, Reardon, and Ward.

Second relief: Lieutenant Shinners; Sergeant Greer; Privates B. B. Bell, Bentley, Curnan, Cook, Gerding, Jones, Moore, Mullen, Malone, McKeever, McCarthy, Ridenour, Short, and Schultz.

Third relief: Lieutenant Hammond; Sergeant True; Privates Bailey, Barnes, W. H. Bell, Davison, Downs, Buchannan, Foley, High, Kasson, McMillan, Ruggles, Stack, Wilcox, and Hamrick.

Special details.

UNITED STATES SENATE.

Daily.

Reception room: Sellers.
Senate gallery: Ernst and Nichols.
Senate door: Becke.
Senate cab stand: Holmes.
Special duty: Hamilton.
Senate warehouse (night duty): Burke.

HOUSE OF REPRESENTATIVES.

Daily.

Main door: O'Brien.
Speaker's door: Kenah.
Supreme Court: Brand.
Cab stand: Howe.
Sergeant at Arms' office: Hanlon.
House Office Building: Gannaway.

REGULAR OR NEUTRAL STATIONS.

Daily.

Dome: Burrows and Kennedy.
Clerk: Berger.
Turnkey: Ivins.
Bicycle: Jacke.
Detectives: Webber and Quarles.
Acting detective: Way.
Telephone (night duty): Meeker.

SUMMARY.

Captain	1
Lieutenants	3
Sergeants	3
Detectives	2
Clerk	1
Privates	62
Vacancy (House)	1
Total	73

Mr. WARREN. Mr. President, I was about to say that in accommodation of the Senator from Mississippi I might be able to read the list before we finish the consideration of this bill as to the backers of a great many of these people. The Senator will remember that I read a list yesterday and the backers of those who had accredited backers, but there were a good many of those who were old employees, who are hired by the Sergeant at Arms because of their ability for their work. I hardly expect that I could get the list on the House side without being called impertinent, as that is handled entirely from there.

Mr. WILLIAMS. I am not requesting any list on the House side. I request a list on the Senate side, and I will let some wide-awake Republican get the list on the Democratic side. I suppose it can be done on both sides.

My understanding is that as a matter of fact here is this great big magnificent Capitol, in some respects the greatest building of its kind in the world, very valuable, and its safety is guarded, the safety of people going through it is guarded, not by a well-appointed police force, put there as policemen upon the police force of a city are placed, because of merit, but on the House side because every one of them is placed by the Democratic majority, and on the Senate side I understand that every one of them is placed by the Republican majority. It is just as purely a case of favoritism as ever existed. They are political hangers-on, and to them we intrust the safety of this great national property, and they attend to it with such little efficiency that although there are 67 of them hanging around between here and the House somewhere, somebody came in here the other day and ruthlessly cut one of the pictures in the Capitol all to pieces. When we are up here they are hanging around. I dare say that would not be the case if anyone would come up and go through here at night. It used to be my duty very frequently to do it, because then the minority room upon the House side was away up in the Capitol, and I had lots of work to be done and it had to be kept up with at night. So my force and I went there and were there at night again and again, and you could pass through this Capitol night after night and you would not hear anything except the resounding echoes of your own footsteps, and you would see a man at the door as you came in.

Mr. WARREN. Will the Senator allow me? I expressed a regret yesterday because of the unbelief that seemed to exist, and I think as far as we got I was able to prove that there was no hidden graft in the bill, as had been intimated. I now propose to read the list of policemen, where they came from, the salary they are getting, and who is responsible for them, as nearly as I can.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I do.

Mr. REED. Will the Senator kindly tell us the document in which we will find that information? I want to find the document.

Mr. WARREN. I propose that the Senator shall read it to-morrow morning in the RECORD.

Mr. REED. I understand; but I thought the Senator had some document, and I wanted to get the name of the document, not that I do not trust the Senator's reading, but I want to know where to find it.

Mr. WARREN. There is no document about it. It is simply a list of the Sergeant at Arms, of which there is no duplicate.

Mr. REED. Very well; then I can get it in the RECORD.

Mr. WARREN. There is no duplicate, because it is liable to be changed every few days.

Before I commence I want to say that this list is very largely filled from the old soldiers' roll. That brings up the problem whether the Senators on this side of the House or on the other side of the House wish to attack the old soldiers' roll, that both sides have given their adherence to. If they do, now is a good time to do it.

Mr. WILLIAMS. How does that enter into this question?

Mr. WARREN. The Senator will see as I read it.

Mr. WILLIAMS. A great many were put on because they were old soldiers?

Mr. WARREN. They are on the roll now, and they are old soldiers.

Mr. WILLIAMS. What is the average age of an old soldier now? Has the Senator any idea?

Mr. WARREN. Looking at the Senator from Mississippi and myself, the Senate can easily decide that.

Mr. WILLIAMS. I think not, because the Senate certainly would not decide it by looking at me. I was not 11 years old until after Johnston had surrendered. An old soldier who entered the Army very young anywhere near the beginning must be about 62, 63, or 64 now.

Mr. WARREN. Probably.

Mr. WILLIAMS. I do not intend to attack any old soldier, although the Senator seems to say so. I have not the slightest idea of doing it, either here or elsewhere. I never have done it in my life. But if I were going to select policemen for day and night service to defend a great building, they ought to be active young men, and especially if they are to keep guard to prevent fire and to prevent damage to paintings and things of that sort.

Mr. WARREN. I will say to the Senator that many of them were young men when they came here.

Mr. WILLIAMS. They may have been.

Mr. WARREN. They may be somewhat old now.

Mr. WILLIAMS. But if they are now here they are not young men now, and can not possibly be very active unless they are an exception to the general rule.

Mr. OVERMAN. Mr. President, I wish to say that I was very much astonished at the number of watchmen in the public buildings in Washington. These people are not only policemen but they are watchmen. I have gone into the question very thoroughly with the superintendents of these buildings, and when I saw 40 and 50 and 60 and 75 watchmen for a building I was simply astonished. I asked the superintendent, "How comes this?" He replied, "Take off 15 or 20 or 30 of these watchmen and what will be the result? The result will be that we will have the majority of them incompetent men. The young men will have to go. The competent men that we have employed are men who were not in the Army, and the law requires that in discharging these men we shall discharge the young men and leave the old men. Therefore if we cut down this force we have got to cut off the competent men and leave the incompetent men, because they are the old soldiers."

Mr. WILLIAMS. They ought to be pensioned, some of them, rather than be put in a place they can not fill.

Mr. TOWNSEND. Mr. President, if I recall correctly, at the beginning of this Congress the question of patronage was brought up before the Senate, and a committee was appointed and a great many of the employees of the Capitol were placed on the permanent roll and taken out of patronage. Some of them were policemen, and many of them were very old men, but by the unanimous vote, as I remember it, of the Senate, after some discussion, these gentlemen were placed on the permanent roll of the Senate, filling various offices. So if there is any complaint as to this class of men the complaint should be lodged against the Senate, because it was here discussed in open session, and many of these old soldiers were taken out from the list of patronage and their positions made permanent.

Mr. WILLIAMS. The Senator seems to misunderstand me. I am arraigning nobody. I am just in an inquiring mood. In fact, I did not make the inquiry of the Senator. Somebody proposed to give the information, and I thought it would be good to have it. I should like to have it, and I suggest now that we permit the Senator from Wyoming to give it to us.

Mr. WARREN. I am taking the time of the Senator from Rhode Island, with his indulgence, but I wish to stop a minute and say that after the House had undertaken to cut down their force last year you will all remember what occurred in the House Office Building. The pass keys were lost, and they had to change every lock on every door at the expense of several hundred dollars. That occurred amongst a great many other happenings. The places were filled, as has been stated, and that was considered necessary.

Now, as to this matter of the old soldiers' roll, I happened to serve in the war. I have never made a single special plea for the old soldier or for special pensions. I have not been one who has wanted to fill to overflowing the old soldiers' roll. In fact, I was one who objected in the Committee on Rules to an addition at present that would include all those who might have served in the Spanish War. I did not believe that the time had arrived for that. On the other hand, I hope my heart beats as warmly for the old soldier as that of any other man, on either side of the Chamber.

I remember the Senator from Mississippi—and I speak with entire respect—made a very pathetic appeal here for a man who was doing nothing, who had been recommended for dismissal because he was entirely useless, and the Senate backed the Senator from Mississippi and voted to retain the man, and he is drawing his salary yet. This committee has in this bill provided for a continuance of his salary, believing that it was right.

Now, we have men on the Capitol roll who have been here 25 or 30 years, men who were young once. I do not want to be personal, but if the Senator goes out through that west door and goes into the President's room, or if he goes through any one of several of these doors he will find men at the doors who have been there for 25 or 30 years, men who served in the Army, men who are old soldiers, some on one side and some on the other in the struggle of the Civil War.

Mr. WILLIAMS. I am making no point about that.

Mr. WARREN. If the Senator wants that brought up——

Mr. WILLIAMS. I am making no point about that.

Mr. WARREN. The Senator was saying that their time for usefulness is past.

Mr. WILLIAMS. A man might be as old as Methuselah and make an excellent guard at one of these doors. There is no trouble about that. I thought the Senator was explaining about the Capitol police.

Mr. WARREN. That is the admission I want the Senator to make—the point that a man may be 80 years old and yet be a good man so far as his work here is concerned.

Mr. WILLIAMS. I thought the Senator was referring to the Capitol police force. A policeman is not like a man who sits at a door.

Mr. WARREN. The policemen on night service have to guard the doors, and they have as much right to thus sit at the doors then as during the day. They are both policemen and watchmen.

Mr. WILLIAMS. Of course, if he has no duty but to sit at a door—but could he get up and make a rush to catch somebody who was perpetrating some evil? You can not get around the objection by making it apply to that particular place. By the way, I want to say, as far as the old-soldier feeling is concerned, I think one of the oldest men who sits at one of these doors was a rebel soldier.

Mr. WARREN. Of course; Col. Edwards.

Mr. WILLIAMS. And he was a mighty good one at that. I am very glad to see him sitting there, but if that man had to go over the Capitol Grounds and attend to the duties of a policeman I should say that it was not the place for him.

Mr. GALLINGER. If the Senator will permit me, as to the soldier he refers to, who is an admirable old fellow——

Mr. WILLIAMS. He is an excellent man.

Mr. GALLINGER. I am very fond of him. Not many years ago we increased his salary three or four hundred dollars above that of the Union soldier who stands in that door. [Indicating.]

Mr. WARREN. Not only that, but——

Mr. WILLIAMS. I merely said that to show that I am not trying to bring that in here. I make no point upon the question as to whether they are or are not old soldiers. The Senator himself began to make that point in defense of the fact that there were so many of them on the roll. I merely made it by saying it could be no defense because they were men of that age. What I was trying to get at, regardless of the age and service of any of these men, is the manner in which they are appointed, and that the Senator holds in his hands.

Mr. WARREN. I propose, when I get this difference between the Senator and myself composed, to go on with it.

Mr. WILLIAMS. All right.

Mr. WARREN. The Senator asked how old a man must be who served in the Army. Let me say to the Senator there are a good many men about the Hall here sixty years and odd, including the Senator himself, who are quite lively.

Mr. WILLIAMS. When I made the inquiry as to the old men who served here, it was after the Senator from Wyoming had said that he wanted to know who was going to make an attack, or something of that sort, upon the old soldiers. I merely made the remark that the fact that a man served in the war was not a reason of itself to believe that he would make a good Capitol policeman; but, on the contrary, if it argued anything, it argued that he was too old for that sort of work.

Mr. OVERMAN. The Senator calls them policemen. They are watchmen and policemen. We have not provided for watchmen for this building.

Mr. WILLIAMS. I understood the Senator to talk about policemen.

Mr. OVERMAN. As I recollect it, in addition to being policemen these men are watchmen. They are called policemen, but a great many of them simply sit at the doors and watch, as I understand.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield further?

Mr. WETMORE. Certainly.

Mr. WARREN. Before I leave the subject of the very admirable messenger at the door here, let me state that his salary was raised to $1,800, and because the minority asked for it. Let me say there were forty-odd—it is now thirty-odd—messengers, every one of whom wants the same salary now because this man has it; but that was tendered to him in respect of his old age; not because he was young, but because he was old, and because of his Army service, without regard to what Army he served in.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Missouri?

Mr. WARREN. I do not want to get too far away before I put in this list.

Mr. REED. The Senator can come right back to it. In order that this matter may not be misunderstood, let it be remembered that the discussion about the old soldiers and old men had its origin in the statement of some Senator from the other side that we were required under the law to discharge the younger men and that that would result in our discharging the efficient men. It may have been made from this side.

Mr. OVERMAN. I said that of one of the departments. That came out in another department.

Mr. REED. That came out and the discussion with reference to age sprang from that remark. I believe I was wrong. I believe it was made by the Senator from North Carolina [Mr. OVERMAN]. The point was not made from any antipathy to these old soldiers from this side. I just wanted that clear.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island further yield?

Mr. WETMORE. Certainly.

Mr. SMOOT. The Senator from West Virginia brought the question up by making the statement that there were a good many policemen in the employment of the Government who were useless. I could not help but think of his position a year ago when this whole question was gone into by a committee and reported to the Senate. We found the case of a gentleman from West Virginia by the name of Mr. Lynch who had been in the employment of the Government a great many years. He was an old soldier, but he had not been on duty for a considerable time, and the committee recommended that his services be discontinued. Our recommendation in his case was the same as in all cases where men were on the pay roll and were unfit for work and did not report for work. I know that the Senator from West Virginia was very insistent that we should keep Mr. Lynch on the pay roll. The Senate voted that he should be employed, and he is now in the service of the Government. No doubt he would be classed as one of the employees that are useless, for he is one of the older men in service.

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. WETMORE. Yes.

Mr. WATSON. I presume the Senator refers to a man who was the guard at the dome of the Capitol and met with an accident, and who was absent on account of that accident. I think you will find that the man has been on duty ever since I have been here. I have never missed him a day.

Mr. SMOOT. He has been on duty for some time past.

Mr. WATSON. I had nothing to do with his appointment.

Mr. BACON. If the Senator will permit me, I have knowledge of the fact. He is the old man, I suppose, now down on the floor below?

Mr. SMOOT. That is right.

Mr. BACON. He was very severely injured in the discharge of his duty serving the Senate, and as soon as he was sufficiently restored he was returned to his work and has been at it ever since.

Mr. SMOOT. Of course, the testimony did not show that when the matter was before the Senate committee; but be that as it may, I want the Senator from West Virginia to understand, and also any Senator, that after the investigation all admitted that there were men employed who had passed, I will say, their usefulness. It was a question as to whether we should carry men on the pay roll of the Senate when they actually did no work, and the Senate decided it should be done. Therefore I acquiesced in it, although I was one of the committee that reported that such positions should be abandoned. I only say this for the information of the Senate.

Mr. WETMORE. Mr. President, I should like to ask the Senator in charge of the bill to permit me to say a word.

Mr. WARREN. Certainly.

Mr. WETMORE. I wish to say the problem that confronted the subcommittee was as to the number of men required to guard the Capitol. Their efficiency was not gone into. That is a question for the Senate to take up at any time. What we considered was the number of men required to properly guard and police the Capitol, and we think that the number can not be reduced. Now, whether any of them are worn out, and whether or not they are efficient is entirely a different question.

Mr. WARREN. I want to say in reading this roll that where I do not give the name of a backer there will be no name to give, because it will be some one who has remained here who was so useful to the Senate that he has been kept on the roll by the Sergeant at Arms in the same manner as the laborers and others on the roll which I read yesterday.

Mr. BACON. It is true, is it not, that a certain number of employees have been put on what is known as the permanent roll and are not changed?

Mr. WARREN. Not only that, but there is a soldiers' roll, which was adopted unanimously by the Senate. There is not only a soldiers' roll, but there is the permanent roll and a long-service roll. Take, for instance, the clerks here at the desk. They have been placed by both parties beyond the reach of other parties or Senators unless at some future time the Senate shall reverse itself.

Now, this roll commences here with J. P. Megrew, captain. He receives $1,600; is from Indiana. He is on the soldiers' roll.

John Hammond, lieutenant, $1,200, from New York; on the soldiers' roll.

F. N. Webber, sr., special, who serves as detective, and so forth, from Kentucky; charged to the Senator from Kentucky [Mr. BRADLEY].

F. G. Jones, private, $1,050, from Indiana.

D. R. Nichols, private, $1,050, from Michigan; soldiers' roll.

J. A. Burrows, private, $1,050, Connecticut; soldiers' roll.

J. F. Sellers, $1,050, Pennsylvania; charged to the Senator from Pennsylvania [Mr. PENROSE].

T. C. Meeker, private—they are all privates now—$1,050, from Nevada; charged to the Senator from Nevada [Mr. NIXON].

James Holmes, $1,050, West Virginia.

George Butler, $1,050, Indiana; soldiers' roll.

A. L. Bentley, $1,050, New Mexico; to the Senator from New Mexico [Mr. CATRON].

Clyde C. Way, $1,050, South Dakota; to the Senator from South Dakota [Mr. CRAWFORD].

E. R. Ernst, $1,050, Kansas; charged to the Senator from Kansas [Mr. CURTIS].

Loyd True, $1,050, Indiana.

Edward Becke, $1,050, Pennsylvania.

T. C. Ivins, $1,050, Pennsylvania; charged to the Senator from Pennsylvania [Mr. OLIVER].

E. B. Bell, $1,050, Michigan; charged to the Senator from Michigan [Mr. SMITH].

J. A. McMillan, $1,050, Wisconsin; charged to the Senator from Wisconsin [Mr. STEPHENSON].

L. B. Moore, $1,050, Michigan; charged to the Senator from Michigan [Mr. SMITH].

G. A. Wilcox, $1,050, Rhode Island; charged to the Senator from Rhode Island [Mr. WETMORE].

D. J. Berger, private, $1,050, New York; backed by the Vice President.

H. T. Davison, South Dakota; charged to the Senator from South Dakota [Mr. CRAWFORD].

T. F. Burke, $1,050, Massachusetts; backed by both the Senators from Massachusetts [Mr. CRANE and Mr. LODGE].

H. A. Kasson, $1,050, Ohio, soldiers' roll.

J. G. Hamilton, $1,050, North Dakota; charged to the Senator from North Dakota [Mr. MCCUMBER].

E. T. McCarthy, $1,050, New Jersey; charged to the Senator from New Jersey [Mr. BRIGGS].

J. R. Perry, $1,050, Pennsylvania; charged to the Senator from Pennsylvania [Mr. PENROSE].

H. J. Hauser, $1,050, Idaho; charged to the Senator from Idaho [Mr. BORAH].

W. B. Lurty, $1,050, Washington; charged to the Senator from Washington [Mr. JONES].

J. L. Ridenour, $1,050, Washington; charged to the Senator from Washington [Mr. POINDEXTER].

John Lane, $1,050, Michigan; charged to the Senator from Michigan [Mr. TOWNSEND].

W. B. Greene, $1,050, Connecticut; charged to the Senator from Connecticut [Mr. MCLEAN].

W. R. Johnson, $1,050, Illinois; charged to the Senator from Illinois [Mr. LORIMER].

E. R. Ruggles, $1,050, Minnesota; charged to the Senator from Minnesota [Mr. NELSON].

J. S. Abbott, $1,050, from Vermont.

J. L. Barnard, $1,050, from Idaho; charged to the Senator from Idaho [Mr. BORAH].

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. Certainly.

Mr. CULBERSON. As I understand it, that list is for the Capitol police. Could the Senator read the list from the Senate Office Building, composed of 16 privates, and let us see to whom they are charged?

Mr. WARREN. I have no list of the 16 privates for the Senate Office Building.

Mr. CULBERSON. We provide for them in this bill.

Mr. WARREN. Where?

Mr. SMITH of Georgia. We have passed over it. It is on page 10.

Mr. CULBERSON. On page 10?

Mr. SMITH of Georgia. We changed it from 7 to 16 privates.

Mr. CULBERSON. I understand that there are 63 privates in the Capitol police. In the Senate Office Building there are

16 provided for in this bill, and in the House Building there are 10 provided for at page 19. What I wanted of the Senator from Wyoming, if it was convenient for him——

Mr. WARREN. Mr. President, the Senator will understand——

Mr. CULBERSON. The Senator did not probably understand me. I understood him to read a list of the private policemen in the Capitol Building and to whom they were charged.

Mr. WARREN. Yes.

Mr. CULBERSON. What I want to know is if we have a corresponding list of private policemen for the Senate Office Building and to whom they are charged?

Mr. WARREN. I have not asked for that, but I shall investigate it. Of course, it came up by this being a joint matter between the House and the Senate. These policemen are joint officers, as the Senator knows.

Mr. CULBERSON. Yes. There are 33 for the Senate and about the same number for the House.

Mr. WARREN. Say, 67 altogether, and they are arranged between the two Houses.

Mr. CULBERSON. Yes; I understand that.

There is one other matter to which I want to invite the attention of the chairman of the committee, and that is that there are provided for the House Building 10 private policemen, whereas the Senate Building, as the bill is proposed to be amended by the Senate committee—to which I called attention, by the way, in committee—provides for 16 policemen. I do not understand why there should be a greater number of policemen in the Senate Building to provide for 95 Senators than for the House Building, when that body has 394 Members.

Mr. WARREN. Well, Mr. President, the Senator from Texas forgets that all these grounds have to be policed around the Senate building, and that there are no grounds to police at the other building. There are 12 policemen detailed to the grounds here.

Mr. CULBERSON. Probably the Senator did not catch my meaning. There are only 10 policemen provided for to police the House Office Building, whereas it is proposed to amend the pending bill so as to provide for 16 policemen in the Senate Office Building. I do not understand why there should be 6 more policemen to keep order with us than is required to keep order with the 394 Members of the House of Representatives.

Mr. WARREN. I suppose they are more orderly over there than we are here. [Laughter.]

Mr. OVERMAN. Mr. President, perhaps I ought to say a word. I was on the subcommittee, and I want to say right here that I did object to the number of policemen provided for the Senate Office Building. I think there are too many there now. I think also that the Capitol police might be cut down by six. They are allowed 50 days' leave, which I think is too much. If we cut down the leave of absence to 30 days, that will allow us to cut down 6 policemen.

Mr. WARREN. The Senator should remember that there are no holidays for the police force—no Sundays.

Mr. OVERMAN. I understand that. Cutting down the leave of absence is the only way I see that we can reduce the number of the Capitol police.

I examined this matter. I thought it looked outrageous to have so many policemen around this Capitol Building; but they are something more than policemen. We did not provide for any watchmen, and therefore these men are not only policemen to keep order, but they are also watchmen in Statuary Hall and in other places here. If any Senator will examine the plans and specifications, which we have made out, and will look at the entrances to this building and the important positions in the building, it will be seen that it is absolutely necessary for some one, either a watchman or policeman, to be stationed there. I do not believe there is a Senator here who will disagree with me in that report.

As has been said, there are 50 acres of ground surrounding these buildings, which have to be policed. These watchmen or policemen work but eight hours a day. Therefore, there being 67 policemen, one-third of 67 would be, say, 22. Senators should consider the number of competent policemen that go out in the grounds, some on their bicycles, who ride around to stop fast driving, to stop depredations upon the shrubbery, and to watch over these 50 acres of ground. This requires 4 or 5 plain-clothes men and 1 or 2 detectives. Then there are about 17 or 18 men who are required here at the entrances. There are many entrances to these buildings. Men are required to stand at this door here for this great corridor [indicating]; one is required to stand there [indicating]; one to stand in Statuary Hall to preserve the beautiful statuary in the old Hall of the House of Representatives, and another in the Rotunda, where the paintings are. If you will take the estimate we have made and examine the specifications, you will see that there is no place from which we could discharge one of these policemen.

Furthermore, I went into an examination of this matter thoroughly by taking the testimony of witnesses; and it appeared that if we are to accept the judgment of the Sergeant at Arms, of the Superintendent of the Capitol, Mr. Woods, and also that of the captain of the Capitol police, who say they can not discharge one of these men without being crippled in the protection of the building, we can not well make a reduction. We have to be governed somewhat by their testimony.

Mr. WETMORE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. OVERMAN. I do.

Mr. WETMORE. If the Senator from North Carolina will take the time to call off any particular place I will tell him exactly who is stationed there and whether on "regular relief," "day service," or otherwise.

Mr. OVERMAN. Well, take the man at the cab stand.

Mr. WETMORE. What plan is the Senator referring to—the basement or the first floor?

Mr. OVERMAN. This is the House front, first, I see.

Mr. WARREN. What floor?

Mr. OVERMAN. "Basement plan, United States Capitol."

Mr. WETMORE. What is the number?

Mr. OVERMAN. No. 27. I think Senators ought to know exactly where every man is stationed, so as to see whether we can discharge anyone. We have concluded we would leave it to the Senate to see if any Senator could suggest one man who could be discharged.

Mr. WETMORE. I do not think the Senator will find No. 27 on the basement floor.

Mr. OVERMAN. It is marked here "cab stand."

Mr. WETMORE. That is outside on the plaza, and is No. 27, day service, cab stand.

Mr. OVERMAN. We are now reading No. 26. I will ask the Senator from Rhode Island to read No. 26. That is the east front.

Mr. WETMORE. Twenty-six is:

(Bicycle) Day service. The bicycle officer patrols the grounds and driveways, warns automobile and carriage drivers against fast driving, keeps an eye on hackmen who follow their calling in the Capitol Grounds who need watching and can not be controlled by an officer on foot, catches and sends to the pound dogs without licenses.

Mr. OVERMAN. Now, take No. 24——

Mr. WILLIAMS. Let us ask the Senator questions as we go along. Why is it that the Senate ought to provide a man to catch dogs and send them to the pound? It seems to me the District of Columbia should do that.

Mr. WETMORE. They have no right to be here on the Capitol Grounds.

The VICE PRESIDENT. Will Senators please bear in mind that the official reporters desire to make a record of what is being said?

Mr. OVERMAN. Mr. President, I think I will just submit this document to the Senator from Mississippi and let him ask questions of the Senator from Rhode Island. Then, if the Senator from Mississippi can find where any man can be discharged, I shall be very glad to learn of it.

Mr. WILLIAMS. Now, as to No. 26?

Mr. WETMORE. Where is that—on the basement floor?

Mr. WILLIAMS. On the basement floor.

Mr. WETMORE. I have just read as to No. 26. There are 59 acres in the Capitol Grounds. There is a policeman stationed at each of the sections—northeast, southeast, southwest, and northwest—to take care of each quarter of the Capitol Grounds. Those policemen have to be on duty day and night, not only to guard during the day, but during the night to prevent highway robbery, and also unbecoming conduct that sometimes occurs in dark places or in lighter places.

Mr. WILLIAMS. Now, as to No. 22, right on the other side?

Mr. WETMORE. As to No. 22:

Northeast grounds: Regular relief, patrol; protects the lawns from trespasses and the roadways and plaza from invasion by unauthorized vehicles and fast driving of all kinds.

Nos. 23, 24, and 25 perform the same duties.

Mr. WILLIAMS. I find another one, marked "28, cab stand, north."

Mr. WETMORE. As to 28:

Cab stand, north: Day service. Main entrance to the Senate Wing; duties of this officer same as No. 27.

That officer—

Directs the coming and going of all vehicles, their station while waiting, and calls Members' carriages.

Also when automobiles happen to approach in the wrong direction he prevents collisions, although I understand a collision took place the other day.

Mr. WILLIAMS. Now, as to 27 and 28, which have as a part of their duties calling cabs for Members and Senators?

Mr. WETMORE. Yes. They have the same duties, except there is one officer for the House and another for the Senate.

Mr. WILLIAMS. I said for Members of the House and of the Senate. Now, we will go to the next story. This one is marked "Principal floor plan."

Mr. WETMORE. What number does the Senator want?

Mr. WILLIAMS. This is No. 3.

Mr. WETMORE. That is the Rotunda, one of the main approaches to the Capitol. More excursionists go through there than perhaps through any other portion of the building.

Mr. REED. I should like to inquire if this is in the nature of a confidential communication?

The VICE PRESIDENT. The Chair is inclined to think that it is; but the Chair thinks that it ought not to be. Will Senators supposedly occupying the floor give the Chair attention for a moment? The Senator from Missouri rises to a question of order, that seemingly what is going on is a private conversation between two Senators.

Mr. WETMORE. I had supposed my voice had carried farther than that.

Mr. WILLIAMS (to Mr. WETMORE). Come back here and we will speak louder.

Mr. BRISTOW. Mr. President, I would suggest that a committee of three be appointed to look after the details of that chart, and that the Senate proceed to the transaction of business.

Mr. WILLIAMS. We are transacting business now. The Senator from Rhode Island is trying to explain where each one of these men is stationed.

Mr. BRISTOW. My suggestion was that a committee of three be appointed to attend to that chart and that the Senate proceed with the transaction of business.

Mr. WETMORE. What would be the result of that suggestion?

Mr. BRISTOW. Let the committee report to the Senate its findings at a later date.

Mr. WETMORE. Before this bill is through?

Mr. BRISTOW. Yes.

Mr. WILLIAMS. And yet, if it is going to shed any light upon this particular business, we had better find out now where these men are located.

Mr. WARREN. I desire to say to the Senator from Kansas, in view of what the Senator from Mississippi has said, that he is hardly showing proper respect to our rapid progress. We have nearly accomplished the feat of considering a quarter of one page of the bill up to this time—in about five hours; so I think the Senator from Kansas is getting unduly impatient.

Mr. WILLIAMS. Mr. President, there was a proposition made to show to Senators just where each one of these policemen was placed, with the idea of demonstrating to the Senate that the Senate could not afford to do without the services of any one of them. The Senator from Rhode Island is attempting to do that, and he needs somebody to help him to call the numbers while he finds the service these men are performing. If the Senate does not want to know where these men are, I do not see how the Senate is going to find out whether or not it can get along without them.

Mr. CLARK of Wyoming. Mr. President, I am thoroughly in sympathy with the operations of the Senator from Mississippi and the Senator from Rhode Island, but unfortunately we can not all see the map, and, therefore, I ask unanimous consent, in connection with this debate, that the chart be printed in the RECORD along with the debate.

Mr. WETMORE. That would probably take two weeks.

Mr. CLARK of Wyoming. But the discussion is of little use to other Senators who can not see the map.

Mr. WETMORE. I quite agree with the Senator; but how are you going to get over it?

Mr. CLARK of Wyoming. I propose to have it printed in the RECORD.

Mr. WETMORE. I say it will take two weeks to do that.

Mr. CLARK of Wyoming. We will be far longer than two weeks on this bill according to present progress.

Mr. WILLIAMS. Mr. President, I request that the diagrams be published in the RECORD, too, so that the matter may be understood.

Mr. CLARK of Wyoming. Let the whole thing be published in the RECORD.

Mr. WILLIAMS. That seems to me a very satisfactory solution of it.

The VICE PRESIDENT. The Secretary will resume the reading.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 13, line 8, before the word "lieutenants," to strike out "two" and insert "three."

The VICE PRESIDENT. In the absence of objection the amendment is agreed to.

Mr. REED. Mr. President, that is what we have been discussing here all day, and I do not want the amendment passed by unanimous consent.

The VICE PRESIDENT. Does the Senator from Missouri desire to discuss it or shall the Chair put the question?

Mr. REED. I want to say a word about the merits of this proposition.

We have had a report read here from the Sergeant at Arms, who apparently occupies in this matter the position of chief of police. The Sergeant at Arms says he can not do with a less number of policemen. I never saw a chief of police yet who had enough policemen to suit him. It was not only my misfortune, but the misfortune of my city once that I was mayor of that city and a member of the police board. We had a very good chief of police, but there never was a day or an hour that the chief of police would not have liked to have doubled his force, and yet we got along in a city of about 250,000 inhabitants with about one policeman for every thousand people, and that city happened to be one of the gateways to the great West, and through it there were constantly flowing large numbers of that element of society, the migratory human birds, that commit a great portion of the crimes; yet that police force of approximately one for every thousand people was obliged to police the depots, the gateways of the town, the dram-shop districts, the dangerous district of the city, and the members of it served 12 hours a day. Half of the time the men served at night and half of the time during the day.

Mr. President, if 250 policemen could look after that large population, with hundreds and hundreds of miles of streets, six or seven hundred dram shops, run to earth the criminal element that was in that city, as it is in all other cities, attend the police courts and produce testimony in the criminal courts, guard the street crossings—and many of them were assigned to the duty of acting as guards at street crossings—and perform the multitudinous duties falling upon the ordinary policeman in a large city, then I say that it is upon its face—I will not say "absurd"—but upon its face it is an extreme proposition to claim that we need 67 policemen here on the Capitol Grounds, attached to this one building; in addition to that, 16 policemen in the Senate Office Building and 10 more policemen over at the House Office Building. That makes a total of 93 policemen; and when we go across the Capitol Grounds to the Congressional Library, I take it we will find a large detail of policemen there. In addition to all that, the Capitol Grounds and the Capitol Building are under the protection now of the regular police force of the city the same as other portions of the city are under the protection of the regular police force.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. I think the Senator is mistaken in the supposition that the Metropolitan police have any jurisdiction over the grounds of the Capitol. I am very clear in the view that they are excluded from these grounds.

Mr. REED. I should have made my statement a little more specific and meant to have done so. The Capitol Grounds are under their protection in this way: That if there was a riot or any disorder they could be called upon, and these grounds are also under the protection of the Metropolitan police in this, that the criminal element coming into this town or infesting this community are handled by the Metropolitan police.

Mr. GALLINGER. In that respect the Senator is right. I apprehend if a crime were committed on the Capitol Grounds and the criminal escaped beyond the grounds the Metropolitan police would have jurisdiction.

Mr. REED. Yes; and I think they would take jurisdiction very speedily.

I am informed that in the city of Memphis, a large and populous city, they have only about 75 policemen. There is a city of approximately 160,000 people, with great commercial interests, and a population coming up and down the river. Those elements that will be found in all large cities that do not make for law and order are, of course, in Memphis—not more than in other cities, but there are plenty of them there, as there are in all large cities. If it is necessary to have 67 policemen in the

Capitol Building, 16 policemen in the Senate Office Building, 10 policemen in the House Office Building, and other policemen in the Congressional Library, then this must be the most lawless spot on the face of the earth. At the same rate, the city at large would need a police force of about 2,500, and I do not know how many thousands they would need in New York City, but it certainly would be a good-sized standing army.

In the early part of this discussion it was suggested that the reason we needed so many men was because a large number of the present policemen were superannuated. I observe these policemen, as others do, and I do not think it can be said that there are many of them so old that they can not fulfill their duties. I do not think that argument is a sound one.

Then it was suggested that a large number of them was necessary to be kept because they were on the old soldiers' roll; yet, as I heard the list read by the chairman of the committee, I did not find that the old soldier element preponderated, but rather that the element recommended by Senators was very largely in the majority.

It is easy enough to say that we need a man at this spot and one at another particular place; but, Mr. President, policemen in cities have to guard beats sometimes miles in length; they have to guard with reference to fire as well as with reference to life; and there is no reason that I can see why we need a policeman at every corner in this Capitol. There is no reason that I can see why a policeman must be given a standing position at some point in this building; there is no reason that I know of why two policemen should be posted in front of this building to call cabs; in other words, if we were entirely frank about this matter, I think we would be compelled to say that about one-half of this force is a luxury. It is nice to have them around, but they cost money, and therefore I object to having them around unless they are necessary.

At the other end of the Capitol the policemen are required to perform the same duties they are required to perform here, and there are nearly four times the number of Representatives that there are Senators. As you multiply the number of Representatives, you multiply the number of people going to and from that end of the Capitol. It is a fact that everybody must know that the galleries of the House of Representatives are crowded more than are the galleries of the Senate; more people come and go; and yet the House committee and the House itself has seen fit to cut the number in that end of the Capitol to 37.

Mr. WETMORE. Mr. President, they are still employed, even if they have cut them off.

Mr. REED. They will be employed until this bill becomes a law; and when this bill becomes a law they will no longer be employed. The Senator and I can not disagree that the policy of the House is to cut the number to 37.

Mr. WETMORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. REED. Certainly.

Mr. WETMORE. I may state that one of the Capitol police is detailed to the House Office Building on account of the inadequacy of the force there.

Mr. REED. The Senator misunderstood me.

Mr. WETMORE. By request from the House side, I think, there are four other policemen also detailed to certain duties in the House Office Building.

Mr. REED. The Senator misunderstood me. I am speaking about the 37 policemen in the Capitol.

Mr. WETMORE. I suppose that man is one of the 37.

Mr. REED. I am not speaking about the Senate Office Building.

Mr. WETMORE. I was not, either.

Mr. REED. I do not consider that there is any force in the suggestion of the Senator that some experienced policeman was called on to go over and train the inexperienced men who came in when the majority shifted in the House of Representatives. They did put in inexperienced men, which illustrates the truth of what the Senator from Mississippi said when he intimated that, after all, the distribution of policemen was a matter of the distribution of spoils and that men were not employed because of their ability or because of their skill, but because of their politics.

It is not at all remarkable that they had to send for some one to train these green men. I apprehend that some of the men who came in did not know how to find their way through the corridors and the meanderings at the other end of the Capitol. But they nevertheless are getting along with their 37 men, and they are not now clamoring for assistance; and they are getting along with their 10 men in the House Office Building, where we insist upon having 16, while our building is the smaller, or at least the less populous. So that, Mr. President, I am opposed to this amendment, and I ask for a roll call upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. REED. Upon which I have asked for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED. I move to strike out in line 8, on page 13, the word "three" and insert the word "two."

The VICE PRESIDENT. That is the amendment upon which the vote is about to be taken.

Mr. REED. Yes.

The VICE PRESIDENT. That is the pending amendment.

Mr. REED. Exactly, and I move to strike out the word "three" and insert "two."

The VICE PRESIDENT. But the pending amendment is to insert "three" instead of "two."

Mr. REED. I understand it now. It comes in the other form. I want to ask a question. The matter has not been discussed. Why do we need three lieutenants—three commanding officers?

Mr. WETMORE. There are three shifts of policemen, and there is one officer in charge of each shift.

Mr. REED. They have eight-hour shifts?

Mr. WETMORE. Eight-hour shifts.

Mr. REED. How many hours do the Capitol policemen work—8 hours or 12?

Mr. WETMORE. Eight hours.

Mr. REED. Mr. President, I raise the question of quorum.

The VICE PRESIDENT. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	Jones	Smith, Ga.
Borah	Clark, Wyo.	Lea	Smith, Md.
Bailey	Cullom	McCumber	Smith, S. C.
Bourne	Cummins	Martin, Va.	Smoot
Bradley	Curtis	Myers	Stephenson
Briggs	Fletcher	Oliver	Stone
Bristow	Gallinger	Overman	Thornton
Brown	Gardner	Page	Townsend
Bryan	Gore	Perkins	Warren
Burnham	Gronna	Reed	Watson
Catron	Heyburn	Richardson	Wetmore
Chamberlain	Hitchcock	Simmons	Williams
	Johnston, Ala.	Smith, Ariz.	

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the committee amendment.

Mr. REED. I call for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been refused on this amendment.

Mr. REED. Mr. President, a parliamentary inquiry. What are we voting on now?

The VICE PRESIDENT. The Senate is about to vote upon the amendment in line 8, page 13, to strike out "two" and insert "three."

Mr. REED. That is the only part of this proposition upon which we are now voting?

The VICE PRESIDENT. That is all.

Mr. REED. Very well.

Mr. WARREN. Mr. President, a number of Senators came in and answered to the call of the roll. The motion was made, as I understand—and the Chair will correct me if I am wrong—by the Senator from Missouri to disagree to the committee amendment to insert three lieutenants instead of two.

The VICE PRESIDENT. The question now is on the committee amendment to strike out "two" and insert "three."

Mr. WARREN. The reason I asked the question is that Senators may know the exact question.

We are in this condition. There are three shifts of police during the day. There are the House and the Senate and the grounds to be overlooked. If a lieutenant is needed at all, three are needed, so that there may be one on duty all the time. I hope the committee may be sustained by an affirmative vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 13, line 9, after the word "and," to strike out "thirty-three" and insert "sixty-seven," so as to read "67 privates, at $1,050 each."

Mr. REED. That is the main question which we have been discussing here for several hours—whether we will have 33 policemen or 67. The House, as I understand, has already

fixed the number at 33. Upon the question of agreeing to that amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. A question of order. I ask the Vice President to state the question.

The VICE PRESIDENT. The question is on agreeing to the committee's amendment, in line 13, page 9, proposing to strike out "thirty-three" and insert "sixty-seven." The Secretary will call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON], and withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is necessarily absent from the city. He is, however, paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. BAILEY (when Mr. DIXON's name was called). The Senator from Montana [Mr. DIXON] is in Chicago.

Mr. GALLINGER (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE]. I transfer it to the senior Senator from Massachusetts [Mr. LODGE], and will vote. I vote "yea."

While I am on my feet, I wish to announce the pair of the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from New York [Mr. O'GORMAN].

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE].

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer it to the junior Senator from Tennessee [Mr. SANDERS] and vote "yea."

Mr. SMITH of Arizona. I am paired with the senior Senator from New Mexico [Mr. FALL]. I therefore withhold my vote.

Mr. OLIVER (when the name of Mr. PENROSE was called). My colleague [Mr. PENROSE] is necessarily absent. He is paired with the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from New York [Mr. ROOT] and will vote. I vote "yea."

Mr. SIMMONS. I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, and therefore withhold my vote.

The result was announced—yeas 33, nays 13, as follows:

YEAS—33.

Bacon	Cullom	Martin, Va.	Stephenson
Bradley	Curtis	Nelson	Thornton
Briggs	Dillingham	Oliver	Tillman
Bristow	Foster	Overman	Townsend
Brown	Gallinger	Page	Warren
Burnham	Gronna	Perkins	Wetmore
Catron	Heyburn	Richardson	
Chamberlain	Johnston, Ala.	Smith, Md.	
Clark, Wyo.	McCumber	Smoot	

NAYS—13.

Ashurst	Hitchcock	Reed	Watson
Bryan	Jones	Smith, Ga.	
Fletcher	Lea	Smith, S. C.	
Gore	Myers	Stone	

NOT VOTING—49.

Bailey	Davis	Lorimer	Root
Bankhead	Dixon	McLean	Sanders
Borah	du Pont	Martine, N. J.	Shively
Bourne	Fall	Newlands	Simmons
Brandegee	Gamble	Nixon	Smith, Ariz.
Burton	Gardner	O'Gorman	Smith, Mich.
Chilton	Guggenheim	Owen	Sutherland
Clapp	Johnson, Me.	Paynter	Swanson
Clarke, Ark.	Kenyon	Penrose	Williams
Crane	Kern	Percy	Works
Crawford	La Follette	Poindexter	
Culberson	Lippitt	Pomerene	
Cummins	Lodge	Rayner	

Mr. BACON. Mr. President——

The VICE PRESIDENT. On the question of agreeing to the committee amendment the yeas are 33 and the nays 13. The Senator from Texas [Mr. BAILEY], the Senator from Maine [Mr. GARDNER], the Senator from Arizona [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], the Senator from North Carolina [Mr. SIMMONS] having announced their pairs and that they refrained from voting, because of being paired, it makes a quorum; the yeas have it, and the amendment is agreed to.

Mr. BACON. Mr. President before the result was announced I sought the recognition of the Chair. I wish to say that as I understand there is no rule of the Senate which authorizes those who do not vote upon a yea-and-nay call to be counted.

Mr. President, this is a self-governing body; this is a body in which the Senators make their own rules and enforce them; and that is not the rule of the Senate; it has never been the rule of the Senate, and I hope never will be the rule of the Senate. Of course, I recognize the fact, Mr. President, that frequently precedents are made in parliamentary bodies under stress of political or other influences which induce members of the parliamentary body to cast their votes, frequently because the casting of their votes in a particular way will accomplish the particular thing then under consideration.

It so happens that upon this occasion I am one of those who voted with the majority, and therefore in making this objection to the ruling of the Chair I am not influenced by the fact that that ruling accomplished a result which I myself favored. On the contrary, I favored the result which would be sustained by that ruling of the Chair.

Mr. President, of course there are some Senators here who have been here much longer than I have, but I have been here now for more than 17 years; and I wish to say, in all respect for the present occupant of the chair, for whom I personally have the highest regard and respect, that, so far as I know and can recall, prior to the occupancy of the chair by the present distinguished, honored, and highly esteemed officer, there has never been such a ruling in the Senate.

Of course, I know the facts that there have been occasions when there have been efforts made to justify the proposition that the Chair had the right to count a quorum, and that is a precedent which may in particular instances have been in a way recognized; but it is a rule which has never, so far as I know, received the distinct recognition and approval of the Senate.

Mr. President, this is no ordinary parliamentary body. This is a body with distinct and peculiar functions. This is a body with distinct and peculiar responsibilities and powers, far greater than those belonging to other parliamentary bodies, and I for one am unwilling that the rules which have been observed for a hundred years shall be overturned in this way.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. I do.

Mr. BRISTOW. I desire to suggest to the Senator from Georgia that upon another occasion recently a vote was taken on a bill that is upon the calendar, in which I am interested and the vote was affirmatively in favor of the motion which I made, but a quorum did not vote and the motion was declared lost because a quorum had not voted. That was repeated upon more than one occasion that day, and it is an exact parallel to this case.

Mr. BACON. Yes.

Mr. President, I want to say this: I have seen occasions when upon a division the count showed the number voting less than a quorum, and I have seen that passed over several times without remarks.

I want to say that I myself have at times objected, at other times I have sat silent when that has been done, because it is not pleasant to take issue with the Chair. It is not pleasant to be making a point of this kind. The acceptance of the count in such cases can only be justified upon the ground that when a motion is put viva voce, very frequently there is nobody who votes at all, and in the absence of a vote the Chair says the ayes have it, upon the assumption that the absence of any negative vote indicates an assent on the part of Senators, and that the reasoning might be carried a little further and applied to the absence of a certain number voting upon a division. In other words, applied to the case where, on a division, less than a quorum vote. While I do not approve of that suggestion, still it is suggested that it may be conceded or concluded from that that those who do not vote are assenting. But I do not agree to that at all. Still that is the argument as to that. But that argument can not be applied to a yea-and-nay vote.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. Did I understand the Senator correctly to say that the decision just announced was without precedent in the Senate; that a quorum had never been counted before?

Mr. BACON. No; I did not say that. I referred to the ruling made by the Chair to-day, in which, after the call of the yeas and nays was concluded, showing less than a quorum, the

Chair read the names of those who had announced a pair and said, counting the pairs thus announced on that vote, there was a quorum.

Mr. GALLINGER. Would the Senator permit me to read what Mr. Thurman said on that point?

Mr. BACON. Yes.

Mr. GALLINGER (reading):

On question of laying an appeal from the decision of the Chair on the table yeas were 32, nays 3—no quorum voting. The President pro tempore (Mr. Thurman) counted the Senate and announced a quorum present in the following language:

"The Chair has usually taken the fact of there being no quorum voting as evidence that there was no quorum present, but the Chair has not decided that it is not possible to ascertain otherwise whether there is a quorum. The Chair does not think the fact that a quorum has not voted is conclusive evidence that a quorum is not present. On the contrary, in the opinion of the Chair, he has a right to count the Senate. He has counted the Senate and found that a quorum is in attendance, but a quorum has not voted.

If the Senator will permit me, Vice President Breckinridge made the same decision and Vice President Fairbanks decided in the same way.

Mr. BACON. Let me have the other decisions.

Mr. GALLINGER (reading):

During the consideration of S. 161, "For the admission of Kansas into the Union," on a motion to adjourn no quorum voted.

The Vice President (Mr. Breckinridge) "stated to the Senate that the number of Senators voting did not constitute a quorum of the Senate, but that, in the opinion of the Chair, a quorum was present in the Chamber."

Mr. BACON. There was no quorum required on that vote.

Mr. GALLINGER. That is true. In the case of Mr. Fairbanks:

Mr. Aldrich raised a question of order, viz, that a Senator must be in possession of the floor, and that he can not take the floor by asking a parliamentary inquiry, and then make any motion.

The Vice President (Mr. Fairbanks) sustained the question of order.

An appeal having been taken from the decision of the Chair.

On motion by Mr. Aldrich to lay the appeal on the table, yeas 32, nays 14—no quorum voting.

The Vice President (Mr. Fairbanks) counted the Senate and announced that a quorum was present, and so the motion prevailed.

Mr. BACON. Was that on a yea-and-nay vote?

Mr. GALLINGER. On a yea-and-nay vote, 32 to 14.

Mr. BACON. I stand corrected to that extent. That instance had escaped my recollection.

Mr. GALLINGER. The Senator will find it at page 403 of Gilfry's Precedents.

Mr. BACON. Has the Senator the proceedings before him?

Mr. GALLINGER. I have not.

Mr. BACON. Very well. The Senator will find that in that particular case I am sure, because that is since I have been here, it was protested against at that time. I have never assented to such a ruling.

Mr. GALLINGER. It may have been protested against, but it was a motion to lay the appeal on the table.

Mr. BACON. I do say one of the most vital questions that can come before the Senate is whether or not the Presiding Officer can declare a law enacted when less than a majority of the Senate votes on the question of the passage of that law, and the results to which it can lead are some which we can now appreciate the gravity of; but there are others that will doubtless present themselves in the future that we do not now realize.

Mr. President, I say this is not a matter for construction by a Presiding Officer of this body. It is a matter to be determined only by the specific rules of the Senate. This is not an ordinary parliamentary body. This is not a body in which the Presiding Officer is taken from the House itself. This is a self-governing body, and we are highly honored by the fact that the Vice President is called on to preside over it. I would not have it otherwise. I think it dignifies this body that the Vice President of the United States is chosen to preside over it and is assigned to that duty by the fundamental law of the land. I would not under any circumstances have it otherwise. I am gratified not only that such is the law, but by the fact that since I have had the honor to have a seat in this Chamber those who have been chosen for that high office and who have presided over the Senate have not only by their official station, but in their several persons, given dignity and character and consequence to the deliberations of this Chamber.

But while that is true, Mr. President, it can not be ignored that the fact that the Presiding Officer is not a Member of this body carries with it an increased responsibility and power in the body itself to make its own rules and to govern itself. When a Presiding Officer is chosen by the body, he represents the majority of that body and is responsible to that majority. That is not true of the Vice President presiding over the Senate.

Mr. President, there is no rule in our list of rules which gives to the Presiding Officer of this body that power, and that power should not be exercised unless it is distinctively conferred by this body. We have rules which are prescribed. They are made by this body and we have the power to change them. We have the power to repeal those which are there, and we have the power to make others; and until this body determines, not simply upon an occasion when party exigency may call upon Senators to speak in a way when they possibly would speak otherwise under other circumstances, but until the Senate determines and orders in its regular way, through a rule brought in a regular way before this body, that the Presiding Officer has the right to count a quorum, then, Mr. President, I protest against it with all the vigor and all the earnestness of which my nature is capable.

Mr. President, what is the fundamental rule as to the passage of a law? It is one thing to say that a quorum is present to do business. It is another thing to say whether or not a quorum has done the business. If we were to go to the extent of saying that the Presiding Officer can count a quorum and say that therefore the business shall proceed, that is one proposition. That is going further than I am willing to have it go, because I think the only way to disclose a quorum is by the answer of Senators on the floor.

Mr. BAILEY. Would the Senator permit me?

Mr. BACON. If the Senator will let me conclude that sentence, I want to draw the contrast. One is the exercise of the power to count a quorum for the purpose of ascertaining whether a sufficient number of Senators are present in order to constitute the body as a legal body to do business. That is one thing; but the fundamental proposition is that to pass a law a majority of a quorum must either actually or by recognized assent approve of that law. To pass a law it is not sufficient that there should be a quorum present. To pass a law it is necessary that a majority of a quorum should favor the passage of that law. That is exactly what this proceeding will negative and destroy, and put it in the power of the minority not only for a minority to pass a bill, but for less than a majority to vote upon the question to pass the law. Can it be said for a moment that when the law requires that a majority is necessary to pass a law it shall be less than a majority voting upon that question?

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. The Senator certainly does not wish to say that it takes a majority of the Senate to pass a law.

Mr. BACON. I have said repeatedly a majority of a quorum.

Mr. WARREN. A majority of those present.

Mr. BACON. A majority of a quorum.

Mr. WARREN. And they must be present, of course.

Mr. BACON. Certainly. It can not be a quorum unless it is present.

Mr. WARREN. The Senator does not doubt that the number were present in the Senate when the Presiding Officer announced it. He does not doubt that Senators were here as they voted and as announced?

Mr. BACON. But I am trying to draw a distinction between a quorum being present and therefore being a body sufficient in numbers present to proceed with business, and less than a quorum voting on the question. That is what I say. I say, Mr. President, that there can be no passage of a law unless a majority of a quorum vote for that law; and that quorum must be present; and that, in the absence of a specific rule made to the contrary by the body itself, the only way to ascertain that a quorum is present is the answer to the roll call.

When there is no call for the yeas and nays and the vote is taken viva voce, then, of course, the presumption is that those who are not voting are assenting; but that can not be the case when the yeas and nays are called. When the yeas and nays are called the question is distinctly raised how each man votes and the question is distinctively and affirmatively decided not only how every man votes but how many men there are voting, and nothing is taken by construction or by assent.

Therefore, Mr. President, I say that to count Senators not voting is a violation of the fundamental proposition that in order that a law shall be passed a quorum shall vote on it, and that a majority of that quorum shall favor that law. I ask pardon of the Senator from Texas for having delayed him as long as I have done, and I now yield to him.

Mr. BAILEY. Mr. President, what I wanted to ask the Senator just at that point was whether a quorum as here disclosed is disclosed by the answers of Senators appearing on the record or whether the quorum has been disclosed by a count of the Chair. My understanding was that the Chair ascertains the quorum from the record, adding to those who have voted on the roll call the names only of the Senators who answered

to their names but who instead of voting announced their pairs.

I thoroughly agree with the Senator from Georgia that the occupant of the chair, either temporary or permanent, has no right to look about the Senate and count Senators. I would utterly dissent from the statement of Mr. Thurman in the Precedents of the Senate, read by the Senator from New Hampshire [Mr. GALLINGER], but where the record itself discloses a quorum and where, as the Senator so aptly said, the presence of a quorum is ascertained by the responses of the Senators, there I am inclined to think the rule might be safely followed.

I merely wanted to invite the attention of the Senator from Georgia to what appears to me a difference between a quorum ascertained by a roll call and a quorum ascertained by the mere counting of the Chair. It might or it might not happen that the Chair would count some Senator who had voted or would count some Senator who did not want to be counted; but when the Senator himself records his presence in the Chamber, I ask the Senator from Georgia whether that differs the case at all?

Mr. BACON. Mr. President, I am afraid my distinguished and learned friend was not listening to what I said in the second part of the proposition which I presented, or else I was not myself happy in my statement.

Mr. BAILEY. I will state to the Senator from Georgia he is always clear and I always understand him, but I was called out of the Chamber a moment ago and I might not have heard what he said on that point.

Mr. BACON. The Senator was sitting exactly in the seat where he is now when I made that proposition.

Mr. BAILEY. No; I just this moment took this seat.

Mr. BACON. It may be it was the second chair from that he now occupies. The proposition is this, Mr. President: If it were a question whether or not the proceedings should be suspended on account of the absence of a quorum——

Mr. BAILEY. If the Senator will allow me to interrupt him before he addresses himself to that point, I did not miss that and I did not ignore the force of that argument, but I rose to ask him the other question.

Mr. BACON. I am trying now to answer it.

Mr. BAILEY. I am not sure that I disagree with the Senator about that, but that was not my question.

Mr. BACON. What I was about to say is this, Mr. President: If when the roll is called and 43 Senators vote "yea" or "nay" and 8 Senators get up and announce their pairs, that does disclose the fact that a quorum is present, and the Chair would not be under obligation to say that there is no quorum present and therefore the Sergeant at Arms must go and bring in absent Senators; because by that fact of the announced presence of Senators it is disclosed that there is a quorum present. But the point I make is that when you come to the question of the passage of a law you can not say, because eight other Senators are in the Chamber and did not vote on the call of the yeas and nays, therefore less than a quorum acting upon a question can pass a law. The eight did not vote and can not be counted as voting.

Mr. BAILEY. Less than a majority?

Mr. BACON. Less than a quorum. I will repeat exactly the words I used. I said "Less than a quorum acting upon that proposition"; and in order to pass it, of course, there would have to be a majority of that quorum. When I say less than a quorum acting upon that proposition, I mean less than a quorum voting both "yea" and "nay"; that is, those voting both "yea" and "nay" making less than a quorum.

Does the Senator now understand what I mean by that? My proposition is that when less than a quorum vote, counting both the yeas and nays, that is not a vote, although a majority of that number voting may vote in a particular way. It is not a vote which can legally pass a law, because to pass a law it must be acted upon by a quorum. It is not sufficient that a quorum should be present; it is necessary that a majority of a quorum should vote in order to pass a law. It is not that the vote discloses that there is no quorum present, but it is the fact that less than a quorum voted upon the question of the passage of that law. That is the proposition. The Chair is not in such case called upon to say there is no quorum present and then wait for some Senator to suggest that the Sergeant at Arms be instructed to request the presence of Senators. He would not be called upon to do that, because the responses have shown that there is a quorum here, but I announce it as a fundamental proposition, and I challenge any Senator who disputes it to produce the authority in a standard work on parliamentary law to the contrary, that to pass a law, in the absence of a rule of the body to the contrary, it is necessary that there should be acting upon that a majority of what shall constitute a quorum of that body.

I do not say it would invalidate the law thus passed, because it is a question of procedure, and the action by the legislative body controls. Courts recognize the right of legislative bodies to control and determine their procedure, and go a long way to sustain their actions thereunder. But the question of proper procedure is one devolving a distinct responsibility on the legislative body. In this sense I contend that the action of a quorum, counting the yeas and nays, is necessary to legally pass a law.

If you do otherwise you put it in the power of a minority to pass a bill, even though no quorum has voted. Frequently a minority can pass a bill. If there is a quorum present and the votes yea and nay when added together make more than a quorum, of course a majority of that quorum will pass a bill, although that majority may constitute a minority of the whole body. That is a general rule of parliamentary law; but I venture the assertion, Mr. President, that the book can not be found in which the proposition is not distinctly recognized, and in which there is not an utter absence of anything to the contrary, that a quorum is necessary in order to constitute legal action by a body. It is, of course, competent for a legislative body to determine, unless otherwise provided by law, what shall constitute a quorum and how the presence of that quorum can be ascertained.

When there is no call for the yeas and nays—we have that situation here all the time—the action of those who vote is assumed to be the action of the entire body. It is the assumption that there is a quorum present; it is the assumption when the vote is unchallenged that a majority of that quorum is voting in favor of the particular proposition; but that is an altogether different thing. When you come to a record vote, where every man is called upon to say how he votes and where there is no vote, which is a silent assent to a proposition, but where every vote is announced, a distinctly stated vote, then, I say, Mr. President, it is necessary that a quorum should vote upon such a question, and that without it you have a destruction of the fundamental proposition that a quorum is necessary to do business; that whenever the vote is had in a way to put each man upon his answer "yea" or "no," the yeas and nays added together must make a quorum, or it is not the legal action of the body. This, I contend, is the necessary rule in the absence of any rule to the contrary made by the body itself.

Mr. President, if we are going to have this practice, I insist that it should be in response to a rule adopted by this body, and not be left to the chance of an appeal from the Chair when there might not be a full attendance or when Senators would, in a measure, as is the case in every parliamentary body, be influenced by the particular question which is before the body, and sometimes political questions.

I presume you will find, even if you turn to the case where Senator Thurman ruled, that the Democrats were then in a majority, and I have no doubt the ruling was to carry out something which the Democrats then wanted. In the other House, Mr. President, their records are full of cases where such rulings were made, first by one party and then by another when in power. The Senator from Texas [Mr. BAILEY] knows of the fact, having served there as long as he did, and the present occupant of the Chair knows of the fact from his service in that body, that there is a constant practice in the other House to make precedents which are the product of the interest of the moment—the political interest as well as the personal and selfish interest, probably, of parties who may be interested in a particular measure before the House the fate of which will be determined by the ruling.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. I meant in the statement I made to cite the fact that Mr. Cockrell, who was one of the fairest-minded Senators we ever had, not on the passage of a bill, but on a motion, and a quorum failing, proceeded to count the Senate, and announced that a quorum was present. I repeat, it was not on the passage of a bill; and I am not controverting the Senator's contention on that point, but simply citing the fact that Mr. Cockrell, who I never knew in the long service I had with him here to do an unfair thing to either side of the Chamber, did count a quorum.

Mr. BACON. Well.

Mr. BAILEY. Is that in the book?

Mr. GALLINGER. It was on a vote. I will read the exact record.

Mr. BACON. That has been a matter which, while it has occasionally occcurred, has never been conceded in this Chamber.

Mr. GALLINGER. This was on the 3d day of March, 1881:

MARCH 3, 1881.

While a motion to postpone further consideration of one bill for the purpose of considering another was pending, a motion to proceed to the consideration of executive business was made, on which no quorum voted.

The PRESIDING OFFICER (Mr. Cockrell) proceeded to count the Senate and announced the presence of a quorum.

Mr. BACON. Mr. President, I want to submit another thought in that connection, to show how dangerous is such a ruling as that which the Chair has just made. I understand with our present membership it now takes 48 to make a quorum—I believe I am correct in that. Say that there is a question before the Senate, that 19 Senators vote in the negative and 20 Senators vote in the affirmative, and 9 Senators announce pairs and refrain from voting. Say that it is a party question upon which the Democrats are voting on one side and the Republicans are voting on the other. In order that I may put the illustration in a way which will commend itself more forcibly to the Senators upon the other side, I will assume that 20 Democrats vote in favor of the motion, that 19 Republicans vote against it, and that 9 Republicans, every one of whom would, if at liberty to vote, vote with the 19, get up and say that they have pairs with Democrats; and that if they were not paired they would vote with the other Republicans, making 27 votes, and yet, under the ruling of the Chair, with 48 present——

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. If the Senator will let me finish the sentence. With a quorum of 48 present and only 20 Democrats and 28 Republicans, the 20 Democrats would carry the day. Now I yield to the Senator from Kansas.

Mr. CURTIS. In the case cited by the Senator the difficulty is that not a majority of a quorum would have voted in favor of the proposition.

Mr. BACON. Oh, no.

Mr. CURTIS. I understand that to be different from a case where a majority of a quorum does vote.

Mr. BACON. Oh, no.

Mr. CURTIS. Rule IV decides what shall constitute a quorum.

Mr. BAILEY. No rule decides that; the Constitution decides it.

Mr. CURTIS. Of course, the Constitution provides as to that; but it is also set out in Rule IV of the Rules of the Senate. When a Senator announces from his place that he declines to vote because he is paired, frequently he announces that, if he were permitted to vote, he would vote yea or nay. It is then perfectly evident that he means to stay here to help make a quorum to do business. I think the Chair is perfectly right in holding that if a call of the yeas and nays does disclose that a majority of a quorum votes for a proposition and enough others to make a quorum announce that they would vote if at liberty to do so, but declined to vote because they are paired, a quorum is present, and the vote should be valid. I think the Chair has properly decided the question.

Mr. BACON. I will give another illustration to cover the Senator's contention. Suppose, Mr. President, there are present 25 Republicans, or, rather, I will say, 25 Democrats, in order not to make the same illustration I made before—suppose 25 Democrats are present and vote in favor of a proposition and 20 Republicans vote against it, that would make 45; and suppose there are 15 Republicans present, each of whom says he is paired with a Democrat and therefore refrains from voting. There would be a case where there would be a majority of a quorum voting; there would be 35 Republicans present, and yet under this ruling 25 Democrats would pass the bill.

It is still worse when it is not a party question, because in many such instances it is not known how an absent Senator would vote if present. Then with a large majority of Senators present favoring the passage of a law, if less than a quorum upon the call of the yeas and nays can legislate, a small unpaired minority can defeat its passage.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. BACON. If the Senator will pardon me a moment, the fundamental proposition in the case presented by the Senator from Kansas is that he assumes that in the absence of any specific rule by the body, a majority of a quorum voting for a measure is sufficient to pass it. I say that the Senator will not find any support for the proposition that in the absence of a particular rule, if less than a quorum votes, it is sufficient if those voting in the affirmative have in their favor a majority of a quorum. In the absence of a rule to the contrary it takes a quorum acting on the question. It takes a rule to say that a Senator present and not voting shall in a certain way be ascertained to be one of a quorum necessary to the passage of a bill.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. I understand the Senator from Georgia to hold that if a Senator, on a call of the yeas and nays, rises in his seat and states that he is paired with another Senator, and announces that if he were not paired he would vote yea or nay, as the case may be, that that is not a vote?

Mr. BACON. It is not a vote.

Mr. SMOOT. And it should not be counted?

Mr. BACON. And it should not be counted.

Mr. SMOOT. Either in making a quorum or on the passage of a bill?

Mr. BACON. I will admit that it should be counted as a quorum to the extent that it is not necessary that business should be suspended; in other words, there is a quorum present, but it is not sufficient to constitute the legal action of the body in the passage and enactment of a law.

The Senator from Utah has stated it very much more happily than I have; and that is, that in the absence of a rule to the contrary, the Senators voting must make up a quorum in order to constitute the legal action of the body. That is the only way in which the quorum is ascertained in the absence of a rule. In the case of a viva voce vote it is the presumption that a quorum is present and voting in acting upon a measure; but where there is a call of the yeas and nays there is no such presumption; it is an actuality; it is a fact; each Senator has said whether he is voting or not; and when he simply says, "If the Senator with whom I am paired were present, I would vote so-and-so," that does not constitute a vote.

Now, Mr. President, the suggestion I want to make is this: Let us settle this matter in the legal way, not by the construction of a presiding officer. This body has got a right to make a rule that way if it wishes to do so; but until it does so in the formal way that we legislate in regard to the rules, then I say this practice ought not to be pursued. So far as I am concerned, of course, I would not like to break a pair and would not do so under any ordinary circumstances; but I would very much prefer that some Senators on a vote that was not very material should take the liberty of disregarding their pairs than to see this ruling established as the rule of the Senate. Therefore I hope this matter may be passed over; let the Committee on Rules be charged with the duty of making a recommendation to this body, and then let the Senate determine shall it or shall it not be the rule of this body. If the Senate makes a rule that a quorum can be ascertained in this way as voting, we will know what to expect and to do. I trust that no such rule will be made.

The VICE PRESIDENT. If the Senator from Georgia will indulge the Chair for a moment it will be a very simple matter, and perhaps save time if, by unanimous consent, the Secretary be permitted to call the names of the Senators now present who were absent at the time the call of the yeas and nays was concluded. If there be no objection, that course will be followed and leave the other matter in abeyance.

Mr. BAILEY. Well, Mr. President, I want to say before that is done that I can not consent to the proposition that the Senate can determine by a rule whether or not a given number of votes is sufficient or insufficient to pass a bill.

Mr. BACON. I believe the Senator is right about that.

Mr. BAILEY. I think that is a question of the Constitution.

Mr. BACON. The Senator is right, and I accept the suggestion. I think he is absolutely right about that; and that is a fundamental proposition.

The VICE PRESIDENT. If there be no objection, the Secretary will call the names of those Senators who did not respond on the last call of the yeas and nays.

Mr. REED. For what purpose?

The VICE PRESIDENT. To vote upon the proposition.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Is there objection?

Mr. BRISTOW. Mr. President, I do not object, but I want to make an inquiry after that matter is concluded. Let the roll call proceed, and then I will make the inquiry.

The VICE PRESIDENT. If there be no objection, the Secretary will call the names of those Senators who were absent on the former call of the yeas and nays.

The Secretary proceeded to call the names of the Senators who failed to respond when the names were called on the last yea-and-nay vote.

Mr. BORAH (when his name was called). I vote "yea."

Mr. CLAPP (when his name was called). Although my pair is absent, I understand he stated that if at liberty to vote he would vote "yea." I therefore will vote "yea."

Mr. CUMMINS (when his name was called). I vote "yea."

Mr. SHIVELY (when his name was called). I vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER] and therefore withhold my vote.

The Secretary concluded calling the names of the Senators who had not previously voted.

Mr. CURTIS. Mr. President, I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER].

The VICE PRESIDENT. The vote now is—yeas 37, nays 13. The yeas have it, and the amendment is agreed to.

Mr. BRISTOW. Mr. President, I think there should be some settled policy of the Senate in regard to this matter. The Senate ought to know what the rules are. On April 16, on a motion of my own to take up a bill the vote was 32 yeas and 14 nays, and the motion was declared lost because a quorum had not voted. On another yea-and-nay vote 30 voted in favor of taking up the bill and 4 against, and the motion was ruled as lost because a quorum had not voted. A roll call was immediately had and 61 Senators answered "present." Again, on April 26, upon a motion of my own on the same bill, there was a similar result. The RECORD shows that the Chair ruled each time that a quorum not having voted the motion was lost. The Vice President was not in the chair. Upon the last date the Senator from New Hampshire [Mr. GALLINGER] was in the chair, and upon the former date, if I remember rightly, the Senator from Michigan [Mr. TOWNSEND] was in the chair. The pairs announced on the first vote showed that there was a quorum present, and on the second vote the roll call showed that there were more than 60 Senators in the Chamber. I want the question settled one way or the other. I do not want the rule to prevail against a bill one day and in favor of it another day.

Mr. GALLINGER. Mr. President, as the Senator has called attention to the fact that I chanced to be in the chair on a certain occasion when a vote was taken on a particular bill, I want to say for myself—and I do not say it in any controversial spirit at all—that if I chanced to be in the chair when less than a quorum voted and pairs were announced by Senators sufficient in number, who, added to those voting, would have constituted a quorum, that was not my view of the question. I would have declared that a quorum had not voted. But other Senators in the history of the Government have ruled differently, as the Vice President did to-day. However, that is not my personal view.

Mr. BRISTOW. I am not questioning the wisdom of the Senator's ruling; but I do think there ought to be a consistent ruling, and not have a bill lost one day and have it carried the next day under exactly the same circumstances.

Mr. WILLIAMS. Mr. President, I do not think the question which has just been discussed is a question of rights and privileges amongst Senators and Representatives. I think it is a question of rights of constituencies as represented by them. It seems to me that it would be a very good thing if the Senate would provide a rule whereby when a yea-and-nay vote was had each Senator could, under the rule, respond either "yea" or "nay," or "present" or "present and paired"; or, to go still further, "present for the purpose of being counted to make a quorum, but paired," adding what he pleased to that statement.

The idea, it seems to me, is this: I have a right here to represent my constituents by voting, or by refraining from voting, as I think best in their interest; by helping to make a quorum or by refusing to help to make a quorum, as I think best in their interest. If, at any time, I am in favor of or opposed to a bill, but at the same time am willing to be counted for the purpose of making a quorum, representing my constituents, the rule ought to provide that I could rise in my place and say, "Present, but paired with So-and-so," and the rule should be understood as giving a right to count me for a quorum when I made that announcement. In other words, if I think it is to the interest of my constituents to vote "yea" on a bill, I vote that way. If I think it is to their interest to vote "nay," I vote that way. If I think it is to their interest for me to sit in the Chamber and not be counted to make a quorum, I ought to have that right. If I think it is to their interest to sit in the Chamber and ask to be recorded to make a quorum, while being excused from voting because I am paired, I ought to have that right.

I merely rose to say that I hope the matter will go to the Committee on Rules, and that they will fix it so that in addition to the present responses to the roll call a Senator may rise in his place and say "present, and desirous to be counted to make a quorum," and then "paired," or whatever he chooses.

The VICE PRESIDENT. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, under the subhead "Capitol police," on page 13, line 13, after the words "in all," to strike out "$41,250" and insert "$78,150," so as to make the clause read:

For captain, $1,800; 3 lieutenants, at $1,200 each; 2 special officers, at $1,200 each; and 67 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives: in all, $78,150, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 13, line 16, after the word "expenses," to strike out "$200" and insert "$300," so as to make the clause read:

For contingent expenses, $300, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 24, line 21, before the words "in all," to insert "photostat operator, $600," and in the same line, after the words "in all," to strike out "$20,120" and insert "$20,720," so as to make the clause read:

General administration: Librarian of Congress, $6,500; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian's secretary, $1,800; clerk, $1,200; clerk (assistant to chief clerk), $1,000; stenographers and typewriters, one at $1,200, one at $720; messenger, $840; junior messenger, $360; photostat operator, $600; in all, $20,720.

The amendment was agreed to.

The next amendment was, on page 25, line 20, before the word "each," where it occurs the first time, to strike out "$1,500" and insert "$1,800"; in line 21, after the word "blind," to strike out "(formerly in free public library)" and insert "; *Provided*, That pavilion No. 7 shall be used for the accommodation of the blind; two at the charging desk, at $1,080 each"; in line 25, before the word "at," where it occurs the first time, to strike out "five" and insert "three"; and on page 26, line 9, after the words "in all," to strike out "$52,500" and insert "$53,460," so as to make the clause read:

Reading rooms (including evening service) and special collections: Superintendent of reading room, $3,000; assistants—2 at $1,800 each, 5 at $1,200 each, including 1 in division for the blind: *Provided*, That pavilion No. 7 shall be used for the accommodation of the blind; 2 at the charging desk, at $1,080 each, 3 at $900 each, 10 at $720 each, 2 at $660 each, messenger, page and typewriter, $360; attendant, Senate reading room, $900; attendants, Representatives' reading room—1 at $900 and 1 at $720; attendants, 2 in cloakrooms at $720 each, 1 in Toner Library, $900, 1 in Washington Library, $900, 2 for gallery and alcoves, at $480 each; telephone operator, $600; 4 junior messengers, at $360 each; 2 watchmen, at $720 each; evening service, 5 assistants, at $900 each; 15 assistants, at $720 each; 2 assistants, at $660 each; in all, $53,460.

The amendment was agreed to.

Mr. REED. Is it understood that this bill is being read now? If it is, the copy that I have is sadly deficient. If it is understood that part of the bill is being read, I have nothing to say.

The VICE PRESIDENT. The Secretary will continue to read the bill in full.

The reading of the bill was resumed.

The next amendment was, on page 27, line 20, after the word "each," to strike out "sixteen" and insert "eighteen"; and in line 25, after the words "in all," to strike out "$95,180" and insert "$96,980," so as to make the clause read:

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, $4,000; assistant register of copyrights, $3,000; clerks—3 at $2,000 each, 2 at $1,800 each, 7 at $1,500 each, 1 at $1,500, 8 at $1,400 each, 10 at $1,200 each, 10 at $1,000 each, 18 at $900 each, 2 at $800 each, $10 at $720 each, 4 at $660 each, 2 at $480 each; 4 junior messengers, at $360 each. Arrears, special service: Three clerks, at $1,200 each; porter, $720; junior messenger, $360; in all, $96,980.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 28.

Mr. HEYBURN. I give notice at this time that I will move to strike out, in lines 14 and 15, the words "within the discretion of the Librarian."

The VICE PRESIDENT. The Secretary will report the amendment.

Mr. HEYBURN. Inasmuch as the bill is now being read for committee amendments, I do not intend to move the amendment now, but merely to give notice of it.

The VICE PRESIDENT. Very well. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment was, in the item of appropriation for the custody, care, and maintenance of Library building and grounds, on page 30, line 8, before the word "charwomen," to strike out "forty-five" and insert "forty-seven," and in line 13, after the words "in all," to strike out "$71,705" and insert "$72,185," so as to read:

Assistant mistress of charwomen, $300; 47 charwomen; chief engineer, $1,500; assistant engineers—1 at $1,200, 3 at $900 each; electrician, $1,200; machinists—1 at $1,000, 1 at $900; 2 wiremen and 1 plumber, at $900 each; 3 elevator conductors and 10 skilled laborers, at $720 each; in all, $72,185.

The amendment was agreed to.

The next amendment was, on page 30, line 25, after the word "thereto," to strike out "$5,000" and insert "$15,000," so as to make the clause read:

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, $15,000.

Mr. REED. Mr. President, for my part, I should like to know some reason for raising that amount and making it three times as great as the House reported.

Mr. WARREN. What is the Senator's inquiry?

Mr. REED. The bill as it comes from the House appropriates $5,000 for this item, at the bottom of page 30. The committee proposes to raise it to $15,000. I should like to know some reason for it.

Mr. WARREN. The estimate explains the great portion of it. The House evidently did not take into consideration the electrical work that has to be done there. The Senate committee, after investigating the matter, decided that they could not get along with less than $15,000.

Mr. REED. It is new work.

Mr. WARREN. It is mainly new work, and also repairs.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 31, line 17, after the words "United States," to strike out "Secretary, at the rate of $7,500 per annum until March 4, 1913, and at the rate of $6,000 per annum on and after March 4, 1913," and insert "Secretary, $7,500"; on page 32, line 2, before the word "laborers," to strike out "two" and insert "three"; and in the same line, after the words "in all," to strike out "$71,336.06" and insert "$72,540," so as to read:

For the following in the office of the President of the United States: Secretary, $7,500; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant, $2,500; 2 correspondents, at $2,250 each; disbursing clerk, $2,000; clerks—3 at $2,000 each, 6 of class 4, 2 of class 3, 5 of class 2, 2 of class 1; 1 clerk-messenger, $1,000; 2 messengers, at $900 each; 2 messengers; 3 laborers, at $720 each; in all, $72,540.

The amendment was agreed to.

The next amendment was, on page 32, line 13, after the word "President," to strike out "for services rendered, and articles delivered and for use, within the District of Columbia," so as to make the clause read:

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, carriages, harness, automobiles, expenses of stables, including labor and miscellaneous items, to be expended in the discretion of the President, $25,000.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 32, line 23, before the words "of class 2," to strike out "twenty-eight" and insert "twenty-nine"; in line 24, before the words "of class 1," to strike out "thirty-eight" and insert "thirty-nine"; in line 25, before the words "at $1,000 each," to strike out "thirty-two" and insert "thirty-three"; on page 33, line 2, before the word "watchmen," to strike out "two" and insert "three"; in the same line, after the word "watchmen," to strike out "elevator conductor, $720," and insert "2 elevator conductors, at $720 each"; in line 4, before the word "laborers," to strike out "three" and insert "four"; in the same line, before the words "messenger boys," to strike out "three" and insert "four"; in line 5, after the word "each," to insert "3 charwomen"; and in the same line, after the words "in all," to strike out "two hundred and twenty-seven thousand two hundred and thirty dollars" and insert "two hundred and thirty-four thousand and ten dollars," so as to make the clause read:

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; 3 chiefs of division, at $2,000 each; examiner, $2,400; 3 examiners, at $2,000 each; 4 examiners, at $1,800 each; clerks—4 of class 4, 21 of class 3, 29 of class 2, 39 of class 1, 33 at $1,000 each; 20 clerks, at $900 each; messenger; assistant messenger; engineer, $840; telephone switchboard operator; 2 firemen, at $720 each; 3 watchmen; 2 elevator conductors, at $720 each; 4 laborers; 4 messenger boys, at $360 each; 3 charwomen; in all, $234,010.

Mr. WILLIAMS. I should like to ask the Senator from Wyoming why these increases were made in the bill as passed by the House. There is an increase of one clerk of class 2, one of class 1, one clerk at $3,000, an increase of one watchman, an increase of one elevator conductor, an increase of one laborer, and one messenger boy.

Mr. WARREN. As the Senator knows, the commission is just moving into new quarters, and at the time the original estimate was made they did not, apparently, take that into consideration. While we did not give them any large fraction of what was finally estimated and what they desired, the committee, after adducing all the evidence they could, believed that this was the very minimum sum which would enable them to handle the business.

Mr. WILLIAMS. They are moving into new, rented quarters?

Mr. WARREN. Yes; they have moved into an entirely new building.

Mr. WILLIAMS. They rented a larger building, and therefore had to have more employees?

Mr. WARREN. Yes; they will have to have more in the way of another elevator, and so forth.

Mr. CUMMINS. I should like to ask the Senator from Wyoming how long he expects the Senate to remain in session?

Mr. WARREN. Probably not over five minutes.

I will say that I should like to complete the bill down to the middle of the next page, and then I shall be willing that the Senate adjourn.

The amendment was agreed to.

The reading of the bill was continued to line 12, page 34.

Mr. WARREN. The hour is late, and as we are now to the place in the bill where the items for the State Department will be taken up, I desire to ask permission to have printed in the RECORD, and also as a document, a communication from the Secretary of State transmitting a statement relative to the continuance of the Bureau of Trade Relations in the Department of State, which by right should have been included in the Senate hearings, but for the convenience of the subcommittee it was retained in committee. I will ask that it may be printed in the RECORD and also as a document.

The VICE PRESIDENT. Without objection, an order therefor is entered.

The matter referred to is as follows:

BUREAU OF TRADE RELATIONS.

[Senate Document No. 761, Sixty-second Congress, second session.]

DEPARTMENT OF STATE,
Washington, May 23, 1912.

MY DEAR SENATOR WARREN: When I had the pleasure of appearing before your subcommittee day before yesterday you were good enough to suggest that, owing to the impression of a duplication of work between the Department of State and the Department of Commerce and Labor, I should confer with the Secretary of Commerce and Labor and with the President in order that you might be given such explanations or suggestions by me as would enable the committee to carry out its purpose of eliminating duplications, if any important ones were found to exist, while at the same time conserving and strengthening the machinery for the promotion of our great foreign trade.

I have had a conversation with the Secretary of Commerce and Labor, but Mr. Nagel showed a reluctance to address himself to the subject in so far as it passed the direct concern of his own department. On the other hand, the President's absence has made it impossible for me to discuss this subject with him. In these circumstances, realizing the urgency of your committee's work and desiring to facilitate it so far as possible along the line of your suggestion, I have caused to be prepared the inclosed memorandum, which frankly discusses the subject which you raised. In transmitting this memorandum, in the hope that it may be of some use to your committee, I must particularly emphasize the fact that the memorandum simply sets forth the views of this department.

It has been suggested, I understand, by your committee that the report of the Economy and Efficiency Commission may throw some light upon the subject under consideration, but the shortness of the time and the vast importance of the matters at stake has made me reluctant to await that report. Meanwhile I shall transmit a copy of this memorandum to the President.

If I can serve you in any other way, pray command me.

Yours, very sincerely,

P. C. KNOX.

The Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

MAY 25, 1912.

It was kindly explained to the Department of State by the subcommittee of the Senate Committee on Appropriations that it was desired to continue and to strengthen thoroughly efficient governmental instrumentalities for the promotion of the foreign trade interests of the United States, and that beyond this the sole wish was to make sure that there should be no unnecessary duplications of work.

The legislative, executive, and judicial appropriation bill, as it now stands, takes away from the Department of State some $94,000, and by doing so destroys not only the Bureau of Trade Relations, but the Division of Latin-American Affairs, the Division of Far Eastern Affairs, the Division of Near Eastern Affairs, the Division of Western European Affairs, the Division of Information, the office of Director of the Consular Service, the office of counselor, the office of resident diplomatic officer, an assistant solicitor, a law clerk, etc.—In fact, completely wipes out the new organization with which alone the modern methods and useful activities of the foreign-service establishment, as now constituted, can be continued.

To speak first of the Bureau of Trade Relations, it is to be observed that the total cost of that bureau is now only $20,220. Of this total,

59 per cent is eliminated by the bill as it now stands. That is to say, $17,000 are taken away from the Bureau of Trade Relations with the effect of eliminating its chief and its most expert employees.

It has become quite clear to the Department of State that there are several misconceptions as to the Bureau of Trade Relations. The prototype of that bureau was established in 1856 and has since functioned continuously under different names. Prior to 1903 the consular reports and foreign trade statistics were prepared in this bureau for publication, and were printed in the Department of State. In 1903 the function of printing, publishing, and promulgating commercial information to the business community of the United States was given to the newly created Department of Commerce and Labor, where it has since been carried on in the Bureau of Manufactures. By the same organic act creating the new Department of Commerce and Labor, the old Bureau of Foreign Commerce of the Department of State was provided for, an office of chief of bureau being created with the specific functions of formulating for the instruction of consular officers the requests of the Secretary of Commerce and Labor and preparing from the dispatches of consular officers for transmission to the Secretary of Commerce and Labor such information as pertains to the work of the Department of Commerce and Labor. In view of the historic fact that the prototype of this section of the Department of State had been in existence for some 47 years and had been occupied, naturally, with the commercial functions peculiar to the Diplomatic and Consular Department of the Government, it had never for a moment been suggested that this stipulation was intended to be a complete indication of the work of the Bureau of Trade Relations or should affect in any way the commercial functions inherent in and inseparable from the Department of State as a foreign office.

Foreign trade is fostered and promoted by the activities of diplomatic and consular officers. Consular officers have many duties affecting official international relations and do much useful work, as at present during the Mexican disturbances; as in China, Turkey, Persia, and Siam, with their extraterritorial functions; as in any country in case of local disturbances or in keeping the department and their Diplomatic Service superiors informed on local conditions. They are thus a necessary part of the foreign service and inevitably are subordinates of the Department of State. Nevertheless, the main part of their work is commercial. So, too, diplomatic officers must give their attention and energetic efforts to a thousand negotiations affecting the award of Government and other contracts, the removing of discriminatory treatment, the securing of equality of opportunity, and so forth. From these few words it will be quite evident that in the field of foreign trade the Department of State is the only governmental agency in position to do the main work, from the point of view of already having the machinery as necessary to foreign intercourse, as well as from the standpoint of international usage, custom, and, indeed, the whole logic of the situation.

Most governments have some department of commerce or industry, but the government of every important country has in its foreign office an organization corresponding to the Bureau of Trade Relations of the Department of State, and it is upon that office that it mainly relies in the sphere of foreign trade expansion. For example, in the foreign office of Germany there is a trade division, which disburses between $100,000 and $120,000 annually, distributed as follows: One director, at $5,000 salary and $2,500 extra for expenses; 7 assistants, who receive salaries ranging from $2,000 to $3,000; 6 permanent secretaries, at from $1,300 to $1,900; 14 experts and 30 registrars, at from $750 to $1,600; 6 assessors, at $1,000 each; and about 30 clerks. Traveling and other necessary expenses are paid out of the general foreign office contingent fund and naturally vary from year to year.

Again, France has a department of political and commercial affairs which is the more important of the two departments of the foreign office and is divided into 10 bureaus and subdepartments under the immediate directions of departmental directors and bureau chiefs. There is also a commercial and financial counselor, who, with the assistance of an attaché, has control of commercial and financial negotiations, preparation of commercial treaties, and the general commercial and financial relations of France.

Although the foreign trade of Austria-Hungary is small in comparison with that of the United States, the commercial bureau of the Austrian foreign office costs annually over $32,000. The foreign offices of Great Britain, Italy, Belgium, the Netherlands, and Japan—in fact, of all important commercial countries—have, as a matter of course, bureaus of trade relations in their foreign offices which correspond to the Bureau of Trade Relations in the State Department of the United States. This is irrespective of the fact that in all those countries there is another department analogous to the Department of Commerce and Labor, which has also certain commercial functions.

The view of the Department of State has always been that, in addition to its field in matters of domestic commerce and manufacture, a domestic department, like the Department of Commerce and Labor, and specifically its Bureau of Manufactures, would deal with the home end of foreign trade and the Department of State with the foreign end. This line of demarcation appears entirely clear. The Department of State, with its hundreds of diplomatic and consular officers, carries on the commercial missionary work in the foreign field. The Bureau of Manufactures, through its various activities, has the field for a propaganda of education and helpfulness in bringing the American manufacturer to take advantage of the opportunities of the foreign field.

As to the suggestion that there is at present duplication, a careful analysis will show that duplication, so far as it exists, is unimportant. The Department of State must edit and digest for use in an infinite number of directions all the commercial reports of its diplomatic and consular officers. It must also go over these with a view to the elimination of anything the publication of which would be detrimental from a diplomatic point of view. Diplomatic and consular dispatches of this kind bear directly and indirectly upon the many commercial and other negotiations on foot to secure business, to meet competition, or for any other purpose peculiar to the foreign field. What is suitable for use by the Bureau of Manufactures is sent to the Department of Commerce and Labor and there edited for the distinctive purposes of that department. These two processes of editing, being for different purposes and of different nature, seem scarcely to be duplications any more than is duplication when the same raw material passes through different machines each designed to extract particular elements from the original material. The Bureau of Manufactures would presumably cull from such correspondence also much information useful to its other commercial work, quite aside from the field of foreign trade.

There may be a slight increase of clerical work due to the constant stream of correspondence between the two departments, but this is insignificant and probably inevitable, because it seems obvious that the Department of State can not any more be a department of industry and commerce in the domestic sense than the Department of Commerce and Labor can be a department of state in the sense of a foreign office.

There may be a certain duplication in the existing arrangement, by which the Department of Commerce and Labor sends special agents to cover fields already covered by consular officers, but this is not always so. For example, it is the view of the Department of State that when, on some special occasion, the interests of American manufacturers require a complete technical report upon some great industry, like the chemical industry, or any such, that the Government of the United States ought to select from private life a thoroughly qualified expert and send him for a limited period of service to do the work; the Department of Commerce and Labor in such case to select the expert and the Department of State to accredit and attach him in some capacity to the proper embassy, legation, or consulate general. This would be done much as military and naval attachés are attached to embassies by the Department of State, but without prejudice to their duties to the War and Navy Departments. Except in such cases, the Department of State, for its part, knows of no need for such agents, and thinks that the Diplomatic and Consular Service can perform the entire work of the foreign field. If a commercial specialist for general trade matters is required at one of our embassies or legations, the Department of State should have sufficient appropriation to supply one.

It is the practice of the Department of State to have American consuls visit American business communities, in order directly and in person to impart useful commercial information as to the countries where such consuls serve. It is the purpose of the Department of State to suggest that this practice be in future changed by having such consular officers make these tours within the United States under the formal auspices of the Department of Commerce and Labor.

This change, together with the placing of all agents in the foreign field under the formal auspices of the Department of State, would remove the only known case in which there appears to the Department of State to be at present an overlapping of the functions of the two departments. This would leave the whole foreign field to the Department of State, and the whole domestic field to the Department of Commerce and Labor, and this is the logical line of cleavage.

It will be recalled that the organic act creating the Department of Commerce and Labor gives to that department the duty to "foster and promote" the foreign and domestic commerce of the United States. Inasmuch as practically all the instrumentalities for fostering American foreign trade in the foreign field are immemorially and inevitably part and parcel of the Department of State, it has never been seriously suggested, so far as is known, that the words of the act were construed in anyone's mind as designed to disturb the usual channels of promoting foreign trade, or to place the responsibility for promoting foreign trade upon another department entirely lacking in the requisite instrumentalities for all phases of the work abroad, as is any department other than the one which directs the Diplomatic and Consular Service. It has, therefore, always been believed by the Department of State that it was the intent of the act to put upon the Department of Commerce and Labor the distinct duty not only of promoting domestic commerce and industry, but also of fostering and promoting foreign trade indirectly by the important work of ascertaining the needs of the home manufacturer and merchant, communicating them to the Department of State, and, in turn, promulgating among American business men the sum total of suggestive and valuable knowledge acquired by it as a domestic department, as well as that gained for it by the Department of State, which covers the field of foreign relations and foreign commercial affairs.

If more information were necessary to carry conviction of the fact that a powerful Bureau of Trade Relations in the Department of State is indispensable, it could readily be supplied. It was suggested, as the result of a misapprehension, that the enlargement of the Bureau of Trade Relations, made in 1909, was merely due to the work imposed by the maximum-minimum tariff law. On the contrary, that work was an incident, the main work being the general promotion of American foreign trade. Moreover, as to tariff arrangements, favorable ones can only be maintained through constant vigilance, and plans for future improved tariff arrangements with foreign countries require constant study and preparation far in advance. All the administrative discriminations, such as those against dried fruits, cottonseed oil, etc., require the assiduous application of commercial diplomacy. The award of Government or other contracts, the collection of commercial data by hundreds of consular officers, the confidential reports of commercial opportunities—these and many other activities can only be directed by the Department of State, and with the aid of a powerful Bureau of Trade Relations.

Of course the wiping out of the four politico-geographical divisions of Latin-American affairs, far eastern, near eastern, and western European affairs, the destruction of the Division of Information, and the elimination of the Director of the Consular Service and several other offices, without exaggeration, would completely cripple the diplomatic arm of the Department of State, and their restoration is simply indispensable if the Department of State is to carry, with any efficiency, the heavy responsibility of our foreign relations.

With conditions such as are found today, for example, in China, Mexico, and Cuba, where so many Americans are concerned, this hardly requires demonstration, and it is well known that with diplomatic and commercial relations with the whole world there are never times when the Department of State of the United States can afford to be deprived of the machinery for looking after American interests.

The wiping out of all these divisions has, however, a direct bearing upon the efficiency of the Bureau of Trade Relations. For example, if there is in a Latin-American country a large piece of business which we hope will come to the United States, the Bureau of Trade Relations is assisted and advised by the Division of Latin-American Affairs, which supplies minute knowledge as to conditions in the country concerned which bear upon the business in hand. The piece of business may involve a contract, raising some questions of international law and requiring consultation with the law officers of the department. It may, through impinging upon the interests of some other country, raise purely diplomatic questions of policy. In a word, all these instrumentalities are interdependent, and none can have its full efficiency without the other. As to the Bureau of Trade Relations, without it and the other divisions which the bill now eliminates, the consular and diplomatic services would be, in their efforts on behalf of American trade, like a strong body from which the head had been lopped, depriving it of its directing and guiding energy. It is an indisputable fact, and one recognized by the uniform practice of all first-class commercial powers, that no other department whatever is able to take the place of the department charged with foreign affairs in the promotion of foreign trade.

Mr. WARREN. In laying the bill aside I wish to say that I shall seek to take up the bill in the morning the first thing after the morning business unless for some reason the Senate may desire to do otherwise.

DEATH OF REPRESENTATIVE ELBERT H. HUBBARD.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. ELBERT HAMILTON HUBBARD, late a Representative from the State of Iowa, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. HAUGEN, Mr. KENNEDY, Mr. GOOD, Mr. PROUTY, Mr. PICKETT, Mr. KENDALL, Mr. WOODS, Mr. TOWNER, Mr. PEPPER, Mr. GREEN, Mr. LLOYD, Mr. DAVIS, Mr. LENROOT, Mr. LOBECK, and Mr. AYRES the committee on the part of the House to attend the funeral of the deceased.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

House resolution 571.

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, for eight years a Representative from the eleventh district of the State of Iowa.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed by the Speaker to attend the funeral at Sioux City, Iowa, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. CUMMINS. Mr. President, it becomes my duty to announce to the Senate the death of Mr. HUBBARD, late a Representative in Congress from the State of Iowa, and I submit the resolutions I send to the desk and ask for their adoption.

The VICE PRESIDENT. The Senator from Iowa offers resolutions which the Secretary will read.

The Secretary read the resolutions (S. Res. 328), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELBERT H. HUBBARD, late a Representative from the State of Iowa.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

The VICE PRESIDENT appointed as the committee on the part of the Senate, under the second resolution, Mr. CUMMINS, Mr. KENYON, Mr. OVERMAN, Mr. BORAH, Mr. SHIVELY, Mr. CRAWFORD, Mr. GRONNA, and Mr. HITCHCOCK.

Mr. CUMMINS. Mr. President, as a further mark of respect I move that the Senate adjourn.

The motion was unanimously agreed to, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 5, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 4, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee Almighty God, our heavenly Father, that in the press and push of life's activities we may pause for a moment, enter the holy of holies, and commune with Thee. It is not what we pray for, since Thou knowest our needs better than we know them. It is the touch of spirit with spirit, the communion of soul with soul, which exalts, ennobles, purifies, and fits us for the work before us. So touch us with Thy spirit; so guide us that our work may be efficient and well-pleasing in Thy sight now and always in the spirit of the Master.

And now, O Father, we are touched by the sudden death of another one of our Members. Help us and encourage us to go forward with new resolutions, that we may fulfill our destiny, and when the time comes we may be ready to enter upon that higher life. Comfort, we beseech Thee, the friends and family of the deceased Member, and help them to look forward with faith and confidence to a higher and better life. In Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AMENDMENT TO THE CONSTITUTION.

Mr. HENRY of Texas. Mr. Speaker, I desire to withdraw resolution No. 204 from further consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent to withdraw House joint resolution 204. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, just what does the request mean?

The SPEAKER. It means the gentleman withdraws his resolution about the constitutional amendment.

Mr. MANN. That he withdraws it from present consideration?

Mr. HENRY of Texas. From further consideration at this session.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means. By direction of that committee I report back to the House the bill H. R. 25034, a bill to reduce the duties on manufactures of cotton. (H. Rept. 829.)

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. PAYNE. Mr. Speaker, I desire, according with the understanding with the committee, to have until Thursday to file the views of the minority.

Mr. UNDERWOOD. Mr. Speaker, there will be no objection on our part to the request.

The SPEAKER. The gentleman from New York asks unanimous consent to file the views of the minority on or before Thursday. Is there objection? [After a pause.] The Chair hears none. This bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25969, the sundry civil appropriation bill, and pending that motion I ask unanimous consent that the time for general debate be controlled by the gentleman from Illinois [Mr. CANNON] and myself, to be equally divided.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be controlled by himself on one side and the gentleman from Illinois [Mr. CANNON] on the other. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to give the Members of the House general leave to print or to give a long time for general debate on this bill?

Mr. FITZGERALD. Personally I shall be very glad to have debate close before we adjourn to-day. There are not many requests for time on this side of the House. I understand there are more demands on the other side of the House.

Mr. GARDNER of Massachusetts. Why does not the gentleman ask for an arrangement as to time and general permission to print? There are many of us who do not want to waste the time of the committee, but who do wish to print.

Mr. GARNER. On this bill—on the subjects contained in this bill?

Mr. FITZGERALD. That may be arranged later.

Mr. MANN. The gentleman will not have any trouble in getting recognition for the purpose of obtaining leave to print.

Mr. CANNON. What is the request?

The SPEAKER. The request is that the gentleman from New York shall control the time on one side and the gentleman from Illinois [Mr. CANNON] control it on the other. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CANNON. One moment, Mr. Speaker. I have just come in. There is no limit fixed for debate?

Mr. FITZGERALD. No. I wish to state, however, so far as I know there is but an hour and a half requested on this side of the House outside of whatever I may use, and I do not anticipate or expect that I shall be compelled to use very much time.

Mr. CANNON. I have applications for five hours. That would make it six hours and a half.

Mr. FITZGERALD. The gentlemen might stir up some debate——

Mr. CANNON. The matter of closing debate, I suppose, will come up later.

Mr. FITZGERALD. I thought we might determine when to close debate a little bit later. It is just possible we may be able to close debate before the end of the day; have six hours' debate, perhaps.

Mr. CANNON. That is a matter to come up subsequently.

The SPEAKER. The question is, Shall the House resolve itself into the Committee of the Whole House on the state of the Union?

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25969) making appropriations for sundry civil expenses of the Government for the fiscal year 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 25969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The motion was agreed to.

Mr. CANNON. Will the gentleman from New York [Mr. FITZGERALD] yield a moment to the gentleman from Massachusetts, who is desirous of leaving the city?

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER] so much time as may be necessary.

Mr. GARDNER of Massachusetts. Mr. Chairman, I admit that in the last few years I have not invariably acted either with the insurgent or with the regular wing of the Republican Party. For that reason it is natural for my constituents frequently to ask, "How does GARDNER stand?" To anyone who wishes to know how GARDNER stands I say, "Read this and you will learn his position on the great questions of the day." Fifteen months ago, on the floor of this House, on March 4, 1911, I made the following remarks:

PARCEL POST.

I favor the establishment of a parcel post system on a scale of charges which shall yield no loss to the Government.

RAILROADS.

I believe that the rates charged by railroads should be regulated by the Interstate Commerce Commission so as to yield a reasonable return on the value of each road. To that end I favor a physical valuation of every railroad in the country, including its terminals.

LABOR.

I favor a workmen's compensation act on progressive lines, together with an improved provision for employers' liability.

I favor rigid inspection of dangerous apparatus, and I believe that the use of all approved safety appliances should be required by law.

I am opposed to child labor, and I believe that the labor of women should be carefully circumscribed.

I am in favor of the extension of the national 8-hour law so as to include contracts made by the National Government, as recommended in President Taft's last annual message and as provided in the bill introduced by Representative GARDNER of New Jersey, chairman of the Committee on Labor.

I favor such an anti-injunction law as was advocated by the last Republican national platform, but I do not favor the drastic anti-injunction law provided in the Little bill.

TARIFF.

I believe in a protective tariff which shall measure the difference in the cost of production at home and abroad, together with a reasonable profit for the American producer. In my opinion, this means a high tariff.

I favor a permanent tariff commission, such as is provided in the Longworth bill.

I do not favor tariff revision schedule by schedule. In my opinion, this would result in tariff destruction schedule by schedule.

RECIPROCITY.

I favor reciprocity in noncompetitive articles only. If the people desire lower tariff rates, they should be obtained by legislation, not by entangling treaties and contracts which favor one nation and antagonize many nations.

CONSERVATION.

I favor additional legislation for the conservation of our national resources.

TWO CHANGES IN VIEWS.

So much for my statement of 15 months ago. My views are the same to-day except in two respects: First, it may sometimes be necessary to revise tariff schedules separately. When necessary I approve it. Second, I favor the Clayton anti-injunction bill, although it contains certain provisions by no means in accord with the views of the last Republican national platform.

I have a few other matters on which I wish to make myself clear.

INDUSTRIAL DISPUTES.

I favor the Borah bill for a commission of industrial relations.

IMMIGRATION.

I favor laws which will radically cut down the number of immigrants entering this country. To begin with, I favor a law excluding all immigrants who can not read, but other laws must follow. I favor the Dillingham-Burnett immigration-restriction bill.

THE RECALL OF JUDGES, ETC.

I am opposed to the recall of judges and to the recall of judicial decisions.

THE TRUSTS.

I am not prepared at this time to offer any opinion as to the best way to deal with the trusts. However, when the Stanley committee reports on the United States Steel Corporation it is my intention to discuss this question with some elaboration. For the present I shall confine myself to this observation, to wit, whether or not dissolution be the true method of dealing with trusts, I am definitely opposed to dissolutions which do not dissolve. Therefore I favor the passage of the Cummins bill calling on the Supreme Court of the United States to pass upon the recent dissolution of the Tobacco Trust.

CONCLUSION.

Obviously there are many public questions which I have not touched upon. On some of them my views are not as yet by any means matured. I have tried, however, to touch on the leading questions of the day.

Mr. FITZGERALD. Mr. Chairman, the sundry civil appropriation bill now under consideration is the last of the regular appropriation bills. There remains in this session to present only the general deficiency bill; then the work of the House in its initial stages, so far as providing funds for the maintenance of the Government is concerned, will be ended. The bill as recommended by the committee carries $109,577,414.40. The estimates submitted to the Congress in the regular Book of Estimates, including specific appropriations for public-building projects which were not carried into the totals, but which must be included in the general total of estimates for proper consideration under this bill, aggregate $142,006,303.25, and there has been submitted additional a supplemental estimate aggregating $9,984,803.62. The total estimates considered in preparing the bill amounted to $151,991,106.87. The bill is a reduction under the estimates of $42,413,692.47, and under the appropriations in the current law of $33,060,629.74.

Mr. Chairman, the recommendations contained in this bill do not in any measure include all of the reductions that might and may yet be made in the various recommendations for the conduct of that portion of the public service which is provided for in this bill. At the outset of the Congress, however, I asserted that the Democratic House would recommend in every instance every dollar required to enable the public service to be efficiently administered. The committee, if anything, has given the benefit of the doubt to the various departments, bureaus, and divisions, rather than by arbitrary reductions in recommendations risk crippling or impairing in any degree the efficient administration of the public service. It had been hoped that certain information would have been submitted to the Congress at a sufficiently early date to have enabled the committee to have gone more thoroughly into certain questions connected with the administration of the public service for the purpose of recommending definite reforms.

During the past two years there has been appropriated the sum of $175,000 to enable the President to employ experts in and out of the public service for the purpose of inquiring into the methods of administering the public service and to recommend such changes as might be deemed advisable in order to permit important reforms to be put into effect. In the sundry civil appropriation act for the current year a provision was inserted requiring a report to be submitted to the Congress by the 31st day of December, 1911, of the results obtained to that date, and recommendations based thereon, so that the Congress might have sufficiently early the benefit of any information acquired by the persons employed by the President under these appropriations. These reports were not submitted within the time designated. Some 23 or more reports affecting various branches of the public service were submitted to the President by his experts about the time fixed. For many reasons it was deemed advisable by the President to submit these reports and the recommendations based thereon to the various branches of the public service that might be affected thereby. Examination of those reports and of the recommendations, and the preparation of comments thereon by the services affected, occupied considerable time, so that in the preparation of the legislative appropriation bill the committee, while it had information that certain recommendations had been made as to changes in the public service, was not in a position with the information in its possession to act intelligently upon the recommendations. While perhaps the information might have been of considerable benefit had it been in the possession of the committee sufficiently early to have been utilized in the preparation of the bill, the committee, in the consideration of that bill, was unable safely to follow recommendations made or to go into matters suggested in that spirit and with that thoroughness

that would have justified it in basing recommendations upon the information furnished. In connection with the preparation of the present bill, certain very drastic, revolutionary, and far-reaching changes in the public service were submitted by these experts. They did not come at a time that enabled the committee, in view of the extreme character of the recommendations, to obtain the information that would have justified in many of these respects the committee in adopting the recommendations or in attempting to determine whether the recommendations were wise. Many reforms that might have been initiated have been held back until opportunity could be had to study other suggestions of reforms originating with these experts. Some additional reforms might properly have been adopted, but all were permitted to stay in abeyance until a later date, when time sufficient to enable the committee to take under consideration all the information available and all of the proposed changes would result in such matured recommendations as would result in substantial improvement of the public service. So that, Mr. Chairman, it is not to be understood that this bill contains all of the reforms or all of the retrenchments or economies that are possible in the various services affected by it.

The committee has been engaged in the consideration of this bill since about the 4th day of March, industriously and earnestly and thoroughly. It has been handicapped to some extent by the fact that there has been a very great disregard of the law by the executive departments of the Government in respect to additional or supplemental estimates. The law provides that all estimates for the public service shall be submitted to Congress in the regular Book of Estimates at the opening of the session, and that no additional or supplemental estimates shall be submitted unless to carry out laws subsequently enacted by Congress or by reason of some unanticipated or unforeseen emergencies which require appropriations and which, in the opinion of the head of the department, will be imperatively necessary for the public service; and in such cases the head of the department is required to state the reasons which, in his opinion, make it imperative that the appropriations should be made and of the failure to include the estimates in the regular Book of Estimates.

I have heretofore called attention in the House to one of the most flagrant instances in which this law has not only been ignored, but in which Congress has been treated with the utmost disrespect. The Secretary of the Navy submitted a supplemental estimate of $1,000,000 for the Bureau of Equipment, for wireless telegraph stations in different parts of the world. In compliance with the law he undertook to state the reasons which, in his opinion, made it imperative that the appropriation should be made for next year and the reason of his failure to include the estimate in the regular Book of Estimates. The only statement made was that this estimate was not submitted in the regular Book of Estimates because of the desire to keep the estimates as low as possible.

It should be remembered that there is a statute which requires the Secretary of the Treasury, before transmitting the estimates of appropriations to Congress at the beginning of the session, to cause to be prepared an estimate of the probable revenues during the next ensuing fiscal year, and in the event that the estimated revenues will not be sufficient to meet the estimated requirements for the public service in the way of appropriations, to submit both estimates to the President, so that the President may inform the Congress in what way the appropriations for the next ensuing fiscal year may be reduced, so as to bring them within the estimated revenues without impairing the efficiency of the public service, or else to recommend to Congress new methods for obtaining the additional revenue required. If the heads of departments may take a million-dollar item here and there and withhold such items for the purpose of keeping the estimates of appropriations down, and withhold such items until after the regular estimates have been transmitted, and then transmit them with such impertinent explanations, the whole purpose of the law is destroyed. It is a matter of great regret to me that any committee of the House should have seriously considered an estimate submitted in that way and based a recommendation upon it.

I have in mind, Mr. Chairman, another instance where a supplemental estimate was submitted for increases of compensation to certain employees. The Chief of the Bureau of Insular Affairs, in the War Department, in his annual report called attention to certain increases of compensation which in his opinion should be given to certain employees in his bureau. In the regular estimates no recommendation for these increases was contained, but subsequently a supplemental estimate was submitted in which these increases in compensation were requested, and in that supplemental estimate he stated, as an explanation for his failure to include them in the regular Book of Estimates, that when the estimates for his bureau were being prepared, he was under the impression that it was the policy of the administration not to recommend any increases of salary or new places except where it was absolutely essential for the public service, so that the estimates might be kept down as low as possible; but in the meantime he had ascertained that he was mistaken as to the policy, that in some way he had been misled, and that under those circumstances he had transmitted a supplemental estimate for the increased compensation of the employees of his bureau.

Unless some attempt is made by the administration to obey the law, and to be honest with the Congress and the country in the preparation of the estimates, it is absolutely impossible to determine when the estimates are submitted to Congress whether they are actually the views or the opinion of the administration as to the moneys required for the public service, or whether they are merely a haphazard putting together of estimates with the intention, subsequently, after the first discussion of appropriations and probable revenues has taken place, to submit largely increased estimates. It is not a partisan matter, but is one of those things as to which men ought to join, regardless of politics, in an attempt to put the business of the Government upon a satisfactory and sane basis.

Mr. Chairman, it may be interesting to the House at this time to call attention to some facts in connection with the appropriation bills during the present session and during the last regular session of Congress.

The total of the annual appropriation bills for 1912, as reported to the House, was $869,507,292.67.

The total amount of the regular annual bills as reported to the House during this session is $829,772,598.57, a reduction of $39,734,694 under the bills as reported to the House in the last Congress.

The total estimates for the regular appropriation bills for 1913 are $893,661,107.25. The total of the regular annual bills as reported to the House in this session is $829,772,598.57, a reduction, under the estimates, of $63,888,508.68.

The total estimates for the regular annual bills in 1912 were $880,711,581.69, and as reported to the House the bills carried $869,507,292.67, so that in the last session the bills as reported to the House were but $11,204,289.02 under the estimates, as against $63,888,508.68, under the estimates, in this session of the House.

The amount appropriated in the regular annual appropriation bills for the current year is $882,592,679.55, and the amount of the regular annual bills, as reported to the House for 1913, is $829,772,598.57, or a reduction, under the bills for 1912 as finally enacted into law, of $52,820,080.98.

I have already stated that this bill does not by any means measure the extent to which retrenchments and reforms can be introduced. If we had the hearty cooperation of other branches of the legislative and the executive departments we could not only make these retrenchments, but we could initiate many more that would result in a saving of a great many millions of dollars.

Mr. Chairman, during the consideration of the bill ample time will be allowed to consider a great many matters in connection with it. I do not intend to attempt to review the various items in the bill at this time. They range over the entire field of the public service. There are one or two matters which, perhaps, it may be desirable that I should review briefly.

Mr. LONGWORTH. Will the gentleman yield for a question? Does the gentleman propose——

Mr. FITZGERALD. Mr. Chairman, there is such a rumble of conversation in the Hall of the House that it is impossible to hear what the gentleman from Ohio is saying.

The CHAIRMAN. The committee will be in order. Gentlemen will cease conversation or retire to the cloakrooms; and if they do not, the Sergeant at Arms will request them to do so.

Mr. LONGWORTH. Is the gentleman during his remarks going to touch upon the great reduction that has been made in the appropriation for the Panama Canal, and will he state whether or not that would delay the completion of the canal?

Mr. FITZGERALD. It does not mean a deficiency. The appropriations for the Panama Canal for the current year were $45,560,000. The estimates submitted in the regular Book of Estimates for the next ensuing fiscal year are $41,622,810.20.

The amount recommended in this bill is $28,780,000. I suppose the gentleman from Ohio is prompted to ask this question by reason of an absolutely ridiculous editorial contained in a morning newspaper.

Mr. LONGWORTH. No; I was not prompted. I observed in the report of the committee the fact, without any explanation whatever, that the appropriations had been reduced nearly $17,000,000, and that was the reason I asked the gentleman the question.

Mr. FITZGERALD. I assume that in addition to that the gentleman also read the editorial to which I referred.

Mr. LONGWORTH. No; the gentleman was not prompted at all. He has done this of his own motion.

Mr. FITZGERALD. I assumed that the gentleman from Ohio had read that editorial.

Mr. LONGWORTH. No; I had not read the editorial.

Mr. FITZGERALD. Whether it had any influence on him or not of course I do not know. But, Mr. Chairman, the appropriation is about $13,000,000 under the estimates. The estimates were $41,622,810.20, and the appropriation recommended is $28,780,000. But that is not an unusual reduction. The estimates for $1911 were $48,000,000, and the appropriations were $37,855,000, a reduction of about $11,000,000. My recollection is that between 15 and 20 per cent more work was accomplished with the $37,000,000 than was estimated would have been done with the $48,000,000.

But that is not what actuated the committee in making the reduction. Investigation showed that there would be a surplus at the end of this year which would be carried over into next year of about $5,000,000—somewhat in excess of $5,000,000. When the chairman of the Isthmian Canal Commission was last in Washington the committee conferred with him, and he pointed out where the estimates could be reduced because of information he had at that time, which he did not have when the estimates were prepared. The committee has recommended every dollar required to continue the work of the Isthmian Canal during the next fiscal year in accordance with the plans of the Isthmian Canal Commission.

It has recommended appropriations for the full fiscal year for the Isthmian Canal Commission, and has not adopted the policy which has been in force a number of years in the river and harbor appropriations and the public-building improvements of appropriating only until the next sundry civil bill becomes a law, but it has carried the amounts necessary to continue the work until the 30th of June, 1913.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I will yield.

Mr. MANN. I assume that the committee desires to appropriate all the money that can be properly expended on the canal. The other day we passed a Panama Canal bill with reference to the operation of the canal. Of course, that bill is not now a law, and the committee could not predicate appropriations upon it. But that bill provided, and probably will provide when it becomes a law, for the construction of docks, warehouses, and such things as that in connection with the supplies for vessels going through the canal. Have these matters been taken care of in this bill as reported, and if not, is it the expectation they will be taken care of after the other bill becomes a law?

Mr. FITZGERALD. They were all included in the estimates for the current year, and no reduction on that account was made. If the gentleman from Illinois will examine one provision in the bill which was recommended by the chairman of the commission, the provision regarding the issuance of bonds is so changed as to cover the expenditures for the very purpose that the gentleman indicates.

Mr. MANN. Of course, there is now no authority at law for the construction of these warehouses and docks.

Mr. FITZGERALD. That is a debatable question, whether the docks and certain other matters do not come within the language of the original act. Those in charge of the work believe that without any specific authority these things are so connected and identified with the canal and its operation that the President has the right to have them constructed if he has the money with which to construct them, and provisions have been made with that in view.

Mr. MANN. The bill that the gentleman reports carries a sufficient amount of money to provide this construction?

Mr. FITZGERALD. That is the intention.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. MARTIN of South Dakota. Will the gentleman inform the committee what items have been cut or modified for the purpose of the Panama Canal construction which make up the difference of $13,000,000 between the estimates and the appropriation?

Mr. FITZGERALD. I should be compelled to take the bill and pick up each item and go through them in that way. It is impossible for me to carry the details, and I believe it will be more desirable to discuss them when they are reached.

I might add this for the information of the committee: That I have been a member of the Committee on Appropriations ever since the appropriations for the canal have been made. There has never been any difference of opinion as to how the appropriations should be made. The estimates have always been somewhat radically cut without any conflict among the Members. No item recommended by the Appropriations Committee for the Isthmian Canal has ever been changed either in the House or in the Senate, and there has never been a deficiency, but in most instances a very substantial surplus.

I wish to say to the committee that there has been no change in the policy pursued up to this time in fixing the amounts of this bill for canal purposes.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MANN. A cut of $13,000,000, practically 30 per cent, from the estimate which was submitted last fall in the present bill means inevitably one of two things: Either the lengthening of the time in which to complete the canal or a reduction in the expenditures for the completion of the canal.

Mr. FITZGERALD. Mr. Chairman, it is the result of two things—one of the surplus that will be carried over from the present year, of over $5,000,000; the other thing that contributed very largely is that with the progress of the work the efficiency of the force is increasing beyond all expectations.

Mr. MANN. It is a fact, is it not, that, contrary to the usual custom, the cost of the work being carried on there now is less than was anticipated?

Mr. FITZGERALD. Oh, yes; very much less, and not only that, but, as the work has been progressing, the efficiency of the canal force has increased, and the unit of cost of certain kinds of work has been materially decreased.

Mr. MANN. My understanding is that the unit of cost of excavation has actually decreased, although the actual cost of doing the work naturally would have increased as the canal became deeper.

Mr. FITZGERALD. Yes. The difficulty due to the increased depth of the cut and the additional length of the haul would naturally have added to the cost. Instead of that, my recollection is that the cost has been decreased.

Mr. MANN. Has been decreased by increased efficiency.

Mr. FITZGERALD. That is true.

Mr. MANN. And the canal will be completed sooner than was expected, and probably at a less expense than was anticipated.

Mr. FITZGERALD. I believe that is correct.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. LONGWORTH. Then, as I understand it, the gentleman states with absolute confidence that this reduction of appropriation will not delay in any respect the work on the canal.

Mr. FITZGERALD. Not in any respect. I believe that we are recommending exactly the appropriations that the Canal Commission desire at this time, perhaps with one or two insignificant exceptions. I am speaking now of the bulk of the appropriations. There might be some differences of opinion upon some matters of not very great moment, but as to the total of the $28,780,000 this bill carries for the canal, $13,000,000 below the estimate, $5,000,000 of it is to be made up by the surplus coming over from the present year, and the balance of it is due to the fact that upon a recasting of the estimates it is found that much less money will be required to do the work anticipated than was expected would be necessary when the estimates were prepared last September or August.

Mr. MADDEN. Mr. Chairman, as a matter of fact, in the operation of the steam shovels through the Culebra Cut, which is 9½ miles through, the number of shovels depends entirely upon the number of levels they can work, and as they work the levels down to the bottom of the canal the number of levels is reduced, and then the number of shovels is necessarily reduced, and so the force is reduced, and when the force is reduced, of course, the quantity of material taken out is reduced, and the consequence is that the expense is reduced. You can not help that. That is all there is to it.

Mr. FITZGERALD. That undoubtedly is another element, and a very important one.

Mr. MADDEN. That is the whole thing.

Mr. COVINGTON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. COVINGTON. As a matter of fact, was or was not Col. Goethals, the chairman of the Isthmian Canal Commission, before the subcommittee having charge of the sundry civil appropriation bill at the time of the preparation of the items for the Panama Canal?

Mr. FITZGERALD. The committee visited the Isthmus last November. The inquiry regarding the estimates was had at that time. Col. Goethals was in Washington before the committee, I believe, in April of this year. At that time the committee went over with him the estimates and then practically determined upon the recommendations.

Mr. COVINGTON. Were these estimates made with the practical approval of Col. Goethals?

Mr. FITZGERALD. We fixed these amounts after conference with him. He did not fix them, but we had him state how much money would be necessary under various items, and the amounts fixed are practically, with very few exceptions, what he stated were necessary.

Mr. COVINGTON. Were these items, as finally fixed by the committee, satisfactory to Col. Goethals?

Mr. FITZGERALD. I do not think he has seen them yet, but I have no doubt they are, because the intention of the committee was in good faith to give the money that is necessary to do the work.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The committee reduced the estimates for the Panama Canal construction about 30 per cent. I notice at the same time they reduced the estimate for fortification only about 6 per cent. In view of the desire of the committee to economize, does not the gentleman believe they could very properly have reduced the estimate for fortification somewhat more?

Mr. FITZGERALD. The gentleman has overlooked something. We had supplemental estimates for fortifications of about three and a half million dollars, which do not appear in the regular estimates.

Mr. MONDELL. I was making my statement from the report.

Mr. FITZGERALD. And the report also shows that there have been submitted supplemental miscellaneous estimates that are not carried out in the same way as the estimates transmitted in the regular way have been, aggregating $9,984,803.62, in which are included over $3,000,000 additional for the canal fortifications.

Now, if the gentleman will add three and a half millions to the regular estimates of $5,640,950 and then take his percentage he will find it is materially different.

Mr. MONDELL. As a matter of fact, the fortifications are going to cost very much more than they were originally estimated for.

Mr. FITZGERALD. Yes. When we reach those items I may point out the most remarkable thing in connection with the fortifications that has ever been made known in any civilized country having a trained force of technically educated men.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I yield.

Mr. CANNON. If the gentleman will allow me, touching the appropriations for the canal, my impression is—and recollection from a hurried hop, skip, and jump reading of that portion of Col. Goethals's statement which I did not hear—my impression is that this recommendation of the committee is substantially short $6,000,000 for the Panama Canal over his recommendation, after taking into consideration, in round numbers, the $5,000,000 of surplus which appears in this remarkable decrease from the estimates.

Mr. FITZGERALD. Let me say to the gentleman from Illinois he is entirely in error.

Mr. CANNON. It may be.

Mr. FITZGERALD. That might be an inference drawn from reading the hearings, but the gentleman from Illinois may recollect the day in my office when Col. Goethals was there when we went over the estimates without a stenographer. We took his statement and made notes of the amounts required. The gentleman from Illinois suggested perhaps it would be desirable to have it taken by a stenographer. We have the statement of Col. Goethals fixing the estimates in accordance with his views, with the additional information he then had of the amounts necessary.

Mr. CANNON. The gentleman may be right, and that can be developed during the five-minute debate. I am still under the impression that the gentleman is about $6,000,000 short of Col. Goethals's recommendation.

Mr. FITZGERALD. I am absolutely certain that I am not, and I know what I am speaking about. I have participated intimately in the preparation of appropriations for the Panama Canal for at least five years, and I know that this time there has been no change in the policy adopted and followed in that time. The same policy has been pursued in preparing this bill. When it is shown that a surplus of $5,000,000 will exist at the end of the present fiscal year, it is apparent that the appropriations have never been niggardly. I have no doubt from my knowledge of the way the work is done that at the end of the next fiscal year, out of the $28,000,000 appropriated now there will be a surplus of at least $2,000,000. If we had desired, simply for the purpose of making some kind of a showing, we could have justified a reduction of $2,000,000 additional on these estimates. No one on this side desires to make a false showing; we do not propose to take any chances of any delay in completing the canal. It would not be taking much chance to make further reductions, however, because if we did reduce these appropriations further next December, if there were any possibility of a deficit in the next fiscal year, we would have six months within which to provide the needed money. We discussed at one time the propriety of appropriating sufficient money only to carry the canal work up to the 4th of March, but we abandoned that notion and we have recommended here the amount that will be required until the 30th of June next.

Mr. AUSTIN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. AUSTIN. I see the committee, on page 102 of the bill, carries an appropriation for the Bureau of Mines.

Mr. FITZGERALD. I will come to that; I did not intend to take up every item in the bill.

Mr. AUSTIN. This is important to a number of us.

Mr. FITZGERALD. I will take up one matter which I think perhaps is of greater universal interest to the Members; however, if the gentleman wants to ask a question I will yield to him.

Mr. AUSTIN. On pages 26 and 27 of the report is a comparative statement of appropriations for 1912, estimates for 1913, and the amounts recommended for 1913. The amount carried under the head of appropriations, 1912, for the Bureau of Mines was $510,500; the amount submitted by the department or bureau for 1913 is $784,800; and the amount carried in the bill is $533,100, an increase of $22,600 over the existing appropriation and $251,700 less than the amount that the bureau has estimated for the coming fiscal year. Will the gentleman kindly tell us why the committee refused to give in this bill the department what it certified it needed?

Mr. FITZGERALD. I will give the gentleman the reason. There was submitted an estimate for over $200,000 for work not authorized by law, including $50,000 for the construction of a building which is not authorized. I believe the Bureau of Mines and river and harbor work and one or two other insignificant exceptions are the only services in this bill which have received any increase over the appropriations for the current fiscal year. Gentlemen should be quite content in accepting what the committee recommends under the circumstances without expecting recommendations of appropriations for services which the bureau is not authorized to conduct or for buildings which have never been authorized for that bureau. If the gentleman will take the $200,000 out of the $784,800 estimated, he will see the committee has been very liberal with the Bureau of Mines in this bill.

Mr. AUSTIN. Does the committee provide for the expense of conducting our mine-rescue cars in the amount carried in this bill?

Mr. FITZGERALD. It appropriated the money it thought would be necessary to provide the additional car.

Mr. AUSTIN. Also expenses for operating the car already owned?

Mr. FITZGERALD. Yes; that was the intention of the committee.

Mr. Chairman, there is one other matter which perhaps more Members are especially interested in than any other and that is the items for public buildings. The bill carries appropriations aggregating $8,053,517.92 for public buildings. In the report of the committee the question is gone into quite extensively, and considerable information is furnished for the use of the Members. In the regular Book of Estimates appropriations or amounts for specific projects are stated, but are not carried into the totals, which aggregate $13,109,701.20. The Secretary of the Treasury, however, requested an appropriation of $3,000,000 for next year, and at the same time suggested legislation by which the unexpended balances in all appropriations heretofore made for specific projects be put into one general fund. With an additional $3,000,000 the department would thus be authorized to expend the $13,000,000 upon such buildings and projects as the department thought proper. The statement was made that if that policy were adopted as much could be done in the next fiscal year with an appropriation of $3,000,000 as if $13,000,000 were appropriated. It appears that of the appropriations heretofore made for specific buildings during the next fiscal year there will be at least $10,000,000 that can not be expended. The Secretary believed that if the $10,000,000 were made available for expenditure with the $3,000,000

added, to be expended in his discretion upon such buildings as he determined, it would not be necessary to appropriate more than $3,000,000. The committee did not believe, however, that it would be satisfactory either to the Members of the House or to the country to adopt that method of appropriating for public buildings.

The practice has been for many years—indeed, from the very beginning—to appropriate some specific sum toward the construction of some specific building or the acquisition of a site in some particular place. The money is available immediately upon the bill becoming a law and remains available until expended. Those interested in any particular project are always in a position to tell just how much money is available, just how much may be required additional to what has been provided. The committee did not believe that anyone would be satisfied with any change of policy and made no attempt to change it. In 1910 it was ascertained that, as at present, there was a considerable sum of money appropriated that could not be utilized during the fiscal year, and in an attempt to prevent the unnecessary segregation of funds in the Treasury and the useless tying up of money there the Supervising Architect was requested to revise his estimates so as to show how much money would be required upon every building authorized until the 4th of March next following, when the next sundry civil bill which carries these appropriations must become a law. Such revised estimates were prepared, and the appropriations were made in accordance with them. The committee at this time, in view of the fact that $10,000,000 is unnecessarily tied up, believing it desirable to prevent as much as possible the unnecessary tying up of the money, requested the revision of the estimates until the 4th of next March, and that revision was made and the figures submitted, showing that $8,053,517.92 would be required and was all that could possibly be expended upon public buildings until the 4th of March, 1913, and the committee included in this bill every recommendation made of that character.

Mr. HULL. It is the policy of the committee to insert in the appropriation bill just such amounts of money under these authorizations as may be asked for by the Treasury Department?

Mr. FITZGERALD. It has been the policy of the committee, and the committee has followed that practice at this time, to give to the Treasury Department for buildings and for sites theretofore authorized all the money it said it could use until the 4th of next March.

Mr. HULL. As I understand the gentleman, it is the policy of the committee and has been the policy of Congress, where authorizations for sites and buildings are once made, to then transfer the entire matter of locating sites, purchasing them, preparing plans and specifications, and determining every phase of building construction and also the proper time or times when a given building or buildings shall be constructed, to the Treasury Department.

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations has not done any of the many things stated by the gentleman from Tennessee [Mr. HULL]. This committee has authority to recommend appropriations in accordance with existing law, and it has done on these public buildings what it has done on recommendations for river and harbor improvements.

When Congress authorizes certain projects, nobody anticipates that they are all going to be completed in one year. It is expected that they will cover a period of years. The War Department submits to Congress estimates of the amount of money it will require during the next fiscal year to carry out the projects authorized by Congress. It states the amount of money it can use, and the committee recommends that sum. It does the same with respect to the Treasury Department on the public buildings.

Mr. MANN. But, Mr. Chairman, is the gentleman quite accurate about that? On river and harbor work the Committee on Appropriations only recommends appropriations where contracts have been authorized. For the public buildings no appropriation is carried in the public buildings' bill, whereas there is in a river and harbor bill. All the money asked for comes from the Committee on Appropriations for the public buildings, but the bulk of the money for the river and harbor improvements comes from the river and harbor bill.

Mr. FITZGERALD. I think the statement I have made is substantially correct, for this reason——

Mr. MANN. I have no doubt that the gentleman intended it to be correct, but the two classes are not on all fours by any means.

Mr. FITZGERALD. I think it is substantially correct, for this reason, that the Treasury Department asks for such sums as it will be possible for it to expend on contracts then in force or which it thinks will be in force during the period for which the appropriation is asked. As to letting the contracts and doing the work the Committee on Appropriations has no more control than has any other committee of the House.

Mr. MANN. Now the gentleman is talking about public buildings?

Mr. FITZGERALD. I am.

Mr. MANN. The Committee on Public Buildings and Grounds reports a bill for public buildings, which becomes a law. That provides for the authorization. No appropriation is made in the bill.

Mr. FITZGERALD. But it authorizes contracts, the same as the river and harbor bill.

Mr. MANN. But no contracts are ordinarily let until some appropriation is made for public buildings, or otherwise. That is not the case with rivers and harbors. They have an appropriation to begin with there before they let the contract. The Treasury Department will not let contracts for the construction of buildings until there has been ordinarily some appropriation to start the buildings.

Mr. FITZGERALD. There is a reason, and I think the gentleman will understand it. Before the Committee on Rivers and Harbors authorizes any river and harbor improvement the surveys have all been made and the plans all prepared, and just as soon as the work is authorized the engineers are ready to go ahead with it. But we do not do that with public buildings. We authorize the public buildings first, and then the plans have to be prepared, and an attempt is made to obtain a site and a building for the amount fixed.

Mr. AUSTIN. You make the appropriation before the plans are prepared?

Mr. FITZGERALD. Yes.

Mr. CANNON. That is a general appropriation.

Mr. HULL. I am not criticizing the Committee on Appropriations. I am simply trying, Mr. Chairman, to ascertain the real attitude of the Committee on Appropriations with respect to this public-building policy of the Treasury Department. If I understand the method by which this work has been conducted heretofore, it makes no difference how many buildings Congress authorizes or how much money Congress is ready to appropriate with which to construct those buildings. The very moment the authorizations are made the matter becomes entirely divested and taken out of the direction or control of Congress and is transferred to the Treasury Department. The Secretary of the Treasury, exercising his own discretion from his own viewpoint, proceeds to determine how much money he will allow to be expended in the erection of public buildings annually; and by that means Congress, which is held responsible to the people for this work, for these appropriations, thus surrenders control; and Congress may authorize a number of buildings in a bill, but when we go to the Treasury Department and inquire when the work of construction will commence, we are informed there that a particular building or a particular number of buildings will be commenced next year, or two years from now, or three or five years hence, according to the direction of the Secretary of the Treasury. Congress in the meantime acting as a bank of deposit, as it were, ready, as the gentleman from New York [Mr. FITZGERALD] says, to make appropriations if the Secretary of the Treasury asks for the same, and in such amounts as he may ask for.

Now, this condition of affairs, it does seem to me, is altogether unsatisfactory. I heard the gentleman from New York some days ago criticizing some other department of the Government for exercising powers that properly ought to be shared, at least, by Congress, and it does seem to me that here is one subdivision of the executive department, expending during past years more than $200,000,000 in connection with this public-building work, and we have not been able—at least, I have not been able—to fathom the administrative business methods by which sites and buildings, under the direction of the Secretary of the Treasury exclusively, have been obtained. I do believe that some systematic method as to the administration and as to a definite time when these buildings will be taken up and constructed ought to be pointed out by Congress, in order that Members may know and be able to inform their constituents, to whom the Members are alone responsible for this work, as to when it will be done, and not turn the entire matter over to the Treasury Department.

Now, here is $10,000,000 asked for by this department during past years appropriated and unexpended. Here is the Secretary of the Treasury annually and arbitrarily saying that notwithstanding Congress has authorized a certain number of buildings he will only permit 10 a month to be taken up and dealt with and will not increase his office force enough to construct 12 or 15 or 18, notwithstanding the fact that Congress,

which alone is responsible for the projected work, has already acted in so far as it is able to act in the premises.

I simply make this comment in the hope that the gentleman from New York [Mr. FITZGERALD] may suggest whether it is or will be the policy of this committee to acquiesce in the present unsatisfactory business methods under which the Supervising Architect's office is conducted. I am opposed to allowing agents under the present system to go out and locate sites for certain Members every time a bill is passed authorizing sites and buildings, or either, and leaving the other Members at the end of the list. Every time this occurs the constituents of a large number of Members are required to wait two or three years longer than the constituents of other gentlemen who are fortunate enough to have their sites located first by these agents, the title approved, and the building plans and specifications prepared. It seems to me we ought at least to be permitted to cast lots as to the order in which this work will be taken up, or, if the Appropriations Committee has no remedy and has not the time to prepare a remedy, I think the Public Buildings Committee, which has ample time, ought to be clothed with the duty of working out a businesslike system for this department in order that if it is not deemed wise to construct all these buildings immediately after they are authorized they may at least be constructed within two years and the country may understand definitely that they will be constructed within that time.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. HULL. I will.

Mr. BEALL of Texas. I should like to know if the gentleman has any facts upon which he bases his suggestion that any species of favoritism has been practiced down there in the department? I know there has been very great and, it seemed to me, very unreasonable delay, but I did not know that there had been in vogue any such practice as the gentleman suggests. I have in mind an appropriation made for a place in my district in 1908, and advertisement was but recently made for the bids for the building.

Mr. HULL. Mr. Chairman, I am discussing the system and the effects of the operation of the system. I hope I am not trespassing too long on the time of the gentleman from New York.

Mr. FITZGERALD. I understand the situation the gentleman is complaining about, and I have no objection to his finishing his statement.

Mr. HULL. When a bill is enacted by Congress authorizing sites, for instance, the Treasury Department sends a number of agents out in different directions. I assume that they naturally go in the same directions each time such a bill is passed. They proceed to locate the sites. When their work is approved by the Treasury Department, the question of title comes up. That is turned over to the district attorney's office. That work is then sent to the Department of Justice for its ultimate approval. Finally, when the title is approved and reaches the Treasury Department, it is noted there for further attention and work by the department in the order of time in which it is approved and placed on file.

Naturally, this method may place a large number of the membership here at the end of the list every time a bill for sites and buildings is enacted. Then, following that, the Secretary of the Treasury lops off the entire proposed work except to the extent of $10,000,000 or $11,000,000 or whatever number of million dollars' worth of work his discretion may suggest shall be done annually, and under which prohibition the work on the remaining buildings must wait. Congress under the present policy will not permit even an enlargement of their force, so as to permit a more rapid construction of this work, until it is asked for by the department.

Mr. MANN. Why not?

Mr. HULL. That is one of the evils of which I complain. We sit here apparently with our hands tied; we go to the Supervising Architect's Office and inquire when work will commence on a building. He will inform us that he can not reach it this year or next year or perhaps the year after next. Now, every Member knows that that is not true. It is simply a question of what they want to do.

Mr. MANN. Will the gentleman yield?

Mr. HULL. Yes.

Mr. MANN. The gentleman says it is a question of what they want to do, when it is a question of what they can do with the force that they have in the office.

Mr. GARNER. I want to suggest that in one year, the same fiscal year, they cut the buildings down from 15 a month to 10 a month with the same office force.

Mr. MANN. The office is fully occupied. It is very unfair to the Supervising Architect's Office for Congress to refuse to give it the help it needs and then curse them because they do not do the work they would do if they had the help. It is our own fault.

Mr. BARTLETT. Mr. Chairman, who has the floor, the gentleman from Illinois, or who?

Mr. FITZGERALD. I have the floor.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. HULL. I understand the gentleman from New York yields to me. With reference to the statement of the gentleman from Illinois, it has been the policy of Congress to furnish the Supervising Architect's Office an increase of force when it needed and asked for an increase of force. If the Secretary has asked that the force be diminished, it has been diminished; and if he has asked that it be increased, it has been done. That is the objection which I offer.

Mr. AUSTIN. Will the gentleman from New York yield?

Mr. FITZGERALD. No; I want to occupy some of my own time. I know that many Members of the House are very much embarrassed in regard to public buildings. But we might as well be honest about it. The truth is Congress authorized public buildings and the acquisition of sites far beyond the capacity of the Government to handle them, within any reasonable time, and they did it to delude the people whom they represented, so that the Members might go home and say that they had got a site or a building, when they knew there was no possibility of having a building erected within four or five years from the time it was authorized. We might as well speak frankly about these things, because that is what happened.

Public-building bills were passed in 1902, 1903, 1906, 1908, and 1910. Under those acts 427 sites for buildings were authorized. One hundred and eighty-five buildings were authorized with sites owned by the United States. Four hundred and eighty-two sites with buildings combined were authorized. One hundred and twenty-four additions to existing buildings were provided, and the limit of cost was increased on 359 buildings which had been authorized by some act other than the act which increased the limit. We have now 652 public buildings, an increase of about 65 per cent since the year 1900. We had in the first 125 years of our existence about 250 public buildings. Within the last 12 years we have authorized about double that number, and have actually in commission 652 buildings. There are, in addition, 203 contracts in force, 79 for new buildings and 24 for extensions, and 130 projects for which drawings and specifications are in various stages of completion.

If we had authorized a number of other buildings and sites in this session of Congress, Members of Congress would justly have been indignant in the next few years to come, because, regardless of the amount of money appropriated for the Supervising Architect's Office, there is a limit to the output of that office.

Mr. YOUNG of Kansas. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. YOUNG of Kansas. In the case of all these authorizations, as a matter of fact, the Treasury Department does not let a contract for any of the buildings until Congress makes a specific appropriation for that particular building or buildings, does it?

Mr. FITZGERALD. I think the gentleman is mistaken; they make contracts whenever they are ready to make them and Congress appropriates the money.

Mr. YOUNG of Kansas. My understanding from the department is to that effect, and to that extent Congress at all times has control of the buildings notwithstanding the authorization.

Mr. FITZGERALD. There is no criticism resting on Congress because of that. Congress has never refused any appropriation for any building authorized that the department said it could possibly use before the next bill became a law.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. How does the gentleman from New York explain the situation that during one fiscal year for which appropriation was made for the Architect's Office, at the suggestion of the Secretary of the Treasury the number of buildings were reduced from 15 a month to 10 contracts a month, and the excuse given to the committee on expenditures in the department was the fact that the Treasury was running low, and they did not think it was necessary to construct more than 10 buildings a month?

Mr. FITZGERALD. The gentleman should not ask me that question.

Mr. GARNER. I am replying——

Mr. FITZGERALD. One moment. The Secretary of the Treasury is a member of the executive branch of the Govern-

ment. If he made a statement that because of the condition of the Treasury he was impelled to act in a certain way in the discharge of his public duties, I am not responsible and can not help it.

Mr. GARNER. No.

Mr. FITZGERALD. And the committee over which I happen to preside has no power to make any recommendations to cure any conditions about which there may be complaint.

Mr. GARNER. But the gentleman from New York was undertaking to defend the fewer buildings that had been constructed upon the theory that the architect's office was unable to turn out these buildings. I controverted that by the statement that the Treasurer makes in which he voluntarily reduced the number of buildings to be constructed, because there was not sufficient money in the Treasury to meet the expense. So it is not a fact that the failure of Congress to appropriate or the want of sufficient force in the architect's office to construct these buildings are the reasons they have not been constructed more rapidly.

Mr. FITZGERALD. The gentleman is mistaken. They made that complaint last summer—that Congress had given insufficient money for the force—and they tried to stampede this Congress into appropriating $200,000 additional for the Supervising Architect's Office at that time. The committee declined to do it, largely because of my stubbornness. A plan was then adopted by which they proceeded to do just a little more work than they would have done if we had given them the $200,000 additional, by the simple device of utilizing a plan for some building that had already been used rather than going to the expense and delay of having a special plan prepared for every building.

They had, I understood, some five or six hundred plans in the office that had been used but once. They could have been used on any number of occasions without any impairment in the efficiency of the service or the artistic features of the scheme. The plans for a building, for instance, in Texas, in a community of a certain size, with a certain space required, might just as well have been used for a building on the Atlantic seaboard in the Southern States, where no additional requirements as to heating would be required.

Mr. GARNER. Or at other points in Texas.

Mr. FITZGERALD. A plan for a building in the upper part of the State of New York could very easily, without any undue comment, have been used in half a dozen other States. But the policy existed whereby every time $50,000, or any other sum, was authorized for a building it was deemed necessary to devote certain technical men to the preparation of plans which differed from every other building of the same character that had been authorized. They have now adopted a new system, and this committee has given in this bill all of the money that has been asked by the Supervising Architect's Office to do the work and all the money that has been asked to enable it to carry on the work already authorized.

Mr. GARNER. If the gentleman will permit, if the hands of Congress are tied and the matter of the construction of a building is to be left entirely in the discretion of the Secretary of the Treasury, regardless of what plan he may suggest, then what remedy has Congress in the matter?

Mr. FITZGERALD. Mr. Chairman, let me add to what I have already stated that the Committee on Public Buildings and Grounds has already authorized these buildings. That committee has the authority to recommend legislation that will remedy any abuse. I do not imagine that anybody believes that these buildings will be constructed at once. If they were to be constructed at once, it would require some special form of taxation in order to pay for them, and while it is very easy to authorize a number of buildings, it is not so easy to pay for them.

I have had prepared a statement, which has just come from the printer to-day, which contains some very valuable information about public buildings. It shows that every time we add to our investment in public buildings we add to the permanent fixed charges of the Government a sum which, excluding the interest, is very greatly in excess of what we could very readily have the public service performed for in many places without the investment in a building.

Mr. GARNER. Mr. Chairman, I agree with what the gentleman from New York says, that the Congress ought to do one of two things—it ought to either cease authorizing these buildings or it ought to furnish the money to construct them, as the people expect them to be constructed after they are authorized. Since the Committee on Appropriations has been so good this session and has brought in such an amount of wholesome legislation on appropriation bills, it occurred to me that possibly, if the committee should consider this question, as it may do, and it had the time, it might bring in some wise legislation along this line, and that the Committee on Rules would likely make it in order. It occurs to me that if, in the wisdom of the Committee on Appropriations, these buildings ought to be constructed, and that the desire of the people, as expressed through their Representatives, ought to be carried out at an early date, then the Committee on Appropriations owed a duty to the House, in the event that the Committee on Public Buildings and Grounds refused or failed to perform that duty, to do as it has done in a number of other instances, namely, bring in general legislation on an appropriation bill in order that the country may have relief.

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations has failed in no duty to the House and owes none. The gentleman from Texas [Mr. GARNER] evidently has not kept track of what the Committee on Appropriations has done at this session. It has not recommended any legislation in any bill reported from it the purpose of which was to increase expenditures and increase the burdens upon the people. The legislation which it has reported on appropriation bills has been for the purpose of relieving people from some burdens of taxation. The purpose has been to prevent inefficient administration, to prevent extravagance in the Government service, and to prevent the expending of undue sums, and thereby impose either new taxes or make it impossible to relieve the people from many of the burdens under which they are now groaning. It does not propose either to permit any Member or any number of Members to coerce it in recommending legislation by means of which much money will be more easily poured out of the Treasury. I now yield to the gentleman from Tennessee.

Mr. HOUSTON. Mr. Chairman, do I understand the gentleman to say that the Committee on Appropriations has been willing and has provided such additional architectural force when it has been asked for by the Treasury Department, or all that they have asked for? Did I understand the gentleman to state that?

Mr. FITZGERALD. We have recommended in this bill all that has been asked for. I called attention to the fact last summer that the committee refused to give $200,000 that was then said was necessary, because, being familiar with what had happened when the appropriations for the current fiscal year was made, I knew not only it was not necessary, but I was under the impression that what was being done was an attempt to allay a certain agitation which was going on.

Mr. HOUSTON. As I am informed by the department the reason for cutting down recommendations that have been made to the Committee on Appropriations—for instance, in one district, the district which I have the honor to represent—they recommended for the building at Shelbyville $23,000 to carry on the work. Now, they have revised their request and reduced the sum to $1,000, and give as a reason——

Mr. FITZGERALD. The gentleman is speaking of a different thing entirely.

Mr. HOUSTON. The reason given by them is——

Mr. FITZGERALD. The gentleman is now speaking of an entirely different matter. He asked me if the committee had recommended all of the appropriations required to enable the Supervising Architect's Office to do its work. I supposed he was speaking about technical and other assistance required. It did. The committee did, in connection with the building of which the gentleman speaks, gives every dollar to carry on construction purposes, to acquire sites, that the department said would be used between now and the 4th day of next March. In the original estimates there was an estimate of $23,000 for the building in which the gentleman is interested, and that estimate contemplated expenditure during the period to June 30, 1913. All of it except $1,000, which is in the revised estimates, is to be expended after the 4th of March. The next sundry civil bill carrying these appropriations becomes a law on the 4th of March, and this committee did not believe it was justified in adding at this time to this bill over $5,000,000 that could not possibly be used before the next bill became a law, simply to carry out the original recommendations.

Mr. HOUSTON. I am informed that the reason they were compelled to revise the estimates that they did submit was the fact that with the limited architectural force at their command that was provided for by appropriations they were not able to carry on the work as rapidly as they desired or expected to do.

Mr. FITZGERALD. That statement I do not believe is accurate.

Mr. HOUSTON. That is the reason given.

Mr. FITZGERALD. They got all they asked for. They were given the force they said was enough. If they believed that they should have had more they would have asked for it, and any statement to the contrary that they have not been given

the force they believed they needed and should have had can not be substantiated by the facts.

Mr. GARNER. And the gentleman and his committee have given to the Treasury Department all the money that they have requested or suggested that they could use for the construction of public buildings that have been authorized between now and March 4 next?

Mr. FITZGERALD. Yes, we have.

Mr. GARNER. Will the gentleman permit another statement in connection with the statement I made a moment ago? I did not intend to convey the idea I wanted the Appropriations Committee to bring in legislation here that would increase the obligations of the Government, but I did intend to convey the idea that I thought that the Appropriations Committee ought to bring in legislation, if it is necessary, for the purpose of paying the obligations that the Government had already contracted or authorized for in the construction of public buildings.

Mr. FITZGERALD. A great deal of the difficulty about public buildings arises from the manner in which the work is carried on. Congress first authorizes a site, or sometimes a site and a building. After the law passes, an agent is sent to select the site. Gentlemen, perhaps, are more familiar with what happens than I am. In most instances a first-class controversy develops in the community as to what particular site shall be selected, and after a very considerable period of time has been wasted in conflict among the people of the community as to whether a site in one place or another, located here or there, shall be selected, and after time is taken to get a site where it will be most satisfactory to everybody concerned, including the convenience of the public service, there may be more time taken in endeavoring to acquire it within the amount of money which is available.

When the site has been finally selected and a contract made, under the law the United States district attorney is required to search the title. There are all sorts of district attorneys employed by the United States; some of them are wide-awake, hustling men, and their offices are up to date, and others are of the type that will not do more business than they are compelled to do, and unless they are prodded and kept after and urged, they keep putting aside these questions of searching titles. After they do get the records in shape and ready to make a certification, I have been informed that frequently they have left the papers lying on their desks rather than to take the trouble to send them to the department, so that they could be sent to the Department of Justice, which, under the law, is required to make a certificate before any property can be acquired. Frequently very long and vexatious delays occur, first because of the very proper differences of opinion that may exist as to where a site should be selected, the difficulties that arise in acquiring it, and these other delays in searching and proving the title, because of the difficulties involved in a complex title, or because of the lack of interest in the public officials charged with that duty. After a site is finally approved and acquired, I am informed that in the Supervising Architect's Office it is given a number next in rotation, and then plans are taken up and prepared for buildings in the order in which these numbers have been given to them. Under the act of 1910 there were 13 buildings advanced out of their turn. I have obtained from the Secretary of the Treasury a list of these buildings and a statement of the reason for their advancement, and in no other instance have buildings been advanced out of their turn.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question? It is on a different line. I do not want to interrupt on this question to which the gentleman is referring.

Mr. FITZGERALD. I shall put in the RECORD that part of the report dealing with public buildings.

Mr. AUSTIN. On page 28 of the report the amount the department asks for the fiscal year ending June 30, 1913, is $13,234,201.20, and the amount that this bill carries is $8,053,517.92, showing that the bill carries $5,180,683.28 less than the department states it needs for the construction, rent, and so forth, of buildings.

Mr. FITZGERALD. I have stated several times that following the policy adopted by a Republican Congress in 1910 the committee requested the Supervising Architect to revise his estimates so as to show the amount of money that would be required until the 4th of March next, when the next bill will become a law, and we have given the amount that will be required up to that date.

Mr. AUSTIN. That explains this difference, then?

Mr. FITZGERALD. Yes; that explains the difference.

Mr. AUSTIN. I was out of the Chamber and did not hear it.

Mr. FITZGERALD. I am sorry that the gentleman did not hear it previously, but I stated it during his absence.

Mr. ROBERTS of Massachusetts. Will the gentleman yield to a question relating to a paragraph in another part of the bill, page 35, line 18, an item as follows:

To enable the Secretary of the Treasury to refund money covered into the Treasury as internal-revenue collections, under the provisions of the act approved May 27, 1908, $30,000.

I wanted to ask the chairman of the committee if that is the amount usually carried under that item?

Mr. FITZGERALD. That is the amount.

Mr. ROBERTS of Massachusetts. I want also to ask the chairman if he is not aware that this amount in the current fiscal year has been exhausted in these refunds, and that there is considerable deficit existing?

Mr. FITZGERALD. It is an amount that is utterly impossible to estimate accurately, and it is an appropriation in which Congress meets the requirements that are necessary by carrying a deficit in the deficiency bill.

Mr. ROBERTS of Massachusetts. I want to ask if the deficit for the current fiscal year will be met in the deficiency bill?

Mr. FITZGERALD. Oh, yes. The gentleman understands in these cases this money must be deposited.

Mr. ROBERTS of Massachusetts. I understand that. Now, I want to ask the chairman a little further, if he does not think that the operations under that act of May 27, 1908, are working a great hardship on many people who are endeavoring to settle claims against them by being pressed by the Government, and if it would not be a more equitable practice to return to the procedure held before the year 1908. Now, the gentleman, if he will give me his attention just a moment, realizes that if a citizen wishes to settle his suit against the Government he must deposit the amount of money which he tenders in settlement, and that money is deposited under the promise that it shall be returned to him if the settlement is not accepted. It has so happened, and I have in mind now two cases, one from my own State, which have been brought to my attention.

One of those cases is the case of a woman who was sued by the Government for the collection of an inheritance tax, and by advice of her attorney, after consultation with the district attorney, she was given to understand that substantially $2,500 would be taken in settlement. This woman raised the $2,500 required by placing a mortgage on her home, on which she is paying 6 per cent interest. She deposited with the proper official of the Government a certified check for the $2,500, but a settlement was refused. She has applied for the payment of her money back, but she is told that there is no fund from which that money can be paid. She paid interest on that money at 6 per cent, not only from the time she gave the mortgage until the certified check was tendered, but also since that time, in February last, when settlement was refused.

Another case brought to my attention, that of a man engaged in the manufacture of moonshine whisky down in Virginia, where, on being sued by the Government, the man was advised by his counsel that substantially $1,200 or $1,500 would be accepted by the Government. He raised the amount by a mortgage, upon which he pays 6 per cent, and deposited that amount with the Government, but a settlement was refused. The Government got a judgment against him for about $1,500, practically for the same amount, and the judgment of the Government carries 7 per cent interest. Now, this man has his check tied up in the hands of the Treasury officials for practically the amount of the judgment that the Government of the United States obtained, and he can not get an offset, and can not get his $1,500 back, because the appropriation out of which that is paid is exhausted. Now, that man is in this position: He is paying virtually 13 per cent interest on the amount of money he owes the Government, whereas if there was a simple business arrangement under the law he would not be required to pay any interest.

Mr. FITZGERALD. I would say to the gentleman that the man he refers to would have avoided all that trouble if he had not tried to violate the internal-revenue law by manufacturing whisky without a license.

Mr. ROBERTS of Massachusetts. It does not matter whether he violated the law or not. He ought to have his money paid back to him.

Mr. FITZGERALD. We are not responsible, Mr. Chairman, for this particular condition, and we have no power to remedy it.

Mr. ROBERTS of Massachusetts. I would say that the chairman of this committee has the power to remedy the conditions if he will simply increase the amount that can be utilized for the repayment of these different deposits. And he can also establish a sensible business proposition if he will repeal that law of 1908 and allow these collection officers to take this trust money and hold it as a separate fund as trust money and not turn it into the general fund of the Treasury, where it can not be got at.

Mr. FITZGERALD. It is better that the violators of the law should be subjected to some inconvenience than that a number of public officials should be permitted to handle public money without any supervision or control or regulation. We have given in this instance the estimate of the Treasury Department, and I do not know what more we can do. The amount varies one year from another because of differing conditions. In some years much larger sums are required than in others.

Mr. ROBERTS of Massachusetts. Let me say to the gentleman that this money, deposited under these conditions, is not public money until the Government accepts it as a settlement. It is trust money; and there can be no objection whatever to allowing the United States officials to hold that money as trust money, in a separate fund, and not turn it into the Treasury.

Mr. FITZGERALD. There can be objection, because that practice was pursued until, if I recall correctly, the Comptroller of the Treasury held that that money was not private trust funds, but had to be turned into the Treasury as miscellaneous receipts.

Mr. ROBERTS of Massachusetts. These officials are responsible.

Mr. FITZGERALD. At any rate, we have appropriated the amount estimated by the department as necessary, and there is nothing further for us to do.

Mr. ROBERTS of Massachusetts. I wanted to see if the gentleman would be willing to accept an amendment that would repeal that act and prevent these cases arising in the future.

Mr. FITZGERALD. No; I would not. Mr. Chairman, I think I have covered everything——

Mr. KNOWLAND. We have received a great many letters from California regarding the appropriation for the suppression of the white-slave traffic. I should like to know whether the committee has given the Department of Justice an amount sufficient to carry on that commendable work?

Mr. FITZGERALD. We increased an appropriation available for that purpose by the full amount of the estimate of the department.

Mr. KNOWLAND. The full amount asked for by the department?

Mr. FITZGERALD. I shall insert here part of the committee report on the public buildings and the tables to which I have referred.

"To continue the construction of public buildings heretofore authorized, the bill appropriates, as stated, the sum of $8,053,517.92.

"In the regular estimates for public buildings, transmitted in the Book of Estimates, the Treasury Department proposed a new method of appropriating for such public works. Heretofore there have been appropriated at various times large sums for construction under existing authorizations of public buildings.

"At least $10,000,000 of the sums heretofore appropriated for specific buildings can not be expended upon the particular projects for which the money is available during the ensuing fiscal year. The Secretary of the Treasury set forth in the Book of Estimates, but did not carry into the totals, estimates for projects for which the sum of $13,109,701.20 would be required.

"Instead of asking that this sum be appropriated, he proposed that legislation be enacted which would make one fund of the various specific appropriations heretofore made, and in addition that $3,000,000 be appropriated to be added to such fund, and asserted that with the control of the $13,000,000 thus made available for use in the discretion of the department upon buildings heretofore or hereafter authorized, that equal results could be produced during the next fiscal year as if, in addition to the $10,000,000 heretofore appropriated and unexpended, specific appropriations aggregating $13,109,701.20 be appropriated.

"The committee did not feel warranted in adopting the recommendation of the department. It would have revolutionized the present method of providing for work upon authorized buildings. Under the present system specific appropriations are made for particular projects, and those interested in any building are able to ascertain definitely the money available for use on the particular project. To change that system and to put absolute control over the appropriations in the department, to be allotted in the discretion or according to the caprice or prejudices of some official, would very greatly increase the irritation, discontent, and dissatisfaction which appears to be inevitable even under the present method.

"The committee in its recommendations follows the prevailing custom. The estimates set out in the Book of Estimates, but not carried into the totals, would necessitate appropriations for construction work during the entire ensuing fiscal year aggregating, as already pointed out, $13,109,701.20.

"Appropriations for the construction of public buildings are excepted from the provisions of the "covering in" act. When made, they are available at once and continue available until expended. The custom for many years has been to accept the estimate of the Supervising Architect as to sums required for particular projects and to recommend appropriations strictly in accordance with the estimates.

"In 1910 it was ascertained that, as at present, large sums had been appropriated in excess of the amounts that could actually be expended.

"In an attempt to prevent the unnecessary segregation of funds in the Treasury and the tying up of moneys that could not possibly be used the committee in that year requested that the estimates be revised so as to indicate the various sums required for authorized projects until the 4th of March, 1911, the date of the end of the Sixty-first Congress, at which time the sundry civil appropriation bill for the fiscal year 1912 would become law. Such revised estimates were prepared by the department and submitted to the Congress, and the committee recommended appropriations in accordance therewith.

"The same course has been pursued at this session, and in compliance with the revised estimates the committee recommends appropriations aggregating $8,053,517.92, which amount includes appropriations for every site and building which the Treasury Department states can be expended by the 4th of March, 1913, when the next bill carrying such appropriations will become law.

"This practice is not unusual. It has been applied to appropriations for river and harbor improvements under contract and has been eminently satisfactory. If any other policy were followed it would necessitate the appropriation of $5,056,183.32 additional to the sum recommended in this bill, and would result in increasing the appropriations of money for buildings which must necessarily be idle and unused to $15,056,183.32. To do so would be indefensible from any standpoint, and the committee has declined to follow such a course.

"It may be of value to state some facts relative to public buildings which at times are overlooked.

"Public-building acts were approved June 6, 1902, March 3, 1903, June 30, 1906, May 30, 1908, and June 25, 1910. Under those acts 427 sites for buildings were authorized to be purchased; 185 buildings were authorized on sites then owned by the United States; 482 sites and buildings combined were authorized; 124 additions to existing buildings were provided; and the limit of cost was increased on 359 buildings which had been authorized in some act other than the one in which the limit of cost was increased.

"All of these sites and buildings were authorized in bills considered and reported by the Committee on Public Buildings and Grounds or placed in such bills by Senate amendments.

"The Committee on Appropriations has no authority to recommend new sites or buildings, extensions, or increases in the limit of cost of buildings heretofore authorized. It has not attempted to do so in this bill.

"The authority of the committee is limited to recommendations of appropriations to carry out projects authorized by law. It has not attempted to exceed that authority, but has rigidly adhered to the estimates of the Treasury Department, recommending every dollar that can be utilized until March 4 next. Requests have been made for appropriations that the department states can not be used prior to the enactment of the next bill, for authority to exceed the limit of cost, for appropriations for buildings that will not be reached unless advanced out of turn over other buildings. The committe has not been able to justify such action, and has not made such recommendations.

"Under date of March 15, 1912, the Supervising Architect submitted the following statement, which shows the status of the various authorizations for sites and buildings heretofore printed.

"1. There are 203 contracts for buildings now in force, of which 170 are new buildings and 24 extensions. This work is carried out under the direct supervision of 94 superintendents of construction. The drawings for 6 of the buildings have been prepared by private architects.

"2. There are 130 projects for which drawings and specifications are in various stages of completion, but for which contracts have not yet been awarded. Of these, 97 are new buildings and 33 extensions.

"Drawings for 121 of these buildings are being prepared in the office of the Supervising Architect, and for the other 9 by outside architects.

"3. There are 194 projects, all new buildings, for which no drawings have yet been commenced.

"4. There are 172 sites authorized for which no buildings have been provided.

"To complete the buildings heretofore authorized will require $27,750,100. The Supervising Architect's Office is so organized as to perform annually about $13,000,000 of work. In this bill there is carried $831,920, the amount requested by the department to enable the present speed to be maintained.

"There are at present 652 public buildings owned and used by the United States for the transaction of the public business, 128

buildings are under construction, and 106 will be completed during the present year.

"The value of the original construction aggregates $169,675,396; including enlargement of buildings, $185,000,000; including alterations repairs, and maintenance to June 30, 1911, $201,337,229; including sites, which have cost $46,000,000, $247,337,229. For the maintenance and upkeep of these buildings, the sum $5,172,000 is carried in this bill. Every building completed adds to the permanent fixed charges upon the Treasury and can not be *ignored nor evaded*.

"This committee does not determine the order in which buildings are placed under construction. The Supervising Architect states that buildings are planned in regular order. Whenever a site is acquired it is given a number in the office and the preparation of plans proceeds in the order in which the projects are so numbered.

"The Secretary of the Treasury states that no sites nor buildings authorized under the act of June 25, 1910, have been advanced out of this order, except as hereinafter stated, and the reasons for such advancements are herein given, namely:

"1. Austin, Tex.: The reason for this advancement is that it is located at the State capital. No contract, however, has yet been let.

"2. Bangor, Me.: Advancement is on account of the destruction of the old building by fire. Contract not yet in force.

"3. Dayton, Ohio: This building was advanced on account of the urgent necessity for increased accommodations for Government offices, there being no court quarters in the old building. This building is under construction.

"4. Gettysburg, Pa.: Advanced in order to be ready for the celebration of the fiftieth anniversary of the Battle of Gettysburg. Building is under construction.

"5. Hanover, Pa.: Same reason as No. 4. Contract has not yet been let.

"6. Executive mansion, Juneau, Alaska: Advanced because of the short building season and the urgent necessity for building. Construction just started.

"7. Lorain, Ohio: Advanced on account of the urgent necessity for increased accommodations for Government offices and inability to rent adequate quarters. Building not yet under contract.

"8. Olympia, Wash.: Advanced on account of being located at the State capital and the necessity for increased accommodations for Government offices. Contract just let.

"9. Oneonta, N. Y.: Advanced in order to make up for the extraordinary delay in acquisition of title for the site. Building not yet under contract.

"The following buildings—

"10. Orange, N. J.;

"11. Booneville, Mo.;

"12. New Haven, Conn.;

"13. San Francisco, Cal., subtreasury—

have been placed in the hands of private architects and for this reason have been taken out of the regular order.

"The committee has treated at some length the matters affecting the appropriations for public buildings, because of the widespread interest in the subject, and in order to have accessible in one document and in somewhat concise shape the information herein contained. It is believed that the statement will be of service to the House and tend to a better understanding of the situation relative to public buildings in the many communities interested in the subject."

STATEMENT OF PUBLIC BUILDINGS AUTHORIZED UNDER THE ACTS OF 1902, 1903, 1906, 1908, AND 1910, SHOWING THE LIMITS OF COST, POPULATION, POSTAL REVENUES, ANNUAL COST OF MAINTENANCE, AND ANNUAL RENTAL AND OTHER EXPENSES.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 31, 1912.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

SIR: Referring to your letters of January 20 and 27, 1912, and in response to the requests contained therein, the department has the honor to forward herewith certain detailed information relative to each new public building authorized in the separate building acts of June 6, 1902, March 3, 1903, June 30, 1906, May 30, 1908, and June 25, 1910. The details called for are embraced in five separate statements, accompanied with a separate sheet covering a recapitulation in the aggregate for all the acts referred to. In compliance with your request, the data furnished have been supplied in detail only as to each new building, eliminating additions or extensions to buildings.

The information desired by you in connection with the postal revenues, the population of cities and towns, the annual rental and expenses of quarters at the times the buildings were authorized, and other probable expenses of operation and upkeep, has been procured from the various executive departments and independent offices charged with the control of such matters, and the figures supplied have been incorporated in appropriate columns for each of the acts named.

All remaining features of information, other than those just referred to, embracing limits of cost, occupancy of buildings, probable annual cost of maintenance, including personal services, fuel, light, water, repair, and other expenses of operation and upkeep, have been compiled from the records of this department, and, with the exception of the last-named item (maintenance), the figures and details given are absolute.

The annual cost of maintenance of public buildings under the control of this department, as given in the statements, is believed to be a fairly close approximation of the actual expense incurred, and is in consonance with your inquiry asking for "probable cost." The figures given in the statements, under this head, were based upon averages ascertained by a division of buildings into 16 different classes and determining the pro rata measure of expense, including all the items referred to in your inquiry, for a period of five years. The result has been a very close approach to the true conditions. An exhaustive research and analysis, involving a considerable period of time, would, of course, be necessary if this particular class of detail was worked out to a result based upon actual figures. These latter could only be acquired by considering the cubic area of each building in its relation to the respective occupants and the space occupied by them, together with a due consideration of other questions more or less affecting the conditions incident to the occupancy and use of the rooms in the respective buildings.

With reference to the last paragraph of your letter of January 20, 1912, in which you ask to be advised as to the approximate percentage of annual depreciation in value of public buildings, having due regard for the purposes for which such buildings are used and the ravages of time, the department desires to state that, in its opinion, giving due weight to the conditions incident to the care and upkeep of public buildings, as compared with others of like character, the approximate rate of depreciation could be fairly expressed as about 2 per cent annually. An element, however, in this connection, which it seems is deserving of consideration, is the constantly increasing value, from an investment standpoint, of the majority of public building properties under the control of the department.

In the event that your committee should decide to have the accompanying statements printed as a public document, this department would be pleased to receive about a dozen copies thereof for its files and for future reference.

Respectfully,

FRANKLIN MACVEAGH,
Secretary.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, in compliance with the request, dated Jan. 20, 1912, from the chairman of the Committee on Appropriations, House of Representatives.

ACT OF JUNE 6, 1902.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Adrian, Mich	Post office	$40,000.00	9,654	$29,905.00	Post office	$2,219.38	$1,075.00
Allentown, Pa	do	100,000.00	35,416	60,119.00	Post office, Internal Revenue, pension examiner, Civil Service.	4,837.85	2,440.00
Amesbury, Mass	do	45,000.00	9,473	12,386.00	Post office	2,219.38	800.00
Anderson, Ind	do	80,000.00	20,178	42,846.00	do	3,743.36	400.00
Athens, Ga	Post office and courthouse	100,000.00	10,245	21,853.00	Post office, United States court, Civil Service	4,837.85	600.00
Atlantic, Iowa	Post office	30,000.00	5,046	11,497.00	Post office	2,219.38	750.00
Atlantic City, N. J	do	125,000.00	27,838	98,229.00	Post office, Civil Service	4,837.85	2,500.00
Baraboo, Wis	do	45,000.00	5,751	10,169.00	Post office, Internal Revenue	2,219.38	700.00
Batesville, Ark	Post office and courthouse	70,000.00	2,327	5,336.00	Post office, United States court, Internal Revenue.	2,836.95	632.00
Battle Creek, Mich	Post office	100,000.00	18,563	95,095.00	Post office	4,837.85	2,000.00
Biloxi, Miss	Post office, courthouse, and customhouse.	125,000.00	5,467	8,440.00	Post office, United States court, customs	4,837.85	350.00
Boone, Iowa	Post office	100,000.00	8,880	14,995.00	Post office	4,837.85	550.00
Burlington, Vt	Post office and custombouse.	170,000.00	18,640		Post office, customs, Internal Revenue, United States court, Civil Service.	7,185.80	
Centerville, Iowa	Post office	35,000.00	5,256	10,441.00	Post office	2,219.38	400.00
Charlottesville, Va	Post office and courthouse	100,000.00	6,449	21,573.00	Post office, United States court	4,837.85	1,200.00
Chillicothe, Ohio	Post office	70,000.00	12,976	22,731.00	Post office, Internal Revenue, Civil Service	2,836.95	1,000.00
Colorado Springs, Colo	do	135,000.00	21,085	100,002.00	Post office, Internal Revenue, United States court, Civil Service.	4,837.85	2,800.00
Crawfordsville, Ind	do	50,000.00	6,649	20,299.00	Post office, Internal Revenue, Civil Service	2,836.95	650.00
Deadwood, S. Dak	Post office and courthouse	200,000.00	3,498	13,269.00	Post office, United States court, Forestry Service, assay office.	10,559.46	2,780.00
Decatur, Ill	Post office	80,000.00	20,754	64,237.00	Post office, Civil Service	3,743.36	1,550.00
De Kalb, Ill	do	65,000.00	5,904	16,169.00	Post office	2,836.95	650.00
Durham, N. C	do	70,000.00	6,679	20,075.00	Post office, Internal Revenue, United States commissioner.	2,836.95	1,000.00
Elizabeth, N. J	do	125,000.00	52,130	67,188.00	Post office, United States court, Internal Revenue, Civil Service.	4,837.85	3,350.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 6, 1902—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Elkhart, Ind	Post office	$85,000.00	15,184	$71,991.00	Post office	$3,743.36	$1,400.00
Emporia, Kans	do	41,000.00	8,223	23,726.00	do	2,219.38	600.00
Evanston, Ill	do	90,000.00	19,259	48,350.00	do	3,743.36	1,500.00
Evanston, Wyo	Post office and courthouse	100,000.00	2,110	5,634.00	Post office, United States court, land office, Internal Revenue.	4,837.85	695.00
Findlay, Ohio	Post office	55,000.00	17,613	28,150.00	Post office	2,836.95	1,200.00
Flint, Mich	do	65,000.00	13,103	32,032.00	Post office, Civil Service	2,836.95	1,000.00
Florence, S. C	Post office and courthouse	100,000.00	4,647	6,076.00	Post office, United States court	4,837.85	356.00
Fond du Lac, Wis	Post office	60,000.00	15,110	28,570.00	Post office	2,836.95	1,050.00
Fresno, Cal	Post office and courthouse	100,000.00	12,470	41,039.00	Post office, United State court, Internal Revenue	4,837.85	2,400.00
Gainesville, Fla	Post office	35,000.00	3,633	10,184.00	Post office, United States court, land office	2,219.38	1,020.00
Gainesville, Tex	do	70,000.00	7,874	15,966.00	Post office	2,836.95	600.00
Geneva, N. Y	do	75,000.00	10,433	31,787.00	do	3,743.36	950.00
Georgetown, S. C	Post office and customhouse	50,000.00	4,138	7,745.00	Post office, customs, United States Engineers, Weather Bureau.	2,836.95	538.00
Gloversville, N. Y	Post office	75,000.00	18,349	30,850.00	Post office	3,743.36	1,400.00
Goldsboro, N. C	do	35,000.00	5,377	12,103.00	Post office, Internal Revenue, Civil Service, referee in bankruptcy.	2,219.38	600.00
Grand Haven, Mich	Post office and customhouse	50,000.00	4,743	8,107.00	Post office, customs	2,836.95	353.00
Grand Forks, N. Dak	Post office and courthouse	165,000.00	7,652	30,744.00	Post office, United States court, Internal Revenue	7,185.80	3,500.00
Green Bay, Wis	do	140,000.00	18,684	37,634.00	Post office, United States court, customs, Internal Revenue, recruiting office.	4,837.85	1,300.00
Greeneville, Tenn	do	110,000.00	1,817	10,127.00	Post office, United States court	4,837.85	500.00
Guthrie, Okla	do	50,000.00	10,006	25,026.00	do	2,836.95	2,920.00
Hammond, Ind	do	140,000.00	12,376	30,220.00	Post office, United States court, Internal Revenue	4,837.85	1,000.00
Harrison, Ark	do	70,000.00	1,551	4,663.00	Post office, United States court, Forestry, land office, referee in bankruptcy.	2,836.95	588.00
Hastings, Nebr	Post office	125,000.00	7,188	19,850.00	Post office	4,837.85	1,500.00
Henderson, Ky	do	40,000.00	10,272	16,793.00	do	2,219.38	425.00
Holyoke, Mass	do	135,000.00	45,712	70,306.00	do	4,837.85	2,040.00
Huntington, W. Va	Post office and courthouse	125,000.00	11,923	26,767.00	Post office, United States court, Weather Bureau	4,837.85	1,900.00
Hutchinson, Kans	Post office	50,000.00	9,379	25,165.00	Post office	2,836.95	800.00
Iowa City, Iowa	do	60,000.00	7,987	38,080.00	do	2,836.95	1,310.00
Ironton, Ohio[1]	do	40,000.00	11,868	17,110.00	do	2,219.38	480.00
Ithaca, N. Y	do	70,000.00	13,136	56,552.00	do	2,836.95	2,100.00
Jacksonville, Ill	do	60,000.00	15,074	30,674.00	Post office, Internal Revenue	2,836.95	1,200.00
Kankakee, Ill	do	70,000.00	13,595	18,951.00	Post office	2,836.95	800.00
Kingston, N. Y	do	80,000.00	24,535	42,071.00	do	3,743.36	1,025.00
Kirksville, Mo	do	40,000.00	5,966	14,700.00	do	2,219.38	700.00
Laramie, Wyo	do	100,000.00	8,207	11,703.00	Post office, Forestry Service, agricultural investigation.	4,837.85	1,492.00
Laredo, Tex	Post office, courthouse, and customhouse.	150,000.00	13,429	10,347.00	Post office, United States court, customs, Immigration Service.	7,185.80	435.00
Lawrence, Kans	Post office	50,000.00	10,862	32,141.00	Post office	2,836.95	1,500.00
Lebanon, Pa	do	75,000.00	17,628	32,115.00	Post office, Civil Service	3,743.36	1,200.00
Little Falls, N. Y	do	50,000.00	10,381	21,714.00	Post office	2,836.95	1,500.00
Logansport, Ind	do	75,000.00	16,204	29,957.00	do	3,743.36	1,000.00
Los Angeles, Cal	Post office and courthouse	675,000.00	102,479		Post office, customs, United States court, Internal Revenue, land office, Immigration Service, Indian Service, Bureau of Animal Industry, Naturalization Service, Geological Survey, Forestry service, pension examiner.	24,007.89	1,918.92
Louisiana, Mo	Post office	35,000.00	5,131	19,050.00	Post office	2,219.38	600.00
Marblehead, Mass	do	40,000.00	7,582	11,444.00	Post office, customs	2,219.38	240.00
Marshalltown, Iowa	do	85,000.00	11,544	40,050.00	Post office	3,743.36	1,000.00
Martinsville, Va	do	35,000.00	2,384	6,036.00	Post office, Internal Revenue, deputy United States marshal.	2,219.38	600.00
Mayaville, Ky	do	40,000.00	6,424	13,105.00	Post office, United States judge, Internal Revenue	2,219.38	700.00
McKeesport, Pa	do	100,000.00	34,227	35,054.00	Post office, Civil Service	4,837.85	1,884.00
Meriden, Conn	do	100,000.00	24,298	60,214.00	Post office, Civil Service, national-bank examiner	4,837.85	2,100.00
Monticello, Ind	do	80,000.00	20,942	50,342.00	Post office	3,743.36	898.00
Muskegon, Mich	do	70,000.00	20,818	31,794.00	Post office, customs	2,836.95	1,000.00
Nashua, N. H	do	90,000.00	23,898	25,018.00	Post office	3,743.36	1,500.00
Natchez, Miss	do	50,000.00	12,210	21,816.00	do	2,836.95	800.00
Nevada, Mo	do	40,000.00	7,893	28,284.00	Post office, Pension Office	2,219.38	600.00
New Castle, Pa	do	125,000.00	28,349	39,055.00	Post office	4,837.85	764.00
Niagara Falls, N. Y	do	75,000.00	19,457	33,549.00	Post office, customs	3,743.36	1,205.00
Norfolk, Nebr	do	100,000.00	3,883	10,304.00	Post office, United States court, Internal Revenue	4,837.85	40.00
Norristown, Pa	do	78,000.00	22,265	33,106.00	Post office	3,743.36	1,914.00
Northampton, Mass	do	70,000.00	18,647	32,230.00	do	2,836.95	850.00
Oak Park, Ill	do	35,000.00		50,765.00	do	2,219.38	1,000.00
Ogden, Utah	Post office and courthouse	200,000.00	16,313	36,917.00	Post office, United States court, Civil Service, Quartermaster's agent, United States Army.	10,536.46	1,550.00
Oil City, Pa	Post office	60,000.00	13,264	39,670.00	Post office	2,836.95	1,100.00
Oklahoma City, Okla[1]	do	50,000.00	10,037	49,330.00	Post office, United States court, Internal Revenue, food inspector, pension examiner.	2,836.95	2,600.00
Ottawa, Ill	do	60,000.00	10,588	25,095.00	Post office	2,836.95	900.00
Owosso, Mich	do	55,000.00	8,038	22,011.00	Post office, pensions	2,219.38	700.00
Pekin, Ill	do	70,000.00	8,420	13,070.00	Post office, Internal Revenue	2,836.95	600.00
Perth Amboy, N. J	Post office and customhouse	50,000.00	17,698	20,217.00	Post office, customs	2,836.95	840.00
Providence, R. I	Post office, courthouse, and customhouse.	1,000,000.00	175,597		Post office, United States court, customs, Internal Revenue, Bureau of Animal Industry, Marine-Hospital Service.	38,441.98	293.40
Reno, Nev	Post office	60,000.00	4,500	13,979.00	Post office, Internal Revenue, Geological Survey, land office.	2,836.95	600.00
Richmond, Ind	do	80,000.00	18,226	47,859.00	Post office, Civil Service	3,743.36	1,600.00
Rock Hill, S. C	do	35,000.00	5,485	8,405.00	Post office	2,219.38	358.00
St. Louis, Mo	do	550,000.00	575,238		do	24,007.89	4,340.00
San Francisco, Cal	Customhouse	1,000,000.00	342,782		Post office, United States court, customs, Immigration Service, land office, Forestry Service, pension examiner, Weather Bureau, Bureau of Animal Industry, Secret Service, Naturalization Service, Civil Service.	38,441.98	4,340.00
Selma, Ala	Post office	75,000.00	3,713	25,477.00	Post office, United States court, Civil Service, Internal Revenue, Bureau of Animal Industry.	3,743.36	1,170.00
Sherman, Tex	Post office and courthouse	125,000.00	10,243	29,102.00	Post office, United States court, Civil Service	4,837.85	4,020.00
Spartanburg, S. C	Post office	65,000.00	11,395	18,802.00	Post office	2,836.95	300.00
Stillwater, Minn	do	60,000.00	12,318	17,238.00	do	2,836.95	1,000.00
Superior, Wis	Post office, courthouse, and customhouse.	225,000.00	31,091	5,181.00	Post office, United States court, customs, Internal Revenue.	10,536.46	1,500.00

[1] Lapsed. (See act of May 30 1908.)

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 6, 1902—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Torrington, Conn	Post office	$50,000.00	8,360	$20,120.00	Post office	$2,836.95	$1,000.00
Vincennes, Ind	do	75,000.00	10,249	20,104.00	Post office, Internal Revenue	3,743.36	600.00
Warren, Ohio	do	45,000.00	8,529	23,520.00	Post office	2,219.38	653.00
Washington, Pa	do	60,000.00	7,670	30,642.00	do	2,836.95	811.00
Waterbury, Conn	do	135,000.00	45,859	85,834.00	Post office, Civil Service	4,837.85	2,500.00
Waterloo, Iowa	do	150,000.00	12,580	42,244.00	Post office, United States court, pension examiner.	7,185.80	1,200.00
Wausau, Wis	do	50,000.00	12,354	20,194.00	Post office, land office	2,836.95	900.00
West Chester, Pa	do	60,000.00	9,524	30,704.00	Post office	2,836.95	1,500.00
Wheeling, W. Va	Post office, courthouse, and customhouse.	400,000.00	38,878		Post office, United States court, Internal Revenue, customs, United States Engineers, pension examiner, Civil Service.	11,526.19	1,680.00
Zanesville, Ohio	Post office	110,000.00	23,538	58,700.00	Post office, United States Engineers, Civil Service	4,837.85	2,500.00
Total		12,079,000.00	2,617,188	3,089,485.00		529,948.56	136,360.32
ACT OF MAR. 3, 1903.							
Champaign, Ill	Post office	$70,000.00	9,098	$26,953.00	Post office, Civil Service	$2,836.95	$1,500.00
Columbia, Mo	do	35,000.00	5,651	18,199.00	Post office	2,219.38	1,000.00
Moberly, Mo	do	35,000.00	5,012	14,660.00	do	2,219.38	900.00
Natchitoches, La	do	60,000.00	2,388	5,582.00	Post office, land office	2,836.95	500.00
Pierre, S. Dak	Post office and courthouse	170,000.00	2,306	10,065.00	Post office, United States court, land office, Weather Bureau, Civil Service.	7,185.80	1,140.00
Spokane, Wash	do	400,000.00	36,848	132,343.00	Post office, customs, Internal Revenue, land office, Immigration Service, special agent Treasury, special inspector, Interior Department, United States court.	11,526.19	8,000.00
Sterling, Ill	Post office	40,000.00	6,309	17,387.00	Post office	2,219.38	1,000.00
Tacoma, Wash	Post office, courthouse, and customhouse.	400,000.00	37,714	97,395.00	Post office, customs, Internal Revenue, Marine-Hospital Service, Immigration, courts, Forestry, Civil Service.	11,526.19	6,430.00
Traverse City, Mich	Post office and customhouse	50,000.00	9,407	20,895.00	Post office, customs	2,836.95	800.00
Yankton, S. Dak	Post office	80,000.00	4,125	11,542.00	Post office, Internal Revenue, United States attorney, Weather Bureau.	3,743.36	900.00
Total		1,340,000.00	121,768	355,021.00		49,150.53	22,260.00
ACT OF JUNE 30, 1906.							
Albany, Ga	Post office and courthouse	$125,000.00	8,190	$20,112.00	Post office, United States court	$4,837.85	$700.00
Albuquerque, N. Mex	Post office	100,000.00	11,020	36,327.00	Post office, courthouse, Railway Mail Service, Forestry Service, Indian Service.	4,837.85	2,536.00
Alexandria, Minn	do	30,000.00	3,001	8,895.00	Post office	2,219.38	450.00
Alpena, Mich	do	50,000.00	12,703	15,721.00	Post office, Weather Bureau, customs, Forestry Service.	2,836.95	1,450.00
Alton, Ill	do	75,000.00	17,528	33,840.00	Post office	2,836.95	900.00
Americus, Ga	do	50,000.00	8,063	15,931.00	Post office, Internal Revenue	2,836.95	1,100.00
Anderson, S. C	Post office and courthouse	50,000.00	9,654	19,139.00	Post office	2,836.95	600.00
Ann Arbor, Mich	Post office	80,000.00	14,817	56,931.00	do	3,743.36	2,000.00
Atlanta, Ga	Post office and courthouse	1,000,000.00	154,839		Post office, customs, United States court, Internal Revenue, Civil Service, Bureau of Animal Industry, food inspector, Geological Survey, Railway Mail Service.	38,441.98	480.00
Auburn, Me	Post office	75,000.00	15,064	27,942.00	Post office	2,836.95	1,050.00
Baker City, Oreg	do	65,000.00	6,742	17,707.00	Post office, Weather Bureau	2,836.95	1,192.00
Bar Harbor, Me	do	60,000.00	(1)	16,586.00	Post office	2,836.95	1,000.00
Barre, Vt	do	60,000.00	10,734	23,743.00	do	2,836.95	1,250.00
Bedford, Ind	do	50,000.00	8,716	12,752.00	do	2,836.95	700.00
Belleville, Ill	do	75,000.00	21,122	22,407.00	Post office, Internal Revenue, Civil Service, special examiner.	3,743.36	900.00
Belvidere, Ill	do	65,000.00	7,253	20,103.00	Post office	2,836.95	750.00
Bessemer, Ala	do	60,000.00	10,864	12,235.00	do	2,836.95	700.00
Bluefield, W. Va	Post office and courthouse	100,000.00	11,188	26,211.00	Post office, United States court, Civil Service	4,837.85	1,200.00
Boston, Mass	Appraisers' stores	900,000.00	670,585		Customs	28,665.51	20,634.05
Boulder, Colo	Post office	60,000.00	9,539	33,465.00	Post office	2,836.95	1,200.00
Bowling Green, Ky	Post office and courthouse	80,000.00	9,173	18,662.00	Post office, United States court, Internal Revenue, Civil Service.	3,743.36	1,487.61
Bridgeton, N. J	Post office and customhouse	65,000.00	14,209	25,620.00	Post office, Customs, Internal Revenue, Civil Service.	2,836.95	850.00
Calais, Me	do	60,000.00	6,116	9,244.00	Post office, customs, Immigration Service, Bureau of Animal Industry.	2,836.95	530.00
Canandaigua, N. Y	Post office	75,000.00	7,217		Post office	3,743.36	
Cape Girardeau, Mo	Post office and courthouse	100,000.00	8,475	16,681.00	Post office, United States court	4,837.85	600.00
Carlisle, Pa	Post office	75,000.00	10,303	24,831.00	Post office	3,743.36	900.00
Carthage, Mo	do	75,000.00	9,483	23,352.00	Post office, Civil Service	3,743.36	884.00
Charleroi, Pa	do	50,000.00	9,615	17,020.00	Post office, Internal Revenue	2,836.95	800.00
Chester, S. C	do	50,000.00	4,754	9,432.00	Post office	2,836.95	300.00
Chippewa Falls, Wis	do	70,000.00	8,893	17,657.00	Post office, Internal Revenue, Civil Service	2,836.95	775.00
Clarinda, Iowa	do	40,000.00	3,832	15,762.00	Post office	2,219.38	720.00
Clifton Forge, Va	do	40,000.00	5,748	9,130.00	Post office, Civil Service	2,219.38	400.00
Coldwater, Mich	do	42,500.00	5,945	16,402.00	Post office	2,219.38	800.00
Columbia, Tenn	do	65,000.00	5,754	19,673.00	do	2,836.95	1,350.00
Columbus, Miss	do	40,000.00	8,988	17,173.00	do	2,219.38	300.00
Corning, N. Y	do	60,000.00	13,730	26,806.00	do	2,836.95	1,025.00
Corsicana, Tex	do	50,000.00	9,749	20,570.00	do	2,836.95	1,200.00
Crookston, Minn	do	50,000.00	7,559	22,323.00	Post office, Internal Revenue, land office	2,836.95	840.00
Dalton, Ga	do	50,000.00	5,324	11,903.00	Post office	2,836.95	540.00
Danville, Ky	do	50,000.00	5,420	11,827.00	Post office, Internal Revenue	2,836.95	700.00
Denison, Tex	do	85,000.00	13,632	27,059.00	Post office	3,743.36	900.00
Des Moines, Iowa	do	500,000.00	86,368		Post office, Civil Service	24,007.89	648.00
Devils Lake, N. Dak	Post office and courthouse	150,000.00	5,157	11,039.00	Post office, United States court, land office	7,185.80	1,800.00
Dixon, Ill	Post office	50,000.00	7,216	21,412.00	Post office	2,836.95	1,000.00
Dothan, Ala	do	40,000.00	7,016	10,977.00	Post office, United States court, Civil Service	2,219.38	500.00
Dover, N. H	do	95,000.00	13,247	23,663.00	Post office, Civil Service	3,743.36	700.00
Eagle Pass, Tex	Post office and customhouse	50,000.00	3,536	4,555.00	Post office, customs, Immigration Bureau, quarantine office.	2,836.95	809.83
East Liverpool, Ohio	Post office	100,000.00	20,387	46,367.00	Post office	4,837.85	1,775.00
East St. Louis, Ill	Post office and courthouse	300,000.00	58,547	68,612.00	Post office, United States court, Internal Revenue.	11,526.19	4,230.00
Escanaba, Mich	Post office	50,000.00	13,194	20,209.00	Post office, customs, Weather Bureau	2,219.38	1,340.00

[1] Not incorporated.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 30, 1906—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Eugene, Oreg	Post office	$50,000.00	9,009	$16,499.00	Post office, Forestry Service	$2,219.38	$1,420.00
Everett, Wa	Post office and customhouse	120,000.00	11,845	23,077.00	Post office, customs, United States court, Weather Bureau, land office.	4,837.85	1,458.00
Fairmont, W. Va	Post office	75,000.00	9,711	32,405.00	Building not yet erected	3,743.36	1,500.00
Fayetteville, Ark	do	50,000.00	4,471	17,513.00	Post office, Internal Revenue, United States marshal.	2,836.95	800.00
Fayetteville, N. C	do	60,000.00	7,045	16,298.00	Post office	2,836.95	800.00
Fernandina, Fla	Post office, customhouse and courthouse.	100,000.00	3,482	8,923.00	Post office, customs, United States court, Immigration Service, Weather Bureau.	4,837.85	450.00
Florence, Ala	Post office	50,000.00	6,000	11,775.00	Post office, United States court	2,836.95	850.00
Fredericksburg, Va	do	60,000.00	5,874	13,457.00	Post office, Internal Revenue, Civil Service	2,219.38	700.00
Gadsden, Ala	do	60,000.00	10,557	13,849.00	Post office	2,836.95	600.00
Gainesville, Ga	do	50,000.00	5,995	12,208.00	Post office, Internal Revenue	2,836.95	1,600.00
Galveston, Tex	do	[illegible]	3,129	8,176.00	Post office	2,836.95	271.00
Grand Island, Nebr	Post office and courthouse	125,000.00	10,326	26,198.00	Post office, United States court, Internal Revenue	4,837.85	1,600.00
Grand Rapids, Mich	do	300,000.00	112,571		Post office, United States court, Internal Revenue, pension examiner, Civil Service, United States marshal.	24,097.59	1,940.95
Great Falls, Mont	do	200,000.00	13,948	30,216.00	Post office, United States court, customs, land office, Forestry Service, Reclamation Service.	10,553.46	3,570.00
Greenville, Miss	Post office	60,000.00	9,619	24,722.00	Post office	2,836.95	900.00
Greenville, Ohio	do	35,000.00	6,237	16,718.00	do	2,219.38	700.00
Greenville, Tex	do	70,000.00	8,859	17,772.00	Post office, Bureau of Animal Industry	2,836.95	400.00
Greenwood, S. C	do	60,000.00	6,614	11,389.00	Post office, Internal Revenue	2,836.95	500.00
Gulfport, Miss	Post office and customhouse	100,000.00	6,386	20,276.00	Post office, customs, Civil Service, immigration inspector.	4,837.85	1,320.00
Hagerstown, Md	Post office	85,000.00	16,507	34,736.00	Post office, Internal Revenue	3,743.36	1,100.00
Hamilton, Ohio	do	100,000.00	35,279	60,[illegible]	Post office, Internal Revenue, Civil Service	4,837.85	1,635.00
Hazleton, Pa	do	75,000.00	25,452	28,[illegible]	Post office	3,743.36	800.00
Houston, Tex	Post office and courthouse	400,000.00	78,800		Post office, United States court, customs, Internal Revenue, immigration inspector, Civil Service, Naturalization Bureau, Bureau of Animal Industry.	11,524.19	2,500.00
Hudson, N. Y	Post office	75,000.00	11,417	26,437.00	Post office	3,743.36	1,300.00
Iola, Kans	do	60,000.00	9,032	21,[illegible]	do	2,836.95	360.00
Johnson City, Tenn	do	50,000.00	8,002	14,479.00	Post office, pension examiner	2,836.95	840.00
Johnstown, Pa	do	180,000.00	55,482	73,[illegible]	Post office, [illegible]	4,837.85	1,600.00
Kearney, Nebr	do	50,000.00	6,232	14,901.00	Post office	2,743.36	850.00
Kenosha, Wis	do	75,000.00	21,371	36,[illegible]	Post office	3,743.36	1,100.00
Kewanee, Ill	do	65,000.00	9,397	30,[illegible]	do	2,836.95	1,400.00
Kinston, N. C	do	50,000.00	6,995	11,[illegible]	do	2,219.38	600.00
Lake Charles, La	Post office and courthouse	125,000.00	11,449	23,[illegible]	Post office, United States court	4,837.85	1,200.00
Lancaster, Ohio	Post office	75,000.00	13,093	28,[illegible]	Post office, Civil Service	3,743.36	1,000.00
Lead, S. Dak	do	80,000.00	8,392	13,[illegible]	Post office	3,743.36	600.00
Lebanon, Ky	do	30,000.00	3,077	7,[illegible]	Post office, Internal Revenue	2,219.38	350.00
Lewistown, Ill	do	65,000.00	10,982	17,931.00	Post office, Civil Service	2,836.95	865.00
Little Rock, Ark	Post office and courthouse	125,000.00	45,941		Post office, United States court, land office, Weather Bureau, reclamation office.	4,837.85	600.00
Logan, Utah	Post office	50,000.00	7,522	14,772.00	Post office, Forestry service	2,836.95	839.00
London, Ky	Post office and courthouse	65,000.00	1,638	3,903.00	Post office, United States court, Internal Revenue, Army recruiting office.	2,836.95	234.00
Manchester, Va	Post office	60,000.00	19,715	16,215.00	Post office	2,836.95	500.00
Manhattan, Kans	do	30,000.00	5,722	14,069.00	Post office, Civil Service	2,219.38	600.00
Manistee, Mich	do	55,000.00	12,381	19,600.00	Post office, customs, Civil Service	2,836.95	300.00
Manitowoc, Wis	do	75,000.00	13,027	29,426.00	Post office, customs, Internal Revenue	3,743.36	1,100.00
Marietta, Ga	do	50,000.00	5,949	12,159.00	Post office, Internal Revenue, Civil Service	2,836.95	1,200.00
Marietta, Ohio	do	100,000.00	12,948	38,598.00	Post office	4,837.85	1,200.00
Marinette, Wis	do	80,000.00	14,610	23,148.00	Post office, Internal Revenue	3,743.36	800.00
Marion, Ind	do	100,000.00	19,359	51,063.00	Post office, Internal Revenue, pension examiner, Civil Service.	4,837.85	740.00
Marion, Ohio	do	75,000.00	18,232	36,243.00	Post office, Civil Service	3,743.36	1,200.00
Mason City, Iowa	do	70,000.00	11,229	35,435.00	Post office	2,836.95	720.00
Mayfield, Ky	do	40,000.00	5,916	11,099.00	Post office, Civil Service	2,219.38	420.00
Meadville, Pa	do	110,000.00	12,780	36,108.00	Post office, Civil Service, pension examiner	4,837.85	1,800.00
Michigan City, Ind	do	70,000.00	19,027	30,391.00	Post office, customs	2,836.95	700.00
Milford, Del	do	30,000.00	2,603	7,295.00	Post office	2,219.38	250.00
Mitchell, S. Dak	do	90,000.00	6,515	17,534.00	Post office, United States attorney	3,743.36	1,150.00
Moline, Ill	do	75,000.00	24,199	66,734.00	Post office	3,743.36	[illegible]
Moscow, Idaho	Post office and courthouse	100,000.00	5,679	12,172.00	Post office, United States court	4,837.85	[illegible]
Nashville, Tenn	Post office	300,000.00	4,629	10,535.00	Post office	2,219.38	[illegible]
Newton, Iowa	do	75,000.00	16,178	32,[illegible]	do	3,743.36	[illegible]
Niles, Ohio	do	90,000.00	25,404	46,[illegible]	Building not yet erected	3,743.36	[illegible]
New Haven, Conn	do	140,000.00	43,916	78,275.00	Post office	4,837.85	2,100.00
New Orleans, La	Post office and courthouse	1,300,000.00	339,075		Post office, United States court, United States commissioner, Weather Bureau.	38,441.98	1,304.41
Newton, Kans	Post office	60,000.00	7,862	15,305.00	Post office	2,836.95	900.00
New Ulm, Minn	do	30,000.00	5,648	12,924.00	do	2,219.38	750.00
Niles, Mich	do	40,000.00	5,156	13,027.00	do	2,219.38	750.00
North Adams, Mass	do	115,000.00	22,019	40,769.00	Post office, Bureau of Animal Industry, Civil Service.	4,837.85	875.00
Ocala, Fla	Post office and courthouse	85,000.00	4,370	15,074.00	Post office, United States court	3,743.36	500.00
Olean, N. Y	Post office	70,000.00	14,743	29,115.00	Post office	2,836.95	1,000.00
Owensboro, Ky	Post office and courthouse	125,000.00	16,011		Post office, United States court, Internal Revenue	7,185.80	[illegible]
Paris, Ill	Post office	[illegible]	7,764	18,980.00	Post office	2,836.95	900.00
Paris, Ky	do	40,000.00	5,859	11,892.00	do	2,219.38	700.00
Paris, Tenn	do	40,000.00	3,881	7,033.00	do	2,219.38	288.00
Pine Bluff, Ark	do	75,000.00	15,102	36,842.00	Post office, Internal Revenue, Civil Service, United States district attorney, pension examiner.	3,743.36	1,540.00
Pittsburg, Kans	do	75,000.00	14,755	27,151.00	Post office	3,743.36	500.00
Plattsburg, Mass	do	115,000.00	32,121	68,419.00	Post office, Internal Revenue, Civil Service	4,837.85	2,000.00
Platteville, Wis	do	40,000.00	4,452	12,231.00	Post office	2,219.38	675.00
Portland, Me	Courthouse	200,000.00	58,571		United States court	10,559.46	1,050.00
Portsmouth, Va	Post office and customhouse	98,000.00	33,190	41,960.00	Post office	3,743.36	1,500.00
Prairie du Chien	Post office	60,000.00	8,925	14,547.00	Post office, Forestry Bureau, Civil Service	2,836.95	1,250.00
Quincy, Mass	Post office and customhouse	80,000.00	32,642	59,547.00	do	3,743.36	1,400.00
Sandusky, Ohio	Post office	50,000.00	4,256	9,086.00	do	3,743.36	600.00
Red Wing, Minn	do	60,000.00	9,048	21,251.00	do	2,836.95	1,025.00
Ripley, Tenn	do	30,000.00	3,377	10,012.00	do	2,219.38	300.00
St. Charles, Mo	do	60,000.00	9,437	10,003.00	do	2,836.95	480.00

[1] Annexed to Richmond, Va., in 1910.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 30, 1906—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Salisbury, N. C	Post office	$75,000.00	7,153	$20,167.00	Post office, United States court, Civil Service	$3,743.36	$800.00
San Angelo, Tex	Post office and courthouse	100,000.00	10,321	14,952.00	Post office, United States court	4,837.85	1.00
San Diego, Cal	Post office and customhouse	150,000.00	39,578	77,226.00	Post office, customs, United States court, Immigration Service, Bureau of Animal Industry, Civil Service, Forestry, Weather Bureau.	7,185.80	2,892.00
San Juan, P. R	Post office and courthouse	300,000.00	48,716	57,719.00	Post office, United States court, Internal Revenue, Lighthouse Service, customs, Immigration Service, Marine-Hospital Service.	11,526.19	3,923.00
Santa Rosa, Cal	Post office	70,000.00	7,817	21,754.00	Post office, Internal Revenue	2,836.95	900.00
Sault Ste. Marie, Mich	do	100,000.00	12,615	27,331.00	Post office, customs, Revenue-Cutter Service, special agent of United States Treasury, Immigration Service, Navy Hydrographic Office, United States court, Civil Service.	4,837.85	1,436.00
Schenectady, N. Y	do	170,000.00	72,826	138,580.00	Post office	7,185.80	5,250.00
Sharon, Pa	do	80,000.00	15,270	30,856.00	do	3,743.36	1,200.00
Sheridan, Wyo	Post office and courthouse	150,000.00	8,408	12,756.00	Post office, United States court	7,185.80	720.00
Sumter, S. C	Post office	50,000.00	8,109	18,980.00	Post office	2,836.95	540.00
Texarkana, Tex	Courthouse	100,000.00	9,790		United States court	4,837.85	
Toledo, Ohio	Post office	500,000.00	168,497		Post office	24,097.89	1,226.00
Trinidad, Colo	do	60,000.00	10,204	25,084.00	Post office, Civil Service	2,836.95	875.00
Tuscaloosa, Ala	Post office and courthouse	150,000.00	8,407	15,450.00	Post office, United States court, United States Engineers.	7,185.80	850.00
Valdosta, Ga	do	125,000.00	7,656	23,326.00	Post office, United States court	4,837.85	1,100.00
Versailles, Ky	Post office	25,000.00	2,268	6,185.00	Post office	2,219.38	332.00
Washington, N. C	Post office and courthouse	75,000.00	6,211	10,381.00	Post office, United States court, Customs	3,743.36	700.00
Watertown, N. Y	Post office	77,000.00	26,730		Post office, Internal Revenue	3,743.36	
Watertown, S. Dak	do	90,000.00	7,010	16,817.00	Post office, Civil Service	3,743.36	1,000.00
Waukegan, Ill	do	75,000.00	16,069	35,992.00	Post office	3,743.36	850.00
Webster City, Iowa	do	70,000.00	5,298	12,403.00	do	2,836.95	750.00
Willimantic, Conn	do	50,000.00	11,250	19,236.00	do	2,836.95	1,200.00
Winchester, Ky	do	45,000.00	7,156	11,622.00	do	2,219.38	700.00
Winchester, Va	do	60,000.00	5,864	16,375.00	Post office, Internal Revenue, Civil Service	2,836.95	700.00
Woonsocket, R. I	do	90,000.00	38,125	39,804.00	Post office	3,743.36	1,250.00
Yazoo City, Miss	do	40,000.00	6,796	14,307.00	do	2,219.38	600.00
Yonkers, N. Y	do	170,000.00	79,803	92,063.00	Building not yet erected	7,185.80	2,725.00
York, Nebr	do	70,000.00	6,235	14,042.00	Post office	2,836.95	900.00
Total		17,087,500.00	3,639,122	3,632,078.00		754,488.18	187,778.17

ACT OF MAY 30, 1908.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Abbeville, S. C	Post office	$50,000.00	4,459	$7,098.00	Building not yet erected	$2,836.95	$480.00
Aiken, S. C	do	50,000.00	3,911	10,026.00	Post office	2,836.95	700.00
Alameda, Cal	do	120,000.00	23,383	41,690.00	Post Office, customs, special Treasury agent, Forestry Service, Army and Navy Bureau, Marine-Hospital Service.	4,837.85	1,400.00
Albany, Oreg	do	65,000.00	4,275	13,137.00	Post office, Forestry Service, Civil Service	2,836.95	720.00
Alliance, Ohio	do	90,000.00	15,083	40,423.00	Post office	3,743.36	1,050.00
Ames, Iowa	do	60,000.00	4,229	18,731.00	Post office, Civil Service	2,836.95	550.00
Amsterdam, N. Y	do	65,000.00	31,267	52,484.00	Post office	2,836.95	1,800.00
Ansonia, Conn	do	90,000.00	15,152	26,983.00	Building not yet erected	3,743.36	1,200.00
Appleton, Wis	do	65,000.00	16,773	42,247.00	Post office	2,836.95	1,350.00
Asbury Park, N. J	do	125,000.00	10,150	62,795.00	Post office, Internal Revenue	4,837.85	2,500.00
Ashtabula, Ohio	do	80,000.00	18,266	35,483.00	Post office	3,743.36	1,437.00
Athol, Mass	do	65,000.00	8,536	25,915.00	do	2,836.95	1,000.00
Austin, Minn	do	50,000.00	6,980	18,612.00	do	2,836.95	900.00
Bellingham, Wash	Post office and courthouse	120,000.00	24,298	51,923.00	Post office, United States court, customs, Internal Revenue, Forestry Service, Immigration Service.	4,837.85	2,845.00
Beloit, Wis	Post office	75,000.00	15,125	44,624.00	Post office, Civil Service	3,743.36	1,100.00
Beverly, Mass	do	70,000.00	18,039	33,728.00	do	2,836.95	1,500.00
Big Stone Gap, Va	Post office and courthouse	100,000.00	2,590	4,846.00	Post office, United States court, Internal Revenue	4,837.85	300.00
Billings, Mont	Post office	125,000.00	10,031	41,600.00	Post office, land office, Geological Survey, Civil Service.	4,837.85	1,380.00
Bismarck, N. Dak	Post office and courthouse	150,000.00	5,443	25,660.00	Post office, land office, United States court, Bureau of Animal Industry.	7,185.80	4,978.00
Bloomington, Ind	Post office	66,000.00	8,838	21,913.00	Post office, Civil Service	2,836.95	1,000.00
Bonham, Tex	do	50,000.00	4,844	11,148.00	Post office	2,836.95	480.00
Braddock, Pa	do	125,000.00	19,357	46,736.00	do	4,837.85	1,800.00
Bradford, Pa	do	70,000.00	14,544	49,631.00	do	2,836.95	1,400.00
Brainerd, Minn	do	45,000.00	8,526	16,423.00	do	2,219.38	240.00
Brattleboro, Vt	Post office and courthouse	90,000.00	6,517	40,646.00	Building not yet erected	3,743.36	1,100.00
Brazil, Ind	Post office	65,000.00	9,340	16,534.00	Post office, Civil service	2,836.95	800.00
Bristol, Conn	do	90,000.00	9,257	20,867.00	Post office	3,743.36	1,400.00
Bristol, Pa	do	75,000.00	9,256	14,990.00	Building not yet erected	3,743.36	600.00
Brookhaven, Miss	do	65,000.00	5,293	15,182.00	Post office	2,836.95	580.00
Burlington, N. J	do	50,000.00	8,336	20,146.00	Building not yet erected	2,836.95	600.00
Carbondale, Pa	do	60,000.00	17,040	24,017.00	Post office, Internal Revenue	2,836.95	750.00
Carrollton, Mo	do	60,000.00	3,452	9,401.00	Post office	2,836.95	600.00
Catlettsburg, Ky	Post office and courthouse	100,000.00	3,280	6,635.00	Post office, United States court, United States Engineers.	4,837.85	292.00
Centralia, Ill	Post office	60,000.00	9,680	17,805.00	Post office	2,836.95	700.00
Chambersburg, Pa	do	65,000.00	11,809	31,379.00	Post office, Internal Revenue, Civil Service, pension examiner.	2,836.95	1,150.00
Chelsea, Mass	do	125,000.00	32,452	57,047.00	Post office	2,836.95	2,300.00
Chicago Heights, Ill	do	65,000.00	14,525	26,937.00	do	4,837.85	800.00
Clay Center, Kans	do	65,000.00	3,438	13,914.00	Post office, Civil Service	2,836.95	550.00
Cleburne, Tex	do	70,000.00	10,364	20,833.00	Post office	2,836.95	600.00
Cleveland, Tenn	do	50,000.00	5,549	10,868.00	Post office, Civil Service	2,836.95	720.00
Clinton, Mo	do	65,000.00	4,992	15,606.00	Post office	2,836.95	1,000.00
Coffeyville, Kans	do	75,000.00	12,687	29,787.00	do	3,743.36	900.00
Columbus, Ind	do	65,000.00	8,813	23,418.00	do	2,836.95	1,000.00
Columbus, Nebr	do	65,000.00	5,014	13,566.00	do	2,836.95	840.00
Concord, N. C	do	60,000.00	8,715	13,229.00	do	2,836.95	1,000.00
Connellsville, Pa	do	90,000.00	12,845	28,256.00	Post office, Internal Revenue	3,743.36	2,000.00
Connersville, Ind	do	60,000.00	7,738	20,050.00	Post office	2,836.95	800.00
Cordele, Ga	do	50,000.00	5,883	14,825.00	Post office, Civil Service	2,836.95	600.00
Corinth, Miss	do	60,000.00	5,020	15,696.00	Building not yet erected	2,836.95	660.00
Corpus Christi, Tex	Post office and customhouse	70,000.00	8,222	18,836.00	Post office, customs, Weather Bureau	2,836.95	734.00
Crowley, La	Post office	55,000.00	5,099	12,787.00	Post office	2,836.95	600.00
Danbury, Conn	do	115,000.00	20,234	54,663.00	Building not yet erected	4,837.85	2,300.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF MAY 30, 1908—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Danville, Ill	Post office and courthouse	$275,000.00	27,871		Post office, United States court, pension agent	$10,559.46	
[illegible], S. C	Post office	50,000.00	3,789	$8,395.00	Post office	2,836.95	$300.00
[illegible], Iowa	do	60,000.00	3,592	25,276.00	do	2,836.95	500.00
[illegible], Ohio	do	65,000.00	9,076	23,244.00	do	2,836.95	600.00
Del Rio, Tex	Post office and courthouse	90,000.00	(1)	6,330.00	Post office, United States court, customs, Internal Revenue, Civil Service, Weather Bureau, Immigration Service, Secret Service, special agent of Department of Commerce and Labor	3,743.36	938.00
Demopolis, Ala	Post office	40,000.00	2,417	8,135.00	Post office	2,219.38	200.00
Denver, Colo	do	1,000,000.00	213,381		Post office, United States court, customs, Immigration Service, Weather Bureau, land office, Forestry Service, pension examiner, Bureau of Animal Industry, Secret Service, Naturalization Service, Civil Service.	53,664.83	9,456.98
Dublin, Ga	do	50,000.00	5,795	13,770.00	Post office	2,836.95	600.00
Dyersburg, Tenn	do	50,000.00	4,149	10,242.00	do	2,836.95	200.00
Easton, Pa	do	100,000.00	28,523	91,094.00	Post office, Internal Revenue, Civil Service	4,837.85	2,221.00
Elkhart, Ind	do	50,000.00	11,028	14,310.00	Post office	2,836.95	900.00
Enid, Okla	Post office and courthouse	100,000.00	10,087	31,455.00	Post office, United States court, Internal Revenue	4,837.85	865.00
Enterprise, Ala	Post office	60,000.00	(1)	17,[illegible].00	Post office	2,836.95	592.00
Estherville, Iowa	do	60,000.00	3,404	11,115.00	do	2,836.95	660.00
Fairfield, Ala	do	50,000.00	4,259	10,653.00	Post office, Civil Service	2,836.95	500.00
Everett, Wash	Post office and customhouse	100,000.00	24,814	48,766.00	Building not yet erected	4,837.85	2,316.00
Fairbury, Nebr	Post office	70,000.00	5,294	14,225.00	Post office	2,836.95	600.00
Fairbourne, Minn	do	50,000.00	9,001	22,871.00	Post office, Internal Revenue	2,836.95	900.00
Fort Collins, Colo	do	100,000.00	8,210	28,283.00	Post office, Civil Service	2,836.95	500.00
Franklin, La	do	50,000.00	3,857	7,470.00	Post office	2,836.95	244.00
Frederick, Md	do	50,000.00	6,028	9,840.00	Building not yet erected	2,836.95	475.00
Gaffney, S. C	do	50,000.00	4,767	8,500.00	Post office	2,836.95	600.00
Gastonia, N. C	do	65,000.00	5,759	12,197.00	do	2,836.95	250.00
Goldfield, Nev	do	75,000.00	4,808	62,680.00	Building not yet erected	3,743.36	2,820.00
Goshen, Ind	do	70,000.00	8,514	35,421.00	Post office	2,836.95	1,200.00
Granite City, Ill	do	70,000.00	9,903	15,770.00	do	2,836.95	900.00
Great Bend, Kans	do	60,000.00	4,622	12,187.00	do	2,836.95	400.00
Greencastle, Ind	do	50,000.00	3,790	14,180.00	do	2,836.95	700.00
Greensburg, Pa	do	100,000.00	13,012	47,430.00	do	4,837.85	1,850.00
Greenville, Ill	do	65,000.00	3,178	14,634.00	do	2,836.95	720.00
Greenwood, Miss	do	60,000.00	5,836	14,600.00	do	2,836.95	675.00
Griffin, Ga	do	70,000.00	7,478	18,354.00	do	2,836.95	575.00
Harriman, Tenn	do	55,000.00	3,001	10,207.00	do	2,836.95	720.00
Hattiesburg, Miss	do	70,000.00	11,743	41,200.00	do	2,836.95	540.00
Henderson, N. C	do	60,000.00	4,343	12,022.00	do	2,836.95	720.00
Hickory, N. C	do	62,000.00	9,[illegible]	28,[illegible]	Post office, Civil Service	2,836.95	1,750.00
Hillsboro, Tex	do	60,000.00	6,115	16,[illegible]	Post office, superintendent Department of Commerce and Labor.	2,836.95	720.00
Hillsdale, Mich	do	50,000.00	5,001	16,640.00	Post office	2,836.95	800.00
Hinton, W. Va	do	50,000.00	[illegible]	11,[illegible]	do	2,836.95	400.00
Hastings, Nebr	do	90,000.00	[illegible]	12,[illegible]	do	3,743.36	700.00
Homestead, Pa	do	100,000.00	18,7[illegible]	25,745.00	do	4,837.85	1,200.00
Honolulu, Hawaii	Post office, courthouse, and customhouse.	850,000.00	52,183		Post office, Customs, United States court, Internal Revenue, files, United States engineers, Weather Bureau, Steamboat-Inspection Service, Lighthouse Board.	28,685.50	7,720.00
Hope, Ark	Post office	50,000.00	3,639	10,722.00	Post office	2,836.95	600.00
Huron, S. Dak	do	80,000.00	5,791	20,820.00	Post office, Weather Bureau, surveyor general's office.	3,743.36	1,350.00
Independence, Kans	do	75,000.00	10,480	31,425.00	Post office	3,743.36	900.00
Independence, Mo	do	80,000.00	9,859	12,[illegible]	do	3,743.36	415.00
Ionia, Mich	do	70,000.00	5,030	12,[illegible]	do	[illegible]	[illegible]
Ironton, Ohio	do	90,000.00	13,147	24,[illegible]	do	3,743.36	1,200.00
Jeffersonville, Ind	do	65,000.00	10,412	15,122.00	Post office, Civil Service	2,836.95	600.00
Jersey City, N. J	do	350,000.00	267,779		Post office, Internal Revenue, Customs office, Naturalization Bureau, Navy inspector, powder inspector, Civil Service, Customs, Bureau of Animal Industry, Internal Revenue, Court, Post office.	11,526.19	1,110.00
Jonesboro, Ark	do	80,000.00	7,193	18,830.00	Post office	3,743.36	480.00
Keene, N. H	do	70,000.00	10,068	35,295.00	Post office, Civil Service	2,836.95	1,510.00
Kendallville, Ind	do	75,000.00	17,010	52,795.00	Post office	3,743.36	900.00
La Grande, Oreg	do	65,000.00	4,843	13,595.00	Post office, land office, customs, Forestry Service	2,836.95	980.00
Lawrenceville, Ga	do	50,000.00	5,587	12,394.00	Post office	2,836.95	720.00
Lander, Wyo	do	115,000.00	1,812	5,951.00	Post office, United States court, land office, Forestry Service.	4,837.85	850.00
Lafayette, Ind	do	70,000.00	16,523	30,429.00	Post office	2,836.95	850.00
La Salle, Ill	do	65,000.00	11,537	28,146.00	Building not yet erected	2,836.95	1,370.00
Laurens, S. C	do	50,000.00	4,818	9,182.00	Post office	2,836.95	600.00
Lewiston, Idaho	do	85,000.00	6,043	21,500.00	Post office, land office, Weather Bureau	3,743.36	2,075.00
Lexington, Miss	do	65,000.00	5,242	10,885.00	Post office	2,219.38	600.00
Lexington, N. C	do	65,000.00	4,167	9,103.00	do	2,836.95	725.00
Lynchburg, Va	do	60,000.00	2,937	13,399.00	do	2,836.95	700.00
Lincoln, Ill	do	60,000.00	5,971	15,111.00	Post office, Internal Revenue	2,836.95	720.00
Macon, Mo	do	60,000.00	3,744	13,778.00	Post office	2,836.95	550.00
Malone, N. Y	do	50,000.00	6,467	20,960.00	do	2,836.95	2,015.76
Marietta, Ohio	do	100,000.00	20,768	70,263.00	Post office, Internal Revenue, Civil Service, pension examiner	4,837.85	2,600.00
Marlboro, Mass	do	70,000.00	14,579	25,115.00	Post office, Civil Service	2,836.95	550.00
Marshfield, Mo	do	50,000.00	4,792	13,520.00	Post office	2,836.95	500.00
Massillon, Ohio	do	90,000.00	13,879	31,435.00	do	3,743.36	1,200.00
Mattoon, Ill	do	70,000.00	11,456	24,003.00	do	2,836.95	1,010.00
McKinney, Tex	do	60,000.00	4,714	21,203.00	Post office, Civil Service	2,836.95	720.00
Mexico, Mo	do	80,000.00	5,639	16,572.00	Post office	3,743.36	840.00
Miami, Fla	Post office, courthouse, and customhouse.	175,000.00	5,471	25,301.00	Post office, United States court, customs, Weather Bureau, Immigration Service.	7,185.80	1,190.00
Middletown, N. Y	Post office	75,000.00	18,313	45,523.00	Post office	3,743.36	1,650.00
Milford, Mass	do	80,000.00	13,055	21,365.00	do	3,743.36	1,100.00
Milwaukee, Oreg	do	50,000.00	4,[illegible]	12,628.00	do	2,836.95	[illegible]
Mineral Wells, Tex	do	60,000.00	3,[illegible]	17,727.00	Post office, Civil Service	2,836.95	260.00
Montgomery, Minn	do	500,000.00	501,[illegible]		do	24,007.89	1,362.81
Mount Vernon, Ohio	Post office and courthouse	150,000.00	6,388	32,830.00	Building not yet erected	7,185.80	3,000.00
Muscatine, Iowa	Post office	115,000.00	12,960	40,347.00	Post office, Civil Service, Forestry Service	4,837.85	2,200.00
Monroe, Mich	do	60,000.00	6,893	18,278.00	Post office, customs	2,836.95	575.00

Not incorporated.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF MAY 30, 1908—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Morgantown, W. Va	Post office	$100,000.00	9,150	$29,070.00	Post office, United States engineer	$4,837.85	$1,740.00
Mount Clemens, Mich	do	65,000.00	7,707	24,145.00	Post office, Customs	2,836.95	800.00
Mount Sterling, Ky	do	65,000.00	3,982	11,538.00	Post office	2,836.95	500.00
Murphysboro, Ill	do	65,000.00	7,485	14,313.00	do	2,836.95	700.00
Muskogee, Okla	do	200,000.00	14,418	65,174.00	Post office, United States court, Internal Revenue, Indian Service, Dawes Commission, Civil Service, recruiting station.	10,559.46	17,036.43
Newark, N. Y	do	50,000.00	6,227	33,147.00	Post office	2,836.95	650.00
Newberry, S. C	do	50,000.00	5,028	11,074.00	do	2,836.95	800.00
Newnan, Ga	do	45,000.00	5,548	12,004.00	do	2,219.38	420.00
North Platte, Nebr	Post office and courthouse	110,000.00	4,760	11,314.00	Post office, United States court, land office	4,837.85	1,250.00
North Yakima, Wash	do	120,000.00	14,082	34,052.00	Post office, United States court, land office, Weather Bureau, Reclamation Service.	4,837.85	2,880.00
Oklahoma City, Okla	Post office	250,000.00	32,452	185,376.00	Post office, United States court, Internal Revenue, food inspector, pension examiner.	10,559.46	6,123.77
Orangeburg, S. C	do	50,000.00	5,906	13,045.00	Post office, Internal Revenue	2,836.95	600.00
Ottumwa, Iowa	Post office and courthouse	200,000.00	22,012		United States court, Internal Revenue, pension examiner	10,559.46	
Palestine, Tex	Post office	70,000.00	10,482	24,491.00	Post office, Civil Service, Weather Bureau	2,836.95	704.50
Pana, Ill	do	70,000.00	6,065	12,566.00	Post office	2,836.95	580.00
Paragould, Ark	do	50,000.00	5,248	11,467.00	Building not yet erected	2,836.95	720.00
Park City, Utah	do	25,000.00	3,439	8,369.00	do	2,219.38	900.00
Parsons, Kans	do	75,000.00	12,463	31,195.00	Post office	3,743.36	1,300.00
Peekskill, N. Y	do	40,000.00	15,245	33,936.00	Post office, Internal Revenue	2,219.38	1,200.00
Pendleton, Oreg	do	70,000.00	4,460	18,408.00	Post office, United States court, Bureau of Animal Industry.	2,836.95	1,002.00
Penn Yan, N. Y	do	50,000.00	4,597	20,409.00	Post office	2,836.95	800.00
Peru, Ind	do	75,000.00	10,910	24,261.00	do	3,743.36	1,000.00
Phoenix, Ariz	Post office and courthouse	140,000.00	11,134	45,426.00	Post office, land office, United States court, surveyor general, Weather Bureau.	4,837.85	5,110.00
Plainfield, N. J	Post office	100,000.00	20,550	66,544.00	Building not yet erected	4,837.85	2,500.00
Plattsmouth, Nebr	do	50,000.00	4,287	9,716.00	Post office	2,836.95	1,200.00
Plymouth, Mass	do	75,000.00	12,141	21,169.00	Building not yet erected	3,743.36	900.00
Point Pleasant, W. Va	do	75,000.00	2,045	5,796.00	Post office, Weather Bureau, Steamboat-Inspection Service.	3,743.36	275.00
Pontiac, Ill	do	65,000.00	6,090	20,181.00	Post office	2,836.95	800.00
Pontiac, Mich	do	70,000.00	14,532	30,105.00	do	2,836.95	1,030.00
Port Arthur, Tex	Post office and customhouse	125,000.00	7,663	11,010.00	Post office, United States court, customs, Immigration Service.	4,837.85	610.50
Princeton, Ind	Post office	65,000.00	6,448	13,103.00	Post office	2,836.95	600.00
Richford, Vt	Post office and customhouse	60,000.00	2,907	5,029.00	Post office, customs, Bureau of Animal Industry	2,836.95	160.00
Riverside, Cal	Post office	110,000.00	15,212	41,081.00	Post office, Bureau of Plant Industry	4,837.85	561.00
Rochester, Minn	do	50,000.00	7,844	24,337.00	Post office	2,836.95	700.00
Rock Springs, Wyo	do	75,000.00	5,778	11,467.00	Post office, Civil Service	3,743.36	700.00
Roswell, N. Mex	Post office and courthouse	125,000.00	6,172	18,692.00	Post office, United States court, land office, Weather Bureau, Reclamation Service, Bureau of Animal Industry.	4,837.85	2,476.00
Santa Barbara, Cal	Post office	110,000.00	11,659	43,889.00	Post office	4,837.85	500.00
Santa Cruz, Cal	do	90,000.00	11,146	35,402.00	Post office, Civil Service	3,743.36	660.00
San Marcos, Tex	do	50,000.00	4,071	11,068.00	Post office	2,836.95	600.00
Sewickley, Pa	do	60,000.00	4,479	14,600.00	do	2,836.95	1,000.00
Shamokin, Pa	do	75,000.00	19,588	26,844.00	do	3,743.36	1,380.00
Shenandoah, Iowa	do	50,000.00	4,976	23,471.00	do	2,836.95	700.00
Shreveport, La	Post office and courthouse	200,000.00	28,015		Post office, United States court	10,559.46	
Somerset, Ky	Post office	65,000.00	4,691	12,039.00	Building not yet erected	2,836.95	900.00
Steelton, Pa	do	75,000.00	14,246	23,317.00	Post office	3,743.36	875.00
Stevens Point, Wis	do	65,000.00	8,692	17,273.00	do	2,836.95	720.00
Suffolk, Va	do	60,000.00	7,008	20,137.00	do	2,836.95	700.00
Sulphur Springs, Tex	do	50,000.00	5,151	8,665.00	Post office, Civil Service	2,836.95	360.00
Talladega, Ala	do	65,000.00	5,854	15,105.00	Post office	2,836.95	500.00
Temple, Tex	do	70,000.00	10,993	22,404.00	Post office, agent of Department of Agriculture	2,836.95	999.00
Terrell, Tex	do	50,000.00	7,050	14,278.00	Post office	2,836.95	420.00
Troy, Ala	do	40,000.00	4,961	11,025.00	Post office, Internal Revenue	2,219.38	500.00
Union, S. C	do	50,000.00	5,623	9,178.00	Building not yet erected	2,836.95	430.00
Union City, Tenn	do	50,000.00	4,390	10,497.00	Post office	2,836.95	600.00
Victoria, Tex	Post office and courthouse	95,000.00	3,673	12,561.00	Post office, United States court	3,743.36	1,440.00
Virginia, Minn	Post office	60,000.00	10,473	15,255.00	Post office	2,836.95	660.00
Wabash, Ind	do	65,000.00	8,687	24,351.00	Post office, Internal Revenue	2,836.95	950.00
Walla Walla, Wash	Post office and courthouse	140,000.00	19,364	39,560.00	Post office, United States court, Internal Revenue, land office, Weather Bureau, Immigration Service, Forestry Service.	4,837.85	3,399.00
Wallingford, Conn	Post office	60,000.00	8,690	21,020.00	Post office, Immigration Service, land office, Forestry Service, Internal Revenue, United States court, Civil Service.	2,836.95	600.00
Warrensburg, Mo	do	65,000.00	4,689	13,506.00	Post office	2,836.95	500.00
Watertown, Wis	do	65,000.00	8,829	19,504.00	do	2,836.95	1,000.00
Waterville, Me	do	120,000.00	11,458	57,792.00	do	4,837.85	2,300.00
Waxahachie, Tex	do	60,000.00	6,205	16,146.00	Post office, Civil Service	2,836.95	300.00
Waycross, Ga	do	75,000.00	14,485	20,259.00	Post office	3,743.36	600.00
Webster, Mass	do	60,000.00	11,509	17,401.00	do	2,836.95	800.00
Wellington, Kans	do	65,000.00	7,034	14,311.00	do	2,836.95	720.00
Westerly, R. I	do	100,000.00	8,096	27,235.00	do	4,837.85	900.00
Westfield, Mass	do	75,000.00	16,044	41,573.00	do	3,743.36	1,200.00
West Point, Miss	do	50,000.00	4,864	11,003.00	Building not yet erected	2,836.95	750.00
Wichita Falls, Tex	do	60,000.00	8,200	18,025.00	Post office	2,836.95	460.00
Willmar, Minn	do	50,000.00	4,135	12,012.00	do	2,836.95	550.00
Wilmington, N. C	Customhouse and appraiser's stores.	300,000.00	25,745		Building not yet erected	11,526.19	
Wilson, N. C	Post office	60,000.00	6,717	16,773.00	do	2,836.95	600.00
Woburn, Mass	do	60,000.00	15,308	19,552.00	Post office	2,836.95	900.00
York, Pa	do	300,000.00	44,750		Post office, Internal Revenue	11,526.19	
Total		19,261,000.00	2,769,487	4,734,294.00		853,017.79	242,137.77

ACT OF JUNE 25, 1910.

Abilene, Kans	Post office	$70,000.00	4,118	$21,710.00	Drawings commenced	$2,836.95	$850.00
Albion, Mich	do	70,000.00	5,833	20,359.00	Drawings not commenced	2,836.95	840.00
Amarillo, Tex	Post office and courthouse	200,000.00	9,957	46,822.00	do	10,559.46	1,280.00
Ardmore, Okla	do	150,000.00	8,618	23,134.00	do	7,185.80	3,002.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 25, 1910—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Arkansas City, Kans.	Post office	$75,000.00	7,508	$23,637.00	Drawings not commenced	$3,743.36	$1,200.00
Augusta, Ga.	Post office and courthouse (new).	250,000.00	41,040		Drawings commenced	10,559.46	
Austin, Tex.	Post office	210,000.00	29,860		do	10,559.46	
Bainbridge, Ga.	do	50,000.00	4,217	14,372.00	Drawings not commenced	2,836.95	750.00
Baltimore, Md.	Immigrant station	130,000.00	558,485		Drawings commenced	4,837.85	3,000.00
Beaumont, Ky.	Post office	60,000.00	2,126	5,886.00	Drawings not commenced	2,836.95	
Beardstown, Ill.	do	55,000.00	6,107	11,971.00	do	2,836.95	700.00
Bedford, Pa.	do	80,000.00	2,293	10,985.00	do	3,743.36	600.00
Bedford City, Va.	do	45,000.00	2,508	11,160.00	do	2,219.38	600.00
Bellaire, Ohio	do	95,000.00	12,946	23,383.00	do	3,743.36	750.00
Bellefontaine, Ohio	do	70,000.00	8,238	20,749.00	Drawings commenced	2,836.95	800.00
Beloit, Kans.	do	50,000.00	3,082	12,515.00	do	2,836.95	600.00
Bennettsville, S. C.	do	50,000.00	2,646	10,567.00	Drawings not commenced	2,836.95	480.00
Bennington, Vt.	do	75,000.00	6,211	17,891.00	do	3,743.36	600.00
Berkeley, Cal.	do	180,000.00	40,434	104,882.00	do	7,185.80	2,400.00
Biddeford, Me.	do	75,000.00	17,049	19,578.00	do	3,743.36	1,450.00
Big Rapids, Mich.	do	70,000.00	4,519	18,222.00	do	2,836.95	650.00
Bixby, Okla.	do	50,000.00	3,266	11,977.00	do	2,836.95	840.00
Blue Island, Ill.	do	70,000.00	8,043	21,516.00	do	2,836.95	800.00
Bonneville, Mo.	do	50,000.00	4,252	11,711.00	Drawings under competition	2,836.95	500.00
Bowling Green, Ohio	do	60,000.00	5,222	14,403.00	Drawings not commenced	2,836.95	700.00
Bozeman, Mont.	do	75,000.00	5,107	21,973.00	do	3,743.36	900.00
Brigham City, Utah	do	35,000.00	3,685	7,369.00	do	2,219.38	400.00
Brookfield, Mo.	do	65,000.00	5,749	11,262.00	do	2,836.95	550.00
Brookings, S. Dak.	do	75,000.00	2,974	17,645.00	do	3,743.36	750.00
Brownwood, Tex.	do	70,000.00	6,967	22,239.00	Drawings commenced	2,836.95	800.00
Bryan, Tex.	do	50,000.00	4,132	11,366.00	Drawings not commenced	2,836.95	260.00
Butler, Pa.	do	75,000.00	20,728	48,089.00	Drawings commenced	3,743.36	2,500.00
Cadillac, Mich.	do	80,000.00	8,375	24,952.00	Drawings not commenced	3,743.36	800.00
Cambridge, Ohio	do	85,000.00	11,327	27,415.00	do	3,743.36	925.00
Camden, Me.	do	75,000.00	3,015	47,624.00	do	3,743.36	600.00
Camden, S. C.	do	50,000.00	3,569	10,163.00	do	2,836.95	600.00
Canton, Ill.	do	85,000.00	10,453	27,467.00	do	3,743.36	900.00
Canton, Miss.	do	50,000.00	3,909	10,148.00	do	2,836.95	600.00
Carnegie, Pa.	do	80,000.00	10,000	15,632.00	do	3,743.36	700.00
Carrollton, Ga.	do	45,000.00	3,207	9,078.00	Drawings commenced	2,219.38	711.00
Cartersville, Ga.	do	45,000.00	4,067	11,200.00	Drawings not commenced	2,219.38	571.00
Casper, Wyo.	do	55,000.00	2,689	7,881.00	Drawings commenced	2,836.95	210.00
Cedartown, Ga.	do	45,000.00	3,551	10,058.00	do	2,219.38	480.00
Chanute, Kans.	do	75,000.00	9,272	23,638.00	Drawings not commenced	3,743.36	750.00
Chickasha, Okla.	Post office and courthouse	135,000.00	10,320	31,460.00	do	4,837.85	500.00
Chico, Cal.	Post office	100,000.00	3,750	27,340.00	do	4,837.85	1,000.00
Chillicothe, Mo.	do	65,000.00	6,265	19,337.00	do	2,836.95	1,250.00
Clarksdale, Miss.	do	60,000.00	4,679	14,455.00	do	2,836.95	520.00
Clarksville, Tex.	do	45,000.00	2,065	7,416.00	Drawings commenced	2,219.38	400.00
Coeur d'Alene, Idaho	Post office and courthouse	100,000.00	7,291	22,782.00	Drawings not commenced	4,837.85	1,200.00
Collinsville, Ill.	Post office	70,000.00	7,478	10,266.00	do	2,836.95	900.00
Concordia, Kans.	do	70,000.00	4,415	17,111.00	Drawings commenced	2,836.95	927.00
Cookeville, Tenn.	Post office and courthouse	100,000.00	1,848	6,711.00	Drawings not commenced	4,837.85	319.00
Corry, Pa.	Post office	65,000.00	5,991	24,450.00	do	2,836.95	1,200.00
Cortland, N. Y.	do	50,000.00	11,594	43,256.00	do	3,743.36	1,750.00
Covington, Tenn.	do	45,000.00	2,990	8,294.00	do	2,219.38	400.00
Covington, Va.	do	45,000.00	4,234	10,228.00	do	2,219.38	480.00
Cuero, Tex.	do	45,000.00	3,100	11,401.00	do	2,219.38	10.00
Cullman, Ala.	do	50,000.00	2,139	10,227.00	do	2,836.95	300.00
Cynthiana, Ky.	do	65,000.00	3,660	10,711.00	do	2,836.95	600.00
Dayton, Ohio	Post office and courthouse	500,000.00	116,577		Post office, courts, pension examiner, Internal Revenue, Bureau of Animal Industry, Civil Service Commission, Customs Service.	24,007.89	
Defiance, Ohio	Post office	65,000.00	7,227	22,797.00	Drawings commenced	2,836.95	1,000.00
Delavan, Wis.	do	62,500.00	2,450	11,783.00	Drawings not commenced	2,836.95	780.00
Denison, Iowa	do	50,000.00	3,133	11,561.00	do	2,836.95	720.00
DeSoto, Mo.	do	60,000.00	4,721	9,891.00	do	2,836.95	460.00
Douglas, Wyo.	do	65,000.00	2,246	8,021.00	do	2,836.95	840.00
Dupont, Ill.	do	60,000.00	5,454	10,510.00	do	2,836.95	720.00
East Pittsburgh, Pa.	do	100,000.00	5,615	46,209.00	do	4,837.85	880.00
Edwardsville, Ill.	do	70,000.00	5,014	14,429.00	do	2,836.95	480.00
Elberton, Ga.	do	45,000.00	6,483	10,349.00	Drawings commenced	2,219.38	460.00
Elkins, W. Va.	do	85,000.00	5,260	22,177.00	do	3,743.36	1,320.00
El Reno, Okla.	do	100,000.00	7,872	29,688.00	Drawings not commenced	4,837.85	1,090.00
Ennis, Tex.	do	60,000.00	5,669	12,497.00	do	2,836.95	400.00
Eureka Springs, Ark.	do	57,500.00	3,229	12,117.00	do	2,836.95	550.00
Excelsior Springs, Mo.	do	60,000.00	3,900	15,106.00	do	2,836.95	720.00
Fayetteville, Tenn.	do	50,000.00	2,439	9,359.00	do	2,836.95	525.00
Fort Atkinson, Wis.	do	60,000.00	7,377	31,730.00	do	2,836.95	900.00
Fort Madison, Iowa	do	65,000.00	8,308	18,127.00	do	2,836.95	800.00
Frankfort, Ind.	do	70,000.00	9,634	23,080.00	Drawings commenced	2,836.95	960.00
Fulton, Ky.	do	50,000.00	2,575	9,518.00	Drawings not commenced	2,836.95	400.00
Fulton, Mo.	do	60,000.00	5,228	14,334.00	do	2,836.95	600.00
Fulton, N. Y.	do	75,000.00	10,489	28,436.00	do	3,743.36	750.00
Garden City, Kans.	do	60,000.00	3,171	14,271.00	do	2,836.95	600.00
Gardiner, Me.	do	105,000.00	5,311	15,517.00	do	4,837.85	600.00
Gary, Ind.	do	125,000.00	16,802	25,957.00	do	4,837.85	2,000.00
Georgetown, Ky.	do	60,000.00	4,533	10,969.00	do	2,836.95	900.00
Gettysburg, Pa.	do	100,000.00	4,030	16,162.00	Post office, Internal Revenue, National Park Commission.	4,837.85	900.00
Glens Falls, N. Y.	do	100,000.00	15,243	46,535.00	Drawings not commenced	4,837.85	1,700.00
Gouverneur, N. Y.	do	70,000.00	4,128	13,441.00	do	2,836.95	850.00
Grafton, W. Va.	do	135,000.00	7,563	20,322.00	Drawings commenced	4,837.85	1,920.00
Grand Junction, Colo.	do	100,000.00	7,754	31,924.00	do	4,837.85	1,780.00
Grass Valley, Cal.	do	55,000.00	4,520	11,829.00	Drawings not commenced	2,836.95	720.00
Greeley, Colo.	do	75,000.00	8,570	35,090.00	do	3,743.36	1,500.00
Greenfield, Mass.	do	100,000.00	10,427	44,821.00	do	4,837.85	1,000.00
Greenville, N. C.	do	55,000.00	4,101	10,202.00	do	2,836.95	1,000.00
Grenada, Miss.	do	50,000.00	2,814	10,010.00	do	2,836.95	384.00
Hampton, Va.	do	80,000.00	5,505	20,334.00	do	3,743.36	1,000.00
Hanford, Cal.	do	75,000.00	4,828	20,395.00	do	3,743.36	720.00
Hanover, Pa.	do	100,000.00	7,057	20,335.00	Drawings commenced	3,743.36	1,250.00
Harrisburg, Ill.	do	60,000.00	5,384	12,122.00	Drawings not commenced	2,836.95	1,000.00
Hendersonville, N. C.	do	70,000.00	2,818	11,938.00	do	2,836.95	480.00
Hickory, N. C.	do	60,000.00	3,716	14,199.00	do	2,836.95	960.00

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 25, 1910—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
Hilo, Hawaii	Post office, customhouse, and courthouse.	$200,000.00	6,745	$10,675.00	Drawings under competition	$10,559.46	$120.00
Holland, Mich.	Post office	80,000.00	10,490	30,926.00	Drawings not commenced	$3,743.36	1,000.00
Hopkinsville, Ky.	do	65,000.00	9,419	22,310.00	do	2,836.95	725.00
Huntingdon, Pa.	do	80,000.00	6,801	27,189.00	do	3,743.36	950.00
Idaho Falls, Idaho	do	100,000.00	4,857	20,573.00	do	4,837.85	1,731.00
Iowa Falls, Iowa	do	50,000.00	2,797	12,782.00	do	2,836.95	660.00
Ishpeming, Mich.	do	75,000.00	12,448	22,559.00	do	3,743.36	900.00
Jackson, Ky.	Post office and courthouse	100,000.00	1,346	2,932.00	do	4,837.85	140.00
Jennings, La.	Post office	50,000.00	3,925	10,764.00	do	2,836.95	650.00
Johnstown, N. Y.	do	75,000.00	10,447	30,060.00	Drawings commenced	3,743.36	1,100.00
Juneau, Alaska	Executive mansion	40,000.00	1,644	5,941.00	do	2,219.38	3,183.22
Do	Post office and customhouse	200,000.00			Drawings not commenced	10,559.46	
Kingfisher, Okla.	do	45,000.00	2,533	10,976.00	do	2,219.38	1.00
La Fayette, La.	do	65,000.00	6,392	11,082.00	do	2,836.95	300.00
La Junta, Colo.	do	50,000.00	4,154	17,458.00	do	2,836.95	700.00
Lake City, Minn.	do	55,000.00	3,142	13,507.00	do	2,836.95	500.00
Laurel, Miss.	do	60,000.00	8,465	17,794.00	do	2,836.95	1.00
Lawrenceburg, Ky.	do	50,000.00	1,723	7,008.00	Drawings commenced	2,836.95	368.00
Lawton, Okla.	Post office and courthouse	152,300.00	7,788	24,549.00	Drawings not commenced	7,185.80	1,680.00
Lebanon, Tenn.	Post office	50,000.00	3,659	11,723.00	do	2,836.95	400.00
Le Mars, Iowa	do	50,000.00	4,157	15,638.00	do	2,836.95	1,200.00
Lewes, Del.	do	40,000.00	2,158	5,041.00	Drawings commenced	2,219.38	300.00
Live Oak, Fla.	do	45,000.00	3,450	10,622.00	Drawings not commenced	2,219.38	660.00
Livingston, Mont.	do	75,000.00	5,359	22,903.00	Drawings commenced	3,743.36	1.00
Long Branch, N. J.	do	125,000.00	13,298	31,323.00	Drawings not commenced	4,837.85	1,000.00
Longview, Tex.	do	50,000.00	5,155	11,707.00	do	2,836.95	600.00
Lorain, Ohio	do	150,000.00	28,883	42,237.00	Drawings commenced	7,185.80	1,300.00
Macomb, Ill.	do	70,000.00	5,774	15,898.00	Drawings not commenced	2,836.95	800.00
Marion, N. Dak.	do	55,000.00	3,873	14,922.00	do	2,836.95	900.00
Marlin, Tex.	do	45,000.00	3,678	12,107.00	do	2,219.38	480.00
Marshall, Mo.	do	60,000.00	4,869	15,191.00	Drawings commenced	2,836.95	720.00
Marshall, Tex.	do	65,000.00	11,452	22,626.00	Drawings not commenced	2,836.95	750.00
McAlester, Okla.	Post office and courthouse	135,000.00	12,954	40,087.00	Drawings commenced	4,837.85	1,392.00
McCook, Nebr.	do	95,000.00	3,765	11,679.00	do	3,743.36	500.00
McPherson, Kans.	Post office	50,000.00	3,546	15,955.00	Drawings not commenced	2,836.95	900.00
Medford, Oreg.	Post office and courthouse	110,000.00	8,840	21,343.00	do	4,837.85	652.50
Menominee, Wis.	Post office	50,000.00	5,036	16,406.00	do	2,836.95	880.00
Middlesboro, Ky.	do	60,000.00	7,305	14,635.00	do	2,836.95	640.00
Miles City, Mont.	do	75,000.00	4,697	21,738.00	do	3,743.36	1,200.00
Millville, N. J.	do	55,000.00	12,451	18,298.00	do	2,836.95	975.00
Milwaukee, Wis.	Appraisers' stores	75,000.00	373,857		do	3,743.36	240.00
Mishawaka, Ind.	Post office	75,000.00	11,886	44,047.00	do	3,743.36	1,600.00
Mobile, Ala.	do	225,000.00	51,521		do	10,559.46	
Monongahela, Pa.	do	80,000.00	7,598	17,405.00	do	3,743.36	900.00
Monroe, N. C.	do	50,000.00	4,682	10,195.00	do	2,836.95	900.00
Moorhead, Minn.	do	50,000.00	4,840	18,776.00	Drawings commenced	2,836.95	1,400.00
Morristown, N. J.	do	75,000.00	12,507	55,745.00	Drawings not commenced	3,743.36	1,500.00
Morristown, Tenn.	do	70,000.00	4,007	13,862.00	do	2,836.95	600.00
Moundsville, W. Va.	do	65,000.00	8,918	17,063.00	do	2,836.95	840.00
Mount Vernon, Ill.	do	75,000.00	8,007	18,869.00	do	3,743.36	900.00
Mount Vernon, N. Y.	do	100,000.00	30,919	78,903.00	do	4,837.85	1,200.00
Narragansett Pier, R. I.	do	50,000.00	(1)	7,495.00	do	2,836.95	500.00
New Bedford, Mass.	do	250,000.00	96,652		do	11,528.19	
New Castle, Ind.	do	75,000.00	9,446	34,021.00	do	3,743.36	1,000.00
New Haven, Conn.	do	1,200,000.00	133,605		Drawings under competition	38,441.98	600.00
New Orleans, La.	Subtreasury	250,000.00	339,075		Drawings not commenced	10,559.46	4,965.26
Newport, Ark.	Post office	55,000.00	3,557	13,312.00	do	2,836.95	650.00
New Rochelle, N. Y.	do	125,000.00	28,867	66,962.00	do	4,837.85	2,350.00
North Attleboro, Mass.	do	70,000.00	9,562	30,641.00	do	2,836.95	1,300.00
North Tonawanda, N. Y.	do	80,000.00	11,955	29,315.00	Drawings commenced	3,743.36	900.00
Oldtown, Me.	do	60,000.00	6,317	11,943.00	Drawings not commenced	2,836.95	510.00
Olympia, Wash.	do	100,000.00	6,996	27,363.00	Drawings commenced	4,837.85	1,000.00
Oneonta, N. Y.	do	75,000.00	9,491	30,555.00	Drawings not commenced	3,743.36	1,000.00
Opelika, Ala.	do	55,000.00	4,734	15,194.00	do	2,836.95	600.00
Orange, N. J.	do	100,000.00	29,639	102,461.00	Drawings under competition	4,837.85	2,050.00
Osage City, Kans.	do	50,000.00	2,432	10,006.00	Drawings not commenced	2,836.95	45.00
Ottawa, Kans.	do	65,000.00	7,050	28,911.00	Drawings commenced	2,836.95	1,020.00
Owatonna, Minn.	do	58,000.00	5,658	21,319.00	Drawings not commenced	2,836.95	900.00
Oxford, N. C.	do	50,000.00	3,018	11,310.00	do	2,836.95	771.00
Palatka, Fla.	do	60,000.00	3,779	14,267.00	do	2,836.95	432.00
Pasadena, Cal.	do	200,000.00	30,291	102,593.00	do	10,559.46	1,500.00
Perry, Iowa	do	60,000.00	4,030	12,183.00	do	2,836.95	840.00
Petoskey, Mich.	do	65,000.00	4,778	23,088.00	do	2,836.95	960.00
Piqua, Ohio	do	100,000.00	13,388	41,524.00	do	4,837.85	1,555.00
Pocatello, Idaho	Post office and courthouse	100,000.00	9,110	26,751.00	Drawings commenced	4,837.85	1,250.00
Poplar Bluff, Mo.	Post office	65,000.00	6,916	19,394.00	Drawings not commenced	2,836.95	460.00
Port Jervis, N. Y.	do	50,000.00	9,564	22,175.00	do	3,743.36	600.00
Portland, Ind.	do	60,000.00	5,130	15,521.00	do	2,836.95	600.00
Princeton, Ill.	do	70,000.00	4,131	16,614.00	do	2,836.95	570.00
Pulaski, Tenn.	do	50,000.00	2,928	10,079.00	do	2,836.95	525.00
Punxsutawney, Pa.	do	60,000.00	(1)	20,708.00	Drawings commenced	2,836.95	600.00
Putnam, Conn.	do	65,000.00	6,637	15,301.00	Drawings not commenced	2,836.95	850.00
Quitman, Ga.	do	50,000.00	3,915	13,005.00	do	2,836.95	600.00
Rapid City, S. Dak.	do	100,000.00	3,854	18,129.00	Drawings commenced	4,837.85	1,080.00
Red Oak, Iowa	do	75,000.00	4,830	38,498.00	do	3,743.36	1,200.00
Robinson, Ill.	do	70,000.00	3,963	22,904.00	Drawings not commenced	2,836.95	600.00
Rochelle, Ill.	do	55,000.00	2,752	10,267.00	do	2,836.95	780.00
Rochester, N. H.	do	75,000.00	8,868	15,360.00	Drawings commenced	3,743.36	900.00
Rocky Mount, N. C.	do	70,000.00	8,061	18,436.00	Drawings not commenced	2,836.95	600.00
Rolla, Mo.	do	50,000.00	2,261	8,637.00	do	2,836.95	360.00
St. Petersburg, Fla.	do	55,000.00	4,127	16,964.00	do	2,836.95	1,150.00
Salem, Ohio	do	85,000.00	5,943	40,340.00	do	3,743.36	800.00
San Francisco, Cal.	Subtreasury	500,000.00	416,912		Drawings under competition	24,007.89	23,333.00
Searcy, Ark.	Post office	45,000.00	2,331	8,095.00	Drawings not commenced	2,219.38	525.00
Seymour, Ind.	do	60,000.00	6,305	18,351.00	do	2,836.95	1,000.00
Shelbyville, Tenn.	do	50,000.00	2,909	9,134.00	do	2,836.95	425.00
Sistersville, W. Va.	do	60,000.00	2,684	12,165.00	do	2,836.95	900.00
Smyrna, Del.	do	25,000.00	1,843	5,388.00	do	2,219.38	225.00

[1] Not incorporated.

PUBLIC BUILDINGS UNDER THE CONTROL OF THE TREASURY DEPARTMENT—Continued.

Statement of limits of cost, population, postal revenues, etc., under the provisions of various public building acts, etc.—Continued.

ACT OF JUNE 25, 1910—continued.

Name of city, etc.	Title of building.	Limit of cost.	Population.	Postal revenue.	Occupied by—	Annual cost of maintenance.	Annual rental and other expenses.
South Chicago, Ill.	Post-office	$150,000.00	(1)	$49,961.00	Drawings commenced	$7,185.80	$2,650.00
Sparta, Wis.	do	40,000.00	3,974	12,961.00	Drawings not commenced	2,836.95	600.00
Springfield, Tenn.	do	45,000.00	2,085	7,801.00	do	2,219.38	250.00
Stamford, Conn.	do	150,000.00	25,138	74,207.00	do	7,185.80	2,300.00
Steubenville, Ohio	do	120,000.00	22,391	55,488.00	do	4,837.85	1,500.00
Sunbury, Pa.	do	100,000.00	13,770	30,895.00	do	4,837.85	800.00
Sycamore, Ill.	do	60,000.00	3,929	13,834.00	do	2,836.95	680.00
Tarboro, N. C.	do	60,000.00	4,120	10,367.00	do	2,836.95	660.00
The Dalles, Oreg.	do	80,000.00	4,880	18,317.00	do	3,743.36	1,440.00
Tipton, Ind.	do	50,000.00	6,725	21,252.00	do	2,836.95	1,000.00
Three Rivers, Mich.	do	60,000.00	3,972	21,721.00	do	2,836.95	720.00
Tiffin, Ohio	do	90,000.00	11,894	49,935.00	do	3,743.36	1,030.00
Tifton, Ga.	do	50,000.00	2,881	13,194.00	Drawings commenced	2,836.95	600.00
Tulsa, Okla.	Post office and courthouse	145,000.00	18,182	39,129.00	Drawings not commenced	4,837.85	3,300.00
Tyngsboro, Mass.	Post office	50,000.00	3,981	12,929.00	do	2,836.95	500.00
Urbana, Ill.	do	80,000.00	8,245	36,826.00	do	3,743.36	1,140.00
Uvalde, Tex.	do	50,000.00	3,998	9,074.00	do	2,836.95	180.00
Washington, N. Dak.	do	50,000.00	2,467	11,793.00	do	2,836.95	600.00
Waltham, Mass.	do	115,000.00	27,834	57,516.00	do	4,837.85	3,500.00
Washington, D. C.	do	3,000,000.00	331,069			54,120.07	(2)
Waukesha, Wis.	do	75,000.00	8,740	36,091.00	Drawings commenced	3,743.36	1,000.00
Weatherford, Tex.	do	65,000.00	5,074	17,173.00	do	2,836.95	800.00
Webb City, Mo.	do	70,000.00	11,817	18,413.00	Drawings not commenced	2,836.95	800.00
Wellsburg, W. Va.	do	60,000.00	4,189	11,251.00	do	2,836.95	800.00
Wilkesboro, N. C.	Post office and courthouse	60,000.00	799	6,066.00	do	2,836.95	320.00
Wilkinson, N. Dak.	Post office	100,000.00	3,124	17,038.00	do	4,837.85	2,000.00
Winchester, Tenn.	do	55,000.00	1,331	9,475.00	do	2,836.95	600.00
Winfield, Kans.	do	75,000.00	6,700	25,867.00	do	3,743.36	1,380.00
Wooster, Ohio	do	85,000.00	6,196	26,841.00	Drawings commenced	2,836.95	1,200.00
Wytheville, Va.	do	60,000.00	3,054	8,422.00	Drawings not commenced	2,836.95	600.00
Xenia, Ohio	do	85,000.00	8,704	21,715.00	do	2,836.95	1,200.00
Ypsilanti, Mich.	do	75,000.00	6,230	23,209.00	do	3,743.36	1,100.00
Total		22,977,800.00	3,998,453	4,674,766.00		976,572.35	229,633.08

[1] Not incorporated. [2] Rentals payable in Washington, D. C., are especially reported to Congress.

RECAPITULATION.

Public building acts.	Limit of cost.	Population.	Postal revenue.	Annual cost of maintenance.	Annual rental and other expenses.
Act June 6, 1902 (110 buildings)	$12,079,000.00	2,617,188	$3,089,485.00	$329,948.56	$136,360.32
Act Mar. 3, 1903 (10 buildings)	1,340,000.00	121,768	455,021.00	49,150.53	22,260.00
Act June 30, 1906 (161 buildings)	17,067,500.00	3,639,122	3,632,078.00	754,488.18	187,778.13
Act May 30, 1908 (209 buildings)	19,261,000.00	2,769,487	4,734,294.00	853,017.79	242,137.77
Act June 25, 1910 (231 buildings)	22,977,800.00	3,998,453	4,674,766.00	976,572.35	229,633.08
Total (721 buildings)	72,745,300.00	13,146,020	16,485,644.00	3,163,177.41	818,169.30

Mr. FITZGERALD. Yes. Mr. Chairman, I will ask the gentleman from Illinois [Mr. CANNON] to consume some of his time. Has the gentleman anyone who wishes to occupy time now?

Mr. CANNON. Yes. Does the gentleman yield the floor?

Mr. FITZGERALD. I yield the floor.

Mr. CANNON. Mr. Chairman, I will take but little time in talking about this bill, and I am not going to take any time unless I can have order. I have listened, as well as I could, in the confusion to the statement of the gentleman from New York [Mr. FITZGERALD], which is a very interesting statement. I take pleasure in that the committee of which the gentleman from New York [Mr. FITZGERALD] is chairman has made vigorous investigation touching this great bill, carrying $100,000,000 in round numbers. The bill covers a great many branches of the public service. In the main, I indorse the provisions of this bill. The bill sins, but it sins, in my judgment, more in omission than in commission.

The estimates for this bill—original and supplemental—are, in round numbers, $151,000,000, and the amount favorably reported is $100,000,000. Seemingly, the estimates are extravagant or the amount recommended is too small.

Now, I want to state very briefly that this large reduction is, in point of fact, more apparent than real; and if the bill should be enacted into law in its present form, then next winter by a deficiency bill or by appropriations for the ensuing fiscal year these estimates will have to be agreed to substantially by appropriations to be made next year, and in the meantime the public service will suffer. But it being the duty of the Executive under law to estimate for the whole of the coming fiscal year, a large part of this reduction arises from the fact that the appropriation is for 9 months of the coming fiscal year instead of 12 months. The estimate is for 12 months, the appropriation is for 9 months.

I want to be perfectly just and to say that for a year or two as to rivers and harbors and as to public buildings the appropriation has been for 9 months rather than for 12 months.

For instance, the estimate for the public buildings and grounds, as explained by the gentleman from New York [Mr. FITZGERALD], was revised, not in a public document, but in a hearing before the committee, so as to give the amount that can be expended for these public buildings by the 4th of March next, and a reduction from the published estimates is recommended in the bill.

Mr. MONDELL. Will the gentleman yield right there for a question?

Mr. CANNON. I will yield in a moment. I want to get the amount of this reduction. The amount of the estimates was $13,274,201.30. The amount recommended is $8,053,000 in round numbers.

Mr. MONDELL. Then does it not follow that the apparent saving will have to be made up in the next appropriation bill and that it is just deferring payment?

Mr. CANNON. The gentleman from Wyoming has restated the fact more tersely than I was able to state not three minutes ago.

Mr. MONDELL. What object can there be in that program except to make a showing of economy when, as a matter of fact, there is no economy?

Mr. CANNON. That has been fully explained, and in justice to the gentleman from New York I will say that he is following a precedent that has been followed in former Congresses. Now, as to rivers and harbors and public buildings, the appropriation is a continuing one and does not lapse. In rivers and harbors the reduction is made from the estimates of $2,743,000. That is all that can be expended, as we are informed, until the 4th of March.

Now, when you come to the Panama Canal, the estimates are reduced by nearly $13,000,000. I can not agree with the gentleman from New York [Mr. FITZGERALD]. As I recollect the statement of Col. Goethals, he said that considering the amount that had been appropriated by former Congresses—as this appropriation does not lapse and will be available after the 1st of July, as it is available now—he could meet the coming fiscal year for one-half of that $13,000,000, substantially. I believe there is a surplus of about $5,000,000, and the estimates are reduced about $13,000,000. Now, I thought the statement of Col. Goethals was not given due weight, and the whole decrease of $13,000,000 was made below his recommendation.

Again, and this is a very important matter, because I will agree that if this appropriation falls short for the completion of the Panama Canal, Congress will meet in December, and by a deficiency can increase the appropriation. But now I want to call attention to the estimates for the fortifications of the Panama Canal. The bill carries $2,806,000, and the aggregate estimates were cut $6,421,500. I do not believe that this cut is wise. In the first place, the canal approaches completion. We have skilled labor now on the Isthmus more than we will ever have again, and I believe these fortifications substantially ought to be completed when the canal is opened so far as it is possible to complete them. When the canal is finished we shall lose a large part of that labor, and if fortifications, barracks, and so forth, are necessary at all they ought to be completed promptly.

Mr. SHERLEY. Will the gentleman yield?

The CHAIRMAN (Mr. HEFLIN). Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. CANNON. Certainly.

Mr. SHERLEY. Can the gentleman from Illinois indicate any item in regard to the fortification of the Panama Canal where he thinks a larger sum ought to be appropriated?

Mr. CANNON. I think every——

Mr. SHERLEY. Will the gentleman name some specific item?

Mr. CANNON. The gentleman from Kentucky will understand that we will soon come to the five-minute rule, where amendments will be in order and where item by item will be considered, and these matters can be taken up. In the short statement that I propose to make—and I trust that it will not exceed 25 or 30 minutes—I can only call attention to general items. I will comply with the gentleman's request later on.

Mr. SHERLEY. The reason for my inquiry is this: So far as the majority of the committee is aware, there has been not a single dollar denied for fortification purposes that can be used during the time that this bill is to cover, and I would like the gentleman to show where there is such an item. He is making a broad and sweeping statement.

Mr. CANNON. I call attention to the estimate and the supplemental estimate. Fortification in some respects is a slow work. There have to be forgings and guns and emplacements, and with these appropriations available the work can proceed and proceed rapidly. Now, I do not care at this time to take up, item by item, these appropriations. I did not rise for that purpose, but I will take them up with the gentleman when these items are reached under the five-minute rule.

Mr. PAYNE. Will the gentleman from Illinois yield?

Mr. CANNON. Certainly.

Mr. PAYNE. I would like to ask if there was any estimate made by any department for that portion of the fiscal year beyond the 4th of March?

Mr. CANNON. I am not aware that there was an estimate for that period. It was for the whole 12 months.

Mr. PAYNE. I suppose these items that were put in the bill were simply taking three-fourths of the estimate, or what was it for?

Mr. CANNON. I do not think the gentleman purports to appropriate for the nine months for the Panama Canal, but rather for the whole fiscal year.

Mr. FITZGERALD. No; we appropriated for the full year.

Mr. CANNON. That answers the gentleman's question.

Mr. PAYNE. Can the gentleman mention a dollar of these estimates that are not appropriated for which will not have to be appropriated for in the future, for the completion either of the buildings or the canal?

Mr. CANNON. I apprehend that all of them will have to be appropriated for and paid for, but my criticism touching fortifications is that we are better prepared now to proceed vigorously with that work during the coming fiscal year than we will be hereafter.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit——

Mr. CANNON. Oh, one at a time.

Mr. PAYNE. One other question, if the gentleman will wait.

Mr. SHERLEY. I will wait on the gentleman from Illinois, but not on the gentleman from New York.

Mr. MANN. The gentleman from Kentucky may possibly wait on both of them.

Mr. PAYNE. Mr. Chairman, I thank the gentleman from Kentucky [Mr. SHERLEY] most kindly for withdrawing and allowing me to ask a question. I have almost forgotten what the question was that I had in mind. I do not think the gentleman from Illinois has answered the question. I wanted to ask if there was any possible reason for dividing the fiscal year into two parts, one three-fourths of it and the other a quarter of it, except that there is an election intervening between now and December.

Mr. CANNON. I will say that probably that was the origin of it.

Mr. SHERLEY. The Republican origin.

Mr. CANNON. And I will be equally frank and just in saying that as to public buildings and as to rivers and harbors the gentleman from New York [Mr. FITZGERALD] and the majority of the committee have followed an example that was set in former Congresses.

Mr. SHERLEY. And as to fortifications also.

Mr. FITZGERALD. I do not mean to say that that was the origin of it, but I think I can explain the matter.

Mr. PAYNE. I have not heard it explained, and I wondered what reason there could be for it.

Mr. CANNON. I would prefer to make this speech myself, Mr. Chairman——

Mr. FITZGERALD. I am not trying to make the gentleman's speech, but I think in justice to the committee he should permit a statement to be made that will tell the facts regarding these things and not have the committee, either through himself or others, put in an unfair position. The gentleman has all of the time that he wants.

Mr. CANNON. Very well, I will yield to the gentleman to make a statement, very briefly.

Mr. FITZGERALD. Mr. Chairman, fortification appropriations have been made since I have been on the Committee on Appropriations from the time the bill carrying them would become a law until the next bill would become a law, because appropriations are made immediately available and continue available until expended. It was found in making river and harbor appropriations and public building appropriations that the adoption of that system would prevent the unnecessary segregation of funds that could not be used. It seemed to be a good policy. It was not criticized when it was adopted by the Republicans, by the Members on our side of the House, and the committee this year adopted the same policy, because the appropriations are not made for fiscal years. As to fortifications, I simply wish to say this: One supplementary estimate for barracks and quarters aggregating three and a half million was submitted which was not allowed, but on every other item for fortifications in this bill that sum is recommended in the bill which the department says can be utilized in accordance with the policy in vogue in making appropriations for fortifications since I have been a member of the Committee on Appropriations.

Mr. CANNON. Mr. Chairman, having progressed, I will state again that these items under the head fortifications were cut to the extent of $6,421,500. In my judgment, the cut is not warranted.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit just one suggestion——

Mr. CANNON. Oh, well——

Mr. SHERLEY. Certainly, if the gentleman does not want to yield I will not interrupt him.

Mr. CANNON. I do not care to go into the matter item by item, but I want, briefly, if I can, to state my position, calling the attention of Members of the House to what I believe to be the fact, but I can not wander through 3,000 pages of hearings and discuss the matter item by item now.

I shall have accomplished my object if I call the attention of the committee to what I believe is justly entitled to be criticized, and then we can all go to work for and against. Now, these sums I have mentioned account for $21,188,331.48 of the decreased amount carried by this bill under the estimates and under the amount carried by the bill last year. Now, then, I might go through and call attention item by item, but it would take me five or six hours to do it. I only hit that which seems to me ought to be hit by calling attention to particular matters. I think this want of appropriation is subject to just criticism. Mr. Chairman, now, another subject. For the enforcement of the antitrust laws the estimate was $250,000,000——

Mr. FITZGERALD. The estimate was $250,000.

Mr. CANNON. The gentleman is correct, but I think all of the House understood what I meant to say. My friend from Kentucky [Mr. SHERLEY] and myself will get along under the five-minute rule. I expect he will knock me down, but if he bruises my head maybe I will bruise his heel. Now, this item was cut $50,000. They only gave them $200,000, and the amount

recommended is $50,000 less than the bill carried for the last year. Great heavens! It is my recollection when the present majority was in the minority, when passion was torn to tatters and the minority insisted upon great appropriations for the enforcement of the antitrust laws—which you did not enforce when you were in power under Cleveland—great sums in the way of estimates would come in and you would double them in your anxiety to have the laws enforced; and, now that they are being enforced, you cut the appropriations in the face of these recommendations. I believe, under the five-minute rule, that the House will increase the appropriations as asked for by the Executive. Well, now, for armories and arsenals you make a pretty severe cut. The estimates for the manufacture of arms and for the equipment of arsenals—especially the Rock Island Arsenal—the regular estimate was $170,000, and a special estimate of $2,50,000 was submitted and not given.

Now, here is a very grievous omission in my judgment and I want gentlemen to give me their attention. For the personal services required in the care and maintenance of the public buildings throughout the country the appropriations are cut $50,000 below the estimates for the next year and below the amount carried for the present year, yet, these appropriations being made 12 months ago or about 12 months ago, there have been in round numbers 100 public buildings added to what were then in existence and there are 107 public buildings to be completed and 14 where extensions are to be made during the coming fiscal year. Yet when you come to the janitors and custodians, notwithstanding that fact, this appropriation is cut below that for the current year and the estimates for this year by $50,000. But that is not all. For fuel, light, water, and other necessary supplies for public buildings there is a cut to which I call attention, that I fancy will receive the attention under the five-minute rule, looking in the eye of the very vigilant gentleman from Texas [Mr. GARNER] who is always interested about public buildings, as I fancy he ought to be, coming from that great State that grows so rapidly, 1,200 miles from the eastern boundary of Texas to El Paso, which is substantially on the eastern boundary, so I am not criticizing him, but I am assuming that will be so because I know he will take care of it under the five-minute rule.

Mr. MONDELL. Will the gentleman yield at that point? Is this another one of those nine months' appropriations about which we have heard so much?

Mr. CANNON. No; it is a twelve months' baby, or ought to be.

Mr. MONDELL. Well, it is rather small under the circumstances, I judge from what the gentleman from Illinois said.

Mr. CANNON. Yes; it is not as large as a nine months' child ought to be. [Applause.] Oh, you may say they can cut the wages of these people, but they are very poorly paid; and, bless my soul, I know that my other colleague, Representative FOWLER, that if he will just see how low those wages are of custodians and janitors he will come to their rescue. Now, you will find there is a great cut in the appropriation for furniture below the estimates, notwithstanding the 107 public buildings that are coming in during this fiscal year, which I have no doubt will receive attention. Now, we have the enforcement of the commerce act—a reduction of $15,000 under the Department of Justice. For expenses of collecting revenues from customs, the estimate is reduced from $5,000,000, which was the sum granted in the current year, to $4,650,000, and yet there is an estimate of $400,000 of deficiency for the current year. Now, I want to say we ought not to propose by legislation to repeal the permanent appropriation for the collection of customs; that is, $5,000,000——

Mr. FITZGERALD. Five and a half million until there is legislation that will care for this service. This bill proposes legislation that will, if enacted, result in materially affecting the machinery for the collection of customs revenues.

Mr. GARNER. Will the gentleman yield?

Mr. CANNON. But I want to say that coming events cast their shadows before, and, everything considered, I do not know that I desire to severely criticize the majority of the committee touching this matter.

Mr. GARNER. Do I understand the gentleman from Illinois [Mr. CANNON] to intimate or say that the proposed legislation with reference to the change from permanent appropriation will enable the Treasury Department to abolish customhouses and customs districts?

Mr. CANNON. Yes.

Mr. FITZGERALD. It will abolish absolutely useless customs officials who ought to have been abandoned 20 years ago.

Mr. GARNER. Let me get the exact fact.

Mr. FITZGERALD. That is the exact fact.

Mr. GARNER. Then, it will enable the Treasury Department to exercise its judgment as to what it ought to continue and what ought to be abolished? In other words, you are taking away from Congress the right to say what districts ought to be established and ought to be abolished, and turning it over to the Executive?

Mr. CANNON. I would rather not yield further.

Mr. GARNER. I thought the committee ought to know——

Mr. FITZGERALD. The testimony before the Committee on Appropriations is to the effect that as much as $1,500,000 could be saved if this were done, and I am willing to trust the executive department to carry out the law.

Mr. GARNER. The gentleman from New York will remember that we were defeated on the floor of the House concerning the same thing?

Mr. FITZGERALD. We hope that this Democratic Congress has more sense than the Republican House that defeated it.

Mr. CANNON. I will not say that there is not something in the proposition. I merely call attention to the fact that after all, until after the baby is born, possibly, it is not well to inquire what its name shall be, and so forth. In other words, if the legislation is had, the money would not be spent if we appropriate what we have been in the habit of appropriating heretofore. I think it is quite problematical whether the legislation will ever be enacted, and yet I think there might be legislation enacted that would improve the present condition.

Now, we come to the Bureau of Engraving and Printing. Without going into the matter I would just call attention to the fact that this is a bureau that prints the bonds and the notes and postage stamps, and it is a great bureau. I do not know how many, but I suppose it employs 900 to 1,000 people—skilled mechanics. The estimates for this bureau have been cut $701,186. I think that would bear looking into.

I think there is some legislation to be proposed, but whether it will ever be enacted or not I do not know; but it is the duty of this House, whether the Members be from the North, the South, the East, or the West, Republican or Democrat, to know that we can not afford to have the efficiency of the Bureau of Engraving and Printing impaired. I have called attention to it, and shall not go into what I believe is some legislation that is to be recommended and carried in the bill. Of course, somebody may make a point of order, and I do not know whether my friend from Texas [Mr. GARNER] is on the Committee on Rules or not.

Mr. GARNER. He is not.

Mr. CANNON. Well, he ought to be.

Here is a matter that I do criticize. For many, many years there has been a great interest in suppressing epidemic diseases that invade this country from time to time. As somebody said, they are "Bedouins of the air." I do not know that they are Bedouins of the air. They seem to come from germs. Take the yellow fever, take the smallpox, take the bubonic plague, and they do not travel much by air. They travel by water. They are disseminated by animal life coming into contact with the germs—the germs carried by the ground squirrel and carried by the mosquito, and so on. We have a great service in the United States—I fancy the most efficient quarantine service and the most efficient service for keeping out these contagious diseases of any country on earth.

I may be mistaken about that, but seeing what has been accomplished, I am inclined to think this service is efficient. We watched it pretty closely when it quarantined the cholera in New York, and when from time to time the yellow fever was halted. Now, so anxious were we when the plague and the yellow fever got in its work and people died in great numbers that we then woke up and made an appropriation, a continuing appropriation, to be at the disposal of the Marine-Hospital Service to protect the public health by prevention. That appropriation was for $750,000. It was made some years ago. There is about $100,000 of it left now. The supplemental estimate called for $500,000 more. Now the committee recommends $100,000. Well, I will vote for the $500,000. The $750,000 has not been expended through many years. How many?

Mr. FITZGERALD. Three or four years.

Mr. CANNON. It will not be expended unless it is necessary to expend it.

"But," you say, "Congress meets in December, and"——

Mr. FITZGERALD. The gentleman will recollect the fact that we have taken off the epidemic fund over $125,000 worth of employees, and specifically appropriated for them under the Bureau of Public Health and Marine-Hospital Service.

Mr. CANNON. Well, I am going to vote for this $500,000, and I would just as soon make it $800,000 or a million dollars. We can control ordinary expenditures by curtailing appropriations, and can postpone needed service without serious danger to life or health, but the cholera and the yellow fever and the bubonic plague have not any more respect for legislation or for the time when Congress meets, in timing their invasion, than

a duck has for a June bug. [Laughter.] An ounce of prevention is worth a pound of cure.

Now, the committee cuts the appropriation for printing—a pretty severe cut. I think the estimate ought to be given.

Mr. FITZGERALD. Does the gentleman think it ought to be given?

Mr. CANNON. Yes.

Mr. FITZGERALD. Where there has been a surplus in one department of $73,000 that they could not use, does the gentleman think that we ought to appropriate that money? I ask the gentleman that question.

Mr. CANNON. Do you make that $73,000 available?

Mr. FITZGERALD. No.

Mr. CANNON. It goes into the Treasury?

Mr. FITZGERALD. Yes.

Mr. CANNON. I believe that under the present Public Printer there has been no deficiency. Am I right?

Mr. FITZGERALD. Practically. There have been deficiencies, but they are not to be criticized. I have in mind one department of the Government where there is a very substantial reduction in the appropriation for public printing—a department which in 1911 could not spend $73,000 of the money given to it—and that is one of the ways in which we made these reductions. We took away the money they could not spend.

Mr. MANN. Did not spend. The gentleman means did not, not could not?

Mr. FITZGERALD. They could not.

Mr. CANNON. Does the gentleman appropriate anything particularly for that department?

These estimates for public printing are reduced by $659,000 plus, half a million more than that, and they are below the appropriations for the current year—that is, this year—$430,000. As compared with the amount given this service for the next year it is a reduction of more than 10 per cent in the estimate, and more than 8 per cent in the current appropriation. I will say again that I am under the impression that this service in the Government Printing Office is being economically and well conducted.

Mr. FITZGERALD. It does not affect the appropriations for public printing. This affects the activities of these departments in printing a lot of useless stuff, using the appropriations made by Congress to send out printed briefs and arguments against the activities of Congressmen in attempting to reform the departments. We want to stop it.

Mr. CANNON. I was quite aware that for many years past we have sought to do the printing for the Government in the Government Printing Office, and I have also been quite aware that appropriations for printing in the various departments were expended substantially in the Government Printing Office, although some of them have little jerk-water printing establishments of their own, which I am inclined to think in the main ought to be abolished.

Mr. GARNER. In other words——

Mr. CANNON. Oh, no; let me finish this just now. So that from ancient recollection I have some slight knowledge of the skeleton of the public service as connected with the printing for Congress, and also for the departments. But I say again that, in my judgment, this great reduction—nearly half a million dollars below what the bill for this year carries and $600,000 below the estimates—is not warranted. Perhaps I am wrong. I call attention, however, to the fact.

Now, there is another sin of omission that I want to notice. The National Museum is now in a great new building, just completed, occupied substantially in the last 12 or 18 months, and not fully occupied yet, not fully furnished. I do not know how much it cost, but I suppose about $4,000,000. The estimates for that are cut $132,000. In my judgment the estimates should have been given substantially, and will have to be given if that service is fairly maintained.

In the Interior Department I think the committee, in its desire to reduce expenses, has failed to recommend appropriations that ought to be given. If gentlemen will turn to page 25 of the report, they will see that in the Pension Office there is an estimate for renewing and repairing plumbing, $20,000; carpenter shop, $3,000; repairs, $18,000; painting, $10,000; and new roof, $25,000. My information is that that roof does not shut out the water. Electric-lighting plant, $3,500. Steel cases in the Land Office, $25,000. For the Patent Office, improvements and repairs, $220,000, which I think perhaps are needed more than any other. Steel bookstacks, $2,500, an item which is given in the bill. And that is the only thing that is given. Special repairs, $50,000; fire protection, $21,000. My judgment is that those appropriations ought to be made substantially, and if this was private property would be made, from the standpoint of utility.

Mr. FITZGERALD. Mr. Chairman, the gentleman knows that the chief clerk of the Interior Department submitted very large estimates for repairs for certain public buildings under that department, including the Interior Department Building, the Patent Office, the old Post Office, and the Pension Office. They aggregated a great many hundred thousand dollars.

Mr. CANNON. Yes.

Mr. FITZGERALD. I do not recall whether the gentleman from Illinois was present at the time; but if he were, he will remember that the committee determined, in view of the very extraordinary character of those repairs, that instead of taking up those matters at this time they would hold them in abeyance, and during the recess would have Mr. Woods, the Superintendent of the Capitol Building and Grounds, make an examination with his experts, so that the committee would have some information of an independent character upon which it could justify recommendations for these extraordinary repairs that are now asked in that connection. The Secretary of the Interior, in a supplemental estimate, asked $191,000 in order to put sufficient furniture into the offices under his control, upon the theory that the appropriations during the last few years for furniture in the offices of the Interior Department have been so grossly inadequate that they now require $191,000 worth of desks and cases, and different kinds of tables and chairs, to permit the department to do its business properly; and that casts such a suspicion upon all of those estimates that the committee thought it ought to have the aid of an impartial and competent examination before it could undertake to make recommendations.

Mr. CANNON. We all know where the Interior Department Building is, and just across the street is another building of about equal size. Then we all know about the Geological Survey, and we all know about the Bureau of Mines, and we all know about the Bureau of Pensions. I guess if gentlemen will examine they will find quite a lot of other people under the Interior Department.

Mr. FITZGERALD. The Bureau of Mines is in a rented building.

Mr. CANNON. Precisely. It is in a rented building, but, after all, appropriations for furniture have to be made, even for rented buildings.

Mr. FITZGERALD. They have been made from time to time for that service.

Mr. CANNON. Precisely. I call attention to it. I am reliably informed that both in the Pension Office and in the Patent Office the roofs are bad, that repairs are badly needed. If a bargain could be made with the Weather Bureau which would insure that it would not rain or snow until we could meet next year to make appropriations, then we could perhaps wait on investigations to be made by the Superintendent of the Capitol. Bye the bye——

Mr. FITZGERALD. If the gentleman will pardon me, does not the gentleman think it would be unkind in us to assume that Congress, one branch of which had been organized by the gentleman himself, had been so derelict during eight years that he was Speaker as to permit the public buildings to get into such dilapidation that we could not wait long enough to have an expert investigation made to find out whether these extraordinary sums were necessary?

Mr. CANNON. Mr. Chairman, I am always gratified to have my broken remarks adorned by the suggestions of the gentleman from New York; they are useful for adornment and sometimes useful otherwise. Does the gentleman know that the maintenance of buildings, the maintenance and repairs of everything cost at least 5 per cent and sometimes more a year? If you start it new it would cost 5 per cent, and that applies to the furnishings as well. I guess 10 per cent, probably, would be a reasonable amount to keep everything in shipshape, and certainly 5 per cent would hardly do it. Unless you can shut off the forces of nature to prevent decay, this work of repair has to be done year by year, and gentlemen ought not to forget that "a stitch in time saves nine."

Now, I think under the five-minute rule we will find that the appropriations for the Ellis Island immigration station, amounting to many hundred thousands of dollars, ought to be made in whole or in part not only for the protection of the immigrant but of our citizens as well. I call attention to it that gentlemen may investigate it in the meantime.

There are many other items that I might refer to, but one matter of omission is the dropping out of the item for the Tariff Board. The gentlemen in the majority see proper to do it, and I want to be fair and just to myself as well as others. I have believed, and still believe, that when the Constitution conferred upon the House the power to originate revenue bills, that duty rests upon the House. Sometimes we do not origi-

nate them with very great intelligence, as we on his side claim when you originate, and you in turn claim when we originate; but, after all, there is the power and there is the responsibility. When this question of the board of experts was first brought up some years ago, it did not strike me with very great favor.

I am frank to say that, but I want to say that "the proof of the pudding is in the eating thereof," and that this so-called Tariff Board that is constituted under the law by a provision in the so-called Payne tariff bill was properly constituted. I am acquainted with the membership of a part of that board. It is called a nonpartisan board, and I believe that it is nonpartisan. I am quite well acquainted with the gentleman from Georgia, who was formerly our colleague, a Democrat, and I believe there is also another Democrat on the board. The chairman I am slightly acquainted with. I want to say that in view of the investigations that board has made and the reports it has made, without being an expert myself, but after consultation with those who are experts, some in the House and some not in the House, I believe there never has been an equal amount of money so well expended for reliable information touching cost of production in the United States and cost abroad, industriously gathered and intelligently gathered and reported, as we have had gathered and reported by that board. I believe it should be continued. [Applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, this bill fails to make any appropriation for the continuance of the Tariff Board. If enacted into law in its present form, it will effectually put an end to the work of the board until after the 4th of next March, when, at a special session of a Republican Congress, called by a Republican President, a real tariff commission will be created to continue the work of the present Tariff Board, so well begun. [Applause on the Republican side.]

I have some hope, however—faint, it is true, but yet some hope—that this Congress will insert in the bill an appropriation for continuing the present Tariff Board. That this will be done to assist the Republicans in securing information from which to apply protective tariff rates, so called, I do not expect, but I do insist that this information is just as necessary from the Democratic standpoint of a tariff for revenue only as it is from the Republican standpoint of a protective tariff.

I have endeavored to convince our Democratic friends of this upon a number of occasions in the past, and I would not undertake to repeat the attempt now were it not for the fact that I am now in a position to offer conclusive proof of the correctness of my position.

Before entering upon that discussion it will not be out of place to review very briefly the history of the efforts to create a tariff commission.

The status of the present Tariff Board is familiar to every Member of the House. It is not clothed with the powers or responsibilities that a Tariff Board should have. It is entirely a creature of the President and solely responsible to him. The publicity of its findings depends wholly upon the President; and yet, imperfect as it is, the service it has rendered has been of incalculable value to the public.

I have said that the present board is not perfect in that it is not a permanent body and is not clothed with sufficient powers. In the Sixty-first Congress the gentleman from Iowa [Mr. GOOD] and I introduced bills creating a permanent tariff commission. We appeared before the Committee on Ways and Means in favor of these bills, and out of these two bills a bill was finally formulated and its passage recommended by the Committee on Ways and Means. Nearly all of the Democratic members of the committee joined with the Republicans in support of the bill. Among the Democratic members supporting it was the present Speaker of the House [Mr. CLARK] and the leader of the majority [Mr. UNDERWOOD]. The bill passed the House by a vote of 186 to 93. On the 4th of March, 1911, in the early morning, the Senate concurred in the bill with minor amendments. A rule was adopted by the House which insured its final passage before 12 o'clock, the hour of final adjournment. A filibuster was conducted under the leadership of the gentleman from Georgia [Mr. HARDWICK] and the gentleman from Texas [Mr. GARNER], but that filibuster was ineffectual to prevent the passage of the bill, and it would have been a law to-day had there not been a violation of the rules of the House.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. SHERLEY. While the gentleman is reciting the history of that, will he show who was responsible for that violation of the rules of the House—the stopping of the roll call—who it was that made it absolutely possible for the filibuster that defeated the bill to succeed?

Mr. LENROOT. Oh, the gentleman from Kentucky knows as well as I do who was responsible for that.

Mr. SHERLEY. I know; and I know that it was the then Speaker of the House and some of the leaders upon that side.

Mr. MANN. Oh, the gentleman ought not to make that statement.

Mr. SHERLEY. I do make it, and make it upon my responsibility as a Member, in order that the record may be complete.

Mr. MANN. I deny it upon my responsibility and knowledge.

Mr. SHERLEY. The facts will show. I was here and fighting for the Tariff Board when some of the recent converts were fighting against it.

Mr. LENROOT. Mr. Chairman, I can not yield further, for the reason that I have only reviewed the history for the purpose of showing what the attitude of the then Democratic minority was, and the position of the now Speaker of the House of Representatives [Mr. CLARK] and the leader of the majority [Mr. UNDERWOOD].

I repeat this history for the reason that the present Speaker of this House [Mr. CLARK] and the leader of the majority [Mr. UNDERWOOD] can not escape responsibility now for failing to appropriate for a Tariff Board when a little more than a year ago they favored a commission with much broader powers than the present board has.

I believe the Republican side is unanimous for the continuance of the present board. Its only opponents, so far as I know, are the Democrats and the great manufacturing trusts and combinations of the country. The Economist, the organ of the high-tariff advocates, is entirely in accord with our Democratic friends. Neither wants Congress to have information upon costs of production at home and abroad. It is easy to see why those enjoying excessive tariff benefits do not want Congress to have this information, but the professions of the Democrats that they favor a tariff for revenue only and yet oppose the Tariff Board are absolutely irreconcilable.

In the debate in the Sixty-first Congress upon the bill creating a Tariff Commission I used the following language:

> When our friends in the next Congress attempt to prepare their tariff-for-revenue bill, the first inquiry will be within what limits they may place rates upon a tariff-for-revenue basis. They may commence at the bottom with the free list and impose rates upon different articles competing with products in our own country upon an ascending scale up to a certain point. And what is that point? It is the point just above the difference in cost of production at home and abroad, and when they get any rate substantially above that point they have not a tariff for revenue only, they have not even a protective tariff, but a prohibitive tariff that is condemned by Republicans and Democrats alike. And so I say you can not frame a bill upon the basis of a tariff for revenue only without knowing the difference in cost of production at home and abroad.

At the special session last summer the House passed a bill revising the cotton schedule. The Democratic majority proposes to pass it again at this session. The bill, as we all know, was prepared by the Democratic majority of the Ways and Means Committee. In their report upon that bill they used the following language:

> The most important feature to be kept in mind in revising Schedule I in the interest of the welfare of the general public is that the rates be made truly competitive as far as possible; that is, that they be made low enough to permit potential competition from imports for the sake of natural and proper regulation of domestic prices.

Now, that is exactly the Republican doctrine, and the fact is that the difference between a maximum tariff for revenue only and a proper protective tariff is absolutely nothing except the name.

I shall now undertake to show that the Democratic tariff revision of the cotton schedule, passed at the special session last summer, was not based upon a tariff-for-revenue theory at all, but was a high-protection bill, and we know now that many of the rates in it, so far as possible importations are concerned, were practically as prohibitive as the rates in the Payne-Aldrich law. I supported that bill in speech and vote as a Republican believing in the protective tariff. In the debate upon that bill I used the following language:

> Some Republicans have seized upon a statement made by the chairman of the Ways and Means Committee to the effect that this was a revenue measure, containing no protective features, as a reason why this bill should not receive the support of any Republican. Mr. Chairman, nothing that the gentleman from Alabama may say about this bill, and nothing that any other gentleman may say about it, can change its character. Whether it is protective or not depends upon the bill itself and not upon what any man may say of it.

I later said:

> Taking the bill as a whole, I assert that it is not only protective in principle, but affords that measure of protection pledged by the platform of the Republican Party.

Mr. Chairman, that was my view then. It is not my view now. The report of the Tariff Board shows that I was mistaken. I believed then that the rates in the bill fairly measured the difference in cost of production at home and abroad.

but the report of the Tariff Board shows that many rates in that Democratic tariff bill were very much higher than were necessary for the protection of the American industry, and instead of being a bill in accordance with a tariff-for-revenue-only theory, it was a bill that afforded a measure of protection greater than any Republican standing upon the Chicago platform could defend, when all the facts were ascertained.

This is what this Tariff Board has done, and I want to say if there is anyone on that side who disputes that I shall be glad to have him interrupt me. It has compelled the Democratic majority to either bring in a bill much lower than the one last year or else become the party of high protection which they have been denouncing for these many years. They have taken the latter course and now clearly stand for a protective tariff higher than is warranted from a protection standpoint.

Now, the proof of the statements I have made.

The first paragraph in the Democratic bill related to cotton thread and yarn. It carried duties from 10 per cent to 20 per cent ad valorem. The Tariff Board finds that the difference in cost of production is from 3.8 per cent to 11.9 per cent ad valorem instead of from 10 to 20 per cent as found in the Democratic bill. (See report, p. 9.) This finding does not include yarns of the highest count, but the board states that it does include—

> the great mass commonly manufactured in the United States.

What has been said of paragraph 1 applies also to paragraph 2.

Coming next to paragraph 3 of the Democratic bill relating to cotton cloth we find rates of duty ranging from 15 per cent ad valorem to 30 per cent ad valorem.

Again turning to the report of the Tariff Board we find that although wages are higher in this country, the actual cost of production of plain cotton cloths is less in this country than in England, growing out of the fact that American weavers tend more than twice as many looms as do their English brothers. (See report, p. 11.)

I quote from the report on page 12—

> The labor cost of turning yarn into cloth in the United States is not greater, and in some cases is lower than that in England.

And again on page 13—

> Figures are presented in the report showing that although labor costs in the cotton industry are in many cases lower in the United States than in England, yet the actual hourly earnings in this country are, in most of the principal occupations, greater.

The board also gives samples of cotton cloths upon which comparisons were made. Upon more than 40 of the samples the cost of production was less in this country than in England, and with the exception of a very few of the others an ad valorem duty of from 5 to 20 per cent would cover the difference in the cost of production. So here in that great staple, cotton cloth, the Tariff Board shows conclusively that the rates in the Democratic bill can not be sustained upon the theory of a tariff for revenue only and, indeed, can not be sustained from a Republican standpoint, for they are in excess of the rates measured by the standard fixed by the Chicago platform.

Again, in this same paragraph, the Democratic bill adds a duty of 5 per cent ad valorem upon cloth when bleached, dyed, colored, stained, painted, printed, or mercerized. Upon this item I quote from the report of the Tariff Board:

> A comparison of 50 specific samples for which finishing data were obtained shows that in most cases the differences between the charges in the two countries were slight, but the American charges were slightly lower on most of the samples.

Therefore that item in the Democratic bill can not be defended from the Democratic standpoint, for it imposes a burden upon the American people solely for the enrichment of the tariff barons whom our Democratic friends have so roundly denounced.

I will not go into a further discussion of the items in the Democratic cotton bill compared with the report of the Tariff Board, as that detailed examination will be more in order when the cotton schedule shall come up for consideration in the House. My sole purpose at this time in making these comparisons is to show that our Democratic friends, in preparing their cotton bill at the last session, acted without sufficient information, and that because of that lack of information, instead of presenting a bill carrying rates based upon the theory of a tariff for revenue only, their bill was, in fact, a high-protection measure, a measure carrying such excessive duties that with the information we now have from the Tariff Board, Republicans must condemn it, because the rates are too high. I am not, of course, unmindful of the fact that it was a reduction from the rates in the Payne-Aldrich law, but I do say that even with that reduction the rates were excessive from both Republican and Democratic standpoints.

I want to emphasize the proposition that upon such an article as cotton cloth, that great staple necessary to all of the American people, the rates in that Democratic cotton bill could not have produced any revenue. Do you not see that if a manufacturer in this country can make a product for less than it is made abroad, that there can not possibly be any considerable importations by a foreigner? Do you not see that when you impose a tariff rate of 15 per cent, as you do upon cotton cloth, it can not be for revenue? Do you not see that the only result that such a rate can have is to enable the American manufacturer to raise his prices that 15 per cent to the American people and thus enable the American manufacturer to exact an excessive profit from the people? Is that what the Democratic Party stands for? And yet when you offer this cotton bill again at this session as you have done to-day it is exactly what you have stood for; it is exactly what you have for many years been condemning the Republican Party for standing for.

Our Democratic friends have chosen to ignore the report of the Tariff Board, thus attempting to discredit it, but in their attempt to discredit that report they find themselves in a most peculiar position of advocating tariff rates, ostensibly from a revenue standpoint, that are in fact absolutely prohibitive and much higher than any protectionist sincerely standing upon the Chicago platform can indorse.

Now, Mr. Chairman, I wish to devote a few minutes to what the distinguished chairman of the Ways and Means Committee, Mr. UNDERWOOD, in his ignorance, said about his Democratic cotton bill at the special session. I do not use the word "ignorance" in any reproachful sense. I mean only a lack of knowledge which has now been supplied by the Tariff Board.

I have already conclusively shown that the most important paragraphs in the bill carried rates so high that protectionists upon this side, with the information they now have, could not indorse them. Our Democratic friends did not know then that their rates were too high, so high that they would produce no revenue. The chairman of the Ways and Means Committee, Mr. UNDERWOOD, in opening the debate upon the bill, said:

> I believe the rates in this bill are purely revenue rates.

I wonder if he will repeat that statement now in view of the report of the Tariff Board.

A colloquy then occurred between the gentleman from Alabama and the gentleman from Maine [Mr. HINDS], as follows:

> Mr. HINDS. The gentleman says this cotton bill is framed solely to the end of the revenue in view?
>
> Mr. UNDERWOOD. I do not think the gentleman can doubt that proposition.
>
> Mr. HINDS. Therefore does the gentleman say also that it leaves out entirely the principle of protection?
>
> Mr. UNDERWOOD. Absolutely; so far as my knowledge is concerned.

I do not think Mr. UNDERWOOD will repeat that statement to-day, for he has a vastly greater knowledge of the subject owing to the work of the Tariff Board. I have conclusively shown that the rates contained in the Democratic bill were much too high. Now I desire to discuss for a moment what this report of the Tariff Board on the cotton schedule alone will be worth to the American people in dollars and cents, using Democratic methods of computation.

The Democratic bill reduced rates from 48 per cent ad valorem in the Payne-Aldrich law to 27 per cent ad valorem. The report of the Tariff Board shows that they should be reduced to about 20 per cent ad valorem. In the debate upon the Democratic bill, the gentleman from New York [Mr. HARRISON], a member of the Ways and Means Committee, stated:

> It is believed by our committee that the revenue will not be materially disturbed and that the burden of taxation upon the American people will be lifted to the amount of $200,000,000.

Mr. HARRISON stated that the reductions in the Democratic bill would save the American people $200,000,000 per year. Adopting the Democratic method of computation—which our Democratic friends can not object to, although I do not say that it is correct—if their bill would save to the American people $200,000,000 per year, a bill framed in accordance with the findings of the Tariff Board would save the American people more than $200,000,000 a year, or, in other words, this Tariff Board is worth more than $60,000,000 a year to the people in the cotton schedule alone, and yet Democrats refuse to appropriate $250,000 for its continuance, when, according to their theory, it will save the American people $60,000,000 a year. Is this another evidence of Democratic economy?

One other suggestion. The Democratic majority propose to pass their cotton bill. I have undertaken to show—and if I had more time I could show in greater detail—that their rates in that bill are higher than can be defended from a Republican standpoint. They expect to pass that bill through this House, and they expect to pass that bill through the Senate, and they

expect that it will go to the White House for action. A year ago without this information from the Tariff Board I am frank to say that in my judgment the cotton bill would be vetoed, as it was vetoed when combined with other schedules, and the President of the United States then would have taken the position as he did upon that and other bills that he desired to wait for the report of the Tariff Board; but now, if you pass your cotton bill through the House and Senate, I say now and here that the President of the United States will be compelled to sign the bill. There is not any question about it, because if there be any objection to it from a Republican standpoint it is that the rates are too high. Are you legislating for the American people, for the public welfare? If you admit the report of this Tariff Board is such as to compel the President of the United States to sign a tariff bill that you have passed, is not this Tariff Board worth many times more than it cost in the past, and is it not worth many times more than it will cost in the future?

In conclusion, I want to call attention to the fact that the reports of the Tariff Board on both the cotton and woolen schedules are unanimous. The members of that board consist of Republicans and Democrats, one of them a former distinguished member of the Democratic side of this House. There has been no politics in the work of the board. Both of the reports condemn by the facts found the schedules in the Payne-Aldrich law with which they deal. The information is as necessary to the Democrats as to Republicans. If we are here trying to represent the great American people, trying to serve a common country and advance the public welfare, we will continue this board.

I have no great affection for the present President of the United States. I have freely voiced my criticism of many of his acts in the past, but the Tariff Board which he has appointed has rendered a great and lasting service to the American people. Instead of abolishing it we should give it a permanent status, provide for publicity of its findings, make it answerable to Congress as well as the President. If you Democrats fail to do this in this Congress a Republican Congress will do it next year. From a partisan, selfish standpoint I should be glad to see the Democrats abolish this board, but as representing 200,000 American citizens, putting country above party, I ask the Democratic majority to continue this board that it may go on with its work until the tariff issue shall no longer be the football of politics and furnish occupation for the lobbyist. Let us go before the people with the clean-cut issue of a protective tariff or a tariff for revenue only, and when the people decide that question, let us apply facts found by an impartial board to whichever theory may be adopted, and we will have done that for the American people which will do much to again place the Congress of the United States on the high plane from which it has fallen. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman——

Mr. CANNON. One moment. I desire to yield to the gentleman from Massachusetts [Mr. GILLETT].

[Mr. GILLETT addressed the committee. See Appendix.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On June 3, 1912:

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark.;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

On June 4, 1912:

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railway Co., in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to readjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do, to authorize and direct the Secretary of the Interior to readjust said rights of way; and

H. J. Res. 323. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to sign all checks, requisitions, and papers in the place of U. S. Jackson, Sergeant at Arms, to obtain money appropriated for the salaries and mileage of Members of the House of Representatives during the temporary disability of the said U. S. Jackson.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, I yield one hour to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Chairman, in attempting to make, from a manufacturing standpoint, an analysis of the report of the Tariff Board I shall be very pressed for time within the space allotted to me, and I ask of my fellow Members in the House the courtesy of proceeding without interruption. If I can finish within my time, I shall be glad at the close to answer any questions that I can. The Tariff Board has now made three reports—that upon wood pulp and print paper, that upon wool, and that upon cotton. The first of these I had the privilege of analyzing briefly in an address before the House on August 1 last. I desire now to analyze the report upon wool and manufactures of wool and to say a few words only upon the report upon cotton—a few words only upon cotton, because in the few months that have elapsed since that report was presented, on March 26, there has not been time to make any thorough and deep analysis of that report.

THE TARIFF BOARD.

I have tried to listen with an open mind to the comments made on this floor and in the press on the report of the Tariff Board on wool and manufactures of wool submitted by the President December 20, 1911. The words "magnificent, exhaustive, and complete" have been used to describe the report. The President said, "It is a monument to the thoroughness, industry, impartiality, and accuracy of the men" who made it, and his praise spurred my desire to learn just what the report is, what it says or fails to say, what it implies, and to what action it seems to lead.

I must admit having said that it was "too much to expect that the report of the Tariff Board shall have serious value as a basis for taxation" and having agreed with the American Protective Tariff League that "production cost in our own country is so widely variant as to be of little value." Practical difficulties in the very nature of things seemed to prevent the board doing its work in such a way as to have real merit for the purpose for which it was meant.

For example, it was noted that it would not be sufficient to show that goods of the same weight, width, and character cost so much here and so much less abroad. It would be necessary to show not only that the quantities made at the time these costs were taken were alike, but that the mills were alike in equipment, management, and other conditions affecting cost. An American mill badly located, with poor equipment and inefficient labor, could not properly be compared with a foreign mill superior in these respects till it was shown that none of these conditions were alterable; and if the conditions in the foreign and domestic mills whose goods were thus compared were unlike as to burden cost, this should plainly appear, for like must be compared with like or the differences must be pointed out. Facts are the outcome of conditions, and the conditions are an essential part of the facts; and when the fact sought is the cost of production, the elements that make that cost and the conditions under which that cost arises are essential to understanding the cost itself. To say that goods cost so much made in a certain place merely raises the question "Why?" and the answer to that question may combine many elements. The board itself said of pulp and news-print paper, "The costs in a single mill vary greatly from month to month." Finally, it was then pointed out that statistics given by a mill may not be conclusive about that mill. The real facts lie behind, often unknown to the mill management, yet, perhaps, controlling the cost. These words from a former address illustrate this principle:

> Let us know, then, the conditions of cost, the causes of cost, that Congress may discriminate. If a tariff is to be based on costs, all the factors must be made clear, else the cost itself merely misleads.

With this mental background, I read so much of the report as relates to the manufacturing processes; there has been no time to study the production of wool itself. If my reasoning before the report appeared was wrong, no one needed to know it more than I. Not one member of the Tariff Board had, to my knowledge, any experience in actual manufacturing. If they could learn in a few months what years had taught me

it was difficult to find, and could overcome in that time obstacles to knowledge with which many able men had long struggled, clearly there was something wanting in my thought and experience and in that of other manufacturers. A woolen manufacturer had told me it would take five years to study exhaustively that one industry, but perhaps he was mistaken. Therefore let us, as thoughtful men seeking to learn, look at so much of this report as deals with manufacturing and see what we find.

It would be foolish to deny that that report has brought into public view many facts about the woolen industry that were before it known only to the initiate. It is a glossary or thesaurus that has value as a work of reference. Skill has been shown in the collecting and collating of statistics and in their arrangement. Nor is there a question that the board has been impartial and industrious, nor even that within certain limits it has been both accurate and thorough. The board has sought the truth in a sincere spirit and has stated such truths as it has found in a clear and correct way. The character of the gentlemen composing the board and their repute as statisticians gave assurance that this would be so, and it is so. Such weaknesses as the report may show arise not from intent, but from limitations of time, opportunity, experience, and training and from the essentially impossible nature of the task the board was set to do.

It seems normal, therefore, and to arise without personal fault on the part of the Tariff Board, that their report should be, as plainly it is, incomplete, indefinite, and superficial. It is superficial in the respect that it ignores the whole question of management—that vital factor in industry, so vital that two mills side by side with like equipment, but with different management, may one show failure and the other success. The board says "mills may show differences of cost because of difference in local advantage or skill of management," but admitting this truth they fail to deal with it. It is superficial because it deals solely with the financial side of costs and omits comment on the social and physical conditions under which the human factors live and work; yet this human factor is the greatest element in production, and, according as it is well or ill conserved, costs vary largely. The report is superficial because it ignores many other elements that cause cost and deals superficially only with results and not fundamentally with the causes of those results.

The report is incomplete because it covers only a portion of the industry, whether reckoned by establishments or equipment or employees.

It is indefinite because it fails to state out of what conditions the facts it gives arise. It states an average; it does not tell us fully either the best or the worst the industry does, still less does it tell us the best that the industry can do or can be made to do. Let us be specific. There were 913 establishments making woolen and worsted goods in 1909. The board does not state this. I take it from the census report of April 4, 1911. Of these the "agents of the board visited 188 different mills," say, 20 per cent. I wrote the Tariff Board March 26, 1912, for the reason why so many were unvisited, and my secretary received a telephone reply that they had not time to visit them all. Out of the 188 there were 14 from whom no results of practical use could be had, and some others besides the 188 declined to permit agents of the board to visit them. The board gives the names of the mills from which information was secured. It does not say which mills declined information. One mill, which is efficient, is not upon the visited list, and I am told by what I think sound authority that the owners of this mill have said they do not care about a tariff to protect their manufacturing process because they are efficient enough to take care of themselves. It is but natural that the name of such a mill should not appear on the visited list, for they might fear to give away the results of their initiative. On the other hand, there do appear in the list of mills visited several of which I have some personal knowledge. One of them keeps its cost records in the head of its owner. Several others are located miles from railway transportation and operated at such a burden cost as would injure, if not destroy, an industry that was not sustained under unsound conditions by law.

But we come back to the 174 mills visited, which are said to be "representative of the industry in this country and comprise over two-thirds of its productive capacity." When, however, the examination of labor and machine efficiency was made, 130 of these mills were ignored and 44 used as the basis for the report. We are now reduced, therefore, to 44 out of 913, or less than 5 per cent of the mills in the country, on which to base a report as to labor and machine efficiency. These 44 mills had, when running full, 44,500 employees, or 27.8 per cent, a little over one-fourth of all the employees in this industry in 1909. Of these, 35,029 responded to the inquiries of the board, and the information concerning employees, wages, and so forth, in volume 4 of the tariff report is based upon these replies; that is to say, upon statements from three-fourths of those employed in 44 out of 913 mills when the 44 were running full; or, to be more exact, upon replies from 21.5 per cent, say one-fifth, of the total employees in the industry in the United States. To state this differently, the Census Bureau says "there were an average number of wage earners in this industry employed in 1909 of 162,914." From these the Tariff Board has replies from 35,029, leaving 127,885 from whom no word is heard; 78.5 per cent of all are silent.

I confess not to accept as final the statement of the President as to the report being "exhaustive" when we have no word at all respecting the conditions surrounding nearly four-fifths of the operatives.

Be it here noted that, while possibly the 44 are types, we have no evidence of that. We do not know which they are or where they are or the conditions under which they work. We only know that 44 out of 913 mills and 35,029 out of 162,914 persons are made the basis of this part of the report.

We pass to equipment, taking looms as a convenient unit. There were in 1909, 72,185 looms in the United States. On page 949 the board says:

> In the establishments investigated by the Tariff Board—
>
> Whether the 174 in part or whole or only the 44 is not clear—there were 18,634 looms, or 25.8 per cent of all.

But on page 1051 of the same volume data are given based on only 11,080 looms, which is but 15.4 per cent of all in the United States, and these last data therefore omit to deal with 61,105 looms, or 84.6 per cent of all.

That is to say, that in dealing with the productive efficiency of looms the board's data is based upon less than one-sixth of the looms, omitting over 61,000, and upon 33 establishments, omitting 880. Again the few mills and the small proportion of looms may be typical. We do not know. The report does not say where they are, how they are located, under what management they run. But this is not all. There is still other confusion about these looms. Let us put the statements of the board thus:

There were in this industry in 1909 72,185 looms.

There were in the 174 mills from which information came to the board (p. 613, vol. 3) 46,280 looms.

There were in the establishments investigated (p. 949, vol. 4) 18,634 looms.

There were investigated—we are not told how—(p. 22, vol. 1) 12,337 looms.

There were used to get get weaving data (p. 9, vol. 1; p. 1051, vol. 4) 11,080 looms.

Just what the relations are between these various quantities of looms to one another and to the results in the report are not, I confess, clear to me.

The report does not show the systems or lack of systems used in keeping costs in the mills from which this information is derived. It has been assumed, apparently, that there were thorough and accurate costs kept, and that as a matter of fact the manufacturers know what their goods cost them; and yet I doubt if this is so. The gentleman from Iowa [Mr. GREEN], in his address of March 30, stated "from the books of the company elaborate tabulations were made showing the costs of material and work in every particular and with the most painstaking accuracy."

Delightful! But what if the books of the company were not properly kept?

Last fall a friend told me that the head of one of the largest woolen manufacturing companies telephoned him to come down to his office; that he had something unique to show him. My friend went, and told me the thing he showed certainly was unique. The woolen manufacturer had put together in one column all his outlay for the year—wages, expenses, interest, taxes, fuel, everything; and in another column opposite he had put the total yards of cloth made that year. Then he divided the total outlay by the total yardage, and said to my friend: "Look at that. There is what my goods cost me per yard last year. Did you ever see anything like it?"

And my friend, with a straight face, told him he never had, and then went on to ask questions, such as "How many different kinds of goods do you make in a year?" The man said, "About 40." "And these differ," said my friend, "in width, weight, weave, and material, do they not?" "Oh, yes," said the man. "Do you know what each kind costs?" "Oh, no, no," he said, "I do not know that." "Do you know what it cost for any one of them per yard for spinning or for weaving?" "No; except the piecework rate." "Do you know what it cost per yard for any of the other processes in your

mill?" "No." "Do you know whether each department in your mill runs at a loss or profit, and, if so, how much?" "No," he said.

Now, in that case the books of the company would not be quite the purest light possible on the way of truth. [Applause.] Indeed, the board itself says (p. 627) such a method would "give no result of any value" and is "utterly meaningless."

Again, an agent of the Tariff Board told me he had visited 16 establishments in the knit-goods portion of the inquiry. I asked him if they knew what their goods cost. He said, "No." I asked him whether these 16 establishments had any system of keeping their costs. He said, "No," and he said, "I got accurate costs all right. I found them out for myself. I stayed in the mill a week and studied the thing until I got what was right." And he also said some of these manufacturers said to him, "The Government ought to employ men like you to go about and tell us manufacturers how to keep our costs."

I asked a young man whom I had known for years and who was employed in the office of one of the largest woolen companies whether they kept any accurate continuous record of the costs of manufacture in each department of that mill. He said, "No."

The Tariff Board have been looking for one of the most elusive and difficult of facts—for a fact which is the outcome of hundreds of other facts—which results from the combination and reaction of facts mechanical, facts human, facts financial, facts economic, facts physical. Such facts can not be predicated on the basis of a short period nor picked up in a week nor collated from defective or unscientific records, and such facts are more delusive than helpful when they are merely financial, based upon results without considering, or at least without stating, the facts that cause those results.

It is one thing to say that we do not manufacture at a certain cost; it is quite another thing to say that we can not do so. The board tells us something about the difference in expense of producing goods here and abroad. It does not tell us so much about the difference in extremes of cost between American mills, for the tables of cost we shall discuss later are confined to but few out of many mills, and even as they are they make the theory of basing a tariff upon the difference in cost so absurd as to be a joke. It is not the duty of Congress to sustain a lot of derelicts, or to make the American people pay 67 per cent more for their cloth than they can buy it for abroad merely to promote continuous inefficiency. [Applause on the Democratic side.] The board might have told us what the results would be of combining the best American practice so that we might know, not what the industry requires under its present condition, but, rather, what at its best it might under the protective theory be said to need. This it omits to do. But the board does render a public service when it points out the "wide difference in efficiency and cost," but still more when it says that "in general the lowest labor costs per pound were in mills paying the highest wages," and states the further truth, "Frequently it is found that high wages and low labor costs go together." [Applause on the Democratic side.] This is a crushing blow to the theory that protection is needed to sustain American wages. As the final death stroke to this worn-out fiction, take the words (p. 9) of the Synopsis of the Tariff Board's Report on Schedule I (cotton):

As is well known, wages or earnings are not necessarily an index of the labor cost of any particular process of manufacture. The labor cost per yard depends on the relation between wages and output.

Referring for a moment to the report on Schedule I, cotton, we may note certain salient features of it. In the first place, it frankly admits that the report is based on but 81 out of 1,324 mills, or 6 per cent. It gives the list of the mills visited. From those mills are omitted many of the best concerns in the land. In particular I note the omission of that mill in New England which, more than all others, has been distinguished for the individuality and the initiative of its owner, and I note also that it omits the name of one of the most successful and prosperous mills in the South, from whom I shall presently read a letter. But its report does show again and again and again the extreme variations in cost, which make it impossible to predicate any judgment as to the tariff tax upon the cost of manufacture.

But out of this wool report, with all its omissions and failures, two large facts emerge. The first is that after many decades of protection woolen and worsted manufacturing in this country is in many ways a backward and inefficient industry; and the second truth is that the attempt to base a fixed protective tariff on the differences in the cost of production between the United States and other countries is absurd.

There are four elements in which the woolen and worsted industry is shown to be backward and inefficient by the report. These are in the equipment, the standards of production, the relative wages paid, and the management.

They say the dead can not speak to us, but this is not true of the wool industry, for behold these words:

The old mills for all practical running purposes are as good as the new. There are certain wearing parts in a machine which, if renewed from time to time, keep the machine as good as new. This will apply to all machinery. Where the mill has a good machine shop, and where the standard of mechanical conditions is high, whenever a machine is not "right" it will be stopped and made "right." If that is maintained, age is not serious.

It is hard to believe that this is not a voice from the ancient world or the Middle Ages. It has a sound of the outer darkness and a ripe medieval flavor. It is, however, a statement from page 1044 of the report made by a woolen manufacturer who thinks he is running a modern industry. I read this statement in Detroit recently before a group of factory men, every one of whose establishments had been either created or born anew within 20 years. On page 7 of the preface to Modern Industrial Progress, the author, Mr. Charles H. Cochrane, says:

To-day the industry is exceptional in which there has not been an entire alteration and renewal in the machinery used within 15 years. Machines have to be thrown into the scrap heap more often because they are too slow and out of date rather than that they are worn out.

And the board itself, on page 376 of its cotton report, makes this clear statement:

A modern mill, equipped with looms of the latest construction, which have been in operation only a few years, will manifestly have an entirely different repair account from that of a mill with looms anywhere from 20 to 50 years old. Not only will the efficiency, and therefore the resultant labor cost per unit of product, be different in the two mills, but the actual expenses incurred for repairs will be vastly greater in one case as compared with the other.

What are the facts in the woolen industry?

Of scouring machines, 19½ per cent have been in use over 15 years and 12 per cent of them over 20 years.

Of the carding machines in the worsted mills, 31 per cent have been in use over 20 years.

Of the carding machines in the woolen mills, 55 per cent have been in use over 20 years and 39 per cent over 30 years.

Of the Noble combs in the worsted mills, one-third have been in use over 20 years and 22 per cent over 25 years.

Of the French combs in the worsted mills, 21 per cent have been in use over 20 years.

Of the drawing frames—Bradford system—in the worsted mills, 18 per cent have been in use over 20 years.

Of the French drawing frames, over 20 per cent have been in use over 20 years.

Of the spinning frames in the worsted mills, 24½ per cent have been in use over 20 years.

Of the worsted mules, 30 per cent have been in use over 20 years.

Of the woolen mules, 20 per cent have been in use over 20 years.

Of the looms in both woolen and worsted mills, 23½ per cent have been in use over 20 years and 40 per cent over 15 years.

But this is not the worst. The figures which I have given, from tables on pages 1021 to 1040, inclusive, of the report, relate apparently to the 44 mills mentioned on page 949 as those in which labor and machine efficiency were investigated. These 44 (out of a total of 913) had more than one-fourth of all the employees in the industry. It must therefore be assumed that they include some of the best mills, else the report would be a sham. It is certain that among the 869 that are omitted were most of the worst mills, and if among the selected 44 the facts are as above, imagination fails to picture the antiquity and decrepitude of the apparatus that the many mills employ, and it is in large part upon the output of these hoary and venerable relics that our people depend for their clothing. It is to this pass that the woolen industry has come under protection; paying the lowest or almost the lowest relative wages in America; operating mills filled with mechanical wrecks. It wonders why its costs are high; complains of its inefficiency; charges us 67 per cent more for the same goods than the price at which they are sold abroad, and cries for a continuance of 90 per cent duty. [Applause.] The picture is shocking. Deprived of initiative; lost to the sense of self-help; supinely content with excessive costs; living in the stone age of industry. This is the general spectacle revealed to us. This much is true of free competition—it tolerates no inefficiencies. This much is true of our present policy, that under it gross inefficiency survives at our cost. True it is, as the gentleman from Connecticut [Mr. HILL] wisely said in his speech of March 29:

In the textile industry we can no longer boast of the superior efficiency of American labor or machinery, but rather that we are laggards in the race with England and France in both respects.

But this is not the whole. The standards of the industry are low. The report says 80 per cent of loom production on

worsteds and 70 per cent on woolens are the manufacturers' desired standards of efficiency (p. 23).

In a large New England machine shop some months ago the manager found his automatic machines running at 80 per cent efficiency, and not content therewith sought to improve them. By raising the pay of his men and by instructing them and by the study of time losses, in a short time he brought the efficiency of all those machines up to 96 per cent. I said to him as we went about the works, "No doubt you daily see things you can improve." He said, "I have taken note of four such this morning." In that man's attitude of mind and self-criticism lay the best protection that house could have. [Applause.] It is an old phrase:

Who aimeth at the stars
Shoots higher much than he that means a tree.

But men who are content with 70 and 80 per cent efficiency condemn themselves by their very standards. For the report shows that it is not necessary to set the standards so low, because there are cases in which they are exceeded. On page 1049 it appears that three woolen mills average over 75 per cent of loom efficiency, and the following page shows that four worsted mills average above their standard, while individual cases ran far above the standard set, so that a standard exists which is actually less than the best performance. Hardly a high ideal. We may assume, of course we do not know, the report does not say, that in certain mills the standard is high, but the tables of productive loom efficiency that we get cover but 43 mills. What shall be said about the standards of the 880 that are not named? And, although the standards are needlessly low, yet the sad fact is that out of the 21 woolen mills, on page 1049, 13 fell below the standard, and out of the 22 worsted mills, on page 1050, 18 fell below the standard. If one studies the data for 11,080 looms, on page 23, the following facts appear:

Wool standard, 70 per cent—2 per cent of looms reach 90 per cent, 12.9 per cent reach 80 per cent, 21.6 per cent reach 70 per cent, 36.5 per cent reach or exceed standard, 45.4 per cent reach 50 per cent, 18 per cent below 50 per cent, and 63.4 per cent fail to reach standard.

Worsted standard, 80 per cent—4.1 per cent of looms reach 90 per cent, 24.7 per cent reach 80 per cent, 28.8 per cent reach or exceed standard, 30.9 per cent reach 70 per cent, 34.1 per cent reach 50 per cent, 6.2 per cent below 50 per cent, and 71.2 per cent do not reach standard.

So that low as the standards are, whether we reckon by establishments or by looms, but a small proportion reach them. Yet that the standards are too low and that a higher standard can be reached in practice is also shown by the fact that the records, both by mills and by looms, tell of cases where the present standards are largely exceeded.

The efficiency varies from mills in which 19 per cent of the looms show less than 40 per cent efficiency to others in which 32 per cent show over 85 per cent efficiency. How can a fixed tariff tax cover differences in productive costs of such a range?

It is interesting as showing what is done under different conditions in another textile industry to read from a letter dated March 5, 1912, from the Republic Cotton Mills to the Draper Co., these words, showing what they accomplish on plain cottons with the Northrop automatic loom:

During 8 months our loom efficiency has averaged 112 per cent. We have averaged 0.9816 per cent firsts, and we have a reputation established for our goods with the best eastern converting trade that is second to none. In fact, we get the preference right along, and the best buyers prefer our goods. We mention this to show you that we are not sending out seconds for firsts. We have, as you know, 600 looms, and our total number of weavers running these looms are 23, an average of 26 looms to the weaver. We have 2 weavers in our employ running 40 looms each. We have no trouble of any kind and our work is running beautifully. We have no trouble securing the best weavers in the country, as our work runs so well they are anxious to get a job with us.

No wonder that the Draper Co. say:

This letter shows what can be accomplished in a mill which is not hampered by traditions.

This is one of the mills that is omitted from consideration by the Tariff Board in its report on cotton. I call attention to the fact that the Tariff Board suggests in its cotton report that it is the best practice in the mills it investigated to have 28 looms for 1 weaver, whereas this mill writes they are running 40 looms to each of 2 men, showing the board might have got some information if they had consulted this mill. And, further, the average in this mill of looms to weavers is higher than the average suggested by the board in its report.

By contrast, if testimony is needed to confirm what the report reveals of backwardness in some textile mills, it appears in these words of Mr. Eugene Szepesi:

There is a certain plant that I have in mind, a cotton-manufacturing plant using old machinery. They have old-style spinning frames; their mules are almost anno 1800. Their looms have been running 32 years. You can imagine how efficient this plant is. That plant is actually running at, we figured, something like 42 per cent efficiency. * * * All that manufacturer can do is to throw out his old machinery and start anew to bring up his efficiency. It is the waste of management, not of the worker, which has brought him down to this low figure.

[Applause.]

They are working with machines which are absolutely not much better than scrap iron.

And also in this further statement:

I had a mill where 37 per cent of the looms were idle because of repairs.

The statement of Mr. F. G. Patterson, auditor of the Pacific & Atlantic Mills, at the Dartmouth conference of last October, is also illuminating:

I have been working in textile mills * * * all my life, and I find that the information which it is necessary to have is not in the offices. * * * There are few costs used in the textile industry. The costs that they now have are made up semiannually or annually and are based upon estimates which are made at the time the cloths are first introduced, multiplied by the yards made, perhaps, and then an adjustment made to equal the actual expenditures. You will find that method in use in most of the textile mills.

People ask, "What good are costs if they are not got accurately? The goods are not sold according to those costs." That is very true; but there is a deficiency in the textile industry which is a very marked one. We are much behind the steel and shoe industries. We are now where they began. We are not getting our operation statistics accurately; we are only getting our balance sheets semiannually or annually. They can be obtained monthly, and are being obtained monthly in two textile mills that I know of, but I know of only two in this country.

These words from an experienced mill accountant I commend to the attention of the committee.

But the frankest admission of the use of the tariff to conceal inefficiencies appears in an article in the Iron Trade Review, of Cleveland, which says:

The American iron and steel industry requires a measure of tariff protection by reason of the fact that a number of improvements in methods and appliances have been made abroad, but have not secured general adoption as yet in the United States.

Could there be a plainer statement of the fact that the tariff is wanted because an industry is backward?

It is normal that along with poor equipment and low standards should go low relative wages, for the intelligence of the industry appears upon the whole not to have risen above the point where it is deemed economy to get the cheapest labor to be had. Then they groan because it is unproductive. If, again, we may take the 44 mills with which volume 4 deals as typical and forget that there are 869 others about which nothing is said on this point, it appears that 40 per cent of all the workers get from 10 to 14 cents an hour (p. 997), and 56 per cent of all are paid within the limits of 10 to 16 cents per hour, while over 11 per cent get less than 10 cents per hour. More than half the women (57.4 per cent) receive between 10 and 14 cents per hour. Just here it may be well to quote from page 1009:

In two worsted mills where the average earnings of weavers were low * * * the average efficiency was less than 70 per cent. In those mills the great majority of the weavers did not earn over $8 per week.

Under these conditions labor is normally restless, and we are not surprised to find (pp. 962 and 963) that though 46 per cent of all the workers had been in the industry over five years, but 29.5 per cent of them had been in one mill five years and 27.7 per cent of them less than one year. Furthermore, it is obvious that many attempt to support themselves by working in this industry, fail, and leave it for other work, so that into and through and out of the mills flows a constant stream of strangers. Out of 9,722 persons who had worked less than a year in the mill where they were employed more than three-fourths had worked less than a year at that occupation.

"The mills," says the report, "are at a disadvantage because of the large proportion of new and inefficient workers." And it is obvious this must be so. The conditions revealed are such as to make these mills the abode of the ignorant and the inefficient. The bright and clever men and women pass on to more productive labor or refuse to enter at all, and the weaker and less intelligent remain, and this will continue to be so as long as the industry is managed on its present basis.

And yet a word of caution is needed, because the figures in the report apply to but 35,029 out of 162,914, and we only know by inference as to the majority. The constant ebb and flow of inefficient labor appears, however, in the fact that though in 1910 but 13,233 persons were necessary to fill the positions in certain mills, yet 28,421 were hired in these mills to take the places of those discharged or who quit of their own accord (p. 984), or 115 per cent more than the average number at work. Not 50 miles from the centers of the textile industry in Massachusetts, where such conditions prevail, is a mill that has no trouble in getting 1,500 intelligent working girls, nine-tenths of them of American birth, to work at good wages, with

such efficiency that the mill products go to 50 countries. There is a waiting list of applicants at this mill. Compare the record of changing labor in the woolen industry with a shop in Brooklyn employing 550 men, where in 14 years a total of 166 men quit or were discharged, an average of 12 yearly, 1 a month. Possibly it partly explains this to add that in the Brooklyn shop an average wage of $17 weekly is paid, exclusive of all officers' salaries.

For the cause of the ancient equipment and the low standards and the inefficient labor we look to the fourth element revealed by this report, namely, poor management. It is not necessary to practical men to say much on this phase. The facts already cited tell it beyond all question of denial or explanation. Side lights upon it may be of interest, however. According to Industrial Organic Chemistry, wool grease can be profitably extracted from raw wool as a by-product, of which a value of $3.75 can be produced for 60 cents. The author of Modern Industrial Progress says (p. 591) that two or three million dollars' worth of wool fat and potash are still allowed to run to waste. The owner of a woolen mill who said his efficiency was 65 per cent saved none of this grease, and told me it did not pay to do so. I have not found this and kindred practical matters discussed in the report of the Tariff Board. The general index furnished by them contains nothing under the head of by-products. For a certain use it was necessary for the board to obtain the exact number of yards woven and the time used in the weaving. The report on page 1046 uses these significant words, "The mill records did not contain this information." And here I recall the words of the secretary of the National Association of Woolen Manufacturers:

This question of costs has been receiving increased attention from woolen and worsted manufacturers in the past few years.

Note those curious words, "the past few years."

On page 1047 is a pregnant allusion to "the idle time of the weaver when not working on loom production, such as waiting for new work, for filling, or for breakdown of the loom," and on the following page is shown a record of time lost in stoppages, said to be 16.7 per cent. This is an error in figuring. It should be 20.2 per cent. Again, it is interesting to note from page 629 that "the practices of the mills regarding depreciation are at the best as crude as they are varied," also that "imperfections in the carding and spinning often" (note that word "often") "make lumps in the yarn, which in most cases break in the weaving and have to be tied." It is suggestive to read, page 629, "as near to the actual costs as the mill itself was able to make them," and on page 627, that "wastes made in successive processes vary both with the skill and efficiency of men and machines and also with the business policy of the management." From page 954 it appears that over 20 per cent of the total force are "engaged in the general work that is necessary about any mill." These are nonproducers and distinct from the productive and supervising force. The proportion is large and makes a heavy handicap upon the industry. It is, however, taken from the 44 mills and from but 21½ per cent of the total operatives. It may be worse or better if the whole industry were known. We can not tell. It may be worse or better in some of the 44 mills. The report does not say. But it is hard to believe that under the best conditions and with keen management and well-paid labor it would be necessary to employ anything like one-fifth of the total force at nonproductive or indirect labor. And here again the board fail to enlighten us as to the best practice or the possible practice. We might have had a bright light on such matters had there been upon the board a manufacturer who could have said, "This may be true, but it is all wrong to have it true." Nor does the report tell us anything definite as to the extent to which accurate cost data are kept. We get such statements as, "In most mills no system of advancement exists from one class of work to another" (p. 965), and when the weaver has to wait for filling "this loss of time must be charged to the lack of efficiency on the part of the establishment" (p. 1045).

But, further than that, there are wide variations in cost and equipment and efficiency and wages and in many other elements; further than a general statement as to these things we get very little, though we are told (p. 641) that in the same mill the cost of similar "tops" varied from 4 cents to 9 cents per pound. Certainly it is true that the board had to find out some costs for themselves. Some information, doubtless, was furnished of value by some mills. We do not know which or where or to what extent, and still less do we know, respecting the statements of costs which are made up, the conditions which cause them and out of which they rise. It seems certain to me that if there had been one or more mills maintaining accurate, scientific, continued series of costs under the charge of competent accounting officers, showing the profit and loss in each deparment over a period of time, that this would have appeared in the report or its existence have been made known. The absence of any statement from any mill of a complete tabulation of manufacturing costs covering all processes, allowing for wastes, by-products, and burden charges, and showing production on a modern scientific basis, is one of the most significant facts about the report. [Applause.]

As a close to this part of my argument let me quote from a letter of April 9, 1912, to me from C. E. Knoeppel, Laporte, Ind.:

If concerns would put their conditions in the best possible shape, if the daily activities were properly coordinated, if operations were standardized, and the men paid the best possible wages, the matter of cost and wages would be a small factor compared with the gains that could be realized through the elimination of wasteful practice and furnishing encouragement and incentive to the men.

Manufacturers should consider their men as assets and forget about wages as expense. If they would do this, if they would take more pains in conserving their energies, directing their efforts, and encouraging them in their work, not only would there be less labor trouble, but costs and prices would strike a much lower level and the men receive more in wages.

But the report we are discussing shows more plainly than anything else the absurdity of a tariff based on alleged differences in the cost of production. Let us see how costs differ between American mills—recalling again that we are dealing with but 43 or 44 mills out of 913—and in order to show the common fallacies more clearly, let us show side by side for each of many processes the variations in the hourly wage rate and in the actual labor cost:

Process.	Page.	Hourly wage rate varies from—	Labor cost per 100 pounds product varies from—
Scouring	1022	12 to 18 cents	5 to 34 cents.
Carding, worsted	1024	10 to 17½ cents	19 to 69 cents.
Carding, wool	1026	9½ to 16 cents	62 cents to $1.02.
Combing (Bradford system)	1028	9 to 13 cents	48 cents to $1.70.
Combing (French system)	1030	10 to 13 cents	86 cents to $1.46.
Drawing (Bradford)	1032	9 to 14½ cents	$1.17 to $3.22.
Drawing (French)	1034	10½ to 14½ cents	$1.45 to $2.23.
Frame spinning, worsted	1036	6 to 13 cents	$1.38 to $4.66.
Mule spinning, worsted	1039	12½ to 19 cents	$2.24 to $6.20.
Mule spinning, woolen	1041	11½ to 27 cents	$1.18 to $3.61.
Looms, woolen	1049	(1)	(3).
Looms, worsted	1050	(2)	(3).

[1] Efficiency varies from 55.09 to 78.80 per cent, or 43 per cent.
[2] Average of mill.
[3] Efficiency varies from 52.28 to 67.06 per cent, or 67 per cent.

It is perfectly evident from the above that inasmuch as the labor cost per unit of product varies out of all proportion to the hourly wages, that the latter element is not the sole controlling factor that fixes the labor cost. This last is effected by many elements other than the hourly wage—by the run and the kind of yarn and by other factors which may be summed up in the one phrase "quantity and character of product," or, as the board says, page 645, "figures will vary widely according to the output."

Take a few examples in detail. On page 1022, mill No. 4, with an average hourly wage rate for machine operatives of $0.1499 and for supervision of $0.3298, has a labor cost for scouring of 5 cents per 100 pounds. Mill No. 14, with an average hourly wage rate for machine operatives of but $0.1216 and for supervision of $0.2416, has a labor cost for scouring of 21 cents per 100 pounds—lower wage rate, but four times the labor cost.

In the carding process, page 1024, mill No. 15, with an hourly wage rate of $0.1186, had a labor cost of $0.69 per 100 pounds, while mill No. 3, paying an hourly wage of $0.1318, had a labor cost of but $0.19 per 100 pounds. A higher wage rate and less than one-third the labor cost.

In the work of combing, page 1028, three mills making substantially the same count of yarn—Nos. 7, 8, and 9 mills—show a variation in labor cost per 100 pounds from 1.08 to 1.38, and the mill with the lowest labor cost pays the highest average hourly wage rate.

In spinning, page 1036, mills Nos. 4 and 5 make nearly the same average count of yarn. No. 4 pays to machine operatives $0.1329 hourly rate and has a labor cost of $1.80 per 100 pounds. No. 5 pays $0.1178 hourly and gets a cost of $4.31 per 100 pounds.

The piecework rate for weaving a 50-pick fabric varies 25 per cent—7.90 to 9.77—between six mills (p. 1015).

Many more examples could be given from the report to show that even within its meager scope the fact comes clearly out that any attempt to cover by a fixed tariff the difference in labor cost is absurd. The cost of turning yarn into cloth varies in the United States from 60 per cent to 170 per cent higher than the English cost, according to fabric (p. 17). The difference between United States and Germany, the board says,

is less. Shall we provide a separate tariff for each country and for each fabric from each country? Even if so, how shall we provide for local differences in wage and management and conditions within each country, for (p. 16) the board says there "are wide variations in both countries from mill to mill"? The thing would be a joke were it not serious. If ever a fiscal theory had its bottom knocked out, this is it. Let it be thrown in the scrap heap of our financial history never again to raise its diminished head. [Applause on the Democratic side.] It has been a source of great gain to what our board pleasantly calls our "more highly organized establishments" (p. 996). It has kept alive an assorted lot of industrial derelicts, but its day is over. Soon there will be "none so poor to do it reverence." Over its early and welcome grave let this extract from page 256 be written:

The work done by one comb, one spindle, one loom, or one person in one country is not necessarily equivalent to the work done by a machine of like name or a person in another country.

[Applause on the Democratic side.]

The speed of a spindle may be greater in the United States than in Germany; the looms of the United Kingdom may run more picks to the minute or have on the average a wider reed space than the looms in France; the production turned out by a man or woman in an American mill may be greater for a given time than by a man or woman abroad.

What, then, is the value of our Tariff Board? It has shown substantially that the Democratic wool and cotton bills were based on knowledge and were right and wise. [Applause on the Democratic side.] It has developed that tariff studies under "rush orders" are as incomplete as they are expensive. It has been a costly but not a conclusive experiment. [Applause on the Democratic side.] The work it has attempted to do may—so far as it is feasible at all—be better done and done more cheaply as the regular duty of a particular bureau given ample powers and charged with a continuous rather than a sporadic effort and inquiry. Another epidemic or spasm of tariff study is not needed. A careful continuous inquiry into all the facts of industry, covering a long period of time, can not but be useful. There is room for a bureau of domestic and foreign commerce which shall gather and digest facts relating to our own and foreign industries. There seems no special requirement for a board confined to tariff study. [Applause on the Democratic side.]

Costs can not be predicated on a few mills or a short period. Already in some of the mills on which report is made the facts given are altered. The Tariff Board has come, lived its feverish and troubled life, and will turn over its work to a more efficient and continuous successor, which will, we trust, learn from its career that industrial problems can not be grasped with a "hop, skip, and jump," and that in manufacturing the unseen rather than the obvious facts are controlling. [Applause on the Democratic side.]

But the experiment has not been in vain if we have learned that it is as wrong to tax ourselves to support inefficient mills as to sustain incompetent doctors and lawyers. Attention having been called to the cost of production, we have found that to be a complex and difficult subject, variable in nature and multiform in character. Even by those who have long studied the science of costs the exact relations of its various elements are not always known.

The threats of reducing wages to keep cost down are, however, now known to be merely indicative of the ignorance of those who make them concerning the causes of cost.

The Democratic Party repudiates the idea of proceeding with tariff reform in ignorance. It seeks the widest truth; it is not content with half truths. It will not deal with our industries in an impatient or drastic spirit. It recognizes that upon our industrial prosperity the welfare of us all largely depends. Silent mills and closed doors have no charm for us. But we repudiate the industrial baron; we require the industrial servant. Our industrial philosophy is that of Him who said, "He that would be greatest among you, let him be your servant." [Applause on the Democratic side.] We would substitute for a protective-tariff platform a new declaration of industrial independence. We offer an affirmative, not a negative, teaching. We would replace protection with self-help, childhood with manhood, shackles with freedom. Our industries will never be as strong and sturdy as they ought till they become self-reliant. [Applause on the Democratic side.] For such self-reliance the Democratic Party hopes, and hopes with the strong confidence of a friend and not with the sinister design of a foe. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CLAYTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, how much time has been used?

The CHAIRMAN. The gentleman from New York has used 2 hours and 45 minutes, and the gentleman from Illinois 1 hour and 40 minutes.

Mr. MANN. Mr. Chairman, by direction of my colleague [Mr. CANNON] I yield 45 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, down on the Isthmus of Panama we are completing the most spectacular and monumental work ever undertaken by man. Culebra's mighty gash, the concrete canyons of the locks, the stupendous dam of Gatun, all stand unique in grandeur among the works of man.

The manner of accomplishment has been in honorable keeping with the magnitude of the undertaking. Science and courage conquered the terrors of the climate, trained and unerring judgment laid the plans, genius wrought and industry executed, and devotion and loyalty of the highest order marked the mighty consummation.

To have accomplished the task is heroic; to have achieved it in the manner of its accomplishment is glorious. No useless sacrifice of life, no needless suffering or pain, no unseemly bickering or strife, no turmoil or disorder, no hint or stain of scandal has dimmed the luster of the achievement.

The roll of those who blazed the way, who planned the work, who directed and performed it, is one long roll of honor—the commanders, the captains, and the loyal soldiers of a mighty triumph of peace.

Soon all will be finished, and over the watery stairs the huge leviathans of the deep shall pass from west to east, from east to west, and the water girdle of the globe will be complete.

And now the question confronts us, What shall we make the history of the great waterway? Shall we give it a birthright of peace in keeping with its glorious purpose, or shall we fling open the portals of the temple of Janus and dedicate it to the god of war?

The decision is with us. The responsibility is ours. As we sow so shall our children reap. Shall we bequeath to them in this mighty enterprise a legacy of peace and power, or shall we create a heel of Achilles whose every wound shall give them pain and torment?

I hold it to be a truth susceptible of the clearest demonstration that every consideration of good faith, of prudence, and of patriotism urges us to invite all the civilized world to join with us in establishing and maintaining the complete neutrality of the canal for all time.

I maintain that only by such an arrangement can the canal be made of lasting and permanent benefit to our people. Any other course will involve vast expense, and in time of war will defeat the useful and beneficent purposes for which the project was undertaken.

I shall not at this time enter upon a discussion of the question of our right to fortify the Panama Canal. I regret to have to say that, in my opinion, some of our people do not particularly care what our treaty obligations are in the matter. At any rate, no nation is likely to question our right to fortify. So far as I know, no nation has any objection to our doing so. The great nation with which we now have a treaty purporting to neutralize the canal is evidently not unwilling that we shall fortify it.

I base my opposition to the fortification of the canal on the ground that it involves vast and needless expenditure, running so long as time shall last, and that instead of being a benefit and a defense, fortifications will be in time of war, whether we are engaged or not, a source of endless trouble and embarrassment, and if we are engaged, of weakness and disaster. Fortifications invite bombardment; unfortified places are exempt from bombardment by international agreement.

COST OF FORTIFICATIONS.

For the sake of argument, let us assume that we are to fortify the canal. What will be the cost? The first estimates of the initial cost of fortifications at Panama, including quarters for a comparatively small number of men, were between twenty and twenty-five million dollars. These estimates did not, however, include all the work and batteries that would be

necessary to protect against either a sea or land attack. It must be borne in mind that if we are to fortify the canal it is as important that it be defended against land attack on both sides as that it shall be protected against attack from sea at either end. In fact, in case of war with any formidable power the canal is more likely to be attacked by land than by sea. In any event, any serious and determined attack by a powerful enemy is certain to be by land and sea simultaneously. We must therefore estimate for both land and sea defense; and taking these matters into consideration, as well as the fact that the first estimates for war defense are invariably too low, it is most conservative to estimate the ultimate cost of the complete fortification of the Panama Canal, including the necessary quarters for garrisons, at $50,000,000.

The smallest force that has been estimated as adequate to guard the canal if we fortify is from 8,000 to 10,000 men of all arms; the latest official estimate is 12,000. Such a force would be expected to protect the canal against an ordinary landing party from a hostile fleet, but would not be expected to be sufficient to hold the canal against an expeditionary force. To maintain such a body of troops in the Tropics will cost from $12,000,000 to $15,000,000 annually. Renewals and repairs of fortifications would cost at least $5,000,000, or a total of at least $20,000,000 and probably $25,000,000 per year for purely military purposes. Thus the cost of fortifications and troops for the first 15 years of peace would amount to the cost of the canal, and this does not take into consideration the enormous expenditure now proposed for naval stations at Panama.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MOORE of Pennsylvania. Those figures pertain only to armament?

Mr. MONDELL. My estimate of $50,000,000 was for land fortifications and quarters for men. My estimate of $25,000,000 annually is for the maintenance of those fortifications and pay and keep of the men.

Mr. MOORE of Pennsylvania. And they have no reference to the maintenance of the men who operate the canal?

Mr. MONDELL. None whatever. This is purely military outlay. The estimate of first cost of fortifications is $50,000,000. It would be unnecessary to spend any dollar of that if we are not to fortify the canal. It will cost at least $20,000,000 to $25,000,000 a year for upkeep and garrisons, and no dollar of that would be necessary if we were not to fortify the canal.

Mr. MOORE of Pennsylvania. The gentleman's estimate, then, is a side issue altogether, and has no reference to the commercial aspects of the canal at all?

Mr. MONDELL. Absolutely not at all.

Mr. MOORE of Pennsylvania. Or to its maintenance in any way as an engineering enterprise?

Mr. MONDELL. Not at all. No part of the sums I am referring to would have to be spent if we did not fortify the canal.

Mr. MOORE of Pennsylvania. Will the gentleman permit one more question?

Mr. MONDELL. With pleasure.

Mr. MOORE of Pennsylvania. I think during the whole of the discussion of the Panama Canal bill we had no information from anyone as to that country from which an attack might be expected upon the canal. I would like to know whether the gentleman, in his inquiries among military men, has been able to determine from what country, if any, we are likely to have an attack and what nation would be inspired to take the Panama Canal?

Mr. MONDELL. If the gentleman will bear with me, I expect to discuss that in detail a little later.

Fortification of the canal means therefore an outlay, even though we have no war, of a sum sufficient to build four Panama Canals every century, and this must, under the plan of fortification, go on forever. How vast the outlay would be in case of war no one can estimate, and how fruitless it would be I will attempt to point out later.

THE RESULT.

What benefits will this vast expenditure bring us? In time of peace nothing, for no protection is needed. In time of war to which we are not a party the fact of the canal being a fortified place will increase our difficulties if belligerents meet there. In case of war in which we are engaged if our enemy commanded either approach to the canal, and particularly the Caribbean Sea, the canal would be blockaded and our fortifications would be useless—"as idle as a painted ship on a painted ocean." On the other hand, if we commanded the Caribbean Sea with our Navy the fortifications would be unnecessary.

If we were at war with a really formidable power desirous of seizing and holding the canal, the harbors at a convenient distance on either side of the Canal Zone afford favorable opportunities for landing troops for a land attack. No fortifications at the termini of the canal can protect against such an attack. Command of the adjacent seas by our Navy would prevent it.

The fortification of the canal makes it our one vulnerable point of attack in case of war. An enemy would be likely to first strike there because of its being far remote from our continental base; and the canal, if taken, a valuable prize. Instead of being able in some measure to select the scene of conflict, we would be compelled to accept the gage of battle at the point our enemy selected. Thus Panama would be a veritable heel of Achilles. Our fleets must concentrate there and an army must be dispatched and maintained amid the dangers of that tropical climate to guard against expeditionary forces. There is scarcely a civilized nation with which we would not be at a disadvantage in such a conflict, limited as we are in transport fleets; and after all, the outcome would depend on our Navy. If we lost control of the sea, our hold on the canal would be precarious, only to be assured by the utmost exertion and at enormous cost. How foolish it would be when it can be avoided by holding the canal neutral.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Certainly.

Mr. MADDEN. Would it be of any more use to anybody else if they took possession of it, if fortified, than it would be to us fortified? The gentleman said it would be a very valuable possession to some foreign nation if it took possession of that canal.

Mr. MONDELL. I assume that the canal, which will cost us $400,000,000, is of value.

Mr. MADDEN. Would it be any more valuable to them than it would be to us?

Mr. MONDELL. If the canal is fortified, it can be lawfully taken as a prize of war and held after the war is over unless we defeat our enemy and can compel its restoration.

Now I come to the point which the gentleman from Pennsylvania [Mr. MOORE] suggested—Who do we expect a war with?

FORTIFICATIONS AND WAR.

Let us assume that the canal is fortified: that we have spent $50,000,000 for fortifications and $50,000,000 more for a naval base or station, and for years have expended from $5,000,000 to $10,000,000 annually for upkeep of our military works and another $15,000,000 a year for troops, and that eventually we have a war. It is difficult at this time to conceive the possibility of a great foreign war; but if we are to fortify, it must, of course, be in anticipation of such a war, and therefore we must concede that such a war is possible.

Let us assume the altogether improbable contingency, that we have a war with Great Britain. No one pretends to believe that we could hold the Caribbean Sea, the Atlantic end of the canal, against such an enemy. To attempt it would necessitate the use of our entire Atlantic Fleet in that region, leaving our Atlantic coast unprotected. The enemy having blockaded the Atlantic end of the canal, it would be useless and valueless to us. Whether or no a land attack was made would depend upon what terms we were willing to make with regard to use of the canal for merchant ships. If we were willing to allow all merchantmen except our own to pass through, such an arrangement would probably be agreeable to the blockading squadron. If we insisted that our merchantmen or none should use the canal, none would use it as long as we held the waterway, in which event the enemy would probably make a land attack.

We might be able to hold the canal against landing parties from a blockading fleet, in which event England, with her vast transport fleet, could in a very short time land an expeditionary force sufficient to take the canal. Having lost control of the Caribbean Sea, we could not transport an army or make a landing except possibly by way of the Pacific, which, assuming it could be done, would be so long delayed that the canal would be taken and held as a prize of war, open to all the world except ourselves.

Nor must we forget that a new engine of war of seemingly tremendous efficiency for destructive purposes is being rapidly perfected. An aeroplane launched from the deck of a hostile ship outside the fire zone of our fortifications, or from any vantage point in the surrounding territory, can easily drop explosives powerful enough to destroy the locks and put the canal out of commission.

Against such a procedure on the part of England may be urged the treaty under which she pledges her support against blockade of the canal, but such an argument can scarcely be

made by those who are insisting on fortification on the ground that treaties of neutrality are made to be broken. Furthermore, our treaty with Great Britain guarantees the passage of warships at all times, and as fortifications are being primarily urged to prevent our enemy in war from putting vessels of war through the canal, it must be assumed that if we fortify we expect to prevent England, in case of war with her, from putting her fleet through; and if we did that, we ourselves would be the first to break the treaty, thus relieving England of all responsibility under it.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MONDELL. I will be glad to, although my time flies.

Mr. MARTIN of South Dakota. As the gentleman seems to be going upon another point than the right to fortify——

Mr. MONDELL. I am going to get to that later, and refer to it very briefly, because I realize that the arguments of expediency are sufficiently forceful to convince those who do not seem to care anything about treaties—unfortunately there seem to be many such.

Mr. MARTIN of South Dakota. Before the gentleman leaves the question of expediency I want to ask him a question.

Mr. MONDELL. I have just started on this question of possible war, and if the gentleman will let me work out my war game after I have gotten through with that I will be glad to yield to him.

But it will be said that war with Great Britain is impossible; that in any event Canada is a hostage against such an eventuality. Accepting that view of the matter the inevitable conclusion is that in any event we are not fortifying against Great Britain. Against whom, then, are we fortifying?

Let us substitute Germany or France for Great Britain and see how the war game would work out. Germany has a larger navy than ours, France a smaller. With the canal fortified it becomes a prize of war to be blockaded and taken, if possible, and deemed desirable on the part of our enemy. It would be the one point of our possessions which a European fleet could reach as quickly as our own. The result would be a naval battle in the Caribbean Sea. If we were successful, the canal fortifications would be needless and useless. If we were defeated, the canal could not be held long against landing parties and not at all against expeditionary forces which would follow the enemy's victorious fleet. Whatever happened later or elsewhere, the enemy would have a prize of war of vast value, to hold with the fortifications we had built, or to destroy, as seemed advisable.

It may be said that we might have war with some other nation with a less powerful fleet than ours, and without sufficient landing forces to make a successful land attack. Such a nation could establish a blockade which it would be necessary to break, and this could only be done by our fleet; and if our fleet destroyed or disbursed the enemy's fleet, the fortifications would again be useless.

There still remains for consideration the oriental power which our rampant militarists love to scare us with whenever a large naval appropriation is desired—the alleged yellow peril, Japan; therefore it is incumbent upon us to plan a war with Japan with Panama fortified.

The ghost dancers, who develop a fine frenzy at the thought of this friendly power 8,000 miles away, solemnly assure us that Japan could most any day take and hold our Pacific coast. If this be true, the canal would be easy picking; a Japanese fleet could blockade and render it useless, and the landing of a force sufficient to take the canal would be a summer picnic.

But, assuming that no attempt were made by any power with which we might be at war to do more than blockade the canal, we would be unable to get a fleet through it, or if we did we would be compelled to accept the gage of battle with conditions as disadvantageous as those which surrounded Cervera's fleet when it issued from the harbor of Santiago.

A NEUTRALIZED CANAL.

So much for fortifications. Now, let us see what the situation would be without fortifications and with the canal neutralized by action of all the great powers. Of course, I am assuming that it would be possible to secure such a pledge of neutralization and mutual protection as we now have with England. Does anyone doubt it? I think not; at least I have heard no suggestion that Panama could not be placed on the same plane as Suez.

It is to the interest of all the great powers to agree to such a plan, not because they have any objection to our spending our money building fortifications if we want to do so but because they all expect to have merchant fleets using the canal regularly and desire to have the passage of such fleets uninterrupted in event of war.

Assuming, then, the canal neutralized and all free to use it in war and peace, what would happen in case of a war to which we were a party? There would be no temptation for our enemy to take and hold the canal, for under the laws of nations it would not be a prize of war, and therefore any nation rash enough to attempt it would be compelled to give it up and be subjected to heavy penalties unless all the nations of the world repudiated their solemn treaties in favor of our enemy.

But, shout our jingoes, "It is unthinkable that we should allow our enemy in war to put his ships through our canal." That sounds big and bold and appeals to the unthinking. Why not allow our enemy to put his ships through our canal if by so doing we can save hundreds of millions in time of peace and, in any contingency that can be conjured up by a normal mind, will be better off in time of war.

It has often been said that the canal doubles the efficiency of our Navy because it gives us a short route from one coast to another. That is a pretty figure of speech which never was and never will be more than one-half true. Let us assume, however, that with the canal and a reasonable area of sea at either end neutralized, in time of war or threatened war, we desired to put a fleet through the canal, that procedure would be perfectly safe and feasible and we would come through ready to fight.

Conjure up if you can any contingency under which any possible enemy would want to use the canal in time of war with us for the passage of a fleet. For an illustration, let us assume again it were possible for us to have a war with England. What part of her fleet would she desire to put through the canal? The canal not being available as a prize of war, England's Atlantic fleet would strike us along our Atlantic coast or in the West Indies; her Pacific fleet would strike our eastern possessions or our Pacific coast. The conditions under which she would desire to put a fleet through the canal are unthinkable.

The same reasoning would apply to any other European power with still greater force. The most lively imagination can not evolve a theory under which Germany or France, for instance, in case of the improbable contingency of war with us, would have any reason for putting a fleet through the canal. We would keep them busy on the Atlantic, and if they had fleets on the Pacific they would be much better occupied attempting to take our rich ports there than in chasing through the canal to strike us on the Atlantic.

But, again, we must not overlook Japan, or our alarmists will insist that we are already wiped off the map. In case of the utterly improbable event of a war with Japan, that power will be very busy, first in the Philippines, next in Hawaii, and if successful there, along the California, Oregon, and Washington coasts; even Alaska as a prize of war would be of great value to Japan, while a neutral canal would be of no value at all. As for Japan desiring to send a battle fleet through the canal, it is unthinkable.

Of course, it will be claimed by our militarists that international neutralization is an "iridescent dream"; that nations will disregard all treaties if it is for their interest to do so. If this be true, why are we urging peace treaties, why has all the world laid down laws governing the conduct of civilized war, prohibiting the bombardment of unfortified places and protecting private property on land in time of war, and how does it happen that these rules are not violated?

It is not true, as every student of history knows, that treaties of neutrality are disregarded, and it but proves the rule to quote the few exceptions to it.

But admitting, for the sake of argument, that our own Nation or any other nation might, under stress, throw to the winds all solemn treaty pledges, does it follow that all the world would allow the wanton disregard by any one nation of obligations to which all were a party and the observance of which was to the highest and best interest of a majority of all nations at any given time.

The interests of all nations are served by maintaining an open canal at all times. When an important section of the ships of all the maritime nations shall have adopted the canal as a portion of regular or intermittent voyages, a blockade or closing of the canal will be a most grievous hardship. All the world's commerce wants with the canal is the right to use it on fair terms; these terms must be given or the world's fleets can not and will not use it in competition with other trade routes.

The nationality of the ownership of the canal, if it is neutralized, is not material to the commerce of the world, but unquestionably all of Europe and Asia prefer our ownership to that of one of their own number. Therefore it would at all times be to the interest of a majority of the nations of the world to keep the pledges all had given.

Does the most pessimistic and doubting soul believe that the nations would brook the violation by any one or two of them of a pledge to which the honor of all were bound and in the keeping of which all were benefited? To put it in concrete form, if all the civilized nations joined in a pledge that the canal was to remain neutral and unfortified for all time, free from seizure and blockade, does anyone believe they would allow Germany, for instance, or Japan, to seize the canal or blockade it? And if such or any other power did so, would not the world join in a demand for complete restoration? And do we expect to become so weak and pusillanimous that we could not force upon any nation that attempted to flout the pledge of all the world a final settlement which would fix the neutrality of the canal for all time?

As a matter of fact, the canal is now neutralized and will remain so without any further treaties if we do not commit the stupendous blunder of fortifying it. Our treaty with Great Britain neutralizes it, unless we forfeit that neutralization by an act of war. The formal and official assent of the civilized nations, as I have suggested, would be wise, but would not be absolutely essential if we do not fortify and do make it clear that we interpret our treaty with Great Britain in accordance with its letter and spirit as establishing a canal open at all times to the ships of all nations.

Now, I will yield to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. Simply upon the argument the gentleman has developed with regard to expediency the gentleman has developed an argument that it will be much safer not to fortify the canal property, because if fortified it becomes open to an attack by belligerents.

Mr. MONDELL. Yes.

Mr. MARTIN of South Dakota. Would that same argument of expediency apply to the question of the fortification of New York Harbor or any other strategic point in this country?

Mr. MONDELL. Oh, no; the gentleman knows it would not apply to the same extent. One involves the maintenance of our national integrity, the prevention of attack upon our homes and firesides, the other the question whether or no we will use a great canal that we have builded thousands of miles away from our shores for the purposes for which it was originally intended, or place ourselves in a position where it will be the one vulnerable point that an enemy will strike and where we will be at the greatest disadvantage.

Mr. MARTIN of South Dakota. Is not one just as truly our property as the other?

Mr. MONDELL. Not in the same sense, as the gentleman knows. I am sorry I have not the time to go into that, but my time is limited, as the gentleman knows.

Mr. MARTIN of South Dakota. I do not think the gentleman has cleared up the subject by any manner of means.

Mr. MONDELL. The two propositions are so dissimilar that there is no reasonable comparison. The one refers to a great work of commerce, far from our shores, a work designed to accomplish certain specific purposes. The other to our homes and property which we must defend and care for, we can not neutralize all our territory. We are proposing treaties of arbitration, the effect of which we hope would be to largely avert war everywhere; but all the nations of the world would be glad to join with us now in the neutralization of the Panama Canal. Let me further call the gentleman's attention to the fact that New York City, for instance, to which he has referred, is to a certain extent neutralized, together with all unfortified places, by international agreement. We have fortifications at the entrances of New York Harbor, but no fortifications at New York. If an enemy were to reduce the fortifications at the entrance to the harbor he could not, without violating the rules of war, bombard New York, because it is not fortified. What we propose at Panama is to carry the idea of exemption from bombardment and capture still further.

NAVAL BASES AT PANAMA.

Of late a new scheme has been hatched by military ambition in connection with the canal. It is now proposed to establish a fortified naval base or station at one or both ends of the canal, and this means an additional expenditure of fifty or one hundred million dollars, depending on whether we are to have one or two. I have purposely avoided discussing at length our right to fortify the canal, but if we have any such right it can only be for the purpose of defense. It is clear that neither our treaty with Panama or Great Britain authorizes the use of the Canal Zone as a military base, independent of the needs of protection. Such right of war is expressly prohibited by article 3 of the Hay-Pauncefote treaty. But again, if we had full authority to do this thing, it would be the height of folly to attempt it. We have a naval station in Cuba at Guantanamo, we have on the Pacific ports and bases nearer the canal than any other strong nation, and it would be folly to establish a base or bases at Panama if we had the right to do so.

We have a most important outpost at Hawaii. If Pearl Harbor were fully fortified and protected, no hostile fleet would ever cross the Pacific, and we would be doubly secure if we were to fortify Pago Pago in Samoa. These are natural bases which, if strongly fortified, no Asiatic nation would send a fleet with hostile intent beyond them. But whether they be fortified or not the Canal Zone should never be.

And yet the sundry civil bill, which provides for the Panama Canal, does not carry a dollar for the most important of all our outlying fortifications—the fortifications of the islands of Hawaii.

Mr. SHERLEY. I desire to say to the gentleman it would not be in order to carry them on this bill; they are carried on the fortifications bill.

Mr. MONDELL. Well, it is not——

Mr. SHERLEY. It is in the fortifications bill.

Mr. MONDELL. A small amount.

Mr. SHERLEY. Oh, no; there is everything they ask. It will be one of the most strongly fortified places in the world.

Mr. MONDELL. I hope it will be; it should be.

Mr. SHERLEY. I know it will be.

Mr. MONDELL. But I am afraid it will not be if the present parsimonious policy of the majority side of the House continues.

Mr. SHERLEY. Of course, that has nothing to do with the facts. They got all they asked for for the Hawaiian Islands.

Mr. MONDELL. I am glad to know that.

Mr. SHERLEY. I am glad to inform the gentleman.

Mr. MONDELL. Because, as I have said, Hawaii is a natural naval base, and if Pearl Harbor is strongly fortified no Asiatic power would send a fleet with hostile intent beyond it.

OUR RIGHT TO FORTIFY.

I have based my argument against fortifying the Panama Canal on grounds of expediency; those grounds are amply sufficient to condemn this act of stupendous folly; and if our people are so unmindful of their often expressed purpose in the building of the canal, and so careless of their solemn obligations as to overlook and ignore them, they should at least harken to the arguments of self-interest.

The fact is, however, that our right to fortify the canal for the purpose of closing it at our pleasure or denying its use to any and all comers is prohibited in express terms by our treaty with Great Britain and by reasonable implication by our treaty with Panama.

Article 3 of the Hay-Pauncefote treaty, ratified February 12, 1902, is as follows:

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

Taken by itself or in connection with the convention of Constantinople, which it substantially adopts, this treaty clearly contemplates a neutral canal.

No words can be plainer or clearer than the words in the treaty of Constantinople neutralizing the Suez Canal, which are adopted by the Hay-Pauncefote treaty; they declare that the canal shall be "forever free and open to all nations, in time of war as in time of peace, to all vessels of commerce or of war, without distinction of flag."

The treaty of February 26, 1904, with the Republic of Panama grants us "the perpetual use, occupation, and control" of the Canal Zone for the "maintenance, operation, sanitation, and protection" of the canal, and "for those purposes" grants us the right to fortify. No fair interpretation of this language would authorize us to build or use fortifications as a war asset or without a view of closing the canal, for to do so would not protect it, but place it in jeopardy; and, in any event, nothing in this treaty could absolve us from our obligations under the treaty with Great Britain.

But it will be urged that Great Britain has not objected to our building fortifications at Panama; certainly not. Why should she? The mere fact of our spending millions in fortifications at Panama does not absolve us from our obligation under the Hay-Pauncefote treaty not to exercise "any right of war" or commit "any act of hostility" within it; and no such right or act can be exercised or committed within it without violation of our treaty obligations with Great Britain.

This being the state of affairs, we could not fire a hostile shot at Panama, except for the purpose of preventing damage to the canal, if the zone bristled with guns and was swarming with soldiers. In other words, we have no right to prevent Great Britain at least, and by a fair interpretation any other power, from passing ships of commerce or of war through the canal at any time.

By the terms of the treaty Great Britain is equally obligated with us to protect the canal. If we are simple enough to spend hundreds of millions for the alleged purpose of protecting the canal, thereby largely or wholly relieving Great Britain from her share of the responsibility, while at the same time the right to use it is at all times hers, why should she object?

It is said that the great war lord of Germany, in a conversation with Col. Goethals, approved of our fortification of the canal. There is nothing strange about that; the German Emperor is enough of a military man to know that our fortifications would count for nothing in the improbable event of hostilities between his country and ours, if the German Navy were strong enough to whip us in the Caribbean Sea. If it were not, an attack on the canal would be not only impossible, but of no lasting value. Furthermore, the German Emperor is having a hard time to get his Parliament to vote money enough to carry on his military program, and any expenditure anywhere for war perhaps gives him additional argument for his ambitious plans.

OUR NATIONAL POLICY.

In our silly aping of the fortified camps of Europe, in our foolish ambition to keep abreast or in the lead in the mad race for armaments which is bankrupting Europe, in our sinful vanity to make a vulgar display of our power as some people do of their wealth, we have entirely overlooked and forgotten our real purpose in building the great waterway.

Let us revert for a moment to what some great Americans representing the view of our Nation at the time they spoke no less than the true sentiment of our people now, have said on the subject.

In 1826, Henry Clay, Secretary of State under President Adams, said:

If this work should ever be executed, so as to admit the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe alike.

President Polk in a message to the United States Senate in 1847, speaking of an Isthmian Canal, said:

The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

In 1858, Mr. Blaine, as Secretary of State, wrote our minister at London as follows:

The United States recognized the proper guaranty of neutrality as essential to the construction and successful operation of any highway across the Isthmus of Panama.

In 1885, the only President the Democratic Party has elected since the Civil War, President Cleveland, said:

Whatever highway may be constructed across the barrier dividing the two great maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition.

Coming down to the very recent past, we have the declaration of President Roosevelt in a special message to Congress, as follows:

The principle enunciated by Secretary Cass was sound then and is sound now.

How does it happen that we have forgotten the words of wisdom thus uttered, unless it be because we have temporarily been listening to the voice of the alarmists, the jingoes, and the militarists, and have failed utterly to consult our judgment and counsel with our sense of honor, prudence, and discretion. We talk loudly of world-wide peace and strenuously advocate international arbitration; we proclaim ourselves a nonmilitary and peace-loving people; and yet we propose a policy with regard to Panama which the armed nations of Europe refuse to apply to Suez. Was there ever such an exhibition of blind inconsistency? I can not believe that we shall reverse our fixed and announced policy toward the canal, repudiate or ignore our treaty obligations, and plunge into the expenditure of hundreds of millions to do a thing which is not only a wicked and useless waste of the people's money, involving a sordid sacrifice of valuable lives in the Tropics, but will, in the day of test and trial, prove to be utterly vain and purposeless.

Do we realize what our militarists are leading us into in this matter? I fear not. For a time we were assured that the building of the canal would practically double the effective force of our Navy. Now we are told that we must spend as much as 10 battleships would cost to make this doubling of naval strength effective. Next, we must spend as much as 10 more battleships would cost to supply a base at the point where the doubling of effectiveness is supposed to be accomplished. Following that we must, according to these same military experts, spend at least $25,000,000 per annum for upkeep of fortifications and for men to insure the doubling of effectiveness, and lastly, the Navy now informs us that as the control of the sea at the ends of the canal is necessary to its protection in time of war, which is true, we must increase the size of our Navy. After having followed, as well as I am able, this tangled maze of alleged military and naval necessities growing out of the canal, I am convinced that it would be infinitely cheaper and more effective to keep a goodly fleet on both oceans, and forget we have a canal at Panama. The fact is, however, as I have already pointed out, that the canal will be of real service to our Navy, both in war and peace, without spending a dollar to protect it, and only in this way can it be of service in war.

Let us disabuse our minds of the idea that the canal can ever be a valuable war asset—"an outer line of defense"; "an outpost for military operations." Its character and situation render it valueless for these purposes. It is essentially a work of peace; our national contribution to the comfort and convenience of the world's commerce as well as our own. Our great statesmen have all so recognized it—only a temporary spasm of military madness suggests any other view of it.

We are fortunate that our treaty obligations are in harmony with our highest and best interests in this matter; that only by observing our promise to neutralize the canal can its safety be assured. We are further fortunate that the canal will be highly useful to us by affording a short route for our Navy from one coast to another without necessitating any expenditure on our part to keep it free from blockade. We are fortunate that it will be, for all time, to the interest of at least the major portion of the world, to keep the canal open and free from blockade, for thus the keeping of treaty obligations which the world is willing to assume will be a matter of self-interest as well as international honor. As a truly peace-loving people, in spite of our jingoes and alarmists, we are fortunate that we have the finest opportunity ever presented to a people to dedicate an important section of the world's highways of commerce, to permanent tranquillity, and at the same time serve our highest and best interests.

Of course it is not proposed that the canal shall be left at the mercy of cranks, evil-minded persons, or irresponsible bodies of marauders; our ownership demands, and our treaties recognize such protection. A small force a few hundred men at most, a few rapid-fire guns, and the canal is as well protected against any such possible danger or damage as though it frowned with 16-inch guns at both ends and bristled with bayonets along its entire length.

Dedicated to peaceful commerce, secure by the world's pledge, it will soon become one of the busiest highways of the world's trade. With no military load to carry it will soon, under fair rates of toll, invite a volume of traffic which will pay all operating expense and probably bring us a fair return on our outlay.

A policy of neutralization is not in derogation of our national dignity; it rather enhances it. The fact that we are a great power not only makes imperative our duty to secure the canal from the fortunes and vicissitudes of war, but renders it easy for us to do it. We therefore emphasize our national dignity and at the same time make all the world our debtor in building this great highway for the world's commerce and dedicating it to perpetual peace. It will be our glorious contribution to the hastening of the day when the horrors of war shall cease

and all the world shall nobly contend for the blessed victories of peace. [Applause.]

Mr. MANN. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. MOORE] such time as he may desire.

Mr. MORSE of Wisconsin. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the anti-injunction bill.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25059, the sundry civil appropriation bill, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 6514. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.;

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

CHANGE OF REFERENCE.

By unanimous consent, change of reference was made of the bill S. 6280, an act to incorporate the American Hospital of Paris, from the Committee on the District of Columbia to the Committee on the Judiciary.

LEAVE TO PRINT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to print in connection with my remarks certain statements prepared by the Secretary of the Treasury relative to public buildings.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

PAY OF AMERICAN OFFICERS IN CUBA (S. DOC. NO. 760).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of War with reference to the receipt by the three officers of the United States Army detailed for service in connection with the army of the Republic of Cuba of pay and certain allowances from the Government of Cuba.

It seems proper that these officers, who have been placed, at the request of the Government of Cuba, in a position where, by the nature of their official duties, they have had to incur considerable additional expense, should be authorized to receive the additional pay and allowances which the Government of Cuba has generously tendered them.

I recommend that the consent of Congress be given as requested by the Secretary of War.

WM. H. TAFT.

THE WHITE HOUSE, *June 4, 1912.*

LATE REPRESENTATIVE ELBERT H. HUBBARD.

Mr. HAUGEN. Mr. Speaker, it is my solemn duty to announce to the House the death this morning of Mr. ELBERT HAMILTON HUBBARD, a Member from the State of Iowa. Thus ended a life full of useful and faithful service and of one who was universally respected. At some future time we shall ask that a day be set aside on which to pay proper tribute to his memory.

I now offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 571.

Resolved, That the House has heard with deep regret and profound sorrow of the death of Hon. ELBERT HAMILTON HUBBARD, for eight years a Representative from the eleventh district of the State of Iowa.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed by the Speaker to attend the funeral at Sioux City, Iowa, and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

In pursuance of the foregoing resolutions the Speaker announced the following committee: Representatives G. N. HAUGEN, C. A. KENNEDY, J. W. GOOD, S. F. PROUTY, C. E. PICKETT, N. E. KENDALL, F. P. WOODS, HORACE M. TOWNER, I. S. PEPPER, WILLIAM R. GREEN, JAMES T. LLOYD, C. R. DAVIS, I. L. LENROOT, C. O. LOBECK, and S. B. AYRES.

ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, as a further mark of respect to the memory of the deceased I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until Wednesday, June 5, 1912, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (S. J. Res. 111) to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean, reported the same without amendment, accompanied by a report (No. 830), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARNHART, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 1248) to authorize the Secretary of the Interior to convey a certain frame building, reported the same without amendment, accompanied by a report (No. 833), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (H. J. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamship *Carpathia*, reported the same without amendment, accompanied by a report (No. 835), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894, reported the same with amendment, accompanied by a report (No. 831), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 834), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 20102) relating to proof of

signatures and handwriting, reported the same without amendment, accompanied by a report (No. 836), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 25102) to amend section 4347 of the Revised Statutes, as amended by the act of February —, 1898, so as to permit foreign vessels to engage in transportation of merchandise between the ports of the United States, Territories, and insular possessions through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 25103) to amend an act entitled "An act extending the benefits of the marine hospitals to the keepers and crews of life-saving stations"; to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: A bill (H. R. 25104) providing for the purchase of a site and the erection of a public building at St. Peter, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 25105) to provide for a public building at Bartow, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE of Pennsylvania: A bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

By Mr. HILL: A bill (H. R. 25107) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. RAKER: A bill (H. R. 25108) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: A bill (H. R. 25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 25134) to amend section 1 of an act approved February 13, 1911, entitled "An act to diminish the expense of proceedings on appeal and writ of error or of certiorari"; to the Committee on the Judiciary.

Also, a bill (H. R. 25135) to amend section 237 of the Criminal Code of the United States; to the Committee on the Judiciary.

By Mr. DONOHOE: Resolution (H. Res. 569) directing the Committee on Expenditures in the Post Office Department to investigate the methods employed by United States district attorneys and special agents of the Post Office Department in the bringing of indictments against officers or proprietors of various industrial enterprises throughout the United States at the suggestion of competitors and private prosecutors; to the Committee on Rules.

By Mr. AKIN of New York: Resolution (H. Res. 570) authorizing an investigation by a committee to be appointed by the House of the conduct of the United States Weather Bureau, of the Department of Agriculture, under its present chief, Willis L. Moore; to the Committee on Rules.

By Mr. CLAYTON: Joint resolution (H. J. Res. 325) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 25110) granting a pension to Frank Branch; to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 25111) granting a pension to John Renner; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 25112) granting a pension to Peter B. Daughters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25113) granting an increase of pension to Ralph Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25114) granting an increase of pension to William D. Daily; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25115) granting an increase of pension to Martha A. Riker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25116) granting an increase of pension to Andrew J. Terrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25117) granting an increase of pension to Jacob L. Hinkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25118) granting an increase of pension to James W. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25119) granting an increase of pension to Orphia Corya; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 25120) granting a pension to Susan Smith; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 25121) granting a pension to William W. Hartigan; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25122) granting a pension to Charles E. Sleeper; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 25123) granting an increase of pension to George H. Beckwith; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 25124) authorizing the Secretary of War, in his discretion, to deliver to the city and county of San Francisco, State of California, one condemned bronze or brass cannon, with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25125) granting a pension to George Raymond Martin; to the Committee on Pensions.

Also, a bill (H. R. 25126) granting a pension to Mary A. Bliven; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 25127) granting an increase of pension to Clark Barron; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25128) to remove the charge of desertion from the military record of Elijah S. Howard; to the Committee on Military Affairs.

Also, a bill (H. R. 25129) to remove the charge of desertion from the military record of John A. Duff; to the Committee on Military Affairs.

Also, a bill (H. R. 25130) to remove the charge of desertion from the military record of Wyatt Adkins; to the Committee on Military Affairs.

Also, a bill (H. R. 25131) to remove the charge of desertion from the military record of Amosa Hodge; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 25132) granting an increase of pension to Robert Patchett; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 25133) granting an increase of pension to Rachel Aulhorn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of St. Stanislaus Society, No. 410, Cleveland, Ohio; St. Helghwig Society, No. 35, Erie, Pa.; the Polish Lanars of Tadeusz Kosciuszko Society, No. 495, Chicago, Ill.; and S. W. Tana Chresciela Society, No. 87, Detroit, Mich., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of St. Jozef Society, No. 216, of Brooklyn, N. Y.; St. Anne Society, No. 311, of Chicago, Ill.; St. Michael Society, No. 451, of Dickson City, Pa.; St. Mary Society, No. 224, of Natrona City, Pa.; and St. Casimir's Society, No. 579, of Passaic, N. J., against passage of bills providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also (by request), petitions of St. Stanislaus B. M. Society, No. 279, Scranton, Pa.; St. Casimir's Society, No. 237, Pittsburgh, Pa.; Society No. 322, Donora, Pa.; Pan Kasmir Society, No. 111, Watervliet, N. Y.; Second June Society, No. 424, Holyoke, Mass.; St. Stanislaus Society, No. 246, Troy, N. Y.; St. Kazimierza Society, No. 77, Syracuse, N. Y.; and St. Peter and Paul Society, No. 99, Pittston, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of residents of The Bronx, N. Y., in opposition to the Root amendment to the immigration bill making any alien who conspires to overthrow a foreign government liable to deportation; to the Committee on Immigration and Naturalizatin.

By Mr. BURKE of South Dakota: Petition of citizens of Andover, S. Dak., against passage of the Oldfield bill, proposing change in the present patent law; to the Committee on Patents.

Also, petition of citizens of South Dakota, favoring regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of South Dakota, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the High School Teachers' Association of New York, N. Y., favoring Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of McCormick & Co., Baltimore, Md., protesting against passage of the Richardson drug bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of Jacob S. Strahl Lodge, No. 158, Independent Order Ahawas Israel, Brooklyn, N. Y., and the Chinese Consolidated Benevolent Association, San Francisco, Cal., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CARTER: Resolutions of Socialists of Atoka County, Okla., relative to indictments of editors of Appeal to Reason; to the Committee on Rules.

By Mr. DONOHOE: Resolution of the Board of Commissioners of the city of Trenton, N. J., against the building of a bridge by the Pennsylvania Railroad Co. across the Delaware River; to the Committee on Interstate and Foreign Commerce.

By Mr DRAPER: Petition of St. Stanislaus Society, No. 246, Troy, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Papers to accompany bill granting a pension to Susan Smith, widow of John Smith, late of Company C, Forty-seventh Wisconsin Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of the Lackawanna Steel Co., of New York City, against passage of bills restricting immigration; tothe Committee on Immigration and Naturalization.

Also, petition of the American Vigilance Association of New York City, favoring amendments to immigration act relative to immigrant inspectors, etc., for duty on vessels carrying immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the American Thread Co., of New York City, favoring downward revision of tariff; to the Committee on Ways and Means.

By Mr. FULLER: Petition of U. W. Knapp and S. F. Hughes, Leavenworth, Kans., favoring passage of House bill 1339, granting increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Manila Merchants' Association, favoring the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Emerson-Brantingham Co., Rockford, Ill., favoring the passage of the Pomerene bill relating to bill of lading in commerce with foreign nations and among the several States; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. Orris Hart & Co., Chicago, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GRIEST: Petition of Lodge No. 506, Order B'rith Abraham, Lancaster, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HANNA: Petition of citizens of North Dakota against passage of the Lever bill to prohibit future trading in grain; to the Committee on Agriculture.

Also, petition of citizens of North Dakota, favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Lignite and Kenmore, N. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petitions of Theodore H. Straefer, of Larimore, and H. J. Edwards, of Grafton, N. Dak., favoring total elimination of the tariff on raw and refined sugar; to the Committee on Ways and Means.

Also, petition of merchants and business men of Kintyre, N. Dak., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. HAMILTON of Michigan: Petition of citizens of the State of Michigan against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HENSLEY: Petition of citizens of the State of Missouri, favoring passage of House bill 22339 and Senate bill 6172, against use of the Taylor system in Government departments; to the Committee on the Judiciary.

By Mr. HILL: Petition of St. Joseph Society, of Tenerville, Conn., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of citizens of Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the High School Teachers' Association of New York, N. Y., favoring passage of the Page bill, relative to vocational education; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska against passage of the Brown-Oldfield bills, proposing change in the present patent law; to the Committee on Patents.

By Mr. MOORE of Pennsylvania: Resolutions of the board of managers of the Hebrew Sunday School Society of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of Providence Protective Lodge, No. 441, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Appeath Sholam Lodge, No. 88, and R. G. Stahe Lodge, No. 130, Independent Order B'rith Abraham, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of John J. Watson, of Jamestown, R. I., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Petition of retail merchants of Bangor, Pa., against passage of bills proposing change in present patent law; to the Committee on Patents.

By Mr. PARRAN: Petition of 52 members of Friendship Council, No. 7, Junior Order United American Mechanics, of Baltimore, Md., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. RAKER: Resolutons of the Humboldt Chamber of Commerce, of Eureka, Cal., favoring passage of House bill 22589, providing suitable homes for our representatives abroad; to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Petition of citizens of Comal County, Tex., against passage of the Owen bill to create a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of members of Washington Camp, No. 448, Patriotic Order Sons of America, of Hazen, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Brotherhood of Locomotive Engineers, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the City Council of Los Angeles, Cal., favoring enactment of legislation requiring steamships to advertise the life-saving facilities; to the Committee on the Merchant Marine and Fisheries.

By Mr. STERLING: Petition of citizens of Illinois, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of 250 residents of Normal, Ill., favoring appropriation for the white-slave traffic act; to the Committee on Appropriations.

By Mr. SULZER: Petition of the American Thread Co., of New York City, favoring downward revision of tariff; to the Committee on Ways and Means.

Also, petition of the High School Teachers' Association of New York City, favoring passage of the Page bill for Federal aid to vocational education; to the Committee on Agriculture.

By Mr. UNDERHILL: Petition of the Manila Merchants' Association, favoring the sale of the Philippine friar lands; to the Committee on Insular Affairs.

By Mr. UTTER: Petition of the Theodore W. Foster Bro. Co., Providence, R. I., protesting against change in patent laws that might effect price maintenance; to the Committee on Patents.

Also, petition of sundry physicians of Providence, R. I., favoring the establishment of a department of health; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill granting an increase of pension to Elizabeth A. Morris; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 5, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE METAL-MINING INDUSTRIES (S. DOC. NO. 762).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 25, 1912, certain information relative to the work being done by the Bureau of Mines in behalf of the metal-mining industries in the public-land States west of the Mississippi River, etc., which, on motion of Mr. SMOOT, was referred to the Committee on Public Lands and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports;

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho;

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.;

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Southwest Free Church, of Roseland, Ill., and of the Third Swedish Methodist Episcopal Church of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. MYERS presented a petition of the Woman's Christian Temperance Union of Como, Mont., and a petition of sundry citizens of Ravalli County, Mont., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a petition of members of the German Central League of Saginaw, Mich., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

Mr. McCUMBER presented petitions of sundry citizens of Edgeley, Goodrich, and Bottineau County, all in the State of North Dakota, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Kathryn and Milnor, in the State of North Dakota, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Methodist Episcopal Church and of the Westminster Presbyterian Church, of Devils Lake, and of the Woman's Christian Temperance Union of Mayville, all in the State of North Dakota, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the mayors and sundry citizens of the Red River and Red Lake River cities, in convention at the Commercial Club at Grand Forks, N. Dak., favoring the enactment of legislation providing for a preliminary survey of those rivers, which were referred to the Committee on Commerce.

Mr. CURTIS presented a petition of sundry citizens of Concordia, Kans., praying for the establishment of a department of public health, which was ordered to lie on the table.

REPORTS OF THE COMMITTEE ON THE JUDICIARY.

Mr. ROOT, from the Committee on the Judiciary, to which was referred the bill (S. 4355) incorporating the National Institute of Arts and Letters, reported it with amendments and submitted a report (No. 846) thereon.

He also, from the same committee, to which was referred the bill (S. 4356) incorporating the National Academy of Arts and Letters, reported it with an amendment and submitted a report (No. 847) thereon.

RIGHT OF WAY AT SALT LAKE CITY, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes. As it is an emergency measure, I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 7051) for the relief of I. H. Aiken (with accompanying papers); to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 7052) for the relief of Lawrence S. Babbitt and others (with accompanying paper); to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 7053) for the relief of D. S. Barrus and I. H. Barrus; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 7054) to increase the limit of cost of the United States post-office building at La Junta, Colo. (with accompanying papers); to the Committee on Public Buildings and Grounds.

A bill (S. 7055) for the relief of Samuel J. Morgan (with accompanying papers); and

A bill (S. 7056) for the relief of the city of Trinidad, Colo.; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 7057) granting an increase of pension to George W. Thompson (with accompanying papers); and

A bill (S. 7058) granting an increase of pension to Elias Redmon (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 7059) to grant an honorable discharge to Charles T. Nutter; to the Committee on Military Affairs.

By Mr. RAYNER:

A bill (S. 7060) for the relief of Samuel H. Walker; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 7061) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 7062) to amend section 55 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. RAYNER submitted an amendment relating to the refund of sums paid for documentary stamps, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—ELMER D. HACKETT.

On motion of Mr. GUGGENHEIM, it was

Ordered, That there be withdrawn from the files of the Senate the papers in the case of Senate bill No. 703, Sixty-second Congress, first session, granting a pension to Elmer D. Hackett, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—JAMES COOPER.

On motion of Mr. GUGGENHEIM, it was

Ordered, That there be withdrawn from the files of the Senate papers in the case of the bill S. 6157, Sixty-second Congress, second session, granting an increase of pension to James Cooper, there having been no adverse report thereon.

LANDING GUNS IN THE NAVY.

Mr. TILLMAN submitted the following resolution (S. Res. 329), which was read, considered by unanimous consent, and agreed to.

Resolved, That the Secretary of the Navy be, and he is hereby, directed to send to the Senate full information as to purchase, test, and use of landing guns in the Navy since March 1, 1909, together with a statement of appropriations made by Congress for this purpose and expenditures thereunder. Also any recommendations as to the continued use of said landing guns in the Navy.

THE CONSTITUTION OF THE UNITED STATES (S. DOC. NO. 787.)

Mr. SMITH of Georgia. I ask to have printed as a public document a paper by Hannis Taylor, explanatory of the authorship of the Constitution of the United States.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

WORLD PEACE (S. DOC. NO. 764).

Mr. WARREN. I have an address of less than 15 pages by a distinguished citizen of my State, William C. Deming, the editor of the Wyoming Tribune, delivered before the late Mohonk Conference on International Arbitration, May 17, 1912, on the opportunity and duty of the press in relation to world peace. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

PARCEL POST.

Mr. MYERS. Senate Document No. 490 is an address on the parcel post and postal-express situation in Congress by the Senator from Maine [Mr. GARDNER]. I think it is a very valuable document, shedding much light upon the subject of which it treats. I understand there is great demand for it. I ask unanimous consent for an order to have 10,000 extra copies printed.

Mr. SMOOT. I am not positive as to the particular document the Senator speaks of, but I think we have already ordered some ten or twenty thousand copies, and if the $500 limit has been reached there would have to be a resolution offered and passed by the Senate. If the Senator from Montana will withhold the request I will gladly find out in a very few minutes whether the limit has been reached or not. If not, the committee can give the order.

Mr. MYERS. I ask that the request be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, the matter will be referred to the Committee on Printing.

The request was reduced to writing and referred to the Committee on Printing, as follows (S. Res. 330):

Resolved, That 10,000 additional copies of Senate Document No. 490, Sixty-second Congress, second session, "The parcel-post and postal-express situation in Congress," be printed for the use of the Senate Document Room.

MORAL EDUCATION (S. DOC. NO. 763).

Mr. GALLINGER. I have a brief paper, being a report of the committee on moral education of the High School Teachers' Association of the District of Columbia. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

THE UNITED STATES NAVY.

Mr. SWANSON. I desire to give notice that on Saturday, June 8, immediately following the routine morning business, I will address the Senate in advocacy of an increase of the United States Navy.

GOOSE CREEK BRIDGE, SOUTH CAROLINA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6848) authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek in Berkeley County, S. C., which was, on page 1, line 9, after "South Carolina," to insert "at a point suitable to the interests of navigation."

Mr. TILLMAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

LAND FOR STREET PURPOSES IN PORTLAND, OREG.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5910) granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes, which were, on page 1, line 6, to strike out "of"; and on page 2, line 2, to strike out "of" where it first occurs.

Mr. BOURNE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SUPPORT AND MAINTENANCE OF BASTARDS.

Mr. DILLINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 7, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "upon such preliminary examination"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "who is quick with child"; and the Senate agree to the same.

That the Senate recede from its amendment numbered 4, and agree to an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "after becoming quick with child"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the words stricken out after the word "examination" insert as follows: "If the woman be quick with child, or the child having been born and still under 2 years of age"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the word "pregnant," in said amendment of the Senate, insert the words "quick with child"; and the Senate agree to the same.

WILLIAM P. DILLINGHAM,
CHARLES CURTIS,
ATLEE POMERENE,
Conferees on the part of the Senate.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER,
Conferees on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is closed.

Mr. PAGE. Mr. President, I ask that Senate bill No. 3, known as the vocational education bill, be laid before the Senate for the purpose of discussion only.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Oregon suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	McCumber	Smith, Md.
Bacon	du Pont	McLean	Smith, S. C.
Borah	Fletcher	Martin, Va.	Smoot
Bradley	Foster	Martine, N. J.	Stephenson
Briggs	Gallinger	Myers	Stone
Bristow	Gardner	Nelson	Sutherland
Brown	Gronna	Newlands	Swanson
Bryan	Guggenheim	Oliver	Thornton
Burnham	Heyburn	Overman	Tillman
Burton	Hitchcock	Page	Townsend
Chamberlain	Johnson, Me.	Perkins	Warren
Clapp	Johnston, Ala.	Richardson	Wetmore
Clark, Wyo.	Jones	Root	Williams
Crawford	Kern	Shively	Works
Cullom	Lippitt	Simmons	
Cummins	Lodge	Smith, Ariz.	
Curtis	Lorimer	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber on important business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. A quorum of the Senate is present.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. PAGE. Certainly.

Mr. KERN. I had intended on yesterday to bring up Senate resolution 315 at this hour as a matter of the highest privilege, but my friend the Senator from Vermont having given notice that he would like to address the Senate at this time on a subject very near to his heart, I have waived that right and yield to him, of course. I will commence the conclusion of my remarks on the subject debated yesterday upon the close of the remarks of the Senator from Vermont.

VOCATIONAL EDUCATION.

The VICE PRESIDENT. The Chair lays Senate bill 3 before the Senate.

The SECRETARY. A bill reported by Mr. PAGE, from the Committee on Agriculture and Forestry, February 26, 1912, the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

Mr. PAGE. Mr. President, I approach the discussion of this vocational-education bill with many misgivings and doubts as to the course I should pursue.

I am not unmindful of the limited time which Senators have to spare from the consideration of other important problems now being considered by Congress, and I would be especially considerate of their wishes that I condense what I have to say to the minimum.

On the other hand, here is a bill the importance of which has grown upon me until I feel that Senators should have a fairly good idea of what it purposes to accomplish.

Mr. President, this is a great public question; a question which affects the welfare not only of our boys and girls but of the mature vocational workers, including the home makers of the United States, as has no other which has been before Congress for more than half a century; a question which is engaging the best thought of eminent publicists and educators from one end of the country to the other—indeed, throughout the civilized world. It is a question which the American people have come to believe directly affects the economic conditions of the country in a degree little, if any, less than the largest of our large economic problems. It is a question which will, in my judgment, settle in great measure the quality of our citizenship in the generation upon which we are now entering. It is a question which will profoundly affect the cost of our food supply as well as the amount which our workers may earn with which to meet that higher cost of living which is upon us. It is a question which involves appropriations from the National Treasury aggregating nearly $15,000,000 annually. On a problem of this magnitude I believe Senators should not be heard to say that they are too busy with their other duties to give the matter proper consideration.

They will find on returning home that the question of vocational education is the subject of sermons in churches; of earnest discussions in granges and other farmers' associations; that it is regarded as a burning and vital question among labor organizations and manufacturing and trades associations; and is, of course, the subject of special consideration among those connected with our institutions of learning everywhere, from the elementary schools up to the universities, from one end of our country to the other.

Mr. President, I believe this is one of the most important measures before this Congress, and so believing I am sure Senators will forgive me for urging upon them something more than a perfunctory examination of its provisions.

I therefore purpose to take up the more important—the appropriating—sections of the measure, and explain in detail their different provisions and why they have been incorporated in the bill; and I shall esteem it a special favor to have Senators interrupt me as I proceed whenever I fail to make the purpose and meaning of any section clear or whenever any Senator thinks he sees in any of its provisions points which he believes are subject to proper criticism.

In this connection, perhaps I should say that at the proper time I shall, by direction of the Committee on Agriculture and Forestry, move that a substitute bill take the place of Senate bill No. 3, as originally reported to the Senate from the committee, and my remarks at this time will be predicated upon the substitute measure.

The title of the bill is comprehensive and states in general terms what it seeks to accomplish. I read:

To provide for cooperation with the States in promoting instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational subjects in State colleges of agriculture and the mechanic arts in State normal schools, and in other training schools for teachers supported and controlled by the public; in maintaining extension departments of State colleges of agriculture and the mechanic arts; in maintaining branches of State experiment stations; and to appropriate money and regulate its expenditure.

Mr. President, I am sure it will aid Senators in forming their conclusions as to the merits of the bill to give a brief statement of the facts concerning its genesis. It was introduced in the Senate on the 6th day of April, 1911, and referred to the Committee on Agriculture and Forestry. Near the close of the session it was taken up by that committee. A brief consideration made it evident that its administrative features would probably need amendment in order to better articulate with the laws of the several States. Having this fact in mind Senator CRAWFORD introduced and, with a single dissenting vote, the committee passed the following resolution:

Resolved, That Senator PAGE, as a subcommittee of one, be instructed to correspond with leading educators and others interested in the purposes of the proposed measure, and to report to the full committee the result of his investigation, and to submit a bill amended to conform to the suggestions he may receive from such correspondence or any he might have to make. And that the committee approves the general purposes of the bill.

In conformity with these resolutions, letters were written by me to the State superintendents of public instruction in every State inviting a careful examination and criticism of the bill and requesting such suggestions as to amendments as would, in their judgment, perfect the bill and make it articulate with the school laws and school conditions of their respective States.

Letters were also written to a large number of other prominent educators in every section of the Union, inclosing a copy of the bill and asking their advice as to amendments which would perfect or improve the measure.

The response to these letters was quite general. In a very large majority of the replies the indorsement of the measure was unqualified and pronounced. Wherever local conditions seemed to demand amendments they were suggested, and only from a very few States were replies received which indicated disapproval of the general purposes of the bill.

Letters asking for suggestions of amendments were also addressed to the governors of the several States, to the heads of State agricultural colleges, and to men of known prominence in educational affairs in the various walks of life, including editors of newspapers devoted to agriculture, the trades and industries, and home making.

Replies were received from every State in the Union. With less than a half dozen exceptions, the replies received from State superintendents of public instruction and State boards of education were favorable—most of them enthusiastically so. A few were qualifiedly favorable, but suggested changes in the administrative features or in some of the less important details. Only two were unqualifiedly opposed to the bill.

Mr. President, I have devoted more than four solid months of diligent labor to this bill; yet I realize, after all, that personally I have contributed only a small part to the present movement to broaden out our school system by the addition of education for the basic vocations on the farm, in the shop, and in the

home; and I should be guilty of great ingratitude if I failed to ascribe to my colaborers a large share of credit for formulating and perfecting the measure.

While I have had the assistance of a large number of educators throughout the country, it is due to Dr. P. P. Claxton, our present efficient Commissioner of Education; to Dr. Charles A. Prosser, the executive secretary of the National Association for the Promotion of Vocational Education; and to Hon. Willet M. Hays, Assistant Secretary of Agriculture, to say that they have given to this work an immense amount of expert advice and assistance; and without their aid I fear my own part would have proven heavier than I could carry.

Unless they have given the matter very careful study, I presume few Senators know the extent to which the general subject of vocational education is being discussed by the people of this country. It is not, as many seem to believe, a new question, with no part yet ready to be crystallized into law. The present bill is a consensus of opinion far more unanimous than is the case with most portions of our constructive legislation.

In 1862 Justin S. Morrill, then a Representative from the State of Vermont, believing that the welfare of the country demanded special education along the lines of agriculture and the mechanic arts, introduced what has been since known as the Morrill agricultural college bill. That it was a measure pregnant with immense importance to the coming generations is now everywhere conceded.

The Morrill bill has given the country a class of high-grade agricultural and mechanical colleges, from which have been graduated men qualified to take up specialized work along agricultural and industrial lines, the value of which, from an economic standpoint, it would to-day be difficult to overestimate; and these institutions have also developed strong educational courses relating to home making.

But could Senator Morrill, wise as he was in his day and generation, have lived until to-day and observed the working out of his great educational measure, he would have been compelled to confess that in one very important particular it had failed to give the results which were expected to flow therefrom.

Senator Morrill believed, as did those who labored with him at that time, that the passage of the Morrill bill would give an immense impetus to development in rural affairs; that his bill would result in furnishing the country with a great army of trained farmers, men who would return from the college to the farm and invigorate farm life with new power and improved farm methods. As a matter of fact these colleges have found their peculiar function to be to prepare technicians in agriculture, the mechanic arts, and in home economics. The experience of this and other countries has fully demonstrated that the vocational education of youth for the business of farming and for the expert work in the trades and industries, and also for efficient home making, must be provided for in high schools, and, as a matter of fact, the Morrill Act has proven to be the beginning, the making of the preliminary preparations, for really carrying vocational education to the masses of our people.

No one questions the great value of the work done by our agricultural colleges and by the experiment stations later added thereto; but the fact still remains that as a place where the average boy on the farm could find a school which would equip him for farm life and send him back to the farm imbued with that enthusiasm for agriculture, the Morrill Act has not fulfilled the full expectations of its author.

The important question now pressing for solution in this country is, What can be done to change this condition and stem the tide now so strongly running from country to city and, at the same time, prepare our city boys for their work in the nonagricultural vocations and bring the full force of modern science to bear on the making of our homes and the rearing of our children?

That something is very badly needed to supplement the Morrill bill is universally conceded, and it is to the satisfying of this great need that this bill is in large part directed. It attempts to provide a plan for taking the knowledge which these agricultural colleges have developed to all the workers who need this knowledge; and since the task is so vast, and since the Nation, through the Morrill Act, inaugurated this work, this bill proposes that the Nation shall cooperate with the States in carrying the benefits to all the people.

With this statement as to the general purposes of the bill, I shall, without further preliminaries, proceed to give the Senate a full and careful analysis of what it is, what it appropriates, what it contemplates, and how it so safeguards the moneys which are to be distributed to the several States that they may not be diverted to purposes other than those contemplated by the measure.

Let me repeat that I hope no Senator interested in this measure—and I can not believe that there is any Senator who is not—will hesitate to interrogate me with perfect freedom, not only whenever any feature of the bill seems to be the proper subject of criticism, but whenever a provision is not fully and clearly understood. If any Senator does not have the bill before him I shall be pleased to furnish a copy that he may, if he desire, follow me as I proceed to take up, clause by clause, the different sections of the measure.

Mr. President, I wish as I proceed to make clear to Senators the fact that this bill designs to take from the Federal Treasury only such sums for initial expenditures as will stimulate and encourage the several States to go on with the great vocational-education work contemplated by the bill, leaving the chief burden to be borne by the States themselves.

Experience with similar laws has shown that a very small expenditure from the Federal Treasury for the cause of education has resulted in stimulating a very large outlay on the part of the States.

In a hearing before the Committee on Agriculture and Forestry of the Senate Dr. Howard Edwards, president of the Rhode Island State College, stated that throughout the entire United States the average appropriations made by the several States was fourteen times the amount appropriated by the Federal Government under the Morrill and supplementary acts. Indeed, Dr. W. O. Thompson, president of the National Association of Agricultural Colleges and Experiment Stations and president of the Ohio State University, made a statement before the committee that in the State of Ohio the appropriations made for educational work to supplement those made by the Federal Government under the Morrill Act and acts supplementary thereto were forty times the amount appropriated by the Federal Government.

While there is no basis for a definite statement as to what extent the States will supplement the funds appropriated by this act, it is believed that within a very few years they will amount to several times the sum of the Federal appropriations made by this bill. So I say, Mr. President, this bill is simply an offer to cooperate with the States in this greatly needed improvement in our school system. It is designed to encourage, to stimulate, to inspire the States to take up and extend their work along the vocational-education lines contemplated by this bill.

Too much stress can not be laid upon the fact that this bill would form but a very small additional amount for the support of the schools of the United States, large as its appropriations may at first seem to be. The expense of schools in this country is, in round numbers, about $500,000,000 per year. The entire appropriations that will be called for by this bill in 1921, when the maximum sum has been reached, will be less than 3 per cent of this sum.

There can be little doubt, Mr. President, that, with the wise counsel and assistance of the Federal Commissioner of Education in standardizing vocational systems and arranging, with the cooperation and advice of the educational boards of the respective States, a wise curriculum, we shall give an impetus to this much-neglected work of vocational education which will enable it to move forward with that vigor and effectiveness which would be absolutely impossible under 48 movements in no way coordinated.

This bill proceeds upon the theory demonstrated by the Morrill land grant college act of 1862, and the acts supplemental thereto, that by cooperation between the Federal Government and the States, and among the States, vocational education is at once put forward with more of economy, and earlier attains its very important results in all parts of the Nation. The Nation wants results at the earliest possible date. It wants a more abundant supply of farm products, more highly skilled workers in the trades and industries, and more efficient makers of the homes of the people; and it wants the highest civilization which comes with a school system made more efficient in general studies, and so broadened out as to include education in the vocations of the many who will not enter the professions.

Mr. President, I should be very glad if it were practicable to have the entire bill read at this time, but I am not unmindful of the fact that Senators are sorely pressed for time, and that many of them probably could not conveniently listen to the full reading of the measure. To make it possible, therefore, for Senators to secure in the smallest possible time a fairly good understanding of the bill, I have prepared an abstract or synopsis of it. As the bill is being read I hope Senators will feel entirely free to interject interrogatories whenever they desire additional information about any section or wish to have the section read in full.

APPROPRIATIONS.

Section 1 gives a definition or construction to the several descriptive terms used in specifying the classes of institutions which are to receive the benefits of the several appropriations under this act.

Section 2 is a general clause making the appropriation and stating that the sums designated in sections 3 to 10, inclusive, are "for instruction in agriculture, the trades, and industries, and home economics, for agricultural tests and demonstrations, and for administrative purposes."

Section 3 provides $3,000,000 for what is denominated in the bill the "secondary school department fund." This appropriation is for instruction in agriculture, the trades and industries, and home economics in clearly defined departments or divisions of existing high schools of secondary school grade. It provides that this appropriation shall begin with the fiscal year ending June 30, 1916, and is allotted to the several States and the District of Columbia on the basis of population.

It is estimated that about 15,000 communities outside the large cities will take advantage of this appropriation, or an average of 300, or a little more, for each State. Unquestionably the number will increase from year to year, and for the first few years there may be less than this number; but upon the hypothesis that this number of communities will avail themselves of the provisions of this section of this bill, it would mean that the Federal Government will contribute toward each of these schools $200. If the State should supplement this Federal fund with a like fund, it would mean, of course, $400 that each rural community would be benefited through the joint State and national appropriation.

If, as is expected will be the case, the rural community is asked to match the joint State and Federal appropriation, it means that each rural community will have a separate unit, room, or division of its school work at each high school, which will be presided over by a teacher costing, say, $800 per year.

The bill provides that the money shall be distributed, unless otherwise provided, according to the amount which the local community shall raise for the same purpose, although it wisely preserves the autonomy of the States by providing that if any State thinks it best to distribute the fund upon some other basis it can do so; always conditioned, however, that the method of distribution be approved by the Department of the Interior, which, of course, in this case means the Commissioner of Education.

It should be said, however, that under the terms of the bill, the State and local communities would be jointly compelled to contribute only twice as much as the Federal appropriation; but educators believe that the example set by States like New Jersey and Massachusetts—which have worked out this problem upon the basis of a contribution by the local community equal to the amount of the outside help they receive—will be the method followed in the distribution of this fund. The average appropriation to each State and the District of Columbia under the provisions of this section is $61,225.

Section 4 provides $3,000,000 for what is known as the "industrial or home-economics school fund." This appropriation is for the maintenance of instruction in the trades and industries and home economics in separate industrial or home-economic schools of secondary grade. The difference between this appropriation and the appropriation for what is designated as the "secondary-school department fund" is that the latter contemplates assistance to the separate divisions or departments devoted to vocational education in the high schools in the larger villages and towns, while the appropriation in section 4 is presumably to be used for separate schools at industrial centers or in cities large enough to maintain independent schools for the trades and industries. This appropriation also does not begin until the fiscal year ending June 30, 1916, and is allotted to the different States and the District of Columbia in proportion to their "population engaged in trades and transportation, and in manufacturing and mechanical pursuits."

The question may be asked why the allotment is so made. The answer is that in taking the Federal census the population is divided under certain subheads, two of which are "Persons engaged in trades and transportation" and "Persons engaged in manufacturing and mechanical pursuits." The language of this section is, therefore, made to conform to the language of those census subdivisions which every 10 years records those who work in the trades and industries. The average appropriation to the different States and the District of Columbia under the provisions of this section is $61,225.

With reference to the appropriation referred to in this section, it may also be said that it is estimated that 30 per cent of the population of this country will be able to take advantage of its benefits; and if, as is expected, our population reaches 100,000,000 by 1916, when this appropriation becomes available, it means that $3,000,000 will be distributed to 30,000,000 people, which would be 10 cents per capita.

Let us, to illustrate, take a city of 10,000 population and see what kind of school would naturally result from this appropriation. Ten thousand population, at 10 cents per capita, would mean that the Federal contribution would be $1,000. If the State should match this by an appropriation of a like amount, and if, as it is supposed will be the case, the town or city shall match the joint Federal and State appropriation, it would mean that the city must raise $2,000 to match the $2,000 contributed by the State and Federal Governments.

In other words, it would give them a $4,000 school, devoted to instruction in the trades and industries and home economics. A city of 100,000 population would have $40,000 to devote to this class of education. A city of 1,000,000 would have $400,000.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PAGE. With pleasure.

Mr. GALLINGER. I should like to ask the Senator whether the Federal appropriation is contingent upon the State and local appropriations?

Mr. PAGE. Mr. President, the Federal appropriation is contingent upon an appropriation from the State and the local communities of at least twice the amount of the Federal appropriation.

Mr. GALLINGER. And unless the State and the local communities make that appropriation, the Federal appropriation will not be called for?

Mr. PAGE. That is correct.

Section 5 appropriates $3,000,000 for what is designated as the "district agricultural high-school fund." This appropriation is for the maintenance of instruction in agriculture and home economics in the district agricultural high schools to be established under the provisions of this act. This appropriation also begins with the fiscal year ending June 30, 1916, and is allotted to the several States in proportion to the number of persons engaged in agricultural pursuits as shown by the preceding Federal census. It provides a special appropriation of $5,000 for each State with less than 100,000 people engaged in agriculture. The average appropriation for each State under the provisions of this section, basing the estimate upon the census of 1900—I have not the figures under the census of 1910—would be $65,000.

Section 6 appropriates $1,000,000 for what is designated as the "branch station fund." This appropriation is for the maintenance of branch or demonstration stations upon farms connected with the district agricultural high schools established under the provisions of section 5. This fund is designed to give these large agricultural high schools, one of which will be in each group of 8 or 10 counties, a practical turn. Here the teachers and pupils will live on a large farm, and much of the practical work will be done by the students. Here experimenters will test and breed plants and animals especially adapted to the conditions of the surrounding counties. Here the matter of rotation schemes needed by the region will be under test, and the use of fertilizers on the local soils will be studied.

Here the college and department extension workers will center such of their work as is needed by the students. Here the students will gain a knowledge of research work, that those gifted in this form of public service may be drawn into this important work. This appropriation begins with the fiscal year ending June 30, 1916, and is allotted to the several States in proportion to the number of persons engaged in agricultural pursuits. It makes a special appropriation of $2,000 for States having a population of less than 100,000 people engaged in agriculture. The average appropriation to each State under the provisions of this bill is $21,833.

Touching the $4,000,000 appropriated for this district agricultural high-school fund and the branch-station fund it will probably work about as follows:

It is estimated that there will be about 1 school for whites in each congressional district outside of the cities, or about 325 in all. If in the Southern States there shall be 75 additional schools established for the colored race, it will give us a total

of 400 schools. The fund to be divided to each of these schools will be substantially as follows:

First, the Government appropriates $3,000,000 under section 5; the State must appropriate the other $6,000,000; the Federal Government appropriates $1,000,000 for the branch stations connected with these schools under section 6; and to this sum another $1,000,000 must be added by the State, making a total of $11,000,000 to be divided among 400 schools, or $27,500 for each school, including the State and Federal appropriations.

Men experienced in the management of schools of this kind say it will cost about $100 for each pupil to conduct such a really good school as is contemplated by this act. If this supposition be correct, it means that every year there will be turned out from these different agricultural schools 275 boys and girls who, it is hoped, will return to the farm to join with the father—who, meanwhile, has been educated under the provisions of section 7 of this bill, which provides for college extension and farm demonstration work—in vitalizing, energizing, and stimulating a more intelligent and more profitable management of the farm.

Section 7 appropriates $3,000,000 for what is designated as the "extension-work fund," being for the support at each State college of agriculture and the mechanic arts of an extension department or division to enable the several State colleges of agriculture to take to the adult farmer upon the farm in his own locality the accumulated results of experimentation and research at the agricultural colleges and experiment stations and at the departments of agriculture; and is designed to further the work of teaching and demonstrating in a practical way to persons not in the schools how actual farming can be conducted with more profitable results than at present. This appropriation begins with the fiscal year ending June 30, 1913, the appropriation for that year being $480,000, or $10,000 for each of the 48 States. This sum is increased from year to year until 1921, when it reaches the maximum sum of $2,980,000. All sums, aside from the $10,000 per year to each State, are to be allotted on the basis of population engaged in agricultural pursuits. The average sum to each State in 1921 and thereafter is $62,083.

Section 8 appropriates $480,000 for what is designated as the "college teachers' training fund." This appropriation is for the preparation of teachers in departments or divisions of education in the State colleges of agriculture and mechanic arts of the respective States, to give instruction in, or closely related to, agriculture, the trades and industries, and home economics. I wish to make it plain that this measure not only provides the means for the employment of teachers in the school service and in college-extension service but also the means with which these teachers may be trained by the agricultural colleges and State normal and other teachers' training schools. It begins with the fiscal year ending June 30, 1913, and allots $10,000 to each of the 48 States.

Mr. President, this appropriation was not called for by the original bill, and perhaps it is due to the Senate that I explain why it has been added.

In December last the Southern Commercial Congress, an organization having for its special object the promotion of the welfare of the South, held a meeting here in Washington for the purpose of discussing vocational education generally, and especially with reference to its effect upon the Southern States. Upon its invitation, the executive committee of the American Association of Agricultural Colleges and Experiment Stations attended in a body and assisted in the discussion and amendment of this bill. This meeting was presided over by the senior Senator from Florida, Mr. FLETCHER, and was attended by a large number of leading educators from all parts of the country, the session lasting for three days. A subcommittee took up the bill line by line and section by section. Such features as were deemed objectionable were eliminated, amendments were introduced wherever it was believed they would improve the measure, and after the bill was finally perfected and completed, the following resolution was unanimously adopted—I read this because it shows the unanimity with which they reached their conclusion:

Resolved, That the conference of friends of vocational education assembled in Washington December 14, 15, and 16, 1911, select a committee on ways and means, whose duty it shall be to further the interests of the Page bill, Senate bill 3, and to work for its successful passage.

This subcommittee to revise the bill was composed of men of national reputation on educational matters, and was as follows: Hon. COE I. CRAWFORD, United States Senator, chairman; Dr. P. P. Claxton, United States Commissioner of Education—he is our new Commissioner of Education from the South—Dr. W. O. Thompson, president Ohio State University; Dean H. L. Russell, of the University of Wisconsin; Hon. Willet M. Hays, Assistant Secretary of Agriculture; Mr. G. G. Dawe, managing director of the Southern Commercial Congress; and Dr. J. H. Connell, president of the Oklahoma State Agricultural and Mechanical College.

The question of the unpreparedness of the country to take up this work was one of the leading topics of discussion at this meeting, and the conclusion reached was that we must add another half million dollars to the appropriation for the education of teachers by agricultural and mechanical colleges and that we should put off the time when the main features of the appropriation should become available till the year ending June 30, 1916.

This change not only gives the several States sufficient time to prepare for the education of teachers, but it gives them ample opportunity to enact any legislation which may seem to be necessary to make the State laws harmonize with the national law; and it hardly need be said that if during the next three years it should be found that any minor changes not affecting the fundamental principles of the bill are desirable, the National Congress will be quick to make those changes.

Section 9 appropriates $1,000,000 for what is known as the "normal teachers' training fund," being for the preparation of teachers to give instruction in, or closely related to, agriculture, the trades and industries, and home economics in State normal schools and in other training schools for teachers.

This appropriation begins with the fiscal year ending June 30, 1913, that the preparation of teachers may begin at once, and is allotted to the several States and the District of Columbia in proportion to population. It makes a special appropriation of $3,000 to each of the States having a population of less than 300,000. The average appropriation to each State under the provisions of this section is $21,333.

Section 10 appropriates $90,000 for what is designated as the "administration fund." This appropriation is subdivided as follows: Forty thousand dollars to be expended by the Secretary of the Interior in paying the necessary expenses of administering the provisions of this act relating to schools of secondary grade and to the preparation of teachers in agriculture, the trades and industries, and home economics; $35,000 to be expended by the Secretary of Agriculture, of which $20,000 is for administering the provisions of the act relating to extension departments or divisions and branch stations, $15,000 to enable him to cooperate with the Secretary of the Interior in relation to schools of secondary grade giving instruction in agriculture and home economics and to the preparation of teachers in these vocations; and $15,000 to be expended by the Secretary of Commerce and Labor in paying the expenses of administering, in cooperation with the Secretary of the Interior, those provisions of the act relating to instruction in the trades and industries and in the preparation of teachers for these vocations. These appropriations begin with the fiscal year ending June 30, 1913.

To summarize, let me say that in 1921, when the maximum shall have been reached, the appropriations will aggregate $14,752,000, as follows:

For the teaching of agriculture, the trades and industries, and home economics, in connection with our general secondary or public high-school system	$3,000,000
For the teaching of the trades and industries and home economics in separate schools	3,000,000
For instruction in agriculture and home economics in State district agricultural schools	3,125,000
For agricultural extension work	2,980,000
For branch experiment and demonstration stations at district agricultural schools	1,050,000
For the education of teachers at State normal and other training schools	1,027,000
For the education of teachers at State agricultural colleges	480,000
For administration expenses	90,000
Total	14,752,000

I have had prepared a tabulated statement showing the exact amount appropriated by this bill from 1913 to 1921, inclusive, and ask leave that it may be included in the RECORD as a part of my remarks. It shows the appropriations for each particular feature of the bill in detail and in the aggregate for each year. The appropriations increase from 1913 to 1921 as follows:

1913	$2,077,000
1914	2,477,000
1915	2,777,000
1916	13,252,000
1917	13,552,000
1918	13,852,000
1919	14,152,000
1920	14,452,000
1921	14,752,000

The statement referred to follows.

Funds required annually under Senate bill No. 3, 1913 to 1921, and permanently.

NOTE.—The figures in italic indicate increases of appropriations, as explained by footnotes below.

FISCAL YEARS BEGINNING JULY 1.

Section.	Appropriation.	1913	1914	1915	1916	1917	1918	1919	1920	1921
5	District Agricultural High School				[1] *$125,000*	$125,000	$125,000	$125,000	$125,000	$125,000
5					3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
4	Trade schools				3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
3	Agriculture, trades, and industries, and home economics in secondary schools				3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
6	Branch stations				[1] *50,000*	*50,000*	*50,000*	*50,000*	*50,000*	*50,000*
6					1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
8	Teachers' training departments in agricultural and mechanical colleges	$480,000	$480,000	$480,000	480,000	480,000	480,000	480,000	480,000	480,000
9	State normal schools	[2] *27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*	*27,000*
9		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
7	College extension departments	480,000	*400,000*	*700,000*	*1,000,000*	*1,300,000*	*1,600,000*	*1,900,000*	*2,200,000*	*2,500,000*
7			480,000	480,000	480,000	480,000	480,000	480,000	480,000	480,000
	Administration:									
10	Department of the Interior	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000
10	Department of Agriculture, for agricultural extension	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
10	Department of Agriculture cooperating with Department of the Interior	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
10	Departments Commerce and Labor and Interior	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
	Totals	*27,000*	*427,000*	*727,000*	*1,202,000*	*1,502,000*	*1,802,000*	*2,102,000*	*2,402,000*	*2,702,000*
		2,050,000	2,050,000	2,050,000	12,050,000	12,050,000	12,050,000	12,050,000	12,050,000	12,050,000
		2,077,000	2,477,000	2,777,000	13,252,000	13,552,000	13,852,000	14,152,000	14,452,000	14,752,000

[1] According to Twelfth Census, 20 States had less than 100,000 people engaged in agriculture.
[2] According to Twelfth Census, 9 States had less than 300,000 total population.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Vermont yield to the Senator from Washington?

Mr. PAGE. Yes.

Mr. JONES. The Senator has passed section 9?

Mr. PAGE. I have. I will be very glad to answer any question, however, relating to that section.

Mr. JONES. In section 9, on page 8, I notice the provision is for the preparation of teachers "in State normal schools and in other training schools for teachers." In our State university, for instance, which is a very large educational institution, they give special training to teachers, although it is not termed, of course, a training school; it is a State university. I would like to know whether, in the opinion of the Senator, that university would come under the provisions of this section?

Mr. PAGE. I am happy to say that that matter was very carefully discussed, and the decision reached was that any school which the State board for vocational education regarded as a training school for teachers might properly be included within the provisions of the section.

Mr. JONES. Would the Senator have any objection to striking out, in line 2, the word "training," before the word "schools," and inserting after the word "schools" the words "furnishing special training for teachers," so as to make it read:

That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics in State normal schools and in other schools furnishing special training for teachers.

And so forth.

Mr. PAGE. I can not see any objection to doing so.

Mr. JONES. I hope the Senator will consider that suggestion when the bill comes up. I think that would make it clearer than the language of the section as it now stands. I have some doubt whether under the language of the section our State university would come under the terms of the bill.

Mr. PAGE. If the Senator will study the bill in its entirety he will find, as he goes through it, that we have made a good many provisions conditioned upon the approval of the State board of control or board for vocational education, and conditioned further upon securing the assent of the Department of the Interior, which means the Commissioner of Education. There is no design on the part of those interested in the bill to deprive any State of the right to determine what are training schools for teachers.

Mr. JONES. That is true; and yet when the bill confines it to certain described schools, no matter what may be the provision thereafter, it is confined to those schools. I doubt if the language, "training schools for teachers" would include the State university, which is not classed as a training school for teachers. Therefore I wanted to suggest this change in the language for the Senator's future consideration.

Mr. PAGE. I certainly see no objection to it now. I will give it consideration and report to the Senator later.

I would especially direct the attention of the Senate to the fact that every section of this bill has been carefully considered and every safeguard provided to prevent the diversion of any fund from the purpose for which the appropriation has been made. I am sure Senators can have but a slight appreciation of the details which have been wrought out in this bill. First, to the end that its provisions might articulate satisfactorily with State laws; and, second, that the funds appropriated by the measure may never be diverted, lost, or squandered.

Mr. President, I have prepared with considerable care a statement showing in detail the administrative features of the bill, and I am prepared to go on at length and explain fully how the law is to be administered, how the appropriations are to be safeguarded, and what is required of the several States in order that they may participate in these appropriations.

As I proceed to the discussion of this measure, I will refer briefly to a few of the more important sections covering the administrative features of the bill.

ADMINISTRATION.

Section 11 safeguards the funds appropriated for schools of the secondary grade and the preparation of teachers for these schools. It charges the Secretary of the Interior with the duty, and gives him the necessary power, to administer the provisions of this act in relation to the $9,000,000 appropriated for schools teaching the trades and industries, home economics, and agriculture, as provided for in sections 3, 4, and 5 of this act; the $480,000 for the education of teachers in State agricultural colleges, as provided in section 8; and the $1,000,000 appropriated for the education of teachers in State normal and other training schools, as provided in section 9. Section 11 also provides that the Secretary of the Interior shall have the cooperation of the Secretary of Agriculture and the Secretary of Commerce and Labor.

Section 12 safeguards the other $4,000,000 appropriated in sections 6 and 7. It charges the Secretary of Agriculture with the duty, and to him is given the power, to administer the provisions of the act relating to the $1,000,000 appropriated for branch stations at the district agricultural high schools, and the $3,000,000 appropriated for the extension-work fund, and it authorizes him to aid the Secretary of the Interior in carrying out the provisions of this act, so far as they relate to instruction in agriculture and home economics in schools of the secondary grade, and the preparation of teachers for those vocations.

Section 13 gives the Secretary of Commerce and Labor authority to assist the Secretary of the Interior in carrying out those provisions of the act which relate to instruction in the trades and industries and the preparation of teachers for those vocations.

The question may be asked as to why the administration of this act has not been left with a single department. The answer is that, after a careful study of the matter, and after conferring with those whom I think best qualified by experience to advise concerning the administrative features of the bill, I have become satisfied that, so far as they apply to supervision of the extension work in agriculture and to the branch-station work provided for in the bill, they may best be left to the Department of Agriculture to administer. On the other hand, supervision of the schools provided for by the bill may be left to the Commissioner of Education, who will, of course, be the direct representative of the Secretary of the Interior in admin-

istering that part of the act which it is made the duty of that official to administer.

As to the position occupied by the Secretary of Commerce and Labor with reference to this bill, it may be said that the labor organizations have come to regard that official as the connecting link between the Government and themselves, and as the Department of Agriculture has long been the special agency in touch with agricultural and home-makers' organizations, they have asked that the Secretary of Commerce and Labor might be vested with a cooperative relation in connection with those schools which are to teach the trades and industries. It has therefore seemed eminently wise that the Departments of Agriculture and of Commerce and Labor be authorized to give cooperative assistance to the Department of the Interior and thus help the Bureau of Education to have the widest possible support.

Section 14 provides that in order that any State may secure the benefits of this act it shall, through the legislative authority of said State, accept its provisions and shall designate a State custodian to receive and be responsible for each and all of the seven funds appropriated. I would call the attention of Senators especially to the last paragraph of this section, for in many respects it contains one of the most important changes made in the bill as originally introduced. It reads as follows:

Any State or the District of Columbia may accept the benefit of any one or more of the respective funds herein appropriated to it and may defer the acceptance of the benefit of any one or more of such funds, and shall be required to meet only the conditions imposed in relation to those funds the benefit of which it has accepted.

This paragraph has been incorporated in the bill at the suggestion of several States which were in doubt as to whether they would or would not deem it advisable to accept all the appropriations and provisions of the bill, as they were required to do under the measure as it was originally drawn, in order to be the recipients of any of the appropriations named in the measure.

The effect of this amendment is to leave it optional with any State to accept any one or all of the appropriations and to permit it to defer the acceptance of any one or more of its provisions until such time as the State may wish to avail itself of the benefits of those particular provisions.

My judgment is that, without a single exception, every State will avail itself of every provision of the bill. Inasmuch as the $3,000,000 appropriation for each of the three classes of secondary schools—$9,000,000 in all—and only a part of the appropriation for college extension work becomes effective until 1916, all the States will be given ample opportunity to provide by legislative enactment for taking advantage of the provisions of the bill.

I confess in this respect I may be mistaken. My good friend the junior Senator from Louisiana [Mr. THORNTON] expresses a doubt of his own State accepting all the provisions of the measure. I believe that within five years every State will not only be accepting the provisions and appropriating enough to cover its provisions but a good deal more. But, of course, that is a matter of opinion.

I believe there is no State in which there will not be a meeting of the legislature by 1916.

Section 15 provides that States must, by legislative enactment, designate a "board of vocational education," which shall have all necessary power to cooperate with the Secretary of the Interior in the administration of the provisions of the act relating to the industrial schools authorized by the act and the training of teachers. This board may consist either of the board of education or other body now having charge of the administration of public education in the several States, or it may be a new board to be established with special reference to the new educational system which this legislation will initiate.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. With pleasure.

Mr. HEYBURN. I suggest to the Senator that some States have constitutional provisions covering the organization and government of the public schools and it would seem that it might be necessary to change the constitutional provisions in order to authorize the creation of the board. I have the constitution of one State before me where it makes a provision definite as to the constitution of the educational board.

I understand the Senator to say that the States will be required to create a new board, because it would be in effect a new board. In that case you would have to change the constitution of the State.

Mr. PAGE. That condition has been suggested in regard to one or more of the States. As I think the matter will work out, your State legislature will make the board authorized by your constitution the vocational education board to take charge of this field.

Mr. HEYBURN. The State legislature would not have power to legislate away the provisions of the constitution or to change it. It could not be done except by a change of the constitution itself. The legislature was not invested with power in this case to make any change whatever. It was thought dangerous to leave that to the legislature, because it would be subject to the vicissitudes of changing administrations and changing opinions. So in making the constitution we fixed it so definitely as that the legislature would not have control over it. Now, it might be desirable to have such a board as is suggested in the bill, but it would be beyond the power of the legislature to create it.

Mr. PAGE. No; not at all. Can the Senator tell me whether that board as authorized by his State constitution is made up of one, two, or three members?

Mr. HEYBURN. The board consists of the superintendent of public instruction, the secretary of state, and the attorney general.

Mr. PAGE. I should like to ask the Senator further if he can see any objection, in view of your constitution, to saying that the board authorized by the constitution shall be the board which shall have charge of this fund?

Mr. HEYBURN. In section 2 of article 9 there is this provision:

The general supervision of the public schools of the State—

And of course that would include the distribution of the money—

shall be vested in a board of education, whose powers and duties shall be prescribed by law; the superintendent of public instruction, the secretary of state, and attorney general shall constitute the board, of which the superintendent of public instruction shall be president.

That gives a name to the board and provides for its make-up. We could not change that.

Mr. PAGE. Mr. President, this is not a new matter. It has been discussed by educators to quite an extent. I submit to the Senator that a simple enactment by the Legislature of Idaho, making this board of education the board of vocational education called for by the bill, would give you the most perfect authority for handling this appropriation. If I am not right about this, I desire to have the Senator suggest some amendment. I think I am correct about it. Let me read it again:

This board may consist either of the board of education or other body now having charge of the administration of public education in the several States—

It seems to me that this is exactly the language necessary to meet the conditions in the Senator's State. Let me read it again for the benefit of the Senator:

This board may consist either of the board of education or other body now having charge of the administration of public education in the several States, or it may be a new board to be established with special reference to the new educational system which this legislation will initiate.

It may be a general State board dealing with these appropriations in their broader relations, delegating the details to existing State boards or departments in charge of educational matters, or it may be a State board in immediate charge of the schools. The idea has been to interfere as little as possible with any suitable machinery which the States may already have for carrying forward the work of their schools and to give entire freedom to them in making such changes in their plans for the administration of public education as they may desire.

There has been some little criticism of the proposal for a board of control or board for vocational education in the States, but I believe that where the matter has been explained to those who have written me letters of criticism, the objections have been removed.

I think in every case where I have taken up this matter with educators or with boards of education they have been fully satisfied with the provisions of this section as it now reads. Bear in mind that this is a provision made to meet just the exact conditions suggested by the Senator from Idaho.

In several of the States educational work is under the charge of a single head, usually designated the State superintendent of public instruction or State superintendent of education.

This bill makes it necessary that the board for vocational education shall be made up of at least three persons. But if a State desires to make no change in its present administrative machinery it can merely designate the governor and other officers as ex officio members of this board to work with the State superintendent of public instruction or other already constituted agencies.

Section 16 provides for the establishment of those district agricultural high schools for which section 5 of the bill appro-

priates $3,000,000. It provides that there shall be at least 1 school for each 15 counties, and that there shall not be more than 1 for each 5 counties or fraction thereof. This provision is designed to be so elastic that no State now having agricultural schools will have difficulty in adjusting these schools to the provisions of the bill; and yet it safeguards the measure by providing against the creation of a multiplicity of weak, inefficient one-county schools——

Mr. JOHNSTON of Alabama. I should like to ask the Senator a question. He states that the district shall be composed of not less than five counties.

Mr. PAGE. Of not less than five counties. Have you any of your schools predicated upon less than five counties in a district?

Mr. JOHNSTON of Alabama. We have a school for each congressional district, and one county alone has a population more than sufficient to furnish the apportionment for a Member of Congress.

Mr. PAGE. But you could attach to your largest city or your largest district some of the outlying counties.

Mr. JOHNSTON of Alabama. That is only one county, and we have so many people in that one county that it is more than enough to make one congressional district, and when you require in the bill five counties you cut out that district.

Mr. PAGE. It is not supposed that the city of New York has any farms within its limits, and therefore it will not be included. The provisions of the bill contemplate that the agricultural and the rural sections shall be benefited by this particular provision. Bear in mind that the important cities have separate schools, and we give to the rural districts their schools. The only reason why we say there shall be five counties in each district is that there shall not be a multiplicity of little one-county districts as in the State of Wisconsin. I think the Senator from Wisconsin will bear me witness that they have there a law which provides for a one-county school, and this bill, if we pass it, will meet that class of cases. If we should have a one-county school it would generally be so cheap a school that it would hardly come within the spirit of this act.

Mr. JOHNSTON of Alabama. The Senator does not yet understand me. One county in my State has a population of 235,000. It is largely agricultural. There is a city in it, of course, but you would deprive that district from having any school at all.

Mr. PAGE. I do not so understand it. Take the city to which you refer and take four other counties outside of that county, and the five together will have one of these schools, and it will be a fine school. It need not be any less of a fine school because it is near a city. For instance, what is your largest town—Birmingham?

Mr. JOHNSTON of Alabama. Birmingham.

Mr. PAGE. Birmingham would not have an agricultural school within its limits, but outside of Birmingham you would arrange a group of five counties, and they together would have the benefit of this act.

Mr. BACON. The word "district" does not mean a congressional district?

Mr. PAGE. Not at all, because if we had it by congressional districts we would work out a very impracticable scheme. The city of New York has lots of congressional districts. We do not design or expect that New York will have any of these schools in its limits.

Mr. BACON. We have in my State schools which are located in congressional districts. We have these agricultural schools, one in each congressional district, and I presume that would not interfere with the scheme of this bill.

Mr. PAGE. Not at all, because you have more than nine congressional districts.

Mr. BACON. We have 12.

Mr. PAGE. You have more than 60 counties?

Mr. BACON. Yes; 146.

Mr. PAGE. Very well. If you had 60 counties you would then have one for each congressional district, provided you saw fit to make a division of one for each five counties; but, having more than that, it is perfectly easy to arrange it.

Mr. SMITH of Georgia. Will the Senator allow me?

Mr. PAGE. With pleasure.

Mr. SMITH of Georgia. While our schools are under the old congressional district plan of 11, so far the policy has been to adhere to those old lines and not change them on account of the fact that we have had a new congressional district added, but even if that were different it would be quite easy, I think, to make the school districts such as to meet a compliance with the bill and to put five counties in a district.

Mr. PAGE. I want to say the State of Georgia has been fully considered in the working out of this measure, and, unless I am very much mistaken, there is no reason why the provisions of this bill will not work out according to the plan now existing in your State. We have had here from Georgia some very strong educators. Dr. Soule, of Georgia, was here. I think he is one of the ablest of the educators of the South.

Mr. SMITH of Georgia. If the Senator will allow me, the Senator might change that from "the South" to "the United States or of any other country."

Mr. PAGE. I accept the amendment. I think well of the Senator's suggestion.

This provision is designed to be so elastic that no State now having agricultural schools will have difficulty in adjusting these schools to the provisions of the bill, and yet it safeguards the measure by providing against the creation of a multiplicity of weak, inefficient one-county schools, rather than a few strong, well-equipped institutions which shall serve practically as a vocational college for those millions of farmer boys who will find a high-school course fitted to their needs while the higher agricultural colleges organized under the Morrill Act will attract only tens of thousands.

This section also provides for separate agricultural schools for the negro race and prohibits any tuition charges.

Section 17 provides that no State shall be entitled to the benefits of the branch station fund until by legislative authority it shall have provided for a branch station in connection with district agricultural high schools, receiving funds under this act, and shall have provided as an appropriation for the annual maintenance of such branch stations a sum at least equal to that allotted annually under this act. The fund is safeguarded by the following clause:

The sum paid to each State for branch station shall be applied only to paying the necessary expenses of conducting, by such branch stations, field tests, plant breeding, and other scientific work bearing directly on the occupation of agriculture.

Section 18 provides that no State shall be entitled to any part of this allotment for college extension work until by legislative enactment it shall provide for an extension department in its State College of Agriculture, and shall have provided as an appropriation for that work an amount at least equal to the amount annually allotted to the State from the Federal Treasury.

Section 19 is one of the most important of those sections dealing with the administrative features of the bill, because it places in the hands of the State board of vocational education created by the State legislature and authorized by section 15 the establishment of the general plans under which vocational education shall be worked out by the respective States. In other words, the autonomy of the States has been respected to the fullest.

It is true that the bill is so safeguarded that if a State shall not, in good faith, observe the spirit of the appropriation, its share of the appropriation may be withheld until Congress, by express act, authorizes its payment. The general administrative scheme, or plan, adopted by the board for vocational education of each State must have the approval of the Secretary of the Interior, to the end that he may see that the spirit and purpose of the appropriations are observed and carried out. The section is so important that I shall read it in full:

SEC. 19. In order to secure the benefit of the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, the board for vocational education for each State and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to schools of secondary grade and to colleges and normal schools as herein provided; for the inspection and approval of such schools and colleges under the provisions of this act; and for the formulation and application in such inspection and approval of standards and requirements in vocational education as to types of schools, location, course of study, qualifications of teachers, methods of instruction, conditions of admission, and employment of pupils. In order that such a plan may be adapted to the needs of the State or the District of Columbia in which it is to become operative, the Secretary of the Interior shall, in passing upon it, and its modifications from time to time, take into consideration the social, economic, industrial, educational, and administrative conditions, and all other relevant circumstances in such State or in the District of Columbia. It shall be the duty of such board for vocational education for any State or the District of Columbia to make annually to the Secretary of the Interior a full and detailed report of its administration of the provisions of this act relating to all such schools of secondary grade and to the training of teachers in colleges and normal schools as herein provided, and to make such additional statements and reports as may be required by the Secretary of the Interior in the discharge of his responsibility under this act.

Section 20 provides that the board of trustees having charge of the State college of agriculture receiving the benefits of the extension-work fund shall do so under general plans approved by the Secretary of Agriculture, and shall cooperate with him in the development of such work, and shall annually make to him full and detailed reports of its operations, receipts, and expenditures.

Section 21 makes it the duty of the State board of trustees having charge of the branch-station fund to administer the fund in accordance with provisions or general plans approved by the Secretary of Agriculture, and to make to him annually a full detailed report of all its operations, receipts, and expenditures.

Section 22 provides that any school receiving funds under this act shall conform to the requirements of the State board for vocational education, shall cooperate with that board in the development of its work, and shall make to that board a full and detailed report of its operations, receipts, and expenditures.

Section 23 provides that in order that any State may receive the benefit of the several school funds provided by this act the State custodian of those funds shall annually make a report to the State board for vocational education of his administration of the moneys received by him for those funds; and in order that the State may receive the benefit of the extension-work fund and branch-station fund, he shall annually make a report to the Secretary of Agriculture of his administration of the moneys received by him for those funds.

Section 24 provides that the Secretary of the Interior shall annually ascertain whether the several funds appropriated by this act for vocational education and for the training of teachers at normal schools have been expended in accordance with the terms of this act, and shall certify to the Secretary of the Treasury as to each State whether it has complied with the provisions of this act and is entitled to receive its share of such funds.

If the Secretary of the Interior certifies to the Secretary of the Treasury that the State has so complied, the latter official is directed to pay the money to which the State is entitled under this act to the State custodian of the vocational education fund, and upon the requisition of the State board for vocational education such State custodian shall pay to the governing board of any school which should receive the same the sum to which it is entitled under the provisions of this act.

Section 25 charges the Secretary of Agriculture with the duty of ascertaining whether the States receiving the benefits of the extension-work fund or branch-station fund are using them in accordance with the terms of the act. If he finds that they are, he shall so certify to the Secretary of the Treasury, which official is directed to pay to the State custodian for vocational education the sums to which the State is entitled; and upon requisition of the board of trustees, or board of control, of such State college of agriculture or State experiment station, such State custodian shall pay to the treasurer appointed by such board of control the sum which the said college is entitled to receive under the provisions of this act.

Section 26 provides that the "secondary school department fund" shall be used for distinctive studies in, or closely relating to, agriculture, the trades and industries, and home economics.

That the "industrial or home economics school fund" shall be used only for distinctive studies in, or closely relating to, the trades, industries, and home economics.

That the "district agricultural school fund" shall be used only for distinctive studies in, or closely relating to, agriculture and home economics.

That the "college teachers' training fund" shall be used only in the preparation of teachers to give practical or technical instruction for useful service in agriculture, the trades and industries, or the home.

That the "normal teachers' training fund" shall be used only for distinctive studies designed to prepare teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, and home economics.

That the "extension-work fund" shall be used only for instruction and demonstration in agriculture, home economics, and rural affairs.

And that the "branch-station fund" shall be used only for field tests, plant breeding, animal breeding, home economics, and other scientific work, under plans approved by the directors of State experiment stations of the respective States.

Section 27 provides that if any part of any fund appropriated by this act shall be lost or misapplied it shall be replaced; and until so replaced no subsequent appropriation for such purpose shall be paid.

One of the best provisions in the entire bill is that which provides that the funds hereby appropriated may not be invested in lands or buildings. This provision is so important that I quote it in full.

Mr. THORNTON. What section is that?

Mr. PAGE. This is section 27; it is the last part of the section.

> * * * No portion of any moneys appropriated under this act for the benefit of the States or the District of Columbia shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or to the purchase or rental of lands; and no portion of such moneys shall be expended other than in institutions supported and controlled by the public.

That last line is very important. The schools must be, absolutely, public schools supported and controlled by the public and with public money.

Section 28 provides that all unexpended sums shall be deducted from the next succeeding annual disbursement, in order that the amount of money distributed to any State from any fund provided for in this act shall not exceed the amount actually and necessarily required by the State for the purpose for which such money from such fund may be expended under the provisions of this act.

Section 29 further safeguards the appropriations made by this act by providing that each State shall receive annually only such portion of any fund as, in the judgment of the Secretary of the Interior or the Secretary of Agriculture, in the discharge of their respective responsibilities, such State has made ample preparation to use to advantage.

Section 30 provides that if the Secretary of the Interior or the Secretary of Agriculture shall withhold a certificate for the whole or any part of the allotment to any State, the facts and reasons therefor shall be reported to the President, in order that the State may, if it so desire, appeal to Congress from the determination of the Secretary of the Interior or the Secretary of Agriculture; and if the next Congress shall not direct that such sum be paid, it shall be covered into the Treasury.

Section 31 provides that the moneys distributed to institutions entitled to the benefits of this appropriation shall be in proportion to the amount which each expends out of other income, to be derived from general or from local public funds, for the same purpose, during the same period. There is, however, an alternative clause in this section which provides that funds may be distributed upon some other basis, according to plans previously adopted by the board for vocational education, or by legislative authority if these plans have been approved by the Secretary of the Interior.

This is a clause which I should like to have Senators especially consider, because it is a very important one. We make provision that each locality shall draw according to the amount it contributes. There is, however, an alternative clause in this section which provides that funds may be distributed upon some other basis, according to plans previously adopted by the board for vocational education, or by legislative authority if those plans have been approved by the Secretary of the Interior. They must be approved by the Secretary of the Interior, because otherwise funds might be diverted from the purposes contemplated by the bill.

It must be borne in mind that this bill is designed to stimulate and encourage, and not to assume, except in a very slight degree, the main burdens of educational support; and after a State has made the proper preparation in the way of providing the required buildings and farm lands to enable it to take advantage of the act, there must then, in addition, be appropriated at least twice as much for these educational purposes as is contributed by the Federal Government.

I regard the closing portion of section 31 as one of the most valuable and important of all the safeguarding provisions of this bill. I quote it in full:

> * * * but there shall in no case be disbursed under the terms of this act to any school or college out of moneys derived from the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, as provided in this act, more money than 50 per cent of the amount which is supplied and expended during the same period for the same purpose, for which such fund is to be expended, out of State or local public moneys.

Mr. WILLIAMS. "State and local," or "State or local"?

Mr. PAGE. Let me explain to the Senator how it is hoped the scheme will work out, and I will illustrate by instancing the States of Massachusetts and New Jersey. The laws of those States provide that when any local community shall have spent a certain amount for vocational educational training the State shall contribute or pay to that community as much as it has raised locally. We hope that to the amount contributed or appropriated by the Federal Government the State will add an equal amount, and that the local community will be then asked to raise as much as the combined contributions of the State and the Federal Government. This will assure good schools.

Mr. WILLIAMS. The Senator from Vermont does not understand what I am getting at. Suppose that in some case a State did not appropriate as much as the locality, and suppose we have to appropriate $2,000 to meet $1,000 with which the Federal Government gives, why should not that locality have the benefit of the bill? In that case your language would read "State and locality" or "State or locality."

Mr. PAGE. Mr. President, if the Senator will suggest an amendment to the section which says "as much as is raised by State and local" or "by State or local," I see no objection to it, but I should dislike to leave out the words "State and local."

Mr. WILLIAMS. Oh, no. I did not suggest that. I suggested that the language should be "State and local" or "State or local," the idea in my mind being this: I do not suppose it will occur, but it might happen, that some State might fail to make the appropriation needed, whereas some locality within the State would show the ability and the willingness to meet the appropriation.

Mr. PAGE. I certainly can see no objection to that.

Mr. TOWNSEND. May I make a suggestion? Supposing the State contributes nothing and the locality contributes something, the contribution then would be simply what the locality had contributed. I can not quite see the difference. The phrase "State and locality" combines both. If one is zero and the other is something else, the contribution is still the sum of the State and locality, is it not?

Mr. WILLIAMS. Yes; but still upon the face of the bill it would require the action of both the State and the locality. We might be turned down here because the State had failed to act. All that is sought in the bill is that they shall contribute twice as much; that twice as much shall come in for the purpose as comes from the Federal Government, making the total money coming in for the purpose three times what the Federal Government contributes. So it struck me that perhaps it would make it plainer to say that, because, if you did, you would accomplish your purpose. I see some reason on the other side of it. The two together might contribute more than they otherwise would, more than 200 per cent of what they are given for the scheme.

I hardly think that what I had in mind would happen, because I imagine that every State would do something, but it might happen that some State would not. Such action might result from some technical reason. For instance, in my State the legislature meets but once in four years, and, therefore, might not be able to meet this appropriation on the part of the Federal Government.

Mr. PAGE. Mr. President, I confess that the idea advanced by the junior Senator from Michigan [Mr. TOWNSEND] was one which occurred to my mind when I drew the substitute, but I can see no objection to amending this provision by writing in after the words "State and local" the words "or State or local." I should like to have the Senator from Mississippi [Mr. WILLIAMS] think the matter over during the day, and then, if he would like to propose that amendment, I now see no reason why I shall not accept it when the bill is before the Senate as in Committee of the Whole.

Mr. WILLIAMS. I think we had better make that amendment merely for safety.

Mr. PAGE. It will be observed that the Federal Government is in no case to pay to any school or college more than one-half as much as is raised by State and local taxation.

Let me illustrate by reference to a single appropriation: Under this bill there is appropriated to State normal schools and other training schools for the education of teachers for this work, in round numbers, an average of $21,000 for each State. In order to avail themselves of this fund there must be raised by State and local taxation $42,000 more, making $63,000 the average sum per State which must be expended under this act for State normal and other training schools in educating teachers for vocational education work.

And bear in mind, further, that under the provisions of section 26 of the act the normal teachers' training fund can be used only for distinctive studies, which are given in separate units, organized as departments or divisions of State normal schools or other training schools, under a properly qualified head, and which are designed to prepare teachers to give practical or technical instruction fitting for useful service in agriculture, the trades and industries, or home economics.

Observe that this Federal fund may not be used for the instruction of those who are to teach the ordinary, or cultural, studies, but must be used solely to educate those who are to teach the vocational subjects contemplated by this bill. It may be suggested that no State is obliged to accept all the provisions of this bill, but I have little doubt that all of them will; and the wonderful impetus that will be given to the cause of industrial education by this act within the next five years can hardly be overestimated.

Section 32 throws around this appropriation another most excellent safeguard. I quote the section in full:

> All States, Territories, and the District of Columbia accepting the benefit of any fund under this act shall provide other moneys with which to pay the cost of providing the necessary lands and buildings, and to pay the entire cost of all instruction, supplementary to the practical and technical instruction provided for in this act, necessary in order to complete well-rounded courses of training, the main purposes of which are to give vocational as well as general preparation for agriculture, the trades and industries, and home making, or to prepare teachers for these vocations, suited to the needs of the respective sections and communities of the United States.

Mr. WILLIAMS. Will the Senator read that over again?

Mr. PAGE. Before I read it, let me say to the Senator that we are very jealous lest the States shall utilize these funds to pay for teaching the ordinary cultural studies. So the bill provides:

> SEC. 32. That all States, Territories, and the District of Columbia accepting the benefit of any fund under this act shall provide other moneys with which to pay the cost of providing the necessary lands and buildings, and to pay the entire cost of all instruction, supplementary to the practical and technical instruction provided for in this act, necessary in order to complete well-rounded courses of training, the main purposes of which are to give vocational as well as general preparation for agriculture, the trades and industries, and home making, or to prepare teachers for these vocations, suited to the needs of the respective sections and communities of the United States.

Mr. GALLINGER. Mr. President, I want to express my gratification that in drafting this bill the Senator from Vermont has not omitted the District of Columbia. There is an anomalous condition existing here under the Morrill Act and supplemental acts, inasmuch as Porto Rico, Hawaii, and the Territories, when we had them, are all included in the terms of that act, while the District of Columbia is excluded, or was not mentioned. For several years I have made an effort to get recognition, so that the District of Columbia might have its quota of those funds for the purpose of teaching agriculture and related matters in one of our institutions of learning here, but I have failed to accomplish that result up to the present time. I am glad, however, that the Senator has not forgotten that the National Capital is a place where instruction may well be given in those subjects as well as in ordinary subjects pertaining to university education.

I simply wanted to emphasize that point, and it may help me possibly in the future, if I live long enough, to make another effort to get recognition of the District of Columbia under the existing law.

Mr. PAGE. Mr. President, I only hope I shall find that the Senator will discover enough good things in this bill so that he will support it before he gets through.

I want to say, however, in this connection, that the District of Columbia does not participate in all the funds. It participates in most of the school funds, but not in the funds that provide for district agricultural schools, because those are purely agricultural, and we did not think it best to have the District of Columbia included. Let me say in this connection that our Commissioner of Education, Dr. Claxton, has just returned from Porto Rico. He came to see me yesterday or the day before. He said, "Senator, I really believe that the United States would only do the proper and just thing to include Porto Rico in the provisions of your bill." I said, "Perhaps later we will include Porto Rico, but I do not know but it might imperil the passage of the bill to do it now, and I prefer to wait a while and see. I personally should have no objection to putting in Porto Rico if it was thought best to do so."

It should be noted that these funds can not be diverted from the purposes intended by the act, and that in order to receive the benefits of this fund the States must pay the cost not only of providing the land and buildings, but also the entire cost of such general instruction as is necessary to complete well-rounded courses of training, the main purposes of which are to give vocational training.

Section 33 provides that correspondence for the furtherance of extension work, as provided for in this act, shall be transmitted in the mails free of postage under such regulations as the Postmaster General may from time to time prescribe.

Section 34 provides that the Secretary of the Interior shall make one or more reports to Congress annually of his administration of the several funds paid out under his supervision.

Section 35 provides that the Secretary of Agriculture shall make an annual report to Congress of his administration of the funds which come under his supervision.

Section 36 provides that this act shall take effect upon its passage.

Mr. President, it may seem to Senators, from a casual examination, that this bill is unnecessarily long and seemingly complex; but I can assure the Senate that a careful analysis of the bill will show that while it is drawn upon a broad and com-

prehensive plan, its details have been wrought out with painstaking care and are based upon well-established precedents—precedents which have been successfully worked out in the field of experience.

Its provisions are admirably designed to simplify and unify one of our most comprehensive and complex public enterprises—our public-school system. For Congress to now stop short of the passage of a comprehensive measure which will so supplement the great Morrill land-grant college act of 1862 as to carry the new scientific practice of all the industries to all the people, would be an admission that we are unable properly to utilize the experience of half a century of effort by these State colleges. The very details of this measure will help to so frame up our public-school organization that its government will be simplified. This measure by comprehending the entire field will greatly simplify, where, in the absence of such a law, complexity is constantly arising. In trades schools, for example, this bill has already brought unity of thought and action on the part of organized labor and organized employers.

This is a matter to which I hope Senators will give careful attention. We have brought together the Federation of Labor and the American Association of Manufacturers, which have been so bitter toward each other that they would not meet together in the same room to consider any proposition—we have brought them together on this great question, and they have reached a conclusion in absolutely hearty accord.

The best educators in the country have given to the preparation of this bill, without money and without price, a vast amount of painstaking labor. The national leaders in these two fields have been here brought together in a most marvelous unity for trades-school education as a part of our public-school system, rather than in privately-managed trades schools, which have proven a partial menace to the peaceful settlement of labor disputes. The Society for the Promotion of Industrial Education has sent to me at their own expense their executive secretary, Mr. C. A. Prosser, a man of large experience, and of excellent ability—I want to say that I can not speak too highly of him—and it is no exaggeration to say that he has spent several solid weeks in helping to work out the details of this bill. The commissioner of education, Dr. P. P. Claxton, a man of extensive experience in educational matters, has joined with me in a painstaking revision of every section of the original bill, and it is to these and other educators, many of whom I ought, perhaps, in justice, to mention, that the credit is due for the production of what educators almost everywhere now confess to be a reasonably perfect and practical measure. I have simply brought together as best I might the results of other men's labors. I can only claim myself that I have been diligent and industrious; and that, so far as I know, I have not from the first surrendered any vital principle of the bill or sacrificed any of its fundamentals.

Mr. President, perhaps I may be pardoned for saying that the bill does not consist of a mass of inchoate facts and propositions. It is rather the result of hard months of painstaking labor. It is the bringing together of the views of different educators from almost every State in the Union, and by the adjustment of those views in such a way that the bill in its entirety shall not only be one worthy of adoption on the part of this Senate, but one the provisions of which so articulate with the school laws of the several States as to make it a practical, workable whole. The more Senators will study it the more they will see therein a growth, an evolution, so to speak, with every important point in that evolution so hedged about and safeguarded as to prevent waste and to make it impossible to divert the funds appropriated by the bill from the purposes they were intended to subserve and promote.

Perhaps in passing I ought to mention the fact that some Senators believe that it would be wise to make a compromise by eliminating some of the provisions of the bill and enacting the balance into law, so as to lessen the total sum of money required.

I believe that every feature of this bill is good. I am also firmly of the opinion that, in view of the appropriation of more than $17,000,000 for agriculture in the bill recently passed for the Department of Agriculture, we should now take care of the sons of the laboring men—those who work in the mines and quarries, the factories, and the workshops.

So far as I am personally concerned, while I yield to no man in my desire to promote the welfare of the American farmer, I believe I should be guilty of great dereliction of duty were I to consent to the dismemberment of this bill in such a way as to eliminate from its benefits and its bounties the American boy and girl.

Mr. President, I do not believe that this great, broad, generous proposition—which involves the betterment and the uplift of the sons and daughters of the men of our Nation who toil—can be stopped any more than we can dam the waters of the Niagara. We may cry "Expense!" "Cost!" "Unconstitutionality!" and by so doing delay the passage of the bill, but, like Banquo's ghost, it will not down; and I, for one, will never take counsel of my fears on a measure which I believe to be so everlastingly right.

The fight is going on until success will crown the efforts of some one, if not myself, in order that the great wrong to the chief asset of this country—the American boy—may be righted, and the American people thereby started upward on a broader, better educational highway.

Congress must again blaze an educational trail along the lines of the industries, agriculture, and home economics—a trail which every State in this Union will, in my opinion, promptly follow, to the honor and glory of this great Nation.

The bill makes large appropriations, aggregating, in round numbers, $12,000,000, aside from the education of teachers and branch-station work. Of this sum $3,000,000 is for what is known as agricultural extension work; $3,000,000 for State district agricultural schools; $3,000,000 for the purpose of teaching agriculture, the trades and industries, and home economics in our general public secondary schools; and $3,000,000 for separate industrial schools in cities.

It will be observed that of this $12,000,000, $6,000,000 is for distinctively agricultural purposes, while $3,000,000 is for schools where the trades and industries, agriculture, and home economics are taught, and $3,000,000 for schools where the trades and industries and home economics are taught. I purpose, first, to discuss this bill from the standpoint of agriculture.

AGRICULTURE.

There is no more serious problem before the American people to-day than that of maintaining the equilibrium of population between rural and urban life, involving as it does that other twin problem—the maintenance of the equilibrium between food production and food consumption.

At a hearing held before the Committee on Agriculture and Forestry in March last, there appeared before us the representatives of an association of bankers, and I was much impressed with the statement of Mr. Joseph Chapman, jr., chairman of the committee of Northwestern State Agricultural Colleges, and chairman of the American Bankers' committee. He said that they began some five years ago to study this great question from an economic standpoint.

I quote from his statement:

> We found our boys and girls were leaving the farms and going to the cities. In Minnesota one-third of the population of that State lived in three cities. We went about to find out the reasons why the boys and girls were leaving the farms and flocking to the cities, leaving our men and their wives, who ran the farms without help, or with very incompetent hired help. It was a discouraging situation. At the Hull House, in Chicago, last June a man made a canvass of the chief lodging houses in that city and found that there were 20,000 young men under the age of 25 who were sleeping in basements where the water would ooze up through the floors and where they would lie down to sleep with nothing but a newspaper between them and the floor. Those young men were from the farms of our Central States—men looking for jobs in cities. We reached the conclusion that it was largely an educational problem. We found in Minnesota that in 1909 there were 435,000 children of all ages in our schools, which schools were conducted at an expense of about $14,000,000 to the State. Of that 435,000, Mr. Chairman, 1,832 were in our agricultural schools and colleges. In other words, Minnesota was educating 99.6 per cent of the coming generation to be consumers and four-tenths of 1 per cent to be producers, and if you think those figures are exaggerated and do not fit in there, look into the situation in your own State and you will find Minnesota is not alone.
>
> We have drifted away from practical education and have gotten largely into theoretical and what is called intellectual education, so that the problem in Minnesota is now to get the knowledge from the agricultural schools in our great States out to the 1,000,000 people who live on the farms in the State of Minnesota. There are $400,000,000 worth of products produced annually by these million people living on the farms, and yet Minnesota practically stood still in her rural population in the last 10 years, while the great States of Iowa and Missouri dropped backward.
>
> But, gentlemen, it is going to take a very long time before this information is going to percolate and get to the people under our present methods. In our own school system in the State of Minnesota, we have changed in the last three years. There are now in Minnesota 80 high schools where agriculture, domestic science, and vocational training are taught, and the reason there are not more is because we can not get the instructors.

Mr. President, the social life of the city offers advantages which the boys and girls are unable to find in rural life; but, more than all this, the energetic, active, enterprising farmer's boy looks forward to the future and asks: If I am faithful, if I am enterprising and industrious—in other words, if I make good—what is there in the future for me? Under conditions as they now exist he is led to the conclusion that the possibilities of success are greater in the city than in the country. As Banker Chapman well said in his remarks before our committee:

> For a hundred years in this country we have been taking the boys and girls away from the farm and sending them into the cities, and it is going to be a hard siege before we can get conditions in the country so that a man will be satisfied to live there. Fifteen or twenty-five years ago it used to be the practice for one or two boys or one or two girls from a large family to go to the city. Now the farmer sells the farm and the whole family moves there, and he is oftentimes the best farmer in the community.

Mr. President, we all know how natural it is for the more enterprising of our boys and girls to seek occupations which they regard as more genteel—positions in the store and the office. There is an unnatural glamor accompanying the securing of a situation behind a counter that does not exist in a job on the farm where the boy follows the plow and milks the cows.

Up to within a few years the enterprising son of the farmer of the East could see a competence in going to the West and taking up a homestead. To-day he knows that practically all the good lands of the country which could be taken under the homestead laws are exhausted.

Mr. President, I might elaborate upon this feature of the argument indefinitely, but I think it is unnecessary. Unpalatable as it is, the fact confronts us that something must be done to change this constant drainage from country to city—the depopulation of much of the best blood of our rural communities—or within 10 years, perhaps within 5, we shall not only cease to be a food-exporting Nation, but shall actually be importing our cereals.

Mr. President, am I wrong in supposing that the productivity of our farm lands is an important economic condition which we should, as a Nation, seek to remedy? If a remedy can be found for the high prices of foods, should it not be applied, if the expense to the Federal Government is only commensurate and proper in view of the end to be obtained? Is the expense of 1¼ cents per month per capita of our population more than the exigencies of the situation warrant? I think not. I say 1¼ cents per month. Let me interject here that if this bill in 1921 reaches its maximum, the entire cost to the American people will be less than 1¼ cents per capita per month.

It seems to me that the great question before the country now is: Can these conditions be changed; and if so, how? I feel that they can be, and that this bill suggests the way, namely, by bringing about more profitable and better farming.

One of the methods for reaching this end is provided by section 7 of this bill, which appropriates for agricultural extension work. This means that actual demonstrations will be taken to the farmer on his own farm, or on some farm in his vicinity, the results of the research work which have been accumulating through the agency of the experiment stations connected with the different State agricultural colleges and of departments of agriculture for the past 50 years.

We recently had before our Committee on Agriculture and Forestry some very interesting hearings with reference to this agricultural extension work.

Among those who appeared before us was Dr. W. O. Thompson, president of the Ohio State University; Dr. H. L. Russell, dean of the College of Agriculture of the University of Wisconsin; Dr. T. C. Atkeson, professor of animal husbandry of the University of West Virginia; Dr. W. D. Gibbs, president of the New Hampshire College of Agriculture; Dr. Howard Edwards, president of the Rhode Island State College; Dr. Andrew M. Soule, president of the State College of Agriculture of Georgia, and a number of other leading educators connected with agricultural work.

I was particularly interested in the statement of Dr. Soule, because there is probably no educator better known in the South than he. He impressed me as a man of ability, and as one who is not only aggressive, but progressive in all that pertains to the educational welfare of our country. Coming as he does from the great Empire State of the South, perhaps the most progressive of any of the Southern States in matters of agricultural education, his views are especially important. They are so thoroughly practical that I believe that Senators may profitably give to them something more than casual consideration. I shall not give them in full, but, rather, quote the more important of his remarks before our committee. He said:

> This problem is of so great magnitude that it is almost impossible to know where to begin an adequate discussion of it within the very limited time at one's disposal. I judge from the tenor of the questions asked here that possibly this distinguished body of men do not quite grasp the gravity of the situation in American agriculture at the present time. The use of fertilizers commenced in the South, roughly speaking, shortly prior to the war between the States. Last year something like 5,000,000 tons were used, of which more than 1,300,000 tons were applied in the State of Georgia, which I happen to represent on this occasion. That means a tax on the production of our State of approximately $25,000,000.
>
> Last year we successfully increased the yield of cotton, because of the beneficent information emanating from the extension work which we are endeavoring to do. But if you take the history of the application of commercial fertilizers for the last 50 or 60 years, you will find the production of lint cotton per acre stands almost still. It is quite evident, therefore, that we face a crisis in southern agriculture. It is true commercial fertilizers are necessary on our soils under existing conditions. It is also true that we are now reaching a point where a different system of agriculture must be instituted or fertilizers will fail to give a responsive profit on our land. What must we do? Can we afford to sit still when there hangs in the balance an export crop or a crop, which, exported, brings a balance of trade to our credit of nearly $700,000,000? Can we afford to see the price of lint cotton become prohibitive?
>
> I say, Mr. Chairman, this is not a local question; it is a national question; and the people of Massachusetts and the people of California are just as much interested and concerned in this problem as the people of Georgia. Can we remedy such a condition; is it possible? I will be specific for your information along this line. Five years ago we took in our demonstration a field, and it has been representative of land in many other points in the State—which without fertilizer produced a third of a bale per acre. Last year it produced 3 bales of cotton per acre. How was this extraordinary result brought about? The land was simply deeply broken, then it was properly cultivated, and a crop of cowpeas, gathering nitrogen out of the air, was turned under; a light application of cow manure and a thousand pounds of what we call three-four fertilizer was applied to the soil.
>
> I have not figured out the percentage of the increase, but I leave you to judge of putting principles of this kind within the reach of the cotton farmer who to-day is using an inadequate kind of fertilizer and who is harvesting a third of a bale to an acre. You may ask me, May this be duplicated on the average farm, and was this done at a profit? It was done at a profit of $150 to the acre, and it has been duplicated on many farms in Georgia, and it is a matter of opportunity through extension teaching to have it duplicated on thousands of other farms. This one illustration must serve to show you the gravity of the situation which confronts us and to let you see that production in this country is not maintaining its increased yield from the consuming power of the Nation, and that applies, Mr. Chairman, not only to raw materials which are the basis of our manufactures, but to food materials as well. This point I desire to make clear: Agricultural science is far in advance of agricultural practice. * * *
>
> Now, we may write bulletins, Mr. Chairman, indefinitely; they are good; there is a percentage of the American farmers who read them, but it is a limited per cent. We are not trying to help that man. I would not have the transcript show that I was indifferent to that man, for we want to serve him, we must help him because he is a leader; but we must also reach the ninety and nine who are not in position to help themselves and whose opportunities may not have been such as to enable them to take the bulletin and use it.
>
> We have 15 men in our extension department who have been termed "agricultural drummers." These men go out, for instance, to Mr. Smith's place, and Mr. Smith has been trying, possibly, to raise a bale of cotton per acre, but he has failed.
>
> Our man comes along and diagnoses his soil and tells him a method of preparation; he tells him what type of seed to select which will be resistant to this disease or that disease, and he grows that cotton and raises a bale per acre, and he thus has the stimulus and the scientific proof brought to his very door. Mr. Chairman, you have made a new citizen of that man; you have changed his outlook on life; you have given him a broad horizon; you have made him proud that he is a citizen of the United States; and you have endowed him with power. Can you afford and can we afford to neglect these millions of men who are not doing for this Nation, for themselves, and for their families what they ought to do because we have accumulated knowledge and lock it up and say you shall not have it?
>
> I want to speak of several other things briefly, and one is about the boys and girls who work in my State. I do not want to repeat what these other gentlemen have said, but I want to tell you what the extension work is doing for those boys and girls. I would like to say for the information of the Senators here that Georgia is doing her share in extension work. Our State is appropriating something like $45,000 every year to this work, and there is being subscribed in Georgia, through chambers of commerce, through boards of education, and through individual citizens, nearly $16,000 this year. Now, what about our boys' work? For a long time the yield of corn in Georgia stood at 12 bushels to the acre. Year before last it went up 2 bushels, and last year it went up nearly 2 bushels more.
>
> Several years ago Georgia was raising about 42,000,000 bushels of corn. Last year it jumped to 73,000,000 bushels. Last year, when every Southern State—please examine the statistics for yourself—fell off on account of the unprecedented drought, Georgia showed an increase of nearly 2 bushels to the acre, and between nine and ten million bushels increase for the State. * * *
>
> In the seventh congressional district of Georgia last year some 1,200 boys grew corn under advice and direction. They had to submit an elaborate report that was testified to by their county school commissioners and by other authorities in that county. Those 1,200 boys increased the yield of corn on their plats of land over the average land of the State of Georgia last year to a value of $50,000.
>
> These things can not be gainsaid, because they are facts. They show the power of bringing this truth to the youth on the farm who has not had an opportunity, who has believed his father a failure, who has believed agriculture a failure, and who has crowded into the city as a result.
>
> If we are to do something to bind our people to the soil, and especially the rising generation, we must show them the power of development of the soil as applied to making agriculture a profitable industry. I can only, of course, touch on some of these few extensions; there are many other extensions. As a result of the agricultural club work in Georgia last year a country boy—I think he is nearly 18 years of age—is to have a college education, and is to become a man that I believe the State of Georgia and I hope the people of the United States will live to be proud of.
>
> We have on our farms in Georgia something like 350,000 to 400,000 boys and girls growing up without direction, without knowledge of their environment, without any appreciation of the opportunity which soil and this State holds out to them.
>
> We can correct that defect in our educational system, and we can do more to help the school and the home. We can bring a greater impulse to our rural school system through extension teaching than any other agency which has yet been devised.
>
> I do not speak, I hope, in an overbold manner when I make this statement, because my experience, after all, is very limited, though I have had over 20 years' service in agricultural work, and I think it should entitle me to have seen something of the need out in the country and to understand a little about the application of the remedy. Soil knowledge is fundamental to our people; that has been touched on, but

I want to illustrate about what has been happening and why we must correct it, and then I will try to point out to you this measure as a means of accomplishing this end.

The virgin soil from Banks County, Ga., contains 6,400 pounds of nitrogen per acre-foot, 4,000 pounds of phosphoric acid, and nearly 15,000 pounds of potash per acre-foot. That same type of soil under cultivation 50 years by the methods practiced, not alone in Georgia, but throughout the South, and largely all over the United States, analyzes about 2,000 pounds of nitrogen, less than 2,000 pounds of phosphoric acid, and in many instances not over 6,000 to 8,000 pounds of potash. These results have been obtained in our own laboratories. You can think of the comparative waste which has gone on in this country and which is going on unimpeded to-day. There is no nation except the United States which could have stood the loss of soil food, which means gold just the same as you take wealth out of the mines.

No other nation could have stood it, and we could not have stood it but for the mere richness of our virgin soil. In Georgia we are trying to farm our lands in about the same way they do in all of the States. I will take you down to the seashore in southeast Georgia, where they grow sea-island cotton, where their soils contain less than 1,000 pounds of nitrogen, 600 pounds of phosphorus, and 400 pounds of potash per acre-foot. You see this is a sand bed. * * *

On our farms we have no business policy. Any institution that tried to operate in Washington for a year would go to the wall under that plan. We must therefore put a business policy on our farms and conserve not only our soil, but conserve our people, and educate a generation how to live in the country and take out of the soil something for their own maintenance and leave something for commerce and industry as well. * * *

All over the State of Georgia goes up this cry for help, this cry for assistance. Our people have come to realize that we have a great body of knowledge, which means life and opportunity to them, and they are calling on us to come out and serve them. We are doing all that men can do under the circumstances, and the State, I think, is doing its part; but if we are to reach this problem, and to reach it at the right time, we must have this movement stimulated by making it a great national problem, and then the weak States and those places where the work is being neglected will get in line and we will make a forward movement for the redirection and the institution of a constructive policy in our agriculture which will bring about the desired results.

Mr. President, as Dr. Soule and others have shown, we have been hugging the delusion that we were getting wealthy from farming, whereas, as a matter of fact, we have been taking the nitrogen, the phosphoric acid and potash, and the vegetable matter, or humus, from our virgin soils and selling them in the form of cereals and fibers; and before we can become prosperous farmers we must learn how to restore to the soil those ingredients of which we have been so prodigal. Germany has for many centuries been exhausting her productivity just as we have been for the last century, but she understands better than we do the best methods of restoration and fertilization, through rotation of crops and the conservation and use of waste material, and how to increase the productivity of the soil by the economic use of commercial fertilizers.

The following table, which I take from page 13 of Senate Document No. 76, Sixty-second Congress, first session, shows some most astonishing facts in regard to our inefficiency as farmers. It compares the increase in yield of five staple crops in Germany and the United States from 1878 to 1909:

Increase in yield of five staple crops in Germany and the United States.

	Germany.		United States.		Increase.			
	1878-1883	1909	1879	1909	Germany.	United States.	Germany.	United States.
	Bushels per acre.	*Bushels per acre.*	*Bushels per acre.*	*Bushels per acre.*	*Bushels.*	*Bushels.*	*Per cent.*	*Per cent.*
Rye	15.7	29.4	14.5	16.1	13.7	1.6	87.2	10.9
Wheat	19.2	30.5	13.8	15.8	11.3	2.0	58.8	14.2
Barley	24.9	29.4	24.0	24.3	14.9	.3	60.8	1.2
Oats	31.8	59.1	28.7	30.3	27.7	1.6	85.8	6.7
Potatoes	113.5	208.9	96.9	109.8	93.4	7.6	80.8	7.6

An analysis of this table shows substantially this:

In rye Germany increased her production 87 per cent, the United States only 10 per cent.

In wheat Germany increased her production 58 per cent, the United States only 14 per cent.

In barley Germany increased her production 60 per cent, the United States only 1 per cent.

In oats Germany increased her production 85 per cent, the United States only 6 per cent.

In potatoes Germany increased her production 80 per cent, the United States only 7 per cent.

Germany, with an area equal only to Minnesota, Iowa, and Missouri, produces three-fifths as much oats, four-fifths as much hops, four-fifths as much barley, three times as much sugar, six times as many potatoes, and nine times as much rye as we do in the whole United States.

Mr. President, in 1907 Germany had 43,000,000 acres sowed to wheat, barley, rye, oats, and potatoes, and harvested therefrom 3,000,000,000 bushels; while from the 88,500,000 acres sowed to the same crops in the United States American farmers harvested only 1,875,000,000 bushels. In other words, from less than one-half of the area German farmers harvested nearly double the number of bushels.

The matter may be stated in this form:

If on the land we devote to wheat, oats, barley, rye, and potatoes American farmers secured the same yield per acre as is secured by German farmers our farmers would be richer by $1,400,000,000 a year.

The fact that Germany has been cropping her land for centuries is all the evidence we need that if we will follow in her footsteps in the way of progressive farming we may restore our lands as she has done.

Here is another statement which I am sure will interest Senators, because it bears directly upon agricultural education:

France is the size of our three greatest wheat-producing States—Kansas, Minnesota, and North Dakota. In 1907 France sowed 16,000,000 acres to wheat, as did these three States. Since the introduction of beet culture French soils have been so rejuvenated that from her 16,000,000 acres of wheat French farmers harvested 325,000,000 bushels, while from our 16,000,000 acres the farmers of Kansas, Minnesota, and North Dakota harvested but 188,000,000 bushels, or 11.7 bushels to the acre to the Frenchman's 20.3 bushels.

This great economic problem is so all-important that it is to-day occupying the attention of the leading statesmen of our country as it has never done before. Among others who have spoken and written upon the question is Gov. Harmon, of Ohio. In an article on "Back to the Land" he emphasizes the fact to which I have been alluding, namely, that in the field of agriculture our country makes a poorer showing than in that of any of the other of our industries. His article is so replete with good sound sense that I am inclined to read a half dozen paragraphs therefrom. He says:

The average yield of all farm products in this great agricultural country is not creditable. She makes a poor showing in comparison with other nations, poorer in that than in any other industry.

The figures in the reports taken from the official records of Germany, England, France, and the Netherlands show that they raise from two to two and a half and three times more of all sorts of products to the acre than we do, and they have no better soil and no better climate. God has not smiled more brightly on any other land than ours.

We have the soil, we have the rainfall, we have the climate. You can trust nature to produce if you give nature the chance. And yet, while all other lines of our industries have received a great impetus from intelligent thought, agriculture seems to have been largely passed by. Too widely the idea prevails that all a man has to do is to scratch the ground, sow some seed into it, plow once in a while, and trust the Lord to do the rest.

The most productive thing is practical intelligence properly applied, and this must be done in agriculture as well as anything else.

What is the reason that the little country of France, which is not as big as one State in the American Union, could pay that enormous war indemnity to Germany, which everybody thought would break her up, and in 20 or 25 years after be the great creditor nation that she is to-day?

They have 45,000 agricultural schools in France, every one of them with a little plat around it, where they not merely teach boys out of books, but send them to the field to learn what must be done to make things grow under the smile of God; and the result is that France is the greatest producer and the greatest creditor nation in the world to-day, while we are just beginning to wake up in this country.

Really, Mr. President, may it not be fairly inferred that the facts given by Gov. Harmon as to the French schools are in some measure responsible for this condition, and may we not profit by the example which France has set for us in this matter of agricultural education?

I clipped from the Washington Post last week this little item which, it seems to me, shows the wonderful prosperity of France:

PARIS, *May 31.*

The issue of city of Paris bonds to the total of $41,000,000 for the extension of the municipal gas system has been oversubscribed 80 times. This means that the French people have subscribed to the amount of $3,280,000,000 and have actually paid in cash to-day more than $115,000,000, as each subscriber had to deposit $2 per bond subscribed for. The issue was oversubscribed in Paris alone 70 times.

The question of profitable farming to-day is coming to be largely a matter of rotation of crops, of fertilization, of better seeds, and of better breeds of stock. We have no more land to exploit, unless it be land the cultivation of which will have to be made profitable by the clearing of needed forests or by irrigation or drainage. We must increase the productivity of the acres we have or become a food-importing nation.

Mr. President, we have for more than a century been deceiving ourselves. From the platform and the stump we have been wont to boast about our boundless natural resources, but students are now coming to see that unless we change our present processes these resources will be largely exhausted within a period that to the farsighted statesman is but a day.

We have been exporting millions upon millions of bushels of wheat and corn supposedly at a profit, but our scholars who have been making the question of soil fertility a study for the past decade are now able to say to us, as the result of their research, that every bushel of wheat carries with it 27 cents' worth of phosphorus, every bushel of corn 13 cents' worth; and our friends from the South now know, as they did not know 20 years ago, that every pound of cotton takes from the

soil 3 cents' worth of phosphorus. When we consider the hundreds of millions of bushels of wheat and corn and the millions upon millions of pounds of cotton which we have been exporting, the extent of soil depletion is something fearful to contemplate. As President Wallace recently expressed it, "The nineteenth century farmer was no farmer at all; he was a miner, mining the fertility of the soil and selling it for the bare cost of mining."

Mr. President, this is not a pleasant picture to place before this Senate, but we may as well look the fact squarely in the face now as later. If it were necessary to accept these facts as proof incontrovertible of a continued decadence in our rural population they would be indeed startling.

But I do not believe they are; for now that we have exploited all our virgin soils, and the demand is for more corn, more wheat, more foodstuffs of all kinds, with which to feed the American people, we shall stop and think.

In the process of time—and I believe that time will arrive within the next 10 years—the slipshod, unscientific methods of farming which we are now practicing must be superseded by more progressive and more intelligent methods or the problem of the high cost of living will continue to grow more and more acute until it becomes unbearable.

The remedy is at hand and may be easily applied; and that remedy will, in my judgment, come from the more intelligent methods of farming which will result from this bill.

I was very much interested in Dean Russell's very vigorous remarks on this point before our Committee on Agriculture and Forestry.

He spoke particularly of the work of Dr. Hopkins, of Illinois, who, Dean Russell asserts, is one of the greatest soil chemists in America. He has been for years laboring on this problem of soil fertility. I read from Dean Russell's statement:

The essence of all curative processes is to first start with a diagnosis. If you have anything the matter with you, you want your physician first to make a proper diagnosis; and, gentlemen, we are already reaching the stage where we have to have a soil doctor; we are reaching the stage where we have to know what the condition of that soil is; and Dr. Hopkins goes out and makes these investigations of the soil and finds out whether the soil lacks in phosphate, lacks in potash, or lacks in nitrogen, and then applies the remedies. Let me give you one case which Dr. Hopkins told me about down in Illinois.

Down near Egypt, in the southern part of Illinois, where the land is poor, they started one of these demonstration farms, and Dr. Hopkins's analysis showed that that soil was lacking in phosphate and that an application of $1.50 worth of phosphate per acre to that soil would change it from a soil that would normally yield from 12 to 13 bushels of corn to one which would yield from 50 to 60 bushels. Now, here is a fact which Dr. Hopkins told me about: They started a demonstration farm at one of those sections, called in the farmers from all the surrounding counties, and called a meeting, at which they pointed out the value of rock phosphate as a remedy to a depleted soil in restoring the fertility.

One gray-haired old man came up to Dr. Hopkins and said, with tears in his eyes, "Mr. Hopkins, I want to thank you for what I have seen to-day, but, God help me, if I only knew that thing 40 years ago." He said, "I have got six boys in my family, and I have labored night and day to keep body and breeches together and to keep the family together, and what have I got on my farm—12 to 15 and 16 bushels of corn to the acre is all that I could make." He further said, "Now, I would like to have sent my boys to college; I would like to have given those children an education, but I could not raise enough crops on that piece of land that I have owned, and so I have tilled all my lifetime and have earned barely enough to support my family. Now," he said, "if a man had only come to me when I was a comparatively young man and told me the thing that you have told me to-day—that $1.50 of rock phosphate would have given me the 50 bushels of corn crop, the crop which was raised right over the fence from where I am—I could have sent my children to the high school and to a university, and" he said, with tears running down his face, "I am at the end, and nobody told me that."

Mr. President, in talking with an intelligent farmer in my own State not long since, he told me that 60 per cent of all the cows kept by the farmers of Vermont probably netted them a loss, the profit being made out of the best 40 per cent. The breeding of stock—not only of cattle, but of horses, poultry, sheep, and hogs—has been done in such a haphazard, unscientific way that there is no wonder that in some sections of the country it has been found unprofitable.

Vermont is one of the most progressive States in the Union in the matter of dairying. With her little more than 9,000 square miles, a goodly portion of which is mountainous and can not be profitably cultivated, she produced, in 1909, 35,394,000 pounds of butter. Maine, with her much larger area, stands second in New England States, with a production of 15,405,000 pounds. Vermont has found her dairy interests so profitable that she has practically abandoned her sheep industry, and to-day, instead of raising our own draft horses with which to cultivate our farms, we are bringing them from Iowa. The reason for this is that our farmers have become better students with reference to the breeding of stock. Native cows have given place to the Jersey, the Guernsey, and the Ayrshire.

We have imported our varieties of plants and animals from Europe, and we have too long assumed that they have the best possible heredity to make them profitable in our climate.

West Europe can not grow our American varieties of corn in its cloudy, moist, cool climate; yet we have assumed that the varieties of wheat, oats, barley, and sugar beets, long bred to suit these conditions, were the best varieties for our land of sunshine, with its dry and warm summers.

We have only begun to breed new varieties of field, garden, and horticultural crops. We are as yet so new that we are exploring the world to find varieties bred for climates like ours. The results of breeding vegetables and fruits in New England and California; of breeding corn, as in Illinois and Indiana; of breeding cereals, as in Minnesota and Ontario; of breeding cotton, as in the South, and flax in the Middle Northwest, show that public investments along this line yield hundreds of per cent profit.

The branch stations provided in this bill have proven necessary to serve as additional plant breeding and testing stations, where varieties can be created and tested so that the valuable new kinds may be distributed to all growers. In like manner we have accepted from west Europe the breeds of animals there created through centuries of careful, though not really scientific, methods of breeding. We have created enough breeds in this country to show that breeds can be created which are peculiarly adapted to our needs, and the science of creating valuable breeds of animals as well as valuable breeds of plants has now been as well wrought out in this as in any other country.

The proposed branch stations will serve the experts of the State experiment stations and of the Department of Agriculture as centers where those breeds of animals and varieties of plants can be improved, tested, and made available to the farmers of the respective agricultural regions.

Manifestly we are doing about 1 per cent of the scientific improvement of the heredity of our plants and animals which we should. For example, there might properly be one cooperative animal-breeding project at every one of the proposed branch stations, in which the cooperating group of breeders might have scientific direction from the State experiment station and the Department of Agriculture.

Mr. President, we shall need to double our agricultural products to accommodate twice our present population two generations hence.

Experts in plant and animal breeding offer abundant proof that between 10 and 20 per cent of this increase can be brought about by scientific plant and animal breeding.

Not of the least interest is the fact that the cost of the permanent changes made once for all in the heredity of plants and animals is so slight that the added result lowers the cost of production and therefore contributes to a larger degree to keeping down the cost of food than any other improvement in agriculture excepting the improvement made in the efficiency of the people through education and demonstration.

Mr. President, in view of the facts and figures which I have given—and they are, in my judgment, thoroughly established and beyond question—is it any wonder that the agricultural sections in many parts of this land have been showing a decadence in population?

I have been so much interested in this question of the decadence of our rural population that I have made an investigation as to the number of counties in the United States which show an actual loss in population between 1880 and 1910. It will undoubtedly surprise many Senators to be told that there are 252 in the United States which actually have a less population to-day than they had 30 years ago, and, with very rare exceptions, those counties are in our farming or rural sections.

TRADES AND INDUSTRIES.

In the discussion of this measure thus far, I have asked the attention of the Senate chiefly to agriculture and home economics. I have tried to show that, as a great economic proposition, farming must be made more profitable, farm homes better and rural life generally improved and different from what it is to-day, to the end that equilibrium between the city and country might be restored.

I think I have dwelt at sufficient length upon these points, and I now ask the attention of Senators to a question which in many respects is more important than all the other important features to which I have referred, and that is: What are we going to do with and for the boys in the cities? From every quarter comes the disquieting intelligence that the drift has been going from bad to worse until to-day it threatens our very political existence as a nation. The question of good citizenship attaches to our rural life, and there is every reason why we should consider the character of our citizenship as it apper-

talks to the boy on the farm. But in the immediate present at least there are no such alarming dangers confronting rural life as are at present manifest in that substratum of humanity which flocks to the congested sections in all our larger cities.

Our discussions in the Senate during the past three years upon the great question of conservation would fill volumes—indeed, Mr. President, it has filled volumes. It has been one of the leading topics of discussion throughout the land, and it is right that it should be. We should preserve our forests, our mines, our quarries, and our water power, but this is not all.

Prof. Carver, of Harvard University, well says:

In the present conservation movement it is highly important that we realise two things: First, that our most valuable resources are our people; and, second, that we are wasting people more than we are wasting anything else.

And he very forcibly adds:

If we forget either of these things, we shall find ourselves trying to save at the spigot while we are wasting at the bung.

Mr. President, a leading educator has said that:

By industrial education we are asked to shape the lives of the children of to-day, and thereby to make the men and women of to-morrow—the American of to-morrow. Each year 2,500,000 graduate from our elementary schools, proud and confident in having accomplished the first great task of their lives in successfully finishing the eight years' course with credit. An equal number of children, a vast army of two and a half million little ones, most of them only 14 years of age, leave the same schools discredited, unsuccessful, aimless, most of them having gotten no further than the sixth grade, having learned little else than the three R's, not educated in any sense, but only possessed of the rudiments whereby real education may be acquired. They have been, in a way, schooled only in how to fail. These are the children who go into the industries and deserve and require industrial or trade education.

The Daily Iron Trade Review, in its issue of April 30, in a vigorous editorial upon this bill, uses this language:

The untrained man is not necessarily a day laborer. He is such a man, however, so, when thrown off his present employment and upon his own resources—oftentimes slender—becomes a menace to society either actively or passively.

Something must be done for him, and this something the Society for the Promotion of Industrial Education believes can be afforded through the Page bill. There are many young men wasting their efforts along more or less unprofitable lines of endeavor who would be valuable members of society if they could have had the advantage of a special training when of suitable age.

It must be made almost impossible for there to be such an anomaly as an untrained man before our country can claim rightfully to have afforded every man an equal chance. There is a place for the Society for the Promotion of Industrial Education in the United States. There should be a place in the Federal statute books for the Page bill.

Vocational education helps the boy "to find himself," especially if we link his vocational education with the seventh and eighth grades—before compulsory education ceases. Modern application of education to practical life contemplates not only assistance to the boy to find himself, as they say, but it aids him in finding a place where he can get employment.

One of the best illustrations of how this trying-out process—the process of helping the boy to find himself—works out may be found in Newton, Mass. In the school system itself there is a bureau where every scholar is studied with reference to his physical and mental capacities and endowments. He is studied psychologically and his traits of character ascertained. His past school record is examined, heredity as well as environment is considered, and the boy's own tastes and tendencies are, as a matter of course, made the subject of study.

When this is done, a decision is made as to what general department of labor he is best fitted for, and then his school life is laid out upon that basis, and at the same time the bureau takes upon itself the burden of finding the boy a place to work in such occupation as it has been previously decided he is best adapted to fill.

Mr. Meyer Bloomfield, director Boston Vocation Bureau, has well expressed the situation as to this matter. He says:

The rediscovery of the child in school and shop has become the task of our agents. Too long have children been living and learning and working together as fractions of selves. Personality is subordinated to system. Excessive organization is stifling child energies struggling for self-expression. Vocational guidance looks to the whole child, to its past, present, and future. Through its efficacious interest and cooperating agencies it demands the utmost investment of all that a child is and may become.

Mr. President, I almost tremble lest I seem to give prominence to the widening gulf between capital and labor. I hope I am not a pessimist, and yet I confess that when I read an alarming emanation of one who has a right to speak for labor I am inclined to "stop, look, and listen."

Raymond Robins, who is known as the "social expert" in what is called the "Men and religion movement," gives expression to the following thought, and I want Senators to allow that thought to sink deep into their minds. He says:

The old vertical lines of social division—by income, profession, and family—are gone. The new line is horizontal. Above it are all those who live by dividends and below it are all those who live by labor. Already it is more than a line—it is a crack, a cleavage. And I tell you that unless that cleavage is bridged in the next '' years it never will be bridged in our time.

Raymond Robins was giving expression to no threat; indeed, he may be wrong in regard to his diagnosis of the future of the American people, but does it not behoove us as Senators to take cognizance of the utterances and claims of a man like Raymond Robins; and if we can lift some of those below the horizontal line to which he refers and give them a portion of the part above the line, should we not do it?

Mr. President, there is no way to do this except by reaching down and taking the hands of those below the line and, through vocational education, do what we can do to bridge this cleavage, and we must do it now. Raymond Robins says that unless it is bridged within the next 10 years it never will be bridged.

I am not ready to confess this—it may not be true—but I am not fully prepared to say that there is not some element of truth in his warning.

I am ready to give the benefit of the doubt to the cause of the sons of the men who toil, even though the expense of doing so to the Federal Government might be even more than 15 cents per capita per annum of our population, the amount called for by this bill.

Place over against this statement of Raymond Robins another, which appeared in our Washington dailies May 17. I read:

HARVARD'S FINANCES.

CAMBRIDGE, MASS., *May 17.*

Harvard University, according to the annual financial report, now has $25,000,000 in productive funds, of which $17,000,000 is in stocks and bonds. This is an increase of a million and a quarter over last year. From these funds the university has an annual income of $2,500,000.

Mr. President, I glory in our New England colleges. It has been well said that they "have sprung from the very soil, and the lifeblood of our fathers is in them."

He would be bold indeed who should undertake to capitalize the good will of the old-time colleges of New England or to estimate the power that inheres in their long record of usefulness and leadership.

Long may they live, and may the power of their usefulness and leadership continue. Their walls have risen from the modest bounty of New England yeoman, and men and women have worn homespun that the colleges of their boys might continue to live. It has been the best blood of rural New England that has peopled the plains and cities of the West, and the vigorous leaven of New England stock in western communities, from Ohio to California, has been drawn from the best-educated and most progressive element of the small towns of the country districts of rocky New England.

I have asked the United States Commissioner of Education, Dr. Claxton, to give me a statement showing the number of scholars, respectively, in the elementary or grammar grades, the secondary or high schools, and the colleges, together with the percentage of cost for each class.

It will probably surprise those who have not given the matter much consideration to learn that only 1.71 per cent are in the college grades; only 5.35 per cent in the secondary, or high-school, grades. The great mass of our boys—to be exact, 92.93 per cent—are in the elementary grades.

The commissioner's report shows that we are taking splendid care of those who enjoy the benefits of high-school and college courses—the 7 per cent—but we are not doing our duty to the other 93 per cent—the children of those who, by reason of having to become the breadwinners of the family, do not pass beyond the elementary grades.

The commissioner states that the cost of pupils in the elementary grades is $21.78 per capita; of those in the public high schools, $45; of those in the university, $280.

With the consent of the Senate, I will include in my remarks the table furnished by Dr. Claxton.

Per cent of enrollment and per cent of cost for the three grades in 1908–9.

Grades.	Per cent of enrollment.	Per cent of cost.
Elementary	92.93	74.68
Secondary	5.35	10.09
Higher	1.71	15.24

Practically all of these boys who are in the 92 per cent class are to-day deprived of any kind of vocational or industrial training. And because of this fact they are swelling the ranks of our outcasts and criminals and filling our jails and asylums with the flotsam and the jetsam of our social life. They form the

very scum which rises to the top of the great seething caldron of uneducated humanity and is forming that uncontrollable element which is the natural outgrowth of the injustice which is to-day being practiced on the sons of our toiling millions in the matter of withholding from them a decent measure of vocational and industrial training.

Mr. President, there is no truer saying than that "talent should lay its tribute upon the altar of human need." If there is any human need demanding tribute from the best talent of this Senate more than the need of the average American boy, I do not know where it is.

To-day, in my humble judgment, the sons of our toiling millions are not receiving that fair equality of opportunity to which they are entitled; and let us not deceive ourselves with the idea that these boys, as they grow up, will fail to note and keenly feel that inequality of opportunity.

They have minds no less acute, perception no less keen than those of us who have enjoyed a better education. They know they have not had a square deal, and, knowing this, is it any wonder that there is discontent and that as a result of this discontent the standard of citizenship is being lowered? Is it not true that in the minds of by far too large a percentage of them the Stars and Stripes is not that emblem of justice and equality which it ought to be? And yet, Mr. President, when we confront a proposition like the one now before us we are met with the cry of expense, cost, and unconstitutionality.

I wish to state with all the force at my command that, in my judgment, any bill the chief purpose of which is the promotion of good citizenship is not unconstitutional, because good citizenship is an absolute sine qua non for the general welfare and common defense. The very foundations of good citizenship lie in loyal, contented, and intelligent and prosperous people.

Mr. President, it is a condition, and not a theory, that confronts this Government to-day. If our citizens in the generation ahead of us are not able to earn a decent livelihood and give their children such an education as will equip them to run the race of life with a fair measure of success, it will be impossible to convince them that they are receiving that equality of opportunity to which they are entitled and without which they can not be loyal citizens.

Mr. President, this is an age of steam, of electricity, of enterprise and progress. To-day there are few, if any, laboring men in this country who do not, through the press and otherwise, keep in touch with the most advanced modern thought in so far as it relates to their own personal welfare.

The Grange and other like organizations represent the farmer; the American Federation of Labor, the American Manufacturers' Association, and kindred associations and organizations represent those engaged in industrial pursuits; and I wish to state to this Senate to-day that if there is a single association of any considerable size, either along the lines of agriculture or the mechanic arts, that has not discussed this measure fully and passed judgment upon it, I do not know where that organization is.

It has been said that the leaders in the American Federation of Labor were opposed to the education of large numbers along industrial lines. It is not true.

It has been said that the great Association of Manufacturers find it more profitable to work ignorant than skilled men. It is not, in my judgment, true. It is an interesting fact, Mr. President, that during one of the days of March last, Mr. H. E. Miles, chairman of the committee on industrial education of the National Association of Manufacturers, and Samuel Gompers, president of the American Federation of Labor, were together here at Washington. I sought an interview at which both of them should be present, but the two organizations were so antagonistic and hostile that my efforts to bring about a conference between them were unsuccessful.

This being the case, I asked this official of the National Association of Manufacturers to write me a letter setting forth the views of his association touching this bill, and at my meeting with Mr. Gompers I read this letter. At the close of the reading, he said:

That letter expresses the views of the American Federation of Labor exactly, and it states them better than I could state them myself.

I think this fact is worthy of being especially emphasized. Here are two organizations which, so far as I know, disagree upon every or almost every other point. They represent conflicting interests in the labor world, and yet on this vocational education measure they are in entire and hearty accord; and from one end of this country to the other the associations which represent the great industrial interests of our land are sending me letters and telegrams approving this bill and assuring me that if it passes it will solve better than any other plan before the American people at this time one of the most vexatious economic problems that now confronts us.

Let me quote very briefly from the views of Mr. Gompers, representing the American Federation of Labor, and Mr. Miles, representing the National Association of Manufacturers. Mr. Gompers says:

Under this proposed law the Federal Government, the States, and the local communities would be united in a cooperative movement to place within the reach of every boy and girl in the country the opportunity of securing both a general and a vocational education.

The prosperity of a nation depends upon its industrial and commercial success, and in respect to these success depends upon the training and intelligence of its citizens. It is therefore plainly evident that a national educational system determines its destiny.

The compilation of statistics relating to the period of school attendance by the young of the country, the study of these statistics, and the result of the limited attendance of so large a proportion of the school population which they have desclosed have attracted the attention not only of men engaged in educational effort, but the people generally. The fact that so large a proportion of the boys in the United States are leaving school at or before the completion of an elementary course of instruction, that the major portion of them are subsequently to earn a living by the work of their hands, that at an early age they seek employment largely in unskilled industries because they are fitted for nothing better and because they are too young to enter upon the work of apprentices, even were that possible, and that the prospects of emergence from unskilled to skilled industries is so small, is attracting attention to the problem and demanding solution.

Mr. Miles says:

The need of industrial education is coming to be seen in all quarters, and the movement has a tremendous impetus. The purpose of the Page bill is not to develop engineers through technical schools, etc., but to educate the boys and girls who are going to earn their own living in factories, stores, etc., and as wives of our working people.

This money (the money appropriated by this bill) would be spent in continuation schools, evening schools, and in day schools for boys and girls of about 14 years of age and over. This would be the first appropriation to make happy and efficient and educated in a measure to their life work the children of the common people who live in the cities and towns.

The Page bill likewise recognizes the other half of our population, those who live by agriculture, by giving about the same amount for agricultural and the domestic arts, not in the high-grade schools that turn out experts, but in the common schools, where are educated the boys and girls who will be the real farmers of the future. Not one dollar has ever been given educationally to the factory boys and girls, and this bill proposed that it shall now be given.

I think very few Senators have ever stopped to consider the magnitude of this great proposition and the millions upon millions of people which it would favorably affect from ocean to ocean and from Canada to the Gulf.

Mr. President, the nations of the earth are now engaged in a race for commercial supremacy, and in that race to-day Germany is confessedly taking the lead. It is said that she annually exports a billion dollars' worth of her products, and this fact is, in large measure, owing to that other fact that she is more progressive in the matter of industrial education than any other nation in the world. In Germany every boy, even to the sons of the Emperor, must learn a trade. Japan has recently adopted an educational system. She studied the educational systems of the world and then adopted the German system. Men like to do what they can do well, and no boy entering any manufacturing establishment can do his best work if he understands that his equipment for that work is so inferior to those with whom he is associated that he is at a disadvantage.

The boy does not stand still; he is either progressive or retrogressive. Inspire him with faith in himself, and he puts forth his best efforts to succeed. We all work better under encouragement and inspiration than under the lash and spur.

To learn more is to earn more. If the boy could have discovered this fact before being thrown upon his own resources as he passed from the grammar school, he would have put forth his best efforts to secure a vocational education. But this fact was not pressed home to him. Indeed, under existing school conditions the opportunity to learn more about the practical things of life does not exist, and it is one of the main purposes of this bill to bring into existence schools which will give the average boy the equipment which his restless, progressive nature demands and which he, as a prospective citizen of this country, is entitled to receive.

I dislike to seem to criticize our school methods, because I recognize that a multitude of our wisest and best men are unselfishly and patriotically devoting themselves to the education of the young men and women of our land.

That they are doing good work is shown by the fact that during the last decade the ratio of illiteracy has decreased from 10.7 per cent to 7.7 per cent, or, to state it differently, it was 39 per cent higher in 1900 than in 1910.

Have we not too long assumed that the mere school definition of illiteracy is misleading? Have we realized what a small part of our people are vocationally trained? Have we not stopped with teaching our youth the three R's? Have we taught them to make use of their elementary training in gaining knowledge and skill in the great vocations open to more than 92 per cent

of them? Have not our educators been asleep as to the latent cultural power and value of the body of knowledge in the great major vocations of the farm, the shop, and the home?

But I submit, not as a criticism but as a suggestion for the consideration of the Senate, that there is something wrong in a school system which drives the average boy away from school life at the very time when he should be just beginning to realize the great importance of education. It is absolutely futile to argue that it is the boy's own fault. If there is any criticism to offer upon our system of education it is that the curriculum repels rather than attracts the average boy, and, worse still, the father of the average boy.

Mr. President, we shall never change this condition, in my judgment, until we introduce into our school system a greater or less measure of vocational education. To just what extent this can be done is a problem which we must work out. It is a problem which our educators, as they to-day look upon the school curriculum, will not solve except by slow and tedious processes unless something is done to stimulate and point the way substantially as is contemplated by this bill.

Unless Senators have given the matter some thought, very few of them realize the extent to which training along industrial lines can be made to contribute to a general cultural education. We all remember how our boys were given abstract problems in arithmetic when they were young. They learned to add, subtract, multiply, and divide. But if the men who prepared the arithmetics for those boys had known that they were going into a machine shop after leaving school, and if they could have provided an arithmetic which would have been just as well suited to give the boys a cultural education and at the same time equip them with a practical knowledge, this change of textbook would have been of incalculable value to them when they went into the shop.

I have before me an example of problems found in a textbook published by the General Electric Co., of Schenectady, N. Y. This company assists in the training of boys who are to find work in its shops later on. Let me read two or three of the problems which they give to their students:

If a hollow cylindrical casting is 3 feet long and 1.5 feet inside diameter, and 2 feet outside diameter, what will be its weight if cast iron weights 0.26 pound per cubic inch? What will be the cost at $2.25 per hundred?

If in finishing we take a cut one-fourth inch inside and one-fourth inch outside and sell the metal turned off at 50 cents per hundred pounds, what is the final cost of casting?

The arithmetic of this company is full of concrete problems like the two I have cited. In brief, the cultural is attained through the vocational, and who can say it is not a wise change?

In seven States—Massachusetts, Connecticut, New York, New Jersey, Maryland, Michigan, and Wisconsin—recent laws have been enacted relating to vocational training for the industries, and Massachusetts has a commission on industrial education.

Under her law enacted in January, 1906, 17 independent industrial schools were organized prior to January 1, 1910. This law is believed to be one of the best, and I ask consent to publish it as an appendix to these remarks, as it may be of assistance to those who would study the practical workings of industrial education.

The underlying principle of this Massachusetts law is that those who reap the benefits of the appropriation shall contribute a share of the expense. The law, among other things, provides that the Commonwealth shall repay to any city or town one-half the expense of these schools. I quote one section of the law:

Upon certification by the board of education to the auditor of the Commonwealth that a city, town, or district, either by means raised by local taxation or by means donated or contributed, has maintained an independent industrial school, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts, a sum equal to one-half the sum raised by local taxation for this purpose.

Mr. President, at one of our hearings before the Committee on Agriculture and Forestry, Mr. Herbert Myrick, president of the organization which publishes the Orange-Judd agricultural papers, at Springfield, Mass., appeared before us and exhibited a chart giving the money value of industrial training as shown by the Newark Technical High School, at Newark, N. J. I confess that the figures seemed to me so absolutely unbelievable that I did not wish to give them to the Senate as facts without having them verified, so I wrote to the principal of the school, quoting Mr. Myrick's statement. His reply was that in the main the statement was correct. Here is the statement:

The so-called skilled mechanic in the industries of New Jersey earns fifteen to twenty-five dollars per week, but let the same adult mechanics spend their evenings for a while acquiring technical training and industrial education and so greatly is their capacity developed that at the age of 45 they occupy positions that pay an average of $66 per week.

This is the actual result of the census taken of the graduates of the Newark (N. J.) Technical High School, which is an evening school. These are mechanics who work at their trade during the day and come in and attend evening classes. I have, from what I believe to be good authority, the information that this result was obtained from an actual canvass of the graduates of this Newark Technical School for a period of years, and that the replies received covered 85 per cent of those who had graduated.

Whether the replies to the other 15 per cent would materially change the proportion upward or downward, I am unable to say. In any event, it could not change it very much. Let me repeat that the average so-called skilled mechanic received from fifteen to twenty-five dollars per week, while these graduates from this Newark Technical School averaged $66 per week, thus showing that the men who were sufficiently enterprising and ambitious to take the training at this school rose to positions as managers, foremen, and overseers.

In passing, let me refer to one point in connection with this school, because it illustrates how I hope this bill will work out with reference to the separate schools for the trades and industries provided for in section 4 of the bill. There are, in round numbers, 1,600 towns and cities in this country having a population of 4,000 or more.

Let us suppose for a moment that every one of these should avail itself of this appropriation, and let us suppose that the $3,000,000 which section 4 appropriates is matched by a State appropriation in each State, making $6,000,000, and then that these cities shall add thereto as much more by local taxation, making $12,000,000 in all.

This would mean an average of $7,500 for each school. Educators say that it takes $100 per capita to conduct a good school of this kind. This means that these schools would have an average of 75 scholars each, and that these 1,600 schools would annually send out to infuse new life into our manufacturing industries approximately 120,000 trained men.

You will observe, Mr. President, that I have predicated my conclusions upon the hypothesis that local taxation will supplement and match the Federal and State appropriations.

Bearing upon this point, I wish to say that the law of New Jersey, under which the Newark Technical School was established, provides that whenever any board of education, school committee, or other like body in any city, town, or township in the State shall certify to the governor that a sum of money not less than $3,000 has been raised, it shall be the duty of the governor to cause to be drawn by warrant on the comptroller an amount equal to that contributed by the particular locality for the said object, and when any school or schools have been established in any localities aforesaid there shall be annually contributed by the State for the maintenance and support thereof a sum equal to that contributed each year by said locality for said purpose, provided, however, that the moneys contributed by the State to any locality shall not exceed in any one year the sum of $5,000.

It will be observed that the State of New Jersey helps those who help themselves, and that is what this bill designs to do. It really is an offer on the part of the Federal Government to share with the States in making offers of funds to those cities and communities which will help themselves.

Mr. H. E. Miles, chairman of the committee on industrial education of the National Association of Manufacturers, in an address on vocational education, speaks of America as being likened to a huge stevedore bearing down to the ships of the sea the crude or semicrude material for the use of the capital, labor, and intelligence of foreign nations. These exportations are a depletion of our national resources, the heritage of the ages, and are irreplaceable. We now see that under present processes those resources will be exhausted within a period that to the farsighted is as a day. We sell our cotton to Switzerland at 14 cents per pound with scarce any labor in it; we buy it back in the form of fine handkerchiefs at $40 per pound, nearly all labor.

The extent to which we may change these conditions by increasing the efficiency of the rising generation through industrial education will measure the degree of prosperity and progress which this country is in the future to enjoy in its struggle for commercial supremacy.

No nation approaches us in inventive genius, none in natural push and vigor; and if we will stop thinking in small sizes for a brief period while we start on an upward trend the generation now coming upon the stage of action, by the use of that efficiency which comes from a better and more practical education, we can distance the world.

The official figures just issued by the Census Bureau show that we increased our manufactured products from fourteen billions in 1904 to twenty billions six hundred million in 1909—a gain of 40 per cent in five years. We increased the number of our manufacturing establishments from 216,118 in 1904 to 268,491 in 1909. We increased the capital invested in manufacturing these products $5,700,000,000 in these five years. We increased the number of our wage earners 21 per cent in that time, and, best of all, it may be said that while we increased the number only 21 per cent, we increased the wages 31 per cent.

Dr. Schwedtman, president of the Citizens' Industrial Association, of St. Louis, says:

We have every reason to be gratified with our showing; but the greatest value of past records of patriotic, progressive, and ambitious men is this—they provide a standard for the future. Standing still is impossible. We must go backward or forward. The record of the past five years must be surpassed by that of the next five years.

But, in his judgment, we now strike an economic fact which must be carefully considered. He says that while in the past much of our industrial growth has been accomplished by increase of industrial territory, increase of raw material, and added immigration of skilled foreign mechanics, we must look for our future progress principally to higher efficiency in our shops, to higher grade of output, to a better grade of American mechanics. We must export less pig iron and more sewing machines, less steel billets and more watch springs, less copper and more dynamos.

It has been truly said that the man deserves well of his country who makes two blades of grass grow where one grew before. Is this not equally true of men who turn raw-cotton exports at 14 cents per pound into fine handkerchiefs at $40 per pound?

Mr. President, only 38 per cent of the population of the United States are breadwinners. Fifty-five per cent of the Austrian population, 53 per cent of the Italian population, and 48 per cent of the French population are breadwinners.

We must convert the idlers of this Nation into producers; and, in my judgment, we may do so if we will take the hundreds of thousands of boys, now almost running wild in our larger cities, and, by industrial education, by instruction along the lines of the trades and industries, and by finding them places to labor, turn them from vicious paths into self-respecting, self-supporting, contented producers.

In England the percentage of population engaged in manufacturing, mining, trade, and commerce is 64; in the United States it is only 40. Is it not our duty to provide for this additional 24 per cent of our population by converting them from consumers to producers?

The United States produces approximately 5,500,000,000 pounds of cotton annually, but we manufacture only 2,000,000,000 pounds of that cotton into finished products. England produces in India 1,350,000,000 pounds of cotton, but she manufactures approximately 2,250,000,000 pounds into finished articles. If we figure raw cotton at 15 cents per pound and finished cotton products at 30 cents per pound, we have a difference of $525,000,000 annually which might be paid to skilled workers in the United States, which now goes to the skilled workers of England and other countries.

We appropriate millions of dollars every session the benefits of which are largely local, but the benefits of the appropriations flowing from this bill will reach every city, town, village, and hamlet, and practically every child resident therein. And yet, Mr. President, the time will never come when the appropriations under this bill will aggregate at their maximum more than 1½ cents per month per capita of our population.

In 1916 our population will be more than 100,000,000, and if the total appropriations under the bill at that time were to reach $15,000,000—and they will not—it can be seen at a glance that the per capita expense to the American people under its provisions would be only 15 cents per annum. Think of it, Mr. President. We shall have given to every one of the sons of the toilers of this country an opportunity to acquire an education, which shall make us a Nation of more efficient producers, of more self-respecting, more contented, more happy men and women, and consequently a Nation of better and more law-abiding citizens, and that, too, by an annual appropriation from the National Treasury of only 15 cents per capita of our population.

HOME ECONOMICS.

Mr. President, I shall now devote a few moments to the question of home economics, although I have given to the subject a somewhat less extended examination, perhaps, than I ought to be qualified to speak interestingly upon it.

I have, however, proceeded far enough in my investigations to become fully satisfied that the education of our girls along the lines of the trades and industries and in home making as contemplated by this bill is one of the most important economic problems now before the American people.

Mr. President, I have never taken pains to figure out just what part of the funds appropriated by this bill would be used for the benefit of home making, but I have asked prominent educators how they thought the bill would work out, and they have expressed the opinion that of the nine millions appropriated—three millions for the separate schools in cities, three millions for the industrial schools connected with the high schools, and three millions for the district agricultural schools—about 25 per cent would probably find its way into the field of home economics for the education of girls.

Home economics or the science of home making is a much more comprehensive term than one would believe who has not given the matter some thought. Broadly speaking, it refers to the improvement of the conditions of home life, but the avenues through which this improvement comes are many.

Primarily they include cooking, sewing, making articles of household use, vegetable gardening, home nursing, care of children, and so forth.

But these are only the elementary studies, and the girl who would fit herself to be a true home maker should understand the preparation of foods for invalids, first aid to the injured, the value of foods that enter into daily consumption, and how to buy them so as to eliminate waste. She should understand ventilation, hygiene, physiology, the prevention of preventable diseases, serving of dinners, laundry work, house planning, millinery, making her own clothing, art needlework, household decoration, household bookkeeping. Indeed, her studies should cover that broad field which will fit the girl to prudently and economically manage household affairs when she becomes a wife and mother, and to have such an understanding of household administration as will enable her to eliminate waste and plan prudently, as one must do who provides for and presides over the household and has to do largely with the family living expenses.

Mr. President, the difference between the girl who leaves school on the completion of the seventh or eighth grade without any knowledge of these practical affairs of life, and the one whose school life has been prolonged for an added year or two in the study of home economics is very often the difference between success and failure as a wife and mother.

A good, well-kept home, presided over by an intelligent woman, educated along both general and practical lines, means health, happiness, prosperity, with healthy children and all those essentials which make life worth living.

The country is fast awakening to the fact that probably 50 per cent of all divorces would have been avoided had the girls been good cooks, good home makers, and good mothers. The country is also awakening to the fact that infant mortality is largely owing to lack of that knowledge touching motherhood which ought to be better understood in all our homes.

Fifty years ago every girl believed her proper calling in life was to become a good home maker, wife, and mother. To-day they look forward to a position in some trade or industry, or, perhaps, to office work as stenographers, typewriters, or telephone girls. And when—as is usually the case—they find themselves brought face to face with married life and the home, they fail to bring to the discharge of the wifely and motherly duties that experience, skill, and knowledge so absolutely essential to a good home maker.

The picture is an unpleasant one, Mr. President. It is one which affords no gratification to a student of public affairs. The results are that in too many instances home life is undurable, and year by year more and more do the divorce courts show the results. We must give our girls a training different from that with which we now provide them, for if we do not, and if race suicide and divorces continue to increase as they have for the past 25 years, our social conditions will become unbearable.

What greater problem confronts us to-day than the health of our people, and especially the health of the young? And who does not know that it is only by that better knowledge of sanitation, hygiene, cooking, and ventilation gained by an education in home economics that we can give the rising generation a higher standard of health and physical force? We must come to realize that a sound mind in a sound body is one of the essential prerequisites of wholesome, forceful manhood or womanhood.

I rejoice in the fact that home economics is rapidly assuming the prominent place which it deserves in all schools which girls attend, from the elementary to the collegiate. This bill, if it passes, will generally accelerate this essential movement toward better home making, and mothers who are bringing up

the rising generation in conformity with the laws of health will be accorded a higher status in the social ranks of American women.

It is a most regrettable fact that by far too large a portion of our American girls are not good housekeepers and are lamentably ignorant of the duties of motherhood. We might profitably consider this great proposition along other and collateral lines, including the great question of race suicide, but I hesitate to discuss this problem here. A mere reference to it ought to bring a blush to the cheek of every student of our social conditions.

Mr. President, the American School of Home Economics has very forcefully expressed its disapproval of our great economic waste in the matter of our home management. It says that $10,000,000,000 are expended annually in the United States for food, clothing, and shelter, when, with greater knowledge and efficiency, better satisfaction could be obtained and $1,000,000,000 saved for higher things.

Half a million lives are cut short and 5,000,000 people are made ill by preventable diseases every year. With universal knowledge of hygiene and sanitation nearly all deaths and illness from such causes could be prevented.

Six hundred thousand infants under 2 years of age end their little span of life yearly, while millions of children fail to reach their best physical development, because their mothers and fathers do not understand how to care for them in the light of science. With more knowledge at least half these babies could be saved and the physical standard raised immeasurably.

I will ask permission at this point to insert a clipping from the Washington Post of June 4, 1912.

The VICE PRESIDENT. In the absence of objection permission is granted.

The clipping referred to is as follows:

500,000 LIVE BUT A MONTH—OF BABIES WHO PERISH YEARLY, 15,000 ARE BORN IN NEW YORK.

NEW YORK, *June 3.*

Two hundred thousand infants die every year in the United States before completing the first month of life, of which number 15,000 are born in New York City. This statement was made to-day during a meeting called to start a new campaign of infant welfare in this city.

It was decided to call a meeting for next Monday afternoon, to which will be invited representatives of all hospitals, dispensaries, and similar institutions in New York.

It will be proposed that there be established a central office in the health department building, which will be a clearing house for all work intended to aid infants. This will not interfere with the integrity or independence of any one of the individual organizations.

Mr. PAGE. Mr. President, thousands of homes are wrecked, tens of thousands of lives ruined, and hundreds of thousands are made unhappy because the home-keepers of our country have no training in that greatest of all professions, the "profession of home making and motherhood." All must live in some sort of a home, for everyone finds his chief happiness there. Character is developed there. No great advance, spiritual or mental, is possible which does not begin with the home. The home makers of America have the making of the Nation. Every girl is a potential mother. Every mother should be a home maker. Every girl should have the best of health, some knowledge of her peculiar functions, some specific preparation for playing her part in the best possible home.

Society must come to recognize that woman's work is to promote the best possibilities of the next generation. Let us at least be as sensible with reference to the health of the woman who bears the child as we are with reference to the breeding of stock.

There is such a close connection between home economics and the education of women for industrial pursuits that we hardly know where one leaves off and the other begins; but this bill provides education for them in both relations. The young girl in the city must not only earn a livelihood at some manual trade, but must broaden somewhat her field of general knowledge. This she is able to do by the separate industrial schools provided for in section 4 of this bill. Indeed, it is presumed that the appropriation made by section 3 for a separate division in the village high school will afford the girl who must earn a livelihood after she leaves the grammar school and before she becomes a wife a fair equipment for such branches of special service away from the home as she may find it necessary or convenient to enter. That this special training for the girl works out practically is shown by the examination of some of the schools which have undertaken this class of work.

For instance, the Manhattan—New York City—Trade School for Girls began its work in 1902 under the inspiration of a group of men and women interested in philanthropic, sociological, economic, and educational work. They found upon examination that the wages of unskilled female labor were declining, while those of skilled labor were advancing, and that the supply of skilled labor was inadequate. They reached the conclusion that the condition of the young and inexpert working girl must be ameliorated in some way.

The principles of the school, as laid down by its organizers, were to improve the worker physically, mentally, morally, and financially; to better the conditions of labor in the workroom, and to raise the character of the industries and the conditions of the home.

It was not expected that immature girls of 14 or 15 years of age would, immediately upon entering the labor market, make large salaries, but the purpose was to educate these girls for situations for which their qualifications best fitted them, and to make possible a steady advance to better occupations, better wages, and a better life.

Here is just a brief statement as to five of the different occupations taught at this school and the improved financial change which resulted:

In dressmaking the girls started at $3 to $5 per week; after training in the Manhattan school they were able to earn $5 to $12 per week. In millinery the girls started at $2.50 to $4 per week; after training they received from $4 to $10 per week. In operating machines the girls started at from $3 to $6 per week; and after training they received from $5 to $30 per week. In novelty work the girls started with wages from $3 to $5 per week; after training they earned from $6 to $10 per week. In what is known as "trade art" the wages of the girls at the start were from $5 to $8 per week; and after training they increased from $8 to $15 per week.

These schools in New York have what are called "night continuation classes," and an examination shows that the classes are not only well attended, but that the results are excellent.

The cost of equipment of schools to teach these subjects is relatively not large. As regards garment or dress making, it is estimated that a room for 20 workers may be plainly furnished at a cost of $300 to $500.

The equipping of a workroom for electric power operating, including general and special machines, motor, cutting and work tables, cabinets and chairs, is, of course, considerably more expensive than one for garment making. In the latter, one sewing machine can be used for several workers, but in electric operating each worker must have her own machine. The electric motor adds also to the expense. The minimum cost of thus equipping a shop for 20 workers is about $1,000 to $1,500.

Arthur D. Dean, chief of the division of vocational schools of the State department of education of New York, says:

We are only at the beginning of a new conception of woman and her work. She will be educated only as she is master of herself and master of her job—master of herself in the sense that she must know of her possibilities as a woman of splendid health, of personal power, and of genuine poise; master of her job only as she is fitted for a God-given motherhood and a community-given vocation.

Charles Wagner says:

The more a woman shall have learned to live by herself the better she will occupy her position in wedded life should she marry. Trained to direct herself, to earn her own living, capable of energy and decision, a woman, if she marries, brings a precious cooperation to her husband. If she never marries she will know how to be all-sufficient to herself. She will not believe her life lost nor make of it a morbid matter.

I believe Senators make a great mistake when they underestimate the benefits which will flow from that part of this bill which pertains to home economics. I have become intensely interested in it, and the more I study it, the more I think it is one of the great features of this bill.

GOOD CITIZENSHIP.

Mr. President, I wish I might say that no Senators were objecting to this bill, but I can not. There are a few who urge its expense as sufficient reason for opposing the measure, while others urge its unconstitutionality. The latter insist that there is no warrant in the Federal Constitution for the cooperation of the Federal Government with the States in matters of education, and for this reason say this bill should not pass.

I am not a lawyer and speak only as a layman, but it seems to me that if there is any one matter upon which Congress—and, indeed, the great American people—have passed repeatedly and affirmatively, it is the question of the constitutionality of Federal aid to education.

In discussing this matter of constitutionality with a Senator who has had a very long experience in congressional life, he made this answer to my suggestion:

Senator, I did believe that if any State wished to secede from the Federal Union it had the constitutional right to do so. Perhaps I might truthfully say that I so believe at this time, but this matter was decided in 1865 once and for all time. The question of the constitutionality of Federal aid to the cause of agricultural and industrial education was decided in 1862. That decision has been again and again reaffirmed. I have no desire to reopen the question at this time.

During the Sixty-first Congress, acting in conformity with a demand from the American people which was simply irresistible, we practically went into the banking business by establishing postal savings banks and borrowing money from the American public to reloan to the banks of the country. No one has claimed that there is any express warrant in the Constitution for this legislation, but the measure is meeting the approval of the American people, and no one to-day thinks of repealing the postal savings bank act or of raising the question of its constitutionality.

It seems now probable that, acting in conformity with a demand that is almost equally irresistible, we are about to go into the express business through the medium of the parcel post, and I imagine that if that accessory to our Post Office Department shall prove to be a financial success no one will be heard to question that legislation because of its unconstitutionality.

Mr. President, if there is any act upon our statute books to which the people of this land have given their most hearty approval it is the Morrill Act of 1862. Congress has reaffirmed that approval again and again, first by the Hatch Act of 1887, appropriating $15,000 annually to each State for experiment stations, then by the second Morrill Act of 1890, giving an additional $25,000 annually to each State for the benefit of the agricultural colleges established by the original Morrill Act. It was again reaffirmed in 1906 by the Adams Act, which doubled the appropriation under the Hatch Act by giving an additional $15,000 annually to each State for these same agricultural colleges and State experiment stations; and no later than 1907 it was further reaffirmed by what is known as the Nelson amendment, offered by the distinguished senior Senator from Minnesota, by which was added another $25,000 per annum to the agricultural college fund of each State. These four appropriations supplemented the original Morrill Act by giving to each State $80,000 per annum additional.

Remember that the original Morrill Act was passed in 1862, at a time when we were in the throes of the Civil War, and when the burdens of the Government were infinitely larger than they are to-day. We took our new departure on these lines then and decided that the general welfare was so dependent upon industrial and agricultural education that we might well lead the way in that great work.

The new departure taken in vocational education in 1862 has worked wonders in the way of giving to the country an army of trained specialists in agriculture, engineering, and home economics. This skeleton army has laid the foundation for the larger, broader work which by this measure we seek to accomplish. Without these trained specialists we should be in a condition of unpreparedness which would be absolutely deplorable. As it is, we are now ready to go on with the broader work; and the great American people now insist that we do go on with it in some such manner as is outlined by Senate bill No. 3, now before us.

Mr. President, I do not think I can be mistaken in regard to the attitude of the country with reference to the better education of our boys and girls along agricultural and industrial lines. I wish Senators might have been associated with this work as I have been during the past 14 months, for I am sure if they had been they would realize more fully than they now do the intense interest which prevails throughout every section of the country, East, West, North, and South, on this great question.

This movement for vocational education is not confined to any one section nor to any class of people, but has taken deep hold upon our agricultural, our commercial, and our manufacturing population. There is scarcely an important organization in this country, which has for its object the uplift and betterment of our people, that has not considered this particular bill—Senate bill No. 3—and, by specific resolution, approved it, usually in its entirety, but always as to its fundamentals. There is scarcely one of the great educational organizations of this country which has not passed upon this bill, and, barring some of its administrative features and some of the difficulties of its articulation with State laws, approved it unqualifiedly and enthusiastically.

It occurs to me that there is no impropriety in reading to the Senate the resolutions of a few of the more important of these organizations and associations which, in convention, have made this bill the subject of debate and have passed resolutions indorsing it.

The National Grange is one of the most important organizations which speaks for agriculture. It is the recognized mouthpiece of a very large body of the farmers of this country. At its annual meeting at Columbus, Ohio, last fall, it passed the following resolution:

Resolved, That the National Grange, in its forty-fifth annual session assembled, does hereby indorse the Page bill, Senate bill 3, to provide for vocational education in secondary schools, the training of teachers for these schools, agricultural extension, and agricultural demonstration.

The International Dry Farming Congress is an organization whose special field of labor is in the semiarid regions of the trans-Mississippi States. I am told by Senators from the intermountain States that the organization is helping to successfully solve the great dry-farming problem which is being worked out to-day in those sections of our country which have very little rainfall.

That congress at its annual gathering at Colorado Springs in October last unanimously adopted the following resolution with reference to Federal aid for industrial education:

This congress reiterates the conviction voiced by former congresses in favor of financial Federal aid for rural education and agricultural extension, the same to be expended exclusively by the several States in the interests of agriculture, home economics, and the mechanic arts, and for preparing teachers for the same. * * * This congress urges upon its members that they use all legitimate influence to the end that the coming session of the Congress of the United States may witness the enactment into law of a comprehensive plan for agricultural and vocational education and training in the common and high schools.

While this dry-farming congress makes its special work the improved methods of tilling arid lands, its members interest themselves generally in those educational matters which are supposed to be for the general welfare.

Among the subjects especially considered by that congress was that of woman's work—the home and home economics; and since this constitutes an important feature of this bill, I wish to read the resolution of this organization touching home making:

Realizing that the results of agricultural education during the past two decades have demonstrated the equal importance of the education of the farm women along parallel lines with the education of the farmer, and also realizing the importance of the carrying forward of agricultural propaganda, in so far as it relates to the establishment of happy, contented homes on all farms, * * * this congress heartily indorses the bill now pending before the United States Senate which provides for a permanent annual appropriation to each State experiment station for the purpose of conducting original or confirmatory experiments dealing with the whole field of home economics, and requests our respective Senators and Representatives to urge this bill for early passage.

There is a very strong organization in the South, known as the American Education and Cooperative Farmers' Union, and another—of perhaps equal or greater strength—the American Society of Equity. It is said that the two together represent several million farmers.

I do not know how they compare in importance with the National Grange, but I imagine that they are to the South what the National Grange is to the North. I shall not read their resolutions, but will simply state that at the joint meeting of these two organizations they passed resolutions approving the provisions of this vocational education bill and earnestly urged the Members of the National Senate and House of Representatives to favor its passage.

The International Congress of Farm Women is another organization which is quite active in some sections of the country, and at their last annual gathering they passed the following resolution:

Resolved, That this congress indorses the vocational-education bill now pending in the Congress of the United States, whereby the States and Nation may combine in a comprehensive plan of effective vocational training in secondary schools, through which the rural elementary schools may be benefited.

The National Association of Manufacturers is one of the strongest organizations in this country devoted to the improvement of industrial conditions. It is constantly entering new fields of labor in a philanthropic way. At its last annual meeting held in New York City it passed the following resolution with reference to industrial education:

That this association earnestly devote itself, with reasonable outlay of funds, to the promotion of industrial education, to the end that such education may be made available, as soon as possible, to every child who needs it.

Resolved, That we favor the establishment in every community of continuation schools wherein the children of 14 to 18 years of age, now in the industries, shall be instructed in the science and art of their respective industries and in citizenship.

The National Educational Association, at its convention held in Boston some time ago, passed the following resolution, by a unanimous vote:

That while the members of this association are of the opinion that the old courses of study, which had as their chief object the giving of culture to the individual and of transmitting to him the best ideas and ideals of the past, should in no manner be weakened, we nevertheless, very sincerely indorse the movement to make the courses of study offered in our schools more democratic, that they may meet the conditions of our modern commercial and industrial life. However, to meet adequately these new demands imposes upon the schools of the country additional financial responsibilities, and this association appeals to the Nation and to the States for more liberal appropriations for educational purposes in order that this additional work in agriculture, in the trades and industries, and home economics may be effectively undertaken.

The Southern Educational Association, a very important factor in educational life in the South, covering the Southern States, at a meeting at Houston, Tex., unqualifiedly indorsed this bill.

I have stated that agricultural, industrial, labor, and manufacturers' associations are demanding the passage of this bill. I might add that boards of trade, federations of women's clubs, the National Metal Trades Association, the National Association of Builders' Exchanges, the American Institute of Electrical Engineers, the American Society of Mechanical Engineers, the International Typographical Union, the Young Men's and Young Women's Christian Associations, and a very large number of other National, State, and local associations, have indorsed this measure.

They cover all sections of the Union, and I shall take great pleasure in showing them to any Senator who feels interested to know the attitude of organizations in his own immediate section of the country. If there is any association connected with or especially interested in educational work anywhere in this country which does not earnestly and enthusiastically indorse the great principle of vocational education sought to be worked out by this bill, I am not aware of it.

It is not best that I further take the time of the Senate by quoting from resolutions and letters from distinguished educators and others, showing that the country is thoroughly alive to and very deeply interested in its support of this great educational measure; but, with the consent of the Senate, I will include them as an appendix to my remarks.

Let me say in passing that they cover every State in the Union, and collectively they show beyond doubt or question that the American people are in favor of immediate action by the National Congress on this important measure, and, in my opinion, they will regard any longer delay in legislation providing for cooperation between the Federal Government and the States as utterly inexcusable and not in the line of true economy.

Mr. President, the great mass of our people are insistent that something be done about this matter, and be done now. The field is already white for the harvest. I believe it is not an exaggeration to say that more than 95 per cent of all the letters received by me—and they number several thousand—are earnestly commendatory of the fundamental principles of the bill, and that as a whole they regard the measure more pregnant with importance to the welfare of the American people than any other of the many general bills involving constructive legislation now before Congress.

It has been said that the greatest act of Abraham Lincoln's life was the emancipation proclamation, and that second only in importance was the signing of the Morrill agricultural college bill. If objections on the ground of centralization, paternalism, and unconstitutionality were relegated to the past in 1862, there are a hundred times as many reasons why we should cease to plead those objections now, for while, as statistics actually show, the Morrill Act tends to give higher education to less than 2 per cent of our boys this bill directly affects 92 per cent.

But, Mr. President, in my judgment there is an argument in favor of this bill which places it upon infinitely higher grounds than any that have been urged or that can be urged for the postal savings bank, the parcel post, or for the Morrill Act, and that is the promotion of good citizenship.

The laboring men of this country, including the farmer, feel that their sons are not receiving that equality of opportunity in the struggle for life to which they are entitled. They believe that taxes are levied which call upon them for a disproportionately large expenditure of money. They also believe that these expenditures are too largely for the benefit of the 1.71 per cent who enjoy a college course or the 5.35 per cent who complete only the high-school course, while the other 92.94 per cent are most unfairly neglected.

Our school statistics not only show that but 8 per cent of the children of school age ever reach the high-school grade, but also that only 25 per cent of the balance ever reach the eighth or highest grade in the elementary or grammar school. Why this is so, I will discuss later. For the time being I state the plain fact as a justification for the other fact stated, to wit, that the men comprising our so-called working class feel that in some way or other and for reasons which they can not understand a great wrong is being perpetrated upon them and their children.

That those comprising this class are justified in viewing the matter from this standpoint, I think will be admitted by every Senator who will take the trouble, if he has never done so before, to recall the conditions actually existing in the vicinity of his own home, as these conditions are substantially alike in every section of the country where mining, quarrying, and manufacturing bring together aggregations of laboring men.

The pupil struggles along through his first six grades of elementary school life, and then for some reason he begins to dislike his school. Thomas A. Edison, the great electrician, in speaking of this matter recently, gave voice to a thought which we might all well consider. He said: "My boy is an average boy, but he hates his school life."

Mr. Edison was stating a concrete fact, touching his boy, which applies equally well to probably 75 per cent of all the boys in the eighth or highest grade of the elementary schools. They hate the school, and they plan and figure in every possible way to avoid a continuation of their school life.

Mr. President, there is something wrong here, and we, as legislators, must not shut our eyes to that wrong, because it is pregnant with an importance, in my judgment, second to no other problem now before this Nation. To continue conditions longer as they now are is to criminally neglect the largest asset of this country, the American youth.

I do not wish to criticize either the judgment or the conscience of that great body of highly educated men who stand at the head of our educational work, and who are rendering a noble service in giving us the highly trained minds that are annually graduated from our higher institutions of learning.

I do not wish to be misunderstood in this matter. If we could send our boys and girls through high school and to the college, I should feel that we had almost reached the millennium. But we can not do this, and I believe I voice the sentiment of hundreds upon hundreds of the more thoughtful educators and publicists of our land to-day, who give it as their opinion that the curriculum of the elementary or graded school is largely impracticable and does not fit for the great struggles of life that are before them the 92 per cent of our boys and girls who never pass beyond the eight grades.

I believe that when the child reaches the seventh grade we should begin to take an account of stock of what that child is. He should be studied physically, mentally, and psychologically. The natural bent of his mind should in some way or other be brought out; and when we have discovered what that bent is, we should continue his education along practical lines, and in the direction of his natural abilities, for as many years as his conditions and needs warrant, that we may make of him an efficient worker in some useful line.

As it is to-day, he looks from the elementary school to the curriculum of the first year of the high school, and there he discovers Latin, French, geometry, algebra. He goes to his father and mother and lays his troubles before them. He says to them, "I don't want to learn French, I don't want to learn Latin, I don't want to study algebra. They will never do me any good." Nine times out of ten the father believes with the child, and opportunities are too often given him by the parents to avoid school life, even during the last or eighth year of compulsory attendance, and as soon as he has completed the eighth grade he takes final leave of school.

The father then says to his son: "John, you must this year earn enough to pay for your own clothing and to provide your own spending money, and you must pay your mother a dollar or two a week toward your board." With this injunction the boy starts out, and, following the lines of least resistance, he is fortunate indeed if he does not find himself in that class in which statistics tell us that more than 40 per cent of the American boys in our large cities land, viz, in the class of errand boys, bootblacks, and newspaper vendors.

What is the result? Evil associates surround and control the boy during the two or more years of this most impressionable period of his life, and on arrival at the age when he is permitted to enter upon an apprenticeship or take up some employment he finds that his environment has been such as to weaken every higher moral quality. Instead of there being a growth for the better from the fourteenth to the seventeenth year, he has actually been allowed to degenerate; whereas, had these years been spent in part in some vocational school where he was learning the fundamentals of that trade or calling which he has elected to pursue, he would not have found himself where he must, on entering the workshop, take his place alongside the cheapest, lowest illiterate from some foreign land.

Men like to do that which they can do well. Place a boy in a position where he must work in the lowest grade of the establishment with which he is connected and work to him is drudgery. Give him such work as a year or two of education along vocational lines would have permitted him to do and all is changed. He sees not only a higher wage, but he sees promotion, preferment, and honors. The boy who has been drifting downward from the fourteenth to the seventeenth year soon

comes to know that he has not had a square deal in the race of life, and he joins the order of malcontents and anarchists.

Educators are practically unanimous in the belief that every proper incentive should be used to continue the school life of the boy after he reaches the eighth grade by another year or two at least; three to five years would be better still. But this we can never do under our present system of education. Indeed, Mr. President, there is but one opinion to-day touching this matter, and that is that only by holding out both to the father and to the boy the great, practical advantages to be derived from vocational training—a training that shall equip the boy for the duties of life—may we stimulate, even in a small degree, that much needed extension of his school life.

All are agreed with Edison that the great majority of our boys at the age of 14—at the completion of the eighth grade—hate their school. If we can, by placing before them the benefits of vocational education, induce them to add another year to their school life they would then come to see the necessities of a better education from a broader, higher viewpoint. The addition of one more year of school life would oftentimes mean the still further addition of two, three, or even more years to that life, and that, as we all know, would mean an advantage of inestimable value to the future of the boy.

Industrial education, more than any other agency, will augment and intensify the desire for more knowledge, both general and vocational. It will unquestionably arouse into action thousands of boys possessing latent ability and talent, and with their desires whetted for still greater knowledge every institution of learning now in existence will become the direct beneficiary of the joint action of the Nation and the State in providing, as here proposed, a stable foundation upon which can be builded a broader education.

I state a fact which every Senator knows when I say with reference to the school life of the great majority of the sons of those men who toil in the mills, the workshops, and the quarries, that they are most sadly neglected. The father is usually unable to find employment for his 14-year-old boy in the shop or quarry where he works, and the boy is too young to be sent away.

In support of the correctness of my contention that many boys drift into a criminal manhood when they are turned loose from the grammar school, I quote from Prof. George Walter Fiske, who, in his series of lectures on "Boy Life and Self-Government," says:

> Our reformatories and jails are still filled with mere boys. The maximal age for malicious mischief is only 14; for petty larceny and assault, 15; for crimes against property, 16; while the maximum curve for fornication is at 17. Early and middle adolescence is still the great crime period. The shirking of the average home largely accounts for this boy waste, but the ethical failure of the public school is, to a degree, responsible also.

Judge Merritt W. Pinckney, of the New York juvenile court, says that apparent neglect and incompetence are responsible for most of the delinquency which brought to his court three-fifths of the 12,000 children who have passed through it during his incumbency of that office.

Judge William McAdoo, the chief magistrate of the New York City municipal court, in making his annual report, says:

> There is growing up in this city a menacing army of boys and young men who are the most troublesome element the authorities have to deal with. From the ranks of these lawless, reckless rowdies, who are organized in bands or bound up with chums or pals, come most of the crop of burglars, truck thieves, holdup men, and other criminals and dangerous characters.

Mr. President, this great asset of ours—the American boy—on completing his eighth or elementary grade, is thrown, like the worthless ore from the copper mine, into the dump; or, to state it differently, is turned adrift and allowed to degenerate into a cheap and oftentimes criminal manhood.

One of the leading journals of Canada—the Toronto Globe—in commenting on Judge McAdoo's report, uses the following language:

> This description applies fairly well to many of the older boys and the younger men of all cities, towns, and even villages. Probably the cause is the same in all cases: Physical energy craving for active exercise, mental activity dissatisfied with the perfunctory routine of the graded school, and a tendency to romance, at once nurtured but debased by the criminal ideals presented not merely in works of imagination, but in the criminal records of real life. A very large proportion of youths of the class described by Judge McAdoo are capable of being diverted from their downward careers and developed into an excellent type of law-abiding citizens. Among the various means of reclaiming boys of the class above described none is more effective than the "industrial" school, which makes provision for keeping the body as well as the mind in a state of activity.
>
> A great educator has embodied a whole theory of common-sense treatment of youth in the simple injunction to "put the whole boy to school." If all schools were what they should be there would be fewer recruits developing into confirmed criminals, less work for the guardians of the public peace, and a finer type of citizenship even among those respectable people who have never needed repentance.
>
> A great city can not afford to do without an "industrial school" any more than it can do without public schools. Such an institution should have for its invariable concomitants ample room for outdoor exercise and ample opportunity for institutional activity. Book learning is worth cultivating, but it should not be promoted at the expense of manual skill directed to useful ends by trained intelligence controlled by common sense.

This measure purposes to do exactly what Judge McAdoo would accomplish, but instead of waiting until the boy has become a criminal it takes him as he passes from the elementary school and safeguards him during the early period of adolesence.

New York City has apparently awakened to the fact that something must be done, and she has already taken steps to move forward on vocational education lines. She has established a vocational school for boys, in charge of Dr. Charles J. Pickett.

He says, touching his school:

> This school is not the preparation for life; it is life itself. There is no jumping out into the world, there is no break; what a boy does after he leaves school is only a continuation of what he has been doing here. We fit a boy to do something definite, and there is no trouble for him to get work after he leaves. The difference between our boys and those at ordinary elementary schools is that when the latter leave school they look for a job and take anything they can get, while our boys know what they can do and have no difficulty in securing the kind of work for which they are fitted.
>
> In every possible way is the school identical in form with the actual activities in the industrial world, so that the boy at school feels that he has already gone out into the world.

There is probably no State in the Union more progressive to-day along educational lines than Massachusetts. In 1911 she provided a general system for vocational training and established a State board of industrial education. The executive officer of that board, Dr. David Snedden, has a reputation as one of the great educators of this country, and his reputation is not confined to the Atlantic, but extends to the Pacific coast as well.

He believes that vocational education may be so extended as to include the liberalizing influences of a cultural education. He has—and, I believe, properly—reached the conclusion that since we can not give the boy Latin and algebra, we should adopt a curriculum which, while it teaches the boy the practical things of life, to the end that he may earn a livelihood when he leaves school, shall at the same time give to him a reasonable measure of cultural training.

I want to quote from Dr. Snedden, for it shows that he has caught the inspiration of the present and is not wandering in the trackless forest of the educational past—trackless, because under the conditions confronting us to-day those tracks lead to nowhere, so far as 92 per cent of our boys and girls are concerned. Dr. Snedden thinks we may make the practical at the same time cultural and thus reach the cultural ends while at the same time equipping the boy with a practical education. Dr. Snedden says:

> For many reasons a vital vocational education, resting on concrete foundations and making due allowance for expansion into the related fields of science, art, history, economics, and civics, may became an exceedingly effective means of liberalizing the minds of several types of boys and girls, and especially those least capable of abstract thinking or school idealism.
>
> The demand for vocational education under school conditions is a widespread one and is rooted in the social and economic changes of the age. Rightly organized vocational education will prove a profitable investment for society.

There is in this country what is known as the National Educational Association. At its national convention held in Cleveland, Ohio, in 1908, this advanced ground was taken:

> The public high schools should not be chiefly fitting schools for higher institutions, but should be adapted to the general needs, both intellectual and industrial, of their students and communities. Fully realizing that trained and skilled labor is a primary essential to the industrial and commercial welfare of the country, we cordially indorse the establishment by municipal boards of education of trade schools and evening continuation schools, and further recommend that the instruction in these schools be practical and efficient and have the advice and approval of the trade interested, to the end that graduates of these schools may at once become advanced apprentices or journeymen.

Anyone who has given serious consideration to the broad question of school curriculum can not have failed to observe that the men at the head of our State educational boards are largely graduates of universities. They have believed, and I share in that belief, that it is wise for every boy to have a college training. The curriculum of practically all our schools looks forward to the college as the ultimate end of all school life. Every college-bred man regards it a great misfortune that our young men are not receiving a more generous cultural training, and so do I.

But, Mr. President, these men forget that only 1.71 per cent of our boys ever enter the college or university. They forget that only an additional 5.35 per cent ever enter the high school. They forget that only 25 per cent of the balance ever get as high as the eighth or upper grade of the elementary or grammar school. They forget that less than 50 per cent ever complete the seventh grade.

In brief, Mr. President, they predicate their plans for the school life of the boy upon what ought to be rather than what is. They would have every boy thoroughly educated, so would I, but since this can not be, let us be practical. Let us not forget that much as we would have it otherwise, the school life of the American boy must of necessity be so changed as to teach him how to get a living.

Mr. President, it is not easy to estimate the advantages which will come into our country life by the passage of this bill. Teachers of agriculture and home making will be prepared in large numbers by the agricultural colleges and the State normal and other training schools. The secondary school department will provide in the local schools the beginnings of vocational education.

The district agricultural schools will send back to the farms hundreds of thousands of boys to join with the father, who meanwhile has been educated by the farm or college extension work provided for by the bill; and together they would join in vitalizing, stimulating, and energizing that more intelligent and more profitable farm management of which our country today stands in such great need.

The extension work will furnish instruction and inspiration to millions of our mature farmers. The present splendid movement for the betterment of country life will be impelled forward at a faster rate. The aspirations of our best people to live on the land will be aroused. We shall see the genetically best of our great white race again seeking the land instead of deserting the country for the city.

Mr. President, I think I am naturally optimistic. I do not share the opinion that any one man or any set of men can destroy this Government or for any protracted period retard its prosperity. Our people are too intelligent and too patriotic, and in the end, whatever policies may be followed, wise counsels will prevail and a generous measure of prosperity will continue.

If, however, I were called upon to state what, in my judgment, was the most threatening omen of the future, I think I should say the industrial question.

There is, in my judgment, only one way to remove this great spirit of unrest, and that is by giving to the sons of our laboring men an education along industrial lines. Do this, and we shall make them more self-respecting, more law-abiding, and, I hope, more patriotic citizens. Failing to do this, I fear the red flag of anarchy will eventually be hoisted.

It is not the trampling of the American flag under foot, as was done recently in New York City, that is disquieting, but rather the fact, which this trampling evidences, of a deep-seated hatred for this Government on the part of an increasing number of our population.

We are receiving into the body politic a larger quantity of material of difficult digestion than it can assimilate. The immigrants arriving in this country during the month of March, 1912, were 83,654, as against 75,366 last year. We can stand this influx only by so educating the next generation that we may assimilate them into our political system. The sons of these men who come to us from southern and eastern Europe are anxious to learn, and to their credit be it said their parents are willing to make sacrifices to an extent that American parents seem oftentimes slow to make.

I believe it is within our power to so legislate that all our people, or practically all, may have an honest occupation—a vocation, an opportunity to earn a livelihood, an opportunity to obtain, through pleasurable labor, the wherewithal to supply the legitimate, reasonable, frugal demands and desires of mind and body.

There are only two alternatives connected with this great problem—first, to close our doors against immigration, or, second, to see to it that the children of those whom we permit to come from foreign shores are given an education that will fit them to earn a respectable livelihood. Since it is the policy to permit immigration, we should combine with that policy the industrial educational features of this bill.

Give the children of these immigrants an education along vocational lines, so that they may see that their condition is bettered because of their change of residence to the United States, and they will love our institutions, love our country, and respect our flag.

Deprive them of such an education as will make them efficient and permit them to earn a respectable livelihood and we may well fear that the red flag of anarchy will take the place of the Stars and Stripes. Educate these foreign boys and they are a blessing; omit to do it, and they become a menace. Which shall we do?

Disraeli, in speaking of the temperament of the French people, said:

> What the French people want is bread and a circus—bread with which to fill their stomachs, and a circus to amuse them.

The American people want, most of all, occupation, and at wages which will give them bread and enable them to give their children an education that will equip them for the struggles of life.

Mr. President, we must not do injustice to the laboring man. Out of the abundance of our great wealth and our great prosperity we must at least see that his children have the opportunity to receive an education, and that kind of an education, too, which shall fit and equip him to be self-respecting and self-supporting, to the end that he may take his place alongside of his more favored brother.

We must so combine the advantages of the city and the country that more of our best people will live on the farms; and, with larger and stronger families, they can help our race to gain that world leadership which can only be attained by a combination of large numbers with a high average of industrial efficiency.

Mr. President, the occupied man is a good citizen. It is easy for the agitator to call the idle man to deeds of violence and anarchy, but the agitator is not able to lead the honest arm from the anvil and the plow into deeds of destruction.

Wise statesmanship lies in so administering our affairs as to give the greatest measure of universal contentment.

National defense is just as effectually provided for in promoting good citizenship as in building battleships. An illiterate, uneducated citizen, disloyal and anarchistic, as he oftentimes is, is a greater menace to our national safety than the combined battleships of Great Britain, France, and Germany.

Mr. President, parsimony is not necessarily true economy. There is that which withholdeth and yet tendeth to poverty. Sound economy, in my judgment, demands the appropriations called for by this measure. If enacted into law, we shall find within the next 10 years that, instead of proving to be an expense, it will prove an investment which will return to us five, ten, or even twenty fold from an economic standpoint; and if considered with reference to that greatest of all our assets—the American boy and girl—it will prove an investment which will pay returns in the form of happiness, contentment, and efficiency that reach to the infinite.

Kant, the philosopher, once said that there were two things which overwhelmed him with awe as he thought of them. One was—

> The star-sown deep of space, without limit and without end; the other was right and wrong. Right, the sacrifice of self to good; wrong, the sacrifice of good to self.

"Opinions alter, manners change, creeds rise and fall, but the moral law is written on the tablets of eternity."

If in doubt as to our true pathway concerning the right and justice of this problem, let us make equity and duty our guiding stars.

Mr. President, in our efforts to be prudent let us not be unjust. We must not be parsimonious in the treatment of this great question, for it is not only an economic but a moral and an ethical problem. Dollars and cents should not be placed in the balance over against right and duty in considering this movement for the benefit of the sons of those who toil on our farms, in our mills, our mines, our workshops, and our quarries.

Let us not, Mr. President, as we pass through the wilderness, keep our eyes so closely fixed upon the manna that we fail to behold the exalted peaks of Sinai.

APPENDIX.

INDORSEMENTS OF THE PAGE BILL FOR VOCATIONAL EDUCATION.

ALABAMA.

J. A. Wilkinson, commissioner of agriculture and industries, says:

> We of Alabama are very much interested and concerned about vocational education, and we believe that the time is at hand when the Federal Government should move in this direction.
>
> I believe that if the Federal Government would make an appropriation and lead the States in this movement this would be one of the wisest steps that could possibly be taken by our great statesmen in Washington.

James K. Powers, president State Normal College, Florence, says:

> I have read the bill with interest, and hope to see it passed at an early day.

J. W. Watson, A. B., president of the first district agricultural school, Jackson, says:

> I am heartily in favor of the vocational educational bill which is now pending in Congress, and I sincerely hope that it will pass. The

progress of vocational education is very much retarded because of lack of funds; in fact, as I see and understand the situation in the States, very little progress can be made along agricultural and industrial lines until Congress comes to our rescue and gives us an appropriation.

Mr. Walter S. Buchanan, president State Agricultural and Mechanical College, Normal:

> I have read with interest the entire bill and several comments on the same, and I much prefer your bill and hope it will pass. I think it the best thing that has been before Congress in several years.

Mr. James K. Powers, president State Normal College, Florence:

> I thank you for recent favors with copies of the Page vocational education bill (Senate bill 3) and advising me of its status.
>
> I sincerely trust that you will be able to push it through substantially as it is—certainly with all branches of the work provided for.

ARIZONA.

Mr. A. J. Matthews, president Tempe Normal School of Arizona, Tempe:

> I thank you for the bill relating to assistance for agricultural instruction from the United States Government. I am much interested in it just now, and it is a very pertinent question at the present time. We are just about to adopt an elementary agricultural course in connection with our normal school, as we have 600 acres of excellent land, and should your bill pass we would undoubtedly be benefited.
>
> I agree most heartily with your stand for broadening the application of Federal assistance for agricultural education, and in no place can this work be more emphasized than in the State normal schools where teachers are prepared for the public schools. It seems to me that the very root of the matter is reached through our schools. If teachers are competent and enthusiastic in such work, they have an opportunity to arouse an interest in the homes of the grammar-school pupils, which represent the great mass of the pupils of our public-school system.
>
> I congratulate you upon the far-reaching benefits of the proposed measure and trust that it will be made a law in the near future.

Hon. Richard E. Sloan, governor of Arizona, Phoenix:

> I have carefully gone over your bill and have consulted with some of our leading educators as to its provisions, with the result that I heartily commend the general plan outlined for the establishment and maintenance of agricultural high schools, to be supported jointly by the Federal and State governments. Vocational training more and more is claiming the attention of educators, and wisely so, in my judgment, so that your plan is in line with this general movement and puts agriculture upon an equal footing in this regard with other applied sciences. The practical value of agricultural courses in high schools is apparent, and if our agricultural colleges are to do work of the highest quality and breadth, they should be supplemented by such preparatory courses in the high schools.
>
> We have made a start in this direction in Arizona, and although the amount which shall be apportioned to our State under your bill is small, still it will be a help and an encouragement to receive any substantial sum from the National Government to be extended in this behalf.
>
> I sincerely trust your bill may receive the support it deserves and that it may become a law.

Mr. A. H. Wilde, president University of Arizona, Tucson:

> I am much interested in the contents of your letter and hope earnestly that your bill will yet pass.

R. H. Forbes, University of Arizona, Tucson, says:

> Replying to yours of December 4, allow me to express my heartiest appreciation of the motives actuating Senate bill No. 3, a copy of which you have just forwarded me.

ARKANSAS.

George B. Cook, State superintendent of public instruction, Little Rock, says:

> I regret it is impossible to attend conference, but send hearty indorsement of Page bill and assure you of most cordial cooperation of the Arkansas department of public instruction and myself personally. This measure specifically recognizes the most important duty that rests upon the Nation as well as upon the individual, community, and State, the duty of training for citizenship through public schools.

J. J. Doyne, president Arkansas State Normal School, Conway, says:

> No measure that has been presented for years, it seems to me, means so much to the rapid advancement of those measures so vital to the prosperity of our country.

Victor C. Kays, State Agricultural School, Jonesboro, says:

> This bill is one of vital interest to the farming people, not only of the South, but of the whole country. On our farming people depends the prosperity of the rest of our population. Heretofore the farmer has received little recognition along the lines of instruction from the Federal Government. When we compare the expenditure for the uplift of the farming people with those which have been made for other classes of our population and for other purposes which are not constructive in their nature, the sums meted to agriculture and the mechanic arts seem to be a mere pittance. The people throughout this State are thoroughly alive to the benefit to be derived from aid of this sort, and they are watching the acts of their Representatives with a great deal of interest to see that every effort is put forth for the passage of this bill, which seems to us to be best adapted to our needs at the present time. It would seem, with the proper direction of the efforts of our statesmen who are interested in benefiting the condition of the agricultural community, that this bill should become a law.

Mr. C. F. Adams, dean and director College of Agriculture, University of Arkansas, Fayetteville:

> The Page bill meets with my personal ideas and is wholly adaptable to this State.

CALIFORNIA.

Edward Hyatt, State superintendent of public instruction, Sacramento, says:

> Please count me in to do everything I can in my bailiwick for the Page bill. You are free to quote me to any desired extent as favoring the bill and being ready to further its interest in all legitimate ways.

Mr. Jesse F. Millspaugh, president California State Normal School, Los Angeles:

> Important as it is, agricultural education, if given in colleges and universities only, will never popularize the farm or develop widespread interest in rural concerns. With well-supported agricultural colleges in every State to develop the science and establish foci for its extension, the high schools and the normal schools must carry this gospel to the people, and particularly to the boys and girls, of the Nation if its teachings and spirit are ever really to infect the population.
>
> I believe that no more important educational measure has ever been proposed than that which is contemplated by the Page bill. It is said that, with the exception of the emancipation proclamation, the most far-reaching act of President Lincoln's administration was his signing of the Morrill bill establishing our national system of agricultural and mechanical colleges. The Page vocational bill, when enacted into law, will take its place in history as the natural supplement of that great achievement and of equal importance to it.

Mr. G. W. Shaw, College of Agriculture, University of California, Berkeley:

> It is my firm opinion that the passage of the Page bill will mean more to the country than two-thirds of the money which is spent in various engineering projects, and that it is a move in the right direction. It has my hearty indorsement, and I sincerely hope that Congress may pass the bill as it stands.
>
> I shall certainly give you all the assistance possible in urging the passage of a measure which is so vital to the agricultural and industrial interests of the country.

M. Lillian Trimble, department of home economics, Mills College, Mills College post office:

> The Page vocational education bill, to which you have recently called my attention, receives my heartiest approval. It will inevitably raise the standard of living of the masses through instruction in the use of resources. I want to commend you and your coworkers for your activity in promoting a measure so full of promise.

Mr. E. W. Hilgard, College of Agriculture, University of California, Berkeley:

> I have received and perused with great satisfaction the bill introduced by you for the purpose of aiding the States in establishing instruction in agriculture in the schools. This is a matter about which I have spoken and written for the last 35 years, being convinced that agricultural colleges established under the Morrill Act will never be able to attain their full usefulness in educating teachers and leaders of progress until instruction in agriculture is introduced into the elementary and intermediate schools. They have been charged with "educating boys away from the farm," where, as a matter of fact, it is the public schools fashioned upon a schedule applicable to the city children which alienate them from the farm, since in no way is their attention directed to farming, except by hard work at home. The nation-wide movement now on foot for correcting this evil is what I have been hoping for all of my life, and I welcome most warmly the initiative taken by you in giving national aid to this important subject, provided the States will do so themselves.

Mrs. Nellie W. Hunt, secretary California State Grange, Napa:

> Your letter under date of March 2 is before me. After having read over the literature which accompanied this letter, I can assure you that the bill meets with my entire approval.
>
> I have mailed the literature to the chairman of our committee on education, who I know will give it his very earnest consideration, and be prepared to bring the matter to the attention of our State grange at the proper time.

COLORADO.

Mr. Z. X. Snyder, president State Teachers' College, Greeley:

> I had been interested in Senate bill No. 3 by Senator PAGE ever since its first introduction into the United States Congress. I do not know of anything that the United States Congress could do that would so directly aid in the development of the general intelligence of the people through an educational process as the passage and carrying into effect properly this bill. Education for efficiency must, first, train an individual to earn a living to secure and own a home; second, to be of service to others in making life better and richer; and, third, in having an abiding interest in the development of our institutional life, as the home, the school, and the State. These mark the efficiency of the school system. Our school system has not been such as to attain these ends. It seems to me this bill will lead more directly to it than any other means apparent at the present time. I am heartily in favor of it; the people of the State of Colorado are in favor of it; the State Teachers' Association and the Educational Council of Colorado have made a report in favor of it; the State institutions of Colorado have given a report in favor of it—indeed, there are none against it.
>
> At a meeting of the Colorado Teachers' Association a resolution formally indorsing Senate bill 3 was adopted, and at a later meeting of the Educational Council of Colorado the committee on vocational instruction made a report strongly favoring the enactment of Senate bill 3 and indorsed the action of the Colorado Teachers' Association.

CONNECTICUT.

Mr. Henry T. Burr, principal State Normal Training School, Willimantic:

> I have carefully read the report on vocational education and the bill which accompanies your letter of February 29. With the objects of this bill I am in entire sympathy. I sincerely hope the bill will pass.
>
> The need of greatly extended opportunities for vocational education is felt by nearly everyone who is connected with the schools. It seems to me that the matter is of great importance to the country at large,

and I believe that Congress would be altogether justified in appropriating money for the purposes noted in this bill.

Mr. Howell Cheney, member State board of education, South Manchester:

I agree with you most decidedly that education for the encouragement of the trades and industries has not had its fair share of public support, which certainly can not be said of the agricultural schools.

Charles L. Beach, president of the Connecticut Agricultural College, Storrs, says:

I am heartily in favor of the passage of a bill in aid of agricultural extension. The results from an investment of this character promise large returns, and I trust that the present Congress may take favorable action upon this important measure.

DELAWARE.

Mr. Harry Hayward, director Agricultural Experiment Station, Delaware College, Newark:

I have your letter of February 16, inclosing a revised copy of Senate bill No. 3, known as the Page bill. I have examined this bill with some care, and it will be a pleasure for me to exert all my influence to secure its passage. I am confident that I also speak for the State board of education, as well as for the trustees of this institution, when I say that I hope the bill will pass during the present session of Congress.

I hope that you will have no difficulty in getting your bill through, as I believe that it is the most comprehensive measure of its kind ever presented to Congress.

DISTRICT OF COLUMBIA.

Clarence J. Owens, secretary-treasurer of the Southern Commercial Congress, Washington, says:

The Southern Commercial Congress, through its executive officers, has approved the Page vocational education bill now pending in the Senate. Without sectional or political motives, the Southern Commercial Congress has been named by friends of this measure as the national headquarters for the advocacy of the passage of the bill.

Dr. Myers, principal of the McKinley Manual Training School at Washington, says:

After considerable study of the subject, with particular attention to Germany, which is far ahead of other countries in training for the industries, I am forced to the conclusion that a satisfactory system of industrial education in this country must include a working over of the elementary school curriculum in such a way as to make the industrial activities of the community the vitalizing factor in it.

Dr. William Davison, newly elected superintendent of public schools, District of Columbia, says:

I am in favor of working out further the idea of introducing vocational subjects into the curriculum of the schools. People are beginning to realize that boys and girls must be taught to earn a living and that they can not spend their entire time in studying so-called classical subjects. All children must be educated on their ethical side and must be taught about the higher things of life, but they must also be taught that they must support themselves and be given lessons in how to earn money. Our schools should be well balanced, with both these ideas kept well to the front. I have just written a letter giving my hearty indorsement to the Page bill, known as Senate bill No. 3. I am exceedingly pleased to know that you have received such an unqualified and hearty indorsement of your bill from the State superintendents of the public institutions throughout the country.

Mr. Myron Germain Jones, director of education in the Washington Young Men's Christian Association, says:

What private initiative has amply attested as wise and needed; what careful investigations of educational leaders, economists, and captains of industry have clearly shown to be the new demand if we are to be a nation of producers; what States like Minnesota, Iowa, Ohio, and Massachusetts have already done in consolidated rural schools and in trade-training systems related to local industry, would all go to demonstrate the desirability of enacting the provisions of this bill into our Federal scheme of education, and that without delay.

The educational work is democratic and Christlike because of its humbler aims—humbler as regards culture, per se, but vaster as regards humanity. It aims not, like the university, to reach and teach a maximum of knowledge and truth, but to evolve the maximum of individual manhood; to reach down to the man who has not had a chance, to help him up, to put his feet on the first step he can now reach, to help him upward, stair by stair, as he is able to advance, not necessarily to the highest reach of truth and knowledge attainable by man, but to the highest attainable by this man practicable for him; to make his life the greatest, richest, and most helpful it can be made within his span of being.

The Evening Star, Washington, says:

The rural educational problem is one that has long been neglected. It is also one of the most important problems of the present day. Fifty-five per cent of the population of the United States live in rural districts and in small villages. Sixty-five per cent of the children are there. In many parts of the country we still have the one-room school, where the teacher is supervisor, principal, superintendent, and teacher all in one.

Too many boys are being turned loose in the world to live in a makeshift way; turned loose without any one desirable thing having been well enough learned to make a living at it. A good brick mason is surer of a comfortable life than an indifferent lawyer and is a bigger factor in the upbuilding of the world.

Mr. A. P. Bourland, of the board of trustees of the Peabody Educational Fund, Washington:

I shall be obliged if you will have sent me 20 copies of the bill encouraging instruction in agriculture, along with 20 copies of the Report on Vocational Education. If you will let me know of any specific service I can render, I shall be gratified. I am finding no opposition to the bill.

FLORIDA.

William Halloway, State superintendent of public instruction, Tallahassee, says:

The State department of education and the friends of education throughout Florida are strongly in favor of the passage of the Page bill.

J. J. Vernon, dean of the College of Agriculture, University of Florida, says:

The Page bill—Senate 3—is both practical and comprehensive. It is the best bill yet offered having for its purpose the training of the sadly neglected masses. It is socially and economically sound. Congressional action is necessary to draw out backward States. The action of Congress is urgently needed. I indorse the Page bill.

Mr. W. B. Cate, principal Florida Normal Institute and Commercial College, Madison:

I have just read Senate bill 3, known as the Page school bill, and heartily approve of it.

GEORGIA.

M. L. Brittain, State superintendent of education, Atlanta, says:

I feel a great interest in the Page bill. It seems to me that the measure proposed is directed toward a vital need. It so happens that, through the concentration of wealth in urban localities, the child in the city and town receives from 2 to 10 times as much educational assistance as the one on the farm. This, too, despite the fact that we are all dependent upon the results of the work of those engaged in agriculture.

I earnestly hope that the bill will pass, and that in this way more help may be given to each State to promote rural life and prosperity.

Southern Machinery, Atlanta, says:

That industrial education has assumed national importance and is attracting attention throughout the United States is shown by a bill recently introduced in the Senate by Senator CARROLL S. PAGE, with a view to Government aid to the States in promoting a better system of education along agricultural and industrial lines and in home economics. The bill as it stands at present may not be entirely satisfactory in every respect, but the subject is worthy the best thought of the Nation. Industrial education has been tried in a comparatively small way and found to be helpful. It has passed the experimental stage and bids fair to become one of the most important branches of public instruction.

Hon. G. Gunby Jorden, president board of education, Columbus, says:

From a long experience in manufacturing and in farming, together with continued service for several years as a trustee in one of the State schools of agriculture in Georgia, and as president of the board of education of Columbus, Ga., I have had opportunities in forming a very decided opinion upon the necessity for vocational education in the United States. I have never had occasion to change my views as to the great necessity for Federal aid in this regard.

A thorough training of the youths of this land in industrial, agricultural, and vocational work would save untold millions, wasted now in senseless strikes and pitiless lockouts, by a better and saner acquaintance between capital and labor.

The Federal Government, in my opinion, dealing equitably and fairly with all the States and Territories in this regard, is not only well within its constitutional rights in so doing, but would make no appropriation of money which would so soon, so thoroughly, and so lastingly benefit the people.

Mr. H. J. Pearce, president Brenan College Conservatory, Gainesville:

I have read with considerable interest your bill which you have had the kindness to send me, and I am entirely in sympathy with the general plan proposed.

Mr. J. D. Wood, secretary the Atlanta Builders' Exchange, Atlanta:

We are pleased to acknowledge receipt of your letter of April 19 in reference to the Page bill now pending in the Senate, and to say that the same will have the hearty approval and support of the Atlanta Builders' Exchange.

IDAHO.

G. M. Shepherd, State superintendent of public instruction, Boise, says:

It may please you to know that at a meeting of the Idaho State Teachers' Association, held January 4 to 6, the association passed a resolution urging our Representatives in Congress to do all in their power to pass Senate bill 3.

I sincerely hope the bill will pass Congress at this session. I am particularly desirous that it pass at this time, so that at our next legislature we may pass laws in harmony with the Page bill. The greater part of our State is agricultural and we need schools such as the bill makes possible. Too long has our educational system been at fault in that it did not prepare our boys and girls for useful citizenship. We need to educate them for the farm and the trades rather than away from them.

I hope a few narrow-minded people who are always crying expense will be able to see that this is one of the greatest and best pieces of legislation for the welfare of the Nation that has ever been introduced.

We will be glad to assist in any way we can to secure the passage of this bill.

Mr. Earl S. Wooster, dean rural department, Lewiston State Normal School, Lewiston:

I am very glad to state to you that I am heartily in favor of the general purpose of the Page bill, and trust that nothing will stand in the way of its passage. I shall be very glad indeed to do anything within my power to assist in the passage of this bill.

Mr. G. A. Axline, president State Normal School, Albion:

During the past six weeks either myself or members of my faculty have attended meetings of the public-school trustees of Fremont, Bonneville, Bannock, Lincoln, Twin Falls, Blaine, Owyhee, and Elmore Counties. In each one of these counties the trustees expressed a strong desire for vocational education in the public schools. You are right in believing that the people are demanding vocational education, and I believe that it will be a mistake for their Representatives in Congress to neglect this demand.

I readily appreciate the fact that men who do not come in as close contact with the patrons of the public schools as I do may not be aware of the very rapid and strong growth of public sentiment toward vocational education during the past four years. I am quite certain that there are many Congressmen who would vote in favor of your bill if they understood the real situation who now are opposing it because they do not realize the demand of the people for a legislation of this sort.

Mr. L. C. Alcher, superintendent Aberdeen Agricultural Experiment Station, University of Idaho, Boise:

I am heartily in favor of your proposed bill and shall do all I can to further its interests.

There is no question but what the passage of such a bill would cause a wonderful stimulus to the industrial, agricultural, and vocational work of our great country.

Mr. J. S. Welch, superintendent Gooding Agricultural Experiment Station, University of Idaho, Boise:

Have carefully read copy of Senate bill No. 3 and am glad to give it my hearty indorsement. Hope that it may pass both Houses.

Mr. E. J. Iddings, department of animal husbandry, University of Idaho:

I have your favor of some days ago in regard to the Page bill for extending aid to the agricultural colleges. I have looked over the bill and earnestly hope that its provisions may be enacted into law. Agricultural education is immensely popular, and the great trouble in forwarding the movement for better agriculture is that we have not enough trained men to handle the work and are woefully deficient in funds for experimental work, demonstration work, teaching, and for carrying out other functions of the agricultural colleges and experiment stations. I wish to extend my support for whatever it may be worth toward the cause represented by the Page bill.

ILLINOIS.

Hon. C. S. Deneen, governor of Illinois, says:

Since acknowledging the receipt of your letter of the 11th instant I have read the bill inclosed, and I am in sympathy with its provisions concerning the introduction of vocational instruction in the public schools of the secondary class. These provisions are in harmony with the suggestions and recommendations of our State educational commission, which has just completed a codification of our school laws and the preparation of courses of study in agriculture, manual training, and domestic science for use in these schools, as well as in the country schools of the State.

With the general purpose of the bill to further the introduction into the public-school system of the States of education in the practical arts and sciences I am in hearty accord.

Edwin G. Cooley, former superintendent of the Chicago public schools, says:

America's resources, though great, are not infinite, and we must learn the lesson of efficiency in work if we are to maintain our place. We can become a true democracy only when we are as much concerned about training a good blacksmith as we are about training a good lawyer—when our system of schools offers equal opportunities to all.

Mr. Frank M. Leavitt, associate professor of industrial education in the University of Chicago, says:

The purpose of the proposed legislation seems to be to provide well-rounded vocational courses as well as general preparation for agriculture, trades, and industries, and home making suited to the respective sections of the United States. It includes encouragement for those permanently engaged in these vocations, and "not necessarily graduated for elementary schools," by the establishment of short, practical courses. It purposes to promote earlier interest in the scientific study of these fundamental human activities by giving appropriate instruction in specialized normal courses. The movement to furnish an adequate education for the agricultural and industrial workers of the country is now well under way, and renewed interest would certainly be stimulated by the passage of the Page bill. The bill deserves the careful reading and, we believe, the active support of those who hope for the rapid extension of free public education.

The editor of the Farm Home, Springfield, says:

This office will take great pleasure in aiding you in any possible way in the passage of the bill.

The editor of the American Bee Journal, Chicago, says:

I am in hearty accord with your effort and trust that it may be successful.

The editor of the Farmers' Review, Chicago, says:

I consider this measure along the right line. There is no doubt of the need of greater activity along this line for our public schools. It should be included in every school curriculum.

Mr. David Felmley, president Illinois State Normal University, Normal:

For several years I have been watching with great interest the gradual evolution of what is now known as the Page vocational bill. In this normal school we are now maintaining strong departments of agriculture, manual training, and domestic science. Nine teachers are now employed in these branches exclusively. We shall be glad of the additional funds that the bill promises for further development of this department. This institution is thoroughly committed to training teachers in the so-called vocational branches, and we heartily approve of your bill, especially of the provision for the aid to State normal schools.

Mr. D. B. Parkinson, president Southern Illinois State Normal University, Carbondale:

Your favor of recent date received. I am very grateful for a copy of the complete bill relative to the special provision for the department of agriculture and home economics. I am personally very much interested in this bill and was glad to be present in St. Louis this week when the normal-school section indorsed said bill, a notice of which will doubtless be sent you. From my point of view, the provisions of the bill are most excellent and will be of great benefit to the country. I most earnestly hope that it soon may become a law.

Miss Mary D. Chambers, Rockford College, Rockford:

I have read your bill with nothing short of enthusiastic delight. My only wonder is that provision has not been made for the teaching of these subjects years and years ago. We have been following the stars and their courses in our educational curricula and ignoring the things that make for human welfare.

It is needless to say that the success of this measure has my heartfelt wishes.

Mr. L. B. Eidmann, lecturer Patrons of Husbandry, State Grange of Illinois, Mascoutah:

I heartily indorse the bill and shall use my influence to aid in the passage of the same.

INDIANA.

Hon. Thomas R. Marshall, governor of Indiana, Indianapolis:

I have read with much interest the document touching the Page vocational bill. I have never been quite sure whether it was the duty of the General Government to furnish higher education; but if it is, I am quite sure it could put money to no better use than vocational training. The farmer and the skilled mechanic will soon be as great a curiosity in America as the stone man if something be not done to render labor not only honorable, but attractive.

Charles A. Greathouse, State superintendent of public instruction, says:

The measure you are supporting is certainly a valuable one.

IOWA.

Albert M. Deyoe, State superintendent of public instruction, Des Moines, says:

I wish to thank you for a copy of Senate bill 3. I heartily approve of this measure, and wish to assure you that you may depend upon my support in bringing about its passage.

I believe that encouragement and assistance from a national source would be a great incentive to the promotion of vocational training in all the States. I believe there is no issue of more vital importance in the United States to-day than the matter of constructive legislation along educational lines.

H. H. Seerley, chairman national committee on agricultural education and president of the Iowa State Teachers' College, Ames, says:

The education of the whole people is so imporiant and the training of teachers to do the work is so imperative that the United States should have a hand in the business. The State superintendents and the State normal schools give their enthusiastic support to the Page bill. It ought to be treated as one of the greatest measures of this age, as it means the betterment of the whole country.

Appropriations thus made will help the people to be self-reliant, self-directive, and self-supporting, and in the end bring returns in citizenship and in prosperity that can not be estimated. The making of this measure into the law of the land would produce a revolution in educational lines that would create a new era of enterprise and progress.

Our present legislature is passing a bill that will introduce to a limited extent agriculture and domestic arts into at least 100 high schools during the coming year. This will be a step in the right direction, but the problem involves matters of such great importance to the country industrially that such slow procedure is hardly satisfactory.

I trust that the National Government may see fit to become cooperator in educational advancement as well as in other lines already so thoroughly indorsed.

G. F. Curtiss, of the Iowa State College of Agriculture and Mechanic Arts, says:

I am pleased to give the bill my hearty indorsement. The public-school system of America is lamentably weak in failing to make provision for this kind of education. The United States can not hope to hold a leading place among the industrial nations without the training of young men for efficient service in industrial work.

This problem lies at the foundation of industrial prosperity in all sections of our country, and the passage of this measure is of vital importance and ought not to be long delayed.

J. F. Monk, of Tobin College, Iowa, says:

We sincerely trust that you may be able to secure the legislation of this character, for a comparatively small investment along these lines will certainly bring immense returns in the future.

The editor of Pierce's Farm Weeklies, of Des Moines, the Iowa Homestead, Wisconsin Farmer, and Farmer and Stockman, says:

We are greatly interested in this matter, and intend to comment quite liberally upon your bill in an early number of Pierce's Farm Weeklies.

The editor of the Creamery Journal, of Waterloo, says:

It seems to me that you have struck a very important line of work. There is no question whatever but that the Government should take an active part in this great educational movement, and you may count upon us for support.

The editor of Successful Farming, Des Moines, writes:

The prosperity of the world depends on successful farming, and successful farming depends upon the rural schools. I hope your efforts will meet with success.

The editor of Kimball's Dairy Farmer, of Waterloo, says:

You are to be most heartily congratulated upon having introduced a bill of such far-reaching significance. Your bill most certainly ought to succeed and you may count upon us to do whatever we can to promote its popularity.

I have been in position to know the need of instruction of this kind. In every village, town, and city there are many young people to whom the public schools are distasteful because they do not offer work that is of vital interest in fighting the battle for bread.

The purpose of such schools is to develop citizens. The courses that are being offered tend to stimulate mental activity and to cultivate an appreciation of literature and art. Both of these are commendable, but they are scarcely sufficient in themselves, and until we give the young people of this country a little training that will help them to provide means whereby they can enjoy these finer things of life we have not done our duty.

There are many boys who find their school work distasteful because it is so largely theoretical. If these same young people could be trained to use the hand as well as the brain, their interest would be stimulated and they would continue their school work longer than many are now going. I can testify to all of the above from actual schoolroom experience.

Another thing that should commend this bill and secure its passage is the benefit that it will be to the agricultural industry. It is a trite saying that prosperity goes on crutches when crops go wrong. Farming is fundamental to national prosperity, but the farms of to-day are different from the farms of 20 years ago, and the farmer of to-day has problems to solve which the farmer two decades ago knew nothing about.

Conservation of the soil is more vital than conservation of any other natural resources. The problems that are meeting the farmer to-day are only a foretaste of those that will confront the farmer 20 years from now. If we are to continue to enjoy prosperity, we must equip farmers of future generations with a knowledge of fundamental principles that will make it possible for them to meet the problems of larger production and better care of land and crops.

The funds which this bill provides for carrying on the work that it outlines should not stand in the way of its passage. They are so insignificant when compared with the benefits that are to be derived that they are scarcely worthy of consideration.

If the people of the United States are to continue to hold the enviable position which they now enjoy, they must meet such problems in a business-like manner. The farmers and taxpayers generally should be anxious to provide for the measure.

Mr. John H. T. Main, president Grinnell College, Grinnell:

I have your letter of February 22, together with Senate bill No. 3. I have read the bill with a great deal of interest and wish to assure you that I thoroughly approve of it. I have always been in favor of Federal appropriations for education. Fifteen million dollars annually for this purpose is small as compared with the money appropriated for some other purposes that seem to many people not so important as the money appropriated for them seems to indicate.

Dr. Francis L. Strickland, president Simpson College, Indianola:

I thank you for sending me the bill on vocational education and the report of the subcommittee of the Senate.

Education, to serve the highest purposes of the Republic, must keep very close to the life of the people. When an educational institution is out of touch with the life of the community in which it exists, its days are numbered. I am very glad that the Federal Government is to cooperate in this big and important business.

Mr. S. A. Beach, professor and vice dean department of horticulture and forestry, Iowa College and Experiment Station, Ames:

I have your favor concerning the Page bill (S. 3). I assure you that this bill has my hearty indorsement and I shall be pleased to do whatever I can to assist in securing its passage.

KANSAS.

E. T. Fairchild, superintendent of public instruction for the State of Kansas, Topeka, says:

I have just received your favor of June 26 and a copy of Senate bill 3. I have read this with much interest, and am glad to state that it seems to me to be a most worthy measure. I am heartily in sympathy with the motto "more books and fewer battleships."

The editor of the Western School Journal, of Topeka, says:

I have looked through the bill, and it seems to me it ought to pass.

The editor of the Missouri Valley Farmer, Topeka, says:

Your bill seems designed to correct a great evil, and the Government may well concern itself about the matter.

Mr. Joseph H. Hill, president Kansas State Normal Schools, Emporia:

I wish to acknowledge the receipt of the report of the subcommittee of the committee on agriculture and vocational education, and in accordance with your request I am very glad to say that I am in general sympathy with the purposes of the bill mentioned.

Mr. R. T. Campbell, president Cooper College, Sterling:

Have read with interest the copy of your proposed bill touching instruction of agriculture and home economics in secondary schools. I am glad to lend my indorsement to the proposed bill, and believe its passage would mean much for the majority of our boys and girls.

Mr. A. M. Ten Eyck, superintendent Fort Hays Branch Experiment Station of the Kansas State Agricultural College, Hays:

I have carefully read the Page vocational education bill. It is a magnificent proposition, which, if carried out, will mean more to this country in the next 10 years in the way of material, industrial, and educational advancement than any brain can now conceive.

The feature which I especially like about this bill is the splendid aid which will be given toward teaching the teachers to teach agriculture and in bringing instruction in agriculture to the masses of the people rather than to the 6 or 7 per cent who are able to secure a college or university training.

I am an agricultural college and experiment station worker. I am spending my life in the work of these institutions. But the Page bill treats our State colleges and experiment stations royally, besides making possible this greater and more important work—the industrial education of nine-tenths of our people who can never attend our higher schools and colleges.

KENTUCKY.

Barksdale Hamlett, superintendent public instruction, Hopkinsville, says:

I have no hesitancy in stating on behalf of the people in Kentucky, and especially those who are alive to educational needs, that we regard this as one of the most important measures before the present Congress, and sincerely hope that it will be passed at an early date and signed by the President. I believe that the passage of this bill, even though the appropriation will be small compared with the other great governmental expenditures, will do more for the cause of agricultural interests than anything that has been done in the past 50 years. I sincerely hope that it will be passed.

J. G. Crabbe, president Eastern Kentucky State Normal, Richmond, says:

I regret that previous engagements prevented my attending conference behalf of Page bill (S. 3). I beg to assure the conference that Kentucky educators believe this bill is vitally important to a broader national view and responsibility as to fitting our children for successful life.

It receives the hearty support of educators throughout the country, and, in my opinion, is a very desirable measure, as the questions involved are among the most important in present-day needs.

The Courier Journal, Louisville, says:

The country is gradually waking up to the importance of vocational education. To put such an education within reach of the masses is a gigantic undertaking. Advocates of the Page bill believe that the measure presents the only practical plan that so far has been devised.

Ellsworth Regenstein, late State superintendent of public instruction, Frankfort, says:

Your letter of the 2d instant, with inclosed copy of Senate bill 3, has been received. The bill meets with my approval, and I shall be glad to cooperate with you in bringing about its passage.

LOUISIANA.

T. H. Harris, of the department of education, Louisiana, says:

I have examined the bill and wish to give it my indorsement. I think it is a good one, and trust that it will pass both Houses. I wish that I could be present in person and render all possible assistance.

Mr. Brandt V. B. Dixon, president department of education and hygiene, the Tulane University of Louisiana, New Orleans:

Your bill in favor of vocational education appeals to me very strongly. I am not prepared to discuss the matter from the standpoint of political considerations, but speaking as a teacher, and especially as a teacher of young women, I approve most heartily of any effort tending to advance the practical and vocational studies.

The great need of modern education, in my opinion, is that it should devote itself to the culture of the will—the constructive processes of the mind—by means of laboratory methods especially. Our young women should be made more resourceful, self-reliant, fitted for success, than they are at present. The same amount of culture can be secured as by the methods now in use. We will, however, need to develop a new race of teachers.

MAINE.

President Fellows, of the University of Maine, says:

By means of assistance proposed in this bill we can accomplish in five years what would otherwise require a century.

Payson Smith, superintendent of public schools, Augusta, says:

I have examined with much care Senate bill 3, which you sent me with a request for suggestion. I fail to note any points whatever in which this bill could be improved. It strikes me that it is so framed that it meets most acceptably the varying conditions of control of the several States. I am certainly much in favor of the enactment of a measure of this kind, and shall be very happy to be of any possible service in promoting its interests.

MARYLAND.

Mr. M. Bates Stephens, superintendent State department of education of Maryland, Annapolis:

I congratulate you most sincerely on having the bill favorably reported. It looks to me like a good omen for its successful passage.

Let me know any time I can serve you in promoting the bill in any way.

B. H. Crocheron, principal of the agricultural high school of Sparks, says:

I am greatly obliged to you for the literature relative to the Page bill, concerning which I am exceedingly hopeful. I, of course, believe in the bill and am doing all possible to bring it before the people. I hope to secure its consideration at the National Country Life Congress to be held at Spokane November 25–29.

Mr. James B. Hessong, secretary Baltimore Chamber of Commerce, Baltimore:

At a meeting of the board of directors of the Baltimore Chamber of Commerce held on the 11th instant a report was submitted by our crop-improvement committee regarding Senate bill No. 3, as amended, now before Congress.

We consider this bill, if passed, will be of great advantage to Maryland, and our board desires to call your attention to same with the request that you support it with your vote and influence.

MASSACHUSETTS.

Mr. M. L. Burton, president Smith College, Northampton:

Senate bill No. 3, with the report of the subcommittee on vocational education reached me in due time, and I have read it with the deepest

interest. Of course, it is impossible for me to enter into the details of the actual administration of the bill, but I can not tell you how thoroughly and heartily I approve of the general plan which is involved. I believe there is nothing more fundamental for the American Nation in the future than that there should be Federal aid for agricultural and vocational education. It lies at the very basis of our whole national life. In saying this I, of course, do not mean for a moment that our colleges of liberal arts should be altered or that their ideals should be changed, but merely that alongside of our present educational system there should be fine opportunities for every boy and girl to equip themselves with work on the farm, in the shop, and in the home. I am with you in this matter and appreciate very highly the work you are doing.

Mr. L. H. Murlin, president Boston University, Boston:

I have been quite interested in your bill providing for a Federal appropriation to encourage vocational education. I most heartily agree with the principles involved. I should not want any reflection made upon the old ideal of education—the study of the classics and mathematics—but I quite agree with you that wider educational opportunity should be offered in elementary education.

Mr. Louis H. Buckley, chairman board of trustees, Worcester Trade School, Worcester:

I will be glad to hold myself in readiness to assist you in any way possible in the advancement of the passage of this bill.

I hope that you may be successful in your efforts to enact this bill, which promises so much for the advancement of agricultural and industrial education in our country.

Miss Alice J. Bunce, director Mack Industrial School, Salem:

Have received a copy of Senate bill No. 3 and also the report of the subcommittee on agriculture and forestry.

I most heartily approve of the bill and believe that the passage of such a bill would improve our country's condition and would well repay the money to be spent.

Mr. G. M. Winslow, principal Lasell Seminary for Young Women, Auburndale:

I have been much interested in looking over the bill which you have introduced into Congress for the advancement in instruction in agriculture, trades, and household economics.

For many years our school has been giving special attention to preparing young women for home making; consequently we feel that in this department you are giving a big boost to one of our pet ideas.

No work which we have done has seemed to us more worth while in its results than the help we have been able to give our students in the way of fitting them directly for the work which they are bound to have later.

Your bill if carried through will do the same thing in a broader field. If carried out in the same spirit, this bill will be comparable in its beneficent results to the Morrill bill, which every Vermonter refers to with pride as a work of a fellow statesman.

Mr. James A. McKibben, secretary Boston Chamber of Commerce, Boston:

The committee on education of the Boston Chamber of Commerce has carefully considered Senate bill No. 3, giving Federal aid to education in industry, agriculture, and the domestic arts in the secondary schools of the several States, and believes it to be one of the most important measures which has been before Congress this year.

The passage of this bill would stimulate further efforts in those States in which vocational education is already provided, and it would encourage this important type of education in the States that are now too poor or too indifferent to take the initiative themselves. Above all, it will focus public attention in the best way possible upon the important part in the development of the United States which sound vocational education is certain to play. The bill is so framed as to encourage gradual and sound development of the right types of vocation education.

The measure is so safeguarded that the Federal money is not likely to be wasted; and with such bodies as the National Society for the Promotion of Industrial Education and the National Association of Manufacturers watching the work of the law and aiding the States in carrying it out, there is every reason to believe that the results of this legislation will be far-reaching.

The directors of the chamber at their meeting on May 9 unanimously adopted the report of the committee on education, recommending that the chamber heartily indorse this bill. I trust that you will use your influence in promoting the passage of this bill.

Mr. John Golden, general president United Textile Workers of America, Fall River:

I am taking this means of informing you that, as a member of the executive committee of the National Society for the Promotion of Industrial Education, and also on behalf of the international organization I represent, that I am heartily in favor of the bill introduced in your name bearing on industrial education.

The Weekly Bulletin, Boston, says:

The educational bill recently introduced in the United States Senate by Senator PAGE, of Vermont, is printed in full in this week's issue. The scope of this bill and the good that it is intended to do the young people of the United States is of tremendous importance and shows a policy on the part of Senator PAGE of endeavoring to carry through one of the best measures which this country has ever seen.

Mr. Herbert Myrick, president National League for Industrial Education, and editor of the Orange Judd Agricultural Weekly, at Springfield, says:

Rest assured that not only our periodicals but our entire organization will do everything possible to promote this beneficent bill.

Deputy Commissioner C. A. Prosser, of the State board of education, says:

The vocational school differs from the regular high school in aim, content, method, and social function. The high school gives general training for life; the vocational gives specific training for a definite calling. The difference is organized knowledge with deferred values as contrasted with applied knowledge and immediate values. The method of the high school is abstract and formal; that of the vocational concrete and direct.

The two should not be regarded as competitive, but as parallel institutions, each tapping a different school strata.

The Commercial Bulletin, Boston, says:

The bill introduced by Senator CARROLL S. PAGE, of Vermont, to encourage instruction in agriculture, the trades and industries, and home economics in secondary schools, is still pending before Congress.

There is no doubt that industrial education is not developed to anything like the extent to which it might well be developed in this country, and if we are to remain in the front rank of manufacturing nations, we must have not only the best machinery in the world, but also the best-trained hands and brains to operate it.

Whether Senator PAGE's bill will accomplish all that is hoped from it is, of course, uncertain, but it is gratifying to note that the legislative branch of our National Government is devoting intelligent thought to a problem that is as serious and important as any bill that can come before them, as it concerns the welfare and progress of our people.

The Journal of Education, of Boston, says:

A bill of considerable interest to educators, and especially to those engaged in vocational training, was introduced in the United States Senate last April by Senator PAGE, of Vermont. As the bill is framed, it seems to be in shape for final passage, and it is certainly a bill that we should like to see made into a law. Its provisions are generous, and it would stir up all those States that are in need of an incentive along the lines of industrial education and vocational training.

Lewis C. Grandy, editor the Printing Art, Cambridge, says:

We have read with much interest the copy of the bill you recently introduced in the Senate to encourage instruction in agriculture, the trades, industries, etc. There is a great need of the Government undertaking this work.

It is obvious that there is great need for more industrial schools in this country, such as those in which German workmen are trained. The establishment of such schools can be brought about if a determined effort is made. A comprehensive plan for education along agricultural and industrial lines is included in a bill Senator PAGE, of Vermont, has recently introduced in the United States Senate. This may not be entirely satisfactory to everyone and some of the details can perhaps be amended slightly, but its general purpose is such that it should receive hearty support.

Horticulture, published at Boston, says:

Senate bill 3, by Senator CARROLL S. PAGE, now in the hands of the Committee on Agriculture and Forestry, provides for Government aid to the States in promoting a better system of education along agricultural and industrial lines and home economics. The problem of wise and efficient training of young men and young women, always a paramount one, becomes now more serious than ever, under the restrictions on a broad-gauge, mechanical knowledge imposed by existing factory methods in the divison of labor and by labor union prescriptions. The high school, the academy, and the college are taking excellent care of those boys who are financially able to avail themselves of their advantages, but for him who can not, little remains but the prospect of a cheap manhood. If the entry of the National Government into a comprehensive and liberal cooperation with the States for instruction in agriculture and the trades will modify and improve these defects in our industrial system, then by all means let us have it, even if it becomes necessary to economize by cutting out a battleship or two. It is an excellent measure, and we hope it will receive a favorable reception everywhere.

Max Mitchell, superintendent of Federated Jewish Charities, Boston, Mass., says:

I am very much interested in this bill and want to add a word of indorsement for the passage of the bill, which tries to cooperate with the States in encouraging instruction in agriculture, trades, and industries.

In the work that I am doing I have for many years felt the great need of work of this kind. I feel that the poor boy does not get a fair chance or an equal chance with the rich boy or the boy of the well-to-do parents to obtain a proper education. In the early years, when the child is 14 and upward, when he is about to get the understanding of an education, he must go to work and earn enough to help support his home. He is thus cut short at the most important time from continuing his studies.

I believe in giving education to the great masses of this great country instead of the small number of 10 per cent, as is given to-day.

To my mind no expenditure is too large that gives the people of the country a proper understanding of themselves, of the conditions surrounding them, and especially a proper understanding and a love for whatever professional trade they are engaged in, because with that kind of education, I am sure, develops a love for one's country and for one's neighbors and for mankind in general.

MICHIGAN.

Hon. Chase S. Osborn, governor of Michigan, writes:

Your bill to cooperate with the various States in encouraging instruction in agriculture, the trades and industries, domestic economics in secondary schools, etc., is a good measure, in my opinion. No nation is better or stronger than the average of its people. The activity you seek to encourage is necessary, and I hope sincerely that your bill will pass.

Jesse B. Davis, principal Central High School, Grand Rapids, says:

My attention has been called to your bill to encourage vocational education among the States in secondary schools. I have read the bill with much interest and wish to express my appreciation of your efforts in this most worthy cause. My experience of over 16 years in the largest secondary schools of the West has made me a strong supporter of this phase of modern education.

The editor of the Michigan Tradesman, Grand Rapids, says:

I am very glad to commend this measure both personally and editorially, because I believe it is in the interest of progressive citizenship and good Americanism.

Mr. James H. Kaye, president Northern State Normal School, Marquette:

I received a copy of your bill and the report of the Committee on Agriculture and Forestry.

I believe in the provisions of the bill most sincerely, and I trust that it will be passed. Should this bill pass, I believe it will mark a great epoch in educational advancement in the United States.

Fannie E. Beal, teacher of home economics, Addison:

The copy of the Page vocational educational bill has reached me, and I wish to say that I heartily indorse the bill. As a teacher of home economics in secondary schools, I believe that every girl needs a training in the affairs of the home and that she should be required to take such a training.

Clara Wheeler, principal Kindergarten Training School, Grand Rapids:

In reply to your letter and documents of February 29 I write to say that I am interested in vocational education. I also favor the general purposes of the bill known as the Page vocational bill.

Mr. W. H. French, department of agricultural education, Michigan Agricultural College, East Lansing:

I have read the amended bill very carefully, and I think your corrections have removed all of the objections stated in my former letter. The bill in its present form seems all right, and if it should become a law it would certainly stimulate the teaching of agriculture to a very large degree.

MINNESOTA.

Hon. MOSES E. CLAPP, United States Senator from Minnesota, says:

Am in receipt of your proposed bill. Permit me to say that while arbitration treaties and trust regulation laws may command more attention, there is no measure pending before Congress that exceeds in importance your bill, because it goes to the very foundation of all our national problems—the development of the citizen. If the Republic will care for the youth of the land to-day, the youth will care for the Republic.

A. F. Woods, dean and director at the University of Minnesota, St. Paul, says:

Executive council of the department of agriculture of the University of Minnesota, consisting of the dean and chiefs of divisions, indorses the Page bill (S. 3), first, because it gives assistance through already organized educational agencies; second, it includes most agencies that need aid in reorganization for industrial education; third, it is a carefully worked out system based on actually existing conditions; fourth, the McKinley and McLaughlin bills are good as far as they go, but relate only to part of the problem.

The editor of the Daily Record, of St. Paul, says:

We are very much interested in this bill and think it should have the support of everybody.

Charles P. Craig, of Duluth, uses this language:

To my mind, no other bill pending before Congress is so important to this country at large in a constructive way as this bill, because its purpose is to lay the foundation broad by the training of all the youth of the Nation for constructive work.

Vocational education will not down. The people are awakening to its value, and with that awakening grow more determined that a national policy of secondary education shall be established, just as has been done with higher industrial education; consequently, your bill admirably fits the growing popular demand. Politics and selfish interests may postpone but will never prevent, ultimately, the passage of this or a similar bill.

Of my own knowledge I know of foreign-born parents in our city of Duluth who have sent their sons back to the old country to learn a trade, with the purpose of coming back here and being skilled tradesmen.

A. D. Wilson, superintendent University Farm, St. Paul, says:

Your letter of December 7 received. This morning we took up at our executive council meeting, consisting of the heads of divisions in our institution, the matter of the Page bill (S. 3). We sent you a telegram expressing our views in favor of the bill. We certainly believe in the Page bill and are ready to give any assistance we can to secure its passage.

C. G. Schulz, superintendent department of public instruction, St. Paul, says:

I heartily approve the provisions of this measure. It is along the same lines as those in which Minnesota has undertaken to foster that work in connection with high schools, secondary agricultural schools, and the college of agriculture.

I am fully satisfied that the plan outlined in your bill for industrial training, not only in secondary schools, but in colleges and normal schools, is practical, comprehensive, fair, and demanded by present-day conditions. The school must be a training institution which directs the child's activity, not only along one line, but many. There must also be the means, in professional schools, of fitting leaders, directors, and teachers. This your bill makes possible.

The Minnesota State Dairyman's Association, at its annual convention held at Wadena, January 16-19, 1912, passed the following resolution:

In view of the need of a more practical type of education in our schools and the demonstration of improved methods of production on our farms, be it

Resolved, That this association approve the Page bill introduced in the National Congress with these ends in view. We hereby request our Senators and Representatives to do all in their power to secure the passage of this measure, the secretary of this association to forward copies of this resolution to our Senators and Representatives, the chairmen of the Senate and House Committees on Agriculture, and to Senator PAGE.

Lilla P. Frich, supervisor of domestic science, board of education, Minneapolis:

Your letter of March 1 and the copy of Senate bill No. 3 is received. This measure has my hearty approval, and I trust there will be no difficulty in the passage of this bill.

Mr. L. L. Everly, principal Teachers' Training School, St. Paul:

Your letter of February 29 inclosing a copy of Senate bill 3 is at hand. I am heartily in favor of this bill with its substantial provisions for vocational and industrial education. I believe no more important bill will come before this Congress. This institution thoroughly indorses the plan outlined in this bill.

Mr. Andrew Ross, department of agriculture, University of Minnesota, St. Paul:

Our institution has stood squarely for your bill. We are all in accord on the merits of the bill, and I believe that it should be passed. It is so much more comprehensive than the Lever bill, and still so elastic that any State need not be burdened with financial difficulties, that we consider it decidedly the best measure.

MISSISSIPPI.

J. C. Hardy, president Mississippi Agricultural and Mechanical College, says:

I am heartily in favor of this bill for industrial and vocational education. While I appreciate the importance of training "captains of industry," yet in my judgment there is a still greater need of giving the "privates of industry" that training that will fit them for coping with modern industrial conditions and that will make them more efficient in dealing with all the complex problems of modern life. I think the man or woman who is serving the world by manual labor is entitled to as much consideration by the State and Nation as those who are engaged in the professions and other intellectual pursuits.

This bill, as I view it, is an effort to adapt education to the needs of the democracy. The State needs men and women who can do things more than it needs men and women of culture.

This institution thoroughly indorses your bill, and each and every man here stands ready to help in every possible way to develop public sentiment that will demand its passage.

Our people in hearty sympathy with the principle of bill. It means more to the development of our section than any bill since Hatch Act. It has full indorsement of this college. All conditions should be fixed in bill; leave nothing to be fought out in the legislature; command us to fullest.

W. L. Hutchinson, dean of the School of Agriculture, Starkville, says:

Regret I could not be present at the conference of the friends of the Page bill. The objects sought to be accomplished by the bill are laudable and much to be desired.

MISSOURI.

William P. Evans, State superintendent of public schools, Jefferson City, says:

In general, Senate bill 3, encouraging and aiding industrial education, has my hearty approval. The purposes of the measure are very laudable, and I shall be willing to lend my influence toward securing its passage.

We are hoping to push in this State rapidly the establishment of rural high schools and are proposing to secure a permanent fund for this purpose from the voters of Missouri at the next general election. It is this proposition that I refer to in my letter to Gov. Hadley. The proposition for the permanent education fund will be voted upon at the next general election, under the initiative and referendum. This, you see, is along precisely the same lines as your movement in Senate bill 3, to enlarge the unit of taxation.

In general, this measure of Senator PAGE'S and the measure that we are advocating for Missouri is a movement to enlarge the taxation unit. They are twin movements, one may say. The permanent education fund is a movement to derive funds from the State at large in order to equalize opportunities for the weak districts. The same thing may be said of this national movement. It is a proposition to make the unit Nation wide, and in this broad way equalize opportunities for all of the youth of the land.

It seems to me that the bill should be amended somewhat and should pass. I shall be very glad if you see fit to encourage its adoption, even in its present form, for provision is made, you will note, that each State shall receive that portion of the appropriation for which it is prepared, and if the appropriation is made for these district high schools and the district high schools are not established, we will receive the other aid which we are ready for.

I heartily favor the bill except the clause relating to district agricultural high schools. I advise that the appropriations for such schools be added to that for public secondary schools and normal schools for brief reasons in a letter which follows.

W. G. Carrington, State Normal School, fourth district, Springfield, says:

I assure you I am doing all I can in my territory to secure support for this measure. I am writing some letters to our Senators about it.

Anthony Ittner, of St Louis, late chairman of the committee on industrial education, National Association of Manufacturers, says:

The point with me is to have the Page bill so framed as to benefit the 98 per cent of the young men of our country—those that need help. The 2 per cent that pass through colleges and universities are the sons of wealthy parents who, being able to help themselves, do not need help from State government.

Dr. Lowell M. McAfee, president Park College, Parkville:

Replying to yours of the 22d of February, will say I find myself cordially in sympathy with the purposes of Senate bill No. 3, if I understand it in detail. I agree with you most cordially that the surest way to save our young fellows is to fit them for the experiences which are sure to be theirs. Park College was organized and has operated on that basis for a good many years.

MONTANA.

J. M. Hamilton, president Montana Agricultural College, says:

We heartily indorse the principles of Federal aid for secondary industrial education as set forth in the Page bill, and would especially emphasize the features providing for agricultural high schools and agricultural extension.

F. B. Linfield, director of the Montana Agricultural Experiment Station, Bozeman, says:

As director of the agricultural experiment station and a member of our board of farmers' institutes, am keenly interested in educational efficiency on agricultural and industrial lines. I am heartily interested in the Federal appropriation as outlined in the Page bill. I trust the friends of agricultural education, who all agree on the principles at the foundation of these bills, will work out a plan of development that will be satisfactory and beneficial to all interested.

The editor of the Rocky Mountain Husbandman, Great Falls, says:

We heartily indorse your bill. Hope it may pass.

Mr. C. A. Duniway, president University of Montana, Missoula:

I am much interested in your inquiry concerning Senate bill No. 3, known as the Page bill. The passage of some measure of this character would greatly advance the public welfare. I have no suggestions to make concerning the details of your bill. Its passage in its present form would seem to me to be desirable.

NEBRASKA.

Mr. James E. Delzell, State superintendent of public instruction of Nebraska, Lincoln:

I am very much pleased with the Page vocational-education bill. I will be glad to assist in every way possible to advance this bill.

Mr. J. W. Crabtree, formerly State superintendent department of public instruction, Lincoln, says:

Permit me to thank you for sending me a copy of the bill which you introduced offering encouragement to the teaching of agriculture in the public schools, normal schools, and colleges of the country. I sincerely hope you may be able to secure the passage of this bill. If its provisions are carried out, this information and instruction in agriculture and home economics will be brought right down to the homes of the people. It seems to me that this is the important step to be taken at this time. I shall watch with interest the progress of this bill and use my influence wherever possible in its behalf.

Editor Hatch, of the Nebraska Farm Journal, writes:

There is no man of average information and intelligence but who knows that this country is letting the brains of the Nation go to waste because no adequate vocational training is provided for the large middle class of America. Your bill seems to provide the only practical way to quicken, increase, and develop the average American deficiency. We hope your measure will pass.

E. C. Bishop, former State superintendent of public instruction, State of Nebraska, says:

A copy of the bill (S. 3) which you kindly inclosed meets my approval, and I am glad to do what I can to encourage its passage.

NEVADA.

John Edwards Bray, superintendent of public instruction, Carson, says:

I heartily approve Page bill for encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools. If the secondary schools are to get into touch with the industrial progress of the age, all these things must be made features of practical instruction. National aid is needed, and it will be worth more than a thousand battleships.

The several district educational institutes of Nevada have recently held meetings at Elko, Tonopah, and Las Vegas. At every one of those institutes this bill was one of the important subjects of discussion, and at each meeting the bill was very strongly indorsed.

At the Elko institute the following resolution was adopted:

Resolved, That we approve the Page ofil now pending in the United States Senate providing for national aid in the various States for agricultural and industrial training in the high schools as a measure of enlightened statesmanship. The bill proposes to place yearly at the disposal of the States several millions of dollars, the first use of the money to be for the preparation of teachers for this work.

At Tonopah institute the following resolution was adopted:

Whereas there is pending in the United States Senate a measure known as the Page bill, which has for its object the appropriation of national funds to aid and encourage agricultural and industrial training in the secondary (high) schools of all the States; and

Whereas such expenditure would be of vastly more benefit to our country than the millions now annually spent in building battleships for the destruction of human life or for useless display: Therefore be it

Resolved, That we strongly favor the Page bill and earnestly request Senators NEWLANDS and NIXON and Representative ROBERTS to give it their support.

At the Las Vegas institute the following resolutions was adopted:

Be it resolved, That we favor the introduction of the elements of agriculture and industrial training in the school curriculum. We commend the Page bill now pending in the United States Senate. It proposes to appropriate national funds for agricultural and industrial education in the various States, first for the training of teachers, and then for the maintenance of such instruction in all secondary schools.

NEW HAMPSHIRE.

J. C. Kendall, director New Hampshire Agricultural Experiment Station, New Hampshire College, Durham, says:

I am in hearty sympathy with the work which the Southern Commerical Congress has undertaken in pushing the Page bill, and I would like very much to be present at the conference which is to be held in Washington, December 14, 15, and 16, but I am afraid that it will not be possible for me to be away at that time.

A large problem before the people of the United States to-day is putting within the reach of all the opportunity for education along the lines of their everyday life. We must change our school system in such a way that they will recognize the fact that when properly treated and when suitable instructors are provided there will be just as good training in the study of farm problems as in reading Greek.

I wish for you and your associates and the organization that you represent success in the passage of this bill, which will mean so much to the future industrial development and prosperity of the country.

Mr. Ernest L. Silver, principal of the State Normal School, Plymouth:

It seems to me that this bill is particularly sane and sound and that its enactment into law would be an immense benefit to our country. I believe that any abridgment or substitution would be inimical to the cause of popular education and the progress of American civic and industrial life. I assure you that this is not my opinion alone, but the opinion of all the educational men of New Hampshire.

NEW JERSEY.

Franklin Dye, secretary of the State board of agriculture, Trenton, writes:

Believing your work to be in the right direction, I can but wish you good success.

E. R. Johnstone, superintendent of the training school at Vineland, writes:

I have received your letter of December 1 and a copy of Senate bill 3, introduced April 6. May I express my hearty approval of its provisions?

Mr. K. C. Davis, principal College of Agriculture, Rutgers College and Scientific School, New Brunswick:

I think your bill is the best one now before Congress loking toward the extension of agricultural education, and I hope it will pass.

Emily S. Hamblen, secretary of the Public Welfare Committee of Essex County, N. J.:

No educational measure could meet with heartier approval from me than does this bill, and I am confident that I am speaking unofficially for our society, for I know that both collectively and individually we stand for such solutions of our social and economic problems.

I believe that such constructive work, beginning at the foundation in educational methods, as will fit the individual both to adapt himself to varying conditions and to develop the natural resources of our country is worth all the political reconstruction ever proposed or dreamed of.

Dr. Byron D. Halstead, director New Jersey Agricultural College Experiment Station, New Brunswick:

Your kind favor of the 20th instant is received. I have read your bill No. 3 and the report upon the same; and it gives me much pleasure to reply, as you suggest, and as follows: The intents of the bill are most excellent, and I trust that it will be enacted. This is a natural sequence of the land grant act of 1862 and the Hatch and Adams Acts of more recent date, for they have provided a proper foundation for a popular vocational education that is designed to reach all the industrial classes. The passage of this bill will help to bring the United States to an educational plane that will command the admiration of all those nations now far ahead of us in the prime essentials of progressive citizenship.

Mr. W. S. Willis, principal Normal and Training School, Newark:

Vocational training will occupy a large place in our educational system, and, if the best results are to be obtained, special preparation for this should be given for this work. I trust the appropriations, as suggested in your bill, will prevail.

NEW MEXICO.

Hon. W. C. McDonald, governor of New Mexico, Santa Fe:

I am just in receipt of your letter of the 14th instant inclosing copy of the report on your vocational-education bill. I can say without hesitation that I am in thorough sympathy with such a measure, and will give it my unqualified support. Our first State legislature will convene on March 11. There will then be chosen two Senators to represent New Mexico at the National Congress, and I am quite sure they will help along with your industrial-education bill.

Mr. Frank H. H. Roberts, president New Mexico State Normal University, Las Vegas:

At a recent meeting of the board of education of the State of New Mexico Senate bill No. 3, known as the Page bill, was indorsed, and your honorable body is petitioned to pass the same.

Mr. E. A. Drake, president New Mexico State School of Mines, Socorro:

In reply to your esteemed favor of February 22, I beg leave to say that I am heartily in favor of the Page bill, or any other bill for the encouragement of vocational education.

Mr. C. M. Light, principal Normal School of New Mexico, Silver City:

I am in receipt of Senate bill No. 3 in reference to vocational education. I heartily approve of the plan of the bill, especially that feature of it referring to instruction in vocational training through the normal schools. This matter appeals very forcibly to the Spanish-American people throughout the State. If there is any people who need vocational training it is the Spanish-American. He seems fit for noth-

ing but positions of drudgery: his knowledge of agriculture and the trades is very crude. The system of training according to the plan in this bill is the very thing which, it seems to me, he needs. Any aid which we can give you in the passage of the measure will be cheerfully given.

William H. Andrews, Territorial Delegate from New Mexico, says:

I thoroughly believe in this bill, which I have read carefully.

H. S. Gowen, New Mexico Normal University, says:

I am interested in the bill whose purpose it is to encourage instruction in agriculture, the trades, and home economics. Such work as this is of unusual importance in New Mexico, where we have so large a population that it must necessarily depend on other lines besides those in which scholarship of the ordinary kind plays the chief part.

Prof. Luther Foster, dean and director division of agriculture, New Mexico College of Agriculture and Mechanic Arts, Agricultural College, New Mexico:

I am pleased to acknowledge yours, inclosing a copy of the Page bill and also report of subcommittee on the same. All things considered, I believe is the most satisfactory bill for all interests concerned that has been presented, and I would be very glad to see it become a law.

NEW YORK.

Dr. J. G. Schurman, president of Cornell University, says:

I am greatly interested in the subject, as I feel very deeply the need of making better provisions than we now have for encouraging instruction in agriculture, the trades and industries, and home economics in institutions of instruction readily accessible to the mass of our people.

Chancellor James R. Day, of Syracuse University, says:

It is not enough to educate a few specialists for management of large estates or the farms of fancy farmers. Farm education should be as extensive as farming. It should be within reach of all parts of the State as plain, practical courses of study, illustrated by object lessons of farms and grounds and by animals, plants, fruits, insects, friendly and destructive birds, beneficial and harmful, and in practical farm industries and in higher courses in chemistry, bacteriology, soil analysis, and animal and plant breeding, farm economics, farm architecture, and engineering. In short, the farmers should be prepared for their high calling, as are the doctors, lawyers, and teachers. The time must come, is inevitable, when the farmer ignorant of his calling and conditions will be as unusual and impossible as an ignorant doctor or lawyer at his practice.

Eli W. Weaver, chairman of students' aid committee of the High School Teachers' Association, New York City, says:

There are in New York City to-day thousands of young people who have been trained to high ideals in the homes of self-sacrificing parents, who have deserved and received considerate treatment in the schools, and who have enjoyed the respect and esteem of their associates, who have afterwards gone out to earn their own living in those occupations usually open to young people; but too frequently these young people have been compelled to wander around for days in an aimless search for employment; they have been persuaded to accept places at pitiful wages, with promises of advancement, in which they have afterwards learned that there were never any prospects of advancement; they have outworn places in which there was no special skill or knowledge to be acquired, from which they were turned out without faith either in themselves or their fellow men or a belief in the existence of a sense of fairness or justice in society. However well equipped the barks in which the truthful sailors launch out on the troublesome seas of commercial and industrial life may be, the chances are against them unless they are provided with sailing directions. Since society must in some way or other care for the disheartened, the broken-spirited, and the ruined, it might be well for society to provide the sailing directions.

Mr. Dean, chief of the division of trade schools, New York, says:

The school of yesterday trained its youth for a job, while the school of to-morrow will train its youth for a vocation. It provides for every vocation for which there is reasonable demand, and in that school the boy must remain until there is ground for believing that he has found a calling for which nature and his own effort has prepared him.

My father sent me to a school of yesterday so much that I very nearly missed an education.

The school of to-morrow will have over its door, "We conserve the whole boy."

Francis J. Cheney, principal State Normal and Training School, Cortland, says:

I regret exceedingly that I shall not be able to be present at the conference of the friends of the Page bill (Senate bill 3) on December 14, 15, and 16 on account of duties in connection with my work as principal of the State normal school. I am very greatly interested in this bill and believe that its passage will be for the best interests of the young people whom we are training for citizenship. Certainly the plan contained in the bill is taking a great hold on the country. The Page bill is an effort in the right direction to the better fitting of our young people for useful and successful lives.

Benjamin R. Andrews, secretary-treasurer of the Teachers' College, New York City, says:

I am glad to know that your bill for Federal aid to education is securing increasing support. I judge from the talk of economy that it may be impossible to secure enactment at this session, but I hope that you can get favorable action in the Senate. It will be a great step forward.

The Knickerbocker Press, Albany, says:

The Page bill seems admirably suited to promote the ends desired, and its advocates should receive the fullest cooperation from the representatives of the Empire State.

The National Provisioner, New York, says:

The bill of Senator PAGE deserves really active, not merely perfunctory, support.

Educators of national reputation are giving their support to the bill, and it should pass; but, like all measures proposed in Congress, merit alone will not be sufficient to secure its enactment. Public sentiment must be aroused and its virtues made known.

This seems to be a sensible, systematic way of increasing knowledge of how to expand our supply of live stock and other agricultural products, as well as to educate the future generations in other useful directions.

C. W. Burkett, editor of the American Agriculturist, New York, says:

I am very much interested in your bill, which proposes that the National Government shall cooperate with the States in encouraging instruction in agriculture, the trades, industries, and home economics in secondary schools and in preparing teachers for these vocational subjects. I do not hesitate to say that this measure, if enacted into law, will be of the utmost benefit, not only to agriculture, but to the entire country.

I have made a very careful examination of the bill and have studied the needs of the schools for a great many years, and I am confident that this measure is one of the most needful now before Congress, and that I am expressing the opinion of tens and hundreds of thousands of farmers and industrial people when I urge the passage of this measure.

The American Agriculturist weeklies are with you heart and soul in this matter. In the past we have given page after page to the effort to secure a better system of education along agricultural and industrial lines. Just recently I have had an editorial calling about the Page bill and what it seeks to do. We shall keep right at this matter, hoping that in the end the idea will win.

The Business Men's Association of Newburgh gives expression to a most important thought in this language:

The lack of knowledge of how to till the soil is the great economic evil of our country, and it can easily be corrected by teaching the rising generation the art of agriculture. No nation can be truly great that is not firmly established on a sound agricultural basis.

Everyone takes a great interest and pleasure in his work, no matter what it is, if he can do it well, and his joy is in his work in proportion to his skill.

The dissatisfied workers resort to strikes and employers to lockouts, creating enmity where there should be friendship and cooperation.

* * * * * * *

Are we leading the world, as we should do, in solving this problem? Are we even abreast of other nations in this respect? No; by no means. We are perhaps third or fourth to Germany, Switzerland, Denmark, and probably Sweden. What are they doing that is better than our methods? They are, first, developing children physically and training their hands as much as their brains and giving each a trade. Rich and poor alike must learn a trade, even to the sons of the Emperor of Germany. They have, then, an appreciation of the dignity of labor, instead of despising it, as we do.

We have great conventions of governors in Washington to beg for a conservation of the resources of our country, when our Nation's greatest resources, the lives and health of our children, are being squandered in nearly every school in the country.

The Engineering News, New York City, says:

I heartily agree with you that the greatest need of the country to-day is to better the instruction in our common schools and secondary schools, so as to better fit the students therein for the real work of life.

The Commercial, Buffalo, says:

There is little doubt that eventually some system similar to that proposed by Senator PAGE will become effective. More and more the attention of the country is being turned to the necessity of better facilities for industrial and agricultural education for the young of the rural sections, and the present bill, while it may have its defects, is sure to have its influence in securing legislation along the lines suggested.

It is a remarkable coincidence that another Vermont man, Senator Morrill, was the father of the bill which established the State college of agriculture and mechanic arts.

The editor of the Financial World, of New York, says:

We quite approve of any efforts made that will lead to an increased efficiency of our men of to-morrow.

Mr. L. P. Alford, editor of the American Machinist, New York City, says:

Your letter of July 17, with its inclosure, a copy of Senate bill 3, is before me. I have read both with a great deal of interest. For some four years I have been studying the problem of industrial education, and a great deal of space has been devoted to it in our journal.

As a simple act of justice it seems to me that our Federal Government should appropriate funds for the furthering of the education of industrial workers in the same way that it fosters the spread of agricultural knowledge.

I most heartily agree with the sentiment expressed in your letter to the effect that we must do something for the boys and girls of the great middle classes in order to really fit them for earning a livelihood. We are far behind Germany and Switzerland in this particular. Something must be done at once to aid in conserving the green boy of the country and the untrained lad of the city into men trained and educated in some trade or vocation from which they can earn a comfortable living, and by the exercise of which they will be valuable units in our industrial life. I shall watch the course of this bill with a great deal of interest. The purpose of this bill is worthy, and I shall support it as far as it is proper for me to do in the columns of my journal.

Mr. Fred W. Atkinson, president the Polytechnic Institute, Brooklyn:

I am in heartiest sympathy with your bill, and a rather careful reading of it suggests no important changes. You certainly are on the right track.

Mr. Charles H. Levermore, president Adelphi College, Brooklyn:

Of course you are on the right track. I sincerely hope that Senate bill No. 3 will become a law.

Prof. Mary Schenck Woolman, Teachers' College, Columbia University, New York City:

The purposed bill is as important to the women of the United States and to the homes as to the industries. Women are going untrained into

the industries and are in grave danger to their health and to their morals. The passage of this bill will provide a preparation which will give girls a training which will be of equal value in the homes as well as for wage earning and provide the qualities for the best class of citizen. In providing for teachers' training you recognize a very valuable part of the work. The old teacher of manual training is helpless in this new field, as also the academic teacher. They do not know industry nor its sociological, economic, and technical needs. They fail in teaching and inspiring the students on account of their lack of opportunity and special training.

Mr. F. L. Holtz, Brooklyn Training School for Teachers, Brooklyn:

I have read the bill for encouraging instruction in industrial education, and am in favor of such legislation.

Miss Mary E. Williams, department of education of New York City:

Please accept my thanks for the copy of the Senate bill No. 3 and your report thereon. It is intensely interesting to me and my staff of 170 teachers, and you have our most earnest wish and every good word that we may be able to say of the passage of so important a bill to the Nation.

In New York City we are teaching home economics for the last 10 years in the secondary schools, as you will see by the course of study inclosed. For some years we have been able to extend the work to girls over age in the grades below 7 A, but we were obliged to drop all these special classes this year because of shortage of funds. On this account hundreds of girls will go to the different trades and vocations without any instruction in the highest of all vocations—that of home making.

Mr. L. Ray Balderston, Teachers' College, Columbia University, New York City:

I am in hearty sympathy with the work as being pushed by the Page bill. It is to be hoped that it passes and brings all the good bound to follow.

Prof. Arthur W. Gilbert, College of Agriculture, Cornell University, Ithaca:

I am very pleased to indorse your bill on vocational education—Senate bill No. 3. I am strongly convinced that the passage of this bill will enormously benefit the people of the United States.

Such a measure will greatly stimulate instruction in agriculture, the trades and industries, and home economics in agricultural schools.

Mr. E. J. Goodwin, principal The Packer Collegiate Institute, Brooklyn:

I write to indorse heartily Senate bill No. 3, designed to encourage vocational education along the lines of the trades and industries, agriculture, and home economics. I am sure that this bill, if enacted into law, would open a much needed new era for the industrial training of our boys and girls.

Mr. F. J. Trinder, superintendent of apprentices, General Electric Co., Schenectady:

Senate bill 3, to provide for the industrial training of boys and girls, as introduced by you deserves to meet with the hearty support of your colleagues, also of the parents, the citizens, and the voters of the country.

We are very much interested in any of the vocational school work, no matter by what name it is known, either as trade school or part-time school, so long as it is planned and conducted in a way that shows that real intensified work is accomplished.

If our State educational bureau would wake up and do something in this line really worth while, our boys would be raised in a few years above the standard of pool-room attendants, street loafers, and would not be applicants for the county house at the age of 50, when too old to perform the duties of a laborer or street sweeper.

Mr. William Church Osborne, president Children's Aid Society, New York City:

With reference to your bill (S. 3) for Federal aid to agricultural and industrial education, I heartily approve of your proposition if carried out in the amended form.

Miss Helen Kinne, professor of household arts education, Columbia University, New York City:

I hope that my delay does not make my letter useless. I certainly approve the bill and will do whatever is in my power to forward it. I am telling the students in this department about the purport of the bill, and as they go to their homes they will, of course, spread the knowledge of it. While that may not have a direct and immediate result, it certainly should help in the future.

NORTH CAROLINA.

Hon. William W. Kitchin, governor of North Carolina, says:

In reply to your letter of the 11th, I favor the extension of agricultural, mechanical, and industrial education, and favor the general purposes of the bill which you inclosed.

D. H. Hill, president College of Agriculture and Mechanic Arts, Raleigh, says:

I have gone over the bill which you were kind enough to send me with a great deal of care. The general features of the bill commend themselves very strongly to my judgment. The Nation certainly needs training along the lines suggested in the measures embodied in this bill and I hope that the general plan may be carried out.

C. N. Evans, of the board of governors of the Southern Commercial Congress, Wilmington, says:

Regret I can not appear before you in warm support of the Page bill. In the interest of a broader national view and of our children especially, I urge the adoption of the Page bill and trust its provisions may meet the approval of your committee.

J. Y. Joyner, superintendent of public instruction of North Carolina, says:

I heartily favor the passage of the bill.

About 82 per cent of the people in the Southern States are engaged in agricultural pursuits. No adequate provision has been made by any State for the proper education and training of children for the pursuits that the large majority of our people are now following for a living.

The bill proposes to stimulate and help the States to help themselves without being paternalistic, without interfering with the autonomy of the State systems of education, or without any undue interference in any way by Federal authority with State authority.

The editor of the Progressive Farmer Gazette, Raleigh, says:

We shall be only too glad to do all in our power to help carry out your ideas. The measure meets with our hearty approval.

Mr. William C. A. Hammel, State Normal and Industrial College, Greensboro:

I certainly wish to indorse your bill on vocational training and will lend all aid to help you in any way possible.

Having taught manual arts for 20 years and working with the teachers of the whole South in my summer school work, I feel that the bill introduced by you will help along the 94 per cent of the boys and girls who never reach the high school.

If I can be of any service to you in your cause, please do not hesitate to write me. I stand ready to help.

Mr. W. A. Withers, North Carolina College of Agriculture and Mechanic Arts, West Raleigh:

I have read over the bill carefully and am satisfied that its passage will result in a great advancement of the agricultural interests of the Union. As the progress of our whole country depends to a large extent upon our rural population, you will be serving the entire people in securing the passage of this bill. If I am able to assist you in any way, it will give me great pleasure to do so.

NORTH DAKOTA.

Mr. George A. McFarland, president State Normal School, Valley City:

I know of nothing that would be so influential in bringing our educational practice up to the practical demands of the times as the passage of the Page Senate bill. Our high schools, normal schools, and colleges need the stimulation this bill will give them. * * *

As an agricultural State, I am satisfied that the entire State is much interested in the passage of this bill. Vocational education has a great hold upon the minds of our people. They would be unwilling to accept the argument that there is no money for such an appropriation when the Government is considering the building of battleships that will cost nearly twice as much as the annual appropriation for vocational education.

You may count on me for any assistance that I can possibly render in your efforts to get this bill through Congress.

Mr. E. L. Ladd, dean department of chemistry, North Dakota Agricultural College, Agricultural College:

Senate bill No. 3, to promote vocational education, is a measure that should receive the support of every right-thinking man who is anxious for the promotion of education for all the people. With the support as proposed in this bill for the furthering of industrial education, great good will come to the industrial classes of the United States; and the development of agriculture and the industries will be assured along lines that will make for the best interests of the country at large.

I am, therefore, heartily in sympathy with the measure and trust that it may become a law.

J. W. Preston, president Normal School at Madison, says:

Our State teachers' association last week indorsed Senate bill 3 and urged our congressional delegation to support same. Educational sentiment in this State strongly favors the bill.

Hon. L. B. HANNA, M. C., says:

I am in receipt of your letter of 9th instant. It goes without saying, Senator, that I will do everything I possibly can to help you to push this matter along. I believe the bill is right.

Mr. H. L. Bolley, dean department of biology, North Dakota Agricultural College, Agricultural College:

I have your letter of February 20, inclosing Senate bill No. 3, a bill to cooperate with the States in encouraging instruction in agriculture, etc. I am not an expert on the technicalities of law, but reading the purpose and intent of the bill, I am convinced that it should prove a great boon to this country. Just in proportion as our people are enlightened as to agriculture and enlightened in the trades and industries of life will this country prosper. I believe that the bill is well worded to give a proper stimulus along lines in which much aid is needed.

OHIO.

Mr. H. C. Minnick, dean Ohio State Normal College, Oxford:

Your letter of recent date received, also a copy of your vocational bill and report of the Subcommittee on Agriculture and Forestry. If Congress shall make such provision for the promotion of industrial and vocational education as is described in your bill, it will make the greatest contribution toward realizing the modern aim of education for the masses that has ever been made in this country. The high schools as they are now established provide training almost exclusively for those who are going into the professions. The schools are organized on that basis, and it is almost impossible to reconstruct them. The provisions of your bill will make it possible for the reorganization of secondary education in this country so that the 96 per cent of the workers will receive an education preparing them for their work as well as the 4 per cent or the professional class. The bill is comprehensive in the fact that it makes provision for the encouragement of the industries, provides schools in which the industries may be taught, and provides for the preparation of teachers to instruct in these industrial studies. I consider it a great contribution to the forward movement in education.

Mr. A. B. Church, president Buchtel College, Akron:

In my judgment, you are working along the right lines for the elevation and betterment of the coming generations. The broad, distinctive characteristic of our American civilization is its broad, democratic system of public education. It is the hope of this Republic more than of any Republic that has existed or can exist as a transformation of a monarchical form of government. I sincerely hope that you will succeed in your undertaking. I congratulate you upon the step you have taken, and offer you my cooperation.

Mr. James W. McLane, principal Normal Training School, Cleveland:

Although ours is a city normal school, and not included in the provisions of Senate bill 3, the Page bill, I wish to enroll my name on the list of those who favor the cause of vocational, and especially of agricultural, education.

The only possible explanation of our slowness in reaching the formulation of such a bill as yours is that we have not really understood the full import of the word "education." What we call "education" has been too far away from what we call "life"; and legislative enactments like the one you propose will go far to bridge the chasm that still yawns between the two.

So courage to your soul and wisdom to your counsels. We shall eventually value properly the practical in education, without the least danger of sacrificing the cultivative in the inspirational.

Mr. Lee R. Knight, principal Perkins Normal Training School, Akron:

Your favor of February 20 and the report on vocational education were duly received and read.

I am thoroughly in sympathy with the purposes of the bill, and I am unable to see how any intelligent citizen can hold any other attitude. Education of the people presents the fundamental problems of the Nation. And this is no mere cant. Education has tended to become limited to the world of books, to become cultural in the wrong sense of not being useful save for ornament to the superior mind supposed to possess it.

Poverty oppresses the land, but it is a poverty of potent ideas, not a material poverty. There are, perhaps, enough ideas, but too many of them are pale and attenuated from being dissociated from the activities of life. In other words, poverty means paucity and impotence of ideas; feyness and feebleness, not as applied to dollars, but as applied to ideas. Vocational education should strongly tend and ultimately result, if wisely conducted, in a mighty amelioration of conditions.

Mr. A. D. Selby, Ohio Agricultural Experiment Station, Wooster:

I had been much interested in the discussions on the Page bill before the Association of Agricultural Colleges and Experiment Stations in Columbus in November last. I have recently run through amended bill, and wish to express my heartiest approval of the measure.

Hon. J. J. WHITACRE, M. C., Ohio, says:

I beg to acknowledge receipt of your kind invitation asking me to take part in the conference called December 14-16 for the discussion of the Page vocational educational bill. I regret to say that I can not attend because of meetings of the House Agricultural Committee, but I hasten to assure you that I am in complete sympathy with the object of the bill, and anything I can do to further the movement, as a member of the House Agricultural Committee, will be done most willingly and cheerfully.

Henry G. Williams, dean of the State Normal College of Ohio and member of the national committee on agricultural education, says:

Your notice of the 7th concerning the meeting of the Senate committee, December 14, 15, 16, at hand. I would like very much to be present and assist in presenting the matter to the committee. It may be possible for me to do so. If I am not present, you may expect a night letter. I am very much interested in it, and have done as much perhaps as anyone else to further the campaign on behalf of Senate bill 3.

The editor of the Farm and Fireside, of Springfield, writes:

I believe that the future of agriculture in this country depends upon a basic reform in rural schools in the direction of the correlation of the rural schools with rural life. I am therefore intensely interested in your letter and in the bill which accompanies it, and promise you the active cooperation of Farm and Fireside in so far as our space will permit. Personally I think the bill would accomplish an educational revolution of the most beneficent sort.

B. M. Davis, president of the agricultural and rural education department of the National Education Association, Oxford, says:

I am greatly interested in the provisions of the bill, and have been ever since the matter was first started.

Mr. Eugene F. Cranz, secretary Ohio State Grange, Ira:

I have again been reading over your vocational educational bill, S. 3, and I am strongly impressed with the far-reaching provisions it contains.

OKLAHOMA.

Mr. U. J. Griffith, president Southwestern State Normal College, Weatherford:

I am a believer in the Page bill and am doing what I can in its support.

The time is at hand when education must stand upon some other foundation than cultural sentimentality. At least State education must do so. Against the Page bill are arrayed all the forces of fogyism and pedantry; and it will encounter the bitter antagonism of all who believe in special privilege—the educational hardabells who are opposed to education "as a means of grace," but would reserve it for the "edification of the saints."

Dr. Edmund D. Murdaugh, president Southeastern State Normal School, Durant:

Let me at once thank you for your letter and the accompanying report, which I have read to-day with pleasure and profit.

Please command my efforts to aid in so worthy a cause.

Mr. B. C. Pittuck, dean college-extension division, Oklahoma Agricultural and Mechanical College, Stillwater:

I have your letter of February 16 and wish to thank you for the copy of the revised and perfected Page bill. President Connell and I have been doing all in our power since our visit to Washington to create a proper interest in your bill, and I believe that some good has been accomplished. This institution will work for the Page bill as strenuously as possible.

Prof. Minna C. Stoner, Oklahoma Agricultural and Mechanical College, Stillwater:

Your letter with literature concerning Senate bill 3 received. I heartily indorse everything the bill involves because of the great impetus it will give to our American system of education and industrial economic problems.

Gov. Lee Cruce, of Oklahoma, says:

I wish to thank you for copy of Senate bill 3, introduced by you.

I shall be glad to cooperate in any way possible with the State superintendent to bring about proper action along this line.

R. H. Wilson, superintendent department of education, State of Oklahoma, Oklahoma City, says:

I want to say that I can not speak too highly of the Page bill. It will certainly be of great assistance to this section of the country.

J. H. Connell, president Agricultural and Mechanical College, Stillwater, says:

Oklahoma is earnestly in favor of this bill because with Federal aid we can quickly reach 5,000 common schools and develop a new agricultural civilization.

We are not waiting for the Federal Government, but would quickly and largely benefit by the wisely expended assistance provided by this measure.

I favor the immediate passage of the Page bill, with some minor amendments.

Grant B. Grumline, president Northwestern State Normal School, Alva, says:

In the November issue of our monthly bulletin, which goes to about 1,800 school-teachers in this part of the State, we are urging that each of them use their influence for the Page bill, Senate bill 3.

James A. Wilson, director Oklahoma Agricultural Experiment Station, Stillwater, says:

I am sending to-night by Western Union wire a night letter expressing as strongly as my vocabulary is able to the position which we take in Oklahoma toward the Page bill. Oklahoma stands squarely for the Page bill. Anticipating this nation-wide industrial system of education our State constitution directed our legislature to provide for such instruction in the common schools. Our normal and agricultural high schools are doing the grade of work indicated in the Page bill. It provides for our greatest need. I wish you the greatest possible success in this worthy movement.

OREGON.

Hon. Oswald West, governor of Oregon, says:

Your letter of December 11 and inclosed copy of your Senate bill 3, together with data in regard thereto, reached my office during my absence in the East. From the hurried view that I have been able to give your bill its general provisions meet with my approval. I can say as a general proposition that any measure which has to do with the betterment and upbuilding of the agricultural-school system meets with my approval if drafted along sane and consistent lines.

I wish you success in this direction.

The Pacific Banker, Portland, says:

Some time ago it was our pleasure to make brief favorable comment upon a bill which Senator PAGE, of Vermont, has introduced in the Senate, and which we again wish to give editorial indorsement because of its peculiar significance to the entire country, and to further encourage, if need be, the action of the committees appointed from Oregon, Washington, Idaho, and other Western States in its behalf.

The question which he agitates and which he would thus aid and abet is not new. There is no denial of the fact that the greatest phase of the problem of maintaining the future prosperity of this country lies in the need of our better knowledge, and the better knowledge of the generations to come, of the science of agriculture. It is eminently fit that the banker should lend his influence to the indorsement of Mr. PAGE's recommendation, which has already had the recognition of the Senate, for, if we are ever going to bring about permanent systems of agriculture in this country, the banker, above every other business man, has got to lend unto the endeavor his unfailing energy.

W. J. Kerr, president Oregon State Agricultural College, Corvallis, says:

Your favor of the 4th instant, with inclosures, has just reached me. I heartily approve the general purpose of the bill as set forth in the resolution adopted by the Senate Committee on Agriculture and Forestry.

The editor of the Rural Spirit, Portland, says:

I most heartily approve of your educational bill and assure you of my appreciation of your efforts along this line and of my willingness to cooperate at any and all times.

This bill is especially intended to aid agriculture and is a very meritorious bill and should have the support of farmers through their Representatives in Congress.

The editor of the Northwest Poultry Journal, Salem, says:

I congratulate you on the bill. It ought to pass.

Dr. Marion R. Drury, president Philomath College, Philomath:

I have yours of February 22. Replying, I would say I am in most hearty accord with your proposition for a Federal appropriation to encourage vocational education. I have read your bill, Senate No. 3, with much interest and believe it is aimed directly at the more general education of the masses, a thing much needed in our present educational system. I shall be glad to know that the bill has favorably passed.

Mr. R. W. Allen, farm superintendent Oregon Agricultural College, Hermiston:

Your recent letter with Senate bill No. 3 inclosed has just been received. You have my most hearty indorsement of this bill, which so substantially supports and encourages the advance of vocational education throughout our entire Republic. The united efforts of the States

and Federal Government will be able, through this measure, to accomplish what the Nation has been much in need of, namely, proficient means of industrial education in every part.

The American Association of Agricultural Colleges and Experiment Stations, of Portland:

Agriculture, including horticulture and forestry, should be a regular part of public secondary education. There should also be a limited number of special agricultural high schools in the different States. Special agricultural schools will fill a great need by attracting the more mature students who would not go to the ordinary high schools, and the ordinary high schools will have plenty of agricultural students of proper high-school age.

PENNSYLVANIA.

Hon. John K. Tener, governor of Pennsylvania, Harrisburg:

Senate bill No. 3, copy of which you were good enough to send me, was discussed and indorsed by the Pennsylvania State Board of Education. A letter was written to each United States Senator and Representative in Congress from Pennsylvania, and favorable responses were received from most of them.

Vocational education deserves every encouragement. I trust that the bill will become a law.

Mr. C. B. Connelley, dean school of applied industries, Carnegie Technical Schools, Schenley Park, Pittsburgh:

Replying to your communication of April 15, would state I want to thank you very much for your letter, and will say you can find me willing at any time to assist you in furthering your bill.

Mr. M. Friedman, superintendent United States Indian school, Carlisle:

I am tremendously interested in the Page bill for promoting vocational education in the American schools. I think it is one of the most progressive measures, as well as far-reaching, in the good it will do, that has been introduced in our Congress for many a year. Educators all over the country are interested in its successful adoption.

Mr. Thomas I. Mairs, professor of agricultural education, Pennsylvania State College, State College:

I want to thank you for the privilege of reading the Senate bill No. 3. I want to say that I am thoroughly in sympathy with the provisions of the bill. I sincerely trust that it will pass and believe that it will be of great benefit to our public-school system.

Mr. John P. Jackson, dean school of engineering, Pennsylvania State College, State College:

In reply to your letter and kindly action in reply to my telegram, I would say that I heartily support your measure and have already taken it before our American institute of electrical engineers educational committee, of which I am chairman, and have obtained their approval.

E. E. Powers, secretary of the Pennsylvania Rural Progress Association, Pennsdale, says:

We are all rapidly realizing the paramount importance of proper educational facilities as the main agent in eliminating the serious problems of country life. As the prime mover in bringing this question before the country as a concrete demand, we would like to have you speak, if possible, on the subject of the Page bill.

P. M. Tyler, principal Chester Agricultural High School, says:

Unable to attend conference, but we realize urgent need for the Page bill.

George M. Phillips, secretary State board of education, West Chester, says:

The State board of education of Pennsylvania strongly indorses this movement and Senator PAGE's bill, and at its direction I sent a letter, as secretary of the board, to every Senator and Representative in Congress from Pennsylvania. I very much hope that this measure will pass this winter. You will get valuable and important support from Pennsylvania.

Andrew Thomas Smith, principal State normal school, Mansfield, says:

I write to add my word of encouragement and to express the hope that the measure may be passed through Congress at this session.

It is a bill which will lend very great aid to a measure now occupying the chief place of attention among the educators of our country.

Mrs. L. L. Blankenburg, vice president General Federation of Women's Clubs, Philadelphia, writes:

Senator PAGE, you recognize the fact that women are not your constituents, except in six of the Western States, and that our wishes do not have much weight with Congress, but if there is sufficient publicity given to this bill I believe club women will use such influence as they can command to secure its passage.

Thomas F. Hunt, Pennsylvania State College of Agriculture, says:

For a number of years I have been deeply interested in the movement for the introduction of industrial training in the secondary schools of this country, as expressed in your bill. I believe it to be one of the most far-reaching movements for the progress of this country that has been before Congress in many years.

The editor of the Tobacco World, of Philadelphia, says:

Have given the bill hearty indorsement in editorial.

The Times, McKeesport, says:

A conference on Senator PAGE'S vocational bill is to be held in Washington, beginning with to-morrow. This measure is intended to provide a course of studies for the rising generation which is not now afforded in all of the public schools, and if the bill goes through Congress and becomes a national law its results should be very beneficial. This bill as an educational idea far transcends in importance all the political sparring of the session just opened, for it reaches down to the child upon whose life and efficiency national life and efficiency depend.

The purpose of Senator PAGE'S bill is to add vocational studies to our public-school system. It follows closely upon the idea of Senator Justin Morrill, predecessor of Senator CARROLL S. PAGE, of Vermont. Former Senator Morrill was the father of the so-called land-grant act of 1862, establishing the State colleges of agriculture and mechanic arts, and Senator PAGE's bill is intended to carry down to the secondary schools industrial education which Senator Morrill's bill created in State agricultural and mechanical schools.

Combining all of the features of the bill, it can be said to be a unified movement to have the Government aid in adding vocational work in the public schools throughout the States. The bill should interest every father and mother and every employer who wish our schools to prepare young people more especially for definite profitable work. It should meet with almost universal indorsement throughout the entire country, as it is a good measure tending in the right direction.

Wilmer Atkinson, editor Farm Journal, Philadelphia, says:

We shall do what we can for the Page bill. I am glad the educators who met in Washington have indorsed your bill and will work for it.

Your bill commends itself to my judgment. While technical schools have been educating coordinately the hand and brain of the favored few of the land, the great mass of our youth are forced to begin the battle of life clumsily equipped for the struggle. Nowhere is technical training more urgently needed than on the farm and in the household. The demand of the time is for scientific efficiency, and this is the only lever that can lift agriculture to its rightful place.

The National Government can not spend money for a better purpose than in providing every normal boy and girl in the land with a fair and equal chance. A nation of efficient workers is a nation committed to universal peace and world-wide prosperity. The bill is a reform, and I hope that it will come quickly.

Mr. Paul Kreuzpointner, chairman committee on industrial education, American Foundrymen's Association, Altoona:

This matter of the industrial education of the masses of our industrial workers is of vital interest to the present and future material welfare of our industries, and therefore of our country, because the increase in population, the diminishing of our natural resources in quantity or quality, and the desirability to export our surplus products in competition with nations whose older civilization gives them advantages in certain directions, has created and is creating economic conditions which make it imperative to supplement the education of the few college graduates with the education of the many.

RHODE ISLAND.

Mr. E. E. Balcomb, of the Rhode Island Normal School, and secretary of the National Education Association, department of rural and agricultural education, and secretary of the national committee on agricultural education, writes:

Was very glad to get your letter and to note that you are not afraid to put yourself on record in favor of education as against battleships. Our committee hopes to carry on an extensive campaign favoring this bill.

Mrs. Helen C. Putnam, chairman committee on public school education, American Association for the Prevention and Study of Infant Mortality, Providence:

The purpose of the bill is in accord with our views, and I am inclined to believe that its details are likely to secure sound administration of the funds.

SOUTH CAROLINA.

Mr. J. E. Swearingen, State superintendent of education of South Carolina, Columbia:

Thanks for your courtesy in sending me a copy of Senate bill No. 3 as amended. These amendments greatly improve the measure. If the bill is enacted, it will be a statesmanlike and constructive piece of legislation.

D. B. Johnson, president of the Southern Educational Association and of the Winthrop Normal and Industrial College, Rockhill, says:

The condition of rural delivery can be improved best and more surely by relating the work of rural schools to the life of the people served by them. To do this elementary agriculture, home economics, and such practical subjects must be taught in the rural schools.

The interests of the agricultural classes demand the passage of this bill.

I have just returned from Houston, Tex., where the annual meeting of the Southern Educational Association was held and where I wrote and presented the resolutions which were adopted by the association. One of those resolutions indorsed the Page bill. I thought you would be glad to have this resolution, and I inclose you a copy.

The Southern Educational Association was attended by representatives of all the educational interests of all the Southern States, and the resolution indorsing the Page bill ought to have some effect with southern Congressmen.

E. J. Watson, commissioner of the department of agriculture, commerce and industries, Columbia, says:

I am in receipt of yours of December 7 inviting me to personally attend or send a representative to Washington to attend the conference on the Page bill. I regret that absence from the State prevented my receiving your letter in time even to send the night letter requested.

I wish to assure you that this has been in no measure due to any lack of interest in this important matter, for there is no more earnest advocate on secondary agricultural and industrial education to be found in the country than myself. In the future, if there is anything I can do in this or any other matter of equal importance to the South, I trust you will not hesitate to call upon me.

Mr. S. C. Mitchell, president University of South Carolina, Columbia:

I desire to express to you the deep interest that I feel in the success of the Page bill, Senate bill No. 3, seeking to promote vocational training throughout the Union. Speaking for the South, I desire to say that this is a matter of great importance, and I sincerely hope that you will be successful in your efforts to strengthen the agencies now at work for that cause. I shall be more than happy to do anything in my power to aid you to this end.

Dr. R. S. Wilkinson, president State Colored College, Orangeburg:

Your letter of February 16, describing the features of S. 3, known as the Page bill, revised and perfected up to date, received. Upon reading the same, I find that its provisions are broad and liberal, and that if passed it would increase wonderfully our opportunities of extension in agricultural instruction.

The measure has my hearty support and I shall do all I can to influence its passage.

SOUTH DAKOTA.

Hon. R. S. Vessey, governor of South Dakota, Pierre:

I am in receipt of your favor of the 14th instant, transmitting report on Senate bill No. 3, and in connection therewith have to say, on behalf of the people of South Dakota, that, in our opinion, the measure presents a very vigorous and effective aid to the proper and best development of our youthful citizenship; hence it has our indorsement.

C. G. Lawrence, State superintendent of public instruction, Pierre, says:

Regret my inability to be present at meeting December 14; am in hearty accord with the general principles of Page bill, and shall do all in my power to help secure its enactment. Such a law will meet with general favor in this State.

Mr. J. H. Hetley, county superintendent of schools, Webster, says:

We have been trying in our weak way to aid the passage of your good measure, and a few of us are now looking about to see how we can best do more toward securing the passage of so fine a bill. Any suggestions you might be willing to give will be followed out as far as practicable.

We shall have the matter brought up at our Northern South Dakota Educational Association and perhaps have some resolution passed, but we think that this is not enough. Its measures are of vital interest to the future of our agriculture, and for this reason both our schools and our citizens will be greatly improved by the carrying out of its provisions.

The Page bill is good from my point of view. It will build up an immense corps of suggestive supervisors for the whole country. It will stimulate the agricultural movement and at the same time furnish some sane restraints upon the expenditure of public moneys.

Mr. J. W. Heston, president State Normal School, Madison:

I thank you for copy of your Senate bill No. 3, and report on same.

I am certainly interested in its passage and feel confident our entire congressional delegation will support the bill. Our Senator CRAWFORD is member of your committee and wrote me some time ago he was giving you all the help in his power.

I have been on national committee on agricultural education for several years, working for this or a similar measure, and I should be glad to do anything further in my power to secure its passage. I believe in every feature of the bill.

Mr. H. F. Patterson, superintendent Better Farming Association of South Dakota, Aberdeen:

A great deal of interest in better farming is being taken in this part of the State, and I believe that your bill will be the means of spreading this kind of work through each of the Northern States.

Mr. A. N. Hume, agronomy department, South Dakota State College, Brookings:

Although it is distinctly the function of the several States to provide for the education of citizens within their boundaries, it may well be a Federal function to assist the States. Any law providing for such assistance should be only restrictive enough to provide for the proper use of the funds. It seems to me that your bill embodies a number of the desirable features.

Mr. G. W. Nash, president Northern Normal and Industrial School, Aberdeen:

At a meeting of the Northern South Dakota Educational Association at Webster the committee on resolutions declared for your measure.

TENNESSEE.

The editor of the Progressive Teacher, Nashville, says:

I am ready and anxious to cooperate with you heartily and in every way possible.

Prof. Catharine A. Molligan, dean department of home economics, University of Tennessee, Knoxville:

It is with great pleasure that I indorse Senate bill No. 3, known as the Page vocational educational bill.

I am in favor of having home economics taught in every school in the United States.

TEXAS.

Mr. S. E. Mezes, president University of Texas, Austin:

Senate bill No. 3 appeals to me as a wise measure, conceived in a spirit of broad statesmanship. If it should become a law, as I hope it will, it would enable the Federal Government to cooperate helpfully and effectively with the States in improving the educational system of the country.

Mr. A. Caswell Ellis, professor philosophy of education, division department extension, Austin, says:

A copy of your bill on agricultural education, together with your letter, was handed to me by Prof. Sutton, on account of the fact that I have been especially interested in this matter both here and abroad.

Let me express my very heartiest commendation of this bill. I wish especially to commend the encouragement of agricultural and industrial education in our normal schools, so that we have a supply of teachers in our regular schools who are competent to teach these subjects and are in sympathy with them.

Really, the success or the failure of the secondary agricultural education rests upon the training and character of men who teach this subject.

I wish also to especially commend that feature in your bill which allows either special agricultural high schools or regular high schools with properly organized agricultural departments to secure the benefit of this appropriation.

I feel that I should apologize for intruding so much upon your attention, but the matter is one that greatly interests me and upon which I have done a great deal of work.

The editor of Farm and Ranch, Dallas, says:

It is a most excellent measure and one that is designed to stimulate education in behalf of the farms and those who most need this practical information.

The editor of the Texas Stockman and Farmer, San Antonio, writes:

Copy of your bill with view to promoting a better system of education along agricultural lines received. We will do all we can to aid you.

The Daily Texas Live Stock Reporter says:

We spend millions of dollars in teaching our children things that are of no practical value to them in the struggle for existence. We call them to do work that we give them no training for doing; we demand the tale of brick but we furnish no straw. Efficiency is value to the worker and to the Nation. The youth who goes out of school with a trained mind and hand is equipped for the battle that all must fight before success can be achieved. The money that is wasted in years of instruction in branches of learning that profits nothing because it is never applied would, if spent in teaching our children how to do things and the philosophy of practical affairs, count in making them more valuable as citizens and making us as a nation more forceful in the affairs of the world. Senator PAGE's plan is the beginning of a change for the better that deserves the approval of all thoughtful men.

F. M. Bralley, State superintendent of education, Austin, says:

I have read Senate bill No. 3, recently received from you, and wish to say that the enactment of said bill into law would be of incalculable value to the educational interests of Texas and the entire country. I therefore heartily indorse the bill and express the hope that it will be given the support of every intelligent, patriotic Member of the United States Congress.

Mr. A. L. Paschal, superintendent Lubbock Agricultural Experimental Station, Lubbock:

I have read your amended Senate bill 3 and report, which you recently sent to me. I was very much interested in reading it and am very enthusiastic and anxious that it be unanimously adopted and enthusiastically put into practice. I heartily indorse it.

Mr. T. W. Buell, superintendent Denton Agricultural Experiment Station, Denton:

A copy of the report on Senate bill No. 3, and a copy of the bill, reached me the other day.

The optional feature is a good idea, as this gives States not yet in shape to utilize all features of the work an opportunity to avail themselves of things that may be used and a chance to later use the others. I approve it quite heartily.

I believe each State should be required to add as much to its share as it receives from the Government, but I believe you have practically so arranged the matter in section 6 of the act.

So far as I have examined the bill, it has my hearty indorsement.

Dr. J. O. Morgan, department of agronomy, Agricultural and Mechanical College of Texas, College Station:

In my opinion, this is an extremely important measure. The country is at present badly in need of just such help as your bill provides.

I think that the various State governments will gladly cooperate with the National Government in this further effort to advance agricultural and allied industries.

I am highly pleased with the bill and offer you my hearty support in furthering its success.

Rufus J. Nelson, editor Farm and Ranch, Dallas:

Our country could make no better investment than in training the boys to be producers and the girls to be home makers. A nation can rise no higher than the ideals of its citizens, and as the majority of our citizens must be producers it is the Nation's duty to educate and train her people for efficient production. Every dollar appropriated for industrial education will be an investment for this Government that will return dividends in products from our farms, factories, and mines, and the thousands of unfortunate boys and girls who are now unable to secure an education will be trained for citizenship.

Our schools do not now meet the needs of society. The tendency is now, and has ever been, to place emphasis upon the so-called art studies at the expense of industrial training. This is forcing thousands of bright boys and girls out of school annually. They become impatient to become breadwinners, because they recognize that the average high school or college course does not qualify them for a competence.

Industrial education will interest students because it trains for the everyday duties of life and makes efficient producers. Let us establish schools where boys and girls with but little means may become skilled producers and guardians of our domestic peace and prosperity.

I believe that it is our imperative duty to provide ways and means for training in the practical things of life those who are to live after us. Our own citizens who are to cultivate our farms, manufacture our products, operate our public-service utilities, should have an equal chance with those who come from foreign lands. It is our patriotic duty to invest the people's money in educational institutions where the people may be trained for industrial service. Failing to do this, will we not be responsible for social unrest, for anarchy, and for the diminishing returns in agriculture, which must inevitably follow unless our people be trained as breadwinners?

The Page vocational bill would be of inestimable benefit to us in Texas. We are an agricultural people, wholly dependent upon the products from our farms, but our people are not training their boys properly to produce larger crops and their girls adequately to make home life better. We have wonderful resources—farm products, timber, minerals, etc.—but our children are not taught manufacturing.

But the "back-to-the-farm" movement is being agitated, and our people want industrial and agricultural education for their children. The sentiment for vocational education is now apparent. This bill will make it possible for every boy and girl to secure industrial training.

I trust that you may have the hearty support and cooperation of the Texas delegation in Congress. I am sending a copy of this letter to our

Senators and you may feel at liberty to quote all or any part of this letter if it will render you any assistance.

UTAH.

W. M. Stewart, principal of the State Normal School, Salt Lake City, says:

Our objection primarily is to the establishment of district agricultural schools of secondary grade and not to the other provisions of the bill. We believe strongly in industrial and vocational subjects as a part of the curriculum of the high school, but we think that the establishment of State district agricultural schools of secondary grade would be detrimental to our already established high schools. If this clause which provides for separate agricultural schools and experiment stations were eliminated, the bill would meet with our approval.

NOTE.—The views of Principal Stewart have been met by the elimination of that part of the bill which provides for separate experiment stations, but the provisions for district agricultural schools of secondary grade is regarded as so all-important to the cause of agricultural education that it has been continued in the bill, notwithstanding the protest of Principal Stewart.

VERMONT.

Hon. John A. Mead, governor of Vermont, says:

I have felt keenly for many years that in Vermont at least there was a great demand for increased facilities along agricultural and educational lines, and the conditions of said bill will afford the desired relief and where it is most needed.

My contention has been that the prosperity of our Nation more largely depends upon intelligent development of industrial agricultural life than to any other cause. Nature has been prodigal in her gifts to our State and Nation, and shall we exercise that industry and knowledge which will permit us to reap the bounty which has been placed at our door?

You are working along the right lines, and may your success equal your fondest anticipations.

Mason S. Stone, State superintendent of education, Montpelier, says:

As a financial measure it will be a wealth producer, as it will produce wealth producers.

As an economic measure it will eliminate waste through misfit service and greatly increase the efficiency of each successive generation.

As a educational measure it will neutralize the traditional and bookish education of the present and will train pupils to think, to do, to be.

As a civic measure it will greatly enhance the Nation's general intelligence, which is the guaranty of the Nation's peace, permanence, and prosperity.

As a moral measure it will produce individual industry and contentment, community cooperation and harmony, and national integrity and righteousness.

It is the most important bill for the development of the agricultural resources of the country that has ever been introduced since the Morrill bill.

Martin G. Benedict, principal St. Johnsbury Academy, St. Johnsbury, says:

The Page bill, a bill to cooperate with the States in encouraging instruction in agriculture, the trades, industries, home economics, etc., has received my careful attention. I fully and enthusiastically indorse its provisions and urge our Representatives in Congress to do their utmost to secure its passage.

The New England Farmer, Montpelier, says:

Senator PAGE's bill is one of tremendous and far-reaching importance to the people of this country. Its enactment will open the door of opportunity for tens of thousands of American boys.

We need to make our educational system more practical. This does not mean that we are to cut out the essential features that form the foundation of our educational system, but it does mean that we ought to provide a system of study that will help our boys and girls to a greater degree to go forth and earn their own living. It is no secret that there have been a good many studies that have been of little practical benefit to the student, and have been forgotten almost as soon as the textbooks were closed and packed away.

Battleships and standing armies are not the only means of protection for a nation. Danger from a foreign foe is a remote possibility. Danger from ignorance, inefficiency, and poverty is an ever-present peril. The foes of our own household are to be dreaded more than any possible invasion from overseas. If every year we fit several million boys and girls by the study of manual training, scientific agriculture, and domestic science, we increase the wealth of the Nation by untold millions of dollars, because we make possible the earning of larger wages, the winning of greater profits, and the more economic expenditure of the earnings of the man who works with his hands. By increasing the possibility of securing more of the comforts of life we reduce thereby the army of the discontented, we lessen the number of misfits in our economic system, and we make our country a safer and a better place in which to dwell.

C. H. Spooner, president of Norwich University, Northfield, says:

I have given the bill a first reading. It does "look good" to me. May success attend you.

G. L. Green, principal Vermont State School of Agriculture, Randolph Center, says:

I am unable to be present at the conference concerning the passage of the Page bill, but I need not tell you that I am vitally interested in its passage.

This first Vermont State School of Agriculture is located in the home county of the late Senator Justin S. Morrill, father of agricultural education in the United States. Our school maintains a two-year course, which is intended to fit the farm boy for practical and intelligent farming. We are filling a gap between the high school and college. For the first time the farmers of the State have a school of secondary grade, established primarily for their benefit.

The appropriation which we have for the present year's use is far too small to establish our plant and provide even the beginnings of an equipment. Schools of this kind everywhere can not obtain State aid adequate to their needs, and any bill which Congress may pass which will help the cause along will be a great blessing to the Nation. May the Page bill speedily become an act.

Mr. Edward S. Abbott, principal Montpelier High School, Montpelier, says:

I have read with much interest the bill introduced by you in the Senate. It seems to me that it contains the elements of a mighty service to the Nation, in no way second to the Morrill law.

A. S. Harriman, principal Middlebury High School, Middlebury, says:

I have carefully read the copy of bill introduced by you, and cordially approve of a bill so wide in its scope and so salutary in its provisions for the welfare of industrial training throughout our country.

The following resolutions were adopted by the Vermont State Grange at its annual session December 12, 1911:

Whereas a safe, sure, and sound development of the country industrially, educationally, and morally needs impulse and encouragement; and

Whereas the agricultural conditions of the country are rapidly approaching a state demanding a greater knowledge and an intensive application of the science of agriculture on account of the occupation of nearly all available land and the constant increase in population: Therefore be it

Resolved by the State Grange of Vermont in its fortieth annual meeting, That we heartily indorse the vocational measure before Congress, with such modifications or amendments as will adjust it to various vocations, and urge its passage.

Mrs. Bertha M. Terrill, department of home economics, University of Vermont, Burlington:

Keenly interested as I am in every effort that looks toward the introduction of agricultural and home economic studies into our schools for the improvement of rural conditions of living, I am heartily in sympathy with your effort and hope it may succeed.

Philip R. Leavenworth, principal State Normal School, Castleton:

I am in receipt of your favor of February 29. I have examined the Page vocational bill and also the accompanying report on vocational education with much interest and pleasure. I can assure you that I very heartily approve of the bill in every respect, and trust that it will soon become a law.

I believe that if this bill becomes a law it will be the greatest forward step in education in this country that has been taken since the passage of the Morrill Act. If there is anything that I can possibly do in any way to help the good work along, please call on me.

VIRGINIA.

J. D. Eggleston, jr., superintendent of public instruction of Virginia, says:

This measure has been discussed by leading farmers and educators throughout the State of Virginia, and I am in position to know that the sentiment for it is very strong. My opportunities for observation have been unusually good, and I am safe in saying that were this measure put to a vote of our people it would be favored by an overwhelming majority.

H. F. Button, director Manassas Agricultural High School, Manassas, says:

I wish you all speed with the Page vocational school bill. We have conducted an agricultural school here four years with such success that 200 farmers testify to its value. We can not continue to grow without more money. The State can not support us; Congress can and should.

Dr. E. A. Alderman, president University of Virginia, Charlottesville:

The bill embodies a great idea, and if enacted into law will render an enormous service. I think you would do well, if I may venture to make a suggestion to you, to make provision in this bill for giving aid to the departments of education now existing in the State universities for the preparation of teachers for the secondary schools and for training men to direct the educational machinery of the State. Every American university, especially those in the South, has either inaugurated or is preparing to inaugurate such a department. One already exists at this university, and I venture to predict that in 10 years every State university will have an organized department of education, which will not be a normal school and would not be so recognized. There will be, however, work of incalculable value in invigorating the whole school system. Is it not possible for you to remedy this defect in your bill, if I may take the liberty of so calling it? The bill would then seem to me to be an unusually powerful and well-thought-out scheme for the development of the educational life of the Nation.

NOTE.—The bill has been so amended as to meet these criticisms of President Alderman.

Mr. J. L. Jarman, principal State Female Normal School, Farmville:

Yours of the 29th ultimo is received. I have kept up with the Page vocational bill since it was first offered and am thoroughly in sympathy with it in every detail.

Mr. Hervin U. Roop, president Eastern College, Manassas:

I have read your bill with much interest and certainly think you are on the right track. I am a firm believer in vocational education. Every Senator and Representative in Congress should support the Page bill.

Mr. J. H. Johnston, president Virginia Normal and Industrial Institute, Petersburg:

Your letter of the 29th of February has been received. In reply would say I have read very carefully the bill known as the "Page vocational bill" and think it very worthy of consideration and an

early passage. We feel very grateful for your efforts toward passage of same, as general benefits will result to all the schools.

P. S. I hope the delegation may give united support.

Dr. N. S. Mayo, Virginia Agricultural Experiment Station, Blacksburg:

I have read very carefully Senate bill No. 3 on vocational training. Many years' experience as a teacher in agricultural and mechanical colleges and a lecturer at farmers' institutes in extension courses convinces me that this bill will do more to advance the interests of the producing classes in the United States both in a material and educational way than anything else I can conceive of. I believe that this bill will add immensely to the welfare and well-being of the Nation. I congratulate you upon your foresight in the preparation and introduction of this bill. It certainly should become a law.

Julian A. Burruss, president State Normal and Industrial School for Women, Harrisonburg:

Replying to your letter of February 29 relative to Senate bill No. 3, known as the Page vocational bill, I beg to say that I, together with our entire faculty, are in entire accord with the purpose of the bill, and shall be pleased to do everything we can to secure its passage. We have already written our representatives in Congress urging its support.

WASHINGTON.

Henry B. Dewey, State superintendent of public instruction, Olympia, says:

I have very carefully examined Senate bill 3 and wish to give it my unqualified indorsement in every particular. I hope that the bill will pass substantially as printed without material amendment. It means more, in my judgment, for the youth of this country than any other bill now pending in Congress. It is the first definite step toward a redirect education.

O. L. Waller, vice president of the State College of Washington, Pullman, says:

We are very much in hopes that before Congress adjourns some good bill providing for actual demonstration to the farmers and sons of farmers will be enacted into law. We have at this institution calls for men to do this kind of work that are far beyond the means we have to take care of such calls. We have not appropriation enough at present to either employ the men or provide the equipment for such work to meet such demands. I shall prepare to write you at a later date concerning Senate bill 3, and shall seek an opportunity to look it over more carefully. But you may be very sure we are greatly interested in some legislation looking to actual services along the line of better farming conditions.

Mr. C. A. Tonneson, editor Northwest Horticulturist, Tacoma, says:

Your kind favor of recent date and copy of your bill was duly received in time for comment in our August issue. The measure you propose is along the lines we have been agitating for several years past, and therefore will be glad to cooperate with you in an endeavor to get final action on this bill.

The Horticulturist believes a measure of this kind enacted would help solve some of the perplexing problems of the day. Theory and speculation have been rampant in this country. Early training industrially will continue to make us strong in all the noble qualities for which the American Nation became noted a generation ago.

Mr. N. D. Showalter, principal State Normal School, Cheney:

I believe this is one of the best measures that has ever been presented along this particular line. I feel that Federal aid in these particular lines will stimulate very largely the activities of the States to put the work on a good basis. All educators are very much interested in the trend of educational thought, more practical ideas, and I feel that our Commonwealth would be very much benefited by the improvement which is sure to come through the aid of this measure.

May I say further that I shall be glad to cooperate in every way possible, and if there is anything that I can do to further the interests of this bill I shall be only too glad to do so.

Mr. W. E. Wilson, principal Washington State Normal School, Ellensburg:

Yesterday we had a visit from nine superintendents from western Washington. At a dinner served to them with the members of our faculty and our board of trustees by our domestic science department, the Page bill and its value to this State was discussed and a resolution was proposed strongly urging the Representatives from this State to support the bill.

The more I consider the provisions of the bill and the results that would surely follow the enactment of the measure the more do I appreciate the value of it as an educational measure. It seems to me that the bill is very wisely constructed. It provides for the preparation of teachers of these practical subjects and for securing in the country schools equipment for the education of children for country home life. If the United States does this it will place itself clearly in the front rank of nations in the matter of providing for the general education of the people in matters nearest to their interest and welfare.

Mr. Fred W. Lewis, secretary Washington State Grange, Tumwater:

To the Members of Congress from Washington:

HONORABLE SENATORS AND REPRESENTATIVES: At the last session of the National Grange the matter of vocational education was brought up, and after due deliberation it was decided to urge the adoption of the Page bill, known as Senate bill No. 3, as being a step in the right direction.

It is foolishness to cram our children's brains with matter that can be of no value to them in after life and allow their hands and minds to remain entirely untrained for the duties that will be theirs during their lifetime of effort to obtain a livelihood for themselves and their families.

It will not be possible to give thorough education along any line of endeavor, but it is possible to give an idea of the fundamental principles of all of those vocations which are the bases of the lifework of all our working people.

Washington State Grange wishes to urge upon you that you use your best endeavor to gain the adoption of this law, and as we represent the wishes of over 16,000 members, consisting of farmers and their families, we feel that you will take thought of our wishes in this.

The expense connected with this law, if put into effect, is very small when compared with the great number that will be benefited by it, and although the figures look great, yet when divided between those who will pay it, will be very small.

Hoping this may meet with your approval and that your best efforts will be exerted in the effort to make this bill a law, I remain.

WEST VIRGINIA.

Hon. William E. Glasscock, governor, Charleston, W. Va.:

I have not had the time to give as much thought to your vocational bill as I would like to, but am profoundly impressed with the wisdom of such legislation and the great good that a law of that kind will do for a great majority of the people of this country.

I am sure that West Virginia would take advantage of such a law, and I can think of nothing that would be more encouraging to our people as a whole than the aid that is proposed to be given by the Federal Government to agriculture and kindred subjects.

M. P. Shawkey, State superintendent of public instruction, Charleston, says:

I have studied quite carefully Senate bill 3 and find myself unable to improve upon its contents.

West Virginia is just now entering upon a determined campaign for bringing it into its own industrially, and especially agriculturally. We find the financial burden of such a project is somewhat embarrassing, and that Senate bill 3 will extend to us the strong hand of the Government. I most heartily indorse the bill and believe that its passage will prove to be a master stroke of legislation.

Our State supervisor of high schools, Prof. L. L. Friend, is much interested in this measure and is writing you his opinion, which you are at liberty to use if you so desire.

Thomas E. Hodges, president West Virginia University, Morgantown, says:

Yours of December 4, addressed to the State Agricultural College, Charleston, has come to me.

I most heartily approve the general purposes of Senate bill 3, a copy of which accompanied your letter.

The Association of Agricultural Colleges and Experiment Stations, at its recent meeting at Columbus, Ohio, gave their indorsement to the general proposition for Federal aid for instruction in agriculture and mechanical arts and domestic science in secondary schools and for Federal aid to the State colleges of agriculture for extension.

Mr. Thomas C. Miller, principal Shepherd College State Normal School, Shepherdstown, says:

I beg to acknowledge receipt of your letter of the 5th, together with a copy of Senate bill 3, which you have introduced in that body. I give it my most hearty approval. As a member of the national agricultural executive committee, I shall be glad to do anything I can to further the measure and should be glad to come to Washington at any time I can be of any assistance.

L. L. Friend, supervisor of high schools, Charleston, says:

I have been watching with much interest the fortunes in Congress of the Page bill, providing for the appropriation by the Federal Government of funds to promote the teaching of agriculture in high schools and normal schools. The most important educational movement now in progress in this country is the movement for the betterment of rural education. The Page bill, if passed, will prove of incalculable benefit to this movement.

WISCONSIN.

Mr. J. W. Crabtree, president State Normal School, River Falls:

I thoroughly approve of Senate bill No. 3. The agricultural colleges and the experimental stations of the United States have done and are doing a great work. I would favor the Nation's making still greater provision for those institutions than has been done in the past, but it seems to me your bill desires to render a more valuable service and a kind of service that can not be rendered by the higher institutions.

Your bill has in mind getting at this whole thing at its very foundation and of giving every child such a notion of agriculture and other vocational studies as to at least lead him to appreciate the wisdom of his going further in those lines.

Mr. A. H. Cole, principal Lincoln County Training School, Merrill:

This bill meets my hearty concurrence. If there is anything that I can do to assist in the passage of this bill, I shall be glad to do so.

Duncan McGregor, private secretary of Gov. McGovern, of Wisconsin, says:

I am directed by Gov. McGovern to express to you his unqualified approval of the purpose of bill 3, Sixty-second Congress, first session, introduced by yourself on April 6, 1911.

Charles McKenny, president State Normal School, Milwaukee, says:

I have your letter of December 7 inviting me to a conference December 14, 15, 16, at Washington, D. C., to consider the Page bill (S. 3). I regret that previous engagements prevent my being present at the conference. I want to say that I am in sympathy with the general provisions of the Page bill.

Mr. A. A. Johnson, superintendent Milwaukee County School of Agriculture and Domestic Economy, Wauwatosa, says:

I am very much interested in the bill you have introduced contemplating Federal aid for secondary agricultural education in the various States. I hope it will pass.

The editor of the Butter, Cheese, and Egg Journal, Milwaukee, says:

We fully appreciate the importance of greater educational interest along agricultural and home economic lines, and we shall endeavor to aid the cause to the best of our ability. We assure you of our hearty support.

John F. Sims, State Normal School, says:

This measure, in my opinion, is a most desirable one for the whole country, as the questions involved are the most important in present-day needs. The bill, if made law, will stimulate the scientific study of agriculture, make the farm more attractive and more profitable, and encourage a wholesome move back to the country.

Henry E. Miles, chairman of the committee on industrial education of the National Association of Manufacturers, says:

The present common-school system is cultural; practical matters are no part of its aim, nor can they be made a part. Less than one-half of our children go beyond the sixth grade; only 1 in 3 completes the grammar school course; only 1 in 5 enters the high school; only 1 in 30 graduates from the high school. Half of the children leave school at the age of 14. The Wisconsin bureau of labor, in its report for 1910, declares that only 12 per cent of the children employed under 16 years of age are in positions where they can learn a trade.

Germany apparently prefers that the great body of her children shall enter the industries at the age of 14. The point is that Germany goes into the industry with the child; the hand of the child is kept within the hand of the State. The school to which he goes is called the continuation school, for in this school his education is continued. In the continuation school only the science and art of the trade is taught. The child there learns the relations of his particular factory task to the whole of his industry. He is taught scientifically the higher reaches of his industry, and up to the limit of his ability is made an accomplished and scientific factor in his industry.

A. A. Johnson, principal La Crosse School of Agriculture and Domestic Economy at Onalaska, says:

I feel that your bill, as I understand it, will be a great aid to the development of the agricultural resources throughout the United States.

Prof. Ely, of Wisconsin, declares:

Industrial education, not for the few but for all people, for every boy and girl born in the United States, without one exception, is the chief economic demand of our times.

Comparatively little is attained by picking a few here and there and elevating them above the masses by technical schools. We want to extend the benefit of industrial schools to all alike.

Mr. W. A. Clark, principal Eau Claire County Training School for Teachers, Eau Claire:

Your letter of the 29th ultimo with the copy of the Page vocational bill and the report on vocational education were duly received.

I am interested in the purposes which this bill seeks to accomplish, particularly in the preparing of teachers for vocational courses in the State College of Agriculture, for which there is great need.

I also believe the many expenditures for the encouragement of instruction in agriculture in the secondary schools will be a splendid investment for the Nation. I find nothing in the bill to which I would take exception.

WYOMING.

Emeline S. Whitcomb, professor household science University of Wyoming, Laramie:

Your bill has my hearty indorsement. I believe it will help more than any other existing measure along educational lines to help people to help themselves.

EXTRACT FROM THE REPORT OF THE COMMITTEE ON EDUCATION OF THE NATIONAL GRANGE AT ITS MEETING IN COLUMBUS, OHIO, 1911.

The grange has ever stood for the highest and most thorough teaching of the young in the common schools, not only in the usual branches, but especially in the elementary principles of domestic science and agriculture, and we believe that in a nation depending so largely upon agriculture as a basis of wealth as does the United States every child should be taught the basic principles of this science of agriculture.

LAW OF MASSACHUSETTS RELATIVE TO INDUSTRIAL EDUCATION.

SECTION 1. The governor, by and with the consent of the council, shall appoint a commission of five persons to be known as the commission on industrial education, to serve for the term of three years, and to receive such compensation as the governor and council shall approve. The said commission on its organization shall appoint a secretary to be its executive officer, who shall not be a member of the commission and who shall receive such salary as shall be approved by the governor and council; and the commission may employ supervisors, experts in industrial and technical education, and such clerical and other service as may be found necessary. The necessary expenses of the commission, including clerk hire, traveling expenses, stationery, and all other incidental expenses, shall be paid out of the treasury of the Commonwealth, as may be provided by law, but shall not exceed the sum of $8,000 for the remainder of the present fiscal year.

SEC. 2. The commission on industrial education shall be charged with the duty of extending the investigation of methods of industrial training and of local needs, and it shall advise and aid in the introduction of industrial education in the independent schools, as hereinafter provided; and it shall provide for lectures on the importance of industrial education and kindred subjects, and visit and report upon all special schools in which such education is carried on. It may initiate and superintend the establishment and maintenance of industrial schools for boys and girls in various centers of the Commonwealth, with the cooperation and consent of the municipality involved or the municipalities constituent of any district to be formed by the union of towns and cities, as hereinafter provided. The commission shall have all necessary powers in the conduct and maintenance of industrial schools, and money appropriated by the State and municipality for their maintenance shall be expended under its direction.

SEC. 3. All cities and towns may provide independent industrial schools for instruction in the principles of agriculture and the domestic and mechanic arts, but attendance upon such schools of children under 14 years of age shall not take the place of attendance upon public schools as required by law. In addition to these industrial schools cities and towns may provide for evening courses for persons already employed in trades, and they may also provide, in the industrial schools and evening schools herein authorized, for the instruction in part-time classes of children between the ages of 14 and 18 years who may be employed during the remainder of the day, to the end that instruction in the principles and the practice of the arts may go on together: *Provided*, That the independent schools authorized in this section shall be approved as to location, courses and methods of instruction by the commission on industrial education.

SEC. 4. Two or more cities or towns may unite as a district for the maintenance of the industrial schools provided for in the preceding section, but no such district shall be created without the approval of the commission on industrial education.

SEC. 5. Whenever any city or town or any district, as provided in the preceding section, shall appropriate money for the establishment and equipment and maintenance of independent schools for industrial training, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts, a sum proportionate to the amount raised by local taxation, and expended for the support of schools for each thousand dollars of valuation, as follows: Cities and towns expending more than $5 for each thousand of valuation for the support of public schools to be reimbursed by the Commonwealth to the amount of one-half, those raising and expending between four and five dollars per thousand to the amount of one-third, and those raising and expending less than $4 per thousand to the amount of one-fifth, of the cost of maintaining industrial schools: *Provided*, That no payment to any city or town shall be made except by special appropriation by the legislature.

SEC. 6. The commission on industrial education shall make a report annually to the legislature relative to the condition and progress of industrial education during the year, stating what industrial schools have been established and the appropriations necessary for their maintenance, in accordance with the preceding section, and making such recommendations as the commission on industrial education may deem advisable; and especially shall the commission consider and report at an early day upon the advisability of establishing one or more technical schools or industrial colleges, providing for a three or four years' course for extended training in the working principles of the larger industries of the Commonwealth.

SEC. 7. The trustees of the Massachusetts Agricultural College are hereby authorized to establish a normal department for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools, as provided in sections 3 and 4: *Provided*, That the cost of such department shall not exceed the sum of $5,000 in any one year, and that at least 15 candidates present themselves for such instruction.

SEC. 8. Section 10 of chapter 42 of the revised laws and all acts and parts of acts inconsistent with this act are hereby repealed. (Approved June 21, 1906.)

In 1908 the term of the commission created by the foregoing act was extended to five years and its powers and duties were enlarged, as indicated in the following:

"The commission shall have all necessary powers in the conduct and maintenance of independent industrial schools, and money appropriated by the Commonwealth or by municipalities for their maintenance shall be expended under its direction or with its approval. Any city or town may also establish independent industrial schools in charge of a board of trustees, which shall have authority to provide and maintain such schools. Such schools, if approved by the commission on industrial education as to location, courses, and methods of instruction, shall receive reimbursement as provided in section 4 of said chapter 505.

"Any resident of Massachusetts may, with the approval of the commission on industrial education, attend an independent industrial school, as provided for in this act, located in any city or town other than that in which he resides, provided there is no such school supported in whole or in part by the city or town in which he resides, upon payment by the city or town of his residence of such tuition fee as may be fixed by said commission; and the Commonwealth shall repay to any city or town one-half of all such payments. If any city or town neglects or refuses to pay for such tuition, it shall be liable therefor in an action of contract to the legally constituted authorities of the school which the pupil attended under the approval of said commission."

In 1909 section 5 of the law of 1906 was amended to read as follows:

"Upon certification by the board of education to the auditor of the Commonwealth that a city, town, or district, either by moneys raised by local taxation or by moneys donated or contributed, has maintained an independent industrial school, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts a sum equal to one-half the sum raised by local taxation for this purpose: *Provided*, That no payment to any city or town shall be made except by special appropriation by the legislature."

By another act passed in 1909 the commission on industrial education was consolidated with the State board of education and its powers were transferred to the new board thus constituted. Sections 1 and 2 of this act follow:

"The board of education shall consist of nine persons, three of whom shall annually in April be appointed by the governor, with the advice and consent of the council, for terms of three years, except as hereinafter provided. The members of the board shall serve without compensation. During the month of June in the current year the governor shall so appoint all of said nine members of the board, whose terms of office shall begin on the 1st day of July, 1909, three for terms ending May 1, 1911, three for terms ending May 1, 1912, and three for terms ending May 1, 1913. Four of the present members of the board of education and one of the members of the commission on industrial education shall be appointed members of the board of education provided for by this act.

"The board of education shall exercise all the powers and be subject to all the duties now conferred or imposed by law upon the present board of education, or upon the commission on industrial education by chapter 505 of the acts of the year 1906 and by chapter 572 of the acts of the year 1908, and acts in amendment thereof and in addition thereto, except as may otherwise be provided herein."

During the delivery of Mr. PAGE's speech,

The PRESIDING OFFICER (Mr. CATRON in the chair). The Senator from Vermont will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont will proceed.

At the conclusion of Mr. PAGE's speech,

Mr. GALLINGER. Mr. President, I ask unanimous consent that the most interesting and instructive address of the Senator from Vermont [Mr. PAGE], to which we have just listened, may be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor is entered.

CALLING OF THE ROLL.

Mr. MARTIN of Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lodge	Smith, Md
Bailey	Curtis	McLean	Smith, Mich.
Bourne	Dillingham	Martin, Va.	Smith, S. C.
Brandegee	du Pont	Martine, N. J.	Smoot
Briggs	Fletcher	Myers	Stephenson
Bradley	Gallinger	Oliver	Stone
Brown	Gardner	Page	Sutherland
Bryan	Gore	Perkins	Swanson
Burnham	Guggenheim	Ransdell	Thornton
Catron	Heyburn	Richardson	Townsend
Clapp	Hitchcock	Root	Warren
Clark, Wyo.	Johnston, Ala.	Sanborn	Watson
Crawford	Jones	Smith, Ariz.	Williams
Cullom	Kern	Smith, Ga.	Works

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. LEA, May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, in determining the value of conflicting testimony in any case it is important that we take account of the incident or event respecting which the testimony is given.

There is here a vast volume of conflicting testimony. So, before discussing the evidence of witnesses, I thought it might not be unprofitable if we considered briefly the circumstances attending this election; not only that, but the political conditions which existed in the country and occupied the public mind at the time of the election. In other words, that before introducing the actors in this drama we should attend to the proper setting of the scenery and the arrangements of the stage.

Let us, then, look, if you please, to the political conditions that prevailed in this country in the spring of 1909 and see if we can arrive at the mental processes of political leaders and voters during that period. There had been a presidential election in the November previous. There had been a heated and exciting campaign, in which the tariff question was one of the principal issues. In every part of this country previous to the convening of the national conventions men and women were discussing the high cost of living, and it was believed by a great many men, of both parties, that the tariff taxation of this country had something to do with the high prices of which the people complained, and so when the Republican national convention met at Chicago the conditions in that regard were so pressing upon the Republican Party that that national convention was driven to adopt a platform upon the tariff question which was, as shown by the distinguished Senator from Idaho [Mr. HEYBURN] the other day, essentially different from any platform ever before adopted by that party.

It was driven to declare in favor of a revision of the tariff as it then existed, and when the convention had adjourned the attention of the public was called to the fact that while the platform declared in favor of tariff revision there was no indication as to whether that party pledge referred to revision upward or revision downward, and public sentiment was so acute on that subject, the question of the high cost of living so engrossed the public mind, it was so talked about everywhere, that the Republican candidate for President of the United States was driven to declare that by the only proper interpretation to be placed upon that platform it declared for a revision downward and not otherwise.

So, when the Republican Party came into power the following spring it was pledged to a revision of the tariff downward, taking for granted, of course, that the great standard bearer of that party had authority to declare in favor of that interpretation of the national platform.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. KERN. Certainly.

Mr. HEYBURN. The Senator would not claim that the national convention left anything to be determined by the candidate as to the platform of the party, I hope.

Mr. KERN. That has very frequently occurred.

Mr. HEYBURN. It had adjourned.

Mr. KERN. Very often in the political history of this country the presidential candidate of each party has been called upon to and has not hesitated to place an interpretation upon different planks of different platforms that were regarded as so ambiguous as to need interpretation.

Following the convening of Congress, which was called in special session by the President of the United States in accordance with a promise to that effect made by him to the people, there ensued a battle royal on the tariff question. The Payne bill had passed the House. I am now speaking of the conditions which existed throughout the country at the time of the election of Mr. LORIMER to the Senate in May, 1909. The Payne bill had passed the House. It was being considered in the Senate. The attention of the country was attracted to one of the most splendid contests ever waged in any forum. There were ranged on one side an element of the Republican Party headed by that gifted son of Iowa, Jonathan P. Dolliver, of whom it has been said that he gave up his life for the cause of tariff reform. There was his distinguished colleague from Iowa and other Republican Senators with whose names the country is familiar who rallied under the standard of the people and joined with the Senators on this side of the Chamber in seeking to bring relief to a tax-ridden people.

The attention of the country was fixed upon Washington. The fight here was the subject of conversation in every neighborhood in the land between these oceans. There had not been a subject so universally discussed since the close of the Civil War. It was the engrossing topic everywhere. That contest was so close in the vote upon many schedules and promised to be so close upon others as to increase the attention of the public and intensify public interest.

I want to call your attention to that exciting condition as shown here by one of the chief witnesses for Senator LORIMER in this investigation. I refer to the testimony of Edward Hines, who was one of the chief factors in this election. Mr. Hines testified that he as a friend of Senator LORIMER and as a friend of the high protective tariff as interpreted by the standpat leadership of the Republican Party—and I use that term in no offensive sense—had been approached by these men and urged to use his influence in the election of a Republican Senator from Illinois of the right kind to the end that another vote might be added to aid in the passage of those schedules that were being pressed by the distinguished Senator from Rhode Island, Mr. Aldrich.

Mr. DILLINGHAM. Will the Senator kindly give us the page of the testimony?

Mr. KERN. I will. I read from page 814. Speaking of a conversation first with Senator PENROSE, he said:

He—

PENROSE—

said at that later date that Senator Aldrich was very much interested, because there were certain schedules in the Payne-Aldrich, or Payne tariff bill I think it was classed which looked very doubtful if they would be able to pass in the Senate, and he wanted every Republican vote possible, and was very anxious that a Republican be elected from Illinois.

Again on page 815, questioned by Senator GAMBLE, he said:

Do you recall the particular schedule or schedules referred to?

Mr. HINES. No; I do not. He said that it was a very close vote on certain schedules. I did not particularly inquire what particular schedules they were. I know at that time, from my being here, that there was more or less talk of the vote being very close on certain schedules.

Again on page 817, speaking of the conversation with Senator Aldrich—this was at a later date—he said:

He—

Aldrich—

said that there were several schedules coming up in the Senate—they were either up or were coming up. I am not certain which—that it was very important to have every Republican vote possible to assist in the passage of.

There are other extracts from this testimony which I might read, but that will be sufficient to show the condition here as understood by the friends of Senator LORIMER.

This condition of affairs in Washington was also the subject of earnest discussion at Springfield at that time—at the very moment of the election and the week preceding the election. I desire to read from Senator LORIMER's testimony, volume 8, page 7863. He was questioned by myself:

What I was trying to find out was whether or not there were many of the Democrats who suggested to you the pendency of the Payne-Aldrich tariff bill, who gave that as a reason for being against you or hesitating to vote for you?

Senator LORIMER. A great many Democrats said that they could not vote for a man who held my views on political questions.

Senator KERN. Did they refer to the bill as these two men did?

And I will refer to the testimony of these two men directly.

Did they refer to the Payne-Aldrich tariff bill that was then pending in Congress?

Senator LORIMER. I think that was the subject of discussion about that time, Senator.

Senator KERN. Pretty generally?

Senator LORIMER. Yes.

He also, in his testimony on the preceding page, tells how one Democrat who voted for him begged him to cast just one vote for tariff reform so as to make it easy for him to vote for him—Senator LORIMER—and how another man importuned him to cast one vote with LA FOLLETTE, and he told them both very frankly and in a very manly way that he would not vote except as a Republican and a protectionist Republican.

Lawrence B. Stringer, the Democratic nominee, a man who carried every precinct in Illinois at the Democratic primaries, a man whose candidacy had been unanimously indorsed by the Democratic State convention of Illinois, was there pointing out this very situation in Washington, pointing out to them how the Republican leaders at Washington wanted the second vote from Illinois, and how it was in the interest of every Democrat and tariff reformer in the land to be in favor of only one high-protective-tariff Republican from Illinois.

It was further shown by the testimony that there were 24 faithful and loyal Democrats in that legislature who formed an organization, and went about there day after day and night after night begging these men who were about to desert them to remain true to the party platform, pointing out to them this condition of things at Washington, how the reforms for which the Democratic Party had fought for 50 years might be defeated by that one vote that was about to be sent from Illinois, pleading with them that if a Republican was to be elected, some Republican should be elected who would come to Washington and stand with Dolliver and LA FOLLETTE and CUMMINS and BORAH, and that splendid little band of men who made a fight in that session that will go down into history. They begged them not to aid the enemy in the battle then in progress between the upward and the downward revisionists of the tariff.

This was the political condition. At that time there was only one Republican Senator from Illinois, and Senator Aldrich was sending word there that there must be two. Why? To vote against the Democrats and progressive Republicans. On the other side every loyal Democrat in the land, high and low, every Republican who sympathized with the progressive Senators in that great battle, was equally interested that no more men of the type of the Senator from Rhode Island should at such a juncture enter the Senate. All such men agreed that if a tariff-reform Republican could not be elected, then Illinois should have but one vote instead of two.

It was at that particular juncture, with that state of feeling at Washington, with that condition of things at Springfield, with the public attention thus engrossed, that the country was startled by the news that 53 Democrats had joined with a like number of Republicans in the Illinois Legislature and had given to the Senate two Aldrich Republicans instead of one, and had elected the most ultra of all Republican leaders, the high priest of protection, the most powerful of all the machine magnates in the central West, to a seat in this body. From every neighborhood in the land between these oceans there was raised a cry of righteous indignation, not alone because of party perfidy, but the deliberate betrayal of a principle for which the united Democratic Party and hundreds of thousands of progressive Republicans throughout the land then stood, and that, too, at the supreme hour of conflict. It was not a surrender. It was as if a regiment of Washington's Continental Army had voluntarily marched into the British camp and sworn allegiance to the British King, claiming that it was for the advancement of the cause of American independence.

Of course there was indignation, and of course there was suspicion. In the natural order of things in these latter days men do not betray party or principle in that way under those circumstances save for money, and without further evidence the suspicion was deeply rooted that wholesale bribery had been resorted to in order to bring about that result.

But a little later, when the conditions were understood better, when it was learned that in Springfield the air had been foul with the odors of corruption for years, how bribery was regarded there as a pastime, how honesty and decency had become subjects of jest; when it was learned how the splendid nominee of the Democratic Party had earnestly pleaded with the deserting miscreants; when it came to be known that that little band of which I spoke awhile ago had argued for days with their faithless colleagues, pointing out the condition of affairs at Washington, and that one standpat Republican Senator was infinitely better than two, and that these 53 men had under these circumstances deliberately and advisedly deserted to the enemy, then that which had been a suspicion ripened into earnest belief, so that afterwards, when the confessions of guilt came and the evidence of wholesale corruption piled mountain high, then the belief took form of—

* * * confirmation strong
As proof of Holy Writ.

As a part of this preliminary stage setting, before the entry of the actors, let us have a picture of the prevailing legislative condition at Springfield in 1909 and for years previous. It is conceded broadly that within a stone's throw of the old Lincoln home, almost within the shadow of his tomb, scenes of political debauchery had been carried on for so long a time that the principal actors had become so emboldened as to seize upon the name of Lincoln and conjure with it to the end that their offenses might be condoned by the vast multitude of honest men who revere his memory. It was so conceded by at least one member of the present committee of investigation in his argument to the Senate on a previous hearing. I read from the speech delivered by the distinguished senior Senator from South Dakota [Mr. GAMBLE], and I beg the attention of Senators now particularly to these extracts from that speech as throwing light upon the subject under discussion. He said:

Mr. President, it has been my purpose to state the evidence given before the committee fairly as to bribery or corrupt practices as affecting the votes cast for United States Senator. I am not here to give countenance to or to approve the proceedings, the record, or the methods pursued in the Legislature of the State of Illinois. The evidence is uncontradicted that a system of corruption and malfeasance has been practiced for many years in the legislature of that State. It appears money has been coerced and received by members of the legislature for unlawful and unworthy purposes. Money appears to have been demanded and received for the promotion or defeat of legislation irrespective of its merits, and the funds so secured have been held or retained and the same distributed to members of the legislature after adjournment.

Again, the Senator from South Dakota said:

The evidence, it appears to me, was overwhelming—

I ask you to consider that language in the light of certain language that is in the report of the majority of the committee here—

The evidence, it appears to me, was overwhelming from many witnesses upon the stand, both directly and indirectly, that the matter of the jack pot had been in existence and in operation for some years. It appears to have been reduced in its operation practically to a system. I had never heard or learned of its being inaugurated elsewhere to the extent that funds raised or paid to affect legislation irrespective of its merits were held and pooled and later distributed at the close of the legislative session.

Afterwards in answer to an inquiry the distinguished Senator said:

Because, as I have said, the existence of a jack pot was testified to by many witnesses, and very early in the hearing—

Listen—

and very early in the hearing its existence was practically admitted, as far as it could be, by the respective counsel upon either side of the case.

At the conclusion of this hearing, with the meager testimony secured by the former committee strengthened at every point and buttressed by new evidence all along the line, the same Senator joined in the majority report which declares that whether corruption existed in the General Assembly of Illinois of 1909, or in previous legislatures affecting general legislation is a question about which it is difficult to secure definite information. Evidently the admissions made by counsel on both sides of the case at the former hearing, the overwhelming evidence, as he termed it, then adduced had been forgotten by the genial and accomplished Senator when he signed the present majority report.

George W. Hinman, of the Chicago Inter-Ocean, which paper is Senator Lorimer's organ, if I may use that term, testified before the committee on this subject and he declared his opinion and belief on that subject in no uncertain way. I quote from his testimony, volume 1, page 293:

It is my opinion and belief that there was a jack pot, and the editorials—

That had been referred to—

may have indicated that.

Senator KENYON. What was the jack pot for?

Mr. HINMAN. Well, I could not tell you. I have never handled a jack pot or been in a jack pot or seen a jack pot. If you wish a full answer I would say it has been the common report and matter of opinion and belief that there has been a jack pot in every session of the legislature since I have been in Illinois.

Senator KERN. What do you understand by a jack pot in that sense?

Mr. HINMAN. I understand money sent down to a legislature, not specially the Legislature of Illinois, but any legislature—I think in New York State, where I came from, it is called the Black Horse Cavalry, the venal crowd in a legislature. I mean some money that is sent down there for the purpose of influencing members as regards their votes on legislation.

Senator KERN. Sent by whom?

Mr. HINMAN. Well, men who are likely to be affected by legislation that is pending.

Senator GAMBLE. And this money is raised to influence their votes one way or the other?

Mr. HINMAN. I judge so, sir.

Senator GAMBLE. And contributed by different interests, either favoring or disapproving legislation?

Mr. HINMAN. Yes.

* * * * * * *

Senator KENYON. You have a pretty firm belief in the existence of this jack pot?

Mr. HINMAN. That is my opinion and belief.

He goes on to say:

Mr. HINMAN. I think that common report has existed in fairly strong shape, and for every legislature that has been in Illinois since I have been there—12 years (p. 205).

Ex-Gov. Richard Yates (pp. 1-220) testifies that—

The general subject of money being used to influence legislation, or to prevent the passage of legislation, has been talked about, joked about, and seriously talked about, I suppose, for 30 years; and I, of course, have heard men talk to one another about what would simply be hearsay.

I want to call attention to an incident related in Gov. Yates's testimony which I think is really pathetic. I will not take the time to read it. I think I can state the substance of it. I have it here. He testifies that the speaker of the Illinois Legislature, whose name was Miller, who was his personal friend, came to him in 1903 and told him he had been offered a bribe of $200,000 to expedite the passage of the notorious Mueller bill; that, on the governor's advice, he publicly exposed the offer to the legislature, whereupon the house appointed an investigating committee and put Miller on trial and censured him for offending the dignity of that body. Gov. Yates said:

Mr. Miller went home and died not long afterwards.

And he adds:

I had no doubt of the truth of his story. His wife told me that unquestionably—

I will read the whole of that part of Gov. Yates's testimony. The Senator from Washington [Mr. JONES] asked the question:

You have not any doubt as to the truth of Mr. Miller's statement, have you?

Mr. YATES. I have no doubt of its truth; there is no reason why I should doubt it.

Senator JONES. And anybody who knew Mr. Miller would not doubt it?

Mr. YATES. No, sir.

Senator JONES. You were his personal friend?

Mr. YATES. You are absolutely right. If this is a hearsay hearing, I will state that the last time that I was in McLeansboro, which was his home and where he lies buried, his wife told me that unquestionably his death was caused by the mortification and humiliation inflicted upon him because the house, instead of seeking to investigate this matter, had proceeded to try him.

Senator JONES. I do not think there is any doubt about it.

Yet this distinguished senior Senator from Washington [Mr. JONES] hesitates not to affix his signature to this majority report.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Will the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. Does the Senator know that the present governor of the State of Illinois, Gov. Deneen, and the newspaper combination of the city of Chicago, which is now prosecuting this case against me, were the men responsible for the outrage on Speaker Miller at that time?

Mr. KERN. I did not know it; but if——

Mr. LORIMER. They were the men who persecuted him and drove him to his grave.

Mr. KERN. If the Senator's statement is true, it only accentuates the proposition I was just making—that at Springfield at that time and for many years there existed a condition of things so disgraceful as to shock the conscience of every man who cares anything about the country or its institutions.

It is a matter of no consequence to me, so far as this prosecution is concerned, who was engaged in the corruption. I was speaking about the poisoned air of Springfield, not the question as to who had poisoned it. If both wings of the Republican Party had engaged in it, so much the worse. If they had Democratic allies—and as to that I have no doubt—so much the worse for the great, splendid State of Illinois, the State of Lincoln and of Douglas.

I was about to say that, notwithstanding this statement of the Senator from Washington [Mr. JONES], expressing the fact that he had no doubt of the truth of this tragic story so graphically told by Gov. Yates as to the representatives of Illinois having driven a good man to his death because he had the courage to stand for honesty and fair dealing, he permits himself to sign a report here which says that "there is no evidence of corruption in previous legislatures," or words to that effect.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. Certainly.

Mr. DILLINGHAM. To whom does the Senator refer in saying that?

Mr. KERN. I refer to the majority report, which I quoted a moment ago. To be exact, I will read it again:

Whether corruption existed in the General Assembly of Illinois of 1909 or previous legislatures, affecting general legislation, is a question concerning which it is difficult to secure definite information.

Mr. DILLINGHAM. I will ask the Senator if he knows of a single witness who testified of his own knowledge that it did exist? In asking that question I want to make this explanation: I think a fair consideration of the majority report will show that they have presented that question on the evidence, and have presented it fairly, quoting from newspaper publishers, from Gov. Deneen, from Speaker Shurtleff, and from others who professed to have most knowledge of the subject, and every one of them saying they had no personal knowledge of it. They had reason to believe. I will say, further, Mr. President, before the Senator answers that question, I believe it myself.

Mr. KERN. Why in the world——

Mr. DILLINGHAM. I shall probably go fully as far as the Senator from Indiana in the expression of the belief that previous to 1909, for several years, there had been corruption in the Legislature of Illinois, but the point that we make in our report is that the jack pot that existed in 1909 we do not think was connected with Senator LORIMER's election, but was a legislative jack pot formed to control the legislation of that session.

Mr. KERN. The report expressed the opinion of the majority just as I read it; and if the Senator believes it is apparent from the circumstances of the case, from the circumstantial evidence, that this corruption existed all these years, as he now says, it would have been very easy to have written it into his report, instead of saying that accurate information on that subject could not be procured.

Mr. DILLINGHAM. I have written it in this report.

Mr. KERN. Let me answer the Senator's question. The Senator asked me whether there was any evidence of a jack pot in 1909. The majority of this committee has been driven to the confession of it in another part of their report.

Mr. DILLINGHAM. Mr. President——

Mr. KERN. Wait till I get through with this. The Senator asked me a question.

Mr. DILLINGHAM. Let the Senator be fair with me. The quotation that he has made, as I understand it, comes from that part of the report that precedes the discussion of the jack pot in 1909.

Mr. KERN. I have been discussing jack pots of the previous years for the purpose of showing the condition that existed at Springfield at the commencement of that session, and I called attention to the fact; and I call attention again to that expression in the report which says, in effect, that there is no evidence of any jack-pot corruption previous to 1909.

Mr. DILLINGHAM. I do not think the report says any such thing.

Mr. KERN. Just allow me to finish the answer to the Senator's question. He asked me if I had any evidence or had heard of any evidence of a jack pot. I heard the confessions of four men that they had received money out of a jack pot; and the majority of the committee, as I said a moment ago, in its report has been driven to declare that there was some kind of a jack pot in 1909; and I will show you where. Senators will remember——

Mr. DILLINGHAM. So far as I am concerned, the Senator need not show me where, because I have advocated that idea and have quoted the evidence in this report.

Mr. KERN. Very well. Just let me proceed. The Senator asked me a question.

Mr. DILLINGHAM. But I do not like to be put in the false position here that we are trying to hide that fact, because I believe it, and I believe it sincerely.

Mr. KERN. Well, then, if there was that belief, why was the sentence thrown into your report to convey precisely the other idea?

Mr. DILLINGHAM. As the question is addressed to me, I will say this: After we had examined Gov. Deneen particularly, who was impressed with the truth of the fact that there had been a jack pot in previous sessions of the legislature—he had gone on the stump in Illinois and had alleged it and attempted to substantiate the fact—he brought his speech into the committee room and would have been glad to read it to us, and

yet when he had finished all of his testimony on that point he used this language:

But that he does not know that it is based on facts at all (1123); that he never made an investigation and had no power or facilities to do so (1123).

He believed it, and he gave his reasons for believing it, but he had no facts upon which he could base his belief and state it as a fact. I believe it just as he believed it; but in making a report to this Senate the committee believed that they should present it in judicial form and state what the facts are. They have given Gov. Deneen's testimony on that point.

Mr. KERN. I confess that I can not understand why this statement was put into the report if that belief existed; but I will say that I think my friend the Senator from Vermont does believe that there was corruption existing up to that time and through the session of 1909. I accept his word. How does he happen to believe it? Because he sat for six or eight months on this committee and listened to the evidence in the case, and from a thousand different circumstances that developed in the evidence, that belief fixed itself firmly in his mind, as it has fixed itself firmly in the minds of ninety millions of people in this country out of one hundred millions. That is why; and that is one fault I have to find—and I say it not in a censorious way—with the majority report. With them it seems there is no such thing as circumstantial evidence; that there is no bribery proved unless the briber and the bribed both come before the committee and confess their crime. I believe in, and I think all lawyers understand, the value of circumstantial evidence. It is the combination of circumstances shown by the proof which drives conviction home to the heart of every man who hears it of the truth of the proposition in dispute. My friend the Senator from Vermont has come to this conclusion, because he has learned the circumstances of the case and has been driven to that conclusion, as has everybody else.

The Senator from Vermont asked me a moment ago a question, which I started to answer two or three times, but was diverted by his courteous interruption; that was as to whether I could name any proof of the existence of a jack pot that had been shown in this investigation. I was about to say that the majority of the committee had been driven to admit the existence of something like a jack pot in trying to explain the money that was paid by John Broderick to D. W. Holstlaw in the city of Chicago. I intended to speak on that subject later on, but since the Senator has asked the question, it is more convenient, perhaps, that I should speak of it now.

Senators who were present during the debate on this question in the last Congress will doubtless remember the able and almost vicious assaults that were made upon the testimony of Senator Holstlaw. One of the strongest arguments made in the defense was the effort by a distinguished Senator to show the falsity of Holstlaw's testimony, the effort to show that there had been a deposit slip manufactured to order for the purposes of the case, and that that circumstance indicated that Holstlaw had not received $2,500 from Broderick at all, nor had he received the other payment, as he claimed, of $700. I think that a very large proportion of Senators upon this floor were very deeply impressed with the argument made on that subject; yet in this investigation the evidence was piled up so high on that proposition as to dispel every doubt on the question.

Let me give you a synopsis of that evidence: First, Senator John Broderick, the intimate friend for many years of the Senator from Illinois, a saloon keeper on the West Side, in Chicago, denied that he had ever asked Holstlaw to come to his place of business; that when Holstlaw came there in June or July, at the time when Holstlaw claimed that he was paid $2,500, certain of his friends were present all the time and that he paid no money at all to Holstlaw on that visit. Referring to the next visit in August, when Holstlaw claims that he had been paid $700 in the same saloon by the same man, Broderick denied that he had ever been there at all; he denied that at any time he had ever sent for Holstlaw or had ever written him any letter requesting his presence in Chicago.

As to the $2,500 transaction, the president of the State Bank of Illinois, a man of splendid character, whose word would not be questioned, testified that Holstlaw came to his bank a stranger and introduced himself to him; that Holstlaw's bank at Iuka and the State Bank were correspondent banks; that he took Holstlaw to the teller of the bank and introduced him; that the teller of the bank made out a deposit slip for the $2,500, and he saw the money. Then came the other officers of the bank, one by one, and testified that Holstlaw's story as to that was absolutely true. That is the first transaction.

As to the $700 transaction, Senator Broderick on the witness stand was asked, "Was Holstlaw ever in your saloon again?" "No; never; he had no business there." "Did you ever send for him to come there?" "Why, of course not. What would I send to him to come there for? I had no business with him." "Did you write to him?" "I did not." Thereupon the counsel for the committee presented to him a letter in his own handwriting addressed to D. W. Holstlaw, urging him to come to his saloon on the very day that the $700 was paid, and to come before 4 o'clock, because he was going on a trip to the West. When that letter was thrust in the face of Senator Broderick the question was asked him, "Is that your writing?" "Yes." "Did you write it?" "I must have written it." "Why did you write Holstlaw to come on that day?" "I do not know; I have no recollection at all." As the proof of perjury thus overwhelmed him he was unable to make further explanation.

The officers of the bank in Chicago then again testified—and the books show it and it is reported by the expert accountants of the committee—that on that very day D. W. Holstlaw in person deposited $700 in currency in the State Bank of Chicago. That is why the majority of the committee are driven away from the report of the Burrow's committee, which utterly discredited the testimony of Holstlaw. They report the fact back to you that Holstlaw did receive $3,200 from Broderick, but they say they are absolutely unable to understand why Broderick should have paid Holstlaw $3,200 unless it can be explained by the following circumstances:

1. That the brewery interests of the State had raised a fund.

2. That Holstlaw, having spent a large sum of money in his campaign, and being a parsimonious man, expected and demanded reimbursement from the brewers.

3. That Broderick was a saloon keeper, therefore probably in touch with the brewers and more likely than anyone else to act as their agent in paying over the money which they had furnished, or might have furnished, to make Holstlaw whole.

There is, however, not even a supposition on the question as to why the money was paid in two installments.

Is there evidence to that effect? There is direct evidence to the effect that John Broderick had told Holstlaw, "If you vote for LORIMER, there is $2,500 in it." There is evidence further that the $2,500 was "Lorimer money." Why go into the field of speculation? Why become converted to the doctrine of circumstantial evidence in one instance and not in any other? And yet, notwithstanding the facts which I have just given the Senate, the majority of the committee declare in their report that absolutely no material new evidence has been offered in this last investigation.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. KERN. Certainly.

Mr. DILLINGHAM. Does the Senator claim that the money that was paid to Holstlaw was what is called "jack-pot" money, in the meaning of that term, or was that an independent transaction, so far as the evidence shows?

Mr. KERN. So far as the evidence shows, there were two payments made all along the line—that is, the "Lorimer money" that was paid by Lee O'Neil Browne to Beckemeyer, Link, and Luke at St. Louis; the "Lorimer money" that was paid first by Senator Broderick in Chicago; and the evidence shows that about a month later, in each instance, came what was called the "jack-pot" money, and nobody seemed to know what it was for or the source from whence it came. If it was "brewery money" put into the hands of Senator John Broderick, even for reimbursement in two installments, it would be in the nature of a jack pot—not in the sense perhaps that some of us understand that term, but in the political sense in which the term is used in Illinois.

Mr. DILLINGHAM. I simply interrupted the Senator because I wanted to understand what the Senator's attitude was on that matter—whether he concluded that that was a part of what is commonly called the "jack-pot" money at that session, or whether it was an independent transaction like Holstlaw's other independent transactions, when he admitted taking $1,500 from a firm for his vote on furnishing the statehouse? That, I think, will be conceded to be an independent transaction, will it not?

Mr. KERN. I think all those transactions would savor very strongly of the jack-pot odor. Now, I think I have answered the Senator as to the existence of any so-called jack pot, and I have not come yet at all to the evidence of the four men who testified positively and without equivocation that there was jack-pot money received by them, and who testified with equal positiveness that they were paid money before that time by Senator LORIMER's accredited agent, Lee O'Neil Browne, in consideration of their votes in the senatorial election. If I had time I should like to read you some newspaper accounts of that senatorial election that were put in evidence by Senator LORIMER, and thereby stamped with credibility. I will have

occasion to refer to them a little later on, but I think for the present I will pass them.

In concluding this preliminary part of the discussion I want to call the attention of Senators to some figures. I have already said that Senator Hopkins was the Republican nominee for Senator. There were 330,000 Republican votes cast at the primary—nearly 400,000—and there were four senatorial candidates—Hopkins, Mason, Foss, and Webster. Hopkins's plurality over Foss was 47,000; over Mason, 81,000; and over Webster, 153,000. Not only that, but, as I said awhile ago, at the Republican State convention in Illinois, with every county in the State represented, a resolution was unanimously adopted recognizing the validity of the primary and declaring to the world that A. J. Hopkins was the candidate of the Republican Party in Illinois for the United States Senate. I have already stated that Lawrence B. Stringer was nominated by the Democratic Party in the same way, receiving 150,000 Democratic votes, and carrying every precinct in the State of Illinois, according to his testimony.

I call your attention to this other preliminary fact, that of the 202 members of the Illinois Legislature—I believe that is the correct number—76, or more than one-third, came from the city of Chicago and Cook County. There were 47 Republicans and 29 Democrats, and of the 29 Democrats—God save the mark—Senator LORIMER received 25 and of the 46 Republicans he received 27, the total vote for Senator being: LORIMER, 108; Hopkins, 70; and Stringer 53.

We now have a general view of the situation in Washington and a glimpse of the conditions at Springfield up to the time of the election. Senator LORIMER was bitterly opposed to the election of Hopkins and testified that his opposition was generally known throughout Illinois. He was on the ground in Springfield every week, as he testifies, from January 27 until the electon on May 26. His advocacy of the deep waterway does not explain this continued presence for the reason, as he testifies himself, that there was an absolute and square deadlock between the two houses on this subject, one house holding tenaciously to Gov. Deneen's view of the situation and the other house holding with equal tenacity to the view of Senator LORIMER; so that there was not even a vote on the proposition of the waterway during that entire session.

He was there, and, genial and mild-mannered man that he is, his was the master mind dominating that situation; and no other conclusion can be drawn by any man who impartially reads the testimony in this case. His hand was the guiding hand. He testifies to his efforts for the election of Gov. Deneen, not because he loved Deneen, but I think the inference is irresistible that he desired the election of Deneen to the Senate because he desired the removal of Gov. Deneen from the office of governor. Failing in that, then came the events to which we will now address ourselves.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. I think it is only fair that the Senator should not misrepresent my attitude with reference to trying to elect Gov. Deneen United States Senator. I doubt if the Senator will find anything in the record that will indicate that I was for Gov. Deneen because I loved him. When you look the record carefully over, you will find that I said I thought his election would be in the best interest of harmony in the Republican Party. There never has been any pretense that I favored his election because I was in love with Gov. Deneen.

Mr. KERN. No; I understood that; and I understood further that the Senator testified that the lieutenant governor, a son or grandson of the late Gov. Oglesby, was his friend. I think I understood him to testify to that.

Mr. LORIMER. Yes; I testified that Gov. Oglesby was my friend; and, if I testified on the subject at all, I also testified that I did not support him for lieutenant governor; but he was my friend in the sense that he is the friend of every other Republican in the State of Illinois, and he had practically no opposition in his election, as the returns show.

Mr. KERN. I can not now go hunting through this vast volume of testimony, and I will not even controvert the matter with the Senator; but the testimony is unquestionably clear that at a certain period in these events Senator LORIMER ceased advocating the claims of Gov. Deneen, who constantly refused to be a candidate, and that some time after that—how long I can not now tell, but perhaps a week or two or three before the election—there began to be talk of a movement started in his behalf, as shown by the testimony of Edward Hines and others.

But, passing from that, and as further illustrating the conditions surrounding this election, I call attention to the testimony as to the conversations and conduct of several Democratic members at that time. We are looking for light now on the question as to how this strange, unaccountable, unprecedented thing happened. I grant you that there have been times when Democrats have voted for Republicans and Republicans have voted for Democrats in senatorial elections and in other elections; but I challenge any Senator here to find me a time in the history of this country when any considerable number of Democrats voluntarily went over and voted for a Republican or any considerable number of Republicans went over and voted for a Democrat when the issue was so well defined, when the excitement was so high, and when the very air was so vibrant with the talk of the people about the things that were happening in this Capitol—I challenge them to furnish me a parallel case, when under such conditions there was such party perfidy, such wholesale shameless betrayal of principle. The testimony of these conversations and this conduct will be of particular interest in view of the statement in the majority report that no new testimony of a material character has been developed at this hearing.

Fred E. Sterling, editor of the Rockford Gazette, a Republican journal—a splendid specimen of young manhood as he appeared upon the witness stand, with steady nerve and a clear eye—a man of great intelligence—testified that on the Sunday before the senatorial election James H. Corcoran, Democratic representative, who voted for LORIMER on the final ballot, told him that LORIMER would be elected that week and that the fellows were getting offers of money for their votes as high as $2,500—the precise amount paid Holstlaw—that on Monday Corcoran told him that Senator LORIMER would be elected on the next day, Tuesday; but that on the following day Corcoran informed him that the election would not occur on that day because "Manny" Abrahams, whose name came first on the roll call of the house, would not break the ice for $2,500; that on the next morning, which was the day of the election, Corcoran said to him:

> It is going over this morning; they came across to Abrahams; you watch; he will be the first to break the ice.

Representative Corcoran in his testimony did not deny these conversations with any degree of positiveness; he did not remember them; and said, if they occurred, they were based on rumor. He testified, however, that during those days—this is the testimony of Corcoran—prior to the senatorial election "the air was full of rumors of corruption."

Henry Terrill, a merchant of Colchester, and a Republican member, swears that on the day before the election John Griffin, Democratic member from Chicago, asked him if he would not support LORIMER, whereupon he asked Griffin what there would be in it, and Griffin responded, "A thousand dollars."

Of Griffin's relations to LORIMER the Senator himself testified as follows:

> I have known John ever since I can remember almost, and his political friends were warm personal friends of mine. The leading Democrats in the senatorial district were for me and John was for me. I think John would have been for me whether his friends suggested it or not.

It is not necessary to say that Griffin, as I remember, contradicts this testimony, as every malefactor connected with this affair, whose hands were dirty with corruption money, denied all complicity in or knowledge of any wrongdoing.

Jacob Groves, a Democratic member, testifies that Douglas Patterson, a Democratic politician of more or less prominence, came to his room after midnight the night before the election. Groves had retired and had been asleep. Patterson asked him if he was a Mason or an Odd Fellow. Groves responded that he was an Odd Fellow. Patterson then said he could trust him with a secret, and then went on and told him that about 42 Democrats were going to vote for LORIMER next day and wanted Groves to do so, and said it would probably be a good thing for both of them to get it made unanimous. Groves seemed to be an old-fashioned kind of Democrat; he did not like to be disturbed in his sleep at that time of night. On account of the time of the visit, because of Patterson's language and manner, Groves thought the proposition was a corrupt one. On this subject he testified:

> I thought he was trying to bribe me, and I began talking loud. Patterson says, "I am not trying to bribe you; talk low; put down that transom." I said, "I don't care who hears me." He then backed out.

Mr. Groves referred to this incident in his speech on the roll call in the senatorial election, and his testimony is not denied, so far as I have been able to investigate the record.

Groves also testified that Representative Donahue told him that any man making a speech for LORIMER would get more than a thousand dollars. The orators were at a premium. Donahue, who says he thinks there was some corruption in the election, but not as much as he once thought there was, testified that he did not remember making the remark to Groves—that is, he did not remember making it seriously to Groves.

Charles Hedge, a white barber of Hinsdale, swears that Representative Lantz, a Democrat, told him on a train a week or so before the election that some Democratic representative, whose name witness did not recollect, asked him (Lantz) if he ought to take a thousand dollars and vote for LORIMER, and that Lantz said he told him that if he was that cheap he ought to go to Joliet, which is the seat of the penitentiary.

Lantz swears that while he knew Hedge, and had been riding with him backward and forward on trains, and talking with him while so riding for several years, he has no recollection of talking with him about the senatorial election and positively denies making the statement attributed to him.

Lantz was a civil-service commissioner in 1900, and he says he credited his appointment to LORIMER. Senator LORIMER testified that Lantz, who voted for him, lives in his congressional district; that he understood Lantz voted for him every time he ran for Congress; that he is a very warm personal friend; and that he had recommended him for a position on the civil-service board.

W. S. Lawrence, a real estate dealer of Fairfield, testified that he had talked with Senator Womack on a train in the fall of 1909 regarding the senatorial election. I quote from Mr. Lawrence's testimony:

> I said it was the impression in my country that the election was purchased. Womack said, "There is no question about it. I was told I could get a thousand dollars to vote for LORIMER.

Senator Womack's version of the conversation is as follows:

> I told Lawrence that money was probably used; that I did not know; that I believed if I had trained with that crowd I might have known about it and got a thousand dollars, or whatever was portioned out.

Womack also testified that he discussed the question of rumored corruption with Scott, a member, on the day of the election. Scott said that there was a rumor that Democrats were being paid. Womack said he had heard so. One or the other asked how much they were getting, and Scott said he had heard that they were getting a thousand dollars, but did not know. He says they were not very serious—just laughing and joking. Just laughing and joking about the purchase of a Senatorship in the great State of Illinois!

John M. Peffers, formerly Senator Hopkins's private secretary, now a lawyer of the Illinois bar, apparently a young man of high character, certainly of good appearance, testified that Representative McCormick told him that he had been offered $2,500 to change from Hopkins to LORIMER. Senator McCormick, who was a very eccentric witness, to say the least, denied this conversation.

Benjamin F. Moore, who in 1909 was the Republican sheriff of Wabash County, testified that on the night before the senatorial election he was in Springfield, and that W. C. Blair, of whose testimony I shall speak at length by and by, was there in the hotel declaring his loyalty to Stringer, the Democratic nominee. The following day Blair voted for LORIMER. Mr. Moore testified that within a month after the election another conversation occurred on a train, when the sheriff was bringing some prisoners up to some State institution, and that Blair, doubtless explaining his change of attitude, said to him:

> I would have been very foolish to have voted for Stringer and let all of the Lorimer money go by and not get my part of it.

Charles A. White testified that on the day before the senatorial election, John H. De Wolf, of whose testimony I shall speak at length hereafter, a Democratic member, asked him, "Have you been up to the trough yet?" adding, with an oath, "Well, I have already been up to the trough and got mine." I will show you before I get through this discussion that De Wolf's statement that he had received his was most probably true. De Wolf testified he did not remember that conversation, but if such a thing was said it must have referred to going up to the bar to drink, because he said that was a very common expression of his; that when he spoke about going up to the bar, he always spoke about going up to the trough, and if he talked to White in that strain and asked him if he had been up to the trough, he meant to ask whether he had been up to the bar, and he said that he had been up to the trough himself, meaning up to the bar.

I want to call attention to the testimony of George W. Meyers. That testimony was offered in the former hearing. It bears directly on this case. In my judgment, taking it in connection with the evidence offered to contradict it, it fixes absolutely the truth of the charge that Lee O'Neil Browne was buying votes in Springfield for Senator LORIMER whenever and wherever he had the opportunity. I propose to show you before I get through that the bond of union between Senator LORIMER and Lee O'Neil Browne was well-nigh indissoluble, in so far as this election was concerned.

George W. Meyers testified that about 20 minutes before the roll call on the day of the senatorial election Lee O'Neil Browne sent for him to come to his desk. He went there to the desk of his leader. Browne said to him, "We are going to put this over to-day, and I would like for you to vote with us." Meyers replied, "I can not do it, Lee." Then Mr. Browne said, "There is some good State jobs to give away yet, and plenty of the ready necessary." Meyers replied, "I can not afford to do that."

What are you going to do with that kind of testimony? Is there any doubt about what he meant?

Mr. DILLINGHAM. If the Senator will allow me, did Meyers vote for Senator LORIMER?

Mr. KERN. No; he did not vote for LORIMER. I was not undertaking to show that they bought George Meyers's vote. I was undertaking to show that the effort was being made by Lee O'Neil Browne to buy votes everywhere that the opportunity presented itself. Remember, Mr. Meyers is a banker in a little town in Illinois. No attempt was made to impeach his reputation for honesty or truth. Mr. Meyers testified that he came at Mr. Browne's request in front of Mr. Browne's desk. That is a serious piece of testimony, and it was necessary to get rid of it in some way. There was no gainsaying the fact of Mr. Meyers's credibility and standing. So there is brought before the committee a young man by the name of Paul McCann, a page in the legislature, and he is made to testify, or he testifies, that he stood by the side of Mr. Browne's desk during the hours of the preliminaries of that day and the vote, and he knows that no man came to Mr. Browne's desk that day during that time.

George Alschuler, who sat near by, said that in the two intervening hours of excitement such as had never been known in Springfield before he did not see anybody approach Lee O'Neil Browne's desk, and that if anyone had come there within those two hours he would have known it. That testimony is very important, because it goes right straight to the point, and if the testimony of George W. Meyers is true, then it settles this case.

I spoke awhile ago about some newspaper account of the scenes attending the election of United States Senator having been put in evidence by counsel for Senator LORIMER, thereby giving those newspaper accounts the stamp of credibility. I come now to a description of the meeting of that morning. I want to lay before the Senate the scenes that were taking place there during the hours when young Paul McCann says he watched everybody who came to Browne's desk. "Contending forces in camp" is the subhead of the article from which I read:

> At 10 o'clock, when the senate and house met in formal session, the two contending forces were in camp on opposite ends of the rotunda of the statehouse. Mr. LORIMER had his headquarters in the speaker's room, the approaches guarded by trusted scouts, and runners flying in every direction bringing in the wabbly legislators who had not declared their intentions since 3 a. m.
>
> Former Senator Hopkins established his camp on the senate side of the capitol, conferring with his major generals and lesser lieutenants in one of the senate committee rooms.

Then comes an account of the "Tip for Lorimer try out."

Mr. DILLINGHAM. Will the Senator tell me the page to which he is referring?

Mr. KERN. The pages I expect to read from before I get through are pages 7505 to 7518, in volume 8. Listen to the account of what was going on there:

> The Lorimer aids were scurrying hither and thither, checking up for the final show-down. The Hopkins people appeared to be sitting tight. Mr. Hopkins had left his headquarters following the departure of the senators and had taken a position on the side lines near the judiciary committee room of the house.
>
> Mr. LORIMER was receiving reports each minute within the rooms of Speaker Shurtleff. Behind Speaker Shurtleff, on the rostrum, sat former Gov. Richard Yates, intensely interested in the proceedings. The committee clerks and legislative attachés crowded into the space in front of the seats of the members.
>
> Not another person could have been crowded into the galleries of the house. Almost every politician of note in the State was among those present. Springfield turned out as it would to a gala society event. Everybody appeared to be present, when the pages began to hustle in chairs for the accommodation of "the honorable the senate."

Going on a little further, when the speeches commenced, there is an account in this same article (page 7513 of the record) of a fist fight that took place on the floor of the house. Fisticuffs enlivened the proceedings. But let us go back a little further:

> There was a terrific racket at the door just as Browne reached this point in his appeal, and the tall form of Representative Chiperfield was seen hastening down the aisle.
>
> "Mr. Speaker," demanded Chiperfield, with a voice quivering with anger, "I demand that this floor be cleared of those persons who are not entitled to be here."
>
> He referred to former Lieut. Gov. William A. Northcott, now United States district attorney for this Federal district. Mr. Northcott was elbowing his way through the crowd which fringed the rear of the house. There was a rush of members to the rear, while Mr. Northcott started for the Democratic cloakroom.

Then the fight to which I have referred followed immediately afterwards. Paul McCann, the young man referred to, was standing by the desk of Mr. Browne, and he says that he can testify as to anyone who might or who might not have approached during every minute of that time.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. KERN. Yes.

Mr. SUTHERLAND. Lee O'Neil Browne, I understand, was the leader of one of the Democratic factions?

Mr. KERN. Yes.

Mr. SUTHERLAND. This transaction that the Senator is speaking about occupied how long—two or three hours?

Mr. KERN. The whole proceedings?

Mr. SUTHERLAND. Yes; during the time this young man claims he was standing at Browne's desk.

Mr. KERN. Does the Senator mean the proceedings there that day?

Mr. SUTHERLAND. As I understand the Senator, McCann testified that he had been standing by Mr. Browne's desk for a considerable length of time. Was that the entire day?

Mr. KERN. Throughout the proceedings. As I remember Mr. Alschuler's testimony, it covered a period of two hours.

Mr. SUTHERLAND. And McCann was there the same length of time?

Mr. KERN. I do not remember whether McCann gave the time or not. It is but fair to say that Mr. Meyers stated in his testimony that this was about 20 minutes before the roll call commenced.

Mr. SUTHERLAND. During that time speeches were being made?

Mr. KERN. Twenty minutes before the roll call?

Mr. SUTHERLAND. No; during the two or three hours that this witness testified nobody approached Mr. Lee O'Neil Browne's desk.

Mr. KERN. During the two or three hours that Mr. Alschuler testified about, there must have been speeches made, because there were speeches made all through the roll call.

Mr. SUTHERLAND. I wanted to get the situation in my own mind. As the Senator understands the testimony, just what was going on in the legislative assembly during the time when this young man says he was standing by Mr. Browne's desk and the other man, Mr. Alschuler, stood near him?

Mr. KERN. In the first place, the senate had marched across to the house, at noon, or about 12 o'clock. Then, as I understand from Mr. Meyers, there was something of a delay. There was a roll call of both houses, as I remember it, and after that there were speeches made. Now, Mr. Meyers testifies that this occurred 20 minutes before the roll call. Whether that was a roll call of the house or senate I do not know; nor do I know which occurred first, but I can get the testimony of Mr. McCann, if the Senator likes, and read what he says on that subject.

Mr. SUTHERLAND. I did not want to divert the Senator from his discussion, but I wanted to understand that exact situation.

Mr. KERN. My purpose in reading this newspaper account was principally to show the excitement attending the scenes of that day. There was much confusion. A large crowd was there. There was excitement on every hand, every minute of time; aids were scurrying backward and forward, and Senator LORIMER was receiving the reports in the speaker's room. That was during the time this young man testified about.

Mr. SUTHERLAND. I will state to the Senator the thought which occurred to my mind: Mr. Lee O'Neil Browne was the leader of one of those factions. I do not know how many members belonged to that faction.

Mr. KERN. He had more than the other factional leader. He had about 35 or 36.

Mr. SUTHERLAND. He had a large number. Here was a matter going on that was a great concern. It would have been, to my mind, somewhat remarkable if no member of his own faction during that time approached his desk.

Mr. KERN. It would be utterly incredible—with the hurrying and scurrying of aids and the rush and push of the adjutants of the generals that is here described.

Mr. OVERMAN. Mr. President, the hour of 5 o'clock has now arrived and the Senator from Indiana has been speaking since a little after 3 o'clock. I suggest that we take up the appropriation bill.

Mr. WARREN. I thank the Senator. I was about to make the same suggestion. I should like to take up the legislative, executive, and judicial appropriation bill and proceed with it as far as we can. So I ask unanimous consent to take up that bill.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming.

Mr. KERN. For what purpose?

Mr. WARREN. To take up the appropriation bill. I thought the Senator had concluded.

Mr. KERN. Oh, no; I have not finished, but I have concluded for the day.

Mr. WARREN. That is what I meant—for the day.

Mr. KERN. I shall desire, Mr. President, to continue my remarks at the conclusion of the morning business to-morrow.

AMENDMENT OF THE RULES.

Mr. BACON. I ask the Senator from Wyoming to indulge me for a moment, that I may give a notice to the Senate.

Mr. WARREN. Certainly.

Mr. BACON. I desire to have it read.

The VICE PRESIDENT. The Secretary will read the notice.

The notice was read and ordered to lie on the table and to be printed, as follows:

Notice is hereby given by Mr. BACON that after the expiration of the time prescribed by the rule of the Senate he will propose the following amendment to the standing rules of the Senate, as expressed in the following resolution (S. Res. 331) to be introduced by him for said purpose, to wit:

"*Resolved*, That Rule XII of the standing rules for conducting business in the Senate of the United States be amended by adding, at the conclusion of paragraph 1 of said Rule XII, the following words, to wit:

"'When upon the call of the yeas and nays less than a quorum of the Senate shall vote upon the pending question, the names of the Senators not voting shall again be called, and pending the call of the Senators not theretofore voting it shall be competent for the Senate to proceed to secure the attendance of absent Senators, as provided in Rule V of the standing rules of the Senate.'"

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the reading of the bill where it was left off yesterday.

The Secretary resumed the reading of the bill at page 34, line 13.

The next amendment of the Committee on Appropriations was, on page 34, line 16, after the word "each," to insert "Director of the Consular Service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; resident diplomatic officer, $6,500, to be appointed by the Secretary of State; eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each, to be appointed by the Secretary of State, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; Assistant Solicitor, $3,000; law clerk, $2,500; clerks—one of class 4, three of class 3, two of class 1, three at $1,000 each; three assistant messengers; for meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340," so as to make the clause read:

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500, etc.

Mr. WARREN. I ask that the word "said" be stricken out in line 14, page 35. It is there by an error.

The SECRETARY. In line 14, page 35, before the word "act," strike out the word "said."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. OVERMAN. Mr. President, I wish to call the attention of the Senate to the fact that this is all new matter here. It seems that the House of Representatives in their bill omitted these items, and the Bureau of Manufactures, the Bureau of Statistics, and the Bureau of Foreign Commerce in the Department of State were consolidated in one great bureau and put under the Department of Commerce and Labor, to be known as the Bureau of Foreign and Domestic Commerce. The Secretary of State was before us on this matter. It is a system which I condemn, and it has been going on in all the departments by which a certain amount of money is appropriated, and the head of the department sometimes will take a clerk, for example, at $1,800 a year and increase his salary to $2,500, and take it out of the lump sum.

In the tariff act which was passed there was $100,000 authorized to be appropriated in connection with the treaty and the maximum and minimum tariff. After that legislation, which referred to the settlement of the maximum and minimum tariff, an appropriation of $100,000 was made.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Will the Senator from North Carolina yield to the Senator from Kansas?

Mr. OVERMAN. Certainly.

Mr. BRISTOW. I do not know whether I understood the Senator correctly or not. Did he say that the Secretary of State would increase the salary by paying it out of some lump sum?

Mr. OVERMAN. I say the Senator will find, as I will show in another item in the bill, that that has been done and is still done all through the departments.

Mr. BRISTOW. Is not that an illegal action?

Mr. OVERMAN. It has been done. It is the custom. I will say that there are three men here, and one was getting $1,800 provided by law, and he was paid out of the lump sum a salary of $2,700.

Mr. WARREN. He was not paid that as an additional sum, but he was taken out of one class and put in another.

Mr. OVERMAN. He was taken out of that class and given $2,700. We fix the offices here and fix certain salaries.

Mr. BRISTOW. Was he appointed to another office, or did he remain in the same office, and was his compensation increased by Executive order?

Mr. OVERMAN. He was getting $1,800, for example, in class 4. Then, under this lump sum he was given a salary of $2,700.

Mr. BRISTOW. That is, he was paid $900 out of another fund by the arbitrary action of the Secretary of State?

Mr. OVERMAN. The salary provided by law was $1,800, I understand, and he was paid $2,700 out of the lump sum.

Mr. WARREN. I think my colleague has misled the Senator from Kansas. An $1,800 man may be taken over into the lump sum and be paid $2,750, but I do not understand that he keeps the place at $1,800.

Mr. OVERMAN. I did not understand that to be the case. I said that his salary was increased by the Secretary from an $1,800 job to a $2,700 job, and it had not been provided for by Congress. All these lump sums are used that way.

Mr. BRISTOW. These lump sums were given the Cabinet officer to be expended at his discretion?

Mr. OVERMAN. Let me illustrate it. One hundred thousand dollars was appropriated in connection with the settlement of the maximum and minimum tariff. Congress allowed the President to do it, but in the appropriation bill the language was a little different. I want to read it in the RECORD and to call the attention of Senators to it in connection with these offices that have not been created by Congress, but have been created by the head of the department. Although the tariff law said $100,000 should be appropriated for the settlement of the maximum and minimum tariff, in making the appropriation in the deficiency appropriation bill the following language was used:

For defraying the necessary expenses incurred in connection with foreign trade relations within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties—

That is added, you will understand, in the urgent deficiency appropriation bill.

arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be selected and their compensation fixed by the Secretary of State, and to be expended under his direction * * *.

Now, that $100,000 was appropriated and $20,000 was used in connection with the foreign trade, but the Secretary made some offices. He made offices at $7,500 each; he made one director of the Consular Service at $4,500, and a general counsel for the Department of State, to be appointed by the President, to which we have added "by and with the advice and consent of the Senate," at $7,500. He also appointed a resident diplomatic officer at $7,500, which the committee reduced to $6,500. He is to be appointed by the Secretary of State. He also, under that appropriation, appointed eight officers to aid in mere drafting work, four at $4,500 and four at $3,000. What I am objecting to is that he has made a salary for this diplomatic officer of $6,500, which is $1,500 higher than the Assistant Secretary of State himself receives.

Mr. BRISTOW. Do I understand that this $100,000, which was appropriated for the purpose of enabling the Secretary of State to administer the maximum and minimum provisions of the tariff law, has been used to create offices for apparently an entirely different object?

Mr. OVERMAN. I say in the tariff law $100,000 was authorized, and in providing for that in the appropriation bill the language was used which I read, and which is very full, as the Senator will see.

Mr. BRISTOW. I understand.

Mr. OVERMAN. It was under this authority that he made these new offices, and it looks to me——

Mr. BRISTOW. That was a temporary appropriation? It was not intended to be a permanent appropriation?

Mr. OVERMAN. Not at all.

Mr. BRISTOW. And he has created particular offices which now he proposes to saddle on Congress to provide for, regardless of our judgment as to whether they ought to be created or not?

Mr. OVERMAN. That is right.

Mr. BRISTOW. I do not propose to stand for it, as far as I am concerned. I think it is outrageous.

Mr. WARREN. Let me say to the Senator from Kansas that that is not a proper construction of the matter at all. If he will look at the appropriation made last year, he will see it quite differently. The difference here is that instead of appropriating $100,000 en bloc for these various matters they are itemized the same as other matters. The head of the department and his aids were before the committee to enable the committee to find where all these amounts have been paid and for what purpose and what these different officers and employees are doing. As the Senator said, we have in some cases reduced a salary, as we did the one from $7,500 to $6,500, and again we have designated, as far as we can, what each shall do. It is just in the line of what the Senator has at heart; that is, to break up the lump sum without any limit as to what the men should draw under it and insert the salary that each man draws, and it shows to what use his services are put.

Mr. BRISTOW. Mr. President, I want to make an inquiry of the Senator from Wyoming. Does he not think that the Secretary of State should have come to Congress and suggested that these positions ought to have been created and then let Congress pass upon his recommendation as to whether or not these offices should have been created and to fix the compensation which the officers should receive? Has not that been the uniform practice, and is not that the way these positions should have been created?

Mr. WARREN. In the first place, the first sum was appropriated without these designations. The second time the estimate shows exactly what purpose the amount was to be put to and we appropriated accordingly. They estimated this year, and the subcommittee felt it was the time now to have spread out upon paper, mingling in with the appropriation for other officers and employees, exactly what these men were drawing and what they were to do. The committee has not increased the expense; in fact, it has lessened it. There is one less officer, and the total amount is considerably lessened.

Mr. OVERMAN. I want to ask the Senator a question.

Mr. WARREN. In just a moment. It has been so a great many times. With lump sums they have first started on some line of action and then afterwards, when they know how to estimate, we get the estimates and try as fast as possible to elaborate and lay before Congress detailed estimates, so that Congress may know as to every item.

Mr. OVERMAN. I think the Senator from Wyoming will agree with me that this $100,000 was appropriated for a temporary purpose.

Mr. WARREN. There was nothing in the act which showed that.

Mr. OVERMAN. If the Senator will take the tariff act itself and the following appropriation bill, I ask him if it was not understood at that time by the committee and by Congress that it was a temporary appropriation to carry out the purposes of the tariff act?

Mr. WARREN. There was no such understanding a year ago in the legislative, executive, and judicial appropriation bill. There was in the first appropriation, which was for that purpose and perhaps for other purposes; yet that matter was before a Senate committee that I did not serve on, and I am not as capable of answering as to that as I am as to the second one.

Mr. OVERMAN. The Senator knows that it had never been done before. We had the great administration here of Secretary Root——

Mr. WARREN. They were appropriated for the last year on the estimate showing just how many persons there were and the amount they each received.

Mr. OVERMAN. I understand the lump sum of $100,000 was appropriated last year.

Mr. SMOOT. Mr. President——

Mr. OVERMAN. Let us understand this fully. One hundred thousand dollars was authorized under the tariff act. Then the next time they came—and the committee knew it, but nobody else—they asked for a lump sum, and it seems that out of that lump sum the Secretary of State has made some offices of $7,500 and $4,500 and $3,000. That goes to the committee. But under the bill as passed by the House of Representatives this $100,000 is expected to be carried to another department and they make an estimate. It is said that these offices are very important. I should like to have the testimony which was taken by the stenographer laid before the Senate, because I want to be fair about this matter. All these offices are newly created, and I think the officers are paid too much. I think that a resident diplomatic agent ought not to be paid more than the Assistant Secretary of State himself, who gets only $5,000. The estimate is for $7,500. We passed that through the committee for $7,500, but cut the other down to $6,500. I think that is too much money when we take into consideration what other officers of the Government are receiving. I think it is too much to pay $4,500 to a draftsman when other men here in the department are getting $3,000. There are others here doing as good work who are not getting over $2,000.

It is fair to state, however, that the Secretary of State says that some of these men speak Chinese, and they have been consulted abroad and have been used in this drafting work. Some of them speak another language.

Mr. WARREN. Many of them speak a number of languages.

Mr. OVERMAN. Some of them speak a number of languages, including English, I suppose.

Mr. BRISTOW. May I inquire if it is necessary that a draftsman should understand the Chinese language?

Mr. WARREN. Certainly, if he is drafting a treaty. This does not mean ordinary draftsmen like architects.

Mr. OVERMAN. We have not had it heretofore. I think we all agree that the administration of the Department of State under Secretary ROOT was a very able one, and now——

Mr. WARREN. Will my colleague on the committee let me put into the RECORD just what we did do a year ago?

Mr. OVERMAN. Yes; I should like to have it in the RECORD.

Mr. WARREN. This is the provision in the legislative, and so forth, appropriation act of last year:

> Advancement of commercial and other interests as provided in the act approved August 5, 1909: Director of the Consular Service, $4,500; counselor for the Department of State, and resident diplomatic officer, each at $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations.

Mr. OVERMAN. Did that appear in the act itself?

Mr. WARREN. I am reading the law which is the current law to-day; and I go on:

> Assistant solicitor, $3,000; law clerk, $2,500; 1 clerk of class 4; 3 clerks of class 3; 2 clerks of class 1; 3 clerks, at $1,000 each; 3 assistant messengers.

Then come the rooms outside the Department of State. That is all in the law.

Mr. OVERMAN. That is so; but the Senator will agree with me that those offices were created by the Secretary of State before that act was passed.

Mr. WARREN. Under the first law.

Mr. OVERMAN. That is all I am contending for. It is that the Secretary of State took that money and created these offices, and, having created them, then they were brought forward here in the next appropriation bill. He took a lump sum, in other words, and created these offices.

Mr. SMOOT. The lump sum was appropriated in 1909, and ever since 1909 they have been specifically appropriated for, and they were also in the current law by reason of that.

Mr. OVERMAN. How were these offices created first? Under a lump sum?

Mr. SMOOT. They were created under a lump sum. The appropriation was provided in a lump sum and for this particular purpose, and then after the appropriation of the lump sum the offices have been enumerated just as they are enumerated in the law to-day.

Mr. OVERMAN. I will ask the Senator from Utah a question. He was on the Finance Committee when the appropriation of $100,000 was authorized for the purpose of the maximum and minimum tariff in aiding the President at that time. Now, taking into consideration what was done afterwards, do I understand that that was for the purpose of creating any new offices?

Mr. SMOOT. Of course it was understood that we would create the new offices. That was what the $100,000 was appropriated for, and not only that, the law does not——

Mr. OVERMAN. Was it the Senator's understanding that it was done for a permanent or just a temporary purpose?

Mr. SMOOT. It was done for a temporary purpose, but until Congress could act, and the very next year Congress acted. It did not appropriate a lump sum, but specifically named the offices and made the direct appropriation for each one of them, and that has been done right along.

Mr. OVERMAN. That is, after the offices were created?

Mr. SMOOT. The Senate committee has simply put into the law what the current law is to-day.

Mr. WARREN. No; we have put it in in a different manner. Instead of putting $100,000 at the end, we covered the different cases; it goes in as a part of the general establishment and is not divided as it was before.

Mr. SMOOT. That is all the difference there is.

Mr. WARREN. That is all.

Mr. BRISTOW. Now let me make an inquiry. Was the appropriation for the resident diplomatic officer, at $6,500, in the last appropriation bill?

Mr. CLAPP. It was $7,500 the last time.

Mr. BRISTOW. Why is he paid more than the Assistant Secretary of State?

Mr. SMOOT. Because this position is harder to fill with a qualified person than the Assistant Secretary of State.

Mr. BRISTOW. Than those of the Assistant Secretary of State?

Mr. SMOOT. There is no question about it in my mind. Some think that draftsman provided for simply means the ordinary draftsman, but that is not the case. That man has to draft the agreements and the treaties between the State Department and the foreign government.

Mr. OVERMAN. How many are there?

Mr. SMOOT. I will see how many there are.

Mr. WARREN. There are eight altogether.

Mr. SMOOT. There are eight—four of the first class and four of the second class.

Mr. OVERMAN. We have had those since 1909. Prior to that time the Secretary of State and the Assistant Secretary of State did it. There are eight draftsmen now.

Mr. WARREN. While Senators talk about there being eight draftsmen, the law specifically provides that they may be used to aid all these different bureaus, in the far east and in the east and in the various possessions.

Mr. OVERMAN. Oh, yes; they have one bureau for the far east and another for the near east.

Mr. SMOOT. Here is the current law, which says——

Mr. OVERMAN. That has been read.

Mr. SMOOT (reading):

> Eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909.

Mr. OVERMAN. That was read by the Senator from Wyoming.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. OVERMAN. Yes.

Mr. LODGE. I desire to say just a word in regard to these different bureaus. It became impossible to do the work of the State Department properly under one head. Our relations in all directions have grown and extended naturally with the growth of our interests and with the growth of the world's business, and it became absolutely necessary to make a reorganization.

Mr. FLETCHER. May I ask the Senator one question with reference to the item we are discussing? Is that the matter dealt with by the Secretary of State in his letter on the subject of the Bureau of Trade Relations?

Mr. LODGE. That is a part of it.

Mr. FLETCHER. That is what I understood.

Mr. LODGE. Yes.

Mr. SMOOT. The Secretary's letter was printed as Senate Document No. 761.

Mr. LODGE. If I may continue, Mr. President, those different bureaus were originally a part of the organization and were in the scheme of reorganization made by Secretary ROOT. They are extremely important to the proper conduct——

Mr. OVERMAN. May I interrupt the Senator? Is the Senator not mistaken about the reorganization? The former Secretary was before our committee. I understood that he asked for what was called an undersecretary. There was some objection to having an undersecretary, as it was following too much after Great Britain. We did not give him that, but the committee provided for this diplomatic agent, who is called counselor and whose office is very important. I am frank enough to say that I did not object to that officer. The salary was placed at $7,500, and it was stated before the committee that such an officer was needed. He is a high-priced man; he is counselor for the diplomatic service; and I had no objection to that.

Mr. LODGE. I was going to say something about that officer later, but what I was proceeding to say was with reference to the organization into divisions.

The first one was established under Secretary ROOT when he was Secretary of State. It was the Division of Eastern Affairs, and was first put in charge, I think, of one of the Assistant Secretaries. The officers covered by the amendment are absolutely necessary for the conduct of the affairs of the Government. The "eight officers to aid in important drafting work, four at $4,500 each and four at $3,000 each," are, under the heads of these different divisions, dealing with various phases of our foreign business.

They are of very great importance to the conduct of the business of the State Department. I have received a great many protests from business organizations, not only from my own State but from different parts of the country, against any attempt to abolish those very important offices. The State Department, Mr. President, costs less money than any other department of the Government and spends less. It has not begun to grow as the Agriculture Department has grown or as the Railway Mail Service has grown, although it has charge of our foreign relations. Its total expenditure is very modest, and a large part of it is paid by the fees in the Consular Service, which is more than can be said of the service of most departments. Certainly, nothing can be more important to our business abroad and our relations with other countries than to have a reasonable and proper force in the State Department.

What is called here by, I think, a very clumsy title, "resident diplomatic officer," was established originally with the idea of bringing back from time to time, not for long service here, some officer in the diplomatic service and utilizing him here for special work. I do not know whether or not that has drifted into the form of permanent service here.

Mr. WARREN. I will say to the Senator that it has not, as we are advised. It still is the intention, if for any reason a high diplomatic officer should be desired here, to allow him to be called into service here, and then when he resumes his foreign post he goes out again better informed, because he understands what the department here is doing, and the department here understands what is being done there. When he resumes his foreign station another man may be called to take his place here, and so on.

Mr. LODGE. That was the intention in the establishment of that office, and his work has been here. The last holder of the office, who recently died, had been a minister of the United States abroad; but what seems to me of most importance is the maintenance of this division. We need very much these different bureaus for the conduct of our relations with the various countries of the world.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Yes.

Mr. SMITH of South Carolina. I merely desire to ask a question for information, for I have been busy in committee, and came in while this matter was being discussed. As I understand, this hundred thousand dollars was appropriated for the purpose of prosecuting the work arising out of the tariff legislation in 1909, and these offices were created to facilitate that work and other work that might accrue in the office of the Secretary of State. Since then, after these offices were created, an appropriation was made and has been continued, and these officers have been paid out of the hundred thousand dollars appropriated.

Mr. LODGE. The hundred thousand dollars was appropriated under the provisions of the tariff act of 1909, and the President was given authority under that act to employ such persons as might be required in carrying out that work. Of course, men had to be selected and the work had to be divided among them. Those persons were employed under that provision, and I suppose the President gave them a title which seemed to him appropriate for the work which he allotted to them. Then Congress provided for them by law, and has done so in two successive appropriation bills.

Mr. SMITH of South Carolina. Since the tariff legislation has passed the officers have remained, and the appropriation is necessary?

Mr. LODGE. Some of these officers were undoubtedly covered by that appropriation.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I do.

Mr. BRISTOW. What duties in regard to the administration of the tariff law do these men perform or have they performed? Take the counselor for the Department of State. Is he necessary in order to administer the maximum and minimum provisions of the tariff act, and is that his duty?

Mr. LODGE. No; but he is about the most useful officer in that department.

Mr. BRISTOW. But what right has the Secretary to get an appropriation for one purpose and use it for another?

Mr. LODGE. I understand the Secretary of State has not done so. That office was created by an act of Congress.

Mr. BRISTOW. But the explanation, as I understand, is that an appropriation of a hundred thousand dollars was made to enable the Secretary of State to administer the maximum and minimum provisions of the tariff law.

Mr. LODGE. And he selected a gentleman whom he called the counselor for the department, who had charge of the negotiations under the maximum and minimum provisions which were carried on with about all the countries of the world.

Mr. BRISTOW. That is true; but that work is done now.

Mr. LODGE. That work is done.

Mr. BRISTOW. And now it is proposed to make the office a permanent position.

Mr. LODGE. It has been a permanent position for two years.

Mr. BRISTOW. Was the resident diplomatic officer also needed?

Mr. LODGE. That officer was proposed before Mr. ROOT went out of office.

Mr. BRISTOW. But the office was not created before that time, was it?

Mr. LODGE. No; the officer was paid from this fund, which was directly appropriated.

Mr. BRISTOW. He had nothing to do with the administration of the maximum and minimum provisions, had he?

Mr. LODGE. I understand that the office was created for that purpose.

Mr. BRISTOW. What I want to learn is, by what authority does the Secretary of State now use a fund appropriated for one purpose for another purpose entirely foreign to the purpose for which the money was appropriated?

Mr. OVERMAN. I call the attention of the Senator to the fact that, although that was recommended by Secretary ROOT, Congress declined to do it, and, then, as I understand——

Mr. LODGE. The undersecretary was refused by Congress, but that was not recommended by Mr. ROOT.

Mr. OVERMAN. We did not appropriate for the diplomatic agent either until this $100,000 was appropriated. Then he was provided for out of that lump sum.

Mr. LODGE. He was paid from a lump sum.

Mr. OVERMAN. Yes.

Mr. BRISTOW. Which was without authority of law, was it not?

Mr. LODGE and Mr. SMOOT. No.

Mr. BRISTOW. He had nothing to do with the administration of the maximum and minimum provisions of the tariff act.

Mr. SMOOT. That is not all that appropriation was made for. The Senator has misunderstood the provision of the law. If the Senator will take the tariff act of 1909, and refer to section 2 of that act, he will find the requirements under that act, which imposed upon the President of the United States duties regarding our relations with foreign countries not only as to the maximum and minimum provisions, but as to the laws relating to the enforcement of tariff legislation, and so forth. Then there occurs this provision:

> To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

That is what the appropriation of the lump sum of $100,000 was made for.

Mr. BRISTOW. It may be perfectly plain and clear to the Senator from Utah, but to my mind it is a flagrant misappropriation of the public money. I can not put any other construction upon it. This money was not appropriated for the purpose for which it has been expended.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield to the Senator.

Mr. CUMMINS. I am not nearly so much interested in the original appropriation as I am in discovering whether the Government at this time needs these officers and whether the compensation provided here is a fair compensation. I am sure that the Senator from Massachusetts will say that under an appropriation such as was made in 1909 there would be no authority to create these offices. The work was done by three members of a Tariff Board concerning which we have——

Mr. LODGE. Oh, no.

Mr. CUMMINS. Well, Mr. President, I am sure a large part of it was.

Mr. LODGE. If the Senator will allow me, I know he is mistaken.

Mr. CUMMINS. I know the Senator from Massachusetts is mistaken.

Mr. LODGE. Wait one moment.

Mr. CUMMINS. A large part of the work of applying the maximum and minimum provisions of the tariff act was done by the members of the Tariff Board.

Mr. LODGE. Now, Mr. President, if the Senator will allow me one moment——

Mr. CUMMINS. I may be wrong; and if the Senator from Massachusetts can convince me, it is all right.

Mr. LODGE. Not only was it not in the hands of the Tariff Board, but the State Department would not employ the Tariff Board on it, and refused to admit them to participation in the work. It was only by direction of the President that they were consulted.

Mr. CUMMINS. Will the Senator from Massachusetts, then, say by what authority the President appointed these men?

Mr. LODGE. Under the direct authority that he was given to employ such persons as were required for this work. This appropriation has nothing to do with the Tariff Board.

Mr. CUMMINS. The Senator from Massachusetts is rapidly getting into contact with the Tariff Board.

Mr. LODGE. No. Mr. President, this relates to foreign trade relations. The Tariff Board has nothing to do with foreign trade relations. The Tariff Board was created by Congress to investigate the question of labor cost. The Bureau of Trade Relations was created in order to make our treaty arrangements conform to the maximum and minimum provisions.

Mr. CUMMINS. On the contrary, if the Senator from Massachusetts will permit me, the Tariff Board was appointed when there was not a word of authority with respect to ascertaining the difference in the labor cost here and abroad. It was appointed solely to apply the maximum and minimum provisions of the tariff law of 1909, and it was appointed under the language quoted by the Senator from Utah, and which I beg to quote again:

To secure information to assist the President in the discharge of the duties imposed upon him by this section—

That is the maximum and minimum section—

and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

And he employed Prof. Emery, Mr. Reynolds, and Mr. Sanders to do that work under the act of 1909. I know very well that the State Department assisted them in the work; they had to do so; but the Senator from Massachusetts can hardly maintain the proposition that the Tariff Board, or what is called the Tariff Board now, was not appointed under the $100,000 appropriation of which he has spoken. There was no appropriation for the so-called Tariff Board in 1909. I appeal to the Senator from Massachusetts to know if that be not true?

Mr. LODGE. The Tariff Board was undoubtedly paid from that appropriation the first year, but after that there was a separate appropriation. I am speaking now, Mr. President, of the conduct of negotiations in regard to the maximum and minimum provisions, with which I think I am fairly familiar. I know that that work was taken in hand by the State Department; and, greatly to my regret, it was with the utmost difficulty that they could get the State Department to consult the Tariff Board at all, and it was finally consulted only upon the order of the President. The State Department wished to have complete control of that matter.

Mr. CUMMINS. But, Mr. President, the State Department has no jurisdiction whatever over it.

Mr. LODGE. There I beg to differ from the Senator.

Mr. CUMMINS. It was given by this act to such persons as the President might employ for that purpose. I have been advised by one of the members of the board that he visited Canada and entered into negotiations with the Dominion of Canada in order to smooth away some of the difficulties that had arisen with Canada respecting the application of the maximum and minimum features of our law; and I am sure that he spent a very considerable time there in order to avoid a conflict which seemed likely to arise. I believe that one of the members of this board also visited Europe for a similar purpose, although I am not so well advised with regard to that. But I did not really rise to ask that question of the Senator from Massachusetts. I know that all these matters were provided for the year afterwards, and that these officers were estimated and appropriated for. If there ever was a mistake made, we have probably condoned it, and I do not care whether the Secretary of State had authority to do these things or not, so far as the present discussion is concerned. In creating a bureau in the State Department I assume that all these men are necessary. I have no reason to doubt that they are; I know nothing about it, and I accept the judgment of the committee with respect to their work and the necessity for their work; but I do not like the practice in an appropriation bill of attempting to describe the character of the work which they are to perform with such particularity as is contained in this bill. For instance, the amendment reads:

Eight officers to aid in important drafting work—

They are not officers in any sense of the word; I do not know whether their compensation is too much or too little.

Four, at $3,000 each, to be appointed by the Secretary of State——

Mr. LODGE. "And to be employed"——

Mr. CUMMINS. That is what I object to—

and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations.

We have given the Secretary of State certain power and we have imposed upon him certain duties. Whatever the Secretary of State has a right to do under the law respecting the tariff, respecting treaties, respecting trade relations and negotiations, I am willing that he shall do, and I am willing that he shall be equipped with an ample force to enable him to do his work, but I do not want to see an appropriation bill passed, if I can help it, that confers upon him authority that he does not now possess. I do not know whether this bill does so, but I am unwilling to venture upon that field, and so later on——

Mr. WARREN. Will the Senator allow me right there?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I am interrupting the Senator from Massachusetts, I believe.

Mr. WARREN. I will then ask the Senator from Massachusetts to yield to me.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. We might as well keep in view what the Senator stated in the opening of his remarks. The question is whether or not the Secretary of State needs these officers and employees. The Secretary of State and the assistant secretaries were before our committee, and they made it very plain, at least they made it plain to me and I think to others of the committee, that they did need these officers. We did not have any idea of their meddling with the customs tariff as such, but the provision here, "and to be employed upon tariff, treaty, and trade relations and negotiations," refers to agreements between countries which necessarily must have some connection with the tariff.

Mr. CUMMINS. What is the necessity of describing what these men shall do?

Mr. WARREN. There may be none, but that provision has been in the law; and if it is an error, it can be corrected by striking out the superfluous language.

Mr. CUMMINS. It was not in the law until very recently.

Mr. WARREN. Oh, yes; it was authorized in an appropriation act.

Mr. CUMMINS. Last year.

Mr. WARREN. Going back a little, there has been a great deal said about a hundred thousand dollar appropriation. The original appropriation was $75,000, and whatever authorization then was granted the addition carried in the next act included more matters upon which these employees should be engaged and provided more money. Then followed various appropriation acts in which was stated specifically the manner in which they should be employed. The language may be distasteful to the Senator, but if he thinks that they are employed on the ordinary work of the tariff, as the Finance Committee is, he should dismiss that idea from his mind.

Mr. CUMMINS. I want the Secretary of State to do whatever he may lawfully do with respect to the tariff, and I do not want to extend his authority through an appropriation bill.

Mr. WARREN. If I may add merely another word, as the Senator will see, the amendment also provides:

For meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340.

The $25,340, of course, comes out of the $100,000 appropriation.

Mr. CUMMINS. I have the same objection to that, and at the proper time I intend to move to strike some of it out. I do not intend to interfere with these men or with their salaries, for I do not know whether they are needed or not; but I do know that, under the act of 1909, the Secretary of State has no duties to perform. I know that the President was authorized or directed to employ certain persons to do certain work under that act; but he does not employ the Secretary of State for that purpose—that is not a very good term to describe the relations of the President to the Secretary of State. The President was authorized directly in the act of 1909 to do the work contemplated by that act, and I do not want to confuse the work of the Tariff Board and the office of the Secretary of State; and I hope the Senator from Massachusetts, who is very familiar with our foreign relations, and the Senator from Wyoming, who is interested, I suppose, only in maintaining the department in full vigor, will consider the question of whether we ought to attempt to define duties or enlarge powers in an appropriation bill.

Mr. LODGE. Mr. President, in reply, first, to what the Senator said last, of course the $100,000 covered the matter of the maximum and minimum provisions of the tariff act, but they involved our trade relations with every country with which we have treaties of commerce and friendship. Of course, there was but one person through whom those negotiations could be conducted, and that person was the Secretary of State. Necessarily, anything of that sort, involving the modification of treaties, would have to be carried on through the Secretary of State.

Mr. CUMMINS. May I remind the Senator from Massachusetts of the fact that the act of 1909 had nothing to do with the treaties? It authorized nobody to make a treaty nor to invite a treaty; it simply provided a certain penalty for discrimination.

Mr. LODGE. If the Senator will allow me, perhaps I had better explain all that in detail, as I understand it. The maximum and minimum provisions fixed certain rates at which imports should come into this country, dependent on the rates accorded or the treatment of certain of our products by foreign countries. If foreign countries did not make a satisfactory arrangement with us on those points, then one set of duties went into effect; if they did make those arrangements with us, then the other set of duties went into effect. It was absolutely impossible to come to any conclusion as to whether the maximum or minimum tariff was to go into effect, except by ascertaining what the foreign country was ready to do, and we can communicate with foreign countries to find out what they are ready to do on the tariff or any other subject only through the established organ, which is the State Department.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Certainly.

Mr. JOHNSTON of Alabama. I see that the paragraph which concludes on page 36 provides for an increased appropriation of $83,000.

Mr. LODGE. That was the exact amount by which the appropriations of last year were reduced.

Mr. JOHNSTON of Alabama. The House put in nothing for the purposes covered by the Senate amendment?

Mr. LODGE. The House cut off what was appropriated last year for these purposes.

Mr. JOHNSTON of Alabama. For the special officers enumerated here?

Mr. LODGE. Yes. They were all enumerated in the law last year.

Coming to the other question of which the Senator first spoke, and which I agree with him is the essential question in this matter, I approach this subject entirely from the point of view of the Committee on Foreign Relations. I am not on the Committee on Appropriations; I never have served upon it, and I know nothing about it from that standpoint; but I can speak from personal knowledge of the work done by the officers named here. I know of my own knowledge that the Director of the Consular Service and the counselor for the Department of State are exceedingly necessary. There is no one who does more work or more important work than the counselor for the Department of State, who, according to the provision, is to be appointed by the President.

In regard to the resident diplomatic officer I do not profess to be able to explain. I suppose the committee understands what his work is and all that; I frankly say I do not know.

Mr. CUMMINS. May I help the Senator from Massachusetts a little on that point?

Mr. LODGE. I know the intention, but I do not know the exact work he does.

Mr. CUMMINS. Mr. Dawson, who died two weeks ago, was the resident diplomatic officer. I happen to have known him from his childhood. He entered the Diplomatic Service something like 18 years ago, and became most familiar with all our relations with the South American and Central American States.

Mr. LODGE. He was a very valuable man.

Mr. CUMMINS. He became an expert on all these subjects, and was employed by the State Department to take up all matters that might arise between our country and especially the Central American and South American Republics, to negotiate upon them, and to preserve the good relations which we hope always to preserve between those countries and the United States. He was a very faithful, a very efficient, and I think a most successful officer, and I believe he earned all the salary the country ever paid him.

Mr. LODGE. Mr. President, the Senator will surely understand that in what I was saying I did not refer to Mr. Dawson. I know what an admirable man he was, how highly trained he was, and what fine work he was capable of doing, and did. I had the pleasure of knowing him myself. My point is this: We have a division of Latin-American affairs. At the head of that division there ought to be a man as nearly as possible of the character I have described. What the resident diplomatic officer does as an officer is what I do not understand. I know what Mr. Dawson did and what he did very well; but it is work that it seems to me ought to come under the division of Latin-American affairs.

Those divisions have been of the greatest possible use. It was impossible to conduct our relations without some reorganization of a division of that sort. To have them all jumbled up in the hands of one man who could not possibly carry them on had become intolerable. The Bureau of Trade Relations has been of the greatest possible value to our business interests. It is in regard to that that I have heard from business associations all over the country, and it would be a real misfortune to have that Bureau of Trade Relations crippled in any way.

I do not believe myself that it belongs to the Department of Commerce and Labor. I do not think you can mix up the business of our foreign relations with domestic matters. It is perfectly easy to have them furnish all that is necessary for the Bureau of Statistics, but I do believe that in our foreign-trade relations nothing could be better or more important than the work these officers are doing. I am speaking without any personal feeling, but merely in regard to the performance of the public duties and the doing of the public work, and to do that I am certain that they are all needed.

Mr. OVERMAN. Mr. President, in rising I desire to call the attention of the Senate to this paragraph, in connection with the matter the Senator was last talking about. Incidentally I referred to heads of departments appointing men from lump sums. I believe it ought to be condemned. It ought not to be allowed. I not only speak of this department as we go along, but I am going to show what is done in some other departments.

Mr. LODGE. If the Senator will allow me, he did not understand me as defending the lump-sum system?

Mr. OVERMAN. Not at all.

Mr. LODGE. I do not. I think it is a bad system.

Mr. OVERMAN. I only stated that in passing. I said I did not disagree as to some of the salaries; but I want to inform the Senate that these bureaus in the State Department and in other departments have been by the House of Representatives consolidated into one great department. Secretary Nagel comes here and agrees, and it seems to me that everybody else except the Secretary of State has agreed, that the thing to do is to put them in the Department of Commerce and Labor and to consolidate them in one great department. It would save a great amount of money for the Government, instead of duplicating

the work, by having one department here and another there. For example, on examining the Secretary of State, he said to me, "Senator OVERMAN, I have shown your people how to bale cotton. I have sent photographs down in your country showing how to do it." I said, "Mr. Secretary, the Secretary of Commerce and Labor and the Department of Commerce and Labor have done the same thing; they have sent photographs down there and taught our people how to bale cotton, and have sent their agents down there, and that has been of great value to us; but why duplicate it, why have your department doing one thing and the Department of Commerce and Labor doing the same thing?" That is what I complain of, and that is the reason why the House of Representatives consolidated the work in one great department.

Mr. WARREN. I simply wanted to put in the RECORD the fact that having in view the abuse of lump sums, I think it would be very hard, even in a tariff bill from another committee, to have provided a lump sum which was supposed to continue, for the language of the original law reads:

And a detailed statement of all expenditures under this provision shall be made to Congress at its next session.

The intention being, of course, to take it up specifically.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 6, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 5, 1912.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

The following-named first lieutenants of the Medical Reserve Corps were appointed as first lieutenants in the Medical Corps of the Army of the United States, with rank in each case from the date specified after the officer's name:

Neal Naramore Wood, from April 26, 1912, vice Capt. Jay Ralph Shook, promoted.

William Bertram Meister, from April 27, 1912, vice Capt. William E. Vose, promoted.

Harry Rex McKellar, from April 28, 1912, vice Capt. Frank T. Woodbury, promoted.

Howard Lane Hull, from April 29, 1912, vice Capt. Harry H. Rutherford, promoted.

Leeson Oren Tarleton, from April 30, 1912, vice Capt. Ernest L. Ruffner, promoted.

Shelley Uriah Marietta, from May 1, 1912, vice Capt. William Brooke, promoted.

Harry Hill Van Kirk, from May 2, 1912, vice Capt. Charles N. Barney, promoted.

Robert Skelton, from May 3, 1912, vice Capt. Eugene R. Whitmore, promoted.

Omar Heinrich Quade, from May 4, 1912, vice Capt. Patrick H. McAndrew, promoted.

Thomas Ewing Scott, from May 5, 1912, vice Capt. Charles Y. Brownlee, promoted.

Morris Hirshfield Boerner, from May 6, 1912, vice Capt. John A. Murtagh, promoted.

Harry Hoagland Blodgett, from May 7, 1912, vice Capt. George M. Ekwurzel, promoted.

Alfred Parker Upshur, from May 8, 1912, vice Capt. Gideon McD. Van Poole, promoted.

Thomas Everette Harwood, jr., from May 9, 1912, vice Capt. William W. Reno, promoted.

Philip Barry Connolly, from May 10, 1912, vice Capt. Carroll D. Buck, promoted.

Samuel Jay Turnbull, from May 11, 1912, vice Capt. George H. R. Gosman, promoted.

Michael Andrew Dailey, from May 12, 1912, vice Capt. Conrad E. Koerper, promoted.

Leopold Mitchell, from May 13, 1912, vice Capt. John H. Allen, promoted.

Adna Godfrey Wilde, from May 14, 1912, vice Capt. Robert U. Patterson, promoted.

Frederick Caesar Augustus Kellam, jr., from May 15, 1912, vice Capt. Roderic P. O'Connor, promoted.

Johnson Francis Hammond, from May 16, 1912, vice Capt. Robert E. Noble, promoted.

John George Ingold, from May 17, 1912, vice Capt. James W. Van Dusen, promoted.

Alvin Charles Miller, from May 18, 1912, vice Capt. Roger Brooke, promoted.

Chester Raymond Haig, from May 19, 1912, vice Capt. Wallace De Witt, promoted.

John Holmes Trinder, from May 20, 1912, vice Capt. Robert M. Thornburgh, promoted.

William Eugene Hall, from May 21, 1912, vice Capt. Robert B. Grubbs, promoted.

Hew Bernard McMurdo, from May 22, 1912, vice First Lieut. Bernard S. Gostin, honorably discharged June 17, 1910.

Thomas Ward Burnett, from May 23, 1912, vice Capt. Leon P. Le Wald, resigned September 25, 1910.

Kerwin Weldman Kinard, from May 24, 1912, vice Capt Verge E. Sweazey, retired from active service December 27, 1910.

Robert Morris Hardaway, from May 25, 1912, vice Capt. Matthew A. De Laney, promoted.

John Wesley Sherwood, from May 26, 1912, vice Capt. Horace D. Bloombergh, promoted.

Guy Logan Qualls, from May 27, 1912, vice Capt. Paul S. Halloran, promoted.

James Ernest Baylis, from May 28, 1912, vice Capt. Kent Nelson, promoted.

Charles Ruby Castlen, from May 29, 1912, vice Capt. Peter C. Field, promoted.

Douglas Willx McEnery, from May 30, 1912, vice Capt. Herbert G. Shaw, promoted.

John William Meehan, from May 31, 1912, vice Capt. Louis Brechemin, jr., promoted.

Charles Moore Walson, from June 1, 1912, vice Capt. Clement C. Whitcomb, promoted.

PROMOTIONS IN THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, each of the officers named herein is to be placed on the retired list of the Army with increased rank from the date on which he shall be retired from active service.

Col. James N. Allison, Assistant Commissary General, with the rank of brigadier general.

Maj. Daniel W. Arnold, quartermaster, with the rank of lieutenant colonel.

CAVALRY ARM.

First Lieut. Hamilton Bowie, Ninth Cavalry, to be captain from May 30, 1912, vice Capt. John W. Moore, First Cavalry, retired from active service May 29, 1912.

FIELD ARTILLERY.

Second Lieut. Truby C. Martin, Fifth Field Artillery, to be first lieutenant from May 31, 1912, vice First Lieut. Fred T. Cruse, First Field Artillery, detached from his proper command.

COAST ARTILLERY CORPS.

Second Lieut. Jason McV. Austin, Coast Artillery Corps, to be first lieutenant from May 30, 1912, vice First Lieut. Ellery W. Niles, detached from his proper command.

INFANTRY ARM.

Maj. Joseph P. O'Neil, Thirtieth Infantry, to be lieutenant colonel from May 30, 1912, vice Lieut. Col. Henry C. Cabell, Fourteenth Infantry, retired from actice service May 29, 1912.

UNITED STATES DISTRICT JUDGE.

J. Whitaker Thompson, of Pennsylvania, to be United States district judge for the eastern district of Pennsylvania, vice John B. McPherson, appointed circuit judge, third circuit.

UNITED STATES ATTORNEY.

John C. Swartley, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania, vice J. Whitaker Thompson, nominated to be judge for the eastern district of Pennsylvania.

RECEIVER OF PUBLIC MONEYS.

Robert H. Sims, of New Mexico, to be receiver of public moneys at Las Cruces, N. Mex. (Reappointment after change from Territory to State.)

REGISTER OF THE LAND OFFICE.

Jose Gonzales, of New Mexico, to be register of the land office at Las Cruces, N. Mex. (Reappointment after change from Territory to State.)

POSTMASTERS.

ARIZONA.

Charles E. Dermont to be postmaster at Metcalf, Ariz., in place of Charles E. Dermont. Incumbent's commission expired May 22, 1912.

Claus V. Meeden to be postmaster at Yuma, Ariz., in place of Russell H. Chandler. Incumbent's commission expired May 22, 1912.

William M. Newell to be postmaster at Mesa, Ariz., in place of William M. Newell. Incumbent's commission expired May 26, 1912.

ARKANSAS.

George F. Puska to be postmaster at Waldo, Ark., in place of Mattie C. De Vaughan. Incumbent's commission expired April 28, 1912.

DELAWARE.

William T. Bradley to be postmaster at Felton, Del., in place of Joseph M. Harrington. Incumbent's commission expired May 14, 1912.

FLORIDA.

Alexander McDougall to be postmaster at Tallahassee, Fla., in place of John McDougall, deceased.

INDIANA.

Frank Daly to be postmaster at Lynn, Ind., in place of Frank Daly. Incumbent's commission expired April 13, 1912.

Willis P. McCormick to be postmaster at Knox, Ind., in place of Charles Laramore. Incumbent's commission expired March 11, 1912.

IOWA.

William C. Marsh to be postmaster at Aurelia, Iowa, in place of William C. Marsh. Incumbent's commission expired January 29, 1912.

KENTUCKY.

Ransom B. Martin to be postmaster at Hartford, Ky., in place of Musker L. Heavrin. Incumbent's commission expired March 24, 1912.

LOUISIANA.

J. Ernest Breda to be postmaster at Natchitoches, La., in place of Richard H. Aby, deceased.

MICHIGAN.

James Garnsey to be postmaster at Mayville, Mich., in place of William J. Ingersoll. Incumbent's commission expired April 22, 1912.

MISSISSIPPI.

Georgia A. McCuen to be postmaster at Brookville, Miss., in place of Lou J. Hall. Incumbent's commission expired April 28, 1912.

MISSOURI.

Charles L. Gray to be postmaster at Carterville, Mo., in place of Charles L. Gray. Incumbent's commission expired March 10, 1912.

Albert F. Huggins to be postmaster at Shelbina, Mo., in place of Albert F. Huggins. Incumbent's commission expired March 11, 1912.

John J. Sleight to be postmaster at Montgomery City, Mo., in place of George E. Muns. Incumbent's commission expired May 27, 1912.

W. H. P. Walkenhorst to be postmaster at Concordia, Mo., in place of William F. Walkenhorst. Incumbent's commission expired March 10, 1912.

NEW YORK.

Byron Clearwater to be postmaster at Highland, N. Y., in place of Frank F. Simpson. Incumbent's commission expired May 26, 1912.

William R. Crawford to be postmaster at Warsaw, N. Y., in place of William Watson. Incumbent's commission expired May 22, 1912.

OHIO.

Clayton H. Bishop to be postmaster at Centerburg, Ohio, in place of Clayton H. Bishop. Incumbent's commission expired May 16, 1912.

Mary M. Carey to be postmaster at Lexington, Ohio, in place of Mary M. Carey. Incumbent's commission expired April 22, 1912.

George E. Flora to be postmaster at Mount Healthy, Ohio, in place of George E. Flora. Incumbent's commission expired May 16, 1912.

John McGuff to be postmaster at Creston, Ohio, in place of John McGuff. Incumbent's commission expired April 30, 1912.

H. A. Shafer to be postmaster at Navarre, Ohio, in place of H. A. Shafer. Incumbent's commission expired May 22, 1912.

John M. Washington to be postmaster at Sabina, Ohio, in place of John M. Washington. Incumbent's commission expired April 29, 1912.

OKLAHOMA.

C. S. Cannady to be postmaster at Madill, Okla., in place of Lyman F. Beard. Incumbent's commission expired March 10, 1912.

SOUTH DAKOTA.

Timothy Norton to be postmaster at Armour, S. Dak., in place of Ernest E. Edwards. Incumbent's commission expired May 22, 1912.

VIRGINIA.

John S. Bateman to be postmaster at Crozet, Va. Office became presidential October 1, 1911.

James Carter to be postmaster at Chatham, Va., in place of James Carter. Incumbent's commission expired March 2, 1911.

Roger G. Dyson to be postmaster at North Emporia, Va., in place of Roger G. Dyson. Incumbent's commission expired May 20, 1912.

Richard R. Farr to be postmaster at Fairfax, Va., in place of Richard R. Farr. Incumbent's commission expired May 20, 1912.

Samuel R. Gault to be postmaster at Scottsville, Va., in place of Samuel R. Gault. Incumbent's commission expired February 4, 1912.

Roy T. Hart to be postmaster at Buena Vista, Va., in place of James M. Updike. Incumbent's commission expired April 21, 1912.

J. Minor Haynes to be postmaster at Cambria, Va., in place of Archie W. Moses. Incumbent's commission expired May 20, 1912.

John H. Ingram to be postmaster at Charlotte Court House, Va., in place of John H. Ingram. Incumbent's commission expired May 20, 1912.

Charles P. Smith to be postmaster at Martinsville, Va., in place of Charles P. Smith. Incumbent's commission expired February 5, 1910.

William T. Tiller to be postmaster at Emporia, Va., in place of William T. Tiller. Incumbent's commission expired May 20, 1912.

WISCONSIN.

James E. Parry to be postmaster at Florence, Wis., in place of James E. Parry. Incumbent's commission expired May 23, 1912.

George C. Seemann to be postmaster at Boscobel, Wis., in place of August J. Seemann. Incumbent's commission expired May 14, 1912.

John H. Wall to be postmaster at Highland, Wis., in place of John H. Wall. Incumbent's commission expired May 14, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 5, 1912.

SECRETARIES OF LEGATIONS.

Alexander R. Magruder to be secretary of the legation at Lima, Peru.

Roland B. Harvey to be secretary of the legation at Santiago, Chile.

COLLECTOR OF CUSTOMS.

Cornelius O'Keefe to be collector of customs for the district of Arizona.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Frederick J. Birkett to be a third lieutenant.

REGISTER OF THE LAND OFFICE.

Frank C. Bramwell to be register of the land office at La Grande, Oreg.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Lewis V. Greer to be second lieutenant of Infantry.

Second Lieut. John F. Wall to be second lieutenant of Cavalry.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. William T. Littebrant to be major.

First Lieut. Richard B. Going to be captain.

COAST ARTILLERY CORPS.

Second Lieut. George F. Moore to be first lieutenant.

Second Lieut. Roy R. Lyon to be first lieutenant.

CHAPLAIN.

Chaplain Simon M. Lutz to be chaplain with the rank of captain.

INFANTRY ARM.

Capt. John L. Hines to be major.

First Lieut. A. Owen Seaman to be captain.

POSTMASTERS.

CALIFORNIA.

Charles C. Cockley, Calexico.

FLORIDA.

Roy S. Hanna, St. Petersburg.

INDIANA.

John W. Call, Gary.
James F. Carson, Hebron.
Eugene F. Cummings, Cannelton.
Charles Hosford, Cayuga.

KANSAS.

Theodore C. Conklin, Mulvane.

MASSACHUSETTS.

Gertrude L. Campbell, North Grafton.

MICHIGAN.

Ellsworth C. Corbett, Reading.
Montague W. Ripley, Montague.
Charles N. Spear, Pittsford.

MISSOURI.

Edward Gloshen, Mercer.
Frank A. Hardin, Cabool.
William H. Howe, Hardin.
James E. Nichols, Breckenridge.

NEW MEXICO.

T. V. Shelpman, Nara Visa.

NORTH DAKOTA.

George F. Abelein, Anamoose.
Iver O. Fosse, Mayville.

PENNSYLVANIA.

William L. Buchanan, Sagamore.
Albert M. Ehart, Wayne.
Caroline E. Hall, Swarthmore.
John Leyshon, Farrell (late South Sharon).

SOUTH CAROLINA.

W. J. Adams, Dillon.
Alonzo T. Folger, Easley.

VERMONT.

Charles S. Forbes, St. Albans.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 5, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, draw us by Thy holy influence close to Thee, and make us conscious of Thy presence, that with clear perceptions, high ideals, and noble endeavors we may do justly, love mercy, and walk humbly with our God, and thus satisfy the longings of our own hearts and reflect glory upon the God of our salvation. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 5815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. BURTON, and Mr. NEWLANDS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 97) authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

The message also announced that the Senate had passed the following resolutions (S. Res. 328):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELBERT H. HUBBARD, late a Representative from the State of Iowa.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

In compliance with the foregoing, the Vice President had appointed as said committee Mr. CUMMINS, Mr. KENYON, Mr. OVERMAN, Mr. BORAH, Mr. SHIVELY, Mr. CRAWFORD, Mr. GRONNA, and Mr. HITCHCOCK.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6848. An act authorizing the Cooper River Corporation, organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross, and to erect temporary structures in Potomac Park, Washington, D. C.

LEAVE OF ABSENCE.

Mr. BARTHOLDT, by unanimous consent, was granted leave of absence for two weeks, on account of important business.

EIGHT-HOUR LAW.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9061) known as the eight-hour bill, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to take from the Speaker's table the bill which the Clerk will report, and to concur in the Senate amendments.

The Clerk read the title of the bill, as follows:

An act (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have the amendments reported, or a very brief statement made as to them.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Pennsylvania particularly, first, in reference to the amendment which affects the purchase of those goods which can be bought in the open market, whether made to conform to specifications or not? There was a change. I noted it when it went through the Senate, but I could not quite catch the point.

Mr. WILSON of Pennsylvania. Mr. Speaker, the only change that there is in the Senate amendment is a transposition in the language. It is transferred from one portion of the bill to another portion of the bill, and does not materially affect it. It is the same language.

Mr. MANN. That is the point. I am not certain whether it materially affects it or not. When you take language out of one place in a bill and insert it in another place for the purpose, as expressed, of making a change, I think we ought to know what the change is that is effected.

Mr. WILSON of Pennsylvania. Here is the language as it now reads:

That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or—

And this is where the transposition takes place—

for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for materials—

And then it goes on to use the same language.

Mr. MANN. Has the gentleman just read the language where the Senate inserted it, or as it was in the House bill?

Mr. WILSON of Pennsylvania. Where the Senate inserted it. As it was when it passed the House it was in the bill further on. At that point the language of the bill, eliminating the supplies part of it, is—

or for such materials or articles as may usually be bought in the open market, except armor and armor plate, whether made to conform to particular specifications or not.

And it seems to me that it makes it more clear and specific, and does not leave the possibility of the qualification applying only to armor plate.

Mr. MANN. Then, in the gentleman's opinion, with the Senate amendment it is perfectly plain that the law does not apply to goods which can ordinarily be purchased in the open market, whether they are made to conform to specifications or not?

Mr. WILSON of Pennsylvania. It does not.

Mr. MANN. I understand this excepts the Panama Canal until 1915, and special work on the Mississippi River.

Mr. WILSON of Pennsylvania. This excepts the Panama Canal or contracts on the Panama Canal until 1915, and excepts levees and revetments on the river work. In addition to that it does not change the provisions contained in the appropriation acts of 1906, where it was provided that the eight-hour act should not apply to alien employees on the Panama Canal, and it changes the date upon which the act shall go into effect to January 1 next, the presumption being that that is for the purpose of allowing those who are making bids to have an opportunity to make their establishments conform to the changed conditions.

Mr. MANN. One other question: I think this eight-hour bill was inserted as an amendment to the naval appropriation bill the other day.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. I suppose if these Senate amendments are agreed to, and this bill becomes a law, it is not the intention to have that amendment remain in the naval bill.

Mr. WILSON of Pennsylvania. As far as I am concerned, I can see only one use that that amendment would have on the naval bill, and that would be to take care of the interim between the time when this bill goes into effect and the time of the passage of the appropriation bill.

Mr. MANN. I know, but if you agree to the Senate amendments to this bill, then the two are not the same. That is what I am speaking of. It would not do to enact this law in this shape with the Senate amendments in it, and then enact the naval bill as it passed the House. If that becomes a law later, it will create confusion.

Mr. WILSON of Pennsylvania. If that is incorporated in the naval bill when it comes back here, it seems to me it ought to be changed to conform to this bill.

Mr. MANN. But we would not have the power to do that. We have no further control over a provision after it has been sent to the Senate, unless it is amended by the Senate.

Mr. WILSON of Pennsylvania. It seems to me when the bill comes from the Senate, if it still contains the eight-hour amendment, that amendment ought to be made to conform to this provision.

Mr. MANN. The gentleman probably would have some control over what might be done in the Senate to that amendment. But if the amendment which was inserted in the House should be agreed to in the Senate, in its present language, the House would have no further control over it. We could not change it, and somebody ought to see that that is made to conform to the amendments agreed to here.

Mr. HUGHES of New Jersey. As I understand, there is not very much danger of that being the situation.

Mr. MANN. I do not know. When you attempt to duplicate the same thing in two bills, you ought to be careful that they do not conflict.

Mr. HUGHES of New Jersey. Does the gentleman think there is anything in these amendments that we are trying to agree to now that would conflict with the character of work that the eight-hour bill applies to on the naval appropriation bill?

Mr. MANN. I was not here when that was agreed to, but I understood that the bill which passed the House was offered as an amendment to the naval bill. Is not that the case?

Mr. WILSON of Pennsylvania. That is the case.

Mr. MANN. So if we agreed to these changes proposed by the Senate to this bill, we ought not to insert the House bill into another law in the form in which it passed the House, without the Senate amendments, because that would get us into confusion.

Mr. HUGHES of New Jersey. I understand what the gentleman is after. Of course we all want to accomplish the same result.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. I move to concur in the Senate amendments.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business in order to-day under the rule.

The SPEAKER. The gentleman from New York moves to dispense with Calendar Wednesday for this day.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the House to the fact that this is the 5th day of June, and that the sundry civil bill (H. R. 25069), which is now before the House, contains 176 pages. I understood from the remarks made by the gentleman from Illinois [Mr. CANNON] yesterday that there were a number of items in the bill which he expected would be debated at considerable length, and to which amendments will be offered during the consideration. This bill should be sent to the Senate with as little delay as possible, in order to give the Senate committee an opportunity to consider the various matters connected with it, and to give the Senate itself some time to consider those matters before the end of the fiscal year. It has always taken considerable time to pass the bill in the House, and in view of the fact that we are now approaching what many Members hope are the remaining few weeks of the session, we are at least within the spirit of the rule which provides that during the last two weeks of the session Wednesday shall not be set aside specially for the business of Calendar Wednesday. It seems to me wise to ask the House at this time to permit consideration of the sundry civil bill and to proceed with the general debate thereon.

Mr. FOSTER. Mr. Speaker, I would like to inquire, if Calendar Wednesday should be dispensed with to-day, if the business in order to-day would come up on the next Calendar Wednesday?

The SPEAKER. It would. The bill that the gentleman has charge of would be considered as the unfinished business.

Mr. FOSTER. I am quite anxious to get this bill disposed of, and yet I realize that there is a great deal of business in the House that needs to be attended to if we are to adjourn anywhere within the next three weeks, and I shall not oppose the motion.

Mr. MANN. Mr. Speaker, while Calendar Wednesday under the rules has not been entirely satisfactory, and while I think it would be possible to make a rule which would be satisfactory, I see no occasion at this time for dispensing with the rule. So far as the House is concerned, it would be quite competent for Congress to adjourn in 10 days, as far as the appropriation bills are concerned. I have seen the time in the House when the sundry civil appropriation bill was passed within two or three days, and the same can be done again by holding evening or night sessions, if there be any occasion for it; and if it would do any good, Members of the House would be quite willing to sit here at night if thereby we could get away from Washington by the middle of the month.

But up to date I have seen no great likelihood of an adjournment by the middle of the month. If it appears at the other end of the Capitol that we can get away at that time, we can dispose of our business here easy enough. I do not believe that we ought to set the precedent of dispensing with Calendar Wednesday. Under the rule which provides for Calendar Wednesday, while it is quite possible to call the Calendar of Committees on other days of the week, we all know that it has not been practicable to do so for a long time.

Gentlemen now seem to assume that they can pass important bills by placing them on the Unanimous Consent Calendar without consideration, and the gentleman from New York, if he dispenses with Calendar Wednesday to-day, will only add to that desire. We can dispose of the sundry civil appropriation bill in ample time, and meanwhile, if the gentleman believes that this is the last two weeks of the session, let him bring in a resolution for a final adjournment of Congress in two weeks and pass it through the House; and when they have done that they have a license, perhaps, to ask that Calendar Wednesday be dispensed with. But until that is done I do not think they have.

Mr. FITZGERALD. Permit me to say to the gentleman from Illinois that I do not believe that this side of the House proposes to bring in any resolution for adjournment until the differences between the two Houses on the appropriation bills are settled. If the gentlemen on that side imagine that by delaying consideration of this bill, or in any other way, they are going to make the House abandon the great reforms that they have sent to the Senate, they will find that they are mistaken.

Mr. MANN. Oh, I do not yield to the gentleman for a political speech; that is all buncombe.

Mr. FITZGERALD. It is not all buncombe, and the gentleman from Illinois will find it out.

Mr. MANN. That would have nothing to do with the adjustment of the matters in dispute between the House and the Senate. If the gentleman had brought in the sundry civil appropriation bill at the time it ought to have been brought in, a month ago, it would not be necessary now to ask for this suspension.

Mr. CANNON. Mr. Speaker——

The SPEAKER. On which side of this question is the gentleman from Illinois?

Mr. CANNON. I think on both. [Laughter.]

The SPEAKER. The reason that the Chair asked the question is that the rule provides for only five minutes' debate on a side. The gentleman from Illinois has used up the five minutes on his side, and the gentleman from New York has used three minutes, leaving two minutes remaining. If the gentleman from Illinois is on both sides of the question, the Chair will hear him for two minutes. [Laughter.]

Mr. CANNON. Mr. Speaker, I am quite in harmony with proceeding as rapidly as possible with the consideration of this bill. I suppose the motion would have been subject to a point of order.

Mr. FITZGERALD. Oh, no; it is in order under the rule.

Mr. CANNON. The rule for Calendar Wednesday?

Mr. FITZGERALD. Yes.

Mr. CANNON. Yes; it takes a two-thirds vote. I had forgotten for the moment. Now, a little bit on the other side.

Mr. FITZGERALD. But I suggest that the gentleman from Illinois has not said very much on this side. [Laughter.]

Mr. CANNON. A little bit on the other side. It should not be forgotten that this day is the day that by a vote of the House was specially dedicated to business that no constitutional question can interrupt, and yet I suppose two-thirds might dispense with it. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, there is on this side of the House an application for only one-half hour more of general debate on the sundry civil bill. I have been informed that several gentlemen on the other side desire to occupy more or less time. I desire to accommodate them, and I hoped we might be able to do so by utilizing to-day. If the gentleman does not care to occupy very much more time in general debate, then we can proceed to-morrow and not have very much time for general debate to-morrow.

The SPEAKER. The question is on the motion to dispense with Calendar Wednesday.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 72, noes 52.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to dispense with Calendar Wednesday.

The question was taken; and there were—yeas 96, nays 146, answered "present" 13, not voting 136, as follows:

YEAS—96.

Adair	Dickinson	Humphreys, Miss.	Reilly
Adamson	Dies	James	Richardson
Alexander	Dixon, Ind.	Johnson, Ky.	Rouse
Allen	Driscoll, D. A.	Johnson, S. C.	Rubey
Ayres	Fergusson	Konop	Russell
Beall, Tex.	Fitzgerald	Korbly	Sabath
Blackmon	Floyd, Ark.	Levy	Saunders
Boehne	Gallagher	Lloyd	Shackleford
Booher	Garner	McCall	Sherley
Brown	Gillett	McCoy	Sherwood
Burgess	Goldfogle	McDermott	Sims
Burke, Wis.	Good	McKellar	Sisson
Byrns, Tenn.	Gregg, Tex.	Mays	Stephens, Tex.
Carter	Hamlin	Moon, Tenn.	Stevens, Minn.
Callaway	Hardy	Morgan	Sweet
Candler	Harrison, Miss.	Morrison	Talcott, N. Y.
Catlin	Hay	Moss, Ind.	Taylor, Ala.
Claypool	Henry, Conn.	Needham	Thomas
Clayton	Hensley	Oldfield	Turnbull
Collier	Holland	Olmsted	Underhill
Covington	Houston	Page	Volstead
Doughterty	Howard	Patten, N. Y.	Wilson, N. Y.
Dent	Hughes, Ga.	Rasch	Witherspoon
Denver	Hughes, N. J.	Rodenberg	Young, Tex.

NAYS—146.

Aiken, S. C.	Bartlett	Burnett	Cary
Ainey	Bell, Ga.	Butler	Catlin
Ames	Bowman	Byrnes, S. C.	Copley
Anderson, Minn.	Buchanan	Campbell	Crumpacker
Anthony	Burke, S. Dak.	Carlin	Cullop
Austin	Burleson	Carter	Curley
Curry	Hardwick	Maguire, Nebr.	Sloan
Dalzell	Hayden	Martin, Colo.	Small
Davenport	Hayes	Martin, S. Dak.	Smith, J. M. C.
Davis, Minn.	Helgesen	Miller	Smith, Saml. W.
Dickson, Miss.	Henry, Tex.	Mondell	Smith, Tex.
Difenderfer	Higgins	Moon, Pa.	Speer
Dodds	Hill	Moore, Pa.	Steenerson
Donohoe	Howland	Morse, Wis.	Stephens, Cal.
Doremus	Hull	Mott	Stephens, Miss.
Driscoll, M. E.	Jackson	Murdock	Stephens, Nebr.
Dupré	Jacoway	Murray	Sterling
Edwards	Jones	Neeley	Stone
Ellerbe	Kahn	Nelson	Sulloway
Esch	Kinkaid, Nebr.	Norris	Sulzer
Estopinal	Knowland	O'Shaunessy	Switzer
Ferris	Konig	Palmer	Taggart
Finley	La Follette	Payne	Taylor, Colo.
Flood, Va.	Langham	Pepper	Taylor, Ohio
Fowler	Lee, Ga.	Peters	Thistlewood
French	Lee, Pa.	Powers	Townsend
Gardner, Mass.	Legare	Pray	Tribble
Goodwin, Ark.	Lenroot	Prouty	Vare
Gould	Lever	Rainey	Warburton
Graham	Lindbergh	Raker	Watkins
Green, Iowa	Linthicum	Rees	Weeks
Greene, Mass.	Longworth	Roberts, Mass.	Willis
Gregg, Pa.	McGillicuddy	Roberts, Nev.	Wilson, Pa.
Griest	McKenzie	Roddenbery	Wood, N. J.
Hamilton, Mich.	McKinney	Rodenberg	Young, Kans.
Hamilton, W. Va.	McLaughlin	Rothermel	
Hammond	Madden	Rucker, Colo.	

ANSWERED "PRESENT"—13.

Akin, N. Y.	Browning	Gray	Slemp
Andrus	Dyer	Haugen	
Bernhart	Foster	Mann	
Bradley	Gardner, N. J.	Slayden	

NOT VOTING—136.

Anderson, Ohio	Farr	Kitchin	Randell, Tex.
Ansberry	Fields	Kopp	Ransdell, La.
Ashbrook	Focht	Lafean	Reyburn
Barchfeld	Fordney	Lafferty	Riordan
Bartholdt	Fornes	Lamb	Robinson
Bates	Foss	Langley	Rucker, Mo.
Bathrick	Francis	Lawrence	Scully
Berger	Fuller	Lewis	Sells
Borland	Garrett	Lindsay	Sharp
Brantley	George	Littlepage	Sheppard
Broussard	Glass	Littleton	Simmons
Bulkley	Godwin, N. C.	Lobeck	Smith, Cal.
Burke, Pa.	Goeke	Loud	Smith, N. Y.
Cantrill	Gudger	McCreary	Sparkman
Clark, Fla.	Guernsey	McGuire, Okla.	Stack
Cline	Hamill	McHenry	Stanley
Connell	Hanna	McKinley	Stedman
Conry	Harris	McMorran	Talbott, Md.
Cooper	Harrison, N. Y.	Macon	Thayer
Cox, Ind.	Hartman	Maher	Tilson
Cox, Ohio	Hawley	Malby	Towner
Crago	Heald	Matthews	Tuttle
Cravens	Heflin	Moore, Tex.	Underwood
Currier	Helm	Nye	Utter
Danforth	Hinds	Padgett	Vreeland
Davidson	Hobson	Parran	Webb
Davis, W. Va.	Howell	Patton, Pa.	Wedemeyer
De Forest	Hughes, W. Va.	Pickett	Whitacre
Doughton	Humphrey, Wash.	Plumley	White
Draper	Kendall	Porter	Wickliffe
Dwight	Kennedy	Post	Wilder
Evans	Kent	Pou	Wilson, Ill.
Fairchild	Kindred	Prince	Woods, Iowa
Faison	Kinkead, N. J.	Pujo	Young, Mich.

So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FOSTER with Mr. KOPP.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. SLAYDEN with Mr. TILSON.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. LITTLETON with Mr. DWIGHT.

Mr. SHEPPARD with Mr. BATES.

Mr. STEDMAN with Mr. HANNA.

Mr. RANDELL of Texas with Mr. WOODS of Iowa.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. SPARKMAN with Mr. DAVIDSON (not transferrable).

Mr. THAYER with Mr. YOUNG of Michigan.

Mr. BROUSSARD with Mr. NYE.

Mr. BARNHART with Mr. MCKINLEY.

Mr. CONNELL with Mr. GARDNER of New Jersey.

Mr. GARRETT with Mr. FORDNEY.

Mr. HAMILL with Mr. WILSON of Illinois.

Mr. PUJO with Mr. MCMORRAN.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. DOUGHTON with Mr. DRAPER.

Mr. GODWIN of North Carolina with Mr. BARTHOLDT.

Mr. FRANCIS with Mr. HAWLEY.

Mr. GEORGE with Mr. HEALD.

Mr. GOEKE with Mr. HINDS.

Mr. GUDGER with Mr. HOWELL.

Mr. HEFLIN with Mr. HUGHES of West Virginia.

Mr. HELM with Mr. HUMPHREY of Washington.

Mr. KINDRED with Mr. KENDALL.

Mr. KINKEAD of New Jersey with Mr. KENT.

Mr. KITCHIN with Mr. LAFEAN.

Mr. LAMB with Mr. LAFFERTY.

Mr. LITTLEPAGE with Mr. MCCREARY.

Mr. LOBECK with Mr. MCGUIRE of Oklahoma.

Mr. MACON with Mr. MALBY.

Mr. MAHER with Mr. MATTHEWS.

Mr. PADGETT with Mr. PATTON of Pennsylvania.

Mr. POST with Mr. PLUMLEY.

Mr. POU with Mr. PICKETT.

Mr. ROBINSON with Mr. PRINCE.

Mr. SHARP with Mr. REYBURN.

Mr. SMITH of New York with Mr. SELLS.

Mr. STANLEY with Mr. SIMMONS.

Mr. TUTTLE with Mr. TOWNER.

Mr. WHITE with Mr. UTTER.

Mr. WICKLIFFE with Mr. VREELAND.

Mr. FAISON with Mr. FOCHT.

Mr. ANDERSON of Ohio with Mr. BURKE of Pennsylvania.

Mr. ANSBERRY with Mr. COOPER.

Mr. BATHRICK with Mr. CRAGO.

Mr. BRANTLEY with Mr. CURRIER.

Mr. BULKLEY with Mr. DE FOREST.

Mr. CLARK of Florida with Mr. DANFORTH.

Mr. CLINE with Mr. FARR.

Mr. COX of Ohio with Mr. FOSS.

Mr. CRAVENS with Mr. FULLER.

Mr. DAVIS of West Virginia with Mr. GUERNSEY.

Mr. EVANS with Mr. HARRIS.

Ending Saturday morning, June 8:

Mr. WEBB with Mr. WEDEMEYER.

Ending June 5:

Mr. ASHBROOK with Mr. HARTMAN.

From May 15 and ending two weeks hence:

Mr. CANTRILL with Mr. LOUD.

From May 29 and ending two weeks hence.

Mr. BORLAND with Mr. LAWRENCE.

Mr. BARNHART. Mr. Speaker, has the gentleman from Illinois, Mr. MCKINLEY, voted?

The SPEAKER. He is not recorded.

Mr. BARNHART. Mr. Speaker, I voted "aye," and I wish to withdraw my vote and vote "present."

The name of Mr. BARNHART was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and desire to withdraw my vote of "no" and answer "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

BUREAU OF MINES.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union. The unfinished business is the further consideration of the bill H. R. 17260, and the gentleman from Colorado [Mr. MARTIN] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17260, with Mr. MARTIN of Colorado in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

Mr. FOSTER. Mr. Chairman, in section 3, on line 2, there appears the words "and distribute." I think that it is proper, under the amendment passed in the legislative, executive, and judicial appropriation bill providing that these publications should be sent out from the Government Printing Office, that those words should be eliminated from the bill.

Mr. MANN. I did not hear what the gentleman stated.

Mr. FOSTER. This is at the top of the page, line 3, in reference to the words "and distribute."

Mr. MANN. What is the proposition?

Mr. FOSTER. What I want to get at is, if the provision of the legislative bill providing for the distribution of these publications at the Government Printing Office instead of from the different departments is passed, to conform with it I think these words ought to be eliminated.

Mr. MANN. The words "and distribute"?

Mr. AUSTIN. Why not let them remain, and if the House amendment prevails the Senate can strike them out of this bill?

Mr. FOSTER. I judge that is a provision of law that would be proper to apply to this.

Mr. MANN. I do not think there is any doubt section 2, which provides they shall disseminate information concerning certain things, gives them authority to distribute regardless of whether this is stricken out or not.

Mr. FOSTER. The provision in the legislative bill, if it becomes a law, will apply to all the departments of the Government.

Mr. MANN. I understand, but I do not think you will lose anything by striking out the words.

Mr. FOSTER. I do not think so, and that is the reason I think this ought to come out.

Mr. MANN. You would have to strike out the words "and distribute" and insert the word "and" before the word "publish."

Mr. FOSTER. Mr. Chairman, I move that the words "and distribute," page 3, line 2, be stricken from the bill and the word "and" inserted before the word "publish."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 1, page 3, by adding, after the word "prepare," the word "and"; and, page 3, line 1, strike out the words "and distribute."

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSTER. Certainly.

Mr. MILLER. The amendment to which the gentleman refers in a bill which the House has already passed has not yet become a law. Suppose the Senate should strike out that from the bill and the conferees should see fit to agree to that, and the House should adopt the report of the conferees, then the Bureau of Mines would be unable to get out that information.

Mr. MANN. Under section 2 they have authority now.

Mr. FITZGERALD. Every department of the Government is doing this same work, and there is no such language.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word, in order to ask in regard to the punctuation of section 3. I notice, for instance, in line 10, after the word "industries," there is a semicolon. In most places where they separate the different classes a comma is used. I do not care particularly about it, but it says, "The use of explosives and electricity"—that is a clause by itself—"safety methods and appliances," and "rescue and first-aid work in said industries." I rather think they ought to use a semicolon after the word "electricity," but I do not know it is important.

Mr. FOSTER. I believe it is all right as it is.

Mr. MANN. It is not well punctuated; there is no doubt about that. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 4. That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed in the mining, quarrying, metallurgical, or other mining industries; nor shall the director or any employee of said bureau have any personal or private interest in any mine or the products of any mine under investigation: *Provided*, That nothing herein shall be construed as preventing the employment by the Bureau of Mines in a consulting capacity or in the temporary investigation of special subjects, of any engineer or other expert whose principal professional practice is outside of such employment by said bureau.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, line 20, by striking out the word "mining" and inserting the word "mineral."

Mr. MANN. May I ask the gentleman what is the object of that amendment?

Mr. FOSTER. That applies to it more particularly, and I think it is a better word to use.

Mr. MANN. "Mining industry" is a common expression and "mineral industry" is an unusual expression.

Mr. FOSTER. Well, it is thought that covers the field better than the words "mining industries."

Mr. MANN. But we use everywhere in the census, in statistical work everywhere, the term "mining industries"; we do not use the term anywhere "mineral industry."

Mr. RUCKER of Colorado. What do they mine except minerals?

Mr. CANNON. Yes; over on section 2

Mr. MANN. I do not mean they do not use it in this bill.

Mr. BOWMAN. Will the gentleman yield? I think when that matter was up for consideration before the committee the suggestion was that it would cover quarrying as well as mining.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, lines 17 and 18, strike out the words: "With the approval of the Secretary of the Interior."

On page 3, line 20, after the word "industries," insert the words: "And with the approval of the Secretary of the Interior."

Mr. FITZGERALD. Mr. Chairman, I ask that that be reported again.

The amendment was again reported.

Mr. MANN. Is the gentleman willing to have the amendment divided so that it can be voted upon separately?

Mr. FOSTER. Certainly.

The CHAIRMAN. The question is on agreeing to the first amendment, in lines 17 and 18, to strike out the words "with the approval of the Secretary of the Interior."

Mr. FOSTER. I will state, Mr. Chairman, if this amendment is adopted, it would read:

Except for the health and safety of persons employed in mining, quarrying, metallurgical, or other mineral industries, and with the approval of the Secretary of the Interior.

It was thought that the changing of this language, striking it out above there, and inserting it below, makes it better sense than to leave it as it is now.

Mr. MANN. I think likely it changes the meaning.

Mr. FOSTER. It does not intentionally do it.

Mr. MANN. But the point is whether, after all, we shall permit the Bureau of Mines to engage in this private work. The provision "except with the approval of the Secretary of the Interior" inserted in either place permits the work to be performed in private mines.

Mr. FOSTER. It only provides for conditions of health and safety.

Mr. MANN. It provides for the health and safety of persons employed in all of these industries.

Mr. FOSTER. Yes, sir.

Mr. MANN. That permits anything to be done.

Mr. FOSTER. Oh, no. It says "except for the health and safety"——

Mr. FITZGERALD. What does the gentleman think is intended to be done under this provision?

Mr. FOSTER. I say this prohibits the Bureau of Mines or any employee thereof from going into any private property, except where it may be thought necessary, and be permitted by the mine owner, for improving the conditions of health.

Mr. FITZGERALD. The truth of the matter is, this is not intended to prohibit at all. This is intended to authorize, although it is put in a very awkward way.

Mr. FOSTER. No; it is not. It simply says they shall not go on any private property except for that purpose. It limits them to that purpose.

Mr. FITZGERALD. There is no authority now to permit.

Mr. MANN. Then the gentleman ought to be willing to strike the whole provision out, so that there will be no restriction to their going there.

Mr. FITZGERALD. They have no authority to go there now.

Mr. FOSTER. I will say to the gentleman from Illinois [Mr. MANN] that this is to meet the argument that this bureau is going on private property to do all sorts of work. This limits them to the going onto private property, with the approval of the Secretary of the Interior, to improve health conditions.

Mr. FITZGERALD. Why not strike the whole provision out?

Mr. FOSTER. I think it is better to have it in here so as to show the limitation.

Mr. MANN. I think my friend from New York [Mr. FITZGERALD] is correct.

Mr. FITZGERALD. I know what I am speaking about. I know what the purpose of this provision is, even if the gentleman from Illinois [Mr. FOSTER] does not.

Mr. FOWLER. It is a limitation.

Mr. FOSTER. I will say to the gentleman from New York [Mr. FITZGERALD] that I have great respect for his opinion on most matters, but I think in this case he is mistaken as to the idea of what it means. I do not think it goes beyond what it says.

Mr. FITZGERALD. I know very well what is meant by this provision——

Mr. FOSTER. I think I do, too.

Mr. FITZGERALD (continuing). And the purpose of it. And the reason and the purpose of why it is put in here is to enable the Bureau of Mines, at the instance of private individuals, to make a special examination of a particular mine for the latter's benefit.

Mr. FOSTER. Oh, no.

Mr. FITZGERALD. Oh, yes.

Mr. FOSTER. Oh, the gentleman is wrong.

Mr. FITZGERALD. I am not, because I had it from the lips of the head of the Bureau of Mines himself when I had occasion to investigate the operations of the bureau on other occasions.

Mr. FOSTER. The intention is to go into general conditions, into matters, for instance, with reference to eliminating coal dust and eliminating gases to better secure the safety of miners. Now, it might be necessary to go into a private mine and look up those conditions. The same condition might exist in stone quarries in reference to doing away with the dust that exists there, and also in metal mining.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes, sir.

Mr. MILLER. I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. Would his objection be removed if the words "in behalf of" were stricken out and there was inserted in their place the word "respecting," so that it would read "any investigation or operation respecting private property"?

Mr. FITZGERALD. Let me call the attention of the gentleman to the way this provision reads.

Mr. MILLER. It would reach the exact situation that the gentleman from Illinois [Mr. FOSTER] describes.

Mr. FITZGERALD. The first two sections of the bill describe the authority of the Bureau of Mines. The third section provides for the preparation and publication of reports. Now, the fourth section provides—

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except with the approval of the Secretary of the Interior.

If anybody can find in the preceding sections anything from which such authority might be inferred, I would be glad to have it pointed out. But this section, under the guise of limiting some power apparently conferred on the bureau, proceeds to recite "any investigation" for certain purposes, "except with the approval of the Secretary of the Interior," the purpose being to enlarge the powers given here, so that this bureau may, with the approval of the Secretary of the Interior, go upon these private properties and make investigations that should be made by the owners of the mines themselves.

Mr. MILLER. Let me make a suggestion to the gentleman.

Mr. WILSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. Yes.

Mr. WILSON of Pennsylvania. I would like to call the attention of the gentleman to the fact that in section 2 the bureau is authorized to conduct inquiries and scientific and technologic investigations concerning mining. Now, that in itself is quite a broad authorization.

Mr. FITZGERALD. It is very comprehensive.

Mr. WILSON of Pennsylvania. That might authorize and would authorize the investigation of methods of utilizing materials in mining. In order that that may not be used for the purpose of determining the methods of utilizing that waste for the benefit of individuals this clause is inserted in section 4, that such operations as are embodied in that authorization shall not be used for the benefit or in behalf of owners of private property. And then, when you make that inhibition and prevent them from using that in making such tests in behalf of private individuals, the question naturally arises as to whether such tests should not be made for the purpose of promoting the health and safety of employees in mines, and so this clause has been inserted for the purpose of qualifying the qualification.

Mr. MILLER. I would like to ask the gentleman from New York [Mr. FITZGERALD] what he thinks of this situation: These items restrict any investigation to our health and safety conditions. Suppose there is a State where there are no mining laws—there are States, I believe, that have no mining laws. Illinois has a mining law, and Pennsylvania has some law for protecting miners. Assuming, however, that the State of Indiana, for instance, has not such a mining law, and there is a condition in a coal mine in that State that the workmen feel is entirely unsafe and unhealthy. Now, a mining corporation is under no requirement of law to make changes, but if there

should be an investigation, not for the benefit of the mining company, but for the benefit of the miners themselves—an investigation by the Government—and a report to show to the world that the mining conditions there were not healthy and safe, would not that be a wise and good thing to do?

Mr. FOSTER. I think the gentleman is entirely right about that.

Mr. MILLER. Is not that what this section is designed to reach?

Mr. FOSTER. In some mines there is a great deal of coal dust which is known to have given rise to explosions. Now it is a problem how the dust of these mines may be eliminated.

The CHAIRMAN. The time has expired for the consideration of this amendment.

Mr. MANN. Mr. Chairman, only one Member has been recognized on the amendment.

The CHAIRMAN. Four or five Members have spoken.

Mr. MANN. That may be, but there has been no recognition by the Chair. I ask unanimous consent that the time of the gentleman from Illinois, my colleague, be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague [Mr. FOSTER] be extended five minutes. Is there objection?

There was no objection.

Mr. FOSTER. The matter of getting rid of this dust so as to prevent explosions has been a problem that the Mining Bureau has been investigating. One method that they have been experimenting with is by using the exhaust steam that comes from the engine so as to moisten the mine. There have been experiments all along these lines for the safety of the miners. Now under this provision of the bill it limits them to these questions of safety and health conditions.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. MANN. Under section 2 the bureau is given authority to study the subject of health conditions, waste, and almost everything else that relates to mining. Under section 4 it provides that you can not study health conditions in the mines without the approval of the Secretary of the Interior. Does that mean in each particular case?

Mr. FOSTER. I think wherever the employees of the Bureau of Mines go into a private mine to study health conditions there, that before that can be done they must get the approval of the Secretary of the Interior.

Mr. MANN. But suppose they have an explosion in a mine and people are imprisoned and the Mining Bureau wants to go there and study health conditions while the conditions are in such a state as to make it desirable that they should be studied. Do I understand that they have to come and get hold of the Secretary of the Interior, procure his approval, before they can study the health conditions of that mine?

Mr. FOSTER. I think the Secretary of the Interior would issue a general order that in case of accident they could go and visit the mine.

Mr. MANN. I asked the gentleman a little while ago whether it would require the approval in a particular case, or whether he would give a blanket order——

Mr. FOSTER. Oh, I did not understand the gentleman's question. I thought he meant generally, without any extraordinary case.

Mr. MANN. But the extraordinary cases would not make any difference; if he can write a blanket order there is no necessity of putting that provision in the bill. That is the first thing the Secretary of the Interior does—is to write a blanket order.

Mr. GARNER. Mr. Chairman, I would like to ask the gentleman what he means by a "private mine."

Mr. FOSTER. A mine that the Government has nothing to do with.

Mr. GARNER. How many mines does the Government own?

Mr. FOSTER. The Government owns no mines except an experimental mine at Pittsburgh.

Mr. BOWMAN. If the gentleman will pardon me, is not this the situation: That there would be no question that if there was an explosion or a serious accident in a mine it would be the duty of the Government and the duty of the State government to go at once?

Mr. MANN. Where does the gentleman get that authority? He says it is the duty of the Government.

Mr. BOWMAN. In section 2. It is necessary in a case of accident that they should go to the mine and find out what new conditions have arisen.

Mr. MANN. Does my colleague agree to that?

Mr. FOSTER. No; I do not think they have the authority to go into a private mine even if there has been an accident.

Mr. WILSON of Pennsylvania. Not without the consent of the owner of the mine.

Mr. FOSTER. Not without the consent of the owner of the mine.

Mr. BOWMAN. It would not be in behalf of the private person or the owner of the mine in case of an accident in which the lives of many men might be in question; that would not be in behalf of the private person or the private mine owner.

Mr. FOSTER. I think if an accident occurred in a mine owned by private persons that the employees of the Bureau of Mines would not have authority to go in if permission was refused by the mine owner. I think the Government has no right to go in there against the refusal of the mine owner.

Mr. MANN. Under section 2 it is contemplated, I take it, that the Bureau of Mines may go into a private mine and make studies not only of health conditions, but of all other mining conditions.

Mr. FOSTER. To a limited degree.

Mr. MANN. Not to a limited degree, except that the owner of the mine can keep them out; the authority, as far as we are concerned, is complete.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. If you can not go into private mines to study health and other conditions, and there are no public mines in this country, what is the object of this commission?

Mr. MANN. Oh, I think you can go in.

Mr. FITZGERALD. No; you can not.

Mr. MANN. Under section 2, as I understand it, it is the purpose to give to this mining bureau the authority, so far as we are concerned—that is, the authority of the expenditure of money—to go into a mine anywhere to study conditions. Of course, you may have to get the consent of the private owner.

Mr. FOSTER. You will always have to do that.

Mr. MANN. That is another question. If section 2 gives the authority to go into the mines to study health conditions or other mining conditions, why should we provide in section 4 that as to health conditions, which are the most important, they can not go in without obtaining the consent of the Secretary of the Interior?

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BOWMAN. In this next section, 4, it says in behalf of the owner and in the other section it is for the general welfare. That is the distinction.

Mr. MANN. I know, but there is no difference at all. The Government pays the expense. They go in to study the health conditions. It is necessarily in behalf of the owner and public both in every case. There is no authority except to study conditions and make report. If the purpose of section 4 is that this should be done at the expense of the private owner, it ought to say so.

Mr. FOSTER. Oh, no; I do not think so.

Mr. MANN. Oh, certainly. There is no excuse for section 4 except to permit the Government to go and make a study of conditions for the special benefit of the private owner, and if it is to be for the special benefit of the private owner, he ought to pay the bill.

Mr. FOWLER. Is not section 2 broad enough to give that authority and is not this a limitation?

Mr. MANN. I think section 2 allows them to go anywhere.

Mr. FOWLER. I think so, and is not this a limitation?

Mr. CARTER. Mr. Chairman, I want to ask the gentleman from Illinois a question, to further carry out his idea in respect to the private ownership of mines. I believe the gentleman has stated that this bill would not permit this commission to go into privately owned mines without the consent of the owner of the mine?

Mr. FOSTER. Certainly not.

Mr. CARTER. We have in Oklahoma an application of the conservation theory. That is, we have mines there which are owned by the Indians but worked on a lease basis, with a royalty pay to the Government for the Indians of 8 cents per ton. What I want to ask the gentleman is this: What would be the effect of his bill on those mines? Would it permit this commission to go into those mines without the permission of the owners of the property? Would the commission have to go to the owners or the lessees of the property, or to whom would they have to go to get permission to make the investigation?

Mr. FOSTER. I think they would have to go to the lessees of the property.

Mr. MANN. The gentleman means, as I take it, that the General Government has certain authority to make investigations and study. It has no authority to confer the right to go into a man's private home, or his private office, or his private property for this purpose. We give all the authority we have to

study. It is up to the men who are doing the studying to get into the place where they can do it, and that must be by private consent.

Mr. FOSTER. Certainly.

Mr. CARTER. Would this be considered private property, being owned by the Indian tribes?

Mr. MANN. If a man holds a lease on property, it is just as much private property as long as the lease is outstanding as though he owned the property itself.

Mr. CARTER. But the title to the real property is in the Indians, and the Federal Government is the guardian of the Indians.

Mr. MANN. Yes; but if the gentleman rents the house from me and moves into it, during his lease from me he is the owner of the house.

Mr. CARTER. Suppose something became radically wrong with the house and needed repair.

Mr. MANN. That is a matter of what the terms of the lease provided. I would not be entitled to go into a house if you had a lease giving you the right of the house during a certain term.

Mr. CARTER. So the gentleman considers this would not give any authority to go in without the permission of the lessee.

Mr. MANN. When the gentleman says permission, you can not go there over their protest. I guess they have to have a special permit to go in any mine. Mr. Chairman, I do not know I shall offer an amendment, because I have not formulated one——

Mr. FITZGERALD. There is one pending.

Mr. MANN. I do not think this provision ought to be in section 4. Section 2 gives to these officials the authority to make study in reference to mines, both as to health conditions and otherwise. The authority is broad and general, it is complete. The only thing left is for us to furnish the money for officials and for the officials to obtain an opportunity to make that study. Now, on what theory do you propose to limit that authority as to health conditions while continuing authority as to all other conditions? You can not tell me that it is more important to give these officials the right to go into a mine to study the preparation or utilization of mineral substances, to study the prevention of waste in mining or quarrying, or investigating explosives in the mine, that that is more important than it is to study the health and safety of the persons employed in the mine. The gentleman would leave the bill in such shape that the mining officials have authority, so far as we are concerned, to go into the study of the subject of explosives, but they can not go into the study of the subject of the health or safety of miners without getting a special permit.

Mr. FOSTER. The study of safety appliances, explosives, all of those subjects connected with the mine, would be included in this provision, including the safety of the employees.

Mr. MANN. Not at all.

Mr. FOSTER. Oh, yes.

Mr. MANN. Section 2 covers health conditions. It covers the question of increasing safety. Those are two items. It covers economic development of mining; it covers the prevention of waste in mining; it covers the investigation of explosives in mining, all separately in section 2. Under that we give general authority to go into the mine. Then you turn over to section 4 and you strike out these and everything except the study of health and safety of persons.

Mr. WILSON of Pennsylvania. The gentleman is entirely wrong.

Mr. MANN. The gentleman is not mistaken at all. That is absolutely what it is.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I want to call his attention to the fact that section 4 is just the reverse of what the gentleman says. It says:

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party, except, with the approval of the Secretary of the Interior, for the health and safety of persons employed.

And so forth.

It does not in any manner modify the authority that is contained in section 2 with regard to investigating conditions of health and safety, so that the gentleman's position is wrong.

Mr. MANN. Under section 2 authority is given to go into the mine and to make these studies by anybody for any of the purposes covered by the provisions, and the provisions are very full, but in section 4 you limit the authority to go into the mine to study health conditions and safety conditions until you get the approval of the Secretary of the Interior. You say, "in behalf of any private party." That amounts to nothing; it neither adds or detracts if the mines are owned by private parties. You can go into any man's mine, but under the terms of section 4 you have no authority to go into a private mine to study health conditions or the safety of persons employed without obtaining the consent of the Secretary of the Interior.

The CHAIRMAN. The 15 minutes has expired under the last extension.

Mr. MANN. Mr. Chairman, I ask for recognition; it is not our fault that the Chair does not enforce the rule.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be recognized for five minutes additional.

Mr. MANN. Have I been recognized heretofore by the Chair? I am very sure I did not have 15 minutes.

The CHAIRMAN. The gentleman had 15 minutes, although he did not get it from the Chair.

Mr. MANN. I beg the Chair's pardon. I ask for recognition from the Chair.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois for five minutes.

Mr. MILLER. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. MILLER. I understood the gentleman to state that it was no doubt the intention in the preparation of the bill that any investigation in behalf of private parties should be paid for by the private party—that is, the one receiving the benefit of the investigation—but it had not been carried out.

I call his attention to section 5 and ask him, if, in his judgment, that section is not carrying out all the proposition that he suggests and whether or not section 5 should not be construed in conjunction with section 4?

Mr. MANN. Well, I do not think that that covers it. I think that section 4 is not intended as a limitation upon section 2. If it is intended as a limitation on section 2, I do not think it ought to be in here. If it is not, it is intended as an extension of authority to do this work for private parties, and if that is the case, then the private parties ought to pay for it.

Mr. MILLER. If the gentleman will permit, my understanding is that there has been an important distinction between sections 2 and 4. It seems to me, whether I understand it correctly or not, section 2 contemplated what might be termed more or less theoretical investigations, and consideration of the subject matter therein expressed.

Mr. MANN. The gentleman will notice that section 4 does not cover anything in section 2 except the study of health and safety.

Mr. MILLER. I understand that.

Mr. MANN. If it is a limitation, it ought not to be in here. If it is not a limitation and it is intended to make a special study for the benefit of private owners, they ought to pay for it. That is not required by section 5.

Mr. MILLER. The only authorization for the Secretary of the Interior to make a private investigation, so far as I know, is in section 4. Admitting that some company operating a coal mine desired to install such improvements as to promote the health and safety of the miners, and was perfectly willing to pay the expense of the Government in investigation and recommendation in that respect, would the gentleman not think it was perhaps proper that authorization should be extended to the Bureau of Mines to make that investigation if it was paid for?

Mr. MANN. So far as I am concerned, they ought to have very full authority to do it at their own expense.

Mr. MILLER. Does not the gentleman think that section 5 is sufficient to meet the expense? I can find nothing else in the bill, so far as I read it, authorizing the Secretary of the Interior to make any investigation except this in section 4.

Mr. MANN. Section 5 is obligatory. It says:

Authorized by the Secretary of the Interior under the provisions of this act—

"Under the provisions of this act"—

other than those performed by the Government of the United States or State government within the United States, a reasonable fee covering the necessary expenses shall be charged.

It is possible that would cover it.

Mr. POWERS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. POWERS. Is it your conception that section 3, which gives the Bureau of Mines the authority to investigate these matters for private individuals, section 3 only authorizes the Government to do that particular thing, or does that reach back and cover these other things in section 2?

Mr. MANN. I remember when these things were put in the law as under the Geological Bureau, it was provided that certain investigations should be made only of materials on public land or for the use of the United States. I will not undertake

to construe it, but it looked very plain, and no department has ever construed it to mean that.

Mr. POWERS. The gentleman has overlooked the more comprehensive authority given before the part he has read, namely:

Investigations concerning mining, and the preparation, treatment, and utilization of mineral substances.

Without any limitation.

Mr. MANN. They have made investigations for years without any limitation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, my understanding of the words in section 4, to which the gentleman from Illinois [Mr. MANN] has referred, namely, the undertaking of investigations in behalf of private parties, is that it contemplates investigations that would not be general in their character and which would be clearly in the interest of, or, as the language of the bill is, "in behalf of a private party."

And section 5 provides for a charge in such cases. If that is not the meaning of the two sections, I should have the same objection to them that the gentleman from Illinois [Mr. MANN] has voiced or suggested, but it seems to me that that is the fair interpretation of the language. As a matter of fact, it is the only reasonable interpretation of the language. It could scarcely be called an addition to the authority which the bureau has under section 2. It is a further direction with regard to a certain character of investigations or operations which might be held to be contemplated by section 2. This language in section 4 makes it clear that such investigations in the interests of private parties were not contemplated by section 2 except by direction of the Secretary of the Interior and under the fixed scale of charges.

Mr. BOWMAN. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. BOWMAN. And an amendment has been offered striking out, on page 3, lines 17 and 18, "with the approval of the Secretary of the Interior" where it is now placed and putting it elsewhere.

Let me read it as it is corrected:

That nothing in this act shall be construed as authorizing the Bureau of Mines or any employee of said bureau to undertake any investigation or operation in behalf of any private party except for the health and safety of persons employed—

And so forth.

And in that case, by the consent of the Secretary of the Interior. That, as I read it, is a qualification on section 2. Section 2 gives the general right. Now comes the qualification in section 4 which gives the bureau a special right to undertake an investigation for the health and safety of persons employed.

Mr. MONDELL. I suppose the amendment is more or less immaterial. Perhaps it makes it a little clearer, but it seems to me that sections 4 and 5 are quite clear as they stand, construed together.

Mr. MARTIN of South Dakota. I was going to suggest this: Would not the amendment be clear if, in lines 17 and 18, on page 3, the words "except with the approval of the Secretary of the Interior" should be omitted, because the general authority given in section 2 is under the direction of the Secretary of the Interior, and I think that by repeating that, "except with the approval of the Secretary of the Interior," it qualifies and lessens the force of what follows. The exception is for the health and safety of the persons employed in mining.

Mr. MONDELL. If the gentleman from South Dakota will notice, the provision in section 2 is a general provision such as is included in all of the organic acts of such bureaus, that the operations of the bureau shall be under the direction and control of the Secretary. This is a somewhat different and more specific provision, requiring the approval of the Secretary in specific cases, and it means something more than the words in section 2, which simply provide, as they should, that all the operations of the bureau shall be under the general direction of the Secretary of the Interior, who is responsible for the conduct of the bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last word. I only want a moment's time. It does seem to me that the use of that language, "with the approval of the Secretary of the Interior," after the word "except," in lines 17 and 18, gives prominence to language that is not intended to be made prominent in that section. I think if we should leave out entirely the words "with the approval of the Secretary of the Interior" and have it simply to read, "except for the health and safety of persons employed in mining," investigations could not be made on the solicitation or for the benefit of private parties except for purposes of health and safety of employees. If it is thought best, however, to make it appear that even those must be under the direction of the Secretary, that language, "with the approval of the Secretary of the Interior," could be inserted later.

Mr. MANN. That is the amendment that is pending.

Mr. MARTIN of South Dakota. If that is it, the gentleman will pardon me for having lost sight of the amendment in the midst of so much discussion upon it.

Mr. MANN. Mr. Chairman, I ask for a division of the amendment, so that we may strike out the words "with the approval of the Secretary of the Interior" in lines 17 and 18, and leave that out.

Mr. MARTIN of South Dakota. I think if they were left out nothing would be lost, and by keeping them in a good deal of confusion would be given to the section.

Mr. FOSTER. I think they make the section clearer. It does not give the Bureau of Mines the right to go into private property, but it requires them to have the approval of the Secretary.

Mr. MARTIN of South Dakota. If you want more limitation placed on the Secretary you ought not to have it in any place except the place where it is given, preceded by "except."

Mr. MONDELL. It seems to me that the words "with the approval of the Secretary of the Interior" should be put in at some point. In administration the effect would be this: That while the general operations of the bureau would be carried on by the Director of the Bureau of Mines under the general direction of the Secretary and under general rules and regulations promulgated by him, the sort of investigation proposed here in each specific case would, as a matter of administration, be referred to the Secretary's office before being entered upon. It occurs to me that is probably a wise provision.

Mr. MARTIN of South Dakota. If the provision is wise, it ought to be dropped after the word "except," because it seems to qualify the exception. I think the amendment to strike it out where it follows the word "except" is very proper, and there could be no objection to adding the same language after the word "industries," in line 20. Then it would read, "except for the health and safety of persons employed in the mining, quarrying, and metallurgical or other mineral industries, with the approval of the Secretary of the Interior."

Mr. WILSON of Pennsylvania. That is the amendment that is pending.

Mr. MARTIN of South Dakota. Then, please construe my remarks as supporting the pending amendment.

Mr. POWERS. Would it not be better to leave out altogether the words "with the approval of the Secretary of the Interior"?

Mr. MARTIN of South Dakota. Why?

Mr. POWERS. Because in a mine owned by private individuals, in the case of an accident where you might want to rush a mining rescue car into the mine for the relief of the entombed miners, you would be put to the necessity of waiting to get authority from the Secretary of the Interior.

Mr. MONDELL. Does the gentleman understand that any such accident would come under the provisions of this section?

Mr. POWERS. Where does it come?

Mr. MONDELL. That is the ordinary work of the bureau.

Mr. POWERS. Where do you get that authority?

Mr. MONDELL. That is not in the interest of private individuals. It is in the interest of the general public.

Mr. POWERS. Will the gentleman please point out where that authority is given?

Mr. MONDELL. In section 2.

Mr. POWERS. Point out the particular part of section 2 where you get that authority.

Mr. MONDELL. It is clearly granted in that section, as I endeavored to point out on a former occasion.

Mr. POWERS. You do not point it out.

Mr. MONDELL. Because whatever the bureau does will be with the approval of the Secretary of the Interior, and they will not be hampered by the fact that they have authority over it.

Mr. FOWLER. Is it not a fact that if section 4 is not maintained in the bill that the power afforded the Bureau of Mines and Mining in section 2 might be abused for the benefit of individuals instead of for the public?

Mr. MARTIN of South Dakota. Quite possibly; but I think if the amendment is in the language suggested it will meet the situation.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I want to appeal to the Members to let us dispose of this bill. We have been here for three Wednesdays on a four-page bill having the unanimous report of the committee and recommended by the Interior Department and the Chief of the Bureau of Mines and Mining. There are about 400 Members here, and we are drawing $20 a day. We have virtually expended $25,000

in the consideration of the bill which we ought to have passed in two hours.

Mr. FITZGERALD. Which never ought to be passed at all.

Mr. AUSTIN. Well, then, vote it up or vote it down. It ought to have been disposed of in two hours. If the American people could see and understand our methods, they would be completely discouraged and disgusted with the American Congress.

There are 57 committees, and they have been working industriously to get on the calendar bills that are of local and general interest. They are here, and the only way to have them considered at all is either by unanimous consent or by their consideration under the call on Calendar Wednesday. There are just 52 Wednesdays in the year, and we are in session about six months during the long term. Here we are rushing to adjourn this Congress with this calendar filled with important bills that many of us are interested in, and we will have 3 months or 90 days' session beginning in December, and it will practically require all the time to pass the supply or appropriation bills, and we will be virtually without an opportunity to dispose of this legislation. Then the new Congress will come along and we will work over these bills again and put them on the calendar.

I come here every day interested in trying to discharge my duties as a Member of this House, and I admit that I am thoroughly disgusted at the manner with which we are trifling with the public business. I wish there was some way or means by which we could stop it and make good by passing needed legislation for the people that sent us here. [Applause.]

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate be closed on these amendments in two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the amendments close in two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, our distinguished friend from Tennessee [Mr. AUSTIN] sometimes gets impatient. Here is an illustration. He complains because the House is considering this bill. What is the bill? It is a bill of great importance—to amend a law passed only two years ago, while the gentleman from Tennessee himself was on the floor urging then, as he does now, that the bill be passed without consideration. It was passed then, and it ought to have had full consideration then. If it had been fully considered there would be no occasion now to take up the time of the House in amending it. It was because gentlemen in the House who were so impatient then to pass a bill, regardless of consideration, without attention to its details, that within two years' time the House is called upon to entirely remodel the law, correct the bill, strike out everything that was in it, and to insert new things. Certainly, having that experience in mind, it is perfectly proper that the House give consideration to the details of a law to create and maintain a bureau of tremendous importance; the original law having failed to accomplish the purpose. [Applause.]

The CHAIRMAN. The question is on agreeing to the first amendment offered by the gentleman from Illinois, to strike out the words "with the approval of the Secretary," in lines 17 and 18, page 3.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the next amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 20, after the word "industries," insert the words "and with the approval of the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

Mr. FITZGERALD. Mr. Chairman, I want to call the attention of the gentleman from Tennessee to the fact that the gentleman in charge of the bill has offered a great many more amendments to it than any of the rest of the gentlemen on the floor, if the bill has the unanimous report of the committee.

The Clerk read as follows:

Page 3, line 24, after the word "mines," insert "at a compensation not to exceed $10 per day."

Mr. FITZGERALD. Mr. Chairman, I move to strike out the proviso.

Mr. FOSTER. The gentleman can not do that now.

Mr. FITZGERALD. I want to protect my rights.

Mr. FOSTER. I think the gentleman from New York knows the rules.

Mr. FITZGERALD. I simply wish to state to the Chair that I desire to offer an amendment to strike out that proviso.

Mr. FOSTER. I will say that the gentleman is not in order now.

Mr. FITZGERALD. I am in order to raise a question of order.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] offered an amendment, and the Chair has recognized him on that amendment.

Mr. FITZGERALD. That does not preclude me from stating a question of order.

Mr. MANN. What is the question of order?

Mr. FITZGERALD. I state to the Chair that I desire to offer an amendment to strike out this proviso, and in view of the experience of the Chair recently in this House I wish to know whether the Chair will hold that the motion will be in order after the disposition of the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair is very clearly of the opinion that the gentleman from Illinois [Mr. FOSTER] is entitled to the floor on his amendment perfecting the proviso before the gentleman from New York is in order to move to strike it out. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. FOSTER. The amendment that I have offered is to limit the compensation of any expert help which the Bureau of Mines may employ temporarily, so that it shall not exceed $10 a day. During the general debate some question was developed in the minds of those here about this provision. I do not desire to take up that matter now, but would like to have a vote first upon the question of the compensation. Then the amendment of the gentleman from New York [Mr. FITZGERALD] can be taken up later. I want to state in addition that this is an amendment which was suggested after the bill had been reported, the committee thinking it proper that it should be limited.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MANN. As I understand the proviso, it is a mere limitation upon the provision that no person shall be employed who has any personal or private interest in a mine or mines under investigation?

Mr. FOSTER. Yes.

Mr. MANN. Might it not readily occur that they might wish to employ somebody who was connected with some mine in the investigation of some other mine, where they might have to pay more than $10 a day? I take it that this is in the main intended for temporary employment.

Mr. FOSTER. Exactly; that is what it is meant for.

Mr. MANN. You might get people to work for nothing, to get the credit for it, but as a rule you do not get the most expensive people to work for $10 a day, because then they get neither money nor credit.

Mr. FOSTER. I think my colleague is probably correct as to that, but the intention is that a mining engineer outside of the Bureau of Mines, who might own an interest in a mine, could be employed for temporary work for investigation of some kind that might last a little while.

Mr. MANN. But here is a mine owner who may be a brilliant man. They may want his services at some other mine for two or three days in case of accident.

Mr. FOSTER. Yes.

Mr. MANN. You might get his services for nothing, but you would not get them for $10 a day.

Mr. FITZGERALD. You would not get his services for nothing, because the law prohibits that.

Mr. MANN. Oh, I understand; but under this provision you might get him for nothing if you had the power, but you probably would not get him for $10 a day. You might get him for $50 a day or $100 a day for two or three days.

Mr. FOSTER. In a conversation with the Director of the Bureau of Mines it was stated, just as my colleague says, that it is a difficult matter to get these men at $10 a day.

Mr. MONDELL. It seems to me that there is some misunderstanding as to the character of this provision. As I understand it, this is not a prohibition against employing men who are interested in mines. It is a prohibition against employing a man interested in a mine or the products of a mine that is under investigation, and the exception would allow the employment of a person who is interested in the mine which is being investigated.

Mr. FITZGERALD. No.

Mr. FOSTER. No.

Mr. MONDELL. There is no punctuation here.

Mr. MANN. Do I understand the gentleman from Wyoming to claim that the director of this bureau may own a mine?

Mr. MONDELL. If the gentleman will read the language——

Mr. MANN. I have read it a number of times. I admit it is susceptible of doubt.

Mr. MONDELL. If that is the intent, then there should be a punctuation point.

It says:

Nor shall the director or any member of said bureau have any personal or private interest in any mine or the product of any mine under investigation.

That is not a prohibition against their having an interest in a mine. If that is the intent, then it should either be differently written or it should be punctuated.

Mr. MANN. I think it means any mine or the products of any mine under investigation. You can not tell whether he is going to be interested in the product of a mine under investigation in advance, but you can tell whether he is interested in any mine or not.

Mr. MONDELL. If the intention is to prohibit the director or any member of the bureau from having any interest in any mine that may be investigated, within the general scope of the activities of the bureau, then the words "under investigation" should be stricken out.

Mr. MANN. No. Here is the point. It is intended to prevent the director having any interest in any mine, but he can still buy his coal from a mine that is not under investigation; but if he is investigating a coal mine he can not buy coal from that mine.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move to amend by striking out lines 23, 24, 25, on page 3, and lines 1 and 2 on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, by striking out lines 23, 24, and 25, and page 4 by striking out lines 1 and 2

Mr. FITZGERALD. Mr. Chairman, this amendment is offered to prevent the repetition of what was the practice in that branch of the Government service under which this work was conducted before the organization of the Bureau of Mines. Before the organization of the Bureau of Mines the technologic branch of the Geological Survey conducted this work. In 1908 an investigation disclosed that a number of men who were employed as professors in various colleges or who were employed by various States in official capacities were upon the paid roll of the technologic branch of the Geological Survey, and were receiving from the Federal Government, in addition to their other compensation, compensation at the rate of $8 or $10 per day. In addition, they were allowed at the rate of $2.50, or otherwise, for clerical services. In a hearing held by the Committee on Appropriations in 1908 the following transpired:

The CHAIRMAN. In your letter addressed to me as chairman of the committee, under date of March 20, 1908, you state:

"The following were employed during the larger portion of their time on regular duties connected with college instruction, and were appointed in a consulting capacity to the Geological Survey and paid only for time devoted to such consultation, and the proportion of working time for which they were actually so employed in the service of the United States has been about one-third in each case, except as otherwise indicated."

Then follows:

"Prof. R. H. Fernald, consulting engineer, gas-producer tests, is professor of mechanical engineering, Case School of Applied Science, Cleveland, Ohio, at about $3,000 per annum. His survey compensation is $10 per day when actually employed.

"He is allowed a stenographer, at $2.50 per day, when actually employed.

"Prof. N. W. Lord, chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about $1,800 per annum. His survey compensation is $10 per day when actually employed.

"He is also allowed a stenographer, at $2.50 per day, when actually employed.

"Prof. L. P. Breckenbridge, consulting engineer, steam tests, is professor of mechanical engineering, University of Illinois, Urbana, Ill., at about $3,000 per annum. His survey compensation is $10 per day when actually employed.

"Edward E. Somermeier, assistant to chief chemist, is professor of chemistry in the Ohio State University, Columbus, Ohio, at about $1,200 per annum. His survey compensation is $8 per day when actually employed, his working time in the service of the United States being about one-half."

Prof. Charles A. Davis, consulting expert, peat investigations, is professor of geology of the University of Michigan, at about $1,500 per annum. His survey compensation is $7 per day when actually employed.

Then, there are 15 engineers, chemists, geologists, and collaborators named in this letter, who receive compensation of from $5 to $10 per day when called in consultation.

In other words, these gentlemen, all employed by different universities and colleges and in other employments at a fixed annual compensation, conducted certain tests in the laboratories in which they were supposed to discharge the duties for which they were being employed by those institutions and were paid by the Government of the United States.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. One moment. They would state the portion of their time which they had devoted to the work of the Federal Government and collect from $5 to $10 per day for their services. I now yield to the gentleman from Minnesota.

Mr. MILLER. Does not the gentleman think that where a professor of chemistry in a great State university, like the State University of Ohio, gets only $1,800 a year, and his assistant gets $1,200, it would be in the interest of humanity and the promotion of science and education for the Government of the United States to come to the relief of such a State and also of the professors and pay them extra money?

Mr. FITZGERALD. Mr. Chairman, I decline to yield any further.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I suppose this is of sufficient importance not to be trifled away by any such frivolous remarks as the gentleman from Minnesota tried to inject into what I was saying.

If this Bureau of Mines is of such character and so important an institution of the Federal Government, it has and will have, regardless of what the belief may have been as to the propriety of establishing the bureau, such technical and other assistance as are required to perform the work devolving upon it. It is a very bad and indefensible practice to have scattered throughout the country certain technical and scientific gentlemen, devoting the greater, if not the major, or nearly all of their time to some private employment, to be upon the pay rolls of some Government bureau, making casual investigations, being consulted and advertising themselves as United States Government experts in order to aid their private employment. We have had a notorious case of that character right under our own observation here within the last few years. The practice, in my opinion, Mr. Chairman, can not be defended; it is not good administration. If those gentlemen's services are required and needed, they should be had exclusively for the Government. We should have the benefit of their training and ability——

Mr. BOWMAN. Will the gentleman yield?

Mr. FITZGERALD (continuing). And we should employ them in the bureau. We should not encourage this cooperation in the discharge of the Government business by the establishment of a number of independent agencies throughout the country supposedly under the control of the Bureau of Mines but actually not.

Mr. BOWMAN. I think the purpose of the committee and the purpose of the bill in this case was to get the services of men, particularly in the case of accidents, where men in a given locality would know something about the particular mine in question. That has been one of the principal questions that has arisen when the bill was considered by the committee.

Mr. FITZGERALD. If that has been the intention of the committee, it has not been fortunate in expressing its purpose. Under this provision and under the amendment adopted at the suggestion of the gentleman from Illinois the purpose is to reestablish a practice which was stopped a few years ago. It should not be reestablished. Gentlemen who are employed by these universities or employed in departments of a State conducting similar work should be confined to that work and should not have their incomes increased by such employment and have the advantage of advertising to the world that they are experts of the Bureau of Mines of the Government of the United States in order to aid them in securing additional employment at largely increased compensations.

Mr. MONDELL. Mr. Chairman, it seems to me that the argument of the gentleman from New York proves too much. Any head of a Government bureau who will employ and pay out of the Federal Treasury for alleged services not actually rendered under a provision like the one under consideration, would also take in to the Government service and retain in the Government service an altogether useless and unworthy person. [Applause.] The gentleman objects to an abuse which he says the committee discovered several years ago. My opinion is that the official or officials who are responsible for that abuse, if it existed to the extent the gentleman believes it did, should have been relieved of their positions. That is the way to cure that kind of abuse. [Applause.] I have a great deal of sympathy with the gentleman's feeling with regard to that sort of thing. My attention has been called to it on several occasions, and at one time I offered an amendment to the agricultural appropriation bill, which is still carried on that bill, to prevent exactly that kind of abuse; and yet it is true, and

the gentleman from New York will agree with me that it often occurs that there are men outside of the Government service, men who do not care to go into the Government service, men to whom permanent Government employ does not appeal, who can render exceedingly valuable service temporarily, either in a specific investigation or in the preparation of papers in which they set out for the use of the public the results of their experiences and investigations. Now, that sort of thing may be exceedingly valuable, and every Government bureau, it seems to me, ought to have an opportunity, with proper safeguards, to avail itself of that kind of useful service, and if we discover that a head of a bureau is abusing that sort of permission, the way to cure it is to get a new bureau chief, because, as I said at the beginning of my remarks, a man who will abuse that kind of discretion will abuse any and all discretion lodged in him. But I do not believe it wise to deprive the public, the Government, the people, of the useful and beneficial services of experts in these matters simply because some bureau chief sometimes has abused the opportunity to employ such men. There have been abuses of a similar discretion, and at the time it occurred I think there was abundant reason for separating from the public service the men under whose authority that abuse existed, but the provision itself is a wise one and is in the interest of the public service. We may very often, for a comparatively small sum, secure the benefit of the services or experience of men who have had vast and varied experience. We may be able to secure views and opinions from men who have widely investigated important subjects, and in many cases that is the cheapest way of securing the information and obtaining the investigation which we desire. I will join the gentleman from New York [Mr. FITZGERALD] in surrounding this provision with safeguards so as to make its abuse difficult, and then I will join with him in insisting upon the separation from the public service any man who is so careless of his obligations as to abuse the discretion given him.

Mr. CANNON. I move to strike out the last word. I am in harmony with this amendment to strike out this proviso. I had a bit of conversation—and I do not care to quote the name of the gentleman with whom I had it—with a man that is very familiar with this service and has been, if not now, connected with it, and is entirely friendly to the bill. I objected to this proviso. I said, "What is the object of it? It is broad, without any limitation." He said, "Perchance, if we want to investigate a condition in a certain mine or mines, we sometimes can go and find an employee or somebody who lives in the neighborhood who knows about the conditions." I said, "Do you not propose to have fair men and able men for inspectors—experts that have no interests or feeling, that do not in any way care about who owns the mine or operates it—and do you not think you can get better service, although you might have to pay traveling expenses?" He said, "I do not know but that is so."

Now, I am aware of the abuse that the gentleman from New York [Mr. FITZGERALD] has referred to, and I apprehend that perchance the truth is not one-tenth part told. This is a great service. Here is an important bureau, and I am in sympathy with it and its work. It is true it goes by permission. And yet there is a great result to be gained even when the United States volunteers to make the investigation, when only ordinarily permission is given—frequently invited—and it is of such importance that I am for this bureau. But let us read:

Provided, That nothing herein shall be construed as preventing the employment by the Bureau of Mines in a consulting capacity—

Do you not see that is permanent?

or in the temporary investigation of special subjects—

Of whom?

of any engineer or other expert whose principal practice is outside of such employment by said bureau.

A lump sum appropriated for; they do not keep track of it, and perhaps there is favoritism. The United States, when it makes the appropriation, is entitled to utilize the service of competent employees, and this service is so important that I desire that the Bureau of Mines will never lack for a sufficient appropriation to carry on this work, but employ, from the head of that bureau down to every inspector, very skilled and competent men, unprejudiced and unaffected by local conditions.

Mr. BOWMAN. Will the gentleman yield?

Mr. CANNON. I will.

Mr. BOWMAN. As one who has had some experience in mining I would say that it is utterly impossible for the United States to employ sufficient men to carry out the purpose of this bureau properly without the authority to employ men in special cases as provided for in that section. Let me illustrate. An accident is likely to occur in any given section. Even the inspectors cover a wide area. It is impossible for them to be fully acquainted with the conditions in all of these mines. There may be a man many times——

Mr. CANNON. I did not yield for the whole of my time.

Mr. BOWMAN. I thought the gentleman wanted a statement.

Mr. CANNON. Well, I have it, in substance. Now, mind you, what can be done when the bureau, or its agents, goes to the mines? But this is what? It is far broader in a consulting capacity, permanent employment of somebody that has employment outside, or in a temporary investigation of special subjects—any engineer or expert who is from professional practice outside of such employment of said bureau. I shall vote for the amendment for the reason assigned and for many others that I think might be assigned.

Mr. WILSON of Pennsylvania. Mr. Chairman, so that there may be no misunderstanding as to the purpose of this proviso, I want to say that the committee did not have in mind, as suggested by the gentleman from Pennsylvania [Mr. BOWMAN], the payment of men for brief periods of time to show the agents of the bureau through a mine when a disaster has occurred. Nothing of the kind entered the minds of the committee. As a matter of fact, whenever any disaster has occurred in any of the mines of the United States, if there were any of the men alive and at liberty, they were willing without compensation to go through the mines in search of those who still remained there. So it does not require compensation for that purpose. But what they did desire to do was to secure the services of men who were conversant with the local conditions, secure those services in a consulting capacity, and get their advice and their knowledge of local conditions in the carrying out of the general work of this bureau.

For instance, in the region that the gentleman from Pennsylvania [Mr. BOWMAN] comes from, they have immense cave-ins, where the surface goes down into the mine where the coal has been removed. Experiments are being made of methods by which the workings can be filled, so that those cave-ins will not take place.

It is a benefit to the entire community to prevent those cave-ins from taking place. The engineers who are employed in that region are more familiar with what has been accomplished, the experiments that have been made, the results that come from those experiments than any engineers that are employed by the bureau. To be able to consult with them with regard to work of that kind would enable the bureau to get information necessary to proceed upon much more cheaply than if they had to go into that region and begin the study of the entire subject from the beginning. And what applies to cave-ins in the anthracite region applies also to the local conditions in almost every mining field in the United States. There are no two of these fields where the conditions are exactly alike. There are no two fields where the composition of the coal is exactly the same. The composition is different, and, being different, there is a difference in inflammability with the coal dust in those fields. The men who are regularly employed as engineers and experts in those fields know more about the actual qualities and conditions surrounding the fields than any expert from the Bureau of Mines would know who might be sent in there for the purpose of making an investigation; and by having this proviso inserted here will enable the bureau to go into these fields and avail themselves of the information which these experts and engineers have, and from that basis of acquired information proceed with the investigations.

In my judgment it would be an assistance to the bureau and a benefit all around to allow this proviso to remain in here, and to guard it and watch it so that it will not be abused, as has been the case where this power has been given to some bureaus, as stated by the gentleman from New York [Mr. FITZGERALD]. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 25, strike out the word "temporary," and in line 24, page 3, after the word "the" and before the word "employment," insert the word "temporary."

Mr. CANNON. So that it will read——

Mr. MONDELL. Mr. Chairman, as amended, the paragraph or proviso will read as follows:

That nothing herein shall be construed as preventing the temporary employment by the Bureau of Mines, in a consulting capacity or in the investigation of special subjects, of any engineer—

And so forth.

It applies the word "temporary" to all of this employment, instead of to the latter character. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment: On line 24, page 3, after the word "mines," insert the words "with the consent of the Secretary of the Interior."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend, page 3, line 24, by inserting, after the word "mines," the words "with the consent of the Secretary of the Interior."

Mr. FOSTER. Let me ask the gentleman this question: These experts are employed through the Secretary of the Interior, of course?

Mr. RAKER. No; not at all.

Mr. FOSTER. Yes; and when one of them is employed, they must notify the Civil Service Commission.

Mr. RAKER. Oh, no.

Mr. FOSTER. Oh, yes; they do. I know what I am talking about.

Mr. RAKER. On this particular subject the language is different. On lines 23 and 24 it provides "that nothing herein shall be construed as preventing the employment" of these men "by the Bureau of Mines." Now, that is a special provision, and it does not relate to the control of this temporary employment by the Secretary of the Interior.

Mr. FITZGERALD. Let me suggest this to the gentleman from California: The Bureau of Mines is an important bureau. I think its appropriations amount to about $500,000 a year.

The bureau ought to be permitted to have some power. The Secretary of the Interior can not bother to act simply as Chief of the Bureau of Mines, and if everything that the director has to do is so tied up with these restrictions, requiring the specific approval of the Secretary of the Interior, we might better abolish the position of Director of the Bureau of Mines.

Mr. RAKER. No. His power is somewhat extended, and we think rightfully, by this bill. This is a special authorization to get men outside of the service for particularly important subjects.

Mr. FOSTER. Suppose you were to strike out their employment by the Bureau of Mines. Then they would be employed by the Secretary of the Interior.

Mr. RAKER. They would be employed as other people are. It comes to the same thing if you take it out, but I do not believe employment as vitally important as this ought to be left to the bureau alone. This provision would require the joint action of the bureau and the Secretary of the Interior. I want to do everything I can to make this bureau efficient. It is a great bureau and doing great work for the general mining interests, and I would rather extend than curtail it in any way. The miners of the West have been working for this bureau for years. They want its activities extended to the mining of the West. This bill will permit it. Every consideration possible should be extended to the miner and his great industry.

Mr. FOSTER. It is done through the Secretary of the Interior, anyway. The gentleman might move to strike out the words "by the Bureau of Mines."

Mr. RAKER. I withdraw my present amendment and simply move to strike out the words "by the Bureau of Mines."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the words "by the Bureau of Mines."

Mr. RAKER. That covers it.

Mr. MILLER. I do not care to be heard to any extent, but I sincerely hope that that amendment will not prevail. It seems to me utterly absurd to provide for an elaborate, large bureau like this and put at the head of it a very able man, like the one who is in charge of it now, and say that he can not hire a man for one day to go to some mine to see what the health conditions of that mine are. It seems to me the height of absurdity, and that it would cripple the utility of this bureau most effectively.

Mr. RAKER. Mr. Chairman, the director of the bureau has the power and authority under the bill to get the necessary assistance. That is the purpose of it. Now, you are going to give him the power to get engineers and experts outside of the service. When it becomes necessary for him to do that, because of the importance of the circumstances and surroundings or the value of the property, ought not the Secretary of the Interior and the Director of the Bureau of Mines to consult over as important an employment as that when these high-priced experts are being employed?

Mr. MILLER. Now, the gentleman has stated a different state of facts and one entirely covered by the statement of the gentleman from Illinois [Mr. FOSTER]. As far as I am advised, and I have looked into it somewhat, the bureau has never employed and could not employ any man in the capacity suggested without the order of the Secretary of the Interior after consultation and report to the Civil Service Commission.

Mr. RAKER. Very well. This bill leaves it in such a position that the Bureau of Mines can do it.

Mr. MILLER. If the bureau needs to employ any distinguished engineer or any man for anything like an extended piece of work, like a general, comprehensive investigation of several mines, requiring a period of time, that must come under the methods suggested by the chairman of the committee.

Mr. RAKER. Is it not the very object and purpose to employ a man of standing and ability to make special investigations under the Bureau of Mines if, after consultation, the Secretary of the Interior thinks it is advisable and proper? This is no temporary 5-cent man's job. It is to be temporary work of a magnitude that requires a man of ability to investigate it.

Mr. FOSTER. These men are not employed except with the consent and authority of the Secretary of the Interior.

Mr. RAKER. I so understand it.

Mr. FOSTER. I do not favor the gentleman's amendment. I simply suggested that if he wanted to do so he could offer it in that way. The director can not make any employment now without the consent of the Secretary of the Interior, and will not in the future.

Mr. BOWMAN. I trust the gentleman will not insist on the change.

Mr. FOSTER. Let us vote.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

The Clerk proceeded with and completed the reading of the bill.

Mr. FOSTER. Mr. Chairman, the other day when this bill was under consideration the gentleman from New York offered an amendment to line 20, page 2, limiting the investigation of fuels to mineral fuels. The question was suggested by the gentleman from Minnesota [Mr. MILLER] that this might not include peat. I have investigated that question, and I find that probably the gentleman from Minnesota is right about it and that it is questionable whether it would include peat or not. That is an important matter to a State like Minnesota and some others, and I ask unanimous consent that the word "peat" be inserted so that it will read "peat and mineral fuels." The gentleman from New York has no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 20, insert the word "peat," so that it will read "peat and mineral fuels."

The amendment was agreed to.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise and report the bill with the several amendments to the House with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. SHERLEY having taken the chair as Speaker pro tempore, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, and had directed him to report the same back, with sundry amendments, with the recommendation that the amendments be adopted and that the bill as amended do pass.

Mr. FOSTER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, they will be put in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. FOSTER. Mr. Speaker, it had escaped my memory for the time being, but there was some objection made to the words "United States," on page 1, line 9, of the bill, by the gentleman from New York, and I ask unanimous consent that the words "United States," page 1, line 9, be stricken out.

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote ordering the bill to a third reading, and recur to the second reading of the bill.

The SPEAKER pro tempore. The Chair was about to suggest that the request of the gentleman from Illinois will be modified to the extent of asking unanimous consent that the order for the third reading of the bill be vacated, and the words "United States," in line 9, page 1, be stricken out. Is there objection? [After a pause.] The Chair hears none. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. MILLER and Mr. TAYLOR of Colorado, by unanimous consent, were given leave to extend remarks in the RECORD.

The SPEAKER pro tempore. The Committee on Mines and Mining having occupied two days, the Clerk will call the next committee in order.

The Clerk called the Committee on Public Buildings and Grounds.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RODDENBERY. Is the committee at liberty to call up bills without respect to the order in which they stand on the calendar?

The SPEAKER pro tempore. That is within the discretion of the committee.

CUSTOMHOUSE, BOSTON, MASS.

Mr. RODDENBERY. Mr. Speaker, I call up the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building act, and for other purposes," approved March 4, 1909.

The SPEAKER pro tempore. The bill being on the Union Calendar, the House will resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 11 of chapter 318 of the acts of 1909, entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building acts, and for other purposes," approved March 4, 1909, be amended by striking out, in the last three lines of said section, the words "including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension."

That such amounts as the Secretary of the Treasury has charged against the appropriation for the customhouse, Boston, Mass., for expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension of said customhouse shall be repaid to said appropriation from moneys in the Treasury to be hereafter appropriated.

Mr. RODDENBERY. Mr. Chairman, this is a bill reported unanimously from the Committee on Public Buildings and Grounds. I yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, this bill has been rendered necessary by a situation which has developed in the city of Boston, Mass., in connection with the construction of the customhouse there. Several years ago it was found to be necessary to construct a larger customhouse at Boston, Mass. There was appropriated the sum of $500,000 to purchase a site. This sum was found inadequate, and it was then determined that a building could be erected in which the customs officials could be housed by building a tall, square, tower-like structure on top of the present old granite building. The city laws do not allow buildings to be constructed to a greater height than 125 feet, but in order to enable the Government to save the purchase price which it would be obliged to pay for another location the citizens made no protest. There were then outlined plans for the erection of a customhouse about 500 feet in height which should be erected on the center of the present old granite building. Two million dollars were asked for the construction of the building, but Congress authorized the sum of $1,800,000, and in granting that authorization put in the following language, which is section 11, chapter 318, of the act of 1909, approved March 4, 1909:

That the total cost of said enlargement, remodeling, or extension of said customhouse building shall not exceed $1,800,000, including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

That is, that all of the expenses were to be taken from this $1,800,000. The Treasury Department proceeded to hire an office building and to move the customs force into that building. Then the contracts were let for the construction of the foundation of the structure. These foundations have been all built, and when bids were received for the construction of the tower as originally planned it was found that the amount exceeded by some $337,000 the amount available under the appropriation. The reason that it exceeded the sum was because of the fact that against this appropriation of $1,800,000 there had been charged for architects' fees $84,905.03, and for rent, services, and contingent expenses a sum of about $262,421.76. In addition to that, the contracts for the foundations, which are already in, have come to $349,732.01, making a total of $697,059.43, which has been expended up to the present time. It will be necessary under this act, as now interpreted by the department, to continue to charge rent against this account, which would amount to $200,000, and you have the amount decreased by the sum of $897,059.43, which would leave a balance of only $902,940.57.

The purpose of this bill is to remove from this account the charges for rent, so that there will be available for the construction of this building the sum of $1,800,000, as was undoubtedly originally intended. At the present time the Government can not go on with the structure. The Government officials are housed in a temporary building, for which they are obliged to pay $84,000 a year rent, which, together with other incidental expenses, amounts to $97,000 per annum. Of course this expense for rent, and so forth, will cease as soon as the customs officials are housed in this building, and the delay in passing this act means to the Government the loss of the sum of about $8,000 a month.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. BUTLER. There will be additional expense charged, necessarily, for temporary removal of this force. Some expenses have already been incurred, and there will be others, will there not?

Mr. PETERS. Yes.

Mr. BUTLER. Does the gentleman think the language of the bill is broad enough to cover the expenses in the future? If the gentleman will look at the language on the second page he will see that it reads—

that such amounts as the Secretary of the Treasury has charged, etc.

Does the Secretary of the Treasury have further amounts to charge?

Mr. PETERS. I think under the wording of the bill we propose to repeal the provisions of the first act under which these charges were made, and I think no future charges for rent could be made under this act as it is amended. The allotments and contracts which have already been made amount to $697,059.43, and it is necessary to have this work start at once. The contract for the erection of the building above the foundation has been held up now pending the consideration of this measure, and each month that the contract is held up means just one month later that the Government officials will be placed in their quarters in the building, and that means $8,000 paid out for rent of buildings and incidental expenses which would be saved as soon as these officials are housed.

Mr. AUSTIN. Will the gentleman kindly give the amount of Government receipts at the port of Boston?

Mr. PETERS. Compared with the receipts of the port of Boston this expense involves comparatively a trifling amount. There was received for the year 1910 in customs duties at the port of Boston the sum of $29,634,555, that being next to the greatest receipts received at any customs district in the United States, second only to New York.

Mr. AUSTIN. This building, as I understand it, as contemplated will be large enough to house not only the present Government officials but for many years to come?

Mr. PETERS. It is expected it will meet all requirements for the customs service in Boston for at least 60 or 70 years to come, and that is as far ahead as any estimate or understanding can be made in regard to the matter.

Mr. BOEHNE. I would like to inquire of the gentleman why should we get ready to build a structure there to be ample for 70 years ahead?

Mr. PETERS. Well, there is a very rapid increase in the customs receipts at that port, and the size of this building has

been determined by experts as the size which will supply the needs of that port in the most economical way.

Mr. BOEHNE. Does not the gentleman think a building of 400 feet would have accomplished all that ought to be accomplished at this time and reduce the expenditures of this building to the amount in accordance with what was appropriated at the time?

Mr. PETERS. I am afraid not. The necessary foundations would have to be put in, and this building was worked out by architects having in view the most economical use of the space at hand.

Mr. SABATH and Mr. BUTLER rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. PETERS. I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. How much was the original appropriation for the construction of this building?

Mr. PETERS. One million eight hundred thousand dollars.

Mr. SABATH. How much has been expended up to date?

Mr. PETERS. There has been expended up to the present time $697,095.43.

Mr. SABATH. And you maintain there will be a shortage of how much? How much will this bill carry?

Mr. PETERS. This bill carries no appropriation, but it allows——

Mr. SABATH. I know——

Mr PETERS (continuing). But it allows the use of the original appropriation. At the time when the appropriation was made it was not expected that the items for rent, and so forth, would be so large nor that they would be subtracted from this $1,800,000.

Mr. SABATH. Will the gentleman explain why the amounts are so high, namely, rent? Why has it been necessary to expend $90,000 for a temporary structure in the city of Boston? That is, annually and not two years, if I am not mistaken.

Mr. PETERS. It was necessary to obtain particularly large quarters in order to house the whole customhouse force. I know nothing about the negotiations, but I assume they secured quarters as economically as possible.

Mr. SABATH. How many square feet are being used now for which the Government pays $90,000 a year?

Mr. PETERS. It is a good-sized seven-story building in the city. I do not know what the floor space of the present quarters is.

Mr. SABATH. Where in the city of Boston is this building located which is now in use?

Mr. PETERS. Tremont Street and Temple Place.

Mr. SABATH. That is not the most expensive section of the city or it is not the real business section of Boston, is it?

Mr. PETERS. It is just about where the highest priced real estate property is located, in the vicinity of this building.

Mr. SABATH. Does the gentleman know who owns that building?

Mr. PETERS. No; I do not.

Mr. SABATH. Does the gentleman know who secured the lease for that building?

Mr. PETERS. I know nothing about the negotiations of the lease or who secured it. That went through the department, and I can answer nothing more than that.

Mr. SABATH. Does the gentleman know whether the department has made any effort to secure better and cheaper quarters than this building?

Mr. PETERS. I have never heard any complaints about it, and I do not know anything about it.

Mr. AUSTIN. I desire to state to the gentleman that it developed at the hearings that this was the only suitable building they could secure in Boston conveniently located to house all the Government employees in one building.

Mr. SABATH. Do I understand that there is no other building in Boston suitable for this purpose?

Mr. AUSTIN. The statement made by the representative of the Treasury Department to the committee was that this was the most suitable building they could secure conveniently located for the transaction of public business and large enough to house the entire Government force.

Mr. PETERS. A committee aided in finding a location for it, and I have never heard any criticism of the choice or of the rent.

Mr. SABATH. How long has this building been used now as a temporary Government structure?

Mr. PETERS. About two years.

Mr. SABATH. How long will it be necessary for the Government to occupy possession of this structure?

Mr. PETERS. It will be necessary——

Mr. SABATH. Another two years?

Mr. PETERS. About two years to complete the construction of the building. So long as we delay the commencement of the construction, just that much longer will the Government have to pay this rent for outside quarters.

Mr. SABATH. So that by that time the Government will have paid about $350,000 to $400,000 as rental for this structure which the Government now occupies?

Mr. PETERS. I suppose so.

Mr. SABATH. Does the gentleman know the value of this building?

Mr. PETERS. I decline to yield further. It has nothing to do with the merits of this bill.

Mr. BUTLER. Will the gentleman yield?

Mr. PETERS. With pleasure.

Mr. BUTLER. The language that the Government uses is a part of the language of the general statute, and provides for part of the general customhouse at Boston. I can not understand how it got in the bill.

Mr. PETERS. I have thought it strange that such language should be placed in the bill, but that is the difficulty we are placed in.

Mr. BURNETT. That is the very reason of the merit of the bill, because the language of the statute was that there was an appropriation that the authorization should include expenses of the temporary removal of the force employed in the customhouse. The Treasury Department considered that to mean rentals as well as the transmission of the property and retransmission of the building. It does seem to me in order to contract for the construction of the building there ought to be a certainty about it, and as long as there is uncertainty about that rental there can be no contract for the construction of the building, although the foundation has been excavated and is ready for the erection of the building.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. Does not the gentleman think the department should know about what it should cost in case the old building is given up and the time it would take to construct? Do you not think that when they make their estimates they should properly recommend or report to the House?

Mr. BURNETT. They could not know about the length of time it would take for the construction of the building.

Mr. SABATH. That is their building, is it not? It is the department's business to ascertain.

Mr. BURNETT. The very uncertainty of the language of the bill has hindered a contract for the consummation of the building itself. They have gone on and made an excavation, costing some two hundred and odd thousand dollars, but that is as much as they can get unless they know how much money they can contract for for the completion of the building.

Mr. MANN. Mr. Chairman, it seems to me there is something wrong in this bill. I have a bill marked, after examination, as being a bill that ought not to pass. The report on the case is not very satisfactory. I think that I shall take the liberty of mildly criticizing the Treasury Department for sending in this kind of a report upon a bill, as I had occasion to do the other day. The Secretary of the Treasury, in making a report upon this bill says, in addressing the chairman of the Committee on Public Buildings and Grounds of the House of Representatives:

SIR: Referring to your request for a report in connection with H. R. 24227, a bill to amend section 11 of an act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public buildings acts approved March 4, 1909, I have the honor to inform you that the department sees no reason why the proposed amendment should not accomplish the result desired, to wit, practically increase the appropriation for the new customhouse at Boston, Mass.; and it is believed that with this amount of appropriation the customhouse building can be constructed.

There is absolutely no information whatever contained in that report from the Secretary of the Treasury, except that in his opinion the bill will accomplish the results desired. We have the right, in sending to the departments for reports upon these bills, to have them send us information.

Now, here is a proposition where three years ago, with full knowledge of the subject, the Committee on Public Buildings and Grounds provided an authorization for $1,800,000 for a new customhouse at Boston, the amount to include the cost of the temporary quarters pending the construction of the building. It said:

Including the expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

If that does not include the quarters, then I do not understand the English language.

Mr. BUTLER. Is that the customary language?

Mr. MANN. It is not the customary language. This was a particular occasion. One million eight hundred thousand dollars was appropriated, with the distinct understanding that it would cover the expenses preliminary to the final occupation of the building. They would not have gotten $1,800,000 on any other proposition, as I understand it.

Mr. AUSTIN. May I ask the gentleman if the act says anything about the payment of rent?

Mr. MANN. The act does not say anything about the hiring of a dray, and the act does not say anything about the employment of a carpenter to take down or put up. The act says:

The expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension.

It does not say "the temporary removal of the force from one office to another," but "during the enlargement, remodeling, or extension." There is not any question about what was intended. It was intended to cover the rent and all other temporary expenses. It was upon that basis that $1,800,000 was provided. Now, like all other cases, gentlemen get the camel's nose in and then they want to push the whole body into the tent. Having gotten the authorization on their own terms, they then turn around and want to increase the amount that is to be available for the building.

Mr. BOEHNE. By $700,000. That is what has already been expended and what is to be expended.

Mr. AUSTIN. I beg the gentleman's pardon. The additional amount needed is $300,000.

Mr. MANN. What is the occasion for the delay over there about letting the contract and doing the work?

Mr. AUSTIN. Simply because the plans have been drawn and the specifications prepared looking to the construction of a building to cost $1,800,000. The Government anticipates that it would take three years before this building would be completed, and the expenditure for rent of practically $300,000 of the $1,800,000 causes the committee having this matter in charge to favorably report this bill before the contract is executed and further work ordered.

Mr. MANN. Having deliberately obtained from Congress a provision under which they knew the building could not cost $1,800,000, they thereupon hold it up for more than three years to date on the theory that they will make Congress yield to them, because there is no other way of doing it.

Mr. AUSTIN. I think the gentleman is in error in stating that they have held up the construction of this building for three years, because the foundation has already been constructed.

Mr. MANN. I may be in error about the time. I do not know.

Mr. PETERS. The bids for the finished structure were only received by the department about February of this year.

Mr. MANN. Why were they not received before?

Mr. PETERS. From then until now has been the only delay, and as for the people asking more than they originally expected to get, the architect, Mr. Taylor, testified before the committee that it was expected the rent would amount to about $30,000 instead of $100,000.

Mr. MANN. They could ascertain about what the building could be rented for; but why should they hold back until this February, three years after the act was passed, before contracts were advertised for? This is not one of the ordinary cases where they have to wait because they have not the force to supply the demand for plans and specifications, for this was an exceptional case. They went ahead and moved out of the building. When did they move out of the building—three years ago, two years? Can some gentleman tell me who knows?

Mr. PETERS. I know. It was a little over two years ago.

Mr. MANN. The report says several years ago. I did not know just what that meant. Undoubtedly it was not less than two years ago.

Mr. BOEHNE. Does not this bill also provide for the assuming of the rent for the next two or three years at $84,000 a year?

Mr. MANN. It may be $184,000 a year for aught we know. I have read the last paragraph of this bill, and I was going to ask for some explanation of it. I have read it six or eight times, and I do not know what it means.

Mr. SHERLEY. Does the gentleman from Illinois know how much difference in cost there would be if this building was made of brick instead of stone, for that part which is above the existing building, which they are supposed to use as a foundation for this tower?

Mr. MANN. I do not know that, but I know that if Congress provides for the construction of a building that costs $1,800,000, that sum of money can be spent on the building; and if it provides for the construction of a building to cost $1,200,000, that sum can be spent on the construction of the building; and the chances are that as far as the efficiency of the Government service is concerned the building that costs $1,200,000 will be fully as good as the building that costs $1,800,000. I have no objection to their building a monumental structure over in Boston, Mass., if they desire to do so. I can see no reason why we should increase the cost of the building at Boston, any more than we increase the cost of buildings all over the rest of the country, except that the delegation from Boston on the floor of this House is not only extremely intelligent but extremely active and persuasive.

Mr. SIMS. I should like to say to the gentleman that this House does make an exception of Boston, Mass., from the fact that we have already appropriated money out of the Treasury to reimburse an expense to which that city, State, and county have been put for removing an obstruction on a navigable stream—a thing we do not do anywhere else. Why do you want to make an exception on this thing?

Mr. MANN. I made a statement in reference to that bill, expressly calling attention to the fact that it not only was not for the benefit of Boston, but of a small community who were utterly unable to tax themselves for the benefit of the Government to an amount sufficient to accommodate the Government.

Mr. SIMS. Forty-five per cent of that appropriation went to the State of Massachusetts, and I never heard before that that was a small community.

Mr. MURRAY. Mr. Chairman, if it is of any interest to get the facts right in this case, may I suggest that the gentleman from Illinois [Mr. MANN] has stated the facts of that case so accurately that there can not be any difference of opinion about them. That bridge matter was not a Boston matter. It was Weymouth, Mass., which is an entirely separate locality.

Mr. SIMS. Does not 45 per cent of that appropriation go to the State of Massachusetts?

Mr. MURRAY. Surely.

Mr. SIMS. Does the gentleman call that a little community, poor and poverty stricken? The State includes Boston, and therefore it can not be poor.

Mr. MURRAY. Oh, no; the gentleman has got it wrong.

Mr. SIMS. Was not 45 per cent of that money to go to the State of Massachusetts?

Mr. SABATH. That amount was saved for the street car company.

Mr. MANN. Mr. Chairman, I do not desire to thrash over old straw. I am not worried about the charge any gentleman makes that I might be inconsistent. That is not bothering me. I want to discuss this proposition. Here is a proposition emanating from the Committee on Public Buildings and Grounds, giving an extra and new provision for the city of Boston, which has once been provided for. Why, Mr. Chairman, there are many places in this country that are entitled to and would like to have a public building. They can receive no consideration at the hands of the Committee on Public Buildings and Grounds. Why should we make exception for Boston? Why should the Boston Members who have been in once come here and get the ear of the Committee on Public Buildings and Grounds again? Why can not we have a provision for the necessary buildings in other parts of the United States? The other day we passed a bill to create a naval historical society composed of gentlemen from New York and Boston.

Now we have to take care of a Boston public building. I am perfectly willing to admit that Boston occupies a very large place in the history of the world and in the importance of this country, and yet it does seem to me that Boston is not the only city on the American Continent; that there are other places in the United States, and that there are other Members of Congress besides those who come from Boston, and who would like to receive consideration from the Committee on Public Buildings and Grounds. Why does not the committee bring in a public-building bill? Why does not the Committee on Appropriations provide for the construction of public buildings already authorized?

I know gentlemen sit here and wait, expecting that after the fall elections when the record has been made up and completed, that next winter every fellow will get all that he wants. Now, the manly thing to do, if you want to pass a public-building bill, is to pass it during this Congress before the election, pass it now, and instead of waiting until next winter to provide appropriations for buildings already authorized, provide appropriations now at this session of Congress. But gentlemen are proposing to trade away their opportunities for needed public buildings by passing little petty private bills like this,

for the benefit of some particular community and some particular place.

I heard gentlemen talk bravely some time ago about how they would favor a public-building bill if it could be brought before the House. One way to help do it is not to pass these second and third attempts. These gentlemen have had their day in court. They got what they asked for. Now they ought to be willing to wait for anything additional until the rest of the bills are taken care of at the same time. I reserve the balance of my time.

Mr. SHERLEY. Before the gentleman takes his seat, I would like to ask what reason he can give why there should be any extra sum appropriated for this building at any time.

Mr. MANN. I have already expressed my opinion, that I can see no reason why there should be anything extra now or at any other time, although I do not profess to be as familiar with the situation as are some others. Let them cut down the expense of the buildings. The department when it appropriates money for something ought to cut the garment according to the cloth. I reserve the balance of my time.

Mr. AUSTIN. Mr. Chairman, I am a member of the Committee on Public Buildings and Grounds. We had an extensive hearing on this proposition. The Republican members of that committee favored an omnibus public-building bill, but when the Democratic caucus decided upon a different program it was utterly impossible for us to carry out our views as members of that committee. Because a Democratic caucus vetoed an omnibus public-building bill does not mean that the Republicans of that committee should not favor this proposition, and every other similar proposition that was presented to us for consideration.

This bill ought to pass. The Public Building Committee reported $1,800,000, and the members of that committee believed and understood that Boston was to receive a public building that was to cost that amount. It was not contemplated, it was never dreamed, that there should be a delay of four or five years and a rental expense amounting to $90,000 a year taken out of the general appropriation for the Boston building. I ask every Member of this House to apply this particular case to his own district.

Mr. SHERLEY. Will the gentleman yield?

Mr. AUSTIN. In a moment I will yield. Had Congress authorized a public building in the city of Louisville to cost $1,800,000 and used the present site for the new building which rendered necessary the removal of the Government employees to an expensive building to be housed for three or five years, exhausting a third of that appropriation, I know very well that the able and efficient Representative from the Louisville district would be here asking and demanding of Congress that the full amount be restored to give the city of Louisville what was contemplated originally—a building to cost $1,800,000.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. In a moment. All of us had items in the last public-building bill, authorizing from $50,000 up to hundreds of thousands of dollars for the cities and towns in the districts we represent, and had it turned out in every one of these cases that the Treasury Department found itself without funds to meet annual rentals, running into hundreds of thousands of dollars, for three or four years, where is the Member who would have sat here and submitted to a proposition that would have exhausted the building-fund appropriation for one of his towns, carrying fifty or a hundred thousand dollars or two hundred thousand dollars or a million eight hundred thousand dollars? What the Members from Boston have a right to do is to demand that their colleagues in this House give them what they secured in the original bill and what Congress fully intended to vote them. [Applause.] Take the showing made here, wherein it is shown that Boston turns into the National Treasury $29,000,000 a year to carry on the National Government, and they ask only $1,800,000 for that city. You take that amount and compare it with the appropriations made by Congress for New York or Philadelphia or the city represented by the minority leader on the floor of this House, and we will all be frank and fair and free to say that this is a modest appropriation, considering the amount of money that Boston turns into the National Treasury and the amount of money expended by Congress in public buildings in corresponding cities of the Republic.

Mr. Chairman, some one has said we should delay this proposition until next winter. Every month's delay means $8,000 of money practically thrown away in monthly rentals. It is six months before the next Congress meets, and perhaps after it meets it will be three months before an appropriation will be made, making nine months, and nine times eight means $72,000 that we will still further take out of the Treasury and throw away in rent.

Now I will submit to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Oh, I do not want the gentleman to submit to me. I want him to yield. I am not going to punish him. I simply want to ask this question. Whether he thinks all of the equities would exist if it were the fact that they had expected $300,000 of this money to go for rent, and that the situation is one of a building authorized to be constructed for a million and a half, actually costing, because of the mistake of the architects, $300,000 more? And what would the gentleman say if it were possible now by going ahead and constructing a building—not using quite as fine material, but getting just as good a building—not to delay the matter at all?

Mr. AUSTIN. I will say to the gentleman the committee had before it the representatives of the various departments of the Government that are going to occupy this building, and we considered the question as to the capacity of the building, not only for present needs but for future needs.

Mr. SHERLEY. When did the committee have that hearing?

Mr. AUSTIN. We had an extensive hearing upon that proposition.

Mr. SHERLEY. When did the committee have it?

Mr. AUSTIN. During the present session of Congress.

Mr. SHERLEY. When?

Mr. PETERS. On April 19 and 20.

Mr. MANN. Has that hearing been printed?

Mr. PETERS. Not that I know of.

Mr. SHERLEY. Was not the meeting held a little before that time?

Mr. AUSTIN. We had an extensive hearing.

Mr. SHERLEY. When?—is what I am trying to learn.

Mr. AUSTIN. Oh, I am not the clerk of the committee and do not keep the dates of the hearings. When did the gentleman from Kentucky have a hearing on his sundry civil appropriation bill?

Mr. SHERLEY. We had a hearing on the 19th of April, and I want to see whether your hearing was before or after ours.

Mr. AUSTIN. The gentleman says he can go ahead and give Boston a building to cost $1,300,000.

Mr. SHERLEY. No; I did not. I said they had planned a building to cost a million and a half and had missed it by $300,000.

Mr. AUSTIN. Oh, we have not missed the plans at all. Plans were before the Committee on Public Buildings and Grounds, and the architect was present in person, giving the committee a report upon the amount of work and character of work and the plans and specifications, and the committee considered the question of reducing the cost of the building from $1,800,000 to $1,300,000, and we determined after weighing the evidence that if we put up a $1,300,000 building it was only a question of time when Boston would be back demanding of Congress an additional building or an enlargement of the present building.

Mr. SHERLEY. What would the gentleman say if the hearings disclosed that you could put up a building, giving the exact amount of floor space as that proposed, even if this bill passes, not crowding in any particular way the floor space of the offices of the Government, for $327,000 less than that estimate?

Mr. AUSTIN. The committee discussed that question, and it would virtually strip this building of the high-class material of which it should be constructed.

Mr. SHERLEY. What does the gentleman mean by "stripped"?

Mr. AUSTIN. To substitute brick for granite—taking off the tower, where additional space was needed for storage purposes.

Mr. SHERLEY. Has the gentleman ever seen the Singer Building in New York?

Mr. AUSTIN. Yes; certainly.

Mr. SHERLEY. Well, that is a very handsome building. They constructed that building of brick, did they not?

Mr. AUSTIN. Yes.

Mr. SHERLEY. And is not that true of many of the handsomest buildings in New York?

Mr. AUSTIN. Has the gentleman a brick building for the post office at Louisville?

Mr. SHERLEY. No; we have a horribly ugly stone building; one of the ugliest I have ever seen, that is a monument to the incapacity of the architect who built it.

Mr. AUSTIN. If we were going to make an appropriation tomorrow for a new building to be located at Louisville the citizens of the town would not have a brick building, but would demand either granite or Kentucky limestone.

Mr. SHERLEY. Now, listen. I would not stand here and say that selfishness is local to any community, though we occasionally see a little bit more on the floor from some sections than from other places. Of course, the people of my town would try to get all they could, and because they would try to get all they could through their Representative, other Representatives, realizing that, would search with a good deal of care the statements and the representations made by the community in interest. And that is what we are doing here. I do not blame Boston for getting away with it if it can.

Mr. AUSTIN. The Representatives from Boston made a presentation of their case, and they convinced every member of the committee, Democrat and Republican alike, that they were entitled to and deserved this appropriation.

Mr. SHERLEY. They had less success with the Committee on Appropriations, and they brought the same distinguished architect, and I commend to the gentleman a reading of that testimony.

Mr. AUSTIN. We had all the testimony we needed. We had representative men from Boston, and nearly every branch of the Government service that is housed in the Boston building appeared before that committee. Now, Mr. Chairman, the Government has saved over a million dollars in the purchase of the site alone by the adoption of this plan and the construction of this proposed building on the present Government sites.

Mr. SHERLEY. Is that any reason why we should expend any more than we ought to expend?

Mr. AUSTIN. No; but it amounts to this: By the adoption of this plan and the location of the building the Government will save over a million dollars, and that ought to be taken into consideration in connection with the merits of this proposition.

Mr. SHERLEY. Are not you going to use this site whether you get the additional $300,000 or not? Is not the real question whether you will have granite instead of brick, and whether you will have bronze in place of tile, and whether you will have bronze fittings in doors and windows in place of steel? Is not the question one of detail, not either the capacity or the sufficiency——

Mr. AUSTIN. We have gone to the extent of expending $200,000 on the foundation on the present Government lot, and all we want to do for Boston is what we will do for Louisville when the time comes, and that is commensurate with its growth and importance to give the very best the United States can afford.

Mr. BOEHNE. How about my town?

Mr. AUSTIN. Your town and my town.

Mr. SHERLEY. Why do you stop at $300,000? That does not represent the maximum in the Treasury.

Mr. AUSTIN. Because $300,000 will be the amount taken out of this fund for rent, when Congress intended the full amount, $1,800,000, should go into the construction of the building.

Mr. SHERLEY. That is not the best. The gentleman says he wants to give the best; why not go the whole way if we are starting on that road?

Mr. AUSTIN. Now, I will yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I want to call attention of gentlemen to the evidence of Mr. Taylor, given before the committee Saturday, the 20th, in which he said, "We calculated we would not pay more than $30,000 or $40,000 a year," having reference to the original plans at the time the estimate for rent was made.

Mr. AUSTIN. That is true, and the evidence submitted to that committee showed an effort was made to secure a cheaper and more suitable building for that purpose, and it could not be had.

Now, I yield five minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Chairman, it is very easy to broaden the scope of the question before the committee. We may extend it so as to include the argument concerning the Weymouth Bridge, or whether the witches were hung, or we may bring in the question of the general policy of having a public-building bill. But the exact question before the House at the moment relates to the Boston customhouse, and that is the question that must be decided by Congress.

Now, if it is conceded that the old Boston customhouse, which was built a great many years ago, was entirely inadequate, in my opinion, the proper thing to have done was to consider building a new customhouse. The space was very contracted. It was a case fairly calling for the expenditure of $4,000,000 or $5,000,000 for the National Government to build a customhouse such as we have in the other ports of the country that have any income commensurate with that of the Boston port. The Government is taking in nearly $30,000,000 a year in receipts at that customhouse. If we had gone on with the old customhouse and had continued to do business there we should be paying high rents—as expensive rents as it appears here in the debate we are paying. No one would question that the rent is reasonable, although it is costing something like $80,000 or $90,000 a year. But it was determined in the interest of economy to use the old customhouse lot, which is not large enough on which to build a building according to the modern standards, and to save space by running the building up in the air, I do not know how many feet. I do not think it will be any particular addition to the architectural beauty of Boston, but I do think, since the Government is to adopt this policy, and is to carry the building up some 400 feet in the air, a different sort of building from what they have anywhere else, it owes it to the community to have it of normal construction and not a mere eyesore.

It appears here from the evidence that the question has been studied and plans have been adopted and they can erect the building for the amount that was originally expected—$1,800,000—but when you come to take out of that four years' rental it will be impossible to erect a building that will have the proper appearance for that sum of money. This question is delaying construction and increasing the outside rental which is accumulating. The bill permits the department to carry out the projected plans and to build the building in granite, instead of having the lower stories of granite and the rest of brick. I think the case is irresistible. I shall not be put in a position here of scrambling to get anything from the rest of the country. I believe, compared with the amount of receipts from this customhouse, the expenditures of the Government for the building will be very modest indeed.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. MCCALL. I will.

Mr. SHERLEY. Does the gentleman think the real test of how much you shall spend for a building is the amount of custom receipts?

Mr. MCCALL. The real test?

Mr. SHERLEY. Yes.

Mr. MCCALL. I think it is, within certain limits.

Mr. SHERLEY. Is not the only limit the amount of floor space necessary to accommodate all the clerks who are needed to do the amount of work?

Mr. MCCALL. I think not, necessarily. I make this as an assertion: Of course you can do a wholesale business more cheaply than a retail business. I imagine that to have this appropriation or expenditure in Boston for the building chargeable against the Boston revenue will be a very much less percentage regarding the amount of the interest on the money invested than is expended in Louisville, Ky. But that is due, of course, to the fact that you do a less business there, and you can not expect to do it so economically. But I was going to say that, except in the case of New York, I do not believe that you will find a customhouse building in the country where the percentage of cost, chargeable to rent, on the receipts collected will be as small as it will be if this plan is carried out in Boston.

Mr. SHERLEY. Now, if the gentleman will permit me, as illustrating how unreasonable a test that is, take the city of Louisville. We collect there, contrary to the gentleman's impression, a tremendous sum of money through internal-revenue taxation. According to the gentleman's theory, we ought therefore to have a building costing a great deal more than a city perhaps of a third larger size, like Rochester or Buffalo, and yet in point of fact it does not require any more floor space. I am not discussing other considerations, such as the size and character of a city and the policy of having a building in harmony with its surroundings, but I am challenging the gentleman's statement relative to income, and submit that it is in no sense a reasonable test, except as it indicates the necessary floor space.

Mr. MCCALL. Mr. Chairman, I think the gentleman did not hear me lay down such a test. I understood the gentleman to assume that that was the test, and he asked me a question and I answered it, giving limitations. Then the gentleman assumed that I had based my argument upon a particular proposition, which I had not done.

Now, with reference to the internal revenue collected at Louisville, I suppose upon whisky and tobacco, the expense of doing that business is much less than that of doing customhouse business, where you have to have a force of appraisers, and watch importations, and have valuations, and things of that sort. A large part of the internal-revenue business is done by sending men out to the distillers. The practical part of it is done there. It is chiefly a matter of receiving the money.

Mr. AUSTIN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] is recognized for five minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I do not happen to live in Boston, but I live in Massachusetts, and I have been somewhat familiar with the discussions that arose in regard to the location of a customhouse building when it was determined that additional room was needed at the Boston customhouse.

I recollect that the leading Boston business men and committees from the Boston Chamber of Commerce and other business organizations spent a great deal of time to aid Government officials in finding a location that would be satisfactory to the business interests of Boston, which largely represents the business interests of the whole Commonwealth of Massachusetts. They failed to find a suitable location except upon an expenditure of a very large sum of money, and finally they determined that they would prefer to have changes made in the old customhouse building, increasing its size and accommodations as to room and other conveniences, as the building is in the center of the customs and business district. Therefore they evolved this plan which provided for a tower. The amount of expense was determined, and it was supposed that it would be amply sufficient to complete the building as originally designed.

In the discussion this afternoon the fact has been brought out that a cheaper method of construction might have been used; that the tower might have been built of brick instead of being built of granite. It has been contended that it might have been built of cheap brick. But it would have been a cheap-looking structure. It might even have been built of the cheapest material that could have been found.

Mr. SHERLEY. Mr. Chairman, will the gentleman permit an inquiry?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. GREENE of Massachusetts. Oh, yes.

Mr. SHERLEY. Does the gentleman think that the Singer Building, in New York, which is built of brick and is a building of the same type, can be called a cheap-looking building?

Mr. GREENE of Massachusetts. The original customhouse building was built of granite.

Mr. SHERLEY. But the lower part of the Singer Building is built of stone also.

Mr. GREENE of Massachusetts. Oh, well, that is quite a different proposition. I think the proper material for the construction of this building would be granite. I am not going to discuss the Singer Building. I have seen it only from a distance, although I do not live very far from the city of New York. It does not make any difference what kind of a looking building the Singer Building is.

Mr. SHERLEY. The only reason why I asked the gentleman that question was because he said the building would be cheap looking if it were built of brick.

Mr. GREENE of Massachusetts. You propose to use brick. We propose to build of granite, as it ought to be built.

Mr. SHERLEY. It is proposed to build it as Congress determines to build it.

Mr. GREENE of Massachusetts. Oh, I assume that Congress will act sensibly, although Members may talk foolishly about it when they are simply talking. [Laughter.] All these side issues that have been brought up here have absolutely no influence with me.

Mr. SHERLEY. I would expect that the gentleman, being from Massachusetts, had made up his mind when the bill was brought in; but if the gentleman will read the hearings he will not make the mistakes he has made as to the facts.

Mr. GREENE of Massachusetts. Very likely.

Mr. SHERLEY. I know it to be likely, because the gentleman would not want to state anything that the record showed to be incorrect.

Mr. GREENE of Massachusetts. Not at all. I think the proposition included in the pending bill is fair and reasonable for a city located as Boston is and with the accommodations that it needs. I think the appropriation ought to be granted, and we ought not to adopt a policy of cheeseparing, to see how cheaply the proposed building can be constructed.

Mr. SHERLEY. Will the gentleman permit another question?

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. The gentleman does not need to yield if he does not want to.

Mr. GREENE of Massachusetts. I certainly wish to.

Mr. SHERLEY. The testimony of Mr. Peabody, your architect, was that it was contemplated to build this building for $1,500,000.

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. It was known that the foundation would cost just what it has cost, so that no mistake can be laid to the foundation cost.

Mr. GREENE of Massachusetts. I am not trying to deny that there may have been mistakes.

Mr. SHERLEY. It was testified to by the architect here that $300,000 of the $1,800,000 was expected to cover the rental item.

Mr. GREENE of Massachusetts. Yes.

Mr. SHERLEY. Now, is not the fact simply this, that Congress has authorized a building to be built for $1,500,000, and your architects have planned so badly that they have missed the limit by $300,000?

Mr. GREENE of Massachusetts. That is not unusual.

Mr. SHERLEY. No; it is not unusual; and it will not be unusual until we cease to let them get additional money when they violate the law.

Mr. GREENE of Massachusetts. Do not undertake to visit Boston with punishment. They do not deserve it.

Mr. AUSTIN. I reserve the balance of my time.

Mr. MORSE of Wisconsin. Mr. Chairman, I only want to say a very few words in discussing this matter. I believe the Government should build public buildings wherever they are needed. The people do not come in contact with the Government itself at any place very closely except at the post office, and I am very heartily in favor of building public buildings wherever the rental is large enough to warrant the expenditure; but it does seem to me that in this particular instance this appropriation is entirely unnecessary. The Democratic Party had a caucus, we are told, and at that caucus they decided that at this session of Congress we should have no public-building bill. Yet apparently some districts are in danger in Boston; therefore Boston is selected out as a place to which they propose to show special favor.

Mr. SABATH. Will the gentleman yield?

Mr. MORSE of Wisconsin. In just a moment. I notice that Boston and New England always come in for special favors. I do not care whether it is in public-building bills or tariff bills, or whether it is an appropriation for digging a ditch or removing a bridge at Weymouth, Boston and Massachusetts get their hands into the Treasury and get the money out and get what they are after.

Mr. SABATH. If I am not mistaken, the gentleman has been misinformed as to the charges that he makes against Boston, or the Members of the House from Boston. The reason why they insisted on having this bill reported, as I understand it, is in order to save the enormous rental that the Government is paying for the temporary quarters. That is the main reason that this bill has been reported and has received preference over the other bills that are now pending.

Mr. MORSE of Wisconsin. I thank the gentleman for the information, and I call the attention of the House to the fact that the Government is paying rent for almost every third-class and second-class post office. In the little city from which I come the Government owns a site and it is paying rent, and it will pay rent until that building is completed and paid for out of the Federal Treasury. I suppose that is a good reason for building a building there. I appeared before the committee in a previous session of Congress and urged the building of a building there on that ground. Now, that thing applies to all parts of the country, to every congressional district, and the mere fact that in Boston we are paying some rent does not give this particular project any virtue over any other.

I notice that they want another $300,000 in order that they may change the building from brick to granite and put in some bronze. Why, if you will give us in the Middle West a few buildings we will be tickled to death to take brick, and we do not care for a tower either. Boston is asking for a 400-foot tower on the top of it. You have $1,800,000 already, and you have the nerve to come back to this House and ask for more.

Mr. BURNETT. Will the gentleman yield?

Mr. MORSE of Wisconsin. Certainly.

Mr. BURNETT. The gentleman does not recognize the fact that $1,800,000 has been depleted by the payments of rent. That is what gives them a standing; instead of the city getting $1,800,000 it is constantly being reduced on account of the $90,000 a year rental.

Mr. MORSE of Wisconsin. But that reason will apply to every public building wherever it is needed in a hundred places in this country.

Mr. SHERLEY. If the gentleman will pardon me, the facts in this case are that it was never contemplated from the beginning that more than $1,500,000 of the $1,800,000 should go for the building. I hold in my hand the testimony of Mr. Taylor to that effect, and, if desired, I will put it in the RECORD.

Mr. MORSE of Wisconsin. The statement made by the gentleman from Kentucky takes away every inch of the ground on which you are standing, you gentlemen who propose to put this public-building bill through the House to-day. As I said, I do not object to building all the public buildings that are needed, but I do object to you gentlemen on this side of the House going into a little secret caucus, all by yourselves, and with doors closed, newspaper men excluded, decide that you would not bring forth a public-building bill at this session of Congress; and then, in spite of that, singling out Massachusetts for some particular reason, singling out Boston for some particular reason, when it has already been favored with $1,800,000, and asking for special favors for her.

Mr. AUSTIN. Will the gentleman yield?

Mr. MORSE of Wisconsin. Yes.

Mr. AUSTIN. I have just received a telephone message from the Supervising Architect—and I hope the gentleman from Kentucky will give me his attention—in which he says that the original estimate submitted to Congress for this building was $1,900,000.

Mr. SHERLEY. Now, if the gentleman will permit me, as against his telephone communication, I will read the testimony of Mr. Taylor in regard to this building, found on page 139 of the hearings, part 1, which is as follows:

The CHAIRMAN. Will you make a statement so that we will know about it?

Mr. TAYLOR. The limit of cost of that building was $1,800,000, $300,000 of which was for rent, and that left $1,500,000 for the construction of the building. I believe that the estimate that was originally made was $2,000,000, which was just $500,000 more than was allowed for it.

That is his testimony under cross-examination. I submit to this House that it is not becoming in a public official to appear in his public capacity before an appropriation committee to give testimony there, and then by private telephone communication raise a doubt, even as to his own testimony.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MORSE of Wisconsin. I yield.

Mr. FITZGERALD. Mr. Peabody, the architect of this building, stated when he appeared before the committee that he was notified that $1,500,000 would be available for this building, and he proceeded to prepare the plans which it required, and if the building is carried out in accordance with these plans without substitution of alternatives it would cost $1,800,000, while if the alternatives be substituted a building could be constructed for $1,500,000.

Mr. AUSTIN. One million eight hundred thousand dollars provides for granite and the other for brick.

Mr. FITZGERALD. I will discuss the brick business in a little while.

Mr. MORSE of Wisconsin. Mr. Chairman, I do not desire to add to what has been said. It seems to me there is no reason on earth why this bill should be passed at this time; there is no reason why Boston should be singled out from every town and village in the country. I congratulate gentlemen on their sublime nerve in bringing this bill in, and I believe if it was not for the vote of the delegation from Massachusetts it would not have a corporal's guard.

Mr. CURLEY. Mr. Chairman, before the gentleman takes his seat, he talks about the question of precedents. I would like to ask him if he knows any other section of the country where a building is in course of construction where the rental is as large as it is in this case in Boston which is being paid while the building is in the process of construction?

Mr. MORSE of Wisconsin. Is this building in the process of construction?

Mr. CURLEY. I should say so. Here is a picture of it.

Mr. MORSE of Wisconsin. For how long has it been in process of construction?

Mr. CURLEY. I should judge somewhere about 14 months. They have been compelled to go down more than 100 feet to get a foundation that would be suitable for the superstructure. Ninety-six thousand dollars annually is being paid for outside rental. That in itself is sufficient reason for speedy action on the part of this House.

Mr. MORSE of Wisconsin. The speedy action the people of Boston ought to take is to go along as they intended to do when these plans were adopted and construct a building in accordance with those plans. You are delaying the thing yourselves.

Mr. CURLEY. Oh, I am ready for a vote now.

Mr. MORSE of Wisconsin. The facts are that the building is not good enough for Boston; that you do not care to construct the building as originally proposed; that you want a little more marble and a little more bronze; and you are the people who are delaying the construction of the building. If you will take that which is good enough for Milwaukee and Chicago and most of the other towns the size of Boston and be satisfied with it——

Mr. SABATH. Oh, I think that is unfair to Chicago. [Laughter.]

Mr. CURLEY. Mr. Chairman, it is a great many years since we regarded Boston as a town. It may be proper to regard Milwaukee and Chicago as such, but I do not think it is fair to regard Boston in that way.

Mr. AUSTIN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, it may have been contemplated when these estimates were made that a public building could be constructed in Boston for $1,500,000. I have not been raised along lines where exquisite taste was practiced, but I do believe in harmony. I do believe in the Government constructing buildings that will harmonize with the surroundings. Oh, my friend from New York [Mr. FITZGERALD] shrivels up his face at my remark, but I know well enough what he would demand if the city of New York were involved.

Mr. FITZGERALD. Mr. Chairman, I could not help smiling at the gentleman's statement, because there are to be no surroundings for this building. It is to be so high up in the air that it is to overtop by hundreds of feet all of the insignificant structures that will be strewn around at its base.

Mr. BUTLER. Mr. Chairman, I know nothing at all about its immediate surroundings, but I do know that Boston is a city of very great importance, and I do know, as compared with other cities where public buildings are demanded and expenses incurred, that Boston ought to be well treated. I do know from observation that the estimate of the architect made at the time is not always capable of fulfillment. I do know that in a case at hand, in the little town where I live, where they estimated that $60,000 would be sufficient to construct a good building, I had to appeal to Congress a second time for the modest sum of twenty or thirty thousand dollars in addition. I thought $60,000 would be sufficient and so did the architect, and everybody thought that amount would be sufficient, but it would not build us a structure that would harmonize with the surroundings found in the little quaint, old-fashioned town in which I live. I do know that in this instance the Congress would not likely have agreed—certainly not if a protest had been made, and for one I would not—that the authorities should have the opportunity to run to this fund whenever they saw fit to take the money with which to pay the rent of quarters for the office force. It will be two or three years before this building will be constructed. Certainly the word "temporary" in the language in the bill did not intend to mean that for time without limit the money could be taken from the fund appropriated to pay the temporary expenses.

I do not think that this is an immodest demand. I think we ought to pass the bill reported by the committee. I only regret, let me say to my Democratic friends, that the caucus has willed that we shall not have at this time the opportunity of passing a bill to provide for public buildings generally which Members usually expect. I am not expecting any, of course. Nevertheless, if we can avoid the decree of the Democratic caucus I am one who is willing to undertake it, if it almost rips up the Treasury in the attempt.

Mr. MADDEN. Mr. Chairman, of course you can put up a building for almost any price you desire. You can put it up for 5 cents a cubic foot; you can put it up for 7 cents a cubic foot or for 10 cents a cubic foot, or up to 70 cents a cubic foot. It altogether depends upon what kind of a building you desire. The tendency of the citizens of the United States is toward more ornate buildings. Time was when we were all willing to live in log houses, glad to have a log house in which to live, but that time has gone by, and now everybody is seeking more comfort and better facilities and more durability and more art and more harmony, and there is no reason on earth why the Government of the United States should destroy the neighborhood in which it erects a public building.

Why should the Government of the United States destroy values by constructing cheap buildings when the people who live in the neighborhoods of those buildings are putting up good buildings themselves? The Government ought to set the pace for a high standard of construction. It ought to put in the most durable material that can be found. You can put up a building with an interior finish of pine or you can put in brass interior finish for your doors—oak, mahogany, bronze, or whatever you may wish to put in—but I maintain the most economical construction is the construction that costs the highest price when it is first erected, for it costs less to maintain and lasts longer, and it always looks well while it lasts. I say that it is false economy to put up a building for a small price, regardless of the character of its construction, simply

because you have the cubic content in it to do the business. That kind of building is no longer erected anywhere. In every great State in the Union buildings are being put up now of the most palatial style, and they are being put up to attract the eye——

Mr. SHERLEY. Will the gentleman yield?

Mr. MADDEN. Most assuredly.

Mr. SHERLEY. What do you mean by this kind of building?

Mr. MADDEN. The cheap building—with no regard for durability or style or artistic effect.

Mr. SHERLEY. They do not propose to change the kind of building. It is just a question of whether to expend $300,000 more for material.

Mr. MADDEN. That is exactly what I said. It is a question now whether you will be content with the cubical contents of the building regardless of the construction, whether it is constructed so as to be a permanent construction, whether you are to put up the character of construction that will be always in order, or whether you are to put up a flimsy character of building that will require vast repairs.

Mr. SHERLEY. Will the gentleman permit again?

Mr. MADDEN. Certainly.

Mr. SHERLEY. There is no question, so far as the architect testified, as to the permanency of the building whether the upper part will be of brick or stone; they are going to have a steel frame for it.

Mr. MADDEN. I realize that; and while the brick construction of the exterior work would probably last as long as the interior workmanship would, yet it would not be in keeping with the conditions that ought to surround a great public building in a city like Boston.

Mr. SHERLEY. Will the gentleman yield again?

Mr. MADDEN. Certainly.

Mr. SHERLEY. Will the gentleman say, if he knows, how many public buildings there are in Chicago or New York which are built of stone, and I will ask him if it is not the rule that most of the large buildings are built two or three stories of stone and the rest of it of brick or of terra cotta, like the very handsome building that has just been put up opposite the Treasury Building—the Riggs Building, one of the handsomest buildings in Washington—which is built of tile.

Mr. MADDEN. I think a very large number of high-class buildings are being constructed of glazed terra cotta throughout the country, but very little brick is used for the exterior work. Glazed tile is used and a very high class of pressed brick. You can not used glazed brick successfully, because the glaze wears off; whereas if you use a durable material like marble or granite it stands forever. Its durability is unquestioned, but the action of the atmosphere works on the other material so that in a short time it is an eyesore, and such construction ought to be avoided as a policy of the United States Government. The farmers of the United States are putting up better buildings on their farms than they used to do. They are laying out lawns and planting trees and putting out flower beds They are not satisfied with the ordinary beauty that nature gives them any longer.

Mr. SHACKLEFORD. And building good roads.

Mr. MADDEN. And, as my mud-road friend from Missouri says, they are wanting to build good roads out of the United States Treasury.

Mr. BOWMAN. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. BOWMAN. I want to ask the gentleman a question. I was in the employ of the State of Massachusetts under some of their architects some years ago, and I learned to entertain a very high respect for their capacity and their ability, and I think it due to that State and due to ourselves that we let them select the materials they want and the manner in which they want to erect this building, and I think that we are wasting the time of this House in talking about this matter any further.

Mr. CURLEY. I was going to say, some 60 years ago when the customhouse was erected at Boston it was granite, and that private parties who have since constructed buildings in that vicinity have felt that they were compelled in a measure to erect their buildings to conform in character of material to that used by the Government of the United States.

Now, as we have there a chamber of commerce building that represents an expenditure of one million and a half of dollars—a granite building; a stock exchange, built in the immediate vicinity, representing an expenditure of about a million dollars—a granite building; a customhouse and warehouse building, constructed of granite and some 1,500 feet long and about 400 feet wide and some 7 stories in height, would it not rather suggest a ridiculous proposition if we were to put up a brick building? Something akin to a man invited to address a public gathering appearing in evening dress and wearing canvas shoes.

Mr. MADDEN. Now, for example, here is what happens: A man may live in a country district and have a nice home, and he may feel a pride in keeping that home up. So he paints his house every year, and what happens? Everybody in the neighborhood that can raise the money paints his house. If this man lets his house run down, every other house runs down. If the Government of the United States in an impecunious attitude should refuse to appropriate a building merely because of the fact that it is to be built in Boston, it would make a great mistake. The Government ought to put up good buildings everywhere. Why, this is a matter that concerns the people of the whole United States. It is a matter that concerns everybody, wherever they may live. It is an encouragement to private capital to invest in better buildings. I remember the time in great cities when the people who were well to do were willing to live in houses built of common brick. As they got better off they put up pressed-brick fronts, and then they put pressed-brick sides on the buildings. And after awhile they wanted more ornate buildings, and they put in sawed-stone fronts, and held these fronts on the buildings by anchors. And when they got better off they wanted marble fronts, and put them in with blocks of brownstone. They are always doing something to beautify the cities in which they live.

A building of the kind mentioned in this bill ought to be a work of art, and the Government ought not under any circumstances to save $100,000 in a great building that should last for a quarter of a century.

Mr. SHACKLEFORD. If they built a substantial building even less ornate than the gentleman has in mind, would not cities in my district ask them to give them buildings where they have none?

Mr. MADDEN. I am in favor of giving the cities to which the gentleman refers buildings as well. I am not in favor of skimping in the construction of a great public building. It ought not to be so. It is not an extravagant price to pay for a building—$1,800,000—in a great city like Boston. [Applause.]

Mr. SLOAN. Mr. Chairman, I come from a district in Nebraska where we would like to have some public buildings, and I can assure the gentleman that if any be granted he will not have to build any of them 400 feet in the air in order to have room for their construction. We have a good deal of space out there for public buildings, but when we presented our demand there was presented a caucus action of the majority as a plea in bar which said there should not be any public buildings granted at this session.

Now, I do not object to Boston any more than any other city. I have a very high opinion of Boston and the Bostonese. The facts are that old Massachusetts has a great record. I believe it held the record for the lowest rate of illiteracy in this Union until Nebraska wrested that record from her some 10 years ago. And for that reason we do not want to take any further advantage of Boston. They are trying to get it on the ground of a man who, in improvising Scripture, said, "Them as has, gits," and because they have had they expect to get more. I was somewhat interested in the picture of this projected building. It ought to be exhibited to this House so that we could all see it. I have grave suspicions about it. It looks as if they propose to cut the upper 400 feet from the Washington Monument and transport it to Boston and then make a customhouse out of it. [Laughter.]

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Massachusetts?

Mr. SLOAN. Yes.

Mr. ROBERTS of Massachusetts. I want to say to the gentleman that if they take off the top 400 feet of the Washington Monument and transport it to Boston we would have a better-looking building than we shall have unless we get the money we are asking for.

Mr. SLOAN. I am rather interested in that. I was going to speak of the patriotism of old Boston. Just think of the people who are so anxious to pay customs duties as they enter the port of Boston that they are ready to climb 400 feet high to avoid smuggling. [Laughter.] To establish this I notice they dig a foundation 200 feet deep, and then to match the foundation and have something to hold it down they are to build a tower 400 feet above the earth. But, then, I think, perhaps the building would serve a better purpose in pointing the citizens of Boston the way to heaven than it would for the collection of revenue for the United States Government. It might be likened unto the Tower of Babel, but a confusion of tongues in Boston—perish the thought. [Laughter.]

Now, what I do object to is this, not that Boston must be favored or not favored, but that in her case there shall be a special dispensation. The Democratic caucus, which has assumed control of these matters, has said to all of us out on the bounding plains, "You can not have any public buildings this session." But they would say now, in case of a favorable vote on this bill, "We will grant a special dispensation to Boston." To that I am opposed, unless they will say that this Boston matter has been brought before the Democratic caucus, which is the final arbiter on this question. And if the caucus has granted it, I want them to see that it goes through. If it has not been granted let it not be further considered. If I am ruled by that body, I want to be ruled when it is in my favor as well as when it is against me.

Mr. PAYNE. I would like to ask the gentleman a question.

Mr. SLOAN. I will answer it if I can.

Mr. PAYNE. If they should attach to this bill from one to half a dozen buildings for the gentleman's district in Nebraska, would it ease it up any or seem less like a special dispensation?

Mr. SLOAN. It would ease it up generally, and that would be the way to appeal to me. [Laughter.] And if the gentleman from New York has force enough to accomplish that, I would be glad to see him attach such an amendment. If you proceed to give a public building to every district that is entitled to it, I am inclined to think that this great tower would be erected in Boston, along with the other much-needed public buildings of the country.

Mr. PAYNE. I think the gentleman is climbing right onto the idea.

Mr. SLOAN. Oh, yes; I have been watching the course of the distinguished leaders on both sides of the House for many years. [Laughter.]

Mr. PAYNE. I want to say to the gentleman that I was told two or three years ago, about the time the tariff bill was passed, that if I would put on a certain amendment that would help this gentleman who spoke to me and a large class, there would be no doubt but that the bill in the next 60 days would be the most popular bill in the United States. He asserted that the people would say it was the best bill. I have no doubt if you could put a public building into every district in the country the bill by which you accomplished that result would be a popular bill.

Mr. SLOAN. But the gentleman did not make that amendment?

Mr. PAYNE. The gentleman did not.

Mr. SLOAN. I suppose there was a spasm of virtue then.

Mr. PAYNE. No. If the gentleman will stay here longer, he will notice other spasms of virtue of the same kind.

Mr. SLOAN. I wondered at the modesty with which this special instance was suggested.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to his colleague?

Mr. SLOAN. I yield to the gentleman from Nebraska.

Mr. NORRIS. The gentleman has suggested that this tower is to be 400 feet high. Is that it?

Mr. SLOAN. That is what they say.

Mr. NORRIS. Was it to point the way to heaven to the Bostonians?

Mr. SLOAN. Yes.

Mr. NORRIS. I understood the gentleman to say also that if the cellar is 200 feet deep there would be danger that they would go the other way. [Laughter.]

Mr. SLOAN. I will say to the gentleman that I am in favor of serving both classes and all classes in this matter of public buildings and other matters as the foundation and tower would lead Bostonians. They have travelers both ways—more going up than going down—hence difference in height of tower and depth of foundation.

Mr. NORRIS. Touching the location of the building, I fear, from the very fact that the tower is made higher than the cellar is deep, the natural inclination of the Bostonians is to go down rather than up.

Mr. SLOAN. I think the gentleman understands the bean eaters fully and precisely. [Applause.] [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. Mr. Chairman, there are some important facts about this building that I think should be called to the attention of the House. Gentlemen speak about the taking of $300,000 from the authorization as if that had been done after the building had been planned, and in that way those in charge of the construction of the building embarrassed. The fact is that after the authorization of $1,800,000 was made, with a provision for the payment of certain expenses therefrom, the Treasury Department estimated that $300,000 would be required to pay the rentals and other expenses incident to providing for the public business outside of the building during the construction of this new building. It fixed $1,500,000 as the limit within which the building should be designed. The architect was notified to plan a building which would cost not to exceed $1,500,000.

It appears from his statement before the Committee on Appropriations that he was unable to determine why he should not have the $1,800,000, and he planned a building to cost $1,800,000.

In inviting bids for the construction of this building, there was done what is done as to every building advertised for construction by the United States. A number of alternate propositions were outlined in the plans and specifications, and the advertisement required the submission of offers not only upon a definite plan which fixed the features, but provided for the substitution of certain things in case they were determined to be desirable and necessary to bring the building within the limit fixed, and the bids had to be submitted in that way.

By the substitution of certain alternates a building can be constructed giving the same amount of floor space as in the original design, but it will not be as ornamental as if the additional $327,000 were expended.

I call attention to the fact that it requires, not the amount which was set forth, $350,000 additional, but $327,000; and the additional amount up to $350,000, spoken of by the architect, would cover the additional compensation to which the architect would be entitled if, under his contract of 6 per cent of the cost, if I remember correctly, he can obtain 6 per cent upon this additional $327,000.

One of the things that it would be necessary to substitute would be brick in place of granite, the tower which can be seen in the picture before the committee to be faced with brick instead of granite. The architect seemed to imagine that it would be a great crime upon the æsthetic taste of the people of Boston to face this tower with brick. To hear his statement one would imagine that an unsightly, common, red brick tower was contemplated, but after he had been questioned somewhat it turned out that instead of unsightly, common, ordinary, red brick this tower would be faced with handsome, light, pressed brick, and above the tenth story it would require an expert to tell whether it were faced with brick or with granite or some other stone.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. ROBERTS of Massachusetts. I want to ask the gentleman if he thinks the Washington Monument, if made of the nice pressed brick he talks about, would be as pleasing and as majestic and as harmonious as it is now, made of granite?

Mr. FITZGERALD. Mr. Chairman, I have no doubt that if the Washington Monument had been built of a light-colored pressed brick, and that fact was stated to myself or to the gentleman from Massachusetts, we would have marveled all the more at the remarkable engineering skill that made possible the construction of that pile of brick, rather than of the massive stones out of which it is constructed. So far as its being pleasing to the eye is concerned, I imagine that if it were faced with light pressed brick or some other material as is the new building which takes the place of the old Riggs House in this city, it would be much more attractive and pleasing to the eye than the present uneven, discolored, unattractive facing which many of the stones in the Monument present. But to come to the substitution of the pressed brick in this tower. This Boston architect, Mr. Peabody, was greatly shocked that the people of Boston should have thrust up into the air nearly 500 feet this ugly, unsightly, ungainly tower of pressed brick. It would be out of place with the surroundings, so inconsistent with the architecture in the vicinity, and so repellent to the eyes of those coming to the shores of this country for the first time by the way of the magnificent harbor of Boston, that it would be a great injustice, not only to the people of this country but to those of other climes who seek a refuge here through Boston.

And yet, Mr. Chairman, but two or three weeks earlier a brick tower did not seem to be such an architectural monstrosity to the supervising architect when before the committee. He desired to be permitted to erect a pressed-brick tower 275 feet high in the city of New York. It was to be erected on what is known as the new barge office, a building which, I believe, is to cost $500,000. It was to be a Venetian structure, rearing its stately form at the Battery, where it would be the cynosure of all those entering the country through New York Harbor, a thing of beauty and a joy forever. [Laughter.] And yet in my innocence, in my ignorance of architectural niceties, I inquired of the supervising architect if he did not think it would impair the artistic surroundings of the city of New York by putting up

this brick tower right at the Battery, and he said, on the contrary, it would add very largely to the attractiveness of the city. [Laughter.] But two or three weeks later, when it was suggested that this tower in Boston should be faced with the same kind of material instead of granite, the artistic sensibilities of the architect in charge were immeasurably shocked that such an outrage should be committed on the people of that highly sensitive community. [Laughter.]

Mr. OLMSTED. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. OLMSTED. Does not the gentleman think that that brick tower in New York would be more appropriate if constructed of gold bricks?

Mr. FITZGERALD. It would be not only more appropriate, but the only thing that could properly be constructed there if the residents of Pittsburgh continue to go to New York in such numbers as they have in recent time and permanently reside there.

Mr. HUGHES of New Jersey. Does not the gentleman think that if the citizens of New York had returned to them all the gold bricks that have been purchased from them by gentlemen from Pennsylvania they might be able to erect a gold-brick tower there?

Mr. FITZGERALD. Oh, no; I think not. We have a very limited supply of gold bricks. And besides, I never worried very much about those who burn their fingers in purchasing gold bricks.

But to come back to Boston and this public building. To prevent the artistic sensibilities of the people of Boston from being shocked by using brick instead of granite will cost just $96,000. I might not object to the expenditure of this money if I thought the building would be a permanent benefit to the people of Boston or to the country. But this tower is some 18 stories in height; the lower part of the building, the old customhouse, I am informed, will be so cut up that it will be practically of no benefit whatever. There will be corridors, hallways, passageways, and practically no office space. This tower is 60 feet by 70 feet, without sufficient room on any one floor for any one division of any department of the Government that is to be accommodated in it. After it is finished it will be more expensive and uneconomical to conduct the public business in that building than in any other building that could possibly be designed. Within 10 years not only the people of Boston but the United States officials will be clamoring to have it abandoned and a decent, well-fitted, respectable building constructed in the city of Boston for the transaction of the public business under conditions which should exist where public business is transacted.

This $900,000 is a pure waste of public money. This is not a monumental building to be used for a great many years for the accommodation of the public business in the city of Boston. It will be inadequate. It will be insufficient. It will cost much more to conduct the public business in this building than in a building properly constructed, and from the investigation which I have made it would be much better if, instead of continuing this building, we were to pay a reasonable price to the contractors to have the existing contracts canceled and proceed to obtain an adequate site and plan and authorize a decent and fitting building.

I now desire to call attention to some other things which will be necessary. If this increased limit is not granted, it will be necessary, instead of having copper windows, to substitute windows of some other metal, and the difference in the cost between copper windows and metal windows other than copper is $36,750. I do not know how many public buildings have copper windows. There are none in the Capitol. There are none in our office buildings, and they are very rare even in Washington; but in artistic Boston these windows must be of copper.

Then to make some slight changes in the sloping roof, to substitute a steel frame and copper roof for the sloping stone roof of the tower, and instead of having the tower faced with stone, having it faced with copper, somewhat similar to the dome of the Congressional Library, which, of course, is not to be thought of in connection with this building, would make a difference of $16,900. To have the inside of the windows of some other metal than copper, not even of wood, would make a difference of $3,000. Then there are doors of peculiar design, doors opening in the offices from the corridors on all of these floors, and from one room into another, and if we do not insist that they have this peculiar design of door, but have other doors, there will be a saving of $4,000. In this 18-story tower it may be necessary to have these unique and unusual doors in artistic Boston.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CURLEY. I would ask the gentleman how much might be saved if they had no doors and no windows in the building?

Mr. FITZGERALD. Mr. Chairman, I see no pertinency in that question. Suppose this architect, with these extravagant notions, had asked us to gild the doors, would the gentleman have thought it pertinent to have suggested that instead of having gilded doors they should have no doors? I do not know a public building in the city of Washington that has copper windows. I know of a great many public buildings in other cities, and I know a great many very magnificent buildings, and I do not know of many, if any, which have windows of copper—few of them of any kind of metal. They are now introducing metal as a prevention from fire loss; but why is it necessary to add $41,000 to the cost of this building simply to have the windows and the interior of the windows of copper? There are many other metals that might be used without this extravagant outlay. Perhaps the gentleman thinks it is necessary in Boston to have copper windows so that when the ordinary passer-by on the street, going home from his daily toil, looks up at the eighteenth story window and sees it open his artistic sensibilities will not be shocked by the realization that instead of having a copper window open it is only a metal window. To save the people of Boston from this outrage perhaps it is proper to expend $40,000 and incidentally pay to the architect $2,400 additional as the result of having the copper windows substituted.

If we omit the granite-carving allowance there will be a saving of $30,000 more. There is certain carving on the granite that perhaps would be permitted in Boston which would not be permitted elsewhere. Thirty thousand dollars for carving for æsthetic Boston!

Omit the sculpture allowance and there is a saving of $25,000. If we are to have heroic statues of great men, either of the past or of modern times, I think if this bill goes through they should be statues in marble of heroic size of the present delegation in Congress from the city of Boston. [Laughter.] Twenty-five thousand dollars would not be too much with which to commemorate their memory in such a way, and I am not certain that I would not be willing to advocate an appropriation of $25,000 if I were certain that the gentlemen from Massachusetts—Mr. CURLEY, Mr. PETERS, and Mr. MURRAY, with their allies on the other side—would stand and look down as graven images upon the people of Boston passing to and fro in order that they might say, "This is the delegation that prevented our æsthetic sensibilities from being shocked by the substitution of metal for copper windows." [Laughter.]

That would be worth the money, assuredly it would be worth the expenditure; and if we could so modify this bill as to insure such works of arts—it would perhaps necessitate the approval of the Fine Arts Commission—I perhaps would be glad to vote for it. [Laughter.] Here is another item:

Substitute base for wainscot in the corridors and connecting stairs from fourth to eighteenth stories, $8,000.

In this Capitol we have a marble base all through the halls and corridors and above it is a plastered wall, but in this building they want a wainscoting about 5½ feet of marble from the fourth to the eighteenth story. Nobody will ever walk a single flight of those stairs unless the elevators are out of commission and the safety of those in the building depends upon their walking. If anybody employed by the Government walked down from the eighteenth floor of that building, either in his own time or the Government's time, it would be most extraordinary.

Mr. CURLEY. Or if they walked up.

Mr. FITZGERALD. I never suggested walking up, I talked about walking down, and yet it makes a difference of $8,000, whether that wainscoting is placed there or whether it is finished as any building in Washington where we have just a marble base. "Omit marble panels for sculpture in the rotunda and leave the recesses plastered in such manner that marble can be placed later, $3,500. Omit the marbles of the walls of the rotunda, except bases, shafts, and caps of columns from a point 18 feet above the rotunda floor, and substitute plaster, $1,000." That is for the rotunda of the building to have a marble finish to a point 18 feet above the floor and then above that 18 feet from the floor, instead of having marble, have it plastered as the Rotunda of this Capitol happens to be. By so doing $11,000 would be saved, but in this rotunda the architect desires to have the entire rotunda, sides and walls, covered with marble. If we simply take and plaster it from a point 18 feet from the floor to the top of the dome it makes a difference of $11,000. To make the dome of this rotunda of copper instead of marble would save $10,000. "Guarantee the waterproofing, using any plan that will do the work properly," will result in a saving of $4,000.

One method of waterproofing was specified, and yet to permit the use of any other method, with the guaranty that the building will be waterproof, will save $4,000. Why pay for some patented process, which is an additional bonus, if the waterproofing can be guaranteed by the use of some other process?

"To make the posts, rails, balustrades of all unimportant stairs plain, top and bottom rails to be plain, $7,000."

That foots up a total of $327,000, with the omission of one or two trifling elements. The purpose of this bill is to prevent the substitution of the matters to which I have called attention for the other materials, and to do so $327,000 must be added to the present cost, and for architect's fee an additional sum of $28,000. Such will be the result of the passing of this bill permitting the inclusion of these particular items. Do not forget it.

Mr. BUTLER. Architect's fee?

Mr. FITZGERALD. Oh, yes; that has not been mentioned yet.

Mr. BUTLER. Not the Supervising Architect?

Mr. FITZGERALD. This building is being built under the Tarsney Act. A Boston firm of architects have this particular work.

Mr. BURLESON. Peabody & Co.

Mr. FITZGERALD. Peabody & Co. Six per cent on $1,500,000 starts the fee. That is what they will receive, $90,000; and if the privilege of substituting the particular things which I have pointed out as desired be substituted we will pay them an additional $18,000. I have stated the facts in this case. This building was placed with these architects with instructions to design a building to cost $1,500,000. They deliberately designed a building to cost $1,800,000. Now, which is to prevail, Congress or the architect, who is to get a financial benefit from the designing of the building in excess of the limit fixed by Congress? The public service will not be affected by not substituting these particular things. Boston will not be injured—Boston will be benefited—because the sooner this building is destroyed after it is finished the better Boston will be, both from the standpoint of artistic features and from the standpoint of the public service.

We might just as well look at it frankly. The building is not a suitable building nor a fit building for the transaction of public business, and Boston should not have it forced upon it. A city like Boston is entitled to a suitable public building. By taking an old customhouse, using it as a base to erect upon it a tower 70 by 60 feet, nearly 500 feet in the air, for the transaction of the public business in a proper and efficient manner will not result satisfactorily. It is the most ridiculous proposition that has ever been suggested.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. As we are likely to have a long day to-morrow, I thought perhaps the gentleman would yield the floor to some one to move to rise.

Mr. FITZGERALD. I have about finished.

Mr. MANN. I meant, of course, temporarily.

Mr. FITZGERALD. I shall finish in a moment. I have practically finished all I have to say. I thought these facts should be submitted to this committee.

The Committee on Appropriations gave the architect an opportunity to present his views about this building. The committee, or many of the members, was convinced that it would not only be an injustice to the United States, but it would be a wrong to Boston to have held over them this fact that they got this $300,000 additional for this building, when the officials of the Government know now that the building will not be adequate. Under the circumstances I do not believe it should expend this money upon this architectural monstrosity. Boston deserves better. The business of the Federal Government there is extensive and important. There is needed suitable and ample accommodations for its transaction. It should be carried on in a building of such character as will enable it to be efficiently and economically done. This building is neither suitable nor adequate. Money should not be wasted upon it. Nothing should be done which will prevent this community from obtaining such accommodations for the business of the Federal Government as are imperatively required, will be persistently demanded, and to which the city and Government are entitled.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 40 minutes remaining.

Mr. MANN. Mr. Chairman, I suggest to some gentleman in charge to move to rise.

Mr. ROBERTS of Massachusetts. Let us get a vote on this and adjourn.

Mr. MURRAY. My colleague Mr. PETERS, who has been in charge of the matter during most of the afternoon, has stepped out, but I do not believe it is his desire, or the desire of anyone of us who is in favor of the bill, to prolong the debate. We are perfectly willing to take the vote on the bill now or at any other time.

Mr. MANN. Mr. Chairman, I prefer to submit my remarks on the bill further and prefer to have a larger audience present than there is now. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise. The question is on the motion of the gentleman from Illinois.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. PETERS. Mr. Chairman, I ask for a division.

Mr. MANN. Then I shall make a point of order that there is no quorum present. I thought the gentlemen wanted to do business, but if they do not——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of no quorum. The Chair will count.

Mr. PETERS. Mr. Chairman, I will ask the gentleman from Illinois [Mr. MANN] if he will be willing to have the previous question ordered, so that the vote may be taken on the bill immediately——

Mr. MANN. Mr. Chairman, I stated I had 40 minutes remaining to me, and I desire to consume some time, and I am not prepared to go on to-night.

The CHAIRMAN (after counting). Sixty-seven Members are present, no quorum. The Clerk will call the roll.

Mr. MANN. It will take a roll call on the motion to rise.

The CHAIRMAN. The Chair will state it was just a call of the roll in order to determine the presence of a quorum.

Mr. PETERS. Mr. Chairman, I will withdraw the point of no quorum if an agreement is reached as to when a vote may be taken on the bill.

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts [Mr. PETERS] that a point of no quorum has been made and no quorum has been ascertained. There is nothing to be done but to rise. The Clerk will call the roll.

The Clerk proceeded with the calling of the roll.

Mr. MANN. A motion was pending to rise. It does not require a quorum to rise, and I ask for a vote on the motion to rise.

Mr. FOSTER. I think, Mr. Chairman, the Chair decided that the committee concluded to rise.

Mr. BUTLER. He did; but the division was asked by the gentleman from Massachusetts [Mr. PETERS].

The CHAIRMAN. The Chair announced that the ayes seemed to have it. The gentleman from Massachusetts [Mr. PETERS] asked for a division, and the gentleman from Illinois [Mr. MANN] made a point of no quorum. The ayes have it, and the committee decides to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-buildings act, and for other purposes," approved March 4, 1909, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Pennsylvania, for one week, on account of death of a relative.

To Representatives WATKINS, ANTHONY, CONRY, HUGHES of Georgia, MCKELLAR, PRINCE, and AMES, for three days, on account of visiting West Point as members of the Board of Visitors.

To Mr. BARTHOLDT, for two weeks, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of the bill (H. R. 25102) to amend section 4347 of the Revised Statutes as amended by the act of February, 1898, so as to permit foreign vessels to engage in transportation of merchandise between the ports of the United States, Territories, and insular possessions through the Panama Canal, and the same was referred to the Committee on the Merchant Marine and Fisheries.

By unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, and the same was referred to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until Thursday, June 6, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of James Deatherage, administrator of J. A. J. Rooker, deceased, v. The United States (H. Doc. No. 809); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for employing temporary clerks for the General Land Office (H. Doc. No. 810); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting estimate of appropriation to pay Frank N. Allen for copying correspondence for use of United States district attorney, southern district of New York (H. Doc. No. 811); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior transmitting list of claims paid by disbursing officer of the Interior Department, which have been or will be disallowed, and requesting authority to credit same (H. Doc. No. 812); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CRAGO, from the Committee on Pensions, to which was referred the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, reported the same with amendment, accompanied by a report (No. 838), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 20044) for the improvement of the foreign service, reported the same without amendment, accompanied by a report (No. 840), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 837), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24927) to regulate the interstate transportation of immature calves, submitted the views of the minority (H. Rept. 837, pt. 2) thereon, which were ordered to be printed.

Mr. PETERS, from the Committee on Ways and Means, to which was referred the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues, reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 839), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 24344) granting a pension to Jane Heath, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MCKELLAR: A bill (H. R. 25136) defining and enlarging the duties and power of the Mississippi River Commission; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of Kentucky (by request of the United States attorney for District of Columbia): A bill (H. R. 25137) to amend section 797a of chapter 18 of subchapter 15 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 25138) authorizing the Secretary of the Interior to make immediate disposition of the surface of the segregated mineral land occupied by the Pittsburg County Fair, Pittsburg County, Okla.; to the Committee on Indian Affairs.

By Mr. HOLLAND: A bill (H. R. 25139) to establish an immigration station on Hampton Roads, in the State of Virginia, purchase a suitable site therefor, and erect thereon suitable buildings for such a station; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: A bill (H. R. 25140) providing for the purchase of a site and the erection thereon of a public building at Glenwood, in the State of Iowa; to the Committee on Public Buildings and Grounds.

By Mr. HAMMOND: A bill (H. R. 25141) for the erection of a public building at Pipestone, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25142) for the erection of a public building at Fairmont, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 25143) to provide for the erection of a public building at Brinkley, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: Resolution (H. Res. 572) providing for the consideration of the bill H. R. 22871; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 25144) granting an increase of pension to Benjamin S. Jackson; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 25145) granting an increase of pension to Mathilda Albers; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25146) granting a pension to Robert H. Howard; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 25147) for the relief of John D. Crawford and M. W. Ligon; to the Committee on Indian Affairs.

By Mr. DONOHOE: A bill (H. R. 25148) granting a pension to Johanna F. Weand; to the Committee on Pensions.

Also, a bill (H. R. 25149) to correct the military record of Andrew Given, alias Dugan; to the Committee on Military Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 25150) granting an increase of pension to Margaret H. Kerr; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 25151) granting a pension to Nancy Matsel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25152) granting an increase of pension to Elvina McDonald; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 25153) granting a pension to Mary A. Albright; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25154) granting a pension to Lillie M. Hammons; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 25155) granting an increase of pension to William J. Downin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25156) granting an increase of pension to William H. Thompson; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25157) granting an increase of pension to Barbara Tanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25158) granting an increase of pension to Catherine G. Graham; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25159) to correct the military record of Charles W. Beldin; to the Committee on Military Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 25160) granting an increase of pension to John O. Ockerson; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25161) for the relief of A. B. Goodwin; to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 25162) granting an increase of pension to Elizabeth Hogan; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 25163) granting a pension to Susan McGrath; to the Committee on Pensions.

Also, a bill (H. R. 25164) granting an increase of pension to Lucinda Tweed; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 25165) granting a pension to Charles H. Haring; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of socialist societies of the States of Michigan, Arkansas, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of members of socialist societies of the States of Pennsylvania, Ohio, Illinois, New Jersey, Nebraska, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Resolutions adopted by the Glass Bottle Blowers' Association, Branch 101, Coshocton, Ohio, and Licking Division, No. 166, Order of Railway Conductors, Newark, Ohio, asking for the passage of the seamen's bill (H. R. 23673); to the Committee on the Merchant Marine and Fisheries.

By Mr. AYRES: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, memorial of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of Coopers' International Union of North America, of St. Louis, Mo., favoring passage of House bill 16844, the so-called Campbell bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Steiner Manufacturing Co., Louis C. Ebeling Jewelry & Optical Co., American Stove & Queensware Co., and the St. Louis Retail Jewelers' Association, of St. Louis, Mo., against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

Also, petition of Alumni Association of St. Louis University, of St. Louis, Mo., favoring passage of the Owen bill to provide a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: Additional evidence in support of House bill 17495, granting a pension to Mary Stultz; to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Resolution of Chicago Association of Commerce, against passage of House bill 16844, prohibiting fraud upon the public by requiring manufacturers to place their names upon manufactured articles; to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Petitions of Farmers' Educational and Cooperative Union of America; American Purity Federation; Brotherhood of Railroad Trainmen; Patriotic Order Sons of America; Junior Order United American Mechanics, of Maryland and New York, all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of American Exporter, of New York, favoring the improvement of the United States Diplomatic and Consular Service; to the Committee on Foreign Affairs.

By Mr. DONOHOE: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of William J. Kennedy Stationery Co., and the St. Louis Retail Jewelers, of St. Louis, Mo., both protesting against any change in the present patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of Workmen's Sick and Death Benefit Fund of America, protesting against the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petitions of J. F. Lambson, of Lexington, Nebr., and Walter R. Sheurman, of Rochester, N. Y., favoring passage of House bill 1339, to grant increase of pensions to certain survivors of the Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of American Exporter of New York City, favoring passage of the Sulzer bill (H. R. 20044) for the improvement of the foreign service, etc.; to the Committee on Foreign Affairs.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Resolutions of members of Independent Order Abraham Israel, Independent Order B'rith Abraham Lodges of New York City, American Association of Foreign Newspapers, Lackawanna Steel Co., Labor Council of Greater New York, Hebrew-American Typographical Union, No. 83, and Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of McCormick & Co., of Baltimore, Md., against passage of the Richardson bill, known as H. R. 14060, and Henry R. Worthington, of Denver, Colo., against passage of House bill 21969 and amendment to prohibit use of the Panama Canal to any steamship company in which any railroad is interested, and Board of Commissioners of Trenton, N. J., against passage of bill relative to building a bridge over the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, petition of Watch Makers' and Jewelers' Benevolent Association No. 1, of New York City, against passage of bills to change patent laws; to the Committee on Patents.

Also, resolutions of Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Chamber of Commerce and 1920 Club, of Augusta, Ga., favoring passage of House bill 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFEAN: Petition of Adas Israel Lodge, No. 137, York, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Immigration Restriction League, Boston, Mass., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania; Lutheran Church, Hanover, Pa.; Lohr's Memorial United Brethren Sunday school, Hanover, Pa., all favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petitions of Daughters of Liberty of Mahanoy City, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Resolutions of Humboldt Chamber of Commerce, at Eureka, Cal., favoring passage of bill to provide suitable homes for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to the deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Peter Cooper Council, No. 196, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petitions of Chicago Woman's Aid, and Conference of Jewish Women's Organizations, and St. Ann's Society, No. 311, and Adolph Petrotes, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McKENZIE: Petition of Methodist Church of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. MORSE of Wisconsin: Petition of citizens of Pulaski, Wis., against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Sheboygan Mineral Water Co., of Sheboygan, Wis., against passage of bill (S. 5461) relative to regulating traffic in intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOTT: Resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of Root amendment to the Dillingham bill; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, relative to pure food and drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Brooklyn, N. Y., against appointment of a commission by Congress for celebrating a hundred years peace with England; to the Committee on Appropriations.

By Mr. REILLY: Petition of the legislative committee, Department of Connecticut, United Spanish War Veterans, of Hartford, Conn., favoring passage of House bill 17470, for pensions for the widows and orphans of United Spanish War Veterans; to the Committee on Pensions.

By Mr. REYBURN: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment, relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Pittsburgh, Pa., against passage of bills providing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SLOAN: Petition of 65 merchants of State of Nebraska, against the enactment of any parcel-post law; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Nebraska, favoring giving the Interstate Commerce Commission further power toward regulation of express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, to amend the food and drugs act of 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Resolution of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of voters of Charlotte, N. C., favoring passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. YOUNG of Michigan: Petition of St. Hedwig's Parish, St. Stanislaus Parish, St. Adalbertus Parish, St. Josephat's Parish, St. John Cantius Parish, St. Casimir's Parish, and St. Hyaceth Parish, all of Detroit, Mich., and citizens of Wyandotte, Mich., all protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *June 6, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou art our Shepherd. Though Thou causest us to walk through the valley of the shadow of death, we will fear no evil. Thou art, O God, still with us. The rod of Thy faithfulness and the staff of Thy providence, they comfort us. Make us, we humbly pray Thee, to rest in the green pastures of Thy tender mercies and lead us beside the still waters of Thy heavenly grace. Grant that goodness and mercy may follow us all the days of our life and that we may dwell in the house of Thy presence forever.

Even so, our Father, hear and bless us, as we stand before Thee with bowed heads and with saddened hearts. We know that the way of man is not in himself alone and that it is not in us who walk to direct our steps. We humbly confess our dependence upon Thee. It is Thou who hast made us, and not we ourselves. It is Thou who holdest us in life and who orderest all our steps. Therefore do we put our trust in Thee. We commend to Thy care the soul of him whom Thou hast called from our presence. Be with those, we pray Thee, to whom this sorrow is most near and most sore. Comfort them as Thou alone canst comfort Thy children. Our heart and our flesh faileth, but Thou, O God, art our strength and our portion for evermore.

And unto Thee, our Father, who has loved us with an everlasting love and has given us comfort and good hope through the Gospel, unto Thee, who art our God and our Savior, be all glory now and for evermore.

In the name of Him who abolished death and brought life and immortality to light, hear our prayer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NEWLANDS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR GEORGE S. NIXON.

Mr. NEWLANDS. Mr. President, it is my sad duty to announce to the Senate the death of my colleague, the Hon. GEORGE S. NIXON, held in high esteem and affectionate regard by this body. His death occurred at Washington on the 5th day of June, 1912, at 9.55 p. m., after a painful illness following a surgical operation. At some future day I shall propose that the business of the Senate be suspended for the purpose of paying a fitting tribute to his memory.

I offer the resolutions which I send to the desk, and ask for their present consideration.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Nevada.

The Secretary read the resolutions (S. Res. 333), as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That as a further mark of respect, his remains be removed from Washington to Reno, Nev., for burial, in charge of the Sergeant at Arms of the Senate, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

The resolutions were considered by unanimous consent and unanimously agreed to.

The VICE PRESIDENT appointed as the committee, under the second resolution, Mr. NEWLANDS, Mr. BAILEY, Mr. WORKS, Mr. HEYBURN, Mr. BROWN, Mr. CURTIS, Mr. OLIVER, Mr. CHAMBERLAIN, Mr. SWANSON, Mr. CLARK of Wyoming, Mr. FALL, and Mr. ASHURST.

Mr. NEWLANDS submitted the following resolution (S. Res. 332), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator GEORGE STUART NIXON, from the State of Nevada, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DILLINGHAM, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the foregoing resolution, and it was considered by unanimous consent and agreed to.

Mr. NEWLANDS. Mr. President, I wish to announce that the funeral services of the distinguished Senator will be held

at 4 o'clock this afternoon at the residence, Belvoir, Woodley Lane, near the Episcopal Cathedral, and that the Sergeant at Arms will provide conveyances for Senators.

As a further mark of respect to the memory of the deceased Senator, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 7, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 6, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, renew our faith and confidence in Thee; continue Thy favors unto us; quicken all our faculties and make us strong to do Thy will that we may be faithful servants unto Thee and unto our fellow men. Let Thy blessing be upon the stricken wife and son of the Senator who has been called suddenly to the higher life, that they may put their trust in the God of the living and the dead, whose mercy is from everlasting to everlasting. Prepare us for whatever awaits us in the dispensation of Thy providence, and Thine be the praise, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. FOSS, by unanimous consent, was granted leave of absence for one week, on account of the death of his father.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I suggest that the gentleman from Illinois [Mr. CANNON] use some time. We have used some excess of time on our side.

Mr. CANNON. How does the time stand?

The CHAIRMAN. The gentleman from New York has used 2 hours and 45 minutes and the gentleman from Illinois has used 2 hours and 30 minutes.

Mr. CANNON. I yield to the gentleman from Kansas [Mr. CAMPBELL] 20 minutes.

Mr. CAMPBELL. Mr. Chairman, I send to the Clerk's desk and ask to have read a bill which I have introduced, being House bill 16844.

The Clerk read the bill, as follows:

A bill (H. R. 16844) prohibiting fraud upon the public by requiring manufacturers to place their own names upon manufactured articles.

Be it enacted, etc., That section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, be amended so as to read as follows:

"SECTION 1. The provisions of this act shall apply to any person, firm, company, or corporation engaged in the production or manufacture of any article or commodity that enters into interstate or foreign commerce.

"It shall be unlawful for any such person, firm, company, or corporation to place upon the market for interstate or foreign commerce any product or products of manufacture assembled and ready for use without printing, embossing, or stenciling the name and address of the manufacturer upon such article or commodity: *Provided*, That in case it is impracticable to place such name and address on the article it shall be placed on the wrapper or package containing it.

"It shall be unlawful for any person, firm, company, or corporation to erase or change the name of the manufacturer or manufacturers of any article entering into interstate and foreign commerce mentioned in this act.

"Any person or persons, firm, company, or corporation offering for sale or rent, or otherwise disposing of any property intended for interstate or foreign commerce shall furnish therewith the name and address of the manufacturer or manufacturers of said commodity or article: *Provided*, That nothing in this act shall be construed so as to prohibit such manufacturing firms placing any other name, as dealers, upon articles of manufacture in addition to the name of the manufacturer.

"Any person, firm, company, or corporation violating the provisions of this act shall be guilty of a misdemeanor and fined in the sum of not exceeding $1,000, or imprisoned for a period of not exceeding six months, or both such fine and imprisonment, as the court may direct."

SEC. 2. That this act shall be in effect from and after six months after its passage.

Mr. CAMPBELL. Mr. Chairman, the bill as read differs in some minor particulars from the bill as introduced and as discussed in the trade and manufacturers' journals throughout the country. I have amended the provisions of the bill by providing that only the finished product shall require the name of the manufacturer, making it unnecessary to place the name on the unassembled parts of a manufactured article.

Mr. DALZELL. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. DALZELL. Is this the bill introduced by the gentleman, providing for the names of manufacturers to be placed on products?

Mr. CAMPBELL. This is the bill.

Mr. DALZELL. Has it been reported by any committee?

Mr. CAMPBELL. It has not.

I have also amended the bill by providing that it shall go into effect six months after its passage. The effect of this bill will be to abolish the sweatshop; it will stop the sale of prison-made goods in competition with the products of honest industry; and it will insure a higher grade of every product of manufacture that to-day does not bear the name of the manufacturer, in this way giving to the consumer articles that are worth taking home. It will aid in promoting health by preventing wearing apparel, food products, and tobacco and cigars from being made under the insanitary and diseased conditions of the sweatshop. It will aid laborers in every branch of industry and insure to the people wholesome and clean food products and clean and durable clothing. The whole public will be benefited by the law, and only a few who are specially interested and whose welfare should not be the sole concern of the lawmaker will be immediately injured by it, and in the end they will be benefited by it.

Many Members of the House and Senate have been made to fear the general effects of this bill. I do not think I exaggerate it when I say that almost every Member has either spoken to me personally or referred to me letters from his constituents with reference to the proposed law. It has been discussed and criticized in the manufacturers' and trade journals throughout the country. Objection to it comes from some manufacturers, jobbers, and a few retailers whose business, it is claimed, would be injured by its provisions. I do not take issue with those interests. I simply say that I am concerned in the welfare of the general public, and that no man or concern has a right to defraud the public. The object of this bill is to stop the kind of fraud that has been perpetrated from year to year by unscrupulous manufacturers.

I have hundreds of comments clipped from trade and manufacturers' journals. If it were practicable to do so, I would read them all, knowing that the objections they make to the bill are the best arguments in its support. Let me give a few brief extracts:

Congressman CAMPBELL's bill, if adopted into law, would cause serious trouble to the jobber and the middleman, especially. It would tend to eliminate the jobber, as nothing would prevent the manufacturers selling their wares direct to the retailers or the consumers.

The Campbell bill is inimicable to the best interests of the great majority of the manufacturers, wholesalers, and jobbers. * * * Meanwhile, the opposition to the bill is only beginning.

We are glad to print, as we do elsewhere in this issue, criticisms of the Campbell bill of some of the leading jobbing houses.

Mr. Chairman, the objections come from these special interests, and in many cases are very bitter.

I have been told that if I pushed this bill the interests opposing it will defeat me in my district. My reply is, "I am pushing the bill."

The manufacturers who have women's and children's and other clothes made under the most insanitary, sweatshop conditions are opposed to the bill. Every dealer who sells prison-made goods to an unsuspecting public is opposed to the bill. Every unscrupulous manufacturer who makes fair-looking but shoddy goods to be used at so-called bankrupt, closing-out, and fire sales is opposed to the bill. Every manufacturer who makes fair-looking but, in fact, only sham imitations of similar articles for mail-order houses is opposed to the bill. Every manufacturer who makes, without putting his name on his product, cheap and inferior shoes, harness, buggies, organs, pianos, clothing, and food products, all having the outward appearance of being as good as any similar articles, is opposed to the bill.

In fact, every manufacturer and every jobber interested in deceiving and defrauding the public and getting money from the people for a thing that is worthless, is opposed to the bill, and all because it is known to these interests that requiring the manufacturer to place his name upon the articles he produces

will insure to the public a better article and protect the people against the frauds now perpetrated upon them.

Honest manufacturers and honest jobbers and dealers of all kinds will not be hurt and are not opposing the bill. Why should any manufacturer be permitted to place upon the market an article so inferior that he would not put his name upon it? No country permits such frauds as are perpetrated on the American public through the use of inferior products of unknown manufacturers.

This bill should have, and I believe will have, the support of every Member of Congress and of the general public as soon as its purposes and effects are known. In all essential principles it is like the pure food and drug law and will be as beneficial to the people.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. CAMPBELL. Yes.

Mr. ADAMSON. I am very much interested in the gentleman's remarks. I will ask him if the chief advantage of his bill and its chief purpose is to provide a means and instrumentality by which we may trace to its origin a dishonest product?

Mr. CAMPBELL. That is exactly the purpose, and it has the further purpose of giving an opportunity to examine the factory to see whether or not it is a sweatshop and whether it is sanitary or not.

Mr. ADAMSON. That would serve the other idea, of protecting the people against the further production of such articles.

Mr. CAMPBELL. It would.

Mr. ADAMSON. I will ask the gentleman if he believes the provisions of his bill would prove effective for that purpose?

Mr. CAMPBELL. I think so, just as the pure-food law has been becoming from year to year more and more effective and beneficial to the public.

When understood, after full discussion by that portion of the press that is not specially interested in any one particular industry, and that represents the whole people, I believe this bill, like the pure-food law, will have the general support of the country and of the Members of both branches of Congress.

Mr. ADAMSON. Mr. Chairman, there is one other question I would like to ask the gentleman.

Mr. CAMPBELL. I will yield to the gentleman.

Mr. ADAMSON. There are a great many classes of goods used in one shape which are retailed, of course, in quite a different shape and form. There are various kinds of cloths and fabrics and a great many other things, and the gentleman will catch my idea without specific mention. I would like to ask him how the provisions of his bill would be useful to the retail trade and how they could be made so. If you stamp the entire bolt of cloth, how would that prove efficacious to prevent the retailer being swindled?

Mr. CAMPBELL. The bolt of cloth to-day is stamped; but what I want to stamp is the undergarment the child wears. I want to know who makes it and the shirtwaist the mother wears. The wearer has a right to know the conditions under which garments are made. Who has made the suit of clothes and under what conditions was it made; is the wearer sure that it was not made by some one afflicted with a communicable disease; was it made under such conditions as would justify anyone in wearing the clothes; was the cigar made under conditions that would justify anybody in smoking it; was the package of tobacco put up by a concern and under conditions that would justify anybody in using it; was the food product prepared ready for use under sanitary conditions.

Mr. ADAMSON. The material thing I am interested in—and the gentleman knows that I am interested concerning it——

Mr. CAMPBELL. The bill is before the gentleman's committee, and I am sure he is interested.

Mr. ADAMSON. As I say, what I am interested in is how he can frame the bill so that it will be effective in the retail trade, protect the consumer without unduly embarrassing or hampering the honest producers and the honest traders. Of course neither of us want to protect any other sort.

Mr. CAMPBELL. The provisions of the bill as it now reads apply to the finished product ready for use, as I have indicated, and I believe will injure no one who is honest with the public.

Mr. MANN. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. MANN. How will the stamping of the name of the manufacturer upon the product indicate the conditions under which the product was put up, as the gentleman has suggested, whether under healthy conditions, and not under conditions involving communicable diseases that the gentleman has mentioned, or anything of that sort, unless the General Government is to supervise all manufacturing establishments?

Mr. CAMPBELL. The General Government and the State governments are now extending their influence over factories, and there is assembled in the city to-day representatives of factory inspectors. There is no way of inspecting unknown sweatshops that make certain goods——

Mr. MANN. How would stamping the name on these goods do any good unless they are inspected and stamped by the Government inspector?

Mr. CAMPBELL. My view is that no manufacturer will place upon the market in an open field of fair competition either a shoddy article or one that is known to have been made under insanitary conditions or in prison, and it may become necessary to inspect and stamp such mixed products as food and clothing, as is done now with packing-house products.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CANNON. Mr. Chairman, I will yield to the gentleman 10 minutes more.

Mr. AKIN of New York. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. AKIN of New York. In my district there is a factory where they manufacture covers for brooms. These covers are made out of very flimsy material, and they sell for in the neighborhood of $3 a thousand. How could you arrange it so that they could be stamped?

Mr. CAMPBELL. That is a mere detail. I am now discussing the general purposes of the bill.

I have been asked a thousand questions in regard to this matter; for instance, how I would stamp a diamond ring, and all sorts of questions, some of them relevant, some of them raising a real important question, and others raising absolutely absurd questions. The people and concerns I am after are those who prepare food, clothes, and furnish products to the people generally of a character that ought to be what they purport to be.

Mr. AKIN of New York. Does the gentleman's bill apply to those people and nobody else?

Mr. CAMPBELL. The provisions of the bill apply to the products of manufacture.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. BYRNS of Tennessee. I am interested in the gentleman's remarks, and, like every other Member of Congress, I suppose, I have been receiving a great many letters in regard to the bill. I want to ask the gentleman in regard to one of the objections which strikes me the most forcibly, and that is the application of the bill to the woven fabric. Take the cotton fabric. It has to pass through two or three factories; one may spin the yarn, another may weave the cloth, another dye the cloth, and the point is made that this will cause confusion; in other words, what manufacturer's name will be stamped on the cloth?

Mr. CAMPBELL. The manufacturer or person that uses the cloth in making a finished product; who uses the cloth as lining or as any finished product ready for the use of the people.

Mr. BYRNS of Tennessee. But the gentleman's bill, it seems to me, at least the copy I saw, leaves the matter somewhat in doubt as to what would be the manufacture.

Mr. CAMPBELL. I think as the bill was read this morning it obviates the objection made by those who have protested to the gentleman, inasmuch as it refers to the assembled products in an article ready for use.

Mr. BYRNS of Tennessee. The gentleman has changed his bill from its original form?

Mr. CAMPBELL. Yes; in that particular.

Mr. ADAMSON. Mr. Chairman, I was about to ask the gentleman if he did not think it would be practicable here to narrow the scope of his bill so as to obviate the suggestions—several of them, at least—made on the line of that of the gentleman from Tennessee, and make it specify more nearly the people he is after.

Mr. CAMPBELL. I shall be very glad to have the cooperation of the gentleman from Georgia to that end.

Mr. ADAMSON. Does the gentleman think it can be done?

Mr. CAMPBELL. I think it can be done. I am discussing the general principle now that I think should be the adopted policy of this country. I undertook this work several years ago and prepared this bill and have spent a great deal of time in correspondence concerning it and in explaining it. My desire is to give the people better products for the money they pay out when they buy what they want. I am not particular as to the terms of the bill if they will accomplish my purpose.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. BOWMAN. I have had some objections from my district.

Mr. CAMPBELL. I have no doubt of that.

Mr. BOWMAN. I would like to ask the gentleman if he has considered if he could include in his bill some provision that

would protect the State that uses the right sort of labor in its factories, that affords protection to women and children, and whether he could protect one State which was giving a proper protection in that way from a State that was not.

Mr. CAMPBELL. All States will have to be included within the provisions of the bill, or any other bill of like character. We can not make it apply to Kansas and Georgia and leave out Pennsylvania.

I have no doubt that some industries will have to readjust their methods of doing business, and that is the purpose of the bill. I have taken the matter up with a view of getting the subject generally before the country for further discussion. I have no doubt that the bill will receive the approval of the people generally and be approved by Congress when its purposes are generally known. The subject is of the greatest possible importance. [Applause.]

Mr. PAGE. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Chairman, I desire to present an argument in support of bill H. R. 23465, introduced by me, to amend section 162 of the judicial code of March 3, 1911 (36 Stat. L., 1139).

THE PRESENT LAW.

Section 162 of the Judicial Code, which this bill proposes to amend, gives jurisdiction to the Court of Claims over claims under the captured and abandoned property act where the property was taken after June 1, 1865. These are commonly known as the cotton claims.

THE PROPOSED AMENDMENT.

The bill I have introduced is as follows:

A bill (H. R. 23465) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended and reenacted so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed prior to January 1, 1915, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitation to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims: *Provided further*, That judgment hereunder shall not be denied by reason of any bill of sale or other conveyance of such property to the Confederate Government, in consideration of securities of said Government, unless accompanied or followed by actual delivery of such property; *And provided further*, That all judgments and payments hereunder shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claims."

This bill proposes to amend section 162 of the Judicial Code by the addition of three provisos, as follows:

1. That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims.

2. That judgment thereunder shall not be denied by reason of any bill of sale or other conveyance of such property to the Confederate Government, in consideration of securities of said Government, unless accompanied or followed by actual delivery of such property.

3. That all judgments and payments thereunder shall be free from claims of assignees in bankruptcy or insolvency of the original owner of said claims.

LOYALTY.

The first, dispensing with proof of loyalty, is already embraced in the bill H. R. 16314, introduced by Mr. WATKINS and reported by him from the Committee on Revision of the Laws (H. Rept. 224) of the present session. In that report it is said:

It was evidently the intention of Congress to allow this money to be paid to the claimants from whom the property was taken after June 1, 1865 (after the cessation of hostilities), without the proof of loyalty; but as section 159 of the act approved March 3, 1911, requires such allegation and proof, a conflict of opinion has arisen as to the interpretation of the law upon this point, and it is to settle this question that this bill is presented.

The report is right in treating this proviso as intending to remove a question and not to change the law. In Padelford *v.* United States (9 Wall., 531), United States *v.* Klein (13 Wall., 128), Armstrong *v.* United States (13 Wall., 154), and Pargoud *v.* United States (13 Wall., 156), the Supreme Court considered similar provisions arising under the acts of March 3, 1863 (12 Stat. L., 767), and March 12, 1863 (sec. 3, 12 Stat. L., 820), requiring proof of loyalty, and declared that the general amnesty proclamation of the President of 1865, 1867, and 1868 (13 Stat. L., 758; 15 Stat. L., 690, 702, 711)—

relieve claimants of captured and abandoned property from proof of adhesion to the United States during the late Civil War.

It is not to be contemplated that a defense should now be revived which was formally buried over 40 years ago by the Supreme Court. But since it has occasionally been suggested that such a defense may be asserted, it is deemed right to dispose of it in advance by legislation.

CONFEDERATE TITLE.

When this bill was passed it was believed that relief would be given to a large number of persons whose cotton had been taken after June 1, 1865, and whose claims were scheduled in Senate Executive Document No. 23, Forty-third Congress, second session. It appeared from the schedules in this document that this cotton had been taken by various agents of the United States Treasury after the actual close of the war, and that the net proceeds were in the Treasury. Petitions were consequently filed in the Court of Claims in a large number of these claims.

THE FACTS.

The records of the Treasury Department were furnished to the court upon its order and show that the planters from whom this cotton was taken had in nearly every instance sold cotton to the Confederate Government in 1862 or 1863, and received in exchange Confederate bonds, and that they had executed bills of sale for the cotton, agreeing to hold it in their possession until called for by the Confederate secretary of the treasury. It was never called for, but remained in their possession until Lee's surrender, as did also the bonds. In July, August, and September, 1865, after the actual close of the war, although technically it did not end until August 20, 1866 (United States *v.* Anderson, 9 Wall., 71), United States agents were sent to the various plantations to collect the cotton which had been the subject of such sales. The Confederate cotton records were then held by the United States and were used to trace the cotton. The major part of such cotton was found on the plantations and was taken by the United States agents. It was sent to New York and sold and its proceeds are in the Treasury, as shown by the document already cited.

A part of the cotton so sold had been destroyed by fire or otherwise; a part had possibly disappeared amid the terrific hostilities existing. On many plantations there was other cotton which had not been the subject of such transactions. The United States Treasury agents made little discrimination. They had the Confederate record showing a transaction of a named planter with the Confederate Government for a given number of bales. If they found that number of bales on his premises they seized it without regard to its identity, and it is apparent from the evidence still available that in many cases they took much additional cotton not comprised in the Confederate bills of sale. If the cotton described in them was not on the premises they took other cotton in the possession of the same planter.

The Confederate bonds which the planters had received had little market value when received and less the longer they were retained. They were, for patriotic reasons, almost always held in the possession of the planters until the close of the war, when they became valueless. The planter thus received nothing of value from the Confederate Government as a consideration for the sale. He received only a promise to pay, which was rendered worthless by the insolvency of the Confederacy.

It is the purpose of my bill to declare that the so-called sale of cotton to the Confederate Government shall not be a defense to a claim for its net proceeds in the Treasury, where it was made in consideration of Confederate securities, unless accompanied or followed by actual delivery of the cotton.

LEGAL CONSEQUENCES.

In proposing to do this the bill merely attempts to apply to the title to this cotton the ordinary principles of law governing transactions between private individuals. The following principles are well settled by many decisions of both English and American courts:

1. A vendor remaining in possession of the goods sold has a right, upon the insolvency of the vendee, to hold the goods until payment of the purchase price, even if title had already passed to the vendee.

2. This right extends even to property in transit before it reaches the vendee.

3. This right is unaffected by the execution of a note or other security by the vendee and its delivery to the vendor.

The following authorities support the first and second propositions:

In Bloxam *v.* Sanders (4 B. & C., 941), decided in the King's Bench in 1825, the right of a vendor to retain the goods sold to an insolvent vendee, but remaining in the vendor's possession, is positively and clearly laid down, as follows:

Where goods are sold, and nothing is said as to the time of the delivery or the time of payment, and everything the seller has to do with them is complete, the property vests in the buyer, so as to subject

him to the risk of any accident which may happen to the goods, and the seller is liable to deliver them whenever they are demanded upon payment of the price, but the buyer has no right to have possession of the goods until he pays the price.

* * * * * * *

If goods are sold upon credit and nothing is agreed upon as to the time of delivering the goods, the vendee is immediately entitled to the possession, and the right of possession and the right of property vest at once in him, but his right of possession is not absolute; it is liable to be defeated if he becomes insolvent before he obtains possession. (Tooke *v.* Hollingsworth, 5 T. R., 215.)

In Northey *v.* Field (2 Esp., 613), the plaintiffs were assignees of merchants to whom wine had been consigned and who became bankrupt after the ship's arrival, but before the time expired for paying the duties. The wines were sold at auction for the duties. Before the sale the agent of the consignor claimed them. Suit was brought by plaintiffs to recover the proceeds.

Lord Kenyon said he was of the opinion that the plaintiffs were not entitled to recover. The courts had of late years leaned much in favor of the power of the consignor to stop his goods in transitu. It was a leaning to the furtherance of justice.

See also Winks *v.* Hassall (9 B. & C., 372; Townley *v.* Crump (4 Ad. & El., 58).

The courts of this country have fully sustained this right, nowhere more learnedly than in Conrad *v.* Fisher (37 Mo. App., 352), where, in an opinion by the well-known authority, Judge Seymour D. Thompson, it is said, page 386:

On the contrary we affirm that, as between the vendor and vendee, laying out of view the rights of subsequent purchasers from the vendee, the vendor's lien is not divested by any species of constructive delivery, so long as he retains the actual custody of the goods, either by himself or by his own agent or servant. This doctrine is supported by the best English and American adjudications. * * * "There is," said Shaw, C. J., "manifestly a marked distinction between those cases, which, as between the vendor and vendee upon a contract of sale, go to make a constructive delivery and to vest the property in the vendee, and that actual delivery by the vendor to the vendee which puts an end to the right of the vendor to hold the goods as security for the price." Arnold *v.* Delano (4 Cush., Mass., 33, 38), quoted with approval in Thompson *v.* Baltimore, etc., Railroad Co. (28 Md., 396, 406). To the same effect is Newhall *v.* Vargas (15 Me., 314, 319). "The lien of the vendor," says Miller, J., "always exists until he voluntarily and utterly resigns the possession of the goods sold, and all right to detain them. So long as the vendor does not surrender actual possession his lien remains, although he may have performed acts which amount to a constructive delivery, so as to pass the title or avoid the statute"—meaning the statute of frauds. Thompson *v.* Baltimore, etc., Railroad (28 Md., 396, 407).

See also Vogelsang *v.* Fisher (128 Mo., 386; Robinson *v.* Morgan (65 Vt., 37); Arnold *v.* Delano (4 Cush., 33); Bell *v.* Moss (5 Wharr., 89).

The proposition that the vendor's lien is not lost by taking the note or other security of the vendee is equally sustained by authority.

In D'Aquila *v.* Lambert (2 Eden, 75) plaintiff shipped goods to defendants and drew bills, which were accepted by him. Defendants stopped payment, the bills were protested, and defendants made an assignment. The plaintiff revoked the consignment and consigned the goods to his factor, but the creditors of the defendants also applied for the goods. The lord chancellor said:

The plaintiff is substantially to be considered as a merchant selling goods to Israeli. The case of ex parte Wilkinson is in point. It was determined, on solid reasons, that the goods of one man should not be applied in payment of another's debts. I must therefore decree the goods to be delivered to the plaintiff on payment of the insurance. The right of stoppage in transitu was first recognized by courts of equity. It was soon, however, upon the same principles of justice, adopted in courts of law.

In Miles *v.* Gorton (2 Cr. & M., 504) a bill accepted by the vendee was negotiated by the vendor, and the vendee became bankrupt. It was held that neither the negotiation of the bills nor the charge of warehouse rent while the goods remained in the possession of the vendor destroyed the vendor's lien for his purchase money. The court said:

It is an action by the assignees of a bankrupt who claims a right to the possession of some hops which had been sold to the bankrupt without paying the price for them, the question being whether the assignee, who stands in precisely the same situation as the bankrupt, can take the property out of the possession of the unpaid vendors. The general rule of law is that where there is a sale of goods and nothing is specified as to the delivery or payment, although everything may have been done so as to devest the property out of the vendor, and so as to throw upon the vendee all risk attendant upon the goods, still there results to the vendor out of the original contract a right to retain the goods until the payment of the price.

The same principle is asserted in regard to the right of stoppage in transitu, where the purchaser's notes are in the hands of a third person for a valuable consideration. In Mason *v.* Lickbarrow (1 H. Bl., 357) it is said:

I state it to be a clear proposition that the vendor of goods not paid for may retain possession against the vendee, not by aid of any equity, but on ground of law. Our oldest books consider the payment of the price (day not being given) as a condition precedent implied in the contract of sale, and that the vendee can not take the goods nor sue for them without tender of the price.

* * * * * * *

A designation of the goods by the vendor to the use of the vendee, the marking them or making them up to be delivered, the removing them for the purpose of being delivered, may all entitle the vendee to act as owner, to assign and to maintain an action against a third person, into whose hands they have come. But the title of the vendor is never entirely devested till the goods have come into the possession of the vendee. He has, therefore, a complete right, for just cause, to retract the intended delivery and to stop the goods in transitu. The cases determined in our courts of law have confirmed this doctrine, and the same law obtains in other countries.

The English courts went so far as to sustain this lien where the goods in controversy had been tortiously taken from the possession of the vendee by the vendor. See Stevens *v.* Wilkinson (2 B. & Ad., 320), Page *v.* Cowasjee (L. R. 1, P. C. App., 127).

In Clark *v.* Draper (19 N. H., 420), Woodland Co. *v.* Mendenhall (82 Minn., 483), the giving of notes for the purchase money was held not to affect the vendor's lien.

The owners of this cotton bring themselves plainly within these principles. They sold cotton to the Confederacy, but retained it in their possession. They received bonds, mere promises to pay, and held these also. At the close of the war, and the consequent insolvency of the vendee and maker of the bonds, they had a right to resume title to their cotton. The United States took this cotton and should pay for it under fixed rules of law.

NEED OF LEGISLATION.

What is the necessity of legislation? This arises from decisions made by the Supreme Court of the United States in the years not long after the close of the Civil War, and at a time when the proper historical perspective had not been established from which questions arising from the war could be viewed without passion. The Supreme Court held, in Sprott *v.* United States (20 Wall., 459), in the year 1874, that a person who had purchased cotton from the Confederate Government could not assert a claim to the net proceeds of that cotton in the United States Treasury. This decision was based upon the ground that payment for the cotton to the Confederacy was in aid of the rebellion, and the contract was therefore entirely void and gave no title to the property purchased. Justice Field read a very able dissenting opinion and two other judges refused to concur in the reasoning of the court.

In Whitfield *v.* United States (92 U. S., 165), decided in 1875, cotton was sold to the Confederacy, payment taken in bonds, and the property left with the vendor, by whom a bill of sale was executed, agreeing to hold the cotton subject to the order of the Confederate secretary of the treasury. While both cotton and bonds were in the hands of the vendor the Confederacy dissolved and the bonds became worthless. After the actual war was over the cotton was taken by the United States Treasury agents, and the net proceeds reached the Treasury. The original owner sued for the proceeds and maintained (1) that under the rules of law just asserted the vendor's right to the cotton remaining in his possession became absolute upon the purchaser's insolvency without payment of the bonds; and (2) that under the doctrine of Sprott against United States, just cited, the sale to the Confederate Government was void, and no title had ever passed out of him.

The Supreme Court refused to recognize the application of the rules of private right to this case, and said that the sale of the cotton to the Confederacy was in aid of the rebellion; that the owner's rights must follow the fortunes of war, and that the cotton came into the possession of the United States by right of conquest. Therefore it was held that the owner had no right to assert his vendor's lien. The Sprott case was cited as authority to sustain this decision. It was thus held that a sale from the Confederate Government and a sale to the Confederate Government equally vitiated an individual's title to cotton.

The Whitfield case is typical of those which this bill is designed to relieve. The reasons why it is believed that the rule there announced should no longer stand as the rule governing the relations between the United States and these claimants are the following:

1. THE RULES OF LAW SUPREME.

It is a settled principle that the same rules of law which govern the rights of private individuals in relation to title to private property also control the Government in like dealings with individuals. Thus the Supreme Court says (Davis *v.* Gray, 16 Wall., 203, 232):

When a State becomes a party to a contract, as in the case before us, the same rules of law are applied to her as to private persons under like circumstances. When she or her representatives are properly brought into the forum of litigation, neither she nor they can assert any right or immunity as incident to her political sovereignty.

See also the same principle asserted in the Floyd Acceptances (7 Wall., 666, 675); United States *v.* State Bank (96 U. S., 30, 36).

This is the rule properly applicable here. The question was one of the title to private property between the individual planter and two sovereignties. That was dependent on settled rules of law. We have seen that these declare:

First. That a vendor in possession has a right to retain the goods sold, if not paid for, upon the insolvency of the vendee.

Second. That his right is not affected by the receipt of a note or other security from the vendee.

These are the principles upon which the question of title, a matter of civil and not military law, should be decided.

II. RULES OF LAW APPLIED.

A like conflict arose in England over the rights of individuals and the United States to property belonging to the Confederate States at the date of their dissolution.

In United States v. McRae (8 Law Reports, Equity, 69) the United States filed a bill in the court of chancery in England to obtain an account of all moneys and goods which came to the hands of the defendant, as agent or otherwise, on behalf of the Confederate Government during the war, and the payment of the moneys in his hands, and the delivery of the goods in his possession. The court held that with respect to all public property acquired by the insurrectionary government, the right of the United States was that of a successor of the Confederate Government; and that they could recover such property from an agent of that Government, subject to the same rights and obligations to which that Government would have been subjected, had it not been overthrown.

In the case of United States v. Prioleau, (2 Hemmings & Miller's Chancery cases, 559) the same court again held that the Government of the United States could recover the property of the Confederate Government, as its successor or representative in the hands of its agents, but that they must take it subject to all the liens and conditions arising from the contract upon which this property was received by the agents.

This is the rule which should be applied to the title of the present claimants.

III. DECISIONS AS WAR POLICY.

The decisions, both in Sprott v. United States and Whitfield v. United States, were rendered within a very few years after the close of the war. The reader of these decisions at the present day, when nearly half a century has passed, still can feel in them the throb of passion which that great struggle aroused. The feelings of the war were the real cause of both decisions.

IV. THE WAR WAS ENDED IN FACT.

The war was, in fact, at an end. The authority of the United States was no longer disputed. The armies of the Confederacy had disbanded. The soldiers had become artisans, merchants, and tillers of the soil. The taking of this property was therefore not in fact the exercise of war power, but a civil transaction. The rights of the United States should not be determined by the laws of war and the right of capture, but should rest entirely upon the rights of property as determined by civil law in individual cases.

The Supreme Court had already held that war existed in law until August 20, 1866 (Anderson v. United States, 9 Wall., 71), although in fact suppressed more than a year before. It therefore felt bound in Whitfield v. United States to give to the Government in the summer of 1865 the benefit of war rights and to refuse to the claimant the kinder principles governing the title to property under civil law.

The time has now come for Congress to declare another and truer rule. The ultimate purpose of section 162 of the Judicial Code is to declare the war at an end on June 1, 1865, to give a remedy for captures after that date, and to restore all rights of property to a civil basis from that date. To that end it is directed that all property taken after that date shall be paid to its owners. The object is to establish, as far as is now practicable, the conditions which would have existed had the abandoned and captured property act been repealed on that date. This full purpose can be accomplished only by the enactment of the bill I now propose, recognizing the rules of law relating to the title to private property without the assertion of rights derived from capture.

V. CAPTURED AND ABANDONED PROPERTY ACT INAPPLICABLE.

A careful examination of the captured and abandoned property act of March 12, 1863 (12 Stat. L., 820), clearly shows that it gave no right to the Government to seize the cotton in question. Its first section authorizes the Secretary of the Treasury to appoint agents "to receive and collect all abandoned or captured property in any State in insurrection." A legislative definition was given to the word "abandoned" by the amendatory act of July 2, 1864 (13 Stat. L., 376), as follows:

Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom and engaged, either in arms or otherwise, in aiding or encouraging the rebellion.

An equally authoritative definition of "captured" property was made by the circular of the Secretary of the Treasury of July 3, 1863, quoted in United States v. Padelford (9 Wall., 540), as property "which had been seized or taken from hostile possession by the military or naval forces of the United States."

Neither of these definitions includes this property. The owner was not engaged in aiding or encouraging the rebellion, because the rebellion had been suppressed; and the property was not in hostile possession, because hostilities had ceased.

Thus the seizure of this property gained no validity from the provisions of those acts. The real test in law of the rights of the parties should not be those arising under the protection of those acts, which were avowedly war measures, but the standard of right under recognized rules of law guarding title to private property. The pending bill declares and enforces that standard.

VI. ALL EQUITIES FOR THE CLAIMANTS.

The Supreme Court, in the Whitfield case, rests its decision for the United States upon a very strict legal title, depending on a rigid view of the disabilities imposed by aiding the rebellion. All the equities of the case were with the plaintiff. He parted with the nominal title to his cotton, and received therefor securities of little value when received, which soon became worthless. He retained possession both of his cotton and of the bonds. The maker of this security, the Confederate States, not only became insolvent, but totally disappeared from existence. The planter therefore clearly would be right in considering the cotton as his own, since he had never lost possession and had received no valuable consideration, and the vendee was nonexistent. The use of that cotton by the people of the Southern States in rehabilitating their ruined plantations and homes would have gone a long step toward relieving the immediate distress incident to the war.

But the United States, claiming the ownership of all cotton which had ever and in any form substantially or formally belonged to the Confederate Government, exacted the pound of flesh from the planter and deprived him of these tangible assets in his possession. At this late date, when the passions aroused by the war have subsided and we can look with historic calmness upon these great events, it is plain that so stringent an assertion of the rights of the conqueror against a prostrate people was an excessive exercise of sovereign power. It is therefore the object of this bill to undo the wrong thus done and to say to the few survivors, and to the children of the deceased that the cotton for which no real consideration was received from the Confederate Government and which remained in the planter's possession until the collapse of the Confederacy shall be treated as the property of the planter and the net proceeds now in the Treasury paid to him or to his surviving next of kin. The amendatory act is one of simple justice. [Applause.]

VII. NO REAL CONSIDERATION.

Lest the objection be made that the delivery of the bonds to the planter was a valuable consideration, a short historical discussion is now pertinent and entitled to consideration.

The sales of cotton to the Confederacy were between December, 1862, and June, 1863, and the records of the Confederate treasury department show that the price paid was from 13½ cents to 15 cents a pound, paid in Confederate bonds. In the learned work, published by Yale University, entitled "The Confederate States of America," by John Christopher Schwab, a table is given as Appendix I which shows the monthly value of gold in Confederate currency during this period, as follows:

December, 1863	2.9
January, 1864	3.0
February, 1864	3.3
March, 1864	4.1
April, 1864	4.5
May, 1864	5.2
June, 1864	7.0
Average for 7 months	4.3

See also History of Confederate Treasury, by Ernest A. Smith, publications of Southern Historical Association, volume 5, pages 225–226.

At the rate of 15 cents per pound in Confederate currency the planter therefore received from 2.1 to 5.2 cents per pound, or an average of 3.5 cents per pound in gold. Middling upland cotton was worth in New York during the same seven months an average of 70.7 cents per pound. See tables of New York prices in Chronological and Statistical History of Cotton, by E. J. Donnell, pages 518–522. It is thus plain that the amount paid in depreciated bonds was a very small fraction of the actual market value of cotton at this time.

Had the planter been allowed to hold the cotton and sell it in New York in the summer of 1865 he would have received

50.7 cents per pound in May and 43.9 cents per pound in September. See the same authorities. Allowing for all expenses of carriage, commission, and middlemen, it can be seen how great a loss was inflicted upon the planter by the Government taking his cotton. The remedy proposed, namely, to give the net proceeds in the Treasury, after the enormous expenses charged against it by the Treasury agents and their subordinates and the losses incident to the methods then adopted, gives but a fraction of what the planter would have realized had the Government refrained from taking it.

While the bonds of the Confederate Government were theoretically convertible into currency, yet the least study of the financial policy of the Confederacy shows the constant effort to secure the conversion of currency into bonds by its holders. Every possible effort was made to induce creditors to receive bonds instead of currency, even the railroads taking pay for services one-half in bonds. It is therefore plain that the citizens of the Confederate States, loyally devoted to its aims, purposely refrained from converting their bonds into currency to the disadvantage of the Government. Indeed, with the governmental pressure the other way they would have found difficulty in securing such conversion. See both the works already cited where these conditions are fully shown. For these reasons it may confidently be asserted that the bonds issued in payment for this cotton remained almost without exception in the hands of the planter to whom they were issued. After the lapse of half a century they can be found but in few instances, but this is not remarkable since during all the time they had been worth more as waste paper than as bonds.

THIRD PROVISO—BANKRUPTCY.

The third proviso directs that the proceeds of claims under this section shall go to the personal representatives rather than to assignees in bankruptcy of the original owners of the cotton. This is similar to the provision contained in the bills for payment of the southern claims under the Bowman Act and the French spoliation claims (26 Stat. L., 908, 1456; 30 Stat. L., 1191, 121; 32 Stat. L., 218, 245; 33 Stat. L., 780, 811). Argument is unnecessary to show the propriety of giving the proceeds of these claims to the families of the owners of the cotton rather than scattering them among distant creditors who have long since forgotten their claims.

CONCLUSION.

All three of the provisos to this bill are essential to carry out the intent of the original enactment. In particular the second proviso should be declared the rule of law, because:

1. It is necessary to afford the relief designed by the original act.

2. It declares the war ended for purposes of these claims when actual hostilities closed.

3. It substitutes a rule of civil law for a harsh rule of war.

4. It recognizes a principle of justice and consideration for a conquered people in place of a merciless exaction of the utmost legal right.

Recapitulation of statements of captured cotton collected subsequent to June 1, 1865, sold, and the proceeds paid into the Treasury.

Number of bales sold.	Gross proceeds.	Total expenses.	Proceeds released.	Proceeds in Treasury.
5,697	$750,702.68	$320,338.58	$87,511.24	$453,852.86
20,240	2,881,589.90	705,622.47	289,576.92	1,886,390.51
6,375	838,043.92	232,487.94	38,869.12	566,686.86
1,170	175,075.16	40,826.13	.....	134,249.03
2,205	351,601.97	51,565.51	.....	300,036.46
2,398	334,361.92	31,561.70	.....	302,800.22
2,462	490,743.87	68,187.02	.....	422,547.85
9,712	1,412,335.68	540,962.38	127,192.79	744,180.51
3,378	416,229.83	279,883.13	60,420.00	75,926.70
53,638 Total	7,650,675.93	2,160,434.86	603,570.07	4,886,671.00

Mr. Chairman, I have presented this argument in support of this bill in order that I might have an opportunity to get into this record, and to present to the people of the country, the legal phases of the question which is now before the court, subject to the difficulties with which that question is met by the law officers of the United States. I do not criticize the legal representatives of the Government of the United States for presenting the defenses which they invoke in these cases. As honest men representing the Government, it is their duty to perform this service. In my judgment, however, it was the purpose of the original section 162, when passed by the Congress of the United States, to refund this money now in the Treasury of the United States to those who were entitled to it. It was intended that they should receive it, and these technical defenses having been interposed may prevent the carrying out of the purpose and the intent of the Congress of the United States in passing the law, and the purpose and object of the bill I have introduced is simply to amend that statute in such a way as to take away these technical defenses so that the purpose and intention of the Congress of the United States in the passage of the original act, section 162 of the Judicial Code, may be carried out and these just claims paid.

In this time of peace, when we all stand beneath the clear blue skies as citizens of a great Republic, each one loving the flag that flies above us, willing to do anything we can to uphold and sustain it, simple justice demands that we should be honest enough—not only generous enough, but honest enough—to return this money to these people who lost it because they were prostrate and helpless, who lost it contrary to right and justice, who lost it by reason of the iron hand that existed at the time and demanded it from them and put it into the Treasury of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER. Just a little more time, please.

Mr. STEPHENS of Mississippi. I hope my colleague will be given more time. Mississippi is greatly interested in these claims.

Mr. HENRY of Texas. I join in the request that the gentleman be given more time. He is certainly making a most interesting and entertaining speech, and giving us much valuable information showing the justice of these claims.

Mr. PAGE. I yield the gentleman five minutes additional time if necessary to conclude his remarks.

Mr. CANDLER. I thank the gentleman, and I will hurry as much as possible.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. CANDLER. With pleasure.

Mr. HENRY of Texas. By reason of your devotion to duty and Democratic principles you are always listened to with close attention. Your speech has thrown great light on this question, and will speed, I am sure, the payment of these claims. You have shown their justice; and they ought to be, and I hope will be paid. I favor their payment and will aid you in any way I can to bring about that result.

Mr. CANDLER. I thank my friend from Texas.

Now, permit me to say in conclusion, that this great Government of ours does not need this cotton money and can not afford to longer keep it. It only needs honest money—money that comes into the Treasury by the will of the people—for the support of the Government and for the development of our institutions for the great progress which is ahead of us, and this Government can well afford to return this money to the noble and brave people of the South who lost it in time of stress and strife. They come not here to-day, through me as their representative, as mendicants or beggars, because, thank God, they have always been brave and courageous enough to meet every difficulty which has been presented to them and surmount them all; and I am glad to-day that peace, prosperity, and happiness is in the Southland and is blessing our people, and that we are able still to meet our difficulties and overcome them; but I come as their representative pleading an honest and just cause, and simply asking this great Government to do justice to a patriotic people, and in doing so to do honor to itself, and give some comfort to them. In the passage of my bill this will be to some extent accomplished. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes;

The message also announced that the Senate had passed the following resolution (S. Res. 333):

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That as a further mark of respect his remains be removed from Washington to Reno, Nev., for burial, in charge of the Sergeant at Arms of the Senate, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing, the Vice President appointed as said committee Mr. NEWLANDS, Mr. BAILEY, Mr.

WORKS, Mr. HEYBURN, Mr. BROWN, Mr. CURTIS, Mr. OLIVER, Mr. CHAMBERLAIN, Mr. SWANSON, Mr. CLARK of Wyoming, Mr. FALL, and Mr. ASHURST.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, we, as the representatives of the people of the United States, are charged with the important duty of voting the necessary money to meet the proper expenses of this Government in the executive, legislative, and judicial branches. In view of our representative capacity in this respect, and for the further reason that in a short time the people of this country will be called upon to select a President of the United States, Members of Congress, and other officials of the Government, it seems to me that this is a proper time to call to the attention of the House an approximate number of qualified electors in the various States. I therefore submit the two following tables, the first showing, for continental United States, geographic divisions and individual States, the distribution of males 21 years of age and over by literacy, by elements, according to the censuses of 1910 and 1900; and the second showing, for the above areas, the distribution of foreign-born white males 21 years of age and over, according to citizenship, in 1910 and 1900:

Total males 21 years of age and over by literacy, by elements.

State.	Total 21 years of age and over.			Native white native parents.		Native white foreign parents.		Foreign white.		Negro.		Indian.		Chinese.		Japanese.		All other.	
	Total.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.
Continental United States.																			
1910	26,909,151	24,725,825	2,273,326	12,654,649	537,042	4,438,275	60,691	8,858,042	748,564	1,640,076	319,251	30,652	32,315	50,943	9,448	51,675	4,923	1,473	1,093
1900	21,134,209	18,845,839	2,288,470	9,851,137	618,[illegible]	3,476,709	68,975	4,341,954	562,316	1,083,692	976,610	20,743	36,334	58,542	22,476	14,052	3,153		
GEOGRAPHIC DIVISIONS.																			
New England:																			
1910	2,019,096	1,891,647	127,449	800,007	8,396	280,122	7,622	687,994	108,953	20,167	1,967	511	124	2,690	476	210	9	6	
1900	1,767,963	1,590,811	117,144	778,336	9,895	260,084	8,579	592,612	95,211	16,470	2,391	352	137	2,885	1,097	72	4		
Middle Atlantic:																			
1910	5,920,501	5,519,408	401,098	2,285,815	34,300	1,165,851	12,514	1,931,636	340,643	126,924	11,826	1,491	625	6,406	1,090	1,261	[illegible]	17	
1900	4,587,812	4,249,521	308,291	1,924,000	27,862	945,136	15,506	1,245,897	224,978	88,050	16,517	1,113	668	7,128	2,779	307	21		
East North Central:																			
1910	5,604,509	5,362,735	241,763	2,553,977	59,195	1,265,830	16,669	1,423,207	159,136	93,875	13,295	2,980	1,929	2,474	546	377	5	6	
1900	4,624,078	4,367,517	[illegible]	2,127,999	38,415	1,019,793	20,206	1,168,796	115,821	67,122	18,260	1,911	2,295	1,815	590	84	1		
West North Central:																			
1910	3,483,637	3,370,266	123,371	1,672,604	48,548	489,919	7,851	940,769	58,220	70,089	13,558	5,221	5,127	844	258	503	62	26	
1900	2,921,551	2,790,488	130,063	1,400,817	38,065	592,445	8,869	782,669	67,340	69,927	20,302	4,040	6,145	852	210	138	42		
South Atlantic:																			
1910	3,071,428	2,531,182	540,246	1,674,849	166,354	118,997	1,672	131,006	19,459	604,144	351,230	998	1,003	1,030	314	94	12	4	[illegible]
1900	2,406,285	1,885,154	611,631	1,288,262	178,564	102,929	2,555	92,415	11,768	399,524	417,400	574	813	1,127	529	[illegible]	2		
East South Central:																			
1910	2,096,186	1,689,656	406,530	1,188,811	148,311	67,864	1,482	42,677	3,631	289,782	252,677	[illegible]	353	274	71	22		1	5
1900	1,794,415	1,328,320	466,095	956,261	155,719	[illegible]	2,129	43,451	3,994	262,657	303,714	170	419	263	100	6	1		
West South Central:																			
1910	2,261,366	1,951,175	310,191	1,342,435	86,421	145,472	9,353	135,720	36,251	315,531	173,284	10,818	4,515	850	300	292	29	28	[illegible]
1900	1,584,699	1,263,113	320,986	862,358	81,520	101,218	7,817	101,356	29,572	188,974	196,379	8,172	5,253	1,023	436	[illegible]	9		
Mountain:																			
1910	933,558	850,709	62,849	430,653	12,195	168,927	2,089	226,353	31,219	8,285	707	4,392	14,662	3,569	1,187	8,101	1,380	129	[illegible]
1900	563,499	513,488	50,011	243,622	13,975	104,108	2,086	149,399	15,463	5,901	923	2,682	14,741	5,507	1,990	2,871	833		
Pacific:																			
1910	1,618,879	1,530,052	59,827	705,538	3,290	285,264	1,639	468,678	39,932	11,338	717	4,017	4,577	32,446	5,229	40,515	3,356	1,256	1,037
1900	884,105	837,007	47,098	369,485	3,581	[illegible]	1,628	255,356	18,169	4,767	734	2,329	5,953	37,942	14,796	10,542	2,237		
NEW ENGLAND DIVISION.																			
Maine:																			
1910	225,737	222,657	13,070	136,620	3,149	24,549	2,073	40,789	7,676	421	[illegible]	186	102	86	15	7			
1900	217,683	203,711	13,952	153,957	1,430	18,875	2,080	20,292	8,223	265	77	144	114	72	29	2			
New Hampshire:																			
1910	136,668	128,255	8,413	75,780	959	17,186	609	35,047	6,909	171	29	9	2	56	5	1			
1900	130,987	120,692	[illegible]	81,194	1,189	12,790	700	26,406	5,339	195	[illegible]	3	2	72	31	1			
Vermont:																			
1910	113,506	107,467	6,039	68,036	1,331	18,137	1,220	[illegible]	3,430	937	38	8	1	8		1			
1900	108,336	99,812	8,544	67,098	1,739	16,466	1,558	15,984	4,862	232	57	2	1	30	7				
Massachusetts:																			
1910	1,021,869	959,780	61,909	332,646	1,700	216,312	2,172	387,097	56,504	11,405	1,186	198	9	1,974	336	122	2	6	
1900	844,485	789,771	[illegible]	319,016	1,927	163,162	2,422	296,098	47,436	9,356	1,100	151	11	1,952	795	38	3		
Rhode Island:																			
1910	163,834	149,378	14,456	48,047	466	35,206	794	[illegible]	[illegible]	2,722	345	70	[illegible]	199	54	28			
1900	127,144	115,469	11,675	44,343	380	24,499	841	[illegible]	[illegible]	2,340	429	15	[illegible]	286	41	13			
Connecticut:																			
1910	347,892	324,130	23,762	118,858	893	68,729	744	131,636	21,532	4,451	314	46	6	365	66	51	7		
1900	280,340	261,356	18,984	112,728	1,040	54,292	650	89,841	16,562	3,978	598	37	[illegible]	463	114	17	1		
MIDDLE ATLANTIC DIVISION.																			
New York:																			
1910	2,836,773	2,666,743	170,030	888,051	11,443	646,481	[illegible]	1,072,319	148,704	43,582	2,295	1,102	604	4,227	580	966	21	15	
1900	2,184,966	2,054,961	130,004	767,286	15,201	524,856	8,240	728,698	100,776	27,884	3,541	872	606	5,117	1,032	248	[illegible]		
New Jersey:																			
1910	774,702	723,416	51,286	277,033	4,216	132,719	1,207	267,301	42,347	25,540	3,052	57	16	790	243	147	5		
1900	555,608	517,303	38,305	218,274	6,370	110,223	1,285	170,298	[illegible]	17,540	3,925	[illegible]		809	424	37	1		
Pennsylvania:																			
1910	2,309,626	2,129,044	179,982	1,110,711	18,701	386,651	4,924	592,018	149,592	57,790	6,479	[illegible]	5	1,389	267	146	14	2	
1900	1,817,239	1,677,287	139,952	938,440	28,311	367,947	5,981	386,901	97,902	42,617	[illegible]	228	3	1,102	733	22	1		
EAST NORTH CENTRAL DIVISION.																			
Ohio:																			
1910	1,484,365	1,421,267	62,998	822,368	19,188	291,064	3,379	273,318	35,160	34,019	5,169	37	4	403	98	59			
1900	1,212,223	1,155,525	[illegible]	672,408	23,476	252,267	4,648	204,063	21,605	24,422	6,813	14	13	242	103	16			
Indiana:																			
1910	822,434	798,861	[illegible]	578,478	17,641	114,433	1,953	78,325	10,609	17,339	3,312	62	[illegible]	190	63	39		2	
1900	730,205	680,100	40,016	492,589	24,937	108,284	2,944	66,065	7,022	13,144	5,042	43	12	141	58	4			
Illinois:																			
1910	1,743,182	1,642,730	[illegible]	673,612	15,588	404,042	3,273	548,617	55,907	35,634	4,259	60	[illegible]	1,554	305	236	3	3	
1900	1,401,436	1,333,975	67,461	569,921	20,832	312,174	4,139	[illegible]	[illegible]	24,211	5,551	6	4	1,092	328	54	4		
Michigan:																			
1910	570,876	532,173	38,703	382,397	5,254	118,520	4,144	274,143	28,034	5,989	397	1,296	826	181	46	32		1	
1900	719,476	680,248	39,230	481,587	6,406	158,124	4,413	234,722	26,693	4,467	726	859	941	182	51	6			
Wisconsin:																			
1910	638,749	606,705	27,089	147,123	1,514	258,080	3,915	248,804	20,483	1,624	58	1,322	1,679	156	34	27	2		
1900	570,715	539,579	31,136	115,199	1,744	188,944	4,022	233,411	21,[illegible]	[illegible]	129	987	1,294	[illegible]	55	4			

Total males 21 years of age and over by literacy, by elements—Continued.

State.	Total 21 years of age and over.			Native white native parents.		Native white foreign parents.		Foreign white.		Negro.		Indian.		Chinese.		Japanese.		All other.	
	Total.	Literate.	Illiterate.	Literate	Illiterate	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.
WEST NORTH CENTRAL DIVISION.																			
Minnesota:																			
1910	642,669	619,065	23,604	134,762	732	201,370	1,757	278,335	19,947	3,367	123	1,068	1,007	215	33	46	5	2	
1900	506,794	485,938	20,856	103,840	737	135,288	1,766	244,033	16,720	2,018	150	607	1,449	117	31	35	3		
Iowa:																			
1910	663,672	649,468	14,204	[illegible]	4,219	175,957	1,456	139,031	7,764	4,887	641	87	118	75	5	26	1	3	
1900	635,298	618,237	17,061	315,569	5,944	149,455	1,791	149,660	8,246	3,466	975	10	81	70	24	7			
Missouri:																			
1910	973,092	921,778	51,284	603,018	27,860	164,841	2,357	110,556	10,848	42,853	10,068	67	12	368	131	72	8	3	
1900	856,684	796,357	60,327	516,715	34,723	142,855	3,021	104,817	7,666	31,589	14,939	21	5	355	82	5	1		
North Dakota:																			
1910	173,890	168,423	5,467	43,155	203	48,572	290	75,692	4,029	295	16	636	915	24	11	49	3		
1900	95,217	[illegible]	5,187	19,624	153	17,682	220	52,051	3,507	96	19	472	1,239	18	12	87	37		
South Dakota:																			
1910	178,189	172,638	5,551	65,464	305	52,126	299	52,295	2,323	316	25	2,432	2,559	65	33	30	7		
1900	112,681	107,053	5,628	35,162	219	26,267	259	43,231	2,215	154	30	2,113	2,887	126	18				
Nebraska:																			
1910	353,626	345,081	8,545	167,158	1,401	[illegible]	643	88,459	5,886	2,904	231	506	329	84	22	494	33	18	
1900	301,091	293,703	7,388	145,879	1,629	58,849	535	86,245	4,677	2,031	267	560	242	133	28	3			
Kansas:																			
1910	508,529	493,813	14,716	329,645	3,798	81,685	849	06,482	7,423	15,477	2,454	425	187	13		86	5		
1900	413,786	399,570	14,216	264,028	4,660	62,049	877	62,629	4,309	10,573	4,122	257	242	33	5	1	1		
SOUTH ATLANTIC DIVISION.																			
Delaware:																			
1910	61,887	55,615	6,272	[illegible]	1,672	6,283	68	7,084	1,092	6,221	2,829			18	11	[illegible]			
1900	54,018	46,480	7,538	30,604	2,606	5,482	[illegible]	5,561	1,186	4,799	3,578	3		33	15	1			
Maryland:																			
1910	367,908	336,670	31,238	195,187	8,097	51,781	523	42,936	5,037	46,479	17,484	11	2	265	[illegible]	11	1		
1900	321,903	281,551	40,352	161,812	10,191	45,989	1,006	37,530	4,481	35,944	24,462			300	212	6			
District of Columbia:																			
1910	103,761	98,679	5,082	49,624	325	14,012	66	10,928	810	23,820	3,801	18	4	237	75	36		4	1
1900	83,823	76,771	7,052	39,166	391	11,086	75	9,122	478	17,048	6,024	3	7	341	76	5	1		
Virginia:																			
1910	523,532	430,615	92,917	304,610	33,488	10,487	192	13,585	1,297	101,726	57,867	97	36	101	35	9	2		
1900	447,815	334,462	113,353	245,824	[illegible]	9,143	270	9,919	1,166	69,358	76,764	62	13	146	83	10			
West Virginia:																			
1910	338,349	303,309	35,040	244,028	20,666	15,761	356	26,159	8,528	17,300	5,457	7	1	52	33	2			
1900	247,970	215,904	32,066	182,192	23,024	14,482	553	9,983	2,805	9,202	5,584	3	1	42	9				
North Carolina:																			
1910	506,134	398,571	107,563	302,413	49,619	2,192	[illegible]	3,022	274	90,063	56,669	808	885	51	15	2			
1900	417,578	294,920	122,658	230,393	54,208	2,085	126	2,311	140	59,625	67,489	475	680	31	15				
South Carolina:																			
1910	335,046	244,339	90,707	141,474	17,535	3,341	64	3,149	206	96,298	72,857	30	41	46	3	1	1		
1900	283,325	183,809	99,516	108,454	15,643	3,231	68	2,825	154	69,242	83,618	12	17	45	16				
Georgia:																			
1910	620,616	479,075	141,541	307,331	29,936	7,640	149	8,137	376	155,777	111,037	14	10	173	33	3			
1900	500,752	342,505	158,247	232,015	31,914	6,692	168	6,331	376	97,363	125,710	5	1	98	78	1			
Florida:																			
1910	214,195	184,309	29,886	94,177	5,026	7,500	163	16,006	1,439	66,440	23,219	13	14	147	16	26	8		1
1900	139,601	108,752	30,849	57,802	5,470	4,769	196	8,833	892	37,246	24,171	11	[illegible]	91	25		1		
EAST SOUTH CENTRAL DIVISION.																			
Kentucky:																			
1910	603,454	515,938	87,516	405,210	59,314	41,864	833	19,058	1,382	49,736	25,958	25	23	36	6	9			
1900	543,906	441,468	102,528	340,062	62,182	40,657	1,166	22,970	2,169	37,738	36,990	10	9	31	12				
Tennessee:																			
1910	552,668	465,991	86,677	363,721	47,479	11,855	264	9,484	628	80,869	38,273	27	19	26	14	8		1	
1900	487,380	381,529	105,851	302,377	51,244	11,472	444	8,779	730	58,840	53,306	13	15	44	22	4			
Alabama:																			
1910	513,111	388,617	124,494	249,568	30,389	8,221	244	9,493	1,028	121,179	92,744	105	76	47	10	4			3
1900	413,862	274,213	139,649	185,370	30,680	7,876	286	7,434	648	73,474	107,997	15	23	42	14	2	1		
Mississippi:																			
1910	426,953	319,110	107,843	170,312	11,129	5,924	141	4,642	593	137,909	95,702	67	235	165	41	1			2
1900	349,177	231,120	118,057	128,452	11,613	5,517	233	4,268	447	92,605	105,331	132	372	146	61				
WEST SOUTH CENTRAL DIVISION.																			
Arkansas:																			
1910	395,824	342,384	53,440	242,872	20,343	10,983	385	9,057	661	79,352	32,013	77	18	34	20	9			
1900	313,836	251,221	62,615	186,421	22,546	8,903	449	7,750	528	48,103	39,054	14	12	30	26				
Louisiana:																			
1910	414,919	296,203	118,716	151,687	28,091	32,769	935	21,332	5,211	90,035	84,176	40	114	295	146	[illegible]	5	25	33
1900	325,943	203,305	122,638	96,675	24,681	30,062	1,120	19,102	6,238	57,086	90,262	37	120	338	211	5	6		
Oklahoma:																			
1910	447,266	418,559	28,707	329,054	14,345	27,948	479	21,363	2,188	29,445	7,396	10,594	4,286	117	12	38	1		
1900	206,552	184,602	21,950	144,579	10,113	12,765	411	10,507	1,033	8,654	5,319	8,064	5,049	33	25				
Texas:																			
1910	1,003,257	894,020	109,328	618,822	23,642	73,792	7,554	83,977	28,191	116,699	49,699	107	97	[illegible]	122	225	23	3	
1900	737,768	623,985	113,783	434,663	24,180	49,488	5,837	64,000	21,773	75,131	61,744	57	72	622	176	4	3		
MOUNTAIN DIVISION.																			
Montana:																			
1910	155,017	146,313	8,704	[illegible]	228	29,597	[illegible]	53,[illegible]	5,885	776	75	1,107	1,659	827	341	1,143	[illegible]	6	7
1900	101,931	95,722	[illegible]	24,893	237	19,574	186	37,308	2,675	657	74	596	2,274	1,308	345	1,406	418		
Idaho:																			
1910	110,863	107,447	3,416	58,734	244	22,538	109	23,808	2,036	312	16	251	686	643	168	1,050	155	11	
1900	84,993	[illegible]	[illegible]	25,497	280	10,945	106	12,721	770	110	20	227	970	894	501	802	280		
Wyoming:																			
1910	63,201	60,758	2,413	[illegible]	[illegible]	10,692	37	16,466	1,819	1,275	50	551	68	104	51	1,195	268	59	
1900	37,898	[illegible]	1,636	17,846	166	7,593	46	9,783	828	[illegible]	102	79	346	371	66	211	80		
Colorado:																			
1910	271,648	260,305	11,343	144,005	2,663	46,548	273	[illegible]	7,468	3,910	[illegible]	115	[illegible]	[illegible]	77	1,816	280	1	
1900	185,708	178,019	7,689	96,729	2,834	30,336	[illegible]	47,510	3,652	2,767	446	[illegible]	[illegible]	430	128	29	10		

Total males 21 years of age and over by literacy, by elements—Continued.

State.	Total 21 years of age and over.			Native white native parents.		Native white foreign parents.		Foreign white.		Negro.		Indian.		Chinese.		Japanese.		All other.	
	Total.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.	Literate.	Illiterate.
MOUNTAIN DIVISION—continued.																			
New Mexico:																			
1910	94,637	78,003	16,634	61,147	8,142	6,404	538	8,872	3,630	556	88	622	4,171	201	29	201	36	.....	.....
1900	55,067	39,482	15,585	29,862	9,589	3,711	671	5,007	2,244	649	126	261	2,901	267	54	3	.....	.....	.....
Arizona:																			
1910	74,051	59,568	14,483	28,199	553	9,919	744	18,235	7,447	700	64	1,362	5,719	863	309	290	24	.....	.....
1900	44,081	32,866	11,215	15,687	526	6,076	493	8,402	3,750	964	120	692	3,948	994	359	181	18	.....	.....
Utah:																			
1910	104,115	100,638	3,477	32,780	199	34,532	173	30,698	1,986	542	26	132	733	197	127	1,658	243	.....	.....
1900	67,172	64,702	2,470	18,081	290	22,278	200	23,277	1,129	341	17	121	636	376	161	278	17	.....	.....
Nevada:																			
1910	40,526	37,627	2,899	15,173	46	8,597	49	11,796	998	214	15	332	1,195	710	91	759	32	52	3
1900	17,710	15,439	2,271	5,387	44	3,999	25	5,391	408	54	26	173	1,388	867	372	168	10	.....	.....
PACIFIC DIVISION.																			
Washington:																			
1910	441,294	430,714	10,580	199,179	600	75,430	240	140,296	6,998	2,999	121	1,446	1,413	1,946	458	9,441	684	102	66
1900	195,572	188,937	6,635	91,903	466	29,823	169	59,332	2,413	1,089	141	825	1,966	2,534	867	3,532	678	.....	.....
Oregon:																			
1910	257,188	250,728	6,460	140,537	729	39,182	183	59,876	4,033	732	46	665	540	6,217	493	2,593	301	135	139
1900	144,160	137,488	6,978	78,339	881	20,557	198	30,466	1,081	507	36	430	753	5,790	3,756	1,631	256	.....	.....
California:																			
1910	920,397	877,610	42,787	362,822	1,864	179,845	1,214	268,526	28,921	7,587	536	1,877	2,624	24,363	4,278	28,541	2,401	1,019	832
1900	544,057	510,602	33,455	199,344	3,246	105,400	1,261	195,619	14,675	3,171	540	1,074	3,293	29,669	10,173	5,379	1,303	.....	.....

Foreign-born white males 21 years of age and over, by citizenship, 1910 and 1900.

	Total.	Naturalized.	Papers.	Alien.	Unknown.
Continental United States:					
1910	6,646,606	3,035,332	570,588	2,265,121	775,564
1900	4,904,270	2,845,473	611,898	914,917	731,982
GEOGRAPHIC DIVISIONS.					
New England:					
1910	706,847	324,100	48,314	308,226	58,207
1900	597,923	268,394	26,167	215,364	90,048
Middle Atlantic:					
1910	2,272,281	879,348	202,012	965,109	225,812
1900	1,510,875	825,262	100,091	381,823	203,699
East North Central:					
1910	1,573,343	813,819	148,234	424,948	186,322
1900	1,294,617	802,668	141,461	136,308	204,182
West North Central:					
1910	868,980	510,792	76,935	143,771	137,482
1900	700,009	516,440	86,650	81,869	125,020
South Atlantic:					
1910	150,665	61,134	8,997	37,127	23,407
1900	104,183	64,543	4,292	17,293	18,155
East South Central:					
1910	46,308	25,830	2,223	8,749	9,486
1900	7,445	32,037	1,719	4,682	9,027
West South Central:					
1910	171,980	70,775	[illegible]	32,872	38,257
1900	130,931	61,511	18,466	25,933	25,001
Mountain:					
1910	257,572	113,670	23,290	85,643	35,029
1900	164,862	99,129	16,485	27,158	22,090
Pacific:					
1910	568,620	235,845	50,357	169,676	61,552
1900	293,525	175,011	18,607	44,547	34,760
NEW ENGLAND DIVISION.					
Maine:					
1910	48,464	14,994	1,430	23,672	8,368
1900	39,515	13,242	784	17,143	7,346
New Hampshire:					
1910	41,956	16,415	1,421	19,377	4,743
1900	34,769	14,022	958	12,859	[illegible]
Vermont:					
1910	23,759	10,811	1,164	9,652	2,132
1900	20,846	9,569	639	[illegible]	[illegible]
Massachusetts:					
1910	453,691	189,126	[illegible]	212,033	22,426
1900	343,522	150,919	14,783	127,172	50,679
Rhode Island:					
1910	75,890	32,040	5,314	[illegible]	5,343
1900	[illegible]	27,840	2,671	17,027	6,630
Connecticut:					
1910	153,168	60,714	8,909	[illegible]	14,049
1900	106,403	59,721	4,963	[illegible]	14,556
MIDDLE ATLANTIC DIVISION.					
New York:					
1910	1,221,023	[illegible]	131,085	475,267	112,583
1900	[illegible]	[illegible]	59,746	159,715	[illegible]
New Jersey:					
1910	[illegible]	128,578	24,511	122,076	[illegible]
1900	[illegible]	109,460	12,785	[illegible]	[illegible]
Pennsylvania:					
1910	741,510	248,857	46,416	367,706	78,031
1900	[illegible]	[illegible]	27,578	146,817	[illegible]

Foreign-born white males 21 years of age and over, by citizenship, 1910 and 1900—Contd.

	Total.	Naturalized.	Papers.	Alien.	Unknown.
EAST NORTH CENTRAL DIVISION.					
Ohio:					
1910	308,478	142,463	17,509	113,856	34,648
1900	225,688	157,324	7,099	26,335	34,961
Indiana:					
1910	88,923	42,333	13,320	18,354	14,720
1900	73,087	44,564	9,930	2,155	15,728
Illinois:					
1910	604,524	317,339	43,482	174,561	69,122
1900	467,123	326,538	16,188	51,576	72,821
Michigan:					
1910	302,177	168,634	26,255	75,220	32,068
1900	261,415	153,377	31,122	37,449	39,467
Wisconsin:					
1910	269,237	142,848	47,708	42,937	35,744
1900	257,304	121,064	77,252	17,793	41,195
WEST NORTH CENTRAL DIVISION.					
Minnesota:					
1910	298,282	179,187	26,222	58,192	34,741
1900	260,753	166,373	35,684	24,801	33,895
Iowa:					
1910	146,795	90,550	6,652	20,222	29,371
1900	157,906	117,507	6,627	11,372	23,400
Missouri:					
1910	121,464	65,512	10,117	26,735	20,040
1900	112,483	78,829	5,219	10,427	18,012
North Dakota:					
1910	79,721	46,636	9,824	10,905	12,296
1900	55,538	31,534	10,515	5,488	8,021
South Dakota:					
1910	54,528	32,495	8,020	4,376	9,637
1900	45,446	26,684	7,918	2,411	8,433
Nebraska:					
1910	94,345	57,270	9,928	12,343	14,804
1900	90,925	54,241	14,368	4,846	17,470
Kansas:					
1910	73,905	39,142	6,172	11,908	16,583
1900	[illegible]	41,272	7,323	2,564	15,789
SOUTH ATLANTIC DIVISION.					
Delaware:					
1910	8,776	3,707	658	3,159	1,222
1900	6,747	4,169	275	1,267	1,076
Maryland:					
1910	47,973	24,296	3,278	13,573	6,826
1900	42,011	28,523	1,276	5,798	6,506
District of Columbia:					
1910	11,738	6,474	1,058	2,304	1,902
1900	9,600	6,733	657	1,294	916
Virginia:					
1910	14,882	6,411	859	4,693	2,919
1900	11,085	6,801	484	1,492	2,308
West Virginia:					
1910	34,687	7,263	1,358	22,545	3,521
1900	12,878	6,429	807	3,714	2,228
North Carolina:					
1910	3,296	1,439	194	827	836
1900	2,451	1,444	67	313	627
South Carolina:					
1910	3,355	1,602	184	739	830
1900	2,979	1,801	79	494	605

Foreign-born white males 21 years of age and over, by citizenship, 1910 and 1900—Contd.

	Total.	Naturalized.	Papers.	Alien.	Unknown.
SOUTH ATLANTIC DIVISION—continued.					
Georgia:					
1910	8,513	4,023	623	1,846	2,019
1900	6,707	3,952	361	949	1,443
Florida:					
1910	17,445	5,959	783	7,411	3,292
1900	9,725	4,721	544	2,014	2,446
EAST SOUTH CENTRAL DIVISION.					
Kentucky:					
1910	20,440	13,225	815	2,754	3,646
1900	25,139	18,731	682	1,692	4,034
Tennessee:					
1910	16,112	5,444	484	1,867	3,317
1900	9,509	5,746	280	1,193	2,290
Alabama:					
1910	10,521	4,736	687	2,986	2,112
1900	[illegible]	4,595	618	995	1,874
Mississippi:					
1910	5,235	2,445	287	1,231	1,309
1900	4,715	2,665	139	782	1,129
WEST SOUTH CENTRAL DIVISION.					
Arkansas:					
1910	9,718	5,284	895	1,388	2,451
1900	[illegible]	4,780	827	795	2,225
Louisiana:					
1910	[illegible]	[illegible]	1,171	5,199	6,179
1900	25,340	[illegible]	962	7,302	4,228
Oklahoma:					
1910	[illegible]	12,074	1,477	4,449	5,551
1900	11,540	[illegible]	1,447	[illegible]	2,791
Texas:					
1910	112,168	43,393	6,833	[illegible]	24,076
1900	85,773	37,324	15,530	17,168	15,756
MOUNTAIN DIVISION.					
Montana:					
1910	59,313	27,635	4,749	16,937	7,992
1900	[illegible]	[illegible]	4,918	5,397	[illegible]
Idaho:					
1910	25,844	12,817	2,478	6,215	4,334
1900	13,491	9,127	1,400	1,228	1,736
Wyoming:					
1910	[illegible]	6,837	1,937	5,147	1,364
1900	10,611	6,224	1,071	2,226	1,080
Colorado:					
1910	70,514	35,245	6,536	19,615	9,118
1900	51,182	29,676	7,347	[illegible]	7,628
New Mexico:					
1910	12,502	4,267	289	6,048	1,478
1900	7,251	3,588	432	1,953	1,278
Arizona:					
1910	25,082	5,912	1,113	14,574	4,083
1900	12,161	4,084	657	5,507	1,313
Utah:					
1910	32,055	15,351	2,436	[illegible]	5,270
1900	24,406	15,826	1,334	[illegible]	4,065
Nevada:					
1910	12,767	5,606	1,282	4,479	1,400
1900	5,797	3,754	256	1,107	680
PACIFIC DIVISION.					
Washington:					
1910	167,264	68,986	15,258	[illegible]	19,895
1900	61,745	29,466	5,511	[illegible]	8,756
Oregon:					
1910	63,999	29,675	7,591	17,430	9,233
1900	34,486	21,814	3,584	2,862	5,246
California:					
1910	287,457	137,225	27,708	[illegible]	32,444
1900	169,294	114,331	9,512	[illegible]	22,738

Mr. DYER. The above shows that in 1910 there were 71,580,270 persons 10 years of age or over in the United States, of whom 5,517,008 were unable to read or write, constituting 7.7 per cent of the population.

The native whites, who constituted nearly 75 per cent of the entire population, had the smallest number of illiterates, 1,535,520, or 3 per cent.

The foreign-born whites had 1,650,519 illiterates, or 12.8 per cent of their number.

The colored had 2,331,550 illiterates, or 30.5 per cent.

DECLINE IN ILLITERACY.

Comparing 1910 with 1900, there was a gain of 13,640,456 in the population of 10 years of age and over, but the number of illiterates fell off 653,461. There was consequently a decline in the percentage of illiteracy from 10.7 to 7.7 per cent for the aggregate population.

Among native whites the number of illiterates diminished 378,081, and as the population increased the percentage fell from 4.6 per cent in 1900 to 3 per cent in 1910.

Among the colored there was a decrease of 647,864 illiterates, and a diminution of the percentage of illiteracy from 44.5 per cent to 30.5 per cent.

Among the foreign whites there was the slight increase of 363,384 in the number of illiterate persons, but the whole number of foreign whites had largely increased, the percentage of illiteracy remains practically the same as 10 years ago, being 12.8 per cent in 1910 and 12.9 per cent in 1900. The tabular summary follows:

Population 10 years of age and over.

Year.	Total.	Unable to read and write.	
		Number.	Per cent.
1900.			
Native white	41,226,602	1,013,611	4.6
Foreign white	10,814,256	1,397,135	12.9
Colored	[illegible]	2,476,323	[illegible]
All classes	57,949,824	[illegible]	10.7
1910.			
Native white	50,989,343	1,535,530	3.0
Foreign white	12,944,215	1,650,519	12.8
Colored	7,646,712	2,331,550	30.5
All classes	71,580,270	5,517,608	7.7

It is gratifying indeed to note that the colored illiterates have decreased in the last 10 years from 44.5 per cent to 30.5 per cent. This shows progress, and I sincerely hope that the next 10 years will see even greater advancement.

On April 2, 1912, Senator BRADLEY, of Kentucky, in the Senate, in urging the enactment into law of Senate bill 180, providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, said, concerning the progress of the colored race:

Since the negroes were freed they have increased from 4,000,000 to 10,000,000 in population. They own to-day, notwithstanding they were freed without any property, more than $[illegible],000,000. They have 135 private high schools. They have 30,000 teachers, 82 banks, 500 newspapers and periodicals. They have decreased in illiteracy 47 per cent. They have 1,500 lawyers, 2,500 physicians, several thousand ministers, some of whom are among the ablest men in the United States. They have 140 wholesale houses, 9,000 retail merchants, and 1,186 manufactories. Among them are scientists, poets, authors, musicians, artists, and inventors, and they have 2,000,000 children in the schools.

The object of this bill is to give them a chance to call prominently to the attention of the people of this Nation what they have accomplished and to show their progress, to encourage their people to the accomplishment of greater things, and to show the white people the extent of their improvement in order that they may better merit their help and sympathy.

Mr. President, it seems to me when we consider the fact that these people for so many years bent their backs in bondage in unrequited toil in order to make fortunes for others; that they were denied every right of manhood, every opportunity of education; that during the Civil War, notwithstanding their freedom was at stake, in the whole southern country not one of them ever committed an outrage, although they were left in charge of the wives and children of the Confederate soldiers who were fighting to continue them in slavery, now that they are citizens of the United States it is our duty to lift them up, to help them, to strengthen them, to encourage them, to make them better citizens, and to make them of more value, force, and virtue in this great Republic.

This is but a pittance, and it is conditioned upon their raising among themselves $50,000 before they can enjoy the appropriation. I do not think that the spirit of economy should be such as to prevent the passage of any bill which has for its purpose the betterment of humanity, the betterment of our country, and the improvement of its citizens. I hope the bill may pass.

This Government should continue to do its utmost to help the colored man in his desire to advance in intellect, business, morality, and other ways. I am in hopes that the House will, during this session, pass the bill referred to above, and which has already passed the Senate, appropriating $250,000 to help the colored people show to the people of this country and of the world the great advancement that they have made since they became a free people.

The colored men have heretofore been given opportunity to show their worth as officials of this Government. Some of them have and are now holding important official positions, and have uniformly given credit to the Government as well as their race. As proof of the above I might mention the names of a few of the colored men who are to-day holding important positions in the Government service, among whom are the following:

H. W. Furniss, of Indiana, minister to Haiti; Dr. W. D. Crum, of South Carolina, minister to Liberia; Charles W. Anderson, of New York, collector of internal revenue, New York City; Joseph E. Lee, collector of internal revenue, Jacksonville, Fla.; Henry Lincoln Johnson, of Georgia, recorder of deeds, District of Columbia; R. W. Tyler, of Ohio, Auditor for the

Navy Department; Whitefield McKinley, collector of customs, Washington; Charles A. Cottrell, of Ohio, collector of customs, Hawaii; Robert H. Terrell, judge of municipal court, District of Columbia; J. E. Bush, receiver, land office, Little Rock, Ark.; T. V. McAllister, receiver, land office, Jackson, Miss.; Nathan Alexander, register, land office, Montgomery, Ala.; W. C. Matthews, assistant United States district attorney, Boston, Mass.; S. L. Williams, assistant United States district attorney, Chicago, Ill.; James A. Cobb, special United States district attorney, Washington; Gen. Robert Smalls, collector of customs, Beaufort, S. C.; Mrs. E. P. Boose, postmaster, Mound Bayou, Miss.; Thomas Richardson, postmaster, Port Gibson, Miss.; W. T. Vernon, supervisor of Indian and Negro schools; W. D. Johnson, Forest Service, Department of Agriculture, and so forth.

The highest salary paid an Afro-American is received by the envoy extraordinary and minister plenipotentiary of the United States to Haiti, whose salary is $10,000 per annum. A number of Government officials receive from $2,500 to $5,000 per year. Clerks are paid from $900 to $1,800.

The total number of Afro-Americans in all branches of the service of the United States Government is, in round numbers, 15,000, and the aggregate annual salaries paid amount to nearly $10,000,000.

Mr. CANNON. Mr. Chairman, I yield to the gentleman from New York [Mr. MALBY] 60 minutes.

Mr. MALBY. Mr. Chairman, this Nation never more fittingly observed its birthday than it did on the 4th of July, 1789, when it approved an act for laying a duty on goods, wares, and merchandise imported into the United States for the necessary support of government, the discharge of the debts of the United States, and the encouragement and protection of manufactures.

Practically since the foundation of this Government—to be exact, since July 4, 1789—we have had a tariff law which has levied a tax upon certain articles imported into this country. This tax, as a general rule, has been levied for the double purpose of raising a revenue for the support of the Government and to protect our industries.

So far as the Republican Party is concerned, it has at all times stood for and demanded a tariff for this double purpose, while our Democratic friends have universally contended, as they now do, for a tariff for revenue only and not for protection's sake. In other words, they tolerate a tariff for revenue as a matter of necessity and at the same time declare a tariff which affords protection to our many industries a robbery.

What the position of the two great political parties upon this question has been and is is well known in Congress, but it has not been understood by the people of the country at large, and we find in every manufacturing center of the country Democratic spellbinders deliberately attempting to deceive their audiences by pointing out the fact to be that tariff laws framed by them when in power afforded a measure of protection as well as raised a revenue for the support of the Government; while, on the other hand, other representatives of the Democratic Party before their audiences in different sections of our country have taught the doctrine of free trade and have roundly denounced the Republican tariff, or any tariff designed to protect our industries, as a robbery of the many for the benefit of the few, and by this method, particularly in manufacturing centers, have secured the support of protectionists, while with the doctrine of free trade in other sections they have secured the support of free traders.

It is my intention to place upon the records of Congress something from which the people of the country at large may know the position of each party upon this greatest of questions, upon which presidential elections have been lost and won for more than a half century, and for that purpose I desire to call the attention of the House to some recent statements made by the leaders of the Democratic Party in the United States Senate and the House of Representatives upon this subject, as well as to point out their official action with reference to various tariff bills which have been given consideration since the country thoughtlessly trusted them with power in this body a year ago, which will conclusively prove the facts to be just as I have stated them.

Hon. OSCAR W. UNDERWOOD, of Alabama, chairman of the Ways and Means Committee of the House, June 7, 1911, on the wool schedule:

> Mr. Chairman, in presenting this bill to the House we distinctly draw the dividing line between the two great political parties in this country from the standpoint on which they write tariff bills to obtain revenue to support the Government.
>
> The Republican Party, as declared in their platform, presents tariff legislation for the purpose of levying duties at rates that will equal the difference in cost at home and abroad and at the same time protect a reasonable profit to the American manufacturers.
>
> Their declaration is primarily in favor of levying tariffs in the interest of the great manufacturing classes of this country. The question of raising revenue is incidental to levying a tax to prevent foreign competition.
>
> The Democratic Party does not believe that any interest in this country is entitled primarily to the fostering care of the Government of the United States. * * * The primary purpose from the beginning of those who believe in the principles of the Democratic Party is to levy these taxes for the purpose of supplying the revenue of the Government, and if any protection arises from the levying of these taxes it is a mere incident, which grows out of the constitutional warrant given by the people to levy taxes at the customhouse. * * *

Hon. OSCAR W. UNDERWOOD, July 28, 1911, on the cotton schedule:

> As I have stated before on this floor, I am anxious, if we have the power to do so, to reduce every schedule in the tariff bill to a strictly revenue basis.

Hon. LEE S. OVERMAN, a Senator from North Carolina, June 12, 1909, on the tariff:

> Mr. President, there has never been a tariff bill passed by Congress but that there were differences between individual Senators belonging to the same party in regard to some details or items in the schedules of every bill, and especially those items to be locally affected. But there was, and is now, very little difference among the Democrats as to the fundamental principles of the party upon this great question. * * * We have honestly differed as to whether some few articles should not go on the free list or the dutiable list; but, however we may have differed in this respect, the party has been united on the fundamental principles of a tariff for revenue.

Hon. ISIDOR RAYNER, a Senator from Maryland, April 20, 1909, on the tariff:

> In 1876 the platform upon which Mr. Tilden was nominated declared: "We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretenses. * * * We demand that all customhouse taxation shall be only for revenue."
>
> In 1892 the platform upon which Mr. Cleveland was nominated proclaimed: "We declare it to be a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only."
>
> As I understood at that time, these tariff planks were written, respectively, by the Democratic leaders whose names I have mentioned, and they embody, in my judgment, our party axiom.

Hon. JOSEPH W. BAILEY, a Senator from Texas, April 26, 1909, on the tariff:

> The practical question, therefore, between us and our adversaries, when fairly stated, is simply this: "Shall tariff duties be imposed for the purpose of raising revenue for the support of the Government, or shall they be imposed for the purpose of protecting certain classes of our people against foreign competition?"

Hon. FRANCIS BURTON HARRISON, of New York, a member of the Ways and Means Committee of the House of Representatives, March 27, 1909, on the tariff:

> The protection afforded by our revenue law should be simply and solely incidental to the necessity of procuring revenue sufficient honestly and economically to administer this Government.

Hon. ISADOR RAYNER, a Senator from Maryland, May 29, 1912, on the metal schedule:

> I contend for the proposition that we have not any right to protect the industries of our own States. I am for a tariff for revenue; I am for putting everything on the free list that can be put upon the free list consistent with the raising of revenue. If a tariff for revenue gives incidental protection I can not help it, but I am for a tariff for revenue. I am not for a tariff for protection with incidental revenue, and I believe that the vast majority of Senators on this side agree with me in the views that I have expressed. * * *
>
> The overwhelming majority of the Senators on this side have always voted for a tariff for revenue as against a tariff for protection.

Hon. OLLIE M. JAMES, of Kentucky, recently elected to the United States Senate from that State, March 29, 1909, upon the tariff:

> And right here I want to say that no Democrat can justify his position before his people in undertaking to get a protective tariff upon something the people of his district produce, for when he does he strengthens the bands of protection everywhere.

Hon. THOMAS U. SISSON, of Mississippi, March 29, 1909, on the tariff:

> I will go on record with all my heart by saying that I am opposed to protection on anything.

Hon. WILLIAM RICHARDSON, of Alabama, March 30, 1909, on the tariff:

> The Democratic Party contends that every tariff duty imposed should be primarily for revenue.

Hon. BENJAMIN G. HUMPHREYS, of Mississippi, April 3, 1909, on the tariff:

> I am opposed to the policy of protection utterly, and by that I mean to say that in my opinion a tariff should be imposed for the one sole and only purpose of raising revenue for the Government. * * * I am not in sympathy with the so-called policy of "a tariff for revenue with incidental protection." If I should write a tariff law I would write it with the sole view of raising revenue, and whatever protection that it afforded would be accidental rather than incidental.

The first bill passed by the Democracy at our extra session of Congress a year ago was the so-called reciprocity bill, which was little else than a free-trade measure, and absolutely so, so far as section 2 is concerned, which placed print paper upon the free list, although it was known to all at the time that the cost to the American manufacturer was, according to the Tariff Board,

$5.35 per ton more than to its nearest and most dangerous competitor in Canada, and notwithstanding the fact that the Canadians repudiated the proposed contract long before the meeting of this present Congress, the Ways and Means Committee of this House has absolutely refused to report, either favorably or otherwise, my bill introduced in December, 1911, to repeal this iniquitous and unfair measure, while one of our country's greatest industries hangs trembling in the balance as to whether it will survive or perish.

I think that it is one of the most important things in the coming election of a President of the United States to have the people of this country know where the parties stand upon this very important question of repealing this so-called reciprocity bill and putting print paper on the free list.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MALBY. Yes.

Mr. FITZGERALD. There will not be any misunderstanding as to where President Taft stands, will there? He has not changed his mind.

Mr. MALBY. I do not think that the gentleman has any right to say that President Taft has not changed his mind, for I believe he has. Everything which has occurred since the passage of this bill could not fail to convince a man of much less intelligence than President Taft where the American people stand on this important subject. I saw in the newspapers a little while ago that when our distinguished President was campaigning in the State of Ohio he said that reciprocity was dead. I mean the reciprocity bill. So far as we are concerned, whether we voted for or against it—and the majority of this side were against it—so far as I have power to speak for the minority, that legislation is forever dead. If you do not concur in its burial, of course you can keep the corpse alive just as long as you want to and be responsible. But the people ought to know that you are responsible for it.

Mr. PAYNE. Will the gentleman permit an interruption?

Mr. MALBY. Certainly.

Mr. PAYNE. The Senate, as I suppose the gentleman is aware, did take up that question and acted upon it.

Mr. MALBY. Yes; and I did desire to call attention to the fact that despite the omission on the part of our Democratic Ways and Means Committee to take any action with reference to my bill providing for a repeal of the reciprocity bill, we find that a Republican Senate committee has acted favorably upon a bill which repeals section 1 of that law relating to farm products, which ought to be repealed, and amends section 2 by placing a duty of $2 per ton upon paper. This affords some measure at least of protection to this great and important industry. I hope that when the bill comes over here there will be an opportunity to vote upon it.

Mr. PAYNE. Right there, if the gentleman will permit; it has come over here with these amendments and been referred to the Committee on Ways and Means, and the majority of that committee, the Democrats, have voted to nonconcur in that amendment which repeals the law and puts a duty of $2 a ton upon paper.

Mr. MALBY. Mr. Chairman, I am very much obliged to my colleague from New York for calling my attention to the fact that the bill has already come over and that it has been referred to the Committee on Ways and Means and that the majority, to wit, the Democrats, have moved to nonconcur in that amendment. This shows conclusively their position upon the subject of reciprocity.

Then followed the passage of the bills revising the woolen schedule, the cotton schedules, iron and steel schedules, leather and chemical schedules, and others, without giving the slightest heed or consideration to the question of protecting these great industries.

I find, upon consulting the most recent records upon industries more or less affected by this proposed legislation, that there is invested in manufactures in this country at the present time over $21,000,000,000, with an annual output valued at over $23,000,000,000; that there are paid in salaries and wages about $5,000,000,000 and for materials about $15,000,000,000. Over 8,000,000 of our people, in about 300,000 establishments, are engaged in the manufacturing industries of this country.

I find, according to the report issued by the Bureau of Manufactures of the Census for 1909, which is the latest available, that the value of the output of the foundry and machine shops for that year was $1,228,475,000; the number of persons employed, 615,485; that they were paid in salaries and wages $415,316,000. In the iron and steel industries for the same year the total value of the annual output was $985,723,000, the number of persons employed was 260,762, and the salaries and wages paid amounted to $189,393,000.

The value of the cotton goods manufactured for the same year was $628,202,000, the number of persons employed 387,771, and the wages and salaries paid $147,271,000.

In woolen and worsted and felt goods manufactured this same year, I find that the value of the product was $435,979,000, with 175,176 persons employed, and wages and salaries amounting to $82,524,000.

In the pulp and print paper industry, which was nearly destroyed under section 2 of the Canadian reciprocity bill, I find there were 777 establishments doing business in the year 1909 which employed directly in their manufacturing establishments 81,473 persons, with an invested capital of $400,348,000, and paying wages and salaries annually amounting to $50,315,000. The cost of material was $165,442,000, and the value of the annual output was $267,657,000.

I call attention particularly to that great industry because it is a matter which is to come before the House in a very little while. I might call the attention of the House also to the fact, if it interests the membership here, that since less than a year ago, commencing with August of last year, more than twice the quantity of print paper is being brought into the United States from abroad now than was brought in at that time, and that not a single new paper mill has gone up in this country since the reciprocity bill was passed, while a dozen or more mills have gone up in Canada, or are in process of construction.

Mr. ESCH. What has the effect been upon the prices of paper in the United States?

Mr. MALBY. I am glad that the gentleman asked that question, because the question of price is always an argument one way or another. It has not had any effect upon prices, and for this reason, as I called attention to a moment ago. Not a single additional paper mill has gone up in this country during the past year. The output of our paper mills is less than it was a year ago. They have simply permitted the foreign product to come into the country and be sold at a high price, reducing their own output by precisely the same amount that has been brought in. That has been the cause, and the output of our mills will continue to decrease in the same proportion as the Canadian mills continue to grow and increase.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. MALBY. I do.

Mr. SIMS. How many new mills has the International Paper Co. put up in the 10 years prior to the passage of the reciprocity bill?

Mr. MALBY. I do not know, but I do know that the International Paper Co., which very largely does business in the district that I have the honor to represent, had sufficient capacity to more than supply their demand, and that they have got a greater capacity to-day than they are now using. It was not necessary for them to put up any new mills, and you will never live to see the day, unless this law is repealed, when a single new news print paper mill will go up in this country. And if you pass the bills that you passed a year ago and this year, and they ever become laws, in my judgment you have seen practically the last cotton mill and the last woolen mill and the last iron and steel mill go up in this country that you will ever see go up.

The proposition to me is so plain that it does not require any argument. There is only one of two things that can possibly happen when the tariff is repealed: Either our laboring men must work for what their competitors are working for abroad, or else quit the job. That proposition is so plain that it ought not to require argument. It does seem to, however; but if you are going to reduce the wages of the laboring men of this country to the level of those engaged in the cotton and woolen mills of England and France and Germany, I want to tell you that you want to increase the standing Army of the United States by tenfold to maintain order throughout the country and protect life and property. The laboring men of this country who have once tasted of good wages will never pauperize themselves to the extent of competing throughout the world with labor paid so inadequately.

Mr. SIMS. Mr. Chairman, may I ask the gentleman another question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. MALBY. Yes.

Mr. SIMS. What per cent of the total cost of a ton of paper is represented by labor?

Mr. MALBY. Substantially all.

Mr. SIMS. Not 10 per cent.

Mr. MALBY. Oh, I know very well what it will cost. I know, sir, this, that you can buy from the forests of the Canadian Government to-day, or you could less than a year ago, for 50 cents per cord, the tree standing where you find it. You know that, for the evidence taken by the committee of which you were a member shows that. It takes a cord and a half of wood to make a ton of paper; that is, 75 cents' worth of wood. That paper is worth $45 a ton in the markets of the United States to-day, and was when you made the investigation. Now, tell me where the money goes. Certainly not to the paper makers, who have never received in this country a fair or even a moderate return for the capital invested.

Mr. SIMS. Do you want to put a tax on Canadian wood to come here to make paper?

Mr. MALBY. There is no tax on Canadian wood.

Mr. SIMS. Do you want any to go on?

Mr. MALBY. No.

Mr. SIMS. You do not need revenue in that direction?

Mr. MALBY. We do not, when our country is depending upon Canadian wood. I am not in favor of a tax upon things which we do not produce in sufficient quantities in this country to satisfy the demand, except when such tax is necessary to protect the industry and those who labor in it, and this is not one of those cases. That is not protection. That is robbery; but it is your theory of a revenue tax for the support of the Government.

In the chemical industries I find that in the year 1909 there were employed 27,791 persons, with an invested capital of $155,144,000, and paying wages and salaries amounting to $20,222,000. The materials employed cost $64,122,000, and the value of the annual output was $117,689,000.

Notwithstanding the importance of these great industries to the whole people of the United States, and particularly to the millions employed therein, it is an astounding fact that the Ways and Means Committee of this House, which originated all of this legislation, held only secret sessions while preparing these bills, at which not a single person representing these great industries or otherwise was permitted to be present or heard, and even the Republican Members, among whom was the distinguished Representative from New York [Mr. PAYNE] and a former chairman of the committee, were not permitted to be present during the time the Democratic Members were formulating these measures. In view of this extreme secrecy and lack of consideration, the results of their labors are not to be wondered at. I do not know whether my friend the gentleman from New York [Mr. PAYNE] has sat in the councils of his committee during the formulation of these tariff bills this year or not. He told me he did not last year.

Mr. PAYNE. Does the gentleman ask whether we were called in to formulate these bills?

Mr. MALBY. Yes; that is my question.

Mr. PAYNE. No; the bills which had been formulated by the majority members of the committee are simply presented in the committee, and we have an hour in the committee, and half of that time is used in voting on the bills and the report.

Mr. MALBY. That is all the opportunity you have had to consider them?

Mr. PAYNE. All that the minority members of the committee have had.

Mr. MALBY. Such a procedure as that ought to shame the legislative body of the greatest country upon the face of the earth.

Mr. SIMS. Was not the Payne bill passed the same way?

Mr. MALBY. No; the Payne bill was not passed the same way. The country knows that it was not passed the same way. I know and the gentleman knows that for many long, weary months the committee labored to give every interest and every individual in this broad land an opportunity to be heard.

Mr. BARTLETT. The manufacturers.

Mr. MALBY. Yes; manufacturers, the people, and anybody who wanted an opportunity to be heard.

Mr. PAYNE. I want to say that the importers who represent the consumers and have knowledge of facts that consumers generally do not were heard, and heard as fully and were as welcome to the committee as were the manufacturers, notwithstanding the gentleman from Georgia.

Mr. MALBY. Of course they were.

Mr. SIMS. When I said "the same way," I had reference to the committee's action with reference to the minority members.

Mr. MALBY. Not at all. I appeared before the committee, and I do not think that I was accorded a privilege that was not accorded to everybody else. I talked for an hour, and I know my Democratic friends were there; the gentleman from Alabama [Mr. UNDERWOOD] and the distinguished Speaker were there, and asked me a number of questions. I did not see that anybody was hindered from being heard.

Mr. LONGWORTH. If the gentleman will pardon me, I want to suggest that there were various Democratic Members of the House who came before the Committee on Ways and Means, and I remember several who wanted a 300 per cent increase in the duties on peanuts. [Laughter.]

Mr. PAYNE. May I make another suggestion?

Mr. MALBY. I would be glad to have the gentleman.

Mr. PAYNE. I want to say that we not only heard everybody who wanted to be heard, but we went out into the highways and byways and invited men to come in. I wrote a number of letters to distinguished gentlemen who had been writing upon the subject of the tariff for years, claiming that they knew all about the tariff and why it should be lowered. I asked them to come before the committee and make their statement, and they straightway began to make excuses, and did not appear.

Mr. DALZELL. Let me suggest that we subpœnaed parties to come before the committee.

Mr. MALBY. I think the country ought to know the difference in the methods employed in the revision of this tariff bill and those which were observed in the formulation of the Payne bill, because I am trying to lay the foundation by calling your attention to Democratic methods of the importance of the maintenance of this present Tariff Board, and I think I will be able to demonstrate that before I close.

It is certainly a remarkable thing that in a great country like ours, where we have a little matter of $21,000,000,000 of the people's money invested in manufacturing and $23,000,000,000 annual output and 8,000,000 people employed in that industry, when there was a general demand on the part of all the people interested for a hearing before the most popular, the most important committee in the House of Representatives, which rises to the sublime dignity of being the most important and far-reaching committee in any legislative body in the known world, a committee that ought to be a committee before whom the poorest as well as the richest may freely appear and say what he has to say and have it fairly and carefully considered—I say it is simply remarkable that they should not have had that opportunity.

We are the greatest manufacturing country, and have been for many years, on the whole earth. Therefore is not this a subject entitled to the most careful and nonpartisan consideration of any which comes before Congress, and is it not our fair duty to furnish ourselves and to furnish the people of this country with adequate information upon this most important subject. And when the committee of this House which is chargeable with legislation affecting these vast interests legislates for 90,000,000 people, is it not according to the rule of common decency and fairness that that committee should accord, as it has every time the Republicans have revised this schedule, to the people of this country the humble privilege of appearing before it and having a hearing with respect to those things in which we are all interested and which are so intimately tied up with the welfare of the people of this whole Nation? I desire to call the attention of the House particularly to these bills, which were acted upon in the dark, in a perfectly star-chamber way, when no one's interest was given the slightest possible consideration.

Fortunately for the people of this country, all of these bills had to be sent to our able and fearless President, who, true to the promises made to the people who trusted and elected him, vetoed them all, because he knew and was in possession of all these facts concerning the formulation of these bills, and realized that no consideration whatever had been given to the question of protection, but on the contrary, the Democracy, true to their idol, free trade, had only considered the subject from a free-trade and revenue standpoint, and even as to that had little or no information upon which to base an intelligent judgment.

Then came the final struggle to pass them over the President's veto, but again, fortunately for the people of our country, the Republican Members of this House, true to their principles and platform, defeated them in this final attempt to fasten upon the manufacturing industries of the country this most infamous of all tariff legislation, which has never been exceeded in all our history.

At this regular session of Congress most of these same bills, in substantially the same form, and again with little or no adequate consideration and no public hearings and in defiance of the findings of the Tariff Board as to the cost of production at home and abroad, have again been presented to this House and passed, and will undoubtedly receive the same consideration

from President Taft as upon their former visit, if presented for his consideration.

I believe that the people of this country by a very large majority favor the Republican ideas of a protective tariff—that is, one which will fairly represent the difference between the cost of production here and in other countries.

The difficulty and contention has been, however, that this difference is impossible of ascertainment and that it has not found a place in any of our tariff bills. Great difficulties undoubtedly exist, but not such as are insurmountable or impossible of solution so as to answer all practical purposes.

Peary was not at the North Pole, but upon submitting his proofs, which clearly showed that he was not exactly there, he demonstrated that he was practically as near as anyone will ever get, and hence was very properly credited by scientists throughout the whole world with the successful accomplishment of this arduous task and was universally proclaimed as its original and only discoverer.

We can attain perfection in only a few things, but we may so closely approach it as to answer all practical purposes.

There has been some feeling on the part of the people that the tariff legislation passed in recent years did not fairly represent the difference between the cost of production here and abroad, and particularly that the tariff rates were higher than these differences would warrant, and this impression, whether well founded or not, and I think mostly unwarranted, has caused much criticism and dissatisfaction with our tariff legislation. Could this impression be removed, as it could be, and a bill framed along these lines, there can be no doubt but that it would meet with the general approval of a great majority of the citizens of this country.

While it is true that our tariff measures have not merited the criticisms that have been made against them, and it is true that much time and patience was given to their consideration, and that they are much more accurate than anything that has been offered to take their place, yet it was believed by President Taft and by Congress that even better results could be obtained by additional methods which would furnish to the President and to the Congress as well as to the country at large more definite information, and hence a Tariff Board was created for this especial purpose.

Before proceeding to a discussion of the results of their labors, let us pause long enough to inquire as to the personnel of this board and the uses to which their labors may be applied.

The tariff act of August 5, 1909, commonly known as the Payne-Aldrich bill, contains, in article 718, section 2, the following provision:

To secure information to assist the President in the discharge of the duties imposed upon him by this section—

That is, relating to the application of the maximum and minimum rates—

and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Under the authority thus given, the President, by a letter dated September 14, 1909, appointed three persons to assist him in the manner contemplated by the act and designated them as constituting the Tariff Board. The persons so appointed were Prof. Henry C. Emery, professor of political economy in Yale University; Alvin H. Sanders, editor of the Breeders' Gazette, a leading agricultural journal, and for 30 years a student and writer on agricultural subjects; and James B. Reynolds, Assistant Secretary of the Treasury and for some four years previous in charge of customs.

During the short session of the Sixty-first Congress bills were introduced to make the Tariff Board permanent, increasing its membership to five, and more clearly defining its powers. A bill was adopted by each House of Congress in slightly different form, but failed in final enactment during the last hours of the session.

President Taft, determined upon carrying out what he believed to be the wishes of Congress, appointed, on March 4, 1911, two additional members of the Tariff Board, thus raising its membership to five, selecting two Democrats, the three previous members of the board being understood to be of the Republican faith, thus putting into effect two of the most important provisions of the bill creating the Tariff Board, to which I have referred.

The two new members of the Tariff Board were Prof. Thomas W. Page, professor of economics in the University of Virginia and previously dean of the College of Commerce, University of California, and Hon. William M. Howard, for 14 years a Member of the House of Representatives from the State of Georgia, who had given most distinguished service in that body.

It will thus be seen that in the selection of the Tariff Board the President was actuated by a sincere desire to secure the very best results by the selection of as able men as could be found in the whole country and at the same time make it nonpartisan.

The arduous character of the duties they were called upon to perform can not be overestimated and is little appreciated. In order, however, that the public may have some idea of the work which the Tariff Board has accomplished and its appreciation by others since its organization in March, 1911, I desire to call the attention of the House to a communication from the National Tariff Commission Association, addressed to Mr. John Candler Cobb, president of the National Tariff Commission Association, which reads as follows:

THE NATIONAL TARIFF COMMISSION ASSOCIATION,
New York, June 14, 1911.

Mr. JOHN CANDLER COBB,
President The National Tariff Commission Association.

DEAR SIR: Under the permission given at your request by President Taft, in his letter to you of May 4, 1911, the committee of our association selected to investigate and report on the organization, methods, and work of the Tariff Board submit the subjoined report.

The President's action was predicated on the concurrence of the Tariff Board, whose chairman, in a letter to the President, dated May 2, 1911, wrote:

"I beg to say that the Tariff Board are unanimous in welcoming this proposal, and that we shall be very glad indeed to have a committee of the National Tariff Commission Association make a thorough examination of our work and to offer them every facility for doing so."

Five members of our committee went to Washington in order to investigate the organization and work of the Tariff Board, with which most of them were previously more or less familiar, and devoted much additional time to reviewing the information thus obtained and in reaching conclusions thereon. We undertook the investigation with open minds, without previous comment or prejudice either for or against the Tariff Board and its methods. Our effort throughout was to ascertain facts. The conclusions reached represent the unanimous judgment of the committee.

Our investigation was so thorough and the information gathered so voluminous that our record of the results is necessarily somewhat extensive. To facilitate its use we have divided it into two parts, namely, the report, which summarizes the essential facts and states our conclusions thereon, and a supplement, which contains a historical review of the Tariff Board and gives the detailed information on which our conclusions are based. Those who desire a full understanding of the matter should read both papers.

The committee desires to record its appreciation of the cordial cooperation and assistance given to it throughout by each and all of the members of the Tariff Board. Unlimited opportunity was afforded us in our investigations of the work and methods of the board, the organization of the staff, the rates of salaries paid, and the kind and amount of all other expenses incurred. Every inquiry by us was responded to unreservedly and satisfactorily. We are justified, therefore, in stating that our conclusions are based upon a full and intelligent understanding of the facts.

Respectfully,

HENRY R. TOWNE, *Chairman,*
President Merchants' Association of New York, N. Y.

JOHN KIRBY, Jr.,
President National Association of Manufacturers, Ohio.

CHARLES M. JARVIS,
Vice President National Association of Manufacturers, Connecticut.

J. J. CULBERTSON,
President Southern Cottonseed Crushers' Association, Texas.

H. E. MILES,
Ex-President National Association of Implement and Vehicle Manufacturers, Texas.

FRANCIS T. SIMMONS,
Member Executive Council, Chicago Association of Commerce, Illinois.

The National Tariff Commission Association report, to which they refer in the above communication, is in part as follows:

Our committee was favorably impressed with the character, ability, and fitness of the members of the Tariff Board appointed by President Taft. We think it fortunate that the country has been able to secure for service in this new and untried field five men who, on the whole, are so well equipped for their duties, so impartial, and able in so short a time to organize the work on an effective basis. In this connection it is important to keep in mind that the functions of the Tariff Board are administrative and judicial; that its members were not selected as technical experts in any one field of industry; that the work of technical investigation will be done by many experts employed for this purpose by the board; and that the highest function of the board will consist in weighing the evidence thus gathered, in reaching sound conclusion thereon, and embodying all essential facts in its reports. In this respect the board acts as a court of first instance to review the evidence gathered by its experts and to pass judgment thereon. It thus fulfills the functions of a commission appointed by a court of justice to make findings of fact for the information of the court. Briefly, the motto of the board might be, "To furnish facts, not opinions."

For the technical investigations which the work involves the board utilizes the services of the trained experts, carefully selected with reference to their ability and past experience in each line of investigation taken up, and the experience thus far indicates that men possessing the requisite experience, skill, and knowledge can be secured on fair terms. Members of our commission passed in review every important employee of the board, except those absent on field work, investigated their duties, ascertained the salaries paid, and thus informed themselves generally concerning the business organization and methods thus far developed. The resulting impression was unexpectedly satisfactory and fully justifies the statement that the administration of the work of the Tariff Board is on a sound, economical, and businesslike basis, which does credit to the members of the board and demonstrates conclusively their fitness to perform the executive functions which their duties

involve. Their equal fitness to perform intelligently and impartially the judicial function, which constitutes the other and greater part of their duty, may be judged from the two reports which they have thus far rendered.

Our committee, although previously familiar with the subject, was deeply impressed by the immense complexity and scope of the work which the Tariff Board has undertaken, and also by the progress already made in creating an organization for its effective conduct, and by the volume of work accomplished in the past eight months, or since October 1, 1910, when the board was first effectively organized. The actual achievement during this short period justifies the prediction that the work on other important schedules can be completed in similar periods or less, and on the simpler schedules in proportionally shorter time. When the initial work has once been completed the continuing work of keeping it revised and corrected to date will be relatively easy and simple.

Commenting on one of the issued reports, an official of the Royal Imperial Ministry of Commerce of Austria, regarded in Europe as a leading authority on tariff questions, says:

"The report is excellent and in line with the latest theory, and I know of no European publication which so correctly interprets the most important features of the question of commercial policy as does your report on the paper industry. This is a very good beginning, and I already see that you will leave all European government departments far behind in the publication of model reports on questions of commercial policy. This report will attract great attention in Europe."

The observations of our commission confirm and justify these favorable comments. We believe the reports of the Tariff Board as they are issued will prove to be of great value not only to Congress and the executive departments of the Government but also to American producers in all fields of industry, collectively and individually. We predict that this opinion will be indorsed by the latter as rapidly as they have opportunity to receive and study the reports relating to their respective lines of industry.

It is earnestly to be hoped that at an early date Congress will enact a law making the Tariff Board a permanent part of the machinery of the Federal Government, and in so doing Congress will make provision whereby the board shall on request report directly to Congress or to either House thereof, concerning any matter within its field of investigation and concerning which its work has been completed or sufficiently advanced to enable it to respond to such a call.

In conclusion our committee find that the Tariff Board is composed of able, impartial, and earnest men, who are devoting their energies unreservedly to the work before them; that the staff has been carefully selected for the work in view; is efficiently organized and directed, and includes a number of exceptionally competent technical experts; that the scale of salaries is reasonable—indeed, moderate—and that all other expenditures are closely scrutinized and appear to be equally reasonable; that the work of the board, vast and intricate in detail, is already highly organized, well systematized, and running smoothly; and that Congress and the people can now await the completion of that work with entire confidence that it is progressing as rapidly as consistent with proper thoroughness and that it will amply justify all of the time and expense which it entails. We believe that the value of the work, when completed, will be so great and so evident as to leave remaining no single doubt as to the expediency of maintaining it as a permanent function of the Government for the benefit of all the people.

It will be recalled that this investigation was made by the representatives of the greatest commercial body in this country, if not in the whole world, intensely interested in having this work on which the future prosperity of the whole country was so dependent, accurately and well done; that it especially requested the President to permit them to make this investigation of the work of the Tariff Board, and the manner in which this committee was received and the opportunities offered for investigation are set forth in the report above quoted.

This, then, is the estimate of the Tariff Board by this intelligent and nonpartisan commission which officially represents the manufacturing industry of the entire country, after a thorough investigation of its work, and to which nothing can be added.

The Appropriations Committee undertook to inform itself as to the character and extent of the work performed by this board and summoned its members before it. The statements made by its chairman, Mr. Emery, were most instructive and show conclusively not only its method of procedure and accuracy, but also that the estimate made of the work of the Tariff Board by the National Tariff Commission committee is warranted in every particular.

I quote in part from the hearings:

Mr. EMERY. We have shown what rates would equalize the difference in the cost of production, but we have never in the way of a formal meeting for that purpose discussed at all the question of any tariff rate, either in the present tariff or in any proposed rates, with a view to determine what it should be.

Mr. SHERLEY. In other words, you have never undertaken to make any recommendations?

Mr. EMERY. Not in the slightest.

Mr. SHERLEY. Then your advisement of the President, under the law, has consisted in presenting to him certain information in the way of data, without giving any conclusions of the board in connection therewith?

Mr. EMERY. Absolutely.

Mr. SHERLEY. Do you consider that that represents the scope of the board's authority?

Mr. EMERY. Absolutely.

Mr. SHERLEY. Do you consider that that represents the scope it should have?

Mr. EMERY. Yes, sir.

Mr. SHERLEY. In point of efficiency?

Mr. EMERY. Yes, sir.

The CHAIRMAN. After the President indicated the particular schedule he desired, was it left to be determined by the board?

Mr. EMERY. You mean as to the line of inquiry?

The CHAIRMAN. Yes, sir.

Mr. EMERY. That has been left absolutely to the board. The President simply said, "Give me the information on this subject," and he left it to us to determine the whole line of inquiry. The President instructed us to find the absolute facts, so far as it was possible to do in relation to each industry, regarding prices, the relative cost of production here and abroad, the condition of competition between the American producer and the foreign producer, the relation between cost at home and the price charged at home, between the price charged by the manufacturer and the price charged to the consumer, and to report those facts fully and completely, whatever they were, regardless of who was affected by the publication of this knowledge. * * * We were to find out all we could about a given industry, and it was not to be prepared for use of any one person or for the use of a person who had a particular object in mind, but was to be prepared so that those facts would be as useful as possible either for Congress or for the President, either for a protectionist or a free trader to understand the existing conditions in the industry as it is.

Mr. MALBY. There are one or two questions that I would like to ask Mr. Emery. I did not, perhaps, quite understand the import of one or two questions asked by the chairman or by Mr. SHERLEY relative to the gathering of the detailed facts with respect to any industry, and, when collected, as to whether another body of men, rather than the present board, considering the same facts which you had before you, could in honesty and fairness come to any other conclusion with respect to cost than you did?

Mr. EMERY. No, sir; I do not believe it possible.

Mr. MALBY. That is to say, your findings are based upon the facts found by you in the course of your examination?

Mr. EMERY. Yes, sir; and I am confident that any five men who would check the data we had would come to the same conclusion that we came to with regard to cost.

Mr. MALBY. The thing I want to develop clearly for the record is that your conclusions were deduced from a certain state of facts ascertained by you after a careful, patient, and honest investigation?

Mr. EMERY. Yes, sir; our conclusions as to the facts.

Mr. MALBY. And in making your investigations in the various mills or manufacturing establishments, the commission had previously laid down certain rules and regulations for the guidance and direction of the employees of the commission, as to the scope and character of the investigation demanded?

Mr. EMERY. Yes, sir.

Mr. MALBY. And these rules were uniform and applied to each one of the investigators sent out?

Mr. EMERY. Yes, sir.

Mr. MALBY. Several European countries maintain boards having for their purpose the performing of functions somewhat similar to those performed by your board for the furnishing of tariff data?

Mr. EMERY. Many of them do. Practically all of them have a permanent body of officials studying the relation of the tariff to industries. Japan has just established a new permanent tariff commission.

Mr. MALBY. And the boards in these countries are permanent organizations?

Mr. EMERY. Yes, sir; they have nothing to do with politics and go on from year to year.

The foregoing questions and answers clearly indicate the attitude of the President with reference to the board and its work, as well as the fact that the board confined its investigations to the ascertainment of legitimate facts connected with the industries under investigation, regardless of results.

The work of the board, in addition to the investigation of the foreign tariff, has been divided into two different branches of inquiry—first, the preparation of reports, which have included analyses of existing tariff schedules, with a description of each article, its character, and its place in the industry, together with all the necessary statistical, descriptive, and historical material regarding each article necessary for tariff purposes; second, much more elaborate reports involving an investigation through expert agents of the board into the cost of production here and abroad, together with a large mass of information as to the conditions of competition between this and other countries. These reports have been much more elaborate and difficult and have involved the use of a very much larger force of experts. Under the reports of the first character referred to above the board has completed reports on Schedule A, chemicals; Schedule B, pottery and earthenware; Schedule I, cotton; Schedule K, wool and manufactures of. It has partially completed reports on Schedule C, iron and steel; Schedule E, sugar; Schedule J, jute and linen; Schedule L, silk and manufactures of; and Schedule N, leather. Under the second class of reports the board has completed Schedule I, cotton; Schedule K, wool and manufactures of; Schedule M, pulp and paper; and also a report on the relative value of farm products in Canada and the United States.

All the findings of facts reported are unanimously agreed to, indicating conclusively the nonpartisan character of the work of the board.

Attention is called to the fact that this work is not simply for the information of Congress, but for the whole country, for both the manufacturer and consumer alike, and so far as it has already been published it has shown by the unanimous testimony of both importers and dealers on the one hand and manufacturers on the other, that the investigation was practical and thorough and reveals the real facts regarding the conditions of the respective industries.

Furthermore, by the testimony of one, at least, of the leading experts in Europe this Tariff Board has been able during its brief existence to put itself at the head of all similar bodies in the entire world.

I quote as follows from Mr. Richard Schuller, a distinguished member of the Austrian tariff board of more than 20 years' service:

ROYAL IMPERIAL MINISTRY OF COMMERCE,
Vienna, March 15, 1912.

* * * It (the wool report) is an excellent standard work. The Tariff Board has come within a very short time to the head of all the similar boards established a long time since in the other countries. It is really true that no legislative body has ever had presented to it a better report on a tariff question. It will be also entirely impossible not to take your results in mind in proceeding to a revision of the tariff. It was a great mistake to stop the work of the board, and it would soon prove necessary to reestablish it. * * *

RICHARD SCHULLER.

It will be seen that although reports have been completed upon only three schedules the work has progressed so far upon others that to discontinue it at the present time would be to stop it when it is only about half completed and thus lose the benefits of the work already done and paid for, and at a time when contemplated tariff legislation makes its continuance most necessary and desirable.

Preliminary work has been done, as we have seen, on a good many schedules. The methods of investigation have been tried out and thoroughly tested. An experienced force has been organized, and the work on the remaining schedules is far less complicated than that on the woolen and cotton schedules, which have already been completed. As a result, these schedules can be completed much more rapidly than when the work was in the first experimental stages. Bills have, so far, passed one or both Houses of Congress affecting the cotton schedule, the woolen schedule, chemical, and paper and pulp schedules, sugar and iron and steel schedules, reports on all of which have been submitted by the Tariff Board except on the iron and steel and sugar schedules. An investigation of the sugar schedule is now under way, and preliminary work has been done on this as well as on the metal schedule, and in view of the action taken by the House and the Senate on the sugar schedule its importance to Congress and the country can not be overestimated.

The entire work of the Tariff Board could probably be completed within the next two or three years and kept up to date thereafter with a very small force of employees and at a small expense.

It may be said, then, that there is no sound basis for the objection to the continuance of the work of the Tariff Board, and there are reasons without number why it should be continued. I submit that the labor which has been performed so faithfully and well and upon such a high plane as this merits more consideration than that a great committee, holding the purse strings of the Government, should simply dismiss it without an appropriation at all, locked up and left to starve. I do not want to be unkind in my remarks, and I probably could not if I wanted to, but it strikes me that failing to make an appropriation for the Tariff Board is consistent and in strict conformity with their determination to stop all avenues of information which lead to true light. When you are making a tariff bill the Republican members of the Ways and Means Committee are told to keep away; the country is told that it is none of their business; and by refusing a reasonable appropriation to carry on the Tariff Board you have said to the country that the Democracy prefers darkness rather than light. [Applause.]

I read over a portion of the remarks of the gentleman from New York [Mr. REDFIELD], made the other day, and his criticisms of the Tariff Board seemed to be based upon his unsupported charge that the report of the Tariff Board on the cotton schedule did not, according to his idea, contain evidence of its absolute correctness. Perhaps it is not absolutely correct in every particular, but had he treated the report fairly, as did the Tariff Board in making it in a nonpartisan manner, his conclusions undoubtedly would have been different. I believe that the people of this country will accept the judgment of those who have examined and approved of it as a business proposition rather than political, than to adopt the statement from one who advocates a tariff for revenue only and not for protection. As an evidence of the correctness of their reports let me call attention to the fact that a company which was doing an $8,000,000 business was examined by the board, which proceeded to estimate by the use of its tables of costs the actual total cost of manufacture for the year to the company. The figures checked within $8.33 of the total amount of money expended by the company in manufacture during the year for which the Tariff Board made the estimate. In another case, by the same method of computation, the variation amounted to only $332. In every case the report shows that the companies examined agree, after a careful examination, that the figures given by the Tariff Board in its report on the cotton schedule, and the cost of manufacture, and so forth, are correct. In the face of these facts the country will determine whether my colleague from New York [Mr. REDFIELD] is correct in his criticisms or whether the findings of the Tariff Board are for all practical purposes absolutely correct.

Our Democratic friends will have to find some other excuse for not continuing this board than that they are incompetent, or that the country does not want them, or that the task which has been assigned to them is an impossible one.

I believe that too high a tariff, one in excess of the difference in cost of production here and abroad, is unjust to the consumer, and one lower is unjust to the manufacturer and laborer. A tariff representing less than the difference in cost would invariably result in either lowering the wages of the employee to the point where the cost at home and abroad would again have to be equalized or the importation of foreign-made goods would be inevitable, bringing about the complete destruction of our home industries, for a tariff which does not equal the difference between the cost at home and abroad is no better than no tariff at all so far as the effect upon our protected industries is concerned, for the results would be the same in either case.

It matters very little to a 6-foot man whether he is thrown into 7 feet of water a thousand miles from shore, or whether he went down with the *Titanic* 10,000 feet below the surface of the sea, for the one in the 7 feet of water might struggle for a while, but in the end he must necessarily yield to the inevitable and find his resting place beneath the waves.

Why shut out the light when the information is at hand and the demand well-nigh universal? Can the Democracy, who are now in control of the purse strings of the National Treasury, find justification in the cry of economy, which is seldom practiced by them and so often neglected when the public interest would be promoted by its observance? Hundreds of thousands of dollars have already been appropriated and expended by them, hundreds of thousands more have been authorized to be expended, since they came into power in this House about a year ago, in a perfect multitude of investigations, and without one single tangible reform or economy resulting therefrom. Can they now afford to refuse a moderate appropriation to continue the work of the Tariff Board, which is so much needed and demanded by the people of the whole country outside of these legislative halls in correctly solving this great national question of tariff legislation, and which is so highly appreciated both at home and abroad? Upon them rests the responsibility for the success or failure of this appropriation. You may succeed in temporarily shutting off the light, but enough has already been seen by the people of this country to convince them of the utility and necessity for this information, and when the Republican Party is restored to power in November the good work will be completed and tariff bills formulated along those lines which will, as in the beginning, serve to support the Government and protect our manufactures and their employees from that competition from other lands which would reduce their pleasant and happy homes to hovels and turn their holidays to drudgery. [Applause on the Republican side.]

Mr. CANNON. Mr. Chairman, I yield to the gentleman from Washington [Mr. WARBURTON] 30 minutes.

Mr. WARBURTON. Mr. Chairman, I hope I may have the attention of the House and particularly of the committee which reported this bill, because if I do not get their attention the people in my district and my State are going to suffer a great injury.

There are about seven large national parks in the West. The Mount Rainier National Park will, I think, be conceded by all to be of equal importance with that of any other park. In point of attendance of visitors it ranked third last year, and if the Government road in the park through the reserve, to which I am going to address my attention, is maintained, it is only a question of one or two years when in point of visitors the Mount Rainier National Park will exceed that of any of these national parks.

It is one of the most beautiful natural parks in the world; it surrounds one of the grandest mountains in the world. There is not a stretch of mountains in Switzerland that affords more beautiful or magnificent scenery than that contained in the Mount Rainier National Park which surrounds Mount Tacoma.

The Government established this park a number of years ago. Shortly afterwards it determined to construct a road within it. An appropriation was made to that end. The Government engineers went to the park and commenced surveying a road up the side of the mountain from a point that is known as the Hot Springs. After the Government had spent much time in surveying this road it finally located one from the Hot Springs up the mountain side to the eternal snows, at a grade of 4

per cent. The road as located, in point of engineering feat, is equal to that of any road constructed in the United States, and when completed no other mountain road in this country or in Switzerland will surpass it in point of scenery. No transcontinental road that has been constructed across the Rocky Mountains displays better engineering skill than this mountain road. The engineers then undertook to locate a road from Hot Springs in the park to connect the proposed Government road, as mentioned, with the county road of Pierce County at the edge of Mount Rainier National Forest Reserve.

Several years before the park was established and before the Government had extended its surveys up to and into the boundaries of the park some settlers had squatted along the Nisqually River. Each settler took up a quarter section along the line of this river up to what is now the boundaries of Mount Rainier National Park. After considerable surveying the Government engineers found that the shortest and most direct route for the proposed road to connect with the county road and one that would cost the least to build and at the same time give the Government the grade it desired was over the land of these settlers. For these reasons the Government decided to locate the road on this line and solicited the settlers to grant a right of way over their land. The settlers deeded to the Government the right of way over their land. Prior to this time these settlers and the county of Pierce had constructed a road that was sufficient for all purposes for the settlers. The Government also asked the county of Pierce to consent to the construction of the proposed Government road, as it crossed and recrossed the county road in a number of places. If the Government had built this road upon its own land, the road would have been nearly twice as long and in every way less desirable.

The objection that the members of the committee have made to the appropriation is based on the grounds that the Government ought not to construct a road on private property. They overlook the fact that this road was located and constructed by the Government over the land of these settlers not for the benefit of the settlers in any wise, but for the benefit of the Government, in order that it might secure a right for the grade it desired and also save much in cost of construction of the road. The road through the forest reserve is about 3½ miles long. The road through the reserve, as constructed, runs in a generally easterly direction. The Government owns forest land on either side of this 3½ miles of road through the fores reserve. It is the very choicest of timberland. It is of immense value. The timber that the Government owns on either side of this road for 10 miles back is easily worth many, many millions of dollars, all of which is nonassessable and from which the county of Pierce and State of Washington get not a penny of taxes.

The tax on the forest land at the rate and on the valuation given like timberland in Pierce County for 10 miles on either side in one year would more than macadamize this road.

The road as originally constructed was sufficient for the travel for the first two or three years the park was open, but the travel has increased enormously during the past two years, and, in addition to that, it has been used by the purchasers of timber from the Government in hauling out lumber and shingles that have been manufactured on Government land. A mill has been built and the Government is getting a large amount each year from the sale of timber, which is hauled over the entire length of this 3½ miles of road. This is hard hauling, and during the rainy months of the last winter season has practically destroyed the road.

If the road is not improved as I suggest, no one will be able to enter the park this year except on foot, and the Government will lose the revenue both from the people who enter the park and the sale of its timber.

Congressmen SULZER and MURDOCK were over this road last fall. They will tell you the frightful condition it was in then, but it is far worse now by reason of the heavy hauling which I have mentioned. I informed the Commercial Club of Tacoma in March that it was possible that the committee would not make any recommendation for an appropriation for this road. This aroused the people of the whole State of Washington, and they have deluged me with telegrams showing the frightful condition of the road and the urgent need of an appropriation.

I will read you a few of these telegrams and print as a part of my remarks many others:

HON. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Immediate financial aid must be given to repairing Mount Tacoma Road within Rainier Forest Reserve or success mountain season impossible. Road worse condition this season than ever; cut up by unusually heavy hauling. Pierce County hitherto made repairs. Government should make adequate repairs and improvements.

TACOMA DAILY LEDGER.

HON. STANTON WARBURTON,
Washington, D. C.:

Would not be destroyed every year by ordinary hauling. We do not feel that Pierce County should be called upon every year to repair the road through Government property. Please do your best to secure appropriation for substantial and permanent repairs.

TORMER PETERSON,
Chairman Board Pierce County Commissioners.

HON. STANTON WARBURTON,
House Office Building, Washington, D. C.:

The many thousands of tourists who will visit this section the coming season will be disappointed in their efforts to visit and see the beauties of the wonderful Mount Rainier National Park, because the condition of the road through the forest reserve extending to the limits of the park make the latter absolutely inaccessible at present.

THE TACOMA TRIBUNE,
J. E. RHODES, *Publisher.*

HON. STANTON WARBURTON, M. C.,
Washington, D. C.:

Road to Mount Rainier almost impassable within the limits of the forest reserve without a good road in the reserve; the road building which has been done in the park will not be of much use, as no one can reach it; respectfully urge immediate improvement.

H. R. WILLIAMS,
President C. M. & P. S. Ry.

TACOMA, WASH., *March 29, 1912.*

HON. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Tacoma Municipal Commission to-day passed following resolution:

"Whereas condition Government road through forest reserve is in deplorable and almost impassable condition; and

"Whereas tourist season is approaching when large numbers of people will visit park: be it

"*Resolved*, That our Representatives in Congress be, and are hereby, urged to use best endeavors to have Government put said road in good condition at earliest possible date."

W. W. SEYMOUR, *Mayor.*

TACOMA, WASH., *March 29, 1912.*

HON. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Bottom dropped out Government road in national forest. Bottom will drop out tourist travel to mountain unless road is fixed quick. Pierce County gone limit in assistance to mountain road. Feels Government should complete work. Please use your best efforts in Congress for right kind of assistance.

H. C. NUTT.

There is no way to enter the park except through this Government road. All the travel into the park is over this road. It can be reached in no other way. Last year over 10,000 people went in over this road in a space of about 45 days.

It is expected by those who operate the hotels and camps in the park that the travel into the park this year would be from 15,000 to 20,000 people. If this road is not made passable not 500 people will be able to enter the park. Last year the Government received $8,000 from licenses, and so forth, from people who entered the park over this road. This year it would take in from this source from $12,000 to $15,000, if this road is improved as I suggest. If the road is not improved as I suggest the Government will lose not less than $10,000 to $15,000, which it ought to have and which would enable the Government to make still further improvements in the park. The mill corporation which is purchasing timber from the Government will have to close down and go out of business unless this road is improved. The Government will lose from this source $10,000 and upward each year. So, if you look at it strictly from a business point of view it is wholly indefensible to refuse the appropriation. It will not only prevent people from using this park as they desire to, and ought to be permitted to, but the Government will lose an income this coming year of not less than $20,000. So I ask this appropriation not alone because it is just and right that we have it, but because it would be a pecuniary loss to the Government itself. This appropriation can not be refused, then, on the ground of economy; it can not be refused because people do not make use of the park, as I will shortly show.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. CULLOP). Does the gentleman from Washington yield to the gentleman from North Carolina?

Mr. WARBURTON. Yes; I will.

Mr. PAGE. My recollection is, as a member of the committee, that the gentleman introduced a bill and appeared, I believe, before the subcommittee and asked for an appropriation of $30,000 for the construction of this road?

Mr. WARBURTON. Yes.

Mr. PAGE. Is this proposed road inside or outside of the national park?

Mr. WARBURTON. It is within the forest reserve. It is part of a national park road.

Mr. PAGE. That is my recollection of the testimony taken before the committee, and it is also my recollection that within this 3 miles of forest road which is sought to be improved the

land has been preempted and is in private possession and does not belong to the Government, in spite of the fact that it is included within the bounds of a forest reserve; and the gentleman in point of fact is asking the Committee on Appropriations, or did ask the Committee on Appropriations, and proposes to ask the House, to appropriate $30,000 to build a road over private property.

Mr. WARBURTON. I went over that a moment ago, and I am glad to go over it again. Now, I want the gentleman's attention——

Mr. PAGE. I am listening to the gentleman.

Mr. WARBURTON. I want to call your attention to this map of the State of Washington which discloses the location of the Rainier National Forest Reserve and the Mount Rainier National Park, which you will observe is wholly within the forest reserve. The road constructed by Pierce County through the forest reserve is along this general line [pointing to map] touching the forest reserve at about this point. You will observe the road through the forest reserve extends about 3½ miles through the reserve before it reaches the park. It will be remembered this road was built by the Government to make the national park accessible and is, in fact, an integral part of the national park road. You will observe by looking at the map that the land lying immediately north and south of this road for many many miles is in the forest reserve and, I will say, is the choicest land.

You will readily understand how unfair it would be to ask the State of Washington to construct a mountain road through this park for the benefit of the Government. If the Government is going to own and use this property and sell it and get the benefit of it, it ought, in all fairness, to construct the road. The Mount Rainier Forest Reserve, together with the Mount Rainier National Park, have an area of over 2,800 square miles. Together they are nearly three times as large as the State of Rhode Island, over half as large as the State of Maryland, and one-third as large as the State of Massachusetts or New Jersey. They contain over 2,800 sections of land. The road through the forest reserve runs over about five quarter sections of land lying practically end to end or about 1¼ square miles out of this over 2,800 square miles.

Now, you are suggesting that Pierce County and the State of Washington, because one twenty-eighth hundredth part of it is privately owned, construct 3 miles of expensive macadamized road, which is a part of the park road and which is through Government land.

This land within the park reserve is the most valuable land in the State of Washington. It is worth more than a like area of farm lands either in Massachusetts, Rhode Island, or Connecticut, or Maryland, improved as they are.

This 1,800,000 acres of land would sell on the market tomorrow for more than a like number of acres in any of the States I have mentioned, outside of the towns and municipalities. You have some idea of what the taxes would be derived from this land if owned privately. If the Government is going to continue to hold this land and ultimately sell the timber thereon and take the proceeds, it certainly is nothing but fair that it should repair a necessary road for the benefit of the people who go to the national park and necessarily have to pass over the road.

Mr. SHERLEY. Does the gentleman consider the park a benefit to the community?

Mr. WARBURTON. Certainly; I do.

Mr. SHERLEY. You consider it also a benefit to the community to have people visiting the park?

Mr. WARBURTON. Certainly.

Mr. SHERLEY. Then by what process of reasoning do you make the burden of maintaining all of the roads and the tax to build roads that confer a benefit upon the State and the community fall upon the United States Government?

Mr. WARBURTON. I am very glad the gentleman asked that question, and I will come to that in a few moments. Pierce County and the State of Washington have done something for the park that no other part of the country has done. It has done more than any other county, State, or country has done. Where this road enters the park it is 50 miles from the city of Tacoma. We needed no roads except the ones we had already constructed, except for a fine road to the park. In the last five years Pierce County has built a road solely for the purpose of this park that cost between $250,000 and $300,000 in cash. When this season opens in July every mile of that road that needs macadamizing or paving will be paved or macadamized. We are spending $50,000 this spring to finish macadamizing the last of that 50 miles of road.

Mr. PAGE. The gentleman made the statement that the county in which Tacoma is located and that is adjacent to this park had done for the national park what no other community had done.

Mr. WARBURTON. That is correct.

Mr. PAGE. Does the gentleman seriously mean that his county has expended this $200,000 in the construction of a macadamized road from the edge of this forest reservation for the benefit of the park?

Mr. WARBURTON. Absolutely for the benefit of the park and the resultant benefit by the people using the park, and they come from all parts of the United States.

Mr. PAGE. Let me ask the gentleman, on the other hand, was not that road constructed by the county or by the city of Tacoma for the benefit that would come to the county and city of Tacoma because of the road and the number of people who would come there to visit the park?

Mr. WARBURTON. Certainly so; but we are the only county I know of that has built a macadamized road to a park 50 miles away, and I think that when we spend $5 to the Government's $1 in making the road, at least we ought to be treated as well as you treat any other park. You have not done that. You gave $50,000 to Glacier Park this year.

Mr. SHERLEY. The gentleman assumes that the building of that road over private property was the result of a great deal of magnanimity on the part of the people who owned the ground. In point of fact, I have never known a community on earth that would not be perfectly willing to give the ground for building a road that would produce the advantages to the community that this road did. Now, the gentleman's argument is like that of every gentleman that has a Government institution within the boundaries of his district—that whenever it comes to the burden of the institution they say Uncle Sam should bear it because it is national, and whenever it comes to the benefits they want them all.

Mr. WARBURTON. I do not do that.

Mr. SHERLEY. I want to suggest another thing. The gentleman is aware that there is a provision carried in the Agriculture appropriation bill for the building of roads through forest reserves. Why should we appropriate for parks and for building roads through forest reserves or through private property?

Mr. WARBURTON. One amendment I am going to offer, which is desired by the Agricultural Department and the Secretary of the Interior, that this road be made a part of it.

Mr. SHERLEY. It is desired by the Agricultural Department, of course, to come and get out of Congress all the money it can for building roads and then turn over to some other bureau all it can so as to have that much more money.

Mr. WARBURTON. I may be dull of comprehension, but I know the conditions out there, and I know that if we had the assessed value of that land on either side of this forest reserve for one single year in taxes we could get enough out of it to macadamize the road. If we were getting the taxes out of it, I would say let the people build the road, but we are not.

Mr. MANN. Will the gentleman yield?

Mr. WARBURTON. Certainly.

Mr. MANN. Do I understand that the local authorities have built a road up to within 3 miles of the park?

Mr. WARBURTON. Up to the edge of the forest reserve.

Mr. MANN. Between the end of the road is a part of the forest reserve?

Mr. WARBURTON. Yes.

Mr. MANN. And the Agricultural Department has jurisdiction over it?

Mr. WARBURTON. Yes.

Mr. MANN. Has the gentleman made any effort to have that provision put in the Agriculture appropriation bill?

Mr. WARBURTON. I did, over in the Senate.

Mr. MANN. There is not much satisfaction in being in the fix that the gentleman is where he has a road built up to one point and built up to another and having a quarrel over the space in between.

Mr. WARBURTON. There has never been one before this time.

Mr. MANN. But there has been no road there.

Mr. WARBURTON. Yes; the Government has already constructed the road, but it has become impassable.

Mr. SHERLEY. Will the gentleman state how much land is owned privately on each side, immediately on either side?

Mr. WARBURTON. Within 5 miles on either side there is not one-tenth of 1 per cent.

Mr. SHERLEY. Is not the road over ground that was originally privately owned?

Mr. WARBURTON. There is no private land on the left of the road or on the right of it; it is all Government land. Here is one——

Mr. SHERLEY. But it goes over property privately owned?

Mr. WARBURTON. It runs over about five quarter sections lying along the river. Now, on either side of these quarter sections for 20 miles is Government property. Now, if we had 5 miles of private property on either side of the road, we would construct the road. But the Government owns it for 10 to 50 miles on either side, and if we owned property for 10 miles on either side we could pave the road with the taxes that would come from it in one year.

Mr. SHERLEY. I want to get at the facts, because I can not carry in my mind all the items relating to these different projects. Is it not a fact that the road itself—I am not talking about quarter sections, but the road itself—is built over mostly privately owned property.

Mr. WARBURTON. Yes; but the right of way has been ceded the Government.

Mr. SHERLEY. Is it not a fact that at the present time alongside the most of the road is privately owned property?

Mr. WARBURTON. There is just that one succession of quarter sections, as I state. The property beyond that on either side is not privately owned.

Mr. SHERLEY. I am talking about property right next to the road.

Mr. WARBURTON. Suppose this [pointing to the desk] was a forest reservation, and suppose by some accident four or five quarter sections of land extended into it and the Government needed a road which it desired for the public, would the gentleman ask us to build the road?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WARBURTON. Certainly.

Mr. MANN. Referring to where the road is, whether on private property or not, can the State build the road over this property?

Mr. WARBURTON. No.

Mr. MANN. Why not?

Mr. WARBURTON. Because it is Government-owned property. The Government wants to keep the road so as to be able to protect the forest reserve and also the park. I have letters from the Secretary stating that it is desired to have it placed under the jurisdiction of the park in order to police it and as a matter of fire protection.

Mr. MANN. Mr. Chairman, the first question which would arise, it seems to me, would be whether it is properly the duty of the General Government to build the road or properly the duty of the local authorities to build the road. If it should be determined that it is the duty of the General Government, in the interest of the General Government, to build the road, of course it does not make much difference whether it is forest reserve or private property. But if the local authorities ought to build the road, we could very easily grant them permission to do it.

Mr. WARBURTON. Yes.

Mr. SHERLEY. That is what I was going to add. Has the gentleman ever asked for permission?

Mr. WARBURTON. I have not.

Mr. SHERLEY. Are the people the gentleman represents willing now to undertake the building of it?

Mr. WARBURTON. No; I do not think so. I am going to appeal to this House and ask them if they think it fair that we should do it. I do not think it is fair.

Mr. MANN. After all, there is quite a question of principle involved. Here is a national park that it is to the interest of the Government to make available and entertaining for visitors. On the other hand, visitors who go to the park are a distinct financial advantage to the residents of the locality.

Mr. WARBURTON. Yes.

Mr. MANN. And the question is whether the Government ought to construct the roads outside of the park in order to induce visitors to go there or whether the local people ought to build the road outside of the park and let the Government use its funds to construct a road inside the park. A great deal more is involved than this mere proposition, because that applies to all parks.

Mr. WARBURTON. I agree with the gentleman absolutely, where it is clearly outside of the Government property. For instance, if there was a place a mile wide or 2 miles wide, privately owned property, so that you could tax it and make the owners pay, all well and good, but it is essentially through Government property.

Mr. MANN. The gentleman speaks of local property. Of course it is certain that in this case, for instance, the privately owned property can not build the road, but that applies to almost every case where you want to build a first-class road. The question is whether it is the duty of the State to help build the road, whether it is to the interest of the State to make it easily accessible for visitors to reach this park, which, as the gentleman says, is one of the ornaments of the Nation, and invite visitors to go there and spend their money in the State in that way, rather than to leave it inaccessible.

Mr. WARBURTON. Mr. Chairman, I want to say, further, that we are in very great need of money for widening the road within the park. The road is dangerous. I took President Taft over the road last year and was very severely criticized for it by all of the eastern papers, as some gentlemen will remember, because it was said by using this road we were endangering the life of the President. That park will be closed this year unless something is done immediately.

Mr. SHERLEY. If the gentleman wants my opinion, I think our present park system is entirely a mistake. The gentleman told the whole story a moment ago when he referred to the railroads advertising. The park is advertised simply by a railroad in order to help that railroad. Here a railroad comes to it. Then there are circulars and folders sent out to exploit that place that they may get the benefit of the railroad traffic. Then certain hotels, certain men running a line of busses, or certain automobile owners proceed also to boost that particular park that they may get the benefit of the travel which may come in. Now, what is the result? The result is to-day we are spending an altogether disproportionate sum of money on our national parks considering the resultant benefits to the Government and the American people. Last year the Yellowstone Park had 23,000 visitors during the year. Why, on one Sunday more people will go out to the Zoo Park outside of Washington here than will go throughout the entire year or through three years of the park which the gentleman is talking about; and what I am in favor of and what I am going to offer on the floor of this House is a provision by which we will charge a fee, not for the running of busses or automobiles, but a fee from every person who goes into the park; not a fee sufficient to bear all the burden of maintaining the park, but a fee that will bear part of the burden, in order that these peculiar beneficiaries of the national parks may bear some burden instead of the rest of the people.

Mr. WARBURTON. I do not disagree with the gentleman.

A MEMBER. How large a fee?

Mr. SHERLEY. My own idea is the fee ought to be at least a dollar a head. For instance, in the Yellowstone Park we would not keep a single man from going there and it would give $23,000 more money to put on the roads. At present our system is without uniformity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I would like to have more time.

Mr. MANN. How much time does the gentleman require?

Mr. WARBURTON. I do not know; it depends upon how much I can obtain.

Mr. CANNON. I yield the gentleman 10 minutes additional.

Mr. WARBURTON. I agree with you. I am perfectly willing that they should be charged a dollar a head. Now, I have here a picture of this road, the one I want repaired. The Government has built 11 miles of roads in the reserve and park that it permits automobiles to use. Six hundred automobiles entered the park last year, and for the use of that road and this kind of a road they paid $5 for each automobile. It is such a road that when I took Congressman SULZER and Congressman MURDOCK up there I could hardly force a 60-horsepower car through it. It is a road that is not fit to drive a drove of razorback hogs over.

Mr. SHERLEY. They not only pay the $5 for going over the razorback-hog road of which the gentleman speaks, but they also pay it for the privilege of going over the other roads in the parks.

Mr. WARBURTON. In other words, they pay $5 for riding over a Government road 11 miles and return. I say if you are going to charge us $5 for the privilege of riding over a road that you ought to give us something that we can drive over.

Mr. SHERLEY. But the equity of the thing is that every dollar of this is turned back into improvements.

Mr. WARBURTON. If this road was built you would get out of it, instead of an income of $8,000, an income of $15,000 or $20,000.

If you will give us a road in the reserve and park equal to the road we have constructed for 50 miles, instead of 10, we will have 50,000 or 60,000 people within the next three years, because it is the most attractive road in the world. It is the only road in the world where you can leave tidewater and go to the eternal snows in five hours' time. I have here 50 telegrams—telegrams from men like the president and vice president of the Milwaukee road, the Northern Pacific road, from every club in the State of Washington, from every organization of any character that is organized for promoting the interest of the country in which it is located—urging the appropriation. There is not a dollar of money requested by any locality that has been

granted it or will be granted that is needed as much as this appropriation. I do not think there is a locality which has the benefit of a park in its community that has done one-half of what my country has done toward improving a road to the park and making it accessible. Last year we spent $50,000 in macadamizing this road. This year we are spending another $50,000 in macadamizing the road, and it does not seem like it is much to ask the Government much more to put $30,000 on the end of it on its own property and its own reservation.

Now, the people, as I said, paid nearly $8,000 last year for the use of this park. There was appropriated last year $8,000. The Sequoia National Park last year, for which it is proposed to appropriate this year $15,800, had total receipts of $336 as against our $8,000. You propose to appropriate $50,000 for the Glacier National Park, and last year the recipts were something like $780 against our $8,000. This year you propose to appropriate for the Yellowstone $75,500. Its receipts were $23,000 as against our $8,000. Now, I do not think we are asking anything but what is fair between man and man. I think it is a moral obligation that rests upon the Government to keep this road in repair. If it ultimately should develop that the Government wants to return this land to the county, all well and good. We will take the road and keep it in repair. But I will venture the assertion that that will not be done—that is, it will not be done unless over the protest of the Agricultural Department and the Department of the Interior. A number of them have told me, for instance, Assistant Secretary Thompson and a subordinate in the Agricultural Department, that it ought to remain in the control of the Government, because running through the park as it does and through the forest they want to control it and they want the power to police this road to prevent forest fires, and so forth, and they ought to have it. The Government has given the Yellowstone Park $2,000,000 in the last 15 years. If so, I think it could give us $35,000 to improve this road.

As I have stated, the people of my county have expended about $300,000 in building a road to make the park accessible. I think we have actually spent five dollars in constructing a road to the park where one has been expended by the Government within it. We certainly have built 50 miles of splendid road, macadamized where needed, while the Government has constructed within the forest reserve and in the park less than 25 miles, and most of it is in a deplorable condition, the worst part being within the forest reserve, which is wholly impassable. If the Government would macadamize all the road within the forest reserve as well as within the park it then would have a road not at all superior to the Pierce County road as it now exists, and if this were done it would only be building a road equal to that of the county in quality and only one-third as long. I think when my county builds 3 miles of road to the park where the Government has built 1 mile in the park we have done our share. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WARBURTON. I will ask permission to extend and revise my remarks.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Can have photographs made showing bad condition of forest-reserve road and mail same Monday morning if they will reach you in time to be of service. Wire quick Saturday morning if these photographs will be of service; must have answer by noon Saturday; suggest you suspend activities on all mountain legislative matters except measure to repair forest-reserve road until we can send you complete recommendations joint Seattle-Tacoma committees. Superintendent Hall wrote Secretary Fisher, under date of 28th, describing horrible condition reserve road and urging prompt action to provide funds for repairs.

TACOMA COMMERCIAL CLUB.

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Careless lumberjacks have ruined Mount Tacoma Road in forest reserve; vehicles sink in mire to hub; all rest of road in splendid shape; piece in reserve shame and disgrace. We believe Government should fix it, and will do so; earnestly urge you get situation to attention proper sources.

MAURICE A. LANGHORNE.

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Jolting President Taft got last fall no circumstance to what tourists will get this year over mountin road in forest reserve. Anything you can do to secure funds to have this road put in condition will be highly appreciated by all Tacomans.

A. M. INGERSOLL.

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Early visitors to Rainier National Park report road through forest reserve absolutely impassable; ruined by hauling of shingle bolts and lumber; urge you to greatest possible efforts in matter of securing funds to put this road in usable condition; quarter million dollars spent this city and county wasted unless this link of road is made passable.

WEST COAST GROCERY CO.

TACOMA, WASH., *March 28-29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Earnestly urge you introduce emergency appropriation bill for construction competent road in Rainier Reserve; rest of mountain road built by city and county in splendid condition; road in reserve impassable account logging operations; immediate Federal assistance only way vehicles can reach mountain coming season.

TACOMA GRAIN CO.

TACOMA, WASH., *March 26, 1912.*

Congressman STANTON WARBURTON,
Washington, D. C.:

Earnestly solicit your cooperation securing passage bill providing $45,000 emergency appropriation for immediate improvement road leading terminus Pierce County road through Government forest reserve. This road is in absolute deplorable condition, demanding immediate repair. Prompt action on part of Government now will prove a saving to department.

TACOMA AUTO CLUB.

ASHFORD, WASH., *February 28, 1912.*

STANTON WARBURTON, M. C.,
Washington, D. C.:

My estimate to widen fifteen and macadamize thirty-five thousand. Engineer Keys estimates forty-five thousand. See his report to Secretary of Interior. Arrangements can probably be made for rock from county plant. This portion of Government road now practically impassable.

HALL, *Superintendent.*

TACOMA, WASH., *March 29-30, 1912.*

STANTON WARBURTON,
Washington, D. C.:

Rotary Club of Tacoma, representing over 1,000 distinct lines of business, urge immediate appropriation for repair of road through Rainier Forest Reserve. Persons having timber lease from Government have been hauling shingle bolts over road during winter months and have rendered same impassable for ordinary traffic. Imperative that special provision be made for repair of road to provide access to the park for summer traffic.

W. CARR MORROW, *President.*
W. G. STEARNS, *Secretary.*

SEATTLE, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House, Washington, D. C.:

Absolutely necessary to repair or reconstruct present road from end of Pierce County road to National Park Road before summer season opens. Road now practically impassable, due to heavy freighting of lumber and shingles over road during rainy season. Government responsible for this condition, therefore they should repair road.

SEATTLE COMMERCIAL CLUB.

TACOMA, WASH., *March 29, 1912.*

Congressman STANTON WARBURTON,
Washington, D. C.:

We find it practically impossible to drive an automobile through Government reserve road between Ashford and Rainier National Park entrance, account horrible condition of roadbed, which is like a hog mire. Please urge immediate action by Government.

TACOMA AUTO LIVERY CO.
By GEO. J. SCHAELER.

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

Tourists to Mount Tacoma will be absolutely unable to use present roadway unless some appropriation and help is secured from the Government to put in repair and proper condition the roadway from the reserve limits to the entrance to the national park. Heavy travel this winter has completely ruined the road, and condition needs urgent attention. Over 10,000 tourists entered the park last year and number increases largely every season. We urge you to bend every effort to secure necessary appropriation. We will appreciate your efforts.

PACIFIC CAR CO.

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

On account of poor construction and heavy hauling over same by parties operating under Government timber contracts, road between outer boundary Rainier Forest Reserve and Park entrance is made impassable and dangerous for carriages and automobiles most of the year. Do all possible to obtain Government aid to rectify conditions.

J. M. KEEN.

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

We respectfully urge your cooperation and efforts to secure assistance from the Government to improve roadway from western limits Government forest reserve to entrance Mount Rainier National Park. Owing to heavy timber hauling during the past winter the road is

absolutely impassable at present, and it will be absolutely unfit for the heavy tourist travel to the mountain unless immediate steps are taken to improve this stretch of road; therefore prompt action is imperative. Will appreciate your efforts.

FIDELITY TRUST CO.

—

TACOMA, WASH.

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

The present roadway from the entrance to the Mount Rainier National Park to the western end of the Government forest reserve is in a most deplorable condition. In order to make this stretch of road possible for this year's travel to the mountain immediate work for the betterment of this roadway must be begun. Can you not obtain an appropriation from the Government and impress upon them the necessity for immediate action? Will appreciate your efforts.

JOHN S. BAKER.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mount Tacoma tourist travel will bang up against it unless road in national forest is fixed quick. Ten thousand persons visited mountain last year not one-quarter as many will go this year unless highway is improved. Do all you can to get Government aid to work.

SAVAGE SCOFIELD CO.

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
Washington, D. C.:

Do all you can to urge immediate appropriation for repairs to road Rainier Forest Reserve, which has been damaged by loggers operating under Government lease. In its present condition the road will be impassable for summer traffic.

Great golf weather these days.

DELBERT A. YOUNG.

—

TACOMA, WASH., *March 28-29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Entire success 1912 mountain season depends on proper repair to Government road within Rainier Forest Reserve. Condition now worst imaginable, caused by hauling logs.

This road one causing great discomfort to President Taft on mountain trip last fall. Earnestly urge emergency appropriation.

SCANDINAVIAN AMERICAN BANK.

—

TACOMA, WASH., *December 28-29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Condition Government road in national park awful. Immediate appropriation must be made or money spent by city and county on road in vain. Vehicle access to mountain next to impossible. I urge your best efforts for emergency appropriation. Park travel will be immense if repair is made.

ROBERT G. WALKER.

—

SEATTLE, WASH., *April 2, 1912.*

Hon. STANTON WARBURTON, M. C.,
Washington, D. C.:

Seattle Ad Club urges the importance of appropriation to repair road in Rainier Reserve. Present condition makes its use impossible for coming season.

SEATTLE AD CLUB,
A. J. IZZARD, *Secretary.*

—

TACOMA, WASH., *April 1-2, 1912.*

Hon. STANTON WARBURTON,
House of Representatives, Washington, D. C.:

Condition in forest reserve is such that unless macadamized before summer it will render national park almost inaccessible to vehicles. Hope your emergency bill passed promptly.

Your other bill appropriating $150,000 for improving only the present South Side Road should be defeated unless amended to include Carbon River survey and construction of Indian Henry Road, to both of which Tacoma is committed by agreement with Seattle March 1. Amount asked for should be $250,000.

JOHN H. WILLIAMS.

—

ABERDEEN, WASH., *April 1.*

STANTON WARBURTON,
Washington, D. C.:

Would appreciate your efforts to secure an appropriation from the Government for improvement of road extending from end of Pierce County Road, through the Government forest reserve, to the entrance of Rainier National Park, as a logging company has been hauling logs over this road during the winter until it is so badly cut up as to be almost impassable. Unless we can secure assistance from the Government, it will be almost impossible for tourist travel into the park this coming summer.

GRANITE HARBOR AUTO CLUB,
By W. J. PATTERSON, *President.*

—

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
Washington, D. C.:

I urge immediate appropriation for repair of road through Rainier Forest Reserve. Persons having timber leases from Government have been hauling shingle bolts over the road during winter months and have rendered same impassible for ordinary traffic; imperative that special provision be made for repair of road to provide access to the park for summer traffic.

HENRY MOHR.

TACOMA, WASH., *March 29, 1912.*

Hon. STANTON WARBURTON,
Washington, D. C.:

Respectfully urge you to use your best efforts to secure the necessary appropriation immediately to put in proper repair the Government road leading to the mountain before heavy traffic sets in. We must not disappoint the tourists.

W. R. MORSE.

—

TACOMA, WASH., *March 28-29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Our people all greatly interested in prospects of mountain travel this year. Have just learned condition of forest-reserve portion of road. Has been bad other seasons, but this year it is an utter wreck. Do all you can to get funds for repair.

TACOMA MILL CO.

—

TACOMA, WASH., *March 28-29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Travel to Mount Tacoma almost impossible account awful condition portion of road in forest reserve. Entire success mountain travel this year depends early repair. Quarter million dollars spent by us total waste unless Government comes to rescue. Road ruined by heavy hauling. Urge your best endeavors for emergency appropriation.

JAMES H. DEGE CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Earnestly urge your best efforts in securing immediate Federal assistance to putting Mount Tacoma Road, in Ranier Forest Reserve, in good condition. Present state of road frightful. Hauling of lumber and shingle bolts cause money spent on road by city and county entirely wasted unless quick action is taken.

LISTER MANUFACTURING CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Rainier National Park had 2,000 visitors four years ago; 10,000 visitors last year. We are hoping for great increase. Condition of road through forest reserve ruins prospects unless immediately repaired. Do all you can to remedy the situation.

LOVE WARREN MONROE CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mountain road in Rainier Reserve all shot to pieces. Nothing doing on tourist business unless fixed quick. Please get word situation to right spot.

CARMAN MANUFACTURING CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Over 10,000 tourists visited Mount Tacoma last year. No one could reach mountain now, account terrific condition road in national forest. Full success mountain exploitation depends on fixing this road. Emphatically urge emergency appropriation for building real road in reserve.

WALSH & GARDNER.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Three hundred thousand dollars spent by Tacoma thrown to winds unless Government gets busy and fixes mountain road in national forest. Nobody can pass road now. Never has been a road, and Government should make it one. Your good offices in matter will be appreciated by everybody here.

TACOMA SMELTING CO.

—

TACOMA, WASH., *April 1.*

Congressman WARBURTON,
Washington, D. C.:

The Government road to Rainier National Park has been damaged by logging company under Government lease. Will have to be repaired before summer travel starts. Use your best endeavors to secure an appropriation for this.

COMMERCIAL DOCK CO.

—

TACOMA, WASH., *March 29.*

Hon. S. WARBURTON,
Washington, D. C.:

It has become absolutely necessary that immediate steps be taken to repair the Government road in Rainier National Park. Through the winter months heavy hauling of timber over a distance of 7 miles has almost destroyed the roadbed in places and rendered balance unfit for teams and auto travel.

FRANK A. NEYHART & CO.

—

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

President Taft will bear witness awful condition of mountain road in national reserve. You ought to be able to get his active assistance for appropriation to make real road there. Suggest you see President and ask assistance. Careless logging methods have left road hub-deep mire. Whole county aroused.

CARSTENS PACKING CO.

TACOMA, WASH., *March 28, 29, 1912.*

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Approach to Mount Tacoma utterly impossible now account bottomless road through national forest. Liberal support of Pierce County mountain road warrants Government in finishing it. Urge that you bring every possible pressure to bear to get something done at once.

PIONEER BINDERY & PRINTING CO.

—

TACOMA, WASH.

S. WARBURTON, *Washington, D. C.:*

Personally know that unless there is work done on forest reserve section of mountain road no person can visit Mount Rainier National Park this summer. Road absolutely impassable.

E. F. GREGORY.
JAS. R. THOMPSON.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mount Tacoma road to Rainier Reserve in absolutely rotten condition. Hauling logs made it utterly impassable. Quick action necessary or travel will be impossible. This strip one that bumped President Taft so hard. County done full share building road; Government should finish it.

E. B. JUDSON.

—

TACOMA, WASH.

Hon. STANTON WARBURTON, M. C.,
Congressional Office Building, Washington, D. C.:

Mountain road through national forest has never been more than a trail. Melting snows and early traffic this year have made it quagmire. Splendid assistance by Tacoma and Pierce County to construction rest of road warrants Government in building real road in reserve. Such road must be built or previous expenditures will be waste. Do all you can for emergency appropriation this work.

ST. PAUL & TACOMA LUMBER CO.

Mr. MALBY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, at the request of my colleague, who has charge of the time on this side, I yield 10 minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I have listened with considerable interest to the debate here, and I can not help but think that the gentleman from Kentucky [Mr. SHERLEY] is inclined not to treat the people of the West with that degree of fairness which he would demand for his own State if one-fourth of his territory was taken up in forest reserves, Indian reservations, national parks, and things of that character.

As I sat here and heard him making his remarks regarding the railroad people taking an interest in this road-building question I thought that this is not entirely selfish on the part of those railroads. They have gone into that mountainous country at an expense of $30,000, $40,000, $50,000, and sometimes $100,000 a mile to build their roads. If this country was not taken up with Government reserves, if this was not a national park, if it was cut up into farms and homes as it ought to be, and there were thousands of people in there creating commerce for those railroads to carry, does not the gentleman think they would get more out of it than they would out of the passenger traffic they are now taking in there? And are not the railroads justified in asking that the Government make this property available for tourists, inasmuch as the Government has set it aside for a national park? I think the people of the West are making a very reasonable request in asking the Government to construct roads through its reservations. I have sat here in this House and I have heard Members get up and say that the forests of the country that are left should be reserved for the use and benefit of the entire people. We have thousands of acres of forest reserves set aside, and people in the East to-day are hoping and thinking that some day those forest reserves will be converted into cash that will go into the National Treasury and reduce to some extent the taxes of all the people. They are trying to hold all the minerals that are in the mountains, in so far as they still belong to the Government. You all want to get the benefit from that.

Mr. SHERLEY. To whom does that land belong?

Mr. LA FOLLETTE. It belongs to the people. I am not questioning that.

Mr. SHERLEY. Then why do you object to the people wanting to retain it?

Mr. LA FOLLETTE. But it is within the confines of the States of Washington or Oregon or Idaho and other Western States, and those States do not get the benefit of one cent of taxes on such property. The people in the State of the gentleman from Kentucky [Mr. SHERLEY] are getting taxes from every acre of that State to help pay the local and State expenses. You people in the East do not take into consideration the fact that an extraordinary burden is put upon the people who have Indian reservations, forest reserves, and national parks within their confines. All we want is to be treated with fairness.

Mr. SHERLEY. Virginia, of which my State was a part, gave to the Union a great deal of territory, so that the gentleman's story does not fit at all.

Mr. LA FOLLETTE. How many thousand acres of forest reserve have you in Kentucky?

Mr. SHERLEY. We have not any. I wish we had.

Mr. LA FOLLETTE. How many Indian reservations and how many national parks that you do not get any taxes from?

Mr. SHERLEY. But listen. Where did you get your title?

Mr. LA FOLLETTE. All titles come from the Government. The gentleman does not need to ask a question of that kind. There is no man here so obtuse as not to understand that all titles come from the Government. That is immaterial. It is not a question whether the Government has a right to set aside forest reserves, Indian reservations, and things of that kind, that the county and State can have no control over, but it is a question whether the Government should then compel the local community to build roads and keep them up in order to get to that property and get through it. I am talking not only of this national forest reserve, but of all kinds of Government reservations.

Mr. SHERLEY. In point of fact all titles do not come from the Government. The title of the Government came from the States in my part of the country, and in parts of the great Northwest that Virginia ceded to the United States. You would not have had the Northwest under the Stars and Stripes if it had not been for the Kentucklans who explored it and gave it to the Union.

Mr. LA FOLLETTE. That may be in part true.

Mr. SHERLEY. The gentleman ought not to talk about getting title from the Government——

Mr. LA FOLLETTE. The gentleman invited it by his question. When was Kentucky made a State; when did you get your title to the land in Kentucky? Did you acquire it from the Crown; did the United States get it?

Mr. SHERLEY. If the gentleman had read the compact with Virginia, he would not ask the question.

Mr. LA FOLLETTE. I have read all of that.

Mr. SHERLEY. Then the gentleman has forgotten it.

Mr. LA FOLLETTE. I say Kentucky as a State never ceded anything to the National Government that she got from the Crown. All title has to come from the Government that was not acquired from the Crown.

If Kentucky received part of its territory from Virginia and through Virginia from the Crown, it was from Government just the same even though of Virginia and the Crown, and makes no difference in this controversy as to the right and expediency of the Government of the United States setting aside within the confines of any State of the Union national parks, forest reserves, and Indian reservations, and making inadequate or no provision at all for proper roads through these reservations. Granting that the Government has the power, is it just and right?

All we want is fair play. It is all any country in the West asks. When you set aside one-half or one-third or one-quarter of the territory in any State as reserves you should at least be willing to take care of the territory so set aside by constructing proper roads.

Mr. CANNON. There are a number of other gentlemen on this side who desire to be heard, but they are not present, and I take it they have abandoned their desire.

[Mr. FOSTER, Mr. MANN, Mr. PAYNE, Mr. HILL, Mr. HOWARD, Mr. CULLOP, and Mr. LA FOLLETTE were given leave to extend remarks in the RECORD.]

Mr. FITZGERALD. Mr. Chairman, I yield 30 minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE. Mr. Chairman, as a member of the Appropriations Committee and of the subcommittee having in charge the preparation of this bill and reporting it to the House, I at the time it was reported had no purpose of submitting any remarks in the time allotted for general debate. I had hoped that the time might be limited to the least possible amount and that the bill might be brought to consideration under the five-minute rule and, as promptly as possible, passed through this House.

I have not been one of those who during the last few weeks have entertained even the hope that the Congress might complete its labors and adjourn by the middle of this month, and yet I had hoped that the necessary legislation of the session might be as speedily enacted as possible. I was somewhat disappointed on yesterday when it was demonstrated by a roll

call that there were not as many gentlemen in the House anxious to finish the business and adjourn as I had hoped. Quite a number of them put themselves on record as opposed to the consideration of the appropriation bills and preferred rather to take the time in discussing and passing other matters.

I should not, as I said in the beginning, have spoken on the bill at all but for certain developments during the debate upon the bill. In the opening remarks the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], made a very full and, I think to the membership of the House, a satisfactory explanation of the items carried in the bill, of the amounts that it carried, and a complete justification of the reduction in the amount carried in this bill as compared with the current law.

I desire to say, as a member of that committee, that individually and for the majority of the committee reporting this bill we assume full responsibility for the appropriations, item by item, carried in the bill for the maintenance of the several branches of the Government during the coming fiscal year.

I go further than that, Mr. Chairman, and make the statement that I do not believe in the face of the great reductions that have been made in the volume of appropriations ordinarily carried in the bill that any single department in this Government will suffer one iota in its efficiency for the lack of a proper amount of money to carry on the bureau or the department for which it was appropriated.

On yesterday the distinguished leader of the minority, the gentleman from Illinois [Mr. MANN], seemed impatient that the Appropriation Committee had delayed reporting this bill to the House for so long a time. I am sure that the gentleman forgot that the appropriations for the affairs of the National Government had been for 16 years in the hands of the Republican Party, and that the people having commissioned what had been the minority party during this period to legislate and appropriate for the maintenance of the Government, we felt it was incumbent upon us to go into and examine more fully than has ordinarily been necessary or has ordinarily been done, the various items that go to make up the appropriations carried in this great bill. The subcommittee of the Committee on Appropriations charged with this responsibility has gone not only fully but extensively into the examination of Government officials and others who are responsible for the estimates submitted to the Congress in which they ask appropriations. I dare say, whether we have wisely investigated or otherwise, that so full an investigation of the estimates and of the necessities of the various departments that are appropriated for in the bill has not been undertaken by any committee in this House for 20 years, and I venture the assertion that so valuable information touching the administration of the various bureaus and departments for which we appropriate has not heretofore been placed in the records of this House.

The distinguished gentleman from Illinois [Mr. CANNON], my colleague upon the committee and upon the subcommittee, the former Speaker of this House, a native of my own State, the most distinguished Member of this House, made a speech upon this bill a day or two ago, and in the course of his remarks assumed a position that is remarkable to some of us as coming from the gentleman from Illinois. Mr. Chairman, I have had great admiration for the courage of the gentleman from Illinois. He has been a stalwart of the stalwarts. He has stood in this House as a stone wall for 30 years, yes, more than that, for nearly 40 years, and has contended that the legislative branch of this Government should not be encroached upon by the executive branch. I do not believe that in the history of the Congress of the United States this body has had a more insistent or abler defender than the distinguished gentleman from Illinois [Mr. CANNON]. [Applause.] Personally I have admired his persistence in this direction, and it is surprising, it is amazing, to some of us that after all these years he should at this late day in his long and illustrious career in this House surrender the position that he has occupied through all of these years and virtually say upon the floor of this House, in his criticism of items carried in the bill, that the majority is guilty, as he says, of sins of omission, in leaving out certain things which, in his judgment, should have gone in the bill. He cited item after item and made the statement that the estimate was so much, that the committee had allowed so much, and that he thought the estimates should have been allowed in full. Mr. Chairman, that is equivalent to saying that the gentleman from Illinois now believes the executive department of this Government should, in its estimates to this House, write into the law the amount of the appropriations for the various departments of the Government.

I can not believe that he really thinks this should be done, that the functions of the House of Representatives, the prerogatives that have been given it by the Constitution, which he has defended through all of these years, should be abrogated to the various departments of the executive branch of the Government. [Applause.] Yet this is the logical conclusion that one must reach from the argument that he made in general debate upon this bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Cheerfully.

Mr. CANNON. By no manner of means do I claim that an estimate should be allowed in full as it is made. My only claim was and is that in instances where I criticized, the good of the public service and its efficiency was not benefited by withholding appropriations under the reduction of estimates as recommended by a majority of the committee. I did not discuss it at length and in detail, but I am prepared, under the five-minute rule, to justify at least myself to myself in the general statements that I made.

Mr. PAGE. Mr. Chairman, I shall be gratified if the gentleman, in discussion under the five-minute rule, shall change the impression that his speech made upon my mind. I was loath to believe that he had shifted the position which he had occupied for years as a Member of this House.

But, Mr. Chairman, coming now to a discussion of the items that are carried in this bill, I shall not occupy the attention of the committee for very long. I do not feel that it is necessary to enlarge upon the statement made by my colleague from New York [Mr. FITZGERALD]; but there has been some criticism aimed at the action of the majority of the committee touching the bill as it is reported to the House for its failure to appropriate for the continuance of the so-called Tariff Board. My distinguished colleague on the committee [Mr. CANNON] entered into this criticism of the committee. In other words, he defended the so-called Tariff Board. I hope he did not do violence to his own conscience. He certainly did violence to his past record as touching this question. I am not going to discuss it, because others will, under the five-minute rule, discuss at length, I imagine, the wisdom of the majority of the committee in refusing to appropriate for the continuance of this board. I shall only say in passing that the Republican Party, in power in this country for 16 years, has been constantly during that time, until 1909, opposed to a Tariff Board or anything that was like a Tariff Board. They have opposed it whenever it was proposed upon the floor of this House to be written into legislation. They discovered, Mr. Chairman, only after the country had repudiated their position upon this question, that they needed advice upon this question. [Applause on the Democratic side.] It would have been vastly better for them, possibly, as a political party if they had had some board to advise them when they were enacting into law the Payne-Aldrich tariff bill. It is our asset that they had no such advice, but because of their lack of information—not that they were not informed—but because of their lack of regard for the taxpayers of this country when they wrote this iniquity upon the statute books accounts to-day for the fact they are in the minority in this House and in November will be a minority in all branches of this Government. [Applause.]

After they had seen the handwriting upon the wall they pleaded for somebody to advise them how to write a tariff law. We are very much obliged to you, gentlemen, but we think we know what we want to write to relieve the taxpayers of this country from burdens which have been placed upon them by the tax laws that you have written upon the statute books.

Mr. SHERLEY. If the gentleman will permit——

Mr. PAGE. Certainly.

Mr. SHERLEY. I suggest to him the complaint of the country in the past has not been as to what came to the Ways and Means Committee but what came from it.

Mr. PAGE. Absolutely. Mr. Chairman, this great question of taxation through our tariff laws, whatever they may say and however they may try to shift the question that attracts the attention of the people at an approaching election, that is the question before the American people, and upon it will be decided the fate of parties and of men. Why, the Republican Party in the past 20 years has occupied varying and shifting positions upon this great question, except in one particular. They have continuously told the American public that they wanted protection. They started this great propaganda for infant industries. When those industries have grown into giants and monopolies, they have increased the amount of food that the infants required. [Applause on the Democratic side.] They have declared from time to time that it was for the protection not of manufacturers alone and for the infant industries of the country, but for the protection of the labor of the country. I can recall the day when men in the Republican Party who advocated the principle of protection boldly declared that the foreigner paid the tax. They were driven by public sentiment from that position and they have not made that statement for years. Then they have brought the claim that by this system they made it possible for the American manufacturer to maintain the wage of the American workman, and now one of their candidates for the nomination for the Presidency has enunciated for the Republican Party a new doctrine absolutely, and that is that it must be written into the law that the laborer must have his share. [Applause on the Democratic side.] I wonder what gentleman on that side is going to be commissioned to write this effectively into the law of the land.

Mr. SHERLEY. If the gentleman will permit a suggestion again, it is the first equitable proposition in connection with the protective tariff of which I have heard.

Mr. PAGE. But an absolutely impracticable proposition.

Mr. SHERLEY. That is true.

Mr. PAGE. To pass on to other matters, the Tariff Board, in the judgment of this side of the House, has not justified its existence, and for that reason the Committee on Appropriations has used the only means within its power, and that is the withholding of appropriations that made it possible. When this bill was first reported, as a member of the committee reporting it I was asked by a number of Members what the action of the committee had been touching the Economy Commission. Mr. Chairman, the fact that this bill carries in amount of appropriations $33,000,000 less than the current law is the most striking evidence that can be given to the House and to the country that at least the majority members of the Committee on Appropriations and this House are in favor of economy in the Government service. [Applause on the Democratic side.] I know that over on the other side of that aisle there have been coming a great many slurs and insinuations at this side of the House as to its professions of economy, and I think an answer to that will be made upon the last day of this session of Congress when the statement of cold facts is given to the people of the country, and for one I am ready to await that statement and the judgment of the people as touching it.

I know we have not economized to that degree that a great many of us would have liked. I am free to say that there are economies, in my judgment, that might have been effected that have not been effected, and some of these economies that might have been effected have not been effected on account of the solid vote against them on that side of the Chamber.

In speaking of the Economy Commission appointed by the President for the investigation of the executive departments of the Government and the methods of the administration of those departments looking to economies of expenditure, they have made partial reports to the President and to the Congress of the United States. The subcommittee had before it representatives of this commission and patiently for three days listened to their testimony touching not only what they had accomplished but the plans they had for the accomplishment of other things. We took into consideration the recommendations they had made both to the President and through him to the Congress. It is somewhat significant in this connection that this testimony taken before the subcommittee brought out the fact that the commission of the President, of his creation and reporting to him, made reports to the President of reforms that might be effected, saving thousands of dollars to the Government, as long ago as last December—reforms that required absolutely nothing except the Executive order of the President of the United States to put them into operation—and while six months have elapsed no order has been issued to put into effect these reforms that have been recommended by his own board. I recognize the fact that during this period of time the President has been very busy. Other things have occupied his mind and his time to the exclusion possibly of some of the things that would have saved the Government a mint of money. But, as a matter of fact, no Executive order has been issued based upon the recommendations of this board that would save the Government a dollar in its expenditure with perhaps one or two slight exceptions.

Mr. MANN. Will the gentleman yield?

Mr. PAGE. Yes; with pleasure.

Mr. MANN. If the gentleman were President, would he pursue the same course?

Mr. PAGE. The gentleman who is now addressing the committee has never for a moment contemplated what he would do if he were President, because he never had any aspirations or hopes of reaching that position.

Mr. SHERLEY. I hope he will pursue it with better success, anyway.

Mr. MANN. The Economy Commission reports, being called to the attention of the departments, and there being some question as to the applicability in each case to each department, do you not think it ought to be settled how these reforms can reach out in these departments rather than have the President issue half-baked resolutions applying these things to the various departments?

Mr. PAGE. I have no intention to be unfair to the President or to anybody else. I will admit that there is something in the suggestion, made by the gentleman from Illinois [Mr. MANN], that it does take time to work out any great reforms. I only have this observation to make, and it is based upon my conclusion from the evidence that has come into the possession of the committee upon which I serve—not only the testimony of the gentlemen who are members of this Economy Commission, but statements made by various gentlemen connected with the several departments of the Government—that if the President waits until there is accord on the part of the bureaus and departments of the Government in the recommendations that have been made by the commission he will have to serve more than three terms before he gets one of these Executive orders into effect.

Mr. MANN. Does not the gentleman agree with the President about that? Would the gentleman, if he had the power, issue an order directing that all these recommendations of the Economy Commission be in force?

Mr. PAGE. No, Mr. Chairman.

Mr. MANN. The gentleman, of course, can not differentiate himself in the first instance.

Mr. PAGE. I want to say to the gentleman, in my judgment, as he has put the question to me, if I were President and there were recommendations made by this board to me that were so patent as to the feasibility of their operation and so clearly setting forth the saving of public money, I should put them into commission. [Applause.]

Mr. MANN. I have read the report of the Economy Commission. I have no doubt that the gentleman from North Carolina has done so. I have read all the reports carefully and annotated them. I would like to say to the gentleman if he has found very many recommendations on which he would issue a sweeping order and put in force in every department of the country I am very much surprised.

Mr. PAGE. That some reforms have been worked out by the Economy Commission that are valuable is undoubtedly true. I agree with the committee in retaining the commission. But I doubt whether any gentleman would have ordered them to be put in force in all of the departments, and necessarily it is impossible for the President carefully to examine all of the recommendations of the Economy Commission and himself to judge, in the first instance, without hearing from his department officers as to whether they should be adopted or not.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit me——

Mr. PAGE. I yield to the gentleman——

Mr. SHERLEY. I would suggest that the President exercise enough discretion to send to Congress recommendations as to things concerning which he needed congressional action.

Mr. PAGE. Yes; I was going to mention that. He has sent in recommendations asking that they be enacted into law.

Mr. MANN. I would be very much surprised if the committee had acted upon them, and the committee, as a matter of fact, has not done it. The committee has not proposed to act upon them.

Mr. PAGE. Not all of them, but some of them. My only complaint is that the President has not put into effect any of them.

Mr. FITZGERALD. The gentleman will admit that few people who are familiar with the Government service would propose to put some of them into execution.

Mr. MANN. The gentleman is complaining because the recommendations have not been put into effect by a sweeping Executive order.

Mr. PAGE. Mr. Chairman and gentlemen, I mean to say again that I did not want to make any unfair criticism of the President. If I had any desire to enter into a criticism of the gentleman who occupies that high and exalted position, I should have attacked him through some other channel than the Economy Commission. I have no desire and I do not want to be unfair to him, but I want to say that this commission in its report has recommended certain matters in connection with the filing of papers and the handling of papers in the various departments of the Government that they say will save the Government a million dollars annually. Now, it does seem to me that that is a matter that could be determined inside of six months, as to whether or not that recommendation should be put into operation.

Further, they recommended that $50,000 could be saved by the use of the window envelope. This has been partially put

into operation by the President. Then they have recommended various and sundry other things. In their recommendations they said that 550,000 could be saved by the discontinuance of affidavits appended to personal-expense vouchers. The committee has written into this bill a provision that will save that $550,000——

Mr. FITZGERALD. Without dispensing with the affidavits.

Mr. PAGE. Yes; without dispensing with the affidavits.

There was also a recommendation that concerned necessary legislation that could be put into operation touching the mailing of public documents. This committee has incorporated a provision carrying that into effect and carrying into effect the recommendation of the Economy Commission and the recommendation of the President as to another reform. They have recommended that a million dollars could be saved in the travel of officers and employees of the Government by the use of mileage books. That does not require legislative action. It seems to me that is a matter that could be worked out by the Executive in less time than six months. My only criticism is that those things which, in my judgment, might have been effected by an Executive order have not been put into operation.

Mr. MANN. Is the gentleman sure that that does not take any legislation?

Mr. PAGE. That is my opinion—that it does not take any legislation.

Mr. MANN. The gentleman may be correct, but I think he is wrong.

Mr. PAGE. Well, I may be wrong, and in the estimation of the gentleman from Illinois most of us are oftener wrong than right.

Mr. MANN. Well, as to the gentleman's side, that is absolutely true.

Mr. MALBY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from New York?

Mr. PAGE. I yield to the gentleman from New York.

Mr. MALBY. I want to ask my colleague on the committee whether it does not appear from all our hearings of representatives of the various departments that they are now using mileage books wherever they can?

Mr. PAGE. Oh, no.

Mr. MALBY. I would be glad if the gentleman would state one department where they are not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman such additional time as he desires.

Mr. PAGE. I thank the gentleman. Now, I can not undertake to carry in my mind all the statements that were made in 3,000 pages of hearings——

Mr. MALBY. Of course not all of them——

Mr. PAGE. And this matter of mileage books came up in connection with almost every department, and my recollection is that almost every gentleman who appeared before the committee and to whom questions were propounded touching the propriety of using mileage books was ready to offer some reason why it could not be done. In other words, they were antagonistic to this recommendation of the Economy Commission.

Mr. MALBY. Will the gentleman permit?

Mr. PAGE. I yield to the gentleman from New York.

Mr. MALBY. I acknowledge that the gentleman can not recall everything in 3,000 printed pages of hearings; but when he revises his remarks, as he probably will, if he can find a single official in any department of the Government who said that he would refuse to use mileage books on any such grounds, I hope he will put the statement in the RECORD.

Mr. PAGE. I have not found any department that refuses to use them, because there has been no order issued requiring them to be used.

Mr. MALBY. Or anybody who had neglected to use them.

Mr. SHERLEY. I suggest to the gentleman that the Interstate Commerce Commission, that was supposed to know peculiarly about the subject of rates, was asked about the matter, and the suggestion was made by myself that they investigate the recommendation of the Economy Commission, and they promised to do so immediately.

Mr. PAGE. I recall very clearly that particular paragraph in the hearings.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. PAGE. With pleasure.

Mr. GILLETT. I should like to ask the gentleman whether it is not a fact that, although the President has not adopted all the recommendations of the Economy Board, yet this administration right here in Washington has introduced reforms in methods of administration which have saved hundreds of thousands of dollars a year.

Mr. PAGE. In the Treasury Department.

Mr. GILLETT. In the executive departments.

Mr. PAGE. In one department of the Government that is true, and the Treasury Department has instituted economies and reforms that are saving quite a sum of money in the administration of the department, and we have always given them credit for it, and did so in the report that was made to this House on the legislative bill.

Mr. HAY. Were these reforms in the Treasury Department the result of the recommendations of this Economy Commission?

Mr. PAGE. No; they were not. But I started out, not to criticize the President altogether, but to say that we believe that there are so many reforms that might be worked out to the advantage of the taxpayers of the country in the administration of the executive branch of this Government, and we have been so impressed with the fact that this commission would find some of these things, and that some of them, at any rate, would, on account of the work of this commission, be placed in effective operation, that we were not willing to assume the responsibility of discontinuing the existence of the commission. We did feel that we were justified in reducing the number of the chief officers of the commission.

Mr. HAY. Will the gentleman permit me to ask him a question?

Mr. PAGE. Certainly.

Mr. HAY. How many officers did they have?

Mr. PAGE. As now constituted, there are five members of the commission—a chairman and four other gentlemen—together with a secretary.

Mr. HAY. How much do those six men receive?

Mr. PAGE. The chairman of the commission receives a salary of $10,000 a year. Three of the commission receive salaries of $6,000 a year. The fourth member of the commission receives $40 a day for each day that he is engaged in this work, but his compensation must not exceed $6,000 in any one year.

Mr. HAY. Has he been drawing $6,000 a year under that arrangement?

Mr. PAGE. Yes; my information is that he has worked enough days to get the limit.

Mr. FITZGERALD. He has worked about half a year.

Mr. PAGE. About half a year.

Mr. HAY. How much is appropriated in all for this commission?

Mr. PAGE. They have had $175,000 in all. The estimate submitted to this Congress is $75,000.

Mr. HAY. Out of that they propose to pay $10,000 to one man and $6,000 to each of four men.

Mr. PAGE. Forty thousand dollars went for salaries, including the secretary.

Mr. HAY. To six men?

Mr. PAGE. Yes.

Mr. HAY. How many clerks have they?

Mr. PAGE. I have forgotten the number of men they have employed; but quite a number.

Mr. HAY. How many rooms have they at their disposal?

Mr. PAGE. I do not know that. I can not answer the gentleman in detail offhand. They are occupying considerable space.

Mr. HAY. About 14 rooms, have they not?

Mr. PAGE. I can not say as to the number of rooms.

Mr. SHERLEY. If the gentleman will permit, I think it is only fair to the commission to say that they filed a detailed statement as to their rents and their expenses for furnishings and otherwise. That statement was quite satisfactory in every particular. I had the impression that they had been very extravagant because it had been commonly rumored that that was so, but these details which they have furnished are very full and complete.

Mr. PAGE. It is only fair to the commission to say that they have filed a detailed statement, showing not only the men that they have employed and the salaries they have received, but the rooms that they occupy and the rents they pay.

Mr. HAY. Who are these men who occupy these high-salaried places on the commission? Where do they come from?

Mr. PAGE. The chairman of the commission——

Mr. HAY. I understand about the chairman.

Mr. PAGE. I will read the biographies of this commission:

Frederick A. Cleveland, chairman: Age, 46. Salary as chairman of the President's Commission on Economy and Efficiency, $10,000 per annum; appointed March 8, 1911. Official positions previously held: Instructor of finance, University of Pennsylvania, 1900 to 1902; professor of finance, School of Commerce, Accounts, and Finance, New York University, 1903 to 1905; member of commission on finance and taxation appointed by Mayor McClellan, of the city of New York, 1905 to 1906; member of committee appointed by Comptroller Metz for the revision of accounts and administrative methods of New York, 1907 to 1908; member of committee on office methods and practices, appointed by Controller Prendergast, city of New York; director bureau of municipal research, Philadelphia; director bureau of municipal research, New York City.

William F. Willoughby: Age, 44. Salary as member of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed March 8, 1911. Official positions previously held: Expert, Department of Labor, 1899 to 1901; treasurer of Porto Rico, 1901 to 1907; secretary of Porto Rico and president of the Executive Council of Porto Rico, 1907 to 1909; Assistant Director of the Census, 1909 to 1911.

Walter W. Warwick: Age, 43. Salary as member of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed April 29, 1911. Official positions previously held: Clerk to United States circuit judge, 1892 to 1893; confidential clerk, law clerk, and chief law clerk, Treasury Department, 1893 to 1898, and 1905 to 1908; deputy auditor Isthmian Canal Commission (Washington office), 1904 to 1905; examiner of accounts of the Isthmian Canal Commission and auditor of the government of the Canal Zone (on duty on the Isthmus), 1908 to 1911; appointed associate justice of the Supreme Court of the Canal Zone, 1911. (Did not enter on duties of office last named because of appointment as member of the commission.)

Frank J. Goodnow: Age, 53. Salary as member of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed April 29, 1911. Official positions previously held: Professor of law, Columbia University, New York, since 1883; member of commission appointed by Gov. Roosevelt in 1900 to revise the charter of the city of New York; member of commission on finance and taxation appointed by Mayor McClellan, of the city of New York, 1905; member of commission appointed by Mayor Gaynor to inquire into the causes of congestion of population in New York, 1910; delegate of the United States Government to the first Congress of Administrative Science, at Brussels, 1910.

Harvey S. Chase: Age, 50. Salary as member of the President's Commission on Economy and Efficiency, $40 per day while on duty at Washington, without cost to the Government for traveling and personal expenses, the total cost per annum not to exceed $6,000; appointed June 30, 1911. Official positions previously held: Consulting expert in the installation of uniform systems of accounting for the State of Ohio, 1902; expert for finance commission of the city of Boston, 1908 to 1910; expert for governor of State of Massachusetts, 1910 to 1911; president of Massachusetts Society of Public Accountants; trustee and member of executive committee of American Association of Public Accountants.

Merritt O. Chance, secretary: Age, 42. Salary as secretary of the President's Commission on Economy and Efficiency, $6,000 per annum; appointed March 8, 1911. Official positions previously held: Assistant messenger, Post Office Department, 1888; clerk, War Department, 1890; clerk, Post Office Department, 1891 to 1894; clerk and private secretary to Fourth Assistant Postmaster General, 1895 to 1899; chief clerk, Fourth Assistant Postmaster General, 1899 to 1901; private secretary to the Secretary of War, 1901 to 1904; superintendent of post-office supplies, Post Office Department, 1904; chief clerk, Post Office Department, 1905 to 1908; Auditor for the Post Office Department, 1908 to 1911.

Mr. PALMER. Will the gentleman yield?

Mr. PAGE. Certainly.

Mr. PALMER. I want to observe that in view of the interesting biographies of these gentlemen, and from the comfortable salaries they now enjoy, it strikes me as a standing refutation of the old proverb that "a rolling stone gathers no moss." [Laughter.]

Mr. PAGE. I think that is a very apt observation.

Mr. FOSTER. Will the gentleman yield?

Mr. PAGE. I will.

Mr. FOSTER. Is it not a fact that the secretary of this commission, who was formerly an auditor of the Post Office Department, is the one that largely helped to put into operation the reforms in the Treasury Department?

Mr. PAGE. I can not answer the gentleman, because I do not know of my own knowledge.

Mr. MADDEN. Will the gentleman from North Carolina yield for a question?

Mr. PAGE. I will yield to the gentleman from Illinois.

Mr. MADDEN. I understood the gentleman to say that the amount of money expended for the services of this commission up to now is $175,000.

Mr. PAGE. That amount has been appropriated up to the end of the fiscal year.

Mr. MADDEN. But not expended. The commission has been in office about a year?

Mr. PAGE. More than a year. They went into office, the most of them, on the 8th of April, 1911.

Mr. MADDEN. Can the gentleman state what the amount saved thus far has been as the result of the recommendations made by the commission?

Mr. PAGE. I can not; and neither can anybody else. To be entirely frank, I do not think it fair to test the value of this commission by the results to this date, because it necessarily takes time to work out and carry into effect reforms as far-reaching as are needed in the various departments of the Government.

Mr. MADDEN. That is exactly what I wanted the gentleman to state.

Mr. PAGE. For that reason the Appropriations Committee did not feel warranted in discontinuing the appropriation and the commission, because it did not feel that there had been sufficient time for them to demonstrate whether or not their work was of real value.

Mr. MADDEN. What I was fearful of was that the gentleman would leave the impression on the minds of Members of the House that the commission had rendered no service of any value.

Mr. PAGE. If the gentleman thought that, he should not have voted to continue the commission.

Mr. MADDEN. Oh, I do not believe that; I believe that they are of value.

Mr. PAGE. I think they may be of value, and we were willing to give them a chance. Personally I had this sort of mental reservation—that if they did not make good, after the 4th of next March a Democratic President could discontinue them. [Applause on the Democratic side.]

Mr. MADDEN. But the gentlemen may not have the pleasure of recognizing that right under a Democratic President.

Mr. GARNER. Will the gentleman from North Carolina yield?

Mr. PAGE. Certainly.

Mr. GARNER. The gentleman said either that he had reduced the number or the pay of the commission, as I understood him.

Mr. PAGE. We have a provision which provides that not more than three persons shall receive from this appropriation a salary in excess of $4,000 per annum. The committee did that because, recognizing that there was a possibility of accomplishing a real economy through the activities of these gentlemen, we thought it was a little bit overorganized or top-heavy, and I think the House will agree with us.

But, Mr. Chairman, I have occupied vastly more time, not only on the Economy Commission but upon other things, than I started out to.

Before taking my seat there are one or two other matters that I desire to advert to. The other day, when the chairman of the committee was making his statement to the House, there was a great deal of interest elicited, not only on that side of the Chamber—for while most of the questions came from that side they were of as acute interest on this side—touching the appropriations carried in this bill for the Isthmian Canal.

Upon the face of it, as explained by the chairman, a reduction of $13,000,000 in the appropriation for the Isthmian Canal might make an impression on the minds of some gentleman who has not had an opportunity to inform himself as being calculated to retard or hinder the execution and completion of this great project. I want to assure the membership of the House that not only have we not been guilty of cutting the appropriation for that great work, but I want to assure gentlemen on that side of the House—and the record in the past will bear me out—that this side of the House has never done anything to hinder the construction of the Panama Canal, and it has been one of the great enterprises of this Government upon which there has been no party division.

We are as much in earnest and are as much concerned about the continuance and completion of the work as gentlemen on that side of the Chamber can be. If I believed that there was a single item in this bill that did not carry a sufficient amount of money to carry on this work with all the speed that the great organizer who is the head of the Isthmian Canal Commission had planned, I should not support it, but would gladly increase the amount.

I want to say upon my personal responsibility that aside from the hearings to guide the committee and that are within the reach of every Member of the House, the chairman of the Isthmian Canal Commission, when last in Washington—I believe in April—appeared before the subcommittee of the Committee on Appropriations making up this bill, and we then went over item by item the estimates that had been submitted and the amounts that in his judgment would be necessary for the coming fiscal year.

Unfortunately, I think now we did not have present at that hearing a reporter to take down what was said, but I took the precaution while Col. Goethals was making this statement to take my committee copy of the bill appropriating for the Isthmian Canal, and item by item I wrote in the margin of that bill the exact amount that Col. Goethals said was necessary to continue the work during the next 12 months. When we came to write the appropriations in the bill, I insisted—no, it took no insistence, because we agreed that every dollar that he had indicated he needed should be written in the bill, and it is written in the bill.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. CANNON. I do not know what the record does not show which came to the gentleman's knowledge, but under the five-minute rule I will read from the record as it is what Col. Goethals and the Chief of Staff said touching the appropriations for the Panama Canal.

Mr. PAGE. Mr. Chairman, I prefaced my remarks by the statement that the committee was in possession of information that did not appear in the public hearings, and I said I thought it was unfortunate that it did not appear in the public hearings. My memory is not exactly clear, but I think the gentleman from Illinois [Mr. CANNON], a member of that subcommittee, while possibly not present during the entire time that Col. Goethals was making his statement, did come into the room and heard at least a part of the statements that Col. Goethals made.

Mr. CANNON. Mr. Chairman, I do not recollect in 3,000 pages of evidence, and could not say whether I was present at the time the gentleman refers to or not. I get my information from the record of the two officers, who were chiefly responsible, as well as from an estimate sent by the Secretary of War in April, and I stated the matter in perfect good faith. The whole matter can be threshed out later under the five-minute rule.

Mr. PAGE. O Mr. Chairman, I want to say to my friend that in anything I have said I did not have in mind any statement he made the other day, nor did I intend to reflect upon anything he said.

Mr. CANNON. The whole matter can be threshed out under the five-minute rule.

Mr. PAGE. Certainly.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. PAGE. Certainly.

Mr. MANN. I want to ask the gentleman a question, and I hope he will not consider it a reflection upon the committee.

Mr. PAGE. Oh, no.

Mr. MANN. But does the gentleman think it quite fair to the House for the Committee on Appropriations to take testimony to the extent of 3,000 printed pages upon the sundry civil appropriation bill and then on as important an item as the Panama Canal to base its figures for appropriation upon secret testimony not taken down and furnished to the House, but which the gentleman himself undertakes to furnish orally to the House?

Mr. PAGE. Mr. Chairman, the gentleman constantly appeals to me and to other gentlemen on this side of the Chamber in the interest of fairness. It might come from other gentlemen with better grace. He is not himself always fair. I want to say that this is not the first time that the appropriations for the Isthmian Canal have been made upon testimony that did not appear in the record, but I prefaced my statement by saying that I personally thought it was unfortunate that it did not appear in the record, but I was stating merely the facts as they existed.

Mr. MANN. Mr. Chairman, if the gentleman will yield, he replied to my question with an epithet, but that is all.

Mr. PAGE. That is the usual brand of fairness that the gentleman from Illinois deals in in this House.

Mr. MANN. That is the usual brand of fairness the gentleman exhibits.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. PAGE. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, speaking for myself, I think a proper consideration and weighing of the testimony which is printed, plus that knowledge that comes to men who have visited the canal and who are familiar with conditions, warrants, without reference to anything else, every recommendation that we have made in the bill.

I am willing to meet the case on the record as printed, although it is true, as stated by the gentleman, in order that we might be sure that we make no mistake we had this informal conference with the chief engineer, Col. Goethals, and it is also true that during that conference the gentleman from Illinois [Mr. CANNON] came in and attended part of it.

Mr. PAGE. I agree entirely with my colleague from Kentucky that we can justify the items carried in this bill from the printed testimony.

Mr. CANNON. If the gentleman will allow.

Mr. PAGE. With pleasure.

Mr. CANNON. I get my only knowledge touching the matter in controversy from the evidence as printed. I was not constant in attendance, owing to my duty as a Member and otherwise, upon the hearings of this committee, and I can not say that what the gentleman states as to Col. Goethals's statement that does not appear in the record is not correct, because I regard the gentleman—have always and do now, both gentlemen—as being truthful men, but I want to say that I have no recollection of any statement that Col. Goethals made in the premises that does not appear in the record.

Mr. SHERLEY. Will the gentleman yield?

Mr. FITZGERALD. Let me make this statement: There should be no misunderstanding about what happened. Before Col. Goethals was ready to leave the city and return to the Isthmus, at my request, he reexamined the estimates submitted and agreed to do what had been the practice in other years—to indicate to the committee what sums could be eliminated, because of the later information he had that they would not be required. He came to the committee room one morning and I invited him into my office. The gentleman from Kentucky [Mr. SHERLEY] came to the committee room and he came in. The gentleman from North Carolina [Mr. PAGE] came to the committee room and he came in. It was not a prearranged meeting. We asked Mr. Courts, clerk to the committee, to come in, and the matter was being discussed when the gentleman from Illinois [Mr. CANNON] came in and inquired what was being done.

Within a short time the gentleman from Illinois stated that he had to attend to some other matter that had previously been arranged to occupy his attention and was compelled to leave. During this informal conference these figures were taken from Col. Goethals and noted by those present on their books. In some respects the sums recommended are somewhat different from the sums stated by Col. Goethals, but the differences are not very great, and no different in such respect than the changes made on other occasions. There was no intention nor attempt either to withhold information or to misrepresent. My only purpose now is to prevent any misunderstanding because I believe and I am aware that everybody desires to make such recommendations for the canal as may be necessary.

Mr. CANNON. Just let me state in justice to myself it might be inferred from the statement of the gentleman from Kentucky and the statement of the gentleman from North Carolina that I was present when something was said that does not appear in the record. I do not recollect that it presented itself as the gentleman from New York states, but I rely upon the printed record where there is a record. I do not dispute what the gentleman states.

Mr. FITZGERALD. I understand that. I simply wished to make that statement so there will be no misunderstanding that there was any attempt to obtain information that would not be accessible to everybody.

Mr. CANNON. I do not so intimate.

Mr. SHERLEY. If the gentleman will permit. There was nothing in my statement that should ruffle the most sensitive nerve of the gentleman from Illinois. I am not reflecting upon him at all. He has made such criticisms of the bill as he saw proper. That is all right. I know I have been on the Committee on Appropriations for five years or more and we have dealt with the Panama Canal in this instance in no different way than we dealt with it in years gone by while Republicans were in control, and there was not the slightest intention on my part, and I am sure there was not on the part of any Democratic member on the committee, to in any way impede the work. I say this not because of what the gentleman from Illinois has said, but more particularly because of the statement that has gone out in the press.

There was in a morning paper in Washington to-day a statement to the effect that we had made a cut that was not only incomprehensible but the inference was that is was absolutely indefensible. Now, if the man who wrote that editorial had taken the trouble to read the hearings and obtained the information therein contained he would never have written it, but it is in keeping with much that has gone out to the public touching the recommendations for appropriations that happen to be below the estimates. The only way we can please some gentlemen in and out of the House is by giving exactly what any department asks, whether they need the money or not.

Mr. CANNON. If the gentleman will allow me just there?

Mr. PAGE. I will yield to the gentleman, but I will say there is some pressure being brought to bear upon me to close, and I desire to close my remarks in a few minutes.

Mr. CANNON. All I wanted to say was this. I do not know the gentlemen to whom the gentleman from Kentucky refers as being in the House who are not pleased unless full estimates are given. Those out of the House I do not know nor care.

I want to say to the gentleman that I am one of the Members of the House that never rush to the newspapers to give real information or misinformation.

Mr. SHERLEY. I take the gentleman's disclaimer. It was not necessary, because I did not suppose he had gone to the newspaper.

Mr. CANNON. After all, I am a Member of the House, and there is this omission in the appropriation, and I am willing to wait for the consideration of it.

Mr. PAGE. Mr. Chairman, I am sure when we come to the consideration of the items appropriating for the Panama Canal, under the five-minute rule, that those of us who are responsible for the amounts in this bill can justify to the House and to the

country that the appropriations we have made are not only ample for the continuation of that great work, but that they meet the approval of the chairman of the Isthmian Canal Commission.

Now, Mr. Chairman, reverting to one other matter, and in conclusion—because while other gentlemen have occupied a great deal of time that has been charged up to me, I have occupied a great deal more than was anticipated—I want before I close to revert to one other question.

Mr. MADDEN. May I interrupt the gentleman from North Carolina with relation to the canal?

Mr. PAGE. If you will be brief.

Mr. MADDEN. Does the gentleman know whether the force on the canal has been reduced? If so, how much?

Mr. PAGE. I think the information before the committee is that it has been materially reduced within the last six months.

Mr. MADDEN. Has the committee any information as to the number of men employed on the canal now?

Mr. PAGE. I think the latest testimony before the committee as to the number of men employed was at the time of the taking of the testimony on the Isthmus, in November, when the committee was there.

Mr. MADDEN. How does that compare with the previous years?

Mr. PAGE. I can not tell the gentleman, except that there was a reduction.

Mr. MADDEN. The reason I am asking these questions is this: It was with the idea, in fact, of ascertaining whether or not the force had been reduced sufficiently to justify a proportionate reduction.

Mr. PAGE. I think that is not only true, but the gentleman also knows that in the progress of the construction of the canal the efficiency of those employed has been vastly increased, much beyond the expectation of even the men who had the work in charge. In addition to the money appropriated in this bill, and I feel it is only fair to say that, they will have at least $5,000,000 of a surplus from the appropriations of last year.

Now, Mr. Chairman, there has been some evidence that there will be controversy upon the floor of the House relating to one other item when it is reached in the bill. I want at this stage of the discussion to submit just a few remarks concerning a belated estimate, although a great many belated estimates come before this committee, coming in even after the bill was ready to report to the House. There was one sent in by the Treasury Department recommending the appropriation of $500,000 for what is known as the epidemic fund—a fund that has existed since the nineties—to enable the President to suppress outbreaks of epidemics of contagious diseases specified in the original enactment, and quite a sum of money has been expended through the Marine-Hospital Service in the suppression of outbreaks of yellow fever, cholera, and the bubonic plague. The last appropriation made for this fund was carried in the sundry civil appropriation bill of 1909, and was in amount $750,000. In the years 1907 and 1908 there was an outbreak in the cities on the Pacific coast of bubonic plague, and a considerable amount of this money was expended under the authority of law and under the direction of the President for the stamping out of this oriental disease that has made its way to our shores. First and last, there has been expended from this fund in California a sum exceeding a million dollars. While there has not been a case of bubonic plague in a human being on the Pacific coast, I believe, since 1909, there is still being expended under this service about $14,000 a month in the eradication of rats and ground squirrels that are the conveyors of this disease to human beings.

I have no criticism to make of the expenditures that have been made from this fund by direction of the President and through this organization upon the Pacific coast and elsewhere. But it appeared to the committee that there was approximately $100,000 of this fund yet unexpended, and that the expenditures were almost entirely confined to the State of California for the exterminating of ground squirrels, at the rate of about $14,000 a month, and a simple calculation in arithmetic will demonstrate that it will not take the $100,000 carried in this appropriation to continue this work during the next year.

But, Mr. Chairman, in this connection I want to say that in the judgment of some people very much nearer to the existence of this supposed plague than those of us who are legislating here in Washington, the danger of the spread of the bubonic plague is a thing of the past in California, and it is due largely to the vigilance and the active work of the officials of the Marine-Hospital Service. It has cost, under the testimony submitted to the committee, something like $1,500 for every infected ground squirrel that has been killed in California. It is a pretty expensive hunting expedition. But it appeared to the committee—and it had some weight as to the amount of money that we appropriated for the continuance of this work upon the Pacific coast—that the State of California itself failed to make any appropriation for the continuance of this work during the last session of its legislature, or if there was legislation enacted it was vetoed by the governor.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. PAGE. I yield to the gentleman from California.

Mr. KAHN. Is the gentleman aware of the fact that there is a general law in the State of California which makes the charge a lien upon the property whenever the owner refuses to do his share of the work of killing the rodents upon his property and the local government performs that work? The cost of the extermination is a lien upon the property. Is the gentleman also aware of the fact that there is scarcely a county in the State of California having infected ground squirrels and rats where the owners of property and the counties themselves have refused to make appropriation for this work?

Mr. PAGE. Mr. Chairman, the fact that the gentleman states may be true. I do not care to controvert and can not controvert it, but the fact remains that the lien that the gentleman speaks of is absolutely ineffective because of the lack of legislative action on the part of the State of California to make it effective.

Mr. KAHN. I know the gentleman does not want to misstate the facts.

Mr. PAGE. Well, then, will the gentleman state the situation briefly?

Mr. KAHN. The policy of the Government is to go into those counties where there are large Government reserves. At present the counties are doing their work against the squirrels on land within their boundaries, but on the Government reserves the Government ought to do the work.

Mr. PAGE. Mr. Chairman, the testimony had before the committee does not correspond with the statement made by the gentleman from California—that Government money is to be expended only on Government land. On the contrary, the statement is in the record, made by the head of the Marine-Hospital Service, that this money has been expended in the various counties of California and in the cities outside, largely, of the Government reserves.

Mr. KAHN. Will the gentleman yield?

Mr. PAGE. The gentleman will excuse me. I am not going to make any further statement that he will controvert.

Mr. KAHN. I only want the gentleman to be fair toward the taxpayers of California.

Mr. PAGE. Oh, the gentleman will have ample time in which to discuss this subject under the five-minute rule.

Mr. KAHN. I am quite sure that the gentleman in his speech does not intend to make any unfair statement.

Mr. PAGE. Mr. Chairman, I will say in conclusion that while the gentleman from Illinois [Mr. CANNON] expressed his willingness to appropriate any amount of money that might be required for this fund, the committee felt absolutely justified in appropriating only the amount carried in this bill, on the ground that it was ample to meet any emergency that might arise, and has felt sure that the efficiency of the Marine-Hospital Service and our quarantine service, and its increased efficiency, if you please, has made it and will make it less necessary from year to year to expend large sums of money to keep out epidemics and plagues.

And now, Mr. Chairman, one word more and I shall close. I have been led far astray from the remarks that I intended to submit. I wanted only to point out in the bill, or in connection with the bill, some things that, in my judgment, confirmed by the testimony taken, would justify the committee in reductions that have been made in the appropriations carried by this appropriation bill.

We are willing as a committee to say to our colleagues on this side of the House and to our colleagues on that side of the House that we believe every single item carried by an appropriation in this bill is ample for the service for which it is appropriated; and in spite of the fact that the statement has repeatedly been made that we will be faced by deficits and deficiency appropriations I do not believe that even if the country is inflicted with a Republican administration for another four years, and God forbid, we will have deficiencies under these appropriations; and I know that if the future brings what we are expecting and what our friends on the other side of the Chamber are about ready to concede, a Democratic administration, we shall have, under this Democratic administration, not a deficit, but an economical administration of the executive departments of this Government that will bring surpluses and not deficiencies in the appropriations under this bill a year from now. [Applause.]

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June 30, 1913, namely:

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25969) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

GETTYSBURG ANNIVERSARY—CHANGE OF REFERENCE.

The SPEAKER. The Chair lays before the House the following request for a change of reference.

The Clerk read as follows:

By unanimous consent, the Committee on Military Affairs is discharged from further consideration of S. 6964, an act authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill and the same is referred to the Committee on Appropriations.

Mr. MANN. What is that request?

The SPEAKER. To change the reference of the bill to make arrangements to celebrate the fiftieth anniversary of the Battle of Gettysburg. The change of reference is requested at the suggestion of the chairman of the Committee on Appropriations and the chairman of the Committee on Military Affairs.

Mr. MANN. I will not object; but I do not see what jurisdiction the Committee on Appropriations has.

Mr. FITZGERALD. A bill was introduced in the House and it was referred to the Committee on Appropriations. The Senate passed a bill, which was referred to the Committee on Military Affairs. I called the attention of the chairman of the Committee on Military Affairs to the fact that the two bills ought to be in the hands of one committee. I have no particular desire to control the matter.

Mr. MANN. This is a Senate bill?

Mr. FITZGERALD. Yes.

Mr. MANN. Of course, the Committee on Appropriations would have jurisdiction to report it if it is a Senate bill referred to that committee.

The SPEAKER. Is there objection?

There was no objection.

VIEWS OF MINORITY ON COTTON BILL (H. REPT. NO. 829, PT. 2).

Mr. PAYNE. The views of the minority were to be filed today on the cotton bill, H. R. 25984. The gentleman from Pennsylvania [Mr. DALZELL] who has them is not here just now. I ask that the time be extended for one day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend the time for one day in which to file the views of the minority on the cotton bill. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9061. An act limiting hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes; and

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7092. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public land for reservoir purposes; to the Committee on the Public Lands.

DUPLICATE ENGROSSED COPY OF IMMIGRATION BILL.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution (H. Res. 574) was read as follows:

Resolved, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 3175) entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will ask who makes this request?

The SPEAKER. The gentleman from Alabama [Mr. BURNETT]. The engrossed bill has been lost or mislaid, and we are merely asking for a copy of it.

Mr. MANN. Where was it lost?

Mr. BURNETT. I do not know.

Mr. MANN. We have had so many of these losses, I should like to have some explanation.

Mr. BURNETT. The Clerk's books show that the bill was signed for by the messenger of our committee, and the clerk of our committee says he has not seen the bill; that it has not reached him.

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman if the enrolling clerk holds the receipt of the Committee on Immigration?

Mr. BURNETT. The messenger does.

Mr. MANN. What was the bill?

Mr. BURNETT. The bill known as the Dillingham immigration bill, a Senate bill.

The SPEAKER. And the gentleman's resolution is asking for a copy.

Mr. MANN. I have a curiosity to know, Mr. Speaker, how so many engrossed bills get lost—whether it is because we dispensed with the messenger whose business it was to deliver bills to the committees. I suspect that is the reason.

The SPEAKER. The gentleman from Alabama states that the clerk of the enrolling committee has the receipt of his messenger. That is as far as the Chair has obtained any information.

Mr. MANN. The old practice was for the messenger to take the bills to the committees and take receipts from the clerk of the committee, and very seldom was a bill lost. Now they drop them on the sidewalk between here and the Office Building. [Laughter.]

Mr. GARNER. Mr. Speaker, if any committee of the House of Representatives has a messenger who is incapable of carrying a bill from the desk to the office to which it belongs he ought to be fired.

Mr. MANN. There are many messengers around here that I would not intrust with an engrossed or an enrolled bill.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

DEATH OF SENATOR NIXON, OF NEVADA.

Mr. ROBERTS of Nevada. Mr. Speaker, it is my solemn and painful duty to announce to the House the death of the Hon. GEORGE S. NIXON, a United States Senator from the State of Nevada. Thus has ended the life of an honored and useful servant and one who was universally respected. At some future time I shall ask that a date be set apart to pay proper tribute to his memory. I now offer the following resolutions, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 575.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE S. NIXON, a Senator of the United States from the State of Nevada.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 12 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER announced the committee of Members to attend the funeral as follows: Mr. ROBERTS of Nevada, Mr. LANGHAM of Pennsylvania, Mr. BOWMAN of Pennsylvania, Mr. RAKER of California, Mr. HAMILTON of West Virginia, Mr. DYER of Missouri, Mr. GOULD of Maine, Mr. MURRAY of Massachusetts, Mr. RUBEY of Missouri, Mr. LANGLEY of Kentucky, Mr. YOUNG of Kansas, and Mr. GREENE of Massachusetts.

ADJOURNMENT.

The SPEAKER. The Clerk will read the next resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to; accordingly (at 3 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Friday, June 7, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting estimate of deficiencies in appropriations for the Marine Corps (H. Doc. No. 820) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLDFIELD, from the Committee on Patents, to which was referred the bill (H. R. 23568) to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, reported the same with amendment, accompanied by a report (No. 847), which said bill and report were referred to the House Calendar.

Mr. McGILLICUDDY, from the Committee on the Judiciary, to which was referred the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected, reported the same with amendment, accompanied by a report (No. 848), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RICHARDSON, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 842), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4568) granting an increase of pension to Annie R. Schley, reported the same with amendment, accompanied by a report (No. 843), which said bill and report were referred to the Private Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 19149) for the relief of the legal representatives of Mrs. L. R. Goodlett, deceased, reported the same with amendment, accompanied by a report (No. 844), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 845), which said bill and report were referred to the Private Calendar.

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 24598) for the relief of Jesus Silva, jr., reported the same without amendment, accompanied by a report (No. 849), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred sundry bills, reported in lieu thereof a resolution (H. Res. 528) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138), accompanied by a report (No. 846), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11497) granting an increase of pension to Perry S. Grindle, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 25167) to regulate the use of public-school buildings and grounds in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OLDFIELD: A bill (H. R. 25168) to provide for the erection of a public building at Clarendon, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. SISSON: A bill (H. R. 25169) to tax the manufacture and sale of deadly weapons, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 25170) to tax the manufacture and sale of deadly weapons, and for other purposes; to the Committee on Ways and Means.

By Mr. FERGUSSON: A bill (H. R. 25171) to authorize the exploration and purchase of mines within the boundaries of private land claims; to the Committee on Mines and Mining.

By Mr. HAMLIN: A bill (H. R. 25172) granting to Ralph Morrison rights, in so far as the interest of the United States may be affected, to construct and maintain a dam across the Osage River for the development of water power and to generate electricity, at a point about 3 miles above the town of Warsaw, Benton County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 25173) to establish a mining experiment station at Lander, in the State of Wyoming; to the Committee on Mines and Mining.

By Mr. CARTER (by request): A bill (H. R. 25174) providing for the purchase of permanent improvements on the segregated mineral lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 25175) granting pensions to certain soldiers who served in the Indian wars and their widows; to the Committee on Pensions.

By Mr. SMITH of Texas: A bill (H. R. 25176) to provide for a post-office building at El Paso, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: Resolution (H. Res. 573) to print 100,000 copies of three-year homestead act; to the Committee on Printing.

By Mr. STEPHENS of Texas: Memorial of the legislature of the State of New Mexico, asking for allotment and opening of the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

By Mr. ESCH: Memorial of the Legislature of the State of New Mexico, praying to be placed in judicial circuit with Oklahoma, Kansas, and Colorado; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking Congress to place a specific duty on wool on the scoured-shrinkage basis; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying that Congress allot and open the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. BATHRICK: A bill (H. R. 25177) granting a pension to Maria C. Waste; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 25178) granting an increase of pension to Caroline McPhail; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 25179) granting a pension to William H. Wise; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25180) granting a pension to David Melton; to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 25181) granting an increase of pension to Rosanna Thompson; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 25182) granting an increase of pension to Virgil M. Wilson; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 25183) granting a pension to William H. Magee; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25184) granting a pension to Charles Wedeke; to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 25185) granting a pension to David T. Kirby; to the Committee on Pensions.

Also, a bill (H. R. 25186) for the relief of the legal representatives of Mary S. Brennan, deceased; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 25187) for the relief of H. G. and Minna Kassahn; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 25188) granting an increase of pension to William F. Bartlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25189) granting an increase of pension to Susan Keating; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 25190) granting an increase of pension to William H. Partridge; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 25191) granting a pension to Maud Perkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of members of Socialist societies of the States of West Virginia, New York, and Texas, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the committee on American steamship affairs, relative to placing in its old position the Frying Pan Shoals (N. C.) light vessel; to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Joseph Society, No. 83, Cleveland, Ohio; Towarzystwo Boskiego Serca Jezus Society, No. 229, Plymouth Rock, Pa.; St. Joseph Society, No. 227, Dayton, Ohio; Matki Boskiej Tuchowskiej Society, No. 443, Chicago, Ill.; Gann III Sobieskiego Society, No. 27, Stamford, Conn.; Korony Polskiej Tropr N. M. P. N. P. Society, No. 540, Chicago, Ill.; Society No. 522, Bridgeport, Ohio; N. M. P. Krol Kor Polskry Society, No. 63, La Salle, Ill.; St. Josaphate Society, No. 61, Buffalo, N. Y.; St. Stanislaus Kostker Society, No. 457, Everson, Pa.; The Polish Kas Hes I. R. K. U. Society, No. 401, Syracuse Omsage, N. Y.; St. Adalbert Society, No. 334, East St. Louis, Ill.; St. John Evangieliska Society, No. 394, Milwaukee, Wis.; St. Mary of Perpetual Help Society, No. 328, Cicero, Ill.; and St. John Baptist Society, No. 133, Wilkes-Barre, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTLETT: Petition of the Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON (by request): Petition of Tombigbee Lodge, No. 420, Brotherhood of Locomotive Firemen and Engineers, against passage of workmen's compensation bill; to the Committee on the Judiciary.

Also (by request), petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Resolutions of the Franklin Club; St. Stanislaus Society, No. 410; and St. Valentine Society, No. 383, of Polish Roman Catholic Union of America, of Cleveland, Ohio, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Manila Merchants' Association of Manila, P. I., favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petitions of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of the Gardner and other bills restricting immigration, and of the American Vigilance Association of New York, favoring passage of amendment providing inspectors and matrons on duty on vessels carrying immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Abram Mathias, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, prohibiting use of trading coupons; to the Committee on Ways and Means.

Also, petition of the National Civil Service Reform League, against clause in House bill 24023 relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. CALLAWAY: Petition of citizens of the State of Texas, against passage of the Owen bill, relative to national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of the Second Ward Socialist Club of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the St. Louis Retail Jewelers' Association, of St. Louis, Mo., against passage of Senate bill 6273 and House bill 23417, providing for amendments to the patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of the Jewish Women's Organizations of Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Swedish Methodist Episcopal Church, of Rockford, Ill., in favor of the passage of the Kenyon-Sheppard interstate-commerce liquor bill; to the Committee on the Judiciary.

Also, petition of Daniel Green, of Newport, Del., and of John Tisdale, of Chattanooga, Tenn., favoring the passage of House bill 1339, to increase pensions of certain soldiers of the Civil War who lost an arm or a leg; to the Committee on Pensions.

Also, petition of Lloyd Odend'hal, Baltimore, Md., protesting against the proposed plan to dispense with the execution of pension vouchers as provided in House bill 18985; to the Committee on Appropriations.

By Mr. GALLAGHER: Petition of the Polish Women's Patriotic Club of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of St. Casimirs Society, No. 579, of Passaic, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of the Chicago Association of Commerce, favoring passage of House bill 18327, relative to preparation and printing of a national directory of the commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Conference of Jewish Women's Organizations of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Providence Board of Trade, Providence, R. I., protesting against passage of House bill 21969, prohibiting ships interested in by railway corporations from using the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Petition of the Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, and Local Union No. 1715, United Brotherhood of Carpenters and Joiners of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REYBURN: Resolution of the Order of Independent Americans, Francisville Council, No. 837, of Philadelphia, Pa., favoring passage of the Dillingham bill providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the Manila Merchants' Association, favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Rochester Chamber of Commerce, favoring the passage of the 1-cent postate rate for letters; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Shoe Retailers' Association, Memphis, Tenn., protesting against passage of the Campbell bill requiring all goods to be marked with the manufacturer's name; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Resolution of the State council of Pennsylvania, State Camp, Patriotic Order Sons of America, citizens of Philadelphia, Pa., and Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the German-American Alliance of Philadelphia, Pa., and Arbeiter Kranken und Sterbe-Kasse of the United States, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Manila Merchants' Association, of Manila, P. I., favoring sale of the Philippines friar lands; to the Committee on Insular Affairs.

Also, resolution of the Rochester Chamber of Commerce, of Rochester, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the legislative committee, Department of Connecticut, U. S. V. P., of Hartford, Conn., favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. WEBB: Petition of voters of Charlotte, Mecklenberg County, N. C., favoring passage of an effective interstate liquor bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Rochester Chamber of Commerce, favoring passage of the 1-cent postage rate for letters; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, *June 7, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

HOMESTEAD ENTRIES (S. DOC. NO. 783).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of April 30, 1912, a tabulated statement showing number of applications which have been made for the listing of lands for homestead entries within national forests under the act of June 11, 1906, etc., which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed,

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

John T. McKnight *v.* United States (S. Doc. No. 782);

William A. McMurtrey *v.* United States (S. Doc. No. 781);

Mary E. Neal, widow of Curren G. Neal, deceased, *v.* United States (S. Doc. No. 780);

Fannie R. Teal and Laura E. Fisher, daughters and sole heirs of Henry H. Neff, deceased, *v.* United States (S. Doc. No. 779);

Mary L. Oliver, widow of Joseph J. Oliver, deceased, *v.* United States (S. Doc. No. 778);

Daniel O'Sullivan *v.* United States (S. Doc. No. 777);

Robert T. Paine *v.* United States (S. Doc. No. 776);

Arthur S. Palmer *v.* United States (S. Doc. No. 775);

Martin S. Perkins *v.* United States (S. Doc. No. 774);

John Perrott *v.* United States (S. Doc. No. 773);

Francis M. Pickins *v.* United States (S. Doc. No. 772);

Emma J. Pinkley, widow of Samuel C. N. Pinkley, deceased, *v.* United States (S. Doc. No. 771);

Louisa Pinkney, widow of Bertine Pinkney, deceased, *v.* United States (S. Doc. No. 770);

Elizabeth E. Power, widow of Charles A. Power, deceased, *v.* United States (S. Doc. No. 769);

Alva K. Skaro, Edwin A. Skaro, and Clara Skaro Stangland, children and sole heirs of Asgrim K. Skaro, deceased, *v.* United States (S. Doc. No. 768);

Jennie V. V. Wolcott, widow of Richmond Wolcott, deceased, *v.* United States (S. Doc. No. 767);

Lydia A. Whitmore, widow (remarried) of James W. George, deceased, *v.* United States (S. Doc. No. 766); and

Laura O. Mundy, widow of William H. Mundy, deceased, *v.* United States (S. Doc. No. 765).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendments to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALEXANDER, Mr. HARDY, and Mr. HUMPHREY of Washington managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, the original having been lost.

The message further transmitted to the Senate resolutions of the House on the death of Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

The message also announced that the Speaker of the House had appointed Mr. ROBERTS of Nevada, Mr. LANGHAM of Pennsylvania, Mr. BOWMAN of Pennsylvania, Mr. RAKER of California, Mr. HAMILTON of West Virginia, Mr. DYER of Missouri, Mr. GOULD of Maine, Mr. MURRAY of Massachusetts, Mr. RUBEY of Missouri, Mr. LANGLEY of Kentucky, Mr. YOUNG of Kansas, and Mr. GREENE of Massachusetts the committee on the part of the House to attend the funeral of the deceased.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 7510. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes;

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek in Berkeley County, S. C.; and

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Amalgamated Ladies' Garment Cutters' Association of New York City, remonstrating against the adoption of the so-called literacy test amendment to the immigration law, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry citizens of Forest Park, Ill., remonstrating against the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Champaign, Ill., remonstrating against the enactment of legislation to prohibit the fixing of resale prices on patented goods, which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Virden, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the St. Hedwing's Building and Loan Association, of Chicago, Ill., and a memorial of the Labe Building and Loan Association, of Chicago, Ill., remonstrating against the enactment of legislation levying a special excise tax on building and loan associations, which were ordered to lie on the table.

He also presented resolutions adopted by the Illinois State Branch, United National Association Post Office Clerks, in convention at Decatur, Ill., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which were ordered to lie on the table.

He also presented a petition of the Association of Commerce of Chicago, Ill., praying for the enactment of legislation authorizing the preparation and printing of a national directory of the commercial organizations of the United States, which was referred to the Committee on Manufactures.

He also presented resolutions adopted by the Illinois State Branch, United National Association of Post Office Clerks, in convention at Decatur, Ill., favoring the enactment of legislation providing for an 8-hour day to be worked within 10 hours for post-office clerks and mail carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 476, United Brotherhood of Carpenters and Joiners of America, of New York City, praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Congress Heights Citizens' Association of the District of Columbia and of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. JONES presented a telegram in the nature of a petition from members of the Snohomish County Medical Society, of Washington, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Port Orchard, Ballard, Nachese, North Yakima, Granger, Brewster, and Seattle, all in the State of Washington, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. WETMORE presented a memorial of the Board of Trade of Providence, R. I., remonstrating against the enactment of legislation in connection with the Panama Canal that will prevent railroad companies from operating steamship lines, which was referred to the Committee on Interoceanic Canals.

REPORTS OF COMMITTEES.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to which was referred the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 861) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. McCUMBER, from the Committee on Indian Affairs, to which was referred the bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, reported it without amendment and submitted a report (No. 849) thereon.

Mr. SMOOT, from the Committee on Pensions, to which was referred the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield, reported it with an amendment and submitted a report (No. 850) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation, reported it with an amendment and submitted a report (No. 851) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 6686) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes, reported it without amendment and submitted a report (No. 852) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 26993. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River (Rept. No. 853); and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co. its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the main land, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands" (Rept. No. 854).

Mr. STEPHENSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6650) for a site and the erection of a public building at Ripon, Wis., reported it without amendment.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont, reported it without amendment and submitted a report (No. 855) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 1001) to correct the military record of Andrew Floyd and grant him an honorable discharge, reported it with an amendment and submitted a report (No. 856) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1589. A bill to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States (Rept. No. 857); and

S. 2147. A bill for the relief of James L. Chase (Rept. No. 858).

Mr. MYERS, from the Committee on Indian Affairs, to which was referred the bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, reported it with an amendment and submitted a report (No. 859) thereon.

Mr. BURTON, from the Committee on Commerce, to which was referred the bill (H. R. 19674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana, reported it without amendment and submitted a report (No. 860) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6918) increasing the cost of erection of a United States post-office building at Hillsboro, Tex., reported it without amendment and submitted a report (No. 862) thereon.

LIFEBOATS ON ARMY TRANSPORTS.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably, with an amendment, the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports. I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. OVERMAN. Is that an emergency appropriation, I should like to inquire?

Mr. DU PONT. It is an appropriation placed in the bill and passed by the House. It is designed to protect the lives of officers and soldiers and crew who are on Government transports by properly equipping the transports with lifeboats and other life-saving apparatus.

Mr. OVERMAN. Has it been estimated for?

Mr. DU PONT. The bill came from the House, and estimates are always considered there. I presume it was estimated for. I am not able to answer the question.

Mr. OVERMAN. Has it been considered in a Committee on Appropriations?

Mr. DU PONT. It undoubtedly has been in the House. It has passed the House and was considered here by the Committee on Military Affairs.

Mr. OVERMAN. I should like to know why we are called on to appropriate $300,000 in this way, and why it is not included in the regular appropriation bill.

Mr. GALLINGER. I will ask to have the bill read again.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill.

The Secretary again read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LODGE. It is reported from the Committee on Military Affairs?

The VICE PRESIDENT. The Committee on Military Affairs reported the bill, and the Senator from Delaware has asked for its present consideration.

Mr. OVERMAN. I can not understand why it has not been before some Appropriation Committee that handles these bills.

Mr. LODGE. The Committee on Military Affairs has charge of the Army appropriation bill. That is an appropriation committee.

Mr. OVERMAN. Why was it not included in the Army appropriation bill if it is not an emergency appropriation?

Mr. LODGE. I suppose it came in too late.

Mr. OVERMAN. I should like to know something more about it.

Mr. LODGE. The object is to protect Government transports with lifeboats. We have just had a pretty serious example of the absence of lifeboats, and it seems to me it is a wise thing to do.

Mr. DU PONT. I will state that it is designed to meet a special emergency in view of the lesson the country and the world has received as to the result of inadequate life-saving appliances.

Mr. OVERMAN. I wish to know something about the merits of the measure and why such a large amount of money should be appropriated by a simple bill for the purpose.

Mr. DU PONT. It is a House bill. It has passed the House.

Mr. OVERMAN. The House may do things that are right and they may do things that are not right. I am not making any objection, however, to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was, on page 1, line 7, after the word "rafts," to insert: "including such number of steel self-righting, self-bailing motor lifeboats for each vessel as the Secretary of War may deem advisable."

So as to make the bill read:

That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of equipping all Army transports with all lifeboats and rafts, including such number of steel self-righting, self-bailing, motor lifeboats for each vessel as the Secretary of War may deem advisable, necessary to accommodate every person for whom transportation facilities are now provided on said transports, and the crew of said transports; said sum to be expended under the direction of the Secretary of War, who is hereby directed to make to Congress an itemized statement showing how the sum aforesaid has been expended.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 7063) granting a pension to Blanche Wood; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7064) to regulate the use of public-school buildings and grounds in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. HEYBURN:

A bill (S. 7065) granting an increase of pension to Ephraim W. Baughman (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE (for Mr. CRANE):

A bill (S. 7066) granting a pension to James E. C. Sawyer; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 7067) to relinquish the title of the United States to Arpent lot 79, old city of Pensacola, Escambia County, Fla.; to the Committee on Public Lands.

A bill (S. 7068) granting an increase of pension to Mary C. Grant (with accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7069) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 7070) granting a pension to Elizabeth Crockett; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WORKS submitted an amendment proposing to appropriate $10,000 as an additional amount toward the erection of a public building in Santa Barbara, Cal., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $200,000 for the construction of a general administration building at the new Army supply depot, Fort Mason, Cal., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment authorizing the President to appoint William E. Farrell, late midshipman, an ensign in the United States Navy, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing that the salary of one of the clerks for assistant paymasters in the Marine Corps be $1,500 per annum, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. ROOT submitted an amendment relative to contract or contracts entered into in connection with the construction of the Isthmian Canal, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. HEYBURN submitted an amendment authorizing Senators, Representatives, and Delegates in Congress to send by registered mail, free of charge, United States maps, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $74,000 for additional books authorized to be furnished under section 229 of the act to codify, revise, and amend the laws relating to the judiciary, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $30,000 to pay to the National Irrigation Congress to assist in defraying the expenses of the twentieth annual meeting of the Congress to be held at Salt Lake City, Utah, commencing September 30, 1912, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts ap-

proved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

DONATION OF CANNON.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War in his discretion to deliver to certain cities and towns condemned bronze or brass cannon with carriages and outfit of cannon balls, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities condemned bronze and brass cannon with their carriages and outfit of cannon balls, which was referred to the Committee on Military Affairs and ordered to be printed.

THE MISSISSIPPI RIVER.

Mr. WILLIAMS submitted the following concurrent resolution (S. Con. Res. 23), which was read and referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Mississippi River Commission be instructed to report to Congress a plan for the complete control of the Mississippi River for the purpose of preventing floods and in the interest of navigation, and an estimate of the cost thereof, including such dredging, canalizing at sharp bends, revetting, continuous leveeing on both banks thereof, flood gates, and any and all other work as may seem to them to be a part of a complete plan, and that the necessary steps to make the report be taken at once, so that the report may be in the hands of Congress at the earliest possible opportunity.

RENTALS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, I desire to offer a concurrent resolution, and before the resolution is read I wish to say that in view of the discussion a few days ago concerning the rental of buildings in the District of Columbia, I have received several letters, two from the owners of property, saying that the matter was not fairly presented, and one from a private citizen who says that the Government is renting more or less space in a building or buildings owned by the Government at a price far below what the Government ought to receive, this party saying that he is prepared to pay twice the amount the Government is receiving. He insists that this matter ought also to be looked into.

I offer this concurrent resolution for the creation of a joint committee to look into the matter, which I think is desirable. There is no purpose on my part to do the owners of property which is rented to the Government an injustice. The proposed inquiry will clear the matter up. The resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The concurrent resolution (S. Con. Res. 22) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint special committee of the two Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the Presiding Officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed, by subcommittee or otherwise, to sit during the sessions or recess of Congress, to carefully inquire into the possibility of better utilizing space in the several departments of the General Government and the District of Columbia, and also to make a thorough investigation of the rentals paid by the Government and the District of Columbia. Said committee is authorized to employ a stenographer and such other assistants as may be necessary, and shall conclude its investigation and report to the Sixty-third Congress the result thereof, together with its recommendations concerning such legislation, if any, as may be advisable. The expenses incurred by said committee shall be paid equally out of the contingent funds of the Senate and the House of Representatives, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On June 6, 1912:

S. 3367. An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads;

S. 125. An act to permit the American Academy in Rome to enlarge its purposes, and for other purposes;

S. 405. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands; and

S. 6614. An act to authorize the construction of a pontoon bridge across the Red River of the North between Pembina, N. Dak., and St. Vincent, Minn.

On June 7, 1912:

S. 4572. An act to designate Walhalla, Neche, and St. John, in the State of North Dakota, subports of entry, and to extend the privileges of the first section of the act of Congress approved June 10, 1880, to said subports.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and there being no objection the request was ordered to be complied with.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows or dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the

House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE managers at the conference on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 17290. An act to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, was read twice by its title and referred to the Committee on Mines and Mining.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

Mr. OVERMAN. Mr. President, I suggest the want of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Smith, Md.
Bacon	Curtis	Lorimer	Smith, S. C.
Bourne	Dillingham	McCumber	Smoot
Bradley	du Pont	McLean	Stephenson
Brandegee	Foster	Martin, Va.	Stone
Briggs	Gallinger	Myers	Sutherland
Bristow	Gardner	Nelson	Thornton
Brown	Gronna	Overman	Tillman
Bryan	Guggenheim	Page	Townsend
Burnham	Heyburn	Perkins	Wetmore
Burton	Hitchcock	Pomerene	Works
Catron	Johnston, Ala.	Root	
Clapp	Jones	Shively	
Cullom	Kern	Simmons	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, before proceeding with a discussion of the evidence to-day, I desire to refer briefly to a colloquy between the Senator from Illinois [Mr. LORIMER] and myself on Tuesday last, which evidently grew out of a misunderstanding as to what I said, or what I intended to say, concerning the motives which probably prompted his proffered support of Gov. Deneen for the Senatorship prior to his own avowed candidacy. I intended to say, and thought I did say, that this support was offered not because the Senator from Illinois loved Gov. Deneen but because he wanted him out of the governor's office, that his friend, the lieutenant governor, might have that position, thereby giving to the Senator and his friends full control of the political situation in Illinois. The Senator from Illinois understood me to say that the offered support was because he loved Gov. Deneen. It may be that by a slip of the tongue I used that language, but it will be quite apparent to anyone who heard the evidence that a statement that the Senator was offering to support Gov. Deneen because of personal affection would have been utterly ridiculous. I certainly had no such thought in my mind.

I was proceeding, at the conclusion of my remarks on Tuesday, to show the absurdity and the utter unreliability of the testimony of Paul McCann, the page who was produced to overthrow the very damaging testimony of Representative George W. Meyers, who, with great positiveness, had testified that before the roll call on the senatorial vote he, fixing the time at about 20 minutes before the commencement of the roll call, had gone to Lee O'Neil Browne's desk in response to the latter's request, and was then and there urged by the latter to support Senator LORIMER, Browne tempting him with the statement as to the State jobs yet remaining for distribution, and also, to use his own language, "plenty of the necessary." Paul McCann testified positively that on that day he stood by Lee O'Neil Browne's desk from 10 o'clock in the morning until 5 minutes before 12, when, at Browne's request, he went to the clerk's desk to procure some blank roll calls, which did not occupy more than 5 minutes; that he then resumed his position at Browne's desk, and remained there throughout the proceedings attending the senatorial election; that at no time during that period, which would be from 10 o'clock in the morning to 2 or 3 o'clock in the afternoon, did Mr. Meyers or anybody else approach the desk of Mr. Browne, and that Mr. Meyers could not have gone to Browne's desk during the five-minute period that he was getting the roll calls without his seeing him. I now read from page 6990 of the testimony. After testifying that between 10 and 12 o'clock the legislature was at work reading bills most of the time, his examination proceeded as follows:

Senator JONES. Were not the members sending the pages for anything during that time?
Mr. McCANN. No, sir.
Senator JONES. So that you say now, positively, that you never left Browne's desk from 10 o'clock until about 5 minutes before 12 that morning?
Mr. McCANN. Yes, sir.
Senator JONES. You stood right there by him all the time?
Mr. McCANN. Yes, sir.
Senator JONES. Did he sit there in his desk all the time?
Mr. McCANN. Yes, sir.
Senator JONES. He never got up?
Mr. McCANN. No, sir.

Reading again from page 6993:

Senator JONES. Were all the members in their seats that day between 10 o'clock and 12?
Mr. McCANN. No, sir.
Senator JONES. How many were not in their seats?
Mr. McCANN. Oh, I could not tell you that.
Senator JONES. A great many?
Mr. McCANN. Yes; about half of them.
Senator JONES. About half of them?
Mr. McCANN. Yes.
Senator JONES. Were the others on the floor, or were they outside of the chamber?
Mr. McCANN. On the floor.
Senator JONES. What were they doing?
Mr. McCANN. Conferring.
Senator JONES. Walking around here, there, and yonder?
Mr. McCANN. Yes, sir; buying newspapers.
Senator JONES. And yet you say none of them came to Browne's desk that morning?
Mr. McCANN. Yes, sir.
Senator JONES. Between 10 and 12?
Mr. McCANN. Yes, sir.
Senator JONES. Did anybody come to his desk between 10 and 12 on the 25th?—

That being the day before—

Mr. McCANN. I do not remember that.
Senator JONES. You do not remember whether they did or not?
Mr. McCANN. No, sir.
Senator JONES. Why do you not remember that?
Mr. McCANN. Because I do not remember it.
Senator JONES. Was there any reason why you should remember the 26th rather than the 25th?
Mr. McCANN. Yes, sir.
Senator JONES. Why?
Mr. McCANN. Because it was more excitable that day than usual.
Senator JONES. Were they all excited at 10 o'clock?
Mr. McCANN. Yes, sir.
Senator JONES. How did they manifest their excitement?
Mr. McCANN. By going to each other, laughing, and making more noise; more excitement all around.
Senator JONES. They were going around generally, talking to each other and laughing?
Mr. McCANN. Yes, sir.
Senator JONES. And yet you mean to say that nobody came to Browne and talked to him?
Mr. McCANN. Yes, sir.

Reddling, again, from page 6969:

Senator LEA. And during that whole period of time not a single other member of the legislature came to his desk?
Mr. McCANN. No, sir.
Senator LEA. You are positive of that?
Mr. McCANN. Yes, sir.
Senator LEA. You would remember if they had done so?
Mr. McCANN. Yes, sir.
Senator LEA. The other members, as I understand it, were visiting each other?
Mr. McCANN. Yes, sir.
Senator LEA. But no one visited Mr. Browne and he visited no one?
Mr. McCANN. No, sir.
Senator LEA. You are absolutely positive of that?
Mr. McCANN. Yes.
Senator LEA. Your recollection is clear?
Mr. McCANN. Yes, sir.

Again, on page 6971, referring to Browne:

Senator JONES. On the 26th, from the time he came in there at 10.30, what did he do until noon?
Mr. McCANN. He read the morning papers.
Senator JONES. How do you remember that?
Mr. McCANN. Because I remember seeing him.
Senator JONES. You remember seeing him do it?
Mr. McCANN. Yes; I was standing in front of him.

Again, reading from page 6985:

Mr. MARBLE. Mr. Browne was right there in his seat from half past 10 o'clock in the morning until about half past 2 or 3 o'clock?

Mr. MCCANN. I do not know whether it was half past 10 or not; it was between 10 and 10.30.

Mr. MARBLE. From the time he came in, between 10 and 10.30?

Mr. MCCANN. Yes.

Mr. MARBLE. He was right there in his seat?

Mr. MCCANN. Right there in his seat.

Mr. MARBLE. And he never left at all?

Mr. MCCANN. He never left.

Mr. MARBLE. Until after the senate went out.

Mr. MCCANN. Until the senate went out.

Mr. MARBLE. And nobody came and spoke to him in that time?

Mr. MCCANN. No.

Mr. MARBLE. You are just as sure of all of that as you are that Mr. Meyers did not come and speak to him?

Mr. MCCANN. Yes.

Mr. MARBLE. Absolutely?

Mr. MCCANN. Yes; absolutely.

Mr. MARBLE. You had no chair there?

Mr. MCCANN. No, sir.

Mr. MARBLE. You stood up all the time?

Mr. MCCANN. Yes.

Mr. MARBLE. Did you get pretty tired?

Mr. MCCANN. Yes, sir.

George W. Alschuler, one of Senator LORIMER's active Democratic supporters and a personal enemy of Senator Hopkins, testified that it was from three-quarters of an hour to an hour after the members of the senate entered the hall of the house for the joint session before the voting began (p. 6091); that he did not observe Browne's movements between 10 and 12 o'clock (p. 6086); that he might have talked to numerous members within that time, but after the senate came in Browne sat quietly all the time, except when speaking, for two hours, and during that time no member approached his desk or talked to him.

I read from his testimony, volume 6, page 6094:

Senator KERN. So during the whole two hours he sat there surrounded by these members, but practically alone, in that nobody spoke to him and he did not speak to anybody. Is that true or not?

Mr. ALSCHULER. That is my judgment.

Senator KERN. No, no. Do you remember that as an independent fact?

Mr. ALSCHULER. It is true; yes. It is true. I swore to the fact that it was true. But now there may be a possibility—I may swear to a thing and still be mistaken, you understand. I may swear that you are sitting there, and you may not be there. But I swear that for that period of two hours I was watching Mr. Browne; I could not help but watch him. I was sitting back of him, and I could not help but see Mr. Browne; and if anybody had come there within those two hours I would have known it.

Senator KERN. Yes. And therefore you are entirely positive that during the two hours nobody spoke to him and he spoke to nobody?

Mr. ALSCHULER. That is the best of my knowledge and belief.

I might observe here that this boy McCann, who was then perhaps 16 years old and probably 18 when he testified—though I am not sure as to that—has been provided for. He has been given a place in the sheriff's office in Sangamon County, Ill., just as Robert E. Wilson, that notorious member who paid out the jack-pot money at St. Louis, was, after his infamy was disclosed, given a lucrative position in the county clerk's office of Cook County, which he now holds. And Senator Jandus, the man who corroborated Broderick's testimony, which testimony is now conceded to be false, has been given a lucrative place in a county office in Cook County, which he now holds. It shows a method in taking care of witnesses there. It is the same method that was proposed, as I shall show later on, by Lee O'Neil Browne with Charles A. White in order to quiet him when he began to show signs of recalcitrancy.

But to go on with this; the testimony of McCann is contradicted by that of Representative Henry A. Shephard, a Democratic friend of Senator LORIMER, who voted for him on the last ballot and who figures prominently in this investigation.

Mr. Shephard testifies as to Browne's movements just before the senate members entered the house for the joint session. After referring to a conversation with Representative Alschuler, his examination proceeded as follows. I will read all of Mr. Shephard's testimony on this point at this time, because it not only throws light on the question as to where Browne was and what Browne was doing immediately before the vote commenced, but it also throws light upon the question as to why Mr. Shephard, a Democrat, voted for Mr. LORIMER on the last ballot:

He—

George W. Alschuler—

had been out somewhere and came in to take his seat. As I recall that conversation—they had nicknamed me "Shep"—he said, "Shep, there is going to be something doing to-day for United States Senator." He said, "Are you with us?" I replied, "For LORIMER?" He said, "Yes." "No; not me, George," I replied. That closed that conversation.

Skipping a few questions that are immaterial, Mr. Shephard proceeds:

Then, after that, perhaps 10 minutes, or perhaps a little more than 10 minutes, Lee O'Neil Browne came down the aisle. My seat was on the aisle. He asked me if he could see me a few moments. We went back to the main entrance to the assembly room, and we stood by the side of the door and conversed. He asked me if I was not going to vote for LORIMER. I said, "No, Lee; I can not do it." He said, "Are you going to throw us all down?" I said, "I never threw anybody down in my life. I never promised you that I would vote for LORIMER." Then I recalled the conversation that I had had with him the night in the St. Nicholas Hotel.

Mr. MARBLE. Tell us what you said about it.

Mr. SHEPHARD. I said, "You remember the conversation I had with you in the St. Nicholas Hotel that night, when I made the remark that I could be induced to vote for LORIMER if I could get a promise from him that that postmaster should not be appointed, and your reply to me was, 'That can not enter into it,' and I answered you then, 'Well, nothing else will induce me to vote for him'"; and he said, "I answered you in that way because I supposed that your Congressman was a Republican and that it would be up to the Congressmen to appoint the postmasters." He said, "I had forgotten that Mr. RAINEY was the Congressman from your district, a Democratic district." He said, "The Senators, Senator CULLOM, and Senator LORIMER if he is elected, will appoint all the postmasters in Democratic districts." He said, "LORIMER will make you that promise." I hesitated. I said, "I don't like to do it, Lee." He said, "Well, we have been expecting you to vote for him." I said, "You have been reckoning without your host. I never intended to and never promised that I would vote for him." After some hesitation I said, "Well, do you suppose he would make me that promise now?" He replied, "I know he will, and he will keep it." He went on, "He is back in the speaker's room; go back and see him." I hesitated a few minutes. "Well," I said, "I believe I will"; and I went back, and I saw Mr. LORIMER in the speaker's room. Do you want my conversation?

Senator KERN. Did anybody go in with you?

Mr. SHEPHARD. Mr. Browne. He went with me to the door and started to introduce me to Senator LORIMER. Senator LORIMER said, "I have met Mr. Shephard before." I had met him in Washington. I said, "Mr. LORIMER, I have been asked to vote for you for United States Senator. There is only one condition in the world under which I would vote for you." I told him that an editor in our town, a man who edited a Republican paper, had been maligning me and libeling me—not only me, but my family and my business—for 9 or 10 years, and that if I could get any assurance from him that that man or the man under whom he was then serving as deputy—Mr. Richards was the postmaster and Mr. Becker, the editor of the paper, was his deputy; that Becker had been postmaster before and then Richards was his deputy; then Richards got the appointment and made Becker his deputy—I said if I had the assurance that neither Becker nor Richards would be appointed postmaster at Jerseyville, I would vote for him. He said, "Mr. Shephard, I promise you to do all in my power to prevent the appointment of either of those men." I said, "I will vote for you, then." That is all the conversation we had.

Now, mark:

I went back into the assembly room, and as I got in there the senators were just coming in for the joint session.

That shows conclusively that as to this period between 10 and 12, during which McCann testifies Mr. Browne was in his seat all the time, he is entirely mistaken, Mr. Shephard corroborating Mr. Meyers on that proposition.

Shephard proceeded further as follows:

The senator from my district, Frank W. Burton, sat alongside of me at nearly every joint session. I told Senator Burton what I was going to do, and he said, "You are making a mistake." He said, "You are playing Jerseyville politics, and I would not do it." I replied, "I promised Mr. LORIMER that I would do it, and I am going to do it." On the roll call in the joint session I voted for LORIMER.

Senator KENYON. Did you do it because of this promise that you have told about?

Mr. SHEPHARD. Yes; I did.

Mr. Lee O'Neil Browne testified that he did not remember whether or not he took Shephard to LORIMER, as the former testified, but said:

I would not be surprised if I did.

Senator LORIMER, while not agreeing entirely with Shephard's version of the conversation, testified that such a conversation occurred on the day of the senatorial election.

George Meyers's statement must stand. All efforts to overthrow it have proven futile and ineffectual. It is only necessary, if it is true, to show Browne's connection with Senator LORIMER to make this palpable attempt at bribery a determining factor in this investigation, for it shows conclusively the character of the methods employed in the election, and, with the other circumstances developed by the evidence, makes the case impregnable.

I had intended the other day to call attention to the testimony of Senator Landee as to a visit of Mr. Hughes, Mr. LORIMER's business associate, on the Sunday prior to the election. Mr. Hughes tells us that he was soliciting support for Mr. LORIMER all over the State amongst members of the legislature at such points as he happened to be, and that he was deeply interested in Senator LORIMER's success. Senator Landee testified that Hughes came to his house and offered him Federal patronage, telling him it would be to his advantage to vote for LORIMER, feeling him out, apparently, carefully and cautiously; that these advances were indignantly repelled, whereupon Mr. Hughes went away. Landee, who was a staunch supporter of Hopkins, also testified that about three weeks before the election Representative Charles Luke told him to tell Hopkins that he—Luke—could get him 10 votes if he would do the right thing. That afterwards on the night after the election Landee

asked Luke why he had not voted for Hopkins, and he replied, "Hopkins would not come across."

I do not know that I shall refer to Luke's testimony again, and therefore I will add here that Charles Luke is the man who has since died. He seems to have been addicted to the excessive use of intoxicating liquor. His widow testified that her husband received a telegram from Wilson to come to St. Louis just as Beckemeyer and these other witnesses say they received telegrams from Wilson to come to that city on the day they received the bribe money in July, 1909. She testifies that this telegram came between July 5 and August 5, and that in response to that telegram her husband went to St. Louis, and that about that time she saw in his possession $950 in money. She did not ask him where he got it or what he was going to do with it, and he never volunteered to her any information as to where he got it or as to what he intended to do with it.

I will now call attention to some new testimony.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. Would the Senator from Indiana have the Senate understand that Mrs. Luke testified that she saw a large sum of money in the possession of her husband before he went to St. Louis or after he went to St. Louis?

Mr. KERN. I will answer that question. Is the Senator through with his inquiry?

Mr. LORIMER. Yes; that is all.

Mr. KERN. On the first hearing she said she thought it was before he went to St. Louis. At the last hearing she was not certain whether it was before or after he went to St. Louis. But she was altogether sure that she had seen, or he had read to her, the telegram that Wilson sent to him asking him to come to St. Louis on that day. She was sure that he went to St. Louis on that day, and that about that time this sum of money was in his possession.

I was about to call the attention of the Senate to a line of testimony that was not introduced at all on the former hearing. That is the testimony respecting the conduct of Representatives W. C. Blair, J. H. De Wolf, and Henry L. Wheelan, and Senator Jandus, of Chicago; also a few more facts respecting the conduct of Henry L. Shephard.

It appears from this evidence, and from the evidence that was adduced in the former hearing, that White had a large sum of money after the Wilson visit and after the other visit; and White is corroborated by the testimony of Thomas P. Kirkpatrick, a reputable man, who saw him deposit a large sum of money, in large bills, with the cashier of the Grand Leader Co. in St. Louis for safe-keeping overnight.

It is in evidence that Beckemeyer received a large sum of money in bills of large denominations from Browne and Wilson; and he is corroborated by the testimony of men who saw these bills of large denominations in his possession.

Senator Holstlaw testifies that he received a large sum of money; and his testimony is so overwhelmingly corroborated now that the majority of the committee concede that he did receive the two sums of money as testified to by him.

William C. Blair, who is a lawyer of southern Illinois, residing in a small town, a man of dissolute habits, bankrupt in finances, a man who owned a little home in a little town with a $1,300 mortgage on it, who owed all the banks in the town, and who, as he says, owes $2,000 in bills around over the community in which he lived—this impecunious man was seen in the month of July by some of his neighbors at a baseball game exhibiting eleven $100 bills. Considering the character of the man and his financial condition, and his general impecuniosity, such an exhibition naturally excited the attention of his neighbors. So one of them, a merchant, asked him where he had obtained so much money. He said he had been over at Olney, Ill., which is the home of Thomas Tippitt, the leader of one of the Democratic factions, on some legal business, had been consulted by a client and had been paid this sum of $1,100.

When Mr. Blair was brought before the committee he first testified that he had four or five $100 bills that he had entrusted to his wife, and that she had placed them in a closet in their house. A little later he testified that there might have been some five or six $100 bills in this closet. A little later he testified that he had from eight to eleven $100 bills in the closet. He testified that on the morning of the baseball game he was at home; that he became intoxicated to some extent; that he went down to his house, took this money out of the closet, and proceeded over to the ball game in another town. On being asked by members of the committee where and how this money had come into his possession—of course everybody understood that he had not received it from any client—he undertook to explain his possession of the money by saying that his salary as a member of the legislature was $2,000 a year; that early in the session he had drawn probably $600 of it; that the remaining $1,400 was left in the State treasury until the close of the session, which was about the 4th of June; that he had then drawn the $1,400 from the State treasury; that a considerable part of it was in $100 bills; and that the $100 bills that were in the closet at this home, in his wife's possession, were undoubtedly a part of his salary that he had drawn on the 4th of June.

That was a fair accounting for the transaction. Yet it transpired from the books of the State treasury and from the books of the bank in his town that he had drawn the last dollar of his salary early in February; that he had deposited the warrants in his bank at home, and that it had been all paid out on his indebtedness and checked out, until in July he had an overdraft of $1.40 at the bank. He was confronted with the books of the bank and the books of the State treasury, showing that his statement was utterly false; and he admitted then, of course, that the books were correct.

Then the question recurred: "Where did you get the money?" And that man was not able to account for the possession of a single one of the hundred-dollar bills; not a single one.

He denied that he had been in Olney, the home of Thomas Tippit, on the day of the baseball game or the day before. He denied that he had seen Thomas Tippit at Olney about that time. Thomas Tippit testified that he had not seen Blair about that time. After Mr. Blair was confronted with the hotel register in Olney and it was shown to him that he had registered there on the night before the day of this baseball game, he was unable to account for his presence there. A little later Mr. Rowland, an editor and lawyer who lives in Olney, testified that on the morning of that day he saw William C. Blair come to the courthouse steps, where he was sitting, inquiring for Mr. Tippit; and the ex-county judge of that county, Judge MacNeill, testified that on the same morning he was talking with Mr. Blair on one of the public streets of Olney, and that Mr. Tippit came along and they greeted each other by shaking hands and walked off together.

So it is definitely fixed that Blair was in Olney, the home of Thomas Tippit, immediately before he went to the baseball game, immediately before he was seen in possession of this large sum of money, and that he went from there to the baseball game, where he exhibited the money. The fact that he denied being in Olney and the fact that Tippit denied seeing him in Olney speak volumes on the question as to where he got the money, the hundred-dollar bills—bills of like character to those that were paid out by Browne in St. Louis in June and those that were paid out by Wilson in St. Louis in July.

Take the case of John H. De Wolf, a very voluble gentleman, I think a farmer—perhaps I should say an agriculturist—by profession. He is the gentleman, you will remember, who asked White on the day before the senatorial election if he had been up to the trough yet, and on receiving a negative answer said, with an oath, "I have been up to the trough and got mine," explaining that by testifying that if he did use the language attributed to him by White he evidently referred to the bar, because he always called the bar the trough, and that this was one of his favorite expressions.

It transpired that John H. De Wolf, soon after this grand distribution of money was made to members of the Illinois Legislature in the summer of 1909, purchased a tract of land, and in the first payment on the purchase price he paid six $100 bills. De Wolf was brought before the committee and asked as to the fact of this payment, which he did not deny, and then the question was, of course, Where did you get the money? Mr. De Wolf said he took the money out of the old family Bible at his home; that he had kept those six $100 bills between the lids of that sacred volume for several months before the purchase of the land.

Then the questioning was pushed a little further. "Where had you procured the money that you put in the Bible?" He did not remember. He said it might have been at a sale; but it was developed pretty accurately on cross-examination that he could not have received that money at the sale. He did not know of anybody in all the world who had ever paid him a hundred-dollar bill. He was one of the Democrats who voted for LORIMER on the theory that it would contribute to Democratic harmony and success.

Take Mr. Henry L. Wheelan, representative of the Rock Island district. Mr. Wheelan had been in the employ of the liquor league of the State, or of the antiprohibition organization, for some time as an election agent. Mr. Wheelan bought

a piece of property soon after the distribution of the jack-pot money, and it happened that in the first payment he laid down ten $100 bills. When asked where he got these hundred-dollar bills he gave an extraordinary account, in which he was corroborated. He said he borrowed three of the $100 bills from an ex-policeman, who was a stonecutter by trade, and that he had borrowed the other seven $100 bills from a lawyer who lived in Rock Island, whose name I do not now remember. He had not given any security for the money. He had no property except this home he was buying, and he had made a payment on that, I believe, of $700 in addition to the $1,000 borrowed from these two friends.

These men were brought before the committee. The ex-policeman said he had loaned Wheelan three $100 bills. "Did you have a bank account?" "Yes; I had an account in the savings bank." "How did it happen that you were carrying these three $100 bills around in your pocket for an indefinite time?" He was unable to give any reason save he wanted to keep his wife from knowing that he had that particular sum of money.

We brought the lawyer on the stand. He said he had these seven $100 bills on his person for at least a week or 10 days; that there was a bank in which he did business right across the street from his office. When asked why he carried seven $100 bills around in his pocket for that period of time instead of putting them in the bank where he deposited other money, he could give no reason for that except he heard that Wheelan wanted to borrow some money, and he was carrying the seven $100 bills around in his pocket until such time as Wheelan might call on him to get the money.

Take Senator Jandus, of whom I spoke a little while ago. He paid out large sums of money about this same time. Hundred-dollar bills were found in his possession. It was shown that Jandus had been borrowing money of his distinguished colleague, Senator Broderick, down at Springfield, while the legislature was in session—at least $145; which he says might have been a poker debt or something of that sort; but Mr. Jandus in explaining his possession of this large number of $100 bills told the committee that he had in his office in Chicago a vault—such a vault as is usually found in offices in cities—with an iron door, opening into a closet, and in that vault he kept a tin box in which he had $5,300, mostly in $100 bills; that he had been accumulating that money for two or three years; that whenever he received a $100 bill he would go and put it in that box. His office associates had access to that vault. There were other employees about the office. He said he had a bank account and named the bank where he kept his account, but that for two or three years he had been accumulating this money, putting none of it in his bank. The only reason he gave for this extraordinary proceeding was that being in politics when men came around to borrow money he would show by his bank book that he had a small balance, whereas if he had had a large sum of money in bank he would have been annoyed by their importunities.

So we have these four members of the legislature—perhaps others—living in different parts of Illinois, none of them accustomed to having money, some of them impecunious and bankrupt, appearing with bills of these large denominations, about the same time, and none of them able to give a reasonable explanation as to how they received the money or any part of it, all of them being alleged Democrats who betrayed their party and voted for the candidate of the opposition. From these facts the inference is irresistible that the hundred-dollar bills found in their possession came from the same common fund which supplied the money for the bribery of White, Beckemeyer, Link, Luke, and the other men whose guilt is either admitted or conclusively shown.

A word further concerning this man Henry L. Shephard. Shephard says he was present in St. Louis by the invitation of Lee O'Neil Browne in June, 1909; that he met all the confessed bribe takers save Holstlaw, there in Browne's room in the Southern Hotel; that when Wilson came to distribute the money in St. Louis a month later, he happened to be in St. Louis on that day, accidentally met Luke upon the street, and Luke gave him the information that Wilson was at the Southern Hotel; and that he went up there and saw Wilson and these other members of the legislature there. He testifies that Wilson called him into a bathroom, separate and apart from the others, just as Beckemeyer says he called him into a bathroom when he paid him the $900, but that he saw no money. Here comes a remarkable circumstance. He testifies that immediately after leaving Wilson and his fellow legislators on that day he went across the street to a safety-deposit box that he had rented in St. Louis, and there indulged in the pleasant pastime of clipping coupons off some bonds that he had in that box.

Right here I pause for a moment to comment upon the fact that Mr. Shephard, who is a banker in a thriving town in Illinois, having presumably a vault and safe of his own, instead of keeping his papers, his deeds, and his bonds in his own bank, in his own safe, in his own vault, rents a safe-deposit box in St. Louis for the purpose of keeping conveniently his valuable papers.

On the former hearing Shephard testified that it was before he saw Wilson on that day that he went to his safety-deposit box, but afterwards when he learned there was a record kept by the safety-deposit company of the time of day at which each box is opened, Mr. Shephard changed his testimony, and on this hearing admitted that it was after the Wilson visit.

The testimony shows further in that connection that Mr. Thomas Tippit, the leader of one of the factions, also felt it necessary to have a safety-deposit box rented in his town. Mr. John Broderick, whose business was keeping a saloon, the State senator who paid bribe money to Holstlaw, found it necessary to rent a safety-deposit box for the keeping of his valuable papers, and I think the testimony will show that there were other members who had use for safety-deposit boxes about that time.

With reference to Shephard's testimony, I call your attention to the fact that on hearing that White was talking something about a disclosure, Mr. Shephard went to Chicago at once to consult Lee O'Neil Browne and Robert E. Wilson. On arriving at Chicago he registered under an assumed name at the La Salle Hotel. He testifies that having knowledge that when Browne was in Chicago he stopped at the Briggs House he just took a chance of calling up the Briggs House to see if Browne was there. He ascertained that Browne happened to be there, and he went down, found that Bob Wilson also happened to be present, and talked over the alarming situation with Mr. Browne and Mr. Wilson on that occasion.

In this connection also let me say that it develops from the evidence here that immediately upon the visits of White and the detective, Tierney, to various parts of the State previous to the publication of the White story, that there was a general hurrying about over Illinois by numerous members of the legislature. We find Beckemeyer going to Springfield to meet Wilson and registering under an assumed name. We find Mr. Browne and Wilson and the various leaders of these factions pursuing the most devious courses and ways in their efforts to conceal their movements about this particular time.

It is true that this evidence is circumstantial evidence, but in many cases of like kind it is not only the best evidence but the only obtainable evidence. As I stated the other day, men engaging in transactions of this kind, bribe givers and bribe takers, never reduce their agreements to writing. They never call witnesses to their infamous transactions. The men who engage in the business of bribery are past masters in the art, and they are selected because of their willingness to commit perjury, if necessary, to screen the men who are higher up. A man who would not commit perjury for the protection of the men who furnish the money in the first place would never find employment in this dangerous trade.

I am glad that the circumstantial evidence in this case has been so strong, so irrefragable, so overwhelming as to convince my friends of the majority of the committee of the truth of Holstlaw's statement that he received $3,200 from Senator John Broderick in July and August, 1909. I am glad, as I stated the other day, that the members of the majority so recognize the value and weight of circumstantial evidence that the chairman of the committee now declares before the Senate that he has a fixed belief in the existence of the jack-pot fund in the Legislature of Illinois prior to the senatorial election of 1909. Of course we must rely——

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. I do.

Mr. DILLINGHAM. I did not quite catch the finishing sentence of the Senator's remarks as to my admission.

Mr. KERN. I was congratulating the majority members of the committee on the fact that they had recognized the value and weight of circumstantial evidence to such an extent that they now have declared here that they believe in the existence of the jack-pot fund in the Illinois Legislature prior to 1909.

Mr. DILLINGHAM. That is all right.

Mr. KERN. I am sure my friend will take no exception to that.

Mr. DILLINGHAM. Not at all.

Mr. KERN. I was trying to pay him a compliment, and I am glad that he now accepts it as such.

I was going on to say that in cases of this kind there is seldom any evidence save circumstantial evidence. There can be

little evidence in cases like this other than circumstantial evidence, except where by mischance some of the miscreants are trapped and in order to escape punishment are induced to tell the truth.

The story as to how these gentlemen were trapped in this case, as to how their confessions were induced, is of interest. Beckemeyer, Link, and some of the other legislators who were in St. Louis on the 15th of June, visiting Browne, and again in July, to meet Wilson, were called before the grand jury, and testified positively they had not been in St. Louis at all on either of those days. This distinguished statesman, Robert E. Wilson, who had paid them the money on the latter date, had been so indiscreet as to register at a hotel. When he was called before the grand jury he testified that he was in St. Louis on the date named in July, and then testified that he had seen these other men there. So, when these gentlemen were confronted with the statement of Mr. Wilson that he had been in St. Louis on that date and that he had seen them all there in the Southern Hotel, realizing that they had been guilty of rank perjury in their statements in denial of the fact that they had been there at all, they concluded to make a clean breast of the whole matter, and started in to tell the truth. They did tell the truth without any hope of reward or fear of punishment, save that which would properly and legitimately enter the mind of a malefactor who had been detected in perjured testimony, and who was desirous of making terms with officers of the law. The confessions of these four men, which were discredited and laughed at at the former hearing, are, as I said the other day, fortified and buttressed by circumstance after circumstance, until all doubt of the truth of the confessions is eliminated from the case; so, strengthened at every hand until, as I have said before, the majority members of the committee are compelled to admit that Senator Holstlaw did receive $2,500 from Senator John Broderick in June or July, the date that he fixed, and again that he did receive $700 in the month of August. So, in Holstlaw's case, at least, all doubt has been removed, and there is a unanimous opinion on that subject.

I now come, Mr. President to a discussion of the testimony of Charles A. White, and I am going to discuss that in the light of the new evidence in the case. I shall not discuss, as I now think, the testimony of any other of the witnesses who confessed to their wrongdoing. At the former hearing it seemed to have been conceded by all Senators on both sides of the question that White was essentially a bad man—a hardened criminal. There was no man on the floor of this Chamber, sir, during the last debate, who had a word to say of Charles A. White except of condemnation. If Senators will allow me, I want to show something of White's life and character as developed for the first time by the evidence on these hearings and of his connection with this affair. Then I shall undertake to show the connection between White and Browne, and then I propose to show the connection between White and Browne and the junior Senator from Illinois.

I think the reason for the universal condemnation of White on the occasion of the former debate was that the Burrows committee had made no effort to throw any light at all on his life or antecedents. He was simply pictured here as a hardened wretch, a man so vile as to be placed outside the pale of decent society. In this investigation the matter of White's life was gone into to some extent; and let me briefly, and as rapidly as I may, give you some of the features of his career.

He was born down in the mountains of Tennessee in July, 1881. He lived with his parents in and about Knoxville and Johnson City until he was 21 years of age. He was brought up in a good family, surrounded by wholesome church influences. He worked all his life, be it said to his credit. Before he was 21 years of age he had attended a business college in Knoxville. On January 15, 1901—he was then 20 years of age—he received a certificate from that college certifying to his high character and his capability. From February, 1901, to June, 1902, he worked in a department store at Knoxville as a floor walker. On June 23, 1902, he received from the manager of that store a certificate to which I desire to call attention, because it is important, as I think, that we should know something about the life of this man before we entirely condemn him. This young man was then 21 years of age, and he was only 27 when he first became involved in these affairs:

To whom it may concern:

The bearer, Mr. Charles A. White, has been in our employment for the past 19 months, for the first 4 months in the capacity of a salesman, when he was promoted to assistant floorwalker, afterwards being promoted to floorwalker, which position he has been holding for the past 12 months.

We have always found him to be an honest, upright, and energetic business young man.

We therefore take pleasure in recommending him to any person wishing such a man in their employment.

He leaves this firm of his own will and accord, and any favor extended Mr. White will be greatly appreciated by us.

Very respectfully,

M. M. NEWCOMER & Co.,
Per M. M. NEWCOMER.

He took that certificate with him to St. Louis—he was then of age—as he started out into that western country to make his way and better his condition, as thousands of other young men from the older States have done before him. At St. Louis he worked for the International Mercantile Agency. In October, 1902, he received a certificate of character from that company. A little later, in 1903, he was in the employ of the Simmons Hardware Co., the greatest hardware company in the world. I ask you to listen to what the Simmons Hardware Co. had to say of Mr. White at that time—he was then 22 years old:

To whom it may concern:

This is to say of Mr. Charles A. White that he entered our employ on February 16, 1902, and was with us until May 23, 1903, when he was temporarily laid off on account of reduction in our force.

During the period specified he was employed first in our entry department and on March 11, 1903, was transferred to our buying department, where he was employed in a clerical capacity. In both positions he discharged the duties intrusted to him in a satisfactory manner, and while with us he impressed us as being a gentleman of most excellent character and habits.

We will be pleased to hear of his success in any enterprise in which he may engage.

Very respectfully,

SIMMONS HARDWARE Co.,
R. M. BURTON, *A. G. M.*

Then, finding that he could secure better wages as a street car conductor, he entered upon the duties of conductor of an interurban line, and continued to work as such conductor until 1907, he then being 26 years old. He manifested interest in the labor problem and was an officer in the local union of the street car employees. The State organization of the union had such confidence in him that in 1907 they elected him as legislative agent to attend the Legislature of Illinois to look after labor legislation. He went there in the discharge of the duties of that position, and there became acquainted with Lee O'Neil Browne. In 1908 he became the Democratic candidate for member of the legislature in his county and was elected. He continued his duties as street car conductor all through the campaign, going out at night to attend to his canvass, and did not give up this position until almost the time of the meeting of the legislature. Then he went to Springfield as a member of the legislature. Before that time, however, he had been in correspondence with Lee O'Neil Browne, who had invited him to a banquet at Chicago to attend a meeting of his friends and also a meeting of the State central committee. I call your attention to a letter written White by Browne on the 1st of January, 1909, after the Chicago banquet and before the convening of the legislature:

OTTAWA, ILL., *January 1, 1909.*

Hon. CHARLES A. WHITE,
O'Fallon, Ill.

FRIEND WHITE: I hope you will find it possible to be at Springfield early Monday, or, better still, Sunday some time. While we have the other crowd beaten forty ways, as you saw clearly at Chicago on Monday—

That was the occasion of the banquet—

at the same time we must not let up for a minute. I shall rely on such good, solid friends as yourself and others like you to keep up the good work. All the members will get in Monday, and I would like to have you there and meet them and interview all the new members who are not with me. Try to get there early. My best regards to you, old man. We will win in a walk. Excuse long hand, as, being a holiday, my help is all off watch.

Sincerely,

LEE O'NEIL BROWNE.

Now, mark the postscript:

P. S.—Have you sent for your transportation as yet?

Chicago & Alton, write to president Chicago & Alton Railroad, Railway Exchange Building, Chicago, Ill.

Illinois Central, write John G. Dieman, general counsel, Park Row, Chicago, Ill.

Wabash Railroad Co., write Col. Wells H. Blodgett, general counsel, St. Louis, Mo.

Pullman passes, write Hon. John H. Runnels, general counsel Pullman Parlor Car Co., Pullman Building, Chicago, Ill., for one-half dozen sets Pullman passes and return, good 60 days.

More later as soon as lists are made out.

There was part of the first introduction of Charles A. White to Lee O'Neil Browne. Here was this young man from Tennessee, unacquainted with the ways of the world, knowing nothing of politics or politicians, knowing nothing of the devious ways that were about to be opened to him, receiving an invitation from one of the recognized leaders of his party to apply to the railroad corporations for the transportation that would carry him over the State—giving him information that would tempt him to apply for Pullman passes, and, as will be shown a little later, induced him to apply for telegraph franks and little accessories that seemed to be necessary in the early stages of the work of debauching public officials.

Counsel for Senator LORIMER in his brief filed here has declared that Charles A. White is a moral leper, and we all concede it; but there was no leprosy about him when he first became acquainted with Lee O'Neil Browne. Nobody shunned White on account of his leprosy at the time he became acquainted with the Senator from Illinois. If he is a leper, or if he was a leper in the fall of 1909, he was stricken with the malady sometime between the date when Lee O'Neil Browne tempted him by suggesting that he get passes from the railroad and Pullman companies and franks from the telegraph companies and the time when he accepted from Lee O'Neil Browne the money for his vote for Mr. LORIMER for United States Senator from Illinois. I do not believe it was charged, even then, that he was a leper. It is only since the exposure came—since this man, either from a good motive or a bad one, has unfolded this corrupt condition of things—that he is charged with the disease of leprosy and is made the subject of this wholesale denunciation.

Let us run along with this. We have now reached the 1st of January.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Indiana yield to the Senator from Vermont?

Mr. KERN. Certainly.

Mr. DILLINGHAM. I think the Senator has overlooked some evidence relating to Mr. White during the session of 1907, when he was a legislative agent.

Mr. KERN. I have not overlooked it at all.

Mr. DILLINGHAM. Very well.

Mr. KERN. I regarded that evidence as absolutely incredible and unworthy of belief. But even admitting that it was credible, admitting that he said something in 1907 that would indicate that he was corrupt in mind, still Senators must be driven to confess the truth of the proposition that up until the time he encountered the Legislature of Illinois, up until the time he breathed the foul air of that modern political Gomorrah, he was entirely free from this malady of moral leprosy.

I call attention to another fact respecting White, and I hope Senators will not lose sight of it. In this Illinois Legislature, at its commencement, when there was a combination between Democrats and Republicans for the election of E. D. Shurtleff as speaker, Charles A. White was the only man who had the courage to stand out and vote for a Democrat for that position. In so doing he exhibited independence of character rarely found in a young man entirely inexperienced and untrained in political matters.

White testifies that a little later, about the time the legislature convened, he received the passes for which he had applied, as suggested by Lee O'Neil Browne; that he received the Western Union frank and the Pullman transportation; that when the Illinois Central pass was handed to him it was accompanied by a request that he vote against a certain bill in which that company was interested. Mr. White testifies to conditions in Springfield that disclose some things as to the method of conducting affairs there that are not testified to nor contradicted by anybody else. For instance, he testifies that there were 137 janitors in the lower house of the legislature, and that he was allowed to name a janitor who did not do a day's work during the whole session, so far as he knew, and that the most reckless extravagance prevailed on every hand. That was the condition of things in Springfield at the time Mr. Lee O'Neil Browne began to exert his baleful influence over this inexperienced young Tennesseean.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. KERN. I do.

Mr. HITCHCOCK. I suggest the absence of a quorum, Mr. President, if it does not annoy the Senator.

Mr. KERN. Not at all.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lippitt	Shively
Bailey	Curtis	Lodge	Simmons
Beveridge	Dillingham	Lorimer	Smith, Ariz.
Brandegee	du Pont	McLean	Smith, Md.
Bristow	Foster	Martin, Va.	Smith, S. C.
Brown	Gallinger	Martine, N. J.	Smoot
Bryan	Gardner	Myers	Stephenson
Burton	Guggenheim	Nelson	Stone
Catron	Heyburn	O'Gorman	Sutherland
Clapp	Hitchcock	Overman	Townsend
Crawford	Johnston, Ala.	Page	Warren
Culberson	Jones	Perkins	Wetmore
Cullom	Kern	Pomerene	Williams

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senator from Indiana will proceed.

Mr. KERN. Respecting the election of Senator LORIMER and the connection of Mr. White with that election, I read from White's testimony on page 2469, which refers to a conversation between White and Lee O'Neil Browne on the subject of the senatorial election. It was after their first conversation on the subject in which Browne had proposed to pay White for his vote, but had not named the purchase price:

Mr. WHITE. I went to his room.

Mr. MARBLE. Who was there.

Mr. WHITE. Mr. Browne.

Mr. MARBLE. Anyone else

Mr. WHITE. No, sir.

Mr. MARBLE. What was said then?

Mr. WHITE. He said, "Charlie, old boy, what seems to be troubling you?" I told him. "Nothing, Lee, only I would like to know what the members are getting out of this proposition, or what I am to get out of it." I do not remember the exact language now. He said, "Can't you trust that to me, old boy?" I said, "Yes, I can do that; but I want to know." He said, "You are to get $1,000, and it is ready cash, too." I told him all right; that that was what I wanted. He cautioned me again about keeping quiet. He said, "Don't talk to anyone. Keep this under your hat"; and he remarked again that he was suspicious of the little place above there that they called Joliet.

Mr. MARBLE. Was anything else said:

Mr. WHITE. That is the substance of the conversation then. During that conversation I did ask him what there was from the other resources. He said, "The jack pot won't be distributed for about three months after the legislature adjourns. There will be about that much or possibly a little more later on."

A little later he received from Browne as part payment, as he testifies, a $100 bill, that the bill had some pencil marks on it, and that he gave it back to Browne, telling him he "did not want to take any chances on passing that bill then," or words to that effect, whereupon Browne had the bill changed into others of smaller denominations.

The legislature adjourned about the 4th of June, 1909. On June 9 Mr. White, being impecunious and having started a business in East St. Louis which was not paying him, wrote a letter to Mr. Browne telling him of his financial needs, whereupon Mr. Browne wrote to Mr. White this letter under date of June 9:

My dear Charlie—

I invite attention to the endearing terms in which, in all this correspondence, Mr. Browne addresses Mr. White.

I did not get home until the night of Monday, June 7, when I found your letter awaiting me. I wish you had spoken to me of the matters contained in your letter before we left Springfield. It would have been comparatively easy for me at that time to have advised with you personally and properly. It is far more difficult now, and I would hardly know what to say to you without seeing you personally. In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you sometime within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to, and suggest anything that may be appropriate and proper. You know where I stand, old man, and that I will go my length for you. Should you find it necessary to see me before the end of the next two weeks, you had better arrange to come to Chicago and meet me there. However, as matters stand, and in the way that I am tied up with business matters now, I would prefer to put off the meeting for the length of time I have stated. I want you to feel and realize that I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you any time. My best regards to you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

On June 13, only four days later, another letter having passed from White to Browne, Browne wrote this letter:

OTTAWA, ILL., *June 13, 1909.*

FRIEND CHARLES: Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But, Charlie, I will be in Chicago Tuesday or Wednesday sure (this is under your hat, though, for I do not want to be bothered by every job hunter in Chicago). If you can wait, I'll do my best to see you. I'll be at the Briggs when there.

In haste. BROWNE.

The words "but" and "will," in the sentence "But, Charlie, I will be in Chicago," are italicized.

Mr. White testifies that he went to Chicago; that he received $50 from Mr. Browne on the evening he reached there; that on the next day—I quote from White—

There was some talk about members, etc., and Mr. Browne gave me seventeen $50 bills, picked from a roll of money that he had in his pocket, and said: "There is $850, and with the $100 I gave you in Springfield and the $250 I gave you last night it makes a thousand dollars—all of your LORIMER money." I placed the money in an envelope in my inside coat pocket. He noticed me do this, and he took a safety pin from the table and came over and pinned it in my pocket. He cautioned me not to go back to O'Fallon or East St. Louis and pass the $50 bills at public places, because some one would get suspicious or become suspicious. During this conversation he said that some of the Chicago members wanted to handle the Chicago end of it, but that he was going to handle it himself. He went on to say that a little later on, about the 15th of July, he would be able to give me that much or a little more—possibly a little more. He told me that he expected to be in St. Louis in a few days and meet these members from southern

Illinois and give them their money. I requested him to let me know when he was down there, and I told him I would come over and meet him. He did not do it, though.

Prior to June 24, Mr. White suggested to Browne something about taking a trip. This shows the fellowship that existed between these two men, one a leading lawyer of Illinois, a leader of the Democratic Party of that State, a man of great intelligence, an eloquent and persuasive orator, a man whose personality would of necessity attract young men desirous of advancing their interests and making their way in the world.

The VICE PRESIDENT. The Senator from Indiana will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, before asking that the unfinished business be laid aside I desire to state that I am anxious to take up this chemical schedule bill to-morrow. I do not think it will take us very long to dispose of it. I hope that we may be able to conclude the debate and have a vote on it to-morrow. I recognize, of course, that the matter which is now before the Senate is one of the highest privilege, but I trust that the members of the committee who have it in charge and who are going to participate in the debate will not insist upon keeping this question before the Senate to-morrow to the exclusion of the unfinished business.

I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. WARREN. I take it the Senator from North Carolina means to lay it aside for the day.

Mr. SIMMONS. Certainly. I understand that to be the effect of the request.

The VICE PRESIDENT. Without objection, that order will be followed. The Senator from Indiana will proceed.

Mr. KERN. Mr. President, the date of the payment of the money by Browne to White in Chicago was the 16th of June. A little later Mr. White had written Mr. Browne suggesting a trip of some kind, to which Mr. Browne responded as follows:

OTTAWA, ILL., *June 24, 1909.*

And I invite especial attention to the language of this letter—

DEAR FRIEND CHARLIE: Yours received. Your plan of a trip certainly sounds awful good to me, if it could be brought about, but, unfortunately, I'll not be able to get away at all this summer for any extended trip. You see, I've lost a whole year out of my business, and it will keep me guessing all summer to get my delayed stuff in shape for the fall. If I was situated as you are, I'd plan for a trip out there sure about the 10th of July, and I'd have a good time.

Now, mark these words:

Perhaps, however, you better wait and save the money for the next campaign. I'll see you again before very long. My best regards to you, and be a good boy.

Always your friend, B.

He had just paid him $850, a week or so before that, and when the boy is proposing to him a pleasure trip this experienced legislator suggests to him that perhaps he had better save the money for the next campaign. This evidence shows that at the time he paid White the $850 White had no money at all—was utterly impecunious—so that when Browne told him here that he had better "save the money" he could have only referred to the bribe money that he had paid him only a few days before.

This takes us to the 24th of June. On the 14th of July Mr. White received the following telegram, similar in all respects to the messages received by Beckemeyer, Link, Luke, Clark, and perhaps Sheppard:

To Hon. CHAS. WHITE, *O'Fallon, Ill.*:

Meet me to-morrow forenoon without fail at Southern Hotel, St. Louis; wire me answer at once care Briggs House, Chicago.

ROBT. E. WILSON.

The fact that that telegram was sent is not denied. The fact that White responded to it by going to St. Louis on that day is not denied. The fact that he there met Beckemeyer, Link, Luke, Clark, and Shephard is not denied by anybody. The only fact that is denied by Wilson is that he paid them any money on that day. Mr. White gives an account of the meeting at St. Louis and the payment of the money similar to that given by other witnesses. On the following day he received the following letter from Lee O'Neil Browne:

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*:

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter—

That was a request that Browne had made of White to telegraph the governor in the interest of one Doyle, who desired an appointment—

You have certainly been one of my good old friends since we have become acquainted. I feel sure that that friendship will last just as long as you and I do. I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis—

Referring to the Wilson meeting, which occurred the day before in St. Louis—

I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning and have had a pretty serious time of it. I did not dare to attempt the trip.

That is why I said the other day that Robert E. Wilson, who carried that money to St. Louis on that day, was the accredited agent of Lee O'Neil Browne, who, but for his sickness, would have been there and distributed it himself.

Now, mark the further points of this letter:

I hope everything is all right with you and *satisfactory*—

Italicized—

and that you are happy and *fairly prosperous*—

Italicized—

I hope, before very long, to be able to meet you either in St. Louis or Chicago and talk over old times. I think you and I have got one real good visit coming. Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

Lee O'Neil Browne knew that White had received $800 at the hands of Wilson on the previous day, and it was because of that knowledge that he expressed the hope that "everything is satisfactory and you are fairly prosperous."

Going on a little further, chronologically, we come to the meeting between White and Browne at Chicago, when with some boon companions they took numerous trips on the lake. They remained together several days, and Mr. White describes their performances as a very carnival of debauchery, and in this he is corroborated by other testimony. In testifying as to his financial condition at the conclusion of this period of revelry, Mr. White said:

Well, when I went to Chicago on that trip I had $550. I loaned Mr. Browne $220. Mr. Browne paid me back $20 before I left Chicago after we had made those trips, and I had run out of money, and he let me have that much back to pay my hotel bill. Then afterwards he sent the $200 to me by Mike Giblin—

Who was some kind of a private secretary of Mr. Browne.

On the 27th of August Mr. Lee O'Neil Browne telegraphed Mr. White from Ottawa to Chicago that Mike Giblin would see him the next day at the Briggs House; that Giblin came according to Browne's promise, and refunded to White for Browne the $200 the latter had borrowed. That $200 was spent by September 8, 1909.

It is shown that by this time Charles A. White was thoroughly debauched. He had learned to drink to excess; he had been taken to houses of ill fame; he had been brought into contact with the most depraved people in the world by Lee O'Neil Browne and his other associates who were members of the Illinois Legislature. His downfall was now nearly assured—a pitiful spectacle, as we think back only a year before, when he stood a young man of good habits and high character who was freely received into the company of men of the highest grade in the State of Illinois and enjoyed the confidence of all who knew him. He then, being impecunious, wrote a letter to Browne, as follows:

O'FALLON, ILL., *September 8, 1909.*

Hon. LEE O'NEIL BROWNE, *Ottawa, Ill.*

FRIEND LEE: I don't like to write and ask a favor of you, but if you can accommodate me with a little money until I can get to work at something and pay you back I will certainly appreciate it. This is the honest truth: I have only 90 cents in money—all the money I have in the world—and, you see, I am boarding—have been for eight years. If you can let me have a little money, fill in the amount on this note which I am making to you, and some day you will get every cent of it back.

Everything is quiet here—like Sunday or a holiday every day.

Trusting I will hear from you at an early date, I remain,

Your friend,

CHAS. WHITE.

He inclosed his note for $50, and on the following day—observe the promptness with which this great lawyer and statesman responds to the request of this young man who is now denounced as a leper:

OTTAWA, ILL., *September 9, 1909.*

FRIEND CHARLES: Just got your letter. Am awfully sorry for you, old pal, because I know how true a good fellow and gentleman you are. Your fault, old pal, is in trying to go too ——— fast. You must cut it out for awhile, old boy. I'll do all I can to land you a job, but do not yet know when LORIMER will be able to do anything; or, rather, when he will do anything. But I'll do all I can, Charlie. Am pretty hard up myself, after the fierce vacation we all had, but have managed to scratch out a fifty for you. Hope it will do some good, anyway. I am down at the "grind" again, working like a slave. It's sure h—l, after the "music and flowers" we had for a time this

summer. But when a thing has got to be done I can always shut my teeth and go to it. It's the only way. It's hell, but that's the price we pay for most of the pleasure of life. I always did, at least. Good bye, old man, and God bless you. Wish I could do more for you.

Your friend,

LEE O'NEIL BROWNE.

P. S.—I hope you will do all you can to help James Morris, our old pal, pull through. He must win, he says.

That is September 9. Mr. White, on September 16, telegraphed again. That $50 was sent him. In less than a week Mr. White had requested a conference at Chicago. Browne telegraphed as follows:

OTTAWA, ILL., *September 16, 1909.*

TO HON. CHARLES A. WHITE,
O'Fallon, Ill.:

Impossible to be in Chicago Saturday or Sunday; sorry, but unavoidable.

LEE O'NEIL BROWNE.

A little later White wrote another letter. I do not see that it is dated. It is as follows:

HON. LEE O'NEIL BROWNE, *Ottawa, Ill.*

FRIEND LEE: I received your telegram yesterday—

Referring to the telegram I have just read—

and I am very sorry I can not get to see you in Chicago Sunday, because I am in such a position here that I am embarrassed to death.

Now, Lee, I don't want you to feel that I am trying to work you or stick you for a dollar, but, by the grace of God, every cent you have let me have you will get back some day with interest.

I am down and out financially. There is no one that I can go to here and get a few dollars from. You can't imagine how it makes a fellow feel to be in such position, and the fall right here on him. I have some clothes waiting me in St. Louis that I ordered six weeks ago. I owe my tailor $85, and he has been expecting me to come in and pay him and get my clothes for the past three weeks. But, like a fool, I went the limit of what I had on my foolish stunt in Chicago, never dreaming that I would spend all I had.

Now, I am going to ask you to try and do me a favor, and if you can I promise you that the obligation will be met and that you won't lose a penny. Will you see if you can get me the money on the note I am inclosing to you ($100)?

That will make $150 I have borrowed from you since I saw you in Chicago about the last of August.

You may have your doubts about me, but my record is open, and I defy any man to show that I have beat any honest debt.

I would like to know as soon as possible about this, because I am in the mire to my neck now. Don't be under the impression that you will lose anything you let me have, because if I live you will get every cent back that I get from you.

With best wishes, your friend,

CHAS. WHITE

He adds:

Lee, I am making this note read for $125 with interest at 6 per cent.

Now I am willing to allow you the additional $25 interest on the $100, so will put it in so there can be no question about interest in case I should die. I need the money and need it bad, and would feel like giving two hundred for one hundred in order to get the money. I am making the note for one year, but if I can pay it in 30 or 60 days I will do so, or just as soon as I can.

WHITE.

Mr. Browne responded September 23. I will not read all this letter. He inclosed a draft for $50. It is, in part, as follows:

I do not know what you are thinking of, my boy, to get yourself into a position of this kind. I do not want to preach to you, but you certainly are not very wise in your generation. I will tell you, Charlie, you must just simply take the situation by the neck and get down to hard tacks and go to work. If you can not get what suits you, get something else. You know that you got to do something, and when you are in that position, do not be too particular about what you do. LORIMER is tied up so that he can not move a hand, at the present time, in the way of getting jobs. When he does get so that he can move, I will do anything in my power to help you. And, as you know, there is no other avenue through which I can move. I am awfully sorry that you are in your present financial condition, Charlie, but really, don't you know, you have nobody to thank for it but yourself. You certainly could have used more judgment and foresight than you have, under the circumstances. Now, brace up, old man, and surprise yourself and everybody else by making good. It is in you, and all you need is a little nerve at the present moment. I hope and trust you will do everything in your power at that convention at Belleville to see that Jim Morris lands. My best regards to you. I will write you again before very long. Am working hard.

Very sincerely, your friend,

LEE O'NEIL BROWNE.

October 1, 1909, Mr. White began to make some veiled threats as to what he might do. I call attention to a letter, as follows:

O'FALLON, ILL., *October 1, 1909.*

HON. LEE O'NEIL BROWNE,
Ottawa, Ill.

FRIEND LEE: I am inclosing you herewith a note for the $50 you loaned me. I appreciate this assistance very much.

I will pay this note off as soon as possible, also the other note for $50 you hold against me. I am doing nothing at all, and can't say when I will find work.

My regrets at present are from my experience that I let the better judgment of myself drift along the wrong channels. I am going to try and right all of that in some way; can't say what my destiny will be, but I believe it for the best.

Have my ring in pawn for several dollars, and am financially down and out. The future of every man's life brings some interesting surprises, so I presume we should not be surprised at anything in these wonderful days.

If I live long enough I expect to repay you every dollar that you have given me.

Don't be surprised at the future of any action that I may make.

With best wishes, yours,

CHAS. WHITE.

A little later he wrote a letter to Senator LORIMER, as follows:

HON. WILLIAM H. LORIMER,
Washington, D. C.

MY DEAR SIR: My present circumstances compel me to inquire of you if it is possible for you to assist me in securing a position. I have not found anything in the way of a position since the legislature adjourned, and to be plain with you, and absolutely out of money, with no resources to fall back on. I lost considerable money in a business undertaking and presume I owe somewhere in the neighborhood of $500 now. I do not like to ask you to assist me in securing some sort of a position that will place me on my feet again, but I know of no other person at present that is in a better position that could assist me.

Possibly there is something in the Secret Service or investigation department that you could secure for me. Kindly drop me a line and let me know if you can place me somewhere. With best wishes, I am,

Respectfully, yours,

CHAS. A. WHITE.

O'FALLON, ILL., *October 19, 1909.*

Senator LORIMER did not answer that letter; but on the 24th of October, 1909, the subject matter of that letter is referred to in a letter received by White from Lee O'Neil Browne:

CHICAGO, *October 24, 1909.*

FRIEND CHARLIE: Have been trying to land something for you. I came up yesterday and had a visit with LORIMER in the afternoon for about half an hour. He goes back to Washington in December, at which time he feels that he can probably place you along the lines you suggested in your last letter.

That is a position in the Secret Service that they are promising this young man, who is now fast becoming a leper.

In the meantime, he is arranging to give you a temporary job up here as clerk in some one of the offices.

Who is proposing to give this man, a man who lives away down in southern Illinois, near St. Louis, a position in a county office in Chicago? Senator LORIMER. Why? Why should Lee O'Neil Browne be soliciting Senator LORIMER in the interest of this impecunious young man, who has now become a common borrower and deadbeat, and to whom Senator LORIMER should be under no obligation in the world to procure a position in one of the county offices of Cook County and bestow it upon that kind of a man, who lives 150 or 200 miles from Chicago?

I will get word down home the early part of the week—

Let me go back and read that sentence:

In the meantime, he—

That is, Senator LORIMER—

is arranging to give you a temporary job up here as clerk in some one of the offices. I will get word down home the early part of the week, and then I'll let you know and will come up here and report to LORIMER's secretary, who will take you out and place you.

Is there no connection between these three men? Are there Senators upon this floor who will stand up and say there is no evidence here connecting Senator LORIMER with Lee O'Neil Browne, connecting Senator LORIMER, Lee O'Neil Browne, and Charles A. White together, in the face of this testimony? Proceeding:

See? The salary of the temporary job will not be very high, probably $75 per month, but it will help you get through all right until I can land you better after a while. If this thing does not suit you well enough to take it, you must wire me at Ottawa as soon as you get it. However, in your present condition, I think you had best take it. I am awfully sorry, Charley, that you are situated as you are, but really you are not entitled to a whole lot of sympathy. It's largely your own fault; you must get down to cover and learn that you must cut your coat according to your cloth. You know I am fond of you and will do anything I can, but this does not blind me to your faults and the fact that you are not at all consistent in your expenditures. My very best regards to you, old pal, and remember that I will do all I can.

Your friend,

LEE O'NEIL BROWNE.

November 2, a little over a week after that time, comes this telegram to Charles A. White from Lee O'Neil Browne:

Dated OTTAWA, ILL., 2d.

To Hon. CHARLES A. WHITE,
City:

Report to Charles Ward, secretary to Senator LORIMER, ninth floor Rookery Building, Chicago, at once. Tell him James L. Monaghan, in the Country Building—

"County Building," it should be—

wired me to have you report for duty. If you do not find Ward, go at once to Monaghan; he has you placed. Wire me at once, so I may know you got this letter to you to-day, care Briggs House.

LEE O'NEIL BROWNE.

Another telegram, November 1, that should have preceded the last one read, is one to Lee O'Neil Browne, as follows:

CHICAGO, ILL., *November 1.*

LEE O'NEIL BROWNE,
Ottawa, Ill.:

Send White to me. Have arranged for him to work week ago.

JAMES L. MONAGHAN.

The next day the following letter from Lee O'Neil Browne was received by White:

OTTAWA, ILL., *November 2, 1909.*

HON. CHARLES A. WHITE,
C/o Briggs House, Corner Randolph Street & Fifth Avenue, Chicago, Ill.

FRIEND CHARLIE: I inclose telegram received by me this morning from James L. Monaghan, in the county building of Chicago. He "owns" one of the offices in the county building, and can be found

there. He is one of the prominent fellows in Cook County, and everybody knows him. I wired you this morning, instructing you to go to Chicago at once. You are to go at once to Charles A. Ward, secretary to Senator LORIMER, on the ninth floor of the Rookery building, on La Salle Street, and tell him who you are and that you were sent there by me in response to a telegram from Monaghan. He will at once take you over to Monaghan, or send you over to him with a note. In case you find Ward out, you will go at once to Monaghan and tell him who you are and that you were sent there by me in response to his telegram. Monaghan will at once place you at work. As I told you in a letter some days ago, this job is only temporary, and will pay you probably $75 a month. As soon as Congress opens in December, or shortly after, LORIMER thinks that he will be able to place you at something more remunerative, and something that will enable you to be in your home district more of the time. In any event, this was the best that I could do for you at this time, and, under the circumstances, it will help out a whole lot.

Signed "Lee O'Neil Browne," after a moral lecture delivered to Mr. White as to his future conduct in the concluding part of the letter. November 5 White wires down again for $25, and I believe he had no answer to his telegram. A little later Mr. White telegraphed Lee O'Neil Browne as follows:

CHICAGO, ILL.

HON. LEE O'NEIL BROWNE,
Ottawa, Ill.:

Kindly inform Charles Ward, LORIMER's secretary, that I will not accept temporary $75 position.

CHARLES A. WHITE.

That is the end of the story, Mr. President, up to that time. Here was a man, utterly broken financially, impecunious, a borrower, who had become thoroughly debauched from association with statesmen of the type of Lee O'Neil Browne, rapidly approaching that period when he might be pronounced a common "dead beat," beginning to threaten as to what he might do in the future. Then follow these efforts on the part of Lee O'Neil Browne and of the Senator from Illinois to placate him, finally culminating in their securing for him and offering to him a position in a Republican county office in Cook County. I spoke a moment ago of this queer situation of a United States Senator securing a position for a citizen and voter of southern Illinois in one of the county offices in Cook County. It becomes still more strange when we consider that the man applying for the office is a Democrat of pronounced type and one to whom this Republican Senator is presumably under no obligations whatever.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. KERN. Certainly.

Mr. LORIMER. Will the Senator from Indiana indicate in what part of the record there can be found any testimony which will even suggest that in any sense of the word LORIMER was trying to placate White?

Mr. KERN. If it is not shown in the correspondence; if it is not shown by the fact that, in response to a letter written by White to LORIMER, Lee O'Neil Browne suggests that LORIMER will place White by and by in the Secret Service of the Government, and temporarily in a Republican county office in Chicago—if that does not show it, then there is no force or effect in plain words written plainly.

Mr. LORIMER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana further yield to the Senator from Illinois?

Mr. KERN. Yes.

Mr. LORIMER. Would the Senator from Indiana have the Senate understand that he believes that when a Senator attempts to aid a man who has voted for him for United States Senator to secure an appointment of any kind at any place that is an evidence of corruption?

Mr. KERN. Is that your question?

Mr. LORIMER. That is the question.

Mr. KERN. Standing by itself, I would say "no"; but taken in connection with the thousands of circumstances that surround this case, I would say "yes."

Mr. LORIMER. Then will the Senator indicate what testimony there is in the record that tends to show that in any way the Senator from Illinois was trying to placate White, because of knowledge on the part of White of any corruption in the election of a United States Senator?

Mr. KERN. I will come to the relationship between the Senator and Lee O'Neil Browne a little later on; and it is upon that relationship, testified to by both, and the subsequent conduct of the three parties concerned that I have made the statement which I have made.

Mr. President, much has been said in this controversy about the source from which this money came in the fifth place. The original source of the corruption, I am free to state, has not been discovered. I might add that the first source of money employed in legislative corruption has been discovered but few times in this country. The men who originally furnish the money are so hidden and have such facilities for protecting themselves that it is almost impossible to catch them in any dragnets that may be thrown out. There is testimony showing that a man who was seemingly more vitally interested in the election of Senator LORIMER than anyone else was talking about money, was seeking to collect money, was making statements about where contributions for reimbursement might be sent, but as to the original source, there is no evidence here which satisfactorily discloses it.

The record shows a sharp issue of veracity between Clarence S. Funk, general manager of the International Harvester Co., and Edward Hines, a millionaire lumber dealer of Chicago, who seems to have been one of Senator LORIMER's chief supporters, concerning a conversation which occurred between them a few days after the senatorial election.

Mr. Funk, who had not been interested in political matters and unquestionably a man of high character, testified very positively that a few days after the election he met Hines casually in the large lounging room of the Union League Club of Chicago, of which club both were members; that Hines approached him saying, "Hello! you are just the man I am looking for," or "that I wanted to see"; that they walked over to a couch and sat down, when Hines proceeded as follows: "Well, we put LORIMER over down at Springfield, but it cost us $100,000 to do it," or "about $100,000"; that Hines went on to explain that they had to act quickly when the time came and did not have time to consult anybody. Then he said, "So we put up the money. Now we are seeing some of our friends to get the matter fixed up." That Funk then inquired about how much he was getting from his different friends, and he said, "Well, we can only go to a few big people, but if about 10 of us would put up about $10,000 apiece we would clean it up." Funk then asked him why he came to him, and he said, "Because you are as much interested as anybody in having the right kind of a man in Washington"; that in the conversation Hines said, "Just send the money to Ed. Tilden." Funk swears that he refused to have anything to do with it, saying "We are not in that kind of business."

Mr. Hines admits meeting Mr. Funk at the Union League Club, fixes the date as May 27, the day following the senatorial election, and also admits that a conversation occurred respecting the election of Senator LORIMER.

He says that he was sitting on a sofa in the main lounging room with two of his employees, Baker and Hall, and one Carney, a lumber dealer of Marinette, Wis., talking over a lumber deal; that he saw Funk approaching them and arose and shook hands with him; that Funk said, "I am very glad to hear that Mr. LORIMER has been elected Senator," or words to that effect, whereupon he—Hines—said, "I am pleased that you are glad that he is, and he ought to make a good representative of the State"; that Funk then said, "I would like very much, at your earliest convenience—or convenience—if you would arrange to introduce me to Senator LORIMER. I have never met him, and I would like to have you introduce me to him," to which Hines rejoined that he would be pleased to do so; that Funk then took him—Hines—by the arm, and they walked toward the club exit, and that at the exit Funk said: "The Senator must have been put to more or less expense in the contest for the Senatorship, and he ought not to stand that. The business interests ought to take it off his hands. We would like to contribute to that expense"; that he—Hines—replied that he did not know anything about the matter but would see and let him know; that Funk then left, and he—Hines—returned to the sofa, where Carney, Baker, and Hall had remained while this conversation with Funk had been taking place.

Notwithstanding the partial corroboration of Hines's story by his friend and customer, Carney, and his employees, Baker and Hall, all of whom testify that they saw Funk approach Hines in the Union League Club and heard him express pleasure at the election of Senator LORIMER, I am thoroughly convinced of the absolute truth of the testimony of Clarence S. Funk, and if the Senate will indulge me I will give the reasons for that belief.

In the first place, Mr. Funk declares that he had taken no interest in the senatorial election and had not the slightest personal feeling against Senator LORIMER.

As shown by the testimony of Cyrus H. McCormick and by his conduct on the witness stand, Mr. Funk is a modest, quiet man, not given to much talking. He bears the reputation of an honorable gentleman, and no evidence was offered by way of impeachment of that reputation.

In this connection, I wish to say, I have a letter this morning from one of the most prominent Republicans in Indiana, one of the greatest manufacturers in the country, Joseph D. Oliver, of

the great Oliver Chilled Plow Works, at South Bend, Ind. He addresses his brother-in-law, Hon. George Ford, and says:

OFFICE OF THE PRESIDENT,
OLIVER CHILLED PLOW WORKS,
South Bend, Ind., June 5, 1912.

Hon. GEORGE FORD,
South Bend, Ind.

MY DEAR MR. FORD: The Lorimer case now pending in the United States Senate, in which the Hon. JOHN W. KERN, United States Senator from Indiana, is an active participant, presents some very peculiar features which, in my opinion, are totally unwarranted. The friends of Mr. LORIMER, in an attempt to bolster up his case, have raised the question of veracity between Mr. Clarence S. Funk, general manager of the International Harvester Co., and Edward Hines, of the Edward Hines Lumber Co. Mr. Funk is attacked in the most outrageous and indecent manner, his private character assailed, and every possible effort made to discredit him. This is vindictive persecution and should not be tolerated. I know Mr. Funk intimately and well. I know that among his Chicago neighbors and friends his word is regarded as unimpeachable, and of my own experience I know that he is thoroughly reliable and in all respects a man of the highest character.

I deem it my duty to go on record as a believer in Mr. Funk's rectitude as against all defamers, and I wish Senator KERN to know my views on the subject. Because of your long-standing personal acquaintance with Mr. KERN and the fact that he does not know me personally, I venture to ask your good offices in placing my views before him for such use as he may care to make of them, together with any comments of your own that may occur to you as being proper under the circumstances.

Very sincerely, yours,
JOSEPH D. OLIVER.

At the first opportunity Mr. Funk related the circumstances of his meeting and conversation with Hines to his superior officer, Mr. McCormick, and to Edgar A. Bancroft, attorney for the Harvester Co., in substantially the same way he related it to the committee. Afterwards, when the question of corruption in the senatorial election became a subject of general discussion in the newspapers, in the clubs, and elsewhere, he repeated the same statement in confidence to his friend, H. H. Kohlsaat. There was no earthly reason why this man of irreproachable character and high standing, connected in no way, directly or indirectly, with any of the political factions in Illinois, having, as he swears, no particle of ill will toward Mr. LORIMER, should invent and repeat a deliberate falsehood and follow it up with the commission of willful perjury in his statements before the committee.

On the other hand, Edward Hines never repeated his version of the conversation to any living soul save to his attorneys until he stated it on the witness stand before the committee.

Funk told this story on the 5th of April, 1911, before the Helm investigating committee at Springfield. It was widely published throughout the United States and was the subject of general discussion.

Mr. Hines had appeared before that committee previous to that date, namely, on March 28, and testified positively that he had never discussed with anyone the question of raising money to aid in Mr. LORIMER's election, and that he never heard the question of raising money discussed either before or after the election. (See p. 32, Report of Helm Committee.)

On April 25 Mr. C. F. Wiehe, Hines's brother-in-law and business associate, appeared before the Helm committee, took part in the cross-examination of a witness, and stated to the committee in writing that he was there representing Edward Hines.

Mr. Hines was interviewed by newspaper reporters, but made to none of them the statement that Funk had approached him with the proposition to contribute to a fund for the reimbursement of Senator LORIMER. The fact that a voluble talker like Mr. Hines concealed this important fact would naturally excite astonishment amongst those who knew him, but the testimony of his star witness, Baker, throws much light upon his remarkable reticence.

I invite the attention of those who are interested in this matter to the wonderful performance of this man Isaac Baker, by whom Mr. Hines undertakes to corroborate his own testimony.

Mr. Baker testified on direct examination, with great attention to every detail, of the meeting between Funk and Hines, that Hines, Hall, and himself had gone together to the Union League Club in an automobile to meet Mr. Carney; that after their arrival the four of them sat together on a lounge on the left side of the entrance discussing the value of the lumber which Carney was proposing to sell to Hines; that a gentleman came up and said, "How do you do, Mr. Hines," and Hines got up and shook hands with him, and he made the remark, "I see that Senator LORIMER is elected, and I am glad of it." Mr. Hines said, "Yes; I think he will make a good representative"; and the gentleman said, "I have never met the Senator, and I would like to be introduced to him." At that he turned around and they walked off toward the exit, about 10 feet from the lounge, and engaged in further conversation, which he did not hear, after which Mr. Hines returned to the lounge and said to Mr. Carney, "That is Mr. Funk, the general superintendent of the International Harvester Co.—a small man for a large position," or something to that effect. (Vol. 2, pp. 1431–1432.)

He remembered distinctly that as Hines and Funk left the lounge Funk took hold of Hines's left arm at or near the elbow. (Vol. 2, p. 1448.) Now, remember that Funk had testified before the Helm committee on April 5. Baker says he first discussed the Funk testimony with Hines about 10 days thereafter, which would make that conversation about April 15, 1911. (Vol. 2, p. 1441). That in that conversation he asked Hines if that was the man we met at the Union League Club; that he was surprised to see the testimony he had given after he seemed so pleased when he met Mr. Hines in regard to the election of Senator LORIMER. "Then," he says, "Mr. Hines wanted to know how we came to be there—

That was on the 15th of April when Baker and Hines were discussing Funk's testimony—

Mr. Hines wanted to know how we came to be there, and I said we were there on some business, and he wanted to know who was there with us, and I told him I thought one of our managers was there, because we had telegraphed the manager of our mill and met him there. (Vol. 2, p. 1442.)

Mr. Hines said he could not remember who was there at the time. "I thought it was Mr. Whitten, one of our general managers, and he thought it was another one of them, and found out it was not.

Now, listen—

I was then going to Buffalo and Cleveland, and I told him it was some lumber deal, and it might have been one of our customers in Cleveland or Buffalo who was there, and he told me to go and see them and find out if they were there about that time, which I did, and found they were not. (Vol. 2, p. 1442.)

This witness says that he went to see Mr. Gynn, of Cleveland, in May, and then inquired of Mr. McLeod in Buffalo, and then of Mr. Silverthorn, of Tonawanda. He swears that during this time he had no recollection that Hall or Mr. Carney were present. The evidence shows that this search for the right men continued from April 15 until some time in June.

On June 8, more than two months after Funk had testified at Springfield, Mr. Carney received a letter written by Edward Hines, asking him to go over his records and memoranda and see if he did not come to Chicago to meet him (Hines) during the latter part of May, 1909. In the letter Hines says he has a recollection of meeting him (Carney) about that time, and adds—mark the words—

Can you find out if you were in the city and whether you met me between May 26 and June 1, 1909, as I wish to place an incident about the time you met me?

Yours, very truly,
EDWARD HINES.

(Vol. 1, p. 1050.)

Let it be observed that the versatile Mr. Hines had an incident in his possession that he was exceedingly anxious to "place." He could not "place" it prior to the 26th, which was the date of LORIMER's election, but would not hesitate to "place" it on any day thereafter, which might correspond in a general way with the Funk testimony.

Carney responded by telephone, informing Hines that he was in Chicago May 26 and 27. He swears that after thinking the matter over he had no recollection of the meeting in the Union League Club, that the matter had passed out of his mind entirely, but that after 20 minutes' conversation with Hines on the 10th of June, when he was made to remember that he, with Hall, Baker, and Hines, was sitting on a lounge in the Union League Club talking when a man with a smile on his face came up and Hines got up and stepped out 3 or 4 feet to meet and greet him; that witness could not hear a word that passed between them; that Hines and the stranger walked off, as he believed, out of sight (vol. 1, p. 1033); that after an absence of four or five minutes Hines returned and said, "Well, Carney, that is not a very heavy fellow for a fellow holding down a big job, is he?" I said, "No, sir; he is not." He said, "That is Mr. Funk, general manager of the International Harvester Co." Witness says he never saw Funk before or since. (Vol. 1, p. 1048.)

Mr. Hall remembers his movements on the 27th of May, 1909, with great accuracy from the time he had his breakfast until he went with Hines and Baker and met Carney at the Union League Club; remembers how he sat with reference to Hines; saw a man come up and shake hands with Hines, saying, "How do you do, Mr. Hines?"; that Hines called the man Mr. Funk; that Hines and Funk stood right in front of him and talked, Funk saying, "I am very glad that Mr. LORIMER has been elected Senator." Hines expressed himself as being pleased, whereupon Funk asked Hines to introduce him to the Senator at his convenience. Then Funk took Hines by the arm and they walked out 10 or 12 feet and stood in plain view of the men on the sofa for two or three minutes; Hines came back and said, "There is Mr. Funk, general manager of the International Harvester Co.," and he spoke of his being a small man for a large job. (Vol. 1, pp. 1064–1065.)

Mr. Hall says that he was in Chicago when Funk testified in Springfield—read that testimony April 6. That from April 6 until June 1 the circumstances of the Funk-Hines conversation came back to him gradually, so that on the latter date he broached the subject to Mr. Hines, and a little later found substantial unanimity of sentiment could be reached between the four parties on the sofa, and so the incident that Mr. Hines had been carrying around with him for two months was finally placed.

In this connection it might be well to refer to other distinguished services rendered by Mr. Isaac Baker to his employer.

It is agreed by all parties that on the day of Senator LORIMER's election Mr. Hines was in the room of Wirt H. Cook in the Grand Pacific Hotel and there had a conversation with some one at Springfield concerning the election. That episode will be discussed by another member of the committee. It is also agreed that at least four persons were present at the time of that conversation, namely, Hines and Wiehe, Cook and O'Brien.

But Mr. Hines insists that a fifth person was there in the presence of Isaac Baker. O'Brien, who is not unfriendly toward Hines, swears that he saw no person in the room other than the four above named; and Cook swears that he believes Wiehe was there, and is sure that Wiehe and Baker both were not there. (Vol. 1, pp. 628–689.)

In placing this incident it was convenient to have Baker there as the fifth man, and Wiehe and Baker, like parrots, repeat the story of the telephone conversation as told by Hines.

Also in this connection, as illustrating Mr. Hines's methods of procedure, his notions of propriety, and the accuracy of his memory, I will call attention to his efforts to induce Cook and O'Brien to leave Chicago at the time the grand-jury investigation of the White exposure was in progress, to evade the process of the grand jury.

I might add, in passing, that that was a strange performance for a man who had been engaged in a telephone conversation in which there was no harm. According to his version of the conversation there was nothing particularly wrong about it. According to the version of the conversation as heard by Cook, it was a proposition to take or send money to Springfield to influence the senatorial election, if necessary. So, I say, these efforts to induce men who listened to the conversation to get out of the way of the grand jury, lest they might repeat the conversation to that body, is somewhat of a suspicious circumstance.

Mr. Hines testified very positively (vol. 1, p. 877) that he received a telephone message from some one in Duluth, stating that Cook had been talking in a hotel in Duluth and on a train about having heard a conversation in his room in which he—Hines—had talked to some public men, and about that time the grand jury was in session in Chicago investigating jackpot bribery. The Duluth gentleman told him that if Cook was talking promiscuously like that around Chicago, it would have the effect of getting his—Hines—name drawn into it, and if there was anything in the conversation it might be well for him—Hines—to see Cook and caution him not to repeat it; that he thereupon called up Wiehe by telephone, but he was not in. After Wiehe returned from the theater, he called up Hines to see what was wanted, and Hines swears as follows as to his instructions to Cook:

I said possibly Mr. Cook is unconsciously referring to that conversation and repeating parts of it, and if he does so around the hotels in Chicago it may come to the knowledge of the State's attorney or some of his associates, and he will be subpœnaed, and it would draw me to the State's attorney's office; and if so, I would have to disclose the conversation; that I felt that disclosing it would place some people in an embarrassing position, like Gov. Deneen, politically. It had no bearing on any information or anything affecting the subject which they were trying, as I understand, to trace down, and I would not wish to have the conversation come up. Mr. Wiehe said he would go down and explain to Cook and not have him do any talking. (Vol. 1, p. 878.)

In other words, Mr. Hines declares that the only thing he requested Wiehe to do was to go down and see Cook and request Cook not to talk.

This conversation, if it occurred, according to Hines's testimony showed a noble spirit. First, the telephone conversation, if related to the grand jury, would only burden that busybody with irrelevant matter which could throw no possible light on the subjects of its inquiry. Then the great sympathetic heart of Hines was moved compassionately toward Gov. Deneen, whom he desired to protect from any kind of embarrassment. It revealed the noble sentiments of a Christian gentleman.

But let us hear the story from his kinsman, Mr. Wiehe, who having told the story previously before the Helm committee, could not afford to "place the incident" in accordance with Hines's memory, and unfortunately the scene was so staged that the handy Mr. Isaac Baker could not be brought in.

Wiehe swears that on his return from the theater on that night he was informed that Hines had been calling for him—that he called up Hines, and that Hines told him that Cook and O'Brien were at the Grand Pacific Hotel and asked him to go down and see them. He—Hines—said the grand jury was in session, that a subpœna was out for them, that they were to be subpœnaed, and asked him—Wiehe—to tell them to keep out of the way until the matter was over. (Vol. 2, pp. 1730, 1371–1377.)

Cook and O'Brien both swear that Wiehe came to the hotel at midnight without collar, looking as if he had just got out of bed. (Vol. 1, pp. 631–697.)

Cook says that Wiehe wanted them to get out of town, saying that Hines had just called him out of bed and told him that LORIMER had just called him up and said we were in town, and wanted us to get out right away quick, or they would have us before the grand jury the next morning. (Vol. 1, p. 631.)

O'Brien, evidently friendly to both Hines and Senator LORIMER, testified that Wiehe came to the hotel and told them that Senator LORIMER had called up Mr. Hines and told him we were in town and that Hines had sent him down there to tell us to leave town, that the grand jury was in session, and that they were afraid we would be taken before it. O'Brien told Wiehe that there was no train out of town anyway, and that he did not know that he had done anything that required him to leave town.

O'Brien also testified that Wiehe told them on that occasion that there had been some talk about the telephone conversation that Hines had in Cook's room, and that was one of the reasons for urging their departure. (Vol. 1, pp. 695–698.)

I hope Senators will not lose sight of the fact that Mr. Hines stated on his oath that his only reason for sending Wiehe on this midnight mission was because some one at Duluth had informed him of Cook's volubility, and that the message sent was to Cook alone. I call attention to the following from Mr. Hines's testimony on this subject (vol. 1, p. 970):

Senator KERN. Had you heard that O'Brien had been talking, too?
Mr. HINES. No, sir.
Senator KERN. Why did you send word for O'Brien to leave town, too?
Mr. HINES. I sent word to Mr. Cook.
Senator KERN. Did you not send word by Mr. Wiehe for Cook and O'Brien to leave town?
Mr. HINES. No.

* * * * * * *

Senator KERN. You said nothing to Wiehe about O'Brien at all?
Mr. HINES. No, sir.
Senator KERN. Did you know that O'Brien was with Cook?
Mr. HINES. No, sir; I did not.

Here, then, we have this man on a highly important question squarely contradicted not only by Cook, who is his enemy, but by O'Brien, who is his friend, and by his business associate and kinsman, Mr. Wiehe.

The main question to which all this is addressed is as to whether Edward Hines is a truthful man, and whether his word is to be weighed against that of Clarence S. Funk.

Another sharp issue of veracity which tends to throw light on this main question is presented by the testimony of Herman H. Hettler, a highly reputable business man of Chicago, president of the Herman H. Hettler Lumber Co.

Mr. Hettler testified that in the afternoon of May 26, the day of the senatorial election, he was in the Union League Club, purchasing cigars at the cigar stand, when Hines touched him on the shoulder and said, "Do you know the name of your new Senator?" and on receiving a negative answer, Hines continued: "It is LORIMER. He has been elected. I just finished talking with him—just left this moment," waving his hand in the direction of the telephone booth, and went on to say: "I elected him. I did it myself." (Vol. 1, pp. 1389–1390.)

Mr. Hines, while admitting that he had a conversation with Hettler that day, just after coming out of the telephone booth at the Union League Club, denies that he said he had elected LORIMER or that he had been talking with him. He swears that he does not know where Wiehe was at the moment, but that he must have been near. (Vol. 1, pp. 916–947.)

Mr. Wiehe, now almost as omnipresent as the gifted Baker, swears that he was right there and that no such conversation as that detailed by Hettler occurred. (Vol. 2, pp. 1632–1633.)

Mr. Hettler testified with absolute certainty that Mr. Wiehe, whom he knows very well, was not present at all. (Vol. 2, p. 1401.)

Donald M. Frame, the cigar clerk at the Union League Club, who was selling the cigars to Mr. Hettler, corroborates that gentleman to the extent of testifying that his attention was attracted by Mr. Hines's remark that "I have elected LORIMER our next Senator."

The variance between the testimony of Senator Aldrich and Mr. Hines on many points is sharp and striking. Senator

Aldrich contradicted squarely many of the statements made by Hines. There are numerous other illustrations in this record of Mr. Hines's treacherous memory—too numerous to review in detail.

During the closing days of the investigation a circumstance developed which throws much light on Mr. Hines's character and methods.

Miss Helen M. Seevers, a young lady of this city, telegraph operator at the Willard Hotel, testified that about two weeks previous to February 8, 1912, she had received and sent a message from A. C. Bailey, one of the Burns detectives who had testified at the hearings, to a Mr. Kerr. That shortly afterwards, on the same day, Edward Hines came up and asked her to show him the message that Bailey had filed. She continued:

I told him it was impossible; that it was against the rules of the company to show any messages at all. He said he knew it was, but that it meant a lot to him, and he would like to see the message. He said, "I will give you something if you will let me see it." So I said, "Well, I couldn't take it." I wouldn't be bribed in that way when I knew I was doing right. So then he said, "I will come back later, and you think it over." Then he came back later in the day, and asked if I had thought it over. I told him yes, but that he couldn't see the message.

Her testimony proceeded as follows:

Mr. HEALY. Did he exhibit any money?

Miss SEEVERS. Why, he offered me some money; yes, sir.

Mr. HEALY. Tell us what he offered you—just what happened in that record. Tell us what he did and what he said about it, if anything.

Miss SEEVERS. Well, he just handed the money. He was in the office at the time, and he went out, and he says, "If you let me see that message," he says, "I will put something in your paw." Then he left the office and came back, and I saw that it was money wrapped up. I didn't know how much it was, but I just saw the green. (Vol. 8, pp. 8509-8510.)

Now, how was Mr. Hines to meet that evidence given by a respectable girl who could not be bought? In going through these thousands of pages of testimony, it is refreshing to find some one, even though it be a little girl in Washington, proof against the Hines money—the kind of money that was used in the corruption of the Illinois Legislature. She was absolutely without interest in the case. What was to be done? The services of Baker could not be had. It might be dangerous to attempt to use Wiehe. The committee was ready to adjourn the hearings sine die. So this veracious witness entered upon the only open avenue, took the stand, and testified upon his oath that he had seen her and talked with her at the booth in the Willard on that day; that he had accidentally seen and partially read the message sent by Bailey to Kerr, but that he had uttered no word that could be construed into even a request to see the message, much less a bribe, and that the statements of the young lady to that effect were unqualified falsehoods. This is the man whose word, bolstered by that of his employees, is to outweigh that of Clarence S. Funk.

There is in this record another letter, the genuineness of which is conceded, which throws some light upon the character of Mr. Hines and those associated with him. I refer to the letter contained in the testimony of Charles McGowan, and I will beg the indulgence of the Senate for a moment while I find it.

I do not find the letter just now, Mr. President, so I will not weary the Senate with its reading. It was with reference to another episode which I shall not attempt to discuss, but shall leave to other members of the committee who will have more time and strength than I have to discuss it. I refer to the incident on the sleeping car between Duluth and Virginia, testified to by Mr. William Burgess, a business man of Duluth, whose character is unimpeached. Mr. Burgess swore that Mr. C. F. Wiehe then stated to him in effect that he had contributed $10,000 to the election of Senator LORIMER.

A young man by the name of McGowan, an entire stranger to everybody in the crowded smoking compartment of the sleeping car, where several gentlemen were sitting and others standing, undertook to testify to everything that was said during a two hours' ride on that train; and not only that, but to testify to everything that was not said. That is to say, this witness testified that notwithstanding the noise of the train, notwithstanding the fact that the smoking compartment of the car was crowded with men engaged in general conversation, notwithstanding the fact the he had never before seen a single man there and had never seen any of them afterwards, save one, he could not only testify to the conversation that occurred but he could testify to the precise location of every man in the compartment, could tell when each man entered, and when each man left, and swore that it would have been impossible for Wiehe to have mentioned LORIMER's name without his hearing it.

I did not believe that story. It was regarded by me as not only improbable but utterly incredible. So, when there was brought forward the testimony of the Burns detectives as to how they had trapped this man, how they had induced him to admit that his testimony here was perjury, I paid no attention to it. That is to say, I did not attend the hearing when the detective witnesses were on the stand, because I felt that it was a waste of time to listen to testimony in rebuttal of evidence like McGowan's, which was so utterly incredible. The detective testified to the facts I have stated—that McGowan had admitted to him that his testimony was perjury, and that testimony I shall not review.

But Mr. McGowan himself admitted, in the closing days of the hearings, that he had written a letter to the detective, Bailey, and it was that letter for which I was just now looking. I will give the substance of it.

It was that after testifying in Washington last summer in this hearing he went to his place of business in Canada; that he found he had lost some money by reason of his absence here in Washington attending the hearing; that he demanded reimbursement from Mr. Hines or Mr. Wiehe or the Hines Lumber Co. The detective testified that McGowan told him he was going to make them "come across" on account of the perjury he had committed for them; that if they did not "come across" he would expose them.

The letter which he afterwards wrote the detective, and the genuineness of which he admits, says, referring to the Hines Lumber Co., "I made them come across, not for as much as I hoped, but I had a hell of a time in getting what I did," or words to that effect, corroborating the statement of the detective that his testimony was perjury, and corroborating the idea that he was paid this money as hush money to prevent an exposure, his testimony in the first instance having been false.

One or two words more, Mr. President, and I think I shall have finished. I wanted, before sitting down, to say something about the relationship existing between the Senator from Illinois and Mr. Lee O'Neil Browne. If there was no connection between them, then much of what I have said is of no weight. Speaking of their relationship, Mr. Lee O'Neil Browne testifies very fully and very plainly.

I read from Senator LORIMER's testimony because in it is incorporated the testimony of Lee O'Neil Browne. These were questions asked by myself:

Senator KERN. I want to ask you something about the activities of Lee O'Neil Browne in your behalf, and the conferences you had with him. I call your attention to Mr. Browne's testimony, on page 4894, where he testified to a promise which he says he exacted from Mr. Shurtleff and yourself concerning the roll call, which I imagine was that there should not be a roll call for you until you had enough votes to elect:

"Senator KENYON. Then when did you exact it from Mr. Lorimer?—Speaking of the promise to which I have just referred.

"Mr. BROWNE. Just as soon as I had any conversation with him in regard to the matter, which was shortly after I saw Mr. Shurtleff—very shortly, because the conferences relative to that campaign commenced to take place in those rooms very shortly after my telling Mr. Shurtleff what I would do.

"Senator KENYON. Did you frequently meet Mr. LORIMER there?

"Mr. BROWNE. Oh, yes; every night, and sometimes there would be half a dozen conferences in the night, the same as there are in any campaign.

"The CHAIRMAN. In the speaker's rooms in the hotel?

"Mr. BROWNE. Yes, sir."

Then, again, on page 4912, a question by myself:

"Senator KERN. I see that your testimony then given was to the effect that 'from that time on the conferences were at night mostly—every night during the stay at Springfield,' and that they lasted sometimes for some hours and sometimes there were a dozen of them in an evening?

"Mr. BROWNE. Yes, sir.

"Senator KERN. And that at those meetings you kept Senator LORIMER posted as to your movements in reference to his candidacy, and that you and Mr. Shurtleff kept each other posted, 'just as any other campaign committee would do?'

"Mr. BROWNE. That is substantially correct.

"Senator KERN. Then those were very busy days and nights there, pushing his candidacy?

"Mr. BROWNE. Yes, sir; all the days and nights down there had been very busy.

"Senator KERN. But at the time I speak of now, when you were holding a dozen conferences in one night, that would be a busy time?

"Mr. BROWNE. Yes; I presume there were evenings when there would be what you might call one long conference entered into, or you might say a dozen separate ones.

"Senator KERN. What would be the purpose of a dozen conferences in one evening? How would that contingency arise?

"Mr. BROWNE. An endeavor to ascertain accurately how some one member or members stood, about whom there would be some doubt.

"Senator KERN. Yes. That is to say, when a question would come up about a member you or some one would go and see the man?

"Mr. BROWNE. Or have some one else go; some one who would see the member.

"Senator KERN. And then you would have another meeting to find out the result of that effort?

"Mr. BROWNE. He would come back and report; yes.

"Senator KERN. You told Mr. LORIMER, during this period, as to just what you were doing toward furthering his canvass?

"Mr. BROWNE. Yes; in a general way.

"Senator KERN. And you went over the list with him?

"Mr. BROWNE. Oh, as I have told you, I probably did frequently, in part. I do not think I ever went over the entire list."

I want to ask you if that accords with your recollection as to what Mr. Browne and other members were doing?

Senator LORIMER. I should say, substantially, yes.

Mr. WILLIAMS (at 3 o'clock and 30 minutes p. m.). Evidently the Senator from Indiana is very much fatigued. He

has not been well. I request that he be permitted to resume his speech to-morrow. He informs me that he can finish in about half an hour.

Mr. KERN. It will take me a very short time to conclude. I expected to finish this evening, but I have been indisposed for some days, and I find the effort this afternoon has exhausted me.

Mr. WARREN. I understand the Senator has yielded the floor for the time being.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Notice will be entered that the Senator from Indiana will proceed with his remarks to-morrow after the morning business.

Mr. WARREN. I move that the Senate take up House bill 24023, the legislative, executive, and judicial appropriation bill.

Mr. CULBERSON. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Texas suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Martin, Va.	Smith, Ga.
Bacon	Dillingham	Martine, N. J.	Smith, Md.
Bourne	du Pont	Myers	Smith, Mich.
Bradley	Fletcher	O'Gorman	Smith, S. C.
Brandegee	Gallinger	Overman	Smoot
Briston	Gore	Page	Stephenson
Bryan	Heyburn	Percy	Sutherland
Burton	Johnston, Ala.	Perkins	Thornton
Catron	Jones	Poindexter	Tillman
Clapp	Kern	Pomerene	Townsend
Crawford	Lodge	Reed	Warren
Culberson	Lorimer	Shively	Wetmore
Cullom	McCumber	Simmons	Williams
Cummins	McLean	Smith, Ariz.	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present.

PUBLIC BUILDING AT RICHFORD, VT.

Mr. PAGE. I should like to have the attention of the Senate for just a moment while I ask unanimous consent to have a very small bill passed. It is the bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont. The bill has received a favorable report from the Committee on Public Buildings and Grounds, and I should like to have it passed this afternoon if I can.

Mr. WARREN. I understand it to be somewhat of an emergency matter and a very short measure. If it does not lead to any debate I am willing to yield for that purpose.

Mr. PAGE. If there is any objection to it I will withdraw the request.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost for a public building in the city of Richford, State of Vermont, authorized under section 4 of the act of May 30, 1908, from $60,000 to $74,000, and appropriates $14,000 to provide for such increased cost.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that the legislative appropriation bill be proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the committee, on pages 34 and 35, which has been read.

Mr. WARREN. I understand that the amendment, on pages 34 and 35, has been read in full, and an amendment offered to the amendment has been carried. I now ask for the adoption of the amended amendment.

Mr. CUMMINS. I made a suggestion, when we were considering this amendment a day or two ago, and I hope the Senator from Wyoming will agree to that suggestion. Possibly he has forgotten it.

Mr. WARREN. No; if the Senator will allow me, what I understand the Senator from Iowa to want to do is to strike out the language commencing on line 22, page 34, with the word "and," and to strike out the balance of that line and all of line 23 up to the word "any."

Mr. CUMMINS. No. I wish to repeat that I have no objection to the employment of these persons in the Department of State. I do not know whether they are necessary or not, but I assume that the committee has fully investigated that question, and I accept the judgment of the committee with regard to the necessity of these employees.

Mr. WARREN. I understand the Senator, but I supposed those were the words he wanted to have stricken out.

Mr. CUMMINS. I want to strike out beginning with the word "and," in line 22, on page 34, down to and including the word "relations," in line 2, page 35, and then after the word "with," in line 7, page 35, to insert the words "the work of the department," striking out all the portion in italics after the word "with."

Mr. WARREN. That is more than I understood the Senator to want. I understood that he wished to strike out the definition commencing where he commenced the words "and to be employed upon tariff, treaty, and trade relations and negotiations." The committee would have no objection to striking that out if that would suit the Senator. I do not think we should strike out so much as the Senator has now indicated.

Mr. CUMMINS. Mr. President, I do not object to Congress creating four additional divisions, one for the far east and one for Latin America and one for the near east or Europe, but I do not want to create those departments in an appropriation bill if they are not already created.

Mr. WARREN. They are already created, only they were created, as most of these places are, in an appropriation bill, and are in the current law.

Mr. CUMMINS. If that be true, and I do not doubt it——

Mr. OVERMAN. I desire to correct the Senator from Wyoming right there. While they were carried forward in the appropriation bill, they were created by the Secretary of State from a lump sum. That was the original creation.

Mr. WARREN. The Senator is going back, say, four or five years ago.

Mr. OVERMAN. It was done in the tariff act, and that was not four or five years ago.

Mr. WARREN. Each year they have been provided for.

Mr. OVERMAN. But the appropriation of $100,000 was authorized in the tariff act.

Mr. WARREN. That was in 1909, and it is now 1912. It was four years ago, and the appropriation was $75,000.

Mr. OVERMAN. Three years ago.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. The Senator from Iowa had not concluded.

Mr. CUMMINS. I wish to say that while I agreed with what was said the other day respecting the creation of offices under the act of 1909, yet it has been done, as I understand it, and I do not know enough about the subject to ask that it be undone. Therefore I will be content if the words "and to be employed upon tariff, treaty, and trade relations and negotiations" be stricken out of that part of the amendment and the words I have already indicated be inserted and the other language in italics stricken out on page 35.

Mr. WARREN. As to the first, I shall be glad to accept the amendment, but as to the second I do not think I can accept it. Perhaps I do not understand it. Where does the Senator commence? On what line?

Mr. CUMMINS. It would read in this way:

For meeting occasional and unforeseen expenses arising in connection with the work of the department, $25,340.

I do not know that that is a proper sum or not. I assume that the committee has investigated that and I am not sufficiently familiar with the matter to controvert it, but I do oppose putting in the words:

For meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the act of August 5, 1909.

If we have given by any legislation heretofore the authority to the Department of State—and I assume we have—to enter upon negotiations with foreign nations concerning these things, I do not protest; but I do not think that we ought to enlarge that power, whatever it may be, in the appropriation bill.

I do not know precisely what the committee had in mind in describing this work in the manner in which it has described it. The latter part of the proposed amendment refers to the act of 1909. The only authority that was given in that act for the expenditure of any money whatsoever, or the only basis that

was laid for an appropriation, is contained in the last sentence of the first paragraph on page 81 of the tariff act, which says:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

The only authority is to the President to employ such persons as may be required to do the work that is there indicated. Now, the committee says in this amendment:

Including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the act of August 5, 1909.

That would seem to substitute for the President of the United States the Secretary of State, and to authorize him to employ such persons as he might deem best to execute the tariff law; and I can not think that the committee intended power or authority in that matter to be transferred in that way.

Mr. WARREN. I do not wish to interrupt the Senator, but certainly he is wide of what the committee intends and wide of the real facts in the case as to what has happened since.

As I explained the other day, it was the sum of $75,000 and not $100,000, in the first place. The work was done under that original language. A year afterwards in an appropriation bill different language was used and a different amount was named, and precisely these duties were provided which are now contained in this measure.

The committee in considering this matter proposed first to settle the question, Does the Department of State require these men to perform the duties which they are now doing? A careful investigation, in which we had the Secretary of State and several assistants with us, developed very plainly that if we were to sustain the position of the Government in a proper manner with foreign countries and advance these relations that have already been growing in importance relatively, they not only need the officers now but would undoubtedly continue to need them.

So instead of bunching them in exactly as it was last year we put them in with the others in the statutory way. In the latter part of the amendment which the Senator has read we used the exact language that has been current, the language in the last law and in, I think, at least one law before then. I have it here, if the Senator would like to know what it was.

Mr. CUMMINS. If we had it so in the last law, it was wrong, and it ought not to be perpetuated.

Mr. WARREN. That is another matter.

Mr. CUMMINS. Precisely.

Mr. WARREN. It is useless to say that we are acting upon the original $75,000 appropriation.

Mr. CUMMINS. Let us see if we fully understand each other. When we passed the act of 1909 it was urged that a board ought to be created, first, for the purpose of assisting the President in applying the law to the new condition, which was the creation of a maximum and a minimum tariff schedule, and, second, that we ought to authorize the President to employ suitable persons to make an investigation concerning the cost of production at home and abroad.

Mr. BACON rose.

Mr. CUMMINS. In just a moment. I will yield in a moment to the Senator from Georgia.

That, as Senators will remember, was a suggestion made that it was thought would take the place of the Tariff Board that was being urged by some of us upon this side of the Chamber, and notably by the then Senator from Indiana. When the bill was reported, however, it had dwindled into an authority to the President to employ certain person or persons to apply this law, and there was no suggestion with regard to the acquisition of information. There was no thought of interposing the Department of State as one of the preliminaries to the revision or change of a tariff schedule, and the act gave that power only to the President.

Now, if some subsequent act transferred that power to the Department of State it was erroneously transferred. Congress never intended that the Tariff Board should act under the direction of the Department of State. It was bad enough to put it completely under the power of the President of the United States.

That was a course which never met my approval. I think there is still the same demand for an independent Tariff Board, responsible to Congress alone. But we did commit the power finally to the President of the United States to employ these people, and he did employ them with increased appropriations from year to year. I have nothing to say against their work. In the main, I think it has been exceedingly well done and will be very helpful as time goes on. But what we propose to do here is to give that power to the Secretary of State to the extent of the appropriation that is here permitted.

Now, I yield to the Senator from Georgia. I wanted to finish that thought.

Mr. BACON. I simply wanted to see if I am correct in my recollection that when this matter was before the Senate in 1909 the provision as it originally came before the Senate did contemplate some enlarged functions on the part of those who were to be employed, looking to general information in regard to tariff matters. If I am correct in my recollection the then Senator from Maine, Mr. Hale, was very explicit when the provision was changed so as to limit to the performance of the duty which would devolve upon the President strictly to the maximum and minimum provision of the tariff. Questions were propounded to him which brought from him the statement that it was the purpose to exclude everything else. Am I correct? Does the Senator remember it?

Mr. CUMMINS. The Senator from Georgia is entirely correct.

Mr. BACON. Really the purpose for which I rose before, and I would not have done so but the Senator was dividing the two functions to be performed, was to ask the Senator whether he understands that there is still a necessity under the maximum and minimum provision in the tariff law for power to the President to employ any person for that purpose, or whether that is not a function already performed, and not liable again to call for any action on the part of the President. Certainly if so it is an exceptional case.

Mr. CUMMINS. Not with any such generality, of course, as existed in 1909, but I think it is true that the power is a continuing one. If the President of the United States were to find that any nation with which we have dealings had begun to discriminate against us it would not only be within his authority, but it would be his duty to recall the proclamation he had theretofore issued and to impose upon that country our maximum duty.

Mr. BACON. Undoubtedly.

Mr. CUMMINS. So it can be said that there is still necessity for some advice and assistance in this direction.

Mr. BACON. But the Senator does not recognize that there is any such probability of an occasion of that kind arising, certainly with any such degree of frequency as to require the appropriation of a large amount for that purpose.

Mr. CUMMINS. No; I would think not.

Mr. BACON. I think it is true that possibly since the first investigations were made under the act of 1909 nothing has occurred which required any additional action on the part of the President, and so far as we can now anticipate it is not probable that there will be any. Of course it is possible.

Mr. CUMMINS. I want the Senator from Wyoming to distinctly understand my position. I do not want to limit the power or authority of the Department of State; I want it to exercise all the duties—not, however, contained in an ephemeral appropriation act—that it has been authorized to perform. I recognize the great value of the service that it renders. I do not want to diminish the amount of money that is placed at its disposal; but, on the other hand, I protest against creating new duties or giving new directions to the Department of State in an appropriation bill. I intend, I hope, to maintain that position throughout our appropriation measures.

I am opposed to legislation, of an important character at least, that is not very germane in appropriation bills. I know that once in a while we will do a very good thing by legislating in an appropriation bill; we possibly secure an act that we otherwise could not have secured; but, on the other hand, in the long run we will do more bad things than we will do good things by attempting to govern the country in its general policy through the medium of appropriation bills.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. I notice that the Senator read a very interesting and valuable document in his tariff speech on the steel schedule by Mr. Charles M. Pepper.

Mr. CUMMINS. I read during one of my addresses a report made by Charles M. Pepper, who was operating at that time as an employee or agent of the Department of Commerce and Labor.

Mr. OVERMAN. I was just going to call to the attention of the Senate the fact that Charles M. Pepper was an employee of the Department of Commerce and Labor, but, as Mr. Nagel says, they have taken from him some of the most valuable men for the State Department, and one of them is Charles M. Pepper, to whom they pay a salary of $4,500. He

was working under the Department of Commerce and Labor, and, I think, at that time procured all the valuable data which the Senator used, but now he has been transferred to the State Department under this provision, and he is in charge of that work. I want to inform the Senate that that is one of the things they are doing.

Mr. CUMMINS. I can not imagine what objection the Senator from Wyoming can have to this amendment, because it gives the Department of State for expenditure in every way authorized by the law all the sum of money which it is thought necessary for that purpose.

I do not want to take the act of 1909 and give to the Secretary of State or put into the hands of the Department of State the work which was committed to the President under that act. It ought not to be taken away from the President; and I protest against the creation of another agency to deal with the tariff.

Mr. WARREN. Mr. President, I will send the Senator another copy of the bill, so that during the debate he may prepare an amendment to the bill in the Senate, if he should conclude to offer one, though I do not very well understand the necessity for it; but I should like the attention of the Senator for a moment.

The province, as I understand, of the Appropriations Committee is to bring here for the consideration of the Senate appropriations under the law, and not to make law. It is true that in another place they are making law and appropriations at the same time; but surely our province is to appropriate under the law, unless we wish to submit changes of law that we consider important, and then the question would arise as to our right to do so. Here we come to a matter of law. These positions are provided for by law, and, if the Senator will permit me, I am going to have the language of the existing law read, which we followed. There have been some changes this year, and, therefore, in order to reduce it somewhat in expense and to reduce it also in the ambiguity of its language, if there be any, we have left out some of the language and some of the money; but the proposition that the Senator has now before him, and which he desires to change, is existing law, and he proposes to change the law in an appropriation act.

Mr. CUMMINS. Mr. President, I do not think this is existing law. The Senator from Wyoming has not yet apprehended the point I am making. I am not objecting to any office; I am not seeking to strike out any part of this bill which creates an office or which makes an appropriation for an office; but you make an appropriation here of $25,340 for "occasional and unforeseen expenses" in the Department of State. I am not objecting to that, because I can well understand how it might be necessary, but I am objecting to the provision which declares that this $25,340 shall be expended under the—

Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909.

That act does not provide for any such expenses; it provides for no officers to be appointed by the Secretary of State and no expenses to be made by the Secretary of State.

Mr. WARREN. It is precisely word for word the current law.

Mr. CUMMINS. Will the Senator read the current law?

Mr. WARREN. I have read the current law once or twice; and I will read it now.

Mr. CUMMINS. I shall be glad to have it read.

Mr. WARREN. Probably it would be better if the Senator were to read the language as he has it before him, and I will compare it with the language of the existing law as I have it here.

Mr. CUMMINS. What the Senator has before him is the appropriation act.

Mr. WARREN. That is the law. The Senator's salary and all other salaries are provided for in an appropriation act.

Mr. CUMMINS. I would be glad to have him read the language.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. CULBERSON. I thought the Senator had concluded. I do not desire him to yield.

Mr. WARREN. The Senator from Iowa asks me to read the language. It is as follows:

For meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or otherwise, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340.

Mr. CUMMINS. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. I do.

Mr. CUMMINS. I assert that that is not law. It was provided in that act that this sum of money should be expended during the coming year for these purposes.

Mr. LODGE. It is the law until the 1st of July.

Mr. CUMMINS. I am not objecting to the continuance of expenditures until the 1st of July; but it is not the law for the year after the 1st of July. There are no officers provided for. It simply says the Secretary of State may expend certain sums of money for certain purposes during the year; and we are now trying to find out what the Secretary of State should expend for the coming year. If I object to giving him $25,340 for that purpose, I am surely not seeking to overturn any established law. It was a mistake a year ago, and we ought not to perpetuate it now.

I am perfectly willing that he shall have the money, and that he shall expend it for any purpose within the authority of the law or within the scope of the duties of the Secretary of State; but I am not willing, as I said before, to attach him to the act of 1909.

Mr. CULBERSON. Mr. President, it seems to me the Senator from Iowa [Mr. CUMMINS] is entirely correct about this matter. I called attention to it in committee at the time when this amendment was being considered. I presume this amendment at pages 34 and 35 was prepared at the State Department. When it was presented to the full committee there were three places in which the words were inserted "under the provisions of the said act of August 5, 1909." On page 34 that provision was stricken out in two instances, but for some reason it was not stricken out on page 35. So we have an appropriation bill in the present instance providing that certain appointees are to be selected and compensated under the provisions of the act of August 5, 1909, when the provisions of the appropriation bill are in contravention of the act of August 5, 1909, for the simple reason that the act of 1909 provides that the appointments shall be made by the President, whereas this appropriation bill and the appropriation bill of a year ago provided that they should be made by the Secretary of State; that is, in two or three instances.

I agree with the Senator from Iowa that all reference to the act of August 5, 1909, ought either to be stricken out of this bill or that the provisions ought to be made to accord with the act of 1909, so that the appointments shall be made by the President instead of by the Secretary of State.

There is another objection to this provision, Mr. President, unless it can be cleared up to my mind, and that is——

Mr. WARREN. Mr. President——

Mr. CULBERSON. I hope the Senator will let me conclude. I shall take but a few moments. It occurs to me, although I am not entirely satisfied about it, that this amendment provides for a duplication of work in our foreign relations. I call attention to the provisions of the bill on page 136, beginning in line 9, and following, under the head of "Bureau of Foreign and Domestic Commerce":

Chief of bureau, to be appointed by the President, by and with the advice and consent of the Senate, $4,000; assistant chiefs of bureau, one at $3,000, one at $2,750—

And so on down the line, there being an appropriation made for the Bureau of Foreign and Domestic Commerce under the Department of Commerce and Labor, when the same character of work is provided for in the Senate committee amendment on pages 34 and 35 in this appropriation bill.

Mr. President, to show that I am not entirely wrong in my suspicion about the duplication of this work, I call the Senate's attention to a paragraph of the letter from the Secretary of State to the Committee on Appropriations, of date May 25, 1912, in which he says, writing to the chairman of the committee, the Senator from Wyoming [Mr. WARREN]:

When I had the pleasure of appearing before your subcommittee day before yesterday you were good enough to suggest that, owing to the impression of a duplication of work between the Department of State and the Department of Commerce and Labor, I should confer with the Secretary of Commerce and Labor and with the President, in order that you might be given such explanations or suggestions by me as would enable the committee to carry out its purpose of eliminating duplications, if any important ones were found to exist while at the same time conserving and strengthening the machinery for the promotion of our great foreign trade

I have had a conversation with the Secretary of Commerce and Labor, but Mr. Nagel showed a reluctance to address himself to the subject in so far as it passed the direct concern of his own department.

So I suggest, Mr. President, to the chairman of the committee having this bill in charge that this amendment of the Senate committee ought not to be adopted if there is in fact a substantial duplication of the work, first by the State Department

and then by the Department of Commerce and Labor, as indicated by the letter of the Secretary of State and by the provisions of the bill to which I have invited attention.

Mr. OVERMAN. Mr. President, will the Senator from Wyoming yield to me?

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. WARREN. Yes.

Mr. OVERMAN. I think it is proper here, Mr. President, that the Senate should know what the Secretary of Commerce and Labor thinks about this matter. That there is a duplication of work there is no question. I will say that the committee, through the chairman, did inform the Secretary, as is shown in the testimony, that it was desired that the Secretary of State and the Secretary of Commerce and Labor should get together, if they did not like our plan, and suggest some plan by which we could stop this duplication of work. It seems they could not get together, and that ended it. I now read from page 195 of the hearings:

Mr. NAGEL. As you are aware, Mr. Chairman, the House has provided in its bill for the consolidation of the activities of a number of bureaus, chiefly in my department and perhaps one in another department; and it appears to me that this part of the legislation presents a question that perhaps ought to be well considered. When the bill first came out of the committee in the House, it provided for a transfer of the Bureau of Manufactures to the State Department, and for a transfer of the Bureau of Statistics to the Census. I regarded both measures as unfortunate, and did what I could to state my position. The Bureau of Statistics is, as I take it, on the firing line of commercial information, and should not be sent to any other bureau which has more to do with the past. The Bureau of Manufactures is, in my judgment, the foundation of the whole Department of Commerce and Labor, if there ever is to be such a department, and I think, so far, we have only a suggestion of one. During the three years that I have been here I have done everything that I can to build up that bureau. I have endeavored to bring it in touch with the commercial and industrial forces of the country, and have directed to it nearly all of my attention in public speaking, and really hoped to develop something worth while.

Senator OVERMAN. Was not that really the idea of the establishment of that bureau?

Mr. NAGEL. That was my conception of it. Frankly, it has never seemed to me that the State Department should be charged with the immediate development of commercial interests.

Senator WARNER. Those commercial interests that you have in mind are both domestic and foreign?

Mr. NAGEL. Yes. Of course, I think there ought to be a complete cooperation between the two departments.

The CHAIRMAN. Have you discussed with the State Department these changes as proposed in the House bill? If so, what is their attitude in the matter?

Mr. NAGEL. I will speak of that at once. It has been the subject of discussion from time to time, more especially as between myself and Mr. Wilson. Mr. Wilson and I do not agree, but I prefer to have him speak for himself upon that matter.

Senator OVERMAN. That is in no sense a commercial department of the Government.

Mr. NAGEL. His impression is, as I understand him, that the Bureau of Manufactures properly belongs to that department, and my impression is that inasmuch as it is to represent a commercial department proper, that bureau ought to be in the Department of Commerce and Labor.

Senator WARNER. You do not think they might be properly kept as they are, foreign relations and trade relations, or perhaps foreign trade relations, if that is the term, in the State Department, and the other part, as I take it, now in your department?

Senator OVERMAN. I do not suppose it is necessary to say so, but it looks to me like a duplication of work. I had something to do with the appropriations for this Bureau of Manufactures and commercial agents. There was great complaint at that time by all the manufacturers of this country that they could not get proper information. These consular officers sent abroad did not look after the interests of the manufacturers of this country, and the consequence was that an appropriation was made for that purpose.

* * * * * * *

Mr. NAGEL. Answering that one question, my understanding of the law is that the consular agents make their reports to my department through the State Department, and under the present practice the State Department first passes upon those reports and then transmits them to us. We then examine them and determine what part is to be made public.

* * * * * * *

Senator OVERMAN. Excuse me for the interruption, but I wanted to get that point clear right there, because we might not come back to that.

* * * * * * *

Mr. NAGEL. As to the Bureau of Trade Relations, I have been careful not to express any opinions, because it involves another department. I know the attitude of Secretary Wilson upon the question and he knows mine. I had assumed that perhaps we would continue just about as we have been doing, but Mr. Wilson is undoubtedly of the opinion that if there is to be a consolidation our bureau ought to go to him, while I am of the opinion that in such an event his ought to come to us. I have just stated the grounds for my contention upon that subject. But be that as it may, as I read the bill, as it comes from the House, the changes in the State Department, if they are to stand at all, are more radical than they should be. It does look to me as though the State Department had been deprived of a number of positions which it should have under all the circumstances, even if the Bureau of Trade Relations, in so far as it has to do with commerce, is transferred or modified. In other words, I think the change is more radical in the State Department than it should be under any view of the case. That involves details as to which I shall be glad to speak with Secretary Knox and endeavor to present the matter to the committee in some well-considered manner. I think that is the way in which we ought to present the matter. In fact, I should be glad to speak with the President about it, and get his direction as to the policy the departments ought to pursue with respect to this proposed change.

In accordance with that request we asked the Secretary of Commerce and Labor to confer with the Secretary of State, and in the hearings you will see what the Secretary of State, Mr. Knox, says about it. It seems that the economy board was about to make a report, as Mr. Nagel understands, recommending these very changes; but the report has been withheld for some reason and has not come to us. Nobody, as I understand, is advocating this trade-relation matter except the Secretary of State himself. Now, to be perfectly fair and just, I want to read what Mr. Knox said about this question:

WORK OF BUREAU OF TRADE RELATIONS.

Recently, for instance, the South has been suffering with an arbitrary tare on cotton, which amounts to about twenty millions of dollars a year. The Bureau of Trade Relations took up that question and examined into the conditions in every cotton market in the world. It got photographs of bales that were shipped from the United States as compared with bales of cotton coming from other parts of the world, and showed the southern planters how they could save that money by a different method of baling. That matter was brought to the attention of the legislatures of the various States, and we never had a more grateful expression than we had from the governors of the States. Nobody hears about these things. They are not sensational. Nobody knows anything about them except the people directly concerned.

DUPLICATION OF WORK.

Senator OVERMAN. Right there, carrying out my idea with reference to that matter of baling cotton, I want to say that I know about that, and I know what has been done.

The people are very grateful; but the fact is that this other bureau has done the very same thing, and has sent its agents down to make speeches. They have made speeches in different parts of the South instructing the people along that very line. There is where the duplication that I am talking about comes in.

Secretary KNOX. But, you see, we have the service to call on for this information. We have an organized service as old as the Government itself, consisting of several hundred members, namely, the Consular Service. We have a consular office in every commercial center of the world.

Senator OVERMAN. That is not the question. It may be that you should do it all.

Secretary KNOX. But I am telling you why we are able to do it at such comparatively small expense. I am not saying a word against the efficiency——

Senator OVERMAN. And I do not want you to.

Secretary KNOX (continuing). Or the necessity of the Bureau of Manufactures in the Department of Commerce and Labor.

Senator OVERMAN. But the question in my mind is, Can this duplication be stopped and money be saved? That is the point.

Secretary KNOX. If there is a duplication at all, it comes in as a minor part of the expenditure of the $29,000 in our Bureau of Trade Relations. Our Bureau of Trade Relations does a great deal that the Department of Commerce and Labor does not do at all, and the total cost of our bureau is $29,000 a year.

That is about what occurred in the committee, without reading it all.

While I am on my feet, Mr. President, I would like to hear some reason for the provision in regard to the officer of whom I am about to speak; the Secretary of State did not give any, and I have heard no reason given why we should provide for the officer who is called the "resident diplomatic officer." He has nothing to do with trade relations, and why should we establish such an office? The amount proposed to be appropriated for his salary was originally $7,500, but, I believe, on motion of the Senator from New Hampshire in the committee, it was reduced to $6,500. I do not see why we should have such an officer as a "resident diplomatic officer" at $6,500. There is an officer, created by the State Department originally, although it is true he has been carried in different appropriation bills, known as the "counselor for the Department of State," to be appointed by the President, by and with the advice and consent of the Senate. I agreed to the provision for that officer, because the former Secretary of State, the distinguished Senator from New York [Mr. ROOT], gave it as his opinion that that officer ought to be continued; but when we have the Secretary of State, the First Assistant Secretary of State at $5,000, the Second Assistant at $4,500, and the Third Assistant at $4,500, why we should have a resident diplomatic officer at a higher salary than the Assistant Secretaries I can not see. When it is in order to do so I want to move to strike out the provision for that officer, so as to perfect the amendment. I think that will be in order. I should like to make a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. OVERMAN. Is it in order to move to strike out certain lines in order to perfect this amendment?

The VICE PRESIDENT. The Chair does not quite understand the Senator.

Mr. OVERMAN. Is it in order to move an amendment to the amendment in order to perfect it?

The VICE PRESIDENT. To the pending amendment?

Mr. OVERMAN. Yes.

The VICE PRESIDENT. Most certainly it is.

Mr. OVERMAN. Then, Mr. President, I move to strike out——

The VICE PRESIDENT. But there is one pending amendment which should be first disposed of.

Mr. OVERMAN. I think I offered that amendment, and, if so, I withdraw it.

The VICE PRESIDENT. The Chair understands an amendment to the amendment was offered by the Senator from Iowa [Mr. CUMMINS], although the present occupant of the chair was not in the chair at the time it was offered.

Mr. WARREN. The Chair is properly advised.

Mr. CUMMINS. My amendment is now pending.

Mr. OVERMAN. I beg the Senator's pardon; I did not know he had offered his amendment. I agree with the Senator from Iowa, and if he will take this testimony and read it he will see what has been done in the Department of State. I think the amendment ought to be amended.

Mr. WARREN. Mr. President, so far as the chairman of the committee is concerned, I am willing to accept, and have accepted, the first amendment of the Senator from Iowa, and am perfectly willing now to accept the second.

The VICE PRESIDENT. The Secretary will state the amendment, as it has not yet been stated, as the Chair is advised.

The SECRETARY. On page 34, lines 22 and 23, it is proposed to strike out the words "and to be employed upon tariff, treaty, and trade relations and negotiations."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. WARREN. That is the whole of that amendment.

The VICE PRESIDENT. That is the whole of the amendment to the amendment. Now the Senator from Iowa offers another amendment, as the Chair understands. Is the Chair right?

Mr. CUMMINS. I offered a second amendment.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 35, line 7, after the word "with," it is proposed to insert "work of the department" and strike out the remainder of the amendment down to and including the words "and nine," in line 15.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. CULBERSON. What is the last amendment? I did not catch it.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. OVERMAN. I should like to have read the amendment of the committee as it will appear if amended as proposed.

The VICE PRESIDENT. The Secretary will state the amendment of the committee as amended.

Mr. OVERMAN. Beginning on page 34, line 22, after the words "Secretary of State," where, as I understand, the first amendment to the amendment was adopted.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—one of class 4, three of class 3, two of class 1, three at $1,000 each; three assistant messengers; for meeting occasional and unforeseen expenses arising in connection with work of the department, $25,340.

Mr. WARREN obtained the floor.

Mr. CULBERSON. Mr. President——

Mr. WARREN. Did the Senator arise to address himself to this particular amendment?

Mr. CULBERSON. I desire to ask the Senator from Wyoming what explanation he has, if any, of the suggestion of Secretary Knox to the subcommittee as to the duplication of this work by the Department of State and the Department of Commerce and Labor?

Mr. WARREN. I will be very glad to reply to that suggestion. The subcommittee at first felt a good deal of uncertainty in regard to the matter, and were very careful to examine the Secretary of the Department of Commerce and Labor and learn his views as to the proposed consolidation, and to learn from him, if they could, how much, if any, it would infringe upon the State Department and where the dividing line could be safely drawn between the two departments. My colleague on the committee across the aisle, the Senator from North Carolina [Mr. OVERMAN], has read a portion of the statement of the Secretary of Commerce and Labor. We gave him exactly what he said was proper and right in the consolidation of the Bureau of Manufactures and the Bureau of Statistics, and, excepting certain higher salaries and certain extra employees, we were able to arrive at a conclusion which seemed to be satisfactory to him. Without settling the matter, however, we asked the Secretary of State and his assistants to appear before our subcommittee in order to learn from them their side of the case, giving them to understand that we were in favor of putting so much of the business affecting trade relations and commerce as was practicable under the Department of Commerce and Labor. The Secretary of State stated that the very utmost that was even liable to the suspicion of being a duplication of the duties and work of the two departments would only amount to not exceeding twenty-nine thousand two hundred and some dollars; and on inquiry he responded emphatically that it would not in reality amount to that sum of money, but that that was the utmost figure that cuild possibly be reached. We did ask the Secretary of State to compose the differences, if there were any, with the Secretary of Commerce and Labor, and, if possible, to secure the approval of the President, and he replied in the language the Senator has read from the hearings.

Since that time, I may say that I have been in conversation with the Secretary of Commerce and Labor, who takes no exception to the manner in which the committee has adjusted the matter.

Perhaps Senators have noticed that toward the end of the matter read by the Senator from North Carolina, the Secretary of Commerce and Labor said to us that he considered the cut made by the House affecting the State Department much too large; that they needed the men they had, and so forth. The subcommittee took the ground—and I take it for granted that the whole committee concurred—that twenty-nine thousand two hundred and some dollars is too small an amount to quibble over when it affects the entire foreign trade and commerce of the Nation. The United States to-day, as Senators know, is exporting a large volume of merchandise. Never before, perhaps, have the exports been larger, nor in fact so large; and it seems to me that in so important a work twenty-nine thousand two hundred and some dollars, even if a duplication were involved, would not break the Nation. On the other hand, it is perfectly evident to me, as I think it ought to be to everyone, that our consuls and diplomatic officers in various parts of the world must of necessity have information concerning trade conditions, and if they have the encouragement growing out of the knowledge that their efforts are appreciated by the State Department, if the small incidental expenses incurred in the seeking of trade and looking up trade statistics are covered, if they all have an ambition to extend the trade of the United States, why cut them off? They will not be in correspondence with the Department of Commerce and Labor. The State Department, the oldest department we have, have their agents, ambassadors, ministers, consuls general, consuls, and consular agents at various places throughout the world. They are there for diplomatic and other duties, and they are so situated that they are bound to be of value to the United States as to its commerce and trade, and there is no necessity of there being any undue infringement upon one department by the other or any considerable duplication of work. Why take away from the diplomatic and consular officers the incentive to report to the State Department their ideas as to how the trade of this country could be advanced along particular lines?

When the report goes to the State Department and is entered there the diplomatic part is taken out and the other part goes to the Department of Commerce and Labor. The Department of Commerce and Labor then follows it up.

For instance, we have been appropriating $60,000 a year for commercial agents. Suppose information comes through some consul or some minister to the State Department, and from there to the Department of Commerce and Labor, that a particular line of manufacture could be pushed in a certain large way in a certain country, or that there is certain information there that could be obtained, the Secretary of Commerce and Labor has the funds and he has the authority to send a special agent there who can give his entire time to the work, and he can be properly introduced through our diplomatic corps.

I have thought, and the more I think of it the more strongly I am inclined to the opinion that the committee was right in taking the chances of a possible duplication of some small part of this twenty-nine thousand two hundred and odd dollars. The State Department officials abroad are our outside advance pickets. They are our scouts to investigate and report preliminaries, how, when, and where to take up and improve fields for advancement of our foreign trade, and the regular Commerce and Labor forces follow.

Mr. ROOT, Mr. SMITH of Maryland, and Mr. SMITH of South Carolina addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wyoming yield, and to whom?

Mr. WARREN. I yield to the Senator from New York.

Mr. ROOT. Mr. President, I do not think there is much, if any, avoidable duplication. There are two entirely distinct kinds of work to be done. The Department of Commerce and Labor is in communication with the producers and commercial interests of the United States. It is in touch with them. It is finding out their capacity for production, finding out what they need, and discussing trade conditions with them and informing them of opportunities to spread their trade. In the nature of things, the performance of that duty gives rise to many occasions for securing information from abroad and for getting things done abroad.

The securing of that information, in the ordinary course, can be best accomplished through the regular force of diplomatic officers and consuls who are under the direction of the State Department. The getting done of the things which the Department of Commerce and Labor thinks ought to be done, upon consultation with our producers, can be best secured through the State Department giving directions to the consuls and diplomatic agents who report to it.

The carrying on of those two ends of the same general business—one the domestic affairs and the other the foreign affairs—necessarily involves these two departments just as much as when the collection of duties, which ordinarily is under the charge of the Treasury Department, has for certain purposes to be put into the hands of the Department of Justice. In such cases there will be some little duplication of work. It is inevitable, but it is a necessary duplication of work.

The Bureau of Manufactures in the Department of Commerce and Labor belongs there. It ought not to be placed under the State Department. Its business is with our producers and our merchants; but, on the other hand, the little Bureau of Trade Relations in the State Department is a necessary agency to enable the Secretary of State to do what the Department of Commerce and Labor calls upon him to do. He can not write the letters himself; somebody has to do it for him. He can not carry on the communications that are necessary to give effect to the wishes of the Department of Commerce and Labor and the commercial interests of the country. And the agency through which this is done is called the Bureau of Trade Relations.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. CULBERSON. I called attention a moment ago to a provision on page 136 of this bill. Now, with the permission of the Senator from New York, I call attention to what appears as an amendment to the bill by the Senate committee on page 137, showing the still further duplication of this work:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $4,000.

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

Mr. OVERMAN. Mr. President, that is not an amendment on the part of the Senate.

Mr. CULBERSON. It appears to be.

Mr. OVERMAN. It is only transferred.

Mr. WARREN. It is put in a different place.

Mr. CULBERSON. It is in italics.

Mr. WARREN. That is because it had to be transferred to a different place.

Mr. CULBERSON. At all events, it provides for an expenditure of $60,000, under the direction of the Secretary of Commerce and Labor, to develop not only domestic but foreign commerce.

Mr. WARREN. Yes. That same provision has been current for several years, and I may say, if I am any judge of the returns, that it has been one of the best paying investments we have made.

Mr. ROOT. I think that is a very wise provision, Mr. President.

Mr. CULBERSON. Certainly; I have no objection to this provision, if the Senator from New York will permit me, but I do not want a duplication of the same work by two departments.

Mr. ROOT. Certain parts of it have to be done by one department and certain parts by the other.

So far as my observation goes, the money that is given to the Department of Commerce and Labor for the purpose of stimulating our commerce, both foreign and domestic, is money well spent. But they can not do the whole work without calling on the State Department. The Secretary of State must have the agencies to enable him to do what he is called upon to do, just as much as a lawyer who is called upon to try a case for a merchant must have the clerks and other agencies necessary to enable him to represent that merchant's interests.

A very good illustration of the way in which both departments have to act is furnished by the reports referred to by the Senator from Wyoming. Our consuls all over the world are sending in regular reports in which they give information about trade and trade opportunities. At the same time, in the same papers, they are reporting about protection afforded American citizens, and about a great variety of matters with which the Department of Commerce and Labor has nothing whatever to do. They sometimes express themselves freely, as they are encouraged to do. They express opinions and give information to the Secretary of State which ought not to be made public.

Those reports, when they come in, have to be examined and blue-pencilled, and have to have stricken from them the things which ought not to be published. When that has been done, the reports go over to the Department of Commerce and Labor, and there the commercial portions are published in the Daily Consular Reports, which go to all our mercantile people, and are of very great value.

I have seen many a time in those reports observations by a consul which would make it impossible for him to remain longer in his position if they had been made public. Somebody has to look after those things. So, in that one transaction of the report of a consul the officers of the two departments are called into play, one after the other, and you can not get along without either.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. I do.

Mr. OVERMAN. I will agree, so far as I am personally concerned, that this item of $29,000 for the Bureau of Trade Relations is a small one. But now the Senator is talking about the services of the consular agents. They are provided for in another bill. The appropriations have all been made for that purpose, I believe. The information they give is very important; and it is sent down to the Department of Commerce and Labor, where it will be of great value, and they can send out their special agents to various countries.

Mr. ROOT. That is very proper.

Mr. OVERMAN. But what I want to ask is, What has the Secretary of State to do with this? He has his agents to get this information. What does he need this $29,000 for? All the information is sent down to the Department of Commerce and Labor. He obtains the information from the consular officers, and the consular officers are provided for in another appropriation bill. What else is to be done by the Secretary?

Mr. ROOT. The first thing is to inspect the reports and to cut out what should not go to the Department of Commerce and Labor. The next thing is to carry on the enormous correspondence.

Mr. OVERMAN. That was done under the Senator when he was a great Secretary of State, and he had none of these officers. He did not have this fund.

Mr. ROOT. I thank the Senator for the kind way in which he refers to me; but there was then a Bureau of Trade Relations which was doing just this work and which has been doing it since before we were born.

Mr. OVERMAN. I was going to say that has been done and was done under the Senator; but here we propose to appropriate $90,000 more than was allowed in those days. Right at this point I desire to ask the Senator another question, because I want to satisfy myself about it. I do not want to cripple the Department of State. I should like to have some one explain, because so far I have heard no explanation, what is the use of this resident diplomatic officer—something new in the history of our country—at $6,500? What can he do, and what is the reason for having him?

Mr. ROOT. Mr. President, I will answer the two inquiries together.

Mr. OVERMAN. I wanted to put the question so that before the Senator sat down he would reply to it.

Mr. ROOT. First, with regard to the increase of the appropriation for doing this necessary work of the State Department: I am not a member of the committee, and I am not familiar with the testimony that was taken, or the specific information that was given; but I can well see that it is necessary that there should be a very considerable enlargement of the provision for the work the State Department has to do.

In the first place, the so-called maximum and minimum clause of the tariff act enlarges the points of contact between the United States and foreign countries, and our trade is increasing enormously. You can not do the work appropriate to

fostering commercial relations and rendering the necessary services in connection with a foreign trade that involves over two thousand million dollars of exports in a single year for the same amount of money that was sufficient for the much smaller foreign trade we formerly had.

The trade of the United States is pushing out all over the world, into all kinds of places and all kinds of countries; and it certainly does involve a very great increase of the burden upon the State Department. So while I do not know in detail I know in general that it is a wise expenditure of money to enable the State Department to take care of its end of the business. The amount is so small in proportion to the results which are secured that I should not think we had better spend much time on it.

Now, about the resident diplomatic agents: I do not know just what the practice has come to be, but the original idea, I understand, was that it would be a very useful thing to bring here for limited periods successively men who are engaged in foreign posts, that they may become familiar with the administration of affairs, with the views of the responsible officers here, and then go back to their posts, having at the same time given by their presence here a fuller familiarity with the conditions as they exist abroad. So we would have an interchange of experience and of knowledge between the home officers and the foreign officers. They would come from one post here, and after a short time here they would be sent off to another post. I do not know whether that plan has been carried out. If it has been, I should think that probably it would be very useful.

Mr. BACON. Mr. President, before the Senator takes his seat, I understand from the suggestion that is made by him his idea contemplates not the appointment of an officer to this division taken from private life but the recalling of some officer who is now in office at some foreign post and having him on duty here awhile and then returning him to his diplomatic studies abroad, and so forth. I want to ask the Senator, in the case of Mr. Dawson—I know he had previously been in the Diplomatic Service—was he in the Diplomatic Service at the time he was called to the post of resident diplomatic officer?

Mr. ROOT. I can not answer that question authoritatively. I suppose that he was.

Mr. BACON. I suppose so.

Mr. ROOT. I had known him for many years as being a very efficient and very capable officer.

Mr. BACON. I know he had been in the Diplomatic Service, and I suppose that is true.

Mr. ROOT. It may be that I am all wrong about this, and I am only stating what my understanding was at the time the position was created.

Mr. CUMMINS. The Senator from Georgia was inquiring about Mr. Dawson?

Mr. BACON. Yes.

Mr. CUMMINS. Mr. Dawson's permanent diplomatic position abroad was as minister to Panama. He was recalled from that position to become the resident diplomatic officer of the Department of State.

Mr. BACON. That is exactly my understanding of it, though I did not know the details.

But I wish to call the attention of the Senator from New York and that of the Senate to the fact that the provision in this bill is not in harmony with the suggestion made by him, or by the policy which would be contemplated by his suggestion. This gives to the Secretary of State, if I correctly interpret the language, the power to appoint anyone whom he sees fit to the position. It does not provide for the recalling of an officer from a diplomatic post and assigning him to this duty, keeping him in the service, with the power to again designate him to resume either the same post or some other post; but it gives to the Secretary of State the arbitrary power to appoint. It does not even require that he shall be appointed by the President of the United States, and confirmed by the Senate, as would be the case of a diplomatic officer already in service who should be recalled, as the Senator from New York suggests, and assigned to duty here.

I think the provision as it stands is extremely objectionable. If it is to be an office of the dignity and rank and importance suggested by the Senator from New York the language ought to be so changed as that the officer either shall be appointed by the President and confirmed by the Senate, and in that way incorporated in the Diplomatic Service with the right of being transferred or assigned to other duties, or there ought to be language here which would contemplate the recalling of an officer. That might be put within the power of the Secretary of State without any other authority. But to give him the power to originally appoint an officer of this rank and this salary is, to my mind, extremely objectionable.

I should like to hear from the Senator from New York as to whether the suggestion which I make does not show that the bill, at least as framed, whatever may have been the design, is not calculated to carry out the particular function which he so clearly stated in his explanation to the Senate.

Mr. ROOT. Mr. President, I do not think the provision is quite adequate to express all that I suppose is intended by it; but it does relieve the Secretary of State from an incapacity which arises from the very specific provisions of our statutes in relation to the appointment and the action of diplomatic officers. Neither the Secretary of State nor the President could bring to this country a diplomatic officer from China, Turkey, or any other country, however much he might wish the advice or however much he might wish to have instructions from that officer to those in the State Department, without having his pay cut off within the statutory period.

Mr. BACON. That is true; and yet, if the Senator will pardon me, I suggest to him that that was exactly the contemplation of the function as expressed by him heretofore—that he should come here and become familiar with conditions in the home office, and that he should also bring to the home office information as to what he had learned in the foreign post.

Mr. ROOT. I suppose that the phrase used, "resident diplomatic officer," was understood to express the purpose of the provision. He is to be a diplomatic officer of the United States, brought into residence here by authority of law, and while here to be paid a specified salary.

Mr. BACON. The Senator does not mean brought from a foreign post?

Mr. ROOT. I do.

Mr. BACON. But the Senator has just stated that that could not be. If he had been confirmed as an ambassador to France, for instance, he could not be brought back and assigned to duty here in the State Department without having his pay cut off.

Mr. ROOT. He could not, except for this provision. As I understand it, under this provision that can be done.

Mr. BACON. This provision certainly does not provide for that. It may be so amended as to make it provide for it.

Mr. ROOT. The pay specified here would take the place of the pay which he would have been receiving if he had been at his post performing the duties of that post.

Mr. BACON. With the permission of the Senator, I want to suggest to him that it would not be simply the difficulty as to pay, but when an officer has been nominated by the President and confirmed by the Senate, as ambassador to France, unless there is specific authority which would give the power to recall that officer and assign him to duty in the State Department, he certainly could not be appointed to that position under such language.

Mr. ROOT. I think this language was understood to authorize, and was intended to authorize, that very thing. As I say, it is not very full but undoubtedly that is the purpose.

Mr. WILLIAMS. If the Senator from Georgia will pardon me a minute, it might be made perfectly clear by making it read:

Resident diplomatic officer, to be appointed by the Secretary of State from those employed in the Diplomatic Service abroad.

Mr. BACON. It can be made plain, of course. It can be so amended as to embrace that. But, Mr. President, I doubt very much whether this should be done. In the first place, I do not exactly appreciate the force of the suggestion that the State Department is going to be very largely benefited by having a diplomatic officer recalled from a foreign post and assigned to duty in the State Department, because the State Department is officered by those who are presumed to be quite familiar with all those matters which relate to the duties of the State Department. If this officer is to be in the nature of a permanent officer in the State Department, if the purpose is not simply the interchange of duties from a foreign post to duty in the State Department, but he is to be in the nature of a permanent officer in the State Department, then I think he ought to be classified in a different way. If he is to be in the State Department he is really intended to be an Assistant Secretary of State. If there is needed an additional Assistant Secretary of State he ought to be so classified, and he ought to be put there in that position.

We all remember, of course, three years ago, just before the present administration began, and when our present Secretary of State, then a Member of this body, had been designated as the future Secretary of State and had announced his intention to accept the office, and so forth, and was recognized as the Secretary of State under Mr. Taft when he should succeed to

the office of President, there was an effort made to create the office of under secretary of state. That was the express wish of then Senator Knox, now Secretary Knox. The title was objected to because it was taken from the British nomenclature, and it was not approved by the Senate.

Then an effort was made on the part of some who desired to harmonize the law with the wishes of the future Secretary of State to give him the officer under another title, thinking that that possibly was the only objection. But Congress did not approve of it, although that was a Congress in each branch that belonged to the political party to which the then Senator and future Secretary belonged. But still, I would not let that stand in the way. If the Department of State is becoming so enlarged in its functions and in its duties and responsibilities as to require another assistant, I am perfectly willing to give it, because I suppose that I, as much as any other Senator, realize the importance of that department, and am willing to accord to it everything which is necessary to make it most efficient. But if we are going to make a change we should make it in a proper way. I do not think we should give the Secretary of State the right, on his own motion and by his own selection, to bring into office one who is to occupy that important relationship to the Department of State that this officer is seemed designed to occupy. I do not think that power ought to be given. He becomes an officer of the United States, and he should be an officer of the United States. If he is an officer of the United States under the Constitution he does not belong to the class of inferior officers contemplated by the Constitution when it said that the Congress may delegate the appointment to the head of a department. He belongs to an altogether different class, with altogether different dignity and altogether different power. He is an important officer; he practically stands next to the Secretary; and I have no doubt that the function which he will perform will be that which the officer who was sought to be secured under the name of undersecretary of state would have performed if he had been authorized by Congress.

For that reason I very seriously object to this provision as it is found in the bill. I am not objecting to the officer or to the pay, if he is needed. I presume he is, or the department would not ask for it.

Mr. OVERMAN. Right there, let me interrupt the Senator. I wish to call attention to the fact that this gentleman, Mr. Dawson, to whom reference has been made, was, I understand, a very efficient officer, but he was called back and made Chief of the Division of Latin-American Affairs. Now, we have in this bill four new offices created under the $100,000 lump-sum appropriation of three years ago. We have four of them at the head of these divisions at $4,500 and we have four at $3,000. The Secretary of State speaks of these divisions in his testimony before the subcommittee. Here is the Division of Far Eastern Affairs, the Division of Latin-American Affairs, and Near Eastern Affairs. It seems that Mr. Dawson was recalled and made chief of one of these divisions, as is shown in this testimony. They have, as I said, four at $4,500, and they can at any time take one of these agents abroad and bring him to Washington and make him the chief of one of these divisions at $3,000. Of these officers 10 of them were never employed until three years ago. They are new officers created for Latin-American Affairs, Far Eastern Affairs, Near Eastern Affairs, and so on, with the diplomatic agent at $6,500. We have a First Assistant Secretary of State, we have a Second Assistant Secretary of State, and we have a Third Assistant Secretary of State. This diplomatic agent is given more salary than the first assistant or the second assistant or the third assistant. I think it is all wrong that this man should be given that amount of money and given more salary than the Assistant Secretaries of State are getting. Everything that was done has been accomplished, as the Senator from New York has said, by calling them back here and making them chiefs of divisions, as was done in the case of Mr. Dawson.

Mr. BACON. Mr. President, what is the particular amendment now before the Senate?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee. The Secretary will state it.

The SECRETARY. On page 35, in the committee amendment, line 7, beginning with the word "foreign," strike out all down to and including the word "nine," in line 15.

Mr. OVERMAN. That was accepted and adopted.

The VICE PRESIDENT. It was not agreed to.

Mr. WARREN. It was accepted, so far as the manager of the bill is concerned, and I did not know that it was objected to.

The VICE PRESIDENT. The question was not put. If there be no objection to the amendment to the amendment it is agreed to. The Chair hears no objection.

Mr. BACON. Now, if I am in order——

The VICE PRESIDENT. The Senator is.

Mr. BACON. I wish to move an amendment in reference to the matter which I have just been discussing. I am not, from my personal knowledge, satisfied as to the necessity for this officer, and therefore, in the amendment which I am about to offer, I do not mean to be understood as consenting to the fact that he is needed. He may be needed; I do not know, but if he is——

Mr. WARREN. The Senator will understand that as far as the salary is concerned it was cut down $1,000.

Mr. BACON. I understand.

Mr. WARREN. It was $7,500, and it now stands at $6,500.

Mr. BACON. I think $6,500 is sufficient in view of the salaries of the other officers in the department. For instance, the first assistant receives $5,000 and the second assistant $4,500, I think. So this officer is certainly well paid if he performs the same class of work and is given $6,500.

The only amendment which I propose to offer relates to another matter altogether. If this officer is to be had I wish that he shall be an officer of the United States appointed by the President, by and with the advice and consent of the Senate. Therefore, without committing myself to the question of salary at present, I move to strike out, in the 20th line, the words "Secretary of State" and insert in lieu thereof "President, by and with the advice and consent of the Senate."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, at page 34, line 20, strike out——

Mr. WARREN. I wish to suggest to the Senator that if he will go a couple of lines above and put that in the same clause with the consular agent he will accomplish his purpose without so much language.

Mr. BACON. I am perfectly willing for any direction to be given to it that will accomplish the purpose.

Mr. GALLINGER. Let the amendment to the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 34 of the committee amendment, line 20, strike out the words "Secretary of State" and in lieu thereof insert "President, by and with the advice and consent of the Senate."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. BACON. What is the suggestion of the Senator from Wyoming?

Mr. WARREN. I accept the amendment as it is. I was going to shorten it.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. OVERMAN. I want to say that the committee added those words after the word "consular." He was to be appointed by the Secretary of State also.

In line 19, I move to strike out "$6,500" and insert in lieu thereof "$5,000," so as to make it the same salary as the First Assistant Secretary of State receives.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 34, line 19, strike out "$6,500" and insert in lieu thereof "$5,000."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. WARREN. I can not accept that. I hope it will be voted down.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. CULBERSON. I move an amendment. I do not know that it is necessary to move to strike out, but I have not heard sufficient reason given for the creation of this resident diplomatic officer at a salary of $6,500. I suggest that that portion of the amendment be not adopted. I think a motion to strike out would not be in order, because the amendment itself has not been adopted.

Mr. GALLINGER. That is in order.

The VICE PRESIDENT. The amendment is in order to strike that out.

Mr. CULBERSON. While adhering to my opinion that it is not necessary because the amendment has not been adopted, I move, accepting the suggestion of the Chair, to strike out, in lines 19 and 20, the words "resident diplomatic officer, $6,500, to be appointed by the President, by and with the advice and consent of the Senate."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 34, in the committee amendment, lines 19 and 20, strike out the words "resident diplomatic officer, $6,500, to be appointed by the President, by and with the advice and consent of the Senate."

Mr. WARREN. I hope that will not carry.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment. [Putting the question.] The noes appear to have it.

Mr. REED. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a second to the demand? [After a pause.] Seven Senators have seconded the demand; not a sufficient number. The yeas and nays are refused. The noes have it, and the amendment is rejected.

Mr. CULBERSON. I move to strike out the word "eight," in line 20, and insert "five."

The VICE PRESIDENT. The Secretary will report the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 34, line 20, before the word "officers," strike out "eight" and insert "five," so as to read:

Five officers to aid in important drafting work.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to.

Mr. SMITH of South Carolina. Right in this connection, before any further amendments are offered, I want to call attention to what the Secretary of State says, which has not been referred to, and which I think will be of interest to all concerned on this question of duplication of affairs or in reference to modifying the amount by different amendments.

At the bottom of page 324, in reply to some question pertinent to the appropriation of $29,000, he said:

But only a small part of that $29,000 is expended for work which could in any sense be regarded as duplication of work of the Department of Commerce and Labor. That sum of $29,000 covers all of the work of the Bureau of Trade Relations; and where they do lap over, if at all, it is only on an insignificant part of the expenditure.

Now, this is the main point to which I wish to direct the attention of the Senate:

Secretary KNOX. I want to add one thing that I intended to say when you spoke, Senator. From the direct efforts of the Bureau of Trade Relations we have gotten over $200,000,000 worth of new business for the United States—as the result of its direct efforts, backed up by the diplomacy of the department—to say nothing of what we may have gotten indirectly, which we can keep no track of and about which we have no information. But the Government never made a better investment than it made when it strengthened the Bureau of Trade Relations at the time we reorganized the department.

Farther down on that same page, and in reply to a question from the Senator from North Carolina [Mr. OVERMAN]—

Do you publish reports of what has been done?

Secretary Knox said:

We have literature showing what the department has done. I do not know whether these gentlemen have brought any of it here or not.

This is the point I want to make: I happen to be in a position to know that by the report of the Consular Service, under the efficient officer of that department, every department of trade, particularly in the South, has felt the benefit of this additional detailed work. I am not in a position to know whether the officer has been the correct one or not, but I do know that in the last couple of years we have had more direct and efficient knowledge with reference to our foreign trade relations, and there has been a greater impetus given it by virtue of the knowledge we have gained, which at the proper time, if necessary, I can specify.

Mr. CULBERSON. I will ask the Senator from South Carolina if he knows whether this trade increase, which he has referred to, came from the operation of the State Department or the Department of Commerce and Labor? Undoubtedly the work has been duplicated.

Mr. SMITH of South Carolina. I am taking the statement of the Secretary of State.

Mr. OVERMAN. Before the Senator concludes I will ask him to read what Mr. Nagel said.

Mr. SMITH of South Carolina. I have read what Mr. Nagel said about it. I am simply speaking of the diplomatic relations of this country and the trade with foreign countries. Those relations involve all the nice relations of trade. He must necessarily be the editor in chief of what passes between this country and foreign countries, and I claim that by virtue of that $200,000,000 has been added directly, of which he has specific knowledge; how much more he does not know. I presume the overflow is what he is giving Mr. Nagel's department credit for. He said a lot of these things he did not know about; and I presume that that is the part that did not come particularly or properly through the diplomatic relations, but after being edited went through Mr. Nagel's department.

Mr. OVERMAN. Since the adoption of the amendment of the Senator from Iowa [Mr. CUMMINS] there is no use of this appropriation of $25,340. That money was appropriated for this purpose, to be employed upon tariff work, treaty work, and trade relations and negotiations. All that is stricken out. The clause "for meeting occasional and unforeseen expenses" is left in. Then we have stricken out all that is to be done under tariff legislation and otherwise, and in the negotiation and preparation of treaties. I move to strike out $25,340 and make it $20,340, because I think, with the adoption of the amendment of the Senator from Iowa, $20,340 is enough for that purpose.

The VICE PRESIDENT. The Secretary will state the amendment as amended.

The SECRETARY. On page 35, line 15, of the committee amendment, strike out "$25,340" and insert "$20,340."

Mr. CUMMINS. I express no opinion upon the point raised by the Senator from North Carolina. The work of the State Department which it is now authorized to do may justly require the expenditure of the sum of money named here. I rise only to say that my objection was not to the amount appropriated, for I have no opinion upon that subject. I have left that to the committee and I accept the judgment of the committee with regard to it. My objection was that a portion of this money seemingly was appropriated for a purpose with which the Secretary of State had nothing whatever to do.

Mr. OVERMAN. I agree with the Senator. We have examined into it, and I think the chairman probably agrees with me. It will not take all this money since that amendment has been adopted.

Mr. WARREN. I am willing to accept the amendment to the amendment rather than waste so much time.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to. The Secretary will resume the reading of the bill.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, in the item of appropriations for the maintenance of the Department of State, on page 36, line 7, after the words "in all," to strike out "$260,300" and insert "$353,800," so as to read:

Clerks—16 of class 4, 16 of class 3, 25 of class 2, 41 of class 1, 3 of whom shall be telegraph operators, 16 at $1,000 each, 19 at $900 each; chief messenger, $1,000; 5 messengers; 22 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; in all, $353,800.

The amendment was agreed to.

The next amendment was, on page 36, line 16, after the word "repairs," to strike out "$9,000" and insert "$11,000," so as to make the clause read:

Contingent expenses, Department of State: For stationery, furniture, fixtures, typewriters, including exchange of the same, repairs, and material for repairs, $11,000.

The amendment was agreed to.

The next amendment was, on page 37, line 3, after the word "exceeding," to strike out "$50" and insert "$100"; and in line 4, after the word "foregoing," to strike out "$6,500" and insert "$7,000," so as to make the clause read:

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of vehicles and harness, telegraph and electrical apparatus and repairs to the same, street car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

The amendment was agreed to.

The next amendment was, on page 37, line 9, after the words "Department of State," to strike out "$9,220" and insert "$11,720," so as to make the clause read:

For rent of buildings in the District of Columbia for the use of the Department of State, $11,720.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 37, line 15, before the word "each," to strike out "$1,800" and insert "$2,000"; in line 19, before the word "three," to strike out "assistant chief messenger, $1,000" and insert "two assistant chief messengers, at $1,000 each"; in line 20, before the word "messengers," to strike out "four" and insert "three"; and in the same line, after the words "in all," to strike out "$60,510" and insert "$61,270," so as to make the clause read:

Office of the Secretary: Secretary of the Treasury, $12,000; three Assistant Secretaries of the Treasury, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; three

private secretaries, one to each Assistant Secretary, at $2,000 each; Government actuary, under control of the Treasury, $2,250; clerks—one of class 4, four of class 3, two of class 2; chief messenger, $1,100; two assistant chief messengers, at $1,000 each; three messengers, at $900 each; three messengers; in all, $61,270.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the chief clerk and superintendent of the Treasury Department, on page 38, line 13, before the word "firemen," to strike out "three" and insert "eight"; and in the same line, after the word "firemen," to strike out "five firemen," so as to read:

Eight elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; eight firemen; coal passer, $500.

Mr. REED. I do not want to cavil about the bill, but I notice as we run along there is a constant increase everywhere. I should like to know why it is that we increase the number of firemen?

Mr. WARREN. If the Senator will notice, we have not increased the firemen, but we have simply added the two. Where it says "three firemen" and "five firemen" we make it "eight firemen."

Mr. REED. I thank the Senator for that explanation, but on the page we have just passed we were raising salaries right along.

Mr. OVERMAN. Is that the Treasury Department?

Mr. REED. Yes.

Mr. OVERMAN. I want to say for the Treasury Department that is one department where I am inclined to give them what they ask, because they have decreased in their department thousands of dollars below the estimates. They have reorganized and saved I do not know how much. They seem to be determined to economize. That is one department I have investigated where I think we should give them what is proposed here.

The amendment was agreed to.

The next amendment was, on page 39, line 17, before the words "of class 3," to strike out "two" and insert "three"; in the same line, before the words "of class 2," to strike out "one" and insert "three"; in the same line, before the words "of class 1," to strike out "three" and insert "six"; in line 18, after the word "messenger," to insert "messenger boy, $360"; and in line 19, after the words "in all," to strike out "$46,060" and insert "$51,620," so as to make the clause read:

Division of Customs: Chief of division, $4,000; assistant chief of division, $3,000; law clerks—5 at $2,500 each, 2 at $2,000 each; clerks—5 of class 4, 3 of class 3, 3 of class 2, 6 of class 1, 5 at $1,000 each; messenger; assistant messenger; messenger boy, $360; in all, $51,620.

The amendment was agreed to.

The next amendment was, on page 40, line 10, before the words "of class 3," to strike out "three" and insert "four," and in line 17, after the words "in all," to strike out "$72,170" and insert "$73,770," so as to make the clause read:

Division of Loans and Currency: Chief of division, $3,500; assistant chief of division, $2,700; custodian of paper, $2,250; bond and interest clerk, $2,000 (in lieu of division chief at $2,000 transferred from register's office); clerks—5 of class 4 (1 transferred from register's office), 4 of class 3 (2 transferred from register's office), 5 of class 2 (3 transferred from register's office), 5 of class 1 (2 dropped and 4 transferred from register's office), 1 clerk, $1,000, 18 at $900 each; assorter of bonds, $900 (transferred from register's office); 12 expert money counters, at $720 each; messenger; 3 assistant messengers (1 transferred from register's office); 8 laborers; in all, $73,770.

The amendment was agreed to.

The next amendment was, on page 41, line 2, before the word "bookbinder," to strike out "one at $900" and insert "two at $900 each," and in line 3, after the words "in all," to strike out "$32,370" and insert "$33,270," so as to make the clause read:

Division of Printing and Stationery: Chief of division, $2,500; assistant chief of division, $2,000; clerks—4 of class 4, 3 of class 3, 3 of class 2, 3 of class 1, 1 at $1,000, 2 at $900 each; bookbinder, $1,250; 3 messengers; assistant messenger; 2 laborers; messenger boy, $360; in all, $33,270.

The amendment was agreed to.

The next amendment was, on page 42, line 12, before the word "chief," to insert "assistant chief of files and record division, $2,250"; in line 14, after the words "one at," to strike out "$2,200" and insert "$1,800"; and in line 25, after the words "in all," to strike out "$142,920" and insert "$144,770," so as to make the clause read:

For the following now authorized and payable from general appropriations, namely: For chief of technical division, $3,000; assistant constructor, $2,750; assistant chief of files and record division, $2,250; chief structural engineer, $2,750; assistant chief structural engineer, $2,400; inspectors of supplies—1 at $2,500, 1 at $1,800; inspectors—5 at $2,200 each, 3 at $2,000 each, 1 at $1,800; photographer, $2,000; 6 administrative clerks, at $2,000 each; clerks—1 of class 4, 4 at $1,700 each, 4 of class 3, 6 at $1,500 each, 8 of class 2, 8 at $1,300 each, 12 of class 1, 4 at $1,100 each, 6 at $1,000 each, 3 at $900 each, 2 at $840 each; duplicating paper chemist, $1,200; foreman vault, safe and lock shop, $1,100; assistant messenger; messenger boys—3 at $480 each, 2 at $360 each; skilled laborers—4 at $1,000 each, 7 at $960 each, 1 at $900, 1 at $840; laborer, $600; in all, $144,770, which shall be paid out of the appropriation made in the sundry civil appropriation act for the fiscal year 1913 for "General Expenses of Public Buildings."

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to strike out:

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made, as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States.

Mr. WILLIAMS. I should like to have some explanation of that amendment from the Senator in charge of the bill.

Mr. WARREN. Mr. President, the auditing now as to preliminary work and the handling of funds is through bonded officers. The regular auditing officer after that, of course, does the auditing, and the account has to pass the Treasury Department. This would provide that the first audit must be where the matter now lands finally, which would lead to a great deal of delay. The committee thought it best to strike out the clause and to take the matter up with the House conferees, because it appeared to the committee as not only unnecessary under the present arrangement of business, but as expensive in its delay. If the conferees shall find to the contrary, of course the matter can be arranged in conference.

Mr. WILLIAMS. Mr. President, the language in the bill as it came from the other House which it is proposed to strike out is:

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made, as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except that the disbursing officers shall make only such examination of all vouchers as may be necessary to ascertain whether they represent legal claims against the United States.

It seems to me that the provision contemplated by the Dockery Act is a provision safeguarding public funds and calculated to prevent anything wrong in the departments. I do not feel like delaying the consideration of the bill, but I do wish to express the hope that the Senate conferees will not strike out what is substantially intended by the provision as it comes from the House, even though they may desire to some extent to amend or modify it.

Mr. BACON. I should like to ask the Senator from Wyoming whether there are any changed conditions which make this modification desirable, or whether the law has been found to work inconveniently?

Mr. WARREN. The Dockery Act, so called, has not been in force exactly as here proposed, because the departments have, as the Senator knows, grown very rapidly, and they have a great deal in the way of mere small details of business to attend to. They have also much to do at a great distance in our possessions thousands of miles away; and to delay such transactions until they can come to a head of a department would be to duplicate the work, to greatly increase the expense, and to inconvenience the public.

Mr. BACON. It was with reference to that point that I made the inquiry whether the changed conditions have been brought to the attention of the committee.

Mr. WARREN. Changed conditions have very largely influenced the matter. I do not think that the auditing and disbursing accounts of the Government have shown defalcations enough or shortages enough to make us suspicious of the present mode. If the system can be improved, all right; but those who have the matter in charge have explained the delay and duplication which must occur under the present system.

Mr. BACON. As I understand, the Senator does not propose to entirely abandon the system, but to simply modify it?

Mr. WARREN. We simply propose to handle it in a convenient way. The system of auditing and disbursing will be just as complete, but it will not be unnecessarily duplicated—in fact, continue to do as we are now doing.

Mr. WILLIAMS. Mr. President, the present mode, or the lawful mode, at any rate, is the mode indicated here. If any of the departments have not been pursuing that course, they have been violating the law. It may be true, as regards some of the outlying possessions of the United States, that this is rather an inconvenient thing; and it may be true that it would be well to modify it as regards them; but to come in and strike down a course which has been required by law to be pursued,

upon the ground that it has not been pursued; that is, upon the ground that public officials have neglected their duty, is not to give a good reason for the change.

Mr. WARREN. I have not put it upon that ground. I do not want the Senator to misstate me. I say that——

Mr. WILLIAMS. The Senator stated, as I understood, that the Dockery law had not been obeyed.

Mr. WARREN. Conditions have changed. Let me state to the Senator from Mississippi that, for instance, the Department of Agriculture, within his remembrance and mine, was headed by a commissioner and required an appropriation of but three or four hundred thousand dollars a year. At about the time the Dockery Act was passed all its business was transacted in a little building down here across the way; but at the present time the officials of that department are handling and paying out money nearly all over these United States and abroad as well. The Forestry Service, involving the payment of employees, the sale of timber, and all that, has to be dealt with, and they have their experiment stations everywhere. There has also been a great expansion in the other departments. The convenience of business as a matter of economy should be kept in view. If the Senator feels there is any lack of provision for proper auditing or proper disbursement, I should be glad to know it, for we ought to provide against anything of that kind.

Mr. WILLIAMS. The precise provision that is stricken out is a provision of the present law, is it not, I ask the Senator from Wyoming?

Mr. WARREN. If so, why did the House put it in?

Mr. WILLIAMS. Did the House put it in?

Mr. WARREN. The House put it in the bill and we struck it out.

Mr. WILLIAMS. I did not know that; I thought that was the provision of the law now.

Mr. WARREN. It was not in the current law for this year.

Mr. WILLIAMS. I did not know that; I thought it was in the law now.

Mr. WARREN. Oh, no.

Mr. WILLIAMS. I did not know that the Dockery Act had ever been repealed or had ever ceased to point the course required by law to be pursued.

Mr. WARREN. This came to us in this bill as new legislation. So far as its place in the bill is concerned, we took it up with the departments, found that it was going to be burdensome, and therefore we struck it out; but we are perfectly willing, if the House conferees can show any reason why it should be left in, to leave it in when the bill comes out of conference.

Mr. WILLIAMS. When was the so-called Dockery Act repealed?

Mr. WARREN. I am not a lawyer, and therefore I do not follow legal questions. I submit that matter to the Senator himself, who has been for many long years a Member of the other House and of this. I do think it has been repealed.

Mr. WILLIAMS. If it was ever repealed during my course of service in the House of Representatives—I was out of public life for two years, and I can not speak as to that time—I do not recall it. If it was done, it certainly was done, as the darkies say, "unbeknownst" to me, but I do not think it ever was repealed.

Mr. GALLINGER. It has not been repealed.

Mr. WILLIAMS. I thought not. Then, if it has not been repealed, the House is merely by this provision requiring a law upon the statute book to be executed.

Mr. WARREN. If it has not been repealed, then why put it in the bill?

Mr. WILLIAMS. But it is a declaration upon the part of the legislative body that a law which has been neglected must be obeyed; and it is admitted that it has been neglected and disobeyed.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. REED. Mr. President, I inquire what was done with the amendment we were discussing.

The VICE PRESIDENT. The Chair stated that, without objection, the amendment was agreed to, and the Chair heard no objection.

Mr. REED. I would not want to file a complaint, but the Chair did not give time to object.

The VICE PRESIDENT. The Chair will put the question again. The Chair does not wish to foreclose any Senator.

Mr. REED. I thought that would be the attitude of the Chair. I desired to make an inquiry, and that is all. The committee strike out this provision for auditing. They have stated the reasons for their action, but there is no provision which I have seen in the bill that does take the place of the auditing provided for; and therefore would not the adoption of the amendment leave us without any provision in the bill for the proper auditing and examination of accounts?

Mr. WARREN. Not at all.

Mr. REED. Well, where is the provision?

Mr. WILLIAMS. If the House provision is stricken out the preliminary auditing will not be done according to the Dockery Act, but will be done by the disbursing clerks. I think, however, it ought to be done——

Mr. WARREN. The auditing and disbursing is done by bonded officers.

Mr. WILLIAMS. I think it ought to be done by the administrative heads of the divisions and bureaus.

Mr. OVERMAN. Mr. President, if I remember correctly, this matter was brought to our attention by the Attorney General of the United States. He suggested that we strike out the words "shall be prepared," because he said many heads of departments could not possibly——

Mr. WARREN. That was in another place in the bill, not here.

Mr. WILLIAMS. But undoubtedly, if the Senator will permit the interruption, if the words "shall be prepared" were stricken out that would obviate the difficulty to which the Senator from Wyoming is calling attention, to wit, the difficulty in auditing accounts in the Philippines and in our other outlying possessions.

Mr. WARREN. Mr. President, that is exactly why we cut out that provision, but we did so without prejudice. The House may have more information than we have about it.

Mr. WILLIAMS. I have not objected to that. I rose merely for the purpose of expressing the wish that the Senate would not strike down this provision, and that, upon the contrary, it would modify the existing Dockery Act only to the extent found absolutely necessary, to wit, as affecting our foreign possessions.

Mr. WARREN. The committee is in harmony with the Senator about that.

Mr. WILLIAMS. I hope that will be the final report from the conference committee.

Mr. OVERMAN. Mr. President, that was exactly our idea in striking out the words "shall be prepared," so that it should go into conference, and then the conferees could understand it, and make some arrangements for the auditing of these accounts.

Mr. REED. Then, it is the purpose of the committee, as I understand, before the bill is completed, to provide for a proper auditing of accounts?

Mr. WARREN. That is all provided for under the present law. We are leaving nothing open. This is new matter, put in the bill in accordance with statements made by the Attorney General and others as to the great inconvenience that would result from leaving in the provision inserted by the House. If we strike that out, as I have said, we want the benefit of all the information the House has about it; and if we leave in a part of their language and amend it only to a small degree, we will have no power to amend that which has passed both bodies.

Mr. BACON. Mr. President, if I am not mistaken, the provision as it comes from the House amounts to this: The present law, known as the Dockery law, prescribes the manner in which accounting officers shall audit accounts. This language provides for something which shall be done before they go to the accounting officer. That is all there is to it.

I should judge, from reading this provision, that heretofore the preliminary examinations have been made by disbursing clerks. This clause is to provide that hereafter these preliminary examinations, before the accounts go to the auditing officers, shall not be made by the disbursing officers, but shall be made by and through the administrative heads of divisions and bureaus. That is all there is to it.

Mr. WARREN. That means a delay of many, many months.

Mr. BACON. That is the change that is proposed. It is not proposed to change the manner of auditing.

Mr. WARREN. Oh, no; not in the end.

Mr. BACON. It is simply proposed to change what shall precede the auditing.

Mr. WARREN. The preliminary work.

Mr. WILLIAMS. That may be true, but that is not my understanding of it. My understanding is that the State Department especially, and the War Department to some extent, have felt forced by circumstances not to comply strictly with the existing law. Instead of modifying the existing law as regards our distant possessions—and all this has grown out of the situation in our distant possessions—the House has redeclared

the law in its full completeness and strength; and the Senate, by striking it out, would do away with it everywhere.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 44, line 16, after the sum "$2,000," to insert "chief of division of accounts, $2,500"; in line 17, before the word "chiefs," to strike out "three" and insert "two"; in line 18, before the words "of class four," to strike out "twenty-four" and insert "twenty-five"; in line 19, before the words "of class two," to strike out "sixty-two" and insert "sixty-one"; and in line 22, after the words "in all," to strike out "$309,570" and insert "$310,470," so as to make the clause read:

Office of Auditor for War Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division of accounts, $2,500; 2 chiefs of division, at $2,000 each; clerks—25 of class 4, 49 of class 3 (1 transferred to disbursing clerk), 61 of class 2, 50 of class 1, 10 at $1,000 each, 5 at $900 each; skilled laborer, $900; messenger; 5 assistant messengers; 10 laborers; messenger boy, $480; in all, $310,470.

The amendment was agreed to.

The next amendment was, on page 45, line 10, before the words "of class 1," to strike out "twenty-three" and to insert "twenty-eight," so as to read:

Office of Auditor for Interior Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—14 of class 4, 16 of class 3, 28 of class 2 (1 transferred to office of disbursing clerk), 28 of class 1 (1 transferred to office of disbursing clerk).

Mr. REED. Mr. President, may I have one word of explanation there, please? That amendment and the one in the next line increase the number of clerks by 10, and increase the pay roll, I think, by approximately $11,000. Why is that?

Mr. WARREN. Because they have not help enough to do the work, according to the statement they make—and they made a very clear statement to us. The Interior Department, as the Senator knows, occupies a very broad field, and its transactions are constantly growing. Legislation adds to the work from time to time, and they were without the necessary help to do the work. The committee were satisfied that they needed that many more men.

Mr. REED. It is simply because of the increase of work, then?

Mr. WARREN. Yes.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the same clause, in line 11, before the words "at $1,000 each," to strike out "eight" and insert "thirteen," and in line 13, after the words "in all," to strike out "$143,250," and to insert "$154,000," so as to read:

Thirteen at $1,000 each, one at $900; two messengers; three assistant messengers; one laborer; in all, $154,250.

The amendment was agreed to.

The reading of the bill was resumed, down to line 11, on page 46.

Mr. BACON. I should like to ask a question there. There are no figures put in after "charwomen."

Mr. WARREN. There is a regular, standard salary of $240.

Mr. BACON. Of course, I understand that the wages are fixed by law.

Mr. WARREN. Except where the amount is named, it would be $240 for each charwoman.

Mr. BACON. I am not objecting to the amount they are paid, but it occurred to me that it ought to be expressed.

Mr. WARREN. Wherever it is not expressed, it means $240 each.

The Secretary continued the reading of the bill.

The next amendment was, on page 46, line 19, after the words "the compensation of," to strike out "employees engaged in tabulating" and insert "such number of employees as may be necessary to tabulate," so as to make the clause read:

Provided, That the Secretary of the Treasury may, during the fiscal year 1913, in his discretion, diminish the number of positions of the several grades below the grade of clerk at $1,000 per annum in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the postal service.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Office of the Treasurer of the United States, on page 48, line 16, before the words "silver piler," to strike out "pressmen, $1,400" and insert "compositor and pressman, $1,500," and in the same line, after the words "in all," to strike out "three hundred and forty-five thousand three hundred and ninety dollars" and insert "three hundred and forty-five thousand four hundred and ninety dollars," so as to read:

Compositor and pressman, $1,600; compositor and pressman, $1,500; silver piler, $1,000; in all, $345,490.

The amendment was agreed to.

The next amendment was, on page 50, line 12, before the words "expert counters," to strike out "seven" and insert "twelve"; in line 14, before the words "in all," to insert "two charwomen"; and in the same line, after the words "in all," to strike out "$38,780" and insert "$43,460," so as to make the clause read:

For expenses of the national currency (to be reimbursed by the national banks), namely: Superintendent, $2,500; teller, $2,000; clerks—1 of class 4, 1 of class 3, 4 of class 2, 5 of class 1, 4 at $1,000 each, 5 at $900 each; engineer, $1,000; 12 expert counters, at $840 each; 3 counters, at $700 each; assistant messenger; fireman; messenger boy, $360; 2 charwomen; in all, $43,460.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the word "clerks," to strike out "two" and insert "three"; in line 4, before the words "of class four," to strike out "twenty-eight" and insert "twenty-nine"; in line 5, before the words "of class three," to strike out "twenty-four" and insert "twenty-five"; and in line 8, after the words "in all," to strike out "$332,700" and insert "$338,100," so as to make the clause read:

Office of the Commissioner of Internal Revenue: Commissioner of Internal Revenue, $6,000; deputy commissioner, $4,000; deputy commissioner, $3,000; chemist, $2,500; first assistant chemist, $1,800; second assistant chemist, $1,600; third assistant chemist, $1,400; 3 heads of divisions, at $2,500 each; 6 heads of divisions, at $2,250 each; superintendent of stamp vault, $2,000; private secretary, $1,800; clerks—3 at $2,000 each; 29 of class 4, 25 of class 3, 37 of class 2, 37 of class 1; 32, at $1,000 each; 42, at $900 each; 3 messengers; 21 assistant messengers; and 16 laborers; in all, $338,100.

The amendment was agreed to.

The reading of the bill was continued down to line 24 on page 52.

Mr. OVERMAN. Mr. President, it is now 6 o'clock, and I understand an executive session is desired. I will ask the chairman of the Committee on Appropriations if he will not suspend the consideration of the bill at this time.

Mr. WARREN. I wanted to get over to another page, but it does not matter. I wish to give notice that I shall endeavor to continue consideration of the bill early to-morrow.

Mr. CULLOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. POINDEXTER. Mr. President, if the Senator will withhold that motion long enough to allow me to introduce a motion, I should like, out of order, to ask unanimous consent to do so.

The VICE PRESIDENT. Does the Senator from Illinois yield?

Mr. CULLOM. I do, if there will be no debate about it.

THE COMMERCE COURT.

Mr. POINDEXTER. I give notice that I shall move that the Senate Committee on Interstate Commerce be discharged from further consideration of the bill (S. 3297) to amend the act entitled "An act to create a Commerce Court, etc.," approved June 18, 1910, and that the bill be placed on the calendar, under Rule VIII, for consideration by the Senate.

The VICE PRESIDENT. The notice of the Senator from Washington will lie over and be printed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 8, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 7, 1912.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. John W. McKie, Coast Artillery Corps, to be captain from June 2, 1912, vice Capt. Willis C. Metcalf, retired from active service June 1, 1912.

POSTMASTERS.

INDIANA.

Harry H. Crooke to be postmaster at Odon, Ind., in place of Harry H. Crooke. Incumbent's commission expired April 22, 1912.

Anna Egly to be postmaster at Berne, Ind., in place of John H. Hilty. Incumbent's commission expired May 15, 1912.

Emma G. Powell to be postmaster at Montezuma, Ind., in place of Albert Jerome. Incumbent's commission expired February 12, 1912.

KANSAS.

W. S. Lyman to be postmaster at Lewis, Kans., in place of James Sutherland, resigned.

MONTANA.

J. Z. Clem to be postmaster at Virginia City, Mont., in place of James H. Powell, resigned.

NEBRASKA.

Joseph F. Hejtmanek to be postmaster at Dodge, Nebr., in place of Joseph F. Hejtmanek. Incumbent's commission expired May 26, 1912.

NEW JERSEY.

Harry E. Frey to be postmaster at Stewartsville, N. J., in place of Harry E. Frey. Incumbent's commission expired March 31, 1912.

Andrew Mercer to be postmaster at Lodi, N. J., in place of Andrew Mercer. Incumbent's commission expired February 4, 1912.

NEW MEXICO.

Adelina Jaramillo to be postmaster at Fort Sumner, N. Mex., in place of William H. Parker.

NEW YORK.

Charles D. Randles to be postmaster at Ogdensburg, N. Y., in place of Samuel H. Palmer, deceased.

OHIO.

C. A. Burke to be postmaster at Johnstown, Ohio, in place of Sherwood Blamer. Incumbent's commission expired May 28, 1912.

OREGON.

J. Ralph Woodford to be postmaster at Medford, Oreg., in place of Alonzo M. Woodford. Incumbent's commission expired March 21, 1912.

TEXAS.

Thomas S. Hunter to be postmaster at Celina, Tex., in place of Luther B. Johnson, resigned.

VIRGINIA.

Beverly A. Davis to be postmaster at Rockymount, Va., in place of Beverly A. Davis. Incumbent's commission expired March 10, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 7, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Clement Joseph Todd to be third lieutenant.

RECEIVERS OF PUBLIC MONEYS.

Nazario V. Gallegos to be receiver of public moneys at Tucumcari, N. Mex.

Harold Hurd to be receiver of public moneys at Roswell, N. Mex.

Enrique H. Salazar to be receiver of public moneys at Fort Sumner, N. Mex.

Manuel Martinez to be receiver of public moneys at Clayton, N. Mex.

Benigno C. Hernandez to be receiver of public moneys at Santa Fe, N. Mex.

REGISTERS OF THE LAND OFFICE.

Royal A. Prentice to be register of the land office at Tucumcari, N. Mex.

Manuel R. Otero to be register of the land office at Santa Fe, N. Mex.

Thomas C. Tillotson to be register of the land office at Roswell, N. Mex.

Charles L. Hunt to be register of the land office at Clayton, N. Mex.

Charles C. Henry, to be register of the land office at Fort Sumner, N. Mex.

POSTMASTERS.

ARIZONA.

Fred E. Cadwell, Douglas.

COLORADO.

Ella New, Delta.

CONNECTICUT.

Frederick B. Crofutt, Danbury.

FLORIDA.

Alexander McDougall, Tallahassee.

GEORGIA.

John S. Brown, Locust Grove.
Fred Feltham, Boston.
George L. Liverman, Bainbridge.
Charles D. O'Kelley, Grantville.
Terrell C. Peterson, Fort Gaines.
Henry G. Roberds, Villa Rica.
Albert N. Tumlin, Cave Spring.

NEW MEXICO.

Vincent B. May, Las Cruces.
John Pfluger, Sante Fe.

OHIO.

William C. Hughes, New Straitsville.
Lewis Nikolaus, New Matamoras.
William J. Weirick, Loudonville.

PENNSYLVANIA.

Daniel M. Bennett, Bridgeville.
John S. Edmundson, Duquesne.

UTAH.

E. W. Redmond, Eureka.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 7, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who hast ever been our refuge and our strength, without whom we are nothing, continue Thy blessings that these Thy servants may be guided in their deliberations by Thy counsels, that the interests which they represent may be subserved in accordance with the eternal fitness of things. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF CORNELIUS H. HANFORD.

Mr. BERGER. Mr. Speaker, I rise to a question of the highest privilege and also of the greatest importance. By virtue of my office as a Member of the House of Representatives, I impeach Cornelius H. Hanford, judge of the western district of the State of Washington, of high crimes and misdemeanors.

I charge him with having annulled, on May 13, 1912, in violation of the Constitution and on a frivolous charge, the naturalization papers of Leonard Oleson.

I charge him with having been guilty of a long series of unlawful and corrupt decisions.

I charge him with having issued in the collusive suit of Augustus Peabody *v.* The Seattle, Renton & Southern Railway, in August, 1911, an injunction in the interests of the company and against the interests of the citizens of Seattle, flagrantly in violation of justice and law.

I charge him with being an habitual drunkard.

I charge him with being morally and temperamentally unfit to hold a judicial position.

In accordance with former proceedings before the House of Representatives in like cases, I submit the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 576.

Resolved, That the Committee on Judiciary be directed to inquire and report whether the action of this House is necessary concerning the official misconduct of Cornelius H. Hanford; whether he has been in a drunken condition while presiding in court; whether he has been guilty of corrupt conduct in office; whether his administration has resulted in injury and wrong to litigants of his court and to others affected by his decisions; and whether he has been guilty of any misbehavior for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk and stenographer, and to appoint and send a subcommittee whenever and wherever necessary to take testimony for the use of said committee.

That the subcommittee shall have the same powers in respect to obtaining testimony as are herein given to the said Committee on Judiciary.

That the expenses incurred in this investigation shall be paid out of the contingent fund of the House.

Mr. BERGER. Mr. Speaker, I move that this resolution be referred to the Committee on the Judiciary.

Mr. McCALL. Mr. Speaker, I am not sure that I correctly got the reading of the resolution, but as I heard it it declared that the judge was guilty of misconduct. I think the word "alleged" should be inserted before the word "misconduct."

The SPEAKER. As the Chair understood, that was a preliminary statement by the gentleman from Wisconsin.

Mr. McCALL. Mr. Speaker, I suggest to the gentleman that this is a resolution to have the conduct of Judge Hanford inquired into.

The SPEAKER. That is it.

Mr. McCALL. Mr. Speaker, I would ask that the first part of the resolution be again reported.

The SPEAKER. Without objection the Clerk will again report the resolution.

There was no objection, and the Clerk read as follows:

Resolved, That the Committee on Judiciary be directed to inquire and report whether the action of this House is necessary concerning the official misconduct of Cornelius H. Hanford——

Mr McCALL. Mr. Speaker, that is the portion of the resolution to which I referred—"concerning the official misconduct" of this man. I would suggest that it would be in keeping with the rest of the resolution to have the word "alleged" inserted before the word "misconduct."

Mr. BERGER. Mr. Speaker, I would be very glad to accept that amendment.

Mr. MANN. Mr. Speaker, the matter is not open for amendment, as I understand. The gentleman from Wisconsin merely asks to have the resolution referred to the Committee on the Judiciary.

Mr. BERGER. That is right, and that committee can amend it if it sees fit.

Mr. MANN. The gentleman can ask unanimous consent to change his resolution.

Mr. CLAYTON. Mr. Speaker, I think it is unnecessary to amend it. The statement made by the gentleman from Wisconsin [Mr. BERGER] before he introduced the resolution is in accordance with the practice which has obtained in like cases heretofore, and the resolution follows, as near as may be, resolutions in like cases heretofore referred to the Committee on the Judiciary. The Committee on the Judiciary will not take the gentleman's statement on the floor, nor the resolution itself, in any broader sense than as an allegation, and will treat it as such. Such resolutions and such statements have always been treated as allegations or charges only; not as proof. Therefore, it seems to me, while there could be no objection to putting in the word "alleged," as suggested by the gentleman from Massachusetts, it is unnecessary so to do; but if the gentleman from Massachusetts insists upon it, let the gentleman from Wisconsin ask for unanimous consent to insert that word.

Mr. BERGER. Mr. Chairman, I ask unanimous consent to insert the word "alleged" before the word "misconduct."

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to insert the word "alleged" in the resolution at the place suggested. Is there objection?

There was no objection, and it was so ordered.

Mr. CLAYTON. Mr. Speaker, I suggest a pro forma amendment to the resolution. The resolution as read refers to "the Committee on Judiciary." The word "the" is omitted before the word "Judiciary," as I heard the resolution read. That committee is ordinarily and correctly designated as "the Committee on the Judiciary."

Mr. BERGER. Very well.

The SPEAKER. The gentleman asks unanimous consent to insert the word "the" prior to the word "Judiciary." Is there objection?

There was no objection, and it was so ordered.

Mr. OLMSTED. I merely wish to suggest that the resolution calls for an investigation and ascertainment of whether or not this judge has been drunk upon the bench. I do not understand any allegation has been made that he is or ever was drunk upon the bench.

The SPEAKER. Why, the gentleman from Wisconsin [Mr. BERGER] in his preliminary remarks alleged that he was drunk most of the time.

Mr. BERGER. Habitually drunk. I do not know he is drunk all the time. He is charged with being an habitual drunkard.

Mr. OLMSTED. He might have sober intervals. Does the gentleman charge him with being drunk upon the bench?

Mr. BERGER. Yes, sir.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to refer the resolution to the Committee on the Judiciary.

The question was taken, and the motion was agreed to.

PENSION BILLS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 18712, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, how many of such bills does the gentleman desire to offer?

Mr. RICHARDSON. I have in my hand four, and we can get rid of them quickly.

Mr. FITZGERALD. Will there be any controversy?

Mr. RICHARDSON. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 20628, with Senate amendments, and ask to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 22867, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 23515, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 22194, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 23765, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to discharge the Committee on Pensions from the further consideration of the bill, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to wives and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair announces the following conferees on all these bills: Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey.

REGULATION OF RADIO COMMUNICATION.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill S. 3815, and ask that the House insist on the House amendments and agree to the conference asked.

The SPEAKER. The Chair lays before the House a Senate bill with House amendments, and the gentleman from Missouri asks that the House insist on its amendments and agree to the conference asked by the Senate. The Clerk will report the title of the bill.

The Clerk read as follows:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this bill goes to conference whether it is the intention to enlarge the scope of this bill or merely to arrange the differences between the two Houses?

Mr. ALEXANDER. I have no advice as to the intention of the Senate conferees, but there is no intention on our part to enlarge the scope at all.

The SPEAKER. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees: Mr. ALEXANDER, Mr. HARDY, and Mr. HUMPHREY of Washington.

COTTON SCHEDULE.

Mr. PAYNE, from the Committee on Ways and Means, presented the views of the minority on the bill H. R. 25034, to reduce the duties on manufactures of cotton, for printing under the rule.

[House Report 829, part 2, Sixty-second Congress, second session.]

REDUCTION OF THE DUTIES ON COTTON MANUFACTURES.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following as the views of the minority, to accompany H. R. 25034:

This bill in so far as it relates to duties on manufactures of cotton is identical with the bill which was vetoed by the President a little less than a year ago. A brief reference to its history compels the belief that it is now reported by the majority without any expectation or desire that it shall be enacted into law.

In the Sixty-first Congress the Democratic membership of the Ways and Means Committee unanimously joined with the Republican members of that committee in reporting a bill to create a tariff board, whose duty it should be to make a thorough investigation and furnish the necessary information on which to base an orderly and scientific revision of tariff schedules. This bill was passed by the House by a large majority and concurred in by the Senate with an immaterial amendment. In the closing hours of the session it was defeated by a filibuster led by a Democratic Member. By a provision in the sundry civil appropriation bill, however, a tariff board was created and proceeded to the performance of its duties.

Notwithstanding this fact, at the extra session of this Congress the majority, without waiting for any report from the Tariff Board, proceeded to prepare and pass through the House a bill identical in terms with that now reported. That bill was made without any information additional to that which the committee had when the present tariff law was framed and enacted. No hearing was accorded to any parties whose interests were involved. The bill was rushed through the House pursuant to the dictate of a Democratic caucus without deliberation or opportunity for amendment. When it reached the Senate the Democrats of that body were not slow in finding out that its passage would result in the crippling of a southern industry. It was loaded down with amendments. One amendment tacked onto it was a revision of the metal schedule. Another amendment tacked onto it was a revision of the chemical schedule. This latter may not be inaptly termed as grotesque. It was not the result of any committee examination or report. It was offered from the floor of the Senate, and, as was subsequently discovered, represented the guesswork of a Treasury employee who had been instructed to turn specific duties into ad valorem, and then, regardless of the effect, to reduce these ad valorem duties uniformly all along the line. One effect of this amendment was to abolish the customs duties on alcohol imposed to compensate for the high internal-revenue tax and thus deprive the Government of a very large revenue. This, however, did not result in killing the bill. On its return to the House the Democratic majority proceeded to concur in the amendments en bloc without question or deliberation, and so the bill went to the President. He had no alternative but to veto it. This he did, both because of the Senate amendments and because of the crude and haphazard character of the bill as it affected the cotton industry. The bill had not had the informing report of the Tariff Board, although that report was in process of preparation and promised within a short time thereafter. In his veto message the President said, inter alia:

"My objection to the cotton schedule is that it was adopted without any investigation or information of a satisfactory character as to the effect which it will have upon an industry of this country in which the capital invested amounted in 1909 to $821,000,000, the value of the product to $629,000,000, the number of wage earners to 379,000, making, with dependents, a total of at least 1,200,000 persons affected, and the wages paid annually amounted to $146,000,000. The bill would not go into effect by its terms until January 1 next, and before that time a full report to be submitted to Congress by the Tariff Board, based upon the most thorough investigation, will show the comparative cost of all the elements of production in the manufacture of cotton in this and other countries. The investigation by the Committee on Ways and Means of the House did not cover the facts showing this comparative cost, for the reason that the committee was preparing a bill on a tariff-for-revenue basis and their view of a proper tariff was avowedly at variance with the theory of protection. Pledged to support a policy of moderate protection, I can not approve a measure which violates its principle."

The protests that came up from the South, and had their influence on the Senate, showed conclusively the unwillingness of that section to have any tariff tinkering that would affect its industries. It was then publicly announced that revision of the cotton schedule had been laid aside.

On the 22d day of March, 1912, the Tariff Board made its report on the cotton schedule. Like its previous report on the wool schedule, the report was thorough and comprehensive, and furnished the necessary data on which to base an orderly and scientific revision of the duties relating to the manufactures of cotton. This report makes clear the crude, careless, and haphazard character of the bill which the President had vetoed and which is now again reported by the committee, without modification or change, except in the abandonment of the Senate amendments. The committee has paid no attention to the report of the Tariff Board, except to find fault with it because of the condemnation to be found in it of their bill.

The original discredited bill is now again reported, while there is pending in the Senate and not yet acted upon a bill relating to the tariff on wool, a bill relating to the sugar tariff, and while a bill relating to the metal schedule also remains undisposed of. It is hardly necessary to say that the profession by the party in power of a desire to revise the tariff and its actions are not consistent with each other.

Having these facts in mind, and the further fact that no reason can be assigned to justify the President in approving the same bill which he has heretofore disapproved, it is difficult to avoid the conclusion that the report of this bill at this late day of the session is to serve some other purpose than its enactment into law.

If the majority are willing to enter upon a genuine revision of the cotton schedule, availing themselves of the information furnished by the report of the Tariff Board, the minority will cheerfully cooperate with them in such revision.

SERENO E. PAYNE.
JOHN DALZELL.
S. W. McCALL.
E. J. HILL.
J. C. NEEDHAM.
J. W. FORNEY.
N. LONGWORTH.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MOSS of Indiana. Mr. Speaker, I rise to a question of personal privilege, and I would like to have the Clerk read the statement I send to the desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas the present chairman of the Committee on Expenditures in the Department of Agriculture of this House promised, in April, 1911, that there would be a rigid investigation of the Weather Bureau "at an early date," which promise has not been kept——

Mr. MOSS of Indiana. Mr. Speaker, I do not wish to take up very many minutes of the time of the House, but as this statement is a false one, I would like to present the facts to the House as briefly as I may. This resolution (H. Res. 570) was introduced by the gentleman from New York [Mr. AKIN]. I do not know what information he had. I do know that the gentleman has never had any communication with me, directly or indirectly, orally or written, concerning the subject matter of the resolution. He has never been in the committee room, and if he has any information regarding any irregularities in the Weather Bureau he has never brought it to my attention, or, so far as I know, to any member of the committee.

I was a member of this committee during the Sixty-first Congress under the chairmanship of Mr. Graham of Pennsylvania, during which time the chief of the bureau came before the committee and made a full statement of the operations of his department; and so far as I know there were no charges of any kind preferred against his management. Later on, noticing a statement in the press over the signature of a Mr. Berry of this city, that there were certain irregularities that ought to be called to the attention of Congress, I made a clipping and laid it away; and after the committee had been organized—in the present Congress—I wrote Mr. Berry that the committee would be glad to have him bring before the committee any information he had regarding the Weather Bureau which ought to be investigated. The committee then organized, and decided to work under subcommittees and the chairman was authorized to appoint a subcommittee to take up the question of the particular charges, referred to by Mr. Berry, and on April 22, 1911, I wrote the following letter to Mr. Berry:

APRIL 22, 1911.

Mr. JAMES BERRY,
14 Third Street SE., Washington, D. C.

DEAR SIR: Again referring to your favor of March 31 concerning the administration of affairs in the Weather Bureau, I beg to inform you that I have named Hon. ROBERT L. DOUGHTON, who is a member of this committee, to confer with you and to go over the evidence you wish to present to the full committee.

You will kindly arrange with Mr. DOUGHTON, whom you will find at room 447, House Office Building, as to the time which will be most convenient to you both.

Very truly, yours,

RALPH W. MOSS, *Chairman.*

Finding that Mr. DOUGHTON was out of the city at that time, I wrote him on May 11, 1911:

MAY 11, 1911.

Mr. JAMES BERRY,
1[illegible] Third Street SE., Washington, D. C.

DEAR SIR: Referring to my letter of recent date, in which I requested you to call upon Mr. DOUGHTON, I beg to advise you that he has now returned to the city, and will be pleased to see you at his office at any time.

Very truly, yours,
RALPH W. MOSS,
Member of Congress.

Mr. Berry called upon Mr. DOUGHTON and took up the question with him, and Mr. DOUGHTON came back to me and said that it was a matter that he did not care to settle himself and he preferred that I take the question up as chairman of the committee, and accordingly, on May 31, I wrote Mr. Berry the following letter:

MAY 31, 1911.

Mr. JAMES BERRY,
1[illegible] Third Street NE., Washington, D. C.

DEAR SIR: I would request that you call at the committee room of the Committee on Expenditures in the Department of Agriculture at 10 a. m. to-morrow, June 1, as I desire to talk with you in regard to the charges you have made against the Weather Bureau.

Very truly, yours,
RALPH W. MOSS, *Chairman of Committee.*

Mr. Berry came in response to this, and I requested him to submit in writing whatever charges he had to submit against Prof. Moore and the operation of the Weather Bureau. He submitted in writing what charges he had to prefer against the bureau at that time, together with whatever oral explanation he had to make of the evidence he had behind the charges, and thereupon I called an informal conference of the Democratic members of the committee, which was attended by every one of the majority members—Mr. FLOYD, Mr. DOUGHTON, Mr. MAYS, and myself. I submitted to these members the written charges that Mr. Berry had made, and it was the opinion of the members that, in the main, the charges as made were not worthy of calling a congressional investigation for the special purpose of examining them. There were, however, some particular specifications referring to Mount Weather and one or two other matters that I took up for personal investigation. I invited Mr. LAMB, chairman of the Committee on Agriculture, and Mr. LEVER, of South Carolina, a distinguished member of that committee, to go with me to Mount Weather. We made a personal trip there and spent a day carefully examining Mount Weather and its operations, and if either of the gentlemen are present I will leave it to them to say whether they found anything that should be called to the attention of a congressional investigating committee.

Later, as some of the charges referred to the expenditure of the contingent funds in the Weather Bureau, I had the clerk of the committee, Mr. Crawford, spend almost a month in going over their accounts for a full year, calling upon Mr. Zappone, representing the Department of Agriculture, to submit the original competitive bids and the vouchers upon which the supplies were bought, and comparing them. After spending, as I say, almost a month in going over these expenditures of the Weather Bureau, Mr. Crawford reported back that everything, so far as the bookkeeping or methods of purchasing supplies were concerned, was perfectly straight and square.

I selected a list of the newspapers in the United States that were handling the Weather Bureau maps and publishing them, and I had the committee clerk write to every such paper in the United States, asking the editor what kind of service they received from the Weather Bureau, whether or not they had any suggestions or charges to make in regard to a change of it.

In every instance they came back in their replies to the effect that the weather map was appreciated by their subscribers, and they protested against any change whatever that might interfere with the service which the Weather Bureau was giving to them.

Wishing to make a further test, I asked the Representatives of districts within my own State to give me lists of representative persons living in their districts to whom I could write letters of inquiry, asking them as to whether the weather service was satisfactory. I received from my colleagues lists from their districts in our State, and I wrote a letter to each person on those lists, and I have their replies.

Mr. LONGWORTH. Mr. Speaker, if the gentleman will permit, I suggest to the gentleman that a happy compromise might be reached between himself and the gentleman from New York [Mr. AKIN] by striking out the word "Bureau" in the resolution. There is no question but that the abominable weather that we have had this year ought to be investigated. [Laughter.]

Mr. MOSS of Indiana. If it were not for the fact that we have our corn planted, I would accept that in a moment.

In every instance the replies which came back from Indiana were either one of two kinds—either that they were entirely satisfied with the service or else that they wanted a service extended to them that would be equal in the rural districts to the service that was received in the city.

Now, Mr. Speaker, I shall not refer to this further, except to say that at this stage in the preliminary examination of the Weather Bureau the Wiley hearing came. It was thought at that time that the great importance of this hearing demanded a full committee, and we accordingly discontinued this work on the Weather Bureau and took up the Wiley hearing, which continued until January, when we made our report to the House. After making this report I called the committee together and submitted the question whether it would take up the Weather Bureau or the Forestry Bureau, and Judge FLOYD of Arkansas offered the following resolution on February 3, 1912:

Resolved, That the chairman be, and he hereby is, authorized to request Mr. Graves, Chief of Forestry Bureau, to appear and present to the committee a full detailed statement of the expenditures in his department.

That became the order of business to be pursued by the committee by a unanimous vote of the committee. But before we had time to take up that question certain Members of the House appeared before the committee and asked us to investigate charges pertaining to the Everglades in Florida, so that this order of business was displaced, and we went to work on the investigation of the Everglades matter. Before the investigation of the Everglades matter was concluded a resolution was introduced in the House to investigate the meat service, and we now have that on hand.

Now, here comes a request to investigate by special committee the Weather Bureau, charging that the present committee has failed to do its duty. I want to say to this House that I regard the power given to the investigating committees to be intended just as much to protect the reputation and service of a faithful public official as it is to find out anything that is wrong in the public service. [Applause.] I want to say that a man who is a Member of this House who will introduce a resolution charging that the committee has not made any examination of the Weather Bureau and charging that a great bureau of this Government is not giving efficient service to the people of the United States, if he has not taken more time and devoted more effort to the task of finding out the truth of the charges regarding the Weather Bureau than he has with respect to the truth of the charges against this committee, he puts himself into one of two classes, either that of a man who is easily misled, or else that of a man who is willing to give currency to charges that have absolutely no foundation in fact. [Applause.]

Mr. Speaker, I want to say further that I would not have spoken about this matter if it had not been for the injustice to the membership of the committee of which I have the honor to be chairman. We have given the greatest latitude to every person who has appeared before us with any grievance whatever, and my friend the gentleman from Nebraska [Mr. SLOAN], who sits here, is a member of the committee, and I ask him to correct me if it be not a fact that every person who has appeared there with a grievance has been invited to tell the committee without any restriction whatever anything which he thought reflected upon the public service? This committee has taken many hundred pages of testimony and has devoted more hours to this duty than almost any committee in the House. Part of the time we have sat daily, and frequently we have had two sessions a day.

Upon this showing to the House I am perfectly willing to rest. If this House wishes to order a special committee of investigation, I shall be quite content; but I am not willing to have a Member of this House stand upon the floor and introduce a resolution reciting alleged statements about the action of this committee which have absolutely no foundation in fact. [Applause.]

Mr. AKIN of New York. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. AKIN of New York. To reply to the gentleman from Indiana.

The SPEAKER. It is not debatable.

Mr. AKIN of New York. I ask unanimous consent to reply to the gentleman.

Mr. FITZGERALD. How much time does the gentleman wish?

Mr. AKIN of New York. Ten minutes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not believe it desirable to enter into a discussion of the Weather Bureau this morning.

The SPEAKER. The gentleman from Illinois objects.

Mr. AKIN of New York. If the gentleman will withhold his objection, I will state what I have to say in three or four words.

Mr. MANN. I have no objection to that.

The SPEAKER. Did the gentleman from Illinois object?

Mr. MANN. The gentleman from New York does not want as much time as he first stated.

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent to address the House for 10 minutes.

Mr. AKIN of New York. For two minutes.

The SPEAKER. The gentleman says two minutes. Is there objection?

There was no objection.

Mr. AKIN of New York. Mr. Speaker, I have not had time to go back into this matter and dig up the stuff to make a proper reply, but I want to say that I am going to stand on my resolution.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

Mr. MALBY. Mr. Chairman, I offer an amendment to the pending bill.

The CHAIRMAN. The Clerk will report the amendment. Before doing that the Clerk will report the section to which it is offered.

Mr. FITZGERALD. The Clerk has read the first paragraph, and I understand the gentleman from New York offers his amendment to that.

The CHAIRMAN. The Chair can not hear the gentleman from New York.

Mr. GARNER. The first paragraph has already been read.

Mr. CANNON. Mr. Chairman, I rise to a question of order, and I shall make it constantly until there is order. In the confusion we can hear nothing. I do not want to lecture the House, but gentlemen engage in conversation, and others can scarcely get near enough, Member to Member, to hear what is going on. I hope that order may be kept.

The CHAIRMAN. The committee will be in order.

The Clerk read as follows:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes, and to enable him to do any and all things in connection therewith authorized by law, $225,000, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1912.

Mr. MALBY. Mr. Chairman, owing to the fact that the House indulged me yesterday for about an hour discussing this particular amendment, which restores the Tariff Board to this bill, it is not my purpose this morning to take time for the further discussion of the amendment which I have offered. I simply desire to call the attention of the House to the fact that the amendment is to continue the appropriation for the work of the Tariff Board, which has been carrying on its work during the past two years, and further to call the attention of the House to the fact that the language of the proposed amendment is precisely that which has been carried in the current law during the past two years. I yield the balance of my time to the gentleman from Ohio [Mr. LONGWORTH].

Mr. BARTLETT. Mr. Chairman, I make the point of order that the gentleman can not yield time.

Mr. MALBY. Very well, then; I will yield the floor.

Mr. LONGWORTH. Mr. Chairman, I will ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that he may proceed for 10 minutes?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, as the gentleman from New York has stated, the effect of the amendment will be to continue the Tariff Board in existence for a year after the 1st of next July. Should the bill as it stands be passed, the Tariff Board will cease to exist on the 1st of next month. This bill represents the culmination of the attack made by the Democratic Party upon the tariff commission plan. Unsuccessful while the Republican Party was in control of this House, in securing the abolition of the Tariff Board on its merits, they propose now, that the keys of the Treasury are in their hands, to accomplish their purpose by the simple but highly effective method of withholding the appropriation.

The reason for withholding this appropriation can be but one of two, either because it is a part of the cheese-paring policy of false economy, applied to some of the most important branches of this Government, that if carried through will inevitably result in crippling them, or else it is because the information that has so far been furnished to this House by the Tariff Board has not only not assisted but has proved absolutely inimical to the Democratic policy of tariff making.

Nobody regrets more than I, Mr. Chairman, that the tariff commission plan should have been made a party issue. We did not make it so on this side of the House. The members of the Tariff Board have not made it a party issue. Their reports have been unanimous, although two of the members are as tried and true believers in the Democratic faith as any man that sits upon this floor. You, yourselves, gentlemen, made it a party issue, or at least the great majority of you did when you trampled over some of your ablest leaders last year, and we upon this side propose to fight it out to a finish.

In supporting this amendment, and I am confident that everyone on this side of the aisle will support it, we are fighting not alone for the preservation of the Tariff Board. We are contending for a more important principle, the principle that no revision of the tariff will be again undertaken and carried through except in accordance with complete, accurate, and scientific information with regard to all the schedules, to be furnished as it only can be furnished by a permanent, nonpartisan, independent tariff commission.

Of course the present board is not that; it has not the power it ought to have. It is not responsible, as it should be at all times, to Congress; and above all it has not the enduring nature that any great Government commission should have in order to properly carry out its functions. But it is the best possible under the circumstances, and we of the Republican Party do not propose that the Tariff Board shall be consigned to an early grave if we can help it. [Applause on the Republican side.]

The history of the tariff commission movement is brief and simple. Some years ago thinking men of this country began to realize that the American tariffs, Democratic as well as Republican, have never in many respects been scientifically made; that some of our schedules, both in Democratic and Republican bills, have been the result, not so much of action based upon accurate and scientific information as of log-rolling and trading between interested parties.

A few years ago a nation-wide association was formed, known as the National Tariff Commission Association, with a membership of men in all walks of life, whose purpose it has been to direct public sentiment toward the creation of a permanent tariff commission. A number of bills were introduced in both Houses of Congress looking to that end. I myself introduced a bill, which embodied, as I believe, the best features of all the bills, notably those introduced by the gentleman from Iowa [Mr. GOOD] and the gentleman from Wisconsin [Mr. LENROOT]. That bill was indorsed by the National Tariff Commission Association, and it met the approval of the President of the United States. It was gone over by the Republican members of the Ways and Means Committee and modified in some respects. It was then presented to the full committee, and after a consultation among the Democratic members they suggested an amendment, which we of the majority very glady adopted, and the bill was reported unanimously by the full Committee on Ways and Means, except only that the gentleman from New York [Mr. HARRISON] reserved the right not to support the bill on the floor of the House. When the bill reached the floor it was discovered that a large majority of gentlemen on that side of the House were opposed to the Tariff Board idea, and while the gentleman from Missouri [Mr. CLARK], now the honored Speaker of this House, and the gentleman from Alabama [Mr. UNDERWOOD], now leader of his party, stood manfully by their guns, they were run over by the majority of their party, led by the gentleman from Kentucky [Mr. JAMES] and the gentleman from New York [Mr. FITZGERALD]. The bill received a solid Republican vote in the House. It received a solid Republican vote in the Senate, with several immaterial amendments added, which its friends here were perfectly willing to accept; but owing to the congested condition of business in the Senate, the bill did not

reach this House until the morning of the 4th of March. It reached here, however, in ample time to have been passed, had not a filibuster been entered upon by the gentleman from New York [Mr. FITZGERALD]. [Applause on the Republican side.] Every parliamentary device possible—and no one knows the art of parliamentary procedure better than the gentleman from New York—was resorted to. Roll call succeeded roll call. The hours flew by, until the question simply was whether the Congress should expire by lapse of time and the appropriation bills fail or whether the Tariff Board bill should be abandoned. At that point, and not till then, we, the friends of that bill upon the floor of this House, threw up our hands and allowed it to die. That is the history of events, Mr. Chairman, and it shows that the responsibility for defeating the permanent Tariff Board lies solely at the door of the Democratic Party. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Mr. Chairman, I will be very glad to yield if I can have a few minutes more.

Mr. SHERLEY. I think we can get the gentleman five minutes more.

Mr. LONGWORTH. Then I yield to the gentleman.

Mr. SHERLEY. I simply wanted to ask the gentleman if he would not, for the sake of having the record complete, put into his statement the fact that in violation of a direct rule of the House, which says that a conference report shall be in order at any time except during a roll call, and so forth, on the motion of the gentleman from Minnesota, Mr. Tawney, and on the action of the then Speaker of the House, Mr. CANNON, a roll call on the question of the Tariff Board bill was stopped in its midst in order that a conference report on an appropriation bill might be considered, and that thereby it was made impossible to have a final vote upon the Tariff Board matter.

Mr. LONGWORTH. Mr. Chairman, I am perfectly well aware of the fact that one of the final roll calls was interrupted. Nobody regretted it more than I did.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONGWORTH. Nobody regretted it more than I, and I do not propose to express an opinion as to whether it was right or not, but the plain fact is that the roll call would never have been interrupted had not that filibuster been undertaken to prevent the passage of the Tariff Commission bill.

Mr. SHERLEY. If the gentleman will yield, there never would have been the possibility of a filibuster if a hostile party at the other end of the Capitol had not held the matter until the very last day, and if there had not been at least permissive action on the part of the Republican leaders upon that side, aiding in the delay of the consideration of the Tariff Board bill.

Mr. LONGWORTH. Mr. Chairman, I am delighted to hear the gentleman from Kentucky now speak with regret of its defeat.

Mr. SHERLEY. Oh, I have always been and am now in favor of a proper tariff board, and my position is not a sudden conversion when I wanted an excuse to delay a real revision of the tariff, like some of the leaders on the other side. [Applause on the Democratic side.]

Mr. LONGWORTH. Mr. Chairman, I suggest to the gentleman to come over here on this side of the aisle, where he will be welcomed.

Mr. SHERLEY. Oh, I still want to be sincere in my attitude in regard to a tariff commission.

Mr. LONGWORTH. The fact is that the Tariff Board bill reached this House about 8 o'clock in the morning. We had practically four hours in which to pass it, if it had not been delayed by a Democratic filibuster and killed, and it does not lie in the mouth of any gentleman on that side of the House to say that it was not killed and intended to be killed by the Democratic Party. [Applause on Republican side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FITZGERALD. In view of the fact that the gentleman's party tried to pass a bill creating a tariff board on the last day of the session, after 16 years' control of Congress, does the gentleman think the country will believe that his party was very serious? [Laughter and applause on the Democratic side.]

Mr. LONGWORTH. Well, I am not responsible for the actions of my party [laughter on the Democratic side] in the Senate of the United States, but you were responsible for the action of your party when that bill came to this House.

Mr. FITZGERALD. Now, the gentleman knows that bill arrived at the House at 8 o'clock in the morning. The Committee on Rules, the night before, agreed to the most drastic rule ever drawn, yet that bill was not called up until half or three-quarters of an hour later. If it had been called up when it came over and if it had been as skillfully engineered as any other legislation, it might easily have been enacted.

Mr. LONGWORTH. Do I understand my friend the gentleman from New York is now apologizing for the part he took?

Mr. FITZGERALD. I did not favor it then and I do not favor it now. I am not like some recent converts, who, like Saul, saw a sudden light. I still have some convictions, and I am against a tariff board designed to delay relief to the American people from the burdens of an iniquitous tariff. [Applause on the Democratic side.]

Mr. LONGWORTH. And so are the rest of us, Mr. Chairman, and because the Tariff Board means no such thing the Republican Party stood and now stands for a permanent tariff board, while the Democratic Party stood against it and is now against it. [Applause on the Republican side.] The responsibility for the failure of this legislation, the responsibility for the fact that there is no permanent tariff board in this country, lies at the doors of the Democratic Party.

Mr. MADDEN. They do not need light.

Mr. LONGWORTH. But after this bill was defeated there still remained a Tariff Board, a board of three, appointed by the President under the authority conferred upon him by the Payne law. He proceeded at once to enlarge and reorganize this board, so as to make it——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LONGWORTH. Mr. Chairman, I dislike very much to trespass on the indulgence of my colleagues, but I would like to have five minutes more time, as I have been so frequently interrupted.

Mr. FITZGERALD. Mr. Chairman, I have no objection, but it depends upon how many gentleman on that side desire to speak.

Mr. MADDEN. We are all going to talk on it.

Mr. FITZGERALD. However, if the gentleman claims the paternity of this recent Republican doctrine, he should have an opportunity to justify it, if it can be justified.

Mr. LONGWORTH. I am greatly obliged to the gentleman. As I said, the President proceeded at once to reorganize and enlarge this board, so as to make it as nearly as possible, both as to functions and as to personnel, what it would have been had the permanent tariff-board bill passed. And I say, Mr. Chairman, it is to the enduring credit of the President of the United States that he made it possible for this country to receive in the brief existence that this board has enjoyed reports which exceed in thoroughness, accuracy, and value to the American people all that we had had in our previous existence as a Republic. [Applause on the Republican side.]

Now we are asked to abolish this board in the very heyday of its usefulness, when it is fully organized and equipped to make further investigations of the tariff schedules. We are asked to forego the opportunity to have further information with regard to how much it costs to produce here and abroad articles in which we are in active competition with the world. We are asked to forego the opportunity to find out anything more about labor conditions here and abroad, about working hours, conditions in the factories, wages—conditions, in short, which it is absolutely necessary for us to know if we are to properly safeguard the interests of American workingmen. Gentlemen upon that side, in seeking to bolster up the weakness of their position have inveighed vigorously against the Tariff Board, and then they have turned around and said with equal emphasis that the tariff reports justified the bills that they have brought in. Only the other day the gentleman from New York [Mr. REDFIELD], who is now in the public eye largely by virtue of the fact that he is the only avowed candidate for Vice President known to be at large [laughter on the Republican side], after a most vehement attack upon the trustworthiness and accuracy of the Tariff Board report upon the wool schedule, said that it absolutely justified the Democratic wool bill. There is just about as much sense in that, Mr. Chairman, as knocking down a man because he calls you a name and then hugging him to your bosom because you admit that the name he called you was justified. The trouble is that the Tariff Board stands in your way, gentlemen. You do not want the kind of information that it has furnished, the kind of information that contributes to the sum of human knowledge.

You want a sort of select information, if you want any at all, information of your own choosing which will justify some of your peculiar theories. That is the reason you oppose a tariff

board. You may succeed now in abolishing this board and proceed with your haphazard revision of the tariff schedules based upon ignorance of the facts, upon prejudice, party exigency, and geography, but I warn you that you are only postponing the inevitable. The people of this country will never support a tariff revision made upon these principles. The permanent tariff board is bound to come. And it will come through the medium of the party that has stood for it in the past and stands for it now. It will come through the medium of the Republican Party. [Applause on the Republican side.]

Mr. CANNON. Mr. Chairman, I would be glad to be recognized. I do not care to discuss the merits of the resolution at this time, but I would be glad to be recognized on another proposition. The gentleman from Kentucky [Mr. SHERLEY] refers to an incident which happened during the last 30 minutes prior to 12 o'clock on the 4th day of March of last year at the close of the Sixty-first Congress. I recollect the incident very well, and if the committee will bear with me I want to say a word about the conditions.

There had been for some time filibustering proceedings in progress—determined and persistent. It was perfectly evident in the condition in which the House found itself that one of two things would fail, either the bill referred to by the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Kentucky [Mr. SHERLEY], creating a permanent tariff board, or the sundry civil appropriation bill, carrying, for almost all branches of the public service, in round numbers, $140,000,000.

A roll call was then in progress. At the end of the first calling of the roll the gentleman from Minnesota, Mr. Tawney, who was then chairman of the Committee on Appropriations, rose in his place to a question of the highest privilege. He was recognized and presented the final conference report on the sundry civil appropriation bill. The Senate had agreed to it, as I recollect, and it only remained for a vote of the House to send that bill in the last hour to the President for his signature. There was talk then, generally, about a special session of Congress. Frankly, as a Member of the House and a citizen of the United States, I did not desire, as one individual, to see a special session of Congress. I knew that if the sundry civil bill failed a special session of Congress must come or the Government stop, practically. It would be inevitable. In that kind of a filibustering condition, where under the rules of the House the Speaker in the presence of a filibuster is practically what he was then alleged to be all the time, a czar, he was responsible first to himself, then to the House and the country, when he could hold under those conditions any motion as out of order as a dilatory motion.

I recognized the gentleman from Minnesota, Mr. Tawney, by halting the roll call. "The letter killeth and the spirit maketh alive." Under such conditions those clothed temporarily with power were justified in action that would ordinarily not be justifiable if a filibuster had not been in progress, and if we had not been in the last hour of the session——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for five minutes more. I have almost finished.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. The alternative was presented to the presiding officer of the House, in that condition, to choose. I do not know whether the permanent Tariff Board bill then before the House would have been enacted or not within the few remaining minutes before the expiration of the Sixty-first Congress. I had then and have now my serious doubts, but I knew if it did pass it would be at the expense of the defeat of the sundry civil appropriation bill, and that a special session of Congress would be inevitable. I was satisfied the House, if it had the opportunity, would prefer to pass the appropriation bill rather than pass the Tariff Board bill, and by my ruling I gave the House the opportunity to pass the appropriation bill. Under the same circumstances, if again I was Speaker of this House, I would do the same thing. I have no apologies to make for it. I did believe then if the sundry civil appropriation bill passed there would be no extraordinary session. But an extraordinary session came. I do not believe there is anybody upon this side of the House that does not regret that it came, and I doubt if there is anybody on that side of the House that glorifies in the fact that it came. I want to say this much, and in conclusion, that conscientiously I performed my duty then and justify it now. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I have no desire to pass upon the motives of the distinguished gentleman who has just taken his seat, but the fact remains that the assumption of authority that he has just stated he took upon himself and which he attempts to justify was made in the face of one of the plainest rules that was ever written into the parliamentary law of the House of Representatives. And any Member supposed to know anything at all about the rules would be presumed to know the binding effect of this rule. One of the quarrels that this side of the House and that the American people have had with the distinguished gentleman has been upon that same assumption, that whenever, in his judgment, it was warranted he was at liberty to disregard the rights of the Representatives of the American people. [Applause on the Democratic side.]

Now, the rule of that Congress, and the rule of preceding Congresses, and the rule of this Congress, provides that the presentation of reports from committees of conference shall always be in order except when the Journal is being read, while the roll is being called, or while the House is dividing on any proposition. In the case at issue the roll was being called. There was an express provision that prohibited its being stopped. And yet the gentleman, because he did not desire an extra session, because he thought that a particular bill should be considered, violated that plain rule, and by its violation the vote on the Tariff Board could not be taken within the time left to the Congress of the United States. [Applause on the Democratic side.]

That is the record. I make no statements as to the gentleman's motives. He himself has told you why he acted. I present to the country the facts as to the rules of the House of Representatives.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. Does the gentleman think they would have had time before 12 o'clock on that day for the roll to have been called on the Senate amendments and the Senate amendments agreed to if this conference report had not displaced the completion of the roll call?

Mr. SHERLEY. My own judgment is that there would have been; but it was claimed that there was not sufficient time.

Mr. MANN. There was not sufficient time.

Mr. SHERLEY. That is the gentleman's opinion. Maybe the wish was the father to the thought in the gentleman's case, like that of a number of other gentlemen on that side.

Mr. MANN. I will explain that in my own time.

Mr. SHERLEY. Of course it is open to explanation, and in need of it.

Mr. CANNON. Mr. Chairman, if the gentleman will allow me, I merely want to say that there is another rule of this House that gives the Speaker extraordinary power in the presence of a filibuster.

Mr. SHERLEY. The gentleman must not take up my time with a statement.

Mr. CANNON. Mr. Chairman, I ask that the gentleman be given five minutes more.

Mr. SHERLEY. I do not want it.

Mr. CANNON. Just a word or two. I ask, Mr. Chairman, that the gentleman's time be extended five minutes.

Mr. SHERLEY. I have no desire to ask it in my own right. I only want a word, and then I will yield the floor to the gentleman.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CANNON. Mr. Chairman, I ask two minutes of time, part of which I will yield to the gentleman from Kentucky [Mr. SHERLEY.]

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANNON. I again say there is a rule of the House also that gives extraordinary power to the Speaker in the presence of a filibuster. Under the spirit of the rule and in the fact that a conference report could even halt a motion to adjourn; under all the conditions, administering the rules as it was my duty to do, I took the action that I did.

The gentleman travels out of his way to say that whenever I desired anything as Speaker of the House and generally, I was charged with "czarism." I call on the gentleman, and I call on the Members of this House, to bear me out in this statement, that in courtesy to both sides of the House and in courteous administration of the House, to the best of my judgment, almost invariably approved by the House, under ordinary conditions every rule, in spirit and in letter as well, was given full play. But he who would sacrifice the interests of the country, he who would halt in the then condition of the House in taking the responsibility that I took would, in my judgment,

fail of the performance of his duty, and I again say I have no apologies to make. [Applause on the Republican side.]

Mr. SHERLEY. Now, Mr. Chairman, it so happens that the highest right that is reserved to the representatives of the people in the House of Representatives is the right of a roll call. The Constitution guarantees it. No rule can take it away. And in order that the constitutional guaranty may be made plain in every case, so that no possible excuse can be offered, the rule that I have read to the committee was invoked.

I again say—not questioning the patriotism of the gentleman or the motives which prompted his action, but questioning the wisdom of an action that puts the judgment of a man as to a crisis in front of the country before the plain letter of the law, which should control a deliberative body [applause on the Democratic side]—this is a government, or should be, of law and not of men. And again I submit the issue to the people—of the rules of the House having supremacy as against the judgment of a Speaker, no matter how patriotic, as to the need to disregard them. [Applause on the Democratic side.]

Mr. PALMER. Mr. Chairman, I am not so much interested—though the matter is an interesting one—in fighting over this ancient parliamentary battle as I am in the matter which is immediately before the House, and I want to bring the minds of the committee back to that question.

The proposition of the Committee on Appropriations is to abolish the present executive Tariff Board by refusing to appropriate the money necessary to continue its operations during the next fiscal year. The proposition of the gentleman from New York [Mr. MALBY], as contained in his amendment, is to continue the present executive Tariff Board by appropriating in this bill the exact amount which was appropriated a year ago for that board for the work of the present fiscal year.

I am against the amendment. I am for the proposition of the Committee on Appropriations, because I am against an executive tariff board.

Mr. MADDEN. Will the gentleman tell us what kind of a tariff board he is in favor of?

Mr. PALMER. Yes; I will say what I am in favor of before I sit down.

In my judgment there is neither warrant nor excuse under the Constitution, nor justification, reason, or necessity under the present conditions in business and its relations to the tariff, for an executive tariff board. [Applause on the Democratic side.] The present board was conceived in the desire of American manufacturers to fasten upon this country in perpetuity a high protective-tariff policy. [Applause on the Democratic side.] It was born in a plain and clear usurpation of executive authority. [Applause.] And its short and eventless life has been crowned with the purpose of delaying the execution of the people's judgment.

Mr. Chairman, it deserves to die. [Applause on the Democratic side.] It meets that deserved fate very properly at the hands of the Democratic Party, which believes neither in a high protective policy nor in the usurpation of executive authority nor in delay in the execution of the people's will. [Applause on the Democratic side.]

I understand that the gentleman from Ohio [Mr. LONGWORTH] has criticized this method of killing the Tariff Board. Whatever may be said upon the merits of the proposition, it seems to me there is no just criticism to be found in the method which has been adopted to bring this institution to an end. As far as its present powers are concerned, the powers which it has exercised during the past two years, it has derived them from an appropriation bill; and an appropriation bill having been its place of birth, it is entirely proper that an appropriation bill should be its winding sheet. [Applause.]

I have said, Mr. Chairman, that I am opposed to an executive tariff board. I am not one of those, if there be any such, who believe that a tariff bill can be written without expert assistance. There is no man in this House who has ever been engaged in the preparation of a tariff bill but will freely and frankly admit that he has availed himself of all the expert assistance at his command.

I would favor the establishment of a nonpartisan board composed of statisticians and experts upon tariff matters, named by and working under the direction of the House of Representatives. Since the foundation of the Government the Committee on Ways and Means has been charged with the duty of preparing revenue legislation which, under the Constitution, must originate in this House. The expert assistance necessary to prepare such legislation affecting all kinds of revenue ought to be at the command of that committee. It has always employed such assistance and it always will, whether there is an outside tariff board or not. While such a corps of experts ought not to be partisan, they ought to work at the direction and under the control of that branch of the Government which is constantly in truest sympathy with the prevailing sentiment of the people upon the important questions affecting taxation. The very reason which prompted the framers of the Constitution to vest in the House of Representatives the exclusive power of originating revenue legislation—that reason being that this House is quickly responsive to the public will, and by the frequent election of its Members can constantly be made so—is a sufficient argument to sustain such a board solely as an adjunct to the lawmaking body.

It is not because we would not have this assistance in preparing Democratic revenue measures that we cut off this tariff board, but it is because this executive tariff board has demonstrated, by reason of the manner of its appointment and the purpose for which it was created, that its findings and facts, so called, will not receive consideration at the hands of the Congress, no matter which party is in power, in the writing of a tariff bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PALMER. I should like to have 10 minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PALMER. Under the Constitution legislation of all kinds must originate in the Congress. It must be initiated here. The President, of course, has the power of recommendation. He has the added negative power in legislation of the veto, but it was not intended that he should initiate legislation in the form in which it would go through the Congress. No President, with very few exceptions, has ever undertaken to send down here any bill which he desired to have passed. President Cleveland did it once. President Taft did it perhaps indirectly a couple of times, but with those exceptions it has almost never been done. The legislative branch of the Government would resent it if it were done.

But what applies to general legislation applies with peculiar force to revenue legislation, because under the Constitution that legislation must originate not only in the Congress, but in this body. And I declare, Mr. Chairman, that as long as that remains so, although the House of Representatives will be glad to avail itself of such information as the executive department may collect in and about its regular duties as an executive branch of the Government, it will never avail itself of information furnished to it by the executive branch of the Government for the purpose of legislating, and the history of both parties in this House bears out that contention.

The present Tariff Board, which has been in existence nearly three years, has satisfactorily demonstrated only one thing, and that is its utter and absolute uselessness as an adjunct of the lawmaking power. It has made two reports—that covering the woolen schedule of the tariff law and another covering the cotton schedule of the tariff law. Those reports were made to the President and transmitted to the House. Then there was the report of the Tariff Board in relation to the pulp-and-paper schedule, but so far as this House has had anything to do with them there have been but the two reports, covering the schedules on wool and cotton.

We have had within the past week a striking illustration of the fact that the House of Representatives, without regard to party, will never take the work of this Tariff Board with anything like the seriousness that some gentlemen contend that it deserves. It is in the very nature of things, it is in the very nature of men, not to have that confidence in men appointed by others which they would have in the findings of men appointed by themselves. It is absolutely and entirely natural, and it has been demonstrated within the past week. The Democratic Party, through its majority on its Committee on Ways and Means, has introduced into the House, with a unanimous report of the majority members of that committee, a bill to revise the cotton schedule of the tariff law.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. PALMER. Yes.

Mr. COOPER. The gentleman recalls the fact that the Democratic majority of the Ways and Means Committee reported a chemical bill, to reduce the duties on chemicals, does he not?

Mr. PALMER. Yes.

Mr. COOPER. Two chemical bills.

Mr. PALMER. No; only one bill.

Mr. COOPER. Two bills.

Mr. PALMER. We reported only one bill revising the chemical schedule, and that was at the present session.

Mr. COOPER. Did not the Democratic House pass a bill last session revising the chemical schedule?

Mr. PALMER. Yes; but that was a different matter.

Mr. COOPER. That is one bill.

Mr. LONGWORTH. And it was reported favorably by the Ways and Means Committee.

Mr. COOPER. It was reported favorably by the Democratic Party in this House and it was defended on this floor as a scientific revision, and yet during this present session the Ways and Means Committee reported another bill revising the chemical schedule based on an entirely different theory; an entirely different bill. [Applause on the Republican side.]

Mr. PALMER. I thought, Mr. Chairman, I yielded to the gentleman for a question. I did not yield to him to inject a speech into my speech.

Mr. COOPER. I will ask the question now, if the gentleman will permit.

Mr. PALMER. Mr. Chairman, I do not want to be diverted into a discussion of the chemical schedule. As to that, everybody knows the situation. The chemical bill brought in by the Committee on Ways and Means during the present session and passed by this House and now in the Senate was defended by us as a scientific revision of the schedule. We were not the fathers of the chemical amendment to the cotton bill at the last session of Congress, and while we voted for the entire bill at the time in order to pass the cotton bill, it was distinctly stated that at the first opportunity we would bring into this House a revision of the chemical schedule.

Mr. COOPER. Mr. Chairman——

Mr. PALMER. I do not care to yield further, Mr. Chairman, for a discussion of the chemical schedule.

I was saying that while the Democratic Party, through its majority representatives on the Ways and Means Committee, had brought in a unanimous report covering a revision of the cotton schedule recently, there was one member of the committee, the gentleman from Connecticut [Mr. HILL], who prepared a bill which he declares is a revision of the cotton schedule in exact accordance with the findings of the Tariff Board.

The gentleman from Connecticut is one of the ablest and most studious men in this House. [Applause.] I have no doubt that from his point of view he understands the tariff question as well as any Member here. He declared to his colleagues upon that committee that his bill was a revision fixing the rates at exactly those which could be deduced from the findings of the Tariff Board, and these other gentlemen on the committee, strong adherents of the Tariff Board, now earnestly favoring its continuance, like my colleague [Mr. DALZELL] and the gentleman from Ohio [Mr. LONGWORTH], and all the rest, forgot their respect for the Tariff Board and disputed its accuracy in these matters and refused to vote for his bill in the committee. [Applause on the Democratic side.] Mr. HILL's bill, based on the Tariff Board report, received his own vote and no other.

Mr. McCALL. Will the gentleman yield?

Mr. PALMER. I will.

Mr. McCALL. If the gentleman from Pennsylvania is going to give what occurred in the committee he ought to give it correctly. The other gentlemen said they had not had an opportunity to read the bill of the gentleman from Connecticut and therefore did not want to sign. Although it is out of order for the gentleman from Pennsylvania to go into the discussion that took place in the committee, if he insists upon giving it he ought to give it fairly.

Mr. PALMER. I will give it fairly.

Mr. MANN. Mr. Chairman, if the gentleman is going to refer to matters in the committee, and I shall not make a point of order upon it, will the gentleman say whether either bill was read in the committee before the committee acted?

Mr. PALMER. Yes; both bills were read in the committee.

Mr. MANN. In the committee?

Mr. PALMER. Mr. HILL's bill was read in the committee and the other was the same bill which had been read many times in the committee.

Mr. MANN. It never had been read in the committee.

Mr. PALMER. Oh, the gentleman from Illinois was not in the committee.

Mr. MANN. That is true, but I know the bill was not read in the committee at either time.

Mr. PALMER. I say, and the gentleman from Connecticut [Mr. HILL] will say, and nobody will disbelieve him in the matter, that his bill was read in the Committee on Ways and Means.

Mr. HILL. It was.

Mr. PALMER. Before these colleagues of his refused to vote for the bill.

Mr. HILL. It was read fully, but I do not think the Democratic bill was ever read, either in this session or in the extra session.

Mr. MANN. That is what I stated.

Mr. PALMER. The gentleman is mistaken about that.

Mr. PAYNE. Oh, no; the gentleman from Pennsylvania is mistaken. It never was read.

Mr. PALMER. It was read in the committee and in the Committee of the Whole and it was read in the country and approved everywhere. [Applause on the Democratic side.]

Mr. MANN. But it was never read in the Committee on Ways and Means, and probably has not been read by the gentlemen who are applauding sentiments respecting it.

Mr. PALMER. Mr. Chairman, the gentleman from Massachusetts [Mr. McCALL] mildly calls me to order for stating what occurred in the committee, and ordinarily I would hesitate to do that, but upon this Tariff Board proposition we have heard dozens of times from the Republican members of the Committee on Ways and Means what happened in the committee in the Sixty-first Congress; the last time as late as this morning, when the gentleman from Ohio [Mr. LONGWORTH] referred to the matter. So I am justified in referring to it, and I am not criticising these gentlemen for refusing to approve this bill, drawn in accordance with the findings of the Tariff Board. I am simply quoting their action to show how natural it is for men to refuse to follow an executive bureau in a matter of this kind, and these gentlemen are perfectly consistent with themselves when they refuse to vote for a cotton bill framed upon the Tariff Board's findings, because it was only three years ago when my colleague, the gentleman from Pennsylvania [Mr. DALZELL], said in this House:

> There will in no event be any tariff commission. [Renewed applause on the Republican side.] The men who made the Constitution intrusted to the Representatives of the people elected every two years the exclusive prerogative of initiating revenue measures. During all our history the House of Representatives has jealously guarded that prerogative, never surrendered it, and both Democratic and Republican Representatives in this respect, standing on a common platform, never will.
>
> [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that he have 10 minutes more.

The CHAIRMAN. Is there objection to the gentleman continuing for 10 minutes?

Mr. PALMER. I do not know that I shall use that much.

Mr. MANN. I think five minutes of time is all that should be granted.

Mr. FITZGERALD. Five minutes.

Mr. PALMER. Mr. Chairman, at that time my colleague from Pennsylvania did not anticipate what is the situation now, that we would have a Democratic House to originate tariff legislation while there was a Republican Executive. About the same time, a little after the Dalzell pronunciamento, the then leader of the Republican Party on the floor, the chairman of the Committee on Ways and Means, the distinguished gentleman from New York [Mr. PAYNE], when asked about a revision of the tariff at that time and whether a tariff commission would be acceptable to the Committee on Ways and Means and the House of Representatives in framing legislation, said:

> I think the signs of the times are that next winter this committee will be forming a tariff bill. The question is whether the committee should receive the aid of a tariff commission. We shall invite in all the aid we can get—all the information we can get—and our power is great to send out and get it. We know where to get the Government experts for information about all the intricacies of the operations of the various schedules of the tariff. We know where to get the various decisions as to what the language means in the different schedules. We know where to get the information from manufacturers or merchants or mechanics the country over. Shall we get this information at first-hand or shall we delegate that power to another body of men appointed as a tariff commission? Speaking for one and from what I have seen of the formation of tariff bills, the committee, no matter what the tariff commission might report, would seek its information at first-hand.
>
> [Applause on the Democratic side.]

But he winds up that speech by an expression of his deliberate judgment—

> You probably have gathered from the tone of my remarks that I am not able to see the wisdom of a tariff commission.
>
> [Applause on the Democratic side.]

And so when the gentleman from New York was framing a tariff law he was not standing for a tariff commission, and now the gentleman from Ohio [Mr. LONGWORTH] says that we are opposed to it because it stands in our way, as the gentleman from New York feared, perhaps, it might stand in his way. It was intended to stand in our way [applause on the Democratic side], and because it has consistently stood in the way of an

honest revision of the tariff downward we propose to wipe it out of existence. [Applause on the Democratic side.] I said a few moments ago, Mr. Chairman, that this Tariff Board was conceived in the minds of the manufacturers of the country, who wanted to fasten a high protective-tariff policy upon us. I shall not stop now in the few moments I have to show how it was conceived, but I find upon my desk this morning, as probably every Member did, a clipping reprinted from the Dry Goods Economist, May 25, 1912, entitled "Demand its continuance"—referring to the Tariff Board—and this paper gives a list of the organizations which originally started the agitation for a tariff board. It names the National Association of Manufacturers, the National Retail Dry Goods Association, the Wholesale Dry Goods Association, the American Hardware Corporation, the Merchants' Association of New York, and others. The writer says that the reason these strong friends of the purchasing and consuming public, these great associations of manufacturers, have been anxious to have a tariff board is because the Members of Congress are too ignorant and too lazy to study the tariff question or pass upon these questions. Will you stand for that? Do you indorse the statement of the gentleman from Ohio reported in the newspapers some time ago that a majority of the majority on this side did not know the difference between an ad valorem and a specific duty? Do you believe any such rot as that? Yet that is the argument presented by the Dry Goods Economist, and such in the last analysis seems to be the reason advanced by most of its friends for the continuance of this institution. [Loud applause on the Democratic side.]

Mr. MANN. Mr. Chairman, when I witnessed the wild enthusiasm of the Democratic side of this House applauding the utterances of the Hon. JOHN DALZELL, of Pennsylvania, in regard to the tariff I have wondered. [Laughter.] When the gentleman from Pennsylvania [Mr. PALMER] desires to arouse enthusiasm now on his side of the House on the tariff question he reads the utterances of his colleague from Pennsylvania [Mr. DALZELL], and I wondered whether Mr. DALZELL has become a low-tariff man or his colleague from Pennsylvania has become a high-tariff man. [Laughter and applause on the Republican side.] And when I saw the gentleman from Alabama [Mr. HEFLIN], with enthusiasm in every line of his face, wildly applauding the speech on the tariff question made by the gentleman from Pennsylvania [Mr. DALZELL] I wondered whether the millennium had come. Mr. Chairman, a practical joke sometimes results in a tragedy. When the Ways and Means Committee by a unanimous vote in the last Congress recommended the passage of the bill establishing a Tariff Board some practical joker on the Democratic side, with no expectation of success and with no intention of gaining a victory, commenced some opposition, and before he knew he had accomplished more than he thought—he had lined up a majority on the Democratic side against the Tariff Board and the passage of a bill which no one desired to defeat at that time and which was passed in the House previously. It finally came back to the House on the 4th of March, two years ago, after an all-night session of the House, somewhat late in the morning, and that practical joker from Texas [Mr. GARNER] commenced opposition, or followed the opposition which he had commenced before, to the House agreeing to the Senate amendments, and the gentleman from New York [Mr. FITZGERALD], active, acute, bright in mind, well informed as to his rights under the rules, concluded that he would take part in that joke and prevent the House from agreeing to the Senate amendments and thereby defeat the bill to create a tariff commission. The gentleman from Kentucky [Mr. SHERLEY] a few moments ago stated that the cause of the defeat of that bill was the action of the then Speaker in recognizing Mr. Tawney, of Minnesota, to present a conference report between the first and second call on a roll call. In the interest of history, at least, I think it is proper for me to say a word upon that point. Mr. Chairman, during my service in this House I never have seen the House reach a point so near personal conflict as came on that morning. The gentleman from New York began to filibuster. The tariff commission bill came from the Senate with a number of Senate amendments. It is the custom of this House on the 4th of March, so far as ordinary business is concerned, when it comes close to the hour of 12 o'clock, to move the hands of the clock back through some unknown and supposedly unseen agency.

But no one in the House would desire to move the hands of the clock back for the purpose of falsifying the record of time in order to pass a controverted bill in the House.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Without objection, the gentleman will continue for five minutes more.

There was no objection.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] commenced to filibuster on the bill. It was plainly impossible to call the roll on the passage of each of the Senate amendments—and a roll call could be demanded on every amendment—and complete the call before 12 o'clock. Thereupon the Committee on Rules reported a rule providing that the previous question should be considered as ordered upon a motion to agree to the Senate amendments in gross. And, under the filibuster, that had to be adopted by a roll call. The first call of the roll was had on that rule, and at the end of the first roll call the gentleman from Minnesota, Mr. Tawney, presented a conference report on the sundry civil bill and asked to have it considered.

I am familiar with the rule referred to by the gentleman from Kentucky [Mr. SHERLEY] that a conference report can not interrupt a roll call. I was not familiar with it at that time, and no other Member of this House—and I make no exception—knew there was such a rule.

Mr. FITZGERALD. Mr. Chairman, will the gentleman permit an interruption? I beg to state I called the Speaker's attention to it and protested against his action, at the desk. I had to do it at the desk because I could not get recognition on the floor. [Applause on the Democratic side.]

Mr. MANN. The gentleman had recognition on the floor. The Members are applauding too quickly.

Mr. FITZGERALD. I did not.

Mr. MANN. The gentleman himself looked at the rules and found there was such a rule. And he went to the Speaker and I went to the Speaker and called his attention to this rule, the parliamentary clerk not then being at the Speaker's table. The gentleman from Minnesota, Mr. Tawney, in asking for a consideration of the conference report, made a parliamentary mistake. I think the Speaker in recognizing him made a parliamentary mistake. The gentleman from Minnesota possibly made a tactical mistake, not supposing that the Democratic side would filibuster against the passage of the sundry civil bill, which they did, and which required a roll call. But even if that mistake had not been made, unfortunately it was not possible to have a final roll call on agreeing to the Senate amendments. When the motion on the roll call was carried, the gentleman from New York [Mr. FITZGERALD], under the rules, made the point that he had a right to make a motion to recommit the bill to the Committee on Ways and Means. The Speaker sustained his right. Those who have charged this morning that the Speaker was unfair and autocratic should remember that on a matter which was then controverted and was then settled by the ruling of the Speaker, giving to the minority the right which they claimed, the Speaker recognized the gentleman from New York [Mr. FITZGERALD] to make a motion to recommit a bill because the rules seemed to provide for that. It was not possible to conclude that roll call and have another roll call on agreeing to the Senate amendments before the hour of 12 o'clock came. Gentlemen on both sides of the aisle were hot-tempered and bitter. In the midst of that controversy, trying to keep my judgment and trying to hold my temper, and believing it would be a serious catastrophe if a riot should occur in the House of Representatives when an effort should be made to turn back the clock, if that were made, and knowing that once the clock were turned back it would not be possible to pass these Senate amendments, I went on my own responsibility to the gentleman from New York [Mr. FITZGERALD] and other gentlemen on that side of the House, and stated to them that the clock would not be turned back for the purpose of passing any controverted proposition. And shortly after that the gentleman from New York [Mr. PAYNE], seeing that it was not possible in the course of half an hour or more after 12 o'clock to agree finally to the Senate amendments, withdrew, in the midst of the roll call, the entire proposition by unanimous consent.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for five minutes more. [After a pause.] The Chair hears no objection.

Mr. MANN. When that request was agreed to, the clock was turned back twice before the conference report had been enrolled and presented to the House. I am sorry that the tariff commission bill did not pass. But I recognized then and I recognize now the rights of a minority to pursue every parliamentary device which rules provide to defeat legislation, as the

majority has the right to pursue parliamentary devices to enforce or pass legislation.

But I would much rather that the Tariff Board question should remain open for the people to decide than to have seen what on that day was imminent—a personal conflict between Members of the two sides of the House, each believing that it was right. The Speaker then, my colleague Mr. CANNON, is entitled to no criticism for what he did. He preserved the rights of the minority. If he had refused, in violation of the rules, to recognize the gentleman from New York [Mr. FITZGERALD] on that day to make a motion to recommit, the tariff commission bill might be a law. But my colleague now acknowledges, like a man, and takes the responsibility of recognizing the conference report between the two roll calls. He does not play the "baby act," and he never does. But in point of fact both the gentleman from Minnesota, Mr. Tawney, and the Speaker in the chair were not familiar with the rule, which had not been invoked in practice probably in the course of a half century of time.

Now, Mr. Chairman, so much for that. I was not very enthusiastic about a tariff board. But, with what little experience I have had in the House in the course of the preparation of one general tariff bill and a number of schedule tariff bills, I have reached the conclusion that the House can not in any way obtain too much information. [Applause on the Republican side.]

The gentleman from Pennsylvania [Mr. PALMER] says somebody accused the House of being ignorant or lazy. On tariff questions this House, on both sides, is in the main both ignorant and lazy. [Laughter.] No one pretends that the average individual Member of this House knows or studies the schedules or the rates on different items in different schedules in the main. The Ways and Means Committee itself does not do it. When the chemical tariff bill was presented to this House at this session there was one Member in the House who pretended to know in regard to it, and he was the one who had written the bill.

I will not blindly follow the report of a Tariff Board, whether it be an executive board, a legislative board, an independent board, or any other kind of a board. But why do you fear the information? If we on this side of the House shall have the next House, why do you oppose our desire to have the information? If, on the other hand, you on that side of the House shall have the next House, why, even if you want to throw the information in the wastebasket, do you oppose our having it? In fairness to the minority now, in fairness to the majority then if we shall be in the majority, and in fairness to the minority then if we shall then be in the majority in the organization of the House, you should give us a chance to acquire the information which we desire.

Mr. PALMER. Would you pay the same attention to it then, if you were in the majority, that the minority of the Committee on Ways and Means now are paying to the report of the Tariff Board on the cotton schedule?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

Mr. PALMER. Mr. Chairman, I ask that the gentleman be allowed five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Mr. Chairman, when the Tariff Board's report on the wool schedule came out I read it, and read it again, and read it still again. Some other Members of the House did that. I think everybody will say that there was some information contained in that report, whether you agree with the information or not.

I am frank to confess that I have not read the report of the board on the cotton schedule. Up to within a few days ago it was my understanding, at least, and I think it was based upon information from authoritative sources, that the cotton schedule bill was not likely to come in at this session of Congress. I have no criticism because a change of policy, if there was a change, was made in that respect.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. The majority have full privilege in reference to that.

Mr. LONGWORTH. The statement was made by the chairman of the Committee on Ways and Means that no cotton bill would be reported unless the Senate showed a disposition to enact final tariff legislation. It was on the authority of the Senate's action on the steel bill with the reciprocity amendment that a disposition was construed to exist in the Senate to pass tariff legislation. As a matter of fact, of course, everybody knows that the Senate's action means that there shall be no further tariff legislation.

Mr. MANN. I have no criticism for the chairman of the Committee on Ways and Means if he changed his mind, if he did change his mind. That is his right. I think it is not required that he shall announce his policy at all, and much less to the minority side of the House.

I went over very carefully with the gentleman from Connecticut [Mr. HILL], and in other ways, the wool bill which was offered by the minority in the House when the committee's wool bill was passed. Personally, while I have talked with the gentleman from Connecticut [Mr. HILL] in regard to his bill and have examined casually his provisions, I have given no special examination to the provisions of his bill. While I have the highest regard for the gentleman from Connecticut and would much prefer to follow him on a tariff bill rather than some gentlemen on the Democratic side, we are not constituted on this side of the House so that we indorse proposed legislation without any examination.

On that side of the House a gentleman can prepare a tariff bill offhand, as the chemical bill was prepared, with no one knowing its contents except its author, and it will receive the enthusiastic support of all Democrats. [Applause on the Republican side.]

Mr. RUCKER of Colorado. Will the gentleman please make an exception?

Mr. MANN. Oh, the gentleman is no longer an ordinary Democrat. He is a sensible Democrat. [Laughter.] The gentleman has voted against nearly every party measure that has been brought into the House and has in that respect shown excellent judgment. [Applause on the Republican side.]

Complaint is made because we do not take offhand the cotton bill prepared by the gentleman from Connecticut [Mr. HILL] and presented to the Ways and Means Committee. It is easier for them. What do they do? They take offhand a bill prepared last summer by no one on this side knows whom. Who prepared the bill of last summer? In the light of all the information which you have received since last summer—and unless you are dummies you must have received some information—you have not dotted an "i" or crossed a "t" in the cotton bill. You learn nothing by experience. You acquire nothing by study. You add nothing by information.

Mr. PALMER. We were right the first time.

Mr. MANN. You simply follow what some ignoramus or gentleman or learned man has prepared and then blame us because we are not equally foolish. [Laughter on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I shall not attempt to go very much into what happened at the end of the Sixty-first Congress. The attempt to defeat the Tariff Board bill was no practical joke, however. I resented its being reported by the aid of Democratic votes. I antagonized it in committee, in the House, and I antagonized it when it came from the Senate. If everybody else is so delicate about having attributed to him any responsibility for the failure of the Tariff Board bill, I am perfectly willing to have them place that responsibility on me, because I think that was one of the most meritorious things I have ever accomplished during my membership in the House. [Applause on the Democratic side.]

I think the gentleman from Illinois [Mr. MANN] states pretty fairly what happened in the last day of that Congress. I have never seen such intense excitement here. There was danger of personal conflict. I was glad the bill was defeated. I protested against the action of Speaker CANNON in permitting the conference report on the general deficiency bill to be submitted in the way it was, because I believed it a violation of the rule.

But I wish to say that I have always been convinced that his action was in good faith as to his powers under the rules of the House. Whether that particular action or some other things made impossible agreement upon the conference report made no difference to me. I desired to defeat that bill. I resented some of what I considered at that time to be the arbitrary actions of the Speaker in depriving me of opportunities to delay a vote upon the bill. Considering the opportunities under the rules to delay matters, I do not believe that a vote could have been reached on the bill. I never believed that the Republican Party were sincere in that Congress in their attempt to enact a tariff board bill. [Applause on the Democratic side.] They had had control of Congress for more than 16 years. They reported their so-called tariff bill somewhat early in the session, and passed it through the House. They brought it back in the dying hours of the Congress.

Knowing the possibilities for delay under the rules, knowing that there were men who were determined to prevent the enact-

ment of the law if it could be prevented, it requires more credulity than I have ever possessed to induce me to believe that the great majority of the Republicans were really sincere in their desire to enact the bill, and I am justified in that belief by the historic attitude not only of the Republican Party, but even of distinguished gentlemen now in the House and who have recently been in both Houses of Congress. The gentleman from Illinois [Mr. CANNON] himself said upon the occasion referred to by the gentleman from Pennsylvania [Mr. PALMER] when the gentleman from New York [Mr. PAYNE] made the statement which he quoted:

We had a Tariff Commission once, composed of very able men. They reported in the early eighties. We revised the tariff. I am told, brother PAYNE, by those who were in that Congress, that they heard all the industries, and the report of the Tariff Commission was so voluminous that they did not even read it. * * * I fear greatly that you would turn into a debating school, just as we do in the House, and that there would be liable to be a majority and a minority report—maybe not; I should hope not—if this commission is constituted. * * * You say that Congress is not fully informed. Let me tell you something. I want to say that I do not believe there is a man in the United States who knows as much of the schedules and who is as well equipped for that work as the gentleman upon whose shoulder I lay my hand [Mr. PAYNE].

And after Mr. PAYNE had had his opportunity to revise the tariff, and after the country had pronounced its emphatic condemnation of the result of his efforts, the gentleman from New York [Mr. PAYNE] and the gentleman from Illinois [Mr. CANNON] and gentlemen from every other hidebound Republican district where the protective industries have been fattening at the expense of the American people suddenly became convinced that it was highly desirable to have a tariff board, in order to furnish information to the Democratic Party in their revision of the tariff. [Applause on the Democratic side.]

Mr. Chairman, I have opposed the Tariff Board because it is a futile waste of money. [Applause on the Democratic side.] It was conceived for the purpose of preventing action on the tariff until the Republican Party might possibly patch up its differences. That was practically the statement of the President at Winona, but he was a poor prophet. He anticipated that the wounds would be healed in four years. It would be an indefinite period for the life of this commission if it were to be extended until the present differences in the Republican Party are healed and cooperation in its divided ranks again becomes possible. [Laughter and applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for 10 minutes additional.

The CHAIRMAN. The gentleman from New York asks that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the President did not originally anticipate that this should be a tariff board in the sense now contemplated, and I shall read from two statements to confirm that view. He said:

* * not intend, unless compelled or directed by Congress, to submit the results of these investigations, but to treat them merely as incidental facts brought out officially from time to time.

And Senator Hale pointed out in the Senate—and I shall put in the RECORD just what he said—the fact that he had thoroughly gone over the provision in the Payne-Aldrich bill, section 2, and that the provision in there was not to create a tariff board, but to enable the President to administer the maximum and minimum provisions of the law. Senator Hale said, on August 4, 1909:

When this subject came up, Mr. President, as it does in the urgent deficiency bill, I went over this whole question with the President as to the scope of the provision. I showed to him that it was not intended to keep this subject open, but to confine him to the question of discriminations, discriminating duties, and discriminating processes by other powers. In framing the language of the item of appropriation that gives the President the amount of money that he asked, it has been confined strictly to the language I have recited as a part of the tariff act. I have no fear the President will undertake to exceed that. I do not believe that he will.

Then he said further:

But the Senate conferees found the House conferees a rock against any form, not only of tariff commission, but of any authority, that should be given for any officer of the Government to keep this subject open. * * * What is the business of the President under the maximum and minimum provisions? It is not to inquire into the condition of labor in other countries—the relative cost of labor there and here. He is limited to an inquiry as to the discrimination that is made by other countries against the United States. He so understands it. I understand that he so understands it. I do not believe and I do not expect and I do not fear that the President would seek to amplify this authority.

Speaking further, relative to possible changes of the Payne law, he said:

* * * It is not any tariff commission that will settle this question in the future. It will be Congress that will settle it; it will be the House primarily and the Senate secondarily; and no tariff commission will add 1 ounce of weight to the deliberations of the two bodies which must at least settle all these questions.

And yet within two months of these declarations the President stated that he construed the provision to authorize him to appoint a tariff commission. This so-called tariff commission has expended $550,000. It has completed the investigation and reported upon three schedules of the tariff law. There are 11 schedules still to be investigated and reported upon. This pending amendment proposes to reappropriate the unexpended balance of the appropriation made for this year, although the President in his message, I think on the cotton report, stated that it would require $900,000 additional to complete the work of the commission during the present year.

I endeavored to ascertain how much more would be required to enable the commission to complete its work, and the best information that could be obtained from these gentlemen was that it would require at least $450,000. But by the time they had completed their work additional money would be required for additional investigations in order to keep it up to date.

I have heard gentlemen speak of the value of the reports of the Tariff Commission and the necessity for the information that the reports contained, and the importance to the Congress that the information should be before the House before tariff legislation is enacted. The gentleman from Illinois [Mr. MANN] stated that he has carefully examined the report on the wool schedule, and that it contained at least some information. It would be very difficult, Mr. Chairman, for a report of the size and volume of that report not to contain some information, but how valuable it is I shall not undertake to say.

But I shall quote a competent witness on this question, a man whom nobody upon that side will challenge as to his ability and knowledge and competency. Samuel S. Dale, recognized as one of the greatest textile experts of the country, and, if I be not misinformed, either the editor or connected with the Textile World Record, the recognized authority upon these questions, has prepared a most comprehensive analysis of the report of the Tariff Commission, so called, on the wool schedule, and a most illuminating analysis of the bill prepared by the gentleman from Connecticut [Mr. HILL]. I shall ask to have it printed as a part of my remarks, and I shall read to the House for its information at this time only the concluding paragraph of the paper, prepared by the most competent man on these questions in the United States:

In conclusion I desire to express my keen regret at having found the statement of fact in the report—

Referring to the report on the wool schedule—

deficient, and the conclusions generally erroneous. The Tariff Board's work on Schedule K may, nevertheless, serve a useful purpose by awakening interest in a question of great importance, provided the real character of the investigation is clearly understood.

So that the only value of this report, according to the most competent man in the United States to pass upon these questions, is that it may awaken some interest among the American people as to the necessity for removing the indefensible rates in the woolen schedule. Does anybody imagine that it necessitated an expenditure of $350,000 to convince the American people that any such revision was necessary?

Mr. Chairman, I oppose the Tariff Board because its purpose—not the purpose of the members of the board, but the purpose of those who created it—was to delay tariff revision. We all recall the veto messages of the President of the United States. He vetoed the tariff bills passed in the special session of this Congress upon the ground that, as the Tariff Board had not reported upon the various schedules affected, he was unable to state whether the bills as passed and presented to him afforded that measure of protection which the Republican platform promised to the protected industries of the country, which was a rate to equalize the difference in the cost of production here and abroad with a reasonable profit to the manufacturer; and he stated that he would not approve any bill revising or affecting the tariff which did not give that measure of protection to the protected industries.

Yet, Mr. Chairman, during that same session of Congress, with a report of the Tariff Board showing a difference in cost of producing print paper of $5.34 in this country and Canada, in the face of the Republican platform upon which he was elected, and after pledging himself not to approve legislation which did not afford that measure of protection, he signed the reciprocity bill, which contained a provision putting print paper upon the free list. In that way he has completely repudiated not only the reports of the Tariff Commission, but his own action in denying to the people of the United States relief from the iniquities of the present tariff law. Of what value is it to wait for these reports if the President is to play fast and loose with them himself? Who knows that he would be satisfied with

a bill reducing rates to a point which even the board would concede was proper for the purpose merely of carrying out the Republican platform if, perchance, it would affect some industry which was peculiarly active in behalf of the Republican Party either before or after the nominations?

Mr. Chairman, the whole purpose of this scheme is to delay, to prevent relief to the people. So far as I am concerned, I believe that this side of the House is not only sufficiently patriotic, but that it has the courage and the information necessary to so revise the tariff as not only to meet the commendation of the American people, but to bring that relief to which they are entitled. In this coming campaign we shall face that issue confidently. The country may then determine whether it desires to delay, delay, delay in the interest of those who have been enriching themselves at the expense of the people or whether the people are prepared to approve the legislation thus far enacted by this House. To write such laws upon the statute books I believe the people will give us a sweeping victory in the next campaign. Upon the issue we are ready to abide the judgment of the American people. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I do not think that the gentlemen on the other side of the aisle can justify themselves to the American people for striking down all legislation in reference to a tariff board by quoting some speeches that I made four or five years ago. I was opposed to a tariff board then. I believed that it was better for the parties who were to make a tariff and suggest rates to have the witnesses come before them, that they might examine them and see the witnesses themselves and their manner of giving evidence, especially parties who were interested, in order to get at the truth.

The committee over which I had the honor to preside were more faithful, spent more time, worked harder to get at the facts than any Ways and Means Committee of the House since I have been a member of that committee, now something over 23 years. But, Mr. Chairman, there were certain facts we could not get at. We could not get witnesses from the other side of the water; we could not examine them; we could not see their manner of testifying; and we could not ask them the questions that we desired to ask; and yet, hampered as we were, we ascertained more facts and obtained a better basis for formulating a tariff bill than any committee with which I have ever been connected before. Yet that experience convinced me that we needed something more. The gentleman from Pennsylvania is opposed to an executive tariff board. He promised the gentleman from Illinois to tell what kind of a one he wanted, but he forgot to say anything about it, although he wandered around for half an hour on the subject afterwards. An executive tariff board! Has this committee of this House ascertained a single fact that they did not get from an executive department of this Government in reference to the formation of a tariff unless some of them, perchance, may have read over a stray hearing that was had before the committee in 1909. If they have, they failed to show it to the House. Their reports have been voluminous, but you can not find anything in them that is not in a report of the census or some other executive branch of the Government. What does he mean; what kind of a tariff board is he for? He evidently wants to justify himself, because he knows the people of Pennsylvania and the people of this country want a tariff board. Why does not he mention the kind? Why does not he bring a bill in for a tariff board before the Committee on Ways and Means—he is an influential member there—and push it through the committee? Why did he vote against the bill I called up in the Committee on Ways and Means during this present session—identical with the bill that the majority of the House voted for and he voted for, if I am not much mistaken, in the last Congress during the closing hours?

Oh, how anxious he is, how very anxious he is for a tariff board or a tariff commission to gain information. Now, this Tariff Board has the power. It sent agents abroad to take testimony there. They had power to send agents over the United States to take testimony here. They presented a report on the wool bill that everybody who is competent to judge says was the greatest report ever made on any tariff subject in any country in the world, and this praise comes not alone from the people of the United States, but from men abroad who have made a study of these questions the work of their lifetime. That is what this board has done. But the gentleman from Pennsylvania says the Republican majority does not believe in this board. Why, it seems to be an impression even with some members of the Ways and Means Committee that this board suggested rates. They are doing nothing of the kind; very far from it. They do not suggest a rate for a tariff for revenue only reformer; they do not suggest a rate for the free trader and they do not suggest a rate to those of us who believe in the protection of American industries. It is true in the wool schedule they say if Congress adopts a certain rate upon the scoured content of wool other rates will follow as a corollary, on scoured wool and wools in various stages of manufacture the rate of tariff would be according to the weight of the wool, but they do not suggest any rates to Congress that Congress shall adopt, but all through their report they simply furnish the facts. It was suggested at the time I made that speech in the House that we should refer it to the board to bring in a bill. I said Congress never would submit to that, and it never will. I stand by that now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I would like to have about 10 minutes more.

The CHAIRMAN. Without objection, the gentleman will be given 10 minutes. [After a pause.] No objection is heard.

Mr. PAYNE. The Constitution gives to us the fixing of rates, but the Constitution does not state that we are to find out the facts in any given way. We can get at it ourselves; we can have a tariff board, a part of the executive portion of the Government. What kind of tariff board does the gentleman want? Now, the great difficulty in the Ways and Means Committee is this: The life of Congress is only two years. If the President calls us together as soon after the 4th of March as can be done, as he did in April during the formation of the tariff bill in 1909, still we have a very short time in which to formulate a bill and get it through Congress. We can not get all the evidence we want. I did want to revise the woolen schedule. I was earnest in it. I got all the facts together and laid them before the committee, but I could not get facts enough to convince gentlemen who have since read the wool report from this Tariff Commission and who agree now that I was partially right, at least, in what I wanted to do.

I had paid a little more attention perhaps to that than some others in the committee.

A tariff bill is not formed by any one man. I have been through two or three tariff formations. The chairman does not have his own way about everything. I think that perhaps I had my own way about the last bill as much as any chairman I ever served with, but I did not have my own way. The bill before the House even was not exactly the bill I would have framed if I had absolute power.

Mr. HULL. Will the gentleman state now that he is in favor of a tariff board and if it is his opinion it would have been better in 1909 to have created a tariff board and revised the tariff schedule by schedule in that way instead of the manner in which it was admitted to be dealt with?

Mr. PAYNE. I think if we had had the assistance of a tariff board that we still would have made a better bill than we did. Nobody will ever make a perfect bill. Nobody will ever report a bill with every item of which he agrees, because it must be a compromise.

Mr. HULL. Then the gentleman thinks the committee made a mistake in the manner in which they dealt with it in 1909?

Mr. PAYNE. I do not. I regard the present tariff law, as I have said before, and as you will acknowledge some day, as the best tariff law put on the statute books since 1850, and I am willing to meet any of you and debate on that question anywhere or any time, or with any other man in the United States, and I will prove it to you by the statistics of the Government. But we might have done better if we had had a tariff board at work a year or two before that. I did not know it then. I realize it now.

The gentleman from Pennsylvania [Mr. PALMER] says that we discredit the report of this Tariff Board. Well, we formed a wool bill. The gentleman from Connecticut [Mr. HILL] and myself both had a good deal to do with the formation of that bill. We did not agree in all of the particulars. We disagreed on some. He had his way on some things, and I had my way on some other things, as the gentleman knows. When we got through with it, we got through with the best woolen schedule that was ever made up to the present date, without any question. We got through with the schedule, we reported a schedule to the committee, and it ought to have been adopted. You ought to have voted for it over there. We prepared a way to reduce the tariff on wool and woolens, and if you had accepted it it would have been a law to-day, and it would have been a substantial reduction on wool and woolens. What did you do with it? Beyond the one reading in the committee I doubt if any one of you ever read that bill through or ever considered it or have any knowledge of it, if not entirely ignorant of it and its contents to-day. I became discouraged. And when the cotton report came in I did not care whether the bill was prepared or not, so far as I was concerned. What was the use? It was like the man in Scripture, casting pearls be-

fore some neighbors or inhabitants in those days. It was of no use. I am not reflecting on you, gentlemen. I am simply saying it was as useless as was the casting of pearls in those days.

It met no response. I agree with the encomiums that have been placed upon my friend from Connecticut [Mr. HILL]. I have been pretty close to him a good many years in tariff matters on the Ways and Means Committee, and I think perhaps he and I were more of one way of thinking in the formation of the tariff act of 1909 than perhaps any other two members on the committee. He is a man of great industry. I do not always agree with all he says and all his conclusions, and, of course, he does not agree with mine always, but that does not prevent my appreciation of him. But I never yet have taken a tariff bill on the strength of any one man's judgment, and I never will. Now, this bill was brought before the committee, and I never heard it read until I heard it read in committee. It was the only cotton bill that has been read in the committee at this session of Congress. My friends on the other side expressed a desire to hear it read, and I stated to the committee, and I will state that now, because the gentleman from Pennsylvania has stated some things that occurred there, that that was the first time I had read that bill of Mr. HILL's. Perhaps it was my own fault. I was not prepared to say I was for that bill or that I concurred in the judgment of the gentleman from Connecticut [Mr. HILL] that it was just exactly in accordance with the Tariff Board report. I criticized it in the particular that it had abolished specific duties and had nothing but ad valorem duties in it. It may be that after a study of it I might have acceded to that, but I had not had the study. I believe in specific duties wherever we can have them, because they stop fraud, and that is the best judgment of every man who has had the administration of a tariff act since Walker, and Walker was the only exception.

I was not prepared to vote for it, and I so announced to the committee, and I did not vote for it. I have not examined it yet. What is the use? Why, if we presented to you a bill in exact accordance with what you believe, you would not dare to even vote for it. You set aside your manhood in the interest of trying to carry the country next November. Why, if Mr. UNDERWOOD says it is all right, his fellows on the Committee on Ways and Means say it is all right, and anything that the majority of the Ways and Means agree to you accept without thinking, without study. If it is true that a man formerly said that Congress was too lazy and too indolent and too ignorant to prepare a tariff bill, he must have been a prophet, and must have foreseen some of the performances that have occurred in our presence right here in this House of Representatives. [Laughter.] Why, if he said it about this Congress none of you would dare to go into court and sue him for libel. You would not dare to.

What have you done? What do you know about this cotton bill that is pending now? What do some of the new members of the committee know about it? I appeal to my genial friend from Missouri [Mr. SHACKLEFORD], and ask him to tell if he knows anything about it. I yield him time now.

Mr. SHACKLEFORD. Mr. Chairman, I have no pearls to cast.

Mr. PAYNE. I thought that is all he knew about it. [Laughter.]

The CHAIRMAN (Mr. BARTLETT). The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RUCKER of Colorado rose.

Mr. PAYNE. I except my genial friend from Colorado [Mr. RUCKER], who has studied these questions and, having studied them, voted against these bills. I wish there were more like him over there. I do not know that I ought to tell the admissions I have heard in private conversations I have had with some of these gentlemen, and yet they did not tell them to me privately.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Colorado?

Mr. PAYNE. With pleasure.

Mr. RUCKER of Colorado. I want to say, in courtesy to the gentleman, that I do not follow him all along the line. I often find the gentleman is right, and I often find my associates on this side are wrong. I am trying to keep in the middle of the road. [Laughter.]

Mr. PAYNE. Well, I wish there were other gentlemen over there who were inclined also to keep in the middle of the road and were not inclined to get away up on one side, close against the rail fence, in order to file in and out after their leader on these questions. Gentlemen, wake up and study up on these propositions. Study them. I will help you if I can. I will help you to form a good tariff bill.

Why, some gentlemen on the Committee on Ways and Means have said to me that if I had offered that minority wool bill as a substitute for the wool schedule on the original Payne tariff bill there would not be any Democratic majority in this House to-day. I do not think there would be.

Mr. RUCKER of Colorado. That is a fact.

Mr. PAYNE. And I am in favor now of taking it up schedule by schedule, in accordance with the facts. I want the facts to appear in all of these schedules. I want to review the present tariff law and the facts as they appear on all these schedules. I am in favor of the fullest inquiry. Turn on the light. We tried to get it in 1909. Do not close the doors now.

Have you any criticism to make on the personnel of this Tariff Board? I have not heard any. Do you know the Democrats there? Of course, many of you know Mr. Howard. Mr. Page is an equally good man, coming from old Virginia. Talk with them. Go down and visit them and try to learn something. I wish to heaven you could go down and talk a few minutes with them before you take your vote on this paragraph; not simply to talk on the question of this appropriation, but to get a little general idea of what that board has been doing and the information which it has gotten together, and then you would be incited to hunt up that information; and then if you are going to put in a tariff bill for revenue only, you would not put prohibitory duties on the least expensive goods for "the poor people," whom you talk so much about, you know.

No; you would not put it on their goods. You would put a heavier duty, that was a protective duty, on the high grades of manufacture that the common people could not buy, that only the rich could buy. You would not reverse it, as you have in many of these "Underwood bills," and as you have in the bills that have come over from the Senate. Oh, study it. Go into a kindergarten on this business and learn it from the first principles. When you get strong enough, take up the reports of this Tariff Board and study those, and you may finally bring in a bill that will meet the approval of the American people when they come to understand it.

But you say the people are with you; that they are for a revision of the tariff. Well, go ahead. Possibly sometime you may make some of these bills into laws. You will not go much further after that. The empty dinner pail, the soup house, and all that business will come around. Things will be cheaper, perhaps, not according to the measure of wage, but according to the measure of money. Perhaps they will. I do not know. Do you know that nearly every item on which we put a lower rate of duty or which we put on the free list in that bill—and there were hundreds of them—costs just as much to the consumer to-day as it did before the cut was made in the duty? Somebody else is collecting that revenue and not the Government. The wholesaler, the retailer, the middleman are doing it. If you ever get your bills through they may do it for you. If they do, the condemnation and wrath of the American people may be postponed for a little while, but it is sure to come. Study these bills and lay up information against the day of wrath. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HULL. Mr. Chairman, I am opposed to the adoption of the pending amendment. The positions of the two political parties with respect to taxation are historic and fundamental. In view of the radical difference of tariff views and of party methods of writing our tax laws, it is utterly immaterial whether we create and have in existence one tariff commission or board, or a dozen tariff commissions or none. After all is said and done by those commissions, the two political parties come together in Congress and insist on writing the tariff laws upon the basis suggested by their respective party views.

During last summer I delivered some remarks on this floor in the course of which I gave a history of tariff board or tariff commission agitation, both here and abroad, and in the course of this review I submitted and proved by the utterances and the actions of the leaders of the Republican Party for more than 30 years, not only their views with respect to a tariff board or a tariff commission and its functions and possible efficiency, but also the policy of their party with respect to the utilization of a tariff commission in dealing with the tariff.

The whole truth is, Mr. Chairman, that the Democratic Party, dealing with the tariff as it undertakes to deal with it

from a revenue standpoint, has never needed a tariff board or tariff commission, and the Republican Party, dealing with the tariff from a protection view, has never wanted a tariff board or tariff commission except on two occasions, and those were occasions during which this party found itself and our present system of high protection confronted with a serious political crisis, which hazarded the existence of both.

In 1882 our Republican friends presented a proposition for a tariff commission. At that time, as now, the Democrats charged that it was an act of bad faith, that it was intended solely for the purpose of postponing and delaying honest tariff revision. The result was that they created that commission. It made its report, as the present Tariff Board has made its report. That report was not read by Congress. It was brushed aside. The Republican Congress later went through the pretense of revising the tariff, with the result that while the board had recommended a reduction of from 20 to 25 per cent, the revision showed an actual increase on an average from 42 per cent to 47 per cent.

Mr. RUCKER of Colorado. Mr. Chairman, I want to suggest that I observe there are only 13 Republicans in their seats to hear this speech.

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. HULL. I yield to the gentleman from Colorado for a question.

Mr. RUCKER of Colorado. Would not the gentleman like more than 13 Republicans to hear his speech?

Mr. MANN. The gentleman ought not to say 13. That is an unlucky number.

Mr. RUCKER of Colorado. The gentleman from Illinois makes 14. I will call attention to the fact that there is no quorum present.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] makes the point that there is no quorum present. The Chair will count.

Pending the count,

Mr. RUCKER of Colorado. Mr. Chairman, I withdraw the point.

Mr. PAGE. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Tennessee be extended five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Tennessee may have five minutes more. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I desire to call attention in a few words to the past action of our friends on the other side with respect to a tariff commission. After this commission had been characterized by Republicans as a failure in 1882, and by Democrats as a fraud, and after its work had been deliberately ignored even by our Republican friends, some years following they were in power at both ends of the Capitol, and they were revising the tariff by the McKinley bill. At or just prior to this time it was proposed by a Republican to have a tariff commission. Our Republican friends at both ends of the Capitol ignored the suggestion of a tariff commission and characterized it as useless, inefficient, and unnecessary.

In 1897, when the Dingley bill was pending, a suggestion was made by one Republican that a tariff commission should be created for the purpose of revising the tariff. The Speaker of the House and the leaders and the membership of the House on that side peremptorily refused even to consider the idea of reenacting a tariff board or a tariff commission law. It was brushed aside, and from that time, as well as before, all the leaders of the Republican Party in both Houses of Congress, and the Chief Executive at times, set forth the contention that a tariff board or commission was absolutely unnecessary; that whichever party might be in power would revise the tariff according to its respective views, and this position has been held until, as the gentleman from New York [Mr. FITZGERALD] stated, the Republicans found the country in open revolt against their tariff revision of 1909, and then they suddenly espoused a little propaganda that had been commenced in 1907 by the National Association of Manufacturers, who, anticipating another revision of the tariff, had undertaken to secure the adoption or the enactment of a tariff-commission law in the hope that they might through this agency maintain the existing system of protection.

In 1908 they urged the Republican national convention to insert a provision in its platform calling for the enactment of a tariff-commission law. The committee on resolutions ignored it and characterized it as useless if not frivolous. It was not until 1909 and 1910, after this storm had arisen against the operation and the effects of the Payne law, that this sudden, and I might say deathbed, conversion has overtaken the gentlemen on the other side, who now seemingly espouse with so much earnestness a tariff board or a tariff commission.

I said last summer, and I repeat it now, that in view of 30 years' record of that party, in view of the uniform utterances of all of its leaders, both in and out of Congress, this present pretended support of the tariff board or commission is nothing more than a downright deception on the part of gentlemen on the other side. [Applause on the Democratic side.]

I agree, Mr. Chairman, that they are in earnest in the ultimate purpose which they are undertaking to subserve, and that is the maintenance inviolate of the existing system of high protective-tariff taxation with its long train of evils, and they may construe this act that I call deception merely as strategy by which they would mislead the people of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GILLETT. Mr. Chairman, the gentlemen on the other side of the House are finding great satisfaction and amusement in quoting extracts from speeches years ago by prominent Republicans opposing a tariff board. I am disposed to admit that until recent years a tariff board has been opposed by the dominant opinion in the Republican Party. But the Republican Party is not characterized by a narrow, bigoted adherence to opinion, and in that it differs from the Democratic Party, which, like the Bourbons, learns nothing and forgets nothing.

But where facts are brought to our attention, which properly ought to change our minds, we are ready to change; and I am ready to admit that the Republican Party, under the leadership and urgency of President Taft, has changed its opinion upon the Tariff Board and that it is now generally favorable to it, and for several years has advocated it.

I was pleased to hear the gentleman from New York [Mr. FITZGERALD] openly admit that the bill for a permanent tariff commission was defeated under his leadership by the Democratic Party. When the project was first seriously urged by President Taft a majority of both parties seemed to favor it, but the Democratic fondness for it seemed to diminish as ours increased, and at last by filibustering they killed it. I personally have for some years been in favor of a tariff board, thinking we could not have too much light on these intricate and difficult problems and that they ought to be studied in the open. How different that is from the position which the Democratic Party has taken in this Congress in their tariff bills. The Republicans, when we were in a majority and framing a tariff law, not having any tariff board to furnish facts, always gave extensive hearings open to all parties interested, and so attempted to base the law upon ascertained facts. The Democratic Party in this Congress, having at their disposal the exhaustive investigations of the Tariff Board, disdainfully refuse to make use of them, deny all requests for hearings, and apparently prefer to evolve a bill from their inner consciousness quite unhampered by any unconfutable facts or knowledge. They prefer to act secretly and in the dark.

On the most far-reaching and radical of all their bills I understand the Committee on Ways and Means, having framed and agreed upon a bill, kept its provisions absolutely secret, so that when it was brought into the Democratic caucus the members of their own party knew nothing at all as to what its provisions were, so carefully had the secret been guarded. Then, in the caucus when the bill was sprung, the Democrats were all converted to it, and in a few hours all constitutional objections and details of the bill were explained, and satisfactorily, their minds were made up, and it came out with the sanction of the Democratic caucus, notwithstanding the fact that a few hours before the great majority of the party had not an inkling as to what the measure contained.

That is a sample of Democratic legislation, and that being their method, it is not strange that they are opposed to a tariff board, it is not strange that they do not want any light. It is not legislation by a party or by investigation, it is legislation by a few leaders and a mass of blind followers. One objection I always felt to a tariff board was that I did not believe any bipartisan board could investigate facts and come to a unanimous opinion. I believed the facts and the deductions from the facts were so intricately and inextricably involved that the members could never agree, and that there would be necessarily a partisan report on each side. I think it is a strong proof of the ability and fairness and mental integrity of the members of this Tariff Board that their reports have come in unanimous. It is a result which I did not believe possible, and to my mind it is a monument to the extraordinary soundness and thoroughness and ability of the present Tariff Board. Therefore, to my mind our experience thus far fully justifies

the experiment that we have made. That board has been infinitely more successful than I supposed was possible. They have thrown light on the questions they have investigated, and to my mind they have opened a new era in the development of tariff bills. I believe we should have a permanent expert commission formed of men of such great ability as these gentlemen have proved themselves, in order that Congress may have the facts upon which tariff bills shall be framed. I am glad that it is the Republican Party that stands for it. I was glad to hear to-day the admissions that it was the Democratic Party that had tried to prevent it, and I believe that is bound to be the method of framing tariff bills in the future.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on the pending amendment be closed in 30 minutes.

Mr. SIMS. Mr. Chairman, reserving the right to object, I want to say this to the gentleman, that this is a very important matter and there is politics in it; and a number of us not being members of the Ways and Means Committee who have to vote upon it and are to be held responsible for it at home want a little opportunity to say something as well as those gentlemen who happen to be members of that committee. Time has been extended liberally, and I think it ought to be.

Mr. FITZGERALD. Mr. Chairman, I am simply endeavoring to ascertain what is wanted. If I can ascertain what gentlemen still desire to speak and about how much time they desire, then I shall ask that debate be closed at the end of that time.

Mr. SIMS. I would like to have 5 or 10 minutes myself—say, 10 minutes—but I shall not use it all if I can help.

Mr. FITZGERALD. How much time is desired on the other side?

Mr. MALBY. Mr. Chairman, so far as I know, no one on this side of the House desires to speak further, except the gentleman from Wyoming [Mr. MONDELL] for five minutes, and I would like about five minutes when the discussion is through.

Mr. HILL. Mr. Chairman, I would like to have 10 or 15 minutes if it is entirely convenient, inasmuch as my name has been brought into the discussion.

Mr. MALBY. That will be convenient to me.

Mr. FITZGERALD. Then, Mr. Chairman, I move that all debate on the pending amendment close at 3 o'clock.

Mr. MANN. Mr. Chairman, I wish the gentleman, instead of making a motion in that way, would fix a certain time, because it always leaves everything in a mixed-up condition where we fix a definite time in that way. I suggest that the gentleman move to fix it in so many minutes—40 minutes, so far as I am concerned.

Mr. FITZGERALD. We have been discussing this particular amendment since half past 11. If we stop about 3 o'clock, that is as reasonable as anybody could wish. Mr. Chairman, I will make it 50 minutes.

The CHAIRMAN. It is moved that all debate on the pending amendment be closed in 50 minutes.

Mr. MALBY. I would like to inquire of the gentleman from New York how much time he will want on his side of the House?

Mr. MANN. Oh, about half and half.

Mr. FITZGERALD. There are three gentlemen on this side who indicate a desire to speak——

Mr. MANN. If there are 10 gentlemen they can have five minutes each.

Mr. MALBY. The gentleman from Connecticut says that he wants 10 or 15 minutes.

Mr. HILL. I would ask the gentleman from New York if he includes the request which I made for some time.

Mr. FITZGERALD. We are proceeding under the five-minute rule.

Mr. MANN. How much time does the gentleman want?

Mr. HILL. Fifteen minutes, if it is agreeable.

Mr. MANN. Make the request to close in 50 minutes, the gentleman from Connecticut to have 15 minutes.

Mr. FITZGERALD. I will not do that, because the gentleman from Illinois [Mr. RAINEY], a member of the Committee on Ways and Means, wants 15 minutes.

Mr. FOSTER. Why not couple with the gentleman's request that the gentleman from Connecticut have 15 minutes and the gentleman from Illinois have 15 minutes.

Mr. MANN. I have no objection; I presume the time would be divided between the two sides.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto be closed in one hour.

Mr. HEFLIN. I suggest in that connection the gentleman ask that the gentleman from Connecticut be given 15 minutes and the gentleman from Illinois 15 minutes.

Mr. MANN. That will give half an hour for other gentlemen.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate be closed on this amendment and all amendments thereto in one hour, and the gentleman from Illinois [Mr. RAINEY] have 15 minutes and the gentleman from Connecticut [Mr. HILL] have 15 minutes of that time.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on this amendment and all amendments thereto be closed in one hour, and of that time the gentleman from Connecticut may have 15 minutes and the gentleman from Illinois have 15 minutes, and the remainder of the time to be disposed of under the five-minute rule. Is there objection? [After a pause.] No objection being heard, the request is granted. The gentleman from Illinois. [Applause.]

Mr. RAINEY. Mr. Chairman, I have listened with much interest to the address of the gentleman from Massachusetts [Mr. GILLETT], who has just taken his seat, and to his criticism of Democratic methods of revising the tariff. He charges with evident sincerity that the majority in the present session of this Congress have proceeded to revise the tariff without information, that they have closed the windows through which light might come, and that they have preferred to proceed in the darkness. The speeches which have been made on this side, the reports submitted by the Democratic majority of the Ways and Means Committee demonstrate the fact that the statement made by the gentleman in that particular is not in accordance with the facts. He comes from a State where they believe in the doctrine of protection. Now, the Republican method of revising the tariff is exceedingly easy; the method adopted by them when they produced the tariff law which has just been overwhelmingly repudiated by the people at the polls. [Applause on the Democratic side.] They simply examine interested witnesses, those witnesses who reap a profit by the imposition of high protective duties. They obtain information from no other source and then when they are in doubt as to what rate of protection a schedule ought to carry, they just raise it, that is all. [Applause on the Democratic side.] That method will meet with the approval of the protected industries of the country, and the protected industries furnish the sinews of war for the Republican Party in national elections.

I have no sympathy with the criticisms of the methods of the distinguished gentleman from Illinois [Mr. CANNON], my colleague, who for four terms presided over the deliberations of this House. He was simply, in the administration of his office, what the Republican majority of this House permitted him to be and wanted him to be. After he had bestowed upon his fellow Republicans all sorts of honors and after the people were led to repudiate the Republican Party, they turned from him and said, Why, the thing this country needs is to put somebody else in as Speaker of the House of Representatives. He furnished a splendid opportunity for insurgents and near insurgents to come back to Congress by pretending to be insurgents when they were simply insurgents upon the question of Cannonism. I have no sympathy with that sort of thing which found an echo here this afternoon in this debate. It was possible during the eight years of his incumbency of that office any day to depose him and put somebody else in. They had the majority to do it, and they declined to do it. Cannonism was and is Republicanism. He furnished the Republican Party with the only leader they have had for a decade, and as soon as he was deposed they commenced to try to get along without a leader. Why, even here in this House you are doing that at the present time, drifting along without leadership; you are on a rudderless sort of cruise at the present time over troubled seas [applause on the Democatic side], not guided even by the stars. To-day, in the City by the Lakes, disorganized, broken, beaten, and discouraged, the remnants of the Republican Party are assembling for the purpose of holding another national convention. [Applause on the Democratic side.] Here in the House no Republican seriously thinks of following the gentleman from Illinois [Mr. MANN], my colleague, who has been selected as the nominal leader on your side. He does not seem to care whether you follow him or not; if he has ever developed a policy no one knows what it is. He never leads or tries to lead, and you never follow or try to follow. I get the impression often that here on the floor the Republican leader starts to lead without knowing himself which way he intends to go.

Mr. RUCKER of Colorado. But the ascendancy of the Democracy is rising in the same proportion.

Mr. RAINEY. I think the gentleman is right about it; and I want to say for the gentleman from Colorado, who has been charged this afternoon with being a Republican by the nominal leader on the Republican side, and no more serious charge in these days of repeated Democratic victories can be made against

a Democrat than to say that he shows Republican tendencies—I want to say for this old ex-Confederate soldier, who represents here a Colorado constituency and who sits on this side of the House, who recently in this Capital City assembled all the ex-Confederates who hold high office, and with no decorations in his banquet room except the Stars and Stripes, held a reunion, that he never has during the time he has been a Member of this House bolted a Democratic caucus. There have been times when he has not voted with the majority here—once or twice, perhaps—but he never voted against a majority of his colleagues without having first obtained their permission in caucus assembled. We have a rule which the Republican Members may not have—a Democratic rule—which provides that if a Democratic Member of Congress prior to his election has made promises and speeches to his constituents along certain lines he is not bound by caucus action if he asks permission of the caucus not to be bound. The gentleman from Colorado is a splendid gentleman of the old school, a vigorous enemy of Republican practices and tendencies, and a most valuable addition to the Democratic side of this House.

Mr. HULL. Will the gentleman yield?

Mr. RAINEY. I will.

Mr. HULL. I just want to say in that connection that I agree with the gentleman, and I intended to make a similar statement when I had the floor, but I was interrupted and did not have an opportunity to do so.

Mr. RAINEY. At the present time we are told by Republican Members of Congress, speaking upon this proposition, that Republicans are united, and it appears that you are. Of course you are united on this proposition. You are united on this proposition because you are Republicans, and you can always get Republicans to unite on any proposition that takes away from the people power and confers it upon the Executive. You were able for eight years to agree upon a similar proposition when you conferred all the power of this House upon the Speaker of the House of Representatives. We are told that the way to revise the tariff scientifically is to find out the difference in the cost of production at home and abroad and then perhaps deduct ocean-freight charges, and then by some sort of mysterious alchemy you contend we will have a measure that is fixed and unchangeable for revising tariff schedules. The fact is that men of the same race the world around, living along the same parallels of latitude, are working in about the same climatic conditions, in about the same kind of factories, and producing about the same sort of output and about the same amount per man. If they are of different races living in the same latitude they are producing different articles, and those articles do not compete with each other. It is impossible to arrange any definite standard as to what it costs to raise a bushel of wheat on farms in the same locality. A fertile farm here under proper management may produce twice as much as an unfertile farm in the same locality where the management is not quite so good. It is impossible to adopt any definite measure by which tariffs can be revised. The report of the Tariff Commission on the paper and pulp schedule shows that it costs varying amounts of money to produce paper in certain mills in the United States. In certain mills where efficient methods are observed it costs less than in other and poorer mills, and the same rule prevails with reference to all industries.

Now, what is to be the measure of difference? If you attempt to average the differences in cost of production per unit here and abroad and then levy tariffs in accordance with that, you will levy tariffs not needed by the most efficient mills and you will not levy as much as the mills of lowest efficiency need. The only measure, if you adopt that measure at all, by which you can satisfy manufacturers in this country is to equalize duties in accordance with the capacity of those mills which in the most expensive way produce the most expensive unit of quantity. It is impossible to do it in any other way. And so that brings us back to the only possible rule that can logically be adopted in this decade, when the people of the country are rebelling against extravagant protective tariffs—the only rule that can possibly be logically adopted is the rule which levies tariffs for revenue purposes only, a method of tariff taxation in which Democrats the country over believe.

We are told by the gentleman from New York [Mr. PAYNE], whose tariff bill has been so overwhelmingly repudiated, that we ought to turn in the light on the question, and he makes the generous proposition to us that if we want his assistance in revising the tariff we are welcome to it. The bills reported out by the Democratic members of the Ways and Means Committee and passed through this House by Democratic votes have been popular measures, and they have been popular measures because they have not met with the approval of the gentleman from New York. [Applause on the Democratic side.] We will be able to continue our tariff program without the assistance of the man or the men who framed the bill which has brought to the Democrats in this House a majority of over 70. [Applause on the Democratic side.]

The idea that it is possible to arrive at the difference in the cost of producing an article abroad and here, and then use that as a method of impartial tariff revision appeals to those who have not studied the subject as possessing a measure of fairness. It proceeds always upon the theory that it costs more to produce an article in this country than to produce it abroad. The cotton report recently submitted by the President's Tariff Commission, if it is of any value at all, shows that we produce cotton goods in this country at the same cost or at less cost than the same goods are produced in England. Under these circumstances what would be the measure of tariff protection?

It costs in England and it costs here different amounts per unit of production in different factories. Are we to take as the measure of difference the lowest cost per unit of production in England and the lowest cost per unit of production here? In other words, shall we arrive at the cost difference by finding out what it costs in the best factories in England to produce an article and finding out what it costs in the best factories in the United States to produce the same article? We will probably find not much difference in cost if we adopt this standard. Sometimes the difference in cost will be greater here and sometimes it will be greater in England. Or shall we adopt the method of finding the cost difference between the products of the least efficient factories of England and the least efficient factories here? Or shall we try to average the cost of production here and abroad? If we do that, we invariably have a tariff not needed by the best factories for protection and not high enough to protect the least efficient factories.

If we adopt either of these illogical methods of revising the tariff the effect is simply to put a premium upon the inefficient factories and to enable the best factories to distribute dividends larger than ever on their watered stock. The logical result of the Republican position carried into effect will be this, that tariff protection will be regulated always by the cost of the most expensive unit.

Not long ago the President of the United States, in his Winona speech, pronounced schedule K, the woolen schedule, indefensible. We took him at his word, and revised that schedule first of all. It went to him with slight increases put upon it by the Senate. He vetoed the bill, not because the Senate had increased the rates fixed by the House, but he vetoed it because his Tariff Board had not reported. Slowly the months passed. Finally his Tariff Board reported. We sent back to him the same bill. It is in the Senate now on its way to the President. The President preferred to be responsible for 12 months' delay in revising this schedule in order to get the opinion of five men, which he valued more highly than the action of the 391 Members of Congress elected to represent in the lower House the various States of the Union, and he valued their opinion more highly than the conclusion reached by the Senate of the United States. The effect of the delay in waiting for the report of the Tariff Board is merely this: The people of the country on account of this 12 months' delay have paid $50,000,000 more for clothes than they would have paid if we had not had this Tariff Board and if the bill had been signed by the President when it came to him from the Congress.

The time will never come when taxes will not be an interesting subject in this Republic. The admitted object of selecting a Tariff Board is to take away from the representatives of the people the power to control the levying of taxes. Of course this is a purely Republican theory.

The Republican Party, after building high a tariff wall around the country, after firmly establishing a system of taxation which gives to protected industries the right to collect taxes, which compels the consumers of the country to pay taxes which never reach the Treasury, after having been overwhelmingly repudiated on account of broken tariff promises by the people at the polls, seeing ahead still greater and more disastrous defeat, ask now for a simple and easy way to carry through the future years the system which has been repudiated by the people, the system against which the people are rebelling, the system of establishing and maintaining high tariffs for the purpose of protecting the profits of manufacturers. The way they propose to accomplish this result is to adopt the tariff-board theory, a method which will make it possible for five men, or more than that, or perhaps less, not responsible at all to the people, but only to the Executive, selected by the Executive, to relieve Congress of the burden and the responsibility of revising the tariff. The Democratic policy is that Representatives of the people, responsible to the people, in a

referendum vote held every two years, ought to originate revenue measures. If Republican theories and tendencies are to prevail in this country, it will not be long until Congress will be relieved of all its functions except the distribution of farmers' bulletins and vegetable seed.

We believe that the Ways and Means Committee of the House, responsible for tariff bills, should have ample assistance—the assistance of experts, to be selected by it and to be responsible to it and not to the Executive—we believe in the method which we have so far followed in this Congress in the bills passed through the House and on to the Senate—the method which is meeting with the approval of the people of the country—the method which we propose as Democrats to continue. [Applause on the Democratic side.]

Mr. MONDELL. Mr. Chairman, we read in Holy Writ of those who love darkness rather than light, because their works are evil——

Mr. SIMS. Deeds.

Mr. MONDELL. Yes; deeds. I stand corrected by a better Bible student, the gentleman from Tennessee. [Laughter.]

The Democratic Party has placed itself in this evil category in the matter now pending before the committee, for of all of the sources of light—clear, expansive, illuminating—that the country has ever known, the reports of the Tariff Board exceed them all. [Applause on the Republican side.]

But what is information, what is light, to a Democratic House in the matter of tariff except to confuse, except to annoy, except to prove the worthlessness and the indefensible character of their basic principles? I was going to say—they are not worthy of that name—their doctrine, touching the tariff. The idea that in a great country, with a standard of living far above that of any other nation on earth, with a rate of wages higher than that of any other people, and constantly increasing—the idea that in such a nation you can in all things compete with the underpaid, the miserably depressed, the hunger-driven labor of all the world, is not entitled to serious consideration by intelligent men. And yet, as I understand it, that is the theory of the gentlemen on the other side.

As against such a theory and in repudiation of such a theory we seek light and facts, the facts of the cost of production, and we have discovered that those facts can be obtained. They can be obtained so that they appeal to all thinking and reasoning men, and we are in favor of continuing the agency through which they have been and can be obtained.

Time was when, free from combinations in this country, with free competition in all lines, it was not material if a tariff rate was somewhat higher than the measure of the difference between the cost of production at home and abroad.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. But in these later days the people have demanded that we should bring the tariff rates down to the difference between the cost of production at home and abroad, and in order to do that intelligently we must have information. We all know that there is no Member of this House who has sufficient knowledge and information upon which to base a complete tariff schedule. We all know that it is impossible to secure too much information. We all know that information can be obtained from this source—the Tariff Board—and inasmuch as we desire to reduce the rates as low as they can be safely reduced without subjecting our people to the ruinous competition of underpaid labor elsewhere, we desire the continuation of the Tariff Board, while our Democratic friends insist that this flood of light shall no longer be shed upon this all-important subject.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am sorry I have no time left.

Mr. RUCKER of Colorado. I am going to extend the gentleman's time.

Mr. MONDELL. Thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman——

Mr. RUCKER of Colorado. Mr. Chairman, I want to ask that the time of the gentleman from Wyoming be extended three or five minutes.

Mr. CULLOP. I do not want that to be taken out of my time.

Mr. RUCKER of Colorado. Will the gentleman from Indiana yield?

Mr. CULLOP. I do not want it taken out of my time.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent, before the gentleman from Indiana begins, that the time of the gentleman from Wyoming [Mr. MONDELL] be extended three minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RUCKER of Colorado. Now, Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL], proceeding as he does, is just like a trotting horse. The gentleman and I have been in the same business, breeding and racing horses. We know the peculiarities of a trotting horse. Sometimes it gets such a speed that it goes into a wall and butts its brains out; but here the relation must stop, because the gentleman from Wyoming has too much brains to be spent that way. But the gentleman, without intention, has said something here that is very interesting, to the effect that the Republican Party is pledged to a protection in degree governed with reference to the difference in the cost of production abroad and here. I want to say to the gentleman from Wyoming that I have never adopted that doctrine. That really goes further than I can go, because I do not believe that such a measure should be placed upon our production. The gentleman is standing by the old Republican doctrine; the Progressive Republicans are going beyond that; and I, as a Progressive Democrat, am going beyond the gentleman.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I thank the gentleman from Colorado for extending my time in order that he might make a speech. [Laughter.]

Mr. CULLOP. Mr. Chairman, in 1909, at the time when it was proposed to establish a tariff board, I was opposed to the proposition, and the Democrats were assured by the distinguished gentleman from New York [Mr. PAYNE] that there would be no tariff board, and every stand-pat Republican upon that side of the Chamber was opposing the establishment of a tariff board.

It was not until 1911, after they had been defeated because of the passage of the Payne bill, that they became converts to the establishment of a Tariff Board, and then it was only done for the purpose of extending the opportunities for the tariff barons to exploit the pockets of the ultimate consumers of the country. [Applause on the Democratic side.] At the present rate at which the reports of this Tariff Board are being made it would take 28 years to revise the tariff. It is procrastinating and thereby delaying relief from a revision downward of the tariff. The Democratic Party has always taken the position that there was no need of a tariff board in order to levy a tariff for revenue in this country. Last year the manufacturers of this country turned out $16,000,000,000 worth of finished products at a labor cost of $3,250,000,000, a labor cost of about 21 per cent. Yet the Payne-Aldrich bill now in force levies an average duty of 47 per cent—more than double the labor cost of production.

The Democratic Party knew and the people of this country know that it requires no Tariff Board to show them that the tariff levied under that bill was unjust and unfair to the American people; that its duties are excessive and greatly exceed any difference in cost of production at home and abroad. I want to call attention now to the report of the Tariff Board on the cotton schedule, which conclusively shows our contention is correct. This is the bill about which the gentleman from New York [Mr. MALBY] on yesterday lamented over its introduction at this time. If you will read the report of the Tariff Board, as found on pages 13 and 14, you will find that, taking the measure of protection fixed by the Republican Party in their national platform of 1908, to equal the difference in cost of production at home and abroad, together with a reasonable profit, it needs no tariff. If the report can be relied on as correct in its statements, then our Republican friends have no room to complain. We are producing cotton goods in this country cheaper than any country in the world.

Now, Mr. Chairman, I want to call attention to some extracts from that report:

> Figures are presented in the report showing that although the labor costs in the cotton industry are in many cases lower in the United States than in England, yet the actual hourly earnings in this country are, in most of the principal occupations, much greater.

They labor more hours and for less money under the Payne-Aldrich bill. And to-day we have an anomaly presented. One of the leading candidates of the Republican Party for President is advocating that there be written in the tariff bill as a law the provision that labor shall have the tariff that is levied. He confesses, as we have always contended, that labor has not been receiving the tariff as the Republicans have claimed in order to secure the votes of the laborers in this country. This claim contradicts all claims heretofore made on this subject.

It is an admission that his party has been deceiving the laboring man. Yet this candidate is the man for whom the stand-pat Republicans are to-day preparing the old steam roller which it is to roll over him at the coming Chicago convention. He is advocating the doctrine that labor has not been getting the tariff, as everyone knows, but that the owners of the industries have been receiving that part of the tariff as unearned profits. [Applause on the Democratic side.]

I call attention to another paragraph on this page of the report:

> The conclusion that under present methods of production on many plain fabrics the cost of production is not greater in this country is also borne out by a comparison of English and American mill prices. A comparison of such prices on a large variety of these fabrics in England and the United States for the date of July 1, 1911, shows that in the case of plain goods the American prices at the mill was in no case much above the English mill price, while in the majority of cases it was lower. It should be noted, however, that American prices of this date relative to the price of cotton were somewhat lower than normal. The English prices are the regular quotations for the home market, and are not necessarily the prices for export and for neutral markets. In the case of fancy goods, however, where the looms tended are necessarily less, the American mill prices were in most cases higher than the English.
>
> The subject of prices is referred to below, but the fact that in the case of a number of leading fabrics the American manufacturer is selling at less than is the English manufacturer is corroborative of the statement that plain goods can be manufactured as cheaply in this country as in England. The report also gives information as to the ability of the American manufacturer to compete in neutral markets on goods of this kind.

Yet the effort of the gentleman from New York [Mr. MALBY] yesterday as a calamity howler was to make it appear in the face of this report that if this Democratic legislation, the cotton bill, was enacted into law it would shut down the industries of this country because of the want of an adequate amount of protection. I quote again from the same report:

> A comparison of 60 specific samples for which finishing data were obtained shows that in most cases the differences between the charges in the two countries were slight, but that the American charges were slightly lower on most of the samples.
>
> DUTIES IN RELATION TO COSTS OF WEAVING AND FINISHING.
>
> The report includes a table of 48 selected plain goods on which the English mill prices and the American mill prices correspond very closely. It shows that in a majority of cases the American prices are somewhat lower than the English. On these goods the present duty varies from half the total American cost of conversion to more than twice such cost. The high figure, however, applies to only two samples. In nearly all cases the duty is more than 80 per cent of the total American cost of conversion, and in a majority of cases it more than equals the entire conversion cost in this country.
>
> * * * * * * *
>
> These figures show a large number of costs in which the duty per square yard on the cloth unfinished (in the grey) is more than equal to the total conversion cost. To take an extreme case, in the case of a plain heavy duck, the present duty is 8 cents per square yard, which is more than six times the total conversion cost, although only 38 per cent ad valorem on the foreign market value. The variations are very great, running from this extreme of six times the conversion cost to duties which are less than half of the conversion cost. The ratio of the duty to the conversion cost bears little relation to the ratio of the duty to the foreign market value. Thus, in some cases, duties which are less than 30 per cent ad valorem will be one and a half times the total American conversion cost, while in other cases duties of nearly 50 per cent ad valorem will be only three-fourths of the American conversion costs. In the greater number of cases the duties are greater than the total domestic cost of spinning and weaving.
>
> * * * * * * *
>
> In the majority of cases, so far as the actual samples are concerned, for which cost figures were secured, the increase in duty is in excess of the total actual increase in cost, due to the finishing processes. On the samples used the extra duty for bleaching ranges from half the total cost of bleaching to three times this cost. The extra duty for printing is from one-third the cost of printing to one and two-thirds the cost. In the case of dyeing quite similar conditions prevail. The additional duty for mercerizing in the case of these samples was from 40 per cent in excess of the cost of mercerizing to double the cost.

That the duty itself is double the labor cost in the production of the article.

The higher figure, however, applies to only two samples. In nearly all the cases the duty is more than 80 per cent of the total American cost of conversion, and in the majority of cases it more than equalizes the entire conversion cost in this country.

Now, that report clearly discloses the fact that to-day the duty is more than twice the labor cost of the article in this country. A tariff board could not levy a scientific tariff until men in business ability are made equal and all localities for production are similarly situated and equally located to the markets of the world. A tariff board can not make that condition. It is beyond its power to do so.

Now, I want to call attention to some of the articles upon which duties were levied in the metal schedule recently passed by this House, and show that in each case the duties are in every paragraph in excess of the labor cost of the production of the article.

Take cutlery, one of the most expensive in labor of all articles produced. Last year in labor cost there was paid in wages $7,000,000. The amount of production was $18,000,000. The labor cost was 38 per cent, and the average duty is 31¼ per cent. If the foreign labor cost of production was only one-half of what it is in America there would be sufficient to meet that difference and leave about 15 per cent as a net profit.

Mr. CANNON. Will the gentleman yield for a question?

Mr. CULLOP. I have only a short time.

Mr. CANNON. It is only a short question, and I will get the gentleman one minute more time.

Mr. CULLOP. Very well; please state it.

Mr. CANNON. Does the gentleman get his facts touching the cotton report from the report of the Tariff Board?

Mr. CULLOP. I am reading from the first volume of the Tariff Commission's report on cotton manufactures, on pages 13 and 14, as made recently by the present Tariff Board.

Mr. CANNON. And the gentleman believes that that report is correct?

Mr. CULLOP. I assume that it is correct.

Mr. CANNON. Then why not have more of it?

Mr. CULLOP. I will tell the gentleman why we do not want any more of it. Because it is a useless expenditure of public money to furnish information on what every intelligent man in the country knows or ought to know. [Applause on the Democratic side.] I may say in addition that I am reading it as a confession of the Republican Party of its erroneous position on this great question.

Now, Mr. Chairman, in the limited time I have remaining I want to call attention to as many of the articles as I have the time, to show that none of them was reduced to such an extent as will produce the result claimed by the calamity howlers on the Republican side of this House. Their fears are unfounded; if they will examine the facts and lay aside their blind adoration for the unjust and unfair system to which they stand pledged for the benefit of the big campaign contributor, and which plunders the ultimate consumers of the country; they will concede their position is absolutely untenable. In the new bill just passed take, for instance, cutlery, which I was considering when interrupted by the gentleman from Illinois.

According to the census reports on manufacturing we produced last year in round numbers $18,000,000 worth, and paid for the labor which produced it $7,000,000. The labor cost was 38 per cent, the average duty was made 31¼ per cent. Now, if the foreign labor cost was only one-half of what it is in this country, which no one will claim, it would equal 19 per cent, then the duty would cover the difference in labor cost and 11¼ per cent for profit, which all must confess to be a reasonable one.

Again, take files: We produced $4,390,000 worth. There was paid for the labor in their production $1,500,000, so that the labor cost was 34¼ per cent. The duty is fixed at 25 per cent. If the foreign labor cost in their manufacture is one-half of what it is in America, which we do not concede, it would be 17 per cent. The duty then is 8 per cent more than the difference in the cost of labor production at home and abroad.

Again, take screws: We produced over $2,000,000 worth last year. There was paid for the labor in their production $500,000. The labor cost equaled 25 per cent and the duty is fixed at 25 per cent. If the foreign labor cost is only one-half of what it is in this country, a thing we do not concede, it leaves 12½ per cent profit in duty to the manufacturer of this article.

Again, take firearms: We produced last year $8,075,000 worth. We paid in wages for their production $3,722,000. The labor cost equaled 45 per cent. In this item the labor cost is probably higher than in any other of our manufactures. The duty is fixed at 35 per cent. If it only cost one-half in foreign countries to produce these articles that it costs in this country, then the labor cost there would be 22½ per cent, a thing we deny, but it would leave a profit to the manufacturer over and above the difference in labor cost of production at home and abroad of 12½ per cent.

Again, take watches: The labor cost is fixed at 40 per cent. The duty is 30 per cent. If they can be produced in foreign countries for one-half of the labor cost entailed here, a fact which we deny, then the labor cost abroad would be 20 per cent. The duty in this item would pay the difference in labor cost at home and abroad and leave 10 per cent as a net profit to the manufacturer.

Again, take clocks. The labor cost is 40 per cent. If the labor cost of producing the same article abroad is one-half of what it is here, a thing we deny, then it would cost the foreigners to produce these same articles 20 per cent for labor. The duty is fixed at 30 per cent. This would pay the difference between the labor cost of production at home and abroad and leave an excess of 10 per cent.

Again, take tools. We produced last year $20,000,000 worth. We paid for wages in producing them $6,000,000, so the labor

cost was 30 per cent. If they can be produced by foreigners by one-half of the labor cost here, a thing no one will claim, then the labor cost abroad would be 15 per cent. The duty is fixed at 25 per cent; this would pay the difference in cost of production at home and abroad and leave an excess of 10 per cent.

If I had the time, I could go on and take other items in the bills which the Democratic House has passed and show the same facts to exist relative to every other item contained in those bills. The duty has not only taken care of the difference in cost of production at home and abroad, but has left a large excess as a net unearned profit to the manufacturers. These duties were not fixed for the purpose of protection, but for revenue, because of the extravagance of the Republican Party in public expenditures; they are made necessary in order to raise revenue to meet these large expenditures.

This clearly demonstrates the fact that we do not need a Tariff Board to ascertain what duties should be levied, and therefore it is a useless expenditure of public moneys to maintain a board which can serve no good purpose to the country, but only to delay a proper revision of the tariff and give the trusts and combinations a longer period of time to exploit the pockets of the ultimate consumers of the country. For this reason I opposed the Tariff Board in 1909, and have done so every time it has been proposed from that time up to the present, and expect to continue to oppose it for the reasons herein given. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, there are two things that I greatly desire for my country. One is peace and the other is prosperity. I am in favor of peace by arbitration and not by force. For that reason I wish that we might have an army large enough for a national police at least, and a navy strong enough for the national defense, and I objected very seriously the other day when the Democratic Party attempted to cut down the Army by five regiments, and absolutely did cut out from the naval estimates two battleships.

I remember distinctly in 1898 when the solid Democratic Party sitting on that side of the House demanded that this country should go to war with Spain, and, backed up by a few Republicans, against the protest of the eminent gentleman from Illinois and others, they succeeded ultimately in doing it after the battleship *Maine* was blown up.

In my judgment conditions to-day are far more serious, and I do not want to see the Army of the United States and the Navy reduced in the face of such conditions as exist to-day with reference to both Cuba and Mexico.

I also want prosperity, and I am a believer in the doctrine of protection that has given prosperity to this country such as is unparalleled in the history of the world, but we have soon to go into a political campaign, gentlemen, faced by the danger of the protective system being destroyed by the Democratic Party if they secure control.

Now, as a proof of that, I want to give you the opinion on this subject of each candidate who will present his name for acceptance at the Baltimore convention.

Mr. Harmon says:

> The first step must be to redeem the tariff from its perverted use and restore it to its proper place as a revenue measure by gradual reductions so that all concerned may have time to prepare for the change.

I remember the change in 1894. I do not want to have to prepare for another change of that kind. It is not necessary to quote from Mr. UNDERWOOD, but I will. Said he:

> We on this side of the House do not believe that a tariff should be levied for purposes of protection.

Let me quote from the Speaker, a man who is always frank and honest and who is never afraid to express his opinions, a man who, in my judgment, is to lead the Democratic hosts in the next campaign. At the close of the Sixty-first Congress he said that he "was for a tariff for revenue only"—and that is a thing that I am against—and without any qualification he adds that—

> It means a tax on everything, having no free list, or a very small one, if any.

Gov. Wilson spoke the other night in New York, and, referring to the Republican platform of protection, he said:

> It is not too much to say that the whole proposition is ignorant and preposterous.

So far as I could judge from reading his speech twice, I am of the opinion that he would gladly wipe out all tariffs in this country at the earliest possible moment—tariffs either for revenue or protection. That is my judgment. The prosperity of this Nation has come through a wise application of the policy of protection, until the marvelous development of our industries has made lower rates possible. The clear, unmistakable call to a change of method, but not a change of policy, came to us in 1901, on September 5, when President McKinley said:

> We have a vast and intricate business, built up through years of toil and struggle, in which every part of the country has its stake, which will not permit of either neglect or undue selfishness. No narrow, sordid policy will subserve it. Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. If, perchance, some of our tariffs are no longer needed for revenue, or to encourage and protect our industries at home, why should they not be employed to promote and extend our markets abroad?

I shall not follow down the history from that time to this, for I have not the time, but I want to call the attention of Republicans, as well as Democrats, to the platform of 1908, wherein it defines the true measure of protection which has been quoted so often and so effectively. What does it say besides that? It says:

> The aim and purpose of the Republican policy being not only to preserve without excessive duties the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage workers in this country, who are the most direct beneficiaries of the protective system.

I believe that it is the duty of the Republican Party and every Representative here, from time to time, if a tariff rate becomes excessive, to vote to reduce it to the point of protection and not one particle below that, and I believe for that purpose that we ought to have a permanent, independent tariff board, whose business it shall be to study and collect the facts, as the European tariff boards do, and submit them to us. [Applause on the Republican side.]

Mr. Chairman, I remember in 1909 there came a man before the Ways and Means Committee. He made egg beaters. He came from the northern part of the country and demanded a higher tariff on egg beaters. He was asked various questions—whether he was making money, and he said he was, and a lot of it; and whether he had any foreign trade, and he said he had, all over the world. Then he was asked whether there was a profit in his business, and he answered yes; but yet he demanded a higher tariff. I said to him in the presence of the committee, "For heaven's sake, what do you want a higher tariff for?" and he replied, with a brazen effrontery that I have never since forgotten, "Because I want to make more money."

I was ashamed of myself, I was ashamed of the man, and I want no possibility of such a thing as that being repeated. I stand here to-day to say that, in my judgment, the Democratic Party is making a mistake, making a mistake politically, making a mistake economically, when it stops the appropriations for the Tariff Board, nonpartisan, not a Republican tariff board, not a Democratic tariff board, not a tariff board hitched to a partisan committee as the tail of a Democratic kite, not a partisan board hitched to a Republican committee in the Senate as the tail of a Republican kite, but a tariff board made up of independent, nonpartisan men, with a certainty of permanent tenure of office, independent of political positions, honest in their convictions—yes, honest as protectionists, honest as free traders, honest as revenue-tariff men. I would trust any of them put in that position. I want to see such a board as that maintained. It has done wonderful work.

To his everlasting credit President Taft put two wide-awake Democrats on the board in cooperation with three Republicans at the close of the last session when the Democratic Party defeated the bill for a permanent tariff commission. So far as he could he made it permanent; so far as he could he made it nonpartisan. I believe that I owe it to William H. Taft as the present President of the United States, as the next nominee of the Republican Party, and the next President of the United States, in my judgment, to stand squarely behind him and put forward every effort in my power to secure an appropriation for a tariff board and the continuance of a nonpartisan examination of the basic facts of every industry. For one I am not content, when he sends in a message with a report from such a board, earnestly and officially recommending to Congress the immediate revision of the schedule upon which the report is made, to answer "What is the use?" I am not ready to make that reply.

Gentlemen, I am going home to my constituents this fall. I am going to make a campaign on an honest tariff, backed up by intelligent investigations, before any schedule is touched. I stand for the Payne bill, unless we have an intelligent investigation before it is amended. It is a good bill. It would have been better if it had become a law as it passed the House; but it is a good bill as it is. It has mistakes; but what legislation has not? But it made a reduction of 14.24 per cent of the tariff which would have been collected by the Dingley law had it continued in force. I know some of my friends think that is one of the worst features of it. I do not agree with them; but the country does approve the Payne bill, so far as the actual reductions are concerned. Now, I want to see that bill stand. It gave us the maximum and minimum tariff law. It gave us the Tariff Board; it gave us the Customs Court; it gave us the greatest reduction in the tariff that has ever been made in the history of this country by any one act of legislation, and I want to see it stand until it is amended schedule by schedule—every excessive rate cut out, all inequalities corrected—under the leadership for another four years of William Howard Taft, who signed it. That is the position I am taking. [Applause on the Republican side.] I am for a tariff board. Now, what is the alternative? The alternative is just simply this: You abolish the Tariff Board and you go back to the old system. I think, gentlemen, you are ashamed of the old system yourselves. You Democrats can take no credit to yourselves, for the last tariff you made was denounced by your own President as being branded with perfidy and dishonor, and, if I am not much mistaken, the cotton schedule which was last reported on was the ground on which that declaration was made. There are mistakes in the present one, mistakes which Chairman PAYNE corrected in the House, but which were put back in the Senate. I stand, therefore, in favor of its revision. You can not revise it too quickly for me. The facts shown by the Tariff Board report makes it plain that it should be corrected; and when that is done, whether we are under the leadership of William Howard Taft—as I believe we will be—or under the leadership of my genial friend from Missouri, CHAMP CLARK, who his political friends hope will be their leader [applause on the Democratic side], I want to see the responsibility for the basic facts in regard to tariff legislation put on an independent nonpartisan tariff board and the credit for appropriate legislation given to the dominant party. [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, it is always a pleasure to hear the distinguished gentleman from Connecticut [Mr. HILL], but difficult to follow him. But I feel that I ought to pause here long enough to state that in his selecting the present President of the United States for reelection he was applauded the first time by five Republicans and the last time by one out of the number of Republicans present.

Mr. HILL. That does not trouble me, I am planted on a rock. [Applause on the Republican side.]

Mr. SIMS. Certainly, just like the *Titanic* is planted on a rock, 10,000 feet below the surface. I do not see why we should have all this row about a tariff board. We are not making or trying to make, because it is impossible under the present conditions, an ideal Democratic tariff. We have had high protection for 50 years and conditions have grown up under that high protection which we have to meet, and it is a question of judgment about how much of this high protection we shall take off, but the Democrats are all united that the tariff should be lower, and we are not so ignorant that we can not count the rails and see that a fence is 10 rails high, and we can certainly take 2 rails from that fence without having a scientific expert board to tell us whether it is 10 rails high or not. [Applause on the Democratic side.] Let me tell you what the position of an ideal protectionist is. He is a man who believes in a tariff on imports that absolutely prohibits the imports that compete with American manufactures. Now, that is true, and my friend from New York [Mr. MALBY] knows it is true, because it is not full protection unless it does.

Mr. MALBY. Will the gentleman give way?

Mr. SIMS. I have only five minutes.

Mr. MALBY. I prefer to state in my own way my own opinion.

Mr. SIMS. If the gentleman would not be embarrassed I have no doubt he would. The gentleman knows that the bedrock protection argument is that we make a prohibitive tariff and let home industries keep down prices by competing with each other. What does the Democratic Party need with a tariff board? We do not believe in protection. We do not want any excuse for protection. An ideal revenue tariff is one levied only on articles not made or produced in this country, just as a Republican ideal tariff is one that is levied exclusively on articles made in this country. For revenue purposes we may not be able to get revenue enough by levying on noncompeting articles only, and therefore we have got to levy something on competing articles. Our purpose is to get revenue instead of profits to private individuals.

My friend from Connecticut [Mr. HILL] met one honest man, and he seems to have disgusted Mr. HILL when that man came before the committee and told him he wanted more protection because he wanted more money. That man was honest. That is what they all want it for. If he had told the gentleman from Connecticut that he wanted more tariff in order to give his laborers higher wages, the gentleman from Connecticut would have put on a smile and said, "You know that I am the friend of the laboring man." You have no use for a man who comes before the committee and says he wants to make more money as a reason for wanting higher tariff protection.

We are in a condition where we can not be ideal Democrats. Why? When a man has been drunk for six months you can not take all the liquor away from him at once, can you? We have had high protection dope for 50 years, and the country has got the protection jimjams, and we can not take it all away at once. That is the reason we can not pass ideal Democratic tariff bills at this time.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. SIMS] has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 23628) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports, and the crew of said transports, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed the following resolution:

> *Resolved*, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 5175) to regulate the immigration of aliens to and the residence of aliens in the United States.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. McCALL. Mr. Chairman, I am in favor of a tariff board, not because I believe it is going to be an infallible instrumentality of government, but because I believe it is going to be a very useful instrumentality. I would not agree to abdicate my judgment as a Representative to accept the judgment of any tariff board, but I believe there is no better way—and I have believed that for a long time—to collect the basic facts of industry, facts that are most important to be considered in framing a tariff bill, than by the instrumentality of a scientific commission.

Now, the gentleman from Tennessee [Mr. SIMS] has said, "What is this row all about?" I agree. I can not see any reason for division between the two sides of the House on the question at issue here. It is simply whether we are going to perpetuate an instrumentality for collecting facts which would be useful to the Democrats as well as to the Republicans. It is said that only two schedules have been investigated and reported upon—the woolen and the cotton schedules. Those are two very difficult schedules. They have both been reported upon and the work chiefly done within a year; and then, in addition to that, most of the important information—and I invite the gentlemen on the other side to say if I am not correct—most of the important information that the majority had use of in forming their chemical schedule was obtained from the Tariff Board.

The gentleman who had charge of the chemical bill before the House acknowledged the great obligations that he and his associates were under for the facts gathered and the work performed by the Tariff Board.

Now, this board has been called "a board of mere clerks." I do not believe that there is any body in the service of the Government that has any better membership than that. We all know that Prof. Emery was at the head of the department of economics in one of the greatest universities of the country—nominally, a Republican. We all know that Prof. Page was at the head of the department of economics of another great university—the University of Virginia—and nominally a Democrat; and if we were asked to pick out a Member of this House to serve upon the Tariff Board, I do not believe that we could pick out a man who would command the respect of his fellow Members more than was commanded by William M. Howard, Democrat, of Georgia. Then we had two other members of the board—one who knew especially about the conditions in agriculture, and the other who knew especially about the administration of our customs laws.

I believe that this House will make a great mistake if it shall vote not to continue the appropriation and to keep going the splendid piece of machinery that has been set up in the creation of this board.

A year ago, as has been said, the leading Members upon that side of the House were in favor of this organization. To-day

the Republicans are generally in favor of it. You do not need to adopt the theory in regard to the cost of production in framing your tariff, because you can utilize the facts and apply them to any theory upon which you think tariff revision should proceed. And I think it would be a very great mistake if we should do away with this board and refuse to vote for the amendment which has been offered by the gentleman from New York [Mr. MALBY]. [Applause on the Republican side.]

Mr. GRAY. Mr. Chairman, I have heretofore given my views respecting the character of this so-called Tariff Board, and explained the process by which it was pruned of all useful power and authority and made a servient tool to hinder, delay, and postpone the judgment of the people.

I am opposed to the appropriation asked for by this amendment for the reason that there is no existing law to support an appropriation for a tariff board, and no tariff board is authorized by the amendment offered.

The claim is made that section 2 of the act of August 5, 1909, commonly known as the Payne law, supplemented by the provisions of the appropriation acts of June 25, 1910, and March 4, 1911, creates a board to investigate the tariff and obtain reliable data to be used as the basis of tariff legislation.

Section 2 of the Payne law relates solely and exclusively to the maximum and minimum tariff rates, and provides for the enforcement of such rates by the President accordingly as foreign nations may be found to discriminate against our exports, and no power or authority is given the President for any other purpose.

There is not one word, line, or sentence to be found in all said section 2 which in any way pertains to any investigation of the tariff as a basis for legislation, or to authorize the President to employ any person to make any investigation or any examination for the purpose of obtaining tariff data to be used in tariff revision.

And while both the appropriation act of June 25, 1910, and the appropriation act of March 4, 1911, assume to grant power to investigate the tariff, yet by express limitation in both of these acts the power granted is made to relate only to the power of the President to employ persons to assist him in the discharge of his prescribed duties of securing information as to what nations, if any, are discriminating against the exports of the United States for the purpose of enforcing the maximum and minimum tariff rates, and not to secure information for use in tariff legislation.

Although the provision in both is made to include "such investigation of the cost of production of commodities, covering cost of material, fabrication, and every other element of cost of production," these words are immediately followed by the words "as authorized by said act," which refer to section 2 of the act of August 5, 1909, in which no power or authority can anywhere be found.

While the provision in these appropriation acts assumes to grant power to investigate the tariff, it is only for the purpose "as authorized by said act," which refers to said section 2, conferring upon the President power to employ "such persons as may be required to assist the President in the discharge of the duties imposed upon him by this section" in the ascertainment of facts for the application of the maximum and minimum tariff rates.

No power can be held granted, by these provisions, to investigate the tariff for the purpose of furnishing a basis for tariff revision, as no investigation is authorized for such purpose by the act referred to.

Neither of these appropriation bills gives this body even the name or style of a "tariff board" or "tariff commission," but instead leaves them with the meaningless designation of "such persons."

Neither of these appropriation bills empowers this body to examine witnesses under oath or to compel the production of books or papers or to proceed with even the common formalities to observe truth or to guard against error. Neither of these appropriation bills empowers this body to investigate the tariff nor gives authority to obtain reliable tariff data for the basis of tariff revision.

And the amendment now offered to this bill merely follows the language of the appropriation acts of June 25, 1910, and March 4, 1911, and likewise makes no provision for the examination of witnesses under oath, nor for the production of books or papers, nor for the common formalities to observe truth or to guard against error, nor for any investigation of the tariff for the purpose of obtaining reliable data for use as the basis of tariff legislation.

But I am in favor of and will support a good-faith tariff board, not because I have greater confidence in such a body than I have in a special committee directing an investigation with the aid of experts and statisticians, but because the existence and experience of such a body would clear the atmosphere of delusive claims made only to delay and postpone tariff revision, and because I believe that Congress should keep an open door to all information from whatever source relating to the adjustment of the tariff and in obedience to all party demands until the people are relieved from the burden of excessive tariff taxes.

I am in favor of a tariff or revenue board to be nominated by both the majority and minority of the Ways and Means Committee of the House of Representatives, elected by said House, and made responsible to both the House and the Senate, instead of appointed, controlled, and directed by one-man power—the Executive only. The long fight from monarchy to republic has been to wrest power from one man usurping the rights of the people and their chosen representatives and exercising both legislative and executive authority. Even the power vested in the Speaker of the House of Representatives over the appointment of committees has had to be reclaimed to the whole of the people's representative to prevent abuse and to secure consideration for popular demands.

I am opposed to the exercise of such legislative power by a Republican President. I am opposed to such legislative power being exercised by a Democratic President. I am opposed to the exercise of such legislative power by any President or by any one man clothed with either legislative or executive authority. The grant of such legislative power to be exercised by the Executive is reactionary and a move to evade and postpone the popular will.

I am in favor of a Tariff Board empowered to examine witnesses under oath and to compel the production of books and papers for verification. Such power is a necessary preliminary to the validity of the simplest judgments of inferior courts for the smallest amount of money or for an order calling for the most trivial mandate or injunction, and without which all is a nullity and without force or credit. I am in favor of a Tariff Board empowered to make thorough investigation and examination into production, commerce, and trade of the United States and of foreign nations, and of all conditions affecting the same, and to obtain information useful in tariff legislation, including all power and authority embraced in the amendments offered in the Senate to the Payne law by the Insurgent Republicans and rejected, voted down, and stricken out by the Senate Finance Committee and by the House conferees during the consideration of the Payne law.

Mr. HEFLIN. Mr. Chairman, has all time been consumed?

The CHAIRMAN. Three minutes are remaining.

Mr. MALBY. How much time is there left?

The CHAIRMAN. Three minutes.

Mr. MALBY. Mr. Chairman, very little can be added upon this side of the House with reference to the necessity and propriety of adopting the amendment which I have offered.

I have listened with extreme interest to my friends on the opposite side, in the hope that they might state, for the benefit of the House and the country, something that would indicate their exact position with reference to the tariff; but I have not heard them offer an intelligent explanation, so that the common people can understand exactly what they may expect if the Democratic policies go through.

Whether they are in favor of free trade, or whether they are in favor of a tariff for revenue only, I do not know. They content themselves with saying that the present tariff is an iniquitous kind of a measure. Whether it is so because it affords protection to our industries, or affords too much protection, I do not know, because none of them has defined just what they mean when they make their charges in relation to it.

I want to say to my friend from Tennessee [Mr. SIMS] that so far as I am concerned I want the tariff of this country to be made high enough, so that the laboring men of this country will be permitted to manufacture what the people of this country have to use and wear. [Applause on the Republican side.] And I am in favor of whatever tariff is high enough to accomplish that purpose.

I appreciate the fact that when over $1,500,000,000 worth of goods are imported from foreign countries, as they were into this country during the past year, those goods have replaced an equivalent, or at least a large amount, of American labor and American prosperity in order that the importation might be made; and the smaller that importation is, within the bounds of reason, I am in favor of providing that the benefit shall go to the American laborers and the American citizen. In order that we may ascertain what that tariff shall be, I am in favor of getting all the information that we can upon that subject, including that which will come from the Tariff Board.

But if we can not have a Tariff Board, I would rather have the Payne-Aldrich bill, the McKinley bill, or the Dingley bill, under which this country has had more prosperity than it ever had before in all the country's existence. [Applause on the Republican side, and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York [Mr. MALBY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MALBY. Mr. Chairman, I desire to have a count.

The committee divided; and there were—ayes 42, noes 81.

Mr. MALBY. Mr. Chairman, I respectfully ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. MALBY.

The committee again divided; and the tellers reported—ayes 47, noes 72.

Accordingly the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

EXECUTIVE.

To enable the President to continue, by the employment of accountants and experts from official and private life, such officials to receive no compensation beyond their official salaries, to more effectively inquire into the methods of transacting the public business of the Government only in the several executive departments and other executive Government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by Executive action alone, and for each and every purpose necessary hereunder, including the employment of personal services at Washington or elsewhere, $75,000: *Provided*, That not exceeding three persons may be employed hereunder at rates of compensation exceeding $4,000 per annum And a report hereunder shall be submitted at the last regular session of the Sixty-second Congress and not later than December 31, 1912.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry. This says a report shall be submitted not later than December 31, 1912. I take it that does not mean a final report.

Mr. FITZGERALD. In the provision that was incorporated in the bill for the current year a proviso was inserted requiring a report to be made by December 31, 1911. The purpose of this provision is to emphasize, if possible, the necessity of having the information submitted to Congress not later than the 1st of January. If it is to be of any value to the House in the preparation of the appropriation bills it should be submitted by the date designated.

Mr. MANN. I quite agree with the gentleman about that. There is such a provision in the current law, and various reports have been submitted, but they have not been final reports. I take it this does not mean a final report.

Mr. FITZGERALD. The gentleman understands that this provision is in the bill by consent. The only authority for this commission is the appropriation. It does not exist by virtue of any specific statute. The purpose is to make as emphatic as possible the fact that if these investigations are to be of service to us, the information should be submitted, so far as possible, at a time during the session when it can be utilized.

Mr. SHERLEY. Mr. Chairman, I do not now desire to delay the reading of that part of the bill which immediately follows, in which the public buildings are contained, and in which a number of gentlemen are interested, but I shall ask the privilege of the committee later on to speak in connection with the paragraph just read on the subject of a budget, both from the executive and the legislative end, and I make that statement now, in order that I may not be forclosed in having that opportunity.

The CHAIRMAN. If there be no objection the pro forma amendment will be considered as withdrawn, and the clerk will read.

The Clerk read as follows:

Lebanon, Tenn., post office: For commencement of building under present limit, $1,000.

Mr. HULL. Mr. Chairman, I move to strike out the last word. I made some reference the other day, when this bill was first being considered, to the condition of buildings system in which gentlemen of the House are, or should be, interested.

Last fall I was talking to the Supervising Architect, and it was then represented to me that a request upon that department for a substantial appropriation for the building at Lebanon, Tenn., would be asked for in this sundry civil bill; not some future bill, but the pending appropriation bill. Naturally that information was communicated to the people who were interested. At some period of time since last fall the proposed action of the Supervising Architect's Office was modified so that now only a nominal appropriation is asked for and inserted in the bill by the Appropriations Committee.

I was also informed at a later and more recent date by the Assistant Secretary of the Treasury that under the system of construction of public buildings by the Treasury Department, if Congress should appropriate for buildings in any given amount that had not first been requested by the department in its estimates, this money would lie idle in the Treasury, and the Treasury Department would not direct the Supervising Architect's Office to utilize it. I desire to inquire of the gentleman from New York [Mr. FITZGERALD] if that is his understanding as to the present workings of the system over there?

Mr. FITZGERALD. My understanding is that these buildings are numbered, and that the department takes them up in their order, and even though an appropriation was made for some building out of its order, unless requested by the department for some special reason the department would not take up that building.

Mr. HULL. That is in conformity with the information given to me by the Assistant Secretary of the Treasury.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HULL. Yes.

Mr. MANN. Why not try it, to find out?

Mr. HULL. Mr. Chairman, I was just coming to that phase of the matter, and certainly expect to do so. This illustrates the criticism I offered some days ago, in part, as to the operation of that department, as it relates to the public-building system. I think that Congress ought to designate the amount of money it desires expended annually in building construction, and not the Secretary of the Treasury. Congress ought to prescribe directions, or at least to retain control, over this construction work to a sufficient extent to enable us to know with some degree of definiteness when a building will be taken up or as to how the general building regulations of the Treasury Department shall be applied. As it is, no Member can tell what the Secretary of the Treasury may direct. He may direct the expenditure of $15,000,000 one year and $10,000,000 another year, with a result that the people interested, and the Members here who are held responsible to the people, know nothing for certain or with any degree of certainty as to what the policy of the Treasury Department will be the next year or the year after, or at any future time. Hence, when a building or buildings will be taken up can not be definitely known. If I did not think this committee would overrule the present action of the Treasury Department without waiting to adopt a law giving Congress immediate direction and control over this phase of it, I would hesitate to offer an amendment increasing this appropriation to $10,000; but I know the Supervising Architect's office, if the judgment of architects on the outside is worth anything, can do much more work than it is now doing, and it should be directed, if possible, to do more work. They have several hundred models of $50,000 buildings on file, and so it is entirely unnecessary for a new design, new drawings and specifications to be prepared in each instance. That is a useless expense.

I do not know whether this method of new plans is utilized as a means of delaying this work, but I do know, Mr. Chairman, that we owe it to ourselves to retain enough control over the operations of this immense department to have some definite idea as to what amount would be expended annually in this construction work and as to when buildings will be constructed. As it is now, a Member of Congress in one State may have a building completed before a building in his colleague's adjoining district will be taken up and the work of construction commenced. It is impossible to make the people understand this.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HULL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read, and I withdraw the pro forma amendment.

The Clerk read as follows:

Amend, page 11, line 8, by striking out "one thousand" and inserting in lieu thereof the words "ten thousand."

Mr. HULL. Mr. Chairman, I do not wish to take up the time of the committee unduly, but it is not real often that I consume much of the time of the committee or of the House. This is intended to get before the committee the question as to whether it desires to indorse the operation and present bad system, which has been devised by the Secretary of the Treasury, and which is in operation in the Treasury Department with respect not only to the amount annually expended in the construction of public buildings, but in respect to the method and the time of constructing buildings by that department. If it is the desire of the House that the Secretary of the Treasury

shall continue to exercise absolute direction and control in all these respects, that Congress shall retain no control with respect to the preparation of drawings, location of sites and buildings, and the time and the order in which they are constructed, but that it shall be left entirely to the Treasury Department, then I would not expect the House or the committee to adopt this amendment, but I would be obliged to allow the work of constructing this building to remain in abeyance until the discretion of the Secretary of the Treasury moved him to direct that work shall proceed under the vicious system now in vogue.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. HULL. Certainly.

Mr. FOSTER. In the gentleman's opinion, would the appropriation of this additional amount of money cause the Secretary of the Treasury to expend the money any sooner than he otherwise would do it?

Mr. HULL. Mr. Chairman, in answer to the gentleman I will be perfectly frank and say that my investigations, in so far as they have extended as to the system and its operations in the Supervising Architect's office, lead me to the unalterable conclusion that instead of expending 6 per cent as expenses in the office in connection with the work of constructing public buildings it could be done for probably one-half of that, and that instead of preparing such a large number of separate drawings and specifications for each $50,000 building or $75,000 building the office can take the same model and with but slight alterations make it apply as successfully as a new drawing would apply to a particular site. Of course I know the Treasury Department takes the position that, under the circumstances stated by the gentleman, it would not do the work until next spring and that the money would lie idle in the meantime.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not prevail. It will be manifestly unjust to a large number of the Members of this House to have the committee adopt this amendment. The estimates submitted originally to Congress for public buildings carried the amounts required until June 30, 1913. At the request of the committee, and following the precedent established in 1910, the Supervising Architect's Office revised this estimate so as to indicate the amount of money required on various buildings up until March 4, 1913, when the next sundry civil appropriation bill will become a law. This building at Lebanon, Tenn., is No. 93 upon the list. Provision is made in the pending bill for all buildings up to No. 70. To increase this appropriation is to advance this particular building over 22 buildings which under the system adopted have a priority at the present time. About 30 buildings for which estimates were submitted in the original estimates have been eliminated or the estimates greatly reduced, because less will be required for use until March 4, 1913. Because of the fact that contracts will not be entered into before the 4th of March, 1913, some have been eliminated from the bill. If the appropriation be made, the money could not be expended, and it is simply a question of adding to this bill the original estimates for the entire fiscal year——

Mr. HULL. Will the gentleman permit?

Mr. FITZGERALD (continuing). Which would be more than $5,000,000 in excess of that which it now carries. The committee has recommended the various sums required and has treated everybody fairly and impartially. To provide for these buildings in the order in which they have been numbered after the acquisition of sites is the only equitable method to follow.

Mr. HULL. Mr. Chairman, I appreciate the reasons on which the gentleman's committee has acted, but I desire to ask him this question. It was not my fault that the department recommended to me that they would ask for a substantial appropriation in this bill, not in some future bill, and they have thoroughly misled me and the people interested. Now, my contention is that they have not made such representations to other gentlemen, and it is an act of bad faith to mislead a Member or any person with respect to this work, and this is seeking, through the agency of Congress, to make the appropriations and give them an opportunity to make good on the promises they made.

Mr. FITZGERALD. I understand from the statement which was made by the gentleman from Tennessee and which he published for the information of the people of his community that misunderstandings can easily result, which perhaps unless thoroughly explained will be perhaps embarrassing to gentlemen and perhaps create an improper impression in the community. In the original estimate submitted to Congress it is pointed out by the department that this particular building, which is No. 93 on the list, will be taken up in November, 1912, for plans, but no contract can be in force prior to April, 1913. Now either one or the other thing should be done. Either this bill should carry appropriations for every building for the entire fiscal year, and all the five million and odd thousand dollars necessary for the balance of the year from the 4th of March until the 30th of June should be included in this bill, or else no further appropriations should be made for these particular buildings. How could any of the gentlemen in the House, with a building authorized in his district, finding himself in the same position as the gentleman from Tennessee, justify the failure to have reinserted in this bill an appropriation that could not be utilized, even if made, before the next bill becomes a law, if we make an exception in any one case? If those gentlemen would not be sufficiently informed that the committee determined to take that action, they would be awakened before this bill finally became a law, and it means to add eventually over $5,000,000 to this bill if we depart from the rule to treat everybody impartially——

Mr. FOSTER. I would like to ask the gentleman if they have made provision in this bill for every public building where the money can not be utilized before another bill would be passed?

Mr. CARTER. At another session.

Mr. FOSTER. At the next session.

Mr. FITZGERALD. We have made provision for all money that can be expended upon every building authorized until the 4th of next March, when the next bill will become a law. It would be manifestly unjust to other Members to make a different ruling for one building or to make an exception for one building and place all the other Members in an embarrassing position. For instance, the gentleman from Illinois has a building in his district——

Mr. FOSTER. Mount Vernon.

Mr. FITZGERALD. Mount Vernon, and it was included in the original estimates for $20,000 or $30,000. No money can be used on that building before the 4th of March, and it has been entirely dropped out of this bill. What position would the gentleman from Illinois be in if money that could not be utilized were put in for some other building and the building in his district did not appear? And the same would be true of a great number of Members of the House. It would require that this bill be increased over $5,000,000 to place all the items in the bill.

Mr. CARTER. Mr. Chairman——

Mr. FITZGERALD. I yield to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. The gentleman speaks about buildings coming in a certain order, or rather being of certain numbers on the list. I expect we have all been embarrassed considerably from not getting appropriations for public buildings already authorized. I have made some investigation of this matter and would like the gentleman to state for the benefit of other Members upon what the order of appropriation is based.

Mr. FITZGERALD. I will state that briefly. I reviewed it the other day, and it appears in the RECORD, but I will state it again at this time. My understanding is that after a site is authorized the department sends its agent to select a site, and when a site is finally agreed upon by a representative of the department and the conflicting interests in the various communities have been pacified the United States district attorney in the district in which the community is located is instructed to search the title.

When he finishes that work he sends the abstract of that title to the Treasury Department or to the Department of Justice. At any rate, it comes to the Attorney General for consideration, in order that he may attach the certificate required under the law before the site can be purchased. As soon as the title is approved by the Attorney General, that site is given the number next in order, and the plans are prepared for buildings in the order in which they have been numbered.

Mr. CARTER. And then the appropriation is authorized just in order as title to the site is acquired? How is the percentage of money apportioned? Will the gentleman state that?

Mr. FITZGERALD. The Supervising Architect determines how much money can be expended during the given period on that particular building, and whatever the department states can be expended the committee recommends in the bill. It makes no change whatever. In this bill those sums which can be expended up to the 4th of March, 1913, are included. Ten thousand dollars can not be expended on this particular building. No contract will be entered into until next April. I repeat it would be a manifest injustice to a very great number of gentlemen to appropriate for this building upon a different rule than that which applies to others.

Mr. CARTER. My home town had a building authorized two years ago. They had some trouble acquiring a site, and it

is, I am informed, No. 99 on the list now. Can the gentleman give me any information as to when I may expect an appropriation for that building?

Mr. FITZGERALD. What is the name of the place?

Mr. CARTER. Ardmore.

Mr. FITZGERALD. Here is the information we have about Ardmore, Okla.:

Post office and courthouse. Building has been authorized. Limit of cost, $150,000. Population of the community is 8,018. Postal revenues, $23,134. Drawings have not yet been commenced. The annual cost of maintaining this building after it is constructed will be $7,185.80, and the present facilities at Ardmore are costing the Government $3,092 a year.

Mr. CARTER. Is not that a very good showing, from the standpoint of economy, when compared to the usual case?

Mr. FITZGERALD. It will require interest on an investment of about $150,000 and about $4,100 additional.

Mr. CARTER. The gentleman is giving me information I did not ask for.

Mr. FITZGERALD. I thought the gentleman might be glad to have his memory refreshed.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. FITZGERALD. No; just a minute. The statement of the Supervising Architect as to the building at Lebanon, Tenn., which is No. 93 on the list, is that the drawings will be taken up for preparation in November next, and the contract will be entered into in April. It would appear in that event that if the site is already obtained in Ardmore and it is only sixth removed from Lebanon, that provision should be made for it in the next sundry civil bill. That would be my impression.

Mr. FOSTER. Mr. Chairman, I would like to ask the gentleman one more question. Does the sundry civil bill that will be passed next year at the close of the Congress, with the provision for public buildings, become available on the 4th of March?

Mr. FITZGERALD. Appropriations for public buildings become available as soon as made, and remain available until expended.

Mr. FERRIS. I would like to ask the gentleman from New York a question. I notice now, for instance, the town of McAlester, on page 12, and the town of Chickasaw, on page 5. Both of these towns were appropriated for in the same bill and the amounts are practically the same. I think both are about $150,000. I think the amounts are identical. I notice, however, that in one instance $70,000 is carried and in another instance $20,000, and I wondered if there was a uniform rule by which the department would determine, and why the difference.

Mr. FITZGERALD. It would probably be due to the fact that more delay had occurred in obtaining a site in one place than in the other, and as a result the work would be so much further behind on one. The same amount of money could not be utilized within the fixed time.

Mr. FERRIS. I have no doubt that is true.

Mr. HOUSTON. Mr. Chairman, I am perfectly aware that there ought to be a fair and impartial treatment of all the projects that have been authorized by law, and that one building project should have the same treatment that another receives. I think, however, that under all the facts that have come out in the discussion of this matter here and the general discussion of this bill, it is apparent that the Supervising Architect and his force are not exactly and accurately informed as to when they can complete each of these projects—that is, to the extent of submitting plans and letting out contracts.

Now, the first estimate was that they expected to let out these contracts—from 70 up to 100, as I remember it, although I am not certain about the number—this fall, beginning in September and October and along there. Since that time they have changed their calculations. I have a building project for a public building at Shelbyville, Tenn., for which, in the estimate submitted by the Treasury Department, $23,000 was recommended for the purpose of beginning and carrying on that public building at Shelbyville. Since that they have revised their recommendations and have cut that amount down from $23,000 to $1,000.

Now, in view of the fact, Mr. Chairman, that it has become manifest upon the floor, from the discussion here and from facts that have not been controverted, that the Treasury Department—the Supervising Architect's department—does not pursue uniform lines all the time, that they do not travel at the same gait all the time, that sometimes they proceed with the construction of more buildings per month than they do at other times—upon the calculation that the project might be reached in September or October, it does seem to me that the public building at Shelbyville, Tenn., as well as that of my colleague from Lebanon, Tenn., might reasonably be reached before the 4th of March next, and the passing of this amendment and the adoption of the amendment that I have here ready to offer as to the building at Shelbyville, Tenn., will certainly do no harm to the Public Treasury if the money is not called for. But in the event this building will be begun at or near the time first estimated, or approximately near that time, we might use the money some months earlier. And as to Shelbyville, Tenn., if I could get an amendment substituting $20,000 for the $1,000, or $10,000 for $1,000, it could be started five or six months earlier, perhaps, than if we were compelled to wait until the next appropriation bill passes.

Now, under this condition of affairs it does seem to me to be reasonable and fair to ask that as to these buildings, between the number of 70 and 100, a sufficient allowance be made to start the work in operation.

Mr. HULL. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Certainly.

Mr. HULL. Is it not true, upon the basis that has been applied to the preceding number—preceding the 70—that only between $250,000 and $300,000 would cover the number from 70 up to 100, as the gentleman suggests?

Mr. HOUSTON. I understand so.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON. Yes; when my colleague finishes.

Mr. HULL. And it is also true that the Supervising Architect's Office could commence the construction of a dozen buildings a month instead of 10 buildings a month, as it has recently been doing?

Mr. HOUSTON. That is unquestionably true. There is no excuse, in my judgment, for the delay in starting these buildings. There is no reason for not utilizing the plans and designs that are already in the office, and the people of those places where the buildings are to be located would be perfectly satisfied with them. I have no doubt.

Now I yield to the gentleman from North Carolina.

Mr. PAGE. I simply wanted to make this statement to the gentleman: The Supervising Architect has stated to the Committee on Appropriations, and through us to the House, that so much money can be expended between now and the 4th of next March, and that sum of money has been written in the bill. Now, how much would the gentleman's community benefit if we should write in the bill an excess of that amount, when the Supervising Architect can not and will not spend it?

Mr. HOUSTON. I confess that if he will not spend it we would not be advantaged one whit.

Mr. PAGE. He says he can not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOUSTON. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HOUSTON. I hope this amendment will pass, and I shall vote for it. I have prepared an amendment to offer for Shelbyville. I think this building and the one at Shelbyville and the others in the category which I have named should receive a substantial amount sufficient to begin the work in the event they may be reached sooner than the 4th of March next.

Mr. MONDELL. Mr. Chairman, the debate on the amendment that has been offered makes it very clear that this piece of legislation is a gigantic fraud. It is a delusion, and it will prove to be a snare. It is sailing under false colors, with bare poles, straight on the rocks of deficiency. It is not what it claims to be. Its title is that of a bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913; but the Members responsible for it admit that it does not carry any items, particularly for public buildings, rivers and harbors, and many other things sufficient to provide for the public service beyond the 4th of March next; so that the bill is not a sundry civil bill for the fiscal year, but a sundry civil bill for the benefit of the Democratic campaign this fall.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am glad to.

Mr. PAGE. The gentleman is certainly aware that the sundry civil bill in prior Congresses, when the Republican Party was in the majority, appropriated for these items only until the 4th of March of the succeeding year, or if he is not so informed, he can and should be informed.

Mr. MONDELL. The gentleman knows, and we all know who are informed on the subject, that to a certain limited extent, and only in one or two cases, bills have been scaled down

somewhat along the lines suggested by the gentleman, but it never was a good policy, it never was a justifiable policy, and it never has been carried to an extent that is comparable to the extent to which it is carried in this bill.

Mr. PAGE. May I inquire of the gentleman why he did not turn his batteries of criticism upon his own side of the House when they did exactly the same thing? [Applause on the Democratic side.]

Mr. MONDELL. Because our side of the House never appropriated in this way to anything like the extent that this bill does.

Mr. PAGE. I am sure the gentleman does not want that statement to go into the RECORD.

Mr. MONDELL. I do.

Mr. PAGE. That they never did it? The gentleman is entirely mistaken.

Mr. MONDELL. I am perfectly willing to appeal to the RECORD, and I say again that no sundry civil appropriation bill, or any other appropriation bill, has ever been brought into this House which limited the appropriations to the next 4th of March to anything like the extent that this bill so limits the items carried.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MONDELL. I am glad to.

Mr. FITZGERALD. This bill limits until the 4th of March appropriations for river and harbor work, public-building work, fortifications, and for the Panama Canal.

Mr. MONDELL. Yes.

Mr. FITZGERALD. The appropriations for fortifications have always been so limited.

Mr. MONDELL. Not always, by any means.

Mr. FITZGERALD. Always since I have been a member of the Committee on Appropriations, which goes far enough back. Since I have been a member of that committee they have been limited to the 4th of March in a session like this. The river and harbor appropriation during that period——

Mr. MONDELL. Not all the time or to the same extent.

Mr. FITZGERALD. My recollection is that it has always been made in this same way; and for public buildings the appropriations were made in this way commencing in 1910. In my opinion, it was not done for the purpose of enabling the Republicans to make a good showing in the campaign of 1910 on their appropriations, but it was done because these appropriations become available when made, continue available until expended, are not made with reference to the fiscal year, and an investigation disclosed that appropriations were being made which resulted in the unnecessary and unjustifiable tying up of public money; and the sum of $10,000,000 is now to the credit of public buildings, appropriated, which can not be expended during the next fiscal year.

Mr. MONDELL. Mr. Chairman, the gentleman attempts to excuse what has been done to an inexcusable extent in this bill by the argument that to a certain limited extent appropriation committees have sinned in this respect in the past.

Mr. FITZGERALD. I do not agree with that statement.

Mr. MONDELL. They never have erred to anything like the extent that the committee have sinned in this case, and it is no justification to their committee that other committees have sinned in like manner, to a very limited extent in the past.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask for five minutes more. A good deal of my time was taken by the gentleman from New York.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, there never was and there never will be any justification for this sort of an appropriation. Appropriation bills should be what they purport to be, appropriation bills for the fiscal year. I am surprised that the gentleman from New York should attempt to impose upon the credulity of the House by the suggestion that this kind of legislation prevents the tying up of public money. Everybody knows that the appropriation bills do not tie up money. Not a dollar is tied up by an appropriation. There is not money enough in the Treasury at the time we pass the appropriation bills to pay them all. Every Member of the House knows that the money is constantly coming in and constantly going out. What is gained by appropriating in one bill for 8 months and then in the next bill appropriate for 16 months? What sense is there in that sort of a thing? If the gentleman says you tie up money by appropriating for 8 months, how does he justify appropriations in the short session for 16 months?

Mr. FITZGERALD. I was not responsible for it, and I did not criticise in a partisan manner what I knew to be a proper appropriation.

Mr. MONDELL. I do not care what committee has been guilty of it——

Mr. FITZGERALD. The gentleman should have awakened to that some time during the 16 years in which his party had control and the practice was indulged in.

Mr. MONDELL. The gentleman knows that the practice has not been indulged in 16 years. It began only a few years ago. It was only two years ago that a bill was brought in with any considerable reduction, and there has never been a bill brought in here in which a large proportion of the appropriations were scaled down to an eight-month basis.

Mr. FITZGERALD. I am willing to match my recollection against the gentleman's about these matters.

Mr. MONDELL. It is not fair to the House, it is not fair to the country to pass one appropriation bill covering 8 months and then another covering 16 months following it. The country is misled as to the amount of the expenditures of the Government. It is difficult to keep track of the expenditures. You talk about its being done for the purpose of avoiding the tying up of public money; that is all gammon. These bills do not tie up any money.

Mr. PAYNE. I want to call the gentleman's attention to the fact that nearly all of this money appropriated for the next fiscal year has to be raised after the 1st of July.

Mr. MONDELL. The money is coming in all the time and is being expended all the time. There is never a time when the appropriation bills are being passed when there is money enough in the Treasury to pay all the appropriations if it were necessary to pay them all at one time. This thing of attempting to fool the people by bringing in eight months appropriation bills has no justification, no matter if it has been practiced somewhat in the past.

Mr. SHERLEY. Mr. Chairman, I shall not feel very much grieved over the remarks of the gentleman from Wyoming [Mr. MONDELL]. He has suffered a good deal lately. The facts that came out in connection with the public building desired in a city by the name of Sundance, a city that had a population of several hundred people, in which there was to be spent on the building many thousands of dollars, would have disturbed me considerably if I had been from that State and been as zealous in obtaining appropriations out of the Public Treasury as the gentleman was.

I appreciate also his sensitiveness due to the facts that have come out in connection with Fort D. A. Russell and the expenditures of money that have been made for that fort in his State. But for my own part I never had a great deal of sympathy with much of the clamor for public buildings. I hold in my hand a statement prepared by the Treasury Department which shows the cost of maintenance of public buildings authorized since 1902 will be $3,163,177.41, and that the cost for rental and other expenses in buildings that would otherwise be used by the Government for the same cities and towns would amount annually to $818,169.30.

In other words, the result of the erection of all the public buildings that have been authorized since 1902 when completed will be to increase the annual cost to the Government over $2,000,000, without counting interest on the seventy-two millions spent for such buildings. For my part, I think we could go a little more slowly still, particularly in view of the illustration we have had of the ability of gentlemen to get consideration by committees of bills such as the one relating to the very popular city of Sundance. In point of fact, the Committee on Appropriations, not feeling that it lay within the province of that committee to undo the work of Congress touching public buildings, has brought in a recommendation for every dollar of money which can properly be expended until the money in the next appropriation bill will become available. For my part, I never have heard a reason that could be advanced for appropriating money in advance of the time when it can be used. We have simply pursued what has been the frequent policy of the Committee on Appropriations heretofore, and which, to my mind, is a common-sense business proposition.

Mr. MANN. Mr. Chairman, I have been watching appropriation bills more or less for a number of years, and it is news to me, absolutely news, that the river and harbor appropriations and the public building appropriations heretofore have been made only on the basis of the fiscal year ending March 4, instead of with June 30.

Mr. FITZGERALD. Let me say to the gentleman that, whether or not it is news, it is a fact.

Mr. MANN. I have had some appropriations with reference to rivers and harbors made in my district, and as to those I know that it is not the fact.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. FITZGERALD. It is my business to know, and I know, and I will put the proof in the RECORD.

Mr. MANN. The gentleman can not put into the RECORD the proof as to the appropriations which have been made in my district, as to rivers and harbors, some of which have been carried in the sundry civil appropriation bill, and which have been made upon an estimate originating with the War Department for the full fiscal year, which have been carried in full in the sundry civil appropriation bill. What is the use of saying to me, when the department makes an estimate for the full fiscal year and the appropriation bill carries the full estimate, that they have made an appropriation only until the 4th of March? I think that has usually been the case with the sundry civil appropriations as to rivers and harbors.

Nor do I quite understand what the gentleman means as to the appropriations until the 4th of March in this bill. What is the estimate for the Lebanon post office that is now under construction for the next fiscal year? The estimate is made by the fiscal year.

Mr. FITZGERALD. Does the gentleman want to know that?

Mr. MANN. Yes.

Mr. FITZGERALD. It is $20,000.

Mr. MANN. The full amount is carried in this bill.

Mr. FITZGERALD. Oh, the gentleman is mistaken about that.

Mr. MANN. The gentleman said $1,000. I do not know what the estimate is.

Mr. FITZGERALD. I said $20,000.

Mr. MANN. Was there not a revised estimate?

Mr. FITZGERALD. A revised estimate.

Mr. MANN. For how much?

Mr. FITZGERALD. One thousand dollars.

Mr. MANN. For the next fiscal year?

Mr. FITZGERALD. No; the amount that could be utilized until the 4th of March.

Mr. MANN. The estimate submitted by the department is an estimate for the fiscal year?

Mr. FITZGERALD. Let me state what happened, and the gentleman can see what is the fact. In the regular Book of Estimates, not carried as totals, there is a statement that certain specific sums could be expended on the buildings therein designated by the 30th of June, 1913.

Mr. MANN. The full fiscal year.

Mr. FITZGERALD. And then the department, at the request of the committee, pursuant to the plan adopted in 1910, submitted estimates of amounts that would be necessary until the 4th of March, 1913, and it is those sums that this bill carries.

Mr. MANN. Let us see. Here is the Lawrenceburg, Ky., post office, the item just preceding, carrying $30,000. What was the estimate in the regular annual estimates for the next fiscal year for that post office?

Mr. FITZGERALD. Forty-three thousand dollars.

Mr. MANN. And the bill carries only $30,000? In all of these estimates is the amount reduced in that way?

Mr. FITZGERALD. Not all of them, but in some. Wherever the original sum requested will be used by the 4th of March it is appropriated; in those instances the department has indicated that fact, and that amount has been given.

Mr. MANN. I am perfectly frank to say to the gentleman that I do not know what the custom has been with reference to public buildings, as to whether the full amount has been carried or not, but I do know, as to rivers and harbors, that the estimates which have been made in that way have not been scaled to eight months.

Mr. FITZGERALD. The gentleman is mistaken as to that.

Mr. MANN. But I am not mistaken, because I have watched it. I will not say that there have been cases, because I do not know, but I know many cases where that has not been done.

Mr. FITZGERALD. An examination of the hearings will tell just exactly what transpired, and I will read just what happened.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman's time be extended. I desire to read from the record, because I made that statement in the opening discussion of the bill, and I do not wish to misrepresent.

The CHAIRMAN. Is there objection to the extension of time? [After a pause.] The Chair hears none.

Mr. FITZGERALD (reading):

The CHAIRMAN. The next item is river and harbor improvements, beginning on page 195 of the bill. The estimates for the next fiscal year are $12,114,988.

Col. TAYLOR. These are the estimates as submitted on the 1st of July; that is, as they were submitted in the annual report of the Chief of Engineers.

The CHAIRMAN. Have you since revised the estimates?

Col. TAYLOR. Yes, sir.

The CHAIRMAN. What would be the total under the present estimate? When was this last estimate made?

Col. TAYLOR. It was up to about the 1st of March. I find two or three clerical errors in the statement I have here, and I am not sure that my totals are absolutely right. I have the estimates in two ways here, one for the fiscal year up to June 30, 1913, and one up to March 1, 1913, on the assumption that there will be another sundry civil bill by that time.

So that was not an unusual practice; but it is the practice that has prevailed, according to my recollection, while I have been a member of the Committee on Appropriations.

Mr. MANN. If the gentleman is right about that—and I am satisfied that he is not——

Mr. FITZGERALD. Well——

Mr. MANN. Well, that is neither here nor there. But do I understand that the gentleman now claims that these contracts are made at the long session for 8 months? If so, they must be made at the short session for 16 months.

Mr. FITZGERALD. That is true.

Mr. MANN. That has never been the case in my personal experience, and I do not believe it has been usually the case.

Mr. FITZGERALD. Well, it has been the case in my experience; and I am informed by a gentleman who is not usually mistaken about these matters that as to rivers and harbors matters it is a well-established custom of the committee.

Mr. SHERLEY. If the gentleman will permit——

Mr. MANN. With very few exceptions, the sundry civil bill has carried appropriations every year for a number of years for river and harbor improvements in my district and has always carried them to July 1——

Mr. FITZGERALD. Yes; that may be so; and yet——

Mr. MANN. And without any special influence on my part.

Mr. FITZGERALD. These appropriations have rarely, if ever, in my experience, been discussed in the House. I have criticized Republicans to the extent to which appropriations were made, and yet knowing this situation and knowing the purpose that was to be served in making them in this way I never attempted to take advantage of what I knew was the proper thing to do and to make partisan capital out of it, and this bill for these 8 months for river and harbor contract work carries $2,000,000 in excess of the current year made by appropriations for the 16 months.

Mr. MANN. I am sorry the gentleman, every time a gentleman asks a question about an appropriation, feels that we are injecting partisan politics.

Mr. SHERLEY. If the gentleman will permit I desire to suggest this: With public buildings we are dealing with contract work; and as with river and harbor contract work there can not be logically any such thing as a fiscal year. There is a certain amount of money necessary to do a given piece of work. Now, it so happens that sometimes a given amount of money within a certain time can be spent in completing or toward the completion of that work, and when you leave outside the question of maintenance, public work like public building is not subject and can not in the nature of things be properly subject to fiscal-year periods.

Mr. MANN. Very true, but the estimates are made according to the fiscal year.

Mr. SHERLEY. But estimates are not such sacred things that they should not accord with a common-sense proposition.

Mr. MANN. Well, there is nothing of a common-sense proposition in the matter at all, the question of whether you make appropriations one year for 8 months and another year for 16 months. If that is a common-sense proposition, why very well, but according to my idea of common sense it would be to make the appropriations for 12 months each year.

Mr. SHERLEY. If the gentleman will permit. The gentleman talks about an appropriation for 16 months. You appropriate so much money as can be expended prior to the 4th of March and then you may appropriate so much money as may be expended in three or four months only because you are in the summer months when there is much building, and it is not simply appropriating for 16 months but it is appropriating all the money that can be used toward the completion of the project prior to the time when the new money is available.

Mr. MANN. But here is the point. The gentleman states now in this bill estimates were submitted for the full fiscal year of 12 months and that they have reduced those estimates by one-third so as to make only two-thirds of an appropriation of the estimates.

Mr. SHERLEY. Now, if the gentleman will permit, I will say that we simply had in each instance the Supervising Architect tell us how much money could be used prior to the 4th of March. In some instances it did not amount to three-fourths of the estimates; in other instances it did not amount to one-

tenth of the estimates; in other instances it amounted to more than three-fourths, according to the stage of the work the building was in. In other words, we simply adopted the common-sense rule of providing money toward the completion of a building for a time sufficient to reach a point when new money would be available.

Mr. MANN. Will the gentleman answer me one other question?

Mr. SHERLEY. I will try.

Mr. MANN. Under what authority of law do these appropriations become available at once?

Mr. SHERLEY. The covering-in act of 1874, I am informed.

Mr. MANN. Of course that act does not provide anything of the kind, but it may be so construed.

Mr. FITZGERALD. The gentleman is mistaken, I think, about it.

Mr. MANN. I am not mistaken, because I have just taken the trouble to read it, and I can give the gentleman a better reference to it than he has in the bill, because he has the date wrong there. I had to go and look it up, because it is in the bill as "June 24," 1874, but as Congress adjourned before that date, that could not have occurred, and I finally located it. I give the gentleman the benefit of that, so that he can amend it when that part is reached.

Mr. FITZGERALD. Possibly that is a clerical error.

Mr. MANN. Possibly it is a clerical error.

Mr. FITZGERALD. The act of June 20, 1874, is the act to which I referred.

Mr. OLMSTED. Mr. Chairman, I have been a member of the Committee on Appropriations but a short time and am not familiar with the practice in former years. But I am familiar with the fact that this particular item under discussion has been inserted in the bill upon the same basis as all other appropriations for similar purposes, namely, according to the amount which will be needed before March 4. In the meantime another bill will have been passed to provide the balance necessary.

Now, take a case in my own district. On page 56 of the hearings, taken from the statement submitted by the Supervising Architect concerning the public-building for courthouse and post office at Harrisburg, it will appear that the total authorization is $125,000. Forty thousand dollars have already been appropriated. The estimates in the bill are $85,000 more, and the Supervising Architect says:

This work is an extension to an old building. Drawings are under way and a contract will probably be in force by May. As this will allow 14 months of actual construction work prior to July 1, 1913, the full amount estimated will be required.

That is, the full sum of $85,000. We have put in the bill but $35,000.

Mr. FITZGERALD. What is the gentleman speaking about now?

Mr. OLMSTED. The Harrisburg (Pa.) post office. I say this item is on the same basis as all the others. I am instancing a case in my own district.

Mr. FITZGERALD. The gentleman has not looked quite far enough.

Mr. OLMSTED. I think the gentleman has not listened quite far enough.

Mr. FITZGERALD. I may have misunderstood.

Mr. OLMSTED. What I am saying is that although $85,000 will be required by the 1st of July, we have only put $30,000 in the bill, because that is all that will be required before the 4th of March, and that is on the same basis as all the other appropriations of the same kind.

Mr. FITZGERALD. I misunderstood the gentleman.

Mr. OLMSTED. And if this particular item is to be amended as desired by the gentleman from Tennessee, then there are 40, 50, or 100 items in here that would have to be amended to put all upon the same basis.

Mr. HULL. Suppose this department exercises the absolute control over this system of building and construction and does not want to expend any money on your building until July, next year, would you be here acquiescing in that course?

Mr. OLMSTED. I suppose I could not help myself. I have a building in my district authorized four years ago and they are just beginning its construction.

Mr. HULL. The point I desire to get before the gentleman is this: The department is swamped in its management of the system as it now exists. Suppose they had partially completed the construction of this building under former appropriations, and if in this bill they should decide not to make a request for any more appropriations, and that they should not do any work until after the 4th of March next year, and then would ask an additional appropriation in that year, and then resume work according to their own idea——

Mr. OLMSTED. They do not do business in that way. When they commence construction they go right through with it. They do not commence it until they have the plans ready. I have had the same difficulty the gentleman has. It arises in large part because we never have appropriated enough money to pay for the necessary assistance in the office of the Supervising Architect to rush these matters through as fast as the gentleman from Tennessee and myself would like to have them.

Mr. HULL. That depends upon whether they desire to construct 10 buildings or 12 buildings or 15 buildings per month, does it not?

Mr. OLMSTED. It depends upon the number of assistants they have in the office to prepare the plans.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. GARNER. The gentleman from Pennsylvania is mistaken. The hearings taken before the Committee on Expenditures on Public Buildings and Grounds showed that with an identical appropriation, under the direction of the Secretary of the Treasury, they decreased the construction of buildings from 15 to 10 per month.

Mr. OLMSTED. That is because they did not have sufficient assistants.

Mr. GARNER. No. It was done during one fiscal year when they could have constructed 15 buildings per month, and yet they decreased it on account of a deficiency in the Treasury.

Mr. OLMSTED. Of course, if they did not have the money, they could not build the buildings.

Mr. GARNER. They decreased it intentionally in order to relieve the Treasury from the expense.

Mr. OLMSTED. Well, if there was a deficiency in the Treasury, that is a sufficient reason; there would certainly be no wisdom in appropriating the money when there was no money to be appropriated.

I merely wish to say, Mr. Chairman, that this item is on the same basis as all other similar items, and if you are going to amend one, you ought also to amend 40 or 50 similar items in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEALL of Texas. Mr. Chairman, I sympathize very much with the gentleman from Tennessee [Mr. HULL] in his desire to see completed the building which has been authorized to be constructed at Lebanon, Tenn. That is one of the centers of thought and culture in that historic State. But I do not think it is very material whether this bill carries $1,000 or $50,000, because, judging the future by the past, no part of that money, whether it is $1,000 or $50,000, will be expended during the next year. The Treasury Department constructs buildings for future generations, never for the present one. The policy seems to be to construct buildings only upon authorizations hoary with age.

As I understand it, the authorization for this building was secured only about two years ago.

Mr. HULL. Mr. Chairman, will the gentleman permit me in that connection?

Mr. BEALL of Texas. Yes.

Mr. HULL. As I understand the system over there—that is, so far as I can understand it, for I have never been able, even after investigation, to understand it fully, and I think very few Members do understand it—the order in which buildings are listed for construction is determined by the order in which the sites are obtained. The site for this building was authorized four or five years ago; at least four years ago.

Mr. PAGE. Mr. Chairman, if the gentleman will allow me——

Mr. BEALL of Texas. I yield——

Mr. PAGE. That is not necessarily true, because a site may be acquired and no appropriation secured for 10 years. An interval of 10 years might elapse between the two.

Mr. HULL. And under this system the site authorized in the bill of 1908 might be secured and the building following in the natural course would not be touched, whereas a building authorized, or a site authorized, in 1910 might be under way and perhaps constructed, because the agent of the Treasury Department or the district attorney's office or some other intervening agency beyond the power of a Member of Congress to control has operated in the first instance to delay it.

Mr. BEALL of Texas. Mr. Chairman, I was about to remark that it was immaterial when this building was authorized, whether in 1910 or in 1908. I understand that it has just now reached the point where they are considering plans and specifications. I think about the same thing is true with respect to the building authorized for the beautiful city of Ardmore, that is so well represented by my distinguished friend [Mr. CARTER] on my left. My experience has been that when they begin working on the plans and specifications of a building the trouble has just begun. It takes more than a Cæsarian operation to extract a set of plans and specifications from the Supervising Architect's office. They have to be made, altered, amended, changed, substituted, modified, rejected, reconsidered, approved, suspended, and finally adopted before bids are called for. In the usual course of affairs this stage will be reached in about 1915 with the Lebanon building. The situation will just begin to be interesting then. Although Tennessee is well supplied with building material, in all probability the specifications will require stone to be brought from Maine and the cement from over on the Pacific coast; and after the bids come in it will be discovered that the appropriation is not sufficient and that it will require an increase. About the year 1919 the formal letting of the contract will occur. A year or two after that the contractor will seem almost ready to begin the constructing of the building, but some unforeseen occurrence will develop. About 1921 the contractor, for some reason or another, will make default on his contract, and it will be necessary for the Supervising Architect's office to begin all over again. In 1925, on the 4th day of July, the cornerstone of the post-office building at Lebanon, Tenn., will be laid with imposing ceremonies. It is to be hoped that the distinguished gentleman [Mr. HULL] will still be serving as the faithful Representative of that district in this House, and that on the interesting occasion just suggested it will fall to him to deliver the customary oration and to revive the memory of the conditions under which the original authorization was secured. [Laughter.]

Mr. SHARP. May I ask the gentleman a question?

Mr. BEALL of Texas. Yes.

Mr. SHARP. To what does the gentleman attribute this delay in these buildings?

Mr. BEALL of Texas. I think the gentleman misunderstands me. I am not denominating the lapse of only 15 years a delay.

Mr. SHARP. The last suggestion of the gentleman, in which I heartily join, opens up a field of inquiry that is quite interesting. It has been suggested to me at different times that often this very delay is a good reason for the Representative in this House to appeal to his constituents that in order to have the building completed he must still continue to represent them.

Mr. BEALL of Texas. That is true. If the gentleman from Tennessee [Mr. HULL] were a wicked Republican, I would say that this public building would be a substantial basis to be used by him in campaigns for the next 15 or 20 years. [Laughter.] Of course, though, the gentleman from Tennessee [Mr. HULL] has a record here justifying the judgment of his people in electing him, and he is not compelled to resort to such means of securing public favor.

After the corner stone is laid the work will progress with the same proportionate rapidity. The gentleman from Tennessee is now a young man——

Mr. HULL. Will the gentleman yield?

Mr. BEALL of Texas. Yes.

Mr. HULL. I notice the gentleman has an item in this bill, or the remnants of an item, pertaining to a building in his State. Does not the gentleman think that the failure of this bill to carry a larger appropriation for his own building in his own district would suggest that some attention be devoted to that in the course of his remarks?

Mr. BEALL of Texas. I have been devoting much attention to that, Mr. Chairman, for a number of years. That authorization was made four years ago. For two or three years I indulged the hope that during the course of my life, if I was permitted to live out the allotted span, I might see a public building at Hillsboro, Tex. The gentleman from Tennessee [Mr. HULL] is a young man, while I am more advanced in years. I really think there is some probability that the gentleman from Tennessee will live long enough to see his building completed at Lebanon. I have almost abandoned all hope of that in my Texas town. I imagine that when ripe, old age comes to the gentleman from Tennessee [Mr. HULL], when he is stooped and bent beneath the burden of his years but still in the service of a grateful constituency, he may be able to participate in the celebration that will occur at Lebanon, Tenn., over the completion of the building the authorization for which he secured so many years before. [Laughter and applause.]

Mr. HULL. Four or five years ago.

Mr. FITZGERALD. Mr. Chairman, gentlemen on the other side seemed astounded, as if something unusual had been done in this bill in providing for river and harbor work and public-building work until the 4th of March next. I made the statement upon information that that has been the practice of the committee and is not unusual.

Mr. BUTLER. May I ask the gentleman how usual is that practice?

Mr. FITZGERALD. Gentlemen challenged my statement and said that while they did not doubt that I meant to be accurate, they were quite convinced that I was in error. Now, I intend to prove by the RECORD that I knew what I was talking about, even if it is a matter of recent discovery to other gentlemen.

On the 18th of March, 1908, Mr. Taylor, the Supervising Architect, was before the Committee on Appropriations:

The CHAIRMAN (Mr. Tawney). Your estimates for public buildings begin on page 1 of the bill before you and are printed in the bill as they appear in the annual Book of Estimates. Since submitting the annual estimates have you revised them in order to determine the exact amount that you will require to continue the work now authorized until your next appropriation becomes available?

Mr. TAYLOR. I have.

We were then in the long session of Congress in 1908, as we are now in 1912, and that meant that the appropriation or estimates were until March 4, 1909.

On March 30, 1908, in considering the estimates for river and harbor work:

The CHAIRMAN (Mr. Tawney) to Gen. McKenzie, who was the chief engineer. Do the amounts suggested in your revised estimates cover the amounts that you would expend between the 1st of July and the time your next appropriation will become available?

Gen. MCKENZIE. There are two statements, one to July 1, 1909, and the other to March 1, 1909.

Mr. TAWNEY. Your appropriations become immediately available when made, and continue available until expended?

Gen. MCKENZIE. Yes.

The CHAIRMAN. So if the amounts estimated as necessary to carry you to the 4th of March next were provided, then the appropriation passed at the next session for river and harbor improvements would become available on the 4th of March and would enable you to continue the work throughout the remainder of this fiscal year, and also during the next fiscal year?

Gen. MCKENZIE. Yes, sir; it would.

In 1910, two years later, we were in the long session of Congress, and on February 22, 1910, Mr. Taylor, the Supervising Architect, being then before the committee:

The CHAIRMAN (Mr. Tawney). Will you please take the document beginning on page 31, and state just what the status of the present appropriation is and what is the least amount that will be required that will be necessary to meet the requirements in each case during the fiscal year 1911, taking into consideration the fact that Congress will be in session next December?

Mr. TAYLOR. I have that prepared in a statement, which I will give you.

An examination of the testimony shows that he indicates the sums that would be required for the various buildings until the 1st of March, 1911. For instance, Denver, Colo.: "In view of the fact that there will be only 10 months to March, 1911, it is believed that this estimate," which was for $250,000, "can be safely reduced by $100,000." And in the same year when the river and harbor bill was under consideration in the sundry civil bill, on February 28, 1910, the chairman, Mr. Tawney, said:

Maj. Kavanaugh, in view of the fact that these appropriations become immediately available and remain available until expended without any reference to the fiscal year for which they are made, and also in view of the fact that the next sundry civil appropriation bill will carry the appropriation which will become immediately available before the 4th of March, will you take with you the reduced estimates and go over your testimony, reduce your estimates on the theory of the amount necessary in each case until March 4, or until the next appropriation becomes available?

I do not suppose it is necessary to go back beyond 1908. I know what the practice of this committee has been, although other gentleman may not.

Mr. BUTLER. Was the revision made?

Mr. FITZGERALD. The revision was made and the appropriations were made in accordance with the reduced estimates. I have reviewed the appropriations made by the Republican Congresses on several occasions. I have not attempted to make a case against the Republican Party because of that method of appropriation, knowing that this was not only a sound and proper but the only wise practice that could be followed. I have never criticized the Republican Party for pursuing a proper practice.

This bill follows a practice that has been in force—I will not say for more than four years, because I have only produced the records since 1908, but I can produce them further back—for at least four years. The clerk of the committee, who is well informed and whose memory on these matters is better than mine, informs me that so far as the river and harbor appropriations are concerned, this is the settled, accepted policy of the committee. I was under the impression that we had initiated this policy in regard to public buildings in 1910, but I find upon examination that it was put into force two years earlier, and it may be if I had an opportunity to go back further I should have found that it had been put in force at the very beginning of Mr. Tawney's services as chairman of the Committee on Appropriations.

These appropriations are made for the purpose of enabling the public service to be carried on in a proper manner. We have not attempted to exercise any discretion over the amounts. Ten million dollars heretofore appropriated for the construction of public buildings, because the estimates were so very

liberal, can not possibly be expended during the next fiscal year. That is one of the reasons that has led to the adoption of a policy to make it possible for appropriations to correspond with work that could be done. Nobody is harmed by not making the appropriation larger and nobody is benefited by increasing the appropriation, but to those who have for some reason or other the necessity to examine and discuss and analyze the expenditures of the Government it is disconcerting to find the appropriations out of all proportion to the amounts that are expended. It is very difficult to reconcile appropriations with statements of expenditures prepared by the Treasury Department and most difficult to understand or to have an intelligent comprehension of the fiscal operations of the Government. In reporting this bill to the House I stated frankly what had been done about these matters. I hope that this amendment will not prevail.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I do not desire to take up the time of the committee, but in view of the eloquent address made by the distinguished gentleman from Texas [Mr. BEALL] I became somewhat anxious about the allowance in this bill for a post office in my district, and I desire to ask the chairman, who has given so much study and time to this bill, if he will be kind enough to answer what is meant on page 55 of the hearings with reference to that appropriation of $20,000 for Harrisburg, Ill., being at the bottom of the page, where this language is found:

This building is No. 52 on the active list. Drawings will be taken up in May, and the contract will probably be in force by September, 1912.

I understand that the drawings have not yet been made. I have not that information from the department to-day nor within the last few days, but I have had the information from a member of the committee to-day.

Mr. FITZGERALD. This statement to which the gentleman refers means that some time in the month of May of this year work will be commenced on the plans, and that it would take from that time until September to prepare the plans, to advertise for bids, and to consider the bids and to make the contracts.

Mr. FOWLER. May I safely rely upon the statement that the contract will be let during this fall or some time during this year? The word "probably" is used there. It says that probably the contract will be in force by September, 1912.

Mr. FITZGERALD. Mr. Chairman, as I understand this explanation, unless some unforeseen thing happens, the contract will be in force. Frequently a situation like this develops, and it might develop in the gentleman's district. Plans would be prepared and bids invited and the bids would be in excess of the limit of cost.

The department would attempt to eliminate certain items, and the gentleman or his constituents, or the Senator from his State, would protest against the elimination of certain items and request that the matter be held in abeyance until Congress could act again upon the matter. There are several instances in which contracts would have been let for public buildings a year or more in advance were it not for the fact that the Representative from the district, because of the desire of his constituents, preferred that no action be taken until he could have an opportunity to obtain legislation which would increase the limit of cost and thereby permit a more ornamental building than could be constructed within the appropriation. Ordinarily, unless some unforeseen occurrence takes place, I believe these statements can be relied upon. I call the gentleman's attention to the fact that this bill carries $20,000, which is the amount of money that is expected will be used for the construction of the building up to the 4th of March next.

Mr. FOWLER. It is not intended to be taken as a limitation upon the amount of money that is to be used?

Mr. FITZGERALD. Oh, no; it is all of the money that the department will be able to expend between now and the 4th of March.

Mr. FOWLER. And the amount which was originally sought to be appropriated was sixty or sixty-five thousand dollars, as I recollect.

Mr. FITZGERALD. Forty thousand dollars, which would carry the work until the 30th of June.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Lewes, Del., post office: For commencement of building under present limit, $20,000.

Mr. MONDELL. Mr. Chairman, I do not believe it has even been my pleasure——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MONDELL. I move to strike out the last word—to hear so much pure sophistry in the same length of time as we have heard from the gentleman from Kentucky and the gentleman from New York with regard to the manner in which these appropriations are submitted.

Mr. BARTLETT. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. I make the point of order the gentleman is not speaking to the amendment that has reference to this particular item.

Mr. BUTLER. The gentleman moved to strike out the last word.

Mr. BARTLETT. I understand he moved to strike out the last word of this paragraph, but this paragraph does not relate to what the gentleman is discussing.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to amend by increasing the amount $5,000.

Mr. BARTLETT. Mr. Chairman, I did not make the point of order on the gentleman's amendment, but I made the point of order that he was not speaking to his amendment.

Mr. MONDELL. And I want to call attention of the Chair to the fact that my time has been largely consumed by the gentleman from Georgia. [Laughter.] The gentleman from New York says that no private firm or individual would set aside or appropriate money for a payment beyond the term for which it was appropriated or set aside. Why, certainly not. What we are complaining of is that this committee has not set aside or appropriated or made available enough money to cover the term named in the appropriation. In other words, it is a fraud; it is an appropriation for 8 months, masquerading as an appropriation for 12 months, and the inevitable result will be in the next bill we must appropriate for 16 months.

Mr. SHERLEY. Will the gentleman yield right there?

Mr. MONDELL. Now, if it is not good business to set aside money for a full fiscal year, what sort of a business is it to set aside money for a fiscal year and four months more?

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. SHERLEY. Suppose a building can be completed by the 1st of August, 1913. We appropriate now money enough to supply the work up to the 4th of March. In the next bill we only have to appropriate from March until August instead of 16 months, which illustrates what I said, that there can be no fiscal-year proposition applied to this.

Mr. MONDELL. Mr. Chairman, on the contrary, the estimate is made for the amount of money to be used in the 12 months covered by the bill. That is the estimate which the committee cuts down on the theory that when the short session comes there will be a bill on the 4th of March. Well, that bill, before the 4th of March next, must appropriate from the 4th of March to the 1st of July and from the 1st of July to the next July.

Mr. SHERLEY. If the gentleman will permit. The fact is the building or project will be completed in less time.

Mr. MONDELL. It makes not a particle of difference when some particular building is going to be completed. The question is how long the appropriation is to be available—when it is to be used. There is not a Member on either side who can justify a system under which one year we appropriate for 8 months before election and the next year after the election we are expected to appropriate for 16 months. If the facts are as the gentleman has stated with regard to past appropriations, then the last appropriation bill provided for 16 months, this one will be for 8 months, and the next will be for 16 months. I will say to the gentleman from Kentucky [Mr. SHERLEY] that my withers are not wrung by anything in the bill. Every public building in which I am directly interested as a Representative is, I think, amply provided for. I am objecting to a policy which has no justification from any standpoint. Neither am I worried because he advertises the beautiful little city of Sundance, in my State. If the gentleman will come with me some day to the summit of the beautiful Sundance Mountain, where the Sioux used to dance the sun dance, he will get a broad view that will clear his ideas in regard to these matters.

Mr. SHERLEY. I suggest to the gentleman I would be at least instructed by the number of inhabitants there.

Mr. MONDELL. We may not have as many as they have in some places, but in quality we have the best on the face of the earth.

Mr. SHERLEY. I suggest it lacks nothing to the advertisement of the gentleman.

Mr. MARTIN of South Dakota. How about fishing?

Mr. MONDELL. The fishing is fairly good, but we have secured no more fish hatcheries than the gentleman from Kentucky has.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I do not think the gentleman from Wyoming should feel so grieved because I assumed, when he made his criticism, he was not familiar with what had happened in the past. I produced the records in the hope that when he had the cold record before him he might see the light.

But he seems not even to accept the record or the statements of former chairmen of the committee. I have taken occasion to look up these matters a little bit, and I think, perhaps, a criticism of this bill might properly be made. Unfortunately, the committee had no power to remedy the situation which would seem to require action.

The gentleman has three buildings in this bill. In one of them the full estimate—$15,000—is given; in the other one the estimate for the entire year was $48,000, and only $30,000 was appropriated; in the third one the estimate for the entire year was $61,000, and only $40,000 was given. It is unfortunate that the practice has not been established heretofore, that the Committee on Appropriations could exercise some discrimination as to whether appropriations should be made for buildings authorized in former bills. For instance, take Rock Springs, Wyo.

The post office is to cost $75,000. The population is 5,778, and the postal revenues $11,487. Maintenance cost, $3,743 when it is finished, while we are now obtaining adequate accommodations there for $700 a year. So that in addition to the interest on the investment of $75,000 a year we make a permanent annual charge on the Government of $3,000 additional for the purpose of having this ornament contributed for the benefit of the people of Rock Springs.

Another building is at Caspar, Wyo. The limit of cost is $55,000. The population is 2,639. Postal revenues, $7,883. The permanent annual charge for maintenance when this building is finished will be $2,836.95. Ample accommodations for the public service are now being obtained in Caspar, Wyo., for the munificent sum of $210. [Laughter.] Then there is Douglas, Wyo. The limit of cost is $65,000 and the population 2,246. The postal revenue is $8,000, and the permanent annual charge in addition to the interest on the investment will be $2,836.95, while we are now obtaining ample accommodations at Douglas, Wyo., for $840.

If anybody has ever been in Wyoming and can recall the picture and the impression upon the mind made by these populous communities, and then can picture buildings thrust right into the landscape, public buildings costing from $55,000 to $75,000, lonesome and out of place, an outrage upon the æsthetic sensibilities of the people of Wyoming, he would realize what a great public service would have been performed by the Committee on Appropriations if, instead of reporting appropriations to continue these three buildings aggregating about $85,000, they had had the temerity to recommend the repeal of the law authorizing them.

Mr. PAYNE. Will the gentleman yield?

Mr. FITZGERALD. I will yield to my colleague.

Mr. PAYNE. The gentleman, I suppose, is now quoting statistics concerning buildings that have already been authorized?

Mr. FITZGERALD. Yes.

Mr. PAYNE. Has the gentleman in his possession the bill that has now been prepared, or all that has been prepared of it, for the next session of Congress, for erection of public buildings?

Mr. FITZGERALD. I have no information about the bill or that it will be prepared.

Mr. PAYNE. I have. I have been solicited for the bill.

Mr. FITZGERALD. I will undertake to say that a Democratic House will not report any bill containing recommendations from $10,000 to $50,000 or $75,000 for public buildings in any community the population of which is less than 300. [Applause.]

I have no doubt it must have been overlooked that the House was no longer Republican when such bills passed in another place.

Mr. GARNER. Will the gentleman yield to a question in that connection? I would like to know, as a matter of information, as to what the basis of this permanent annual expense of the conduct of these buildings is. The gentleman gives a certain amount as being a certain annual charge against the Government. On what is that based?

Mr. FITZGERALD. The Supervising Architect has charge of these buildings, having 652 in commission. Based on the experience of the past, he is able to estimate quite correctly the amount that will be required for heat, light, and personal services. The Secretary states that the figures I have read, given in the statement heretofore placed in the RECORD, were based upon averages ascertained by the division of buildings into 16 different classes and prorating the measure of expense, including all the items referred to, in an inquiry submitted by myself, for a period of five years.

Mr. GARNER. Does the gentleman estimate as to what the expense will be?

Mr. FITZGERALD. The estimate, if anything, I am inclined to think is not exaggerated.

Mr. MADDEN. Mr. Chairman, I have always been of the opinion that no public building should be erected anywhere except where the public business justifies it, and I am still of that opinion. I believe that there ought to be some system adopted under which sufficient information can be obtained upon which to base proper action before public-building bills are enacted into law. If we can rent a building for the transaction of the public business in a given town for $500 a year, we are not justified in spending $100,000 for the construction of a building in that town, or $70,000.

As to the question of the method of appropriation, I believe the committee is right in recommending the appropriation only of the money that can be used. There is no use to appropriate money for the construction of a building the contract for which can not be let for a year or two after the appropriation is made, and if the committee recommends money to be expended in the construction of buildings that can be constructed during the period for which the appropriation is made, then I believe the committee has performed its duty. Whether the appropriation covers a period of 8 months or 16 months, it does not matter. If this committee appropriates for the construction of buildings money that can actually be used during the time between now and the 4th of next March no harm is done, because if there is more money needed for the construction of a particular building after the 4th of March we can make the appropriation before the 4th of March to cover that deficiency.

As a matter of fact, it is not a question of appropriating for 8 months or 16 months. It is a question of appropriating for each particular building, whether it be for 1 month or for 20 months, for 8 months or for 16 months. There is no doubt about that. What is the use and what is the business sense of asking the committee to recommend the appropriation of moneys which the executive branch of the Government says it can not use? The committee ought to be commended for the good sense it displays in accepting the advice of the men who are thoroughly familiar with what use can be made of the money.

If the Supervising Architect says to the Committee on Appropriations that he can use only a thousand dollars at Lebanon, Tenn., for example, why should the committee insist upon letting him have $10,000? If the Supervising Architect says he can use before the 4th of March only $30,000 on a building which requires an ultimate expenditure of $85,000, why should the committee insist upon appropriating more than $30,000? I congratulate the committee upon the wisdom of its action. It is acting in a sensible and businesslike way.

There ought to be no politics in this. This is a business proposition, and whether the Democratic committee is doing what it is doing for the purpose of making political capital, or for whatever purpose it may be doing it, I do not care. For one Member of the House, I believe that all this business ought to be done on a businesslike and nonpartisan basis. I am not standing here as a Republican or a Democrat, trying to make political capital out of a thing that ought to be done for purely business purposes. [Applause.] I am opposed, first, to the appropriation of any money for any building in any town in the United States where the population of that town and the receipts of the public service there do not justify an appropriation for the construction of a public building. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

McAlester (Okla.) post office and courthouse: For completion of building under present limit, $70,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 12, line 22, strike out the word "completion" and insert in lieu thereof the word "continuation."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

New Haven (Conn.) post office: For continuation of building under present limit, $125,000.

Mr. TILSON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill for certain information in regard to the hearings contained in Part VI. I notice that the expense of maintenance of the proposed building at New Haven is $38,441.98. The annual rental and other expenses is $600. What does that mean? It is found on page 16 of Part VI of the hearings.

Mr. PAGE. What town?

Mr. TILSON. New Haven, Conn. In giving some information to the gentleman from Wyoming [Mr. MONDELL] a few minutes ago the chairman of the committee used the figures contained in this table, giving the amount of rental which was already being paid by the Government, and comparing it with the maintenance of the new building when completed. Does this same thing apply to the building with reference to New Haven?

Mr. FITZGERALD. The estimate is based on the experience of the department, and a compilation of data.

Mr. TILSON. It is very patent that the expenses of maintaining a building suitable for a post office at such a place as New Haven would be more than $600. The rental would be very much more than that, of course. I was wondering what that information meant.

Mr. SHERLEY. That may be inaccurate, but it is presumably the estimated cost of rentals and other expenses. There may have been a figure dropped in the printing. I can not answer as to that.

Mr. TILSON. There is an old post-office building in New Haven, and as a matter of fact the Government has not been paying any rental for the post office.

Mr. SHERLEY. It may be, then, that the $600 represents the cost of maintenance of that building now as compared with the estimated cost of maintenance when the new building is completed.

Mr. TILSON. That could not be, because the maintenance of the building, including heat, light, and watchmen, would certainly be a great deal more than that. I wondered if it did not refer to outside quarters. The Government has had to rent quarters outside of the post-office building for some purposes.

Mr. SHERLEY. That may be.

Mr. FITZGERALD. That contains a statement of annual rental and other expenses. In the event that there is a public building there at present, there would be no statement of annual rent, unless there were some place rented outside of the present public building. I think we all appreciate that the cost of maintaining a public building at New Haven, a city of some 150,000 population, is considerably in excess of $600.

Mr. TILSON. It occurred to me that it made a very bad showing if that was what it was intended to represent, because sufficient quarters for a post office in New Haven could not be obtained for $600. As the matter stands, explanation is necessary to save it from being meaningless or actually misleading.

Mr. FITZGERALD. When this document was sent to me, appreciating its importance and the value of the information contained in it, I took the precaution to send it back to the Treasury Department to check up the figures, so that if there be a mistake, due to an oversight, it might be corrected. I think it is explained by the fact that there was no attempt to place in that column of annual rental and other expenses the present cost of maintaining the public building which is in existence, and in that respect it may be somewhat misleading.

Mr. TILSON. I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is getting late in the afternoon, and gentlemen will soon be going away. I want to ask the gentleman from New York a question. I suppose he would like to run through the public-building items to-night if he can. What is the purpose of the gentleman in regard to to-morrow?

Mr. FITZGERALD. Mr. Chairman, I intend to request that when the House adjourn to-night it adjourn to meet at 10 o'clock to-morrow morning. It is the expectation that the committee will sit until about 2 o'clock and then rise, and then the House will adjourn.

The Clerk read as follows:

Shelbyville, Tenn., post office: For commencement of building under present limit, $1,000.

Mr. HOUSTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, line 10, amend by striking out the words "one thousand dollars" and inserting in lieu thereof the words "ten thousand dollars."

Mr. PAGE. If the gentleman will let me call his attention to the fact that instead of striking out "$1,000" in the item for Shelbyville, Tenn., he is striking it out in the item of Searcy, Ark.

Mr. HOUSTON. Mr. Chairman, my amendment should apply to page 19, line 12.

The CHAIRMAN. The amendment will be modified in accordance therewith.

Mr. HOUSTON. Now, Mr. Chairman, I do not care to say anything further in regard to this matter. I have already set forth the reasons why I think it ought to be adopted, and I do not wish to take up further time of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the enlargement of the power plant, including additional boilers, settings, connections and appliances, tunnels, and ducts, complete, to equip the same for supplying heat and steam to the present buildings and to the new building heretofore authorized to be constructed for said bureau, $50,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This seems to be an appropriation for a power plant in the new Bureau of Engraving and Printing. I want to ask the gentleman from New York if this appropriation is made without regard to the question of a central heating plant, about which the committee had an investigation?

Mr. FITZGERALD. This is needed in any event.

Mr. CANNON. Whether the central heating plant is agreed upon or not?

Mr. FITZGERALD. If a central heating plant is agreed upon, this money will be expended for boilers that will be utilized in that plant. If it be not agreed upon, the boilers are needed in any event. Mr. Chairman, I ask unanimous consent that the committee have the right later, if it so desires, to offer an amendment in relation to the proposed plant mentioned by the gentleman from Illinois. The Treasury Department submitted a plan for the construction of a central heating plant designed to take care of certain public buildings.

All of the information desired was not in the possession of the committee at the time this bill was reported, and therefore it had not been able to determine what would be the most desirable thing to do, but before the bill is concluded it is possible that the committee will reach some definite agreement. I ask unanimous consent that we have the right to offer it at this point if the amendment should be thought desirable.

Mr. MANN. The gentleman means to ask unanimous consent to have the right to recur for the purpose of offering an amendment.

Mr. FITZGERALD. Yes; I do not mean that the point of order should be waived.

Mr. CANNON. In that same connection, at the end of line 2, page 22, the central heating plant would be in order, and I take it the gentleman desires leave to return to that point.

Mr. FITZGERALD. Line 21, page 21, would be a more proper place, I think, directly after the enlargement of the present power plant.

Mr. CANNON. I think the gentleman is correct. I want to say in passing that I am inclined to think, from what little knowledge I have about it, that the central heating plant ought to be provided for from a standpoint of economy and safety.

Mr. FITZGERALD. I want to say, and I think everybody is in accord with this statement, that the matter is one of great importance, and, like a number of other very important matters that should be considered at this time, the tremendous amount of work that devolved upon the committee made it impossible to reach an intelligent conclusion on several matters. We hope before the bill is concluded that the committee may be able to present a plan for the action of the House. I ask unanimous consent that we may return to the paragraph beginning with line 17, page 21, for the purpose of offering an amendment for a central heating plant.

The CHAIRMAN. Without objection, the consent will be granted.

There was no objection.

The Clerk read as follows:

So much of the urgent deficiency act approved August 5, 1909, as authorizes the Secretary of the Treasury to procure from certain engineers plans and specifications for the mechanical and electrical equipment of the new Bureau of Engraving and Printing Building is repealed.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. Has the power proposed to be repealed been exercised at all?

Mr. FITZGERALD. To what does the gentleman refer?

Mr. MANN. The bottom paragraph on page 21.

Mr. FITZGERALD. It was. A contract was made with certain engineers——

Mr. MANN. All I wanted to know is, whether this affects in any way any outstanding contract or arrangement.

Mr. FITZGERALD. No. I will state briefly the facts, because I think they ought to be in the RECORD. A contract was made with a firm of engineers to plan and design the mechanical equipment for this building. The compensation was fixed, my recollection is, at 3½ per cent upon the cost, with a provision that the compensation would not be in excess of $12,000. After the plans were about 85 or 90 per cent completed, because of some rearrangement of the building, the engineers were requested to suspend work, and then certain modifications were requested. They submitted plans based upon this contract, aggregating in cost $22,000 or $23,000. They were actually paid $19,000 for the incomplete plans, while under their contract they should not be paid in excess of $12,000. They have submitted in addition claims aggregating $6,000 more. The department is having the plans prepared in the Supervising Architect's Office, and it requested that the law be repealed, so as to end that situation and not make it possible to have any recurrence under it. This provision is put in at the request of the department, and in the belief of everybody who has looked into it the provision should be repealed. The same is true with regard to the provision in regard to vaults.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For rent of temporary quarters for the accommodation of Government officials and moving expenses incident thereto at Winston Salem, N. C., $7,000.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. I desire to make an inquiry about the paragraph on page 22, line 3, being the appropriation for the continuation of the work on the Washington Post Office Building. I wish to ask the gentleman in charge of the bill if it is not a fact that the construction of the Post Office Building in Washington is being carried on during Sunday?

Mr. FITZGERALD. I have no information about the matter.

Mr. AUSTIN. I have passed by there several times on Sunday and have seen the laboring men engaged on that building on Sunday, and I do not know of any other instance in the United States where a contractor is using his force on the Sabbath day in the construction of a Government building. If there is any way to prevent it, I think we ought to do it.

Mr. FITZGERALD. Mr. Chairman, I do not think a contractor would work on a building on Sunday unless it was because of some extraordinary conditions. Work that is done on Sunday costs very much more than a contractor cares to pay. He pays either time and a half or double time to the men employed on Sunday. It might be because of some extraordinary and peculiar condition. I think that would be the only reason that would induce him to do it.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. COOPER. I do not know whether my information is authentic or not, but I was told that they had to overcome some very difficult features about the foundation, something in the way of quicksand, or something of that kind, which necessitated an extra amount of work.

Mr. FITZGERALD. Mr. Chairman, I am informed that at present they are engaged on the excavation work, and the conditions are such that it makes it very important that that part of the work be completed as quickly as possible.

Mr. AUSTIN. I have passed there on several Sundays and, of course, that place is inclosed with a high fence, and you can not tell what the workingmen are doing. Of course, one knows they are working there.

Mr. FITZGERALD. I think the reason is because of the hazardous conditions that result during this period of excavation. It is very expensive for a contractor to do work on Sunday, and unless there is a very peculiar condition there is great difficulty in getting one to do work on Sunday.

Mr. AUSTIN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs and preservation of customhouses, courthouses, and post offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Alaska, buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings, and other public buildings and the grounds thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $625,000: *Provided*, That of this amount not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder Buildings, at Washington, D. C.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, line 18, strike out the figures "$625" and insert in lieu thereof "$650."

Mr. CANNON. Mr. Chairman, the estimate is for $650. The reason assigned for an increase of the estimate over the appropriation for the current year is that there are 50 or 60 more buildings to be cared for. It seems to me the increase ought to be given.

Mr. FITZGERALD. I simply desire to call attention to the fact that for the current fiscal year there was no increase over the appropriation for this item whatever. The appropriation was $600,000 for 1911 and $600,000 for 1912.

Mr. CANNON. Yes; but the gentleman is aware that there is an increase of many buildings for this current year and an increase of over 100 buildings to be finished for the coming year.

Mr. FITZGERALD. That is very true. The Supervising Architect asked $50,000 additional for repairs to public buildings, but because they are new buildings and are coming into commission the committee reached the conclusion that in view of the character of these buildings—that they were new—that it would be practically impossible to spend any money on repairs in that first year if they were properly constructed, and that an increase of $25,000 instead of $50,000 in the appropriation would probably be adequate.

In the estimates for 1911 the Supervising Architect asked for $700,000, although the appropriations for 1900 were $550,000. The committee that year increased the appropriation only $50,000 and refused to give $100,000 of the amount requested. I think that this time the committee has been fairly considerate, in view of the experience we have had, in increasing this appropriation $25,000.

Mr. CANNON. Now, the gentleman will notice it is not only the buildings, but the grounds, for the preservation of all the buildings, both the new and old. I simply desired to call the attention of the gentleman to it. We either appropriated too much heretofore or are appropriating too little now.

Mr. FITZGERALD. The committee endeavored to give that sum which would enable the Supervising Architect's Office to exercise some care in keeping these buildings in proper repair.

Mr. MADDEN. I suppose the gentleman should be aware, if he is not, that it frequently happens that the first year's building services requires more repairs than it does five years after, because of the fact the material in the building, doors, window sills, and so forth, shrink and have to be fitted up.

Mr. FITZGERALD. Yes; and there is another element to be considered. It is very seldom that when a public building is completed the appropriation is entirely exhausted, and those things that are paid the first year are usually charged to the construction account.

Mr. MADDEN. If they are, that is all right.

Mr. FITZGERALD. And paid for out of the original appropriation.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Mechanical equipment for public buildings: For heating, hoisting, plumbing, gas piping, ventilating and refrigerating apparatus, electric-light plants, vacuum-cleaning systems, interior pneumatic-tube, conduit, wiring, call-bell, and signal systems and repairs to the same, for all public buildings, including buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, and including not exceeding $40,000 for marine hospitals and quarantine stations, and not exceeding $9,000 for the Treasury, Butler, and Winder Buildings, at Washington, D. C., and including not exceeding $10,000 for maintenance, changes in and repairs of pneumatic-tube system between the appraiser's warehouse at Greenwich, Christopher, Washington, and Barrow Streets and the new customhouse in Bowling Green, Borough of Manhattan, in the city of New York, including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance, changes, or repairs, $440,000.

Mr. MADDEN. Mr. Chairman, I reserve the point of order on the language in line 16, page 24:

Including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance and repairs, $440,000.

Mr. FITZGERALD. Mr. Chairman, I think I can explain to the gentleman why that language is put in. It is not new. Under the law of the State of New York the city of New York can not grant franchises in perpetuity in the city streets for any

purpose. Some years ago the Federal Government desired to construct a pneumatic-tube service between the customhouse in the city of New York——

Mr. MADDEN. And this is to repair that?

Mr. FITZGERALD (continuing). To the appraisers' stores. This is to repair the street paving when disturbed to repair the tube.

Mr. MADDEN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537, pt. 1): For additional salary of $1,000 for the Supervising Architect of the Treasury for the fiscal year 1913, for the specific salaries for the personal services in the office of the Supervising Architect of the Treasury, set forth under said office in the legislative, executive, and judicial appropriation act for the fiscal year 1913 (not exceeding $142,920), and for compensation of principal draftsman, foremen draftsmen, architectural draftsmen, and apprentice draftsmen, at rates of pay from $480 to $2,500 per annum; for compensation of structural engineers and draftsmen, at rates of pay from $840 to $2,200 per annum; for compensation of mechanical, sanitary, electrical, heating and ventilating, and illuminating engineers, and draftsmen, at rates of pay from $1,200 to $2,400 per annum; for compensation of computers and estimators, at rates of pay from $1,000 to $2,200 per annum: *Provided*, That the expenditures for compensation under all the foregoing classes for the fiscal year ending June 30, 1913, shall not exceed $317,920; for compensation of supervising superintendents, superintendents, and junior superintendents of construction, at rates of pay from $1,600 to $2,500 per annum, but in no case exceeding $8 per day, Sundays included: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1913, shall not exceed $245,000; for expenses of superintendence, including expenses of all inspectors and other officers and employees on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof under orders from the Treasury Department; office rent and expenses of superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property, etc.; for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and exchange of same, furniture, carpets, and office equipment, stationery, telephone service, and such other articles and supplies as the Secretary of the Treasury may deem necessary and specially order or approve for the use of the office of the Supervising Architect, exclusive of heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, but including not exceeding $1,000 for books of reference, technical periodicals, and journals subscriptions to which may be paid in advance, and also for contingencies of every kind and description, traveling expenses of site agents, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other minor and incidental expenses not enumerated, connected solely with work on public buildings and the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's office, as the Secretary of the Treasury may deem necessary and specially order or approve, not including surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections; in all, for the foregoing objects for general expenses of public buildings, $656,920.

Mr. MANN. Mr. Chairman, I move to strike out the last word. First I ask unanimous consent to change the spelling of the word "engineers," at the bottom of page 25, line 25.

The CHAIRMAN. Without objection, the change will be made.

There was no objection.

Mr. MANN. I would like to ask what about this language, on page 25, line 15, and so forth, in reference to the specific salaries for personal services carried in the legislative bill. How do you make an appropriation in this bill for services carried in the legislative bill?

Mr. FITZGERALD. We have picked up in the legislative bill salaries which had heretofore been paid out of the lump appropriation aggregating $142,920, and in the preparation of the legislative bill we picked them up; because of certain contemplated rearrangements which it was desired for the improvement of the office the bill did not carry the money to pay them, but it was left to pay them out of the appropriations carried in this bill. Of the appropriation of $656,920, $142,920 is to pay the compensation of places which have now been put upon the statutory rolls in the legislative bill.

Mr. MANN. Why should not the item be carried in the legislative bill? It is a very cumbersome way to carry part of the salaries in one bill and carry part of the salaries in another bill.

Mr. FITZGERALD. My understanding is, as I recall it, not having the detail information as to the legislative bill as of this one, but, as the legislative subcommittee understood, a certain scheme of reorganization was submitted to the committee in the sundry civil bill. The two bills had to be considered together to determine whether all the recommendations would be adopted before this amount was transferred out of this bill into the other.

Mr. MANN. I do not remember the particular item in the legislative bill. It did not attract my attention. But did we provide in the legislative bill for certain officials, and that that was an appropriation for these items?

Mr. FITZGERALD. There was a provision, I am informed, that the compensation of these officials that were taken up in the legislative bill should be paid out of the amount in this bill.

Mr. MANN. I have no doubt the gentleman is correct. I think there was an item in the legislative bill making salaries to be paid out of a percentage to be taken out of appropriations for public-building bills.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. MANN. I thought there was an item in the legislative bill to make appropriations for places to be taken out of appropriations for public buildings.

Mr. FITZGERALD. Let me state to the gentleman what the fact is. The Treasury Department submitted a plan for the segregation of personal services from other work, and a large number of employees who are practically permanent employees are being carried in this lump appropriation. The Treasury Department worked out a scheme that everybody thought was desirable, but that could not be determined until this bill was made up.

Mr. MANN. Is it my understanding that this item carries the appropriation for the Supervising Architect's office?

Mr. FITZGERALD. Not all of it. The legislative bill——

Mr. MANN. I am not speaking now of that item, but in the main this item in the bill carries the appropriation under which plans for public buildings are prepared and public buildings are erected.

Mr. FITZGERALD. That is true.

Mr. MANN. I notice the item is decreased $150,000 from the current law.

Mr. FITZGERALD. The net increase is $31,920. The appropriation for 1912 in this item is $800,000. This carries $656,000, $514,000 to be expended under this language and $142,000 to pay the salaries in the legislative bill; and $175,000, which makes a reduction, is transferred into other items, because it more properly belongs to them.

Mr. MANN. That is what I wanted to know—whether you are reducing the amount of appropriation for the maintenance of the Supervising Architect's Office.

Mr. FITZGERALD. We have in these items given the estimate, and the net increase in this item for the purposes for which this appropriation is made is $31,920.

Mr. MANN. I have no doubt the gentleman is right, but he would have to make a chart for reading this paragraph.

Mr. FITZGERALD. Let me call attention to this fact: The following item contains the appropriation for the payment of compensation under the Tarsney Act. In fact, formerly it had been included in this particular item, and the department itself believed it ought to be taken out because it was utterly impossible for them to make an intelligent statement of the expenditures under this item.

Mr. MANN. I will be frank with the gentleman. What I want to ascertain is this: Congress wants to construct some public buildings. The Secretary of the Treasury is not quite as enthusiastic upon the subject as Members of Congress, and I do not know but that I largely agree with the Secretary. The Supervising Architect's Office, which is under the Secretary of the Treasury, has not been very overly enthusiastic, probably because it is controlled by the Secretary. Now, I understand you have given the amount of the estimate practically for this item, but did they reduce the estimate in order to cut down the number of public buildings that can be constructed?

Mr. FITZGERALD. No; we carry more money this year than last.

Mr. MANN. It has been stated here several times that the Secretary of the Treasury arbitrarily directed the Supervising Architect's Office, without any reduction in force, to reduce the number of buildings from 15 a month, as theretofore, to 10 a month hereafter.

Now, I would like to know whether in connection with any such proposition, if that be correct, they have for years proposed to cut off the appropriations for services in the Supervising Architect's Office, so that they could more easily claim hereafter a reduction in the number of buildings? I ask the question because I understand that the Secretary of the Treasury is not in favor of constructing buildings so fast, and that the Supervising Architect's Office has to yield to the Secretary of the Treasury; and I know that the Committee on Appropriations is not in favor of constructing buildings so fast; and hence I would like to know whether, through those forms of legislation that are followed, they have really endeavored to cut off the number of buildings that can be constructed.

Mr. FITZGERALD. I will state to the gentleman that in view of the temper of the House, the House would not tolerate any reduction in the estimate necessary for the conduct of the business of the Supervising Architect's Office at this time, and the committee recommended the appropriation which the Treasury Department submitted for the purpose of conducting the

business of the Supervising Architect's Office. Out of this particular appropriation heretofore there have been paid the fees accruing under the Tarsney Act, and the Treasury Department requested us to separate those fees from the other appropriation, so that they could not take money intended to be used when the estimate was made for services in the Supervising Architect's Office and apply it to the payment of fees earned under the Tarsney Act and thus reduce the amount available for use in the Supervising Architect's Office.

Mr. AUSTIN. You did a very wise thing in doing that.

Mr. MANN. My impression was that under the Tarsney Act the fees of the architects were included in the appropriation for the building. I know that was the case when they constructed our building in Chicago.

Mr. FITZGERALD. Complaint was made that where it was believed that a certain amount of money was available for a building sometimes large sums were taken out of that fund and paid to the architects. The Committee on Public Buildings and Grounds, I believe, reported a bill a few years ago providing that such fees must be appropriated for specifically.

Mr. FOSTER. Do I understand, then, that to this appropriation of $656,920 there is also to be added this sum of $175,000, making a little more than $800,000?

Mr. FITZGERALD. Yes. It makes $831,920, more than for the current year.

Mr. AUSTIN. And an increase of $31,000 and something on the outside for these buildings scattered all over the country?

Mr. FITZGERALD. Yes.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I do.

Mr. COOPER. I have been somewhat interested in the statement made by the gentleman from New York [Mr. FITZGERALD] and that by the gentleman from Illinois [Mr. MANN], about which they both seemed to agree, that the Secretary of the Treasury was opposed to the construction of certain buildings.

Mr. FITZGERALD. I do not agree to that statement.

Mr. MANN. I beg the gentleman's pardon. I said that the statement was made a number of times on the floor that the Secretary had issued an order.

Mr. FITZGERALD. The Secretary of the Treasury decided on a building program that would take about $13,000,000 a year. When inquiries were made regarding it by the Committee on Public Buildings and Grounds the Secretary stated that he had arranged the work of the Supervising Architect's Office on that basis, because, in his opinion, the condition of the Government finances would not have justified a larger expenditure in any one year for construction purposes.

Mr. COOPER. Then his opposition did not relate to any particular building?

Mr. FITZGERALD. No; he has never expressed his opposition to any particular building, I believe, although I could pick out particular buildings which he would be compelled, I think, to admit were perhaps ill advised.

Mr. COOPER. Now that the gentleman is intimating something, I would like to have him continue along that line. What building or buildings does he refer to?

Mr. FITZGERALD. Let me suggest to the gentleman from Wisconsin that he obtain a copy of this document which I printed in the RECORD, which was in reply to several letters from me addressed to the Secretary of the Treasury in January, this year, asking for certain information about various public buildings. He submitted a statement which shows the names of the city, the title of the building, the limit of cost, the population, the postal revenues, the services of the United States which would be accommodated in the building, the annual cost of maintenance of the building when completed, and the present cost of obtaining accommodations in the various communities where the buildings are to be located.

That is a matter upon which each gentleman can draw his own conclusions.

Mr. COOPER. Is that the document from which the information was derived about Sundance?

Mr. FITZGERALD. No; it is not. There is no building authorized at Sundance, unless it has been done while I have not been about.

Mr. MANN. The building at Sundance is a dream.

The Clerk, resuming the reading of the bill, read to and including page 28, line 14.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On June 4, 1912:

H. R. 16690. An act for the relief of scientific institutions or colleges of learning having violated sections 3297 and 3297a of the Revised Statutes and the regulations thereunder; and

H. R. 16661. An act to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership situated in the State of Alabama which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under and by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814.

On June 5, 1912:

H. R. 21478. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 21290. An act to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended.

On June 6, 1912:

H. R. 20111. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

INTERNATIONAL EXPOSITION AT TURIN, ITALY, IN 1911 (H. DOC. NO. 821).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, ordered to be printed and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State of expenditures on account of the International Exposition at Turin, Italy, in 1911, as required by law.

WM. H. TAFT.

THE WHITE HOUSE, *June 7, 1912.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SLAYDEN, for five days, on account of important business.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Saturday, June 8, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5882) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co., reported the same without amendment, accompanied by a report (No. 852), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22526) to

imical section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported the same with amendment, accompanied by a report (No. 850), which said bill and report were referred to the House Calendar.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, reported the same with amendment, accompanied by a report (No. 851), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25109) providing for mediation, conciliation, and arbitration in controversies between certain employers and their employees, reported the same without amendment, accompanied by a report (No. 853), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM, from the Committee on the Judiciary, to which was referred the bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America, reported the same without amendment, accompanied by a report (No. 854), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ESCH: A bill (H. R. 25192) to amend an act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, approved June 29, 1906, as amended in section 4 by the act approved June 25, 1910; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: A bill (H. R. 25193) to provide for the perpetuation of Memorial Day; to the Committee on Military Affairs.

By Mr. FERGUSSON: A bill (H. R. 25194) to amend section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two judicial districts in New Mexico; to the Committee on the Judiciary.

By Mr. GRIEST: A bill (H. R. 25195) to amend section 801 of an act entitled "An act to establish a code of laws for the District of Columbia," with reference to punishment for murder; to the Committee on the District of Columbia.

By Mr. NELSON: A bill (H. R. 25196) to provide for the erection of a Federal building at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25197) providing for the purchase of a site and erection of a suitable public building at Chandler, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 25198) to provide for the preservation of the Tumacacori Mission in Santa Cruz County, Ariz., and appropriating $25,000 in pursuance thereof; to the Committee on Appropriations.

By Mr. OLMSTED: A bill (H. R. 25199) to incorporate the Glenloro Railway Co.; to the Committee on the District of Columbia.

By Mr. CLAYTON: A bill (H. R. 25200) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898;" to the Committee on the Judiciary.

By Mr. MOTT: Memorial of the Senate and House of Representatives of the State of New Mexico, favoring the creation of two new judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Senate and House of Representatives of the State of New Mexico, to allot and open the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

Also, memorial of the Senate and House of Representatives of the State of New Mexico, favoring the amendment of Schedule K of the tariff bill; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25201) for the adjudication and determination of the claims arising under the joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: A bill (H. R. 25202) for the relief of Augustus Poole; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 25203) granting a pension to Charles E. Ingels; to the Committee on Pensions.

By Mr. CATLIN: A bill (H. R. 25204) for the relief of Edward Dodsworth; to the Committee on Military Affairs.

By Mr. CURLEY: A bill (H. R. 25205) providing compensation to Alfred Winsor & Son for injury to schooner *Lotus* caused by revenue-cutter *Gresham*; to the Committee on Claims.

By Mr. GRAY: A bill (H. R. 25206) granting a pension to Nancy C. Brooks; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25207) granting a pension to James Aitken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25208) granting an increase of pension to Abram A. Engel; to the Committee on Pensions.

Also, a bill (H. R. 25209) to correct the military record of Alonzo Lewis; to the Committee on Military Affairs.

Also, a bill (H. R. 25210) for camp grounds for the Order of Owls; to the Committee on the Public Lands.

Also, a bill (H. R. 25211) to establish a mining experiment station at Grants Pass, in the State of Oregon; to the Committee on Mines and Mining.

By Mr. LINTHICUM: A bill (H. R. 25212) granting a pension to Mary E. O'Hare; to the Committee on Pensions.

Also, a bill (H. R. 25213) authorizing the Secretary of War to donate to the city of Baltimore, Md., one small bronze cannon with its carriage and six cannon balls; to the Committee on Military Affairs.

By Mr. MOON of Pennsylvania: A bill (H. R. 25214) for the relief of Lillie B. Randell; to the Committee on Claims.

Also, a bill (H. R. 25215) for the relief of Letitia W. Garrison; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 25216) granting a pension to Addie McGinnis; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25217) granting an increase of pension to John K. Longnecker; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25218) granting a pension to Charles L. Welteroth; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 25219) to remove the charge of desertion from the military record of James B. Partin; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 25220) granting a pension to Sallie Arlington; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 25221) for the relief of Charles H. Potter; to the Committee on Military Affairs.

By Mr. BERGER: Resolution (H. Res. 576) relative to the alleged official misconduct of Cornelius H. Hanford; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Joseph Society, No. 280, Chicago, Ill.; St. Joseph Society, No. 504, Cleveland, Ohio; and St. Hedrige Society, No. 501, Lakeville, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Amalgamated Association of Iron, Steel, and Tin Workers of North America, protesting against the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also (by request), petition of the delegation representing the Creek, Choctaw, Chickasaw, and Cherokee Indians, of Hanna, Okla., relative to protection for their oil and coal lands, etc.; to the Committee on Indian Affairs.

Also (by request), petitions of societies of the Polish Roman Catholic Union of America of the States of New York, Indiana, Illinois, Ohio, Michigan, and of the Amalgamated Ladies' Garment Cutters Association, Local No. 10, of New York City, and the Polish United Societies and Political Clubs, of South Philadelphia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the provincial government of Pampanga, San Fernando, P. I., against passage of the free-sugar bill; to the Committee on Ways and Means.

By Mr. AKIN of New York: Petition of the Southern Shoe Retailers' Association, of Memphis, Tenn., against passage of the Campbell bill to compel manufacturers to mark goods with own name; to the Committee on the Judiciary.

Also, petition of St. Joseph Society, No. 59, of Amsterdam, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Petition of Sts. Peter and Paul's Society, No. 234, South Bend, Ind., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting a pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

Also, petition of Mineral Point (Wis.) Branch of the Woman's Auxiliary to the Board of Missions of the Protestant Episcopal Church, asking for the passage of a bill for the relief of the Alaska Indians; to the Committee on Indian Affairs.

By Mr. ESCH: Petition of the Southern Shoe Retailers' Association of Memphis, Tenn., against passage of the Campbell bill, which compels all goods to be marked with the manufacturer's name; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Resolutions of the Manila Merchants' Association of Manila, P. I., favoring sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, relative to pure drugs, etc.; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Shoe Retailers' Association, against passage of the Campbell bill, to compel manufacturers to place own name on their goods; to the Committee on the Judiciary.

Also, petition of the National Civil Service Reform League of New York City, against clause in House bill 24023, for five-year tenure of office for civil-service employees; to the Committee on Appropriations.

Also, petition of the High School Teachers' Association of New York City, favoring passage of the Page bill for Federal aid to vocational education, known as Senate bill 3; to the Committee on Agriculture.

By Mr. FULLER: Petitions of John English, of Galion, Ohio, and of E. T. Clark, of Chicago, Ill., favoring passage of House bill 1339, to grant increase of pension to certain soldiers of Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of 16,783 residents of Maine, Massachusetts, and Rhode Island, favoring the passage of House bill 16457, forbidding the landing of fish caught in otter or beam trawlers; to the Committee on the Merchant Marine and Fisheries.

By Mr. HENRY of Connecticut: Petition of Loyalty Council, No. 52, Daughters of Liberty, of Somers, Conn., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of citizens of Shenandoah, Pa., against the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Pittsburgh, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Southern Shoe Retailers' Association, of Memphis, Tenn., against passage of the Campbell bill, which is to compel all manufacturers to mark goods with own name; to the Committee on the Judiciary.

Also, petition of Maximillian Nands, of New York City, against passage of bills amending the patent laws; to the Committee on Patents.

By Mr. MOTT: Petition of the Southern Shoe Retailers' Association, Atlanta, Ga., protesting against bill requiring manufacturer's brand on all goods; to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of citizens of California favoring giving the Interstate Commerce Commission further power toward controlling the regulation of express rates and classification; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of California, protesting against the passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Resolutions of the Southern Shoe Retailers' Convention at Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to mark goods with own name; to the Committee on the Judiciary.

Also, petition of citizens of Nawgatuck, Conn., against appropriation to celebrate 100 years of peace with England; to the Committee on Appropriations.

By Mr. SLAYDEN: Petition of citizens of San Antonio, Tex., against passage of the Owen bill, to create a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Peter M. Reilly, of New York City, against use of the trading coupon; to the Committee on Ways and Means.

Also, petition of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of bill providing for building of a bridge over the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Erie, Pa., favoring passage of bill providing suitable homes for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petition of the Wireless Association of Pennsylvania, of Philadelphia, Pa., against passage of House bill 15357, to regulate radio communication; to the Committee on the Merchant Marine and Fisheries.

By Mr. TALCOTT of New York: Petitions of Baruch Spurga Lodge, No. 208, Independent Order B'rith Abraham, Utica, N. Y.; United Hebrew Trades of New York; and United Polish Societies, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Brown University Teachers' Association, favoring national aid for vocational education; to the Committee on Agriculture.

By Mr. VREELAND: Petition of retail merchants of Andover, N. Y., protesting against bills to abolish fixed resale prices on patent goods; to the Committee on Patents.

SENATE.

SATURDAY, *June 8, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, we gratefully acknowledge the Providence which brings us to this day when we commemorate the discovery of this continent. We thank Thee that Thou hast put it into the heart of this people to remember in enduring stone him who, like one of old, went out not knowing whither he went. Our fathers have told us what works Thou didst in the days of old, when they were but few in number and strangers in the land. And now Thou hast increased Thy people mightily and hast strengthened us on every side. Thou hast given us to sow beside many waters in a land that reacheth afar and Thou hast made the desolate spots to be inhabited.

Bless, we pray Thee, the land which Thou hast given unto us. Grant that Salvation may be its walls and bulwarks and that its gates may be Praise. Make Thou our officers Peace and our rulers Righteousness. Extend unto us the peace that floweth as a river, enriching all our borders with honest industry and with honorable toil. Deliver us from invasion from without and from oppression from within. Defend our liberties and uphold our free institutions. Upon the altar of the hearts of this people kindle into living flame the fire of patriotic devotion, that this country may indeed be the land of the free, the home of the brave.

So bless us, we pray Thee, our heavenly Father, and keep us in Thy love and in Thy fear now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LANDING GUNS IN THE NAVY (S. DOC. NO. 754).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 5th instant, certain information relative to the purchase, test, and use of landing guns in the Navy since March 1, 1909, which was ordered to lie on the table and be printed.

HUDSON RIVER IMPROVEMENTS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of May 29, 1912, certain information relative to the attitude and action of the State of New York re-

granting conditions imposed upon the appropriation under the act of June 25, 1910, for the improvement of the Hudson River.

If there be no objection, the communication and accompanying papers will be referred to the Committee on Printing for such action as the committee sees fit to recommend. The Chair hears no objection.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21587) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22001) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 13, 21, 23, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, and 44, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 13, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. H. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23863) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 18, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered, 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 17, 20, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. H. LANGHAM,
Managers on the part of the House.

The report was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the People's Forum of New York City, praying that an investigation be made into the conditions of the natives of Alaska, which was referred to the Committee on Territories.

He also presented a memorial of the People's Forum of New York City, remonstrating against the adoption of the proposed so-called deportation clause to the immigration law, which was ordered to lie on the table.

He also presented resolutions adopted at a mass meeting of Polish-American citizens at Chicago, Ill., remonstrating against the adoption of certain proposed restrictions in the immigration law, which were ordered to lie on the table.

He also presented a resolution adopted by members of the National Amalgamated Association of Iron, Steel, and Tin Workers, remonstrating against the passage of the so-called

employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. FLETCHER presented resolutions in the nature of a petition adopted by the Florida State Association of Post Office Clerks, in convention at Ocala, Fla., favoring the enactment of legislation providing for an 8-hour day to be worked within 10 hours for post-office clerks and mail carriers, which were referred to the Committee on Post Offices and Post Roads.

Mr. MARTINE of New Jersey presented a memorial of sundry citizens of Dover, N. J., remonstrating against an appropriation to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. SUTHERLAND presented a petition of members of the Davis County Medical Society, of Utah, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of members of the Woman's Auxiliary, of Newport, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BRISTOW presented petitions of sundry citizens of Wichita, Kans., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. TOWNSEND. I ask to have printed in the RECORD resolutions adopted by the National Association of Manufacturers of the United States of America in convention assembled May 22, 1912, affecting a subject in the appropriation bill now under consideration.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF MANUFACTURERS,
New York, N. Y., June 5, 1912.

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

SIR: I have the honor to hand you herewith a copy of the resolution unanimously adopted at the annual meeting of the members of the National Association of Manufacturers of the United States of America, May 22, 1912.

Very respectfully, your obedient servant,
GEO. S. BOUDINOT, *Secretary.*

Resolutions adopted by the National Association of Manufacturers of the United States of America in convention assembled May 22, 1912.

Whereas the Department of State and the Department of Commerce and Labor have organized departments for the advancement and promotion of foreign and domestic commerce, and especially for the advancement and promotion of the commerce of the United States in all foreign countries; and

Whereas said departments have been and are of great assistance to the manufacturing and commercial interests of this country in the promotion of foreign relations as well as the strengthening of all commercial and business relations with foreign countries; and

Whereas the necessary appropriations for said departments have heretofore been made by Congress and the organization of said departments continually increased and improved by the use of said appropriations; and

Whereas the House of Representatives has at this time left out of the legislative, executive, and judicial appropriation bills the necessary appropriations for the carrying on and advancement of the work heretofore instituted and being carried on by these departments; and

Whereas without such appropriations the said departments will of necessity be discontinued and abolished and the commercial interests of the United States and the advancement of its foreign relations greatly injured and crippled: Therefore be it

Resolved by the National Association of Manufacturers in convention assembled, That the Congress of the United States be respectfully requested and urged to include in its appropriation bills the necessary amounts for the continuation of the work begun by said Departments of State and Commerce and Labor, and that a sufficient sum be appropriated not only to carry on the work as at present being done, but to increase the amount thereof, as well as its efficiency, by such further measures as may be determined as necessary by the departments in charge.

Resolved, That the officers, directors, and members of this association be urged to use their influence with Congress to secure such necessary appropriations, to the end that the foreign commercial interests of the United States be extended and upheld and the interests of the members of this association, as well as other manufacturers and commercial interests in this country, be assisted, extended, and conserved by the Government of the United States, and that its prestige as a commercial Nation be increased and maintained throughout the world, that it may take its proper place among other commercial nations.

A true copy.
[SEAL.] GEO. S. BOUDINOT, *Secretary.*

M'CLELLAN PARK.

Mr. MARTINE of New Jersey, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park, reported it with an amendment and submitted a report (No. 865) thereon.

PORT OF BAY CITY, MICH.

Mr. SMITH of Michigan. From the Committee on Commerce I report back favorably the bill (H. R. 17679) to make Bay City, Mich., a subport of entry, and I submit a report (No. 863) thereon. It is a unanimous report, and I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALIFORNIA REDWOOD PARK.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 19476) granting certain lands to the State of California to form a part of California Redwood Park, in said State, and I submit a report (No. 864) thereon. It is a very short bill and of local interest. I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAUSATION AND PREVENTION OF TYPHOID FEVER.

Mr. SMOOT. From the Committee on Printing I report back House concurrent resolution 43 with an amendment in the nature of a substitute, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendment was to strike out all after the resolving clause and insert:

That there be printed 50,000 copies of Public Health Bulletin No. 51, with illustrations, entitled "The Causation and Prevention of Typhoid Fever"; 35,000 for the use of the House of Representatives and 15,000 for the use of the Senate.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 7071) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture and Forestry.

By Mr. SMOOT:

A bill (S. 7072) for the relief of Elsie McDowell Bunting (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 7073) authorizing the Secretary of the Interior to sell certain Indian allotments, and for other purposes; and

A bill (S. 7074) authorizing the Secretary of the Interior to make per capita payments to certain tribes of Indians, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE. I submit an amendment proposing to appropriate $100,000 for a fish hatchery at Woods Hole, Mass., which I intend to offer to the sundry civil appropriation bill (H. R. 25069).

I ask that it be referred with the accompanying letter to the Committee on Appropriations. The letter need not be printed.

The VICE PRESIDENT. The letter will not be printed, but will be referred with the amendment to the Committee on Appropriations.

Mr. POINDEXTER submitted an amendment proposing to appropriate $40,000 for overhauling and making necessary repairs to the steamer *Albatross*, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment authorizing the setting aside of a homestead of 80 acres or more from the homestead allotment or surplus allotment of citizens of the Chickasaw and Choctaw Indians whose quantum of Indian blood is three-quarters or more, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the Secretary of the Interior to make per capita payments of such sums as he may deem advisable to the tribal fund of the Seminole, Chero-

kee, Choctaw, and Chickasaw Tribes of Indians to the enrolled members entitled thereto, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed, and, with the accompanying papers, to lie on the table.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed, and, with the accompanying papers, to lie on the table.

DEVELOPMENT OF WATER POWER.

Mr. BURTON submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 6795) to control the development of water power and the use of public lands in relation thereto, and for other purposes, which was referred to the Committee on Public Lands and ordered to be printed.

UNITED STATES DISTRICT COURTS.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—ESTHER E. STUCKY.

On motion of Mr. KERN, it was

Ordered, That the papers accompanying the bill (S. 6260) granting a pension to Esther E. Stucky be withdrawn from the files of the Senate, no adverse report having been made thereon.

HALL-GARRISON & CO. V. THE REPUBLIC OF NICARAGUA.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 336), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to transmit to the Senate all documents and correspondence or copies of documents on file in his office or in or under his possession relating to the claim of Hall-Garrison & Co. *v.* The Republic of Nicaragua.

WOOLSEY TELLER V. THE REPUBLIC OF NICARAGUA.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 337), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to transmit to the Senate all documents and correspondence or copies of documents on file in his office or in or under his possession relating to the claim of the late Woolsey Teller *v.* The Republic of Nicaragua.

USE OF ARMY AND NAVY IN FOREIGN TERRITORY.

Mr. BACON. I offer a resolution, which I ask may be read.

The resolution (S. Res. 334) was read, as follows:

Resolved, That in the opinion of the Senate, except in the case of sudden emergency requiring prompt and immediate action for the protection of the lives and property of citizens of the United States, there is no authority for the use of the Army or Navy of the United States in any military operations within the territory of any foreign nation unless the same is expressly authorized and directed by act of Congress.

Resolved further, That the Committee on Foreign Relations be directed to examine and report to the Senate what conditions or circumstances will constitute such conditions of emergency as will justify the use of the Army or Navy of the United States in the prosecution of military operations within the territory of a foreign nation in the absence of such express authority from Congress, and to report what legislation, if any, is required to definitely provide and prescribe when such military operations may be lawfully thus prosecuted in foreign territory without express authorization by Congress.

Resolved further, That the committee be directed to examine and report what law, if any, now exists authorizing the use of the Army or Navy of the United States in military operations in the territory of any foreign nation.

Mr. BACON. Mr. President, before moving the reference of the resolution I simply desire to say, in order that the introduction of it may not be misunderstood, that I am not opposed to the use of the Army and Navy for any legitimate purpose or for any required purpose. I am not opposed to granting whatever authority or power there may be in order that the Army and Navy may be so used whenever circumstances or the public interest requires it.

The introduction of this resolution simply indicates, so far as my personal attitude is concerned, my unalterable opposition to the assumption of the authority of any officer to the use of the Army and Navy except where authorized by law. This is, or should be, a government of laws and not of men. Whatever law is required should be passed to meet the requirement, but nothing should be done unless authorized by law.

It is not necessary to be more explicit than that. The papers are filled to-day with reports of fleets and armies about to be moved to a foreign country, and no word said to Congress regarding it. We now have some portion of the Army and Navy in foreign territory without any authorization of Congress, some of it in China and elsewhere. A year or two ago we saw two transports loaded with troops and sent to Central America without authority of law. It is a matter which requires, in my opinion, action on the part of Congress clearly to define under what circumstances the Army and Navy of the United States can be used in foreign territory and under what circumstances it can not be properly and lawfully so used, and to clearly vest with authority, wherever it is important that it be done, the proper officer to use it in the cases where it may be required.

Mr. CULLOM. Mr. President, I understood the Senator from Georgia to intend——

Mr. BACON. I move that the resolution be referred to the Committee on Foreign Relations.

Mr. CULLOM. I understood that the Senator intended to have the resolution referred to the Committee on Foreign Relations.

Mr. BACON. I said when I began that I intended to ask that the resolution be so referred.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

INCITEMENT OF INSURRECTION IN CUBA AND MEXICO.

Mr. NELSON. Mr. President, I offer the resolution which I send to the desk, and ask that it may be read. I shall move that the resolution be referred to the Committee on Foreign Relations after making a very brief statement in regard to it.

The VICE PRESIDENT. The resolution submitted by the Senator from Minnesota will be read.

The Secretary read the resolution (S. Res. 335), as follows:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, corporations, or other interests in the United States have heretofore been or are now engaged in fomenting, inciting, encouraging, or financing rebellion, insurrection, or other flagrant disorder in Cuba and Mexico, against the lawful organized governments of those countries;

Resolved further, That said committee, or a subcommittee thereof, is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit and act as well when Congress is not in session as when in session;

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. NELSON. Mr. President, I desire to make a brief statement before moving to refer the resolution to the Committee on Foreign Relations.

For some years I have been impressed with the idea that the recurring troubles in Cuba and in Mexico had their origin in this country. I believe, to speak plainly, that the people who are interested in sugar plantations and who have other great interests in Cuba are to a large extent instrumental in stirring up the frequent troubles in that country. Their evident purpose is to create such a condition there that they can move for the annexation of Cuba to the United States, and thus get rid of the 80 per cent of the sugar duty which they are now paying on the product of their sugar plantations.

You will remember, Mr. President, that in the Spanish treaty of Paris provision was made for the liquidation and adjustment of a large number of claims. It turned out that the commission appointed for that purpose had passed upon those claims and allowed a small portion of them; but, if Senators will recall the facts, they will remember that most of those claims were preferred by Cubans naturalized, men who owned sugar plantations and other property in Cuba, who had moved to this country and become naturalized so as to claim the immunities and privileges of American citizenship in respect to their property in Cuba. I repeat, most of those claims were preferred by such men, and it is a matter of history that to a large extent those

same gentlemen financed the insurrection that prevailed for many years in Cuba.

The same thing, Mr. President, to my mind, has heretofore happened and is now occurring in Mexico. The mining interests of that country, the great mining corporations and the mining promoters, have found, in many instances, valuable mineral resources in northwestern Mexico, in the country bordering on New Mexico, Arizona, and California. Copper, oil, silver, gold, and other minerals are there in abundance. The people interested in these properties are very anxious to have that territory annexed to the United States. In fact, I know this from my own knowledge, for some of those gentlemen have expressed the idea to me, that there are portions of Mexico that ought to be a part of the United States.

I have been impressed with the idea that, both in the case of Mexico and in the case of Cuba, these disturbances, insurrections, and rebellions are inspired and to a large extent financed in the United States. How easy it is among some of the leaders in eastern Cuba, where the population is of a mixed character, to furnish a little money for those leaders among the mulattoes—the colored people—to finance them to some extent so as to enable them to gather a crowd of men around them, to burn a few cane mills, to destroy a few plantations, and then to raise a hue and cry that peace and order can not be maintained in Cuba and therefore it is necessary to annex it to the United States.

I remember an incident that occurred some years ago during a disturbance which had arisen prior to the time when we last took charge of the Cuban Government. The editor of a large western paper sent me a telegram before we sent our troops down there, asking whether I did not think the only solution was to annex Cuba. I replied that I did not think that was the solution, but that the solution was to stop our own people from creating, building up, and financing disturbances. That paper never published my answer; and from that day to this it has treated me with a frigidity that would indicate the proximity of an iceberg. [Laughter.]

Mr. BACON. Will the Senator from Minnesota pardon me for a moment?

Mr. NELSON. Gladly.

Mr. BACON. The Senator will remember that I called the attention of the Senate a week or two ago to the matter by the introduction of a resolution in reference to Cuba. Since then I have had a dozen letters from people who have property in Cuba urging that the only thing to do is to annex the island.

Mr. NELSON. Now we are asked to send troops down there. To get at the root of this whole matter, let us ascertain who is at the bottom of these disturbances, where they have their origin, who finance them, and who bring them about? Then we shall know how to deal with the situation. For that reason I have introduced this resolution. I trust the Committee on Foreign Relations will approve of the idea and that the resolution may be reported favorably and then go to the Committee on the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

THE COMMERCE COURT.

Mr. POINDEXTER. Mr. President, I desire to call up the motion, notice of which was given yesterday, to discharge the Committee on Interstate Commerce from the further consideration of Senate bill 3297, which has as its aim and purpose the abolishment of the Commerce Court by way of an amendment to the act to create the Commerce Court, approved June 18, 1910.

Mr. President, I make this motion at this time because the consideration of the question necessarily will be involved in the legislative, executive, and judicial appropriation bill, which is now before the Senate. The House of Representatives in passing that bill failed to make any appropriation for the Commerce Court. The Senate committee in considering the bill amended it by making an appropriation for the Commerce Court.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I yield to the Senator from Texas.

Mr. CULBERSON. The House went further than stated by the Senator. It abolished the court absolutely in express terms, in addition to failing to make an appropriation for it.

Mr. POINDEXTER. Will the Senator turn to the portion of the bill containing that provision? My recollection is that it only recommended the abolishment of the court.

Mr. OVERMAN. I will say to the Senator that section 10 of the legislative, executive, and judicial appropriation bill reads as follows:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case; or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

The Senator will find that on page 157 of the bill. There are several provisions. The House failed in one place to make the appropriation, and then they put a clause in the bill that hereafter no circuit judge shall be appointed until the number is reduced to 29, and then there shall not be more than 29 circuit judges; and then section 10 abolishes the Commerce Court entirely.

Mr. POINDEXTER. I am very glad the Senator has called my attention to that fact; but it makes all the more evident the advisability of discharging the Senate Committee on Interstate Commerce from the consideration of the very matter which the Senate will have to consider in connection with the pending appropriation bill. Many Senators object to considering a matter of substantive legislation on an appropriation bill, especially when that substantive matter has been referred to a committee which has not reported upon it. The bill was referred to the Committee on Interstate Commerce more than six months ago. It is a matter of current and pressing importance, and the Senate is entitled to action upon it. What the particular conditions were in the committee which have brought about the failure of the committee to act, I do not know; but it is perfectly evident that the committee will not make a report upon this bill.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. POINDEXTER. I do.

Mr. OVERMAN. Mr. President, I was one of the minority of the committee who favored the House provision abolishing the Commerce Court. While, as a general rule, I am not in favor of legislating upon an appropriation bill, it seems to me that the time has now come when this matter should be disposed of in connection with the appropriation bill. If the bill now in the hands of the Committee on Interstate Commerce is reported, it will have to run the gamut of the Senate, then go to the House of Representatives, and there be discussed. In the pending appropriation bill this very question has been discussed in the House of Representatives and is here for discussion now. It seems to me, after the decision made by the Supreme Court yesterday, in which they say this is nothing but a quasi court anyway, we had better abolish the court here and now in the appropriation bill.

Mr. POINDEXTER. I agree with the Senator; and it is in order to clear the way so that it will not be involved by extraneous issues that I make the motion to discharge the committee from the consideration of this subject, so that it may be before the Senate without hindrance for consideration when this portion of the appropriation bill will be reached, which will be in a very short time. It may be the intention to go on with it to-day.

The Commerce Court was created notwithstanding the predictions that it would blanket the work of the Interstate Commerce Commission, and the record of the court since its creation has verified all of those predictions.

Mr. OVERMAN. Will the Senator yield to me a moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. OVERMAN. In referring to the Commerce Court as a quasi court, I will say that I got my information merely from the newspapers. I have gone to the Supreme Court to get a copy of the decision which I had in mind, but have not been able to get it, as it is not yet printed. Therefore, I do not know exactly the terms of the decision, and only gathered my information from reading the newspapers. So that my statement to the effect that the Supreme Court had decided that the Commerce Court was a quasi court was not quoted from the decision of the court itself, for I do not know whether or not the court used that language.

Mr. POINDEXTER. The decision will not be printed until some time next week, but I am reliably informed that every case that has been appealed from the Commerce Court to the Supreme Court has been reversed. Heretofore one decision reversing the Commerce Court by the Supreme Court has been rendered, and on yesterday a number of other cases coming up

from the Commerce Court were decided, every one of them adversely to the Commerce Court.

Whether or not the Supreme Court says that the Commerce Court is a quasi court, it remains that it is only an experimental court; and that it is a dangerous experiment is proved by the results. I think that the record of the court is a matter of secondary importance to the general conditions involved by the existence of such a court. The decisions that have been rendered by this court, which are so bad that every one of them has been reversed by the Supreme Court, have created an intense feeling on the subject throughout the country, and are evidence that the existence of a special tribunal created to deal especially with matters of railroad transportation and interstate commerce has necessarily, and in the nature of things, tended to bring about that condition of affairs.

I do not care, Mr. President, to speak at length upon this subject at the present time, but I want to state briefly what the conditions are. My contention is that it is perfectly useless, in the first place, to say nothing of the positive injury to the public regulation of interstate commerce, to have two specially created tribunals to deal with that subject. One is necessarily bound to blanket the other. The Commerce Court, as was predicted in the debates when the bill providing for it was before the Senate, having no other jurisdiction except over interstate commerce and having ample time and being in the nature of things disposed to justify its existence, would naturally tend toward expanding its jurisdiction. It naturally would be jealous of the powers of the Interstate Commerce Commission. In the very nature of things a situation is created in which there is rivalry between these two tribunals. The Commerce Court, of course, being the appellate tribunal, claims a superiority over the Interstate Commerce Commission. It tends to enlarge its jurisdiction, and has actually enlarged it in the practice before it and in the decisions which it has rendered.

The consequence is that the usefulness, the power, and the effectiveness of the Interstate Commerce Commission are to a corresponding degree lessened. If the Commerce Court is to continue in the course on which the present court has started, the usefulness of the Interstate Commerce Commission will be destroyed. We might as well abolish the Interstate Commerce Commission if we are going to retain the Commerce Court.

Not only has the Commerce Court undertaken to review judicial matters which were decided by the Interstate Commerce Commission, but it has undertaken to review and has reviewed legislative matters which were decided or administered by the Interstate Commerce Commission.

I believe the decisions which have been rendered by this court are a perfectly natural outcome of the situation created by the existence of these two rival tribunals. That situation brings about the absolute destruction of any effective results from the Interstate Commerce Commission.

This experiment has been tried. It is but a brief time since the tribunal was established, and see the trouble and the dissatisfaction that have been created in that brief time. Public resentment has been aroused by the decisions of the court. Every decision it has rendered that has been taken up to the Supreme Court has been reversed. Attacks have been made upon the integrity of the judges of the court, and one of them is now threatened with impeachment.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. I yield.

Mr. WORKS. The Senator says this court has undertaken to review not only legal but legislative questions. Has it not also assumed to determine the very questions of fact that have been decided by the Interstate Commerce Commission?

Mr. POINDEXTER. It has.

Mr. WORKS. Thus constituting itself practically a trial court de novo of all of the things that were tried in the lower tribunal?

Mr. POINDEXTER. It has. It has done so notwithstanding the limitations that were placed by law upon the power of review of the court over the Interstate Commerce Commission.

I make the assertion that the Commerce Court has stricken down every limitation upon its power of review, has claimed to have and has exercised an unlimited right of review, both as to law and as to fact, both as to judicial questions and as to legislative questions, which have been passed upon by the Interstate Commerce Commission.

The law, as it was construed by the Supreme Court of the United States prior to the creation of the Commerce Court, limited the appellate powers of the courts to cases in which there had been an abuse of discretion or an excess of authority on the part of the Interstate Commerce Commission.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. I yield.

Mr. CRAWFORD. As I remember, when that court was established it was predicted that it would expedite matters, and that there would be a more speedy disposition of questions arising in relation to differences between shippers and railroads. As a matter of fact, has it not had the opposite effect and hung up in litigation matters that could have been decided more speedily without it, because of the fact that an appeal lies from its decisions to the Supreme Court of the United States and it is an intermediary court that may stand as an instrument of delay rather than tending to expedite decisions?

Mr. POINDEXTER. It undoubtedly has, Mr. President. There have been a number of tables published, notably those presented by the Attorney General in the hearings before the House committee which was considering the bill to abolish the Commerce Court, which tables purported to show that business had been expedited. They did show that the Commerce Court had acted expeditiously, perhaps more expeditiously than the circuit courts had acted before the Commerce Court was created. But the result of this action was not to conclude the litigation, but to continue it, to tie it up in the courts.

A remarkable condition exists, and I say that it is not only due to the personnel of the court, to the unfortunate apparent leanings of the judges of the court in favor of the railroads, but due to the conditions and to the rivalry between the court and the commission. Out of 13 applications for temporary injunctions of the orders of the Interstate Commerce Commission, temporary injunctions were granted in 8 cases; and of the remaining cases in which application had been made and temporary injunctions were not granted only 1 was a case in which the railroad company applied for a restraining order. The other cases in which the Commerce Court refused to grant temporary orders to restrain the orders of the Interstate Commerce Commission were applications by the shippers, in which the Interstate Commerce Commission had decided against the shippers and in favor of the railroad companies. This illustrates the tendency of the Commerce Court, whatever it may be due to—whether it is due to improper motives, or whatever it may be due to—to decide in favor of the railroad companies the cases that are before it.

I want briefly, now, to call attention to the revolution in the law that has been made by the Commerce Court limiting the right of appeal and the right of review from the decisions of the Interstate Commerce Commission. Referring to what are called the water-carrier cases, the Interstate Commerce Commission, in its report, at page 55, said:

> The matter is called to the attention of Congress, because if the Supreme Court of the United States, to which the case has been taken by appeal, should sustain the holding of the Commerce Court additional legislation would be required if the authority of this commission over the accounts of common carriers is to be of the same value in the future as in the past.

There was a case in which the Commerce Court undertook to change the law, reducing the powers of the Interstate Commerce Commission, denying them powers which had previously existed. And I am very glad to say that when the case went before the Supreme Court it did reverse the court's decision, and sustained the law as it had existed before the creation of the Commerce Court.

But the fact that the shippers have a remedy by appeal to the Supreme Court, and that they are so fortunate that the Supreme Court has upheld the law, furnishes no adequate reason for the continuance of the Commerce Court. People ought not to be put to the expense, litigation ought not to be subjected to the delay, that is involved in trying these cases through an unnecessary tribunal and then taking an appeal from the erroneous, partial decisions of that tribunal, through the long course to the final judgment of the Supreme Court of the United States.

The question of expense which is involved in the appropriation bill, leaving out an appropriation for this court, is a mere bagatelle compared with the principles involved. But in considering the question of expense, what justification or what sense could there be in creating a court requiring the expenditure of money by the Government unless there were some good results that, at least, could be probably or possibly obtained by the creation of that tribunal?

We do not need it. In the year prior to the creation of this court not a single order of the Interstate Commerce Commission had been interfered with by the circuit courts. The Interstate Commerce Commission has established its reputation and gained the confidence which it now has in public opinion and in the opinion of the Government, and of everybody who has

given any attention to the matter, by the care which it has exercised in disposing of the questions which have come before it. It has devoted years of patient investigation to particular questions of rates involved in the litigation—if it may be called litigation—which was brought before it.

In one case that I have in mind, for some six or seven years the case was pending in the Interstate Commerce Commission. They were so careful, when objections were made by the railroads to the final decision which they had reached, that they ordered that the plan they proposed should be tentatively put into effect, to determine by actual trial in the business of the railroads whether the railroads would be subject to the loss that they claimed they would be subject to if the order of the Interstate Commerce Commission went into effect.

This was in the intermountain cases. It was found, as was predicted by the Interstate Commerce Commission, that they would not be subject to such loss; that while the course proposed would do justice to communities that were suffering from rank discriminations by the railroads, the railroads would not suffer the loss they claimed they would sustain if deprived of what I consider the monstrous power of determining what cities shall have business and what cities shall not have business; of dividing the country up into zones, which the railroads say no government ought to have the power to do, and yet which they assume power to do, giving to one zone certain advantages and denying them to others. The commission found that depriving the railroads of that arbitrary and monstrous power would not subject the railroads to the loss which they claimed they would be subjected to, and they found it by actual trial of the schedules which they proposed as adapted to the actual business of the railroads.

What did the Commerce Court do? After all of that careful investigation and consideration by the Interstate Commerce Commission the court entered an order, without investigation and without expert knowledge, restraining the order of the Interstate Commerce Commission and tying it up for an indefinite period. When a decision will be reached no man can tell. The people who are interested may be dead and in their graves before this question, which has been fought out for years before the Interstate Commerce Commission, will finally reach a decision in the Supreme Court of the United States, after going its long intermediate course through the Commerce Court.

The existence of this special court, holding its sessions in the city of Washington, trying its cases in the city of Washington, instead of trying them as they had been tried before—in the localities where the parties, particularly the shippers, resided—tends to invite the railroad companies to litigate the issues in which they are interested. It tends to invite the railroad companies to take appeals from the Interstate Commerce Commission to the Commerce Court which previously they were not disposed to take. A special court, devoted exclusively to that class of litigation, gives the railroad companies the opportunity—which we all know they exercise, and it is perfectly natural that they should—to use their great and powerful influence to affect the character of judges who are appointed to that court. That is one of the vices of a special court of this kind. Of course, if it were necessary we would have to subject ourselves to that condition. But, not being necessary, it seems to me to be the utmost folly to create a court which simply invites and gives an opportunity to the great interests that are involved to concentrate their attention upon this particular spot where the exclusive jurisdiction over commerce questions is vested.

I want to call attention to another instance in which the Commerce Court has set aside the law and established a power which did not exist before it was created, and which the Senate and the House tried to limit by saying expressly that it should have no more power than the circuit courts had before the Commerce Court was created.

In regard to what are called the Pacific coast switching cases, the Interstate Commerce Commission, after having carefully reviewed the cases and pointed out the circumstances involved, make this statement—and it is very pertinent in view of the question asked a moment ago by the Senator from California [Mr. WORKS]:

> If the Commerce Court is correct in stating that where the facts are admitted, it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one-hundredths of the orders of this commission can be reviewed upon the question of fact by the courts.

That is the view which the Interstate Commerce Commission takes of the authority exercised by the Commerce Court—that if the position they have taken is sustained ninety-nine one-hundredths of the orders of the commission can be reviewed upon questions of fact by the courts.

The Interstate Commerce Commission in their report also call special attention to what I adverted to a moment ago—the remarkable circumstance that in the cases in which the Commerce Court sustained the commission the decisions were also in favor of the railroads, just as their decisions were in favor of the railroads when they reversed the commission. They found in favor of the railroads practically all the time, although part of the time they reversed the commission and part of the time they sustained the commission. Whichever was necessary in order to decide in favor of the railroad companies the record shows they did.

The Interstate Commerce Commission says:

> We call especial attention to these last two cases for the purpose of showing the manner in which the orders of the commission are being reviewed. The Supreme Court has declared that the making of a transportation rate for the future is a legislative and not a judicial function. It has further apparently declared that this function may be exercised by Congress through the appointment of a commission acting under rules prescribed by it. The rate when fixed is just as much legislative when made by a commission as when made directly by the legislature itself.
>
> That being so, the discretionary power involved in reaching the conclusion that a particular rate is or is not reasonable for the future, or that a particular discrimination is or is not undue, is a legislative discretion which can not be reviewed by the courts.
>
> How is the exercise of this judgment in prescribing the future rate any the less legislative because there happens to be no dispute about the facts to which it is applied? Or how, if the conclusion of fact reached by this commission can not be reviewed through judicial process, can a court look into the mind of the commission for the purpose of determining whether that conclusion has been influenced by any improper motive or consideration?

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield.

Mr. CLAPP. Will the Senator allow me to interrupt him for the purpose of making a statement as to the attitude of the committee, or at least my personal attitude, toward the Senator's motion?

Mr. POINDEXTER. I will.

Mr. CLAPP. Mr. President, in regard to the Interstate Commerce Committee, on the 15th of November it took up hearings upon the question of possible trust legislation. It has taken a great deal of testimony and has not yet perfected a report. Later I shall present to the Senate some observations with reference to the work of the committee in regard to that subject. That is one of the reasons why this and other pending legislation has not yet received the action of the Committee.

Now, in regard to the motion of the Senator from Washington, when the bill was before the Senate to establish the Commerce Court I opposed it as strongly as I knew how and urged fundamental objections to it, which, of course, at that time were necessarily somewhat speculative as to experience, because we had not yet tried the court; but the experience with the court has demonstrated the absolute soundness of every objection that was urged to the establishment of the court.

The House in the pending bill, known as the legislative, and so forth, appropriation bill, has inserted a clause to abolish the court, and I of course would vote to sustain the House in that action. If the action of the House was sustained and the court was abolished, that, of course, would automatically divest the committee of any further jurisdiction of the subject. Consequently being prepared personally to vote to sustain the House action, which would of necessity divest the committee of any jurisdiction, I have no objection personally to the motion of the Senator to discharge the committee, and bring the matter before the Senate, that the whole matter may be before the Senate both in the Senator's bill and in the action of the House. I not only have no objection to it, but I would vote to produce that result.

Mr. POINDEXTER. Mr. President, I am very much obliged to the chairman of the committee for stating his position. In view of the fact that a number of notices, I believe, are pending of speeches to-day, I will conclude what I have to say at this time on this motion and finish any further remarks that I may have at the time that the section in the legislative appropriation bill which involves this question is reached.

I want to call attention to the statement which, upon a careful examination of the records of the Commerce Court, is made by the Interstate Commerce Commission:

> Out of 27 cases passed on by the Commerce Court, preliminary restraining orders or final decrees have been issued in favor of the railroads in all but 7 cases—

That is, but seven that they did not decide in favor of the railroads—

> and of these only three are of any magnitude. In saying that the court has ruled in favor of the railroads we do not mean that the

ruling has been always adverse to the commission, but it has been adverse to the shippers' contention. For instance, the court decided in favor of the commission in the two Cincinnati rate cases. These were proceedings in which the shippers of Cincinnati sought to have the commission ordered to reopen a case and fix a lower scale of rates to Chattanooga than had been ordered, on the ground that the rates fixed by the commission were unreasonably high and had been based upon considerations which the commission should not have regarded, namely, competition from the East and the West. In these cases the court held that it had no right to review the findings of the commission.

Again, in the Procter & Gamble case, involving the right of a carrier to impose demurrage on a private car standing on a private track, the commission was sustained, its view being that for which the railroad also contended.

In but three cases of any consequence where the commission and the shippers have been opposed to the railroads have the orders of the commission been sustained even temporarily by the refusal to grant a temporary restraining order. These cases were the Meeker case, the Salt Lake case, and the Omaha lumber case.

I want to call attention also to a paragraph from the debate in this body at the time this court was created in order to show the exact parallel between the results actually obtained and the results which were predicted by those who had given attention to the subject at that time.

The Senator from Nevada [Mr. NEWLANDS] made this statement:

> That court under existing conditions will not have sufficient business, unless it entertains cases that would not now be entertained by the circuit courts of the United States. It is true that the bill as originally introduced gave the Commerce Court a jurisdiction in matters of mergers, etc., with reference to stock and bond issues, which might have absorbed a portion of its time, but all those provisions being eliminated from the bill, the court is now simply called upon to exercise the jurisdiction hitherto exercised by the circuit courts of the United States. Only a few cases have arisen within the last three or four years, I believe, that would come within the jurisdiction of the court, and it can not be claimed that that court can have business unless it welcomes and harbors suits which would not be entertained by the United States circuit courts.

That prediction is absolutely verified by the consideration that for a year previous to the creation of this court not an order of the Interstate Commerce Commission had been interfered with by any court, and that within six months after it began to operate it interfered with 20 out of 27 orders made by the Interstate Commerce Commission.

The Senator from Nevada proceeded to say:

> The aim of our legislation should be to make the commission an administrative tribunal of great character, dignity, and power, and not to establish near it an overshadowing judicial tribunal whose only function is to review its orders and restrain their enforcement, and whose only hope of sufficient work to justify the continuation and maintenance of its life will depend on welcoming the suits to restrain the enforcement of the commission's orders.

Now, Mr. President, with that citation I will postpone the further consideration of this motion with the simple statement that it involves the entire question of rate regulation in the United States, than which there is no more important subject. The statement is made upon reliable authority that the taxes, if we may call them that, collected by the railroad companies for services which they render amount to more than the expense of conducting the Federal Government, of all the State governments, and of all the municipal governments in this country.

This Commerce Court was created as a portion of a reactionary railroad measure as it was originally framed and introduced. I say that, for one reason, because it contained a clause in direct contravention of the public policy which was in favor at the time, that railroad mergers should not be allowed.

The bill as it was introduced, containing in one of its clauses the Commerce Court, made a provision for railroad mergers, which, though nominally limited, in effect would have been unlimited, and created a tribunal which would provide the means for competing lines to merge. The argument in favor of it was that we had not been able, notwithstanding the law, to prevent mergers, and the astonishing conclusion was drawn that because the law had not been enforced we should surrender the law, and the railroads might have legal provision to make mergers—in order to put them on a legal basis.

The most astonishing monopoly which confronts us to-day is the monopoly of transportation. It has been in my observation in different parts of the country that there is no competition too small to escape its attention; and where in a small way a little competitive company attempts to establish itself by putting on a boat or building a trolley line, to do even the local business in competition with a great railroad system, at once all the power of the great railroad system is used to put its small rival out of business. And its methods are not by any means always lawful. It is known that in many cases boats have been destroyed, and charges were made at least that they were intentionally destroyed. This monopoly and its methods are involved vitally in the question whether or not we are to continue in effect this unnecessary tribunal—not only unnecessary, as shown by this record, but absolutely destructive of the means which we have developed through 20 long years of effort, largely exercised through the Interstate Commerce Commission—to bring the power of the Government into operation to prevent these discriminations and injustices.

Mr. CUMMINS. Mr. President, although I am a member of the committee to which this bill was referred and which now has it in charge I am heartily in favor of the motion and hope it will prevail.

I was opposed to the creation of the Commerce Court for the reasons which I gave the Senate at the time the bill was under debate. I am in favor of the abolition of the court for the same reasons. I deeply regret that the question will reach the Senate in an appropriation bill. I do not believe in legislation of that character in appropriation bills. I do not say that I will not vote for this part of the appropriation bill, but I should infinitely rather vote for the abolition of the court upon an independent measure such as has been presented by the Senator from Washington [Mr. POINDEXTER].

I want therefore the bill which he has introduced to be before the Senate at the time we will consider this part of the legislative, executive, and judicial appropriation bill in order to see whether there is not some way in which we can legislate upon the subject without incurring the criticism of imposing such legislation upon an appropriation bill.

Therefore, it seems to me that every consideration favors the adoption of the motion and the bringing of the subject before the Senate in the way in which it ought to be brought before the Senate.

Mr. NELSON. Mr. President, I only want to say one or two words that I think are pertinent to this matter at present.

Under the recent decision of the Supreme Court, as I interpret it, practically all that is left of the courts to decide are two questions. The first is whether the Interstate Commerce Commission has kept within the pale of the law of its creation—in other words, whether it had the legislative power to do what it has done. The other question, which is the important one, is whether it has violated any principle of the Constitution. Has it in the constitutional sense invaded private rights? Under the act of 1891 establishing the Court of Appeals questions relating to constitutional law can be brought directly to the Supreme Court; other questions go to the Court of Appeals.

This Court of Commerce, as it exists to-day, under the recent decisions of the Supreme Court can try a case de novo upon the facts. It is really an appellate court upon pure questions of statutory law and constitutional law.

It seems to me that there is no warrant for the existence of such a court; that an appeal from the Interstate Commerce Commission ought to go directly to the court of appeals, and where it is a matter of constitutional law the case ought to go directly to the Supreme Court. Therefore, it appears to me, aside from all other questions, that there is no warrant for the existence of this tribunal in the light of the decisions of the Supreme Court, limited as the court has properly limited it.

In this connection it is curious to note that out of the seven cases in which they granted temporary or preliminary injunctions one case was reversed by the Supreme Court some time ago, I do not recall just how long, and I believe five cases yesterday, making six in all out of the seven cases in which they granted a temporary injunction.

In fact, Mr. President, and I say this in a Christian spirit, the record is such that instead of calling this a Commerce Court you could call it an injunction court.

For the reasons I have stated I think there is no warrant for the existence of this court. I was not favorable to the idea of the court in the first instance, but the proposition was involved among other provisions of the act that we passed to increase the power of the Interstate Commerce Commission. We all know that in matters of legislation it is a matter of compromise, a matter of give and take, and in order to get through important legislation placed in that bill, against my own better judgment and for the time being, I acquiesced in the creation of this court. But I felt then, and that feeling has recently been emphasized, that it ought never to have been created, and that whatever jurisdiction we have given to that court, instead of being given to the district courts, ought now to be delegated, in the first instance, to the court of appeals to pass upon questions of law, and in constitutional questions directly to the Supreme Court. That would make it in harmony with the court of appeals act of 1891.

Mr. BACON. Mr. President, I can not refrain from saying that I have no change of mind in regard to this court. When it was proposed I opposed it with all the vigor and power that I possessed. I am sorry to say it was not sufficient to accom-

plish its defeat at that time. I was utterly and unqualifiedly opposed to it then, and I am in favor of its utter and unqualified repeal now. I will vote for its repeal in the first shape in which it comes before us, whether it is in an appropriation bill or in an independent bill.

Mr. BAILEY. Mr. President, I had grave doubt about the constitutionality of the act which established this court. That doubt, however, did not arise out of any question as to the power of Congress to create a special court of this kind, but was due to the peculiar provisions of that act. It seemed to me very questionable if Congress could require a judge appointed to one judicial office to perform the duties of another and a different office, and therefore I did not vote on the passage of the bill.

Mr. BACON. And the Senator from Texas will also remember that I based it on that specific ground.

Mr. BAILEY. It was the argument of the Senator from Georgia which first raised in my mind the doubt. When he first began to talk with me on the subject I did not agree with him, but upon an examination of the peculiar provisions of it I thought its constitutionality so doubtful that I refrained from voting on the bill containing it. But this court has now been in existence for some time, and, as I understand, its constitutionality has not been challenged. It has proceeded, without question, to discharge the duties imposed upon it, and I take it that my doubts in that regard were not well founded. Except for that doubt I should have favored the organization of this court in the beginning, and as I intend to vote, or would vote, except for the pair which prevents my voting at all, against repealing the law which created it, perhaps I ought to state briefly my reasons for favoring it.

Generally I am averse to special tribunals, because a judge who is a specialist is seldom a great judge; and he is often not even a good judge, because the inevitable tendency of devoting a man's mind to one question is to narrow it and to lose that broader culture which many and varied questions cultivate; but, Mr. President, there are particular questions, so intricate and so peculiar in their nature, that no man whose time is given over to a consideration of many and general subjects will ever be able to completely master. When the Government itself assumes to compel the performance of a specific duty, I am rather inclined to believe that a special court is a competent and desirable instrument for that purpose. For instance, I supported a bill creating a special customs court, because I know, as does every other Senator who has ever had anything to do with the construction of a tariff bill, that it is almost impossible for a judge, who is performing various other duties, to decide those questions speedily and correctly. I would cheerfully vote to create a patent court, because any lawyer who has ever undertaken to try a patent case or to advise a client upon a patent case knows that it is almost like putting a professor of mathematics to teaching Latin or Greek. I do not care how excellent his general scholarship may be, he can only do a special work by a special equipment for it. I would in the old time undoubtedly have supported the bill to create a court of private land claims, because, like the Customs Court or the patent court, it deals with a concession by the Government or a particular relation to the Government. That exact relation, I grant you, does not exist with reference to the Commerce Court, but I am safe in saying that when we assume that it takes a large number of very capable men, devoting themselves exclusively to the subject of regulating the railroads, we are not very far afield when we say that a judge, with a hundred other cases on his docket to try in a single term, will not be very well able to try this case involving the intricacies of a thousand related railroad charges. I am of the opinion that the best way to secure a prompt, as well as a wise, settlement of these controversies is to commit them to a tribunal which has nothing else to do.

Mr. President, they tell me, and that is true, that under the law if they come into the court with one of these cases it must be advanced on the docket, and the judge must give it precedence over all other business in his court. That undoubtedly provides in a way for an expeditious settlement of the controversy; but while the court is occupying itself for days or even for weeks, and, in some cases, it might be for an entire term, with the settlement of this lawsuit, all other litigants in that court must wait. The delay which thus inevitably ensues to the individual suitor in these courts is a matter of grave concern to him. No man ought to be compelled to wait beyond a reasonable time for the disposition of his case, unless some great public interest renders it unavoidable.

But, Mr. President, if there were no other reasons I could not vote for this proposition, because it is a sort of legislative recall of this court. That is precisely what it is, and that is precisely what it is intended to be. Some Senators, and others who have not taken the trouble to examine these decisions, are not satisfied with them, and they proceed to recall the court. If, when the court does not please the Senate, we can repeal the law which created it, we shall have precious little right to complain of those gospelers of riot and disorder who now are proposing not only to recall the courts, but to overrule the decisions of courts by plebiscite. We shall make the proposition of an ex-President eminently respectable and conservative if we go to the extent of repealing the law which created this court, because, forsooth, we do not happen to like some of its decisions.

Mr. President, the Senator from Minnesota complains that this court has granted six preliminary injunctions. To my mind, that is a just criticism against it; but there is a way to obviate that criticism without repealing the law which created the court. Some six years ago I had the honor to propose in this Chamber an amendment to the interstate-commerce bill, which then was pending here. I proposed in that amendment to prohibit by express terms the issuance of a preliminary injunction; but on that vote more than two-thirds of the Senate rejected my proposition. After having rejected a conservative proposal under which the judges of the Commerce Court and no other judges in this country could restrain an order of the Interstate Commerce Commission until they inquired into the wisdom and justice of it, now the very much more radical proposition is made that because the court issued injunctions we will abolish it.

I believed then, Mr. President, and I believe now, that nothing could be more absurd than that this Government should create a tribunal, clothe it with certain faculties, impose upon it great and important duties, fill that tribunal with men of high character and great ability, fix a tenure in that office longer than that which Senators enjoy, and then, after such tribunal had devoted itself for days and weeks, or even for months, as it has done in more than one case, to a faithful consideration of a question and embody its conclusion in a formal order—nothing, I say, was ever more absurd than that this Government should permit another one of its tribunals, without an hour's investigation or consideration, to set that order aside. It was under that conviction, sir, that I proposed the amendment in the Senate which forbade any court of the United States to set aside such an order except after a full hearing of the case; and if the Senator from Minnesota and other Senators who believe as he does and as I do, that there have been gross abuses of this injunctive process, will unite with me, we will forever eliminate that cause of complaint.

My amendment was rejected because many Senators thought it unconstitutional, but in a succeeding Congress the Senator from North Carolina [Mr. OVERMAN] proposed and secured the adoption of an amendment which embodied the same principle. That amendment was afterwards assailed in the courts upon the very ground that it was unconstitutional, because it impaired the faculties of the court; but the Supreme Court of the United States, without dignifying it by an elaborate argument, unanimously held it constitutional, and thus affirmed the power of Congress to do what I think it ought to have done 10 years ago, and what, if we would take advantage of the present situation, we would do now.

I would offer the amendment, but so many of our friends in the other argument averred the unconstitutionality of the proposal that I do not feel justified in again introducing it and thus compelling them to reassert that opinion. If, however, that were done and the Commerce Court and all other courts were denied the power to suspend an order of the Interstate Commerce Commission until they had given it due and full consideration, all just complaint on that ground would disappear.

Mark you, Mr. President, I do not say all complaint, because the time will never come when there will not be men to complain whenever the courts decide any controversy contrary to their wishes; but there would be no just complaint if that court were compelled to hear every case before it interferred with an order of the commission.

Mr. President, there is one more view of this matter which we must not overlook. If we abolish this court, we will restore the old practice under which the attorneys for the railroads always applied for their injunctions to those judges who were supposed to be most favorable to their view of these questions; and in this way they obtained an injunction just as often as they can ever obtain them through the Commerce Court.

If the President made any mistakes in the appointment of the judges who now constitute this court—and I do not say he has done so—it will not be long until that mistake will be com-

pletely remedied. Within a certain time each one of the present judges must pass out of this court and into the general judiciary system of the country, and their successors are to be selected by the great Chief Justice, whom, I presume, it will not be flattery to say all men are willing to trust.

Mr. BACON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. BACON. Does the Senator construe the law creating this court as making no provision for the appointment of successors by the President and their confirmation by the Senate? Or does the Senator think that as these judges are passed into the other circuits their places will be filled exclusively by details of existing judges now on the Federal bench?

Mr. BAILEY. Mr. President, the law undoubtedly provides for their designation by the Chief Justice, and that is one feature of the law which raised in my mind a doubt of its constitutionality.

Mr. BACON. The Senator does not catch my point. I myself think that the law fails to make provision for the appointment of any new judges as these judges pass into the service of the circuit courts. I have no doubt it was intended the other way. But, while I have not looked at the law for a year or more, my recollection is very clear that when I did examine it I came to that conclusion—that the law makes no provision for the appointment of other judges to this particular court as vacancies may occur. It seems to me that when the original judges were appointed that exhausted the power given by the law; that thereafter there could be no appointments made to fill vacancies caused by their death or resignation, and that they must be filled altogether by judges being brought from the circuit courts.

Mr. BAILEY. Mr. President, a peculiarity of the law was that it provided for the appointment of men to an office that did not exist. It provided for the appointment of five circuit judges of the United States—I believe that was the number. There was no such office as that known to our law. A man must be a circuit judge of the first or the second or the fourth or the ninth district. The office of a circuit judge is a definite one, with his geographical jurisdiction defined as well as his legal jurisdiction. I know it may be said that the very provision for the appointment of these judges in effect created the office, and that may answer that objection.

But, Mr. President, it is not so easy to answer the suggestion that the circuit judge of a particular circuit can not be required to absent himself from his circuit, abandon the performance of the duties of the office to which he was appointed, and be compelled to perform the duties of another and a different office. To my mind, that is a very grave question.

Mr. BACON. Not only that, but he is denied the right to perform the duties of the office to which he was appointed. You not only give him duties that do not belong to him, but the law takes away from the judge the duties that do belong to him.

Mr. BAILEY. That is true, and I have just emphasized it.

Another difficulty, to my mind, Mr. President, is this: After the first five have been appointed by the President and confirmed by the Senate, all the judges who shall hereafter discharge the duties of that court will discharge them without receiving an appointment from the President to that particular office or being confirmed by the Senate. But it seems that those questions have not perplexed those whose duty it is to decide them. I take it that if there had been in the minds of those in charge of the Government's cases or those in charge of the railroads' cases any doubt about the constitutionality of this act, the question would have been raised, and it would have been decided. The fact that it has not been raised, so far as I am informed, compels me to conclude that my doubts were not well founded.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. Certainly.

Mr. SHIVELY. On the phase of the question which the Senator has been discussing, can the question be sharply raised until after the terms of the present judges, appointed by the President and confirmed by the Senate, expire, and cases then come before the court the judges of which shall have been assigned to their functions under the statute by the Chief Justice of the United States Supreme Court?

Mr. BAILEY. I think, Mr. President, if the bill provided machinery without the warrant of the Constitution the question could have been raised at any time. It could have been raised in the very first case.

Mr. SHIVELY. Would it have been available to the extent and in the sense that it would be available when the court shall be constituted by assignment by the Chief Justice? At present the court could reply, "We have been appointed by the President of the United States under an act of Congress. Our appointments were made by and with the advice and consent of the Senate. We are exercising our jurisdiction under the appointments thus made and the powers thus conferred."

A court composed of judges assigned to it by the Chief Justice and not appointed to it by the President nor confirmed by the Senate could not answer in this way.

Mr. BAILEY. But Mr. President, if that answer had been made to my plea assailing the constitutionality of the court, I would have answered, whether it be as you say or otherwise, this law provides for the unconstitutional designation of your successors, and the whole act falls, or, at least, the whole part of the act that relates to this subject.

Another thing I would say, in answer to a suggestion like that, is that you can not appoint a circuit judge of the United States for five years. You can not appoint a judge of any court of the United States for less than life.

By the way, Mr. President, that is not accurate. I do not agree that a judge holds his office for life. He holds it merely during his good behavior. I have never believed that in order to remove a judge it is necessary to prove against him the same things it would be necessary to prove against an officer holding for a fixed term, who can not be impeached except for high crimes or misdemeanors.

But, at any rate, whether I am wrong or right about that, the circuit judges of the United States must be appointed and can only be appointed to hold office during good behavior. Therefore, if they were appointed merely for the five years during which they must sit in this court, the appointment was clearly without the warrant of the Constitution.

Of course those who framed the act sought to obviate that difficulty by providing for the appointment of circuit judges, and then limiting the duties of this particular office in point of time. But I surrender my doubts, because nobody else who has investigated the subject seems to share them.

But, leaving that matter aside, Mr. President, with the right kind of a court, limited by a prohibition against the issuance of preliminary injunctions, I do not believe it possible for the wisdom of men to devise a better method than this of speedily and justly settling these great questions. If we leave these questions to be decided by such courts as the railroad lawyers may from time to time select, we shall have vexatious delays, and we, perhaps, may have a repetition of some of the scandals that have heretofore discredited our judiciary.

I therefore believe the creation of this court was a wise provision. Furthermore, I venture the prediction that if it is left to stand it will so completely vindicate itself within the next 20 years that no Senator with any experience in the practice of the law would vote for its abolition.

Mr. POINDEXTER. Mr. President, I think the argument which the Senator from Texas has just made is a very conclusive argument in favor of a special tribunal to deal with these questions. My objection to the Commerce Court, however, is that as a result of its creation we have two special tribunals to deal with the same question.

If we had no great tribunal like the Interstate Commerce Commission, which has been established for a number of years, and which by its operation has justified its existence, undoubtedly the argument of the Senator from Texas would be unanswerable in favor of the creation of such a tribunal. The objection to the Commerce Court is that it undoes the work of the very kind of a tribunal which the Senator has described.

I think the remedy which the Senator from Texas suggests to what he justly says have been abuses in the way of issuing preliminary injunctions, viz, to abolish to all intents and purposes preliminary injunctions, is far more radical than the abolishment of this court.

The Senator from Texas, because the remedy has been abused, would abolish the remedy altogether. Preliminary injunction is a remedy that has grown up out of necessity through centuries of experience and need. Should the Congress undertake to pass a law absolutely prohibiting the issuance of a preliminary injunction in any case, that law will come up some day as an instrument of oppression, or a means of protecting oppression.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I do.

Mr. BAILEY. If the Senator will permit me, I want to be understood. I would not go to the extent of prohibiting the issuance of a preliminary injunction, except in a case where there had been an ascertainment and a determination by another Government tribunal.

Mr. POINDEXTER. I understand that is the limitation which the Senator would impose upon it; but even with that limitation it would be a very radical measure. It is perfectly easy to conceive the abuse by that tribunal of its powers. The Interstate Commerce Commission, in my judgment, has not abused its powers, but it might do so. In view of the conflict of interests in this country over questions of this kind, in which the interests are so tremendous and the effect upon the property of people is so acute, we can not say that no case will arise in which the Interstate Commerce Commission will abuse its powers, in which event a preliminary injunction may be essential to protecting somebody's rights.

It is not proposed by the abolishment of the Commerce Court to deprive any interested party of the benefit of legitimate review. The suggestion was made here this morning—and it is perfectly feasible—that appeals be taken directly to the circuit court of appeals, or, on constitutional questions, to the Supreme Court of the United States. Those features may be dealt with hereafter.

Mr. BAILEY. If the Senator will permit me, he does not mean to suggest that it would go to the Supreme Court of the United States before there was judgment in any other court. That could hardly be, because the appellate jurisdiction of the Supreme Court ought not to be exercised except on appeal from some judicial tribunal, which the Interstate Commerce Commission is not. If it were possible to vest that court with jurisdiction over an appeal from a nonjudicial tribunal, and still compel it to go into the facts, how would you have your trial?

Mr. POINDEXTER. Only questions of law would be involved. There would be no questions of fact.

Mr. BAILEY. But those questions of law depend upon questions of fact.

THE CHEMICAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived the resolution goes to the calendar. The Chair lays before the Senate the unfinished business, which is House bill 20182.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1911.

Mr. SIMMONS. Mr. President, I am very anxious to make some headway with this tariff bill, but the Senator from Indiana [Mr. KERN] wishes to finish his speech, begun several days ago, and which is a question of the highest privilege, and the Senator from Wyoming [Mr. WARREN] is so insistent about going on with the appropriation bill now before the Senate that I will not press the tariff bill to-day. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. WARREN. I understand that to be for the remainder of the day.

The VICE PRESIDENT. The Chair understands that that was the request of the Senator from North Carolina.

Mr. SIMMONS. Yes. While the Senator from Wyoming is on his feet, let me ask him if he hopes to finish the appropriation bill to-day.

Mr. WARREN. Mr. President, it is the height of my ambition to close the appropriation bill to-day. We have been all through this week considering it and have made slow progress. I certainly shall occupy no unnecessary time in debate, and I hope we may finish it to-day. I am very desirous of finishing it, because there is to follow necessarily a long and exhaustive consideration with those from another place in conference. I am anxious to see the appropriation bills, if possible, enacted before the 1st of July, when otherwise we would be without funds to conduct the Government.

Mr. SIMMONS. I should like to inquire of the Senator from Wyoming whether, after the appropriation bill is disposed of, either to-day or Monday, there will be any other appropriation bill that is urgent to be immediately brought before the Senate.

Mr. WARREN. We have a conference report which, of course, must be disposed of without any further delay, and there are bills coming from other than the regular Committee on Appropriations upon the calendar. So far as the Committee on Appropriations, of which I am chairman, is concerned, there will be some days after the pending appropriation bill is disposed of, if we are fortunate enough to dispose of it to-day, before I shall move to take up any other bill from that committee. However, there are two or three appropriation bills reported from other committees on the calendar. As the Senator knows, the Indian appropriation bill, the naval appropriation bill, and the Military Academy appropriation bill are on the calendar. I do not think of any others, but those three are on the calendar. None of them will be in my charge.

Mr. SIMMONS. Mr. President, I wish to say that after the pending appropriation bill is disposed of I shall insist upon the Senate taking up the unfinished business before any other appropriation bill is taken up.

Mr. WARREN. Mr. President, although not in charge of those bills, I will say to the Senator that I shall be glad to conform to his wish if it can be accomplished in any reasonable time. If we are going to get into very prolonged debate on the tariff bill, I should feel like going to the rescue of those who have the other appropriation bills in charge and try to obtain consideration in order to get them through, but I hope the Senator will succeed in obtaining what he desires in the consideration of the unfinished business.

Mr. SIMMONS. So far as the chemical schedule bill is concerned, I do not think it will occupy more than a day or two at the furthest.

SENATOR FROM ILLINOIS.

Mr. KERN. I ask that Senate resolution 315 be laid before the Senate.

The VICE PRESIDENT. Without objection the resolution is laid before the Senate for the purpose of discussion.

The Secretary read the resolution, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. KERN. Mr. President, on yesterday shortly before the conclusion of my remarks I was discussing the testimony of one Charles McGowan as illustrating the character and conduct of Edward Hines and as further showing how little credibility was to be attached to his testimony. It will be remembered the witness McGowan testified to the very incredible statement related on yesterday. I should also have stated that after he had testified in Washington he very soon made a request on Mr. C. F. Wiehe, Mr. Hines's brother-in-law, for a loan of $5,000, although he had been acquainted with Mr. Wiehe only a few weeks. But a little later on he made a demand on Mr. Wiehe or the Edward Hines Lumber Co., through Mr. Wiehe, with whom he transacted business, for a considerable sum of money on account of the damages he had sustained by a loss of business while he was present in Washington testifying in the trial.

The evidence shows that Mr. Wiehe compromised that demand with $300, after which Mr. McGowan wrote the letter spoken of yesterday and which I could not at that moment find in the record, but which I have now found and desire to read. It shows something of the character of McGowan and of his relations with Edward Hines and Christian F. Wiehe. Writing to the detective, A. C. Bailey, he said:

ELORA, ONT., *November 29, 1911.*

A. C. BAILEY, Esq.,
1607 Fifth Avenue, Pittsburgh, Pa.

MY DEAR ART.: Your very kind letter received some days ago, and I note you say you are all business. For myself, eating, sleeping, and smoking comprise my daily duties at present. A day or so after my return home the Hines people sent me a telegram asking me to meet one of them in Toronto. I presume they wanted some more affidavits or something, so I wired them they had better come to Elora. By God, they would have been shown what forced hospitality was! The old shotgun would have been loaded with a couple of Peters No. 2. I made them come across, at that—not all I expected, though—and I had a hell of a time getting it, too. Had to threaten him with all kinds of exposure.

I was so sorry I did not see you the afternoon I left, but hope we will meet again in the near future. I do not know just now what my plans will be for next year. Father is talking very seriously of buying a flour mill for my brother and myself. What kind of a miller would I make, do you think?

Let me hear from you as often as you can spare the time to write, and if you are in this vicinity any time, run up; I will always be glad to see you.

Yours, etc., CHAS. MCGOWAN.

P. S.—Give my best to your brother. McG.

It will be interesting to know what kind of exposure this witness threatened the Hines people with in order to make them

"come across" with money respecting his testimony. The letter itself and the other testimony surrounding it is very eloquent in explanation, not only of the character of man McGowan is, not only of the fact that McGowan committed perjury in this hearing, but also of the character of the men who sent for him and brought him here and who afterwards settled with him because of the false testimony which he gave—testimony which, as I said yesterday, was so false on its face as to need no rebuttal.

As further illustrating the connection between the Senator from Illinois and Lee O'Neil Browne, I call attention to the testimony of Senator LORIMER, in which he states (p. 7503) that he contributed—or, as he expressed it, "loaned"; or, as he still further expressed it, "loaned and contributed"—to Lee O'Neil Browne $10,000, or in the neighborhood of $10,000, not only for the defense of Lee O'Neil Browne, but also for the defense of the man Robert E. Wilson, who, as Lee O'Neil Browne's agent or subagent, paid out the second installment of corruption money at St. Louis. It is but fair to give in this connection Senator LORIMER's version of the transaction, and I read:

Senator LORIMER. Why, yes. I will tell you how that came about, Judge. He came to see me at the bank, and was talking about the White matter.

Mr. HANEY. The matter of Charles A. White?

Senator LORIMER. Yes. I asked him about his financial condition, and he said that he had a good practice and made all the money he needed, but that he had no money saved up, and he said that he did not have money enough to employ the lawyers he thought necessary to conduct his case, and I told him I would let him have some money; but he said that he did not know when I would get it back, and if he died soon I would never get it back. I told him that was all right; that this fight was really a fight on me and not on him; that they did not care anything about him; what they were trying to do was to get me out of my seat in the Senate. So I loaned him money from time to time as he asked for it, and I think somewhere in the neighborhood of $10,000.

Notwithstanding the fact that the witnesses testified as they did as to receiving this money in St. Louis from Browne and from Wilson, and the fact that there is only a half-hearted denial that these legislators did receive that money at their hands, the Senator insists that the prosecution against these men was not in good faith, and that the grand-jury indictment against them was really an attack on him and not on the miscreants who had thus flagrantly violated the law of the land. A little further along:

Senator KERN. Did you take his note for this money?

Senator LORIMER. I did not.

Senator KERN. What account did you keep of it?

Senator LORIMER. I do not know whether I have checks for it or not, Senator.

Senator KERN. In what form was it paid?

Senator LORIMER. I say I do not know. He always came to the bank, and I do not know whether I drew checks to my own order and got the money for him or gave him checks and he got the money himself. I do not recall.

Senator KERN. Did you make a charge of it?

Senator LORIMER. It is not very much of an account at that. I have always considered that if Lee O'Neil Browne was never able to pay me that money, it was money which I ought to have contributed to help him in the contest. It was my fight and not his.

Senator KERN. You kept no account of it at all?

Senator LORIMER. I think I could tell how much it was by looking over my affairs at home.

Senator KERN. No; that is not it. I am asking you whether you kept any account of it.

Senator LORIMER. Do you mean that I kept books of it? I did not.

Senator KERN. You made no entry on any book of the amount you advanced him?

Senator LORIMER. No; I did not.

Senator KERN. And you can not at present tell the amount any more nearly than that it was eight or ten thousand dollars?

Senator LORIMER. Yes; some——

Senator KERN. Would you say it was not more than $10,000?

Senator LORIMER. I am sure it was not over $10,000. It may have been two or three hundred dollars over $10,000, and it may have been a little less than that.

Senator KERN. On how many occasions did he come to you for money?

Senator LORIMER. I do not know. It may have been four or six or seven times. I know I gave it to him in amounts ranging from a thousand dollars to two or three thousand dollars.

It is well enough in this connection, Mr. President, in dealing with the credibility of the testimony here to state that when Lee O'Neil Browne testified he gave the committee to understand that the amount of this contribution was in the neighborhood of only about $1,500. I am not going to comment on that testimony or the testimony of Senator LORIMER on that subject; I am simply putting it in here as the closing chapter in the evidence which draws these men together and which has held them together from a day about a week before the senatorial election in May, 1900, down to the present time.

It has been said here, and it was repeated over and over again in the hearings, that Browne was acquitted of the charge against him in the courts at Chicago on the second trial.

Mr. President, after there was shown to the committee the existence of a bipartisan machine in Chicago, where there was a partnership in the county offices and where men of different parties worked together in the accomplishment of their common purposes, when the underoffices of the county and of the courts were farmed out as political jobs and given indiscriminately to Democrats and Republicans in such way as to best promote the fortunes of the machine, it would seem strange if it were not difficult to convict politicians of either party of any crime which might be charged against them. If you will read the testimony of the distinguished and able and honest prosecuting attorney of Cook County I think you will understand what his opinion is as to the character of the jury that acquitted Lee O'Neil Browne of that charge in the face of the cloud of witnesses that appeared against him and the mountain of evidence that was adduced.

Mr. President, I have given to the Senate comparatively few of the evidences of corruption in this election as disclosed by the circumstances shown at the hearings. The pages of this voluminous record absolutely teem with such instances.

It is set forth in the report of the majority here that there is no new evidence that is material to the issue here. Mr. President, there are 8,000 pages of new testimony. Hundreds of such pages contain material evidence not adduced at the former hearing, and a mere cursory examination of this record will attest the truth of that proposition which I lay down.

I have already taxed the patience of the Senate, and I will not occupy more time in a further review of the disgusting details of the corrupt methods which brought the fair name of Illinois temporarily into disrepute. I use the word "temporarily" advisedly, for that grand old State of Lincoln and Douglas has already righted herself, and an aroused and indignant people have but recently spoken on this question and placed the seal of their condemnation on the practices which prevailed in Springfield in 1909 and which resulted in the election now in question.

Briefly to recapitulate, Mr. President, commencing back in April and May, 1900, it appears that the great interests of this country—and everybody now understands what we mean here when the words "great interests" are used—the great interests of the country desired the election of Mr. LORIMER because his one vote was needed in the Senate for the enactment of legislation in the interest of special privilege. The great interests of this country, in their desire for favorable legislation, have never lacked for money when money was needed. It has not been so many years, sir, since these great interests that were interested in the enactment of the several schedules of the Payne-Aldrich tariff bill were able to contribute millions and millions of dollars for the purchase of the office of President of the United States. It was only by accident that the source of those funds was discovered. It was only by accident, sir, that years afterwards it was discovered that the officers of the great insurance companies of the land had embezzled the money of their policy holders in order to enrich the campaign fund of the interests; that the directors of national banks had embezzled the money of their stockholders in order to augment the campaign fund necessary for the advancement of the cause of special privilege.

We have not forgotten how these same special interests boasted of their ability to "fry the fat" out of the beneficiaries of the protective tariff a few years before. These interests were represented in Washington by Edward Hines. He was one of their richest, one of their most powerful and successful representatives. A perusal of his testimony here discloses his business in Washington. He was interested in certain schedules. He remained here away from his business in Chicago for months and months. He was one of the commanders of their forces here. He tells in his testimony how when Congressmen were presumably opposed to the special privileges conferred by the Payne-Aldrich bill they were taken to the Willard Hotel in Washington and given great dinners and wined and dined in the interest of honest legislation, to the end that they might be stimulated to the proper discharge of their duties under their oaths. The testimony shows that he was a fair representative of those great interests which in the past have used money to accomplish their purposes. He was the man selected by the high priests of privilege to carry out their will.

According to his testimony, Mr. Aldrich sent him to Illinois to bring about the election of Mr. LORIMER to the Senate. His story as to the circumstances attending his trip from Washington to Illinois is full of meaning when properly analyzed. He says, and would have the committee and have the Senate be-

lieve, that his only purpose in going to Springfield was to carry a message from Mr. Aldrich to Gov. Deneen, informing him that it was the desire of Aldrich and of the President that LORIMER be elected. That is his story. Is it entitled to credit? Let Senator LORIMER's testimony speak on that subject. The precise question now under discussion is as to whether Edward Hines's story that he was sent by Senator Aldrich to Springfield to bear a message of that kind to Gov. Deneen is true or not. Senator LORIMER testified positively that Gov. Deneen had that information 10 days before Edward Hines made that trip. I read from page 7465:

Senator KERN. Did you and Gov. Deneen, before you ceased communication with him, talk over the fact that the President and Senator PENROSE and Senator Aldrich and others were anxious for your election?

Senator LORIMER. Yes.

Senator KERN. Did he tell you that he had received that information—that all those parties were anxious for your election? He had not been in Washington.

Senator LORIMER. I think it was a matter of common knowledge in Springfield about that time.

Senator KERN. If it was a matter of common knowledge in Springfield, why was it necessary for Mr. Hines to carry the message he did all the way from Washington to Springfield?

Senator LORIMER. Why Mr. Hines carried the message, or why somebody directed him to do those things, I do not know. I was not in control of them.

There is the fact, which must be undisputed, that the message which Mr. Hines said he was carrying to Gov. Deneen was of a fact that for 10 days had not only been in the possession of Gov. Deneen, but was a matter of common knowledge in Springfield. Of course the proposition that he was sent from Washington with that kind of a message and nothing more is too absurd to receive a moment's notice, it being a matter of common knowledge in Springfield.

There was some other reason why such a man as Edward Hines should be sent by the representatives of these interests out there. He does not go to Springfield at all. Early on the morning of the election he arrives in Chicago, and where does he go? To his own office, where he has a private telephone exchange, where the Western Union Telegraph Co. has a branch office? Oh, no; he does not go there. He wants to telephone, he says. Does he go to the Union League Club or the other club of which he is a member, where all the accessories are convenient for telegraphing or telephoning? No, no; he goes to a bank. He does his telephoning there, and his own word is all we have for what occurred there. Cook says that in the telephone conversation which occurred a little later at the Grand Pacific Hotel he said, "Go ahead; leave no stone unturned; all the money is at hand that is necessary to put him over." The assurance was given there, and the election occurred within two hours of that time. He says he did not there speak of money; he simply said, "Leave no stone unturned."

In other words, according to Mr. Hines it was a harmless and colorless telephone conversation that Cook and O'Brien heard, and yet when the White story was exposed and when the grand jury was suddenly summoned together, when Mr. Hines learned that his friends Cook and O'Brien, who had heard this innocent conversation, were stopping at the Grand Pacific Hotel, he called his brother-in-law, Wiehe, out of bed at midnight by telephone, sent him down there in posthaste to see Cook and O'Brien; and, according to the testimony of these two men, corroborated by the testimony of Wiehe, he urged them to leave the city that night, that there was a grand-jury subpœna out for them and it was necessary that they flee the confines of Cook County lest they be made to tell the truth about that conversation. That circumstance is powerfully corroborative of the testimony of Cook that there was something improper in that conversation; it is a strong refutation of the testimony of Hines, of Wiehe, and of the miserable Baker, that there was nothing wrong in the conversation, nothing of which any man need be afraid.

Where did the money come from in the first instance? The accountants certified that the books of Hines and the books of Tilden showed nothing as to any corruption fund; there was no evidence of a corruption fund written out on any book kept by Edward Hines or any book kept by Edward Tilden. Edward Tilden testified that, although he engaged in transactions frequently involving hundreds of thousands of dollars or more, as to his own personal transactions he kept no books at all, except upon loose sheets of paper that were afterwards destroyed. That circumstance gives color to the testimony of Mr. Funk that Hines said to him, "Just send the money to Ed. Tilden." Perhaps he was the only man in Chicago who kept the accounts of his financial affairs in that way. Mr. President, did any member of this committee or any Member of this Senate suppose that when those accountants were sent to examine the books of Edward Hines they would find written there in a bold, free hand a full account of his connection with bribery or corruption? There was no such thought anywhere. These men, as I said yesterday, who furnish and engage in the first handling of these large sums of money, keep no books. Bribe money is never represented in checks; it is never represented by bank drafts, but it is represented by cold money; and the men engaged in this business hire, because of their rare ability in this line of work, the shrewdest and smartest men to be found in the country, men willing—of course willing—to commit perjury in case of detection. They leave no traces; they write down nothing; so it was not expected that any accountant would find written down on any book the evidence of the original source of any part of this fund.

It is a matter of no consequence, Mr. President, whether the money came from New York or from New England, from California or from the South; it makes no difference whether the money came from the lumber interest or from any other special interest, the vital question is, Did these members of the legislature receive money? Did Lee O'Neil Browne and Robert E. Wilson and John Broderick pay money? If they paid the money, and if those members of the legislature received the money, if that money was being exhibited in every part of Illinois in the form of hundred-dollar bills about the time of this distribution, which was connected with this senatorial election, and which was in pursuance of a corrupt arrangement made with reference to that election, then, sir, this case is settled regardless of the question as to what men or corporations in the first place furnished the money.

The money was in the hands of Browne and Wilson and Broderick. With it they corrupted the Legislature of Illinois—not all of them, Mr. President; I would not have had it understood the other day, and I do not want it understood to-day, that every one of the 53 Democrats who voted for WILLIAM LORIMER was necessarily corrupted. Some of them ignorant men, some of them blind followers of a corrupt leadership, voted as they did because they had no mind of their own and probably were denied the share of the money which they might have claimed to the end that the others might receive more. Luke, Holstlaw, Blair, and the others heretofore designated were corrupted; that they were corrupted has been established beyond the possibility of a doubt, so the problem as to who furnished the original money is not vital to this investigation.

THE SYSTEM.

Mr. President, the Senator from Illinois, whose right to a seat here is challenged, in his speech to the Senate last February told the story of his early life with great dramatic effect, and has repeated that story in detail in his testimony before this committee.

It was to the effect that his father, who was a minister, died when he was 10 years old, leaving a widow and several small children, of which he was the eldest; that the circumstances of the family were such that he was obliged to and did sell newspapers and black boots to aid in the support of his mother and her younger children; that he so continued for some years, when he worked in a store, a laundry, a coal yard, and the packing houses, becoming a car conductor when 20 years old and continuing in that business for five years, after which he held positions under the city administration, took teaming contracts, engaged in the real-estate business, and was elected to Congress in 1894.

This is an interesting human-interest story, and reflects great credit upon the Senator from Illinois. Substantially the same story can be truthfully told of many men who have occupied public positions in this country, for hundreds of men who have attained eminence in this country have come up through great tribulation, knowing by bitter experience of the privations of poverty, the biting of hunger, and the lack of the pleasures that ought to belong to childhood.

Too much credit can not be given to these men who from their childhood have fought against adversity, and who, by their sublime courage and tireless industry, have won the victory and in the end won eminence.

But, Mr. President, it would seem that this story of these incidents of life are rather beside the serious question to be determined here. The history of our jurisprudence is full of instances where men who as children had hard lives, and who possessed great courage and industry, had been guilty of wrongdoing. Such a story may touch our hearts, but can not, if we are true to ourselves, control our judgments.

Let us look at the other side of the Senator's life. He entered the field of politics when a young man in 1884 in Chicago—the most unpromising, the most corrupt field, in the Middle West. He was elected constable two years later, and about the same time became a member of the county committee, which position he has held during all these years.

He testifies (p. 7853) that on account of these activities he became thoroughly familiar with the details of Chicago politics and with the men of both parties who managed politics in that city. He testifies that up to the advent of civil service, which was only a few years ago, there were from 12,000 to 15,000 public offices and appointments to be distributed among the ward organizations of the successful party; that he was an important figure in this vicious system, being in fact a part of it, having the patronage of several wards to distribute among the workers. He testified on that subject as follows:

> I got that patronage from the sheriff, the county clerk, the county treasurer, all the clerks of the different courts, the park commissioners, the mayor, the city clerk, the city attorney, and all the different elected officials; and as time rolled on of course there were many changes made, and it rarely happened, until Gov. Deneen was elected governor, that any appointment, big or little, was made in the section of the city in which I lived without my recommendation (p. 7854).

His testimony shows that by reason of this system of machine politics he was thrown in contact with the most vicious political elements of that city; that the spoils were distributed not only to Republicans, but that official favors were granted to Democrats who would serve him and the interests of his party; that he maintained friendly, and in some cases intimate, relationships, personal as well as political, with such notorious characters as "Hinky Dink" Kenna, the now discredited John Broderick, Manny Abrahams, Cyril Jandus, and many others; that he obtained a position in the Republican county clerk's office for John Walsh, a Democratic member of the legislature, who voted for him for Senator (pp. 7635–7636), and performed a similar service for Representative Hilton with a like result (p. 7619).

A more perfect-working bipartisan machine has never been in existence, and the circumstances developed by the evidence show that Senator LORIMER became the most powerful of all the leaders and directors of that system. This fact was so notorious that the system itself came to be known as "Lorimerism." This kindly disposed man, with his good heart, his humane impulses, his domestic happiness, thus, by reason of his environment in early life, was drawn into this form of political life. Like a true man, he desired to stand by those who had been his friends in times of stress and storm, and followed them into the current of political wrongdoing.

O Mr. President, it would have been better if this kindly man had been born and reared elsewhere. It would have been better had he been brought up on the prairie, in the forest, or amongst the mountains, that he might have been closer to nature, that he might have known more of the people of this land, that he might have known more of their hopes, their ambitions, and their aspirations, and that he might have profited thereby. One reason I say that is because in his testimony, in explaining why various members of the legislature voted for him, he would say, "That member voted for me because So-and-so, the leader in that district, was for me; and this man voted for me because the leader, the boss, in that neighborhood was for me; and so of the others." So, finally, when the question was asked him as to whether or not the people were not entitled to representation, rather than the machine leaders and bosses, his answer disclosed his estimate of popular government and his mistaken notion as to the source of power in this Republic. This is the question asked:

> The voters were the ones to whom they were under obligations for support?

Senator LORIMER replied:

> Senator LORIMER. Oh, yes. That is the way men talk who reach the clouds, you know, when they are making that kind of a speech—that the voters are the men that they are responsible to. Of course they are, but voters are human beings.

If you will look through this testimony in which Senator LORIMER explains the reasons why the various members of the legislature voted for him, you will find in a very large number of instances that he put it upon the ground not that the people were for him, but that the bosses—the leaders in the various districts and in the counties—were for him. In one instance, where the sentiment of the ward was one way and the representative voted another way, he justified the conduct of the member in following the boss rather than the people.

Mr. President, it is not to WILLIAM LORIMER, the self-made man, the devoted head of an interesting family, that objection is made. That WILLIAM LORIMER will have the approval of every man of generous impulses; but the system of which WILLIAM LORIMER is a part, the system which undertakes by corrupt methods to thwart the popular will, must be condemned. It is the WILLIAM LORIMER who represents these methods, who carries them out through the Lee O'Neil Brownes and the Brodericks, that is on trial here, and who must stand or fall not because of his personal or domestic qualities, but by the record he has made in this senatorial contest and the acts of his accredited agents. We may regard the man with admiration because of good personal qualities; but the vicious system of politics, which stifles patriotic sentiment, belittles popular rights, and corrupts the very fountainhead of American liberty, must receive condemnation at the hands of the American Senate.

INCREASE OF THE NAVY.

Mr. SWANSON. Mr. President, to my mind there is no question pending before Congress of more vital importance, of more far-reaching consequence, to this Nation than that of the increase of our Navy. A mistake made in this matter now would be most difficult to correct in the future and would be fraught with great danger and might in the coming years culminate in national disaster.

Recognizing this fully, I have determined, as a member of the Naval Committee, to present to the Senate the reasons which compel me to the conviction that the best interest of this Nation demands that we should without hesitation, without interruption, continue our policy of progressively increasing our naval strength. All of the first-class powers of the world are continuously pursuing this policy. One of the marked characteristics of modern times is the tremendous increase in naval strength in all countries in comparison to military strength. This phenomena is strikingly witnessed alike in Great Britain, Germany, France, Russia, and Japan. Each of these countries is rapidly increasing its navy for the purpose of acquiring naval power.

The inquiry naturally presents itself, Why do nations, for the purposes of offensive or defensive warfare, depend now more upon navies than upon armies? The reason is evident. The oceans, which were formerly considered barriers of separation between nations, have, since the introduction and use of steam, become the easiest and best means of communication. Water now closely joins nations. It no longer severs them. New York for all purposes of commerce or war is closer to London than to San Francisco.

During the recent war between Japan and Russia, Japan, by her command of the seas, was enabled to mass more rapidly a superior force in Manchuria than was Russia by her system of railroads. By commanding the seas the western coast of Asia for all purposes of war was as suitable and convenient as if it had been a part of Japan. Besides, the time has passed in the history of the world when any nation can successfully lead an isolated life. All parts of the habitable globe are closely connected now by fast steamers. These exchange the product of one country with another. Even in remote villages can now be obtained the products of almost all foreign countries. The development and prosperity of every nation is largely dependent upon its foreign commerce. For any civilized nation to be denied access to the seas for the sale and purchase of commodities would mean its financial bankruptcy and ruin. Especially is this true of the United States, whose exports exceed that of any nation. Our great crops of tobacco, cotton, wheat, and corn would find no profitable sale unless we had access to the seas to sell them in foreign markets. Our vast meat products would spoil on our hands but for foreign trade. Our immense manufacturing and mining industries would languish except for the great outlet found in foreign countries for our surplus. Thus the prosperity of farm, forest, and factory are inseparably interwoven with our foreign commerce. The conditions that prevail here exist in other nations. Thus, all the first-class powers of the world, fully recognizing that their future development, prosperity, and greatness are dependent upon their having free access to the seas and free exchange of commodities, are endeavoring to acquire navies of sufficient strength to guarantee this. They desire to be strong enough to obtain this as a matter of right and not receive it as an act of favor. In modern commerce, with its varied trade complexities, the nation that is helpless upon the seas is the prey of all marauders and has its future destiny directed by others. On account of the mutual jealousies of nations it may for years be unmolested and be permitted to prosper, but if it is rich the

day of its despoilment will inevitably come. The national and individual weak, when rich, have ever been the prey of the strong.

The history of the world teaches one sure lesson, that naval supremacy ultimately means national preeminence and triumph. More than ever before sea power is the best and strongest military power. The rise and fall of nations and empires teach the same lesson, that national safety and national success are inseparable from naval strength and power. The destruction of the Spanish Armada in the English Channel was the first and controlling cause in the bloody drama which ended a few years ago when the flag of crimson and gold was banished from the western world and Spain closed her glittering career. Trafalgar was but the prelude of Waterloo. All the vast power, the amazing genius and energy of Napoleon could not escape the doom inflicted by Lord Nelson's fleet. The heroic valor, the superb military genius, the splendid victories of the Confederacy during the late Civil War all faded before Federal naval supremacy. The shadows of Southern doom rose slowly but surely from the pitiless sea. The stupendous superstructure of Russian power and military strength all crumbled at the triumph of Admiral Togo's fleet. Dewey's guns at Manila proclaimed alike the liberation of the Philippines, Cuba, and Porto Rico. The Italian Navy is the strong hand to-day which seizes Tripoli from the feeble grasp of Turkey. It was the great navy of Great Britain that enabled her to carry her rule, civilization, and commerce to every continent, in every clime, and among every people. It enabled her to wrest from France the territory of Canada, with vast possessions stretching to the North Pole. It has given her colonies in the far waters of the Pacific, exceeding in territory and richness any domain ever ruled by the Cæsars. It enabled her to conquer and rule the mighty Empire of India, which had resisted the arms and thwarted the triumphs of Alexander. It has given her Egypt, the most ancient of nations, and brought to her the greater part of Africa, with its immense territory and vast riches. The naval supremacy of Great Britain has given her one-fifth of the habitable globe, which receives as law her will.

Mr. President, each year will witness the increase of national safety, power, and prosperity from the possession of naval strength. The world is on the eve of a material development, far exceeding anything which the imagination of the past has thought possible. The Tropics are destined in the near future to have a prodigality of production and an increase of wealth almost unspeakable. Modern medical science is fast making the Tropics as much suited for the health and energy of man as any part of the globe. The day is not far distant when medicine will triumph over the enervating and destroying diseases incident to the Tropics. When this day arrives, the Tropics, with their great agricultural productiveness and richness, with their vast mineral and forest wealth, with their great water power and opportunities for manufacturing establishments, will become the centers of great wealth and commercial advantages which can not be overestimated. Nations must be prepared to participate in the wealth which will accrue from the vast commerce that the future holds in store for these parts of the world. Nations unpossessed of naval strength will be either excluded or discriminated against in this great trade.

The unrest and revolutions in China indicate that that mighty Empire, containing almost one-fifth of the population of the world, is being stirred by modern thought and will soon enter upon a career of material development with an immense commerce. Nations will only acquire a fair and equal opportunity in this great and profitable trade which possess naval strength sufficient to demand it. Everywhere we witness aggression on the part of the first-class powers of the world possessed of naval strength. All of the continent of Africa has been partitioned among the European powers and is subject to European direction and domination. All of Asia, except Japan, is practically under control of European powers. Each year we witness the further increase of European influence and domination. The ancient monarchy of Persia was but last year partitioned between Great Britain and Russia. Turkey, helpless without a navy, but awaits the hour of her despoilers to reach an agreement as to a proper division of her territory. Japan has maintained her independence and her wishes are respected only because of her naval and military power. Nearly all the islands of the seas are under control of European influences. The Central and South American States have not been the subject of spoliation by European powers only because the United States has maintained as its declared foreign policy the great Monroe doctrine, which protects these from European aggression, and because the United States has naval power sufficient to enforce this doctrine if challenged. The political affairs of the world are now practically regulated by the first-class powers possessed of military and naval strength. However much we may dislike it, however unjust and improper it may be, the six great powers, consisting of the United States, Great Britain, Germany, Russia, France, and Japan, when they act in accord, determine the destiny of nations and the future progress of the world. The future of China will be determined by these powers, either by peaceful agreement or by war. The assent of these powers will fix the terms of peace between Italy and Turkey. However much we may deplore it, it is impossible to disguise the fact that the world to-day is being policed and regulated by the six great naval powers. The smaller nations are being told by the larger ones what they must do. A nation to-day is only safe from foreign policing and can only direct its own destiny when it is possessed of sufficient naval strength and power to have it respected and feared. Never before in the history of the world has there been a greater necessity for naval power to insure national safety and independence. The great European powers have for the last decades acted in harmony, because they have been finding sufficient spoils in weaker nations for division. While in the last 20 years the world has been loudly preaching peace and organizing tribunals for arbitration, yet political aggression and despoilment have been proceeding to a greater degree than ever before. During these years, as previously stated, the great continent of Africa and, for all practical purposes, nearly all of the continent of Asia have been partitioned among the European powers. It has been conclusively demonstrated that national safety can not depend upon treaties of peace and arbitration. The ink was scarcely dry which fixed the signatures of Russia and Japan to The Hague arbitration treaty before they were in a terrific war to determine which should be the successful despoiler of large provinces belonging to the Chinese Empire. Italy was not restrained by her solemn pledge of peace and arbitration made to Turkey from seeking to enrich herself by the acquisition of Tripoli. No pledge made by Russia and Great Britain to Persia as a part of this treaty restrained them from dividing among themselves this helpless nation.

No, Mr. President, that nation is foolish to-day which trusts its national safety and independence to paper parchments. I hope the day will come when peace will dominate the world and national disputes will be determined by principles of equity and justice, promulgated by a properly constituted tribunal. But, sirs, that day is far distant.

Why, sirs, are all the first-class powers of the world rapidly and greatly increasing their naval armaments? Do these portend an era of peace and good will? Are battleships and *Dreadnoughts* the necessary concomitants of peace treaties? Can we be deluded into believing that these great battleships are being builded for the mere purpose of complimentary escorts to peace commissioners? Is Japan doubling her naval strength in a few years to emphasize her peace purposes and to give assurance that her ambitious designs are satisfied? Is the German Empire making prodigious expenditures for a great navy, with an immense naval policy of expansion, extending to 1917, for the mere purpose of show and parade and as a harmless plaything for the mailed hands of her imperial ruler?

Is Great Britain following a naval program, which gives her naval strength 10 per cent greater than that of two of the world's greatest naval powers, as a preliminary to the announcement of the universal policy of world's peace and arbitration? Has either of these three nations ever failed to acquire territory, extend their influence, or obtain commercial advantage when they could do so with safety and success? Is there anything in their past history to justify us in believing that if they are permitted to obtain naval supremacy unchallenged by other nations that they will unselfishly exercise this power for the betterment of the world? Are we foolish enough to believe that this Nation, which, with its vast wealth and unsurpassed possibilities, is the object of envy and jealousy of other nations, can be safe if we permit ourselves to become a fourth or fifth rate naval power? Are we simple-minded enough to risk our national safety to the chances of their mutual jealousies and enmities? Could this restrain each of them, when the destruction of our Navy would mean the overthrow of the Monroe doctrine and the opening up to them of Central and South America for the purpose of exploitation and spoliation? Has not one of these nations disputed the Monroe doctrine, and only needed a sufficient navy to challenge it? Do not we know that another of these has

covetous eyes upon our Philippine possessions? Are we weak-minded enough to imagine that we can control the Panama Canal when completed for our own advantage and profit unless we possess naval strength sufficient to enforce our wishes? Are the benefits to be derived from our expenditure of $300,000,000 in this great enterprise to be weakly surrendered to the decision of arbitration tribunals or the direction of other nations of greater naval strength?

No, Mr. President, the time has not arrived for this Nation to abandon her policy of yearly increasing the naval power. The necessity for an adequate Navy is greater to-day to us than ever before in our history. It has been aptly said that the Monroe doctrine, the maintenance of which is indispensable to our national honor, prestige, and safety, is no stronger than is the American Navy. The Panama Canal, bringing to this Nation unequaled opportunities for commerce and trade, even if fortified, will remain under our control only so long as our Navy is sufficient to insure us its possession. Our vast foreign commerce, exceeding to-day that of any nation, is only secure when sustained by a sufficient Navy. The best protection to our colonial possessions and our long coast lines skirting the Atlantic and the Pacific Oceans is our Navy. The future wars of this Nation will be either upon the seas or in foreign countries. Thus for the purpose of offensive or defensive warfare our surest safety lies in naval power. The future of this mighty Republic lies upon the seas. Failure there means national decadence and decay. Success there means national supremacy, power, and progress. The best guaranty for our peace and the peace of the world is a strong American Navy. It is the best insurance that we can provide against future loss or disaster. For this great Nation, rich in all material wealth, and far richer in future possibilities, to risk all to the hazards of wars and to become the prey of weaker nations merely for the lack of a sufficient naval strength is, to my mind, the supreme of national folly.

Mr. President, I would hail with pleasure an agreement among the first-class powers of the world to limit the expenditures for naval and military purposes. The advent of that day would bring untold blessings to all nations. The great sums of money now expended in armaments could then be utilized for other purposes far more beneficial. The burdens of taxes could then be lessened and industry and enterprise greatly relieved. I would be glad to see this Nation take a leading part for the successful consummation of this noble undertaking. But, sir, I am unwilling for this Nation to sit supinely idle while all the great nations of the world, our natural competitors, are rapidly and greatly increasing their naval armaments, and thus become helpless before their great naval power. Safety and self-interest alike demand that we should yearly increase our Navy sufficient to hold our present position as the second naval power of the world.

To-day our Navy is second only to that of Great Britain. I apprehend no differences with her. Great Britain has on this continent hostages which will prevent her from making aggressions upon us. Besides, ties of blood and the still stronger ties of self-interest involved in mutual profitable trade and commerce and uniformity of foreign policies almost insure the future peace of this Nation and Great Britain. But we should establish a policy, firmly to be adhered to, that no nation other than Great Britain shall possess naval strength superior to ours. This has been our declared policy in recent years. Our safety and success in the late Spanish War were largely due to this fact. No consideration of public policy now can justify us in abandoning this wise and farsighted purpose. We must recognize the fact that we are no longer an isolated and provincial Nation. We have become a great power of the world, with our rights and responsibilities. We should neither surrender the one nor shirk the other. To be prepared for each we must possess an adequate navy.

Mr. President, wars do not come now, as formerly, after years of protracted differences and ill will, but they come suddenly like summer storms, unheralded and unexpected. The advantages of quick, decisive action are now so great that in the future wars will come like lightning bolts from almost clear skies. Nations must be prepared in naval armaments if they are to have success upon the seas.

It takes practically three years to plan, construct, man, and commission a modern battleship. Hence it is impossible to create a navy after an emergency arises. Naval supremacy must be possessed at the beginning of a war, as it can never be acquired during its continuance. Japan's naval preparation enabled her to deliver the swift blows which prostrated Russia's great power. No protraction of the war would have enabled Russia to obtain supremacy in the oriental seas. No continuation of the war between Italy and Turkey will enable Turkey to construct a navy sufficient to dispute the seas with Italy. On the seas more than elsewhere is the old adage true, "In time of peace prepare for war."

Thus, Mr. President, it seems to me every consideration of national interest demands that we should have a well-mapped-out naval program to provide a Navy adequate for our purposes. Its policy should be fixed and adhered to. It should not be one year followed and another year abandoned. Affecting as it does our foreign policies and our national safety, it should not be the subject of partisan politics. It should be a broad, national policy, anchored in the patriotism of our people. To-day, as I have previously stated, we are the second naval power of the world, and we should continue firmly and without hesitation to occupy that position. Our national honor, prestige, and safety will not permit of less. If those nations who are competing with us for this position increase their navies we must equally increase ours. With our vast and varied interests, with our great responsibilities, with the present political complications in the world, we can not with safety afford to become a third or fourth rate naval power. When this occurs our vast foreign commercial interests, inseparable from national progress and prosperity, will be jeopardized. Our Philippine possessions will be the prey of superior naval power. Our foreign policies and intercourse will necessarily become timid and vacillating. The great affairs of the world, deeply affecting our interests, will be regulated without consultation with us. We will then become suppliants, pleading for rights instead of boldly and courageously demanding them. It will mean a surrender of the great prestige we have acquired in recent years. It will mean a distinct loss to the world of the great power at present possessed by this Nation for peace, justice, and liberty. It will mean that this Nation and our citizens will only obtain tolerance where they now receive the utmost respect.

The Monroe doctrine would possibly be challenged and our policy of controlling the Panama Canal disputed. It would mean that this mighty young Republic had retreated and ceased to advance along the pathway which was leading her to a higher and nobler destiny.

Mr. President, I shall support the naval program heretofore adopted, of constructing two battleships a year. This is absolutely necessary unless we purpose to surrender our present desirable position as the world's second naval power. The ships provided for at this time will not be available as a part of our Navy until 1915. If we provide for no battleships now, as proposed by many, in that year our Navy will be inferior to that of Germany. At that time Germany will have 41 battleships and be building 8, making a total of 49. We would only have 34 battleships and be building none, which would place our Navy practically at the mercy of the German Navy. At present we have 29 battleships and Germany has 29, but as a whole our ships are superior to those of Germany, thus making our Navy much stronger. Germany is at present building 12 battleships and we are building 6. The two navies will be practically equal in 1913, but in 1914, on account of the excess of battleships Germany is at present building, her navy will become superior to ours. That year Germany will have 37 battleships and we but 32. Thus, instead of reducing our Navy, it seems to me the better part of wisdom would be for us to do as Germany has done, and increase our general naval program to the extent that she has increased hers. Germany's naval program at present consists of building either two battleships or one battleship and one battle cruiser each year. We should make this our annual program. We should also add to our annual program such additional ships as Germany adds to hers. We will be compelled to do this if we are to maintain our present superior naval position. If we build no battleships for several years, our Navy will soon become inferior to that of Japan. This would be a great menace to us.

But, Mr. President, the present and annual increase of our Navy is most imperative from another consideration. Many of our present battleships will soon be useless for the purposes of naval warfare. The life of a battleship is limited to 20 years. This is occasioned not so much on account of the decay of the ship, but on account of the marked improvement of later battleships. The construction by Great Britain of a battleship of the *Dreadnought* type practically revolutionized the navies of the world. The conflict between Russia and Japan clearly demonstrated that the decisive factor in a naval engagement was not, as had been supposed, the 6-inch guns of a battleship, but it was the larger or 12-inch guns. The long range and effectiveness of the larger guns practically

made the smaller ones useless. As soon as this truth was recognized Great Britain designed a new type of battleship, carrying the maximum number of 12-inch or larger guns to bear upon the broadside. This made one battleship of this type, on account of the long range of its guns and the weight and effectiveness of its shots, superior to several battleships of the old type. The superior advantages of larger guns having been fully recognized, battleships nowadays have as their principal armament guns 12, 13½, or 14 inches in caliber. The superiority of the larger guns can be fully appreciated when it is realized that a shell from a 12-inch gun weighs about 870 pounds, while a shell fired from a 13½ or 14 inch gun weighs 1,400 pounds, which makes a notable increase in weight and adds materially to the penetrating or smashing effect of a hit. The burster carried by a 12-inch shell weighs only 20 pounds, while that carried by a 14-inch shell weighs 30 pounds. That is to say, a 14-inch shell carries one-half more burster than a 12-inch shell, therefore its superiority of explosive effect is enormous. A 12-inch gun will penetrate 15-inch armor at 4,400 yards. A 14-inch gun will penetrate 18-inch armor at the same distance. A 12-inch gun will penetrate 12-inch armor at 7,700 yards, and a 14-inch gun will penetrate 15-inch armor at the same distance.

We thus see that a 14-inch gun will penetrate 15-inch armor at 7,700 yards which a 12-inch gun can only penetrate at a distance of 4,400 yards. Thus we can see how almost helpless a battleship armed with 12-inch guns would be in a conflict with a battleship armed with 14-inch guns. The one with smaller guns could be destroyed before it could get in effective shooting distance of the other. The great superiority of the new type of battleships over the older ones armed with 6-inch guns can be readily recognized when it is estimated that 1 explosive shell from even a 12-inch gun will do more damage than 100 shells from a 6-inch gun. The superiority of larger guns is further enhanced by the fact that they can shoot more accurately and effectively than the smaller ones. The superiority of this *Dreadnought* type of battleship over the former type is so great that naval strength to-day is practically measured by the possession of this character of capital battleships alone. The old type of battleship is now practically abandoned except as the reserve or second line of ships. The *Dreadnought* type of battleship, in addition, mounted the guns higher from the water, thereby giving a better command, better speed, and greater coal supply, thus enabling her to operate longer upon the sea and at a greater distance from home.

Another fact clearly demonstrated in the naval warfare between Russia and Japan was the great advantage which would accrue from high speed in a battleship. To obtain the advantage of this speed and also the larger guns, Great Britain constructed the battle cruiser of the *Invincible* type. This type far exceeds in speed the old type of battle cruiser, which, in addition to its larger guns, gives it an advantage over the old cruiser which can not be overestimated. Great Britain, Germany, France, Russia, Japan, Italy, and other nations are rapidly increasing their navies with these two types of battleships, recognizing that the old types are practically helpless before them. If we are to retain naval strength and power we must increase our Navy by building and adding to it these types of battleships. Unless we do this, in a few years a large part of our Navy will be useless and we will become powerless upon the seas. We should build each year one of these capital battleships and one of these battle cruisers, as recommended by the Navy Department. It is only by continuously pursuing this course that we can possess an adequate Navy and retain our naval prestige and power.

Mr. President, the best defense we can have for our immense line of coasts is a Navy. It is impossible to build forts or fortifications that can give adequate protection to our great stretch of coasts. Forts can only give protection to a very limited area. Besides, fortifications and forts are stationary and must await the attack of the enemy. If they are strong the enemy never approaches them. Forts and fortifications have never yet been decisive in warfare. A battleship, as effective in destructive power as a fort, can be carried where needed. It seeks and does not await the enemy. It goes where defense and protection are needed. America's safety from attack lies far more in an adequate Navy than in fortifications.

Thus, Mr. President, from whatever standpoint viewed, I am satisfied that the best interest of this Nation demands a continuance of our naval policy and the voting at this session of Congress of appropriations sufficient to construct two capital battleships or cruisers. Besides, both of the great political parties of this country are committed in their last national platforms to provide a strong and sufficient Navy. The Democratic Party, in its platform at Denver, made the following declaration:

> The constitutional provision that a Navy should be provided and maintained means an adequate Navy, and we believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy.

Any thoughtful and informed person must be satisfied that, in order to carry out the purposes so clearly specified in this platform it is absolutely necessary to continue our present naval policy. I believe in fulfilling platform promises and in carrying out the pledges made to the people in order to secure position and power; hence I purpose to vote for appropriations sufficient to give us a Navy adequate under all circumstances to defend and assert American rights.

In addition, Mr. President, our wealth, far exceeding that of any other nation, will fully justify this appropriation to furnish insurance for national safety. There are many wasteful expenditures of public money which can be safely stopped, and which will furnish more than ample funds necessary for this purpose.

Sirs, the American Navy has ever been the pride of our people. They have ever felt that it was their surest and safest defense. We gratefully remember how many difficulties and disasters we have averted in the past by our naval successes. Our debt of national gratitude to the Navy is great and lasting. In times of peace it surveys and charts the trackless sea; discovers and marks the dangers in the routes of commerce; makes researches for science and learning; stands as sentinels on the outposts of civilization; opens up for commerce new and hostile countries; and in every part of the world, by its activity and courage, it redresses American wrongs and asserts American rights. It is the best guardian of the interests of this great commercial people. In every country, in every clime, amid the frozen fields and ices of the North, under the blazing suns of the Tropics, naval officers and men have served and many died, unselfishly contributing to the prestige of this Nation and the glory and renown of its flag. In America's galaxy of greatness no names shine with more sparkling splendor than those of her naval heroes. It can be rightly said that the history of our Navy from the beginning has been "one blaze of glory, without a single blot of shame." Sirs, if this Nation is to attain the summit of her possible usefulness and greatness, it must come through her Navy—its power, its triumph, and its success. Prudence and wisdom demand that this Nation should have a great Navy properly to perform its responsible duties and successfully to achieve its great work. I rejoice at this Nation's proud and glorious past, but I rejoice still more at the cloudless future which beckons us on to a still greater greatness and a richer and deeper glory. With strong arms and brave hearts let us fearlessly face our great and responsible future. Let us not be deterred from our duty and destiny by those of our brethren who are frightened by their own prodigious shadow, projecting in the world's affairs, and who hesitate and shudder "through craven fear of being great."

Mr. President, I have here several tables prepared by the Office of Naval Intelligence of the Navy Department, showing the relative strength of the navies of the various nations of the world and the authorized increases of those navies for the next several years, which I ask to have printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. CURTIS in the chair). In the absence of objection, permission to do so is granted.

The tables referred to are as follows:

Supplementary table including both "Dreadnought" and "pre-Dreadnought" battleships.

[NOTE.—This table is included in order that the data requested may be complete. It should be noted, however, that nowadays comparisons of naval strength are generally based exclusively on Dreadnoughts; and every year this statement increases in force, as the pre-Dreadnought ships become obsolescent. Two or three years hence pre-Dreadnought ships will be entirely excluded from such comparisons.

Countries.	1911			1912		
	Built.	Building.	Total.	Built.	Building.	Total.
England	59	17	76	56	18	74
Germany	29	12	41	30	12	42
United States (2)	29	6	35	31	6	37
France	16	8	24	20	4	24
Japan	12	3	15	13	4	17
United States (1)						
United States (0)						

Supplementary table including both "Dreadnought" and "pre-Dreadnought" battleships—Continued.

Countries.	1913			1914		
	Built.	Building.	Total.	Built.	Building.	Total.
England	62	15	77	67	15	82
Germany	33	10	43	37	9	46
United States (2)	33	6	39	32	6	38
France	20	7	27	20	7	27
Japan	15	5	20	16	8	24
United States (1)	33	5	38	32	4	36
United States (0)	33	4	37	32	2	34

Countries.	1915			1916		
	Built.	Building.	Total.	Built.	Building.	Total.
England	71	15	86	72	[illegible]	87
Germany	41	8	49	43	9	52
United States (2)	34	6	40	36	6	42
France	21	7	28	22	8	30
Japan	17	[illegible]	27	19	12	31
United States (1)	34	3	37	35	3	38
United States (0)	34		34	34		34

Countries.	1917		
	Built.	Building.	Total.
England	73	15	88
Germany	45	8	53
United States (2)	37	6	43
France	21	7	28
Japan	22	12	34
United States (1)	35	3	38
United States (0)	33		33

Dreadnought (battleships and battle cruisers.)

NOTE.—Strength of the United States in capital ships built, building, and authorized, compared with other naval powers on January 1 of each year, from 1911 to 1917, inclusive, assuming the United States to lay down two, one, or no battleships per year from 1912 on and assuming foreign powers to carry out their present building programs.

Countries.	1911			1912		
	Built.	Building.	Total.	Built.	Building.	Total.
England	10	17	27	14	18	32
Germany	5	12	17	9	12	21
United States (2)	4	6	10	[illegible]	[illegible]	12
France	0	8	8	6	4	10
Japan	1	3	4	2	4	[illegible]
United States (1)						
United States (0)						

Countries.	1913			1914		
	Built.	Building.	Total.	Built.	Building.	Total.
England	22	15	37	27	15	42
Germany	13	10	23	17	9	26
United States (2)	8	6	14	10	6	16
France	6	7	13	8	7	15
Japan	4	5	9	5	8	13
United States (1)	8	5	13	10	4	14
United States (0)	8	4	12	10	2	12

Countries.	1915			1916		
	Built.	Building.	Total.	Built.	Building.	Total.
England	32	15	47	37	15	52
Germany	21	8	29	[illegible]	[illegible]	32
United States (2)	12	6	18	14	6	20
France	10	7	17	13	8	21
Japan	7	10	17	[illegible]	12	21
United States (1)	12	3	15	13	3	16
United States (0)	12		12	12		12

Dreadnoughts (battleships and battle cruisers)—Continued.

Countries.	1917		
	Built.	Building.	Total.
England	42	15	57
Germany	26	8	34
United States (2)	15	8	23
France	15	7	22
Japan	13	12	25
United States (1)	14	3	17
United States (0)	12		12

United States (2), United States (1), United States (0), assuming United States to lay down two, one, or no ships per year from 1912.

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS.

Number and displacement of warships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons, Dec. 1, 1911.

NOTE.—Vessels undergoing trials are considered as completed. The following vessels are not included in the tables: Those over 20 years old, unless they have been reconstructed and rearmed since 1905; those not actually begun or ordered, although authorized; transports, colliers, repair ships, torpedo depot ship, converted merchant vessels, or yachts; vessels of less than 1,000 tons, except torpedo craft; torpedo-craft of less than 50 tons.

Type of vessel.	Great Britain.				Germany.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]	12	296,350	10	247,000	7	141,720	9	217,400
Battleships, first class[2]	42	617,500			21	252,712		
Coast-defense vessels[3]					5	20,273		
Armored cruisers (Invincible type)[4]	5	96,450	[5]4	90,800	2	41,637	3	72,650
Armored cruisers	54	406,900			9	94,245		
Cruisers above 6,000 tons[6]	[5]14	146,500						
Cruisers 6,000 to 3,000 tons[5]	42	200,460	[5]10	50,040	24	98,180	6	22,650
Cruisers 3,000 to 1,000 tons[5]	23	49,540			15	34,538		
Torpedo-boat destroyers	[5]192	108,700	[5]31	26,980	109	58,474	12	9,000
Torpedo boats	59	12,710			22	3,790		
Submarines	65	20,380	[5]17	13,610	14	4,140	10	6,000
Total tons built and total tons building		1,896,140		428,430		749,009		337,700
Total tons built and building		2,324,570				1,087,309		

Type of vessel.	United States.				France.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]	6	115,650	4	106,000			4	92,355
Battleships, first class[2]	25	334,146			20	286,005		
Coast-defense vessels[3]	4	12,900			2	15,400		
Armored cruisers (Invincible type)[4]								
Armored cruisers	12	157,445			22	211,070		
Cruisers above 6,000 tons[6]	5	43,800			3	24,022		
Cruisers 6,000 to 3,000 tons[5]	14	49,541			5	21,230		
Cruisers 3,000 to 1,000 tons[5]	11	13,631			2	4,706		
Torpedo-boat destroyers	36	21,306	14	12,530	72	26,782	13	9,170
Torpedo-boats	28	4,802			200	19,164		
Submarines	20	4,490	18	8,805	66	22,304	15	9,152
Total tons built and total tons building		757,711		127,355		630,705		110,720
Total tons built and building		885,066				741,425		

[1] Battleships having a main battery of all big guns (11 inches or more caliber.
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] Colonial vessels included.
[6] All unarmored war ships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS—continued.

Number and displacement of warships, built and building, of 1,000 or more tons, etc.—Continued.

Type of vessel.	Japan.				Russia.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]			[illegible]	41,400			7	126,000
Battleships, first class[2]	12	191,[illegible]			9	132,230		
Coast-defense vessels[3]	2	9,086			2	10,[illegible]		
Armored cruisers (Invincible type)[4]	[illegible]	[illegible]	1	110,000				
Armored cruisers	11	[illegible]			6	63,300		
Cruisers above 6,000 tons[5]	[illegible]	12,120			7	[illegible]		
Cruisers 6,000 to 3,000 tons[5]	8	[illegible]	3	15,000	2	6,385		
Cruisers 3,000 to 1,000 tons[5]	5	9,158			2	2,600		
Torpedo-boat destroyers	58	22,[illegible]	2	1,200	[illegible]	25,794	13	13,200
Torpedo boats	59	5,500			29	3,722		
Submarines	10	1,726	3	980	31	6,028	8	4,800
Total tons built and total tons building		421,369		168,750		297,819		176,000
Total tons built and building		590,119				473,819		

Type of vessel.	Italy.				Austria.			
	Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships (Dreadnought type)[1]			4	85,620			4	80,000
Battleships, first class[2]	8	95,700			6	74,613		
Coast-defense vessels[3]					6	41,780		
Armored cruisers (Invincible type)[4]								
Armored cruisers	10	78,520			3	18,800		
Cruisers above 6,000 tons[5]								
Cruisers 6,000 to 3,000 tons[5]			3	9,670	3	11,483	3	10,449
Cruisers 3,000 to 1,000 tons[5]	6	12,470			3	7,050		
Torpedo-boat destroyers	22	7,587	10	6,130	14	5,762	6	4,800
Torpedo boats	46	7,713	28	3,390	43	6,899	12	2,400
Submarines	9	1,822	11	3,500	6	1,696	6	1,800
Total tons built and total tons building		203,812		108,310		167,993		99,449
Total tons built and building		312,122				267,442		

[1] Battleships having a main battery of all big guns (11 inches or more caliber).
[2] Battleships, first class, are those of (about) 10,000 or more tons displacement.
[3] Includes smaller battleships and monitors.
[4] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection. Are also called battleship cruisers.
[5] All unarmored warships of more than 1,000 tons are, in this table, classed according to displacement as cruisers. Scouts are considered as cruisers in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted because all cruisers except the smallest and oldest now have protective decks.

Relative order of warship tonnage.

Present order (tonnage completed).		The case were vessels building now completed.	
Nation.	Tonnage.	Nation.	Tonnage.
Great Britain	1,896,140	Great Britain	2,324,570
United States	757,711	Germany	1,087,309
Germany	749,009	United States	885,066
France	630,705	France	741,425
Japan	421,369	Japan	590,119
Russia	297,819	Russia	473,819
Italy	203,812	Italy	312,122
Austria	167,993	Austria	267,442

THE STRENGTH DECEMBER 1, 1911.

In order to answer the frequent inquiries of societies and persons throughout the country interested in the maintenance of the Navy and its relative strength and importance in comparison with foreign navies, the following information has been compiled:

Vessels built.

NOTE.—Vessels undergoing trials are considered as completed. The following vessels are not included in the tables: Those over 20 years old unless they have been reconstructed and rearmed since 1905; transports, colliers, repair ships, converted merchant vessels, or any other auxiliaries; vessels of less than 1,000 tons, except torpedo craft; torpedo craft of less than 50 tons.

	Battleships, Dreadnought type.[1]	Battleships.[2]	Armored cruisers, Invincible type.[3]	Armored cruisers.	Cruisers.[4]	Destroyers.	Torpedo boats.	Submarines.	Coast defense vessels.[5]
England	12	42	5	34	[6]79	[6]192	[illegible]	[illegible]	0
Germany	7	21	2	8	[illegible]	109	27	14	5
United States	8	25	0	12	[illegible]	36	28	[illegible]	4
France	[illegible]	[illegible]	0	22	[illegible]	72	200	[illegible]	2
Japan	0	[illegible]	2	11	15	56	[illegible]	10	2
Russia	[illegible]	[illegible]	0	8	11	[illegible]	79	31	2
Italy	0	8	0	10	8	22	46	8	0
Austria	0	6	0	3	8	14	43	9	6

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships, first class, are those of (about) 10,000 tons or more displacement.
[3] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection; also called battleship cruisers.
[4] Includes all unarmored cruising vessels above 1,000 tons displacement.
[5] Includes smaller battleships and monitors. No more vessels of this class are being proposed or built by the great powers.
[6] Includes vessels of colonies.

Vessels building or authorized.

[Includes vessels authorized but not yet laid down, as well as those actually under construction.]

	Battleships, Dreadnought type.	Battleships.	Armored cruisers, Invincible type.	Armored cruisers.	Cruisers.	Destroyers.	Torpedo boats.	Submarines.
England[1]	10	0	[2]5	0	[illegible]	[2]31	0	[2]17
Germany[3]	9	0	3	0	6	12	0	[2]10
United States	6	0	0	0	1	14	0	18
France	4	0	0	0	[illegible]	13	0	15
Japan[4]	3	0	4	0	3	2	[illegible]	[illegible]
Russia	7	0	0	0	0	[illegible]	[illegible]	8
Italy	4	0	0	0	[illegible]	10	[illegible]	11
Austria	4	0	0	0	[illegible]	6	12	6

[1] England has no continuing shipbuilding policy, but usually lays down each year 5 armored ships, with a proportional number of smaller vessels.
[2] Includes vessels of colonies.
[3] Germany has a continuing shipbuilding program, governed by a fleet law authorized by the Reichstag. For 1912 there are authorized 1 battleship, 1 armored cruiser, 2 cruisers, 12 destroyers. Eventual strength to consist of 38 battleships 20 armored cruisers, 30 cruisers, 144 destroyers.
[4] $3,570,000 authorized for experiments and further construction.
[5] $75,537,591 authorized to be expended from 1911 to 1917 for the construction of war vessels.

Personnel.

Rank.	England.	France.	Germany.	Japan.	United States.
Admirals of the fleet	4		[illegible]	1	(1)
Admirals	12		5	7	
Vice admirals	22	15	12	[illegible]	
Rear admirals	55	[illegible]	[illegible]	38	[illegible]
Captains and commanders	630	[illegible]	302	296	212
Other line officers	2,274	1,509	1,[illegible]	1,710	1,114
Midshipmen at sea	[illegible]	61	398	154	287
Engineer officers	940	505	433	[illegible]	
Medical officers	803	[2]413	286	[2]258	248
Pay officers	697	[illegible]	226	[illegible]	242
Chaplains	138				34
Warrant officers	2,404	[3]2,350	2,512	1,520	645
Enlisted men	105,434	53,316	50,389	43,043	67,500
Marine officers	435		160		334
Enlisted men (marines)	[6]19,635		[7]4,672		8,131
Total	133,965	58,755	60,874	47,167	80,217

[1] The Admiral of the Navy.
[2] The United States now has, temporarily, as extra numbers, due to promotion for war service, and to officers restricted by law to engineering duty on shore only, 12 flag officers, 26 captains, 4 commanders, 11 lieutenant commanders, and 1 lieutenant.
[3] Includes pharmacists and apothecaries.
[4] Includes pharmaceutical officers.
[5] Includes adjutants, premier maîtres, and maîtres of all branches.
[6] Includes 3,100 men of the coast guard.
[7] Marine infantry and seaman artillery.

PORT OF INDIANA HARBOR, IND.

Mr. WARREN obtained the floor.

Mr. SHIVELY. Will the Senator yield to me for a moment?

Mr. WARREN. I yield to the Senator from Indiana for consideration of a very short bill.

Mr. SHIVELY. I ask unanimous consent for the present consideration of the bill (H. R. 16674) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, will the Senator from Wyoming yield for a notice?

Mr. WARREN. I yield to the Senator from Vermont for that purpose.

Mr. PAGE. I wish to give notice that on Tuesday next, at the conclusion of the regular routine morning business, I shall move to take up for consideration the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, and so forth. I expect, in doing that, that I shall have to yield to the Senator from Wyoming.

Mr. WARREN. The Senator should not confine it "to the Senator from Wyoming." He should say, "subject to consideration of appropriation bills," because there are other appropriation bills that will be in charge of other Senators.

Mr. PAGE. Certainly.

PUBLIC BUILDING AT HILLSBORO, TEX.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. For what purpose?

Mr. CULBERSON. For the present consideration of a small bill.

Mr. WARREN. I do, unless it leads to some debate.

Mr. CULBERSON. If it should lead to debate, I will withdraw it.

Mr. WARREN. Very well.

Mr. CULBERSON. With the indulgence of the Senator from Wyoming, I ask unanimous consent for the present consideration of the bill (S. 6918) increasing the cost of erecting a United States post-office building at Hillsboro, Tex.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the limit of cost of $60,000 heretofore fixed for the erection of a United States post-office building at Hillsboro, Tex., be increased to $70,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that House bill 24023 be now proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The reading of the bill was resumed at the top of page 53.

The next amendment of the Committee on Appropriations was, on page 53, line 1, after the word "chief," to strike out "$3,000" and insert "$4,000," and in line 4, after the words "in all," to strike out "$15,720" and insert "$16,120," so as to make the clause read:

Secret Service Division: Chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—one of class four, one of class three, two of class two, one of class one, one at $1,000; assistant messenger; in all, $16,120.

The amendment was agreed to.

The next amendment was, on page 53, line 8, after the word "assayer," to strike out $2,200" and insert "$2,400"; in line 9, before the words "of class one," to strike out "one" and insert "two"; and in line 11, after the words "in all," to strike out "$25,580" and insert "$26,980," so as to make the clause read:

Office of the Director of the Mint: Director, $5,000; examiner, $3,000; computer and adjuster of accounts, $2,500; assayer, $2,400; clerks—two of class four, two of class three, two of class one; private secretary, $1,400; messenger; assistant in laboratory, $1,200; assistant messenger; skilled laborer, $720; in all, $26,980.

The amendment was agreed to.

The next amendment was, on page 53, line 14, after the word "offices," to strike out "$5,000" and insert "$25,000," so as to make the clause read:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $25,000.

Mr. CULBERSON. I will ask the Senator in charge of the bill why it is necessary to increase that appropriation by $20,000?

Mr. WARREN. That is an appropriation which has usually been somewhere between $35,000 and $100,000. The department claims that a reduction to $5,000 for the freight, registered mail, and otherwise, would paralyze the movement of coin.

Mr. CULBERSON. What was the estimate?

Mr. WARREN. The estimate was, I think, $35,000.

Mr. CULBERSON. The House gave only $5,000, and in the bill as reported it is proposed to increase it by $20,000.

Mr. WARREN. Yes. I will say to the Senator that I presume they need $35,000 to $50,000, but $25,000 would, in the opinion of the committee, carry them over until we can see later in the year.

The amendment was agreed to.

The next amendment was, on page 53, line 18, after the word "including," to strike out "text books on metallurgical processes" and insert "books, pamphlets, periodicals, specimens of coins, ores, and incidentals," and in line 20, after the word "incidentals," to strike out "$800" and insert "$800," so as to make the clause read:

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director, namely: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, pamphlets, periodicals, specimens of coins, ores, and incidentals, $800.

The amendment was agreed to.

The next amendment was, on page 53, line 23, after the word "examinations," to insert "and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States"; and on page 54, line 1, after the words "United States," to strike out "$3,500" and insert "$4,000," so as to make the clause read:

For examinations of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations, and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $4,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to strike out:

For books, pamphlets, periodicals, specimens of coins, ores, and incidentals, $100.

The amendment was agreed to.

The next amendment was, on page 54, after line 4, to strike out:

For the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $500.

The amendment was agreed to.

The next amendment was, on page 55, line 22, after the word "newspapers," to insert "newspaper clippings," and in line 24, after the word "department," to strike out "$750" and insert "$1,000," so as to make the clause read:

For newspapers, newspaper clippings, law books, city directories, and other books of reference relating to the business of the department, $1,000.

The amendment was agreed to.

The next amendment was, on page 56, line 7, to increase the appropriation for investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, etc., from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 10, to strike out:

For purchase and exchange of horses and wagons, for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, $3,500.

The amendment was agreed to.

The next amendment was, on page 56, after line 14, to insert:

For purchase, maintenance, and repair of motor trucks, and maintenance of horses and carriages, to be used for official purposes only, $8,000.

Mr. GALLINGER. I will suggest to the chairman that I think it would be well to insert the word "exchange" after the word "purchase," so as to read: "For purchase, exchange, maintenance, and repair of motor trucks." In the District of Columbia we have found that to be very desirable.

Mr. WARREN. The suggestion is a good one, and I move to amend the amendment by inserting the word "exchange" after the word "purchase."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 56, line 18, after the word "cases," to strike out "$4,000" and insert "$6,000," so as to make the clause read:

For purchase of file holders and file cases, $8,000.

The amendment was agreed to.

The next amendment was, on page 57, line 12, after the word "exceeding," to strike out "$100" and insert "$250," so as to read:

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street-car tickets not exceeding $250.

The amendment was agreed to.

The next amendment was, on page 58, line 12, after the word "fire-alarm," to strike out "system" and insert "systems"; and in line 13, before the word "in," to strike out "now," so as to make the clause read:

For maintenance of the automatic fire-alarm systems in the Treasury and Winder Buildings, $2,166.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 59, line 21, after the words "internal-revenue offices," to strike out "$2,075,000" and insert "$2,200,000," so as to read:

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices, $2,200,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to strike out:

On and after July 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 62.

The amendment was agreed to.

Mr. CULBERSON. I was called out of the Chamber a moment ago. Will the Senator in charge of the bill turn back to page 56? I do not recall why that item for purchase, maintenance, and repair of motor trucks and maintenance of horses and carriages to be used for official purposes only, was increased by $4,500, from $3,500 to $8,000.

Mr. WARREN. What was the observation of the Senator?

Mr. CULBERSON. I do not recall why that sum on page 56, lines 15, 16, and 17, was increased over the House appropriation of $3,500 by $4,500, totaling $8,000. It seems to me that is an unusual increase for horse hire.

Mr. WARREN. The Senator will notice that in cutting out the horses there is installed in place, "for purchase, exchange, maintenance, and repair of motor trucks, and maintenance of horses and wagons, to be used for official purposes only, $8,000." Naturally, the buying of new motor trucks would increase the cost for one year.

Mr. OVERMAN. The Treasury Department say that it will be a saving in the end.

Mr. WARREN. I have a letter here from the Secretary of the Treasury, Mr. MacVeagh, if the Senator would like to have it read at the desk. It explains another feature of the matter.

Mr. CULBERSON. Is it a short letter?

Mr. WARREN. It covers a couple of pages.

Mr. CULBERSON. I should like to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, May 31, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

SIR: I wish to present for the consideration of your committee an estimate for motor trucks for freight hauling for the Treasury Department.

The legislative, executive, and judicial appropriation bill now before your committee carries an item of $3,500 under "Contingent expenses, Treasury Department, horses, wagons, etc." This is the usual appropriation made for the purpose of maintaining the Treasury stable.

Since the estimates went in an epidemic disease amongst horses has prevailed, and 3 of the 10 Treasury horses have died and 3 others are now sick with the disease. This fact makes it necessary for the department to ask Congress either to increase the regular appropriation for the stable, in order to purchase additional horses, or to change the system of freight handling by making an appropriation for the purchase of motor trucks.

It requires three freight wagons and a mail wagon, operated by horses, to handle the freight business of the Treasury Department. Careful investigation indicates that two motor trucks, one with a capacity of 1½ tons and one with a capacity of 1,500 pounds, and a light motor delivery wagon for mail service, will do the work.

These three motor trucks will cost, approximately, $5,700. This estimate is made after a careful inquiry as to prices. The repairs, oil, and fuel to operate the trucks will require $1,200 for the year, making the total appropriation required for these three motors $6,900.

If this plan is adopted, the appropriation now in the bill of $3,500 under "Contingent expenses, Treasury Department, horses, wagons, etc.," should be reduced to $1,200, which amount will be required for the maintenance of the horses and carriages provided for the use of the Secretary of the Treasury.

The annual appropriation for succeeding years for the Treasury stable, if the plan proposed should be adopted, would amount to $2,400 instead of $3,500. This amount would provide for the operation of the motor trucks and for the maintenance of the horses and carriage for the Secretary.

Should Congress not see fit to make the appropriation for the motor trucks, the death of the horses since the submission of the estimates makes it necessary for the submission of an additional estimate of $1,000 to replace the horses which have died, making the appropriation under this heading $4,500 instead of $3,500.

If the motor trucks are provided as suggested, the appropriation should read "Contingent expenses, Treasury Department; for purchase, maintenance, and repair of motor trucks and maintenance of horses and carriages, $8,100."

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Mr. WARREN. I will say to the Senator that this epidemic in horses has become evident in other places and we have had to meet it, but it is a plain case of economy to change from horses to these motor trucks. For this one year the expense will be higher, but after this year the expense will be less than ever before.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill will be continued.

The Secretary resumed the reading of the bill.

The next amendment was, on page 60, line 25, after the date "1909," to strike out "$150,000" and insert "$175,000," so as to make the clause read:

For expenses of collecting the corporation tax authorized by the tariff act approved August 5, 1909, $175,000.

The amendment was agreed to.

The reading of the bill was continued to line 18, page 61, "Office of assistant treasurer at Boston."

Mr. LODGE. I wish to ask the chairman of the committee why the paying teller, clerk, and vault clerk in the office of the subtreasury at Boston have been cut down from their existing salaries. I have been looking through all the salaries, and they are of different amounts in different places. Those are men occupying responsible positions, and I happen to know that they are men who have been there many years. I do not know why their salaries should have been cut down.

Mr. WARREN. The Treasury Department, as the Senator perhaps knows, has for the last two or three years—in fact, since Mr. MacVeagh took charge of it—had committees of investigation, and so forth, with the idea of reducing the expenses of the department and increasing the efficiency. Last year the Secretary of the Treasury was able to give us a reduction of something like $200,000 to $250,000, as my memory goes, and this year there is another large cut in the expenses of the Treasury Department. He has gone over in his estimates all the independent treasuries and has graded the salaries as the Senator sees them in the estimates. The committee in looking over the matter of the Boston subtreasury made three or four amendments, as the Senator will see.

Mr. LODGE. I see.

Mr. WARREN. But we could not raise the salaries of the officers the Senator alludes to without exceeding the estimates.

Mr. LODGE. I observe, however, with some interest, that the decreases have all been indicated at places other than Chicago.

Mr. CULBERSON. I wish to ask if that has any personal significance?

Mr. LODGE. I notice that some of them are changed—Cincinnati is changed, New York is changed—but I notice that persons in the office at Chicago have their salaries unchanged, which I think is very appropriate. I do not quarrel with that at all.

Mr. CULLOM. I agree with that. I have a special communication. I should like to see the salaries at Chicago raised to more than they are receiving.

Mr. WARREN. There is possibly not a single independent treasury where some Senator does not want a raise.

Mr. LODGE. I do not ask that the salaries be raised; I simply ask that the existing salaries be retained.

Mr. WORKS. Mr. President——

Mr. CULBERSON. I notice some increases at Boston.

Mr. LODGE. Those increases I do not know anything about. They are not asked for as far as I know. The reductions are

in the salary of the paying teller, from $2,500 to $2,250; the clerk, from $2,250 to $2,000; the vault clerk, from $2,000 to $1,800. They cut down the most important, the most responsible, people and they seem to have raised the salary of one teller, and they have added somewhat. They have raised some of the clerks $100 who occupy a less responsible position. It seems to me that it is rather hard to pick out the most responsible men who have been there many years and seize this time to cut down their salaries.

At the proper time I shall offer amendments to restore the salaries.

Mr. WARREN. I will ask if there has been any change in the business of the subtreasury there. Is it less than it formerly was or more?

Mr. LODGE. It is more. I have not compared it with the others, but the business certainly has not fallen off.

Mr. WARREN. The inquiry made by the committee of the Treasury Department elicited the information that all of these have been carefully weighed as to the business they were doing and the salary arranged accordingly. That is the information we got from the department.

Mr. LODGE. The population has increased chiefly in the neighborhood of Boston last year from twenty-eight hundred thousand to three million and nearly six hundred thousand, and the increase in population suggests that the business of the Treasury has increased, as all other business has increased.

Mr. WARREN. I understand the Senator does not wish to offer an amendment now.

Mr. LODGE. No; I shall not offer it now.

Mr. CULBERSON. I invite the attention of the Senator from Massachusetts to the fact that there is nothing in the bill to indicate a lowering of the salary. I presume, therefore, he speaks from personal information.

Mr. LODGE. I speak from personal information, having compared the figures with last year. The reductions were made in the House and, of course, do not appear on the face of their bill.

Mr. WARREN. I will say that I have here a copy of the bill on which those changes are marked, and at any time any Senator can be informed by inquiry.

Mr. LODGE. These are Treasury changes, as the chairman says.

Mr. CULBERSON. These were changes made in the House on the recommendation of the Treasury Department, I understand.

Mr. LODGE. They were.

Mr. WARREN. As to some of them, and wherever the House has changed it it has been lowered. The committee of the Senate, I think, has pretty generally, where they were lower, taken them up to the estimates; but they have been rather careful about exceeding the estimates.

Mr. CULBERSON. But in the particular referred to by the Senator from Massachusetts they are under the estimates.

Mr. LODGE. They are suggested by the Treasury Department.

Mr. CULBERSON. Yes.

Mr. WORKS. Mr. President, it seems to be difficult to get a hearing here unless one violates the rules of the Senate. The Senator from Wyoming made the statement that in all the States the request has been made for the raising of the salaries of the clerks and other employees in the assistant treasurer's office. Has that kind of a request been made by the California Senators?

Mr. WARREN. Perhaps I spoke rather generally when I said all, but if not California it would be an exception. I should be only too glad to know it, if that is the case, because I thought we had heard from all.

Mr. WORKS. My colleague may have said something about it, but I am sure I have not.

Mr. WARREN. The Senator's colleague took up the matter with me about the subtreasury and the mint and assay office. We have reduced quite a little as to one or two of those institutions, because after the Treasury Department had made up its estimate and after the House had acted upon the bill in committee the House itself in session overruled the committee and reinserted the assay offices, and so we had to divide again and deduct from the mint and take it back to the assay office.

Mr. WORKS. I only want it understood that I have not asked for any increase in these matters. I do not want San Francisco to be discriminated against, however; I want the employees there to have their fair salaries.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, under the subhead "Independent Treasury," on page 61, line 21, after the words "redemption teller," to strike out "$1,700" and insert "$1,800"; in line 22, before the word "clerks," to strike out "three" and insert "four"; in line 23, after the word "each," to strike out "one clerk" and insert "three clerks"; in line 24, before the word "clerks," to strike out "eight" and insert "five"; in the same line, after the word "clerk," to strike out "$800" and insert "$900"; in the same line, after the words "chief guard," to strike out "$1,060" and insert "$1,100"; and in line 26, after the words "in all," to strike out "$45,950" and insert "$46,590," so as to make the clause read:

Office of assistant treasurer at Boston: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,250; clerk, $2,000; vault clerk, $1,800; receiving teller, $2,000; redemption teller, $1,800; five clerks, at $1,600 each; clerk, $1,500; one clerk, $1,400; four clerks, at $1,200 each; three clerks, $1,100; five clerks, at $1,000 each; clerk, $900; chief guard, $1,100; three watchmen, at $840 each; laborer and guard, $720; in all, $46,590.

The amendment was agreed to.

Mr. LODGE. Just in this connection I had not looked at the precise recommendations of the Treasury. I observe that at Chicago—I suppose it is a mere accident—nothing but increases are recommended. The House did not adopt them, but they are recommended and all the decreases are recommended in other subtreasuries.

Mr. CULLOM. By whom recommended?

Mr. LODGE. Recommended by the Secretary of the Treasury. I simply call attention to it.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 62, line 12, after the words "paying teller," to strike out "$1,800" and insert "$2,000"; in line 13, after the words "receiving teller," to strike out "$1,500" and insert "$1,800"; in line 16, after the word "stenographer," to strike out "$720" and insert "$1,000"; and in line 17, after the words "in all," to strike out "$27,010" and insert "$27,790," so as to make the clause read:

Office of assistant treasurer at Cincinnati: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $1,800; four clerks, at $1,200 each; two clerks, at $1,300 each; vault clerk, $1,800; bookkeeper, $1,800; clerk, $1,200; two clerks, at $1,000 each; clerk and stenographer, $1,000; chief watchman, $840; two watchmen, at $600 each; in all, $27,790.

The amendment was agreed to.

The next amendment was, on page 62, line 21, after the words "receiving teller," to strike out "$1,800" and insert "$2,000"; in line 22, after the word "clerk," to strike out "$1,400" and insert "$1,500"; and in line 25, after the words "in all," to strike out "$28,590" and insert "$28,890," so as to make the clause read:

Office of assistant treasurer at New Orleans: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; bookkeeper, $1,500; clerk, $1,500; assorting teller, $1,200; 6 clerks, at $1,200 each; 2 clerks, at $1,000 each; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $500; in all, $28,890

The amendment was agreed to.

The next amendment was, on page 63, line 3, after the word "cashier," to strike out "$4,000" and insert "$4,200"; in line 8, after the word "division," to strike out "$2,700" and insert "$2,800"; in line 11, after the word "division," to strike out "$2,400" and insert "$2,500"; in line 13, after the word "division," to strike out "$2,500" and insert "$2,700"; in line 16, after the word "teller," to strike out "$2,100" and insert "$2,250"; in line 17, after the word "teller," to strike out "$2,000" and insert "$2,250"; in line 18, after the word "teller," to strike out "$2,000" and insert "$2,100"; and in line 24, after the word "teller," to strike out "$1,500" and insert "$1,800," so as to read:

Office of assistant treasurer at New York: Assistant treasurer, $8,000; cashier (formerly deputy assistant treasurer and cashier), $4,200; assistant cashier (formerly assistant cashier and chief clerk), $3,600; chief of check pay division (formerly assistant cashier and vault clerk), $3,000; bond clerk and assistant vault clerk (formerly chief of division), $2,800; paying teller (formerly chief of division), $3,000; receiving teller (formerly chief of division), $2,800; chief of redemption division (formerly chief of division), $2,700; vault and authorities clerk (formerly chief of division), $2,500; chief clerk (formerly chief paying teller), $3,000; chief of coin division (formerly chief of division), $2,700; chief bookkeeper, $2,400; assistant chief of canceled check division (formerly assistant teller), $2,250; assistant chief of redemption division (formerly assistant teller), $2,250; assistant paying teller (formerly assistant teller), $2,250; paying teller, coin division (formerly assistant teller), $2,100; assistant chief, check pay division (formerly assistant teller), $2,000; assistant chief, coin division (formerly assistant teller), $2,000; chief of minor coin division (formerly assistant teller), $2,000; 4 bookkeepers (formerly assistant tellers), at $2,000 each; paying teller, minor coin division (formerly assistant teller), $1,800; assistant receiving teller (formerly assistant teller), $1,800.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the assistant treasurer at New

York, on page 64, line 1, after the word "clerks," to strike out "two (formerly one assistant teller and one chief of division), at $2,100 each" and insert "one at $2,300, one at $2,100, three at $2,000 each"; in line 4, before the word "formerly," to strike out "two" and insert "three"; in line 6, after the sum "$1,700," to strike out "eight" and insert "six"; in line 7, before the words "at $1,600 each," to strike out "(formerly seven assistant tellers and one clerk)"; in line 7, after the word "each," to strike out "six" and insert "nine"; in line 8, before the words "at $1,500 each," to strike out "(formerly four assistant tellers and two clerks)"; in line 8, after the word "each," to strike out "sixteen" and insert "thirteen"; in line 9, before the words "at $1,400 each," to strike out "(formerly thirteen assistant tellers and three clerks)"; in line 10, after the word "each," to strike out "three" and insert "eight"; in line 11, before the words "at $1,300 each," to strike out "(formerly two assistant tellers and one clerk)"; in line 11, after the word "each," to strike out "eleven" and insert "fourteen"; in line 12, before the words "at $1,200 each," to strike out "(formerly eight assistant tellers and three clerks)"; in line 12, after the word "each," to strike out "nine" and insert "five"; in line 13, before the words "at $1,100 each," to strike out "(formerly eight assistant tellers and one clerk)"; in the same line, after the word "each," to strike out "ten" and insert "five"; in line 15, before the words "at $1,000 each," to strike out "(formerly eight assistant tellers and two clerks)"; in line 20, before the words "two engineers," to strike out "$1,050" and insert "$1,200"; and in line 21, after the words "in all," to strike out "$185,200" and insert "$192,610," so as to read:

Clerks—1 at $2,300, 1 at $2,100, 3 at $2,000 each, 1 (formerly assistant teller), $1,900, 3 (formerly assistant tellers), at $1,800 each, 1 (formerly assistant teller), $1,700, 6 at $1,600 each, 9 at $1,500 each; 13 at $1,400 each; 8 at $1,300 each; 14 at $1,200 each; 5 at $1,100 each; 5 at $1,000 each; messengers—2 at $1,200 each, 5 at $900 each, 2 at $800 each; chief guard (formerly chief detective), $1,500; guard (formerly assistant detective), $1,200; 2 guards (formerly 2 hall men), at $1,000 each; superintendent of building, $1,800; chief engineer (formerly engineer), $1,200; 2 engineers, at $1,050 each; 8 watchmen, at $720 each; in all, $192,610.

Mr. CULBERSON. I will ask if the changes proposed there by the committee are recommended by the Treasury Department.

Mr. WARREN. It seems that in the early estimates that were called for by the House they did not complete as they intended the New York estimate, and when completed it showed a difference. I do not have the figures at this moment, but the difference amounted to several thousand dollars, which we were asked to add to the estimate, and we did so.

Mr. CULBERSON. This is a subsequent estimate by the Treasury Department?

Mr. WARREN. It is subsequent information and it makes a difference of a few thousand dollars.

Mr. CULBERSON. I notice that generally speaking I believe the chairman has stated that the bill as passed by the House follows the recommendation of the Treasury Department.

Mr. WARREN. I think the House intended to follow it.

Mr. CULBERSON. But these increases in the office of the assistant treasurer at New York amount to about $7,500.

Mr. WARREN. The Senator will remember I said that the House endeavored to follow pretty generally the estimates, but in some cases fell below.

The amendment was agreed to.

The next amendment was, on page 65, line 25, after the word "others," to strike out "$9,000" and insert "$10,000," so as to make the clause read:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $10,000.

The amendment was agreed to.

The next amendment was, under the head of "Mints and assay offices," on page 66, line 18, after the word "assayer," to strike out "melter and refiner" and insert "superintendent melting and refining department," and in line 19, after the word "and," to strike out "coiner" and insert "superintendent coining department," so as to read:

Mint at San Francisco, Cal.: Superintendent, $4,500; assayer, superintendent melting and refining department, and superintendent coining department, at $3,000 each.

The amendment was agreed to.

The next amendment was, on page 67, line 3, after the word "employees," to strike out "$155,000" and insert "$122,500," so as to make the clause read:

For wages of workmen and other employees, $122,500.

The amendment was agreed to.

The next amendment was, on page 67, line 18, after the word "melter," to strike out "$1,400" and insert "$1,500," so as to make the clause read:

Assay office at Charlotte, N. C.: Assayer and melter, $1,500.

The amendment was agreed to.

The next amendment was, on page 67, line 19, after the word "employees," to strike out "$750" and insert "$900," so as to make the clause read:

For wages of workmen and other clerks and employees, $900.

The amendment was agreed to.

The next amendment was, on page 67, line 21, after the word "expenses," to strike out "$400" and insert "$500," so as to make the clause read:

For incidental and contingent expenses, $500.

The amendment was agreed to.

The next amendment was, on page 67, line 23, after the word "melter," to strike out "$2,000" and insert "$2,250," and in line 25, after words "in all," to strike out "$6,200" and insert "$6,450," so as to make the clause read:

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,250; clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,450.

The amendment was agreed to.

The next amendment was, on page 68, after line 10, to insert:

Assay office at St. Louis, Mo.: Assayer in charge, $1,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 12, to insert:

For wages of workmen (including janitor), $900.

The amendment was agreed to.

The next amendment was, on page 68, after line 13, to insert:

For incidental and contingent expenses, $500.

The amendment was agreed to.

The next amendment was, on page 70, line 5, after the word "employees," to strike out "$112,000" and insert "$94,000."

For wages of workmen and other employees, $94,000.

The amendment was agreed to.

The next amendment was, on page 70, line 11, after the word "coin," to strike out "$37,500" and insert "$35,000," so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $35,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of line 24, on page 71, as follows:

District of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

Mr. CUMMINS. Mr. President, I ask the chairman of the committee, purely for information, why it is that there is a secretary to the governor in Hawaii and none to the governor in Alaska and why it is that the judges in Hawaii are paid so much less than are the judges in Alaska?

Mr. WARREN. As to the secretary in Alaska, I will say that the surveyor general and the secretary are one; that is, the surveyor general is ex officio secretary, and performs the duty of secretary in that district, that not being a Territory proper. That covers one point raised.

As to the difference in salary between the judges and governor, the Senator from Iowa could well go further, and ask why the salary of the governors of New Mexico and Arizona should be $3,000, while the salary of the governors of Alaska and Hawaii is $7,000. Those inequalities have crept in through legislation which has been had from time to time. Where there is legislation outside of an appropriation bill which provides the office and the salary, the committee, of course, follow the law. It has been thought, I presume, that Alaska was a more difficult country to handle and not so pleasant, and a more expensive country to live in than Hawaii.

Mr. McCUMBER. If the Senator will allow me, is there not another reason? Are not the expenses of living at least two or three or four times higher in Alaska than they are in any place in the United States proper?

Mr. WARREN. I think they are much higher.

Mr. McCUMBER. Unless there is a great change, the expenses would be at least double what they would be in the States.

Mr. WARREN. I do not think that would apply to Hawaii probably.

Mr. McCUMBER. I was speaking of Alaska.

Mr. CUMMINS. My inquiry arose because we pay the governor of Alaska the same salary that we pay the governor of Hawaii, and we pay the chief justice of Hawaii $6,000,

while we pay each one of the judges in Alaska $7,500. The matter of the high cost of living can not account for both these things.

Mr. WARREN. I think on reflection the Senator from Iowa will see the difference. Alaska is an immense country in area, and the districts these judges have to cover require an immense amount of travel and expense going to and coming from. I do not think the difference in salary there is at all out of the way, because, while the governor may live at one point, the judges are compelled to be at different points in the interior of the Territory; and when we remember that the exact center of the United States from east to west is out in the Pacific Ocean opposite Portland, it will give a little idea of the extent in area of Alaska.

Mr. CUMMINS. Do the judges under the general law receive traveling expenses when away from home and subsistence also?

Mr. WARREN. No; they have no traveling expenses to go from here to Alaska and to their place of holding court.

Mr. CUMMINS. It is not as far from here to Alaska as it is to Hawaii.

Mr. WARREN. They are not judges who are traveling from place to place to hold court; but whenever they get into the country and get out they have to cover immense distances with only primitive means and modes of transportation.

Mr. CUMMINS. It is farther to Hawaii than it is to Alaska.

Mr. WARREN. That may be true; but when you get to Hawaii there is a very different state of affairs, and, besides, the route is provided with cheap and comfortable transportation.

Mr. CUMMINS. I only wanted to know whether the committee had given consideration to that disparity.

Mr. WARREN. The committee was fully advised. These matters are largely governed by existing law. For instance, the law under which the Territory of Hawaii was organized controls the salaries of officers in that Territory. When we passed the law creating the Department of Commerce and Labor I made the complaint at the time that we were placing the salaries in the Department of Commerce and Labor away out of line as compared with the salaries in other departments. Some of them have been since lowered, but it is true that there is this inequality as a matter of statute law now.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Government in the Territories," on page 72, line 2, after the word "exceed," to strike out "$2,250" and insert "$4,050," and in line 6, after the word "governor," to strike out "$7,150" and insert "$8,950," so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $4,050; janitor service, not to exceed $900; traveling expenses of the governor while absent from Juneau on official business; rent of offices and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, $8,950.

The amendment was agreed to.

The next amendment was, on page 72, line 16, after the sum "$2,000," to insert "for traveling expenses of the governor while absent from the capital on official business, $500," and in line 17, after the words "in all," to strike out "$3,000" and insert "$3,500," so as to make the clause read:

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, $1,000, and for private secretary to the governor, $2,000; for traveling expenses of the governor while absent from the capital on official business, $500; in all, $3,500.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 73, after line 5, to strike out:

On or before the 30th day of June, 1912, the Secretary of War shall cause a reorganization to be made of the clerical and other office force of the War Department, herein provided for, so as to reduce the whole number of said force not less than 10 per cent, and the salaries or compensation of all places herein provided for in said department that may be embraced within such reduction shall not be available for expenditure, but shall lapse and be covered into the Treasury.

The amendment was agreed to.

The next amendment was, on page 73, line 17, after the word "Secretary," to strike out "$2,250" and insert "$2,000"; in line 18, after the word "Secretary," to strike out "$1,800" and insert "$2,000"; in line 21, before the words "disbursing clerk," to strike out "clerk to the assistant and chief clerk, $2,100," and insert "assistant chief clerk, $2,400"; on page 74, line 1, before the words "of class 3," to strike out "four" and insert "five"; in line 3, before the words "chief messenger," to strike out "carpenter, $1,000," and insert "foreman carpenter, $1,200"; and in line 12, after the words "in all," to strike out "$147,970" and insert "$150,020," so as to make the clause read:

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, $4,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $2,000; clerk to the Assistant Secretary, $2,400; assistant chief clerk, $2,400; disbursing clerk, $2,750; appointment clerk, $2,250; 4 chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, $500; chief telegrapher, $1,800; clerks—4 of class 4, 5 of class 3, 15 of class 2, 19 of class 1, 6 at $1,000 each, 1 at $900; foreman, $1,200; foreman carpenter, $1,200; chief messenger, $1,000; carpenter, $900; skilled laborer, $900; 6 messengers; 7 assistant messengers; telephone switchboard operator, assistant telephone switchboard operator; 2 messenger boys, at $360 each; engineer, $900; assistant engineer, $720; fireman; 4 watchmen; 5 watchmen, at $660 each; 8 laborers; 2 laborers, at $540 each; hostler, $600; 2 hostlers and 1 watchman, at $540 each; elevator conductors—1 at $660, 1 at $540; 4 charwomen; in all, $150,020.

The amendment was agreed to.

The next amendment was, on page 74, line 21, after the sum "$781,950," to strike out "all employees provided for by this paragraph for the Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1913," so as to make the clause read:

Adjutant General's Office: Chief clerk, $2,000; 10 chiefs of division, at $2,000 each; clerks—48 of class 4, 64 of class 3, 94 of class 2, 232 of class 1, 88 at $1,000 each; engineer, $1,400; assistant engineer, $900; 2 firemen; skilled mechanic, $1,000; 10 messengers; 58 assistant messengers; messenger boy, $360; 8 watchmen; superintendent of building, $250; and 18 laborers; in all, $781,950.

The amendment was agreed to.

The next amendment was, on page 75, line 6, after the word "solicitor," to strike out "$2,500" and insert "$2,750"; in line 7, before the word "clerks," to insert "law clerks—one at $2,400, one at $2,000"; in line 8, before the words "of class 2," to strike out "two" and insert "three"; and in line 9, after the words "in all," to strike out "$20,800" and insert "$26,850," so as to make the clause read:

Office of the Judge Advocate General: Chief clerk and solicitor, $2,750; law clerks—1 at $2,400, 1 at $2,000; clerks—1 of class 4, 2 of class 3, 3 of class 2, 6 of class 1; copyist; 2 messengers; assistant messenger; in all, $26,850.

The amendment was agreed to.

The next amendment was, at the top of page 76, to insert:

The services of one wireless engineer and one wireless assistant, as the Secretary of War may deem necessary, may be employed only in the Signal Office to carry into effect the appropriation for the Signal Service of the Army, to be paid from such appropriation, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $3,600, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 76, line 14, after the word "clerk," to strike out "$2,000" and insert "$2,500"; and on page 77, line 3, after the words "in all," to strike out "$275,110" and insert "$275,610," so as to make the clause read:

Office of the Quartermaster General: Chief clerk, $2,500; 2 chiefs of division, at $2,000 each; clerks—9 of class 4, 14 of class 3, 27 of class 2, 58 of class 1, 40 at $1,000 each, 13 at $900 each; advisory architect, $4,000; experienced builder and mechanic, $2,500; inspector of supplies, $2,500; draftsmen—3 at $1,800 each, 7 at $1,600 each, 5 at $1,400 each, 1 at $1,200; supervising engineer, $2,750; 2 civil engineers, at $1,800 each; assistant civil engineer, $1,200; electrical engineer, $2,000; electrical and mechanical engineer, $2,000; marine engineer, $3,500; assistant marine engineer, $1,800; sanitary and heating engineer, $1,800; blue-print operator, $900; 4 messengers; 11 assistant messengers; 2 assistant messengers, at $660 each; female messenger, $480; 7 laborers; laborer, $480; in all, $275,610.

The amendment was agreed to.

The Secretary continued the reading of the bill, as follows:

Office of the Commissary General: Chief clerk, $2,000; clerks—6 of class 4, 8 of class 3, 8 of class 2, 18 of class 1, 13 at $1,000 each, 4 at $900 each; messenger; 2 assistant messengers; laborer; in all, $77,940.

Mr. OVERMAN. I understand that if the Army bill should pass, these two departments would be consolidated, in which case there would be a change there and there would be probably some reduction in the number of those clerks.

Mr. WARREN. There would undoubtedly be an elimination of some of them.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 77, line 12, before the words "of class one," to strike out "thirty-two" and insert "thirty-four"; and in line 19, after the words "in all," to strike out "$166,108" and insert "$168,508," so as to make the clause read:

Office of the Surgeon General: Chief clerk, $2,000; law clerk, $2,000; clerks—13 of class 4, 11 of class 3, 26 of class 2, 34 of class 1, 10 at $1,000 each, 3 at $900 each; anatomist, $1,600; engineer, $1,400; 3 firemen; skilled mechanic, $1,000; 2 messengers; 10 assistant messengers; 3 watchmen; superintendent of building (Army Medical Museum and Library), $250; 6 laborers; chemist, $2,088; assistant chemist, $1,500; principal assistant librarian, $2,250; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; 4 charwomen; in all, $168,508.

The amendment was agreed to.

The next amendment was, on page 77, line 21, after the words "Chief clerk," to strike out "$2,000" and insert "$2,250"; and

in line 25, after the words "in all," to strike out "$71,900" and insert "$72,150," so as to make the clause read:

Office of the Paymaster General: Chief clerk, $2,250; clerks—6 of class 4, 7 of class 3, 12 of class 2, 11 of class 1, 5 at $1,000 each, 9 at $900 each; messenger; assistant messenger; four laborers; laborer, $660; in all, $72,150.

The amendment was agreed to.

The next amendment was, on page 78, line 24, before the words "of class 2," to strike out "twelve" and insert "fourteen"; in the same line, before the words "of class 1," to strike out "fifteen" and insert "seventeen"; in the same line, before the words "at $1,000 each," to strike out "nine" and insert "eleven"; and on page 79, line 1, after the words "in all," to strike out "$100,220" and insert "$107,420," so as to make the clause read:

Office of the Chief of Engineers: Chief clerk, $2,000; two chiefs of divisions, at $2,000 each; clerks—8 of class 4, 11 of class 3, 14 of class 2, 17 of class 1, 11 at $1,000 each, 11 at $900 each; 6 messengers; 3 assistant messengers; and 2 laborers; in all, $107,420.

The amendment was agreed to.

The next amendment was, on page 79, line 10, after the word "exceed," to strike out "$40,000" and insert "$42,000," so as to make the clause read:

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $42,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 79, line 16, before the words "of class three," to strike out "three" and insert "four"; in line 17, before the words "at $1,000 each," to strike out "eighteen" and insert "seventeen"; in the same line, before the word "messengers," to strike out "two" and insert "three"; in line 18, before the word "messengers," to strike out "two" and insert "three"; and in line 19, after the words "in all," to strike out "$91,000" and insert "$93,160," so as to make the clause read:

Office of the Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,000; clerks—10 of class 4, 4 of class 3, 10 of class 2, 19 of class 1, 17 at $1,000 each; 3 messengers; 3 assistant messengers; five laborers; two charwomen; in all, $93,160.

The amendment was agreed to.

The next amendment was, on page 79, line 25, before the words "of class 4," to strike out "two" and insert "three," and on page 80, line 3, after the words "in all," to strike out "$34,160" and insert "$35,060," so as to make the clause read:

Division of Militia Affairs, Office of the Chief of Staff: For the following now authorized by section 20 of the act approved January 21, 1903, as amended by the act approved May 27, 1908, namely: Chief clerk, $2,000; clerks—3 of class 4, 2 of class 3, 3 of class 2, 9 of class 1, 7 at $1,000 each; messenger; 1 assistant messenger; 2 laborers; 2 charwomen; in all, $35,060.

The amendment was agreed to.

The next amendment was, in the appropriations for "Contingent expenses of the War Department," on page 81, line 4, after the word "exceeding," to strike out "$100" and insert "$300," so as to read:

Street car tickets, not exceeding $300.

The amendment was agreed to.

The next amendment was, under the head of "Public buildings and grounds," on page 83, after line 16, to insert:

For purchase of steel cases for old records in Office of Public Buildings and Grounds, $890.

The amendment was agreed to.

The next amendment was, on page 83, line 20, after the words "sum of," to strike out "$32,875" and insert "$33,275," so as to make the clause read:

Of the foregoing amounts appropriated under Public Buildings and Grounds, the sum of $33,275 shall be paid out of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "State, War, and Navy Department Building," on page 83, line 23, after the words "of class three," to strike out "stenographer and typewriter, $900," and insert "two stenographers and typewriters, at $900 each."

Mr. WARREN. On behalf of the committee, I ask that that amendment be disagreed to.

The VICE PRESIDENT. In the absence of objection, the amendment is rejected.

Mr. WARREN. Now, after "$900," in line 24, I move to insert the words "one typewriter, $900."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, line 4, before the word "watchmen," to strike out "forty" and insert "forty-nine."

Mr. CULBERSON. I notice the amendment in line 4, on page 84, increases the number of watchmen in the State, War, and Navy Department Building. Is that the old question we have had up about the number of watchmen necessary on account of the old soldiers being employed, and so forth?

Mr. WARREN. Yes.

Mr. CULBERSON. If it is, I have nothing further to say.

Mr. WARREN. I imagine all of those cases grew more or less out of the reduction made in the case of the Capitol police.

The House, rather consistently, have reduced the number of watchmen in nearly all the departments. The evidence we have from those in charge is that it is impossible properly to guard the property, to prevent people carrying away things, to keep improper parties from getting in, and to afford protection from fire, without an adequate force, and we thought it unsafe to reduce the number lower than the figure we have inserted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 84, line 7, before the word "foreman," to strike out "messenger," and in line 11, after the words "in all," to strike out "$105,900" and insert "$112,500," so as to make the clause read:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: Clerk of class 3; stenographer and typewriter, $900; 1 typewriter, $900; chief engineer, $1,400; 5 assistant engineers, at $1,000 each; electrical machinist, $1,200; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 49 watchmen; carpenter, $1,000; electrician, $1,200; machinist, painter, and plumber, at $1,000 each; 3 dynamo tenders, at $900 each; 7 skilled laborers or mechanics, at $840 each; foreman of laborers, $840; 10 firemen; 11 conductors of elevators, at $720 each; 17 laborers; 3 second-class firemen, at $660 each; 4 forewomen of charwomen, at $500 each; 77 charwomen; gardener, $720; in all, $112,500.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 85, line 7, before the words "of class 3," to strike out "one" and insert "three"; in the same line, before the words "of class 2," to strike out "four" and insert "five"; in line 8, before the word "four," to strike out "one at $1,100"; in line 9, after the words "telegraph operator," to strike out "$1,100" and insert "$1,300"; and in line 14, after the words "in all," to strike out "$73,460" and insert "$77,160," so as to make the clause read:

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 3 of class 3, 5 of class 2, 5 of class 1, 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,300; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; 3 messenger boys, at $600 each; messenger boy, $420; messenger boy, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $77,160.

The amendment was agreed to.

The next amendment was, on page 86, line 3, after the sum "$17,640," to strike out "all employees provided for by this paragraph shall be exclusively engaged on the work of this office during the fiscal year 1913," so as to make the clause read:

Office of Naval Records of the Rebellion: Chief clerk, $2,000; agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, $1,800; clerks—1 of class 3 (indexer), 3 of class 2, 3 of class 1, 2 at $1,000 each; copyist; copyist, $720; assistant messenger; necessary traveling expenses for collection of records, $100; in all, $17,640.

The amendment was agreed to.

The next amendment was, on page 86, line 18, after the words "Chief clerk," to strike out "$2,000" and insert "$2,100," so as to read:

Bureau of Navigation: Chief clerk, $2,100.

Mr. JOHNSTON of Alabama. Mr. President, I desire to ask the chairman of the committee why the salary of the chief clerk of the Bureau of Navigation is put at $2,100, while the salary of the chief clerk of the Bureau of Steam Engineering is put at $2,200, the salary of the chief clerk of the Bureau of Construction and Repair is put at $2,200, and the salary of the chief clerk of the Bureau of Yards and Docks is put at $2,200? The chief clerk of the Bureau of Navigation has 80 employees under him, while they, with one exception, have less than 58. I want to ask the Senator if he can not make that salary correspond with the others.

Mr. WARREN. Mr. President, the duties of a chief clerk are not always measured by the number of employees under him. I desire to say that this is one of the problems that the

committee has to meet. There is not a chief clerk that I know of in any department who is not recommended to have $2,500. In the line of economy we have tried, especially in the War and Navy Departments, where some of the duties that usually fall to chief clerks in civil departments are cared for by commissioned officers, to keep them at $2,000; but the amount of the business done in some of the bureaus has caused the committee to increase one or two of the chief clerks by $100 and one or two by $200. I can say, however, to the Senator that the estimates were for $2,500 each for all of them.

Mr. JOHNSTON of Alabama. I understand that; but the committee did raise the salary of some of the chief clerks to $2,200, as, for instance, in the case of the chief clerk of the Bureau of Yards and Docks.

Mr. WARREN. Those salaries were raised after careful consideration by the subcommittee, after looking the work of the department over very carefully. They may have erred in judgment, but they were very careful in their investigation.

Mr. OVERMAN. The things considered were length of service, the character of the work to be performed, and the skill and scientific knowledge required in the various bureaus.

Mr. JOHNSTON of Alabama. I move, on page 86, line 18, to amend the amendment by striking out "$2,100" and inserting "$2,200."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

Mr. CULBERSON. I notice that the salary of the chief clerk, Office of the Quartermaster General, War Department, is increased from $2,000 to $2,500, as found on page 76.

Mr. WARREN. That is a very different matter. This is simply a small bureau. When I say "small," I do not mean to minimize it; but it is certainly small in comparison with a whole department.

Mr. CULBERSON. Yes; but the House left it at $2,000. The Senate committee increased the salary of the chief clerk of the Bureau of Navigation to $2,100 and the chief clerk of the Quartermaster General's Office to $2,500.

Mr. WARREN. That proves nothing. Proposed legislation now before the House and the Senate makes the chief clerk of the Quartermaster's Department really the chief clerk of a new supply division, taking in the Pay Department, the Quartermaster's Department, and the Subsistence Department of the entire Army, while this is merely the chief clerkship of a not large bureau.

Mr. CULBERSON. The Senator says it proves nothing. It proves that the House of Representatives regarded them as on an equality, and placed them at $2,000 each, whereas the Senate committee makes a difference of $400 a year in the two.

Mr. WARREN. The House simply took the current law in both cases.

Mr. CULBERSON. The current law is entitled to some consideration, I think, in the appropriations for salaries.

Mr. WARREN. Certainly; and the changes that have taken place are also entitled to some consideration.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama [Mr. JOHNSTON] will be stated.

The SECRETARY. On page 86, line 18, it is proposed to amend the amendment of the committee by striking out "$2,100" and inserting "$2,200."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the same clause, in line 22, before the word "copyists," to strike out "eight" and insert "ten," and in line 23, after the words "in all," to strike out "$77,700" and insert "$79,740," so as to make the clause read:

Bureau of Navigation: Chief clerk, $2,200; clerks—1 at $2,000, 4 of class 4, 5 of class 3, 8 of class 2, 8 of class 1, 3 at $1,100 each, 14 at $1,000 each; 14 copyists; 10 copyists, at $840 each; 2 assistant messengers; messenger boy, $900; 5 laborers; in all, $79,740.

The amendment was agreed to.

Mr. WARREN. Mr. President, I might as well suggest at this point that the clerks should be instructed to change all totals to correspond with amendments when we are through with the bill. I ask that such an order be made.

The VICE PRESIDENT. Without objection, the order will be entered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, one page 87, line 22, after the word "exceed," to strike out "$7,400" and insert "$9,500," so as to make the clause read:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Equipment, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Equipment of vessels," to be paid from the appropriation "Equipment of vessels": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $9,500. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

The amendment was agreed to.

The next amendment was, on page 88, line 3, before the words "at $1,200 each," to strike out "three" and insert "four"; in line 7, after the words "Notice to Mariners," to strike out "$1,600" and insert "$1,800"; and in line 21, after the words "in all," to strike out "$102,500" and insert "$103,900," so as to make the clause read:

Hydrographic Office: Hydrographic engineer, $3,000; assistant, $2,200; assistant, $2,000; nautical experts—1 at $1,800, 2 at $1,600 each, 1 at $1,400, 4 at $1,200 each, 2 at $1,000 each; clerks—1 of class 2, 1 of class 1; custodian of archives, $1,200; copyists—3 at $900 each, 1 at $840, 2 at $720 each; compiler, $1,400; editor of Notice to Mariners, $1,800; computer, $1,400; draftsmen—3 at $1,800 each, 4 at $1,600 each; 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each, 1 at $900; 3 apprentice draftsmen, at $700 each; chief engraver, $2,000; engravers—2 at $1,800 each, 3 at $1,600 each, 1 at $1,400, 6 at $1,200 each, 2 at $1,000 each, 4 at $720; apprentice engraver, $800; apprentice engraver, $700; plate printers—chief, $1,400, 1 at $1,200, 1 at $1,000, 2 at $900 each, 1 at $800; apprentice plate printers—1 at $700, 1 at $600; chief lithographer, $1,800; 2 lithographers, at $1,600 each; apprentice lithographer, $700; electrotyper and chart plate maker, $1,200; assistant messenger; 4 laborers; helpers—2 at $720 each, 2 at $660 each, 1 at $600, 1 at $500, 1 at $480; in all, $103,900.

The amendment was agreed to.

The next amendment was, on page 89, line 23, after the name "Sault Ste. Marie," to insert "Panama," so as to read:

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Ste. Marie, Panama, and Galveston.

The amendment was agreed to.

The next amendment was, on page 91, line 3, after the words "Hydrographic Office," to strike out "$19,000" and insert "$8,000," so as to make the clause read:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios; electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference, and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $8,000.

The amendment was agreed to.

The next amendment was, on page 91, line 6, after the word "equipment," to strike out "$820" and insert "$500," so as to make the clause read:

Additional drafting equipment, $500.

The amendment was agreed to.

The next amendment was, on page 91, line 7, after the word "equipment," to strike out "$3,120" and insert "$2,000," so as to make the clause read:

Additional photographic equipment, $2,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of the following clauses, on page 93:

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely: One at $2,000, two at $1,600 each, two at $1,400 each, three at $1,200 each, two at $1,000 each; copyist and typewriter, $900; assistant messenger; and one messenger boy, $420; in all, $15,640.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Wyoming if he expects to have the bill read again for the purpose of taking up matters not involved in Senate committee amendments? There is a matter in the paragraph which has just been read about which I want to get some information.

Mr. WARREN. The bill will not be read again; but when the reading for committee amendments shall have been concluded, the committee will have certain other amendments to offer, and then the bill will be open to general amendment.

Mr. POINDEXTER. I should like to ask the Senator the purpose of this appropriation of $7,000 for piecework in the preparation of the American Ephemeris and Nautical Almanac? I notice that there are a large number of regular skilled assistants in that office, and I am informed from the records of the office that the American Ephemeris and Nautical Almanac can

be prepared by the regular employees of the office without the employment of extra assistance.

Mr. WARREN. Does the Senator wish to strike that out?

Mr. POINDEXTER. Yes; I move to strike it out.

Mr. WARREN. This is not the time to do it; but unless I have further information in regard to it when the proper time comes I shall not oppose the Senator's motion.

Mr. POINDEXTER. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 93, line 12, after the words "Chief clerk," to strike out "$2,000" and insert "$2,200," and in line 19, after the words "in all," to strike out "$26,380" and insert "$26,580," so as to make the clause read:

Bureau of Steam Engineering: Chief clerk, $2,200; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 3 at $1,000 each, 1 at $840; assistant messenger; 2 laborers; 2 laborers, at $600 each; messenger boy, $600; draftsman, $1,400; assistant draftsman, $1,200; stenographers and typewriters—1 at $1,000, 1 at $900; in all, $26,580.

The amendment was agreed to.

The next amendment was, on page 94, line 8, after the words "Chief clerk," to strike out "$2,000" and insert "$2,200"; in line 9, before the words "of class three," to strike out "two" and insert "three"; in line 11, before the words "at $1,000 each," to strike out "fifteen" and insert "fourteen"; and in line 13, after the words "in all," to strike out "$57,800" and insert "$58,600," so as to make the clause read:

Bureau of Construction and Repair: Chief clerk, $2,200; clerks—2 of class 4, 3 of class 3, 3 of class 2, 3 at $1,300 each, 3 of class 1, 9 at $1,100 each, 14 at $1,000 each; 5 copyists; 2 assistant messengers; laborer; messenger boys—9 at $600 each, 1 at $400; in all, $58,600.

The amendment was agreed to.

The next amendment was, on page 94, line 24, after the word "exceed," to strike out "$78,300" and insert "$88,300," so as to make the clause read:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Construction and Repair and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Construction and Repair," to be paid from the appropriation "Construction and Repair": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $88,300. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

The amendment was agreed to.

The Secretary continued the reading of the bill on page 95 to the end of the following clause:

Bureau of Ordnance: Chief clerk, $2,000; ordnance engineer, mechanical draftsman, and computer, $3,000; draftsman, $1,800; assistant draftsman, $1,400; clerks—2 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 5 at $1,000 each; 8 copyists; 2 copyists at $840 each; assistant messenger; messenger boys—2 at $600 each, 2 at $400 each; laborer; in all, $32,960.

Mr. POINDEXTER. Mr. President, in view of the action that was taken with reference to the salary of the chief clerk of the Bureau of Navigation to put him on a par with chief clerks of other bureaus, I think the same change ought to be made—there is more reason, in fact, for making it—in the case of the chief clerk of the Bureau of Ordnance. If the motion can be entertained at this time, I move that "$2,200" be substituted for "$2,000."

Mr. WARREN. Does the Senator allude to the chief clerk of the Bureau of Construction and Repair?

Mr. POINDEXTER. No; the chief clerk of the Bureau of Ordnance; in line 3, on page 95.

The VICE PRESIDENT. That motion would not now be in order; but the Secretary will make a note of it, and when the committee amendments are disposed of it will then be in order for the Senator to move the amendment. No committee amendment has been made there as in the other case.

Mr. POINDEXTER. I noticed the difference, but supposed that possibly the amendment could be offered by unanimous consent.

The VICE PRESIDENT. It can be offered by unanimous consent.

Mr. WARREN. Mr. President, I think we had better proceed under the first unanimous-consent agreement as to the consideration of committee amendments.

Mr. POINDEXTER. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 95, line 25, before the words "of class 3," to strike out "seven" and insert "eight"; in the same line, before the words "of class 2," to strike out "six" and insert "seven"; and on page 96, line 5, after the words "in all," to strike out "$110,040" and insert "$113,040," so as to make the clause read:

Bureau of Supplies and Accounts: Civilian assistant, $2,500; two chief bookkeepers, at $2,000 each; clerks—4 of class 4, 8 of class 3, 7 of class 2, 15 of class 1, 10 at $1,100 each, 28 at $1,000 each, 12 at $900 each; two copyists, at $840 each; five assistant messengers; messenger boys—1 at $600, 3 at $400 each; laborer; 2 laborers, at $600 each; in all, $113,040.

The amendment was agreed to.

The next amendment was, on page 96, line 12, after the words "Chief clerk," to strike out "$2,000" and insert "$2,200," and in line 16, after the words "in all," to strike out "$20,140" and insert "$20,340," so as to make the clause read:

Bureau of Yards and Docks: Chief clerk, $2,200; draftsman and clerk, $1,800; clerks—1 of class 3, 1 of class 2, 2 of class 1, 1 at $1,100, 6 at $1,000 each; assistant messenger; 3 messenger boys, at $600 each; and 2 laborers; in all, $20,340.

The amendment was agreed to.

The next amendment was, on page 96, line 21, before the word "thereunder," to insert "and allotments"; in the same line, after the word "appropriations," to insert "and allotments"; and in line 24, after the word "exceed," to strike out "$40,000" and insert "$50,000," so as to make the clause read:

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations and allotments thereunder and be paid from such appropriations and allotments: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $50,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each, shall be made to Congress each year in the annual estimates.

The amendment was agreed to.

The next amendment was, on page 97, line 23, after the word "exceeding," to strike out $100" and insert "$250," so as to read:

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, street car tickets not exceeding $250.

The amendment was agreed to.

The next amendment was under the head of "Department of the Interior," on page 99, line 9, after the sum "$2,500," to insert "confidential clerk to the Secretary of the Interior, to be appointed by the Secretary of the Interior, $1,800" in line 11, before the words "of class 4," to strike out "thirteen" and insert "fourteen"; in line 12, before the words "of class two," to strike out "twenty-one" and insert "twenty-two," so as to read:

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; confidential clerk to the Secretary of the Interior, to be appointed by the Secretary of the Interior, $1,800; clerks—4 at $2,000 each, 14 of class 4, 18 of class 3, 22 of class 2.

The amendment was agreed to.

The next amendment was, in the same clause, on page 99, line 13, before the words "at $1,000 each," to strike out "three" and insert "two," so as to read:

Twenty-four of class 1, 2 at $1,000 each.

Mr. WARREN. Mr. President, I ask that that amendment on page 99, line 13, may be disagreed to, leaving the number "three" instead of "two."

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 99, in line 17, before the word "typewriter," to insert "assistant multigraph operator, $720"; in line 18, before the word "nine," to strike out "switchboard telephone operator" and insert "two telephone switchboard operators"; in line 21, after the word "plumber," to strike out "$900" and insert "$1,100"; in the same line, after the word "electrician," to strike out "$1,000" and insert "$1,200"; in line 25, before the word "watchmen," to strike out "thirty," and insert "forty," so as to read:

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; confidential clerk to the Secretary of the Interior, to be appointed

by the Secretary of the Interior, $1,800; clerks—4 at $2,000 each, 14 of class 4, 18 of class 3, 22 of class 2, 24 of class 1, 3 at $1,000 each; returns office clerk, $1,000; female clerk, to be designated by the President, to sign land patents, $1,200; 8 copyists; multigraph operator, $900; assistant multigraph operator, $720; typewriter repairer, $900; 2 telephone switchboard operators; 9 messengers; 7 assistant messengers; 21 laborers; skilled mechanics—1 at $900 and 1 at $720; 2 carpenters, at $900 each; plumber, $1,100; electrician, $1,200; laborer, $900; 6 laborers, at $480 each; packer, $660; 2 conductors of elevator, at $720 each; 8 charwomen; captain of the watch, $1,200; 40 watchmen.

Mr. WILLIAMS. Mr. President, there is an increase of 10 watchmen. Is that owing to the fact that the House reduced the number?

Mr. WARREN. Yes, Mr. President; and we have only restored it to conform to the current law.

Mr. WILLIAMS. Did the committee have pretty full hearings about these reductions which the House made?

Mr. WARREN. We had very full hearings about them. In this particular instance we summed up the number of watchmen in all the buildings in the Interior Department, and found that if these reductions were made they would be compelled to discharge young and active men, because under the service rules they could not discharge the old soldiers, and it would leave them without their best and most active young men. Furthermore, considering the fact that they work in eight-hour shifts, none of these watchmen could be spared. It seemed to the committee that the department could hardly get along and properly guard the building with fewer watchmen.

Mr. WILLIAMS. I notice that in the State, War, and Navy Department Building there are 39 watchmen; in the Interior Department there are 40 watchmen, in each case for one building——

Mr. WARREN. Oh, no.

Mr. WILLIAMS. Wait; I have not finished—with a scant allotment of ground about it. What grounds do the watchmen of the State, War, and Navy Department take care of, except that little plot of greenery around the State, War, and Navy Department Building?

Mr. WARREN. There is not very much ground around the State, War, and Navy Building, but——

Mr. WILLIAMS. What grounds are there in the case of the Interior Department for the 40 watchmen to look after?

Mr. WARREN. But there is the State, War, and Navy Building proper, and then there are several other buildings, some of them near by and some at a distance. All of them have to be taken care of.

Mr. WILLIAMS. There is nothing near by there, is there, except the White House grounds and the Treasury grounds?

Mr. WARREN. I am not referring so much to the grounds as to the buildings. The Senator knows there is the old Winder Building right across the way; then there is the old Gen. Grant house, across the way; and there are several other buildings.

Mr. WILLIAMS. The Mills Building, too, I suppose?

Mr. WARREN. Yes.

Mr. GALLINGER. That goes with the Navy Department.

Mr. WILLIAMS. Has the Senator ever had a computation made to find out how many watchmen we have for the public buildings in the city outside of the Capitol and the Capitol grounds—the total number of watchmen of other public buildings in the city of Washington?

Mr. WARREN. I think the entire Interior Department takes about sixty-odd men, including the Pension Bureau and all the other bureaus of the department. The Senator has already stated the number in the State, War, and Navy Building. I would not be able to say offhand, but I should say——

Mr. WILLIAMS. The number is 99 for those two departments.

Mr. WARREN. It is in about the same proportion as to all the buildings.

Mr. WILLIAMS. Does the Senator remember how many watchmen there are in the Post Office Building?

Mr. WARREN. The watchmen in the Post Office Building number about 25. In the old Post Office Building I think there are 20 watchmen, but that is now part of the Interior Department.

Mr. WILLIAMS. I have asked the question because it has seemed to me for a long time that some reduction ought to be made in these offices, and the House of Representatives seems to have given the matter careful attention and to have had long hearings. But it seems to me that in nearly every case in the bill—it so appears, at any rate, cursorily—the Senate has just restored the current law.

Mr. WARREN. We have restored the current law, or nearly so, but not quite, I think, in every instance.

Mr. WILLIAMS. I said "in nearly every case." The action of the House and its examination and thorough search into the matter seems to have been treated with a good deal of contempt.

Mr. WARREN. I do not understand that they made an especially thorough search about that matter.

Mr. WILLIAMS. I understood that they had a very careful inquiry and came to the conclusion that these officers could be dispensed with.

Mr. WARREN. Let me say this to the Senator: Formerly there were fewer watchmen employed because they served 12 hours on and 12 hours off; but a law that has been enacted since then has added 50 per cent from time to time to the number required, because it has reduced the time of employment to an 8-hour basis.

Mr. WILLIAMS. That would be only an addition of 33⅓ per cent.

Mr. WARREN. Furthermore, the buildings have vastly increased in number and the work of the departments has greatly increased. Some years ago the appropriations for the Agriculture Department were four or five hundred thousand dollars; they are now $16,000,000. The appropriations for the War Department used to be twenty-five or twenty-eight million dollars annually; now the expenditures of that department reach $100,000,000. Of course, those departments occupy various new additional buildings. I would not be able to tell the Senator offhand just how many buildings the Interior Department occupies, but a great many.

Mr. WILLIAMS. I can understand, if the Senator will pardon me, how there might be an increase in the aggregate number of watchmen, because of new buildings to be guarded; but I do not understand why there should be any increase as to any particular buildings. The thing that struck me was this: If the Senate committee had made a careful examination, it is curious that it should have happened to arrive at the conclusion in nearly every case that the current law ought to be restored. It seems to me that in some cases it would have arrived at the conclusion the House was right, and in some cases that they had made a little bit too much reduction; but the expenditure of the current law might be reduced somewhere between current law and the House provision. It would appear, upon first blush, on the face of the bill, as if the Senate committee had just acted by wholesale and brought positions and salaries up to the standard of current law.

Mr. WARREN. The Senator has jumped at conclusions there.

Mr. WILLIAMS. I say it would appear so upon the face of the bill.

Mr. WARREN. The House did exactly that thing. They made a horizontal cut of an almost exact percentage. The Senate committee has considered each locality separately. In some cases they restored exactly what the terms of the law before provided, and in some cases not quite so. But knowing, of course, that the bill will go to conference and that there we will have a combination of the knowledge of both House and Senate, and as we can not go higher than the Senate provision and can not go lower than the House provision, we feel pretty safe in believing that we shall finally determine the matter correctly.

Mr. WILLIAMS. The Senator must pardon me if I made an error, because the error is due to the fact that I have thus far run across no item where the Senate committee has not simply restored the current law.

Mr. ROOT. Mr. President, I should like to make a suggestion to the Senator from Mississippi, coming from a long residence in the State, War, and Navy Department Building. That building, of course, is a very large one. There are three departments in it, and a great many entrances; I think there are 16 in all. There are the great main entrances on each face; then there are basement entrances and court-yard entrances, all of which are used. The principal function of the watchmen is to guard those entrances. They have to be there to give directions to people who come in and who would otherwise be lost in that vast building; to keep out drunken men and crazy men; and to perform the duties generally of watchmen. They have to be on 8-hour shifts only; so that there have to be three shifts. You can divide by three the total number.

Mr. WILLIAMS. I understand that; but after nighttime some of these entrances are locked up; are they not?

Mr. ROOT. Yes; they are locked up, and then the watchmen patrol the building as a regular fire patrol during the night.

The administration of the building has been directed especially toward cutting down expenses. In former years it was customary to have a retired officer in charge of that building, but some few years ago we made a change in that respect. I think I have been a member of that commission twice, and I think it was the first time I was on it when we put a bright young engineer officer in charge, who went to work reducing

expenses, and they have been reduced. I remember—I think several years ago—there was a reduction of nine in the number of watchmen. I know they talked to me about it then, and they cut the number down as much as they found it practicable to do safely. Since 1906 they have reduced the cost of running the building from $220,000 to $148,000, because they have been at work there themselves trying to cut down the expenses everywhere they could. I think this number of watchmen is as low as is practicable.

Mr. WILLIAMS. Mr. President, the Senator from New York has made out an excellent case for the State, War, and Navy Building. It is a great pity that example is not followed with regard to all these buildings.

Before I pass from that subject, however, of course you can not calculate the number of entrances and multiply it by three and get the necessary number of watchmen in that way, because at night most of the entrances, I suppose, are locked up. They are in most buildings, just two or three of them being left open. People are not allowed to enter, anyhow, unless they are Members of Congress or Senators, or upon business, after 2 o'clock in the afternoon. So that the full shift only runs eight hours. But it would be right interesting to know how many men we have in toto serving as watchmen of public buildings, even outside of the Capitol and the Capitol Grounds.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 100, line 7, to strike out "$266,930" and insert "$279,970" as the total of the appropriations under the heading "Office of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 100, line 13, before the word "watchmen," to strike out "fifteen" and insert "twenty"; and in line 16, after the words "in all," to strike out "$35,780" and insert "$39,380," so as to make the clause read:

For employees, for the proper protection, heating, care, and preservation of the old Post Office Department building, occupied by the Department of the Interior, namely: Engineer and electrician, $1,600; assistant engineer, $1,000; 4 firemen; 3 watchmen, acting as lieutenants, at $840 each; 20 watchmen; conductor of elevator, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,380.

The amendment was agreed to.

The next amendment was, on page 100, line 18, after the words "one at," to strike out "$3,000" and insert "$3,500"; in the same line, before the words "at $2,750 each," to strike out "two" and insert "three"; in line 19, before the words "at $2,500 each," to strike out "four" and insert "three"; and in line 23, after the words "in all," to strike out "$65,850" and insert "$66,600," so as to make the clause read:

Office of Assistant Attorney General: Assistant attorneys—1 at $3,500, 3 at $2,750 each, 3 at $2,500 each, 7 at $2,250 each, 11 at $2,000 each; medical expert, $2,000; 4 clerks of class 3, 1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter; clerk of class 1; in all, $66,600.

The amendment was agreed to.

The next amendment was, on page 101, line 2, after the word "exceeding," to strike out "$3" and insert "$4," and in line 7, after the words "Secretary of the Interior," to strike out "$4,000" and insert "$4,500," so as to make the clause read:

For per diem in lieu of subsistence of two special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $4 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,500.

The amendment was agreed to.

The next amendment was, on page 101, line 20, after the words "chief clerk," to strike out "$2,500" and insert "$2,750"; in line 23, before the word "chiefs," to insert "Chief of Division of Surveys, $2,750"; in the same line, after the word "division," to strike out "two at $2,400 each" and insert "one at $2,400"; on page 102, line 5, after the word "messengers," to insert "messenger boys—10 at $600 each, 6 at $480 each"; and in line 11, after the words "in all," to strike out "$621,520" and insert "$631,000," so as to make the clause read:

General Land Office: Commissioner of the General Land Office, $5,000; assistant commissioner, $3,500; chief clerk, $2,750; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; Chief of Division of Surveys, $2,750; chiefs of division—1 at $2,400, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 51 of class 3, 74 of class 2, 77 of class 1, 65 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $5,000; clerk and librarian, $1,000; in all, $631,000.

The amendment was agreed to.

The next amendment was, on page 103, line 17, after the words "assistant commissioner," to strike out "$3,500" and insert "$3,750"; in line 18, after the words "chief clerk," to strike out "$2,250" and insert "$2,750," so as to make the clause read:

Indian Office: Commissioner of Indian Affairs, $5,000; assistant commissioner, $3,750; second assistant commissioner, who shall also perform the duties of chief clerk, $2,750.

The amendment was agreed to.

The next amendment was, in line 22, before the words "of class 3," to strike out "twenty-five" and insert "twenty-four"; in line 24, before the words "of class 1," to strike out "forty-three" and insert "thirty-five," so as to make the clause read:

Financial clerk, $2,250; chiefs of division—1 at $2,250, 1 at $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; clerks—14 of class 4, 24 of class 3, 24 of class 2, 2 at $1,500 each; 35 of class 1.

Mr. WARREN. Mr. President, through a little error we shall have to modify the amendment. I ask that the amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was, on page 104, line 1, after the words "in all," to strike out "$231,710" and insert "$221,260," so as to read: "in all, $221,260."

Mr. WARREN. I move to amend the amendment by changing the total to "$232,400."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 104, line 14, before the words "chief clerk," where it occurs the first time, to insert "Second Deputy Commissioner, $3,000"; on page 105, line 3, after the word "each," to insert "and for the following for care of buildings under the chief clerk of the Interior Department, namely"; in line 5, after the sum "$1,400," to insert "engineer, $1,200; two firemen"; in line 10, before the word "watchmen," to strike out "twelve" and insert "twenty"; and in the same line, before the words "in all," to strike out "$1,469,700" and insert "$1,481,700," so as to make the clause read:

Pension Office: Commissioner of Pensions, $5,000; Deputy Commissioner, $3,600; Second Deputy Commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 15 medical examiners, at $1,800 each; 8 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 57 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 16 assistant chiefs of division, at $1,800 each; 3 stenographers, at $1,000 each; clerks—95 of class 4, 100 of class 3, 275 of class 2, 295 of class 1, 65, at $1,000 each; 30 copyists; 27 messengers; 12 assistant messengers; 17 skilled laborers, at $660 each; 20 messenger boys, at $400 each; and for the following for care of buildings under the chief clerk of the Interior Department, namely, superintendent of building, $1,400; engineer, $1,200; 2 firemen; 22 laborers; 10 female laborers, at $400 each; 15 charwomen; 1 painter, and 1 cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; in all, $1,481,700.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after the sum "$2,700," to insert "assistant examiner of trade-marks and designs, $2,400"; in line 19, before the words "third assistant examiners," to strike out "eighty-eight" and insert "ninety-three"; on page 107, line 2, before the words "of class 4," to strike out "nine" and insert "fourteen"; and in line 9, after the words "in all," to strike out "$1,311,010" and insert "$1,331,410," so as to make the clause read:

Patent Office: Commissioner of Patents, $5,000; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,500; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $3,500; chief clerk, who shall be qualified to act as principal examiner, $3,000; 2 law examiners, at $2,750 each; 3 examiners in chief, at $3,500 each; examiner of interferences, $2,700; examiner of trade-marks and designs, $2,700; assistant examiner of trade-marks and designs, $2,400; 6 assistant examiners of trade-marks and designs, at $1,500 each; examiner of classification, $3,600; 43 principal examiners, at $2,700 each; 63 first assistant examiners, at $2,400 each; 73 second assistant examiners, at $2,100 each; 93 third assistant examiners, at $1,800 each; 110 fourth assistant examiners, at $1,500 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; 3 assistant chiefs of division, at $1,800 each; private secretary, to be selected and appointed by the Commissioner of Patents, $1,800; translator of languages, $1,800; clerks—14 of class 4, 9 of class 3, 17 of class 2, 120 of class 1, 90 at $1,000 each; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; messenger and property clerk, $1,000; 90 copyists; 50 copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 45 laborers, at $480 each; 40 messenger boys, at $360 each; in all, $1,331,410.

The amendment was agreed to.

The next amendment was, on page 107, line 21, after the word "patents," to insert "and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents," so as to make the clause read:

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents; and for expense attending defense of suits instituted against the Commissioner of Patents, $500.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 108, items under the Bureau of Education.

Mr. GALLINGER. Mr. President, I should like to inquire of the chairman of the Appropriations Committee whether the aggregate for the Bureau of Education is the same as current law? I have received a deluge of letters from all over the country begging that Congress might give this very important bureau more consideration than it has received in the past, and be more liberal in the matter of appropriations. I have not looked it up at all; but I should like to ask the Senator from Wyoming whether the amount is the same as has been heretofore appropriated?

Mr. WARREN. Mr. President, I will see about that in a moment. But I desire to say that the demands, if I may term them such, or the wants of this bureau were considerably more than double the amount of the appropriation set out here. They seemed to propose new work, among which they proposed to classify all the colleges in the United States as No. 1, No. 2, No. 3, et cetera, and go into all State school matters.

I may say that the subcommittee and the committee itself were so bewildered with the startling amount that was asked for, and the privileges and powers that they indicated they desired to put into effect, that we did not feel like entering into the proposed increase to any great extent in an annual supply bill.

Mr. ROOT. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I yield to the Senator.

Mr. ROOT. I have received some letters in regard to the activities of the Bureau of Education which have led me to feel that there ought to be pretty careful consideration of the scope of the work of that bureau before we undertake to increase the appropriation. There is always a tendency on the part of an officer who is enthusiastic in his work, as he ought to be, to enlarge the scope of the work; and there is a good deal of possibility of this bureau simply duplicating work that is being done perfectly well—done better than the bureau could do it, probably—by other agencies in the country.

Of course we can spend many millions of dollars if we are going to have this bureau take charge of all the educational work of the country; and if we leave to themselves enthusiastic officers who are worth their salt, they certainly will keep on enlarging it. I think, however, that before we increase the appropriation we ought to know whether it is a needful enlargement and one for which we ought to spend the money of the Government.

Mr. GALLINGER. I quite agree with the Senator from New York——

Mr. POINDEXTER. Mr. President, will the Senator from New Hampshire yield to me for a moment?

Mr. GALLINGER. I yield.

Mr. POINDEXTER. I just wanted to ask the Senator from New York the general nature of the complaint against the Bureau of Education, to which he has referred.

Mr. ROOT. The general nature of the complaint was in regard to the activity of, I suppose, the officer who is styled here "specialist in higher education." He has been sending out classifications of institutions—and I presume this is the same matter the Senator from Wyoming referred to—apparently without having made the investigations which would furnish a proper basis for his classification. It was volunteer work, without the justification of real knowledge, and was regarded by the gentlemen who wrote to me upon the subject as a piece of pure impertinence.

Mr. SMITH of Georgia. If the Senator from New York will allow me, I do not think the criticism can be made too severe of the classification which has been published.

Mr. WARREN. If the Senator will allow me, I should like to complete my answer to the Senator from New Hampshire. I did not wish to take the Senator from Georgia off the floor, however.

Mr. SMITH of Georgia. I had said all I wished to say. I will simply add, in connection with what the Senator from New York has said, that I have examined that classification myself, together with men who are well informed on the subject, and it is utterly inexcusable.

Mr. WARREN. I will say to the Senator from New Hampshire that the House has increased the appropriation for the Bureau of Education by the sum of $15,000 over current law, or something like 20 per cent. What the bureau asked from our committee was about $114,000 additional; and included in that were certain matters about which I should be glad to have the attention of the Senator from Ohio [Mr. BURTON]. I do not wish to take the Senator from New Hampshire from the floor—of course, I could not—but when he has concluded I shall be glad if the Senator from Ohio will give the Senate some information on this subject.

Mr. GALLINGER. I will conclude by a single further observation. I was not well informed as to what this particular official had been doing. If he has been engaged in an exploitation that is not reasonable or wise, of course he ought to be ignored, but the letters that came to me were so numerous that I did not suppose it was a propaganda without a basis in reason.

I simply feel that we ought to be very liberal in taking care of the educational work of the Government, and I am glad to know that the House, reducing appropriations as a rule, has increased this appropriation $15,000. I am content to know that fact. I hope that this appropriation will enable the bureau to carry on all the proper work of the bureau, and I suppose it will.

Mr. WARREN. Mr. President, just a word. It has seemed to the committee, and I think it will suggest itself to the Senator from New Hampshire, that so large an appropriation and such an advance step along different lines ought to be considered outside of an annual appropriation bill.

Mr. GALLINGER. Oh, I quite agree with the Senator on that point. If the bureau, or somebody representing the bureau, asked for $114,000 additional, being much above the entire appropriation for the bureau, I can see that that was unreasonable, and it ought to be considered outside of an appropriation bill, if it is given consideration at all.

Mr. OVERMAN. Mr. President, I wish to say that Dr. Claxton, who is at the head of this bureau, is a young man who is very enthusiastic in his work.

Mr. GALLINGER. And very able.

Mr. OVERMAN. And he is a very able man. He is one of the most distinguished educators in this country. He has submitted an estimate here that I think ought not to be put on an appropriation bill, but it ought to be in separate legislation. I think probably if it would come here on another bill we might give him as much as he has asked, and in some lines we may increase the efficiency of his department.

I agree with the Senator from Georgia and the Senator from New York that the work which has been undertaken by this specialist ought not to be undertaken by the Government. I think the investigation he has made is superficial, taking some colleges and putting them down in the second or third class. The Government has no business to go into that sort of a thing, investigating this college and that college and saying that a college in Mississippi is a third-class institution or a college in North Carolina is a second-class institution and one in New York is a first-class institution. What business has the Government to go into the work of classifying the colleges and placing them in a first class, a second class, a third class, and a fourth class? That is what I condemn. I do not think Dr. Claxton is responsible for it, but this specialist, who also is an enthusiast, has gone beyond where it was intended he should go in creating the office which he fills.

Mr. SMITH of Georgia. It was called to the attention of Dr. Claxton and he did not suppress it.

Mr. OVERMAN. I do not think it was called to his attention until probably after it had been done. I am satisfied that Dr. Claxton in future will not have anything like that going on in his department. In fact, I think the Senator from Ohio [Mr. BURTON] will introduce an amendment to prohibit that kind of work, and I am heartily in favor of doing it.

Mr. ROOT. Mr. President, there are two entirely distinct fields to which a governmental department of education may address itself. One is the supervision of the education which is provided by the Government. We do under the Government of the United States provide certain education; we make grants to certain institutions; and we ought to have an agency to look after the expenditure of that money and to look after the institutions through which it is expended.

The other field is the general field of education, and in that field it is appropriate, and has been the case from time immemorial, that the Government should exercise visitorial powers; but the visitorial powers in this country rest with the

governments of the States and not with the Government of the United States.

I apprehend that the creation of a position of specialists in higher education in this bureau indicates an impression on the part of the gentlemen connected with the bureau that it is their function to exercise general visitorial powers over the educational institutions of the United States, and the attempt of this specialist in higher education to classify these institutions indicates that he understands that that is his function. If so, he misunderstands it, and we should not appropriate money for the purpose of duplicating outside of the true powers of the Government of the United States the visitation by Government of educational institutions.

Mr. POINDEXTER. Does the Senator from New York charge that the bureau or this special officer of the bureau have in any way extended their authority to visitorial powers? I understand that they have simply sought information and tabulated it and published it. I do not understand that the bureau or any official of the bureau have undertaken in any way to perform the duties of a board of visitors to any institutions.

Mr. SMITH of Georgia. I should like to ask the Senator if he does not think it dangerous for this specialist to undertake to classify the colleges and schools without any visitations?

Mr. POINDEXTER. I do not regard it as dangerous. I regard it as a little severe on the local pride of those colleges which happen to be classified as second and third class.

Mr. SMITH of Georgia. It is very hard to make an exact classification, and if it amounts to anything it will be harmful.

Mr. POINDEXTER. I think it is invidious. I do not think that they ought to undertake to do that. I agree with the Senator entirely in that regard. But I do not think that there is any objection to the extension of this bureau along lines, commensurate with the growth of the country, in the study of educational methods and a tabulation and publication of the results.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was continued to line 19, page 109, the last paragraph read being the following:

Office of the Superintendent of the Capitol Building and Grounds: Superintendent of the Capitol Building and Grounds, $6,000; chief clerk, $2,000; chief electrical engineer, $3,000; civil engineer, $2,400; 2 draftsmen, at $1,200 each; clerk, $1,600; stenographer and typewriter, $1,000; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $1,800; and 1 stenographer, at $720; in all, $30,480.

Mr. BRISTOW. I wish to inquire as to this item of compensation to the disbursing clerk, $1,000, in line 11, on page 109.

Mr. WARREN. I suppose it is for the purpose mentioned, "compensation to disbursing clerk."

Mr. BRISTOW. Is that the salary of the disbursing clerk?

Mr. WARREN. I think not. I will look it up in a moment. I think this is added to some salary on account of duties additional of a disbursing clerk.

Mr. BRISTOW. I should like to know who is going to get the $1,000.

Mr. WARREN. If the Senator will let it pass for a moment I will give him the information.

Mr. WILLIAMS. Mr. President, I want to call the attention of the Senator to the language which occurs, not only here but elsewhere, in all these appropriation bills, not only the one of this year, but in all of them:

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, including payment in advance for subscriptions to publications.

And then there follows the amount of money appropriated.

The habit is growing up in the city of Washington in a great many of the departments of collecting libraries, including all the current magazines, for the edification or amusement of the employees. These words are "current educational periodicals," which is all right. It is followed by the language "other current publications." I remember that about 8 or probably 10 years ago there used to be a clause like this in the old agricultural appropriation bill. I was then upon that committee in the House, and we concluded that we would look into that. We went down there and found that Harper's Weekly, and Puck, and various other things were being taken as a part of the scientific paraphernalia of the Agricultural Department library. I expect the same thing is going on right here in the Educational Bureau. I think wherever that sort of language occurs it ought to be stricken out.

The Educational Bureau, for example, ought to have educational periodicals, the Agricultural Department ought to have agricultural periodicals, the State, War, and Navy ought to have certain scientific periodicals and certain military and naval periodicals. Anything that would help in the work of the bureau or the department ought to go there.

Not only is this criticism true as regards periodicals, but it is true as regards books. Many of these departments have very nice little miscellaneous libraries for the delectation of those who draw Government salaries. I do not know just how the books are selected. I presume that when somebody wants a book he suggests it to the party in charge of the bureau or department library and he goes out and buys it at public expense. That I do not know about.

It seems to me that there ought to be a stop put to that in all these departments. I do not suppose we can do it right here. I think I will move—on page 108, line 19—to strike out the words "other current publications."

Mr. WARREN. That being in the House text, the Senator will have to wait until we go through with the bill and act on the other amendments of the committee.

Mr. WILLIAMS. Very well. I say, I think I shall move that amendment when we come to it.

Mr. OVERMAN. May I interrupt the Senator?

Mr. WILLIAMS. Wait a moment. Also, when the language "and completing valuable sets of periodicals" is reached, after the word "of" and before "periodicals," I will move to insert the word "educational." Of course every public official ought to have very near to him the information necessary for his particular business—if it is in the Department of Justice, the law books; if it is in the Patent Office, all sorts of patent decisions and a great many machinery journals and a great many journals that give accounts of new inventions and inventions in other countries. Everybody will understand exactly where the shadowy line of division should come. We have a great public library here, and we should not be building up a hundred separate libraries of various sorts.

I yield to the Senator from North Carolina.

Mr. OVERMAN. I want to suggest to the Senator that while I heartily agree with him, we ought not to stop at this one department when other departments are doing the same thing.

Mr. WILLIAMS. Of course, I say the same thing is done in all, except I think you will find that it is no longer done in the Agricultural Department. At least I know that years ago it was stricken out. It may have gotten back. I have found by long experience here that whatever is stricken out somehow or other gets back into the appropriation bill in the long run. If we strike it out, somehow or other it will be put back in time, and that may have gotten back in relation to the Agricultural Department library, but I do not think so.

Mr. CULBERSON. It has often been suggested from time to time in considering this bill that there seems to be a duplication. There has been just brought to my attention, at page 108, under the head of "Bureau of Education," the item "specialist in charge of land-grant college statistics, $1,800." Then "collector and compiler of statistics, $2,400," and then, in lines 22 and 23, "for collecting statistics for special reports and circulars of information, $4,000." It seems to me that is a good deal to pay annually for statistics to officials. Then there is a general lump sum of $4,000 for collecting statistics. I call the attention of the chairman of the committee to it.

Mr. WARREN. It is pretty much the work of the Bureau of Education to collect statistics. We have not changed the House language there.

Mr. CULBERSON. Possibly the House may have been in error in putting that in.

Mr. WARREN. I think it is sometimes. The Senator should be reminded that I was chastised only a few moments ago for differing with the House. On some of these items, when we differ from the House, I have changed them, and there are others where I have thought we should differ, but I was willing to take the judgment of the House. In this matter of education we have not changed the current law. The $15,000 that was added was a lump sum. The Senator may be right about it, but Mr. Claxton, when he was before us, laid particular stress upon the importance of those employees. I confess that I know less about those particular employees than about some of the others.

Mr. HEYBURN. Mr. President, during my absence——

Mr. OVERMAN. May I interrupt the Senator for one moment.

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I have just a word to say.

Mr. OVERMAN. Right here.

The VICE PRESIDENT. But the Senator from Idaho declines to yield.

Mr. HEYBURN. It relates to a matter which has just passed the Senate. I will yield with pleasure to the Senator in a moment. During my absence there was an item I had a check on, on page 55, in the contingent expenses of the Treasury Department, where $250 was added for newspaper clippings. That struck me as being rather an unusual appropriation for a department of the Government. I think they should be fined for taking newspaper clippings rather than be given $250 for buying them. I merely call attention to it.

Mr. WARREN. Let me ask what paragraph it is. I feel sure no such sum is appropriated.

Mr. HEYBURN. It is on page 55; it is a Senate committee amendment.

Mr. GALLINGER. In line 22.

Mr. HEYBURN. It ought to be stricken out, if we may recur to it. I had marked it for my attention, but it came up when I was out of the Chamber.

Mr. WARREN. We can leave it and go back to it later on. I will say that it is not an unusual thing for a business office or for any other office to wish to find out what the current literature may be upon scientific or other special subjects, and to subscribe for clippings.

Mr. HEYBURN. This is not on a scientific subject.

Mr. WARREN. Well, any subject, for that matter, upon which they wish to get a consensus of opinion. I do not regard it as anything that is at all outside of the regular expenditures.

Mr. HEYBURN. It will depend upon what papers the clippings come from as to whether they might be for their interest or of value. I merely call attention to it in passing. I think the committee should strike out that amendment.

Mr. OVERMAN. I understand that it is only a matter of $5, and the $250 is for law books.

Mr. HEYBURN. The item is for newspaper clippings. The amount was raised from $750 to $1,000. So I take it that that raise was for clippings.

Mr. OVERMAN. No; not at all:

For newspapers, newspaper clippings, law books, city directories, and other books of reference relating to the business of the department.

Mr. HEYBURN. Those were all in at $750.

Mr. OVERMAN. The department said it was not sufficient, and they also said they would like to have "clippings" put in there. The clippings amount to only $5 or $10.

Mr. HEYBURN. It does not so appear on the face of the bill.

Mr. CUMMINS. It seems to me the Senator from Idaho ought not to object to that because——

The VICE PRESIDENT. The amendment has been passed. It was agreed to some little time ago.

Mr. CUMMINS. Because the authority still remains to buy newspapers, and it certainly is better to buy a clipping rather than a newspaper.

Mr. HEYBURN. If I may interrupt the Senator, I did not speak of the newspapers because the House had put that in and an amendment to change the text would not be in order at this time. I only speak of the Senate amendment.

Mr. CUMMINS. I hope no discrimination will be made between newspapers and newspaper clippings. The latter are cheaper, and certainly we ought not to limit a library to newspapers. We ought to take the clipping rather than the whole newspaper.

Mr. WILLIAMS. What do these departments want with newspapers, anyhow? Of course, I understand everybody in a department wants a newspaper, but he is supposed to buy it.

Mr. CUMMINS. I am not in favor of either, but I could not understand why there should be objection to newspaper clippings——

Mr. WILLIAMS. No; I am not——

Mr. CUMMINS. And not take all the paper, and allow the newspaper itself to enter without any objection.

Mr. GALLINGER. The newspaper can be purchased for 1 cent, and the newspaper clipping costs 5 cents.

Mr. CUMMINS. That is not true of all newspapers.

Mr. WARREN. The trouble is, you would have to subscribe for the newspaper and then pay a clerk to look out for the particular items sought for, while these newspaper clippings are furnished upon a particular subject that is important to the office.

Mr. GALLINGER. At 5 cents apiece.

Mr. WARREN. At 5 cents apiece.

I laid aside for a few moments the matter which the Senator from Kansas [Mr. BRISTOW] spoke about.

The office of Superintendent of the Capitol Building and Grounds is one that belongs to the House and Senate together. It is like the Capitol police force. The House has as much authority as we have and no more, perhaps, except that they originate legislation. The disbursement that the Senator alludes to has been paid for a great many years to Mr. Evans, who is the chief disbursing clerk of the Interior Department. The Capitol comes under the Interior Department. This clerk gets a salary, I think, of $2,200, and this is the additional compensation that he gets by giving a large bond and disbursing not only the funds of the department proper, but for both the new buildings that have been built here for the House and the Senate, and for everything that comes up of that nature, including all funds handled by the Superintendent of the Capitol Building. It is not a new thing at all. It is quite usual to pay to the chief clerk or the disbursing officer in the department something for the care of the buildings—sometimes $250, sometimes $500—and in the same way an addition sometimes for disbursing But this has been done to compensate him rather than to raise his salary for disbursing these moneys.

Mr. BRISTOW. Those buildings are completed.

Mr. WARREN. Oh, well, their supervision forms no considerable part of his duties. He had this compensation before the House and Senate Office Buildings were built.

Mr. BRISTOW. But the appropriation is made for the "Superintendent of the Capitol Building and Grounds."

Mr. WARREN. Oh, no; this Capitol happens to be in charge of the Interior Department, and Mr. Evans is the disbursing clerk of the entire Interior Department.

Mr. BRISTOW. He ought to have a proper salary for that, of course.

Mr. WARREN. Added to that has been the outside work. As I have said, this is quite usual. It does not give him an unreasonable salary. It gives $3,250 for an officer who has to expend many million dollars, and who, of course, is under a heavy bond.

Mr. BRISTOW. He ought to have the same salary that other officers of equal responsibility in other departments have. The disbursing clerks of these departments all perform about the same duties. Now, according to this bill, there would be added to that the disbursement of the funds provided for in this paragraph. The disbursing clerk of the department, as I understand, simply pays the employees and officers of the department and takes care of the departmental expenditures. He does not handle the millions of dollars which the department expends in other lines; he is the disbursing officer who pays the employees of the department; and this officer is given a thousand dollars extra here for disbursing $30,480. That is the situation.

Mr. SMITH of Georgia. And, in addition to that, he is provided with a bookkeeper and an accountant at $1,800 a year.

Mr. BRISTOW. Yes.

Mr. WARREN. Well, the Senator from Kansas may rail against the salaries if he wishes, but this bill does not increase them and the accountant and bookkeeper are one.

Mr. BRISTOW. That does not justify paying a clerk $1,000 extra for disbursing $30,480.

Mr. WARREN. Oh, well——

Mr. LODGE. It is not to pay him for disbursing that amount.

Mr. WARREN. It has nothing whatever to do with that.

Mr. LODGE. This $1,000 is not compensation for disbursing the funds of the Interior Department.

Mr. WARREN. It is for disbursing extra funds.

Mr. LODGE. I think we ought to take the Capitol out of the hands of the Interior Department. I think we should take care of it with our own officers.

Mr. WARREN. If some of these observations which are made when we appropriate according to the terms of the law could impress the minds of those who make them so that they would propose legislation on the subject, then we should know what we were doing. We appropriate under the law as we find it.

Mr. BRISTOW. I move to strike out——

Mr. WARREN. The Senator can not do that in order now, because this is the language of the other House.

Mr. BRISTOW. Well, then, I will wait until the proper time arrives.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 110, in line 2, after the word "exceeding," to strike out "$100" and insert "$250"; in line 7, after the words "and other," to strike out "absolutely necessary expenses" and insert "necessary expenses not hereinbefore provided for"; in line 8, after the word "including," to insert "traveling expenses"; and in line 10, after the sum "$122,000," to insert:

Provided, That such portion of the appropriation for contingent expenses as may be allotted to the Bureau of Mines by the Secretary of the Interior shall be available for the purchase of furniture and such other supplies hereinbefore enumerated as may be required for the use of the Pittsburgh Experiment Station as well as the Washington office of said bureau.

So as to make the clause read:

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $7,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street-car tickets not exceeding $250, expressage, wagons and harness, motor trucks, motor cycles, and bicycles, maintenance and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and adding machines and exchange of same, $122,000: *Provided*, That such portion of the appropriation for contingent expenses as may be allotted to the Bureau of Mines by the Secretary of the Interior shall be available for the purchase of furniture and such other supplies hereinbefore enumerated as may be required for the use of the Pittsburgh Experiment Station as well as the Washington office of said bureau.

The amendment was agreed to.

The next amendment was, on page 111, line 10, after the date "nineteen hundred and thirteen," to insert:

The Secretary of the Interior may hereafter, in his discretion and in the interest of economy, use the funds provided in the appropriation for stationery and for contingent expenses of the Department of the Interior, for the purchase and distribution of supplies for the use of subordinate offices and Indian schools having appropriations available for the purchase of supplies: *Provided*, That the said appropriations of the department shall be reimbursed from the appropriations for the offices and schools so supplied by the medium of transfer vouchers which, when properly executed, shall be recognized and allowed by the accounting officers of the Treasury Department, and such vouchers, bearing the approval of the Secretary of the Interior or one of his assistants, shall be accepted by the accounting officers of the Treasury Department as sufficient evidence that the supplies charged for have been or will be paid for from the said department appropriations.

The amendment was agreed to.

The next amendment was, on page 112, line 6, after the word "department," to strike out "$1,000" and insert "$2,000," so as to make the clause read:

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, $2,000, of which sum $250 may be used for the Civil Service Commission.

The amendment was agreed to.

The next amendment was, on page 112, line 20, after the word "building," to strike out "northeast corner Eighth and G Streets NW.," and in line 21, after the words "Bureau of Mines," to strike out "$7,500" and insert "$10,000," so as to make the clause read:

For rent of building for the Bureau of Mines, $10,000.

Mr. BRISTOW. I should like to inquire why this increase in the rent of the building for the Bureau of Mines?

Mr. WARREN. The Bureau of Mines, as we were advised by the Department of Commerce and Labor, has not nearly enough room and must either seek a larger building or have an additional building erected alongside of it. We did not give them the amount that was estimated, the subcommittee believing that, instead of $12,500 they could possibly get along with $10,000. They seem to be hampered with their business now for want of room.

Mr. BRISTOW. It seems to me that $7,500 ought to rent a pretty good building.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the subhead "Surveyors general and their clerks," on page 113, line 3, after the word "office," to strike out "$7,000" and insert "$9,000," and in line 4, after the words "in all," to strike out "$11,000" and insert "$13,000," so as to make the clause read:

For surveyor general and ex officio secretary of the District of Alaska, $4,000; clerks in his office, $9,000; in all, $13,000.

The amendment was agreed to.

The next amendment was, on page 113, line 10, after the name "Arizona," to strike out "$2,500" and insert "$3,000," and in line 11, after the words "in all," to strike out "$15,500" and insert "$16,000," so as to make the clause read:

For surveyor general of Arizona, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

The amendment was agreed to.

The next amendment was, on page 114, line 9, after the word "office," to strike out "$15,000" and insert "$16,200," and in the same line, after the words "in all," to strike out "$18,000" and insert "$19,200," so as to make the clause read:

For surveyor general of Idaho, $3,000; and for the clerks in his office, $16,200; in all, $19,200.

The amendment was agreed to.

The next amendment was, on page 114, line 22, after the word "office," to strike out "$7,000" and insert "$9,000," and in the same line, after the words "in all," to strike out "$10,000" and insert "$12,000," so as to make the clause read:

For surveyor general of Nevada, $3,000; and for the clerks in his office, $9,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 115, line 3, after the name "New Mexico," to strike out "$2,500" and insert "$3,000," and in line 4, after the words "in all," to strike out "$18,000" and insert "$18,500," so as to make the clause read:

For surveyor general of New Mexico, $3,000; and for clerks in his office, $15,500; in all, $18,500.

The amendment was agreed to.

The next amendment was, on page 115, after line 14, to insert:

For surveyor general of South Dakota, $2,000.

For the clerks in his office, $5,000.

For rent of office for the surveyor general, pay of messengers, stationery supplies, drafting instruments, fuel, ice, binding records, post-office box rent, telegrams, registration of letters, towels, furniture and typewriter repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $800.

The amendment was agreed to.

The next amendment was, on page 115, line 24, after the word "office," to strike out "$12,000" and insert "$16,000," and in the same line, after the words "in all," to strike out "$15,000" and insert "$19,000," so as to make the clause read:

For surveyor general of Utah, $3,000; and for the clerks in his office, $16,000; in all, $19,000.

The amendment was agreed to.

The next amendment was, on page 116, line 14, after the word "office," to strike out "$15,000" and insert "$18,000," and in the same line, after the words "in all," to strike out "$18,000" and insert "$21,000," so as to make the clause read:

For surveyor general of Wyoming, $3,000, and for the clerks in his office, $18,000; in all, $21,000.

The amendment was agreed to.

The next amendment was, on page 116, line 19, after the word "typewriters," to strike out "$1,000" and insert "$1,200," so as to make the clause read:

For pay of messenger, stationery, and supplies, lights, printing, binding, books, post-office box rent, drafting instruments, mounting maps, ice, towels, furniture and repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,200.

The amendment was agreed to.

The next amendment was, on page 123, line 6, after the word "exceeding," to strike out "$100" and insert "$200," so as to read:

For miscellaneous items, including the exchange of typewriters, adding machines, and other labor-saving devices; street car tickets not exceeding $200.

The reading of the bill was continued to the end of line 13, on page 124.

Mr. WARREN. Mr. President, some impatience is manifested on the part of Senators who have other matters to present. I will now ask, therefore, to lay aside the bill, with the notice that I wish to take it up on Monday, and, if possible, finish its consideration on that day.

SENATOR FROM ILLINOIS.

Mr. DILLINGHAM. Mr. President, at a meeting held this afternoon of the full committee appointed to investigate whether in the election of Senator LORIMER there was any fraud used, I was requested by all the members of the committee present to present a request for unanimous consent, which I will send to the desk and ask the Secretary to read.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Secretary will read the request.

The Secretary read as follows:

It is agreed by unanimous consent that on Saturday, July 6, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of Senate resolution No. 315, declaring that corrupt practices were employed in the election of WILLIAM LORIMER as a Senator from Illinois, and that his election was invalid; and that before adjournment on that legislative day a vote be taken upon said resolution and all amendments to and substitutes therefor.

It is further agreed by unanimous consent that in the event a date for final adjournment of Congress be fixed prior to July 6, 1912, this order be vacated and an earlier legislative day for voting upon said resolution and amendments and substitutes be agreed upon.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the order is entered.

FISH-CULTURAL STATION IN TENNESSEE.

Mr. LEA. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 6612) for the establishment of a fish-cultural station in the State of Tennessee.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000, or so much thereof as may be necessary, for the establishment of a fish-cultural station in the State of Tennessee, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO ARCHIBALD W. BUTT AND F. D. MILLET.

Mr. ROOT. From the Committee on the Library, I report back favorably, without amendment, the joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet, and I submit a report (No. 866) thereon.

I ask unanimous consent for the present consideration of the joint resolution, and call the attention of the Senator from Georgia [Mr. BACON] to it.

The PRESIDING OFFICER. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form, to Maj. Archibald W. Butt, United States Army, and Mr. Francis Davis Millet, vice chairman of the Commission of Fine Arts, officers of the United States who perished in the Titanic disaster: *Provided*, That the site chosen and the design of the memorial shall be approved by the President of the United States upon the advice of the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. McCUMBER. Mr. President, I think the joint resolution should go over. When we select two persons out of all those who died in that tragedy and erect a monument or provide that grounds may be given on which to erect a monument for those particular persons, and to no one else, it seems to me as if we are doing more or less of an injustice to all the others. I would favor a proposition that a monument should be erected for all of those who perished in that great disaster; but I believe we ought to pause, and not put through a joint resolution of this kind without further consideration.

Mr. BACON. If the Senator will permit me, of course if he objects there is no remedy for that; but I desire to correct the impression, in order that it may not go out, that this memorial is intended to be a monument. It is simply a drinking fountain which it is proposed to erect.

Mr. McCUMBER. Whatever it is, it is designed to express a sentiment; and what I object to is that a sentiment of sympathy, admiration, or honor should be given to only two of those who suffered in that great tragedy.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. I hope the Senator will not take that position. If the joint resolution meant what he seems to think it means, he would be correct in taking the position; but it does not mean that; it does not mean to express this sentiment for these two men exclusively. There is nothing in this measure to prevent any other association of people hereafter who wish to raise a certain amount of money for the purpose of erecting a monument to any other victims of the *Titanic* disaster from having granted to them a site in precisely the same way.

Mr. McCUMBER. Why not provide, then, that it shall be for all of the victims of that disaster?

Mr. WILLIAMS. Permission will undoubtedly be granted to them whenever they shall request it. I understand, in fact I have seen it stated in the public prints, that there is an association formed, or, at any rate, one was to be formed, for the purpose of collecting money to erect a monument to the victims of the *Titanic* disaster.

Mr. McCUMBER. If we should give grounds for that purpose, I think we would be doing a laudable act.

Mr. WILLIAMS. These two happened to be officers of the United States. Their friends here in Washington, desiring to pay sweet reverence to their memory, are going to raise the money, or have raised it, and ask nothing from the public except a site upon which to erect the monument.

With all these grounds around here, if the children of the Senator from North Dakota, after his death, wanted to erect a monument to him somewhere, I should see no objection to it, so far as that is concerned. But to balk a movement of loyalty and friendship, of intimate friends, loving friends, who desire to erect a memorial to these two officers of the United States, simply because the people of the United States have not raised a fund to erect a monument to all the victims of the *Titanic*, does not seem to me to be the right thing to do.

I hope the Senator will not object to the joint resolution reported by the Senator from New York.

Mr. McCUMBER. Mr. President, answering the Senator, there are those from my own State to-day sleeping beneath the waves who were passengers upon that ill-fated ship. I should feel that I was more or less presumptuous if I should ask for a bill that granted me and my friends, mourners for those who were lost, a right to a piece of public ground in this city for the erection of a monument or a memorial of any kind to those from my own State, naming them, or anyone else.

Mr. WILLIAMS. If the Senator from North Dakota asked it, I should not have the slightest hesitation in the world in agreeing to it.

Mr. McCUMBER. I have no objection to these people being given permission to put up monuments to these particular persons upon that ground if the joint resolution is so worded that others may put up monuments to their friends. What I do object to is having two out of the number singled out as worthy of that consideration and the others as not worthy of it.

Mr. WILLIAMS. It is not a question of worthiness of our consideration. It is a question of worthiness of the devotion and sweet and tender affection of their own friends who desire to do this. As for the little land that is granted, it would hardly be enough in which to bury either the Senator or myself.

Mr. ROOT. Mr. President, permit me to make a little further explanation to the Senator from North Dakota. It is not really a case of granting any land. The idea is to put a drinking fountain in the shrubbery at the edge of the White Lot, something that the Commissioners of the District have been studying for a long time and are very anxious to have, and put a simple tablet upon it which shall commemorate these two officers, who happen to have been much concerned with that immediate locality in the performance of their duties for the United States.

If anyone else had had in his lifetime the associations with the place that Maj. Butt and Mr. Millet had, I should say it was equally appropriate that they should be commemorated there. But no one else had. Maj. Butt spent a large part of his mature years in the White House as aid to the President, and Mr. Millet devoted many years of faithful and unselfish service to the public in the beautification of Washington, serving upon the Art Commission. Their memory is necessarily connected with the very place where it is proposed to put this modest little tablet upon the drinking fountain.

A few of their friends have raised a small sum—only three or four thousand dollars—for this modest little memorial to them. If anyone else had associations with the place, the memorial to them might well go there. But this, for these two men, is like putting in their own homes memorials to any of the people that went down on the *Titanic*. This was their home. This was where we knew them in their lives, and this is where their friends would be glad to see some little thing to commemorate them.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. OVERMAN. I will say to the Senator that it seems to me the joint resolution ought to state what is to be erected. It says "a monument."

Mr. ROOT. I think the language is "a memorial." I will ask for the reading of the report. There is a little report with it that I will ask to have read.

Mr. OVERMAN. I want to say that there was a young boy, a hero, from my State, simply a mail clerk, who stayed at his post, as the evidence shows, carrying mail bags on his shoulders, when the *Titanic* went down. He did not try to get in any lifeboat. He did not try to leap off. He stayed at his post of duty. The heroine of that disaster was Mrs. Straus. Now, we are not going to let everybody erect monuments on the public grounds here.

Mr. WILLIAMS. It is not to be a monument.

Mr. OVERMAN. I have no objection to the erection of a fountain on public grounds, if that is what is proposed; but I gathered from the reading that it was a monument. Let it be read.

The PRESIDING OFFICER. The joint resolution will be again read.

The Secretary proceeded to read the joint resolution, and read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form—

Mr. OVERMAN. Mr. President, I would suggest right there that the joint resolution read:

A drinking fountain as a memorial.

Let us know what we are doing.

Mr. ROOT. Mr. President, may we have the very brief report read?

Mr. POINDEXTER. I should like to hear the reading of the resolution completed.

Mr. McCUMBER. Mr. President, I wish to complete what I desired to state in the beginning.

The PRESIDING OFFICER. The Senator from North Dakota is entitled to the floor.

Mr. McCUMBER. This matter comes from the Committee on the Library, and is reported here at almost 6 o'clock in the evening, when there are few in the Senate Chamber. The Senator who makes the report asks for a vote before the report has ever been printed. I really feel that probably there should be an amendment to the joint resolution as it comes in. I wish to draft an amendment. I should not wish to do it this evening. It may be possible that I shall conclude that I ought to offer no amendment whatever to it. But I think it ought to go over, so that we may consider its full intendment and its full effect.

If, after reading the report and after carefully reading over the joint resolution, I come to the conclusion that it should not be amended, I certainly shall not ask to have that done. But I think it ought to go over.

Mr. ROOT. Mr. President, without putting the Senator to the necessity of making an objection, I will ask that it go over.

Mr. BACON. I request that the report be read. The Senator says it is short.

Mr. ROOT. Yes; I will ask that that be done.

Mr. BACON. I make that request in order that the report may be in the RECORD, together with the joint resolution.

Mr. SMITH of Georgia. Mr. President, one minute, before that is done. I want to make one suggestion in reply to that of the Senator from New York.

There was on that ship, from Georgia, a brilliant story writer, Jacques Futrelle, a man whom I knew very well. His friends would not expect to come here to place a monument to him. They will place it in Atlanta. He had a number of friends there. They will place on some public grounds in Atlanta, his home, a memorial to him.

I take it for granted that the friends of Mr. and Mrs. Straus will place a memorial to them. They would not place it here; they would erect it in New York, where their field of activity was located. But these two men lived here, and we are acting not as the representatives so much of the National Government as the representatives and controllers of the property of the District. Their friends are here. There is no other public place in which to put a memorial for them except upon public ground here. Scattered over the country, friends of parties whose lives were sacrificed will erect memorials to them, but they will place them at a point where their loved ones lived and where their activities had taken place. For these two men the District of Columbia was the place, and it is not so much a national action on our part as it is the exercise of our authority in control of the public property of the District of Columbia.

Mr. McCUMBER. There were others also who perished from the District of Columbia, were there not?

Mr. SMITH of Georgia. I am not familiar with any who did.

Mr. McCUMBER. I think there were a number. One was Mr. Clarence Moore, who is not mentioned here. However, I wish the joint resolution would go over so that we can take it up at another time.

Mr. ROOT. Let the report be read.

The PRESIDING OFFICER. Without objection, the report will be read and the resolution will go to the calendar.

The Secretary proceeded to read the report.

Mr. OVERMAN. I suggest that the report be printed and let it go over. There is no haste about it.

Mr. ROOT. It is very brief.

The PRESIDING OFFICER. Objection being made, the report will be printed in the RECORD.

Mr. OVERMAN. I do not mean that I shall not support the resolution, but I want to see the report in print.

Mr. WILLIAMS. I thought the Senator from New York submitted it as a part of his remarks and had a right to have it read.

Mr. ROOT. I asked to have it read, but I do not want to have a controversy and a squabble here about a matter which is very near to my heart.

Mr. OVERMAN. If any one particularly desires to have it read, I do not object.

The PRESIDING OFFICER. The reading will continue.

The Secretary resumed and concluded the reading of the report, which is as follows:

Mr. ROOT, from the Committee on the Library, submitted the following report (No. 866) to accompany S. J. Res. 108:

The Committee on the Library, to whom was referred the resolution (S. J. Res. 108) entitled "Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet," have had the same under consideration and report it back without amendment.

Soon after the *Titanic* disaster it was suggested that an enduring memorial be erected on public grounds in the city of Washington to the memory of Maj. Archibald W. Butt and Mr. Francis D. Millet. They are believed to be the only commissioned officers of the United States who went down with the *Titanic*. In addition, they had been close personal friends for years, living in the same house in Washington, and were companions on their last voyage.

It was thought that a simple memorial, probably in the form of a tablet, connected possibly with a small fountain, would be particularly appropriate, if placed somewhere on the public grounds within a sight of the White House, the scene of much of Maj. Butt's public work, and in the vicinity of the Mall and its surrounding public buildings, in connection with which Mr. Millet rendered such valuable services as vice chairman of the National Commission of Fine Arts.

The suggestion was brought to the attention of the President, who approved it.

It was decided that the memorial should be erected entirely with funds contributed by personal friends of Maj. Butt and Mr. Millet. These friends have accordingly raised a fund now amounting to over $3,000, with which it is proposed to pay all expenses of every nature connected with the designing and erection of the memorial.

Mr. Daniel C. French and Mr. Thomas Hastings, of New York, two of the foremost artists of this country, are designing it.

Under the terms of the resolution both the location and design of the memorial must receive the approval of the President and of the Commission on Fine Arts.

Congress is asked to permit the erection on the public grounds of a memorial, simple and inconspicuous, but beautiful, as a tribute from their friends to the two men, bearing the commissions of the United States Government, who lost their lives on the *Titanic*. This memorial would be an added object of interest and beauty in the public grounds and will involve no expense of any kind to the Government.

The PRESIDING OFFICER. The joint resolution will go to the calendar.

SNAKE RIVER BRIDGE, WYOMING.

Mr. WARREN. There is a very short local bill that I would like to have disposed of. I ask the Senate to proceed to the consideration of the bill (S. 2947) to provide for a bridge across Snake River, in Jackson Hole, Wyo.

There being no objection, the Senate as in Committee of the Whole resumed the consideration of the bill.

The PRESIDING OFFICER. The bill has been read as in Committee of the Whole, and the first amendment of the Committee on Irrigation and Reclamation of Arid Lands has been agreed to. Unless a desire is expressed to have the bill read, the next amendment will be stated.

The remaining amendments were on line 4, after the word "of," to strike out the words "the reclamation fund" and insert "any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park"; in line 12, after the word "determined," to strike out "by the Reclamation Service"; in line 13, before the word "view," to strike out "the" and insert "a"; in the same line, after "the," to strike out "people of" and insert "public travel through"; in line 14, after "Wyoming," to insert "and Idaho"; and in line 15, at the end of the bill, to insert the following proviso:

Provided, That the local authorities shall cause the approaches to the proposed bridge to be constructed without expense to the United States: *And provided further*, That the local authorities shall provide for the maintenance and repair of the proposed bridge after it is constructed.

So as to make the bill read:

Be it enacted, etc., That the sum of $25,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park, for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined with a view of best serving the public travel through Jackson Hole and adjacent territory in Wyoming and Idaho: *Provided*, That the local authorities shall cause the approaches to the proposed bridge to be constructed without expense to the United States: *And provided further*, That the local authorities shall provide for the maintenance and repair of the proposed bridge after it is constructed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. WARREN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, June 10, 1912, at 12 o'clock meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO ARCHIBALD W. BUTT AND F. D. MILLET.

Mr. ROOT. From the Committee on the Library, I report back favorably, without amendment, the joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet, and I submit a report (No. 866) thereon.

I ask unanimous consent for the present consideration of the joint resolution, and call the attention of the Senator from Georgia [Mr. BACON] to it.

The PRESIDING OFFICER. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form, to Maj. Archibald W. Butt, United States Army, and Mr. Francis Davis Millet, vice chairman of the Commission of Fine Arts, officers of the United States who perished in the Titanic disaster: *Provided*, That the site chosen and the design of the memorial shall be approved by the President of the United States upon the advice of the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. McCUMBER. Mr. President, I think the joint resolution should go over. When we select two persons out of all those who died in that tragedy and erect a monument or provide that grounds may be given on which to erect a monument for those particular persons, and to no one else, it seems to me as if we are doing more or less of an injustice to all the others. I would favor a proposition that a monument should be erected for all of those who perished in that great disaster; but I believe we ought to pause, and not put through a joint resolution of this kind without further consideration.

Mr. BACON. If the Senator will permit me, of course if he objects there is no remedy for that; but I desire to correct the impression, in order that it may not go out, that this memorial is intended to be a monument. It is simply a drinking fountain which it is proposed to erect.

Mr. McCUMBER. Whatever it is, it is designed to express a sentiment; and what I object to is that a sentiment of sympathy, admiration, or honor should be given to only two of those who suffered in that great tragedy.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. I hope the Senator will not take that position. If the joint resolution meant what he seems to think it means, he would be correct in taking the position; but it does not mean that; it does not mean to express this sentiment for these two men exclusively. There is nothing in this measure to prevent any other association of people hereafter who wish to raise a certain amount of money for the purpose of erecting a monument to any other victims of the *Titanic* disaster from having granted to them a site in precisely the same way.

Mr. McCUMBER. Why not provide, then, that it shall be for all of the victims of that disaster?

Mr. WILLIAMS. Permission will undoubtedly be granted to them whenever they shall request it. I understand, in fact I have seen it stated in the public prints, that there is an association formed, or, at any rate, one was to be formed, for the purpose of collecting money to erect a monument to the victims of the *Titanic* disaster.

Mr. McCUMBER. If we should give grounds for that purpose, I think we would be doing a laudable act.

Mr. WILLIAMS. These two happened to be officers of the United States. Their friends here in Washington, desiring to pay sweet reverence to their memory, are going to raise the money, or have raised it, and ask nothing from the public except a site upon which to erect the monument.

With all these grounds around here, if the children of the Senator from North Dakota, after his death, wanted to erect a monument to him somewhere, I should see no objection to it, so far as that is concerned. But to balk a movement of loyalty and friendship, of intimate friends, loving friends, who desire to erect a memorial to these two officers of the United States, simply because the people of the United States have not raised a fund to erect a monument to all the victims of the *Titanic*, does not seem to me to be the right thing to do.

I hope the Senator will not object to the joint resolution reported by the Senator from New York.

Mr. McCUMBER. Mr. President, answering the Senator, there are those from my own State to-day sleeping beneath the waves who were passengers upon that ill-fated ship. I should feel that I was more or less presumptuous if I should ask for a bill that granted me and my friends, mourners for those who were lost, a right to a piece of public ground in this city for the erection of a monument or a memorial of any kind to those from my own State, naming them, or anyone else.

Mr. WILLIAMS. If the Senator from North Dakota asked it, I should not have the slightest hesitation in the world in agreeing to it.

Mr. McCUMBER. I have no objection to these people being given permission to put up monuments to these particular persons upon that ground if the joint resolution is so worded that others may put up monuments to their friends. What I do object to is having two out of the number singled out as worthy of that consideration and the others as not worthy of it.

Mr. WILLIAMS. It is not a question of worthiness of our consideration. It is a question of worthiness of the devotion and sweet and tender affection of their own friends who desire to do this. As for the little land that is granted, it would hardly be enough in which to bury either the Senator or myself.

Mr. ROOT. Mr. President, permit me to make a little further explanation to the Senator from North Dakota. It is not really a case of granting any land. The idea is to put a drinking fountain in the shrubbery at the edge of the White Lot, something that the Commissioners of the District have been studying for a long time and are very anxious to have, and put a simple tablet upon it which shall commemorate these two officers, who happen to have been much concerned with that immediate locality in the performance of their duties for the United States.

If anyone else had had in his lifetime the associations with the place that Maj. Butt and Mr. Millet had, I should say it was equally appropriate that they should be commemorated there. But no one else had. Maj. Butt spent a large part of his mature years in the White House as aid to the President, and Mr. Millet devoted many years of faithful and unselfish service to the public in the beautification of Washington, serving upon the Art Commission. Their memory is necessarily connected with the very place where it is proposed to put this modest little tablet upon the drinking fountain.

A few of their friends have raised a small sum—only three or four thousand dollars—for this modest little memorial to them. If anyone else had associations with the place, the memorial to them might well go there. But this, for these two men, is like putting in their own homes memorials to any of the people that went down on the *Titanic*. This was their home. This was where we knew them in their lives, and this is where their friends would be glad to see some little thing to commemorate them.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. OVERMAN. I will say to the Senator that it seems to me the joint resolution ought to state what is to be erected. It says "a monument."

Mr. ROOT. I think the language is "a memorial." I will ask for the reading of the report. There is a little report with it that I will ask to have read.

Mr. OVERMAN. I want to say that there was a young boy, a hero, from my State, simply a mail clerk, who stayed at his post, as the evidence shows, carrying mail bags on his shoulders, when the *Titanic* went down. He did not try to get in any lifeboat. He did not try to leap off. He stayed at his post of duty. The heroine of that disaster was Mrs. Straus. Now, we are not going to let everybody erect monuments on the public grounds here.

Mr. WILLIAMS. It is not to be a monument.

Mr. OVERMAN. I have no objection to the erection of a fountain on public grounds, if that is what is proposed; but I gathered from the reading that it was a monument. Let it be read.

The PRESIDING OFFICER. The joint resolution will be again read.

The Secretary proceeded to read the joint resolution, and read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form—

Mr. OVERMAN. Mr. President, I would suggest right there that the joint resolution read:

A drinking fountain as a memorial.

Let us know what we are doing.

Mr. ROOT. Mr. President, may we have the very brief report read?

Mr. POINDEXTER. I should like to hear the reading of the resolution completed.

Mr. McCUMBER. Mr. President, I wish to complete what I desired to state in the beginning.

The PRESIDING OFFICER. The Senator from North Dakota is entitled to the floor.

Mr. McCUMBER. This matter comes from the Committee on the Library, and is reported here at almost 6 o'clock in the evening, when there are few in the Senate Chamber. The Senator who makes the report asks for a vote before the report has ever been printed. I really feel that probably there should be an amendment to the joint resolution as it comes in. I wish to draft an amendment. I should not wish to do it this evening. It may be possible that I shall conclude that I ought to offer no amendment whatever to it. But I think it ought to go over, so that we may consider its full intendment and its full effect.

If, after reading the report and after carefully reading over the joint resolution, I come to the conclusion that it should not be amended, I certainly shall not ask to have that done. But I think it ought to go over.

Mr. ROOT. Mr. President, without putting the Senator to the necessity of making an objection, I will ask that it go over.

Mr. BACON. I request that the report be read. The Senator says it is short.

Mr. ROOT. Yes; I will ask that that be done.

Mr. BACON. I make that request in order that the report may be in the RECORD, together with the joint resolution.

Mr. SMITH of Georgia. Mr. President, one minute, before that is done. I want to make one suggestion in reply to that of the Senator from New York.

There was on that ship, from Georgia, a brilliant story writer, Jacques Futrelle, a man whom I knew very well. His friends would not expect to come here to place a monument to him. They will place it in Atlanta. He had a number of friends there. They will place on some public grounds in Atlanta, his home, a memorial to him.

I take it for granted that the friends of Mr. and Mrs. Straus will place a memorial to them. They would not place it here; they would erect it in New York, where their field of activity was located. But these two men lived here, and we are acting not as the representatives so much of the National Government as the representatives and controllers of the property of the District. Their friends are here. There is no other public place in which to put a memorial for them except upon public ground here. Scattered over the country, friends of parties whose lives were sacrificed will erect memorials to them, but they will place them at a point where their loved ones lived and where their activities had taken place. For these two men the District of Columbia was the place, and it is not so much a national action on our part as it is the exercise of our authority in control of the public property of the District of Columbia.

Mr. McCUMBER. There were others also who perished from the District of Columbia, were there not?

Mr. SMITH of Georgia. I am not familiar with any who did.

Mr. McCUMBER. I think there were a number. One was Mr. Clarence Moore, who is not mentioned here. However, I wish the joint resolution would go over so that we can take it up at another time.

Mr. ROOT. Let the report be read.

The PRESIDING OFFICER. Without objection, the report will be read and the resolution will go to the calendar.

The Secretary proceeded to read the report.

Mr. OVERMAN. I suggest that the report be printed and let it go over. There is no haste about it.

Mr. ROOT. It is very brief.

The PRESIDING OFFICER. Objection being made, the report will be printed in the RECORD.

Mr. OVERMAN. I do not mean that I shall not support the resolution, but I want to see the report in print.

Mr. WILLIAMS. I thought the Senator from New York submitted it as a part of his remarks and had a right to have it read.

Mr. ROOT. I asked to have it read, but I do not want to have a controversy and a squabble here about a matter which is very near to my heart.

Mr. OVERMAN. If any one particularly desires to have it read, I do not object.

The PRESIDING OFFICER. The reading will continue.

The Secretary resumed and concluded the reading of the report, which is as follows:

Mr. ROOT, from the Committee on the Library, submitted the following report (No. 866) to accompany S. J. Res. 108:

The Committee on the Library, to whom was referred the resolution (S. J. Res. 108) entitled "Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet," have had the same under consideration and report it back without amendment.

Soon after the *Titanic* disaster it was suggested that an enduring memorial be erected on public grounds in the city of Washington to the memory of Maj. Archibald W. Butt and Mr. Francis D. Millet. They are believed to be the only commissioned officers of the United States who went down with the *Titanic*. In addition, they had been close personal friends for years, living in the same house in Washington, and were companions on their last voyage.

It was thought that a simple memorial, probably in the form of a tablet, connected possibly with a small fountain, would be particularly appropriate, if placed somewhere on the public grounds within a sight of the White House, the scene of much of Maj. Butt's public work, and in the vicinity of the Mall and its surrounding public buildings, in connection with which Mr. Millet rendered such valuable services as vice chairman of the National Commission of Fine Arts.

The suggestion was brought to the attention of the President, who approved it.

It was decided that the memorial should be erected entirely with funds contributed by personal friends of Maj. Butt and Mr. Millet. These friends have accordingly raised a fund now amounting to over $3,000, with which it is proposed to pay all expenses of every nature connected with the designing and erection of the memorial.

Mr. Daniel C. French and Mr. Thomas Hastings, of New York, two of the foremost artists of this country, are designing it.

Under the terms of the resolution both the location and design of the memorial must receive the approval of the President and of the Commission on Fine Arts.

Congress is asked to permit the erection on the public grounds of a memorial, simple and inconspicuous, but beautiful, as a tribute from their friends to the two men, bearing the commissions of the United States Government, who lost their lives on the *Titanic*. This memorial would be an added object of interest and beauty in the public grounds and will involve no expense of any kind to the Government.

The PRESIDING OFFICER. The joint resolution will go to the calendar.

SNAKE RIVER BRIDGE, WYOMING.

Mr. WARREN. There is a very short local bill that I would like to have disposed of. I ask the Senate to proceed to the consideration of the bill (S. 2947) to provide for a bridge across Snake River, in Jackson Hole, Wyo.

There being no objection, the Senate as in Committee of the Whole resumed the consideration of the bill.

The PRESIDING OFFICER. The bill has been read as in Committee of the Whole, and the first amendment of the Committee on Irrigation and Reclamation of Arid Lands has been agreed to. Unless a desire is expressed to have the bill read, the next amendment will be stated.

The remaining amendments were on line 4, after the word "of," to strike out the words "the reclamation fund" and insert "any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park"; in line 12, after the word "determined," to strike out "by the Reclamation Service"; in line 13, before the word "view," to strike out "the" and insert "a"; in the same line, after "the," to strike out "people of" and insert "public travel through"; in line 14, after "Wyoming," to insert "and Idaho"; and in line 15, at the end of the bill, to insert the following proviso:

Provided, That the local authorities shall cause the approaches to the proposed bridge to be constructed without expense to the United States: *And provided further*, That the local authorities shall provide for the maintenance and repair of the proposed bridge after it is constructed.

So as to make the bill read:

Be it enacted, etc., That the sum of $25,000 is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, through the engineer officer in charge of road and bridge construction and maintenance in the Yellowstone National Park, for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined with a view of best serving the public travel through Jackson Hole and adjacent territory in Wyoming and Idaho: *Provided*, That the local authorities shall cause the approaches to the proposed bridge to be constructed without expense to the United States: *And provided further*, That the local authorities shall provide for the maintenance and repair of the proposed bridge after it is constructed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. WARREN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, June 10, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 8, 1912.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for all the strong, pure, noble, brave men who, by their heroic sacrifices and daring deeds, have contributed to the civilization of our day; that our Republic is ever ready to accord them a place in history and erect monuments to their memory as a testimonial of its gratitude; that to-day will be unveiled in our Capital a monument to the most daring and successful navigator of the unknown seas, who discovered in spite of every obstacle a new world, which he left to posterity. Grant that it may be not only a testimonial of our gratitude but an incentive to those who shall come after us to deeds of heroism and glory; that they may march on to a still higher civilization, to the honor and glory of Thy holy name. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

STRIKE OF MINERS IN WESTMORELAND COUNTY (PA.) COAL FIELD.

Mr. GREGG of Pennsylvania. Mr. Speaker, on the 24th of May I introduced a resolution requesting the Secretary of Commerce and Labor to transmit to the House any information in his possession, obtained through special agents or otherwise, concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa. That resolution was referred to the Committee on Labor on the 24th of May, 1912. I now move to discharge that committee from the further consideration of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 547.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to transmit forthwith to the House of Representatives, if not incompatible with the public interests, any information in his possession obtained, through special agents or otherwise, concerning the miners' strike in the bituminous coal field in Westmoreland County, Pa., in the years 1910 and 1911.

The SPEAKER. The gentleman from Pennsylvania moves to discharge the Committee on Labor from the further consideration of the resolution just read.

Mr. FITZGERALD. When was the resolution referred to the Committee on Labor?

Mr. GREGG of Pennsylvania. On the 24th of May.

Mr. FITZGERALD. Has the matter been taken up by the Committee on Labor; I do not see any of the committee present.

Mr. GREGG of Pennsylvania. I spoke to the chairman of the committee some time ago about it.

Mr. BUCHANAN. The Committee on Labor, Mr. Speaker, has no objection to the motion.

The SPEAKER. The gentleman from Pennsylvania moves to discharge the Committee on Labor from the further consideration of the resolution.

The motion was agreed to.

The resolution was agreed to.

SUPPORT AND MAINTENANCE OF BASTARDS IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the conference report on the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia. I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kentucky calls up the conference report on the bill H. R. 13041, and asks unanimous consent that the statement be read in lieu of the conference report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 302).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 7, 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "upon such preliminary examination"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment of the Senate insert the following: "who is quick with child"; and the Senate agree to the same.

That the Senate recede from its amendment numbered 4, and agree to an amendment as follows: In lieu of the matter inserted in said amendment insert the following: "after becoming quick with child"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the words stricken out after the word "examination," insert as follows: "If the woman be quick with child, or the child having been born and still under two years of age"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the word "pregnant" in said amendment of the Senate, insert the words "quick with child"; and the Senate agree to the same.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER,
Conferees on the part of the House.

WM. P. DILLINGHAM,
CHARLES CURTIS,
ATLEE POMERENE,
Conferees on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The Senate, in passing H. R. 13041, amended the same by adding, in line 5, page 1, after the word "repeal," the words "or modify," making the first section read:

That every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, but this shall not be deemed to repeal or modify section 957 of the Code of Law of the District of Columbia.

The Senate amended section 2 by adding, on line 7, after the word "woman," the words "who is pregnant with child"; and on line 9, after the word "Columbia," the word "or"; and on line 3, after the word "time," the words "during pregnancy"; and on line 5 by striking out the words "residing in said District," making the section read as follows:

That any unmarried woman who is pregnant with child may go before the clerk of the juvenile court of the District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time during pregnancy or within two years after the birth of the bastard, and accuse any person residing in said District of being the father of the child. Before issuing warrant, the clerk shall examine the mother of such bastard child, under oath, concerning her residence, and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child outside of the District, the reason thereof, and reduce her statement to writing, and sign same as clerk. If, however, the clerk shall fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant. Or such warrant may be applied for by the Board of Charities of the District or any person as next friend of the said bastard under 2 years of age.

The Senate also amended section 3 by striking out, on lines 18 and 19, after the word "examination" in line 18, the words "if the child be yet living and under 2 years old"; and on line 25 by striking out, after the word "for," the word "trial" and adding at the beginning of line 24 the words "preliminary examination"; and on line 1, page 3, following the word "who," the words "upon each preliminary examination"; and on line 6, page 3, after the word "next," the word "or"; and at the beginning of line 7 the words "any succeeding"; and on lines 8, 9, and 10, following the word "court" in line 8, the following: "but in the event that the woman be pregnant at the time of the arrest final trial shall not take place until after the birth of the child," so that the amended part of section 3 would read as follows:

That on such examination a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of the District of Columbia, requiring the person accused to be arrested and brought for preliminary examination before the judge of the juvenile court, District of Columbia, who, upon each preliminary examination, may require the accused to enter into a bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed $2,500, for his appearance and trial in the juvenile court, District of Columbia, on the first day of the next or any succeeding term thereof, and to perform the judgment of said court, but in the event that the woman be pregnant at the time of the arrest, final trial shall not take place until after the birth of the child.

The conferees on the part of the House accepted the amendments of the Senate with the following amendments: By striking out the word "pregnant," in lines 7 and 8, section 2, and

inserting in lieu thereof the word "quick," making it read "quick with child," and by striking out, on page 2, line 3, the words "during pregnancy" and inserting the words "after becoming quick with child," making it read "at any time after becoming quick with child," and by adding in section 3, line 18, after the word "examination," the following: "If the woman be quick with child, or the child having been born and still under 2 years of age," and by striking out the word "pregnant," on page 3, line 8, and inserting the words "quick with child," so that sections 1, 2, and 3, as agreed upon in conference, will read as follows:

SECTION 1. That every child shall be deemed a bastard who shall be begotten and born out of lawful wedlock, but this shall not be deemed to repeal or modify section 957 of the Code of Law of the District of Columbia.

SEC. 2. That any unmarried woman who is quick with child may go before the clerk of the juvenile court of the District of Columbia, or if therein she has been delivered of a bastard child, or (if that be her place of legal residence) if she was delivered thereof outside of the said District, at any time after becoming quick with child or within two years after birth of the bastard, and accuse any person of being the father of the child. Before issuing a warrant, the clerk shall examine the mother of such bastard child, under oath, concerning her residence and her marriage or single condition when the child was begotten; where and when she was delivered of such child; and if she was delivered of the child outside of the District, the reason thereof, and reduce her statement to writing, and sign same as clerk. If, however, the clerk shall fail to reduce the statement to writing, or if it should be lost, such failure or loss shall be no cause for dismissing the warrant. Or such warrant may be applied for by the Board of Charities of the District, or any person as next friend of the said bastard under 2 years of age.

SEC. 3. That on such examination, if the woman be quick with child or the child having been born and still under 2 years of age, a warrant shall be issued by the clerk, directed to the United States marshal, or to the major and superintendent or any member of the Metropolitan police force of the District of Columbia, requiring the person accused to be arrested and brought for preliminary examination before the judge of the juvenile court, District of Columbia, who, upon each preliminary examination, may require the accused to enter into bond, with good surety to the United States of America, in a sum to be fixed by such judge, not to exceed $2,500, for his appearance and trial in the juvenile court, District of Columbia, on the first day of the next or any succeeding term thereof, and to perform the judgment of said court: But in the event that the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. If the person accused shall fail to give bond required of him, the judge shall forthwith commit him to the Washington Asylum and Jail, there to remain until he enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this act the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge.

There were no changes made in sections 4, 5, 6, 7, and 8 of the House bill.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER.

The conference report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

The bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the rate of $70 per month each for the No. 1 surfman in each station, and at the rate of $65 per month for each of the other surfmen during the period of actual employment, and $3 per day for each occasion of service at other times; rations or commutation thereof for keepers and surfmen; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; compensation of 12 clerks to district superintendents, 1 to each of the district superintendents except that of the eighth district, at such rate as the Secretary of the Treasury may determine, not to exceed $900 each; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $1,960,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 31, in line 2, strike out the words "one million nine hundred and sixty thousand dollars" and insert the words "two million thirty-one thousand six hundred and twenty dollars."

Mr. CANNON. Mr. Chairman, the provision for the current year for the paragraph just read is $35,420. The estimates for the coming year were $2,031,000. The reduction recommended by the committee is $75,420 below the amount for the current year and substantially the same amount less than the estimates for the current year.

There is a necessity for rome leeway in the Life-Saving Service. I do not desire to take the time of the committee to do more than to refer to the cut that is made. There is nothing in the hearings, I may say, so far as I can discover, that justified this cut. This Life-Saving Service has never been subject to just criticism, and, so far as I know, to any criticism.

The head of that service has long occupied his present position, and has been efficient. We can not, in my judgment, afford to cut out this place for this service. Gentlemen may reply that it may not be needed. It is one of the branches of the public service where we should not take any risk.

The committee has also withheld from the appropriation an estimate for the establishment of two new stations. I believe there are three or four new stations authorized, some of them many years ago, but they have not been established. What further authorizations may be made before the close of this session of Congress I am not informed. I believe that is all I desire to say at this time.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken when he says there is nothing in the hearings which justifies the reduction in this appropriation. Estimates for the year 1911 were $2,037,040. That amount was appropriated by Congress. At the end of the fiscal year there was a surplus of $111,785.38. Work to the extent of $71,000 proposed to be performed during the fiscal year 1911 was carried over until the fiscal year 1912. For 1912, $2,035,420 were given for the service, and it appearing that during this fiscal year work in the neighborhood of $75,000 would be required to be done, which would not necessarily be done during the next fiscal year, the committee recommended a reduction of $75,000, which would leave a surplus of $36,000 upon the basis of the expenditure upon which the service was being conducted.

As to the elimination of appropriations for new stations, the stations have become a joke in the Committee on Appropriations. Even when the gentleman from Illinois [Mr. CANNON] was chairman of that committee, he declined to make the appropriations for the stations authorized for many, many years, and each year requested by the service. There were three stations so requested to be established year after year, one of them authorized as far back as 1874, dragging itself wearily along, and the committee year after year during all of those years when the gentleman from Illinois was chairman of the Committee on Appropriations refused to appropriate for it. Another one was authorized in 1882 and a third one in the year 1886. No committee of the House, in control of appropriations for the Life-Saving Service, has ever even tolerated a suggestion that provisions should be made for the three particular stations.

I hardly think there can be much criticism indulged against the committee this year for not providing money to build stations, all of which have been authorized for more than 26 years, and no one of which has ever met the favorable consideration of the Committee on Appropriations. The fact is that there is no necessity and has been no necessity for the stations at the three points mentioned, and the superintendent stated, in effect, that the estimate was submitted because the stations were authorized by law.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. The current law for this year carries $20,000 for building stations authorized by law. Will the gentleman tell what that has been or will be expended for?

Mr. FITZGERALD. For the current year?

Mr. MANN. In the current law there is an item of $20,000 for building stations authorized by law.

Mr. FITZGERALD. Oh, yes. One at Green Hill, near Kingston, R. I., and one at Eagle Harbor, on Keweenaw Point, Mich. Those are the only two. But as to those other stations it has been the universal opinion of the committee for more than 26 years that there is no necessity for them. The estimate is made every year and declined with the same regularity. The committee feels that, in view of the facts disclosed, it has given all of the money that could be used and there was no necessity

for appropriating money that could not be used in the conduct of the service.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I read from the hearings, at page 277:

PAY OF CREWS OF SURFMEN.

The CHAIRMAN. The next item is, "For pay of crews of surfmen employed at the life-saving and lifeboat stations," etc., and the estimate is $2,031,920. The appropriation for the current year is $2,035,420. What is the unexpended balance in this appropriation for the fiscal year 1911?

Mr. KIMBALL. I can not tell. There will be very little left from the appropriation for the fiscal year 1912.

The CHAIRMAN. The year 1911 is complete?

Mr. KIMBALL. The balances now will not be the same as when the outstanding claims and bills are paid. That will not be for six months; possibly a year, or even longer.

Mr. CANNON. That is, for 1911 there are outstanding bills?

Mr. KIMBALL. Yes, sir.

The CHAIRMAN. Put in a statement of the unexpended balance and also whatever outstanding accounts there are of which you are aware.

Mr. KIMBALL. Yes, sir. The outstanding claims and bills at this time will exceed $9,000, and it is thought that some $6,000 or $8,000 more will be required for disability claims and freight bills, etc., which have not been presented for payment. The appropriation will be more nearly exhausted during the current year than it has been for a good many years for the reason that the season of navigation on the Lakes was much longer this year than it has been before. The time has been extended.

Now, there is no complaint that any money that has been heretofore appropriated has been misused. There has to be a reasonable leeway.

Mr. SHERLEY. Mr. Chairman——

Mr. CANNON. They submitted appropriations substantially the same as 1911 and the same as for the current law, and the committee recommends a reduction of $75,000. I do not believe it is good legislation to withhold the appropriation.

Mr. SHERLEY. If the gentleman will look at page 297 of the hearings he will find in place of general talk by Mr. Kimball, in which he could not tell anything accurately about the balance, an exact statement of the balance, and there it shows that the balance on hand February 29, 1912, was $111,785.38. Then he will find a note in explanation of that balance. One explanation given is that the $71,000 of unusual character of work that could not be done during the fiscal year 1911 was carried over to be performed in the fiscal year 1912. Now, there is nothing in the hearings to indicate that that kind of unusual work which cost $71,000 will be needed for the coming year, 1913, and therefore the committee were very properly justified in making the reduction.

Mr. CANNON. Will the gentleman allow me at that point? The boats were not built for 1911 or 1912, but that appropriation lapsed. It is not a continuing appropriation. If it were a continuing appropriation there would be no necessity for this appropriation, but the money goes back, or rather the money did not go out of the Treasury, but it ceased to be available.

Mr. SHERLEY. But, if the gentleman will permit, that is just the point. In 1911 it is true that the money was not used, but he expects out of the 1912 money to expend $71,000 in doing these extraordinary things. If with the amount of money appropriated he can do $71,000 worth of work of extraordinary kind which will not be needed in 1913, then in the absence of other reasons being given the 1913 appropriation needs to be only $71,000 of what it was the year before.

Mr. CANNON. But 1912 expires on the 30th day of June——

Mr. SHERLEY. And these boats will be built.

Mr. CANNON. But that $71,000 will not be expended for boats at the time——

Mr. SHERLEY. Oh, yes; he has arranged——

Mr. CANNON. Oh, no; I do not so read it.

Mr. SHERLEY. Let me call the gentleman's attention to the words. Here are the words:

In explanation of this large balance of $111,785.38, it should be stated that more than $71,000 of this amount had been allotted for the construction of boats and the rebuilding of certain old and inadequate stations, but owing to delays beyond the control of this bureau the work could not be done or contracted for during the fiscal year 1911. Such work, therefore, had to go over into the current fiscal year and become chargeable to the appropriation for 1912, in consequence of which, and of the unusual length of the active season on the Lakes heretofore mentioned, the appropriation for this year will more nearly approach exhaustion than in any recent year.

Mr. CANNON. The gentleman places that construction upon it. I do not believe it bears that construction, but having called the attention of the committee to the cut of $75,000 in the appropriation the committee can assume the responsibility in the event trouble comes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Section 8 of the act of June 18, 1878 (20 Stats., 164), entitled "An act to organize the Life-Saving Service," authorizing the Secretary of the Treasury to detail officers of the Revenue-Marine Service to act as inspectors and assistant inspectors of life-saving stations in the Life-Saving Service, is repealed.

Mr. BUTLER. Mr. Chairman, I reserve the point of order.

Mr. ADAMSON. Mr. Chairman, I desire to reserve a point of order in order to remark that the members of the Committee on Appropriations will bear me out that I have never been captious about objecting to matters they sometimes find it necessary to put in their bills, but have generally followed them with absolute loyalty. This paragraph, however, which I called to the attention of the distinguished chairman of the committee, is new legislation, as is also the succeeding paragraph, as is one on page 32, about which I have talked with him, and I do not think he will resist the point of order upon either of the three paragraphs, because I have acquainted him with the fact that the committees having jurisdiction of these subjects have them under consideration, and in conference with the officials who are responsible for the administration of this service, with the approval of the department, they think they are on the road to a satisfactory adjustment of all these subjects with an economical administration of the service and satisfaction to the public.

Mr. FITZGERALD. Mr. Chairman, in justification of the action of the committee, I desire to say that this particular provision was based on the following facts:

The Life-Saving Service is divided into districts. In each district there is a superintendent of that service. Under the act creating the Life-Saving Service in 1878—if I recall the exact year—provision was made that a revenue-cutter officer should be detailed as inspector in each Life-Saving Service district, so that there is a superintendent in each life-saving district inspecting, and there is a revenue-cutter officer inspecting the district superintendents, and then in the city of Washington there is a chief inspector of the Revenue-Cutter Service who inspects the inspectors who inspect the district life-saving superintendents. The committee thought it was one instance in which there was a superabundance of inspection, and that the district superintendents in the Life-Saving Service should be abolished or the Revenue-Cutter Service officers should be prevented from exercising this supervision in the Life-Saving Service. If the district superintendents were competent, they should be able to discharge all the duties devolved upon them. If they are not competent, they should be abolished. It would mean a considerable saving and would relieve for duty in the Revenue-Cutter Service, where they belong, officers appointed and paid for the work in that service.

Mr. BUTLER. In justification of making a reservation of a point of order on this item, I do it in the way of precaution. Not living along the coast, but having had a good many years of observation of the value of this service, and being very anxious that its efficiency should not in any way be disturbed, but that it might be developed and promoted, I did reserve this point of order.

Mr. FITZGERALD. Let me say to the gentleman from Pennsylvania [Mr. BUTLER] that this would not impair the efficiency of the Life-Saving Service, although I think the gentleman from Georgia [Mr. ADAMSON], from the investigation he is making, will agree eventually that it will abolish a great many of what are termed "soft snaps" of revenue-cutter officers.

Mr. ADAMSON. That part of the statement of the gentleman from New York I want to refer to briefly.

Mr. FITZGERALD. I should add this. The gentleman from Georgia [Mr. ADAMSON] has informed me that since the time the Committee on Appropriations has taken this matter up his committee has commenced the preparation of a bill which he believes will result in readjustment of these services and that will not only tend to their improved efficiency but result in considerable economy.

Mr. BUTLER. Will you allow me to go ahead first?

Mr. ADAMSON. I understood from my conference with the chairman of the committee that the point of order would not be resisted in view of the fact of the people having jurisdiction of it——

Mr. FITZGERALD. I simply stated the reasons that justified the committee in making this recommendation.

Mr. ADAMSON. I did not understand that the gentleman resisted the point of order. As I understand, the people having it in hand are arranging it satisfactorily. I wanted to state to the chairman that an economy would be worked. This paragraph would frequently save a little money to the Life-Saving Bureau, but it would not save it to the Government, because these officers detailed are still officers of the Revenue-Cutter Service, and, as I am prepared to show here, if necessary, it would not reduce the cost or expense to the Government one cent. It is, however, true that under the arrangement we are making to adjust both the bureaus we will effect a saving by increasing the efficiency of both. Therefore I think this ought to go through

the proper channels and be left to the committees having jurisdiction of it.

Mr. BUTLER. Mr. Chairman, if the committee will give me two or three minutes' time, I will say that it seems to me this is clearly in violation of the rule well established and well known by us all.

Mr. SHERLEY. If the gentleman will permit, nobody questions the fact that the point of order will lie, although whether the point of order should be made is a question on which gentlemen may differ.

Mr. BUTLER. In view of the statement just made, I shall make this point of order and insist upon it, for the reason that I have already stated, and for the further reason that I have a protest here from the Philadelphia Maritime Exchange in which it is stated:

In our opinion the efficiency of the Life-Saving Service will be greatly prejudiced by the discontinuance of the inspection of life-saving stations by duly detailed officers of the Revenue-Cutter Service. We view with favor an even closer relationship between these two services to still further promote greater efficiency in the protection of life and property.

Now, I do not wish to stand in the way of the committee. I will say, with candor, it is an honest effort to economize.

I do not wish to favor extravagance, but I do not see how this provision will in any way retrench expenditures. It is my fear that it might in some way decrease the efficiency of this valuable and splendid service that renders so much good and affords so much safety to everybody whose life is put in danger on the sea, and for that reason I insist upon this point of order.

Mr. ADAMSON. For the reason stated I make the point, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] makes the point of order. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Hereafter there may be detailed to the office of the Life-Saving Service at Washington, D. C., from among those employed under the Supervising Architect of the Treasury, one person skilled in superintendence of the work of construction, to superintend the construction, repair, and improvement of life-saving stations, and while so detailed the salary and expenses of such person shall be paid from the appropriations for the Life-Saving Service as the Secretary of the Treasury may direct.

Mr. ADAMSON. Mr. Chairman, I make a point of order on that paragraph. It is new legislation. The gentleman from New York will, I am sure, agree with me as to that.

Mr. FITZGERALD. Of course the gentleman understands the purpose of this. Under the law two captains of the Revenue-Cutter Service are detailed to be the superintendents of life-saving structures. The Treasury Department officials contend that the men who navigate boats are not the men best fitted to superintend building operations. The Treasury Department wishes this work to be done in the office of the Supervising Architect.

I was about to inquire whether the Chamber of Commerce of Philadelphia, in its anxiety that the Life-Saving Service should not be impaired in its efficiency, had made any protests against this provision?

Mr. ADAMSON. Mr. Chairman, there is some justice in the first remark the gentleman made. As to what he said about the Chamber of Commerce of Philadelphia, I am not concerned in that affair. It is true that the law requires two captains to superintend the construction of life-saving buildings, and that is a waste. This paragraph does not make that correction; but the parties having jurisdiction of it have in view that correction, and for that reason the country does not suffer by my making this point of order. It is new legislation.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. MANN. Mr. Chairman, I make a pro forma amendment, if one can be made, for the purpose of asking whether the item for the commutation for quarters for the revenue-cutter officers ought not to be inserted if the other provision goes out. We have heretofore carried a provision in the appropriating features of the bill for commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed to duty in the Life-Saving Service. If these officers are to continue there, I think that expense ought to be charged to the Life-Saving Service. It would not increase the appropriation any.

Mr. FOSTER. That was in the last year's bill.

Mr. FITZGERALD. I have been informed that the gentleman from Georgia [Mr. ADAMSON] is at work on a bill, and the belief is that it will be so arranged as to be satisfactory to all the services concerned.

Mr. ADAMSON. It can not be done in time, however, to meet the exigency mentioned by the gentleman from Illinois [Mr. MANN].

Mr. MANN. If the Revenue-Cutter Service officers are to do this work, the expense of commutation of quarters and allowances should be charged to the Life-Saving Service instead of the Revenue-Cutter Service, as has always been done in the past.

Mr. ADAMSON. It certainly would do no harm to insert those words, and I concur with the gentleman from Illinois in the suggestion that that should be done.

Mr. MANN. Where the item would come in, I will say to the gentleman, is on page 30, line 18, after the word "department": "Commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service."

Mr. FITZGERALD. If the gentleman has that provision, I will offer it as an amendment.

Mr. SHERLEY. I am sorry to learn that with the going out on a point of order of these other matters that would have tended immediately toward the reform, it may not come in soon enough to dispense with the need for putting in this provision.

Mr. ADAMSON. I suggest that borrowing from Peter to pay Paul is not a reform.

Mr. SHERLEY. No——

Mr. ADAMSON. Taking it out of one bureau and putting it into another in the same department is not a reform, but merely a shifting.

Mr. SHERLEY. But the very plain provision that would have done away with the appointments from the Revenue-Cutter Service of officers to do work that should be done by superintendents of the Life-Saving Service would have produced a situation in the Revenue-Cutter Service where we would not need to increase the number of officers and could have put these men to doing the work that they were originally intended to perform.

Mr. ADAMSON. I will put a statement in the RECORD in connection with my remarks which shows that, in part, that is erroneous and that the expense would simply be transferred to the Revenue-Cutter Service and not the other.

On page 105 of the annual report of the Life-Saving Service for 1911 it is shown that the amount expended for commutation of quarters and for heat and light for revenue-cutter officers detailed as inspectors and assistant inspectors in the Life-Saving Service for that year was $10,159.25—less than one-half of 1 per cent of the total expenditures for the maintenance of the service for that year.

Now, if these officers are relieved from that duty there will be a saving of that amount to the Life-Saving Service, but not to the Government, because these officers are by law entitled to these emoluments when on special duty, whether the same be performed in their own service, in the Life-Saving Service, or in any other special detail to which they may be assigned.

What, therefore, would be saved to the appropriation for the Life-Saving Service would be added to the expenditures for the Revenue-Cutter Service, and there would be no real saving to the Government. Besides, when you relieve these revenue-cutter officers from this duty, so essential to the efficiency of the Life-Saving Service, there will be no one to perform the work they are now doing of inspecting the stations, including all articles of equipment, furniture, supplies, and all public property of every description, comparing them carefully with the inventories and noting their condition; of taking measures for supplying any deficiency and of seeing that everything is always ready, in complete working order; of conducting the drills and giving instructions to the keepers and their men; of investigating the circumstances of all disasters attended with loss of life and of all charges of dereliction or misconduct on the part of the keepers and crews, and other matters occurring within their districts.

The district superintendents can not do this work. The general superintendent, in his testimony before the committee, stated—page 271 of the report—that the district superintendent has all he can do to perform his regular duties as fiscal agent for the service, and in addition has to have a clerk. And if the district superintendent has not time to do the work now being done by these revenue-cutter officers, who is to do it when they are detached, or is it to be left undone? Secretary Sherman, in a letter to the Speaker of the House of Representatives in 1888 (p. 54, Report of the Life-Saving Service, 1888) says of these revenue-cutter officers that—

In fact, they are more directly than any other officers responsible for the morale and efficiency of the corps.

Secretary MacVeagh, under whose jurisdiction the two services come, is on record as saying that to disassociate them would be disastrous and that he has been working to secure a closer relationship between them, and this is in the line of progress and development.

Mr. GARNER. Will the gentleman yield for a question? I did not understand the gentleman to convey the idea that he

does not expect to put in a bill at this session of Congress in time to have Congress consider it.

Mr. MANN. We do not know how long the session will last. With some knowledge of the Life-Saving Service and of the Revenue-Cutter Service, I should like to suggest that the work performed by the officers of the Revenue-Cutter Service does not duplicate the work of the different divisions of the Life-Saving Service.

Mr. SHERLEY. Not entirely, but it checks up some of their work.

Mr. MANN. If you dispense with the Revenue-Cutter Service in the Life-Saving Service—and I do not say that it ought not to be dispensed with—you will have to increase the number of officers in the Life-Saving Service. I simply call attention to it.

Mr. FITZGERALD. The superintendents of the Life-Saving Service do not do their work now, because somebody else is doing it.

Mr. MANN. I desire to offer an amendment.

Mr. FITZGERALD. I wish to say this: These district superintendents do not do the work they should do. The Treasury Department proposed not to fill certain vacancies that existed in the offices of certain district superintendents in the Life-Saving Service, because there was no necessity for the two classes, but conditions arose that made it imperative that vacancies should be filled. If these Revenue-Cutter Service officers were on their vessels, where they ought to be, and not on shore duty, we would not be providing commutation for them.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 18, after the word "Department," insert the following: "Commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service."

The amendment was agreed to.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, two constructors, cadets, cadet engineers, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; not exceeding $5,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding $150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $2,260,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I notice that last year there was in the bill a provision for two contract surgeons and two civilian instructors. Can not the chairman of the committee tell us why that provision was left out this year?

Mr. FITZGERALD. My recollection is that the language was eliminated at the request of the service itself; that they are doing the work with regular employees, and they find no necessity for these civilians. They request that the surgeons be dropped.

Mr. FOSTER. There are two surgeons and two civilian instructors.

Mr. MANN. I may say to the gentleman that surgeons in the Revenue-Cutter Service are partly provided for by the Public Health and Marine-Hospital Service, and it is very likely that if these are cut out they will supply this additional number of surgeons in that way. On some of the revenue cutters, where they make long trips, especially in Pacific waters, where they go to Alaska, it is necessary to carry a surgeon. The Public-Health Service furnishes surgeons, and there have been at times carried two contract surgeons, in order to avoid taking them from the Public-Health Service. I think there is some increase in the bill for the surgeons in the Public-Health Service, and I take it that that is in part intended to replace these surgeons.

Mr. FOSTER. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.

Mr. ADAMSON. Mr. Chairman, I think that is clearly subject to a point of order.

Mr. BUTLER. Does the gentleman make it?

Mr. ADAMSON. I will reserve it. The department is willing at the proper time to dispense with the school ship and cadet school as soon as we can provide for another method to fill vacancies. It will not probably decrease the expense very much, but at the same time it might be inconvenient to the administration. The paragraph is certainly new legislation, and it is under the jurisdiction of the committee that is now considering it and comes within the range of the remarks that I made about the other paragraph.

Mr. GARNER. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. GARNER. I want to ask the gentleman a question which I asked a while ago, whether he intends or thinks his committee will be able or unable to bring in legislation covering these points at this session of Congress?

Mr. MANN. I think only the Supreme Being could tell that.

Mr. GARNER. The gentleman from Georgia can tell us what he thinks about it.

Mr. ADAMSON. I do not know what our committee will do, nor when, nor do I know whether Congress will let us pass it or not. Personally I am ready to act when the time is ripe.

Mr. GARNER. About what time will the gentleman be ready to report the legislation?

Mr. ADAMSON. There has been a bill agreed upon, and it has been introduced in the Senate.

Mr. GARNER. Been agreed upon by the gentleman's committee?

Mr. ADAMSON. No; I did not say that it had been agreed upon in committee.

Mr. GARNER. Who has agreed upon it?

Mr. ADAMSON. The parties concerned, the two bureaus in the Treasury Department.

Mr. GARNER. Do the views of the bureaus in the Treasury Department meet with the ideas of the gentleman's committee?

Mr. ADAMSON. It meets with my approval. I do not know about the committee.

Mr. GARNER. In what way will this embarrass the President if it remains in the bill?

Mr. ADAMSON. I do not know anything about the President; I did not say that it would embarrass the President. I referred to the administration of the bureau; I was not referring to the President.

Mr. GARNER. In what way will it embarrass the administration of the bureau?

Mr. ADAMSON. I do not know how convenient it will be or inconvenient. I will read the gentleman the paragraph that has been agreed upon. Whether it is the best way or not, or whether we can adopt it, I do not know. The proper committee having jurisdiction should be allowed to consider that.

Hereafter vacancies in the grades of third lieutenant and third lieutenant of engineers in the Revenue-Cutter Service may be filled by the appointment of persons who have successfully completed the course of instruction at the United States Naval Academy: *Provided*, That no such appointment shall be made after the expiration of one year from the time of graduation of the applicant from the Naval Academy: *And provided further*, That such applicant shall pass a satisfactory physical examination prescribed by the Secretary of the Treasury.

Mr. MANN. If the gentleman will pardon me, I sincerely hope, as at present advised, that that will not become the law. The training at the school maintained by the Revenue-Cutter Service is so far superior to the training at Annapolis, as far as seamanship is concerned, that the Revenue-Cutter Service has to-day the best navigators and the best seamen on the ocean, and it ought not to be placed at the mercy of young men coming out of Annapolis and going into the Revenue-Cutter Service before they have learned how to manage a vessel.

Mr. ADAMSON. And it would not be any cheaper, either.

Mr. MANN. No; far more expensive.

Mr. FITZGERALD. Mr. Chairman, I do not concede that this is subject to a point of order; it is clearly within the rule providing for the retrenchment of expenses. At the end of the next year there will be no necessity for any additional appointments in the Revenue-Cutter Service until 1921. It costs $3,000 a year to maintain one of these students and about $11,000 to complete their education.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Are not the number of officers in the Revenue-Cutter Service, including the cadets, fixed by law absolutely, so that they can not add any cadets unless they come within the number provided by law?

Mr. FITZGERALD. I am not certain about it.

Mr. MANN. That is the fact.

Mr. FITZGERALD. I know that the service is always 14 or 15 officers short, because they do not need all that are authorized.

Mr. MANN. Oh, no.

Mr. FITZGERALD. I am making the statement upon good authority.

Mr. MANN. I put a provision in the law limiting the number of officers in the Revenue-Cutter Service, and that is still the law.

Mr. FITZGERALD. The number of officers, I am informed, is limited to the number of ships.

Mr. MANN. That used to be the law. The law originally fixed the number of officers by the number of ships, and that ran up until there were 37 captains, I believe, and 37 lieutenants, or something like that, and when we passed a law providing for retirement in the Revenue-Cutter Service I asked to have inserted in it, and the House did insert it, a provision fixing and limiting the number of officers in the Revenue-Cutter Service, regardless of the number of additional ships that might be provided for. Since then we have provided for a number of new revenue cutters, but have not increased the number of officers any. The number of officers being fixed, and these cadets being included in the number of officers, if the Revenue-Cutter Service does not need any new officers it would appoint cadets, because they are a part of the officers.

Mr. FITZGERALD. Mr. Chairman, the statement of the Assistant Secretary of the Treasury is very clear. Mr. Bailey said to the committee:

My understanding is that when the present class graduates in 1913, if the school should be discontinued until 1920, the service will not be depleted more than 14 officers. That is, there will not be more than 14 vacancies in the service by 1920. I think the service has been running with about 14 vacancies.

The committee found this a very expensive school. It did not know whether it would be wise to recommend that it be discontinued at this time. Recalling the testimony upon other occasions of gentlemen connected with the Revenue-Cutter Service, who asserted that the training at the Naval Academy was of a character entirely different from that required for Revenue-Cutter Service, the committee had some doubt as to whether the graduates of the Naval Academy would have that training and equipment requisite for the Revenue-Cutter Service. Moreover, it is apparent that the only graduates from the Naval Academy who would enter the Revenue-Cutter Service would be those who for one reason or another could not enter the naval service. It is doubtful whether it is advisable to make the Revenue-Cutter Service a port of refuge for the Naval Academy, and the committee simply believed that in view of the situation it was desirable to stop appointing cadets in the service until such time as the conditions would justify additional appointments. Such appointments could then be made by authority of Congress. For the next seven years we will be educating a number of young gentlemen for this service at a cost of $3,000 each a year, without any possibility of utilizing them in the service.

Mr. MANN. If the gentleman will yield, my recollection is not as fresh as it might be, but it seems to me that all of these officers in the Revenue-Cutter Service under existing law have to come in as cadets.

Mr. FITZGERALD. That is true.

Mr. MANN. If the gentleman's proposition carried in the bill should prevail, you could not add any officers in the Revenue-Cutter Service without specific authorization of Congress hereafter, which could not be done in an appropriation bill.

Mr. FITZGERALD. No; but some system could be worked out. At the completion of the class of 1913 there will be a period of seven years, during which, based on experience, there would not be more than 14 vacancies in the service. That service continues with about 14 vacancies. There is very little justification for turning out 10 or whatever number would be turned out a year for eight years. That would be a very large number of graduates who could not possibly be utilized in the service.

Mr. ADAMSON. The gentleman is coming back, in making that suggestion, to my original proposition, that a system is being worked out by those having it in charge.

Mr. FITZGERALD. This would not prevent any reform being worked out by the gentleman, but it would stop the appointments being made while his committee is working out the reforms.

Mr. ADAMSON. I do not think that the Committee on Appropriations can, better than anybody else, pass upon those questions that are properly within the jurisdiction of other committees. Different committees have charge of different institutions, bureaus, and subjects, and while this Committee on Appropriations wisely and faithfully appropriates for estimates, there are others of us who have charge of these bureaus and the subjects of their administration and who ought to be consulted as to whether we should cut off an institution prematurely in anticipation of getting some other to take its place. There is many a slip beween the cup and the lip. If the gentleman will refer to the hearings before his own committee he will find that the same captain commandant who made the statement about prospective vacancies also protested against striking off at once this only method of supplying these vacancies before another is supplied.

Now, as to the economy feature of it. It is impossible for it to be an economical movement, except on the conditions, the ifs, the ases, and the whereases that the gentleman suggests about meeting future contingencies, but these propositions might alike be subject to a point of order as being new legislation.

Now, this school and ship, as suggested by the gentleman from Illinois [Mr. MANN], are more economical than any other thing that has been suggested. There may be very few vacancies in the next year or two, and I hope there may be. We do not know what casualty or accident may occur. It is not economical, it is not wise, to cripple the bureau by cutting off this only means whereby it can fill these vacancies and supply itself with the necessary officers to carry on its business. I did not mean for sure that we could secure these from Annapolis. I said it would be sometimes difficult and doubtful whether we can do it or not, and none of us insist it would ever be any cheaper to secure cadets from Annapolis to take these places. It is new legislation, it is not shown it is in the interest of economy or the reduction of expenditures, it may involve infinitely more expense in addition to dissatisfaction and inconvenience, besides crippling the service, and I insist this paragraph ought to go out on the point of order, and leave the matter of new legislation to the committees having jurisdiction of the subject.

Mr. BUTLER. Mr. Chairman, I desire to be heard on the point of order. Without assailing the attempt to restrain the usefulness of this model school——

Mr. SHERLEY. We can not hear the gentleman at all.

Mr. BUTLER. I am endeavoring to make myself heard, but gentlemen appreciate the fact that you have to speak with a voice almost in thunder tones to make one's self heard in the midst of the noise and confusion on the floor; indeed, it is almost impossible to be heard. It is one of the most unsatisfactory places to discuss a question or express a view I have ever known. Now, Mr. Chairman, the act of Congress provides that there shall be a certain number of officers in this service. I do not know whether the chairman of this committee has before him a copy of the hearings. If he has and will turn to page 275 he will find this report:

The CHAIRMAN. Is the Revenue-Cutter Service a fixed service so far as the number of commissioned officers is concerned, or is it increased from time to time?

Capt. BERTHOLF. It used to be.

Capt. MCALLISTER. We formerly had an elastic law, so many officers for each vessel. At the time of the passage of the retirement bill there was an amendment inserted limiting the officers to the number in the service at that time.

Therefore, Mr. Chairman, this provision of the appropriation bill is a law, because its purpose is to establish and utilize in the future the services and the admission of young men to this school. Now, what is our parliamentary law upon the inclusion of such a provision in a measure of this kind? The latest exposition, Mr. Chairman, which we have had upon the celebrated Holman rule is the one delivered by the learned gentleman from Virginia [Mr. SAUNDERS] when presiding over the Committee of the Whole House on the state of the Union where the Army appropriation bill was being considered, and you will recall in that opinion the Chairman of the committee laid down many propositions which for all time to come will regulate the proceedings of this body upon a subject like this; among them there is this one. I do not quote him exactly. The effort at retrenchment must be a necessary result, not a conjectural result or a problematical result. This is a problematical result. The expenditure may or may not be reduced. Whether the expenditure is to be reduced will depend upon the wishes of future Congresses, and therefore there is no certainty of reduction; it is necessary that the amount of the reductions be stated in the bill——

Mr. SHERLEY. Will the gentleman permit a question?

Mr. BUTLER. In one moment. But from the language of the provision itself there is no necessary and certain reduction to be gained.

Mr. SHERLEY. Now, if the gentleman will permit, these cadets from the time they are appointed are paid a certain sum of money.

Mr. BUTLER. Yes.

Mr. SHERLEY. If this provision passes, those cadets can not be appointed; therefore this money can not be paid; therefore there must be a retrenchment in expenditures by a reduction of officers and pay.

Mr. BUTLER. Mr. Chairman, if the gentleman will reread the language of the bill which he assisted in reporting he will

discover in the reading of this item the following language, "unless hereafter authorized by Congress." Congress may authorize it to be done. If that language had been excluded and the provision had been to this effect, that in the future no cadet could be appointed, I would concede the gentleman's position to be correct, but inasmuch as the condition is added to this provision it brings it within the expression of the gentleman from Virginia who passed upon this rule, that the question of reduction of expenditures is purely problematical.

Mr. SHERLEY. Now, if the gentleman will permit. The committee will not be stopped by those words and if necessary will strike them out, and in point of fact even if it has the full meaning the gentleman gives to it it would come within the rule. No provision reported in this bill or in any other bill in any language conceivable could in the slightest degree prevent a subsequent Congress from providing something else, and the effect of a law is not to be determined by what a subsequent Congress may do, because as to that we have no power.

But this fact remains, that under this provision certain officers that can now be appointed and when appointed shall be entitled to certain compensation, can not be appointed if this provision is adopted. Therefore, the provision does result in lessening the number of officers and pay, and comes directly within the Holman rule.

Mr. ADAMSON. If the gentleman would permit right there, I suggest another fact also remains to which we can not shut our eyes. This system is established by law and has to be maintained, and whether he takes his suggestion out of the bill or not, provision has to be made to run it, and it can not be run cheaper than under this present system.

Mr. SHERLEY. If the gentleman will permit, the fact that the system exists under existing law does not prevent a provision being in order on an appropriation bill abolishing offices if thereby an economy is obtained. Now, the Chairman is not to deal in a parliamentary sense with the question of the wisdom of doing the thing, but simply with the question of whether it does show a reduction of officers and of salaries. In point of fact, we could have gone very much further and abolished even more of the service, and, in a parliamentary sense, been in order, and in point of fact it has been so recommended by a very high and distinguished officer of the Government.

Mr. ADAMSON. Mr. Chairman, the suggestion of the gentleman is that it will effect economy by reducing expenses. My reply is he is stared in the face by the fact the place will have to be supplied, and he knows it will have to be supplied, and he has not demonstrated it will not be supplied in any cheaper manner, and therefore he fails to show it will be any saving to the service.

The CHAIRMAN. The Chair wishes to state to the gentleman from Kentucky [Mr. SHERLEY] that while he has been addressing the committee the Chair has not been able to hear all that he has said. The Chair would like to hear as to clause 2, Rule XXI.

Mr. SHERLEY. In substance, the Holman rule provides it shall be in order on an appropriation bill to have provisions that otherwise would be subject to a point of order because changing existing laws if those provisions result in lessening the number of officers and the expense of the Government. Now, this provision makes impossible until a given date the appointment of a number of officers that now could be appointed, and to that extent reduces the number of officers, and, as the record shows, these cadets are paid a given sum from the time they are appointed; it also reduces the expense in connection with the service and is therefore in order under the rule. Now, the suggestion of the gentleman from Georgia [Mr. ADAMSON], that if this is done some other method will have to be provided for supplying these officers, is a suggestion based upon his opinion of what the need of the service may be, but the Chair, in considering a parliamentary proposition, is not concerned with the wisdom of the proposal, neither is he concerned with what may be the ultimate need of a particular service, but he is concerned with the one plain proposition of whether the effect of the provision is to reduce either the number of officers or the pay. If it does, it is in order under the Holman rule.

Mr. BUTLER. Mr. Chairman, I do not mean to repeat myself, but the act of Congress provides that there shall be so many officers in this service. I will concede that a positive enactment to the effect that there shall be no further cadets appointed would be a retrenchment of expenditures. Quoting the opinion further of the gentleman from Virginia [Mr. SAUNDERS], easily understood by all of us, that this retrenchment must be a necessary result, and if it did provide positively for the reduction of the number of officers or the number of cadets, I concede that it would come strictly within the Holman rule. But it depends not upon our action here whether or not there shall be a reduction, but upon the action of subsequent Congresses. This Congress may to-morrow enact a law providing for the appointment of cadets at this school. The next Congress may do so. And if such an event should occur, if Congress should so enact, there would be no retrenchment in expenditure.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say a word. The rule is—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

This provision does change existing law. It does away with the right of appointment of cadets in the Revenue-Cutter Service which now exists. It is germane to the bill because the bill carries appropriations for the maintenance of the Revenue-Cutter Service, including the school and the cadets, with their pay. The provision retrenches expenditures, because it reduces the number of officers, as well as the salaries of officers of the United States, because it prohibits appointments which under the law can now be made.

It is not necessary to search for authorities. If this provision be not in order under the language of this rule, it is impossible to draw one that is in order.

The gentleman from Pennsylvania [Mr. BUTLER] makes a most extraordinary argument, and that is that because the Congress under its constitutional powers at some future time may legislate in a manner that would be inconsistent with some proposed legislation at this time, therefore even legislation which would wipe out an entire service could not be construed as abolishing or reducing the number of officers, because, forsooth, the next session of Congress might enact legislation reestablishing the entire service. His argument, of course, is not to be taken seriously by the Chair, but it is the best argument that could be made for an indefensible case.

Mr. ADAMSON. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] is a strict constructionist in some things. But he has admitted that this is new legislation. He seeks to justify it on the ground that it reduces expenses, which he has not shown. He has convinced me, however, that it is subject to a point of order on another ground, namely, that it is not germane to the bill.

If he wanted to draw a provision that would be germane to the bill, he would have had to limit the use of the appropriation by saying, in substance, that "no part of the appropriation shall be used," and so forth. He has gone into the domain of the legislative powers, and says, "No one shall be appointed." If he had said that this should not apply to certain persons, the provision would be germane. But he says "no such appointments shall be made," and I submit that he has failed to demonstrate that this bureau will be run with any reduction of expense if he abolishes the future appointment of cadets.

Mr. SHERLEY. If the gentleman will permit, the whole purpose of the rule was to make in order legislation on an appropriation bill if it did certain things. Now, the gentleman is arguing that any legislative provision on an appropriation bill, to be in order, must be in the form of a limitation.

Mr. ADAMSON. Mr. Chairman, I had simply directed my argument to the statement made by the gentleman from New York [Mr. FITZGERALD]. I had not referred to the gentleman from Kentucky [Mr. SHERLEY].

Mr. FITZGERALD. The gentleman from Georgia has not differentiated between limitations on appropriation bills and legislation that is in order under the Holman rule.

Mr. ADAMSON. I submit, Mr. Chairman, that they have not brought this under the operation of the Holman rule by demonstrating that this provision will reduce expenditures.

The CHAIRMAN. The Chair will now rule. We are dealing with that part of the bill relating to the Revenue-Cutter Service. Lines 23, 24, and 25, on page 32, relate to that service. The Chair therefore holds that it is germane; and, next, that the effect is to retrench expenditures and the number of officers, and therefore the Chair overrules the point of order.

Mr. ADAMSON. Mr. Chairman, I move to strike out the paragraph.

Mr. FITZGERALD. Pending that motion, Mr. Chairman, I hope the gentleman from Georgia will indulge me for a moment while I move that the committee rise in order to permit the gentleman from Alabama [Mr. UNDERWOOD] to present a report.

Mr. ADAMSON. Very well.

Mr. FITZGERALD. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means, reporting back the bill to revise the duties on metals, H. R. 18642, to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with Senate amendments (H. Rept. 857), with the recommendations of the committee, and to return the original papers to the House.

Mr. MANN. Mr. Speaker, may I ask the gentleman from Alabama, Dr. UNDERWOOD, a question? [Applause.] Is it the intention of the Doctor to call up this bill or the cotton bill first for consideration in the House? Is he able to say?

Mr. UNDERWOOD. I will say to the gentleman that it has not been finally determined, but I think it is probable that the amendments to the iron and steel bill will be taken up first.

The SPEAKER. The bill with the Senate amendments will be printed and referred to the Committee of the Whole House on the state of the Union.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with Mr. JOHNSON of Kentucky in the chair.

Mr. ADAMSON. Mr. Chairman, I ask the Clerk to report my amendment.

The Clerk read as follows:

Page 32, strike out all of lines 23, 24, and 25.

The question being taken, on a division (demanded by Mr. ADAMSON) there were—ayes 36, noes 46.

Mr. ADAMSON. I ask for tellers, Mr. Chairman.

Tellers were refused, 19 Members, not a sufficient number, seconding the demand.

The Clerk read as follows:

For repairs to revenue cutters, $165,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, line 26, strike out "$165,000" and insert "$175,000."

Mr. CANNON. Mr. Chairman, this estimate is for $175,000. The law for the current year is $175,000. This is for the repair of revenue cutters. I do not recollect how many ships there are in the Revenue-Cutter Service. Does any gentleman know how many?

Mr. ESCH. Forty-three.

Mr. CANNON. Forty-three. This is an important branch of the service. The item which we have just passed appropriates $2,260,000. The estimate for that item was $2,280,000. The appropriation for the current year is $2,288,000, so that there is a cut below the estimate of $20,000 in the item just passed and $28,000 below the current law.

Now, this appropriation for repairs excludes the service from using any of the preceding items for repairs. I hold in my hand the hearing where Capt. Bertholf was before the committee. I believe Capt. Bertholf has come lately to the head of this service.

Mr. ADAMSON. He is the captain commandant.

Mr. CANNON. He says, in answer to a question of the chairman—

We have two appropriations, one the general appropriation, $2,280,000—

Which we have just passed—

and the other, $175,000, for repairs. We can not spend every cent of this even if we absolutely need it. We are obliged to leave a margin at the end of the fiscal year, for the law makes it a penal offense if we exceed an appropriation. Two appropriations mean that we must have two margins. We regularly are obliged to turn in an unexpended balance of each appropriation, when we absolutely need the money. If I had one appropriation, I would require only one margin. If you put the $175,000—

That is the appropriation in which I move to give the estimate—

into the general appropriation and cut off $10,000, we can get along.

The CHAIRMAN. Suppose we cut off $10,000 and try you out first?

Capt. BERTHOLF. All right. Then we will be short, because we would have $10,000 off, in addition to what we must have left over.

The CHAIRMAN. You had two separate items until 1911, and we made an appropriation of $75,000 for repairs?

Capt. BERTHOLF. Yes, sir.

The CHAIRMAN. Then, because of the condition of several of the vessels, you got an appropriation of $100,000 for special repairs to vessels?

Capt. BERTHOLF. Yes, sir.

There are other parts of the examination that I do not refer to because it does not bear upon the statement or lessen the force of the statement of the present captain if he be the captain commandant in charge of this service. Here are 43 ships, costing around about $5,000,000, where the annual wear and tear is 5 per cent. Many of them are old and some of them are of wood. If the wear and tear is 5 per cent, which has to be looked after, 5 per cent on $5,000,000 of the ships would be $250,000 alone. If this service ought to exist at all, we ought not to lie awake nights or stay awake in the daytime cutting off $10,000, and thereby crippling the service. That is all I desire to say. It may be that it is possible that this service might be abolished. I do not believe it. I quite agree with the statement of my colleague [Mr. MANN], the former chairman of the Committee on Interstate and Foreign Commerce, that for the size of it this perhaps is the most valuable service we have, practically, day in and day out, upon the seas, and therefore I think it ought not to be embarrassed by little reductions.

Mr. FITZGERALD. Mr. Chairman, some years ago the appropriation carried authority to expend annually $75,000 for the repair of vessels of the Revenue-Cutter Service, and about $75,000 was spent each year. Because of extraordinary repairs asserted to be required on some of the vessels, a specific appropriation of $100,000 additional was carried in the bill. After the appropriation was made on the first occasion, it seemed most peculiar that each year thereafter repairs of an extraordinary character still requiring this additional $100,000 were reported to Congress. It was asserted by those in charge of the Revenue-Cutter Service that if instead of separating the two items for repairs they were consolidated after a year or two very substantial reductions could be made in the amount required, and so Congress for the fiscal year 1911 placed the appropriation for repairs in one item and appropriated $175,000, and for the current fiscal year it appropriated $175,000. Two years having elapsed during which the Revenue-Cutter Service had the benefit of the increase of $100,000 the committee inquired as to the reductions that had been promised if the consolidation were made. The gentleman in charge of the Revenue-Cutter Service then made this statement: That if the repair item were consolidated with the general appropriation for the Revenue-Cutter Service it could be reduced by $10,000, and that the economy could be effected in that way. Having in mind the former attempt of the committee to accomplish the reduction by the consolidation, remembering that it had given the additional $100,000 for two years to enable the service to get its vessels into proper shape, and believing that it was not possible to so engage the attention of these gentlemen upon the necessity of endeavoring to economize in the expenditure of the public moneys, except in one way, the committee reduced the amount for the next fiscal year by $10,000. It was unable to ascertain why the service could do with $165,000 if the appropriation were made in one way and could not do with it if the same amount were made in a different way.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MADDEN. Does not the gentleman from New York know that the management can not economize in the matter of repairs in ships; that there is a certain amount of deterioration going on every year; and that while you can reduce the appropriation and let the repairs go unmade, you are simply creating a condition from which the ships themselves eventually suffer if the repairs are neglected? While I think the committee, generally speaking, is endeavoring to inaugurate a lot of economies that are justified, yet in this case any attempt to economize by refusing to appropriate for ship repairs is not an economy in point of fact, but an extravagance.

Mr. FITZGERALD. Mr. Chairman, I may recall some facts to the gentleman and to the committee which will perhaps induce them to believe that the Committee on Appropriations was justified in its action. I am somewhat familiar with what happens when a proposition is made to repair a ship. Permit anybody with somebody else's money to start to repair a ship, and

it is astounding just how far they will go in taking out old parts and putting in new. For a great many years the naval appropriation bill carried a provision that not more than 10 per cent, if I recall correctly, should be expended for repairs upon any wooden vessel of the Navy unless specifically authorized by Congress; and the practice of the Navy Department in the manner of overhauling modern naval vessels grew to such an extent that within the past few years a committee controlled by gentlemen on that side of the House fixed the limitation upon the amount that might be expended for steel vessels of the Navy, the limitation, as I recall, being 20 per cent.

And the experience of those who have had to do with gentlemen in the various services of the department has been that it is necessary to very carefully guard the expenditures made for repairs, or else they will be rebuilding or practically building new ships instead of keeping ships in ordinary repair.

Mr. WEEKS. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WEEKS. Is it not a fact that a much larger amount was expended repairing vessels of the same class in the Navy than in the Revenue-Cutter Service?

Mr. FITZGERALD. A much larger expenditure for repairs on naval vessels than on vessels in the Revenue-Cutter Service of the same class? Nobody but the Government of the United States would ever consider expending the same amount for the purpose of keeping vessels in repair.

Mr. WEEKS. Is it not true that the service performed by the revenue-cutter vessels is greater than that of naval vessels of the same class?

Mr. FITZGERALD. The revenue-cutter vessels spend more time at sea. They are used more for the purposes for which they were constructed than vessels in the Navy. If we should deduct the time the naval vessels are laid up for repairs and tied up or out of commission, it would be difficult to find much time that they were being navigated in the sea. Nobody would ever wish to establish as a standard that of the Navy Department as to the repair of vessels. The gentleman from Massachusetts, from his own intimate knowledge and experience in the naval service, is compelled to laugh as he remembers the gross extravagance indulged in in the repair of vessels.

Mr. WEEKS. I will admit that the gentleman from New York is an expert on the question of repairs of naval vessels.

Mr. FITZGERALD. I never denied it; in fact, I have proclaimed it myself, and it did not need the statement of the gentleman from Massachusetts to make that fact public.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. The gentleman made a statement in the course of his remarks to the effect that nobody could tell how much repairs would be made on any ship when the repairs were undertaken unless he placed a limit in advance on the authority of those who had jurisdiction over the ship. I want to say to the gentleman that there is nobody on earth who can tell how much repairs will be required on a ship, revenue cutter, or any other vessel of any kind until you commence to tear the planks off and find out how many rotten timbers there are and what other deterioration has taken place.

Mr. FITZGERALD. We have now substituted to a large extent steel vessels for wood. For instance, in the investigation in connection with the Coast and Geodetic Survey, we ascertained that a vessel built in 1899, 13 years of age, costing $175,000, had had expended on it for repairs $96,000.

Mr. MADDEN. That is not extraordinary.

Mr. FITZGERALD. It is extraordinary.

Mr. MADDEN. I do not think it is.

Mr. FITZGERALD. It is; and I know something about the ship-building business.

Mr. MADDEN. Does the gentleman set himself up as an expert ship constructor?

Mr. FITZGERALD. No; I base my opinion on conference with men whose business it is to repair ships, and who have made considerable fortunes out of it. Now, I would take the opinion of the gentleman from Illinois on the question of the amount that should properly be expended in maintaining and keeping up buildings of any kind, or the construction of buildings, or doing any work of that character, but when it comes to marine construction I seek my information from men who are specialists in that line.

Mr. MADDEN. I want to say to the gentleman that I am in the business of building ships, and running ships, and repairing ships, and owning ships.

Mr. FITZGERALD. Oh, those are fresh-water ships. [Laughter.]

Mr. MADDEN. I know what it costs to maintain and repair and operate ships, and I say to the gentleman from New York that he is mistaken in his attempted economies. The refusal to repair a ship may do more damage than anybody can estimate. It is not economy to try to save $10,000 from an appropriation for repairs of a boat or ship used in the Revenue-Cutter Service.

Mr. FITZGERALD. The committee did not do it with any desire to make a show for economy. If it had, we would not be picking up a little item of $10,000, but what we were endeavoring to do was to improve the administration of the service. We have given what we think is enough to keep the vessels in proper repair. There has never been a time that enough money has been appropriated to take care of the unforeseen catastrophes in the service. Whenever they do occur Congress has been ready to meet such emergencies. Having given $200,000 for ship repairs upon the theory that the vessels would be put in condition in which they would be serviceable, a much less sum being required to keep them in repair, it is not unreasonable to cut out only 10 per cent allowed for extraordinary conditions, which sometimes should cease, or else these boats, in the estimation of those who control them, would not be seaworthy at all.

Mr. ESCH. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. ESCH. In case of accident or injury to a revenue cutter is there any vessel in reserve or ready to take its place? I understand not long ago one of the revenue cutters in the Bering Sea had met with an accident. Now, can a vessel be sent to take the place of such a vessel that is disabled, or is there any reserve supply of vessels for such purpose?

Mr. FITZGERALD. I do not recall, but the gentleman should have that information more aptly than I, because he is a member of a committee which for years has been investigating the needs of the Revenue-Cutter Service and authorizing vessels as the needs of that service developed. I have not done that especially, and I would be more likely to call on him for such information than to expect him to call upon me.

Mr. ESCH. The only point is the estimates for repairs of $175,000 will not meet such an emergency.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, and I merely desire to say that this estimate, as made by Capt. Bertholf, the head of this service, who sent it to the Treasury Department, was $250,000. That would be about 5 per cent for the repairs of vessels—some wooden, some 30 years old, some 20 years old, some 10 years old, and very few new vessels when compared with the old ones. It further appears from the statement that 20 years is the practical life of a ship, because then it costs more to keep it in repair than to throw it away as old junk. Now the Treasury Department, no doubt desiring to make in the aggregate low estimates, cut that $250,000 to $175,000. Now, it further appears from Capt. Bertholf's estimates that there is quite a large number of repairs to be made. Why, if they put in a boiler, that means $40,000, according to his statement, and they have to be replaced once in 12 years. Now, I am satisfied, from this hearing, without regard to the question of accident by storm or otherwise—just for ordinary repairs—that $175,000 is not enough, and therefore I made the motion to increase it by $10,000.

Mr. SHERLEY. Mr. Chairman, the gentleman has brought out a fact which is illustrative of the difficulty which confronts a committee dealing with appropriations and desiring in good faith to bring about economies in the Government. He has stated that the original estimates sent to the Treasury Department were considerably in excess of the estimates they submitted. Now, that simply illustrates this proposition. If we take at its face value the estimates made by a man in the service, instead of appropriating what we are appropriating, we would be appropriating two or three times as much, and these demands were evidently so flagrantly extravagant that the Treasury Department itself cut them more than in half. It illustrates how little reliance you can place upon the estimates given. There is a theory that pervades all departments of the Government that Uncle Sam does not need to skimp money, and estimates are sent in by individuals that, if they were in the employ of a private concern, would never see the light of day, and no one knows better than the gentleman from Illinois——

Mr. CANNON. Will the gentleman yield?

Mr. SHERLEY. In a moment. That if it were not for the constant scrutiny of Appropriations Committees we would have our expenditures simply run riot. Now I yield.

Mr. CANNON. The estimate for these repairs was $250,000, made by a practical man in charge; the landsman cuts it to

$175,000 and the committee cuts it $10,000 more. I would rather follow the sailor——

Mr. SHERLEY. Well, of course——

Mr. CANNON (continuing). Than the committee, or to follow the Treasury, that is seeking to make as small estimates as possible, and there has been some pretty severe criticism on the Treasury in regard to the cut of estimates.

Mr. SHERLEY. That may be; but it is a criticism that is rather unique in America heretofore. We usually have not had to criticize the departments for any undue efforts in the way of economy. Now, it is a very pretty thing and it sounds well to say—I had rather follow the sailor than the landsman. Well, I would in some things, but when the sailor is talking about money that does not concern him directly, when the sailor is not put to the tests that a private concern is of economy or death, and when he goes on the assumption that you have got a Treasury without an end to it, then I think that it is the duty of Congress to come in and cut his estimates. But it is not simply a case of sailors and landsmen. Running all through the departments you will find district officers making a statement that they have to have certain sums of money, and that the service will go to the bow wows if you do not give it, but, in point of fact, when they are cut they manage to get along and the service does not go to the bow wows. When you do undertake to give all they want, you will find in the course of a dozen years that they have piled up, if they can under the terms of the appropriation, great surpluses——

Mr. WEEKS. Will the gentleman yield?

Mr. SHERLEY. In a moment—and if they do not they have used it for purposes not within the purview and intention of Congress, and it was necessary to supervise the estimates. I now yield to the sailor. [Laughter.]

Mr. WEEKS. What evidence has the gentleman that the $165,000 will be enough for this purpose?

Mr. SHERLEY. The statement of these gentlemen that if they had this in the general fund and so, according to their statement, would not need to hoard a balance so as not to be in danger of violating the law as to deficiency, that $165,000 would be sufficient.

Mr. WEEKS. Has any member of the committee ever seen any of these ships in order to make an estimate for himself?

Mr. FITZGERALD. We have not spent as much time on them as others have.

Mr. SHERLEY. I think not. I will say to the gentleman frankly that I believe the time has come when the Committee on Appropriations ought to have available a reasonable sum of money to be used in the employment of outside experts in order that we could get disinterested information upon matters on which we can not be expected to have technical knowledge. But if the gentleman is going to apply the rule that we are to accept the statement of every man as to his estimate unless we have personal technical knowledge of the facts, then we might as well dispense with hearings. We have the right, judging by the past history of the department, judging by the answers of the men, judging by that knowledge that comes to men as to the efficiency of departments and the economy exhibited, to use ordinary common sense in cutting estimates. That we have done here.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. CANNON. A division, Mr. Chairman.

The committee divided; and there were—ayes 28, noes 46.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENGRAVING AND PRINTING.

For labor and expenses of engraving and printing: For salaries of all necessary employees, other than plate printers and plate printers' assistants, $1,268,051, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of eliciting some information from the chairman of the committee. I should like to ask if this item includes the expenses of preparation of national bank notes?

Mr. FITZGERALD. The printing of them.

Mr. TILSON. It does not include the material?

Mr. FITZGERALD. No.

Mr. TILSON. It includes the labor on and the preparation of the plates?

Mr. SHERLEY. The language itself indicates it is for salaries of all necessary employees other than plate printers. The latter are in a separate item.

Mr. FITZGERALD. They are in the next item.

Mr. TILSON. Mr. Chairman, I withdraw the pro forma amendment and offer the following amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 33, at the end of line 14, add the following:

"*Provided further*, That no portion of this sum shall be expended for printing national bank currency bearing the name of any national bank or any other distinguishing mark indicating the bank on which such national bank currency is authorized to be issued, and after said date all national bank currency shall be uniform."

Mr. FITZGERALD. Mr. Chairman, I make a point of order, but I reserve it if the gentleman wishes to make a statement.

Mr. TILSON. Mr. Chairman, I wish to speak on the amendment just a moment. I do not think it is subject to a point of order, but I shall first address myself to the merits of the proposition.

For a long time it has seemed to me there has been a tremendous waste in the matter of the preparation of national-bank notes. The waste comes about in two ways. In the first place, by the enormous number of bank notes that have to be destroyed in case banks consolidate or go into liquidation. In the second place, by the large number of bank notes, including a very large amount of material, that has to be kept on hand to have a separate supply of every denomination of notes for every national bank in the United States. As I remember, there are something like 7,200 national banks. These banks have an average of five denominations of notes. Each denomination must have a separate plate engraved, and of each denomination there must be a supply of notes kept on hand. This makes 36,000 plates that must be engraved and 36,000 different kinds of national-bank notes that must be kept on hand.

And, as I said before, when a national bank goes out of existence or consolidates with another, or changes its name, all these must be destroyed, although it is valuable and costly material. There is an additional expense, and that is in the matter of accounting. With each bank there must be kept a separate account, so that the number of employees necessary to keep the accounts of each separate national bank makes the accounting quite expensive. On the other hand, if we had a uniform currency, which might be issued to every bank—the same kind to each bank—all this detailed accounting with each bank might be done away with and there would remain to the accounting simply the amount issued to each bank and the amount returned, without regard to the particular notes issued or returned.

That is all I care to say at this time as to the merits of the proposition, but if the gentleman from New York [Mr. FITZGERALD] is going to make a point of order, I would like to speak to that.

Mr. FITZGERALD. I intend to make a point of order, because it is legislation in violation of the rule.

The CHAIRMAN. The Chair would like to hear what the gentleman from New York [Mr. FITZGERALD] has to say.

Mr. FITZGERALD. These plates, Mr. Chairman, are paid for by the national banks and not by the Government.

Mr. TILSON. The printing is not paid for by the banks, and the labor and materials are not paid for by the banks, but that makes no material difference whether the Government or the banks pay for it. Both are entitled to the best possible legislation to prevent economic waste.

Mr. FITZGERALD. But it is immaterial who pays it directly. I think the matter has been discussed heretofore, that if a uniform bank note should be adopted, with perhaps some distinguishing mark or some other insignia which would indicate a particular bank issue, it would result in many advantages.

But it would be preposterous on this bill, Mr. Chairman, to make any such rule. This bill provides the money to print the national-bank notes, commencing on the 1st of July. The printing can not be delayed. There is no such surplus that would permit sufficient time to elapse to enable a new design to be adopted, a new scheme to be worked out, the plates to be prepared, and arrangements perfected with the banks for the issuance and redemption of the outstanding notes.

Mr. TILSON. My amendment provides for six months' time, making it effective on the 1st day of January, 1913.

Mr. FITZGERALD. I did not understand that from the way the amendment was reported.

Mr. TILSON. The amendment says that "after December 31, 1912, no part of this sum shall be so expended," and so forth.

Mr. FITZGERALD. The Assistant Secretary of the Treasury said it would probably cost a million dollars to reengrave all the plates of the existing national banks.

Mr. TILSON. May I interrupt the gentleman to say that it would take only five or six plates? There would not need to be

more than five or six plates engraved, and these would answer for all banks already in existence or hereafter established.

Mr. FITZGERALD. But my recollection is that, in the opinion of the Secretary of the Treasury, it would be necessary to have some distinguishing characteristic in order to keep track of redemptions.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. MANN. As I understood the amendment read, it provided for no distinguishing mark on the bills.

Mr. FITZGERALD. That is true.

Mr. FOSTER. How are you going to be able to tell what bank that is?

Mr. TILSON. It does not matter in the slightest degree what bank it is.

Mr. FITZGERALD. Seven thousand banks are issuing national-bank notes. It might be very desirable for some of them to have notes without any distinguishing characteristics.

Mr. TILSON. The gentleman understands that all of these notes are secured by bonds deposited with the Treasury?

Mr. FITZGERALD. Yes; I understand that. But the department also believes, according to my recollection, that it is very essential that there shall be some distinguishing characteristics for the purpose of redemption. At any rate, it would have such a pronounced and widespread effect upon our national currency that it is a matter to be seriously considered. For instance, let me call attention to this fact: We have $620,000,000 of reserve notes that were printed at a very considerable expense. Are they to be entirely destroyed, and before they have been issued?

Mr. MANN. Under existing bank laws is not a national bank required to redeem its own notes when presented at the counter?

Mr. FITZGERALD. Yes.

Mr. TILSON. And an account must be kept open for an indefinite time while these particular notes are coming in for redemption, and no good purpose is served by it.

Mr. MANN. But the gentleman's amendment would not change that law, and under his amendment no one knows the notes issued by a bank that are required to be redeemed on presentation.

Mr. TILSON. That is all useless work, anyway.

Mr. MANN. That may all be; but it is not covered by the gentleman's amendment.

Mr. WEEKS rose.

Mr. FITZGERALD. The gentleman from Massachusetts [Mr. WEEKS] may have some information about the practical workings of it.

Mr. WEEKS. If the gentleman will permit me, I want to say that if this Congress does its duty, before it expires it will pass such legislation as that there will not be any national-bank notes outstanding, and that will obviate the objections as to the character of the national-bank notes.

Mr. FITZGERALD. Mr. Chairman, I wish to say a word on this point of order. This amendment provides that after a certain date notes shall not be printed except of a uniform character. The law provides that notes shall be printed for each national bank. There is no retrenchment of expenditures that has been pointed out. These notes are paid for by the banks. I do not know how the gentleman brings the amendment within the rule so as to make it in order upon this bill.

The CHAIRMAN. The Chair will ask the gentleman from Connecticut to address himself, for the benefit of the Chair, to the latter part of his amendment. The first part would be a limitation, but, in the opinion of the Chair, there is affirmative legislation in the latter part of the amendment. The Chair therefore asks the gentleman to address himself to that.

Mr. TILSON. So far as retrenchment is concerned, it seems to be perfectly evident that this would reduce the expenditure, because instead of having to keep a redemption account with every bank in the country, all the accounting that would be necessary would be a simple clearing-house account showing simply so much of the uniform currency taken out and so much returned, regardless of whether it is of one particular bank or another. It is evident that this alone would save a considerable amount of accounting.

Mr. FITZGERALD. Suppose national-bank notes were presented to a subtreasury for redemption. Does the gentleman think the Treasury Department would not necessarily have to keep an account with each bank so as to determine which shall take up the notes? The notes are sent by the Treasury Department to the respective banks.

Mr. TILSON. Yes; but they never all come back for redemption.

Mr. FITZGERALD. They are sent to the bank to be taken up, because the Treasury has to redeem them, and then they are immediately sent to the bank of issue. What would the Treasury do—just keep paying out the legal tender?

Mr. TILSON. Keep an account with each bank as to the amount of this uniform currency that is issued.

Mr. FITZGERALD. I thought the gentleman said that such accounts would not be necessary.

Mr. TILSON. Not at all; but accounting only as to amounts. When the bank returns that amount of this currency or any other, the account of that bank will be closed, and it would not be necessary to wait for many years to redeem all the specific notes as they come back. As it is now, the account of each bank has to be kept open for many years. Whenever a bank goes into liquidation the account has to be kept open indefinitely, waiting for the bills of that particular bank to come back; whereas if this uniform currency was in use all that would be necessary for those who wound up the affairs of that bank would be to return the amount of currency—not the particular currency issued by the bank, but that amount of the uniform currency—and take up its securities.

As to the saving, if the gentleman will go to the Treasury Department and find the amount of stock that has to be kept there for each particular denomination of the bills of all these thousands of national banks, and if he will see from day to day the amount of this stock that is rendered obsolete on account of some minor change, and if he will realize that if this uniform currency was used none of this stock would have to be destroyed, he will be convinced that there would be a large saving.

Now, as to the affirmative provision, it is purely a limitation upon the expenditure of the appropriation contained in this paragraph.

Mr. MANN. Mr. Chairman, while I do not know but I would be in favor of the reform proposed if it were presented in a complete condition and brought before the House at the proper time, it seems to me that the amendment offered is subject to a point of order. The amendment offered is not a limitation upon the appropriation, but is a positive statement of what the law shall be hereafter. The first part of the amendment is a limitation upon the appropriation; but the latter part of the amendment is a change of law and is not covered by any one of the three provisions of the Holman rule, which, if it applied, would permit an amendment in proper form. Hence this amendment is clearly subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For engravers' and printers' materials and other materials except distinctive paper, and for miscellaneous expenses, including purchase, maintenance, and driving of necessary horses and vehicles, and of horse and vehicle for official use of the director when, in writing, ordered by the Secretary of the Treasury, $464,227, to be expended under the direction of the Secretary of the Treasury.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the gentleman from New York to the fact that if the next paragraph should be agreed to, it might be necessary to return to this paragraph and increase the appropriation. I would suggest to the gentleman that he ask unanimous consent to return to this paragraph.

Mr. HUGHES of New Jersey. I will say to the gentleman from Illinois that I am going to reserve a point of order on the next paragraph and ask that it go over until some day later.

Mr. FITZGERALD. Mr. Chairman, I do not believe that this fund should be increased, whether the next paragraph remains in the bill or not.

Mr. CANNON. Very well; the gentleman is in charge of the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BARTLETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to wives and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6890. An act increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Hereafter the proviso of the act of July 1, 1898 (30 Stat. L., p. 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the backs and tints of all United States bonds, and the backs and tints of all United States paper money: *Provided*, That should the Secretary of the Treasury decide to print on power plate-printing presses any of the classes of work herein permitted to be printed on such presses, not more than one-fifth of the total number of hand-roller presses required to produce the estimated quantity of such work in any fiscal year shall be displaced in such fiscal year: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that are now or may hereafter be operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this act.

Mr. HUGHES of New Jersey. Mr. Chairman, I reserve a point of order on the ground that this is new legislation, and I ask that the paragraph go over until a later stage in the consideration of the bill.

Mr. BUTLER. Until the conclusion of the reading of the bill?

Mr. HUGHES of New Jersey. Until some later time, to be agreed upon between myself and the gentleman in charge of the bill.

Mr. FITZGERALD. I will say to the gentleman from Pennsylvania that the matter will not be taken up on Monday, but we may take it up on Tuesday.

Mr. MANN. What is the object of passing it?

Mr. FITZGERALD. We are trying to reach some agreement.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order to this paragraph and asks unanimous consent that it go over until some later time in the consideration of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

During the fiscal year 1913 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the act of August 4, 1886 (24 Stat., p. 227), be credited when received to the appropriation for said bureau for the fiscal year 1913.

Mr. MANN. Mr. Chairman, I reserve a point of order to that paragraph. I would like to ask how much this has amounted to within the last year or two, what is the amount earned by the Bureau of Engraving and Printing mentioned in this paragraph?

Mr. FITZGERALD. I think in the neighborhood of a million dollars.

Mr. MANN. And it mainly came from the Post Office Department?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $140,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this act.

Mr. CANNON. Mr. Chairman, I move to amend, page 36, line 1, by striking out the figures "$140,000" and inserting "$150,000."

The Clerk read as follows:

On page 36, line 1, amend by striking out the figures "$140,000" and inserting "$150,000."

Mr. CANNON. That is the estimate and the current law, and I know of no reason for cutting this appropriation.

Mr. FITZGERALD. In 1910 they had a balance of $35,000 and in 1911 they had a balance of $9,000. The committee saw that they were getting more money than they could possibly spend, and it fixed that sum which they thought was necessary to supply the needs of the service.

Mr. CANNON. Does not the gentleman think that for a revenue service that yields a very large amount, something like $300,000,000, that $150,000 is a very small sum? I have no desire to appropriate more money than is sufficient for the service.

Mr. FITZGERALD. The gentleman knows that about $4,000,000 is expended for this service, and this particular appropriation is for a sort of a special secret service. The bureau in 1910 had $150,000. It was increased from $125,000 in 1909 upon the representations of the bureau. It then had an unexpended balance of $35,000, having expended $10,000 less than it did in 1909. In 1911 it had an unexpended balance of $9,000. In view of the fact that it was receiving more money than it was utilizing—apparently it did not require it—the committee gave the highest amount that the bureau has ever expended in any fiscal year.

Mr. CANNON. Let me read from the hearings, and before I read let me call attention to the fact that it costs $12,000,000 to collect the customs revenue, while to collect this revenue it costs less than $4,000,000.

Now I read from the hearings:

The CHAIRMAN. What is this fund used for?

Mr. CABELL. Well, that fund is used chiefly in running down moonshine distilleries, moonshine oleomargarine factories, and illicit opium plants. We pay from that fund all guides, possemen, and informers, and then we employ special men for doing that class of work. We make those appointments for short periods. Under the civil-service regulations they can not be appointed to exceed 60 days. During the past year, which is about a normal year, in connection with that fund we had 80 of those special employees, and then we had 1,242 informers, 18 guides, and 3,348 possemen. This is one of the most valuable funds in the Internal-Revenue Service.

Mr. CANNON. Will you need all of it this year?

Mr. CABELL. Yes, sir. The reason why there was an unexpended balance last year—we also pay rewards out of that. Under the internal-revenue laws where information is furnished which leads to the recovery of a tax, a reward, not to exceed 10 per cent, can be paid, and we had several claims for rewards that appeared to be due; the judgments had been entered in favor of the Government, and we cut down some of our raiding in order to have enough money to pay those rewards that appeared to be due. However, appeals were taken in the cases, and they are still being litigated; and that was why we had that unexpended balance last year. If we had known there was to be this delay, we would have gotten after a few more illicit stills.

Mr. PAGE. That is, if you had known that the cases were going to be prolonged?

Mr. CABELL. Yes, sir. It is a rather serious matter to overstep an appropriation, and as the expenditures are always cut very closely we must be somewhat careful not to exceed our allowances. We always have a number of unliquidated claims toward the end of the year in the way of rewards, informers' fees, etc., and we always have to save a safe balance to take care of these.

It seems to me that with $300,000,000 to be collected, and the small amount paid for its collection, we had better not decrease the appropriation. Therefore, I offer the amendment.

Mr. FITZGERALD. Mr. Chairman, this money has been expended, very largely, 75 or 80 per cent of it, in the Southern States in suppressing moonshining. A great many of these States have adopted State-wide prohibition laws.

Mr. CANNON. Does prohibition prohibit in those States so far as the moonshiners are concerned?

Mr. FITZGERALD. The expense should not be as great as it hitherto has been. It is very difficult to determine how much should be appropriated for the maintenance of any particular service. One method of ascertaining just what the service may require is to ascertain whether or not any balance has been unexpended from an appropriation, and in that way get some information about the necessities of the service. When it is found that a service has been receiving a certain appropriation and has been expending less than that amount, it is a safe rule to assume that there was no possible way in which it could have been profitably expended, or it would have been. This bill carries the largest sum ever expended for this purpose. I do not believe there is any justification in giving more.

Mr. CANNON. Mr. Chairman, I will make the pro forma amendment in order to say that, with the exceedingly high tax upon high wines, alcohol, and the exceedingly large industry, it seems unwise to cut this appropriation. In my own State there is collected, if I recollect right, sixty to eighty millions of

dollars. I am not accurate in my statement, and it may be more than that. With this enormous tax it is important that the law should be enforced, not only for the protection of the revenues, but for the protection of the people who pay the tax. I do not believe that because we find there was $1,500 less one year——

Mr. FITZGERALD. Yes; but the gentleman must remember that the appropriation to which he refers was $25,000 less than he wishes to give this time, and that is an important fact that seems to have been overlooked.

Mr. CANNON. Let us see about that.

Mr. FITZGERALD. Yes; let us see about it. The appropriation was $125,000 in 1909, when there was an unexpended balance of $1,500. He proposes to give $150,000 when they have never expended in excess of $140,000.

Mr. CANNON. Oh, yes; they expended last year all but $1,500.

Mr. FITZGERALD. Oh, no. They had $9,000 left. The gentleman is again mistaken. They had a balance of $9,000 in 1911 and $25,000 in 1910 out of an appropriation of $150,000, and $1,500 left out of an appropriation of $125,000 in 1909.

Mr. WEEKS. Let me ask the gentleman from New York if the expenses for this purpose do not increase from year to year?

Mr. FITZGERALD. Not necessarily.

Mr. WEEKS. Are they not greater than they were five years ago?

Mr. FITZGERALD. Yes; they are; but from 1903 to 1908 the appropriation was $100,000. Then this appropriation was increased, if I recall correctly, for the purpose of placing certain denatured alcohol inspectors on the force. It was very quickly ascertained that there was very little excuse for the employment of those inspectors, but after having appointed all of these gentlemen and having got them on the rolls and not being able to utilize them in the denatured alcohol work, a number of them were added to the other work in the field; but in addition to this appropriation for the service, practically the same thing, there is a very large appropriation carried in the legislative bill. I am convinced that the amount recommended here is sufficient for the proper administration of the service.

Mr. CANNON. Very well. If the gentleman insists, and his side of the House stands with him, the estimate will be cut, notwithstanding the statement of the Commissioner of Internal Revenue that for the proper performance of his duties the estimate should be given. The gentleman has the power, if his side stands with him.

Mr. FITZGERALD. Mr. Chairman, if the logic of the gentleman from Illinois were followed $42,000,000 would be added to this bill, because that is the amount it carries under the estimate submitted by the departments. I recall that when the distinguished gentleman from Illinois happened to be chairman of the Committee on Appropriations he had less confidence in the judgment of those submitting estimates than any man I have ever known to have served in the House of Representatives.

Mr. CANNON. Mr. Chairman, I still have, I believe, two minutes remaining, and in those two minutes I want to say again that with a service in which $300,000,000 are collected at an expense of less than $4,000,000, where $150,000 for the prevention of moonshining and the detection of the evasion of excise taxes and of fraud is requested, the gentleman and his committee are not justified in reducing the amount from $150,000 to $140,000. It is a questionable reduction, in my judgment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. Yesterday I made a statement which was challenged by that side of the House, and in connection with it I shall read from the record that which substantiates my statement. I spoke of appropriations made for public buildings for a portion of the fiscal year up to the 4th day of March. I had records to show that in 1910 and 1908 that had been the practice. Now, I shall read from the record of 1900, 12 years ago, when the gentleman from Illinois himself was chairman of the Committee on Appropriations. March 30, 1900—this is reading from page 42 of the hearings on the sundry civil bill——

Mr. CANNON. What year; was it in the last century or this?

Mr. FITZGERALD. It was in 1900, when the gentleman from Illinois was chairman of the Committee on Appropriations and when he asked the Treasury Department to submit to him a statement showing the amount of money that would be desired for authorized public buildings until the 4th of March following.

Mr. CANNON. What has that to do with the prevention of moonshining?

Mr. FITZGERALD. It has this to do with the question of moonshining—gentlemen were moonshining here yesterday. [Applause on the Democratic side.] I made a statement as to what had been the practice and custom of the House. I did not make that carelessly; I did not make that without justification and foundation for such a statement; and I was ridiculed and treated with contempt for the assertions, which were treated by gentlemen here as ridiculous. I showed in 1908 and 1910 what the policy of the committee had been in those years. Now, to convince the gentlemen still further that I was correct, I have gone back to 1900, 12 years ago, to show that the gentleman from Illinois himself, as chairman of this committee, acted toward the head of this department in the identical manner that the committee this year has acted. As a matter of fact, let me say to the gentleman from Illinois, much that has been done by the committee at this time has been the result of information that it has acquired from watching the gentleman from Illinois in the discharge of his duties as chairman of that committee.

Mr. CANNON. Does the gentleman refer to public buildings or river and harbor work?

Mr. FITZGERALD. Public buildings.

Mr. CANNON. And river and harbor. Why, the gentleman ought to know there was no criticism from me touching the matter of appropriations to the 4th of March. For years that has been the practice.

Mr. FITZGERALD. I did not say the gentleman from Illinois, Mr. CANNON. I spoke of the gentleman from Illinois, and I assume that when anyone mentioned the gentleman from Illinois nobody would have the presumption to apply that title but to the gentleman from Illinois, Mr. MANN. [Laughter.]

Mr. MANN. The gentleman is just about as accurate as he usually is. He referred to the gentleman from Illinois in charge of the Committee on Appropriations, and when called to account shiftily endeavors to turn the term to the other gentleman from Illinois.

Mr. FITZGERALD. I think we will call it to the gentleman so that he will see the light.

PUBLIC BUILDING ESTIMATES WITHDRAWN.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 30, 1900.

The CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives, United States.
(Through Division of Bookkeeping and Warrants.)

SIR: Referring to the estimates of appropriations for the fiscal year ending June 30, 1901, which I had the honor to transmit to Congress, it now appears that the following items included therein are not necessary to be provided during this session of Congress—

Then follows the list of items.

While it is the intention of the department to push the work on the above-mentioned buildings with all possible dispatch, yet in each case there being ample funds appropriated for all needs up to the 4th of March, 1901, prior to that date the next session of Congress will be requested to make provision for continuing the work.

This is a letter from Secretary Gage. Now, having demonstrated beyond any question that my position was accurate as to that, let me turn to the question of this appropriation. It is not an easy matter, as I have already stated, to determine how much should be appropriated for any given service, but after a head of a bureau has for several years persuaded Congress to appropriate a specific sum for the conduct of a specific service and Congress upon an investigation ascertains that he has never been able to expend the amount appropriated due to his solicitation, I maintain that Congress is clearly justified, having decided that it is not possible in the proper performance to expend such a sum, in refusing to continue the appropriation. Now, the committee recommended the largest sum expended in any year for this particular service, and upon the statement of the commissioner it is very doubtful whether a larger sum can be expended.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Not to oblige any public official nor to be terrorized by the fears that any service will not be adequately performed will the committee appropriate that which, in its judgment, is not required.

Mr. GARNER. This is not one of the lump appropriations, then, which, as appears from statements made at the other end of the Capitol, have been utilized for the purpose of increasing the salaries of its employees where Congress has refused to grant that increase. When we get to one of those appropriations I want to ask the gentleman something about the conduct of the department in reference to these lump appropriations. I understand, however, it has not been the custom of the Treasury Department to make use of the lump appropriations for the

purpose of increasing salaries of employees where Congress has refused to grant that increase itself, but it has been the custom of some other departments of the Government to ask for an increase of salary of employees, and failing to get that increase at the hands of Congress they get the lump appropriation, and out of that transfer the employees to a higher salary.

Mr. FITZGERALD. That has not happened in this service.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 14, noes 26.

So the amendment was rejected.

The Clerk read as follows:

For operating force for public buildings: For the pay of such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, and of sites for public buildings, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $2,450,000: *Provided*, That the foregoing appropriation shall be available for use in connection with all public buildings under the control of the Treasury Department, including the customhouse at Washington, D. C., but not including any other public building within the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices: *And provided further*, That hereafter, unless otherwise specifically provided by law, whenever the Secretary of the Treasury is authorized to secure temporary quarters for the use of the Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of, any public building belonging to the United States under the control of the Treasury Department, including the customhouse, Washington, D. C., but exclusive of any other buildings in the District of Columbia, the appropriation for "Operating force for public buildings" shall be available, if necessary, in connection with certain portions of the premises as may be rented for, or occupied by, such officials, in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 39, line 13, after the word "employed," by inserting: "But no janitor, watchman, or laborer shall be employed at a rate lower than $60 per month for any period of one month or more."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. I do not desire the gentleman to reserve a point of order.

Mr. FITZGERALD. Then I make the point of order.

Mr. MANN. Very well. Mr. Chairman, if the paragraph itself were not subject to a point of order, I think probably the amendment would be. But the paragraph provides:

But in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

I simply add to that provision:

But no janitor, watchman, or laborer shall be employed at a rate lower than $60 per month.

It is quite germane to the provision in the bill, and if my amendment is subject to a point of order, then the provision in the bill was subject to a point of order; and if that be not the case, then my amendment is not now subject to a point of order.

Mr. FITZGERALD. I do not agree with the gentleman. The provision in the bill is a limitation on the amount that might be paid. The proposition of the gentleman is a legislative provision. The provision in the bill is a limitation upon the amount which may be paid. The gentleman takes away any discretion and fixes a minimum rate of pay.

Mr. MANN. The gentleman will not seriously make any such contention on the point of order, because he would not want his contention sustained. The provision in the bill is a limitation upon the discretion of the department.

Mr. FITZGERALD. It is upon the rate of compensation.

Mr. MANN. That is a limitation on the discretion of the department in making employment. It does not purport to be anything else. Here is a provision that the department may employ services at such a salary or on such a basis as it pleases in conformity with existing law. The gentleman interjects in the bill a provision that the rates of compensation shall not be in excess of the rates current at the time and in the place where such services are employed. It is not limited merely to this bill. I have added to that a provision only that the rates of compensation shall not be less than $60 per month. I do not believe the gentleman seriously is opposed to the proposition.

Mr. FITZGERALD. Well, I think I am. In fact, I know I am.

Mr. MANN. The gentleman ought not to be.

Mr. FITZGERALD. Let me illustrate. In a community of 1,500 or 2,000 or 3,000 persons we would pay a man occupying the position of janitor at the rate of $60 per month. It is out of all proportion.

Mr. GARNER. And you can get the best janitor in that community for $30 a month.

Mr. FITZGERALD. If the gentleman will permit me, this provision as framed is designed, I think, to establish the most equitable method of compensating for service in these public buildings. It is one of the most difficult things to fix a rule for compensation for services in the Federal service. But for work of that character, if we adopt a rule that we shall pay for such service and work in the Government the prevailing rate in the particular community where the person is employed, we come more nearly doing what is equitable than in any other way.

Mr. MANN. To be frank with the gentleman, I have no objection to that provision of the bill and its being carried out, but the trouble is they do not pay prevailing rates. The gentleman provides they shall not pay in excess of the prevailing rate. Or does not the gentleman wish that to be incorporated in the bill?

Mr. FITZGERALD. I think so.

Mr. MANN. I do not see any occasion in the large cities for endeavoring to employ janitors under the Treasury on the basis of $50 a month, when the same men, if they can get transferred in the same building to the jurisdiction of the Post Office Department, under the Post Office appropriation bill receive $60 a month.

Mr. GARNER. There ought to be a provision put on the Post Office appropriation bill.

Mr. MANN. This is not fair. We increased the amount in the last Post Office bill so as to provide surely that they would get the $60 a month. I do not insist that this should apply to every place, because it may not be necessary to apply it to every place; but I do not wish to receive letters from the custodian of the public building in Chicago transmitting and recommending applications from men doing janitor work at $50 a month who seek to get into the post office service in order to do the same work, or in some instances less work, at a higher rate of pay.

Mr. FITZGERALD. I agree with the gentleman that in some of the large cities, perhaps a large number of cities, the pay of janitors in the Treasury Department is not sufficient.

Mr. MANN. I suggest to the gentleman from New York that he let this item go over and see if he can not work out a plan in regard to it.

Mr. FITZGERALD. We can not agree to this amendment, because it will make the compensation of these people in public buildings at many places in the United States so attractive that in many of the smaller communities many men would prefer to be the janitor in the public building there on account of the compensation paid than the postmaster.

Mr. MANN. Oh, no; the gentleman is mistaken.

Mr. PAGE. The gentleman from Illinois does not contemplate that the bill that has passed the Senate making appropriation for a public building in a certain city in a western district will become a law?

Mr. MANN. Mr. Chairman, it certainly is not my intention to criticize the Senate. But there are some bills that always pass the House without controversy, and sometimes with no expectation of their becoming laws. Any gentleman here who desires can, I think, without any difficulty at all go to some distinguished gentleman representing his State in another official capacity and ask to have a public-building bill passed for a mud-roads crossing, and if it is presented to that distinguished body it is passed on the expectation that this House will, as it always has done, stop it.

Mr. PAGE. If the gentleman will permit, seriously, his amendment would make it impossible to employ a janitor in these smaller towns for the smaller public buildings at a compensation of less than $60 a month. Does the gentleman think that would meet the necessity of the various cases as they exist, if his amendment were adopted?

Mr. MANN. I do not know whether they employ janitors for much less than that in the public buildings throughout the country or not.

Mr. PAGE. I do know, Mr. Chairman, that in quite a number of places in my own State and in other Southern States, and I presume it is so in other sections of the Union where there are public buildings, a janitor can be employed and is

employed in other buildings, not public buildings, as the gentleman from Texas said, at $30 a month, and in some instances at even less than that. For the Government to fix a standard of wages in those communities of double the prevailing standard would not, in my judgment, be a just thing to do.

Mr. MANN. I do not think there is anyone on the rolls doing janitor service for the Government at $30 a month anywhere.

Mr. PAGE. I do not think so, but they might be so employed if they were put on at the prevailing rate of wages.

Mr. MANN. It might be that in some places the janitor service is performed on that basis. I do not know; but if so, the person doing the work is not on the rolls as a janitor.

The CHAIRMAN. The question now is on the point of order made by the gentleman from New York [Mr. FITZGERALD]. The Chair will hold to the precedent that in an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation. The Chair is of opinion that the amendment offered by the gentleman from Illinois [Mr. MANN] is additional legislation, and therefore sustains the point of order.

Mr. CANNON. Mr. Chairman, I move to amend, on page 39, line 13, by striking out the figures "450" and inserting the figures "570," so that the amount will be $2,570,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 39, line 13, by striking out the figures "450" and inserting in lieu thereof the figures "570," so that the amount will be $2,570,000.

Mr. CANNON. Mr. Chairman, this is one of two or three amendments that I propose to offer. On page 40 I propose to offer an amendment increasing the item for furniture and repairs of same, carpets, gas and electric light fixtures, and so forth, from $800,000 to $900,000.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that that has not been read yet.

Mr. CANNON. I understand; but there are two or three amendments here that are on all fours.

There are over a hundred buildings to come in next year, and I think there are a goodly number coming in this year. They must be furnished for service. That includes boxes and post-office furniture for post offices, and proper court-room furniture where there are courts. Yet, instead of increasing the amount, gentlemen recommend a decrease. Oh, I was amused to see our friends, especially on the majority side, agonize for hours yesterday for home consumption because they could not get money that could not be expended for the construction of their buildings before the 4th of March. They just tore passion to tatters. Now, there are a great many buildings in that section of the country, which are to come in this year, that had just as well not be built unless you furnish them for courts and post offices. And I suppose now, with less than a quorum—I should think about 20 Members on that side and 20 on this side—business is to halt while gentlemen interested in buildings that are to be utilized the coming year are getting ready to cuss the Secretary of the Treasury. Their place is here. These appropriations ought to be made according to the estimates. The estimates are not too high for the new buildings that are coming in.

Mr. FITZGERALD. Mr. Chairman, I desire to make only one observation. The present pay roll of the department is $2,117,128. At the end of the present fiscal year there will be a surplus in this appropriation of $175,000, so that, liberal as Congress has been heretofore, the department has been unable, by a very substantial amount, to utilize it all.

The committee took the figures and went carefully into them and gave the amount it thought would be required for the next fiscal year. The estimate of which the gentleman is speaking included not only provisions for present or existing buildings and new buildings, but provisions for substantial increases of compensation throughout the service. It was with those facts in mind that the committee made the recommendations contained in the bill.

Mr. CANNON. Mr. Chairman, I only want to say that this is $50,000 less than the appropriation for the current year, in spite of the fact that 100 more buildings are coming in next year, as well as the fact that it is for the maintenance of buildings that have been furnished heretofore. I am content, so far as I am concerned, but the committee will not act ignorantly in the premises.

Mr. MONDELL. Mr. Chairman, what has been said in regard to this appropriation makes still clearer the fact that this bill, alleging to appropriate for sundry civil expenses for the next fiscal year, is a monumental fraud. It is not what it purports to be. It will not take care of the Government service even in a halting and hobble-skirted manner. The only possible way that janitors and caretakers of public buildings can be paid is by scaling down their salaries.

Gentlemen attempted yesterday to justify their having scaled down continuing appropriations to an eight-month basis on the ground that as they were continuing appropriations it made no difference. But here is an appropriation, ostensibly made to cover a fiscal year, which the gentlemen know will not cover the necessary demands on the Treasury for the fiscal year. The gentlemen in charge of the bill know that perfectly well. We have not had $50,000 more than was needed for this service the present year, and we are going to have 100 new buildings. Yet the appropriation is scaled down $50,000 below what is necessary this year. There is no way to bring the expenditures within that limit except by discharging the caretakers and letting the cobwebs gather and the dirt thicken on the floors and walls of public buildings or else reduce the salaries of these employees.

But I am not surprised that the Democratic side contemplates a reduction of the small salaries of caretakers, janitors, and custodians. They are hopeful that they will be successful in the coming presidential election; and if they are, everybody's income will be reduced-except those fortunate enough to hold a Government job. I presume that they think the Government servants ought to suffer along with other people, under the circumstances. It contemplates serving out the same sort of dope to Government employees that the balance of the people would get under a Democratic administration.

As I have heretofore observed, this bill is a fraud; it is not what it purports to be. It does not, can not, and will not pay for the Government service for the fiscal year. The gentlemen responsible for the bill know that it will not. They hope to limp along with this appropriation until the 4th of March next, and then appropriate enough to limp along 16 months thereafter. Of course, the gentlemen expect to get some credit in the campaign for this alleged reduction of expenses. But gentlemen on this side that happen to know about it, and those in the country that happen to know about it, will see that the people understand what a fraud this alleged economy is.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend, on page 39, line 12, by inserting after the word "of" the words "or less than."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 39, line 12, by inserting after the word "of," at the beginning of the line, the words "or less than."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. It will operate to increase the expenditures. It is not a limitation upon the expenditures, but it limits the discretion of the Secretary as to the manner in which he shall employ this labor.

Mr. MANN. There is no doubt that the amendment limits the discretion of the Secretary of the Treasury and no doubt would be subject to a point of order if the paragraph itself were not subject to a point of order. The provision in the bill is not a limit on the appropriation. Here is the provision:

And for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

That is legislation. That is not a limit on the appropriation; it is a limitation upon the administrative authority of the executive officers. Now, if it is competent in the bill to provide that the rates of compensation shall not be in excess of the rates paid current labor, certainly an amendment proposing that the rates shall not be less than the current labor rates is germane to the provision of the bill; it is to fix by legislative authority the pay of these officials, where now without it it is left to the administrative authority.

I have frequently heard gentlemen on the floor of the House inveigh in very strong language against the practice, which they allege the Government followed, of paying less than current rates to mechanical laborers. I have a curiosity to see whether any of these gentlemen will be found at their place in the Hall of the House defending the proposition which they lately initiated on the floor of the House when no vote could be had.

Mr. FITZGERALD. Mr. Chairman, the provision in the bill is a limitation on the compensation of the officials, and under the Holman rule, granting the statement of the gentleman from Illinois that it is legislation, is in order. The gentleman's proposition by this legislation would provide increased compensation in many instances. His limitation is upon the minimum and not upon the maximum.

Mr. MANN. I know, but any germane provision is in order.

Mr. FITZGERALD. No; under the Holman rule legislation is in order which does certain things. Germane amendments which do not retrench expenditures or reduce salaries of officers would not be in order, even if germane. To be in order they must not only be germane, but must accomplish the purpose set out in the rule.

Mr. MANN. Under the Holman rule this provision is not in order. I did not make the point of order, nor did anybody else.

The CHAIRMAN. The Chair in deciding the point of order has this to say: Line 11 says the rates of compensation shall not be in "excess" of the present rates. That fixes the maximum. The proposition of the gentleman from Illinois is to amend line 12 immediately after the word "of" by inserting the words "or less than," in order to fix a minimum, so that it would read, if adopted:

That the compensation shall not be in excess of or less than the rates—

And so forth.

If that amendment were adopted, then the rates would be fixed by this amendment at exactly what they now are, which the Chair thinks is positive affirmative legislation. The Chair therefore sustains the point of order.

Mr. MANN. Does not the Chair think that the provision in the bill is permanent legislation? Of course, I have no right to cross-examine the Chair.

The CHAIRMAN. Yes; the Chair thinks it is, but that it is within the provisions of Rule XXI.

Mr. MANN. There is no provision in the bill which reduces the compensation of any person.

The CHAIRMAN. It leaves it optional with the one fixing the salary to make it less.

Mr. MANN. The existing law is the same thing. There is nothing in the bill which reduces the compensation. The only way the item could be called in order under the Holman rule is by reduction of the compensation of any person. This item in the bill does not reduce anybody's compensation as it stood in the bill.

The CHAIRMAN. But the effect of the amendment of the gentleman from Illinois would be to affirmatively fix the rate of compensation.

Mr. MANN. That is the question of argument. Suppose the provision in the bill had been that the rate shall not be less than the rates current. Then I should have offered an amendment that they should not be in excess of the rate. Of course the result of that is to provide that the current rate shall be the rate paid, but without naming what the current rate is.

The CHAIRMAN. The Chair is still of the opinion that the amendment amounts to affirmative legislation. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric fixtures for new buildings, exclusive of personal services, except for work done by contract, $800,000. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 40, line 16, by striking out "$800,000" and inserting in lieu thereof "$900,000."

Mr. CANNON. Mr. Chairman, for the fiscal year 1911 there were appropriated $700,000, with $180,000 of the deficiency, making $880,000. The appropriations for 1912 were $700,000, and the estimates for 1913 are $900,000. I read the following note explaining this estimate:

NOTE.—It is estimated that $300,000 will be required to provide furniture equipment for the three large buildings now approaching completion at New York, N. Y.; Denver, Colo.; and New Orleans, La. But an estimate of $200,000 only in addition is submitted, making a total for the year 1913 of $900,000.

That is, 3 of the 107 buildings that are to come in during the coming year. I believe that the full estimates should be given, and I do not believe that even the $900,000 will do the work required for the public service for the coming fiscal year. I again call the attention of Members who are absent from the House, who are specially interested in buildings and the utilizing of buildings that have been authorized, to the fact that I suspect that when this appropriation is administered the great buildings in New York and Denver and New Orleans will be cared for, probably not for $200,000, but for $300,000, and the rest of us may do what the young lawyers used to do when I was one of them on the country circuit, when we failed to win, namely, avail ourselves of the only remedy and cuss the court.

Mr. FITZGERALD. Mr. Chairman, the most indefensible thing ever done by the Treasury Department was its grossly extravagant expenditure for furniture in the New York customhouse. The furnishings of the New York customhouse are the most extravagant and indefensible ever made in any public building. I have been there and looked at them. The arrangement of the offices there can not be justified. A private secretary or a deputy collector has a room much larger, two or three times as large, as that occupied by the President of the United States, and the furniture in it, put there to keep him from being lonesome, has never been equaled in this country. We do not care to have the New York post office furnished in the same way. We are giving $100,000 more for next year than we gave for this year. The Supervising Architect tried to justify the appropriation of $900,000 for next year by stating that he was not permitted to ask for more than $700,000 for the present year, but he was doing the best he could, and under those circumstances the committee believed that if it declined to add $100,000 to what he was permitted to ask for last year, and with which he was doing the best he could, with no complaint from any part of the United States that any public building was suffering either from lack of furniture or from furniture of a character that is inadequate for the Government service, we perhaps might enforce the introduction of simplification and standardization of furniture which would result beneficially to the public.

Mr. AUSTIN. Will the gentleman tell us the cost of the New York customhouse?

Mr. FITZGERALD. The New York customhouse—I do not remember.

Mr. AUSTIN. How does it compare with the extravagance mentioned by the gentleman in connection with the contemplated improvement of the customhouse for Boston?

Mr. FITZGERALD. I did not quite catch the gentleman's question.

Mr. AUSTIN. I asked the gentleman how it compared in cost and expenditure in the contemplated customhouse for Boston, which the gentleman described the other day?

Mr. FITZGERALD. It is a more expensive customhouse than that at Boston.

Mr. AUSTIN. Expensive figures, statuary, and so forth, all around it?

Mr. FITZGERALD. I think it is so much more ornate than necessary that I have never been able to get over the resentment I experience whenever I enter that building. I think we ought to have public buildings of a character commensurate with the dignity and greatness of the United States, but I do not think we should attempt to rival the most luxurious palaces that the civilized world has ever known.

Mr. AUSTIN. Was there any opposition from any source upon the floor of the House at the time this appropriation was made for this expensive customhouse at New York City?

Mr. FITZGERALD. When the appropriation was made nobody, even those desiring the facilities for the transaction of the public service, either contemplated or desired the outrageously extravagant design and finish that was devised for this building by the architect under the Tarsney Act; and the gentleman understands the more extravagant and higher the cost of the building the more profitable it is to the architect. But nobody can see that building—the outside of it I do not think can be criticized, but the inside of it, private offices, other parts of it, in my opinion, are absolutely indefensible from any standpoint whatever.

Mr. CANNON. Will the gentleman yield for a question?

Mr. FITZGERALD. It is a more impressive building to view on the outside than the Congressional Library.

Mr. AUSTIN. I agree with what the gentleman says in regard to its appearance because I have been through it.

Mr. CANNON. Does the gentleman think that the extravagance, of which I know nothing except what the gentleman says, in furnishing the new New York customhouse in any excuse for withholding appropriations for plain furnishings for the new buildings that will come into commission?

Mr. FITZGERALD. But it does not say for plain furniture, unfortunately. If the gentleman had moved to amend this provision by inserting the word "plain" instead of increasing the amount, perhaps we might have gone with him into that limitation, but the Supervising Architect submitted an estimate last year for $700,000 to furnish the buildings coming into commission this year. He is doing very well with that sum. He thought then that he should have asked for more, but his superiors would not permit him to submit the estimates. Now, for the next year he asked $900,000, a very substantial increase, about 37 or 38 per cent, and the committee thought that if instead of giving $900,000 they would give $800,000, an increase of $100,000, it might result in preventing some unjusti-

fiable extravagances in the furnishings of these buildings that have been nortorious not only in the New York customhouse, but I think in the famous Cleveland post office and a building at San Francisco, and at some other places. We should do what is proper, but we should not squander the public money.

Mr. SHERLEY. Mr. Chairman, I agree with all that the gentleman from New York [Mr. FITZGERALD] has said, except I am not prepared to give my approval even to the outside appearance of the New York customhouse. It would be a very much handsomer building if it had less ornamentation, particularly the rail at the top, which cuts off half the windows, unless you are back nearly half a mile so as to get a perspective and see the mansard roof in its true proportions. I do not believe there has been anywhere in Government expenditures as much money badly expended as in the public buildings of the United States, both in the appearance of those buildings and the cost of them, and Government buildings are built of exceedingly costly material. They are built in the monumental type and on the theory they are to last indefinitely, and then having made an unusual cost for the building itself, the architect proceeds to make that cost the basis for an unusually large allowance for furnishings, and if we never hurt the Government of the United States any worse than when we curtail some of the expenditures of the Supervising Architect's Office, we will have done little harm in our day and generation.

Mr. MANN. Mr. Chairman, next winter I suppose we will have a good deal of talk from gentlemen on both sides of the aisle because their building has not been furnished or some other complaint against the Supervising Architect's office, and in order to help allay that trouble I shall ask, if my colleague does not, a division on this amendment, in order that the RECORD may show that the few faithful Members who are here expressed their opinion in the absence of a large number of grumblers who will be kicking next winter.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 22, noes 32.

So the amendment was rejected.

The Clerk read as follows:

CUSTOMS SERVICE.

To defray the expenses of collecting the revenue from customs, $4,650,000, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1913. And the provisions of the act of March 3, 1879 (20 Stats., p. 386), as amended by the act of April 27, 1904 (33 Stats., p. 396), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenue from customs such amount as he may deem necessary, not exceeding $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, are hereby further amended so as to increase the amount to be so expended for the fiscal year 1913 to $200,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This is to be followed by a provision to reorganize the customs service. There is a permanent appropriation for the customs service of $5,500,000. This proposes, in addition to that, or recommends, $4,650,000. I do not know why it should not recommend $5,000,000, and then it would be half a million under what it is costing. Gentlemen may say that they expect legislation reorganizing the customs service by which there will be a saving in this amount, but it is just as well, if it works as well in saving as they think it will, to omit the $4,650,000 altogether and let us stand upon the permanent appropriation of $5,500,000. Of course, I apprehend we can not hope for legislation, although I apprehend the House will pass this proposed legislation. But there has been much talk about repealing this permanent appropriation and abolishing a whole lot of customhouses, and all that kind of thing—ripping it up—and I do not know but that, in part, it ought to be ripped up, because it costs $3 to collect the customs revenue to where it costs $1 to collect the internal revenue.

And I want to compliment the gentleman from New York [Mr. FITZGERALD] for one provision, to be found on page 44, which we just passed—a reduction of the amount to detect frauds in the internal revenue of $140,000, notwithstanding the great temptation to avoid payment of revenues that are going to the high tax upon alcohol. But, lo and behold, here is a provision, amounting to $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, amended so as to increase the amount to be so expended for the fiscal year 1913 to $200,000.

I have no doubt most of those frauds that are committed are committed in the city of New York, where the great bulk of this revenue is collected and that come under the close notice of the gentleman who represents——

Mr. FITZGERALD. Mr. Chairman, I suppose the gentleman from Illinois is aware this is not an increase at all, although it would appear so. This provision has been carried for the last four or five years.

Mr. CANNON. At $150,000.

Mr. FITZGERALD. At $200,000 a year, but made available year by year by language similar to this. This is not an increase at all of this sum. It is making available the same amount that has been made available for the past four or five years.

Mr. CANNON. It has been $200,000 for the past four or five years?

Mr. FITZGERALD. Yes.

Mr. CANNON. And this is to continue the expending of the $200,000. That is to say, the gentleman proposes to authorize $150,000 more for the prevention of frauds in the collection of customs, substantially all of which are collected at New York, than for the whole service of the internal-revenue collections scattered over the country?

Mr. FITZGERALD. Does the gentleman object to this expenditure for this purpose?

Mr. CANNON. No; it is only for what happens under our noses that we care for.

Mr. FITZGERALD. The gentleman knows it is very necessary, considering the conditions disclosed in the public service under Republican officials in the port of New York during the last half dozen years.

Mr. CANNON. Oh, yes. There were great frauds there, and admittedly great frauds in the collection of the internal revenue. You cut one and let the other remain. So the wide world wags.

Now, I withdraw the pro forma amendment, and I will offer an amendment striking out, in line 14, page 43, "$4,650,000" and inserting "$5,500,000."

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 43, line 14, by striking out "$4,650,000" and inserting "$5,500,000."

Mr. CANNON. That is what it costs—namely, $5,500,000, annual appropriation—to reenforce the permanent appropriation of $5,500,000.

Mr. FITZGERALD. Mr. Chairman, the gentleman might have asked for the estimate of the department. They ask for $5,000,000 on their own responsibility; in addition to what the Treasury Department asks the gentleman is asking $500,000, and it is assuming a good deal, in view of his insistence that we should take the estimates of the department.

Mr. CANNON. Oh, for the present the five millions and the deficiency estimated for make it cost in round numbers $5,500,000.

Mr. FITZGERALD. But it is not certain that the deficiency will be granted.

Mr. CANNON. Oh, no; it is not certain, but while I am not a prophet or the son of a prophet, if I desired to become a prophet I would say that every dollar of it would be appropriated for.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs revenue laws, $50,000.

Mr. GARNER. Mr. Chairman, I desire to make some remarks in reference to this section, on page 45. I want to submit some observations upon this item.

Mr. FITZGERALD. If the gentleman will permit, I was going to move that the committee do now rise.

Mr. GARNER. Then I will defer.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 25000) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent, as follows:

To Mr. STEVENS of Minnesota, for 10 days, on account of illness in his family.

To Mr. POWERS, indefinitely, on account of important business.

LEAVE TO PRINT.

Mr. FITZGERALD. Mr. Speaker, yesterday I referred in debate to a document which I intended to print in my remarks, and I omitted to present a request for unanimous consent to that end. I now ask unanimous consent to print it in the RECORD.

Mr. MANN. How long is it?

Mr. FITZGERALD. Well, it is not very short. But it is a very instructive and valuable document.

Mr. MANN. The gentleman has referred to the document in his speech. Is not that sufficient?

Mr. FITZGERALD. If I had not intended to append it to my remarks I would have read it into the RECORD.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to insert a document in the RECORD. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIX, Senate bill of the following title was taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds:

S. 6899. An act increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 9061. An act limiting hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 8 minutes p. m.) the House adjourned until Monday, June 10, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior recommending that authority be granted to credit the account of the chief disbursing officer of the Interior Department with certain items paid by him (H. Doc. No. 822); to the Committee on Appropriations, and ordered to be printed.

2. A letter from the Secretary of War, transmitting claim for damages to the yacht *Dolphin* caused by United States dredge boat *Cumberland*, and recommending an appropriation therefor (H. Doc. No. 823); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SABATH, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, reported the same with amendment, accompanied by a report (No. 855), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 24962) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, reported the same with amendment, accompanied by a report (No. 858), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SABATH, from the Committee on Immigration and Naturalization, to which was referred the joint resolution of the House (H. J. Res. 220) to grant American citizenship to Eugene Prince, reported the same without amendment, accompanied by a report (No. 856), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 25222) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near the mouth of Peter Creek; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: A bill (H. R. 25223) to purchase a painting of Lee and Grant; to the Committee on the Library.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25224) to provide certificate of merit badges and campaign badges for officers and enlisted men who served honorably in the Spanish, Philippine, or China campaigns and who were not in the United States service on January 11, 1905; to the Committee on Military Affairs.

By Mr. MILLER: Resolution (H. Res. 577) to investigate certain coal companies doing business in Two Harbors, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. DIFENDERFER: Resolution (H. Res. 578) directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Joint resolution (H. J. Res. 326) providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho; to the Committee on Indian Affairs.

By Mr. FULLER: Memorial of Legislature of the State of New Mexico, to allot and open the Navajo Indian and other Indian reservations to settlers; to the Committee on Indian Affairs.

Also, memorial of Legislature of State of New Mexico, to amend Schedule K of the tariff bill by inserting therein a specific duty on wool on the scoured shrinkage basis; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCHANAN: A bill (H. R. 25225) granting a pension to Ella Sherwood; to the Committee on Pensions.

Also, a bill (H. R. 25226) granting an increase of pension to Barbara Kittel; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 25227) granting a pension to Deedamy Findley; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 25228) granting an increase of pension to Rachel B. Denny; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 25229) granting a pension to Lucy A. Warner; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 25230) granting an increase of pension to Samuel B. Stuyvesant; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 25231) granting an increase of pension to Wilber C. Scott; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 25232) granting an increase of pension to John Doughty; to the Committee on Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25233) granting an increase of pension to Elizabeth Brown; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25234) granting an increase of pension to Miles Spain; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Roman Catholic societies of Missouri and Michigan, protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of the Woman's Homestead Association, favoring passage of House bill 1588 relative to taxing bachelors over 35 years of age $5 per annum; to the Committee on the Judiciary.

Also (by request), petitions of Roman Catholic societies of Ohio, New York, Illinois, and Michigan, protesting against the passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ALLEN: Resolutions of Cincinnati Lodge, No. 4, Independent Order B'nai B'rith, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of merchants in the stationery business in Cincinnati, Ohio, against passage of Brown-Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. BENNETT: Resolution of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petitions of societies of the Polish Roman Catholic Union of America in State of Pennsylvania, and Chamber of Commerce of Pittsburgh, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of American Vigilance Association of New York City, and State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of business men of South Dakota, favoring giving the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of business men of South Dakota, protesting against the passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, Society No. 457, Everson, Pa.; St. Joseph Society, No. 405, Ralphton, Pa.; board of directors of the Chamber of Commerce of Pittsburgh, Pa., all protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Philadelphia, Pa.; Evening Star Council, No. 257, Junior Order United American Mechanics, Waltersburg, Pa.; and residents of Smock, Pa., all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Dickerson Run Lodge, No. 632, Brotherhood of Railroad Trainmen, Dickerson Run, Pa., protesting against the enactment of the employers' compulsory compensation act; to the Committee on the Judiciary.

By Mr. CURLEY: Petition of Polish-American citizens, Chicago, Ill., and Workmen's Sick and Death Benefit Fund of the United States of America, both protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Mary's Episcopal Church, favoring relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of Southern Shoe Retailers' Association, protesting against passage of bill requiring the manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

By Mr. DILLAPER: Resolution of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Tow. N. M. P. Krol. Kor. Pol., No. 63, of La Salle, Ill., in opposition to the passage of the Dillingham-Burnett immigration bill, etc.; to the Committee on Immigration and Naturalization.

Also, petition of the Southern Shoe Retailers' Association, in convention at Atlanta, Ga., protesting against the passage of the Campbell bill, to stamp manufactured article with manufacturer's name, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER: Resolutions of Polish-American citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolution of the Cort Club, Chicago Order of Railroad Telegraphers' Club, of Chicago, Ill., favoring rigid examinations for wireless operators, and that each vessel carry at least three competent wireless operators, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER: Petition of Farmers' Union, Kingsbury, Tex., favoring the passage of a general parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of the High School Teachers' Association, favoring national aid for vocational education; to the Committee on Agriculture.

Also, petition of Lackawanna Steel Co., New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Manila Merchants' Association, favoring the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the Queens-Nassau Medical Society, Mineola, N. Y., favoring the establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Watchmakers and Jewelers' Benevolent Association, No. 1, New York, protesting against the abolishment of fixed retail price on patent goods; to the Committee on Patents.

Also, petition of committee on preliminary organization, New York, relative to a world's peace; to the Committee on Foreign Affairs.

Also, petition of Long Island City Aerie, Fraternal Order of Eagles, favoring the passage of House bill 24494; to the Committee on the Post Office and Post Roads.

Also, petition of Genesee County Fish and Game Protective Association, Batavia, N. Y., favoring protection of migratory game; to the Committee on Agriculture.

Mr. MANN: Petition of Millinery Jobbers' Association, of Chicago, Ill., favoring reduction of letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Polish-American citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Hebrew Criterion Association, of Providence, R. I., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sarsfield Literary Association, of Woonsocket, R. I., against passage of bill providing for celebration of a hundred years of peace with England; to the Committee on Appropriations.

By Mr. PRAY: Petition of citizens of Anaconia, Mont., favoring amendment to the naval bill, providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of citizens of Gilford, Mont., against passage of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Ravalli County, Mont., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, resolutions of Retail Merchants' Association, of Butte, Mont., favoring passage of House bill 22580, providing appropriation for the acquisition of embassy, legislative, and consular buildings abroad; to the Committee on Foreign Affairs.

By Mr. SABATH: Petition of Admiral Sampson Lodge, No. 255, United States Grand Lodge, Order B'rith Abraham, Chicago; Congregation Bnie Mashe, Chicago, Ill.; United States Lodge, O. K. O. J., Chicago, Ill.; Bnie Ezra Lodge, No. 318, Independent Order B'rith Abraham, Chicago, Ill.; Chicago Banner Lodge, Chicago, Ill., all protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of Los Angeles Chamber of Commerce, of Los Angeles, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *June 10, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 23628) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crews of said transports.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of New Mexico, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint memorial 8.

Memorial to the Congress of the United States, requesting the passage of Senate bill No. 6501 and House bill No. 23775, amending section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial district in New Mexico.

Whereas there is now pending in the Congress of the United States a bill, introduced in the Senate by Hon. ALBERT B. FALL, Senator from New Mexico, and a bill introduced in the House of Representatives by Hon. GEORGE CURRY, Congressman from New Mexico, amending the act heretofore passed to enable the people of New Mexico to form a State government, so as to provide for two judicial districts instead of one; and

Whereas the speedy passage of said bill by the present Congress is very important for the following and other reasons:

1. Great distance between points of holding court: On account of lack of railroad connection between the city of Santa Fe and other parts of the State, the present arrangement involves great expense of time and money on the part of the United States as well as litigants in going to and returning from the place of holding such court and transporting witnesses and jurors to an extent greater than the cost of maintaining an additional district.

2. Government reclamation projects: The said State of New Mexico has developed very rapidly within the last 10 years, and in no part of it has the growth been greater than in that portion included within the proposed southern district, and the location therein of three great Government reclamation projects, to wit, the Rio Grande project, the Hondo project, and the Carlsbad project, being the only projects in the State of New Mexico, promises an era of growth in the near future well justifying the creation of this district.

3. Large areas of Government land: Aside from the great irrigation projects above referred to, the first of which will be in course of construction for several years to come, at the expense of the Government, the district includes immense bodies of Government lands, in fact, nearly all the Government land now open to settlement in the State is located in this district, and contests between the Government and private claimants, exclusive of cases coming within the jurisdiction of the United States land offices, would constitute a considerable amount of business for such court.

4. Forest reserves: It will appear upon investigation that thousands of acres of lands have been included within national forest reserves located principally in what would be the northern district, and the leasing, management, and control of the timber and grazing privileges thereon and controversies growing out of the same would come in such courts.

5. Mineral lands: The proposed amendment is necessary also on account of the great bodies of mineral lands in both of said districts, the operation of mines being one of the great industries of the State and rapidly increasing.

6. Indians and Indian property: New Mexico has perhaps more Indians and more Indian reserves than any other State in the Union, with the exception of Oklahoma, and over these and their property such courts would have jurisdiction.

7. Chinese-exclusion acts: The proposed southern district includes what is known as the "border counties"—that is, counties near the Mexico line—and violation of the Chinese-exclusion acts, and what is known as smuggling cases, has heretofore occupied the attention of the four United States courts which were held therein under Territorial government.

8. Conditions in Mexico: The present state of affairs in Mexico and the proximity of this State to the frontier thereof and the ease with which the neutrality and other laws applying to such conditions can be violated makes the constant supervision of a Federal court at Las Cruces almost imperative.

9. The great development in New Mexico during the past 10 years has brought investments by residents of other States in mining, agricultural, and live-stock properties of considerable magnitude, and an investigation of the dockets of the different State courts will show that about a fourth of the business in the Pecos Valley counties, and almost an equal amount in the counties of Dona Ana and Grant could be removed into the Federal court on the ground of diversity of citizenship, and probably would be so removed were it not for the expense of transporting witnesses, etc., therein.

10. Communication between Roswell and Santa Fe: It is about 500 miles from Roswell to Santa Fe by rail and about 600 from Carlsbad to Santa Fe; the round trip takes at least three days and often four or five when good connection is not made, and the minimum cost of taking a witness to Santa Fe is about $50.

Now therefore (if the house of representatives concur) be it

Resolved by the Legislature of the State of New Mexico, That the Congress of the United States be earnestly requested to pass Senate bill No. 6501 and House bill No. 23775, each entitled "A bill to amend section 13 of the act of June 20, 1910," being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial districts in New Mexico, at its present session;

Resolved, That a copy of this memorial be sent to the President of the Senate and the Speaker of the House of Representatives and to Hon. ALBERT B. FALL and Hon. THOMAS B. CATRON, Senators from New Mexico, and to Hon. GEORGE CURRY, Member of Congress from New Mexico, and to Hon. H. B. FERGUSSON, Member of Congress from New Mexico.

E. C. DE BACA,
President of the Senate.
JOHN JOERNS,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House.
FRANK STAPLIN,
Chief Clerk of the House.

The VICE PRESIDENT presented a petition of sundry citizens of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN. I present a telegram, in the nature of a resolution, adopted by the New York State Convention of Letter Carriers May 31, 1912, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegram was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

ELMIRA, N. Y., *June 4, 1912.*

Hon. JAMES A. O'GORMAN,
United States Senator, Washington, D. C.:

The following resolution was passed at the New York State Convention of Letter Carriers May 31, 1912:

Whereas we firmly believe that the establishment of an 8-hour workday within 10 consecutive hours will prove beneficial both to the Post Office Department and its employees, insuring as it does the greater efficiency that comes from a contented body of workers: Therefore be it

Resolved, That the New York State Association of Letter Carriers record its approval of section 5 of the Post Office appropriation bill, and expresses the hope that the Senate in consideration of this measure will make no material change there.

B. M. SHERMAN, *Secretary.*

Mr. O'GORMAN presented memorials of sundry citizens of Brooklyn, N. Y., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CATRON. I present a joint memorial of the Legislature of the State of New Mexico, recommending the creation of two judicial districts in that State, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

The VICE PRESIDENT. A duplicate of the memorial has been presented by the Vice President and ordered printed in the RECORD. Of course the memorial will be printed in the RECORD but once.

Mr. CATRON. Very well. I wish to have it referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorial will be referred to that committee.

Mr. TOWNSEND presented a petition of sundry citizens of Wallace, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wyandotte and Detroit, in the State of Michigan, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation providing reservations in Alaska for the Indians of that Territory, which was referred to the Committee on Territories.

He also presented a petition of members of the Pittsburgh Branch, National League of Commission Merchants of the United States, of Pennsylvania, praying for the enactment of legislation providing for the adoption of a uniform bill of lading, which was ordered to lie on the table.

He also presented a petition of members of the Manufacturers' Association of Erie, Pa., praying for the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of Erie, Pa., praying for the enactment of legislation to enable the Secretary of Commerce and Labor, acting through the Bureau of Corporations, to make a complete investigation of the business of foreign and domestic fire insurance corporations in the United States, which were referred to the Committee on Finance.

He also presented a memorial of the Merchants' Association of Manila, P. I., remonstrating against the enactment of legislation to restrict the sale of the friar lands in the Philippine Islands, which was referred to the Committee on the Philippines.

He also presented a petition of Penn Grange, No. 1485, Patrons of Husbandry, of Dickinson, Pa., praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry citizens of Virden, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented memorials of sundry citizens of Danbury and Naugatuck, in the State of Connecticut, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Plainville, Conn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Waterbury, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of members of the Sarsfield Literary Association, of Woonsocket, R. I., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. GUGGENHEIM presented a memorial of members of the South Park Ranchmen's Protective Association, of Colorado, remonstrating against the enactment of legislation permitting the cutting of timber from the Platte watershed by the Forest Service, which was referred to the Committee on Agriculture and Forestry.

Mr. GORE (for Mr. OWEN) presented a petition of members of the Davis County Medical Society, of Utah, praying for the passage of the so-called Owen health bill, which was ordered to lie on the table.

Mr. BRADLEY presented a petition of sundry citizens of Sonora, Ky., praying for the enactment of legislation to prohibit the transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Sonora, Ky., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of the Chamber of Commerce of New York, remonstrating against the proposed discontinuance of the appropriations for the Bureau of Trade Relations, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Canajoharie, Fishkill, Highland Falls, Hudson Falls, Ossining, Peekskill, Silver Creek, and Yonkers, all in the State of New York, remonstrating against the passage of the so-called Owen health bill, which were ordered to lie on the table.

STEAMER "DAMARA."

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 7015) to provide American registry for the steamer *Damara*, reported it without amendment and submitted a report (No. 867) thereon.

PICTURES OF PRIZE FIGHTS, ETC.

Mr. BACON. I am instructed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 7027) to prohibit the transportation of pictures of prize fights, and for other purposes, and I shall ask present consideration thereof. It is very short.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That it shall be unlawful to send or receive, by mail, railway, express, water service, or in any other manner, from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to bring into this country from any foreign country, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, or any record or account of betting on the same. Any person violating the provisions of this act shall be punished by imprisonment for not exceeding one year or a fine of not exceeding $1,000, at the discretion of the court.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. The word "receive" occurs. I should like to have the Senator in charge of the bill explain why we should penalize the person who receives it, because we receive a lot of things through the mails involuntarily.

Mr. BACON. If the Senator desires it, I will not now ask for the present consideration of the bill. I will state to the Senator that there is an urgent reason for the early action of Congress in this matter, but one day will not make much difference. There is an identical bill pending in the House, and for that, I understand, the House committee has offered a substitute which is probably better in its terms than this measure. The matter was brought to the attention of the Judiciary Committee, and the only purpose in presenting it now without amendment was to endeavor to expedite it, the anticipation being that probably the House substitute would be ultimately adopted.

Mr. HEYBURN. I am thoroughly in sympathy with the bill, except as to the word "receive," which might be used as a trap. That a man shall be penalized for receiving something through the mails is rather a dangerous proposition. I ask that the bill may go over.

Mr. GALLINGER. I trust that the Senator from Georgia may allow it to go over. I am not sure that it ought not to be somewhat enlarged. There are other things besides the exhibition of prize fights that are demoralizing in these picture shows.

Mr. BACON. I will state to the Senator that I shall not object to the bill going over, although I hope we may have early consideration of it. The Senator from North Carolina [Mr. SIMMONS] is the author of the bill.

I will state to the Senator that while what he says in regard to the propriety of enlarging it is true, still that is possibly not so urgent as this legislation. This is a special matter that has attracted the attention of the public, and there are some impending performances that it is intended, if possible, to reach.

Mr. GALLINGER. I was attracted by the suggestion the Senator made that another body has under consideration a similar bill. The Senate passed a bill months ago giving the Commissioners of the District of Columbia jurisdiction—or, at least, giving them authority to examine the films that were being used in these moving-picture shows. It is an utter abomination the way things are going on here in the District in that regard. Yet that bill has lain dormant or has been lost sight of in some way, and no action is taken on it. I think I will agree with the Senator——

Mr. BACON. I hope the bill the Senator refers to may be brought up and acted upon, but that it will not be complicated with this measure, because that would involve some delay.

Mr. GALLINGER. I promise the Senator——

Mr. BACON. It is suggested by the author of the bill and also by the Senator from Utah [Mr. SUTHERLAND], who is on the Judiciary Committee, that if the word "willfully" was put in as a prefix to the word "receive" it would relieve it from the just criticism offered by the Senator from Idaho.

Mr. GALLINGER. I promise the Senator that I will not complicate the bill at all. I think it is legislation in the proper direction.

Mr. HEYBURN. I have no desire to delay the consideration of the bill, but——

Mr. BACON. If the word "willfully" were put in——

Mr. GALLINGER. Knowingly.

Mr. BACON. Or knowingly.

Mr. HEYBURN. It is not in this bill.

Mr. BACON. If we could amend it to that extent, so as to read "knowingly or willfully receive," will the Senator still desire that it shall go over?

Mr. HEYBURN. I have not considered just how sufficient those words of limitation would be.

Mr. BACON. The Senator prefers to have the bill go over?

Mr. HEYBURN. It had better go over.

The VICE PRESIDENT. The bill will go to the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. JOHNSON of Maine:

A bill (S. 7076) granting an increase of pension to Roscoe B. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7077) authorizing the Secretary of War to award the congressional medal of honor to Second Lieut. Etienne de P. Bujac; to the Committee on Military Affairs.

A bill (S. 7078) for the payment of certain money to Albert H. Raynolds; to the Committee on Indian Affairs.

A bill (S. 7079) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca;

A bill (S. 7080) for the relief of Roman Moya, administrator of the estate of Pablo Moya, deceased;

A bill (S. 7081) for the relief of Nathan Bibo, sr.; and

A bill (S. 7082) for the relief of the heirs of Robert H. Stapleton; to the Committee on Claims.

A bill (S. 7083) granting a pension to Maggie E. Lasier; and

A bill (S. 7084) granting a pension to Mate Fulkerson; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 7085) granting an increase of pension to George Moffatt (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7086) granting a pension to John Hamilton (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7087) for the relief of Frank E. Garrett and others (with accompanying paper); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 7088) granting a pension to Charles L. Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7089) to remove the charge of desertion against Charlie Meyers (with accompanying papers); to the Committee on Military Affairs.

By Mr. RAYNER:

A bill (S. 7090) granting an increase of pension to Kate F. Sage; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7091) granting an increase of pension to J. N. Culton (with accompanying paper); to the Committee on Pensions.

By Mr. REED:

A joint resolution (S. J. Res. 115) to forfeit to the United States the Merchants' Bridge across the Mississippi River at St. Louis, to operate said bridge as a free public bridge, directing the Secretary of War to take possession of said bidge, and forfeiting the rights granted to the St. Louis Merchants' Bridge Co. by the acts of February 3, 1887, and September 10, 1888; to the Committee on Commerce.

INTERVENTION IN CUBAN AFFAIRS.

Mr. BACON. I introduce a bill, which I ask may be read.

The bill (S. 7075) authorizing the President of the United States to use the Army and Navy of the United States for the maintenance of Government in Cuba adequate for the protection of life, property, and individual liberty, and for other purposes, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That whenever the duly constituted civil authorities of the Government of Cuba shall inform the President of the United States that there exists a rebellion or resistance to the authority of law in Cuba such as the Cuban Government is itself unable to subdue and control, and shall request the assistance of the United States for that purpose, the President of the United States is hereby authorized to use the Army and Navy of the United States, or so much thereof as in his discretion he may deem to be necessary, to subdue said rebellion and enforce obedience to the then existing Government and laws of Cuba.

SEC. 2. Whenever there shall exist in the island of Cuba a condition of rebellion and civil disorder, and it shall appear that the Government of Cuba is inadequate for the protection of life, property, and individual liberty, and for the maintenance of law and order, and the duly constituted authorities of Cuba shall fail and omit to request the assistance of the United States to suppress such rebellion and disorder, the President of the United States is hereby authorized, if Congress shall not then be in session, to use in his discretion, the Army and Navy of the United States, or so much thereof as he may deem to be necessary, to subdue said rebellion and restore order and obedience to the then existing civil Government and laws of Cuba.

SEC. 3. Whenever, under the authority hereinbefore granted, the military and naval forces of the United States are used for the suppression of rebellion and for the restoration and maintenance of order in Cuba, in no event shall the civil Government then existing in Cuba be subverted or the civil officers of the Government of Cuba removed or supplanted, nor shall any officer be appointed to perform the duties of a civil officer in Cuba without the authority of an act of Congress of the United States.

SEC. 4. That whenever the Army and Navy of the United States shall be used as aforesaid in said island of Cuba the military and naval operations conducted and executed in pursuance thereof shall be under the direction, management, and control of the President of the United States.

Mr. BACON. Mr. President, before moving the reference, I wish to say one word in regard to the provisions of the bill.

It is quite evident on account of the recurring disorders in Cuba that we are frequently to be met with the question as to what the United States shall do under the authority which they have by reason of the Platt amendment in order to maintain in Cuba permanent Government, and a Government which shall protect life, liberty, and property in that island. The purpose of the bill is, if possible, to enact legislation which will accomplish that end and in so doing do the greatest good which can be done to Cuba and at the same time do the least harm to the United States.

The first proposition contained in the bill is one which looks to what would be denominated only, I presume, a partial intervention, in that it does not authorize the overturning of an existing Cuban Government. It only provides for responding to a request from the Government of Cuba, whenever it is in a condition where it can not deal with a rebellion or with disorder, that the United States shall come to its assistance for the purpose only of suppressing rebellion and for restoring order, and in that way maintain the existing civil Government of Cuba. The first section of the bill provides that in that case the President of the United States may use the Army and Navy of the United States for that purpose, the purpose in so doing being asserted to be to maintain the then existing Government in Cuba, and not to subvert it and put another Government in the place of it.

Another provision in the bill is that in case such a condition of affairs exists and Cuba shall fail to ask for the assistance of the United States, when the Congress of the United States is not in session the President of the United States may proceed in a similar way, the object of the proceeding in such being, as in the former case, not to subvert a Government, but to maintain the Government which is then found in Cuba.

The provision goes further and provides that in neither of these cases shall the authority of the United States be used to subvert an existing Government or to supplant any civil officers who are found to be there, the object being to maintain the Government of Cuba, and not to subvert it.

I want to say, Mr. President, that there are several reasons why I think that limitation should be put upon whatever steps are taken for the use of the Army and Navy in Cuba in that view. I believe, in the first place, that whenever it is known in Cuba that the Army and Navy of the United States can be secured, upon the request of the Government of Cuba, for the purpose of suppressing rebellion and maintaining order it will operate as a very great deterrent upon those who might otherwise wish to foment and prosecute revolution. The revolutionists will not be eager to stir up a rebellion when it is known that the United States Army will in one week sweep them off the face of the earth. In the second place, if it is limited to the putting down of rebellion and the maintenance of the existing Government, the Cubans will not be so sensitive upon the question of the possibility of an intervention on the part of the United States. I do not think the Cubans will be sensitive to the fact that the United States comes to the assistance of a Cuban Government to support and maintain that Government, although they are sensitive as to an intervention which may lead to a subversion of their Government and not to its maintenance. They have the precedent already established by this Government of going there and practically subverting that Government and turning out its officers and establishing there an American autocracy, as was done, and naturally they are sensitive and apprehensive whenever intervention is suggested.

I think, Mr. President, that to subvert an existing Government in Cuba is a very great mistake, for two reasons. In the first place, it puts a premium upon rebellion and upon revolution when the idea can be presented that by so doing the assistance of the Government of the United States can be obtained for the purpose of overturning the Government to which they object—the very object which the revolutionists seek to accomplish.

A more serious objection, though—that is, more serious to us—is one growing out of the influence and, I might almost say the consequence, of the subversion of the Cuban Government and the supplanting of their officers with officers of the United States, as was done upon the former occasion. The necessary influence of that and almost the certain consequence of it, if it is repeated, will be the annexation of the island—a thing which I above all things deprecate. If they become accustomed to the sight of the civil officers of that island being displaced by the officers of the United States, as was done in the former case, there is very little doubt about what ultimately will result. For that reason, as well as for others, I think it is well to thus limit the function of the United States by law when sending troops into Cuba, except when hereafter the Congress might deem it wise to do otherwise—to limit it to the act of suppressing rebellion and assisting the civil authorities in that island to restore order and maintain their Government. That, in fact, I think, was the contemplation of the Platt amendment, because that is the language of it—to maintain a government for the protection of life, liberty, and property, and so on. I am not quoting accurately the words, but the words "the maintenance of the government" are in it.

I do not pretend, Mr. President, that this is all the legislation that is required on this subject. I think a great deal more is required, because there are some other features of the Platt amendment which look to other contingencies than the matter of rebellion and disorder. I think Congress has been very remiss—and I take my full share of the criticism—in not having legislated upon this subject before this time; it has been with us now for 12 years; and we have failed to do that which I think we ought to have done in enacting the required legislation.

I repeat, I do not pretend that this bill is complete by any means, but it meets that part of the question which is now most acute, and will, I hope, lead to a consideration of the question in all of its branches and features.

I only make this statement now, Mr. President, in order that the introduction of this bill may not be misunderstood nor its terms misconstrued. As I have heretofore said, I think the proper authority should be vested in the President of the United States. I do not think there is now any authority of law in him to take action. I think that it requires legislation by Congress. I think in vesting that authority we should properly limit it in such a way as to accomplish that which, as I said in the beginning, would be the greatest good to Cuba and the least harm to ourselves. We should so limit that authority as to make it impossible under it to overturn the civil government of Cuba.

I hope, Mr. President, in view of the fact that the Foreign Relations Committee has already been charged with the general consideration of this question, that the bill may be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. If there be no objection, the bill will be referred to the Committee on Foreign Relations.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to increase the salary of one messenger in the office of the major general commandant, Marine Corps, from $971.28 per annum to $1,200 per annum, intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was ordered to lie on the table and be printed.

UNITED STATES DISTRICT COURTS.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

DONATION OF CANNON.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

DECISIONS OF COMMERCE COURT.

Mr. BURTON. I present a resolution for which I ask immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 338), as follows:

Resolved, That the Attorney General be requested and directed to transmit to the Senate a list of cases decided by the United States Commerce Court, together with a summary of questions of law and of fact decided in each.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. CULBERSON. Mr. President, I suggest to the Senator from Ohio that he also include in the resolution an inquiry as to what disposition was made of those cases on appeal to the Supreme Court of the United States, if they were so appealed.

Mr. BURTON. I wish to modify the resolution by adding "together with a further list of cases appealed to the Supreme Court from the Commerce Court."

Mr. CULBERSON. And also what disposition was made of them by the Supreme Court.

Mr. BURTON. And also "appealed to the Supreme Court and the disposition made thereof." I have no objection to adding that language.

The VICE PRESIDENT. The modification of the resolution proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed to add at the end of the resolution the following words:

Together with a list of cases appealed to the Supreme Court and the disposition thereof.

Mr. CULBERSON. The words "from the Commerce Court" should be inserted unless that language already appears.

Mr. BURTON. I think that would necessarily follow from the wording of the resolution. The word "also" might be inserted instead of "together."

The VICE PRESIDENT. Perhaps it would be better that the Secretary should read the resolution as proposed to be modified.

Mr. CUMMINS. May I make a suggestion before the resolution is read so that the Senator from Ohio will have it in mind? In each case decided by the Commerce Court there has been a printed opinion which shows exactly what the case is and upon what grounds it has been decided. I think, if the Attorney General attempts to state the case and the points in it, the grounds on which it has been decided, he ought to attach a copy of the opinion of the Commerce Court itself, so that any differences of opinion that may exist can be cleared up by a comparison of the opinion of the court with the statement of the Attorney General.

Mr. BURTON. Mr. President, I take it for granted that the list of cases and decisions will be transmitted with the reply. It will be noted that there is no syllabus with these reports, and the aim of this resolution is to have a brief summary of the points decided, so as to make it easier for one who desires to study the cases decided by the Commerce Court.

Mr. CUMMINS. While I do not intend to object, it seems to me that it is rather an unnecessary thing to impose on the Attorney General the duty of making syllabi for the opinions of the Commerce Court. We all have those opinions, and they show precisely the facts as well as the law as held by the Commerce Court. I have no objection to it; but I think that when Senators receive this information they ought to at once attach it to the opinions themselves, so that they can be informed with regard to what the court thinks.

Mr. BURTON. The object is to have a brief statement. Of course for a more elaborate study each Senator will give such time as he can to the published reports.

Mr. JONES. I should also like to suggest to the Senator from Ohio that this statement should contain the date of the commencement of each suit in the Commerce Court and the date of the final decision rendered by the court.

Mr. BURTON. I have no objection to that. I wish to modify the resolution by adding "also the date of the commencement of each case and of the decision."

Mr. CUMMINS. Of course the opinions show that in each case.

Mr. JONES. I thought while we were getting this information in compact form it would be well to have this also.

The SECRETARY. So that if amended the resolution would read:

Resolved, That the Attorney General be requested and directed to transmit to the Senate a list of cases decided by the United States Commerce Court, together with a summary of questions of law and of fact decided in each, giving the date of the commencement of each case and the decision thereon, and also a list of cases appealed from said Commerce Court to the Supreme Court of the United States and the disposition of each.

Mr. HEYBURN. Mr. President, I think the resolution should include a statement of the cases pending. After the word "decided," the words "and pending" should be inserted, so that we will have a comprehensive knowledge of the business of the court.

Mr. BURTON. I have no objection to that, Mr. President.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "United States Commerce Court," insert "and pending before said court."

The VICE PRESIDENT. In the absence of objection, the resolution will be so modified.

Mr. CULBERSON. Mr. President, one other suggestion. I notice that the resolution requests and directs. It is not customary for the Senate to request any information of a Cabinet officer, but to direct him to furnish it. I care nothing about it, because the word "directed" is used, but the word "requested" is also used. It seems to me that the word "requested" ought to be stricken out so as to conform to the usage of the Senate in such cases.

Mr. BURTON. Mr. President, I think that the usage is not uniform in that regard. Distinctive phraseology is usually employed in calls for information from the State Department. The resolutions usually read "be requested, if not inconsistent with the public interest," but resolutions directed to other departments have the word "requested" or "directed" alone, or sometimes the words "requested and directed." It seems to me that is a matter of phraseology that does not assume any special importance, and I hope the Senator from Texas will not insist upon it.

Mr. CULBERSON. Well, I do not insist upon it, but I still say that it is inconsistent with the usage of the Senate to request the Attorney General or any other officer of the Cabinet, outside of the Secretary of State. The Senate has the power to direct, and has seen proper to do so in all cases heretofore.

The VICE PRESIDENT. The Secretary will again state the resolution as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Attorney General be requested and directed to transmit to the Senate a list of cases decided by the United States Commerce Court, together with a summary of questions of law and of fact decided in each, giving the date of the commencement of each case and the decision of the court thereon; and also a list of cases now pending before said court; and also a list of the cases appealed from said Commerce Court to the Supreme Court of the United States, and the disposition of each.

The VICE PRESIDENT. Without objection, the resolution as modified is agreed to.

REGULATION OF IMMIGRATION (S. DOC. NO. 785).

Mr. O'GORMAN. I present a paper signed by Moe Lenkowsky and Anton Kaufman, chairman and secretary of the Citizens Committee of Orchard, Rivington, and East Houston Streets, New York City, relative to a statement contained in the annual report of the commissioner of immigration for the port of New York, as to the condition of the people residing on these streets. Accompanying the paper is a statement of the social centers, professions, industrial and mercantile establishments on East Houston Street between Broadway and East River, Rivington Street between Bowery and East River, and Orchard Street between Division and East Houston Streets. I ask that the paper be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

EQUALIZATION OF CREEK ALLOTMENTS (S. DOC. NO. 786).

Mr. GORE. I present a letter from the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, submitting a report on a proposed amendment to the bill (S. 4947) providing for the equalization of Creek allotments, together with a copy of the form of contract and power of attorney. I ask that the papers be referred to the Committee on Indian Affairs and be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. Mr. President, I give notice that on Wednesday, June 12, immediately after the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of the bill (H. R. 24665) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

JOHN C. SCHOLTZ (H. DOC. NO. 824).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. John C. Scholtz, a citizen of Venezuela, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Venezuela.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Venezuela and that it would follow established precedents.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

GOVERNMENT HOSPITAL FOR THE INSANE (H. DOC. NO. 825).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Board of Commissioners of the District of Columbia, submitting a report by the auditor of the District of Columbia in relation to a charge of $769,536.09, which by the terms of the sundry civil bill as reported to the House of Representatives it is proposed to deduct from the revenues of the District of Columbia and reimburse to the United States on account of certain deficiencies in payments made by the District to the Government Hospital for the Insane.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On June 7, 1912:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes;

S. 6508. An act to exempt from cancellation certain desert-land entries in the Chuckawalla Valley, Cal.; and

S. J. Res. 72. Joint resolution making provision for the Fifth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

On June 10, 1912:

S. 5910. An act granting to the city of Portland, Oreg., certain strips of land from the post-office and customhouse sites in said city for street purposes;

S. 6848. An act authorizing the Cooper River Corporation, a corporation organized under the laws of the State of South Carolina, to construct, maintain, and operate a bridge and approaches thereto across Goose Creek, in Berkeley County, S. C.; and

S. J. Res. 97. Joint resolution authorizing the Fifteenth International Congress on Hygiene and Demography to occupy temporary structures erected by the American Red Cross and to erect temporary structures in Potomac Park, Washington, D. C.

FORT HUACHUCA MILITARY RESERVATION, ARIZ.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill (S. 6798) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to grant permission to C. L. Douglas, of Fairbank, Ariz., to build a hotel upon the lands of the United States at Fort Huachuca military post, Ariz., upon such site and with such plans and dimensions as may be approved by the Secretary of War, and to occupy for that purpose such portion of the military reservation at Fort Huachuca as may be prescribed by the Secretary of War; but the operation of the hotel shall be subject to such regulations as to police, good order, and sanitation as may from time to time be prescribed by the officer commanding at Fort Huachuca, and the building or buildings erected shall be removed at the expense of the owners whenever the Secretary of War shall so direct, and no claim for damages by reason of such removal shall be made upon the Government of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. DU PONT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Senator from Delaware asks unanimous consent for the present consideration of the conference report on the Army appropriation bill. Is there objection? The Chair hears none, and the report is before the Senate. The conference report has heretofore been read, as the Chair is advised.

Mr. DU PONT. Mr. President, I presume that every Member of this body is aware of the fact that there have been numerous and very serious differences of opinion between the Senate and the House of Representatives in regard to many of the provisions of the Army appropriation bill. Indeed, so radical were these differences that some had thought that it would be found impossible to reconcile them, with the result that the bill would fail.

I am glad to say, Mr. President, that after many conferences extending over several weeks an agreement has been reached on every point in dispute, as embodied in the conference report herewith submitted. So far as this report is concerned, necessarily it does not reflect, in many particulars, the individual and personal views of the managers on the part of the Senate, nor, I am bound to say, does it represent those of the managers on the part of the House. To reach an adjustment of the many points in dispute it was necessary to give as well as to take; but I believe that it can be confidently stated, so far as the Senate is concerned, that the very best obtainable terms have been secured.

Mr. LODGE. Mr. President, this conference report presents certain considerations which never have been presented by any

conference report that I have ever seen presented to the Senate. It is well known that attached to this Army appropriation bill as it came from the House was a complete statute reorganizing the Army. That portion of the bill the Committee on Military Affairs struck out and the Senate sustained their action. I had supposed at the time—and I know that that was the view of many other Senators—that this portion of the bill was stricken out because the Senate did not agree with the placing upon appropriation bills of general legislation of an extensive character which no emergency demanded. The Senate, without discussion, assented to the removal of that portion of the bill, and very generally, I believe, on that understanding.

The result has been, the conferees having discussed it and reframed it in conference, that this important legislation, covering a complete reorganization of the Army, or a very large reorganization of the Army, comes before the Senate at that stage where it can not be amended in any respect, and the Senate has never had an opportunity to discuss any feature of this reorganization statute or to modify it or pass upon it in any way whatsoever.

Mr. President, I do not believe, as a principle, in attaching legislation of this character to appropriation bills. The opposite principle has been followed by both Houses for many years, and I think it is a sound one. Our own rules provide against it, and the House rules provided against it until the present session.

I think on the principle there can be no debate that general legislation should not be yoked with appropriation bills for the present year. But if it is to be done, it certainly makes it far worse to have the legislation stricken out in the Senate in March and then reconstructed in conference and brought to the Senate at a time when the Senate can neither modify nor amend it in any respect whatsoever.

I, for one—and I do not express the slightest lack of confidence in the Senate conferees—I, for one, do not think that the Senate ought to be deprived of its right upon legislation of this character. I think the Senate has the same interest in a large question of this kind that the House has, and therefore I do not think it ought to abdicate its functions.

But we are now in the position where we can do nothing in the way of amending or modifying the bill reported from the conference. It is unamendable. There is contained in it, as I shall presently show, new legislation; that is, legislation that was not before either House and legislation not germane to any differences arising between the Houses.

In the House of Representatives the point of order has been frequently sustained by the Chair when made against new legislation in a conference report. The practice in the Senate has been somewhat different. Where the point of new legislation has been made—that is, legislation on a matter not submitted to the conference—the Senate has passed upon the question and dealt with it approvingly, by agreeing to the conference report; or, if it has disapproved and objected to the new legislation being inserted, by rejecting the report and returning it to conference.

At this stage it is almost impossible to argue this bill in detail as I should like to discuss it. There are many points in this legislation open to discussion which if I had known were to be dealt with in conference, much as I object to this manner of legislation, I should like to have discussed when it was in the Senate—such questions as the length of term of enlistment.

But I find in this bill absolutely new legislation. One provision which has attracted the most attention, and justly so, is the provision with regard to the Chief of Staff. There was nothing whatever in the bill submitted by the House changing the tenure of the Chief of Staff, as I understand, from that fixed by the terms of the present law, and I have read it with some care.

Mr. WARREN. That was not the view of the Chief of Staff, as I shall show presently. He considered that there was a proposition from the House to which he objected, and the new legislation proposed is entirely germane to the subject matter that came before us from the House, which was not satisfactory to the Secretary of War; was not satisfactory to the Chief of Staff, and the Chief of Staff gave some of the reasons why it was not, and one was because it left an indefinite term for the Chief of Staff.

Mr. LODGE. The present law, as I am informed, provides that at the end of four years the Chief of Staff shall return to his duties in the line, and that after two years he may be reappointed. I am unable to find—if I can put my fingers on it in this somewhat cumbrous bill——

Mr. BRISTOW. Page 67.

Mr. LODGE. Thank you.

Mr. BRISTOW. No; that is not it.

Mr. LODGE. I have the amendment, but I want to find the original bill.

Mr. WARREN. There are several pages of it.

Mr. LODGE. I know. I am trying to put my hand on it.

Mr. DU PONT. It is section 3.

Mr. LODGE. I want to find the provision in the House bill in regard to the Chief of Staff. No. 73 is the amendment, but surely it is not wholly new. There was something about the Chief of Staff in the original bill.

Mr. WARREN. A good deal about it.

Mr. LODGE. That is what I thought and that is what I am trying to put my hand on.

Mr. DU PONT. Page 67.

Mr. LODGE. Or page 57?

Mr. DU PONT. No; it is 67.

Mr. LODGE. Now, the bill as it came from the House provided this:

And no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct.

That is the way the bill came from the House. That, I understand, is the present law.

Now, to that has been added this, which I take to be entirely new matter:

SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army.

Now, this is new matter:

Neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general.

That is wholly new matter; not, as I understand, a matter of difference.

What may have been the views of the Chief of Staff, or what he may have said, I do not know and I do not care, because I am discussing what I consider a question of order here. There was nothing in that bill putting a limitation upon the officers who should be capable of serving as Chief of Staff. It is open to all the officers of the Army.

Mr. WARREN. No, Mr. President, the Senator will not claim it is open to all the officers of the Army.

Mr. LODGE. Who are excluded?

Mr. WARREN. It is open to general officers only.

Mr. LODGE. Of course. I did not mean it was open to a private soldier.

Mr. WARREN. It is not open to colonels or lieutenant colonels.

Mr. LODGE. I understand that. I meant it was open to every officer who could reach the necessary grade.

Mr. WARREN. Will the Senator from Massachusetts permit me to interrupt him?

Mr. LODGE. Certainly. I am perfectly willing to have any interruption.

Mr. WARREN. I want the Senator and all Senators to remember that there is a situation now that has not heretofore confronted the Senator who has the floor during his service; nor has it confronted me in my service. We have a House with a very large party majority and a great many new Members, and that majority is not of the same party as the majority of the Senate. They have in their change of rules provided that they can attach legislation to appropriation bills. We have to meet that situation. If we were to say that we would not entertain in any way their propositions of legislation it ought to have been said here before the bill was sent to the conferees to compose the differences.

Mr. LODGE. It was said, for I said it.

Mr. WARREN. We have not only in this bill the same class of amendments and of legislation, but in all of the others. We have the same in the legislative, executive, and judicial appropriation bill now under consideration here.

Mr. BRISTOW rose.

Mr. WARREN. The Senator will wait a moment. I am speaking in the time of the Senator from Massachusetts, and I want to come to the point.

We were confronted in this legislation by the fact that every Secretary of War, dating back for some years, and every Chief of Staff, the present Secretary of War and the Chief of Staff included, have espoused legislation similar to that in this bill with regard to the service corps and the supply corps. In fact I have here before me in these hearings the early indorsement of the House legislation along that line.

We are confronted with a House that demands legislation; we are confronted with precedents that all the Chiefs of Staff

and Secretaries of War have proposed the same; and we not only have to contend here as the conferees of the Senate with the House, but with the War Department itself, and if we are to contend also with the Senate, then I beg the Senate to mark out some place where the conferees can stand and what the Senate expects them to do.

Now, as to the General Staff, I have here the statement of the Chief of Staff, made public in this pamphlet since the House passed on the bill, and here are his observations on the House bill. Speaking of the bill as it came from the House he says:

It was expected that the General Staff Corps would consist of the ablest line officers of the Army, who would be able to give to the Secretary of War and the President the very best military advice based upon the highest type of military education and experience.

SECTION 5—REMOVING THE FOUR-YEAR LIMIT IN THE TOUR OF THE CHIEF OF STAFF.

The intent in this section is not at all clear to me, and a number of very peculiar situations would arise under it.

Under the provisions of the proposed legislation certain officers become permanent members of the General Staff Corps. If such an officer is detailed as Chief of Staff, there is no existing law to limit the length of his tour except the length of his active service in the Army.

The only limit placed by law, the limit on his tour as a member of the General Staff Corps, being removed, he can remain Chief of Staff indefinitely. On the other hand, it may be that the intent of the provision is only to provide that nothing in the proposed legislation shall be held or construed to prevent the selection as Chief of Staff of an officer not a member of the permanent General Staff Corps, but that if such an officer be selected, he shall not serve for more than four years. In either case the legislation is distinctly bad. No reason can exist for providing that a Chief of Staff selected from a small group of 13 permanent bureau officers may have an indefinite tenure of office, while a Chief of Staff selected from the Army at large is limited to a four-year detail.

A number of other difficulties will arise in an effort to construe this legislation, the principal ones of which are pointed out in a memorandum and printed elsewhere in this report (see p. 40), from which it will be seen that upon the enactment of the proposed legislation the General Staff Corps would be divided into six different classes of officers, each of which would be subject to different laws and regulations with reference to tenure of office and replacement.

The officers of the General Staff Corps should all be selected in the same manner; should have the same tenure of office; should be subject to the same rules and regulations with reference to detail, relief from detail, and redetail; and every possible step should be taken to prevent perpetuation in office or the growing up of a small coterie of officers to retain the control and to prevent favoritism among its personnel.

Why is it necessary that the 13 permanent bureau officers should be made members of the General Staff Corps? What reason exists for putting them in a position different from that of the line officers of the Army and providing that they shall have positions on the General Staff which are denied to the great majority of officers of the line? Why, also, should the promotion and rank of these 13 permanent bureau officers be so carefully guarded while the same section throws back into the line to be absorbed 21 officers of the grades of colonel to captain, inclusive? The answer is clear. The permanent bureau officers, by the mere fact of their presence in Washington, have always a powerful influence over Army administration and military legislation. The General Staff as now organized consists principally of line officers and wholly of officers whose tenure of office in Washington is only for a limited time and stands as the real representative of the line of the Army. If the General Staff becomes a semipermanent bureau of the War Department, dominated by bureau officers with permanent commissions therein, where will the line get its representation?

And he goes on claiming that the bill as it came from the House provided that there should be permanent members of the Staff and the Chief of Staff was left so he could serve without limit.

Mr. LODGE. As to the condition of the Senate and the House politically, that is known to everybody. I do not regard the question of the Army or the Navy as political questions. I think they are questions in which we are all equally interested, and if we were to take the ground that the House having put on this new legislation we would be compelled to treat it in conference, that announcement ought to have been before the conference and not afterwards. That whole Army bill went out of here without discussion. There was no suggestion that we should take that into conference and there make a statute—at least no suggestion that I heard from any quarter.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. Certainly.

Mr. BRISTOW. I desire to say that when the full Committee on Military Affairs considered this bill it considered it from the same point of view. This whole paragraph of new legislation was cut out because the committee had decided that it was legislation reorganizing the Army, and that that feature of the bill was not even discussed in committee.

Mr. DU PONT. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. I yield.

Mr. DU PONT. I should like to say that the Senator from Kansas is laboring under a misapprehension as to the Military Affairs Committee. It is true the Military Committee rejected en bloc the whole legislative provisions of the House, for the reason that otherwise they would not have had control over all the points in dispute, but the statement was repeatedly made in committee that their full discussion in conference was unavoidable, and with this in view the subcommittee of the Military Committee which considered the Army appropriation bill had a number of lengthy hearings of various Army officers.

Mr. LODGE. May I ask who was going to have control over disputed points?

Mr. DU PONT. The conferees.

Mr. LODGE. What would become of the Senate in that arrangement?

Mr. WARREN. The Senate can settle it yes or no.

Mr. LODGE. Precisely.

Mr. DU PONT. During the hearings—and they have been printed—there will be found the statement that we could not avoid that in conference if all these questions were submitted to the conferees. Every member of the committee, I presume, was fully aware of that.

Mr. LODGE. Of course, I have no knowledge of what occurred in committee except the statement that has been made here.

Mr. WARREN. If the Senator will allow me, I do not know what the understanding of the Senator from Kansas was, but this is the first time I have heard from any member of the committee that they expected to exclude all legislation when we finished the bill. The Senator knows what has been repeated and never denied, what may be unfortunate but nevertheless is true, that about every appropriation bill which passes carries some legislation. Now, it was distinctly understood in the subcommittee, and, I believe, generally understood in the full committee, that we were to exclude all the legislation possible, and that we were to get the best possible results in the protection of the Army, which I think the conferees did get.

Mr. BRISTOW. It seems to me that when not only the committee of the Senate, but the Senate itself, decided to cut out these paragraphs of important legislation, and when the committee of conference concluded that it was necessary that it should go in in order to satisfy the other branch, that fact should have been submitted to the Senate for it to decide whether or not we should then take up and reconsider those paragraphs and consider them where they would have full consideration other than by the conferees.

Mr. LODGE. Mr. President——

Mr. WARREN. If the Senator will allow me, our conferees were not so instructed, and they have not been so instructed heretofore. This is not the first conference I have served on by a great many. When there are instructions for conferees the time for those instructions is, first, before the conferees go into conference, and if they come back with a disagreement to instruct them then.

Mr. LODGE. Mr. President, the point I make is that if the committee had felt that they were obliged to discuss this new legislation in conference they should have so informed the Senate and given the Senate an opportunity to discuss it here before it went to conference, so that the statute reorganizing the Army would have gone to conference as the work of the Senate.

Mr. WARREN. It was all here for the Senate to act upon.

Mr. LODGE. If the Senator will allow me to finish what I was about to say, it came in here all stricken out. I made some remarks of an entirely general character against putting such legislation on appropriation bills. I objected to it strongly. I spoke against it as a bad practice. I said I was glad that the committee had stricken it out. There was some little discussion here in regard to the House rules, and then without a dissenting voice, without the examination of one line of that statute by the Senate, the whole of it was committed to conference.

Mr. OVERMAN. May I ask the Senator a question?

Mr. LODGE. Certainly.

Mr. OVERMAN. Does the Senator contend that after the House of Representatives adopted a rule by which they do place legislation on appropriation bills the Senate should ignore the House of Representatives and not consider that legislation?

Mr. LODGE. I am not contending anything of the kind. I am contending that it is a bad practice to put legislation on appropriation bills.

Mr. WARREN. All accept that.

Mr. LODGE. The House has seen fit to reverse the practice of many years. They have an absolute right to do it and we have an equal right to adhere to the old practice if we choose, and to endeavor to get the House to agree with us in dropping such legislation from appropriation bills; but if we are not going to make that effort in conference, if we are to take new

legislation into conference, then I say it should be made in the Senate and not in conference. If we are going to yield to the House to put their work in the bill, the Senate on that account should not be deprived of its right to consider the bill. I for one should never have voted to strike out all those clauses without one word of discussion if I had known that they were to be made over in conference.

Mr. WARREN. What did the Senator expect the conferees to do?

Mr. LODGE. I supposed the conferees would object to the whole thing in conference, and, if the House insisted, that they would come back here and ask further instructions from the Senate.

Mr. WARREN. Why did not the able Senator from Massachusetts suggest it, then?

Mr. LODGE. Because I never supposed for one moment that anything else would be done.

Mr. WARREN. The Senator had every reason to suppose——

Mr. LODGE. I asked one member of the committee, and that member of the committee said, "No; this was stricken out; we are against legislating in this way."

Mr. WARREN. We are, and we have been.

Mr. LODGE. He told me that the reason was it had not been discussed in committee at all.

Mr. WARREN. But it is the practice of the Senate, and always has been since I have been a Member of it, to submit these matters to conference for a full and free conference, and unless there is objection made and some instructions issued beforehand——

Mr. OVERMAN. May I interrupt the Senator?

Mr. WARREN. We followed the precedent and followed the custom. Where legislation was stricken out, we kept as much as possible of it out; and we were compelled, in order to compose differences and obtain concessions along other lines, to insert portions of the legislation, and, of course, we had to use different language, as we always do. When a Senator wishes for some reason to find fault with some part of a bill that does not suit him, it will always come that way because of the legislation stricken out. We are doing it right along. So with the current bill there has got to be some agreement between the language as it exists there and the very opposite, which, of course, is all in the way of legislation.

Mr. OVERMAN. Let me ask the Senator from Wyoming there——

Mr. LODGE. I should like to go on.

The VICE PRESIDENT. The Senator from Massachusetts has the floor.

Mr. OVERMAN. I wish to ask the Senator a question. I had the honor to serve on the Military Committee for six years. Has there been a single appropriation bill which came from the House of Representatives in the last six years that has not had some new legislation on it?

Mr. WARREN. If the Senator from Massachusetts will allow me to answer——

Mr. LODGE. Certainly.

Mr. WARREN. Not only is the Senator from North Carolina absolutely right, but we might send it back 16 years or for aught I know 60 years. Since I have been a Member of the Senate I think there has never been an Army appropriation bill that has not carried legislation.

Mr. LODGE. Yes; but I have served on the committee, too, and I never saw that bill carry a statute before that no Senator has had an opportunity to consider.

Mr. WARREN. The Senator will not deny that they carried legislation?

Mr. LODGE. Of course they carried legislation; we put legislation on here; but the fact remains that here is an entire statute on which the Senate never had a chance to offer an amendment or do a thing. Now, it comes back to us in an unamendable state and——

Mr. POINDEXTER. Mr. President——

Mr. LODGE. If the Senator will allow me to finish the sentence, whatever understanding or misunderstanding there may have been about the way in which it went into conference, nobody understood that there was to be new legislation put in in conference, and there is new legislation in this bill. I yield to the Senator from Washington.

Mr. POINDEXTER. I wish to ask the Senator to state at this point what is the effect of this new legislation as he views it?

Mr. LODGE. I was beginning to state it on one point when I was interrupted. The criticism which the Senator from Wyoming made as to the Chief of Staff related to the bill as it passed the House and as it came here. What I am going to point out is something that existed in no bill that was before either House, and that is putting a limitation on the person who can become Chief of Staff. I mean in due course of regular promotion. The limitation is put on that no man shall be capable of becoming Chief of Staff unless he has served 10 years as a commissioned officer of the line in grades below that of brigader general. Now, that is wholly new.

I want to call attention to the effect of legislation of that sort. Legislation of the kind that is in the bill would have rendered ineligible for service as Chief of Staff all but 4 of the 19 generals who have served as commander in chief of the American Army since Gen. Washington.

Mr. WARREN. Will the Senator allow me?

Mr. LODGE. I should like to finish the statement and then I will yield.

Mr. WARREN. All right, I will not interrupt the Senator.

Mr. LODGE. I will yield; it is a matter of indifference to me.

Mr. WARREN. No; go ahead.

Mr. LODGE. I only wanted to put it in compactly and together. It would have disqualified Gen. Winfield Scott, of the old Army. It would have disqualified Gens. Sheridan, McClellan, McPherson, Meade, Warren, Halleck, Schofield, O. O. Howard, James H. Wilson, and Horace Porter, among others, of the Union officers in the Civil War, and Robert E. Lee, Stonewall Jackson, Beauregard, Forrest, and Joe Wheeler, of the Confederacy. Gen. Grant would have barely escaped its restriction by one year's service and Gen. Sherman by two months.

Further, what it does to-day it makes it impossible for Gen. Wood ever to be Chief of Staff again; it makes it impossible for Gen. Funston ever to be Chief of Staff; it makes it impossible for Col. Goethals ever to be Chief of Staff. In fact, it disqualifies most of the Engineer Corps. It disqualifies Gen. Crozier, of the Ordnance Board.

Mr. DU PONT. If the Senator from Massachusetts will permit me for a moment, I will ask him if his remarks refer to Chief of Staff in time of peace, or does he apply them to generals of the Army in time of war?

Mr. LODGE. Oh, yes.

Mr. WARREN. It does not apply to time of war.

Mr. LODGE. I think you will find it there.

Mr. DU PONT. It does not.

Mr. LODGE. We will discuss that special point afterwards.

Mr. DU PONT. If the Senator will allow me, all those early generals, including Gen. Washington and Gen. Winfield Scott, were commanders in chief; they commanded armies.

Mr. LODGE. I know that. I said it repeatedly. This law would have disqualified them to be Chief of Staff.

Mr. DU PONT. I doubt if they aspired to the duties of Chief of Staff, who commands nothing.

Mr. LODGE. That may or may not be. I will not pretend to say. They might or might not have wanted it. I say it would have disqualified those men, just as it disqualifies Gen. Funston to-day from ever being Chief of Staff in time of peace. If the point is made on that, we will take that up later.

Mr. WARREN. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. WARREN. Those distinguished generals mentioned held their office as Gen. Funston holds his, and to-morrow, if the President saw fit to make Gen. Funston or Col. Goethals or any other officer of the Army commander in chief, this applies only to one particular place—the Chief of Staff. This particular officer is supposed to be the military adviser of the Secretary of War. He was supposed to be one who understood tactical situations and conditions and the movement of troops in the line of the Army.

Now, the Secretary of War wants an adviser. He has these staff officers around him in the building. He has only to step across the hall or to touch a bell and he calls in a chief of any one of these bureaus. But the Chief of Staff is supposed to be a man versed in the line of the Army, and he should by all means be always there. While this was no proposition on the part of the Senate, yet it was a proposition that I could not deny there was merit in. The Chief of Staff is simply the secretary of the Secretary of War, and to-morrow he or any other officer may be made commanding general of the Army in either war or peace.

Mr. LODGE. I did not say he could not be made a commanding general of the Army. I said he could not be made Chief of Staff, which to-day under the present organization is a most important office. I am not questioning about his being general of the Army, but this does exclude, as I said, men like Gen. Funston and men like Col. Goethals, who perhaps is more conspicuous in our Army to-day throughout the world than anyone else. It excludes Gen. Crozier, the distinguished member of the Ordnance Department. All those men would be excluded from being Chief of Staff.

Mr. SMITH of Georgia. Will the Senator from Massachusetts allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. To what extent does it exclude all the engineer officers?

Mr. ROOT. Practically all.

Mr. LODGE. Practically all.

Mr. SMITH of Georgia. Are they the first cadets?

Mr. LODGE. They are the honor men from West Point; they are men who graduated.

Mr. SMITH of Georgia. They are among the strongest officers.

Mr. LODGE. It is generally so considered.

Mr. SMITH of Georgia. And they would be excluded?

Mr. LODGE. They would be excluded.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. SMITH of Georgia. Does the Senator from Massachusetts see any reason why men of that character would be especially fitted for this service?

Mr. LODGE. It seems to me, Mr. President, that there ought to be no exclusion laws about an office in our Army. I do not think it is our place to exclude men. I think there was something in Napoleon's old saying that every soldier in his Army carried a marshal's baton in his knapsack.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. Col. Goethals is not to-day eligible to Chief of Staff; the shot at the engineers and at Col. Goethals is entirely wide of the mark. He can not under the present law be eligible.

Mr. ROOT. I ask why not?

Mr. LODGE. Why not?

Mr. ROOT. Why is not Col. Goethals eligible?

Mr. WARREN. Because he is not a general officer.

Mr. ROOT. Why can not he be made a general officer?

Mr. WARREN. But until that is done he can not be. Anybody can be made a general officer if there is a vacancy under the law, but Col. Goethals would have to first wait for a vacancy and then be promoted before he could become Chief of Staff.

Mr. LODGE. I am not proposing to make lieutenants Chief of Staff. I assume they have the necessary rank. I say this makes it impossible for Col. Goethals, if he was ten times a general here, to be Chief of Staff.

Mr. SMITH of Georgia. And if the Senator will allow me, I assume he will some day be first on the record.

Mr. LODGE. I hope for the sake of the country he will be.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Yes.

Mr. DU PONT. There is some misapprehension about these statements. There are only two who, under the law as it stands to-day, are eligible. Gen. Crozier and the Chief of Engineers are eligible to-day for appointment to the general staff. The Chief of Engineers or the Chief of Ordnance would be eligible under the present law. There is nothing to prevent the President from appointing Col. Goethals a brigadier general in the line, and as such he would be eligible.

Mr. LODGE. If he is appointed to a brigadier generalship in the line he is ineligible because of the fact that he has to serve 10 years in the line before he could be appointed under this bill.

Mr. DU PONT. I was going to add I doubt very much whether Col. Goethals would accept any position of that kind. He is a great engineer.

Mr. LODGE. I am not discussing what Goethals would or would not accept. I am taking the broad proposition that it is all wrong to pass legislation by which, when any man has risen by merit in the Army of the United States and attained to the necessary rank, he shall be excluded by an arbitrary provision of that sort from the opportunity to be Chief of Staff.

Mr. DU PONT. In time of peace.

Mr. SMITH of Georgia. If the Senator will allow me. I was simply illustrating by the colonel whose name was mentioned the want of wisdom in passing this piece of legislation.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. Certainly.

Mr. POMERENE. Can the Senator inform us what the immediate reason is for this suggested change?

Mr. LODGE. Mr. President, I do not pretend to enter upon motives.

Mr. POMERENE. I will, then, put it in this form: What is the peculiar situation which brings about this suggested change?

Mr. LODGE. I do not know what situation has arisen in the Army that makes it necessary to pass such legislation. I am not aware that there are any men there whom it is necessary to exclude by legislation of this kind, or who are unworthy men.

Mr. POMERENE. In what respect is it claimed that this would improve the reorganization of the Army?

Mr. LODGE. That I do not know.

Mr. WARREN. Will the Senator allow me to answer that question?

Mr. LODGE. Certainly. I would be delighted to hear how it improves the Army.

Mr. WARREN. We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line. We might have a few months hence another man from the Medical Corps, or we might have a Paymaster General selected as Chief of Staff. When it was submitted on the part of the House side and argued, it seemed to be that putting myself in the place, or putting any other man in the place, a civilian Secretary of War, who had to take up all these Army matters, would want to have as his adviser a man acquainted with the duties, performances, and responsibilities of the line of the Army, for it is the line of the Army that does the fighting.

There has sometimes been a tendency, Mr. President, to pretty much obliterate the line of the Army. In fact, the brigadier generals and the major generals appointed for some years back have been largely from officers who were here in Washington under the eye of the President, Secretary of War, and Chief of Staff, and I presume it will go on that way to the disadvantage of the men who are in the line of the Army who are away from Washington and consequently not under observation.

It did not seem to me to be an unreasonable restriction that hereafter in appointing new Chiefs of Staff they should have been of the line, so as to be able to give the Secretary of War the information of which he might be most in need. As I said before, the staff officers surround the Secretary of War—close at hand in the big building. It is an easy matter for him to get information from them, but take, for instance, the very able medical officer who now stands at the head of the Medical Department. If a new Chief of Staff was to be appointed, would it be, could it be, as good an appointment as it would be to take some able officer from the line? There are plenty of such line officers.

Mr. HITCHCOCK. Mr. President, may I interrupt the Senator from Wyoming for a moment?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. WARREN. Yes.

Mr. HITCHCOCK. I should like to ask the Senator from Wyoming why, if this precaution is deemed necessary in times of peace, it is to be discarded in the emergency times of war?

Mr. WARREN. Mr. President, war brings up new officers and new heroes, though they may come from the plow direct, the same as it has done in the past. There is no reason why in times of war the President should not be absolutely free as to all of his appointments. That has always been the case, and probably always will be the case.

Mr. LODGE. Mr. President——

Mr. WARREN. Will the Senator from Massachusetts yield to me further?

Mr. LODGE. I will yield in one moment. I do not think that there is any probability or any danger that the Paymaster General or the head of the Medical Corps will be made Chief of Staff. The officers who have been made Chiefs of Staff who have formerly been doctors were both subsequently in the line, and one of them has served with great distinction as a volunteer soldier in the Army. The Senator referred to the volunteer. Of course he would be eligible, though he came from the plow. This provision excludes Gen. Funston, who was a distinguished volunteer officer of great gallantry in the War with Spain and also in the Philippines. He never served 10 years as a commissioned officer of the line under the rank of brigadier general.

Mr. WARREN. Will the Senator from Massachusetts permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Yes.

Mr. WARREN. That is true; but that Senator and no other Senator can exceed me in admiration of Gen. Funston. Gen. Funston does not know the line of the Army, however, as do

some other officers. Furthermore, this is not the last word. I beg the Senate to remember. Here is a situation before the conferees where we may lose five regiments of Cavalry, and, when gone, it will be difficult to reinstate them. We are met with a proposition that reduces the salaries of about 2,000 of the officers of the Army; we are met with various other cuts and various other things to arrange, and we are compelled not to take into view this one person or that one person; but there is a hereafter to all these matters, when they can be taken up and handled accordingly. I should be very glad to introduce and very glad to follow up a resolution, if Gen. Funston was desired as Chief of Staff by the President, to make an exception in his case; but it does not follow that the office of Chief of Staff ought to be filled continually from those officers who are here in Washington instead of being in the field. Exceptions could be handled for others, including Gen. Wood, but the general principle I believe a good one.

Mr. LODGE. Mr. President, that shows the readiness to give it to Gen. Funston, and shows, I suppose, what is charged generally, that this provision is aimed at Gen. Wood. Why should he also not be excepted? He is a distinguished Volunteer officer.

Mr. WARREN. Right there I want to say a word. The Senator, I hope, will not venture into personal matters. Gen. Wood's time expires on the 4th or the 5th day of March. This provision will not take effect until after that. It is true, as the Senator says, if Gen. Wood was afterwards desired, his case could be handled singly, of course. This does not affect his present appointment.

Mr. LODGE. Certainly, it does not, Mr. President. Of course, everybody realizes that, and I did not suggest that it did. I said it disqualified him forever from again being Chief of Staff. It also disqualifies Gen. Funston, as I pointed out, but it appears they are ready to except Gen. Funston. I do not think that is a good form of legislation.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. I yield to the Senator from Delaware.

Mr. DU PONT. Mr. President, in view of all that has been said, I should like to make a statement at this point.

Mr. LODGE. If the Senator desires to ask me a question I will yield for that purpose, but if he desires to make a speech I prefer that he shall make it in his own time.

Mr. DU PONT. I desire to make a statement in regard to this matter, if the Senator will yield to me for that purpose, and I shall be brief.

Mr. LODGE. I will yield to the Senator if he wishes to make a statement.

Mr. DU PONT. Mr. President, the amendment No. 73, in the form first proposed by the majority of the managers of the House, provided that except in time of war or when war is imminent, no officer, hereafter, should be detailed or permitted to serve as Chief of Staff unless he should have served for at least 10 years as a commissioned officer in the line of the Army below the grade of colonel.

The Senate conferees refused to accept this amendment on the ground that it was personal legislation and would compel the present incumbent to immediately vacate the office of Chief of Staff; but when the amendment was modified by the House managers making the above provision take effect on and after the 5th day of March, 1913, the point at issue was greatly changed. As the Army Regulations require the appointment of the present Chief of Staff to cease and determine on the 4th day of March, 1913, a provision which becomes operative on the 5th day of March has no bearing on his actual term of office. It is true that having been appointed Chief of Staff April 22, 1910, he would, on March 4, have served very nearly three years, and could be reappointed Chief of Staff by the new President and serve as such some 13 months before he would be compelled by law to return, for at least two years, to duty with troops; and it is also true that after having served with troops for two years he could be reappointed for four years; but all this is in the future, which is always nebulous and uncertain.

In this connection it is to be observed that the General Staff was organized upon the general theory and plan that officers of the different grades, including the chief, should succeed each other in turn, so that as many as possible might have practical experience in the administration of General Staff duties. Attention is also called to the following extract from the President's special message to Congress in regard to the legislation under consideration, dated December 21, 1911:

> I am opposed to any plan the result of which would be to break up or interfere with the essential principles of the detail system in the Staff Corps established by the act of February 2, 1901, and I am opposed to any plan the result of which would be to give the officer selected as Chief of Staff, or to any other member of the General Staff Corps, greater permanency of office than he now has.

As in the judgment of the Senate conferees the possibility of future personal advantage to one or two officers ought to be subordinated to the interests of the Army as a whole, the next point to be determined was whether the legislation in question promoted such interests and was wise in itself.

After careful consideration, the Senate conferees concluded that it was good legislation, and agreed to accept it for the following reasons:

First. As the Chief of Staff is required by law to be the general military adviser of both the President and Secretary of War, who are frequently not well informed in regard to military matters, and as he is further required to exercise a general supervision over every bureau of the War Department, it is evident that he should be a man of experience and knowledge of military details; and, usually, such experience and knowledge can only be obtained by actual service with troops extending over a period of years.

Second. As there is no limitation in regard to those who are eligible for appointment as general officers of the line, the President could at any time, by and with the advice and consent of the Senate, appoint a civilian who might be wholly ignorant of the military profession; and, further, if the President thinks proper, he could at once relieve the officer then serving as Chief of Staff and appoint the newcomer in his place. It is believed that such a possibility is fraught with danger, and that the effect of the legislation now under discussion would be to greatly improve the conditions now existing, inasmuch as the President, even if he did appoint an inexperienced person to be a general officer of the Regular Army, could not make him Chief of Staff.

The enactment of legislation is greatly to be deprecated when it is meant to strike at the appointment or official position at present held by any officer, but very much more to be deprecated is the rejection of legislation because it may affect, possibly but not certainly, the future interests of three or four officers, all of whom have already received special and most substantial promotion for services in the past, and this in face of the proposition that such legislation is good and sound in itself and intended to benefit the Army as a whole.

Mr. LODGE. Mr. President, I have listened to the explanation of the improvement to be obtained from this change, but it seems to me it makes the case rather worse than it was before. This is not legislation affecting now a few officers who are making this objection; it is legislation affecting a whole class of officers, now and in the future. There is no question of the Commander in Chief; it is an act of exclusion against certain officers and against certain classes of officers.

Mr. President, I have said as much on that branch of the subject as I care to say; but I should like to say a few words on another point of new legislation, which I do not mean to discuss, but merely to point out as new legislation. The House struck out the appropriation for a certain number of Army posts.

Mr. WARREN. No, Mr. President; the House did not strike out the appropriations for the Army posts.

Mr. LODGE. Well, it ordered that the appropriation should not be spent for a certain number of Army posts.

Mr. WARREN. Yes; that is right.

Mr. LODGE. I desire to be accurate. It seems to me to amount to much the same thing for our present purpose. They prevented the expenditure of certain appropriations for certain Army posts. On that the conferees have appointed a commission; and not only that, but they have selected the members of the commission, and, among others, they have selected three generals who have already reported on this subject.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Yes.

Mr. DU PONT. I should like to say that the commission appointed in 1901 did not report on this particular question, and what they said in reference to the subject was incidental. That commission was appointed for the purpose of selecting four general camps of instruction, and one or two of its members—for instance, Gen. Young—were members of the commission named in the present bill. In 1903, when the senior Senator from New York [Mr. ROOT] was Secretary of War, he referred to the War College the question of the proper distribution of appropriations for the different Army posts, and it so happened that Gen. Young was at that time a member of the War College. This body went into the subject at great length and considered the various posts and seacoast forts in the United

States, but I hardly think the statement of the Senator from Massachusetts is exactly fair.

Mr. LODGE. They reported on the question of the abandonment of certain posts, unless I am mistaken.

Mr. DU PONT. But even if they have already reported on this matter, we would have men of greater experience and knowledge of the subject.

Mr. LODGE. They are all retired officers, and three of them have made a report in which the question of the concentration of Army posts was considered. I am not questioning the value of their report; but the point I wish to make is that I think it travels beyond the province of a conference committee, not only to propose a commission to which a certain question shall be submitted, but to select the members of that commission. That seems to me to be legislation which ought to come within the action of the two Houses. I am making no objection to the men selected; but it seems to me that it is something in which the Senate, without undue eagerness to take power, might have a voice.

Mr. WARREN. Will the Senator permit me there?

Mr. LODGE. Certainly.

Mr. WARREN. The situation was this: The Chief of Staff had gone before the committee on the House side and recommended the abolition——

Mr. LODGE. Mr. President, allow me at that point to interrupt the Senator. If we are going to be accurate in our statements, let us be perfectly accurate. The House required from the War Department a report on the question of Army posts.

Mr. WARREN. Well, the Senator is jumping at conclusions. Before that time the Chief of Staff went before that committee and said they were going to propose the abandonment of a good number of the present posts and concentrate the troops in large posts at some uncertain points, and they were going to greatly reduce the expenses of the Army. He also stated that they were going to greatly reduce the number of clerkships and the expenses in that way of the Army, naming, I am informed, 30 per cent in the first place, and afterwards 35 per cent. Subsequently the House, by resolution, requested information as to the posts it was proposed to abandon. The Secretary of War hastened to reply. He gave a list of 25 posts, including some of the largest and newest in the country and covering half of the United States in area, and proposed to remove every post and every place where the United States flag floats over a representative of the Army from a tract of country nearly 2,000 miles one way by about 1,500 miles the other way, including a large number of States entire. The House, taking the Secretary of War at his word, inserted in three different places in the appropriation bill an inhibition against expending a dollar at any one of those posts, although they are occupied by troops and must be so occupied until other arrangements are made. The House also provided that there should be no new posts created and none enlarged without legislation by Congress. That is the situation we had to meet.

When the bill came to us in the Senate the Secretary of War and the Chief of Staff came before our committee and explained that they did not mean that; they expected to abandon certain posts at some time, but they wanted us to strike out the provisions of the House bill in this respect. The House conferees demanded that there should be something put in place of these provisions, that they could go back to the House and report upon, because the Army itself, having asked through its chief officers for the abandonment of these posts, and the House having provided for such abandonment, the conferees wanted some reason to show why, after their following the advice of the Secretary of War and the Chief of Staff for abandonment of posts, they had to surrender to the Senate. So they proposed a commission, and named that commission without any suggestion on the part of the Senate. They named able officers of the Army who are retired, as they explained, because they were able officers of long experience who were unprejudiced. They leave it to the presiding officer of this body to select two members of the commission and to the presiding officer of the other body also to select two members of the commission.

That report may mean nothing; but whatever it may be when it is made, it will lie alongside of the other reports and will be of some use, probably, to the committees of Congress in future legislation. There can possibly be no harm in that.

The members of the proposed commission are all under pay now, so that it will not be a matter of any great expense. It may amount to nothing, but by putting that provision in the report it permitted to be satisfactorily adjusted the matter which we were asked by the Secretary of War and the Chief of Staff to eliminate from the bill, notwithstanding the fact that they themselves were responsible for its being there.

Mr. LODGE. Mr. President, I have no desire to discuss the question of the merits of the various Army posts. I think there is something to be said for the view of the House and the view of the Army in favor of reducing the number of posts, but that is not what I was making my point on. My point was that it is entirely new legislation, and it now appears from the statement of the Senator from Wyoming that the Members of the House named this commission.

Mr. WARREN. It is not at all new legislation. Here is a proposition——

Mr. LODGE. I think it is new legislation to name the members of a commission.

Mr. WARREN. It has been done before, and will be done again, of course.

Mr. LODGE. It may have been done before where certain holders of certain offices were named.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. LODGE. Yes.

Mr. DU PONT. Four of the nine members of the proposed commission are to be appointed, two by the Speaker of the House and two by the Presiding Officer of the Senate.

Mr. LODGE. Of course, I know that.

Mr. DU PONT. The other five were suggested to us by the conferees on the part of the House.

Mr. LODGE. I did not suppose, Mr. President, that even so powerful a conference committee as this would select the Members of the House and Senate to serve on a commission, but I think it is new legislation for them to select officers of the Army.

Mr. WARREN. Yes; and men have been named.

Mr. LODGE. Possibly; but if it has been done it is bad practice. If commissions are to be appointed and their appointment is not to be given to the President, I think the two Houses ought to have something to say about it.

Now, Mr. President, there are other points. Because of interruption I have taken more time than I had intended. One other point. This was not new legislation. It was legitimately before the conference. I brought it to the attention of the Senator from Wyoming when I found the bill was up.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. Is there not a report from the Secretary of War and also from the organized forces making suggestions to Congress with reference to the plan of concentrating the troops?

Mr. LODGE. Yes.

Mr. SMITH of Georgia. And the opinion of the constituted authorities of the Army——

Mr. LODGE. That is the report the Senator from Wyoming referred to; at least I suppose so.

Mr. SMITH of Georgia. Is not that more valuable and more useful than to have a report from retired officers who will not have anything to do under it?

Mr. WARREN. It might be considered more valuable if it was not for this very lamentable fact. Every Chief of Staff and every Secretary of War changes his base of action from that of his predecessor. We might to-day have a location of posts under the present Chief of Staff and the present Secretary of War, and probably it would be something else six months or a year from now, when there is a liability of there being changes in those offices.

For instance, a Chief of Staff who has completed his tour, the one who preceded the present one, an able officer, a brave and brilliant fighter of renown in the line, labored all one session, in fact, two sessions, to bring the Army up to a systematic standard of pay, readjusting the salaries of the officers and the pay of the men. We took the view the Senator from Georgia takes, that the Army ought to know what it wanted—the then Secretary of War and the then Chief of Staff—and we carried out as nearly as possible and almost perfectly their views. We made the pay of a soldier for his first term a certain amount; we added a certain amount for his second term; and a certain amount for his third term; for his marksmanship, and so on, along the line. The argument then made was that these men in the rank and file, in the line of the Army, noncommissioned officers and privates, might want to make the service a career the same as a commissioned officer does. We followed this plan, and when the present Chief of Staff had taken his place it was found that his views were directly opposite. He states that he does not want a man who has enlisted in the

Army to reenlist, and suggests that we provide that no one shall be allowed to reenlist for a second term except the noncommissioned officers.

I realize that my friend the Senator from Massachusetts has been more than courteous to me, and I do not wish to go further in my interruption. So the committees of the Senate and the House, which have given years in that service, most of the members of which have had honorable service in the Army—in fact, in both armies—must depend somewhat upon their own judgment rather than depend entirely upon the changing views of those who happen to be Chief of Staff and Secretary of War at different dates.

Mr. SMITH of Georgia. If the Senator will allow me, if we must rely upon our own judgment, why do we need a board of retired officers? But if we are to rely upon the judgment of some officers, would it not be better to take the line officers than to take the retired officers? The retired officers lived under this same old régime of scattered troops, and they would probably adhere to it. The present officers tell us, I understand, that the troops should be concentrated.

Mr. WARREN. A few do, acting, probably, under instructions from head centers; but as against them the files are full of the views of officers who are against it. A very small proportion adopt the present views. The view has prevailed for some time that some of these scattered posts should be abandoned and they have been abandoned, and still more will be abandoned and ought to be abandoned. In my State, out of 20 or more original Army posts all have been abandoned except 2 and the one in the Yellowstone Park. There is no objection to the abandonment of useless posts, but to take one-half of the United States, and with one fell swoop take the flag of the United States out of it entirely and leave the militia there with no troops with which to cooperate and with which to go into these great meetings, raises a question into which I think the Senators and Members of the House have a right to examine and upon which to express their views.

As to this commission of retired officers, what the views of the House may be I do not know. It may not effect anything, but I tell the Senator it certainly can not harm anybody. It can not legislate on the question of abandoning posts. They are simply asked as to their opinion on matters about which they can have no personal interest, because they have passed through the time of life when they may be influenced by their superior officers or outside influences.

Mr. LODGE. Mr. President, I suggested that I did not intend to discuss the merits of this bill, but I am perfectly certain it will not harm anybody.

Mr. SMITH of Georgia. Surely the Senator from Wyoming does not want to create a board on the ground that it will not harm anybody? What they do, I think, will be harmless, but it seems to me perfectly clear we had better follow the organized recommendations of those who are to serve in the future rather than these retired officers. So I am opposed to this legislation on its merits: I do not wish to see the board appointed; and I shall vote to recommit the report.

Mr. WARREN. That is the Senator's privilege. I wish I had the sanguine feeling the Senator has, but after you have sent a bill to conference, it is not a nice position for a conferee, who has labored two solid weeks in a conference and got the best he could after a lot of contentions, and who is in honor bound to protect that report, to have Senators rise in their magnificent presence——

Mr. LODGE. Mr. President——

Mr. SMITH of Georgia. Mr. President——

Mr. WARREN. Allow me to finish my remarks. I wish I had the sanguine feeling and the hopefulness, but the Senator from Georgia will some day be placed upon these conference committees and he will then know it is sometimes necessary to concede unimportant points in order to receive the benefits of very important ones.

Mr. LODGE. Mr. President, I have been in the Senate almost as long as has the Senator from Wyoming, and I have served on conferences, not upon appropriation bills perhaps, but upon some hard-fought conferences, and I have seen a great many here from the Appropriations Committee, but I have never seen legislation that the Senate desired secured nor have I seen what was believed to be the best interest in any legislation secured by starting in on the proposition that we must yield to the other House. Our business is to do the best we can, and if there are things we must stand and stand for hard, let the House, which is to blame, take the responsibility of having the appropriation bills go over.

Mr. President, I had no expectation of occupying so much time, and I shall conclude. The point is entirely legitimate to the conferees, of course, but it, I think, will cause a great injustice to a number of very worthy officers. There is the consolidation of the Quartermaster's and the Commissary Departments; I dare say it is a very good thing. A year or two ago there was a large addition made to the Quartermaster's force, and quite properly, no doubt. There are three or four officers in the Commissary Department, who, when the consolidation takes place, under this bill will be put behind these officers in the Quartermaster's Department instead of being placed in the new consolidated department in the regular line of promotion according to their present standing in the Army.

One of these officers, whom I happen to know, called my attention to it. This officer served in the War with Spain, was wounded in Cuba, served later in the Philippines, and has served faithfully and well ever since. He is now in the Commissary Department. If this consolidation takes place on its present terms he will have men put over his head for promotion—many numbers—who did not enter the Army until six or seven years ago.

Mr. WARREN. Will the Senator allow me?

Mr. LODGE. Certainly.

Mr. WARREN. We introduced in conference the exact language of the Commissary General on the hearings covering the point the Senator is now speaking of.

Mr. LODGE. And the House did not accept it?

Mr. WARREN. And the House did accept it, and it is in the conference report now.

Mr. LODGE. The Commissary General, whom I asked for information in regard to it, tells me it has not been changed, and I can not find here what I want.

Mr. WARREN. We took the language precisely, word for word, of the hearing, just as it was given by the Commissary General, because we did not wish to do injustice.

Mr. LODGE. It does not correspond to the amendment which he sent me and which he says he asked for.

Mr. WARREN. That may be true; but it was stated in the hearing, and that is exactly what we added. I do not think the conferees ought to be lambasted——

Mr. LODGE. I do not want to get the general into trouble. The amendment he gives is totally different.

Mr. WARREN. We have every wish to cover the point for the general as well as we could.

Mr. LODGE. As a matter of fact, it was not covered. These officers are left in that way. They are now left so that they are deprived of the ordinary promotion which they would get if the corps were not consolidated. My proposition is that if the corps are to be consolidated, to which I make no objection, the officers who have a greater length of service should not arbitrarily be put back.

Mr. WARREN. There never has been a combination which has not seemed to do injustice to some officers.

Mr. LODGE. I know.

Mr. WARREN. And let me say that legislation has followed, when it was determined whom it would affect and how it would affect them, and it was legislation put in the appropriation bill two years ago that undertook to clean up the entire matter.

Mr. LODGE. I know about that. There is not any question that this can be done by a simple provision. There is not any question that it would not hurt anybody improperly. It is simply putting the men in those two departments—the Commissary and the Quartermaster's—upon exactly the same footing. It is an injustice to have a consolidation which takes men of one corps, who have seen no service in the field, over the heads of three or four officers who have seen service in the field, and depriving them of promotion for three or four years to come.

In the case of one officer, who would be promoted on the 5th day of next September, under this bill he will not be promoted until 1917. That bears hardly on a young officer, and I certainly hope that such a slight modification may be had. I believe if I had had an opportunity when the matter was before the Senate to lay these considerations before it, I could have got the Senate to make the necessary amendments, and it could have gone into conference. Now I can do nothing. I am helpless.

Mr. WARREN. The difficulty is that in different corps the promotion varies; in some faster than in others; and taking the Regular Army rules and law, there could be no other way than as we put it. Just as it was when we did away with the regimental organization and took up the lineal, it did injustice to a number of men, and still there seemed no way then that would not have done greater injustice. But, as I said, those matters have been fixed, and I hope this will be.

Mr. LODGE. It can be fixed only if it goes back to conference.

Mr. WARREN. I will say to the Senator that I do not think we shall have as successful a time in being able to fix it in conference as by taking it up alone.

Mr. LODGE. I think the Senate has some rights, and I think if the Senate sees fit to send this back to conference it has a right to expect due consideration from the House, and I do not understand this tone that we must not send it back to conference because the House will not like it.

Mr. WARREN. Nobody is assuming that tone. The Senate has a perfect right to send it back to the House. It takes its chances. Are the feelings of one or two or three men to be of more concern than the maintenance of, say, the four or five regiments of Cavalry? We may be able, if it goes back, to accomplish everything the Senator wants, but I have never been able in conference to secure everything I wanted.

I want to call attention to the fact that Senators Hoar and Edmunds and Sherman lectured the Senate at different times, and I do not know but that the Senator from Massachusetts has done so, to the effect that the Senate must not carry too far its purpose in amending these money bills of the House, and, finally, if the House insists, the Senate must recede.

Mr. LODGE. That proposition came on adding new legislation. Neither Mr. Edmunds nor Mr. Hoar ever suggested that we could not amend a bill.

Mr. WARREN. Mr. President——

Mr. LODGE. Please, one moment. I have been very patient in yielding. Let me finish one sentence.

This is a bill to reorganize the Army. Suppose it had come over here separately. Are we to be told we could not change one little clause in it; that we were exceeding the powers of the Senate to change one clause in an act of pure legislation? This is not an appropriation at all, and our power over the appropriation bills is unlimited with respect to amendment. The Constitution gives the House no power to originate appropriation bills. That is merely customary; a wise custom, I grant.

Mr. WILLIAMS. How did the custom happen to arise?

Mr. WARREN. The Senator from Massachusetts must not——

Mr. LODGE. I am not going to argue the constitutional question with the Senator from Mississippi. It is not in the Constitution. We originate appropriation bills here every day.

Mr. WILLIAMS. Not general supply bills.

Mr. LODGE. No. I am not quarreling with the custom, and it is purely an academic question, but no one denies the right of the Senate as to amendment.

Mr. WARREN. I can not let the observation of the Senator from Massachusetts pass without correcting him. I made no such statement—that it does not apply to amounts as well as to legislation. The Senators I have quoted said while we have the right to amend but finally being unable to sustain, it was the duty of the Senate to recede.

Mr. LODGE. The distinction is that this is not an appropriation. This is legislation we are discussing here—pure legislation. If it had come over as a separate bill we could have put in every word after the enacting clause; we could have put in a new bill. I am not talking about adding new legislation. I am not talking about the powers of the Senate. I am talking about a very simple amendment to legislative provisions.

We have been constantly hearing of these Cavalry regiments. The Senate voted them in by an overwhelming majority, and I do not believe for a moment that either the House or the Senate would take the responsibility, in face of the situation in Mexico and in Cuba, of cutting down the regiments in that way.

I am not in the least afraid of our going to lose five regiments of Cavalry, because we stand for what we believe to be right and against objectionable legislation in a purely legislative part of the bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I should like to inquire of the Senator from Wyoming if he desires to go on with the appropriation bills?

Mr. WARREN. The matter at issue should be settled. I am ready that it should come to a vote now if others are.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to lay aside the unfinished business temporarily. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROOT. Mr. President, I shall vote against the adoption of this conference report, and I hope that the Senate will send the bill back to conference. My view is based chiefly upon the provision regarding the Chief of Staff. I had hoped that we could have a stand here on these appropriation bills in clear-cut and definite assertion of our view as to the putting of controverted legislation on appropriation bills. I think it is a very bad practice. It is exercising a kind of compulsion out of which we are very apt to get bad legislation.

But if that is not to be the case, I want to say that I recognize the patient and painstaking service of the managers of the conference on the part of the Senate. I think, if we are to have any legislation, in many respects that the conferees have brought about very material improvements of the terms of the bill as it came from the House. I think, however, that this provision about the Chief of Staff stands on a different footing from the others. It seems so to me.

I was glad to have learned, both from the statement of the Senator from Wyoming and the statement read by the Senator from Delaware, and to have made a matter of record what I already knew, that the Senate conferees yielded to this when it was proposed in the conference and that they did not originate it. It is presented rather in the nature of a price which the Senate is called upon to pay for peace, for agreements upon all other things which were matters of difference in the bill. We have presented to us an agreement upon the matters which were in the bill, disposing of them in one way and another. I think a fair give and take. We must give as well as take in conference, as the Senator from Wyoming well says.

Upon the question as between leaving the old law of three years' enlistment and the House provision for a five years' enlistment they compromised on four years. That is a fair compromise. I prefer the three years of the present law, but you can not have everything to please you if you are going into conference.

Upon the question about the Army posts, the provision for a board is plainly a compromise. The whole subject is disposed of, shoved out of controversy, by means of the appointment of a board to pass upon it and report.

But it seems to me that as the price of a series of agreements the Senate is now called upon to consent to something which never was in difference, to consent to the sacrifice of the officer who is now at the head of the General Staff, and to consent to the adoption of a rule limiting the appointment as Chief of Staff, which I believe to be radically bad, and I do not think we should pay that price. That is not a part of the ordinary give and take and compromise of a conference.

Let me say, in the first place, about this provision that as I read it, it is not limited to time of peace at all; it applies to war as well as peace.

Mr. WARREN. I hope the Senator will explain upon what language he bases that contention. I may not know what the English language means, and of course I should like to defer to the superior legal knowledge of the Senator, but as I understand the English language it does refer directly to it. It starts in with the word "hereafter" and goes on to say "except in time of war or when war is imminent," and so forth.

Mr. ROOT. I do not think it is very material, but that is the way I read it.

Mr. WARREN. I beg the Senator to remember that not only in the commencement, but he will find again down later on in the paragraph referring to the staff the same language is used, differentiating a time of war or threatened war and a time of peace.

Mr. ROOT. Here are the terms of the provision:

> That hereafter, except in time of war or when war is imminent—

That is an exception to the "hereafter"—

> no officer who shall have served 4 years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least 2 years with the line of the Army, neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve, as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line.

There are two quite separate and distinct provisions, one of them taking effect immediately with an exception, the other taking effect the 5th day of March, 1913, with no exception. It seems to me quite plain that there is no exception applying to this provision.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from New York yield to the Senator from Delaware?

Mr. ROOT. Certainly.

Mr. DU PONT. I will simply say that in the report as presented to us on the part of the House conferees it was understood by the conferees that it applied only to time of peace, and if the language is not very clear it is unfortunate. It was not intended to apply to time of war.

Mr. WARREN. I think if the Senator will read the whole amendment he will see that it applies to a time of peace.

Mr. ROOT. It is very long.

Mr. WARREN. I know it is long, and it is well guarded, I think.

Mr. ROOT. I do not find anything elsewhere in the amendment which it seems to me affects it.

Mr. WARREN. There is another clause which alludes again to a time of peace and a time of war.

Mr. ROOT. But not with reference to this appointment.

Mr. WARREN. It refers to the entire staff.

Mr. ROOT. Where is it?

Mr. WARREN. I have not the bill before me, but I remember it.

Mr. DU PONT. It is on page 67, before the word "provided." If the Senator from New York will permit me, I will read the language to which the Senator from Wyoming refers.

Mr. ROOT. That strengthens the view that I have taken. I knew it would. You perceive this exception to the time of war is not the language that I read applied to the provision prohibiting an officer who has served four years as Chief of Staff to be eligible for futher service until after he shall have served for at least two years in the line of the Army.

There is the exception of the time of war or when war is imminent. Here on the next page there is the same exception relating to the same subject:

And no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps, shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Mr. WARREN. Now, Mr. President, if I understand the English language, there is a paragraph which commences as the Senator has said—

That hereafter, except in time of war.

The Chief of Staff is a member of the staff. The Senator will admit that he is on the staff?

Mr. ROOT. Of course, he is.

Mr. WARREN. Now, we read along:

All officers of the line of the Army now detailed for service in any Staff Corps, or department, or in the General Staff Corps, shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct; and no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Mr. ROOT. Certainly; that is repeating, regarding all the officers of the same staff, the same rule regarding redetail and the same exception of time of war or imminence of war which is expressed regarding the Chief of Staff. When you come to the provision excluding any officer who has not served 10 years with troops, which is to take effect on the 5th of March, 1913, there is no such exception. But that is not a matter of such very great importance. The provision is a bad one and without just foundation. It is an injurious one when applied to time of peace, as well as when applied to time of war.

The Senator from Wyoming has spoken of the Chief of Staff as being a kind of military secretary to the Secretary of War. I must take leave to say that that involves an entire misconception of the function of the Chief of Staff. I do not think the Senator from Wyoming really meant that, because I am aware that he knows too well what the function is.

Mr. WARREN. I will say I get my ideas from reading the testimony in the hearings, the annual reports, and largely the reports of the Senator himself when he was Secretary of War.

Mr. ROOT. I will undertake to say that the Senator from Wyoming will not find a word in any report made by any Secretary of War prior to the 1st of February, 1904, which justifies any such view. The fact is that almost coincident with the creation of the General Staff there was a new arrangement made of bureaus in the War Department which consolidated the Office of Record and Pension and the office of The Adjutant General, and made that head of that office by name the Military Secretary. Subsequently the name of the Military Secretary established under that statute was changed back to Adjutant General, but it is The Adjutant General who is the Military Secretary of the Secretary of War. It is The Adjutant General who is to deal with the line of the Army. It is The Adjutant General who is to advise the Secretary of War upon all those matters of detail to which the Senator from Wyoming has referred.

Mr. WARREN. I will ask the Senator's permission to read into the RECORD exactly what he said on that point; then there will be no dispute.

Mr. ROOT. I should like to have an opportunity to see what the Senator is going to read in, because I may want to complete it by reading something else.

Mr. WARREN. The Senator probably remembers, as he was present when most of the discussions took place in the committee over the creation of this staff department, that, while I had some doubt——

Mr. ROOT. I remember the Senator was present and that he played a most important and useful part in bringing about that legislation.

Mr. WARREN. I thank the Senator for that; but I think I ought to say, notwithstanding that compliment, that I had some very serious objections in the first place, and they were not entirely removed; but the earnestness with which the honorable Secretary and others advanced the cause finally decided me that it was certainly worthy of trial. I have been a consistent and constant supporter of the staff as far as I could be when they were performing the duties that fell to them by law. We have been besieged at both ends of the Capitol and by different Congresses to repeal the General Staff law. The Senator knows that there has been on the floor of the Senate on the part of older Senators a great deal of opposition to it. I have said that it is time enough to abandon it after we had tried it out thoroughly. I am not prepared to abandon it now; but if the Chief of Staff and Staff Corps are to be placed as a juggernaut, to run over everybody else; if the Chief of Staff and the Staff Corps are to be placed where the Army is delivered helpless and handcuffed into their hands; if it is to be a dark alley, where everything that goes down there in the way of propositions or letters come out and we finally find it never has passed more than one person, I shall feel as if we at least ought to try to amend the law.

Now, the Senator may think that the staff is performing exactly the duties that he and I and others intend it should. I think quite generally it has, but I think on other occasions it has not; it has assumed duties it never was intended it should perform.

Mr. ROOT. Mr. President, of course it has been necessary that the process of adjustment should be passed through in the very great change from the old method of managing the Army to the new method of managing it with a General Staff. I do not doubt that in the course of that process there have been officers who have seized upon power which belonged to some one else. I think that that has happened in entirely different directions. Undoubtedly it requires a certain process of adjustment before the machinery will find itself.

But that has little bearing upon the present question. I think the Senator from Wyoming will agree with the proposition which I now make, and which I think I have always consistently made, that the object of the General Staff is not that it shall be an administrative bureau. The very feeling which the Senator from Wyoming has exhibited in regard to things which have been done by the General Staff or some of its officers runs in that very direction. The General Staff is not to be an administrative bureau. The General Staff is to perform the function of doing the thinking and the studying and the collection of information and to advise upon all the greater and more important questions which are involved in the management and the development of the Army, and the building up of a military system upon our American plan, which involves a simple, highly perfected nucleus which we call the Regular Army, with preparation to insure the efficiency of a greater Volunteer Army to be called into existence when need comes.

It was because there was nobody to do the thinking for the Army except the men who were borne down and overwhelmed by the burden of administration that it was considered necessary that we should have a General Staff, whose business it should be not to attend to the little chicken feed of the movement of officers here and there and visèing of routine papers, but who should be charged with the duty of studying and collecting information, of making plans, of considering how the Army should be organized, how the general problems of administration should be worked out, and how it should be put into effective operation when occasion arises.

Mr. President, this proposed piece of legislation looks in directly the contrary way. It makes necessary as a qualification for the Chief of Staff the possession of those very qualities which are the least important for the Chief of Staff. Your Adjutant General should have served with troops; the men who have to do with the details of the Army should have served with troops; but when you have to select the Chief of Staff, the man who is to advise the Commander in Chief of the Army upon all the military questions, the man who is to direct the military education of the Army, the man who is to direct the thinking and the studying and the planning of the Army, and then the proper use of the enormous sums that we are voting

from year to year against the time of need, it requires that brains should be sought for and the best and ablest man whom the President can find should be selected.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. WARREN. Does the Senator think the brains of the Army rest with the Staff Corps and not with the line?

Mr. DU PONT rose.

Mr. ROOT. I think that the brains of the Army rest sometimes in the staff, sometimes in the line, sometimes in the men who have served 10 years with troops, and sometimes with men who have not. I think it is of the highest importance for the welfare of our country and the effectiveness of this military force, upon which we are spending so many millions, that the President of the United States shall not be fettered and confined in his choice by any arbitrary rule like this. I yield to the Senator from Delaware.

Mr. DU PONT. I should like to ask the Senator from New York if, inasmuch as the law requires the Chief of Staff not only to perform the duties which he has so eloquently described, but also requires him to exercise general supervision over every bureau of the War Department, if the proper exercise of such supervision does not require the experience and the qualities which are determined by long professional service in the field?

Mr. ROOT. Mr. President, I think that the criterion which is set up in this proposed legislation is one of the very minor things necessary to enable the Chief of Staff to properly supervise the civil departments. The object of that supervision is to see that the civil departments do their part in the working of a great composite machine. What is necessary for the effective exercise of the supervision which is vested in the Chief of Staff is that we shall have a man of brains, a man of force, a big man and not a little man, who can see that the great machinery works smoothly and all the different parts are correlated and regulated so as to bring about an appropriate result.

Now, what does this provision do? In the first place, it puts a limit upon the President's right of choice, which will exclude from any possibility of ever being selected a half dozen of the best men in every class we have educated or are to educate at West Point. For more than a hundred years we have been educating young men to be officers of the Army. From 4 to 8 or 10 of the men who stand at the head of every class are put in the Engineering Corps, and we are now proposing to say by this legislation that the flower of the West Point education, that the first fruits of our military education shall be forever excluded from selection to the most important and responsible position in the American Army.

Mr. WARREN. Mr. President, we have so far, with perfect liberty to appoint anyone, refrained from selecting an officer of that corps for Chief of Staff.

Mr. ROOT. Yes; for 10 years. We are to say that the man who has shown the greatest executive capacity of any American in our generation, Col. Goethals, who is bringing credit upon all Americans at Panama, shall be ineligible for that place.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. WARREN. I do not believe that Col. Goethals would consider that it was any inhibition. I do not believe he desires that kind of a special place. Col. Goethals is more liable to be nominated President of the United States than he is to want to be Chief of Staff, and I am not certain but that I am one of those who would like to see him in that place. Higher places than that of a Chief of Staff are awaiting him. Unless I mistake the feeling of the American people he can be made Commander in Chief of the Army to-morrow, or he can be put at the head of the Corps of Engineers, which, in my judgment, is a much higher place than that of Chief of Staff. There is no extra pay attached to the Chief of Staff. The Chief of Staff should have ability; he should be an all-round man; he should not be a teacher of grammar only, where grammar and geography and everything else are to be studied and taught. He may be the most important man in his profession, but to a citizen Secretary of War it seems to me there should be an all-round officer, not one who has spent his entire service in engineering, not one who has spent his entire service in medicine or in the Paymaster General's office. He ought to be a man who has had some service and who possesses some acute knowledge of the ways and byways of the Army in the field, the fighting force.

Mr. ROOT. Mr. President, this is not a question of Col. Goethals. It is of no consequence whether Col. Goethals would want to be Chief of Staff or not. The question is whether we ought to adopt a rule by which we would arbitrarily exclude such officers from the selection of the President.

Mr. DU PONT. Would the Senator consider that rule to apply in time of war also? I do not so consider it.

Mr. ROOT. I will give my reasons for thinking so; but whether it applies in time of war or not, Mr. President, the function of Chief of Staff is to so advise the President and the Secretary of War that we will be prepared for war.

Heaven forbid that we shall go back to a plan under which we are to have a lot of officers who are good enough for time of peace, and then, the moment we get into war, dispose of them and get a lot of others, who come in fresh, without having had any opportunity for preparation for the work which they have to do. We are trying as best we can to make preparations, so that when war comes we shall be reasonably ready.

Mr. WARREN. Does the Senator entertain the same idea that he expressed when the staff was formed and since, that it ought to be passed around; that there ought to be different generals serve for three or four years, and then go to the line; or does he believe that we ought to put one man at the head and keep him there, reappointing him after every two-year interval?

Mr. ROOT. No, Mr. President; I fully agree with the provision which prevents the redetail of anyone to be Chief of Staff until after he has gone back and had two years of service with the line. I fully agree to that. I do not want to have a man go there and stay there. I want to get as many men as possible trained in this kind of staff work, which tends to make men competent to command armies, but that is quite a different thing from limiting the President's choice so that you are likely to eliminate the biggest and ablest men in the Army from the possibility of selection.

Mr. WARREN. Mr. President, I do not believe the Senator from New York wants to go on record that the biggest and ablest men in the Army are all in the staff.

Mr. ROOT. I certainly have never said anything to that effect.

Mr. WARREN. I was sure that the Senator would not, and I am sure he will say that it is a better policy if we can find capable generals enough to have many of them serve as Chief of Staff; and, by the way, all are excluded but generals. We want to keep that in view; there is no general proposition here. As the Senator has said, we can make officers brigadiers, but you can not make a brigadier general until there is an opening; you can not make a major general until there is a place for him. Therefore, if a colonel might be desired for the staff he could not be put on the staff now, nor could a lieutenant colonel. Col. Goethals accomplished his greatest feat while a major and lieutenant colonel. Officers below the grade of brigadier general have to wait, then, until there is a vacancy before they can become general officers. So the restrictions proposed were thought to be proper restrictions.

It seems to me—and I know the Senator agrees—that it is better, all things being equal, with sufficient material to mold into shape in the office of Chief of Staff, to train these men so that we may prepare them for war. Therefore, when a man has once served on the staff it is better for the Army that he should not serve again—unless in case of war, in which event it is open to all—so long as there are other men who can serve in the place to receive the benefit of the knowledge to be gained in that position, and also that the staff may receive fresh knowledge from the man who comes in from the outside.

Mr. ROOT. Mr. President, of course I did not mean to say that all the brains of the Army are in the staff, but I mean to say that a very considerable part of the men who presumptively are among the best in the Army would be excluded from the President's field of choice by this provision. I will say we ought not to make that exclusion without some good and sufficient cause.

Mr. WARREN. I should like to ask the Senator another question. It may be elementary. I was not satisfied with the staff law when it was passed as to one particular. When a general is appointed, or when any other officer is promoted or appointed, the nomination comes before the Senate for confirmation. The President can not promote a second lieutenant to be a first lieutenant until there is a vacancy, and he can not make a captain a major until there is a vacancy; it is restricted all the way up. It is restricted as to thousands of officers. It is idle to talk about unfairness in excluding half a dozen or three or four people from some certain position. They are all now excluded except general officers. The President of the United States could appoint one of the young men who stand at these doors, if he were of proper age, a brigadier general or a major general. That would come before the Senate, and if we should say "yes," he becomes such general officer. A

man might be appointed who was fitted for certain duties, who it was expected would perform those particular duties, and he would be confirmed. On the very next day, as it is now, he could be made Chief of Staff. We should, in my judgment, have provided that when an officer is made Chief of Staff his nomination should come in here as such and receive the confirmation of the Senate.

Mr. ROOT. Mr. President, I do not know that I should object to that, but that is not this question; that is not the subject that is here now.

Mr. WARREN. I allude to it because it is sought to leave the one most important door wide open while we are closing every other one.

Mr. ROOT. The question here is whether we shall exclude from the President's field of selection in the Army for this important office this great number of men, among whom he is likely to find the man of force and character and brains who is most needed for the place. I have mentioned Col. Goethals as an illustration of that proposition. I could mention others, for example, of the very ablest minds and strongest characters in the American Army to-day, outside of the Engineer Corps, men who would be included in this restriction.

Mr. WARREN. Will the Senator allow me to interrupt him there?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Wyoming?

Mr. ROOT. I do.

Mr. WARREN. The Senator is alluding now to men who are fast passing away, who are permanent staff officers under the legislation which he so ably champions, and which I so obediently followed, lamblike, as I always do. We discontinued the permanent staff and provided instead details into these staff places and a return to the line; and hereafter when they go to the staff for a Chief of Staff they will have a man who has served in the line, as he should have served.

It has been stated in high places, and reiterated in the newspapers, in the interest of two or three individuals, that this is personal legislation. If you will study it a moment, it will be seen that it is general legislation in the sense that it does not apply to persons as such, except that it may tread on the toes of a few now whom we shall be glad to take care of hereafter; but, so far as the future is concerned, these staff officers are all to be officers who will come within the restrictions proposed, because all will have served in the line and most of them in the staff also.

Mr. ROOT. They might and they might not.

Mr. President, it is but a short time, and a very few years, since my friend the Senator from Wyoming was distinguished here as a shepherd. I am glad to find that he has changed his character and become a lamb.

Mr. WARREN. Well, that was said much to my credit, but it was a compliment that I did not deserve. I retreated, lamblike, and I stand here now being bastinadoed, if I may use that word, as usual, and as the poor lamb usually does.

Mr. ROOT. Mr. President, I am afraid that the lamb met a wolf in conference. [Laughter.]

Mr. WARREN. It might be so. I only wish from the bottom of my heart that the Senator from New York had been one of the conferees in that long-drawn-out contest.

Mr. WILLIAMS. You think you are meeting wolves now, do you not?

Mr. WARREN. Not at all, except in the distance. Of course it is an ungracious and uncomfortable thing for a man to have to serve, supposedly with the confidence of a body of which he is a member, in long-drawn-out contests, where he has the House from its corner with its gloves on and sponges ready, and with the heads of the War Department from another corner, when they had originally been seemingly partners with the House, having cooperated with it in what, in substance, came in the House bill, and then to be dissected on this floor, as we are, by men of eminent qualities of law. I am reminded when I think of the many doctors in the Army, and so forth, that doctors and lawyers seldom ever agree. I think the Senator from New York will find very few lawyers in this body, illustrious a lawyer as he is, who will agree with his proposition that this is applicable, as the language here reads, in time of peace and not in time of war.

Mr. ROOT. I have tried to express my very high appreciation of the great part of the work which the managers on the part of the Senate did in the conference, and I hope the Senator from Wyoming will believe in the sincerity of my remarks.

Mr. WARREN. I do entirely, although the situation is very much plainer to the man who has been under the hobnailed shoes of conference for two or three weeks than it is to the Senator who simply looks over the result. I think there ought to be some consideration given to that. Sometimes we are lucky to be alive and to get out of a scrap in that way. Now, if the Senate believes that I am in the habit of allowing the other House to bulldoze me in conference, I hope that they may never again put the responsibility on me of going into such conferences, but I believe I have not that reputation, or I certainly do not have it upon the House side, whatever may be thought here.

Mr. ROOT. Well, Mr. President, I think that this piece of legislation is a price that we ought not to pay, and I put to the Senate the proposition that the history of the United States shows that the criterion which it is proposed to accept as a limit upon the President's right of selection is not a wise and a sound one, for it would have excluded Gen. George B. McClellan both on the score of service and——

Mr. WARREN. We had no such office then.

Mr. ROOT. I know; but if there had been he would have been excluded.

Mr. WARREN. The officers of that day are dead and gone. They held the offices to which they were eligible.

Mr. ROOT. Who would say that Gen. McClellan would not have made a good Chief of Staff? This restriction would have excluded Gen. Robert E. Lee. Will anyone say he would not have made a good Chief of Staff? It would have excluded Gen. Sheridan; it would have excluded Gen. Meade; it would have excluded Stonewall Jackson; it would have excluded Gen. Schofield, and a dozen others.

Mr. WARREN. All of whom had valiant service in wars and were eminently fitted therefor, and all of whom had the honors that came to them, and which, we hope, will come to officers in the future. There is no occasion to speak of them in connection with the present office of the Chief of Staff.

Mr. DU PONT. Mr. President, I think the statement about Gen. Schofield is erroneous. He was an Artillery officer, to my certain knowledge, for a great many years. I do not see how he could possibly have been excluded.

Mr. ROOT. I am so advised.

Mr. DU PONT. I have also been advised that this would not have excluded Gen. Sheridan.

Mr. WILLIAMS. Nor Gen. Lee.

Mr. WARREN. The Senator has been misadvised; that is all. I did not care to take up that point, but it is true, as my colleague on the committee [Mr. DU PONT] has stated, that there are several who are included in that list who would not have been excluded. Such statements make good newspaper reading, but they are not true.

Mr. ROOT. That may be. I asked for a memorandum as to the officers who did not comply with this criterion, and I read from the list which was furnished me from the War Department; and I read these names for the purpose of showing that the criterion proposed is not a just criterion, and that that limitation ought not to be put upon the President's selection, because the very men whom everyone will say would have been admirable chiefs of staff do not comply with it. It is imposing, instead of the criterion of brains, and character, and ability, the criterion of detailed service, which would be excellent as applied to the men who have to do with details, but of comparatively little use when applied to the men who have to deal with larger things.

Mr. President, that is the substance of what I have to say, except this: Why is this criterion proposed? The Senator from Wyoming and the Senator from Delaware have made a loyal fight for the conference report, including this provision which they did not propose, but to which they have yielded. Why is it proposed, when all of us now know, Mr. President, that it arose from personal considerations, and that you might as well adopt a provision saying that after the 5th day of March no man whose initials are L. W. should ever be detailed as Chief of Staff?

Mr. WARREN. Mr. President, I wish to say that the Senator may have information which I do not have, but I think the conferees on both sides will bear me out in the statement that not a disrespectful word was said in any of the meetings of the conferees, nor was there anything said there which could have given offense to the officer whose initials the Senator has stated. There was no feeling shown, to my knowledge, on the part of the conferees, but, on the contrary, the records of this Senate will show where my friendships have been and where my efforts have been in upholding the officer referred to on many occasions, and on at least two occasions when severe contention followed proposed promotion. There was, as I have stated, not a disrespectful word; there was no reference whatever to the differences that may have occurred heretofore, and they were not considered and had no place in conference.

Mr. JOHNSTON of Alabama. Mr. President, the Senator from New York and the Senator from Massachusetts seem to have objections to legislation on an appropriation bill. That does not appeal to me if it is good legislation and has been considered by the Senate; but the provision that has been adopted here was never considered either by the Senate or by its Committee on Military Affairs, and was never discussed by either. The question now comes up, and without any consideration whatever as to its details by the Senate or the committee it is proposed now to act upon it. If it were a good provision, I should not object, but I do not think it a good one. I prefer the House provision to that of the conferees. I think the House provision is very much better than the one agreed to by the conferees. That provision adopted the old law in this respect entirely, and made no change; it prescribed no qualifications for the Chief of Staff that had not heretofore prevailed; and it required no number of years' service in the line below the rank of colonel, as does this report.

I do not think, Mr. President, such a radical departure from the old law should be made by the conferees without taking the sense either of the Committee on Military Affairs or of the Senate. I object to it because it seems to be personal legislation. There are only two or three officers who would now be eligible for appointment who are eliminated from possible appointment forever. If we are to surrender the many provisions that have been surrendered by the committee in conference for the single purpose of saving the Cavalry, I think we have surrendered more than we got; it seems to me that the Senate saved the Cavalry and the House rode off on the horses.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. JOHNSTON of Alabama. I yield.

Mr. WARREN. The Senator ought to know that it is not true that a trade of that kind was made.

Mr. JOHNSTON of Alabama. I say the Senate saved the Cavalry and the House rode off on the horses.

Mr. WARREN. I am alluding to the Senator's expression just before that, that we had traded for the Cavalry about everything else.

Mr. JOHNSTON of Alabama. I did not say "trade" at all.

Mr. WARREN. Then, I misunderstood the Senator.

Mr. JOHNSTON of Alabama. I said we surrendered more valuable things than we received.

Mr. WARREN. That is a matter of opinion; but the Senate, of course, will express its opinion as to that.

Mr. JOHNSTON of Alabama. Yes; and I am expressing my opinion now. I object to this conference report in regard to the supply department, because it does a great injustice to many good officers who have served long and faithfully, who ought to be considered. I think preferences have been given that should not have been given. I believe, Mr. President, that the Senate has a right to consider all these matters that have been agreed to in conference, and, if it does not approve of them, it ought to send the bill back to conference.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. JOHNSTON of Alabama. Certainly.

Mr. WARREN. I will say to the Senator that I take no issue with him about whether the Senate sends it back or not; but it so happens that as to the amalgamation of certain departments of the Army, and the relation of those offices one with another, we succumbed to the entreaties of the department and put them in the way proposed, rather than to undertake to equalize them in any other way. That was done not only according to the law but according to the expressions that we received from the department.

Mr. JOHNSTON of Alabama. Yes; but I think the conferees overlooked many matters in that connection in the haste of the conference. I have no doubt the Senator would have been glad to have provided that no injustice be done anywhere; but legislation can not be had in conference as it can in the open Senate, and what I object to is that this legislation has never been considered by the Senate and never considered by the Committee on Military Affairs, who had charge of the bill. I shall therefore vote to send the bill back to conference.

Mr. CULBERSON. Mr. President, I simply want to ask a question of the Senator from Wyoming. So far the conference report has been discussed apparently from the standpoint of one officer. I will ask the Senator what this bill does in the way of reducing the Army expenses to the people of the United States below the bill of last year?

Mr. WARREN. As I remember, this bill is something like two or three million dollars, and perhaps $4,000,000, less than the bill of last year.

Mr. DU PONT. Mr. President, the chairman of the Military Affairs Committee of the House has said in his report to the House that this bill reduces expenditures about $10,000,000. That is his estimate.

Mr. BRISTOW. Mr. President, speaking of the reduction of expenses, the Senator from Wyoming offered as one of the reasons why the provision that has been under discussion was accepted, that it was necessary in order to save a decrease in the number of salaries. If it is a question of increasing or decreasing salaries, that ought to be settled on its merits. If the salaries ought to be decreased, they ought to be decreased; if they should not be decreased, then they should not be decreased; but we should not incorporate into a conference report legislation that was neither in the bill as it passed the House nor in the bill as it passed the Senate in order to save either an increase or a decrease of salaries.

The Senator also said that it was necessary to accept this report in order to save the five regiments of Cavalry. Well, as to whether or not the five regiments should be saved or lost is a question that ought to be decided on its own merits.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. BRISTOW. I do.

Mr. WARREN. The Senator puts it rather pointedly. I will say that, in order to compose the differences, there had to be a general understanding all along the line, each matter being taken up tentatively, and nothing of importance could be settled until all were settled. That is all I intended to imply, but I do say that, in my judgment, the essential points valuable to the service were retained a great deal more largely by the Senate than by the House. That is my opinion.

Mr. BRISTOW. I simply rose to say that all the disputed questions which the Senator says have been yielded ought to have been settled upon the merits of each particular question. To bring into the bill a legislative provision which neither the Senate nor the committee had any opportunity to consider and then require us to take it or not, without any opportunity for amendment, it seems to me is unfair and unjust.

Mr. WILLIAMS. Mr. President, undoubtedly the Senator from Kansas is right when he says that the question of salaries is a question to be considered upon its merits; that the question of the consolidation of the quartermaster service and the commissary service is a question to be considered upon its merits; and that the question of the five regiments of Cavalry is a question to be considered upon its merits; but, undoubtedly, the Senator is absolutely wrong in his omissions or pretermissions. It is true that these questions are to be considered upon their merits; but by whom? Not by the Senate alone. The House is an equal and coordinate body with us; they have a right to consider these questions upon their merits, and they did so consider them, or, at least, it is our duty to assume that they did. They sent a bill here. A conference is held and the contending parties meet, each having considered each question upon its merits and each having come to a conclusion, each conclusion being worthy of equal consideration.

Mr. President, it would make the gods themselves upon Olympus roar with laughter to hear the Senator from Massachusetts this morning when he dramatically and rhetorically exclaimed, "The Senate of the United States has some rights!" For a man who has served here for years in either of these two bodies it is a well-known and a notorious fact that, as a rule, the House in conference surrenders. Thomas Jefferson long ago predicted that that would be the case, because, he said, the Senators, with their longer tenure of office, most of them living in the city of Washington in their own houses, would never be impatient about going home, while Members of the House, living elsewhere, would be impatient about going home, and that in an extended struggle between the two Houses the Senate would generally prevail.

This country never has been injured thus far by the House prevailing in conference, because it has seldom prevailed. It has been injured in a very great many cases by the fact that the Members of the House, anxious to go home, would give up principles well worthy contention in order that they might go home, especially in years when a campaign was on hand; and, of course, they have to run every other year.

Whatever may be the merits of this particular clause of the conference report, taking it all in all, I confess that I have some doubt about it. I have at least this extent of doubt about it: If I thought this clause of the conference report—section 5—was a

blow aimed at Gen. Leonard Wood—and there is no reason why his name should not be mentioned, if gentlemen have it in their minds—I for one would not strike the blow. I think the man is pretty nearly a genius. I think he is a man with an immense lot of brain, and that he is very well fitted for just exactly the sort of work he is doing right now.

Moreover, if I thought this clause would hamper or fetter the President in time of war, when a man always wants to prove his worthiness for action upon the battle field or in a campaign, I should not vote for it at all. I do not think it will do so, however; and I will tell you why in a moment.

But before I say that I want to say this, Mr. President: I never heard of but one war or campaign being won by a staff; and it happened in that case that the chief of staff was also the general in command of the army. That was when Von Moltke invaded France.

Take our late War between the States. The generals on both sides would have been infinitely better off in a great many cases if their staffs at Washington and Richmond had let them alone. The most ridiculous thing in the history of the world was the old Aulic Council of the Austrian Empire, sitting down in Vienna, drawing plans, and expecting Napoleon Bonaparte to pay some attention to them, which he did not do.

I am thoroughly of the opinion that a segregated staff is a misfortune. I am thoroughly of the opinion that the men who serve upon the staff and the men who serve in the line ought to be going backward and forward all the time; and that every man in the Army, of the requisite rank, ought to have an opportunity to master the staff function and an equal opportunity to master the line function.

In time of war all rules and regulations are abrogated. If, in time of war, a man made himself known, as Stonewall Jackson did in the valley campaign, or as Napoleon Bonaparte did in his first Italian campaign, or as Bedford Forrest did—a man who had never had a day's training in soldiery—a wise Executive would advance him and promote him. The life of an army in time of war is the principle Napoleon laid down when he said he wanted each private soldier to believe he carried a marshal's baton in his knapsack.

But that does not hold good at all in time of peace. You can not go around guessing at who has military genius. There is no opportunity in time of peace to show whether a man has or has not military genius. Napoleon Bonaparte would have been a very bad soldier in a peace establishment—crabbed, irritable, impatient, insubordinate. Many another great soldier would have been exactly in the same shoes.

Coming now to the question whether this language applies to war or not; the Senator from New York has said it does. I very much dislike to differ from one of such clear and lucid powers of expression, and who, therefore, is to be presumed to be equally capable of deciphering another man's expressions. But there is no doubt about the meaning of this language. Let us see what it is:

That hereafter, except in time of war or when war is imminent, no officer who, etc.

What have you in what I have read? You have, first, the condition of time. You have, second, the condition of exception. You have, third, the subject of the sentence. That subject continues to be the subject of the sentence until the sentence concludes.

Now, let us go along a little bit further:

Hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible—

And so on, until you get to the comma.

Neither shall any officer—

You have there the words "no" and "neither." The "neither" refers back to the "no," of course; and both of them refer to the condition of time, the condition of exception, and the subject of the sentence.

If this had read, "neither shall he, after the 5th of March, 1913, be," and so forth, nobody would have raised the point. But the conferees have repeated the subject in words, "no officer," "neither shall any officer." If they had happened to say "neither shall he," there would not have been any doubt at all in the mind of the Senator from New York.

There is not the slightest doubt about the fact that this language does not apply to a time when war is either on or imminent. Therefore it would not prevent the President of the United States from recognizing the capacity and genius of some man who, in the throes of war, had shown himself fit to contend with circumstances and who, in the very tumult of war, had shown himself fit to face it with a master's eye, a master's foresight, and a master's hand.

Military genius is a very peculiar thing. In few wars have accomplished engineers made great generals. Perhaps the greatest engineer upon the Confederate side in the war between the States was P. G. T. Beauregard, who never was a success in the field. Gen. Lee was an exception—a great engineer and a great general in the field as well. Grant did not belong to the Engineer Corps; Phil Sheridan did not.

Mr. DU PONT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. WILLIAMS. I do.

Mr. DU PONT. I should like to call the attention of the Senator from Mississippi to the fact that Gen. Lee served for five years in the line.

Mr. WILLIAMS. I know it. Gen. Lee served for 10 or 12 years in the line altogether.

Mr. DU PONT. My point was that his service was not exclusively as an engineer.

Mr. WILLIAMS. I say he was one of the few men who was great in both capacities. The engineering work that he did at Charleston, right at the beginning of the war, was so absolutely complete that although Charleston was one of the places eagerly sought by the Federal Army for political as well as for strategical purposes it was one of the last to give way. Yet in the field Gen. Lee was the equal of almost anybody as a strategist and a tactician.

Napoleon Bonaparte was a very good engineer and a very great general. Stonewall Jackson was not a great engineer; Grant was not; Sheridan was not; and while I do not remember about Sherman, I do not think he was. I do not think he ever went into the Engineer Corps.

Mr. DU PONT. He was an Artillery officer.

Mr. WILLIAMS. He was in the Artillery, and did not graduate at West Point into the Engineer Corps, did he?

Mr. DU PONT. No; he did not.

Mr. WILLIAMS. I thought not.

The point I am trying to make is that a peace establishment and a war establishment necessarily must be different. They ought not to be different if you could find out the men in time of peace; but you can not. They have had no opportunity to prove themselves.

The Senator from New York says he would hate to have things in such a condition that when a war came we would have to displace incompetent men in the staff and replace them with competent men. So would I. But it is one of the chances you must take, because you have no way of absolutely finding out what men are competent upon the field of battle except when you give them the field of battle, nor what men are competent as tacticians and strategists in a campaign unless you face them with a campaign.

As I said a moment ago, Von Moltke was the only great chief of staff I ever heard of who at the same time was a general in command of an army. His was the only campaign in history that I recall now that was ever won by a staff officer's plan. In that case he was great in both capacities, and that was probably the reason of his success.

Mr. BRISTOW. The Senator from Mississippi has referred to the remarks I made in regard to the settlement of the question of salaries upon its merits, and the settlement of the question of the five regiments of Cavalry upon its merits.

I did not desire to convey the idea that the House has not its rights, just as the Senate has. Of course that is recognized. But when there is a difference between the House and the Senate as to the size of the Cavalry branch of the service, as to the number of regiments of Cavalry the Army ought to have, the question is one for the House and the Senate to decide. Certainly it is not justifiable to yield a point as to the Cavalry we need in order to secure some other provision as to who shall be eligible to the office of Chief of Staff. And the same may be true of the salaries to be paid.

I am in hearty accord with what the Senator said in discussing the promotion that officers receive in time of war for gallantry and meritorious service. But here is a provision in the bill that would prevent the President from appointing to the highest and most responsible office in the Army, that of Chief of Staff, a man who, by meritorious service in the line in time of war, has rendered valuable service to the country. Why should Congress incorporate in this bill a provision that would make it impossible for the President to appoint Gen. Funston Chief of Staff if, in his judgment, it should be desirable to do so?

The Senator from Wyoming says he is perfectly willing to make an exception in behalf of Gen. Funston. I think that is a recognition of the merits of a very worthy and efficient man. But this is general legislation; and in the future other men will distinguish themselves as Gen. Funston has. We ought not to have a provision in the bill that will render them ineligible to high promotion in time of peace. The fact

that a man renders conspicuous service in time of war is a reason, of course, why he should be promoted in time of war, but that does not justify us in passing a law that will prevent a proper recognition of that man in time of peace.

Mr. HITCHCOCK. Mr. President, I want to say a word in opposition to the conference report.

As a member of the Committee on Military Affairs I had some little interest in the makeup of the bill. If I had followed my own disposition it would have been to sustain some, possibly all, of the legislation proposed by the House of Representatives. It was decided in committee, and it was decided on the floor of the Senate, that we would take a position against legislating in this appropriation bill, and practically speaking, the legislation was cut out upon that understanding.

The bill went into conference, and it now comes back to the Senate. Instead of containing legislation proposed by the House of Representatives, discussed in public, weighed in public, and voted on in public, it now contains legislation agreed upon by the conferees, who certainly ought to have no power to present such new legislation to the Senate in the absence of any opportunity to consider it, in the absence of any opportunity to amend it, and without any information as to how the Senate stands upon that legislation.

I agree with what has been said against the proposition contained in the conference report, which practically can be construed as nothing more nor less than an attack upon Gen. Wood. I have no particularly strong partisan feeling for Gen. Wood; but I think it is a misuse of legislation, particularly of legislation by a conference committee, to single out an officer of the Army and disqualify him from further continuance in his office or for reappointment to his office.

But that is not all that I find fault with in the conference committee report. The conference committee not only usurps the functions of the House and the Senate in creating new legislation, but it assumes executive functions. It names and appoints a board of retired officers to constitute, with two Senators and two Members of the House of Representatives, a commission to take into consideration the military posts of the United States.

If it had been found proper by the conference committee to make that radical change in the House and Senate bill by the creation of a commission, it at least might have left the selection of the members of the commission to the War Department or to the President. But the conference committee has specifically named the officers of the Army who shall constitute that commission.

Mr. BRISTOW. If the Senator will yield——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. HITCHCOCK. Certainly.

Mr. BRISTOW. Let me suggest, also, that it might have been left to the President of the Senate and the Speaker of the House to name the persons who shall represent the Senate and the House. I thoroughly agree with the Senator from Nebraska that the report simply incorporates in the bill the names of the officers that the conferees want appointed on the commission.

Mr. HITCHCOCK. Certainly the conference committee went outside of its proper functions when it undertook to select the officers of the Army who shall constitute this commission.

The same conferees provide that there shall be selected two Senators from the Military Affairs Committee of the Senate and two Representatives from the Military Affairs Committee of the House to act with the military officers. I am rather surprised that they did not also name the Senators. They are certainly more qualified to judge as to the fitness of Senators to sit upon the commission than they are to judge of the fitness of military officers to represent the War Department upon the commission.

So, Mr. President, I object to this conference report, in the first place, because the Military Affairs Committee took such action as to indicate that it was against legislation; and I, for one, if I were up against the necessity of accepting legislation, would much prefer to accept the legislation proposed by the House of Representatives rather than the legislation proposed by the conference committee.

I want to say to the Senator from Texas, who raised the point here a few moments ago, that the conference report does work some economy in the expenditures of the War Department, to the extent, I think, of some $2,000,000. Yet the fact is that the House bill, if it had been accepted in the form in which it came to the Senate, would have saved some $10,000,000. So, if there is any argument of economy, in my opinion, the House bill, with its legislation, would have been infinitely preferable to the bill which has come from the committee of conference.

I also agree with what the Senator from Alabama says, that in the midst of this legislation, which is evidently designed to strike down some officers and promote other officers, an attempt apparently has been made to discriminate against the departments to be consolidated into the supply department; and the strange anomaly in legislation is proposed that the first head of the Supply Department shall be a major general, whereas upon his retirement only a brigadier general shall be named to succeed him. Upon its face, in the absence of any explanation, that looks like an attempt to legislate in favor of one particular officer of the Army. I do not know that it is. I do not charge that it is.

Mr. WARREN. Mr. President, I wish the Senator would be consistent with himself. A moment ago he accused the committee of naming men. He now accuses it of naming men when they are not named.

I have no more idea than has the Senator whom the President may appoint as chief of this department. The House bill, as it came to us, provided that the office should be held by a major general continually. We believed that the first man, whoever he may be—and we had confidence that the President will select a man who has had experience in some of those staffs—deserves better than those that may follow him, in that he will have the first organization of the great bulk of the work, and will have to exercise the great skill that will be necessary to amalgamate those departments.

We of the Senate demanded that this officer should be a brigadier general only. But as between a brigadier general only, for all time, and the House proposition to have a major general for all time, the Senator will see that we did not transcend any bounds of proper conference when we compromised and said it should be a major general during the period of construction and afterwards a brigadier general.

Mr. HITCHCOCK. I hope when the matter again goes to conference the Senator from Wyoming, on behalf of the Senate, will insist that the office shall be held by a brigadier general. If that insistence is made effective I believe it will be a sufficient answer to the rumors, which have been universal, that the major generalship is intended for a particular individual who is favored by certain parties in important position. I have not charged that the Senator from Wyoming nor any member of the Senate committee——

Mr. WARREN. I will say to the Senator that I have been a constant reader of the newspapers, and I have knocked about quite a good deal among Senators and others, but the Senator is alluding to what I have never heard alluded to by anybody else—that some particular man is selected for that position. I do not believe that to be accurate.

Mr. HITCHCOCK. I think it will be sufficient assurance that that will not occur if the opportunity for promotion is not offered—if the head of the department is required to be a brigadier general at first as well as at any subsequent time.

Mr. WARREN. In fact, I do not know now to whom the Senator is alluding. I have not the faintest idea.

Mr. HITCHCOCK. I do not propose to tell the Senator, although it is a matter which has been talked of so generally, that I am very much surprised that it has not reached his ears; but, in any event, there is no reason that the Senator from Wyoming can advance—and I understand from the position he takes that he does not believe there is any defense for it—why the first head of that new department should be a major general, except for the purpose of giving a promotion to a certain individual.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BRISTOW. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is paired with the senior Senator from Missouri [Mr. STONE]. I understand that both those Senators would, if present, vote for the adoption of the conference report.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE]. I will therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I will withhold my vote.

Mr. MARTIN of Virginia (when Mr. LEA's name was called). The Senator from Tennessee [Mr. LEA] is unavoidably absent owing to affliction in his family. He is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BRANDEGEE]. In his absence, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], and I therefore withhold my vote.

Mr. POMERENE (when his name was called). On this question I am paired with the junior Senator from Tennessee [Mr. SAUNDERS] and withhold my vote.

Mr. RAYNER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. SUTHERLAND]. The senior Senator from Massachusetts [Mr. LODGE] informs me that the junior Senator from Utah would vote "nay" if present. So I will vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent. If present, he would vote "yea." I understand that he is paired with the junior Senator from South Carolina [Mr. SMITH], who would also vote "yea" if present.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am advised that if he were present he would vote as I should vote. I will therefore vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. If he were present, I should vote "yea."

Mr. TOWNSEND (when his name was called). I am paired on this vote with the junior Senator from Indiana [Mr. KERN]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arkansas [Mr. DAVIS], and I desire to vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I wish to inquire if he has voted.

The VICE PRESIDENT. He has not.

Mr. BURNHAM. Then I withhold my vote, as I am paired with that Senator.

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate.

The result was announced—yeas 27, nays 24, as follows:

YEAS—27.

Bourne	Fletcher	Martine, N. J.	Simmons
Catron	Foster	Myers	Swanson
Chamberlain	Gronna	Oliver	Tillman
Crawford	Lorimer	Overman	Warren
Culberson	McCumber	Page	Wetmore
Cullom	McLean	Perkins	Williams
Dillingham	Martin, Va.	Shively	

NAYS—24.

Ashurst	Chilton	Jones	Root
Bacon	Cummins	Lodge	Smith, Ga.
Bradley	Gore	Percy	Smoot
Bristow	Hitchcock	Poindexter	Stephenson
Brown	Johnson, Me.	Rayner	Thornton
Clarton	Johnston, Ala.	Reed	Works

NOT VOTING—43.

Bailey	Curtis	Kern	Richardson
Bankhead	Davis	La Follette	Sanders
Borah	Dixon	Lea	Smith, Ariz.
Brandegee	du Pont	Lippitt	Smith, Md.
Briggs	Fall	Nelson	Smith, Mich.
Brown	Gallinger	Newlands	Smith, S. C.
Burnham	Gamble	O'Gorman	Stone
Clapp	Gardner	Owen	Sutherland
Clark, Wyo.	Guggenheim	Paynter	Townsend
Clarke, Ark.	Hoxburn	Penrose	Watson
Crane	Kenyon	Pomerene	

So the report of the committee of conference was agreed to.

Mr. DU PONT. I understand that I am not recorded on the vote just taken. I desire to inquire if that is correct.

The VICE PRESIDENT. The Senator from Delaware is not recorded.

Mr. DU PONT. I ask unanimous consent to record my vote.

The VICE PRESIDENT. That can not now be done.

Mr. DU PONT. I will say that if my name had been called I would have voted in the affirmative.

The VICE PRESIDENT. The Senator's name was called.

Mr. DU PONT. I was present in the Chamber. Then I could not have heard it.

PUBLIC BUILDING AT LAS CRUCES, N. MEX.

Mr. WARREN. Before I ask the Senate to proceed with the legislative appropriation bill I yield to the Senator from New Mexico [Mr. CATRON], who has a bill he wishes to call up.

Mr. CATRON. I ask unanimous consent to call up the bill (S. 6745) to provide for the erection of a Federal building in Las Cruces, N. Mex.

The VICE PRESIDENT. The bill will be read for information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 9, before the word "thousand," to strike out "seventy-five" and insert "ten," and in line 10, after the word "dollars," to strike out the remainder of the bill in the following words, "and there is hereby appropriated the amount of one hundred and seventy-five thousand dollars for such construction," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable building for the use and accommodation of the United States post office, United States court and land office, and other Government offices in Las Cruces, Dona Ana County, N. Mex., upon the site heretofore authorized, at a total cost of not more than $110,000.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that House bill 24023 be now proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will begin the reading at the point where it was discontinued.

The reading of the bill was resumed at page 124, line 14.

The next amendment of the Committee on Appropriations was, under the head of "Department of Justice," on page 124, line 17, before the words "Assistant Attorneys General," to strike out "six" and insert "seven"; in line 21, before the word "attorneys," to strike out "three" and insert "four"; in line 22, after the word "arising," to strike out "therefrom" and insert "from such condemnation proceedings"; on page 125, line 4, after the word "attorneys," to insert "one at $4,000"; in line 5, after the word "each," to strike out "one at $2,500" and insert "two, at $2,500 each"; in line 13, after the word "law clerks," to insert "one at $2,500"; in line 18, before the words "disbursing clerk," to insert "assistant superintendent of prisons, $2,000"; in line 19, after the words "Chief of," to strike out "division" and insert "Bureau"; in line 21, after the sum "$1,800," to insert "clerk to also act as disbursing clerk during absence of the disbursing clerk, $2,000; clerk in charge, Division of Mail and Files, $2,000; clerk in charge, Division of Supplies, $2,000"; on page 126, line 1, before the words "of class 4," to strike out "eight" and insert "four"; in the same line, before the words "of class 2," to strike out "six," and insert "seven"; in line 2, before the words "of class 1," to strike out "fifteen" and insert "sixteen"; in the same line, before the words "at $1,000 each," to strike out "thirteen" and insert "fifteen"; in line 3, before the words "at $900 each," to strike out "twenty" and insert "twenty-two"; in the same line, after the word "each," to insert "clerk in charge stenographic division, $1,600"; in line 5, before the word "messengers," to strike out "five" and insert "seven"; and in line 13, after the words "in all," to strike out "$407,610" and insert "$437,090," so as to make the clause read:

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $7,000; 7 Assistant Attorneys General, at $5,000 each; Assistant Attorney General of the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 4 attorneys, at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 at $4,000, 1 at $3,750, 3 at $3,500 each, 1 at $3,250, 12 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 at $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 at $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,600; stenographer to the Solicitor General, $1,600; law clerks—1 at $2,500, 3 at $2,000 each, 2 of class 4, clerk in

office of the Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; assistant superintendent of prisons, $2,000; disbursing clerk, $2,750; appointment clerk, $2,000; Chief of Bureau of Investigation, $3,500; examiners—3 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, 3 at $1,800 each; librarian, $1,800; clerk, to also act as disbursing clerk during the absence of the disbursing clerk, $2,000; clerk in charge, Division of Mail and Files, $2,000; clerk in charge, Division of Supplies, $2,000; clerks—4 of class 4, 12 of class 3, 7 of class 2, 16 of class 1, 15 at $1,000 each, 22 at $900 each; clerk in charge, stenographic division, $1,600; chief messenger, $1,000; packer, $900; messenger, $900; 7 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $840; 22 charwomen. Division of Accounts; Chief of Division of Accounts, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4, 4 of class 3, 6 of class 2, 5 of class 1, 2 at $900 each; in all, $437,090.

The amendment was agreed to.

The next amendment was, on page 126, after line 13, to strike out:

The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that Department.

The amendment was agreed to.

The next amendment was, on page 127, line 5, after the word "exceeding," to strike out "$50" and insert "$200," so as to make the clause read:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car tickets not exceeding $200, and other necessaries, directly ordered by the Attorney General, $25,000.

The amendment was agreed to.

The next amendment was, on page 127, line 9, after the words "repairs of," to strike out "wagons" and insert "vehicles," so as to make the clause read:

For official transportation, including purchase and exchange, keep, and shoeing of animals, and purchase, exchange, and repairs of vehicles and harness, $2,500.

The amendment was agreed to.

The next amendment was, on page 127, line 11, after the words "Department of Justice," to strike out "$31,580.40" and insert "$32,200," so as to make the clause read:

For the rent of buildings and parts of buildings in the District of Columbia used by the Department of Justice, $32,200.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 128, line 6, after the word "superintendent," to strike out "$3,000" and insert "$3,500"; in line 7, after the sum "$3,000," to insert "deputy disbursing clerk, $2,000"; in line 10, before the words "of class 4," to strike out "ten" and insert "nine"; in line 11, before the words "of class 2," to strike out "twelve" and insert "thirteen"; in the same line, before the words "of class 1," to strike out "eleven" and insert "twelve"; in the same line, before the words "at $1,000 each," to strike out "ten" and insert "eleven"; in line 15, after the sum "$1,000," to insert "forewoman of char force, $840"; in line 18, before the word "laborers," to strike out "eighteen" and insert "seventeen"; in line 19, after the words "chief watchman," to strike out "$900" and insert "$1,000"; and in line 20, after the words "in all," to strike out "$170,300" and insert "$174,880," so as to make the clause read:

Office of the Secretary: Secretary of Commerce and Labor, $12,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,800; private secretary to Assistant Secretary, $2,100; chief clerk and superintendent, $3,500; disbursing clerk, $3,000; deputy disbursing clerk, $2,000; Chief of Appointment Division, $2,500; Chief, Division of Publications, $2,500; Chief, Division of Supplies, $2,100; clerks—9 of class 4, 11 of class 3, 13 of class 2, 12 of class 1, 11 at $1,000 each, 6 at $900 each; 2 telephone operators, at $720 each; messenger to the Secretary, $1,000; 5 messengers; 10 assistant messengers; 7 messenger boys, at $480 each; engineer, $1,000; forewoman of char force, $840; 3 skilled laborers, at $840 each; 2 conductors of elevators, at $720 each; 2 firemen, at $660 each; 17 laborers; 5 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $1,000; 11 watchmen; 18 charwomen; in all, $174,880.

The amendment was agreed to.

The next amendment was, on page 129, after line 18, to strike out:

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, on page 129, line 23, after the words "chief clerk," to strike out "$3,000" and insert "$3,250," and, on page 130, line 4, after the words "in all," to strike out "$102,160" and insert "$102,410," so as to make the clause read:

Bureau of Labor: Commissioner of Labor, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,250; 4 statistical experts, at $2,000 each; clerks—5 of class 4, 5 of class 3, 6 of class 2, 12 of class 1, 9 at $1,000 each; 2 copyists; 2 assistant messengers; 2 laborers; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; in all, $102,410.

The amendment was agreed to.

The next amendment was, in the items under the subhead "Bureau of Labor," on page 130, line 9, after the word "assistance," to insert "to be paid at the rate of not exceeding $6 per day," so as to make the clause read:

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $6 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein, $64,090.

Mr. WARREN. I move to amend the amendment by increasing the amount from $6 to $7.50.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 10, before the word "dollars," strike out "$6" and insert "$7.50," so as to read:

To be paid at the rate of not exceeding $7.50 per day.

Mr. OVERMAN. Being on the committee and being the author of the amendment, I will state that I have no objection to the amendment to the amendment. I understand the chairman of the committee agrees that I shall introduce an amendment to come in at the end of the bill providing that hereafter no salary shall be increased by a lump sum.

Mr. WARREN. I shall not object to that.

Mr. OVERMAN. I have found, on an examination, that the salary of one man there has been increased from $1,800 to $2,780, of another from $2,000 to $2,780, of another from $2,000 to $2,525, of another from $2,000 to $2,280, and of another from $1,800 to $2,000, besides others ranging from $1,600 up. If we fix this rate, it will give them about the salary they are now receiving, and I propose at the end of the bill to offer an amendment providing that no salary shall be increased from a lump sum.

Mr. CUMMINS. The amendment proposed by the committee as printed fixes the limit at $6 a day. I think it ought to be $8 a day. I do not think it ought to be split between what is really desired and what the committee has reported. I do not think that the work which has been done and which is expected to be done by these experts can be procured for $7 a day.

Mr. OVERMAN. We figured it out that at $7.50 a day it is just about the salary they are now getting.

Mr. CUMMINS. I believe the commissioner ought to have the power to go to $8 per day. I move to strike out "$7.50" and insert "$8." That is the law now.

The VICE PRESIDENT. As there is an amendment to the amendment now pending, it would be necessary first to vote upon the amendment to the amendment.

Mr. WARREN. The Senator from Iowa says it is the law now. Where does he find that law?

Mr. CUMMINS. I am advised that it is in the law now. I can not give the book and the page of the law.

Mr. WARREN. I do not understand that there is any law about it. I understand it could be $20 or any other sum.

Mr. OVERMAN. He can make it $400 a day if he wants to.

Mr. CUMMINS. I am not so advised. I will not assert it positively, because I do not know.

Mr. OVERMAN. I think the Senator is mistaken about there being any provision fixing the amount of per diem.

Mr. CUMMINS. I may be. I do not assert it on my own examination of the question, but only upon information.

Mr. OVERMAN. It is unlimited, as it is now.

Mr. CRAWFORD. May I inquire if this sum of $7.50 or $8, as the Senator from Iowa proposes, will leave the compensation of the experts in this bureau about as they are now or will it amount to a reduction?

Mr. OVERMAN. What is proposed by the Senator from Wyoming is about the same as the amount they now receive, as I calculate it.

Mr. CRAWFORD. I make the inquiry because I think it would be poor economy, indeed, to reduce the compensation of the class of men upon whose reports we must rely in many, many very important matters of legislation. I doubt the wisdom of the economy that would reduce the compensation of that class of men.

Mr. WARREN. It was not the idea of the committee, I think, to make a reduction. The Senator from Utah [Mr. SMOOT] has the figures.

Mr. SMOOT. The change of amount from $6 to $7.50 per day will affect only two men, and I will admit that they are the two principal men in this department. They are Mr. Verrell and Mr. Croxton.

Mr. CRAWFORD. To what extent will it affect them?

Mr. SMOOT. Three hundred and sixty-five days, at $7.50, would be $2,737.50, and their compensation to-day is $2,760. It would affect the salaries only $22.50 a year.

Mr. CRAWFORD. Why should a small change like that be made at all? I know something about these men. We had occasion to use them, as the Senator knows. I know something about the value of their services and their faithfulness and their competency. That is a small compensation for that class of men. Why should we nibble away $35 or $40 from their salaries?

Mr. OVERMAN. It is not to affect these men, but other men who might hereafter be appointed. We do not criticize these men or make any reduction, except in arriving at a certain figure. Seven dollars and fifty cents a day will give them about the same salary they are now getting.

Mr. CRAWFORD. I would rather see men of that class get three or four thousand dollars rather than put them on starvation wages. I do not believe we will make anything by doing it.

Mr. SMOOT. Nobody knows the value of their services more than the Senator from Utah, because I have come in contact with them a great many times.

Mr. CRAWFORD. I know something of their faithfulness and reliability.

Mr. CUMMINS. What is the objection to allowing the maximum to be fixed at $8 a day?

Mr. OVERMAN. I think that that is probably too much.

Mr. CUMMINS. The Senator thinks that is half a dollar too much?

Mr. OVERMAN. It does not apply to these men alone, but to other men who do that kind of work.

Mr. SMOOT. I call the Senator's attention to the fact that it is a difference of only $22.50, and I suggest that we let it go.

Mr. OVERMAN. It is too small a difference to have an argument over it.

Mr. SMOOT. It is. I hope the Senator will not object to it.

Mr. OVERMAN. I do not object. The only thing I want to do is to stop the salaries from being increased, so that when we fix the salary at $1,800 they are not to be given $2,700, or when we fix the salary at $2,000 they are not to be given $2,500. I do not care whether you make this $8 or $9, I want some rule established by which the salary when fixed shall continue, so that the Secretary can not take a lump sum and make the salary larger than we make it.

Mr. WARREN. Let the question be taken on the amendment of the Senator from Iowa to the amendment. I do not object to it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee, making the rate $8 per day.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CUMMINS. I do not want this to pass, however, without referring to an amendment which I think the Senator from North Carolina will offer, but which can not be offered now, namely, the salary of the four statistical experts. I assume that two of them are the men referred to by the Senator from Utah. At the proper time, if some one else does not do it, I propose to raise their compensation from $2,000 each to $2,760 and $2,520. As this is not the proper time to offer the amendment, I will wait.

The reading of the bill was continued.

The next amendment was, on page 131, after line 22, to strike out:

In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work.

The amendment was agreed to.

The next amendment was, on page 132, after line 3, to insert:

In making appointments of clerkships in the Census Office, hereinbefore provided for, at salaries of $1,200 or less, the Secretary of Commerce and Labor shall first select for appointment from those persons who may apply for such positions and who have had at least two years' experience in the Thirteenth Census work of the character required, and whose efficiency shall be certified by the Director of Census. And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable. If a sufficient number of those having such service and certification of efficiency is not obtainable, such further number as may be necessary shall be appointed from the civil-service registers, and those having had at least one year's service in the Thirteenth Census work shall have a preference right of appointment.

Mr. HEYBURN. I move to amend the amendment in line 8, page 132, by striking out "2 years" and inserting "18 months." This bill as passed by the House provided for one year. The Senate committee amendment makes it two years. That would eliminate some of the States entirely from participating in this patronage.

Mr. OVERMAN. Why not make it one year, as the House did?

Mr. WARREN. I think we should accept the amendment providing for 18 months.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Just a moment, allow me to finish my statement.

To make the time two years, as I have said, would eliminate some of the States entirely from participating in this patronage. It was stated that it was the intention that the apportionment should be maintained, and now some other State probably might require it to be reduced to one year; but the State of Idaho would be entirely eliminated from participating in this if it is retained at two years. None of their apportionment has served two years.

Mr. McCUMBER. If that amendment is——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield the floor?

Mr. HEYBURN. Yes; I yield the floor, but I will return to it if necessary.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I wish to say that if that amendment or any amendment reducing the time below two years is adopted, I would then ask that a further amendment be inserted at the end of line 10, which would read:

Provided, That preference shall be given to those having the longest service.

The reason for that amendment is, that by doing this you are opening a roll of about four hundred. If you would get it down to 18 months, there will be called for, as I understand, about 75 clerks. If length of service is to be a merit, as it should be, in this case, then, at least, you ought not to compel the director in recalling those clerks to go over an entire list of four or five or six hundred, but should make it his duty to give preference to those who had the longest service. Some of them have had from two years to two years and nine months' service, or more than double the length of service that would be required under the amendment proposed by the Senator from Idaho.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. SMOOT. If the Senator's amendment were adopted, however, it would exclude representatives from some of the States that have just had a chance of getting somebody into the Census Office.

Mr. HEYBURN. The Senator does not mean that if my amendment is adopted it will do that?

Mr. SMOOT. No; I mean the amendment proposed by the Senator from North Dakota—not that proposed by the Senator from Idaho. If the amendment of the Senator from North Dakota is adopted, as suggested by him, as to some of the States which have only had a very few appointees in the Census Office and have had them of late, they would be excluded.

Mr. McCUMBER. No, Mr. President; the Senator is mistaken in that, because, if he will look at the other amendment, he will find that this would recognize the States as nearly as may be and their apportionment.

Mr. SMOOT. If the Senator will allow it to apply to the length of service as to the representatives of the States, then I would have no objection at all to the amendment.

Mr. McCUMBER. That is the way it will have to be applied. Now, let me make this clear to Senators.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. Just in one moment, if the Senator please.

Mr. President, you will remember that on January 10, 1912, because of a lack of appropriation, a very large number of our census clerks were discharged. They were clerks who had been in the office from one year to nearly three years. Subsequently, on February 29, 1912, for the same cause another large number were dismissed. Those were among the very best clerks in the Census Bureau. They were discharged because there was no money with which to pay them. Many of them had had from one year to two years' prior service in clerical work of the same character in the departments, so that their work had become very efficient, and the department would like to retain at least those clerks who have had the longest service in the departments and in the Census Bureau. Were it not for the fact that we did not have the appropriation all of those clerks

would be serving at the present time. As the bill passed the other House here was the defect, and that was the reason why the committee made the change. The House provided that these clerks should be upon the civil-service register, but that the Director of the Census should select those having one year's service. It will be seen just how this would work. Under the present law no one from a State who was in the employ of the Government at the same time in one of the departments in Washington could have taken that examination, because under the law such persons would have had to go back to their own State and resided there a year before they could have taken the examination, while those who are within the District of Columbia, being right here at home, could take a day off, take their examination, and be placed upon the civil-service register. So, under the bill as it passed the other House, all who would probably be selected would be residents of the District of Columbia, and none of those out of the great number who are residents of the States could be selected, because they could not have taken the examination.

If you take the population of the city of Washington or of the District of Columbia, say, at about 300,000, or a little over, and compare it with the 90,000,000 population of the United States, you can thereby get the real proportion to which the District of Columbia would be entitled. That would be about 1 out of 250 or out of 300, while, as a matter of fact, they have in these departments actually about 85 per cent of all the positions.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I do.

Mr. GALLINGER. I rose simply to state what the Senator has just now stated, that, notwithstanding this remarkable civil-service law, which requires an apportionment between the States, the District of Columbia has, I think, about seven times its proportion.

Mr. McCUMBER. Mr. President, it has seven times its proportion on paper, but actually it has seventy times its proportion. As a matter of fact, if we could have a commission to examine that question, we would find that about 80 per cent of all the employees in the Government service are actually residents of the District of Columbia.

In order that the States might be recognized and that we might get those clerks who have had a prior service this amendment was offered. This amendment fixing the service at 2 years, or 20 months, will allow the Director of the Census to make the selections from his very best clerks, and he would make the selections according to the provision in that amendment, which is:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable.

Take that in connection with the amendment I have offered—

Provided, That the preference—

And we can make that "as nearly as practicable"—

shall be given to those having the longest service.

In that way the States would be recognized, and those having the longest service would also be recognized. That is all I am asking for.

Mr. HEYBURN. The pending amendment is the one that I have offered, and there is no use incorporating in it the provision with reference to apportionment between the States. If we fix the basis above the number that any State has, we would necessarily eliminate one or many States from participating at all. These clerks came to Washington to take these positions; they are not necessarily residents of Washington; they have become residents of Washington by reason of having been here in office; but it is not fair to consider that every person who resides in the District of Columbia is not a resident of a State as well. I merely cite as an instance of the operation of this amendment as it is presented to the Senate, that in one State, at least, and perhaps in many others, it would result in leaving the States without any representation whatever.

It is not the intention under the civil-service law that any State shall be eliminated from participating in this class of work, and I only sought to bring it within the period of time that would not eliminate one State or perhaps a dozen States. It so happens that if this provision remains at two years, the State of Idaho would have no one upon this roll. It only has one upon the roll, and the service there is, I think, about 18½ months.

I myself think that the provision might, as suggested by the Senator from North Carolina [Mr. OVERMAN], have remained as the House sent it to us; but for the purpose of protecting a State in participation at all I have moved to make it 18 months. That would at least save one State from elimination.

If any other Senator has inquired into the question, he may find that it should remain at one year, as the House fixed it. The probabilities are that the House did make inquiry into this matter, and fixed it at a year, so as to drop out no State.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa.

Mr. McCUMBER. If it had been left as the House fixed it, the party to whom the Senator refers could not possibly get into the service at all, because such a person must have been upon the civil-service register, and if such a person were here in the District of Columbia and a citizen of the State of Idaho, he could not have taken the examination here. Therefore he could not have been placed upon the civil-service register.

Mr. HEYBURN. The Senator is not advised that this party is not already on the civil-service roll. I am only asking that the time be placed at 18 months. If any Senator wants to fix it at some other time, it is for that Senator to say so.

Mr. McCUMBER. If the party was on the civil-service roll, he would not be off the roll now.

Mr. HEYBURN. Just a moment and I shall be through.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. I was recognized to ask a question of the Senator from Idaho, but the Senator from North Dakota, unintentionally, of course, displaced me in the Chair's recognition.

I want to ask the Senator whether he believes this amendment will be a continuing power on the part of the Director of the Census; that is—and I am asking for information, because I have taken a very decided position in regard to this question—does he believe that after the 1st of July, 1913, the Director of the Census could fill vacancies from the list of those who have served on the temporary force in the Thirteenth Decennial Census, but who are not upon the civil-service register?

Mr. HEYBURN. It is intended to cover that.

Mr. CUMMINS. If, Mr. President, it bears that construction—and I very much fear it does—I shall resist it to the uttermost as a very serious and dangerous invasion upon the civil service of the United States.

Mr. HEYBURN. Now, may I interrupt the Senator to call his attention to the civil-service law? The amendment is intended to conform this provision to the provisions in existing law. It says:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable.

It can not be adhered to at all if you eliminate those who have not served——

Mr. CUMMINS. I think it could be adhered to in a degree, but what I should like to bring to the attention of the Senate and the Senator from Idaho is this: When we passed the law providing for the last census we provided that those who came upon the force temporarily, as distinguished from those who were part of the permanent force, need not take the examination required by law to entitle them to a place upon the civil-service register, but we provided expressly that that part of the force should not thereafter be eligible to appointment.

Mr. HEYBURN. But they have taken an examination.

Mr. CUMMINS. Mr. President, they took an examination, but not the examination provided for in the civil-service law and the rules and regulations of the Civil Service Commission. I think that the hardship mentioned by the Senator from North Dakota is so great that we ought to do what we can toward appointing upon the force those who were discharged without much notice during the winter, but I am not willing that this power shall continue with the Director of the Census for a longer period than one year. After that time I think everyone who believes in the civil service will agree that the appointees shall come from the civil-service register in the way in which all appointments are made.

This does not apply, of course, to the temporary force who are to be employed under the next paragraph. They ought to have nothing to do with the civil service, to be in harmony with the law under which the census was taken, but I intend to offer an amendment—I do not know whether or not it is pertinent to the amendment offered by the Senator from Idaho, because I have not his amendment in mind—but, after the word "less," at the end of line 5, I intend to suggest an amendment as follows:

During the fiscal year 1913.

Mr. HEYBURN. I would not oppose that amendment, because it would carry the provisions contained in the amendment which I have offered until the next appropriation bill came up, and we can probably meet the question then just as well as now. I am sure it is not the intention of the Senator from

Iowa that any State shall be eliminated from that participation contemplated by the provisions of the civil-service law.

Mr. CUMMINS. No, Mr. President; on the contrary I should like to see the law more faithfully observed.

Mr. HEYBURN. Well, that law provides——

Mr. CUMMINS. I should like to see each State receive its proper quota.

Mr. HEYBURN. I refer to the provision of that law relating to apportionment among the States.

Mr. CUMMINS. That is part of the civil-service law.

Mr. HEYBURN. Yes.

Mr. CUMMINS. And I think this provision ought to take to itself that same idea.

Mr. HEYBURN. That is the purpose of the amendment——

Mr. CUMMINS. I am not objecting to the Senator's amendment.

Mr. HEYBURN. That the spirit of the civil-service law shall be preserved and carried into the amendment proposed by the committee. To recognize the principle of an equitable apportionment among the States and then deliberately fix a time that would deprive them of the benefit of that law would not be fair.

Mr. CUMMINS. Of course, Mr. President, the time I was referring to was the time during which the Director of the Census would have power to make appointments outside of the civil service; it was not the time of service of the temporary force of the Thirteenth Decennial Census.

Mr. HEYBURN. That is what I was referring to.

Mr. CUMMINS. I have no objection to, in fact I rather favor, the amendment of the Senator from Idaho.

Mr. HEYBURN. I was referring to the very principle suggested by the Senator from Iowa; and I hope that the amendment will be adopted, in order that the existing law and the spirit of that law may be retained and that we may not indirectly legislate some one out of a right which he has under the permanent law. Of course, these parties would have to go back to their States, to California, Idaho, or New Mexico, or wherever it might be, in order to take the civil-service examination; they could not take it in Washington, being bona fide citizens of States far distant.

Mr. FLETCHER. I would suggest, in order that the Senator from Idaho may be absolutely certain, that he make it 12 months instead of 18.

Mr. HEYBURN. The House made it 12 months.

Mr. FLETCHER. The House made it 12 months and the Senate made it 24. Now, the Senator proposes to make it 18. I see no reason why it should not be made 12. The objection to that by the Senator from North Dakota was met by the amendment striking out the preceding lines at the bottom of page 131 and the top of page 132. When the House provision as to requiring certification to be made from the eligible list is stricken out of the bill, then the objection of the Senator from North Dakota, it seems to me, falls. It is answered by the striking out of that requirement.

Mr. HEYBURN. Mr. President, I would say to the Senator that if we were to recur to the provision in the House bill it might cut out some of these very people. The safest provision is 18 months.

Mr. FLETCHER. I am in favor of striking out the House provision as to the civil-service list; and that, I understand, has been agreed to in the Senate. That having been stricken out, I can see no objection to making the limit 12 months instead of 18.

Mr. HEYBURN. Mr. President, I prefer that it should be 18. If we retain the provisions of the amendment and continue to eliminate the House provision, it would answer; but I would prefer that it be 18 months, so far as I am concerned; and that is my amendment.

Mr. WILLIAMS. Mr. President, I hope the amendment offered by the Senator from Idaho, as amended by the Senator from North Dakota, will meet with the favor of the Senate. If there be any doubt in the mind of anybody as to the application of the provision requiring that appointments shall be apportioned to each State, I have no doubt about that because the general provision "And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable" covers it. If anybody has any doubt about it, of course the Senator from North Dakota might word his amendment in this way:

Provided, That the preference in each State, Territory, or the District of Columbia shall be given to those having the longest service.

It seems to me, though, that that is in the provision already. If you make the period 18 months, the reason grows stronger and stronger with the lessening of the period—if you make it still less, there is more reason for it—that the amendment offered by the Senator from North Dakota ought to pass, so that the Director of the Census should not be left free out of a great number of people arbitrarily to select merely favorites, but should select those with the longest service.

It seems to me if we cut the period down and make it one year we are carrying it too far. So far as I have heard, no State would be excluded from any of its quota upon the 18-month basis. I have received no complaint that would tend to show that there was anybody who was excluded; and certainly, if preference is given, those in a State having the longest service should be entitled to employment.

Mr. HEYBURN. Mr. President, the Senator from North Dakota does not desire to press his amendment until after the amendment I have offered has been disposed of.

The PRESIDING OFFICER. The Chair so understands. The question is upon the amendment offered by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. McCUMBER. Mr. President, I move further to amend by inserting after the word "practicable," in line 13, the words:

Provided, That preference shall be given to those having the longest service in such State.

Mr. WILLIAMS. Mr. President, I am afraid the Senator from North Dakota is getting the amendment in the wrong place. It seems to me it ought to come in after the word "census," in line 10, because if you put it in after the word "practicable," in line 13, you are modifying the present requirement of the law as to quotas of the States. It would then read:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable: *Provided*, That the preference shall be given to those having the longest service.

Mr. McCUMBER. In such States.

Mr. WILLIAMS. Then you would have to put in "within such State."

Mr. McCUMBER. The Senator did not hear. The words "in such State" are a part of my amendment.

Mr. WILLIAMS. Very well; I did not understand the Senator.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HEYBURN. I should like to make a suggestion to the Senator from North Dakota. That eliminates the question of efficiency.

Mr. McCUMBER. No; it does not; the Senator is mistaken; because, first, there is a provision for certifying those whose service shows their efficiency; secondly, the certification must be made in accordance with the apportionment of the States as nearly as practicable; and, thirdly, in selecting from the State where there are several candidates the director is to select those of the longest service. That is what it means.

Mr. HEYBURN. I shall not object to it.

Mr. BURTON. Mr. President, I should like to ask the Senator from North Dakota a question—the same question, practically, as that referred to by the Senator from Idaho. If his amendment is inserted does it not make length of service, subject to the general qualification that efficiency shall be certified to by the Director of the Census, the criterion of appointment, and eliminate competency, efficiency, and fitness for the work, so that one who is certified as efficient—and in that list there may be very considerable degrees of efficiency—has the preference over those best qualified for the work?

Mr. McCUMBER. Now, if the Senator will read the amendment I have suggested, I think he will see that it is not open by any possibility to the construction that he suspects it might be open to. Let us read it carefully:

In making appointments of clerkships in the Census Office, hereinbefore provided for, at salaries of $1,200 or less, the Secretary of Commerce and Labor shall first select for appointment from those persons who may apply for such positions and who have had at least 18 months' experience in the Thirteenth Census work of the character required, and whose efficiency shall be certified by the Director of Census.

That is the first thing to be taken into consideration. The next thing to be taken into consideration is the recognition of the State apportionments:

And in making such appointments the quota to which each State shall be entitled under the law of apportionment shall be adhered to as nearly as practicable: *Provided*, That preference shall be given to those having the longest service in such State.

I can change that and make it certain by inserting the words "and whose efficiency is certified to."

Mr. BURTON. That is already provided for; but there might be, say, 300 certified as efficient, from whom 25 would stand out very prominently as best qualified; and it seems to me that the Director of the Census should have discretion and not be governed exclusively by the time of service.

I am perfectly aware of the argument on the other side that favoritism might be employed, but I do not think much attention ought to be given to that. If the one who has the appointing power is governed by favoritism, we can not avoid it. We must take it for granted that he will be governed by consideration for the promotion of the public service.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I yield.

Mr. WILLIAMS. It occurs to me, in connection with what the Senator from Ohio has just said, that if, for example, 50 people were to be retained and the 300 were all certified as efficient, and you did not have the rule as to priority of employment in proportion to seniority of service, you would throw the door wide open for the appointing officer to show toward those 300 every form of personal favoritism. Of course, he could say it was because he regarded John as more efficient than Peter, or Mary as more efficient than Sally. But, just the same, the door would be thrown wide open for him to do just what the Senator wants to avoid.

Mr. BURTON. Mr. President, if the Senator from Mississippi will yield, it seems to me we are not adopting the proper criterion for legislation if we frame our laws on the suspicion that some appointing officer will exercise favoritism. If he does that, he is unfit for the place and ought to be removed. The best way is to give him a free hand, and to take it for granted that he will exercise his discretion in such a way as will lead to the selection of the best subordinates.

Mr. WILLIAMS. Why, Mr. President, every law in every free country since the beginning of time has been predicated upon the idea that the incumbent of the office will abuse his power, and that he will not do just what he ought to do.

Mr. McCUMBER. That is why we have the civil-service law.

Mr. WILLIAMS. There is never a supposition of any other sort; and in passing laws you always provide not that the good man may act well but to keep the other man from acting badly.

The good man is going to give you efficient administration anyhow; so you always legislate with suspicion. Any legislator in a free country that does not proceed upon that basis is proceeding upon a basis that may be apples to the sight but may also be ashes to the taste.

The whole civil-service law is framed upon the idea that, unless restrained, the appointing officer will abuse the power of appointment. There is no other excuse for its existence. Undoubtedly, if the appointing officer would always try to select the best man, regardless of favoritism of his own or of legislators or Congressmen or bosses behind him in the State, or other people, the opportunity to get good service would be much better than if we just have a general schoolmaster's examination. The only object of the whole system is to prevent favoritism; and the only reason why you try to pass laws to prevent favoritism is because you take it for granted that if you do not pass such laws favoritism will exist.

Mr. CUMMINS. Mr. President, it seems to me the proposition of the Senator from North Dakota destroys the whole idea of the civil service—that is, the idea of fitness ascertained by either examination or experience. I will put the matter to him now in this way:

Suppose, under this law, the Director of the Census should find that North Dakota was entitled to one appointment; that North Dakota had two men who were eligible to the appointment; that both of them had been certified as efficient, but one of them was very efficient and the other moderately efficient; that the former had served in the census work 19 months and the latter 20 months. Then, upon the proposition of the Senator from North Dakota, the Director of the Census would be compelled to appoint the poorer man because he had served half a month longer than the better man.

I can not believe the Senator wants to accomplish any object of that sort. In fact, I know he does not. As I understand, what he desires is to secure the equitable distribution of these places among the States, so that each State may have its fair share. But I can not think it would be wise to take the share of the State and then to distribute the place or the places, as the case may be, according to the rule of seniority. The place or places ought to be given according to the rule of higher efficiency.

Mr. McCUMBER. Mr. President, I can hardly take the State of North Dakota as an example, because no one from my State would be certified under this provision at all. For that reason I am perfectly free to discuss this matter from the standpoint of a person who is absolutly disinterested so far as any constituent is concerned.

The Senator will remember that even under the civil-service law as it now stands three persons are certified for each position. The appointing officer does not, under the present law, have to take the one who is certified as having the highest standing. He has three from whom to select. He can take any one of the three highest, and he may take the lowest of the three highest.

Let us remember, in this instance, that if we put this limitation down to 18 months, there will be at least 400 eligibles from whom 75 persons are to be selected. Under this provision no one will be certified, of course, unless he is certified for his particular fitness for this particular work. He will be certified because he has shown qualifications for this particular work. Therefore there is no great danger of getting a clerk that is not usable, or one that is not particularly fitted for the work, by giving the one an advantage who has had the extra number of days or months of service. I believe there would be more of an injustice done if the director were allowed to select any one from among the 200 or 300 persons than if he were limited to those having the longer service and those whom he has certified to be efficient in their line of work.

Mr. President, those persons are efficient by the best test that ever can be applied. Under the civil service those who stand highest in their examinations do not always make the best clerks. In a few months you will find possibly those who stood lowest in their examinations will become the most efficient clerks; and there is no method of examination so sure, so certain as the actual test of work in the department. And having had from one year to three years' work, when we say this list shall be made up of those who have had 18 months' service, I think the chances are you will get a greater efficiency if you hold the director down to just what the record shows to be efficiency and length of service and recognize the States in accordance with the amendment that has been suggested by the Senator from Idaho.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I do.

Mr. HEYBURN. I should like to suggest to the Senator from North Dakota the consideration of the classification of these clerks. Some of them are expert accountants. Some of them are statisticians. Some of them perform services at $600 or $700 a year and some at $1,700 or $1,800 a year. It would not do to compel the director to select those of longest service without taking into consideration the character of the duties they were to perform. I refer particularly to "one expert accountant."

Mr. McCUMBER. He will attend to that.

Mr. HEYBURN. Yes. But if we put in a drastic provision that he shall take only the one of longest service it may be that the one of longest service would not be available for the duties to be performed. I merely make that suggestion.

Mr. BRISTOW. I should like to know what is the objection to the House provision. I just want to read it:

In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment—

Which recognizes the very point that the Senator from North Dakota wants to preserve—

certify those who have had at least one year's experience in census work.

That gives the preference to all of the eligibles who have served one year.

Mr. HEYBURN. That does not include these special appointments at all. These are all civil-service employees.

Mr. CUMMINS. The difficulty is that a great many of the temporary clerks are not on the civil-service registers, and can not take the examination.

Mr. McCUMBER. And could not take it for at least a year.

I simply want to explain once more to the Senator that if he will read the House provision he will see that it takes only those in the civil service and those who are on the civil-service register. Now, let us recall that we have had those taken from different commissions and otherwise that have had two or three years' service in clerical work of this kind, and then have had from 18 months to over two years' service in the Census Bureau, doing this same kind of work. The Census Bureau requires about 75 additional clerks at this time. They would like very much now to complete their work to get those clerks who have had this experience in the Census Office; and as the provision was originally drawn it was "two years," but the House provided that only those should be eligible who had taken the examination and gotten on the civil-service roll. The Senator remembers the law. As it stands now no one can

be examined and be certified from the State of Kansas unless he has been actually and bodily within the State of Kansas for one year prior to the time he takes the examination. That law was passed for the very purpose of cutting out the fraudulent certification on the civil-service register of people in the District of Columbia who would have themselves certified to the several States and counted as residents of those States.

Now, when they were at work and it became necessary to discharge those who were not on the civil-service roll, those in the District of Columbia, when they saw that a great many would have to go out, could take the examination here and be ready to go right on again, because they live in the District of Columbia and could be certified from the District of Columbia. On the other hand, not a single one from the States could be certified for that place, because he could not go home and take the examination. The result of the House provision, if passed, would be that all of those who took the examination in the District of Columbia, there having been no one in the States now, or scarcely any of them now, who is on the list waiting for positions of this kind—the positions would be filled entirely from the District of Columbia.

To avoid that and to allow each State to have its recognition, and there being several hundred clerks that are as efficient as any kind that could be secured through any kind of an examination by reason of their prior service in the Thirteenth Census, we give each State its recognition and do justice by the department by allowing these to be taken according to the length of service.

Mr. BRISTOW. What I had in mind was to prevent this scramble of 700 or 800 clerks for 75 positions. They will all start to get political indorsements and bring pressure to bear here and there to secure the appointments; and anything that will avoid that and make it come about regularly and orderly and according to merit I would be very glad to favor.

Mr. McCUMBER. Under the State provision made here, where you must recognize the State apportionment, that will be avoided.

The PRESIDING OFFICER. The question is upon the amendment, which will be stated by the Secretary.

The SECRETARY. In the committee amendment, on page 132, line 13, after the word "practicable," insert:

Provided, That preference shall be given to those having the longest service in such State.

The amendment to the amendment was agreed to.

Mr. CUMMINS. I offer the following amendment: Insert, at the end of line 5, page 132, the following words: "during the fiscal year ending June 30, 1913."

I offer the amendment, Mr. President, because I fear that the construction of the amendment proposed by the committee would be that after this emergency had passed—that is, two years hence, or three years hence—if the Director of the Census were called upon to fill a vacancy, he could fill it under the provision of this amendment, and not take the appointee from the civil-service register. I do not believe it is intended to supplant the general civil service in the Census Office with any temporary arrangement of this sort. I am perfectly willing that it shall continue for a year, because of the rather extraordinary condition which was created by the dismissal of the force last winter.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I yield to the Senator.

Mr. WARREN. May I say that that is guarded in two places. In the first place, the opening paragraph of the bill provides only for 1913. Furthermore, if the Senator notices it, on the same page, below where the amendment comes in, they provide for only one year.

Mr. CUMMINS. But the appropriations apply for only one year.

Mr. WARREN. I am not making an objection. I do not believe it is necessary, but I do not object to it.

Mr. CUMMINS. But this is general legislation, of which this bill is so full. It is changing the law of the United States entirely; and I want the change to run only for one year, and then let us resume our appointments under the civil-service law.

Mr. McCUMBER. I should like to have this read now as amended. I do not know whether or not it will bear the construction for which the Senator contends.

The PRESIDING OFFICER. The Secretary will report the pending amendment.

The SECRETARY. Page 132 of the committee amendment, at the end of line 5, after the words "or less," insert the words "during the fiscal year ending June 30, 1913," so that if amended it will read:

In making appointments of clerkships in the Census Office, hereinbefore provided for, at salaries of $1,200 or less, during the fiscal year ending June 30, 1913, the Secretary of Commerce and Labor shall first select for appointment——

Mr. McCUMBER. That is enough. I am a little bit afraid of that construction. The purpose of the Senator is not that those who are appointed shall not become permanent?

Mr. CUMMINS. No; not at all.

Mr. McCUMBER. But that the authority shall continue only during the year?

Mr. CUMMINS. Yes.

Mr. McCUMBER. I am afraid that language might be construed to mean that the appointment was to last only during the year.

Mr. HEYBURN. And thus affect the tenure of office?

Mr. McCUMBER. Yes. I think if the Senator would put—at the bottom here—at the end something like this: "This provision shall be applicable only to appointments made during the fiscal year ending June 30, 1913," there could be no question about the construction.

Mr. CUMMINS. I think it is possible that the fear expressed by the Senator from North Dakota has some foundation, but if we will transfer the language that I have proposed to line 4, so that it would read "in making appointments during the fiscal year ending June 30, 1913, of clerkships in the Census Office"——

Mr. McCUMBER. That would make it all right.

Mr. CUMMINS. I would prefer that it be done in that way.

Mr. HEYBURN. I should like to see that done, so that there will be no such difficulty as we had when the appropriation was exhausted. The Senator's idea, I take it, is not to affect the tenure of those appointed during this year.

Mr. CUMMINS. No.

Mr. HEYBURN. But only to provide that after the end of this fiscal year such appointments may not be made. Now, as I understood the language read—I do not carry it perfectly in my mind—I am afraid it might be open to the construction that it would affect the tenure of office of those appointed.

Mr. CUMMINS. Oh, no. It would read—

In making appointments during the fiscal year ending June 30, 1913, of clerkships in the Census Office [be] shall first, etc.

Mr. HEYBURN. Just so it does not affect the tenure of office I am satisfied.

Mr. CUMMINS. It does not affect the tenure of office. The words I formerly offered I ask to be transferred and inserted after the word "appointments," in line 4.

The VICE PRESIDENT. The question is on the amendment, which the Secretary will report.

The SECRETARY. After the word "appointments," in line 4, insert the words "during the fiscal year ending June 30, 1913," so that, if amended, it will read:

In making appointments during the fiscal year ending June 30, 1913, of clerkships in the Census Office.

The amendment to the amendment was agreed to.

Mr. CUMMINS. Mr. President, it is not in order at the present time, but I desire to call the attention of the chairman of the committee as well as of the Senate to the extraordinary classification of the clerks in this office, and to give notice that at the proper time I shall offer an amendment that will bring this classification into something like harmony with the other departments or bureaus of the Government.

Mr. WARREN. Will the Senator kindly wait until the committee itself shall offer an amendment when the times comes? The time is not yet here. The Senator means in the House text of the bill?

Mr. CUMMINS. I mean this: That we are to have 8 expert chiefs of division, at $2,000 each. Then, of the clerks, we have 4 of class 4, 7 of class 3, 25 of class 2, 340 of class 1, and so on.

Mr. WARREN. If the Senator will wait a moment I think I can give him an idea of what the committee will propose.

Mr. CUMMINS. I thought the committee had passed on that.

Mr. WARREN. Not at all. The committee passed on it in its earlier meetings, but there was a confusion about this which we were unable to dispel, and it has been looked over since, and the subcommittee which had this matter under consideration expects to cover, I think, the faults of which the Senator speaks.

Mr. CUMMINS. I do not want to anticipate the work of the committee.

Mr. WARREN. Perhaps it will be unnecessary to read it now, then.

Mr. CUMMINS. I am perfectly content to wait.

Mr. WARREN. I should prefer that the Senator wait until we offer this amendment.

Mr. CUMMINS. If the committee reclassifies these clerks I shall be entirely satisfied.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. McCUMBER. Mr. President, in the hurried drafting of this amendment I think I did not make it read exactly as I would wish it. Therefore I move a further amendment by placing the words "in such State" after the word "preference," so that it would read:

Mr. WARREN. In what line?

Mr. McCUMBER. In line 12, where I put in the amendment:

Provided, That preference in such State shall be given to those having the longest service.

I should like to have it read that way, instead of reading as it does now:

Provided, That preference shall be given to those having the longest service in such State.

So that there can be no possibility of misconstruction.

Mr. WARREN. That is all right.

The SECRETARY. It is proposed to amend the amendment so as to read:

Provided, That preference in such State shall be given to those having the longest service.

The VICE PRESIDENT. Without objection, the amendment to the amendment will be modified as suggested, and the question is on the committee amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 132, line 24, after the word "clerks," to strike out "to be certified for appointment from the civil-service registers" and insert "from among the employees of the Thirteenth Census force," so as to make the clause read:

Temporary clerks: In addition to the employees hereinbefore provided for, the Secretary of Commerce and Labor may appoint, on the recommendation of the Director of the Census, for such time as may be necessary, but not beyond June 30, 1913, not exceeding 175 temporary clerks from among the employees of the Thirteenth Census force, such clerks to be paid salaries not greater than $900 per annum, or to be paid on a piece-price basis, and for the payment of the compensation of said temporary clerks there is appropriated the sum of $120,000.

The amendment was agreed to.

The next amendment was, on page 134, line 1, after the word "exceeding," to strike out "$50" and insert "$200"; and in line 5, after the word "returns," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraph and telephone service, photographic work and supplies, transportation and preparing articles for shipment, horses, wagons, electric truck, and maintenance thereof, diagrams, maps, blue prints, awnings, shelving, filing apparatus, fuel, light, office fixtures, street-car tickets not exceeding $200, and other absolutely necessary expenses, including the purchase, rental, construction, repair, and exchange of mechanical appliances, repairs to the Census Building, and necessary expenses in connection with the prosecution of fraudulent census returns, $20,000.

The amendment was agreed to.

The next amendment was, on page 134, after line 14, to strike out:

That from and after July 1, 1912, the Bureau of Manufactures of the Department of Commerce and Labor shall be known as the Bureau of Foreign and Domestic Commerce.

The Bureau of Statistics of the Department of Commerce and Labor is hereby consolidated with the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

And insert:

The Bureau of Manufactures and the Bureau of Statistics, both of the Department of Commerce and Labor, are hereby consolidated into one bureau to be known as the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Manufactures and the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

The amendment was agreed to.

The reading of the bill was continued, as follows:

Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

Mr. CUMMINS. I do not know whether I ought to do it or not, but I can not allow this paragraph to pass——

Mr. WARREN. Let me say to the Senator that the committee have an amendment to offer, and we will take that up later. We will come back to it, and I will call the Senator's attention to it.

Mr. CUMMINS. I was about to say that I could not allow it to pass without saying that some of the duties of the Department of Labor transferred to the Bureau of Foreign and Domestic Commerce——

Mr. WARREN. We propose to correct that. That was overlooked when we went through the bill. I will propose an amendment later on and will call the Senator's attention to it.

Mr. CUMMINS. Very well.

The reading of the bill was resumed.

The next amendment was, on page 136, line 10, after the word "bureau," to insert "to be appointed by the President, by and with the advice and consent of the Senate"; in line 14, before the word "stenographer," to insert "chief clerk, $2,250"; and in line 18, after the words "in all," to strike out "$102,610" and insert "$104,800," so as to make the clause read:

Bureau of Foreign and Domestic Commerce: Chief of bureau, to be appointed by the President, by and with the advice and consent of the Senate, $4,000; assistant chiefs of bureau, one at $3,000, one at $2,750; Chief of Division of Consular Reports, $2,500; chief clerk, $2,250; stenographer to chief of the bureau, $1,600; clerks—7 of class 4, 5 of class 3, 1 at $1,500, 11 of class 2, 14 of class 1, 17 at $1,000 each, 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $104,860.

The amendment was agreed to.

The next amendment was, at the top of page 137, to insert:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $4,000.

The amendment was agreed to.

The next amendment was, on page 137, after line 4, to insert:

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

The amendment was agreed to.

The next amendment was, on page 138, line 15, after the word "stationery," to insert "janitor service," so as to read:

Contingent expenses: For the payment of fees to witnesses; for traveling and other expenses when on official business of the Supervising Inspector General, supervising inspectors, local and assistant inspectors, and clerks; for instruments, furniture, stationery, janitor service, and every other thing necessary to carry into effect the provisions of Title 52, Revised Statutes, of the act of April 4, 1888.

The amendment was agreed to.

The next amendment was, on page 139, line 2, before the words "of class one," to strike out "four" and insert "five"; in line 3, before the words "at $900 each," to strike out "six" and insert "five"; and in line 4, after the words "in all," to strike out "$33,280" and insert "$33,580," so as to make the clause read:

Bureau of Navigation: Commissioner of Navigation, $4,000; Deputy Commissioner, $2,400; chief clerk, $2,000; clerk to commissioner, $1,600; clerks—2 of class 4, 1 of class 3, 3 of class 2, 5 of class 1, 2 at $1,000 each, 5 at $900 each; 2 messengers; in all, $33,580.

The amendment was agreed to.

The next amendment was, on page 139, after line 4, to strike out: "Shipping Service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Boston, $3,000; at New Bedford, $1,000; at New Orleans, $1,500; at New York, $4,000; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,700; at San Francisco, $6,300; in all, $23,200," and insert:

Shipping service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Bath, $1,000; at Boston, $3,000; at Gloucester, $600; at Honolulu, $1,200; at Mobile, $1,200; at New Bedford, $1,200; at New Orleans, $1,500; at New York, $5,000; at Norfolk, $1,500; at Pascagoula, $300; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,800; at Rockland, $1,200; at San Francisco, $4,000; in all, $31,900.

The amendment was agreed to.

The next amendment was, on page 139, line 24, after the word "commissioners," to strike out "$35,000" and insert "$37,000," so as to make the clause read:

Clerk hire: For the compensation to be fixed by the Secretary of Commerce and Labor not to exceed $1,600 per annum to each person, of clerks in the offices of the shipping commissioners, $37,000.

The amendment was agreed to.

The next amendment was, on page 140, line 6, after the word "passengers," to strike out "$500" and insert "$1,000," so as to make the clause read:

For tools, appliances, and instruments for the admeasurement of vessels and the counting of passengers, $1,000

The amendment was agreed to.

The next amendment was, on page 141, line 1, after the word "messengers," to strike out "assistant messenger" and insert "two assistant messengers," and in line 2, after the words "in all," to strike out "$59,500" and insert "$60,220," so as to make the clause read:

Bureau of Immigration and Naturalization: Commissioner General of Immigration, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—3 of class 4, 5 of class 3, 6 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each; 2 messengers; 2 assistant messengers; in all, $60,220.

The amendment was agreed to.

The next amendment was, on page 141, line 10, before the words "of class three," to strike out "six" and insert "seven"; in the same line, before the words "of class one," to strike out "eleven" and insert "twelve"; and in line 12, after the words "in all," to strike out $60,200" and insert "$63,060," so as to make the clause read:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $2,000; clerks—4 of class 4, 7 of class 3, 8 of class 2, 12 of class 1, 8 at $1,000 each, 2 at $900 each; messenger; 2 assistant messengers; messenger boy, $480; in all, $63,060.

The amendment was agreed to.

The next amendment was, on page 143, line 12, after the word "exceeding," to strike out "$50" and insert "$100," so as to make the clause read:

For fuel for heat, light, and power; office expenses, stationery, books and periodicals (subscriptions to periodicals may be paid in advance); traveling expenses; street-car tickets not exceeding $100; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; and contingencies of all kinds, $25,000.

The amendment was agreed to.

The next amendment was, on page 144, after line 11, to insert:

Children's Bureau: For the following as authorized by the act entitled "An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau," approved April 9, 1912, namely: Chief of bureau, $5,000; assistant chief of bureau, $2,240; statistical expert, $2,000; private secretary to the chief of bureau, $1,500; clerks—2 of class 4, 2 of class 3, 1 of class 2, 1 of class 1, 1 at $1,000; special agents—1 at $1,400, 1 at $1,200; copyist; messenger; in all, $25,840.

The amendment was agreed to.

The next amendment was, in the item of appropriation for contingent expenses, Department of Commerce and Labor, on page 145, line 16, after the word "exceeding," to strike out "$100" and insert "$300"; and in line 18, after the sum "$60,000," to insert "and in addition thereto sums amounting to $66,500 shall be deducted from other appropriations made for the fiscal year 1913 and added to the appropriation 'Contingent expenses, Department of Commerce and Labor,' in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (36 Stat. L., p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: General expenses, Light-House Service, $8,000; stationery, Bureau of the Census, $10,000; miscellaneous expenses, Bureau of the Census, $15,000; books and periodicals, Bureau of the Census, $500; contingent expenses, Steamboat-Inspection Service, $3,000; contingent expenses, shipping service, $500; instruments for measuring vessels and counting passengers, $500; expenses of regulating immigration, $13,500; equipment, Bureau of Standards, $1,000; general expenses, Bureau of Standards, $1,800; general expenses, Coast and Geodetic Survey, $4,200; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $126,500 shall be and constitute the appropriation for contingent expenses, Department of Commerce and Labor, to be expended through the central purchasing office (Division of Supplies), Department of Commerce and Labor, and shall also be available for objects and purposes of the several appropriations mentioned under the title 'Contingent expenses, Department of Commerce and Labor' in this act," so as to make the clause read:

Contingent expenses, Department of Commerce and Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters and adding machines, including their exchange; repairs to the building occupied by the offices of the Secretary of Commerce and Labor; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500, and for storage of documents belonging to the Bureau of Labor, not to exceed $750, street car tickets not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $60,000, and in addition thereto sums amounting to $66,500, etc.

The amendment was agreed to.

The next amendment was, on page 146, line 24, after the words "Commerce and Labor," to strike out "$50,000" and insert "$55,000," so as to make the clause read:

For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Commerce and Labor, $55,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," on page 147, after line 10, to strike out:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. WARREN. There are Senators who are not present now who wish to discuss the matter of the Commerce Court. These four lines refer to that court, and I ask that the amendment may be laid aside for the present.

The VICE PRESIDENT. Without objection the amendment in lines 11 to 14, on page 147, will be temporarily passed over.

Mr. GALLINGER. Mr. President, I desire to call the attention of the chairman of the committee to the fact that we have a departure suggested in the District of Columbia appropriation bill, and which will probably have to be agreed to, whereby it is provided that—

Hereafter one-half of the fees collected on account of permits, certificates, and transcripts of records issued by the inspector of buildings of the District of Columbia shall be paid into the Treasury to the credit of the United States.

Again, on a subsequent page, it is provided that—

SEC. 11. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing beach fees; fees from public-convenience stations; fees for tax certificates; fees for motor and horse-drawn vehicle tags; fees of the municipal court; and the surplus fees of the recorder of deeds and register of wills; together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles.

All those fees heretofore have gone into the treasury of the District of Columbia without any division, without one-half going into the Treasury of the United States. That has prevailed from 1879 to the present time.

I want to call attention to a memorandum sent me by the Auditor of the District of Columbia, if the Senator pleases.

Mr. WARREN. One moment. I do not understand what bill the Senator is reading.

Mr. GALLINGER. I read from the District of Columbia appropriation bill, showing that they have departed from the custom which has prevailed since the organic act of 1879 was adopted, and they propose now to divide the fees between the District of Columbia and the Government of the United States in those various offices, which fees have heretofore gone into the treasury of the District of Columbia exclusively.

Mr. WARREN. Has the Senator the pending bill before him?

Mr. GALLINGER. Yes.

Mr. WARREN. Will the Senator look on page 148, line 10? I will ask if it is that to which the Senator refers? The language there reads: "One-half of which shall be paid from the revenues of the District of Columbia."

Mr. GALLINGER. That is what the auditor objects to. The auditor of the District of Columbia sends me this memorandum:

OFFICE OF THE
AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, June 4, 1912.

Memorandum for Senator GALLINGER.

Respectfully referring to the possible action of Congress in requiring all fees collected by the District of Columbia to be deposited to the credit equally of the United States and the District of Columbia, I wish to invite your attention to a matter that arises in connection with this subject, and which, to do the District justice, should be taken into consideration as a part of the matter mentioned. I refer to the fees collected by the clerk of the court of appeals and the fees collected by the clerk of the Supreme Court of the District of Columbia. In the case of the first-mentioned court all the expenses are paid by specific appropriations authorized by Congress, one-half of which the District is chargeable with, while all the fees collected in this court are paid into the Treasury wholly to the credit of the United States. In respect to the fees collected by the clerk of the Supreme Court of the District of Columbia, the surplus fees remaining after the payment of salaries are covered into the Treasury wholly to the credit of the United States. The appropriations for the salaries of the justices of the Supreme Court of the District of Columbia, for the payment of witness fees and jurors, and for the expenses of that court are paid one-half from the revenues of the District of Columbia.

If it is the proposed intention of Congress to require fees collected by the District of Columbia to be credited equally between the United States and the District, every equitable consideration demands that the District should receive like treatment in the matter of fees collected by the clerks of the court of appeals and the Supreme Court of the District of Columbia, in the case of the former the District to be credited with one-half of all fees collected and in the case of the latter with one-half of surplus fees.

This seems to be a matter of simply equity. Perhaps I ought not to state what the result of our conference on the District of Columbia will be, but I will venture to say the probabilities are that the conferees will have to agree to those provisions of the bill.

Mr. President, I have two amendments which I desire to offer to the pending bill which will remedy the matter complained of by the Auditor, and which may go to conference and be considered in connection with the District of Columbia bill.

Mr. WARREN. Let me say to the Senator, it is my desire to serve the wishes of my colleague on the committee so that we may have the matter before us. Of course now we are acting on the amendments of the committee and not otherwise on the text of the bill as passed by the House. The Senator will reserve his amendments or give them to the Clerk here. We shall put them in at the proper place.

Mr. GALLINGER. I will reserve them until the proper time.

The Secretary continued the reading of the bill to line 23, page 147, the last paragraph read being as follows:

Retired judges: To pay the salaries of the United States judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1913, is hereby appropriated.

Mr. HEYBURN. While it is not strictly a committee amendment, yet there should be after the word "Retired," in line 19, the words "justices and" before "judges." They have an official designation, and the bill makes no provision for retired justices of the Supreme Court of the United States.

Mr. WARREN. Has the Senator investigated to see what the current law is? I think it exactly as the text is here in the bill.

Mr. HEYBURN. I know what the law must be. You must provide for the salary of retired justices.

Mr. WARREN. When we review the bill for amendment, if the Senator will have his amendment ready, it can be then considered.

Mr. HEYBURN. I have several amendments to offer to conform to the necessities of the occasion.

Mr. WARREN. If the Senator will put them in shape, when the time comes I will call his attention to the item.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 148, line 10, before the word "each," to strike out "$1,200" and insert "$1,500," and, in the same line, after the words "in all," to strike out "$36,510" and insert "$37,410," so as to make the clause read:

Court of Appeals, District of Columbia: Chief justice, $7,500; two associate justices, at $7,000 each; clerk, $3,250, and $250 additional as custodian of the Court of Appeals Building; assistant or deputy clerk, $2,250; reporter, $1,500: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, $1,000; three messengers, at $720 each; necessary expenditures in the conduct of the clerk's office, $1,000; three stenographers, one for the chief justice and one for each associate justice, at $1,500 each; in all, $37,410, one-half of which shall be paid from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 148, after line 17, to insert:

Clerk of District Court, Northern District of Illinois: For clerk of the District Court for the Northern District of Illinois, authorized by the act of July 31, 1894, $3,000.

The amendment was agreed to.

The next amendment was, on page 149, line 21, after the word "stationery," to insert "supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing," so as to make the clause read:

For rent of necessary quarters in Washington, D. C., and elsewhere, $7,000; for necessary traveling expenses of members of the court and clerk, $330; for books, periodicals, and stationery, supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing; for pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $8,000; in all, $15,330.

The amendment was agreed to.

The next amendment was, at the top of page 150, to insert:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

Mr. REED addressed the Chair.

Mr. WARREN. Now, Mr. President——

Mr. REED. Mr. President, I wish to inquire——

Mr. WARREN. Mr. President, that amendment is at the top of page 150 and relates to the Commerce Court. If the Senator from Missouri will allow me a moment, I will say that it is my desire to lay aside for the present the provisions affecting the United States Commerce Court and to go on with the remainder of the bill.

Mr. REED and Mr. POINDEXTER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wyoming yield, and to whom?

Mr. REED. I had the floor and yielded to the Senator from Wyoming.

The VICE PRESIDENT. The Senator from Wyoming had the floor.

Mr. REED. I had addressed the Chair, and the Senator from Wyoming rose to ask that the bill be laid aside.

Mr. WARREN. If I have the floor, I yield to the Senator from Missouri.

Mr. REED. I wish to inquire of the chairman of the committee why it is not entirely practicable to house the Court of Customs Appeals in some public building in Washington. Why is it necessary to be paying rent for quarters for that court?

Mr. WARREN. Mr. President, the Department of Justice is without buildings, and, for that matter, so are nearly all of the courts. The Court of Appeals of the District of Columbia has a building, and I believe the Supreme Court of the District of Columbia has also; but the other courts have to rent quarters.

Mr. OVERMAN. I notice there is a great difference in the amount paid for the rental of quarters by the Court of Customs Appeals and the Commerce Court. The Court of Customs Appeals pays $7,000 for their quarters, while the Commerce Court pays $12,000.

Mr. REED. I simply made the inquiry. I do not suppose there is any remedy for it in this bill.

The VICE PRESIDENT. Without objection, the amendment at the top of page 150 will be temporarily passed over.

Mr. POINDEXTER. Mr. President, I desire to address myself to that particular provision.

The VICE PRESIDENT. Does the Senator object to its being passed over without action?

Mr. POINDEXTER. I reserve the right to object.

The VICE PRESIDENT. The Chair did not intend to prevent the Senator from speaking now, but only wanted to know if the Senator objected to its being passed over without action.

Mr. POINDEXTER. I have no desire to speak on it at this time, but I want to make an inquiry of the Senator from Wyoming, and for that reason reserve the right to object. I do not think that I will object to its going over, but I wanted to inquire what plan the Senator from Wyoming has as to taking up the various portions of the appropriation bill relating to the Commerce Court?

There is another provision later on in addition to this, and one other which probably will be discussed somewhat in the Senate, and it is doubtful whether they can be concluded this afternoon. I understand there are a large number of other amendments to be offered to the bill on going over it again which will not involve any discussion. I desire to ask the Senator if he will agree to let the Commerce Court matter go over until to-morrow?

Mr. WARREN. My intention is to let the three different paragraphs relating to the Commerce Court go over until we have otherwise finished the bill, and at this hour of the evening I feel sure that we shall not any more than finish, and perhaps can not finish, the remainder of the bill; so I think the Senator is safe in assuming that everything relating to the Commerce Court will go over until to-morrow; in fact, I shall agree to that now.

Mr. POINDEXTER. To be taken up at the conclusion of other matters in the bill, or to be taken up at a certain time to-morrow?

Mr. WARREN. I am sure that we shall not be able to take it up to-day at all, but I shall endeavor to get this bill up to-morrow as early as possible, and the provisions which the Senator has in mind, I presume, will be among the first matters to be considered.

The VICE PRESIDENT. Without objection the provisions referred to will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 150, line 13, after the word "bailiff," to strike out "$1,500" and insert "$1,800"; before the word "two," to insert "one at $1,500"; in line 15, before the words "at $1,200 each," to strike out "three" and insert "two"; and in line 18, after

the words "in all," to strike out "$56,480" and insert "$57,080," so as to make the clause read:

Court of Claims: Chief justice, $6,500; four judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,800; clerks—one at $1,800, one at $1,500, two at $1,400 each, two at $1,200 each; stenographer, $1,200; chief messenger, $1,000; three firemen; three watchmen; elevator conductor, $720; two assistant messengers; two laborers; two charwomen; in all, $57,080.

The amendment was agreed to.

The next amendment was, on page 150, line 23, after the word "repairs," to insert "including bicycles," so as to make the clause read:

For stationery, court library, repairs, including bicycles, fuel, electric light, electric elevator, and other miscellaneous expenses, $3,900.

Mr. WILLIAMS. I notice the language "repairs, including bicycles." Is that intended to mean including repairs to bicycles, or is it intended to mean including bicycles?

Mr. WARREN. It occurs immediately after the word "repairs," and I should construe it to mean the repairs of bicycles. I may say to the Senator that the bicycle question and the street car question are very closely intermingled. Without bicycles, which the messengers usually furnish themselves, it is necessary, in sending them on long-distance trips, to give them street car tickets; and we thought this a reasonable request.

Mr. WILLIAMS. It is all right if some man will not conclude that this will give the right to go and buy a bicycle.

Mr. OVERMAN. We could say "including repairs to bicycles."

Mr. WILLIAMS. But the bill says "including bicycles." It reads:

For stationery, court library, repairs, including bicycles.

Mr. WARREN. If the Senator has any misgivings about that, he can insert between the word "including" and the word "bicycles" the words "repairs to."

Mr. WILLIAMS. I would not consider that necessary if the Senator himself were dealing with the appropriation, or if most people were; but when a bureau is dealing with an appropriation I think it well to make it specific.

Mr. WARREN. This, however, is a court, and not a bureau.

Mr. WILLIAMS. Well, courts are infinitely worse than bureaus when it comes to construing the manner in which they may spend money.

Mr. WARREN. Let the provision be amended to read "including the repairs to bicycles."

Mr. GALLINGER. By inserting the words "including repairs to."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "including" the words "repairs to," so as to read "including repairs to bicycles."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 152, after line 3, to strike out section 4, as follows:

SEC. 4. That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia, except forecasters in the Weather Bureau, shall be filled except by promotion or demotion from among persons employed within the District of Columbia in such departments or establishment: *Provided*, That if in the judgment of the President the exigencies of the service require, and he shall so order, transfers may be made during the fiscal year 1913 from among persons employed within the District of Columbia in one executive department or other Government establishment to fill vacancies that may occur in the classified service of another executive department or other Government establishment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The next amendment was, on page 152, after line 18, to strike out section 5, as follows:

SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service, on the 30th day of June, 1917: *Provided*, That all persons separated hereunder from the classified service shall be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a fair standard of efficiency and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department.

Mr. WILLIAMS. Mr. President, we are going so rapidly one can not find what is stricken out. What is the subject matter of this part of the House bill stricken out?

Mr. WARREN. Shall I give it in concrete form to the Senator?

Mr. WILLIAMS. Yes.

Mr. WARREN. Section 4 provides that during the next fiscal year no vacancies occurring in the classified service shall be filled in any of the departments; and section 5 provides for the five-year tenure of office for civil-service employees—that is, that their terms shall all expire at the end of five years, and only those who then pass an examination shall be reappointed. In place of section 5, which occupies more than a page, we have inserted another section, known as section 4, which I ask the Secretary to read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 153, after line 21, the committee propose to insert:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such systems shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a maximum rating below which no employee may fall without being demoted; it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that all that matter may be passed over for the present without prejudice and be taken up later.

Mr. WARREN. If the Senator wishes to pass it over, I have no objection.

Mr. WILLIAMS. I think we had better look into it.

The VICE PRESIDENT. Without objection, the provision will be passed over temporarily.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 154, line 18, to change the number of the section from "6" to "5."

The amendment was agreed to.

The next amendment was, on page 155, line 1, to change the number of the section from "7" to "6."

The amendment was agreed to.

The next amendment was, on page 155, line 19, to change the number of the section from "8" to "7," and in line 23, after the word "apartments," to insert "except for telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed," so as to make the section read:

SEC. 7. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.

The amendment was agreed to.

The next amendment was, on page 156, after line 2, to strike out:

SEC. 9. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries

or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations.

Mr. OVERMAN. Let the amendments striking out section 9 and section 10 be reserved.

Mr. WARREN. Section 10 is already reserved, because it relates to the Commerce Court.

The VICE PRESIDENT. Section 10 is reserved. Section 9 will also be passed over. The Secretary will state the amendment striking out section 10.

The SECRETARY. On page 157, after line 20, it is proposed to strike out section 10, as follows:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

The VICE PRESIDENT. The amendments will be temporarily passed over.

The reading of the bill was concluded.

Mr. WARREN. The committee has certain amendments to offer. I offer the amendment I send to the desk.

The VICE PRESIDENT. On behalf of the committee the Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 2, line 22, before the word "assistant," it is proposed to insert the word "first."

The amendment was agreed to.

Mr. WARREN. I also offer an amendment, to come in on lines 10 and 11, page 11. I will say to the Senator from Mississippi that this amendment proposes to strike out the word "newspapers," as the Senator heretofore suggested.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, lines 10 and 11, it is proposed to strike out the words "and newspapers."

The amendment was agreed to.

Mr. WARREN. I also offer an amendment to come in on page 13, line 19.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 13, line 19, it is proposed to strike out the heading "Congressional Directory" and insert the heading "Joint Committee on Printing," and on page 13, after line 22, to insert a new paragraph, as follows:

For inspector for the Joint Committee on Printing, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000.

The amendment was agreed to.

Mr. WARREN. Mr. President, by request of the chairman of the House committee, I move to amend a little House matter according to the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, line 15, it is proposed to strike out "$720" and insert in lieu thereof "$900," and in line 20 to make the total read "$92,150."

The amendment was agreed to.

Mr. WARREN. On page 29 there is a total to be corrected because of an error in the original print.

The VICE PRESIDENT. There has already been unanimous consent given for the Secretary to correct all totals.

Mr. WARREN. Yes; but this is an error in the original print.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 29, line 14, it is proposed to strike out "$100,000" and to insert in lieu thereof "$105,000."

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk, to come in on page 41.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 41, line 5, it is proposed to strike out "$2,000" and to insert in lieu thereof "$2,500"; and in line 6, before the word "document," to insert "1, at $1,000."

Mr. REED. What is the reason of the change from $2,000 to $2,500?

Mr. WARREN. It gives the salary provided in the current law, and I am informed by an officer of the Treasury Department that there was an error in sending up the papers. This merely leaves the man at the same salary he is now drawing.

The amendment was agreed to.

The SECRETARY. It is further proposed to amend the bill by striking out, in line 7, the words "assistant messenger" and inserting in lieu thereof the words "two assistant messengers," and, in line 8, to make the total read "$13,100."

The amendment was agreed to.

Mr. WARREN. I offer the following amendment, which brings the amount of rent to cover what has been formerly given in two places.

The SECRETARY. On page 56, line 10, strike out "$48,850," and insert in lieu thereof "$52,000."

Mr. WILLIAMS. Why is that?

Mr. WARREN. There was a division of rent before, and the rent for the Supply Department had appeared in another place; but it was left out of the other place, and so we put it in here.

The amendment was agreed to.

Mr. WARREN. The amendment I now offer is to restore to the Baltimore Subtreasury the amount of the estimates. The reason it was overlooked when the bill was under consideration by the subcommittee is that the member of the Committee on Appropriations from Maryland was expected to visit the committee and correct us up, but illness prevented his coming. I will ask that the amendment be accepted.

The SECRETARY. On page 61, lines 13 and 14, strike out the words "three clerks, at $1,800 each," and insert in lieu thereof "paying teller, $2,250; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800."

The amendment was agreed to.

The VICE PRESIDENT. The other amendments offered by the Senator from Wyoming will be stated.

The SECRETARY. It is proposed, on page 61, in line 14, to strike out the word "four" and insert in lieu thereof the word "three," and to strike out "$34,000" and to insert in lieu thereof "$34,950."

The amendment was agreed to.

Mr. WARREN. Mr. President, on page 61, line 23, there is some ambiguous language in reference to the Boston office; and the amendment I send to the desk is simply to make the language effective.

The SECRETARY. On page 61, line 23, after "$1,100" insert "each," so as to read "three clerks, at $1,100 each."

The amendment was agreed to.

Mr. WARREN. Mr. President, on page 68, line 1, I move to strike out "$2,300" and insert "$4,100," to make it conform to the estimates.

The amendment was agreed to.

Mr. WARREN. In the provision for the hydrographic office we provided for a new station at Panama, but did not insert any funds. I therefore wish, in the amendment I send to the desk, to raise the amount from $11,000 to $13,500.

The SECRETARY. On page 90, line 7, it is proposed to strike out "$11,000" and insert in lieu thereof "$13,500."

The amendment was agreed to.

Mr. WARREN. I also send to the desk the following amendment.

The SECRETARY. On page 103, line 12, after the word "maps," it is proposed to insert:

Including maps, showing areas designated by the Secretary of the Interior under the enlarged homestead act.

The amendment was agreed to.

The SECRETARY. And on the same page, in line 18, it is proposed to strike out "$2,000" and insert in lieu thereof "$3,300."

The amendment was agreed to.

Mr. WARREN. I now offer the following as to the Census Office.

The SECRETARY. On page 131, line 14, it is proposed to strike out the word "four," where it first occurs, and insert "eleven"; in line 15 it is proposed to strike out the word "seven" and insert "twenty"; in line 15 strike out the word "twenty-five" and insert "thirty-two"; in line 16 strike out the words "and forty"; in line 16 strike out "one hundred and forty-three" and insert "eighty-three"; and in line 17 strike out "fifteen" and insert "eighty-seven."

The amendment was agreed to.

Mr. WARREN. Following next is an amendment relating to the Bureau of Labor, to which I call the attention of the Senator from Iowa.

The SECRETARY. It is proposed, on page 135, lines 23 and 24, to strike out the following words:

And the comparative cost of living, and the kind of living.

Mr. WARREN. That leaves it with the department as it now is.

The amendment was agreed to.

Mr. WARREN. I have an amendment on page 136, which I send to the desk.

The SECRETARY. On page 136, line 15, it is proposed to strike out "five" and insert "seven"; in line 15, it is proposed to strike out "eleven" and insert "twelve"; in line 16, it is proposed to strike out "fourteen" and insert "fifteen"; in line 18, to strike out "$102,610" and insert "$110,660."

The amendment was agreed to.

Mr. WARREN. I may say, in extenuation of the fact, that the committee offers amendments of this kind, that the jointure of different bureaus under the departments required a review, which has been made.

Mr. WILLIAMS. It is just a reclassification, it is not?

Mr. WARREN. Yes.

Mr. WILLIAMS. The total is the same?

Mr. WARREN. The total in this case is a little more, because we had inadvertently left out some of the employees.

The following amendment is in relation to the employment in the Bureau of Standards of what both the Department of Commerce and Labor and the Treasury Department regarded as a very necessary officer.

The SECRETARY. On page 141, line 22, after the figures "$4,800," it is proposed to insert the following:

Physicist qualified in optics, $4,000.

Mr. HEYBURN. Mr. President, it had been my intention to scan rather closely any amendment to that class of appropriation. In about 9 or 10 years the appropriation for this bureau has grown from $25,000 to $286,000. I desire to inquire of the chairman of the committee, in charge of the bill, in regard to this appropriation for the Bureau of Standards.

Mr. WARREN. Mr. President, the Bureau of Standards had an estimate in here of a very large amount.

Mr. OVERMAN. They wanted $500,000.

Mr. WARREN. As I remember, it was an increase of something like thirty-five or thirty-eight thousand dollars.

Mr. OVERMAN. Thirty thousand dollars more than at present.

Mr. WARREN. Thirty thousand or more dollars than the bill carries. We were not able to agree to allow that, and except in one or two unimportant matters we took the current law. But this one matter has been very sharply brought to the attention of the committee since the subcommittee considered the matter through a letter from the Treasury Department to a member of the committee. I will say that I do not believe much in these late subestimates. Department officials ought not to address different Senators, even though they may be members of the committee. They ought to come directly to the committee itself. But I am informed that this is a very important matter and have been willing to insert it. I think it ought to go in and pass.

Mr. HEYBURN. Mr. President, I do not know what there is about it that is important. The bureau is not an important one. It has been growing at a wonderful rate. We started to have a small bureau to perform small duties. We started with $25,000 in the appropriation bill of 1901, and have now grown to $286,000.

Mr. OVERMAN. I agree that in this case we appropriate a great deal more than we ought to. We put up this building out here, and there has been a great amount of hauling backward and forward. They have put up a building away out here near Chevy Chase.

Mr. HEYBURN. There is such a slight need of this bureau as to justify a close investigation in regard to these very large appropriations. We should give some attention to the functions performed by this bureau, and it is high time we did. Here is an addition of $400,000 in 10 years to the annual cost of this bureau, which has no very responsible or extensive duties to perform.

Of course, it was supposed during consideration of the pure-food bill that this bureau would be invested with the duty of establishing standards, and in anticipation of that event, which never transpired, they laid out a great system of elaborate buildings and bureaus and divisions and expensive employees.

But the pure-food law did not call for any services at the hands of the Bureau of Standards. The courts by the bill as it passed the Senate were made the judges of the standards and of infractions of the law. When the bill came over from the House it did provide for a Bureau of Standards, but the Senate passed a bill upon different lines, and in conference the Senate method and provision were adopted and became the law.

This bureau has curious items. The Senator from New Hampshire has directed my attention to one:

Expenses of the visiting committee: Expenses of attendance of American member at the meeting of the International Committee of Weights and Measures—

Now, listen to this—

and contingencies of all kinds, $25,000.

That language in an appropriation bill is so indefinite and reckless as to attract attention. That item is $25,000. The bill is full of items of that kind. I do not expect at this time to be able to accomplish very much more than to direct the attention of Senators to this bureau. But I have carried my copy of the bill marked for some suggestions that may be taken under consideration.

The bureau was created by the act of March 3, 1901, volume 31 of the Statutes at Large, page 1449. There has been no legislation since that original act which would justify any such growth or exaggeration of this item of appropriation. It is purely the building up by a bureau of an establishment based upon a very small foundation. I hope Senators will look into it. I will call attention to the original provision in reference to the officers of this bureau:

One director, $5,000.

Mr. GALLINGER. I will ask the Senator from Wyoming if he is willing that this item should go over.

Mr. OVERMAN. Mr. President, I shall object to this item. It never has been brought before the subcommittee. I cross-examined the man who appeared before us about this very office. He has two physicists here. He has got an assistant physicist and he wants an increase. I should like to have inserted in the RECORD what this man desires out there. We declined to increase his appropriation a solitary cent, and here this amendment is offered on the floor without having had consideration by the committee, and I object to it.

The chairman has been very fair to me on every item he has offered here; but this item has never been submitted to me as one of the subcommittee, and I protest against it. I want to say it is not a committee amendment, because it never has been before the committee. I am not criticizing the chairman, because I think he understood it had been brought to my attention.

Mr. WARREN. I did; yes.

Mr. OVERMAN. I want to say that it has not been, and it never has been brought to the attention of the committee at all. We rejected the proposition in the committee.

Mr. WARREN. I will say, however, if the Senators who are now on the floor will permit me, that I am very tired, and so are other Senators; and I would be glad if the bill might go over with this matter pending. I will ask to have the bill come up to-morrow morning immediately after the morning business.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 11, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 10, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we come to Thee with unbounded faith and confidence in Thine infinite wisdom, power, and goodness. Realizing our dependence on Thee, we pray for light to guide us in the way of truth, for strength that we may resist evil, for energy that we may push forward unto the measure of the stature of the fullness of Christ. In His spirit. Amen.

The Journal of the proceedings of Saturday, June 8, 1912, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers of said war;

H. R. 21290. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State;

H. R. 17679. An act to make Bay City, Mich., a subport of entry; and

H. R. 10674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana.

The message also announced that the Senate had passed with amendment the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 43.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives, to be distributed through the folding room, 100,000 copies of Public Health Bulletin No. 51, being a report on the cause and prevention of typhoid fever, with special reference to conditions observed in Yakima County, in the State of Washington, by L. L. Lumsden.

LIFEBOATS ON ARMY TRANSPORTS.

The SPEAKER laid before the House the bill (H. R. 23626) to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for whom transportation facilities are now provided on said transports and the crews of said transports, with a Senate amendment.

The Senate amendment was read.

Mr. HAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

THE METAL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 18642, to revise the metal schedule, with Senate amendments; and pending that motion I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. MANN. Mr. Speaker, reserving the right to object, I have no objection to that; but I think we ought to have a larger number of Members present, and I therefore make the point of no quorum present.

Mr. UNDERWOOD. I will ask the gentleman to withhold the point for a moment so that the request may be submitted that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. I have no objection to that.

Mr. UNDERWOOD. Then, I ask the Chair to put the request.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. MANN] raises the point that there is no quorum present. Evidently there is not.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

Accordingly a call of the House was ordered.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Anthony	Borland	Burleson
Aiken, S. C.	Ashbrook	Bowman	Byrnes, S. C.
Akin, N. Y.	Barchfeld	Broussard	Calder
Ames	Barnhart	Bulkley	Cantrill
Anderson, Minn.	Bartholdt	Burgess	Carlin
Anderson, Ohio	Bates	Burke, Pa.	Carter
Andrus	Berger	Burke, Wis.	Catlin
Connell	Graham	Lindsay	Roberts, Mass.
Covington	Greene, Mass.	Littleton	Roberts, Nev.
Cox, Ind.	Griest	Lloyd	Robinson
Cox, Ohio	Guernsey	Longworth	Rodenberg
Cravens	Hamilton, W. Va.	McCreary	Rubey
Currier	Hammond	McDermott	Rucker, Colo.
Curry	Hanna	McHenry	Rucker, Mo.
Dalzell	Harris	McKenzie	Saunders
Daugherty	Haugen	McKinley	Sells
Davidson	Hayes	McMorran	Sheppard
Denver	Heflin	Macon	Slayden
Dickson, Miss.	Helgesen	Maher	Slemp
Dies	Helm	Malby	Smith, Cal.
Diffenderfer	Hinds	Martin, S. Dak.	Smith, N. Y.
Doughton	Hobson	Mondell	Sparkman
Draper	Howell	Moon, Pa.	Stack
Driscoll, D. A.	Hughes, N. J.	Moore, Tex.	Stanley
Dyer	Hughes, W. Va.	Murray	Sulzer
Fairchild	Humphrey, Wash.	Nye	Switzer
Fields	Humphreys, Miss.	Olmsted	Taylor, Ala.
Focht	Jacoway	Padgett	Taylor, Ohio
Fordney	Kennedy	Parran	Tilson
Fornes	Kent	Pickett	Tuttle
Francis	Kindred	Plumley	Utter
French	Kinkead, N. J.	Porter	Vare
Fuller	Konig	Pou	Vreeland
Gardner, Mass.	Kopp	Powers	Warburton
Gardner, N. J.	Lafean	Prince	Watkins
Garrett	Lamb	Pujo	Wilder
Gillett	Langham	Raker	Wilson, Ill.
Glass	Langley	Randell, Tex.	Wilson, N. Y.
Godwin, N. C.	Lawrence	Ransdell, La.	Wilson, Pa.
Goldfogle	Lee, Ga.	Redfield	Wood, N. J.
Goodwin, Ark.	Legare	Reyburn	Woods, Iowa
Gould	Levy	Riordan	Young, Mich.

The SPEAKER. The roll call shows 223 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to, and the doors were ordered to be opened.

Mr. UNDERWOOD. Mr. Speaker, the bill before the House represents the metal schedule, and has three amendments that were placed on it by the Senate; one reduces the duty on pig iron from 8 per cent to 6 per cent; the second amendment reduces the duty on the ferro alloys from 15 per cent to 10 per cent; and the third amendment is a repeal of the law known as the Canadian reciprocity act.

I move, Mr. Speaker, to concur in the first Senate amendment, the amendment reducing the rate of duty on pig iron from 8 per cent to 6 per cent.

The SPEAKER. The gentleman from Alabama moves to concur in the Senate amendment reducing the tariff on pig iron from 8 to 6 per cent, and the Clerk will read the amendment.

The Clerk read the Senate amendment, as follows:

Page 2, line 6, strike out the word "eight" and insert in lieu thereof the word "six."

Mr. UNDERWOOD. Mr. Speaker, the duty on pig iron has been fully discussed in this bill before. I do not believe that this reduction will work serious injury to the people engaged in the business. It will entail a loss of revenue of about $49,000. I believe that the rate fixed in the original bill was a fair rate, but as the Senate has only added two amendments to the bill itself, and the only objection we have to the two amendments from our standpoint is the loss of revenue, which I believe we can stand, I think the House should concur in the two Senate amendments. The first, the one now before the House reducing the rates on pig iron, will produce a loss of revenue of $49,000. The amendment reducing the rate on ferro alloys from 15 to 10 per cent will amount to a loss of revenue of $252,000. I believe myself that the former rate on the ferro alloys was a fair revenue rate. Ferro alloys are not used by people generally, but are used by the manufacturers. I do not think the amount of tax placed on the manufacturer was unfair, but as the total amount of revenue that will be lost in this bill by reason of these two amendments amounts to only $301,000, and by agreeing to the two Senate amendments it brings the two Houses together on the bill, so far as these two amendments are concerned, and the iron and steel bill is concerned, I believe that the House should concur in both amendments.

Mr. PAYNE. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. I would like to ask the gentleman, before he takes his seat, if he reported this bill back to the House with the recommendation that the House nonconcur in all the amendments?

Mr. UNDERWOOD. I did not.

Mr. PAYNE. Was that the direction of the committee?

Mr. UNDERWOOD. It was not.

Mr. PAYNE. Was a motion made in committee to nonconcur to all the amendments?

Mr. UNDERWOOD. It was not.

Mr. PAYNE. Was a separate vote demanded on the amendment repealing the reciprocity act?

Mr. UNDERWOOD. A motion in committee was made to concur in two amendments and to disagree to the amendment No. 3, and a separate vote was demanded in committee on that motion. The bill is reported to the House in conformity with the action of the committee.

Mr. PAYNE. I would like to ask the gentleman what the total loss of revenue would be by the bill if the Senate amendments were accepted. I did not know that the report was coming up this morning, and so I have not my papers here.

Mr. UNDERWOOD. I think the estimate, when the bill was reported to the House last winter, was that the loss of revenue would be about $800,000. I am stating it from my recollection.

Mr. PAYNE. And this is an additional loss of revenue to the amount of $300,000?

Mr. UNDERWOOD. Yes; it will make a loss of revenue on the iron and steel schedule of about a million dollars. But if the Senate desires to pass the excise-tax bill that we sent to them, it will more than make up for the loss of revenue in this bill.

Mr. PAYNE. I gather from what the gentleman says that he will move to nonconcur in the third amendment, in relation to reciprocity, and the bill will have to go to conference.

Mr. UNDERWOOD. The Senate may yield, and it may be unnecessary for it to go to conference.

Mr. PAYNE. I suppose the gentleman will ask for a conference if the House nonconcurs.

Mr. UNDERWOOD. I did not intend to do so.

Mr. PAYNE. Is there an understanding that if we nonconcur in the third Senate amendment that they will yield?

Mr. UNDERWOOD. No understanding whatever; but my purpose is to concur in the amendments of the Senate as put upon this bill itself, the amendments that relate to the iron and steel bill. The other amendment is not germane to the bill, and when we reach that amendment I will state to the House why I think the House should disagree to it.

Mr. PAYNE. It is germane to the bill under the Senate rules and under all rules of the House previous to this House.

Mr. UNDERWOOD. I think I can take the gentleman's own record upon that question and satisfy him that this amendment is not germane, but we will discuss that when we come to it.

Mr. PAYNE. There is one further question I desire to ask. I am at a disadvantage, because I did not know that this was to come up this morning. What was the equivalent ad valorem on pig iron under the present law?

Mr. UNDERWOOD. My recollection is that the equivalent ad valorem on pig iron under the present law was about 15 per cent.

Mr. PAYNE. And under the present law there has been an increase of importations of pig iron.

Mr. UNDERWOOD. I will state to the gentleman from New York that under the present law ferromanganese is included in the estimate with pig iron and, of course, lowered the ad valorem rate; but, with ferromanganese included, the rate was about 10 per cent, and excluding ferromanganese, leaving it to pig iron proper, the rate was 15 per cent on pig iron. As to the importations of pig iron, the pig iron imported during the fiscal year 1911 amounted to 54,000 tons in the United States as a whole. Of that amount about 40,000 were imported on the Pacific slope, leaving only about 14,000 tons that were imported on the Atlantic coast line. Considering the fact that last year the production of pig iron in the United States amounted to something like 26,000,000 tons, I do not think, with an importation of 54,000 tons in the United States, but 14,000 tons on the Atlantic seaboard, where the real competition takes place, that a reduction of this rate would jeopardize the industry.

Mr. PAYNE. I do not know. You can get down to the revenue rate, and when you get there you encourage importations. The more you get below it the more you encourage importations proportionately, and it would look as though the gentleman were guessing on this important industry.

Mr. UNDERWOOD. I would answer that by saying that I am stating the facts. I have stated the facts to the gentleman.

Mr. PAYNE. The gentleman is guessing on the rate of 6 per cent.

Mr. UNDERWOOD. As I have stated to the gentleman from New York many times before, and as the gentleman knows, the railroad rate upon pig iron going into the interior, after you have traveled a few miles from the seaboard, amounts to a prohibition of importation. The only place where there can be any importation is immediately on the seaboard, and that is the point where you can raise the revenue. I do not hesitate for a moment to say that if you put pig iron on the free list it would not affect the price when you cross the Allegheny Mountains, or even for some distance this side of the Allegheny Mountains, because the railroad rate going west—this being a heavy commodity, and the freight rates being high proportionately—would exclude competition when you get a few hundred miles away from the Atlantic seaboard, even with free trade. It is possible to raise a reasonable amount of revenue right along the coast line, and I do not think that anyone can say that 8 or even 6 per cent is an unusual or unreasonable tax or a prohibitive tax. So low a rate as 6 per cent, the rate we propose to concur in, is certainly a revenue tax and will produce some revenue at the seaboard. If the Senate had not made this reduction and had left the amount at 8 per cent, there would have been produced a revenue of half a million dollars. As it is, there will be a loss of revenue as estimated by the experts of some $49,000 under this item.

Mr. PAYNE. Of course the gentleman is aware that a large proportion of the pig iron used in manufactures is used on the immediate seacoast.

Mr. UNDERWOOD. Oh, no.

Mr. PAYNE. A large portion of it, practically, on the seacoast.

Mr. UNDERWOOD. Of the pig iron manufactured?

Mr. PAYNE. Of pig iron.

Mr. UNDERWOOD. Manufactured?

Mr. PAYNE. Yes; a large percentage of it is used on the seacoast or near it.

Mr. UNDERWOOD. Oh, the gentleman is not informed. The gentleman does not understand the iron and steel industry.

Mr. PAYNE. I am well enough informed to make that assertion, and make it good from information I could present to the gentleman from Alabama, and, further than that, there is a point on which you can take pig iron into the interior and not cross the continent.

Mr. UNDERWOOD. The gentleman from New York should not be so reckless in his statements. He must know that more than half, or at least half, of the production of pig iron in the United States is in the Mississippi Valley, and it rarely ever crosses the Allegheny Mountains for sale.

Mr. PAYNE. Well, I say a large proportion is manufactured and used not far from the Atlantic coast and there is a point of duty or free pig iron that can be taken into the interior.

Mr. UNDERWOOD. But the gentleman must know there is a very small proportion of the manufacture of pig iron or its use that lies east of Pittsburgh and Bethlehem; that it does not amount to 5 per cent.

Mr. PAYNE. That is true; a small proportion is manufactured, but a larger proportion is used in manufacture east of the Allegheny Mountains than that, a much larger proportion. But as far as I can understand the gentleman, he has no data by which he can say whether 6 per cent will largely increase importations or not.

Mr. UNDERWOOD. I say to the gentleman candidly I do not think it will increase importations. It might increase importation to some 20,000 tons on the Atlantic seaboard, but not over that.

Mr. SHARP. As I gather from what the gentleman from Alabama [Mr. UNDERWOOD] says, he bases his supposition of the loss of revenue upon last year's business—that is, on the business of 1911—taking into consideration a reasonable increase of importations by reason of the reduction of rates. The reason I asked that question is because, having been at one time for several years engaged in the manufacture of pig iron myself, I have been greatly interested in this discussion, and I never hear the talk about the loss of revenue without my memory going back to a time when we imported into this country in a single year about 1,000,000 tons, or 20 times as much, according to the gentleman's statement, as we did last year. Now, the importation of pig iron into this country depends very largely upon the home market price, and the price upon the demand and supply. During the last few years some of our pig-iron manufacturers have been running along at almost no profit at all. I speak from absolute knowledge when I say some of the furnaces have not made one dollar for another covering a portion of that time. Just as soon as the business revival comes, then the price will commence to pick up, and just as soon as the price of that commodity exceeds a certain level, then we will have importations from England and from Germany, so that it seems to me that there is no real apprehension on the part of the gentleman from Alabama that we are going to lose any of our revenue by this modest reduction, because as soon as the revival comes our prices will increase from $3 to $5 a ton. I will appeal to the record of any iron-trade journal, and if you will turn back to its pages of five years ago you will find within

this very month the price of pig iron ranged from $5 to $8 more than to-day, or more than it has been at any time during the past four years. I do not, however, want the gentleman from New York [Mr. PAYNE] to gather encouragement from the fact that it is in view of a Democratic Congress, because all of this depression came under a Republican Congress and under a high tariff, but it does seem to me that the gentleman from Alabama is unduly apprehensive in stating that there is going to be any loss of revenue at all.

Mr. UNDERWOOD. I am not apprehensive. The gentleman misunderstood me. I stated the loss of revenue would only be $49,000, which is not a great amount. I am not the one who has the apprehension.

Mr. SHARP. I believe the revenue will be very much larger than it was during the past year as soon as the business revival comes, which we are bound to have again. I think the importance of this tariff question in its various phases is apt to be overestimated in so far as a high tariff is considered a panacea for all industrial ills or a low tariff a portent of disaster. We have cycles of business depression, and the present one has lasted four or five years. We are due soon to get a business revival, independent of whether we have a Democratic or a Republican Congress, and when that time comes, and when the level of prices goes up higher than it is now, we will have naturally increased importations from other countries. It is bound to follow as it has followed for the last 20 or 30 years. When business was booming in the pig-iron industry, at least, we had heavy importations, because they could afford to ship it from England and Germany and undersell us, and so they did to the extent, as I have said, of nearly a million tons in one year, if my memory is correct.

In my judgment, such a duty as shall be low enough to prevent a monopoly by enabling fair competition and at the same time high enough to afford sufficient revenues to run our Government, with the incidental protection resulting therefrom, will in the long run give the most stability to our industries and the greatest prosperity to our people.

Mr. UNDERWOOD. Mr. Speaker, as I understand, under the order of the House, the bill is being considered in the House as in the Committee of the Whole under the five-minute rule?

The SPEAKER. That is correct.

Mr. HILL rose.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] is recognized.

Mr. HILL. Mr. Speaker, I do not wish to discuss the effect of this amendment upon the manufacture or price or importation of pig iron. I desire now only to call the attention of the Members of the House to the statement which has just been made by the chairman of the Ways and Means Committee that he recognizes the fact that this reduction from 8 to 6 per cent on pig iron involves a reduction of revenue of $49,000 and on ferroalloys involves a reduction of $250,000. From the 4th day of April down to now there has not been a report made by that committee, or by its chairman, that has not been directly the reverse of that proposition, namely, that the result of the reduction of duties would be that the importations would increase accordingly and the revenues would not fall off in proportion. Now, he comes before the House and admits that the revenues will fall off. I read from the report of the committee on the wool bill, as follows:

> It is apparent that the reduction of the rates will tend to increase importations, other things being equal, but in estimating the probable extent or proportion of the increase in importations many difficulties are encountered and many factors have to be considered.

And in that very report the committee itself estimated for the increase of importations to the amount of about sixty millions of woolen products, and so argued to this House that they would not lose but a million and a half dollars of revenue all told. Now he comes and says that the effect of the reduction will be a total loss represented actually by the reduction, when his whole argument has been heretofore that it would involve an increase of importation that would counteract the effect of the reduction of rates.

Mr. UNDERWOOD. The gentleman is misstating what I said. I did not say there would be a total loss of this revenue.

Mr. HILL. I understood the gentleman to say it would amount to $49,000 loss of revenue on pig iron and $250,000 loss of revenue on the ferroalloy.

Mr. UNDERWOOD. That is not a total loss of revenue.

Mr. HILL. I think the House so understood it. If the gentleman will look at the facts, he will see it is a very pronounced loss of revenue. It seems there is only one conclusion we can reach. Eight is low enough. I shall vote against the amendment, for the effect of reducing the rate still further is simply to make a bid for further importations to supplant American products, take labor away from American workmen and transfer it to Europe. [Applause on the Republican side.]

Mr. CULLOP. Mr. Speaker, I would like to ask the chairman of the Ways and Means Committee a question.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized for five minutes.

Mr. CULLOP. Do I understand the gentleman from Alabama to say that if this reduction from 8 to 6 per cent is made that that will make a reduction of revenues of $49,000?

Mr. UNDERWOOD. Over what it would have been if it remained as it is to-day.

Mr. CULLOP. But that does not take into consideration that importations may be increased, and instead of making the reduction of 2 per cent, or of $49,000, the increased importations will in all probability increase the revenue more than $49,000?

Mr. UNDERWOOD. The gentleman is mistaken.

Mr. CULLOP. I am asking for information on that subject.

Mr. UNDERWOOD. The increases given were not made by me. They were made by the experts of the Ways and Means Committee. In making their estimate on this item they took into consideration that there would be some slight increase of importation by reason of a reduction of rates, and then estimated the revenue at 6 per cent instead of 8 per cent. So the whole problem was taken into their calculation. I only stated the loss of revenue to the House, in order to be perfectly candid with it, from the information I have had. The loss of $49,000 on this particular item is not very material.

Mr. CULLOP. I should think not, in view of the fact, Mr. Speaker, of the benefit which would be derived by the 93,000,000 of people who consume this material in the United States, and it seems that in all probability a larger reduction upon this item might have been made to very great advantage to the 93,000,000 of consumers in this Republic.

The loss of revenue is a mere bagatelle compared with the benefits to be derived. Any reduction covered by the estimate given is problematical. It may increase the revenue by the more extensive use of the products.

Mr. PALMER. Mr. Speaker——

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Pennsylvania?

Mr. CULLOP. I will yield to the gentleman.

Mr. PALMER. I understood the gentleman had concluded. I rose for recognition.

Mr. CULLOP. The loss of revenue, I say, is a mere bagatelle compared with the direct benefits, and if the people can not get along under this reduction, it seems to me that the American people are in a very bad plight. The truth is, as I understand it, that we can produce this article not only more cheaply than any other country in the world, but we are actually doing it. We are doing it in the State of Alabama to-day—producing pig iron more cheaply than any other people in the world—and we need fear no competition from any quarter of the world.

Now, how could this reduction shut down an industry, turning a single laboring man out of employment? On the contrary, it would employ more men, it would operate more industries, from the simple fact that more product would be consumed and a greater demand would thereby be made for the consumption of the product on account of the reduction of the price. For one, I am most heartily in favor of the Senate amendment, and would vote to make the reduction more than it has made it. And I believe that the country would prosper the better if a greater reduction were made.

Recent disclosures concerning the tariff in certain lines of manufacturing have so clearly demonstrated the unreliability of claims made by those engaged in operating protected industries, that it has shaken the faith of the people in any contention they make. So exaggerated have been their statements, and so unfounded their contentions, that one can not persuade himself that they emanate from any other purpose than greed and avarice. It is a well-known fact that we can in this country, and are daily doing it, produce cheaper than in any country in the world. This fact is so clearly established by statistics, by the trade, and by the daily experiences of the people, that it is beyond the cavil and doubt of the most skeptical. Let us then here legislate in favor of the ultimate consumers of this country and not for the beneficiaries of special privilege. It is now time we legislate in favor of suffering humanity, to improve their conditions, that they, the many, shall enjoy the benefits of government and special interests suffer the surrender of some of its unfair legislative advantages. In agreeing to this amendment we are doing for the people the right thing and injure none.

Mr. WARBURTON. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker, just a moment. I would like to ask unanimous consent that the debate on this amendment close in 10 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this amendment close in 10 minutes. Is there objection? The Chair hears none, and it is so ordered.

Mr. PALMER rose.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. PALMER. Mr. Speaker, I want to say a word in answer to the suggestion of the gentleman from Connecticut [Mr. HILL], who criticizes the committee and the majority because we are now agreeing to a further reduction in the revenue under this schedule of the tariff law. The fact is that, even admitting the loss of revenue by reason of the Senate amendments numbered 1 and 2 to this bill, unless the experts who have estimated the revenues under the new rates with the estimated imports are entirely and grossly wrong, this bill, if it shall become a law, will raise at least a million dollars more revenue than the present schedule under the Payne law.

The reason for that is this: It is true that when the bill was brought in, the estimate was made that there would be a loss in revenue of about $800,000. That happened because it was a comparison of the estimated revenue with the revenues received at the customhouse under the Payne law during the past year. Under the Payne law there are included revenues to the amount of nearly $2,000,000 which were received at the customhouse but came back under the rebate clause in the bill.

Take, for instance, tin plate, which yields a matter of $1,800,000 of revenue per annum. Every particle of that tin plate which is brought into the country is brought in for reexport, and 99 per cent of that duty is paid back. The rate which we write into this bill upon tin plate is such as will permit tin plate to come into the country not for reexport but for domestic consumption, so that the revenue on tin plate, amounting to at least a million dollars under this proposed law, will actually come into the Treasury and stay in the Treasury, so that there will be a gain of a million dollars right there.

Mr. HILL. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. PALMER. Yes.

Mr. HILL. I would like to ask the gentleman from Pennsylvania, who comes from a very large iron district, whether he thinks this reduction in the rate of duty will have the effect of reducing the selling price of pig iron in this country?

Mr. PALMER. It may slightly, in some quarters, reduce the price of pig iron.

Mr. HILL. If it will reduce it in some quarters, why not in all quarters?

Mr. PALMER. Because the competition which will result in increased importations by reason of the reduced rate will not go all over the country by reason of the freight tariffs.

Mr. HILL. Conceding that it will reduce the price, will it reduce the domestic production?

Mr. PALMER. It will widen the zone of competition, bringing it a little farther inland by reason of the lower rate, and, of course, the increased competition will in some instances result in lower prices.

The SPEAKER. The time of the gentleman has expired.

[Mr. WARBURTON addressed the House. See Appendix.]

The question being taken, the Senate amendment was concurred in.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "fifteen" and insert in lieu thereof the word "ten."

Mr. UNDERWOOD. Mr. Speaker, I move to concur in Senate amendment No. 2. As I stated before, this amendment reduces the rate fixed in the bill from 15 per cent to 10 per cent on the ferroalloys. The ferroalloys are ferromanganese, ferrosilicon, and the other iron alloys that are used by the manufacturers of steel as a mix to perfect their steel. For instance, ferrosilicon is put into the steel during its manufacture for the purpose of liquefying the molten mass and preventing blowholes in that steel. A very small proportion of ferroalloy is used in a ton of steel. The entire tax would fall upon the manufacturer and not on the consumer.

Mr. GARNER. If I understood the gentleman's first statement correctly, concurrence in these two amendments would result in a loss of revenue of about $300,000?

Mr. UNDERWOOD. Yes.

Mr. GARNER. And the manufacturers will get the benefit of that reduction?

Mr. UNDERWOOD. Of this reduction.

Mr. GARNER. And the people—that is, the consumers—will get no benefit from this reduction?

Mr. UNDERWOOD. I think not.

Mr. GARNER. In other words, it is in keeping with the action of another body in reducing the tariff for the benefit of the manufacturers while not considering the ultimate consumer?

Mr. UNDERWOOD. I think myself the rate of 15 per cent was a fair revenue rate. I see no reason for reducing the rate on ferroalloys for the benefit of the manufacturer, but by concurring in the two amendments we bring the two Houses together on this bill. The bill carries a great many items that are of interest to the American people and the American consumer, and I do not think the House can afford to stand up and fight the Senate on these two items when by passing the bill there will be great benefits result to the people generally.

Mr. GARNER. The gentleman is willing to accept this situation for the great good that will come out of the entire schedule, rather than to nonconcur?

Mr. UNDERWOOD. Yes; in other words, I desire to get the two Houses together and send the bill to the President.

The SPEAKER. The question is on agreeing to the amendment which the Clerk has reported.

The question was taken, and the amendment was concurred in.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 22, after line 14, insert the following:

"SEC. 2. That the act entitled 'An Act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act."

Mr. UNDERWOOD. Mr. Speaker, I move that the House disagree to the Senate amendment No. 3, in relation to the Canadian reciprocity act.

Mr. LENROOT. Mr. Speaker, I move that the House agree to the Senate amendment. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to concur in or agree to the Senate amendment at this stage of the proceedings would not have precedence of a motion to disagree. If the bill was in conference the gentleman's motion would have precedence, but the bill not being in conference I do not think it takes precedence over the motion I have already named.

Mr. LENROOT. If the Chair has any doubt about that, I would like to be heard upon it.

The SPEAKER. The Chair has not any doubt. The motion of the gentleman from Wisconsin is a preferential motion. Does any Member wish to be heard on the amendment?

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Wisconsin desires to be heard on his motion, I will yield the floor.

Mr. LENROOT. Mr. Speaker, in the first place, the report of the committee upon this amendment is very interesting. It says:

This amendment is not germane to the metal schedule, having no connection with the revision of the tariff duties in that schedule.

Mr. Speaker, if this amendment is not germane to the metal schedule then I would like to have the gentleman from Alabama tell this House what possible schedule this amendment could be germane to and what possible method there could be for this House to ever bring up that question in any amendment to any tariff measure that is ever reported. I want to take Members of the House back for a moment. When they say that it is not germane to this schedule, I want to remind them that this reciprocity law covers a very large part of the metal schedule. For instance, it covers all kinds of agricultural machinery, portable engines and boilers, cutlery, automobiles, iron ore, brass, rolled iron or steel sheets, galvanized iron or steel wire, barbed wire, rolled iron in rods, and so on.

Certainly it deals with this schedule to a very marked degree, and having said that let us see how consistent the Democratic majority has been with reference to germaneness. Go back with me to the special session when the cotton bill was passed by this House and there came back from the Senate two amendments to that cotton bill, namely, the chemical schedule and the steel schedule. Was either schedule germane to the cotton schedule? But, Mr. Speaker, that is not what I desired to address myself to principally.

It is the question of who shall now take the responsibility of keeping this reciprocity law upon the statute books of the United States. [Applause on the Republican side.] A short time ago when the gentleman from Illinois [Mr. PRINCE] was making a speech, some questions were asked upon that side of the aisle as to who was responsible for this law in the first instance, and it was said a number of times by a number of gentlemen that the President of the United States was responsible for it, and the gentleman from Georgia [Mr. HARDWICK] during that debate used this language:

The fact remains that his party—the Republican Party—and his party's chieftain, with whose nomination he claimed he would be entirely satisfied, are responsible for the legislation the gentleman now seeks to denounce because he believes it is unpopular with the farmers of this country.

Mr. Speaker, it is true that the President of the United States and the Democratic Party in this House and in the Senate must share the responsibility for writing this Canadian reciprocity act upon the statute books, but Mr. Speaker, the responsibility for keeping it there lies alone with you on the other side of the aisle in the vote we will soon take. [Applause on the Republican side.] You can not escape that responsibility. You can not say that if this amendment is concurred in the President will be more likely to veto the bill, because the President of the United States in his campaign speeches has said over and over again that this Canadian reciprocity law was a dead issue.

[The time of Mr. LENROOT having expired, by unanimous consent he was permitted to proceed for five minutes more.]

He has said over and over again that this was a dead issue, and I have no doubt, and neither have you, that if the repeal of this law were sent to the President of the United States as an independent proposition he would sign the bill, because, aside from the merits of the proposition, we have a different situation presented now than when this law was passed. Since that time Canada has rejected it, and shall this great Nation of ours continue to hold out an invitation to Canada, saying that in all the years to come, if the conditions shall some time arise where you believe it will be to your advantage to accept this law you may do it, but we on this side of the line shall have nothing to say about negotiations looking to conditions as they may then exist. Is that statesmanship? Take the case of a treaty with a foreign nation which had been rejected by that nation, would anyone say that the United States should continue to hold out that treaty and bind itself with it in the future whenever that other nation chose to accept it and that they should have the right to accept it at any time and our hands should be tied?

Mr. Speaker, whatever views may have been held upon this side of the aisle in the past with reference to this Canadian reciprocity law, I do say that since Canada has acted the repeal of this law ought to receive the support of every Republican. [Applause on the Republican side.] It was never supported by a Republican majority either in the House or the Senate, and I know and many of you gentlemen on the other side of the aisle know, that the vote that you shall cast here to-day upon this amendment, if you shall follow the Committee on Ways and Means, means your defeat in the next House. I know Members upon that side of the aisle who sweat blood every time they think of Canadian reciprocity. In fact, Mr. Speaker, I am inclined to think that the President of the United States himself wishes that he had never heard of the term. [Laughter.]

I am going to ask for the yeas and nays upon this amendment shortly and we are going to get them. We are going to put you gentlemen on record. You are going upon record at this time. I am going to be interested in seeing how many of you on that side of the aisle are brave enough to stand up in the call for the yeas and nays saying that you are not cowards, but that you are willing to go upon record upon this bill. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I was surprised that the gentleman from Wisconsin [Mr. LENROOT] should challenge this side of the House to show their courage on a tariff bill. If there is any proposition that has ever come before the American people in my time and the time of the gentleman from Wisconsin, upon which there can be no doubt where the Democratic Party stands, it is on its position with reference to a revision of the tariff downward in the interest of the consuming masses of the country. [Applause on the Democratic side.] And I have this to say to the gentleman from Wisconsin: I believe in relieving the men who work in the factories and in the foundries and who have to purchase their daily bread as well as the men who work in the field or who stand behind the plow.

The gentlemen on that side of the House would revise the tariff in the interest of their own constituents and then maintain a high protective tariff wall for the benefit of their own constituencies, even if it made the hungry people in the cities starve. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. I yield.

Mr. LENROOT. The gentleman must base that statement on the fact that I have voted for nearly all of his bills.

Mr. UNDERWOOD. Yes; but the gentleman has not voted to reduce the price of agricultural implements. The difference with the gentleman from Wisconsin and myself is there is not a bill that has come before this House that retains a high tariff on the products of my constituents that I have not voted to reduce it first. [Applause on the Democratic side.] And then, Mr. Speaker, when that is done I have a right to demand of the gentleman from Wisconsin and his colleagues, when they get free wire and free ties and agricultural implements for the benefit of his constituency, that he will give free bread and free meat to the toiling masses of this country. [Applause on the Democratic side.]

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. UNDERWOOD. I can not right now. I want to say this: I voted for the Canadian reciprocity pact at the instance of your President and our President—the President of the United States. I thought he was right. I did not believe then that that bill would injure the great agricultural interests of the Northwest; I do not believe it would to-day if it became a law. But I want to say to the gentlemen who answer the roll on that side of the House when they vote for the motion of the gentleman from Wisconsin to concur in this amendment, that I challenge the gentleman's statement when he says the President of the United States has taken the back track and is ready to repeal the Canadian reciprocity treaty. I deny that fact and I challenge him to produce any proof of it. More than that, I have reason to know that that is not so. I have had those who are interested in desiring to have this pact repealed come to me as chairman of the Ways and Means Committee from which this legislation started, and I have told them if they wanted to discuss that question with me they must first go to the President of the United States and ask him to send a message to Congress saying that he had changed his position in the matter. [Applause on the Democratic side.] I know they went to your President and I know that no message has yet come from the White House saying that the President of the United States has changed his position or would sign a bill repealing the Canadian pact. Now, what do we do? We have brought a bill before this House reducing the duty on iron and wool products half in two. We have got a bill pending here that proposes to give your constituents free fencing wire and to our constituents on this side of the House free ties for their cotton, a bill in which we propose to give to the toiling women of America free sewing machines, a bill that reduces more than half in two the iron and steel commodities that go into the homes of our farmers. We have concurred in the only amendments that are germane to this bill put there by the Senate that stand in the way of it becoming a law.

You know and I know that if we should concur in this amendment repealing the Canadian reciprocity pact, that is not germane to the bill, that has nothing to do with this bill, and we send the bill to the President, we invite his veto to this iron and steel bill with an absolute certainty. [Applause on the Democratic side.] When the gentleman from Wisconsin and his colleagues on that side of the House cast their votes to concur in this amendment they know as well as I do that they cast their votes to defeat revision of the iron and steel schedule. [Applause on the Democratic side.] They know that they make an impossibility of enacting this legislation into law. They know that they deny to our farmers a reduction of their taxes on those iron and steel items in which they are interested that are in this bill. Now, why should we repeal it? The gentleman from Wisconsin and the gentlemen on that side of the House say it is dead. Well, now, if it is dead and means nothing and can not hurt the farmers, why should you seek to put it on this bill except that you desire in an indirect way to defeat this legislation? [Applause on the Democratic side.] I want to say to you that there has never been any final action by the Canadian Government against Canadian reciprocity. There has been no vote in the Canadian Parliament. It may be true that it was an issue in the campaign. It may be true that it is supposed that a majority unfavorable to this legislation has been elected, but it is also true that at the last election in

Canada they sent back liberal majorities favorable to this legislation. [Loud and continued applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. PAYNE. Mr. Speaker, I suppose it is well known in the House as a matter of record that while I was not able to be present because of sickness during the consideration of this reciprocity bill at an earlier time that I was paired in favor of the bill for Canadian reciprocity. [Applause on the Republican side.] I was in favor of it then because I believed that the bill applied only to 8,000,000 people living on our borders; that it was not a threat or a menace, and would do no injury to the American farmer.

I believe that to-day. And if Canada had accepted the reciprocity I believe now there would be no word of dissent in the United States. But they did not accept it. It is pettifogging to say that they never have repudiated it by vote. They did repudiate it. It was necessary for them to accept it before it became the law between the two countries. It is a dead issue. We can not have reciprocity on those lines. If we get rid of that and cut it off the statute books, we may in the future have some reciprocity, perhaps more reciprocal than it would be under the bill as it passed the House.

Mr. UNDERWOOD. Will the gentleman from New York yield to me right there?

Mr. PAYNE. I will if I can get more time.

Mr. UNDERWOOD. I have no objection to the gentleman extending his time. I wish to call his attention to the fact that the only law on the statute books that authorizes the President of the United States to make reciprocal trade relations with Canada is section 3 of this very act you are seeking to repeal, that has a special provision in this law to-day, authorizing the President of the United States to make further reciprocal trade agreements with Canada.

Mr. PAYNE. The President of the United States found law enabling him to present this agreement to Congress, and he can always do it. There is no difficulty about that.

Mr. Speaker, there was another provision of that law. It put print paper on the free list. This proposed repeal puts the duty of $2 a ton upon print paper. Nobody could argue against the justice of that duty, if we are to have any duty at all under the whole line of duties. And therefore, Mr. Speaker, I shall vote for this motion to concur. It is no answer to that for the gentleman to say that this amendment is not germane to the metal bill. When we had the metal bill before the committee, and when we had a bill coming over here covering the whole chemical schedule, that did not hinder the gentleman from Alabama from concurring in the amendments. It is no answer to say that any man can hide his vote behind the rule of the House that this is not germane. A question comes up here and it is for all of you to decide by your vote whether you are in favor of keeping this reciprocity act upon the statute book or not.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. The gentleman says he is in favor of free meats. His proposition for free meats was for free meats from all the world—from Argentina, from Australia, from the ends of the earth. That was a threat to the American farmer. That did affect him, because it opened up the markets to the whole world. Whether it would reduce the price of meats to the man in the city I have grave doubt, because I notice when a little duty of 5 or 10 per cent is taken off of an article the middlemen manage to absorb the duty, and they collect the amount that did go into the Treasury of the United States, and the consumer, and especially the ultimate consumer, pays as big a price as he did before. The farmer's price for meat would not have been so great under that bill in all human probability. The "farmers free-list bill" was introduced, and you tried to fool the people by its name, while striking a blow at farm produce. The farmers would never have agreed to that. They did not want that any more than they wanted Canadian reciprocity, and a large majority of them did not want that. They are afraid of this law now. It is nothing but a menace. It does no good. Therefore, I am in favor of voting to accept the amendment. The gentleman assumes that the President of the United States, if you can get this off, will sign this metal schedule. The President of the United States believes in protection, and you strip many of the articles of the metal schedule entirely of protection. You bring it in, not as a protective bill, but as a revenue bill, pure and simple. That is your profession. That is what you have succeeded in making, except where you jump at some of the duties, or all of the duties in the bill. And while one paragraph of the bill may be protective, the next is simply for revenue, and the next is simply a free-trade paragraph that you insert in the bill.

What warranted the gentlemen to assume that William H. Taft will ever sign such a mongrel tariff-for-revenue bill as this metal schedule, whether there is such an amendment on it as that repealing Canadian reciprocity or not? No, Mr. Speaker; I am in favor of this amendment. I am in favor of this motion. I am in favor of repealing that reciprocity agreement, and I am in favor of getting $2 a ton on print paper, too. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. Mr. Speaker, I voted in favor of Canadian reciprocity a year ago, believing it to be a wise and beneficent act of statesmanship, and I do not propose to vote to repeal it now. [Applause.]

It is true that they have had an election in Canada, but the Canadian Government and its Parliament have not officially passed upon this question. Canada is a great country, extending over vast regions, with a sparse population, and it is difficult in so short a time to get a coherent and definite expression of national opinion among so scattered a people.

I believe the people of Canada were misled at that election. They had altogether too much assistance from the great interests of our country, acting in concert with their own, and they pronounced judgment upon a fictitious issue. I am therefore in favor of giving Canada a distinct chance to recall her purely provincial utterance and to speak, if she can do so, with the voice of a nation.

I do not propose to attempt to reargue the benefits of reciprocity, which I have more than once presented to the House. Reciprocity was pressed upon the attention of Canada as involving annexation to this country. If I were to give an opinion upon that point, I should say that those political ties are most apt to be permanent which coincide with the material interests of a people, and that such ties are subjected to a severe strain when they are maintained at the sacrifice of natural advantages. If I am correct, then reciprocity would certainly not weaken the present political relations of Canada. Political relations are in greater danger from laws which stand in the path of commerce than they are in from laws which recognize commercial rights. The Tories of Lord North's breed on both sides of the Atlantic should remember that taxation laws framed to divert trade from its natural channels will be more fraught with danger to the continued possession by Great Britain of her colonies than the more enlightened policy which she has recently been pursuing. If the great Provinces of Alberta and Saskatchewan and Manitoba are prevented from trading with their neighbors across the border, in Minnesota and other States, and if the price of their continued allegiance to the British Crown is to compel them to send their produce 2,000 miles to the seaboard and then across the ocean, and to pay preferential duties of 33 per cent in order to force them to consume British goods, then I think no better way could be devised to lead those great Provinces to drift away from Great Britain and to cause the dismemberment of the Empire.

But this is no concern of ours. Canada must work out her own destiny. It is for her to say whether the obstruction of the pathway to her natural markets, whether, indeed, complete nonintercourse with the United States will be the tie to bind her more firmly to the motherland. Even in that event I imagine we shall be able to survive. This arrangement will benefit us, but Canada relatively much more.

I believe it will keep our friendly relations with Canada on a more secure basis. It will open up to our consumers a wider area of supply, and will tend to check the fast-mounting prices of foodstuffs without doing harm to a single interest in our country. And while I agree that if this agreement is to be repealed, it should be repealed root and branch, and should not except print paper or anything else contained in it, still I am in favor of giving to Canada a chance to reconsider her action and to pronounce, as I believe she will, in favor of the policy which has been uniformly favored by Canadian statesmen for 50 years. [Applause.]

I believe it is of vital importance to that country. Upon one side Canada loses herself in the frozen recesses of the Arctic and can trade with no nation to the north; to the east and to the west she has a narrow frontage upon the navigable ocean; her important ports are locked up for half the year with ice, and for a considerable time great icebergs lie across the track of her commerce; but to the south, for nearly 4,000 miles, and separated from her by no natural frontier, there extends an almost illimitable market. With all her vast stretches of territory, if you separate her from us by a high-tariff wall, her points of contact with the outside trading world will be very few. If she is to force the currents of her commerce through the long and artificial channels east and west, if she is to carry on her trade with the world by means of the ocean alone and be prohibited from trading with us and from our seaports in the winter time, she can never expect to be more than the mere shadow of a nation, and she will have a contracted, a withered, and a deformed growth.

In the Canadian campaign last summer there was a great show of indignation because the President had said in a speech that Canada was at the parting of the ways, and yet you will find in his message of the 26th of January of last year that he said of the Canadian people, "They are coming to the parting of the ways." No one then charged that he meant annexation.

Sir Wilfred Laurier, in a speech made a few days ago, is quoted as saying to President Taft:

> I have to tell him that Canada will never be an adjunct, and I say to Mr. Taft that the consent of the Canadian people to become an adjunct can not be obtained by all the wealth and profits of the United States.

Sir Wilfred need give himself no anxiety. The wealth of the United States will never be employed to make Canada the terrible thing Sir Wilfred imagines an adjunct to be, although some of it, I believe, was employed last summer to lead her to maintain her icy, if not splendid, isolation. If President Taft had meant annexation he could easily have said it in that private letter, but the fact that he did not say it, and coupled the expression with a statement of commercial advantages likely to accrue to his own country, shows beyond question what his meaning was. It was only after imaginations had become superheated by appeals to prejudice, and annexation had been developed as a bogy to frighten the Canadian people into a decision against their own best interests, that this expression of the President and the term "adjunct," clearly used in a commercial sense, could be given a sinister meaning.

Mr. CANNON rose.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Speaker, in five minutes I can do nothing more than to state that I am going to vote to concur in the Senate amendment. [Applause.] I voted against validating the so-called reciprocity agreement with Canada about 12 months ago. It did not meet with my approval. I think it was a great mistake that that agreement was made, secretly made, without notice to the country and sent to Congress for ratification. My objection to validating the agreement was stated then at length. The House was kind enough to listen to me for two hours at that time. The strongest objection I had to it was that it gave a premium to people of the United States to go into northwestern Canada and develop the large undeveloped areas there. It encouraged the loss of our good citizens—multiplied thousands of the best that we have.

A majority of the Republicans in the House voted against validating that agreement, but almost a united Democracy voted for it. You said it was your kind of a revenue law, and the only objection you had to it was that it did not go far enough. And then, hotfoot, you passed what you called your farmers' free-list bill, which you proclaimed to be a great boon to the farmer, by which you placed meats from the Argentine, from Australia, from everywhere in the world, upon the free list, and placed cereals upon the free list for the benefit of the farmer. Oh, God save the farmer and the country from such legislation as you would give them, and only He could save them if you had full power. [Applause on the Republican side.]

I say again, I shall vote to repeal this act of Congress. It may be that Canada never would agree to it. That is for Canada to say; but to give Canada the opportunity through the coming years to agree to validate this treaty at her sweet will, or to continue to reject it, is giving Canada an advantage that I am not willing to give her, because I believe the agreement is vicious.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like just a few minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. CANNON. It is bad enough that during the remaining months of this Congress the country should be subject to legislation, or attempted legislation, at the hands of a Democratic House, but it is worse that 90,000,000 people should sit still touching this legislation and leave it to the sweet will of Canada to legislate for us. I should like to hear you answer that proposition when you go upon the stump this fall.

Touching the $2 a ton upon print paper, I am for it. I voted for it in the Payne bill as it passed the House. We had an investigation of that subject. The bill went to the Senate and an amendment was made there fixing the duty, I believe, at $4.

Mr. PAYNE. Three dollars and seventy-five cents.

Mr. CANNON. The compromise was at $3.75. The report of the Tariff Board shows that if you want to make up the difference between the cost of production of print paper as between Canada and the United States, the duty ought to be $5.50.

Mr. MALBY. Five dollars and thirty-five cents.

Mr. CANNON. Five dollars and thirty-five cents a ton, to be accurate. Now, my friends, you say you are for a revenue duty. You hunger and thirst for revenue. A protective duty would be $5.35. Two dollars would give you revenue. Well, I am going to vote for $2, because it is better than nothing, and would give us revenue, which we will sadly need if you remain much longer in partial power in the country. [Applause on the Republican side.]

I think that is all the time I want to take. Looking at this side of the House, it seems to me that gentlemen who voted to validate this agreement could follow the example and the counsel of the former chairman of the Ways and Means Committee [Mr. PAYNE], and I am not sure but in a short time the future chairman of the Ways and Means Committee [Mr. PAYNE]. [Applause on the Republican side.] I need not say that those with whom I agreed, who voted against this legislation, will, I believe to a man, vote for its repeal.

But the gentleman from Alabama says that the President will not sign this bill if this repeal of the Canadian reciprocity act is incorporated in it. I wonder when my friend became the spokesman for the President.

Mr. UNDERWOOD. When the President of the United States asked me to pass the Canadian reciprocity pact. [Applause on the Democratic side.]

Mr. CANNON. Precisely. Have you had the word that he will not sign this bill if it contains this provision?

Mr. UNDERWOOD. I will say to the gentleman that I have.

Mr. CANNON. Do you say to me that if this Senate amendment goes upon this bill, on that account he will not sign it?

Mr. UNDERWOOD. I do not care to go into personal——

Mr. CANNON. I want to know.

Mr. UNDERWOOD. If the gentleman will allow me to answer——

Mr. CANNON. The reason I want to know is that gentlemen about me claim that the gentleman from Alabama has stated in substance that if this bill passed without this amendment of the Senate the gentleman had assurances that the President would approve it, and that if this amendment placed on it by the Senate was agreed to the President would therefore veto it. I want to know if the gentleman has the authority to say that?

Mr. UNDERWOOD. I know that the President of the United States has not changed his position, and knowing that, personally I am satisfied that he will veto this bill if you put this provision on it.

Mr. CANNON. Does the gentleman want the House and the country to believe and understand that he knows that such would be the action of the President?

Mr. UNDERWOOD. I have stated to the gentleman that I know that the President, both by his public utterances and private utterances, has not changed his position on the Canadian reciprocity act. I take it that the gentleman who is President of the United States is not going to sign a bill to repeal a law when he is against that repeal, and that if he was for it he would say so to the House.

Mr. CANNON. That is argument, that is deduction, which the gentleman makes. The gentleman gave the impression to some of us that if this Senate amendment was defeated and this bill was sent to the President without the Senate amendment the President would approve it.

Mr. UNDERWOOD. I did not want to give the impression; I wanted to state it as a fact. It is a fact, and nobody can deny it. I challenge the gentleman from Illinois to deny the proposition or say himself that he believes the President of the United States will sign this bill if you put this amendment on it. I challenge the gentleman to say it. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. I would like a little more time.

The SPEAKER. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. So far as I am concerned, if this amendment is agreed to, I will vote against it whatever becomes of the bill. [Applause on the Republican side.] It will not become a law by my vote with this amendment on it or without this amendment on it, but I am in favor of this amendment. I am in favor of the repeal of the law validating the so-called Canadian reciprocity act at any and all times.

Mr. BUTLER. Do I understand that if this amendment is defeated the President of the United States will approve this bill?

Mr. CANNON. That is what I have been trying to get from the gentleman from Alabama by a direct question, as he professes to speak for the President of the United States. Has the gentleman assurance that the President of the United States will approve this bill if it is sent to him without the third amendment of the Senate, which provides for the repeal of Canadian reciprocity?

Mr. UNDERWOOD. I will state to the gentleman that I can not answer that question. The President of the United States, though, has had this matter investigated by one of his departments and has referred the investigation to the Ways and Means Committee. We have legislated with that information before us, and I assume that as he promised the American people that he would revise the tariff downward, he will take advantage of the opportunity and sign this bill. [Applause on the Democratic side.]

Mr. CANNON. At last the gentleman is delivered, but it took the force of a corkscrew to get it out of him. [Laughter and applause on the Republican side.]

Mr. SHERLEY. Will the gentleman yield?

Mr. CANNON. I have but a few minutes.

Mr. SHERLEY. I will get the gentleman additional time.

Mr. CANNON. I will yield.

Mr. SHERLEY. I want to know if the gentleman from Illinois or any other Republican can speak for the President and say what he will do?

Mr. CANNON. I can not as one Republican speak, but as God gives me power to see the right I will perform my duty and let the President perform his duty. [Applause on the Republican side.] The assumption as to what the President would do was on that side and not on this. I do not know. I am not advised. I think that everybody understands these popgun tariff bills that were passed during the special session and were vetoed by the President when they went to him, save alone the Canadian reciprocity act. They will understand also the bill that you are passing to-day with a hop, skip, and a jump, without much knowledge, and the little knowledge you have you ignore.

Now, for one I am perfectly willing—as one individual and one Republican—to go to the country during the coming campaign, standing by the Republican doctrine of protection as I have stood by it in the years that are passed and gone. [Applause on the Republican side.] I believe in it as a policy. I am for it, and, as I shall answer at the last day, I had rather go down to defeat being responsible for that policy than to apologize and run in the light of the attack of the enemy who puts up to us in broken doses, frequently repeated, the proposition to write on the statute books your policy, which is not for the benefit, in my judgment, of the country. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Speaker, there is not an intelligent man in this House or in this Capitol who does not know—yes, absolutely know—that this reciprocity amendment was put on the iron and steel schedule bill for the express purpose of killing it. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I have not the time. I decline to yield unless I can have my time extended.

Mr. PAYNE. I ask unanimous consent that the gentleman may proceed for 10 minutes.

Mr. KITCHIN. Oh, let me have 15 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that he may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. KITCHIN. I now yield to the gentleman from Wisconsin for a question.

Mr. LENROOT. I want to ask the gentleman from North Carolina if he does not know that the mover in the Senate of this amendment voted for the Democratic bill.

Mr. KITCHIN. I do not know and I do not care, but I assert to the House and the country that that amendment was voted on by the stand-pat protectionists in the Senate for the express purpose of giving the President an excuse to veto the bill revising the iron and steel schedule downward. [Applause on the Democratic side.] They do not and will not deny it. Immediately after its passage in the Senate the Republican press heralded it as a triumph of the Republican regulars and a defeat of the bill, declaring that the President could sign no bill containing an amendment repealing reciprocity, the one pet accomplishment of the administration. The Washington Post, the organ of the Taft administration, the organ of the standpatters in the Senate and in the House, the very next day after this reciprocity amendment was put on, boasted to the country of the clever trick the stand-pat Republicans had played on the real friends of the revision bill in voting the reciprocity amendment into the bill in order to insure the defeat of the bill by making it easier for the President to veto it. [Applause on the Democratic side.] Let me read it:

The standpatters—

of which the distinguished gentleman from New York [Mr. PAYNE] and the distinguished gentleman from Illinois [Mr. CANNON], the ex-Speaker of the House, who have preceded me in this debate, are types—

The standpatters hope thereby to tie the steel bill up in conference and let it remain there until the session ends. That was a part of the Republican program when the repeal of the Canadian reciprocity amendment was put into the bill as an amendment.

Mr. NORRIS. Mr. Speaker, will the gentleman yield for a question?

Mr. KITCHIN. One minute. Let me finish reading:

It is understood that the same amendment will be voted into every House tariff bill that reaches a final vote in the Senate, thereby giving the President a better reason than he otherwise might have for exercising the veto power with respect to these bills.

[Applause on the Democratic side.]

And yet you gentlemen are getting up here in this House and trying to make a false issue out of reciprocity. Let no good Democrat who represents an agricultural district, or any honest insurgent who really wants to represent the farmers of the West, be deceived by any such program as this transparent standpat program, which is schemed not to repeal reciprocity, but to defeat in the interest of the Steel Trust any reduction of the iron and steel revision.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Just for a question.

Mr. PAYNE. Of course the gentleman understands that the reciprocity measure is the revenue measure; that a bill to repeal it must originate in the House or come from the Senate as an amendment to a revenue measure.

Mr. KITCHIN. Certainly.

Mr. PAYNE. So that any man in the Senate in favor of repealing it would only get an opportunity to vote anywhere upon that question by moving it as an amendment in the Senate.

Mr. KITCHIN. I am talking about the purpose for which it was put on the bill and the effect of it. I know that revenue measures must originate in the House, and I admit that the gentleman from New York is intelligent enough to know it, too, but this amendment was put on not to affect revenue, not to repeal the reciprocity act, but to defeat the iron and steel schedule bill, which means an annual saving to the American people, and especially the American farmers, of more than $100,000,000. [Applause on the Democratic side.] And here are the Republicans, standpatters and progressives, under cover of the reciprocity repeal amendment, which they know can not secure the sanction of the President, combining together in the name of the farmer to prevent us from granting by this bill relief to him from the extortions of the Steel Trust. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Not now. The standpatters do not want any reduction of the iron and steel schedule. They know that if this bill becomes a law the protection system will receive a deathblow; and they know, too, that under the present political conditions of the administration, if the iron and steel schedule bill could be put up to the President alone and without the reciprocity amendment, every instinct of manhood, every impulse of integrity, every sense of right would compel him to now sign it, and why? Mr. Speaker, we have had the most exciting, the most remarkable, the most unique, and the most bitter campaign between the ex-President and the President that has ever occurred between candidates in this country. The contest between Mr. Taft and Mr. Roosevelt has thrown into mad turmoil the whole Republican Party—insurgents and standpatters. What has been one of the issues? Mr. Taft has accused Theodore Roosevelt of being the candidate of the Steel Trust. [Applause on the Democratic side.] He and his friends have produced the evidence.

Mr. Taft has been up and down the country denouncing as a criminal monopoly and trust the steel corporation, declaring time and again that this corporation, with its vast interests and

influence, is fighting him because he has ordered prosecution against it for violating the antitrust act. He and his friends throughout the country have been denouncing the Steel Trust as corrupting the primaries and convention in the interest of Mr. Roosevelt, putting up the money for Roosevelt's campaign. They charge that Mr. Perkins, a leading director of the Steel Trust, is openly backing Roosevelt's candidacy with the money and influence of the steel corporation, that he is now in Chicago assisting in the Roosevelt management. With this situation confronting the President, with this attitude toward the Steel Trust made bare and unmistakable by his frequent utterances, we know and every Republican knows that if this iron and steel revision bill can be presented to Mr. Taft without the reciprocity amendment not an instinct of manhood would be left in him, not an instinct of justice to the American people would be left in him, not an instinct of truth would be left in him if he dared veto it. [Applause on the Democratic side.]

That is the reason the standpatters do not want this revision bill put up to him. They know that he must sign it if it reaches him, without amendment, so they manipulated in the Senate to tack on to it the amendment repealing reciprocity, as the standpat Republican press has boasted, for the purpose of insuring his veto of the iron and steel bill.

They know that President Taft could not sign any bill that contained the repeal of the reciprocity act. They know that he could not repudiate his own measure, the one measure above all others which a hundred times over he has proclaimed as the great act of his administration. It is his pet measure.

But the gentleman from Wisconsin [Mr. LENROOT] says that the President has changed his opinion on reciprocity. When and where did he ever give utterance to such a change? Why has not the President revealed this change of opinion to some Republican in this House or Capitol, and why can not some Member here tell us that he has even intimated such a change to him? Why does he not send a message to us asking for its repeal? We know and you know that the President has not reversed his position, that he is as strong now for reciprocity as when he sent his first message to Congress urging it. In frequent interviews and in nearly every speech he has made since its passage, he has defended and commended it to the American people as the one great act of statesmanship of his administration. Even in the campaign with Roosevelt he defended it and showed and forced an admission from him that before presenting the measure to Congress he conferred with Roosevelt about it, that Roosevelt heartily indorsed it and advised him to go ahead and push it through. [Applause on the Democratic side.]

Now, why do these insurgents insist on the amendment? Simply to play politics for Roosevelt. They know that the intelligent public believes that Mr. Taft's charge that the Steel Trust is behind Theodore Roosevelt's candidacy is true; that, through Perkins, the Steel Trust interests are financing it. They do not want this steel and iron schedule to go up to the President alone, because they know that he would sign it, and this would be some evidence that he was a friend of the people and an enemy of the trust. [Applause.] They want to put the reciprocity amendment in it, knowing President Taft can not sign the bill, can not sign any bill, however righteous, containing such an amendment, requiring him to repudiate his own administrative measure, and thereby force him to veto it, so they then can go up and down the country hallooing "Taft vetoed the iron and steel revision bill in the interest of the trust. He belongs to the Steel Trust as much as Roosevelt does." [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield?

Mr. KITCHIN. Just for a question; not for a speech.

Mr. LENROOT. I desire to ask the gentleman if he will not explain how he intends to get this bill to the President if you disagree to the Senate amendment after you have accepted the other two?

Mr. KITCHIN. I will tell you how we will get it to him. If he is in favor of repealing this reciprocity act let him send a message here and ask this Congress to repeal it, and we will consider it——

Mr. LENROOT. But the gentleman does not answer my question. How do you propose to get the metal bill to the President when you disagree to this amendment?

Mr. KITCHIN. If you gentlemen will vote for this bill, which will save the American people—the American farmer—over $100,000,000 annually, which is now being wrung out of them by the Steel Trust, and stop insisting on an amendment which you know will kill it, and then go to the Senate and make your insurgent Senators vote the same way and stop trying to play politics between Roosevelt and Taft, we will send it up to him and he will sign it. [Applause on the Democratic side.] And then if the President has undergone any change of opinion on reciprocity, let him send a message to Congress saying so and asking for its repeal. This House will then consider the question straight and square on its merits. Now, the gentleman from Illinois [Mr. CANNON] asked Mr. UNDERWOOD:

Do you know he will not sign this bill with this reciprocity amendment in it?

I ask him, Do you know or do you believe that he will sign it with it in? You talk about the farmers. There is not an intelligent Republican farmer in the United States who does not know or will not know that the reciprocity amendment was put in for politics only, who does not know that President Taft is bound to veto the bill if it is sent to him with the reciprocity amendment in, who does not know that if you insist on this amendment you will lose both the revision bill and the amendment and the farmer will be deprived of over $100,000,000 relief annually. Why insist on the amendment going in the bill when it is admitted that the President will veto any bill with such an amendment in it? Why not do the right and just thing by the farmer and the people and eliminate the reciprocity amendment and send up to the President a bill which saves to them annually from the exactions of the Steel Trust over $100,000,000? [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HILL rose.

The SPEAKER. The gentleman from Connecticut is recognized for five minutes.

Mr. HILL. But, Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from Connecticut yield until some arrangement can be made as to time? I ask unanimous consent that further debate on this amendment be closed in 20 minutes.

Mr. MANN. I hope that the gentleman will not make the request at this time.

The SPEAKER. The Chair will state to the gentleman from Alabama that he promised to recognize the gentleman from Illinois [Mr. MANN] after the gentleman from Connecticut had finished.

Mr. UNDERWOOD. Then I withdraw the request at this time.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] is recognized for 10 minutes.

Mr. HILL. Mr. Speaker, I would state, furthermore, I shall probably not use the entire 10 minutes and will yield the unused portion to the gentleman from Illinois [Mr. MANN].

Mr. MANN. The gentleman can not yield the time.

Mr. HILL. Very well, then.

Mr. Speaker, I voted for Canadian reciprocity a year ago. I shall vote against its repeal now. I think I differed a year ago with the gentleman from Illinois [Mr. CANNON] who has just spoken. He now very kindly advises me to follow the advice of the chairman of the then Ways and Means Committee. I will ask him if he followed it then?

Mr. CANNON. No. But the gentleman is right now and was wrong then.

Mr. HILL. Ah, I have heard of other people in this country who condemned as wrong everybody that did not agree with them. [Applause.] I followed the advice of my judgment and conscience——

Mr. CANNON. Then, God save you. [Laughter.]

Mr. HILL (continuing). A year ago, and I am trying to follow it now. And the gentleman can take his medicine from whom he pleases.

Now, Mr. Chairman, I recognize the fact that times change and men change with the times, and it is their right to do that. I believed the Canadian reciprocity was right then and I believe it is right now, but whether it is or not this amendment ought not to be concurred in, and I am going to try to tell you why. Under the law as it stands to-day there is a controversy between this and other countries as to what is known as the favored-nation clause of our treaties. They are claiming admission of free print paper to the United States from Sweden and other countries as well as from Canada under the terms of section 2 of this bill. This proposition does not relieve the situation. I hold in my hand the amendment. This amendment ought not to be concurred in because of its uncertain meaning, but should go to a conference committee and be redrawn and made to state just exactly what it is intended to do and that it does not do now. It provides that print paper, prescribed in section 2 of said act, shall be dutiable at $2 a ton.

It simply covers the paper that is the product of Canada, and the same question that exists now as to what shall be the duty on the print paper coming from other countries in the world will exist after this is repealed.

Mr. MONDELL. Will the gentleman from Connecticut yield to a question?

Mr. HILL. Certainly.

Mr. MONDELL. Has not the question as to the favored-nation clause in this connection risen entirely by reason of the existence of the Canadian reciprocity law? And does not the question disappear with the disappearance of the reciprocity law?

Mr. HILL. Not at all. It simply aggravates that. We had a message from the President of the United States a few weeks ago in response to the request of the gentleman from New York [Mr. HARRISON]——

Mr. MANN. Will the gentleman yield?

Mr. HILL. Certainly.

Mr. MANN. Will not the question of the favored-nation clause disappear entirely if this amendment should be agreed to? In other words, would not this amendment clearly admit of paper valued at less than 4 cents a pound, the duty on some of which now is $7 a ton and $2 a ton, coming from any other place in the world?

Mr. HILL. Absolutely no; because it is limited to paper from Canada, described in section 2 of the reciprocity act. If I am wrong, I would like to have the gentleman state wherein.

Mr. PAYNE. Will the gentleman yield?

Mr. HILL. I will.

Mr. PAYNE. Suppose this $2 duty applied only to the paper mentioned in that act. We would charge a duty of $2 to Canada. And these other nations coming in would obtain the benefit of the favored-nation clause, would they not?

Mr. HILL. You are reducing it from $7 to $2 to the whole world by simply repealing the reciprocity act and leaving the full duties on pulp. I believe it ought to go to a conference committee and have a clear understanding of what it means. As it is now it is not intelligently drawn. The proviso says that from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

What is that paper? It is paper coming from unrestricted wood, the product of Canada, so that this amendment does not reduce the duty on paper to $2 a ton from the whole world unless under a treaty others claim the right of the favored nation. Then the question would come up, Would it be from unrestricted wood from other nations? There is a complication here that ought to be straightened out before this amendment is concurred in.

Now, one statement more, Mr. Speaker, and then I am done. I said that I voted a year ago for reciprocity with Canada, and I heard the arguments against it. Men here said they were in favor of the reciprocity of Blaine and McKinley, but they were not for the one-sided reciprocity that was advocated at that time. I want to read to this House in my time the reciprocity of James G. Blaine—a resolution which he sent, while Secretary of State, to the House of Representatives, to Mr. McKinley, and the passage of which he advocated. Here it is:

And the President of the United States is hereby authorized, without further legislation, to declare the ports of the United States free and open to all products of any nation of the American Hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports, free of all national, provincial (State), municipal, and other taxes, flour, corn meal, and other breadstuffs; preserved meats, fish, vegetables, and fruits; cottonseed oil, rice, and other provisions, including all articles of food; lumber, furniture, and other articles of wood; agricultural implements, and machinery, mining and mechanical machinery; and structural iron, steel rails, locomotives, railway cars and supplies, street cars, refined petroleum, or such other products of the United States as may be agreed upon.

That was the reciprocity of James G. Blaine. That was the reciprocity of William McKinley. And when you people tell me that you are for the reciprocity of James G. Blaine and William McKinley, as against a restricted reciprocity between Canada and the United States alone, my advice to you is to go back to the record and read what those men stood for.

Mr. LA FOLLETTE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Connecticut yield to the gentleman from Washington?

Mr. HILL. I do.

Mr. LA FOLLETTE. As I listened to the gentleman and heard him read, I understood him to read "flour, corn meal, and other breadstuffs." Did the gentleman find there "wheat, corn, oats, and rye"? In the Canadian reciprocity I remember it put wheat, corn, oats, and rye on the free list, but kept a duty on flour and all manufactures of grain.

Mr. HILL. Oh, I know that. But what I want to call attention to is that it opened the ports of the United States to the products of the entire Western Hemisphere, including Canada.

Now, I am willing to admit that circumstances and conditions have changed since then, and probably I would not vote for the reciprocity of James G. Blaine and William McKinley to-day. I stand on the Chicago platform. I stand not only on the reciprocity resolution, but I stand on it as to revenue legislation from beginning to end. I voted for Canadian reciprocity in the full belief that it would do no harm to any man, and I was confirmed in it a few nights ago when I was told by the highest agricultural authority in this country that within the last five years prior to Canadian reciprocity agricultural products to the amount of $95,000,000 went from the United States to Canada, as against $12,000,000 coming from Canada to the United States. We are no children to yield to a nation of 7,000,000, our next-door neighbors, in anything. I stood for reciprocity then; I stand for it now, and I will stand for it whenever the issue is raised by the Republican Party. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN rose.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. I ask unanimous consent, Mr. Speaker, to proceed for 10 minutes, and then I may desire a little more time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, if it be not inappropriate, I would like to consider the Senate amendment itself instead of something else. The Senate amendment, under consideration, first provides for the repeal of the reciprocity act, and then it contains this proviso:

Provided, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act—

Meaning the Canadian reciprocity act.

Mr. Speaker, the matter of the duty on paper has been the storm center around which has revolved much of the agitation and some of the legislation of the country during the last few years, and it seems to me that we should be careful and understand what is proposed when we vote upon the proposition.

The proposition in the Senate amendment now is that there shall be a duty of $2 per ton levied upon the "paper described" in the Canadian reciprocity act. What is the paper described in the Canadian reciprocity act? Section 2 of the reciprocity act provides that pulp wood and paper valued at not to exceed 4 cents per pound shall be admitted free on certain conditions. The language of the section is:

Pulp of wood, mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper and other paper and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States shall be admitted free of duty—

on certain conditions.

I have read all of the description of the paper, so that the description of the paper involved in section 2 is paper valued at not more than 4 cents per pound, made from wood pulp or of which wood pulp is the component material of chief value. The words "being the product of Canada" may be considered a part of the description. That is the entire description.

The provision in the pending amendment, while it proposes to change the duty on paper, does not propose to change the existing duty, if the reciprocity act be repealed, on wood pulp or on paper board.

Now, what is the present duty on paper? Many gentlemen assume that paper coming from Canada comes in free of duty, and that this proposition is in the interest of the paper manufacturer, and that it will assist in the preservation of the industry in the United States by putting a duty of $2 a ton on paper that now comes in free, but the fact is that half of the paper imported from Canada now comes in free and the other half pays a duty of $5.75 a ton.

This Senate amendment would reduce the duty on paper now paying $5.75 a ton to $2 a ton, while it would levy a duty of $2 a ton on the paper that comes in free. Under the existing law paper or pulp which is made from pulp wood in Canada, where the pulp wood itself might be exported from Canada, comes in free. We usually refer to that as private land pulp wood, private land wood pulp, or private land paper. But half the paper that comes from Canada comes from pulp wood cut upon Crown land, which can not be exported to the United States,

and hence that pays, under the Payne law, a duty of $3.75 a ton, the ordinary rate of duty, plus an additional retaliatory duty of $2 a ton because of the restriction, making a total of $5.75 a ton. Now, if the Canadian act be repealed the Payne law takes effect as to the duty on pulp wood and wood pulp. The rate of duty on ground wood pulp is $1.67 a ton when made from restricted wood, it is $3.33 a ton on unbleached sulphite made from restricted wood, and it is $5 a ton on bleached sulphite made from restricted wood. If this should pass we would be in the anomalous position that we would be charging $2 a ton on paper when we were charging $1.67 a ton on the ground wood from which it is made, or $3.33 a ton on the sulphite pulp from which it is made, making the rate of duty on the paper less than the rate of duty per ton on the material from which it is made.

Mr. PAYNE. I want to ask the gentleman if any paper comes in from Canada under the reciprocity law except paper described in section 2 of said act?

Mr. MANN. That is all.

Mr. PAYNE. This places a duty of $2 a ton on the paper described in section 2 of that act.

Mr. MANN. Oh, but the conditions in section 2 of the Canadian reciprocity act are not a part of the description of the paper. In section 2 of the act it describes certain paper; that is a complete description of it, and says, as the Payne law says, on certain conditions that paper may come in free. But the conditions are no part of the description of the paper. I have had experience enough to learn that in passing laws and construing them you must be very careful about the language you use. The conditions in the Canadian reciprocity act are no part of the description of the paper.

Mr. PAYNE. No paper comes in free under the law except that mentioned in section 2.

Mr. MANN. There is nothing in the Senate amendment about paper coming in free. It says that the paper described in section 2 of the act shall come in at the rate of duty of $2 a ton. Section 2 describes all paper under 4 cents a pound.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. I would like five minutes more.

The SPEAKER. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I come to the proposition as to the favored-nation clause. There is doubt now as to whether the favored-nation clause can be invoked in favor of paper coming from Norway, Germany, or any other country outside of Canada. But our Government has taken the position so far, although that has not been confirmed by the courts or assumed as a policy of the State Department, that section 2 of the Canadian act, being a part of a reciprocity act, it would not extend the favored-nation clause to other nations of the world.

But what is this proposition? To repeal the reciprocity act, and to admit paper coming from Canada free of duty at $2 a ton. Does anyone contend, or will anyone contend, that we could pass an act directly putting a rate of $2 a ton on paper coming from Canada and not be held to give the same rate of duty on paper coming from any nation that had a favored-nation clause in its treaty? I went over that when I introduced the original bill on the subject. It is perfectly patent that if you repeal the Canadian reciprocity act and say that you will grant a duty of $2 a ton on paper coming from Canada, being the product of Canada, any nation that seeks to export paper to us under the favored-nation clause is entitled to the same rate of duty, it being the product of its own country.

Mr. HILL. And, if the gentleman will pardon me, they still retain a duty of $5 on pulp, the material out of which the $2 paper is made.

Mr. MANN. Now, what are the tariff rates on paper? The tariff rate without the retaliatory duty is $3.75 on print paper valued at not more than 2¼ cents a pound. It is $6 a ton on paper between that and 2½ cents a pound. It is $10 a ton on paper valued between 2½ and 4 cents a pound. But this Senate amendment would admit paper coming from anywhere in the world, from a nation that had a favored-nation clause, at $2 a ton, and if it should be agreed to and become a law there would not be enough left of the paper industry of the United States to make a grease spot on a clean floor. [Applause on the Republican side.] I am not in favor of breaking down the industries of the country.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MONDELL. Will the high-price paper the gentleman refers to come within the description as papers made from mechanical or chemical wood pulp?

Mr. MANN. Under 4 cents a pound a large share of the paper is made from ground wood or sulphite or soda pulp. Much book paper is under 4 cents a pound and is made from soda wood pulp. We have great industries all around us making wood pulp—soda pulp—which would be driven out of business by this amendment; nor could they recoup themselves by importing the pulp, because the rate of $5 a ton has remained on soda pulp and $2 a ton on the paper made from it.

Mr. MONDELL. The gentleman's view of it is that the Senate amendment would apply only to Canadian paper, and that the favored-nation clause in our treaties would probably then apply to other nations if enforced?

Mr. MANN. My view is not that probably they would apply, but that certainly they would.

Mr. MONDELL. But that the amendment itself was intended only to cover the Canadian paper?

Mr. MANN. I will not say that that was what the amendment was intended to cover, because, without referring to what took place in the Senate, I learned in reading some of the various documents we have that it was intended to cover every country.

Mr. MONDELL. As a matter of fact, does not its language limit it to Canada?

Mr. MANN. I think the language of the Senate amendment would only apply the rate of $2 a ton to paper coming from Canada, but that the favored-nation clause in treaties would make it applicable to other nations.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will permit, I notice in the debate in the Senate that the gentleman from Iowa who offered the amendment stated that the paper would come in at $2 a ton from all the world.

Mr. MANN. I do not wish to advert to what took place in the Senate, but without referring to that there were several erroneous opinions that I have read relating to this in a document that we find at least on six days in the week.

Mr. PAYNE. Mr. Speaker, I agree with the gentleman, that the paper from the world would come in at $2 a ton—that paper described in section 2 of the Canadian reciprocity act—and that is exactly in accordance with the bill introduced by the gentleman.

Mr. MANN. Oh, not at all. The bill I introduced, and the report which my committee made, provided for a rate of $2 a ton on news-print paper valued at not more than 2½ cents a pound, made from wood which was unrestricted in its exportations, and coming from a Province which levied no restrictions upon exportations of any pulp wood in that Province, and levying a rate of duty of $6 a ton on any paper where there were any restrictions.

Mr. PAYNE. That meant a duty of $2 a ton on all paper from all the world except where there were these restrictions in Canada.

Mr. MANN. I beg the gentleman's pardon. If that had been enacted into law, as it ought to have been, and the Canadian people had taken the position which they have since taken, we would now be paying $6 a ton on every ton of paper that came from Canada. That was an offer of favors which was not accepted by the subsequent action of Canada.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER. Is the gentleman holding that the proper interpretation of this Senate amendment would leave out as a part of the description of the paper this language, in section 2 of the reciprocity act:

On the condition precedent that no export duty, etc.

Mr. MANN. Yes; I am holding that is not a part of the description of the paper at all.

Mr. COOPER. Would it not be possible to make a very reasonable interpretation to this effect, that the language of section 2 of the reciprocity act relating to "news-print paper and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the bulk or not colored, and valued at not more than 4 cents a pound, not including printed or decorated wall paper, being the products of Canada, when imported therefrom directly into the United States," as to which the language "on the condition precedent" is used, is paper of such description on which there is no export duty?

Mr. MANN. That is not the language of the law.

Mr. COOPER. That is, in my judgment, in effect the language of the law under a fair interpretation of it.

Mr. MANN. The gentleman does not mean that that is the language of the law. The gentleman means he thinks that is what it means.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. The gentleman will also notice that the language of the law covers both paper board, chemical pulp and ground wood, while the language of the amendment refers only to paper.

Mr. COOPER. Mr. Speaker, I want to ask the gentleman one question. Leave out all the phraseology, which is simply an amplification of the description, and make it as simple as possible: Do not the words "condition precedent" mean or are they not the equivalent of this expression, "On which there is no export duty"? In other words, would not section 2 of the reciprocity act in effect read in this way:

News print paper valued at not more than 4 cents a pound, products of Canada, on which there is no export duty, imported directly into the United States, shall enter free of duty.

Mr. MANN. It would not make any difference; there is no duty on paper exported from any country in the world. Although I drew the language that is in the Canadian bill, I drew it carefully, and that is not part of the description of the paper, in my judgment.

Mr. Speaker, the adoption of this Senate amendment would be jumping out of the frying pan into the fire, so far as the paper industry of the United States is concerned. I have been in favor of obtaining for use in the United States the pulp wood of Canada and at the same time upholding the industry of paper making in the United States. I do not believe in destroying that industry here or transporting the paper-making industry from the United States to Canada. I am in favor of protecting all American industries. I believe that every dollar that is paid out in this country for the manufacturing of an article in this country is that much better for the country than to have the dollar paid in a foreign land for the manufacture there of goods brought here, and I stand upon that principle. [Applause on the Republican side.] There has been some conversation here as to whether the President would veto this bill if this amendment were in or if it were out. Mr. Speaker, I can not speak with authority from the President, but I feel that I know that the President will be true to the principles of the Republican Party, true to the principles of protection for American industries, and that, whether this amendment be in or out of the bill, the bill, if it goes to him, will receive speedy and unequivocal veto in the interest of American industries. [Loud applause on the Republican side.]

Mr. McCALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Speaker, a year ago I opposed the passage of the Canadian reciprocity agreement, and I am in favor to-day of repealing it by concurring in the Senate amendment, in line with the motion made by the gentleman from Wisconsin [Mr. LENROOT]. I opposed the reciprocity agreement a year ago because I believed the farmers of this country were not given equal consideration with those who had for sale the manufactured or finished product, and I believe so to-day. There are those who say to-day we need not have concern over the reciprocity agreement, because it is a dead letter. If it is dead, why not humor those of us who are opposed to it by permitting it to be repealed? On the other hand, there are those who oppose the repeal of the law because they hope that ultimately its terms may be approved by Canada. So far as I am concerned, I am opposed to it because of the fact that it may ultimately be approved and ratified by Canada. Last fall it failed of ratification not upon the economic merits of the proposition as submitted to the Canadian people, but rather it failed of ratification from the standpoint of sentiment that was aroused in that country touching their nationality, touching their relationship to the mother country and their ultimate relationship to the United States. There is no doubt in my mind that the question that appealed so strongly to the people of Canada at that time has been largely removed. They consider the question of their loss of nationality as an illusion, and they are now concerned with the economic features of the problem. I have no doubt that the report that is constantly coming from Canada is true that sentiment in that country is turning in favor of the reciprocal agreement that was proposed by our country.

There are those who say that the responsibility must rest upon the President for the law in the first place. There are Democrats who would shirk their responsibility. Let me say that the responsibility for passing it through the House rested with them a year ago. The approval of the measure passed on the urgent advice of the President rests with him. That question is not involved here. We are to-day face to face with the proposition of whether or not we shall continue it upon the statute books or repeal it. The President will accept his responsibility whenever he may be called upon to do so, and let this House not avoid the responsibility that rests upon it now to say whether or not it will continue to hold out to Canada a reciprocal agreement that was offered and passed here a year ago, or whether we shall repeal it at this time and let future negotiations looking to reciprocal agreements be for future Congresses to consider. [Applause.]

Mr. FITZGERALD. Mr. Speaker, this should be a very satisfactory situation to Republican Members in the House. The gentleman from Wisconsin [Mr. LENROOT], who was opposed to reciprocity with Canada, favors concurring in this amendment in order to prevent reciprocity. The gentleman from New York favors concurring in this amendment in order to make feasible reciprocity at some future time. It should not be difficult for gentlemen upon that side of the House, in one situation or the other, to find sufficient excuse, if they desire the defeat of this bill, to vote for this amendment. The motion of the gentleman from Wisconsin demonstrated the insincerity and hypocrisy of the Republicans upon the tariff question. [Applause on the Democratic side.] On last Thursday the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from New York [Mr. PAYNE] made aggressive speeches in favor of the continuance of the Tariff Board and the necessity of having reports of the Tariff Board, and following their recommendations in order to carry out the Republican platform of equalizing the difference between the cost of production here and in other countries, and yet the gentleman from Wisconsin moved to concur in the Senate amendment, which proposes to put a duty of $2 a ton upon print paper.

The gentleman from Wisconsin knows that the highest motion in point of privilege is the motion to concur with an amendment. The report of the Tariff Board indicated that $5.35 a ton was the differential in the cost of production of print paper here and in Canada. If he believed in the principles of the Republican platform, if he was sincere in his advocacy of the Tariff Board in order to ascertain the difference in the cost of production here and in other places, his motion would more properly have been to have concurred with an amendment placing a duty of $5.35 a ton upon print paper instead of $2 a ton upon print paper. But this action illustrates the accuracy of the statement of the gentleman from North Carolina [Mr. KITCHIN] that this proposed action is to make easy the vetoing of this bill by the President. The President in his various veto messages of tariff bills passed by Democrats in Congress based his action upon the ground that he did not have sufficient information with which to determine whether any industry in the United States would be affected by the rates of duty proposed in those bills. He has information which demonstrates that from his standpoint this particular industry would be injured by a duty of $2 a ton on print paper. In his speech at Winona—that famous Winona speech, delivered in September, 1909—he said, speaking of paper:

An examination of the evidence—

Referring to the evidence collected by the special committee appointed by the House which unanimously recommended a duty of $2 a ton—

An examination of the evidence satisfied Mr. PAYNE—I believe it satisfied some of the Republican dissenters—that $2, unless some change was made in the Canadian restrictions upon the exports of wood to this country, was much too low, and that $4 was only a fair measure of the difference between the cost of production here and in Canada.

What more is needed to demonstrate that the purpose of this motion of the gentleman from Wisconsin is not, as some pretend, to repeal this reciprocity pact and to place a proper duty upon print paper, but it is to make easy the veto of this bill by the President, because without going further than to assert that this duty would be insufficient to give that protection guaranteed by the Republican platform to this industry he would justify himself in vetoing it. How many Republicans upon that side of the House, with the opportunity now presented to them, propose to vote for a duty upon print paper, which, according to the Tariff Board and according to the statement of the President and according to the former chairman of the Ways and Means Committee [Mr. PAYNE] is inadequate to furnish the protection guaranteed by the Republican platform. [Applause.]

The SPEAKER. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. UNDERWOOD. Mr. Speaker, I would like to reach an agreement about closing debate.

Mr. JACKSON. I would like to have five minutes.

Mr. UNDERWOOD. I understand there are two gentlemen on the other side of the House who desire to be recognized for five minutes each, and two gentlemen on this side of the House.

Mr. MOORE of Pennsylvania. Can I have about two minutes?

Mr. UNDERWOOD. That would make 22 minutes, if the gentleman desires to be recognized for two minutes.

Mr. NORRIS. I would like to say to the gentleman that I would like to offer a preferential motion, and I desire time on it.

Mr. UNDERWOOD. I would like to ask the gentleman what his preferential motion is.

Mr. NORRIS. I would like to offer it now, if the gentleman will permit, and have it read by the Clerk.

The SPEAKER. Is it simply offered for information or is it to be pending?

Mr. UNDERWOOD. It is offered for information, Mr. Speaker. I have the floor.

Mr. NORRIS. The gentleman does not yield the floor for the purpose of allowing me to offer it, so it will have to be read for information.

The SPEAKER. The gentleman from Nebraska offers a preferential motion, which the Clerk will report.

The Clerk read as follows:

I move to concur in the Senate amendment with an amendment, as follows:

After the word "that," in line 15, page 22, insert the following:

"Sections 2 and 3 of," strike out the proviso so that the amendments shall read as follows:

"SEC. 2. That sections 1 and 3 of the act entitled 'An act to permit reciprocal trade relations with the Dominion of Canada, and for other purposes,' approved July 26, 1911, be, and the same are hereby, repealed."

Mr. UNDERWOOD. Now I will ask the gentleman from Nebraska if the purpose of his amendment is to repeal all the Canadian reciprocity pact except that relating to paper?

Mr. NORRIS. Yes; except section 2. It repeals everything except section 2.

Mr. UNDERWOOD. I have no objection to the House voting on the question. I am not for it, of course, but I am willing to consent that the amendment may be pending.

Mr. NORRIS. It does not make any difference to me. I am perfectly willing to offer it now.

The SPEAKER. The reason the Chair propounded the question was that there is sometimes much doubt as to whether an amendment was simply read or read and pending.

Mr. NORRIS. I did not have the floor.

The SPEAKER. The gentleman from Alabama consents, as the Chair understands, to the pendency of this amendment?

Mr. UNDERWOOD. All right.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to have five minutes, the gentleman from Alabama [Mr. HEFLIN] five, the gentleman from Kansas [Mr. JACKSON] five, and the gentleman from Tennessee [Mr. HULL] five minutes, and the gentleman from Oklahoma [Mr. MORGAN] five minutes, and the gentleman from Pennsylvania [Mr. MOORE] two minutes.

Mr. DE FOREST. Mr. Speaker, I would like to have two minutes.

The SPEAKER. If the gentlemen from Alabama [Mr. UNDERWOOD] wants to modify his motion, well and good.

Mr. UNDERWOOD. The gentleman from New York [Mr. DE FOREST] wants two minutes. The gentleman from Nebraska [Mr. NORRIS] wants five minutes. That would add seven minutes, and I desire to reserve five minutes for myself, Mr. Speaker, in case I wish to use it, although probably I shall not.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that debate on this proposition close in 34 minutes. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. Speaker, I feel very much gratified that the gentleman from North Carolina [Mr. KITCHIN] has introduced into the RECORD the Washington Post as Democratic authority. That, Mr. Speaker, is about all that the gentleman from North Carolina said that has any substance to it. But the authority of the Washington Post, a newspaper owned by a man who has been a prominent Democrat all his life and who of late years has become an authority for the ultraprotectionists of the country, should be given considerable consideration.

It happens, Mr. Speaker, that I took some notice of something that the Washington Post published a few days after the quotation that the gentleman from North Carolina quoted. It is too long to introduce into the RECORD at this place, but I wish to call to the attention of the gentlemen present a few remarks the Washington Post made.

Mr. KITCHIN. Will the gentleman permit me one moment?

Mr. JACKSON. I can not yield. I have only five minutes.

Mr. KITCHIN. I did not quote the Washington Post as a Democratic paper.

Mr. JACKSON. This editorial is entitled "Holy alliance on the tariff." Here is the way it begins:

The Senate, by a rare display of teamwork in handling the steel bill, ratifies the do-nothing tariff program as outlined by the Post several days ago.

* * * * * * *

The object of this "holy alliance" is the worthy one of a truce to tariff tinkering until the country has registered its verdict on what has already been done toward downward revision.

* * * * * * *

For the Senate Democrats to load down the steel bill with amendments known to be anathema to their colleagues in the House is playing it low down—another instance of the spear that knows no brother—still the "holy alliance" has claims to justification that the "unholy alliance" a year ago was a stranger to.

In other words, the "unholy alliance," according to this paper, was an alliance to secure lower duties for the people of the country, while the "holy alliance" between the Senate Democrats and the ultraprotectionists in the Senate is an alliance to stop any tariff legislation. And now come the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from North Carolina [Mr. KITCHIN] and admit that these amendments were put on in the Senate to stop tariff legislation.

They confined their remarks to the reciprocity clause, but it must be, Mr. Speaker, that these other amendments were put in for the same reason. It can not be true that the gentleman from Alabama, who is so free to fling his arrows at men for favoring industries in their own districts, would report a bill containing a duty of 8 per cent on pig iron, represented in his own district, and now admit that 6 per cent is entirely high enough, an admission that the duty contained in his bill was 33⅓ per cent higher than it ought to have been; but when it is proposed to reduce that duty 25 per cent it is made a condition of that reduction that the manufacturers of pig iron in his own district receive a reduction of 5 cents per pound on ferromanganese, which they buy, or a reduction of 33⅓ per cent.

The ultraprotectionists of the Senate want no tariff revision because they want to retain the benefits of the Aldrich tariff law as long as they can. The Democrats of the Senate want no revision because they prefer to go before the country on the issue of the tariff as written in the present law. They are perfectly willing to allow the country to pay the present duties in order to secure better campaign issues. So it seems these interests have agreed to make it as easy as possible for the President to veto the bill.

It makes no difference what we do here, the die is cast and the bill is to go to the President imperfect and rank as possible, so he will be sure to veto it. The bill has been sent back here for us to fight out a sham battle over a dead issue, that of reciprocity.

If the Democrats of the Senate had wanted to pass a bill at this session, they would have joined the Progressive Republicans in the Senate in passing the Cummins amendments, similar to the course they pursued last summer on other bills, and there would have been some reasonable expectancy of the President's approval of the bill. And if he had failed to do so, we could have passed it over his veto. As it is, he is expected, even invited, to veto the bill. Having voted against reciprocity before, I shall do so again.

So I say that we are warranted in assuming that all of these amendments were put on in the Senate by the teamwork of the Democrats and the high protectionists. [Applause.]

The SPEAKER pro tempore (Mr. ANSBERRY). The time of the gentleman has expired.

Mr. JACKSON. Mr. Speaker, I ask leave to extend my remarks by including this editorial.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The editorial is as follows:

"HOLY ALLIANCE" ON THE TARIFF.

The Senate, by a rare display of teamwork in handling the steel bill, ratifies the do-nothing tariff program as outlined by the Post several days ago. The only deviation from the Republican-Democratic agreement as forecast is the sending the bill back to the House instead of to the President in such a shape that a deadlock is inevitable, thereby sidestepping final action and a veto message. No hitch in the agreement having developed in disposing of steel, it is now admitted on both sides of the Senate that all the tariff measures will be "expedited" over the same route.

The object of this "holy alliance" is the worthy one of a truce to tariff tinkering until the country has registered its verdict on what has already been done toward downward revision. This arrangement is a

decided gain for the cause of protection to American industry and a great boon to the business world, lifting, as it does, the major proposition to the realm which frenzied politics puts on finance and trade. Although the Democrats promise to renew the fight for legislation next winter, the short session will scarcely suffice to carry out their purpose, thus making it practically certain that the tariff issue, except as a campaign slogan, will not again darken the prospect for a year and a half to come. Of course the protection party stands ready to revise the schedules along the lines indicated by President Taft, and if the revisionists modify their demands there is no reason why any important legislation may not be promptly legislated out; but nothing radical.

Oddly the Canadian reciprocity bill has been chosen as the instrument to block the House tariff program—to strangle the bills of which the rejected pact was regarded by the Democrats as the forerunner.

For the Senate Democrats to load down the steel bill with amendments known to be anathema to their colleagues in the House is playing it low down—another instance of the spear that knows no brother—still the "holy alliance" has claims to justification that the "unholy alliance" a year ago was a stranger to. As for the insurgents, they look to be deeper than ever in the hole they digged for Taft. Has the tariff ever failed to have its revenges, swift and sweet?

Mr. MORGAN. Mr. Speaker, I am aware that what I shall say will probably not change a single vote on this amendment to repeal the act of Congress which approved the Canadian reciprocity treaty. The leaders on the Democratic side of this House have by their speeches indicated that there will be practically a solid Democratic vote against the repeal of this law. Nevertheless, I want to express my sentiments on the proposition. I voted against the Canadian reciprocity in the Sixty-first Congress. Again I voted against it in the Sixty-second Congress. I not only voted against the measure, but my voice was heard against the proposition. I am still against it and shall vote to repeal it. The Senate has passed this amendment, and if this House will concur in the action of the Senate it will no doubt be many years, at least, before the matter will be revived. But as long as this law stands on our national statutes Canada may at any time approve the measure, and the treaty would then go into effect. I am satisfied that if this measure was submitted to a vote of the American people to-day it would be defeated by an overwhelming majority.

If this measure is not repealed at this time the responsibility will rest with the Democratic majority in this House. The Republican Senate has voted to repeal the measure. A Democratic House will soon pass on the question. If the motion to concur in the action of the Senate shall fail to prevail, from this time on the Canadian reciprocity pact and the provisions therein contained become a Democratic policy.

Nearly 90 per cent of all the people in the United States reside on our farms. Agriculture is the one great fundamental industry of this country. We have 6,300,000 farmers in the United States. These men believe that the proposed Canadian reciprocity would work to their injury. In this they are correct. The policy of our National Government should be to aid, encourage, and promote agriculture in every possible way. It is not for the farmers alone that I speak. I feel that when I stand by the great industry of agriculture I am acting for the welfare of the entire country and in the interest of all the 92,000,000 people of the United States. If agriculture declines all other industries will suffer. When agriculture prospers every other industry will reap advantages. I supposed the so-called Canadian reciprocity treaty was dead. But the action of the Democratic side of this House in opposing its repeal puts the farmers of this country on their guard. The great majority of our farmers were opposed to this measure, they are opposed to it to-day, and will continue to be opposed to it. They, in my judgment, will continue to fight this measure until there shall be elected to the House of Representatives of the United States a membership that will see that this law shall be repealed. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. Mr. Speaker, there is very little to this proposition except that it gives great concern to our friends on the other side and is gradually bringing the Republicans together. It would please the gentlemen over there, I think, if this bill should so pass that a Republican President has to veto it. The wish is father to the thought. You have the responsibility of governing. It is up to you to raise the revenue, and you do not know how to do it. You do not want the revenue cut down, so you will pass this bill in order that a Republican President may veto it. The Republicans are coming together on this reciprocity question. Grant that a mistake of policy was made, a majority of the Republicans of this House voted against Canadian reciprocity.

It meant a closer alliance with Great Britain on free-trade lines, and you took it up as a Democratic measure. A majority of the Republicans of the House, believing reciprocity would affect the industries of the United States, voted against it. The Republican vote was 65 for reciprocity and 80 against reciprocity. The Democratic vote was 208 for reciprocity and 9 against it. So that if it injures the farmer you were more responsible for it than we were. A majority of the Republicans of the Senate also voted against reciprocity with Canada and the British trade entanglements that would necessarily follow. The Republican vote in the Senate was 20 for reciprocity and 24 against. Of the Democratic Senators, 33 voted for reciprocity and only 3 against. Now, if Canada has repudiated reciprocity, and it is seen that a mistake was made upon this side of the border, we are correcting it. The farmer and the industrialist, whom you attempted to separate on the reciprocity issue, are now coming together where they rightfully belong, under the banner of protection. The farmer is beginning to understand your pretenses and the burdens you would impose upon him, and will be pleased to have us recall an unfair agreement with Canada that would tend to prevent the workmen of the United States from earning an American wage in American mills. As the Representative of a city district I voted against this Canadian reciprocity agreement, because I believed we should give to the farmer the same measure of protection that we give to the man that works in the mills. You would take that protection from him. [Applause on the Republican side.] The farmer and the mill worker evidently understand the situation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL. Mr. Speaker, the gentleman from Pennsylvania [Mr. MOORE] has stated that the Republicans are getting together on this question of reciprocity. I noticed that on the 25th of April last the President of the United States in his speech at Columbus, Ohio, proceeded in his usual way to defend his course with respect to reciprocity, and he stated in that speech that he believed he was right on that question during the last year, and that he believes he is right upon it now.

Up at Boston a few days prior to that time the President proceeded to make a similar defense, both of his past and present position, on this question. There are but two leading candidates for President in the gentleman's party at this time. During the pendency of the Canadian reciprocity in the House and Senate another of their leading candidates for President, Mr. Roosevelt, through the columns of the Outlook, a magazine published in the city of New York, which has a wide circulation in this country, proceeded in editorial after editorial to give his hearty approval to the doctrine of reciprocity as embodied in the bill which passed Congress and was signed by the President. After that time this same gentleman in a speech before the Republican Club of New York, and in another speech on another occasion after reciprocity had passed Congress and became a law, proceeded to give it his further indorsement and to enter into an elaborate argument giving the reasons why the President of the United States and Congress were eminently correct in the position they had taken.

Now, Mr. Speaker, there is not a swollen combination, there is not a trust, there is not any aggregation in the nature of a monopoly, deriving its existence from our protective policy that is not heartily in favor of the motion of the gentleman from Wisconsin [Mr. LENROOT]. I did not hear the amendment of the gentleman from Nebraska [Mr. NORRIS], and I will not speak as to that. But this is another step in the progress of our friends who have stood here and by one device and subterfuge after another have prevented an honest reduction of taxation in this country.

The prime minister of Canada a few days ago in a speech gave the reasons for the temporary defeat of reciprocity in Canada. Here is his language:

Moreover, it is an open secret to us, so open that everybody knows it, that during the last election, in the heat of the contest, when every nerve was straining to win the fight, the special interests of the United States joined hands with the special interests in Canada to defeat reciprocity, both by singing lustily and loudly "God save the King," but also murmuring to themselves, "God save our monopolies and our trusts."

[Applause on the Democratic side.]

Mr. MALBY. Mr. Speaker, will the gentleman give way for a question?

Mr. HULL. Yes.

Mr. MALBY. Does the gentleman mean to say that the speech from which he quoted just now was a speech of Premier Borden?

Mr. HULL. I quoted from a speech of the former prime minister of Canada, Mr. Laurier, who headed the movement for reciprocity.

Mr. MALBY. But I believe his party was defeated.

Mr. HULL. His party was temporarily defeated, but is rapidly regaining its lost ground.

Mr. MALBY. He is not the present premier of Canada?

Mr. HULL. Not the present premier.

Mr. WARBURTON. How does the gentleman know that the former minister is rapidly regaining his lost ground?

Mr. HULL. I know from the election returns as published in the press of the country.

Mr. WARBURTON. What election returns?

Mr. HULL. Oh, I can not stop to be catechized upon a minor matter.

Mr. WARBURTON. The gentleman can not show any such election returns.

Mr. HULL. I was proceeding to say, Mr. Speaker, that this reciprocity movement marks the first breach in the wall of protection at the hands of a Republican administration, and I am not surprised that every trust——

The SPEAKER. The time of the gentleman has expired.

Mr. HULL. I ask unanimous consent to extend my remarks in the RECORD by inserting the speeches of ex-President Roosevelt and President Taft with respect to reciprocity.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HULL. Mr. Speaker, the matter I refer to is as follows: President Taft, speaking at Springfield, Ohio, May 19, 1912, said:

Let me show you what Theodore Roosevelt's attitude was in regard to the reciprocity agreement. I wrote to him about it and gave him the arguments pro and con, and he agreed with me and commended me highly, and said he hoped it would go through. Afterwards he made two speeches in favor of it. Then he went to Illinois after the agreement had been beaten and after the Canadians had said, "This is too good a contract for the United States and therefore not good enough for us," and had voted it down.

Mr. Roosevelt found that it was working against me with the farmers and he said: "I was in favor of this, but I made a mistake. I made a mistake because"—now, mark me, and God save the mark—"because I wanted to help Taft's administration."

And now he says, "Now I see the error of my ways; I see the mistake I made. I see that it was directed against the farmers and did not give them a square deal and so I will take it all back."

Now, my friends, is that a square deal to me? I believe I was right. I would not change my opinion when I have that belief. I am conscientious in it. I have told you why I believed it was in the interest of all of us, and though I lose votes of the farmers and though I lose an office.

Ex-President Roosevelt is reported in the press to have spoken as follows at Grand Rapids, Mich., on February 12, 1911:

Here, friends in Michigan, right on the northern frontier, I have the peculiar right to say a word of congratulation to you and to all of us upon the likelihood that we shall soon have closer reciprocal tariff and trade relations with the great nation to the north of us. And I feel so pleased primarily because I wish to see the two peoples—the Canadian and the American peoples—drawn together by the closest ties on a footing of complete equality of interest and mutual respect. I feel that it should be one of the cardinal policies of this Republic to establish the very closest relations of good will and friendship with the Dominion of Canada.

Later, in a speech before the Republican Club of New York, ex-President Roosevelt spoke as follows:

I want to say how glad I am at the way in which the members of the club here to-night responded to the two appeals made to them to uphold the hands of President Taft, both in his effort to secure reciprocity with Canada and his effort to secure the fortification of the Panama Canal. And in addition to what has been said about reciprocity with Canada, I would like to make this point: It should always be a cardinal point in our foreign policy to establish the closest and most friendly relations of equal respect and advantage with our great neighbor on the north. And I hail the reciprocity arrangement because it represents an effort to bring about a closer, a more intimate, a more friendly relationship of mutual advantage on equal terms between Canada and the United States.

In his Boston speech, on April 25 last, President Taft spoke as follows:

CHANGE OF FRONT ON RECIPROCITY.

Fourth. Mr. Roosevelt now seeks to take advantage of the supposed feeling among the farmers of the country against the reciprocity agreement with Canada which I made and induced Congress to adopt, but which Canada finally rejected. I would not object to this as a legitimate argument in a political controversy against me and in his favor if the fact were not that I consulted him 10 days before I made the agreement, explained to him in full its probable terms, stated the arguments pro and con, especially the effect of it on agricultural products, and asked him to confer with his colleagues of the Outlook as to its wisdom and public benefit and let me know his and their judgment. He replied approving the agreement in the most enthusiastic terms and complimenting me for having brought it forward.

I submit below our correspondence on the subject of reciprocity:

[Confidential.]

THE WHITE HOUSE,
Washington, January 16, 1911.

Hon. THEODORE ROOSEVELT,
The Outlook, New York.

MY DEAR THEODORE: Just at present I am in the midst of reciprocity matters, and it would gratify me a great deal to talk over with you this issue. I have, as you have known, always been a low tariff and downward revision man, and the reason why I favored the last tariff bill and praised it as the best one we had ever had was: That the consideration of it on its passage and the efforts of those who defended it afterwards to show that it was a downward revision were all a concession by the Republican Party that downward revision was necessary, and that the rule upheld by Shaw and CANNON and other standpatters of the orthodox type that no tariff could be too high, because what you needed was a Chinese wall, had been departed from. Now, the probability is that we shall reach an agreement with our Canadian friends by which all natural products—cereals, lumber, dairy products, fruits, meats and cattle—shall enter both countries free, and that we shall get a revision—not as heavy a one as I would like, but a substantial one, and equivalent certainly to the French reciprocity treaty and probably more—on manufactures.

The truth is that the minute that we adopt in convention the proposal that our tariff should be measured by the difference in the cost of production we necessarily adopt a rule which would lead us straight to reciprocity in natural products with Canada, because the conditions in the two countries are so similar that there is substantially no difference in the cost of production. Possibly labor is slightly lower in some parts of Canada than in the United States, but it is also higher in some parts, and the adoption of free trade would rapidly increase the cost of labor in those parts where it is cheaper in Canada, so that the conditions would be the same.

MIGHT REDUCE FOOD PRICES.

It might at first have a tendency to reduce the cost of food products somewhat; it would certainly make the reservoir much greater and prevent fluctuations. Meantime the amount of Canadian products we would take would produce a current of business between western Canada and the United States that would make Canada only an adjunct of the United States. It would transfer all their important business to Chicago and New York, with their bank credits and everything else, and it would increase greatly the demand of Canada for our manufactures. I see this is an argument against reciprocity, made in Canada, and I think it is a good one.

The proposition is to make an arrangement by which we shall present to both Houses of Congress an identical bill, and pass it as an agreement for joint legislation. In this way we would avoid the necessity for two-thirds in the Senate, and would secure at once the consent of the House, which in tariff matters is generally regarded as necessary, at any rate. This will cause a great commotion, I presume. It will be unpopular in New York because of certain lumber manufacturing interests and the dairy interests. It will be unpopular in Minnesota because of wheat; but on the other hand, free lumber will be popular in some places, and as it includes free paper and free wood pulp we may count on the fairly good support of the press.

CONFIDENTIAL.

This letter, of course, I must ask you to regard as confidential, though I would be glad to have you discuss with your colleagues on the Outlook such a proposition, and should be glad to hear from you as to your judgment of it. I think it may break the Republican Party for a while. As Elihu Root said, when I talked with him yesterday, it may be an entering wedge against protection, although it is not inconsistent with the principle of protection as we laid it down in Chicago. Of course it will be said against it that we are taking agriculture and making it suffer first before we tackle wool and cotton. The bill is not likely to pass the present Congress, and before the new Congress comes together I think I shall be able to make some recommendations as to the wool and cotton schedules and present a problem to the Democrats which they are not likely to find an easy one. At least it will show the hypocrisy of some people. Of course this is no ground whatever for introducing and pressing such a measure. I believe it to be right, and if it leads, on the other hand, to a reduction in wool and cotton manufactures to the lowest figures and to what is a real measure of the difference in the cost of production, so much the better.

I shall be glad to hear from you as soon as you conveniently can write on this subject, because the matter is just at hand, and it is quite likely that within 10 days we shall reach an agreement.

Sincerely, yours,

WM. H. TAFT.

ROOSEVELT FIRMLY BELIEVED IN FREE TRADE WITH CANADA.

OFFICE OF THEODORE ROOSEVELT,
THE OUTLOOK, NO. 287 FOURTH AVENUE.
New York, January 18, 1911.

The Hon. WILLIAM H. TAFT,
President of the United States,
The White House, Washington.

DEAR MR. PRESIDENT: I at once took in your letter and went over it with the Outlook editors. * * *

It seems to me that what you propose to do with Canada is admirable from every standpoint. I firmly believe in free trade with Canada for both economic and political reasons. As you say, labor cost is substantially the same in the two countries, so that you are amply justified by the platform. Whether Canada will accept such reciprocity I do not know, but it is greatly to your credit to make the effort. It may damage the Republican Party for a while, but it will surely benefit the party in the end, especially if you tackle wool, cotton, etc., as you propose.

Ever yours,

THEODORE ROOSEVELT.

After the reciprocity agreement was published Mr. Roosevelt delivered two public addresses in which he expressed his warm commendation of the agreement and a hope that it might be adopted. Now, in the exigency of his contest for the nomination, and with the purpose of accentuating the supposed feeling of the farmers against me, he recants his approval of the agreement on the ground that it would not have been a square deal for the farmers, a circumstance which, he intimates, escaped him when he, in a desire to support my administration, had approved the agreement. I submit that Mr. Roosevelt's course on reciprocity is not in accord with the square deal.

[Mr. MONDELL addressed the House. See Appendix.]

Mr. NORRIS. Mr. Speaker, the Canadian reciprocity bill, so-called, contained three sections. Section 2 was confined entirely to the paper and pulp proposition, and is the only part of the Canadian reciprocity bill that went into effect. It was the only part that could go into effect without the consent of Canada, and hence section 2 is the only part of the reciprocity bill that is now alive and in effect and operation.

The preferential motion which I have offered, if agreed to, will keep section 2 on the statute books just as it is now. It will repeal the balance of the Canadian reciprocity bill. Every argument that has been made on either side of this House in this discussion, dependent for its force or its logic upon the actual operation, making objections to the approval of the Senate amendment in toto, falls to the ground, if you will take into

consideration the motion I have made and the opportunity it will give you to vote for this preferential motion. It will, in other words, repeal that part of the Canadian reciprocity act that is of no legal effect at the present time and can not be until Canada acts. It will leave on the statute books the law that you gentlemen passed, hence you should have no objection at least to that part of it.

So that it seems to me, from the standpoint of the men who have been arguing against the so-called Lenroot amendment, your very logic will lead you to vote for the particular motion which I have offered. My motion will have the effect of repealing Canadian reciprocity, but it will give us free print paper, free wood pulp, and free pulp wood. It will give effect to the only good part of the law and repeal all of the balance. It will relieve the newspapers from the domination of the Paper Trust and relieve the American farmer from the dangers of the obnoxious Canadian reciprocity. We ought to have free pulp wood and free wood pulp and free print paper for two reasons: First, to strike a blow at the American Paper Trust, and, second, to conserve the wood of our own forests that is fit for paper making. Our paper wood is fast disappearing, and we will soon be at the mercy of foreign importers if we do not conserve our own forests. We should admit all wood and all lumber free. Every time we bring in lumber or wood from a foreign country we save just so much of our own forests. I voted against Canadian reciprocity when it was passed and I will vote to repeal it now. My motion will do this. It is true it is not operative now, but it is on the statute book, and at any time Canada may accept it, and then it will at once be in operation in all its evil and iniquity. We have an opportunity to relieve the American farmer from any danger of its future operation, and we ought to do it and do it now.

Mr. Speaker, much has been said as to what position the President of the United States will take, or who is responsible for Canadian reciprocity, and who is behind it now. As far as I am concerned, I believe that each individual ought to vote his conscientious convictions upon this proposition. I know there are many men who are in favor of it who conscientiously believe in it. I am not criticizing them. They have a right to their opinions the same as those of us who oppose it have to ours, and I am not questioning any man's motive, no matter which side of this question he may be on. But I do question the assertions of men here who have said several times in the course of this debate that men who are in favor of agreeing to the Senate amendment or who are in favor of doing anything contrary to the motion made by the gentleman from Alabama [Mr. UNDERWOOD] are not sincere and are not acting in good faith. If the President wants to veto this bill, whether this amendment is on or off, he has the right to do it, and as far as I am concerned, whether it is on or off, if he vetoes it I am ready to pass it over his veto, if the opportunity is presented. I am just as earnest and just as honest in my conviction that reciprocity is a snare, is a fraud, and an injustice to the great American people as are the men who think it ought to be and will become eventually the salvation of all our people. Suppose this amendment is voted down. Suppose the motion of the gentleman from Alabama prevails, and this bill goes to the President without that amendment. Is there any man here who can assure us on the part of the President that he will approve it? If there is he ought to speak, and he ought to let us know he would approve without this amendment and that he would disapprove the bill with it. Let us do our duty now as we see it and let the President act on his own responsibility and be responsible for his own acts.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. BURKE of South Dakota. Mr. Speaker, when the reciprocity measure was considered in the House in the Sixty-first Congress I voted against it. In the special session of this, the Sixty-second Congress, I not only voted against it, but opposed it in debate, and I shall vote to-day for the motion of the gentleman from Wisconsin, to concur in the amendment of the Senate to the metal bill for its repeal. I shall continue to vote for the repeal of Canadian reciprocity not only to-day, but whenever I can get an opportunity, and if this Congress refuses to repeal it, I venture the prediction that the American farmer will see to it that the next Congress is so constituted that it will.

I am opposed to the so-called Canadian reciprocity because it is un-Republican and because it is a discrimination against the farmers and the agricultural interests of the country. I have the honor to represent a Republican State, and a State that believes in the principles of the Republican Party and the doctrine of protection. In 1908 South Dakota returned a Republican majority for the Republican candidate for the Presidency of over 27,000; in the election of 1910, and after the passage of the Payne tariff law, we increased our Republican majority over 1908 by about 5,000; and no better evidence can be had of our position toward supporting the Republican Party and protection than the vote of 1910. We do not expect to only have protection for the things that we produce, but we are, and have been, willing to give and take, and so long as we are permitted to enjoy the benefits of protection we are willing that you in the East and in other parts of the country shall also have your industries protected; but, Mr. Speaker, as I stated on this floor in April, 1911, in opposing the passage of the reciprocity measure, if you Republicans in the East think that you can put everything that we of the West produce on the free list and that we will continue to permit you to have protected your manufactured interests you will find you are mistaken, and it is only a matter of time when the Republicans of the West, as some have already done, will retaliate, and if it is going to be free trade on our products it will be free trade on what you manufacture. I believe most of you now acknowledge that you were in error in voting as you did for Canadian reciprocity and that you will welcome this opportunity to vote for its repeal, and I appeal to you to do so and let us once more get together and stand shoulder to shoulder as we did for so many years in upholding the principle of protection, recognizing that if we would succeed that we must be fair and treat every industry and every part of the country alike, and if we will only do this I make the prediction that in the coming campaign, with an issue of free trade or tariff for revenue only by our Democratic opponents, that we will not only succeed in the election of a Republican President, but we will again obtain control of this House. We can not hope to win so long as one part of the country is demanding protection for what it produces and free trade upon what it consumes. We of the West will stand with you of the East, but we shall demand a square deal and fair treatment.

Mr. HEFLIN. Mr. Speaker, I am hungry to hear coming from that side of this House a genuine appeal in the interest of the common masses of the common people of this country. I am tired of hearing gentlemen over there talk so much about protecting industries when the head of the industry has already gathered in his hundreds of millions of dollars—dollars that you have wrung from the pockets of the American people. [Applause on the Democratic side.] The gentleman from Connecticut [Mr. HILL] said here to-day that we would allow goods to come in from foreign countries encouraging the laborer there and injuring the laborer here. I wish that the gentleman could have heard the testimony before the Rules Committee when little children came here from Lawrence, Mass., telling of poor wages and want among the workers there. Men testified that their condition was better in Europe than here under your high-protective tariff system. [Applause on the Democratic side.] Not only that, Mr. Speaker, but some of them said that they fared better even under conditions in Europe than here under this awful tariff system, and that they would like to go back to Europe. They said that they had been deceived by these captains of industry, who had pictures of the laboring man in America carrying his money to the bank and depositing it there, and they said when they came they found that they had been deceived; that nothing they saw justified such a picture.

Mr. WEEKS. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. I can not yield, as my time is limited. You deceived them and brought them here and reduced them to such a state of poverty that they are unable to go back to Europe, where they came from. [Applause on Democratic side.] The gentleman from Illinois [Mr. CANNON], the ex-Speaker of this House, accused this side of demagoguery. "You are playing politics," he said. That has been the story from the foundation of the world. Whenever a man dared to stand up and fight privilege and oppression in the name of those in the common walks of life, who had but little influence with the powers that be, he was accused of being a demagogue. [Applause on the Democratic side.]

It was the maxim of the tyrants of old that the people must be kept in ignorance. Thank God, more than a hundred years ago a man came into this world who said, "Preach a crusade against ignorance," and that man was Thomas Jefferson, the father of the Democratic Party. [Applause on the Democratic side.] We have been preaching that crusade against ignorance. The people of the United States are being educated on the awful evils of high protection. I can prove to any farmer in the United States now that every time you give him a dollar through your high protective tariff system you take $5 out of his pocket through the same system in what he has to buy. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Alabama has expired. The gentleman from Alabama [Mr. UNDERWOOD] is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

Mr. HEFLIN. Mr. Speaker, the gentleman yields me two minutes.

The SPEAKER. The gentleman can not yield.

Mr. HEFLIN. If he has five minutes remaining he can yield two.

The SPEAKER. If the gentleman has five minutes he can use the time if he wishes, but he can not yield to anyone else. [Cries of "Vote!"] The question recurs on the motion of the gentleman from Nebraska [Mr. NORRIS] to concur with an amendment.

Mr. CANNON. Is not the motion to amend the motion to concur?

The SPEAKER. No; the gentleman's motion is to concur with an amendment.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that my motion may be again reported by the Clerk.

The SPEAKER. Without objection, the Clerk will again report the motion.

There was no objection.

The motion was again reported.

Mr. CANNON. Mr. Speaker, I demand a division; there are two propositions. One is to concur, and an amendment is offered. Now, there are two propositions——

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to concur with an amendment is not divisible.

Mr. NORRIS. I would like to call the attention of the Chair to the fact that a motion simply to concur is a preferential motion, and my motion to concur and amend is a preferential motion.

The SPEAKER. Oh, there is no doubt about the motion of the gentleman from Nebraska being preferential.

Mr. NORRIS. I understand; but the gentleman's proposition to divide it simply makes it the other motion to concur.

Mr. UNDERWOOD. The point of order I make is that a motion to concur with an amendment is not divisible.

The SPEAKER. The Chair thinks that view of this matter is correct.

Mr. CANNON. There are two separate propositions, and you can strike out either proposition——

The SPEAKER. No; the proposition is to concur with an amendment, which is the first proposition to be voted on.

Mr. UNDERWOOD. Mr. Speaker, I will state to the Chair this is the parliamentary situation. I have not the precedents in hand, but I am satisfied there are precedents to sustain the position I take. A motion comes up to concur. Now, the gentleman makes the motion to concur with an amendment. If you divide that question, why then you do not bring up before the House the distinctive question of concurring with the amendment, and it is one motion and it is not divisible.

The SPEAKER. Why, the Chair fully agrees with the gentleman from Alabama about it. The feature of the proposition of the gentleman from Nebraska that makes his motion preferential, and also the other motion, is the feature of concurring with an amendment. The Chair sustains the point of order made by the gentleman from Alabama. The question is on the motion of the gentleman from Nebraska to concur with an amendment.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. NORRIS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 57, nays 189, answered "present" 7, not voting 138, as follows:

YEAS—57.

Akin, N. Y.	Focht	Longworth	Sweet
Anderson, Minn.	Fowler	McKinney	Taylor, Ohio
Bathrick	French	Madden	Thistlewood
Bradley	Good	Mondell	Towner
Burke, S. Dak.	Green, Iowa	Morgan	Volstead
Burke, Wis.	Hammond	Mott	Vreeland
Campbell	Helgesen	Neeley	Warburton
Cary	Howland	Nelson	Webb
Claypool	Jackson	Norris	Wedemeyer
Cooper	Kendall	Pickett	Whitacre
Curry	Kinkaid, Nebr.	Prince	Willis
Davidson	Lafferty	Rees	Young, Kans.
Davis, Minn.	La Follette	Rodenberg	
Esch	Lenroot	Sharp	
Farr	Lindbergh	Steenerson	

NAYS—189.

Aiken, S. C.	Austin	Bell, Ga.	Browning
Alexander	Ayres	Blackmon	Buchanan
Allen	Barchfeld	Booher	Burgess
Ansberry	Bartlett	Borland	Burleson
Anthony	Beall, Tex.	Brown	Burnett
Butler	Graham	Littlepage	Scully
Byrns, Tenn.	Gray	Loud	Shackleford
Callaway	Gregg, Pa.	McCall	Sheeley
Candler	Gregg, Tex.	McCoy	Sherwood
Cannon	Gudger	McCreary	Sims
Carlin	Hamill	McDermott	Sisson
Clark, Fla.	Hamilton, Mich.	McKellar	Sloan
Clayton	Hamlin	McLaughlin	Small
Cline	Hardwick	Maguire, Nebr.	Smith, J. M. C.
Collier	Hardy	Malby	Smith, Saml. W.
Conry	Harrison, Miss.	Mann	Smith, Tex.
Copley	Harrison, N. Y.	Martin, Colo.	Sparkman
Crago	Hawley	Matthews	Speer
Cullop	Hay	Mays	Stanley
Curley	Hayden	Miller	Stedman
Danforth	Heald	Moon, Pa.	Stephens, Miss.
Davenport	Heflin	Moore, Pa.	Stephens, Nebr.
Davis, W. Va.	Henry, Conn.	Morrison	Stephens, Tex.
Dent	Henry, Tex.	Morse, Wis.	Sterling
Dickinson	Hensley	Moss, Ind.	Stone
Dickson, Miss.	Higgins	Murdock	Sulloway
Dies	Hill	Needham	Sulzer
Dixon, Ind.	Holland	Oldfield	Taggart
Dodds	Houston	O'Shaunessy	Talcott, N. Y.
Donohoe	Howard	Page	Taylor, Colo.
Doremus	Howell	Palmer	Thayer
Driscoll, M. E.	Hughes, Ga.	Patten, N. Y.	Thomas
Dwight	Hull	Payne	Townsend
Ellerbe	Humphrey, Wash.	Pepper	Tribble
Evans	Humphreys, Miss.	Peters	Turnbull
Falson	James	Post	Underhill
Fergusson	Johnson, Ky.	Pou	Underwood
Ferris	Johnson, S. C.	Pray	Weeks
Finley	Jones	Rainey	White
Fitzgerald	Kahn	Ransdell, La.	Wickliffe
Flood, Va.	Kitchin	Rauch	Wilder
Floyd, Ark.	Knowland	Reilly	Wilson, Ill.
Foss	Konop	Roddenbery	Witherspoon
Gallagher	Korbly	Rothermel	Young, Mich.
George	Lee, Pa.	Rouse	Young, Tex.
Gillett	Legare	Russell	
Goeke	Lever	Sabath	
Goodwin, Ark.	Linthicum	Saunders	

ANSWERED "PRESENT"—7.

Adamson	Fordney	Garner	Talbott, Md.
Crumpacker	Foster	Richardson	

NOT VOTING—138.

Adair	Dupré	Konig	Pujo
Ainey	Dyer	Kopp	Raker
Ames	Edwards	Lafean	Randell, Tex.
Anderson, Ohio	Estopinal	Lamb	Redfield
Andrus	Fairchild	Langham	Reyburn
Ashbrook	Fields	Langley	Riordan
Barnhart	Fornes	Lawrence	Roberts, Mass.
Bartholdt	Francis	Lee, Ga.	Roberts, Nev.
Bates	Fuller	Levy	Robinson
Berger	Gardner, Mass.	Lewis	Rubey
Boehne	Gardner, N. J.	Lindsay	Rucker, Colo.
Bowman	Garrett	Littleton	Rucker, Mo.
Brantley	Glass	Lloyd	Sells
Broussard	Godwin, N. C.	Lobeck	Sheppard
Bulkley	Goldfogle	McGillicuddy	Simmons
Burke, Pa.	Gould	McGuire, Okla.	Slayden
Byrnes, S. C.	Greene, Mass.	McHenry	Slemp
Calder	Griest	McKenzie	Smith, Cal.
Cantrill	Guernsey	McKinley	Smith, N. Y.
Carter	Hamilton, W. Va.	McMorran	Stack
Catlin	Hanna	Macon	Stephens, Cal.
Connell	Harris	Maher	Stevens, Minn.
Covington	Hartman	Martin, S. Dak.	Switzer
Cox, Ind.	Haugen	Moon, Tenn.	Taylor, Ala.
Cox, Ohio	Hayes	Moore, Tex.	Tilson
Cravens	Helm	Murray	Tuttle
Currier	Hinds	Nye	Utter
Daizell	Hobson	Olmsted	Vare
Daugherty	Hughes, N. J.	Padgett	Watkins
De Forest	Hughes, W. Va.	Parran	Wilson, N. Y.
Denver	Jacoway	Patton, Pa.	Wilson, Pa.
Difenderfer	Kennedy	Plumley	Wood, N. J.
Doughton	Kent	Porter	Woods, Iowa
Draper	Kindred	Powers	
Driscoll, D. A.	Kinkead, N. J.	Prouty	

So the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. RIORDAN with Mr. ANDRUS.

Mr. SLAYDEN with Mr. TILSON.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. ASHBROOK with Mr. HARTMAN.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. BOEHNE with Mr. BURKE of Pennsylvania.

Mr. BULKLEY with Mr. CATLIN.

Mr. BYRNES of South Carolina with Mr. DALZELL.

Mr. CANTRILL with Mr. DE FOREST.

Mr. CARTER with Mr. FULLER.

Mr. CONNELL with Mr. GRIEST.

Mr. COVINGTON with Mr. HANNA.

Mr. GARNER with Mr. HARRIS.

Mr. DAUGHERTY with Mr. HAYES.

Mr. DIFENDERFER with Mr. HUGHES of West Virginia.

Mr. DANIEL A. DRISCOLL with Mr. KENT.

Mr. DUPRÉ with Mr. LAFEAN.
Mr. EDWARDS with Mr. MCKENZIE.
Mr. ESTOPINAL with Mr. LAWRENCE.
Mr. FRANCIS with Mr. OLMSTED.
Mr. GOLDFOGLE with Mr. PATTON of Pennsylvania.
Mr. GOULD with Mr. PLUMLEY.
Mr. HELM with Mr. CARTER.
Mr. HUGHES of New Jersey with Mr. POWERS.
Mr. KINKEAD of New Jersey with Mr. PROUTY.
Mr. LAMB with Mr. ROBERTS of Massachusetts.
Mr. LEE of Georgia with Mr. SIMMONS.
Mr. LEVY with Mr. SELLS.
Mr. MCGILLICUDDY with Mr. STEPHENS of California.
Mr. MOON of Tennessee with Mr. SWITZER.
Mr. PADGETT with Mr. UTTER.
Mr. TUTTLE with Mr. REYBURN.
Mr. RUCKER of Colorado with Mr. VARE.
Mr. SMITH of New York with Mr. WOOD of New Jersey.
Mr. WILSON of New York with Mr. SMITH of California.
Mr. FOSTER with Mr. KORP.
Mr. RANDELL of Texas with Mr. WOODS of Iowa.
Mr. JACOWAY with Mr. CURRIER.
Mr. FORNES with Mr. BOWMAN.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. FIELDS with Mr. LANGLEY.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. SHEPPARD with Mr. BATES.
Mr. BROUSSARD with Mr. NYE.
Mr. BARNHART with Mr. MCKINLEY.
Mr. GARRETT with Mr. FORDNEY.
Mr. PUJO with Mr. MCMORRAN.
Mr. DOUGHTON with Mr. DRAPER.
Mr. MURRAY with Mr. GREENE of Massachusetts.
Mr. DENVER with Mr. GARDNER of New Jersey.
Mr. ADAIR with Mr. HINDS.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. GODWIN of North Carolina with Mr. BARTHOLDT.
Mr. KIMBERLIN with Mr. MCGUIRE of Oklahoma.
Mr. HAMILTON of West Virginia with Mr. ROBERTS of Nevada.
Mr. BAKER with Mr. LANGHAM.
Mr. LITTLETON with Mr. CALDER.
Mr. LLOYD with Mr. KENNEDY.
Mr. LOBECK with Mr. HAUGEN.
For the vote:
Mr. BRANTLEY with Mr. GUERNSEY.
Until June 12:
Mr. REDFIELD with Mr. AINEY.

Mr. FORDNEY. Mr. Speaker, I am paired with the gentleman from Tennessee, Mr. GARRETT. I wish to withdraw my vote of "nay." I do not know how he would have voted had he been present.

The name of the gentleman from Michigan, Mr. FORDNEY, was called and he voted "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. LENROOT] to concur in the Senate amendment.

Mr. UNDERWOOD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. A negative vote on a motion to concur is equivalent to a motion to disagree, is it not?

The SPEAKER. Yes. The motion of the gentleman from Wisconsin [Mr. LENROOT] is to concur in the Senate amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. LENROOT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 101, nays 145, answered "present" 5, not voting 140, as follows:

YEAS—101.

Akin, N. Y.	Davidson	Hayes	Loud
Anderson, Minn.	Davis, Minn.	Helgesen	McCreary
Anthony	De Forest	Henry, Conn.	McKinney
Austin	Dodds	Higgins	McLaughlin
Barchfeld	Driscoll, M. E.	Howell	Malby
Bradley	Dwight	Howland	Matthews
Burke, S. Dak.	Esch	Humphrey, Wash.	Miller
Butler	Farr	Jackson	Moore, Pa.
Campbell	Focht	Kahn	Morgan
Cannon	Foss	Kendall	Morse, Wis.
Cary	Fowler	Kinkaid, Nebr.	Mott
Claypool	French	Knowland	Murdock
Cooper	Good	Konop	Needham
Copley	Green, Iowa	Lafferty	Nelson
Crago	Hamilton, Mich.	La Follette	Norris
Crumpacker	Hammond	Lenroot	Page
Curry	Hartman	Lindbergh	Patten, Pa.
Danforth	Hawley	Longworth	Payne
Pickett	Sloan	Thistlewood	Whitacre
Pray	Smith, J. M. C.	Towner	Willis
Prince	Smith, Saml. W.	Volstead	Wilson, Ill.
Prouty	Speer	Vreeland	Young, Kans.
Rees	Steenerson	Warburton	Young, Mich.
Rodenberg	Sterling	Webb	
Sharp	Sweet	Wedemeyer	
Simmons	Taylor, Ohio	Weeks	

NAYS—145.

Aiken, S. C.	Doremus	Hughes, Ga.	Roddenbery
Alexander	Edwards	Hull	Rothermel
Allen	Ellerbe	Humphreys, Miss.	Rouse
Ansberry	Evans	James	Russell
Ayres	Faison	Johnson, Ky.	Saloath
Bartlett	Fergusson	Johnson, S. C.	Saunders
Bathrick	Ferris	Jones	Scully
Beall, Tex.	Finley	Kitchin	Shackleford
Bell, Ga.	Fitzgerald	Korbly	Sherley
Blackmon	Flood, Va.	Lee, Pa.	Sherwood
Booher	Floyd, Ark.	Legare	Sims
Borland	Gallagher	Lever	Sisson
Brown	George	Linthicum	Small
Browning	Gillett	Littlepage	Smith, Tex.
Burkhead	Gioda	McCall	Stedman
Burgess	Goodwin, Ark.	McCoy	Stephens, Miss.
Burke, Wis.	Graham	McKellar	Stephens, Nebr.
Burleson	Gray	Madden	Stephens, Tex.
Burnett	Gregg, Pa.	Maguire, Nebr.	Stone
Byrns, Tenn.	Gregg, Tex.	Mann	Sulloway
Callaway	Gudger	Martin, Colo.	Sulzer
Candler	Hamill	Mays	Talcott, N. Y.
Carlin	Hamlin	Moon, Pa.	Taylor, Colo.
Clark, Fla.	Hardwick	Moon, Tenn.	Thayer
Clayton	Hardy	Morrison	Thomas
Cline	Harrison, Miss.	Moss, Ind.	Townsend
Collier	Harrison, N. Y.	Neeley	Tribble
Conry	Hay	Oldfield	Turnbull
Cullop	Hayden	Palmer	Underhill
Curley	Heald	Patten, N. Y.	Underwood
Davenport	Heflin	Pepper	White
Davis, W. Va.	Henry, Tex.	Peters	Wilder
Dent	Hensley	Post	Witherspoon
Dickinson	Hill	Pou	Young, Tex.
Dies	Holland	Rainey	
Dixon, Ind.	Houston	Raker	
Donohoe	Howard	Reilly	

ANSWERED "PRESENT"—5.

Adamson	Foster	Garner	Richardson
Fordney			

NOT VOTING—140.

Adair	Dupré	Lamb	Ransdell, La.
Ainey	Dyer	Langham	Redfield
Ames	Esch	Langley	Reyburn
Anderson, Ohio	Estopinal	Lawrence	Riordan
Andrus	Fairchild	Lee, Ga.	Roberts, Mass.
Ashbrook	Fields	Levy	Roberts, Nev.
Barnhart	Fornes	Lewis	Robinson
Bartholdt	Francis	Lindsay	Rubey
Bates	Fuller	Littleton	Rucker, Colo.
Berger	Gardner, Mass.	Lloyd	Rucker, Mo.
Bonine	Gardner, N. J.	Lobeck	Sells
Bowman	Garrett	McDermott	Sheppard
Brantley	Glass	McGillicuddy	Slayden
Broussard	Godwin, N. C.	McGuire, Okla.	Slemp
Bulkley	Goldfogle	McHenry	Smith, Cal.
Burke, Pa.	Gould	McKenzie	Smith, N. Y.
Byrnes, S. C.	Greene, Mass.	McKinley	Sparkman
Calder	Griest	McMorran	Stack
Cantrill	Guernsey	Macon	Stanley
Carter	Hamilton, W. Va.	Maher	Stephens, Cal.
Catlin	Hanna	Martin, S. Dak.	Stevens, Minn.
Connell	Harris	Mondell	Switzer
Covington	Haugen	Moore, Tex.	Taggart
Cox, Ind.	Helm	Murray	Talbott, Md.
Cox, Ohio	Hinds	Nye	Taylor, Ala.
Craven	Hobson	Olmsted	Tilson
Currier	Hughes, N. J.	O'Shaunessy	Tuttle
Dalzell	Hughes, W. Va.	Padgett	Utter
Daugherty	Jacoway	Parran	Vare
Denver	Kennedy	Plumley	Watkins
Dickson, Miss.	Kent	Porter	Wickliffe
Difenderfer	Kindred	Powers	Wilson, N. Y.
Doughton	Kinkead, N. J.	Pujo	Wilson, Pa.
Draper	Konig	Rainey	Wood, N. J.
Driscoll, D. A.	Kopp	Raker	Woods, Iowa
	Lafean	Randell, Tex.	

So the motion of Mr. LENROOT to concur in the Senate amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WICKLIFFE with Mr. HANNA.
Mr. LEE of Georgia with Mr. PORTER.
Mr. O'SHAUNESSY with Mr. MCKENZIE.
Mr. WILSON of Pennsylvania with Mr. SELLS.
Mr. COX of Indiana with Mr. VARE.
Mr. STANLEY with Mr. WOODS of Iowa.

On the vote:

Mr. BRANTLEY (against concurring) with Mr. GUERNSEY (in favor thereof).

Mr. FORDNEY. Mr. Speaker, I voted "yea." I wish to withdraw my vote and vote "present," because I was paired.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. FORDNEY, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the votes by which the three Senate amendments were disposed of was laid on the table.

Mr. UNDERWOOD. Mr. Speaker, there seems to be a fourth amendment to the bill, changing the number of section 4. I ask unanimous consent to disagree to the fourth amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

On motion of Mr. UNDERWOOD, a motion to reconsider the action last taken was laid on the table.

MAINTENANCE OF INDIGENT PATIENTS, DISTRICT OF COLUMBIA (H. DOC. NO. 825).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Board of Commissioners of the District of Columbia, submitting a report by the auditor for the District of Columbia in relation to a charge of $769,536.09 which by the terms of the sundry civil bill as reported to the House of Representatives it is proposed to deduct from the revenues of the District of Columbia and reimburse to the United States on account of certain deficiencies in payments made by the District to the Government Hospital for the Insane.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3947. An act to provide for a bridge across Snake River in Jackson Hole, Wyo.;

S. 6918. An act increasing the cost of erecting a United States post-office building at Hillsboro, Tex.;

S. 6612. An act for the establishment of a fish-cultural station in the State of Tennessee; and

S. 6798. An act authorizing the Secretary of War to grant permission for the erection of the Fort Huachuca Military Reservation in Arizona.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed a bill of the following title:

On June 10, 1912:

H. R. 23837. An act to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6918. An act increasing the cost of erecting a United States post-office building at Hillsboro, Tex.; to the Committee on Public Buildings and Grounds.

S. 6612. An act for the establishment of a fish-cultural station in the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

S. 6798. An act authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona; to the Committee on Military Affairs.

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.; to the Committee on Irrigation of Arid Lands.

JOHN C. SCHOLTZ, OF VENEZUELA (H. DOC. NO. 824).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report from the Secretary of State inclosing a draft of a joint resolution authorizing the Secretary of War to permit Mr. John C. Scholtz, a citizen of Venezuela, to receive instruction at the United States Military Academy at West Point at the expense of the Government of Venezuela.

The Secretary of State points out that the passage of the resolution would be regarded as an act of courtesy by the Government of Venezuela and that it would follow established precedents.

WM. H. TAFT.

THE WHITE HOUSE, *June 10, 1912.*

CORRECTION IN AN ENROLLED BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of a concurrent resolution for a correction made necessary by an error in a conference report.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the resolution that the Clerk will report.

The Clerk read as follows:

House concurrent resolution 54.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed in the enrollment of the bill (H. R. 13041) entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," to insert on page 1, line 12, before the word "within" the word "or."

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

SPEAKER FERRARA OF THE CUBAN CONGRESS.

Mr. SULZER. Mr. Speaker, it affords me gratification to announce that we have with us to-day an eminent representative of our sister Republic of Cuba, the Hon. Orestes Ferrara, speaker of the Cuban Congress. In view of all the circumstances in connection with Cuba, I ask unanimous consent that the House take a recess for five minutes for the purpose of receiving and greeting this distinguished citizen of Cuba.

Mr. MANN. Mr. Speaker, reserving the right to object, I said some time ago that I should object to requests of this sort hereafter, but I shall not object to this request, on account of the fact that the gentleman whom we seek to honor is the speaker of the Congress or legislative body of Cuba.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The House is in recess for five minutes, and the gentleman from New York [Mr. SULZER] will please bring forward and introduce the speaker of the Cuban House.

Mr. Ferrara was escorted to the Speaker's desk by Mr. SULZER.

During the recess the following occurred:

The SPEAKER. The Chair presents to the House of Representatives Mr. Speaker Ferrara, of the Congress of the Cuban Republic. [Applause.]

Mr. FERRARA. Mr. Speaker and gentlemen, I can not express myself fluently in the English language. That is my fault, and it is not my only one.

I wish to express to the American Congress the greetings and salutations of the Cuban Congress and of the Cuban people, who will never forget the blood of American citizens which was shed on our hill of San Juan. [Applause.] Neither will they ever forget that the first declaration of the independence of Cuba was contained in a joint resolution of the American Congress. [Applause.]

At this moment we have a little trouble in Cuba, not very much, and I think the trouble is more in the columns of the press than in reality. Many stories coming from Cuba are exaggerated. [Applause.] The Cuban Government has already reduced this little insurrection or revolution—if that name can be given to the interruption of public order in Cuba—to a small territory in Guantanamo, near the naval station. It will not last much longer. The Cuban Government can finish alone, without any outside assistance, the work which it has begun. We Cubans hope there will be no intervention on the part of the United States. I want you gentlemen to remember the fact which you announced in that joint resolution 14 years ago, that Cuba is, and of right ought to be, free and independent. [Applause.] This is an act of simple justice, to which you are well accustomed, because justice and the United States are synonymous. [Applause.]

The SPEAKER. The House will come to order.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent that the honorable speaker of the Congress of Cuba be given leave to revise and extend his remarks for insertion in the RECORD.

The SPEAKER. The speech was made while the House was in recess.

Mr. MANN. I ask unanimous consent that the proceedings which occurred during the recess be printed in the RECORD.

The SPEAKER. The gentleman from Illinois amends the request of the gentleman from Kansas, and asks that the proceedings of the recess be printed in the CONGRESSIONAL RECORD. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read.

The Clerk read as follows:

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $245,000: *Provided*, That there may be admitted into said hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed 10 cases in any one hospital at one time.

Mr. STONE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 46, line 23, after the word "time": "*And provided further*, That all honorably discharged volunteer soldiers and sailors of the Spanish-American War and the Philippine insurrection who are afflicted with tuberculosis shall be admitted to the United States Public Health and Marine-Hospital Service Sanatorium at Fort Stanton, N. Mex., under regulations of the Surgeon General of the said service, and that the sum of $10,000 be appropriated for the cost of their subsistence and care."

Mr. FITZGERALD. Mr. Chairman, I make a point of order to that.

Mr. STONE. Will the gentleman reserve it?

Mr. FITZGERALD. I will reserve it for five minutes.

Mr. STONE. Mr. Chairman, I recognize that this amendment is subject to a point of order, but inasmuch as other provisions also subject to a point of order have already been included in this bill, I thought that if this amendment was shown to be meritorious the point of order would not be insisted upon.

This amendment carries an appropriation of $10,000, but as a matter of fact it will not result in increased cost to the Government. At the present time the ex-volunteers of the War with Spain and of the Philippine insurrection are admitted to the United States homes for disabled volunteers, where they are usually compelled to go when disabled from tuberculosis or any other cause. These homes have no special facilities for the treatment of consumptives, and admission to Fort Stanton would be only in the nature of a substitute or transfer and at no greater cost to the Government. Under the present system the taint of the great white plague is carried by the afflicted soldiers into the homes for disabled volunteers and becomes a menace to their comrades. Every hygienic and humane consideration requires their immediate segregation in some such hospital as the one at Fort Stanton.

I submit that the protection to the public in the segregation of these unfortunates, the probable cure of the incipient cases, and the education of the patients in the matter of caring for themselves in the future would justify the expenditure of $10,000 by the Government both as a social and a sanitary measure, even if it were not true that the expenditure will be fully compensated for by the less amount required to maintain the homes.

The ex-regular soldier afflicted with tuberculosis is provided with a Government haven at Fort Bayard, N. Mex.; the United States sailor is sheltered in a national sanitorium at Las Animas, Colo.; but through some inexplicable omission the patriotic citizen who has served the colors as a volunteer, although stricken by consumption, is left to shift for himself.

Fort Stanton is selected and named in this amendment because at this institution 50 more patients can be accommodated without increasing the general equipment, and because it will not interfere with the plans for voluntary contributions, by which the institutions under the control of the War Department are largely supported.

Under the regulations of the Public Health and Marine-Hospital Service, employees of American vessels of the merchant marine and of the Government marine establishments who have served as such during any part of the 60 days previous may be admitted to the Fort Stanton Sanitarium when found to be afflicted with tuberculosis. This being the case, I feel that the same privilege should be extended to those who served our country in time of war.

I trust that the gentleman from New York will not insist upon his point of order.

Mr. FITZGERALD. Mr. Chairman, the Spanish War veterans are entitled to be taken to the soldiers' homes. One of the best and most desirable sanitoriums for tuberculosis is at Battle Creek, which is maintained exclusively for such cases. The soldiers' home at Johnson City, Tenn., is practically converted into a home for soldiers affected with tuberculosis. There are ample facilities in these two institutions. What the gentleman from Illinois proposes now, without any opportunity for Members who must assume the responsibility for such action, is to permit the sending of persons employed in one service of the Government into the institutions provided for a different service and a different class of persons. Whether it is desirable to do that, whether the accommodations are sufficient, just what would be necessary in order to make it possible, is not disclosed, and it is not possible to determine. Under the circumstances there is nothing left for me to do but to insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

In all, $1,656,745, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act of Congress approved February 20, 1907.

Mr. SHARP. Mr. Chairman, I want to ask the gentleman from New York a question for information. I have been trying to get a marine hospital established in one of the lake ports in my district, and, although the need seems to be very apparent, I have been met each time with the answer that the appropriations were insufficient, though there was a large demand for such appropriations and a very great need for additional facilities being extended to different towns which now have no such facilities. I wish to inquire whether this bill contemplates any material increase over what has existed in prior bills for this particular service of maintaining marine hospitals?

Mr. MANN. Mr. Chairman, while the gentleman from New York is getting some information upon this subject perhaps I can give some information to the gentleman from Ohio. The Committee on Interstate and Foreign Commerce is the committee which has legislative jurisdiction over the establishment of marine hospitals, and not the Committee on Appropriations. I was upon that committee for many years. There were at different times propositions before us for the establishment of new marine hospitals, and I think during my service we did establish one at Buffalo.

Mr. FITZGERALD. And one at Pittsburgh.

Mr. MANN. I think another was provided for at Pittsburgh. I do not know whether it has ever been established, but I am certain there is no need for it. We discovered after we had authorized, I think, one at Buffalo that so far from needing new hospitals in the main they had no use for some of those now in existence. A sailor can go into the Buffalo hospital just as easily as he can into one in Ohio, Michigan, Illinois, or Indiana, because they are on the boats that go back and forth.

Mr. SHARP. Would the gentleman want him sent two or three hundred miles to Buffalo from a lake port when he was suddenly injured?

Mr. MANN. If he is on a boat he may just as well go to Buffalo; but a large share of these sailors are taken care of under the Marine-Hospital Service in city hospitals, and that is paid for by the Government, and it is much cheaper to do it in that way.

Mr. FITZGERALD. We appropriate $126,000 to enable that to be done.

Mr. MANN. It is much cheaper to do that than to provide a marine hospital at every port. The gentleman would not want to have a marine hospital at every port on the Lakes, and yet if you do not have one at every port you may have to transport a sailor from one place to another. As a matter of fact, if a sailor is ill in a port there is provision made for taking care of him in the ordinary hospitals at the expense of the Government. If there is occasion for him to go into a Government hospital, he can go into one that is now maintained at Buffalo or some other place.

Mr. SHARP. Mr. Chairman, in answer to the gentleman's suggestion as to maintaining a marine hospital at every lake port, I would say no, unless there was urgent need for it. The place I have in mind does not ask for the establishment of a marine hospital. Those interested merely ask for the establishment of a ward in the hospital already built. The expense would be nominal.

To-day the patients have to be sent a considerable distance away. While I agree fully with the gentleman that it would be an unnecessary expense perhaps for the Government of the United States to build these hospitals at all lake ports, yet in the particular case to which I refer, the city of Lorain, there is a hospital there, a Catholic institution, doing a great amount of good, and it offers free of charge a portion of the hospital. It is planned and intended to occupy only a small portion of it, free of charge to the Government, for the establishment of a ward in that hospital.

Mr. MANN. Mr. Chairman, I can see no reason why the Government should establish a ward there, so far as that is concerned. The Government is under no obligation to take care of these sailors. As a matter of fact, Lorain, Chicago, and other ports on the Lakes, where these people in the main live who do the business connected with the lake navigation, ought to take care of them without asking the Federal Government to do it, but we do this because that was the custom when there was no provision for them in the ports.

Mr. FITZGERALD. We have given all that the Public Health and Marine-Hospital Department asked for this purpose, in any event.

The Clerk read as follows:

Quarantine Service: For the maintenance and ordinary expenses, exclusive of pay of officers and employees, of quarantine stations at Portland, Me.; Providence, R. I.; Perth Amboy, N. J.; Delaware Breakwater; Reedy Island; Alexandria, Va.; Cape Charles and supplemental station thereto; Cape Fear, Newbern, and Washington, N. C.; Georgetown, Charleston, Beaufort, and Fort Royal, S. C.; Savannah; South Atlantic; Brunswick; Cumberland Sound; St. Johns River; Biscayne Bay; Key West; Boca Grande; Tampa Bay; Port Inglis; Cedar Key; Punta Rassa; St. Georges Sound (East and West Pass); St. Joseph, St. Andrews, and Pensacola, Fla.; Mobile; New Orleans and supplemental stations thereto; Pascagoula; Gulf; Laredo, Eagle Pass, and El Paso, Tex.; San Diego, San Pedro and adjoining ports, Santa Barbara, San Francisco, Monterey, and Port Harford, Cal.; Fort Bragg, Eureka, Columbia River, Florence, Newport, Coos Bay, and Gardner, Oreg.; Port Townsend and supplemental stations thereto; quarantine system of the Hawaiian Islands, including the leprosy hospital; and the quarantine system of Porto Rico, and including not exceeding $500 for printing on account of the quarantine service at times when the exigencies of that service require immediate action, $155,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice the leprosy hospital in Hawaii is carried in this general item, whereas last year and this year and for some time it has been carried in a special item. Is that the way the department wants that? Will we want the leprosy hospital there or is it intended to get rid of it?

Mr. FITZGERALD. The truth is the Marine-Hospital Service engaged in leprosy work upon the islands are not at the island of Molakai. They do their work at some other place. The change was made so as to permit a very small expenditure to be made at Molakai of this fund, and the officers are provided for as heretofore. We do not affect the hospital at all.

Mr. MANN. There is quite a rearrangement of the public-health service in the bill.

Mr. FITZGERALD. We have taken a number of physicians and assistant physicians who have been paid out of the epidemic fund practically who have become a permanent force and transferred them to the other appropriations so as to know what is being done.

Mr. MANN. You have taken a number of positions paid out of the quarantine fund, not the epidemic fund; you may have done that, too.

Mr. FITZGERALD. There are $245,000 out of the quarantine fund and $126,000 out of the epidemic fund.

Mr. MANN. Your quarantine fund in this bill is $155,000 and includes the leprosy hospital; that itself is $32,000, and last year the quarantine fund was $400,000. Now, I notice in your compensation of commissioned officers that is increased from two hundred and seventy thousand to four hundred and thirty-seven thousand and some dollars, so I suppose a considerable portion of the quarantine fund was and is now being paid out for salaries.

Mr. FITZGERALD. We put it with the salary item, and the provision for the leprosy work in the Hawaiian Islands is continued as heretofore.

Mr. HARRISON of Mississippi. Mr. Chairman, I want to ask the chairman of the committee, upon line 1, page 48, where the word "Gulf" is used ought it not to be "Gulfport"? I think it is merely a misprint. It is right after the word "Pascagoula," and reads "G-u-l-f."

Mr. FITZGERALD. That is the name of the station known as the Gulf Station. It is that particular station, and this paragraph refers to that particular station.

Mr. HARRISON of Mississippi. I thank the gentleman for the information.

Mr. MANN. That is the way it has been carried heretofore.

The Clerk read as follows:

Prevention of epidemics: To enable the President of the United States, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $100,000.

Mr. CANNON. Mr. Chairman, I move to amend by striking out the figures "$100,000," in line 19, and insert the figures "$500,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 19, strike out the figures "$100,000" and insert the figures "$500,000."

Mr. CANNON. Mr. Chairman, this Marine-Hospital Service, quarantine service, and the expenditure of the epidemic fund is very well organized and ought to have ample funds to meet any emergency that may arise. In my judgment there is no branch of the public service that is more efficiently administered than this. I could talk, and so could other men who would give a little consideration to it, about the extent of our organization of the great cities of the country subject to the outbreak of epidemics that come—yellow fever, smallpox, the plague, black death plague, and all the other ills that flesh is heir to that are very destructive to human life. An ounce of prevention is worth a pound of cure. Now, from time to time there have been liberal and continuing appropriations for the epidemic fund. In 1910 it was $750,000; in 1909, $500,000; in 1908, $400,000; in 1907, $200,000; in 1906, $100,000; in 1905, $100,000; in 1902, $500,000; in 1901, $500,000; in 1900, $100,000; in 1899, $200,000; in 1894, $200,000, and so on.

There is now, as shown by a special document containing an estimate for $500,000 submitted by the Treasury Department, unexpended $112,000. Gentlemen who have gone into a consideration of these matters know the ravages of the plague, especially in San Francisco and in some cases at Seattle, the effort to exterminate the rat, the effort to exterminate those difficulties in the principal cities in California, the ground squirrel that carries this plague, and with our many coasts, with many centers for the yellow fever south of us, no one can tell when the expenditure of this money will be necessary. It may be that we may be blessed with health; it may be that we may not have an invasion of cholera, as we did have at New York during this last season. It may not strike us at New Orleans; it may not strike us anywhere on our greatly extended coasts. I trust it will not, but I believe that this fund should always be sufficient to meet all emergencies that may arise. The committee recommend after consideration $100,000, with $112,000 coming over from a former year, 1910, and remaining unexpended.

The estimate is for $500,000. I believe the amendment ought to be agreed to.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. FITZGERALD. Mr. Chairman, this is an emergency fund. At the end of the present fiscal year there will be a balance of $50,000. The Public Health and Marine-Hospital Service is spending in California at the rate of about $14,000 a month, and anticipates that this fund will be utilized there until the 29th day of September. Congress will convene in December. This $100,000, in addition to the ordinary appropriation for the maintenance of the service, I think is ample to provide whatever assistance may be necessary. In 1905 $100,000 was appropriated; in 1906 $100,000 was appropriated. Then came the bubonic-plague scare, and in 1909 $500,000 was appropriated, and in 1910 $750,000. And the liberality with which Congress made these appropriations resulted in the State of California practically determining to permit the Federal Government to do all of the work of exterminating the rodents which carried the flea which was responsible for the bubonic plague.

At the request of the State board of health in California a bill was passed in the legislature appropriating $75,000 to continue this work. The governor vetoed the bill. With the utmost difficulty the State board of health has obtained consent of the governor to devote $10,000 to this work during the coming few months. San Francisco is soon to have a great exposition. It should do its part of this work. If it does not, it is likely to be quarantined by the Federal Government and visitors from all parts of the country denied the opportunity to visit the exposition. We have given such a sum as will prevent the danger from epidemic of any character during the time that Congress will not be in session, and perhaps may impress upon Cali-

fornia the necessity for doing something else than expecting the Federal Government to do everything essential to protect its citizens and the rest of the country from an affliction which may be occasioned by the conditions in that State.

There is no peculiar necessity for this sum. It was known when the regular estimates were transmitted to Congress what the condition of this fund would be at the end of the fiscal year. No estimate was submitted, and in submitting this estimate just a few days ago the Secretary of the Treasury said it had been withheld until an opportunity should be given to thoroughly investigate and inquire into the matter with a view to promoting the economy in the public expenditures. The estimate is the second largest estimate ever submitted in the history of the Government. The committee, in view of the situation, in view of the service established, and the knowledge of what could be done during the recess of Congress in case of necessity with an appropriation of $100,000, believed that that would be ample to meet any emergency. And, I might say, too, Mr. Chairman, there has been transferred to another appropriation salaries which have been paid out of this fund aggregating $126,000. Out of the $750,000 which was appropriated in 1910, $260,000 was expended in compensation of officials who will hereafter be provided for out of the appropriation a few pages earlier in the bill. So the same necessity for this large appropriation, the making of which introduced and resulted in the building up, without action by Congress and without its knowledge and without its intentions, of a very large force will be obviated by the pursuance of this particular practice. In the absence of any threatened danger the committee did not feel it advisable to appropriate a larger sum, because it did not believe there would be any necessity for its use.

Mr. MANN. Mr. Chairman, may I ask the gentleman whether, in those recent years where only $100,000 was appropriated, the unexpended balance of previous years was made available also?

Mr. FITZGERALD. That has always been done.

Mr. MANN. So that, in those years where only $100,000 was appropriated, as the gentleman says, as a matter of fact there was available for expenditure a very considerable sum in excess of $100,000. I think there was available three or four hundred thousand dollars.

Mr. FITZGERALD. I have no knowledge that that is a fact.

Mr. MANN. My recollection is——

Mr. FITZGERALD. I say I do not know.

Mr. MANN. That is my recollection. In other words, this epidemic fund ought to be an epidemic fund. I agree with part of what the gentleman said in reference to California and in reference to some of the work done under this fund, but the Government ought to have an epidemic fund that can be used in case of epidemic emergencies.

If we are fortunate enough to get away from this Capitol ourselves by the middle or last of September there will then be a couple of months or so before Congress meets again. Possibly the danger of an epidemic will have been passed by that time. But we might have the good luck to get away by the middle of July. [Applause.] Now, I have been told by a gentleman whose knowledge and advice on the subject I consider of value that we are in some danger, although I hope not much, of the entrance of the bubonic plague, not merely from the Pacific side, but also from the Atlantic side. It certainly would be a catastrophe if, for the lack of a little money in the form of an emergency fund, we should not be able to handle that situation between the sessions of Congress. I think we ought to make an emergency epidemic fund which can be used only in case of an epidemic emergency, and which can not be used for the purpose of putting men permanently upon the pay rolls or doing permanent work.

I doubt very much whether the destruction of rodents in California ought to have been done out of this fund, if this fund has indeed been used for that purpose. But here we make a considerable reduction in the quarantine fund, and then in the epidemic fund——

Mr. FITZGERALD. I beg the gentleman's pardon. We have not reduced the quarantine fund except to make an apparent decrease only. The amount by which that fund has been decreased has been transferred to the other appropriations.

Mr. MANN. I am perfectly willing, if the gentleman says that, to accept his statement. I have not been able to find where the amount of the reduction in the quarantine fund has been transferred to any other fund or where a portion of it has been transferred to the fund for general compensation and another to the compensation of noncommissioned officers. The gentleman may be correct. I have been under the impression that the full amount heretofore carried for quarantine was not carried. But I am not criticizing that. We ought to have an emergency fund that could be used only in case of an epidemic, and it ought to be available.

Now, we expected the President to expend, and he did expend, a great deal of money out here in fighting forest fires—an amount which we afterwards made up. But I am not in favor of leaving the responsibility to the Executive of seizing money and spending it in case of an emergency, and then asking us to make it good. Where we know in advance that the emergency might arise, I do not believe the President ought to go beyond what we give him, no matter what the emergency is.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The gentleman from New York [Mr. FITZGERALD] suggests that heretofore a large part of this money has been expended in the payment of salaries. I would like to know how anybody could spend this money except for the employment of people. Of course something could be spent for medicine, but the bulk of it must be spent for nurses and physicians and watchmen, and so on. It will not spend itself. Why, of course it is expended very largely for the activities of physicians, laborers, and nurses, so that calling it a "salary fund" is not, it seems to me, a valid argument against it. I was somewhat interested——

Mr. FITZGERALD. Does the gentleman agree with his colleague [Mr. MANN] that this money, this emergency fund, should not be utilized for the purpose of killing these rodents out in California?

Mr. CANNON. I believe, in view of the statements of the experts who hope that they have largely disposed of the plague in San Francisco and in Seattle, and who believe it is necessary to continue their investigations, and who have demonstrated, or profess to have demonstrated, that the germs of this plague affect rodent life in a considerable part of California, and perhaps of Washington as well, that these activities should be kept up for the purpose of destroying the ground squirrels. After all, it is expensive just to chase little ground squirrels. But there are a great many of them. Likewise there are a great many people at San Francisco and a great many people along the coast. While I do not know but that the gentleman's remarks might ordinarily appeal to me with very great force, yet if the governor of California, who vetoed the appropriation to assist in this work, were the only individual in California, and if California were out in the sea, and there were no communication between California and the 93,000,000 people in the United States, I would say, Let the rats and the ground squirrels and the bubonic plague and the governor of California fight. [Laughter.]

But, unfortunately, we all live in this country, and therefore, the governor of California being lax in assisting in this work, by interposing his veto, I will not allow the governor of California to prevent an appropriation or be used as an argument to prevent an appropriation for the general health and protection of ninety-odd millions of people in the United States.

Mr. GARNER. The gentleman from Illinois does not agree with his colleague [Mr. MANN] that this money should not be used for the purpose of killing these rats and ground squirrels, but should be retained for the purpose indicated in the appropriation, to wit, an emergency fund, to be utilized in case of an epidemic.

Mr. CANNON. If the gentleman [Mr. MANN] took that position, I am not in harmony with that suggestion, because an emergency fund is to meet an unexpected invasion of cholera, yellow fever, plague, or whatnot; but if it becomes chronic, I do not think that in looking out for the security of all the people we can afford to fail to pay attention to that chronic condition.

Mr. GARNER. I call the attention of the gentleman from Illinois to the language of this appropriation:

> In case only of threatened or actual epidemic of cholera, typhus fever—

And so forth.

Mr. CANNON. Yes.

Mr. GARNER. That does not say anything about the killing of rats and ground squirrels.

Mr. FITZGERALD. They will construe the presence of these plague-infested rats and ground squirrels as a threatened epidemic.

Mr. MANN. They will construe it as an actual epidemic.

Mr. KAHN. It would immediately create an epidemic, if they were allowed to scatter unchecked.

Mr. CANNON. The law has been construed heretofore to cover expenditures incurred in the work of exterminating these rats and ground squirrels, and the accounts have been audited. The law is what it is construed to be.

Mr. KAHN. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. KAHN. Reference has been made on the floor a number of times recently to the action of the governor of California in vetoing a bill appropriating $75,000 for exterminating squirrels. My colleagues from my State have investigated the matter somewhat, and they find that at a special session of the legislature, held about a year or so ago, a general law was enacted which provided for the extermination of these rats and ground squirrels by the local health officers; that law provided that if the owner of the property failed to do the work of extermination himself the local health authorities were to do the work, the cost thereof to become a lien upon the realty. Therefore it was held that this special appropriation was not necessary.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. Does the gentleman from California agree with that conclusion?

Mr. KAHN. I have not studied the law. I simply tell the gentleman what my colleagues, who live in the counties where these squirrels are found, had learned as the result of their investigation of the subject.

Mr. GARNER. In view of the remarks made by the gentleman from Illinois [Mr. CANNON], with reference to the governor and Legislature of California, I did not know but what the gentleman from California might express himself as to what he would have done if he had been governor.

Mr. CANNON. What would the gentleman have done if he had been governor?

Mr. GARNER. I think I would have approved the appropriation.

Mr. KAHN. I want to say this about it: When the fact was brought to the knowledge of the people of San Francisco that there were several cases of alleged bubonic plague in that city, they immediately went into their own pockets and subscribed many thousands of dollars to accomplish the work of killing off the rats.

The local government voted money, and every dollar that the Federal Government expended in the matter was met with a dollar from the citizens of California. It cost the city and county of San Francisco and her citizens hundreds of thousands of dollars for their share of that work. There is no bubonic plague in San Francisco, and there has not been a case for over a year and a half—that is, a verified case. But it was found that ground squirrels in the adjoining counties were infested with the flea that carries the plague. Since by means of these squirrels the infected flea may be carried long distances, the danger of a positive outbreak of bubonic plague exists so long as any infested squirrels are found. The counties where these squirrels are found are helping to exterminate them. There are in California large areas of public lands that have not been taken up; some of this land is in forest reserves; some of it is in forest-ranger stations; some of it is even embraced in public monuments; and some of it has never been filed upon for homestead, mining, or any other entry.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. KAHN. Certainly.

Mr. BARTLETT. Will the gentleman tell us how much the State of California in its capacity as a State, by its legislature, has appropriated to exterminate these pests?

Mr. KAHN. As I stated at the outset, the State has not appropriated any money, so far as I know; but many of the counties have appropriated money, and the State legislature passed a general law making it a lien upon private property if the owner of the property refuses to exterminate the rats or squirrels on his land, and the local authorities do the work for him.

So in that way—indirectly, to be sure—the State is doing its share of the work.

Mr. BARTLETT. Does not the gentleman think that when the United States Government in a matter of this kind, of an epidemic or a plague or in case of infected animals, contributes any reasonable amount of money to cooperate with the State, that that is as far as the Government ought to go? Does not the gentleman think that as far as the internal health is concerned, for the reduction of disease in a State, that it is the duty of the State to do that and not depend upon the Federal Government? Is there anything more important for the State government, the local government, to attend to than to look after the health of its citizens?

Mr. KAHN. The local government in California is doing its work, not through the State organization, but through the county organizations.

Mr. BARTLETT. That covers the same purpose.

Mr. KAHN. Certainly, and the county organizations are doing the work; but a State law has been enacted which compels the individual who owns land to do his share of the work; when he fails to do it the local authorities go on his land and exterminate the rodents, and the cost of the extermination becomes a lien on that individual's property.

Mr. BARTLETT. What duty does the gentleman think devolves on the National Government under our form of government to take care of the health of localities within the States?

Mr. KAHN. The gentleman from Georgia loses sight of this fact—that it is an easy matter to carry the infection in our day, where a freight train can convey the infected rats hundreds or even thousands of miles beyond the confines of the State. Rats do get on board of freight cars, and an infected rat can carry the fleas into the gentleman's own State, into the District of Columbia, and all over the Union. It is therefore a part of the duty of the National Government to prevent any possibility of that kind.

Mr. BARTLETT. One more question, if the gentleman will yield.

Mr. KAHN. Certainly.

Mr. BARTLETT. From the record before the committee it appeared that the United States Government had been able to catch 600 of these animals—these ground squirrels and rats—and that they cost $1,000 apiece. Does the gentleman think that the Government ought to go to that extent in expenditure without the aid of the State?

Mr. KAHN. The State is aiding through the counties and also through its individual citizens. As I stated a few moments ago, when San Francisco had a number of cases of bubonic plague every dollar that was expended by the Federal Government found another dollar expended by the people of San Francisco.

Mr. BARTLETT. Then, according to the record, if it cost the United States Government $600,000 to catch and kill 600 rats, it has cost the Government and the State of California together $1,200,000 to kill 600 rats.

Mr. KAHN. It cost California as much as it cost the Federal Government, and if it cost $600,000 to the Federal Government, it cost $600,000 to the State of California.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GARNER. The Legislature of California appropriated $75,000 to assist in this work?

Mr. KAHN. I do not know; I have heard that statement on this floor, and I assume that it is so.

Mr. GARNER. The gentleman represents California, and he is asking the United States Congress to assist in this work. I asked the question what the State of California did. He has told what the counties did. Now, I want to ask if it is not a fact that the legislature appropriated $75,000 to help this work, and the very popular and distinguished governor placed his veto on that appropriation?

Mr. KAHN. I believe that is the fact.

Mr. GARNER. Does the gentleman indorse that action?

Mr. KAHN. But that very legislature, as I understand it, also passed this law of which I have spoken, making the cost of extermination a charge upon the property where the owner refuses to do his share of the work.

Mr. GARNER. I understand; but the governor of California did veto an appropriation for that purpose.

Mr. KAHN. True.

Mr. GARNER. What does the gentleman from California think about that action of the governor?

Mr. MANN. That has nothing to do with this question.

Mr. KAHN. True; that has nothing to do with this question.

Mr. GARNER. I want to know whether the gentleman from California is willing to put his State in the attitude of refusing to help in this matter and indorses that action?

Mr. KAHN. I assume the governor probably sent a message to the legislature saying that in his judgment there should be a general law passed compelling every owner of property to do his share of the work, and if that owner refused to do it, then it should be done——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. KAHN. I would like to finish my answer to the gentleman from Texas, but I will yield; yes.

Mr. MANN. I was going to ask the gentleman this: If he thinks it sufficient for California to pass a law requiring people to kill rats on their own premises and that it would relieve the State of California from making an appropriation, then whether it is not also sufficient to relieve the General Government from making an appropriation, because, if effective, the rats would be killed?

Mr. KAHN. The gentleman loses sight of this fact: That there are in California large areas of Government land that have not been taken up. Many of these squirrels are found on that land, and the local health authorities can not create a lien on the property of the General Government.

Mr. MANN. I do not understand that many of the squirrels have been caught there, or if there were many more there that they would do any damage at all.

Mr. SHERLEY. Does the gentleman think we ought to limit this appropriation so as to permit the money to be expended only in destroying the squirrels on Government land?

Mr. KAHN. Oh, I do not think that. I think this money should be expended to protect the health of the country. There was an epidemic of cholera in Europe last year. No one can tell but that the dread disease may be brought over here in some ship. This money ought to be used for purposes of that kind. One hundred thousand dollars would prove a mighty small amount if cases of genuine cholera should be brought over here from Europe.

Mr. SHERLEY. It seems to be at least more than the State of California is willing to put in the jack pot.

Mr. KAHN. The State of California, through its counties and citizens, has put over a million dollars into the jack pot.

Mr. SHERLEY. Does the gentleman know how much it put in last year?

Mr. KAHN. I do not.

Mr. SHERLEY. I will tell the gentleman. It put in about $13,000, as against $22,000 or $23,000 on the part of the Federal Government.

Mr. KAHN. That was in the counties outside of San Francisco.

Mr. SHERLEY. That is the average of all the counties in California.

Mr. KAHN. There is no bubonic plague in San Francisco. They are not spending any of the money there. They are spending the money, I believe, in Contra Costa County, San Benito County, San Luis Obispo County, and some of the other counties.

Mr. PAGE. The gentleman, in connection with this State law passed by the last legislature, under which a lien is placed upon the land of the resident who does not destroy the squirrels, has used the expression "his share." What is the share of the landlord?

Mr. KAHN. I presume if he owns three or four hundred acres of land, and there are a great many squirrels on his property, and he does not destroy them, thus compelling the local health authorities to go upon his land and kill them, he must pay in accordance with the area of land he owns, because the cost of extermination is larger on a large tract than it is on a small tract.

Mr. PAGE. Then does the law require that each landowner shall kill the rats on his own land——

Mr. KAHN. Yes; it requires him to do that; and where he fails to do it, the local health authorities do it for him and charge him for it.

Mr. PAGE. Then why should the National Government expend $14,000 in doing it?

Mr. KAHN. I have answered that half a dozen times. There are large areas of public lands in California that are not in any private ownership.

Mr. PAGE. Is the National Government only operating upon Government lands?

Mr. KAHN. I presume it is operating largely on Government lands, for my attention was called to this matter some months ago by the Secretary of Agriculture, who got his information from the foresters, and I presume that at the present time the foresters are operating on Government land.

Mr. PAGE. And being paid from the funds we are appropriating here through the Agricultural Department.

Mr. KAHN. Oh, the foresters are not engaged in killing these rats and squirrels, but the Public Health and Marine-Hospital Service is doing that. The foresters have reported the presence of infected squirrels on Government land.

Mr. PAGE. Oh, yes; that is true, but the testimony before the committee, given by the officers of the Marine-Hospital Service, is that this money is being expended in the counties of California.

Mr. KAHN. True; but the Government land is in the counties of California.

Mr. PAGE. Oh, no; not at all——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask that I may be allowed five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. KAHN. I yield to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Suppose all the land in private ownership in California was cleaned up of all the squirrels and those on the public lands were not destroyed, how long would it take for the privately owned lands to become restocked with these squirrels?

Mr. KAHN. It would not take any time at all; it would simply be a case of having put the money into a sieve. We would simply have been doing work to no purpose. These squirrels on these public lands would soon get back again on the privately owned lands if they be not exterminated on the public lands. The Pacific coast faces the Orient. Many of the diseases coming from the Orient are exceedingly infectious. They are brought over to our shores on ships. If they ever get beyond the confines of the Pacific Coast States it will cost the people of the United States many millions of dollars to exterminate them. There is probably no disease that is more terrible in its effect than bubonic plague. There is no disease that is harder to deal with, because it is carried in a peculiar way. It is carried by a flea which lives on rats and squirrels, and when the infected flea bites a human being that human being is in imminent danger of being taken with the bubonic plague. Now, under these circumstances we feel the extermination of these fleas essential to the health of all the people of the United States.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. KAHN. I will.

Mr. STEPHENS of Texas. I saw it stated recently in some newspapers of the coast that there has not been a case of bubonic plague on that coast for several years, four years, I believe they stated. Is that true?

Mr. KAHN. There has not been a verified case of bubonic plague in the city of San Francisco for about a year and a half, possibly two years, according to a report that I have seen.

Mr. STEPHENS of Texas. They stated four years.

Mr. KAHN. I believe there were some cases the doctors diagnosed as bubonic plague in Contra Costa County and possibly some other counties some distance away from San Francisco, and it was through the discovery of those cases that it was found that the ground squirrels had become infested with the fleas. It was as a result of those cases that this money was expended by the Government and by the county authorities in order to exterminate the squirrels.

Mr. STEPHENS of Texas. Will the gentleman yield again?

Mr. KAHN. Yes.

Mr. STEPHENS of Texas. It is well known in the entire western country, especially in my State, that there were many millions of prairie dogs or ground squirrels, something on the same species——

Mr. KAHN. Yes.

Mr. STEPHENS of Texas. Now, those have been exterminated on the land of private individuals by the private individuals and on the State lands by the State, and the Government has never been called upon to exterminate any of those rodents.

Mr. KAHN. But in the gentleman's State the Government never owned any land; the State always held its own lands; Texas never relinquished its public lands to the General Government, whereas in my State of California the Federal Government owns the public lands.

Mr. STEPHENS of Texas. But our State killed out the rodents on their own lands, and the individuals killed them on their lands.

Mr. KAHN. Would the gentleman have the people of California kill all the squirrels on the Federal Government's land as well as kill them on their own privately owned lands? Does the gentleman not know that there are millions of acres in the forest reserves that do not yield a cent of revenue to any county in California or to any county in those western States where these reserves are located?

Mr. STEPHENS of Texas. It is an entirely useless expenditure of public money.

Mr. KAHN. The case of Texas is not at all analogous.

Now, this item, in my judgement, ought to be increased. If there should be an outbreak of cholera or bubonic plague or any other infectious diseases, it would require many, many hundreds of thousands of dollars to wipe them out. I sincerely

hope the amendment offered by the gentleman from Illinois [Mr. CANNON] will be adopted.

Mr. FITZGERALD. Mr. Chairman, in view of all of the misleading statements the gentleman from California [Mr. KAHN] has made, at least the facts should be placed in the RECORD.

Last year the State board of health of California passed a resolution asking the legislature to appropriate $250,000 to enable the State board of health to cooperate with the Public Health and Marine-Hospital Service in exterminating the rodents affected with flea that carries the possibilities of bubonic plague. The legislature passed a bill appropriating $75,000, and that bill was vetoed by a "progressive" governor in the State of California. Since 1908 the Federal Government has expended in California $1,044,176.37. The gentleman from California [Mr. KAHN] repeated a number of times that the State and the counties and——

Mr. KAHN. And private individuals.

Mr. FITZGERALD (continuing). Had expended as much as the Federal Government.

Mr. KAHN. Yes; that is true.

Mr. FITZGERALD. I took occasion to request that a statement be filed with the committee showing how much had been expended by the State of California and by the various counties and by voluntary subscriptions, and the gentleman from California is so far away from the facts in this respect that it is necessary to show that California is not doing its share in this work. Whether this be important work or not, I should not be as well able to say as the governor of California. On the 18th of May the State board of health of California had a meeting, and they went to the governor and they besought——

Mr. KAHN. The 18th day of May of what year?

Mr. FITZGERALD. This year. And besought him for aid to enable them to cooperate in this work. In some manner or other he found some fund from which he allotted to the State board of health $10,000 to be expended between the 1st day of June and the 1st day of October. The Federal Government is spending at the rate of $65,000 during the same period. Since 1902—I gave the figures for the Federal Government since 1908——

Mr. KAHN. Will the gentleman yield right there for a question?

Mr. FITZGERALD. Yes.

Mr. KAHN. The gentleman now states what the Governor of California allowed to be appropriated from some fund. Has the gentleman also the figures of what was expended by the counties during that time and this time?

Mr. FITZGERALD. Since 1902 the State of California has expended approximately $100,000. The individual counties of California have expended approximately $50,000. The other bay cities have expended approximately $25,000; the Citizens' Health Committee, of San Francisco, approximately $140,000; and individual landholders in the rural districts approximately $10,000 in the work of the eradication and the prevention of bubonic plague. This totals $235,000 since the year 1902. It is estimated that in the city of San Francisco, in the methods of construction of buildings so as to prevent rats getting access to them, not in the extermination of rats at all, but I suppose as the result of changed building regulations, it has cost about $2,500,000. But that was not in the work of extermination. The contributions from the State of California and the cities of California and the counties of California and the voluntary subscriptions of the people of California in 10 years have amounted to $235,000 as against $1,044,000 expended by the Federal Government since 1908. It seems to me that the governor of that State ought to pay some attention to the conditions in the State. He is the responsible head of the government there.

The people of San Francisco have invited people from all parts of the world to come and participate in an exposition to celebrate a very memorable enterprise—the completion of the Panama Canal. The Federal Government is doing more than its share to make it safe for the people of the United States and of other countries to go to that State, and yet this governor refuses to permit $75,000 passed by the legislature to be placed at the disposal of the State board of health, and he shows how important he considers this work by setting aside between the 1st day of June and the 1st day of October, to enable the State board of health to cooperate in this work, the sum of $10,000. I know if the gentleman from California [Mr. KAHN] could have his way his State would contribute liberally to the work.

It is useless to talk about laws that require the individual owner of property to exterminate these rats, under which, in the event the owner does not exterminate them, the county officials will go on the property of the individual and exterminate them and charge the cost to the owner and make the cost a lien upon the property. Such laws are absolutely worthless unless the necessary money be placed at the disposal of the officials to enable them to do work and afterwards to collect from the property owner.

I hope the gentleman from California [Mr. KAHN] will himself join in this important agitation to bring home to the people of his State the necessity of compelling important State officials to wake up to the necessity for action by the State along those lines, and not to have any official thwarting the will of the legislature and defying the sober and serious judgment of the State board of health and denying it a mere pittance—to the State of California—$75,000 for this work, in the hope, indulged in by many of the men now belonging to a new school of politics, of devolving upon the Federal Government the entire expense of many things that properly belong to the State.

The Federal Government has done its full duty, and California should do its duty or else find out, as a result of such negligence, that the great enterprise in which it is interested will not be possible. If this situation continues in California and there should be an outbreak of bubonic plague I have been assured that California will be quarantined and nobody will be allowed either to enter or leave the State. In that event I hope the gentleman from California [Mr. KAHN] will not be so unfortunate as to be caught on the wrong side of the line when the quarantine is put into effect. [Laughter and applause.]

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from California.

Mr. KAHN. Did I understand the gentleman to say that the citizens of San Francisco had made an expenditure of approximately $2,500,000 to make their buildings rat proof?

Mr. FITZGERALD. Permanently rat proof, with other sanitary improvements.

Mr. KAHN. That was at the time the rats were exterminated by reason of the plague. I want to say for San Francisco that I believe it to be freer from rats than any other city in the United States.

Mr. FITZGERALD. Well, the rats to which other cities extend their hospitality are not the serious menace to the population that San Francisco's rats happen to be. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. KAHN. A division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $250,000, of which sum $5,500 may be used for necessary drawings and illustrations for publications.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making an inquiry of the chairman of the Committee on Appropriations. How much of this $250,000 will be expended on the work of our former President? Or can the gentleman inform us if any of this amount will be used for that purpose? Can the chairman enlighten us as to how much has been expended for that purpose—for his last trip?

Mr. FITZGERALD. Mr. Chairman, I am informed that no special amount has either been set aside or is contemplated to be set aside for the preparation or exhibition of the specimens and collections procured by Col. Roosevelt in his African expedition. It was never intended that they should constitute a separate exhibit. Various specimens are taken and mounted and put in the collections, so as to show the continuity of the development of the species. The other skins and trophies are preserved and put away in such shape that they can be utilized by students. That is done with the great majority of the collections in the National Museum. But the collection of Col. Roosevelt has not been treated and is not intended to be treated differently from any other collections that are obtained by the museum, and no special account has been taken of the expenditure on what may be termed the collection of one expedition or another. It is a part of the general work of the National Museum.

Mr. SABATH. Is there a way to ascertain how much this Roosevelt expedition cost the Nation at this time? I have been informed by some people that over $82,000 was allowed and paid.

Mr. FITZGERALD. How much?

Mr. SABATH. Eighty-two thousand dollars for the expedition.

Mr. FITZGERALD. I do not believe that was paid for by the Federal Government.

Mr. SABATH. I mean from the Smithsonian Institution.

Mr. FITZGERALD. Oh, nothing at all. The Smithsonian Institution has some private funds that could be devoted to some such purpose, but my information is that when it was known that Col. Roosevelt was about to make this expedition and offered to send to the Smithsonian Institution the various trophies that he would obtain in that expedition, the character of the expedition he desired to make appealed to some persons, and by private subscriptions from persons interested in such matters certain of the expenses of the expedition were paid. All that the Government did was to grant leave of absence to one man, who is a physician and quite eminent as a naturalist, if I recall correctly, and some other man who was to be of service in some other way; but the Government did not pay any part of the expenses of the expedition. Whatever was contributed by the Smithsonian Institution was either from funds that were not Government funds and that were available for such purposes, or were obtained because Mr. Walcott, the Secretary of the Smithsonian Institution, believing that valuable results could be obtained for the institution, presented the matter to some gentlemen who were interested in such things, and they voluntarily contributed money to enable the expedition to be conducted on a scale that would result in valuable returns to the museum.

Mr. GARNER. But the gentleman does not undertake to say positively that the expedition of Col. Roosevelt did not cost the Federal Treasury any money?

Mr. FITZGERALD. That is my information; that it cost the Government nothing outside of the fact that an Army officer—a physician, or something—while on leave, was under salary; but I do not consider that that was paying any part of the expenses of the expedition.

Mr. GARNER. But did not these same Government officials get their expenses paid by the Government?

Mr. FITZGERALD. I think not.

Mr. MANN. If the gentleman will permit, I was one of the regents of the Smithsonian Institution at that time.

Mr. FITZGERALD. Here is a distinguished regent of the Smithsonian Institution, who probably is somewhat familiar with what happened. I shall be very glad if the representative of that institution will give us the information we desire.

Mr. MANN. I was a Regent of the Smithsonian Institution at the time this work was done. When we learned that Col. Roosevelt was going to make his trip to Africa, we thought it would be extremely desirable to have him give to the Smithsonian the trophies which he secured there. The Smithsonian has an appropriation from the General Government. It also has the interest of an invested fund of in the neighborhood of $1,000,000, but it could not utilize either one of these funds for that purpose, because they were already taken up with the regular, ordinary work. We passed a resolution offering to contribute a portion of the expense of Col. Roosevelt's trip—but no part of his personal expenses—providing the secretary of the institution, Dr. Walcott, could raise the money through private subscription. That money was raised through private subscription.

I have seen some of the specimens which came to the Smithsonian Institution from that trip. We have secured the best collection of African specimens that are owned or controlled by any nation in the world. A great many of these are in duplicate. This appropriation will probably be used in part for the mounting of a portion of those specimens by the regular officials who do the mounting. Other specimens will be retained for the use of students. Other specimens are retained for the purpose of exchange, as Col. Roosevelt gave to the Smithsonian Institution practically all the specimens he secured, with the exception of a very few. Their number is wonderful, and the character of the specimens is exceptional. Gentlemen who go there when these specimens are mounted will be extremely thankful that this was done. The opportunity was a great one, which was seized by the authorities in charge of the Smithsonian. They paid no portion of the personal expenses of Col. Roosevelt or of his son, but did pay for gentlemen to go with him to help take care of the specimens, and the necessary people to carry them and carry the required equipment into the field.

Mr. CANNON. Mr. Chairman, does the gentleman from New York intend to offer an amendment increasing the amount of this appropriation?

Mr. FITZGERALD. I do not.

Mr. CANNON. Then I desire to offer an amendment. I move to amend, in line 13, page 50, by striking out the figures "250,000" and inserting the figures "320,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 13, strike out the figures "250,000" and insert in lieu thereof "320,000."

Mr. CANNON. I want to make a suggestion to the gentleman from New York, and it is now about half past 5 o'clock.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry; and

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park, in said State.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 11, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury requesting authority from Congress to make payment of certain bills arising in connection with various public buildings of the Government (H. Doc. No. 826), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Roman, State of Montana, for the purposes of a public park and public-school site, reported the same without amendment, accompanied by a report (No. 869), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 3203) to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg., reported the same with amendment, accompanied by a report (No. 866), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects, reported the same with amendment, accompanied by a report (No. 867), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 6618) granting an increase of pension to Zachariah T. Woodward, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLETON: A bill (H. R. 25235) to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25236) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 25237) regulating trials by jury; to the Committee on the Judiciary.

By Mr. AUSTIN: A bill (H. R. 25238) authorizing and permitting M. C. McCuniess, W. C. Hale, W. H. Mullins, John Loop, and E. M. Brant, their successors and assigns, to build and maintain dams and water-power development in and across Clinch River in Grainger, Claiborne, and Hancock Counties, State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON of New York: A bill (H. R. 25239) imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs; to the Committee on Ways and Means.

Also, a bill (H. R. 25240) to amend the act of October 1, 1890 (26 Stats., 1567), regulating the manufacture of smoking opium within the United States; to the Committee on Ways and Means.

Also, a bill (H. R. 25241) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: A bill (H. R. 25242) conferring upon tribes or bands of Indians the right of nomination of their agent or superintendent, to inspire them to interest themselves in their own affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. UNDERHILL: A bill (H. R. 25243) authorizing the Secretary of War to donate to the State of New York two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: Joint resolution (H. J. Res. 327) requesting the President to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene; to the Committee on Foreign Affairs.

By Mr. FULLER: Memorial of the Legislature of the State of New Mexico, for the creation by Congress of at least two additional judicial circuits, etc.; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Legislature of the State of New Mexico, that the Navajo Indian Reservation be thrown open to settlement; to the Committee on Indian Affairs.

By Mr. DRAPER: Memorial of the Legislature of the State of New Mexico, asking for additional judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking that the Navajo Indian Reservation be thrown open to settlement; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that a specific duty be levied on wool on scoured-shrinkage basis; to the Committee on Ways and Means.

By Mr. PATTEN of New York: Memorial of the Legislature of the State of New Mexico, praying that the Navajo Indian Reservation be opened to settlement; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that a specific duty be levied on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying for additional judicial circuits, one of which to include New Mexico; to the Committee on the Judiciary.

By Mr. CURRY: Memorial of the State Legislature of New Mexico, requesting Congress to amend Schedule K of the tariff bill by inserting therein the specific duty on wool on the scoured-shrinkage basis; to the Committee on Ways and Means.

Also, memorial of New Mexico State Legislature, memorializing the Senate and House of Representatives of the United States to allot and open the Navajo Indian and other reservations to settlers; to the Committee on Indian Affairs.

Also, memorial of the State Legislature of New Mexico, asking for additional judicial district; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 25244) for the relief of George E. Guthrie; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 25245) granting an increase of pension to Julius A. Hanover; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 25246) for the relief of Cornelius P. Vankirk; to the Committee on War Claims.

Also, a bill (H. R. 25247) for the relief of the heirs of Nancy Wilson, deceased; to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 25248) granting an increase of pension to David Steers; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 25249) granting an increase of pension to Ella E. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25250) granting an increase of pension to Van R. Eels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25251) granting an increase of pension to John S. Gilmore; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 25252) granting a pension to Anna Klushmann; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 25253) granting an increase of pension to Rachael Smith; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25254) to provide for appointment to certain positions without examination in the classified service of persons who served in the Civil War or the War with Spain or the Philippine insurrection and were honorably discharged; to the Committee on Reform in the Civil Service.

By Mr. LOBECK: A bill (H. R. 25255) to correct the military record of Hugh McCormick; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 25256) granting an increase of pension to Eli N. Evans; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25257) granting a pension to Augusta Sperry; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25258) granting a pension to Eliza Haines; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 25259) for the relief of Andrew Browning Atwell, alias Andrew Browning; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25260) granting an increase of pension to Andrew C. McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25261) granting an increase of pension to Isaac N. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25262) granting an increase of pension to William Rosbrugh; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25263) granting an increase of pension to Joseph D. Beaubien; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 25264) for the relief of W. A. Kelly; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 25265) granting an increase of pension to Finetta Louise Wood; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25266) granting a pension to Thomas E. Hepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25267) granting a pension to Henry Kehl; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of members of societies of the Polish Roman Catholic Union of America, of the States of Illinois, New York, Indiana, Connecticut, and Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of citizens of New Mexico, favoring passage of Senate bill 6501 and House bill 23775, to enable people of New Mexico to form a State government and two judicial districts instead of one; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill.

to compel goods to be marked with manufacturers' names; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of the Chamber of Commerce of Pittsburgh, Pa., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the Hess & Culbertson Jewelry Co. and the William J. Kennedy Stationery Co., of St. Louis, Mo., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

Also, petition of the Rice-Stix Dry Goods Co., of St. Louis, Mo., against passage of House bill 16844, providing for marking of all manufactured articles; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Sick and Death Benefit Fund Association of the United States of America, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BLACKMON: Resolutions of the Southern Shoe Retailers' Association, of Atlanta Ga., against passage of the Campbell bill, to compel manufacturers to place their names on goods; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of Seventh Lodge of Lithuanian National Alliance of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Chamber of Commerce, favoring the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: Petition of citizens of the State of South Dakota, favoring passage of bill regulating express companies; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment for deportation of aliens; to the Committee on Immigration and Naturalization.

Also, petition of Dr. M. Spiegel & Sons, of Albany, N. Y., against passage of the Richardson bill, to amend the food and drugs act of 1906; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Retail Shoe Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place name on goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL: Petitions of citizens of the State of Kansas, favoring passage of bill (H. R. 9433) for observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Petition of Finch & Hahn, of Schenectady, N. Y., against passage of the Oldfield bill, proposing change in patent law; to the Committee on Patents.

By Mr. DICKINSON: Papers to accompany bill for the relief of Cornelius P. Vanklirk, of Cass County, Mo.; to the Committee on War Claims.

By Mr. DRAPER: Petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to mark goods with their name; to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Petition of St. Josaphat Society, No. 61, Buffalo, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Polish-American citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GUERNSEY (by request of Mr. HINDS): Petition of Cigar Makers' Union No. 40, of Biddeford, Me., favoring passage of a parcel-post bill, etc.; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of St. Mary's Guild, of St. Mary's Protestant Episcopal Church, of South Manchester, Conn., favoring passage of bill for relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the Woman's Auxiliary of the board of missions of the Protestant Episcopal Church of Plainville, Conn., favoring passage of bill for relief of the natives of Alaska; to the Committee on the Territories.

By Mr. HOWELL: Petition of Lodge No. 421, Independent Order B'nai B'rith, Salt Lake City, Utah, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Davis County Medical Society, of Layton, Utah, favoring passage of the Owen bill for establishment of a national health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Resolutions of State Council of Pennsylvania, Equity Council, No. 91, and Tamaqua Council, No. 547, of Tamaqua, Pa., Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Convention of the Diocese of Bethlehem, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOBECK: Resolutions of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place names on goods; to the Committee on the Judiciary.

Also, resolution of Washington Lodge, No. 15, Benevolent Protective Order Elks, against passage of the Jones-Works excise bill, relative to license in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petition of St. Stanislaus Kostka Parish; Dawon Society; St. Michael's Society, No. 1; St. Joseph's Society; Koto Polskie; Archcon Fraternity of the Sacred Heart; St. Sanislaus Male Choir; Knights of St. George; St. Stanislaus Society; Blaty Ovzet Society; St. Hedwig's Congregation; St. Hedwig's Society; and Literary Society, all of Bay City, Mich., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of St. Mary's Perpetual Help Society, No. 156, Chicago, Ill., and of Polish-American citizens of Chicago, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McCOY: Resolutions of the Farmers' Educational and Cooperative Union of America and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, resolutions of the Southern Shoe Retailer's Association, of Atlanta, Ga., against passage of the Campbell bill to compel manufacturers to mark goods with their name; to the Committee on the Judiciary.

Also, resolution of Newark City Lodge, No. 100, Independent Order B'rith Abraham, against passage of the Dillingham bill providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of the Daughters of Liberty of Philadelphia, Pa., favoring passage of bill restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PALMER: Petition of Convention of the Diocese of Bethlehem of Pennsylvania, and citizens of Mauch-Chunk, Pa., urging improvement of condition of natives of Alaska; to the Committee on the Territories.

Also, petition of citizens of Milford, Pa., urging passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petition of the Southern Shoe Retailers' Association, Memphis, Tenn., protesting against the passage of the Campbell bill requiring manufacturer's name on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rochester Chamber of Commerce, favoring the passage of the 1-cent postage letter rate; to the Committee on the Post Office and Post Roads.

By Mr. REILLY: Petition of Guna Sobieskiego Society, No. 404, Devery, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Petitions of members of United States Grand Lodge, Order B'rith Abraham, of Chicago, Ill., and United Lithuanian Societies of Chicago, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Chamber of Commerce of Los Angeles, Cal., favoring passage of House bill 2589 to provide suitable buildings for our representatives in foreign countries; to the Committee on Foreign Affairs.

Also, petitions of citizens of Monrovia and Pomona, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of the State of California, favoring the regulation of express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Chamber of Commerce of the State of New York, favoring passage of bill appropriating for establishment of marine schools in the State of New York; to the Committee on Military Affairs.

Also, petition of the Chamber of Commerce of the State of New York, favoring appropriation to protect the United States against feeble-minded immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of the State of New York, against bill to prohibit use of Panama Canal to owners of steamships in which any railroad is interested; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Texas: Petition of William H. Owen and other citizens of Smith County, Tex., against passage of the Owen bill to provide a national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. T. Doves and citizens of Henderson County, Tex., against the increase of postage on cheap journalism, etc.; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *June 11, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Lord, our heavenly Father, who didst send Thy Son into the world, not to condemn the world, but that the world might be saved, save us, we humbly pray Thee, from all doubt of Thy goodness and from all questioning of Thy providence. As Thou hast called another Member of this Congress from the labors of earth, deepen, we pray Thee, our trust in Thee and grant that while we have the light we may walk in the light, knowing that the night cometh when no man can work.

And unto Thee, with whom is no darkness at all, neither shadow that is cast by turning, be glory and praise now and for evermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (No. 43) of the House, providing for the printing of Public Health Bulletin No. 51, entitled "The causation and prevention of typhoid fever."

The message also announced that the House had passed a concurrent resolution authorizing and directing the Clerk of the House of Representatives in the enrollment of the bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, to insert on page 1, line 12, after the word "within," the word "or," in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendments of the Senate Nos. 1 and 2 and disagreed to the amendments of the Senate Nos. 3 and 4 to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 10674. An act to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park, in said State; and

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Universalist Church of Milford and of the Union Evangelical Church, of Hopedale, and of the president of the Milford National Bank, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. BURTON presented a memorial of sundry citizens of Stillwater, Ohio, remonstrating against the enactment of legislation to encourage rifle practice and promote a spirit of patriotism among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Cheshire County, N. H., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WETMORE presented a petition of the board of trustees of the Board of Trade of Paterson, N. J., praying that an appropriation of $200,000 be made for the continuance of the President's Economy Commission, which was referred to the Committee on Appropriations.

Mr. WORKS. I have here a telegram from the City Club of Los Angeles, Cal., composed of leading citizens and business men of that city, relating to pending legislation, that I should like to have printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

LOS ANGELES, CAL., *June 8, 1912.*

Senator JOHN D. WORKS,
Washington, D. C.:

Whereas 28 years of experience with merit system in National Government has demonstrated its principles sound and absolutely essential to good government; and

Whereas retention in office during good behavior and efficiency is one of the most important of these principles; and

Whereas a limited tenure with discretionary power of reappointment in hands of head of department would open door to all of the political evils of the spoils system; Therefore be it

Resolved by the City Club of Los Angeles, That the Senate Committee on Appropriations be, and hereby is, respectfully urged to strike out section 5 of the legislative, executive, and judicial appropriation bill (H. R. 24023), which section provides for five-year tenure of office for Government employees; be it further

Resolved, That a copy of this resolution be transmitted to the Senate through Senators from California. Senator WORKS, kindly transmit to Senator PERKINS.

THOMAS E. GIBBON, *President.*
FRANK G. ANDERSON, *Secretary.*

Mr. OLIVER (for Mr. PENROSE) presented a petition of members of the Lohr's Memorial United Brethren Sunday School, of Hanover, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of sundry citizens of the United States, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CUMMINS. From the Committee on the Judiciary I report back favorably with an amendment the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., and I submit a report (No. 868) thereon. I also report back the bill S. 6587, with like title, with the recommendation that the latter bill be indefinitely postponed. It is identical with the former. I desire that the House bill on which the report is made be printed showing the amendment proposed by the committee, and also that the report of the committee, which is in writing, shall be printed with the bill.

The VICE PRESIDENT. That is done without special order. The House bill will be placed upon the calendar and the identical Senate bill will be postponed indefinitely.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, to report it with amendments, and I submit a report (No. 869) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WORKS:

A bill (S. 7092) granting a pension to Frederick D. Skinner (with accompanying papers); and

A bill (S. 7093) granting a pension to William V. Feltwell (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 7094) granting a pension to Louise W. Stegman; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 7095) granting an increase of pension to David F. Eutsler (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 7096) to increase the limit of cost of the public building at Narragansett Pier, R. I.; to the Committee on Public Buildings and Grounds.

A bill (S. 7097) granting an increase of pension to Emily W. Tilley; to the Committee on Pensions.

By Mr. JOHNSTON of Alabama:

A bill (S. 7098) to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; to the Committee on Private Land Claims.

By Mr. BACON:

A bill (S. 7099) to provide for the purchase of 160 acres of land on the Kenesaw Mountain, in Cobb County, in the State of Georgia, and to establish a national park thereon; to the Committee on Military Affairs.

By Mr. CRAWFORD:

A bill (S. 7100) granting an increase of pension to Fred. D. Bryan (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7101) granting an increase of pension to William H. Parkwood, sr.; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7102) for the relief of Henry States; to the Committee on Public Lands.

A bill (S. 7103) granting an increase of pension to Catherine Benson; to the Committee on Pensions.

By Mr. OLIVER (for Mr. PENROSE):

A bill (S. 7104) granting an increase of pension to Mary Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7105) for the relief of Bolognesi, Hartfield & Co. (with accompanying paper); to the Committee on Claims.

RELIEF OF SUFFERERS IN ALASKA.

Mr. JONES. I introduce a joint resolution, which I ask may be read, together with the papers which I send to the desk, and referred to the Committee on Appropriations.

The joint resolution (S. J. Res. 116) appropriating $50,000 for the relief of the inhabitants of Kodiak Island and vicinity from effects of explosion of the Katmai and other Alaska Peninsula volcanoes was read the first time by its title and the second time at length and referred to the Committee on Appropriations, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sum of money, or so much thereof as may be necessary, for the relief of sufferers of Kodiak Island or Alaska Peninsula, and that vicinity, from destruction of their homes and property and the loss of lives resulting from the explosion or explosions of the Redoubt, Iliamna, and Katmai Volcanoes, on the Alaska Peninsula, namely: Treasury Department: To be expended by the Treasury Department through the Revenue-Cutter Service in purchasing supplies and providing provisions, tents, and other shelter for destitute persons, medical attendance, and other aid which the emergency may require, the sum of $50,000. The Revenue-Cutter Service in Alaskan waters is authorized to go to the relief of settlements in that neighborhood and provide rations and supplies and carry people from the danger zone to safety.

Mr. JONES. I should like to have the telegrams read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

[Rush via Seattle.]

SEWARD, ALASKA, *June 10, 1912.*

REVENUE-CUTTER SERVICE,
Washington, D. C.:

St. Paul and Wood Island villages, Kodiak, buried 1 foot. Volcanic eruption of 48 hours ashes, sand, and pumice stone. Other settlements doubtless in same or worse condition, and am sending all relief parties possible by drafting available craft. No lives lost here as yet. Water ashore polluted and great distress among natives. *Manning* provided refuge for all inhabitants throughout and should remain here indefinitely. Another cutter needed to take lighthouse supplies to westward, if practicable. Am compelled to use large amounts of ship's rations for refugees, and must continue this to the destitute unless other aid arrives. Furnishing quarters, food, and water from distiller to about 500 at present, many women and children. Naval wireless station at Wood Island totally destroyed by fire except aerial masts, and *Manning's* radius too small to reach any station, consequently drafting tug to take dispatches to Seward. Committee of officers and citizens appointed by me to take charge urge strongly need of Government emergency fund with which supplies can be shortly obtained. Approve recommendation. Experience terrible, and much of the time all hands seemed in imminent danger of suffocating. Not known what volcanic was caused. Believed extent of territory covered amount of precipitation far beyond that of any modern history. Ask to be confirmed in past and future actions as far as possible in name of humanity. Searles detailed by me; must wait at Seward for reply or orders.

PERRY,
Captain Revenue Cutter Manning.

[Extra via Seattle.]

SEWARD, ALASKA, *June 10, 1912.*

Delegate JAMES WICKERSHAM,
Washington, D. C.:

Support appeal of Revenue-Cutter Service for aid of people of islands.

WILLIAM A. GILMORE,
Mayor, Nome.

[Extra via Seattle, Wash.]

SEWARD, ALASKA, *June 10, 1912.*

Delegate JAMES WICKERSHAM,
Washington, D. C.:

Support appeal of Revenue-Cutter Service for aid of Kodiak Island.

KODIAK RELIEF COMMITTEE OF SEWARD,
J. H. ROMIG, *Chairman.*

The VICE PRESIDENT. The communications will follow the reference of the joint resolution.

THE CHEMICAL SCHEDULE.

Mr. WATSON. I submit an amendment intended to be proposed as an additional section to the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. WATSON as an additional section, to be known as section —, to the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, by adding to section 2 of said act the following:

"*Provided*, That if, with respect to any article or commodity upon which an import duty is laid under the provisions of this act, substantial, effective, and actual competition as to the extent of production, price for sale, or manner of distribution has ceased, or shall in future cease, to exist among domestic producers or sellers, or both, generally throughout the United States, or if the buyers, users, or consumers of any such article or commodity are now or shall hereafter be deprived, and without regard to the cause or causes of such deprivation, generally throughout the United States, of the benefits and advantages of substantial, effective, and actual competition with respect thereto, or if through the scarcity of production, due to curtailment, failure, or other natural or artificial causes, the price for sale of any such article shall be abnormally enhanced, then and so long as such conditions, or any of them, shall exist, not to exceed six months, all imports of such articles or commodities shall be admitted free of duty into all ports of the United States, and the President is hereby authorized, in case of such emergencies, to suspend the collection of customs duties on any article included for taxation in the tariff law in effect on the day the President issues his proclamation suspending the collection of duty on any article, so that such article may be imported free of duty, not to exceed the six months specified. When the President decides to suspend the collection of duties on any article he shall issue his proclamation to that effect. Such suspension of the collection of customs duties shall take effect on the day following the issuing of said proclamation."

AMENDMENTS TO SUNDRY CIVIL BILL (H. R. 25069).

Mr. FLETCHER submitted an amendment proposing to appropriate $50,000 for improvements at the Fort Taylor Military Reservation, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $40,000 for the repair of the fisheries steamer *Albatross*, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for the establishment of a fisheries experiment station in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $25,000 for a steam vessel for use at the fish-cultural station at Boothbay Harbor, Me., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STATISTICS OF CORPORATIONS (S. DOC. NO. 738).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Senate:

In response to the resolution of the Senate, adopted May 30, requesting me to send to the Senate a compilation of the returns made by corporations for internal-revenue purposes for the year 1910 and also for 1911, so as to show the total number of corporations engaged in the iron and steel industry, and certain other totals in respect to the operation of those corporations, I beg to forward a letter from the Secretary of the Treasury which explains why the statistics called for by the Senate resolution can not be given. The letter of the Secretary of the Treasury shows what is available, and if the Senate resolution will give the names of the corporations in respect to which it desires the totals mentioned, I shall have pleasure in asking the Secretary of the Treasury to comply with the request thus made more specific.

WM. H. TAFT.

THE WHITE HOUSE, *June 11, 1912.*

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act:

On June 11, 1912:

S. 4791. An act authorizing the patenting of certain lands to rural high-school district No. 1, of Nez Perce County, Idaho.

SUPPORT OF BASTARDS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 54) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed in the enrollment of the bill (H. R. 13041) entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," to insert, on page 1, line 12, before the word "within," the word "or."

Mr. DILLINGHAM. I ask that the Senate concur in the resolution.

The resolution was considered by unanimous consent and agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. WARREN. I ask the Senate to proceed to the consideration of House bill 24023, the legislative appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WARREN. The Senator from California [Mr. WORKS] wishes to bring up a very small but important matter, and I will yield to him.

ROBERT H. PECK.

Mr. WORKS. I ask unanimous consent to call up for consideration the bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President of the United States in his discretion be, and he is hereby, authorized to appoint Robert H. Peck to the grade of captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act; and that there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

Mr. GALLINGER. Will the Senator from California briefly state the reason for this bill?

Mr. WORKS. It is a case, Mr. President, where the officer was tried by a court-martial and was dismissed from the service. I have examined the evidence quite carefully, and it has been examined by the Committee on Military Affairs of the Senate and also by the Committee on Military Affairs of the House and favorable reports have been made in both cases. It is quite evident that the verdict which was reached was too harsh and unjust. This is simply an effort to restore him with the loss of time and pay. I think it is an entirely just bill.

Mr. GALLINGER. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, in view of the desire of the chairman of the Committee on Appropriations to go on this morning with the appropriation bill I will give notice that to-morrow morning after the routine morning business I shall call up Senate bill No. 3.

The VICE PRESIDENT. The Senator from California [Mr. PERKINS] has already given notice of his desire to call up the naval appropriation bill at that time.

Mr. CLAPP. I have had a notice appearing on the calendar for several days that following the appropriation bill now pending I shall ask the Senate to consider the Indian appropriation bill. I think we ought to go on with that bill.

The VICE PRESIDENT. The pending appropriation bill will be proceeded with.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will report the pending amendment.

The SECRETARY. The pending amendment is an amendment offered by the committee, on page 141, line 22, after "$4,800" and the semicolon, to insert:

Physicist, qualified in optics, $4,000.

Mr. OVERMAN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from North Carolina rises to a point of order, which he will please state.

Mr. OVERMAN. I wish to say that that is not a committee amendment.

Mr. WARREN. Will the Senator excuse me for a moment?

Mr. OVERMAN. Certainly.

Mr. WARREN. I was about to put that matter right. I wish to say that the Senator from North Carolina, who is a constant hard-working member of the subcommittee, is right. I offered it believing it was a committee amendment, because I assumed that it had been shown to him as have all the other committee amendments; and I have been careful, so far as I knew, to offer no amendment that had not the proper indorsement of the committee. Therefore it now stands as an amendment of mine individually, and not as a committee amendment.

The VICE PRESIDENT. Therefore, unless the Senator has concluded presenting committee amendments, it will not now be in order.

Mr. WARREN. For the present I have concluded presenting committee amendments, although another one may follow after a little further information.

The VICE PRESIDENT. That is another proposition. Amendments by Senators are then in order, and the Senator from Wyoming presents the following amendment personally.

Mr. OVERMAN. It is not in order now, not being a committee amendment. The consideration of the bill has not been finished under the unanimous-consent agreement that the bill should be read for action on committee amendments.

The VICE PRESIDENT. The point of order is well taken. The Chair had forgotten that certain amendments were passed over.

Mr. WARREN. So that there may be no misunderstanding, I think it is in order now to proceed to consider the important sections relating to the Commerce Court.

The VICE PRESIDENT. Certainly. The Secretary will report the first amendment which was passed over by unanimous consent.

The SECRETARY. The first amendment passed over is on page 147, where the committee proposes to strike out all of lines 11, 12, 13, and 14. They read as follows:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. OVERMAN. That amendment ought to be taken up in connection with section 10, and I ask that the three paragraphs or sections be considered together. They all involve the same matter.

The VICE PRESIDENT. Of course, it is quite possible to discuss the whole matter, but the amendments will have to be voted on separately.

Mr. OVERMAN. I understand. I think that the amendment which has been read and section 10 and another section ought to be considered now.

Mr. WARREN. I agree to that. The whole subject may be discussed, of course.

The VICE PRESIDENT. Without objection, then, the Secretary will also report the other amendments at this time.

The SECRETARY. It is proposed by the committee to insert at the top of page 150 the following words:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

It is also proposed——

Mr. POINDEXTER. I wish to suggest that section 10 be also read.

The VICE PRESIDENT. That is what the Secretary was just instructed to do.

The SECRETARY. It is also proposed to strike out all of section 10, on pages 157 and 158, in the following words:

SEC. 10. That the Commerce Court is abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases then pending in the Commerce Court to said district courts.

Mr. WARREN. Mr. President, I desire to say on the part of the committee that this was carefully considered by the subcommittee and by the full committee. It is but right to say that it is not reported unanimously. There was objection in the subcommittee and there were objections in the full committee, but the majority of the committee—I do not speak of partisan majority—believed that the Commerce Court, having been established, ought at least to have further time to demonstrate what it can do and whether it should be retained or not.

I am not going to enter into any extended argument concerning the court. I leave that to those who are learned in the law and who can better defend or attack, as the case may be; but I desire to say that it seems to me we ought not to go up the hill and down again in the few months which have elapsed without further consideration and further opportunity to find what are the full functions of this court and what may be its results.

Mr. OVERMAN. Mr. President, I voted against the creation of this Commerce Court at the outset, for I never thought it ought to have been established. Being a member of the Committee on Appropriations, I was one of the minority who voted against this amendment. I do not propose to discuss the court so much as to lay some facts before the Senate.

This court has shown a very reckless disregard of the rights of the people in the way of extravagance. We allowed them, in addition to their salaries, an expense allowance for judges at the rate of $1,500 per annum. They have drawn that money every month, and I have a statement here showing also the money they have drawn in the way of expenses.

We once had an impeachment on this floor of a judge, and one of the charges when we tried him was that he had charged $10 a day. The law allows a reasonable expense not exceeding $10 a day. It seems that these judges have been from time to time called away to different parts of the country to hold court, and some of them at least—nearly all of them—have charged the whole $10 a day.

I wish to publish this table in the RECORD showing the expense account. Judge Archbald charged, when he went to New York to hold court, from July 4 to July 31, $210, and August 3 and 4, $13.

Judge J. E. Carland, under order of December 18, 1911, at St. Louis, Mo., from January 6 to 25, charged $200, at $10 a day. Judge Hunt, under order of December 13, 1911, at Helena and Butte, Mont., December 17 to 31, $150.

You will see that each one of them charged the whole amount of $10.

Here are some other expenses. I do not know how they occurred. I will just publish this table in the RECORD.

The table referred to is as follows:

The following payments were made to judges of the Commerce Court, on account of expenses, from the appropriation "Pay of bailiffs, etc., United States courts":

Judge R. W. Archbald:	
Order of June 9, 1911, at New York City—	
July 4 to 31, 1911	$210.25
Aug. 3 and 4, 1911	13.30
Total	223.55
Judge J. E. Carland:	
Order of Dec. 18, 1911, at St. Louis, Mo., Jan. 6 to 25, 1912	200.00
Judge William H. Hunt:	
Order of Dec. 13, 1911, at Helena and Butte, Mont.—	
Dec. 17 to 31, 1911	150.00
Jan. 1 to 21, 1912	210.00
Total	360.00
Judge Julian W. Mack:	
Orders of Dec. 15, 1911, at Chicago, Ill., Dec. 19, 1911, Jan. 1 to 31, 1912, Feb. 3, 1912	310.00
Orders of Feb. 23, 1912, at Chicago, Ill., Mar. 2 to 14, 1912	103.35
Total	413.35

Information as to amounts paid or payable to the following-named judges under the orders mentioned has not yet been reported to the department. This information has been requested by wire:

Judge William H. Hunt: Order of April 10, 1912, at San Francisco, Cal., in May and June, 1912. Order of April 10, 1912, district court in Arizona, in April, 1912. Order of May 17, 1912, in northern district of California, in May 1912.

Judge Julian W. Mack: Orders of April 26 and May 15, 1912, district court in Arizona, in May and June, 1912.

A telegram has just been received from United States Marshal Overlock, of Arizona, relative to the expenses of Judge Mack, under orders of April 26 and May 15, 1912, which reads as follows:

"Your wire this date. Nothing has been paid Judge Mack, and he has not presented claim. He opened court May 1. Understand he left district May 30."

Under the "$1,500 allowance," each judge has drawn $125 per month. Total payments from July 1, 1911, to June 1, 1912, $6,875. Balance of appropriation $625—sufficient to pay allowance for month of June.

During the fiscal year, up to and including May 31, the expenses of judges incurred incident to the transaction of the business of the Commerce Court amount to $971.40, to wit:

Judge Hunt	$275.45
Judge Archbald	100.30
Judge Mack	369.20
A clerk	226.45
Total	971.40

Some of the judges have sat as circuit and district judges, and the amounts paid to them for expenses can not be stated on short notice. Can probably be furnished by Saturday morning if still desired.

Mr. BACON. My attention was diverted for a moment, and I will ask the Senator what is the time covered by the expense account of $10 a day?

Mr. OVERMAN. I was just reading it. Judge Carland, from January 6 to the 25th, charged $200—just 20 days.

Mr. BACON. Does that run along through the year in that way?

Mr. OVERMAN. There is in addition to that this $125 allowed in the way of expenses every month for each one of them.

So Judge Mack was ordered to Chicago December 15, 1911, and from December 19 to January 1 and to the 31st he charged $310 for 31 days at $10 a day. We passed a bill here reducing it to $7 a day.

Mr. SUTHERLAND. Mr. President——

Mr. OVERMAN. The Senator from Utah will remember that we passed a bill fixing the expenses at $7 a day, but I do not suppose it became a law, because the auditor certainly would not have audited this account if it had. But the members of this court ought to have known what the Senate had done and what the sentiment of the Senate was as to reducing it to $7 a day. Anyway, they were allowed reasonable expenses not exceeding $10 a day. I do not know whether they furnished an itemized account or not, but I know they have drawn exactly $10 a day.

Mr. SUTHERLAND. I do not quite understand what is the complaint which the Senator from North Carolina makes. Does he insist that the expense of $10 a day was not incurred?

Mr. OVERMAN. I do not know. I am merely giving the Senator information that $10 a day was charged—exactly $10 a day.

Mr. SUTHERLAND. The Senator from North Carolina knows, I suppose, that each of these judges has been compelled to go away from Washington to hold court in other places, and that some expense was necessary.

Mr. OVERMAN. There is no question about some expenditure. They are entitled to a reasonable expenditure up to $10 a day, but the remarkable thing I am talking about is that they charge exactly $10 a day.

Mr. SUTHERLAND. The account has been filed with the auditor, and has been approved by the auditor, as I understand.

Mr. OVERMAN. That may be; I do not know as to that. I just want to publish this in the RECORD, so that Senators and others may see it.

Mr. SUTHERLAND. I should like to understand the position of the Senator.

Mr. OVERMAN. I sent to the Treasury Department and got this account, and I know that these judges charge just exactly $10 a day. How they can make it $10 a day, I do not know. They sized up the amount they were entitled to, and took it.

Mr. SUTHERLAND. Perhaps their expenses may have been more than $10 a day, and under the law they were limited to $10 a day.

Mr. OVERMAN. They were limited to $10 a day, and the Senator from Utah voted for that compensation; but we thought $7 a day was enough.

Mr. SUTHERLAND. What is the particular inference which the Senator from North Carolina seeks to draw from this?

Mr. OVERMAN. That they have drawn their $10, and after having been allowed expenses in addition to what other judges charge to the amount of $625 a year, or $1,500 a year each for expenses while living in Washington. In addition to that they have drawn their expenses, and even when they were away they have drawn $10 a day.

Mr. SUTHERLAND. Does the Senator from North Carolina think because the naked fact appears here that these judges have charged $10 a day for expenses—and we do not know definitely whether the expenses are proper or not, though the account has been approved by the auditor whose duty it was to investigate the account—that that justifies us in abolishing the court?

Mr. OVERMAN. I do not think that alone would justify us in doing so; but I am going to show some other things which they have done before I sit down.

Mr. BACON. I think there is one thing that can be very fairly presumed. We all of us have current expenses, and we all know, while occasionally we may incur an expense of $10 a day, that men in ordinary circumstances do not incur that much expenditure a day for their living, whether they are traveling or whether they are at home.

Mr. OVERMAN. Now, I want——

Mr. CULBERSON. Mr. President, before the Senator from North Carolina proceeds to a consideration of some other matters, I invite his attention—rather informally, however, for of course he is familiar with it—to a section of the law which created this court:

Each of the judges during the period of his service in the Commerce Court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of $1,500 per annum.

What I desire to know is, Are these judges, under the law, entitled to increased compensation in the way of expenditures when they are in Washington and also when they are away from Washington?

Mr. OVERMAN. I do not think so.

Mr. CULBERSON. We pay them the salary of circuit judges when they are in Washington and give them $1,500 in addition for expenses. That is clear by this law.

Mr. OVERMAN. This statement shows they drew the whole amount of $1,500 up to this time. Each of them has drawn the whole amount.

Mr. CULBERSON. When they are away from Washington they draw the $10 a day and the $1,500 in addition for being here?

Mr. OVERMAN. This statement will show that to be the fact.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. OVERMAN. Yes.

Mr. TOWNSEND. Those who followed the debates and participated in them at the time the court was established understand that that additional compensation or expense money which was allowed on account of the court sitting here in Washington was included as an additional salary on account of the fact that the judges were living here in the city of Washington, and the additional expense when they were away from Washington was the same as that provided for other judges who were out on their circuits or districts.

Mr. OVERMAN. The language of the appropriation is "expense allowance" for judges "at the rate of $1,500 per annum." It does not say they shall be allowed $1,500 for expense allowance, but the law says for each of the judges "at the rate of $1,500 per annum." I think that meant that they should while they were in Washington be allowed at the rate of $1,500, and when they were abroad they should be paid like other circuit judges of the United States a reasonable sum, not exceeding $10 a day.

Mr. GALLINGER. May I ask the Senator from North Carolina whether that $10 a day is for transportation or whether it includes——

Mr. OVERMAN. All I know is what is sent to me from the Treasury. They drew $10 a day, and in addition they drew their salaries.

Mr. CULBERSON. Has the Senator conveniently at hand the law providing for expenses not exceeding $10 a day for circuit judges?

Mr. OVERMAN. I have it not here, but I have examined it. I know we passed a bill here allowing them not exceeding $7 a day; but whether it passed the other House I am not advised.

When this court was established I noticed a great difference between what the Customs Court paid for rent and what the Commerce Court paid for rent. This court hired a floor in a building and paid $12,000 a year rent. They bought 5 swivel chairs for $61.25 each; they bought 25 armchairs at $58.75 each; then they bought, in addition, 6 leather chairs at $90 each; they bought for each judge a davenport at $175; they bought, in addition, 10 court-room chairs at $52 each; they bought "mahogany wainscoting with green marble base and standing trim in court room" at $2,172.

Mr. GALLINGER. What were the last items?

Mr. OVERMAN. This report says "mahogany wainscoting with green marble base and standing trim in court room, $2,172." They bought a screen for $895; 5 wardrobes at $94.25 each; 2 tables at $109 each; 2 library tables at $150 each; 5 desks at $163 each; 1 judge's screen at $895; 1 counter for $300; 1 bar rail with gate, $165; and 1 judge's bench that cost $1,055.

Mr. BACON. Did I understand the Senator to say "wardrobes"?

Mr. OVERMAN. Yes; wardrobes.

Mr. BACON. What are they for?

Mr. OVERMAN. Well, they said that part of them were to hang their coats in and the other part for file cases.

Mr. BACON. Hang their coats in! Do they not wear their coats?

Mr. OVERMAN. Their overcoats and gowns.

Mr. BACON. Oh, their gowns.

Mr. OVERMAN. I merely read this to show that this court has been evincing a reckless disregard of the rights of the people in this immense extravagance in equipping their court room. Go over to the Supreme Court of the United States; they have no such extravagance there, nor has any other court that I have ever been in.

Mr. GALLINGER. Did we vote a lump sum from which this money has been expended?

Mr. OVERMAN. That is one of the lump sums that we have had so much trouble about.

Mr. GALLINGER. I agree with the Senator in his position regarding lump sums, and I think we ought to stop appropriating money in that way, so far as possible.

Mr. BACON. I should like to inquire if the Senator has information as to what the court did with the $895 screen?

Mr. OVERMAN. All I know is that they have paid that much for it.

Mr. POINDEXTER. They probably put that up in front of the bar. [Laughter.]

Mr. BACON. I presume that is it. I see they have a bar rail, and I presume that is the reason for the screen.

Mr. OVERMAN. That is all I have to say, Mr. President.

Mr. POINDEXTER. Mr. President, it is rather on account of the recklessness and extravagance of the judicial opinions of this court that I object to the appropriation for it. I think the expensive chairs and sofas and the bar rail and screen ought to be relegated to some junk shop, if no better use can be made of them, and that the court itself ought to go along with them, so far as its existence as a judicial tribunal is concerned.

The debates on the bill providing for the creation of this court clearly show that the dividing line between those who were in favor of establishing it and those who were opposed to it was the line between those who were opposed to governmental supervision and regulation of the railroads, or at least opposed to extending in any way the governmental power in that respect, and those who were in favor of extending governmental supervision and regulation of the conduct of the railroads and the making of railroad rates; in other words, this court was interposed as an additional obstacle between the growing power of

the Government—which had been developed through the Hepburn Act and other amendments of the interstate-commerce act of 1887, and construed by the Supreme Court of the United States—and the railroads. It has, in my judgment, faithfully fulfilled—and there can not be any dispute about it from the records of the court—the expectations, the purposes, and the intentions of those who were instrumental in incorporating it in the act of 1910. It is one of the astonishing features of our history that in the rapid development of the country only within the last 25 years has the Government attempted in any way whatever to regulate the enormous private interests involved in the railroads of the country; and that is true, notwithstanding the fact that the railroads exercise a public function.

The entire system of transportation in this country has been revolutionized since the Government was founded and since the instrumentalities of government were devised in the Constitution. The framers of the Constitution did not contemplate the questions which have arisen out of the growth of railways; they could not have contemplated them, because they could not have foreseen the invention of steam transportation.

It is true that there was incorporated in the Constitution of the United States a general clause giving the Federal Government power over interstate commerce; but that was framed and put in the structure of the Government with reference to its power to deal with interstate commerce in view of a simple and comparatively powerless and inoffensive system of transportation. From that time down to 1887, notwithstanding the fact that in the meantime railroads had been invented, had absorbed enormous capital, had abused the public franchises which had been granted to them, had gone into politics, had corrupted legislatures, and had discriminated between communities and between individuals, there still was such a force of public opinion to the effect that the railroads were private institutions that no attempt on the part of the Government was made to interfere with the abuse of this great power.

In 1887 the Interstate Commerce Commission was created. It was created under comparatively general terms; it had very few specific powers; it was organized and began its work, but very little was accomplished by the Interstate Commerce Commission under the act of 1887 in the way of preventing the abuses of the railroads. In 1906 the Hepburn Act was passed. Four years after the passage of that act it came before the Supreme Court for construction, particularly as relating to the powers of the Interstate Commerce Commission over the railroads, and in the case of the Interstate Commerce Commission v. The Illinois Central Railroad Co. the Supreme Court laid down a rule which vested the Interstate Commerce Commission with very extensive power under the law of 1906, not only in the regulation of the conduct of the business of the railroads, but in the fixing of rates, the prevention of discrimination both in furnishing cars and as to other public services in the line of railroad business. The syllabus of this case is found in 215 United States, page 452, and is as follows:

> In determining whether an order of the Interstate Commerce Commission shall be suspended or set aside, power to make—and not the wisdom of—the order is the test and this court must consider all relevant questions of constitutional power or right, all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to be made, and also whether even if in form it is within such delegated authority it is not so in substance because so arbitrary and unreasonable as to render it invalid.
>
> In determining whether the action of the court below was or was not correct, this court does so irrespective of the reasoning by which such action was induced.
>
> The equipment of an interstate railroad, including cars for transportation of its own fuel, are instruments of interstate commerce and subject to control of the Interstate Commerce Commission.
>
> The act to regulate commerce has delegated to the Interstate Commerce Commission authority to consider, where complaint is made on that subject, the question of distribution of coal cars, including the carrier's own fuel cars, in times of car shortage, as a means of prohibiting unjust preference or undue discrimination.
>
> Under section 15 of the act to regulate commerce as amended June 29, 1906 (C. 3591; 34 Stat., 585), the Interstate Commerce Commission has power to deal with preferential and discriminatory regulations of carriers as well as with rates.

That decision was rendered January 10, 1910, and it is a very significant circumstance that in the following June the act of 1910, which created the Commerce Court, was introduced. The sequence of events, the circumstances under which that act was introduced in Congress, and the sources from which it came make it perfectly evident that it was the effort of the railroad companies to escape from the effects of the decision of the Supreme Court defining the powers of the Interstate Commerce Commission in the case which I have just read.

In the debates in Congress upon that bill special attention was devoted to the question of whether or not the power of the courts to review the decisions of the Interstate Commerce Commission were extended by that act. It was contended on behalf of the advocates of the bill that the powers of the courts were not extended, and great care was taken to insert in the act creating the Commerce Court an express provision that the court could have no greater power to review the decisions of the Interstate Commerce Commission than the circuit courts had prior to the passage of that act; but notwithstanding the keen examination which was made of that bill by the able lawyers who discussed it and analyzed its various provisions, and notwithstanding the comparison of its terms with the law of 1906, there nevertheless remained in it when it was passed by Congress certain language which was not contained in the law of 1906, and the Commerce Court, the existence of which is involved in this appropriation bill, seized upon these new lines which had been incorporated in the law creating the court, and out of them deduced an authority, which was practically unlimited, to review the decisions of the Interstate Commerce Commission.

In the minority report of the Committee on Interstate Commerce, made upon the Commerce Court bill, this question was discussed, and attention was called to the fact that in the law of 1906—the report says section 15; it really should have been section 16—this language was used:

> That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission. An appeal may be taken from the interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States.

Now, the minority called attention to the fact that in the bill under consideration—that is, the bill creating the Commerce Court—

> All that part of section 15 [16] which relates to suits brought to enjoin, set aside, annul, or suspend any order or requirement of the commission is repealed, and the whole subject is disposed of in those sections of the present bill which create the United States Court of Commerce and set forth its jurisdiction and procedure.

Now, in that bill was contained this language:

> That suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order, pending the final hearing and determination of the suit.

The Commerce Court, in the case of the Louisville & Nashville Railroad, called attention to that language, which was not contained in the law of 1906, and upon the strength of it claimed an unlimited right, limited only by the rules of equity, to review the decisions of the Interstate Commerce Commission. In this case they say:

> The word "discretion" used in the law of course means a legal discretion, a discretion controlled and limited by sound principles of law applied to the facts in each particular case. The principles which govern courts of equity in granting temporary injunctions are well known to the profession and need not be stated here.

In other words, they assume whatever powers courts of equity have to grant preliminary injunctions in any case and applied it to the decisions of a tribunal which the legislative power, which created it, had attempted to protect from these things by the most explicit language, and they have proceeded to issue temporary restraining orders against the well-considered judgments of a tribunal which has investigated cases, in some instances for many years, as though it were a case which had never been tried or investigated by any tribunal. They have applied to the orders of the Interstate Commerce Commission the most liberal exercise of the power of temporary injunctions and verified in every respect the predictions which were made by the opponents of the bill creating the Court of Commerce—that it would change the law as to the power of review of the orders of the administrative tribunal.

It is true the Supreme Court has reversed these decisions, but the fact that we have in the Supreme Court of the United States, so long as the judges constituting it may administer the law, a protection against the efforts of this special tribunal to blanket and nullify the effects of the orders of the Interstate Commerce Commission—the mere fact that we have a protection from this court is no reason for continuing it unless some positive benefit is to be shown by the multiplication of these judges.

We now have more courts in one State in this country than in all of Great Britain. There is no necessity, in the amount of business, for the additional judges constituting this court; and, as I said when this question came up a few days ago, the creation of two special tribunals, both exercising jurisdiction over the same subject matter, is absolutely senseless legislation. That tribunal which has the appellate power necessarily claims to be superior, and the effect of the operation of two tribunals practically puts out of existence the inferior one.

Mr. President, it was a long struggle to invest in some effective administrative body the power which the Interstate Commerce Commission finally got under the Hepburn Act and the decisions of the Supreme Court, and it would be a calamity to the people of this country if all that was gained in that long struggle for the regulation of railroads is to be thrown away and destroyed by the continuance of an unnecessary court.

Of course those people who advocate the existence of that court advocate the unlimited right of merger. That is the general tendency. They are opposed to governmental interference with rate making. In the debates which took place in this body when this Commerce Court law was pending here, the Senator from Massachusetts and other Senators opposed what they called rate making by law. A Senator who sits by my side, the Senator from Vermont [Mr. PAGE], described his business and told how the railroads had investigated his business and determined how much freight he could afford to pay upon the freight he transported. In other words, they allowed him what they chose to allow him by way of profit. His existence as a business man, according to his statement—he seemed to be satisfied with it, because the railroads had apparently been liberal—was absolutely dependent upon the good will and generosity of the proprietors of the railroads which served the town in which his business is located.

Why should not the Government control the rate making of railroads? It is a governmental function. There is as much reason for the Government to build up a body of experts, particularly competent to make railroad rates and classify freights, as that the railroads should have such a body. The fact of the case is that the railroads have no scientific system or any general system at all upon which rates are made. I have heard one of the principal authorities in the employment of a railroad traffic department or the rate-making department testify upon the witness stand, in answer to a question asked by a member of the Interstate Commerce Commission as to what theory or system rates were based upon, that they had no theory or system; that the plan which they pursued was to examine the business affected by the rates and determine how much it could afford to pay and levy a rate accordingly. In other words, the only rule is the familiar one that the railroad will levy as high rates as the traffic will bear. Those things are all involved in the existence and continuance of the Commerce Court.

Some Senators say we ought not to consider this matter on an appropriation bill. It is the only way we can effectively consider it. The ordinary objections which pertain to the consideration of general legislation on appropriation bills do not apply to this case, because this question has been before the Senate and before the committee having jurisdiction over it ever since this session of Congress convened. Hearings have been had upon it in the Interstate Commerce Committee. The matter is now pending, and a motion to discharge that committee is before the Senate.

The Commerce Court is not only useless, but it is a positive detriment to the necessary regulation and supervision by the Government of railroads, and we should abolish it on the first opportunity that occurs.

These sections of the appropriation bill which not only have the effect, but do expressly abolish the Commerce Court, having already been passed by the House, afford a simple and perfectly conclusive opportunity for the Senate to accomplish this purpose. If we should say that we do not want to legislate upon this subject in an indirect way, through an appropriation bill, and confine ourselves to the consideration of a separate measure, it is impossible to tell what the course of that measure would be in its passage through the two Houses of Congress. No man can tell what its fate would be in the other branch of Congress. The other branch of Congress has acted upon the subject matter, and the fact that it is attached to an appropriation bill under the circumstances involved by this Commerce Court question, having been thoroughly discussed in both Houses, is no good reason why the Senate should not act upon it in the same way.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. REED. I should like to ask the Senator a question. In view of the fact that we are now called upon by this bill to make necessary appropriations, and among those appropriations, if the court is to continue, to make an appropriation for the court, does not that clearly present the proposition whether the appropriation is to be made, and if the appropriation is not to be made is not this the proper time to abolish the court as the reason for not making the appropriation?

Mr. POINDEXTER. I agree with the Senator in that regard. I think it would be very poor business to proceed to appropriate money for a court the existence of which was hanging in the balance in the Senate.

There is no reason why the entire matter can not be considered together, both the appropriation and the subject matter of the continuance of the court. The bill to abolish the court, the motion to discharge the committee, and the different sections of the appropriation bill would all then be before the Senate, and they ought to be considered at the same time.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. Certainly.

Mr. CUMMINS. I rise rather to ask a parliamentary question as a preliminary to asking a further question of the Senator from Washington. If the proposed amendment of the committee is rejected, the text of the House bill in regard to this subject will be open to amendment precisely as though there had been no amendment proposed by the committee?

The PRESIDING OFFICER. Certainly.

Mr. CUMMINS. I make that inquiry because to me it is quite clear that if we desire to abolish the Commerce Court and to transfer jurisdiction to the district courts generally, the House provision is inadequate. It will not do what it proposes. I therefore wanted to know before we went further whether, if the committee amendment is rejected, we can fashion the House bill in that respect according to the necessities of the case.

Mr. WARREN. Mr. President, in order to leave the matter open, the committee amendment is to strike out that portion which the House has inserted, and if the court is not restored I think there should be a consensus of opinion here narrowed down to an amendment to be put in so that it will go to conference with the other one.

I agree with the Senator. I do not think the provision inserted by the House is sufficient, but as a layman I am going to depend and must depend upon the learned lawyers of this body to take cognizance of it and to help out the committee.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. CUMMINS. I had not quite finished. As everybody knows, I am in favor of the abolition of the court, but if we do that we want the district court or some other court to be invested with the power to grant all the remedies which the law now contains, and I want the opportunity to appeal to the Supreme Court of the United States from the district court in the same way precisely as the appeal can now be taken from the Commerce Court; and I do not think that the House provision will accomplish the purpose.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Texas?

Mr. POINDEXTER. I yield for a question. I prefer to complete what I have to say, but I will yield for a question.

Mr. CULBERSON. Only a moment, if the Senator pleases. Has the attention of the Senator from Iowa been directed fully to the House provision commencing at page 157 of the bill?

Mr. CUMMINS. Yes; I have read it very carefully.

Mr. CULBERSON. I did not know whether the Senator had read it. If so, is he of the opinion that it is insufficient? I refer to the provision on the bottom of page 157.

Mr. CUMMINS. The House bill contains only the provision that the act creating the Commerce Court is repealed and that the jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district court of the United States.

That is the entire provision. I do not think that that will give to the district court of the United States the remedies which might have been awarded by that court, or, rather, by the circuit court, prior to the act of 1910, nor do I believe that it will give the district court the power to award all the remedies that were provided for in the act creating the Commerce Court. We would have jurisdiction in the district court, but what power the district court would have would be awarded without any legislation at all.

I suggested this point to the author of it, I will say, and, while he thought otherwise, I am very clear that when the lawyers of the Senate come to reflect upon it they will see that if we intend to abolish the Commerce Court we will have to put into this bill some further legislation with regard to the powers and duties of the district court and with regard to the procedure in the district court and an appeal from the judgment of the district court to the Supreme Court of the United States.

Mr. POINDEXTER. Mr. President, I do not apprehend that there will be any insuperable difficulty in providing for the proper jurisdiction of the court in view of these matters. In case the Commerce Court is abolished, it would be a very simple matter to give to the district court the same powers and vest them with the same procedure that the circuit court had prior to the passage of the act creating the Commerce Court, or if Congress should desire to provide a new method of review of the orders of the Interstate Commerce Commission, that is certainly a matter which Congress can readily deal with.

The important thing is to abolish this court. It can not be successfully contended that there was any force back of the suggestion and the pressing of the measure for the creation of this court other than the desire of the railroad companies and those whom they may have impressed with the force of their arguments to escape from the growing power of the Interstate Commerce Commission. There was no demand upon the part of the people of this country for the creation of a new court. There was no demand or desire on the part of the people of this country to lessen the powers of the Interstate Commerce Commission.

I was present when the bill was introduced in the House of Representatives which contained the clauses constituting this court. The records, both there and outside, show that it was framed after a conference at which 12 railroad officials were present, in the month of August, in the city of New York. The report of the minority of the Interstate Commerce Committee which was made to the Senate called specific attention to those clauses of that act creating the Commerce Court which divested the Interstate Commerce Commission of the control of cases originating out of the commission's orders and vesting that control in the Attorney General of the United States.

The bill provided for an unlimited merger. There are a great many Members of the Senate perhaps who are in favor of abolishing the law which prohibited mergers of competing lines of railroad. If that should be the policy, Mr. President, there will be nothing to prohibit the consolidation of all the railroads in the United States. I do not know of any more favorable opportunity for a great financial enterprise than the consolidation of these various lines, if the law which prohibits mergers is to be stricken down—and one of the purposes of the act creating this court was to strike down that law.

I want to call attention to what the effect of that policy would be. It would be to put under one control 250,000 miles of railroad, 1,700,000 employees, $18,417,132,000 of capital, a business yielding a gross annual income of $2,750,687,000.

The cases which are reported by the Interstate Commerce Commission as of special importance which had been decided by the Supreme Court in the year previous to the last report which they have filed indicate the disposition of the persons exercising and controlling the resources which I have just referred to to use them to the utmost limit to build up certain interests and to destroy others.

One of the powers which are involved in the Commerce Court is the power to prevent discrimination, to prevent rebates, to enforce the law which has been on the statute books for many years, but has never been effectively enforced. That, in my judgment, has been the principal factor in the building up and growth of the greatest monopolies that are doing business in the United States. The principal factor which enabled the Standard Oil Co. to put its rivals out of business was railroad favoritism. The principal means which gives the Steel Trust its advantage over its competitors is railroad favoritism.

The disposition of the railroad companies to squeeze the business of the country to the last limit is indicated by a case which is found in the last report of the Interstate Commerce Commission, in which the railroad companies made a certain carload rate which was less than the rate for less-than-carload lots. The shippers, as was perfectly natural, in order to get the benefit of this carload rate, in some instances shipped their goods together, put several less-than-carload lots together in order to make a carload, and a considerable business developed in that line. Certain agencies were called forth and established in the business of getting together less-than-carload lots in order to give the shippers the benefit of the carload rates.

The railroad had no different business or expense to incur upon a carload of freight under those circumstances than if it was all owned by one person. Yet the discrimination, the disposition to extort unreasonable rates, was shown when the railroad companies made a rule that they would not grant carload rates to any shipper unless the entire carload was owned by one person. The case went before the Interstate Commerce Commission. The Interstate Commerce Commission held that the order was unreasonable and abrogated it. It went to the Supreme Court of the United States, and the Supreme Court of the United States sustained the order of the Interstate Commerce Commission.

In the Missouri River country, notwithstanding the laws against rebates and discriminations, the railroads devised an ingenious scheme by which the elevators were paid charges in the nature of rebates for wheat which was delivered to them from the railroad companies, which were denied to owners of other elevators, the effect of it being to compel all the wheat from a great region of this country to go to elevators upon the Missouri River. This great power has claimed the right, and has exercised it effectively, to build up certain sections of the country and to hold down others.

We appropriate this year something like $34,000,000 to improve the rivers and harbors of the country. The great interior pays the larger part of the taxes necessary for this purpose. The railroads, when these harbors have been improved by the taxes of the people, take advantage of the existence of the harbors to extort an unreasonable rate from interior points upon the ground that the terminal points, where the harbors are, where the greater part of this $34,000,000 has been expended in order to create terminal facilities, afford water competition. On shipments of goods from an eastern point to Pacific coast points the railroads make what is presumed to be a reasonable rate to Pacific coast port towns—the terminal points. For a haul which is 500 miles—and in some instances 700 miles less—the railroad company being relieved of the expense of carrying their goods across a great mountain range, charge 75 per cent more than they do to carry them to the terminal point, basing their privilege of making this discrimination upon the plea that there is water competition at one place and not at another.

All through the long evolution of the law for the regulation of interstate commerce, beginning with 1887, one of the controversies has been upon the point which I have just mentioned, to prohibit the railroads from discrimination against interior points in favor of terminal points, to take away from the railroads the arbitrary power of building up one city and destroying another one, so far as its business is concerned. One of the good things that was put in the law of 1910 was the amendment of the long and short haul clause from the form in which it was in the original act of 1887. It was very clear in its terms as it was amended, and absolutely prohibited the railroads from charging more for the short haul than they did for the long haul where both were over the same line in the same direction and where one was included in the other.

The Interstate Commerce Commission was given power, however, to investigate conditions, and, if the conditions warranted, to relieve the railroads from the effect of this provision. It was to determine whether or not the conditions were the same. The law was perfectly plain. They did investigate it in these cases which were called the intermountain cases. They found that from points in what they called the Buffalo-Pittsburgh line there was very little water competition between those points to points on the Pacific Coast. From Chicago there was still less; from St. Paul there was none at all. It is perfectly evident from the physical condition of things that this finding of the commission was correct. There is no water competition by way of the sea around the Horn on goods shipped from St. Paul to Seattle and Portland and San Francisco as against goods carried over railroads to those points.

The Interstate Commerce Commission made an order doing away with the injustice which the interior points had suffered on this account. They held that from St. Paul points the railroads should not be allowed on account of the alleged water competition to charge more for hauling goods to points five hundred or a thousand miles in the interior than they did to the terminal points. From Chicago they allowed them to charge not in excess of 7 per cent increase; from the Buffalo-Pittsburgh line not in excess of 15 per cent increase. From New York and other Atlantic ports, because they were upon the water and there was a possible competition, they made a difference of 25 per cent in favor of the terminal points on the Pacific coast and against the interior points, although the interior points were the shorter haul.

That case went before the Commerce Court. The Commerce Court in its decision undid the effect of the long-and-short-haul clause as it was amended in the law of 1910.

Now, a certain number of the reckless and extravagant judicial acts of this court have been corrected by the Supreme Court, but there is an infinite variety of questions arising out of the exercise of this enormous control of the transportation of the country. No two cases are exactly alike. No one can foresee what question may arise to-morrow. If the railroads are prevented from oppression and from discrimination in one direction to-day, they will find another means and another device by which to accomplish their purpose to-morrow, to build

up some industry in which, perhaps, they are interested themselves, to build up their own company, to build up some city in which they have a financial interest at the expense of another city, its rival. They will find some new device to evade the law and will depend upon this same Commerce Court, if it is continued in existence, to hold their devices valid and legal and to set aside orders of the Interstate Commerce Commission attempting to regulate railroads in the interest of the public service.

Mr. BACON. Will the Senator permit me to suggest another reason why I think this court should be abolished, if I do not interrupt the Senator by suggesting it at this point?

Mr. POINDEXTER. I would be very glad to hear it.

Mr. BACON. Personally, I would not be willing to vote to abolish the court because the decisions were not satisfactory to me. I must have a better reason than that, although, of course, the fact that the decisions of the court have been to a large extent reversed by the Supreme Court would be an evidence of its inefficiency, to say the least.

Mr. SMITH of Georgia. In every case but one.

Mr. BACON. In every case but one, my colleague suggests. The point I wish to suggest is: That conditions have changed in one very important particular since this court was organized. I was very earnestly opposed to the creation of this court—first, because I thought it was utterly useless; second, because I thought it might possibly do a great deal of harm; and, third, because it mangled our judiciary system in the fact that it provided for judges of the circuit court being taken from their circuits, and by process of detail being brought here and assigned to a different duty from that which was contemplated in their original appointment, and in which they were not only assigned to duties not thus contemplated by their original commissions, but were denied the right to exercise their constitutional powers as circuit court judges.

The point I want to call the attention of the Senate to is, and I think it is a very important matter, that since that time the entire judicial system has been changed by the abolition of the circuit courts, and the machinery which was provided for this court can no longer be made practically available unless we go to the circuit court of appeals and take judges off the circuit court of appeals and bring them here to preside in this court. At the time the law was enacted there were circuit courts and there were circuit judges of those circuit courts. These judges were appointed as circuit court judges, I think, in utter, absolute inconsistency, to say nothing of the unconstitutionality, owing to the fact that the circuit court judges had, under the law, been appointed in each case judges of particular circuit courts, and there was no such thing known to the law as circuit courts with roving commissions. There never had been from the foundation of the Government. Since this law has been enacted and this court established all the circuit courts of the United States have been abolished. If we are going to carry out the scheme at all, it would have to be changed so as to make the district judges come here to hold these courts. I thought I would mention it, Mr. President, because it has not been so far mentioned, that the entire scheme of our judicial system has been changed since this law was enacted, and that the same machinery could not be applied in the carrying on of this court that was originally designed. Without detaining the Senate, I thought I would take the liberty of inserting this right at this place, because it seemed applicable to the point the Senator was on.

I want to say, Mr. President, that when this bill was passed, in the arguments against it I stated as an objection in the Senate that I did not believe there were 10 Senators in this Chamber who favored the passage of that law. I challenged Senators to rise in their places and dispute that statement, and no one disputed it. I still believe it to be a fact that when this law was enacted there were not 10 Senators in the Chamber who, if left to themselves, would have voted for it. It was known as an administration measure, and was voted for simply because it came from the administration. With the exception of very few Senators, this Senate, if left to itself, would have voted overwhelmingly and almost unanimously against the enactment of the law.

Mr. POINDEXTER. Mr. President, the facts stated by the Senator from Georgia as to the influences which secured the passage of that law were notorious. The bill was introduced in the House of Representatives, and at the time it was introduced there was a general report, familiar to everyone, that the administration expected Members of Congress to support it, and that it would regard as unfriendly anyone who offered a hostile amendment to it. There never has been a case in the history of the country, in any part of it that I have read or heard of, in which the power of the administration was used to the extent that it was used in the attempt to force that bill through Congress without amendment. Not only was a report common and current that it would be regarded as an unfriendly act to offer an amendment to the bill, but those Members of Congress who did offer amendments to it felt the effect of that threat.

Mr. President, coming right along after the decision of the Supreme Court in the Illinois Central Railway Co. case, in which the powers of the Interstate Commerce Commission were fixed, with the influences back of it which have been referred to, the purpose of this act is perfectly evident. It has performed its purpose, and if it continues in existence it will continue to perform that purpose. The concentrating of the judicial power of the Government in one special court, giving it the exclusive jurisdiction over interstate commerce, affords a tempting opportunity to the enormous corporations interested in interstate commerce to influence the character of the appointments to and the conduct of the court. It is perfectly foolish for us to say that in no instance have those interests attempted to do so. In one way or another, whether it is regarded as proper or improper to influence the appointment of judges, to influence the conduct of judges after they have been appointed, it is one of those evils of government which, however much we may dislike to admit it, nevertheless exists. The part of a wise legislature would be to make the conditions so that the temptation would not be offered to the great interests involved to influence the court that is offered by the concentration of the entire jurisdiction in one set of judges holding the court at one particular place.

Mr. President, I read an address made by Mr. Alfred Taylor Thom, a very brilliant and distinguished railroad attorney, before some bar association, in which he argued rather ingeniously and peculiarly that the States of the Union were lawbreakers because they had passed laws regulating railroads which had been declared unconstitutional. He said that it was perfectly patent and obvious that they were unconstitutional; that the States must have known they were unconstitutional; and that the attempt to enforce them upon the railroads was a lawless act. Of course, that is a grotesque notion, and, as was pointed out by a gentleman who replied to him, for one law passed by a State for the regulation of great corporations which had been declared unconstitutional there were eight which had been declared constitutional. If, however, the same argument is to prevail, then this Commerce Court itself is a lawless body, because its decisions have been notoriously unfounded in law. They were so wrong, they were so far from the law, that they immediately created a universal resentment on the part of every disinterested member of the community. If we could conceive that they had been sustained by some high tribunal and remained in effect, remained the law of the land—if by the existence of this court their decisions had been permitted to permanently undo all that has been accomplished in the last 25 years in the way of railroad-rate regulation—the effect upon that respect for the law, which is necessary in any country which depends upon respect for the law by its citizens, would have been disastrous.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arizona?

Mr. POINDEXTER. I do.

Mr. ASHURST. I do not desire to interrupt the Senator at this time without his consent; but I want to make a few remarks and to incorporate in the RECORD a statement of the cases that have been reversed of the decisions which have been handed down by the Commerce Court.

Mr. POINDEXTER. Does the Senator want to make a statement?

Mr. ASHURST. Just a brief statement.

Mr. POINDEXTER. I shall conclude in a very short time. I should prefer that the Senator would allow me to do so.

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. POINDEXTER. Now, as to the importance of preserving the integrity of the Interstate Commerce Commission—when I say "preserving its integrity" I mean preserving its power, preserving whole its functions under the law—I want to call attention to a report of perhaps the best statistician and expert upon railroad consolidation in the country, Mr. Henry C. Adams, an employee of the Interstate Commerce Commission, as to the tendency of the railroads to consolidate. With consolidation and concentration and of their almost inconceivable power, the railroads are greater than the Government. They are greater in number of employees, greater in resources, greater in their effect upon the conditions of the people of the country. In his letter to the Interstate Commerce Commission, forwarding the data which was called for by resolution of the Senate, the

letter being dated January 27, 1908, Mr. Adams makes these significant statements:

> It will be observed that the table of June 30, 1904, derives some of its information from unofficial sources. The corrected tables, as of June 30, 1905, are made up entirely from official sources; that is to say, the special and annual reports of carriers to the commission. The fundamental change to be observed during the two years which elapsed between the two reports is a growing tendency toward concentration of railway interests. Practically no cases have occurred where roads have been taken out from under systems of which they were a part on June 30, 1904. On the other hand, large numbers of railway companies which were considered to be independent in 1904 were brought under the control of systems. Concentration has taken place not alone on the financial side through corporate ownership or control, but also on the operating side; that is, many roads which were parts of systems, but were operated separately in 1904, have since lost their identity and have been merged in the main corporation and now make up a part of the mileage of the main stem.

Referring to some tables which he presents, he says:

> The significance of this table, as bearing upon the purpose of the resolution of the Senate under consideration, arises from the fact that the ability to appoint a director upon the board of what might otherwise be a competing company is one of the motives which leads a corporation to invest in the securities of another corporation.

Mr. President, the dangers, in view of the tendency indicated by that report, in the continuance of a special appellate tribunal like the Commerce Court are perfectly evident from a consideration of the facts which I am told exist—and they are indicated by the decisions of the court—that some of the judges of the Commerce Court, as a matter of public policy, do not believe that railroads ought to be closely regulated by the Government; in other words, they entertain the old idea, which they have gotten into through the force of habit, that the railroads are largely private institutions, and that it is invidious for the Government to interfere with them as private property. What could be the result of the decisions of a court having exclusive and supervisory control over this great question if, through the power of the interests involved, judges entertaining those views as to the public policy of the question are called upon to perform the functions of the court? It indicates the dangers which lurk in it and which are likely to occur at any time, whether we are relieved from these particular decisions or not.

Mr. President, I do not base my objection to the court upon the particular decisions which have been rendered, although those decisions are of exceeding interest as proof of what these conditions will develop. It is the condition to which I object; it is the creation of a court which necessarily, in the very nature of its existence, has a tendency to destroy the effectiveness of the Interstate Commerce Commission. There can not be any other result. It was intended by some advocates of the bill to have that result. Through all the long course of legislation and the struggle which the Interstate Commerce Commission made to exercise the powers which the people intended to give it we have not yet come to the point where we have passed any law relating to the watering of stock—the overcapitalization of railroads. That indicates how much more there is to be done, how much more power is to be exercised by this court, how many new questions are to come before it when we pass, as we must pass in the near future, a law investing some tribunal with the power to prohibit overcapitalization and to remove the conditions which enable men in the course of 10 or 15 years to accumulate out of the railroad business two or three hundred million dollars in fortunes largely by means of manipulating the stocks and bonds of the companies.

Those questions will have to come before a tribunal of some kind, and it is a matter for administrative work rather than for judicial theory; it is a matter which should be determined by an administrative force carrying out a certain policy defined by Congress, such a body as the Interstate Commerce Commission; and there should be no power of review on the part of the courts other than the power which the Supreme Court said was the only power of review under the law as it existed before the Commerce Court was created, namely, in those cases where the Interstate Commerce Commission had acted without jurisdiction, or where its decisions had the effect of depriving the company of its property without due process of law.

If the power of review of the courts is limited to that, if it is limited to constitutional and jurisdictional questions, what is the need for the creation of this elaborate court, with all of its functions and with all the furniture which has been described and for which appropriations are provided in this bill? If the law be properly construed, there can be put few decisions of the Interstate Commerce Commission come before any court for review. If the Supreme Court itself were the only appellate tribunal, I can readily see that certain functions could be given to the Interstate Commerce Commission which would make it perfectly feasible to provide that appeals should be taken from it to the Supreme Court direct. The Supreme Court has held, in Two hundred and eleventh United States, that it is perfectly competent to create a tribunal which is in part administrative and in part judicial; that the judicial and legislative powers can be combined in the same tribunal; and, in fact, they are combined under the law now in the Interstate Commerce Commission. Some of its functions, its hearings and its decisions, are in the nature of judicial powers, while others are in the nature of legislative or administrative powers as the delegated agent of the legislative department of the Government. From those judicial functions appeals can be taken direct to the Supreme Court of the United States, but they would necessarily be few, and, with the limitation upon the power of review, the Supreme Court would not be burdened with them. The principles have been established, and the Interstate Commerce Commission, instead of being emasculated by the creation of this extraordinary court, would be strengthened; its powers would be made more effective by wiping out the long and tedious delay of an intermediate court, allowing its action to rest upon the rule, which has already been laid down by the Supreme Court, in any new cases which originated, except for an appeal direct to the Supreme Court itself.

Mr. NELSON. Mr. President, this is a motion to strike out section 10, and before that motion is put——

Mr. OVERMAN. The motion is not to strike out section 10, but the question is upon the committee amendment which does strike out that section.

Mr. NELSON. That is what I mean—the question is upon that amendment, and before that question is put we have the right to perfect the provision. In that view I move, after the words "United States," in line 1, page 158, the following amendment:

> And the procedure in the district courts shall be the same as in the Commerce Court, and the right of appeal from the district courts shall be the same as from the Commerce Court.

So that the provision as an entirety would read like this——

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. I will yield in a moment—so that the provision as an entirety would read like this:

> The jurisdiction now vested in the Commerce Court is hereby transferred to, and vested in, the district courts of the United States, and the procedure in the district courts shall be the same as in the Commerce Court, and the right of appeal from the district courts shall be the same as from the Commerce Court.

Those are pretty general terms, but I think they cover what is lacking in the original amendment. I now yield to the Senator from Texas.

Mr. CULBERSON. All I wanted to invite the attention of the Senator to was the first sentence of section 10:

> That the Commerce Court is abolished on and after July 1, 1912, and all laws, in so far as they provide for the establishment of said Commerce Court, are repealed.

That being the case, I suggest—it is a case of first impression only—that the proposition of the Senator does not go far enough. He ought not to repeal a law in one sentence, and then incorporate in the next sentence provisions of that repealed law.

Mr. NELSON. That can be easily obviated by inserting the word "heretofore."

Mr. CULBERSON. I suggest to the Senator that if the law is repealed it is dead, and no procedure can be had under it.

Mr. NELSON. I know; but the law still remains to the extent of the procedure. We state that the procedure in the district court shall be the same that it was in the Commerce Court. We refer to it. The law, as a law for the Commerce Court, has ceased to exist; but we still retain by the phraseology that part of the law relating to procedure.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Does the Senator from Minnesota yield to the Senator from Washington?

Mr. NELSON. Certainly.

Mr. POINDEXTER. Why not make it read that the procedure shall be the same as it was in the circuit court prior to the passage of this act?

Mr. NELSON. I do not think that covers the matter, because my impression is that in the interstate commerce act of 1910 we conferred greater powers upon the Commerce Court in some respects, and the procedure and the right of appeal were somewhat different than in the case of the old circuit courts. My idea is to leave the procedure and the right of appeal in the district courts the same as they have been in the Commerce Court.

Mr. POINDEXTER. Some of the language in the Commerce Court act was different from the law as it was previously, and

the Commerce Court took advantage of that language to very much extend its powers.

Mr. TOWNSEND. Mr. President, I am opposed to the proposition to abolish the Commerce Court.

I realize that at this time, at the conclusion of the speech of the Senator from Washington, there are very few Members in the Senate Chamber, and probably there will be no more here when I am through, and not being in the habit of talking for the sake of talking or for the benefit of the RECORD, I hesitate to speak now and thus delay the vote which has already been determined in the mind of each Senator, and I will not occupy more time than sufficient to reply briefly to some of the statements made by the Senator from Washington. The only excuse I can discover for those statements having been made in that the persons making them have been entirely careless of the facts or very unfamiliar with the circumstances preceding and attending the legislation creating the Commerce Court.

I desire to give a brief history, which I think I am prepared to give and can give with some degree of authority and accuracy.

In the third session of the Fifty-eighth Congress, or more exactly, in January, 1905, a bill was introduced in Congress creating a court of transportation. It was largely drafted by Assistant Attorney General William A. Day, by direction of Attorney General Moody and at the suggestion of President Roosevelt. I contributed a humble part to its preparation and introduced it in the House of Representatives. It was referred to the Committee on Interstate and Foreign Commerce, of which I was a member, and there, after consideration, it was combined with a bill introduced by Congressman ESCH, of Wisconsin, enlarging the powers of the commission, and the consolidated measure was by me introduced in the House. It was favorably reported by the Interstate Commerce Committee and passed the House in February, 1905. This bill created a court in the same way, of the same number of judges with like powers and similar tenure of office, as the bill creating the existing Commerce Court. The judges, when not employed with the work of the court of transportation, could be assigned by the Chief Justice of the Supreme Court to circuit work, the same as the Chief Justice can now assign the judges of the Commerce Court. About the only difference between the court provision was that under the former bill the President assigned circuit judges to act on the Commerce Court, while under existing law the Chief Justice performs that duty.

As I have stated, this earlier measure passed the House of Representatives in February, 1905, near the close of the session, but it was not reached by the Senate. It was, however, favored by practically all of the advocates of real railroad regulation and control.

At the beginning of the present administration I discussed with President Taft the question of amending the interstate-commerce law, as there was a general demand for additional legislation. The President gave me a letter of introduction to his Attorney General, Mr. Wickersham, and asked me to go over the question with him. I called on the Attorney General, and we thought it desirable to talk with Commissioners Knapp and Prouty, of the Interstate Commerce Commission, as they had been administering the then existing law and would undoubtedly have some valuable ideas. Subsequent meetings were held, attended, at the request of the President, by Attorney General Wickersham, Solicitor General Bowers, Secretary of Commerce and Labor Nagel, Chairman Knapp, Judge Prouty, and myself. It was getting toward the end of the extra session, and we agreed to meet in New York after the adjournment of Congress in August. We did meet there and in executive session considered for several days various propositions to amend the commerce law. No railroad lawyers attended the meetings and none were consulted.

We unanimously agreed upon a report. Not a thing was included in our recommendations to the President which did not receive the indorsement of the entire committee. I suggested the proposition of a Commerce Court similar to the one I had presented to Congress in 1905. It was agreed to.

After we had concluded our work the Attorney General and the Solicitor General were requested to prepare our report. This they did, and submitted the same to each one of us for our approval. The report then went to the President, and he discussed its provisions on his trip through the West.

Our report took the form of a tentative bill, and finally, after some revisions as to details, I had the honor of introducing this bill in the House.

It has been charged, here and elsewhere, that orders were given by the President that that bill should not be amended. Nothing could be wider of the truth. No such suggestion ever was made by the President or by any member of his administration, to my knowledge. Certainly, none was made to me. In the process of discussion in the Committee on Interstate and Foreign Commerce of the House certain changes were suggested in reference to various provisions. I think I am stating the exact truth when I say that no member of the committee offered more or voted for more amendments than did I. The bill was amended and improved. As reported to the House it contained several provisions not found in the original bill; but every one of the original provisions was retained, though some of them were modified or changed. The fullest opportunity was given to amend it, both in committee and on the floor of the House. No restricting rules were applied in any particular.

That bill passed the House by a small majority and after as full discussion as is ever given to a measure in the House of Representatives. It was supposed when the measure was presented that it would expedite the litigation arising out of interstate-commerce cases. It was supported by many of the most ardent friends of Government railroad regulation, men who have been identified with that cause for years, the statement of the Senator from Washington to the contrary notwithstanding, that the bill was supported only by those who were not favorable to Government regulation. I supported it. Other members of the committee who were equally favorable to regulation supported it. In fact, I stood sponsor for it before the committee. I have never before supposed there was any question as to whether or not I was in favor of the regulation of railroads.

But the bill came up and was adopted, as I have said, in the belief that it would accomplish several things. One of them was the expedition of the litigation. Another was to answer the argument which certain Members of Congress had made, viz, that under the old law railroad men were able to take their cases into courts through whose jurisdiction their railroads ran, which courts were supposed to have been favorable to the carriers. It was thought that a special court, having this matter especially in charge, being familiar with all of the incidents relating to the cases and the technicalities which were necessarily involved in such suits, would be able to build up a body of decisions that would be general, well understood, and in perfect harmony.

It was known that under the old system the decisions were not harmonious. It was common knowledge that the district and circuit courts were crowded with work. They had jurisdiction over all kinds of cases, but no one court had much experience in interstate-commerce suits. These were comparatively rare. These courts were generally behind with their work, and interstate-commerce litigants were through delay frequently denied justice. The decisions by different judges were widely at variance and uniformity was unknown. The final decisions of the Supreme Court were the only ones of any value. Expedition and uniformity of decisions were imperative. The Commerce Court, it was believed, would accomplish these ends, and I submit, Mr. President, that during the less than two years that this court has been in existence it has abundantly demonstrated the promises of its advocates in these particulars. Cases have been expedited, so that now the average time taken to try a case is less than five months, while theretofore it was frequently five years before a determination could be had.

It has been broadly charged that this court has been a railroad court; that it has been favorable to the railroads. I deny it. I deny that the records disclose such a thing. More than 20 per cent of the cases of which cognizance has been taken by the Commerce Court on appeal from the Interstate Commerce Commission have been cases in favor of the shippers themselves.

One of the recent decisions which the Supreme Court handed down was in a case where the Commerce Court sought to review a case which had been decided against the shipper instead of the railroad, and the Supreme Court held that the law did not contemplate that there could be an appeal by a shipper; that it was only when a case went against the railroads that an appeal could be taken. The Commerce Court has held that the law ought to be amended so as to give the same right to shippers that is accorded to railroads. It would seem to be a natural suggestion. It may have exceeded its authority in this particular, but there was no way to find out whether they had the right exercised, except to have the Supreme Court decide. Surely no shipper was injured by this decision, and if the court was trying to serve the railroads it had a poor way of demonstrating its friendship.

Senators are complaining now because some of the decisions of the Commerce Court do not suit them. Gentlemen may say what they will; there is no doubt in the observing man's mind that some men are opposing the court because they do not like some of its decisions and therefore would abolish it.

Shall we complain because the Supreme Court reverses the Commerce Court? Why, that is the way to determine the

principles of the law, and at the same time the higher court protects any errors made by the inferior one. Already the course of the Commerce Court has been made clearer and its great usefulness is surely demonstrated. So it seems to me that a court that has been in existence only a little over a year, and which has been equipped with all of the paraphernalia and all of the furnishings that are necessary for a court, should not now be abolished before it has had time to demonstrate fully its usefulness.

The provision of existing law which assigns the Commerce Court judges for work in the circuits is of highest value. It has been so demonstrated, and if it were not for these judges others would have to be created or else the wheels of justice in many courts would become clogged. I do not know what the experience of the Judiciary Committee here has been; but when in the House we were constantly confronted with the fact that there were many circuits in this country that did not have sufficient judges to keep abreast of the litigation pending before them. These commerce judges, as I have stated, are now assigned to the circuits where they can be most useful, where they are actually needed; and the usefulness of that provision has been demonstrated many times during the last year and a half.

So it occurs to me, Mr. President, that when we strip this matter of all prejudice, when we look at it squarely as a law that has been enacted and has been in existence only a few months, we ought not now, at this time, to abolish the court and disarrange the suits which have been begun and are pending and turn them over to the courts somewhere else to be tried. Furthermore, we can not be sure of the status of commerce cases if the House bill provisions are adopted. I do not think that anyone is able to tell what situation we will be in if we destroy the Commerce Court as is proposed to-day. It will be well to consider this matter with more wisdom and deliberation.

Another thing, Mr. President: It is charged here, though without specifications—no bill of particulars having been filed, but simply the bald statement is made—that this court has departed from the original notions which surrounded it when it was created, and has issued the writ of injunction in reference to rate cases more frequently than that writ was issued under the old system.

I submit that the writ of injunction in reference to rates has issued but three times since the court was created, one temporary and two permanent injunctions; and I assert that if you will examine the history of the cases that were tried under the old system, and compare it with the history of cases that have been tried in the Commerce Court, you will find that under the old plan more appeals were taken and more reversals were had, in proportion to the number of cases, than have been had under the Commerce Court system.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. I do.

Mr. NELSON. I want to call the Senator's attention to the fact, reported by the Interstate Commerce Commission, that in 7 out of 10 cases that were really in controversy and amounted to anything the Commerce Court granted preliminary injunctions. As I understand, the Supreme Court has now set aside 6 of those decisions, there remaining only 1 that has been sustained.

I want to call the attention of the Senator to a further matter about the history of the bill creating the court, if the Senator will allow me. I refer to the fact that as the bill came to us, prepared by the Solicitor General of the Department of Justice, and I think as it came before this body from the House, it contained two sections practically undermining and destroying the antitrust law.

We were obliged here in the Senate to emasculate those provisions and take them out of the bill. Otherwise it would have undermined the interstate-commerce law. Am I not right that the bill came in that way from the committee here, and did we not strike it out here in the Senate? One amendment was stricken out on my motion and one by the then Senator from Alabama, who is now deceased.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1911.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from North Carolina?

Mr. TOWNSEND. Certainly.

Mr. SIMMONS. I ask that the unfinished business be laid aside until a vote can be had upon the pending appropriation bill.

The VICE PRESIDENT. The Senator from North Carolina, as the Chair understands, asks unanimous consent to lay aside the unfinished business until the pending appropriation bill is disposed of. Is there objection? The Chair hears none. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, the provision to which the Senator from Minnesota referred is not a provision in reference to the Commerce Court. I have been discussing the Commerce Court. I will, however, for the moment digress long enough to discuss the proposition to which the Senator has referred. By the way, it was a proposition which was contained in the national Republican platform adopted at Chicago, it was a proposition contained in the Democratic platform also, to the effect that agreements between railroads in reference to rates should be permitted, subject, however, to the approval of the Interstate Commerce Commission. The provision as we adopted it was according to that proposition. It has been known that agreements between railroads are necessary, and it was thought best to have them made in the open and subject to the approval of the commission. But this original provision was struck out by the House before it reached the Senate.

I wish to say further to the Senator from Minnesota that already at this session of Congress there have been propositions pending in good faith before the Committee on Interstate and Foreign Commerce to the effect that such agreements shall be permitted to all corporations. Yes, there was a provision changing the antitrust law in accord with the express declaration of the people in two national platforms. But I am discussing the Commerce Court proposition.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. I do.

Mr. POINDEXTER. In this immediate connection, did not the act provide with reference to mergers that the Commerce Court had jurisdiction to allow mergers upon application made to it?

Mr. TOWNSEND. Oh, yes. That opens another door.

Mr. POINDEXTER. I only called attention to it.

Mr. TOWNSEND. We will not stop with attention being called to it merely, because the bill did not provide in the way the Senator from Washington suggests. It needs a more complete understanding in order that it may be presented intelligently.

Mr. POINDEXTER. I did not understand the Senator.

Mr. TOWNSEND. We need the whole story of the provision to which the Senator refers.

Mr. POINDEXTER. I agree with the Senator entirely in that regard, but the question I asked was with reference to the Senator's answer to the Senator from Minnesota stating that he was discussing the Commerce Court, which has no relation—at least I assume that that was the intimation—to the allowance of mergers, and it was involved in the jurisdiction of the Commerce Court and in the appeal.

Mr. TOWNSEND. The provision to which the Senator from Washington refers was a provision which provided the very thing which the Senator has discussed to-day, namely, a prohibition against the merger of competing lines of railroad. That is new legislation, understand. No existing law covers the matter which was sought to be reached in the bill of 1910. It was proposed in that bill that no railroad should be permitted to own any interest in a competing line; and the question then arose as to what is a competing line, what is a substantially competing line. It is a difficult question. Most men believe that a railroad should own or control a competing line. The former bill attempted to prevent the combination of competing roads, but realizing the magnitude of the question after prohibiting such combinations it provided that a carrier proposing to buy another railroad could go into court and leave the question as to whether the line which it was proposed to purchase was a competing line within the meaning of the law. We felt that this course was wise and just, especially as we provided in express terms that no act prohibited by the Sherman antitrust law would be legal.

The provision covered only cases not offending the antitrust law. This proposition is now most strenuously advocated by many good men whom even the Senator from Washington would not claim were not sincerely in favor of effective railroad regulation. This, understand, was new legislation. It was a proposition in some way to control this question of acquiring a competing line by its competitor. But some Senators and Representatives thought it was not right and that somehow or other

there was a wrong motive in the administration for wanting to do this particular thing. They preferred to do nothing and leave existing wrongs untouched rather than try a remedy proposed by the administration. They preferred to allow the merging process to continue.

Mr. BURTON. That is going on all the while.

Mr. TOWNSEND. Surely, as the Senator from Ohio states, that merger is going on all the while. We proposed to stop it, and to allow that question as to whether they were competing to be determined by the courts, and in attempting to do this the friends of the measure were insidiously charged with working in collusion with the railroads.

Mr. President, I have talked longer than I expected to talk on this subject, but I have felt that an unprejudiced view of this case and of this proposition would show that it is best to allow this court to continue and let the Supreme Court decide and determine these cases on the appeals as they come up. Let the court remain and in time the people will think as highly of it as they do now of the Interstate Commerce Commission. I do not believe that there is any public demand for its abolition. I do know that the business men who are acquainted with its objects and workings approve it, and it should not be destroyed.

Mr. BURTON. Mr. President, I do not desire to give any extended attention to the merits of the Commerce Court, but I do wish to express my very decided opposition to disposing of such a question as this on an appropriation bill. An appropriation bill has its proper field and function, namely, to provide money for the conduct of the Government. The proposition before us purposes to include in a bill making appropriations for salaries the abolition of a form of governmental activity created by solemn statute.

It is very easy to see where this will lead. Every appropriation bill includes a number of provisions for the support of various agencies of the Government. Possibly in times of excitement it may be necessary to accept the discontinuance or abolition of a form of Government service advocated by one House or the other or else lose the whole bill. That, however, is not the orderly method of procedure.

Mr. President, I concede that there may be some connection between general legislation and appropriations, and that in some cases a function of the Government may be modified by provisions in appropriation measures, but that should not be extended so as to wipe out of existence a court or an important administrative or legislative agency.

There is still another potent objection to legislating by means of appropriation bills—that a rider having the most far-reaching consequences may be inserted without awakening general attention. On other appropriation bills of the present session of Congress the Senate has shown a disposition to reject legislative items tacked onto this class of bills, and I sincerely hope that, regardless of the merits of this court, the same course will be pursued here.

I can not too strongly forecast the result of including in these bills substantive legislation. It is manifest that the functions of other committees will be entirely eclipsed by those of the Appropriations Committee. It will be found much easier to enact or repeal a law by placing it upon an appropriation bill than by mature and independent consideration, such as should be given to any proposed measure.

Now, Mr. President, I wish to say just a few words in regard to this Commerce Court.

Mr. SUTHERLAND. Will the Senator from Ohio permit me to suggest to him what appears to be an additional reason why we ought not to put upon an appropriation bill legislation of this character? It is legislation upon a subject matter which, if it pursued the regular and ordinary course, would go to a wholly different committee from that which deals with it here, namely, it would go either to the Interstate Commerce Committee or to the Judiciary Committee. It is to be presumed in making up the committees of the Senate the members are selected for service upon those various committees because of their peculiar fitness for the service. To my mind the proposition is very well illustrated in this proposed legislation. We have upon this appropriation bill a piece of legislation which, if it is to go into operation, in my judgment will simply be a hotch potch, because we are dealing not only with a proposition which seeks to destroy an existing institution, but must at the same time put in place of it another institution to carry on the functions; and the latter part, namely, the constructive part of the legislation, has been wholly overlooked. If it should be passed in this form nobody can predict what would result from it.

Mr. BURTON. The Senator from Utah has stated excellently an additional reason. As I said, the Committee on Appropriations would be vested with jurisdiction on a great variety of matters. A law like this, which should be carefully framed by the Committee on the Judiciary, or other similar committee, might be enacted as an amendment to an appropriation bill, and that, too, entirely without adequate examination. From the standpoint of legislation our laws would lack that accuracy which comes from consideration by the respective committees of Congress. Probably the illustration here is about as bad as any that could be imagined.

Mr. President, I wish to speak very briefly in regard to this Commerce Court. There has been a great deal of discussion in this country, and I think I may say in some other countries, regarding the desirability of special courts, such as patent courts, courts of admiralty and of commerce. The general result, I think, has been the development of subdivisions as part of a more elaborate judicial system.

I recognize fully the objections advanced by some arising from the tendency of specialists not to take that broad view of questions which may be a desirable element of all judicial decisions. Another objection commonly alleged—though I do not believe it is entitled to much force—is that the judges will entertain a certain partiality for those having litigation before them, as a result of which such organizations as the railways or important patentees or great vessel owners will have advantages before the courts possessing jurisdiction over their respective matters.

But it seems to me that the arguments in favor of this court are almost unanswerable. The experience of every lawyer will testify that the judges of our different circuits and also of our different State courts manifest an unusual degree of hesitancy in deciding upon these great questions of transportation. They involve a separate branch of the law, which has assumed the utmost importance and which acquires additional difficulty because of constantly changing commercial conditions.

Instances have been frequent where judges of the United States circuit courts have postponed for weeks, months, and even for years the decision of important railway cases. The first argument for the Commerce Court is the promptness with which decisions can be reached. The court has shown certainly a most remarkable record in this regard. The judges are more ready to decide these questions. It is apparent that a special tribunal organized for this purpose can arrive at much prompter decisions.

Again, Mr. President, there is an undoubted advantage in having here at Washington a special court which deprives the railway company of its power to go before any judge who may entertain a friendly bias and bring up its case in any circuit it may select within the territory touched by its lines.

The most important cases decided by this court, Nos. 50 and 51, relating to the long and short haul, were filed in the month of November, 1911. They were decided promptly, and went to the Supreme Court in February, where they have since rested. Now, what would have been done had it not been for the existence of this tribunal? A suit would have been filed in California or New Mexico or anywhere along the railroad line between Chicago and the Pacific coast. The litigants could have selected their own judges. In filing petitions they could have resorted to that court whose docket was the most congested; and if they felt the case was likely to be decided adversely, they could have selected the tribunal where conditions promised the greatest delay.

It has been said here with a great deal of earnestness that you do not need any such court as this, and it has been alleged that the functions of the Interstate Commerce Commission are judicial.

Mr. President, it is contrary to the fundamental idea of our Government to vest in any one official body functions which are at the same time executive, legislative, and judicial. The Interstate Commerce Commission is primarily, as I interpret it, an administrative body with quasi legislative duties, but not with judicial functions. To give all three powers or functions to one body would be contrary to every idea of good government.

The conclusive answer to the claim that the Commerce Court takes away judicial powers from the commission is found in the House bill. It does not eliminate judicial review. True, it does take it away from this court, but it gives it to the district court of the United States with the consequent delay, first, of a resort to the circuit court of appeals and then to the Supreme Court. Even then you have the same judicial review, but by a number of judges with varied opinions colored by the legislation of different States, instead of by one body that can promptly decide cases and send them to the Supreme Court.

Now, it is maintained that this tribunal has usurped the functions of the Interstate Commerce Commission.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. CUMMINS. I think the Supreme Court in its last decision in describing the Interstate Commerce Commission said that it exercises quasi judicial powers. However, that is not very material. I only want to remind the Senator from Ohio that the law prior to the organization of the Commerce Court, as I remember it, permitted an appeal directly from the circuit court to the Supreme Court of the United States. The law did not require certain appeals to pass through the circuit court of appeals, so that in that respect the procedure was as direct as in the case of the Commerce Court.

Mr. BURTON. The Senator from Iowa will, however, concede that in actual practice the delay was far greater than the delay in passing through the Commerce Court. I do not, at this moment, recall the provision in regard to appeal, but a number of cases were decided by the circuit court of appeals, so that in some instances they certainly must have taken intermediate jurisdiction, and the decision of the first judge did not go immediately to the Supreme Court.

Mr. CUMMINS. The Senator from Ohio will remember that the former law required the presence of at least three judges for granting an injunction, and as I remember it, where an injunction was granted sustaining the order of the commission that appeal was taken direct to the Supreme Court of the United States.

Mr. TOWNSEND. The law provided, under what is known as the expediting act we adopted at that time, that they could go to the court of appeals. I think they could go directly from the circuit court to the Supreme Court, as the Senator from Ohio has stated, but I know of no cases after we adopted that clause under the Hepburn law, as it was called, where they went to the Supreme Court, but first went to the circuit court of appeals under what is known as the expediting act.

Mr. BURTON. My recollection of that was not of the statute but of certain cases which certainly did pass through the circuit court of appeals before they went to the Supreme Court. That the Commerce Court has taken upon itself the functions which properly belong to the Interstate Commerce Commission I most confidently deny; and to sustain that position I desire to quote from several of its decisions where the law has been clearly stated in the most unequivocal language. In the case of Hooker et al. v. Interstate Commerce Commission, decided July 20 of last year, the court took this view of its powers:

> In this connection it must be remembered, however, that the power to establish reasonable and just rates for the future for the transportation of freight by common carriers is vested by law in the commission and no part thereof is vested in this court, and this court may not disturb the order complained of unless it can be clearly found that it conflicts with the provisions of the fifth amendment to the Constitution of the United States, providing the power conferred has been regularly exercised.

Practically the same statement that was made by Justice White in the Illinois Central case of the jurisdiction of the courts before he was appointed Chief Justice.

The court again said in a case decided on the 11th of December:

> In that case, as in this, the commission found as a fact upon evidence which permitted different inferences to be drawn, that the regulations complained of operated with discriminating effect, and under such circumstances the conclusions of the commission as to matters within its jurisdiction are binding upon the courts.

That is, upon a given statement of facts one inference or another may be derived. The court goes to the extent of sustaining the commission in accepting one of those inferences.

Again, in a case decided no longer ago than the 9th of April, the case of the Norfolk & Western Railway Co. v. United States, the court said:

> It is not for us to say whether the commission has properly attached great or little weight to evidence adduced upon a given point, or whether the conclusion reached by the commission upon testimony as to facts alone shows mistake as to some particular fact not essential or vital to the proceeding; or inadvertency; or is not such a conclusion as this court might have reached. If the particular matter in issue and inquired into was one of fact and a full hearing was afforded, and the conclusion reached is supported by substantial evidence, it will not be nullified by the courts.

But there is a prevalent impression that the decisions of this court have been altogether in favor of the railroads. That certainly is not the case. The decision in which the Supreme Court has in the most decided language reversed their conclusions was one in which the shipper appealed from the commission and the Commerce Court sustained the right of the shipper to appeal.

Mr. President, I do not wish longer to detain the Senate except to say that to abolish this court goes back to an old order of things which was shown to be faulty. Such action would do away with a court which in promptness and uniformity marks a great advance in the relations between the railroads and the public. It would introduce again a régime of confusion and delay. I am ready to go as far as anyone in sustaining the powers of the commission in regulating the railroads. I recognize their power for oppression, their ability to discriminate against one locality, to build up one community, and to stop the growth of another. The commission made great progress in the regulation of railway rates; it has done away with many forms of discrimination; but this measure itself concedes that the courts will still have the power to review the proceedings of the commission, and give railways and shippers alike an opportunity to appeal to a court of law. Whatever criticism may be passed upon this court, it marks a decided improvement upon old conditions and affords an adequate protection for all.

Mr. OVERMAN. Mr. President, in reading one item here this morning as to Judge R. W. Archbald, who was ordered to go to New York to try what is known as the "wire pool cases" on the 9th of June, the Senator from Utah [Mr. SUTHERLAND] asked me how I knew that Judge Archbald did not expend this money in the way of reasonable expenses. I am informed by a distinguished lawyer that he was only there four days, and that he charged from the 4th until the 31st of July. He lives at Scranton, which is only 146 miles from New York, and he charged, I repeat, from July 4 to the 31st, $210. I have a record here which throws some light on the subject in a statement where Mr. Henry A. Wise was examined. I now read from his testimony:

> The CHAIRMAN. Please state your full name, your address, and your official occupation.
>
> Mr. WISE. Henry A. Wise; United States attorney for the southern district of New York; my residence is New York City.
>
> * * * * * * *
>
> The CHAIRMAN. Will you please describe the so-called wire pool cases, and state to the committee in your own way all you know regarding Judge Archbald's action in those cases?

Without reading further from this testimony, I will go to the testimony when he speaks of Judge Archbald sitting in that case:

> The grand jury had this matter under consideration throughout the months of May and June, 1911, and returned the indictments on the 29th of June. On the 10th of July a large number of defendants were arraigned before Judge Archbald, who was holding criminal court in the Circuit Court for the Southern District of New York, and at that time those defendants who were arraigned gave bail and asked for 60 days within which to withdraw their pleas and enter such other pleas or make such motions as they might be advised. There was some discussion at that time, and after discussion Judge Archbald fixed the 1st of September as the time within which these defendants must withdraw their pleas or stand by their pleas. On the 11th of July there were other defendants who came in and entered pleas of "not guilty," and on the 17th of July there were others. By the 17th of July practically all of the defendants who could be reached and who were in the United States had been brought into court and had entered pleas of "not guilty" and had given bail and had until the 1st of September to make any other move they saw fit.
>
> On the 25th of July a large number of the defendants came into court. I had been notified by their counsel that they intended to come in, and some of their counsel had been to see me and asked if I would consent to recommend the acceptance of the plea of nolo contendere, and I had stated I would not recommend it; that they could either stand on their plea of "not guilty" or enter a plea of "guilty." Of course the court had the discretion to accept the plea if it saw fit, but I would not recommend it; that I would oppose it. On that day a number of the defendants came in, and I have the stenographer's minutes of what took place at that time.

It seems that in this case, which Judge Archbald was sent there to try, he was only there four days. Mr. Albert H. Walker, a distinguished lawyer of New York, who was also examined, says he was there one day—on the 31st—according to this record. I do not know how long he was there, but this record shows that the case he was there to try only occupied five days and he lived only 146 miles away. How could he spend $10 a day for that work?

Mr. POINDEXTER. Mr. President, the Senator from Michigan [Mr. TOWNSEND] seems to have inferred that some invidious significance was attached to the statement made by me that the bill which was framed by the Attorney General and introduced in the House of Representatives by the Senator from Michigan when he was a Member of that body was the product of consultations with railroad men. I had no such intention at all. I think it was perfectly proper that railroad men should have been consulted in regard to it. It is perfectly natural that railroad officials and railroad owners should interest themselves in legislation of this kind. What I intended to call to the attention of the Senate was the fact that those interested looked out for their interests, which necessarily are perfectly distinct from the interests of the public. We all know from the natural course of proceedings that they are not disposed, at least, to look out for the public interests, but, on the contrary, are constantly objecting to the public interfering in any way with their business.

As to the fact of whether the railroad officials were consulted in the preparation of the bill, my statement was based upon my recollection of the statements of the Senator from Michigan himself in the debates in the House of Representatives. I have referred to the RECORD, and find in volume 45 of the RECORD, which was that of the Sixty-first Congress, on page 5231, the account which the Senator has just given, in part, of the proceedings leading up to the introduction of this bill in the other House of Congress by the Senator. In that debate the Senator, it is true, stated that railroad men were not consulted or did not enter into the conference previous to the report which was made; but he went on to state that many changes were made in the draft of the bill after the commission had made its report, so that the necessary inference was that railroad men were consulted, and, in fact, it is so expressly stated by the Senator from Michigan in the language which I shall presently quote. The Senator said at that time, he being a Member of the House of Representatives, and the author of the bill, in part, at least, after describing the meeting in New York:

> They agreed unanimously upon a report which was placed in the hands of the President a few days later. He approved it and discussed it on his trip through the West. During our consideration of these questions and prior to the adoption of the report no railroad man was consulted and none had anything to do with it.

That was prior to the adoption of the report—

> The report was prepared by the Attorney General and submitted to each member of the committee for approval before it was delivered to the President. It contained nothing but what had received the approval of every member, and its every principle is incorporated in the pending bill. The report of our committee was afterwards put in the form of a bill—

At the time this report was made, apparently, the bill had not even been drawn up, according to the statement of the Senator, but it was afterwards put in the form of a bill—

> not with details worked out, but to show more clearly its effect upon existing law. This bill form, I have no doubt, suggested to the President the idea of drawing a more complete bill which would clearly convey the ideas he wished to express in his message. The committee, as did the President, thought it wise to invite criticism of the proposed measure, and in bill form it could be clearly understood. Shippers representing shippers' organizations from all over the United States examined the measure. Railroad men did the same. The President was trying to get the highest and best information for the good of the country.

So it clearly appears that the bill, even in its first form, was examined by railroad men and that they participated in the criticism of it with the President, who was active in furthering it. There is no legitimate objection to that, and no invidious inference was intended on my part in referring to it.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I do.

Mr. TOWNSEND. If I understood the Senator correctly, he stated in his remarks that this was a bill prepared by 12 railroad men in the city of New York. That was the thing to which I objected.

Mr. POINDEXTER. No.

Mr. TOWNSEND. I think, if the Senator does not change his remarks, he will find that I have quoted him correctly in substance on that proposition, and I repeat that is the thing to which I objected.

Mr. POINDEXTER. The Senator is entirely mistaken about that statement. I did state, and stated upon information which I had at the time, that there was a conference in New York City, at which 12 railroad officials were present. I was not myself present. That statement may be a mistake, but whether the details are true or not the substance of it is contained in the statement of the Senator himself, that railroad men were consulted and criticized the form of the bill. I did not state that the railroad men framed the bill, but I stated that they were consulted in regard to it. The particular number of them is immaterial or the particular place where they met. I think my information was that there were 12 present, and that they met in New York City.

Mr. TOWNSEND. I desire to state that the Senator from Michigan did not state in that speech—at least he has no recollection of any such statement, and there was no reason for his having stated it—that any railroad men were consulted prior to our preparation of the bill or our report, which, as I said, were practically incorporated in the measure before Congress.

Mr. POINDEXTER. At the time the report was made the bill had not even been prepared in its original form.

Mr. TOWNSEND. We were not there for that purpose.

Mr. POINDEXTER. Whether any railroad men were consulted before that would be very largely immaterial. Of course this is only interesting as bearing upon the purposes of this court and the interests and motives which actuated its creation. I have no personal quarrel with men, nor any quarrel with their motives, who seek to interpose barriers between the Government and the railroads in the regulation of interstate commerce. I can readily understand that it is a legitimate opinion upon the part of people entertaining it, perhaps influenced by their interest or otherwise—of course that is not the case with anyone in public office—but I am speaking about men connected with that interest. It is perfectly natural that they should entertain different opinions from the opinions which are entertained, or ought to be entertained, by the Government in regard to the matter. Nevertheless their interest exists; they do not entertain those opinions; they are opposed to governmental regulation and to any interference by the Government. And as bearing upon the influence of that opinion and that interest in the formation of this bill—and it is only interesting or pertinent in that connection—the form of the bill with reference to the allowance of mergers—the provisions which were contained in it as it was introduced by the Senator from Michigan, and as it was discussed in the House of Representatives, are interesting and suggestive.

The Senator from Michigan made the assertion, I understand, a few moments ago, that the bill as it was introduced, instead of making provision for mergers, allowing mergers, was in the other direction, that it tended rather to prohibit mergers, and did prohibit them. But the effect of the bill was to allow mergers, because it allowed a means and furnished a tribunal by which they could be validated, which did not before exist. Railroad mergers were not valid; they were prohibited by the Sherman antitrust law as combinations in restraint of trade; but this bill, as it was introduced in the House of Representatives, provided that the question of a merger even between competing lines might be taken before the Commerce Court, and that the Commerce Court could decide whether or not that merger could be allowed. There was a means for allowing it; there was a means for legitimatizing it, which did not before exist; and consequently the assertion which was made not only by one, but by many Members of the Senate and many Members of the other branch of Congress, that the bill had that effect was founded in the clear terms of the bill itself.

Both the Senator from Michigan and the Senator from Ohio make the assertion that the special court which was created by this act has not extended the power of review over the orders of the Interstate Commerce Commission beyond what it was before the Commerce Court was created. The Senator from Michigan said that the bare skeleton statement that the court has extended them has been made, but that no bill of particulars has been furnished. I made the statement, I furnished one particular in a hearing before the Interstate Commerce Committee, at which the Senator was present, and I furnished other particulars in a statement in the Senate a few days ago. I will call the attention of the Senator to those particulars now.

Mr. TOWNSEND. Will the Senator yield to me for a moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. TOWNSEND. The case to which the Senator from Washington called the attention of the Interstate Commerce Committee of the Senate I assume he had not read with care, because if he will look over his testimony he will see that he quoted from a statement of the case as submitted to the court, and he presented that statement of the case to the Committee on Interstate Commerce as the final opinion of the court, whereas the court did not find, as the Senator from Washington stated it had found before our committee. I therefore assume that the Senator had not read the case carefully before he testified before the Senate committee. That the Senator did quote from the statement of facts instead of from the court's decisions, I am sure he will agree, if he reads his testimony before the Interstate Commerce Committee of the Senate.

Mr. POINDEXTER. Oh, no, Mr. President, that is very far from being the fact; so far from it that the entire decision of the court in that case was read and incorporated in the printed report of the hearings before the committee, and it contained the language to which I have referred. I will call attention to that language now. This is a part of the opinion in the case of the Louisville & Nashville Railroad Co., decided October 4, 1911, No. 47 in the Commerce Court docket, and it can be easily identified. The decision was rendered by Judge Carland. I had the original print of his opinion in full from the Commerce Court itself before the committee. I delivered it to the reporter, and it was reprinted in the copy of the hearings which I have here now; so that there is no misunderstanding about it at all, and it was not anything like that which the

Senator from Michigan conjectures. This part of the law was quoted by the court:

That suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the Commerce Court against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order, pending the final hearing and determination of the suit.

That is a part of the opinion quoting the law. The last phrase which was quoted and which I have just read from the law of 1910 was not contained in the Hepburn Act, nor in the act of 1887. I refer to the lines—

But the Commerce Court, in its discretion, may restrain or suspend, in whole or in part, the operation of the commission's order.

That is new language that was put into the law of 1910 creating the Commerce Court. It apparently escaped the attention of everyone who debated the question in the Senate, notwithstanding the full debate upon it. Apparently reliance was placed upon the general provision which was put into the law to the effect that no greater jurisdiction should be exercised by the Commerce Court than had been exercised previously. These words, however, were left in the law and the Commerce Court seized upon them, made them the basis of assuming unlimited power to issue preliminary injunctions against the orders of the Interstate Commerce Commission which had never before been exercised by any court.

When I say "unlimited power," I mean unlimited except by the rules of equity and the common law. In other words, they assumed every power that any court of equity would have to issue preliminary injunctions in any case, and they exercised it against the orders of the Interstate Commerce Commission. This is the language of the opinion of the court:

The word "discretion" used in the law of course means a legal discretion—

Of course it does; every equity court is limited by legal discretion; and, therefore, there is no more limitation in those words in this matter than there is in any other equity court—

The word "discretion" used in the law of course means a legal discretion, a discretion controlled and limited by sound principles of law applied to the facts in each particular case. The principles which govern courts of equity in granting temporary injunctions are well known to the profession and need not be stated here. One of those principles, however, may be stated as follows: Where the case in which the temporary writ of injunction is asked presents questions of grave importance and difficulty, and it appears from the pleadings and affidavits presented upon the hearing for the temporary writ that great damage will result to the complainant if the writ is not granted and he shall finally be successful in the litigation, and on the other hand that the granting of the writ will not cause serious damage to the defendant as compared with the damage which would result to the complainant if the same were not granted, a court of equity will unhesitatingly, in order to maintain the present status, issue a temporary writ of injunction.

That is the law, as stated by them, upon which they proceeded actually to grant the writ of injunction. It is true that it is limited to preliminary injunctions; but preliminary injunctions are an interference with the orders of the commission to such an extent as to deprive those who are interested in the litigation of the benefit of those orders; and, so far as a preliminary injunction goes, the Commerce Court in that case did extend its authority over the Interstate Commerce Commission and assumed as full power as any court ever assumed in any case, whether over the orders of a tribunal or in an original controversy.

But that is not the only instance which I will call to the attention of the Senate of the enlargement of the powers of review by the Commerce Court—and I will be very brief. In the cases that were called the Water-carrier cases the Interstate Commerce Commission itself makes a very clear and correct statement of the principles involved in the decision of the Commerce Court relating to them; and in their report they use this language:

The matter is called to the attention of Congress, because if the Supreme Court of the United States, to which the case has been taken by appeal, should sustain the holding of the Commerce Court, additional legislation would be required if the authority of this commission over the accounts of common carriers is to be of the same value in the future as in the past.

That is another particular in the bill of particulars which the Senator says was not presented. At least it shows the opinion of the Interstate Commerce Commission, which is based upon a very clear and correct statement and analysis of the facts and of the decisions of the Commerce Court. They say that additional legislation would be required to preserve the same standing of the Interstate Commerce Commission with reference to its orders that they had before the creation of the Commerce Court.

Another case to which I desire to call the attention of the Senator from Michigan as proving that the Commerce Court has enlarged its powers is that commonly called the lemon case. The Interstate Commerce Commission, on page 57 of its report, in reference to this case uses this language:

If the Commerce Court is correct in stating that where the facts are admitted it is for that court to determine whether the rate is unreasonable or the discrimination undue, then ninety-nine one-hundredths of the orders of this commission can be reviewed upon the question of fact by the courts.

In other words, they completely revolutionized the jurisdiction of the courts over the Interstate Commerce Commission in saying that where the facts were admitted, which, as the commission says, is ordinarily the case—in most instances there is no dispute about the facts in rate cases—the Commerce Court assumed the jurisdiction to review the orders of the Interstate Commerce Commission, and, to use their own language, the power of review of the Commerce Court would cover ninety-nine one-hundredths of all the cases before the commission, whereas the law as it was laid down a very short time before the bill creating the Commerce Court was introduced provided that the courts could not review the orders of the Interstate Commerce Commission except where there was an excess of jurisdiction or where the order amounted to the taking of property without due process of law.

There is one more proposition to which I want very briefly to refer, and that is the argument of the Senator from Ohio [Mr. BURTON], that it is necessary to have a tribunal consisting of experts to deal with rate questions; that judges of general jurisdiction are occupied in other matters and with comparatively few cases relating to interstate commerce; that they are not experts and have not the business before them to make them experts. The vice in that argument, Mr. President, is that what we are aiming to do, or ought to do, is to relieve the courts of any jurisdiction to deal with questions requiring expert knowledge of interstate commerce. There was no occasion for any court of expert knowledge upon that subject under the rule laid down by the Supreme Court before the creation of this tribunal. The only questions that could come before the court in those cases were the lack of jurisdiction and the abuse of its authority, constitutional questions, not questions of fixing rates. On the contrary, the Supreme Court had held that as to questions relating to the fixing of rates and questions relating to the conduct of the business of the railroads the findings of the Interstate Commerce Commission were final. That is the expert tribunal which meets the needs that are pointed out by the Senator from Ohio. His argument is good so far as the creation of such a tribunal is concerned; but when he proposes to go further and to create another such tribunal, giving it superior and supervisory powers over the first one, then he absolutely destroys the effect, as has so often been said, of the original rate-making power.

Some one has said, I think it was in a debate here, that even the directors of the railroads know nothing about making rates; that the railroad presidents know nothing about making rates upon their railroads. They do not deal with those details of their business, but they have experts who deal with them, and in the great railroad systems they do not consult the rate makers, or whatever they are called, as to schedules of rates, the classification of freight, but such matters are left with those special officers. So the courts, in supervising the action of an administrative tribunal like the Interstate Commerce Commission, do not need to know the detailed business of operating trains, supplying cars, classifying freights, the difference between carload and less-than-carload rates, class rates, and commodity rates—that can be left to the experts and the administrative tribunal constituted for that purpose. The courts should confine themselves to questions which do not necessarily involve expert knowledge of that kind.

Mr. ASHURST. Mr. President, I shall vote to abolish the Commerce Court. The chief argument advanced for the creation of the Commerce Court was that it would greatly facilitate the disposition of cases in which the decisions of the Interstate Commerce Commission affecting railroad rates were appealed from, and that this would lessen the burdens of the shippers of the United States.

The passage of the interstate-commerce law, with its various amendments, has always been intended and supposed to have been primarily in the interest of the shippers to the end that it would in some measure tend to curb the greedy aggression of the railroads of the United States in the matter of exorbitant rates. Unfortunately, however, the result of the creation of the Commerce Court is that the shippers have not been the beneficiaries, but the railroads have. The usefulness of a court is determined by the character of its decisions. The court must be measured by its results. The net result of a year and a half of the existence of the Commerce Court is that over three-fourths of the decisions of the Interstate Commerce Commission in favor of the shippers and against the railroads have been overruled

by the Commerce Court, whereas prior to the creation of the Commerce Court a large majority of the decisions of the Interstate Commerce Commission which were appealed from were sustained by the courts, including the Supreme Court of the United States, to which these decisions were carried. The Interstate Commerce Commission has never been unjust to the railroads of the United States, and has always been just and fair to the shippers. The great trouble with the Commerce Court is that the judges seem in some manner to have been deluded into the belief that they were appointed for the sole purpose of curbing the Interstate Commerce Commission. The Commerce Court has been absolutely of no benefit to the people of the United States. The cost of the maintenance of this court is from $75,000 to $100,000 each year. It is very significant that the shippers of the United States are not opposing the abolition of the Commerce Court.

This court, therefore, having so signally and so flagrantly failed of its purpose, having shown itself to be the especial friend of the railroads, having produced no benefit to the shippers and consumers, while costing the Government, as it does, a large sum of money annually for its maintenance, should be abolished. Even as a matter of retrenchment and reform this useless tribunal should be abolished.

I desire at this particular time to read an excerpt which I have just clipped from an article in the American Magazine for June, 1912, written, concerning the Commerce Court, by Wisconsin's great Senator [Mr. LA FOLLETTE]. The excerpt which I have clipped is as follows:

And in 1910 the next railroad legislation which really got before Congress was the so-called Commerce Court bill, though the establishment of a Commerce Court was only one of its provisions. That bill as it came from Attorney General Wickersham, with the approval of President Taft, was, in all the history of railroad legislation, the rankest, boldest betrayal of public interest ever proposed in any legislative body. If it had been passed as introduced, it would have lost to the people all the ground that had been gained in the long struggle with the railroad corporations.

* * * * * * *

The fangs in this bill as originally introduced were, with the exception of the Commerce Court provisions, all drawn by the fight of the progressives.

I think I ought to add, assisted by Democratic Senators.

We could not, however, prevent the establishment of a Commerce Court which is in a position to destroy, and is now actually destroying, the work of the most progressive Interstate Commerce Commission the country has ever had.

And Wisconsin's great Senator further adds these pungent words:

It is scarcely possible to speak of the course of the administration upon this legislation in temperate language.

I ask unanimous consent that I may insert in the RECORD as a part of my remarks an excerpt from a leading publication, the National Weekly, which contains a résumé of the decisions of the Commerce Court affecting railroads.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

WHAT IS THE COURT FOR?

The Interstate Commerce Commission consists of seven members who are paid $10,000 a year apiece. In addition the commission had a small regiment of examiners and experts, clerks and subpœnas. The railroads of the country take from the people in excess of three billions per year, a sum greater than the combined taxation of our National, State, municipal, county, and other governments. The commission was organized to see that this enormous revenue was raised fairly and not with outrageous discrimination toward individuals or companies or toward communities, as had hitherto been unrestrictedly the case.

The Commerce Court was organized purely to review the law findings of this commission; it had no right to question any finding on the facts. This latter restriction of the powers of the Commerce Court has just been rigidly upheld by the Supreme Court; and yet in the face of the plain wording of the law, the plain intent of the act, this body of usurping judges upset the rulings of the commission in practically every important case out of the first 24 which came before it, and this not on questions of law but purely on findings of fact.

When the Commerce Court was organized it was urged that its purpose was wholly obstructionary and designed simply to nullify the work of the Interstate Commerce Commission. * * * This has been wholly confirmed by the action of the court in interfering with the commission in every way, even in plain defiance of the law as laid down by the Supreme Court of the United States. The record of this court of nullifiers in the first year of its existence should surely mean its prompt abolition. Here is its record:

First two decisions. San Francisco and Los Angeles switching cases: The commission held that as it is the practice of the railroads to impose no switching charge on an industry on its own tracks when team-track delivery was not called for, and that as this was true of 10,000 stations in the country an exception should not be made of San Francisco and Los Angeles. Order restrained by temporary injunction of the Commerce Court, Mack dissenting.

Next two. Cincinnati rate case: Shippers, through board of trade, sought a lower rate than that fixed by the commission from Cincinnati to Chattanooga. Demand denied by the commission. Appeal to Commerce Court; injunction denied by the court; i. e., the railroads sustained.

Fifth. Lemon rate case: Final decree by Commerce Court reversing the commission's order that the rate on lemons should be no more than $1. This order was based upon the proposition that the haul of lemons was on the average 400 miles less than the haul of oranges, and that the railroads themselves made the orange rate $1.15.

Sixth. The Procter & Gamble case: Right of the railroad to charge demurrage on private freight cars. Court upheld the commission in deciding that the railroad was right.

Seventh. Union Stock Yards: Commission held that this and the Chicago Terminal Railroad were one and the same thing, and that the stock yards could not give a bonus of $50,000 to a meat-packing plant in Chicago because this was, in effect, a rebate. Injunction by Commerce Court.

Next four cases. Goodrich Transit and White Star Line cases, involving the right to prescribe the accounting system on boat lines on the Great Lakes which did a port-to-port business. Injunction by Commerce Court, which leaves the commission with no basis on which to fix rates or to stop rebating.

Twelfth. Omaha bridge case, regulating the passenger fares. Commission's jurisdiction sustained!

Thirteenth. Omaha Commercial Club case, involving the lumber rates. Position of commission sustained!

Fourteenth. Federal Sugar Refining case: The trust refineries get 4½ cents for lightering their sugar to Jersey City. Held by the commission that the same should apply to the Yonkers refinery. Injunction by Commerce Court. This means about $500,000 a year advantage to the trusts.

Fifteenth. "Restricted rate" case: Held by the commission that carriers had no right to make a different rate on coal for use on railroad or street car lines or by factories and houses. Injunction by Commerce Court.

Sixteenth and seventeenth. A rate case to Durham, N. C., and the rate on precooled shipments of citrous fruits from California. Injunctions refused.

Eighteenth. Nashville grain cases: Held by the commission that transit privileges could not be granted to Nashville brokers in grain and refused to Atlanta brokers. Decision reversed by Commerce Court and injunction granted.

Twentieth. Meeker case: Coal rates to tidewater. Injunction refused.

Twenty-first. Salt Lake City rates from Missouri River. Temporary injunction declined.

Twenty-second. Next three cases, known as the Fourth Section cases, involving intermountain cities, the right to charge a higher rate to them from the Missouri River than to the coast. Commission enjoined.

Total of 24 cases. In one important case, the Salt Lake City case, the position of the commission was sustained and in five other trifling cases of little interest.

In the remaining 18 temporary injunctions or final decrees were granted or the railroads' position upheld.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the senior Senator from Minnesota [Mr. NELSON].

Mr. POINDEXTER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	du Pont	Martin, Va.	Shively
Bacon	Fletcher	Martine, N. J.	Simmons
Bourne	Foster	Myers	Smith, Ariz.
Bradley	Gallinger	Nelson	Smith, Ga.
Bristow	Gardner	O'Gorman	Smoot
Bryan	Gore	Oliver	Stephenson
Burton	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Tillman
Chilton	Johnson, Me.	Percy	Townsend
Clapp	Johnston, Ala.	Perkins	Warren
Crawford	Jones	Poindexter	Watson
Cullom	Lodge	Pomerene	Wetmore
Cummins	Lorimer	Rayner	Williams
Curtis	McCumber	Reed	Works
Dillingham	McLean	Root	

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CRAWFORD. I ask that the amendment be read.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The SECRETARY. On page 156, line 1, after the word "States," insert a comma and the following:

And the procedure in the district courts shall be the same as heretofore in the Commerce Court, and the right of appeal from the district courts shall be the same as heretofore from the Commerce Court.

The VICE PRESIDENT. The question is on agreeing to the amendment, which has been stated.

Mr. WARREN. Mr. President, does not the Senator from Minnesota think it would be better to settle the main question whether or not we are to continue the court? Would it not be better to lay aside the amendment until that is settled?

Mr. NELSON. No; the committee amendment is to strike out section 10. If it is stricken out, that is the end of it. We have a right to perfect the text before your motion to strike out is put, and I aim by this motion to perfect the amendment.

Mr. WARREN. I make no point against it, except to ask if we should not have first an expression as to whether or not we shall have the court?

Mr. LODGE. Mr. President, on a question of order, if the Senate votes down the motion to strike out, the Senator from Minnesota can not then offer his amendment, because the Senate will have agreed to those specific words.

Mr. WARREN. I make no point of order. I simply make the suggestion.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. NELSON].

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. OVERMAN. On that I ask for the yeas and nays.

Mr. CUMMINS. Mr. President, I am heartily in favor of abolishing the Commerce Court, as I was earnestly opposed to its creation. But I differ so widely from some of the suggestions that have been made looking to its abolition that I feel that I must state the reasons which prevail with me.

I do not believe the members of the Commerce Court have been influenced by improper motives. I believe that, according to their lights, they have endeavored to faithfully administer the law. But I say now, as I said long ago, that a court superimposed as this is upon the Interstate Commerce Commission will very quickly become either its advocate or its enemy. As I understand human nature, it is wholly impossible for a special tribunal, having no duty whatever to perform except to criticize or to commend the action of another governmental department, to maintain an impartial attitude toward that subordinate or inferior department.

I prophesied when the court was created that, no matter how good its judges might be, no matter how earnestly they attempted to perform their duties, the thing would happen which the history of the court has shown has happened.

I believe five of the decisions of the Commerce Court have reached the Supreme Court of the United States, and all of them have been reversed. It has rendered other decisions which may not be reversed. I can not say as to that. But from the beginning it has taken, as it seems to me, a critical attitude toward the Interstate Commerce Commission that inevitably has led it into the error which has been so forcibly and so often pointed out by the Supreme Court of the United States.

This was my principal objection to the Commerce Court. But there was another objection—not so vital, but nevertheless entitled to a great deal of consideration. We did not need the Commerce Court. We have had put into commission five men, drawing immense salaries, with, of course, the equipment that goes with the court, without any necessity whatever.

I do not deny that the cases that have come before the Commerce Court have been decided with a little more celerity than the cases that were theretofore decided by the circuit courts. But the history of the whole subject prior to the creation of the Commerce Court conclusively established that the cases brought to enjoin the orders of the Interstate Commerce Commission were disposed of with reasonable speed. There was no undue or unnecessary delay. There was no unusual delay. It was apparent in 1910 that the circuit courts had disposed of these cases much more quickly than they had disposed of other cases of a general character. And when you consider that the proportion of cases in which the order of the commission has been suspended and neutralized by the Commerce Court is vastly greater than the proportion in which that result happened before the establishment of the court, I doubt whether it can be said that there is any more speed or celerity than before in the final disposition of the cases.

If you maintain this tribunal superimposed as it is upon the Interstate Commerce Commission, you will always have just the result that has happened during the last year and a half—it matters not who may occupy these places. I do not appeal for the abolition of the court because of the men who, for the time being, occupy positions on the court. If I were opposed to it only on account of the incumbents, I would know that time would speedily remove my objection in that respect, for these judges go, one by one, year after year, from the Commerce Court to the circuits, and other judges come in to fill their places.

But the influences—and they are as inevitable and as irresistible as nature itself—that have brought about the results that we have observed in the last year and a half, will be equally effective when these places are filled by other circuit judges.

We ought not to perpetuate the system. It is bad, and its consequences must always, as it seems to me, be harmful to the people of the United States. This jurisdiction ought to be exercised by those judges who are appointed to administer justice generally and not to administer justice in a particular class or kind of cases. In that way, and in that way alone, as I believe, will we be able to maintain an effective judiciary, one in which the people of the country can repose absolute and unlimited confidence.

I have regretted very much that I am compelled to meet the question upon an appropriation bill. I wish that it were here in an independent measure. I think, however, that this attempt is not so censurable as many others in the way of legislation upon appropriation measures. It seems to me that when Congress comes to provide for the affairs of the Government, if it does not desire that a particular function of the Government shall be continued or a particular system maintained, it has a perfect right within the fair bounds of legislation, to say that we will appropriate no more money for the maintenance of that function or that system. The House has so done in this case, and the only difficulty about it is that when Congress refuses to appropriate for the maintenance of the Commerce Court it then becomes necessary to make some arrangement with regard to the cases which would otherwise be brought in the Commerce Court, and that compels the further provisions of this bill with respect to the transfer of the cases now pending and the bringing of future cases of like kind in another tribunal. I think that is a justification for the provision of the House bill, although, I repeat, I would be very glad if this were so separate from the other legislation that we could perfect it in the way in which it ought to be perfected.

The amendment just adopted, presented by the Senator from Minnesota, has met several of the difficulties which I suggested this morning. We now have the procedure that we applied to the Commerce Court applied to the district court, and we have the same remedies by appeal.

There is one thing, however, which is still lacking. I have not had time or I have not had the opportunity to frame an amendment to the bill as it passed the House in that respect, but it must be cured if it becomes a law. As you all know, it was not within the power of a single judge to issue an injunction restraining or suspending the order of the Interstate Commerce Commission prior to the creation of the Commerce Court. If we now abolish the Commerce Court and return all these cases that are pending and authorize others to be brought in the district court of like character, then a single district judge can issue an injunction suspending or setting aside or enjoining the order of the Interstate Commerce Commission. I am not willing to confer that power on any single man, especially as the district in which the suit will be brought is largely at the pleasure of the railway company complainant.

Mr. OVERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. OVERMAN. I suggest to the Senator that we might vote this afternoon upon the committee amendment which strikes out the House provision abolishing the court and then probably let it go over until to-morrow, so that the Senator may frame his amendment if we determine to abolish the court.

Mr. CUMMINS. I am quite willing to do that, except that I have been advised from remarks made by Senators who are far better parliamentarians than I that if the committee amendment be voted upon and if it be rejected the vote is an adoption of the House text precisely as it is.

Mr. WARREN. With the addition of the amendment which has been agreed to.

Mr. CUMMINS. Precisely. I assume, however, that the difficulty I have now brought to the attention of Senators could be removed after the bill is reported to the Senate.

Mr. OVERMAN. I was going to suggest that the bill would be open to amendment after it reaches the Senate.

Mr. CUMMINS. I am sure, if these cases are to go to the district court, Senators will not want to give a single district judge, selected oftentimes, and, I think, in the greater number of instances, by the complainant—the railway company—the power to issue an injunction. I think we must make a provision that other district judges shall be called in, and that not less than three shall sit upon the hearing for a preliminary injunction.

Mr. NELSON and Mr. SMITH of Arizona addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to suggest to the Senator from Iowa that with my amendment incorporated in section 10 it practically leaves that section in conference, so that the matter to which the Senator refers can be adjusted in conference. Without my amendment, if we adopted the section bodily it could not be done, but with that amendment incorporated in it the whole section will be in conference.

Mr. CUMMINS. I know that, but I am not quite ready to intrust it to the conference. Without doubting at all the ability and the desire of the conferees to do exactly right in the matter, I would rather the Senate itself would attach such

provision in that respect as it believes necessary to protect the shippers of this country.

Mr. SMITH of Arizona. Will the Senator yield to me for a moment?

Mr. CUMMINS. I yield to the Senator.

Mr. SMITH of Arizona. I wish to make a suggestion to the Senator. I am in hearty sympathy with the statements of the Senator as far as I could hear them, but I several days ago doubted as to whether it would be germane to this particular bill. However, I have drawn this language which I hope the Senator may consider and perhaps improve:

> That hereafter any rate fixed by order of the Interstate Commerce Commission shall be and remain the maximum rate that can be charged by any railroad or other common carrier against which such order is made, until a final judgment or order of a court of competent jurisdiction, after a full hearing on the merits, shall change or modify such order of said commission: *Provided, however*, That nothing herein shall be so construed as to prevent the said commission from modifying or changing such rate from time to time as justice or necessity may require.

Mr. CUMMINS. The Senator from Arizona, of course, knows that there has waged over the question which he presents in his amendment a very long debate, and that there is much difference of opinion with regard to the power of Congress to enforce the rate established by the commission until final trial of the case. I do not express any dissent from the views of the Senator from Arizona, but I would very much rather see the district judge to whom application is made for injunction reinforced by the presence of at least two other district judges before any injunction is or can be granted.

I have mentioned that, Mr. President, not in order to delay a vote upon the amendment of the committee, but rather as notice that before the bill shall be passed beyond the Senate I will present in some form an amendment that will cover the idea I have just stated.

Mr. REED. Do I understand the Senator from Iowa to say that it is seriously contended that Congress is without power to pass a law providing that injunctions shall not be issued against the order of the Interstate Commerce Commission until the hearings before the court have reached a certain stage provided by Congress?

Mr. CUMMINS. I do not know how the Senator from Missouri understood it. I do not remember just how I stated it, but the law is this: Of course, neither Congress nor the Interstate Commerce Commission can take property without due process of law. If the Interstate Commerce Commission were to establish a rate which required the railway company to render a service without due compensation it would be vulnerable to the constitutional objection and such an order would be in violation of the Constitution.

The only question that remains is when can that question be raised. There are lawyers who insist that we can take from the courts of the United States the authority to issue any temporary injunctions and leave whatever remedy the party complaining may be entitled to until a final trial upon the merits. There are other lawyers, however, who claim that the right to issue an injunction in a proper case is a part of the jurisdiction or power of the court which Congress can not take away. I did not express any opinion as between those contending principles.

Mr. REED. Mr. President, it would seem to me that the right of Congress to prescribe the kind of showing which must be made before a court in order to authorize that court to act is exactly the same character of limitation as the one proposed by the Senator when he suggests that the right to issue temporary injunctions shall be taken from any one judge and only be exercised when several judges are called together. Indeed, it would seem to me that the right of Congress to regulate the procedure and prescribe the character of evidence which must be produced before a court can act is more certainly within the power of Congress than a provision which requires several judges to be called together, because in the one case you simply legislate with reference to the procedure before a court, whereas in the second case you in effect deprive one of the courts of the United States of its jurisdiction entirely and substitute for it a jurisdiction in several judges called together in banc.

I am not saying this in opposition to the position of the Senator from Iowa, because I am heartily in accord with the thought that injunctions should not be improvidently or recklessly issued against the orders of this great commission.

Mr. President, if the power of injunction must be vested anywhere to withhold the orders of this great national commission, ranking, as it does, in the point of ability of its members, I think I can say, with any court save the Supreme Court of the United States, these orders should not be set aside except for the gravest reasons. It seems to me the power to enjoin its orders ought to be vested in the Supreme Court of the United States alone, or, perhaps, in the circuit courts of appeals.

While I am speaking to that, I simply want to offer this observation upon the Interstate Commerce Commission. Almost from the first some of the greatest lawyers of this country have sat upon that commission. Judge Cooley, who ranked in intellect and in learning, in my opinion, with any man who has ever adorned the bench of this country, sat upon it. It is a misfortune that the acts of boards created by States, the acts of boards created by the Government, acts of the legislatures which have been fully considered by the members of the general assemblies of the States and solemnly considered and signed by the governors of States, should be set aside by the decree of one man upon an ex parte hearing, sustained frequently by only one or two affidavits.

I trust that if the Senator from Iowa draws an amendment and presents it he will consider at least the propriety of vesting this injunctive power alone in either the United States courts of appeals or the Supreme Court of the United States.

Mr. CUMMINS. I should like to limit the scope of the preliminary injunction in a great many cases. I do not intend to try to settle this afternoon just what power we have in that respect. I would be very glad, if we could do it, to require a trial upon the merits before injunction could issue suspending the enforcement of an order of the Interstate Commerce Commission. Whether we can do that is a matter of grave difference among Senators and among lawyers. But all that I want to do at this time is to give notice that before the bill passes from the jurisdiction of the Senate I shall present an amendment that will require at least something more than the judgment of a single man to suspend an order which had been entered through the combined judgment and experience of seven men.

I remind the Senator from Missouri [Mr. REED], however, of the fact that the present law requires notice of an application for a temporary injunction, and the amendment presented by the Senator from Minnesota [Mr. NELSON] would carry that procedure into the district court, so that the hearing will not be or can not be purely ex parte.

Mr. HEYBURN. Mr. President, I think we should bear in mind that the judicial power of the United States is vested in the courts, not in Congress. Some of the discussion has been proceeding, it seems to me, upon the assumption that Congress could in some way exercise a control over judicial power. It can not direct the manner in which judicial power shall be exercised. Congress is authorized to establish courts and create their jurisdiction, but there is the widest distinction between jurisdiction and judicial power. We can not take away from the courts of the United States the judicial power, and if we can not take it away we can not modify it, because any modification of it is a partial taking. We must bear that in mind.

When we undertake to say that the courts of the United States shall not exercise a judicial power in this case or that, we are running against the constitutional prohibition. There have been at times, perhaps there are now existing, two schools of legal thought upon this question, but none of them go so far as to contend that Congress can control the exercise of judicial power. We want to avoid anything in this legislation that would seem to be an attempt on the part of Congress to infringe upon that right which is as distinct and as clearly patent in the Constitution as the right vested in Congress to perform legislative powers. We are not the masters of the Supreme Court. We can create courts and give them jurisdiction, but, I repeat, there is all the difference in the world between jurisdiction and judicial power. Jurisdiction brings the courts into existence, and then, being created and in existence, they act under the mandate of the Constitution of the United States.

Mr. President, while I am on my feet, as it is often said here, I call attention to the fact that so far as I remember the amendment now under consideration does not provide for a transfer of the records and proceedings of the Commerce Court to the district court. If we were to accept the House provision, then we find in that an attempt to provide for the transfer of the instrumentalities of legal procedure. Neither have we made any express provision here, so far as I remember, in any amendment, for the disposition of the officers of the Commerce Court and we might possibly consider the question of disposing of that furniture.

Mr. NELSON. Mr. President, without delaying the proceedings I want to call attention to the fact that in the very act of 1910 creating the Commerce Court, in section 17 it is provided:

> That no interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restrain-

ing the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any justice of the Supreme Court, or by any circuit court of the United States, or by any judge thereof, or by any district judge acting as circuit judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit judge, or to a district judge acting as circuit judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court of the United States or a circuit judge, and the other two may be either circuit or district judges.

Under the judicial code adopted the district judges take the place of our circuit judges. This law is still in force, and the adoption of this amendment would not militate against it at all. The injunctions here referred to are injunctions relating to the enforcement of State statutes or State regulations regarding transportation. It is not general in character. The law in respect to injunction in other cases was left as in the original act. That is my recollection.

Mr. CUMMINS. I think the Senator from Minnesota is entirely right in that. All that I will insist upon at the proper time is that the very provision just cited by the Senator from Minnesota with regard to State statutes shall be made applicable to the orders of the Interstate Commerce Commission.

Mr. NELSON. I wish to say to the Senator that this is the next to the last section of the act creating the Commerce Court; that it acted as a restriction on that court and must continue to act as a restriction on the district court if we confer jurisdiction on it.

Mr. CUMMINS. I think the Senator from Minnesota did not quite understand me. The statute, however, does not cover the orders of the Interstate Commerce Commission. The statute only covers State statutes. I think we ought to be just as careful about suspending the operation of an order of the Interstate Commerce Commission as we have been respecting the jurisdiction of a State statute.

Mr. OVERMAN. Mr. President, upon the adoption of this amendment I call for the yeas and nays. The question, I understand, is upon the adoption of the amendment of the committee which is to strike out the House provision abolishing the court. Therefore, those who are in favor of the abolishment of the court would vote "nay" on agreeing to the amendment.

Mr. HEYBURN. I ask that the amendment be now stated in full.

The VICE PRESIDENT. May the Chair state that there were three separate amendments, which, for the purpose of discussion, were considered together? An amendment to the third amendment was offered and has been acted upon, but following the agreement that was entered into when the bill was first taken up what really should now be voted upon is the first amendment.

Mr. OVERMAN. That is the question in reference to the appropriation. If we vote on section 10 and abolish the court, as a matter of course we will disagree to the amendment on page 150, which is the first amendment. The amendment on page 150 is the appropriation for the payment of salaries of the court. I suggest that we take up section 10, which brings up the whole question, and if the amendment of the committee should be adopted, then the question would be on agreeing to the appropriation for salaries of the court.

The VICE PRESIDENT. The Chair thinks that would be the better way to proceed. If there is no objection, that order will be followed.

Mr. POINDEXTER. It is suggested by the Senator from Iowa that there is no express provision for transferring the records of the Commerce Court to the district court.

There is a provision in the House bill transferring pending cases. It is also suggested that there is no provision abolishing the office of clerk and marshal of the court. That would probably go along with the abolishment of the court; but, in order to make those matters perfectly clear, I offer the amendment which I send to the desk to section 10, page 157, line 21, to insert, after the words "Commerce Court," the words "and all the offices thereof"; and in the same line to strike out the word "is" and to insert the word "are"; also, on page 158, line 4, after the word "cases," where it provides for the transfer of cases, I move to insert "and all the records therein."

Mr. HEYBURN. "Records, papers, and proceedings."

The VICE PRESIDENT. Will the Senator please send the amendment to the desk?

Mr. POINDEXTER. Yes. I also move to insert, after the word "cases," in line 16, on the same page, the words "and the records of said court."

Mr. HEYBURN. I would suggest that the language used in other acts is "the records, papers, and proceedings."

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In section 10, on page 157, line 21, after the word "court," it is proposed to strike out the word "is" and to insert "and all the offices thereof are"; on page 158, line 4, after the word "cases," to insert "and all the records therein."

Mr. HEYBURN. It should read, "records, papers, and proceedings."

Mr. POINDEXTER. I accept the suggestion of the Senator from Idaho, and move that the words "records, papers, and proceedings therein" be inserted.

The SECRETARY. And on page 158, line 16, after the word "cases," it is proposed to insert "and the records of said court."

Mr. OVERMAN. Also "papers and proceedings."

Mr. HEYBURN. Mr. President, let us see that we are not making a mistake. We are now proposing to amend something that is not in the bill as it came to the Senate.

The VICE PRESIDENT. Yes; it is in the bill.

Mr. HEYBURN. Well, it is stricken out.

The VICE PRESIDENT. The Senate committee has a proposition pending to strike it out, but it is still in the bill. It stays in the bill until it is stricken out.

Mr. WARREN. There is a Senate committee amendment proposing to strike it out, and this is an amendment to the Senate committee amendment.

Mr. HEYBURN. I see the Senator is right.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER] to the amendment.

Mr. BACON. I understood the Senator did not hear what the Chair had announced, but I understood the Senator from Wyoming to say that this was an amendment to the Senate committee amendment. That is not a correct statement. As I understand, these are amendments to the provision as it comes from the House; in other words, exercising the privilege to perfect an amendment before the motion to strike out is put.

The VICE PRESIDENT. The Senator correctly states it.

Mr. WARREN. That is true; but technically the committee amendment is merely to strike out.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The VICE PRESIDENT. The Senator from North Carolina [Mr. OVERMAN] asks for the yeas and nays upon the question of agreeing to the Senate committee amendment as amended.

The yeas and nays were ordered.

Mr. NELSON. This is on agreeing to strike out the section. Is that the motion?

The VICE PRESIDENT. That is the motion; and an affirmative vote is in favor of striking it out.

Mr. POINDEXTER. I understand that an affirmative vote——

Mr. CULBERSON. Regular order!

Mr. POINDEXTER. I wish to make a parliamentary inquiry. An affirmative vote now, I understand, is in favor of retaining the Commerce Court?

The VICE PRESIDENT. An affirmative vote is in favor of striking the provision from the bill. The Secretary will proceed with the roll call.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. I do not see him on the floor, and therefore I withhold my vote.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). I desire to say that my colleague [Mr. CLARK of Wyoming], who is absent on business of the Senate, on this question is paired with the Senator from Missouri [Mr. STONE].

Mr. FOSTER (when his name was called). I have a pair upon this question with the junior Senator from California [Mr. WORKS]. If he were present, he would vote "nay," and if I were at liberty to vote, I should vote "yea."

Mr. GALLINGER (when his name was called). On this vote I am paired with the Senator from Arkansas [Mr. CLARKE].

Mr. GARDNER (when his name was called). I have a pair with the junior Senator from Massachusetts [Mr. CRANE] upon this amendment. I transfer that pair to the junior senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to announce that my colleague [Mr. GAMBLE] is paired with the junior Senator from Oklahoma [Mr. OWEN].

Mr. MARTIN of Virginia (when Mr. LEA's name was called). The Senator from Tennessee [Mr. LEA] is unavoidably absent. He is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily detained from the Senate. As has been stated, he is paired with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence, I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent. On this vote he is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL], who is absent. I have been informed that, if he were present, he would vote "nay." I am extremely anxious to vote in this case, but not having heard directly from the Senator from New Mexico, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, and I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the Senator from Arkansas [Mr. CLARKE]; but I will transfer that pair to the Senator from Tennessee [Mr. SANDERS] and vote. I vote "yea."

Mr. JONES. I am requested to announce that the senior Senator from Kansas [Mr. CURTIS] is paired with the senior Senator from Nevada [Mr. NEWLANDS].

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If he were present, and I were at liberty to vote, I should vote "yea."

Mr. HEYBURN (after having voted in the negative). Mr. President, I desire to announce that I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I have been advised that if he were present he would vote "nay," and therefore I have voted. I do not see him in the Chamber, and I have not been personally instructed by him that I was at liberty to vote. I will therefore withdraw my vote.

The VICE PRESIDENT. The Senator from Idaho withdraws his vote.

Mr. JOHNSTON of Alabama. I am quite satisfied if the senior Senator from Alabama [Mr. BANKHEAD] were present he would vote the same way as has the Senator from Idaho.

Mr. HEYBURN. On the strength of the statement of the Senator from Alabama, I will allow my vote to stand.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is necessarily absent. He has a general pair with the junior Senator from Maine [Mr. GARDNER]. If present and at liberty to vote, my colleague would vote "yea."

The result was announced—yeas 24, nays 36, as follows:

YEAS—24.

Bradley	Gallinger	Oliver	Stephenson
Burton	Jones	Page	Sutherland
Catron	Lodge	Perkins	Thornton
Cullom	Lorimer	Root	Townsend
Dillingham	McCumber	Smith, Mich.	Warren
du Pont	McLean	Smoot	Wetmore

NAYS—36.

Ashurst	Culberson	Johnston, Ala.	Pomerene
Bacon	Cummins	La Follette	Rayner
Bourne	Fletcher	Martin, Va.	Reed
Bristow	Gardner	Martine, N. J.	Shively
Bryan	Gore	Myers	Simmons
Chamberlain	Gronna	Nelson	Smith, Ga.
Chilton	Heyburn	Overman	Swanson
Clapp	Hitchcock	Percy	Tillman
Crawford	Johnson, Me.	Poindexter	Watson

NOT VOTING—34.

Bailey	Crane	Kern	Sanders
Bankhead	Curtis	Lea	Smith, Ariz.
Borah	Davis	Lippitt	Smith, Md.
Brandegee	Dixon	Newlands	Smith, S. C.
Briggs	Fall	O'Gorman	Stone
Brown	Foster	Owen	Williams
Burnham	Gamble	Paynter	Works
Clark, Wyo.	Guggenheim	Pearose	
Clarke, Ark.	Kenyon	Richardson	

So the amendment of the committee was rejected.

The VICE PRESIDENT. The question now is upon agreeing to the amendment on page 147, which the Secretary will state.

Mr. WARREN. I prefer to first take up the amendment on page 150.

The VICE PRESIDENT. Without objection, action will next be taken upon the amendment on page 150, which the Secretary will state.

The SECRETARY. On page 150, beginning at the top of the page, it is proposed to insert:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. There is an amendment on page 147, which was passed over.

Mr. WARREN. Mr. President, I do not know whether exactly the same question is involved in the amendment on page 147, but I should like to have it read, so that Senators may consider it.

The VICE PRESIDENT. The Secretary will state the amendment on page 147.

Mr. OVERMAN. Mr. President, that presents a very important question as to whether or not the abolition of the Commerce Court abolishes the judges of that court. It seems that the House thought not, because they have provided here that no further circuit judges shall be appointed until their number shall be reduced to 29, and that thereafter there shall not be more than 29 circuit judges. My own opinion is that the adoption of the House provision as to abolishing the court abolishes the judges.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. HEYBURN. Mr. President, I should like to make this suggestion to the Senator from North Carolina. These judges were not created as judges of the Commerce Court, but were created as judges of the United States circuit courts as then established.

Mr. OVERMAN. I know that is the question involved.

Mr. WARREN. The question now is whether we wish to reduce the number of circuit judges to 29 as fast as the present judges may die or retire.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 147, after line 10, it is proposed to strike out:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. CUMMINS. Mr. President, a part of that amendment I favor entirely, but there is a part of it that I do not quite understand. I ask the attention of the Senator from North Carolina. The law under which these judges were appointed reads as follows:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court for any district, or the circuit court of appeals for any circuit or in the Commerce Court.

These five judges are therefore assignable to any circuit by the Supreme Court of the United States.

Mr. OVERMAN. I am aware of that fact, but I want to say to the Senator——

Mr. CUMMINS. Therefore, unless we desire to relieve them of their offices—and I do not understand the House bill goes to that extent—it is perfectly clear that they would be assigned to the various circuits. What does the Senator from North Carolina think of the provision that thereafter—that is, after the whole number of circuit judges is reduced to 29—there shall not be more than 29 circuit judges?

Mr. OVERMAN. I do not agree to that at all.

Mr. CUMMINS. I hoped the Senator from North Carolina would not agree to that, because we do not know how many circuit judges we may require as the years go on.

Mr. OVERMAN. I do not agree to that; I agree with the Senator. I also think that there ought to be an amendment repealing the section of the law which makes judges of the Commerce Court circuit judges. I understood the Senator from Minnesota was going to offer an amendment which would repeal the provision of law creating the judges of the Commerce Court. I think the idea of the Senate is that these judges ought to be abolished as well as the court.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. I had intended to introduce such an amendment. My own judgment is, however, that we had better adopt the House language in lines 11 and 12 down to the word "nine," in line 13. That prohibits the appointment of any more judges until the number is reduced to 29, and then we could strike out the House provision limiting the number of circuit judges to 29, and take up later the question of disposing of these five judges.

Mr. CUMMINS. So far as I am concerned I had it in mind to offer just that amendment, but I do not believe that we should say that thereafter there shall be no more than 29 circuit judges.

Mr. CRAWFORD. May I ask the Senator a question?

Mr. CUMMINS. Yes.

Mr. CRAWFORD. I may betray my ignorance in doing so, but how many circuit judges have we now?

Mr. CUMMINS. Thirty-four.

Mr. CRAWFORD. This, then, is a proposal to reduce the existing number from 34 to 29?

Mr. CUMMINS. It is.

Mr. CRAWFORD. How is such a thing as that to be done?

Mr. CLAPP. The Senator does not understand the question.

Mr. CUMMINS. If any circuit judge should die or resign, then it is intended to prevent the appointment of anyone in his place until the whole number is reduced to 29.

Mr. POINDEXTER. This whole number of 34 includes the judges of the Commerce Court.

Mr. CRAWFORD. The existing 34 includes the members of the Commerce Court?

Mr. CUMMINS. It does.

Mr. CRAWFORD. And we have abolished the court so that it leaves these judges to perform the duties of circuit judges under some assignment to the respective circuits; but I have not yet been able to quite understand the proposal to reduce the number of circuit judges from 34 to 29.

Mr. CUMMINS. I do not believe that the provision ought to be in the bill at all. We have 34 circuit judges now. If the Commerce Court is abolished, and if one of the circuit judges shall die or resign, then it is for Congress to determine whether we need another circuit judge. The 5 circuit judges who are upon the Commerce Court simply go out into the circuits and take up the general work of those courts.

Mr. WARREN. Will the Senator allow me?

Mr. CUMMINS. Yes.

Mr. WARREN. I understand that now the judges who are doing the work of the Commerce Court are assigned from time to time to aid in the circuits where the judges are overworked. I understand they have been to Arizona and to other States.

Mr. CUMMINS. I so understand.

Mr. WARREN. As I understand, we have 34 circuit judges, 5 of whom are on the Commerce Court, detailed to that court, and while they have been doing the work of the Commerce Court they have also been doing work under assignment in the circuits. It seems to me that this provision in the House bill is far too drastic, because it states that hereafter there shall not be more than 29 circuit judges. Of course, we can correct that by legislation; but is it necessary now to say that? That is the question.

Mr. CUMMINS. Obviously not; we ought not to say it.

Mr. WARREN. First, I think we ought to settle whether we want 34 circuit judges and whether there is need for the extra judges in the different circuits. In many of the circuits the work is piled up and the judges are far behind. That being determined, the question is whether you shall retain 34 circuit judges or gradually reduce the number to 29.

Mr. CRAWFORD. If we decide that we do not want the 34 and in a blanket declaration reduce the number to 29, who is going out? There are 34 circuit judges now.

Mr. CUMMINS. Answering the Senator from South Dakota, so far as I am concerned, I do not think any part of this provision ought to be in the bill.

Mr. WARREN. None of them go out of office, as I understand, until they die, resign, or retire; but as they retire the number is finally reduced to 29, if the House provision is to govern, because no other judges will be appointed in their place.

Mr. CRAWFORD. We can cross a river of that kind when we come to it.

Mr. WARREN. That is why I wanted this question considered and decided on an entirely different basis than that regarding the Commerce Court proper.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. POINDEXTER. I understand the view of the Senator from Iowa is that if these lines in the House bill should be omitted altogether the effect would be the same as though they were retained, so far as reducing the number of circuit judges is concerned?

Mr. CUMMINS. No. If the House provision in this respect is retained, when a vacancy occurs, either by death or resignation, we have a law that prohibits the President from appointing any person to fill that vacancy. If, on the other hand, the language of the House is not retained, upon the happening of that event it would be for Congress to determine whether the judicial force of the United States ought to be enlarged.

Mr. POINDEXTER. Would it not be the duty of the President to make the appointment without any action of Congress? If the vacancy occurs, he would make the appointment, and it would be sent to the Senate for confirmation.

Mr. CUMMINS. I do not think so.

Mr. HEYBURN. Suppose I read the law, if the Senator from Iowa will permit me.

Mr. CUMMINS. Very well.

Mr. HEYBURN. This law was enacted since the Commerce Court was created, and of course will take precedence. The provisions with reference to the circuit courts are definite. The judges are not appointed at large; the appointment must be to some circuit. None of the judges of the Commerce Court are accredited to any circuit. Since the enactment of the Commerce Court law we have enacted this law:

SEC. 116. There shall be nine judicial circuits of the United States, constituted as follows—

Then they are described.

SEC. 117. There shall be in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Section 18 provides:

There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, two circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate.

That is all the circuit judges there can be under existing law.

Mr. CUMMINS. I do not understand the law quite that way, Mr. President.

Mr. HEYBURN. I have read it.

Mr. CUMMINS. I mean I do not give it the interpretation the Senator from Idaho does. We have 34 circuit judges actually in existence. If you will multiply 9 by 3 you have 27, and then if you will add the circuits that are entitled to 4 you will have 29, and you will still have 5 circuit judges unaccounted for, and they are the circuit judges who are now holding the Commerce Court.

Mr. HEYBURN. I will come to that in a moment.

Mr. SMITH of Georgia. Will not the Senator from Idaho speak a little louder; we can not hear him, and we are very much interested in our local circuits.

Mr. HEYBURN. Yes; I will.

Mr. CUMMINS. Mr. President, what would happen under the statement made by the Senator from Idaho—and his statement is absolutely correct—if a circuit judge in any circuit should die or resign? That circuit is entitled to three judges or four, as the case may be.

Mr. HEYBURN. They are fixed definitely.

Mr. CUMMINS. There are two or three circuits that have four judges.

Mr. LODGE. Three circuits have four judges.

Mr. CUMMINS. Thereupon one of the circuit judges now holding the Commerce Court could be assigned to that circuit, and it would still have the three judges that the law requires, or the four judges, as the case may be.

Mr. HEYBURN. I think not. Now, let us see. If the Senator will pardon me, I think we can straighten out this matter from a law subsequent to the act creating the Commerce Court. This is a provision in the judiciary act—existing law:

There shall be a court of the United States, to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges—

That is the Commerce Court. That is not a circuit court. We changed this somewhat in revising the judiciary act, so that it is not safe to take the act creating the Commerce Court as printed there.

Now let me read further:

The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years—

That does not necessarily involve enlarging the number of circuit judges, because under that provision the circuit judges already designated, to whom I have called attention, would be drawn upon to constitute the court.

But then there is this provision:

Except that in the first instance the court shall be composed of the five additional circuit judges referred to in the next succeeding section, who shall be designated by the President to serve for one, two, three, four, and five years, respectively—

That is a different class of judges. They are not circuit judges. They are not assigned as is provided in the main act. Under the general judiciary act the assignments are made by the Chief Justice, and under this provision they are made by the President.

Now, let us read a little farther. Probably we have been in error in taking the original act as the law of to-day:

In order that the period of designation of one of the said judges shall expire in each year thereafter.

Those are not United States circuit judges. They are judges appointed by the President of the United States in the first instance to inaugurate or install this court. Now, let us see what their status is.

Mr. CRAWFORD. Mr. President, let me ask the Senator this question. Were they not appointed by the President as United States circuit judges, and were they not confirmed by the Senate as United States circuit judges?

Mr. HEYBURN. Not the first five.

Mr. CRAWFORD. Were they created as anything except United States circuit judges by the act under which they are holding their offices?

Mr. HEYBURN. They are holding their offices under the act I am reading, but it does not designate them as United States circuit judges. It provides for two classes of judges to hold the Commerce Court. That is, the first class, the members of which are designated, not as United States circuit judges, but as judges of this court. It is just possible that when their terms expire——

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. CULBERSON. I call the attention of the Senator from Idaho to the fact that by this act, in express terms, they are appointed circuit judges, and not judges of this court:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, etc.

Mr. HEYBURN. I am reading from a subsequent act.

Mr. CULBERSON. I am reading from the act of June 18, 1910, under which these very judges were appointed.

Mr. HEYBURN. I am reading from the judiciary act of 1911.

Mr. PAYNTER. With the Senator's permission, I will invite his attention to the fact that when this matter was under discussion arguments were made against the constitutionality of the proposed act creating the court, because the judges of another court were authorized to preside over this court. I think in that discussion every argument that was made against the constitutionality of the court was based upon that consideration. If you should repeal the act creating the court, would not the effect of it be simply this, that certain duties which are now performed by circuit judges would be no longer required to be performed by them?

Mr. HEYBURN. That is true.

Mr. PAYNTER. You would simply diminish the duties that the circuit judges perform.

Mr. HEYBURN. That is true.

The judges appointed to preside over the Commerce Court under the act of 1911 are still in office. We have not yet reached the period in our history where it becomes necessary to take into consideration the other provision, because these were temporary appointments.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly; I yield.

Mr. SMITH of Georgia. Does the Senator from Idaho take the position that we can abolish these places and stop paying the salaries and get rid of these judges altogether?

Mr. HEYBURN. Yes.

Mr. SMITH of Georgia. Then let us do it.

Mr. HEYBURN. I will see if I can make that plain enough to be acceptable.

When this court was created the law first provided for a temporary administration by the appointment of five additional judges. Those are the judges that are now holding the court. They are not assigned to any circuit. They are not circuit judges of the first or the seventh or the ninth or any other circuit. Their tenure of office is existent. When their term of office expires—that is, the five-year term expressed in the bill—we shall have to draw on the general body of circuit judges. We have not yet reached that point.

Now let us proceed a little further:

Who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter. In case of the death, resignation, or termination of assignment of any judge so designated the Chief Justice shall designate a circuit judge to fill the vacancy so caused.

That contingency never has arisen.

And to serve during the unexpired period for which the original designation was made.

That contemplates the end of a term of service by these judges appointed to be assigned by the President. They do not come under the class of judges that are to be designated or assigned by the Chief Justice of the Supreme Court. They are a class to themselves; and it is not until there is a vacancy in that class that we will begin to put into operation the provision of law for assigning circuit judges to this court.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Yes.

Mr. PAYNTER. I should like to submit this suggestion to the Senator: Suppose this court had continued to exist for 5 years or 10 years, as the case might be, and the act creating it were repealed, what would be the effect of it? Would it operate to deprive these judges of their official positions as circuit judges?

Mr. HEYBURN. It is provided for on the face of the bill.

Mr. PAYNTER. Suppose the terms of the first five judges had expired and five other judges were presiding over the court, what judges would be eliminated as the circuit judges?

Mr. HEYBURN. It is provided for in this act in express terms. The act says that upon the expiration of the terms of these provisional judges, if I may term them such, then for the first time the circuit judges shall enter upon the performance of this duty.

Mr. PAYNTER. Mr. President, I do not think the Senator has at all answered the question I suggested. Suppose the "additional judges" created by that act were no longer serving as judges of this court and had been sent out to various circuits in the country, what would be the effect if we should abolish the court? Would it deprive of their offices as circuit judges the judges who happened to be presiding over this court at the time the act was repealed?

Mr. HEYBURN. No; not their offices of circuit judges, because there is no provision here for circuit judges, except judges of the circuits.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I yield.

Mr. SMITH of Georgia. I understand the position of the Senator from Idaho to be that these judges are not circuit judges in the ordinary sense, and that the law does not now provide for their assignment.

Mr. HEYBURN. No; they are additional circuit judges.

Mr. SMITH of Georgia. And by the abolishment of the court we can at the same time cut off their salaries.

I was going to suggest this amendment. On page 147, after line 10, I propose to insert:

Provided, That no part of said sum shall be applied to pay any salaries to any of the circuit judges now serving as judges of the Commerce Court after the 1st day of July, 1912.

Mr. HEYBURN. Now, let us take the original language in regard to this matter. Let us take the last paragraph on page 1 of public act 218, and we will see that the language there is not inconsistent with what I have read:

The Commerce Court shall be a court of record, and shall have a seal of such form and style as the court may prescribe.

Now, I am reading the original act.

The said court shall be composed of five judges, to be from time to time designated and assigned—

It does not say "of five circuit judges," but—

shall be composed of five judges.

And they are termed not "circuit judges," but "additional judges," in this law.

To be from time to time designated and assigned thereto by the Chief Justice of the United States from among the circuit judges of the United States.

That is the assignment that is made by the Chief Justice of the Supreme Court of the United States. There are two classes of judges. Those of one class are assigned by the Chief Justice and those of the other class are assigned by the President.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Will the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. I want to say to the Senator, in connection with this matter, that I have a letter, dated the 4th of this month, from the Attorney General concerning the assignment of these judges to their work in different circuits. When the Senator has concluded, I will ask to have the letter read.

Mr. REED. Mr. President, it is impossible to hear the Senators.

The VICE PRESIDENT. The Senator from Missouri rises to a point of order, that there is so much confusion in the Senate that it is impossible to hear what Senators are saying. It seems to the Chair that the point of order is well taken.

Mr. HEYBURN. Mr. President, if the Senate is in order——

The VICE PRESIDENT. The Chair will assume that it is.

Mr. HEYBURN. I will proceed to say to the Senator from Wyoming that I have no objection at all to his interjecting the letter of the Attorney General. It may possibly throw some light upon the question under discussion.

Mr. WARREN. It gives the idea of the Attorney General as to their employment. It may either come in now or when the Senator has finished.

Mr. HEYBURN. It had better come in now.

Mr. WARREN. Very well; I will send it to the desk now and ask to have it read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 4, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

MY DEAR SENATOR: In connection with any discussion which may arise over the provisions in the legislative bill restoring the appropriations for the Commerce Court, may I draw your attention to one feature of the law relating to that court which in experience has been found to be of great public benefit. I refer to that provision which authorizes the temporary assignment of the judges of that court to hold court in any part of the United States from time to time, as designated by the chief justice, when, in the opinion of the presiding judge of the court, their services are not needed in the court itself. This, in effect, creates a body of five circuit judges at large, who may be sent to places where there is a congestion of business or a shortage of judges; and but for the existence of this provision during the last year there would have been a much greater congestion of public business even than there is in many parts of the United States. For instance, Judge Carland was assigned to and sat in the circuit court of appeals in the eighth circuit during January of this year and came back with 20 cases in which he had been deputed to write the opinions of the court; and I have now a request from the senior circuit judge of that circuit asking that he be assigned to sit in the circuit court of appeals at the Denver term in September. Judge Hunt sat in the circuit and district courts in Montana from the middle of December until the end of January. He was then assigned to sit in the district court of Arizona during the month of April, and on May 1 he went to San Francisco to sit in the circuit court of appeals, to which he was assigned for May and June and where he is now sitting. Judge Mack sat in Chicago in all the Federal courts during the month of January and also during the month of March. On May 1 he went to Arizona, and has sat in the district court there during the entire month of May. Presiding Judge Knapp has, as you doubtless know, been engaged for some weeks past in negotiations under the Erdman Act with Commissioner of Labor Neill in the negotiations for the settlement of one of the most serious labor troubles which has been impending over this country for a long time.

This feature of the usefulness of this body of judges has not been brought very sharply to the attention of the public. I venture to say that no body of five judges in the country has rendered more useful services in more various lines than this body has done since its appointment.

I am, faithfully, yours, GEO. W. WICKERSHAM,
Attorney General.

Mr. HEYBURN. That is simply an argument in favor of having a roving board of judges.

Mr. OVERMAN. Will the Senator allow me to throw some light on this question?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. The nominations of these judges were sent in by the President and were confirmed by the Senate. I read:

To the Senate of the United States:

I nominate Martin A. Knapp, now serving as chairman of the Interstate Commerce Commission, to be additional circuit judge of the United States for the second judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for five years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate Robert W. Archbald, of Pennsylvania, now serving as United States district judge, middle district of Pennsylvania, to be additional circuit judge of the United States for the third judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for four years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate William H. Hunt, of Montana, now serving as associate judge of the Court of Customs Appeals, to be additional circuit judge of the United States for the ninth judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for three years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate John Emmet Carland, of South Dakota, now serving as United States district judge, district of South Dakota, to be additional circuit judge of the United States for the eighth judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stat., 540), and hereby designated to serve for two years in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

To the Senate of the United States:

I nominate Julian W. Mack, of Illinois, to be additional circuit judge of the United States for the seventh judicial circuit, appointed pursuant to the act of June 18, 1910 (36 Stat., 540), and hereby designated to serve for one year in the Commerce Court.

WM. H. TAFT.

WHITE HOUSE, *December 12, 1910.*

Mr. HEYBURN. Now, Mr. President, there was no law authorizing the appointment of additional judges to these circuits at the time the appointments were made.

Mr. SMITH of Georgia. There was no statute?

Mr. HEYBURN. No. There was no statute authorizing the appointment. I have it before me.

Mr. BACON, Mr. SUTHERLAND, Mr. SMITH of Georgia, and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I yield.

The VICE PRESIDENT. To whom?

Mr. HEYBURN. I will yield to the Senator from Georgia.

Mr. BACON. I wish to make a statement and not to occupy the floor.

While there was in the law which authorized them to be appointed no provision that they should be appointed as judges of any particular circuit, there was a provision in the law which required that no two of them should be appointed from the same circuit, and for that reason the particular circuits from which they came were specified.

Mr. HEYBURN. It was merely for the purpose of complying with that prohibition.

Mr. SUTHERLAND. The provision of the law was as follows:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

As I recall the appointment of these judges they were designated as being "from" certain judicial circuits but not "of."

Mr. HEYBURN. And not "to."

Mr. SUTHERLAND. Not "to" or "of."

Mr. HEYBURN. That is the idea. As suggested by the Senator from Georgia, it was merely to comply with the prohibition that no two should be from the same circuit. It has nothing to do with the question whether or not they are circuit judges of that circuit. We did not confirm them as circuit judges from the second, the third, or the seventh district. We confirmed them as additional roving circuit judges designated to serve in this court, if it was a court, but making no provision for their service as circuit judges in any circuit of the United States.

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. No.

Mr. SUTHERLAND. They were to be from time to time assigned by the Chief Justice to serve in any circuit court—now in any district court—or in any circuit court of appeals.

Mr. HEYBURN. That is true, but that does not meet the question. They were not circuit judges of that circuit. They were a roving body of judges termed, in the act creating the court, five additional judges. There is a grave question whether or not we can create a number of circuit judges outside of those necessary and proper to sit in the circuits. In other words, if we can create a roving body of 5, why could we not create 20? The principle is the same.

Now, we are about to abolish this court, and there is no longer any court to which these judges are attached by law. If they are attached hereafter it must be by assignment by the Chief Justice of the Supreme Court. He is not authorized to assign anyone to a circuit except the circuit judges, who are appointed as such and accredited to the circuits named in the appointment. No one of these men came to the Senate for confirmation as circuit judges of any circuit. They came here for confirmation as judges of the Commerce Court.

Now, we had to deal with this with a great deal of care, and it had a great deal of thought and consideration in reforming the judiciary laws which are now in the form of the code. So if anyone can find a place where these judges belong, I would be glad to be enlightened upon that subject. With this court abolished they do not belong in any one of the nine circuits. They may be assigned, or might have been assigned—as under the old law a district judge was assigned—to sit in the court of appeals, which was continually done, but that law no longer exists. When this code was adopted all that old system passed away.

Mr. BACON. I should like to ask a question of the Senator from Idaho. When there was before the Senate the bill which organized this court, I was very strongly of the opinion that the law would be unconstitutional if enacted, and I still am of that opinion, so far as the constitution of the court is concerned. In other words, I took the position that the circuit judges existing at the time had been appointed to the execution of the duties of circuit judges and that one could not be deprived of his office for the term of five years and assigned to duty in another court, pending which time he was prohibited from exercising the duties of circuit judge in the court to which he had been originally appointed. I still think that is an unconstitutional law.

The question I want to propound to the Senator is this: If the organic law by which this court was created, and in the constitution of which necessarily the appointment of the judges was a constituent and essential part, was itself unconstitutional, would or would not that carry with it the invalidity of the appointment of any judge under it?

Mr. HEYBURN. That would apply only after the expiration of the provisional court, and if we repeal the law we get rid of it.

Mr. BACON. The Senator does not catch my exact point.

Mr. HEYBURN. Yes; I think I do.

Mr. BACON. I am very anxious to agree with the Senator, because I would be very glad to get rid of these judges. I was very sorry to see them authorized in the first instance.

The only doubt in my mind is whether, if they were legitimately appointed as circuit judges in the first instance, the abolition of this court will carry the judges with it.

There is no doubt about the fact—we all recognize it—that if they were appointed judges of the Commerce Court, the abolition of the court would abolish the judges as well as the court. But the question in my mind is this: If the law creating the court is unconstitutional—I think it is; I have never had a doubt in my mind on that question—would or would not that provision of the law which made provision for the appointment of the judges be with the balance of it an unconstitutional enactment?

Mr. HEYBURN. I do not think it would affect the constitutionality of the act creating the court merely because Congress made an unconstitutional provision with reference to who should preside over the court. I do not think it would go that far.

Mr. BACON. I was in hopes it would.

Mr. HEYBURN. I am giving my conscientious judgment.

Mr. BACON. Of course I want to agree with the Senator, if I can.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Certainly.

Mr. PAYNTER. I should like to interrupt the Senator.

Mr. HEYBURN. Do not hesitate.

Mr. PAYNTER. If they are not circuit judges why are they called additional circuit judges?

Mr. HEYBURN. They are additional circuit judges for the purpose expressed in the very act where the term is used.

Mr. PAYNTER. If the purpose was not to increase the number of circuit judges and to make them circuit judges as much as any other circuit judges, why were they not designated as judges of the Court of Commerce?

Mr. HEYBURN. There is no such thing as a circuit judge, except he is a circuit judge of some court designated by law.

Mr. PAYNTER. Under the law these judges can perform other duties than those of judges of the Court of Commerce.

Mr. HEYBURN. By assignment.

Mr. PAYNTER. By assignment, the same as the other judges. Do they lose the power to perform these other duties because they are relieved of the necessity of presiding over the Court of Commerce?

Mr. HEYBURN. We create courts under the Constitution. That is the only thing we are authorized to do in that connection. The court is the basis of all subsequent action, and we are authorized to create courts inferior to the Supreme Court.

Now, in the creating of a court we are of course necessarily authorized to provide for the judges of that court, but we are nowhere authorized in the Constitution or elsewhere to create judges except to preside over an established and designated court. If we could, we might have a reserve corps of judges on hand to be sent out here and there upon assignment.

Mr. PAYNTER. I agree with the Senator on that question substantially as he has stated it. But when this court was created the law created additional duties to be performed by circuit judges, and they were directed to preside over this Court of Commerce, and they are as much judges of a circuit as any other judges.

Mr. OVERMAN. May I ask the Senator from Idaho a question? I should like to have his opinion. Suppose we make provision that the judges created by that act are hereby abolished. Does the Senator think we could abolish them?

Mr. HEYBURN. That question would arise if we were to attempt to abolish the circuit courts.

Mr. OVERMAN. Can we not abolish the circuit courts?

Mr. HEYBURN. We have abolished the circuit courts.

Mr. OVERMAN. Could not we destroy every circuit court in this country and every court below the Supreme Court of the United States?

Mr. HEYBURN. We have abolished circuit courts by that act, but we have created a new court in which the circuit judges shall perform their functions—that is, the circuit court of appeals. The circuit court of appeals takes the place of the circuit courts so far as providing duties for the circuit judges.

I have some doubt in my mind as to whether or not, having created courts, we are at liberty to abolish them. I have grave doubts as to our power to abolish all of the courts except the United States Supreme Court. The Constitution gives us power to create courts, but does not give us power to abolish them. It says in express terms that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish."

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes.

Mr. WILLIAMS. Does not the very language "from time to time" settle the question that Congress could not only create but abolish circuit judgeships; and did not the Congress of 1801 to 1803 abolish a good many of them?

Mr. HEYBURN. I am not urging this as a final conclusion. It is a question in my mind that is open, and has been for years, as to how far Congress could go in abolishing courts that it had established pursuant to the constitutional power and mandate.

Mr. WILLIAMS. My recollection may be at fault, but it is to the effect that the Congress which was serving in the last year of John Adams's administration created a lot of Federal judgeships for the purpose of perpetuating them upon the bench, or whatever the purpose may have been; it created them at any rate, and the Congress which came in with Mr. Jefferson abolished every one of them.

Mr. HEYBURN. That is rather an interesting piece of historic controversy, and it is a pretty large subject. Chief Justice Marshall came in on the last day of the old Federal administration, and it was a very great controversy at that time. But it did not deal with or settle the question as to whether or not it is within the power of Congress, having created a judiciary system, to destroy it and strip it down to the Supreme Court of the United States and rest in that tribunal the duties of the administration of the law so far as the courts do administer it.

Mr. WILLIAMS. I take it for granted that if there had been any standing in court for the abolished judges to whom I referred they would have found it out; they would have asserted their rights.

Mr. HEYBURN. If the Senator will refer back to the history of that time, I think he will find that they did not abolish the courts, but abolished the officers.

Mr. WILLIAMS. They simply repealed the act which created the courts. That is my recollection.

Mr. HEYBURN. They did not repeal the act that created the district court.

Mr. WILLIAMS. No; not the act that created all the district courts, but they simply repealed that act, and that abolished these several judgeships.

Mr. HEYBURN. That only went to the question of a number of courts. It did not go to the question of the right to create

a court, but it went to the question of the number of courts that might be created; and Congress did assume to repeal the law providing for the additional courts.

Mr. WILLIAMS. That is all this question is. This is a question as to whether or not the circuit judgeships shall continue to exist, to wit, the three circuit judgeships filled by the men who have presided over the Court of Commerce.

Mr. HEYBURN. I think the makers of the Constitution had only in mind courts of general jurisdiction. I do not think that courts of limited jurisdiction were included within the contemplation of the makers of the Constitution because in one sense, in the fullest sense of the word, they are not courts.

Mr. SMITH of Georgia. Mr. President——

Mr. HEYBURN. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I read a few moments ago a suggested amendment to be placed after line 10 on page 147, which provided that hereafter no money should be paid to either of the judges who now sit on the Commerce Court. Following that I suggest this language:

And so much of the act of Congress approved on the 18th day of June, 1910, as authorized the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the five additional circuit judgeships thereby established are hereby abolished.

Mr. HEYBURN. I make this suggestion to the Senator: That act having been complied with, it seems to me that the amendment would not be effective of any purpose. The President's power has been exhausted, he has already appointed those judges, and the repeal of the act would not affect the status of the judges.

Mr. SMITH of Georgia. Is it the view of the Senator from Idaho that the offices are already abolished?

Mr. HEYBURN. No; the President has fully exhausted the function of the power that was given him under the act. So we could accomplish nothing by repealing it, so far as his right to act is concerned. He had the right to act but once. He did not have the right to act more than once, and, having acted, his functions are exhausted.

Mr. LODGE. Mr. President, I wish to make a request. With the kindness of the Senator from Idaho, who yields to me, I make the following request for unanimous consent.

The VICE PRESIDENT. The Senator from Idaho yields to the Senator from Massachusetts, who asks for the entry of a unanimous-consent agreement, which will be read.

The Secretary read as follows:

It is hereby agreed by unanimous consent that from and including Monday, June 17, to and including Saturday, June 29, no business other than the routine morning business of the Senate shall be transacted.

The VICE PRESIDENT. Is there objection?

Mr. CULBERSON. I object at this time.

The VICE PRESIDENT. Objection is made.

Mr. LODGE. I ask permission to say only one word. There will be some 30 Senators absent from the Senate next week, and the following week there will probably be as many. It is idle to suppose that we can do business under those circumstances. We might as well face the facts, and arrange it so that Senators may know that they are not to be obliged to stay here to answer to calls for a quorum which can not be produced.

Mr. BACON. Mr. President, the matter is going over I know, but I suggest to the Senator to add to the agreement a clause providing that the Senate in each of these two succeeding weeks will meet on Monday and adjourn to Thursday and adjourn from Thursday to the succeeding Monday.

Mr. LODGE. I am perfectly willing to add that. I have no objection at all to it.

Mr. BACON. I do not offer that with a view to present action, but as the matter is going over I merely suggest it to be considered.

Mr. LODGE. Certainly; that is all right.

Mr. MARTIN of Virginia. The unanimous-consent agreement asked for by the Senator from Massachusetts was simply a method of meeting a condition that confronts us.

Mr. LODGE. That is all.

Mr. MARTIN of Virginia. If anyone can suggest a better one, I am sure it will be equally agreeable to everybody. There will certainly be no quorum here, and the presumption was that with this unanimous-consent agreement no business should be transacted and the Senate would every three days adjourn. We can not adjourn more than three days, for a longer time would require the consent of the other House, which can not be obtained.

Mr. LODGE. That will take care of itself.

Mr. MARTIN of Virginia. This is simply presented as a method of taking care of the situation. If any Senator can suggest any other method which will do it more easily, it would be very agreeable.

Mr. LODGE. No business will be done during those two weeks, and we might as well make it as easy as we can for everybody by having it understood.

Mr. SMITH of Georgia. Only we could make it still easier. If there is not going to be a sufficient number here to transact business, I do not see why any of us should stay.

Mr. LODGE. That is precisely the idea. There will be nothing done in the nature of business, and the Senate will adjourn from three days to three days and let everybody go who wishes to leave.

Mr. WILLIAMS. I ask the Senator why he made it to cover two weeks?

Mr. LODGE. The Republican national convention meets on Tuesday, the 18th. The Democratic national convention meets on Tuesday, the 25th. I want to cover both conventions.

Mr. WILLIAMS. What were the dates given?

Mr. LODGE. It begins on the 17th, next Monday, and ends on the 29th of June, Saturday, which really carries it over to Monday, the 1st of July, as the first day to begin business.

Mr. POINDEXTER. I should like to ask the Senator if, under the agreement, such morning business as calling the calendar under Rule VIII would be in order?

Mr. LODGE. Oh, no; nothing but the introduction of bills, or the report of bills to go on the calendar, or the presentation of petitions.

The VICE PRESIDENT. The Senator from Idaho has the floor, and will proceed.

Mr. HEYBURN. Mr. President, I do not desire to protract the consideration of this question, but it is one absolutely necessary to be taken into consideration in passing upon the question whether we shall retain or strike out this provision. It goes right to the tenure of office of these judges. The term of one of the judges has expired, and he has been reassigned to duty.

Mr. BACON. Mr. President, I wish to suggest to the Senator something which has just occurred to me, to see what weight it may be entitled to. It is a fundamental proposition—I think the Senator from Idaho himself just cast a doubt upon it, but it is one upon which I have no doubt, and it can be abundantly sustained by authority—that the abolition of an office abolishes also the tenure of office; in other words, deprives the man who held the office of his commission.

The circuit courts of the United States are courts created by legislative act. They are not courts created by the Constitution.

Mr. HEYBURN. They are created under the authority of the Constitution.

Mr. BACON. That is true. I do not propose to raise that question now. I have no doubt in the world of our power to abolish the entire circuit court in all its branches, including the circuit court of appeals. I am equally confident in the opinion that when we did so every officer of those courts would go with it.

Assuming that to be so, what is the consequence? These circuit courts of the United States are not created by a general law creating all the circuits as one system, but they are created by special acts, each circuit being created separately. In a large measure they are created at different times; they are not all created at the same time. In each instance before the act we now have under consideration was passed, whenever a circuit judge was nominated and confirmed he was nominated and confirmed not as a judge of the circuit court, but as the judge of a particular circuit court. That being so, if Congress had seen fit to abolish any one of those circuits, if my premise is correct, it would have carried with it the circuit judge who had been appointed as the judge of that court.

If that proposition is correct, then I come to the next proposition. We have here enacted a law which provides for the creation of a different kind of circuit court jurisdiction, a roving commission.

Mr. HEYBURN. No; it is not circuit court jurisdiction; it is circuit judge jurisdiction.

Mr. BACON. I am speaking of the fact that they are not appointed to any particular circuit, but they are appointed, as it were, at large. I will put it that way. They are appointed as judges at large.

Now, if we should repeal the act which authorized the appointment of circuit court judges at large, why would not that carry with it the office of the judges who were appointed practically at large, and only at large?

Mr. HEYBURN. That would not be pursuant to the authority given by the Constitution. There is not a word in the Constitution that provides for the appointment of circuit judges.

Mr. BACON. If the Senator will pardon the interruption, he does not catch the conclusion to which I endeavored to bring that process of reasoning.

Mr. HEYBURN. I think I do.

Mr. BACON. It is this, that if we have the power by the abolition of the ninth circuit, for instance, to carry with it the judges who were appointed as the judges of the ninth circuit, why have we not the power in the repeal of a law which provides for judges at large also at the same time to abolish the judges?

Mr. HEYBURN. Let me say, before the Senator concludes, that I did not understand him; that I now not only understand him, but I am in accord with his conclusion.

Mr. BACON. It is a sound proposition.

Mr. PAYNTER. I should like to make a suggestion to the Senator from Georgia. The Senator from Georgia refers to these as roving circuit judges.

Mr. BACON. I corrected that.

Mr. PAYNTER. The Senator will recall that when the President sent these nominations to the Senate he and other members of the Judiciary Committee criticized the language of the appointment and the language used by the President as it appears in the Journal, as read by the Senator from North Carolina, designating the districts in which they should serve.

Mr. BACON. No; not in which they should serve.

Mr. PAYNTER. Therefore, I hardly think it is logical, under those circumstances to repeal a law creating roving circuit judges and then take for the circuit judges judges who are designated for districts.

Mr. BACON. The Senator forgets the fact that upon the objection of the Senator from Idaho I withdrew the word "roving" and spoke of them as having been appointed at large. I think that is true, because the appointment, as suggested by the Senator from Utah, is not to a particular circuit, but the word "from" is used, and the reason for it is that previously stated by me, that the law provided that no two of them should be from any one district. Therefore the nominating officer, the President of the United States, in order to show that he was complying with the law, designated the particular district from which each one was selected—not appointed but selected—with a view of showing that he had complied with the law.

Mr. HEYBURN. And he might have said from the State of Mississippi or the State of Michigan.

Mr. BACON. Yes; and instead of using the word "roving" I would say that they were appointed at large, the only restriction being as to some geographical consideration. But if appointed at large they are certainly a distinct body of judges from the others; and if we can repeal the law which creates a circuit we could certainly repeal the law which provided for the appointment of judges at large. If we repeal the law properly which provides for appointing those at large, then it is, I will not say a conclusive result, that the judges go with it, but there is certainly pretty strong argument on that side of the line.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Yes.

Mr. PAYNTER. I should like to ask the Senator if he thinks the term "additional circuit judge" is equivalent to "circuit judge at large"?

Mr. HEYBURN. It is evident that we can not properly conclude the consideration of this question at this time, and it is desired that we now lay aside the measure for reasons which will be obvious to the Senate. I ask the chairman to lay aside this bill.

Mr. WARREN. Mr. President, this measure is one which I hoped to finish to-night, and I would not be willing to yield until we finish it, except that there is a matter of the highest privilege to be brought before the Senate, which is the announcement to be made by the Senator from Louisiana [Mr. FOSTER]. I give notice that I shall move to take up the bill early to-morrow.

DEATH OF REPRESENTATIVE WICKLIFFE, OF LOUISIANA.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of the Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana, and transmitted resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate the resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions (H. Res. 579), as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 11, 1912.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT C. WICKLIFFE, a Representative from the State of Louisiana.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now adjourn.

Mr. FOSTER. Mr. President, I offer the resolutions (S. Res. 339), which I send to the desk and ask unanimous consent for their present consideration.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed under the second resolution as the committee on the part of the Senate Mr. FOSTER, Mr. THORNTON, Mr. CRAWFORD, Mr. FLETCHER, Mr. SMITH of Michigan, Mr. PERCY, Mr. TOWNSEND, and Mr. PAYNTER.

Mr. FOSTER. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 12, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 11, 1912.*

The House met at 11 o'clock a. m.

The Chapiain, Rev. Henry N. Couden, D. D., offered the following prayer:

O, Thou, who art the architect and builder of the universe, the life and light of men, the inspiration of every permanent movement toward the betterment of the conditions in the social, political, and religious life of Thy children, continue, we beseech Thee, Thy favors unto us as individuals and as a people, that we may continue the onward march toward the higher civilization, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONVEYING LOT IN ALVA, OKLA.

Mr. FERRIS. Mr. Speaker, I call up the bill (H. R. 10612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, State of Oklahoma, with a Senate amendment thereto.

The Senate amendment was read.

Mr. FERRIS. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

PREVENTION OF TYPHOID FEVER.

The SPEAKER laid before the House. House concurrent resolution 43, providing for the printing and distribution of Public Health Bulletin No. 51, being a report on the cause and prevention of typhoid fever, with Senate amendments thereto.

The Senate amendments were read.

Mr. FINLEY. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, is this a concurrent resolution?

Mr. FINLEY. Yes.

Mr. FITZGERALD. Should it not be a joint resolution?

Mr. MANN. No.

Mr. EDWARDS. How are these to be distributed?

Mr. FINLEY. Through the folding room.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with

all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DUPRÉ, for 15 days, on account of important business.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army appropriation bill (H. R. 18956) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Virginia calls up the conference report on the Army appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. PRINCE. Mr. Speaker, I desire to make points of order against the statement, if it be in order, as well as against the conference report.

The SPEAKER. The gentleman from Illinois reserves all points of order.

Mr. HAY. Mr. Speaker, no point of order would lie against the statement. It will be necessary to read the report.

Mr. PRINCE. Mr. Speaker, I have no objection to waiving the reading of the report and having the statement read, providing that my rights are preserved against the conference report.

The SPEAKER. The gentleman's rights will be preserved.

Mr. HAY. Mr. Speaker, I ask, then, that the conference report be read.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 762).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 7, 8, 9, 11, 13, 15, 16, 21, 22, 29, 30, 32, 38, 41, 58, 61, 63, 64, 65, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 14, 18, 19, 20, 24, 25, 26, 34, 36, 39, 44, 47, 49, 52, 53, 54, 55, 56, 60, and 70, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided*, That hereafter in time of peace whenever any officer holding a permanent commission with rank below that of lieutenant colonel shall not have been actually present for at least two of the last preceding six years in that branch of the Army in which he shall hold said commission and with the organization, if any, to which he shall have been assigned by competent authority, such officer shall not be detached nor permitted to remain detached from said branch or from said organization; and all pay and allowances shall be forfeited by any superior officer for any period during which, by his order, or with his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any other officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso: *Provided further*, That nothing in the foregoing proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join that branch in which he shall hold a permanent commission and the organization, if any, to which he shall be assigned by competent authority, nor shall it be held to apply in the case of any officer absent temporarily on courts-martial or military boards, or upon leaves of absence authorized by existing law: *And provided further*, That hereafter details to the Ordnance Department may continue to be made as authorized by existing law, and, in the discretion of the President, those details, or any of them, now existing to the Philippine Constabulary need not be terminated until the 1st day of January, 1913"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 19 of the matter proposed to be inserted by said amendment, after the word "reenlist," insert the words "while not over 45 years of age"; and after the word "Corps," in the same line, insert the words "or Hospital Corps"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of said amendment, after the word "enlist," insert the following: ": *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "man," strike out all down to and including the comma after the word "twelve," in line 2; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Panama," insert the following: ", or Hawaii or Porto Rico"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 7 of the matter proposed to be inserted by said amendment strike out the word "an" and insert in lieu thereof the word "any," and in line 8, beginning with the word "who," strike out all down to and including the comma after the word "thereto," in line 10; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Equipment of Coast Artillery, armories, Organized Militia: There is hereby made available, and the same shall remain available until the end of the fiscal year 1913, the unexpended balances of any appropriations heretofore made for dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars; and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$8,797,080.42"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seven million five hundred and fifty-seven thousand seven hundred and seventy-three"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million eight hundred and eighty-six thousand"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell and convey to the State of Texas, on or before July 1, 1913, for the purposes of a State tuberculosis sanitarium, the military reservation of Fort Clark, Tex., or such portion of it as in the judgment of the Secretary of War may be sold, at a price to be fixed by a board of three appraisers, one of whom shall be designated by the Secretary of War, one by the governor of Texas, and the third to be agreed

upon by the two appraisers first designated, $1,700,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows:

In lieu of the matter proposed in said amendment insert the following:

"*Provided*, That a commission to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally."

And the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ten million eight hundred and fifty thousand"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and forty-five thousand six hundred"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 14 of the matter proposed to be inserted by said amendment, beginning with the words "*Provided further*," strike out all down to and including the colon, after the word "acres," in line 28; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "five hundred"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$300,118.30"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the words "National Guard or," and in line 3 strike out the words "National Guard or," and in lieu of the amount proposed at the end of said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: At the end of line 6 of the matter proposed to be inserted by said amendment, after the words "may be," insert the words "hereafter specifically"; and in line 7 strike out the word "law" and insert in lieu thereof the word "Congress"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 2. That hereafter all enlistments in the Army shall be made for the term of four years, and for all enlistments hereafter accomplished four years shall be counted as an enlistment period in computing continuous-service pay."

And the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Change the numerical designation of section 4 so as to read "Sec. 3," and restore the matter proposed to be stricken out by this amendment with amendments as follows: After the word "rank," in line 30 of the amendment, strike out the period and the word "so" and insert ": *Provided*, That when a permanent officer is promoted he shall take the relative rank of the officers in the grade to which he is promoted which he held as indicated in the relative rank of the Army on the Army Register of 1912: *Provided further*, That so"; and after the word "occurred," in line 37, strike out the period and the word "the" and insert ": *Provided further*, That on and after the 1st day of January, 1917, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That the"; and after the word "*Provided*," in line 44, strike out the comma and the word "That" and insert "*further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 12; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 18; and"; in line 48, strike out the word "forty-six" and insert in lieu thereof the word "forty-eight"; in line 52, after the words "one hundred," insert "and two"; in line 68, after the word "perform," insert ", but such regimental, battalion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organiza-

tion to which they belong"; in line 75, after the words "major general," insert "during the service as such of the first incumbent of the office, and thereafter the rank of brigadier general"; in line 81, after the word "first," strike out the word "vacancy" and insert "two vacancies"; in line 84, after the word "occur," strike out the words "that vacancy" and insert "those vacancies"; in line 85, after the word "the," strike out the words "vacancy occurs" and insert "vacancies occur"; and at the end of the amendment, after the word "law," in line 90, insert ": *Provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the major general herein provided for immediately upon the passage of this act, and it shall be the duty of the said major general, under direction of the President and the Secretary of War, to put into effect the provisions of this section not less than 60 days after the passage of this act"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Change the numerical designation of section 5 so as to read "Sec. 4," and restore the matter proposed to be stricken out by this amendment, amended as follows: In line 9, after the comma which follows the words "rate clerks," insert "civil-service employees and"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"Sec. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army; neither shall any officer, after the 5th day of March, 1913, be detailed, nor be permitted to serve, as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, one of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the two general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled 'An act to increase the efficiency of the permanent military establishment of the United States.' All officers of the line of the Army now detailed for service in any staff corps, or department, or in the General Staff Corps, shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the staff corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any staff corps or department, or the General Staff Corps, shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, staff corps, or staff department, from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, staff corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, staff corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"Sec. 6. That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army."

And the Senate agree to the same.

Renumber the two sections at the end of the bill, so as to read "Sec. 7" and "Sec. 8," instead of "Sec. 8" and "Sec. 9."

JAMES HAY,
JAMES L. SLAYDEN,
Managers on the part of the House.

H. A. DU PONT,
F. E. WARREN,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 18956 submit the following statement:

Amendment No. 1 gives the privilege to the Army War College of buying and exchanging typewriters, but does not increase the appropriation, and the House recedes from the amendment.

Amendment No. 2 struck out "air planes" and inserted "aeroplanes," and the House recedes with an amendment inserting "air ships."

Amendment No. 3 reduced the appropriation from $375,000 to $350,000, and the House recedes.

Amendment No. 4 increased the amount to be used for the purchase of air ships from $75,000 to $100,000, and the House recedes.

Amendment No. 5 is the same as amendment No. 2, and the House recedes with an amendment.

Amendment No. 6 provided for the reduction of tolls of the Alaska Cable and Telegraph messages to 50 per cent of the present rates, and the Senate recedes.

Amendment No. 7 provided for $7,700,000 for pay of officers of the line, being $806,792 more than the House had appropriated for this purpose, and the Senate recedes.

Amendment No. 8 provided $1,767,120 for additional pay of officers for length of service, being $243,000 more than was appriated by the House, and the Senate recedes.

Amendment No. 9 provided that no money appropriated by this act should be paid to any officer for any period during which any other officer by his order shall have been detached from duty of any kind for more than four years of the preceding six years from his organization, etc., and the Senate recedes.

Amendment No. 10 changed House provision providing for the nonpayment of money to any officer in cases in which he may have been detached for duty for more than four of the preceding six years from the organization in which he is commissioned, and the House recedes with an amendment which is fully set out in the conference report.

Amendment No. 11 provided $16,232,954 for pay of enlisted men, being $400,954 more than was appropriated by the House, and the Senate recedes.

Amendment No. 12 provides for the withholding of pay from officers and enlisted men who are absent as a result of their intemperate use of drugs, alcoholic liquors, or other misconduct, and the House recedes, the House conferees believing that the language of the Senate accomplished the purpose desired better than that of the House.

Amendment 12½ provides for a reserve to be used in time of war. This reserve can be used without any cost to the Government until it is called into active service in the Army during war and will cost the Government nothing except in the event of war.

Amendment 13 provides for $1,635,000 for additional pay for length of service of enlisted men, being $100,000 more than was appropriated by the House, and the Senate recedes.

Amendment 14 strikes out the House provision for the abolition of five regiments of Cavalry, and the House recedes.

Amendment 15 provides for $940,000 for pay of the enlisted men of the Hospital Corps, being $90,000 more than the House appropriated, and the Senate recedes.

Amendment 16 provided $165,000 for additional pay for length of service to enlisted men of the Hospital Corps, being $5,000 more than the House appropriated, and the Senate recedes.

Amendment 17 provides that in the future length of service for retirement for double time for foreign service shall not be given to those who hereafter enlist, and the House recedes with an amendment providing that nothing in this provision

shall be construed to diminish the time of any soldier who has already received the benefit of the law as it now is.

Amendment 18 provides that the superintendent of the Nurse Corps shall receive allowance of quarters, subsistence, and medical care, and the House recedes.

Amendment 19 reduces the amount appropriated by the House for contract surgeons from $18,000 to $13,000, and the House recedes.

Amendment 20 provides that the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army, and the House recedes.

Amendment 21 provided $500,000 for commutation of quarters to commissioned officers and others on duty without troops, being $30,000 more than the House appropriated, and the Senate recedes.

Amendment 22 provides for $900,000 for travel allowance for enlisted men on discharge, being $100,000 more than the House appropriated, and the Senate recedes.

Amendment 23 provides that hereafter an enlisted man on discharge shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment. Or in lieu of such transportation and subsistence he shall receive, if he so elects, 2 cents per mile except for sea travel. And the House recedes with an amendment which puts this provision of law into effect at once. It is computed by the Pay Department that this provision will save $500,000 annually.

Amendments 24 and 25 strike out quotation marks, and the House recedes on both.

Amendment 26 provides $266,000 for additional 10 per cent increase of pay of officers on foreign service, and the House recedes.

Amendment 27 provides for $750,000 additional 10 per cent increase on pay of enlisted men on foreign service, and the House recedes with an amendment providing that hereafter the laws allowing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama, Porto Rico, and Hawaii.

Amendment 28 provides that section 3602, Revised Statutes, as amended by the act of Congress of February 27, 1877, shall not be construed as precluding Army paymasters from drawing checks in favor of persons or institutions designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or in Alaska, or the Canal Zone, Panama, and the House recedes with an amendment which will include all officers of the Army wherever stationed.

Amendments 29, 30, 31, 32, 63, 64, 65, and 67 insert the words "National Guard or," and the Senate recedes from all of these amendments.

Amendment 31 provides an appropriation for dummy guns and mortars and other appliances, and the House recedes with an amendment striking out the appropriation of $275,000 and providing that the unexpended balance of the appropriation made for this last year be reappropriated.

Amendment 33 provides $8,988,867.42 for the purchase of subsistence supplies, etc., being $383,594.42 more than was appropriated by the House, and the House recedes with an amendment reducing this appropriation by $191,787.

Amendment 34 provides that the provisions of section 5 of the act of June 30, 1906, shall not apply to the Subsistence Department, and the House recedes.

Amendment 35 provides for $7,865,688 for regular supplies for the Quartermaster's Department, being $408,915 more than the House appropriated, and the House recedes with an amendment reducing the appropriation made by the Senate by the sum of $308,915.

Amendment 36 increases the appropriation for the equipment of officers' schools from $400,000 to $600,000, and the House recedes.

Amendment 37 provides $2,000,000 for incidental expenses Quartermaster's Department, being $263,603 more than the House appropriated, and the House recedes with an amendment reducing the amount appropriated by the Senate by the sum of $114,000.

Amendment 38 provides for the appropriation of $500 to be expended for the purchase of not less than five cups to be awarded to horse breeders to encourage breeding of horses suitable for military purposes, and the Senate recedes.

Amendment 39 provides for $300,000 for horses for Cavalry, Artillery, etc., being $25,000 more than the House appropriated, and the House recedes because this sum is necessary, as the Cavalry is not to be reduced.

Amendments 40, 42, 47, and 48 strike out the House provisions providing that no money shall be spent out of any appropriation on certain Army posts enumerated in such amendments, and the House recedes from all of these amendments, with an amendment to amendment 42 providing for a commission which is required to report to Congress on or before the 1st day of January, 1913. The House conferees were of opinion that it was necessary for Congress to have the information which the commission is directed to obtain in order that Congress might adopt for itself a definite policy with regard to the vexed question of the location and concentration of posts for the mobile Army.

Amendment 40: The House recedes with an amendment providing that $70,000 be deducted from the amount appropriated by the Senate for barracks and quarters.

Amendment 41 provides for the construction of an assembly building at Fort Leavenworth, Kans., and the Senate recedes.

Amendment 43 provides $11,250,000 for the transportation of the Army and its supplies, being $526,472 more than the House appropriated, and the House recedes with an amendment reducing the amount appropriated by the Senate by the sum of $400,000.

Amendment 44 provides that $60,000 of the foregoing appropriation for the transportation of the Army shall be immediately available, and the House recedes.

Amendment 46 provides for the expenditure of $700,000 for the purchase of a tract of land adjoining the military reservation of Fort Sam Houston, Tex., and for the expenditure of $22,000 to macadamize the roadway upon the Government property between the United States Government experimental farm and the Arlington National Cemetery, in the county of Alexandria, Va., and for the expenditure of $44,000 for the construction of a public road from the southern end of the new Highway Bridge across the Potomas River to a point near the southern boundary of the Arlington Reservation, and for the purchase of a parcel of land, not to exceed 4 acres, and for the expenditure of $3,600 for completing the macadamizing of the road between the city of Vancouver and the barracks at Vancouver military post, and the House recedes, with an amendment which provides that the $44,000 for the construction of public road and purchase of 4 acres of land shall not be made.

Amendment 49 provides $125,000 for the construction and maintenance of military and post roads, bridges, and trails in Alaska, and the House recedes.

Amendment 50 provides for $600,000 for barracks and quarters in the Philippine Islands, being $150,000 more than the House appropriated, and the House recedes, with an amendment cutting down the amount appropriated by the Senate by the sum of $100,000.

Amendment 51 provides for $5,431,700 for clothing and camp and garrison equipage, being $628,429 more than the House appropriated, and the House recedes, with an amendment reducing the amount appropriated by the Senate by the sum of $431,700.

Amendments 52, 53, and 54 provide for the payment of certain claims against the Government of the United States, making in all $50,862. These claims are due entirely to damages to and loss of private property occasioned by heavy gunfire and target practice of troops and for damages to private property during maneuvers and other military operations for which the Government is responsible. A part of this amount is due to Indians for the value of improvements made by them upon lands afterwards included in the Fort William H. Seward Military Reservation, and another part of the amount is due to an officer and certain enlisted men of the Army for the money value of clothing worn out by them in the summer of 1910 while fighting forest fires in the Northwest. Amendment 52 also provides for the ascertainment and adjustment of amounts which may become due on all claims for damages to and loss of private property when the amount of claim does not exceed the sum of $1,000, occasioned by heavy gunfire and target practice and other military operations for which the Government is responsible, and the House recedes from all of these amendments.

Amendment 55 is the insertion of a comma, and the House recedes.

Amendment 56 is the insertion of certain words left out by mistake in the item for the equipment and maintenance of the school at Washington Barracks, and the House recedes.

Amendment 57 provides $337,118.30 for ordnance service, and the House recedes, with an amendment reducing the amount by $37,000.

Amendment 58 provides $350,000 for ordnance stores, ammunition, and the Senate recedes.

Amendment 59 provides $875,000 for small-arm target practice, being $175,000 more than the House appropriated, and the House recedes, with an amendment cutting down the appropriation made by the Senate by the sum of $75,000.

Amendment 60 provides for $700,000 for the manufacture of arms, being $100,000 more than the House appropriated, and the House recedes.

Amendment 61 provides for $750,000 for ordnance stores and supplies, being $50,000 more than the House appropriated, and the Senate recedes.

Amendment 62 provides for $200,000 for automatic machine rifles, being $100,000 more than the House appropriated, and the House recedes with an amendment cutting down the appropriation of the Senate by the sum of $50,000.

Amendment 66 provides for $1,250,000 for Field Artillery for the Organized Militia, being $480,000 more than the House appropriated, and the House recedes with an amendment cutting down the amount appropriated by the Senate by the sum of $250,000.

Amendment 67 provides $500,000 for ammunition for the Organized Militia, and the House recedes with an amendment providing $140,000 for this purpose.

Amendment 68 appropriates $33,000 to reimburse the government of the District of Columbia for the site acquired for a reformatory, the title of which is now in the Commissioners of the District of Columbia, and giving to the Commissioners of the District of Columbia the use of certain clay deposits, and so forth, and the House recedes with an amendment providing that the title to this site be transferred to the Secretary of War for such purposes as may be hereafter specifically authorized by Congress and striking out the two provisos in the Senate amendment. The conferees agreed to this amendment because of the representations made to them by the regents of the Mount Vernon Association.

Amendment 69 struck out the House provision providing for a term of enlistment in the Army of five years, and the House recedes with an amendment providing that hereafter the term of enlistment shall be four years.

Amendment 70 struck out the provision of the House which repealed the laws authorizing increase of pay of commissioned officers and enlisted men for foreign service, and the House recedes.

Amendment 71 struck out the provision of the House providing for a Quartermaster Corps, and the House recedes with sundry amendments, as follows:

Providing that there shall be 1 major general, 1 brigadier general, 12 colonels, 18 lieutenant colonels, 48 majors, and 102 captains in the Quartermaster Corps, and providing further that regimental, battalion, and squadron quartermasters and commissaries shall not be required to account for property when they are ordered away with their commands at posts.

Providing also that the major general provided for in this section shall be appointed at once and shall be given 60 days from the passage of the bill to put into effect the consolidation provided for.

Amendment 72 struck out the provision of the House for a Service Corps, and the House recedes with an amendment on page 66, line 12, by inserting after the word "clerks" the words "civil service" and after the word "employees" the words "and employees." This was done to make it clear that all civil-service employees and employees of the classified service now in the Government should be exempted from the provisions of this act.

Amendment 73 struck out the provision of the House providing for the consolidation of the office establishments of The Adjutant General, Inspector General, and the Chief of Staff of the Army, and the House recedes with an amendment striking out all of section 6 beginning on page 67, line 22, down to and including the words "Provided further," on page 72, line 18, and amended the remainder of the section, as appears in the conference report. These changes provide, in the first place, that all officers of the line detailed for service in any staff corps shall only remain in the said corps four years and shall not be eligible for further service in said corps until they shall have served at least two years in the branch of the Army in which they are commissioned. The chiefs of staff corps may return to the position they would have held in their respective corps after they have served four years unless they shall be reappointed. They also provide that the Chief of Staff of the Army, after four years' service as such, shall not again act as Chief of Staff for two years, and that a Chief of Staff hereafter shall not be permitted to serve as such unless he shall have served 10 years in the line of the Army in grades below that of brigadier general, and that the General Staff Corps shall hereafter consist of 2 general officers, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants.

Amendment 74 strikes out the provision of the House for the reduction of general officers and cadet service in computing for any purpose the length of service of any officer of the Army, and the House recedes with an amendment providing that hereafter service as a cadet of the United States Military Academy or Naval Academy who may be hereafter appointed as such shall not be counted in computing for any purpose the length of service of any officer of the Army.

Amendment 75 cuts out the provision of the House providing that the appropriation provided for the several departments consolidated under this act shall be available for the consolidated corps herein created, and the Senate recedes.

Amendment 76 strikes out section 9 of the House bill, which provides that nothing in this act shall be held or construed to separate any officer from the Army or to diminish the rank held by him, and that all laws and parts of laws, so far as they are inconsistent with the terms of this act, are repealed, and the Senate recedes.

The bill as it passed the Senate appropriated	$95,314,710.98
The Senate receded from items amounting to	4,660,148.00
And the bill now carries	99,654,562.98
Amount appropriated for fiscal year 1912	92,587,785.97
Reduction over amount appropriated for fiscal year 1912	1,933,222.99

Legislation is agreed to by the conferees which will result in a very large saving in the future. This legislation embraces a four-year term of enlistment, the consolidation of the supply departments, the Service Corps, the reduction of travel-pay allowances to enlisted men on discharge, the abolition of double time for purposes of retirement, and other minor features; which, it is conservatively estimated, will effect in the future an annual saving for the maintenance of the military establishment of not less than $10,000,000.

JAMES HAY,
JAMES L. SLAYDEN,
Managers on the part of the House.

Mr. PRINCE. Mr. Speaker, I make the following points of order against the conference report:

That the conferees have discussed and proposed amendments which have not been committed to them by either of the Houses and therein have exceeded their jurisdiction, and which amendments, agreed to and reported by the conference committee, are not germane to the amendments of the Senate or to the original bill, specifically calling attention to amendments numbered 40, 42, and 73.

The SPEAKER. The Chair will ask the gentleman from Illinois to furnish him with a copy of these points of order, because it is necessary to adjourn now.

Mr. PRINCE. Yes; I will write them out.

DEATH OF HON. ROBERT C. WICKLIFFE.

Mr. ESTOPINAL. Mr. Speaker, it is my sad duty to announce the tragic death of my colleague, Hon. ROBERT C. WICKLIFFE. At some future time I shall ask the House to fix a day to pay tribute to his memory. I wish to send up the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 579.

Resolved, That the House has heard with profound sorrow of the death of Hon. ROBERT C. WICKLIFFE, a Representative from the State of Louisiana.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following committee.

The Clerk read as follows:

Mr. PUJO, Mr. ESTOPINAL, Mr. RANSDELL of Louisiana, Mr. BROUSSARD, Mr. DUPRÉ, Mr. WATKINS, Mr. THOMAS, Mr. CULLOP, Mr. RODENBERG, Mr. AUSTIN, Mr. HAWLEY, Mr. THISTLEWOOD, Mr. CAMPBELL, Mr. McLAUGHLIN, and Mr. SIMMONS.

The SPEAKER. The Clerk will report the additional resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 11 o'clock and 50 minutes a. m.) the House adjourned to meet to-morrow, Wednesday, June 12, 1912, at 12 o'clock m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 25268) granting to all Indians or tribes the right to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 25269) to provide for the terms and places of holding the district court of the United States in the eastern district of Oklahoma, and for other purposes; to the Committee on the Judiciary.

By Mr. WICKERSHAM: Joint resolution (H. J. Res. 328) appropriating $50,000 for the relief of the inhabitants of Kodiak Island and vicinity from effects of explosion of the Katmai and other Alaska Peninsula volcanoes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 25270) for the relief of James Widener; to the Committee on Military Affairs.

Also, a bill (H. R. 25271) granting a pension to William H. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 25272) granting a pension to Sarah Donahoo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25273) for the relief of Thomas A. Hill; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 25274) for the relief of the heirs of John G. Holloway, deceased; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 25275) granting a pension to Lena McKee Huffman; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25276) granting a pension to Augustus Spires; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 25277) for the relief of Alvis A. Perry; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Polish Roman Catholic Unions of West Virginia, Pennsylvania, Ohio, New York, Missouri, and Illinois, and the Thomkins Square Branch, No. 152, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Petition of St. Hyacinth Fraternity, No. 332, and Branch No. 504, of the Polish Roman Catholic League, Cleveland, Ohio, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Cort Club, Chicago Order of Railroad Telegraphers' Club, of Chicago, Ill., favoring governmental control and regulation of wireless telegraphy, etc.; to the Committee on the Merchant Marine and Fisheries.

By Mr. LINDSAY: Petition of J. W. Foreman, favoring passage of Senate bill 1514, for increasing pensions of veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: Petition of the Order of Independent Americans, Beaver Falls, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Socialist Party of Lawrence County, Pa., protesting against passage of House bill 8141, for pay of officers and privates of the National Guard and maintenance of mounts; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *June 12, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

UNANIMOUS-CONSENT AGREEMENT.

Mr. LODGE. I call up the unanimous-consent agreement which I offered last evening. I have changed it so as to make it more explicit.

The VICE PRESIDENT. The Senator from Massachusetts asks that the following unanimous-consent agreement be entered into.

The Secretary read as follows:

It is agreed by unanimous consent that on Monday, June 17, 1912, immediately upon the conclusion of the routine morning business, the Senate will adjourn to Thursday, June 20, 1912; that upon the last-named day, immediately upon the conclusion of the routine morning business, the Senate will adjourn to Monday, June 24, 1912; that upon the last-named day, and immediately upon the conclusion of the routine morning business, the Senate will adjourn to Thursday, June 27, 1912; that upon the last-named day, and immediately upon the conclusion of the routine morning business, the Senate will adjourn to Monday, July 1, 1912; and that during the period from June 17 to July 1, 1912, no business, other than routine morning business, will be transacted, and that no bills shall be passed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered by unanimous consent.

COMMERCE-COURT DECISIONS (S. DOC. NO. 789).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 10th instant, a statement of the number of cases brought in the United States Commerce Court, the questions of law and fact decided, the date of the beginning of each case, the decisions of the court thereon, a list of cases pending, a list of cases appealed from, and a complete set of opinions of the United States Commerce Court, which, with the accompanying paper, was ordered to lie on the table and to be printed.

PERSONNEL OF COMMISSIONS (S. DOC. NO. 794).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 14, 1912, a statement as to the number and personnel of commissions now in existence under congressional and Executive authority, the salaries paid to members, officers, and employees of such commissions, etc., which, on motion of Mr. OVERMAN, was, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed.

SHOE AND LEATHER TRADE IN GERMANY (S. DOC. NO. 791).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Arthur B. Butman containing the result of his investigations of the shoe and leather trade in Germany, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ELECTRICAL INSTRUMENTS IN ENGLAND (S. DOC. NO. 792).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent H. B. Brooks containing the result of his investigations of the trade in electrical instruments in England, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

COTTON GOODS IN THE BALKAN STATES (S. DOC. NO. 793).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. Odell, containing the result of his investigations of the trade in cotton goods in the Balkan States, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

DAUPHIN ISLAND IMPROVEMENT, ALABAMA.

Mr. JOHNSTON of Alabama. I ask unanimous consent for the present consideration of House bill 23799.

Mr. LODGE. The routine morning business has not been called.

The VICE PRESIDENT. No call has been made for any morning business as yet. The Senator from Alabama asks unanimous consent that, pending the announcement, the following bill shall be considered.

Mr. LODGE. I wish to submit a report from a committee.

Mr. JOHNSTON of Alabama. This is purely a local bill, which has been passed by the House.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (H. R. 23799) to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the department adjutant, Department of Missouri, United Spanish War Veterans, of Springfield, Mo., praying for the enactment of legislation granting pensions to widows and minor children of officers and enlisted men who served in the War with Spain, which was referred to the Committee on Pensions.

He also presented a resolution adopted by Welch Post, No. 422, Department of Ohio, Grand Army of the Republic, of Uhrichsville, Ohio, expressing appreciation and gratitude to Congress for the enactment of recent pension legislation, which was referred to the Committee on Pensions.

Mr. OLIVER presented resolutions adopted by the Chamber of Commerce, of Pittsburgh, Pa., remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which was referred to the Committee on Interoceanic Canals.

He also presented memorials of sundry citizens of Philadelphia and Shenandoah, in the State of Pennsylvania, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the convention of the diocese of Bethlehem, Pa., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which were referred to the Committee on Territories.

He also presented resolutions adopted by the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. BRANDEGEE. I present a memorial signed by a large number of manufacturers in New England, which I ask may be read and printed in the RECORD, together with the signatures attached thereto, and referred to the Committee on Interoceanic Canals.

There being no objection, the memorial was read, ordered to be printed in the RECORD, together with the signatures, and referred to the Committee on Interoceanic Canals, as follows:

MAY 29, 1912.

The undersigned, actively engaged in manufacturing in New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government. We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it of vital importance for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the highest importance in the transportation of the freight to and from New England points and the South.

We believe that with the opening of the Panama Canal it is of the utmost importance that there shall be adequate and ample transportation facilities by water between New England and the Gulf States and cities.

We therefore respectfully protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we earnestly urge New England Congressmen to do everything in their power to defeat this amendment.

The Bradley & Hubbard Mfg. Co., C. F. Linsley, Secretary; The Aeolian Co., by W. S. Pain, Superintendent; International Silver Co., George H. Wilcox, President; Manning, Bowman & Co., George E. Savage, President; The Miller Bros. Cutlery Co., E. G. Dodwell, President; Kelsey Press Co., F. C. Edgerton, Secretary; Edward Miller & Co., Arthur E. Miller, Vice President; Meriden Grain & Feed Co., by B. W. Collins, President; Meriden Braid Co., B. W. Collins, President; The Meriden Cutlery Co., Homer A. Curtiss, President; E. J. Doolittle; John S. Lane & Son (Inc.), by A. S. Lane, Manager; The H. Wales Lines Co., H. Wales Lines, President; The Charles Parker Co., W. H. Lyon, Treasurer; The Parker Clock Co., W. H. Lyon, President; Parker Bros., W. H. Parker, Vice President; The F. J. Wallace Co., F. J. Wallace; The Wilcox & White Co., J. H. White, President; The E. A. Bliss Co., E. E. Poisey, Treasurer; Foster, Merriam & Co., William Zufour, President; Wusterbarth Bros.; The C. F. Monroe Co., C. F. Monroe, President; The Handel Co., P. J. Handel, President; Meriden Board of Trade Industrial Corps, P. A. Squire, Secretary; The J. J. Niland Co., J. J. Niland; The Meriden Board of Trade, F. A. Stevens, Secretary; The Lyon & Billard Co., John L. Billard, President.

Mr. BRANDEGEE presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the enactment of legislation to prohibit any railroad or other common carrier from having any interest in any common carrier by water with which it may compete, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Naugatuck, Danbury, and New Britain, all in the State of Connecticut, remonstrating against an appropriation being made for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

Mr. MARTINE of New Jersey presented a petition of sundry physicians and pharmacists, residents of Montclair, Bloomfield, Glen Ridge, and Verona, all in the State of New Jersey, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BURTON presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of members of the Law and Order Reform League of Antioch, Ohio, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CHILTON presented a petition of members of the Little Kanawha and Ohio Valley Medical Society, of West Virginia, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of sundry citizens of Warwick, R. I., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. ASHURST presented a petition of members of the Mohave County Medical Society, of Arizona, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Cigar Makers' Local Union of Biddeford; of the Maine Textile Workers, of Brunswick; of the Board of Trade of Rockland; and of sundry citizens of Milo, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented a petition of members of the Genesee County Medical Society, of Michigan, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Munger, Reese, Springwells, Dearborn, Redford, and Au Gres, all in the State of Michigan, remonstrating against any reduction of the duty on sugar, which were ordered to lie on the table.

He also presented a memorial of members of the Motor Boat Club of Grand Rapids, Mich., remonstrating against the enactment of legislation to regulate the equipment of certain motor boats on the navigable waters of the United States, which was referred to the Committee on Commerce.

He also presented a petition of Wexford Grange, No. 914, Patrons of Husbandry, of Sherman, Mich., and a petition of

sundry citizens of East Jordan, Mich., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Saginaw, Mich., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was ordered to lie on the table.

He also presented a memorial of members of the Grand Traverse Lincoln Club, of Traverse City, Mich., remonstrating against the further diversion of the waters of Lake Michigan, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Allen and Quimby, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council, of Grand Rapids, Mich., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits, etc.," reported it with amendments and submitted a report (No. 871) thereon.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., reported it without amendment and submitted a report (No. 872) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein, reported it with amendments and submitted a report (No. 874) thereon.

ELIZABETH B. PRESTON.

Mr. ASHURST. From the Committee on Pensions I report back favorably, with amendments, the bill (S. 5176) granting a pension to Elizabeth B. Preston, and I submit a report (No. 870) thereon.

Mr. SWANSON. I should like to ask for the immediate consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 6, to strike out the word "Captain" and also the name "Ballard" and insert the initial "B."; before the word "Company," in line 7, to strike out "of" and insert the word "captain"; and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Preston, widow of William B. Preston, late captain Company I, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of twenty dollars per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. MARTINE of New Jersey. Mr. President, I desire to move a reconsideration of the vote by which the conference report on House bill 18936, the Army appropriation bill, was agreed to.

Mr. LODGE. Mr. President, I rise to a question of order on that motion.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. The motion is made, and it is necessary under the circumstances to accompany it with a motion that the House be requested to return the papers.

The VICE PRESIDENT. The Senator from Massachusetts is correct.

Mr. LODGE. I make that motion, and pending it I make the point that there is no quorum present.

The VICE PRESIDENT. The question that no quorum is present is raised, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Smith, Ariz.
Bacon	Curtis	McCumber	Smith, Ga.
Bourne	Dillingham	McLean	Smith, Mich.
Bradley	du Pont	Martin, Va.	Smith, S. C.
Brandegee	Fletcher	Martine, N. J.	Smoot
Bristow	Foster	Myers	Stephenson
Brown	Gallinger	Nelson	Sutherland
Bryan	Gardner	Oliver	Swanson
Burnham	Gronna	Overman	Thornton
Burton	Guggenheim	Page	Tillman
Catron	Heyburn	Percy	Townsend
Chamberlain	Hitchcock	Perkins	Warren
Chilton	Johnson, Me.	Poindexter	Watson
Clapp	Johnston, Ala.	Pomerene	Wetmore
Crawford	Jones	Root	
Culberson	Kenyon	Shively	
Cullom	Lippitt	Simmons	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. A quorum of the Senate is present. The Senator from New Jersey enters a motion to reconsider the vote by which the conference report on the Army appropriation bill was agreed to, which, under the rule, must be accompanied by a motion to request the House to return the papers to the Senate, the papers having passed from the possession of the Senate. The Chair thinks the motion should be one motion, as made by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I accept the amendment.

The VICE PRESIDENT. No amendment is necessary. The question is upon agreeing to the motion to request the House of Representatives to return to the Senate the papers in the case. [Putting the question.] The "ayes" appear to have it.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him present, I withhold my vote.

Mr. BRYAN (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. BURNHAM (when his name was called). On this vote I am released from my general pair with the junior Senator from Maryland [Mr. SMITH], and am at liberty to vote. I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS], but I have been informed by at least two Senators and by others who are acquainted with the views of the Senator from Nevada, that we would vote the same way on this question. I therefore vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. He not being present, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. I desire to announce that he has a general pair with the Senator from Oklahoma [Mr. OWEN]. If he were present, my colleague would vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I refrain from voting.

Mr. MCCUMBER (when his name was called). The senior Senator from Maryland [Mr. RAYNER] is necessarily absent, and requested me to pair with him upon this vote. If I were at liberty to vote, I should vote "nay," but I withhold my vote in conformity with the agreed pair.

Mr. POMERENE (when his name was called). On this matter I have a pair with the junior Senator from Tennessee [Mr. SANDERS]. Therefore I withhold my vote. If the Senator from Tennessee were present, I should vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL], but I transfer that pair to the junior Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], but on this vote the Senator from Maryland stands paired with the Senator from North Dakota [Mr. MCCUMBER]. I therefore vote. I vote "yea."

Mr. WATSON (when his name was called). On account of my general pair with the senior Senator from New Jersey [Mr. BRIGGS] I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. WILLIAMS was called). I desire to state that the Senator from Mississippi [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. CHILTON (after having voted in the affirmative). I inadvertently voted. I have a pair with the Senator from Delaware [Mr. RICHARDSON], and therefore I desire to withdraw my vote.

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is absent on important business. He is paired on this vote with the junior Senator from New Mexico [Mr. FALL].

Mr. HEYBURN. I desire to announce my general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. GARDNER. Mr. President, since my name was called I have been informed that the Senator from Massachusetts [Mr. CRANE], with whom I am paired, if present, would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. GORE. My colleague [Mr. OWEN] is paired with the senior Senator from South Dakota [Mr. GAMBLE]. He is necessarily absent from the Senate.

Mr. GUGGENHEIM. I wish to advise the Senate that I voted with the consent of my general pair, the Senator from Kentucky [Mr. PAYNTER], who is absent.

Mr. BRADLEY. I am paired with the senior Senator from Missouri [Mr. STONE]. If he were present I should vote "yea." He being absent, I decline to vote.

The result was announced—yeas 28, nays 29, as follows:

YEAS—28.

Ashurst	Curtis	Kenyon	Reed
Borah	Gardner	Lodge	Root
Bristow	Gore	Martine, N. J.	Smith, Ga.
Brown	Hitchcock	Nelson	Smoot
Burton	Johnson, Me.	Percy	Sutherland
Clapp	Johnston, Ala.	Perkins	Thornton
Cummins	Jones	Poindexter	Townsend

NAYS—29.

Bourne	du Pont	Oliver	Stephenson
Burkett	Fletcher	Overman	Swanson
Catron	Foster	Page	Tillman
Chamberlain	Gronna	Shively	Warren
Crawford	Guggenheim	Simmons	Wetmore
Culberson	Lorimer	Smith, Ariz.	
Cullom	Martin, Va.	Smith, Mich.	
Dillingham	Myers	Smith, S. C.	

NOT VOTING—37.

Bailey	Crane	Lippitt	Richardson
Bankhead	Davis	McCumber	Sanders
Briggs	Dixon	McLean	Smith, Md.
Bradley	Fall	Newlands	Stone
Brandegee	Gallinger	O'Gorman	Watson
Briggs	Gamble	Owen	Williams
Bryan	Heyburn	Paynter	Works
Chilton	Kern	Penrose	
Clark, Wyo.	La Follette	Pomerene	
Clarke, Ark.	Lea	Rayner	

So the motion of Mr. MARTINE of New Jersey was rejected.

Mr. WARREN. Mr. President, I now ask that the Senate take up the legislative appropriation bill.

Mr. HEYBURN. Has the morning business been closed?

The VICE PRESIDENT. Morning business has not yet been closed.

Mr. WARREN. Then I will withhold the motion. I supposed that the morning business had closed.

INTERNATIONAL MARITIME CONFERENCE.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 269) proposing an international maritime conference, to report it with amendments, and I ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Foreign Relations were, on page 1, line 3, after the enacting clause, to strike out "That the President of the United States be, and he hereby is, authorized and requested to ascertain the opinions of maritime nations upon the desirability of an international maritime conference, to meet at Washington on the invitation of the United States," and insert, "That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being"; in line 15, after the word "appliances," to strike out "regulations concerning accommodations for steerage passengers and crews"; on page 2, line 5, after the word "navigation," to strike out "the establishment of a patrol system in the region of ice, or elsewhere, or of a system of convoys for ocean-going vessels, or of a relief station at Cape Race or elsewhere, or of" and insert "the establishment of"; and on page 2, after line 10, to strike out "SEC. 2. That the President is hereby further requested to communicate to Congress at the earliest possible time the substance of the replies of maritime nations, with his recommendations upon the desirability of calling an international maritime conference at Washington for the purposes named" and insert: "SEC. 2. That in case such international maritime conference shall be called by the United States or any other nation the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the expenses of the representatives of the United States at said conference," so as to make the joint resolution read:

Resolved, etc., That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being to consider uniform laws and regulations for the greater security of life and property on merchant vessels at sea, including, if practicable, regulations to establish standards of efficiency of the officers and crews of merchant vessels and the manning of such vessels; regulations for the construction and inspection of hulls, boilers, and machinery; regulations for equipment of ocean steamers with radio apparatus, searchlights, submarine bells, lifeboats, and other life-saving and fire-extinguishing appliances; regulations concerning lights, sound signals, steering and sailing rules; regulations for an international system of reporting and disseminating information relating to aids and perils to navigation; the establishment of lane routes to be followed by trans-Atlantic steamers; and such other matters relating to the security of life and property at sea as may be proposed.

SEC. 2. That in case such international maritime conference shall be called by the United States or any other nation the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the representatives of the United States at said conference.

The amendments were agreed to.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator presenting this report whether or not the action of this maritime conference would be submitted to the Congress of the United States for approval?

Mr. LODGE. It would have to be; there could be no agreement made without its submission to Congress.

Mr. HEYBURN. After the maritime conference have agreed upon a report?

Mr. LODGE. Absolutely.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

PERSONNEL OF THE NAVY AND MARINE CORPS.

Mr. JOHNSON of Maine. On behalf of the junior Senator from Louisiana [Mr. THORNTON] I report from the Committee on Naval Affairs the bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, to report it with an amendment, and I submit a report (No. 873) thereon.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. What is this bill, and how did it come up?

The VICE PRESIDENT. On a request for unanimous consent for its present consideration.

Mr. WARREN. I wish to say that while I shall not object to the consideration of this bill, I shall be compelled to object to bills taking the time that this bill has occupied in its reading until we can dispose of some of the appropriation bills.

The VICE PRESIDENT. Will the Senator from Maine give his attention for a moment? The Secretary advises the Chair that no amendment is indicated in the bill, although upon the outside of it the statement is written that it is reported with an amendment.

Mr. JOHNSON of Maine. The bill was given to me by the junior Senator from Louisiana [Mr. THORNTON].

The VICE PRESIDENT. The Chair so understood.

Mr. JOHNSON of Maine. I have not examined it.

Mr. REED. Do I understand that objection has already been made to the consideration of the bill?

The VICE PRESIDENT. No objection has yet been made.

Mr. REED. I object.

The VICE PRESIDENT. Objection being made, the bill will go to the calendar.

Mr. GALLINGER. Do I understand that the bill has been objected to?

The VICE PRESIDENT. The Senator from Missouri [Mr. REED] objected to the present consideration of the bill, and it has gone to the calendar.

PANAMA CANAL.

Mr. BRANDEGEE. I am instructed by the Committee on Interoceanic Canals, to which was referred the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, to report it favorably, with amendments.

There are numerous amendments to the House bill indicated on the bill which I have reported, and I take this occasion to state that the bill was made in the committee, section by section, each section being voted upon separately. Each section of the bill commanded the support of a majority of the committee, but there was no majority in the committee for the entire bill. I make that statement because when I say "I report favorably the bill," the committee reports the bill, perhaps it would be more exact to say, without recommendation of the entire contents of the bill, and I suppose that the bill will have to be made upon the floor of the Senate.

The situation in the committee, with differences of opinion as to the question of tolls, as to the question of the form of the civil government, and as to the question of the operation of steamships in which railroad companies were interested, was such that I do not think it could be fairly stated that it is the favorable report of the entire bill.

The situation was also such, as I have indicated, that it was impossible to prepare a written report which would command the votes and the approval of a majority of the committee.

The members of the committee decided that there should be no written report, and I hardly think one is necessary, for the matters which will be contested, because of contention with respect to the bill, are all amply covered by the report of the House committee and the views of the minority thereof.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I do.

Mr. SIMMONS. I suggest to the Senator that my understanding of this matter is that there was a favorable report on the part of the committee, or rather favorable action on the part of the committee, and the report should be a favorable report with amendments.

Mr. BRANDEGEE. It was so stated, and then I proceeded to state my understanding of the situation, which was that the report was favorable, that the bill should be reported for the purpose of getting it before the Senate, but that there was not a majority of the committee which indorsed everything in the bill. That is my understanding of the situation. If the Senator has a different one I should like him to state it.

Mr. SIMMONS. There were disagreements in the committee and there were amendments adopted, but as amended I understood the committee to approve the bill, and therefore the report ought to be a favorable report with amendments.

Mr. BRANDEGEE. I did not so understand it, and I personally stated that I reserved the right to offer amendments on the floor of the Senate.

Mr. SIMMONS. Surely. That right is reserved to every Senator, but that does not affect the fact——

Mr. BRANDEGEE. It may be said to be pro forma a favorable report, but a favorable report, where each member of the committee reserves the right to offer amendments, did not seem to me to be the kind of a favorable report that is the ordinary kind of a favorable report.

I want also to state, in view of the necessity for the earliest possible action upon this matter, that I shall attempt to call up the bill at the earliest possible minute not to interfere with appropriation bills and other privileged matters.

Mr. BRISTOW. Mr. President, I desire to state in connection with this report that, as I understand, there were very sharp differences in the committee, especially as to section 11 of the bill which came from the House, relating to the control of steamship lines by railroads. The House bill provided that no railroad should own or control, directly or indirectly, any steamship line with which it did or might compete, and the amendment of that provision was that which brought out the sharp differences of opinion.

I think I may state that three views existed: One in favor of reporting the House provision as it was in the bill—section 11; another, limiting this inhibition as to ships passing through the canal; and another opposed to any restriction whatever over the railroads owning steamship lines.

I desire to say that for myself I shall support section 11 of the bill as it came from the House, believing that it is the best.

Mr. ROOT. Mr. President, in view of the various remarks which have been made about the report on the Panama Canal bill, I wish to say that in my opinion the bill, with regard to the remission of tolls on American vessels, is in violation of our treaty with Great Britain, and I shall take occasion at an appropriate time hereafter to give my reasons for that belief.

Mr. WARREN. Mr. President, I hope the discussion of the bill may go over until the bill is regularly before the Senate.

The VICE PRESIDENT. The bill will go to the calendar.

MEXICAN COTTON-BOLL WEEVIL.

Mr. SMOOT. From the Committee on Printing to which was referred House concurrent resolution 47, I report it favorably, and ask for its present consideration.

The VICE PRESIDENT. The concurrent resolution will be read.

The Secretary read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. No. 305), of which 10,000 copies shall be for the use of the Senate to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives to be distributed through the House document room.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. WARREN. Mr. President, one moment. I want to know if the concurrent resolution is up for consideration and how it comes up.

The VICE PRESIDENT. It is a concurrent resolution just reported from the Committee on Printing for which present consideration is asked. Is there objection?

Mr. WARREN. I shall not object to it if it does not lead to debate. If it does, I certainly shall have to object.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 7106) providing the sum of $80,000 for the erection of a public building at Cheboygan, Mich.; to the Committee on Public Buildings and Grounds.

A bill (S. 7107) for the relief of Samuel F. Curtis; to the Committee on Claims.

A bill (S. 7108) granting a pension to Ada M. Wade;

A bill (S. 7109) granting a pension to Dallas Garner;

A bill (S. 7110) granting an increase of pension to Howard C. Kibbee;

A bill (S. 7111) granting a pension to Luella R. Eldridge;

A bill (S. 7112) granting a pension to Aaron P. Essex (with accompanying paper);

A bill (S. 7113) granting an increase of pension to William Putnam (with accompanying papers);

A bill (S. 7114) granting a pension to George W. Bannan; and

A bill (S. 7115) granting a pension to George G. Thirlby; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 7116) granting an increase of pension to Alexander Thacker; and

A bill (S. 7117) granting a pension to John F. Kendall; to the Committee on Pensions.

A bill (S. 7118) for the relief of F. F. Morris;

A bill (S. 7119) for the relief of Mrs. C. A. Smith; and

A bill (S. 7120) for the relief of the heirs of L. B. Lawson; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 7121) for the erection of a public building at Burlington, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER:

A bill (S. 7122) for the relief of Thomas Drury and others; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 7123) to remove the charge of desertion from the military record of John H. Armstrong;

A bill (S. 7124) to remove the charge of desertion from the military record of John T. Miller; and

A bill (S. 7125) to remove the charge of desertion from the military record of Elias Brant; to the Committee on Military Affairs.

A bill (S. 7126) granting an increase of pension to Lewis B. Moon; and

A bill (S. 7127) granting a pension to Rachel Cole; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7128) for the relief of Jesus Silva, jr.; to the Committee on Public Lands.

By Mr. HEYBURN:

A joint resolution (S. J. Res. 117) for the relief of Fred White (with accompanying papers); to the Committee on Public Lands.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 118) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies; to the Committee on Appropriations.

AMENDMENTS TO SUNDRY CIVIL BILL (H. R. 23069).

Mr. BURNHAM submitted an amendment providing for the appointment of two civilian instructors in the Revenue-Cutter Service, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN (for Mr. CLARKE of Arkansas) submitted an amendment proposing to appropriate $10,000 for a survey of the sewer system at Hot Springs abutting the Hot Springs Reservation, Ark., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $77.68 to pay Benjamin S. Hanchett, of Grand Rapids, Mich., for money expended for necessary expenses while attending the meetings of the Assay Commission, March, 1905, Philadelphia, Pa., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $5,000 for the expenses of the International Conference on Maritime Law at Brussels in 1912, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing to appropriate $3,588 for paving White Street fronting on the United States Military Barracks, Key West, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CHILTON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

Mr. SMITH of South Carolina submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were ordered to lie on the table and to be printed.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. LODGE. I desire to make a request for unanimous consent that during the absences of the Vice President the Senator from Georgia [Mr. BACON] be President pro tempore of the Senate until July 5; and that during the absences of the Vice President from July 5 until the close of the month the Senator from New Hampshire [Mr. GALLINGER] be President pro tempore.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. LODGE submitted the following resolution (S. Res. 340), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from June 13, 1912, to July 5, 1912, both inclusive.

Mr. LODGE submitted the following resolution (S. Res. 341), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from June 13, 1912, to July 5, 1912, both inclusive.

Mr. LODGE submitted the following resolution (S. Res. 342), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from July 6, 1912, to July 31, 1912, both inclusive.

Mr. LODGE submitted the following resolution (S. Res. 343), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from July 6, 1912, to July 31, 1912, both inclusive.

RELIEF OF SUFFERERS IN ALASKA (S. DOC. NO. 790).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

Information comes of a reliable character that through the action of a volcano in the neighborhood of Kodiak, Alaska, more than a thousand people are rendered homeless, and unless aid can be given them they are likely to suffer severely. I ask, therefore, an immediate emergency appropriation, to be expended by the Revenue-Cutter Service under the direction of the Secretary of the Treasury. The danger is said to be in the neighborhood of large salmon canneries, and should the streams of the country be clogged and poisoned, as is likely, by the volcanic explosion, loss of life is certain to ensue unless relief is granted.

I recommend that an appropriation of $100,000 be made for this purpose.

WM. H. TAFT.

THE WHITE HOUSE, *June 12, 1912.*

ANTI-INJUNCTION BILL.

Mr. MARTINE of New Jersey. Mr. President, preceding the motion I desire to make, I wish to say that four years ago the Democratic Party at Denver, while in convention, declared themselves as opposed to government by injunction. It was in our platform that we would advance legislation tending to give the people of this country that relief. It was our political creed. Though our party and candidate received 6,500,000 votes, we were defeated. The Republican Party has been in control of President, Senate, and House since, except the past year in the House of Representatives.

Mr. WARREN. Will the Senator from New Jersey permit me?

Mr. MARTINE of New Jersey. Certainly.

Mr. WARREN. To what is the Senator addressing his remarks; what business?

Mr. MARTINE of New Jersey. Beg pardon.

Mr. WARREN. What is the business before the Senate to which the Senator is addressing his remarks?

Mr. MARTINE of New Jersey. I am about to make a motion, and this is prefacing my motion or preliminary to my motion.

Mr. WARREN. I hope the Senator will give us the motion, so that we will know what is before the Senate.

Mr. MARTINE of New Jersey. I will give you the motion in a very few words. It may be unpleasant, but I am going to do it.

On the 15th of May, last, that body passed by an overwhelming vote the bill H. R. 23635. Since then it has slept the sleep of the dead in the arms of the Judiciary Committee of this body. In a few weeks both parties will again be in convention. Shall party declarations and party platforms be empty and idle words? What we shall again declare, I know not.

But I mean, as far as I can control, my party shall redeem that pledge.

To that end I move that the Committee on the Judiciary be relieved from the further consideration of House bill 23635, known as the Clayton anti-injunction bill.

The VICE PRESIDENT. The Senator from New Jersey moves that the Committee on the Judiciary be discharged from the further consideration of the bill indicated by him.

Mr. GALLINGER. The motion will have to lie over under the rule.

The VICE PRESIDENT. Yes; if objection is made.

Mr. GALLINGER. I object.

The VICE PRESIDENT. The motion lies over.

THE METAL SCHEDULE.

Mr. LODGE. I ask that there be laid before the Senate the action of the House of Representatives on the disagreeing votes of the two Houses on the bill commonly called the metal schedule bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to amendments 1 and 2 and disagreeing to amendments 3 and 4 of the Senate to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. LODGE. I move that the Senate insist upon its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. SIMMONS. I move that the Senate recede from its amendments disagreed to by the House of Representatives.

Mr. CLAPP. Let us have the yeas and nays.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Simmons
Bacon	Curtis	McCumber	Smith, Ariz.
Bourne	Dillingham	Martin, Va.	Smith, Ga.
Bradley	du Pont	Martine, N. J.	Smith, Mich.
Brandegee	Fletcher	Myers	Smith, S. C.
Bristow	Gallinger	Nelson	Smoot
Brown	Gardner	Oliver	Stephenson
Burnham	Gore	Overman	Sutherland
Burton	Gronna	Page	Swanson
Catron	Guggenheim	Percy	Townsend
Chamberlain	Heyburn	Perkins	Warren
Chilton	Hitchcock	Poindexter	Watson
Clapp	Johnson, Me.	Pomerene	Wetmore
Crawford	Johnston, Ala.	Reed	
Culberson	Jones	Root	
Cullom	Lippitt	Shively	

Mr. WARREN. I wish to state that my colleague [Mr. CLARK] is absent from the Senate on public business.

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent from the city. I make this announcement for the day.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. LODGE. Mr. President, I do not desire to delay the vote for a moment on the question of receding. I merely wish to call the attention of the Senate to the fact that the amendment in disagreement is the amendment made by the Senate putting on the metal-schedule bill the repeal of the reciprocity act, and the motion to recede is a motion to recede from that amendment.

That is all I desire to say.

The PRESIDING OFFICER. The question is on the motion to recede from the amendments of the Senate, on which the yeas and nays have been ordered.

Mr. GALLINGER. Mr. President, I wish to say a single word on this motion, having no disposition whatever to delay its consideration.

When this matter was before the Senate a few days ago it was fully debated. The Senate did not act hastily at all about the amendment that was placed on this bill. The Senator from North Dakota [Mr. GRONNA] offered an amendment repealing the so-called reciprocity act, to which I offered an amendment, and that amendment was further amended on motion of the Senator from Iowa [Mr. CUMMINS]. The Senate took a vote and solemnly voted 37 to 27 to amend the bill so as to repeal the reciprocity act.

I confess, Mr. President, that I can see no good reason why the Senate should reverse itself on this matter. It was not a hasty conclusion, and I trust, Mr. President, that the motion of the Senator from North Carolina may not prevail.

Mr. BACON. I should like to ask the Senator a question before he takes his seat. Of course this matter is presented to us in two aspects. One is the general aspect of the repeal of the law in all its features with, I believe, one exception. The law is not now operative by reason of the fact that the Canadian Government has not agreed to it. There is, however, one feature of that law which is now operative, is there not?

Mr. GALLINGER. That is true.

Mr. BACON. Will the Senator kindly state what that is?

Mr. GALLINGER. It is admitting certain classes of paper free.

Mr. TOWNSEND. Mr. President, I was not in the Senate Chamber when the Senate amendment repealing Canadian reciprocity was discussed several days since, but entered in time only to vote, so I did not have an opportunity to express my views on that amendment. I voted for Canadian reciprocity after a most careful and conscientious consideration of it, believing that that measure was not inimical to the best interests of our farmers or of any other class of our people. I believed then, as I do now, that this was a step in the direction of closer relations between Canada and the United States, which would result in greater good to the people of both nations. I voted, however, for the original bill believing it meant reciprocity and that it was not a unilateral contract. In discussing the measure when it was up for passage I considered the effect upon the measure which would result if this country approved it and Canada afterwards rejected it. I felt that the clear intent of the contracting parties was that the treaty should be operative when, and only when, both nations had approved it. I recall that the senior Senator from Iowa contended that certain provisions of the bill would, if adopted by the United States, be binding upon that country even though Canada should afterwards reject the treaty. I did not agree with him then, but I am now convinced that I was mistaken and I desire at the earliest opportunity to annul this unilateral contract. If reciprocity is ever to be a binding principle between Canada and the United States with my support, it must be such a measure as will secure reciprocal benefits to both countries, and such benefits must be clear and unquestioned. It is for these reasons that I vote to retain the repealing amendment and not for purposes of delay or to prevent the final determination of the metal-tariff bill.

Mr. CUMMINS. Mr. President, before the vote is taken I think I ought to say, with respect to the amendment which I proposed and which was accepted by the Senator from New Hampshire, that the feeling on the part of some people—I do not think, however, within the Senate—that there would be any confusion respecting the subject if the amendment were to become a law is not well founded.

I offered an amendment providing that hereafter all the paper described in section 2 should be admitted with a duty of $2 per ton. It has been thought that this would not admit paper from other countries at that rate of duty. I believe this to be a misapprehension. The section to which we refer provides that news-print paper and other paper valued at not more than 4 cents per pound shall be admitted free of duty under certain conditions. My amendment provides that such paper—that is, news-print paper and other paper of the value of not more than 4 cents per pound—shall be admitted at the rate of $2 per ton.

It is manifest that if this provision becomes a law under the favored-nation clause of all our treaties such paper would be admitted at a similar or the same rate of duty. The only reason why the free admission of paper provided in the reciprocity act does not apply or can not be taken advantage of by other countries is that by some sort of fiction it is held that this was a part of an arrangement with Canada especially and that we received some consideration for the extension of this privilege that other nations have not conferred upon us. But there can be no doubt whatsoever that if the amendment offered by the Senator from New Hampshire and the Senator from North Dakota, with the addition of the amendment which I proposed and was accepted, becomes a law news-print paper and other paper of the value of 4 cents per pound or less will come into the United States from all the world at the rate of $2 per ton.

Mr. JOHNSON of Maine. Mr. President, I am interested in the passage of the metal bill, as it is called, as it passed the Senate, with the amendment providing for the repeal of Canadian reciprocity and also reducing the duty upon print paper and other paper of the value of less than 4 cents a pound.

I believed when the reciprocity act was under consideration that the contract which was made in section 2 of that act was unilateral and that it did not operate to the advantage of this country or the paper and pulp manufacturers of this country, because we were not allowed admission to the markets of Canada.

From the examination I have made, coming from a State which stands second in the United States in the manufacture

of pulp and paper and manufacturing a great deal of paper which would be admitted by this act, I then felt that the markets of Canada should be opened to our manufactures if we open ours to them.

After examining the report of the Tariff Board upon the cost of the production of pulp and paper in this country, I believed from that and such other examinations as I could make that we can manufacture print paper in this country, and in my State of Maine, as cheaply as anywhere in the world, and that we do not need any duty to protect us against the importation of pulp or paper from the Dominion of Canada. I refer in that statement to the pulp and paper mills which are efficiently managed and economically operated in accordance with the rules of good business management with up-to-date equipment. The report of the Tariff Board shows conclusively that mills so equipped and operated are able to compete and hold their own with the pulp and paper mills of Canada.

For that reason I felt that we should make the agreement, if possible, one which would admit pulp and paper from the United States to Canada, and I favor the adoption of what was then known as the Root amendment; but that failing to be adopted I voted for the passage of the bill.

When the matter was before the Senate, a few days since, I then voted for the amendment. I appreciated then as I do now that it was offered partly to embarrass the passage of the metal bill, because it came from those who are opposed to the passage of the metal bill.

Since the action of the House, and feeling as I do that this amendment is offered for the purpose of embarrassing the passage of the metal bill at this time, I shall not vote for the adoption of the amendment, but shall vote to recede from the former action of the Senate.

Mr. GRONNA. Mr. President, when I first offered the amendment to repeal the reciprocity act I offered it in good faith, not only from the standpoint of a Republican, one who believes in the protective policy, but from the standpoint of doing justice to all the industries of this country. I will not admit or agree to the statement made, at least so far as I am concerned, that it was not offered in good faith. To show the feeling of the people of my State, I am going to ask to have a letter read from a staunch Democrat, one of the ablest and best men of my State. I will send this letter to the Secretary's desk and have it read in my time.

The PRESIDING OFFICER. The Secretary will read the letter sent to the desk.

Mr. GRONNA. I have two letters; I wish to have the letter addressed to me personally read first, and then the letter addressed to the ex-governor of the State of Missouri.

The PRESIDING OFFICER. The Secretary will read accordingly.

The Secretary read the first letter, as follows:

ELK VALLEY FARMING CO.,
Larimore, N. Dak., June 4, 1912.

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.

MY DEAR SENATOR;

* * * * * * *

I see you are nobly keeping up the fight for the repeal of President Taft's—correctly branded by you as—"iniquitous measure," and which killed him politically. You are richly deserving and will receive the thanks of the farmers of the whole United States.

I also inclose a copy of a letter I recently sent to Gov. Francis, of Missouri, whom I have known since he left school. He has been successful in both finances and politics, until the old moss-backs of Missouri turned him down because he didn't vote for free silver. Gov. Francis requested my son Clay and me to speak well of CHAMP CLARK. Personally I admire Mr. CLARK, but, as I have stated in my letter to Gov. Francis, I believe the farmers will defeat any candidate who favors annexation and reciprocity.

If Senator STONE cares to read my letter to Gov. Francis, you may let him do so, but don't press it on him, or anyone else.

Most truly, yours,

N. G. LARIMORE.

The Secretary proceeded to read the second letter sent to the desk.

Mr. HEYBURN. Mr. President, I feel compelled to call attention to the impropriety of reading into our records language of that kind—that "the President had fixed Congress"—and then the last phrase. I appeal to the Senator from North Dakota on this question.

Mr. GRONNA. I ask that those words be stricken out of the letter.

Mr. HEYBURN. They should not be read into our records.

Mr. GRONNA. No; I admit that.

The PRESIDING OFFICER. The Senator from North Dakota asks that the objectionable matter be stricken out.

Mr. HEYBURN. The disrespectful language directed against the President.

Mr. REED. I suggest, Mr. President, that both those letters, particularly the one that could not be read, ought to be referred to the Republican national committee. [Laughter.]

Mr. GRONNA. Mr. President, following the suggestion of the Senator from Idaho [Mr. HEYBURN], I will say that it is not my intention to incorporate anything into the RECORD that is objectionable.

Mr. HEYBURN. But it goes into the RECORD, unfortunately, as it is being read. The matter is reported in the RECORD.

Mr. GRONNA. I will say to the Senator that I intended to strike those sentences out.

Mr. HEYBURN. Yes; but I think it would have been well to have stricken them out before they were read. There should be no disrespect used toward the President of the United States in this body.

Mr. GRONNA. Not at all. Now, Mr. President, as I said at the outset, this letter is written by an honored citizen of my State. It was not his intention to cast any reflection or to do anyone an injustice. The letter is only introduced to show that it is not only the Republicans who are opposed to reciprocity, but that Democrats are also opposed to it. I will repeat that this letter was written by a distinguished man from Larimore, N. Dak., who is a Democrat. There is absolutely no politics in it. The Democrats of my State were as much opposed to reciprocity as were the Republicans, because they recognized that it was an unjust measure.

Mr. HEYBURN. Mr. President, will the Senator from North Dakota permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. GRONNA. Yes.

Mr. HEYBURN. I did not intend to object to the reading of the sentiments that related to business affairs or the effect of political action upon business affairs. I am in sympathy with the proposition to repeal the reciprocity act. In fact, the first day of this session of the Senate I introduced a bill that was favorably reported from the Committee on Finance and is now on the calendar, providing for the repeal of that act. So I do not desire that the Senator shall consider that I am objecting to the reading of anything, except those expressions that are disrespectful to the President of the United States or to this body.

Mr. GRONNA. Mr. President, I will say that if I had known this matter was to come up this morning I should have run through the letter, taken my pencil, and stricken these sentences out myself, but I overlooked doing it. I ask unanimous consent that they be stricken out.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Yes.

Mr. GALLINGER. Mr. President, it strikes me that the letter of this gentleman to Gov. Francis has not any particular bearing on this question, and I will ask the Senator from North Dakota if he will not request that the letter to Gov. Francis, a portion of which has been read, shall be withheld from the RECORD?

Mr. GRONNA. Mr. President——

Mr. GALLINGER. I think the mutilation of the letter will not help it much. It seems to be a political argument.

Mr. GRONNA. Mr. President, it is not a political argument; it is a financial argument. I wish to have the remainder of the letter read. I am sure that there is nothing disrespectful in the remainder of the letter. I can assure the Senator from New Hampshire that there is not.

The PRESIDING OFFICER. Of course the letter is being read by unanimous consent. If there is objection, it will not be further read.

Mr. GALLINGER. If any part of it is to appear I have no objection to the balance of it being read, but it seems to me that the Senator's position would not be weakened if he asked unanimous consent to withdraw the letter to Gov. Francis and not have it appear in the RECORD. The former letter from his constituent I think is a proper letter, and that will appear in the RECORD.

Mr. GRONNA. This letter was written by the same person.

Mr. GALLINGER. I understand that.

Mr. GRONNA. And a copy of the letter to Gov. Francis was sent to me for the purpose of showing it, as he says in his letter, to Senators. I am willing to take out anything that is objectionable, and shall be very glad to do so. There is nothing disrespectful in the letter, the Senator from New Hampshire will agree with me that it simply pertains to business, and I desire to have it read.

Mr. GALLINGER. Well, what procedure does the Senator propose to adopt to have the objectionable portion of the letter stricken out?

Mr. GRONNA. There are only two sentences in the letter which in any way can be objectionable to anyone, and I have

asked unanimous consent, or shall ask unanimous consent, to strike out that portion of it.

Mr. GALLINGER. I think the better way, perhaps, would be for the Senator to withdraw the letter and at his desk correct it.

Mr. GRONNA. I believe that unanimous consent has been given for the reading of the letter.

The PRESIDING OFFICER. The Chair did not put a request for unanimous consent.

Mr. GRONNA. Well, Mr. President——

The PRESIDING OFFICER. The Senator from North Dakota requested the Secretary to read. The rule provides that when the reading of a paper is called for and objected to it shall be determined by a vote of the Senate without debate.

Mr. GRONNA. I am familiar with the rule. I ask that the letter be returned to me, and I shall read it in my own time.

Mr. GALLINGER. I think that is better.

The PRESIDING OFFICER. Does the Senator withdraw his request for unanimous consent to strike out the phrases objected to, or does he still ask for that consent? The Chair will call the attention of the Senator to the fact that at present the phrases objected to are in the RECORD, and unless they are expunged they will appear in it.

Mr. GRONNA. I withdraw the entire letter.

The PRESIDING OFFICER. The Senator from North Dakota withdraws the entire letter from the RECORD and will read such portions of it himself as he cares to do.

Mr. HEYBURN. One moment. Now, Mr. President, will that have the effect of eliminating from the RECORD the portions of the letter that have been already read, so that they will not remain in the RECORD?

The PRESIDING OFFICER. The Chair so understands. The Senator from North Dakota withdraws from the RECORD the entire letter, and that includes such portions of it as have been read.

Mr. HEYBURN. And it will not be reported?

The PRESIDING OFFICER. It will not be reported.

Mr. GRONNA. Mr. President, I sent this letter in the first place to the Secretary's desk to have it read because the Secretary is a better reader than I am; but, if the Senate will hear me, I shall try to read at least part of it. I think it is a splendid letter:

My son Clay and I have been working among our people in the interest of CHAMP CLARK. We both find a prejudice against him on account of his avowed sympathy with reciprocity and even annexation of all outdoors. I assure them that Mr. CLARK is too honorable a man to wish to destroy any important interest to advance a political policy—

The Senator from Missouri can certainly have no objection to that statement—

that he would give the farmers an opportunity to show him the great wrong reciprocity and annexation would inflict on them and through them on the whole country. The Los Angeles Times and the St. Louis Globe-Democrat, while reciprocity was pending before Congress, denounced reciprocity almost daily. * * * that neither ancient or modern history had a parallel to such a colossal robbery on the farmers as reciprocity contemplated.

Mr. Taft claimed that reciprocity was intended to reduce the high cost of living by reducing the price of bread. The annual per capita consumption of wheat is about 6 bushels. Reduce wheat from $1 to 50 cents, and the saving is less than 1 cent a day; reduce the wage of the mechanic and laborer from an average of $3 to $1.50—the latter being the ruling price when wheat sold at 60 cents—where would labor be benefited by this reduction in the price of wheat? I went to Washington to fight reciprocity, but found——

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. GRONNA. Mr. President, I prefer not to yield until I have read the letter, and then I will be glad to yield.

Mr. REED. Well, it would be——

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. REED. I will say to the Senator——

The PRESIDING OFFICER. The Senator from Missouri is out of order.

Mr. REED. I am addressing myself to the Senator from North Dakota.

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. LODGE. Who has the floor?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. LODGE. Has he yielded it?

The PRESIDING OFFICER. He has declined to yield.

Mr. GRONNA. I will say to the Senator from Missouri that I will gladly yield to him after I have read this letter:

I went to Washington to fight reciprocity, but found corralled enough Republicans and Democrats to rush the bill through before the country could get to understand what it meant. The farmers are beginning to realize its meaning, as is shown in the vote against Taft. But for reciprocity Taft would have had a walkover for the nomination. North Dakota voted between 30 and 40 to 1 against Taft. Farmers are not yet fully awake to the extent of the calamity reciprocity would have brought on them, but before the election enough of them will have their eyes opened to send any man of any party with outspoken reciprocity proclivities to the scrap pile. The time is past when, as has been the custom, politicians can ignore the farmer and his interests and * * * refuse him an audience. When the farmers pull together they hold the key and are beginning to see the necessity of this as their only safety from annihilation.

* * * * * * *

You have been in the grain business long enough to know that to dump the Canadian crop on our markets would at once drop our prices to that of Winnipeg, then the bears would force prices down to 50 or 60 cents, as was done when John Williams, Ben Barnes, John Kaufman, and others made their millions on the short side. The Canadian wheat on top of ours would make the load too heavy for the bulls to carry. For the past few years the country has been prosperous because of the prosperity of the farmer. The laboring man is getting the highest wages ever known. When we sold our wheat at 60 cents per bushel farm hands were plentiful at from $15 to $20 a month. Now we have difficulty in getting a supply of men at $35 to $40 per month with board. Pauperize the farmer, as reciprocity would do, by first robbing him of $50,000,000 annually on barley * * *——

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. GRONNA. I prefer not to yield until I am through with the letter.

* * * Two hundred million to $300,000,000 on wheat by reducing the price to 50 cents or lower. You remember that prior to the settling of the West and the northwestern States, New England and Virginia farm lands were selling at from $150 to $200 per acre, but that after the new lands, with their virgin soil, got to producing 35 to 40 bushels of wheat an acre by just scratching the surface, wheat, with the aid of the "bears," declined to 50 and 60 cents, and New England and Virginia farmers could not compete, then those farms could be bought for less than the buildings cost. With the untold millions of acres of Canadian lands and their virgin soil, capable of raising a thousand millions annually, with our markets open, history would repeat itself—our farm produce and our grain-growing lands would be depreciated 50 per cent. The country merchant, then the city merchant, and banker would all feel the shock. The mechanic and laborer would be hunting in vain for work at one-half or less present wages. Many contend that Liverpool controls prices of wheat for the world. You know that Liverpool is simply a mirror that reflects conditions in other countries. To illustrate: When reciprocity was pending before Congress dispatches from Chicago stated that the agitation of reciprocity had caused a decline in wheat in the Chicago market of 16½ cents per bushel. Liverpool followed our decline and Winnipeg followed Liverpool, proving two things; first, that Liverpool is only a mirror, and, second, that dumping Canadian wheat on our markets would, with the assistance of the "bears," force prices down and their wheat down with ours, and they would suffer with the American farmer. I showed this point to Premier Borden and the Canadian newspapers.

There may be some who disagree with my conclusions. To any such I will give an opportunity, if I am wrong, to make a few hundred thousand dollars. The Elk Valley Farming Co. owns approximately 15,000 acres of land free of incumbrance in the Red River Valley of North Dakota. Mr. Hill, at a banquet in Grand Forks in 1911, stated that Red River Valley lands were intrinsically worth $150 to $200 an acre.

The Elk Valley Farming Co. will place deeds for all its lands in escrow at $60 an acre to be accepted if reciprocity or annexation becomes a law, the acceptor to put up a bond for half a million dollars to guarantee the payment of $60 an acre for these lands. Without reciprocity or annexation this land is not for sale at any price.

Now, Mr. President, I will yield to the Senator from Missouri.

Mr. REED. Mr. President, the letter read by the Senator keeps constantly referring to "50-cent wheat if we had reciprocity." Does the Senator himself claim that reciprocity would have produced 50-cent wheat in this country? Or is that merely an extravagance on the part of this writer?

Mr. GRONNA. Mr. President, it is true that on the very day reciprocity was defeated by the Canadian people wheat advanced 8½ cents a bushel in the markets of Duluth and Minneapolis.

Mr. REED. That is not the question, Mr. President. I am not discussing the narrow question of whether reciprocity might have affected the price of wheat by a cent or two cents or three or four cents a bushel. I am asking the Senator if he proposes to put his senatorial O. K. upon the statement that reciprocity would have produced 50-cent wheat. I do not think the Senator will say that.

Mr. GRONNA. Mr. President, I do not know; I am not going to fix the price. But I do know the price would be lower with reciprocity with Canada, which means free trade with Canada, and you might just as well say free trade with the whole world, so far as wheat is concerned, or any other agricultural product; and it certainly would result in a great loss to the farming industry of this country.

Mr. REED. I still think the Senator might be generous enough to give me a categorical answer to the question whether he concurs in the statement of this writer that reciprocity would have given us 50-cent wheat. I do not think the Senator will say that, but I should like to know.

Mr. GRONNA. Mr. President, I entirely concur in the statements made by Mr. Larimore.

Mr. REED. Entirely?

Mr. GRONNA. I concur in the statements made by him. Of course that is simply my opinion.

Mr. REED. Just one further question: Of course reciprocity failed to become a law as to agricultural products, because it was not accepted by Canada; and the proposition before us now relates only to wood pulp and paper. Does the Senator think if we were to refuse to concur, to insist upon our amendment made in the Senate, which affects only wood pulp and paper, that would put wheat down to 50 cents a bushel?

Mr. GRONNA. Mr. President, the Senator knows as well as I do that the reciprocity agreement had reference to more than print paper.

Mr. REED. I am speaking about the part that is alive, if the Senator will permit me. Reciprocity was defeated by the act of Canada.

Mr. GRONNA. It is all alive, Mr. President. There is a campaign going on in Canada to-day, as the Senator probably knows, to adopt reciprocity. Sir Wilfrid Laurier is out making speeches over the western part of the country, and the issue there is reciprocity. That is the issue in Canada now.

Mr. REED. The Senator thinks it is now a live issue?

Mr. GRONNA. It is a live issue; very much so.

Mr. REED. Just one further question: I noticed that the Senator, in reading the letter, struck out a good many parts of it. I should like to know what he struck out, so that we may consider it all together.

Mr. GRONNA. Mr. President, I had the letter sent to the desk to be read. I do not think any of the language used is objectionable, but there was objection to one or two sentences, so I struck them out. I assure the Senator I always want to be as courteous as I possibly can to the Senate; so I struck out such words as I thought ought to be stricken out.

That is all I have to say, Mr. President. I do not admit that this amendment which was offered by myself was offered to defeat any legislation. I voted for the bill in the Senate; and I want to see this law repealed because, as I have said, it is an unfair and an unjust measure.

Mr. REED. Mr. President, I should like to ask the Senator one further question. Since the Senator has stated that he regards reciprocity as still a live issue, I can see a reason for a renewal of the agitation with reference to the merits of the reciprocity bill from the Senator's standpoint. But does not the Senator think the proper way to meet a great question of that kind is by a direct bill instead of attaching it as a rider to a tariff measure relating to an entirely different subject?

Mr. GRONNA. Mr. President, I want to be frank with the Senator from Missouri. If conditions were such that a separate bill could be passed—if I believed both Houses of Congress would concur in my views and pass such a bill—I should be very glad to have it passed. But I am sure the Senator from Missouri will agree with me that at least during this session the only way we can repeal this law is by placing a repealing clause on some of these other bills.

Mr. REED. Does not the Senator believe that will jeopardize the bill after it leaves Congress and goes to the other department of the Government?

Mr. GRONNA. No, Mr. President. I think those who believe in protection, at least, and who voted for this measure, will be very glad to have an opportunity to purge themselves and to vote now to repeal it.

Mr. REED. The Senator did not catch my question. I asked whether the Senator does not believe that if this amendment is attached to the steel bill, that fact will jeopardize the steel bill after it leaves Congress and goes to the other department of the Government and will possibly result in a veto?

Mr. GRONNA. I do not, Mr. President. I do not know what the House will do; I do not know what the President will do; but I entertain the hope that President Taft will be very glad to sign the bill with a provision of this kind in it.

Mr. REED. I understand the Senator's position to be that there are a great many Senators and Congressmen who would like to purge themselves of the obloquy attaching to them because they voted for reciprocity. If that is true, it ought to insure the passage here of the measure as a separate bill. The Senator also thinks the President would like to purge himself in the same way, and that he would not be opposed to it.

Under those circumstances, I insist that it is extremely illogical to attach this measure to the steel bill—first, because it does not belong there; second, because it might result in a veto of the steel bill because the reciprocity provision was added; and third, because, if the President is now in the contrite frame of mind that the Senator thinks he is, and is anxious to repeal the reciprocity bill, the course proposed might result in his vetoing the bill which does repeal it, because he might be opposed to the steel bill. Thus the Senator may jeopardize the repeal of reciprocity by adding it to a measure which the President may veto.

I think if the Senator is right, and if there has been a complete revulsion of sentiment and a revolution of opinion, and Congress now desires to purge itself of reciprocity, and the President does also, the Senator ought not to jeopardize his reciprocity reform by compelling the President either to veto it or to sign a steel bill which the President may desire to veto.

If the Senator be right, he ought to consent to striking out this amendment, let the steel bill go to the President alone, and then bring forward his reciprocity repeal. If he be correct, it will pass both Houses of Congress, and the President will restore himself to public confidence by signing it.

Mr. GRONNA. Mr. President, if the Senator from Missouri could assure me that the House would pass a bill repealing the reciprocity act, I should be very glad to withdraw that feature from this bill and let it be passed separately.

Mr. CRAWFORD. Mr. President, I sincerely hope the Senate will refuse to recede from the position it took when this matter was up before. I think one of the most unfortunate attempts at legislation that has been made in recent years was this proposed reciprocal legislation with Canada.

In the first place, Mr. President, I think it is a fair accusation to make to say that the real motive back of the whole measure was not reciprocity in agricultural products. I believe it is a fair charge and accusation to make that that part of the bill was nothing more nor less than a subterfuge to make the people through the populous portions of the United States believe they were going to get some advantages in the way of cheaper living, and that the real purpose of that measure from beginning to end was to secure what was found in section 2, in relation to the importation from Canada of print paper and pulp.

I say that because this remarkable condition is found in that legislation: Section 2 became a law upon the approval of the President, and was not at all contingent upon the action taken by Canada; and those who were interested in section 2 secured the object they sought, while the reciprocal provision depended upon the acceptance of the proposition by Canada.

I insist that that was not an act of fair, open, candid treatment of the agricultural interests of this country, and was an indirect way of getting what ought to have been asked openly and frankly upon its merits, as a separate piece of legislation, without being coupled with this proposition for reciprocity. On that account I shall have no regrets if section 2 shall go down with the first section of the bill.

In the second place, the act never was entitled to go before the country as a fair proposition for reciprocity. I am willing to say here and now that if we could have unrestrained and full reciprocal trade with Canada, with the conditions existing as they do on both sides of the line in relation to production and labor and cost, the advantages to the United States as a whole might fairly balance whatever injuries might follow. But this was no such bill as that.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I do.

Mr. GALLINGER. I presume the Senator is aware of the fact that Canada would not agree to free trade between that country and this.

Mr. CRAWFORD. Very well. Then I say to the Senator from New Hampshire that if Canada would not agree to that measure of full and fair reciprocity which would be just to both countries, and which might be sustained, we had better abandon all this talk about reciprocity with Canada. But I say this proposition, concealing this sort of legislation under the cloak of reciprocity while it made the agricultural interests of this country its victim, was obtaining goods by means of false pretenses.

Mr. GALLINGER. Mr. President, as the Senator probably knows, I fully agree with him on that point. It was not reciprocity.

Mr. CRAWFORD. It was not.

Mr. GALLINGER. It was pretended reciprocity, without the substance.

Mr. CRAWFORD. Mr. President, these protests that have come with no uncertain sound from North Dakota and all along the Canadian border and the Northwest, from earnest people and sincere people and struggling people that are developing the great empire out there, are not based on mere matters of imagination.

They are intensely in earnest about it, and it has certainly been most unfortunate for those who put a proposition of that kind before this country. Every opportunity the people out there have had to make their protest has shown what they thought about it. It has not been Republican. A more un-Republican measure, a more heretical measure so far as the

belief of Republicans in protection is concerned, was never recognized by this side of the Chamber than the so-called reciprocal proposition with Canada. I hope that there will be no hesitation in standing firmly by the record made the other day by the Senate upon this proposition.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be laid aside until the Senate has acted upon the motion to recede from the amendments of the Senate to the metal-schedule bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. WARREN. I wish the Senator would extend his request so that we can finish the little work on the legislative appropriation bill, and if he does not wish to lay the unfinished business aside for the day that he will include that bill.

Mr. SIMMONS. I hope the Senator from Wyoming will not insist upon that. The Senator from Maine [Mr. JOHNSON] has been here expecting to speak on the chemical schedule bill—now, this is the third day.

Mr. WARREN. If the Senator from Maine is to be accommodated, I am perfectly willing that he shall make his speech on the appropriation bill, but I do not like to sidetrack that business.

Mr. SIMMONS. With that understanding I will agree to that suggestion.

Mr. WARREN. So that there will be no misunderstanding, I shall move, as soon as the matter of the Senate amendments to the metal bill is disposed of, to take up the legislative, executive, and judicial appropriation bill, and when it is up, if the Senator from Maine wishes to proceed, of course he has that right, and I shall not make a contest against it. But this is the ninth day we have had the appropriation bill before the Senate, and I submit to the Senator from North Carolina himself that good orderly business requires that we shall finish it.

Mr. SIMMONS. It is the ninth day, also, that we have yielded to the Senator to go on with the appropriation bill, when we were very anxious to proceed with the unfinished business.

Mr. WARREN. When the Senator says he has yielded it is true that he has done so, and very generously, but I might as well say that the time may come when the Senate will have to decide whether the appropriation bill shall have the right of way and can be displaced by other bills. I hope that time will not come, because——

Mr. SIMMONS. At the suggestion of the Senator from Maine, I will consent that after this vote is taken the Senator from Wyoming shall call up the appropriation bill, with the understanding that as soon as it is acted upon then I shall call up the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. LODGE. Do I understand that this is a unanimous consent that we shall take up the tariff bill at the conclusion of the legislative, executive, and judicial appropriation bill?

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from North Carolina has asked unanimous consent that the unfinished business may be temporarily laid aside, and he has had some understanding with the Senator from Wyoming that the Senator from Wyoming will then move to take up the legislative, executive, and judicial appropriation bill.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside until the motion that is now before the Senate is disposed of and until action is had upon the legislative, executive, and judicial appropriaton bill.

The PRESIDING OFFICER. Is there objection to that request?

Mr. SMOOT. Would it be in order to ask unanimous consent to lay aside the unfinished business with a provision attached to it?

Mr. SIMMONS. I was asking unanimous consent that it be laid aside until certain things happened.

Mr. SMOOT. Then it will be open to act upon at any time.

Mr. SIMMONS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered. The question is on the motion of the Senator from North Carolina that the Senate recede from its action in putting the reciprocity repeal amendments on the metal schedule bill. Is the Senate ready for the question? The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. BRANDEGEE's name was called). The Chair will state that he has a general pair with the junior Senator from New York [Mr. O'GORMAN], but will transfer that pair to his colleague, the Senator from Connecticut [Mr. MCLEAN], and will vote. I vote "nay."

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is absent on business of the Senate, and he stands paired with the Senator from Missouri [Mr. STONE].

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is necessarily absent from the Senate. He is paired with the Senator from Maine [Mr. GARDNER]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN]. If my colleague were present, he would vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER] which I transfer to the junior Senator from Tennessee [Mr. SANDERS] and I will vote. I vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH] and vote. I vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote. I vote "nay."

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired, however, with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my collengue were present and free to vote, he would vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I would vote "yea" if I were not paired.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair so that he may stand paired with the Senator from New Mexico [Mr. FALL], and I vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. OVERMAN (when the name of Mr. WILLIAMS was called). I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. The Senator from Mississippi is necessarily absent.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], and he being absent I feel compelled to withdraw my vote.

Mr. JOHNSTON of Alabama. I wish to announce for the day that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

Mr. BURNHAM. I desire to transfer my pair to the junior Senator from Illinois [Mr. LORIMER], and I will vote. I vote "nay."

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Ashurst	Gore	Overman	Smith, Ariz.
Bacon	Hitchcock	Percy	Smith, Ga.
Bryan	Johnson, Me.	Poindexter	Smith, S. C.
Chamberlain	Johnston, Ala.	Pomerene	Swanson
Chilton	Martin, Va.	Rayner	Tillman
Culberson	Martine, N. J.	Reed	Watson
Fletcher	Myers	Shively	

NAYS—33.

Bourne	Cummins	Lippitt	Smoot
Bradley	Dillingham	Lodge	Stephenson
Brandegee	du Pont	McCumber	Sutherland
Bristow	Gallinger	Nelson	Townsend
Brown	Gronna	Oliver	Warren
Burnham	Guggenheim	Page	Wetmore
Burton	Heyburn	Perkins	
Catron	Jones	Root	
Cullom	Kenyon	Smith, Mich.	

NOT VOTING—34.

Bailey	Curtis	Lea	Sanders
Borah	Davis	Lorimer	Simmons
Bourne	Dixon	McLean	Smith, Md.
Briggs	Fall	Newlands	Stone
Clapp	Foster	O'Gorman	Thornton
Clark, Wyo.	Gamble	Owen	Williams
Clarke, Ark.	Gardner	Paynter	Works
Crane	Kern	Penrose	
Crawford	La Follette	Richardson	

So Mr. SIMMONS's motion that the Senate recede from its amendments was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] that the Senate insist on its amendments Nos. 3 and 4, disagreed to by the House, and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed with the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the committee amendment on page 147.

Mr. CUMMINS. I understood the Senator from Minnesota [Mr. CLAPP] had offered an amendment striking out a certain part of the House text.

Mr. CLAPP. I had an amendment prepared, but the Senator from Georgia [Mr. SMITH] offered one last evening that I rather think is in better form.

Mr. SMITH of Georgia. And I have improved on that a little.

The VICE PRESIDENT. The Senator from Georgia offers an amendment which will be stated.

The SECRETARY. On page 147, amend line 7 by striking out "thirty-four" and inserting "twenty-nine"; amend line 10 by striking out "two hundred and seventy-two thousand five hundred" and inserting "two hundred and thirty-seven thousand five hundred"; amend by substituting for lines 11, 12, 13, and 14 the following:

The five additional circuit court judgeships provided for by the act of Congress approved June 18, 1910, are hereby abolished, and the authority in said act of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. WARREN. I make the point of order against the amendment that it entirely changes existing law. These men are appointed for life or during good behavior, and hold their commissions and are in the service of the United States, under the law.

Mr. SMITH of Georgia. Mr. President, I want to be heard. That is the very issue that is involved.

Mr. WARREN. I withhold my point of order for the moment, so that the Senator from Georgia may proceed.

Mr. SMITH of Georgia. The proposed amendment of the committee strikes out lines 11, 12, 13, and 14 as found on page 147 of the bill. The bill as passed by the House provides that—

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

I agree with the committee that that provision should be stricken out. It is based upon the idea that if a circuit court judge should die in any particular circuit, instead of the President appointing a new circuit court judge in that circuit one of these five judges is to be detailed to that circuit to do the work. I object to having one of these five judges detailed into my circuit. We have three good circuit court judges, and if a vacancy should arise we feel that we are entitled to have another circuit court judge appointed in that circuit from the bar of that circuit. Not one of these five men is from our circuit.

If the principle involved in the House provision is to prevail, then I think it would only be fair to limit its effect to the circuits from which these five men were appointed. If they desire to retain these men and reduce the number of circuit court judges as circuit court judges pass away, then the provision to be fair should be that in these circuits where the addition of these five men has increased the number no appointment shall be made until the number has been reduced to the normal number. But I do not think that these five men ought to be retained at all.

Mr. HEYBURN. Will the Senator permit me to say, in regard to the use of his language, they are not appointed to the circuits; they are appointed from them.

Mr. SMITH of Georgia. I understand.

Mr. HEYBURN. There is no law authorizing the appointments from the circuit.

Mr. SMITH of Georgia. I understand that they are appointed from the circuits, but if they are to be assigned to regular circuit court judge work, then I want them to stick to the circuits that they live in and in which their appointments are made.

But I submit there is no necessity for that. We have dispensed with the court. We agree with the House that there shall be no Commerce Court, and there is, therefore, no necessity for these five additional circuit court judges. The five additional positions were created, not for the benefit of the general work but for this particular court. Five additional positions were created by the act of 1910, which created the Commerce Court.

Now, as we abolish the court we do not need the five additional positions any longer, and it is perfectly legal to abolish those five positions.

The Supreme Court of the United States has held that no man appointed to an office has a vested right in his office. The legislative power can lessen the years of his office where there is no constitutional provision as to the time of the service. The legislative power can abolish the office. No vested right exists to draw the salary.

Congress, in 1910, created five additional positions, enlarging the number of circuit court judges to 34. It did it to provide for the detail of these five men to the Court of Commerce and for nothing else. We have abolished the Court of Commerce and there is no necessity for continuing the five positions.

The amendment which I have offered as a substitute for the House provision, agreeing with the committee that the House provision certainly ought to be disagreed to, simply provides that we shall repeal so much of the act of 1910 as created these five additional positions.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. I should like to ask the Senator from Georgia a question: The Supreme Court of the United States now consists of nine judges. It would be within the competence of Congress to provide that hereafter the Supreme Court of the United States shall consist of seven judges, but does the Senator from Georgia think that, in connection with that provision, we could abolish the last two Supreme Court judgeships and thereby legislate those two judges out of office?

Mr. SMITH of Georgia. I will reply to the Senator by asking him a question: If we reduced the court to seven, could more than seven sit?

Mr. SUTHERLAND. No; but my position is, as implied by my question, that while we might reduce the number of the Supreme Court hereafter to seven members, we could not abolish the office of any one of those nine judges.

Mr. SMITH of Georgia. I am not prepared to say whether we could or could not. The Supreme Court stands upon a somewhat different position from the circuit courts, as it is undoubtedly a court provided for by the Constitution.

Mr. SUTHERLAND. Well, Mr. President, that is true, but only as respects the provision of the Constitution that there shall be a Supreme Court. There is no provision of the Constitution as to number.

Mr. SMITH of Georgia. I will say to the Senator that my impression is that we could reduce the number, and, having abolished the places, that they would no longer hold their offices and no longer draw salaries. I do not express a fixed opinion upon it, but that is my impression about it. I do not see why it should not be the law.

Mr. OVERMAN. Mr. President, may I ask the Senator a question? Suppose we did reduce the number from nine to seven, could we not withhold the appropriation from them if we desired to do so?

Mr. SUTHERLAND. Perhaps we have the physical power to do it; but we certainly have no right to do it under the

Constitution, which provides that the salary of judges shall not be diminished during their term of office.

Mr. SMITH of Georgia. But the office would have ceased to exist.

Mr. SUTHERLAND. No.

Mr. SMITH of Georgia. The office to which the judge was appointed would have ceased to exist.

Mr. SUTHERLAND. Of course, that constitutes the sole difference between the Senator and myself.

Mr. SMITH of Georgia. Yes.

Mr. SUTHERLAND. I think not. I think when the Constitution provides that the judges shall hold their offices during good behavior, that means that when a judgeship has been created that judge can not be separated from his office.

Mr. SMITH of Georgia. It has been done.

Mr. SUTHERLAND. It never has been done but once, and that was in the very early history of the Government.

Mr. SMITH of Georgia. Sixteen circuit judges went out of office for good. Their office was abolished in 1802.

Mr. SUTHERLAND. I am quite familiar with that precedent, but I think it was condemned by the best lawyers in the country, and certainly by some of the leading constitutional text writers of the country.

Mr. SMITH of Georgia. Mr. President, I feel no embarrassment whatever about legislation which wipes out an office. I entirely resent the idea that under our system of government there is any vested right in an office which any man can have. It is true that in the earlier days of the Republic some of our men, still fresh from English practice and English rule, entertained the idea of vested right in office gathered from the English practice, but gradually the courts of this country have entirely abandoned that. I do not believe that there is any supreme court in any of the States in the United States to-day that adheres to the idea that a man can have any vested right in office if the office is abolished by legislation.

Mr. SUTHERLAND. Mr. President, the right which the judge has in his office under the Constitution of the United States, as I understand, is not a right for the sake of the judge; it is not a vested right for his sake; but it is a right for the sake of the people. Whether their theory was right or wrong, they provided in the Constitution for the tenure of office during good behavior; and it was for their benefit, as they thought in framing the Constitution, and not for the benefit of the incumbent of the office—that is, it was for the benefit——

Mr. SMITH of Georgia. And that meant while the office existed. That certainly could not have meant when Congress created offices that were subsequently found to be useless the hands of the legislative power were to be tied and that these men should perpetually or, at least, during life continue to hold the offices, though the people, through their Representatives, believed that no longer was there a necessity or a desirability of maintaining the offices.

Mr. CUMMINS. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to suggest to the Senator from Utah [Mr. SUTHERLAND] that there is no difference between the appointment of a man to an office that he is to hold during good behavior and the appointment of a man to an office that he is to hold for four years, so far as congressional or legislative action is concerned, within the period of four years, if that shall be the term of the office. It has been held a great many times in the United States that an office could be abolished and that the person holding it was thereby removed from the office during the term for which he was either appointed or elected. As I look at it, there is an office known as the office of circuit judge. It is entirely separate and apart from the circuit courts or the circuit court of appeals or the Commerce Court; and I can not believe that there is any constitutional difficulty in abolishing the office of such a judge. The consequence is, of course, that the person holding the office ceases to have any relation to the Government and ceases to be a circuit judge from that time on.

If the Senator from Utah will assert that in a State where an office has been created and a person appointed to it or elected to it for two years or four years, that office can not be abolished during the time to which such person was elected to it, then he will support the proposition which I understand he makes; but I think, in view of the authorities, he will not so assert.

Mr. SMITH of Georgia. I do not desire, Mr. President, to protract the debate on this question. I have presented an amendment which meets the proposition of reducing the number of circuit judges to 29, and repealing so much of the act of 1910 as created 5 additional circuit judges. That we can legally reduce the number it seems to me is perfectly clear. I think that is the simple way to handle the subject.

The additional amendments I have offered follow the one which would substitute for the action of the committee in simply striking out from line 11 to line 14, as passed by the other House, and in their place inserting the provision to the effect which I have stated.

Mr. SUTHERLAND. Mr. President, so far as the point of order made by the Senator from Wyoming [Mr. WARREN] is concerned, it seems to me to be absolutely well taken. The provision of law under which these five judges are now in office is as follows:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court for any district, or the circuit court of appeals for any circuit, or in the Commerce Court.

The existing law, therefore, is that these five judges have been appointed during good behavior. If no change is made in existing law, of course they continue to hold those offices. So it is manifest that the proposition made by the Senator from Georgia [Mr. SMITH] is to radically change existing law.

Independently, however, of the question of order and upon the merits of this proposition, I contend that Congress has no power to do this thing, even if it were presented by a separate bill. Let me again advert to the provisions under which these judges were appointed.

In the first place, the Commerce Court act provided that a court of the United States should be created called the Commerce Court; that that court should be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States from among the circuit judges of the United States. But the act further provided that as at first constituted the court should consist of these five additional circuit judges. Then provision was made as to how these five judges should be appointed. They were to be appointed by the President of the United States as circuit judges. It is true they are called additional circuit judges, but the word "additional" is no part of the title. It is simply descriptive; it means the same as though it had read "there shall be appointed five circuit judges, who shall be in addition to the judges already in office."

Mr. SMITH of Georgia. The Senator's position is, then, that if we do in time increase the number of any branch of the Federal court judiciary who hold for life, we could never subsequently decrease them?

Mr. SUTHERLAND. We never can decrease them.

Mr. SMITH of Georgia. During the lives of the men?

Mr. SUTHERLAND. That is precisely my position. We have no right to decrease them. We may decrease the number of judges, but we must provide, as the House provided—and I will undertake to say after due consideration:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. HEYBURN. Will the Senator permit me to interrupt him?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. That was done in the act of 1866.

Mr. SUTHERLAND. It has been done several times.

Mr. HEYBURN. The act of 1863 increased the court to nine associates and the Chief Justice. Under that Justice Field came in. Then, in 1866, Congress provided that no other Supreme Court judge should be appointed until the number had been reduced to six Associate Justices and one Chief Justice.

Mr. SUTHERLAND. That has been done.

Mr. HEYBURN. And the House evidently followed that precedent.

Mr. SUTHERLAND. Precisely. That has been the uniform legislation with reference to this matter, except in the case to which the Senator from Georgia adverted, in 1802. Congress has on two or three occasions altered the number of judges who should constitute the Supreme Court of the United States. It has on two or three occasions reduced the number. It reduced them upon one occasion from 9 to 7. It reduced them upon another occasion from 10 to 9; but in each instance where it undertook to do that express provision was made that that should not interfere with the tenure of the existing judges. In other words, until one of the judges should have passed away or resigned or gone out of office in some way provided by the Constitution—having reached the age limit and retired, for example—Congress recognized that he could not be deprived of his office, and continued him in his office, and the provision for

the number of the judges to be decreased went into operation after, in the natural course of things, the number of judges had been reduced.

Mr. WARREN. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I do not want to cut off argument, if it is in order, but I want now to make the point of order for the Chair to rule upon, that no matter what might properly be the changes in legislation, certainly an appropriation bill is not open to amendments to be offered that have neither been estimated for, nor have they been heretofore presented, printed, and laid over for a day, nor have they been reported from any committee.

Mr. OVERMAN. Mr. President, this is——

Mr. SUTHERLAND. I want to continue for a few moments to state my position upon this matter. I think it is a question of great importance.

Mr. CUMMINS. May I interrupt the Senator?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. Before the point of order suggested by the Senator from Wyoming is ruled upon, I desire to be heard upon it.

Mr. WARREN. Of course the point of order is open to discussion as to the point of order itself.

Mr. CUMMINS. I do not want to interrupt the Senator from Utah for that purpose now.

Mr. WARREN. I do not claim that those are the only points of order that can be made against the amendment, but I make those for the Chair to consider. Of course, remarks on the point of order are in order.

Mr. SUTHERLAND. Now, Mr. President, the office of the judge must be distinguished from the court, which is not an office, but a place or an institution for the exercise of the office of the judge. The Commerce Court exists wholly independent of any particular judges. We could provide that these circuit judges should no longer serve in the Commerce Court, but that district judges should be appointed; we could provide for the employment of entirely new judges to serve upon the Commerce Court; and so with reference to the other courts. Not very long ago we abolished the circuit courts of the United States, transferring their jurisdiction to the district courts of the United States, but we did not thereby abolish the circuit judges any more than we would abolish the district judge by abolishing the district court, or any more than we would abolish the Supreme Court by abolishing the circuit courts, in which the Supreme Court judges were authorized to sit.

Mr. SMITH of Georgia. That was because you needed them on the circuit courts of appeal.

Mr. SUTHERLAND. But wholly independent of the question of what we needed, I am saying that the act of legislation abolishing the circuit courts did not abolish the circuit judges. I am undertaking to point out that the office of judge is wholly separate and distinct from the court. The Constitution, as I have said, provides that the judges, whether they are Supreme Court judges or judges of the inferior courts, shall hold their office during good behavior. By that provision, as I understand, it was intended that the judge should not be separated from his office nor the office from the judge in such a way that he should cease to be a judge; otherwise the whole purpose of the Constitution, so far as that part of it is concerned, would, as I view it, be utterly subverted. The idea of that was that these judges should have a permanency of tenure and not be subject to removal by the President of the United States, who appointed them, nor by the legislative body which authorized their appointment. It was intended that they should be entirely independent, so far as their tenure of office was concerned, of everybody. Congress was simply designated as an agent of the people to provide for these courts, as the President was designated as the agent of the people to make the appointment of the judges; but when the authority was given by Congress for the creation of these offices, and the President of the United States had filled them, both Congress and the President ceased to have any control over their tenure of office. It was further emphasized——

Mr. OVERMAN. Mr. President——

Mr. SUTHERLAND. If the Senator will bear with me a moment, that thought was further emphasized by the provision in the Constitution that the salaries of the judges should not be reduced. The underlying thought in both propositions was that the court should be entirely independent of Congress, so that their judgment should not be swayed in any manner by the opinions of Congress upon any matters that might come before them; that they might be wholly independent; that their judgment might not be altered or swayed in the slightest degree by the fear that, if they did not decide in a particular way, Congress could step in and remove them from the office, or that Congress could step in and take away their salary or cut it down.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SUTHERLAND. Yes.

Mr. OVERMAN. Within my recollection in the Senate there have been two courts abolished, and the judges have been abolished, their salaries being unappropriated for.

Mr. SUTHERLAND. What judges?

Mr. OVERMAN. I refer to the Spanish Claims Commission, here in the city, and then there was a land court to pass on Mexican claims out in the West.

Mr. SUTHERLAND. They were not constitutional courts.

Mr. OVERMAN. I remember a judge from my State who was appointed——

Mr. SUTHERLAND. They were not constitutional courts.

Mr. OVERMAN. All courts are constitutional courts, in that Congress is allowed to create such courts as it may from time to time think necessary. The circuit courts are not provided for in the Constitution; only the Supreme Court of the United States is provided for in the Constitution. Therefore, any court that we create is subject, as I claim, to be abolished, except the Supreme Court of the United States.

Mr. SUTHERLAND. Oh, no, Mr. President; there is a very clear and a very vital distinction. The judges of the courts created by the Constitution hold their office during good behavior. That does not mean that Congress may not create other courts. Congress provided for courts in the Territories and fixed their term of office at four years. The Supreme Court held that they did not exercise any of the judicial power of the Constitution; that they were not constitutional courts, but legislative courts.

Mr. OVERMAN. The time of the courts to which I have referred was not fixed. What is the distinction between those courts and any other courts established by Congress? They are all legislative courts.

Mr. SUTHERLAND. They were appointed for a special purpose. It is true they exercised judicial functions, but they did not exercise the judicial power of the Constitution. That distinction is very well understood. We provide for the appointment of commissioners of the circuit courts. Those commissioners exercise judicial functions, but it has been repeatedly held by the Supreme Court and by the subordinate Federal courts that they do not exercise any of the judicial power of the Constitution, and they are not constitutional courts, although they exercise judicial functions. So with special boards or courts, or whatever we may call them.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. Yes.

Mr. CLAPP. Was not the court in the District of Columbia which was abolished in March, 1863, a constitutional court?

Mr. SUTHERLAND. Not at all. The judges of the courts of the District of Columbia are not appointed under the judicial clause of the Constitution at all; they are appointed under the provisions of the Constitution which gives Congress authority to govern the District of Columbia, just as the judges in the Territories are appointed under that provision of the Constitution which gives Congress the—

power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

They are not appointed under the judicial clause of the Constitution at all.

Mr. CLAPP. Does the Senator claim that, outside of what force may attach to the provision that a judge's salary shall not be decreased, the term of office of a judge whom he calls a "constitutional judge" is any more beyond the reach of Congress than that of any other officer?

Mr. SUTHERLAND. That is precisely what I am claiming.

Mr. CLAPP. I should like to have the Senator answer the suggestion of the Senator from Iowa, which, it seems to me, is absolutely unanswerable——

Mr. SUTHERLAND. I thought I was answering it.

Mr. CLAPP. That it makes no difference whether that term is indeterminate or fixed, we could abolish it in either case.

Mr. SUTHERLAND. I do not think so, because I think, as I have been undertaking to show, that the Constitution of the United States contemplated that these judges should hold their offices during good behavior and should not be subject to removal. No power is given——

Mr. CLAPP. Suppose it had said "10 years" instead of "during good behavior"?

Mr. SUTHERLAND. Well, I think that might have made some difference, but that is not the case we are dealing with.

Mr. CLAPP. The one determines just as much as the other.

Mr. SUTHERLAND. I do not think so.

Mr. CLAPP. If it would be 10 years, it would be 10 years, and if it is during good behavior it is during good behavior; and if we could terminate the one we certainly may terminate the other, it seems to me.

Mr. SUTHERLAND. I do not agree with the Senator; I do not think we can, because the purpose of the Constitution with reference to the permanency of these judges is to be borne in mind.

I was going to say that in 1802—and that is the only piece of legislation that I know of where anything of this sort has ever been attempted—in 1802 Congress, after a most illuminating discussion and after devoting some weeks of time to the discussion, by an act abolished the 16 circuit courts that had been created the year previous. It was done, as I think historians practically all agree, as a matter of politics. The outgoing administration, under President Adams, had provided for these 16 circuits, and the judges for them had been appointed. The incoming administration, under Mr. Jefferson, was very much disturbed about it, and a bill was immediately presented upon the incoming of Congress to repeal the previous act, and after discussion it was repealed.

Now, I want to call attention—and with those citations I am through, for I have no desire to prolong the discussion—to what was said by Mr. Justice Story, who in point of time was pretty close to that particular incident. At section 1632 of his work on the Constitution, Mr. Justice Story says——

Mr. POINDEXTER. Mr. President, for information, I will ask what was the result as to the tenure of office of these Federal judges.

Mr. SUTHERLAND. Congress abolished the court and, as I remember—although I am not entirely clear about it—they undertook to provide, as well, that the judges should not serve.

Mr. POINDEXTER. What was the result of that? Did those judges go out of office?

Mr. SUTHERLAND. The result was that there was no way of presenting the matter—that is, no way by which the judges themselves could present it, as I understand—and the matter never was determined by the Supreme Court.

Mr. SMITH of Georgia. To what case is the Senator referring?

Mr. SUTHERLAND. I am referring to the legislation of 1802, which undertook to abolish the circuit courts that had been created the year prior.

Mr. SMITH of Georgia. But they did not abolish the circuit courts. They abolished the office of circuit-court judge as a distinct office.

Mr. SUTHERLAND. The circuit judges or the circuit court——

Mr. SMITH of Georgia. They abolished the 16 judges, and the judges applied to Congress later on for their pay, which was denied them.

Mr. SUTHERLAND. Yes; they applied to Congress.

Mr. POINDEXTER. Does not the Senator think, if there had been a remedy in case they had desired to question the right of Congress to abolish their offices and legislate them out of office by legislating the court out of existence, that they would have applied to the court and had the constitutionality of the matter determined by the court?

Mr. SUTHERLAND. Well, I do not know——

Mr. POINDEXTER. The fact that they did not do so rather indicates, in my judgment, that there simply was no question about the authority of Congress.

Mr. SUTHERLAND. The judges did not assent to it, because they applied to Congress, asking Congress to assign them to their duties, insisting that they were still judges, but that there was nothing for them to do. I can not myself just see what they could have done in the way of appealing to the court.

Mr. HEYBURN. Did their pay go on?

Mr. SUTHERLAND. No; their pay did not go on.

Mr. SMITH of Georgia. Does the Senator contend that we could not abolish the office of circuit court judge or circuit court judge of appeals and abolish all 34 places, doing away with these judges entirely?

Mr. SUTHERLAND. I do so contend. The Senator has asked me that question before.

Mr. SMITH of Georgia. No; I never asked the Senator that question.

Mr. SUTHERLAND. Well, he has asked me a question equivalent to that.

Mr. SMITH of Georgia. I carried it a little further this time.

Mr. SUTHERLAND. I do so contend. The whole purpose for which I am now standing on my feet is to make that contention. Let me in turn suggest to the Senator that if we may abolish the 34 circuit judges, then we can abolish the 93 district judges, and we can abolish all other judges and provide for the appointment of other judges in their places. I do not think that any such contingency as that was ever contemplated by the Constitution.

Mr. SMITH of Georgia. My former question to the Senator was, Did he contend that we could not abolish five of these places and get rid of these judges in that way? I extended the question the last time to the entire 34, covering the entire jurisdiction.

Mr. SUTHERLAND. Of course, it must necessarily follow, if I contend that the 5 can not be abolished, that I also contend that 34 can not be abolished.

In section 1632, Mr. Story says:

Mr. Justice Wilson also has, with manifest satisfaction, referred to the provision as giving a decided superiority to the national judges over those of England.

This is a quotation from Mr. Justice Wilson:

The laws—

Says he—

in England respecting the independency of the judges have been construed as confined to those in the superior courts. In the United States this independency extends to judges in courts inferior as well as supreme. This independency reaches equally their salaries and their commissions. In England the judges of the superior courts do not now, as they did formerly, hold their commissions and their salaries at the pleasure of the Crown, but they still hold them at the pleasure of the Parliament.

That is because there is an express provision.

The judicial subsists, and may be blown to annihilation by the breath of the legislative department.

That is in England.

In the United States the judges stand upon the sure basis of the Constitution; the judicial department is independent of the department of legislature. No act of Congress can shake their commissions or reduce their salaries. "The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office." It is not lawful for the President of the United States to remove them on the address of the two Houses of Congress. They may be removed, however, as they ought to be, on conviction of high crimes and misdemeanors. The judges of the United States stand on a much more independent footing than that on which the judges of England stand, with regard to jurisdiction as well as with regard to commissions and salaries. In many cases the jurisdiction of the judges of the United States is ascertained and secured by the Constitution. As to these, the power of the judicial is coordinate with that of the legislative department. As to the other cases, by the necessary result of the Constitution, the authority of the former is paramount to the authority of the latter.

Now, in the next section he proceeds:

It would be a matter of general congratulation if this language had been completely borne out by the perusal of our judicial annals, but, unfortunately, a measure was adopted in 1802, under the auspices of President Jefferson, which, if its constitutionality can be successfully vindicated, prostrates in the dust the independence of all inferior judges, both as to the tenure of their office and their compensation for services, and leaves the Constitution a miserable and vain delusion. In the year 1801 Congress passed an act reorganizing the judiciary and authorizing the appointment of 16 new judges, with suitable salaries, to hold the circuit courts of the United States in the different circuits created by the act. Under this act the circuit judges received their appointments and performed the duties of their offices until the year 1802, when the courts established by the act were abolished by a general repeal of it by Congress without in the slightest manner providing for the payment of the salaries of the judges or for any continuation of their offices. The result of this act, therefore, is, so far as it is a precedent, that, notwithstanding the constitutional tenure of office of the judges of the inferior courts is during good behavior, Congress may, at any time, by a mere act of legislation, deprive them of their offices at pleasure, and with it take away their whole title to their salaries. How this can be reconciled with the terms or the intent of the Constitution is more than any ingenuity of argument has ever, as yet, been able to demonstrate. The system fell, because it was unpopular with those who were then in possession of power, and the victims have hitherto remained without any indemnity from the justice of the Government.

And in a note to that section the author says:

The act gave rise to one of the most animated debates to be found in the annals of Congress, and was resisted by a power of argument and eloquence which has never been surpassed. These debates were collected and printed in a volume at Albany in 1802, and are worthy of the most deliberate perusal of every constitutional lawyer. The act may be asserted, without fear of contradiction, to have been against the opinion of a great majority of all the ablest lawyers at the time, and probably now, when the passions of the day have subsided, few lawyers will be found to maintain the constitutionality of the act. No one can doubt the perfect authority of Congress to remodel their courts or to confer or withdraw their jurisdiction at their pleasure. But the question is whether they can deprive judges of the tenure of their office and their salaries after they have once become constitutionally vested in them.

And Mr. Tucker, an able authority, in the course of a discussion of this subject in the appendix to the first volume of

his edition of Blackstone, commenting upon this same matter, says——

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SUTHERLAND. Certainly.

Mr. FLETCHER. May I ask the Senator a question? Does he not think it is within the power of Congress to repeal the act creating the court and providing for these judges—absolutely, the whole act?

Mr. SUTHERLAND. I did not hear the Senator.

Mr. FLETCHER. Does not the Senator think it is within the power of Congress to repeal the act creating the Commerce Court?

Mr. SUTHERLAND. I think we have the power to do that.

Mr. FLETCHER. Would not the effect of that be to do away with the judges appointed under that act?

Mr. SUTHERLAND. Not at all, and I am strengthened in my position in this particular instance by the fact that these judges are not appointed as judges of the Commerce Court. They are appointed as circuit judges and the act which provides for their appointment expressly provides that they may serve in the circuit courts of appeals and in the circuit courts.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. Suppose the act of 1910, instead of providing for the appointment of five additional circuit judges, had provided for the appointment of five judges of the Commerce Court. The Senator from Utah has expressed the opinion, about which I think there can be no doubt, that it is within our power to abolish the Commerce Court. Under that hypothesis, what would then have become of the judges?

Mr. SUTHERLAND. The judges would have been judges. They would have been entitled to receive their salaries, because the office of the judge, under the terms of the Constitution, had vested in them during good behavior. That, if it means anything, means that they can not be divested of their office except for misbehavior. They would have been judges without Congress having assigned any duties to them, but Congress could have done so at any time.

Mr. CUMMINS. The Senator says they would have been judges, but judges of what?

Mr. SUTHERLAND. Judges without duties.

Mr. CUMMINS. Judges of what court?

Mr. SUTHERLAND. Judges of no court, but judges entitled to receive their compensation.

Mr. BACON. Does the Senator take the position that there can be judges without a court?

Mr. SUTHERLAND. I have been undertaking to say that there may be; that we may abolish a court——

Mr. BACON. I understood what the Senator said necessarily involved that and led to it, but I did not know that the Senator had announced it as a distinct proposition that there may be a judge without a court.

Mr. SUTHERLAND. That is the distinct position——

Mr. BACON. Or without any law authorizing a court.

Mr. SUTHERLAND. That is the distinct position taken by the authorities I am quoting. That is Mr. Story's position.

Mr. HEYBURN. Mr President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. HEYBURN. Is it a fact that one of the judges of the Commerce Court at the time of his appointment was a judge of a United States district court appointed for life?

Mr. SUTHERLAND. I think so.

Mr. HEYBURN. Then we abolished that office which he held.

Mr. SUTHERLAND. He accepted the other office.

Mr. HEYBURN. Did he resign?

Mr. SUTHERLAND. I do not know what he did, but he accepted the other office.

Mr. HEYBURN. Unless he resigned, he is now two judges.

Mr. SUTHERLAND. Does the Senator think we could have taken him out of his office without his consent?

Mr. HEYBURN. We just deliberately appointed him.

Mr. SUTHERLAND. I know; but suppose he had declined the appointment.

Mr. HEYBURN. That is supposable.

Mr. SUTHERLAND. That is a legitimate supposition. Suppose the judge, who was then a district judge, and had been appointed a circuit judge, had declined to accept the office of circuit judge. Would he not have continued in his office of district judge?

Mr. CUMMINS. I want to suggest, in order to keep the record straight, that there were two of these judges who were upon the district bench at the time they were appointed to the Commerce Court.

Mr. HEYBURN. Yes; there was one other. I did not want to mention names.

Mr. SUTHERLAND. I can not see how that in any manner militates against the argument I am making. The judges who were serving as district judges could not have been taken out of their positions without their consent. The President saw fit to appoint them—if there was more than one—to the office of circuit judge.

Mr. HEYBURN. In what form?

Mr. SUTHERLAND. By accepting the office. I am reminded that one of the judges who was appointed declined to serve. That was a judge in Michigan. He refused the appointment.

Mr. HEYBURN. How would a United States district judge, appointed for life, get out of office through any action taken by Congress or the President? It must be by his own action.

Mr. SUTHERLAND. Precisely.

Mr. HEYBURN. Did he resign?

Mr. SUTHERLAND. He gave up his office by accepting the other.

Mr. HEYBURN. That is not resignation. He may have abandoned his office, but did he resign? If he did not resign, having been appointed United States district judge for life, he must still be a United States district judge for life.

Mr. SUTHERLAND. I suppose his accepting another judicial appointment of a higher grade necessarily would amount to an abandonment of that office.

Now, let me read this quotation from Tucker, page 359 of the first volume:

> That absolute independence of the judiciary for which we contend is not, then, incompatible with the strictest responsibility (for a judge is no more exempt from it than any other servant of the people, according to the true principles of the Constitution), but such an independence of the other coordinate branches of the Government as seems absolutely necessary to secure to them the free exercise of their constitutional functions without the hope of pleasing or the fear of offending. And as from the natural feebleness of the judiciary it is in continual jeopardy of being overpowered, awed, or influenced by its coordinate branches, who have the custody of the purse and sword of the confederacy; and as nothing can contribute so much to its firmness and independence as permanancy in office, this quality therefore may be justly regarded as an indispensable ingredient in its Constitution, and in great measure as the citadel of the public justice and the public security. Nor was it imagined that there was more than one opinion upon this subject in the United States until a recent event proved the contrary. It was supposed that there could not be a doubt that those tribunals in which justice is to be dispensed according to the Constitution and laws of the confederacy; in which life, liberty, and property are to be decided upon; in which questions might arise as to the constitutional powers of the Executive, or the constitutional obligation of an act of the Legislature; and in the decision of which the judges might find themselves constrained by duty and by their oaths to pronounce against the authority of either should be stable and permanent and not dependent upon the will of the Executive or Legislature, or both, for their existence. That without this degree of permanence the tenure of office during good behavior could not secure to that department the necessary firmness to meet unshaken every question and to decide as justice and the Constitution should dictate without regard to consequences. These considerations induced an opinion which it was presumed was general, if not universal, that the power vested in Congress to erect from time to time tribunals inferior to the Supreme Court did not authorize them, at pleasure, to demolish them. Being built upon the rock of the Constitution, their foundations were supposed to partake of its permanency and to be equally incapable of being shaken by the other branches of the Government. But a different construction of the Constitution has lately prevailed; it has been determined that a power to ordain and establish from time to time carries with it a discretionary power to discontinue or demolish; that although the tenure of office be during good behavior, this does not prevent the separation of the office from the officer by putting down the office, but only secures to the officer his station upon the terms of good behavior so long as the office itself remains. * * * Painful, indeed, is the remark that this interpretation seems calculated to subvert one of the fundamental pillars of free governments, and to have laid the foundation of one of the most dangerous political schisms that has ever happened in the United States of America.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Yes.

Mr. BACON. I wish to ask the Senator from Utah how he reconciles what he has read from Story and from Tucker with his advocacy of the abolition of the circuit courts?

Mr. SUTHERLAND. It does not disagree with my position upon that matter.

Mr. BACON. As I understood the contention of the Senator, it is that Congress, while it has the power to create a court, when it has once created it has lost the power over it and it becomes a permanency, and that thereafter Congress can not repeal the law creating the court and can not thereby abolish that court.

Mr. SUTHERLAND. I think this, Mr. President. I perhaps did not state my position as fully as I should have done.

My position about it is that when Congress has created a court and provided for judges, Congress has the power to abolish that court, but I think it must eo instanti confer the duties of that court upon some other court, as was done in the case of the circuit courts of the United States. It is true we abolished the circuit courts, but in the same act, eo instanti, we vested in the district courts all of the powers and authority of the circuit courts, and we did not in any manner disturb the tenure of the circuit judges. I think we had a right to do that. I think we have a right to abolish the Commerce Court provided we confer upon some other tribunal the duties and the powers of the Commerce Court, which we have undertaken to do.

Mr. BACON. If the Senator will pardon me, of course the power to create the Commerce Court or any other court is found in that clause of the Constitution which, after providing for the Supreme Court, authorizes Congress to create any other inferior courts that it may think proper and desirable. That is true, is it not? There is no distinction in that case, as to the power, between its exercise in the creation of a circuit court and its exercise in the creation of the Commerce Court.

The proposition of the Senator is that having once created a court, although the purpose for which it was created may have been accomplished and there may be no further use for it, or although it may develop that the purpose for which the court was created was mistaken in its contemplation as to its results, Congress is powerless to abolish the court unless it confers its powers on some other tribunal.

As a matter of law, there is no more necessity in one case than in another of conferring the powers of a court upon some other tribunal, because whether or not those powers shall continue to be exercised by any court is a question of judgment. In the judgment of Congress the occasion may arise when it would be a question whether those powers properly should be perpetuated and conferred upon some other court, or whether they should be taken away altogether and not exercised by any court. That is certainly a legitimate thing for Congress to consider and to determine.

That brings me to the point I am coming to: That occasions do arise when Congress creates courts and appoints judges that are for a temporary purpose. But if the contention of the Senator is correct, when that temporary purpose has been accomplished, even although the court is to be dispensed with, the inalienable right of a judge to his office and to his salary is such that while there is no further use for him he must be perpetuated in office.

I will give an illustration: Some 12 years ago Congress created the Court of Spanish Claims. That was for the accomplishment of a particular purpose.

Mr. SUTHERLAND. Does the Senator claim that that was a court possessing judicial powers under the Constitution?

Mr. BACON. It was one of the inferior courts, and there is no distinction. There is no court that Congress creates that is not created under the judicial clause of the Constitution. It may create courts which have higher dignity in some cases than in others. It may create courts which it designs to be permanent, as it did design in the creation of the circuit courts, but which, in a large measure, the Senator was influential in destroying by insisting upon the abolition of the circuit courts against my protest.

Mr. SUTHERLAND. Before the Senator passes from that point, let me ask him this question: Do I understand the Senator to say that Congress is powerless to provide for a court that does not owe its existence to the judicial clause of the Constitution?

Mr. BACON. I do not think Congress can create any court without deriving its power to create it from the Constitution.

Mr. SUTHERLAND. Congress created the courts of the District of Columbia.

Mr. BACON. Yes.

Mr. SUTHERLAND. They certainly were not created under the judicial clause.

Mr. BACON. That was under an altogether different clause of the Constitution.

Mr. WARREN. Mr. President, I should like to ask who has the floor.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. SUTHERLAND. Surely.

Mr. WARREN. With all respect, Mr. President, of course I am helpless; but a point of order has been raised here that need not bring in any of these constitutional questions, and I will ask if the Chair is ready to rule.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. SUTHERLAND. Mr. President, I will ask the Senator from Wyoming to listen to me for a moment. I have the floor. I do not occupy the floor very often, and I am going to occupy it until I finish.

Mr. WARREN. Mr. President, there is no occasion for the temper shown by the Senator.

Mr. SUTHERLAND. The Senator from Wyoming has twice suggested that the Chair ought to rule on the point of order, and that the Senator from Utah ought to cease speaking.

Mr. WARREN. The Senator from Utah can indulge in that if he likes; but I submit to him whether, after sitting here for nine days under attacks, I ought not at least to have a right to ask him to listen to a suggestion made in the most respectful way and with the greatest kindness. Having made a point of order I am entitled to a ruling, and the only debate permissible meantime would be on the question of order as challenged.

If I have sinned against the Senator from Utah, I will beg his pardon, but I do not see it in that light.

Mr. SUTHERLAND. The Senator from Wyoming did not make any suggestion to me. The Senator from Wyoming has twice interrupted me to ask the Chair whether he was ready to rule upon this question.

Mr. WARREN. Very well. That would not have taken the Senator off the floor, however.

Mr. SUTHERLAND. I would not have yielded to the Senator from Wyoming to make any such inquiry. I supposed the Senator wanted to ask me something.

The PRESIDING OFFICER. The Senator from Utah is entitled to the floor and will proceed.

Mr. SUTHERLAND. I was going to suggest to the Senator from Georgia, in addition to what I have said, that Congress has provided for appointing the courts in the various territories. That is not under the judiciary clause of the Constitution.

Mr. BACON. They are created under an altogether different clause.

Mr. SUTHERLAND. Congress has also provided for appointing commissioners of courts to exercise judicial functions. So it seems to me it is hardly accurate for the Senator from Georgia to say that any court created by Congress must be created under the judiciary clause.

Mr. BACON. No; the Senator misunderstood me. Of course, when I say that I am speaking of national courts. I am not speaking of the District of Columbia. Congress is expressly given absolute and unqualified power over everything that relates to the District. I am not speaking of the Territories, where there is the exercise of a similar power under the Constitution. The principle is an altogether different one.

I am not speaking of either Territorial courts or courts in the District of Columbia. I wish to say to the Senator that I have had reference solely to courts which may be said to be national in their character—that is, they are for national purposes—outside of the particular localities mentioned by me.

I repeat the suggestion and the expression of opinion which I made, that no inferior court of that character is created by Congress except a court the power to create which is derived from the clause of the Constitution which confers upon Congress the authority to create inferior courts. It was for that reason, if the Senator will pardon me a second, that I ventured the conclusion that the contention of the Senator could not be correct—that after having created a court Congress could not abolish it without conferring its powers on some other court.

I came to that conclusion for the reasons I have mentioned. In the first place, the purpose for which the court was originally created may have been accomplished and there may be no further need for it. I say that if a court of that kind had been created, and there had been no limitation set either upon the life of the court or the tenure of office of the judge, whenever Congress came to the conclusion that the time had arrived when the court had accomplished the purpose for which it was created and abolished it, the judge necessarily would go with it.

I do not want to interrupt the Senator unduly. I want to say, however, if he will pardon me, that the Senator may remember that when the act which abolished the circuit courts was before the Senate I contended that to do so would be to vacate the offices of the circuit judges. I have no question in my mind as to the correctness of that conclusion, except upon one possible suggestion, and that is that prior to the abolition of the circuit courts there had been additional jurisdiction conferred upon those judges, and therefore that while the circuit courts were eo nomine abolished the particular duties which they performed had not been abolished in entirety. That is the only ground upon which, in my opinion, it can be maintained to-day that the abolition of the circuit courts of the United States did not abolish the office of every circuit judge in the United States.

Mr. SUTHERLAND. Mr. President, of course I regret that the Senator from Georgia does not agree with my position on this matter. But my regret is somewhat tempered by the thought that two very distinguished writers upon the Constitution do agree with me.

That is all I care to say upon this matter, Mr. President, except, in conclusion——

Mr. FLETCHER. Mr. President, I should like to ask the Senator one question. Throughout his speech he has maintained that Congress has not the power to withdraw jurisdiction from one court without giving it to another court. I think the Senator will scarcely insist upon that. He will admit, I take it, that all the Federal courts—the district courts and the circuit courts—were created by act of Congress. Every court except the Supreme Court of the United States was created by act of Congress. The jurisdiction of the district courts and the jurisdiction of the circuit courts depend upon the act of Congress, and the legislative power can deprive any of these courts of all their jurisdiction. Will not the Senator concede that?

Mr. SUTHERLAND. If the Senator means by that that they can be abolished, I will answer "no."

Mr. FLETCHER. I mean that it is in the power of Congress to deprive either the Commerce Court or the district court or the circuit court of all its jurisdiction without conferring it on any other court.

Mr. SUTHERLAND. Mr. President, I do not want to enter into a discussion of that question; but I very much doubt whether Congress could deprive all the courts of the United States of all jurisdiction in all cases, leaving no courts open to any person who had a right of action under the Constitution or laws of the United States.

Mr. FLETCHER. In that connection, if the Senator will allow me, I will refer to the case of Ex parte Wisner, 203 United States, where Chief Justice Fuller says:

> The Supreme Court alone possesses jurisdiction derived immediately from the Constitution and of which the legislative power can not deprive it; but the jurisdiction of the circuit courts depends upon some act of Congress.

Mr. SUTHERLAND. I think, Mr. President, when the Constitution directed Congress to create courts inferior to the Supreme Court of the United States, while, of course, Congress had the physical power not to do it, it was nevertheless a mandatory duty. Congress would have itself violated the provisions of the Constitution if it had not created the courts. Having created them, I can not concede the proposition that it can deprive them of all jurisdiction of all cases and thereby in substance abolish them.

Mr. BACON. Will the Senator from Utah let me make a statement in justice to myself?

Mr. SUTHERLAND. If the Senator will permit me, I will conclude in one sentence, and then the Senator can take the floor.

Mr. BACON. I want to correct something that I said. I spoke of the Spanish commission as a court. Of course, I know it is only a commission, and I used it simply by way of illustration. If they had been justices what I said by way of illustration would have been apt.

Mr. SUTHERLAND. That was the point of my inquiry when the Senator made the statement.

Now, Mr. President, just a sentence to conclude. An act of Congress getting rid of these five judges would perhaps have no serious consequences, but that sets, as I view it, an exceedingly dangerous precedent. If Congress undertakes to pass legislation which will abolish the offices of these five judges against the provision of the Constitution that they shall hold office during good behavior, at some future time it may be cited as a precedent for going as far as the Senator from Georgia suggested a while ago, abolishing all the circuit judges and abolishing all the district judges, if we happen to have some party in power that does not agree with what the courts as a whole are doing.

The PRESIDING OFFICER. The Senator from Georgia [Mr. SMITH] offers an amendment against which the Senator from Wyoming [Mr. WARREN] raises a point of order. The amendment will be read.

The SECRETARY. Amend, by substituting for lines 11, 12, 13, and 14, on page 147, the following words:

> The five additional circuit court judgeships provided for by the act of Congress approved June 18, 1910, are hereby abolished, and the authority in said act of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. OVERMAN. I understand that that is offered as an amendment to the paragraph on page 145, which is proposed to be stricken out by the amendment of the committee.

The PRESIDING OFFICER. The Senator is correct.

Mr. OVERMAN. This amendment is offered to perfect the text before the amendment of the committee comes up to strike out. Therefore I think it is in order, because it is offered for the purpose of perfecting the text.

The PRESIDING OFFICER. The Senator from Wyoming will state his point of order.

Mr. WARREN. Mr. President, if I may be permitted, if I have sinned I ought to apologize, but I understand when a point of order is raised here by a Senator in charge of a bill that point is to be decided without debate on the merits of the case, though the point of order may be discussed, the Chair permitting.

I withheld the point of order so that the Senator from Georgia could speak upon it, and I assume that when the Senator from Utah was speaking he understood that under our rules I would have to withhold the point of order if he could proceed, unless he spoke entirely to the point of order. Hence, my suggestion that we may have a ruling upon the point of order.

Mr. SMITH of Georgia. I can not hear what the Senator from Wyoming is saying.

Mr. BACON. None of us can hear on this side.

Mr. WARREN. It is unimportant, anyway. This is an appropriation bill and the rules are clearly against general legislation on an appropriation bill. Besides, all the smaller matters, lack of estimate and lack of presentation by a committee, lie against the amendment as it was stated.

The PRESIDING OFFICER. The present occupant of the chair is clearly of opinion that the amendment proposes general legislation, and the point of order is sustained.

Mr. OVERMAN. I ask the Chair to submit that question to the Senate under the rule.

The PRESIDING OFFICER. Does the Senator from North Carolina appeal from the decision of the Chair?

Mr. OVERMAN. I appeal.

The PRESIDING OFFICER. The Senator from North Carolina appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OVERMAN. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Senators who are of opinion that the decision of the Chair is correct will vote "yea," and those of a contrary opinion will vote "nay." The Secretary will call the roll.

Mr. CLAPP (when his name was called). The junior Senator from Louisiana [Mr. THORNTON] has been assigned to service in attendance on a funeral, and I consented to stand paired with him to-day on this question.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS] and withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS] and withhold my vote.

Mr. GARDNER (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. CRANE] and withhold my vote.

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. I see that he is absent from the Chamber, and I will therefore withhold my vote.

Mr. JOHNSTON of Alabama. The senior Senator from Alabama [Mr. BANKHEAD] would vote "nay" if present.

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer my pair to the junior Senator from Tennessee [Mr. SANDERS] and vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the junior Senator from Indiana [Mr. KERN]. I am also informed that if the Senator from New Mexico [Mr. FALL] were here he would vote as I do, but I am not certain enough to vote without transferring my pair. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], but on this question he stands paired with the Senator from California [Mr. WORKS], and I vote "yea."

Mr. WATSON (when his name was called). In the absence of my general pair I withhold my vote.

The roll call was concluded.

Mr. CULLOM (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], who, I understand, has been called away from the city. I therefore withdraw my vote.

Mr. DILLINGHAM. May I inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. DILLINGHAM. Having a general pair with that Senator, I withhold my vote.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to my colleague, the junior Senator from Connecticut [Mr. McLEAN], and vote. I vote "yea."

The result was announced—yeas 19, noes 26, as follows:

YEAS—19.

Bradley	du Pont	Oliver	Stephenson
Brandegee	Jones	Page	Townsend
Burnham	Lippitt	Perkins	Warren
Burton	Lodge	Smith, Mich.	Wetmore
Catron	McCumber	Smoot	

NAYS—26.

Ashurst	Culberson	Martin, Va.	Shively
Bacon	Cummins	Martine, N. J.	Simmons
Bourne	Fletcher	Myers	Smith, Ariz.
Bristow	Gore	Overman	Smith, Ga.
Bryan	Gronna	Percy	Swanson
Chamberlain	Hitchcock	Poindexter	
Clarke, Ark.	Johnston, Ala.	Pomerene	

NOT VOTING—49.

Bailey	Dillingham	Lea	Sanders
Bankhead	Dixon	Lorimer	Smith, Md.
Borah	Fall	McLean	Smith, S. C.
Briggs	Foster	Nelson	Stone
Brown	Gallinger	Newlands	Sutherland
Chilton	Gamble	O'Gorman	Thornton
Clapp	Gardner	Owen	Tillman
Clark, Wyo.	Guggenheim	Paynter	Watson
Crane	Heyburn	Pehrose	Williams
Crawford	Johnson, Me.	Rayner	Works
Cullom	Kenyon	Reed	
Curtis	Kern	Richardson	
Davis	La Follette	Root	

The PRESIDING OFFICER. No quorum has voted.

Mr. OVERMAN. I ask that the names of the absentees may be called.

The PRESIDING OFFICER. The names of the absent Senators will be called.

The Secretary proceeded to call the names of the absent Senators.

Mr. DILLINGHAM. When the vote was taken I announced my pair with the senior Senator from South Carolina [Mr. TILLMAN]. I see that he has since entered the Chamber. I vote "yea."

Mr. TILLMAN. I vote "nay."

Mr. CULLOM. I will take occasion to transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the Senator from New Jersey [Mr. BRIGGS] and vote. I vote "yea."

Mr. CLAPP. I desire to transfer my pair to the junior Senator from Iowa [Mr. KENYON] and vote. I vote "nay."

Mr. WATSON. Since the transfer by the Senator from Illinois [Mr. CULLOM] of his pair to the Senator from New Jersey [Mr. BRIGGS] I feel at liberty to vote. I vote "nay."

Mr. HEYBURN. When my name was called I announced my pair with the senior Senator from Alabama [Mr. BANKHEAD]. If I may under the rules, I now transfer that pair to my colleague, the junior Senator from Idaho [Mr. BORAH], and vote. I vote "yea."

The PRESIDING OFFICER. On the question whether the decision of the Chair shall stand as the judgment of the Senate the yeas are 22, the nays are 29, and the decision of the Chair is overruled. The question now is on agreeing to the amendment of the Senator from Georgia [Mr. SMITH].

Mr. CUMMINS. Mr. President, the argument of the Senator from Utah [Mr. SUTHERLAND] was as strong and persuasive as an argument from that point of view could possibly be. When I remember, however, as every reader of the history of his country must remember, the relations of Justice Story to the famous controversy referred to in his work upon the Constitution, it diminishes somewhat the confidence that I always or nearly always feel in any utterance from that distinguished jurist. I recognize, as every Senator must, that it was the spirit of the forefathers when they framed the Constitution to make the tenure of judges permanent, to give them that fixedness which would inspire the independence of which my friend from Utah so eloquently spoke; but we must not carry the inhibition of the Constitution to the point reached by the Senator from Utah. The Constitution, in speaking of the judiciary, says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

There is no prohibition in the Constitution against the termination of an office, the abolition of an office. I agree that if Congress was so disposed—swept, if you please, with passion—it might by indirection do the very thing which the Constitution intended that it should not do; but our forefathers did not see fit to provide against that contingency, and it can not be assumed that for light or trivial or vengeful reasons Congress will abolish an office which it has solemnly created or established. The Constitution left us free, therefore, to abolish offices, even though through their abolition a judge or the person who filled the office might cease to be an officer of the United States.

It would be most interesting and instructive if we were to enter for a little while, and I do not intend to do it, upon the consideration of the term "good behavior"; there is a prevalent notion throughout the country that judges of the Federal courts are appointed for life. That is not true. They are appointed during good behavior. I recognize that I am not now speaking directly to the point at issue, but we so often hear the expression that Federal judges are appointed for life that I want to give some publicity to the real language of the Constitution, which is "during good behavior." I am not one of the persons who believe that the determination of what is good behavior can be had only in an impeachment trial. My friend from Utah says that unless a Federal judge is removed from his office by the process of impeachment for high crimes and misdemeanors he must remain there during his natural life. I can not agree to that statement. I do not intend to pause to even discuss what procedure could be established by Congress in order to determine what good behavior is and what it is not; but I believe that there is misbehavior on the part of a judge for which he can be removed from office that does not rise to the dignity or the severity of either a crime or a misdemeanor.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. Either I did not express myself as I intended to do or the Senator from Iowa did not quite understand me. I did not mean to say that a judge could hold his office until he had been impeached. I recognize that there is a great deal of force in what the Senator from Iowa says. I am not at all certain but that there may be such behavior upon the part of a judge short of an impeachable offense that would enable us to get rid of him. I did not mean to antagonize that position.

Mr. CUMMINS. I am very glad indeed that I misunderstood the Senator from Utah, because in these days when clouds are rolling around the judiciary, when various remedies are proposed for their recall, I think it is well to remember that we have somewhere, somehow, the power to determine the good behavior of the judges of the United States, and that therefore we do not need, at this time at any rate, those severer changes that are suggested in the recall by a popular vote.

I think that Congress has the power to provide for the removal of judges of the United States whenever they violate the rule which is established in the Constitution, namely, the rule of good behavior; and that means that these judges must obey, and as I am very glad to say they generally have obeyed, the fundamental principles of propriety and of ethics.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I do.

Mr. LODGE. I desire to ask the Senator a question in that connection. As the Senator well knows, the provision during good behavior for the judges of the inferior courts is based upon the act of settlement of the English Crown of 1701, on which the tenure of English judges rests. That provides that they should hold, in the Latin phrase, quamdiu bene se gesserit, during good behavior; but the English act of settlement

carries with it a provision for determining the good behavior—that is, the removal by address. Our Constitution provides no means of doing that unless it be by impeachment.

Mr. CUMMINS. Mr. President, I assent at once to the suggestion of the Senator from Massachusetts. I know the English act provided that the will of Parliament should be the rule for determining good behavior. It is not so with our Constitution; and neither is it so that the only way of determining good behavior is through a court of impeachment. We have never yet had the occasion; it never became necessary for us to legislate upon that subject, but when it does I predict that Congress will find that it may upon giving the judge affected opportunity for trial and for hearing prescribe a procedure which shall erect some other test, some higher standard than the low and ineffectual test and standard of the commission of a crime or a misdemeanor.

I mention that only in passing, in order that we may not fall into any assent to the doctrine that I understood to be announced by the Senator from Utah, but which I am very glad to know now that he did not intend to announce.

Mr. LODGE. The proposition just made by the Senator from Iowa, that the judge should have opportunity to be heard in his defense and that Congress should then have power to take such means as it saw fit to remove him without impeachment, after all is removal by address. It might not be in the form of addressing the President to remove him.

Mr. CUMMINS. It is not the arbitrary removal by address, merely.

Mr. LODGE. Exactly; but it would be substantially that.

Mr. CUMMINS. The removal by address does not involve a hearing; it does not involve a trial; although both may accompany the removal by address.

Mr. LODGE. The universal practice in England has been for the judge to have a full hearing by committees of both Houses of Parliament. In my State, which has had a provision for removal by address, that hearing has always been accorded to the judge.

Mr. CUMMINS. Mr. President, I will not attempt to put limits on or to define the power that we have in that respect; but I know very well, as time goes on and these questions become more acute, it will be discovered that we have a remedy which hitherto we have never exercised and of which most people have been entirely insensible.

I now advance to the question we have before us. It is a serious question as well as an interesting one. Whenever we attempt to exercise a power under the Constitution that, so far as I can remember, was exercised only in one instance referred to by the Senator from Utah, we ought to give the matter the most careful thought, and we ought to decide only after full debate and mature deliberation.

I do not agree with the Senator from Utah, but I do recognize his great ability as a student of the Constitution. I do not want this matter to be decided until every Senator shall have considered it with that care that it so well deserves. I have already said that the framers of the Constitution did not prohibit us from abolishing an office which we have the authority to create. The framers of the Constitution simply said that the salary of a judge—one of these judges—should not be diminished during his continuance in office. They said that he should be appointed to the office during good behavior. I have no doubt that these provisions were inserted for the purpose of procuring the independence and the permanency which I think all students of government believe the judiciary ought to have; but it is a long step, I think an unwarranted step, from that proposition, to which I think we will all agree, to the further proposition that because these limitations were put upon us, namely limitations as to the reduction of salary and limitations as to the removal of the judge from his office, whatever those limitations are—and I have just indicated that they are not entirely what they have been understood to be—it is a long step from that position to the further one, that the Congress of the United States is prohibited under the Constitution from abolishing an office and from terminating the connection or the relation of the man who holds it with the Government on account of the abolition of the office.

I put to the Senator from Utah the question, Suppose that the Commerce Court had been created—as it was—suppose that these judges had been appointed as judges of the Commerce Court without any relation whatever to any other judicial tribunal of the land? We all agree that we may abolish the Commerce Court, and, so abolishing it, we would be confronted with the anomalous and the absurd condition that five men, without duties, without power, without station, should for their lives or during their good behavior continue to draw their salaries from month to month from the Treasury of the United States.

Mr. President, suppose in that event we wanted to remove one of them under the Constitution with respect to good behavior, what would constitute good behavior in a man formerly a judge dissociated from a court and pursuing a purely private life? It seems to me incredible that under those circumstances the judges could survive the abolition of the court.

Now, I take one further step. We have authorized the President to appoint these men as additional circuit judges, and they are by law assigned to the Commerce Court to hold the Commerce Court. I will not go into the question, which was debated yesterday, respecting the quality of these circuit judges as compared with other circuit judges who are appointed for particular circuits and for particular circuit courts of appeals, but it nevertheless is true that each one of these men holds an office. He holds an office that is entirely apart and distinct from the circuit court of the United States or the Circuit Court of Appeals of the United States. He holds the office of circuit judge. If we abolish the office of circuit judge, that is the office which he holds—and there seems to be no reasonable doubt with regard to our power to do that—then he becomes again without any power whatsoever; he is not attached to any court; his office of circuit judge is gone, and the Chief Justice of the United States under those circumstances might have no power whatsoever to assign him to work or duty upon the circuit court of appeals or to any other judicial tribunal.

Mr. BACON. Will the Senator from Iowa permit me to make a suggestion right in that connection?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. BACON. I suggest that the only case in which the Chief Justice is authorized to assign a judge of the Commerce Court to duty in a circuit court is when there has been a place made vacant by that circuit judge having been assigned to the Commerce Court. Consequently, if the Commerce Court is dispensed with there can be no vacancy occasioned in that way.

Mr. CUMMINS. I was referring, however, to the obvious intention of the House bill. The House bill seems to contemplate that these judges shall remain in existence and that, as rapidly as vacancies occur in the circuits, they shall then be assigned to those circuits; that if for temporary purposes the Chief Justice desires to assign any one of them to any circuit he shall continue to have the authority to do so; but the Chief Justice can only assign one of these judges because he is a judge, because he holds the office of circuit judge. The very moment—I am speaking entirely without regard to what he may do in the way of drawing his salary—the very moment we take his office away from him—and that it seems to be agreed we may do—we abolish that office. Will it be contended that the Chief Justice could assign one of these men, whose office is gone, to work upon the circuit court of appeals? I do not believe so, and I can not concur with the idea or with the conclusion that we are powerless in this respect.

The term "during good behavior," as used in the Constitution, is no more sacred or effective in protecting one who holds the office than a definite term in the Constitution. Suppose the Constitution, instead of saying that these inferior judges should be appointed during good behavior, had said they shall be appointed for a period of 10 years—I think the Senator from South Dakota [Mr. CRAWFORD] has proposed an amendment looking to just that change in our Constitution—suppose these judges, therefore, were holding their offices during a term of 10 years, and the 10 years had not yet expired, can any Senator doubt that we could abolish the office within the period of 10 years?

I call the attention of the Senator from Utah to many cases, though I have not them on my tongue's end, and I can not cite them at this moment, but I know that it is the general law of the country, as evidenced by the decisions of many supreme courts of the various States, that an office with a definite term, whether it be established by statute or whether it be established by the constitution, if the constitution has given to the State the power to deal with it, it may be abolished, and then the occupant of the office has no vested right in the remainder of his term and no moral or legal claim upon his government for the salary which he would have drawn if the office had not been abolished.

I concur with the Senator from Utah that we ought to approach such questions as this with great seriousness and to consider them with great care. We ought not to fall into the habit—and I hope we never shall fall into the habit—of removing judges for any personal reason through the indirect method of abolishing their offices, and then re-creating those offices, to be filled by other appointees. That course would subject us, and properly subject us, to the censure of all right-thinking

men, but this is not that kind of case. We have concluded, and I believe we have concluded wisely, that the jurisdiction exercised by the Commerce Court will be better exercised if it is again given to the general courts of the country. Having reached that conclusion, which is entirely free from any political animosity, from any political differences of opinion, having reached that carefully and after much debate, it seems to me that the disposition of the judges themselves ought to follow as a necessary consequence.

Mr. BACON. Mr. President, without detaining the Senate, I wish to read an authority on the question as to whether or not the abolition of an office abolishes the officer who holds the office, or rather abolishes his tenure of office. I read this case, Mr. President, in the Senate on the 9th of February of last year, when a debate upon the question as to the effect of the abolition of the circuit courts of the United States was in progress. I read then from the original book; I am now reading from the CONGRESSIONAL RECORD, which contains the extract as I then read it. It is a decision of the Court of Appeals of Kentucky in the case of Bruce *v.* Fox, in 1 Dana's Reports of the Court of Appeals, the highest court in Kentucky, and one which stands very high as a State court. In that case, discussing this very question, the court said:

> The office must continue as long as the law which created it shall continue, and no longer. The legislature, when it declared that the law should continue in force for two years, meant no more and could have done no more, than to say that the law should continue for two years, unless sooner repealed, and should continue to operate no longer than two years, unless, before the expiration of that time, its operation should be prolonged by the legislature. Had the law been enacted without any legislative attempt to limit its operation, the office which it established would have continued to exist as long as the law should have remained in force, and no longer. A repeal of the law by the legislature next succeeding that which enacted it would have abolished the office; and there being no office, there could be no officer; for, if the constitutional tenure be "good behavior," and the continuance of the office (and not the continuance of the circuit courts), then, as the office is only legislative in its creation, it may be abolished by legislation, and when thus abrogated, the incumbent is ipso facto out of office.

That is about as explicit and as directly to the point as it could be possible for any court in the same limit of space to express itself.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. Was that the case which involved the controversy in Kentucky, which lasted, as I remember, several years, between what was called the new court and the old court?

Mr. BACON. I do not know.

Mr. SUTHERLAND. The Senator from Kentucky [Mr. PAYNTER] is here, and he can tell. That was a different matter, was it?

Mr. BACON. The Senator from Kentucky, who is present, says he does not think so.

Mr. PAYNTER. I remember the Senator from Georgia read from this same opinion when the legislation was under discussion at a previous session.

Mr. BACON. Yes; it was read in February a year ago, and is from First Dana's Reports.

Mr. PAYNTER. If the Senator will permit me, I will say that I have no doubt if Congress creates an office it can by legislation abolish it; but that is not the question that is involved here, as I understand the matter.

Mr. BACON. But that is the question upon which I am invoking this decision, because that is the question which has been discussed.

Mr. SUTHERLAND. I understood there was a controversy in Kentucky some years ago growing out, as I remember, of the action of the legislature, which had abolished existing courts and set up other courts in their place. A contest as to which of those courts existed was carried on for a number of years, and there were decisions both ways upon the subject.

Mr. BACON. The utterance of the court in that case is not confined to the circumstances of any particular case, but is the ruling upon a general question—whether or not the abolition of an office abolishes the tenure of the officer.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Georgia.

Mr. SMITH of Georgia. I desire to perfect the amendment by the insertion of a reference to the last judiciary act as well as to the original act of 1910.

The PRESIDING OFFICER. The Senator from Georgia has a right to modify his amendment.

Mr. SMITH of Georgia. I should like to have the Secretary read the amendment as perfected. It is simply a reference to the ninth chapter of the judiciary act as well as a reference to the act of 1910.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. In place of the lines proposed to be stricken out on page 147, lines 11, 12, 13, and 14, it is proposed to insert:

> The five additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 20.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The Senator from Georgia has submitted two other amendments.

Mr. SMITH of Georgia. Yes.

The PRESIDING OFFICER. The next amendment offered by the Senator from Georgia will be stated.

The SECRETARY. On page 147, line 7, it is proposed to strike out "Thirty-four" and insert "Twenty-nine," so that it will read:

> Circuit Courts of Appeals: Twenty-nine circuit judges, at $7,000 each.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment offered by the Senator from Georgia will be stated.

The SECRETARY. On page 147, line 10, in the total, it is proposed to strike out "$272,500" and to insert in lieu thereof "$237,500."

The amendment was agreed to.

Mr. CUMMINS. I rise to make a parliamentary inquiry, possibly of the Senator in charge of the bill. Would an amendment relating to section 10 be now in order? I desire, Mr. President, either now or at some other time, to offer an amendment such as I suggested yesterday with regard to the issuance of preliminary injunctions.

The PRESIDING OFFICER. The Chair will suggest to the Senator that beyond question the amendment would be in order when the bill goes into the Senate.

Mr. CUMMINS. Then I will defer the amendment until that time.

The PRESIDING OFFICER. There is one amendment passed over which will now be stated.

The SECRETARY. On page 153, the Committee on Appropriations proposed to strike out section 4 and in lieu thereof to insert a new section, as follows:

> SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a maximum rating below which no employee may fall without being demoted; it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. POINDEXTER. I offer as an amendment to that amendment, after the word "dropped," in line 17, to insert the words "or reduced in rank or salary."

Mr. WARREN. Will the Senator tell me what his object is? The amendment itself provides for demotions as well as for dropping.

Mr. POINDEXTER. The purpose of my amendment is to extend the privileges, if they may be so called, of honorably discharged soldiers so as not only to protect them from being discharged, other things being equal, but from being reduced in rank and salary.

Mr. WARREN. Does the Senator think the language is insufficient now? If their rating is at least good, they will not be disturbed.

Mr. POINDEXTER. Not be dropped.

Mr. WARREN. No soldier will be dropped.

Mr. POINDEXTER. I ask the Secretary to read again that portion of the amendment with reference to soldiers.

The Secretary read as follows:

> *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington [Mr. POINDEXTER] to the amendment of the committee will be stated.

The SECRETARY. On page 154, line 17, after the word "dropped," it is proposed to insert "or reduced in rank or salary."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. HEYBURN. Mr. President, I was absent from the Chamber for a few moments, but I understand the question now under consideration is the amendment of the committee inserting section 4 in the bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. HEYBURN. I want to take this occasion to express my views in regard to the tenure of office of Government employees. I regret that this matter comes before the Senate in connection with an appropriation bill, because it is one to which more time and consideration should be given than I would feel justified in occupying at this time, but I have long favored the system of a limited tenure of office for all Government employees. I think a tenure of office limited to 10 years would perhaps be a fair measure.

The right to hold office under the Government is as clear a right as that to vote. It does not seem to me that any person or class of persons should be continually in office by appointment or otherwise. All the people are entitled to participate in the performance of the functions and duties connected with the administration of the Government. If we limit the tenure to 10 years, it will afford an opportunity to these employees, through the practice of economy, to acquire enough capital to enable them to enter upon the individual responsibilities of life at the end of that time; it will avoid superannuation in office; it will promote efficiency in office.

If an employee of the Government knows that at the end of 10 years he is going to be thrown upon his own responsibility he will practice economy and live within his income, and at the end of that time he can very readily have sufficient capital to enable him to go out into the controverted fields of enterprise and industry and take his chances with other people. It will also give a more frequent opportunity to the young generations of this country to become acquainted with the affairs and the management and methods of government in order that they, too, may have an opportunity to acquire a sufficient sum of money to enable them to go out into the fields of business, and so on, generation after generation. It will afford to the younger portion of each generation an opportunity to have learned the science of government to the extent of the duties that they perform. I have been impatient with the existing condition where people, acquiring an appointment early in life, are tempted to live up to the limit and even beyond the limit of their income, who save nothing, on the assumption that they will always have the position and its emoluments. I think it is bad for the people.

We have nearly half a million people in the Government service now—400,000 or 470,000, I think, according to a statement before me. Now, those people are planning to occupy those positions, as they may under existing law, during their lifetime, and they are, in their judgment, relieved of the necessity of practicing that economy which would be desirable in order to provide for themselves after they go out of office. It tends to carelessness and to a spirit of independence that sometimes amounts to insolence in office. They remind me sometimes of the English sparrows, who hold their ground against you when you walk along the street and make you walk around them.

That is not the best condition. It would militate nothing against efficiency in office, because the man who is there 9 years is perhaps as well equipped to perform the duties of the 10-year man, or substantially so, as the man who has been there 10 years, and they come up, one rank after the other, each as it approaches the limit of tenure competent to take the place of the men who would go out under this system.

There is nothing in the proposition of trained men being absolutely necessary to carry on the business as against other men equally competent. It is safe to say that in every class—that is, in the class of those who have served 6 or 7 or 8 years—are many as competent or more competent than the man who has been there 10 years, and especially against those who have been there 20 or 30 years. I think that suggestion is worthy of consideration. We must solve this question one of these days or we will have the affairs of government in the hands of superannuated people without limit.

I had hoped that when this question came before Congress it would come as an independent proposition, which we might take up on statistics and experience and exercise an independent judgment, without the embarrassments that surround the consideration of such a question when it comes in as an amendment on an appropriation bill.

But even with the tenure of five years, as is provided in the House bill, I should feel inclined to support the House provision rather than the amendment proposed by the Senate committee. The amendment proposed by the Senate committee is an evasion of the question. It will afford no more efficient method than we have now. It merely goes to the question of the manner or the particularity of the selection of these appointees.

Mr. President, I hope that the Senate committee amendment will not be adopted. If we find, upon the adoption of the House provision, that five years is too short a tenure of office, then we can deal with it afterwards, without taking it up in connection with an appropriation bill. We can extend that limit. But we want fresh blood in the ranks of our employees—those who deal with the details of government. We want a new deal on that proposition. We want a free opportunity for the hundreds of thousands of the younger generation, just as competent or more competent than those who are in office under existing conditions; we want an opportunity for them, because they are entitled to it under our system of government.

Then, again, we are practically disfranchising three or four hundred thousand people. We are drawing them away from the environment of their lives, placing them in office in the District of Columbia, where they neither feel the duty nor the inclination to participate in responsible citizenship or to contribute to responsible citizenship in the affairs of government. I would not undertake to estimate the number of people who have been dwarfed by the present system. Young men come here and accept by appointment positions in the Government service who, if thrown back into the body of the people, would doubtless afford a vast amount of intelligent, energetic citizenship that would be useful and would represent a growing usefulness as these people reassume the duties and responsibilities of citizenship. We are dwarfing a half million of our people by giving them what amounts to a permanent employment under the Government, when they had better be thrown back into the field of responsible citizenship.

It has been suggested that many of them do not save any margin over and above their salaries. If they do not, then that is an admission that they are not fit for the performance of responsible duties. A person who holds for 10 years a position under the Government with a salary of $1,800 and who saves nothing is not fit for anything at all. He is lacking in the sense of responsible, individual action. Then it would be an incentive to them all to save something out of their salaries extending over so many years.

I had an application only a few days ago from a person, one of a family, man and wife, both of whom had been in the Government service over 20 years, and the application was for a pension based upon the allegations that they had no property, and that one of the parties was absolutely destitute. That is a reflection upon those people. It is a reflection upon the character that tends efficiency. I am speaking now of clerks in the departments of all grades.

We have been legislating here to protect them against their lack of prudence and frugality by punishing those who would trade upon their necessities. There is no Government position—I will not say none, but they are so few as not to be worthy of consideration— which does not afford sufficient compensation to keep the employee out of debt, and yet we stood here for many days enacting legislation to prevent people from loaning them money. The only ones who have to borrow money probably—with the rare exception of accident—are those who lack prudence and who anticipate their salary and go to the "money sharks," as they are termed, to borrow something upon the future.

At that time I made some suggestions that there ought to be no occasion for such legislation. This is the time to put the whole service upon a different footing. The civil service can just as well sift and select persons for the Government service for five years or for a longer term as they can for life. It militates nothing against the performance of the duty of the Civil Service Commission.

The age limitation in the House provision is perhaps about where it ought to be, but there should be none of these clerks in the service longer than 10 years—neither men nor women.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. Mr. President, I want to suggest to the Senator from Idaho, as I think was suggested by the member of the committee who now occupies the chair [Mr. GALLINGER], that there ought to be some legislation along the line of preventing people, sometimes 20, 30, 100, or 150 miles distant, from attending the civil-service examinations and paying out $20 or $30 or $100 to take them to the point, when there is no earthly chance for them to be appointed. There are 40,000 on the roll, and yet the commission goes on holding civil-service examinations all over the States, and applicants pay their money and go down and stand the examination, when there is no earthly chance for them ever to be appointed.

I wish we could suspend these examinations for a while or get a number of these persons off the rolls and give the others a chance.

I think there are a good many employees here, as the Senator says, who ought to go back among the people. But why hold these examinations? I asked one of the members of the Civil Service Commission why hold these examinations two or three times a year and invite the people to go to the points where they are held and stand the examination, when the Civil Service Commission knows there is no chance for them to be appointed. It is a great tax on the men and women of this country.

Mr. HEYBURN. That is an objection to the method of administering the laws. But there is a thought arising out of that. The Senator says they should go back, and I was just approaching that question. If you could send back class succeeding class from the Government service to the communities of the country, you would send back teachers, people who knew something that those people do not know and can not know. They would be instructors, qualified by their experience of 10 years or less in the Government service, who, as the occasion might arise, would be able to teach or instruct or make suggestions to the people of the communities to which they would return, and thus convey to them invaluable information in regard to the methods of administering the Government.

Returning classes, going back every year to the communities all over this country, would exercise a very beneficial influence; and it would give more frequent opportunity to the younger generation of the country to attend this great school of government, in which they would each and all learn something that they could not learn elsewhere. It would tend to educate the people in the details of administering the Government.

We have all seen, in our own communities, people come back from the Government service who became, by reason of their education in the practical operation of the Government, exceptionally useful citizens, capable of answering questions and of making suggestions, all of which tends to the better enlightenment of those who are to come. And it would be an inspiration to the younger generation to seek position under the Government in order that they might the better fit themselves for the duties of citizenship.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. HEYBURN. Yes.

Mr. JOHNSTON of Alabama. I want to say that I have been greatly interested in the Senator's argument on this subject, and I concur almost wholly with him. Last week we had before the committee of which I am a member an application by a man for a pension upon the ground that he had been 50 years in the civil service of the United States. I think that shows the tendency of this legislation which keeps people in office, and I think there should be periods for them to pass out.

Mr. HEYBURN. After a reasonable tenure. Why, the people who come to Washington even on these excursions go home better-equipped citizens than before. The people at large have little conception of the methods of government. They have ordinarily a very incorrect conception of the methods of government and of the men who administer the affairs of the Government. Anything that brings the young mind here in contact with the concrete government is beneficial to the whole people—not only to the person, but to all who come in contact with him in his home.

There is another side of the matter. The temptation to remain single on the part of those who have what they may consider a permanent provision in life is one of the important things to be considered. Take the young women who come into the Government service, and, because their positions are comfortable, refrain from performing that highest function of civilization, marriage. Life is comfortable to them, and they are not willing to take the chances of a change. With a tenure of 10 years, those people would go out while comparatively young, while yet within the age where they would seek mates and establish homes. With the thousands of them now in the service in Washington, it is safe to say that a very large majority of them, had they known that at the end of a given period they would be thrown upon their own resources, would have married. That is an important consideration.

The same is true of young men, though perhaps not to the same extent. But a young man who knows that at the end of every month he will receive a check for so much money often does not care to take the chances of changing his condition, and he, too, drifts along into the years, and if he can remain here 30 or 40 years, as a rule, he remains in that condition. You have only to look down the working files of these departments to see the silver heads of both sexes who, had they been out on their own responsibility at a proper age, would have lived a different and a more useful life.

I would regard the Government service as a Government school for the education of its citizens in government. That is the way I always have looked at it. I knew a man who, when I was a very young man, came down here and secured an appointment in the Treasury Department, intending to stay here three years. I knew the Member of Congress who appointed him. He was a prosperous young man. He was intelligent. He was a writer and a newspaper man. He said: "I will just go down there and stay about three years, until I get the run of things." As a matter of fact, he stayed here until he was sixty-odd years old, and died in the service. After he came here he never advanced one foot beyond a position of competence and usefulness as a citizen. In his later years he received, I think, $2,240 a year, or some such sum. He found the position so comfortable and the temptation to remain here so great that he never returned to the field of activity and citizenship. We are breeding up generations of that kind of people, who fritter away their lives because the Government guarantees them a given number of dollars at the end of every month.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. As chairman of the Committee on Civil Service and Retrenchment, I have given a good deal of study to the subject the Senator from Idaho is now discussing. I do not intend to go over it at this time; but I should like to ask him if he has observed that the bill as it comes from the House will not accomplish the purpose the Senator from Idaho has in view.

The bill as it comes from the House provides for a five-year term of appointment; but it also provides that the head of the department may reappoint, at the end of five years, all who are competent. My idea is that if the House bill were to prevail the head of the department would reappoint all those who had any political influence behind them. I think it would introduce into the departments one of the most evil influences that can be imagined, and one that we have tried very hard to exclude.

I recognize that there is a great deal of force in the limited term. But if the idea is embodied in the law, the person who serves the term ought to be ineligible for reappointment.

Mr. HEYBURN. I am in thorough accord with the suggestion of the Senator from Iowa. But I have observed all through life that I can walk only one step at a time. If we can once limit the tenure, we shall have made one step. In the future I hope we shall make other steps along the line suggested by the Senator from Iowa.

I have observed, in legislation by Congress, that it is not good policy, simply because you can not get everything in one bill, to strike it all down. To my mind, the keynote of the whole situation is a limited tenure. Let us get that first. We get that here. I would be in favor of striking out the part of the House bill that gives the right to reappoint. I should like to amend this provision as it comes from the House by striking out "five" and inserting "ten," and give no right to reappoint. I recognize the force of what the Senator says; but if we can not get it all at once, why not take what we can get to-day, and then, at an opportune time, strive to get the balance?

Mr. CUMMINS. Mr. President, I fear the Senator from Idaho is giving me credit for a concurrence that I do not deserve. I say there is great force in the argument for a limited tenure or term. But, on the whole, I believe the better thought of students upon the subject is that the term should be during good behavior, as is the term of our judges.

Mr. HEYBURN. Mr. President, I was not attempting to anticipate the vote of the Senator from Iowa upon this question. I was taking occasion to express my concurrence in the views that he expressed, so far as he expressed them along the lines for which I was speaking.

But we must do something with this question. We can not continue successfully to conduct the affairs of the Government under existing conditions. The sooner we begin upon the improvement of those conditions the sooner we shall have reached a conclusion that will be satisfactory to all except those who may be affected by it.

If this bill were to provide that from and after this time no appointment should be made for a longer term than 10 years, we should have accomplished that much. We should have laid the foundation for wise legislation.

I do not know whether there is any ground upon which to base a hope that we shall upon this occasion start in the right direction. Of course, the question now is on the adoption of the Senate amendment and not upon the amendment of the House provision. I understand that very well as the parliamentary situation. But before Members vote for the Senate amendment they ought to consider whether we can not agree upon something that will be better than the Senate amendment. If we vote down the Senate amendment, we then shall be in a position to amend the House provision.

Mr. CLAPP. Mr. President, will the Senator yield for an interruption?

Mr. HEYBURN. Yes.

Mr. CLAPP. I was very much interested in the remarks of the Senator from Idaho when he spoke of the tendency of the employee to retain a position because of the ease it brought. I want to call his attention to another phase of the question and that is that aside from a well-settled appetite for strong drink, there is no slavery so binding as the slavery of salary.

I can not agree with the Senator to a 10-year term because of the tendency to rob a man of all self-reliance, of all courage to face the problem of life which goes with the taking of a salary. I believe we should limit the tenure to five years in order that we may give the employee the benefit of the education the Senator has so well described, and at the same time, as far as possible, save the employee from the terrible slavery of the salary, which, when it has once fastened upon a man, robs him of his reliance, robs him of his courage, and makes him a slave to a position which, if it were not for that slavery he would get out of and face the problems of life.

Mr. HEYBURN. Mr. President, the greatest disfigurement to the American people is what I call the pay-window stoop, the man who looks down and peers through the window for his check at the end of every month. The Government is to be estimated by the number of free people in it. The man who works for himself is a weightier and more self-respecting man than the man who works for another. He steps a little firmer; he holds his head a little higher than the man who is the employee of somebody else. The larger the percentage of citizenship that are engaged in industrial enterprises on their own account the higher the standard of the Government which those citizens constitute.

That enters into this question. Take these people out of their long tenure of office and let them assume the responsibilities of life and there will be thousands of them who will develop into master men, men who are capable of taking a place in the foremost rank of men of affairs; but they are smothered up, covered up, by this condition that surrounds them. They have not the opportunity, and they generally lose the ambition to become self-respecting participants in Government. You can take this vast army of Government employees, amounting to nearly a half million, and turn them into the body of our citizenship, and a very large per cent of them will develop those self-reliant and sterling qualities that make them really valuable citizens.

Of what value is the citizenship of one of these Government employees? They do not vote. They do not exercise or assume the responsibility of expression or action in the Government. They live here in the District of Columbia as long as they are in office, and their children are not even citizens of the United States. I will undertake to say that there are to-day disfranchised in this city three people for every one in Government position, who, if the head was not in this position, would be out in the world of responsibility. Let us send them there. Let us not be cruel about it. We can not do this thing by just turning a knob. We must take care of those who would be affected by it who are too old to turn out into the field of active duties in life, but we do not want to establish a system that will compel us to be always taking care of succeeding generations of superannuated Government clerks. We must first stop it, and then take the material before us and sift it and deal with it as may seem wise.

If we now incorporate it into this bill, either through the amendment or through the defeat of the amendment and the reconsideration of the House provision, we will say that no more appointments shall be made for more than the number of years that may be deemed wise, and we will have stopped the growth of the evil; and we will deal with the evil that we then have on our hands.

Mr. President, I can not, of course, introduce any amendment to the House text until after we have disposed, as I understand it, of the amendment, but I hope that in disposing of that amendment Senators in casting their vote will have in mind that if we do reject the Senate committee amendment we will be in a position where we can deal with this question and consider it.

Mr. McCUMBER. Mr. President, if I understand the parliamentary status of this amendment, it is to strike out sections 4 and 5 and insert in lieu thereof the new number 4. That being the case, and not knowing how the vote might be upon that, I assume the proper way to secure an amendment that ought to go, in case the committee amendment is not adopted, is to perfect section 4 of the bill as it originally stood. I therefore move to amend section 4, on page 152, line 8, after the word "Bureau," by inserting "and employees of the Bureau of Pensions," so that the same shall read:

> That during the fiscal year 1913 no vacancy occurring in the classified service of any executive department or other Government establishment within the District of Columbia, except forecasters in the Weather Bureau and employees of the Bureau of Pensions, shall be filled except by promotion or demotion—

And so forth.

Mr. WARREN. Mr. President, that, of course, does not pertain to the amendment which is under discussion. That is another section—the section which proposes to permit no vacancy in employees' places to be filled in any department of the Government during the next fiscal year.

Mr. McCUMBER. And that is proposed to be stricken out.

Mr. WARREN. It is stricken out by the committee.

Mr. McCUMBER. Also the succeeding section is stricken out, and another section is inserted in lieu of both those sections.

Mr. WARREN. No; not that. We renumbered it section 4, because it becomes section 4 if the other sections are stricken out; but the matter refers entirely and only to the section containing the five-year clause, so called. Of course, if the Senator is going to amend the bill in that way we shall have to take up all the departments, because complaints have been made by every single department that such a restriction will cripple its work. Hence in striking it out, if the evidence before the conferees demands it, it would go back in. Of course, if there should be a contention over it and, as it has been sometimes stated here, it should be held that the conferees could not insert any language—not even a word—that is not in the bill, we would have to amend in a great many places now.

Mr. McCUMBER. The committee amendment strikes out section 4 and also strikes out section 5. I understand that the committee amendment has not yet been agreed to upon those two propositions.

The PRESIDING OFFICER. If the Senator from North Dakota will permit the Chair, the Chair is advised that by the action of the Senate sections 4 and 5 have been stricken from the bill, and the only question now is upon the amendment offered.

Mr. McCUMBER. If those sections have already been stricken from the bill, I do not think that my amendment would be necessary. But I would ask this question of the Senator from Wyoming: As the bill is now amended, does it prevent future employees from being certified from the civil-service register to any of these departments?

Mr. WARREN. I do not so understand it.

Mr. McCUMBER. And does it allow free access from one department to the other? The reason why I asked this question is because we have passed a new general pension bill. Under that pension bill already, I understand, over 200,000 applications for increases have been filed, and as a matter of fact the Pension Bureau really needs additional employees in order to dispose of the great number of new applications, if they dispose of them in a reasonable length of time. While within two years they may be able to take care of everything with the force they now have, if there is anything in the bill which prevents them from adding to their force as that force is diminished by death or resignation, either from other departments or by new appointees, they will be greatly crippled. This bureau is not in the position of other bureaus.

Mr. WARREN. I understand perfectly what the Senator wishes to bring about, and I am in entire sympathy with him, but I have contended, and I shall so contend until the Senate by some affirmative action shall say I am wrong, that when legislation like that is inserted in a bill, and it is stricken out, the conferees will have authority to except every one or any of the departments, if they can get an agreement upon it, because this seeks to allow no department to have any certification. We, on the other hand, by striking the section out, open up the subject so that any department can have all vacancies filled. We shall have the power to right the matter which the Senator from North Dakota is bringing to the attention of the Senate.

Mr. McCUMBER. I understand that now it is stricken out.

Mr. WARREN. Yes.

Mr. McCUMBER. Therefore the old law is retained. I simply want to call the attention of the Senator to the fact now, upon the floor of the Senate, that when the matter goes to conference, as it necessarily will, it will either have to stay stricken out or it will be absolutely necessary to insert something to except the Bureau of Pensions from its operation. Otherwise a great injustice will be done to all the soldiers of the Civil War who have been granted pensions or increase of pensions under the new pension act.

Mr. WARREN. That is true, and there might be another matter which I will bring up. I would be almost ready to say that I should never consent to any part of that section being reinserted in conference without first bringing it to the Senate. We have another section which particularizes one department; in other words, which says that the War Department shall discharge after the 1st of July 10 per cent of its employees. Then that department is also included in the clause which provides that there shall be no certification and filling of vacancies. The subcommittee in preparing this matter wanted to meet it as I know the Senator does, so that those points can be covered in conference.

Mr. McCUMBER. Under the explanation made by the Senator from Wyoming I will withdraw the offer of the amendment.

The PRESIDING OFFICER. The Senator from North Dakota withdraws his amendment.

Mr. HEYBURN. Mr. President, did I not consider this amendment of more than passing importance I would not intrude upon the time of the Senate, but, as I understand the parliamentary position, we must first dispose of the Senate amendment before we can enter upon the amendment of the House provision. Am I correct, I will ask the Chair?

The PRESIDING OFFICER. The Senator is correct. The Senate committee amendment can be amended or it can be voted down to perfect the text of the bill.

Mr. HEYBURN. I do not see any place where a Senate amendment could be so amended as to cover the points that I think should be covered. I have been looking it over, and I am rather inclined to think, with all due respect to the committee that proposes the Senate amendment, that it was done rather to offer something as a substitute for the House provision, because there is nothing in it that seems to be a new departure from existing conditions.

Mr. WARREN. Oh, yes, Mr. President. The Senator will observe that it seeks to make an efficiency rating so that promotion and demotion and discharge will follow the various standards of work. The object is to prevent, if possible, the local differences in one department and in another. They pass upon the papers locally and then all the papers from the different departments are assembled in the Civil Service Commission, and the efficiency records are made up there.

Mr. HEYBURN. I realize that.

Mr. WARREN. As to the point the Senator makes about a 10 years' discharge, of course if those two sections go into the conferees' hands they are both within the power of the conferees to alter and change, so that the two can be amalgamated partially, or any reasonable tearing apart or putting together can ensue.

Mr. HEYBURN. In effect, that would be only legislating in conformity with the existing methods of the civil service in regard to the efficiency promotions.

Mr. WARREN. At present the Civil Service Commission have nothing whatever to do with efficiency after they have once certified out an employee.

Mr. HEYBURN. That is true; but it is only authorizing that which is done at some stage of consideration of the promotion or demotion of these employees.

Then, let us make this Senate amendment useful. I move to amend it, on line 17, after the word "dropped," by inserting:

> *Provided*, That the tenure of office of all appointees hereafter made in the departments of the Government under the civil-service law shall be limited to 10 years.

I will ask the Secretary to read that.

The PRESIDING OFFICER. The Secretary will read the amendment as requested.

Mr. WARREN. While the clerks are preparing that amendment I will say that, of course, the Senate will vote it in or out, as it chooses, but that does not affect the powers of the conferees to widen them, but rather results in restraining their power. I prefer that the amendment be not passed.

Mr. HEYBURN. I was not intending to put it within the power of the conferees to make a provision covering this point. If no such provision is made or suggested in the amendment, it will not be within the power of the conferees to legislate upon that question. I will say to the Senator in charge of the bill that I had in mind putting it within the power of the conferees to incorporate into the bill a provision of that kind. Under the rule that I understand governs them they can not in conference introduce new legislation unless it is contained in one or the other of the bills. So I should like to see it sent to the conference with that declaration on the part of the Senate, and the conferees then can conform the language or change the place in the bill where it is to be inserted, but they will be bound to consider that as the Senate's expression in regard to this amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

Mr. TOWNSEND. While the clerks are preparing the amendment may I ask the Senator from Idaho a question? I gathered from the colloquy between the Senator from Idaho and the chairman of the committee that it might possibly be accepted as the sentiment of the Senate that it was agreeable to the limiting of the tenure of office.

Mr. HEYBURN. I use rather mild language, for it would be an instruction from the Senate if we adopt it.

Mr. TOWNSEND. Personally I am very much opposed to it myself. I would not want it to go unchallenged here as an instruction to the conferees that it could proceed under the adoption of this amendment to limit the tenure of office either to five years or to any other period.

Mr. HEYBURN. Unless the Senate so instructs them. My amendment is intended as an instruction.

Mr. TOWNSEND. I inferred from the answer of the chairman that he assumed if that was left out the conferees could agree upon some language.

Mr. HEYBURN. I do not think they could under any rule. They are not at liberty to insert new legislation that was not the subject of consideration by either House.

Mr. WARREN. This would be the condition as now before us. It goes to the conferees with a five-year limit from the one House and with an unlimited length of service from the other House. In my opinion the power of the conferees would extend anywhere from a 5-year limit to no limit at all, and they could make it a 20-year limit or a 10-year limit, or a 15-year limit. That is my idea as to the power of the conferees.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa suspend a moment so that the amendment of the Senator from Idaho may be stated?

Mr. CUMMINS. Certainly.

The PRESIDING OFFICER. The amendment may be stated.

The SECRETARY. On page 154, after the amendment heretofore agreed to, following the word "salary," insert the following proviso:

> *Provided*, That the tenure of office of appointees hereafter made in the departments of Government under the civil-service law shall be limited to 10 years.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I yield.

Mr. WARREN. Will the Senator allow me to complete my remarks which I did not complete?

Mr. HEYBURN. I did not intend to interrupt the Senator.

Mr. WARREN. If 10 years goes in on the part of the Senate and 5 years is there on the part of the House, I think the conferees would be bound to a difference somewhere between 5 and 10 years.

Mr. HEYBURN. That is what I have in mind.

Mr. WARREN. I want the Senate to know that this simply puts it where the conferees must agree either on 5 years or 10 years or some length of time between.

Mr. HEYBURN. I had that in mind.

Mr. CUMMINS. I will not interrupt the Senator from Idaho until he is through.

Mr. HEYBURN. I will yield the floor, as I can get it again.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. CUMMINS. Mr. President, this presents what I regard as a very serious matter. If the amendment proposed by the Senator from Idaho [Mr. HEYBURN] is adopted, and the pro-

posed amendment of the committee thereby modified, we have overturned the entire civil service of the United States.

Mr. HEYBURN. That is what I intended.

Mr. CUMMINS. We have overturned a structure that we have been years in rearing, and which, I think, commands the confidence of most people who are acquainted with what it is.

Mr. CLAPP. Will the Senator yield a moment for a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. Of course we understand what the Senator means, but I think for the RECORD it ought to appear in the form of question and answer. The Senator does not mean that it overturns the civil-service system as to the manner of originally selecting the employees, but that it simply overturns it as to the subsequent disposition of them after they enter the service.

Mr. CUMMINS. Precisely; I so understand.

Mr. CLAPP. I understood it; but I thought the RECORD ought to show it.

Mr. CUMMINS. But I regard the permanence of tenure as an essential part of the present civil-service system. If we are to return to short terms, I doubt very much whether we ought to preserve the system that we have for entrance into the service through the examinations that are now prescribed. I hope the Senate will not do this thing.

To the classifications and systems that are proposed in the Senate committee amendment I have no great objection. I will only say to the Senate that now for two years the committee to which this matter ought to have been referred has had under consideration various changes that have been proposed to our civil-service system. There are changes that have been proposed for examinations, for promotions, for demotions, and for retirement as well. While I have no reason to complain, and do not complain, yet when the Senate appoints a committee for the purpose of dealing with the civil service, it seems to me that if it is proposed to change that service materially, the measure which does it ought to have been under consideration by the Civil Service Committee.

Mr. WARREN. Will the Senator permit me to make a suggestion there?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. I do.

Mr. WARREN. I am glad to hear the Senator make the statement from his committee, and I think I ought, on the part of the Committee on Appropriations, to explain the way this matter came up.

In the first place, it came up in the House bill. I saw that there was a great deal of uneasiness about it, as other Senators saw, and we sought to find if there were not some ground somewhere on which we could overcome what seemed to a great many Senators a bad condition or proposition and yet not make it worse. This amendment is the result of taking advice, not only from the Civil Service Commission, but from civil-service people outside of Government employ—I might call them the volunteer association—and liberalizing the ideas of the civil-service people with the views of the committee itself. It is nobody's language in particular as it is here as a whole; but what we sought to do was to protect the part that is good in the civil service and to eradicate at least some of the parts thought to be bad. There was not time, as the Senator will easily understand—we did not agree upon this language until almost the last thing in the bill—so that we could report it back from the Appropriations Committee and send it to the Committee on Civil Service and Retrenchment.

Mr. CUMMINS. Mr. President, I am not objecting to the language of the amendment, but here is the situation: We have a great civil-service system, which embraces 238,000 men and women in the United States. It has been created gradually; the rights and privileges of all these people have been from time to time stated in the law; and I hope that we will not—I said a moment ago "overturn the system"—I will now say "revolutionize the system" by adopting either the provision of the House bill in that respect or by approaching the House bill in that respect through the amendment proposed by the Senator from Idaho.

More than two years ago the Committee on Civil Service and Retrenchment took up this subject, and we have been investigating it ever since. I have given a great deal of time and a great deal of study to the matter. Awhile ago the committee united upon a bill for the retirement of superannuated civil-service employees, which bill is now before the Senate and upon the calendar. I am now studying and preparing a bill for the reclassification of our civil-service employees, so that each man will receive a salary commensurate with the work that he is actually doing, and so that men who receive the same salary shall be required to do practically the same kind and quantity of work. Further than that, the bill, which will shortly in this session, I suppose, be reported to the Senate, will involve a system for making promotions and for demotions.

I do not think that upon this appropriation bill the whole system should be marred or impaired in the way proposed. I ask for an opportunity on the part of the committee of which I am chairman to deal with this subject, and, if Congress desires legislation upon it, that it shall be proposed and referred to that committee.

I have no great objection, as I said before, to this system of promotions and demotions being devised by the Civil Service Commission. That does not interfere with the general subject, although I think it is entirely unnecessary, for we shall presently present to the Senate a plan that I think will be very much better and very much more complete than the one outlined in this bill.

I am not, however, so much concerned in that as I am in defeating the proposal of the House contained in section 5 and in defeating the proposal of the Senator from Idaho, which introduces into the committee amendment the same idea that is already in the House bill.

Mr. WARREN. Mr. President, will the Senator from Iowa permit me to interrupt him at that point?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. CUMMINS. Gladly.

Mr. WARREN. I perfectly agree with the Senator. This provision ought not to be in this bill if we follow the lines which we have heretofore followed on appropriation bills, because while such bills always have more or less legislation in them it is of a unanimous-consent kind. This provision is in the bill, however, and it is in it under the rules of the other House. The conferees have to meet it, and they must either take it as a whole or defeat it if they can. Therefore the committee thought the better way to handle it was to introduce what they have presented, which ought to be satisfactory to all concerned.

Mr. CUMMINS. What I hope is, Mr. President, that the Senate will reject section 5 of the House bill as recommended by the Committee of Appropriations. So far as relates to the substitute for that section proposed by the committee, I have no particular concern one way or the other.

I hope also the Senate will reject section 4, which simply limits the number of employees during the year to the number now in employment. That might seriously cripple the departments not only here but elsewhere. I do not think that Congress should in a blind way say that no additional employees shall enter the service of the United States during the next year. That seems to me to be rather a reckless way of proceeding. If the Government needs additional employees, and they are within the appropriations that are made by this Congress, the heads of departments ought to have the opportunity and ought to have the power to employ such persons as have qualified themselves under the civil-service rules.

Mr. POINDEXTER. Mr. President, I should like to have the Secretary read the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

The PRESIDING OFFICER. The proposed amendment will again be stated.

The SECRETARY. On page 154, line 17, after the amendment heretofore agreed to, it is proposed to insert the following proviso:

Provided, That the tenure of office of the appointees hereafter made in the departments of Government under the civil-service law shall be limited to 10 years.

Mr. POINDEXTER. Mr. President, I only want to express my agreement with what has been said by the Senator from Iowa as to the drastic effect that this amendment would have upon the entire Government employment. I think the central idea the Senator from Idaho has in mind, that there should be some provision adopted to prevent the loading up of Government offices with superannuated employees, undoubtedly has a great deal of merit, but I think that it is not necessary to strike down the essential principles of the civil service in order to accomplish that. I think the limitation of 10 years on the employment would work a great injury to the Government service. Many of the most useful and most efficient employees of the Government are those who have been there for 10 years.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. Will the Senator permit me to suggest that the amendment which I have offered would in no way affect the performance of the duties of the Civil Service Commission. Instead of appointing Government employees for indefinite periods, they would appoint them by exactly the same process for 10 years.

Mr. POINDEXTER. Appointments would constantly be recurring, and especially when the privilege of reappointment is retained, as it would be retained under this amendment, the pressure and influence of friends and——

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. Yes.

Mr. BRISTOW. I desire to suggest to the Senator from Washington that the pressure of friends would have nothing whatever to do with it any more than now, because the appointees would be drawn from the civil-service rolls and political influence would not be given consideration. It is not proposed by the Senator to strike down the civil-service process of appointment. The appointments would come automatically, as they do now, independent of any political influence. The sole question here is the advisability of limiting the term of appointments; it does not go to the manner of appointment, for there is no change suggested in that.

Mr. POINDEXTER. But it does go to the manner of appointment when it leaves the discretion in the bureau chiefs or in the department to reemploy those whose terms of service have ended.

Mr. BRISTOW. That reemployment would, of course, depend, and should depend—I do not know whether the amendment properly provides for it—upon merit, upon the records made by the employees.

Mr. POINDEXTER. If the amendment as it is proposed should be adopted, it would require nothing more than the mere fact that the employee had been in the service in order to give discretion to the department to reemploy him, and every 10 years the entire army of civil-service employees would come up for reemployment or else be discharged. Of course that would be on the average; it would be distributed through the 10-year period; but, on the average, it would be equivalent to having every employee in the civil service come up either for reappointment or to have some one substituted for him at the end of every 10-year period. It is impossible to eliminate, under those circumstances, the pressure of political influence and of friends upon the civil service. But the special objection that I have to it is the fact that it would drive out of the service the most valuable employees in the service. The more skillful, the more effective, the more worth his money the employee had become, so much the more would he be inevitably retired from the service. It is not good business; it would not be in private life; and it is not in public affairs.

Mr. BRISTOW. Mr. President——

Mr. POINDEXTER. I yield to the Senator.

Mr. BRISTOW. On that point I should like to inquire why it would drive the skillful and efficient employee out of the service? In what way would it drive him out?

Mr. POINDEXTER. At the end of the 10-year period.

Mr. BRISTOW. But he is eligible for reappointment; and if his record is good, he is a very desirable candidate for reappointment and ought to be reappointed upon his record.

Mr. POINDEXTER. And right at that particular point, in the statement which the Senator from Kansas has just now made, there is involved the full force and all the evil effects of the old spoils system in the employment of civilians in the Government service.

Mr. BRISTOW. I beg to call the Senator's attention to the fact that the evil of the spoils system consisted in the ability of a politician to secure the appointment of a political friend in his community as the result of political services rendered there. Since the appointments are not made upon the recommendations of politicians, but are made through the Civil Service Commission as a result of examinations that are wholly nonpartisan—and no complaint has ever been made of the Civil Service Commission having been influenced in any way by political preferences—the inability of the politician to fill the place causes him to lose interest in the tenure of the office. I admit that if these places were to be filled upon the recommendations of politicians, it would be the spoils system, and nobody would desire that; but there is a very wide difference between filling the places through civil-service certification and filling them upon the recommendations of politicians, and that is the very difference between the spoils system and the present one.

Mr. LODGE. Will the Senator from Washington allow me a moment?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. POINDEXTER. I yield.

Mr. LODGE. Right on the point the Senator was making, when you come to the end of the 5-year or 10-year term you will see repeated just what occurred in the Census Office when a certain number of employees had to go out as the appropriations diminished, and there was political pressure from all sides, political pressure to retain this man, to advance that man, and to let the other one go. You would have at the end of the 5 or 10 year period, as I think the Senator from Washington has well pointed out, one great struggle by Members of the House and Members of the Senate to try to keep their favorites in place.

Mr. POINDEXTER. We can not escape from that effect.

Mr. CLAPP. If the Senator will pardon me, I should like to ask the Senator from Massachusetts a question.

Mr. POINDEXTER. I yield.

Mr. CLAPP. Could not that objection be eliminated——

Mr. LODGE. It could not be eliminated.

Mr. CLAPP. Well, wait. Could it not be eliminated by an absolute prohibition making them ineligible for reappointment? That would, of course, have to be done if the House plan is to be considered.

Mr. LODGE. The Senator means not to have them reappointed?

Mr. CLAPP. Yes.

Mr. LODGE. That is simply the destruction of the whole system at once.

Mr. CLAPP. It might be and it might not be.

Mr. POINDEXTER. Some such solution would be necessary in order to obviate the evils of political influence in appointments; and if you adopt that solution, then you adopt a system by which you have got to supply the Government every 10 years or every 5 years with a full force of inexperienced employees.

Mr. HEYBURN. They would not all go out at once.

Mr. POINDEXTER. On the average they would go out once every 5 years or once every 10 years.

Mr. HEYBURN. We would not miss the ones that would go.

Mr. LODGE. But this provides for a specific date in 1917.

Mr. CULLOM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I do.

Mr. CULLOM. We need a brief executive session—only a few minutes.

Mr. HEYBURN. We can not finish the bill to-night.

Mr. WARREN. Will the Senator from Illinois withhold the motion for a moment?

Mr. CULLOM. Certainly.

Mr. WARREN. I wish to state that with the great "progress" we have made to-day on the legislative bill I hope we may conclude it to-morrow, and I shall ask the Senate to take it up the first thing in the morning.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 13, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 12, 1912.

MEMBERS OF THE BOARD OF CHARITIES OF THE DISTRICT OF COLUMBIA.

John Joy Edson, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1912. (Reappointment.)

George M. Kober, of the District of Columbia, to be a member of the Board of Charities of the District of Columbia for the term of three years from July 1, 1912. (Reappointment.)

UNITED STATES MARSHAL.

Hugh L. Patton, of Wyoming, to be United States marshal, district of Wyoming, commencing July 1, 1912, vice Louis G. Davis, term expired.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Gilbert Penfield Strelinger, of Michigan, to be second lieutenant of Infantry with rank from June 7, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 7, 1912.

Ralph Leonidas Byrnes, of Iowa.

Leon Theodore Le Wald, of New York, late captain in the Medical Corps.

PROMOTIONS IN THE ARMY.

SUBSISTENCE DEPARTMENT.

Lieut. Col. David L. Brainard, deputy commissary general, to be assistant commissary general with the rank of colonel from June 8, 1912, vice Col. James N. Allison, retired from active service June 7, 1912.

Maj. Charles R. Krauthoff, commissary, to be deputy commissary general with the rank of lieutenant colonel from June 8, 1912, vice Lieut. Col. David L. Brainard, promoted.

Capt. Morton J. Henry, commissary, to be commissary with the rank of major from June 8, 1912, vice Maj. Charles R. Krauthoff, promoted.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Leopold J. H. Herwig, Twenty-eighth Infantry, to be second lieutenant of Cavalry with rank from April 24, 1912.

Second Lieut. George E. Armemann, Cavalry, unassigned, to be second lieutenant of Infantry with rank from April 24, 1912.

PROMOTIONS IN THE NAVY.

Capt. Robert M. Doyle to be a rear admiral in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. Commander Yates Stirling, jr., to be a commander in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. James C. Kress to be a lieutenant commander in the Navy from the 27th day of April, 1912, to fill a vacancy.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

Riley F. McConnell,
Robert L. Montgomery,
Ezra G. Allen,
Thaddeus A. Thomson, jr.,
Alfred H. Miles,
Reginald E. Gillmor,
James Parker, jr.,
Schuyler F. Heim,
Newton H. White, jr., and
Burton A. Strait.

The following-named assistant paymasters with the rank of ensign to be assistant paymasters in the Navy with the rank of lieutenant (junior grade) from the 7th day of June, 1912:

Duette W. Rose,
Irwin D. Coyle, and
Paul A. Clarke.

EXECUTIVE COUNCIL OF PORTO RICO.

Martin Travieso, jr., of Porto Rico, to take effect May 20, 1912. (Reappointment.)

Jose C. Barbosa, of Porto Rico, to take effect June 5, 1912. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

David F. Bailey, of Virginia, to be collector of internal revenue for the sixth district of Virginia in place of Louis P. Summers, resigned.

POSTMASTERS.

GEORGIA.

Daniel E. McRae to be postmaster at Mount Vernon, Ga., in place of Charles Beugnot, resigned.

VIRGINIA.

Henry B. C. Gentry to be postmaster at Elkton, Va., in place of Henry B. C. Gentry. Incumbent's commission expired May 13, 1912.

Robert S. Pritchett to be postmaster at Shenandoah, Va., in place of Robert S. Pritchett. Incumbent's commission expired May 20, 1912.

James M. Williams to be postmaster at Broadway, Va., in place of James M. Williams. Incumbent's commission expired May 23, 1912.

WEST VIRGINIA.

R. M. Brown to be postmaster at New Cumberland, W. Va., in place of James B. Campbell. Incumbent's commission expired February 12, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 12, 1912.

UNITED STATES MARSHAL.

Hugh L. Patton to be United States marshal for the district of Wyoming.

REGISTER OF THE LAND OFFICE.

Jose Gonzales to be register of the land office at Las Cruces, N. Mex.

RECEIVER OF PUBLIC MONEYS.

Robert H. Sims to be receiver of public moneys at Las Cruces, N. Mex.

PROMOTIONS IN THE ARMY.

Col. James N. Allison, assistant commissary general, with the rank of brigadier general.

Maj. Daniel W. Arnold, quartermaster, with the rank of lieutenant colonel.

CAVALRY ARM.

First Lieut. Hamilton Bowie to be captain.

FIELD ARTILLERY.

Second Lieut. Truby C. Martin to be first lieutenant.
Second Lieut. Marshall Magruder to be first lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Jason McV. Austin to be first lieutenant.

INFANTRY ARM.

Lieut. Col. John S. Mallory to be colonel.
Maj. Maury Nichols to be lieutenant colonel.
Maj. Joseph P. O'Neil to be lieutenant colonel.
Capt. Matthias Crowley to be major.
First Lieut. Clifford U. Leonori to be captain.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Harry Albert Musham, to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

John Seymour Cromwell Fielden, jr.
Norman Thomas Kirk.
Fletcher Olin McFarland.
Samuel King Carson.
Walter Winthrop Ellis.
Joe Wallace Fenn.
George Washington Guthrie.
Howard Hume.
James Everett Kessell.
Harry Toulmin Lay.
John George Leitch.
Bernard Mann.
Jesse Garfield Maxon.
Arthur Monroe Mendenhall.
Bert Frank Ober.
Francis Oral Vicars.

MEDICAL CORPS.

To be first lieutenants.

Neal Naramore Wood.
William Bertram Meister.
Harry Rex McKellar.
Howard Lane Hull.
Leeson Oren Tarleton.
Shelley Uriah Marietta.
Harry Hill Van Kirk.
Robert Skelton.
Omar Heinrich Quade.
Thomas Ewing Scott.
Morris Hirshfield Boerner.
Harry Hoagland Blodgett.
Alfred Parker Upshur.
Thomas Everette Harwood, jr.
Philip Barry Connolly.
Samuel Jay Turnbull.
Michael Andrew Dailey.
Leopold Mitchell.
Adna Godfrey Wilde.
Frederick Caesar Augustus Kellam, jr.
Johnson Francis Hammond.
John George Ingold.

Alvin Charles Miller.
Chester Raymond Haig.
John Holmes Trinder.
William Eugene Hall.
Hew Bernard McMurdo.
Thomas Ward Burnett.
Kerwin Weldman Kinard.
Robert Morris Hardaway.
John Wesley Sherwood.
Guy Logan Qualls.
James Ernest Baylis.
Charles Ruby Castlen.
Douglas Wiltz McEnery.
John William Meehan.
Charles Moore Walson.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns:
Milton M. Fenner and
Frank J. Lowry.

First Lieut. Harry O. Smith to be a captain in the Marine Corps.

POSTMASTERS.

CONNECTICUT.

R. Clifford Tyler, Chester.

COLORADO.

Frank Simonton, Victor.

DELAWARE.

William T. Bradley, Felton.
Benjamin I. Shaw, Harrington.

INDIANA.

Frank Daly, Lynn.
Willis P. McCormick, Knox.
John Perry, Kramer.

KENTUCKY.

Ransom B. Martin, Hartford.

LOUISIANA.

Levi P. Carter, Bunkie.
Robert A. Giddens, Coushatta.
Robert P. Halphen, St. Martinville.
Bernard Isaacs, Gueydan.
Mildred P. T. Prescott, Lutcher.
Lou E. Russell, West Monroe.
W. M. Terry, Welsh.
Claude H. Wallis, Houma.
Thomas M. Wells, Colfax.

MINNESOTA.

Charles Canfield, Winnebago.

MISSISSIPPI.

John C. Clifton, Senatobia.
Andrew J. Darden, Centerville.
Mae Wright, Osyka.

NEW JERSEY.

Thomas J. Knight, Stanhope.

NEW MEXICO.

Adelina Jaramillo, Fort Sumner.

OHIO.

Samuel Bailey, Beverly.
Clayton H. Bishop, Centerburg.
Mary M. Carey, Lexington.
George E. Flora, Mount Healthy.
John McGuff, Creston.
H. A. Shafer, Navarre.
John M. Washington, Sabina.

OKLAHOMA.

Ira F. Baird, Luther.

OREGON.

George W. Spring, Lents.

PENNSYLVANIA.

Dewitt C. Parkinson, Monongahela.

SOUTH CAROLINA.

A. W. Knight, Bamberg.

TEXAS.

Charles R. Bone, Beaumont.
Crockett Campbell, Lufkin.
James T. Harrell, Manor.
Covey M. Hughes, Wharton.
Clarence V. Rattan, Cooper.

VIRGINIA.

Roger G. Dyson, North Emporia.
Samuel R. Gault, Scottsville.
William T. Tiller, Emporia.

WITHDRAWAL.

Executive nomination withdrawn from the Senate June 12, 1912.

POSTMASTER.

OKLAHOMA.

The nomination, sent to the Senate on April 2, 1912, of H. O. Jeffries to be postmaster at Nowata, in the State of Oklahoma.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 12, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, how inscrutable is Thy providence. Thy ways are past finding out. But we thank Thee that Thou hast not left us without a witness. The light of reason is strong and leads us through many a tangled web, yet it does not satisfy the longings of our souls, but where it ends faith begins and lifts us into the realm of the eternal possibilities and hope comes, an angel to guide us on our way. The story of the stars is clearer. The affections which hold us together in bands of steel rejoice in the promises through the life, death, and resurrection of the Christ. Thou has laid a heavy hand upon us in the removal of another one of the congressional family whose life was opening into the larger fields of usefulness. Young, strong, buoyant of spirit, gifted with a wealth of ability, schooled, by training well fitted for the path of life which he had chosen. Our hearts are filled with sorrow. Comfort us with the everlasting hope in that love which encircles all. Be with the young wife and child. Strengthen the mother for her task. Be with all to whom he was near and dear, and help us to look forward with faith and hope to the life everlasting in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. TOWNSEND. Mr. Speaker, I am directed by the Committee on the Library to ask unanimous consent to change a reference of House joint resolution 289 from the Committee on the Library to the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] asks unanimous consent that House joint resolution 289 be changed from the Committee on the Library to the Committee on Public Buildings and Grounds. Is there objection?

Mr. MANN. What is the resolution about?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 289) in relation to a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, the request, as I understand, is a change of reference from the Committee on Public Buildings and Grounds to the Committee on the Library.

The SPEAKER. The Committee on the Library asked unanimous consent to have it changed the other way.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the Chair recognizes the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I desire to move that the proceedings under Calendar Wednesday be dispensed with for to-day in order that the House may continue its work on the sundry civil appropriation bill (H. R. 25069). First, I would ask that the Clerk report the motion.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with the proceedings under Calendar Wednesday for to-day. Five minutes' debate is allowed on each side on said motion.

Mr. UNDERWOOD. Mr. Speaker, I wish to say to the House that to-day is the 12th of June. The sundry civil bill must go to the President before the 1st of July. The bill has 167 pages in it. Only 48 pages have been passed on so far. After the House completes the consideration of this bill it must go to the Senate and be acted upon.

Now, I am not one of those who are disposed to interfere with the business that is on the calendar for Wednesday under ordinary circumstances, but I believe that the House has approached a period in the consideration of these appropriation bills where we must dispose of them, and I will say to the House that, so far as I am concerned, in dispensing with Calendar Wednesday now, I hope there will be an opportunity given to get these appropriation bills here out of the way in order to take up the business on the calendar and dispose of it. But that business is not as urgent as the passage of the appropriation bills, when we are only about 15 or 16 days away from the time when they must become a law, because the Government must have these funds at its disposal when the new fiscal year begins. It requires a two-thirds vote to dispose of Calendar Wednesday, and I recognize that the gentlemen on the Republican side of the House can prevent it if they so desire; but I appeal to the gentlemen on that side to stand with us in suspending Calendar Wednesday.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has used two minutes and has three minutes remaining.

Mr. MANN. I would like to have a part of the three minutes.

The SPEAKER. Is the gentleman from Illinois [Mr. MANN] in favor of the motion?

Mr. MANN. I am in favor of the motion.

Mr. UNDERWOOD. I yield to the gentleman from Illinois the balance of my time.

Mr. MANN. Under the circumstances I think it would be a convenience, Mr. Speaker, as on this side of the House many Members desire to be in Chicago next week, to proceed with the sundry civil bill rather than the bills on Wednesday's calendar, with the hope that the sundry civil bill may pass through the House this week, and the Army conference report may also be disposed of this week.

I can not, however, agree with the gentleman from Alabama, that there is any possibility of the sundry civil bill getting to the President by the 1st of July. My understanding is that there is an understanding in the Senate that there will be practically no business transacted for two weeks, commencing with next Monday.

I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] what the disposition on his side of the House will be as to the transaction of business next week—business that might involve partisan controversy?

Mr. UNDERWOOD. I would state to the gentleman from Illinois that I recognize the fact that there are gentlemen on that side of the House who desire to be absent during the convention of their party. There will be no disposition on this side of the House to bring up partisan legislation, but I do not think it is necessary for the House to adjourn. There is other legislation that can be transacted.

Mr. MANN. I appreciate that.

Mr. BURNETT rose.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized on the opposite side.

Mr. BURNETT. Mr. Speaker, I do not think this motion ought to prevail. We have only one day in the week on which general legislation, as a rule, outside of the appropriation bills, can be passed, and if we do not utilize that, I would like to know when we are going to get through important legislation that is on the calendar for Wednesday. I noticed only yesterday that my colleague from Alabama [Mr. UNDERWOOD], the leader of the majority, had stated that the Congress would run on until the 1st of August, and if that is so, and if the gentleman who supports the motion [Mr. MANN] on the other side of the House is correct in the idea that this bill could not reach the President by the 1st of July, then I see no good reason for undertaking to expedite this particular legislation to the delay of other legislation which can not be reached except on Calendar Wednesday. For that reason, Mr. Speaker, I am opposed to the motion.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. Does the gentleman from New York oppose the motion?

Mr. UNDERWOOD. I yield to the gentleman from New York, if I have any time left.

Mr. FITZGERALD. I ask unanimous consent to be recognized for three minutes in favor of the motion.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to be recognized for three minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, the sundry civil bill was brought before the House a week ago yesterday. Forty-eight pages out of 176 have been read. A number of very important matters will require some time for their consideration. To-morrow the conference report on the Army appropriation bill will take several hours out of the time which might otherwise be devoted to the consideration of this bill.

It is necessary that this bill should go to the President before the 1st of July. It carries $109,000,000 for the conduct of various services of the Government. That money must be available by the 1st of July or else Congress must, by some extraordinary maneuver, make provision for the carrying on of the various services of the Government after that date.

This is the most important business before the House. It took the Committee on Appropriations more than three months in exhaustive and laborious work to prepare this bill. Some time must be given to the Senate, in addition to the time consumed while this bill is under consideration, for investigation of the bill. I hope that in order to expedite the business of the House and to make possible the necessary provision for carrying on the Government in the proper way after the 1st of July, this motion will be carried. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion to dispense with business on the Wednesday Calendar to-day.

The question was taken, and, two-thirds having voted in the affirmative, the motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

The SPEAKER. The Chair will designate Mr. JAMES temporarily as Chairman of the Committee of the Whole House on the state of the Union. The Chair will state that the reason why Mr. JOHNSON of Kentucky is not here is that the Chair told him that the probabilities were one hundred to one that the House would not to-day dispense with the business on the Wednesday Calendar.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil bill, with Mr. JAMES in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MANN. Mr. Chairman, there is an amendment pending.

The Clerk read the pending amendment, as follows:

Amend, page 50, line 13, by striking out "two hundred and fifty thousand" and inserting in lieu thereof "three hundred and twenty thousand."

Mr. CANNON. Mr. Chairman, this appropriation is practically for the employees connected with the National Museum and the Smithsonian Institution. The estimate is for $350,000. The appropriation for the current year is $300,000. The recommendation in this bill is for $250,000. After as diligent an examination as I have been able to make, I offer the amendment striking out "two hundred and fifty thousand" and inserting "three hundred and twenty thousand." That is $20,000 more than for the current year and $30,000 less than the estimate.

This is a growing service. It cares for the old Smithsonian Building and its work, for what is known as the old National Museum, the one-story building just east of the Smithsonian, and its work; it cares for the great new building known as the National Museum proper, on the east side of the Mall and east of the old Smithsonian Institution Building.

The service grows. With that growth you must have the necessary number of watchmen, laborers, and cleaners. You must have the necessary number of skilled people. The work of the taxidermists can wait in large part. There is a great deal of it to do. We have there what is perhaps the most valuable collection of skins of African animals that can be found anywhere in the world. That collection is largely in duplicate. The skins are preserved, but in part could be mounted next year. There has been something of criticism at the slow manner in which this work has progressed. I am not influenced by that criticism in moving this amendment, yet it is a proper matter to call to the attention of the Committee of the Whole House on the state of the Union. If the cut of $50,000 below the current law is agreed to by Congress, I should say that it will result in the discharge of from 30 to 75 employees who are absolutely necessary for the care of the collections and of the buildings. It will result also in the Sunday closing and I believe the closing at night of the museums. I do not know what the action of the Senate would be in the

event that we sent to them this proposal for a reduced appropriation. If I am correct in my statement, I would be glad to see the House by its action give the appropriation necessary at least to maintain the status as it now exists. I think the appropriation of $300,000, the amount appropriated for the current year, would maintain the status. I think the $20,000 in addition, making it $320,000, would give a little leeway for a proper and very small increase in efficiency. My opinion is that the appropriation really ought to be the amount of the estimate, $350,000, but I only propose by my amendment $320,000, which would be an increase of $20,000 over the current year.

Mr. PEPPER. Mr. Chairman, the appropriation for this item last year was $300,000. As stated by the gentleman from Illinois [Mr. CANNON] this amount is practically all taken up in salaries for the employees of the National Museum. If this appropriation is cut from $300,000 down to $250,000, there will have to be a reduction in the force of employees. I am not one of those who think that is necessarily something to oppose in itself, but it seems to me that from the fact that there is not a line of testimony in the hearings and not a suggestion from any source why this appropriation should be cut, that there ought to be some good reason given for reducing this appropriation $50,000. If this appropriation goes through at the reduced amount of $250,000, it will mean that the National Museum must be closed on Sunday. It will mean that the work now being done there will have to stop, except what might be termed simply taking care of the building. The work of preparing specimens and caring for them will have to be curtailed. I do not believe our Democratic Congress wants to make a record of that kind. We are in favor of economy, we are in favor of cutting off useless expenditures, but for the life of me I do not believe that any of us can consistently urge a reduction of expenditures where that reduction cuts off amounts necessary for the maintenance of the work of this Government. It seems to me that in the case of that great National Museum down there, a place visited by tourists from all parts of the world, where we have so many specimens of all kinds, where we have expended large sums of money, we ought as a business proposition to maintain its present efficiency. Unless the chairman of this committee or some members of the committee can show us some very good reason for cutting down what we may term a standing appropriation, for the payment of salaries and for the necessary upkeep of this building and its contents, unless there is some change in the circumstances that calls for a reduction of the appropriation, I do not see why we should inaugurate such a reduction. I hope that the chairman of the committee will see fit to accept the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. FITZGERALD. Mr. Chairman, there is a good reason for the reduction of this item. I should not have supposed that the gentleman would have assumed that the committee would make a recommendation without some good reasons. Members who have served on the Appropriations Committee for more than a single session have information acquired in other years that it would be absolutely impossible to repeat in the hearings of the present year. They base their action not upon the statement of gentlemen who are in favor of the appropriation for a particular service, but upon their knowledge of conditions gained not only from the current year but gained by the committee in hearings on the present bill and acquired by them in a number of years' service on the committee—many conditions which, if gentlemen took the trouble to inquire into, would disclose an entirely different situation from that which apparently appears upon a reading of the hearings upon the current bill.

The appropriations for the National Museum were increased for the purpose of enabling special work to be done, caused by the moving into the new Museum; but having been in the Museum for several years, and having done a large amount of the extraordinary work that was planned to be necessary in order to get matters into shape, it was believed that it would now be possible to reduce the expenditures and put them upon what would more properly be the normal basis.

The gentleman speaks of closing the Museum on Sunday. Mr. Chairman, I am responsible for the opening of the Museum on Sunday. I took the initiative in that matter and insisted that this institution, of all others in the city, should be open to the public on Sunday, so that all persons living in the District, as well as visitors, would have an opportunity to avail themselves of the exhibits there. Having done that, I am not taking any action that would necessitate the closing of this institution on that day. From my investigation of the matter and my familiarity with the work of the Museum, the fact that this is a lump-sum appropriation, and is expended by the Smithsonian Institution without that same exercise of control by Congress that other appropriations are subjected to, from the knowledge I have had from investigating these appropriations during the past seven years, I am convinced that the sum of $250,000 is adequate for the service during the next year. If I had not been convinced of that I should not have voted to make such an appropriation.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. What does the gentleman say as to the statement of the head of the Smithsonian Institution, that with this decreased appropriation for the current year it will be impossible to comply with the law and keep the Museum open on Sunday?

Mr. FITZGERALD. The gentleman in charge of the Smithsonian Institution for 1910 and 1911 insisted that $400,000 was necessary to properly conduct the affairs of the Museum, but he never had but $300,000.

Mr. CANNON. If the law provides for the keeping open of the museum on Sunday——

Mr. FITZGERALD. No; it does not. They open it on Sunday, because I insisted that it should be open on Sunday.

Mr. CANNON. Oh, but that is equivalent to law. [Laughter.]

Mr. FITZGERALD. It is more effective than some laws which have been treated by contempt by certain gentlemen at the head of bureaus.

Mr. CANNON. The gentleman desires it to be kept open on Sunday?

Mr. FITZGERALD. I do; and I expect it will be.

Mr. CANNON. But the director says not.

Mr. FITZGERALD. It is a question of the speed with which the various trophies shall be prepared. He can engage any number of men desirable within the limits of the appropriation. My investigation and information convinced me that $250,000 is sufficient for the next year.

Mr. COOPER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. COOPER. What proportion of the $250,000 would be used, in the words of the bill, for the "salaries or compensation of all necessary employees"?

Mr. FITZGERALD. That is entirely within the control of the administration of the Museum; this sum is given in bulk. The controlling body determines how much shall be used for salaries and how much will be used for other purposes.

Mr. COOPER. I asked the question of the gentleman from New York because I was anxious to know how much there would be left after paying the salaries of employees and other necessary expenses to take care of that magnificent collection of skins and birds brought from Africa.

Mr. FITZGERALD. That magnificent collection of skins that was brought from Africa is not segregated from the more magnificent and more valuable collection that was there before these arrived here, although I do not wish to reflect on the value or character of this collection. They are not segregated. They are made a part of the general collection of the Museum.

Mr. COOPER. Mr. Chairman, in reply to the gentleman from New York, I am indebted to the gentleman from Illinois [Mr. CANNON] for a reference to the present salary roll, which reference is found on page 520 of the hearings on the sundry civil appropriation bill. On that page Mr. Rathbun says that the salary roll is now approximately $266,000. And yet with the salary roll to-day amounting to $266,000 the gentleman from New York proposes by the pending bill to appropriate only $250,000—

for continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees and all other necessary expenses, and out of that sum of $250,000, $5,500 may be used for necessary drawings and illustrations for publications.

I am wondering about how much there will be left of the $250,000 to take care of those collections and to increase them in view of the fact that the salary roll alone now is $16,000 more than is proposed to be appropriated by this bill for salaries and all these other purposes.

Mr. FITZGERALD. Mr. Chairman, the gentleman, of course, seems to labor under the delusion that the money is expended to take care of these collections in other ways than by the payment of salaries. The salaried people are those who take care of these collections.

Mr. COOPER. I have been told by experts, Mr. Chairman, one a gentleman employed in the Institution over there, that the collection of birds, skins, and animals brought from Africa would make by far the finest collection of its kind in the world if properly preserved. I thought, in listening to the gentleman from Illinois [Mr. CANNON], that he made an exceedingly forceful statement, and that there ought to be enough money appro-

priated so that the salaries of the necessary employees could be paid and something be left to preserve this magnificent collection for the people, for it will be for their benefit. As I have said, the salary list alone to-day is $206,000, which is $16,000 more than is proposed to be appropriated for all of these purposes by the pending measure.

Mr. FITZGERALD. Mr. Chairman, of course the gentleman is not as well informed as he might be. There is another item of $50,000, which includes compensation and salaries of employees required in this work, and there is an appropriation of $50,000 for the expense of heating and lighting the building. There are appropriations for repairs and for the purchase of books and for other items, so that instead of being the only sum available for the maintenance of this Institution there are several others.

The gentleman speaks of necessary employees. This service, as well as every other service of the Government, will expend every dollar given it for salaries. In 1910 they asked $400,000. The appropriation made was $250,000. For 1911 they asked $400,000, and in order to give the additional force required during that year and during the current year for the purpose of making possible the preservation of the bulk of the large increase of trophies brought in $50,000 additional was given. I believe that with the $250,000 in this item and the other appropriations made for the other services, ample funds are given for the Institution. If I did not, I should not oppose the motion of the gentleman from Illinois. He asked not that the largest sum ever given to the Institution be given in this item, but he asked that $20,000 in addition to the largest appropriation heretofore made be given. I do not know any justification for any such action, and I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, while I was a member of the Board of Regents of the Smithsonian Institution I had the pleasure of seeing a portion of the marvelous and magnificent contribution made by Col. Roosevelt to the Smithsonian Institution. This item in the appropriation bill would carry the necessary expense of placing that collection or such portions of it as may be desirable on exhibition. I believe the people of the country would like to see those skins mounted, those birds mounted, those insects and rodents placed where they may be seen. They are interesting for two reasons. First, on account of their inherent interest, and, second, because of the manner in which they come to the Government. The people are interested in Col. Roosevelt and in what he has given to the Government. [Applause.] I shall be very sorry to see the Democratic side of the House show its antipathy and animosity for Col. Roosevelt, personally and politically, by attempting to deprive the people of the United States of the opportunity of seeing this magnificent collection placed upon exhibition. No individual who has an opportunity of seeing these skins will deny that the people ought to have an opportunity. After all, remember, there is a day coming. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman, it had not been my intention to say a word on this amendment, but the remarks of the gentleman from Illinois [Mr. MANN] are so uncalled for, and so far from the facts which influenced any member of the committee in making up these estimates, that I feel in justice to ourselves that I should say what I am now going to say. Of course this amendment would have nothing to do, practically speaking, with the mounting of any of the Roosevelt collection. The particular thing that the additional amount was asked for was in regard to certain exhibits relative to arts and industries and had no relationship to the collection of Mr. Roosevelt.

The real question that confronts this committee is simply one of how rapidly you want to proceed in connection with the National Museum. Manifestly much more money than that asked by the gentleman from Illinois [Mr. CANNON] can be expended, and expended in the producing of interesting exhibits which the people of America would enjoy seeing, but sometimes the very excellence of a museum is the result of the slowness with which it proceeds with the mounting of exhibits for its various collections. Much money constantly invites the mounting of inferior exhibits, whereas if they are required to exert a proper economy they will only take the best, and while you are slower in finishing such work you get a higher average of work as a result of the slowness with which it is done. Now, the committee in its judgment thought that the amount we recommend here was sufficient, all things being considered. There has been a very rapid enlargement of the fund for this purpose, due somewhat to the moving into a larger building and the incidental cost that followed, and also due to the added pressure by virtue of going into a new building which affords a ready excuse for increased appropriations.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. SHERLEY. Certainly.

Mr. COOPER. Is not the fallacy of the gentleman's argument about going slowly shown in this way? It is well for the curator of a museum to go slowly in collecting exhibits, but where a curator of a museum already has on hand skins and articles which may deteriorate and need to be mounted in order to become exhibits, then is not it wise to hasten in their mounting and preservation?

Mr. SHERLEY. Yes; except the fact does not exist to-day. There are no skins I know of there that are going to deteriorate because of the want of appropriating $50,000 now and there is no testimony to that effect before the committee.

Mr. COOPER. I have been told, I do not know how good my information is, that these can not be kept back forever without deteriorating very considerably.

Mr. SHERLEY. I do not think anything could be kept back forever from mounting or kept mounted forever without deteriorating, but there is no intention of mounting a great many of the skins there. For instance, there are many lion skins, some of which have been mounted. There are lion skins obtained as a result of the Roosevelt expedition, some of them have been mounted and some have not, and since then there has been a very handsome collection containing a very handsome number of skins presented as the result of another expedition into Africa, some of which would have been mounted in place of some that were mounted if they had been on hand at the time—all of which illustrates just the proposition I spoke of a while ago. The whole question here for the House, and it is a question about which no definite rule can be laid down, is to determine what sum will probably keep up the Museum and continue its work at a reasonable rate, not unduly cramping it, neither, on the other hand, being extravagant with expenditures for the mounting and exhibiting of things of a secondary quality. That is the proposition before this House, and there was in no sense involved in the committee's action the slightest thought of preventing the exhibition of Col. Roosevelt's collection. Speaking for myself, and I believe also voicing the judgment of the other Democratic Members, I appreciate the great value of the specimens that came as a result of that expedition. There is no desire to belittle in any way that expedition or to prevent a proper use of the fruits of it.

Mr. FITZGERALD. Mr. Chairman, in view of the statement of the gentleman from Illinois, I wish to state what occurred. A newspaper article was printed criticising Congress for not appropriating sufficient money to mount the specimens sent by Mr. Roosevelt. Mr. Rathbun said:

> That is to say, the African material—
>
> That is Col. Roosevelt's material—
>
> is being used wherever needed. Where the material is the best in the lines represented we are using it. We are not trying, Mr. Chairman, to represent any individual or any concern, but we are trying to represent subjects, and we use the best of the material we have from whatever source.
>
> Mr. WALCOTT. Many things appear in the newspapers that do not originate with me. A newspaper man did come to me in regard to this matter. I do not know who he was. He asked me if we had money enough to mount the entire Roosevelt collection. I told him that we had no intention of mounting the entire collection, but that if in that collection there was anything better than what we had from any other source, when we had a sufficient amount of money for the purpose, we would mount them.

Then Mr. Walcott called attention to the fact that a number of lion skins which had been taken in an African expedition had been mounted. Later Mr. Paul Rainey made a trip through southern Abyssinia. Mr. Rainey collected and sent in 32 lion skins. If they had arrived before this particular group had been mounted, some of those skins would have been substituted for some of Mr. Roosevelt's.

Mr. Walcott, in a statement in the New York Times, which he furnished for the RECORD under date of March 13, 1911, said:

> It is not intended to mount all the specimens in the collection and place them in the exhibition halls of the Museum. To do so would be a serious detriment to the collection and no advantage to the public. The collection contains about 3,000 skins of mammals, but not more than 50 different kinds could be detected among them by an untrained observer. The general public would only be fatigued and confused by the inspection of the entire series.

Instead of mounting all the skins obtained by the Museum, they are prepared and placed away so that they can be utilized by students under special privileges when they so desire, but for exhibition purposes a very small percentage of all the trophies are mounted.

Mr. WARBURTON. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. WARBURTON. Is there any way, if we have a superabundance of skins of this kind, that other museums may get them? Now, if the Government has a superabundance there

and wants to lay them aside, there ought to be some way for some other museums to get them and mount them.

Mr. FITZGERALD. I am informed that there is a law which permits the distribution of duplicates of skins to other museums. The gentleman can ascertain that by inquiring of those in charge of the Smithsonian Institution. I wish to correct any impression that may have been made in the minds of the Members of the House that there was any intention of making this recommendation to affect in any way whatever the collection of Col. Roosevelt, or that there was ever any intention on the part of those in control of the museum to mount the entire collection. To do so would be to ruin the museum, while the proper preservation of the skins enables them to be utilized by students in the best manner possible. Let me say to the gentleman from Washington [Mr. WARBURTON] that the act of August 10, 1846, provides:

> Regents of said institution shall afterwards, as new specimens in natural history, geology, or mineralogy may be obtained for the museum of the institution by exchanges of duplicate specimens belonging to the institution (which they are hereby authorized to make), or by donation which they may receive, or otherwise, cause such new specimens to be also appropriately classed and arranged.

Mr. WARBURTON. I understand from that——

Mr. FITZGERALD. They have a right to exchange.

Mr. WARBURTON. What I was asking was, could some other museum people have those which the Smithsonian did not desire and which they were not using?

Mr. FITZGERALD. I understand there is another statute—which I have not at hand—that will permit them to distribute; and I suggest that the gentleman apply to Dr. Walcott and obtain the information which I do not have. I ask for a vote.

Mr. CANNON. Mr. Chairman, on a pro forma motion, I wish to take one minute. This appropriation of $320,000, if given, will fairly keep up the taxidermist work as it is now progressing. If the amendment does not prevail and the bill stands at $250,000, the work of the taxidermists will cease, practically, entirely, because it takes $266,000 to pay the salary roll alone. And anybody can see that you have got to discharge some of the charwomen, some of the watchmen, or some of the laborers. You have got to keep open house or close it down, and this impairs keeping open house.

The CHAIRMAN (Mr. JOHNSON of Kentucky). The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 29, noes 48.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move, in the line indicated, to strike out "250,000" and insert "300,000."

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. CANNON] is to strike out "250,000" and insert in lieu thereof "300,000."

Mr. CANNON. I desire to say only a word. We have just voted down an amendment to increase the appropriation over the current year by $20,000. If this amendment is agreed to, it gives $300,000, a like amount now being used in the service and carried for the current year in the appropriation. This continues the present status.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. A division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 46.

Mr. CANNON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. CANNON.

The committee again divided; and the tellers reported—ayes 44, noes 51.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Hereafter all plans and specifications for construction of buildings and bridges in the National Zoological Park shall be prepared by the municipal architect of the District of Columbia.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman from New York whether he thinks the municipal architect is the proper person to prepare plans for bridges?

Mr. FITZGERALD. He does it for the District of Columbia.

Mr. MANN. Does he prepare plans for bridges for the District of Columbia?

Mr. FITZGERALD. I so understand. This situation is disclosed in connection with the National Zoological Park: Out of the funds appropriated for the maintenance of the park at various times an architect has been employed, and he has drawn plans for certain bridges and buildings for which there is no authority of law, and they were put away in the hope that at some time Congress would appropriate for them. The money appropriated for the maintenance of the park has been expended for that purpose.

Mr. MANN. The gentleman has covered that proposition in the item already passed, providing that the $100,000 shall not be used for architect's fees and compensation. I have made no question about that.

Mr. FITZGERALD. The most attractive bridge in the park was built on plans prepared by the District officials. That is the bowlder bridge, with which the gentleman is familiar. It was believed by the committee that this municipal architect could very easily prepare whatever plans were necessary for these buildings. It was part of the movement to prevent, if possible, the depletion of the funds.

Mr. MANN. Usually the architect who prepares plans and specifications necessarily supervises the construction. It may be proper. I do not say that it is not. But I doubt very much the advisability of the municipal architect endeavoring to control the construction of simple bridges in the park. I am glad to see that the committee has included——

Mr. FITZGERALD. My own opinion is that if the work is done by contract, the character of the work will not impose any undue burden on the inspectors. This situation was disclosed, for which there seemed to be no excuse. Plans for bridges and buildings not authorized and needed were obtained. It was absolutely impossible to get Congress to appropriate the sums that would be required to construct them. The architect was paid out of these funds, and the plans are now lying there in a pigeon hole. Some day appropriations may be made to build these different things.

Mr. MANN. I believe there is some friction in the District in reference to the construction of schoolhouses in connection with the work of the municipal architect. It may be necessary or unnecessary friction. I do not know. But I do not think there is any occasion to start friction in the park with reference to the building of bridges. I hope that will not result, at least.

Mr. FITZGERALD. I call the gentleman's attention to the fact that there is a bridge needed out there. It is necessary to construct it, and we are appropriating the money for it in this bill. If we do not have some such provision as this, architect's fees could be paid out of the appropriation made for the construction of the bridge.

Mr. MANN. I have no doubt of that. How much the architect's fees would be, I do not know. I apprehend that it would be cheaper for the Government to have some architect or somebody connected with the park prepare plans and supervise the construction of that bridge that is proposed than it would be to have the municipal architect mix in it at all. However, I shall not put my judgment against the judgment of the committee, if the committee have given consideration to that particular point.

Mr. FITZGERALD. This does not add any to the expense, anyway.

Mr. MANN. That does not give them the control over the matter of construction. I will withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

> For the construction of a bowlder bridge across Rock Creek to replace the present log bridge on the line of the roadway from Adams Mill Road entrance and Cathedral Avenue, $20,000; one half of which sum shall be paid from revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> On page 51, in line 18, before the word "bowlder," insert the words "rough stone faced or."

Mr. MANN. Why not have a bowlder bridge there?

Mr. SHERLEY. There is some question whether they can get the bowlders or whether they can not get the same effect to the eye by a bridge authorized under this language.

The question being taken, the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 23799. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns,

to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 54.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be, and he is hereby, authorized and directed in the enrollment of the bill (H. R. 13041) entitled "An act to provide for the support and maintenance of bastards in the District of Columbia," to insert, on page 1, line 12, before the word "within," the word "or."

House concurrent resolution 47.

Resolved by the House of Representatives (the Senate concurring), That there be printed 30,000 copies of the message of the President of the United States of date February 12, 1912, transmitting a communication from the Secretary of Agriculture submitting a report on the Mexican cotton-boll weevil, together with said report (S. Doc. No. 305), of which 10,000 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 20,000 copies for the use of the House of Representatives, to be distributed through the House document room.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, numbered 3 and 4, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution (S. Res. 341):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from June 13, 1912, to July 5, 1912, both inclusive.

The message also announced that the Senate had passed the following resolutions (S. Res. 339):

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ROBERT C. WICKLIFFE, late a Representative from the State of Louisiana.

Resolved, That a committee of eight Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. FOSTER, Mr. THORNTON, Mr. CRAWFORD, Mr. FLETCHER, Mr. SMITH of Michigan, Mr. PERCY, Mr. TOWNSEND, and Mr. PAYNTER.

The message also announced that the Senate had passed the following resolution (S. Res. 343):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from July 6, 1912, to July 31, 1912, both inclusive.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6745. An act to provide for the erection of a Federal building in Las Cruces, N. Mex.; and

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners, $300,000.

Mr. MANN. What is the estimate of expenditure for this year under this item, the appropriation being $350,000?

Mr. SHERLEY. The appropriation for the current fiscal year is $350,000 and the estimate is $350,000.

Mr. MANN. What I desire to know is whether there will be a surplus or not.

Mr. SHERLEY. There will be.

Mr. FITZGERALD. There was an unexpended balance in 1911 of $35,022.

Mr. MANN. Yes; but the machinery was not all working at that time.

Mr. FITZGERALD. During the first six months of this fiscal year they expended $145,531.11, and they had a balance of $204,406.89. At this rate of expenditure they will expend about the same as last year.

Mr. MANN. In the gentleman's judgment is there no likelihood of occasion for increasing the amount of the expenditure next year?

Mr. FITZGERALD. My impression is that there will not be any increase. The gentleman remembers the history of this——

Mr. MANN. I remember the history of it very well.

Mr. FITZGERALD. It seems probable that at the rate of expenditure this year there will be a surplus of over $50,000 at the end of this fiscal year.

Mr. MANN. The committee concluded that they had reached the maximum needed expenditure.

Mr. FITZGERALD. That was the impression.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads, including the employment of inspectors, $125,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 53, in line 2, strike out $125,000 and insert $150,000.

Mr. FITZGERALD. Mr. Chairman, the expenditures in 1911 were $108,000. The Interstate Commerce Commission has sent word to us that this additional money will be required. The need for it was not made plain at the time of the hearings, but the commission desired to extend the investigation of railroad accidents, and in a communication submitted this morning it was made very apparent that if they were to do the work contemplated to the extent that they desire, they will require practically the $150,000. Desiring to give the sum required to enable these various services to be conducted properly, I have offered this amendment on my own responsibility.

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken, and the amendment was agreed to.

The Clerk read as follows:

For the payment of all authorized expenditures under the provisions of the act of February 17, 1911, "to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary and allowances in lieu of subsistence while away from official headquarters to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $200,000.

Mr. MANN. I move to strike out the last word. I think it is quite probable that this law has not been in operation long enough to enable anybody to tell just how much ought to be appropriated. My recollection is that the gentlemen who were seeking that legislation informed me officially that their estimate of the expense was that it would not exceed $150,000. I put into the bill which went through the House a limitation of $200,000 on the appropriation. If they have already reached the $200,000, it is apparent that that was a very wise limitation. I desire to know if the gentleman from New York has a statement of the amount expended for the first six months of this year?

Mr. FITZGERALD. I have not that here. It is possible that within the near future a larger appropriation will be required for this item.

Mr. MANN. I think this is the limit that can be made. The committee can not have sufficient data before it to determine definitely how much ought to be appropriated, because the law provides for certain things.

Mr. FITZGERALD. I think that is true.

Mr. PAGE. That is entirely true.

Mr. FITZGERALD. There is no desire in any way to embarrass the efficiency of this service.

Mr. MANN. I understand that. I withdraw the pro forma amendment.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For operating and care and preservation of Rock Island bridges and viaduct; and for maintenance and repair of the arsenal street connecting the bridges, $18,000.

Mr. PEPPER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert a new paragraph after line 22, page 53, as follows:
"For increasing the capacity of the plant at Rock Island Arsenal for the production of field artillery materiel, $250,000."

Mr. PEPPER. Mr. Chairman, the Chief of Ordnance, Gen. Crozier, has submitted a supplemental estimate. The subject of the manufacture of Government stores has been discussed in this House a great deal in connection with the manufacture of powder and other items. A splendid showing has been made by the Ordnance Department in the way of prices upon the manufacture of nearly every item that is manufactured in Government manufactories. But I do not believe there has ever been a showing that could compare with that made by Gen. Crozier, of the Ordnance Department, upon the manufacture of field artillery. Those of you who have the hearings before this committee will find, on pages 636, 637, 638, and 639, a statement of Gen. Crozier as to the prices he is compelled to pay for field artillery. The fact of the matter is the Government has for years and years been manufacturing most of its small arms, until to-day they have practically a complete supply, both of the reserve supply and what is actually needed.

But in field artillery there has been a very inadequate amount manufactured by the Government. Practically all of our field artillery has been purchased from private manufactories. To show you what a holdup has been going on, I want to read a statement of Gen. Crozier in the hearings, beginning on the bottom of page 637:

The CHAIRMAN. Do your figures show the comparative cost of manufacture and purchase?

Gen. CROZIER. Yes.

The CHAIRMAN. Put them in the record, please.

Gen. CROZIER. I will mention a few of them for the record. I think I can mention them more summarily, so they can be better comprehended in the record, than if I put in all of these details. I will take the limbers for the 3-inch rifles. The average of three contracts gave a price of $1,518 apiece for these limbers.

Mr. CANNON. What is a limber?

Gen. CROZIER. A limber is the forward portion of the wagon which transports the gun, the forward portion of the gun carriage; and the average of five orders for manufacture at the Rock Island Arsenal was $684 apiece. The arsenal cost was less than half the purchase price.

Mr. SHERLEY. Was there any bidding for that contract?

Gen. CROZIER. Yes, sir; we usually get about three bids, and that is the average of three contracts. One contract was for 40, one was for 24, and one was a large contract for 192.

Mr. SHERLEY. Then buying at home sometimes results in being held up, judging by the price you have to pay for those limbers, compared with your cost of manufacturing them.

Gen. CROZIER. Now, for the 3-inch caisson, the average of five contracts shows a price of $1,705, and the average of six manufacturing orders given to the Rock Island Arsenal is $1,081. The 3-inch gun carriage proper—that is, the vehicle on which the gun rests and from which it is fired—gives as the average price three contracts, $3,268, and the average cost under five manufacturing orders at the arsenal was $2,341.

Now, some Member may inquire if Gen. Crozier included the overhead charges in his figures. He did.

Mr. CANNON. Does that include overhead charges?

Gen. CROZIER. Yes, sir.

Mr. CANNON. Depreciation, and all that kind of thing?

Gen. CROZIER. Yes, sir. Now, I have other figures, but those are just as illustrative as any of the rest of them. I think that in the manufacture of the vehicles for the amount of field artillery which I think we ought to provide for the Army I would save, by the installation of this $250,000 plant, at least $1,000,000.

That is the testimony, Mr. Chairman and gentlemen of the committee, of Gen. Crozier, and I want to say for Gen. Crozier that of all the men connected with the War Department with whom I have come in contact he is one of the most reliable and competent.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PEPPER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. PEPPER. I think those of you who know Gen. Crozier have confidence in the fact that when he makes a statement of that kind he means what he says, and he tells this committee and this Congress that upon the expenditure of $250,000 he can save $1,000,000 to this Government.

Now, I would be the last one to urge Congress to increase the appropriation at this time unnecessarily, but I am one of those who believe that all these matters ought to be settled on a business basis. I do not care whether the appropriations reach the high-water mark or the low-water mark, we ought to go about these appropriations in a businesslike way and from a business standpoint. If an officer of the Government can demonstrate that the Government is being held up by private manufacturers and that he can manufacture field artillery for less than he has to pay the private manufacturers and can save the Government a million dollars in the manufacture of field artillery, what excuse, tell me, is there for this Congress refusing to give him that appropriation? It seems to me that any business corporation that had that proposition put up to it would accept it at once. Go to any manufacturing concern and say that you will install a plant for $250,000 and that you will prove that you can save $1,000,000, and what would that concern do? It would authorize the expenditure of $250,000 as a plain business proposition. So I say at this time it ought to be the part of wisdom and business judgment to adopt this amendment.

I appreciate fully the position of the Committee on Appropriations. I sympathize with their desire to hold down appropriations to the least possible amount, and I want to aid them in every legitimate and proper way; but it strikes me that upon this question, a question that is a pure business proposition, that committee ought to yield. It is not simply to pay salaries to do something that will not amount to anything. It is not to encourage some new venture that is doubtful, but it comes straight from a business man in the War Department, who says that he is being held up by private manufacturers to the tune of 100 per cent. He says he has got to pay this price, and that he wants an opportunity to manufacture by the Government and in that way save money, and that for every dollar he puts in he will return four. That is the proposition he puts up to you, and what is going to be your answer? If you turn down this proposition, it simply means that instead of saving $250,000 on an appropriation you have added $1,000,000 to the cost of running the Government, because this million dollars is going to be expended. Other committees have appropriated money for the purchase of this field artillery. The money is going to be expended, and you have the opportunity at this time, as the Committee on Appropriations and as the Committee of the Whole House considering the appropriation bill, to say that it is possible to cut down $1,000,000 in the cost of running the Government.

There is a peculiar advantage in making this appropriation for Rock Island. The Rock Island Arsenal, as is well known, is a large Government manufacturing plant. They have the buildings there. Gen. Crozier says in the hearings that they will not have to erect a single building. By a rearrangement of the manufacturing operations there they can install the necessary machinery without expending a single dollar for the erection of buildings, without making any unnecessary expense of any kind. They have magnificent grounds and adequate buildings are already erected. You have an opportunity to install the machinery to enable the Government to manufacture these articles at a much reduced cost. It seems to me that there is no argument from the standpoint of holding down appropriations or from political expediency or anything else that should justify us, in the face of Gen. Crozier's statement upon this proposition in not taking advantage of what he says and saving $1,000,000 for the Government. It is a business proposition, pure and simple, and I hope that the committee will vote favorably upon the amendment.

Mr. FITZGERALD. Mr. Chairman, under date of February 25, Gen. Crozier addressed a communication to the Secretary of War, requesting that an estimate be transmitted to Congress providing $250,000 to enable him to equip the Rock Island Arsenal for the purpose of manufacturing field artillery. He stated the necessity for this estimate had arisen subsequent to the transmission of the regular estimates; that in the regular estimates transmitted to Congress $700,000 had been requested for the manufacture of small arms; that the Army appropriation bill as it passed the House carried an appropriation of $600,000 for that purpose, and if that were all the money that was to be allowed, in the interest of economy it would be necessary for him to concentrate the manufacture of small arms at the Springfield Arsenal, and that would result in the discharge of 300 men from the Rock Island Arsenal. To prevent the discharge of these men, to utilize the space that would be made available by the stopping of the manufacture of small arms at the Rock Island Arsenal, and to keep his plant going, he suggested that $250,000 be appropriated to enable him to equip and utilize the shops that otherwise would be vacated for the manufacture of field artillery. The committee questioned Gen. Crozier at some length, and he went into the possibilities of the saving to be effected. In the meantime, however, the Army appropriation bill was reported to the Senate with the $600,000 for the manufacture of small arms increased to $700,000, the amount of the original estimate submitted by Gen. Crozier, and

that amendment of the Senate has been agreed to by the conferees on the part of the House. So that there will be no diminution in the manufacture of small arms. All of the men working at the Rock Island Arsenal will be continued. The space that was to be available for the installation of this machinery will not be available, and the condition that justified the submission of the supplementary estimate no longer exists. As soon as these facts were disclosed to the committee they determined not to recommend the purchase of equipment for this arsenal. Whoever is acquainted with Gen. Crozier knows he is one of the most competent and efficient men in the service, that he has done very splendid work in keeping down the cost of munitions of war, and the committee was just as fully impressed as the gentleman from Iowa with his testimony, and would have perhaps acted then upon this estimate had the $100,000 requested for manufacture of small arms been withheld in the Army appropriation bill. But it has been granted, and there will be no reduction in the force and facilities and supplies to be utilized during the next year, and the committee did not believe it would be justified in providing for the equipment under these circumstances.

Mr. McKINNEY. Mr. Chairman, it would seem to me the committee should have very little hesitation in approving the adoption of the amendment offered by the gentleman from Iowa. With all the men who are now employed at the Rock Island Arsenal taken care of under the additional $100,000 of appropriation which was granted in the Army bill, even then putting in the additional machinery that will be needed to increase the capacity of the field artillery equipment will not require the authorization and erection of new buildings. Taking up the reading of the hearing where Gen. Crozier testified before the committee, and where the gentleman from Iowa [Mr. PEPPER] left off reading, Gen. Crozier said if he were given this $250,000 he could save the Government more than a million dollars. Then the chairman asked—

> The CHAIRMAN. In how many years?
> Gen. CROZIER. That would depend a little bit on how rapidly Congress would make the appropriations. The total cost of the class of material which we are dealing with now, and which we still need, would be about $12,000,000.
> Mr. SHERLEY. You would save 10 per cent, then?
> Gen. CROZIER. I would save 25 per cent.
> Mr. SHERLEY. Then you would save more than $1,000,000 on $12,000,000 of work?
> Gen. CROZIER. Yes. But even if you gave me this $250,000, I would still not be able to do all of this work at the Rock Island Arsenal, but only about two-thirds of it. I can now do about one-third of the work of manufacturing at the rate at which you are this year appropriating, and if you give me this $250,000 I can do two-thirds of that work; but I would still have to procure one-third of it from the outside.
> Mr. SHERLEY. How much would it take to do three-thirds?
> Gen. CROZIER. Well, I do not know whether I could do another one-third by simply doubling the appropriation; I do not think I could, because I think I would run short of buildings. I can use this $250,000 without putting up any additional buildings.
> Mr. SHERLEY. How far could you go without putting up additional buildings of increased capacity? In other words, the figures you give show such a plain robbery on the part of private manufacturers as to warrant us in going to some length to prevent it in the future. The difference between $1,518 and $684 for the making of limbers can not be the difference in economy, but it is just a holdup by private manufacturers.

Now, gentlemen, that is the situation. The figures of Gen. Crozier show that there is $12,000,000 of this work to be done, and assuming that he could only, with this $250,000, do two-thirds of it, the $8,000,000 of field artillery carriages that could be made at Rock Island Arsenal would save $2,000,000. Surely, there is no way in the world for the benefit of the country that $250,000 could be better invested. It seems to me it is a very plain proposition. Further on Gen. Crozier was asked how long it would take him to install the additional machinery, and he stated about seven or eight months. It is clear to me we should begin the large saving that would be involved without waiting until another Congress convenes. I am heartily in favor of this appropriation. [Applause.]

Mr. PEPPER. Mr. Chairman, I wish to say in answer to the remarks made by the gentleman from New York, the chairman of the committee, it is perfectly true that there was a proposed reduction in the Army appropriation bill in the item for the manufacture of small arms. It is also true, as stated by the gentleman from New York, this reduction was restored in conference, but, as I stated before, the manufacture of small arms has practically reached the limit, and I want to call attention to what Gen. Crozier says upon that very proposition. The chairman of the committee asked him this question:

> You are acting on the assumption that the reduction made by the House will be carried in the bill when it becomes a law.
> Gen. CROZIER. As I tried to indicate a few moments ago, if that should not be done this year it would have to be done soon, anyway. We are getting muskets enough, and there is no necessity for piling up that reserve so fast when it is as good as it is now.

In other words, the fact of the matter is that regardless of the $100,000 appropriation or reduction of the appropriation which was restored, regardless of that, Gen. Crozier says this reduction is going to come. He has stated it in another hearing, that next year he expects to recommend there shall be a radical reduction in the appropriations for small arms. So that the reduction of force at Rock Island this year has nothing whatever to do with it. It is simply a business proposition whether this Congress and the Government is going to stand idly by and let its officials be held up to the tune of a million dollars or more, and as stated by the gentleman from Illinois that the million dollars is inside the mark, when he can save 25 per cent of the expenditure of $12,000,000 if he had the machinery and facilities to manufacture these guns. Now, I tell you this is an important matter. You as business men ought to realize that we should appropriate this money as a business proposition regardless of whether men are excluded or added to the pay roll. That has not so very much to do with it. I do not believe I would be here arguing this question if it were simply a question of whether a certain number of men would be thrown out of employment, if the Government was not going to save money by it and it would not be absolutely economical.

I would not say to you that you ought to expend this money simply to give some man a job. That is not the proposition. You, as representatives of the people, ought to realize that it is your duty to spend money wisely. Sometimes you save money by expending money, and this is one of those cases. This is a time when you ought to authorize expenditures regardless of the expenditures for small arms.

Mr. FITZGERALD. The gentleman knows that is to extend over a series of years, and a very insignificant fraction could be saved next year.

Mr. PEPPER. If, of course, the argument is that you want to postpone it and be held up just a little while longer, and ultimately you are going to remedy it, that is one argument. It means that, whatever you purchase next year, you are going to spend twice as much money as you ought to for it. So far as I am concerned, I do not believe we ought to stand for it a bit longer than we have to. I think this Congress ought to be big enough and broad enough as business men to say, regardless of the appropriation carried this year, "We will do this because it is right." Gen. Crozier says, "Gentlemen, I can save $1,000,000. You are paying too much for this field artillery; you are getting robbed." The gentleman from Kentucky [Mr. SHERLEY], a member of the committee, suggests in his question that you are getting robbed in the purchase of this field artillery, and Gen. Crozier concedes it; but what can he do? He has asked you for $250,000 to relieve him and the Government from a plain case of highway robbery.

Mr. SHERLEY. I can tell you one way you can keep from being robbed. Just take off the provision for buying at home. Let it be known that foreign manufacturers can bid, and you will find that your home manufacturers will come down from their robbing prices.

Mr. PEPPER. That is, of course, another proposition. We have a chance here to accomplish real results and save real dollars to the General Government.

Mr. GOOD. Will the gentleman yield?

Mr. PEPPER. Certainly.

Mr. GOOD. In answer to the interrogatory propounded by the gentleman from Kentucky, the gentleman from Iowa said that was one solution of this problem. I would ask him if he is in favor of that solution as far as the Rock Island Arsenal is concerned? Is he in favor of getting those things manufactured abroad, even if a little cheaper?

Mr. PEPPER. I will say to my friend from Iowa that I am not here as a special advocate of the Rock Island Arsenal. I want to do justice to both the men and the management of that arsenal, and yet if you would come to me with a proposition and say, "The Government can not manufacture these goods as cheaply as they can be purchased," you would not see me trying to get an appropriation simply in order to give them work. I believe, when we have a business proposition, we ought to look at it in a business way. If you can demonstrate the fact that you can save money by means of an expenditure, appropriate the money. If it appears to be an unjust, or unwise expenditure, cut out the appropriation and let the chips fall where they will. I do not believe in this so-called economy that does not look any further than the end of your nose. I think we ought to look every appropriation squarely in the face and see that the money is to be properly expended or not. The people are not so alarmed about expenditures. It is the unnecessary expenditures they are complaining about. I want to say to you that a statement made by a distinguished Senator before the last campaign, that this Government could be run for $300,000,000 less if run on a business basis, was what appealed to the people. It was the belief that we were spending money uselessly and recklessly that made the people sit up

and take notice. They are not going to complain if you can show the money is rightfully and wisely spent in the interests of the Government. And so I say in reference to this expenditure, it is a wise one. It means that you are going to save money instead of lose money, and I hope everybody, regardless of political views, will join me in supporting this amendment.

Mr. MADDEN. Mr. Chairman, the practice of economy does not always mean failure to appropriate money. Sometimes it is a good deal more economical to appropriate what seems to be a large sum than to fail to appropriate it. I understand that by the addition of this $250,000 the Government can save at least $2,000,000.

Well, that seems to be a good investment, and would be so considered by any business man in the United States. I do not suppose there is a manufacturer anywhere in the United States that would refuse to invest $250,000 for the enlargement of his facilities if he could be shown that by the investment of that money he could save or make a million dollars or two million dollars.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. FITZGERALD. He would not provide $250,000 for additional facilities if the condition which was going to give space for these facilities had passed away by a provision removing the work that he thought he was not going to have?

Mr. MADDEN. The Government of the United States, I may say in reply to the distinguished gentleman from New York, is always using the material which it seeks to have an opportunity to make. It is constantly buying and using it. It wants more and more of it, and all that is being asked now is that the Government may be placed in a position to make it itself instead of buying it from somebody else. The statement is made clearly by Gen. Crozier that the Government can make this article for less than half what it costs to buy it. Now, why not give the Government the opportunity to make it?

I understand they do not require any additional buildings. I will ask my colleague from Illinois [Mr. McKINNEY] if that is not so.

Mr. McKINNEY. Mr. Chairman, it is very clearly stated in the hearings, by Gen. Crozier, that no additional buildings will be needed to utilize the appropriation.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In a minute.

Mr. FITZGERALD. The gentleman from Illinois [Mr. McKINNEY] was probably not here when I made the statement I made. This $250,000 was requested in a supplemental estimate, because the Army appropriation bill as it passed the House carried $600,000 instead of $700,000 for the manufacture of small arms. If that bill should become a law in that way it would be economy to concentrate the manufacture of small arms at Springfield Arsenal, and it would make room at the Rock Island Arsenal for the equipment to be used in this work. But the Army appropriation bill was increased $100,000 in the Senate from the original estimate, and hence the concentration will not take place. The space will not be available, and there is no space where this additional equipment can be put.

Mr. McKINNEY. Let me say in reply to that, I think the gentleman from New York is entirely mistaken in that statement. It is not proposed under this supplemental estimate to use the space that is now devoted to the manufacture of small arms. That would go to a department already existing and to buildings that are being used now for the manufacture of gun carriages for field artillery. A rearrangement of the shops is suggested, moving the harness shop across the street to another building, which would give them ample space. A part of a building already there is now used only for storage. That space could be availed of without the erection of any other buildings to receive the machinery necessary for this additional output.

Mr. MADDEN. So that if that be the case, it would not make any difference whether the manufacture of small arms were transferred to Springfield or not, so far as having ample space at Rock Island is concerned?

Mr. McKINNEY. No, sir.

Mr. MADDEN. The fact is that at Rock Island, according to the statement of my colleague, they have buildings that are not now used for any other purpose than storage, and the stores now contained therein can be transferred to other places, and the space required for the manufacture of gun carriages can be used for this purpose.

Now, if that be true, why not give the Government the privilege of investing this $250,000 for additional machinery, by means of which it can produce the economies that have been talked about in this hearing?

It is an extravagance and not an economy to refuse to appropriate this money. If by making a greater appropriation we can produce economies which can not be produced by smaller appropriations, then the addition of $250,000 to the appropriation is justified, and the failure to appropriate $250,000 is unjustifiable if that appropriation will result in the saving to the Government of $1,000,000, and such a false economy ought not to be entertained for a moment by the House. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last word; not to detain the committee, except to say that with the almost unlimited cheap water power at the Rock Island Arsenal, it seems to me this is the most economical place in the United States for an arsenal. There is an arsenal there now. Accepting as correct the statement of the gentleman from New York [Mr. FITZGERALD] that the increase in the Army appropriation bill for field artillery has been agreed to, that would insure the employment of all the people in the Springfield (Mass.) Arsenal and also in the Rock Island Arsenal for the coming year.

I am heartily in favor of making the improvements that have been indicated at the Rock Island Arsenal, and while gentlemen who have arsenals in their districts in other portions of the country will not agree with me, I believe the Rock Island Arsenal is the most suitable place for the manufacture of arms, small arms, field artillery, and the whole shooting match.

Mr. MOORE of Pennsylvania rose.

Mr. CANNON. I will except Philadelphia. I shall vote for this amendment. While I live on the eastern side of the State, I am familiar with the country around Rock Island and Moline and Davenport. With the Mississippi River running between Rock Island and Moline and Davenport, there is a great bridge that crosses, which is utilized not only for railway traffic but for other traffic as well, and I want to congratulate Rock Island on the fact that it is represented by my honored colleague here, Mr. McKINNEY, and that just across the river is the great State of Iowa, so ably represented by the gentleman from the Davenport district, Mr. PEPPER, and I congratulate them on their teamwork, and I am ready to shout and vote for this amendment. I feel quite sure that the eloquent appeal of the gentleman from Davenport, Mr. PEPPER, and the eloquent appeal of my colleague, Mr. McKINNEY, are so persuasive on the merits of this proposition that we can probably get the gentleman from New York [Mr. FITZGERALD] not to make strenuous opposition, but perhaps to vote for this amendment, the great merit of which I commend to the gentleman from New York, the chairman of the Committee on Appropriations. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. MOORE of Pennsylvania. "The gentleman from Pennsylvania" is intensely interested in the peroration of the gentleman from Illinois paying tribute to the gentleman from Iowa [Mr. PEPPER] and our distinguished friend from Illinois [Mr. McKINNEY]. I should like to know from the gentleman from Illinois who is on the Appropriations Committee, Mr. CANNON, whether this amendment applies at all to the manufacture of small-arms ammunition?

Mr. CANNON. It applies to field artillery and gun carriages and limbers. What would a gun amount to unless there was something to put it on?

Mr. MOORE of Pennsylvania. Having an arsenal in the Pennsylvania district, where small-arms ammunition is made, which arsenal did not this year receive as large an appropriation as it should for the purpose of maintaining the personnel, I should like to know if "the gentleman from Pennsylvania" supports this amendment offered by the gentleman from Iowa [Mr. PEPPER] and supported by the gentleman from Illinois [Mr. McKINNEY] whether the Frankford Arsenal may expect the support of the gentlemen from Illinois and Iowa if a similar amendment is offered in its behalf?

Mr. HAWLEY. Oh, the gentleman can not logroll.

Mr. MOORE of Pennsylvania. At least will the gentlemen be willing to let the Frankford Arsenal remain in statu quo with reference to the manufacture of small-arms ammunition and not take away that which we have?

Mr. PEPPER. When the gentleman from Pennsylvania [Mr. MOORE] offers his amendment, I will vote upon that question just the same as I hope he will vote on this question—as a business proposition. If he can demonstrate that the Government can save money by the expenditure of an additional amount at the Frankford Arsenal and that it will be a matter of wise business management to expend that additional money, I shall be glad to support the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. McKINNEY. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. McKINNEY. I wish to state that there is no competition between the Frankford Arsenal and Rock Island Arsenal in the way of small arms. We do not make ammunition for small arms. We are content to have that part of the ammunition made down there.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the statement of the gentleman from Illinois, who is about to leave this House, and to whom I hope this House will pay the compliment of passing the amendment in which he is interested, I desire to say that when the Army bill was before the House an effort was made to restore an appropriation that meant the employment in the Frankford Arsenal of 100 more men than will be employed after the bill is passed and goes into effect.

It was desired that we should go on manufacturing small-arms ammunition in the Frankford Arsenal on the lines of economy that have been so eloquently described by the gentleman from Illinois [Mr. MADDEN]. I do not intend to attempt to enforce any agreement on the part of the gentlemen from Illinois in regard to the Frankford Arsenal at Philadelphia, but I do intend to support the amendment that they have offered, and I do it with the true spirit of Pennsylvania reciprocity. I hope Rock Island will get what it seeks. I believe there will be real economy if this amendment is passed, and that the Government will be in a position to give better service than if it has to go outside. At the same time I call the attention of the gentleman from Illinois, and the gentleman from Iowa, to the fact that once in a while Members are willing to stand by them in their amendments and give them what they ask for, and to remember that there are other great Commonwealths on the Atlantic seaboard that have much to do with Government affairs, which occasionally come forward asking protection for employees in their factories and arsenals, and that it is good for us all to bear in mind this spirit of good will.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think there is something a little irregular in the manner in which this estimate was submitted to the committee and the House. But I am in entire sympathy with the spirit of the proposition submitted by the gentleman from Kentucky [Mr. SHERLEY] when he was examining Gen. Crozier before the committee. I believe that there is a holdup by private manufacturers that are supplying a great many articles such as ordnance and ordnance stores to the Government. A few months ago the Secretary of the Navy let a contract for the building of 30 cannon, and in explaining that contract he wrote a letter to a Member of Congress, which is in the record, stating that it cost the Government $1,000 more to purchase each cannon than it would have cost to have acquired the cannon by manufacturing them in the Government arsenal. The trouble is the Government does not have the equipment to build these cannon.

Mr. SHERLEY. Did that also go to the Commonwealth of Pennsylvania?

Mr. GOOD. I do not know; I am not interested in the kind of reciprocity mentioned by the gentleman from Pennsylvania. I look at this as a business proposition, and if the Government can save a million dollars, and I believe it can, and even save a great deal more, from the statement of Gen. Crozier, it should have the opportunity. And in this matter I believe that the gentleman from Kentucky agrees with me. I do not believe that we should purchase cannon and guns and field artillery from foreign nations. I believe that every piece of field artillery, every gun, and every grain of powder used by the American Army and the American Navy should be produced in American arsenals.

Mr. SHERLEY. I believe they ought to be of American manufacture, too, and I know they would be, but at a less price, the very moment their supremacy was threatened by competition; but I am sick of the system that, under the guise of protecting American workmen and the American manufacturer, mulcts the American people in extravagant prices such as these. The gentleman is aware of what happened at Panama in connection with a dredge, and the outrageous price asked by American concerns, and how it had to be bought abroad in order to get it at a decent price. The same thing is true right along of other articles.

If you put down some of your tariff barriers, you would not have the need of putting the Government in business all of the time in order to protect it against the greed of protected manufacturers.

Mr. GOOD. Mr. Chairman, it seems to me there is another good reason why the Government should manufacture its limbers and cannon. Where is the farmer, the manufacturer, or the business man who wants to buy a cannon or a limber? The only purchaser is the Government of the United States, and we might as well argue here on the floor of letting contracts to firms to furnish men to fight our battles in times of war as to talk about letting contracts for building our cannon and limbers and field artillery, to say nothing of the outrageous prices demanded—aye, to use the words of the gentleman from Kentucky [Mr. SHERLEY], to continue to be held up in this manner by these private manufacturers.

Mr. SHERLEY. Mr. Chairman, I suggest to the gentleman that while his statement is accurate as to certain parts of field material, it is absolutely inaccurate as to others. Wagon manufacturers and people engaged in the manufacture of vehicles used in peaceful pursuits are engaged in the manufacture of articles so similar to what are required by the Army as not in any sense to present the position of manufacturers having one customer, which is the usual excuse these people make for the prices they charge the Government.

Mr. GOOD. The gentleman will also agree to the proposition that it is uncertain what the Government's order will be for equipment of this kind, and that being true, manufacturers must keep up an establishment, they must keep men employed, and while it is a holdup in a way, I can see how a great deal of this increased cost is legitimate cost to the manufacturer, and for that reason I think the Government ought to manufacture these pieces and that this amendment ought to prevail.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say one word. It seems to me that gentlemen on that side of the House should devote some of their activities in having the administration adopt the same views that they profess. We have maintained at considerable expense the Watervliet Arsenal, at Watervliet, N. Y., the most splendid plant for the manufacture of certain kinds of guns in the United States, and yet the Navy Department year after year is letting contracts to the Bethlehem Steel Co. and the Midvale Steel Co. for the manufacture of guns which Gen. Crozier has offered to manufacture at from 20 to 25 per cent less at the Watervliet Arsenal.

Mr. SHERLEY. If the gentleman will permit, I suggest that that may be some of the Pennsylvania reciprocity which we have just heard about.

Mr. FITZGERALD. The Watervliet Arsenal is operating on from one-third to one-half time, and the guns that cost in the neighborhood of $76,000 to manufacture by contract Gen. Crozier asserts can be manufactured at Watervliet for $52,000. I suggest to gentlemen on that side of the House who are attempting to initiate this economy by the expenditure of $250,000 at this particular time when the conditions that justify the estimate have been eliminated, they should concentrate their attention on the Secretary of the Navy and on the President and compel them or coerce them to give such work for the Navy to the best equipped gun-making establishment in the United States, under the most competent man in the United States, and without waiting for an expenditure of money for equipment very large economies may be effected.

If that be done, they would then be in better position to advocate such an amendment as this at this time, when the only reason for the submission, as Gen. Crozier pointed out, was the failure of the House to appropriate $700,000 for the manufacture of small arms. That reason has been eliminated, because the Army bill as it has been agreed upon in conference now carries the sum of $700,000. It may be that if Gen. Crozier in his letter to the Secretary of War had stated some of the information he submitted to the committee, showing that these manufacturers would be deprived of these rich contracts, that the estimate would not have been transmitted; but the reason upon which he based his desire for this money no longer exists, and the committee believed, inasmuch as Gen. Crozier himself stated that next year it would be necessary for him to very greatly reduce his request for money for the manufacture of small arms, that then it would be advisable to take up this new work. I believe it is best to wait until that takes place. The committee would then provide the money necessary for that work.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. BOHLAND) there were—ayes 26, noes 20.

Mr. PEPPER. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. PEPPER and Mr. FITZGERALD) reported that there were—ayes 38, noes 41.

So the amendment was rejected.

The Clerk read as follows:

Testing machines, Watertown Arsenal: For the necessary professional and skilled labor, purchase of materials, tools, and appliances for operating the testing machines, for investigative test and tests of material in connection with the manufacturing work of the Ordnance Department, and for instruments and materials for operating the chemical laboratory in connection therewith, and for maintenance of the establishment, $15,000.

Mr. WEEKS. Mr. Chairman, I offer an additional paragraph, which I send to the Clerk's desk.

The Clerk read as follows:

After the paragraph ending with the figures "$15,000," line 17, page 51, add the following paragraph:

"For replacing wooden roof on smith shop, Watertown Arsenal, by a steel structure, including the necessary repairs and alterations on the building, $40,000."

Mr. WEEKS. Mr. Chairman, the Watertown Arsenal is a Government manufacturing plant devoted principally to the manufacture of gun carriages and guns of small caliber. At present I think the largest gun manufactured there is a 3-inch. It has a forge shop and foundry and the other buildings which are necessary for a manufactory of this character, but it has not the capacity to forge ingots and material for guns larger than those of a 3-inch caliber. The forge shop to which this paragraph refers is an ordinary brick building with a wooden roof, which latter must be repaired at once, anyway, and it is the desire of the Ordnance Department, if this is allowed, to replace it with a steel roof, raised sufficiently so that machines for forging larger ingots may be installed and such ingots may be manufactured there instead of being purchased, as is the case now. It is essential for the Government, if it is going to manufacture anything, that it should manufacture its own guns and the material which goes into the guns, for the reason that it is difficult to determine whether ingots which are purchased for the manufacture of guns are defective or not. There may be blowholes or some other defect which can not be detected by the tests which are made, but which develop later on when the gun is in actual use; and I believe that there will be more certainty of manufacturing guns without defects if the ingots are made under the careful supervision of the ordnance officers than if made by private manufacturers. Furthermore, it is testified to by Gen. Crozier that there can be a material saving if these ingots are manufactured at the Watertown Arsenal, as is the case in other material which we use in the manufacture of guns, gun carriages, and so forth, at that arsenal, for it has been clearly demonstrated that the Watertown Arsenal is manufacturing such ordnance cheaper than we were able to purchase it before that plant was supplied with machinery which has enabled its manufacture there. It is for these reasons that the comparatively small item of $40,000 recommended by the Ordnance Department should be inserted in this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. MANN. This seems to be involved in the gentleman's amendment, and it is somewhat in his statement. Does the gentleman believe that the Government ought to engage in the manufacture of all the articles it consumes?

Mr. WEEKS. No; I am very frank to say to the gentleman from Illinois I do not.

Mr. MANN. Is the gentleman in favor of the Government manufacturing this thing and that? If so, why should not the Government manufacture paper and boots and shoes and clothing and everything else we consume?

Mr. WEEKS. I will say that I am distinctly not in favor of the Government manufacturing everything, because I think the Government can not manufacture many things on a sufficiently large scale to compete with private manufacturers; but it is especially essential that the Government should manufacture ingots of steel and guns and gun carriages; and I think it is clearly demonstrated we can get better results by manufacturing those classes of manufactures than by purchasing them from private manufacturers.

Mr. MANN. I confess to the gentleman I have never seen that demonstrated. It may be true. I have heard a good many statements of that kind——

Mr. WEEKS. The gentleman is hearing that now.

Mr. MANN (continuing). As to how much cheaper the Government could make these things than anybody else. I take that with a considerable degree of allowance. I have often heard people before state how we could do something for much less than it is now being done if we furnish the plant to begin with; but it is seldom realized. I do not think it has been realized in the case that has been before the committee this afternoon, and probably not in this case to which the gentleman refers.

Mr. WEEKS. I think in very many cases that it would be realized. I have great confidence in the Chief of Ordnance of the Army and think he knows what he is doing. The ordnance officers of the Army who are devoting their entire time, practically, in times of peace to manufacturing guns and gun carriages have gotten manufacturing costs down to a point where they do know what results are. And when Gen. Crozier states that he believes he is making a saving in manufacturing a certain article I think he knows what he is talking about. I would take such statement from him much more readily than I would that of the ordinary governmental official who has not made such a careful investigation of the subject on which he is engaged.

Mr. MANN. I have a high regard for Gen. Crozier, and congratulate him on the work which he has done. And he speaks with a good deal of authority on things he is doing, and possibly with some authority on what he can do. And yet he is in trouble with his employees all over the country.

Mr. WEEKS. The gentleman knows why he is.

Mr. MANN. I know why he is, and the reason is because he is trying to show Congress about how cheaply he can manufacture things by reason of keeping laborers in the Government service keyed up to the highest point all the time. Everybody but Gen. Crozier and the gentleman who originated the scheme knows that is impossible.

Mr. SHERLEY. Some of the remarks of the gentleman from Massachusetts [Mr. WEEKS] might lead one to suppose the proposition here involved is the manufacture of certain parts of a gun. The amendment he has proposed is to pay $40,000 for a new roof and an addition to the building in the way of heightening the walls.

Mr. WEEKS. Mr. Chairman, if the gentleman will permit me, I stated that it was necessary to raise the roof of this building in order that the machines might be installed which are to be used to forge castings for guns of 6-inch and other calibers.

Mr. SHERLEY. If the gentleman had not interrupted at that particular point, I should have stated that fact, and also this, that at present there is no estimate for any of the machinery that will be necessary to build these particular parts, and the committee did not feel warranted at this time in recommending an appropriation of $40,000 for the roof and walls for the purpose of making possible the manufacture of certain parts when there was no estimate asked for the machinery to make those parts. We thought the matter could well remain until the major policy, to which this is simply an annex, was determined.

Mr. WEEKS. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. WEEKS. Was it not stated at the hearing, and has it not been stated before, that the reason for asking for an additional appropriation was so that the expense of installing this plant might be distributed over a term of years, and furthermore that it would take this entire year to spend the $40,000 in making the changes in the building which would be required, so that the appropriation for machinery will naturally come next year, or when they are ready for it?

Mr. SHERLEY. I did not so understand the hearing, which I have just reread. Gen. Crozier did state that—

This $40,000 is all I can expend in this coming year, and it is all I am asking for.

But he was also speaking not only in regard to the expenditure as to these machines, but a total expenditure of $150,000, which he contemplated making. Now, it is perfectly apparent that there are many items of this kind which are asked for by the various departments, all of which can not be allowed. The committee tried to exercise, and I believe it has exercised, a reasonable judgment as to which were most meritorious, and in this instance we did not believe from the facts shown in the hearings that we were warranted in voting the $40,000, and we hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. WEEKS. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 31.

So the amendment was rejected.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Fort Monroe, Va.: Wharf, roads, and sewer: For repair and maintenance of wharf, including all necessary labor and material therefor, fuel for waiting rooms, and water, brooms, and shovels, $1,400; repairs to apron of wharf, including all necessary labor and material therefor, $4,155; wharfinger, $900; four laborers, $1,920; in all, $8,375; for one-third of said sum, to be supplied by the United States, $2,791.66.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking why the proportion of the United States is reduced in this bill from what has been carried heretofore.

Mr. SHERLEY. The hearings demonstrated that the transportation companies were having about 90 per cent of the use of the property, and it was thought wise that the Government should pay only a third in place of two-thirds.

Mr. MANN. But the transportation companies paid half before, did they not?

Mr. SHERLEY. They formerly paid a third, and the Government two-thirds. We have now provided that the Government shall pay only a third and they two-thirds, because they get the major benefit of it.

Mr. MANN. I had assumed that a local municipality of some sort paid the balance.

Mr. SHERLEY. It was the transportation companies.

The CHAIRMAN. Without objection the pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries, at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, $75,000.

Mr. WILLIS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 57, after the word "six," in line 5, insert the following: "including suitable headstones for such places as the Secretary of War may direct as memorials to Union soldiers, sailors, and marines who died during the Civil War and whose places of interment are unknown."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WILLIS. Does the gentleman reserve the point of order?

Mr. SHERLEY. Yes.

Mr. WILLIS. Mr. Chairman, I hope the gentleman will not insist on the point of order. Of course it would clearly be good, because this amendment is new legislation; and if the point of order is insisted upon, the amendment, under the rules of the House, can not be considered in connection with this appropriation bill. There are some other items in this paragraph and the following one to which points of order could be raised, but I have not the disposition to raise a point of order against them. I hope the gentleman will let the matter be decided upon its merits.

Mr. Chairman, the present law provides, by an item carried in the sundry civil bill for the current year, as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries, at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, $75,000, to be immediately available.

Now, it will be noted that the language provides that these headstones shall be furnished only at the graves of soldiers. This condition has arisen in a number of instances: The patriotic citizens of a community have erected some sort of a soldiers' monument, and it is desirable that there should be given in some way official recognition by memorials in honor of the men who went from that community and lost their lives in the war and whose burial places are unknown.

Now, then, when those cases have come up to the Quartermaster General—and I personally know of one of them—it has been decided that these markers can be furnished only at the graves of soldiers. So, Mr. Chairman, as the result of that interpretation of the law we have this situation as to the soldier who went out to serve his country and lost his life and is buried in an unknown grave: There is no way under the present status of the law whereby the Government can furnish any memorial for that soldier. Now, it seems to me, Mr. Chairman, that that was not the intention of the Government. I believe it was simply an oversight. It must be apparent that it is but scant recognition in the mind of a relative to be told that perhaps somewhere, in some far-off national cemetery, there may be one of those little square posts that marks the grave of one of the heroic unknown dead. That is possibly true, but it seems to me, Mr. Chairman, that it would be a very fitting thing if we should amend this law as I am proposing in this amendment, so as to provide that under the jurisdiction of the Secretary of War, whenever he deems it proper, if there is a community that has erected a soldiers' monument and desires to have these marble slabs as a tribute to the patriotic sentiment of that community, the Government should furnish such slabs on which there might be some inscription like this: "John Smith; killed in the Battle of Resaca; burial place unknown"; or some other inscription, to be determined, of course, by the Secretary of War, not as a marker, because no man knows where the remains of the heroic dead are at rest, but as a comfort to relatives of that soldier, as a patriotic lesson to the youth of the community, and as a fitting memorial. I wonder, Mr. Chairman, whether we stop to think, when we reflect on the number of heroes that sleep in the national cemeteries, of how pitiably many there are of the unknown dead whose resting places have not been located. We have 83 national cemeteries, including an area of something like 1,500 acres. In Arlington alone there are almost 500 acres. Think of it! Two and one-half square miles peopled by the heroic dead of the Republic; and in these 1,500 acres are the remains of something like 360,000 Union soldiers.

Are you aware, Mr. Chariman, that of those 362,306 Union soldiers who are buried in these 83 national cemeteries, 208,600 are known and 153,706 are unknown? In other words, about two-fifths of the total number buried in our national cemeteries are unknown.

In Arlington, where almost 23,000 peacefully sleep in those sepulchers of silence, 17,000 are known and 6,000 are unknown. All that is known of the mighty dead is the story of their heroic devotion in defense of the flag. They bade good-by to family and friends and loved ones and marched away to the grand wild music of war, never to return. They made the greatest sacrifice it is possible for man to make; they gave their lives that the Nation might live, and to-day more than 150,000 sleep in unknown graves. It is doing but scant and tardy justice to erect in their memory and honor in a quiet corner of some country churchyard this humble memorial. By honoring them the Nation honors itself.

Mr. BORLAND. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. BORLAND. The gentleman is aware, is he not, that as the law now stands instead of those headstones being erected a central monument can be erected under the direction of the Secretary of War, containing bronze plates with the names of the soldiers, their regiments, and so forth, where the particular graves can not be identified.

Mr. WILLIS. I was not, and am not now, aware of that provision, I am frank to say to the gentleman.

Mr. BORLAND. The law has been amended within a few years so as to provide that if the particular graves can not be identified a central monument may be erected by the Secretary of War, containing on it a bronze plate specifying the soldier's name, regiment, and so forth.

Mr. WILLIS. I have never seen that statute, and it is very strange that attention has never been called to it, because I have had a number of conferences with the Quartermaster General about this very question, and have examined the statutes very carefully. I doubt whether there is any such provision as the gentleman refers to. Can the gentleman cite me to the section of the statute?

Mr. BORLAND. One of these central monuments was erected last October in the Union Cemetery at Kansas City, in my district, under that very provision of law.

Mr. WILLIS. I should be very much obliged to the gentleman if he would cite me to that section of the statute. I do not think it exists in the form in which he states it.

Mr. MANN. If the gentleman will pardon me, I think the law that the gentleman from Missouri refers to only relates to cases where it is known that soldiers are buried in a particular plot of ground but the exact grave can not be located. It does not apply to the cases referred to by the gentleman from Ohio [Mr. WILLIS], where it is known that the soldier is dead and probably buried somewhere, no one knows where.

Mr. WILLIS. I thank the gentleman from Illinois for the suggestion. I think he has stated the exact fact in the case. If the gentleman from Missouri [Mr. BORLAND] will pardon me, I will say that that is not the case that I am seeking to cover with this amendment.

Mr. BORLAND. Perhaps the gentleman's case would be covered by that. He says that more than 100,000 of these men are buried in these various national cemeteries.

Mr. WILLIS. There are more than 153,000 soldiers buried in national cemeteries, whose identity is unknown.

Mr. BORLAND. It is known that they are buried somewhere, but their particular graves can not be identified. The whole purpose can be served by a proper monument in each of these national cemeteries.

Mr. WILLIS. Not entirely, as the gentleman will see; because he knows, as every one acquainted with the history of

that titanic struggle must know, that there were thousands of men who lost their lives fighting for what they believed to be right, whose burial places are unknown, and concerning whom it can not even be known that they have been buried. We do not know anything about it. This amendment seeks to reach cases of that kind, and it seems to me that we can not afford to do less than this. It is not going to cost the Government very much. I am frank to say that I do not know how much it will cost. No one can tell in advance; but the effect of this amendment, if it be agreed to, will be simply to authorize the Secretary of War to furnish these little memorial slabs that can be erected about some central monument, or even if there be no central monument they can be erected on a cemetery lot set aside for that purpose in honor of the unknown dead.

Mr. Chairman, I can not think of anything more pathetic than the situation that exists in thousands of little villages all over this country. I have in mind now a case where practically the whole adult male population went into the Army, and of that number nearly one-half lost their lives. We know that they lost their lives. Comrades testified that they saw them fall, but there is no evidence to show where they are buried. With the onrush of battle the lines were changed. Nobody knows what became of them. Perhaps they were thrown into a pitiless trench somewhere, with a few inches of earth thrown over them. We do not know about that. They died to save the Republic; that we know. Though they live in the hearts of their countrymen through the memory of their heroic deeds, their bodies rest in far-off, lonely unknown graves, with none to drop a tear or cast a fragrant flower.

Now, when it is sought to erect some sort of a monument, and when the people of that community have erected the monument, it seems to me that it is desirable, that it is in the way of carrying out a proper and patriotic purpose, for the Government of the United States to say of these men, as it already says of the men whose places of burial are known—no more heroic, no more worthy than the unknown dead—We will now furnish a marker to the memory of these men. In common fairness and justice and patriotism, why ought it not to say in these cases where the place of interment is unknown, We will furnish a little marker as a memorial to the unknown heroic dead?

Mr. MANN. Will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. MANN. In this case, where the law authorizes the construction of a monument with bronze tablets giving the names of those who are supposed to be buried there, the exact location of the burial not being known, would the gentleman have markers located in addition to this monument and bronze tablets?

Mr. WILLIS. No; that would not be desirable.

Mr. MANN. The gentleman's amendment might not only permit it, but possibly require it. I will say to the gentleman from Ohio that I have a case in my own district—the Confederate Mound at Chicago—where are buried 6,000 Confederate dead, who died at Camp Douglass. They have erected a monument, and since then the Government has provided for bronze tablets on the monument with the names of those buried there. I have watched carefully the legislation to see that there should be no markers stuck all over the ground, because the green grass over the burial places of the dead, with the noble monument in the center, is far more pleasing to the eye than a lot of little white stones scattered around would be.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. The gentleman asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I agree entirely with what the gentleman from Illinois has just said, that where the monument has been erected and where bronze tablets are attached to the monument, it would be entirely undesirable that the little markers should be placed around it; but in these other cases where there are no such monuments or bronze tablets, where it is desirable that there should be in some way recognition of the heroism of these men, it seems to me only fitting and proper that an arrangement should be made such as is provided for in my amendment. It is not going to cost very much.

Mr. BARTLETT. If the gentleman will allow me, has the gentleman made any estimate of how much it will cost?

Mr. WILLIS. I will say that I did the best I could. I asked the official of the War Department having this matter in charge, and he said, of course, in the very nature of things, he could not tell how many requests of that kind there would be. He said that there had been a few already. He suggested that if the amendment should be adopted an appropriation of $500 would be ample and all that would be necessary for the year.

Mr. BORLAND. Let me suggest to the gentleman that these little markers cost about $3.50 apiece.

Mr. SHERLEY. Mr. Chairman, with the motive that prompted the gentleman from Ohio to offer this amendment all of us will be in hearty accord; but of the wisdom of adopting it there can readily be many opinions. The amendment provides for the erection of headstones for the unknown dead of the war. Now, at present we have marked by plain, uninscribed headstones the graves of all the unknown dead, and this would provide for the doing of what to my mind would be a very incongruous thing, the erection of individual monuments to soldiers whose graves are unknown in a cemetery on the assumption that they are buried there, when in point of fact they may not be buried there. I agree thoroughly with the gentleman from Illinois [Mr. MANN] that instead of adding to, it would rather detract from the beauty of the last resting places of our heroic dead to add an additional number of individual stones; or instead of the erection of a monument to the unknown dead to put a series of monuments in each of the cemeteries.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. WILLIS. It seems to me the gentleman is in error in one particular. Of course, it would be highly undesirable that these memorial markers should indicate that the remains of the soldiers were reposing in that cemetery at that particular place. The idea would be that the Secretary of War should have such an inscription on the markers as would show clearly that the remains were not there, something such as I suggested, namely, giving the name of the soldier killed at the Battle of Antietam, for instance, and that the burial place was unknown.

Mr. SHERLEY. In my own judgment, if that is what is to be desired, it would be reached more properly by the erection of a monument in each of the national cemeteries, on which should be inscribed the names of the dead whose places of burial are unknown, rather than to put up individual markers. But, Mr. Chairman, I have said what I have said in order that my action might not be misunderstood. In charge of the bill, I should not feel at liberty to permit an amendment of this kind subject to a point of order to be considered without the point of order being made.

Mr. WILLIS. Before the gentleman makes the point of order, will he yield to another suggestion?

Mr. SHERLEY. Certainly.

Mr. WILLIS. What I had in mind was not simply the national cemeteries, or even the large cemeteries, but the little country burying grounds, those obscure places where it would not be possible at all to secure enough public interest to get the erection of a soldiers' monument. The gentleman knows of many such places and every Member knows of such cases. In such a case as that it seems to me that it would be very proper and would subserve a patriotic purpose if we could have some such marker as I have indicated. In such places there is no soldiers' monument, and under the present law there can not be, while this amendment would make it possible to have markers in memory of the heroic dead whose places of burial are unknown.

Mr. SHERLEY. Mr. Chairman, unfortunately the amendment proposed would not only make that possible, but would require the erection practically of a headstone to every one of the unknown dead, and, under the circumstances, it being new legislation, I feel constrained to make the point of order against the amendment.

The CHAIRMAN. The Chair thinks it is new legislation, and therefore is subject to a point of order.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I should like to have the interpretation which the gentleman from Kentucky places on the language of the section. Is it his judgment that it provides that the Government of the United States shall erect a headstone at the unmarked grave of every Confederate soldier as at the unmarked grave of every Union soldier? What is the meaning of the section, in the judgment of the gentleman?

Mr. SHERLEY. My understanding of the section is that it would require the erection of a headstone at every unmarked grave of every Union or Confederate soldier.

Mr. WILLIS. No matter where that soldier is buried?

Mr. SHERLEY. No; I do not so understand it.

Mr. WILLIS. The gentleman objected to my amendment because of the increased expenditure. He certainly must be aware that if the Government now undertakes something it never has heretofore undertaken, namely, the furnishing of headstones at the graves of all the Confederate soldiers——

Mr. SHERLEY. But the gentleman is mistaken, I think, as to the facts. There was a special act passed by which it was

made the duty of the Government to erect a headstone over the graves of the unknown Confederate dead.

Mr. MANN. If the gentleman will pardon me, the unknown Confederate dead who died in Federal prisons or hospitals.

Mr. WILLIS. That is right.

Mr. SHERLEY. Yes; I think the gentleman's statement to that extent is more correct than mine.

Mr. WILLIS. That narrows it down a great deal. There is at present no general law providing for the marking of these graves of Confederate soldiers; and it is now proposed, as I understand the gentleman, that all of these graves, no matter where located, in a national cemetery, or a post, or a village cemetery, anywhere throughout the country, shall be so marked. Is that the meaning of the section?

Mr. SHERLEY. It is proposed to apply to the unmarked graves of Confederate dead the same rule that now exists as to the Union dead.

Mr. WILLIS. Then, Mr. Chairman, if the gentleman will permit me further, I should like to have—if the gentleman will notice the language, I believe it has not accomplished the result the committee had in mind. It says here:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, etc.

Over on the next page—page 57—it says:

Under the acts of March 2, 1873, February 3, 1879, and March 9, 1906.

None of these acts give general authority to the War Department to provide for the marking of the graves of Confederate soldiers.

Mr. SHERLEY. Well, the gentleman is right and my statement was a mistake. The gentleman will appreciate that on the spur of the moment I can not hope to carry all the details in the bill in my head; but the purpose of it was simply to carry out the existing law except that instead of carrying out the law as to the marking of the graves of unknown Confederate dead through the commission which was originally created for that purpose——

Mr. MANN. Not the unknown, but the unmarked graves.

Mr. SHERLEY. The unmarked graves—it is sought to continue it through the medium that has been employed for marking the graves of the Federal dead.

Mr. WILLIS. Was it the object of the committee to make provision in accordance with the recommendations of the Quartermaster General? I read the hearings very carefully, and he wanted authority simply to straighten, reset, and repair the headstones which were already under the control of the Government of the United States. If the gentleman will permit, I do not think the language he has put in here changes the existing law at all, if it was intended——

Mr. SHERLEY. It would not change the existing law except to the extent to make it the duty of the Quartermaster General to attend to these graves as well as to the Federal graves.

Mr. WILLIS. Do you think this accomplishes that? My contention is that it does not accomplish that at all, because these acts to which reference is had are not acts that give the Government of the United States authority over graves of Confederate soldiers. I do not believe that inserting the two words "and Confederate" has changed the existing law; although I am entirely in sympathy with the idea that the committee had in mind to make it the duty of the Quartermaster General, in accordance with his suggestion, to care for these graves in the Confederate section at Arlington, I do not believe the committee have carried it out in that language.

Mr. MANN. Mr. Chairman, I agree with the gentleman from Ohio [Mr. WILLIS] that the language of the bill will probably not accomplish the purpose which is intended. I think it will take a Philadelphia lawyer, with all of his noted skill, to tell just what the language of the bill will accomplish, and I want to call attention of the gentlemen to the matter, so that they may correct it hereafter if it needs to be corrected. The item provides in reference to the appropriation for marking the unmarked graves of Union soldiers and inserts the words "and Confederate" soldiers, sailors, and so forth; but that would be necessary under the terms of the act of March 9, 1906, because that is what the bill states. The act of March 9, 1906, provided for the marking of the graves of Confederate soldiers who died in Federal prisons or hospitals, and also provided that the entire work should be completed within two years from the date of the passage of the act. Subsequently that time was extended by a joint resolution of Congress, and my recollection is—I may be mistaken—that that extended time has now expired, so that if the limitation in the bill under the act of March 9, 1906, even if you take into consideration the extension which has been granted—and it is not named here—there will be no authority, because the time limit has expired within which this work can be done. Now, if, on the other hand, it should be construed that under this appropriation you were to mark every unmarked Confederate grave in any national post, city, town, or village cemetery in the country, that involves the marking of all Confederate graves. For myself, I have no objection to the Government now treating the graves of the Confederate and Union soldiers alike in all parts of the country, and I am quite willing that we should enter upon a course of marking the unmarked graves of Confederate dead in the local cemeteries in the South where they lie. It was not contemplated by the act of March 9, 1906, to which citation is made in the bill. I should have preferred to have made an appropriation directly, on the theory that we certainly have reached that point of time since the Civil War where the General Government, seeking to preserve the memory of great deeds on both sides, might properly mark all of the unmarked graves of the soldiers and sailors on both sides of that war. [Applause.]

Mr. HUMPHREYS of Mississippi. Will the gentleman from Illinois allow me to ask him a question for information?

Mr. MANN. Certainly.

Mr. HUMPHREYS of Mississippi. This lump sum of $75,000, if I understood the explanation a short while ago, is to be administered by the Secretary of War.

Mr. MANN. Yes.

Mr. HUMPHREYS of Mississippi. Well, under the act of 1906, as I recall it, there was a special officer created under that act——

Mr. MANN. Yes.

Mr. HUMPHREYS of Mississippi. That the President was to appoint a special officer.

Mr. MANN. A special commissioner.

Mr. HUMPHREYS of Mississippi. A special commissioner, who was to administer the particular fund.

Mr. MANN. There was an appropriation made of $200,000 in the act of 1906 and a special commissioner appointed under a salary of $2,500. And his authority and the appropriation are both extended by the resolution which was passed upon the expiration of the two years provided in the original act.

Mr. HUMPHREYS of Mississippi. How much of this $75,000 will be expended by that particular commission?

Mr. MANN. I am inclined to think the time of the commissioner expired, but the special commissioner and the War Department have been working in cooperation, and so far as the War Department is concerned in the matter relating to Confederate graves, they have called in the special commissioner and taken his judgment, as I understand, all along the line. I know that was done in the case of the Confederate mound in my district.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last two words. It was my intention originally at this point to offer an amendment to this bill which should repeal a former regulation of the War Department prohibiting the inscribing upon tombstones of any description or insignia relative to fraternal or other orders not strictly military, but I have learned, after having protested to the War Department along with other gentlemen, that there has been a change made in the regulations, striking out that part which prohibits such inscriptions, and that the regulation as now authorized by law will permit upon the rear and sides of the tombstone the placing of such insignia of fraternities and societies, so long as they are not grotesque.

A bill to accomplish this purpose was introduced by my friend from Mississippi [Mr. HARRISON], and it was my intention to offer the provison of his bill here; but in view of the action taken by the War Department, it is now unnecessary to legislate on the subject. I have no doubt there will be no hindrance to the putting of proper insignia and inscriptions upon the tombstones.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Mr. MANN. I reserve a point of order against the paragraph.

Mr. FITZGERALD. Mr. Chairman, this is a provision which has been carried in the appropriation bill for seven years.

Mr. MANN. This provision was put in for a specific purpose, which I supposed had been accomplished.

Mr. FITZGERALD. The Attorney General holds that is a limitation upon the appropriation.

Mr. MANN. That is all that was intended.

Mr. FITZGERALD. The situation is existing all the time, and unless the provision is continued the situation will remain.

Mr. MANN. Well, I know why it was put in in the first place, but I do not believe it ought to be in the law at all.

Mr. FITZGERALD. The Attorney General has construed it as merely a limitation upon the main proposition, and while I do not agree with the construction of the Attorney General, the unfortunate part of it is this construction is binding.

Mr. MANN. I do not believe it did have a place at all.

Mr. FITZGERALD. It did have a place, because one of the counties in Illinois had three roads maintained by the National Government on the ground that they led to a national cemetery. Unless the provision is continued in the bill, the other two so-called approaches will be placed upon the Federal Government for maintenance, and the Federal Government should not maintain those 15 or 16 miles of road.

Mr. MANN. It does not seem to me very good legislation.

Mr. FITZGERALD. I suggest the gentleman move an amendment to insert the word "hereafter."

Mr. MANN. I will take the chances and make a point of order on it.

Mr. FITZGERALD. It is a limitation upon an appropriation. It is not subject to a point of order.

Mr. MANN. It is not only a limitation to an appropriation carried in this bill, but in other laws.

Mr. FITZGERALD. The Attorney General of the United States has rendered an opinion, which is binding upon the officials of the executive departments of the Government, to the effect that this provision is a limitation upon this particular appropriation.

Mr. MANN. Not at all.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. MANN. The gentleman from New York is mistaken in reference to that. It so happened that in that year there was no other appropriation for national cemeteries except what was carried on this bill; but this is a limitation, not upon the appropriation in this bill, but one providing that no part of any appropriation shall be expended, and it is therefore a positive law in reference to other appropriations which may be made in other bills.

Mr. FITZGERALD. Mr. Chairman, this provision was inserted in this bill on a former occasion. The Attorney General of the United States has construed it to be a limitation upon this particular language of the appropriation. If the Chair has any doubt in regard to it, I will ask him to reserve his decision and I will produce the decision of the Attorney General. That, at least, I suppose is controlling here. That was not the intention of Congress, but that is the construction that the Attorney General has placed upon the provision, and that binds the officials of the executive departments of the Government.

Mr. MANN. Why, Mr. Chairman, the Attorney General has not held at all that if an appropriation for national cemeteries is carried in the deficiency bill, as it may be, or in the Army appropriation bill, as it might be, it would not be controlled by this provision, that "no part of any appropriation for national cemeteries shall be expended." The Attorney General has made no such holding as that.

Mr. FITZGERALD. I will produce the decision in the morning, if there is any doubt about it, and the Chair will see.

The CHAIRMAN. The Chair will state that at present the Chair is not in doubt, but if it is desired that he reserve his ruling for the purpose of being more sure, he will wait. The Chair, however, is now ready to rule on the point of order because of the words in line 22, "more than a single approach to." The Chair is of opinion that if those words were out it would not be subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, the purpose is to restrict the use of this appropriation.

The CHAIRMAN. The language in line 22, while negative, is affirmative legislation.

Mr. FITZGERALD. I ask the Chair to reserve a decision, because this particular provision was the subject of controversy, and it was held to be in order.

The CHAIRMAN. The Chair will state, as he has already said, that he is willing to postpone a ruling upon this item.

Mr. FITZGERALD. This item is not subject to a point of order. I am not going to concede that it is. I am not certain but that the gentleman from Illinois [Mr. MANN] was himself in the chair and held this to be in order. I think he was.

Mr. MANN. The gentleman will go a long way before he finds that any Chairman held this was in order, because this item was not put in the bill in the form in which it is in the bill now.

The CHAIRMAN. The Chair will state that, as he said before, the matter will be passed over if it is desired that an opportunity be given to present authorities. The Clerk will read.

The Clerk read as follows:

Hereafter persons dying in the District of Columbia or in the immediate vicinity thereof who have served in the Confederate Armies during the Civil War may be buried in the Confederate section of the Arlington National Cemetery without additional expense to the United States upon the certificate of Camp No. 171, United Confederate Veterans, of the District of Columbia, that such persons are entitled to burial under the authority herein given: *Provided*, That all such interments shall be under the supervision and subject to the approval of the Secretary of War.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What committee would have jurisdiction of this subject—the Committee on Military Affairs or the Committee on Public Buildings and Grounds?

Mr. FITZGERALD. The Committee on Military Affairs. The chairman of that committee requested that this item be inserted in the bill because in the so-called Confederate plat in the cemetery there was room for these additional plats, and the Secretary of War and the Quartermaster General of the Army approved the item.

Mr. MANN. The gentleman knows that as soon as this item is proposed there will come the proposition that in Arlington Cemetery shall be buried any ex-Union soldier who dies in the vicinity of Washington, and "the vicinity of Washington" is quite large and extensive.

Mr. HAY. If the gentleman from New York will permit me, I want to call the attention of the gentleman from Illinois [Mr. MANN] to the fact that this only provides that they shall be buried in the plat which has been set aside for Confederate soldiers. It does not add anything to the amount of land which has been set aside for the purpose of burying these soldiers.

Mr. MANN. I so understand.

Mr. HAY. And the Secretary of War and the Quartermaster General desired this legislation because the law which was at first enacted provided that only a certain portion of this land could be used for burial purposes. But they find now that, after using up the best part of it, there still remains of this plat a sufficient quantity of land in which to bury about 150 or 200 more Confederate soldiers.

Mr. MANN. What is the procedure under which a Confederate soldier is now buried in Arlington, in this ground?

Mr. HAY. As I understand it, he has to get a certificate from the camp of the United Confederate Soldiers of this town, and also has to get a permit from the Secretary of War.

Mr. MANN. Is it provided by law that the camp has control of it?

Mr. HAY. I understand so. The Secretary of War has control of it, as is provided here.

Mr. MANN. The Secretary of War has final control, but the camp also has control.

Mr. HAY. Yes.

Mr. MANN. The Secretary of War can not permit anyone to be buried there except those to whom the camp gives authorization, as I understand the gentleman's statement. Now, as soon as this item appeared in the bill the suggestion was made that because you permit any ex-Confederate soldier to be buried in Arlington, therefore you ought to permit any ex-Union soldier to be buried there.

Mr. FITZGERALD. The law now expressly permits any ex-Union soldier to be buried there.

Mr. MANN. I think not.

Mr. FITZGERALD. Section 4878 of the Revised Statutes reads as follows:

SEC. 4878. All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served during the late war, either in the Regular or Volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.

Mr. MANN. I do not understand that any ex-Union soldier can be buried in Arlington, and I am quite confident that is not the case.

Mr. HAY. They are buried there every day.

Mr. FITZGERALD. Not only that, but my recollection is that the wives of ex-Union soldiers can be buried there, if their husbands are.

Now, there was a plat set aside for some Confederate soldiers, for a certain number of graves. A less number were buried there than were expected, and it is possible to take care of the soldiers contemplated by this provision. I am quite certain, as

I have stated, that the wives of ex-Union soldiers may be buried in Arlington.

Mr. MANN. I withdraw the point of order.

Mr. GREGG of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 58, line 17, after the word "given," insert the following:

"And hereafter persons dying in the District of Columbia or the immediate vicinity thereof, who have served as volunteer militia officers during the Civil War in a regularly organized regiment which was under the command of a United States officer, and who were paid for their services by the United States Government, may be assigned a commissioned officer's burial lot."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. GREGG of Pennsylvania. Mr. Chairman, as I understand the rules of the War Department, officers who served in the Union Army are entitled to small plots in Arlington Cemetery. The whole matter of the burial of these officers is under the direction and control of the Secretary of War, who, I believe, has delegated some authority to the Quartermaster General.

There are some few persons residing in the city of Washington now, connected with the public service, who were officers in the militia of the various States, who toward the close of the war were placed under the control of the United States Government and served some considerable time. The Secretary of War will not permit the burial of these officers in a separate lot, but under the law they are entitled to be buried in a single grave as are other Union soldiers.

Now, as I have said, the idea of this amendment is to permit these officers, not exceeding 20 in number at the outside, to be buried in a lot. It relates to those who live here, who practically have made Washington their permanent home.

They are not permitted, under the present regulations, to have their wives buried alongside of them. It seems to me that it will be no more than fair to allow that. These men served, a great many of them, in the early part of the war; and later they joined the State militia, and on account of previous experience were assigned to duty as officers. They are recognized as veterans of the Civil War and are drawing pensions. This provision which I ask to have adopted at this time will not in any manner cost the Government a single copper.

Mr. BARTLETT. What does the gentleman mean in his amendment by the language, "shall be assigned a commissioned officer's burial lot"? We understand very well when you say they may be buried in Arlington, in the National Cemetery, but here you use this peculiar language, "shall be assigned a commissioned officer's burial lot."

Mr. GREGG of Pennsylvania. The burial lot, as I understand, is a small plat of ground, probably 10 by 15 feet, given to an officer, not particularly because of any desire to give distinction to that particular officer, but that he may have another member of his family, namely, his wife, buried alongside of him.

Mr. BARTLETT. Does the gentleman's amendment mean that the officer while living shall have a lot designated and assigned to him to be used hereafter?

Mr. GREGG of Pennsylvania. That would be a matter for the War Department to determine, because the terms of section 6, page 58, provide as follows:

Provided, That all such interments shall be under the supervision and subject to the approval of the Secretary of War.

So that it is merely extending the provisions already made to some officers to those designated in the amendment I have offered.

Mr. BARTLETT. But the language of the amendment is rather peculiar. It is a little different from that authorizing the burial of soldiers or officers in Arlington.

Mr. GREGG of Pennsylvania. In other words, I simply want to put these officers on the same plane as are other officers. The Quartermaster General has on several occasions permitted persons who are not designated as officers to be buried on what is known as an officer's lot, but to-day there is no legal authority for that.

Mr. FITZGERALD. Mr. Chairman, the committee has no information either as to the number of these plats that there may be available, or the conditions under which they are assigned, or the objections that there may be to such legislation. I have no objection to proper legislation in relation to the use of Arlington for interment, but I can not consent to have legislation of this character, which might be a great deal more far-reaching than anybody contemplates, adopted without some reference to the War Department. I make the point of order that it is not germane to the provisions in the bill.

Mr. HOUSTON. Mr. Chairman, I would like to ask the gentleman from Pennsylvania if his amendment authorizes anything more than permission to an officer to have his wife buried there beside him?

Mr. FITZGERALD. Oh, yes; it provides for the assignment of a burial plat to some one not now entitled to one.

The CHAIRMAN. If the point of order had been insisted on to the paragraph, the Chair would have sustained it; but that having been waived, and the paragraph being allowed to remain, it can be perfected, but in being perfected additional legislation is not in order and the Chair therefore sustains the point of order.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. Can the gentleman from New York state, as a matter of historical information, how many national cemeteries there are in which Confederate soldiers are buried?

Mr. BARTLETT. They are buried in the North Alton Cemetery, Illinois; the Confederate Cemetery, Camp Chase, Columbus, Ohio; Greenlawn Cemetery, Indianapolis, Ind.; Confederate Cemetery, Point Lookout, Md.; Rock Island, Ill.; and Oakwood Cemetery, Chicago; and at Arlington.

Mr. WILLIS. There is a statement somewhere that they are buried in six cemeteries. It seems to me that there must be more than that. Can the gentleman from New York give the list?

Mr. FITZGERALD. I do not recall the names of the cemeteries in which they are buried.

The Clerk read as follows:

NATIONAL MILITARY PARKS.

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of three civilian commissioners, maps, surveys, clerical, and other assistance, including $300 for necessary clerical labor under direction of the chairman of the commission, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance; the purchase of small tracts of lands heretofore authorized by law; in all, $60,000.

Mr. PAGE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 61, line 17, strike out the sum of $60,000 and insert in lieu thereof the sum of $57,060.

Mr. PAGE. I want to say that this is at the request of the commissioner of this park in a letter transmitted under date of May 27, in which he asks that this amount be made $57,060.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

Hereafter vacancies occurring in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks: *Provided*, That as vacancies occur hereunder the Secretary of War shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of War.

Mr. WILLIS. Mr. Chairman, I reserve the point of order upon the paragraph just read. It is obviously new legislation. Unless some one in charge of the bill can explain it, I shall make the point of order.

Mr. MANN. Make the point of order.

Mr. WILLIS. I make the point of order.

Mr. FITZGERALD. That is not subject to a point of order. It is a reduction in the number of the officers and is in order under the Holman rule.

The CHAIRMAN. The Chair is prepared to rule. It reduces the number of officers, and the Chair therefore holds that it is not subject to the point of order. The point of order is overruled.

The Clerk read as follows:

For construction and repair of post-and-chain fences, repair of high iron fences, constructing stone coping about reservations, painting watchmen's lodges, iron fences, vases, lamps, and lamp-posts; repairing and extending water pipes, and purchase of apparatus for cleaning them; hose; manure, and hauling the same; removing snow and ice; purchase and repair of seats and tools; trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, flower pots, twine, baskets, wire, splints, and moss, to be purchased by contract or otherwise, as the Secretary of War may determine; care, construction, and repair of fountains; abating nuisances; cleaning statues and repairing pedestals, $18,550.

Mr. MANN. Mr. Chairman, I move to strike out the last word. If this Republic shall ever fall it will be because of the insidious undermining of the foundations of the Government, and I perceive one of them in this paragraph. With the Republicans in power we have carried in connection with the care of grounds in Washington an appropriation for lycopodium, and this year the Democrats remorselessly have stricken that item out, I suppose because they did not know what it was, because one of the members of the committee asked what it is.

Mr. FITZGERALD. Oh, the gentleman is mistaken. We did not strike out lycopodium.

Mr. MANN. Well, you did not put it in.

Mr. FITZGERALD. The landscape gardeners and other artistic designers of the city of Washington discontinued that peculiar kind of moss. I understand they have been scraping it off of this particular administration until it is all gone, and they did not care to replace it. Seriously, it was used for hanging baskets, and it seems that they are no longer the fashion, and as it was not to be used, the committee thought—I see mistakenly, now—that it could effect some economy by striking out the word and not being required to explain to gentlemen who are not as familiar with botany as is the gentleman from Illinois [Mr. MANN] just what peculiar material was to be furnished under the use of that term.

Mr. MANN. I thought possibly the gentleman's committee had omitted it because some one would ask what the meaning of the word was, and when the gentleman would reply that it was moss would further ask whether it was obtained from the members of the gentleman's committee.

I withdraw the pro forma amendment.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Will the gentleman from New York be kind enough to tell us why they did not fix a lower price for asphalt than $1.85?

Mr. FITZGERALD. My recollection is that this is the price fixed in the District bill.

Mr. MADDEN. I thought it was $1.65.

Mr. FITZGERALD. The gentleman will understand that the amount of paving done under these appropriations is very small and in restricted spots. It is not very extensive. This limitation was not changed. I inquired at one time about the limitation, and the description here fits a pavement that was laid on Vermont Avenue at one time, which is supposed to be an ideal pavement.

Mr. MADDEN. Can the gentleman from New York tell what authority has jurisdiction over the plaza in front of the Capitol Building?

Mr. FITZGERALD. The Superintendent of the Capitol Building and Grounds.

Mr. MADDEN. Is there any provision made in this bill for paving this plaza?

Mr. FITZGERALD. There is not.

Mr. MADDEN. There ought to be.

Mr. FITZGERALD. The matter was discussed and the subcommittee was of the opinion that there were certain things that should be done about the Capitol that probably could not be done between now and the next session of Congress, but we hoped it might be possible to provide for them at the next session.

Mr. MADDEN. Every place in the District of Columbia except that which is under the jurisdiction of the Congress has a respectable pavement, and that which is under the jurisdiction of Congress is a disgrace to the Capitol.

Mr. FITZGERALD. It is in very bad condition.

Mr. MADDEN. Some provision ought to be made in this bill for a repavement of the Plaza.

Mr. FITZGERALD. It is in bad condition.

Mr. MADDEN. It is disgraceful.

Mr. FITZGERALD. And the committee would have taken the matter up if it were not for the fact that there was a universal opinion that about this Capitol there are certain things that should be done. One is that the limestone front of the main part of the Capitol ought to be replaced by marble and not have a painted front to the building.

Mr. MADDEN. We ought to have a new pavement.

Mr. FITZGERALD. The other is that the east front should be extended about 12 feet, as was originally contemplated and planned, in order to finish the building proper. And it is believed that in order to make these improvements it is better to defer other suggestions in order that they may all be done at one time.

Mr. MADDEN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Hereafter there shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph; I think I will make it. I agree with the purpose of the gentleman, which I suppose is to prevent the erection of buildings upon reservations or parks. I am perfectly willing, as far as I am concerned, to prohibit the erection of any building of any kind or structure upon any park, but suppose here on public grounds where greenhouses are they want to put up some kind of an ordinary shed, you could not do it under this provision without asking Congress to give permission.

Mr. FITZGERALD. That is not what is contemplated.

Mr. MANN. I know that is not contemplated, but that is what you say.

Mr. FITZGERALD. I think not. The Department of Agriculture built a stable on the Smithsonian grounds——

Mr. MANN. Which is a shame and a disgrace.

Mr. FITZGERALD. Yes; and the committee desires to prevent the repetition of anything of the kind. There are a number of reservations in the District which should be utilized strictly for park purposes, and if there are any structures placed upon them they should be of a character in harmony with the reservation.

Mr. MANN. Is not the Mall considered a park?

Mr. FITZGERALD. I think it is.

Mr. MANN. What would you say about the grounds where the greenhouses are for the Superintendent of Buildings and Grounds?

Mr. FITZGERALD. I think greenhouses are not considered parks.

Mr. MANN. Well, it is public ground. I take it that public grounds are grounds that belong to the United States. Now, take the greenhouses under the control of the Superintendent of Buildings and Grounds——

Mr. FITZGERALD. There is no intention of interfering with that.

Mr. MANN. I suppose there is no desire to interfere with that, but this would interfere with that.

Mr. FITZGERALD. Well, I am not certain, for the reason if the money is made available for the construction of a building it is indicated in the language of the appropriation.

Mr. MANN. Oh, no; you would not do that. They might want to put a shed over there or build a greenhouse, and we may make an appropriation and not provide specifically what they shall do with reference to that. Well, I do not know; I do not think I will make the point of order, although I had intended to do it, because I am so thoroughly opposed to putting buildings upon parks; but the gentleman will have to modify this, in my judgment.

Mr. FITZGERALD. I suggest to the gentleman if that interferes with the situation that he points out, it can be readily modified. We both agree in the absolute desirability of preventing the repetition of what has happened in the past, and there seems to be no other way to do it. In the meantime we will look into this, and if it can be modified so as to avoid that situation, we will try to do it.

Mr. MANN. Very well, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to offer an amendment to be added at the end of line 20, page 67.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 67, by adding at the close of line 20 the following: "Capitol guide force: For one chief guide, at $1,200 per annum, and 12 guides, at $1,000 per annum each; in all, $13,200: *Provided*, That a board consisting of the Vice President of the United States, the Speaker of the House of Representatives, and the Superintendent of the United States Capitol Building and Grounds shall make all appointments to the Capitol guide force and all regulations to govern the same, and that after the appointment the members of the guide force shall serve during good behavior and be prohibited from receiving any compensation for their services other than the compensation provided in this act."

Mr. FITZGERALD. Mr. Chairman, I will reserve the point of order if the gentleman wishes to make a brief statement.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I do not think the statements of the gentleman should be permitted to go unchallenged. Nobody need pay anything to go through the Capitol. There are certain gentlemen appointed by the Sergeant at Arms of the Senate and the House who act as guides, who make a specialty of becoming thoroughly familiar with matters of interest in the Capitol and who conduct persons who desire to go through the Capitol and explain the works of art and other matters, animate and inanimate, to the persons whom they are conducting.

They collect, as I understand, a standard fee of 35 cents. Some Members of the House who are not overbusy sometimes undertake to do the work themselves. I make a point myself, when my constituents come to me, to request the guides to conduct my constituents through the Capitol and I reimburse

the guides myself in accordance with their tariff. I believe, as the gentleman from Illinois states, that if we appointed a force of guides and put them on a salary, it would be necessary to have a force of detectives to discover where they were when persons desiring to be conducted through the Capitol appeared.

Mr. TAYLOR of Colorado. Does not the gentleman approve of the principle?

Mr. FITZGERALD. No; I do not. I am stating my opinion merely. The one thing that makes these men active and energetic and courteous is the fact that their living depends on the fees that they earn, and I do not know of any cases where they have treated people discourteously or refused to show them objects of interest because of any refusal to comply with an improper request for money.

Mr. TAYLOR of Colorado. I trust that the gentleman understands that I am not making any charges of undue demands or improper conduct. I am simply saying that the principle is wrong, in my judgment, that a man should be permitted to show people through the building only when a fee is paid, or when somebody brings a crowd of 10 or 15 people and pays 25 cents apiece, when they are shown through for an hour. I understand that they receive on an average about $8 apiece daily.

Mr. FITZGERALD. I undertook at one time to ascertain their earnings, and I think that is an exaggeration.

Mr. TAYLOR of Colorado. Does not the gentleman understand that they stand at the door and collect from the whole crowd as they come out?

Mr. FITZGERALD. I have heard from persons in my district who have had the various objects of interest pointed out and explained by the guides with the knowledge and facilities they had, and those persons were well satisfied with the information they received and were very ready to pay the small fee that was expected in return.

Mr. TAYLOR of Colorado. Would they not be better satisfied to be shown through free?

Mr. FITZGERALD. No; they would not expect to be shown everything for nothing in this town.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. FITZGERALD. I do.

Mr. BURKE of South Dakota. Has the gentleman ever heard of any complaint of extortion on the part of these guides?

Mr. FITZGERALD. No.

Mr. BURKE of South Dakota. I mean recently?

Mr. FITZGERALD. A few years ago regulations were adopted by whoever had charge of these gentlemen, and under those regulations the maximum charge was reduced. I think it was 50 cents. It is now reduced to about 35 cents, and when there are a number of persons in a party, I believe they agree to take the party through at some special rate below that figure.

Mr. BURKE of South Dakota. That is my understanding of it.

Mr. FITZGERALD. That is my experience. When I came here myself a good many years ago, a stranger in the city and anxious to see the Capitol, looking with great awe on Members of Congress, not daring to inquire for the Representative from the district in which I lived to seek his assistance, I applied to one of these guides. I was shown by him through the Capitol very thoroughly and had pointed out to me the various points of interest. I was thoroughly satisfied and well pleased to pay the usual fee for the service rendered.

I insist on a point of order. It is not authorized by law.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Hereafter there shall not be erected on any reservation, park, or public grounds of the United States within the District of Columbia any building or structure without express authority of Congress.

Mr. CALLAWAY. Mr. Chairman, I move to strike out the last word. I want to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, the desired leave will be granted.

There was no objection.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr PAGE. Mr. Chairman, I move to strike out the paragraph just read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina.

The Clerk read as follows:

Amend, page 68, by striking out lines 6, 7, and 8.

Mr. MANN. I suggest to the gentleman that if there is going to be a contest over this item there should be more Members present.

Mr. PAGE. I can not anticipate how much contest there will be, but I think there will be a contest.

Mr. SHERLEY. I propose to oppose the motion of the gentleman from North Carolina.

Mr. MANN. Of course there are not enough Members here to dispose of a matter that is hotly contested. The gentleman had better let it go over.

Mr. PAGE. I am perfectly willing to agree that the paragraph shall go over.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that this paragraph be passed over, to be taken up the first thing to-morrow when we take up the bill.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that this paragraph be passed over. Is there objection? [After a pause.] The Chair hears no objection, and the paragraph goes over until the first thing to-morrow morning. The Clerk will read.

The Clerk read as follows:

Monument to Gens. Screven and Stewart, Midway, Ga.: For construction, erection, and completion of a joint monument to be erected in the old cemetery at Midway, Liberty County, Ga., in memory of the lives and public services of Gen. James Screven and Gen. Daniel Stewart, $10,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. Have these monuments been authorized?

Mr. BARTLETT. Yes; they have both been authorized by law.

Mr. FITZGERALD. Those were both authorized in the last Congress.

Mr. BARTLETT. In separate bills. The bill for the monument to Gen. Stewart was introduced by my colleague [Mr. EDWARDS], and the bill for the monument to Gen. Screven originated in the Senate, and both have passed Congress and become law.

Mr. MANN. I reserved the point of order, really, for the purpose of giving the gentleman from Georgia [Mr. BARTLETT] an opportunity to make a speech about these monuments.

Mr. BARTLETT. Time is more precious than speeches just now.

Mr. MANN. I withdraw the point of order.

Mr. BARTLETT. I thank the gentleman from Illinois all the same.

The Clerk read as follows:

Memorial monument at Germantown, Pa.: To aid in erecting a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, to be expended subject to the provisions of the act approved March 4, 1911, authorizing the expenditure of this sum as a part contribution toward the erection of said monument: *Provided*, That the money for the erection of said monument shall be expended under the direction of the Secretary of War and by such officer as may be designated by him, $25,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, in making effective the appropriation of $25,000 authorized by the act of March 4, 1911, toward the erection of a monument at Germantown to commemorate the founding of the first German settlement in America, Congress is giving encouragement to a wise and patriotic movement originating with the German-American Alliance, and is also aiding in the preservation of certain historic truths that have made for good citizenship in every State and Territory of the Union. The German-American Alliance has a membership approximating 2,000,000 and has already raised a fund equivalent to that authorized by the Government to insure the erection of this memorial, which is to stand for ages as a tribute to the sturdy Crefelders who, under the leadership of the learned Pastorius, settled at Germantown.

The national importance of the commemoration of that settlement—

Says ex-Gov. Pennypacker, president of the Pennsylvania Historical Society—

consists not alone in the fact that there, in 1683, was the beginning of that vast immigration of Germans to North America which had so great an influence upon our civilization, nor upon the further fact that there, in 1688, began the struggle against slavery in this country. In 1523 a sect arose in Germany which taught the doctrine of the separation of church and state and that there was no authority upon the part of the state to control questions of belief. Its doctrine, promulgated over Europe, led to the establishment of the Quakers in England and to the settlement of two American colonies—Rhode Island and Pennsylvania—and became the foundation stone of the National Constitution and Government. They were the members of this sect who founded Germantown, and the tremendous significance of the event in American history does not need to be detailed.

Another distinguished writer upon German-American history (Prof. M. D. Learned, of the University of Pennsylvania) says:

The settlement of Germantown, Pa., marked the beginning of the great German immigration, which has contributed three great factors to American progress and civilization—German industry, German agriculture, German education and science.

The little group of Crefelders, who set up their looms in Germantown in 1683, were the forerunners of the great industrial enterprises which, under German stimulus, have done so much to develop the material resources of America.

In the wake of these Crefelders came the thousands of Swiss and Palatine farmers, who brought with them a new method of tilling and fertilizing the soil handed down to them from the days of the Romans in the Agri Decumates, and settling between the Puritans and the Cavaliers, transformed the woodlands of Pennsylvania, western Maryland and Virginia, the valleys of the Ohio and Mississippi, and the great plains of the West, into fertile fields and orchards, burdened with golden grain and luscious fruits.

The German jurist schoolmaster, Francis Daniel Pastorius, the founder of Germantown, was the forerunner of that German culture and science which have revolutionized American universities and American science.

Since the passage of the act of March 4, 1911, the German-American Alliance, under the direction of its president, Dr. C. J. Hexamer, of Philadelphia, has gone forward with the work which was impliedly imposed upon it by law, and, in addition to the raising of the full proportion of funds, which it was to add to the Government appropriation, it has invited some of the best artists and sculptors of the country to furnish models and designs for the proposed monument. These are now deposited in the halls of the German Society of Philadelphia awaiting the inspection and approval of the Secretary of War. The site for the approved monument is to be in Vernon Park, which is in the very heart of old Germantown, now one of the richest and most populous wards of Philadelphia, and, in view of its patriotic environment, is destined to become the mecca of all those who are interested in the history and influence of the German settler in America. [Applause.]

The Clerk read as follows:

Improving Delaware River, Pa. and N. J.: For continuing improvement of 35-foot channel from Allegheny Avenue, Philadelphia, Pa., to the sea in completion of contract authorization, $450,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, we have reached the Delaware River item, which provides $450,000 for continuing contracts. A question has arisen as to what becomes of the $700,000 that we understood was authorized. I presume the committee has an explanation for this, but I should like to have it as a matter of record.

Mr. SHERLEY. Mr. Chairman, in making up the items touching contract work for river and harbor improvements the committee put in everything that was asked by the engineers, in order to continue the work up to the 4th of next March. The original estimate of $700,000 was made on the assumption of providing for work until July 1 next.

Mr. MOORE of Pennsylvania. For the fiscal year.

Mr. SHERLEY. Yes; but inasmuch as we will have an additional supply of money upon the passage of another sundry civil bill by the 4th of March next, the committee pursued the policy that has been in vogue for some years, of simply providing for the period of time until which we would have a new fund.

Mr. MOORE of Pennsylvania. Then the original authorization of $700,000 is not affected by the passage of this item.

Mr. SHERLEY. In no way.

Mr. MOORE of Pennsylvania. It is simply a limitation of time.

Mr. SHERLEY. Yes.

Mr. LAFFERTY. That same limitation would apply, of course, to the Oregon rivers and harbors.

Mr. SHERLEY. Yes.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts and bulletins, and of investigating lake levels, with a view to their regulation, $125,000: *Provided*, That the survey of said northern and northwestern lakes be extended so as to include the lakes and other natural navigable waters embraced in the navigation system of the "New York canals."

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 8, page 77, strike out "$125,000" and insert "$150,000."

Mr. CANNON. Mr. Chairman, I send to the Clerk's desk, to be there read, a note to this estimate as contained in the Book of Estimates. This note is from Chief of Engineers Bixby.

The Clerk read as follows:

NOTE: The greatly increased draft of the large vessels navigating the Great Lakes and their connecting channels demands a close reexamination of many localities which were originally surveyed with the requirements of a 12-foot navigation in view. Many of the original charts were prepared on that basis. Present requirements of commerce, however, demand that the bottom be accurately charted to depths of not less than 30 feet in the open lakes and of 25 feet in their connecting rivers or straits. This calls for extensive surveys and a vast amount of office work, all of which must be done with great care and accuracy. The investigations of the varying levels of the Great Lakes, due to natural and artificial agencies, should also be continued with vigor. The inclusion in the estimate of "the lakes and other natural navigable waters embraced in the navigation system of the New York canals" is in accordance with the action of Congress in adding that item to the appropriation made May 4, 1911 (36 Stat., p. 1407, sec. 1). The increase of appropriation is asked for, in part, on account of the additional expense occasioned by the large extension thus made of the field of operations, and in part on account of the desirability, from an economical standpoint, of operating the entire plant and equipment of the survey to its fullest capacity for a few years, until the most urgent and important portion of the field work is completed, and of then disposing of some of the survey steamers. The greater part of the outfit has reached an age when rapid depreciation may soon be expected, and the cost of maintenance of the floating plant, which is a large percentage of the cost of field operations, is not proportional to the length of the field season nor to the size of parties. The greatest efficiency therefore, with the least cost, requires that the plant shall now be used to its full capacity. This plan does not contemplate a total expenditure, so far as the work on the northern and northwestern lakes is concerned, in excess of the original project for that work. In order to allow suitable advantage to be taken of the spring season, the appropriation should be available before the beginning of the new fiscal year.

W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. CANNON. Mr. Chairman, we have listened to the various items for river and harbor improvement—for the Ohio River between one and two million dollars, the Missouri River, the Pacific coast, the Delaware River—all, I have no doubt, worthy objects, and which I am not criticizing in any way; but the Great Lakes, with the great commerce, is also entitled to adequate recognition. It is stated that there passes through the Detroit River alone, in round numbers, 75,000,000 tonnage every year. Bigger vessels, taking larger cargoes and of larger draft, are being built, and I have sent to the Clerk's desk the estimate and a note from the Chief of Engineers, Gen. Bixby; and it seems to me, in view of the millions we are appropriating here, that the estimate of $150,000 should be given, which is $25,000 more than the bill carries now.

Mr. FITZGERALD. Mr. Chairman, the survey of the Great Lakes started in 1841. Since that time there has been expended $4,439,420.40. The survey started on the theory that there should be a survey to a depth of about 12 feet. That has been modified from time to time, until they are now surveying for a 30-foot depth. It is a question of comparative speed in the doing of this work. Since 1909 the appropriation has been $125,000 a year. In 1907 and 1908 it was $75,000. In 1906 it was $100,000.

There could be spent on this work whatever Congress would give; there is no limit to what might be expended. Indeed, the gentleman from Illinois himself, I think, in the hearings before the committee well emphasized the conditions. He said:

Mr. CANNON. Unless you get a proviso as to the draft of the vessels, the increase of population, the increase of lake traffic, the development of the St. Lawrence, and the development of the New York canal system, and look ahead a quarter of a century to know what is going to happen, is it not probable that the work you do now may have to be supplemented, and that even 50 years from now you will have to continue your surveys and the improvement of the harbors and deepening of the channels?

Maj. JADWIN. I think that is so.

The committee recommended the same sum that has been appropriated during the past four or five years. One of the reasons urged for this additional appropriation was because last year the committee had included certain work on the New York canal system. The State of New York is expending $110,000,000 upon canal work. It is a matter in which the State is vitally interested, and yet I do not see any necessity, nor did the committee believe that there was any justification, for increasing at this time the appropriation for this service by 20 per cent over that for the current year.

In addition to this work that is done under the Army engineers, certain work on the Great Lakes is done by the Hydrographic Office and certain work by the Canadian Government. I believe an appropriation of $125,000 is sufficient to enable that amount of work to be done that should be done in the next fiscal year.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. What is the depth of water to be obtained in the Ambrose Channel leading up to the New York Harbor?

Mr. FITZGERALD. Ambrose Channel is the channel leading from the sea across the bar to the harbor of New York, and it is to have a depth of 40 feet.

Mr. CANNON. What was it a few years ago, 30 feet?

Mr. FITZGERALD. The old ship channel was 35 feet.

Mr. CANNON. Yes; but it had to be made 35 feet; and it was thought that that was sufficient to last forever. It is now being made 40 feet. Take the Delaware River; my recollection

is that that was 25 feet. Then it was surveyed for 30 feet, and now it is surveyed and a large appropriation made for 35 feet, and so on.

Now, does the gentleman think that under the recommendation of the Chief of Engineers, with this great commerce that dwarfs the commerce of Philadelphia, that dwarfs the commerce of New York, that dwarfs the commerce of Baltimore, carrying back and forth the products of that great Middle West, should be minimized because of a cut of $25,000 for this service so that it can not keep up with the times and the increase of the draft of vessels?

Mr. FITZGERALD. Mr. Chairman, I will repeat that the committee has given a sum sufficiently ample for the next year. Simply because the Chief of Engineers requests an increase in this item is not alone sufficient. We know that the increase originated because of the agitation in connection with the fact that the New York State system of canals had been included in this work.

I believed then, and I believe now, it is possible to do the work that is to be done in that connection without increasing the appropriation. This work must go on. There is no attempt to diminish the amount that is being done. One hundred and twenty-five thousand dollars will be utilized. No one has ever intimated for the last eight or nine years that more than $125,000 should be given. In view of those facts I do not believe there is any justification at this time, because conditions have not changed, for providing an additional sum of money.

Mr. MADDEN. Does the gentleman from New York think $125,000 will enable the Engineer Corps to do all that is necessary to be done in this connection?

Mr. FITZGERALD. What is necessary to be done will not be done in 25 years.

Mr. MADDEN. I know; but I am talking about this year.

Mr. FITZGERALD. It will maintain the same force and the same equipment that has been maintained since 1907.

Mr. MADDEN. Of course everybody knows that the draft of the vessels is becoming greater and greater every year.

Mr. FITZGERALD. That is true, and the work that is being done now is largely a reexamination in many places that were examined upon the basis of a 12-foot depth, but during the last few years a new system has been devised by which a drag is used. Much greater areas are swept and much greater results are obtained under the present method, and much more accurate results, than by the old method of sounding. As a matter of fact, since this system was introduced the surveying is more extended, more accurate, and more beneficial to the navigation of the Lakes than it was with a larger appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 22, noes 23.

Mr. CANNON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FITZGERALD and Mr. CANNON were appointed tellers.

The committee again divided; and the tellers reported—ayes 23, noes 33.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. Evidently there is not a quorum present. The Clerk will call the roll.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

Mr. CANNON. One moment. Mr. Chairman, I am perfectly willing to let this matter be passed over until the conclusion of the bill.

Mr. FITZGERALD. No. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25000, the sundry civil appropriation bill, but had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ADAMSON, for two weeks, on account of sikness in his family.

To Mr. PORTER, for one week, on account of illness in his family.

To Mr. CALLAWAY, indefinitely, on account of important business.

To Mr. GRAY, indefinitely, on account of sickness in his family.

To Mr. BURKE of Wisconsin, for seven days, including to-day's session, on account of important business.

To Mr. CARLIN, for three days, on account of important business.

RELIEF OF KODIAK, ALASKA (S. DOC. NO. 790).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered printed:

To the Senate and House of Representatives:

Information comes of a reliable character that through the action of a volcano in the neighborhood of Kodiak, Alaska, more than a thousand people are rendered homeless, and unless aid can be given them they are likely to suffer severely. I ask, therefore, an immediate emergency appropriation to be expended by the Revenue-Cutter Service under the direction of the Secretary of the Treasury. The danger is said to be in the neighborhood of large salmon canneries, and should the streams of the country be clogged and poisoned, as is likely by the volcanic explosion, loss of life is certain to ensue unless relief is granted.

I recommend that an appropriation of $100,000 be made for this purpose.

WM. H. TAFT.

THE WHITE HOUSE, *June 12, 1912.*

IRON AND STEEL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I ask that the Speaker lay before the House the message from the Senate asking for a conference on the iron and steel bill.

The SPEAKER. The Clerk will report the message from the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 12, 1912.

Resolved, That the Senate insist upon its amendments to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, Nos. 3 and 4, disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS be the conferees on the part of the Senate.

Attest:

CHARLES G. BENNETT, *Secretary.*

Mr. UNDERWOOD. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. UNDERWOOD, Mr. PALMER, and Mr. PAYNE.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 20585, and move to agree to the same.

The SPEAKER. The gentleman from Missouri calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 862).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 2, 3, 4, 5, 6, 7, 9, 10, and 12 are merely amendments to correct typographical errors and to make the records accord with the Pension Office records and do not in any way affect the amounts allowed. The House recedes from its disagreements.

Amendment No. 1, Annie H. Schuler (H. R. 1500): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds that the widow did not marry the soldier until after 1890. She is old and disabled, and the Senate recedes from its amendment.

Amendment No. 8, James S. Carter (H. R. 4304): The House passed this at $30. It was stricken from the bill by the Senate at the request of the Member from that district. The House recedes from its disagreement.

Amendment No. 11, Pethuel Dorcas (H. R. 6418): This bill passed the House at $36 per month. The Senate reduced the amount to $30 on the grounds that the soldier's disability does not require the assistance of another person. The House recedes from its disagreement.

Amendment No. 13, John N. Fox: The item was stricken from the bill by the Senate because of the fact that the soldier had died since the bill passed the House.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 21230, and move to agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 860).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 17, 20, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, and 32; and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 3, 4, 9, 14, 15, 24, 25, 26, and 29 are merely corrections of typographical errors, and corrections of records to accord with Pension Office records, and do not in any way affect the amounts allowed. The House recedes.

Amendments 7, 10, and 30 are to strike out items in which the beneficiaries have died since the bill passed the House. The House recedes.

Amendment No. 2, John F. Rankin (H. R. 1015): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier has some property and his condition is not such as to require the aid of another person. The House recedes from its disagreement.

Amendment No. 5, Arthur Branagan (H. R. 6239): The House passed this at $30. The Senate struck the item from the bill on the grounds that the soldier can secure $30 under the new law, and that he has a pension from former employers of $19.50 per month in addition to his pension from the Government. The House recedes from its disagreement.

Amendment No. 6, William M. Capps (H. R. 6980): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds of former Confederate service. The Senate recedes from this amendment.

Amendment No. 8, Le Roy S. Jones (H. R. 8307): The House passed this at $20 per month. The Senate increased it to $24 on account of additional evidence. The House recedes from its disagreement.

Amendment No. 11, Francis M. Herring (H. R. 12143): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 12, Mary C. Roos (H. R. 13751): The House passed this at $20 per month. The Senate struck the item from the bill on the grounds that soldier only served three months and the widow is getting $12. The House recedes from its disagreement.

Amendment No. 13, Amos Graham (H. R. 14294): The House passed this at $36. The Senate reduced the amount to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 16, Edward B. North (H. R. 14985): The House passed this at $36. The Senate cut it to $30 on the grounds of very short service and physical condition of the soldier. The House recedes from its disagreement.

Amendment No. 17, Charlotte Atkinson (H. R. 15437): The House passed this to increase her pension to $20 per month. The Senate cut the item from the bill on the grounds that widow had married after the death of her soldier husband, who was killed in service. The Senate recedes.

Amendment No. 18, Sarah Knepley (H. R. 15439): The House passed this at $20 per month. The Senate struck the item from the bill on the grounds that the widow is receiving $12 per month and the soldier served only 100 days. The House recedes.

Amendment No. 19, Jennie M. Metz (H. R. 15513): The House passed this at $20 per month. The Senate struck the item from the bill on the grounds that the soldier had short service. The widow did not marry until 1873, and she is now receiving $12. The House recedes from its disagreement.

Amendment No. 20, Viola Phillips (H. R. 16368): The House passed this to give the widow $12 per month. The Senate struck the item from the bill on the grounds that the widow did not marry the soldier until after 1890. The Senate recedes.

Amendment No. 21, Sumner P. Boies (H. R. 16924): The House passed this at $12 per month. The Senate struck the item from the bill on the grounds that the soldier had only 67 days' service. The House recedes from its disagreement.

Amendment No. 22, Mary E. Martin (H. R. 17945): The House passed this at $30 per month. The Senate struck the item from the bill on the grounds that the widow is now receiving same pension as other widows of soldiers, and there is no reason for granting her any further increase. The House recedes from its disagreement.

Amendment No. 23, Charles Britton (H. R. 18095): The House passed this at $30 per month. The Senate cut the item from the bill on the grounds that the soldier was twice a deserter from his service and did not surrender himself until 1873. The House recedes from its disagreement.

Amendment No. 27, Hugh Lappin (H. R. 18468): The House passed this at $36. The Senate reduced the amount to $30 on the grounds that the soldier is not so disabled as to require the aid of another person. The House recedes.

Amendment No. 28, Daniel Williams (H. R. 18700): The House passed this at $36. The Senate reduced the amount to $30, but the Senate recedes from its amendment.

Amendment No. 31, James T. Singleton (H. R. 19942): The House passed this at $36 per month. The Senate reduced the amount to $30 on the grounds that soldier's condition does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 32, Andrew Smith (H. R. 20037): The House passed this at $36 per month. The Senate increased the amount to $40 on account of additional evidence showing that soldier has a helpless daughter dependent upon him. The House recedes from its disagreement.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 21597, and move to agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 861).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 4, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 23, 26, and 27 are amendments merely to correct records in accordance with the records of the Pension Office, to correct typographical errors, and to provide that additional pension granted on account of helpless children shall cease upon the death of such children. These amendments do not in any way affect the amounts allowed. The House recedes from its disagreement to all of these amendments.

Amendments Nos. 1, 3, 20, 22, and 25 strike out the names of beneficiaries who have died since the bill passed the House. The House recedes from its disagreement to all of these amendments.

Amendment No. 12, Peter Golden (H. R. 9236): The House passed this at $30 per month. The Senate struck the item from the bill on the grounds that soldier can get a substantial increase under the new law. He is also in receipt of a pension of $24 per month from a railroad company by which he was formerly employed. The House recedes from its disagreement to this amendment.

Amendment No. 2, Thomas J. Turner (H. R. 2041): The House passed this at $20. The Senate increased it to $30 on account of additional evidence filed showing the soldier, who served nine months, to be in such physical condition as to require the aid of another person. The House recedes from its disagreement to this amendment.

Amendment No. 5, William N. George (H. R. 4584): The House passed this at $30. The Senate raised it to $36 on additional evidence showing that soldier is totally helpless and requires the aid of another person. The House recedes from its disagreement to this amendment.

Amendment No. 6, Robert Sutor (H. R. 6011): The House passed this at $36. The Senate reduced the amount to $30 on the grounds of short service and it not being shown that he needs the help of another person. The House recedes from its disagreement to this amendment.

Amendment No. 16, Bradford R. Gilbert (H. R. 11252): The House passed this at $24. The Senate increased it to $30 on additional evidence showing greatly increased disabilities, which evidence was not before the House committee. The House recedes from its disagreement.

Amendment No. 19, Julia C. McCue (H. R. 12227): The House passed this to give the widow $12 per month. The Senate struck the item from the bill for the reason that she did not marry the soldier until 1894. It appears that the beneficiary is in a deplorable physical condition and the Senate recedes from its amendment.

Amendment No. 21, Thomas Hampson (H. R. 14152): The House passed this bill at $36. The Senate reduced the amount to $30 on the grounds that it does not appear that the soldier requires the aid of another person at any time. The House recedes from its disagreement to the amendment.

Amendment No. 24, Adam B. Hastings (H. R. 18218): This item passed the House at $36. The Senate cut it to $30 on the grounds that it does not appear that the soldier's condition requires the aid of another person. The House recedes from its disagreement.

Amendment No. 28, Henry B. Dewald (H. R. 20675): The House passed this at $36. The Senate reduced it to $30 on the grounds that the soldier is now being cared for in a soldiers' home, and it does not appear that he requires the aid of another person. The House recedes from its disagreement to this amendment.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 22261 and agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 863).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 13, 21, 23, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, and 44, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 4, 5, 6, 7, 8, 15, 16, 17, 19, 20, 26, 27, 28, 29, 30, 31, 33, 36, 37, 38, 39, 40, 43, and 44 are simply corrections of typographical errors, corrections of records to conform to Pension Office records, and to provide that where additional pension is granted on account of dependent children it shall cease upon death of such children, and the amendments do not in any way affect the amounts allowed. The House recedes from its disagreement to these amendments.

Amendment No. 1, Charles H. Norred (H. R. 2685): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier does not require the aid of another person. The House recedes from its disagreement to the amendment.

Amendment No. 2, Bernard F. Morrow (H. R. 6172): The House passed this at $36. The Senate cut it out on the grounds that a Senate bill for the same soldier had already passed that body and had been reported to the House. The House recedes from its disagreement.

Amendment No. 3, Thomas H. Chance (H. R. 6342): The House passed this to increase pension to $50. The Senate cut it to $40 on the grounds that the soldier's physical condition does not warrant a higher rating. A review of the evidence shows soldier totally disabled and requiring aid of another person. The Senate recedes.

Amendments Nos. 9 and 10, Edwin S. Butts (H. R. 10439): In this case the House passed the bill at $30. The Senate reduced the amount to $24 per month, and provided that that amount should be paid him without any deduction on account of former alleged overpayments. The soldier is receiving $10, but that amount is being withheld from him on account of former alleged overpayments. The House recedes from its disagreement to the two amendments of the Senate in this case.

Amendment No. 11, William C. Tilley (H. R. 11138): The House passed this at $30 per month. The Senate cut the item

from the bill on the grounds that evidence did not warrant congressional action. The House recedes from its disagreement.

Amendment No. 12, William H. Bishop (H. R. 11377): The House passed this at $36. The Senate reduced it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 13, James M. Cartee (H. R. 13752): The House passed this at $36. The Senate reduced it to $30. The Senate recedes from its amendment.

Amendment No. 14, William Peabody (H. R. 13824): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 18, Samuel Barnett (H. R. 14344): The House passed this at $36 per month. The Senate cut it to $30 on the grounds that that rate is the amount usually allowed in similar cases. The House recedes from its disagreement.

Amendment No. 21, Henry Q. Graham (H. R. 14790): The House passed this at $30 per month. The Senate cut the item from the bill on the grounds that the soldier had an income of $200 per year in addition to his pension. This income is from a ministerial relief fund and not permanent. The Senate recedes from its amendment.

Amendment No. 22, Robert Smith (H. R. 14917): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 23, Mary F. Belcher (H. R. 15019): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds that the widow did not marry the soldier until after 1890. The widow is in a bad physical condition and the Senate recedes from its amendment.

Amendment No. 24, Dudley W. Dye (H. R. 15477), and amendment No. 25, Peter A. Gipp (H. R. 15527): The House passed both items at $36. The Senate cut them to $30 on the grounds that physical condition of soldiers does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 32, George H. Kimmel (H. R. 17517): The House passed this at $36 per month. The Senate cut it to $30 on the grounds that the soldier has some property and is not so disabled as to require the aid of another person. The House recedes from its disagreement.

Amendment No. 34, Christopher Colgate (H. R. 17888): The House passed this at $40 per month. The Senate increased the amount to $50 on account of the total helplessness of the soldier. The House recedes from its disagreement.

Amendment No. 35, Kate E. Smith (H. R. 18604): The House passed this at $20 per month. The Senate cut the item from the bill on the grounds that widow did not marry the soldier until 1892 and she is now receiving a pension of $15 per month. The Senate recedes from its amendment.

Amendment No. 41, John W. Snively (H. R. 19832), and amendment No. 42, the case of Charles H. Robinson (H. R. 19895): In both cases the House passed the item at $36. The Senate reduced them to $30 on the grounds that soldiers do not require the aid of another person. The House recedes from its disagreement in both instances.

ISAAC R. SHERWOOD.
JOE J. RUSSELL.
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23557, and agree to the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 865).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 13, 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 11, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1, 4, 5, 7, 8, 11, 16, 17, 19, 20, 21, 23, 24, 25, 27, 28, and 29 are merely for the correction of records in accordance with Pension Office records, correction of typographical errors, and to provide that additional pension granted on account of dependent children shall cease upon the death of such children. The House recedes from its disagreement to these amendments.

Amendment No. 2, Edgar A. Whitaker (H. R. 5459): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier was comparatively a young man and not so disabled as to require the aid of another person. The House recedes from its disagreement.

Amendment No. 3, Jacob Alonzo Goodale (H. R. 5474): The House passed this at $36. The Senate cut it to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 6, Henry M. Parks (H. R. 10553): The House passed this at $36. The Senate reduced the amount to $30 on the grounds that the soldier does not require the aid of another person. The House recedes from its disagreement.

Amendment No. 9, Joseph C. Kuebbeler (H. R. 12197): The House passed this to give the soldier $24 per month. The Senate cut the item from the bill on the grounds that there is some question as to the identity of the soldier. The Senate recedes from its amendment.

Amendment No. 10, the case of Ann Currigan Chamberlain (H. R. 12298): The House passed this at $12 per month. The Senate cut the item from the bill on the grounds that she did not marry the soldier until after 1893. She is in bad physical condition, and the Senate recedes from its amendment.

Amendment No. 12, Hattie Fordyce (H. R. 14558): The House passed this to give the widow $12. The Senate cut the item from the bill on the grounds that she did not marry the soldier until after 1890. She is in a bad physical condition, and the Senate recedes from its amendment.

Amendment No. 13, Mary A. Barross (H. R. 17518): The House passed this to give the widow $12 per month. The Senate cut the item from the bill on the grounds that she did not marry the soldier until after 1890. She is in very bad physical condition, and the Senate recedes from its amendment.

Amendment No. 14, John B. Berry (H. R. 17566): The House passed this to give the soldier a pension of $30 per month. The Senate struck the item from the bill on the grounds that the soldier is entitled to an increase under the new law, and in addition has an income of $300 per year from other sources. The House recedes from its disagreement to the amendment.

Amendment No. 15, Christina Bates (H. R. 17909): The House passed this to give the beneficiary a pension of $12 per month. The Senate cut the item from the bill on the grounds that it is a case of a remarried widow. She is in a bad physical condition, and the Senate recedes.

Amendment No. 18, Albert N. Hopkins (H. R. 18684): The House passed this at $24 per month. The Senate raised it to $30 on the grounds of additional evidence showing great disability. The House recedes from its disagreement.

Amendment No. 22, Carrie Keefer (H. R. 20966): The House passed this to increase the widow's pension from $12 to $25. The Senate reduced the amount to $20, which has been the amount usually allowed in similar cases. The House recedes from its disagreement.

Amendment No. 23, Samuel W. McElderry (H. R. 21739): The House passed this at $20. The Senate increased the amount to $24 on account of additional evidence showing greater disability. The House recedes from its disagreement.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23063, and move to agree to the conference report.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 864).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 18, and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, and 28, and agree to the same.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
J. N. LANGHAM,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 4, 10, 11, 13, 16, 17, 19, 23, 24, and 28 are merely corrections of records to conform to Pension Office records, corrections of typographical errors, and to provide that additional pension granted on account of dependent children shall cease upon the death of such children, and do not in any way affect the amounts carried. The House recedes from its disagreement to these amendments.

Amendments Nos. 1, 7, 12, 26, and 27 are to strike out cases in which the beneficiaries have died since the bill passed the House, and the House recedes from its disagreement to these amendments.

Amendment No. 2, John Staley (H. R. 8406): The House passed this at $36. The Senate reduced it to $30 on the grounds that the soldier's physical condition does not require the aid of another person at any time. The House recedes from its disagreement to this amendment.

Amendment No. 3, William Annis (H. R. 9466): The bill passed the House at $36. The Senate cut it to $30 on the grounds that soldier's condition does not require assistance of another person. The House recedes from its disagreement to this amendment.

Amendment No. 5, Ann Moffitt (H. R. 12283): The House passed this at $20. The Senate struck the item from the bill on the grounds that widow is receiving $12 on account of the death of her soldier husband. She afterwards remarried, although widowed the second time. The Senate recedes from its amendment.

Amendment No. 6, William G. Miller (H. R. 12350): The House passed this at $40. The Senate cut the item from the bill on the grounds that soldier was given an increase to $24 by special act a few years ago. He is at present in a soldiers' home, being cared for by the Government, and it does not appear that he requires the aid of another person. The House recedes from its disagreement to this amendment.

Amendment No. 8, Franklin Prentice (H. R. 14913), and amendment No. 9, Joseph P. Foss (H. R. 15024): The House passed these items at $36. The Senate cut them to $30 on the grounds that soldiers do not require the aid of another person. The House recedes from its disagreements to these amendments.

Amendment No. 14, Henrietta Brown (H. R. 15293): The House passed this at $20 per month. The Senate cut the item from the bill on the grounds that the widow is receiving a pension of $12. She was the wife of a soldier for only a few years, and did not marry him until long after the war, and her physical condition is not such as to require aid of another person. The House recedes from its disagreement.

Amendment No. 15, Henry Lavine (H. R. 15769): The House passed this at $36. The Senate cut it to $30 on the grounds that soldier does not require the assistance of another person. The House recedes from its disagreement.

Amendment No. 18, Clara S. Stout (H. R. 18149): The House passed this to give a pension of $12. The Senate struck it out on the grounds that the widow did not marry the soldier until 1893. She is in a deplorable physical condition and the Senate recedes from its amendment.

Amendment No. 20, Lee Heath (H. R. 19762): The House passed this to give soldier a pension of $12 per month. The Senate cut it out on the grounds of prior Confederate service. Verbal testimony to the House committee is to the effect that the Confederate service was involuntary and of only a short duration. The Senate recedes from its amendment.

Amendment No. 21, Charles H. Austin (H. R. 19787): The House passed this at $24 per month. The Senate increased the amount to $30 because of additional evidence. The House recedes from its disagreement.

Amendment No. 22, Lloyd S. Brooks (H. R. 21300): The House passed this at $30 per month. The Senate cut it to $24 on the grounds that soldier did not enlist until March 10, 1865. The House recedes from its disagreement.

Amendment No. 25, Nicholas Roth (H. R. 21737): The House passed this at $30 per month. The Senate cut it out on the grounds that another bill introduced by Mr. SMITH of New York had been passed for this soldier and the House recedes from its disagreement.

ISAAC R. SHERWOOD,
JOE J. RUSSELL,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

On motion of Mr. RUSSELL, a motion to reconsider the votes by which the conference reports were agreed to was laid on the table.

CORRECTING ERROR IN PENSION BILL.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to offer House concurrent resolution No. 56 and for the immediate consideration of the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled, "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," to strike out on page 35, line 23, the name "Moffitt" and insert the name "Maffitt."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6745. An act to provide for the erection of a Federal building in Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16674. An act to establish a subport of entry and delivery at Indiana Harbor, State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry;

H. R. 19476. An act granting certain lands in the State of California to form a part of California Redwood Park in said State; and

H. R. 23628. An act to appropriate $300,000, or so much thereof as may be necessary to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

MINORITY VIEWS ON IMMIGRATION BILL.

By unanimous consent, Mr. GOLDFOGLE was granted leave to submit the views of the minority on the bill S. 3175, known as the Dillingham immigration bill. (H. Rept. 851, pt. 2.)

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Thursday, June 13, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred by the Speaker as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting adjudicated claim for damages to barge *Puritan*, caused by U. S. S. *Monaghan* (H. Doc. No. 828); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting list of documents received and distributed by the Treasury Department during the calendar year 1911 (H. Doc. No. 829); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, recommending the insertion of an item in one of the appropriation bills increasing the limit of cost for post office and customhouse at San Juan, P. R. (H. Doc. No. 830); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent giving result of his investigation in shoe and leather trades in Germany (S. Doc. No. 791); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

5. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent giving results of his investigations of trade in cotton goods in the Balkan States (S. Doc. No. 793); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

6. A letter from the Acting Secretary of Commerce and Labor, transmitting report of special agent on the result of his investigation of trade with England in electrical instruments (S. Doc. No. 792); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 23669) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, reported the same with amendment, accompanied by a report (No. 878), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SIMS, from the Committee on War Claims, to which was referred the bill (H. R. 9136) for the relief of the heirs of Theodore Dehon, reported the same without amendment, accompanied by a report (No. 868), which said bill and report were referred to the Private Calendar.

Mr. BYRNES of South Carolina, from the Committee on War Claims, to which was referred the bill (H. R. 22311) for the relief of legal representative of George E. Payne, deceased, reported the same with amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

Mr. J. M. C. SMITH, from the Committee on War Claims, to which was referred the bill H. R. 24844, reported in lieu thereof a resolution (H. Res. 580) referring to the Court of Claims the papers in the case of Charles A. Coolidge, accompanied by a report (No. 870), which said resolution and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 8507, reported in lieu thereof a resolution (H. Res. 581) referring to the Court of Claims the papers in the case of Mag Brown, accompanied by a report (No. 871), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 15752, reported in lieu thereof a resolution (H. Res. 582) referring to the Court of Claims the papers in the case of Mrs. Thomas S. Ferral, accompanied by a report (No. 872), which said resolution and report were referred to the Private Calendar.

Mr. MORSE of Wisconsin, from the Committee on War Claims, to which was referred the bill (H. R. 265) for the relief of James Easson, reported the same without amendment, accompanied by a report (No. 873), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 100) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator, reported the same without amendment, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

Mr. FARR, from the Committee on Claims, to which was referred the bill (H. R. 4113) for the relief of Robert E. Burke, reported the same with amendment, accompanied by a report (No. 876), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 25060) for the relief of Joe Cook, reported the same without amendment, accompanied by a report (No. 875), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3459) for the relief of Erskine R. K. Hayes, reported the same with amendment, accompanied by a report (No. 877), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERLEY: A bill (H. R. 25278) to amend section 28 of the judicial code; to the Committee on the Judiciary.

Also, a bill (H. R. 25279) to incorporate the National Remount Association; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 25280) to provide for water power at Locks and Dams Nos. 7, 8, 9, and 10, Kentucky River, Ky.; to the Committee on Rivers and Harbors.

By Mr. DENT: A bill (H. R. 25281) providing for a military highway between Fort Morgan and Foley, Ala.; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 25282) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: A bill (H. R. 25283) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation; to the Committee on Ways and Means.

Also, a bill (H. R. 25284) authorizing the Secretary of War, in his discretion, to deliver to Summit Hill, Pa., two condemned bronze or brass cannon with their carriages and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 25285) to provide for a United States Bureau of Government supplies; to the Committee on Ways and Means.

By Mr. REDFIELD: Concurrent resolution (H. Con. Res. 55) providing for the payment of employees in Government employ for labor's holiday; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Resolution (H. Res. 580) referring the bill (H. R. 24844) for the relief of Charles A. Coolidge to the Court of Claims; to the Committee of the Whole House.

By Mr. LEE of Georgia: Resolution (H. Res. 581) referring the bill (H. R. 8507) for the relief of Mag Brown to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 582) referring the bill (H. R. 15752) for the relief of Mrs. Thomas S. Ferral to the Court of Claims; to the Committee of the Whole House.

By Mr. MOTT: Memorial of Senate and House of Representatives of New Mexico in favor of modifying the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of Senate and House of Representatives of New Mexico, praying for construction of Government road across the forest reserve; to the Committee on Agriculture.

By Mr. FULLER: Memorial of Legislature of New Mexico, in favor of legislation to modify the law in relation to the Pueblo Indians, etc.; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 25286) for the relief of Edward A. Gallaher; to the Committee on Naval Affairs.

By Mr. DENT: A bill (H. R. 25287) for the relief of the Mobile Marine Dock Co.; to the Committee on War Claims.

By Mr. GARDNER of Massachusetts: A bill (H. R. 25288) granting a pension to Emma Mulheren; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 25289) granting a pension to Ellen H. Russell; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 25290) granting an increase of pension to John Rieger; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25291) to correct the military record of Alfred Trainer; to the Committee on Military Affairs.

By Mr. MORSE of Wisconsin: A bill (H. R. 25292) to remove the charge of desertion from the record of Edward Lawler; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 25293) granting an increase of pension to Henry E. Garber; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25294) granting a pension to S. B. Leamons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25295) granting an increase of pension to Daniel Taylor; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25296) for the relief of Mary Ann Shaven; to the Committee on War Claims.

Also, a bill (H. R. 25297) for the relief of the heirs of John Midcalfe, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25298) granting an increase of pension to Theo Hasner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25299) granting an increase of pension to Saley E. Bradshaw; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 25300) granting an increase of pension to Carlton M. Rhoades; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 25301) granting a pension to Martha C. McCorkle; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 25302) for the relief of David P. Oliver; to the Committee on Claims.

By Mr. THAYER: A bill (H. R. 25303) granting an increase of pension to William H. Cummings; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of members of societies of the Polish Roman Catholic Societies of America of the States of Missouri, Illinois, Indiana, Ohio, and Michigan, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Polish Roman Catholic Unions of Pennsylvania, Illinois, New Jersey, Michigan, Ohio, Connecticut, New York, Indiana, and Wisconsin, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), resolutions of St. Barbary Society, No. 98, of Leavenworth, Kans., and the Polish-American Citizens' League of Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AKIN of New York: Petition of Adirondack Council, No. 48, Daughters of Liberty, Johnston, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Glens Falls, N. Y., protesting against passage of the Burton-Littleton bill, providing for celebrating the 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. AYRES: Memorial of Robert Morris Council, No. 100, of New York, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CARY: Petition of the Label Department Federated Trades Council of Milwaukee, Wis., favoring passage of the Campbell bill (H. R. 16844), to compel manufacturers to place their names on goods; to the Committee on the Judiciary.

Also, petition of St. John Evangelista, No. 394, of the Polish Roman Catholic Union of America, of Milwaukee, Wis., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. COLLIER: Petition of citizens of the State of Mississippi, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the State of Mississippi, favoring passage of bill regulating express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: Petition of citizens of South Boston, Mass., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. DONOHOE: Petition of United Polish Societies and Parishes of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of John W. Foreman, of Alexander, N. Dak., favoring passage of House bill 1339, increasing pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petitions of Ruth Pollard, Streator, and W. J. Madden, Ottawa, Ill., favoring the creation of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER: Petition of the board of directors of the New Orleans Cotton Exchange, favoring National Government protection of the lives and property of the people of the Mississippi Valley; to the Committee on Rivers and Harbors.

Also, resolutions of St. Casimus Prince Society, No. 161, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of societies of Polish Roman Catholic Union of America, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Resolution of Mower Post, No. 91, Department of Iowa, Grand Army of the Republic, against passage of Senate bill 2925, providing for a Confederate naval monument in the Vicksburg National Military Park, at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. HOWELL: Petition of the John Snowcroft & Sons Co., Ogden, Utah, against passage of House bill 16844; to the Committee on Interstate and Foreign Commerce.

Also, petitions of H. C. Jorgenson, M. D., and C. J. Albany, M. D., members of the Loyal Order of Moose, Lodge No. 259, Salt Lake City, Utah, favoring passage of House bill 22263, to increase the efficiency of the Hospital Corps of the Army; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Petition of the Chicago Order of Railroad Telegraphers' Club, Chicago, Ill., relative to wireless stations and wireless operators; to the Committee on the Merchant Marine and Fisheries.

By Mr. JACOWAY: Petition of Memorial, Churchill, Keller, and Margaret Ross Chapters, United Daughters of the Confederacy, of Little Rock, Ark., favoring passage of House bill 24365; to the Committee on Military Affairs.

By Mr. KINDRED: Petition of the Detroit Board of Commerce, of Detroit, Mich., against disclosure of the answers of the banks and trust companies which disclose the confidential relations between banks and trust companies; to the Committee on Banking and Currency.

By Mr. LAFEAN: Petition of the Order of Independent Americans, No. 505, of York, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, papers in support of House bill 15528, granting an increase of pension to Uriah J. M. Baughman; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: Petition of O. P. Yorke and others, of Portland, Oreg., favoring passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. LA FOLLETTE: Resolutions of the Washington State Farmers' Union, urging opening of the Columbia and Snake Rivers by use of machinery now engaged on the Panama Canal, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of Lithuanians of Minersville; Cressona Council, No. 812, of Cressona; Industrial Council, No. 437, of Orwigsburg; and Shenandoah Valley Council, No. 530, of Shenandoah, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the United Garment Workers of America and Allied Printing Trades Council, of New York City, favoring passage of the Seamen's bill (H. R. 23675) for proper protection of passengers and crew on the water for both pleasure and business; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Resolution of St. Stanislaus Society, No. 43, of Gaylord, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Resolutions of Star Council, No. 35, Order of Independent Americans, of New Brighton, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Resolutions of SS. Peter and Paul Society, No. 18, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Resolution of the Lithuanian Socialist Federation of America, of Rumford, Me., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Rockland Board of Trade, of Rockland, Me., favoring passage of Senate bill 5474 and House bill 19133 for postal-express system; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of the Daughters of Liberty of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies and Political Clubs of South Philadelphia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of members of the Woman's Auxiliary, Church of the Advent, of Pawtucket, R. I., relative to bettering the conditions of the natives of Alaska; to the Committee on the Territories.

By Mr. PALMER: Resolution of the Order of Independent Americans, Pocano Council, No. 1008, of Stroudsburg, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REDFIELD: Petition of the Rochester Chamber of Commerce, of Rochester, N. Y., favoring passage of bill for 1-cent letter postage, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Retail Shoe Association, Atlanta, Ga., against passage of the Campbell bill to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

Also, petition of citizens of Bay Ridge, South Brooklyn, N. Y., against passage of bill to appropriate for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. SCULLY: Petition of St. Josef Society, No. 282, Helmetta, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty, of Long Branch and Point Pleasant, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Red Bank, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Polish Societies of Brooklyn, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. THAYER: Petition of educators, labor leaders, and financiers of the United States, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of James W. Milne Camp, No. 14, Department of Connecticut, United Spanish War Veterans, of Rockville, Conn., favoring passage of the Crago bill (H. R. 17470), for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. UNDERHILL: Petition of the Rochester Chamber of Commerce, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of citizens of Ridgewood and vicinity, and Bay Ridge, South Brooklyn, and fourth congressional district of New York, against passage of bill for appropriation to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petitions of Daughters of Liberty of Brooklyn, N. Y., and Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *June 13, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

George W. Capers *v.* United States (S. Doc. No. 843);

Josiah G. Cavert *v.* United States (S. Doc. No. 842);

Eugene A. Chapman *v.* United States (S. Doc. No. 841);

James B. Thornton Chase *v.* United States (S. Doc. No. 840);

Harlan P. Christie *v.* United States (S. Doc. No. 839);

Nelson H. Claflin *v.* United States (S. Doc. No. 838);

Margaret Connolly, daughter and sole heir of Thomas C. Clements, deceased, *v.* United States (S. Doc. No. 837);

Elihu L. Cook *v.* United States (S. Doc. No. 836);

Henry C. Crosthwait, Lyman L. Crosthwait, and George A. Crosthwait, children and sole heirs of William Y. Crosthwait, deceased, *v.* United States (S. Doc. No. 835);

William H. Dalbey *v.* United States (S. Doc. No. 834);

Alexander Gable *v.* United States (S. Doc. No. 833);

Elizabeth G. Hill, E. L. Gates, Carrie G. Fisher, and Harry E. Gates, children and sole heirs of Erastus Gates, deceased, *v.* United States (S. Doc. No. 832);

Wade P. Hampton, son and sole heir of Richard M. Hampton, deceased, *v.* United States (S. Doc. No. 831);

Eva Morris, daughter and sole heir of Charles W. Houghton, deceased, *v.* United States (S. Doc. No. 830);

Newton M. Miller *v.* United States (S. Doc. No. 829);

Clara R. Murphy, widow of Andrew D. Murphy, deceased, *v.* United States (S. Doc. No. 828);

Albert P. McGraw, son and sole heir of Perrin H. McGraw, deceased, *v.* United States (S. Doc. No. 827);

Mary E. Ewan, Belle McIntire, Fannie Morton, Georgia McIntire, Charles T. McIntire, Hattie Galliet, Jessie Leffingwell, and Flora F. Marshall, sole heirs of James McIntire, deceased, *v.* United States (S. Doc. No. 826);

John J. O'Dowd and Agnes O'Dowd, children and sole heirs of John O'Dowd, deceased, *v.* United States (S. Doc. No. 825);

Rufus Phillips, George D. Phillips, and Mrs. Minnie Veasie, sole heirs of George W. Phillips, deceased, *v.* United States (S. Doc. No. 824);

Florence S. Canfield, Emma S. Holt, and Leonard W. Saxton, grandchildren and sole heirs of B. Leonard Saxton, deceased, *v.* United States (S. Doc. No. 823);

Philip L. Shane and Susan B. Shane, children and sole heirs of William G. Shane, deceased, *v.* United States (S. Doc. No. 822);

Park W. Smith, Edward H. Smith, Marcella S. Webb, and Florence S. Schenck, children and sole heirs of James W. C. Smith, deceased, *v.* United States (S. Doc. No. 821);

Clarence A. Snow, son and sole heir of Asa H. Snow, deceased, *v.* United States (S. Doc. No. 820);

Emma S. Allen, Seward J. Stivers, George S. Stivers, and Lillie S. Louthan, children and sole heirs of William H. Stivers, deceased, *v.* United States (S. Doc. No. 819);

Louise Allen Smith and Josephine Allen Leishman, daughters and sole heirs of Timothy A. Allen, deceased, *v.* United States (S. Doc. No. 818);

Alice Brown Ringgold and Virginia Brown Kean, daughters and sole heirs of Erasmus O. Brown, deceased, *v.* United States (S. Doc. No. 817);

Adda B. Reynolds, Kate G. Reynolds, and Ida E. Phillips, sole heirs of Marshall O. Bond, deceased, *v.* United States (S. Doc. No. 816);

Marie Devor, widow of James Devor, deceased, *v.* United States (S. Doc. No. 815);

John S. Ellen *v.* United States (S. Doc. No. 814);

Bernard G. Farrar *v.* United States (S. Doc. No. 813);

W. G. Hansford, administrator of William A. Fitts, deceased, *v.* United States (S. Doc. No. 812);

Edwin Folsom *v.* United States (S. Doc. No. 811);

Josephine Glover, daughter and sole heir of Frank T. Foster, deceased, *v.* United States (S. Doc. No. 810);

Robert E. Gilleland *v.* United States (S. Doc. No. 809);

George W. Graham *v.* United States (S. Doc. No. 808);

Mary J. West, widow of Henry West, deceased, v. United States (S. Doc. No. 807);

Ada Andrews, widow of George W. Andrews, deceased, v. United States (S. Doc. No. 806);

William W. Rotkin v. United States (S. Doc. No. 805);

Charlotte Burns, widow of Samuel Burns, deceased, v. United States (S. Doc. No. 804);

A. H. Shoun, executor of Andrew J. Brown, deceased, v. United States (S. Doc. No. 803);

Frank C. Deery and Ruth C. D. Vance, children and sole heirs of James Deery, deceased, v. United States (S. Doc. No. 802);

Frank A. Downerd, Edward C. Downerd, Laura A. McGinnis, and Hiram S. Downerd, children and sole heirs of Joshua Downerd, deceased, v. United States (S. Doc. No. 801);

David W. Eastman v. United States (S. Doc. No. 800);

Louise S. Fellows, widow of Albert G. Fellows, deceased, v. United States (S. Doc. No. 799);

Sarah Hawes Evans and C. W. Hawes, children and sole heirs of Benjamin Hawes, deceased, v. United States (S. Doc. No. 798);

Priscilla McNett Norton, administratrix of Andrew J. McNett, deceased, v. United States (S. Doc. No. 797);

Lizzie R. Helton, Joel W. Ridgell, Addie Ridgell, and John Ridgell, grandchildren and sole heirs of Joel W. Ridgell, deceased, v. United States (S. Doc. No. 796); and

Estelle Dameron, Sarah Rebecca Oliver, May Logan, Jessie C. Slaughter, Isabell Bransford (children), and Julia May and Newell Slaughter (minor grandchildren), sole heirs of Philip M. Slaughter, deceased, v. United States (S. Doc. No. 795).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20585) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21230) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21597) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22381) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23063) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23557) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had passed a concurrent resolution (No. 56) authorizing and directing in the enrollment of the bill (H. R. 23577) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, to strike out, on page 35, line 23, the name "Moffitt" and insert "Maffitt," in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its disagreement to the amendments of the Senate Nos. 3 and 4 to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. PALMER, and Mr. PAYNE, managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 16612) authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla., and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by the Washington Presbytery of the District of Columbia, favoring the enactment of legislation to prohibit the interstate transportation of moving pictures of prize fights, etc., which were ordered to lie on the table.

Mr. LODGE. I send to the desk resolutions passed by the Provincial Junta of Pampanga, P. I., in regard to the sugar duties, and ask that the resolutions, of which a translation is appended and which are brief, may be printed in the RECORD. They come from one of the provincial assemblies.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

EXTRACT FROM THE RECORDS OF THE ORDINARY SESSION OF THE PROVINCIAL JUNTA OF PAMPANGA, HELD AT SAN FERNANDO APRIL 25, 1912.

Present: Hon. Mariano Lim, provincial governor; Señor W. O. Kammer, provincial treasurer; and Señor Jose Luciano, third member.

Absent: None.

Resolution 293.

The provincial governor has submitted to the junta the following projected resolution:

Whereas the Committee on Ways and Means of the Congress of the United States has presented for the approval of Congress a bill declaring free the entrance into the United States of sugar from all sources.

Whereas said bill has been approved by the House of Representatives, but up to the present time has been pending in the Senate.

Whereas if the said bill should be approved it would occasion great losses to the sugar industry of the Philippine Islands, and especially to that industry in this Province of Pampanga, the principal product of which is sugar, since by admitting into the United States competition of sugars from different points of origin our Philippine sugar must suffer a severe blow, considering the distance from the Philippine Islands to the United States, as well as to defects in its present manufacture, due to lack of centrales, good machinery, and other elements for the production of sugar.

Whereas, after the approval of the Payne bill and in spite of the limitations contained in the Payne bill on the entrance of Philippine sugar in the United States, the cultivation of cane in this essentially sugar-growing Province reacted, much land being put under cultivation which had up to that time been abandoned by its owners on account of the low price of sugar prior to the passage of the Payne bill, the machinery necessary to its manufacture being imported, all of which has represented great sacrifices of capital by the sugar growers of this Province of Pampanga.

Whereas the mere announcement of the presentation of the bill declaring free the entrance of sugar into the United States from all points of origin has lowered the quotation price of sugar in the Philippine markets 30 per cent, and as a result of this drop in prices the sugar market of this Province of Pampanga, as well as of Manila, to which point Pampanga sugar is taken and sold, has been almost completely paralyzed: Therefore the Provincial Junta of Pampanga by the present begs the Senate of the United States that the bill declaring free the entrance of sugar into the United States from all points of origin be disapproved, and to cause this petition to reach the Senate of the United States as soon as possible it is

Resolved, To transmit the following cablegram:

FINANCE COMMITTEE, *Senate, Washington:*

Province requests disapproval free-sugar bill.

PROBOARD, PAMPANGA.

And it is further

Resolved, That a complete copy of this resolution be forwarded to each of the two legislative chambers of the Congress of the United States, as well as to each of the Resident Commissioners in Washington, Hon. Legarda Quezon, and also to the Committee on Ways and Means of the House of Representatives and to the Finance Committee of the Senate, both of the said Congress of the United States.

Unanimously approved.

I certify by the present that the resolution that precedes is a true copy of the original.

P. GOZUN,
Recorder Provincial Board, Pampanga.

Mr. LODGE. I present a brief resolution from large business interests in Holyoke, Mass., in regard to the so-called Covington amendment to the Panama Canal bill. I ask that it may be printed, and I should like to ask further that the names, which are very few, be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD with the names attached, as follows:

HOLYOKE, MASS., *June 3, 1912.*

We, the undersigned, being actively interested in the manufacturing interests of Holyoke, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "It shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government.

We do not, however, believe in such restriction or limitation of investment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that, under proper restrictions, railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South.

We believe that, with the opening of the Panama Canal, it is of the greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf States.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat this amendment.

William Skinner & Sons; Farr Alpaca Co., by J. Metcalf, Treasurer; The American Thread Co., by Robert E. Clark, Agent; Crocker-McElwain Co., C. A. Crocker, President and Treasurer; Parsons Paper Co., Edward P. Bagg, Treasurer; The Beebe-Webber Co., H. J. Beebe, jr., Treasurer; German Mills, by William Mann, Secretary; B. S. Perkins & Son (Inc.), S. D. Cleveland, Secretary and Treasurer; Japanese Tissue Mills, William H. Bond, Treasurer; American Pad & Paper Co., C. H. Taber, President; National Blank Book Co., E. S. Towne, Assistant Treasurer; American Writing Paper Co., Alfred Leeds, General Manager; Whitmore Manufacturing Co., A. B. Gladwin, President; Hampden Glazed Paper & Card Co., George F. Fowler, President; Valley Paper Co., George F. Fowler, Treasurer; The Deane Steam Pump Co., Charles L. Newcomb, General Manager.

Mr. CULLOM presented a petition of the Chicago Federation of Labor and a petition of Garden City Branch, No. 11, National Association of Letter Carriers, of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of East Peoria and Maywood, in the State of Illinois, praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted by the Association of Commerce of Chicago, Ill., favoring the enactment of certain legislation relative to the administration and control of the Panama Canal, which were ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. SMITH of Arizona. I present a petition from the Medical Society of Mohave County, Ariz., praying for the establishment of a bureau of public health. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

KINGMAN, ARIZ., *May 30, 1912.*

To Hon. MARCUS A. SMITH and
Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

At a meeting of the Mohave County Medical Society, held on May 28, 1912, the following resolutions were adopted, and are respectfully submitted:

Whereas Senate bill No. 1, known as the Owen bill, is soon to be voted upon; and

Whereas a very large proportion of the deaths throughout the country are due to preventable causes; a condition that is a disgrace to modern civilization and needs corrective measures. The country's most valuable asset is the health of its citizens, and its most important product is its children. Therefore does it behoove us to see that the health of our citizens is maintained and our children given their rightful energies by means of sanitary conditions; and

Whereas it has been fully demonstrated that preventive medicine has made it possible to save lives by organized and coherent efforts, such as the world has witnessed in Cuba and the Panama Canal Zone, without which organization such efforts would have been futile; we believe that this stands as an example of what could be expected within our own borders by limiting preventable diseases if the efforts of our physicians were directed by proper organization such as the Owen bill contemplates; and

Whereas our Government has appropriated vast sums of money for curtailing diseases among horses, cattle, hogs, and plants, and no adequate sum for the conservation of the health of its citizens; and

Whereas the opponents of the Owen bill have claimed that the intent of the measure is to make a Medical Trust which will preclude a citizen from employing a medical adviser of his choice, we refute this argument of the patent medicine vendors and of those sects professing to heal who have no knowledge of sanitary conditions and will not report contagious diseases as set forth in our health laws; and inasmuch as the object of this bill is to prevent disease, and is of a strictly sanitary nature, without any reference whatever to the treatment of disease, it is evident that their argument is selfish and purely mercenary, without any idea of public welfare; Therefore be it

Resolved, That the Mohave County Medical Society petitions the honorable Senators from the State of Arizona to give the Owen bill their most hearty support.

W. H. BUCHER, *President.*
A. M. COWIE, *Secretary.*

Mr. SMITH of Arizona presented a petition of sundry citizens of the United States, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of sundry citizens of New Britain, Conn., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. PERKINS presented resolutions adopted by the Puget Sound Salmon Canners' Association, favoring the establishment of a revenue-cutter patrol along the international boundary line at Cape Flattery during the fishing season on the Pacific coast, which were referred to the Committee on Commerce.

Mr. JONES presented sundry papers to accompany the joint resolution (S. J. Res. 116) appropriating $50,000 for the relief of the inhabitants of Kodiak Island and vicinity from effects of explosion of the Katmai and other Alaska Peninsula volcanoes, which were referred to the Committee on Appropriations.

Mr. SHIVELY presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against any appropriation being made for the celebration of the one hundredth anniversary of peace with England, and also against instructing representatives of the United States in the next international peace congress to express the desire of the United States that nations represented in the conference shall not attempt to increase their territory by conquest, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. BROWN, from the Committee on Military Affairs, to which was referred the bill (S. 2928) appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., reported it with amendments and submitted a report (No. 876) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 2697) for the relief of John J. Flynn, reported it without amendment and submitted a report (No. 875) thereon.

He also, from the same committee, to which was referred the bill (S. 5724) to correct the relative and lineal rank of an officer of the United States Army, reported adversely thereon and the bill was postponed indefinitely.

FORT LOGAN H. ROOTS MILITARY RESERVATION, ARK.

Mr. CLARKE of Arkansas. From the Committee on Military Affairs I report back favorably with an amendment the bill (S. 6926) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas, and I submit a report (No. 877) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add a new section to be known as section 2, as follows:

SEC. 2. The Secretary of War is hereby further empowered to require, as one of the conditions of the sale herein authorized, that the grantee shall execute a bond to the United States, in such amount and with such sureties as the said Secretary shall prescribe, conditioned that the said grantee shall hold the United States harmless as against any damage that may be done to the part of the premises retained by the United States by any use to which the said grantee may devote that part hereby authorized to be conveyed; and that whenever, in the judgment of the said Secretary, the use to which the said part is being devoted shall interfere with the proper use by the United States of the said remaining part for any of the purposes to which the same is now being devoted, the said Secretary may direct a suspension of such interfering use for such time or with such restrictions as to him shall seem proper.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COEUR D'ALENE INDIAN RESERVATION LANDS, IDAHO.

Mr. HEYBURN. I desire to ask unanimous consent for the consideration of the joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein. It came in too late for me to make the request when I reported it yesterday, and I should like to have it given present consideration. It is purely a local matter.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WARREN. I have no objection, if it does not lead to protracted discussion. I must say that I will have to object to the consideration of bills that will create any discussion.

Mr. HEYBURN. I anticipate that it will not lead to discussion, because it merely relates to lands that were granted for a park and in which the deed was erroneous.

The PRESIDENT pro tempore. Does the Senator desire to have the preamble of the joint resolution read?

Mr. HEYBURN. No; I do not desire to have it read unless some one else does.

The PRESIDENT pro tempore. Without objection, the Secretary will read the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 6, line 5, after the word "patent," to insert "in lieu of the conditional patent heretofore issued," so as to read:

That the Secretary of the Interior be, and he is hereby, directed to forthwith make, execute, and deliver to the said State of Idaho a good and sufficient conveyance by patent, in lieu of the conditional patent heretofore issued, of all of the lands hereinbefore mentioned and described, and that no other or farther consideration than the payment of the said sum of $11,379.17 shall be demanded or received by the said Secretary of the Interior or on behalf of the Government of the United States for the conveyance of said land as last aforesaid; and that said deed shall be an absolute grant in fee simple to the State of Idaho without condition other than that said land shall be maintained by said State of Idaho as a public park.

The amendment was agreed to.

Mr. HEYBURN. In line 9, before the word "sum," I move to strike out the word "said."

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, in section 1, page 7, line 3, after the word "park," to strike out the remainder of the section in the following words:

And that the phrase used in said act "said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior may prescribe" refer only to the "terms and conditions" relative to the consideration and payment for said land and did not authorize the Secretary to prescribe any terms or conditions as to the use and enjoyment of said lands of said State of Idaho other than that said lands should be used by the State as a public park.

The amendment was agreed to.

Mr. HITCHCOCK. Will the Senator from Idaho state in brief what the joint resolution does? Does it increase the number of acres granted?

Mr. HEYBURN. It does not affect the number of acres or the price. The price has been paid, and it merely carries into effect the terms of the act under which the grant was made.

Mr. HITCHCOCK. I notice that the transfer is to be without conditions. Were there some conditions imposed?

Mr. HEYBURN. That is what Congress said when it made the grant.

Mr. HITCHCOCK. That is to say, the authority of Congress was to make the grant without conditions.

Mr. HEYBURN. It said it was to make the grant upon the payment of the money. The money has been paid, and there is no controversy about it at all.

Mr. HITCHCOCK. A patent has been issued, but a conditional patent only.

Mr. HEYBURN. The patent that was issued was not in conformity with the act, and this merely provides that it shall be in conformity with the act making the grant.

Mr. HITCHCOCK. If the former act was not complied with would it not be a matter of duty for the Secretary of the Interior to comply with it?

Mr. HEYBURN. I hope the Senator will not interject into the passage of this purely local measure the discussion of the public-land system of the United States. The mistake was bad enough without having an attempt made to perpetrate another mistake upon it. It is purely local to the State of Idaho. No other State in the Union is interested in it. The State of Idaho has paid the money, they are in possession of the property, and they are entitled to have their record title made good and clear.

Mr. HITCHCOCK. I am not disputing the Senator's position; I just wanted to know what were the conditions that had been imposed by the Secretary of the Interior.

Mr. HEYBURN. The conditions that were sought to be imposed by the deed were not authorized by the act.

Mr. HITCHCOCK. Is there any objection to stating what the conditions were?

Mr. HEYBURN. Except that the joint resolution would go over. The Senator from Wyoming has kindly consented not to interpose an objection, provided it does not lead to discussion. It should not lead to discussion.

Mr. HITCHCOCK. I have not any desire to discuss it, but I should like to know what the conditions were which were imposed in the patent.

Mr. HEYBURN. The patent, without any authority under the act of Congress, gave unlawfully the right to flood the lands. That is one objection. Of course, it would be no use as a park if they have the right to flood the lands.

Mr. HITCHCOCK. To irrigate them, does the Senator mean?

Mr. HEYBURN. No; it is not in an irrigation district at all.

Mr. HITCHCOCK. For what purpose were they to be flooded?

Mr. HEYBURN. I do not know for what purpose. I suppose for their own pleasure or amusement or something—for no legitimate purpose.

Mr. HITCHCOCK. I have no other desire than to have the information. The matter evidently should receive consideration.

Mr. HEYBURN. They have reserved or attempted to reserve a right which no sane person would ever think of exercising. It is one of those annoyances that is unsatisfactory to the State. I made the proposition to the Secretary that if he would pay the State the money that was paid they would cancel the whole business, but he said they were not willing to do that. They want to give the State a plaything; they want to make some offices up there; they want some uniformed inspectors and special agents up there; and we do not want them in the park. We will probably make provision by which the local constable will arrest them if they go there and try them before a justice of the peace and see if we can not have peace.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I ask that the preamble be printed in the RECORD, and that it be stricken out.

The PRESIDENT pro tempore. Without objection, the preamble will be stricken out. It will be printed in the RECORD.

The preamble is as follows:

Whereas on April 30, 1908, Congress enacted as follows (35 Stats. L., p. 78): "That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation, in Idaho, to wit: Sections 1, 2, and 12, township 46 north, range 4 west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township, is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe"; and

Whereas, in disregard of the provisions of said act and of the rights provided thereby to be conveyed to the State of Idaho, the Secretary of the Interior did, on the 29th of June, 1911, execute and deliver to the State of Idaho a deed of conveyance in words and figures as follows:

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Whereas the act of Congress approved April 30, 1908 (35 Stats., 70, 78), authorizes the conveyance to the State of Idaho of the following-described subdivisions, or any part thereof, formerly a part of the Coeur d'Alene Indian Reservation in Idaho, viz: Sections 1, 2, and 12, township 46 north, range 4 west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of the St. Joe River, in said township, to be maintained by said State as a public park for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe; and

Whereas by appraisement under direction of, and approved by, the Secretary of the Interior the purchase price to be paid by the State of Idaho for the said lands has been fixed at $11,379.17, and said Secretary has directed that said lands be conveyed to the State upon payment by it of said sum upon the following terms and conditions, to wit: The lands are to be by said State held, used, and maintained solely as a public park and for no purpose inconsistent therewith, the title to revert to the United States of America absolutely if the said lands, or any portion thereof, shall not be, or shall cease to be, so used and maintained by the State, or shall be alienated by said State; and in event of the violation by the State of any of the conditions or covenants herein contained, or its failure to carry out the same, then the United States may thereupon, or at any time thereafter, enter upon and into the exclusive possession of the said lands and the whole thereof and of all improvements thereon, and have, hold, seise, and possess the same, expressly excepting and reserving to the United States of America, however, all valuable mineral deposits in the said lands, together with the exclusive right to mine and remove the same, and to permit, license, or authorize the mining and removal thereof in such manner, upon such terms, and under such conditions as the Congress may prescribe; and also the right to flood or overflow the said lands, and to permit, license, or authorize the same for domestic, irrigation, and power purposes; and

Whereas the State of Idaho, by the act of the legislature thereof approved March 15, 1909, has appropriated out of the public moneys of said State and made available the aforesaid sum so fixed by the said appraisement for the purchase from the United States of the lands aforesaid; and

Whereas the State of Idaho has applied to purchase, under and by virtue of the said acts of Congress and the legislature of the State, all of the above-described lands and has made full payment therefor;

Now know ye that the United States of America, in consideration of the premises and pursuant to the said act of Congress, has given and granted, and by these presents does give and grant, unto the said State of Idaho all and singular the tracts above described, to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging unto the said State of Idaho forever, upon and subject, however, to the terms, conditions, and reservations prescribed by the Secretary of the Interior and hereinabove set forth.

In testimony whereof I, William H. Taft, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed. Given under my hand, at the city of Washington, the 29th day of June, A. D. 1911, and of the independence of the United States the one hundred and thirty-fifth.

By the President:

WILLIAM H. TAFT.
By M. P. LE ROY, *Secretary.*
H. W. SANFORD,
Recorder of the General Land Office.

And upon the delivery of the said deed the State of Idaho did pay to the Secretary of the Interior the sum of $11,379.17, that being the price fixed for said land, in the manner provided by said act.

That in addition to the determination of the value of the said land and the terms of the payment therefor the said Secretary did, in violation of the law and of the provisions of said act of Congress, insert in said deed the following language:

"Upon the following terms and conditions, to wit: The lands are to be by said State held, used, and maintained solely as a public park and for no purpose inconsistent therewith, the title to revert to the United States of America absolutely if the said lands, or any portion thereof, shall not be, or shall cease to be, so used and maintained by the State, or shall be alienated by said State; and in event of the violation by the State of any of the conditions or covenants herein contained, or its failure to carry out the same, then the United States may thereupon, or at any time thereafter, enter upon and into the exclusive possession of the said lands and the whole thereof and of all improvements thereon, and have, hold, seise, and possess the same, expressly excepting and reserving to the United States of America, however, all valuable mineral deposits in the said lands, together with the exclusive right to mine and remove the same, and to permit, license, or authorize the mining and removal thereof in such manner, upon such terms, and under such conditions as the Congress may prescribe; and also the right to flood or overflow the said lands, and to permit, license, or authorize the same for domestic, irrigation, and power purposes"; and

Whereas the unauthorized insertion of the said last above-named paragraph was in violation and disregard of the rights of the State of Idaho under said act of April 30, 1908, and created a burden upon the title conveyed from the United States to the State of Idaho not contemplated in said act: Now therefore be it.

IRRIGATION DITCH IN HAWAII.

Mr. CLAPP. Some time ago the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was brought up for consideration. The bill was read, and the junior Senator from Washington [Mr. POINDEXTER] interposed an objection, which he has since cured by an amendment, which I am willing to accept, to the bill. I should like to ask unanimous consent for the present consideration of the bill. I do not think it will lead to any debate. If it leads to any discussion, I will not ask for its consideration.

Mr. WARREN. I do not like to be put in the position of objecting, but I must insist that the passage of bills shall wait until we can get up the appropriation bill.

The PRESIDENT pro tempore. Does the Senator from Wyoming object?

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator object?

Mr. CUMMINS. I do not object.

The PRESIDENT pro tempore. The Chair was in doubt as to what the Senator from Wyoming said.

Mr. WARREN. I am in this position: Half a dozen Senators have asked me to withhold the appropriation bill until they can have bills passed. The consequence is that unless I object to bills from the calendar I shall be closed out for the day, as well as my friend from North Carolina [Mr. SIMMONS], who is insisting upon following with the regular order. It seems to me, in justice to my committee, that I shall have to object to the further consideration of bills at this time.

The PRESIDENT pro tempore. The Senator from Wyoming objects.

Mr. WARREN. I move to take up the legislative, executive, and judicial appropriation bill, if the morning business is closed.

Mr. JONES and Mr. McCUMBER. Is the morning business closed?

The PRESIDENT pro tempore. Morning business has not been closed. The order of reports of committees has not been completed.

CONVEYANCES BY UNION PACIFIC RAILROAD CO.

Mr. CUMMINS. Mr. President, I do not rise to offer a bill or a resolution. I understand that the Senator from Wyoming [Mr. WARREN], in charge of the legislative appropriation bill, does not feel that he can now consent to the consideration of bills upon the calendar. I do not want to interfere with the progress of the appropriation bill; but I have a bill on the calendar, reported from the Judiciary Committee, for the passage of which there is the most urgent necessity. I rise simply to give notice that at the conclusion of the consideration of the appropriation bill I shall ask the Senate to consider the bill (H. R. 16089) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co. I will explain when the time comes the reasons which require, or seem to require, the immediate consideration of the bill. It is a bill to legalize and validate conveyances made by the Union Pacific Railway Co. and its predecessors, together with the validation, or the attempted validation, of claims under adverse possession. The property owners living along the line of this railway are now suffering great hardship on account of some contingencies that have arisen respecting this right of way.

Mr. HEYBURN rose.

Mr. WARREN. As the matter is not before the Senate, I hope we shall not proceed to discuss it.

Mr. HEYBURN. The Senator will not find any occasion for being nervous. I was going to ask the Senator from Iowa if that——

Mr. WARREN. I ask for the regular order, Mr. President.

Mr. HEYBURN. I can not be taken off the floor.

Mr. WARREN. I simply ask for the regular order.

Mr. HEYBURN. The Senator from Iowa has been permitted to give a notice, and I am going to ask him if it involves a certain matter. I may have to do it in the discussion of a tariff bill, but I will do it.

Mr. WARREN. The Senator is not exceedingly courteous to those who have been courteous to him.

Mr. HEYBURN. I am being courteous; but I do not like the rather rasping manner in which the Senator insisted on getting me off my feet.

Mr. WARREN. The Senator likes to have a patent on being rasping to Senators, I suppose.

Mr. HEYBURN. If the Senator wants a personal controversy, we will take it up under the discussion of the appropriation bill.

Mr. WARREN. All right.

Mr. HEYBURN. I wanted to ask whether the bill referred to by the Senator from Iowa [Mr. CUMMINS] will include the conveyances of the Northern Pacific Railroad Co. to the Northern Pacific Railway Co.?

Mr. CUMMINS. No, Mr. President; this relates only to the Union Pacific.

Mr. HEYBURN. The Union Pacific. The same question is involved.

Mr. CUMMINS. No; this does not involve the conveyances from one railway company to another.

Mr. HEYBURN. I only wanted to be prepared for it if it did.

Mr. CUMMINS. It only relates to conveyances made by the railroad company to private property owners adjacent to the right of way.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 7129) granting an increase of pension to Elizabeth K. Norton (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 7130) to provide for the establishment of an immigration station at Hampton Roads, in the State of Virginia, and the erection of a public building on a site to be selected for said station; to the Committee on Immigration.

By Mr. WATSON:

A bill (S. 7131) granting a pension to William Traugh (with accompanying paper); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 7132) granting an increase of pension to Anna Glendening (with accompanying paper); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7133) granting an increase of pension to Ruth A. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 7134) granting a pension to Johanna N. Shelden; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 7135) granting an increase of pension to James J. Blevans (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25969).

Mr. MYERS submitted an amendment proposing to appropriate $25,000 for the extermination of the Rocky Mountain spotted fever, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for paving the public street in Helena, Mont., in front of the Federal Government building, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $115,000 for the establishment of a light and fog signal at or near Cape St. Elias, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing an investigation by the Good Roads Division of the Department of Agriculture into the cost of construction of a macadam road between Forts Leavenworth and Riley, in the State of Kansas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SHIVELY submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

TERRITORY OF ALASKA.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, which was referred to the Committee on Territories and ordered to be printed.

ESTATE OF AARON VAN CAMP, DECEASED (S. DOC. NO. 644).

Mr. McCUMBER. I present a memorial from the Washington Loan & Trust Co. as the administrator of the estate of Aaron Van Camp, deceased, relative to a proposed amendment submitted by me in February last to the omnibus claims bill. The memorial is very short. I ask that it lie on the table and be printed as a document.

The PRESIDENT pro tempore. Without objection, an order therefor will be entered.

COINAGE OF THREE-CENT PIECES.

Mr. MYERS submitted an amendment intended to be proposed by him to the bill (H. R. 23570) to authorize the coinage of three-cent pieces and one-half-cent pieces, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 56) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," to strike out, on page 35, line 22, the name "Moffitt" and insert the name "Maffitt."

Mr. McCUMBER. I ask that the Senate agree to the resolution.

The resolution was considered by unanimous consent and agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed with the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN].

Mr. BURTON. Mr. President, I trust this amendment will not be adopted. It is a striking illustration of the danger of legislating in appropriation bills. Its adoption would revolutionize our entire civil-service system.

Two things should be taken into account in any legislation concerning the Government service—the method of appointment and the tenure of the employee. The civil-service law has now been in operation for 29 years. Its approval by Congress and the country at large is demonstrated by the fact that in almost every year since its enactment the list of those included under its operation has been extended, so that now, according to the last report of the Civil Service Commission, out of 391,350 officials and employees of the executive civil service, 227,657 hold positions subject to competitive examinations, an increase of 5,849 during the past year. A large majority of the positions, the incumbents of which are not chosen in accordance with the strict terms of the law, are nevertheless filled under regulations of similar import. It is hardly conceivable that we should contemplate any backward step in the enforcement of this law.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. I do.

Mr. McCUMBER. I should like to ask the Senator if there is anything in the proposed amendment of the Senator from Idaho that dispenses with this competitive examination?

Mr. BURTON. No. I shall speak of that briefly.

Mr. McCUMBER. It deals only with the length of service.

Mr. BURTON. It is, however, an entering wedge for undermining the whole system, because, as I have said, the tenure, as well as the method of appointment, is an essential feature of a well-regulated system of Government service. It is desirable that those who are employed by the Government should feel that they may give their whole life to it, and that in it they may find a career, if I may so call it.

If a man is appointed to a position at Washington or elsewhere, with the knowledge that at the end of 10 years his work must terminate, his interest in the faithful performance of his duties will be diminished, if not destroyed. There is now ample opportunity for those who so desire to turn aside from the Government service and enter private employment. Washington is well supplied with evening educational institutions in which a number of those in the civil service study law or medicine, or prepare themselves along other lines.

Let us first consider this proposal from the standpoint of the employees. This amendment would say to everyone, "However faithful your service may be, however devoted you may be to your work, at the end of 10 years your services will be dispensed with." Inevitably he would be looking forward to private employment, and his interest in performing his duty as a Government employee would be very materially lessened. It would be a mere temporary occupation with some outside employment in view at the end of a comparatively brief period.

Again, take it from the standpoint of the Government. A man might make himself absolutely essential to the most efficient performance of some function under the Government, yet when, at the very height of his usefulness—and with no option given to the head of the bureau or department—the 10-year term would expire and, however necessary his services might be, he would, under the proposed amendment, have to be dismissed.

I really can give little deference to the theory that the Government service should be a mere training school to fit persons for employment outside of Washington. The Government is entitled to the very best efforts of those who desire to devote themselves to the public service. If you apply this 10-year limitation to employment here at Washington, you suggest the idea that in all forms of employment it is desirable that there be but a temporary tenure. What banking institution, what manufacturing establishment, what other form of private enterprise could succeed with such a regulation as this?

There are two propositions pending—one, the House provision, to the effect that at the end of five years the employee shall go out of the service unless he is reappointed; the other, the Senate amendment, to the effect that at the end of 10 years the employee must leave the service absolutely. Of the two I think the House provision is less objectionable, because it gives the appointing officer an opportunity to continue in the service those who are efficient; but everyone knows the demoralization that would necessarily arise from such a regulation. At the end of the five-year period a perfect army would descend upon Senators and Representatives demanding influence for their retention; the appointing officer would be constantly charged with favoritism; and it would be imposing upon him a responsibility which would seriously interfere with the discharge of the duties of his office.

Still another disadvantage, and perhaps the greatest of all, is that whenever there might be a change of administration this five-year limitation would be utilized for political purposes, for turning out those of one political faith to make room for those of another, so that we would return to the inefficiency and demoralization which prevailed under the so-called spoils system.

Mr. President, I can not too strongly oppose the idea apparently entertained by many that almost any man is competent to serve the Government. Everyone who receives recommendations for appointment knows how low is the ideal of many persons, and how ready they are to recommend anyone, no matter how inferior his qualifications or achievements. They regard office under the Government as an asylum for the inefficient and for those who have failed in other lines. The whole atmosphere seems tainted with the impression that qualification, experience, and devotion to the public service are not required. This idea was very well caricatured in a French work of fiction. A woman who desired to provide for an employee a long time in her service said, "I ought to make Monsieur ——— steward of one of my estates; but, alas, he is stupid; he would eat the hay rather than make it. I know what I will do for him. I will obtain for him a place under the government. The government is the only institution that can utilize a fool." [Laughter.] So, men who have failed in private employment are the ones most frequently recommended by persons of influence to those who have the appointing power. The Government needs competent men picked from the very best; otherwise the functions of the Government will not be well performed.

I make this assertion confidently, Mr. President, that the efficiency of the different bureaus and departments of this Government can be best measured by the permanency of tenure. That is not the only criterion; in some departments there have been men of unusual administrative ability, in others, laws and regulations have been well devised to secure efficiency, but permanency of tenure has been more helpful than anything else. It is perhaps invidious to select any particular branch, for there are many which illustrate the rule, but I would mention the Engineer Corps of the United States Army, because it is the one with which I am most familiar. It is true they have the traditions of the corps, the military education at West Point, and the inspiration furnished by the records of members of their organization who have become famous; but that is not all. When any questions of construction or engineering arise in Congress the disposition is to resort to that corps. What is the reason? Because they have a life tenure; because they are removed from the uncertainties which pertain to appointments and reappointments.

I might specify other bureaus and departments of the Government and show the great extent to which efficiency has been promoted by the assurance that those engaged in the work need have no anxiety in regard to removal, but know that if they do their duty well they will be permanently retained.

What is needed in our civil service, Mr. President, is a more efficient system for rating the usefulness and efficiency of employees. I verily believe that much could be accomplished along that line. There are no doubt occasional instances in which promotion is the reward of favor. Every Senator and Representative is familiar with instances where persons who have failed of promotion come to him and say: "My chief is against me; some one else who received his recommendation for a higher salary is a favorite of his and I am discriminated against."

Mr. President, on investigation of such cases I have usually concluded that this assertion was due to an intense eagerness for personal advancement not unmixed with selfishness. Surely, if any bureaucrat shows favoritism in his recommendations for promotion he ought to be discharged at once.

Again, for the efficiency of the public service, it is evident that some provision must be made for the removal of superannuated employees in the different divisions and branches of the public service. I am quite sure that the time will come when we will all practically agree that there should be some equitable system for retirement and for civil pensions. As I understand it, the Senator from Iowa, chairman of the Committee on Civil Service, with his committee, has considered this proposition, and perhaps a bill has been introduced with this in view.

There is a great deal of natural opposition to any plan for pensioning civil employees, but without doubt we must come to it, not merely for the sake of the employees, but as well for the sake of maintaining efficiency in the Government service. So, I repeat, this amendment is another illustration of the undesirability of tacking legislation upon an appropriation bill. Another committee of the Senate, with special jurisdiction, has been giving this subject very careful consideration. Whatever we may decide to do on the question of retiring Government clerks and establishing a civil-pension system should be decided only after we have received and carefully debated the recommendations of that committee.

Mr. SMITH of Georgia and Mr. WILLIAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia first addressed the Chair.

Mr. BURTON. I yield to the Senator from Georgia.

The PRESIDENT pro tempore. Beg pardon. Does the Senator from Ohio yield the floor?

Mr. BURTON. As I understand, the Senator from Georgia desires——

The PRESIDENT pro tempore. The Chair recognized the Senator from Georgia, thinking the Senator from Ohio had yielded the floor.

Mr. BURTON. I am ready to yield the floor.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, it seems to me section 5, coming to us from the House, would be a dangerous blow to the public service, and I can not believe that even enlarging the period from 5 to 10 years would substantially lessen the blow.

It is provided arbitrarily in section 5 that a civil-service employee of the Government here in Washington shall cease to hold his office at the end of five years. The head of the department can reappoint, if he desires. It says he may reappoint in case of proficiency. It does not even say he shall reappoint in case of proficiency, but it leaves it to the head of the department, in his discretion, to leave out the men or to keep them.

I agree with the Senator from Ohio [Mr. BURTON]. It seems to me essential that we should offer to the young men coming into the public service a certainty of permanency of employment in case they make good in the service. How can we hope that the bright and promising young men from the various institutions throughout the country would accept service under the Government, knowing that their tenure would end in five years, and then only at the option of the head of a department they might be continued, when we know that, as much as we desire to avoid it, it is almost impossible to resist the importunities of our constituents to call upon the heads of departments and to urge preferment for special political friends?

Instead of lessening the stringency of the civil-service rules to prevent permanency of employment, we should extend the civil service and make certain promotions based upon proficiency. I go even further. I think the assistant secretaries of the departments and the heads of the bureaus should be appointed by promotions of men in the respective departments for records of proficient service. Young men should be invited into the public civil service with a certainty of continued employment if proficient, and of promotion to the very top of the service as a reward for merit.

Now, let us see what would be the effect of section 5 upon some of the bureaus of the Interior Department, with which I am more particularly familiar. Take the Patent Office. There are very few in that bureau who are not under the civil service. Every year's service adds to the proficiency. In that bureau promotions take place all along the line, even to the highest places of examiners, and now, I am glad to say, that frequently, even in the position of commissioner, from men who have served their time and have become proficient by reason of service.

What would happen to that great bureau if the entire force under the civil service was stricken down and compelled to go out by a time limitation of service of 5 or 10 years?

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. HEYBURN. I merely want to suggest that this amendment does not touch in any way the unlimited right of the Civil Service Commission to fill vacancies or to anticipate vacancies. There is no limit——

Mr. SMITH of Georgia. But I do not want the vacancies created. It is no encouragement to a man to take one of the vacancies unless he knows he will keep the office if he does good work. I think we should hold out to the young men the assurance that if they will go into the public service——

Mr. HEYBURN. Mr. President——

Mr. SMITH of Georgia. I yield.

Mr. HEYBURN. I suggest that that would be the equivalent of trading off citizenship for office. A man is willing to yield up the rights of citizenship in the section of country in which he lives for the sake of getting an office. Is that the high plane upon which the citizenship of this country should rest?

Mr. SMITH of Georgia. If we are to have efficient service for the Government, which means for the people out of office, I would be willing for them to make the sacrifice of their citizenship to give it. Our soldiers make that sacrifice to a large extent; our Navy officers make that sacrifice to a large extent; and if we are to do through these departments the effective work for the men out of office—and I maintain that every office should be filled for the benefit of men out of office, the people at home—if we are to do for the people at home through our various departments in Washington the effective service that I think the departments can be made to render, we must have men trained for this work to serve in it, men who, if necessary, will make the sacrifice of citizenship, feeling that by rendering substantial service in these departments they are doing a high class of work as citizens.

Let us go a little further, even, in the Interior Department. Take the Geological Survey. Will you strike down every 10 years each man who has served there under the classified service? They begin at the bottom. They begin, or most of them, as boys out of college, at $500 or $600 or $700 a year. They have gradually worked on up until when I was connected with the Interior Department I had the pleasure of seeing a man made director of that bureau who had started in a subordinate place just after leaving college. You can not start a new set of men there to handle the bureau at all.

Take the Indian Service. The man who becomes familiar at the end of 10 years with the facts and history connected with a division is infinitely more capable than a new man.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Yes.

Mr. HEYBURN. Is he very much more capable than the man who has been there nine or eight or seven years, who would follow him up?

Mr. SMITH of Georgia. If he is equally capable and equally industrious, he is 10 per cent more capable usually than the man who has been there nine years and 20 per cent more than the man who has been there eight years.

Take the Post Office Department. The people have an ambition as to the service of this department. There is a growing sentiment throughout the country that our departments in Washington are to render and should render broader service to the people out of the service.

There is but one trouble or doubt that many of us have about giving this enlarged authority. It is the doubt whether by reason of our political interference and political connection with the departments we can make a department do practical service for the public like a private corporation might do.

Mr. HEYBURN. Did the Senator ever know a private corporation to adopt the civil-service system? Is not the business of this vast country conducted without a civil-service system?

Mr. SMITH of Georgia. I think every large, well-regulated corporation adopts it and follows it strictly. I think it is followed in nearly every bank, and promotions are made in the bank according to proficiency, and the man who does good service in it understands that he will not be turned out in 5 years, and he will not be turned out in 10 years. I do not mean that promotions should be based upon length of service alone, but I do mean that length of service helps to give proficiency, and that promotions should be based exclusively upon proficiency; and that in our plan of organizing these departments we should be governed by the great and sole purpose of increasing the proficiency of the departments and strengthening the capacity of the men in the departments to render proficient public service.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. I understand the Senator to say that he would conduct these departments solely for the benefit of those outside of the departments—the general public?

Mr. SMITH of Georgia. Yes.

Mr. PAGE. Your experience in regard to handling men has, perhaps, given you light on this matter, and I should like to inquire if you do not think it would be best and wise to commence at the other end and provide that every year 10 per cent of the deadwood, or the inefficient, shall be dropped from the service, allowing the best to work up according to their capacity?

Mr. SMITH of Georgia. The departments can do that now, and I am not at all prepared to say that it would not be wise to make some provision requiring a percentage of the less efficient to go out each year. I think that some such modification might be helpful, and I would not object to it at all. What I am objecting to is the arbitrary rule of cutting off all at a fixed period. I insist that——

Mr. HEYBURN. My amendment does not suggest that. It is simply like an overflowing cup; the top is passing out of the cup and being distributed again into the body of the citizenship of the country. The amendment does not contemplate and could not possibly operate so as to send all of the people out at one time. It is the ripening of the fruit, going out gradually.

Mr. SMITH of Georgia. Will the Secretary please read the amendment. My criticisms have been directed especially to this section as it came from the House.

Mr. HEYBURN. Yes.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. It is proposed to add at the end of section 4, after the amendment already adopted, the following:

Provided, That the tenure of office of the appointees hereafter made in the departments of Government under the civil-service law shall be limited to 10 years.

Mr. SMITH of Georgia. Then, Mr. President, I object to that as well as the House section. I would say to the young men who come into the service, "The only limit to the tenure of your office holding will be the proficiency of our service, and the only limit to your aspirations in that service, based upon your proficiency, shall be the highest place in the department or in the service, and you can devote your life to it and expect to stay there as long as you do good service; and if you will grow in proficiency and grow in strength in this service, you will be recognized and be promoted in proportion to your proficiency."

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. Mr. President, I have been looking at the civil service act of 1883, with which I have had some familiarity. That was an act to protect the clerks of the departments in the city of Washington. It specifically says that "appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States," and so forth, and I have been trying to recall the statute under which the President of the United States exends the civil service. Can the Senator tell me where that provision is to be found?

Mr. SMITH of Georgia. I can not.

Mr. GALLINGER. In other words, the civil service has been enlarged—I do not know to what extent—so that a great many more people, I think, are in the service now without examination, or nearly as many, as those having taken the examination. The Senator will recall that the distinguished gentleman under whom he served issued what was called a blanket order, which put a great many thousands of persons in the Government service under the civil service without examination, and I have wondered where there is to be found the statute which gives that authority. The civil-service law does not give it, and yet it is being exercised.

Now, the pretense that all the force of the Government now in office have been put there on merit is not at all well founded, because the civil service is being constantly extended by Executive proclamation, and it has seemed to me many times that it ought to be stopped.

The Senator from Ohio [Mr. BURTON] stated that Congress had approved of this law. Congress did approve of the original law, but I do not think it has ever been extended by Congress. That is my impression. But the extension has been simply by the stroke of the pen of the Chief Executive. I do not know that it can be remedied; I do not know that it is desirable to remedy it; and yet it strikes me that it is something we ought to think about a little in this connection.

I rose more particularly to ask the Senator from Georgia if he recalls the statute under which the President exercises that authority?

Mr. SMITH of Georgia. No. I answer the Senator that I do not recall the statute. This broad enlargement of the classification took place, I think, in 1885.

Mr. GALLINGER. Yes; in 1885.

Mr. SMITH of Georgia. The statute was passed when?

Mr. GALLINGER. In 1883. The Executive now, and, I think, all along, or certainly in recent years, has exercised the right to put persons into the civil service by order. He suspends the civil service and puts a clerk in one of the departments. It has been done over and over again, and it seems to me——

Mr. SMITH of Georgia. I think there must be some provision which allows the President to extend the classified service, or it probably would not have been done.

Mr. CUMMINS. There is such a provision of law. I can not now refer the Senator to the particular act, but I have often read it.

Mr. GALLINGER. It is not in the civil-service law itself.

Mr. CUMMINS. It is not in the civil-service law. It is one of the faults of the civil service. I believe Congress ought to specify the employees of the Government who shall be under the civil-service rules.

I may say again that I have a bill partially prepared looking to that end. I am endeavoring to prepare a readjustment of the entrances to the civil service, promotions in the civil service, and retirements from the civil service; and as a part of that readjustment I believe that there should be a provision which shall classify the employees, describing those who are to be under this merit system, and that will take away from any officer of the Government the power either to remove a man from his position in the civil service or to include classes other than those prescribed by Congress.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will bear with me a moment further, because I am seeking light, I recall the fact that not many years ago the President extended the civil service to fourth-class postmasters in a part of the country. It included New England, I think New York, and, I have an impression, Ohio, and possibly Pennsylvania.

Mr. CUMMINS. I think it includes all the fourth-class postmasters north of the Ohio and east of the Mississippi River.

Mr. GALLINGER. If the Senator will permit me, by an Executive order the fourth-class postmasters in a part of the country were put under the civil service. They were not examined. I do not know how efficient they may be or may have been when that was done. The anomalous condition exists that it was not extended to another part of the country, and we have the civil service applying to fourth-class postmasters in a certain area, and beyond that they are not under the civil service. That is the reason why I raised the question as to the authority for doing that particular thing. I think it is rather a stretch of the purpose and intent of the civil-service act of 1883.

Mr. SMITH of Georgia. Mr. President, I have not given a careful study to the language of the statute to form an opinion as to just what the authority of the President is upon that subject. My knowledge of the civil-service operations is due more to my connection with the department and work under it. At the time I became connected with the Interior Department practically all the force, except the chiefs of divisions, were under the civil service. The entire clerical force and practically all the experts in the Patent Office were included under the civil service. I found the power vested in the head of the department to suspend, but only to fill vacancies by calling on the Civil Service Commission. Under a system of proficiency reports we sought to relieve the department each six months of any who failed entirely to do any class of work reasonably well, and to promote strictly according to the merit system.

Amendments no doubt can be made to the law which would improve it, but what I urge is that those changes be in the direction of improving and perfecting it as a thorough civil-service system, as a plan which invites our people to come into the public service and to make themselves proficient, with the assurance that if they do not know a Senator or Representative or have not one ounce of political influence a proficiency record will keep for them a permanent position as long as they desire to serve.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. Does the Senator from Georgia remember the average age at which civil-service employees enter the service in the District of Columbia?

Mr. SMITH of Georgia. My own observation of three years and a half was that most of our clerks came in between 21 and 25 or 26.

Mr. CUMMINS. I have examined the subject a little, and I may say now to the Senator from Georgia that the average age is a little under 25 years. The average of the highest efficiency as shown by the record is reached between 35 and 50. That subject has been very carefully investigated. Under either the bill as passed by the House or the amendment of the Senator from Idaho the work of these civil-service employees for the Government would be limited simply to the training period, and they would be excluded entirely during the time at which they could render the most efficient service to the Government.

Mr. SMITH of Georgia. I feel sure that the view expressed by the Senator from Iowa is entirely correct. As I said, my observation was that most of our new clerks came in between 25 and 26 or 27, and I am sure that 10 years does not bring the highest standard of proficiency.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. SMITH of Georgia. Yes; and I will yield the floor to the Senator. I really have said all I wished to say. I only wished to emphasize my earnest hope that we will do nothing which goes backward; that we will do nothing which lessens the permanency of the service, provided the service is proficient; and that we will seek to improve the law in the direction of greater certainty of promotion, based upon merit, and broaden the opportunity of promotion to the assistant secretaries' places, taking them entirely out of their present status and working out a plan for the business management of each of the departments largely through a board consisting of the assistant secretaries.

Mr. LODGE. I did not mean to take the Senator from Georgia from the floor.

Mr. SMITH of Georgia. I had really finished. I would have concluded some little time ago if I had not been asked questions.

Mr. LODGE. Mr. President, the question was raised as to the power of the President to make the extensions which various Presidents have done. I knew he had the authority. It is not in the act of 1883; it is in a much earlier act, when the first attempt was made. It is in the act of 1871, and is found in section 1753 of the Revised Statutes:

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

It is absolutely sweeping and covers the entire power.

Mr. GALLINGER. I will ask the Senator from Massachusetts if the conditions of that statute have ever been complied with when the civil service has been extended by Executive proclamation?

Mr. LODGE. I think so, absolutely. I think the President under that statute has power to apply regulations to any portion of the civil service, and he would have had if the act of 1883 had not been passed.

Mr. GALLINGER. That does not answer my question. My question is, Did the President ever inquire into the fitness of the 20,000 or 30,000 people who were swept into the civil service by a stroke of the pen?

Mr. LODGE. He covered officers into the civil service. Many Presidents did it. Of course, some covered into it persons who had not passed examinations. There would be no other way of covering the officers under the civil service. They had to be covered in as they stood.

Mr. GALLINGER. The President of the United States takes the place of Congress. I submit that, so far as I have been able to determine or believe, the President had never inquired into the fitness of these people who were swept into the civil service. I know President Cleveland did not when he put in 25,000 or 30,000; and I know other Presidents who followed him did not. I do not think the fourth-class postmasters had been investigated to ascertain whether they were performing their duties faithfully or well when with a stroke of the pen they were added to the civil service of the United States. Under that statute, as I recall now, because I examined it once years ago, I question very much whether the President has this sweeping power to add to the civil service 10,000 or 20,000 or 30,000 or 50,000 at one time.

Mr. LODGE. Mr. President, the extensions have been made under that act, and I do not think the legality of them has ever been disputed.

Mr. FLETCHER. Will the Senator allow me?

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Massachusetts yield to the Senator from Florida?

Mr. LODGE. I do.

Mr. FLETCHER. I wish to interrupt the Senator to inquire whether he has examined the question as to whether the act of 1883 does not repeal the act of 1871?

Mr. LODGE. It stands in the statutes, unrepealed.

Mr. FLETCHER. Not expressly; but it might be repealed otherwise than by express terms.

Mr. LODGE. I do not think they are inconsistent. Under it all Presidents have acted. Since that time they have all made extensions, and, I believe, legally made extensions.

Mr. President, apart from that I wanted to say a single word. When I entered Congress the Pendleton Act, as it was called—the act of 1883—was only 6 years old, and we had an annual fight every year in the House about the appropriations. The House used to vote out the appropriation on the tellers' vote in committee and then put it back on the record vote. We kept that fight going for a number of years. It finally died out as the system grew and extended, and it has been accepted, as I had supposed, as a valuable system by the country and the people of the United States.

I do not for a moment suggest that the system is perfect. I know there are few things of human device that are; but it is infinitely better than any other system we have had; it is infinitely better than any system that has been proposed. Moreover, it is to be remembered that in these years since the passage of the Pendleton Act the number of persons included under the civil service has increased from 10,000 to 238,000.

Mr. GALLINGER. By Executive orders.

Mr. LODGE. No; not by Executive orders. A great many have gone in by natural increase of the offices, coming in under examination. Those offices covered by Executive order have had the usual quota of casualties, dismissals, resignations, and deaths, and then all those places have been filled by the regular examination. I do not say that an examination is an infallible touchstone, but it is better than the other system and better than any system I have seen suggested.

There are two propositions here. One is a proposition of the House, which is that at the end of every five years there is to be a general end of tenures, and those are to be retained who are thought to be efficient. That is to begin in 1917. We have a recent illustration of what that means in the Census Office, where a number of extra clerks were taken in for temporary purposes. It was expressed in the law that they were not to be transferred to the permanent service. The appropriations were reduced, of course; necessarily the work came to an end; the clerks had to be dropped. They had taken those places knowing that that would be the result. Every Senator and every Representative knows how he was beset to get the Director of the Census to keep this man or that man instead of somebody else. It was a struggle to have them held there. Take this vast service of 238,000 people, going out all the time as fast as they reach the tenure of five years, and it would be one continual struggle from Representatives and Senators to keep them in place. You can not refuse them. They come to you; they insist; their friends write; and our time would be completely absorbed in the struggle to keep the men whom we were interested in in place.

Mr. President, I believe, in the first place, that the duties of Senators and Representatives are something higher and better, if properly considered, than to hang around the lobbies of departments struggling to keep men in office or get men in routine places under the Government. That would be the result of the five-year system.

The other proposition is that at the end of 10 years a man shall go out, and go out finally. We would get rid to that extent of the demand upon Senators and Representatives to struggle to keep men in, but it would be even more destructive to the service than the five-year term, where a man could be retained for efficiency.

If we are to have a good class of men in the Government service we must give them some reasonable hope. That which tempts them now is that the pay is good in the lower grades, and they have a certainty of pay and tenure so long as they do their work well. That is one of the reasons why we get good men. If you take from them that assurance and at the end of 10 years they have to go and you are to get a class of temporary men, you are certain to injure the whole character of the service.

The weakness in the present system has just been pointed out by the Senator from Georgia [Mr. SMITH]. It is that the prizes you offer are not large enough. I would put in many of the higher offices, so as to encourage men with something more to look for if they remained and were successful.

I know perfectly well the weak point that arises from the superannuated clerks who have been many years in the service. I have always been opposed to the system of civil pensions. But the matter of the comparatively small number of superannuated clerks is as nothing to the injury that would be done by destroying, as I believe it would destroy, the character of the entire service if you give them only a limited tenure. A limited tenure was the characteristic of the old spoils system. The old spoils system, as it was called, was bad enough in the days when the civil service was small and embraced a few thousand persons; but it is not to be contemplated that with the enormous service of to-day we could apply the old system of appointment by favoritism or by political pressure.

Moreover, Mr. President, in my judgment the people in the service to-day have some rights to be considered. There is a great mass of men, for example, who have entered the carrier service; there is another great body of men who have entered the Railway Mail Service. They are men who expect to make it, and in the large percentage of instances they do make it, their life work. Those are services that are under continual examination and are continually being weeded for inefficiency or for misconduct. Those men are to be suddenly told at the end of 10 years they are all to go, or at the end of 5 years they have to make a struggle to hold their places.

The Railway Mail Service, Mr. President, is a difficult and expert service, by no means free from danger. Should there be an accident on a railroad train or an accident on an ocean steamer, among those who suffer loss of life or limb are pretty sure to be some of the mail clerks. It is a peculiar business, requiring great expertness. The railway mail clerks, as I say, are under continual examination, for their errors in sorting mail are noted from day to day. Most of them sort with such accuracy that they make not more than 1 or 2 per cent of errors during long periods. Many of them go long periods with no percentage of errors. It is not work that is done in any other business outside of the Government. These men take the work and remain in the service for life, or so long as they are able to do the work; and when they can not longer work on the cars they are frequently transferred to office work. Should we take those men, who have given years to a business where their proficiency increases with their service, and turn them out suddenly, or turn them out year by year—for it would mean many hundreds going out each year—and put in practically new men, it is impossible to suppose that the public service would be helped thereby, and it would be a great injustice to the men themselves.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. SMITH of Georgia. I made the statement that I felt that all these places should be filled in the interest of the public not in office. I do not want to be misunderstood by that. I agree fully with the Senator from Massachusetts. I think the interests of the public out of office requires such treatment of the men in office as to secure proficient and capable men. If we simply sacrifice them at the end of 10 or 15 years, after they have become expert in our service and unsuited to anything else, we should offer no inducement to get good men to go into the service, and the public outside of the service would be seriously injured.

Mr. LODGE. Absolutely, Mr. President. The Senator from Georgia had put so strongly and so well the point that the first object was the public service and to get for the public the best service that I only touched on that, and was trying to bring out another point which had impressed me very much, and that was the injustice to these large bodies of men in the mail-carrier service and the Railway Mail Service. They are all men under examination, and these are both immense branches of the service. We must all realize the injustice to those men of suddenly saying to them—men in many cases with families, who have established their homes, who have married on the belief that, if they did their duty well, they were sure of that income and of that work—that at the end of 10 years they are out. Think of it! We all know the inconvenience of getting new men on a carrier route in a State or wherever the carrier service is established.

I take these because they are very large branches of the civil service; but, Mr. President, if we have to do something to meet the superannuation difficulty—it is a trifle compared to what is involved in maintaining the general character of the civil service of the United States—we can meet it. The Senator from Iowa [Mr. CUMMINS] has here a most excellent bill, which he has prepared with the greatest possible care, to meet that difficulty; but to throw down the whole service because there is a small number of superannuated clerks would be in the highest degree unadvisable and unwise.

Mr. President, as I said at the beginning, and I repeat, it is no longer a question of dealing with a few thousand clerks, but it affects the whole Government service. The limitation of tenure, it seems to me, would be fatal to the entire classified service as it now exists.

Mr. HEYBURN. Before the Senator from Massachusetts takes his seat, I desire merely to make a suggestion. The amendment which I have offered does not deal with those now in office at all, so the question of superannuation would be cut off at the line.

Mr. LODGE. Well, Mr. President, the objection I have to the Senator's amendment is the objection that I have to fixed tenures. I think the tenure of office ought to depend on the clerk's proficiency or his ability to do his work, and on nothing else.

Mr. HEYBURN. Why not apply that to the President or to Senators?

Mr. LODGE. Oh, Mr. President, that is the old joke that is always made in the other House. I have heard it made a thousand times.

Mr. HEYBURN. I did not make it as a joke.

Mr. LODGE. They are officers elected by the people, while these are routine officers who are put in office to carry on the Government. They should be chosen just as similar employees are chosen in every business—on account of their proficiency. There is not a great corporation in the country to-day carrying on business—I am speaking of the overhead men—that does not have a practical examination for its clerks all the time. Most corporations pension them after they have reached a high point or have grown to be old men. There is not a corporation on earth which would consent to employ men merely on the recommendation of Senators and Representatives.

Mr. WILLIAMS. Surely, Mr. President, some common-sense way of solving this difficulty without either bringing back upon ourselves the spoils system or bringing upon ourselves a senseless civil-service pension list ought to be within the limits of the capacity of the National Legislature. There is no desire, I take it, certainly there is none upon my own part, to bring back upon our defenseless heads the office-hunting brigades that used to make public life intolerable. Even now I find that the one-fifth of 1 per cent of the Mississippians who happen to live in Washington take a great deal more of my time in one way or another than the 99⅘ per cent of Mississippians who are living in Mississippi. I have no desire to bring back the spoils system; neither has anybody else, I take it.

I think I have ciphered out a way whereby we can maintain the civil-service law in all of its good attributes and at the same time not build up a permanent segregated office-holding class who are to be taken care of, as superannuation accumulates, by a special pension list. Mr. President, the Senator from Ohio [Mr. BURTON] went on to tell about the efficiency of the Engineer Corps. What he said about them was true; but if there were not behind the permanency of tenure of the Engineer Corps a retirement pay and retirement list, what he said would not have been true. It all rests upon the fact that after an officer in the Engineer Corps has spent his life in that sort of work, he spends his old age, when he is helpless, at the expense of the Government. You must make up your minds whether you are willing to extend that principle—which, for my part, I am willing to extend to Army and Navy officers, to people in the Revenue-Cutter Service, to firemen and to policemen, who are engaged in dangerous pursuits—in the actual physical defense of the public—whether you are willing to extend that system to mere clerks, who are already getting nearly twice as much, as a rule, as the average farmer, carpenter, blacksmith, or country preacher in the United States—do not forget that—and who ought to be able to save out of their annual salaries as much as the blacksmith, carpenter, or country preacher can save out of his.

One of the Senators said this morning that length of service and proficiency went together. They do not. They do in private employment, because if I have a man in my employment he knows that I may discharge him to-morrow morning and is therefore careful, diligent, and industrious. Therefore the very fact that I keep him for years is rather a demonstration of the fact that he has been efficient, but whenever you put a man in a place where he thinks that he can not be discharged, it makes him indifferent and careless, and if he thinks he can not be discharged except for public cause, publicly stated, with an opportunity to be tried, it makes him indifferent and careless.

Mr. President, in arguing this question—and I am just entering the argument—there is no attempt in the amendment offered by the Senator from Idaho [Mr. HEYBURN] and no attempt in the House provision, either, to interfere with the civil service in its right of appointment to entry into the public service—not a particle.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. WILLIAMS. In one second. Let us get this out of our minds; let us get what we are not discussing out of our minds before we discuss what constitutes a point of difference. Neither the amendment of the Senator from Idaho nor the House provision interferes in the slightest degree with the public examinations or with the present system of entry into the public service. So that everything that has been said along that line is obiter dictum, so far as that is concerned. Nor does either one of these provisions interfere with the right upon the part of the departmental chiefs to reappoint men to the public service—not even the provision proposed by the Senator from Idaho, which I think is faulty, and in a moment I will undertake to state why.

Mr. CRAWFORD. Mr. President, that is the point I had in mind. Does not——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from South Dakota?

Mr. WILLIAMS. Yes.

Mr. CRAWFORD. Does not the amendment proposed by the Senator from Idaho disqualify the employees and make it impossible to reappoint them?

Mr. WILLIAMS. No.

Mr. HEYBURN. Purposely not.

Mr. CRAWFORD. It fixes the term arbitrarily at 10 years, does it not?

Mr. WILLIAMS. No.

Mr. CRAWFORD. Then, I do not understand it as the Senator does.

Mr. WILLIAMS. As I read it, there is nothing in it to interfere with the reappointment of these employees; but I am not in favor of the amendment offered by the Senator from Idaho and therefore, except to point out the defects in connection with it, I do not desire to enter into that.

My only objection to the House provision is that it leaves a gap in the civil-service law big enough for a coach and four to pass through, and unless a modification or an amendment can be suggested whereby the five years' tenure can be harmonized with a nonpartisan and nonpolitical public service I would not advocate it.

I think I have succeeded in my scheme, to be explained in a moment, in doing that; but before I pass to that, Mr. President, I want to say that I would vote any day in the world for an old-age pension; I would vote for it in Mississippi, as a member of the legislature there, if I were one, or I would vote for it for the District of Columbia as a Member of Congress here, constituting the legislature for the District of Columbia; but I will not vote to segregate in a class by themselves the employees of the Government who receive 100 per cent more pay than men equally deserving or more deserving than themselves—hearty, self-dependent, working people everywhere—blacksmiths, carpenters, painters, preachers. I will not now vote, and I never shall vote, to segregate this office-holding class and make it the pet of the United States Government in giving old-age pensions to them, while we do not give old-age pensions to other people equally deserving or more deserving.

The Senator from Massachusetts [Mr. LODGE] is right when he says that if the present system is perpetuated you must go to a civil-service pension list. You must either change it, or that is the necessary mathematical result; and you can not avoid it, because superannuation accumulates day by day and week by week and month by month in the public service under the present system, and it accumulates not only arithmetically, but geometrically. I say that is a great wrong in principle, in spirit, in ethics; it is a special privilege for which no Democrat could stand, and for which no Republican who stands upon an equality of opportunity platform ought to stand. That is demonstrable.

How are you going to avoid it? You must avoid it, if you avoid it at all, by limiting the tenure of office to a time certain. How shall you do that and at the same time harmonize it with the civil-service regulations of the country?

Mr. President, we all know how the Government employees live here. They have been fed upon the hope of having the Government of the United States take care of them in their old age; they have been fed upon that hope so long that hardly one in a hundred of them tries to save a dollar. Men elsewhere who earn half as much grow rich, or grow comfortable, at any rate—not rich. But these people spend up to the top notch. I am personally acquainted with four or five who have saved money, bought homes, and paid for their homes, and who to-morrow could be discharged without being ruined; but the great majority of them can not be; and the superannuated hang like barnacles upon the very bottom of the ship. Worse than an encumbrance upon the deck of the ship, they hang like barnacles to the bottom, and prevent its progress through the seas of public business. Oh, you can not get rid of them; you will have to take care of them, unless you change the system. You must either pension them upon the public service at full salary or you have got to create a retired pension list at half or three-quarters salary; and both are wrong; both constitute a special privilege extended to the office-holding brigade. Why should I vote to give public pensions to one-fifth of 1 per cent of the voting population of the State of Mississippi who happen to be in Washington holding public office, while the 99¾ per cent at home have no such right or privilege?

Now, let me go ahead a moment. I want to keep the time tenure and prevent the breach of the civil service. This is the way that I think we can do it, and I ask the attention of the Senate because this is a matter of practical business: I would strike from the House provision so much of it as follows the semicolon in line 1, page 153, reading as follows:

And the employment of all persons in the classified service of the executive departments within the District of Columbia, at annual rates of compensation, who were appointed prior to July 1, 1912, shall cease and determine, unless previously separated from the service, on the 30th day of June, 1917.

I do not agree with the Senator from Massachusetts [Mr. LODGE] nor with the Senator from Georgia [Mr. SMITH], who has so eloquently described his experience as Secretary of the Interior. I do not agree with either one of them that a man in office has any vested right to the office at all; but I do acknowledge a certain degree of human sympathy with a man when he is there; and, therefore, I am willing not to interfere with the fellows who are already in. The object of striking out what I have read is not to interfere with those who are already in.

I would then adopt section 5, except that after the words "*Provided*, That all persons separated hereunder from the classified service shall be eligible," and so forth, I would insert this language:

Provided, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for, and may, in the discretion of the head of the executive department, be reappointed," etc.

Then, in line 12, I would strike out the word "fair," and I would make it read in this way:

May * * * be reappointed—

I am reading now the House provision—

without examination for additional periods of five years, if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission.

The prescription by the Civil Service Commission is a part of my amendment.

I would adopt the balance of that. Then I would add to it the Senate committee's provision. I have said there, "prescribed by the Civil Service Commission." I have said, on line 8, "except as hereinafter prescribed." Now, this is what is "hereinafter prescribed":

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact.

I would add to that the language of the Senate committee:

Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted.

I would add, after the word "promoted," the words—

Or before he may be reappointed at the end of his five years of service.

I would add, after that, a provision that any employee having this maximum rating should be reappointed to a place in the service, and any man falling below the minimum rating should go out. Then, between those two, I would leave the matter as in the Senate amendment and in the House provision.

In order to accord the two with one another, of course you would strike out lines 14, 15, 16, and 17 in the Senate amendment, because they are already in the House provision. That is the provision for taking care of the old soldiers.

As between the Scylla of the spoils system and the Charybdis of a civil-service pension, who wants the civil-service pension? In God's name, have we not pensions enough? We have one hundred and forty millions a year of military and naval pensions; and it is proposed to add a civil-service pension list, which, take my word for it, in the life of a generation, 33 years, will amount to almost as much as the military and naval pensions. Besides that, there will be a constant pressure brought to bear upon Senators and Members of the House by the civil employees of the Government, asking them, year after year and year after year, to raise the salaries and likewise to raise the retirement pay.

Mr. WARREN. Will the Senator permit me to ask him a question? Speaking of civil-service employees' pensions, how does the Senator feel about a contributory-pension system?

Mr. WILLIAMS. In the long run it amounts to exactly the same thing. If the employees want to pension themselves, they can go to work and form annuity societies and attend to it by themselves. But if you are going to provide for the employees contributing from their salaries, then either they will contribute that which they do not need as salary or they will contribute that which they do need. If they contribute that which they do not need, and which they ought not to have, then they are being paid too much. If they contribute that which they do need, then you and I will have to raise their salaries. And they will not have been engaged for one session of Congress in the business of contributing to retire themselves upon pensions before they will be coming to you and me and asking us to raise their salaries by the amount of their contribution. The Senator knows that as well as I do. I think we both know it. I mean by that, while we do not absolutely know it, we both think it, do we not? So it is the same thing in the long run.

In one of the little towns right near my home lives an old Mexican War soldier, an old Confederate soldier, who has grown old at the blacksmith business. Will you tell me why some chipper little girl or some great, strong, stalwart boy here in Washington should ultimately have an old-age pension after having received nine hundred or a thousand or twelve hundred or fourteen hundred and forty or eighteen hundred or two thousand dollars a year when that old fellow, who, I suppose, never earned over $750 a year in his life, should not have one? He has done more honorable service, he has lived a harder life in every respect, than any of these people. And, by the way, he has paid all the time such little taxes as he had to pay. He has been a taxpayer; these people have been tax eaters.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. Yes.

Mr. BRISTOW. May I suggest to the Senator that not only will this blacksmith not receive a pension, but he will be called upon to pay the pensions of these other people.

Mr. WILLIAMS. Oh, absolutely, absolutely. And if in his old age he should fall by the wayside, while in the particular case I am talking about it would not happen, because he has very dear children, daughters and sons, and friends as well, that would take care of him to the limit, yet cases like that exist where the man must go to the poorhouse.

Mr. WARREN. I suppose in that particular case the old soldier draws a pension as the result of having served in the Mexican War, does he not?

Mr. WILLIAMS. He draws, I suppose—what is it; $12 a month?

Mr. WARREN. Twenty dollars a month.

Mr. WILLIAMS. I do not know whether he does or not. I doubt if the old fellow ever asked for it. I imagine he was a good deal like my grandmother in that respect. When Maj. Pickett came around and said, "Mrs. Sharp, you have a right to draw a pension, because Capt. Sharp was an officer in the Federal Army in the Mexican War." She said, "Maj. Pickett, I will have you to understand, sir, that Capt. Sharp never fought for money." And I doubt if this old fellow ever drew a pension in his life, but about that I do not know.

We can fix this, and I think if Senators will run over what I have proposed they will find that it does fix it. It takes the House provision, with amendments, and grafts upon it the Senate provision, with some modifications to accord the two with one another, and it adds this idea of which I have spoken.

I will say to Senators the main idea in the amendment is that all employees shall go in, prima facie, upon a five-year tenure; that at the end of the five-year tenure the men who fall below the minimum rating shall go out; that the men who make the maximum rating shall be reappointed; and that the men between the two ratings shall be left largely to the judgment of the appointing officer, as they must be.

Mr. GALLINGER. Will the Senator permit me a question?

Mr. WILLIAMS. One word further and I will yield to the Senator.

My objection to the amendment offered by the Senator from Idaho is that outside of the point of doubt as to whether it does not absolutely exclude them from reappointment anyhow—I do not think it does; if it does, that is a very serious objection to it—it does not contain any provision requiring or advising or recommending reappointment where the man is fit for reappointment.

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been much interested in what the Senator has said in his analysis of the pending amendment and the changes he suggests. I will ask the Senator if he has his proposed amendment written out so that we may see it?

Mr. WILLIAMS. I have it here written out in the bill. I just got in this morning from Charlottesville, Va., and wrote it very rapidly, but I will get it ready and give notice of it.

Mr. GALLINGER. Of course it would properly be a substitute for the pending amendment.

Mr. WILLIAMS. I am going to offer it as a substitute; but I will not take the time of the Senate to put it in shape right now.

Mr. WARREN. Let me say to the Senator from Mississippi that it is too late to offer it now in Committee of the Whole, but it can be offered when we get in the Senate. I wish the Senator would have it put in typewritten form.

Mr. WILLIAMS. Very well; then I will do that.

Mr. GALLINGER. Yes; that is quite desirable.

Mr. WILLIAMS. I may not have made all of its details perfectly plain, but I have made the idea of it plain to all of us. It reads:

All persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for reappointment.

The words "hereinafter prescribed" refer to those falling below the minimum rating.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Mississippi yield to the Senator from Iowa?

Mr. WILLIAMS. Yes.

Mr. CUMMINS. I wish to say to the Senator from Wyoming, as well as to the Senator from Mississippi, that I recognize that the amendment of the Senator from Mississippi entirely reorganizes the civil service.

Mr. WARREN. Certainly.

Mr. CUMMINS. I should like to have the amendment printed and laid over until to-morrow, because there will be a very considerable debate if the entire system is to be reorganized. I have been studying the subject now for two years, and I have a bill before the Senate with regard to the retirement of civil-service employees, upon which I expected to address the Senate at some time. If I am called into it now, it will inevitably take very considerable time.

Mr. WARREN. I appreciate what the Senator wishes; but if it has taken so long to get the matter, it would be perfectly hopeless to undertake to get it arranged here in a day. If the Senator could have his amendment put into typewritten form and have several copies made of it, so that Senators could examine it, perhaps we could get along in that way.

Mr. WILLIAMS. I will tell you what I will do about that. I want to go on now with what I was saying, but I will step over to the office as soon as I am through and draw the amendment and bring it back; and I ask permission now to offer it. I will hand it to the clerk later and give notice of it and have it published in the RECORD.

I want to go on talking about this general subject for just a minute or two, and then I will relieve the Senate of any further trouble upon my account.

Mr. JOHNSTON of Alabama. Mr. President, I should like to ask the Senator from Mississippi a question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. Yes.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Mississippi if he thinks the standard of efficiency prescribed there would get rid of those who are enfeebled and rendered incompetent through age.

Mr. WILLIAMS. Absolutely, because it is a standard of efficiency; and for whatever reason newly appointed employees were inefficient they would fall below the minimum rating and be automatically discharged.

Mr. JOHNSTON of Alabama. So that we would not have dead timber in the departments?

Mr. WILLIAMS. No dead timber, except the dead timber we already have. I propose to let that stay in and die out. It will have to die out.

In my opinion this is a larger question than Senators think. It is not a question which merely concerns either the people who at this time are holding the offices, or the people who at this time are not holding the offices. I think the great danger to American institutions, just at this moment, is the danger of bureaucracy.

I find that we are carrying on just about as much legislation by departmental and bureau regulation as we are enacting in the halls of legislation in the Capitol itself. From a stay of nearly three years in my boyhood in the Empire of Germany I have learned to distrust a bureaucratic government. I have learned to distrust a segregated, separated, office-holding class, who do not hold their offices by election from the people, who do not hold them for any given length of time, but who hold them by appointment upon substantially a life tenure.

Nobody in the world has a greater contempt for the American people or American politics and public questions to-day than a lot of clerks in the city of Washington. They think that, as far as they are concerned, they are a privileged class; and they are right in thinking so if you are going to pass a civil-service pension law, because then they will be legally a privileged class.

For myself, it seems to me Thomas Jefferson was not very far wrong when he contended that those who held the offices of the Republic and those who formed the private citizenship of the Republic should be changing places right frequently.

It is a very good idea for a man to come and hold office here in Washington, and, as the Senator from Georgia says, to keep on holding it as long as he is efficient. But when he becomes inefficient either by carelessness or by intemperance or by superannuation or for any other reason, for him to regard that office as his is a curse. He ought not to be permitted to entertain the idea for a minute, and no class of the American people ought to be permitted to entertain the idea.

As for myself, I am a radical about some things. I do not think there is a State in the Union, I do not think there is a country in the world, that ought not to have an old-age pension law to take care of and preserve its honest, industrious people who in their old age can not take care of themselves. But I am not willing to segregate an office-holding class and make that sort of provision for them, while not making it for everybody else.

I will have the amendment drawn up, Mr. President. I apologize to the Senate for not having it ready; but I got in on the train just a few minutes before the debate began. I will bring it back in a short time.

Mr. TOWNSEND. Mr. President, I think every Senator is desirous of having an efficient public service, and where they differ is as to the method which will bring about such a service.

I have never heard any man who is familiar with the administration of the Government under the so-called civil-service rules and with its operations under the spoils system who did not agree that we have a better service at present than we had under the old plan.

I listened to the argument of the Senator from Idaho yesterday when he made his strong plea for the scheme of bringing people to Washington to serve as Government employees for a limited period, during which they shall acquire an education beneficial to themselves and which they can use upon their return home for the good of their neighbors and the people with whom they come in contact. It seemed to me the Senator lost sight of the real object the Government has in employing clerks at all. That object is not to give employment to men and women; it is not to educate its clerks except in the line of their employment and to the end that they may be able to render better service to the Government. The real object of such employment is to make better servants, to the end that the Government can be more efficiently administered. I do not think it is the business of the Government to encourage as many people as possible to enter its service, for an office-holding class is, I agree, most undesirable. Still we must have Government workers, and they should at once be as few and as efficient as possible, and therefore those few should be most capable, and they should be offered every inducement to stay as long as they are highly efficient. I can not see anything but harm which can come to the country by having a fixed tenure of office less than the one which can be terminated only by misbehavior or inefficiency.

My experience here compels me to agree with the senior Senator from Idaho in this, that under existing conditions public office holding is not conducive to highest personal development or to best citizenship. But that condition would be no better under his proposed changes; it is office holding and not its tenure which is demoralizing. The glamor and excitement of public office in the capital, even when indulged for a season, seem to unfit for the quieter and yet more important

pursuits of life, and I am not encouraging young men to enter the employment of the Government.

The PRESIDENT pro tempore. The Senator from Michigan will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be laid aside until the appropriation bill we have just been discussing is disposed of.

Mr. CLAPP. Mr. President, I rise to an inquiry. Would that unanimous consent be taken as any limitation on the right to move to take up the next appropriation bill when this is completed? I certainly intend to make that motion. If so, I object to that form of a unanimous-consent agreement.

Mr. SIMMONS. I presume that immediately upon the conclusion of the pending appropriation bill the unfinished business would be proceeded with, and if the Senator from Minnesota wished to antagonize it with another appropriation bill, he could do so.

Mr. LODGE. The unfinished business is temporarily laid aside. It is not business disposed of, and it comes up automatically.

The PRESIDENT pro tempore. Automatically. It is not necessary to make a motion to that effect; it would be the regular order.

Mr. SIMMONS. Certainly.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, I can think of nothing much more pathetic than the scenes which are witnessed here in Washington nearly every day, produced by employees of the Government trying to hold positions in the public service when once in or trying to obtain them when out. This does not apply alone to clerks, but it applies to men in all the public offices. The officeholder becomes a sort of political toper. Having acquired the abnormal taste, it is difficult for him to break off; and the more uncertain the tenure by reason of possible political interference, the more violent he is in his desires.

It seems to me that under the plan of a limited or fixed tenure we would have a still larger class of people who ought not to be in the service; and yet the needs of government require that it shall have good and capable employees well qualified for the work; and about the only way to secure the highest efficiency is through experience.

Therefore, if I understand the committee provision, it attempts to secure high efficiency by providing a way to eliminate the inefficient clerks, whether produced by old age or by other disqualifying causes.

The great difficulties in maintaining an efficient civil service is to get rid of and keep out unfit people. The latter has been greatly aided by the civil-service law. The former still remains, and Members of Congress frequently aggravate this difficulty. They too often urge upon the departments the retention of unworthy people and insist that such shall not be discharged. I know it is unpopular, but I believe that we would have a better public service if no Congressman could exercise any influence over it.

I agree with the Senator from Mississippi in that. I am not in favor of civil pensions, certainly not until through the failure of all regulative methods it is found that the public service demands them. I want the Government to pay its employees good wages—generous wages; and then I want these clerks to understand that neither old age nor improvidence will prompt the Government to do for them what they have failed to do for themselves, namely, provide against the disabilities of age or failing efficiency.

Mr. President, I indorse practically the arguments which were made by the Senator from Massachusetts [Mr. LODGE]. It seems to me that he has covered the case. Certainly he has done better than I can hope to do. But I did not wish this measure to pass from the consideration of the Senate until I had at least gone on record in favor of the most efficient civil-service law possible, because I have in mind not the effect upon the employees, but the effect upon the Government. We, as temporary managers of this great business of government, will not be excusable for doing less or different than the industrial manager of his business. He would not discharge a good man because he had served a fixed period, but he would hold out every inducement for the man to remain so long as he performed his duty acceptably.

We do not need civil pensions so much as we need efficient, hopeful, and contented Government employees, and no limits should be placed upon their tenure other than those of incompetency and unfitness.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Idaho [Mr. HEYBURN] to the amendment proposed by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the adoption of the amendment proposed by the committee as it has been heretofore amended.

Mr. BRISTOW. Mr. President, referring to the amendment suggested by the committee and the general subject which has been under discussion, it seems to me that the question which confronts the Congress is whether or not we shall devise some system by which employees, when they reach the incompetent period of life, when they can no longer work, shall be retired, and the method of their retirement. I do not think there is any doubt but what the departments now are filled with a good deal of what is termed "deadwood," and there is pressure being brought to bear on Congress in the organization of clerks and the lobbies they employ to get a civil-pension list established. The strongest argument that is being made for a civil-pension list is the fact that the departments are full of employees who have grown old and are incapable of rendering efficient service, and the older the service becomes, the longer the time which elapses since the establishment of the civil-service system, the more congested will the departments be with these incompetent old clerks.

As between a term and a civil-pension list, I should favor the term of service. I do not believe that the people of the United States are under obligations to keep during the remainder of their lives men who have had generous compensation for their services while they were in good health. I am in thorough accord with the expression of the Senator from Mississippi [Mr. WILLIAMS] when he says that if the time comes when it is deemed desirable to put on the pension roll the aged employees of the Government, who have been receiving liberal compensation during the years and years in which they have been employed, he will vote to put every man and woman on the pension roll when they reach the same period and the same condition in life.

Mr. CUMMINS. Mr. President, I do not intend to take up the question debated by the Senator from Mississippi [Mr. WILLIAMS] further than to say that in my opinion it is not true that the alternative is either term employment or a civil pension. I am as much opposed to a civil pension as the Senator from Mississippi can possibly be. I believe, however, in a contributory system which will compel the employees themselves to create a fund for their old age. I believe that the law ought to compel the retirement of civil-service employees at a given age.

I hope, however, that the amendments which are now before the Senate will not be disposed of upon the theory that they must be adopted in order to avoid a civil-service pension. When that question comes before the Senate, I am sure another alternative will be presented that will meet the approval of Congress.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee as it has been amended.

Mr. SMITH of Georgia. Has the committee amendment been amended?

The PRESIDENT pro tempore. It was amended by an amendment offered by the Senator from Washington [Mr. POINDEXTER] by the addition of words which the Secretary will read.

The SECRETARY. On page 154, line 17, after the word "dropped," insert "or reduced in rank or salary."

Mr. CUMMINS. What has happened to the amendment proposed by the Senator from Idaho [Mr. HEYBURN] to the amendment?

The PRESIDENT pro tempore. It has been defeated.

Mr. CUMMINS. What is the pending amendment?

The PRESIDENT pro tempore. The pending amendment is the amendment of the committee, known as section 4, as it has been amended by the words just read by the Secretary.

The amendment as amended was agreed to.

Mr. WARREN. On page 133, in line 17, after the word "law," I move to insert the following proviso:

Provided, That the compensation of not to exceed five special agents provided for in this paragraph may be fixed at an amount not to exceed $8 per day.

That refers to the census. In going over the matter we overlooked the fact that there are 20 of that class of inspectors,

and it is necessary to retain some of them. Therefore the five are specified, at an amount not to exceed $8 a day.

The amendment was agreed to.

Mr. WARREN. On page 2, line 22, I move to strike out the words "first assistant librarian," and in line 19, after the word "each," to insert:

First assistant librarian, $2,400.

The amendment was agreed to.

Mr. WARREN. On page 2, line 17, after the word "bookkeeper," I move to insert "assistant journal clerk"; and, in the same line, to strike out of the committee amendment the words "one clerk" and to insert in lieu thereof the words "two clerks"; and on the same page, in line 23, to strike out the word "four" and insert in lieu thereof the word "two."

The amendment was agreed to.

Mr. WARREN. I offer the following amendments, which are necessary to make two appropriation bills—the District of Columbia and the legislative, executive, and judicial appropriation bills—conform.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 148 add, at the end of line 17, the following proviso:

Provided, That on and after July 1, 1912, the surplus fees collected by the clerk of the Supreme Court of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

The amendment was agreed to.

Mr. WARREN. On page 148 I move to add, at the end of line 12, the following proviso:

Provided, That on and after July 1, 1912, the fees collected by the clerk of the Court of Appeals of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

The amendment was agreed to.

Mr. WARREN. That completes the committee amendments, but there is pending an amendment which I offered individually, referring to the physicist, and which we laid over for the time being.

Mr. OVERMAN. Will the Senator yield to me?

Mr. WARREN. Certainly.

Mr. OVERMAN. I wish to offer an amendment. I think the chairman has agreed to accept it, and it will be in the nature of a committee amendment.

Mr. WARREN. Shall we not dispose of the other first?

Mr. OVERMAN. Very well.

The PRESIDENT pro tempore. The Secretary will report the amendment submitted by the Senator from Wyoming.

The SECRETARY. On page 141, line 22, after the words "four thousand eight hundred dollars" insert:

Physicist, qualified in optics, $4,000.

On page 142, line 23, strike out "$236,340" and insert in lieu thereof "$240,340."

The amendment was agreed to.

Mr. OVERMAN. I offer the following amendment, which I understand to be accepted by the chairman of the committee.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 152, line 3, after the word "service," insert the following:

Provided, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services as salary in excess of that paid during the fiscal year 1912, and no salary shall be increased by transfer from said lump sum.

Mr. SMOOT. I should like to have the amendment read again.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. OVERMAN. I will add to it the words "except by promotion."

Mr. WARREN. "Except by regular promotion."

Mr. OVERMAN. "Except by regular promotion." I did have those words in the amendment, but the clerk left them out in copying it.

Mr. SMOOT. I did not hear those words in the first reading of the amendment, and therefore asked to have it again read.

Mr. OVERMAN. I was going to add them myself. I have modified the amendment.

The PRESIDENT pro tempore. The words will be added. The Secretary will read the amendment as perfected.

The Secretary read as follows:

Provided, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services as salary in excess of that paid during the fiscal year 1912, and no salary shall be increased by transfer from said lump sum, except by regular promotion.

The amendment was agreed to.

Mr. MARTINE of New Jersey. I desire to offer an amendment. On page 11, line 9, after the word "at," I move to strike out "$1,200" and insert instead thereof "$1,440." My purpose in offering that is because I feel the present arrangement is utterly unequal and unfair. Our stenographers render an infinite amount of service and are employed long after we adjourn. With a compensation of $1,200 they are receiving no more than the man who sits at a door as doorkeeper. I feel in sheer justice to the stenographers this amendment should be adopted, making it $1,440.

Mr. WARREN. I shall have to make the point of order against that amendment. It is not reported from any committee.

Mr. GALLINGER and Mr. LODGE. And not estimated for.

Mr. WARREN. It is not estimated for, of course.

The PRESIDENT pro tempore. Acting upon that statement of fact, the Chair will have to sustain the point of order.

Mr. TOWNSEND. I desire to offer an amendment on page 9, line 12.

Mr. CULBERSON. I should like to inquire upon what ground the point of order is made.

Mr. WARREN. The amendment is subject to several points of order. Of course it is not estimated for. It was not printed and sent to a committee a day in advance, as the rule requires, and it has not been reported favorably by any committee.

Mr. MARTINE of New Jersey. It was not reported, I confess, but I consulted the chairman of the committee regarding it some days ago, and he felt that it was a matter of fairness and justice. I feel that the techincal point of order is uncalled for.

Mr. SMITH of South Carolina. Do I understand that it is ruled out because we have not yet finished the committee amendments, or do I understand that no modification of any appropriation or any provision of the bill can obtain until it has come into the Senate? Have we finished the committee amendments?

Mr. WARREN. The bill is now in Committee of the Whole and open to amendment. The committee amendments have been acted upon.

Mr. SMITH of South Carolina. Then, do I understand, the bill being in Committee of the Whole and open to amendment, that no modification of any of the appropriations provided for in the bill can be made on the floor without being submitted to a committee and the committee passing upon it?

Mr. WARREN. No, Mr. President; but we have to act on amendments as they come up.

Mr. CULBERSON. My inquiry was due to the fact that the Senator from Wyoming suggested that the amendment was out of order because it had not been reported by a committee. If true, that would have the effect of saying that an individual Senator could not propose an amendment to an appropriation bill, and that is what I object to.

Mr. LODGE. Mr. President——

Mr. CULBERSON. Of course I understand what is in Rule XVI that the Senator wants to read.

Mr. LODGE. The rule is perfectly clear. This is a proposition to increase an appropriation already contained in the bill, and it is not in order. The rule reads:

Unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

This has none of those qualifications and is an increase proposed. It is clearly out of order.

Mr. CULBERSON. Not on the point suggested by the Senator from Wyoming, however.

The PRESIDENT pro tempore. The Chair will state that the ground upon which he announced his ruling was that stated by the Senator from Wyoming, that it is an increase not estimated for. The RECORD will show that that was the statement made by the Senator from Wyoming.

The Senator from Michigan will proceed.

Mr. TOWNSEND. I propose an amendment, which I ask the Secretary to read, as the foundation of what I desire to say.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 9, line 12, after the word "gallery," strike out "$1,800" and insert "$2,000."

Mr. WARREN rose.

Mr. TOWNSEND. Before the Senator objects, I desire to make a statement. I confess I have never become familiar with the rule which the Senator from Wyoming has invoked. I have been in this Chamber a great many times when propositions of this kind have been considered without objection. It is no excuse possibly for me that I did not know it was necessary to prepare an amendment and submit it in writing several

days in advance in order to have it receive consideration, because that rule has not been followed. It may be invoked possibly on an occasion of this kind.

The proposition which I have to offer, Mr. President, is to increase the salary of the superintendent of the press gallery, and I had hoped to follow it with another one increasing the salary of the assistant superintendent and of the messenger of the press gallery. I thought from the statement that had been submitted to me that these were most desirable amendments to be made, and I supposed it would be in order for me to present them when committee amendments had been disposed of.

I offer this amendment, realizing of course under the previous ruling of the Chair that if the rule is invoked it must go out on a point of order. I present the amendment, however.

Mr. MARTINE of New Jersey. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from New Jersey will state his point of order.

Mr. MARTINE of New Jersey. I can not see wherein the amendment of the Senator from Michigan differs from mine.

Mr. WARREN. The Senator is right. These matters, if the Senator from Michigan will think of it, should come before the committee in a regular way and be considered; but the chairman of a committee of 17 does not feel that he can permit all kinds of raises to be made that have not heretofore been considered by a single member of the Committee on Appropriations. It is necessary in order to protect these bills to have matters come in in the regular way. Of course, if they had been estimated for they would have come within the rule. I propose to be liberal. I will say to the Senator that I have already supported heretofore two or three increases of salary of the officers he speaks of, and it is only to preserve the correct order of business that I make the point of order.

Mr. TOWNSEND. Let the Chair state the point of order.

Mr. OVERMAN. I understood the Chair had sustained the point of order.

The PRESIDENT pro tempore. The Chair has not ruled on it. The Senator from New Jersey has made a point of order which the Chair sustains. There is another amendment offered by the Senator from Michigan.

Mr. OVERMAN. Along this line I propose to say the committee worked on this bill for some 10 days and nights. The bill carries $1,400,000 less than the departments estimated for; it carries $1,600,000 less than the last legislative, etc., appropriation bill. We have gone over all these items and we have failed to allow this $1,400,000 that was estimated for. Though the committee have examined all these matters and carefully gone over them, an amendment is introduced here that has had no consideration. I think the wisdom of the rule is shown. There is no telling where we would land if we did not make the point of order against such amendments, that they have not been considered or that they have not been estimated for by the department.

Mr. TOWNSEND. A parliamentary inquiry, Mr. President. I should like to know the status of the amendment which I proposed?

The PRESIDENT pro tempore. The amendment is now in order. The reading was suspended while the Senator from North Carolina [Mr. OVERMAN] was making the statement which he has just made. The amendment proposed by the Senator from Michigan will now be stated.

The SECRETARY. On page 9, line 13, after the word "gallery," it is proposed to strike out "$1,400" and to insert "$1,600."

Mr. WARREN. As to that amendment I make the same point of order, Mr. President.

The PRESIDENT pro tempore. The Senator from Wyoming makes the point of order that this amendment is out of order upon the grounds already stated. The Chair sustains the point of order.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. There is another amendment proposed by the Senator from Michigan [Mr. TOWNSEND], which will be stated.

The SECRETARY. On page 10, line 1, after the word "correspondents," it is proposed to strike out "$900" and insert "$1,000."

Mr. WARREN. Mr. President——

Mr. MARTINE of New Jersey. I make the point of order——

Mr. WARREN. May I ask the Senator from Michigan how many amendments he has offered?

Mr. TOWNSEND. Three.

Mr. WARREN. I make the same point of order on the amendment just offered.

The PRESIDENT pro tempore. The Senator from Wyoming makes the point of order on the amendment just offered, on the grounds already stated. The Chair sustains the point of order.

Mr. SMITH of Georgia. Mr. President, the Senator from North Carolina [Mr. OVERMAN] expresses his approval of the rule and thinks it has worked admirably just at this time. In looking over pages 3, 4, and 5 of the bill, in which I see liberal increases in compensation to the men employed by the big standing committees and certain other places controlled by certain Senators, I am impressed with the fact that it is unfortunate that the rule prevented the Senator from New Jersey [Mr. MARTINE] from having a chance to take care of the clerks of some of the Senators who are not chairmen of committees.

Mr. OVERMAN. The Senator does not contend that it is any violation of the rule to insert these provisions, does he?

Mr. SMITH of Georgia. No; I expressed my disagreement with the Senator's statement that the rule worked well.

Mr. OVERMAN. The rule works well, because the Senate has created these offices and appropriated for them for years, and the Committee on Appropriations are only carrying out current law. If any mistake has been made it has been made by the Senate heretofore. If the Senator desires to propose to decrease the appropriations it is in order for him to do so. He may move to strike out any appropriation here. That would be in order.

Mr. SMITH of Georgia. What I was doing, Mr. President, was calling attention to the fact that the committee seemed all through pages 3, 4, and 5 to have taken care of the compensation of the forces of Senators where they have a number of them, and I could not help feeling that it was unfortunate that the rule did not allow Senators not upon the Committee on Appropriations and not chairmen of other committees to take care of some of their employees. I was just disagreeing with the Senator's statement that the rule worked so well in the present instance. It does work well in a certain way, but the real question is whether or not that way is very well.

Mr. OVERMAN. The Senate rule works well for the Senator from Georgia if he desires to move to decrease any of these amounts, and if he thinks anyone is getting too much salary he may move to reduce it. Let him move to strike out and the rule will protect him. Any Senator has a right to move to strike out or to reduce a salary; but he has not a right to stand here upon the floor, after a matter has been before the committee, and impeach the wisdom of that rule. There are over 90 Senators here, and if we should adopt a different system every one of them will have amendments to offer, and the thing will be endless.

Mr. SMITH of Georgia. I beg the Senator's pardon. I was calling attention to the fact that it did not need action on the floor to take care of the increased pay of the employees of Senators who had committees; but it seems to me unfortunate that the rule works so as to take care of their assistants and to exclude those of the Senator from New Jersey.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. LODGE. I now move an amendment to come in on page 61, line 19. I desire to restore the figures of the current law as to three salaries in the office of the assistant treasurer at Boston—the paying teller from $2,250 to $2,500, the clerk from $2,000 to $2,200, and the vault clerk from $1,800 to $2,000.

Mr. OVERMAN. Has that been estimated for?

Mr. WARREN. I was about to ask——

The PRESIDENT pro tempore. To whom does the Senator from Massachusetts yield?

Mr. WARREN. I think it has not been estimated for.

Mr. LODGE. I am afraid it has not been estimated for.

Mr. WARREN. Then I will make the same point of order against that amendment.

Mr. MARTINE of New Jersey. Mr. President, I would——

Mr. LODGE. Mr. President——

Mr. MARTINE of New Jersey. I would like to inquire——

Mr. LODGE. I still have the floor, I think, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor. To whom does the Senator from Massachusetts yield?

Mr. LODGE. I do not yield, Mr. President, because I wish to offer another amendment, which is not open to the point of order.

The PRESIDENT pro tempore. The Chair had not ruled on the point of order made by the Senator from Wyoming [Mr. WARREN] to the amendment just offered by the Senator from Massachusetts [Mr. LODGE]; but the Chair now sustains the point of order.

Mr. LODGE. I thought the Chair had ruled on the point of order. I anticipated his ruling, however; it is a necessary judgment. I move to strike out, on page 109, the language from line 6 to line 19——

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I should like to finish this amendment, which has nothing to do with the rule.

Mr. CULBERSON. I wanted to recur to the previous amendment proposed by the Senator.

Mr. LODGE. Let me finish this amendment, and then the Senator can recur to it.

I wish to strike out from line 6 to line 19, on page 109, the language relating to the office of Superintendent of the Capitol Building and to insert the same words on page 13, before the words "Capitol police."

The purpose of the amendment is to transfer the Superintendent of the Capitol and the public buildings and grounds about the Capitol where they ought to be, under the control of Congress. The whole work of the superintendent is connected with nothing but the Capitol Building, the Capitol Grounds, and the office buildings. The Superintendent of the Capitol is the officer of the Houses of Congress, connected with nothing else, and it is an absurdity to keep on appropriating for him under the Department of the Interior, which is all that keeps him there.

My attention was drawn to this subject when the committee of Republican conference looked into the matter of the Senate offices. We all agreed that it was an absurdity to keep the Superintendent of the Capitol, our particular officer of the House and the Senate, under the control of the Interior Department.

Mr. MARTINE of New Jersey. Mr. President, I was about to ask a question of the Senator from North Carolina [Mr. OVERMAN], who was very urgent in sustaining the point of order against my amendment. I recall very well about three weeks or more ago handing this identical paper containing the proposed amendment to the Senator from North Carolina, and I asked him to get it inserted in the bill. I had reason to believe that this particular matter had been considered by the committee. I should like to inquire whether the Senator ever presented it to the committee?

Mr. OVERMAN. I did; and it was considered by a committee of 17, and the "Senator from North Carolina" was one of the committee. They did not accept the amendment, but they did consider it.

Mr. MARTINE of New Jersey. But the point made by the Senator was that it had not been considered by the committee. Now, I have the testimony of the Senator that it has been considered.

Mr. OVERMAN. The Senator is mistaken. I did not say it had not been considered; I said it had not been recommended.

Mr. MARTINE of New Jersey. I thought the committee had recommended it when I left you with your smiling face.

Mr. WARREN. I wish to address myself to the pending amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

The SECRETARY. It is proposed to transfer the words in lines 6 to 19, both inclusive, on page 109, to page 13, preceding the subhead "Capitol police," on line 7.

Mr. WARREN. Mr. President, I want to ask the Senator from Massachusetts whether he has taken this matter up with the Superintendent of the Capitol, Mr. Woods?

Mr. LODGE. We talked about it some months ago when we were going over the offices. I do not think the Superintendent of the Capitol has any special attachment to the Interior Department; all his work is here. This tends to simplify it, and is in the interest of better administration.

Mr. WARREN. What I have to suggest to the Senator is, that I think this subject ought to have mature consideration, because this employee force is provided for in the bill in two different places. I am not certain but that the Senator is entirely right and that we ought to change the jurisdiction. At the same time we are confronted with the fact that there is no estimate for it, and that now it is provided for partially on page 109 and partially on page 10.

Mr. LODGE. Mr. President, every sentence, every line, and every figure that I move has not only been estimated for, but has been passed upon by both Houses.

Mr. WARREN. But it is not estimated to be changed and put into a different department.

Mr. LODGE. There is an estimate for the legislative department; it has been reported from a committee; I propose a change. I do not propose to increase the appropriation a cent; I simply propose to put the officer under our own control. He is our own officer. It is a simplification and in the interest of better administration. Therefore I do not think it requires any very mature deliberation to determine that it is better to have this officer serve under one master than under two.

Mr. WARREN. Mr. President, the Senator from Massachusetts, perhaps, misapprehends what I was about to say. I think he is probably right. We ought to place this in a different position, but it is a matter that belongs to the other House as much as it does to us, and the provision has been passed through the House in this shape. So far as I am concerned, I am willing to waive any point of order that could be made and let the amendment go in, but, of course, it will take some further comparisons.

Mr. LODGE. Mr. President——

Mr. WARREN. I beg pardon for just a moment longer. It will take a little further consideration, in my opinion, with relation to the House connection, and the central portion of the Capitol, which is neutral, and so forth. I think it can be done, and done right, after consideration.

Mr. LODGE. Mr. President, I understand, of course, that this is a matter which belongs to the House and the Senate. I put it in——

Mr. WILLIAMS. I should like to ask the Senator from Massachusetts a question.

Mr. LODGE. One moment. I put it in at that point. Like the Capitol police, it is a matter which pertains to both sides. Of course, if the House insist that the Superintendent of the Capitol shall remain under the Secretary of the Interior, they have a perfect right to do so.

Mr. WILLIAMS. I want to ask the Senator from Massachusetts a question for information. At what line and page of the bill does he propose to insert his amendment?

Mr. LODGE. I propose to remove——

Mr. WILLIAMS. Yes; I understand that; but at what line and page did the Senator propose to insert his amendment?

Mr. LODGE. I propose to insert the amendment in the Senate provisions before the provision for the Capitol police.

Mr. WILLIAMS. On page 13?

Mr. LODGE. On page 13; so as to bring it with the Capitol police, which both Houses control.

Mr. WILLIAMS. Mr. President, it seems to me, if the Senator from Wyoming will pardon me a moment, that would not bring it exclusively under the Senate at all.

Mr. LODGE. Oh, no.

Mr. WILLIAMS. That would bring it under both Houses.

Mr. LODGE. Precisely.

Mr. WILLIAMS. And that is where it ought to be.

Mr. LODGE. That is my opinion, of course.

Mr. WILLIAMS. They have got the Capitol police under our charge, and we ought to have the Superintendent of the Capitol and his force subject to our order also.

Mr. WARREN. I want to ask the Senator from Massachusetts whether he thinks these employees are now under the civil service—I mean those directly under the Superintendent of the Capitol? Are they in the civil service under the Interior Department?

Mr. LODGE. Those are under the Superintendent of the Capitol and come under the control of the Senate.

Mr. WARREN. No; I mean those detailed from the Interior Department.

Mr. LODGE. Well, there may be some detailed from the Interior Department; I do not know about those.

Mr. WARREN. They are Interior Department employees, are they not?

Mr. LODGE. Some of them may be detailed.

Mr. WARREN. If they are under the civil service, I shall not object to it.

Mr. LODGE. If it will take them out of the civil service, they can be recalled to the Interior Department, and new ones can be appointed.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Yes.

Mr. GALLINGER. Just a word. Of course no point of order would lie against the amendment of the Senator from Massachusetts, but it looks to me like better administration to transfer this official and his force to the point in the bill suggested by the Senator from Massachusetts, and I hope that will be done. I will make this observation to the Senator having the bill in charge: I think he will have ample opportunity to look into this matter before this bill becomes a law.

Mr. WARREN. There is no doubt about that.

Mr. GALLINGER. And hence, if there is anything wrong about it, it can be adjusted in conference.

Mr. WARREN. I may say to the Senator that I do not propose to interpose any objection, but shall leave it with the Senate. I think the matter can be adjusted, but there are some little minutia that will have to be looked after.

Mr. CULBERSON. Mr. President, I am not especially concerned in any amendment which is pending, but I am anxious to know what the rules of the Senate are and anxious to see them enforced. I understood when I sought to interrupt the Senator from Massachusetts that he had moved an amendment to increase the compensation of some clerk and had stated that his amendment was in accordance with existing law.

Mr. LODGE. That is true.

Mr. CULBERSON. I call the attention of the Chair to the fact that the amendment was strictly in order under the provisions of the first section of Rule XVI.

The PRESIDENT pro tempore. The Chair was not informed of the fact which the Senator has just stated.

Mr. CULBERSON. The Senator from Massachusetts stated in effect, in a colloquy, that the amendment was to carry out existing law.

Mr. LODGE. That is true. The salaries have been cut down from the amount now provided by law and below the amount these men are now receiving.

Mr. CULBERSON. Then, the amendment is strictly in order.

Mr. WARREN. Mr. President——

Mr. LODGE. But, if the Senator from Wyoming will excuse me, the estimate is for the salaries provided in the bill, and therefore—I am sorry to have to say so—the salaries which I moved were not estimated for, and I think the amendment was obnoxious to the rule on that account.

Mr. WARREN. That is the point I wanted to make.

Mr. CULBERSON. That is not necessary, Mr. President, because the rule says an amendment shall not be in order—

unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session.

Therefore—I give it as my opinion for what it is worth—the proposed amendment was strictly in order.

Now, with reference to the complaint of the Senator from Georgia [Mr. SMITH] on my left—and I say this as a member of the Committee on Appropriations—all the increases of compensation of clerks for the Senate as found on pages 2, 3, 4, and so on, would have been in order if they had been moved in the Senate itself, because they were to carry out existing law or resolutions previously adopted by the Senate, and within the meaning and spirit of the first paragraph of rule 16 of this body. I thought I ought to say that much in justice to the committee.

Mr. LODGE. Mr. President, knowing that it was not estimated for, I accepted the ruling on the point of order, but I am bound to say that I think the Senator from Texas is right and that the amendment I proposed would come under the exception:

or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

Now, the existing law gives these three men the salary which I move as an amendment; there is no dispute about that.

Mr. WARREN. May I interrupt the Senator?

Mr. LODGE. Yes.

Mr. WARREN. The existing law is simply that contained in the last appropriation bill.

Mr. LODGE. Precisely; but that is existing law to-day; it does not make any difference if it terminates to-morrow.

Mr. WARREN. But it dies within less than 30 days.

Mr. LODGE. It does not make any difference whether it terminates to-morrow or not; it exists to-day.

Mr. CULBERSON. It would be in order if it were merely in pursuance of a resolution of the Senate passed at this session, as in the case of the increases on pages 2, 3, and 4 of this bill, which have been referred to.

If I may be pardoned a further reference to the committee, I will say that I took this question up in the full committee, not being a member of the subcommittee, and was informed that the increases referred to were proper, because they were to carry out existing law or were in consonance of existing law or resolutions previously adopted by the Senate, fixing the salaries as carried in this appropriation bill.

Mr. OVERMAN. That is true, Mr. President. The committee recommended them because they were in accordance with existing law, but the increases which the Senator from Massachusetts seeks to have made were not recommended by the committee.

Mr. WARREN. Mr. President, just a word. The estimates were made up on the basis, if I may use the term, of a reorganization of the mints, subtreasuries, assay offices, and so forth. Some of the estimates for salaries were higher and some lower, but they came in the regular way to the committee from the Treasury Department. If the Senator from Massachusetts is correct, it would leave us in this position, that no matter who tried to reduce salaries it would be nearly impossible to do so unless in every case they were passed upon and a majority voted to reduce them. In order to make the existing law applicable, the item must come under some law, resolution, or treaty already passed at this session.

Mr. CULBERSON. Oh, no, Mr. President; whether we shall reduce salaries depends upon the vote of the Senate. I am only speaking to the question of order.

Mr. WARREN. That is what I am coming to. It would leave us where they would have to be settled there and could not be settled in any other way. There still remains the fact that they are not estimated for, and they are not here by a favorable report of any committee.

The PRESIDENT pro tempore. The Chair will state that the ruling was made upon the point of order, the ground being stated that the increases were not estimated for. The fact that the amounts proposed were in accordance with existing law was not called to the attention of the Chair and was not embraced in the point of order. The Chair thinks the position of the Senator from Texas is correct, that if the amendment is to carry out existing law it is not within the prohibition. The prohibition is plainly that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

One of the exceptions is—

unless it be made to carry out the provisions of some existing law.

Mr. WARREN. Mr. President, right there I wish to state that there will be no existing law as to this matter on the 1st day of July, and furthermore the law did not pass at this session as required.

The PRESIDENT pro tempore. That is another question. The Chair acts upon it as a statement of fact that there is.

Mr. LODGE. The law exists to-day.

Mr. WARREN. The law to-day is as indicated, but the salary now being appropriated for is for next year. There is no law for that salary next year. As we go along, I will say that the estimates did not call for the amounts provided in the amendment of the Senator from Massachusetts; the committee did not report those amounts, and they are not existing law in the sense that existing law applies to what we are providing for the next fiscal year and law passed at this session.

The PRESIDENT pro tempore. The Chair has made the ruling from the facts as stated. The point of order was sustained simply upon the ground that it has not been estimated for. Does any Senator make any motion? The Chair will state that if the fact had been brought to the attention of the Chair——

Mr. LODGE. The amendment was pending and was ruled out, and I suppose will take precedence of the other amendment I subsequently offered, but I shall move it again.

The PRESIDENT pro tempore. Very well. There is an amendment now pending.

Mr. LODGE. The amendment now pending is to transfer the Superintendent of the Capitol from the Interior Department to the jurisdiction of the two Houses of Congress.

Mr. WARREN. To that I make no objection. It can go to conference.

The PRESIDENT pro tempore. The Chair understands no point of order is made on that amendment. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. Now, I move the amendment providing for the changes in the salaries of three employees in the office of the assistant treasurer at Boston. The first is, on page 61, line 19, at the end of the line, to strike out "$2,250" and insert "$2,500."

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 61, line 19, it is proposed to strike out "$2,250" and insert "$2,500"; in line 20, to strike out "$2,000" and insert "$2,200"; and in the same line, to strike out "$1,800" and insert "$2,000."

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

Mr. WILLIAMS. Mr. President, before that passes I should like to ask the Senator from Massachusetts whether there is any reason for those increases outside of the fact that this is in Boston?

Mr. LODGE. Mr. President, I will explain to the Senator why I asked for it. Of course it was brought to my attention because Boston is in my State, and I represent, in part, the State.

Mr. WILLIAMS. Of course I know that.

Mr. LODGE. A committee went on from the Treasury to investigate the salaries, and the chairman of that committee

stated that the principal object of the reduction of the salary of the paying teller at Boston from $2,500 to $2,250 was to add to the amount of the paying teller's salary at Chicago. I have no objection in the world to increasing the salary of the paying teller at Chicago, but I do not regard it as a good reason for reducing the salary of the paying teller at Boston. He is a man who handles nearly a hundred million dollars a year in cash; he pays a premium on a heavy bond out of his own pocket; and his salary has been the same for nearly 30 years. I think to cut him down for any such reason as that stated is not fair.

Mr. WILLIAMS. Mr. President, I listened very attentively to the Senator from Massachusetts, as I always do; but so far I have heard him give no reason at all except that he thinks it is unreasonable to reduce a salary that has been long in existence.

Mr. LODGE. No, Mr. President; I tried to give another reason. I think for a place of that importance, held by a man who has to deal with a hundred million dollars in cash, and who is obliged to give a heavy bond and pay the premium out of his own pocket, $2,500 is a very small salary.

Mr. WILLIAMS. Then, if I understood the Senator, he gave another reason, which was that what they were taking away from Boston went to Chicago. That is a very good reason——

Mr. LODGE. Will the Senator allow me again?

Mr. WILLIAMS. Yes.

Mr. LODGE. I did not say that that was my reason; I said that is the only reason that was given by the Treasury Department for cutting down his salary.

Mr. WILLIAMS. I beg the Senator's pardon. I expressed myself awkwardly. What I meant to say was that the only reason given by the Senator was his antagonism to the idea of transferring $250 from Boston to Chicago. Well, that may be a very good reason not to give it to Chicago, but it is not a good reason for keeping it in Boston. It seems to me, Mr. President, if we are ever to have any economical administration of the Government at all, when the House of Representatives and a committee of the House of Representatives act and a committee of the Senate acts and they both agree that certain salaries ought to be reduced—and you know what a difficult thing that is; it is awfully hard to get them both to agree; it is so exceedingly difficult that it hardly ever happens—but whenever they do both agree, the House committee and the House forming one party, and the Senate committee forming another, it seems to me that they must have had some good reason for their action.

Mr. LODGE. Mr. President, they took the estimate of the Treasury Department, which had made this cut. If the salary had been left where it has been for 30 years——

Mr. WILLIAMS. Ah!

Mr. LODGE. If the salary had been left, they would not have touched it. It was the suggestion of the Treasury Department. What I object to is that this man, receiving very moderate pay for a very difficult and responsible office, should be selected among all the other for economy. If that is to be done to all the paying tellers, I find no fault; but why should the man at Boston be picked out for it?

Mr. WILLIAMS. Mr. President, economy has got to begin somewhere.

Mr. LODGE. Well, let it begin somewhere else. [Laughter.]

Mr. WILLIAMS. Oh, well, that is what everybody says; but unfortunately for human nature and unfortunately for the method in which God has framed the universe, if you begin anything it has got to begin somewhere.

Mr. LODGE. Let us begin with the first one on the list, then, which is Baltimore.

Mr. WILLIAMS. Now, wait a moment. While I would not select Boston as exactly the initiative point of the entire universe, I still would not resent the beginning of economy in Boston simply because it was Boston.

The Senator from Massachusetts made the case much stronger than I thought it was. I thought, in my ignorance, that I had upon my side merely the House and the House committee and the Senate committee, but I find that I have the Treasury Department as well.

Mr. LODGE. You have.

Mr. WILLIAMS. I find that I have the estimate of the department.

Mr. LODGE. You have; and if the Senator thinks——

Mr. WILLIAMS. Mr. President, in all due reverence—because if there is a man that lives that just simply reverences Boston at a distance, it is I—as I said a moment ago, I would not take Boston as the initiative, but I am rather disposed to think that it is a very good initiative for any great reform. It pretends to have fathered human liberty and American independence and a great many other things, and I think it a very good opportunity to let Boston father economy in governmental administration, wherever the department, plus the House, plus the House committee, plus the Senate committee think it is an appropriate point for beginning economy of some sort.

I beg the Senator from Massachusetts to believe that I say that with that degree of reverence which is due from a mere countryman to a great metropolitan city.

Mr. LODGE. Mr. President——

Mr. WILLIAMS. If the Senator has a reason except that this is Boston——

Mr. LODGE. I have endeavored to give the reasons. I will give them again, if the Senator will allow me, and possibly I can make them clear.

I say the office is underpaid now for a man carrying that responsibility, handling a hundred million dollars in cash, giving a bond on which he has to pay a premium out of his own pocket; that there is no good reason to cut down the salary when Congress after Congress and Secretary of the Treasury after Secretary of the Treasury have for 30 years thought $2,500 was a proper amount.

Mr. WILLIAMS rose.

Mr. LODGE. Now, one minute. We are beginning economy. All right. If we are going to begin economy, let us go on. If this is economy, why do they raise the salaries at Cincinnati? Why do they raise them at New York for officers carrying no responsibility comparable to this officer? And when the Senator says his case is strengthened by the Treasury Department being behind the two Houses I beg to differ with him.

Mr. WILLIAMS. Of course, I always differ with the Senator from Massachusetts with great hesitation, not only because of our respective localities of residence but because of his general intellectual superiority. But I must differ with him in this respect. I have never found in my service in Washington a department or bureau recommending a reduction of a salary without an awfully good reason. I generally find them recommending an advance, a promotion, a reclassification, accompanied with promotions all the way round.

I must, with due deference, differ with another conclusion seemingly drawn by the Senator from Massachusetts. Custom may make laws, but I never heard of custom making salaries; and I do not think we can invoke the idea that because a man has been, perhaps, overpaid for a long, long while he ought to continue to be overpaid for a long, long while to come.

The Senator from Massachusetts said he would attempt to make his point plain, and repeated just what he had said before. If I understand what the Senator from Massachusetts says now and what he said before, it was simply that he thought, it was his opinion, it was his idea, that this man was not paid too much at $2,500 a year; but in opposition to that I put the opinion and the idea of the House and the House committee and the Senate committee and the Treasury Department that he has been paid too much.

Mr. LODGE. Mr. President——

Mr. WILLIAMS. Now, one more point following up the Senator's argument.

I hope the Senator will reduce all these other salaries to correspond, because I admit if Boston is overpaid at $2,500, Cincinnati and other places are also overpaid at the same amount.

I have been hunting all around for a place to begin economy. I have talked with Senators in the cloakroom; I have talked with Senators on the floor; I tried to begin with five regiments of Cavalry; I tried to begin with various things; and every time I speak with a Senator in private or in public conversation, he says, "I am in favor of economy, but that is not the place to begin." Suppose we begin with the cradle of independence, Boston itself.

Mr. LODGE. Mr. President, I do not want to take up the time of the Senate wrangling over a petty salary of this kind. I thought an injustice had been done, and I think so still. The Senator says it is done with good reason. It is good reason. They want to take the $250 and give it to some one at Chicago. That is an excellent reason.

Mr. WILLIAMS. That is a mighty bad reason.

Mr. LODGE. That is the reason they gave.

I am perfectly willing to have a beginning made, and I do not object to Boston sharing in the reductions, but I suggest that when the beginning of reductions is made in Boston, it might not be a bad thing to stop the increases in New Orleans—to spread this economy about. I am not asking for decreases anywhere. I think the men in all these subtreasuries in the different cities are earning their money, and I think the paying teller in this important place, getting $2,500 a year, is not paid as much as men with similar responsibilities get anywhere else.

The singling out of Boston is the least important of it. It is only that we should pay men what they justly and decently earn. I do not want to take up the time of the Senate further.

Mr. SMITH of Maryland. I understand the Senator from Massachusetts to say this man has been getting this salary for years and years.

Mr. LODGE. It has been the salary for 30 years.

Mr. SMITH of Maryland. And the purpose is to reduce it?

Mr. LODGE. To reduce it by $250.

Mr. SMITH of Maryland. It seems to me if we can keep the salaries where they are, we shall be doing good service to the country. We do not find salaries being reduced in other departments of life, and it does seem to me that it is not fair to the subtreasury in Boston that this salary should be cut down.

So far as I am concerned I think we shall do well to keep salaries where they are. Some of them ought to be increased. For my part I think a good many of them should be increased. The responsibilities justify an increase.

Mr. WILLIAMS. In answer to the Senator from Maryland I merely want to say this: While it is true that in all kinds of private industries salaries are being raised, they are being raised because they were too low. But Government employees, in comparison with employees doing the same sort of work in all kinds of private industries—and it was true of the entire country for the last 40 years—have been overpaid, including ourselves, the Senators and Representatives in Congress.

Mr. SMITH of Maryland. That is not my observation. My observation is that men get paid better in private walks of life than they do in the Government service at this time. I do not go back 30 or 40 years.

Mr. WILLIAMS. Men who are doing very special expert work in industrial life get paid more than those in the Government service. But ordinary cashiers, tellers, clerks, men doing work that any honest man can do—the only requisite being that he should be honest—are paid very much more in the Government service than in private industries.

Mr. WARREN. Mr. President, I have no doubt about the point of order, but I will withdraw it and let the amendment go to the Senate for a vote.

Mr. GALLINGER. Mr. President, just a word. I have some knowledge of the duties of this office and I am very fully persuaded that this man has not been overpaid.

Glancing at the bill I find 12 or 15 instances where clerks to committees of the Senate are getting $2,500, some clerks of committees receiving more. It is inconceivable to me that a man handling the amount that this paying teller does in the subtreasury at Boston, under heavy bond, for which he has to pay, is being overpaid in comparison with the salaries that are being paid to the officers of the Senate itself. It is current law, and I hope the Senate will agree to restore the salary to a point which I think is not extravagant, but rather, in my mind, is insufficient, considering the duties this man performs.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. McCUMBER. On page 13, line 8, I move to strike out "$1,200" and insert in lieu thereof "$1,500." This relates to the Capitol police. The amount given to a man with a family to support, who is compelled to live here during the entire year, is less than that which is given the average female clerk in the department who, as a rule, has no large family to look after, and I believe that the amount ought to be increased. It is less than that paid to assistant and clerks and is grossly insufficient. My amendment, beyond this, would be to change the "$1,200" to "$1,500"; the two special officers at "$1,200" to "$1,500"; the 67 privates from "$1,050" to "$1,200"; and following the rule that was adopted in the case of the previous amendment I would move them all as one single amendment—that is, to strike out, in line 8, "$1,200" and insert "$1,500"; in line 9 to strike out "$1,200" and insert in lieu thereof "$1,500"; and in line 10 to strike out "$1,050" and insert in lieu thereof "$1,200."

Mr. OVERMAN. I make the point of order that it is not estimated for and is not recommended by a committee.

Mr. McCUMBER. I am willing to submit it to a point of order. It is estimated for; and, of course, it would not have gone into the bill if it had not been estimated for. It is simply a question of changing the amount. We are not bound to follow the exact amount that is estimated, as long as there is an estimate for that particular office. That does not tie the hands of the Senate. It can make it either more or less.

Mr. OVERMAN. I understood the Senator to move to increase the compensation of the 67 privates from $1,050 to $1,200.

Mr. McCUMBER. We have just as much right to increase the amount as we have to increase the number. They are estimated for. The only difference is that the Senate has now changed the number, and if we were to have the rule enforced as it is enunciated by the Senator from North Carolina we might as well have no discussion on any amendment as to amount or as to number.

Mr. OVERMAN. The amount estimated is $1,050. The committee recommended $1,050. Therefore this amendment is not estimated for or recommended by the committee.

Mr. McCUMBER. Therefore if the recommendation of the department is $1,050 and the committee agrees to $1,050, the Senate can not put it at any more or any less. I submit that that is not the rule.

Mr. POMERENE. What occasion is there for increasing the number of privates from 33 to 67?

Mr. McCUMBER. That was discussed some time ago, and was agreed to, and I do not care to go into that branch now.

Mr. POMERENE. I was not present at the time.

Mr. McCUMBER. That was fully gone over, and we spent a day or two, I think, on the number that ought to be provided.

The PRESIDENT pro tempore. The Chair is not in a position to decide the question of fact whether or not it has been estimated for.

Mr. OVERMAN. There is no claim that it is estimated for. The total will be increased very considerably, as the Chair can see.

The PRESIDENT pro tempore. The Chair can only rule upon the point of order, assuming the state of facts stated to be correct. If the fact that the increases are not estimated for is disputed——

Mr. McCUMBER. No. I do not understand that there is any claim that that number has not been estimated for.

Mr. WARREN. Mr. President, the point of order really lies on this. The number has been estimated for, as the Senator says, but this is a raising of salaries, increasing the amount in an appropriation bill without an estimate for the raise and without its being reported upon by any standing committee. That would be the point.

Mr. McCUMBER. It is in exactly the same position as the one just now passed. There is no distinction whatever. The only distinction whatever is that the committee itself in one instance sought to amend by inserting 67 instead of 33 as the number.

Mr. WARREN. To what amendment does the Senator allude as just having been passed?

Mr. McCUMBER. I mean the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. WARREN. The Senator from Massachusetts did not ask any raise of salary beyond what the officer is getting now, but the Senator from North Dakota does.

Mr. McCUMBER. O Mr. President, I do not think that is the distinction at all. I do not think the Chair will claim that.

The PRESIDENT pro tempore. The Chair ruled the former point of order not well taken upon the ground that the amendment was for an expenditure provided by existing law. That was the ground upon which the Chair made the ruling. The general rule is that unless estimated for, if an amendment increases an appropriation, it can not be received. But one of the exceptions is, to read the language:

Unless it be made to carry out the provisions of some existing law.

It was upon the ground that the amendment fell within that exception that the Chair made the former ruling.

The point of order now made is that this item is not estimated for. The Chair does not understand that there is any exception claimed to take it out of the general rule.

Mr. McCUMBER. Mr. President, there is no denial that it has been estimated for. The only question raised is that it has not been estimated for at this particular amount, and therefore that we can not raise the amount.

I submit to the Senator in charge of the bill that there has been an estimate made for a captain of police, at $1,800, and an estimate made for two lieutenants, at $1,200, which the committee changed to three lieutenants; that there has been an estimate made for two special officers, at $1,200 each; also, that there has been an estimate made for 33 privates, at $1,050 each, which the committee has changed to 67 privates.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I think the rule is very clear:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations—

That has not been done in this case—

And when actually proposed to the bill no amendment proposing to increase the amount stated in such amendment shall be received.

It seems to me, Mr. President, that this increase has not been estimated for, and that it comes directly under the terms of Rule XVI.

Mr. McCUMBER. Does the Senator claim that the amendment which has just been agreed to was referred to the committee one day before it was considered?

Mr. GALLINGER. That was determined upon an entirely different proposition—that it conformed to existing law, and hence was an exceptional case under the rule.

Mr. McCUMBER. Mr. President, that is a distinction without a difference.

Mr. OVERMAN. Mr. President, this is an increase of an estimate. The total amount estimated was $162,000. This amendment proposes to increase the estimate from $162,000 to about $170,000.

Mr. McCUMBER. Let me ask the Senator if he claims that the committee has authority with reference to increases that the Senate itself has not?

Mr. OVERMAN. The Senate has made certain rules of order here by which the Chair is to be governed.

Mr. McCUMBER. The Senate has made no rule that gives any committee created by the Senate a power greater than the Senate itself has. If there is such a rule, I should like to have the Senator point it out to me. If the creature of the Senate has under any rule a power greater than the power the Senate has with reference to an amendment, I certainly should like to see it.

Mr. OVERMAN. The Senate has made certain rules to govern the Senate and to govern the committee. The committee has been governed as far as it knew how by the rules of the Senate. Rule XVI is to govern the Senate, and the point of order is made and is submitted to the President of the Senate to rule upon under the rule that the Senate has made.

Mr. McCUMBER. Then, Mr. President, so we may not misunderstand each other, and so it may stand as a precedent in future cases, the position is that if there is an estimate made by the department for one captain at $1,800, and the committee acts upon that estimate and adopts it, there is no such thing permissible as an amendment of it in the Senate——

Mr. GALLINGER. Except by unanimous consent.

Mr. McCUMBER (continuing). That the Senate can not raise the amount? If we are to have that as a precedent, I want to know that it is a precedent which we can call up at any time, and interpose it against any amendment raising any salary by one cent unless it has been acted upon by the committee and the committee itself has changed it.

Mr. WARREN. Oh, no, Mr. President; any standing committee of the Senate can recommend an increase, and that makes it in order.

Mr. McCUMBER. But the Senate can not recommend an increase?

Mr. WARREN. A Senator may rise in his place and propose it, but if a point of order is made the rule certainly covers the case, and always has covered it. To make it in order there must be either an estimate or a favorable report from some committee, either the Committee on Appropriations or some other standing committee. Otherwise the appropriation may not be increased.

Mr. McCUMBER. The Senator does not seem to understand my proposition. The difference between us is this: I insist that if there has been an estimate made, that opens the matter for discussion and amendment. If there has been no estimate made, of course I will agree that the rule applies. But we are not bound by the figures of the estimate; and once having the estimate made by a department and brought in by the committee, I insist that there is no standing rule of the Senate, when properly construed, under which the amount is sacred, and we can not change it. If there is, let us have it and follow it hereafter.

Mr. WILLIAMS. Mr. President, some time ago I gave notice that I would hand the Secretary an amendment. I want to hand it to him now, and ask that it be published in the RECORD for information.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The point of order made is that this increase has not been estimated for. The general rule is that no amendment——

Mr. WILLIAMS. Mr. President, one moment; I give notice that I want to call up that amendment to-morrow, when we get back to the consideration of the bill. For the information of the Senator from Wyoming, I wish to say that this is the amendment he asked me to have prepared and put in the RECORD.

Mr. WARREN. I hope the Senator will not talk about "to-morrow," because we may not have the bill under consideration to-morrow. I should like to finish it to-night.

The PRESIDENT pro tempore. Senators will please postpone——

Mr. WILLIAMS. Then, Mr. President, I fail to understand the object of the request of the Senator from Wyoming.

The PRESIDENT pro tempore. The Chair was proceeding to rule——

Mr. WILLIAMS. The Senator from Wyoming asked me to have the amendment prepared and put it in the RECORD so that Senators could read it. I do not see how we can read it in the RECORD to-day.

The PRESIDENT pro tempore. The Chair was proceeding to rule upon the point of order.

The point of order made was that the amendment offered by the Senator from North Dakota had not been estimated for, and therefore was out of order.

Mr. WARREN. Mr. President, the Chair says that is the point of order. I did not so understand it. That was only one branch of it. What becomes of the balance of Rule XVI?

The PRESIDENT pro tempore. Will the Senator permit the Chair to proceed with the ruling? Then, if there is any other point, the Chair will be glad to hear it stated.

Mr. WARREN. I myself made the point under the whole rule. Perhaps I am not in order, though, if the other point has been made.

The PRESIDENT pro tempore. The Senator from Wyoming will please state his point of order.

Mr. WARREN. The point of order is that it has not been estimated for and that it increases the amount of an appropriation without having had the indorsement of any standing committee. The reading of Rule XVI will advise the Chair of the situation:

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation.

And so forth.

The PRESIDENT pro tempore. The Chair was proceeding to rule upon that very point.

The general rule is this:

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

Then follow certain exceptions. One of the exceptions is:

Unless * * * proposed in pursuance of an estimate of the head of some one of the departments.

The Senator from North Dakota contends that the estimate for the number of policemen would comply with that requirement of the rule.

In the opinion of the Chair, the words "proposed in pursuance of an estimate of the head of some one of the departments" refer to an estimate for that increase; and therefore, unless the increase has been estimated for, that the amendment is not in order.

Mr. BURTON. Mr. President, I desire to call up an amendment submitted on the 28th of May.

The PRESIDENT pro tempore. The Senator from Ohio proposes an amendment, which the Secretary will report.

The SECRETARY. On page 136, line 13, immediately after the figures "$2,500," insert the words—

Chief of Division of Compilation, $2,000.

Mr. BURTON. Mr. President, this is in pursuance of a letter of the Secretary of Commerce and Labor which gives this list, and states:

The House bill does not provide for this position, although there is a chief of division (of compilation), at $2,000, now in the Bureau of Statistics. It will be still necessary to maintain this division without in any degree lessening its responsibilities or duties.

Mr. WARREN. I understand that to be within the estimate.

Mr. BURTON. It is.

Mr. WARREN. Will the Senator send the letter to the desk?

Mr. BURTON. I will send the letter to the desk. It is somewhat voluminous, however.

Mr. WARREN. I mean, just the point to which the Senator has referred.

Mr. BURTON. It is upon pages 5 and 6. That is, it is in the estimate as transmitted in this letter. I will suggest that perhaps I had better read the portion referred to, as the letter contains other unrelated recommendations.

The Secretary of Commerce and Labor, as a substitute for the provision as it came from the House, gives an enumeration of the positions in the proposed Bureau of Foreign and Domestic Commerce:

Chief of bureau, $5,000—

That is carried here at $4,000—

assistant chief of bureau; stenographer to chief of bureau; chief clerk; chief statistician; chief, Division of Consular Reports; chief, Division of Compilation.

Then the letter gives the list of clerks.

I presume it is unnecessary for me to repeat his statement, which I have already read, to the effect that this position is necessary under the reorganization as well as under the old plan. This amendment is also in pursuance of existing law, as the position has existed for, I think, 10 years or more.

Mr. McCUMBER. Mr. President, I raise a point of order against this amendment and cite the rule just cited by the Chair, that—

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill—

This increases the appropriation already contained in the bill—

or to add a new item of appropriation—

This adds a new item of appropriation—

unless it be made to carry out the provisions of some existing law or treaty stipulation.

This is not to carry out the provisions of an existing law any more than the amendment which I proposed a short time ago was to carry out the provisions of an existing law. Also because the same has not been moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. BURTON. I think if the Senator from North Dakota will carefully examine the exceptions he will find that there are two exceptions very distinctly stated, either of which makes this amendment germane. In the first place, it is in pursuance of existing law, being a position of long standing and an integral part of the Bureau of Statistics. I will read the exceptions from the rule:

Unless it be made to carry out the provisions of some existing law—

As I have said, there is an existing law for this position. It has been in existence for 10 years as an essential part of the Bureau of Statistics. Then, passing by others not applicable—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate—

We come to another exception which clearly justifies this amendment—

or proposed in pursuance of an estimate of the head of some one of the departments.

Here is an estimate of the head of the Department of Commerce and Labor and a statement clearly setting forth his position in reference to it:

The House bill does not provide for this provision, although there is a chief of division (of compilation) at $2,000 now in the Bureau of Statistics. It will be still necessary to maintain this division without in any degree lessening its responsibilities or duties.

The PRESIDENT pro tempore. The Chair is not in a position to pass on the question of fact raised. The Chair knows nothing as to whether an estimate has been made or not. The Chair would be very glad to hear from the chairman of the Committee on Appropriations.

Mr. WARREN. I will say, in order to inform the Chair, that in the original estimate which precedes the law a chief was estimated for without giving the title of bureau or division, and we did not include it. The only difference is that the amendment now offered names the place the chief is to have. Therefore, so far as the estimate is concerned, it is true that it was estimated for. It is also true that in the combination made in this Bureau of Domestic and Foreign Commerce there has been quite an uncertainty as to how the Department of State and the Department of Commerce and Labor were affected. In amalgamating them, one depended upon another. It seemed to the subcommittee, and later to the full committee, that in getting it together they missed this one place, which we thought was not necessary at the time. The letter explains the situation.

The PRESIDENT pro tempore. Upon the assumption that the expenditure had been estimated for, the Chair will overrule the point of order.

Mr. OVERMAN. Mr. President, I wish to say as to the merits of the case that, so far as I am concerned, it was understood when these great departments were consolidated that there would be some money saved to the Government by the consolidation. I thought they had enough clerks, and I shall vote against this amendment. I do not see any reason for a consolidation if we are going to put all the old clerks back. Here are three departments consolidated into one department. It seemed to me that the compilation might be done by fourth-class clerks who get $2,000 each.

Mr. BURTON. On that point I will state that there is not an unusual number of chiefs here. There are two assistant chiefs. There is a very large amount of labor. This man has had 10 subordinates under him for a number of years, and the officials of the bureau state that the position is still necessary for the performance of efficient work.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Ohio. [Putting the question.] The noes appear to have it.

Mr. BURTON. I call for a division upon the question.

The PRESIDENT pro tempore. A division is demanded. [After a pause.] No quorum has voted. What is the pleasure of the Senate?

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON].

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH] and vote. I vote "yea."

Mr. JOHNSON of Maine (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT], and I withhold my vote.

Mr. GALLINGER (when Mr. SANDERS's name was called). I was requested to announce that the junior Senator from Tennessee [Mr. SANDERS] is paired with the junior Senator from Indiana [Mr. KEAN].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH] is absent on important business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). Has the Senator from Maryland [Mr. RAYNER] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. SUTHERLAND. I have a pair with that Senator, and I withhold my vote.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to my colleague [Mr. PERCY] and vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the senior Senator from Minnesota [Mr. NELSON], and vote "yea."

Mr. CURTIS. I am paired with the Senator from Nevada [Mr. NEWLANDS], and therefore withhold my vote.

Mr. PAYNTER. I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], who is absent from the Chamber, and I therefore withhold my vote.

Mr. SMITH of South Carolina. I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. CURTIS. I transfer my pair with the Senator from Nevada [Mr. NEWLANDS] to the Senator from Nebraska [Mr. BROWN] and vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He has not voted, and I desire to withdraw my vote.

Mr. SUTHERLAND. I will transfer my pair with the Senator from Maryland [Mr. RAYNER] to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. BURNHAM. I will inquire if the junior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. BURNHAM. I have a general pair with that Senator, and therefore withhold my vote.

Mr. CHAMBERLAIN. If there is doubt about a quorum I will transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maryland [Mr. SMITH], and this will permit the Senator from New Hampshire [Mr. BURNHAM] to vote. I will let my vote stand.

Mr. BURNHAM. Under the transfer of pairs just announced, I vote "yea."

The result was announced—yeas 30, nays 20, as follows:

YEAS—30.

Bourne	Cullom	Heyburn	Stephenson
Bradley	Cummins	Jones	Sutherland
Briggs	Curtis	Lodge	Townsend
Burnham	Dillingham	McLean	Warren
Burton	du Pont	Page	Watson
Catron	Fletcher	Perkins	Wetmore
Clapp	Gallinger	Pomerene	
Crawford	Gore	Smoot	

NAYS—20.

Ashurst	Clarke, Ark.	Martine, N. J.	Smith, Ga.
Bacon	Culberson	Myers	Smith, S. C.
Bristow	Johnston, Ala.	Overman	Swanson
Bryan	McCumber	Shively	Tillman
Chamberlain	Martin, Va.	Simmons	Williams

NOT VOTING—44.

Bailey	Foster	Lippitt	Rayner
Bankhead	Gamble	Lorimer	Reed
Borah	Gardner	Nelson	Richardson
Brandegee	Gronna	Newlands	Root
Brown	Guggenheim	O'Gorman	Sanders
Chilton	Hitchcock	Oliver	Smith, Ariz.
Clark, Wyo.	Johnson, Me.	Owen	Smith, Md.
Crane	Kenyon	Paynter	Smith, Mich.
Davis	Kern	Penrose	Stone
Dixon	La Follette	Percy	Thornton
Fall	Lea	Poindexter	Works

So Mr. BURTON's amendment was agreed to.

Mr. WILLIAMS. I sent an amendment to the desk. I ask that the amendment be published in the RECORD, and that we agree to take a vote upon it to-morrow morning when the bill is called up. I do not care to discuss it, but I should like to give Members of the Senate an opportunity to read the amendment and compare it with the House provisions and with the Senate amendment. I call up the amendment for the purpose of making that request.

Mr. WARREN. I did not catch the drift of the Senator's remarks. What was his request?

Mr. WILLIAMS. I requested that the amendment be published in the RECORD, and that we take a vote upon it to-morrow morning without any further discussion. I do not care to discuss it, but I want to give every Member of the Senate an opportunity to read it and compare it with the House provision and with the Senate amendment.

Mr. WARREN. Does not the Senator think that if it were read the Senate would then be ready to vote on it to-night?

Mr. WILLIAMS. I doubt it, unless every Senator had the bill in his hand to follow it. It is a rather far-reaching amendment.

Mr. WARREN. The Senator knows in what anxiety we are to try to finish this appropriation bill. The Senator from North Carolina [Mr. SIMMONS] is shaking his gory locks at me now regarding the unfinished business.

Mr. WILLIAMS. There is nothing in my request which interferes with that.

Mr. CUMMINS. I ask the Senator from Wyoming whether he proposes to make a point of order against the amendment submitted by the Senator from Mississippi?

Mr. WILLIAMS. No point of order would lie.

Mr. CUMMINS. If he does, it seems to me it might well be made now. I do not know whether he intends to do it, but from the general trend of his suggestions heretofore I believe that he would be of the opinion that it is subject to a point of order.

Mr. WARREN. I understand the amendment is not in order now, and will not be in order until we get into the Senate. It is not in order as in Committee of the Whole, because we have already adopted the amendments in the bill, and if in order at all it comes up in the Senate. Of course the amendment seeks to become a substitute——

Mr. WILLIAMS. It seeks to amend the Senate amendment.

Mr. WARREN. It is, in other words, a substitute for both the House provision and the Senate committee amendment.

Mr. WILLIAMS. But it is an amendment of the Senate to the House provision, and it is not subject to a point of order at all.

Mr. WARREN. It would be most desperately out of order were it not for what is already in the bill. I do not feel, with what we have in the bill, as if I should want to make a point of order against it, although when we come to act upon it it may seem to me to be subject to a point of order.

Mr. CUMMINS. I did not want to suggest to the Senator from Wyoming that he could make a point of order, and I certainly do not wish to make one, but if one is to be made it might well be made now, because if we enter upon the debate of the entire civil service, what it has done and what we hope for it, it may take quite a while.

Mr. WARREN. The amendment is not offered yet.

Mr. WILLIAMS. Mr. President, I certainly hope that the Senator from Iowa will at least read the amendment before he repeats his last observation. It not only does not repeal the entire civil-service system, but it does not repeal a bit of it, except——

Mr. CUMMINS. I heard the very eloquent address of the Senator from Mississippi, and I assume that everything which he said in that address is pertinent to the amendment which he offers. His address covered the whole scope of the civil service. It covered the issue as between appointments during efficiency and appointments during a term. It covered the question of the contributory pension system, the civil-service pension system, and everything else that could possibly enter into one's consideration of the civil service, and the manner of appointment and the manner of dismissal. I could not, with my view of the matter, allow it to pass without some discussion.

Mr. WILLIAMS. That is the very reason why I have made the request.

Mr. CULLOM. If the amendment is going to be discussed let it be read.

Mr. WILLIAMS. The amendment does not in the slightest degree weaken or hurt the civil-service system. On the contrary, it strengthens it. The only thing it is intended to do is to remove from the future the deadened lumber in the way of an accumulation of superannuation which year by year takes place.

It may be true that while I was discussing the question I discussed everything as far as I could cognate to it, everything that it might affect, everything that it might help or hurt, but the amendment speaks for itself. The amendment is intended to coalesce and harmonize the existing nonpartisan and nonpolitical public service with a fixed tenure of office, so that there shall not be an accumulation of superannuation from year to year. That is all it does. There is nothing that has anything to do with entrance into the civil service; it is just as it is now. There is nothing in it that prevents reappointment, except a provision that where a civil-service employee falls below the minimum rate to be fixed by the Civil Service Commission he shall go out at the end of five years; that is all.

Mr. GALLINGER. Will the Senator yield to me?

Mr. WILLIAMS. Certainly.

Mr. GALLINGER. I will ask the Senator if I understood him correctly to say that if the amendment should be printed in the RECORD and go over until morning he is willing that a vote shall be taken upon it without further debate?

Mr. WILLIAMS. Without further debate as far as I am concerned. I do not desire to debate it. All I want is to give Senators an opportunity to read it and compare it with the bill.

Mr. GALLINGER. I am quite sure the chairman will agree to that.

Mr. WILLIAMS. I do not think Senators can do that now, because most of them have not the bill before them. Talking about it is one thing and taking it and comparing it with the bill is another.

Mr. CUMMINS. I have not seen the amendment. All I know is through the address of the Senator from Mississippi. I am not ready to agree that we shall take a vote upon it without debate.

Mr. SMOOT. Let the amendment be read.

Mr. CLAPP. I suggest that the whole situation be cleared up by taking the vote Saturday morning, and then to-morrow morning bringing in the bill the Senator from North Carolina [Mr. SIMMONS] has in charge. That would harmonize with his desires.

Mr. SIMMONS. That would be very satisfactory.

Mr. WILLIAMS. How will that do?

Mr. GALLINGER. I suggest to the Senator from Mississippi, if he pleases, that he let the proposed amendment be now read. It will then go in the RECORD, and the matter as to when the vote shall be taken will be determined later.

Mr. WILLIAMS. Then I ask for the reading of the amendment, Mr. President.

Mr. SIMMONS. If I can get the attention of the Senator from Mississippi for a minute I desire to say I had hoped very much that we might be able to finish the appropriation bill this afternoon. I have no sort of objection to the Senator's request provided it is coupled with the condition that if the bill is not disposed of this afternoon and the amendment is to be submitted for consideration to-morrow——

Mr. WILLIAMS. I do not understand that my request could possibly conflict with the chemical tariff bill. That is what the Senator is talking about. That will come up to-morrow if my request is granted. It certainly would not take 20 minutes to call the roll of the Senate and vote on the bill.

Mr. SIMMONS. As the Senator from Iowa says he can not give consent to an agreement that there shall be no debate on the amendment to-morrow, my suggestion is that if possible we finish the bill this afternoon; and if we fail to finish the bill this afternoon then let the Senator's amendment be printed in the RECORD.

Mr. WILLIAMS. I am not willing to agree that an amendment of this magnitude, without any opportunity on the part of Senators to read it and compare it with the provisions of existing law, should be voted upon this afternoon. So far as I am concerned I am willing to make any agreement that will

give Senators an opportunity to read the amendment and compare it with existing law, compare it with the House provision, compare it with the Senate amendment, and take a vote upon it.

Mr. WARREN. I suggest that the amendment is not pertinent until we get out of the Committee of the Whole and in the Senate. I understand we are still in Committee of the Whole and the bill is still subject to amendment. If the Chair will ask if there are further amendments in Committee of the Whole, and if there are none, and we go into the Senate, then the amendment will be pertinent.

Mr. WILLIAMS. Let me get the situation. As the Senator knows, I was absent yesterday. Were the Senate amendments on pages 152 and 153 adopted yesterday?

Mr. WARREN. One was adopted yesterday and one was adopted to-day.

Mr. WILLIAMS. When was one adopted to-day? It was not adopted while I was here.

Mr. WARREN. I think it was adopted while the Senator was here.

Mr. WILLIAMS. No; it was not, for I was watching it very closely. I did not hear it. I had an amendment pending to it. I do not see how it came to be adopted.

Mr. CUMMINS. I think the Senator from Mississippi probably refers to sections 4 and 5 of the House bill. The amendments proposed by the committee striking those sections out were agreed to yesterday.

Mr. WILLIAMS. But the Senate amendment, as a substitute for them, was not offered and never has been, if I understand it.

Mr. CUMMINS. The amendment was agreed to to-day, as I understand it.

Mr. WARREN. The Senator from Mississippi loses nothing by that course, because the amendment to which we agreed yesterday, as well as the other, made his amendment not in order until we get into the Senate.

Mr. WILLIAMS. No; I have no objection to the modus operandi at all. I merely want to know that there will be some modus; that is all.

The PRESIDENT pro tempore. The reading of the amendment has been called for. Without objection, it will be read.

Mr. WILLIAMS. I suggest the reading of the amendment.

Mr. GALLINGER. Let the proposed amendment be read for information.

The SECRETARY. In the bill as printed it is proposed by the Senate to strike out from the House text section 5 as printed on pages 152 and 153. The Senator from Mississippi now proposes to perfect the portion of the bill proposed to be stricken out. In the first place, on the top of page 152, beginning with the word "and," line 1, strike out down to the word "*Provided*," in line 7. Then after the word "shall," in line 8, page 152, there be inserted these words: "except as hereinafter prescribed"; that in line 12, page 153, the word "fair" be stricken out, and that after the word "efficiency," in line 12, page 153, these words be inserted: "prescribed by the Civil Service Commission," so that the provision as amended will read as follows:

SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine: *Provided*, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years, if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time for good and sufficient cause any employee of his department.

Mr. WILLIAMS also moves that in the Senate committee amendment, after the word "promoted," on line 5, page 154, there be inserted these words, "or reappointed at the end of his five years' service," and on line 6 strike out the words "below which no employee may fall without being demoted," and insert, after the word "rating," on line 6, this language, "and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit," so that the amendment shall read as follows:

SEC. 6. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a maximum rating, below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section.

During the reading of the amendment,

Mr. WILLIAMS. Wait one moment. That is a mistake of the committee. It should be "minimum rating" there, evidently.

The SECRETARY. It is proposed to change the word "maximum" to "minimum."

Mr. WARREN. Both of those words are used in the original amendment, and properly used, I think.

Mr. WILLIAMS. Yes; I understand; but in that case, if the Senator will pardon me, it is evidently a misprint. The provision reads:

It shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency.

Mr. WARREN. That is right.

Mr. WILLIAMS. Of course it means a minimum rating.

Mr. WARREN. I beg pardon, it does not. It means just what it says. Employees must attain that maximum rating or they are to be demoted.

Mr. WILLIAMS. Oh, yes; I understand.

Mr. JONES. I offer an amendment, in line 21, on page 68, after the word "other," to insert "clerks and."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WARREN. Wait a moment. I want to know where that amendment is proposed to be inserted.

Mr. OVERMAN. On page 68, line 21.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington [Mr. JONES] will be stated.

The SECRETARY. On page 68, line 21, after the word "other," it is proposed to insert the words "clerks and," so that if amended it will read:

For wages of workmen and other clerks and employees, $22,000.

Mr. GALLINGER. The word "other" ought to go out.

Mr. JONES. I will say, Mr. President——

Mr. WARREN. I have not yet located the amendment.

Mr. JONES. It is on page 68, line 21.

Mr. WARREN. It now reads:

For wages of workmen and other employees, $22,000.

Mr. JONES. Yes. I propose to make it read "other clerks and employees." The purpose of that, Mr. President, is simply this——

Mr. WARREN. Does the Senator propose to increase the amount of the appropriation?

Mr. JONES. Not at all.

Mr. WARREN. Then I have no objection to the amendment.

Mr. JONES. It is merely to meet an emergency which may require the use of extra help for a little time. I am not proposing to increase the appropriation at all.

Mr. GALLINGER. I suggest that the word "other" ought to go out, so that it will read:

For wages of workmen, clerks, and employees.

Mr. JONES. I follow the language that was in the last law.

Mr. GALLINGER. The word "other" ought to go out.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In the amendment just proposed, before the word "clerks," it is proposed to strike out the word "other," so as to read:

For wages of workmen and clerks and employees, $22,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES. I desire to offer another amendment, to come in on page 93, line 5, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 93, line 5, after the sum "$2,000," it is proposed to insert "who may act as or be appointed director," so that if amended it will read:

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely, one at $2,000, who may act as or be appointed director.

The amendment was agreed to.

Mr. JONES. I offer another amendment on page 93, to strike out lines 9, 10, and 11.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 93, it is proposed to strike out lines 9, 10, and 11, as follows:

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000.

Mr. WARREN. Mr. President, it is not necessary for me to say that the Senator from Washington may be better acquainted with this subject than I am. I do not know enough about it to object to his amendment. I am willing, however, that the amendment shall be agreed to and that the matter shall be considered in conference.

Mr. JONES. I will suggest that this amendment will not affect the efficiency of the work.

Mr. McCUMBER. On what page is the Senator's amendment?

Mr. JONES. On page 93, to strike out lines 9, 10, and 11.

Mr. LODGE. I should like——

Mr. JONES. I might first state the purpose of my amendment.

Mr. CUMMINS. I should like the Senator from Washington to explain why he wants to cripple that office in that way?

Mr. JONES. I desire to say that I do not want to cripple the office, but I want to make the office effective. I am satisfied that all the work that is provided to be done in lines 9, 10, and 11, on page 93, can be done under the regular appropriation and by the regular force of that office. I am further satisfied that the committee of conference, when the matter goes to them and they look into it, will be satisfied that the work can be done with the appropriation provided for in the lines from 3 to 8, and can be done more efficiently than if it were done with this additional appropriation.

Mr. WARREN. Mr. President, I remarked a moment ago that I did not know very much about this matter, but the clerk of the committee calls my attention to the fact that a letter has just been received from the Navy Department in reference to it. I ask that the letter may be read at the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF THE NAVY,
Washington, June 11, 1912.

MY DEAR SENATOR: Referring to the CONGRESSIONAL RECORD for June 8, 1912, page 8323, in regard to the appropriation for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000, and with particular reference to your statement in connection therewith that "unless I have further information in regard to it when the proper time comes, I shall not oppose the Senator's motion" (motion of Senator POINDEXTER to strike out this appropriation), I beg to furnish the following for your consideration:

The fund in question, $7,000, is used to supplement the work of the regular assistants in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, used in making the predictions in the Ephemeris. The regular assistants cost $13,600, all their work being done at the observatory here in Washington, but piecework is required in addition from computers in various parts of the country.

The law requires that the Ephemeris be published three years in advance. Due to changes made in the Ephemeris several years ago, the work fell behind, the date of issue becoming less than three years in advance, and recently the entire force of the office has been used in making up arrears of work. The introduction to the Ephemeris for 1913 is dated January, 1911; that for 1914, October, 1911; and it is expected to send the final copy for 1915 to the printer next month, July, 1912, so that its issue will still be nearly a year late.

The total cost of the American Ephemeris and Nautical Almanac for one year was, for 1912, $21,000; for 1913, $17,000; for 1914, $15,700. From one to two thousand dollars have been saved through exchange of work with the British Nautical Almanac Office. It is hoped to reduce the cost of publication still further, but the appropriation for the regular assistants alone, $13,600, was not sufficient to get out any one of the last three volumes published, and will not suffice to carry on the work and make up arrears.

The figures given in the preceding paragraph do not cover the cost of making up the work which is behind; so that, if the piecework fund is omitted from the appropriations without increasing the number of regular assistants, the work of improving the tables of the planets, moon, and stars can not be carried on, and the date of issue of future volumes of the Ephemeris may become more and more behind the three-year requirement of the law.

Further, it may be added that some of the best men employed in this work are pieceworkers, and that to reduce the appropriation, as proposed, might impair the value of the American publication as an astronomical standard of well-recognized accuracy.

Faithfully, yours,

BEEKMAN WINTHROP, Jr.,
Acting Secretary of the Navy.

Hon. FRANCIS E. WARREN,
United States Senator, United States Senate, Washington, D. C.

Mr. LODGE. Mr. President, I only want to say a word in regard to this subject. The American Ephemeris and Nautical Almanac is a publication of the utmost importance. It contains, as the Senate well knows, the tables by which the positions of the planets and heavenly bodies are fixed for a period ahead. Those tables are absolute necessities on every seagoing vessel, and on the accuracy of those tables the safety of vessels in determining their position largely depends. I have some familiarity with that matter; I have known about it for a good many years, and I know of no Government work that we could less afford to cripple than this. The computers are mathematical experts, and it is absolutely necessary to have their assistance in making these computations. I should regret extremely to see any reduction made in the House provision for such a very important work as this.

Mr. JONES. Mr. President, I do not dispute the estimate of the Senator from Massachusetts in reference to the importance of this work, and if I thought the adoption of this amendment would injuriously affect it in any degree, I would not offer it; but I am satisfied that with the proper conduct of that office and with the work done by the regular force there, under proper management the work will be more efficiently done than it is now done. I suggest to the Senator that up to 1910, without this appropriation, the Nautical Almanac was brought up to date and was kept right in line with the times, while since that time, or since the method of carrying on the work that has been adopted since then, it has not only not been carried on so efficiently, but it has also gotten far behind.

I should like to have this amendment go to conference. I am satisfied that the committee, by a little bit of inquiry, can get information that will convince them that this appropriation is not needed and that a very decided reorganization of that institution ought to be had. I want the work kept up, so far as that is concerned; but here is one place where we can save some money and get our governmental business carried on much more reasonably than it is now.

I will say, Mr. President, that I have secured some information along these lines. I have not secured all that I think could be secured and that could be presented to the Senate, and therefore I am not going into the matter more fully, except to suggest that the amendment be allowed to go to conference; and if the conferees, when they have investigated the subject, think that the amendment ought not to be adopted, I will make no objection.

Mr. LODGE. Mr. President, of course the Senator's view is that the work can be done with less help than they now have; but my opinion, from what I know of the matter, is that they require what they ask, and the view of those concerned in it is that they need additional money for computers. I can only repeat that I think it would be a great misfortune to cripple a work of this kind.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES].

The amendment was rejected.

Mr. McCUMBER. Mr. President, on page 61, line 25, I move to strike out "$840" and insert in lieu thereof "$900." It will be subject to the same objection that the Senator from Wyoming urged against the other amendment, if he wishes to make it.

Mr. WARREN. Mr. President, I am compelled to make the point of order against that amendment.

Mr. McCUMBER. Let us hear what the point of order is.

Mr. WARREN. The point of order is that it is not estimated for, that it increases an appropriation, and that it is without the indorsement of any standing committee of the Senate.

Mr. LODGE. Mr. President, as I understand the Senator's amendment it proposes to increase the salary of three watchmen provided for in line 25, page 61, from $840 to $850.

Mr. McCUMBER. No; to $900.

Mr. LODGE. Very well; the current law provides for $850.

Mr. WARREN. Eight hundred and forty dollars.

Mr. LODGE. Eight hundred and fifty dollars; they have been reduced $10 apiece on account of the economy movement.

Mr. McCUMBER. Mr. President, I will submit the point of order to the Chair.

Mr. WARREN. Mr. President, the amount proposed—$900—is not current law; it is not estimated for; it has not the indorsement of any committee; and it increases an appropriation contained in the bill.

The PRESIDENT pro tempore. The Chair thinks that the point of order is well taken if the facts are correctly stated.

Mr. McCUMBER. I want the ruling of the Chair.

The PRESIDENT pro tempore. The Chair so rules upon that statement of the facts. The Chair has no method of ascertaining the facts except from the statements made upon the floor.

Mr. McCUMBER. Mr. President, the facts are just exactly as they were in the case of another item in the same paragraph

which the Senator from Massachusetts moved to amend. The ruling of the Chair in that instance was that the amendment was in order, whereas on another amendment of exactly the same kind, there was a ruling of the Chair that it was not in order. As I have said a ruling that is not consistent with rulings heretofore had as to what constitutes a report or an estimate will get us just into that position.

Mr. LODGE. Mr. President——

Mr. McCUMBER. Just a moment.

The PRESIDENT pro tempore. If the Senator from North Dakota will permit, the Chair will state that if the ruling has been made upon the same state of facts as in the previous instance the Chair is misinformed and is ready to correct the ruling; but the Chair does not understand the statement to be the same. The Chair may be in error in his understanding of the statement.

Mr. McCUMBER. The ruling was made exactly upon the same statement.

Mr. WARREN. Will the Senator pardon me?

Mr. McCUMBER. I will pardon the Senator, but I will still hold the floor.

Mr. WARREN. The statement of the Senator is incorrect; that is all.

Mr. McCUMBER. I have the floor. In the other case exactly the same objection was made upon exactly the same grounds and the point of order was overruled by the Chair. Again, in this instance a point of order was made upon exactly the same grounds and was sustained by the Chair. The only possible difference that was made at all, Mr. President, as a basis for the decision of the Chair was that in one instance the provision of the bill proposed to be amended was a reduction of the salary as carried in the last appropriation act, while in this case there is a difference, as the Senator from Massachusetts has stated, of $10. So in this case the appropriation is different from the amount appropriated for the fiscal year ending June 30, 1912.

I take this position—and I am certain after a further careful examination of Rule XVI that it is correct—that when an estimate has been submitted by a department and a bill is prepared upon that estimate, neither a Senator nor the Senate is prohibited from amending that estimate; and if the department estimates for the salary of an officer $2,000, neither the Senate nor the committee is prohibited by any ruling either from raising that $2,000 to $2,100 or decreasing it to $1,900. That is exactly the same proposition that we had in the other case, and it is the same proposition that will come up to plague us unless the ruling is reversed which practically holds that the Senate can not amend an estimate, especially if that amendment adds in any way to the estimate.

Mr. LODGE. Mr. President, I understood the Chair to rule on the preceding amendment to the same paragraph that it was not obnoxious to the rule because the amendment offered was to carry out the provisions of existing law, and I think the Chair's ruling was correct. The amendment offered by the Senator from North Dakota to pay the watchmen is not to carry out existing law, because the existing law fixes their pay at $850. Therefore it does not come within the ruling of the Chair. If an amendment providing that the salary should be $850 was moved, that would come within the ruling of the Chair, for it would carry out existing law.

Mr. CUMMINS. Mr. President, I rise to make a parliamentary inquiry. Is the point of order debatable?

The PRESIDENT pro tempore. It is not, except by unanimous consent. It is usual, however, to give that consent.

Mr. CUMMINS. We have spent most of the afternoon debating points of order, and it seems to me we ought to proceed in the regular way.

Mr. GALLINGER. Whether it is debatable or not is in the discretion of the Chair.

The PRESIDENT pro tempore. Absolutely.

Mr. McCUMBER. I propose to get this thing down to where it belongs and to follow it up to its logical conclusion as a guide in future controversies of this kind.

The PRESIDENT pro tempore. The Chair will be very glad to hear the Senator.

Mr. McCUMBER. The Chair having ruled that I can not amend this provision by increasing it from $840 to $900, I will now, to conform to the idea of the Senator from Massachusetts, move to strike out "$840" and to insert in lieu thereof "$850."

Mr. President, I want to say candidly that the department has only estimated for $840, and therefore increasing this amount $10 is actually raising the amount of the estimate made by the department. If it is subject to a point of order in the one case it must necessarily be subject to the point of order in the other case, but I will take up the several holes in this ruling until they are all filled.

The PRESIDENT pro tempore. The present amendment offered by the Senator is for the purpose of carrying out, as the Chair is informed, the existing law, and therefore the Chair would hold it to be in order. The question is on agreeing to the amendment offered by the Senator from North Dakota.

Mr. LODGE. I ask before the question is put that the amendment be stated.

The PRESIDENT pro tempore. The amendment now is to increase the amount to $850. The question is on that amendment.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I desire to present an amendment to section 10. It has been stated once or twice here that this section was not open to amendment until the bill reached the Senate, but I think that was a misapprehension. The Senate has rejected the committee amendment with regard to section 10, and it stands before us now as a part of the House bill and open to any amendment that we may see fit to make.

Mr. WARREN. The Senate, as in Committee of the Whole, having rejected it, it is not in order until we get into the Senate.

Mr. CUMMINS. Mr. President, I desire a ruling upon that. It seems to me so illogical that I can not believe that is the parliamentary law governing the case. We have here a section from the House bill. The Senate committee proposed to strike it out. The proposal of the committee was rejected, and thereupon the section is before the Senate precisely as any other section in the House bill, and my inquiry is whether or not it is open to amendment as in Committee of the Whole?

Mr. WARREN. I care nothing about the matter, and I am perfectly willing that it shall go in. I will not make any point against it.

Mr. CUMMINS. I think it will facilitate matters if there is no objection made to the amendment. I offer the amendment I send to the desk to follow immediately the amendment proposed by the Senator from Minnesota [Mr. NELSON] and adopted by the Senate heretofore. I can not make it more definite than that.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the top of page 158, line 1, after the words "United States," an amendment offered by Mr. NELSON was agreed to, reading as follows:

And the procedure in the district courts shall be the same as heretofore in the Commerce Court, and the right of appeal from the district courts shall be the same as heretofore from the Commerce Court.

It is proposed after these words to insert the following:

If in any case it is sought to suspend or restrain the enforcement, operation, or execution of any order of the Interstate Commerce Commission by an interlocutory injunction or restraining order, the provisions of section 266 of the Judicial Code shall govern the proceedings, except that the notice of the hearing upon any such application for interlocutory injunction or restraining order shall be given to the Interstate Commerce Commission and the Attorney General of the United States.

Mr. CUMMINS. Mr. President, I may say a single word in explanation of the amendment. Without it, if these cases are brought in the district courts, as they will be in the future, a single district judge will have the power to issue an injunction restraining the enforcement of an order of the Interstate Commerce Commission. It is manifest that after a matter of this kind has been considered by a commission or a body consisting of seven men its order ought not to be set aside upon the judgment of a single man. Therefore I have asked that the provision which is now the law in regard to interfering with or suspending the enforcement of a State statute be made applicable to a case in which it is sought to nullify the action of the commission.

I need not go into the detail of it save to say that this section of the code provides for the association of three judges in hearing and disposing of an application for a preliminary or interlocutory injunction. It also provides, I think I ought to say, that where the injunction is issued there may be an appeal to the Supreme Court of the United States directly from the court which issues the injunction. As applied to these cases it would mean that if a district court anywhere issued an injunction to restrain the operation of an order of the commission, the commission or the United States might appeal from the order issuing the injunction directly to the Supreme Court, instead of passing through the circuit court of appeals.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. I should like to call the attention of the Senator from Iowa to the existing conditions in regard to the composition of our district courts. Now, as I understand the suggestion of the Senator, it is that three district judges shall sit to determine whether or not the injunction shall issue. There is no court composed of three judges nor is there any existing provision of law which recognizes a court composed of three district judges. How would you appeal from it?

Mr. CUMMINS. The Senator from Idaho will easily understand, I think, when I say that I am simply adopting his own work in this respect, and I think it is very good work, too. I have applied section 266 of the Judicial Code to such cases, and that section is as follows:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application.

Mr. HEYBURN. Unless I misunderstood the Senator he proposes now that three district judges shall pass upon it?

Mr. CUMMINS. Not at all. The Senator misunderstood the amendment.

Mr. HEYBURN. I have no copy of the amendment.

Mr. CUMMINS. The amendment simply takes this section and applies it in cases where it is sought to enjoin orders of the commission, so that it will be applicable to such cases exactly as it is now applicable to cases wherein it is sought to enjoin the operation of a State statute.

Mr. HEYBURN. I was listening to the statement by the Senator of the amendment, and I did not catch any expression which provided for the participation in this of a justice of the Supreme Court or a circuit judge.

Mr. CUMMINS. The Senator probably misapprehended me, because I was pointing out the unwisdom of allowing a single district judge to issue an injunction of this character. I have no doubt——

Mr. HEYBURN. My mind may have followed that thought a little further than the Senator's.

Mr. CUMMINS. He may have confused that with the amendment itself, which does no more than to apply this section to the cases I have stated.

Mr. HEYBURN. I see no good reason why the section should not be applied if it is applied as it is in section 266.

Mr. CUMMINS. It is. I thought I would myself write the procedure, but upon attempting it I found that those who revised the code had done so much better than I could that I simply adopted the section itself.

Mr. HEYBURN. We intended to, and I think we did, provide that this tribunal should be constituted of at least a justice of the Supreme Court and a judge of the circuit court of appeals acting together with the district judge.

Mr. SUTHERLAND. "Or."

Mr. HEYBURN. Yes, "or." That was intended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. SUTHERLAND. Let the amendment be again stated.

The Secretary again read the amendment.

Mr. SUTHERLAND. I do not rise for the purpose of objecting to the amendment, because I think it is an admirable one, but it seems to me that it would be better if the Senator would insert in his amendment——

The PRESIDENT pro tempore. The reporter at the desk is unable to hear the Senator from Utah.

Mr. SUTHERLAND. I simply suggested to the Senator an amendment. I do not move it.

Mr. CUMMINS. I have looked over the section very carefully, and it was my opinion that the only part of the section not applicable is that which provided that the notice of the application for the temporary injunction should be given to the governor and the attorney general of the State and such other persons as may be defendants in the suit. I think that is the only part which is not just as pertinent in such cases as I have described as in the cases described in the section. But I have no objection to the amendment proposed by the Senator from Utah.

Mr. HEYBURN. May I suggest to the Senator from Iowa that instead of using the words "shall govern by" he say "as provided in, so far as may be applicable."

Mr. CUMMINS. I have no objection to that, if it means the same thing.

The PRESIDENT pro tempore. The amendment will be perfected as suggested.

Mr. CUMMINS. I do not know, but possibly I would have to change the whole phraseology of the amendment if the suggestion is to be adopted.

Mr. HEYBURN. If the amendment is read, I think we can do it right now.

The SECRETARY. It is proposed to strike out "shall govern" and to insert "provided in."

Mr. CUMMINS. We shall have no verb in there.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The Secretary read as follows:

If in any case it is sought to suspend or restrain the enforcement, operation, or execution of any order of the Interstate Commerce Commission by an interlocutory injunction or restraining order the provisions of section 266 of the Judicial Code shall, as provided in——

Mr. CUMMINS. Say "shall apply as nearly as possible."

Mr. HEYBURN. I want to get rid of the word "govern."

Mr. CUMMINS. I am perfectly willing to get rid of it in that way—"shall apply as far as applicable."

The PRESIDENT pro tempore. The Chair will have the amendment sent to the Senator from Iowa so that he can modify it.

Mr. WARREN. Mr. President, it is perfectly evident that the bill will have to go over until morning to correct another matter. Would it please the Senator to withhold his amendment also and submit it in the morning?

Mr. CUMMINS. I am entirely willing.

Mr. WARREN. Then, with the Senator's kind consent, I wish we might finish the bill in Committee of the Whole and get it into the Senate.

Mr. CUMMINS. Before the bill passes from the Committee of the Whole to the Senate, I wish to give notice that I intend to offer an amendment, following the amendment proposed by the Senator from Georgia, that will repeal explicitly the first six sections of the law creating the Commerce Court.

Mr. SMITH of Georgia. If the Senator from Iowa has his amendment ready, would he object to its being read so that it will appear in the RECORD and we can all see it in the morning?

Mr. CUMMINS. I have no objection.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The Secretary read as follows:

Sections 1 to 6, inclusive, of the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," are hereby repealed.

Mr. CUMMINS. I may follow that with a specific repeal of some parts of those sections, although I can not see how a specific repeal of a part of the sections will be necessary if we repeal all of them. However, I suggest it so that we may take it up if necessary.

The PRESIDENT pro tempore. Does the Senator desire to have the proposed amendment read?

Mr. CUMMINS. I ask that it be read.

Mr. SMITH of Georgia. I hope it will be read, Mr. President.

The Secretary read as follows:

So much of the act of June 18, 1910, as provides or authorizes or directs the said five judges to preside in the circuit courts of the United States, or in the circuit courts of appeals, or to exercise any of the powers, duties, or authority of circuit judges, or of said circuit courts, or of said circuit courts of appeals, is hereby repealed.

The PRESIDENT pro tempore. The amendment was read simply for information.

Mr. OVERMAN. Mr. President, in order to acquaint myself as well as I could with the matters contained in the appropriation bills, being on that committee, some three weeks ago I introduced a resolution, which was passed through the Senate, asking the Secretary of the Treasury for certain information.

After three weeks, when the report of this bill by the committee had been made, I received from the Secretary of the Treasury a report on the matter referred to in the resolution.

The resolution asked that the Secretary furnish the Senate with a statement of the number and personnel of all the existing commissions, their traveling expenses, and how much money had been expended by them. I am sorry I did not get the report sooner, so that I might have investigated what all these things meant, and what was the use of them and the need of them. I want to ask some Senator upon the floor here what is the need of them; and I want to see if there should not be some limitation placed upon these salaries, and whether some of the commissions that are now in existence should not be abolished.

I see here one that was created in 1896, called the International Prison Commission. It seems that the man who fills the position of commissioner takes a trip to Europe about every year. Last year it cost $1,312.

Can any Senator tell me whether it is necessary to further maintain a commission appointed in 1896, called a prison commission, and whether it is necessary for this man to go to Europe and spend $1,300, and spend $243 for clerk hire, and $350 for something else?

I should like to know why we are keeping this man on the rolls, and allowing him to go to Europe every year and spend $1,300 or $1,400. If anybody can give me information as to why he is needed I shall not move an amendment. But I should like to know. I have not had time to inquire, because for some reason the Secretary of the Treasury has delayed this report for three weeks.

Then I should like to ask—and perhaps the former chairman of the Indian Affairs Committee can tell me—why this Santee commission is still existing, costing the country $6,000. I confess that my ignorance is such that I do not know what it is. I see the Secretary has reported back that there is a commission known as the Santee Competency Commission, composed of a man by the name of Pollock, a man by the name of Marble, and a man by the name of McIntyre; and its expenses last year were over $6,000. Is it necessary for that commission to continue in existence?

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. OVERMAN. Certainly.

Mr. CLAPP. That is a question which would have to be referred to the department. The only knowledge I have on the subject is that they think evidently it is necessary because there is still more work for the commission. It was appointed for the purpose of assisting the Indian Office in the release of Indians on the ground that they were competent to manage their own affairs. I assume that the work is not finished, or they would not ask for its continuance.

Mr. OVERMAN. I want to have this document put in the RECORD. The former chairman of the Committee on Indian Affairs, who is a very diligent and very able Senator, and always does his duty in these matters, will see what is being done in the way of spending money for these commissions. I think a great many of them have been provided for from time to time in the Indian appropriation bill.

No one seems to know about this prison commission. Therefore, if I get no further information than I have now, I shall reserve the right to offer an amendment to repeal the law creating it. When a man is appointed on a prison commission, if he goes abroad one or two or three times, I do not see why that is not enough, and why he should continue longer.

Mr. GALLINGER. Mr. President, I can give the Senator, perhaps, a very little information on this subject. I have been aware of the fact that an individual has gone to Europe, possibly every year, for the purpose of investigating prison conditions. I think he makes a report to the department having that matter in charge. There is in the Department of Justice a very competent gentleman who looks after those things in this country; and I feel very sure that this gentleman who goes to Europe makes a report as to conditions in European prisons. Whether or not it is desirable to continue the commission is a matter about which I would not be willing to express an opinion; but I think that is the function of the official who occupies the place.

Mr. LODGE. Mr. President, he does the work referred to by the Senator from New Hampshire, but it is a little more than that. There is an international prison conference which meets every year with a view of discussing matters of prison discipline, and so forth. The United States has been a member of that conference, and I think it is a matter of convention under an international agreement.

Mr. GALLINGER. I think that is true.

Mr. LODGE. I think we send a representative every year, because we have agreed with the other nations to do it, for the purpose of improving prisons and the care of prisoners.

Mr. OVERMAN. Mr. President, I will not delay the Senate further with this matter. I am going to publish this document in the RECORD; and as other appropriation bills come up I may introduce amendments to them. It seems to me there are commissions that ought to be defunct carrying per diems of $10 and other large salaries and expenses and clerks. If there is no longer any necessity for them, they ought to be abolished, and the drain on the Treasury ought to be stopped. I therefore ask that this document be published in the RECORD.

The PRESIDENT pro tempore. The Senator from North Carolina asks that the document referred to be printed in the RECORD. Without objection, it is so ordered.

The document referred to is as follows:

[Senate Document No. 794. Sixty-second Congress, second session.]

PERSONNEL OF COMMISSIONS.

Letter from the Acting Secretary of the Treasury, transmitting, in response to Senate resolution of May 14, 1912, information relative to commissions in existence under congressional and Executive authority.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 11, 1912.

The PRESIDENT OF THE SENATE.

SIR: In reply to Senate resolution of May 14, 1912, calling for a statement of the number and personnel of commissions now in existence under congressional and Executive authority, the salaries paid to members, officers, and employees of such commissions, and the individual and total expenses of each commission and member thereof for the fiscal year ended June 30, 1911, I have the honor to say that there are no such commissions under the Treasury Department, and, as this department has no record of such commissions in other departments, I called on the heads of the several executive departments for a list so far as pertains to their respective departments, with the following result:

The Secretary of State reports as follows:

INTERNATIONAL PRISON COMMISSION.

[Authorized by act of Congress approved June 11, 1896.]

Charles R. Henderson, of Illinois, commissioner.

Disbursements for the fiscal year ending June 30, 1911.

Name.	Service.	Expenses.	Total.
Charles R. Henderson, of Illinois, commissioner		$1,312.29	$1,312.29
Miscellaneous expenses, clerical service, translating, typewriting, etc.		243.41	243.41
Quota of the United States as adhering member of the International Prison Commission			150.00
Total			1,905.70

INTERNATIONAL FISHERIES COMMISSION.

[Authorized by act of Congress approved May 27, 1908.]

Job E. Hedges, of New York, commissioner.

Disbursements for the fiscal year ending June 30, 1911.

Name.	Service.	Expenses.	Total.
David Starr Jordan, commissioner	$4,583.26	$361.85	$4,945.11
Charles H. Gilbert, expert		161.85	161.85
Barton W. Evermann, expert		85.61	85.61
Herbert R. Stolz, secretary to commissioner	40.00	83.20	123.20
Charles A. Christin, secretary to commissioner	400.00	642.81	1,042.81
Total			6,358.58

ST. JOHN RIVER JOINT COMMISSION.

[Authorized by act of Congress approved June 16, 1906.]

George A. Murchie, of Maine, and Peter Charles Keegan, of Maine, commissioners; Oscar F. Fellows, of Maine, counsel.

Disbursements for the fiscal year ending June 30, 1911.

Name.	Service.	Expenses.	Total.
George A. Murchie, of Maine, commissioner			
Peter Charles Keegan, of Maine, commissioner			
Oscar F. Fellows, of Maine, counsel			
H. S. Ferguson, consulting engineer	$412.50	$92.99	$505.49

INTERNATIONAL JOINT COMMISSION.

[Created by treaty between the United States and Great Britain, signed Jan. 11, 1909.]

James A. Tawney, of Minnesota, Frank Sherwin Streeter, of New Hampshire, George Turner, of Washington, commissioners; L. White Busbey, of Washington, D. C., secretary and special disbursing officer; E. C. Bumpus, of Massachusetts, assistant to commission.

Disbursements for the fiscal year ended June 30, 1911.

Name.	Service.	Expenses.	Total.
Thomas H. Carter, of Montana, commissioner	$2,291.67	$5.00	$2,296.67
James A. Tawney, of Minnesota, commissioner	2,291.67	100.00	2,391.67
Frank Sherwin Streeter, of New Hampshire, commissioner	2,187.50		2,187.50
L. White Busbey, of District of Columbia, secretary and special disbursing officer	1,000.00		1,000.00
William H. Smith, clerk and stenographer	325.00	50.00	375.00
Expense, stationery		48.39	48.39
Amount disbursed by Department of State under authority of the act of Mar. 4, 1911:			
Rent, of No. 3 Jackson Place		2,216.69	2,216.69
Wiring, etc., at No. 2 Jackson Place		115.00	115.00
Total			10,620.86

THE COMMISSION OF FINE ARTS.

[Established by act of Congress approved May 17, 1910.]

Daniel H. Burnham, of Illinois, chairman; Frederick Law Olmstead, of Massachusetts; Thomas Hastings, of New York; Daniel D. French, of New York; Cass Gilbert, of New York; Charles Moore, of Michigan, members; Col. Spencer Cosby, Superintendent of Public Buildings and Grounds, secretary.

Disbursements for the fiscal year ended June 30, 1911.

Commissioners receive no salary.	
Traveling expenses of commissioners	$1,728.47
Compensation of clerks and engineering draftsman	2,753.53
Miscellaneous office expenses (furnishings, supplies, etc.)	5,073.32
Total	9,555.32

PERRY'S VICTORY CENTENNIAL COMMISSION, PUT IN RAY, 1912.

[Authorized by act of Congress approved Mar. 3, 1911.]

Joseph Warren Keifer, of Ohio; Lieut. Gen. Nelson A. Miles, United States Army, retired; Rear Admiral Charles E. Clark, United States Navy, retired, members.

No expenses incurred during the fiscal year ending June 30, 1911.

The Secretary of War reports as follows:

Of this character there appear to be only two commissions under the War Department, and these are the Alaska Road Commission, which has charge of the construction of military roads in Alaska, and the Commissioner for Marking the Graves of Confederate Dead (authorized by the acts of Congress approved Jan. 27, 1905, and Mar. 9, 1906; 33 Stat., 616, and 34 Stat., 56, respectively).

The Adjutant General of the Army reports that the records of his office do not afford the detailed information concerning the Alaska Road Commission, called for by the Senate resolution. The president of that commission has been called upon by telegraph to furnish such information, and it will be submitted as soon as received by the department.

As to the Commissioner for Marking the Graves of Confederate Dead, the salary of such commissioner (Hon. James H. Berry) is $5,000 per annum, and the salary of the clerk (there is only one employee) is at present $1,600 per annum. The total expenditures during the fiscal year ended June 30, 1911, for the commissioner and clerk were, respectively, $4,486.11 and $1,47.79. The only expenses of these officials of the character referred to in the resolution were for travel on official business, and for this purpose $12.60 was expended for travel of the clerk during the fiscal year ended June 30, 1911.

There are a number of commissions and boards under the department, such as the four national military park commissions located at the battlefields of Gettysburg, Shiloh, Vicksburg, and Chattanooga, the Board of Ordnance and Fortification, the Mississippi River Commission, and the California Débris Commission; but, as stated above, these commissions are not understood to be such as the Senate resolution was intended to cover.

The Attorney General reports as follows:

I have the honor to inform you that the only commission under this department is the Commission to Investigate the Title of the United States to Lands in the District of Columbia, as provided by the act of May 30, 1908 (35 Stat., 543). It consists of the following persons, ex officio: Hon. George W. Wickersham, Attorney General, chairman; Hon. Henry L. Stimson, Secretary of War, member; Hon. GEORGE SUTHERLAND, United States Senator, chairman Committee on Public Buildings and Grounds, United States Senate, member; Hon. MORRIS SHEPPARD, Member of Congress, chairman Committee on Public Buildings and Grounds, House of Representatives, member; Hon. Cuno H. Rudolph, president Board of Commissioners of District of Columbia, member.

No salary is paid to either of the commissioners for services rendered as a member of the commission, and nothing has been paid as expenses for any member of the commission. The commission has the following employees: H. C. Gauss, secretary, carried as special assistant to the Attorney General, who is receiving a salary of $3,500 per annum, and Miss Jessie M. Aldrich, stenographer, whose compensation is $900 per annum, both salaries being paid from the appropriations made for the commission. The total expenses for the fiscal year ended June 30, 1911, were as follows:

Salaries	$4,441.40
Filing cases	66.35
Traveling expenses of secretary	19.40
Special survey by surveyor of District of Columbia	100.00
Total	4,627.15

The Postmaster General reports as follows:

The Commission on Second-Class Postage, provided for by joint resolution No. 66, approved March 4, 1911, is the only such commission having its expenses met by an appropriation for the Post Office Department. No funds were expended by this commission prior to July 1, 1911. However, there is submitted a statement showing the names of the members and employees, their salaries, and the expenses incurred during the present fiscal year. It is understood that the members of the commission have completed their work:

Personnel.

Commission (total salary):	
Justice Charles E. Hughes	$5,000
Dr. A. Lawrence Lowell	5,000
Hon. Harry A. Wheeler	5,000
Employees (monthly salary):	
Colley W. Bell, secretary	150
May L. Alexander, clerk	60
J. B. Johnson, messenger	75

Total funds expended.

	Salary.	Individual expenses.	Total.
Commissioner Hughes	$5,000.00		$5,000.00
Commissioner Lowell	5,000.00		5,000.00
Commissioner Wheeler	5,000.00	$669.24	5,669.24
Miscellaneous expenses, including salaries of employees			2,898.32
Total			18,567.56
To balance			6,432.44
Appropriation			25,000.00

The Secretary of the Navy reports no commissions under that department.

The Secretary of the Interior reports as follows:

Commissioners to inspect, classify, and appraise unallotted lands on the Fort Berthold Reservation, N. Dak., under section 7 of the act of June 1, 1910 (Stats. Pam., 456). Ten dollars a day each while actually employed in said duties and necessary expenses, inclusive of subsistence. Charles H. Bates; entered on duty March 19, 1911; services terminated June 29, 1911. B. A. Dickinson; entered on duty March 19, 1911; services terminated June 21, 1911. Thomas Smith; entered on duty March 19, 1911; services terminated June 21, 1911. One clerk, at $5 a day, authorized for this commission, for a period of 90 days' actual employment.

Commissioners to classify, appraise, and value certain lands in the Pine Ridge Indian Reservation, S. Dak., under section 4 of the act of May 27, 1910 (Pub. No. 191). $10 a day each while actually employed in said duties and necessary expenses, exclusive of subsistence. Charles H. Bates; entered on duty August 30, 1910; services terminated December 23, 1910. D. L. McLane; entered on duty August 30, 1910; services terminated December 14, 1910. Frank Conroy; entered on duty August 30, 1910; services terminated December 14, 1910.

Commissioners to classify, appraise, and value certain lands in the Rosebud Indian Reservation, S. Dak., under section 4 of the act of May 30, 1910 (Pub. 194), $10 a day each while actually employed in said duties and necessary expenses, exclusive of subsistence. John H. Scriven; entered on duty October 1, 1910; services terminated May 31, 1911. A. E. Kull; entered on duty October 1, 1910; services terminated May 31, 1911. Richard D. Elliton; entered on duty October 1, 1910; services terminated May 31, 1911.

The following employees were authorized for the Rosebud appraising commission: One clerk, at $100 a month, for six months; one clerk, at $100 a month, for two months; one flagman, at $90 a month, for four months; one flagman, at $100 a month, for two months; one flagman, at $100 a month, for two months.

Commissioners to classify and appraise unallotted lands on the Yakima Indian Reservation, Wash., under the act of December 21, 1904 (33 Stats., 595), $10 a day each while actually employed and actual necessary traveling expenses, including sleeping-car fare and subsistence. Francis X. Salzman; entered on duty March 27, 1909; services terminated November 30, 1910. M. L. Tittle, entered on duty April 1, 1909; furloughed for the period from October 1, 1909, to March 18, 1910; services terminated October 8, 1910. J. Henry Thierman; entered on duty April 3, 1909; furloughed for the period from October 1, 1909, to March 19, 1910; services terminated October 8, 1910.

Commissioners to appraise and value lands within the Blackfeet Indian Reservation in Montana, under the act of March 1, 1907 (34 Stat., 1035), $10 a day each while actually employed in the inspection and classification of said lands: Thralls W. Wheat, A. W. Merrifield, Joseph Brown, appointed May 7, 1912, and will enter on duty in a short time; one clerk at $5 a day authorized for the Blackfeet appraising commission for eight months.

Commissioners to inspect, classify, and appraise lands within the Fort Peck Indian Reservation in Montana, under the act of May 30, 1908 (35 Stat., 558), $10 a day each while actually employed in the inspection and classification of said lands: Charles E. Roblin, Henry J. Goodale, William Bruguler, appointed May 20, 1912, and will report for duty in a short time.

Commissioners to determine the competency of Indian allottees on the Santee Indian Reservation, Nebr.: Andrew G. Pollock, special Indian agent, detailed for duty on the commission; entered on duty September 1, 1910; services terminated April 29, 1911. Frank E. McIntyre, superintendent of the Santee Indian School, Nebraska, detailed for duty on the commission; entered on duty September 1, 1910; services terminated April 29, 1911. H. P. Marble, $2,000 a year, with actual necessary traveling expenses, including sleeping-car fare and a per diem of $3 in lieu of all other expenses when on duty in the field; entered on duty September 1, 1910; services terminated April 29, 1911.

The following positions were authorized for the Santee competency commission: One stenographer, at $75 a month, for six months; 2 police privates, at $20 a month each, from January 4 to April 15, 1911; 1 interpreter, at $1.50 a day, from January 4 to February 10, 1911.

Commissioners to determine the competency of Indian allottees on the Umatilla Indian Reservation, Oreg.: Charles E. McChesney, special Indian agent; detailed for duty on commission; entered on duty July 25, 1910; services terminated December 10, 1910. Edward L. Swartslander, superintendent of the Umatilla Indian School, Oregon; detailed for duty on commission; entered on duty July 25, 1910; services terminated December 10, 1910. E. J. Somerville, $2,000 a year, with actual necessary traveling expenses, including sleeping-car fare and a per diem of $3 in lieu of all other expenses when on duty in the field; entered on duty July 25, 1910; services terminated December 10, 1910.

Commissioners to determine the competency of Indian allottees on the Quapaw Reservation, Okla.: Charles L. Ellis, special Indian agent; detailed for duty on the commission; entered on duty August 20, 1910; services terminated January 21, 1911. Charles E. McChesney, special Indian agent, detailed for duty on commission; entered on duty January 22, 1911; services terminated February 9, 1911. Ira C. Deaver, superintendent of the Seneca Indian School, Oklahoma; detailed for duty on commission; entered on duty August 20, 1910; services terminated February 9, 1911. J. F. Murphy, $2,000 a year, with actual necessary traveling expenses, including sleeping-car fare and a per diem of $3 in lieu of all other expenses when on duty in the field; entered on duty August 20, 1910; services terminated February 9, 1911.

The expenses of the above commissions were as follows:

Fort Berthold appraising commission, 1910:	
Charles H. Bates—	
Salary	$1,030.00
Expenses	81.02
B. A. Dickenson, salary	950.00
Thomas Smith, salary	950.00
General expenses of commission	926.42
	3,937.44
Pine Ridge appraisement commission, 1910:	
Charles H. Bates, salary	1,160.00
D. L. McLane, salary	1,070.00
Frank Conroy, salary	1,070.00
General expenses of commission	765.15
	4,065.15

Rosebud appraising commission:	
John H. Scriven, salary	$1,680.00
A. E. Kull—	
Salary	1,370.00
Traveling expenses	139.15
Richard D. Elliston, salary	1,370.00
General employees	1,896.00
Camp supplies, teams, equipment, care of teams, etc	3,018.68
	9,473.83
Yakima appraising commission:	
F. X. Salzman—	
Salary	1,530.00
Traveling expenses	414.20
M. L. Tittle—	
Salary	620.00
Traveling expenses	74.25
J. Henry Thierman—	
Salary	620.00
Traveling expenses	81.65
General employees	4,595.00
Miscellaneous expenses	381.54
	8,316.64
Santee competency commission:	
A. G. Pollock—	
Salary	1,349.50
Expenses	834.82
H. P. Marble—	
Salary	1,338.89
Expenses	732.50
F. E. McIntyre, salary	1,128.61
General employees	851.33
Miscellaneous expenses	80.70
	6,316.44
Umatilla competency commission:	
Charles E. McChesney—	
Salary	744.44
Expenses	547.42
E. J. Somerville—	
Salary	744.44
Expenses	527.80
E. L. Swartslander, salary	625.39
Charles L. Ellis—	
Salary	816.66
Expenses	466.68
Charles E. McChesney—	
Salary	105.56
Expenses	117.09
J. F. Murphy—	
Salary	816.67
Expenses	426.49
Ira C. Beaver—	
Salary	661.12
Expenses	43.97
Miscellaneous expenses	340.25
	6,983.98

The Secretary of Agriculture reports that the Secretary of Agriculture, under the provisions of section 4 of the act approved March 1, 1911 (Public, No. 435), is ex officio member of the National Forest Reservation Commission, such service carrying no additional salary compensation. This commission is constituted of two Members of the Senate, two Members of the House of Representatives, and the Secretaries of War, Agriculture, and the Interior.

The Secretary of Commerce and Labor reports no commissions under his department.

Respectfully, J. F. CURTIS, *Acting Secretary.*

Mr. BRANDEGEE. Mr. President, I have been informed—I have not had an opportunity to look up the question myself—that when the Commerce Court was created, the so-called Erdman Act was amended so as to require a member of the Court of Commerce to be one of that tribunal in the settlement of disputes.

I simply want to call the attention of the chairman of the committee to that fact, and to inquire whether it will be necessary, in connection with the abolishment of the Commerce Court, to further amend the Erdman Act.

Mr. WARREN. Mr. President, so far as I am concerned I shall refer the Senator to the lawyers present who have had this matter under consideration—the Senator from Minnesota, the Senator from Utah, the Senator from Iowa, and the Senator from Idaho. Among so many lawyers, who sometimes disagree, a layman hardly wishes to express an opinion.

Mr. CUMMINS. I have had this matter called to my attention before. It is true, I think, that the Chief Justice of the Commerce Court is ex officio a member of this industrial tribunal. But I do not think it is necessary to take any action on that matter until the bill which we now have under consideration becomes a law. If it becomes a law I believe it will then be necessary to appoint some one else if we desire to keep this commission in existence.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and still open to amendment.

Mr. HEYBURN. On page 28 I desire to amend by striking out, in lines 14 and 15, the words "within the discretion of the librarian."

I will say that this provision undertakes to leave entirely within the discretion of the librarian the question when the Library of Congress shall be open for reference use from 2 o'clock to 10 o'clock p. m. on Sundays and legal holidays. That ought not to be. The Library of Congress is one of the institutions which ought to be open to the public as many hours as possible. Many people come to Washington for a very short visit or stop-over, particularly on holidays, and those are the days when it is most important to have the Library open. I do not think the librarian should be invested with the power of closing it up on those days.

Mr. WARREN. I accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, on page 147 no provision is made for the retired justices. Of course, the word "judges" does not include justices. They are a distinct class of judicial officers. I therefore move to amend, on page 147, line 19, first, after the word "Retired," by inserting the words "justices and"; and, on the following line, 20, after the word "States," by inserting the words "justices and." We have retired justices, or are liable to have them at any time. I move that amendment.

The SECRETARY. It is proposed, on page 147, line 19, after the word "Retired," the first word in the line, to insert the words "justices and," so that if amended the heading will read:

Retired justices and judges.

Also, in line 20, after the word "States," to insert the words "justices and," so that it will read, if amended:

To pay the salaries of the United States justices and judges retired under—

And so forth.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to give notice that when the bill is in the Senate I shall move to disagree to the amendment made to-day, on page 141, providing for an additional physicist. I can not give the line.

Mr. GALLINGER. It is line 22, page 141.

Mr. HEYBURN. I understand it is in line 22, page 141. I give notice that when the bill is in the Senate I shall move to disagree to that amendment, and shall direct some remarks to that bureau.

The PRESIDENT pro tempore. The bill is in the Senate as in Committee of the Whole. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. HEYBURN. I desire now, Mr. President, to reserve the amendment I have just indicated.

The PRESIDENT pro tempore. The Senator from Idaho reserves the amendment indicated by him.

Mr. CUMMINS. I desire to reserve the amendments I proposed with respect to the issuance of injunctions and with regard to the Commerce Court act.

Mr. GALLINGER. The amendments are not in the bill. They were simply offered.

The PRESIDENT pro tempore. The amendments are reserved, as stated by the Senator.

Mr. CRAWFORD. Mr. President, may I offer an amendment before the bill is reported to the Senate?

The PRESIDENT pro tempore. The bill has been already reported to the Senate. It will be in order for the Senator from South Dakota to offer any amendment he desires in the Senate.

Mr. CRAWFORD. The bill has been reported to the Senate?

The PRESIDENT pro tempore. The bill has been reported to the Senate.

Mr. CRAWFORD. Then I offer an amendment——

Mr. GALLINGER. Mr. President, have the amendments made as in Committee of the Whole been concurred in?

The PRESIDENT pro tempore. They have not.

Mr. GALLINGER. Let them be acted upon first.

The PRESIDENT pro tempore. The amendment offered by the Senator from South Dakota may be presented later, after the Senate has passed upon the question of concurring in the amendments made as in Committee of the Whole, excepting only those which have been reserved.

Mr. WARREN. There should be reserved the civil-service amendments. The Senator from Mississippi [Mr. WILLIAMS] is not in his chair, but he expects that reservation to be made.

The PRESIDENT pro tempore. That amendment will also be reserved.

Mr. SUTHERLAND. I desire to reserve the amendment offered by the Senator from Georgia [Mr. SMITH], abolishing the office of the additional circuit judges and such other amendments as follow that, which have for their effect to prevent an appropriation for the salaries of those judges.

The PRESIDENT pro tempore. The amendment will be reserved as indicated by the Senator from Utah.

Mr. NELSON. I ask to have reserved section 10 of the bill as amended.

The PRESIDENT pro tempore. The Senator from Minnesota reserves the amendment to section 10.

Mr. HEYBURN. I desire to reserve the amendment on page 34, line 19, "resident diplomatic officer, $6,500."

The PRESIDENT pro tempore. The Senator from Idaho reserves the amendment just stated by him.

Mr. SMITH of Georgia. Mr. President, I rise to a parliamentary inquiry. What is the necessity for our reserving the amendments? I have been out for a while. I understand the bill is in the Senate.

The PRESIDENT pro tempore. The Chair will state, in response to the inquiry of the Senator, that when a bill is reported from the Committee of the Whole the question then is on concurring in the amendment which had been agreed to as in Committee of the Whole, and if concurred in, they would be no longer subject to amendment. For that reason a particular amendment specified is reserved for a separate vote.

Mr. WARREN. I do not wish to interfere with the reservations, but on account of two or three matters I should be glad if we would now lay the bill aside, and I shall call it up the first thing in the morning.

The PRESIDENT pro tempore. Without acting upon the amendment now at all.

Mr. JONES. I wish to reserve the amendment in line 17, page 103, relating to the salary of the Assistant Commissioner of Indian Affairs.

The PRESIDENT pro tempore. The amendment will be reserved as indicated by the Senator from Washington.

Mr. JONES. I also desire to make a parliamentary inquiry. It is that when an amendment was adopted in Committee of the Whole that was subject to a point of order, a point of order can be made in the Senate upon it?

The PRESIDENT pro tempore. The same amendment can undoubtedly be offered again and the same point of order can again be made in the Senate.

Mr. JONES. But the amendment I have in mind was adopted in Committee of the Whole and no point of order was made against it. Can a point of order be made in the Senate upon it?

The PRESIDENT pro tempore. The Chair will decide that point when it is raised, not in anticipation. When the Senator presents the point, the Chair will rule on it.

Mr. JONES. I will present that point.

The PRESIDENT pro tempore. The Senator presents a suppositious case, and therefore the Chair must decline to rule on it.

Mr. JONES. Then, for the purpose of making the point, I will reserve the amendment made in Committee of the Whole on line 17, page 103.

The PRESIDENT pro tempore. The amendment will be reserved for a separate vote.

Mr. HEYBURN. Mr. President, I ask for information what action was taken upon the request, which I understood was made by the Senator from Mississippi [Mr. WILLIAMS], that we vote on certain matters to-morrow without debate.

The PRESIDENT pro tempore. There was no agreement made upon that subject.

Mr. HEYBURN. I wanted to be entirely sure of it.

The PRESIDENT pro tempore. No such unanimous-consent agreement was made.

Mr. GALLINGER. Has the bill been laid aside?

The PRESIDENT pro tempore. Not formally. The Chair was simply awaiting the pleasure of the Senate. The Senator from Wyoming has suggested that it be laid aside.

Mr. CRAWFORD. Before that is done, I should like to send up an amendment that I wish to propose so that it may be printed and lie on the table.

The PRESIDENT pro tempore. The Senator from South Dakota will send up the amendment, and, without objection, it will be printed in the RECORD and also printed in the form of an amendment.

Mr. GALLINGER. Perhaps no formal action is necessary to lay the bill aside.

The PRESIDENT pro tempore. But there are certain amendments that are still being suggested in reference to it, and that is the reason why the Chair can not lay it aside.

Mr. WARREN. I understand the reservations have been made.

The PRESIDENT pro tempore. The Chair will ask that the Senate permit the amendment to be read which the Senator from South Dakota has sent to the desk.

Mr. GALLINGER. Certainly.

Mr. CRAWFORD. I will say that it is to follow the amendment offered by the Senator from Iowa [Mr. CUMMINS] which was adopted.

The PRESIDENT pro tempore. It is an amendment to be offered, and it will be read.

The Secretary read as follows:

Provided further, That the provisions of section 266 of the judicial code approved March 3, 1912, shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State.

The PRESIDENT pro tempore. Under the suggestion of the Senator from Wyoming, without objection, the bill will be laid aside at this stage, it being stated by the Chair that the Senate has not acted upon the amendments which were made as in Committee of the Whole.

Mr. SMITH of Georgia. I wish to reserve the right to object to the amendments on pages 3, 4, 5, 6, and 7, down to line 19 on page 8, in which the Senate has increased the salaries or increased the number of employees.

The PRESIDENT pro tempore. The reservation made by the Senator from Georgia will be noted, and the bill is laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the waters between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

PERSONNEL OF THE NAVY AND MARINE CORPS.

Mr. GALLINGER. Yesterday I asked consent for the passage of the bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899. The Senator from Missouri [Mr. REED] entered an objection, which he withdraws, and I now ask for the consideration of the bill. It has been read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Naval Affairs with an amendment.

Mr. BRISTOW. I should like to inquire what this bill does.

Mr. GALLINGER. I will say it has been unanimously reported by the Naval Committees of both Houses. It requires that in cases where officers are examined for retirement the entire record shall be before the board, and it also gives them the right of appeal to the President.

Mr. BRISTOW. It does not provide for any advance in rank.

Mr. GALLINGER. Absolutely none. On the contrary, it provides that when they are retired they shall have the same grade they now hold, while the present law gives them an increased retirement grade.

Mr. BRISTOW. I am glad to know that.

The PRESIDENT pro tempore. The amendment of the Committee on Naval Affairs will be stated.

The SECRETARY. On page 3, line 16, after the words "May first," insert "or as soon thereafter as practicable," so as to make the bill read:

Be it enacted, etc., That section 9 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899, be amended so as to read as follows:

SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section 8 of this act, the Secretary of the Navy shall, on or about the 1st day of April of each year, convene a board of five rear admirals on the active list and shall place before said board for its actual consideration and guidance the complete service and medical records of all the officers in the grades of captain, commander, lieutenant commander, and lieutenant.

"Each member of said board shall swear or affirm that he will, without prejudice or partiality, examine the records provided for in this section, having in view the special fitness of officers and the efficiency of the naval service, and that he will faithfully perform the duties imposed upon him by this act and recommend for retirement the officers who are shown to be least efficient as evidenced by these records, and arrange the names of said officers in inverse order of their merit. The board shall keep minutes and a complete record of its proceedings, and this record shall bear the certificate of the senior member of the board, and of the recorder if there shall be anyone serving as such, that it is a complete and a true record, and the findings shall be in writing, signed by all the members, not less than four governing. The record of the proceedings and finding of this board shall be transmitted to the President on or before May 1 of the current year, who shall select from the names submitted by the board the number of officers provided by this act for retirement. In order to provide for discretionary action on the part of the President, the board shall select two officers from each grade in addition to the maximum number from each grade that may be retired during any one year, as hereafter provided for.

"The President shall, as soon after June 30 as may be practicable, make by order the transfers of such a number of officers from the list herein provided for as will cause the necessary vacancies in compliance with section 8 of this act: *Provided*, That not more than five captains, four commanders, four lieutenant commanders, and two lieutenants are so retired in any one year: *Provided further*, That the President shall, through the Navy Department, immediately after the finding of the board shall be submitted to him, and not later than May 1, or as soon thereafter as practicable, notify the officers who have been recommended for retirement by said board, and offer to each the opportunity to submit in writing for the President's consideration any matters tending to show cause why such officer should not be retired: *Provided further*, That no officer whose name appears on the list as submitted to the President by said board shall be eligible for voluntary retirement pending the action of the President in the premises. The promotions to fill the vacancies thus created shall date from the 30th of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the pay of the grade from which he was retired."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOSS OF STEAMSHIP "TITANIC."

Mr. CURTIS. At the request of the Senator from Colorado [Mr. GUGGENHEIM] I ask unanimous consent that the address I send to the desk be printed as a public document (S. Doc. No. 850) in the type in which it is presented.

The PRESIDENT pro tempore. The Senator from Kansas asks that the speech of the Senator from Michigan [Mr. SMITH] in reference to the *Titanic* disaster may be printed as a public document in the type in which it is presented. Is there objection?

Mr. SMOOT. I am not going to object to the printing of the speech, but if I am not mistaken the speech has already been printed as a public document. I may be mistaken, however. I am perfectly willing that it should be printed, but I think it has already been printed as a public document.

Mr. LODGE. It has been printed with the report of the committee as a public document.

Mr. SMOOT. I am informed that it has been printed.

The PRESIDENT pro tempore. Does the Senator object?

Mr. SMOOT. I would rather that the request should go over until to-morrow.

Mr. CURTIS. Then let the matter remain pending until to-morrow.

The PRESIDENT pro tempore. The request will go over.

FISH HATCHERY IN MARYLAND, VIRGINIA, OR WEST VIRGINIA.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill (S. 6414) to establish a fish hatchery and fish station in the State of Maryland or in the State of West Virginia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Fisheries with an amendment to strike out all after the enacting clause and insert:

That the sum of $40,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment, under the Bureau of Fisheries, of a fish hatchery and station for experimental work in fish breeding and the study of fish diseases, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in Maryland, Virginia, or West Virginia, to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-experiment station and fish hatchery."

UNION PACIFIC RAILROAD CONVEYANCES.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co. It is the bill to which I referred this morning in the notice I gave.

The PRESIDENT pro tempore. The bill will be read.

The SECRETARY. The Committee on the Judiciary reported the bill with an amendment to strike out all after the enacting clause and insert:

That all conveyances or agreements heretofore made by the Union Pacific Railroad Co., or the Union Pacific Railway Co., or Union Pacific Railroad Co., or the Leavenworth, Pawnee & Western Railroad Co., or the Union Pacific Railway Co., Eastern Division, or the Kansas Pacific Railway Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way of the Union Pacific Railroad Co. granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes"; and also all conveyances or agreements heretofore made by the Union Pacific Railroad Co., or the Union Pacific Railway Co., or the Denver Pacific Railway & Telegraph Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way between Denver, Colo., and Cheyenne, Wyo., of any of said companies granted by or held under any act of Congress, and all conveyances or agreements confining the limits of said right of way, or restricting the same, are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein had been held by the corporation making such conveyance or agreement under absolute or fee-simple title.

That in all instances in which title or ownership of any part of said right of way heretofore mentioned is claimed as against said corporation, or either of them, or the successors or assigns of any of them, by or through adverse possession of the character and duration prescribed by the laws of the State in which the land is situated, such adverse possession shall have the same effect as though the land embraced within the lines of said right of way had been granted by the United States absolutely or in fee instead of being granted as a right of way.

SEC. 2. That any part of the right of way heretofore mentioned which has been, under the law applicable to that subject, abandoned as a right of way is hereby granted to the owner of the land abutting thereon.

SEC. 3. That nothing hereinbefore contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

Mr. HEYBURN. Mr. President, the question of consideration has not yet been determined. I will say to the Senator from Iowa that I would desire to amend the bill with the proviso that has usually been attached to all of these bills—that is, without offering it formally—

Provided, That nothing herein contained shall be taken as a recognition of the Union Pacific Railway Co. as successors to the rights of the Union Pacific Railroad Co.

We have guarded those bills in that way ever since the attempted reorganization in 1896, 1897, and 1898.

The PRESIDENT pro tempore. If there be no objection, the bill is before the Senate as in Committee of the Whole.

Mr. CUMMINS. I hope the Senator from Idaho will not insist on that amendment, because there is nothing in the bill that can by any possibility infringe upon the rule he has in mind. This is a bill to provide for the adjacent property owners, both in the country and in the cities, on account of either an indifference or an ignorance of the railway company concerning the width of its right of way. It does not touch the dealings of the railway companies with themselves. It simply says that if either of these railway companies has sold part of its right of way to an adjacent owner that sale shall have the same effect as though the right of way were alienable property.

Mr. HEYBURN. I realize that in this particular measure the necessity is not so urgent as it has been in other measures presented to Congress, but the question is one of very great importance. There are those who refused to surrender their bonds at the time of the reorganization of that road, amounting to millions of dollars, and they were required either to surrender their bonds or to lose. They were required not only to surrender their bonds, but to pay so much money, and in the Northern Pacific case it was a very large sum. The same facts apply in substance to all these reorganizations. Now, those people still contend for their rights. They were left out of the reorganization and were not entitled to participate in it. It is a large question.

Mr. CUMMINS. I know.

Mr. HEYBURN. We have had hearings before the Committee on Railroads of the Senate involving this question, and it is one of such importance that the reservation ought to be inserted. It can do no harm.

Mr. CUMMINS. Of course I want to meet the views of the Senator from Idaho if I can, but I put this question to him: Suppose the Union Pacific Railroad Co. had executed a conveyance of land that it had a right to sell and afterwards it attempted to repudiate that conveyance, and on behalf of the right of the grantee of the conveyance Congress sought to validate it, the Senator from Idaho would not contend that to such a bill there should be attached the condition or proviso he has mentioned, because the subjects are so widely separated it would seem a reflection upon our knowledge of the whole matter to put such a proviso in this bill.

Mr. HEYBURN. I will give the Senator some light on that subject. It has been one of the attempted defenses in more than one case that Congress has recognized those transfers by reciting in legislation or basing legislation upon the assumption that the railway company was successor to the railroad company. The Northern Pacific, the Union Pacific, the Oregon Railroad & Navigation, and I could name a number of them, under this pretended reorganization merely changed the name from "railroad" to "railway." It involves millions and millions of dollars of unsettled questions in the courts, and it can certainly militate nothing against the purpose the Senator has in view to make that provision.

Mr. CUMMINS. Will the Senator from Idaho write out the amendment, because I am unfamiliar with the subject he is talking about?

Mr. HEYBURN. I did not anticipate that the bill was coming up today. I am quite familiar with the subject. I will propose an amendment.

Mr. LODGE. While the Senator is preparing his amendment——

Mr. HEYBURN. I was going to state the amendment.

Mr. LODGE. I beg pardon.

Mr. HEYBURN. I will move to amend by inserting at the end of the substitute the words:

Provided, That nothing herein contained shall be taken or construed to be a recognition of any right in the Union Pacific Railway Co. as successor in interest to the Union Pacific Railroad Co.

Mr. CUMMINS. In so far as I can, I will accept the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following words:

Provided, That nothing herein contained shall be taken or construed to be a recognition of any right in the Union Pacific Railway Co. as successor in interest to the Union Pacific Railroad Co.

Mr. CUMMINS. Has the amendment proposed by the committee been adopted?

The PRESIDENT pro tempore. It has not been. The amendment offered by the Senator from Idaho is necessarily an amendment to the amendment of the committee.

Mr. CUMMINS. Very well; I repeat that I accept it so far as I can.

The PRESIDENT pro tempore. The amendment to the amendment will be agreed to, without objection.

Mr. SMOOT. I notice on the calendar that this bill is stated as having been reported from the Committee on Public Lands.

Mr. CUMMINS. No; it was reported from the Committee on the Judiciary.

Mr. SMOOT. The calendar states that it was reported from the Committee on Public Lands.

Mr. CUMMINS. The calendar is wrong in that respect.

Mr. SMOOT. The reason I called attention to the fact was that the calendar should be corrected, because the bill was never considered by the Committee on Public Lands.

Mr. CUMMINS. It was considered by and unanimously reported from the Committee on the Judiciary.

The PRESIDENT pro tempore. It is properly stated on the bill itself as reported by the Committee on the Judiciary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time, and passed.

MARY BRADFORD CROWNINSHIELD.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, on page 1, line 8, after the words "rate of" to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Bradford Crowninshield, widow of Arent Schuyler Crowninshield, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN THE DISTRICT OF COLUMBIA.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of Senate bill 6688.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal section 13 of an act entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,'" approved March 2, 1907, which authorizes and directs the Secretary of War to convey to the purchaser from the United States of square 1131, the south part of square 1117, and the squares south of squares 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River upon the payment by the purchaser into the Treasury of the United States of such sum of money as the Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the land, and which authorizes and directs the surveyor of the District of Columbia to mark out such land and determine the areas and to record a plat thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. DU PONT. I ask unanimous consent for the present consideration of Senate joint resolution No. 99.

Mr. GALLINGER. Let the title of the joint resolution be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution by title.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The PRESIDENT pro tempore. The joint resolution has heretofore been read in full and an amendment agreed to. Is there objection to its present consideration?

Mr. BRISTOW. The Senator from New York [Mr. ROOT] was very much interested in this joint resolution, and I do not think it ought to be taken up in his absence. Personally, I have not any objection to it; but he was very much interested in it and spoke on it.

Mr. DU PONT. I think, Mr. President, the Senator's objections were largely of an impersonal character and on points of law which were raised. I doubt very much if he objects to the joint resolution itself.

Mr. BRISTOW. I think it is the custom not to take up any matters of that kind in the absence of a Senator interested; and it seems to me that the Senator from New York ought to be present when it is considered. At least I should not want it taken up under such circumstances.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I understood the Senator from New York had an amendment which he desired to offer to the joint resolution. Personally, I would not object; but I do not think the joint resolution should be taken up in the absence of the Senator from New York, and therefore I object.

The PRESIDENT pro tempore. Objection is made.

Mr. GORE. I ask unanimous consent——

Mr. SWANSON. I understood the Senator from Delaware expected to move to take up the joint resolution, and not to ask that it be considered by unanimous consent.

The PRESIDENT pro tempore. The Senator asked that it be taken up by unanimous consent. The Senator did not make a motion to the effect stated by the Senator from Virginia.

Mr. SWANSON. I should like to be recognized after the Senator from Oklahoma [Mr. GORE] has concluded, in order that I may make that motion.

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of Senate bill 6776.

Mr. LODGE. I thought a motion had been made to take up the joint resolution.

The PRESIDENT pro tempore. The Chair did not so understand. The Chair did not hear such a motion.

Mr. SWANSON. I simply gave notice to that effect.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I think I shall have to interpose an objection, because I want the report read when the bill comes up, and that will take up more time to-night than I care to consume. I hope the Senator from Oklahoma will not be inclined to press the bill to-night.

The PRESIDENT pro tempore. The Senator from Idaho objects.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate joint resolution 99, unanimous consent for the consideration of which was asked by the Senator from Delaware [Mr. DU PONT].

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of the joint resolution named by him notwithstanding the objection.

Mr. SWANSON. We should dispose of the matter one way or the other because if it does not pass soon it will be too late to do anything at all.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia. [Putting the question.] By the sound the "noes" appear to have it.

Mr. SWANSON. I ask for division.

Mr. GALLINGER. Mr. President, we had better have the yeas and nays if we are going to have anything. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I am not aware as to how he would vote on this question, I withhold my vote. If I were permitted to vote I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the Senator from Kentucky [Mr. PAYNTER]. I therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I will refrain from voting. If he were here, and I were at liberty to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

The roll call was concluded.

Mr. BOURNE. I should like to announce that my colleague, the Senator from Oregon [Mr. CHAMBERLAIN], is unavoidably detained. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CRAWFORD (after having voted in the negative). I voted through inadvertence and I wish to withdraw my vote, as I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I do not know how he would vote if present.

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained from the Chamber. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. SHIVELY. My colleague [Mr. KERN] is detained from the Senate Chamber on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. DU PONT. As I have already stated, I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I am informed that if he were present he would vote "yea" on this question, and I therefore will vote. I vote "yea."

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He has a general pair with the Senator from South Dakota [Mr. GAMBLE].

The result was announced—yeas 17, nays 16, as follows:

YEAS—17.

Ashurst	Martin, Va.	Shively	Tillman
Bryan	Martine, N. J.	Smith, Ga.	Watson
Catron	Myers	Smith, Md.	
du Pont	Overman	Smith, S. C.	
Fletcher	Perkins	Swanson	

NAYS—16.

Bourne	Burton	Gore	Stephenson
Briggs	Cummins	McCumber	Sutherland
Bristow	Dillingham	Page	Townsend
Burnham	Gallinger	Smoot	Wetmore

NOT VOTING—61.

Bacon	Curtis	La Follette	Rayner
Bailey	Davis	Lea	Reed
Bankhead	Dixon	Lippitt	Richardson
Borah	Fall	Lodge	Root
Bradley	Foster	Lorimer	Sanders
Brandegee	Gamble	McLean	Simmons
Brown	Gardner	Nelson	Smith, Ariz.
Chamberlain	Gronna	Newlands	Smith, Mich.
Chilton	Guggenheim	O'Gorman	Stone
Clapp	Heyburn	Oliver	Thornton
Clark, Wyo.	Hitchcock	Owen	Warren
Clarke, Ark.	Johnson, Me.	Paynter	Williams
Crane	Johnston, Ala.	Penrose	Works
Crawford	Jones	Percy	
Culberson	Kenyon	Poindexter	
Cullom	Kern	Pomerene	

The PRESIDENT pro tempore. No quorum has voted.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 14, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 13, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that the way is always open for the betterment of the conditions of life and its far-reaching purposes. Possess us, we beseech Thee, with Thy spirit, that we may see clearly the way, and walk fearlessly in consonance with the highest dictates of conscience in all that pertains to the duties of the hour, that Thy will may be done in us, to the glory and honor of Thy holy name. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF CORNELIUS H. HANFORD.

Mr. CLAYTON. Mr. Speaker, I present to the House a privileged report on a resolution referred to the Committee on the Judiciary a few days ago.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] presents a privileged report, which the Clerk will report.

The Clerk read as follows:

[House Report No. 880. Sixty-second Congress, second session.]

RELATIVE TO THE ALLEGED OFFICIAL MISCONDUCT OF CORNELIUS H. HANFORD.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 576:

The Committee on the Judiciary, having had under consideration House resolution 576, report the same back to the House with the following amendment and recommend that the amendment be agreed to and that as amended the resolution do pass:

Page 1, line 1, strike out all after the word "Resolved" and insert in lieu of the language so stricken out the following:

"That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the official misconduct of Cornelius H. Hanford, United States judge for the western district of the State of Washington, and say whether said judge has been in a drunken condition while presiding in court; whether said judge has been guilty of corrupt conduct in office; whether the administration of said judge has resulted in injury and wrong to litigants in his court and others affected by his decisions; and whether said judge has been guilty of any misbehavior for which he should be impeached.

"And in reference to this investigation the said committee is hereby authorized to send for persons and papers, administer oaths, take testimony, employ a clerk and stenographer, if necessary, and to appoint and send a subcommittee whenever and wherever it may be necessary to take testimony for the use of said committee. The said subcommittee while so employed shall have the same powers in respect to obtaining testimony as are herein given to said Committee on the Judiciary, with a sergeant at arms, by himself or deputy, who shall serve the process of said committee and the process and orders of said subcommittee and shall attend the sitting of the same as ordered and as directed thereby, and that the expense of such investigation shall be paid out of the contingent fund of the House."

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. Certainly.

Mr. MANN. Does this resolution as reported follow the precedents in cases of this kind in the past?

Mr. CLAYTON. Yes, I may answer the gentleman. I have before me a copy of the report of the 10th day of December, 1903, in the House of Representatives—a report made by Mr. Henry W. Palmer, of Pennsylvania, from the Committee on the Judiciary—on what was known as the Judge Charles Swayne case; and in drawing the amendment to the original resolution I have followed as nearly as practicable the language in that resolution of the 10th day of December, 1903, in the Swayne case.

Mr. MANN. Is it a unanimous report?

Mr. CLAYTON. It is a unanimous report.

The SPEAKER. The question is on agreeing to the amendment proposed by the committee.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5176. An act granting a pension to Elizabeth B. Preston.

The message also announced that the Senate had passed, with amendments, joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 290. Joint resolution proposing an international maritime conference.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5176. An act granting a pension to Elizabeth B. Preston; to the Committee on Pensions.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the report of the conference committee on the Army appropriation bill. I will state that the report has already been read.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. When the House adjourned on Tuesday the matter rested on points of order made by the gentleman from Illinois [Mr. PRINCE]. If anybody desires to be heard on either side on the points of order, the Chair will be glad to hear him.

Mr. PRINCE. Mr. Speaker, on June 11, 1912, I made points of order, as will appear from the CONGRESSIONAL RECORD, on page 7980, against the conference report. At the same time I specified certain points of order that I would call to the attention of the Chair.

The SPEAKER. The Chair can not hear the gentleman.

Mr. PRINCE. I will speak a little louder. I say that on that date I made points of order against the conference report. I submitted to the Speaker, upon his request, the following points of order against the conference report:

That the conferees have discussed and proposed amendments which have not been committed to them by either of the Houses and therein have exceeded their jurisdiction, and which amendments, agreed to and reported by the conference committee, are not germane to the amendments of the Senate or to the original bill, specifically calling attention to amendments Nos. 40, 42, and 73.

In looking over the conference report, I have found one or two other points of order that I thought would lie against this conference report. This morning I called the attention of the parliamentary clerk of the Speaker to these two points. I had fortified myself with the right to object to the entire conference report, as appears from the RECORD on that day, and the Speaker very nicely put it in, saying—

The gentleman from Illinois reserves all points of order.

I make these preliminary remarks, so that I shall not appear to be unfair in my presentation of the points of order.

At the earliest moment I had I gave notice to the parliamentary clerk as to some of the points I would mention. I desire to call the Speaker's attention to this amendment. It will be found on page 20 of the bill and is No. 23. The trouble with the copy of the bill I have is that there is a top number and a bottom number. The top number of the bill is 20 and the bottom number is 21. The amendment to which I wish to call the Chair's attention is No. 23. The House made a provision for a traveling allowance of enlisted men on discharge, $900,000, and then there was a proviso that the Senate amended by providing that hereafter when the enlisted man who is enlisted on or after July 1, 1912, is discharged from service his pay shall be reduced. The conferees amended that amendment by making the provision apply to all men in the Army.

The SPEAKER. Where did they make that change?

Mr. PRINCE. The Senate amended it by striking out all after the word "provided," in line 12, and inserting that hereafter when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, he shall receive 2 cents a mile. And the conferees changed the pay of all enlisted men so far as travel and pay is concerned. Under the law as it now is he gets 4 cents a mile. The Senate wanted it to apply to men hereafter discharged, beginning on the 1st of July, 1912. The conferees set aside the hereafter and made it applicable to between 75,000 and 80,000 enlisted men who are under contract with the Government to receive pay of 4 cents a mile, cutting squarely in two the travel pay and allowance of the present enlisted force. Now, the only point in dispute between the two Houses was whether it should apply to July 1, 1912. The conferees made a provision which was not a question in difference between the two Houses, and made a provision which is violative of the contract entered into by the enlisted man when he entered the Government service, because it cuts the travel and pay of the enlisted man in two.

The SPEAKER. Is that the end of that objection?

Mr. PRINCE. Yes. Does the Chair desire me to take up these points one after another, or will the Chair dispose of them as we go along?

The SPEAKER. The Chair will dispose of them all at one time, but the Chair would like to have the gentleman complete his argument on each point as he goes along.

Mr. PRINCE. I claim, Mr. Speaker, that the conferees exceeded their jurisdiction. The difference between the two Houses was whether the deduction should begin with men who enlisted after the 1st of July, 1912, or not.

The SPEAKER. What change does the gentleman claim the conferees made which exceeded their jurisdiction?

Mr. PRINCE. They exceeded their authority in making it applicable to all men in the Army, when the purpose of the amendment was in dispute as to the men who enlisted hereafter in the Army. I claim that in doing that the conferees have changed legislation now in existence—have made legislation which is violative of the contract which the soldier entered into with the Government.

The SPEAKER. The Chair will ask the gentleman whether that is parliamentary law for the Speaker to decide or a matter of contract for the decision of the courts.

Mr. PRINCE. I think, Mr. Speaker, that it is a question which the Speaker should take into consideration as to whether the conferees shall go outside of the difference between the two Houses.

The SPEAKER. The question involved is whether they did go outside. What does the gentleman claim the provision agreed upon by the conferees does?

Mr. PRINCE. It affects the enlisted man that is discharged to-day, while the purpose of the amendment of the Senate was to affect the enlisted man who enlisted after the 1st of July, 1912. The point in dispute between the Houses was whether we should have it apply or not to soldiers hereafter entering the service.

The SPEAKER. The intention of the House amendment was simply a proviso to limit——

Mr. PRINCE. I beg the Chair's pardon, but the House made no amendment; it made the ordinary allowance for travel and pay.

The SPEAKER. The Chair intended to say the Senate amendment.

Mr. PRINCE. That applied to men who enlisted on or after July 1, 1912.

The SPEAKER. What was the subject matter of the controversy between the two Houses?

Mr. PRINCE. The subject matter was the travel allowance of enlisted men.

The SPEAKER. That is all there was to it?

Mr. PRINCE. That is the subject matter, but the point of difference between the two Houses was whether it should begin at a certain time or not. If the Speaker takes the position that the travel allowance was there, then they could legislate with reference to every kind of travel allowance to men of any kind.

The SPEAKER. Is not that precisely the thing that was in controversy, and the whole thing?

Mr. PRINCE. The only thing in controversy, as I take it, was whether it should begin to apply before July 1, 1912.

The SPEAKER. This was the House proposition:

For travel allowance to enlisted men on discharge, $900,000.

Mr. PRINCE. And that is all.

The SPEAKER. And the travel allowance was the only conceivable question involved.

Mr. PRINCE. Yes.

The SPEAKER. The Senate put a proviso in, and all that the conferees do is to strike out about 9 or 10 words of one proposition of the Senate proviso. Were they not empowered to discuss it?

Mr. PRINCE. Yes; but, Mr. Speaker, the lines of decision are these, as I understand them: The conferees must determine the point of difference. If you open the question of the subject matter, the Army is the subject matter of this whole bill.

The SPEAKER. True; but we go by sections and paragraphs. The general proposition about it is that all of the Speakers have held in the last 15 or 20 years, so far as the Chair knows, that the conferees can not take up brand new subject matter and inject it into a bill.

Mr. PRINCE. That is true.

The SPEAKER. But if the subject is treated in either the House proposition or the Senate proposition, then the conferees have a pretty wide latitude as to what they will do with it.

Mr. PRINCE. If it is germane to the original bill or amendments, and that is the question I am making. There is no doubt about its being germane to the subject matter. I grant that. But the point of difference is as I limit it there, and the conferees have exceeded the point of difference and gone beyond it, so as to apply to all men now in the service as well as those hereafter.

The SPEAKER. The Chair will hear the gentleman on the next proposition.

Mr. PRINCE. Take up amendment 48, page 45. On page 45 the subject matter is water and sewers at military posts, and I call the attention of the Speaker to the subject matter.

The SPEAKER. The Chair will ask the gentleman to read that proposition.

Mr. PRINCE. It is as follows:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage; for repairs to water and sewer systems and plumbing within buildings; and for extra-duty pay of enlisted men and hire of employees, $1,702,505.

That was the bill as presented to the committee by the Committee on Military Affairs. The Committee of the Whole added the following proviso to that original bill when it was presented to them:

Provided, That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

When the bill as amended went to the Senate, the Senate struck out the proviso and made no counterproposition of any kind. The conferees agreed upon the following:

In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation."

That is clearly new matter, not germane in any shape, form, or manner. There is no possible way by which it can be made germane. Here is a proposition for water and sewers at military posts. It is for procuring and introducing water for buildings and premises at such military posts and stations, and so forth, for the installation of plumbing, for the purchase and repair of fire apparatus, for the disposal of sewage and for repairs to water and sewer systems and plumbing within buildings and for extra-duty pay of enlisted men and hire of employees; and there is not a syllable, not a word, not a hook upon which this can hang, not a single scintilla, not a word or expression that can be strained by the most extreme possible way into part of a water and sewer provision for military posts.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow a question?

Mr. PRINCE. Certainly.

Mr. CRUMPACKER. The matter reported by the conferees is an amendment to that part of the text that was agreed to by both Houses, is it not?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. That is to say a certain portion of the paragraph was permitted to remain as it was?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. And the proviso was stricken out?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. And the conferees now attach an amendment to that part of the text which was agreed to by the House and the Senate and was not, and is not, in dispute. Is not that the fact?

Mr. PRINCE. That is true.

The SPEAKER. The Chair would like to ask the gentleman from Indiana a question. The gentleman from Indiana only states one-half of it. What the Senate did was to strike out the proviso.

Mr. PRINCE. That is it, and that is all.

The SPEAKER. But the proviso that was stricken out by the Senate went to conference as a matter in controversy, did it not?

Mr. CRUMPACKER. That is the only matter in controversy, and the question of substituting something for the proviso must relate to the dispute or disagreement upon the proviso, must be upon the same subject matter, and of course must be germane thereto.

The SPEAKER. The Chair knows—the Chair did not ask the gentleman from Indiana as to that, but because the statement of the gentleman left out the gist of the matter by not referring to the part that the Senate struck out of the House bill.

Mr. CRUMPACKER. I assume, Mr. Speaker, that the matter reported by the conference committee had no sort of relation to the matter stricken out by the Senate—to the matter which was really in dispute. There is no kind of relation between the matter reported by the conference committee and the matter that was stricken out by the Senate—the only thing in dispute—and they left the matter out that the Senate struck out and attached another and independent amendment to the text that was agreed to by both Houses.

The SPEAKER. Now, the trouble is, passing on one point and not on the whole thing, they struck out one proviso and put in another——

Mr. MANN. They did not put in another.

The SPEAKER. Well, the conferees put it in.

Mr. CRUMPACKER. The conferees put in one that had no relation to the proviso which was stricken out—an entirely different subject and not at all germane to the proviso which was stricken out.

The SPEAKER. The Chair did not ask the gentleman about that; he was asking about the other.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wyoming?

Mr. PRINCE. I would like to finish up this point.

Mr. MONDELL. It is right on the point that has been raised by the gentleman from Indiana.

Mr. PRINCE. Very well; I yield.

Mr. MONDELL. The gentleman from Indiana suggests the conferees exceeded their authority, following the suggestion or contention of the gentleman from Illinois. The fact is that the House put in a proviso that had to do with permanent improvements at military posts. The Senate struck it out, and the conferees put in a proviso which also has to do with permanent improvements at military posts. In other words, what was inserted in conference was entirely germane, because it related directly to the same sort of improvements that were prohibited by the House provision.

The SPEAKER. What is the subject matter of this whole paragraph?

Mr. MONDELL. The subject matter is permanent improvements at military posts, including Fort D. A. Russell.

The SPEAKER. Where does the gentleman get his authority to make that statement?

Mr. KAHN. It is under the heading of water and sewers.

Mr. MONDELL. The amendment is amendment 48, as I understand it. The language is—

No part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Here is a provision in lieu of that which has to do with permanent improvements at a certain Army post. It would have been impossible for the conferees to have adopted a provision more directly in line with the provision stricken out; furthermore, if I may be permitted to say so, it does seem to me that the gentleman from Illinois is making a good deal of stir about a thousand-dollar appropriation in a bill carrying over a hundred million dollars.

Mr. PRINCE. There is more than that. That does not make any difference.

Mr. CRUMPACKER. Will the gentleman permit me to ask the gentleman from Wyoming [Mr. MONDELL] a question?

Mr. PRINCE. I will consent to one question, but I would like to address myself to the Speaker and get this out of the way.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] declines to yield.

Mr. PRINCE. Now, Mr. Speaker, to get over this question, this is a section of the bill which has to do with water and sewers at military posts and nothing else.

The SPEAKER. The main section had to do with that. There is no question about it.

Mr. PRINCE. Now, then, turning back to page 37 of the bill, you will find where it has to do with barracks and quarters. Looking down to line 10, it reads as follows:

Of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available.

The SPEAKER. Where is the gentleman reading?

Mr. PRINCE. On page 37, line 12.

The SPEAKER. Does the gentleman go by the top numbers or the bottom numbers.

Mr. PRINCE. By the top numbers here.

Mr. MONDELL. Will the gentleman from Illinois [Mr. PRINCE] yield to one further suggestion?

Mr. PRINCE. Yes; I will yield to one.

Mr. MONDELL. I understand the gentleman contends the language stricken out had to do exclusively with matters of water supply. I do not so understand it, but admitting, for the sake of the argument, that to be true, the lands proposed to be purchased are a part of the watershed of Fort Russell. They are essentially a part of Fort D. A. Russell and its water supply. The gentleman insists that no amendment would be in order in conference excepting one relating to water supply. Then his argument has no force against this amendment, because it is one that affects the water supply of Fort D. A. Russell and provides for a permanent improvement of the same.

Mr. CANNON. Will the gentleman yield?

Mr. PRINCE. I will yield to my colleague [Mr. CANNON].

Mr. CANNON. As I understand the contention of the gentleman from Illinois [Mr. PRINCE], there is an amendment by the Senate which relates to water and sewers at military posts. Then the proviso is:

That no part of this appropriation will be expended for permanent improvements at any of the following-named Army posts.

Now, that was the matter in conference. If the Speaker will turn just across, on page 45 of this document which I hold in my hand, in lieu of the matter proposed in said amendment it says to insert the following.

What is the following? Down in the middle it says:

For the improvement of the Crow Creek, on Fort D. A. Russell target and maneuver reservation—

And not a word about the matter that was in controversy or was submitted—

may be expended by the Secretary of War, in his discretion—

For what?—

in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

It seems to me that that was not in conference either by the House provision or by the Senate amendment.

Mr. MONDELL. Will the gentleman from Illinois yield there for a suggestion?

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question before he sits down. What is the subject matter of the proviso the House put onto that bill?

Mr. CANNON. The subject matter is in the proviso—

that no part of the appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Now, the House disagrees to the Senate amendment, and upon that disagreement the conferees get their jurisdiction. And there is nothing either by a liberal construction, and, it seems to me, a forced construction, that would allow the conferees to purchase the land which the agreement covers. For what? Not for water, not for sewers, or military posts, but for a matter independent of either the House provision or the Senate amendment.

Mr. MANN. Mr. Speaker, will my colleague, in passing, yield to me for a moment?

Mr. PRINCE. Yes.

Mr. MANN. Mr. Speaker, the original proposition in the House bill was an appropriation for certain purposes—water, sewers, and so forth. If enacted in that way, simply as an appropriation, that money could not be expended for any other purpose than the purposes named in the bill. But it could be expended at any Army post, because the appropriation was, generally speaking, for sewers and water supply at the Army posts. Thereupon the House inserted a limitation upon that appropriation, which reads:

No part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Now, the appropriation could not have been used, regardless of this limitation, for any purpose in the way of permanent improvements except water supply, sewerage, and so forth—that is, without the limitation. The purpose of putting that limitation upon the appropriation was to prevent this money being used for water supply and sewerage at these Army posts. The purpose was not to prevent the money being used for the purchase of land or for the construction of buildings or other permanent improvements, because the appropriation could not have been used for those purposes if the limitation had not been put upon the appropriation. It is true that the wording of the limitation is "expended for permanent improvements," and the words "permanent improvements" have a very wide latitude. But the Senate having stricken out the limitation, and the House having agreed to the amendment, the point of difference between the House and the Senate was whether any portion of this appropriation for sewer and water purposes could be used at any of the named Army posts.

The point of difference was not whether this money could be used for the construction of buildings, because it could not have been used for that purpose if there were no limitation on the appropriation. The general law is a limitation itself upon the expenditure for any purpose except the one named in the appropriation.

Now, that being the point of difference between the two Houses, whether this money appropriated for sewer and water purposes could be used for those purposes at those Army posts, the conferees leave that without settling it and bring in a provision providing that a portion of this money can be used for the purchase of maneuvering grounds. Maneuvering grounds have nothing to do with water supply and sewerage, and although the gentleman has suggested that they may aid in water supply, that is purely ephemeral and imaginary. There is nothing in the bill to show that the purpose of the new appropriation is the conservation of the water supply, nor is it confined to the purchase of land for the post. The conference report is for the purchase of maneuvering grounds, regardless of the expenditure in connection with the posts. The language is—

For target and maneuver reservations; and the power of condemnation is granted.

How can it be claimed that a limitation upon an appropriation for water supply, providing that that money shall not be expended for a particular purpose, brings into controversy between the two Houses the question of using that money for the purchase of maneuver grounds? Because, unless that is in controversy and difference, the conferees could not bring in a report upon that. The question of the purchase of maneuver grounds out of this money appropriated for sewerage and water supply was not in difference between the two Houses.

The SPEAKER. The Chair will ask the gentleman a question. What is the subject matter of the proviso?

Mr. MANN. The expenditure of the appropriation at these posts for water supply and sewerage purposes.

The SPEAKER. The Chair will ask the gentleman if this is not true, that the subject matter of that proviso, "that no part of this appropriation shall be expended for permanent improvements," and so on, was permanent improvements or not?

Mr. MANN. Permanent improvements in the way of water supply and sewerage only.

The SPEAKER. But it does not say that.

Mr. MANN. It does not say that in so many words, but that is plainly what it means. It is not to be supposed that they would insert in the bill a provision which means nothing. This money could not have been expended at these posts for any other purpose, regardless of the limitation, and the purpose of the limitation was to limit the expenditure to provide that it could not be expended at these posts for the purpose named in the bill.

The SPEAKER. The contention of the gentleman, then, is that this section was the subject-matter and that the subject matter of the section was water and sewers at military posts, and that the proviso does not change the subject matter?

Mr. MANN. It does not, in my opinion.

The SPEAKER. And that the matter which the conferees undertook to insert treats of an entirely different subject?

Mr. MANN. An entirely different subject.

Mr. PRINCE. Mr. Speaker, one further suggestion. On page 37 of the bill, at the top of the page, you will find the question of barracks and quarters. Beginning at line 12, you will find these words:

Of grounds for cantonments, camp sites, and other military purposes.

There was the place for this amendment, if it was germane, because this deals with camp sites, and does not deal at all with water and sewers.

Now, as I said before, the point of difference is in the question of water and sewers, and that no part of this money shall be expended on these particular posts for the purpose of improving the water supply or the sewerage, and the place for the other is at another point in the bill, for barracks and quarters. It is the subject that this would treat of, if it was proper at all, and it is here foreign, and has nothing to do with it, and is outside, and I can not see how it can be called germane to a subject matter to which it is not pertinent, when it is germane to another subject matter that is not in dispute.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

Mr. PRINCE. Yes.

Mr. COOPER. Is it the contention of those who oppose the gentleman from Illinois that under the language "permanent improvements" the Senate amendment is germane which provides for the purchase of new land?

Mr. PRINCE. I presume that is the contention.

Mr. COOPER. Then the question amounts to this, if the gentleman will permit an interruption: The Government of the United States having certain land, can it be held that the purchase of other land is an improvement upon the land which it now holds? If a man has a piece of property and puts permanent improvements upon it, the words "permanent improvements" have a definite meaning, and the purchase of new land is in no sense an improvement of existing property.

Mr. PRINCE. I think that is all I care to say about that.

Mr. MONDELL. Mr. Speaker, the contention is——

Mr. PRINCE. Mr. Speaker, I thought I had the floor.

The SPEAKER. The gentleman did have the floor, but the Chair thought he yielded it to the gentleman from Wyoming.

Mr. PRINCE. No; I said I was through with that section.

The SPEAKER. The gentleman from Wyoming can get an opportunity to express his views on the other side later, if the gentleman from Illinois [Mr. PRINCE], who has the floor, objects to yielding now.

Mr. PRINCE. I will yield five minutes to the gentleman from Wyoming now.

Mr. MONDELL. I do not care to have the gentleman yield to me at all.

Mr. PRINCE. I am perfectly willing to yield. It is no purpose of mine to foreclose discussion.

Mr. MONDELL. The gentleman evidently did not want the other side heard.

Mr. PRINCE. I am perfectly willing to have any side heard. The gentleman can go on.

The SPEAKER. The Chair prefers to hear the gentleman from Illinois make a statement of all these points, and then if the Chair has any doubt in his mind about any of them he will suggest that to the House.

Mr. PRINCE. The next is amendment No. 40, on page 38. I call attention to that because perhaps it may be well to consider it in discussing amendment No. 42. Amendment No. 40 provides:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

Then it enumerates a number of Army posts.

The SPEAKER. The Senate struck that out.

Mr. PRINCE. The Senate struck that out. As to amendment No. 40 I make no contention.

The SPEAKER. What is it that the gentleman is making a point about?

Mr. PRINCE. I am reading amendment No. 40, because I think, in fairness to the Speaker, it should be considered.

The SPEAKER. What is the gentleman's contention?

Mr. PRINCE. My contention is that the conferees have gone outside of their right and have introduced into this conference report matter that is not germane and proper to be considered.

The SPEAKER. What is the matter that the gentleman thinks is not germane?

Mr. PRINCE. On page 39, amendment No. 42, is another proviso that was in the House bill that was stricken out by the Senate:

Provided further, That no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post or a regimental post into a brigade post.

Now, in lieu of these two—No. 40 and No. 42—the Senate having disagreed to them, the conferees put in amendment 42, which is found on page 39. It is as follows:

No. 42. In lieu of the amendment, insert: *Provided*, That a commission, to consist of Lieut. Gens. Samuel B. M. Young and Arthur MacArthur, retired, and Maj. Gens. George M. Randall, Jesse M. Lee, and Charles F. Humphrey, retired, and two members of the Committee on Military Affairs of the Senate, who shall be designated by the President of the Senate, and two members of the Committee on Military Affairs of the House of Representatives, who shall be designated by the Speaker of the House of Representatives, is hereby created to consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone. The commission shall meet upon the call of the chairman, who shall be the senior lieutenant general on the commission, at the earliest practicable date, and proceed to the execution of the work of the commission in such manner as the commission may determine. Prior to the rendition of the report hereinbefore required it shall be the duty of the Secretary of War to authorize the commencement of no new posts within the continental limits of the United States and to preserve and maintain in the same manner as at the time of the passage of this act all posts now in existence which are liable to enlargement or retention, according to the terms of this act. Actual and necessary expenses of the commission shall be paid out of the contingent funds of the Senate and House of Representatives, respectively and equally.

Now, what is the point at issue? There are in the United States, not including Alaska, 168 posts. Of these 141 are at present garrisoned. The original bill provided that no part of the appropriation should be expended at any of the 25 posts named therein. Here is an appropriation that no part of which shall be expended upon 25 posts named in the bill. The Senate disagrees to that proposition and a commission is appointed; for what? Now, the question in dispute was, shall any part of this appropriation go to these posts? What posts? Twenty-five specifically named in the bill. The Senate disagrees to that, and the conferees now come in and agree that a commission shall be appointed to consider all the Army posts, 168, of which 141 are at present garrisoned.

Mr. HAY. Mr. Speaker, the gentleman from Illinois does not want to mislead the Chair. There are not 168 mobile army posts in the country. A large number of the 168 are Coast Artillery posts, as the gentleman knows.

Mr. PRINCE. Will the gentleman from Virginia state how many at present are garrisoned that are not coast-artillery posts?

Mr. HAY. About 55 or 60; not over 60.

The SPEAKER. The Chair will ask the gentleman from Illinois to read the first proviso on page 38—the words struck out by the Senate. What does the gentleman say is the subject matter of that?

Mr. PRINCE. The subject matter is that no part of this appropriation shall be expended at any of the following-named Army posts.

The SPEAKER. That is not the whole statement:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service—

and then it goes on to enumerate a lot of posts. What is the subject matter of those lines?

Mr. PRINCE. The abandonment of Army posts.

The SPEAKER. That is it.

Mr. PRINCE. Now, let me answer. The House—and this is supposed to be a part of the RECORD—the House, on December 18, 1911, passed a resolution asking the Secretary of War to give information as to what Army posts he had abandoned or contemplated abandoning. On January 25, 1912, the Secretary of War answered the House upon that question that the number was 25, and these are the 25 mentioned in this provision. Here are the RECORD proceedings of the House asking what the Speaker has asked me, that no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or is going to decide to abandon. He was asked a question by resolution, and replied on January 25. These are the 25 that are mentioned. The chairman of the committee puts it at 60 posts in all, and therefore there are 35 here that were not in dispute at all before the conferees.

Mr. HAY. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. HAY. I understand the gentleman is making a point of order to amendment 42. Now, amendment 42 provides that no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post. That includes every mobile army post in the whole country, and therefore all of the posts are included under this amendment 42.

Mr. PRINCE. Let us understand ourselves, so that we will not present anything to the Speaker that is not in controversy. The gentleman contends that the forty-second amendment, on page 39, is to the proviso on page 39?

Mr. HAY. Yes.

Mr. PRINCE. And it stands or falls on that and not anything prior thereto. Let us see. I want to be fair about it, so that the Speaker will get all the information. I want to be fair with the Speaker, and I do not want to be unfair with the House in any way.

Mr. HAY. Mr. Speaker, I simply state that amendment 42 includes all the posts—that no money shall be expended in any of these posts.

The SPEAKER. But the contention of the gentleman from Illinois is that amendment 42 as recommended by the conferees covers amendment 40, which strikes out the proviso beginning on line 12 of page 38, and also amendment 42, on page 39. The whole thing in issue is the abandonment of Army posts.

Mr. HAY. That is the point.

The SPEAKER. That is the subject matter of that controversy.

Mr. PRINCE. Very well. Then, Mr. Speaker, if the question at issue is the abandonment of Army posts, the question of whether a post shall be enlarged or reduced is not at issue.

The SPEAKER. That is one of the conditions on which they abandon Army posts—that is an incident of the discussion.

Mr. PRINCE. The proviso says that no part of the sum appropriated by this act shall be used to convert a mobile army post of less grade or size than a regimental post into a regimental post, or a regimental post into a brigade post.

The SPEAKER. The Chair will ask the gentleman a question. Undoubtedly the whole controversy at this particular time is the abandonment of Army posts. The Chair has to decide as to whether this amendment suggested by the conferees is germane to that subject. What has the gentleman to say about that?

Mr. PRINCE. My answer to that is this: That if it was confined to the question of the abandonment of Army posts, pure and simple, it might be germane, but here is an Army board or commission created—

To consider and report to the Senate and House of Representatives on or before the 1st day of January, 1913, upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the Army, but not including Coast Artillery posts and troops. The commission shall make recommendations, giving reasons in detail therefor, as to which of the existing posts shall be retained or abandoned, and of those recommended to be retained which, if any, shall be enlarged, and to what extent. In all of its recommendations the commission shall have due regard for the proper distribution of the different arms of the service as determined by strategic, sanitary, and economical considerations, and by the relations which should be maintained by the Regular Army with the Organized Militia and the public at large, and taking into consideration the number of troops which may be stationed in Hawaii and the Canal Zone.

As I understand it, the House has asked how many posts do you expect to abandon, and the answer is 25. The House then puts in its bill the 25 and they are in dispute and none other. If there was a commission appointed to determine what to do with those 25, very well.

The SPEAKER. But the gentleman does not state the whole of the proposition. Amendment No. 40 strikes out this proviso:

Provided further, That no part of this appropriation shall be expended in any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

I will ask the gentleman if that is not an unlimited extension to abandon any Army post or to refuse this appropriation to any Army posts that the Secretary of War may hereafter determine to abandon. Suppose we were to pass this bill to-day and leave in the 25 Army posts, if that is the number which the Secretary of War has already determined to abandon, and suppose after the bill goes into effect on the 1st of July, on the 2d of that month, for some reason or other, the Secretary of War makes up his mind that there ought to be one or more of these other posts abandoned. Does not this limitation then apply to those he names?

Mr. PRINCE. It might. We will now go on to the next, Mr. Speaker. On page 67, line 1, the House had a provision to abolish The Adjutant General's Office and the Inspector General's Office, and consolidate them with the Chief of Staff.

Mr. FOSTER. What is the number of the amendment?

Mr. PRINCE. Amendment No. 73. The House sought to consolidate the establishment of The Adjutant General and the Inspector General and the Chief of Staff. The Senate rejected the proposition. The conferees offered in lieu of that an amendment as follows:

SEC. 5. That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army, neither shall any officer, after the 5th day of March, 1913, be detailed nor be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general, and the General Staff Corps shall hereafter consist of 2 general officers, 1 of whom shall be Chief of Staff, 3 colonels, 4 lieutenant colonels, 8 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods provided by law, and hereafter details to the General Staff Corps, excepting the 2 general officers, shall be subject to the provisions of section 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States." All officers of the line of the Army now detailed for service in any Staff Corps, or department or in the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps, or department, or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent: *Provided*, That hereafter when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, Staff Corps, or staff department from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, Staff Corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office, unless he shall be reappointed thereto. If under the operation of this proviso the number of officers of any particular grade in any arm, Staff Corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grade shall be filled until after the total number of officers therein shall have been reduced to the number authorized by law.

At the bottom of the first page of that amendment will be found the following words:

All officers of the line of the Army now detailed for service in any Staff Corps or department or in the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail.

I object to the words "in any Staff Corps or department" as being new words. The purpose of this legislation is to consolidate The Adjutant General, the Inspector General, and the Chief of Staff. The provision does not consolidate The Adjutant General and the Inspector General with the Chief of Staff. It makes a provision with reference to a detail of officers in the Staff Corps or department. There are 10 Staff Corps or departments in the service, and if this provision of detail applies, it applies to 7 corps not mentioned in this paragraph and that are no part of this section.

The provision in the conference report, lines 5 to 10, that "no officer who shall have served for four years under detail in any Staff Corps or department or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army

in which commissioned, except in time of war or when war is imminent," is new matter so far as the provision is applicable to Staff Corps and departments other than The Adjutant General's and the Inspector General's departments and, of course, the General Staff Corps. See the corresponding provision as passed by the House and rejected by the Senate. The conference report thus makes the provision applicable to the following-named Staff Corps and departments not affected by the provision as passed by the House and rejected by the Senate:

Judge Advocate General's Department, 3 officers (acting judge advocates); Quartermaster Corps, 144 officers; Ordnance Department, 57 officers; Signal Corps, 26 officers; Bureau of Insular Affairs, 2 officers.

Now, the House passed a provision consolidating the Inspector General, The Adjutant General, and the Chief of Staff. The Senate rejected that. They brought back this other provision for a Chief of Staff. They brought back a provision affecting officers of the General Staff which the House never passed upon, which the Senate never passed upon, which was never in conference at all. The question they had before them was section 6, page 67. "That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are hereby consolidated."

The SPEAKER. Where is that language?

Mr. PRINCE. It is at the bottom of page 67 (continued 1):

All officers of the line of the Army now detailed in the service in any Staff Corps or department or in General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in the Staff Corps, departments, and General Staff Corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in any Staff Corps or department or the General Staff Corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in time of war or when war is imminent.

Now, what was the question of difference? Consolidation of the Adjutant General's Office. There is the other section consolidating the Quartermaster's Department, the Subsistence Department, and the Paymaster's Department, but that is another section. Here is a provision to consolidate the Inspector General, The Adjutant General, and the Chief of Staff Corps. Now, the Senate rejected that proposition and the conferees did not insist upon it, and there is nothing in the provision consolidating these two with the Chief of Staff, but the conferees bring in another matter for the detail of officers which affects not only these departments which they had jurisdiction of, if you please, or the subject matter, but it traveled outside and affected the other departments of the service that I have read about, the Judge Advocate General's Department, the Ordnance Department, Signal Corps, and Bureau of Insular Affairs. There they have gone outside of their right in that and it is new matter, foreign to the question in dispute; new matter, foreign to the subject matter which was the consolidation of The Adjutant General's Office and the Inspector General's Office. Now, further, that is the end of that part. Now, the question in dispute was not in regard to qualifications. There was no dispute as to the qualifications of the Chief of Staff. There was a dispute as to the tenure of office when he got into the office. That was the question of difference, tenure not qualifications. The conferees passed upon the question of qualifications of the Chief of Staff. The law fixes the qualifications of the Chief of Staff.

Mr. CRUMPACKER. Will the gentleman allow me a question?

Mr. PRINCE. Yes.

Mr. CRUMPACKER. In relation to the matter of tenure, was there any different tenure provided in the original section 6 from what is already the law?

Mr. PRINCE. I think not.

Mr. CRUMPACKER. Section 6, you know.

Mr. PRINCE. It is a repetition of it.

Mr. CRUMPACKER. It is simply a declaration as to tenure, so there is no difference of opinion about that. The matter of tenure was repeated in section 6.

Mr. PRINCE. I was going to say that it does not change the law at all. It is simply reenacting the law.

The SPEAKER. Reenacting a law that already exists is not an unparliamentary thing; it is possibly surplusage.

Mr. PRINCE. I want to read the law. Section 3 of the law is as follows:

SEC. 3. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier general. * * * All officers detailed in the General Staff Corps shall be detailed therein for periods of four years unless sooner relieved. * * * and no officer shall be eligible for further detail in the General Staff Corps unless he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

I say to the Speaker that the question of the qualification or the tenure of the Chief of Staff, unless the intention of the law puts it in dispute, was in dispute between the two Houses. The House mentions him and the Senate mentions him not at all, but they come back with a new provision as to the question of his qualifications, changing existing law when the question was not in dispute at all, like a proposition that was not in dispute. Now, let us see if it was in dispute. On page 68 of the bill, beginning with line 20, it says:

The Adjutant General's and Inspector General's departments by the terms of this act.

Now, that is the subject matter—the consolidation of it—that is all. It says further:

And nothing in said sections or in this act shall be held or construed so as to nullify or change any of the provisions of existing law as to the detail of officers for duty as Chief of Staff, or as to the period for which officers so detailed may serve; and no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct.

Now, there was no dispute about the qualification; no dispute, as I can find and understand, about the tenure. Then, if it is not in dispute, why attach any qualification. If you do so, is it not new matter? Is it not subject matter in dispute? Now, what have they done? They have said here, by bringing in new matter—

That hereafter, except in time of war or when war is imminent, no officer who shall have served four years as Chief of Staff shall be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army.

The House bill simply said there was no intention or disposition to change the qualifications of the detail. It was not in dispute. The conferees therefore decided to put in new matter and fix an eligibility that was not in dispute between the two Houses.

I think that is all, Mr. Speaker, that I desire to say. If there are any other suggestions, I will ask the indulgence of the Speaker to present it if anything new should present itself.

Mr. CRUMPACKER. Mr. Speaker, on this amendment I would like to submit some views and a few authorities.

The SPEAKER. Which one is it?

Mr. CRUMPACKER. Seventy-three—the one the gentleman from Illinois has just finished discussing. And in the meantime I shall be very glad if the confusion in the House would abate just a little. It is very difficult to talk on a question of this kind when there is a buzz of conversation all around on the floor of the House.

In the first place, Mr. Speaker, section 6 contained in the House bill was stricken out by the Senate and nothing substituted in its stead. That section provided for the merging of the Adjutant General's Department and the Inspector General's Department with the General Staff Corps. That is the purpose of section 6, and it is the only purpose. It is a long section and everything contained in it belonged essentially to the consolidation of the three departments, and the detail provisions went largely to locate and to fix the status of the offices and officers of the two departments merged into the General Staff Corps. The section expressly declared that nothing in the bill should be construed as affecting in any way the offices or officers of the General Staff Corps. Those officers, including the Chief of Staff, should remain as they are under existing law. It declared further that the provision in relation to the tours of service, the tenure of service, should not be affected, and that those detailed into the General Staff Corps should serve four years and then they should serve an interim of two years in the line somewhere else before they could again be detailed to the Staff Corps. The act of February 14, 1903, defines and fixes the qualifications for the position of the Chief of Staff. That law declares that the Chief of Staff shall be selected from the Army at large among those whose grade is above that of colonel. It includes simply general officers of the Army—lieutenant generals, major generals, and brigadier generals, who are all eligible to detail to the position of Chief of Staff. There is absolutely nothing in the text of the bill relating to the question of qualifications; absolutely nothing in the text of the bill to change, either directly or by implication, the provisions of section 3 of the act of February 14, 1903. Section 6 of the House bill was struck out by the Senate altogether, and the conferees report an amendment as a substitute that has nothing to do with the consolidation of the departments.

That was the only purpose of the original section. Everything else contained in it was but incidental detail necessary to complete and perfect the consolidation. One can not read the section critically without reaching that conclusion. It affected staff officers in no other department, and did not purport to

affect them in any other department. That section was stricken out altogether, and the conferees reported a proposition in its stead to reorganize in a way the entire staff of the Army, without any provision whatever for the consolidation of the departments.

The conferees reported a provision amending section 3 of the act of February 14, 1903, fixing qualifications for those who are eligible to detail as Chief of Staff, and declaring that no person shall be eligible to detail to that important position unless he shall have served at least 10 years in the line of the Army below the rank of or the grade of a brigadier general. That is an amendment of a section of existing law that was not involved, that was not in dispute.

I repeat—and I want to emphasize it, Mr. Speaker—that the question of the authorization of Army officers to be detailed as Chief of Staff was not in disagreement between the two Houses and was not in the original text. It was not put in dispute by the Senate striking out the entire original text. It is substitutive legislation upon a new proposition.

Even the policy of the amendment does not follow the subject matter of the original section—a subject matter that looked toward the consolidation of three departments in the Army, with a view to, perhaps, a better organization and with the avowed object of saving expense to the Government. That was one of its avowed purposes.

Now, in the desire of the committee to emphasize its purpose to allow or require the General Staff Corps to remain as it was it not only embodied in the section a declaration that nothing in the act should change its status, but it went on to recite in substance that the details should be four years, and two years off, declarative of part of the act of 1903.

It is true that if an existing law is reenacted it is subject to amendment, but only the portions that are reenacted. There was not a single word in the original text about the qualifications of officers for detail, not a single word about the question of eligibility.

Now, Mr. Speaker, the general proposition is that the purpose, and the only purpose, of original section 6 was to consolidate the three departments, and the only purpose of the proposed amendment is to change the qualifications of the Chief of Staff which was not touched upon in the bill or any amendment thereto.

The SPEAKER. The Chair would like to ask the gentleman a question. Take section 6 in its entirety, and does not that bring forth to the conferees the entire subject of the staff and these other parts?

Mr. CRUMPACKER. Only to the extent, Mr. Speaker, that it is involved in the section in dispute. The Speaker, of course, has in mind the fact that the power of the conferees is always strictly construed. Here is an instance now of reporting new legislation, legislation that never was considered in the House and that never was considered in the Senate; legislation of great importance; legislation that will result in excluding from the important position of Chief of Staff a large number of distinguished Army officers.

The SPEAKER. The Chair can not take into consideration the motive which prompted anybody, either in the House or the Senate, upon the conference.

Mr. CRUMPACKER. I am discussing now only the question of policy in the construction of the rule. Adding to what I have already said, there is no opportunity to amend a proposition when it comes up in this manner, and matter to be under the jurisdiction of the conferees must not only be in dispute, but it must be germane. It must not only be germane to the text or to an amendment, but it must be in dispute between the Houses. The House might have offered amendments to section 6, but it did not. The Senate might have offered amendments to section 6. But section 6 was stricken out by the Senate.

Is the Speaker ready to decide that the conferees have the same broad scope of amending provisions originally, with even germane amendments, that the House would have or that the Senate would have? The amendments, I repeat, must not only be germane, but they must be subject matters of dispute. This proposition, however, was agreed upon in a sense by both Houses.

The SPEAKER. The Chair would like to ask the gentleman a question. How can the gentleman make that contention, that they agreed upon it, when the Senate struck out section 6?

Mr. CRUMPACKER. I mean the qualifications of the Chief of Staff. The House declared that the law should stand as it is. The Senate struck out the whole section, leaving the law as it is. Can it be said in any proper sense, under those circumstances, that the question of the qualification of the Chief of Staff was a matter of dispute between the two Houses?

The SPEAKER. Now, is not this the truth, that part of that section simply reenacts an existing statute?

Mr. CRUMPACKER. It does not. It is declaratory of some things that are in an existing statute; but I want——

The SPEAKER. The Chair wants to get at the facts. Practically it reenacts an existing statute, and the Senate goes to work and strikes out that section, including this existing statute.

Mr. CRUMPACKER. My contention is that there is no part of the existing statute reenacted; but it declares things that are already the law, and that only the part that is reenacted is subject to amendment or open to question. It did not reenact the statute in relation to the qualifications of the Chief of Staff. That subject is not mentioned in the section at all, and therefore it was not subject to amendment. The House did not declare that the qualifications should remain as they were. Absolutely nothing is said in relation to the qualifications fixed by the act of February 14, 1903.

Now, there is another proposition I want to submit. This matter would not have been germane if it had been offered on the floor of the House.

The SPEAKER. The gentleman does not contend, does he, that the Chair must rule this thing out of order, or any part of it, simply because it could have been ruled out originally in the House on a point of order?

Mr. CRUMPACKER. Most certainly it must be germane.

The SPEAKER. Of course it must be germane. There is no dispute about that.

Mr. CRUMPACKER. And if it is germane it could have been offered in the House.

The SPEAKER. Somebody gets up and offers a proposition, or the committee itself brings in a proposition, that is subject to a point of order—a legislative proposition—and everybody sits here and lets it go through, and it goes over to the Senate, and the Senate does something or other to it, and then it goes to conference. The gentleman does not contend that we can go back now, here in the House, and take cognizance of the point of order that might have been raised against the provision at the right time, does he?

Mr. CRUMPACKER. No, indeed, Mr. Speaker. This is the situation: The House enacted section 6——

The SPEAKER. Yes.

Mr. CRUMPACKER. And the Senate struck out section 6 without substituting anything for it, and therefore the question now is as to whether this is germane to section 6. That is the proposition, and that is the point I want to discuss.

The SPEAKER. That is undoubtedly the proposition that ought to be discussed.

Mr. CRUMPACKER. I made the assertion that if this amendment had been proposed in the House it would have been ruled out on a point of order, because it is not germane to anything in the section.

Suppose a bill is brought up in the House changing the term of service of the Commissioners of the District of Columbia from four years to six years. That would affect the tenure of their service. Would it be in order to propose an amendment that no man shall be qualified for appointment originally to that office unless he be 40 years of age, has lived in the District of Columbia for 10 years, and is a taxpayer? Surely not. The subject of the tenure of office, the length of the term, and the subject of qualifications are altogether different propositions. I want to impress upon the mind of the Speaker the importance of reading analytically and critically the provisions of section 6, so as to know exactly what it contains. Then read along with it the proposition reported by the conferees. I feel an abiding confidence that the Speaker can not reach any other conclusion than that an amendment offered on the floor of the House or reported by the conferees changing the qualifications of the officer who may be detailed as Chief of Staff would not be germane. I said a moment ago that the two Houses had agreed upon that proposition.

But an amendment must not only be germane, but it must be in dispute. The House Manual and Digest, on page 279, paragraph 539, sums up the situation as follows:

The managers of a conference must confine themselves to the differences committed to them and may not include subjects not within the disagreements, even though germane to a question in issue.

They must be more than germane to the question in issue. They must be matters in dispute, matters in relation to which, in one form or another, one House or the other has taken some action. Of course, when a proposition has been disagreed to and submitted to the conferees they may report a substitute, but it must be confined to the subject matter in dispute. But when, as in this case, the entire text is struck out in the Senate, the conferees have a broad latitude in arranging matters of detail; but they can not report anything except that which pertains to

the subject matter of the original text which was put in dispute by the Senate striking it out.

I repeat that the change of qualifications is a new and substantive proposition. It has no relation to the consolidation of the departments; it has no connection with it, no bearing upon the mere matter of tenure.

A case I want to refer the Speaker to is in volume 5, Hinds' Precedents, page 727, paragraph 6419. That case arose on an omnibus war-claims bill. An omnibus bill went through the House covering a number of war claims and went to the Senate. The Senate struck out all after the enacting clause and substituted an omnibus bill of its own. That amendment was disagreed to by the House, and the subject matter went to conference; and the conferees reported, among other things, three claims that were not in the Senate bill or the House bill. It was admitted on both sides that they were germane to the bill. It was an omnibus war-claims bill, and they were the same class of claims as those embodied in it. They would have been admissible as germane amendments on the floor of the House or in the Senate. Speaker Henderson sustained the point of order to the report of the conferees, because those claims were not in dispute.

Now, on page 720, paragraph 6410, of Hinds' Precedents, at the bottom of the page, is a ruling by Speaker Reed, in which he says:

The Chair dislikes to pass upon such matters as this, but it is a well-established principle that no conference committee can introduce a new subject, one that was not in dispute between the two Houses.

The subject of qualification of an officer to be detailed as Chief of Staff is entirely a new substantive proposition. It bears no relation to the purpose of section 6; it is a new subject, one that is not in dispute between the two Houses and could not have been.

Speaker Reed continued:

And it is evident that everybody in the House realizes that this amendment which has been presented is really beyond the power of the committee of conference. That being so, and the point being made, there is no other course but to sustain the point of order, which the Chair accordingly does.

In that same paragraph is another case where a bill went through the House granting certain privileges to a railroad company, and the Senate amended it by adding two more railroad companies to enjoy the same privilege.

The House disagreed to the Senate amendment and it went to conference. The conferees agreed by striking all of them out, and a point of order was made against the report of the conferees.

Speaker Reed sustained the point of order because the subject matter of the railroad that had already enjoyed and was enjoying the privilege had been agreed to by both Houses, and it was not a subject matter in dispute. They were all connected together, the Senate agreed to leave that one in on condition that the two others should go with it. The conferees, being unable to agree, struck them all out, and Speaker Reed said that the one railroad was not in dispute. It was entirely germane to move to strike it out in the House or in the Senate. Speaker Reed said:

If we were to adopt the idea that when once the subject matter that was to control, and not the difference between the two bodies, we should be likely to enlarge the powers of the committee of conference rather beyond what was intended by the House. To the Chair it seems the point of order is well taken, and therefore the Chair sustains it.

Mr. MONDELL. Will the gentleman yield for a suggestion?

Mr. CRUMPACKER. I will.

Mr. MONDELL. Does the suggestion the gentleman refers to have any application to a case like this, where the entire subject matter agreed to by the House was stricken out and therefore everything embraced within that subject matter was before the conferees?

Mr. CRUMPACKER. Yes.

Mr. MONDELL. In the case the gentleman cites, both Houses agreed as to one matter; they had agreed to give one railway certain privileges, so there was one matter agreed upon. Clearly the conferees could not strike that out.

Mr. CRUMPACKER. There is where the gentleman is mistaken. The House put one railroad in the bill and the Senate left it in on condition that two others go with it. How were the conferees going to get together? The Senate did not propose to give up the privilege going to the two railroads if the one railroad should enjoy it, and that could only be done by striking out all the railroads. I do insist that they were connected; they were tied together. The Senate agreement to the one railroad was on condition that two others should enjoy the same privilege.

Mr. MONDELL. But no such decision could apply to a case where all the subject matter was stricken out and there was an agreement upon nothing—a complete disagreement.

Mr. CRUMPACKER. Mr. Speaker, I am using this case to illustrate the fact that even germane amendments can not be put in a measure by conferees unless the subject matter of the amendments is in dispute. There are a number of decisions in Hinds' Precedents on the pages preceding and following the one that I have cited, but what I desire to emphasize in conclusion is the fact that the purpose and object of section 6 was to merge The Adjutant General's staff and the Inspector General's staff in the General Staff Corps, without changing the status or qualification or tenure of the General Staff Corps. That was its purpose, and the conferees reported a measure that is altogether foreign to any purpose of that kind. It does not embody it all. It departs entirely from that purpose. Every provision in section 6 originally is incidental to the purpose of merger or consolidation, and the conferees abandoned that purpose altogether and reported a new substantive proposition that had no relation to it, and one which I think I have perhaps demonstrated to the Chair was not even germane to anything in section 6. I have no doubt about it. I feel that the conferees went beyond their parliamentary power.

The SPEAKER. The Chair is ready to rule on three of these propositions. He will give gentlemen a chance to be heard on the fourth one.

Mr. KAHN. Mr. Speaker, is the Chair ready to rule on amendment 48?

The SPEAKER. The Chair is ready to rule on all of them except the one relating to water and sewers.

Mr. KAHN. That is the one I would like to be heard upon.

Mr. MONDELL. Before the Chair rules I should like to be heard briefly on the amendment just discussed by the gentleman from Indiana.

The SPEAKER. The Chair will state to the gentleman that it is superfluous.

Mr. MONDELL. I should like to be heard also on the water and sewer amendment, No. 48.

The SPEAKER. That is the one the Chair reserved and invited further argument upon. As soon as the Chair rules on the three propositions he has in mind he will hear any gentleman who desires to take one side or the other upon amendment No. 48.

On page 20 of the bill, in line 11, the House inserted a provision:

For travel allowance to enlisted men on discharge, $900,000.

The Senate added a proviso:

Provided, That hereafter when an enlisted man who is enlisted on or before July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind, etc.

All that the conferees did to that Senate amendment was, in line 1 of the amendment, after the word "man," to strike out all down to and including the comma after the word "twelve"; and those words are:

Who is enlisted on or after July 1, 1912.

All that that does is simply to broaden it, and it is not a parliamentary question. It is a question for the court to decide whether those men are entitled to the pay they otherwise would have received. The Chair therefore overrules the point of order.

On page 38 of the bill the House inserted a proviso, beginning on line 12, as follows:

Provided further, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service.

The Senate struck that out. The conferees then inserted a proviso on the same subject, appointing a commission to inquire into and advise the Secretary of War, or anybody seeking information upon that subject, what Army posts should be abandoned; and the rest of the proviso is simply detail thereof. It has been repeatedly held—I do not know by how many Speakers, but by more than one—that in a case like that, where there is no departure from the subject matter—and the subject matter in this case is the abandonment of Army posts, and the reciting of 25 Army posts was simply a detail—a commission might be appointed. The Chair calls attention to one case where a bill was brought in providing for the construction of a public road. The conferees changed that so as to appoint a commission for a survey of the public road. That was held to be in order. The subject matter of this amendment or proposition is the abandonment of Army posts. The matter that the conferees put into it is simply a detailed arrangement of how to get at abandoning the Army posts.

The Chair therefore overrules that point of order.

The next point of order is the one made to section 6, which treats of the consolidation of the establishments of The Adjutant General, the Inspector General, and the Chief of Staff. It is a very long section. It fixes the term, among other things, of the Chief of Staff. It fixes the length of recess, if the Chair

may be permitted to use that term, that any man who holds that position shall take from that office.

It may be that it is simply the reenactment of an existing statute; if it is not, it is very close to it. Now, it treats of the subject of the General Staff and the Chief of Staff. The Chair has nothing to do, as the Chair stated to the gentleman from Indiana [Mr. CRUMPACKER], with the motives or quarrels that have been going on in the War Department about the Chief of Staff and several other things. It does not make any difference how it got in, and it does not make any difference, so far as the parliamentary situation is concerned, as to the effect of it on individuals. The only question is whether this matter, inserted by the conference committee, is germane to the proposition touching the Chief of Staff. The Chair thinks it is, and the point of order is overruled.

Now, the Chair will hear any gentleman who believes that the matter which the conference committee inserted in lieu of amendment 48 is germane and ought to stay in the bill, but does not care to hear anybody else on the other side unless in rebuttal.

Mr. MONDELL. Mr. Speaker, the paragraph to which the proviso stricken out as amendment No. 48 is attached provides for procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the disposal of sewage, and so on and so forth. Now, the proviso which was striken out, in lieu of which the language in controversy was inserted, provides that no part of this appropriation shall be expended for permanent improvements at, among other posts, Fort D. A. Russell. The subject matter therefore of the language stricken out is permanent improvements at Fort D. A. Russell, and therefore in striking out that provision prohibiting the expenditure of any money for permanent improvements the conferees were within their authority when they inserted a provision for the purpose, after condemnation if necessary, of purchasing certain tracts of land for maneuvering of troops and other military purposes. It has been suggested that purchase of land does not constitute a permanent improvement, but I think it is hardly necessary to argue that matter with the Chair.

The SPEAKER. The Chair will ask the gentleman this question: Suppose the gentleman owned 15 feet of land down here somewhere on some street, and he wanted to build a house that would cover 20 feet. Does the gentleman believe that buying a strip 5 feet wide could be construed as an improvement of that 15 feet?

Mr. MONDELL. I think so. It certainly would improve the property, for anything that is done that tends to its improvement is an improvement of the property. The purchase of an additional strip might be necessary to make possible any permanent improvement. If the Government owned a tract of land in the center of which was some privately-owned property, it might very well be that the Government would hesitate to proceed with the permanent improvement of that property by the erection of buildings or otherwise until it had acquired title to the land which it did not own. It might be an entirely necessary and essential thing to be done in connection with the permanent improvement of the property.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. LONGWORTH. Will the gentleman make this distinction. Suppose the proviso instead of saying "this appropriation" had said "of the appropriation for the above-named purposes," would the gentleman draw the distinction whether that could be said to be a permanent improvement?

Mr. MONDELL. If the Chair will permit further discussion along the line of the question asked by the gentleman from Ohio I will be glad to answer, but assuming now for the sake of argument the subject matter of the provision stricken out is "expenditures for permanent improvements at Fort Russell," the question is raised as to whether the purchase of land is a permanent improvement. I think unquestionably so. In this particular case the Government has a very large reservation, between six and eight thousand acres of the original reservation and some 50,000 or 60,000 acres of the adjacent reservation from which the post receives its water supply, and it is essential in the improvement of this post and its water supply that the Government acquire all privately owned lands within the boundaries.

Mr. KAHN. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to do so.

Mr. KAHN. The gentleman will note the language of the proviso says:

That no part of this appropriation shall be expended for permanent improvements at any of the following-named posts.

Now, does not the language "permanent improvements" refer back to the heading of the item "water and sewers at military posts"?

Mr. MONDELL. If the gentleman will allow me——

Mr. KAHN. Is not that the question?

Mr. MONDELL. I propose to discuss that, if the Chair will allow me, a little later; but for the present my argument is that the subject matter of the language stricken out is permanent improvements at this and other military posts and no other, and therefore the committee was within its rights when it provided for permanent improvements, to wit, purchase of some land necessary for the enjoyment by the Government of its property and necessary to its enjoyment of the water system on which it has expended several hundred thousands of dollars.

The acquisition of the remaining small tracts is an essential part of the permanent improvement of the Government's property. So much for that.

Now, it has been contended that inasmuch as the section to which this proviso was attached relates to certain specific expenditures or expenditures for specific purposes, the improvements must be improvements in line with the provisions of the section. Taking that view of it, the conferees were still within their authority, and I call the Chair's attention, as having an important bearing on this subject, to the Army appropriation bill of last year, in which this same section, containing the same language, also contains a provision almost identical with this and for the same purpose.

The section down to the proviso is in the identical language of the section now under consideration, and is in part as follows:

That not to exceed $100,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell Target and Maneuver Reservation, Wyo., and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire, by purchase or condemnation proceedings, certain tracts of land required for the maneuvering of troops and other military purposes.

Following that language is another proviso to the same section providing for the purchase under this appropriation of a quarter section of land located on Dead Mans Creek, S. Dak., adjacent, I presume, to Fort Meade, S. Dak. So, in the same section of the Army bill of last year, written in the identical language that we have now before us is the proviso for the expenditure of $100,000 for this same purpose and for the purchase of land on Dead Mans Creek. The practice, therefore, has been to make the sort of purchases provided by the conference report under this section.

Mr. KAHN. Will the gentleman yield? Was there any point of order against that language last year?

Mr. MONDELL. I do not know as to that. But let me say further, Mr. Speaker, that while the language added by the conferees does not refer to the tract of land proposed to be purchased as land necessary for water supply, the fact is, and I assume that fact was known by the conferees, that the land proposed to be purchased is necessary to the water supply of Fort D. A. Russell, because it is a part of the watershed of Fort D. A. Russell. It refers to the same areas the purchase of which was provided for in last year's bill. So, if we place the narrowest construction on this proviso, to wit, that it must be expended for the purposes of water supply at posts where it is necessary to bring the water from a distance—that is the language, and it applies to Fort D. A. Russell—then the provision inserted by the conferees is in order because it provides for the purchase of a tract necessary for the protection of the water supply of Fort D. A. Russell. That must have been understood by the conferees, because a similar provision was carried in the bill last year under the same heading and for the same purpose. It is true that the words "for maneuvering" are used, but the words "for other military purposes" are also used, and "other military purposes" may well include and do include a water supply. By a necessary implication in this connection they must mean water supply else the provision would not have been inserted by the conferees. The tracts proposed to be purchased are on the watershed of Fort D. A. Russell. It is a part of the land from which the fort receives its supply of water through its extensive water system. There is no other place in the bill where this provision would be germane or, if there be any such place, there is no other part of the bill in which this amendment would be as clearly in line with the purposes of the appropriation, following as it does past precedents and following the provisions contained in the bill of last year. So, from whatever standpoint you view it, whether the subject matter under consideration by the conferees had to do with permanent improvements, in which case this clearly comes within the

rule, or whether you view it from the narrower construction that it must be an improvement, having to do with water supply, in either event the conferees were within their right and acted within their authority in bringing in a provision of this sort.

Mr. SAUNDERS and Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Speaker, the question that is presented to the Chair of course is a parliamentary proposition. The Chair must decide according to the rules and precedents of the House. I would not occupy the time of the Chair if I did not feel that it was of some great importance that this bill should not go back to conference unnecessarily if it could be prevented, as the fiscal year is approaching when this money must be available for the use of the Army.

The question involved is whether the conferees have exceeded their authority or not. That can be the only question that the Chair has to pass upon. The House in this appropriation added a proviso to the provision that had been carried in the bill for many years, providing that no part of this appropriation shall be expended for permanent improvements at certain forts, and, among others, at Fort D. A. Russell. Now, the question is, and I think, Mr. Speaker, the whole question hinges upon it, What was meant by the words "for permanent improvements"—whether the House intended to use the words "for permanent improvements" in order to limit them to permanent improvements in the paragraph preceding, or any other permanent improvements?

The SPEAKER. The gentleman can dismiss one part of the contention from his mind. The Chair does not believe that the words "permanent improvements" in the proviso are intended to limit the preceding part of that paragraph.

Mr. UNDERWOOD. The position I intended to take is the position which the Chair has just announced. That being the case, Mr. Speaker, it brings the question down to a very simple proposition. The words "permanent improvements" not applying to the preceding paragraph, the language of the proviso simply states that none of the money available in the paragraph above shall be available in the permanent improvements at Fort D. A. Russell. It prohibits the use of it. Now, when the Senate knocked that out, so far as this proviso is concerned, it left that money available for any improvement at Fort D. A. Russell, so far as the proviso is concerned. Then the conferees, that being the issue between them—whether there should be a prohibition against using this money for permanent improvements, or whether there should be no limitation, as provided by the Senate amendment—the conferees agreed upon a provision which, leaving out the surplus words, reads as follows:

> That not exceeding $1,000 of the sum herein appropriated * * * may be expended * * * in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes at Fort D. A. Russell.

Now, what is the effect? The House put an absolute limitation upon the expenditure of this money not only at Fort D. A. Russell, but also at a number of other forts. The Senate struck out any limitation as to the expenditure of the money. The conferees agree that there shall be a limitation at Fort D. A. Russell; that only $1,000 may be expended for certain purposes, leaving no limitation as to the other forts.

Therefore I say that that being the case, the words "permanent improvements" not being limited by the preceding portion of the section, it leaves the question as to whether there shall be any limitation or no limitation; and between those points it was within the power of the conferees to fix a specific limitation at Fort D. A. Russell and leave it without limitation at the other forts. That clearly comes within the terms of the power of the conferees.

Mr. MANN and Mr. KAHN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Suppose the Senate amendment should be disagreed to entirely and not go into the bill. Could this money be expended for the purpose named in the conference report?

Mr. UNDERWOOD. I did not go into that argument, because I agreed with the Speaker when the Speaker announced that this language is independent of the language of the preceding section.

Mr. MANN. I take it that the point of difference between the two Houses must be on account of the Senate amendments, and that the conference must come within the difference.

The SPEAKER. The Chair would like the gentleman to state the first proposition again.

Mr. MANN. The point of difference must be on account of the Senate amendments. The conference authority must come within the points of difference. Suppose the Senate amendment is entirely disagreed to and goes out, so that there is no point of difference. Could this money have been expended for the purpose named in the conference report? That is the final test.

Mr. UNDERWOOD. No; I do not think the gentleman is right about that; because—suppose the House had written into this bill a new proviso. The gentleman says "the Senate amendment." The Chair presumes he refers to the House proviso.

Mr. MANN. I refer to the Senate amendment striking out the House proviso.

The SPEAKER. The Senate amended it by striking it out.

Mr. UNDERWOOD. There was no affirmative legislation, of course, in the Senate amendment.

Mr. MANN. But the point of difference between the two Houses is based upon the action of the Senate striking out a limitation. Now, supposing the Senate amendment were entirely disagreed to, could this money have been expended for the purpose named in the conference report?

The SPEAKER. The Chair will ask the gentleman a question: What did the House put that proviso in there for?

Mr. MANN. I went over that. They put it in there for the purpose of limiting the expenditure of the money.

The SPEAKER. Now, if they could not have done what you are inquiring of the gentleman from Alabama whether they could do or not—if that proviso had not been put in by the House—what was the sense in putting in the proviso?

Mr. MANN. Of course, if the proviso had not been put in, it is perfectly plain that the unexpended balance of an appropriation not referred to in this bill at all could not have been expended for this purpose or any other purpose. That could not have been in controversy or a matter of difference between the two Houses.

The SPEAKER. Then what did the House put that proviso in for?

Mr. MANN. For the purpose of preventing the money appropriated in this bill being expended for permanent improvements, or, as I think, for permanent improvements in relation to water and sewers at this post.

Mr. KAHN. At these posts.

Mr. MANN. It certainly did not relate to any other appropriation.

Mr. KAHN. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. KAHN. The War Department had sent to the House the names of a number of forts that it proposed to abandon, and the House, as I understand it, decided that none of this money for water and sewers should be expended in permanent improvements for water and sewers at any of these posts, and therefore put in that language.

Mr. UNDERWOOD. I think the gentleman is not entirely right on that question.

Mr. KAHN. I think that was the purpose of the House.

The SPEAKER. The only question in this thing is this: Within reasonable construction does this amount to an improvement?

Mr. UNDERWOOD. Mr. Speaker, the question is this as I understand it: The proposition has been pending before the House that certain forts should be abandoned. The House put in a proviso here to prohibit the expenditure of any further money in permanent improvements at those posts.

The SPEAKER. Yes; and we all understand perfectly well—this is not a parliamentary proposition I am going to lay down—that that proviso was put into that bill as a kind of step toward abandoning a lot of what are considered by various persons to be useless posts.

Mr. UNDERWOOD. Absolutely. It was not put there for the purpose of limiting the specific appropriation above, but it was put there for the purpose of preventing any more money being expended at those posts. Now, the Senate would not agree to that.

Mr. KAHN. Will the gentleman allow me right there?

Mr. UNDERWOOD. Let me finish my sentence, please. The Senate would not agree to that. They would not agree that no more money should be spent at these posts. Now, the question before the two Houses in controversy was the issue on the one side by the House that no more money should be spent in permanent improvements at those posts—Fort D. A. Russell, among others—and by the Senate that that limitation should not be placed there. The conferees met at a common point between the two points at issue and put a limitation on the expenditure at Fort D. A. Russell.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. Suppose this proviso had never been put in. Does the gentleman believe any money could have been spent at Fort D. A. Russell for any other improvement except one specifically provided?

Mr. UNDERWOOD. That is not the issue; the proviso was put in, it is in here, and it was put in clearly not for the purpose of making a limitation on this paragraph, but was put in for the purpose of preventing in the future——

Mr. LONGWORTH. But the committee says specifically, "This appropriation for water and sewers at military posts." It uses the word "this," and therefore is not a limitation generally, but a limitation on this specific appropriation. Now, then, does the gentleman from Alabama think that if that proviso was not in the bill any portion of this appropriation could be spent at Fort D. A. Russell or any other fort not specifically authorized? It seems to me that is the real point.

Mr. UNDERWOOD. That question is not in issue and is not the one I was discussing. The Speaker had already agreed to the proposition about permanent improvements—that it did not refer to the preceding paragraph. But I will say to the gentleman that this proviso above provides that the money may be spent for repairs to the water and sewer system. The provision that is put in here clearly is connected up with the water and sewer system, and it says it is for other military purposes. The fact that it says it can be used for maneuver purposes and other purposes does not disconnect it for the purpose provided in the last appropriation bill. But take the point of view of the gentleman from Ohio. If that was the point of view the committee and the House had when it wrote this provision, it was clearly to prevent the use of the money in this bill for that specific purpose of broadening the appropriation that already exists. This is only carrying out the existing law, and that was the issue between the two Houses. The House said it should not be used to continue the work and the Senate said it should, and they agree on the point between the two questions in conference; that is, they left all the other forts out, and they provided for the specific limitation in reference to the expenditure of money at Fort D. A. Russell.

Mr. LONGWORTH. The gentleman justifies his position, then, on the theory that this was a permanent improvement for the purpose of adding to the water supply or increasing the water supply at Fort D. A. Russell, when the language says "the purchase of certain tracts of land for maneuver of troops or other military purposes"?

Mr. UNDERWOOD. There is no question but that this is a permanent improvement.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman think that under this language in the bill and the Senate amendment that the conferees would have been authorized to increase the amount of the appropriation?

Mr. UNDERWOOD. I do not think the question of increasing the amount of the appropriation was in controversy or is involved here at all.

Mr. MANN. The Senate amendment strikes out the provision that no part of this appropriation shall be expended for certain purposes. If that is to be restored by conference, would they have authority at the same time to make an additional appropriation for that purpose, because that is what they have done?

Mr. UNDERWOOD. They have merely made a limitation on the appropriation that is already to be expended, so far as the appropriation is concerned.

Mr. MANN. Oh, no; they have added to the amount of money.

Mr. HAY. The conferees did not add anything.

Mr. MANN. I beg the gentleman's pardon, the conferees have added to the amount of money.

Mr. HAY. How?

Mr. MANN. Because they say, "together with the unexpended balance heretofore appropriated."

Mr. LONGWORTH. And how much does that involve?

Mr. MANN. About $15,000; but the amount does not make any difference. Here is the limitation on this appropriation. Can the conferees increase the amount of the appropriation?

Mr. HAY. They do not increase the amount of the appropriation.

Mr. MANN. But they do; the gentleman is mistaken. We do not differ as to the facts, but they increase the amount of the appropriation by reappropriating the unexpended balance.

Mr. HAY. We reappropriate the unexpended balance, but we do not increase the amount appropriated.

Mr. MANN. The conferees did not increase the sum carried in the bill because that was not in disagreement, but they increased the amount appropriated because they reappropriated money not available for the next fiscal year.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MONDELL. The House amendment was a prohibition against the use of the appropriation for permanent improvements at this place. That clearly put in conference the question as to whether the moneys could be used for permanent improvements at that post. There was a certain unexpended balance heretofore appropriated for permanent improvements, and having in disagreement the question of permanent improvements, it was clearly within the authority of the conferees to provide that permanent improvements could and should be made of the unexpended balance.

Mr. UNDERWOOD. Mr. Speaker, I agree with the gentleman. I think the real issue before the two Houses was as to whether permanent improvements should be continued at those forts. The House took one position and the Senate another. If the House provision had been agreed to, there could have been no continuation of permanent improvements there. Striking it out, there can be. The real issue between the conferees was the question of the continuation of permanent improvements. The balance was an incident to it. The conferees came to a compromise between the two positions and stated a limitation, that the permanent improvements could be made at Fort D. A. Russell, and it seems to me that this provision is within that limitation when you take the view of the situation from the standpoint of what the House was desiring to accomplish and what the Senate intended to negative.

Mr. COOPER. Mr. Speaker, as has been aptly said by the gentleman from Alabama [Mr. UNDERWOOD], this whole question turns upon the proper construction to be given to the words "permanent improvements" found in this bill. But I disagree entirely with the argument of the gentleman on this point.

It is a fundamental rule of statutory construction familiar to every Member of the House that in making laws legislators are supposed to use words in the sense in which they are commonly understood. Now, the gentleman contends that the words "permanent improvements" when applied to real estate include not only the making of permanent improvements on that real estate but include also the buying of other real estate. That is, if a man owns a piece of land, he makes "permanent improvements" on it when he buys another piece of land. Can it be seriously contended that that is the sense in which the words "permanent improvements" are commonly understood and used? Not at all. I undertake to say that never before in this House has such a contention been made.

If a farmer buys 160 acres of land of the Government, does he put permanent improvements upon it by simply buying an additional 40 acres? No. He enlarges the size of his purchase, but he has made no permanent improvements. That statement clearly shows the sense in which we always understand the words "permanent improvements" when referring to real estate, and that is the exact sense in which the House used these words in referring to permanent improvements at Fort Russell.

A permanent improvement upon real estate is something erected upon, or done to, that real estate itself. It is not another piece of land bought near it, and nobody ever so understood the words until the defenders of this conference report undertook here to maintain that sort of construction.

Let me put this question to gentlemen: Suppose a farmer owns 160 acres of land upon which there is a mortgage of $2,000. He goes to the mortgagee and asks for $2,000 more, saying that he wants it to use in making permanent improvements on his farm. The mortgagee looks at him and says, "Are you going to dig ditches?" "No." "Do you want the money to put in tiling?" "No." "Do you want it to put up a brick silo or any other kind of a silo?" "No." "Do you want it to improve your house?" "No." "Or to build a barn and corn cribs?" "No." "Or to put in electric lights or water works or to construct a sewer?" "No." "Then what permanent improvements do you propose to put on your 160 acres?" "Why, I propose to buy another 40 acres." The mortgagee looks at him and says, "Well, you may call that an improvement, but does it add to my security on the 160 acres which you say you are improving?"

This illustration absolutely refutes the construction put upon the words "permanent improvements" by the defenders of the conference report. No Member of the House, when the bill passed this body, understood the words "permanent improve-

ments" to include a possible purchase of more land at Fort Russell.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. COOPER. Certainly.

Mr. UNDERWOOD. The gentleman states a case, but I would like to state another case and ask him if it does not apply equally well. Suppose the gentleman is the owner of a cotton mill, and his cotton mill covers the whole area of the land that he owns. Suppose he puts a mortgage upon it for permanent improvements in order to build a new cotton mill. Is not the buying of the land adjacent to his property an incident to the permanent improvement that he is going to put on the property?

Mr. COOPER. No; the buying of other land is not in any sense an improvement put upon my first cotton mill nor upon my first area of real estate.

Mr. UNDERWOOD. If you have a sewage system and you have to have additional grounds for the sewer pipe or a drain pipe, is it not necessary as a permanent improvement to Fort D. A. Russell to extend the ground so that you can properly take care of your sewage and buy an additional tract?

Mr. COOPER. No. It might be advisable to buy additional ground in such case, but that is not the question here. The question is whether the words "permanent improvements" when applied to land means the mere purchase of more land. No Member of the House had the slightest idea of giving those words such a meaning at the time the bill went through the House.

The preceding section of the bill, on page 44, provides that no portion of the appropriation in that section for roads, walks, walls, and drainage should be expended at any of the posts mentioned, including Fort Russell; and the next section, that no part of this appropriation for water and sewers should be expended at any of the enumerated posts, including Fort Russell. The proviso to that section provides that no permanent improvements at Fort Russell shall be paid for out of that money. Nobody on this floor understood "permanent improvements" at Fort Russell could possibly mean the buying of additional acres of land.

Mr. MONDELL. Now, will the gentleman yield for a question?

Mr. COOPER. Yes.

Mr. MONDELL. Does not the gentleman consider that it would be an improvement to that watershed, and therefore the post's water supply, to buy a small tract of privately owned lands within the land owned by the Government? That is what is proposed.

Mr. COOPER. I am saying that this language ought to be construed as the House meant it to be understood. When this bill went through the House, the House knew the object of this section and of the previous section was to get rid of these Army posts, including Fort Russell, and therefore that they should not be permanently improved. Of course, no one pretended that the Committee on Military Affairs wished to enlarge the area at Fort Russell at the very time it was advocating that the fort be done away with. Gentlemen on the other side urged we should get rid of these Army posts.

Of course, while refusing to make appropriations for sidewalks or for electric lights or waterworks or sewers or anything of a similar nature at Fort Russell, the House did not expect that any money would be used to enlarge the area there for maneuvering purposes. I understand that at Fort Russell there is abundant land for maneuvering purposes. I understood the gentlemen who argued for this House provision when it first came up here, the chairman of the committee himself, to state that he desired to get rid of Fort Russell. Nobody thought of any enlargement of the area there. I knew nothing about Fort Russell. But every man on that side of the aisle who had contended for the House provision said that this fort was not needed, that it involved a useless expenditure by the Government, and ought to be abandoned, and yet it is contended here now that by using the words "permanent improvements" the House authorized the use of money to enlarge the area of a fort which it was trying to get rid of.

Mr. KAHN. Will the gentleman permit a question?

Mr. COOPER. Certainly.

Mr. KAHN. This bill enlarges the area of that fort in another section, on page 48 of the bill, under the item "Shooting galleries and ranges," where this proviso is put in:

That of this amount the sum of $3,450, or so much thereof as may be necessary, is made immediately available for the purchase of additional land adjoining the military reservation of Fort D. A. Russell, Wyo., for use in connection with the rifle range, $93,366.

Now, that proviso is in its proper place—that is, for shooting galleries and ranges—but this provision that we are now considering is in here under the heading of "Sewers and water supply" and has no part in that specific appropriation.

Mr. HAY. Mr. Speaker, I call the attention of the Chair to the fact the provision just read by the gentleman from California applies to a piece of land for the purpose of target practice, and so forth, at Fort Russell, but does not apply to the water supply, whereas the matter under discussion applies to a part of the military service that has to do with this water supply.

The SPEAKER. The Chair would like to ask the gentleman from California a question in connection with the language he has read, and that is, if that is not rather contradicting and running counter to the argument of the gentleman from Wisconsin, just delivered, that the House had made up its mind that it was not going to increase the possessions of Fort D. A. Russell?

Mr. KAHN. Well, that may be; but the fact of the matter is this item for the purchase of additional land for a target range is provided for in its proper place in the bill under the caption of "Shooting galleries and ranges."

The SPEAKER. The Chair knows; but if the House had made up its mind it was not going to put any more money on Fort D. A. Russell for permanent improvements, would it have put in the clause which the gentleman is talking about?

Mr. KAHN. Well, this was done by the House and the Senate, I presume. Of course the suggestion of abolishing Fort D. A. Russell came from the War Department originally and was agreed to by the House, and the Senate never did agree to it.

The SPEAKER. The Chair will hear the gentleman from Virginia [Mr. SAUNDERS] briefly.

Mr. SAUNDERS. The Chair has indicated that he would like to hear from those gentlemen who believe that this amendment is germane and in order. Firmly believing both propositions, I wish to submit a brief argument in support of them. The substance of the rule as to conference committees, is that the managers must confine themselves to the matters in controversy submitted to them. Having this in mind, they may report new matter within the theme discussed, provided the new matter would be germane to the House bill, or Senate amendment. This is the working principle. Now for the application of the same to the proposition in hand. There are two or three grounds, Mr. Speaker, on which this amendment may be sustained. The House proviso declares that no part of an indicated appropriation shall be expended on improvements on Fort D. A. Russell. It would certainly have been germane to this proviso to have added an amendment to the same to the effect that $1,000 of this appropriation should be expended on improvements at Fort Russell.

No point of order could have been raised against this amendment on any ground, much less on the ground that it was not germane. Suppose in addition this amendment had contained a description of what this improvement should be. The amendment would still be germane, this description not affecting the quality of germaneness. Suppose in addition the amendment provided that certain sums in addition to the $1,000 should be included in the appropriation for improvements at Fort Russell. The amendment would still be germane. It is obvious that the objection, if any, to the amendment would be on the ground that it was new legislation in part, and not that it was not germane. But the point of order can not now be raised in the pending situation. Provided that the amendment proposed by the conferees would have been germane to the House bill, it is a matter of no consequence whether if offered in the House to the original bill, it would have been subject to some other parliamentary objection. Provided it would have been germane, the provision is now in order. Suppose we carry the illustration a little further. The recommendation of the conferees in part is as follows:

That $1,000 of the sum herein appropriated shall be expended by the Secretary of War in his discretion for the acquirement by purchase, or through condemnation proceedings, of certain tracts required for the maneuvering of troops and other military purposes.

The question is raised whether maneuvering grounds are permanent improvements? I think it is a sound proposition that in determining what is a permanent improvement, reference must be had to the purpose for which the subject matter is to be used. Obviously the tract of land for maneuvering purposes would not be a permanent improvement of a tract used for private or high school purposes. But does this objection hold when we have in mind that the ground to be acquired is to be used for purely military purposes in connection with a fort, or

post, and is needed for that purpose. The addition of this ground for this purpose increases the utility of the post for military ends, it so effectuates, and carries out the purpose for which a post in part is created and established, that it may be fairly and properly called an improvement.

But Mr. Speaker, this is not all. As I said, if the amendment which provides for the permanent improvement should define in the body of the amendment what those permanent improvements should be, no objection could be raised on the ground that this amendment was not germane?

It may be objectionable on other parliamentary grounds, but as we have seen these objections can not be raised at this time. The sole inquiry proper to be made by the Chair, with respect to the recommendation of the conferees is, Would it have been germane, if offered to the House proviso?

May I put this matter to the Chair in another way? The House bill provides that no money should be spent on permanent improvements at Fort Russell. A germane amendment could have provided for spending money on improvements at Fort Russell. The inquiry would then have been made, What are the improvements in contemplation? And the answer would have been, any permanent improvements contemplated by the general law or the preceding language of the section. If the general law provided that land could be purchased for a maneuver ground, and considered an improvement, then undoubtedly the money appropriated for Fort Russell by the amendment would have been available for the purchase of maneuver grounds. But if there was no general law, and the amendment itself in substance, provided for maneuver grounds as a permanent improvement, it would have been germane and if not otherwise objected to, would have authorized the appropriation.

The recommendation of the conferees does in substance what the foregoing hypothetical amendment would have done, it supplies the authority that the general law would have afforded, had such a law existed, and is therefore within the authority of the conferees, and in order. Further it is stated that the ground to be acquired is as a matter of fact water-bearing ground, and on the authority of the preceding language of the paragraph, the acquisition of this land could be justified. The securing of water may be either the purchase of water rights, or water-bearing ground, that might in addition be available for maneuver and other military purposes.

Another proposition not to be forgotten in this discussion is that the thing in issue, in controversy, is the whole proviso that was eliminated by the Senate.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. No. The Chair cautioned me to be brief and I am afraid I have already exceeded that caution.

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. No; I do not yield. I have not the time.

Another element proper for consideration, as suggested by one of the gentlemen in argument, is that the real purpose of the House proviso was not to expend any money at the posts indicated, while the recommendation of the conferees is to spend some money at one post. From this viewpoint the recommendation related to the real matter in controversy, the substance of the situation, and was intended to bring the two Houses to an agreement.

I disagree with those gentlemen who undertake to say that these conference reports must be strictly construed. On the contrary, they should be liberally construed, to the end that differences being removed, the Houses may be brought together, and legislation should be enacted. So that from various points of view, Mr. Speaker, I submit that this particular proposition is within the parliamentary precedents, and is, as I said before, germane, parliamentary, and proper to be considered by this body.

Mr. COOPER. Mr. Speaker, will the Speaker permit me a moment?

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. COOPER. In my judgment, to justify such a construction of the words "permanent improvements" as is put upon them by the gentleman from Virginia [Mr. HAY], the bill should in express terms appropriate a sum of money to construct a sewer on the Fort D. A. Russell Reservation and also to purchase such additional land as may be necessary for the completion of the sewer. But never should the mere words "permanent improvements" be construed to authorize not only the construction of a sewer on certain land, but also the purchase of additional land. Such a construction involves a plain perversion of the meaning of the words "permanent improvements."

The SPEAKER. The reason why the Chair invited argument upon this amendment is that day before yesterday, when the gentleman from Illinois [Mr. PRINCE] made his points of order, he very kindly, at the suggestion of the Chair, furnished the Chair with a copy, and the Chair had Judge Crisp, parliamentary secretary, hunt up the authorities and examine them. The Chair had formed somewhat of a general opinion, not fixed, but subject to revision, on the points of order suggested by the gentleman from Illinois [Mr. PRINCE]; but this one, the most difficult of all of them, the gentleman from Illinois had not noted before, and it came on the Chair unexpectedly.

The gentleman from Illinois [Mr. PRINCE] and Members holding his views have argued the question elaborately, and the truth is that the reason why the Chair invited gentlemen on the other side to argue it is that the Chair was very much inclined at that time to hold with the gentleman from Illinois, and did not need any more instruction from that point of view. Now the whole matter has been argued elaborately.

The paragraph over which this controversy arises is subheaded "Water and sewers at military posts."

The proviso which the House put in is as follows:

That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts.

Here follows a list of 25 Army posts, including Fort D. A. Russell. The Senate struck out the proviso, the gist of which is "permanent improvements." The conferees inserted the following words in lieu of the proviso:

Provided, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

There are two general rules governing conferences. The first is that conferees can not inject into a bill an absolutely new subject, and the second is that what they do inject into a bill must be germane. The view of the Chair is that in the ordinary construction of language this proviso is separated entirely from the preceding part of this section. The paragraph is headed, "Water and sewerage at military posts." It treats of that. Then comes the proviso, "That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts."

That introduces a brand new subject, namely, permanent improvements. We have knowledge that what the House was trying to do, or preparing the way to do, was to get rid of these 25 posts. That was the view of the House. The bill went over to the Senate, and the Senate struck out that whole proviso. Some of us know, I think, how it came to be stricken out. Of course, it is not the business of the Chair to comment on the Senate or any Senator thereof, but when you consider what was put in at last, it does not require a very difficult process of reasoning to find out how it happened to be put in. The House conferees had to agree to this proposition made by the Senate conferees, otherwise there would have been no agreement in conference.

During the time that this exceedingly interesting debate has been going on, various gentlemen have suggested various things and cited various authorities. So far as the Chair has been able to ascertain, the authorities he is going to read now seem to be very nearly in point, and these authorities have largely influenced his opinion.

In the second session of the Fifty-eighth Congress (RECORD, pp. 410–411; Journal, pp. 423–424) Mr. Speaker CANNON delivered a very elaborate opinion, and here is the rule which he laid down:

It is true that if the whole paragraph in the bill as it passed the House had been stricken out—

And that part of it is exactly what happened in this case—

and a substitute therefor proposed by the Senate—

That did not happen—

or if the Senate had stricken out the paragraph without proposing a substitute, and the House had agreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane.

That is the general rule, as Speaker CANNON laid it down, and it fits this case. Then in section 6422 of Hinds' Precedents—this is Speaker Carlisle's decision. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill. Mr. William M.

Springer, of Illinois, made the point of order that the conferees had included new matter in their report—the Speaker ruled:

The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause—

Now, that is exactly the same state of case as Mr. Speaker CANNON passed on—

and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments, as was contended for by some gentlemen on the floor at the time.

It was nonconcurred in by the House, and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order.

And in a case almost parallel to this the gentleman from Alabama [Mr. UNDERWOOD] raised the point of order that the conferees had exceeded their authority, and Mr. Speaker Henderson overruled that point of order in an elaborate decision.

During this debate it has been discovered that on the sundry civil bill approved March 3, 1911, in the closing days of the Sixty-first Congress, the House agreed to a bill in which the following language is contained:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance.

That is the very same subject that this disputed paragraph is about—

For the purchase and repair of fire apparatus; for the disposal of sewage; for repairs to water and sewer systems and for hire of employees, $2,250,903.27: *Provided*, That not to exceed $160,000 of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell target and maneuver reservation, Wyoming—

Nearly the same item that is being discussed here to-day—

and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire by purchase or condemnation proceedings certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

And so on. The Chair does not remember, although he was present at the time, whether the point of order was raised against that or not; but if it was not raised against it, all of us sinned here and let it go through without any objection whatever.

Mr. PRINCE. May I be permitted——

The SPEAKER. Judge Crisp informs me that this provision was put on by the Senate.

Mr. MANN. There could have been no point of order raised against it here, if it was a Senate amendment.

Mr. PRINCE. It was put on by the Senate, and we could not raise the point of order. But let me suggest this to the Speaker, that in what he has read there is a specific mention of water supply, but in the amendment under discussion there is no mention of water. This amendment that I am contending is not in order reads as follows:

In lieu of the matter proposed in said amendment insert the following: *Provided*, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell target and maneuver reservation, Wyoming, may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes, lying within the limits of the aforesaid reservation.

What the Chair read did specifically mention water supplies which would be proper under water and sewer military purposes, but there is no word of water mentioned in this amendment, which I contend is not in order.

The SPEAKER. The Chair is certainly of the opinion that the first part of this paragraph, down to the proviso, contained one proposition, and the proviso contained an entirely different proposition. While it is a close question, and while it is a very liberal construction, it seems to the Chair that under all the circumstances the point of order ought to be overruled, and it is accordingly overruled.

Mr. HAY. Mr. Speaker, I would like to ask the gentleman from Illinois if he desires any time on the report.

Mr. PRINCE. Mr. Speaker, I have had a number of requests for time on this side and I do not see how I can get along with less than one hour on this side of the House. I am making it as short as I can.

Mr. HAY. Mr. Speaker, I ask unanimous consent that debate on the conference report may continue for two hours, at the end of which time the previous question shall be considered as ordered, and that one half of the time be controlled by the gentleman from Illinois [Mr. PRINCE] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on the conference report shall be limited to two hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. PRINCE]; at the expiration of that time the previous question shall be considered as ordered.

Mr. PRINCE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. If that proposition obtains, would we be permitted to have a separate vote on some of the propositions?

The SPEAKER. No; the conference report is to be voted upon as a whole.

Mr. PRINCE. That was my understanding, but several Members thought they were entitled to a separate vote.

The SPEAKER. As far as the Chair knows the ruling has been continuous and universal that conference reports must be accepted or rejected as a whole. Is there objection to the request of the gentleman from Virginia to limit and divide the time and at the end of two hours the previous question shall be considered as ordered? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I desire to call attention to the provisions in this conference report as briefly as I can, to correct some misapprehension and misstatements which have been made by the newspapers with regard to the provisions of this Army bill. As the bill passed the House it appropriated $87,770,000 for the support of the Army for the next year. As it passed the Senate it appropriated $95,314,710, being an increase of $7,537,000 over the House bill.

The Senate receded from items amounting to $4,660,148, and the bill as it stands now carries $90,654,000, being $1,933,000 less than the amount of the bill carried last year.

I think it can be fairly stated that the House succeeded very well in its conference on this bill so far as the appropriation part of it was concerned.

The bill also carried when it went from the House various legislative provisions. It has been stated by the newspapers, inspired from what source I do not know, that this bill was revolutionary in its character, and that the legislative provisions in the bill were destructive to the efficiency of the Army. I say, without fear of contradiction from any man either here or in the Army, that the bill does not carry a single revolutionary provision, and that it carries provisions that have been recommended by Secretaries of War and by Presidents of the United States for the last 25 years, including the present Secretary of War and the present President of the United States.

It carries a provision providing for the consolidation of the Quartermaster's, the Commissary, and the Paymaster's Departments of the Army. It carries a provision providing for a service corps, both of which have been repeatedly asked for by the War Department. It carries a provision for four years' enlistment in the Army. The bill as it left the House provided for a five-year term of enlistment. That was opposed by the War Department and the Senate struck that provision out of the bill. When that came into conference we agreed upon four years, because it appeared that the enlistments in the Navy are for four years, the enlistments in the Marine Corps are for four years, and we saw no reason why the enlistments in the Army should not be four years so as to make all the services for the same term.

Much has been said of what this bill does to certain corps in the Army. It is stated in an editorial in a morning paper that this bill destroys the efficiency of the Panama Canal organization under Col. Goethals. There is not a word of truth in that statement. There is not a line in this bill which affects the Engineer Corps of the Army in any possible way. The same statement was made in the Washington Herald of yesterday morning, as coming from an officer in the General Staff of the Army. The officer who made that statement and the man who made the statement in the editorial in the paper of this morning were ignorant of what they were talking about, and the

officer does not deserve to be an officer of the United States Army.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. SIMS). Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. HAY. Certainly.

Mr. BUTLER. Then there is not anything in this measure as it is pending here which will remove any of those officials who have been useful to Col. Goethals on the Isthmian Canal?

Mr. HAY. There is not a thing that will remove a single Engineer officer. There may be some captains of the Commissary Department on the Isthmus whose places will be taken by some other captains.

Mr. BUTLER. But none of the Engineer officers?

Mr. HAY. Not one of them.

Mr. MONDELL. Mr. Speaker, does the gentleman know who is responsible for the promulgation of these lies in regard to this measure?

Mr. HAY. I do not know, I will say to the gentleman, and therefore I would not like to make a statement. It is also stated in this editorial that this bill disorganizes the General Staff and makes it impossible to carry on the work of the War College.

The bill, as a matter of fact, does reduce the number of General Staff officers, but it does not affect in any way the Army War College. The Army War College and the General Staff are not the same organization. The War College is a college where officers instruct other officers of the Army, and the officers are detailed there just as they are detailed for duty in other branches of the service. The General Staff has nothing to do with the Army War College except that the General Staff has had so many officers on duty here who had nothing else to do that they had been sent down to the War College to be instructed or to instruct.

Mr. MONDELL. Mr. Speaker, will the gentleman yield further?

Mr. HAY. Certainly.

Mr. MONDELL. Those same officers could be detailed to the War College, even though the General Staff were reduced?

Mr. HAY. Undoubtedly. The details to the War College are details from the Army at large and not from the General Staff.

Mr. MONDELL. And are entirely independent of any changes in the General Staff?

Mr. HAY. Entirely so. The editorial further says that this bill takes from the President and the Secretary of War and the War Department the direction of the general military policy of the Government and places it in the hands of a number of retired officers. Of course, that refers to this commission created in this bill to go into the question of Army posts and to decide what Army posts shall be abandoned and what shall be built up, and whether this concentration of Army posts shall take place. It must be recognized by everybody who is at all familiar with Army matters that it is necessary for this House, in order to intelligently legislate upon this question of Army posts, to have some expert opinion from somebody who knows something about it.

It has been the history of Army recommendations in the past that one Secretary of War recommends one thing and another Secretary of War recommends another, one Chief of Staff is in favor of one policy and another Chief of Staff is in favor of another. What we desired to do by the appointment of this commission was to get from these retired Army officers, who would be uninfluenced from any source because their Army career is ended, who will not be under the influence either of the War Department or of Members of Congress who might aid them in their career, a fair statement of this question as to what would be the best policy for Congress to pursue. We wanted to get their advice and the benefit of their knowledge in order that this House and the Senate together might map out a policy and carry it out, and not be subject to the changing opinions of Secretaries of War and Chiefs of Staff.

Mr. FOCHT. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. FOCHT. I would like to have the gentleman's opinion in regard to section 5, whether under the provisions here Gen. Wood, Chief of Staff, would not be retired on next March and could not be again returned to the same position?

Mr. HAY. I would state to the gentleman that under the provision to which he has referred Gen. Wood will cease to be Chief of Staff on the 5th day of next March.

And I want to state in connection with this amendment, which seems to have caused a great deal of comment, that it was put in this bill because the conferees believed that it was good general legislation. It was not intended to be aimed at any individual. It was because it was thought that a man who was Chief of Staff should have had some experience in the line as a commissioned officer with troops and not be some one who never had had that experience. Much has been said about Col. Goethals and Gen. Crozier not being able under this provision to be Chief of Staff. I want to point out to this House that under the law as it stands neither Col. Goethals nor Gen. Crozier are eligible to be Chief of Staff. They would have to be promoted to the line of the Army either as brigadier or major general before they could be made Chief of Staff under the law as it now stands, and I have never heard it suggested that men who are in these specialized corps, like the Engineer and Ordnance, should be made Chief of Staff. It was never intended that they should be Chief of Staff. The very staff act itself provides that a Chief of Staff shall be taken from officers in the Army at large and not from these specialized corps, and this provision as it is written does not interfere with the President selecting in time of war anybody he pleases for his Chief of Staff. Nobody can deny the proposition that the Chief of Staff of the Army occupies a position in which he ought to have a large experience of all branches of the Army, experience which can only be had by some man who has served with troops and who is familiar with all the different branches, particularly the line of the Army. He supervises, although he does not command, the various departments in the War Department.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption?

Mr. HAY. Certainly.

Mr. MARTIN of Colorado. If the gentleman did not want to legislate Gen. Wood out of this office, why did not he do what would have been a very simple thing to have done, and that is put in a proviso that it should not affect any general officer now or heretofore occupying the position of Chief of Staff?

Mr. HAY. I will say to the gentleman that in the preparation of this provision, which I prepared myself and for which I take the responsibility, it did not come into my mind as to whether or not it would affect this, that, or the other man, but I prepared it with a view of obtaining hereafter as Chief of Staff of the Army men who had had the necessary experience. [Applause.]

Mr. MARTIN of Colorado. Will the gentleman permit another question?

Mr. HAY. Oh, yes.

Mr. MARTIN of Colorado. Does the gentleman mean to say that he absolutely originated this proposition himself?

Mr. HAY. I certainly do.

Mr. MARTIN of Colorado. And never consulted with anybody or had any advice or assistance or any suggestion about the matter?

Mr. HAY. I certainly do; and I may say to the gentleman that in asking a question of that sort he is stepping a little beyond the bounds of propriety when I just stated I originated the proposition and that I drew the proposition and that I am responsible for it, if there is any responsibility attaching to doing what I have always tried to do ever since I have been on this committee, and that is to do something for the benefit of the Army. [Applause.]

Mr. MARTIN of Colorado. Will the gentleman permit me to further interrupt him?

Mr. HAY. Oh, yes.

Mr. MARTIN of Colorado. The gentleman has also stated to me he originated the proviso with reference to the commission that is to determine what is to be done with these Army posts and that he named the commissioners therein.

Mr. HAY. I did.

Mr. MARTIN of Colorado. I want to say to him instead of putting these men in, if he had just named one of his fellow conferees as a commissioner the result would not be any different, so far as certain recommendations are concerned, from what it will be as it is, and the gentleman will ascertain that fact before he is many months older.

Mr. HAY. Well, I do not regard that as asking me any question.

Mr. MARTIN of Colorado. But I think the gentleman understands it perfectly.

Mr. HAY. Mr. Speaker, I will state to the gentleman, so far as I know—of course I do not know who is to be appointed by the Vice President as members of this committee, nor do I know who will be appointed by the Speaker——

Mr. MARTIN of Colorado. I do not either, but I will tell you what they will do after they are appointed.

Mr. HAY. Well, the gentleman is a prophet, and is far above all the rest of us in knowledge as to what is going to happen in the future.

Mr. KAHN. Will the gentleman yield?

Mr. HAY. Yes.

Mr. KAHN. I was called out for a moment, and I did not hear the entire controversy. Do I understand the gentleman to say he is responsible for the naming of this commission in the bill?

Mr. HAY. I did so state, in connection with the gentleman from Texas [Mr. SLAYDEN], the other Democratic conferee. I drew the amendment providing for the commission to examine into these posts, and the officers are named as they appear in this bill.

Mr. KAHN. Did the gentleman know that three of these officers named by him made a report in the Fifty-seventh Congress respecting various Army posts?

Mr. HAY. I did not until after the conference report had been agreed upon, and then I had my attention called to the fact that three of these men named on this commission had made a recommendation with regard to Army posts, but I do not think that those three men—Gen. Young, I believe, Gen. MacArthur, and Gen. Randall—would feel that they are bound by that report, as the conditions under which they acted then are not the same as they are now.

Mr. MARTIN of Colorado. How about Humphrey?

Mr. HAY. Well, how about Humphrey?

Mr. MARTIN of Colorado. He is agent of the Powder Trust.

Mr. HAY. Does that make him a dishonest man? I want to say for Gen. Humphrey that he is all right, and as able and as honest a man as there is in this country, and because he happens to represent a powder company or anything else does not disqualify him from doing his duty as an honest man when it is devolved upon him by Congress.

Mr. COOPER. One of the conferees, the Senator from Delaware, is a member of the Powder Trust.

Mr. MANN. I do not want my colleague to understand——

Mr. HAY. The gentleman from Wisconsin [Mr. COOPER] knows it is out of order for him to call the name of a Senator on this floor, and I will say to him that he ought to know, if he does not know, that the Senator from Delaware has no part in the powder company.

Mr. COOPER. I will say to the gentleman from Virginia that I do not know that it is out of order to make a mention of a Senator on the floor, and I will do it whenever I wish.

Mr. HAY. I said in such a connection.

Mr. KAHN. I did not want the House to understand that I desire to impugn the honesty or integrity of any of these gentlemen. But I want to call the attention of the gentleman to this, that three of the commissioners named in this report did pass upon this question. They have made a report, and that report is one of the published documents of this House.

Mr. ANTHONY. Will the gentleman permit me to make a statement right there?

Mr. KAHN. Certainly.

Mr. ANTHONY. In addition to what the gentleman from California has said, they also served on a commission to select a camp of instruction.

Mr. KAHN. Has the gentleman read the report?

Mr. ANTHONY. I have not.

Mr. KAHN. If he will read their report he will find they went fully into the subject of Army posts.

Mr. SLAYDEN. I just wanted to interrupt the gentleman from Virginia [Mr. HAY] a moment or two. Some statements have been flung about recklessly in speaking the names of the gentlemen who are upon this commission to advise with Congress with reference to the policy of maintaining military stations. I was consulted, and I dare say other gentlemen were consulted about that matter. The purpose of everyone seems to be to find gentlemen of experience in the military service who could advise best on the knowledge of the requirements of the situation, and also, if possible, to find gentlemen who were so far removed from current, Government, or political life that the recommendation, when it came to Congress, would receive respectful attention. I was asked if I could suggest the names of gentlemen measuring up with that standard of fitness. I happened to have a personal acquaintance with one man who served for more than 40 years in the Army, beginning his service as an enlisted man, as I believe, in 1861, and serving almost continuously with the line of the Army. Almost all his long military career was with troops. He finally reached the rank of major general on retirement. He is a man of excellent character, and a citizen of the State of Indiana. I selected his name because I believed him in every way qualified and suitable for the work. Certainly gentlemen of such eminence as these, ranging in rank from lieutenant general to major general on the retired list, can not be suspected of having ulterior motives.

Mr. RUCKER of Colorado. Is it not also true, in the selection of these generals whose names have been mentioned, that the committee had also in view the fact that each of them had served at one or the other of these military posts, and therefore were qualified to act in that capacity?

Mr. SLAYDEN. I dare say that most of them have served in the greater part of those posts, because they are all old Indian fighters and were in the Army for more than 40 years, I think, every one of them. Yes; it was their peculiar qualifications for the place that suggested their names.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HAY. Yes.

Mr. BUTLER. Is this one of the officers who joined in the report mentioned?

Mr. HAY. No, sir; he is not.

Now, Mr. Speaker, I have said all I care to say at this time, except that under the provisions of this bill there will be ultimately saved, in my judgment, at least $10,000,000 a year in the Military Establishment; and there can be no question as to the fact that the bill is one that deserves the support of every Member of this House. I reserve the balance of my time.

Mr. SMALL. Mr. Speaker, will the gentleman kindly state to what extent officers in the department of the Commissary General are affected, as I understand, by Senate amendment No. 71, as agreed upon by the conferees?

Mr. HAY. I will say to the gentleman that the officers in the Commissary Department are not affected by the consolidation at all. If the consolidation had never taken place, they would get the same promotion now that they would get after the consolidation has taken place. However, there are some officers of the Commissary Department who will not have the same relative rank as they would have had if this consolidation had not taken place, and for that reason the conferees undertook, in the section dealing with the consolidation of these corps, to provide that they should have such relative rank; but by a clerical error the Army Register of 1912 was inserted instead of that of 1911, and the two committees propose, if possible, to have that corrected on the Military Academy bill.

Mr. SMALL. May I ask the gentleman if there is any legislative difficulty in correcting that clerical errof in the future?

Mr. HAY. I think none in the world.

Mr. SMALL. In what way does the gentleman propose to correct it?

Mr. HAY. As I said, on the Military Academy bill.

Now, Mr. Speaker, I reserve the balance of my time.

Mr. PRINCE. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. COOPER] is recognized for 15 minutes.

Mr. COOPER. Mr. Speaker, in view of what has been often printed about Gen. Wood and said about him to-day, I propose myself to say a word concerning him and his record as a man and soldier. I do this without his knowledge, nor is there anybody who knows of my intention. I do it simply because I deem it the duty of somebody to place the facts in the record of the House, where all the people may read them and learn the truth about a man who has served the Nation so well.

In all my experience in public life I have never known a man to be more maliciously misrepresented than has been Gen. Leonard Wood since his return from Cuba at the close of his superb administration of the affairs of that island. An officer of the United States Army repeated to me yesterday what he said to me 3 or 4 years ago and first told me 10 or 12 years ago. Gen. Wood was in this city on a visit from Cuba. During that visit of Gen. Wood this officer of the United States Army said to me: "I heard a Senator"—and he mentioned his name—"I heard a Senator say to Gen. Wood to-day, 'What are you going to do with Rathbone in Cuba?' Said Gen. Wood, 'Senator, I shall prosecute him, if he is guilty of crime.' The Senator replied, 'You prosecute him, and you will never get further than captain in the Regular Army.'"

Gentlemen will remember the prosecution and conviction, and I need not remind them of the persistent attacks to which Gen. Wood has been subjected.

In answer to all these I shall read only from the official records of the War Department. Under date of September 9, 1886, is a letter from Gen. Henry W. Lawton, killed in battle in the Philippines, one of the bravest soldiers and noblest spirits the Union Army ever knew.

"(ASM 814 AGO '87. Copy.)

"EN ROUTE TO FORT MARION, FLA.,
"*September 9, 1886.*

"SIR: I have the honor to submit the following report of operations against Geronimo's and Natchez's bands of hostile Indians made by the command organized in compliance with the following order:

* * * * * * *

"On the 6th of July, 1886, * * * Asst. Surg. Wood was, at his own request, given command of the Infantry.

* * * * * * *

"I desire to particularly invite the attention of the department commander to Asst. Surg. Leonard Wood, the only officer who has been with me through the whole campaign. His courage, energy, and loyal support during the whole time; his encouraging example to the command, when work was the hardest and prospects darkest; his thorough confidence and belief in the final success of the expedition, and his untiring efforts to make it so has placed me under obligations so great that I can not even express them. * * *

"H. W. LAWTON,
"*Captain, Fourth Cavalry.*

"A true copy.

"FRANK R. MCCOY, *Aid-de-Camp.*"

Here is another letter from Gen. Lawton:

"INSPECTOR GENERAL'S OFFICE.
"LOS ANGELES, CAL.,
"*May 13, 1894.*

"Gen. N. A. MILES.

"MY DEAR GENERAL: I inclose a letter just received from Dr. Wood, which will explain itself. When the question of brevets for Indian service was being considered at the War Department, soon after the passage of the act authorizing them, I personally interested myself in behalf of those officers who served under my immediate command, and who had been mentioned for distinguished services in my report; but was met with the argument that the law contemplated only those who were distinguished under fire, or in 'fire action.' I took some pains to look up authorities to show that such a construction was narrow and impracticable, as well as not contemplated by the law. I availed nothing, and at that time the names of none of those who took part in the capture of Geronimo were on the list. Concerning Dr. Leonard Wood, I can only repeat what I have before reported officially, and what I have said to you; that his services during that trying campaign were of the highest order. I speak particularly of services other than those devolving upon him as a medical officer; services as a combatant or line officer, voluntarily performed. He sought the most difficult and dangerous work, and by his determination and courage rendered a successful issue of the campaign possible. Voluntarily commanding the Infantry detachment, there being no other officer present available, he uncomplainingly endured great personal inconvenience and physical suffering, that his example might encourage those under his charge. While I hope every officer mentioned will receive some official recognition, and believe that it is impossible for any to deserve it more, there are none who should be considered before Dr. Leonard Wood.

"Very respectfully,

"H. W. LAWTON,
"*Lieutenant Colonel, Inspector General.*

"A true copy:

"FRANK R. MCCOY, *Aid-de-Camp.*"

Here is a letter from that splendid soldier, Gen. Nelson A. Miles:

"Copy of an indorsement recommending that a brevet be conferred upon Capt. Leonard Wood, assistant surgeon:

"HEADQUARTERS DEPARTMENT OF THE EAST,
"GOVERNORS ISLAND, N. Y.,
"*February 5, 1895.*

"Respectfully forwarded.

"The inclosed letter from Col. Lawton was duly received, but at the time there were objections to granting brevets to some officers that I had recommended, and I delayed sending these papers forward, hoping that I should be able to go to Washington and personally lay the matter before the authorities.

"I now most earnestly renew the recommendation, calling especial attention to the letter of Col. Lawton, which describes one of the most laborious, persistent, and heroic campaigns in which men were ever engaged, and the fact that Capt. Leonard Wood, assistant surgeon, volunteered to perform the extraordinary hazardous and dangerous service is creditable to him in the highest degree. For his gallantry on the 13th July in the surprise and capture of Geronimo's camp, I recommend that he be brevetted for his services on that date.

"NELSON A. MILES,
"*Major General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Another letter from Gen. Lawton:

"(Copy.)

"WAR DEPARTMENT,
"INSPECTOR GENERAL'S OFFICE,
"*Washington, April 15, 1898.*

"To his excellency, ROGER WOLCOTT,
"*Governor Commonwealth of Massachusetts.*

"SIR: Respectfully but earnestly I desire to call your attention to Capt. Leonard Wood, United States Army, a citizen of Massachusetts. Capt. Wood graduated at Harvard University and later from Harvard Medical College, entering the military service of the United States as an assistant surgeon soon after. It is not, however, of his services as a medical officer that I desire to speak. In his profession he has risen to the highest eminence, having the respect and confidence of the most distinguished personages of the country, including the President of the United States, being at the present time attending physician for himself and family. Almost immediately after joining the military service Capt. Wood was assigned to a command organized to pursue and capture or destroy the band of renegade Apaches commanded by the noted chief and warrior Geronimo, who had been terrorizing and devastating the southern portions of Arizona and New Mexico and northern Sonora, Mexico. I had the honor to command this expedition under the immediate direction of Gen. Miles. Capt. Wood, then acting assistant surgeon, developed during this tedious and dangerous campaign (pronounced by the general commanding 'the most remarkable in the history of the United States Army') the strongest elements of soldierly instincts. When through exposure and fatigue the Infantry battalion lost its last officer Capt. Wood volunteered to command it, in addition to his duties as a surgeon."

Listen to these words from one of the bravest of the brave:

"In this duty Capt. Wood distinguished himself most. His courage, endurance, and example made success possible. I served through the War of the Rebellion and in many battles but in no instance do I remember such devotion to duty or such an example of courage and perseverance. It was mainly due to Capt. Wood's loyalty and resolution that the expedition was successful. This acknowledgment was made by the commanding officer in his official report of the campaign, was approved by the general commanding, and Capt. Wood was awarded a medal of honor by Congress as a tribute to his services. Since then Capt. Wood has been conspicuous for gallant and intelligent, faithful services. Now that a war seems imminent, Capt. Wood has determined to leave for the time his professional duties and take service with the fighting line as a soldier proper, and it is in this connection that I desire to recommend him to you as a competent and valuable soldier with field experience. He will be a credit to his State in any capacity of soldierly duty; the higher the position to which he may be appointed the greater will be his value. His connection with the service has prevented him from associating himself with the organized militia of your State, but he is such a valuable man that his State can ill afford to lose his services.

"I make my statement from personal knowledge of the man, both as an inspector and for a time in the field his commanding officer.

"Very respectfully,
H. W. LAWTON,
"*Lieutenant Colonel, Inspector General,*
"*United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Lawton says that in all the War of the Rebellion he does not remember such devotion to duty, courage, and preseverance as was exhibited by Gen. Wood. Here is a letter from Gen. Alger:

("File No. A. G. O. 7694. Subject: Medal of honor.)

"WAR DEPARTMENT,
"*Washington, March 29, 1898.*

"DR. LEONARD WOOD,
"*Captain, United States Army Dispensary,*
"*Washington, D. C.*

"SIR: You are hereby notified that by direction of the President and under the provisions of the act of Congress, approved March 3, 1863, a congressional medal of honor has this day been presented to you for most distinguished gallantry, the following being a statement of the particular service, viz:

"'Throughout the campaign against the hostile Apaches in the summer of 1886, this officer, then assistant surgeon and serving as a medical officer with Capt. Lawton's expedition, rendered specially courageous and able services involving ex-

treme peril and display of most conspicuous gallantry under conditions of great danger, hardship, and privation. He volunteered to carry dispatches through a region infested with hostile Indians, making a journey of 70 miles in one night, and then marching 30 miles on foot the next day. For several weeks, while in close pursuit of Geronimo's band and constantly expecting an encounter, Asst. Surg. Wood exercised the command of a detachment of Infantry to which he requested assignment and that was then without an officer.'

"The medal will be forwarded to you by registered mail as soon as it shall have been engraved.

"Respectfully,

"R. A. ALGER,
"*Secretary of War.*

"A true copy.

"C. F. HUMPHREYS,
"*Lieutenant Colonel, Deputy Quartermaster General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

I quote from a letter from a famous fighter, Gen. George A. Forsythe, the intimate personal friend of Gen. Philip A. Sheridan. Who could ask for more convincing praise than this?

"722 TWENTIETH STREET NW.,
"*Washington, D. C., April 9, 1898.*

"To THE GOVERNOR OF MASSACHUSETTS.

"SIR: I am informed that Capt. Leonard Wood, assistant surgeon, United States Army, is, or will be, an applicant for an appointment as colonel of one of the Volunteer regiments that, in case of war with Spain, it is expected will be called for from your State.

"Capt. Wood served with me on the frontier of Arizona and New Mexico a number of years ago. I have known him well for the past 10 years, and I regard him as one of the very best soldiers I know. I therefore recommend him strongly, in fact most urgently, for the position he seeks. In that capacity he will do honor to his State and prove a credit to the Nation. He has all the sound judgment, good sense, executive ability, experience, and courage requisite to make him one of the very best and safest colonels in the Army. If you see fit to make him a colonel, you will never have occasion to regret your action.

"I am, Governor, very respectfully,

"Your obedient servant,

"GEO. A. FORSYTHE,
"*Brevet Brigadier General, United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Here is what Brig. Gen. Graham says about him:

"HEADQUARTERS DEPARTMENT OF THE GULF,
"*Atlanta, Ga., April 10, 1898.*

"To HIS EXCELLENCY,
"THE GOVERNOR OF MASSACHUSETTS,
"*Boston, Mass.*

"SIR: Learning that Capt. Leonard Wood, assistant surgeon, United States Army, is desirous of exercising the command of a regiment from his State in case of the mobilization of Massachusetts troops in the near future, I have the honor to commend to your excellency's favorable notice this meritorious officer. I have known Capt. Wood intimately since 1889. During four years of that period he served under my command. I consider him one of the most promising officers of our Army and believe him to be thoroughly well equipped to exercise the command of a regiment.

"With a high sense of honor in all the obligations of life, he is the most conscientious and zealous officer in the discharge of duty.

"His physique is superb; his mental qualifications of the highest order.

"I am, sir, with great respect,

"Your excellency's most obedient servant,

"WM. MONTROSE GRAHAM,
"*Brigadier General, United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

Next is a letter from Gen. Miles to the governor of Massachusetts, in which he refers to the very exceptional services of Capt. Wood in the terrible campaign against Geronimo and the Apaches:

"HEADQUARTERS OF THE ARMY,
"*Washington, D. C., April 15, 1898.*

"To HIS EXCELLENCY
"THE GOVERNOR OF MASSACHUSETTS,
"*Boston, Mass.*

"SIR: I have the honor to recommend to your favorable notice Capt. Leonard Wood, United States Army. This officer served in the field under my command for several months during the terrible campaign against the Apache Indians under Geronimo. He is one of the most enterprising, intelligent, fearless officers in the service, and competent to fulfill the duties of a field officer, and I earnestly recommend him for such appointment in one of the regiments that may be organized in my native State.

"Very respectfully,

"NELSON A. MILES,
"*Major General, Commanding United States Army.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

Another letter from Gen. Alger:

"WAR DEPARTMENT,
"OFFICE OF THE SECRETARY,
"*Washington, April 16, 1898.*

"Gov. ROGER WOLCOTT,
"*Boston, Mass.*

"MY DEAR GOVERNOR: It is with more than common pleasure to me to give to Capt. Leonard Wood, of the United States Army, a letter of recommendation to you. Capt. Wood is especially gifted for the command of men; he is a man of great ability and courage, and his experience in the Indian wars, and bringing with that experience the entire confidence of the Army, confirms all his friends, of whom I am glad to be one, claim for him.

"If, in the trouble that seems to be threatening us, and the furnishing of troops from your Commonwealth, you can grant to the captain a commission, you will give to the Army a most valuable man. I am,

"Yours, very truly,

"R. A. ALGER,
"*Secretary of War.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

"WASHINGTON, D. C., *April 19, 1898.*

"To HIS EXCELLENCY
"THE GOVERNOR OF MASSACHUSETTS.

"DEAR SIR: It gives me great pleasure to state that I have known Capt. Leonard Wood, United States Army, personally and by reputation for several years. He is a man of excellent character and marked ability in every respect. He would be an excellent man in the event of war to have command of Volunteers, and I most earnestly recommend him for such appointment from his State, of which you have the honor to be governor.

"Capt. Wood is what is known as a 'medal-of-honor man,' having won his medal by most ably leading a command of troops when all of its officers had been disabled in one of the hardest and severest campaigns known to the country in Indian warfare.

"Should you appoint him you will find that he will do you credit and honor your State and the United States in case the opportunity comes to his command.

"Very respectfully,

"J. O. GILMORE,
"*Lieutenant Colonel, Assistant Adjutant General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

"WAR DEPARTMENT,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, April 23, 1898.*

"Hon. ROGER WOLCOTT,
"*Governor of Massachusetts, Boston, Mass.*

"SIR: I have the honor to invite the attention of your excellency to the merits of Capt. Leonard Wood, United States Army, who desires an appointment as colonel of a Massachusetts volunteer regiment. Capt. Wood has had more than 12 years' service as a commissioned officer in the Regular Army, and the fact that he has seen arduous service on the frontier

is shown by the medal of honor which he received for conspicuous gallantry in action. He is a man of powerful physique, great intellectuality, and high professional attainments. I can not too highly commend him to the favorable consideration of your excellency.

"Very respectfully,

"ARTHUR L. WAGNER,
"*Assistant Adjutant General.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

—

"WAR DEPARTMENT,
"*Washington, April 28, 1898.*

"Capt. Leonard Wood, assistant surgeon, United States Army, is hereby authorized to raise and organize under the second proviso of section 6 of the act approved April 22, 1898, entitled 'An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes,' a regiment of volunteers possessing special qualifications as horsemen and marksmen, to be designated as the First Regiment of United States Volunteer Cavalry, under the rules and regulations prescribed by the War Department.

"R. A. ALGER, *Secretary of War.*

"A true copy.

"FRANK R. MCCOY,
"*Aid-de-Camp.*"

I ask gentlemen from across the aisle to listen to what I am about to read. It is dated Santiago de Cuba, January 26, 1898:

"GEN. WHEELER'S REPORT.[1]

"HEADQUARTERS CAVALRY DIVISION,
"*Camp 6½ miles east of Santiago de Cuba, June 26, 1898.*

"ADJUTANT GENERAL,
"*Fifth Army Corps, S. S. Segurança.*

"SIR: * * * Col. Wood's regiment was on the extreme left of the line, and too far distant for me to be a personal witness of the individual conduct of his officers and men, but the magnificent and brave work done by his regiment under the lead of Col. Wood testifies to his courage and skill. The energy and determination of this officer has been marked from the moment he reported to me at Tampa, Fla., and I have abundant evidence of his brave and good conduct on the field, and I recommend him for consideration of the Government.

"Very respectfully,

"JOS. WHEELER.
"*Major General, United States Volunteers, Commanding.*"

Gen. Wheeler was an ex-Confederate general, and it is said of him that he never was so happy as when wearing the uniform of the United States in the Cuban compaign.

"HEADQUARTERS SECOND CAVALRY BRIGADE,[2]
"*Camp near Santiago de Cuba, Cuba, June 29, 1898.*

"THE ADJUTANT GENERAL,
"*Cavalry Division.*

"SIR: * * * I can not speak too highly of the efficient manner in which Col. Wood handled his regiment, and of his magnificent behavior on the field. The conduct of Lieut. Col. Roosevelt, as reported to me by my two aids, deserves my highest commendation. Both Col. Wood and Lieut. Col. Roosevelt disdained to take advantage of shelter or cover from the enemy's fire while any of their men remained exposed to it—an error of judgment, but happily on the heroic side. I beg leave to repeat that the behavior of all men of the regular and volunteer forces engaged in this action was simply superb, and I feel highly honored in the command of such troops.

"Very respectfully,

"S. B. M. YOUNG,
"*Brigadier General, United States Volunteers,*
"*Commanding.*

I append these additional letters, and to them call especial attention. My time has nearly expired, and I can not stop to read them:

"OFFICIAL TELEGRAM.

(Annual Report of the Major General Commanding the Army, 1898, p. 578.)

"JULY 4, 1898.

"Gen. MILES,
"*Washington, D. C.:*

"* * * The turning movement by Gen. Chaffee, terminating in an assault, and the tenacity of Gen. Ludlow were possibly the features of the movements at Caney under Gen. Lawton, where the artillery ultimately was brought up to within 500 yards, as it was also at San Juan, where Col. Wood, who commanded the First Volunteer Cavalry at the Seville fight, was commanding a brigade, and his command here, as before, experienced some of the fiercest fighting, and the charge of Gen. Hawkins and the conduct of Gen. Kent's division displayed gallantry equal to that of the Cavalry.

"BRECKENRIDGE,
"*Major General, Volunteers.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 104.)

"PLAYA DEL ESTE, *July 7, 1898.*

"Hon. R. A. ALGER,
"*Secretary of War, Washington:*

"In absence of full reports I can not at this time make all recommendations for promotion I would like to, but the following officers were so conspicuous for bravery and handled their troops so well I desire to recommend them for promotion: Brig. Gens. Hawkins, Lawton, Chaffee, and Bates to be major generals; Col. Wood and Lieut. Col. McKibbin to be brigadier generals.

"W. R. SHAFTER.
"*Major General, Commanding.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 116.)

"ADJUTANT'S GENERAL'S OFFICE,
"*Washington, July 9, 1898—2.10 p. m.*

"Maj. Gen. SHAFTER,
"*Playa del Este, Cuba:*

"I am instructed by the Secretary of War to inform you that the following promotions have been made among the officers serving with you, to date from yesterday: Kent, Young, Bates, Chaffee, Lawton, Hawkins, to be major generals; Wood, McKibbin, and Carroll, to be brigadier generals. Inform them and extend to each the congratulations of the Secretary of War and myself.

"H. C. CORBIN,
"*Adjutant General.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 203.)

"SANTIAGO, VIA HAITI,
"*August 4, 1898—5.17 p. m.*

"ADJUTANT GENERAL, UNITED STATES ARMY,
"*Washington:*

"* * * I think Gen. Wood is by far the best man to leave in command of this post, and perhaps of the whole district. If he is not to have the entire command, I would suggest Lawton as the only other man there in every way equipped for the position. * * *

"SHAFTER,
"*Major General.*"

—

(Correspondence relating to the War with Spain, Apr. 15, 1898–July 30, 1902, Vol. I, p. 206.)

"SANTIAGO, VIA HAITI,
"*August 6, 1898—6.42 p. m.*

"ADJUTANT GENERAL, UNITED STATES ARMY,
"*Washington:*

"Have consulted Lawton about staying. He desires very much to do so. Will forward his letter by first mail. Wood also is perfectly willing to stay. They are the two best men in the Army here. There should be three brigadiers, one for the town, Gen. Wood, and one for each brigade. Young and active men should be sent. Suggest that the third battalion of Roosevelt's regiment be sent here and that the horses of the four troops of the Second Cavalry be left for their use. * * *

"SHAFTER,
"*Major General.*"

—

"ADJUTANT GENERAL'S OFFICE,
"*Washington, August 11, 1898—12.15 a. m.*

"Gen. SHAFTER,
"*Santiago:*

"The following order issued to-day:

"'By direction of the President a geographical military department is hereby established, to be known as the department of Santiago, to consist of all that part of the island of Cuba and the islands and keys adjacent and belonging thereto as have or may hereafter come under the control of the United States.

[1] Annual Report of the Major General Commanding the Army, 1898, p. 163.
[2] Idem, p. 333.

The headquarters of the department will be established in the city of Santiago.

"'Maj. Gen. Henry W. Lawton, United States Volunteers, is hereby assigned to the command of the Department of Santiago.

"'Brig. Gens. Leonard Wood and Ezra P. Ewers, United States Volunteers, will report to Maj. Gen. Henry W. Lawton, United States Volunteers, for duty in the Department of Santiago.

"'The officers of the several staff departments now on duty with the general officers above named are temporarily assigned to like duties at their respective headquarters.'"

"You will arrange with Gen. Lawton for him to assume command at such time as you and he shall agree, it being understood that he will have control of only the troops sent to Santiago for garrison duty and the sick and convalescents of your command left there. It is expected that Gen. Wood will be left in command of the city.

"By order Secretary of War.

"H. C. CORBIN,
"*Adjutant General.*"

—

WAR DEPARTMENT,
"*Washington.*

"These charges, which were received by the Secretary of War on the 21st of March, 1903, will be filed, together with Brig. Gen. Leonard Wood's answer thereto of that date, and no further action will be taken thereon. No answer to the charges was required from Gen. Wood and none was necessary, for it was already known to the Secretary of War that the charges were in every respect without just foundation. The part taken by the military governor of Cuba in the prosecution of the so-called Post Office cases, in which Mr. Rathbone was one of the defendants, had at every step the approval of the War Department, and the military governor exercised no control over the proceedings except such as it was his duty to exercise; and that control in no case went beyond the control which prosecuting officers in the United States lawfully exercise over cases committed to their charge. The 'Jai Alai' Co., referred to in the charges, maintained a court in which a game is played, somewhat similar to our game of racket, and in which the Cuban people are interested, much as our people are interested in the game of baseball. The company included many of the best citizens of Habana, and the gift to Gen. Wood, which was made at the time of his departure from the island, had no relation whatever to any official action of his affecting the company, but was a part of the general expression of gratitude by the Cuban people toward the representative of the United States for the just and beneficent government through which the establishment of the Republic of Cuba had been accomplished, and the chief credit of which was due to Gen. Wood. To have refused this and other gifts made at the same time would have been discourteous, injurious, and unjustifiable. The treatment of the gift at the customhouse was strictly in accordance with law and official propriety.

"The charges have no justification.

"ELIHU ROOT,
"*Secretary of War.*

"MARCH 23, 1903.

"A true copy of official copy.

"HALSTEAD DOREY,
"*Captain, Fourth Infantry, Aid-de-Camp.*"

—

"GENERAL ORDERS, No. 38.

"HEADQUARTERS OF THE ARMY,
"ADJUTANT GENERAL'S OFFICE,
"*Washington, March 25, 1903.*

"The following order has been received from the War Department and is published to the Army for the information and guidance of all concerned:

"WAR DEPARTMENT,
"*Washington, March 25, 1903.*

"By direction of the President, Brig. Gen. Leonard Wood, United States Army, having filed the report which completes his service as military governor of Cuba and commander of the military forces stationed in that island from December, 1899, to the close of the American occupation, is relieved from further duty in connection with the affairs of the former military government of Cuba.

"The administration of Gen. Wood, both as military commander of the Division and Department of Cuba and as military governor, was highly creditable. The civil government was managed with an eye single to the benefits of the Cuban people. Under the supervision and control of the military governor the Cuban people themselves had an opportunity to carry on their own government to a constantly increasing degree, so that when Cuba assumed her independence she started with the best possible chance of success.

"Out of an utterly prostrate colony a free Republic was built up; the work being done with such signal ability, integrity, and success that the new nation started under more favorable conditions than has ever before been the case in any single instance among her fellow Spanish-American Republics. This record stands alone in history, and the benefit conferred thereby on the people of Cuba was no greater than the honor conferred upon the people of the United States.

"The War Department, by direction of the President, thanks Gen. Wood and the officials, civil and military, serving under him, upon the completion of a work so difficult, so important, and so well done.

"ELIHU ROOT,
"*Secretary of War.*

"By command of Lieut. Gen. Miles:

"WM. P. HALL,
"*Acting Adjutant General.*

"A true copy:

"HALSTEAD DOREY,
"*Captain, Fourth Infantry, Aid-de-Camp.*

"The foregoing copies of letters and extracts from official reports are true copies.

"_____ _____,
"*Captain, Third Cavalry, Aid-de-Camp.*"

The SPEAKER pro tempore (Mr. SIMS). The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Speaker, I ask leave to print a list furnished me at the War Department, compiled by Brig. Gen. Mills, showing some of the officers, many of them of great distinction, who would have been excluded under this provision of the conference report from being Chief of Staff; and also some statements of distinguished authorities as to the magnificent services rendered by Gen. Wood in Cuba after the close of the War with Spain.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by printing the papers referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

"WAR DEPARTMENT,
"*May 23, 1911.*

"(Subject: List of prominent officers of Civil War who, in 1860, had served less than 10 years as commissioned officers of the line.)

"Herewith is a memorandum in connection with the amendment of the House and Senate conference committee on the Army appropriation bill prohibiting the detail, after March 5, 1913, of a Chief of Staff who has served less than 10 years as a commissioned officer of the line of the Army.

"Following is a partial list of general officers of the Union Army in the Civil War who would have been ineligible for Chief of Staff had such a provision been in force in 1860:

RANK ATTAINED (SERVICE TO INCLUDE 1860).

"Philip H. Sheridan, major general, second lieutenant Infantry, 1853; first lieutenant Infantry, 1861.

"James B. McPherson, major general, second lieutenant Engineers, 1853; first lieutenant Engineers, 1858; captain, 1861.

"John M. Schofield, major general, second lieutenant Artillery, 1853; first lieutenant Artillery, 1855; captain Artillery, 1861.

"Oliver O. Howard, major general, second lieutenant Ordnance, 1854; first lieutenant Ordnance, 1857; resigned, 1861.

"Daniel E. Sickles, major general, no service prior to 1860.

"John A. Logan, major general, second lieutenant Illinois Infantry, 1847–48; mustered out, 1848; no other service prior to 1860.

"Carl Schurz, major general, no service prior to 1860.

"James A. Garfield, major general, no service prior to 1860.

"Wesley Merritt, major general, commissioned second lieutenant Dragoons, 1860.

"George A. Custer, major general, commissioned second lieutenant Second Cavalry, 1861.

"Nelson A. Miles, major general, commissioned second lieutenant Massachusetts Infantry 1861.

"Emery Upton, major general, commissioned second lieutenant 1861.

"Walter F. Halleck, major general, second lieutenant Engineers, 1839; first lieutenant Engineers, 1845; captain Engineers, 1853; major general, 1861.

"George B. McClellan, major general, second lieutenant Engineers, 1846; first lieutenant Engineers, 1853; captain Cavalry, 1855; resigned, 1857; major general Volunteers, 1861.

"George C. Meade, major general, second lieutenant Artillery, 1835; resigned, 1836; second lieutenant Topographical Engineers, 1842; first lieutenant Topographical Engineers, 1851; captain Topographical Engineers, 1856; major Topographical Engineers, 1862.

"William S. Rosecrans, major general, second lieutenant Engineers, 1842; first lieutenant Engineers, 1853; resigned, 1854.

"A. L. MILLS,
"*Brigadier General, General Staff,*
"*Chief War College Division.*

YELLOW FEVER.

"Extract from a paper prepared by Walter Reed, M. D., surgeon, United States Army; James Carroll, M. D., and Aristides Agramonte, M. D., acting assistant surgeons, United States Army, read at the Pan American Medical Congress, held at Habana, Cuba, February 4–7, 1901:

* * * * * * *

"'We desire to here express our sincere thanks to the military governor of the island of Cuba, Maj. Gen. Leonard Wood, United States Volunteers, without whose approval and assistance these observations could not have been carried out.'

"Extract from the resolutions adopted at the meeting of the American Medical Association at Saratoga, N. Y., June 11, 1902:

* * * * * * *

"'*Resolved*, That the thanks of this association be tendered the gentlemen who accomplished this brilliant result, and particularly to Drs. Walter Reed, James Carroll, A. Agramonte, W. O. Gorgas, and to Leonard Wood, who recognized the importance of the work and made it possible by his hearty encouragement and assistance.'

"Extract from the sketch of Maj. Reed's work in the discovery of the method of the transmission of yellow fever, by Col. Jefferson R. Kean, Medical Corps, United States Army:

* * * * * * *

"'It was evident to his mind that the solution of this question, which meant so much for the human race, could never be satisfactorily determined without experiments on human beings, and he went to Gen. Wood, the military governor of Cuba, to ask permission to conduct such experiments and for a sum of money to liberally reward volunteers who should submit themselves for experiment. Gen. Wood promptly granted both, with a ready appreciation of the importance of the matter and the force of Dr. Reed's arguments, which will entitle him to no small measure of the glory of this discovery.'

"Extract from a report on Maj. Reed's work on yellow fever, by Maj. W. D. McCaw, Medical Corps, United States Army:

* * * * * * *

"'Application was made to Gen. Leonard Wood, the military governor of Cuba, for permission to conduct experiments on nonimmune persons, and a liberal sum of money requested for the purpose of rewarding volunteers who would submit themselves to experiment.

"'It was indeed fortunate that the military governor of Cuba was a man who by his breadth of mind and special scientific training could readily appreciate the arguments of Maj. Reed as to the value of the proposed work.

"'Money and full authority to proceed were promptly granted, and to the everlasting glory of the American soldier, volunteers from the Army offered themselves for experiment in plenty and with the utmost fearlessness.'

"Extract from editorial, Journal of the American Medical Association, dated July 16, 1910:

* * * * * * *

"'After the capture of Santiago Gen. Wood was placed in command of that district, and in the space of a year his capacity for organization had so clearly demonstrated itself that he was transferred to Habana and made the military governor of Cuba with the rank of major general of Volunteers. In three years he brought Cuba from a naked and devastated land where famine and disease stalked hand in hand to salubrity and plenty. The death rate in Habana fell from 91 per 1,000 in 1898 to 20 in 1902. In the 30 years preceding his appointment as governor there were in the city of Habana 21,448 deaths from yellow fever and 12,722 from smallpox. In the decade since that date there have been 44 deaths from yellow fever and 4 from smallpox.

"'But the sanitary regeneration of Cuba and the support and assistance given to the Reed yellow fever board are only a small part of the creditable work of the military governor of Cuba. In every direction in which constructive statesmanship can influence the destinies of a nation the work of Leonard Wood has left an indelible impress on the government and lives of the Cuban people.'"

Mr. PRINCE. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I wish to discuss the clause which compels the Chief of Staff to have had 10 years' service in the line. I think we all admit that the President should be given just as large and broad a choice for Chief of Staff as possible, so that wherever the best man is he may be brought forward, and consequently the burden of proof is upon those who claim that there should be some limitation. Therefore the committee must prove that the 10 years' service with the line is necessary.

When the General Staff was established there was no proposition that 10 years in the line were necessary. Naturally it could not have suggested itself, experience was against it. Two instances suffice to prove that though there are many others, Gen. Lee and Gen. McClellan at the outbreak of the war would not either of them under this limitation have been eligible for Chief of Staff, and yet no one will deny that these two men were preeminently qualified for that position.

What has happened since, just in this year, to call the attention and convince the committee that 10 years are necessary? It could not have been that the choice has been made too much from the staff and not from the line, because of the five Chiefs of Staff four of them complied with this limitation. The present officer is the only one that does not, and therefore no need has yet been shown, for I am sure that no one will pretend that Gen. Wood's services as Chief of Staff have not compared favorably with others and have not been up to the standard as Chief of Staff. He has made a magnificent officer there.

Why is it, then, that suddenly this proposition is invented? I think it is very unfortunate that there should ever be any dissension between the staff and the line. Each in its place is imperatively necessary for the Army. Each is qualified to produce men for Chief of Staff, and while it may be that under the present conditions the natural tendency is for men with brilliant minds and ambition and enterprise to go to the staff, still both are amply qualified to prepare men for Chief of Staff.

But we know that recently before the Military Committee the Chief of Staff and another general of the Army, who by his position had an unusual opportunity to serve and ingratiate himself with Members of Congress, who seemed to have the sympathy of the Military Committee, and who retired from the Army rather than run the risk of a court-martial, that there was a difference between him and the Chief of Staff, and after that dissension, which seemed to involve members of the committee, a proposition was evolved which prevents the present Chief of Staff being reappointed.

I do not think it requires a very suspicious turn of mind for a Member to guess that there was some connection between them. This is not the first time legislation, apparently general in its scope, has been used to gratify personal resentment. Some years ago a Member of Congress had a grudge against a retired officer who was employed in a manufacturing establishment which had large dealings with the Government, and he introduced in a general bill a clause that no money should be expended in any institution which employed a retired officer; a general proposition, but aimed at one man. It was an attempt and a successful one to prostitute general legislation to personal malice. I have seen since then no occasion when it seemed to me that there were more earmarks of that same purpose than I see here.

Undoubtedly the extraordinary rapidity of Gen. Wood's advancement in the Army has occasioned much criticism and hostility, but I believe no candid Army official will deny his great ability or claim that he has not performed the duties of Chief of Staff with signal success, and I think it is as unwise as it is unfair to make him the victim of this personal legislation. The gentleman from Virginia [Mr. HAY] said that neither Gen. Crozier or Col. Goethals, men whose abilities and achievements would naturally suggest them for Chief of Staff, would be eligible to-day even without this provision. That, of course, is correct because neither of them now possesses the requisite rank, but a President who wished their service could at any time remove that disqualification by promoting them, while this provision would disqualify them forever. I think the suggestion of their names is one of the best arguments against this provision, for they have both proved themselves possessed of qualities infinitely more important to a Chief of Staff than 10 years' service with troops, and are illustrations of the fact that what we need in that position is brains and executive ability far more than 10 years of any one special training.

Mr. MARTIN of Colorado. Mr. Speaker, I do not question the absolute good faith of the chairman of the Committee on Military Affairs of the House in pushing this Army reorganiza-

tion plan, and I do not at all attribute to a lack of good faith upon his part the singular fact that if the two mooted propositions in this conference report, the one in respect to the Army posts and the other in respect to the Chief of Staff, had been written by one of the conferees—and I think I can say, with all due respect to the other members, the principal conferee—the report could not have been more favorable to him and his interests than it now is. The gentleman from Virginia has not in his district a $5,000,000 brigade Army post, the finest in the United States, without a single, natural, artificial, or strategic advantage to justify its existence. The gentleman from Virginia has not a son-in-law whose fortunes on the road of promotion to Chief of Staff are to be advantaged and accelerated by legislation which will disqualify those who are now ahead of him. He has no son-in-law who, in being promoted from captain to brigadier general, was jumped over the heads of more than 700 captains, majors, and colonels.

Mr. BUTLER. Good gracious! Seven hundred?

Mr. MARTIN of Colorado. Seven hundred. Gentlemen talk about Gen. Leonard Wood being promoted——

Mr. BUTLER. Excuse me, Mr. Speaker, but my interest is excited. Who is this captain that the gentleman is speaking of?

Mr. MARTIN of Colorado. We are not mentioning names here at this time.

Mr. BUTLER. That would seem to be a pretty big jump.

Mr. MARTIN of Colorado. I will read a list of names of general Army officers, giving them in the order in which they appear in the Official Army Register for 1912, and the first nine names will suffice to show gentlemen the situation present and prospective with reference to the office of Chief of Staff, the officer filling which is the real head of the Army.

Name.	Year of birth.	Year of retirement.
Maj. Gen. Leonard Wood	1860	1924
Maj. Gen. J. Franklin Bell	1856	1920
Maj. Gen. Thos. H. Barry	1855	1919
Maj. Gen. Wm. H. Carter	1851	1915
Maj. Gen. Arthur Murray	1851	1915
Brig. Gen. Frederick Funston	1865	1929
Brig. Gen. Tasker H. Bliss	1853	1917
Brig. Gen. Albert L. Mills	1854	1916
BRIG. GEN. JOHN J. PERSHING	1860	1924

Two of these nine generals—Wood and Funston—are to be disqualified by this legislation for the office of Chief of Staff. If the remaining seven are to be advanced in the order of their seniority, Gen. Wood would be succeeded by Gen. Bell on March 5 next. When Gen. Bell returns to the line, in March, 1917, four of the six remaining officers, to wit, Gens. Carter, Murray, Bliss, and Mills, will have been retired under the age limit, leaving only Gen. Barry, who retires two years later, and Gen. Pershing in line of promotion.

Singularly enough, the proposition agreed upon by the conferees provides that—

The General Staff shall hereafter consist of two general officers, one of whom shall be Chief of Staff.

Therefore with Gen. Wood, who does not retire until 1924, and Gen. Funston, who does not retire until 1929, out of the way, the remaining two may be simultaneously advanced in the natural order and one of them designated as Chief of Staff. Which will it be? Unless fortune fails him, it should be Gen. Pershing, who, according to the Army Directory of 1906, was advanced from captain to brigadier general over the heads of 110 colonels, 131 lieutenant colonels, 264 majors, and 257 captains, a total of 862 ranking officers.

Gentlemen have talked about Gen. Leonard Wood as the child of fortune and the favorite of influence, but I know of nothing in his career in the way of advancement so utterly extraordinary as that to which I have alluded. I do not hold any brief for Gen. Leonard Wood. I have been rather opposed to him. He has recommended the wiping out of an Army post in my State. He wiped out the Department of the Colorado with headquarters in my State. But I want to say, after sitting across a committee table from Gen. Wood for two hours cross-examining him, that I came out of that committee meeting with the impression, which I still retain, that he is the ablest Army officer I ever met [applause on the Republican side]—the strongest and ablest—and we met in that same committee room some of the other general officers who are on the list with him, including the late lamented The Adjutant General.

I do not carry my feeling with reference to the Colorado Army post to the extent that I am willing to pass legislation to disqualify this man from office on account of his recommendation, and just as sure as you are sitting here, gentlemen, within the sound of my voice, Gen. Wood to-day is paying the penalty for the recommendations that he made to this House of Representatives with reference to Army posts; and I want to say to you gentlemen that if he had made a contrary recommendation in this matter, if he had recommended the retention of some, if he had recommended the retention of at least one of the Army posts whose abolition he recommended, the gentleman from Virginia [Mr. TAVENER] and the whole House Committee on Military Affairs could have stood here until doomsday before they could ever have prevailed upon the Senate conferees to accept this proposition. [Applause on the Republican side.]

I know what I am talking about. I am on a little bit of a committee that originated this fuss about abolishing Army posts. It was in response to a resolution of a member of that committee, Mr. BULKLEY, of Ohio, that these recommendations of Gen. Wood were made, and I have had occasion to look into this matter pretty closely.

The resolution of the gentleman from Ohio [Mr. BULKLEY], calling for the information furnished by the Secretary of War, upon which information the House Committee on Military Affairs based the provision withdrawing support from 25 Army posts, including Fort D. A. Russell, and providing against the expenditure of any part of the appropriation for permanent improvements at such posts, and for furnishing which information the Chief of Staff is now to be punished, with the consent of the House—this resolution, I say, called for the following information:

1. The names of all Army posts which have been located in their present situations for reasons which are now totally obsolete.

Answer. Fort D. A. Russell, Wyo., established, 1867, to protect the Union Pacific Railroad in this vicinity and the lines of travel south to Denver and north to Fort Laramie and beyond from attacks by the Arapahoe Indians.

3. The names of all Army posts which were originally placed where they are with reference to possible Indian troubles, and the names of such of these as may be placed where such troubles now are no longer possible.

Answer. Fort D. A. Russell, among others.

5. The names of all posts which have been constructed during the 10 years ending June 30, 1911, upon a plan which involved maximum initial cost of construction and maximum cost of maintenance in money and men; the amounts expended on such posts, respectively, for construction purposes during the said period, and what military necessity, if any, suggested the construction of such posts.

Name of post. Fort D. A. Russell, Wyo.

Cost of construction, $4,893,164.29.

9a. The names and cost of all Army posts which would have to be abandoned in order to put an end to the extravagance and inefficiency resulting from improper distribution of the mobile Army.

Names of posts. Fort Mackenzie, Wyo.; Fort Yellowstone, Wyo.

Total cost to date, $1,218,066 and $893,511.51.

9b. Posts not located with a view of securing economy of administration and supply or a full measure of military effectiveness. Their garrisons should not be increased and should ultimately be withdrawn to such concentration centers as Congress may authorize.

Name of post. Fort D. A. Russell.

Total cost to date, $4,925,460.13.

(This post is not located with a view to maximum economy or strategic effectiveness. Its position in a sparsely settled region involves an increased cost for transportation of manufactured supplies, and its distance from recruiting centers makes the recruitment of its garrison more costly. But there are sufficient quarters at the post for a detachment of all arms, with ample facilities for training. There is an abundant water supply at the post, and climate and sanitary conditions are excellent. There is a large maneuver ground within easy marching distance of the post.)

Fort Logan, Colo., located near the suburbs of Denver, is categorized in 9b, along with Fort Russell and 23 other posts, or 25 posts in all, which were recommended for ultimate abandonment.

That this recommendation materially influenced the conferees, and the conferee to whom I refer in particular, is clearly established by his statements regarding it. Speaking of the recommendation, the conferee said:

The Chief of Staff went before that committee and said they were going to propose the abandonment of a good number of the present posts and concentrate the troops in large posts at some uncertain points, and they were going to greatly reduce the expenses of the Army. * * * Subsequently the House, by resolution, requested information as to the posts it was proposed to abandon. The Secretary of War hastened to reply. He gave a list of 25 posts, including some of the largest and newest in the country and covering half of the United States in area, and proposed to remove every post and every place where the United States flag floats over a representative of the Army from a tract of country nearly 2,000 miles one way by about 1,500 miles the other way, including a large number of States entire. The House, taking the Secretary of War at his word, inserted in three different places in the appropriation bill an inhibition against expending a dollar at any one of those posts, although they are occupied by troops and must be so occupied until other arrangements are made. The House also provided that there should be no new posts created and none enlarged without legislation by Congress.

Again the conferee said:

There is no objection to the abandonment of useless posts, but to take one-half of the United States and with one fell swoop take the flag of the United States out of it entirely and leave the militia there with no troops with which to cooperate and with which to go into these great meetings raises a question into which I think the Senators and Members of the House have a right to examine and upon which to express their views.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. PRINCE. Mr. Speaker, I yield three minutes more.

Mr. MARTIN of Colorado. Oh, I can not say anything in three minutes.

Mr. PRINCE. Very well; I yield five minutes to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, since I have been in Congress I have never seen such an abuse, such a gross abuse, I feel tempted to say such a prostitution of legislative power to base personal ends and revenge as that which is confronting this House this afternoon. [Applause on the Republican side.]

And I want to say now that if the House could get a crack at this proposition by means of a separate vote it would overwhelmingly reject it, as it would have been overwhelmingly rejected at the other end of this Capitol under similar conditions. [Applause on the Republican side.] I have been reading the debates which occurred at the other end of the Capitol upon this proposition, and while it is not proper to refer to things specifically, as legislative ethics forbid it, yet if gentlemen will read the debates that have occurred upon the Army post proposition and the question of the Chief of Staff and notice how often and how bitterly the reference to the recommendation of Gen. Wood bubbled up to the lips of certain gentlemen, and to one of the conferees—yes, the brains of the conferees—how often there bubbled to his lips words of resentment over the recommendation of Gen. Wood about the proposed abolition of this magnificent Army post, "leaving fifteen hundred to two thousand square miles of this country absolutely unprotected," they would see then what was sticking in the gentleman's craw. He tries to take the position that this proposition with regard to the Chief of Staff was forced upon him. Well, read what he had to say about it and see how zealously and how quickly he always flew to the defense whenever anything occurred in the debate in reference to it.

Speaking at one time this conferee said:

We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line.

By the way, these two major generals are Wood and Ainsworth, and the latter, while he may have had no experience in the line, seems to have had sufficient experience to point the way to the reorganization of the Army, including a method of disqualifying the other major general for an office which he himself coveted and hoped to obtain when section 6 of the House bill, consolidating his own office, that of The Adjutant General, with the offices of Inspector General and Chief of Staff, was framed. Both the ambition and the plan of consolidation have gone glimmering, but after hope is dead revenge not only lives but thrives upon the ashes of our dreams.

Section 6 of the House bill, abolishing two establishments in the War Department, was swept out, and in its stead appears a little conference scheme to disqualify the present Chief of Staff from again holding his office. This and nothing more.

The conferee said:

We have had for some years as the two ranking major generals of the Army men who came from the Medical Corps—able men, both of them, but without extended service in the line. We might have a few months hence another man from the Medical Corps, or we might have a Paymaster General selected as Chief of Staff. When it was submitted on the part of the House side and argued it seemed to be that putting myself in the place, or putting any other man in the place, a civilian Secretary of War, who had to take up all these Army matters, would want to have as his adviser a man acquainted with the duties, performances, and responsibilities of the line of the Army, for it is the line of the Army that does the fighting.

It would appear to be useless to reiterate that the Army conferees did not find the advice of officers of the line necessary, and it is more than suspected that their advice came from a former distinguished officer of the staff who never smelled powder.

Again the conferee said:

It did not seem to me to be an unreasonable restriction that hereafter in appointing new Chiefs of Staff they should have been of the line, so as to be able to give the Secretary of War the information of which he might be most in need. As I said before, the staff officers surround the Secretary of War—close at hand in the big building. It is an easy matter for him to get information from them, but take, for instance, the very able medical officer who now stands at the head of the Medical Department. If a new Chief of Staff was to be appointed, would it be, could it be, as good an appointment as it would be to take some able officer from the line? There are plenty of such line officers.

There are plenty of such line officers, says the conferee, and I have already pointed out who these able line officers are, including the one who was jumped 862 numbers and who is now apparently to be legislated the rest of the way up.

When it was objected by a most distinguished member of another body that—

This provision excludes Gen. Funston, who was a distinguished volunteer officer of great gallantry in the War with Spain and also in the Philippines. He never served 10 years as a commissioned officer of the line under the rank of brigadier general—

The conferee replied:

That is true; but that Senator and no other Senator can exceed me in admiration of Gen. Funston. Gen. Funston does not know the line of the Army, however, as do some other officers.

As the late lamented Bill Barlow, the sagebrush philosopher of Rawlins, Wyo., used to say:

Just let this sorter sink into your soul.

In the same paragraph the conferee remarked:

I should be very glad to introduce and very glad to follow up a resolution, if Gen. Funston was desired as Chief of Staff by the President, to make an exception in his case.

So, in the opinion of the conferee, Gen. Funston may merit an exception, even though he does not know the line of the Army as do some other officers, and this exception the conferee would be very glad to father, but no such expression can be found with reference to Gen. Wood, also, like Funston, a distinguished soldier in Cuba and the Philippines, and who would already have the benefit of four years' experience in the office itself.

It may be interjected here that all of the proponents of the provision in question lay great stress on the fact that this special qualification imposed upon the Chief of Staff applies only in time of peace, and that in time of war or threatened war the President is given a free hand in the selection of Chief of Staff, the logic of which proposition is that in time of peace, when the duties of the office are largely routine, the President can not be depended upon to make a proper selection, but in time of war, when the honor and preservation of the Nation may be at stake, the President is to be intrusted without limitation with this important function. I do not know but what such military logic as this cleanses its authors of all suspicion of guilt of having acted under military advice.

Another exceedingly distinguished Member of the other body said that the conferees of that body—

have made a loyal fight for the conference report, including this provision which they did not propose, but to which they have yielded—

thereby bearing testimony to the good faith with which said conferees accepted this bitter dose in consideration, of course, be it always borne in mind, of the elimination of the paragraph in the House bill which provided that no part of the appropriation for Army posts should be expended for permanent improvements at any of the 25 Army posts named in the paragraph, including Fort D. A. Russell, and the insertion in lieu thereof of a commission consisting of three retired Army officers named in the substitute, upon whose recommendations Fort D. A. Russell and other of these posts were greatly improved, and a fourth commissioner, also a retired Army officer, who has been a pronounced partisan of Fort D. A. Russell and who is now the representative and lobbyist of the Du Pont powder interests.

I asked the gentleman from Virginia [Mr. HAY] some questions about this commission, the provisions of which the gentleman claims he wrote himself, as well as the other idea in reference to the Chief of Staff, and I think I commented upon how singular it was that one of the conferees should have been so completely advantaged in the selections made. The gentleman has admitted that he did not know at the time the conference report was agreed upon that the men named had all recommended this particular post. But they not only did that, they made specific recommendations with regard to the post, and this post is the senegambian in the woodpile over which this whole trouble about Gen. Wood arises, and I will prove it. This board upon November 11, 1901, was ordered to consider and report upon the location and distribution of the military posts, and so forth, and to make recommendations in detail as to which of the existing posts should be retained or abandoned, and of those retained which, if any, should be enlarged and to what extent. That is what the board had to do. Among those detailed to the board were Maj. Gen. Samuel B. M. Young, Maj. Gen. Arthur McArthur, and Brig. Gen. George M. Randall. I understand that two of those three men are now retired officers——

Mr. PRINCE. All three.

Mr. MARTIN of Colorado. All three. They are what we call in other lines of business "has-beens," who have been selected to determine upon the plan of reorganization and management of a live Army for live men. Now, after mature deliberation, the report says, they made certain recommendations. What were they? They recommended Fort D. A. Russell, Wyo., as

headquarters, with 12 companies of Infantry and 1 battery of Field Artillery. That to begin with. Read over on page 577, the next page, and you will find they made a supplemental recommendation that provision be made at Fort D. A. Russell, Wyo., for 2 batteries of Field Artillery in addition to the then Infantry garrison of 12 companies at that post. Read down below that about six lines and you will find the following:

NOTE.—Shall provision be made at Fort D. A. Russell, Wyo., for a third battery of Field Artillery?

Well, I should say yes. Now, it is the only complete brigade post in the United States, having one regiment of Field Artillery, one regiment of Infantry, one regiment of Cavalry, one company Signal Corps, one company Hospital Corps, one company Engineers. No other Army post in the United States boasts such a garrison or such equipment as a military plant or approaches in cost the Army post at Fort D. A. Russell.

When Gen. Wood appeared before the Committee on Expenditures in the War Department, of which the gentleman from Kentucky [Mr. HELM] is chairman, on June 26, 1911, he was asked the following question:

What advantages, in your judgment, does it (Fort D. A. Russell) possess for building up such a plant or institution as is there now, costing practically $5,000,000 up to this time?

To which Gen. Wood replied:

It has a good, healthy climate.

At the same hearing the attention of Gen. Wood was called to an article published in the Army and Navy Journal under date of March 25, 1911, commenting adversely upon the fact that 115 hours were required to entrain the troops at Fort D. A. Russell at the time of the mobilization of the Army on the Mexican frontier, in March, 1911, and in response to the request of the committee the War Department furnished the following:

Statement relative to the concentration of the troops composing the maneuver division at San Antonio, Tex., showing time required to entrain, distance in miles from home station, number of hours en route, and rate of travel per hour.

Stations.	Organizations.	Time between receipt of orders and entrainment of troops (approximate).	Distance to San Antonio (approximate).	Time en route (approximate).	Rate per hour (approximate).
		Hours.	*Miles.*	*Hours.*	*Miles.*
Benjamin Harrison	Tenth Infantry	33	1,164	66¾	17
McPherson	Seventeenth Infantry	36	1,067	47	23
Snelling	Twenty-eighth Infantry	52	1,318	84½	16
Leavenworth	Thirteenth Infantry	39	813	54¾	15
Mackenzie	Eighteenth Infantry, 3 battalions and headquarters	61	1,655	109	15
Whipple Barracks	Eighteenth Infantry, 1 battalion		1,199		
Douglas	Fifteenth Infantry	28	1,589	62	26
D. A. Russell	Eleventh Infantry	70	1,187	78	15
Oglethorpe	Eleventh Cavalry	36	1,079	52	[illegible]
D. A. Russell	Ninth Cavalry	108	1,187	82½	15
Leavenworth	Engineer battalion	43	813	55¼	15
D. A. Russell	Company M, Engineers	81	1,187	80	15
Do	Fourth Field Artillery	113	1,187	84½	15
Fort Myer	Third Field Artillery	58	1,713	[illegible]	28

It must not be understood that Gen. Wood came of his own motion before the Committee on Expenditures in the War Department to volunteer information about this or any other Army post. He was called, as were other Army officers, to be examined by the committee with a view to reductions and economies generally in the War Department. He was specifically asked for information, practically all of which was matter of record, and which he was required to furnish to the committee, just as in the case of the table showing the time required to entrain at the various Army posts for the mobilization on the Mexican frontier.

It may be said, further, in view of the accusations that I have been trying to tear down Fort D. A. Russell, that these quotations from the testimony of Gen. Wood are given only for the purpose of showing the temerity of the Chief of Staff in furnishing any information or making any statement not of the most favorable character to the military post which is to be the monument of a long and powerful public career, and to throw further light upon the motive of this legislation.

Furthermore, the hearings before the Committee on Expenditures in the War Department will show in several places that I had in mind no idea that Fort D. A. Russell should be abandoned. Indeed, I said to Gen. Wood at the hearing before the committee on June 26, 1911, and I quote, that—

The object of my questions is not to lead up to the proposition that a post that has been built up at great expense is to be reduced because some other place was torn down, but the committee, in endeavoring to determine what policy has governed the War Department in passing on these matters, has found it of interest to contrast the differing treatment of Fort Logan and Fort Russell.

Statements from me appear elsewhere in the hearings, which I have not now the time to look up, disclaiming in the strongest terms any idea on my part that Fort D. A. Russell was to be abandoned. I did, however, and do now, point out and emphasize the fact that while Fort D. A. Russell, with its lack of advantages, has been advanced to the finest and most complete Army post, and a brigade Army post at that, in the United States, the Army post at Fort Logan, near Denver, has been reduced from a regimental to a recruiting station, although it is the consensus of opinion in the Army, from the Chief of Staff down to the men in the ranks, that Fort Logan, more completely than any other post in the entire Rocky Mountain region, meets every requirement going properly to determine the location of a military post. It has been my conviction, and I have not hesitated to say, that Fort Logan, with its obviously superior advantages from every standpoint, was a standing menace to its near-by neighbor, D. A. Russell, scarcely more than a hundred miles distant across the Plains. I have yet to find the person in the Army or out of it, in office or out of it, who has failed to draw the same conclusion as to the cause of the widely differing fortunes of these two neighboring Army posts.

I am in favor of fair play in the matter of Army posts and I am in favor of fair play in the matter of Army officers, and that is my principal interest in this controversy. There are substantial reasons, even if they are not particularly creditable, why Fort D. A. Russell should not be abandoned. One of these is that the Government has expended nearly a half million dollars to build up a water system there, and this expenditure, as well as the millions that have gone into buildings, will be a total loss in the event the Government withdraws. At Fort Logan the Government got a sufficient supply of water for $22,000, and it got this supply in the shape of adjudicated and decreed water-rights, which may be sold at any time for what they cost, and which are constantly increasing in value.

It is entirely different with Fort D. A. Russell. In 1884, and long prior thereto, Fort D. A. Russell had drawn its water supply from Crow Creek. It had built a dam across Crow Creek, had run a ditch, and had a sufficient distributing system to supply the needs of the post such as they then were. That right, in its origin, in its perpetual continuance, in its development into a legal and valuable water right, was not dependent on the city of Cheyenne or anybody else. So far as the record discloses, up to this time the Government had done all that any owner or user of water in the irrigated regions is called upon to do in order to acquire title to water.

At this time—that is, on December 2, 1884—the Government, through the officials at Fort D. A. Russell, entered into an agreement with the town of Cheyenne, of which town the principal conferee was then an official, by which agreement the Government conveyed to the town of Cheyenne its rights in and to the waters of Crow Creek, including the right to build and maintain a dam or reservoir, to construct a ditch or pipe line leading from the point of diversion on Crow Creek at which the Government had been for many years diverting its water supply, and to run this ditch or pipe line across the Government reservation. The Government further granted lands

to the city of Cheyenne for the dam and reservoir site. The water right conveyed, it is true, was not an adjudicated decree, but the Government had, by diversion and use, established a claim to the water which was indefeasible, and to which it could at any subsequent time, if its right was ever questioned, go into court and secure to itself forever by decree a title to the water, which would be at this time a very valuable property right. In so far as they could, the officers at Fort D. A. Russell who entered into this agreement with the city of Cheyenne surrendered and gave over to the city of Cheyenne the Government's water rights. I do not take the position that they could effectuate any such waiver or abandonment or alienation of the Government's rights, but what I mean to say is that in so far as they could, and apparently without any realization of what the result of their action was, they sought to do that which, if done by a private individual, would have resulted in the complete divestiture of the Government's water rights established in the way that water rights are established under the irrigation laws, to wit, by appropriation and beneficial use.

Now, notwithstanding the agreement of the city of Cheyenne, in consideration of the Government's conveyance to it of the rights mentioned, to furnish the Army post with a sufficient water supply, there was such failure to furnish sufficient water that in 1902 Gen. Frederick Funston, then brigadier general commanding the Department of the Colorado, with headquarters at Denver, wrote The Adjutant General United States Army, under date of August 25, 1902, that it was evident that the city of Cheyenne had "grossly and persistently violated the terms of the agreement made with the commanding officer of Fort D. A. Russell in 1884," and recommended the suspension of contemplated improvements. This was followed on October 4, 1902, by a recommendation to The Adjutant General from Gen. George B. Davis, Judge Advocate General, that unless the city of Cheyenne furnished the necessary water and entered into another contract specifically binding itself to furnish the United States the necessary water for irrigation purposes, in addition to other purposes, the agreement of 1884 be annulled on the ground of failure of the city to perform its agreement, and that the city's pipe line across the Government reservation be removed.

Through the influence of the conferee this threatening situation was eventually smoothed out, but one can not help speculating whether the action of the doughty commander of the Department of the Colorado has not something to do with the opinion of the conferee that said officer "does not know the line of the Army as do some other officers."

On November 30, 1908, the Government entered into another contract with the city of Cheyenne, whereby, in consideration of the sum of $400,000 appropriated by the Government to build reservoirs to impound a water supply for the city of Cheyenne and Fort D. A. Russell, the said city of Cheyenne agrees in substance to furnish the Army post with water, provided there is any. This is what the agreement legally amounts to, and no more. The Government may abandon Fort D. A. Russell, but it must leave its water investment behind. I can not see that the Government has acquired anything in its dealings with the city of Cheyenne in the way of tangible assets or alienable values, such as it has at Fort Logan. Apparently all that it has acquired is the right to stay in. The Government seems to be in the condition of the man who takes out assessment insurance—he will never get any paid-up values, and he is obliged to stay in the game always. That seems to be the situation of the Government at Fort D. A. Russell in its dealings with the city of Cheyenne.

The Government has paid in nearly half a million dollars there, and I have not yet been able to put my finger on anything that it could sell—certainly not anything it could dispose of in the way of a legal water right. It appears to me that if the Government were to pull out of Fort D. A. Russell tomorrow, under its agreement with the city of Cheyenne it would have to leave everything there that it has invested, and would not have anything it would have the right to require the city of Cheyenne to pay for or that it could sell to anybody else.

It must be admitted, however, that this is a more prudent arrangement than that made by the State of Colorado when it presented the Federal Government with an unconditional deed to a section of land, which is now very valuable, as a site for the Fort Logan Army post. However, I can not undertake to go further into the affairs of these two posts. I have gone into them only for the purpose of contrasting their treatment as compared with their deserts and of exhibiting the true structure, as I see it, of the product of the conference on the Army appropriation bill.

The conference report itself teems with these evidences. On page 45 of the House bill it was provided that no part of the appropriation should be expended for permanent improvements at any of the 25 named Army posts, including Fort D. A. Russell. In the Senate this proviso was stricken out. The conferees agreed to the action of the Senate with an amendment making an appropriation for the purchase of additional lands for Fort D. A. Russell. Such an astounding outcome of the conference not only stamps with utter failure the effort of the House conferees to get anything out of the conference, but goes a long ways toward fixing the authorship of the entire product of the conference upon the Senate conferees and upon the agency through which the Senate conferees worked. The House conferees started out to strike down 25 Army posts in the interest of economy, and they came back bringing with them an appropriation for one of these posts. They came back dangling the scalp lock of the Chief of Staff. They came back with a commission of eight members to pass upon the question of Army posts, a majority of whom are certain to make an influenced report.

Mr. Speaker, I ask consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MARTIN of Colorado. I hope gentlemen will vote down the conference report and let it go back and knock these provisions out of it. [Applause.]

Mr. PRINCE. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. KAHN], a member of the committee.

Mr. KAHN. Mr. Speaker, in my judgment, this conference report ought to be voted down. This is not a question of politics. The welfare of the Army should never degenerate into a political question. The proposition that no Chief of Staff should be appointed who has not served 10 years as a line officer, to my mind, is exceedingly vicious legislation. Great military heroes, great military leaders, great military geniuses are found during wars. It is battle that brings to the surface the ability of a military leader, and the wars of this country have always brought from the volunteer ranks of the Army men of splendid military ability. Under the provisions of this conference report, if it be enacted into law, these leaders could never be appointed Chief of Staff. Even if we developed a military genius under this legislation, we would deny him the honor of being appointed Chief of Staff in times of peace. In the history of military affairs the world over we find superior leaders developed in the course of one or two campaigns. Napoleon was discovered in the course of two or three years while serving in Italy. Hannibal—going back to ancient times—developed his wonderful leadership in the course of a very few years. Alexander the Great was only 31 years old at his death. In our own country, if this provision of law had been in effect, such leaders as Washington, Andrew Jackson, William Henry Harrison, Alexander McComb, Winfield Scott, John C. Frémont, Phil H. Sheridan, George B. McClellan, J. B. McPherson, G. K. Warren, George G. Meade, George A. Custer, Nelson A. Miles, O. O. Howard, and a host of others could never have been appointed Chief of Staff. Under this provision all officers of the Engineers, including Col. Goethals, would be barred—and the Engineers are the honor men of the Military Academy. Gen. Robert E. Lee was an Engineer officer. I apprehend that this House does not propose to forever bar the door to any man who is some future war may achieve military distinction and prevent him from holding the position of Chief of Staff. It is an important position. The Chief of Staff represents the fighting force of the Army—the line of the Army. We have other Staff Corps leaders, but they represent the administrative branches of the Army; they do not represent the fighting branch of the Army. The Chief of Staff represents the fighting force. He is also the adviser of the President and the Secretary of War. This legislation, if it be enacted, will forever preclude men like Wood and Funston, who won their spurs in action, from being appointed to that position. And, in my opinion, Gen. Wood has been a most efficient Chief of Staff. Gen. Funston is an exceedingly efficient officer. Among the leaders of the Confederate Army who could never have reached this appointment I may mention Gens. Robert E. Lee, Stonewall Jackson, Beauregard, Forrest, and Joe Wheeler. None of them had the 10 years' experience in the line that this provision requires. Gen. U. S. Grant only had 11 years' line service, and Gen. W. T. Sherman only a little over 10. I believe this provision of the conference report to be vicious in principle, and that provision alone should be sufficient to defeat the report.

There is another provision in the report which is also indefensible. It is that item which provides for the appointment of a commission to pass upon the question of the continuation or abandonment of certain Army posts. The conference report names five officers who are to constitute a part of that commission, and among the five generals named in the report as members of this commission are Gens. Young, MacArthur, and Randall. I have nothing to say about their ability. I do not question their integrity. They are all men of splendid standing. They have all had long military experience, but, as a matter of fact, these generals had this question of Army posts before them about 10 years ago. They have passed upon this very matter. In 1901 they were appointed members of a board to look into the matter of the establishment of four great maneuvering camps. They went beyond their duties in that regard, and passed upon the question of Army posts generally. They presented a very voluminous report, of 856 pages, I believe, with numerous maps. On page 7 of their report they say: "After mature deliberation, taking into consideration the proper disposition of the different arms of the service, based upon strategic, sanitary, and economical considerations, the board recommends the following in regard to the permanent posts, not including the Seacoast Artillery." And then they designate the Army posts which they think ought to be permanently maintained, those that ought to be temporarily maintained, and recommend the establishment of seven new posts and four camp sites. In that list we find these posts that were named in the House bill, and most of which the War Department had recommended to be abolished: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort Wright, Fort Lincoln, Fort Logan H. Roots, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Fort Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

Practically every one of the military posts that were recommended for abolishment by the War Department are recommended in this report made by the board of officers of which Gens. S. B. M. Young, Arthur MacArthur, and George M. Randall were members, for either temporary or permanent occupation—most of them for permanent occupation.

Mr. MONDELL. The gentleman wants to be entirely accurate?

Mr. KAHN. Certainly.

Mr. MONDELL. The gentleman knows, as to five posts named, there never has been any recommendation for abandonment?

Mr. KAHN. I did not say there was any recommendation for abandonment at the hands of the board of officers to which I have referred.

Mr. MONDELL. The gentleman said that a few minutes ago, as I understood him, and said it now.

Mr. KAHN. The gentleman evidently misunderstood me. I say they recommended in this report those that should be permanently established and those that should be temporarily established, and therefore they are in the nature of jurymen who have already passed upon the case. [Applause.] That is the point I desire to emphasize.

Mr. MONDELL. The gentleman would leave the case to other jurymen who have already passed upon them otherwise, would he?

Mr. KAHN. No; I do not think it would be necessary. I think an entirely unprejudiced board could be appointed that would pass upon the merits of this question, a board that would have the confidence of the House and the country. These gentlemen, as I have said before, are very capable military leaders, but they have passed upon this question once, and if I were in their position I would decline to serve upon that board under the circumstances. [Applause.]

Mr. Speaker, there are a number of other provisions in this conference report that are also objectionable. They have been referred to, or will be referred to, by other Members. But the two provisions to which I have made special reference are, in my judgment, so vicious that they ought to insure the defeat of the entire report. I hope the House will send the bill back to the Senate for further conference.

Mr. HAY. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Colorado [Mr. MARTIN] is a disappointed man and bitter in his disappointment. At the beginning of this Congress he became obsessed with the idea that it was his duty in life to do what he could to injure and bring into ill repute the largest, the finest, and the best located Army post in the United States, Fort D. A. Russell, and he set about doing it systematically. The outcome was that when the military bill passed the House of Representatives it carried with it a provision that threatened the abandonment of practically all the military positions in the entire intermountain region in which the gentleman from Colorado lives, and especially and particularly Fort Logan, in the gentleman's own State. In other words, the gentleman has consumed a large portion of his time and energy—I regret he is not here—during this entire session of Congress, with the result of bringing about a feeling in the committee, and largely in the House, that the Army ought to be withdrawn from the interior of the country and concentrated on the coasts.

If the gentleman from Colorado, representing an intermountain State, can find anything in the recommendation for the abandonment of the splendid military posts in the West, including the one in his own State—that brings him satisfaction, that pleases him—he is entitled to whatever consolation he can get out of that condition of affairs, for he is, as he boasts, largely responsible for it.

The gentleman's ire is roused to the point of unjustifiable reflections on members of his own party and Members of the Senate because the provisions in the Army bill which prevented the use of the appropriation on Fort Logan in his own State and on most of the posts in adjacent mountain States has been stricken out, and the question of the retention or abandonment of Army posts which he was instrumental in raising has been referred to a fair and impartial board of qualified men. He seems to be so intent on injuring the posts in a neighboring State that he is willing and anxious to jeopardize the institutions of his own State if by so doing he can inflict injury elsewhere; and he fairly raves because of a provision which will probably result in saving the fine post near the capital city of his State from abandonment. As for Fort D. A. Russell, it is so thoroughly established and so favorably situated that it is safe from the attacks of jealousy and the flings of misrepresentation. Other posts in the same region are more in danger from the misguided activity of the gentleman from Colorado.

The gentleman is not complimentary to the House conferees of his own party. He would have you to believe that the House conferees on his side on the Army appropriation bill were led around by the nose by one of the conferees in the Senate, and that everything that was done was for the purpose of serving the interests of one conferee in another body, and that the House conferees so little understood the situation that they allowed themselves to be trapped by this astute gentleman, who, he insisted, was working only in his own interest and that of those he represents, without regard to the interests of the country at large. I shall not impose upon the House to reply in kind to the intemperate language or baseless insinuation of the gentleman from Colorado [Mr. MARTIN] with reference to my colleague in the Senate. He needs no defense from me or anyone; his faithful and unselfish work for his State and the entire West, his potent and helpful labors and influence in legislation for the benefit of the entire country will be gratefully remembered long after his detractors are forgotten. Nor is it necessary for me to defend that gallant soldier who is now upholding the honor of the flag in the Philippines while the gentleman from Colorado stands here in defense of parade soldiers and carpet knights who never were within the range of a hostile bullet, and who, whatever their qualifications may be, owe their elevation not to tried and proven worth but almost entirely to the friendship and favor of men high in position and power to advance them.

It ill becomes anyone to cast slurs upon men who have been advanced because in the heat and fury of battle they have proved themselves to be good soldiers; to cast aspersions on a man who during his entire military career has been on the fighting line, and who never at any time has been a carpet knight, seeking the favors of those high in power and in influence.

Gentlemen are disturbed because there have been great military leaders in the past, and may be in the future, who, by a provision brought in by the conferees, would not become eligible as chiefs of staff; and by the same token few of them would ever seek the position. Great commanders lead armies in the field. Think of all the armies of Europe as far back as your memories run, and, with the exception of Von Moltke, there has not been a fighting general in the history of modern Europe who has been chief of staff.

The Chief of Staff of the American Army organization should be a man thoroughly familiar with the country; thoroughly conversant with active warfare; a soldier of the battle line; a man in whose mind's eye, reflected by his own experience, are

the men in the trenches, the men on the firing line, the men on the march and in the bivouac, the men making the charge; those who are standing the hard usage of actual warfare.

A man of such experience stands beside the Secretary of War and the President, to consult and advise with them with regard to campaigns and as to the armies in the field. The men who have the genius to command armies are not necessarily Chiefs of Staff. They do not ordinarily seek such an appointment, and no better piece of legislation was ever offered or presented to the House than this one, which provides that the man who shall be Chief of Staff, planning campaigns, adviser of the Secretary of War, adviser of the President, shall be a man who, through experience, has learned what the soldier in the field encounters, and knows by his own experience how to plan and advise in the matters of active warfare. It is high time that it is understood that the road to the post of honor and responsibility is in the field among the men, on the firing line, and in active discharge of a soldier's hard duty, rather than in the line of soft snaps and easy stations under the eye and within reach of the ear of political power and influence.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I am very sorry, but my time is very limited.

Now, in regard to these Army posts, there has been a good deal said here that is half true, and some things said that are not true at all, although gentlemen do not realize it, of course, with regard to the appointment of this board.

For years there has been more or less agitation of the question as to how we should house the Army, as to whether we should concentrate it in a few great centers, the slums of the great cities, or should keep our Army scattered throughout the country in posts of medium size, with here and there a brigade post. Sometimes the War Department has taken one view and sometimes another. At this very time it stands halting between two opinions. The very post that the gentleman from Colorado [Mr. MARTIN] is so disturbed about, because he has not been able to wipe it off the map, and on account of which he is willing to aspersе the character of men in the Army and in legislative life, is commended most highly in a report from the Secretary of War, which, I assume, had the approval of Gen. Wood. The present agitation was, as I have stated, largely started by the gentleman from Colorado [Mr. MARTIN] and a few others in the House. No one blames anyone in the Army for it, and, furthermore, no one in the Army has suggested, as some gentlemen seem to think, that these larger western posts should be abandoned forthwith. Many millions of dollars would have to be spent building new quarters before that could be done. Nevertheless, anyone, anywhere, who seriously suggests the abandonment of these posts at any time is sadly lacking in judgment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRINCE. Mr. Speaker, I now yield two minutes to the Commissioner from the Philippines [Mr. QUEZON].

The SPEAKER pro tempore. The gentleman from the Philippines [Mr. QUEZON] is recognized for two minutes.

Mr. QUEZON. Mr. Speaker, I do not propose to interfere with matters which are chiefly the concern of the American people, as is this Army appropriation bill; but I feel it my duty to say a few words here in favor of those Army officers who will be affected by this bill, if it should become a law, and who are serving in the Philippine Constabulary and in the Bureau of Insular Affairs.

I have never believed that the Filipino people needed the assistance of any outsider to run their own affairs. On the contrary, I maintain that they are wholly capable of governing themselves. At the same time I hold that whenever an American official is detailed, though without the consent or advice of the Filipino people, to serve in the Philippine Government, or in the Federal Government in connection with the Philippines, if that official makes a record as a faithful, honest, industrious, and intelligent servant of my people, he is entitled to their applause and even their gratitude. I am standing here now to make a public declaration of my great pleasure at the services rendered to the Philippines by Col. McIntyre and Maj. Sheldon, of the Bureau of Insular Affairs, and Gen. Bandholtz, and Cols. Harbord, Rivers, Hersey, and Bennet of the constabulary, every one of whom, I am sorry to say, will be relieved from their respective positions, if this bill should become law, at a great loss to the islands. In so far as they have been able to do so, consistently with the régime that they are under, these officers have done what they could in the interest of my people, and they have been, without any question, a credit to the American Government.

The Philippines are controlled by the War Department through the Bureau of Insular Affairs. Unfortunately your system of government is such that Secretaries of War, who are supposed to be the men responsible for the government of the Philippines, are appointed without proper regard to their qualifications to deal with the Philippine Islands and their people. A man may be appointed for that high office, having in his hands the well-being of 8,000,000 men, without knowing anything about them. There must be, therefore, in the Bureau of Insular Affairs some official who has devoted a great deal of his time to the study of Philippine questions and is thereby competent to advise the Secretary of War. Col. McIntyre has been detailed in the Bureau of Insular Affairs ever since this bureau was organized and, I dare say, he has been the directing mind of that bureau. Immediately after the passage of this bill he will have to go back to his regiment, and with him Maj. Sheldon, so that there will be left no man in said bureau who knows much about the islands. How, then, will the War Department handle Philippine matters after this bill shall become law?

With regard to the constabulary I have received this cablegram from the Governor General of the Philippines:

MANILA, P. I., June 1, 1912.

Bill now pending in Congress requiring return to their respective organizations officers detailed for the Philippine Government if passed would remove the five highest officers in the Philippine Constabulary; impossible to properly fill their places in even one year; their duties here are of character definitely requiring large experience in military lines and understanding knowledge of Filipino people and affairs not possible to acquire except through long contact and, unlike ordinary civil details here, is not loss of touch with Army practice or professional progress. They have essentially military command, and responsibilities are greater than present grades in the Army. Hard to conceive services of these officers as commanders companies or battalions could approximate in value to the United States Government services they are rendering. Military efficiency of the Philippine Constabulary is an essential factor to the continued reduction of the Federal expenses of the Army establishment here. Commissioners present earnestly agree with this view. Mr. Osmena joins in recommendation; leave no stone unturned to avoid what would be little less than a calamity by reason disorganization of a Government unit of prime importance which constabulary is by reason of its mobility and present popularity lending it to constructive and emergency work which has been and is of inestimable value. As far as known to me, no officer here affected by this has expressed any opinion or solicited opposition to the proposed legislation.

GILBERT,
Acting Governor General of the Philippine Islands.

In the five minutes allotted to me I can add very little to what this cablegram says, but I shall ask unanimous consent to extend my remarks in the RECORD so as to enable me to say something more about the Philippine constabulary and the Army officers at the head of this organization who will be affected by the provisions of this bill.

The constabulary is the insular organization responsible for the maintenance of public order throughout the archipelago, and in the performance of this duty it works in cooperation with the municipal and provincial officials, who are native Filipinos. A brilliant Army officer, fully equipped with the necessary qualities to keep the organization in good shape, as an armed body, may fail as a chief of the constabulary for lack of that personal knowledge that he has to have of the Filipino people to cooperate with them. It is absolutely necessary, for an Army officer to succeed in the constabulary, that he shall have been in contact for some years with the Filipino people and he must be, moreover, in sympathy with them.

The success of the Army officers who are now the chief and assistant chiefs of the constabulary is due to the fact that those men are not only very brilliant Army officers, but that they have had a lengthy experience in the Philippines. The chief of the constabulary, Gen. Bandholtz, is the only American who was ever elected by popular vote as a provincial governor in the islands. He was, before entering the constabulary, the governor of the Province of Tayabas, and his success as such had a great deal to do with his promotion in the constabulary. Col. Harbord has been in the islands for many years and his ability and very courteous manner in treating the Filipinos has made him friends all over the archipelago.

Mr. PRINCE. Mr. Speaker, I now yield to the gentleman from Massachusetts [Mr. WEEKS] five minutes.

Mr. WEEKS. Mr. Chairman, I am not unmindful of the difficulties of arriving at a conclusion on a conference report. These difficulties are especially enhanced when a supply bill is loaded down with legislation as this one is, legislation of the greatest importance. It is a vicious practice at best to incorporate legislation in appropriation bills, and this bill shows its extreme viciousness, because there is very much legislation in it that, if it were considered on its merits alone, would never be considered favorably by either House of Congress.

Another illustration will possibly illustrate this condition even better than in the cases just cited. The officers in the

Army of the Potomac in active command at the close of the Civil War were the following, and I append their records:

George G. Meade (class of 1835): Seminole War, 1835 and 1836. Resigned October 26, 1836. Reappointed May 19, 1842. War with Mexico. Topographical engineers. Had not served with troops over two years before Civil War.

Governeur K. Warren (class of 1850): Topographical engineers. Chief Engineer of Army, 1863 to 1864. Commanded Fifth Corps March, 1864, to April, 1865.

Andrew A. Humphreys (class of 1831): Artillery, 1831 to 1836. Out of service, 1836 to 1838. Topographical engineers. Second Corps, November, 1864, to January, 1865.

John G. Parke (class of 1849): Topographical engineers until 1861. Commanded Ninth Army Corps from August, 1864, to April, 1865.

Horatio G. Wright (class of 1841): Topographical engineers and Engineer Corps until Civil War. Commanded Sixth Corps from May 9, 1864, until the end of the war.

Ranald S. Mackenzie (class of 1862): Engineer Corps until June 10, 1864. Commanded Cavalry division in campaign of 1865. Appointed colonel Forty-first Infantry in 1867 in permanent establishment. Said by Grant to have been most promising young officer in the service.

These men came to their positions after years of war, and served in the positions indicated immediately under the eye of Grant and with great credit to themselves, yet not one of them could have served as Chief of Staff if this proposed law had been on the statute books.

Von Moltke is the most conspicuous example of what a chief of staff should be. He served with the German general staff for 50 years before the French war and performed his entire service with it, covering a period of some 72 years; he, with the junior members of the staff, developed the plans on which the French war was successfully fought.

I do not agree with my military friend from Wyoming as to the duties of a general staff.

The Adjutant General is properly the military adviser of the President. Neither the General Staff nor the Chief of Staff should perform this duty. It is not in any way an administrative body. Its duty is to collect information, study such information, eliminating such as is worthless, and puting in useful form the part which is valuable. It should make and work out war plans for different localities and under different conditions. It should consider methods or organization and should coordinate the work of the different corps of the Army. In a word, it should do the planning and thinking for the Army under all conditions which may arise and at whatever time they may arise. The capacity of commanding bodies of troops in minor capacities may be of service, but a chief of staff should be an organizer—a broad-gauge, all-around man—the ablest man obtainable for such a position, without regard to his corps or his service. It does not follow because a man is a good handler of troops that he would in any degree be suitable for the position of Chief of Staff. The greatest thinker on naval affairs and the greatest living analyzer of naval actions and the results which have come from them is Admiral Mahan, of our Navy, and yet Admiral Mahan was not conspicuous for his success as a divisional officer or as a commander of a ship.

In fact, considering his great service in other ways, the results which he obtained in these positions were disappointing.

The work of a general staff can not be developed in a month or year, or perhaps not in a decade. It took 30 or 40 years to bring the work of the German general staff up to an efficiency which enabled it to work out its problems effectively. Other European countries are having exactly the same experience and difficulties. To require service with troops in a minor capacity should be treated as among the least of the qualifications required in a chief of staff. The President and, through him, the Secretary of War—and the same reasoning will apply to the Secretary of the Navy—should not be limited in the selection of officers required for special service. It is simply impossible for Congress to make general rules which will not embarrass and possibly cripple the service under such conditions, and while it is true that in some cases favoritism may result from this latitude, it is infinitely better to take this chance than to impose such restrictions as are provided in this legislation.

The Corps of Engineers of the Army are the first men in their classes and are, generally speaking, the most competent men for the kind of service which the General Staff requires. To indicate the injustice, not only to individuals but to the service, which might have arisen if such a provision had been in force in 1865 as is now proposed, it is only necessary to say that it would have disqualified Gens. Sheridan, McClellan, McPherson, and Schofield, of the Northern Army, and Gens. Lee, Stonewall Jackson, Beauregard, D. H. Hill, Forrest, Joe Wheeler, Fitzhugh Lee, J. E. B. Stuart, and every one of the competent officers who graduated from the Military Academy after 1853 or who came into the service as civilians during the Civil War and attained the rank of brigadier general during that service. To bring the possibilities down to the present day, it disqualifies Gens. Wood, Funston, Crozier, Goethals, and many other officers not so prominently in the public eye but who have demonstrated their peculiar fitness for such service. To be sure, it will be said that Col. Goethals has not a rank which would entitle him to this preferment; but I assume that when the canal is completed Congress will take such action that there will be no difficulty about Col. Goethals being given sufficient rank to entitle him to any position of this character. Not only would it exclude these officers, but all other officers in the Ordnance Corps and in the Corps of Engineers. As a general proposition this legislation is extremely unwise, and yet there is a personal element connected with it which can not be overlooked. One can not possibly divorce from his mind the presumption that this legislation is aimed at one man, and that man the present extremely efficient Chief of Staff of the Army.

I have not the time or the inclination to indulge in the justified praise which might be accorded to Gen. Wood's service. The gentleman from Wisconsin has already gone into that in detail. It is sufficient to say that he has demonstrated that he can perform any kind of public service with distinction, and, while it is sometimes said in a slurring way that he is a doctor, it is equally true that he is a capable handler of men; that he was a great administrator in Cuba, and that he has held no position in the Army in which his work has not met the hearty approval of those who are competent to pass judgment on it. There is sometimes in the military service a prejudice felt between those who have graduated from the Military Academy and those who have come into the service through other channels, but if any Member of this House will take the trouble to investigate, by inquiring of graduates of the Military Academy, he will find a general opinion that Gen. Wood is the fittest man in the Army to occupy the position which he now holds, and not only from a technical standpoint is this true, but his service has been so great that the general public has a considerable knowledge of it, and those citizens who have become familiar with it are unstinted in their praise. I quote from an editorial in the New York Herald entitled "Send Wood to Cuba."

SEND WOOD TO CUBA.

Why would it not be a good idea for the Washington administration, instead of sending a brigade of the United States Army to Cuba to supplement the marines and cause actual intervention, to first try the expedient of sending Maj. Gen. Leonard E. Wood, Chief of Staff of the Army, as a peace emissary?

Gen. Wood, during the period of preparation for Cuban independence, was governor of the territory on the south side of the eastern end of the island in which the revolt of the negroes is now spreading. Later he was governor general of the entire island.

He has the confidence of the Cubans. He is a man of talent, quick perception, ready tact, and accurate and extensive knowledge of conditions and character, all of which will count for much. He is regarded as the only man who could accomplish a peaceful settlement without intervention and bloodshed.

The suggestion comes to the Herald from an American now in Cuba. We believe it is too valuable to be passed by, and pass it to President Taft.

I have myself received from citizens of Massachusetts, who have interests of one kind or another in Cuba, letters urging that Gen. Wood be given charge of whatever service our military forces may have to perform in Cuba during the present troubles, basing that request on the service which he performed there when he was governor of Santiago and of the island itself. Undoubtedly there must be some giving as well as taking in a conference, but it is bad enough in a military bill to be obliged to support a proposition which will cripple the Panama Canal service, the Division of Militia Affairs, the Insular Bureau, the Philippine Constabulary, the instructors' service in Army schools, including the War College, and foreign fieldwork and service without being compelled to cripple the General Staff, which has really just commenced the great work which there is for it to do and without embarrassing the Commander in Chief in the performance of his proper constitutional functions, to say nothing of enacting legislation of such a personal character that it throws a stigma around one of the most distinguished Army officers in active service. I hope the President, if this conference is approved by the House, will exercise his constitutional right and veto this bill. If he does, he will, in my judgment, be performing a great public service.

Mr. MANN. Mr. Speaker, I do not believe that Congress ought to wreak personal animosity against a particular individual by general legislation, nor do I believe that in the trades which can affect personal or State interests in a conference we ought to bring out of conference and enact into legislation provisions affecting personal interests instead of the general good. I question the advisability of appointing on a commission to examine into Army posts any retired officer of the Army who is in the private pay and employ of a company engaged in selling supplies to the Army. [Applause.]

Gen. Humphrey was a man and is a man of high character, very popular while he was Quartermaster General in the Army,

and very popular now. It is not his fault that he is named, but he ought not to have been named on a commission to determine in regard to Army posts while he is in the employ of the Du Pont Powder Co. [Applause.]

It is abhorrent to every sense of justice to place any officer or any man in such a position. Working for a company, selling supplies to the Army, whose vote might determine whether an Army post shall be retained in a conflict among Army officers—it seems to me wholly improper that he should be named, whoever suggested it. I regret that an occasion has arisen where the House even is called upon to vote whether we shall endeavor to cast odium upon the present Chief of Staff, Gen. Wood. Why, Mr. Speaker, his reputation is beyond and above our assaults. [Applause.] We cast odium upon ourselves by endeavoring to declare that we wreak personal and private envy and revenge upon this Army officer who has proved his worth both in the field and in his position as Chief of Staff. Enjoying the confidence as he has of two Presidents, enjoying the confidence as he does of the people of the United States, it ought to be beneath us to throw mud at him in this day. [Applause.]

Mr. PRINCE. Will the gentleman from Virginia use some of his time?

Mr. HAY. I do not want to use any more of my time until the gentleman gets through.

Mr. PRINCE. Has the gentleman only one more speech?

Mr. HAY. That is all.

Mr. PRINCE. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has five and a half minutes.

Mr. PRINCE. Mr. Speaker, this bill clearly demonstrates to the country the inadvisability of legislation on an appropriation bill. It is filled with bargains; they are on the counter. It is logrolling. The Army is not considered. The question is how to obtain certain advantages here and there. If this bill in its present form should be approved by the President, we will be besieged within six months with requests for legislation to undo this ill-digested and unworthy thing which we are seeking to force through here by the reason of dividing out favors in one form or another. That is the way it is. See what we do. We affect the Philippine service, as the commissioner from the Philippine Islands has said; we affect the Signal Corps; we affect the Panama Canal; we affect the Ordnance Department—all are affected by joker legislation that is put in here to wipe out and fix up in some way something to placate different interests. It is personal legislation for certain Army officers and spiteful legislation against other Army officers. A board has been selected. When I practiced law I used to like to get jurors who were in my favor, but I rarely dared go into court and select a majority of the jury when I knew in advance how they were going to decide a case. Can this Congress stand before the American people as a Congress in favor of economy when they are keeping up these boards? There is no partisan politics in it. The Democratic side of the House put in a provision to abandon certain Army posts. You wanted to do it. The conferees have betrayed the House. I say it with knowledge. They have betrayed the wish of the House. They have thrown down the question of abandoning Army posts. They have consented to it, and distinguished men on the floor have stood and urged that a point of order, which in my judgment was well taken, should not be sustained, to save Fort D. A. Russell, one of the forts that you moved, practically unanimously, to abandon. Here is a great side whirling around, betraying its own action, reversing itself for what? Because of deals made in the bill to carry out certain propositions to do certain things that will eventually come back to plague the men who vote for such legislation as this.

I say it affects the Army. Here is a provision as to a Chief of Staff that he must serve with troops for 10 years. Everyone of us select young men to go to West Point. We say to these young men, be a star graduate, do the best you can, stand at the head of the Army, get distinction, get into the Engineer Corps, and then we turn around and in Congress say to those whom we have encouraged to be at the head of the Army, to be star graduates, "You shall never be Chief of Staff in the Army." What consistency in public men! The brightest, the brainiest, the best young men who are selected in the country go to West Point and stand at the head of their classes, the honor graduates, are to be denied the right to ever be Chief of Staff, because they can not serve in the line with troops for 10 years. Is that fair? What is the legislation for? Apparently to punish one man, as I have read in the newspapers. What has he done to merit it? He was nominated as brigadier general and confirmed by the Senate under the Constitution. He was named as major general and confirmed as major general by and with the advice and consent of the Senate. Since then what has he done to make him ineligible? What act has he committed since he was made major general in the Army to make him ineligible? There has broken out a feud between the staff and the line, a most regrettable thing. We thought when we created the Chief of Staff that we had taken the Army out of politics, but it is now in politics to the regret of the Army. Think of the long line of distinguished soldiers who have been in the Army. Years ago I heard a distinguished gentleman, now an ex-Member, who sits here to-day, Gen. Black, recount that long list of distinguished names, beginning with Washington and going down through Jackson, Scott, Taylor, Grant, Lee, Sherman, and Sheridan, and as he said at that time it is an unbroken line of distinguished men. The great Army of the Republic with its history is to be thrown into politics and kicked back and forth as a shuttlecock to carry out personal spite to take up the cudgels of Army officers. [Applause on the Republican side.] I hope the House of Representatives will vote down this conference report, for it is an insult to the best interests of the Army, of the people, and of the country. [Applause on the Republican side.]

Mr. HAY. Mr. Speaker, the gentleman from Illinois has stated that the conferees betrayed the House, a statement that is absolutely untrue and without foundation in fact. The gentleman from Illinois [Mr. PRINCE] and the gentleman from Massachusetts [Mr. GILLETT] and other gentlemen whose names I do not now recall, have stated that this legislation pertaining to the qualifications of the Chief of Staff is had because of personal spite. I deny the allegation. There was no personal spite about it. It was done because those who had charge of this legislation believed that it was right and proper that the man who is going to serve as Chief of Staff should have these qualifications. I do not want to be personal about this matter at all. I did not want to refer to Gen. Wood or his qualifications as Chief of Staff or as an officer of the Army or as a soldier who, it is alleged, has performed great deeds of valor.

The friends of Gen. Wood have dragged his name into this debate, but there are two sides to this question as to the capacity and fitness and ability of Gen. Wood. There are two sides to the question as to whether or not he is such a brave soldier in the face of the enemy, and upon that I have here before me a letter of an Army officer who served in the campaign about which the gentleman from Wisconsin talked in the Indian country which states that Gen. Wood never saw a hostile Indian nor was within 5 miles of a hostile bullet. [Applause on the Democratic side.]

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HAY. Oh, yes.

Mr. COOPER. Does the gentleman himself believe that falsehood? Does not the gentleman know that Gen. Lawton praised Leonard Wood for his surpassing bravery and declared in a letter that in all the Civil War he never saw such an example of courage?

Mr. HAY. I will say to the gentleman from Wisconsin that is the statement that is made.

Mr. COOPER. Did not your own Gen. Joe Wheeler praise him for his gallantry in battle?

Mr. HAY. Oh, the gentleman has already stated that. The statement I am referring to was made by Maj. H. C. Benson, Fifth Cavalry, in the Army and Navy Journal, on the 3d day of July, 1909. Now, I do not know where else Gen. Wood has been in the face of any danger, and as to his capacity and the great service which he has rendered to this country as the Chief of Staff or in any other capacity, it is not so very long ago when there was in the Senate of the United States a determined fight made against Gen. Wood for promotion to major general by one of the most distinguished Republicans that this country has ever produced, and evidence was shown in that investigation and affidavits were produced from men of the highest character that they would not believe Gen. Wood on oath. It was shown in that investigation that Gen. Wood had been guilty of many things while he was Governor General of Cuba which were not to his credit as a soldier or man; and I ask leave to extend my remarks now, so that I may place in the RECORD the reports made by Senators Hanna and Scott on that occasion.

The SPEAKER pro tempore. Without objection, the request will be granted.

There was no objection.

The reports are as follows:

(Confidential. Jan. 18, 1907, made public.)

[Executive No. 2, Fifty-eighth Congress, second session.]

NOMINATION OF LEONARD WOOD.

Mr. Scott, a member of the Committee on Military Affairs, submitted the following review of the evidence submitted to the Committee on

Military Affairs of the United States Senate in the hearing on the nomination of Brig. Gen. Leonard Wood, United States Army, to be a major general, and especially on two of the charges as a reason for his vote against the confirmation of said nomination:

As a member of the Military Committee of this body it has fallen to my lot to assist in the conduct of the investigation bearing upon the question of whether or not the nomination in this case should be confirmed or rejected. I think it can without doubt be said that your committee has spent much more time and labored more assiduously in endeavoring to arrive at what is proper to be done in the premises than is usual in a case of confirmation, certainly far more so than in any case that has come within my knowledge during my membership in this body. The case is universally recognized as one of more than passing interest. The appointment is that of a major general in the Army, a life position, and of a young man whom it is conceded must in a few years, if confirmed, succeed to the head of the Army of the United States; and by reason of his age, will in that capacity, in the natural course of events, occupy that important and exalted station for well nigh a quarter of a century. That such confirmation should be made with due deliberation, and that the person to be confirmed should be highly qualified and in every way worthy and above suspicion goes without saying.

An error made at this time can not hereafter be remedied. The people of the United States await our action with the greatest interest, and in what we do the character, good name, and orderly discipline of the Army is involved. If the constitutional requirement that appointments of this character should be made only with the advice and consent of the Senate means anything, and if this body, at any time and under any circumstances, purposes to make effective this part of the organic law by giving or withholding its consent to a nomination of the Executive upon the real merits of the case, and thereby to assume its legitimate responsibility for the country's appointments, such power should be exercised in this case, to the end that the Senate may, in truth and in fact, exercise its prerogative and advise with the President as to the propriety of this appointment, and to give or withhold its assent only according to what is right and proper. To do this is no less a duty to the President than it is to the Army and to the people themselves.

The question of the confirmation of the appointment of an officer of this rank in the Army of the United States is always one of unusual delicacy, and one as to which the Army of the United States particularly has the right to rely upon this body to do more than exercise a mere perfunctory act. The President, the appointive power, is the Commander in Chief of the Army and Navy of the United States, and appointees in either of these services come from him to those under him with peculiar force and power, in that what he says to those under him is to them the law, and even complaint or criticism on their part are easily cases of insubordination; hence to us alone this great body of Americans who make up the Army of the United States, loyal, true, and faithful as they have ever proven themselves to be, can look for justice and right should the Executive, their Commander in Chief, either inadvertently or capriciously make a mistake affecting their welfare. These officers and men, thus cut off from the right of complaint, have a peculiar claim to be heard here in the matter of appointments affecting them, and it becomes and behooves every Senator to exercise his very best judgment and do his utmost to throw every possible safeguard around this class of appointments, particularly when the act of confirmation has the far-reaching effect that this one will have.

This case is unique in that, first, it involves the very objectionable feature in Army appointments of unduly promoting one officer over another, and second, of having an appointee, whose fitness from a military standpoint, is challenged, and third, whose character and good name are attacked. All of these are very serious, the first two charges, if sustained, tending to do injustice to others and seriously affecting the efficiency of the Army, and the last, because it is almost unprecedented in the annals of the country. The question of efficiency and the lack of undue partiality should be made clear, and unless the other charges are disproved, beyond all suspicion even, confirmation should not be seriously considered. Upon consideration of these questions, your committee has spent days of labor; and a large number of witnesses, among them men of the highest character and standing from different parts of the country, have been examined, bearing upon the specific and general objections to this appointee, the evidence covering nearly 900 pages. And for one I wish to say that, however much I dislike to withhold my assent to an Executive appointment, I can not think of giving the name in this instance, and I am loath to believe that many Members of this body would do so if they could carefully review this great mass of evidence, which has been submitted for their consideration, and see and hear the witnesses, as I have done.

I shall not pretend in the limited review that I shall make to even refer to many of the objections brought against the confirmation in this case. I shall, however, refer specifically to one or two of the charges, touching, first, however, upon the propriety of this appointment, irrespective of the particular objections mentioned affecting the conduct and character of the appointee.

Ought Gen. Wood to be confirmed as a major general in justice to the other officers of the Army, and is there any reason existing in this case why this partiality and preferential mark of distinction should be conferred upon him, when it may lead, as it inevitably will, if he lives, to his reaching and holding for years the position of "General of the Army of the United States"? I concede that officers of the rank in question now are not necessarily subject to rotation in the matter of appointments, but they should be unless there be some good reason to the contrary. Civil-service rules even require this, however little respect I may have for that incubus that has engrafted itself upon the administration of our Government, the effect of which is that one set of men earn the honors and emoluments of office and another set receive them.

If the principles of civil service are to prevail anywhere they undoubtedly should in Army appointments. Distinguished services, of course, the exemplification of extraordinary capacity in the art of war, should serve to warrant a departure from the regular mode of making appointments. Had we a Grant, a Sherman, or a Sheridan, or a Lee, a Longstreet, or a Wheeler, men who upon many fields and who during a series of years had demonstrated, by results, their extraordinary skill and capacity as warriors, no voice would be heard to raise a question; but who is Gen. Wood, and what has he done to entitle him to this great preferment, seriously affecting the rights and legitimate ambitions of so many others who have spent their lives in the service of the country and fought its battles on many a bloody battlefield?

In the year of grace 1898 Gen. Wood had attained to the distinction of a surgeon in the Army, and while he doubtless showed capacity in his profession it was simply in that capacity, unless it be that his friends claim for him great services as an officer in the administration of civil affairs, that he can pretend to make any other claim, for surely thus far, however gallant and efficient he might be in battle, opportunity has not yet been afforded him to demonstrate his capacity in this respect. Until it has thus been shown, I earnestly insist that this body ought not to give its consent to the proposed favoritism that has been shown to him. It is true that he was, heretofore, appointed a brigadier general and confirmed as such, due, many believe, to the tender affection and kindness of heart of the beloved McKinley, whose life was so ruthlessly taken; appointed more especially because of the need of one who was supposed to possess qualities for civil government in a territory where the dangers arising from disease were greater than those likely to arise from war.

We are told that Augustus boasted that he found Rome of brick and left it of marble, and so, perchance, may Gen. Wood lay claim to the boast that he found Cuba a den of filth and disease and left it with a sewerage system. This, however, goes to his credit as a physician and as a sanitary officer, and does not, in any sense, show his fitness to command a body of troops. The evidence in this case quite clearly establishes the fact that he was appointed because of his supposed capacity as a civil governor, and there is much to throw doubt upon the question of whether even his appointment as brigadier general was not regretted by the President, and no one will believe that Mr. McKinley would ever have thought of promoting him to a major generalship, certainly not in the light of the present developments.

In support of my criticism of Gen. Wood's appointment to this position I shall refer to the evidence of a witness taken in this investigation, upon whom all will rely, because of his great distinction as a soldier and high character as a man; Maj. Gen. James H. Wilson, now a retired Army officer of the United States, made such by special act of Congress at the end of the trouble in China, having faithfully served his country in the Civil War, in the Spanish War, and in China. At page 523 of the record, relative to this appointment and its effect upon the Army, Gen. Wilson said:

"Q. How many major generals have we now? I have forgotten for the moment.

"Senator ALGER. Six, are there not?

"Senator TELLER. Under this present law.

"The CLERK OF THE COMMITTEE. Six major generals, one lieutenant general——

"Senator TELLER. And how many brigadier generals?

"The CLERK OF THE COMMITTEE. Fifteen brigadier generals.

"The CHAIRMAN. Six of the line.

"Senator TELLER. I do not know but what I would like to ask Gen. Wilson what he thinks of Congress making major generals. I have not much sympathy with that myself, except in extreme cases.

"By Senator TELLER:

"Q. What do you think will be the effect, General, if we have six major generals, if some man who has had neither military experience nor military education shall be put at the head of the six, where he may ultimately command the American Army?—A. According to all precedent, I should regard it as being very detrimental to the public service.

"Q. Are you able to state, General, as to what the feeling is in the Army about the promotion of Gen. Wood?—A. Yes; somewhat fully.

"Q. As to whether it is approved or disapproved.—A. I was on the active list at the time the promotion was made. I have heard the matter discussed in military circles since, both in this country and abroad, and I have never yet seen the man, either of the Medical Corps or of the noncombatant staff, or of the staff or the line of the Army who approved it.

"The CHAIRMAN. You refer to his promotion to the rank of brigadier general?

"The WITNESS. I refer to his promotion to the rank of a general officer—both brigadier and major general."

At page 531, as to why possibly President McKinley appointed Gen. Wood, this same witness says:

"By Senator HANNA:

"Q. When the selection of Gen. Wood was made and he was put over you, it was for civilian duty, and not military?—A. I suppose so.

"Q. There was nothing military in it?—A. No, sir.

"Q. Nothing requiring military genius or military operations?—A. No, sir.

"Q. He was simply in a civic position, and not military?—A. And I was the only major general of the United States Army who had ever commanded in a reconstructed, seceded State. But I never resented it that they had taken a fellow absolutely inexperienced and put him over my head, and it did not make a particle of difference in the performance of my duty, not a particle.

"Senator HANNA. No."

And at page 528 whether he did not probably live to regret the appointment.

"By Senator FORAKER:

"Q. It has always been the custom, has it not, that promotion up to the rank of colonel should go by seniority, and after that, in regard to general officers, the President was free to select whom he saw fit?—A. Certainly. I told the President of the United States when I was ordered up from Cuba for a conference with him and he had me here my views very fully as to the condition of affairs in Cuba, after which he then said to me: 'General, you have shown me how to solve these questions. We have had no policy heretofore. I am under great obligations to you.'

"Senator ALGER. What date was that?

"The WITNESS. That was in February or March of 1900; either February or March. I remarked after he said this to me that he had taken another man to do the job. He stepped over to the mantelpiece with all the deliberation that characterizes him, took his cigar out of his mouth most suavely and pleasantly, and puffed the smoke into the air and said, 'But, General, I did not expect that threat from you just now.' I replied, 'There is no threat in that. * * *'"

At page 530 of this same witness's evidence, after having explained that such a thing as this had never been done but twice before in the history of the country, and not at all except during the Civil War, in one of which instances it proved very disastrous, the witness gives a statement of Gen. Wood's fighting experience, as follows:

"By Senator FORAKER:

"Q. Have you given the President the benefit of your opinion?—A. No, sir; I have not. I have not had any conversation with the President on this. Shortly after the occupation of the island of Cuba I had a letter from Col. Roosevelt, as he was then, saying that he had been to the Secretary of War and had urged my appointment as the proper man to command in the island of Cuba. He said he had gone to the President and urged him to make the appointment. The President, for reasons which Col. Roosevelt regarded as being definitive, and

which you, Senator Foraker, confirmed, declined to make the appointment. Later I had another interview with Mr. Roosevelt, after he had been elected Vice President of the United States, at his house at Sagamore Hill.

"The CHAIRMAN. After he became President?

"The WITNESS. After he became Vice President, but before he became President. He began then in rather extravagant terms of praise of Gen. Wood, whereupon I said to him, 'Gov. Roosevelt, I think you are perhaps mistaken about that. If I am correctly informed, Gen. Wood never was under fire in his life until the Spanish War began, either in the Geronimo campaign or at any other time. In the Spanish War he was never in but one battle, and that at Las Guasimas, where but for his rescue and support by the colored troops he would have been badly handled.' 'Oh, yes,' said Mr. Roosevelt, 'he was, at San Juan.' To which I replied, 'I beg your pardon, he was not. You know that he was in the rear looking for ammunition.' 'Yes,' said he, 'but do not tell anybody.'

"Now, why he did not want me to tell anybody I do not know. I did not pursue the subject any further, and that is the last word that has ever passed between us with reference to Gen. Wood."

This statement of Gen. Wilson shows clearly the natural resentment that will exist if this great wrong is perpetrated upon the Army of the United States by the confirmation of Gen. Wood, and its injurious effect must necessarily be very great, affecting as it does the ambitions of scores of young men, which must be nipped in the bud because of the youth of Gen. Wood and the long time that he may remain at the head of the Army.

The specific charges against Gen. Wood are six in number, though in the great mass of evidence taken there are many things which tend to reflect discredit upon him.

"I charge Gen. Wood with issuing orders and instructions to the courts in the postal cases, in violation of article 387 of the Penal Code of Cuba, and in a manner prejudicial to the rights and interests of those under trial.

"The CHAIRMAN. That is one charge, is it?

"Mr. RATHBONE. Yes. Then I charge him with authorizing the use of ex parte depositions in the postal cases, a proceeding which is contrary to the law and the principle of law, and in this case contrary to instructions given by the Secretary of War.

"Senator SCOTT. In other words, that would be disobedience of orders that you charge him with there?

"Mr. RATHBONE. That is what I charge him with. And I charge him with conferring gifts upon the organization commonly known as Jai Alla, to which he had granted a 10 years' exclusive concession, the same being a violation of the so-called Foraker law, which prohibited the granting of franchises or concessions during the occupation of the island by the American authorities. The acceptance of these gifts constitutes a violation of article 397 of the Penal Code of Cuba.

"I also charge him with complicity with another Army officer in the preparation and publication of an article reflecting discreditably upon their ranking officer, in violation of an accepted canon of military service, and constituting an offense commonly known as 'conduct unbecoming an officer and a gentleman.'

"I charge him with directing and causing the auditor of Cuba, by a military order, to violate the law in the treatment of accounts.

"I charge him with utilizing the services of an ex-convict, with whom he was in intimate personal association, in an effort to displace his superior officer, and by such means to secure to himself the vacancy thus created.

"Incidental to these there are many minor charges."

I shall not attempt to take up these charges seriatim or pretend to refer to all the unfavorable things said against him in this evidence, and it is only as to the third and fourth charges that I shall comment. I shall leave the remaining charges for others to review; further than in passing I wish to say, in respect to the first and second specifications bearing upon the trial of Maj. Estes G. Rathbone, that while I am not a lawyer and therefore not well prepared to express my views as others in this body, that the so-called trial of Maj. Rathbone strikes a layman as a travesty on justice, and that a special military rule should have been directed by our Government to correct so grievous a wrong is but natural; and in justice to the accused, Maj. Rathbone, it should be said that although special provision was made whereby this wrong could be corrected, and the Cuban Government, before the rehearing thereunder was had, had passed a general act of amnesty relieving him from all liability, still as quick as he could come to this country he was found knocking at the door of this body asking that his every transaction brought in question at the so-called trial, while officially connected with the Government, should be fully investigated, to the end that full justice might be done.

This has not yet been accorded him, and until it is the finger of scorn of no American citizen should ever be pointed to him. He justly had the consideration of the committee shown him in fully hearing his every accusation against Gen. Wood, one of the parties claimed by him to be largely instrumental in bringing about the result of the so-called trial; and I desire also to say in this connection that the action of Gen. Wood, relative to this trial, also strikes me, a layman, as being such that it unfits him to deal with men either from a civilian or military standpoint. His conduct in fixing a bond in this case first at $25,000 and then at $100,000 looks like cruelty and it would be so considered in this country, whether it were the act of the Chief Justice of the United States or simply a country magistrate. Few American citizens would have found themselves so fortunately circumstanced as Maj. Rathbone, to have had a personal friend who happened to be a distinguished leader of this body, and able to reach the ear of the Secretary of War and the President, to check the outcome of such a performance, and the pecuniary ability to personally raise $25,000 or $100,000 in cash, as had been whimsically or maliciously demanded.

Referring to the conduct of Gen. Wood to his superior officer, Gen. Brooke, and his disloyalty to him, as covered by the fourth specification above referred to, I submit that no impartial person can review the evidence in this matter carefully without reaching the conclusion that that charge is fully established. Indeed, it is much more clearly proved than is ordinarily possible to establish any fact as to which there is a possibility of doubt. The evidence to support this accusation comes from witnesses of the highest repute, whose statements can not be whistled down the wind or made light of, I may say brushed aside, as is sought to be done here, without even an examination of Gen. Wood himself. Indeed, the circumstances so strongly support the charge and exclude the theory of innocence of Gen. Wood that if he were being tried by a jury of his countrymen for a crime upon like evidence and under like circumstances his conviction would result beyond question.

Gen. Brooke's evidence quite conclusively establishes the lack of loyalty and support of Gen. Wood while under his command, and the evidence tending to show the complicity of Gen. Wood in the attack upon Gen. Brooke's administration, as written by Maj.Runcie and published in the North American Review, is clear. To understand fully this accusation, the relation of the parties one to the other should be borne in mind. Maj. Gen. Brooke was the military governor of the island of Cuba. Gen. Wood was a subordinate officer commanding the district of Santiago. Maj. Runcie was a retired United States Army officer, a close and devoted friend of Gen. Wood, who was in Cuba at Gen. Wood's invitation in an unofficial, confidential capacity, for the purpose of giving him such advice as he was enabled to, lived with the general, and was a personal legal adviser to him.

While these relations existed a certain Mr. R. S. Baker, correspondent of a New York journal, came to Cuba with letters of commendation to Gen. Wood, the object of his visit being to write up a personal sketch of Gen. Wood, and he was introduced by Gen. Wood to his personal friend, Maj. Runcie, and the object of his visit explained. Whereupon he was invited to dine with the two, the general and the major. And it is admitted by all three that he was referred to Runcie as a person entirely familiar with affairs there and who could be relied on to give a correct statement of existing conditions, the point of difference between them being, so far as the article in controversy is concerned, that Runcie claims that it was understood that, as he was thoroughly familiar with Cuban matters, he should write an unvarnished account of affairs, the effect of which was to reflect discredit upon the Brooke administration, which article was to be furnished by him to Baker, to be by the latter published as his own communication, whereas Baker claims that Gen. Wood's knowledge was confined to the personal article which he came to Santiago to secure, and that the other article was one to be written by Runcie himself and to be sent to him for publication in New York, and of which Gen. Wood had no knowledge, so far as he knew.

During Baker's visit of several weeks in Santiago he and Runcie saw much of each other, as he also did of Gen. Wood, but not so frequently. And at the interview between the three it appears that the Cuban situation and status of things in Cuba was fully discussed and free criticism made of Gen. Brooke, though there is no claim that there was anything said at the time of a purpose to remove him. The witness, Baker, who was friendly to Gen. Wood and called in his behalf, at pages 427–428 of the record goes quite fully into the conversation that took place between them and shows at least that there was a free adverse criticism of the administration of Gen. Brooke made to him, a newspaper man.

"By Senator QUARLES:

"Q. I wish to ask just one question. The article that you had in mind to write was not one, as I understand it, that concerned Gen. Wood personally, but Gen. Wood as connected with the administration of Cuba. Is that right?—A. No, sir. I went down there to get an article about Gen. Wood personally, in his work.

"Q. His work where?—A. In Santiago.

"Q. Precisely.—A. Yes, sir.

"Q. Then the information that you were after and the subject that was discussed was the relation of Gen. Wood and his administration to affairs in Cuba?—A. Yes, sir.

"Q. And in that discussion he frankly gave you his divergence of opinion from the administration?—A. Yes, sir.

"Q. On certain points?—A. Yes, sir; he told me about those things.

"Q. Yes.—A. But I did not think—I went to Habana and met Gen. Brooke, and I talked over——

"Q. I am not impugning your motives.—A. Yes.

"Q. I am only trying to get at the scope of that discussion there.—A. We talked very fully about all these things.

"Q. Yes; and he did not hesitate to criticize the administration of affairs there where he thought they were wrong?—A. No, sir.

"Senator QUARLES. That is all.

"By Senator HANNA:

"Q. Did he personally criticize Gen. Brooke?—A. Do you mean criticize Gen. Brooke personally?

"Q. No, no; his administration.—A. Yes, sir; he said things were not going right there, he thought, in all respects. He was frank in his disagreement with——

"Q. Certain things? What things?—A. I can not mention——

"Q. I want to know whether he was criticizing the administration of Gen. Brooke, and specified his administration of affairs which he considered against the interests of the island.—A. He thought, I think, that Gen. Brooke did not understand conditions in Santiago, probably, thoroughly. Gen. Brooke had never been down there.

"Q. Was it simply Santiago he was confining his criticism to—the administration in Santiago?—A. Yes, sir.

"Q. Not in general terms the administration of Gen. Brooke in the island of Cuba?—A. No, sir.

"Q. That was not mentioned, but only Santiago?—A. That is my remembrance of it.

"Q. What was the nature of his criticism?—A. He thought Gen. Brooke had not been at Santiago and did not know the conditions—conditions were quite different at that end of the island—and that some of the appointments he had made there were not good appointments; that he had not taken the pains to make a thorough investigation before making his appointments.

"Q. How was Gen. Brooke to know the conditions there?—A. At Santiago?

"Q. Yes.—A. I do not know, unless he was to go down there.

"Q. He had a representative there, a subordinate officer in charge. If things were not as they should be at Santiago, was it not Gen. Wood's business to so notify the commanding general, the governor general?—A. I suppose it was.

"Q. Had he done so?—A. I do not know.

"Q. Did he say anything about it?—A. I do not recollect that he said anything about that.

By Senator QUARLES:

"Q. Let me recall to you another thing and see whether that was discussed, whether or not Gen. Brooke was criticised for an order he had made requiring the transfer of customs receipts from Santiago to Habana?—A. Yes, sir.

"Q. That was one of the points of criticism?—A. Yes, sir; Gen. Wood thought the money should be expended and was needed there at Santiago.

By Senator HANNA:

"Q. Had he said so to Gen. Brooke?—A. I do not remember; only I know that was one of the points.

"Q. Did he give any reasons why he thought Gen. Brooke's administration was faulty, because he would not let him spend the money instead of directing it himself?—A. I do not remember about that.

"Q. Now, you say that during this interview at the dinner Gen. Wood did suggest that Maj. Runcie should prepare an article?—A. No, sir.

"Q. He did not?—A. No, sir.

"Q. Did he at any time?—A. No, sir; not in my presence.

"Q. I thought you said he told you that Maj. Runcie was the one to consult on certain topics of the judiciary, and so forth.—A. To give me information for my article."

And a further examination of the same witness, at pages 432 and 433, shows at least that the purpose of the article on the part of Maj. Runcie was to attack Gen. Brooke and his administration, which he supposed would inure to the benefit of Gen. Wood, and that he, Baker, while specially careful not to hurt Gen. Wood, shared in this feeling, but that he, in his own article, wrote nothing of the kind.

"By Senator TELLER:

"Q. Mr. Baker, you said that you had a number of conversations with Maj. Runcie. How long were you there?—A. I was there from about October 22 to November 5.

"Q. How often did you see the Major?—A. See Maj. Runcie?

"Q. Yes.—A. I can not tell you. It must have been quite a number of times.

"Q. Every day?—A. I could not say every day; no, sir.

"Q. What were you discussing? You say the various discussions you had. Was it always about this article?—A. Oh, no, sir.

"Q. What was it about?—A. I was getting information about conditions there in Cuba, and about Gen. Wood personally, and Maj. Runcie had been there a long time and he knew affairs very thoroughly and he could tell me a great deal.

"Q. What was Maj. Runcie's attitude toward the then administration?—A. He opposed it.

"Q. He was a friend of Gen. Wood's particularly?—A. Yes, sir.

"Q. What was his purpose in writing the article? What did you gather, now, from what he said to you as to what was his purpose?—A. I gathered that he wanted to relieve his mind.

"Q. That was it?—A. Yes, sir.

"Q. He could have done that by addressing you, could he not?—A. He wanted to have the article published.

"Q. Is it not a fact—you are a newspaper man—that he wanted the public to understand what the situation was in Cuba from his standpoint?—A. From Maj. Runcie's standpoint?

"Q. Yes.—A. Yes, sir.

"Q. And you knew that was the article to be sent?—A. Yes, sir.

"Q. You were in sympathy with that, were you not?—A. Yes, sir; I was, more or less.

"Q. Did you discuss with him what would be the effect of it on the public, what might be the result in Cuba?—A. No, sir.

"Q. You think not?—A. No, sir; I do not recall discussing that subject at all.

"Q. You do not recall any conversation as to what its influence might be on Gen. Wood's future?—A. No, sir. If we had discussed it, surely I should not have printed it.

"Q. Should not have what?—A. I should not have had anything to do with printing it.

"Q. Why?—A. Because I did not want to injure Gen. Wood in any way.

"Q. I am not speaking of that. Was it not the idea that it would help Gen. Wood to have it understood that Gen. Brooke was inefficient?—A. I suppose that was the object of Maj. Runcie's article; but I wrote nothing of the kind.

"Q. You did not write it; but you knew that he was going to write it, you say?—A. Yes, sir; what——

"Q. I want to call your attention to this letter.—A. Yes, sir.

"The CHAIRMAN. Let him finish his answer.

"The WITNESS. That was all I wanted to say."

Upon Baker's return to New York, in the early part of November, he painted a lengthy and most fulsome account of Gen. Wood and an account of his administration of affairs in Santiago, painted in glowing colors. In the latter part of that month the Runcie article, attacking the administration of Gen. Brooke, above referred to, was duly forwarded to Baker, and by him, after some delay, caused to be published in the North American Review for the month of February, 1900, over the signature of Maj. Runcie, bitterly attacking Gen. Brooke and his administration. Some months before, however, Gen. Brooke had been actually removed or relieved from the position of military governor of Cuba and Gen. Wood put in his place. Baker and Runcie are at utter variance with each other as to the manner in which this article was to be published, but the significant and important feature is the emphasis placed by Runcie on the 26th of November, when he wrote Baker of the importance of having the letter then printed where it would be read, and concluding—

"things here have recently been even worse than when you were here, but there seems to be a dawning light around Washington, and it may be the beginning of a better day for Wood, as well as Cuba."

This letter was written by Runcie, the boon companion of Wood, living with him at the time, and in the light of all the circumstances, with Gen. Wood's well-known attitude with reference to the Brooke administration and his relation to these two parties, the conclusion is irresistible that he knew what was being done and of its purpose and intent. Runcie swears positively that he did; Baker, though favorable to Wood, says he has no knowledge on the subject, and Gen. Wood, though formally denying, has not favored us with his evidence.

Moreover, the circumstances all tend to support the Runcie statement rather than that of Baker in reference to this publication. The article to have come from Runcie would have been directly traceable to Wood, and exceedingly detrimental to him rather than beneficial, which neither Runcie nor Baker would have thought of doing at the time, and had Runcie dreamed that such an article would have been published in his name it can not be conceived that he would have been guilty of such folly as not to have hurriedly withdrawn and recalled such communication after its purpose and effect had been anticipated by the displacing of Gen. Brooke and the appointment of Gen. Wood to the coveted position. And the conduct of Gen. Wood, upon receipt of the letter showing that the War Department had taken notice of the article in question and communicated to him on the subject, as testified to by Horatio S. Reubens, an attorney and a friend of Gen. Wood at the time, and by him for a while placed in charge of the prosecution of Maj. Rathbone, shows his complicity in this transaction.

"Q. That is, you lived in the same house?—A. With Maj. Runcie?

"Q. Yes.—A. And the relations of Gen. Wood and Maj. Runcie and myself were all at that time very cordial. That was at the beginning of his governorship in Habana. Therefore I do not know anything personally about the circumstances at the time of the writing. I do know this, that some time in February of that year, I think it was 1900, Maj. Runcie returned to the house with the magazine article printed in the North American Review, and remarked to me that the fat was in the fire; that this had been published, and—

"By the CHAIRMAN:

"Q. Will you complete your answer?—A. That this had been published, and undoubtedly there would be considerable difficulty arise because of its publication. I heard nothing more about the matter until one Sunday morning I was in my room when one of my Spanish servants came in and announced Gen. Wood, and I sent word that I was still in pajamas, and he came right in. Gen. Wood showed me a communication from the Secretary of War inclosing a copy of a communication of Maj. Gen. Brooke, in which Gen. Brooke complained of the publication of the article, and, as I remember it, asked that the War Department take cognizance of the matter, and action. Gen. Wood seemed disturbed about it, and after I had read it through he said, 'Well, I want to see Runcie about this matter.' He said, 'This places me in a very awkward position.' I thereupon left him in my room and went to wake up Maj. Runcie.

"By Senator QUARLES:

"Q. Is that all that the General said at that time?—A. Yes, sir; at that time. But before I left Gen. Wood I said, 'I am sure Maj. Runcie will not take any position which will be embarrassing to you.' I went to see Runcie and woke him up and told him this communication had arrived, and the gist of it; and I also told him that I had told Gen. Wood that I did not believe that he, Runcie, would place Gen. Wood in any awkward position in the matter, because Wood had a position to lose and Runcie did not, and I thought Wood did not want to take any action in the matter which would hurt him, Runcie; and I therefore suggested that he, Runcie, had better see the best way out of the difficulty. Runcie accompanied me into my room, and the three, Gen. Wood, Maj. Runcie, and I, discussed the matter.

"Q. Was anyone else present?—A. No one was present then. Maj. Runcie said: 'Wood, I have never occupied an official position here, although I have had an official title. You know that I have never received one cent for my services and never intended to receive one cent for my services, so that it is not a question of putting me out, and I want it understood between us here that if any question arises as to my connection with you or the military government, you can say that from this on all official connection is severed, and I will announce it, if I were you, but you are absolutely free to make this statement if occasion should arise to make it seem useful to you.'

"In other words, Maj. Runcie took the position that it would make trouble in Cuba because he criticised Cuba in this article, and thinking that if Brooke and Gen. Wood to be able to say that he had no longer any connection with the military government, he relieved Gen. Wood from the embarrassment of making the suggestion. That was my idea of it in making the suggestion to Runcie. He had no position to lose, and Gen. Wood had. They discussed the question.

"Q. State what was said, if you can, Mr. Rubens.—A. I took very little part in the rest of the conference except that I heard Gen. Wood say that it was very unfortunate that this thing had been published, particularly after there was no necessity for it, and that it would look as though he (Runcie) was trying to criticise Gen. Brooke even after he had left, and that it was very unfortunate that it had been published at such a time. The remark was made, too, by Gen. Wood, that undoubtedly Gen. Brooke was very much offended, and he would have to see what answer could be made to the War Department. Then, as Gen. Wood's relations with Mr. Runcie were very much more intimate than with me, they discussed the matter in a low tone, and I withdrew to my newspaper."

During this whole time—that is, during the period that it is claimed this attack upon the Brooke administration was being inspired—it must be borne in mind that Gen. Wood was considered by his superior officer, Gen. Brooke, if not engaged in conduct of insubordination, at least was not performing his duty as a loyal soldier should to his superior commanding officer—the officer to whom, next to Gen. Brooke, whom the partisans of Gen. Wood will concede to be the latter's equal, found in this record from pages 191 to 206, will show that this was the estimate in which this appointee was held by Gen. Brooke at this time. Surely this is not an inviting picture of one who, during the period of justification, has been elevated from the position of surgeon in the Army of the United States to that of major general, and who at no distant day will be placed at its head if this confirmation is made. Condone this conduct and the character and morale of the Army will be gone; a premium placed upon intrigue and a discount placed upon the first and highest duty of a soldier—that of loyal support and unquestioning obedience to the orders of his superior officer.

Coming to the specific charge against Gen. Wood, in reference to his conduct in the matter of concessions to the organization known as Jai Alai (which was at least in part a gambling association on a large scale) and his acceptance from its officers of a valuable present, I desire to say at least a word. The charge is that Gen. Wood gave to this association the exclusive right to maintain an establishment of its kind in the city of Habana for 10 years, and that subsequently he also authorized or approved certain rules and regulations relative to betting. Champions of Gen. Wood's cause insist that all he did, relative to the first permit, was simply to give his approval to a lease under the direction of the War Department, and, as to the latter, he only recognized a preexisting rule theretofore made by the civil governor of the Province of Habana.

Neither of these positions are well taken nor are they in accordance with the real facts. The truth is a request was made to the military governor to approve a certain lease, dated the 27th of January, 1900, granting to this organization the right of occupation of certain lands, belonging to the municipality of Habana, for the term of 10 years, the recorder of deeds having refused to admit such lease to record, as required by the law, because of the failure of approval by the military governor. The question of the legality of the proposed lease was referred by Gen. Wood to the judge advocate general, Col. W. S. Dudley, who was in charge of the civil legal division of the military government, and who had held the same place during the administration of Gen. Brooke. This officer returned the request with his disapproval, on the ground that the same was contrary to the Foraker Act, prohibiting the military government from making concessions of the character indicated. This was about February 25, 1901.

This recommendation, not suiting Gen. Wood, on February 28, 1901, it was again referred to this officer, who again returned it with a similar opinion and without giving his approval to the same. And it was referred to the same officer for the third time with the suggestion that there were certain circumstances connected with the lease which relieved it from the inhibitions of the Foraker law, and that, therefore, the objections made against it were not well taken; but the judge advocate general again refused to recommend it, adhering to his

former rejections of the same, of the 25th and 28th of February, 1901. This will all be found in full on pages 498 and 499 of the record.

Then it seems (see p. 500 of the record) that Gen. Wood, not willing to act on the advice of his own judge advocate general, caused the question to be referred to the Secretary of War for his opinion. In that department it appears to have been referred to a Mr. Magoon, a law officer, who differed with the judge advocate general, and upon his advice, at the direction of the War Department, this 10-year privilege was sanctioned. This strenuous conduct on the part of Gen. Wood, it is submitted, showed an unusual interest in this institution, which, at the least, was one of doubtful propriety; in fact, it is claimed to have been only permitted at all because of the desire on the part of our representatives not to appear too strait-laced, but to afford to those benighted people, whose tastes had led them to enjoy such amusements as bull and cock fights, and performances of like description, some recreation and enjoyment.

Gen. Wood's participation in the games which this institution carried on and his subsequent action in reference to the organization will make his conduct appear even more unusual. The effort to relieve him of the effect of his approval of the betting feature of the games is also without merit, the attempt being to show that he did not give the extension, but merely acquiesced in the same. This will not do. The purpose was to secure an exclusive privilege in the island of Cuba, and the military governor was the chief source of all authority there. While it is true that Gov. Wood did not originally grant the permit, he did what was and is believed to be quite as necessary, and all that was needed in the case of him—that is, he sanctioned the act of his subordinate officer in what he had done. In other words, he adjudged and determined that there was no doubt of the right of this gambling institution to do what it desired.

His conduct in this regard has been referred to as diplomatic, which it may have been, but it none the less relieves him of the effect and force of what he did in the premises, namely, his decision in behalf of this favored institution, and his action was final. Note the language of his communication giving the extension, found on page 773 of the record. It will be observed that he determined and decided that this company already had the rights that it was asking for. Now, remember he had the right to grant the privilege; he had the right to permit it if it had not existed; he also had the right to determine what was the effect of the existing conditions, and to modify or qualify the same according to his own caprice or judgment, and he, as the supreme source of authority in the island, adjudged favorably to the organization in question. In other words, no affirmative action was necessary to be had on his part further than to judicially sanction what it had already received from a subordinate, and this he did.

What more was necessary? Who could question his act? The uncertainty theretofore existing, and which made necessary the reference to him, no longer existed, and this institution, confessedly a gambling institution of large proportions, though it is called by several polite names—sometimes even the game of racket—was launched forth under its exclusive privilege of 10 years, and is to this day in full blast in that community, to the degradation and demoralization of its citizens whom the people of the United States thought they were Christianizing, and were performing other philanthropic and humanitarian offices for. This is not all. Gen. Wood otherwise showed unusual interest in this institution. It is not disputed that he was a frequent attendant at the games of the same, and perhaps in this connection it will not be amiss to copy from the evidence a brief description of the game as given by one witness, Alexis Everett Frye, a distinguished educator and superintendent of the schools of the island, who was sent to Cuba by the Secretary of War upon the commendation of President Eliot, of Harvard, and others, and was holding this position in Cuba purely from the standpoint of patriotism, and without compensation.

"By Senator HANNA:

"Q. Did you ever hear anything about the Jai Alai when you were in Habana?—A. I arrived this morning. On December 10 I visited the Jai Alai for the first time. I visited it for the purpose of seeing it.

"Q. What is your impression or your knowledge of it from that visit?—A. In entering the Jai Alai one enters into an immense barroom. On the left there is a regular banking establishment for selling the gambling tickets. You can take your chances upon any of the players. Those quinicla tickets are $1 apiece. The partidos tickets are $2 apiece. Then passing in there are men wearing the red caps, the corredores, who call out on behalf of the bank bets made in gold centenos. There are three methods of betting. The announcement of the bets was made where everybody could read it. In addition to that, there were these red-cap bets made, and I saw one man take 30 of those gold pieces, almost $150, and a number of others were standing in line waiting to receive their money. In the quinicla and partidos bets nearly $9,000 passed openly in the bets by the association, and in addition to that there were the gold bets. What they amounted to I do not know. To my mind it is the most horrible gambling institution I ever heard anything about."

J. O. La Fontisee, a newspaper editor, thus describes Gen. Wood's connection with and conduct in regard to the game:

"Q. Was Gen. Wood a patron of the game?—A. Yes, sir. He used to go there nearly every Sunday, and he used to go there and play the game. I have been out there with him.

"Q. He played the game?—A. Yes, sir.

"Q. With experts?—A. He used to train with them.

"Q. They trained him?—A. Yes, sir.

"Q. What did you know about the features of the game as to gambling?—A. It was very much a gambling game; very heavy gambling.

"Q. When you say "heavy" what do you mean?—A. They would go up as high as 100,000 centenos on a play. They would sell tickets. I never had much experience with race courses here, but they did not seem to sell tickets in the way that they do on horse races in this country. You would give them the money and they would give you a check for it, and you would call at the door after the game was over.

"Q. Did you ever hear what amounts of money would change hands at one of these games of that character?—A. Yes, sir; I have heard. The current reports were that as much as $50,000 would change hands on a single game on Sunday. That was the heavy day.

"Q. On Sunday?—A. Yes, sir.

"Q. Was Gen. Wood there on Sunday?—A. Yes, sir; he was there. He had a box there, and he was nearly always there on Sunday.

"Q. The general impression was that Gen. Wood, being a patron of the game and very much interested in it, had something to do with the establishment of it, was it not?—A. Yes, sir. What caused us to think that was that when anything was going on and they wanted a big crowd they would have Gen. Wood as a patron for it.

"Q. He would draw the crowd?—A. Yes, sir.

"Senator HANNA. That is all I want of this witness."

Gov. Wood was an habitual attendant of this game. He especially spent his Sundays there, on which days the betting would reach as high as $50,000. Again, without stopping to criticize the propriety of the establishment of such an institution or the conduct of the head of the government who would so far forget himself as to select such a place for amusement in lieu of his Sabbath-day exercises, I wish to comment upon his conduct in accepting, under the circumstances herein recited, and shortly after the granting of the favors above referred to, a gift of a $5,000 silver service, which is admitted to have been the case. Can there be any question of the fact that Gen. Wood ought not to have been mixed up with these people at all? His conduct, to say the least, was subject to the gravest criticism. I appreciate that it is a delicate matter, but it is none the less serious, and it shows that Gen. Wood is not a man whose sense of propriety is such that he should have been placed in such a position as that of governor of the island of Cuba, much less at the head of the Army of the United States.

A $5,000 gift from persons whose very existence as an organization depended upon his will and pleasure, and who sought and received favors from him while occupying the exalted and important post of military governor of Cuba! However unpleasant it may be to reject this nomination, this body can not afford and ought not to seriously consider the question of giving its approval to any such transaction. Let it be done and it will serve as a precedent and will be an invitation for all kinds of disgraceful conduct on the part of officers of the United States who have no more sense of propriety than Gov. Wood, and it will ever lie hereafter in the mouth of this body to question the acts of impropriety and indecency on the part of any Government employee or official.

I wish to say just another word. At the conclusion of the evidence of Gen. Wilson the junior Senator from Ohio, Mr. Hanna, asked that Gen. Wood be brought before the committee of this body having this investigation in charge, to the end that he might answer the allegations and accusations made against him and relieve himself from the unjust (as his friends claim to be the case) imputations and criticisms made against his character. And quite a colloquy ensued, it being claimed by some of his champions that there was no reason for him to be heard; that nothing had been proved against him; that there was nothing for him to answer; in a word, that he was self-vindicated.

This, I submit, was to me, and must be to everyone, perfectly monstrous. When did it come about that this individual, a doctor in civil life and a bloodless soldier in battle, if he ever saw a battle, has reached the exalted position that he is unlike other people and is not to be accountable to anyone, not even to the Senate of the United States, and will not appear in his presence? Now, for my part, I want to say that it is due to Gen. Wood, it is due to the President of the United States, that he should not only explain, but disprove many of the statements made in the evidence now here for consideration before confirmation should be thought of. The fact that he is willing to let this investigation go on without personally meeting it like a man is in itself strong evidence, to my mind, that he is not made of material that goes to make up soldiers such as we need for our major generals and Chief of Staff.

The talk about the difficulty of his coming here is silly. It is simply evading the question. The truth is a brave and courageous man would rather resign a dozen commissions as brigadier general than allow his character to be besmirched, his conduct assailed, his motives impugned, and his integrity and veracity sought to be impeached, if by giving up the same he could come in person and disprove the accusations made against him. And it is not necessary for him to resign in order to come. Nothing said or proved against Gen. Wood indeed! Six positive and direct specifications, involving the integrity and honesty of his administration as civil governor, some of them against his character as a man and an officer, are made against him. Much evidence is introduced to sustain each of them; many witnesses, men of the highest character, great prominence, and high order of intelligence have been examined, and, as to some of the charges, it can not be said that they have not been sustained.

I have particularized the evidence relative to two of the charges which reflect upon his character, the specific charge in this respect being sustained, I submit, by the evidence of no less a person than Maj. Gen. John R. Brooke, of the United States Army, retired. No one can read the evidence of that distinguished soldier without being impressed with the fact that he knew that when his administration was being wickedly assailed by the papers of Santiago, his subordinate, the appointee here, in command of that province, was not engaged, as he should have been, in endeavoring to stop the false clamor, but that, on the other hand, he and those in his confidence were quietly cooperating with and giving aid and comfort to his assailants.

Aside from these specific objections against Gen. Wood, much evidence has been introduced tending to reflect directly upon his character as a man by impeaching his integrity and veracity and showing his general unreliability in the matter of business transactions and in making promises in reference thereto. Two witnesses at least—each a man of prominence, one a newspaper editor and the other the prominent educator hereinbefore referred to, and neither of whom are men other than of the highest character—testify unreservedly that they would not believe Gen. Wood on oath. It is also shown that while governor of the island, as above stated, he so far forgot himself as to spend his Sundays at the gambling institution hereinbefore alluded to.

We also have it in the evidence that he was a notorious man associated with Gen. Wood who certainly, if was clearly proven, was an ex-convict, and the evidence would go to show that he exploited everything that Gen. Wood did to the general's advantage and preferment, and that after being sent to the Philippine Islands he really tried to displace Gov. Taft and have his friend, Gen. Wood, made governor general of the Philippine Islands. Witnesses testified that they broke with Gen. Wood because of his unreliability, and they were men who had been associated with him, giving as their reason unreliability and unfair treatment. From the testimony of that gallant soldier, Gen. Brooke, it would seem that it was clearly and conclusively proven that Gen. Wood was intriguing constantly against his superior officer.

To my mind a most grievous injustice has been done in the preferment of Gen. Wood over a hundred or more old Army officers—officers who won distinction on many a bloody battlefield—battlefields where more lives were lost and more prisoners taken in one day than during the entire Spanish-American War.

To whom should these old veterans look but to the United States Senate for protection; and I ask my fellow Senators to give thought to the effect that the promotion of a surgeon in the Army to be a major general, and ultimately a lieutenant general, of the Army for many

years, will have upon these brave old veterans, who have been looking forward anxiously for the time when they themselves may receive proper recognition for services faithfully and well done.

(Confidential. Jan. 18, 1907, made public.)

[Executive No. 3, Fifty-eighth Congress, second session.]

NOMINATION OF LEONARD WOOD.

Argument of M. A. Hanna, Senator from Ohio, in opposition to the promotion of Gen. Leonard Wood, presented by Mr. Scott, together with several affidavits bearing on the nomination.

The testimony given before the committee has developed points to which no answer is attempted by Gen. Wood in the various communications submitted by him prior to his departure for the Philippines; nor can those communications be accepted as a refutation of testimony given by witnesses under the solemnity of an oath. To accept them as a controversion of sworn testimony would brand those giving such testimony as unworthy of credence. Among those who would be thus branded are men in the military and naval service of the United States. It is impossible to accept the mere statement of Gen. Wood, made prior to his departure for the Philippines, and covering only a part of the matters at issue, in preference to this sworn evidence. Some of the testimony given by these witnesses has cast serious reflection upon the veracity of Gen. Wood, and it would appear that neither he nor the Senate, which is asked to confirm his appointment, should rest content until he has been given opportunity to disprove, specifically and under oath, the damaging statements made on oath concerning his conduct.

The facts to which attention will be called would seem to make this necessary, and the honor of the Army would seem to demand it.

THE CASE OF E. G. RATHBONE.

In the matter of the complaint of E. G. Rathbone, that he was not afforded a fair and impartial trial for the offenses charged against him in Cuba, by reason of the action and interference of the military governor in the judicial processes in Cuba, a vast amount of evidence has been submitted. As parts of the record there appeared a complaint of Rathbone and the answer of Gen. Wood thereto. In many instances Gen. Wood makes no answer, except to rule that the charge is irrelevant. Setting aside these questions, there are several points of prominence and importance which present themselves.

Rathbone charges, in effect, that the direct interference of Gen. Wood, and his indirective participation in the processes and the course of the prosecution, bearing in mind that the military governor had executive, legislative, and judicial powers, and that he had the power of removal and appointment of all judiciary officers of Cuba, resulted in an unfair trial and to the prejudice of Rathbone.

Rathbone further charges that the most important witness against him was one Reeves, whose testimony on the trial was given without an oath, although it flatly contradicted evidence which he had previously given under oath (p. 231).

The testimony shows (p. 611) that Reeves was promised immunity by Gen. Wood, and was considered by Gen. Wood as a State's witness (p. 356), but was not declared as such to the court by Gen. Wood. As one of the accused he was permitted to give unsworn evidence on the trial. If Reeves was considered by Gen. Wood as a witness for the State, he should have been declared as such and compelled to testify under oath, as was done by Gen. Wood in the case of Colyden M. Rich (p. 760). It appears from the testimony of Fiscal Hevia that he could have been so declared without imperiling the prosecution on the theory of conspiracy (p. 365).

Gen. Wood (p. 357) cites Fiscal Hevia's opinion, which is that "Reeves was not proposed as a witness, nor was it possible (that he could be), being one of the accused." This states the cause of Rathbone's complaint precisely. Reeves was a witness for the State (p. 356), but he was not so declared by Gen. Wood to the court, which, therefore, had to consider him as one of the accused, and not as a witness, thus permitting Reeves to testify against Rathbone without the solemnity of an oath.

Gen. Wood states (p. 357): "Reeves was never promised anything." And yet he admits that he was a witness of the State, and Witness Fisher (p. 611) swears that Gen. Wood promised Reeves immunity before Rathbone's trial. Secretary Root, on page 856, flatly contradicts the statement of Gen. Wood on page 357—that "Reeves was never promised anything." The Secretary says (p. 856): "I approved of Gen. Wood giving Reeves immunity if he could get testimony against the principal offenders, the other offenders."

This shows clearly that the promise given, alluded to by Secretary Root, was given before the trial, from the fact that it was given for the purpose of getting the testimony of Reeves at the trial. It was an inducement offered before the fact. There is no question that Gen. Wood had communication with Reeves before the trial; that he did consider Reeves a witness for the State, and that he pardoned him as a witness for the State. It therefore seems imperative that we ascertain what actually passed between Gen. Wood and Reeves in order to ascertain whether Gen. Wood, who was bound by the act of Congress of June 6, 1900, to see that Rathbone had a "fair and impartial" trial, failed in such duty, to the direct injury of Rathbone.

Another point of great importance lies in the admission of ex parte evidence, under an order issued by Gen. Wood, by which he failed to carry out the explicit directions of the War Department.

The Cuban attorney, Desvernine, called specific attention to the fact that the depositions taken were for use solely by the court of inquiry, or court of first instance, and that they were used on the actual trial of the case. The Secretary of War had interdicted their use on the trial, saying (p. 314) "such depositions can not be used at the trial," but when Gen. Wood explained to him (pp. 349 and 350) that it ought to be left to the court, the Secretary issued the order of December 6, 1901, which modified his original order in that the question was to be left to the court. Instead of carrying out this order of December 6, the court instructed (p. 315) "that the said letter of the 14th of November, 1901, and the instructions therein contained are by this letter repealed, and that the use of the results of the interrogatory letters are allowed in the trials of the postal cases."

How such directions were considered by the judicial authorities in Cuba is shown by Fiscal Hevia's statement (p. 369) that the request by Gen. Wood for a 10-day extension of time in the case was the act of the military governor "availing himself of the legislative powers vested in him." There can be no doubt that the letter of December 6, which "repealed" that of November 14, by which the use of ex parte depositions in the trial was expressly prohibited, was construed by the court as a legislative act, and, in the absence of the saving clause that the court might receive them or not, that it was considered by the court as an absolute order to receive them. Secretary Root admits (p. 766) that this might fairly be inferred by the courts. Fiscal Hevia in referring to this (p. 370) speaks of the order of December 6 as "annulling" the order of November 14.

Gen. Wood, in his answer to the Rathbone charges, states (p. 350) that an "official copy of the above" (referring to the letter of the Secretary of War, December 6, 1901, by which the matter was left to the discretion of the court) "was furnished to the secretary of justice and by him submitted to the court." The record, as shown on page 315, disputes and disproves this statement of Gen. Wood.

We have already called attention to the opinions of the Secretary of War and of Fiscal Hevia, the former that Gen. Wood's direction might be taken as legislative acts and the latter that they were so taken. This should be kept in mind in construing the directions of Gen. Wood to the court, which are cited by Rathbone. There seems to be no question that Gen. Wood knew that he had such powers, and that he exercised them. The fact that in the cases of the extension of time by the courts (pp. 348–349) and of the acceptance of the bond of the surety company (p. 356) as bail, Gen. Wood claims that his action was in favor of the defendant (p. 341), would appear to be beside the point, which is that Gen. Wood's power of interference was recognized by the court.

Gen. Wood claims that in fixing the amount of bail originally at $25,000 he merely made a suggestion (p. 341). In complying with the wishes of the Secretary of War (p. 353) to have the surety company accepted as bail he also made a suggestion, but in both cases they were as effective as orders to the court.

On May 9, 1902, I submitted to the President an application for a new trial for Mr. Rathbone, stating the grounds upon which the application was based. As a result of this he directed the Secretary of War instructed Gen. Wood to amend the laws of Cuba in conformity with the draft sent with the instructions. By this order, which was given full force only upon the day preceding the American withdrawal from the island, the supreme court of Cuba was authorized to act as a trial court in the rehearing of cases of such nature as the postal cases. It is presumable that this order was issued from a conviction that wrong had been done to an American citizen. One of the first acts of the Cuban Congress was the passage of the amnesty bill by which Rathbone and all Americans accused of crime were released.

Gen. Wood's comment upon Rathbone's action to the effect that he should have declined a pardon and should have taken his case on appeal to the newly authorized supreme court shows, at least, a complete ignorance of the conditions obtaining in Cuba. Rathbone declined a pardon and was not pardoned. He declined pardon on the ground that an acceptance of pardon was equivalent to an admission to guilt. Any attempt of Rathbone after the passage of the amnesty act to insist upon a new trial by the supreme court would have been utterly ignored, and he was so informed. No recourse was left him except the application which he has made to the authorities of his own country for an investigation of his acts as an official in Cuba.

As for the judges who constituted the court which tried Rathbone the list on page 777 shows that the only members thereof who were not appointed by Gen. Wood as magistrates, whether from civil life or from subordinate judicial positions, were Aguirre and Demestre.

Ortiz was appointed as president of the Habana audiencia by Gen. Wood.

Demestre was promoted as president of the criminal branch at Habana by Gen. Wood on November 5, 1901. Azcarate was promoted by Gen. Wood to the magistracy and transferred to the Habana audiencia by Gen. Wood and assigned to the criminal branch by Gen. Wood on November 5, 1901.

De la Torre was appointed by Gen. Wood and assigned to the criminal branch at Habana by Gen. Wood on November 5, 1901.

On the same day Gen. Wood revoked order No. 422, series of 1900, which permitted the president of audiencia to assign judges to either the civil or criminal business, and took this power into his own hands, providing (by order 238, series of 1901) that "hereafter, on making the appointments of justices of audiencia of Habana the government will determine the chambers thereof to which they will be assigned."

He then assigned the judges of his selection to the criminal branch. This was only a few weeks before the trial of the postal cases.

Gen. Wood provided further for this trial by order No. 245, series of 1901, November 15, 1901, which states that "presidents of audiencia may form chambers of justice consisting of five judges in such cases as, although not provided for by law, may, in their opinion, having special importance."

Doubtless the postal cases were so considered. By this order (No. 245) of Gen. Wood, Ortiz was permitted to preside in person at the trial, and to select out of those who were in the criminal branch the four judges alluded to for his associates.

That Ortiz (the president of audiencia) took an unusually active interest in the postal cases is shown, when, prior to the oral trial (as the trial before the audiencia is called, in contradistinction to the investigation by the judge of first instance), he asked for a translation (p. 493) of Assistant Postmaster General Bristow's report, which gave the latter's opinion as to the guilt of the accused. It is to be further remarked that this opinion of Mr. Bristow was received in evidence on the trial, being attached to a deposition taken for use on the preliminary hearing.

It may also be remarked that Mr. Desvernine swears that the defense never consented to the use of the depositions, but only asked that certain documents, which appeared only as attached to depositions, be admitted as evidence.

In order to obtain the modification by the Secretary of War of his order prohibiting the use of ex parte depositions, representations were made by Gen. Wood to the effect that these depositions had been taken in accordance with the provisions of the laws of Cuba. It appears, however, that Fiscal Hevia (p. 369) claims that such use was permissible under Article X of Gen. Wood's military order 181, series of 1900. It was therefore under Gen. Wood's own law that such a practice was admissible. Fiscal Hevia points out that this order makes specific provisions therefor. It is inconceivable that this order 181 would have been issued had the laws in force covered the point.

As part of his statement regarding the conduct of the postal trials, Gen. Wood uses letters which he received from the presiding judge, the secretary of justice, and the prosecuting fiscal. One of these is dated March 11 and the other two March 12, thus showing that they were inspired by a curious unanimity in volunteering their statements in behalf of Gen. Wood. These statements were evidently requested. It could not be expected that they would reply in any other than a manner favorable to Gen. Wood, particularly as a contrary course would be an admission reflecting seriously upon themselves.

It is curious to note that Fiscal Hevia, who goes into a very long and warm defense of Gen. Wood in his relation to the postal cases, even going so far as to vouch for the conduct of the military governor in connection with the judges, should have forgotten to mention so important a matter as that set forth by Gen. Wood (p. 357), where he says:

"My instructions to the prosecuting officer was to always give these men the benefit of the doubt. Especially was this true in regard to Rathbone."

At any rate, in view of the fact that Spanish law under which Rathbone was tried assumes guilt until innocence is proved, thus giving the benefit of a doubt by instructions of the military governor, would have been of no effect.

Why Rathbone was thus particularly mentioned to the fiscal does not appear, but if he had been thus especially recommended to Fiscal Hevia it is curious that the latter makes no mention of it in Gen. Wood's defense.

To show the trustworthiness of the statements adduced by Gen. Wood we have (p. 368) the assurances of Secretary of Justice Varela Jado—

"that I never received any special order from Gen. Wood in reference to the case, and consequently I never issued any order to the audiencia of Habana in the matter."

As a matter of fact, the record shows (p. 315) that the same secretary of justice not only issued the order of November 14, 1901, but also the order of December 6 to the audiencia of Habana.

The real defense maintained for Gen. Wood's actions in connection with the prosecution of the postal cases is that besides being the prosecuting officer he was also the legislative power in the island, and so could do as he pleased. But this point at issue is that he abused his power to the detriment of Rathbone. Regarding the effect of such action upon the interests of the accused, Gen. Wood's own words may be quoted from his report dated October 5, 1899, which is published by the War Department. He there says:

"The present arrangement and distribution of judicial power tends to discourage the investigation of crimes and the punishment of the guilty, and in some cases makes a false accusation of crime an effective means of persecuting the innocent."

Although Gen. Wood, who then commanded the Province of Santiago, invveighed against the system and demanded its reform, it is to be noted that he never did reform it when he had the power to do so as military governor of the island. With the exception of one instance, in 1900, he removed no judges from office. As he himself states (p. 343), "The removals during the entire four years were comparatively few." That the judiciary was unsatisfactory is shown by Secretary Root in his report covering the year 1901 (p. 38), where he laments that

"the courts are still far from what they should be. One of the greatest dangers which confronts the new Government is the difficulty in obtaining an absolutely sound judiciary."

But Gen. Wood made no changes in the personnel of the judiciary thereafter, and Rathbone was tried under the system criticized by Gen. Wood and under judges considered by Secretary Root as far from satisfactory.

Keeping in mind that the judicial system was the same when Rathbone was tried as it was when Gen. Wood criticized it in 1899, and that few changes had been made by Gen. Wood in the personnel of the courts, let us compare Gen. Wood's assertion that Rathbone received a fair trial (pp. 340, 346, 362) with Gen. Wood's opinion as expressed in his report of October 5, 1899, where he says (see said report, p. 29):

"Under the existing conditions of things in Cuba no means are provided for the trial of officers and soldiers of the Army and civilian employees of the military establishment for offenses not cognizable under the Articles of War except the Cuban courts above described. I do not believe that it is wise or prudent or in any way desirable to subject American citizens who are in the service of their own Government to the jurisdiction and capricious decisions of tribunals composed of persons alien in race and sentiment, administering a system of law with which Americans are entirely unfamiliar, and which would not be tolerated in any American community. * * * Nor do I believe that it is the intention of the United States to subject not only its citizens but its soldiers to such treatment as they may expect in some cases under the law and in the courts as they are now established in Cuba."

Add to the foregoing statement of Gen. Wood the fact that in the active prosecution of the post-office cases and in the exercise of his legislative and executive powers he did give directions to the court (pp. 13, 14, 15), which are admitted, and it will be hard for any fair-minded man to say that Rathbone is not justified in his claim that he was not given a fair trial and that Gen. Wood violated the obligation placed upon him by his own act of Congress of June 6, 1900.

QUESTION OF VERACITY.

Several witnesses whose sworn statements are not to be lightly impeached have, in their testimony, reflected directly upon the credibility and veracity of Gen. Wood. Statements made by him in various communications are flatly disputed by witnesses testifying under oath, and documentary evidence submitted by others disputes statements made over his signature. Illustration of this appears in the following extracts from the testimony, reference by pages being made to the printed report of the committee:

Gen. Tasker H. Bliss (pp. 112–113) testified that to him and in his presence Maj.Runcie impugned the veracity of Gen. Wood, and that he made report of the same to Gen. Wood.

Commander Lucien Young (p. 467), referring to an interview given by him to a newspaper correspondent, testified to having met Gen. Wood in Washington:

"He informed me that the authorities were very mad about this conversation, and suggested that I deny it. I told him that I could not do so, and would not do so if I was ordered to the coast of Africa; that I had stated it and would not retract it."

Witness C. E. Fisher, on pages 610, 611, 612, swears that Gen. Wood broke faith with him in a matter of importance, and that he "would not believe him on oath."

Witness Alexis E. Frye, on pages 705, 715, 716, 719, testifies to instances of broken faith and duplicity on the part of Gen. Wood. On page 716:

Q. Then, as I understand it, you testify to three facts—that you do not believe in his honesty, or his truthfulness, or his ability as an officer.—A. Yes, sir."

Witness Runcie, on pages 126 and 127, flatly disputes statements read to him from letters written by Gen. Wood.

Pages 661 to 675 of the report present a series of communications and extracts from newspapers, all having reference to an interview given by Gen. Wood in October, 1900, in reference to yellow-fever conditions in Habana. Statements said to have been made by Gen. Wood reflected upon the administration of Gen. William Ludlow, a most efficient, honorable, and conscientious officer, now deceased. Gen. Ludlow pronounced the alleged statements to be "wholly false and pernicious," and it does not appear from the matter published in connection with the question that Gen. Wood succeeded in relieving himself of Gen. Ludlow's charge of having perverted the facts and thereby deceived the public. (First paragraph, p. 672.)

On page 357 Gen. Wood states, "Reeves was never promised anything." Witness Fisher (pp. 610 and 611) swears that Reeves was promised immunity from conviction in return for his testimony in the postal cases.

In connection with Gen. Wood's denial of assurance of immunity to Reeves, special attention is called to the testimony of Secretary Root, page 856:

"I approved of Gen. Wood's orders giving Reeves immunity if he could get testimony against the principal offenders, the other offenders."

On page 156 Witness Runcie testifies that Gen. Wood pledged himself to a certain act concerning one Coryden M. Rich upon two specific occasions, and that this pledge was violated.

In his testimony (pp. 474 to 478) Commander Young swears that, to his personal knowledge, Gen. Wood set detectives to spy upon his actions, and also upon various officers of the Army stationed in Habana. Young testifies (p. 477) that when he found that this was being done he intimated to Gen. Wood his suspicions that he (Wood) was the instigator of the surveillance, and that Gen. Wood denied it emphatically.

Regarding the various allegations of Witness Frye (p. 702 et seq.), there is no answer or explanation by Gen. Wood, the only matter which appears being an argument which supposes what were the mental processes of Gen. Wood, as applied to the facts established by documents and the sworn testimony of Mr. Frye. It is important to note that Mr. Frye, under oath, swears that his experience with Gen. Wood proved him (Wood) to be untrustworthy. The main question raised, regarding the order reducing the salaries of the Cuban teachers, is not whether Gen. Wood subsequently rescinded his original order. Frye swears that Gen. Wood told him that the salaries would be reduced, and that he (Frye) repeated this information to President Eliot, of Harvard College. He asserts that when protests were made Gen. Wood prevaricated by stating that he had no such intention, and that the order complained of had been published through an error.

Gen. Ludlow charged Gen. Wood with deliberate dissemination of misinformation (p. 675). He also charged that Gen. Wood (p. 671) "had exceeded both his rights as an individual and his authority as a military service in seeking to defend himself by impugning the administration of others and furnishing material for misrepresentation."

He also charged (p. 670) that Gen. Wood wrote an evasive and misleading letter. He further charges (p. 669) that Gen. Wood "had gone out of his way to misinform the authorities and the public." Gen. Wood appears never to have made any answer to these charges, nor to have asked for a court of inquiry.

In connection with these written statements of Gen. Ludlow it may be said that a request was submitted to the committee that Mr. Francis E. Leupp be summoned to testify regarding the accuracy of the original interview, for which Gen. Wood sought to evade responsibility by alleging misrepresentation by the newspaper correspondents.

RUNCIE MATTER.

An issue appears between Gen. Wood and Maj. J. E. Runcie regarding the participation of Gen. Wood in the preparation and publication of an article which was published in the North American Review for February, 1900, in which severe criticism was made upon the administration of Gen. John R. Brooke, then military governor of Cuba.

Runcie is a retired officer of the United States Army and is, therefore, amenable to Army discipline. He states positively, under oath, facts and details which make it incumbent upon Gen. Wood to do more than to write mere letters of explanation not under oath. We have no right to assume that Lieut. Runcie, a graduate of West Point, is guilty of gross perjury. As the matter stands, the sworn statement of Maj. Runcie is not controverted by either the unsworn statements of Gen. Wood or by the testimony of the witness, Baker.

It appears from the sworn testimony that the article in question was the outcome of a discussion, at a certain dinner, between Gen. Wood, Maj. Runcie, and Mr. Baker. It appears clearly from the testimony of both Baker and Runcie that during Baker's stay in Santiago there was much of frank and open criticism of Gen. Brooke's administration, and that Gen. Wood participated in the criticism. Runcie swears (p. 688)—

"It was at this dinner that the arrangement first contemplated—that I should furnish the information to Mr. Baker—was abandoned, and the other course adopted as being easier for all concerned; that I should write the article and turn it over to Mr. Baker as his own."

Runcie explains that "by all concerned" was meant Gen. Wood, Baker, and himself. He further testified (p. 680) that the information as to facts and conditions in Cuba was to cover "all Cuba."

Evidence in support of this appears in Gen. Wood's letter to Baker, dated July 29, 1903 (see Appendix A), where Gen. Wood says:

"I hope you will tell him (the President) the purpose of your visit to Cuba in 1899, and why it was that you wanted as much information as you could get on Cuba."

On page 135 Runcie testifies that Gen. Wood knew that such an article was to be written and published. On page 698 he swears that Gen. Wood understood that the article would be a criticism of Gen. Brooke's administration in the island, and that "he could not avoid so understanding it."

Mr. Baker's testimony is less direct, being rather a denial of recollection or knowledge of facts testified to by Runcie than a categorical denial of the points at issue. On page 435 he admits that "Gen. Wood was very frank in his expression of disagreement in certain things that the administration (Gen. Brooke's) was doing," and again, page 429, that as a general result of his visit to Cuba he found that Gen. Wood was "antagonistic" to the administration of Gen. Brooke.

This is confirmed by Gen. Wood's own statement in Gen. Wood's letter to Baker, of July 29, 1903, quoted above as follows:

"I never professed, as you know, to agree with the policy at that time in force in Cuba, but a frank disagreement is a very different proposition from a covert attack."

The testimony of Witness Baker appears to have been given with reluctance and with an apparent desire to escape, as far as possible, any implication of participation in the attack on Gen. Brooke.

That Gen. Wood was interested in the publication of the article in question is declared by Runcie, as shown on pages 136 and 697. Referring to the conversation between Gen. Wood, Baker, and himself, Runcie swears (p. 697) "It was inevitable, as the result of the conversation, that the scope and purpose of that article must indicate a severe criticism of the acts of Gen. Brooke at Habana."

On page 120 Runcie swears that the article written by him correctly reflected the discussion between Gen. Wood, Baker, and himself, and in various parts of his testimony asserts Gen. Wood's knowledge of the preparation and disposition of the manuscript. In a letter dated July 24, 1903 (p. 144), Gen. Wood states:

"I suppose Baker had been given a frank statement of the facts, which he would use as a partial basis for such comment as he might make in writing on Cuban affairs."

From the testimony of Baker himself regarding Gen. Wood's comment upon the administration of Gen. Brooke, it would seem that any "frank statement of facts" would involve very much the sort of criticism expressed in the Runcie article, whether an article were written by Runcie or by Baker himself on information supplied by Runcie and Gen. Wood.

Runcie further swears (p. 125), "I told him (Gen. Wood) that I would defend myself before any court-martial that might be summoned, and what was meant there was that if such a defense became necessary it might bring out facts that would be extremely embarrassing to Gen. Wood," and explained that the "facts" alluded to were "the facts of Gen. Wood's knowledge that the article was to be written."

After an apparent effort to evade a direct admission of the fact, Baker, on page 433, states that he knew that Runcie was to send him an article and that he knew what the tenor of the article would be. He states (idem) that he supposes that the object of the Runcie article was that "it would help Gen. Wood to have it understood that Gen. Brooke was inefficient," and this understanding appears to be reenforced by Runcie's letter transmitting the article to Mr. Baker. That letter closes with the paragraph, "It may be the beginning of a better day for Wood as well as Cuba."

When the article, after its publication, was shown to Gen. Wood, he expressed neither surprise nor indignation. It appears (p. 685) that "he read some of the passages of the article and laughed over them."

Gen. Wood's comments on the contents of the article have been almost wholly confined to the question of the authorization of its publication. It is of no importance whether Maj. Runcie authorized the publication of the article over his signature. The real questions arising out of the testimony, and the only ones which Gen. Wood should be called upon to answer, under oath, would include the following:

Did Gen. Wood criticise Gen. Brooke's administration to Baker in Runcie's presence?

Did Gen. Wood suggest that an article criticising his superior officer should be published?

Did he understand that Runcie was to prepare such an article and give it to Baker?

Was he in any way accessory to the preparation or publication of such an article?

Did he subsequently ask Runcie whether the article suggested had been written and sent to Baker?

Why did he not have Runcie court-martialed for the contents of the article when he became satisfied that Runcie had authorized Baker to use his name?

Why did he not ask for the punishment of Runcie, who, as a retired officer of the Army, is amenable to discipline under the orders of the War Department, when he was informed by Gen. Bliss (p. 112) that Runcie had asserted his (Wood's) knowledge of the article in question and had charged Gen. Wood with falsehood if he denied such knowledge?

On March 21, 1900 (p. 155), Runcie wrote to Gen. Wood as follows:

"I am perfectly willing to assume my own defense in the matter, though I shall do so with reluctance, if it shall be necessary to do so. I mean that I hope that it will be unnecessary to make public any further details of the case. I am unwilling to embarrass you more than I have done already as to the result of a well-meant effort which has gone woefully astray."

Runcie here alluded to a defense before a court-martial which had been demanded by Gen. Brooke. This is well indicated by the letter written by Gen. Wood to Secretary Root on February 25 (p. 150), saying, "he (Runcie) realizes fully his liability as an officer and the position it places him in."

Runcie's letter, written to Gen. Wood in a friendly spirit, evidently alluded to the fact that in making his defense he would involve Gen. Wood, and the Secretary of War was evidently impressed, as he wrote (p. 153), "I don't like the last paragraph of Runcie's letter to you."

The true point in this whole incident is not whether Gen. Wood authorized or saw this specific article, word for word, or saw it before its publication, but whether he did have previous knowledge of, or give assent to, the preparation and publication of an article criticising the administration of his superior officer, Gen. Brooke.

The general denial written by Gen. Wood may be taken as an answer to the charges, which he knew would be formulated, but it can not be accepted as the refutation of the testimony of witnesses subsequently given under the solemnity of an oath.

JAI ALAI MATTER.

In the matter of the establishment in Habana of the game known as the Jai alai it would appear from the record that there was a suppression of certain important and material facts which were known to Gen. Wood, but which he refrained from communicating to the Secretary of War. The testimony of the Secretary of War clearly demonstrates this. Undoubtedly the Secretary based his evidence on the facts as submitted to him by Gen. Wood orally and in writing.

An attempt has been made to show, in this connection, that Gen. Wood did nothing more than give his technical consent to the leasing of a plot of ground by the municipality of Habana for the purpose of erecting thereon the building in which this game was to be played. It is stated that the betting on the games is merely an incident, like the betting on a horse race, and, in the statement which was submitted to Judge Magoon, of the War Department (p. 507), it was declared to the War Department that the object of the Jai Alai Co. was the erection of a building on said plat of ground, "to be used as a fronton, or handball court, wherein the public are to be permitted to play handball upon payment of a fee."

The rules and regulations (p. 871) clearly show this to be a misstatement, inasmuch as it is there shown to be a game played by professionals as a public spectacle.

It would also appear from the statement of the president of the Jai Alai Co. (p. 510), whom we may presume to be an expert on the subject, that such is not the case, and that he so informed Gen. Wood. Referring to the communication of said president to Gen. Wood (p. 510), dated April 26, 1902, it is made wholly apparent that the only feature of importance to the company was the gambling feature, without which they would not have made the lease, and that the company regarded the betting, or gambling, as an integral part of the game. The president of the Jai Alai Co. cites to Gen. Wood the following reasons why he should ratify the betting rules (p. 510):

"The wagers offered being part of the spectacle of the said game of ball, it is obvious that without them it could have no reason to be.

"That without the complete game, or, say, including the betting feature, it could never have occurred to anyone to enter into a contract with the ayuntamiento (city council) whereunder the cession of an edifice valued at $100,000 to the latter is involved.

"That by virtue of rights and privileges explicitly acknowledged by public instruments of writing which received your approval, the corporation of the Jai Alai fronton properly acquired the concession made unto Tomas Mazzantini by the ayuntamiento of Habana.

"That under the approval of the Secretary of War of the United States you gave your sanction to the aforementioned public instruments of writing, which naturally carried along with it your approval of the regulations which had previously been approved by the civil government on January 31, 1900."

It is also made apparent that the rights and privileges claimed by the Jai Alai Co. consisted of three things, all of which it was necessary to obtain in order to complete the grant:

(1) The agreement that the company was to have a monopoly for 10 years.

(2) The approval of the betting features.

(3) The grant of the municipal plat of land on which the building was to be erected.

It can not be claimed that the whole did not constitute a complete concession.

A certain act, say the approval of the lease, remained to be performed by the military governor, and in granting his approval he completed what had been incomplete. As Judge Advocate General Dudley said (p. 506):

"The concession was never completed by the ratification of the Spanish governor general, as herein asked of the military governor."

For cases of this nature reference may be made to the opinions of the Attorney General (vol. 22, p. 528), where there appears the following:

"Any inchoate rights or grants made by a municipal body in Cuba while under Spanish sovereignty, which for their completion required the assent or approval of the Crown or of the Crown officers, would, in the absence of such assent or approval made prior to the treaty of cession (of Cuba), be ineffective and incomplete."

There is no question whatever that the Jai Alai concession was clearly included in the groups thus characterized as "ineffective and incomplete." That being its status, further reference may be made to the same authority (Opinions of the Attorney General, vol. 22, p. 554), as follows:

"Being incomplete and inchoate, lacking certain public action, * * * it is not a complete and vested franchise or concession, * * * and the War Department is without power to exercise the prerogatives of the Government to grant or complete such concessions."

Upon such authority as the foregoing it is impossible to avoid a conclusion that Gen. Wood did grant a concession or franchise, in the nature of a monopoly and in violation of the Foraker law, to the Jai Alai Co.

It is claimed that the publication of the rules and regulations in the Official Gazette of May 9, 1902, which was in response to the application of the company, made on April 26, 1902, did not operate as the approval of these rules by the military governor. Yet they were published in the official paper, which is issued only in connection with official acts.

The record discloses that the notarial documents of April 27, 1900, and October 16, 1900, were submitted to Gen. Wood. "It being necessary to do so considering the privilege thereby conferred" (p. 510), and that they were approved by Gen. Wood "in all of their parts."

Keeping in mind that on April 26, 1902, the president of the Jai Alai Co. thus writes to Gen. Wood, it will appear to be a mistake to say that the monopoly privilege had been withdrawn. During the consideration of the matter a suggestion was made for the elimination of the monopoly feature (see testimony of Col. Dudley, p. 499), but the mayor of Habana asked (p. 506) on March 26, 1901, that the contract remain unmodified and that it be approved without any limitation. There is no record that Gen. Wood modified the 10-year monopoly feature, but on the contrary the president of the Jai Alai Co. states (p. 510) the documents of April 27, 1900, and October 16, 1900, which granted this monopoly, were ratified by Gen. Wood. He said that these documents "were submitted to your (Gen. Wood's) approval, it being necessary to do so, considering the privilege thereby conferred, and after consulting the Secretary of War of the United States they were expressly approved by you (Gen. Wood) in all their parts (p. 510)."

It is thus made apparent that after the submission of the question to the Secretary of War concerning the right of the municipality to lease its land (that is, after April 16, 1901; see Magoon's opinion, p. 507), and after the question of the monopoly had been called to his attention (February, 1901, p. 499), Gen. Wood approved the documents in their entirety, thus granting the monopoly. There is thus established the fact that he knew of and ultimately approved of the monopoly feature of the concession.

As to his powers in the premises, he knew that he had the power to refuse to give his approval to the monopoly, because at one time he proposed the modification of the concession in this respect.

This suggestion of modification (p. 499) evidently originated with the military governor, but was not carried out by him. At all events, it came from his office. The suggestion proves conclusively his authority over the acts of the municipality and the civil governor. This point finds abundant support in the opinions of the Attorney General (vol. 22, pp. 528–529), where it is stated, in reference to the scope of the powers of the military authorities over municipalities, that "they (the municipalities) may, at the will of the military commander, be restrained, * * * although inchoate or even completed contracts therefor have previously been entered into."

Further light is thrown on this subject by Judge Magoon (p. 507), who states that while a monopoly feature "appears to have been eliminated, it is understood as being included in the request for a report."

Magoon also states:

"The attention of the Secretary is called to the fact that a copy of said proposed agreement is not included in the papers submitted."

In other words, the documents which contained the monopoly provision were not submitted by Gen. Wood to the War Department.

Notwithstanding the opinion of Judge Magoon (p. 509) on the question of the monopoly that "it is probable the Foraker amendment requires the major general in command of the United States forces in Cuba to prevent the municipalities in the island from exercising the police powers in the State in such a way as to grant property franchises or concessions."

Gen. Wood did approve the documents of April 27, 1900, and October 16, 1900, in all their parts, although said documents were grants made after the passage of the Foraker law interdicting them.

The publication was made in the Official Gazette of May 9, 1902 (p. 869), of the rules and regulations of the Jai Alai, which permit the betting, and show the difference between such as is carried on by bookmakers at horse races and the system in operation at the Jai Alai, where the proprietors retain a percentage—in some cases 5 per cent and in some cases 10 per cent—of all bets made.

When action by Gen. Wood on these rules was asked by the president of the Jai Alai Co. he distinctly called attention to the fact that the company had the military governor's approval of the 10-year monopoly of the game, and that the bets were a part of the game.

It is claimed that the communication of May 7, 1902 (p. 511), and signed "by order of the military governor, H. L. Scott, adjutant general," and published in the Official Gazette of May 9, 1902, is a mere letter written by Scott. An examination of the official reports shows that during the entire period of our military government at Cuba all orders, laws, and decrees issued by Gen. Brooke, as well as by Gen. Wood, were in the same form as the one in question, signed by Adjt. Gens. Richards, Chaffee, Hickey, and Scott. There seems to be no question, taking the fact of the actual publication of all the rules and regulations in the Official Gazette in connection with the order of Gen. Wood through his adjutant general, and in the light of the letter of the president of the Jai Alai of April 26, 1902, that these rules and regulations, with full knowledge of what was claimed for them by the company, did receive the official sanction and approval of Gen. Wood.

In this connection the following appears in the testimony of the Secretary of War (p. 500):

"There was a serious difficulty about the acts of the military governor, arising from the fact that he had legislative, judicial, and executive powers, and an attempt by him to regulate the exercise of a franchise (or concession might well be deemed to confer a franchise or concession; that is, while he was trying to act as a street commissioner, to regulate a gas company in the exercise of a franchise, the permit that he gave might be construed as a legislative act which conferred the franchise."

Therefore, directions were given to Gen. Wood in the letter from the Secretary of War on June 21, 1901 (p. 534), to the effect that no definite decision was to be made in such matters, but that the indorsement should be either that the United States did not object, or that it did object, leaving the question as to whether it was good under the Spanish laws to the courts (pp. 800–801). Instead of obeying this letter of the Secretary of War, the language used in connection with the publication of the rules and regulations of the Jai Alai Co. in the Official Gazette was that they were "found to have been duly and properly authorized," and "the rights acquired by your company are protected by the laws in force" (p. 511).

This clearly shows Gen. Wood's authority over the municipality and the civil governor, and that the approval of the military governor was necessary to give validity to the concession. It also shows the order of May 7, 1902, as constituting a judicial decision by the military governor and taking from the courts the very point, namely, that of legality, which, under the order of June 21, 1901, was to be left exclusively to the courts. It therefore appears wholly impossible to accept the contention that the order of May 7 was nothing more than a "mere letter" by which a simply "technical" but unnecessary approval was given by the military governor to the act of a subordinate authority.

Viewed in the light of the undoubtedly correct opinion of the Secretary of War, above referred to, this was a decision under the judicial powers of the military governor or a legislative act of approval. It was an act by which validity was given to that which would otherwise have remained invalid and completed that which was otherwise incomplete. It was therefore not only a violation of the instructions of the Secretary of War but also a violation of the Foraker amendment.

Taking into consideration the facts above set forth, the number of times this matter was referred to Judge Advocate Gen. Dudley by Gen. Wood after Col. Dudley had expressed his opinion, the apparent withholding of important facts in the submission of the case to the War Department in connection with the valuable present given to Gen. Wood by the Jai Alai Co., as admitted (p. 794), which was passed through the Cuban customhouse free of duty, at the request of some one, on the claim that it was the property of Gen. Wood, when in fact it was the property of either Tiffany & Co. or of the Jai Alai Co., it would certainly appear that, in the absence of any explanation whatever by Gen. Wood as to his official acts in the premises, we would not be justified in confirming this appointment.

In connection with the present of silverware it is important to note (c) that this appears to have been the only gift made to Gen. Wood himself, although other presents were made to members of his household; (b) that the donor was the Jai Alai Co., whose directors were Spaniards who were not interested in the establishment of an independent government in Cuba, and not, as asserted, a group of grateful Cubans; and (c) that the approval and promulgation of the rules and regulations permitting gambling "as an integral part" of the game of jai alai, as published in the Official Gazette of May 9, was followed on May 10 or May 12 by a cabled order to Tiffany for a $5,000 silver service. (See testimony of Witness Clearman, p. 134.)

It further appears that Gen. Wood knew that charges in connection with this matter would be made, in fact, that they actually had been made, and that he left no word of either defense or explanation.

BELLAIRS MATTER.

In the matter of the Bellairs incident it appears clearly, from the evidence of Witness Fisher, that upon two different occasions, one prior to Bellairs's departure from the island and the other soon after that departure, that he told Gen. Wood of the charges made against the character of Bellairs, and that Gen. Wood asked him to suppress the publication of the charges, at the same time refusing to investigate them when Fisher offered to produce the boys (p. 609) who were willing to swear that improper overtures had been made to them by Bellairs.

Witness La Fontisse swears (pp. 628–629) that he also told Gen. Wood of the stories of Bellairs's criminal record before Bellairs left Cuba. He fixes this time indisputably by showing that Gen. Wood had authorized him to offer transportation to the United States to the man Johnson, who had first recognized Bellairs as a former fellow convict in the Florida prison. La Fontisse adds that Johnson refused to accept Gen. Wood's offer on the ground that he was receiving hush money from Bellairs.

The testimony of Mr. Diehl shows that at times he was dissatisfied with Bellairs's excessive zeal in behalf of Gen. Wood. He, as well as Mr. Stone, shows that Gen. Wood, while admitting that he had heard of the charges against Bellairs, stated that he disbelieved them, and that, on Gen. Wood's recommendation, Bellairs was for a time retained in the service of the Associated Press (p. 480).

If there had been mere rumors concerning Bellairs without the offer of evidence to support them, and if there had not been the affirmative action sworn to by La Fontisse of Gen. Wood's offer to furnish transportation from the island to the man who identified Bellairs as a former convict, we might pass this incident as a mere exhibition of the confidence of a man in his friend. But the proffer of the evidence to prove the charges must be taken in connection with the fact that Gen. Wood had an adequate detective force at his disposal. If, as sworn to by Commander Young (pp. 476 and 478), this detective force was used to shadow and report upon the conduct of reputable Army and Navy officers it is somewhat remarkable that similar steps were not taken in connection with the serious charges and the offered evidence against a man who must necessarily have been in daily contact with the military government and who is shown by the evidence to have been on terms of personal intimacy with the military governor. It is not easy to understand Gen. Wood's indifference to the ugly charges against Bellairs in view of his attitude toward another representative of the Associated Press, the man Costello (p. 603), whose removal he requested upon no other ground than that Costello had business relations with the Catholic Church (p. 410).

CHARGES BY GEN. BROOKE.

Gen. Brooke charges Gen. Wood with acts which were subversive of military discipline. The real point brought in issue by Gen. Wood was not the physical withdrawal of the funds from Santiago, but the objection was made to what is called the centralization at Habana; that is, the authority of the general in supreme command of the island of Cuba to control and supervise the character and the amount of the expenditures by Gen. Wood in Santiago. What Gen. Wood desired was that all of the revenues of that Province should be spent by him in the Province. There is no record that either the President or the Secretary of War granted this request to Gen. Wood.

Gen. Brooke cites the instance of the erection of barracks at Santiago without his knowledge, and although ex-Secretary of War Alger states that his conversation with Gen. Wood might have been construed by the latter as an order, it does not appear that Gen. Wood made any report of the matter to his superior officer, Gen. Brooke, as a justification of his actions.

Gen. Brooke further charges Gen. Wood with insubordination (p. 201) in that he interfered with the civil courts of Santiago, where he took from that court a prisoner charged with the crime of homicide and set him aboard a ship and sent him out of the country. This was when Gen. Brooke was in command of the island and Gen. Wood in subcommand in Santiago Province and when he had no such power as he saw fit to exercise in the interference with judicial processes.

THE MATTER OF ACCOUNTS.

Considering the question of accounts, it appears (see Rathbone's Exhibits 32 and 33, pp. 318 and 319) that a waffle iron, two punch bowls, and dozens of wine glasses and knives, which "have been used and expended in the palace of the governor general, will not be taken up and accounted for, and the auditor of the island is authorized to pass this voucher as submitted. [This is done] by order of the military governor."

This is a clear violation of the order of the President, which established the rules for audit in the island, and which Gen. Wood had therefore no power to amend or to ignore, and no right to disobey. The passage of these vouchers distinctly stating that the property was already expended, because it was at the palace, and that it would not be accounted for, and therefore presumably be considered as the personal property of the military governor or anyone else who saw fit to take it, and which therefore was exempt from the necessity of being turned over to the Cuban Government; all this constitutes a distinct violation of all rules and all orderly conduct of affairs. These items have been taken as examples which go to prove that the objections to Gen. Wood's accounts are not that they could not be made to balance, but that they were made to balance on insufficient or illegal vouchers, and, in the case of the Santiago 1898 accounts, in the face of the total absence of vouchers in many instances.

Request was made that the committee summon certain witnesses in this matter who would swear to the latter fact, but the committee did not comply with the request.

THE CASTENADA CASE.

That Gen. Wood's actions in the matter of the concession to Castenada were a violation of the Foraker law, of the President's order of December 22, 1898, and of the letter of the Secretary of War dated June 21, 1901, is evident from the cable of Secretary Root to Gen. Wood (p. 587), which says:

"This permit would appear to be a concession for 99 years, and to contravene the policy expressed in the Foraker amendment, and the General Order, No. 188, Adjutant General's Office, December 24, 1898, and the letter of the Secretary of War to you, dated June 21, 1901."

Perhaps nowhere in the evidence presented in this case has there been shown more conclusively the habit of insubordination on the part of Gen. Wood than in this instance. Instead of obeying the order of his superior, whose opinions on such a matter would be taken to be final by every civilian, Gen. Wood declines prompt obedience to the military order and disputes the legal knowledge of his superior by his reply of May 12 (p. 587). But when on May 14 (p. 587) Secretary Root reiterates his order, it would appear that any officer recognizing discipline and the necessity of obedience to orders in the Army would have yielded ready and cheerful obedience, we find that Gen. Wood does not do so. He chooses to argue, and sends a long cable of explanation and protest, and also sends by cable the opinion of his Cuban secretary of justice to convince his superior that he is in error in his legal opinion. It became necessary for the Secretary of War to send a third command by cable, on the 16th (p. 589), before his orders were carried out by Gen. Wood.

AFFIDAVITS.

AFFIDAVIT OF GEORGE EUGENE BRYSON.

I, George Eugene Bryson, being duly sworn, do depose and say that my name is George Eugene Bryson; that I am a native of North Carolina and a citizen of the United States; that my present place of business is No. 118 Prado, Habana, Cuba; that I am a commissioner for the State of New York and commissioner of deeds for the States of Florida, Alabama, Mississippi, and Louisiana in the Republic of Cuba; that in December, 1900, I was the Habana reporter for the New York World; that on or about the 19th day of December, in the year 1900, I was called to the office of Brig. Gen. Leonard Wood, military governor of Cuba, said office being in the palace in Habana, where a conversation, in substance as follows, took place:

Gen. Wood reminded me that I had refused the overtures made to me through Mr. Bellairs prior to his (Wood's) arrival in Habana, and

a second time after his arrival. I told Gen. Wood that I could not join in the plan of Bellairs, because I believed in the administration of Gen. Brooke and Gen. Ludlow. Gen. Wood added that if I had been willing to join Bellairs it would have won for me his (Wood's) friendship; but that he wished to wipe off the slate and give me a new opportunity to show my loyalty to American institutions in Cuba; that he wanted me to send a cablegram that day to the New York World. Gen. Wood told me that Mr. Frye (meaning the American head of the schools) had made a bad break; that he had just issued a proclamation ridiculing the Anglo-Saxon race and calling upon the Cubans to rise and drive out the Americans. "Make the cable as strong as you can," added Gen. Wood, "and we will make it too hot for Frye to stay here any longer."

I asked Gen. Wood if Frye had really been so unwise as to call upon the Cubans to drive out the Americans. Gen. Wood assured me that the proclamation had been printed; then he told me to hurry and send the cable or somebody would get ahead of me. "By the way, Bryson," added Gen. Wood, "I am going to have you appointed as Associated Press reporter for Cuba."

And I, George Eugene Bryson, do further depose and say that, accepting Gen. Wood's word as true and relying on the honor and good faith of the American military governor in Cuba, I sent the above message to the New York World, and that it was duly published and copied throughout the press of the United States; that later I found that I had been basely deceived by Gen. Wood, as the original document issued by said Frye did not make the slightest reference to the Anglo-Saxon race or to any uprising of the Cubans, but simply recommended to the Cuban people to drop from their national hymn the words referring to the Spaniards as cowards, in order that the song might be used in the public schools without causing quarrels between the Cuban and Spanish children who studied side by side.

And I further depose and say that the incident caused me great regret; that Mr. Frye promptly called the attention of the New York World to the statement sent by me at Gen. Wood's request, with the result that the World published a corrected statement; that Mr. Frye soon after resigned his position as superintendent of schools of Cuba; that I went to Mr. Frye of my own accord and related the entire incident to him; that I now make affidavit to the same effect, with no other motive than to right the wrong I did to said Frye; and that I do this voluntarily, without reward or promise of reward of any kind from any person, but as a simple act of duty.

GEO. EUGENE BRYSON.

CITY OF HABANA, *Island of Cuba, ss:*

On the 31st day of December, 1903, before me, José Ramirez de Arellano, a notary public in and for the city of Habana, island of Cuba, personally appeared George Eugene Bryson, to me known to be the party who executed the foregoing document and who acknowledged to me that he did execute the same.

Subscribed and sworn to before me this 31st day of December, 1903.
[SEAL.] LDO. JOSÉ RAMIREZ ARELLANO.

CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba, ——, ——.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of José Ramirez de Arellano.

And that he is a duly authorized and commissioned notary public of this city and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana this 31st day of December, 1903.
[SEAL.] F. STEINHART, *Consul General.*

AFFIDAVIT OF ALEXIS E. FRYE.

CITY OF HABANA, *Island of Cuba, ss:*

Alexis E. Frye, being duly sworn, deposes and says that during the entire period of his service as superintendent of schools of Cuba the school laws of the island gave him no power to appoint or dismiss teachers; that he never did appoint, employ, or nominate any man or woman whatsoever for any position in the public schools of Cuba; that never, while in office or afterwards, until the press, on January 5, 1904, published an abstract of the report of the Senate committee in the Wood case, was a single act of immorality on the part of any woman teacher in Cuba brought to his notice; that never a word, written or spoken, passed between Gen. Wood and himself or between any other person and himself (Frye) concerning the immorality of any woman connected with the Cuban school system.

And the said Frye further deposes that the following articles, copied from the school laws of Cuba, were in force during the entire time of his service as superintendent of schools of Cuba.

Order 226, published December 6, 1899, was in force from that date to June 30, 1900. Article 7 of this law (a copy being printed in the report of the Senate committee on the Wood case) reads as follows:

"Boards of education shall make all necessary arrangements for opening the elementary (primary and grammar) schools by December 11, 1899, or as soon thereafter as possible, and to that end will rent rooms or buildings, supply suitable equipment, and employ teachers."

Article 22 of the same law says:

"Boards of education may employ, for a period not exceeding the last day of August, 1900, any man or woman possessing the requisite scholarship and other elements of character to teach in the public schools."

Orders 279, of June 30, 1900, and 368, of August 1, 1900 (a copy of these orders being printed in the same Senate committee report), cover the period from June 30, 1900, to the time of the American evacuation of Cuba.

Article 9 of these orders (both orders being in this particular the same) says:

"The board of education, in cities of the first class, will consist of a school council and school director.

"ART. 18. The council shall appoint and fix the salary of a superintendent (meaning a city superintendent). * * * The superintendent (referring to the city) of instruction shall have the sole power to appoint and discharge, with the approval of the council, all assistants and teachers authorized by the council to be employed.

"ART. 76. Each board of education shall have the management and control of the public schools of the district, except as otherwise provided for boards of education in city districts, with full power to appoint principals, teachers, janitors, and other employees."

And the said Frye further deposes that at no time was he a member of any city or rural district board of education or superintendent of schools of any city, but that during his entire term of service in Cuba he was general superintendent of the schools of the entire island, and that therefore, under the law, he received no power to nominate, appoint, or employ any teachers in any schools, public or private. He further deposes that any statement, by whomsoever made, to the effect that he employed incompetent and immoral teachers is wholly false, and that the same is shown to be false by the published laws of Cuba.

And he further deposes that any statement to the effect that the employment of incompetent or immoral teachers by him in the schools of Cuba was a cause of trouble between Gen. Wood and himself is absolutely false, and that this also is shown to be false by the published laws of Cuba.

ALEXIS E. FRYE,
Former Superintendent Schools of Cuba.

Subscribed and sworn to before me on this 11th day of January, 1904.
[SEAL.] LDO. JOSÉ RAMIREZ DE ARELLANO.

CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba, ——, ——.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing and annexed document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of Ldo. José Ramirez de Arellano; and that he is a duly authorized and commissioned notary public of this city, and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana this 11th day of January, 1904.
[SEAL.] F. STEINHART, *Consul General.*

AFFIDAVIT OF GEORGE RENO.

REPUBLIC OF CUBA,
City and Province of Habana:

George Reno, being duly sworn, deposes and says: My name is George Reno. During the late Spanish-American War, and for two years previous, I was special envoy on various occasions between the Provisional Government of Cuba and the administration at Washington, as may be shown by the files in the War Department in Washington. I have resided in the island of Cuba for nine years. After said war I was the first chief of the revenue service in Cuba and organized the same under the present Government. I am now the general land and immigration agent in Cuba for the Southern Pacific Railroad and Steamship System, with my office at 21 Obispo Street in the city of Habana.

In the year 1900 I was correspondent of the Indianapolis News, the McClure Magazine Co., and the Review of Reviews, of New York. In the line of duty, while seeking admission to social functions under the patronage of the government of intervention, I was invariably referred by Gen. Wood to Capt. Bellairs, reporter of the Associated Press, who had been designated by said Wood to pass upon the social standing of all the guests to such functions. On February 22, 1900, a group of American correspondents, including myself, were denied the courtesy of invitations to the Washington's Birthday ball of same date, given under the patronage of the military governor. Among the correspondents was the first and only American lady correspondent who penetrated the Spanish blockade of Cuba, and who carried with her the American flag taken from the house of Senator Foraker in Washington, together with a letter of encouragement from said Senator to Bartolomé Maeó, president of the Provisional Government of Cuba. By chance Gen. Ludlow, governor of the city of Habana, learned of this act of Bellairs, and of his own volition personally informed these correspondents that within 30 minutes the invitations would be at their hotels, and it is needless to say that the invitations were there. I refer to this circumstance merely to show the social sway which this man Bellairs exercised through the authority of Gen. Wood over social functions under the patronage of the Government.

On or about the 14th day of March, 1900—the day when the Secretary of War, Mr. Root, visited the Cabanas fortress, and when Gen. Wood sent all the ladies of the party under the care of said Bellairs—Gen. William Ludlow, Maj. E. G. Rathbone, Col Tasker H. Bliss, Capt Bellairs, and others, including the deponent, took lunch around the same table in the public restaurant called the Paris Habana. At the close of the lunch said Bellairs arose and made the following statement, significant of the assurance he felt as to his past and future influence over the destiny of his chief:

"I make the following prophecy: In the year 1908, Leonard A. Wood will be elected President of the United States, and I will put him there. You know what I have done for him in the past; mark my words and watch the future."

The deponent further says: On February 23, 1900, while commenting upon the exclusion of the correspondents referred to above, Mr. Frank Cairns, chief of the bureau of secret service of Cuba, told me (the deponent) that he had received information, not only from the secret service in Washington, but also from soldiers of the American Army in Cuba, which led him to believe that said Bellairs was an ex-convict and degenerate of the worst type, and that he had been guilty of the filthiest and vilest of acts with these men and others. Mr. Cairns asked me to assist him in securing a photograph of Bellairs to send to Judge Mitchell, of Tampa, Fla., as a means of identification. I obtained a photograph of Bellairs, and it was sent to said Judge Mitchell, and was by him identified as that of a criminal he had sentenced some years before to the State penitentiary in Florida, as said Judge Mitchell has since certified through the press. All these facts were known to the chief of secret service in Cuba, whose immediate superior was Col. Tasker H. Bliss, while said Bellairs was still in Cuba and enjoying the protection of Gen. Leonard Wood.

And the deponent further says: On or about the 7th day of August, 1900, a man giving the name of Johnson came to me for work and told me frankly that he had served time as a convict; that through the influence of said Bellairs he (Johnson) had been holding a position as watchman in the arsenal in Habana, but that he had been dismissed as soon as Bellairs left Cuba. I finally drew from him the fact that not only he (Johnson) but also two other men then in Habana, whose names

and addresses he gave me, had served a term of years with said Bellairs in the State penitentiary of Florida.

Upon learning the full story of said Johnson, I (the deponent) induced him to go to the office of said Cairns, chief of the secret service, and relate the facts to that officer. At about 11 o'clock in the evening of the same day said Cairns called upon me at the Hotel Trocha and stated to me that Johnson had told him the whole story; that he (Cairns) had repeated it to Col. Tasker H. Bliss, his superior officer, and that Col. Bliss, realizing the importance of the matter, had informed Gen. Wood of the facts; that Gen. Wood had sent at once for him (Cairns), and in a very excited and agitated manner had asked him (Cairns) who knew the facts besides himself and Col. Bliss; that Mr. Cairns had told Gen. Wood that I (George Reno) knew them; that Gen. Wood appeared greatly disturbed, and told him (Cairns) that as a Government official he (Cairns) must keep quiet, but that I, a newspaper man, might not; that Gen. Wood then told him (Cairns) that this Bellairs matter must be dropped right where it was; that Gen. Wood then ordered him (Cairns) to find me at once, and, if necessary, "bulldoze" me into silence; that he (Cairns) had told Gen. Wood that that would not work; that said Wood then told him (Cairns) to "buy me off"; that he (Cairns) replied that that also would fail; that Wood then said there must be some way to reach me, and he (Cairns) replied that he would appeal to me as an American, would explain to me that the reputations of many excellent people were at stake, owing to their social and political connection with Bellairs; that said Wood ordered him (Cairns) to lose not a moment, but to find me and appeal to me to be silent. And the deponent further says that the above is a true and faithful account of the conversation with said Cairns, and that he (Cairns) is now in the employ of the Government in Manila; also that when said Cairns appealed to him (the deponent) as a friend to drop the matter, he (the deponent) informed Cairns that an account of the facts had been mailed to the States (that day and would leave by the next mail boat; that Mr. Cairns replied that Gen. Wood would see to it that the article would not see light in the press, and that the deponent has reason to believe that Gen. Wood did so, as he (the deponent) never heard from the article afterwards.

And the deponent further says that while he was willing at that time to let the matter rest for the sake of many American residents in Cuba who had social and political relations with Bellairs, that now he feels that the truth should come to light as a protection of society against said Bellairs, inasmuch as Gen. Wood has seen fit to suppress the facts and deny knowledge of them.

GEORGE RENO.

Subscribed and sworn to before me this 2d day of January, in the year 1904.
[SEAL.] LDO. JOSÉ RAMIREZ DE ARELLANO,
Notary Public in and for the City of Habana.

CONSULATE GENERAL OF THE UNITED STATES,
Habana, Cuba, ——, ——.

I, the undersigned, F. Steinhart, consul general of the United States of America at Habana, Republic of Cuba, do hereby certify that the signature to the foregoing and annexed document, to which is also affixed the seal of the notary subscribing, is the true and genuine signature of Ldo. José Ramirez de Arellano.

And that he is a duly authorized and commissioned notary public of this city and residing therein, to all of whose official acts as such full faith and credit are due and given as well in court as thereout.

In testimony whereof I have hereunto set my hand and affixed the seal of this consulate general at Habana, this 2d day of January, 1904.
[SEAL.] F. STEINHART,
Consul General.

AFFIDAVIT OF EDWIN WARREN GUYOL.

CITY AND COUNTY OF NEW YORK,
Borough of Manhattan, ss:

I, Edwin Warren Guyol, being duly sworn, say: That I am a native-born American citizen; that during a part of the administration of Gen. Wood in Cuba I resided in Habana and was the editor of the English page of the newspaper then published in Habana called La Lucha; that at various times I criticized Col. William M. Black, United States Army, the chief engineer of the Department of Cuba, in the columns of La Lucha; that the substantial bulk of the information on which I based my criticisms of Col. Black's official acts was furnished me by Gen. Wood.

As a result of some of these criticisms, Col. Black, through the fiscal, requested the judge of first instance of Habana to prosecute me. On learning this fact I immediately sought Gen. Wood.

I found him driving in his carriage, which I stopped at the corner of Cuba and O'Reilly Streets.

I told him that Col. Black had requested the judge of first instance to have me arrested and that prompt action was necessary to prevent my arrest.

In answer to my request he wrote a memorandum in pencil on one of his cards, asking that the judge of the cathedral district be asked to come to the palace to await his return.

He asked me to deliver this card to Col. Richards, his adjutant general, and requested me to wait at the palace until he would return from his drive.

I carried out his directions.

Gen. Wood and the judge arrived almost simultaneously at the palace.

The judge went with Gen. Wood into the latter's private office, and as a result of that conference I was not molested.

I also criticized Gen. William Ludlow's official acts in the columns of La Lucha, some of the material for which criticisms Gen. Wood gave to me for the purpose of having it used in criticism of Gen. Ludlow's administration in Habana.

EDWIN WARREN GUYOL.

Sworn to and subscribed to before me this 7th day of January, 1904.
[SEAL.] CHARLES ALVIN ROGERS,
Notary Public.

The article referred to is as follows:

While it is never necessary to tell a lie it is not always wise to tell all the truth, consequently many facts connected with this campaign will probably never be known; but this much is certain: First, that Lawton and Wood were not the only men who endured the whole campaign; second, water was not scarce nor did the command ever travel where there was no shade nor grass visible; third, that the command was never without supplies; fourth, that no company of soldiers ever became exhausted and were ordered back to barracks for this reason; fifth, that no portion of Capt. Lawton's command, except Troop B of the Fourth Cavalry, ever had a fight with the Indians during the entire campaign, and at this fight Dr. Wood was not present; sixth, that Dr. Wood never saw a hostile Indian from the time he started until Geronimo came into Capt. Lawton's camp to talk surrender, and that he never heard a shot fired at any hostile Indians; seventh, that the nominal command of a few soldiers of Infantry—traveling over a country for a few weeks in the wake of a detachment of Indian scouts commanded by an officer who had, while in command of a troop of Cavalry not connected with the Lawton command, run onto the hostiles, and who, with his detachment, discovered the camp of the hostiles on the Yaqui River when he was 10 miles in advance of Capt. Lawton, Dr. Wood, and the Infantry, and who captured all the property therein an hour before the arrival of Capt. Lawton, Dr. Wood, and the Infantry detachment (the hostiles had abandoned the camp unseen by even the Indian scouts, so that not a shot was fired even by the scouts at any hostiles), and though no fight was had during these few weeks by this Infantry detachment nor a shot fired by them—secured for the person in nominal command a reputation—entirely outside the Army—for command and for capacity in Indian fighting, and also a medal of honor.

H. C. BENSON, *Major, Fifth Cavalry.*

Mr. WEEKS. Will the gentleman yield?

Mr. HAY. Yes.

Mr. WEEKS. I want to ask the gentleman from Virginia if he really believes those statements regarding Gen. Wood are true.

Mr. HAY. That is not a fair question as to what I believe. [Applause on the Republican side.] I am simply stating what was stated by men who filed these affidavits, and which were incorporated in the report made by Senator Mark Hanna to the Senate in this case. [Applause on the Democratic side.]

Mr. WEEKS. I think the gentleman from Virginia ought not to repeat such assertions about an officer of the Army unless he himself really believes they are true.

Mr. HAY. I certainly do think I should do so, when my motives have been impugned by every gentleman on that side of the House.

Mr. WEEKS. They have not been by me.

Mr. HAY. Well, by almost every gentleman who has spoken on that side—that I have been actuated by some personal spite against this Army officer.

Mr. KAHN. The gentleman from Virginia will certainly acquit me of having made any statement of that kind.

Mr. HAY. I will not impugn anybody who did not do it. [Laughter.]

Mr. COOPER and Mr. GILLETT rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. HAY. I yield to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. I would like to ask the gentleman if the gentleman thinks his remarks now tend to destroy that impression of personal spite?

Mr. HAY. Well, that is just as the gentleman chooses to take them. I was going on to show that Gen. Wood, since he has been Chief of Staff, has not been an efficient Chief of Staff; that he has charged in magazine articles and in newspaper articles and has stated before committees of this House matters concerning the Army of a most detrimental character; that he has stated that there is no Army; that the Army was nothing but a collection of fellows who cleaned out front yards, and things of that sort. If that were true, if these abuses of which he complained were true, why is it that during the two or three years he has been Chief of Staff he has not put a stop to these abuses and brought about some reforms? [Applause on the Democratic side.]

Mr. COOPER. Will the gentleman yield?

Mr. HAY. I had no desire to have anything personal injected in this debate about Gen. Wood. In my opening statement I said nothing about him, but gentlemen, by their remarks, have forced me into a discussion of the whole matter. I have nothing against Gen. Wood; I have no feeling against Gen. Wood. He has not done anything to me. He has not suggested that any Army post in my district or in my State should be abandoned——

Mr. COOPER. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HAY. What does the gentleman desire to say?

Mr. COOPER. Will the gentleman permit a question?

Mr. HAY. If the gentleman will ask simply a question, I will try to answer it.

Mr. COOPER. Is the gentleman aware of the fact that Maj. Rathbone, who was convicted of embezzlement and sent to the penitentiary for 10 years in Cuba while Gen. Wood was at the head of affairs in that island, was the man charged—I do not know whether truly or not—with having handled the funds by which Mark Hanna was alleged to have been elected Senator from Ohio the first time?

Mr. HAY. I do not know that that has anything to do with this question. The gentleman ought to know more about it

than I do. I am not familiar with Republican activities. [Applause.]

Mr. COOPER. I am only speaking of possible motives behind the charges against Gen. Wood, and the gentleman knows, does he not?

Mr. HAY. The gentleman from Wisconsin is making a speech. He is not asking a question.

Mr. COOPER. Will the gentleman answer one more question?

Mr. HAY. If the gentleman will ask the question briefly, I will yield.

Mr. COOPER. Does not the gentleman know that after the investigation of the charges filed against Gen. Wood he was exonerated, and that ELIHU ROOT, the Secretary of War, wrote a letter saying that other charges against Gen. Wood were absolutely groundless?

Mr. HAY. I know he was confirmed by the Senate. As I said a moment ago, when the gentleman interrupted me, I did not want to get into any personal controversy with Gen. Wood, but his friends have undertaken, through the newspapers and in other ways, to cast aspersions on the conferees of the House and Senate on their honesty and their good faith.

There are two sides to it; and people who live in a glass house ought not to throw stones at other people, and they can not throw stones at me with impunity.

Now, about this commission. Much has been said by our genial friend from California about our having selected a jury to pass upon this case which have already decided what they would do. As I stated when I was up before, I did not know at the time that these officers were selected that any of them had served on a commission having regard to Army posts.

But these three gentlemen to whom allusion has been made are honest, upright, capable men. They are not bound by any decision which they have given heretofore. Their report was merely an incidental one and was not called for under the law under which they acted. Therefore I do not think that we need apprehend they will do otherwise than give an honest, fair decision as to what they believe to be right with regard to these posts.

As to the appointment of Gen. Humphrey, about whom the gentleman from Illinois [Mr. MANN] makes so much, I have only to say that when I suggested his name on that commission I did not then recall the fact that he was in the employ of any powder company. But, as I said before, that has nothing to do with his qualification to pass on the location of Army posts. He is an honest, square, capable, upright man, and because a man is employed by a powder company it does not disqualify him from discharging, with efficiency and honesty, the duties which this act will devolve upon him. Now, Mr. Speaker, in conclusion I want to ask the gentlemen on this side of the House to sustain this conference report. It is the labor and the work of over a year, and it carries in it provisions which will ultimately save in the military establishment $10,000,000 a year. [Applause on the Democratic side.] And to develop an attack of this sort simply because one man chooses to make a fight upon it in order that his individual career or place may be taken care is a very small way, in my opinion, to approach this subject. [Applause on the Democratic side.]

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in order to put in one or two clippings from newspapers. I will not abuse the privilege.

Mr. HAY. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on this conference report may have five legislative days in which to extend their remarks.

The SPEAKER pro tempore. The gentleman from Virginia asks that all gentlemen who have spoken on this conference report may have five legislative days in which to extend their remarks.

Mr. MANN. On the matter involved?

The SPEAKER pro tempore. On the report. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. PRINCE. Division, Mr. Speaker.

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (after counting). Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Those in favor of the adoption of the conference report will vote "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 120, nays 92, answered "present" 10, not voting, 169, as follows:

YEAS—120.

Aiken, S. C.	Evans	Jacoway	Redfield
Alexander	Faison	Johnson, Ky.	Rees
Anthony	Ferguson	Johnson, S. C.	Roddenbery
Bartlett	Finley	Jones	Rothermel
Beall, Tex.	Fitzgerald	Kinkaid, Nebr.	Rouse
Bell, Ga.	Flood, Va.	Kinkead, N. J.	Rucker, Colo.
Blackmon	Floyd, Ark.	Kitchin	Saunders
Boehne	French	Lee, Pa.	Scully
Booher	Gallagher	Lever	Sherwood
Borland	Garner	Lewis	Sims
Burnett	Goodwin, Ark.	Littlepage	Sisson
Byrns, Tenn.	Graham	Littleton	Small
Campbell	Gregg, Pa.	Lloyd	Smith, Tex.
Candler	Gregg, Tex.	McDermott	Stanley
Carter	Gudger	McGillicuddy	Stedman
Clayton	Hamlin	McKellar	Stephens, Nebr.
Cline	Hammond	Maguire, Nebr.	Stephens, Tex.
Conry	Hardwick	Mays	Stone
Covington	Hardy	Mondell	Sweet
Cravens	Harrison, Miss.	Morrison	Talcott, N. Y.
Curley	Hay	Moss, Ind.	Townsend
Davenport	Heflin	Oldfield	Tribble
Davis, W. Va.	Henry, Tex.	O'Shaunessy	Turnbull
Dent	Hensley	Padgett	Underhill
Dickinson	Holland	Page	Underwood
Dickson, Miss.	Houston	Patten, N. Y.	Webb
Dixon, Ind.	Howard	Pepper	White
Doughton	Hughes, Ga.	Pou	Witherspoon
Edwards	Hull	Ralney	Young, Kans.
Ellerbe	Humphreys, Miss.	Raneb	Young, Tex.

NAYS—92.

Ainey	Driscoll, M. E.	Lafferty	Post
Allen	Dwight	La Follette	Prince
Anderson, Minn.	Farr	Lenroot	Prouty
Austin	Focht	Longworth	Reilly
Barchfeld	Foss	Loud	Reyburn
Browning	Gardner, Mass.	McCall	Sloan
Buchanan	Gardner, N. J.	McKinney	Smith, J. M. C.
Bulkley	Gillett	McLaughlin	Speer
Burke, S. Dak.	Good	Madden	Steenerson
Butler	Green, Iowa	Mann	Stephens, Cal.
Cannon	Hamilton, Mich.	Martin, Colo.	Sterling
Cary	Haugen	Matthews	Sulloway
Catlin	Hawley	Moore, Pa.	Switzer
Claypool	Hayden	Morgan	Taylor, Ohio
Cooper	Hayes	Mott	Vare
Copley	Henry, Conn.	Mudd	Volstead
Crago	Howland	Needham	Warburton
Crumpacker	Hughes, W. Va.	Nelson	Wedemeyer
Danforth	Humphrey, Wash.	Norris	Weeks
Davis, Minn.	Kahn	Patton, Pa.	Wilder
Difenderfer	Kendall	Payne	Willis
Dodds	Kennedy	Peters	Wilson, Pa.
Donohoe	Knowland	Pickett	Young, Mich.

ANSWERED "PRESENT"—10.

Foster	Lobeck	Russell	Smith, Saml. W.
Jackson	Parran	Shackleford	
Korbly	Richardson	Slayden	

NOT VOTING—169.

Adair	Draper	Kindred	Ransdell, La.
Adamson	Driscoll, D. A.	Konig	Florida
Akin, N. Y.	Dupré	Konop	Roberts, Mass.
Akers	Dyer	Kopp	Roberts, Nev.
Anderson, Ohio	Esch	Lafean	Robinson
Andrus	Estopinal	Lamb	Rodenberg
Ansberry	Fairchild	Langham	Rubey
Ashbrook	Ferris	Langley	Rucker, Mo.
Ayres	Fields	Lawrence	Sabath
Barnhart	Fordney	Lee, Ga.	Sells
Bartholdt	Fornes	Legare	Sharp
Bates	Fowler	Levy	Sheppard
Bathrick	Francis	Lindbergh	Sherley
Berger	Fuller	Lindsay	Simmons
Bowman	Garrett	Linthicum	Slemp
Bradley	George	McCoy	Smith, Cal.
Brantley	Glass	McCreary	Smith, N. Y.
Broussard	Godwin, N. C.	McGuire, Okla.	Sparkman
Brown	Goeke	McHenry	Stack
Burgess	Goldfogle	McKenzie	Stephens, Miss.
Burke, Pa.	Gould	McKinley	Stevens, Minn.
Burke, Wis.	Gray	McMorran	Sulzer
Burleson	Green, Iowa	Macon	Taggart
Byrnes, S. C.	Greene, Mass.	Maher	Talbott, Md.
Calder	Griest	Malby	Taylor, Ala.
Callaway	Guernsey	Martin, S. Dak.	Taylor, Colo.
Cantrill	Hamill	Miller	Thayer
Carlin	Hamilton, W. Va.	Moon, Pa.	Thistlewood
Clark, Fla.	Hanna	Moon, Tenn.	Thomas
Collier	Harris	Moore, Tex.	Tilson
Connell	Harrison, N. Y.	Morse, Wis.	Towner
Cox, Ind.	Hartman	Murray	Tuttle
Cox, Ohio	Heald	Neeley	Utter
Cullop	Helgesen	Nye	Vreeland
Currier	Helm	Olmsted	Watkins
Curry	Higgins	Palmer	Whitacre
Dalzell	Hill	Plumley	Wilson, Ill.
Daugherty	Hinds	Porter	Wilson, N. Y.
Davidson	Hobson	Powers	Wood, N. J.
De Forest	Howell	Pray	Woods, Iowa
Denver	Hughes, N. J.	Pujo	
Dies	James	Raker	
Durham	Kent	Randell, Tex.	

So the conference report was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SLAYDEN with Mr. TILSON.

Mr. RIORDAN with Mr. ANDRUS.

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. FORNES with Mr. BRADLEY.

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. FOSTER with Mr. KOPP.

Until further notice:

Mr. DENVER with Mr. LAFEAN.

Mr. DIES with Mr. LAWRENCE.

Mr. DANIEL A. DRISCOLL with Mr. MCCREARY.

Mr. FERRIS with Mr. MALBY.

Mr. FOWLER with Mr. MILLER.

Mr. FRANCIS with Mr. MOON of Pennsylvania.

Mr. GOLDFOGLE with Mr. OLMSTED.

Mr. GOULD with Mr. GUERNSEY.

Mr. HAMILL with Mr. POWERS.

Mr. HUGHES of New Jersey with Mr. PLUMLEY.

Mr. JAMES with Mr. PRAY.

Mr. LAMB with Mr. ROBERTS of Massachusetts.

Mr. LINTHICUM with Mr. SELLS.

Mr. MCCOY with Mr. SIMMONS.

Mr. MOON of Tennessee with Mr. TOWNER.

Mr. NEELEY with Mr. UTTER.

Mr. STEPHENS of Mississippi with Mr. VREELAND.

Mr. SULZER with Mr. WILSON of Illinois.

Mr. THAYER with Mr. WOOD of New Jersey.

Mr. CONNELL with Mr. HARRIS.

Mr. COX of Ohio with Mr. HARTMAN.

Mr. CULLOP with Mr. HELGESEN.

Mr. DAUGHERTY with Mr. KENT.

Mr. CLARK of Florida with Mr. HANNA.

Mr. CARLIN with Mr. GRIEST.

Mr. CANTRILL with Mr. FULLER.

Mr. BURLESON with Mr. DE FOREST.

Mr. BYRNES of South Carolina with Mr. DRAPER.

Mr. BURGESS with Mr. DALZELL.

Mr. BRANTLEY with Mr. CURRIER.

Mr. BATHRICK with Mr. CALDER.

Mr. AYRES with Mr. BURKE of Pennsylvania.

Mr. ASHBROOK with Mr. BOWMAN.

Mr. AYSSERBY with Mr. AMES.

Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Mr. DAVIS of West Virginia with Mr. SAMUEL W. SMITH.

Mr. SABATH with Mr. PORTER.

Mr. COX of Indiana with Mr. SMITH of California.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. FIELDS with Mr. LANGLEY.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. MURRAY with Mr. GREENE of Massachusetts.

Mr. PUJO with Mr. MCMORRAN.

Mr. GARRETT with Mr. FORDNEY.

Mr. BARNHART with Mr. MCKINLEY.

Mr. BROUSSARD with Mr. NYE.

Mr. SHEPPARD with Mr. BATES.

Mr. CALLAWAY with Mr. THISTLEWOOD.

Mr. RAKER with Mr. LANGHAM.

Mr. HAMILTON of West Virginia with Mr. ROBERTS of Nevada.

Mr. WATKINS with Mr. MCGUIRE of Oklahoma.

Mr. GODWIN of North Carolina with Mr. BARTHOLDT.

Mr. COVINGTON with Mr. PROUTY.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. ADAIR with Mr. HINDS.

Mr. KORBLY with Mr. HIGGINS.

Mr. DUPRÉ with Mr. HOWELL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. BURKE of Wisconsin with Mr. MCKENZIE.

Mr. WILSON of New York with Mr. AKIN of New York.

Until June 21:

Mr. BROWN with Mr. HEALD.

Until July 1:

Mr. KONOP with Mr. ESCH.

Mr. SHACKLEFORD with Mr. RODENBERG (reserving the right to vote "present" to make a quorum).

Mr. RUSSELL. Mr. Speaker, I voted in the affirmative. I desire to withdraw my vote and to vote "present."

Mr. SLAYDEN. Mr. Speaker, I notice that I am announced as being paired with the gentleman from Connecticut, Mr. TILSON. As he did not vote and I am paired with him, I withdraw my vote and desire to be recorded as "present."

The result of the vote was announced as above recorded.

The announcement of the result was greeted with applause.

The SPEAKER pro tempore (Mr. SIMS). A quorum is present, and the doors will be opened.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil bill, with Mr. JOHNSON of Kentucky in the chair.

Mr. FITZGERALD. When the committee rose last night it was dividing on an amendment offered by the gentleman from Illinois [Mr. CANNON] to line 8, on page 77. I ask that that amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 77, line 8, strike out the figures "125,000" and insert in lieu thereof "150,000."

The question being taken on the amendment, on a division (demanded by Mr. FITZGERALD) there were—ayes 60, noes 85.

Accordingly the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, an amendment was offered yesterday by the gentleman from North Carolina [Mr. PAGE] to strike out the item for the traveling expenses of the President of the United States. I ask that that amendment be reported. It was passed over, to be taken up the first thing today in the consideration of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 68, strike out lines 6, 7, and 8.

Mr. MANN. I ask that the language proposed to be stricken out be reported.

The Clerk read as follows:

Strike out the following: "For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000."

Mr. PAGE. Mr. Chairman, in offering this amendment to the bill as reported from the Committee on Appropriations, as a member of that committee and as a member of the subcommittee having in charge the preparation of the bill, I wish to say for the information of the Committee of the Whole that both in the subcommittee and in the full Committee on Appropriations I reserved my right upon the floor of this House to move to eliminate this appropriation from the bill.

I have no desire and it is not my purpose to enter into any long discussion of the question that may be involved in this item of appropriation. When this language was written into the appropriation bill some five or six years ago I opposed it, and I have at every opportunity since that time voted against it.

My purpose primarily in this instance is not one of economy. The mere matter of the $25,000 does not influence me in the position I have taken relative to this appropriation. But I do not believe that there is a man upon this floor who will question the statement that the dignity and esteem in which the great office has been held through a century has gone backward in the estimation of the people of the country during the years that this appropriation has been carried more than in all the history of this Government. [Applause.]

In fact, if this paragraph had a caption it should be "To enable gatherings in various places in the United States, including county fairs, to make Exhibit A the President of the United States," and thus to cheapen the great office for which we all have great reverence, no matter who may occupy it.

I do not think there is anyone here who will question the fact, whether he will admit it or not, that the privilege extended through this appropriation has been greatly abused, and I believe it is in the interest of the office itself, as well as of the man who may occupy the office, to say nothing of the esteem in which it is held by the great mass of the people in the country, that this appropriation should be stricken from the bill. [Applause.]

It has been said, and it will be said again, perhaps, during the discussion this afternoon, that this enables the President to accept invitations from various cities and organizations scattered over the country, to visit those cities, and to make speeches to this organization and the other.

I make the statement here to-day that there is not a city or organization in the United States that really desires the presence of the President of the United States and the occasion

for his presence is a fitting one that will not willingly and gladly pay the expense to have him visit the city.

Mr. MANN. Will the gentleman yield?

Mr. PAGE. I will.

Mr. MANN. Does the gentleman think it would be compatible with the office of the President of the United States to let somebody else pay his traveling expenses?

Mr. PAGE. To answer the gentleman frankly, I think it would be much more compatible with the dignity of the office than some things that have occurred under this appropriation. [Applause on the Democratic side.] It is not my intention to criticize the present President of the United States, or any other, and I am making this effort to eliminate this appropriation in face of the fact that I believe and you believe that a Democrat will occupy the White House during the next four years. I make that statement because I want the dignity of the office maintained when he is placed in that high position.

Mr. Chairman, I do not know what the sense of the country is about this matter and I do not care. There are times and there are matters that come before this House in which we are to exercise our judgment as Representatives, not of a particular constituency but as Representatives of the country as a whole, and to do what we can what in our judgment we believe will maintain the dignity of the Chief Magistracy of this great Republic. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I regret that this controversy has arisen in the House. I have a very high estimate of the importance and dignity of the office of President of the United States. It is always unfortunate whenever his conduct is such that it requires a statement of fact which in itself is a severe criticism of his conduct.

Prior to 1906 the President, when traveling, was the guest of various railroads in the United States. About that time the trip of one President of the United States, following the unbroken custom of the country, involved an expenditure by the railroads of this country in excess of $200,000.

Then legislation was enacted which prohibited the granting of free transportation to the President and other public officials. That resulted in an act, approved June 23, 1906, authorizing the appropriation of $25,000 to pay the traveling expenses of the President, which money was to be expended and accounted for upon his certificate solely. The Congress authorized this expenditure and reposed that complete confidence in the President which should be placed in him, and did not require the submission of detailed vouchers.

I supported the legislation at that time because I was one of those who were convinced that the President of the United States necessarily incurs certain expenses in travel that should not be made a personal charge. The limit of $25,000 was fixed because at that time Mr. Roosevelt, as President, sent information to the Committee on Appropriations to the effect that when the President of the United States traveled he could not travel as an ordinary individual; that he could not take a seat in an ordinary Pullman coach, but required certain assistants to travel with him, and very frequently found it necessary to extend invitations to prominent persons or officials or to distinguished citizens to be his guests in traveling from place to place; that what ordinarily would seem to be a very large sum, in view of the circumstances surrounding the President, $25,000 would not be excessive. And since 1906 $25,000 a year has been appropriated. For 1910 the present Chief Executive set a very bad example and a very unjustifiable example of expending in excess of the amount limited by law. It necessitated action by Congress to permit him to expend out of the appropriation made for 1911 a certain portion during the fiscal year of 1910.

I criticized his action at that time because, as I then said, nothing was more important than that the President of the United States should set an example to everybody else in the Government of obeying the law and keeping within the limit fixed by the law. At that time, however, the abuses which have since been disclosed had not taken place; and although grave abuses have since taken place, and although it is to be deplored that a President of the United States should be a party to what has transpired since that time, I have that respect for and confidence in this great office that because of the dereliction of a single individual I am unable to vote to penalize whoever may hereafter be elected to that great and exalted place.

For the current year $25,000 was appropriated. During the present fiscal year I believe that the country has been shocked at the manner in which the Chief Executive of the country has absented himself from this Capital City, traveling about here and there, seeking delegates and votes and denouncing his fellow citizens, members of a different political party or of factions of his own political party not in accord with himself, at the expense of the people of the United States. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

[Mr. FITZGERALD asked for and obtained unanimous consent for five minutes more.]

Mr. GILLETT. Will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. GILLETT. Does the gentleman think these political journeys he speaks of had been paid for out of this $25,000?

Mr. FITZGERALD. I have reason to believe that some of these speeches were delivered——

Mr. GILLETT. Then I can tell the gentleman—and I am authorized to do so—that he is mistaken. They were not.

Mr. FITZGERALD. Let us see about that. Last fall the President made a very extended trip through the western part of this country, and it was during that trip that he frequently denounced the so-called progressives or insurgents in the Republican Party. What was done in order to enable him to make that trip? The cost of a special train to be utilized by the President in that trip was figured out in advance. The persons who were to accompany him on the trip were counted.

The pro rata cost of each person was figured out, and every newspaper man who was on the train was requested to pay $1,500 to the man in charge of it in order to pay for expenses. Out of the fund for the suppression of counterfeiting and the protection of the President of the United States $4,500 was taken to defray the expenses upon the train of three employees of the Secret Service, against the protest of the Acting Chief of the Secret Service that to do so would create a deficiency in that appropriation.

I have not been able to ascertain, but from the investigation I have made I am inclined to believe that those Army officers who accompanied the President upon that trip as members of the party contributed their $1,500 each, and if they did so it was because they received 7 cents a mile for their transportation out of the appropriation for the transportation of the Army.

I think it is deplorable that it is necessary to state these facts to the House and to the country, and I do not believe the President's action can be justified in what has been done in this respect. I can overlook the President's statements and denunciations of members of the political party of which I am a member and of his opponents in his own party, because, judging by results, it would pay the Democratic Party to keep him traveling all the year round. [Laughter.] But that does not justify the President of the United States in making a partisan of himself on these trips about the country, indulging, as the Chief Executive, in denunciation of any part of the citizens of the country simply because they are not in accord with him politically.

But, Mr. Chairman, in spite of these abuses, in spite of these conditions, so deplorable, I favor the appropriation of the money necessary to pay the expense of the President in traveling about the country when necessary. I am one of those who believe that, as a result of the occurrences of the present year, hereafter, the President of the United States will not be considered merely as an attraction to make successful every county fair, every charitable entertainment, every banquet, and every other money-making enterprise at which it is necessary to have some superior attraction to bring the people there.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. HARDY. I want information, and that is the reason I ask the question. My recollection is that when the matter of raising the President's salary from $50,000 per year to $75,000 per year first came before the House, the understanding then was that the traveling expenses which had been allowed before that, the $25,000 per annum, would not be asked, if the salary were raised as requested.

Mr. FITZGERALD. That was the understanding of the House.

Mr. MANN. Oh, I think not.

Mr. FITZGERALD. I think yes; but I am not criticizing on that account.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Just one moment. I think that was the understanding of a great many Members, but at the same time I do not believe that a compensation of $75,000 a year, with $25,000 additional for traveling expenses, is an exorbitant or an extravagant amount.

Mr. MADDEN. Mr. Chairman, I would ask the gentleman from New York whether he thinks he could afford to be for an appropriation of $25,000 for traveling expenses of the President of the United States, in view of the attitude which he assumed against the proposition?

Mr. FITZGERALD. Mr. Chairman, the best proof that I can afford to be in favor of it is that I am, and I am saying so.

Mr. MADDEN. If I felt the same as the gentleman from New York does about the proposition, I would vote against it.

Mr. FITZGERALD. Mr. Chairman, if the gentleman cares to he can vote against it. I propose to vote for it; but still, Mr. Chairman, I would not favor the appropriation and support it and at the same time conceal from the House these facts which have come into my possession in the discharge of my official duties as the head of the Committee on Appropriations.

Mr. MADDEN. But the gentleman is trying to make a political speech on the floor of the House in connection with a great appropriation bill.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CANNON. Does the gentleman desire further time?

Mr. FITZGERALD. I might occupy a minute or two more.

Mr. CANNON. I ask that the gentleman's time may be extended five minutes.

The CHAIRMAN. Without objection the time of the gentleman from New York will be extended for five minutes. [After a pause.] No objection is heard.

Mr. CANDLER. Will the gentleman permit me to ask him a question?

Mr. FITZGERALD. Yes.

Mr. CANDLER. Is it not a fact prior to the time that the salary of the President of the United States was increased to $75,000 that there was not any appropriation for traveling expenses at all.

Mr. FITZGERALD. There was an appropriation made in 1906 for traveling expenses, and the increase of the President's salary was made just prior to the beginning of President Taft's present term. The former occupant of the White House could not have enjoyed the increase of compensation during his term of office.

Mr. CANDLER. This increase of the traveling expenses was made, I understood the gentleman to say, just prior to the time President Taft was elected in 1907. Then is it not a fact that at the time the President's salary was increased there was an attempt to increase it to $100,000 from $50,000 and that there was an agreement arrived at fixing it at $75,000 with the understanding that that would be the only compensation which the President would receive?

Mr. FITZGERALD. Mr. Chairman, I have already stated many Members believe that was the understanding. Since that time Congress has appropriated the $75,000 salary and has appropriated the $25,000 for traveling expenses and I do not believe in view of what has happened in that respect that whatever our understanding might have been has much effect.

I stated, Mr. Chairman, that in my opinion neither the compensation nor the allowance for the traveling expenses of the President is either extravagant or excessive, and I believe it desirable that the President be in a position whenever those great occasions arise that it was desirable that he should leave the Capital, or to leave the Capital for any reason, that he should have the means with which to travel. I think it is to be deplored that the course that has been pursued has been followed by the present Chief Executive. I am not indulging in a cheap political speech. I could much more severely criticize the President for his action in this respect than I have done. I regret it not as a partisan, but I regret it as a citizen of the United States that such statements can be made regarding the conduct of any man who happens to be President of the United States, and yet, regardless of what has happened, having that high esteem for this office, respecting every man whom I have had the pleasure or advantage of being personally acquainted with who occupied that position, I believe it would be much better that the President himself should most scrupulously observe the law and not by any indirect or roundabout manner attempt to evade it, particularly in a matter which many believe would result to his pecuniary advantage.

Mr. Chairman, this is not a question upon which men will divide upon partisan lines. It is a question that we must determine regardless of politics. I should prefer to have the President of the United States held in that high esteem that there would never be possible any criticism of his conduct of the office; that whatever differences there might be might be differences regarding matters of policy, matters of administration apart from the individual. It is unfortunate and it tends to the tearing down of the respect that is universally had for important officials of this country and which is so important a need of our system of government that men occupying these very high offices should permit themselves so far to ignore either the letter or the spirit of the law as to make necessary statements about their conduct that all good citizens must deplore. [Applause.]

Mr. CANNON. Mr. Chairman, the salary fixed at the adoption of the Constitution for the President was $25,000 a year. Then we had about 4,000,000 of people in the United States, there was not a mile of railroad, our vessels were small sailing ships, our forebears were awfully proud of what they had achieved in establishing a Republic, weak but hopeful, a bankrupt Treasury, with troubles on the borders with the Indians and troubles at home, war threatened in the great countries in Europe, especially between France and Great Britain, and almost ready to break out, the laughing stock of the rest of the world from their standpoint. The salary remained $25,000 a year until the time of President Grant, when it was increased to $50,000 a year. It remained that until it increased under Roosevelt to $75,000, to take effect under Taft. The practice grew up after the railroads came and population increased until there are now nearly 96,000,000 of people stretching across 3,000 miles from one ocean to the other—the greatest Nation on earth in population, save one, which is Russia, and we are really greater in population than Russia proper. We are the wealthiest Nation on earth. We have half of the railroads on earth. We are a happy and a prosperous people. While we have our disagreements and party peanut politics here and there, and we say the end of the Republic is to come because this thing is to happen and that thing is to happen, some of us grow pessimistic, taking counsel from our fears and others for political effect. Yet we know, in fact, that much of this talk is leather and prunella.

A few years ago by law we prohibited, so far as we had power, under the power of regulating commerce among the States, the granting of free transportation by common carriers. Prior to that time all the Presidents, certainly since 1868, had the courtesy of free special trains and provisions—a great sum. After all, we were glad they could pass about the country, especially if they were poor and not able to pay. But I was glad to vote to prohibit free transportation. A little later on we made an allowance of $25,000 a year to pay the expenses of travel of the President of the United States. Some gentlemen then criticized; some gentlemen now criticise. After all, I am here to say that $75,000 a year and $25,000 for traveling expenses now, all things considered, is not one-half as much as was $25,000 when the Constitution was adopted and Washington was elected.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. CANNON. Mr. Chairman, I would like a few minutes longer; say, about 10 minutes.

Mr. BOOHER. Mr. Chairman, I ask that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. I voted for an increase of salary to the President, and I voted for the travel pay. I am glad of it. He is our President, and whoever may be elected next November will be our President. This is a great Republic. Some gentlemen say, "Oh, I do not like the President to run around." Let me say to you that with this ninety and odd millions of people the great bulk of them will never see a President unless he passes through the country; and I am glad that the Presidents, from time to time, Cleveland, Harrison, Arthur, Grant, McKinley, Roosevelt, and Taft—Lincoln did not travel much; he could not, you know, under all the conditions very well, but was compelled to stay at the Capital—I am glad that they traveled. And I want to look the gentlemen from south of the Mason and Dixon's line in the eye. You have welcomed the President, whether Democrat or Republican, quite as joyously as we north of the Mason and Dixon's line. I believe it is right and proper and sound policy that they should travel, and should travel at the expense of the Government. Think of it! Commander in Chief of the Army and the Navy—a coordinate branch of the Government! It is true he has a house to live in. But I am satisfied, without knowing it, the expenses of entertainment alone come pretty near eating up a large part of the salary.

I know something about it in an humble way. I had the honor to be Speaker for eight years. I have no expensive habits. I fancy I do not put on any style; but even in that position, by the time I had answered the legitimate demands that were made upon me in entertaining, from the public standpoint, people who would come to Washington from the various States and sometimes those who would cross the ocean, I expended in being halfway decent more money than I care to tell. I paid that expense. I am not a rich man, but

I happened to have enough income, with my salary, to do it, and I was glad to do it.

Now, a man in a position like that of the President ought not to be required to have a private income that would enable him to pay from that income the great expenses that the President ought to bear; and if he did not bear them we would be mortified and humiliated all the while.

My constituents occasionally come down here—not often, but once in a lifetime, some of them—farmers and shopkeepers and others. They call on me; they pass to and fro about the city. I visited with one who had never seen Washington before, and I took him over to the Library of Congress here. I had a little leisure. It was an off day. We passed through the Capitol. I wrote him a note, so that he could go through the departments and receive prompt attention; but the day I took him to the Capitol I said, "I want to take you over to the Library of Congress." He had never been in Washington before. He was not worth to exceed $10,000, but he had made it by honest labor on a farm, and he had raised a family respectably, and given his children an ordinary education, and he was one of the most valuable citizens of my acquaintance; and, knowing that he had worked for every dollar that he ever received, I took him over to the Library. We passed through that magnificent building, and he looked at it, and looked at the books and at the works of art, the paintings and frescoes upon the wall.

When we went in, I said, "Mr. Johnson, they say it costs $1.75 every time a book is lifted off these shelves." Said he, "You don't tell?" "Yes," I said; "that is what they say, and I guess that is pretty nearly correct." He said, "I own a little bit of this library, and a little bit of all this public property, as a citizen, and I want to tell you that no matter what it costs, no man can go through the Capitol and go through the Library of Congress who will not step higher and feel grander than before." [Applause.]

Oh, gentlemen, do not mistake public sentiment. Do not mistake and misjudge the man on the farm or the man in the shop or the man in the factory. Do not imagine that they regret the expenditures. Compared with the expenditures elsewhere in the world, they are a mere bagatelle. Where we pay a dollar, substantially all the other great governments of the world—and I do not justify it—pay hundreds of dollars.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CANNON. With pleasure.

Mr. PAGE. I quite agree with what the gentleman from Illinois has said of the value of having people come to Washington from other sections of the United States, and I think it helps very greatly to inspire them with patriotism and love of country. I merely wanted to ask the gentleman if he did not think that, instead of making this appropriation of $25,000 to allow the President to make an exhibit of himself in various parts of the country, we should make an appropriation sufficient to bring the people here, and exhibit not only the President, but all the glories of Washington.

Mr. CANNON. Now, let us see about that, and see how much good faith there is in that suggestion. There are ninety-four or ninety-five millions of people in the United States.

Mr. BUTLER. Ninety millions.

Mr. CANNON. Oh, somebody has even said 96,000,000. I suspect there are 96,000,000 men, women, and children. On the average, the earning capacity of these people, I suppose, counting the children, is about a dollar a day; maybe not more than three-fourths of that.

The gentleman well knows it is impossible for great numbers of them to come here, and the gentleman could not have been speaking in good faith when he said he thought we had better appropriate money to bring them all here.

Mr. PAGE. I did not say I thought we had better do it. I asked the gentleman from Illinois to express himself on the proposition.

Mr. CANNON. I have great respect for the gentleman from North Carolina [Mr. PAGE], who is my colleague on the Appropriations Committee and in this House; but I want to say that I can not indorse his motion or his criticisms touching this appropriation. As to my other colleague, Mr. FITZGERALD, I will not say, "Beware of the Greeks bearing gifts," but his advocacy of this appropriation was a Parthian shot.

I want to say that in many things, from the standpoint of policy as a Republican, the President of the United States has not at all times seen things as I have seen them. He has advocated some policies that I do not advocate. But after all, he is my President and our President, and in justice to him I want to say that I think when history comes to write up his part in it it will be said that if he sinned at all it was in not paying proper attention to organization; but nevertheless it will be said that he was an able, an efficient, and a great President. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I should like a few minutes more. I have just got in the way of speaking, and I should like a little time in which to close.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

Mr. LONGWORTH. I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Illinois be allowed to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. He is the only President who in making his nominations for the Federal judiciary has crossed over and found some of his nominees among those who held a different political faith. Some Republicans say he might have found Republicans just as good. Yes, but after all I do not believe any man will arise in his place here and criticize his nominations in the filling of vacancies in that great court of last resort, which is, I think, perhaps as great as it has been in my time, with a Chief Justice quite as strong, in my opinion, as any Chief Justice since the days of Marshall. [Applause.]

The gentleman says that the President exhausted the $25,000 so that the next $25,000 had to be made available a short time before the fiscal year expired. I did not know that, but I suppose he did. It was made available before the fiscal year expired. That very frequently happens. Why, to-day the revenue cutters are on their way with rations galore to the volcano-stricken country in the far Northwest. When the lives of men, women, and children were imperiled and property was endangered by the floods in the Mississippi Valley, there was no money for the purposes of relief, yet the President violated the law with the assent of the gentleman from New York [Mr. FITZGERALD] and with my assent in sending rations to those stricken people, as he is violating the law now with our approval in sending the revenue cutters as fast as they can be propelled up to the scene of the volcanic devastation, having behind him the assurance that that violation of the law will be made good. After all, while I believe in the observance of law, I do not believe in what seems to me to be unfair criticism in the matter. So far as I am concerned, while I am a Member of this House, whoever is President, although I may not be upon speaking terms with him, he will be my President, and he stands for me as he stands for all the people in one of the coordinate branches of the Government; and while I am a Member of this House I will continue to vote for $25,000 a year for his traveling expenses. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the debate on this amendment close at 6 o'clock. [Cries of "Vote!" "Vote!"]

Mr. SHERLEY. Mr. Chairman, I suggest that unless some one else desires to be recognized the gentleman from North Carolina [Mr. PAGE] be given five minutes in support of his amendment, and then I will ask for five minutes in reply.

Mr. MANN. I hope the gentleman will ask unanimous consent that debate on this amendment shall proceed for not more than 15 or 20 minutes.

Mr. GILLETT. I should like five minutes.

Mr. FITZGERALD. Who else?

Mr. MANN. I suggest that the gentleman say not later than 6 o'clock.

Mr. FITZGERALD. I ask unanimous consent that the debate on this amendment close not later than 6 o'clock.

The CHAIRMAN. Unanimous consent is asked that debate upon this amendment close not later than 6 o'clock. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, a speaker in the House of Commons once had supported a measure so half-heartedly and dejectedly that the opponent who followed him suggested that he ought to have used the words of Marc Antony, "I come to bury Cæsar, not to praise him." [Laughter.] I think that is very appropriate to the argument of the gentleman from New York [Mr. FITZGERALD]. While I agree with his conclusion I entirely differ from the logical or rather the illogical process by which he reached it. After his powerful and enthusiastic support of this proposition it is perhaps superfluous to further defend it, but I wish to comment a little on the reasons he set forth for criticizing the President.

His first criticism was for using this money for a political trip. I set him right before he had gone far on that, for it is a fact that the President's trips to Ohio and Massachusetts and New Jersey were not paid for out of this fund.

Mr. FITZGERALD. I did not say that those trips had been paid for out of this fund, but I said, in the President's trips paid for by this fund he had indulged in denunciation of the other party.

Mr. GILLETT. I think the gentleman had these trips in mind from his description of them. The next criticism that he made was that the President was an attraction at county fairs, and so forth. If I wished to be as partisan as he I might respond that if the Democratic Party should elect their President, he probably would not be an attraction at any fair. But I do not wish to be so unfair and fallacious as the gentleman from New York. I think the President of the United States is, and I hope he always will be, an attraction at any and every meeting. I think it is well for the people and for the President himself, and that is the reason I have always supported this travel fund, to traverse the country and become acquainted with the people in the different sections. It is well for the people of the country, it promotes unity and patriotism and nationalism for them to see the President. But it is not seemly I think that the President's expenses should be paid by the cities that he visits. He could not afford to pay them himself, and the cities would doubtless be glad to, but I think it would inaugurate a bad system. I presume every Member of this Congress feels that when he visits towns in his district and attends celebrations he does not want them to pay his expenses. He wishes to be independent and not to have them feel or feel himself that he is under obligations, and the President is in exactly the same condition. If the President is to travel at all, as I think he ought to, it is the Nation that should pay the expenses.

The next criticism was that the expenses of the Secret Service men were paid out of this appropriation.

Mr. FITZGERALD. I did not say, Mr. Chairman, that the Secret Service men were paid out of this appropriation. I said that the Secret Service fund was depleted to pay the expenses of the trip.

Mr. GILLETT. And it ought to be. It may not be technically correct that the Secret Service men, who are nominally employed to prevent counterfeiting, should protect the life of the President; but he must be protected in some way, and for years it has been acquiesced in by this House and by the Appropriation Committee that the fund of the Secret Service should be employed for the protection of the President, although appropriated for a different purpose, and when this trip was made to the far West, if the President had tried to pay the expenses of all the newspaper and Secret Service men out of his appropriation, that one trip would have more than exhausted the whole appropriation. I see nothing improper in arranging that the newspaper men should pay their share of the expenses. The Secret Service men, in going on that trip, should also have their expenses paid out of the Secret Service fund, for it is well understood that guarding the President is one of the purposes of that fund. So it seems to me that all the criticism that the gentleman from New York has made of the President is unjustified and unfair.

It is well for the President of the United States to travel through the country and that he should have a sufficient appropriation by Congress to provide for it. I approve heartily of the payments in this administration, and I trust that the same system will be preserved, no matter who is to be President. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Chairman, I ask that the gentleman from Massachusetts have one minute more to answer a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM. Does the gentleman think it is fair that the Democrats of the United States and all who are not Republicans should be taxed to pay the expenses of the President's trip during which he made the Winona speech and other speeches absolutely and entirely in the interest of his party?

Mr. GILLETT. We can not expect the President to go on a trip without occasionally making a speech in which he uses political expressions. I do not think a political trip ought to be paid for from this fund.

Mr. GRAHAM. Was not this a political trip?

Mr. GILLETT. I do not remember whether it was or whether it was not, or whether it was paid from this fund.

Mr. LLOYD. Will the gentleman from Illinois yield?

Mr. GRAHAM. Yes.

Mr. LLOYD. Does the gentleman deny that the Winona speech was in the interest of the Democratic Party. [Laughter.]

Mr. GRAHAM. It was not designed to be in the interest of that party.

Mr. SHERLEY. Mr. Chairman, the provision providing $25,000 for the President's traveling expenses was passed through this House in 1906 under a suspension of the rules, thereby requiring a two-thirds vote to carry. I was one of the Democrats who voted in favor of that provision, and the reasons that I stated then for my action appeal to me as strongly to-day as they did at that time, notwithstanding what has been said touching the use that has been made of this fund by the President of the United States. The whole proposition comes down to the question not whether you consider an individual President has properly used this fund, because you should not predicate a policy upon the action of one man, even a President of the United States, but whether you desire the President of the United States to travel about the country during his term of office. I can understand how some gentlemen like the gentleman from North Carolina, Mr. PAGE, may believe that it is more in keeping with the dignity of the Presidency and more in accord with a complete fulfillment of his duties that he should stay at the seat of government. I have no quarrel with that view, though I do not share it. I have always believed that it was of value to the President of the United States and of value to the people of America that he should travel among them during his term of office and should thereby come more in contact with them. I have believed that it would be a good thing if the membership of this House knew by personal contact a little more of the sections other than those they live in. I believe men on that side of the aisle would frequently have a better understanding of our problems in the South if they came there among us, and I am sure that we of the South might have a better appreciation of the viewpoint of the men of the North on some questions if we went among them.

I believe that the American people thoroughly desire the opportunity of seeing their President among them, in their own midst. It may be that invitations have been extended and have been accepted by the President in the past that you and I think ought not to have been extended or accepted, but I repeat that this question should not be determined upon your opinion as to whether the present Executive has wisely or otherwise used this fund.

In all human probability the man who shall occupy the White House in the next four years will not be the present Executive, but whether it be him or some one else I am not willing to force the occupant to either stay in Washington or to travel at somebody's expense. I do not believe that it is in keeping with the dignity of the office that the President should travel at the expense of any person or persons other than the entire people of this country. [Applause.] Only the American people as a whole have the right to pay for the traveling expenses of the President of the United States. [Applause.] If he is not to have this money, then I for one say that he ought not to travel at all.

Something has been said as to the extent of his salary. I have never believed in extravagant government. I believe there is a value in having the official representatives of the people live simply and set an example of simplicity in their lives, but no man knowing the necessary expense connected with the Presidency can allege that we have done aught to bring extravagance or undue expenditure in connection with that high office, and I do not believe that we at this time can afford to adopt the motion offered by the gentleman from North Carolina [Mr. PAGE]. [Applause.]

Mr. PAGE. Mr. Chairman, it is not my purpose to prolong this discussion, and unless I am more successful in obtaining votes than I have been in obtaining the voices of my colleagues in support of my amendment, the votes will indeed be few.

I believe that there are a great many men who think as I do about this question. I disclaim here and now, as I did before, that any political motive has prompted me in offering this amendment. I did not intend to utter one word of criticism even of the abuse in the expenditure of this money that is admitted by other gentlemen, and I should never have done so except for a question by the gentleman from Illinois.

But in conclusion I shall be entirely satisfied when this proposition has been submitted to a vote of the House, and a determination of the House will be final, so far as I am concerned, now that I have expressed my opinion and belief.

Mr. Chairman, I would like to have a vote.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. MANN) there were—ayes 55, noes 63.

Mr. PAGE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. PAGE and Mr. CANNON) reported that there were—ayes 55, noes 78.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25089, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of soldiers and sailors of said war;

H. R. 23790. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands";

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20383. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Alabama, for 10 days, on account of important business.

To Mr. VARE, for 10 days, on account of important business.

To Mr. HOWELL, for 10 days, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned to meet to-morrow, Friday, June 14, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (S. 6380) to incorporate the American Hospital of Paris, reported the same without amendment, accompanied by a report (No. 884), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6005) authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, reported the same without amendment, accompanied by a report (No. 887), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 325) proposing an amendment to the Constitution of the United States, reported the same without amendment, accompanied by a report (No. 885), which said bill and report were referred to the House Calendar.

Mr. CLAYPOOL, from the Committee on the Public Lands, to which was referred the bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz., reported the same with amendment, accompanied by a report (No. 886), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 458) for the relief of the Turner Hardware Co., reported the same without amendment, accompanied by a report (No. 881), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 1754) to correct the military record of William F. McKim, reported the same with amendment, accompanied by a report (No. 882), which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Mississippi, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 879), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 897) for the relief of Alfred L. Dutton, reported the same without amendment, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PEPPER: A bill (H. R. 25305) to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. CARTER: A bill (H. R. 25306) to amend an act entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes"; to the Committee on Indian Affairs.

Also, a bill (H. R. 25307) to establish a fish-hatchery and fish-culture station in the fourth congressional district in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: A bill (H. R. 25308) to provide for improvement of the outlet of Au Gres River, Mich.; to the Committee on Rivers and Harbors.

By Mr. PARRAN: A bill (H. R. 25309) requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 25310) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section; to the Committee on Interstate and Foreign Commerce.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25311) granting an age pension to widows of deceased soldiers; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25312) to increase the pension of certain pensioned soldiers and sailors who lost the sight of one eye or the sight of both eyes in the service of the United States, and to provide a rate of pension for those who have lost the sight of one eye and partial loss of sight of the other eye; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 25313) establishing the Marvel Cave National Park; to the Committee on Appropriations.

By Mr. SIMMONS: A bill (H. R. 25314) for the protection of certain established societies, fraternal orders, and associations against the unlawful use of the name or names of such

societies, orders, and associations; to the Committee on the Judiciary.

By Mr. CARTER: Resolution (H. Res. 583) providing for the printing of certain decisions of the Supreme Court of the United States; to the Committee on Printing.

By Mr. BURNETT: Resolution (H. Res. 584) setting date for consideration and vote on Senate bill 3175; to the Committee on Rules.

By Mr. BEALL of Texas: Resolution (H. Res. 585) authorizing the Committee on Agriculture to have printed additional copies of the hearings on antioption bills; to the Committee on Printing.

By Mr. SPARKMAN: Joint resolution (H. J. Res. 329) for the relief of P. J. McMahon; to the Committee on Naval Affairs.

By Mr. FERGUSSON: Memorial of the Legislature of the State of New Mexico, praying Congress to levy a specific duty on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying that the United States build a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, asking that additional judicial circuits be created; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, asking Congress to create two judicial circuits of the State of New Mexico in lieu of one; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking that the Navajo and other Indian reservations be allotted and opened to settlement; to the Committee on Indian Affairs.

By Mr. PATTEN of New York: Memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to the Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKSON of Mississippi: A bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ANDERSON of Ohio: A bill (H. R. 25315) granting an increase of pension to Lewis Slyker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25316) granting an increase of pension to William Goodin; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 25317) granting an increase of pension to Samuel L. Tate; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 25318) for the relief of Robert T. Martin; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 25319) granting a pension to W. S. Miller; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 25320) granting a pension to Keziah D. Cole; to the Committee on Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25321) to correct the military record of S. C. Baxter; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 25322) for the relief of Mrs. M. J. Shirley, widow of Dr. John Shirley, and for other purposes; to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 25323) granting an increase of pension to Clarissa J. Freeman; to the Committee on Pensions.

By Mr. PEPPER: A bill (H. R. 25324) for the relief of Mary Abel; to the Committee on Claims.

By Mr. REILLY: A bill (H. R. 25325) for the relief of John G. Chapman; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 25326) granting an increase of pension to Charles A. Lee; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 25327) granting a pension to William Miller; to the Committee on Pensions.

Also, a bill (H. R. 25328) granting an increase of pension to Mathew Burnett; to the Committee on Pensions.

Also, a bill (H. R. 25329) granting an increase of pension to James B. Sheffield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the National Association of Boards of Pharmacy, the American Pharmaceutical Association, and the National Association of Pharmacologists, favoring bill to allow graduated pharmacists of the United States to practice pharmacy in Cuba; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of members of societies of the Polish Roman Catholic Union of America of the States of Michigan, New York, Massachusetts, Illinois, Indiana, and Missouri, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of St. Alberts Society, No. 398, of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARTHOLDT: Petition of the Burrow, Jones & Dyer Shoe Co., St. Louis, Mo., favoring passage of Senate bill 6810; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sutherland, Pedigo, Farwell Shoe Co., of St. Louis, Mo., protesting against the passage of the Thayer-Lenroot bills relative to the United Shoe Machinery Co.; to the Committee on the Judiciary.

Also, petition of the King Brinsmade Mercantile Co., St. Louis, Mo., praying for 1-cent postage rate on letters; to the Committee on the Post Office and Post Roads.

Also, petition of 23 citizens of St. Louis, Mo., protesting against increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Memorial of St. Stanislaus Kostka Society, No. 450, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Versailles Council, Order of Independent Americans, and citizens of McKeesport, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Pittsburgh, Pa., and Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANFORTH: Resolution of St. Joseph Society, No. 555, Polish Roman Catholic Union of America, of Rochester, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DANIEL A. DRISCOLL: Petition of St. Dominic Society, No. 610, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the New Orleans Cotton Exchange, favoring National Government protection of the lives and property of the people of the Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. MICHAEL E. DRISCOLL: Petition of the Women's Auxiliary of the Board of Mission in the Diocese of Central New York, relative to the relief of the natives of Alaska; to the Committee on the Territories.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 25248, for the relief of David Steers; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Thomas J. O'Gorman and Henry Metzger, of Ottawa, Ill., favoring the creation of a national bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Legislature of the State of New Mexico, for the construction of a Government road across the Pecos Forest Reserve, etc.; to the Committee on Agriculture.

By Mr. GARDNER of Massachusetts: Petition of prominent educators, labor leaders, and financiers of Massachusetts, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Resolutions of citizens of New Britain, Conn., against appointment of commission and appropriation for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, resolutions of St. Lucyana Society, No. 286, of New Britain, Conn., and Immaculate Conception Society, No. 437, of Rockville, Conn., against passage of House bill 22527, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of members of Women's Auxiliary of St. James Parish of Winsted, Conn., relative to improvement of sanitary conditions in Alaska; to the Committee on the Territories.

Also, memorial of citizens of Danbury, Conn., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, memorial of Hebrew associations of Stamford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Military Order of the Loyal Legion of the United States, New York, protesting against Senate bill 2925, for the construction of a memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. LORECK: Petition of the Omaha Central Labor Union, of Omaha, Nebr., favoring passage of House bill 22339 and Senate bill 6172, against the stop watch for Government employees; to the Committee on the Judiciary.

By Mr. LOUD: Petitions of members of societies of Polish National Union of America, of Alpena, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of Tow Sw. Kazimarza Society, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Liberty Bell Council, No. 76, and James G. Blaine Council, No. 2, Daughters of Liberty, and citizens of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of the Workmen's Circle of New York, N. Y., and the Jewish Community of New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, Trenton, N. J., protesting against passage of Senate bill 5458, relative to building bridge across the Delaware River south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United States Civil Service Retirement Association, New York, N. Y., favoring passage of the Hamill pension bill; to the Committee on Pensions.

Also, petition of the Crocker Grocery Co., Wilkes-Barre, Pa., favoring passage of the Stevens weight and measure bill (H. R. 4667); to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Bank of Savannah, Ga., favoring passage of House bill 4726, making railroads responsible for the acts of their agents in connection with bills of lading; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN of New York: Memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, to construct a navy memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. RAINEY: Petition of the Woman's Christian Temperance Union of Carrollton, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. REILLY: Petition of citizens of the United States, favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petitions of the Daughters of Liberty of New Haven, Conn., and educators, labor leaders, and financiers of the United States, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: Papers to accompany bill granting increase of pension to Charles A. Lee; to the Committee on Invalid Pensions.

Also, petition of the Albion Malleable Iron Co., Albion, Mich., protesting against the passage of the Borah 8-hour bill; to the Committee on Labor.

By Mr. SAMUEL W. SMITH: Petition of citizens of Michigan, protesting against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Michigan, requesting legislation that will give the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the Committee of Wholesale Grocers, of New York City, N. Y., favoring reduction in the duty on raw and refined sugar; to the Committee on Ways and Means.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, relative to construction of a Navy memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Los Angeles Chamber of Commerce, of Los Angeles, Cal., favoring passage of House bill 22589, for improvement of foreign service; to the Committee on Foreign Affairs.

Also, memorial of the New York City Christian Endeavor Union convention, favoring passage of bill to prohibit interstate sale or rental of moving pictures of prize fights; to the Committee on Patents.

Also, petitions of the Amalgamated Society of Carpenters and Joiners and Allied Printing Trades Council, of New York City, N. Y., favoring passage of the seamen's bill (H. R. 23673) to promote safety of life at sea; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Kops Bros., of New York City, N. Y., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, resolution of the Evangelical Ministers' Alliance, of Washington, D. C., against intervention by United States in Cuba; to the Committee on Military Affairs.

SENATE.

FRIDAY, *June 14, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, thanks sincere we render unto Thee that Thou hast brought us to this time when with grateful hearts we commemorate the day that gave to our blessed land the symbol of our Union. We pray, O God, that our flag may ever be unstained and unconquered. May they prosper who put their trust in its benign shadow. May it bring peace to them that are afar and to them that are near. Bless, we pray Thee, its defenders on land and on sea. To our fellow citizens dwelling in city and in country and toiling in the field and in the mine grant, we beseech Thee, that this sacred emblem may be the symbol and the pledge of liberty, of justice, and of union. As we stand in Thy presence, we pray Thee to consecrate us anew to the service and devotion of our country.

And unto Thee, our Father, who rulest over the kingdoms of men and whose dominion endureth throughout all generations, will we offer the grateful praise of adoring hearts now and for evermore. Amen.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WARREN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts across the waters between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the Woman's Society of the Park Avenue Baptist Church, of Rochester, N. Y., favoring the enactment of legislation prohibiting the practice of polygamy, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the National Association Boards of Pharmacy, favoring the enactment of legislation providing for the reciprocal interchange of certificates of the boards of pharmacy of the United States and Cuba, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CATRON presented a petition of sundry citizens of Luna County, N. Mex., praying for the enactment of legislation providing for two judicial districts for New Mexico, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Carrollton, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. POMERENE presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against an appropriation to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. BRIGGS presented a memorial of James Robnowitz Lodge, No. 169, Independent Order B'rith Abraham, of Woodbine, N. J., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Morristown, Jersey City, Upper Montclair, Trenton, Elizabeth, and Camden, all in the State of New Jersey, remonstrating against the proposed reduction of the appropriation for the maintenance of the Bureau of Trade Relations, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Elizabeth, Hopewell, Dutch Neck, Montclair, Jersey City, Trenton, Bordentown, New Brunswick, Hampton, and Swedesboro, all in the State of New Jersey, remonstrating against the adoption of certain amendments to the patent laws, which were referred to the Committee on Patents.

He also presented a petition of sundry citizens of Rutherford, N. J., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented memorials of sundry citizens of West Hoboken, Union Hill, North Bergen, West New York, and Weehawken, all in the State of New Jersey, remonstrating against any reduction of the duty on embroideries and embroidered laces, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Mines and Mining, to which was referred the bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes, reported it without amendment and submitted a report (No. 879) thereon.

Mr. BROWN, from the Committee on Military Affairs, to which was referred the bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army, reported it without amendment and submitted a report (No. 880) thereon.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4900. A bill to provide for the erection of a public building at Altus, Okla. (Rept. No. 884); and

S. 4883. A bill to provide for the erection of a public building at Shawnee, Okla. (Rept. No. 885).

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6734) to provide for the erection of an armory in the District of Columbia, reported it without amendment and submitted a report (No. 886) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 6191) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate concurrent resolution 22, to appoint a joint special committee of Congress to investigate rentals paid by the Government and the District of Columbia, submitted by Mr. GALLINGER on the 7th instant, reported it favorably with an amendment.

He also, from the same committee, to which was referred Senate resolution 327, to reimburse the Sergeant at Arms for expenses incurred in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon the subcommittee, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 326, authorizing the Committee on Naval Affairs to employ a stenographer to report hearings on bills or other matters pending before the committee, reported it without amendment.

He also, from the same committee, to which was referred Senate resolution 317, authorizing the Committee on Pacific Islands and Porto Rico to employ a stenographer to report hearings on bills or other matters pending before the committee, reported it without amendment.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California, reported it with amendments and submitted a report (No. 887) thereon.

PUBLIC BUILDING AT NARRAGANSETT PIER, R. I.

Mr. WETMORE. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7096) to increase the limit of cost of the public building at Narragansett Pier, R. I., to report it favorably, without amendment, and I submit a report (No. 878) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of cost heretofore fixed for the erection of a public building at Narragansett Pier, R. I., to $80,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7136) granting an increase of pension to Charlotte M. Snowball; to the Committee on Pensions.

By Mr. GARDNER:

A bill (S. 7137) granting an increase of pension to Albert White (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7138) to correct the military record of David C. Slagle; and

A bill (S. 7139) to correct the military record of Harrison D. Burcham (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7140) granting a pension to Maggie Stone;

A bill (S. 7141) granting an increase of pension to Edward Sheahan;

A bill (S. 7142) granting a pension to Sarah Paine;

A bill (S. 7143) granting a pension to Alice H. Robbins;

A bill (S. 7144) granting an increase of pension to James Garrison;

A bill (S. 7145) granting a pension to J. T. Curtiss;

A bill (S. 7146) granting an increase of pension to Abraham Miller (with accompanying papers);

A bill (S. 7147) granting an increase of pension to Levi Nicholson (with accompanying papers);

A bill (S. 7148) granting a pension to Martha J. Curry (with accompanying papers);

A bill (S. 7149) granting an increase of pension to John F. Spence (with accompanying papers);

A bill (S. 7150) granting a pension to Rhoda Ann Maitten (with accompanying papers);

A bill (S. 7151) granting an increase of pension to Jasper Fleener (with accompanying papers);

A bill (S. 7152) granting a pension to Elmira L. Stiles (with accompanying papers); and

A bill (S. 7153) granting a pension to Lewis A. Coffman (with accompanying paper); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 7154) granting an increase of pension to Oswald Ahlstedt (with accompanying paper); and

A bill (S. 7155) granting an increase of pension to Joseph H. Richardson (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 7156) granting an honorable discharge to B. O. Sullivan; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 7157) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 7158) to remove the charge of desertion from the military record of Porter Loumis; and

A bill (S. 7159) to remove the charge of desertion from the military record of Samuel E. Cooper; to the Committee on Military Affairs.

By Mr. DU PONT:

A joint resolution (S. J. Res. 119) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point John C. Scholtz, a citizen of Venezuela; to the Committee on Military Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. SMITH of South Carolina submitted an amendment proposing to appropriate $6,000 for the construction of a rostrum at the national cemetery at Florence, S. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $150,000 for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $10,000 for paving the public street of the city of Helena, Ark., in front of the Federal Government building, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Arkansas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

LOSS OF STEAMER "TITANIC."

On motion of Mr. SMOOT, it was

Ordered, That the illustrations accompanying the testimony taken in the hearings of the *Titanic* disaster inquiry be printed with the document.

WITHDRAWAL OF PAPERS—GEORGE V. SHAFFER.

On motion of Mr. SMOOT, it was

Ordered, That the papers accompanying the bill (S. 3433) granting increase of pension to George V. Shafer, Sixty-second Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CIVIL-SERVICE EMPLOYEES FROM NEW HAMPSHIRE.

Mr. GALLINGER. I offer a resolution, for which I ask present consideration.

The resolution (S. Res. 344) was read, as follows:

Resolved, That the Civil Service Commission is hereby directed to communicate to the Senate the number of persons which the State of New Hampshire is entitled to under the apportionment provision of the civil-service law; also the number now actually in the public service from that State, their names, the date of appointment in each case, and the town or city from which such appointment was made.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. OVERMAN. I ask the Senator if he will not accept an amendment to add "North Carolina" after "New Hampshire."

Mr. GALLINGER. I think the Senator had better introduce a separate resolution.

Mr. OVERMAN. I will not insist if the Senator objects, but I should like to have that information in regard to my State.

The resolution was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on June 13, 1912, approved and signed the following act.

S. 5428. An act to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its chief clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 299) proposing an international maritime conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18956) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WARREN. I ask the Senate to take up House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Smith, Md.
Bacon	Curtis	Myers	Smith, S. C.
Briggs	Dillingham	Overman	Stephenson
Bryan	Fletcher	Page	Sutherland
Burnham	Gallinger	Paynter	Swanson
Burton	Gardner	Perkins	Tillman
Catron	Guggenheim	Pomerene	Townsend
Clapp	Heyburn	Shively	Warren
Crawford	Johnston, Ala.	Simmons	Wetmore
Culberson	Jones	Smith, Ariz.	Williams
Cullom	Lodge	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. A quorum of the Senate is not present.

Mr. OVERMAN. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. Without objection, the Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. BRISTOW, Mr. BROWN, Mr. CHAMBERLAIN, Mr. HITCHCOCK, Mr. LIPPITT, and Mr. MCLEAN answered to their names when called.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. WARREN. There are several pending matters—the civil-service matter, the Commerce Court matter, and others—that were reserved. I will ask the Secretary to state the first in order.

The PRESIDENT pro tempore. If the Senator from Wyoming will indulge the Chair for a moment, the Chair will state the status of the bill.

Mr. MARTINE of New Jersey. Day before yesterday——

The PRESIDENT pro tempore. The Senator from New Jersey will indulge the Chair until the Chair states the status of the bill before the Senate. The bill has been reported from the Committee of the Whole to the Senate, but there has been no action taken upon the amendments which were adopted as in Committee of the Whole. It was at that stage that the Senate yesterday afternoon adjourned. The Chair makes this statement for the information of the Senate.

Mr. MARTINE of New Jersey. Day before yesterday I submitted a motion to relieve the Judiciary Committee from the further consideration of House bill 23635, known as the anti-injunction bill. Under objection the motion went over. I now most respectfully renew that motion.

Mr. WARREN. The motion is not in order.

Mr. MARTINE of New Jersey. It will take but a minute. I do not want to interfere with the Senator's bill, but I trust——

The PRESIDENT pro tempore. The Chair will state to the Senator from New Jersey that the Senate has taken up the appropriation bill, and it is now the regular order.

Mr. MARTINE of New Jersey. May I ask the chairman of the committee to withhold for a moment until we can pass on this question?

Mr. WARREN. I can not consent, because I have refused at least half a dozen Senators who wished to call up different

bills, and it is a matter of honor as to the unfinished business. I am not antagonizing the Senator's wish to promote his measure; I am not against him; but the Senator from North Carolina [Mr. SIMMONS] has consented to withhold only for the appropriation bill, and I must insist that the Senate shall proceed now with this measure to its conclusion.

Mr. MARTINE of New Jersey. Mr. President, that being the case, I give notice that I shall call up the motion to-morrow morning immediately after the conclusion of the routine business or at the proper time.

The PRESIDENT pro tempore. The notice will be noted. The question before the Senate is upon concurring in the amendment agreed to as in Committee of the Whole other than those concerning which reservations have been made.

Mr. SMITH of Georgia. I desire to make an additional reservation, which is the provision on page 10, lines 3, 4, and 5, increasing the number of privates of the police force in the Senate Office Building; also on page 12, the provision in lines 12 and 13 with reference to the Maltby Building.

The PRESIDENT pro tempore. If there be no further reservations, notice of which is to be given——

Mr. WILLIAMS. I understand that amongst the reservations that have been made are the amendments to sections 4 and 5, in reference to the tenure of office of civil-service employees.

The PRESIDENT pro tempore. The Chair is informed that those amendments have been reserved. If there are no other reservations, without objection, the amendments adopted as in Committee of the Whole will be considered as concurred in in the Senate. The bill is in the Senate and open to amendment.

Mr. CULLOM. Mr. President, on yesterday there was some discussion in reference to certain officers in the offices of the assistant treasurers at Chicago and at Boston. I said nothing on that occasion because I was not aware of the conditions. I have talked with the chairman of the committee, and I now ask that an increase be made in the case of the vault clerk at Chicago to $2,250, which is the recommendation of the Secretary of the Treasury; and also an increase to $2,500 as to the salary of the paying teller, and that the salary of the assorting teller be increased to $2,000. These are small increases, and I ask that they be made because it is important that it should be done. The Secretary of the Treasury has recommended them, but the House cut them down. It is now in order to offer the amendments. I ask that those three amendments be made. While I shall allow others to go for the present, I feel it very important that these three cases shall be incorporated in the bill.

Mr. WARREN. They are according to the estimates, and are in order.

The PRESIDENT pro tempore. The amendments proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 62, in the provision for office of the assistant treasurer at Chicago, in line 2, after the words "vault clerk," it is proposed to strike out "$2,000" and to insert in lieu thereof "$2,250."

Mr. CULLOM. That is according to the estimates.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 62, line 3, after the words "paying teller," it is proposed to strike out "$2,000" and to insert "$2,500."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 62, line 3, after the words "assorting teller," it is proposed to strike out "$1,800" and to insert "$2,000."

The amendment was agreed to.

Mr. CULLOM. Mr. President, I desire to say that the office of assistant treasurer at Chicago is the largest office of that character in the country except the one in New York. There are $100,000,000 on deposit there now and the office does an immense business. There ought to be an increase all along the line in the salaries of those connected with that office, but I shall not ask for it at this time.

Mr. CUMMINS. Mr. President, I offer an amendment to section 10, to follow immediately the amendment proposed by the senior Senator from Minnesota [Mr. NELSON], which has already been adopted. In presenting it I desire to say that it is the same amendment that I mentioned yesterday, differing only in form. Instead of applying in general terms section 266 of the judiciary code to these cases, I have written out section 266, so that there can be no misapprehension or misinterpretation concerning it.

The only other change is that I have added a provision which will require the same number of judges to sit and determine such suits upon the final hearing as is required for the issuance of a temporary injunction, and I have provided that from that final hearing the appeal shall lie direct to the Supreme Court of the United States.

Mr. CLAPP. Mr. President, before the amendment is read I should like to suggest that the provision as amended on motion of my colleague [Mr. NELSON] be read, so that it may be again before us. It has been two or three days since it was adopted.

The SECRETARY. In section 10, on page 158, Mr. NELSON offered the following amendment——

Mr. SMITH of Georgia. I wish to suggest that the entire section with the amendment be read.

The PRESIDENT pro tempore. Very well.

Mr. SMITH of Georgia. I do not ask that the whole section be read before the amendment is read.

The PRESIDENT pro tempore. It will all afterwards be read consecutively.

The SECRETARY. In section 10, page 158, Mr. NELSON offered the following amendment, which was agreed to as in Committee of the Whole:

And the procedure in the district courts shall be the same as heretofore in the Commerce Court, and the right of appeal from the district courts shall be the same as heretofore from the Commerce Court.

It is now proposed to add after those words the following:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States or by any judge thereof, or by any circuit judge acting as district judge unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit court judge and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court or to a judge he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court or any circuit or district judge may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case, and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa, which has just been read.

The amendment was agreed to.

Mr. CUMMINS. I offer as a further amendment to section 10, to immediately follow the amendment proposed by the Senator from Georgia [Mr. SMITH], the amendment I now send to the desk.

The PRESIDENT pro tempore. On what page does the Senator desire the amendment to come in?

Mr. SMITH of Georgia. It should come in on page 147.

Mr. CLAPP. Mr. President, before the proposed amendment is read, I suggest that the amendment of the Senator from Georgia be read again, as it has been several days since it was adopted.

The PRESIDENT pro tempore. The Secretary will state the amendment of the Senator from Georgia heretofore adopted.

The SECRETARY. The amendment heretofore adopted on the motion of Mr. SMITH of Georgia reads as follows:

The 5 additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint 5 additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

To follow the amendment just read, Mr. CUMMINS offers an amendment to read as follows:

So much of the act of June 18, 1910, as provides or authorizes or directs the said five judges to preside in the circuit courts of the United

States or in the circuit courts of appeal, or to exercise any of the powers, duties, or authority of circuit judges or of said circuit courts or of said circuit courts of appeal is hereby repealed.

Mr. CUMMINS. I was under the impression that the amendment of the Senator from Georgia had been transferred to section 10. However, it is as pertinent on page 147 as though it were incorporated in the other place.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SUTHERLAND. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. SUTHERLAND. If the amendment now proposed by the Senator from Iowa should be adopted, and the Senate, upon the separate vote which has been demanded upon the amendment proposed by the Senator from Georgia, should not concur in the amendment proposed by the Senator from Georgia, would it be in order to consider then the amendment proposed by the Senator from Iowa?

The PRESIDENT pro tempore. The Chair will state to the Senator from Utah that the amendment now offered by the Senator from Iowa, while it is an addition, does not, in the opinion of the Chair, appear to be a part of the amendment of the Senator from Georgia, and the amendment offered by the Senator from Georgia having been adopted as in Committee of the Whole, the amendment now offered by the Senator from Iowa would be an independent question. If this were an amendment which changed the terms of the amendment of the Senator from Georgia, the Chair would rule otherwise, but this appears to be simply an addition, without in any manner changing the terms of that amendment.

Mr. SUTHERLAND. So that, if it should turn out that the Senate should decline to concur in the amendment proposed by the Senator from Georgia and adopted as in Committee of the Whole, the amendment of the Senator from Iowa would be in the bill as a separate amendment?

The PRESIDENT pro tempore. Under the ruling of the Chair that would be so; but if the Senate prefers to consider it as a whole the Chair will submit the question in that way.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. Has not the amendment proposed by the Senator from Georgia been concurred in by the Senate?

The PRESIDENT pro tempore. It has not. The Senator from Utah [Mr. SUTHERLAND] gave notice on yesterday reserving that amendment for a separate vote in the Senate.

Mr. CUMMINS. I had forgotten that, but I now remember it.

Mr. SUTHERLAND. I ask the Senator from Iowa whether he will not defer the vote upon his proposed amendment until the amendment of the Senator from Georgia is finally disposed of?

Mr. CUMMINS. I think that is a very reasonable request, for if the amendment proposed by the Senator from Georgia is not agreed to, I would not offer my amendment, inasmuch as it is offered simply to perfect and to carry out the amendment proposed by the Senator from Georgia.

Mr. HEYBURN. Mr. President, before the Senator from Iowa takes his seat, I desire to call his attention to what may be an inadvertence in his amendment. He has omitted to enumerate the district courts; that is to say, the amendment provides that the present Commerce Court judges may not be assigned to preside in the circuit courts of the United States or the circuit courts of appeal, while the act provides that the Chief Justice may assign them to those services and also to the district courts.

Mr. CUMMINS. The Senator from Idaho is right. I will withdraw the amendment I have suggested.

The PRESIDENT pro tempore. The Chair would state that under the statement made by the Senator from Iowa that the amendment now offered by him is not simply an addition to, but is intended to carry out and to make effectual the amendment offered by the Senator from Georgia, it really would be considered as a part of that amendment; and in that case the two would necessarily be considered together.

Mr. CUMMINS. I think the amendment offered by the Senator from Georgia is effectual without my amendment, but in order to foreclose any doubt at all I offered it.

Mr. CULBERSON. Mr. President, I want to call the attention of the Senator from Iowa to a matter which he has probably overlooked. His amendment relates to the act of June 18, 1910, by name. That act was expressly repealed by the one approved March 3, 1911, which incorporates the Commerce Court provision in the judicial code, so that the repeal of the act of 1910 by his amendment is not effectual. What he ought to do is to propose to repeal so much of the act of March 3, 1911, contained in chapter 9 of the act to codify, revise, and amend the laws of the United States as relates to the Commerce Court.

Mr. CUMMINS. I had not noticed the reference, because I did not personally prepare this amendment, but that can be arranged by the withdrawal of the amendment for the time being until the amendment proposed by the Senator from Georgia is disposed of.

The PRESIDENT pro tempore. Then the Chair understands that the Senator withdraws the amendment for the time being, and the question now is upon the amendment offered by the Senator from Georgia. Does the Chair understand the Senator from Utah to ask that the amendment now be acted upon?

Mr. CUMMINS. I ask to withdraw the amendment.

The PRESIDENT pro tempore. The Chair so understood and had so announced.

Mr. CUMMINS. And I give notice that I will offer it if the amendment of the Senator from Georgia is agreed to.

Mr. CRAWFORD. Is it proper now to offer the amendment which I proposed last evening, or a similar amendment?

The PRESIDENT pro tempore. It is, unless the Senator from Utah has called up that amendment. The Chair is in doubt.

Mr. SUTHERLAND. No; I did not call it up.

The PRESIDENT pro tempore. Very well. The amendment is in order.

Mr. CRAWFORD. I offer the amendment I send to the desk, which I propose to add at the end of section 10 as amended by the adoption of the amendment offered by the Senator from Iowa. It will come at the end of his amendment. He redrafted section 266, as I understand. It is to come in at the end of the amendment offered by the Senator from Iowa, which was adopted.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. It is proposed, at the end of the amendment offered by the Senator from Iowa, to insert the following:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

Mr. CRAWFORD. Mr. President, the Senator from North Carolina [Mr. OVERMAN], as he will remember, prepared this draft originally, having in view the requirements of its provisions where the enforcement of a statute of a State is involved.

Mr. OVERMAN. This proposes to extend it to all orders of a commission?

Mr. CRAWFORD. Yes.

I wish to explain that the courts—and it came up directly in a proceeding in my own State—construe that section to apply only to those statutes relating to schedules made in relation to the rates charged by railways and express companies; that it applies only to those statutes which in terms, in the body of the statute, enacted the schedule; and that the language was not broad enough and did not extend to orders made by boards of railway commissioners fixing maximum rates.

For instance, the board of railway commissioners in my own State, acting under a statute of the State, fixed the maximum rate for the express companies upon their business purely intrastate. A district judge issued a preliminary injunction, without reference to this section, and when the matter came before the court upon argument it was held that the statute which the distinguished Senator drew applied only to State statutes which in terms fixed those rates, and was not broad enough to extend to orders made by boards of railway commissioners. So the amendment I offer is to extend its provisions so that they will apply to administrative boards and commissions created by the statute of a State and acting under the statute of the State.

Mr. OVERMAN. I think that is a very wise provision.

Mr. SUTHERLAND. I ask that the amendment be again reported.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. After the amendment of the Senator from Iowa, agreed to, on page 158, it is proposed to insert:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

Mr. SUTHERLAND. Mr. President, I think it is a very unfortunate practice to put upon appropriation bills amendments of this character which put into operation very important rules of law and make very important changes in existing law. I do not think any of us can tell from the reading of the amendment just how wide its scope may be. It refers to any administrative board. It is not confined to a railway commission dealing with railway rates, but it may apply to any administrative board. It may apply to a case where a board by some action is depriving a citizen of his civil rights or to any other case where he would have a right under the Constitution or the laws of the United States to an injunction.

Then, again, the amendment proposes that the provisions of this section as amended shall apply. Among the provisions of the section is that notice shall be served upon the Attorney General of the United States or upon the Interstate Commerce Commission.

Mr. CRAWFORD. I think the Senator will find that the language includes not simply the Attorney General, but in a case where a State statute is involved it provides that notice shall be served upon the officers of the State. This, of course, makes it applicable only so far as concerns injunctions against——

Mr. SUTHERLAND. The Senator's amendment does not make applicable section 266 of the code, as I understand, but it makes applicable the provisions of the section in this legislative appropriation bill.

Mr. CRAWFORD. It could not be construed to make applicable provisions entirely foreign to these orders. That would hardly be a reasonable construction of it.

Mr. SUTHERLAND. I entirely sympathize with the proposition that any application for an injunction against the State or the State officers, based upon the claim that the State statutes are opposed to the Constitution of the United States, should be heard by the three judges. I quite agree to that. And I quite agree that that principle ought to be extended so as to include railway commissions acting under a statute; but I should have to know more about the scope of this amendment—what it is going to result in—before I would be willing to consent to extend that principle to every administrative board in the State.

I think it is a dangerous thing to undertake to put legislation of this character upon an appropriation bill—legislation that has never been considered by any committee of the Senate. Not because I am opposed to the principle, as I have stated, but for the other reason suggested, I make the point of order that it is general legislation.

Mr. HEYBURN. If the Senator will withhold the point of order for a moment, I desire to ask a question which may throw some light upon it. If we abolish this court, will the provisions that existed before the establishment of this court, in regard to appealing from the action of the Interstate Commerce Commission, be in effect or would we be entirely without any provision, having abolished the Court of Commerce, for reviewing the action of the Interstate Commerce Commission?

Mr. SUTHERLAND. No; I understand not. I understand the section as now amended provides for that review being had by these three judges.

Mr. HEYBURN. The original law would not be applicable at all; the original law in regard to reviewing the decisions of the Interstate Commerce Commission is out of effect now, and it would not be revived by anything we do.

Mr. SUTHERLAND. I should say not.

Mr. HEYBURN. Then, should we not confine ourselves to merely substituting the United States district courts with the same rights and powers? And is this an appropriate time to attempt to amend or extend the powers of review? I should think not. I am in accord with the opinion, as I understand it, of the Senator from Utah, that whenever we attempt to enlarge or add anything to the provisions now existing, which are really transferred to another court without addition or subtraction, that that is as far as we should go at this time. We ought not to attempt to legislate beyond the scope of existing powers vested in the court that we abolish.

Mr. OVERMAN. May I ask the Senator from South Dakota a question? I think he has the floor. I want to know if that question has been decided by the circuit court of appeals. Where was that question raised?

Mr. CRAWFORD. In litigation now pending, arising from an act which South Dakota enacted two years ago. It has not been decided by the court of appeals, but was by the circuit court; and the impression is that the decision of the court is well founded because of the narrow language used.

Mr. OVERMAN. Was the case appealed to the circuit court of appeals?

Mr. CRAWFORD. I think it is pending there now.

Mr. OVERMAN. There was a case from Kansas taken up to the circuit court of appeals, and it was finally carried to the Supreme Court, and the law was upheld; and I did not know but that it had the broadening effect the Senator speaks of. I may be mistaken about it. Therefore I do not see why this should not be covered by the amendment. If it is not broad enough it should be broadened.

Mr. CRAWFORD. That is the point. We are not here taking any substantial rights from anybody. We are not even curtailing or limiting in any way the right and power to issue preliminary injunctions. We are simply providing a method under which the courts must act in issuing preliminary injunctions that will protect the States from what appears to have been an abuse.

The amendment I have proposed is no more subject to a point of order than the amendment proposed by the Senator from Iowa which the Senate has already adopted. That simply extends the provisions of section 266 to preliminary injunctions against orders made by the Interstate Commerce Commission. This amendment will simply extend it in the same manner exactly to injunctions against orders made by administrative boards of a State.

Now, there is not any difference in principle or in effect between its requirements as it would apply to a State board of railway commissioners and as it might apply possibly to some other administrative board created under and acting in reference to a State statute. It could involve a constitutional right in one case as in the other, and it seems to me it would be a discrimination that might make it subject to objection that it was class legislation to undertake to specify that it should apply to boards of railway commissioners. The boards of railway commissioners or some other administrative tribunal of a State making these orders under a State law are governed by the same fundamental principles, and the language of the amendment as it is proposed would include one as it would include the other. Undoubtedly in practically all the cases which would arise under it the subject of difference would lie upon the one part with the board of railway commissioners of a State.

It has been a subject of great irritation and annoyance to have solemn acts of the State legislature and orders made by boards under acts of a State legislature rendered ineffective by the hasty arbitrary issuance of preliminary injunctions by district judges. There has been grave abuse in that direction, and the Senator from North Carolina, with whom I had a number of conferences at the time—he drew this provision in section 266 when the railway legislation was up a couple of years ago—was undertaking and intended to cover these orders of State boards, as well as the naked provisions of a State statute. But as the provision has been construed the great majority of the cases which arise are not within it and the purpose of this amendment is to make it include them.

The PRESIDENT pro tempore. What is the point of order made by the Senator from Utah?

Mr. SUTHERLAND. I make the point of order under clause 3 of Rule XVI, first, that the amendment proposes general legislation, and, second, that it is not germane or relevant to the subject matter contained in the bill. Certainly the latter point is clearly good, because there is not a syllable in this bill to which an amendment of this character can by any stretch of the imagination apply.

This is an appropriation bill, and this particular part of it proposes to transfer the jurisdiction of the Commerce Court to certain other courts, and provides that in proceedings involving cases heretofore under the jurisdiction of the Commerce Court a certain number of judges shall act. Now it is proposed to provide, in addition to that, that these judges shall act upon a totally different class of cases, to which class of cases this bill does not in the remotest degree refer.

Mr. CRAWFORD. I simply desire to say that the Senate has already adopted the amendment of the Senator from Iowa, which does put into that law legislation upon this very subject.

The PRESIDENT pro tempore. The Senator from Utah [Mr. SUTHERLAND] raises the question as to whether this amendment is germane to the amendment already adopted. Under the rule of the Senate the Chair is compelled to submit that question to the Senate. The Chair will state that if limited to the question of general legislation, the Chair would rule that it is in order, on the ground that it is an amendment to a subject matter that the Senate has already incorporated in the bill, but the question of its being germane the Chair must submit to the Senate under the rule.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry. In the question the Chair suggests as to whether it is germane, as I understand it, the question is whether it is germane to the subject contained in the amendment already adopted by the Senate which was offered by the Senator from Iowa.

The PRESIDENT pro tempore. The Chair understands that to be the question. The Senator from South Dakota having of-

fered an amendment to the amendment already adopted, or an addition to it, the Senator from Utah raises the question as to whether it is or is not germane, and the Chair submits that question to the Senate under the rule.

Mr. HITCHCOCK. Can the amendment already adopted and the proposed amendment both be read together?

The PRESIDENT pro tempore. They will again be read.

The SECRETARY. The Senator from Iowa [Mr. CUMMINS] offered an amendment, on page 158, to follow an amendment on that page already agreed to, offered by the Senator from Minnesota [Mr. NELSON]. The amendment reads:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit court judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing and interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply.

Mr. HEYBURN. I desire to call the attention of the Senator offering the amendment to the fact that in the earlier part of it he uses the term "judge of a circuit court." There is no such office now.

Mr. CRAWFORD. That is in the amendment already adopted.

Mr. HEYBURN. There is no such court. There are circuit judges who sit in the circuit court of appeals, but there is no circuit court. That can be readily corrected. It should be.

The PRESIDENT pro tempore. The Secretary will now read the amendment proposed by the Senator from South Dakota [Mr. CRAWFORD].

The SECRETARY. At the end of the amendment just read, the Senator from South Dakota [Mr. CRAWFORD] moves to add the following:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

The PRESIDENT pro tempore. The question is, Is the amendment offered by the Senator from South Dakota [Mr. CRAWFORD] germane? Those who consider the amendment germane will say "aye," opposed "no." [Putting the question.] The ayes appear to have it. The ayes have it, and the Senate determines that the amendment is germane and in order. The question now is upon the adoption of the amendment offered by the Senator from South Dakota [Mr. CRAWFORD].

Mr. SUTHERLAND. Mr. President, I wish to call the attention of the Senator from South Dakota again to the fact that his amendment, if adopted, will require in every suit that may be brought under it service of notice upon the Attorney General of the United States and the Interstate Commerce Commission. I do not think he desires that that result should follow.

It still further emphasizes what I have already said as to the unwisdom of undertaking to legislate in this way in the open Senate upon a subject of this far-reaching importance. There is already a bill of this same character, I understand, introduced by the Senator from South Dakota, pending in the Judiciary Committee. The Senator shakes his head, but I understood that such a bill had been introduced. Am I mistaken about that?

Mr. CRAWFORD. No such bill has been introduced.

Mr. SUTHERLAND. Then I am in error about that; but certainly such a bill could be introduced and referred to the Judiciary Committee, and by that committee taken up in an orderly way, and the whole subject considered.

I think, Mr. President, we are doing here an unwise thing in undertaking to pass legislation of this character, the exact scope and effect of which at least some of us have doubts about.

Mr. CRAWFORD. The amendment of the Senator from Iowa provides for the service of notice in each of these cases upon the defendants in the case. It is a pretty far fetched objection to construe the requirements to go so far as to require service upon some one entirely foreign to the case.

Mr. SUTHERLAND. The provision of the section which the Senator from South Dakota now undertakes to make applicable to the class of cases mentioned in his amendment is as follows:

Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit.

It must be given to all. It must be given to the defendants; it must be given to the Attorney General; it must be given to the Interstate Commerce Commission. Suppose a suit is brought against some administrative board of the State not in any manner connected with railroad matters, why should notice be served upon the Attorney General of the United States? Indeed, why should notice be served upon the Attorney General of the United States in a suit against the railway commission in a State? He has nothing whatever to do with it.

Mr. CRAWFORD. I will ask to perfect the amendment by adding "that in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota as modified. [Putting the question.] The ayes appear to have it.

Mr. SUTHERLAND. I ask for a division.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I will transfer that pair to the junior Senator from California [Mr. WORKS] and vote. I vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea." As he is not present, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. On this question I transfer my pair to the Senator from Missouri [Mr. REED] and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH]. I vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. Observing that he is not in the Chamber, I will withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is absent from the Chamber, and I therefore withhold my vote. If he were present, I should vote "yea."

Mr. SMITH of Arizona. I am paired with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Maryland [Mr. RAYNER] and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER]. I understand that I am at liberty to transfer my pair to the Senator from New Mexico [Mr. FALL], which I do, and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote, I would vote "yea." Observing the pair, however, I withhold my vote.

The roll call was concluded.

Mr. McLEAN. I wish to announce that my colleague [Mr. BRANDEGEE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] and withhold my vote.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. He is not present, and I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS], and therefore I withhold my vote. I wish this announcement to stand for the day.

Mr. WARREN (after having voted in the negative). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], but he will stand paired during the consideration of the bill to-day and on this subject with the Senator from California [Mr. WORKS]. I make this announcement for the day.

My colleague [Mr. CLARK of Wyoming], who is absent on business of the Senate, has a general pair with the Senator from Missouri [Mr. STONE], and I also make that announcement for the day.

Mr. BRIGGS. I transfer my pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. WILLIAMS. Under the provisions of that transfer I am at liberty to vote. I vote "yea."

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired with the senior Senator from South Dakota [Mr. GAMBLE]. If my colleague were present, he would vote "yea."

Mr. JOHNSON of Maine. I wish to announce my pair with the senior Senator from New York [Mr. ROOT].

Mr. JONES. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business. I make this announcement for the remainder of the day.

Mr. CRAWFORD. As the transfer of my pair to the Senator from California [Mr. WORKS] will not stand, I will transfer my pair [Mr. DAVIS], who I am informed would vote "yea," to the senior Senator from New York [Mr. ROOT], which will permit my vote to stand, and the Senator from Maine [Mr. JOHNSON] is at liberty to vote.

Mr. JOHNSON of Maine. I am informed that under the transfer of pairs I am at liberty to vote. I vote "yea."

The result was announced—yeas 32, nays 17, as follows:

YEAS—32.

Ashurst	Culberson	Martin, Va.	Simmons
Bacon	Cummins	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Ga.
Brown	Gore	Nelson	Smith, Md.
Bryan	Hitchcock	Overman	Thornton
Clapp	Johnson, Me.	Perkins	Tillman
Clarke, Ark.	Johnston, Ala	Pomerene	Townsend
Crawford	Jones	Shively	Williams

NAYS—17.

Briggs	du Pont	McLean	Warren
Burnham	Gallinger	Page	Wetmore
Burton	Heyburn	Smoot	
Catron	Lippitt	Stephenson	
Dillingham	Lodge	Sutherland	

NOT VOTING—45.

Bailey	Davis	Lorimer	Richardson
Bankhead	Dixon	McCumber	Root
Borah	Fall	Newlands	Sanders
Bourne	Fletcher	O'Gorman	Smith, Mich.
Bradley	Foster	Oliver	Smith, S. C.
Brandegee	Gamble	Owen	Stone
Chamberlain	Gronna	Paynter	Swanson
Chilton	Guggenheim	Penrose	Watson
Clark, Wyo.	Kenyon	Percy	Works
Crane	Kern	Poindexter	
Cullom	La Follette	Rayner	
Curtis	Lea	Reed	

So Mr. CRAWFORD's amendment was agreed to.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry. The amendment to the amendment is adopted. Now the amendment as amended, I suppose, is the next question, is it not?

The PRESIDENT pro tempore. The original amendment was adopted. This was an additional amendment.

Mr. HEYBURN. And now it has been amended.

The PRESIDENT pro tempore. But it does not change in any manner the status of the action of the Senate in the adoption of the prior amendment.

Mr. HEYBURN. My purpose in inquiring was that the RECORD might show my justification in asking unanimous consent that in line 10, where the word "court" last appears, that word be stricken out, because there is no such court, and I call attention to the fact.

Mr. CUMMINS. I know that. I followed the language of the judicial code precisely. This will all be in conference, and the conference committee can change the phraseology if necessary.

Mr. McCUMBER. Is an amendment now before the Senate, Mr. President?

The PRESIDENT pro tempore. The Chair has not yet disposed of the request made by the Senator from Idaho [Mr. HEYBURN] for unanimous consent for the striking out of the word "court." Does the Chair understand that to be the motion of the Senator?

Mr. HEYBURN. It not being amendable, I ask unanimous consent that the word "court" be stricken out, it obviously not having a proper place there.

Mr. CUMMINS. I have no objection at all to that.

Mr. NELSON. Mr. President, section 10 was adopted, as in Committee of the Whole, with one amendment, the amendment offered by myself, yet it was excepted when the bill was reported to the Senate. We have amended it by two separate amendments; so the question now before the Senate is upon concurring in section 10 as amended.

The PRESIDENT pro tempore. The Senator from Minnesota is correct as to that. The response which the Chair made was as to the amendment offered by the Senator from Iowa [Mr. CUMMINS]. He misunderstood the Senator from Idaho.

Mr. HEYBURN. And there was no objection to my amendment.

The PRESIDENT pro tempore. There was no objection, as the Chair understood, to unanimous consent to striking out the word "court," as requested by the Senator from Idaho. The question now is upon concurring in the section to which two amendments have been added this morning—section 10 of the original bill as reported from the Committee of the Whole and as amended by the action of the Senate to-day.

Mr. SUTHERLAND. Mr. President, is it now in order to call up the amendment offered by the Senator from Georgia [Mr. SMITH]?

The PRESIDENT pro tempore. Not unless it is an amendment to section 10, the section to which the Senator from Minnesota [Mr. NELSON] has referred.

Mr. SUTHERLAND. I thought that had been disposed of.

The PRESIDENT pro tempore. It has not been.

Mr. SUTHERLAND. Then I misunderstood the status.

The PRESIDENT pro tempore. The Chair understands that section 10 is the one to which the Senator from Minnesota [Mr. NELSON] referred and to which each of these amendments has been added.

Mr. NELSON. Exactly.

The PRESIDENT pro tempore. The question now is upon the adoption of section 10.

Mr. NELSON. As amended.

The PRESIDENT pro tempore. As amended by the action of the Senate to-day [Putting the question.] The "ayes" have it, and section 10 as amended is concurred in.

Mr. SUTHERLAND. I ask now for a vote—I do not now recall in just what part of the bill it occurs—on the amendment proposed by the Senator from Georgia [Mr. SMITH].

The PRESIDENT pro tempore. The Chair is informed that it is under the title of "Judicial," on page 147. The amendment will be reported to the Senate. It is the amendment offered by the Senator from Georgia and adopted as in Committee of the Whole. The question now is upon its adoption by the Senate.

The SECRETARY. On page 147, after line 10, the following amendment was inserted:

The five additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 20.

Mr. McCUMBER. Mr. President, I can not give my consent to the proposition that with the exception of the Supreme Court of the United States it is in the power of Congress to abolish any court, nor that it is in the power of Congress to destroy the term of office of any judge appointed to any of those courts. Believing that this precedent will at some time in the history of the country come back to plague us if adopted, and desiring a record vote directly upon that proposition, I offer the amendment which I send to the desk, as a substitute for the amendment proposed by the Senator from Georgia; and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. In lieu of the words inserted as in Committee of the Whole on the motion of Mr. SMITH of Georgia, Mr. McCUMBER now proposes to insert the following:

That five additional circuit judges appointed under the provisions of an act to create a Commerce Court, approved June 18, 1910, shall from time to time be assigned by the Chief Justice of the United States for service in any district court or the circuit court of appeals for any circuit.

The PRESIDENT pro tempore. The Senator from North Dakota offers this as a substitute for the amendment proposed by the Senator from Georgia.

Mr. LODGE. It is an amendment to strike out and insert.

The PRESIDENT pro tempore. The amendment of the Senator from North Dakota is to strike out the amendment offered by the Senator from Georgia.

Mr. McCUMBER. That is the effect of the motion, Mr. President, to strike out the amendment adopted as in Committee of the Whole, known as the amendment offered by the Senator from Georgia, and to insert in lieu thereof the language which has just been read.

The PRESIDENT pro tempore. In order to prevent any misconstruction subsequently, the Chair will state that the amendment offered by the Senator from Georgia [Mr. SMITH] is now before the Senate as if originally offered; in other words, it is an amendment proposed in the Senate.

Mr. LODGE. The amendment was adopted as in Committee of the Whole.

Mr. GALLINGER. And agreed to.

Mr. LODGE. And agreed to.

The PRESIDENT pro tempore. But it has not been concurred in by the Senate.

Mr. LODGE. This is a motion to strike out and insert.

The PRESIDENT pro tempore. It is not a part of the bill as the bill has been reported to the Senate.

Mr. LODGE. Certainly not, but this is a motion to substitute other language for it.

The PRESIDENT pro tempore. That is undoubtedly true, but the Chair desires to recall attention to the fact that it does not occupy the same status that it would if it were an amendment proposing to strike out a paragraph of the bill.

Mr. LODGE. It is to strike out from the report of the Committee of the Whole.

The PRESIDENT pro tempore. Yes; but it is pending now before the Senate subject to all the features which would attach to an amendment offered in the Senate.

Mr. GALLINGER. Exactly.

Mr. PAYNTER. Mr. President, is it in order to submit an observation on the question?

The PRESIDENT pro tempore. It is.

Mr. PAYNTER. Mr. President, I do not intend to enter upon any discussion of this question and I shall only state my conclusions with reference to it. I am fully aware that nothing I may say will have any effect on the action of this body, as Senators have their minds settled as to what they should do.

I was opposed t. the establishment of the Commerce Court, and if there was a vote upon that question as a separate measure, I voted against it. I know the record shows that I was opposed to the creation of the court. I voted, however, for the bill which contained a provision for the court, because it had so many valuable provisions in it that I did not think I should allow my opposition to the establishment of the Commerce Court to prevent me from voting for the measure. I believe that Congress is without power to remove from office the circuit judges who preside over the Commerce Court for the time being. The repeal of the act creating the Commerce Court could not have the effect of abolishing the judgeships. They are not judges of the Commerce Court, but circuit judges assigned for a time to preside over that court. The duties they are to thus perform are only part of the duties which they are required by law to perform. The amendment offered by the Senator from Georgia does not attempt to abolish the circuits in the districts from which they were appointed. The circuit courts remain. The practical effect of the proposed amendment is simply to remove from office five circuit court judges. The effect is not to abolish the circuit courts, but to remove the judges. In my opinion, the amendment will be invalid if it passes, and I am opposed to it on that ground. Even if Congress had the power to enact it into a law I would still be opposed to it, because of its revolutionary character. It threatens the independence of the judiciary. Unless the independence of the judiciary is maintained, the right to life, property, and the pursuit of happiness is in jeopardy. If Congress is in political accord with the Executive, every circuit judge might, in the manner here proposed, be removed from office and their places filled by the political adherents of the administration. The effect of such an act would be nothing short of revolution. Therefore I say such legislation has a strong revolutionary tendency, and I can not give my consent to it.

While I was opposed to the establishment of the Commerce Court I would not have voted to abolish it for the reasons which most of the Senators gave who so voted, to wit: That that court had rendered decisions that did not meet with their approval. I had the honor to serve upon a bench for some years, and I know how easy it is for courts to err. I have seen, in my judgment, this great body of men commit as great errors as the courts of the country, including the Court of Commerce, have committed. So it is human to err.

I am opposed to the recall of judges because they may render opinions that may not meet with popular favor; I am opposed to the recall of judicial decisions; and I am opposed to this method of trying to get rid of five judges, who, it seems, are objectionable to many Members of this body. I therefore shall vote against the amendment of the Senator from Georgia [Mr. SMITH]. I shall, however, vote in favor of the amendment proposed by the Senator from North Dakota [Mr. McCUMBER].

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from North Dakota, to insert the words just read in lieu of the amendment offered by the Senator from Georgia, which has been adopted as in Committee of the Whole.

Mr. WARREN and Mr. LODGE. On that the Senator from North Dakota asked for the yeas and nays.

The PRESIDENT pro tempore. The Senator from North Dakota has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. As I understand, the question is on the substitute amendment of the Senator from North Dakota for the amendment of the Senator from Georgia.

The PRESIDENT pro tempore. It is. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "yea."

Mr. ASHURST (when Mr. CHAMBERLAIN's name was called). I am authorized to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is paired with the Senator from Pennsylvania [Mr. OLIVER] and that the Senator from Oregon is necessarily absent from the Senate Chamber on official business.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS] and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "nay." In his absence I withhold my vote.

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer that pair to the Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD], and will therefore withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from West Virginia [Mr. CHILTON] and vote. I vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). I again announce the unavoidable absence of my colleague [Mr. KERN] from the Senate Chamber, and the fact that he is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the rest of the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the junior Senator from Delaware [Mr. RICHARDSON] and vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber; but I am informed that if he were present he would vote "yea" on this question; so I will take the liberty of voting. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Montana [Mr. MYERS] and will vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED], but I understand that the Senator from Maine [Mr. GARDNER], who is paired with the Senator from Massachusetts [Mr. CRANE], has transferred his pair to the Senator from Missouri, so that I am at liberty to vote. I therefore vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Mississippi [Mr. PERCY] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If he were present, and I were permitted to vote, I should vote "yea."

Mr. CLAPP (when Mr. THORNTON's name was called). The junior Senator from Louisiana [Mr. THORNTON] is paired on this vote with the junior Senator from North Dakota [Mr. GRONNA].

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. The Senator from New Jersey [Mr. BRIGGS] has transferred his pair with the Senator from West Virginia [Mr. WATSON] to the Senator from Pennsylvania [Mr. PENROSE]. I am therefore at liberty to vote, and desire to vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. As already announced, I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from New York [Mr. ROOT] and vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, is not present and has not voted. I therefore withdraw my vote.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Noticing that that Senator has not voted, I withhold my vote. If I were at liberty to vote, I should vote "yea." I will let this announcement stand for the rest of the day.

Mr. LODGE. I desire to say that my colleague [Mr. CRANE], who is now paired with the junior Senator from Missouri [Mr. REED], if present would vote "yea."

Mr. HEYBURN. When my name was called I announced a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not know how that Senator would vote if present, but I desire to say that were I at liberty to vote I should vote "yea."

Mr. PERCY. I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

The result was announced—yeas 23, nays 25, as follows:

YEAS—23.

Briggs	Gallinger	McLean	Smoot
Brown	Guggenheim	Nelson	Stephenson
Burnham	Jones	Page	Townsend
Burton	Lippitt	Paynter	Warren
Catron	Lodge	Perkins	Wetmore
Cullom	McCumber	Smith, Mich.	

NAYS—25.

Ashurst	Cummins	Overman	Smith, Md.
Bacon	Gardner	Percy	Smith, S. C.
Bristow	Gore	Pomerene	Swanson
Bryan	Johnson, Me.	Shively	Williams
Clapp	Johnston, Ala.	Simmons	
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Culberson	Martine, N. J.	Smith, Ga.	

NOT VOTING—46.

Bailey	Davis	Kern	Reed
Bankhead	Dillingham	La Follette	Richardson
Borah	Dixon	Lea	Root
Bourne	du Pont	Lorimer	Sanders
Bradley	Fall	Myers	Stone
Brandegee	Fletcher	Newlands	Sutherland
Chamberlain	Foster	O'Gorman	Thornton
Chilton	Gamble	Oliver	Tillman
Clark, Wyo.	Gronna	Owen	Watson
Crane	Heyburn	Penrose	Works
Crawford	Hitchcock	Poindexter	
Curtis	Kenyon	Rayner	

So Mr. McCUMBER's amendment to the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. SMITH of Georgia. As I understand, the question now is upon the amendment which I reserved.

The PRESIDENT pro tempore. The question is upon concurring in the amendment proposed by the Senator from Georgia [Mr. SMITH], which was adopted as in Committee of the Whole.

Mr. SUTHERLAND. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE], who is paired with the junior Senator from Missouri [Mr. REED] would, if present, vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. FLETCHER (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea." In his absence, I withhold my vote.

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer it to the junior Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. JOHNSON of Maine (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT]. I transfer it to the junior Senator from West Virginia [Mr. CHILTON] and will vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. I transfer it to the senior Senator from Maryland [Mr. RAYNER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the senior Senator from Delaware [Mr. DU PONT] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. Under the transfer made by the Senator from Arizona [Mr. SMITH], I understand I am at liberty to vote and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from West Virginia [Mr. WATSON] and will vote. I vote "yea."

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). Inadvertently I voted. I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. Therefore I withdraw my vote.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. I transfer it to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

I make this announcement for the day.

Mr. HEYBURN. I understand I am now at liberty to transfer my pair to the junior Senator from Kentucky [Mr. BRADLEY]. I so transfer it, and will vote. I vote "nay."

Mr. LIPPITT. I again announce the transfer of my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. FLETCHER. In pursuance of the transfer of pairs announced by the Senator from Idaho [Mr. HEYBURN] I am at liberty to vote. I vote "yea."

Mr. CRAWFORD. I desire again to announce my general pair with the junior Senator from Arkansas [Mr. DAVIS].

Mr. SMOOT. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] has a pair with the Senator from Nevada [Mr. NEWLANDS].

Mr. CLAPP. I desire to announce that the junior Senator from Louisiana [Mr. THORNTON] has a pair with the junior Senator from North Dakota [Mr. GRONNA]. I will let that statement stand as to all votes relating to the Commerce Court.

Mr. CRAWFORD. I desire to make the announcement for the remainder of the day that my colleague [Mr. GAMBLE] is necessarily absent and has a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. ASHURST. I have been requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] has a pair with the Senator from Pennsylvania [Mr. OLIVER], and that the Senator from Oregon is necessarily absent from the Chamber.

The result was announced—yeas 28, nays 26, as follows:

YEAS—28.

Ashurst	Cummins	Martin, Va.	Simmons
Bacon	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Ga.
Bryan	Gore	Overman	Smith, Md.
Clapp	Hitchcock	Percy	Swanson
Clarke, Ark.	Johnson, Me.	Pomerene	Tillman
Culberson	Johnston, Ala.	Shively	Williams

NAYS—26.

Briggs	du Pont	McCumber	Stephenson
Brown	Gallinger	McLean	Sutherland
Burnham	Guggenheim	Page	Townsend
Burton	Heyburn	Paynter	Warren
Catron	Jones	Perkins	Wetmore
Cullom	Lippitt	Smith, Mich.	
Dillingham	Lodge	Smoot	

NOT VOTING—40.

Bailey	Crawford	La Follette	Rayner
Bankhead	Curtis	Lea	Reed
Borah	Davis	Lorimer	Richardson
Bourne	Dixon	Nelson	Root
Bradley	Fall	Newlands	Sanders
Brandegee	Foster	O'Gorman	Smith, S. C.
Chamberlain	Gamble	Oliver	Stone
Chilton	Gronna	Owen	Thornton
Clark, Wyo.	Kenyon	Penrose	Watson
Crane	Kern	Poindexter	Works

So the amendment was concurred in.

Mr. CULBERSON. Mr. President, I desire to make a personal statement about pairs. I have a general pair with the Senator from Delaware [Mr. DU PONT]. On the vote on the amendment of the Senator from North Dakota, offered as a substitute, I voted when my name was called, thinking the Senator from Delaware would come in. The matter passed from my mind, and I let my vote stand, although the Senator from Delaware did not come in and vote. The vote was 25 to 23. My vote would not have changed the result, else I should very gladly move to reconsider and have the matter righted.

Mr. CUMMINS. I offer the following amendment to immediately follow the amendment proposed by the Senator from Georgia, just adopted.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 147, following the amendment offered by the Senator from Georgia, just agreed to, insert:

So much of the act of June 18, 1910, and of March 3, 1911, authorizes or directs the said five judges to preside in the circuit or district courts of the United States or in the circuit courts of appeal or to exercise any of the powers, duties, or authority of circuit or district judges or of said circuit or district courts or of said circuit courts of appeal is hereby repealed.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Utah asks that the unfinished business be temporarily laid aside. Without objection it will be so ordered. The question is upon the adoption of the amendment submitted by the Senator from Iowa [Mr. CUMMINS].

The amendment was agreed to.

Mr. WILLIAMS. Mr. President——

Mr. OVERMAN. If the Senator from Mississippi will yield, there is another amendment offered by the Senator from Georgia.

Mr. SMITH of Georgia. And which will perfect it.

Mr. WILLIAMS. I withhold my amendment.

Mr. SMITH of Georgia. I will ask whether the reservation carried with it also the two other amendments, one as to the amount appropriated for the salaries of these judges and the other as to the total. If it did, I ask that they be passed on.

Mr. WARREN. The matter of totals has already been provided for by unanimous consent. The clerk has been instructed on the finishing of the bill to correct all totals.

Mr. SMITH of Georgia. That does not take care of the provision in line 7.

Mr. WARREN. It takes care of the totals only.

Mr. SMITH of Georgia. It does not take care of the provision in line 7, which refers to 34 circuit judges instead of 29, and I call attention to that amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 147, line 7, strike out "thirty-four" before the words "circuit judges" and in lieu insert "twenty-nine."

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer the amendment I had printed and gave notice of on yesterday. I call the attention of the Senator from Iowa to it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. That the Senate amendment striking out the House provision numbered section 3, beginning on line 19, page 152, and including line 21, page 153, be disagreed to, and that the House provision be adopted with the following amendments:

First. After the semicolon in line 1, page 153, all the language in lines 1, 2, 3, 4, 5, 6, and 7, down to the word "provided" in line 7, be stricken out.

Second. That after the word "shall," in line 8, page 153, there be inserted the words "except as hereinafter prescribed"; that in line 12, page 153, the word "fair" be stricken out; and that after the word "efficiency," in line 12, page 153, these words be inserted: "prescribed by the Civil Service Commission," so that the provision as amended shall read as follows:

"Sec. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine: *Provided*, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department."

That in the Senate committee amendment, after the word "promoted," in line 5, page 154, there be inserted the words "or reappointed at the end of his five years' service"; and in line 6, strike out the words "below which no employee may fall without being demoted," and insert, after the word "rating" in line 6, this language, "and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit," so that the amendment shall read as follows:

"Sec. 6. That the Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a service maximum rating below which no employee may fall, without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

Mr. CUMMINS. Mr. President, I am very reluctant to consume any time of the Senate in the discussion of this amendment, but believing that it would be very disastrous to the civil service of this country I feel that it is my duty to record some of the conclusions that I hold with respect to the subject.

I believe that the employees of the civil service of the United States compose as faithful, efficient, loyal, and competent a body as ever served the public in any country of the world. I will go further; I believe them to be as efficient and as faithful as ever served any private enterprise in the country. I do not believe that, as a whole, they are overpaid. I believe that some of them are overpaid and that some of them are underpaid. I believe that owing to a duplication of work, which unfortunately exists in many departments, and owing to a faulty system under which the work is done, we have more employees than we ought to have, and that with proper care with respect to the duplication of labor and proper care with respect to the system under which the work is done we could dispense with a great many of the civil-service employees; and I am heartily for a readjustment which will reach these results.

I believe that in the higher grades of service the United States is paying less to its men and its women than is paid for like service anywhere in the country, and I hope the time will come when we can readjust this system so that every man and every woman will receive that which he or she fairly and honestly earns.

This civil service of ours has five defects, and I feel obliged to speak of them, because the amendments proposed by the Senator from Mississippi will, if not destroy, radically revolutionize the system. The first is that the law should prescribe what employees should be in the civil service or rather under civil service rules, what employees should enter upon merit, upon competitive examination; and that power should not have been remitted to the Executive. I think it is the duty of Congress to speedily take up the subject and prescribe by a statute what employees of this country shall enter upon examination and shall be governed by the rules of the civil service.

Second, there should be a reclassification of the civil service employees in the departments, so that the grade held by a particular employee would indicate the importance and the quality of the work in which he is engaged. As it is now, promotions are personal. Although I do not say that the power of the head of a department is often misused, nevertheless it is misused. It is not infrequent to see an employee receiving a salary of $1,000 sitting side by side with an employee who is receiving $1,200 or $1,400 per year, and the two men engaged in doing exactly the same kind of work; and it is too often true that the employee receiving the lowest salary does the more work.

Mr. CLAPP. Will the Senator allow an interruption?

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Certainly; I am glad to yield to the Senator.

Mr. CLAPP. If it will not interfere with the course of the Senator's argument, it does seem to me that that very point, the fact that there is no such thing as promotion, but there is merely provision made for increasing certain salaries, the clerks receiving the increased salary still working at the same desk and doing the same work, ought to be emphasized, because there is an impression that there is a system of promotion when in fact it is not promotion, it is merely an increase of salary. If the Senator will pardon me, it seems to me that this is a good place to make that plain to the public in the speech which he is making.

Mr. CUMMINS. I am very glad the Senator from Minnesota has emphasized the thought I had just expressed. One of the manifest defects in our system now is that there is no uniformity in the character or importance of the work that is being done by the employees who receive the same compensation. We ought to have a system into which men and women will enter in the low grades, and as they become more efficient, as their training becomes more perfect, then they ought to be advanced by grades to higher and more difficult work, and their compensation should be increased accordingly.

I may say to the Senate that the committee, of which I have the honor to be chairman, has had that question under investigation for now a year and a half at least, and a bill has been prepared, which would have been introduced long ago had not this session apparently been given over to other subjects, in which provision is made for a reclassification of all the civil-service employees and a readjustment, so that each clerk will take the place which he ought to have.

The third defect in our system, and it is a corollary of the second, is as to promotions. Promotions should be from grade to grade and promotions should be upon merit alone. We have devised a system, so far as I think we can go, requiring that entrances to the civil service shall be upon merit. We need now to devise a system by which, after entrance is successfully made, promotion shall also be made upon merit, and without any regard to political influence or the favoritism of any chief of a bureau or head of a department.

I may say this also is a subject which is under consideration. The committee of which I am chairman will propose presently a system or a plan by which the ratings, the markings of every employee shall be made as accurately as human foresight can make them accurate, and shall be so posted and so exhibited and so dealt with that there will be no possibility that they can be ignored when promotions or changes take place.

The fourth defect is that we have no provision for the retirement of our civil-service employees. We have a great many men and women above the age at which it is possible to do efficient work, and the common sentiments of the human heart prevent heads of departments from dismissing these employees, even although they have become incompetent by age, especially when it is known to the heads of departments that if they are dismissed, having been somewhat improvident during their connection with the Government, they are dismissed to a life of poverty and want. Therefore, I think it is true that every man when he reaches a certain age should be dismissed from the service, and every woman should be dismissed or discharged also upon arriving at an age to be fixed by Congress.

The bill that is now before the Senate on the calendar provides that when a civil-service employee of the first class, which really embraces all the clerical employments, arrives at the age of 70 years he shall retire. There is no discretion reposed in any department for the retention of such an employee except that he may be retained for a period of two years, if especial efficiency or value is shown.

Of the other class—that is, those employees whose service involves severe physical exertion or labor—the retirement is to be at the age of 65 years, and it is mandatory also with the limitation or condition I have just suggested. In this way, Mr. President, the civil service will be purged of its inefficient employees so far as the inefficiency arises from accumulating years.

This measure, to which I have referred, creates a retiring allowance, solely, however, from a fund accumulated by the employees themselves, except as to those employees now in the service and who will retire within a period of 20 years. I do not agree with the Senator from Mississippi that a compulsory saving system will be the forerunner of an unjust increase of compensation. What he says is an impeachment, as it seems to me, upon the resolution and the wisdom and the intelligence of Congress. All compensation should be great enough to enable the person who receives it to live with fair economy and save enough to support himself during those years in which, according to the decrees of nature, he will be incompetent or incapable of labor. I think that when the salaries of our employees are properly adjusted they ought to be compelled to save enough to make a provision for their old age, and I do not believe that the amount which they will be required to save from month to month will be used or can be used as a basis for increase of compensation, assuming always that the compensation is what it ought to be.

Recurring to the statement with which I began, I believe that some of the employees receive too much now; I believe some of them receive too little; and it is one of our highest duties to correct the injustice which now prevails by such a readjustment of salaries as will pay every man and every woman, too, for the work actually done according to the civilized standards of our own country.

The bill to which I refer bridges over the period between the present time and the moment at which the contributory system will become fully effective and fully self-sustaining by making an appropriation looking to a payment to those employees who will retire at the ages which I have already suggested and who can not in the very nature of things create the fund which will enable them to live in decency and comfort after their retirement. That, however, is a mere incident to the plan.

The plan itself is the compulsory contribution of an amount which will accumulate at the retiring age the sum of $5,000, which may be invested in the purchase of an annuity or may be taken as a whole. In either event the retiring employee is left with enough to sustain life in a moderate and comfortable way of living.

I have now suggested the four defects of our present civil-service system. They are all removable with a little diligence on the part of Congress. There is one defect in the system which never can be removed. It inheres in every governmental service. The defect is that young men especially enter the service at 21, or 22, or 23, or 24, or 25 just for the opportunity that is afforded of a training in their somewhat youthful years. They enter it with no intent to remain permanently in the service. They enter it because, first, it gives them the chance to become familiar with Washington or with their country's affairs, and especially because it gives them a chance to complete their education in the schools which are so plentiful in the Capital of the country. They serve a period of three, four, or five years, and having equipped themselves with all the knowledge which they can gather here, they retire from the service and reenter private life.

I do not desire to put a straw in the way of any young man pursuing that course. I think it indicates on his part a high and fine conception, better paths of life, those which lead to greater success and greater contentment; but, nevertheless, it leaves the civil service shorn of the exceptional ability of the young men, who use it simply for the training and education of which I have spoken.

We can never take that difficulty out of the civil service. It will remain under the changes proposed by the Senator from Mississippi. It would remain under the spoils system, and it can not be eradicated from the one we have.

I have given you in this way a hasty survey of what I look upon as the changes that ought to be made in our civil-service laws and rules. I now come to the proposal of the Senator from Mississippi. I premise what I am about to say by expressing the conclusion that if it is adopted it will destroy the essential idea of a regulative, permanent civil service.

Senators have heard his amendment read, but I will take the liberty of describing what I understand to be the changes which he proposes. I have no hesitation in admitting that the amendment of the Senator from Mississippi is much better than the House provision. I would a great deal rather see, however, the bill remain with the amendment proposed by the committee without any change whatever.

The Senator from Mississippi proposes, first, that all appointments shall be for a period of five years—that is, a five-year

term. That is substituted for the indefinite tenure of office which lasts during efficiency or competency under the present system.

Second, the amendment proposed by the Senator from Mississippi compels reappointments at the end of the term if the particular employee holds or enjoys the maximum rating which is provided for in the committee amendment, and which is to be made by the head of the department under rules prescribed by the Civil Service Commission. All those employees who fall below the maximum rating and are above the minimum rating are entirely at the pleasure of the head of the department; that is to say, the head of the department has the power to reappoint, but he is not compelled to reappoint. All employees who fall below the maximum rating of efficiency are dismissed. That is the provision made by the committee, and it is not disturbed by the amendment proposed by the Senator from Mississippi.

My objections to the amendment proposed by my friend from Mississippi are as follows: In the first place, the two sections, namely, 5 and 6, as they would be left if the amendment were adopted, are inconsistent in this, that section 5 would give to the head of the department the discretion generally to reappoint, while section 6 would limit that discretion or destroy that discretion in cases in which the employee held the maximum rating. This repugnance, however, can very easily be removed, and I only call it to the attention of the Senator from Mississippi in order that he may, if his amendment prevails, reconcile it.

Mr. WILLIAMS. If the Senator will pardon me, it does not exist, because in section 5 the language is inserted there by me, "except as hereinafter prescribed by the Civil Service Commission." That was put there for the express purpose of removing the objection of which the Senator speaks. The Senate committee had provided these regulations, and there would have been just this inconsistency between the two except for the insertion of that language.

Mr. CUMMINS. The Senator from Mississippi, Mr. President, may be right about that. I will turn to the language.

Mr. WILLIAMS. It is on lines 12 and 13 of the amendment. This is the language—I will read it to the Senator——

Mr. CUMMINS. I have it now, as it was printed in the RECORD yesterday, and, in order to be sure, I will read it aloud. If I am wrong about it, I will at once say so.

Mr. WILLIAMS. I will direct the Senator's attention to the particular point that I think cures it, and that is the proviso:

Provided, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible—

And so forth.

Mr. CUMMINS. I think, if the Senator from Mississippi will reflect upon that a moment, he will see that I am right. In order to show that I am, as it appears to me, I will read it again:

Provided, That all persons separated hereunder from the classified service shall—

And, of course, all persons are separated from the service under the section—

except as hereinafter prescribed, be eligible—

Those who are ineligible are those who fall below the minimum rating—

be eligible for and may, in the discretion of the head of the executive department, be reappointed.

I read it hastily, of course, but I do not think that the words "as hereinafter prescribed" refer to the discretion exercised by the head of the department at all, but refer only to those employees who fall below the minimum rating, and therefore become ineligible under any circumstances to reappointment. I simply suggest that to the Senator from Mississippi because I believe that to be the true construction of the section.

Mr. WILLIAMS. I would say to the Senator that that is rather a narrow construction, because when it says "hereinafter prescribed" it refers to the whole of section 6, which is the Senate amendment, and is the provision that the Civil Service Commission shall establish a system of efficiency ratings, and so forth.

Mr. CUMMINS. I only suggested it because, if the amendment passes I have not much interest then in what takes place in the civil service—I do not mean that; I have not any right to correct the proposals which are made by the Senator, and I have made this suggestion only to him.

In the next place, the word "maximum," as used in section 6 the last time, in my opinion, should be stricken out, and the word "minimum" should be inserted. I can not believe that it will bear the interpretation which is intended for it if it be permitted to remain. It says:

Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency.

Mr. WILLIAMS. If the Senator will pardon me there, I inserted later in the amendment as it was read to the Senate the word "service," and the words "service maximum rating." They are in the amendment as printed.

Mr. CUMMINS. I do not understand that we are giving the Civil Service Commission the power to make two ratings, one a maximum and one a minimum rating. Those who hold the maximum rating are under the original amendment to receive certain consideration in the way of promotions and those who are below the minimum are to be entirely dismissed from the service. As I read the amendment, it would have that effect after the changes made by the Senator from Mississippi are introduced. However, I only suggest that because, if the amendment passes, we are all desirous that no confusion shall result.

I come now to state in a few words my objection to the substance of the amendment proposed by the Senator from Mississippi. To anyone who is familiar with this matter, as is the Senator from Mississippi, it must be apparent that but few employees will reach the theoretical, abstract maximum rating established by the Civil Service Commission. There are only a few people anywhere who get a mark of 100, it matters not whether or not it is in school, college, business, Congress, or wherever human activity is found. Only a few people attain the maximum. I venture to say that when the Civil Service Commission establishes a maximum rating not 10 per cent of the civil-service employees will reach that maximum.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I thought perhaps some of the Senators might misunderstand the Senator from Iowa, though I do not think that I have misunderstood him. The Senator does not mean, of course, that what I mean by "maximum" there is a rating of 100.

Mr. CUMMINS. The Senator from Mississippi is not prescribing the maximum.

Mr. WILLIAMS. I leave that to the Civil Service Commission.

Mr. CUMMINS. If the Senator from Mississippi was prescribing it, I would have less difficulty about it. The amendment proposed by the committee, which remains so far as this point is concerned, is as follows:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted—

Or reappointed at the end of five years' service. Of course the latter words were not in the original amendment.

It shall also provide a maximum rating—

I had better read, I think, from the amendment proposed by the committee. Taking up this point, it says:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service * * *; it shall also provide a maximum rating below which no employee may fall without being demoted—

I think that that is an erroneous use of the word "maximum," but—

it shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules.

If the amendment proposed by the Senator from Mississippi is adopted it will read:

It shall also provide a maximum rating—

That is, the Civil Service Commission—

it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service.

I do not know, Mr. President, just how that would be applied; but I am very sure that it could not be applied so that a very large proportion of the employees would reach this theoretical maximum rating. I assume that it means to make up a sheet in which good conduct shall be counted for so much, faithful attendance for so much, and for accuracy in work so much, and that when we have the aggregate of all of these things their comparison with a perfect standard will determine the rating of the employee whose work is being examined. I do not know what it will be, because that is a mere conjecture; but I do feel sure that a very small proportion of the employees will ever reach that rating. If 90 per cent of the employees fall

below it, or if 75 per cent of them fall below it, then the greater number, by far the greater number, of our civil-service employees will be reappointed or rejected according to the pleasure of the head of the department. We will in that way introduce into the civil service all the objections which were so great to the service at the time when employees were either brought into the service through political influence or through the favoritism of the heads of departments.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. I think the wording of the committee amendment is much preferable to the wording of the amendment offered by the Senator from Mississippi, and yet I can hardly agree with the conclusion just reached by the Senator from Iowa. The word "maximum," as used in the amendment of the committee, virtually means that a rating must not be lower than the one provided by the Civil Service Commission, but that may be, in reality, the minimum rating required to enter the service. In other words, I do not think the word "maximum" in this amendment means that an employee must pass the highest rate possible, namely, 100 per cent; but it means that he must reach the maximum rate fixed by the commission before he can be reemployed.

Mr. WILLIAMS. Mr. President, the idea in my own mind was that if, for example, I myself were the Civil Service Commission—there are three ratings here—I would prescribe, say, merely for illustration, 85 or over as the maximum rating. You might leave out the adjectives "maximum" and "minimum" altogether, if you choose, and the bill would be perfectly plain or just as plain. I put those words in because the Senate had embraced them in the provision. I should have said, if left to myself, "a rating above which" and "a rating below which" and "a service rating at which," but the Senate provision uses "maximum" and "minimum" throughout.

Mr. CUMMINS. I can understand what the Senator from Mississippi says, but I do not——

Mr. WILLIAMS. The word "maximum" does not mean in that case the highest rating, and, of course, it does not mean 100.

Mr. SMOOT. That is what I endeavored to call attention to—that the word "maximum" does not mean that it shall be 100 per cent or 95 per cent or even 90 per cent. The commission may say that the maximum rate at which employees shall be reappointed shall be only 75 per cent, or whatever they choose.

Mr. WILLIAMS. I should think 85 per cent would be a good maximum.

Mr. CUMMINS. Well, Mr. President, I do not know what these words mean as used in this section, and I do not think anybody else does.

Mr. WILLIAMS. Nobody will until the Civil Service Commission fixes it.

Mr. CUMMINS. The explanation of the Senator from Utah [Mr. SMOOT] seems to be what more than once I have heard the Senator from New York [Mr. ROOT] call an attempt to elucidate the simple by the complex. I suppose that what is meant is that the Civil Service Commission shall say that if one does not reach 75 per cent or 65 per cent, according to the marks which it prescribes, then he can not be promoted, but must be demoted, and that if he does not reach 50 per cent of a perfect standard, then he must be dismissed from the service. I do not know, though, what the Senator from Mississippi means when he says that if the employee should have a maximum rating of efficiency, then the head of the department must reappoint him. I would not know what "the maximum rating of efficiency" would mean if used in that way; but I reiterate——

Mr. WILLIAMS. But, if the Senator will pardon me, Mr. President——

Mr. CUMMINS. Yes.

Mr. WILLIAMS. If these words stood alone, and that was the end of it, the Senator would be right; but that is not what the amendment says. It is a certain rating, a maximum rating, to be prescribed by the Civil Service Commission. I purposely did not undertake to indicate even to myself what should be a maximum or minimum, because I thought the Civil Service Commission was the proper body to do that; but whenever it indicates and announces that "the following is to be the maximum rating," "the following is to be the minimum rating below which employees are to be discharged," and "the following is to be the service maximum," then the commission have indicated the three points. I leave it to them, not to myself or to the Senator.

Mr. CUMMINS. Then, does the Senator understand that if the Civil Service Commission should say that employees who attain 25 per cent must be reemployed the head of the department will be compelled to reemploy them?

Mr. WILLIAMS. If the Civil Service Commission was foolish enough to say that, yes; but I have no idea that they would be. Here is the language which, taken in connection with this, explains it:

If at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed.

If the Senator could conceive that the Civil Service Commission would be so foolish as to prescribe 25 per cent, then, of course, my whole measure would fail by the stupidity of the Civil Service Commission; but I do not think they would do any such absurd thing as that.

Mr. CUMMINS. I simply wanted to know in order to construe it.

Mr. WILLIAMS. I admit that it all hangs upon the wisdom and efficiency of the Civil Service Commission, and if the Civil Service Commission is stupid and foolish, why the whole thing will go by the board.

Mr. CUMMINS. It is a very extraordinary power which the Senator from Mississippi proposes to give them.

Mr. WILLIAMS. They have the same power now.

Mr. CUMMINS. Mr. President, they have no such power now. Of course, they can keep people out of the service, but they can not promote them in the service.

Mr. WILLIAMS. They have not the same power, no; but they have a similar power as to entry into the service; for instance, the Civil Service Commission, if it were foolish enough to do so, could say that anybody obtaining a rating of 15 per cent should be eligible.

Mr. CUMMINS. I understand that.

Mr. WILLIAMS. But they have not done so, of course, because they are not foolish.

Mr. CUMMINS. Of course not. But, Mr. President, although I do not believe that the amendment means what the Senator from Mississippi now believes it to mean, if the Civil Service Commission fixes a low rating that will compel the heads of departments to reemploy employees after the period of five years, we accomplish nothing; and if it fixes a high rating, a theoretical rating, then the measure of discretion that is left with the head of the department is just as large practically under the amendment of the Senator from Mississippi as under the House provision.

What I ask the Senate to reflect upon is this: Does it desire to open up 50 per cent or more—one can not tell whether it will be 25 or 50 or 75 per cent—of employees who will be at the discretion and pleasure of the heads of the departments? Do we want to destroy the existing system and introduce the old methods of reaching the public service? I, for one, do not. I believe that men who do not maintain a fair efficiency ought to be dismissed; but until they are dismissed by reason of a failure in their efficiency, they ought to continue until the retiring age, which I have already suggested.

I believe, Mr. President, that these are all the suggestions which I desire to make with regard to this matter. I simply wanted to point out what I thought ought to be done to remedy the defects of the civil service and to point out the disaster which I think will be brought about if the amendment now proposed receives the approval of the Senate.

Mr. WILLIAMS. Mr. President, the first thing that I want to say is that the period of retirement of an employee from the service ought not to be a period of age at all. It ought to be a status of efficiency or inefficiency. To prescribe that a man shall be separated from the public service when he reaches a certain age is just an awkward way of approximating efficiency. It is better to go to the root of the evil at once and give somebody who is responsible for the success of administration the opportunity to have some discretion, at any rate, about the efficiency of his employees. So much for that.

The Senator from Iowa says that the amendment offered by me would leave things substantially the same as they are left by the House provision with regard to an advance of what is called "the spoils system" and a retrogression of the civil-service system as we know it. The Senator is entirely mistaken. The House provision if adopted—and that was my objection to it—would leave the entire civil service of the United States at each recurring five-year period subject to the discretion of the executive officers as to the retention or dismissal of employees. I have undertaken to cure that by saying, first, that I would leave the question largely to the Civil Service Commission, as being a very much more able body to prescribe ratings than the Congress itself could be, and that those of the public employees obtaining a certain rating should be re-

tained, regardless of the discretion of the executive officers; and those of them falling below a certain rating should be dismissed, regardless of the discretion of the executive officers, and that in between these two ratings there should be, as the Senator from Iowa has said, a very large measure of discretion in the executive officers.

Now, as to what the Civil Service Commission would prescribe as a rating at which and above which men should be retained and a rating at which and below which men should be dismissed is a question for the sound judgment and discretion of the Civil Service Commission, which is a better judge of the ratings to be prescribed than I am, and therefore I have not undertaken to interfere with it in that regard. As between the two ratings, I am of the opinion, and have been for a long time, that there ought to be left to the chief of the bureau, his foreman, and to the department a very large measure of discretion in promoting and demoting for the purpose of getting men who will render good service. There is nothing of the spoils system in it; there is no attack upon the civil service about it.

The Senator from Iowa began his remarks by saying that this would be disastrous. He will pardon me for saying that I never suspected him of being capable of so lame and so impotent a conclusion to so emphatic an introduction. He has pointed out no respect in which it would be disastrous to the civil service. He has pointed out no respect in which it is an attack upon the civil service.

In the first place, no man can gain entrance into the public service if this amendment is adopted any more than he can now, except under the rules prescribed by the Civil Service Commission. That is the first proposition. It does not reduce the pay or the compensation of anybody, nor does it put that matter any more within the discretion of the executive officers than it is right now.

What is the situation right now, Mr. President? To that I call the attention of Senators, especially the attention of the Senator from Iowa, who is complaining that under my amendment a large measure of discretion is left between the two ratings for the executive officer to promote or to demote or to fix salaries.

What is the condition right now? It is that after a man once gets into the civil service he can be transferred, promoted, or demoted without restriction, without any limitation at all from anybody, anywhere. There is not even a maximum at which he must be kept, nor a minimum below which he must be dismissed. Once in, he can stay in forever, and he can be promoted or demoted at the will and at the discretion of the man who is now managing the office.

In a word, Mr. President, if I am correct in the conclusions I have drawn from trying to listen very attentively to the Senator from Iowa, he has made but one attack upon the amendment I propose, and that is an attack growing out of a conviction upon his part that the employees of the Government ought to have a life tenure. That is the difference between us, so far as I can see it. I think they ought to have an efficiency tenure and not a life tenure. He seems to think a man has a right to hold the office for his lifetime, and then to be retired at a certain age—an age so high that superannuation and inefficiency are conclusively presumed. With these exceptions, he seems to think a man ought to have a life tenure of office, and I do not. That is the difference between us.

I think the man ought to have an indefinite tenure, and I think he ought to have an efficiency tenure, and I think he ought to be susceptible of reappointment just as long as he has proven efficiency, and I think when he proves efficiency to a certain marked degree his retention ought to be compulsory.

That is the object of the amendment, as well as I could word it. Of course, as the Senator said, its success or failure depends upon the wisdom, discretion, or folly of the Civil Service Commission. But that is equally true of the present system; and hitherto we have never found that the Civil Service Commission was stupid enough to prescribe impossible, absurd, or ridiculous regulations.

The Senator admits that we have more employees now than are necessary, and he offers but one plan to cure that condition in the bills he proposes later on to submit to the National Legislature. That plan is, at either 70 or 65 years of age, to cut these men out of the service. But that will not cure it.

Under this amendment of mine I am not proposing to take out a single superannuated employee of the Government at this time, except in so far as under the present law he may be taken out. Out of a tenderness of feeling toward the deadwood already accumulated in the departments I have let it alone; and for that reason I struck out so much of the House provision as removed such employees from the service at this time. I am willing to leave them to die out. What I am looking forward to, if this amendment is adopted, is the prevention of any such barnacle growth in the service in the future. But as far as the present barnacle is concerned, I am willing to let him stick to the bottom of the ship. He is there and you can not very well get rid of him; and I knew that if I did attempt to go too far it would create animosity to the provision. But I do attempt to see to it that after the passage of this bill no fresh barnacles shall get themselves attached to the coppers of the vessel.

There is nothing in the bill proposed by the Senator from Iowa, there is absolutely nothing in what he has suggested, that will cure the evil, except by making the taxpayers of the United States contribute to old-age pensions for the tax eaters of the United States, with the tax eaters getting upon the average 50 per cent more annual pay than the taxpayers are getting upon the average. That is all there is to it.

The Senator says he is going to compel the employees of the Government to accumulate this fund themselves. He can not do that. He says that when I say Congress would increase the employees' salaries to make up for the amount that would be thus compulsorily taken away from them, I am impeaching the wisdom or the patriotism of Congress. Perhaps I am. I am not halting about words. But whether I be impeaching it or not, it is a fact—and every Senator will bear me out in it in his own inner consciousness—that if we pass a bill to accumulate retirement or old-age pensions for these employees, and take so many dollars away from them each month in order to do it, they will come here to the Senator from Idaho, to the Senator from Wyoming, to the Senator from Iowa, to the Senator from New Jersey, to the Senator from Ohio, and to the Senator from Mississippi and make our ears ring until we do give them these increased salaries. We know they will do it.

If that be impeachment of my own wisdom and patriotism, and of the wisdom and patriotism of other Senators and Representatives, let it go at that. But I have seen enough of public life to know that when the civil-service employees here in Washington get after anything they are pretty apt in the long run to get it; because while they are only about one-fifth of 1 per cent of our constituents, they are here, and the other 99⅘ per cent of them are at home. Those who are here can come in to see you in the morning, stay with you until late at night, write to you every day, and bring every sort of influence to bear upon you. And that is not all. They bring to bear the influence of the great newspapers of the city of Washington and of the entire commercial population of the city of Washington, all of which are greatly interested in larger salaries for these employees. I know the influence they have.

The Senator says one of the faults of the present system is that there is no provision for retirement. The only provision he offers is one for age retirement, and that at the expense of the tax-paying public of the United States. I think I offer a much better one. That is that at the end of each period of five years there shall be an opportunity to separate the barnacles from the bottom of the ship. I do not leave absolutely free discretion, because a man with a certain rating must be reappointed, and a man below a certain rating must be put out. But between these two ratings there is a certain amount of discretion which can not be avoided, as far as I can see, and which exists under the present law.

I think the distinction between the two plans is just this: The Senator's plan is one of compulsory, paternalistic saving, effected by law. Mine is an appeal to the individual to save for himself, confronting him with the danger of being severed from the public service, and therefore appealing to his selfish interest to take care of himself, instead of looking to the Government to take care of him.

Mr. OVERMAN. May I ask the Senator a question?

Mr. WILLIAMS. Certainly.

Mr. OVERMAN. The Senate having struck out the House provision and substituted in lieu thereof a provision of its own, as recommended by the committee, I was going to ask the Senator whether it would not be possible for the conference committee to agree on something in the nature of the suggestion of the Senator from Mississippi?

Mr. WILLIAMS. Oh, yes, Mr. President; that could be done. That is absolutely true. But I think the Senate has already gone too much on the idea of leaving legislation to conferees. I would rather have the opinion of the Senate, wherever I can get it, especially if the matter be an important one. This is a very important one and a very far-reaching one; and in so far as the Senate has an opinion, I should like to get it. Merely to say that the two Houses disagree, in order that the conferees may legislate, is not, in my opinion, a good way of carrying on public business.

Mr. OVERMAN. Inasmuch as the Senator has made a very wise, interesting, and able elucidation of this matter, I thought perhaps the conferees could take his amendment as the basis of

their agreement. If we should strike out the clause and adopt the Senate committee's amendment, then, having discussed the question as he has in a very able manner, and having thrown a great deal of light on it, I thought probably they might agree to something like that.

Mr. WILLIAMS. They might or they might not. But if the Senate agrees with me about it, the conferees would be much more apt to agree with me than they would without an expression of the opinion of the Senate. I think I have succeeded measurably well in doing what the House wanted to do, cutting out of the House provision so much as really seemed to me to be dangerous to the civil service.

I certainly do not want to go back to anything resembling the old spoils system. In my own interest I would not want to do it. I do not want to turn loose upon myself the brigade of pie hunters. Nobody else with any sense wants to turn them loose upon himself. So I tried to take out of the House provision the part of it that seemed to me to be dangerous to a nonpartisan, nonpolitical public service. I want a nonpartisan, nonpolitical public service. Then I tried to accord the balance with the provisions of the Senate committee, which seems to me to be wise as far as they go, but not to go quite far enough, and, by bringing the two into harmony with one another, to furnish a scheme under which we could have a nonpolitical public service, while at the same time a nondependent public service; and one is almost as important as the other.

I have a perfect horror of having a class of people in Washington and the District of Columbia who feel absolutely dependent all their lives upon the Public Treasury for their support, and who are fed all the time upon the hope that they are to be taken care of by special laws, carrying special privileges to them as a part of the petted population of the United States. I think an independent and self-dependent public service is almost as important as a nonpolitical public service. Both are important; and surely we can manage to obtain both.

The PRESIDING OFFICER (Mr. CLAPP in the chair). The question is on agreeing to the amendment of the Senator from Mississippi [Mr. WILLIAMS]. [Putting the question.] The "noes" appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. OVERMAN. Mr. President, I want to set myself right in some remarks I made yesterday upon a communication I received from the Treasury Department. It came in so late that I did not have time to thoroughly read it, and I have read it only casually. I asked a question in regard to the Santee Competency Commission. I find upon reading the report that that commission expired in April of last year, and so have about three or four of these commissions. But there are others still in existence.

Mr. TOWNSEND. Mr. President, I rise for the purpose of making a parliamentary inquiry. On yesterday I presented three amendments as in Committee of the Whole, two of them relating to the superintendent of the press gallery, and one to a messenger in the same service. At that time the amendments were ruled out of order as violating Rule XVI of the Senate. My inquiry is, Are those amendments in order at this time in the Senate?

Mr. WARREN. The same point of order that was made as in Committee of the Whole would lie against the amendments in the Senate, and would be made.

Mr. OVERMAN. Further, they were not reserved.

Mr. WARREN. No.

Mr. TOWNSEND. I should like to have the ruling of the Chair.

The PRESIDING OFFICER. The question of the Senator from Michigan may be considered from two separate and distinct viewpoints. The fact that the amendments were ruled out yesterday would not prevent their being renewed to-day, if that is what the Senator means.

Mr. WARREN. But, as I understand, the Senate has already confirmed the action of the Committee of the Whole, because that was not one of the reserved amendments.

The PRESIDING OFFICER. The Chair was about to reach that in the next statement.

Mr. TOWNSEND. I think the Senator from Wyoming is entirely wrong about that. The Senate has never acted upon the amendment. This was not an amendment which was adopted as in Committee of the Whole.

Mr. OVERMAN. Did the Senator reserve the right to offer these amendments when the bill came into the Senate?

Mr. TOWNSEND. No, sir; he did not.

The PRESIDING OFFICER. Unless the amendments relate to a provision which the Senate adopted, the Chair is very firmly of the opinion that they can be renewed at this time.

Mr. TOWNSEND. I desire to offer an amendment. On page 9, line 12 of the bill, after the word "gallery," I move to strike out "$1,800" and insert "$2,000."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 9, line 12, after the word "gallery," it is proposed to strike out "$1,800" and insert "$2,000."

Mr. WARREN. Mr. President, I make a point of order on several grounds. The first is that the increase is not estimated for. Second, it was not presented as an amendment, printed, and sent to the committee. Third, it has not the indorsement of any standing committee of the Senate. Fourth, it increases the amount of an appropriation for which no law or treaty or stipulation has been passed at this session, or is in existence, in fact.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order.

Mr. TOWNSEND. Then I refrain from offering the other amendments, because they are exactly like this one.

Mr. JONES. On behalf of my colleague [Mr. POINDEXTER] I desire to offer an amendment on page 96.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 96, line 7, strike out "$2,000" and insert in lieu thereof "$2,200."

Mr. WARREN. That has been estimated for. I will not raise any objection to the amendment.

The amendment was agreed to.

Mr. JONES. I desire to offer another amendment on behalf of my colleague [Mr. POINDEXTER].

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 95, line 3, strike out "$2,000" and insert in lieu thereof "$2,200."

Mr. WARREN. That is estimated for, and I make no objection to the amendment.

The amendment was agreed to.

Mr. JONES. On page 103, line 19, I desire to amend the committee amendment by making it "$3,000" instead of "$2,750." It is for the second assistant commissioner.

The PRESIDING OFFICER. Was the amendment reserved yesterday?

Mr. JONES. Yes, sir. An estimate for $3,500 has been submitted.

Mr. WARREN. The Senator from Washington is right. The estimate for that office is $3,500. The committee did not reach the estimate, and the Senator in his amendment does not now reach the estimate. I do not object.

Mr. JONES. No; the amendment does not reach the estimate.

Mr. WARREN. I make no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 103, line 19, strike out "$2,750" and insert "$3,000."

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, on page 10, line 4, the committee increased the number of privates in the Senate Office Building from 7 to 16. It seems to me that that is a very excessive number. I do not see what possible reason there can be for so many, and certainly 9 policemen would be ample—three watches of 3 each. For what do we need 16 policemen over there?

Mr. WARREN. Mr. President, if the Senator from Georgia will permit me, the increase is not in fact as it appears here—from 7 to 16. We really are not increasing the number now and heretofore employed, but the House cut it down for some reason; I am not quite certain why. I should suppose that the House would refrain from taking charge of the Senate Office Building. But the policemen for the main Capitol building here are under the joint control of both Houses, and perhaps that makes it competent.

There have to be at all those places which are open day and night three shifts, of course. There have to be on the others—there are several other openings—one or two shifts, as the case may be, for the day and evening. Now, given that they work 8 hours on and have 16 hours off, making allowances for the fact that they have to be on duty every holiday and Sunday, the fact that they are entitled to the same leave—30 days—that other employees have, and to sick leave and the consequent necessity of having the absence of one made up for by the presence of another, the Superintendent of the Capitol and also our Sergeant at Arms are of the opinion that we can not properly guard and watch the office building with less than the number of officers we have provided for.

I am not certain how many openings there are in that building which have to be covered by the watchmen; I do not just now remember, but the building covers a whole city square of ground, and there are openings, I think, in every one of

the four corners, and there are openings on the street elevation and also on the lower elevations. Senators and their clerks go in and out of all of them. I do not believe we should reduce the number.

Mr. SMITH of Georgia. I do not think we need a policeman at every opening. Take the large office buildings, into which more people enter than enter the Senate Office Building, and where there are infinitely more offices, and no such number of policemen is maintained. It does seem to me that it is a useless piece of extravagance.

Mr. LODGE. Mr. President, I am rather disposed to think that the Senate has on its rolls a great many needless persons, but in this particular instance I do not think they are needless. It is an enormous building, with rooms filled with valuable papers; it has large corridors; there are four stories to be patrolled; and under the system of having 16 watchmen, if the whole force was always on duty, allowing nothing for the necessary 30 days' leave, it would give at the outside 5 on a shift. Now, as a matter of fact, it is about 4 on a shift, and I really think that for a building of that size 4 officers on duty is a very reasonable number.

Mr. WARREN. Mr. President, the Senator from Georgia speaks of there being no necessity for having an officer at every opening. I think there is no opening for ingress and egress to either the House or Senate Office Building or to this main building that ought to be left without some one on guard. Almost every month in the year—sometimes oftener than once a week—some weak or poor demented individual makes his way in and has to be taken care of. We are subject, of course, to pilfering. There is a great deal of valuable property in the building. The building is a very expensive one. We are not discussing now whether we ought to have built it or not. That does not come up now. But it is a very expensive and complete building, of great size, with a great deal of property in it, and we ought to protect it. There should not be disreputable characters going in there night or day, nor should property be carried away, and there should be nothing carried into it except what is proper. These officers are not only policemen, but watchmen, and I think the Senator upon reflection concerning this public building, with public men from every State in the Union in it and subject to all kinds of interruptions such as I have mentioned, will hardly agree to have an entrance left unguarded and think it safe.

The PRESIDENT pro tempore. The bill is in the Senate and is still open to amendment.

Mr. JONES. Mr. President, yesterday I reserved a point of order against the amendment on page 103, line 17. I withdraw the point of order and will allow the amendment to be adopted.

The PRESIDENT pro tempore. In the absence of objection, all the amendments which have been reserved and which have not been now challenged will be considered as concurred in by the Senate. If there be no further amendments, the question is on the engrossment of the amendments.

Mr. HEYBURN. If I understood the phraseology of the President's statement—that in the absence of objection all other amendments reserved would be adopted—I hardly think he intended to go that far. I reserved two amendments which upon further consideration I concluded not to press. Of course, they are not adopted.

The PRESIDENT pro tempore. The Chair was speaking simply of amendments which had been adopted in Committee of the Whole, and not of amendments which had been proposed by Senators. He referred simply to amendments which had been adopted in Committee of the Whole. The Chair will state that in the absence of reservations the usual course is to say that the amendments made as in Committee of the Whole are concurred in by the Senate.

Mr. HEYBURN. It was only because of the omission of that statement that the Senator from Idaho rose.

The PRESIDENT pro tempore. Possibly the Senator from Idaho is correct in that.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

PERSONAL EXPLANATION—FLAG OF THE UNITED STATES.

Mr. HEYBURN. Mr. President, I desire to send to the desk to have read by the Secretary a matter which is of privilege of the highest order. I have marked the part to be read.

The PRESIDENT pro tempore. The Senator from Idaho asks as a matter of privilege for the reading of a paper sent to the desk. The Secretary will read as requested.

The SECRETARY. From first page of Washington Herald, Friday, June 14, as follows:

SOLON PLACES LAND BEFORE GOD—SENATOR HEYBURN DECLARES NOT EVEN EMBLEM OF CHURCH FLOATS ABOVE THE STARS AND STRIPES—WOMAN'S RELIEF CORPS HOLDS FLAG DAY EXERCISES—PRAISE FOR COUNTRY AND NATIONAL FLAG FEATURES ANNUAL CEREMONIES.

Senator WELDON BRINTON HEYBURN, of Idaho, placed his country before his God last night at the Flag Day exercises in celebration of the one hundred and thirty-fifth anniversary of the birth of Old Glory at the Church of Our Father, Thirteenth and L Streets NW., under the auspices of the Woman's Relief Corps, Department of the Potomac, Grand Army of the Republic, when he declared that no flag floats above the Stars and Stripes.

Mrs. Isabel Worrell Ball, patriotic instructor for the Department of the Potomac, Woman's Relief Corps, had made an address on the "Evolution of the flag," illustrating her remarks with 70 large flags, most of which she made herself, and in concluding had shown a flag of blue bearing a single white cross, which she declared was the flag of the church, and was the only flag which floated above the Stars and Stripes, explaining that when religious services were held on board ship the flag of the church was run up above Old Glory. Immediately Senator HEYBURN, who was sitting on the platform, asked in a voice that was heard all over the church, "By what authority does this flag float above the Stars and Stripes?" And when Mrs. Ball replied that she could not quote the authority, Senator HEYBURN said, "No flag floats above the Stars and Stripes."

Mr. HEYBURN. Mr. President, my object in calling attention to that publication, which I did with reluctance, because of the personal associations with it, was that the Senate might know it is claimed to be the practice in the United States Navy and upon ships of the Government to raise a flag above the Stars and Stripes at the masthead of a ship. I do not believe that any considerable portion of the people understand that this is the practice in the Navy of the United States, or upon Government ships, but I do speak with confidence when I say that no Senator will approve of any such act. No flag, church or state, has a right to be placed above the Stars and Stripes. We do not recognize the precedence or prominence of any church or the flag of any church above the Stars and Stripes.

At another time I will introduce an appropriate resolution in regard to this matter.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 833).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Finance and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a report by the Secretary of State, submitting reports from American consular officers in the German Empire and certain other foreign countries in regard to cooperation and the cost of living.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

[Papers accompanied similar message to the House of Representatives.]

IMPERIAL VALLEY, CAL. (S. DOC. NO. 846).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing an appeal from the board of supervisors of Imperial County, Cal., for further appropriations of money and further works for the protection of lands and property in the United States against the flood waters of the Colorado River.

In my message dated February 2, 1912, transmitting data of the work of the Interior Department, published as House Document No. 504, Sixty-second Congress, second session, there is contained a report of the engineer in charge of the work of protection done under the act of June 25, 1910, appropriating $1,000,000 for this purpose, and also a report of a special board convened, by my direction, to review this report and advise what further work should be done along the lower Colorado River for the protection of the interests of the United States. In this report of the special board, dated June 7, 1911, there will be found a recommendation that certain additional work should be at once executed and an estimate of $1,000,000 as necessary for this work.

In my message I stated that I did not at that time make a definite recommendation for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. As stated in this message, the matter was being pressed upon the attention of the Mexican Government and favorable progress has been made in the negotiations. However, it is not probable that the negotiations with Mexico can be consummated before the adjournment of Congress, and it is therefore desirable to provide against a possible emergency which may arise after Congress has adjourned.

Since the report of the special board above referred to a part of the work proposed has been executed, and it is believed that the work will prove adequate for the protection of the lands in Imperial Valley against serious overflow during the present flood, which materially exceeds the average flood in volume, but, as shown in the letter of the Secretary of the Interior, the Colorado River, since the date of the report of the special advisory board, began and has continued to cave its banks, until the protecting levee on the Mexican side, about 7 miles below the intake of the Imperial Canal, is threatened, and apprehensions are aroused that the Colorado will again cut a deep channel into the Imperial Canal and flow again into Salton Sink with disastrous results to American lives and property.

I request that the recommendation of the Secretary of the Interior be followed and that an appropriation of $1,250,000 be made to meet any emergencies that may arise, for the construction of levees and revetments along the Colorado River, and for the protection of property in the United States from damage by the flood waters of that river, and to be expended, in whole or in part, for the purpose stated and under the direction of the President of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

POST-OFFICE FACILITIES IN NEW YORK CITY.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York (S. Rept. 883), and inasmuch as it is an emergency measure, I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I object.

Mr. SUTHERLAND. Do I understand that the Senator from North Carolina objects to the consideration of the bill?

Mr. SIMMONS. I did not understand what the bill is, but I wish to go on with the chemical schedule bill.

Mr. SUTHERLAND. I think the Senator from North Carolina will not object to the bill when he understands the purpose of it, and I can state it in just a word.

Mr. SIMMONS. I will not trouble the Senator to make a statement. I will withdraw my objection to that bill and to two other bills the Senator is about to report.

Mr. SUTHERLAND. Very well. It will not take very long.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SANTA FE, N. MEX.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably with amendments the bill (S. 6269) to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico (S. Rept. 882). I call the attention of the Senator from New Mexico [Mr. CATRON] to the bill.

Mr. CATRON. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Utah.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 12, before the word "thousand," to strike out "four" and to insert "two," and in the same line, before the word "thousand," to strike out "twenty-five" and insert "ninety-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Santa Fe, county of Santa Fe, State of New Mexico, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $295,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT RATON, N. MEX.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably, with an amendment, the bill (S. 6573) to provide for the purchase of a site and the erection of a public building at Raton, N. Mex. (S. Rept. 881).

Mr. CATRON. I ask for the immediate consideration of this bill also.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Raton, county of Colfax, State of New Mexico, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER "DAMARA."

Mr. BURTON. I ask unanimous consent for the immediate consideration of the bill (S. 7015) to provide American registry for the steamer *Damara.*

Mr. SIMMONS. Let the bill be read.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SIMMONS. I will not object, with the understanding that there is to be no debate upon it.

Mr. BURTON. I think it will take but a moment.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CHEMICAL SCHEDULE.

Mr. SIMMONS. I ask that the unfinished business, House bill 20182, be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. JOHNSON of Maine. Mr. President, I realize that the chemical schedule is one of the most intricate and complex of all the schedules of the tariff law, and that in performing the duty which has been assigned me by my associates of the minority of the Finance Committee, I do not bring to the task any extensive knowledge gained from actual experience or from a long study of the schedule. In a very general way, however, I will attempt to present the views of the minority to the Senate, feeling sure that in the matters which I do discuss I have satisfied myself at least of the correctness of the statements which I make.

The revision of the chemical schedule which is proposed by this bill I believe to be in accordance with the wide-spread general feeling throughout the country that there should be a reduction of the duties of the different schedules of the present tariff law. I am aware that the majority of the Finance Committee have said in the report which has been submitted that no representations have been made by the manufacturers engaged in this industry that a revision is necessary, but when have manufacturers ever made any such representations in regard to any schedule of the tariff law? If we are to wait until the beneficiaries under the tariff law themselves ask for a revision we may be sure that no revision ever will be reached.

Whatever the benefits or the merits of a tariff law as it has been enacted and enforced in this country, certainly one of the evils which all now see is that a partnership has been built up between the beneficiaries under that law and Congress, so that business in different industries is made dependent upon legislation, and the spectacle is presented every time a revision is proposed of these same beneficiaries flocking to Washington to protect their interests or fancied interests, for I believe

that in many instances instead of having received a real benefit there has been a stunted growth, which would have been of a larger and wider development if some of the protected industries had been made to depend upon themselves, just as I believe that the child who is taught to stand upon its feet, and the young man who is taught to go forth into the world, depending upon his own abilities, and upon his own manhood, will fight his way better and make greater progress than one who is continually helped and receives the care of fostering parents and is not allowed to develop along the lines on which he can best develop.

It is not wise to leave the revision of any tariff schedule until the beneficiaries under that schedule themselves make representations that it is necessary. To do so has caused the evil which, I say, has grown out of the system, without discussing its merits or its benefits; and I am willing to concede that there have been benefits derived from it. But greed must be guarded against. The States have been compelled to regulate the hours of labor of women and children in factories and in workshops by legislation, and I hope we shall be able to lay before the country information gathered by the Children's Bureau, established by this Congress, which will stir the people of the country to further action. But we have not found it sufficient to leave this question to those alone who are engaged in the employment of women and children. Neither have we found it wise to leave the sanitary conditions of workshop, factory, and mill entirely to those interested. Nor have we found it in the interest of the great public to leave the distribution of food products among the people wholly to those directly interested, and we have been compelled to pass a pure-food law to protect against their greed. So long as greed exists, so long as the interests of the people as a whole are affected by legislation and certain classes are its direct beneficiaries, we have a duty to perform, it seems to me, beyond that of waiting until these beneficiaries themselves call for a revision.

The pending bill has been reported favorably by the minority of the Finance Committee, with certain amendments, and before proceeding to discuss the bill I wish to present these amendments and make some explanation in regard to them.

The first amendment proposed is to amend, on page 3, by striking out, in lines 3 and 4, which constitute paragraph 6, the words:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, ten per centum ad valorem.

In explanation of the amendment I will say that these dyes are used in coloring the cheaper cotton and woolen goods, and the majority of the committee feel that they should be continued upon the free list, where they are to-day, because of this use.

Our importations of alizarin and dyes derived from alizarin and from anthracene for the year 1911 were 3,188,000 pounds, valued at $709,000.

Also, on page 6, lines 16 and 17, amend by striking out the words "anthracene and anthracene oil."

If the first amendment is adopted the second becomes necessary, because alizarin is made from anthracene and anthracene oil.

On page 10 amend lines 9 and 10 by striking out the words "gum copal, one-half of one cent per pound," and the words in line 10 "gum resin, ten per centum ad valorem."

Also, on page 10, line 13, amend by striking out the words "gum kauri and damar."

Gum copal and damar are the imported gums that are used in the manufacture of varnish, and the testimony of the varnish manufacturers before the committee, particularly that given by ex-Gov. Murphy, of New Jersey, was that at the present time no protection is needed upon varnishes provided these gums are admitted without the imposition of any duty.

I read from page 213 of the hearings before the Finance Committee, from the testimony of Gov. Murphy:

Senator SIMMONS. These are your raw materials?

Mr. MURPHY. These are our raw materials.

Senator SIMMONS. The raw materials are not produced in this country?

Mr. MURPHY. They are not, Senator.

Senator SIMMONS. And you want them put on the free list?

Mr. MURPHY. I want them to remain on the free list, where they have been.

Senator SIMMONS. You want them to remain on the free list?

Mr. MURPHY. Yes, sir.

Senator SIMMONS. What duty are you asking for on your finished product? What do you want?

Mr. MURPHY. We do not want anything.

Senator SIMMONS. You do not want anything on varnish?

Mr. MURPHY. We have 25 per cent. It was reduced from 35 per cent in the Dingley bill to 25 per cent in the Payne bill, and it was not objected to.

Senator SIMMONS. Do you want that 25 per cent duty to remain?

Mr. MURPHY. I do not think it is important, Senator. I am willing to have it remain, and I think the industry is, but I think it is quite indifferent about it. I think the industry can stand alone without any duty.

I read that testimony now because by a subsequent amendment the duty upon varnish has been reduced from 25 per cent to 15 per cent, but the gums which are used in the manufacture of varnish, by these amendments, are retained upon the free list.

Amend, on page 8, line 6, by striking out after the words "or conditioned by" the word "peeling," and also amend paragraph 88, on page 22, in line 14, by striking out after the words "or conditioned by" the word "peeling."

This word appears in the paragraph where reference is made to the importation of drugs, berries, barks, woods, etc. Under the present law—the Payne law—if they are not advanced by any process of manufacture they come in free of duty, and in the House bill the words are "if they are not advanced by peeling, shredding, chipping, or crushing," etc., or words to that effect, i. e., woods come in free of duty unless they are advanced by peeling.

We import a good many woods which are used in making extracts for tanning, like quebracho, from South America. If they come in with the bark upon them they would come in free of duty, but if peeled, and the word "peeling" is retained, they would then be subject to a duty. If stricken out of the pending bill the words then remaining would be "advanced in manufacture by shredding, crushing," etc.

Amend on page 10, line 16, by striking out the first word—"indigo."

As indigo is extensively used as a dye in the manufacture of cotton and woolen goods, it was felt by the minority that it should be retained upon the free list, and also because they felt that there should be no excuse at least for adding to the price of cotton or woolen goods because of a duty on it.

Furthermore, because other bills are pending reducing the duties upon woolen and cotton goods, it was felt that those dyes should be retained upon the free list.

Amend, on page 12, lines 19 and 20, after the word "soaps," by striking out the words "containing castor oil, any of the foregoing in whatever form" and insert in lieu thereof the following words, "all the foregoing made from or containing castor oil in whatever form, 20 per centum ad valorem," followed by a semicolon.

At present the duty on these articles in the pending bill is 15 per cent, but as the articles bearing that duty are made in part from castor oil, and castor oil bears a duty under this bill of 20 cents per gallon, it was thought that the duty on articles manufactured from it should be increased from 15 to 20 per cent.

Amend, on page 12, line 25, by striking out the words "and soya-bean," and on page 13, line 1, the first word "oil."

Under the pending bill soya-bean oil bears a duty which by this amendment would be cut out, and it would be left upon the free list.

Amend, on page 13, line 9, by striking out the words "Chinese-nut oil."

Both Chinese-nut oil and soya-bean oil are used by the varnish and paint manufacturers; and as in the bill by a later amendment, which is proposed, the duty upon varnish has been decreased from 25 to 15 per cent, these oils are left upon the free list.

Amend, on page 17, line 21, by striking out the word "twenty-five," and substituting in lieu thereof the word "fifteen," and on page 18, lines 1 and 2, by striking out the word "twenty-five," and substituting therefor the word "fifteen."

The effect of this amendment is to reduce the duty on varnishes from 25 per cent to 15 per cent ad valorem, and this reduction the minority feel the industry can very well bear, in view of the statement of Gov. Murphy and the fact that we export yearly a large amount of varnish—I think about a million dollars' worth in the year 1911—competing in other countries with varnish made elsewhere.

Amend, page 21, line 10, by inserting after the word "gray" the words "carbide of."

Calcium carbide would fall under paragraph 5 of the House bill and bear a duty of 15 per cent ad valorem. Calcium carbide is a material manufactured heavily in the United States from lime and coal, by the use of electric energy, and is principally used as a raw material for the manufacture of a fertilizing substance known as calcium cyanamid or lime nitrogen. This being on the free list, it was thought consistent to put calcium carbide, the raw material, on the free list. Under the present law it bears a duty of 25 per cent, and under House bill 20182 would be dutiable at 15 per cent. The exports of calcium carbide in 1911 were 13,300 tons, valued at $756,000.

Amend, page 21, after paragraph 78, by inserting as a new paragraph the following: "Alizarin and indigo, natural or artificial, and dyes derived directly from alizarin or from anthracene."

This would be an amendment to the special free list which the chemical schedule contains as it appears in the House bill, making these articles which I have read free of duty.

Amend, page 22, in line 2, by inserting after the words "known as" and before the word "napthalin" the words "anthracene and anthracene oil," followed by a comma.

This would place anthracene and anthracene oil on the free list under the House bill.

Amend, page 22, after paragraph 88, by inserting as a new paragraph the following: "Gums, copal, damar and kauri, and rosin."

This would place the gums which I have named in the special free list of the schedule as it appears in the House bill.

Amend, page 22, in line 25, after the word "petroleum" by inserting the following words: "soya-bean oil and Chinese-nut oil."

This would place these oils upon the free list in the special schedule of the House bill.

The amendments proposed by the minority members of the committee would reduce the estimated annual revenues under the House bill $764,577.

In the preparation of the House bill the Ways and Means Committee gave it long and careful consideration through a subcommittee which for nearly a year had the revision of this schedule before it. They had the assistance of a very complete glossary of the schedule prepared by the chemical expert of the Tariff Board, which afforded them most valuable assistance, not only by reason of the information which it contains in regard to the production and nature of the different articles included within the schedule, but by reason of its discussion of the history of the chemical industry in the United States and in Europe and the collection of a vast amount of useful information in regard to the industries to which this industry contributes its products. The same expert was associated with the members of the subcommittee in the preparation of the bill, so that they had the benefit of his experience and knowledge. This glossary appears as an appendix to the very voluminous and exhaustive report of the bill to the House of Representatives by the Ways and Means Committee, and even a casual examination of it will convince anyone that a great deal of time and labor has been spent upon it, and a more careful study, that the statements it contains are accurate and reliable. The report contains many valuable tables relating to the chemical industry; and, as a part of my remarks, I ask that I may be allowed to insert here, without reading, a table in that report compiled from the census relating to the manufacture of chemicals and allied products for the years 1910, 1905, and 1900, showing the magnitude of this industry and its growth.

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). If there is no objection, permission to do so will be granted.

The table referred to is as follows:

Census of manufacture of chemicals and allied products: 1910, 1905, and 1900.[1]

	1910	1905	1900
Number of establishments	11,863	9,689	8,830
Capital invested	$2,053,970,000	$1,521,773,823	$1,180,104,447
Value of products	$1,479,700,000	$1,058,532,195	$757,126,198
Salaried officials, superintendents, managers, clerks, etc	68,576	45,442	34,564
Total salaries	$81,037,000	$50,252,490	$37,253,191
Total average number of wage earners	242,961	[2] 213,041	185,515
Total wages	$116,214,000	$95,739,828	$73,349,087
Cost of raw materials	$903,920,000	$629,609,192	$453,410,793
Miscellaneous expenses	(3)	$129,986,541	$74,254,785

[1] No census previous to 1900 shows classification by subdivision. Figures for 1900 and 1905 from Census of Manufactures, 1905, Vol. I, p. cxxiv; figures for 1910 from advance sheets of census report.

[2] Of these, 20,549 were women 16 years and over, and 1,807 were children under 16 years.

[3] Not given.

Mr. JOHNSON of Maine. It should be observed, however, with reference to this table—which I will say, by way of explanation, is the table which is given in the report of the majority of the Finance Committee—that it includes not only the articles covered by Schedule A of the present law, but articles allied to chemicals which are distributed among other schedules of that law. The glossary prepared by the Tariff Board at page 308 contains a table which covers only those articles included in Schedule A of the present law. This table gives the number of establishments, salaried employees, wage earners, salaries, wages, invested capital, value of product, cost of raw materials, and miscellaneous expenses relating to manufactures directly affected by Schedule A according to the census of 1905 and that of 1910, which I ask permission to insert at this point.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to follows.

Chemicals and allied products directly affected by the tariff law of 1909.

[General statistics as per census of 1910 and 1905.]

Article.	Number of establishments.		Average number of— Salaried employees.		Average number of— Wage earners.		Salaries.		Wages.		Invested capital.		Value of product.		Cost of raw materials.		Miscellaneous expenses.[1]
							Expressed in thousands of dollars.										
	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1910	1905	1905
Total	7,620	6,194	41,186	25,350	102,063	89,087	$32,045	$30,555	$53,842	$43,017	$616,470	$420,235	$705,096	$512,890	$395,799	$284,671	$90,059
Axle grease	38	25	145	55	176	119	155	55	88	62	935	608	1,481	879	828	368	205
Baking and yeast powder	144	164	1,266	756	2,155	2,449	1,710	939	1,046	1,042	33,647	13,233	20,775	19,043	9,338	8,940	4,943
Blacking and cleansing and polishing preparations	501	294	1,556	723	2,417	1,782	1,780	774	1,146	738	7,557	4,560	14,679	8,651	6,962	4,383	1,426
Bluing	82	56	138	47	313	206	112	45	114	77	556	570	1,074	679	494	296	196
Bone, ivory, and lamp black	27	26	67	47	226	206	78	48	149	105	1,542	1,663	1,093	649	445	203	69
Calcium lights	10	22	4	16	15	41	4	12	11	24	55	144	52	135	24	35	27
Charcoal	76	74	25	25	631	923	23	22	253	343	641	77	872	1,292	448	642	110
Chemicals	349	275	3,923	2,778	23,714	19,806	6,137	4,048	14,085	10,790	155,144	96,621	117,680	75,222	64,122	42,063	7,593
Drug grinding	25	27	214	107	922	981	268	155	494	483	5,187	4,991	6,007	5,146	3,454	3,024	318
Dyestuffs and extracts	107	98	553	361	2,297	2,707	942	609	1,291	1,264	17,935	14,904	15,955	10,933	9,694	6,520	944
Flavoring extracts	420	377	1,028	672	1,229	1,543	1,082	698	558	653	5,341	4,495	8,828	7,772	4,456	3,939	1,051
Glue	65	58	530	352	3,265	2,884	747	465	1,571	1,520	14,269	10,673	13,718	10,035	7,525	6,189	1,161
Grease and tallow	353	300	783	481	4,357	3,628	991	583	2,629	2,114	16,676	10,284	23,419	18,815	15,543	12,369	1,270
Ink, printing	71	60	695	361	1,121	711	1,092	530	773	475	7,144	4,940	8,965	5,774	4,175	2,613	1,269
Ink, writing	47	42	262	141	505	430	376	191	293	170	2,114	1,267	2,505	1,883	1,076	886	360
Oil, castor	4	4	12	14	54	43	27	27	32	29	1,038	625	905	643	661	487	50
Oil, essential	68	52	45	37	290	132	61	40	123	70	1,365	723	1,737	1,465	1,255	1,110	79
Oil, linseed	29	30	292	156	1,452	1,349	740	423	893	786	18,932	9,850	36,739	27,577	31,035	23,153	2,537
Oil, not elsewhere specified	189	186	1,311	663	1,715	1,305	1,923	882	1,060	752	18,441	11,229	30,865	22,925	21,407	14,438	1,692
Paint and varnish	791	639	7,200	4,408	14,240	11,633	10,378	5,677	8,271	6,264	103,995	75,486	124,889	90,849	79,016	59,827	9,651
Patent medicines and compounds, druggists' preparations, including perfumery, and cosmetics	3,642	2,777	15,404	9,483	22,895	20,472	17,007	9,975	9,897	7,913	99,942	75,607	141,942	117,436	50,376	39,494	33,567
Soap	420	436	5,065	3,068	12,999	11,044	5,506	3,503	6,227	4,763	71,951	54,816	111,358	68,275	72,179	43,626	10,236
Sulphuric, nitric, and mixed acids	42	32	330	306	2,252	2,447	551	556	1,495	1,595	18,726	12,762	9,884	9,053	5,386	4,972	713
Wood distillation, not including turpentine and rosin	120	141	318	301	2,721	2,272	355	298	1,463	1,067	13,017	10,807	9,737	7,813	5,876	4,848	621

[1] Not given for 1910.

Mr. JOHNSON of Maine. While the census of 1910 shows that 11,863 concerns were engaged in the production of chemicals and allied products in this country, with an invested capital of $2,000,000,000, consuming about $900,000,000 worth of raw materials per annum, with an output of nearly $1,500,000,000, and with a total of over 300,000 persons employed, it will be seen from an examination of the table which I have taken from the glossary compiled from the census of 1910 that the number of establishments engaged in the manufacture of those chemicals and articles covered by Schedule A and not contained in other schedules was 7,620, with 41,186 salaried employees, 102,063 wage earners, paying $52,045,000 as salaries, $53,842,000 as wages, having an invested capital of $616,470,000, products valued at $765,068,000, and that the cost of raw materials was $395,769,000. While the figures are not given for the year 1910, it appears from those given in the census of 1905 that of the wage earners employed in these industries 20,167, or 22.6 per cent, were women over 16 years of age.

In speaking of the manufacture of chemicals the author of the glossary makes the following statement upon page 318 relating to the operations of a chemical factory:

The operations comprising the routine of a chemical factory are mechanically of a very simple nature. Moving solid, liquid, or gaseous masses from one place to another; separating heterogeneous substances by filtration or distillation; crushing, grinding, and mixing materials; heating and drying, together with some few other equally simple operations, are the most frequent, if not the exclusive, task required of a workman in a chemical factory.

The machinery used for these purposes, though varying in capacity and design, is equally simple in character, requiring for attendance no more skill than will be gained after a short experience by any able-bodied, willing, and fairly intelligent workman.

As a rule, there is little necessity to cumulate operations in order to produce a given product from given materials, and therefore the value of the human labor comprised in the value of the chemicals produced constitutes a relatively smaller proportion to the total cost of production than is the case in most other industries.

From the table which has been given, covering only the industries whose products are included in Schedule A, it appears that in 1910 there was paid in wages and salaries the sum of $105,887,000, and that the total product of these industries was valued at $765,068,000. The total amount paid in wages and salaries constituted therefore but 15 per cent and the amount paid in wages alone less than 8 per cent of the entire value of the products; or, if reference is made to the establishments engaged in the manufacture of chemicals and allied products given in the first table which I have inserted and which appears in the report of the committee, it will be seen that in the 11,863 establishments given in this table the wages and salaries paid constitute but 13½ per cent of the value of their products. As the average ad valorem duty of Schedule A under the present law is 25.78 per cent, calculated upon the imports for 1911, and under the duties of the House bill covering exactly the same items based upon imports of 1911, about 22.45 per cent, it can not be urged that the duties of the House bill are not sufficiently high to cover the difference between the cost of production in this country and abroad when the average duty collected is high enough to more than cover the total of salaries and wages paid in this industry. From the standpoint, then, of those who maintain that the duties levied upon imports into this country if like articles are manufactured here should be high enough to cover the difference between the cost of production here and abroad, it would seem that the average ad valorem rate of H. R. 20182 is sufficiently high, and an inquiry into the cost of production abroad can not be important so far as the protection of labor in this industry is concerned.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. I do.

Mr. SMOOT. Of course the Senator knows that the amount of salaries and wages last quoted by him and figured upon a basis of the production of the chemical industry of this country is only upon the finished product.

Mr. JOHNSON of Maine. It is upon the products of the chemical industry made in those establishments given in the table. I understand that; certainly.

Mr. SMOOT. It is on the finished product.

Mr. JOHNSON of Maine. Certainly.

Mr. SMOOT. But, Mr. President, I think the Senator will also admit that in all the intermediate processes of manufacture the wages are not taken into consideration in the figures quoted by the Senator. The same thing applies to the chemical schedule as applies to the steel schedule and as applies to every other schedule in the tariff bill, as is shown by the abstract of every industry in this country.

I merely call the Senator's attention to that fact because he must know that, taking the raw products, converting them into finished products, and including the wages in all the intermediate processes, the wages amount to more by way of percentage than the figures quoted. I will admit, Mr. President, that the figures quoted are correct so far as the finished product is concerned; but the statement I have made, as I have said, applies to this schedule just the same as it does to the metal schedule or to any other schedule in the tariff bill.

Mr. JOHNSON of Maine. Mr. President, I have heard the Senator from Utah make the same argument in connection with the metal bill, and I understand his position. I simply gave the percentage of salaries and wages to the products of the chemical industry, of course, considering only salaries and wages paid in those establishments, and not salaries and wages paid in the manufacture of any of the products which are used in chemical establishments as their raw material.

IMPORTS AND EXPORTS.

The imports under Schedule A for the fiscal year ending June 30, 1911, amounted to $50,736,874, and the duties collected upon the same for this period were $13,082,915, making an average ad valorem of 25.78 per cent, and there were imported free of duty, chemicals and related articles of the value of $68,303,636, making the total imports for the year $119,040,510, less than 50 per cent of which were dutiable. The revenues collected for this year were the largest since the adoption of the schedule.

Schedule A, as it appears in H. R. 20182, is made up not only of articles embraced in Schedule A under the present tariff law, but also of other articles, some of which have been taken from the general free list of the present tariff law, and others from other schedules which would naturally fall under this schedule. Under the bill as reported by the House the dutiable imports upon the basis of those of 1911 would amount to $92,980,535, and would yield in revenue at the rates of duty established by H. R. 20182, $15,448,022, or an average ad valorem of 16.62 per cent. The imports under this schedule, as estimated in the House report, would be $16,768,250, yielding an estimated revenue of $16,254,636 at an average ad valorem of 16.79 per cent.

I am now giving the average ad valorem duty of the whole bill. I gave before the average ad valorem duty upon the same items which are now contained in Schedule A of the present tariff law, but the average ad valorem duty of the whole bill would be 16.79 per cent.

House bill 20182 contains a special free list as a part of Schedule A, which is made up of articles of the value of $26,059,975 on the basis of the imports of 1911. If the amendments proposed by the minority of the finance committee are adopted, articles of the dutiable value of $8,710,083 will be deducted from the dutiable list, making its value $84,270,452, which would yield a revenue under the rates of the amended bill of $14,683,445 on the basis of the imports of 1911, or an average ad valorem of 17.43 per cent. As the value of the articles taken by the amendments from the dutiable list are added to the free list, this as amended would comprise articles of the value of $34,770,058.

At this point I ask leave to insert the following table compiled from reports of the Bureau of Statistics, Department of Commerce and Labor, showing the total revenues of the United States derived from customs duties, the amount of revenue derived from Schedule A, and the per cent that the revenue under it constitutes of the total tariff revenues from 1890 to 1911.

The PRESIDING OFFICER. Without objection, the order will be entered.

The table referred to is as follows:

Tariff and total revenues of the United States, quantity of revenue derived from Schedule A, and per cent that revenue from Schedule A is of the total tariff: 1890 to 1911.

[Compiled from reports of the Bureau of Statistics, Department of Commerce and Labor.]

Year.	Revenue of the United States					
	Tariff.[1]	Internal.	All other.	Total.[2]	From Schedule A.	Per cent of revenue from Schedule A to total tariff.
1890	$226,540,037	$142,006,706	$33,934,240	$403,080,983	$7,006,211	3.09
1891	216,885,701	145,086,249	30,060,497	392,612,447	6,086,113	2.81
1892	174,124,270	153,971,073	26,842,441	354,937,784	5,956,770	3.41
1893	199,143,678	161,027,624	25,648,327	385,819,629	6,429,758	3.33
1894	129,598,802	147,111,233	21,051,984	297,722,019	4,649,309	3.59
1895	149,450,608	143,421,672	20,517,795	313,390,075	5,575,075	3.73
1896	157,013,596	146,762,865	23,199,829	326,976,300	5,619,239	3.55
1897	172,760,361	146,683,574	28,272,770	347,721,705	5,440,024	3.15
1898	145,438,385	170,900,641	88,982,309	405,321,335	6,146,884	4.23
1899	202,072,050	273,437,162	40,451,408	515,960,620	7,009,695	3.47
1900	229,360,771	295,327,927	42,552,154	567,240,852	8,184,044	3.57
1901	233,556,110	307,180,664	46,948,504	587,685,338	7,415,496	3.18
1902	251,453,155	271,880,122	39,144,956	562,478,233	8,499,709	3.38

[1] Unliquidated returns.

[2] Does not include receipts from loans, premiums, Treasury notes, or revenues of the Post Office Department.

Tariff and total revenues of the United States, etc.—Continued.

Year.	Revenue of the United States.					
	Tariff.[1]	Internal.	All other.	Total.[2]	From Schedule A.	Per cent of revenue from Schedule A to total tariff.
1903	280,732,416	230,810,124	48,834,135	560,396,675	8,980,673	3.20
1904	258,161,130	232,904,119	48,651,665	539,716,914	8,813,962	3.41
1905	258,426,295	234,095,741	52,084,723	544,606,759	8,945,176	3.42
1906	280,910,293	249,150,213	51,657,333	584,717,942	9,664,910	3.29
1907	329,480,044	269,666,773	63,978,839	663,125,660	11,124,068	3.34
1908	282,582,895	251,711,127	66,766,701	601,060,723	10,330,174	3.73
1909	294,667,054	246,212,644	62,709,792	603,589,490	11,217,784	3.81
1910	326,561,663	289,933,519	59,016,513	675,511,715	11,072,239	3.39
1911	309,965,602	322,539,201	68,877,482	701,372,375	12,370,753	4.06

[1] Unliquidated returns.

[2] Does not include receipts from loans, premiums, Treasury notes, or revenues of the Post Office Department.

Mr. JOHNSON of Maine. From this table it appears that for 1911 the revenues derived from this schedule constituted 4.06 per cent of the total tariff revenue collected that year. Upon the basis of the imports for 1911, the tariff collected under this schedule in the House bill would constitute 5.01 per cent of the total tariff revenue, and if the amendments proposed by the minority of the Finance Committee are adopted it would constitute 4.73 per cent of the total tariff revenue. It is very difficult to give any statement of the exports under this schedule which would fall strictly under Schedule A as it appears in H. R. 20182. The table of exports printed in the report of the Ways and Means Committee covers only a part of the exports of articles included in the dutiable and free lists of this schedule, but, with this explanation, I ask permission to insert it, as it shows the magnitude and growth of our export trade in articles covered by this schedule.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to follows.

Value of domestic exports of chemicals, oils, and paints, etc., during selected years from 1880 to 1911.

[Compiled by Bureau of Statistics, Department of Commerce and Labor.]

Article.	Fiscal years ending June 30—							
	1880	1885	1890	1895	1900	1905	1910	1911
Chemicals:								
Acids	$71,231	$133,589	$98,884	$117,752	$147,233	$325,020	$466,379	$380,437
Baking powder[1]	.....	.....	.....	.....	.....	437,837	529,062	631,693
Bark, extract of	27,350	346,218	263,754	290,362	376,742	552,909	388,446	336,603
Calcium carbide	.....	.....	.....	.....	.....	.....	694,581	755,949
Copper, sulphate of	.....	.....	.....	.....	2,120,745	790,024	188,464	269,684
Dyes and dyestuffs	702,750	656,148	717,128	675,183	498,905	475,334	380,203	325,519
Lime, acetate of	.....	.....	.....	.....	776,413	1,248,776	1,423,337	1,606,979
Medicines, patent or proprietary	.....	1,317,483	1,741,925	1,978,144	2,999,153	4,911,005	5,848,449	6,783,023
Roots, herbs, and bark, n. e. s.	.....	116,695	194,912	232,095	237,527	339,093	476,837	563,862
All other	2,756,469	1,793,328	2,840,931	4,429,067	5,540,358	5,924,736	7,807,017	8,880,676
Oils:								
Animal or rendered—								
Lard	816,447	555,426	663,343	304,093	337,260	154,409	131,241	90,724
All other	859,632	580,562	1,023,300	274,352	381,737	495,083	771,700	682,203
Fixed or expressed—								
Corn	.....	.....	.....	.....	1,351,867	890,937	643,392	1,573,605
Linseed oil	31,214	33,220	55,036	37,363	54,148	125,354	155,858	164,879
All other[2]	.....	33,583	102,792	106,022	554,781	139,219	343,509	292,757
Volatile or essential—								
Peppermint	.....	.....	.....	194,616	90,293	135,060	215,845	269,034
All other[2]	219,612	245,872	223,435	190,795	166,424	215,860	322,634	377,598
Paints:								
Carbon black, gas black, and lampblack	.....	.....	.....	.....	214,559	501,736	679,607	640,911
Varnish	96,062	134,103	216,483	303,959	620,104	791,518	976,238	1,050,230
Zinc, oxide of	.....	.....	.....	.....	474,296	605,526	956,460	999,161
All other	297,843	351,507	578,103	729,706	1,213,512	2,019,055	3,000,498	3,604,384
Blacking	163,021	159,575	238,391	464,707	880,598	599,366	598,744	608,037
Celluloid, and manufactures of	.....	.....	.....	72,926	174,310	294,979	1,189,090	1,694,214
Chalk	1,565	.....	.....	.....	27,469	98,969	110,647	122,460
Glue	22,650	34,988	88,484	114,463	225,844	279,534	261,756	242,755
Ink:								
Printer's	.....	85,114	144,057	154,152	145,321	276,330	325,744	406,672
All other					114,455	162,556	192,862	238,948
Perfumery, cosmetics, and all toilet preparations	302,993	286,231	430,151	338,495	359,827	490,297	824,400	1,009,359
Soap:								
Toilet or fancy	38,567	48,129	67,027	144,656	494,405	888,838	1,479,870	1,741,971
All other	690,122	649,165	1,041,990	947,470	1,279,618	1,781,393	2,140,676	2,305,010
Sponges	4,141	23,480	25,233	6,778	32,199	18,390	225,138	209,311
Charcoal	.....	513	.....	445	1,598	23,479	25,310	27,317
Total	7,101,669	7,591,229	10,754,619	12,009,634	21,891,707	25,949,792	33,564,108	38,882,506

[1] Imported argols are used for this purpose.

[2] The greater part of the imported oil is free of duty and not under Schedule A.

Mr. JOHNSON of Maine. The increase in exports from $21,891,707 in 1900 to $38,882,506 in 1911 furnishes abundant proof of the ability of our manufacturers to hold their own in competition with foreign manufacturers in the production of the articles contained in this table.

REASONS FOR PRESENT REVISION.

The development of the chemical industry in this country has been rapid, due in a large measure to the greater demand created by the constantly increasing size of industries using products of the chemical industry in nearly all of their operations and also to the use of electricity in this industry. The growing volume and changing character of the business were not fully recognized in the revision of 1909, and the classification of the tariff of 1897 was closely followed. This was not as simple or appropriate as it should have been. Many of the ambiguities in classification in the present bill have been corrected in the proposed bill and a more scientific and simpler classification introduced, making use of the knowledge which has been gained in the administration of the customs law and which has been supplied by those intrusted with the administration of the law from their personal knowledge of the difficulties which have arisen in its administration. I will briefly refer to some of the more important of these changes in classification. The most marked is that contained in paragraph 18, which treats of chemicals containing alcohol or in the manufacture of which alcohol is used.

In 1906 denatured alcohol for manufacturing purposes was freed from the payment of an internal-revenue tax. Before this date it was necessary, in order to protect not only the Treasury but also the domestic manufacturer, to levy a duty upon all articles containing alcohol or in the manufacture of which alcohol was used in order to compensate the manufacturer of such articles for the internal-revenue tax upon the alcohol used, but by reason of the removal, in 1906, of the internal-revenue tax from denatured alcohol, a compensatory duty to the manufacturer using alcohol became unnecessary in those cases where denatured alcohol can be used. Under the present law no difference in rates according to the percentage of alcohol is made, so that the imports containing a small percentage of alcohol bear the same rate of duty as those containing a much larger percentage or in the manufacture of which a larger percentage is used. The proposed law in its classification lays the duties in accordance with the percentage of alcohol contained therein and, for this purpose, establishes three classes of duties, one for articles containing not exceeding 20 per cent of alcohol, another for those containing not ex-

ceeding 50 per cent, and a third for those containing above 50 per cent. In each instance the duty is fixed so that the internal-revenue tax will be fully covered and yet articles will not be excluded from importation which contain only small percentages of alcohol.

It will also be noticed that in the present law alcoholic compounds are treated in three specific paragraphs, 2, 3, and 65, but that through the classification of the proposed law it is possible to consolidate these three paragraphs into one. The clause used in the old law, "In the manufacture of which alcohol is used," has been omitted, not only because it is difficult of administration, but also for the reason that denatured alcohol upon which no internal-revenue tax is paid is almost exclusively used by manufacturers here in their processes, and so they are not entitled to any compensatory duty because of the alcohol used.

Paragraph 19 of the present law contains a feature not heretofore embraced in any tariff schedule, and which provides that all compounds, etc., whether specially provided for or not shall be dutiable at a rate of not less than 20 per cent ad valorem if imported in individual packages of 2 pounds or less net weight, excepting samples without commercial value sent by mail, whereas the same articles imported in bulk would be dutiable at 15 per cent or less. Such a provision was deemed necessary because a great variety of chemicals come into this country put up in small individual packages which are sold directly to the consumer without any labor being expended on them here. These articles are in many cases trade-marked or otherwise branded, and it would seem only just in consideration of the fact that Schedule A is principally meant to cover merchandise arriving in bulk and used for purposes of further manufacture in the United States, that articles imported in a condition fit to go to the ultimate consumer and which are largely subdivided and have been subjected to processes of refining should pay a duty somewhat higher than the same articles when imported in bulk.

COAL-TAR PRODUCTS.

A wide departure from the present tariff bill has been made in H. R. 20182 in the classification of coal-tar products upon lines conforming to their degree of manufacture which is believed to be rational and scientific. While coal tar itself and some few elementary derivatives therefrom have been left on the free list, products such as benzol, and all other items enumerated in paragraph 23 of H. R. 20182 which are derived by comparatively simple processes from coal tar, carry a duty of 5 per centum ad valorem, and the products enumerated under paragraph 25 of the same bill, the manufacture of which is more complicated and requires more labor than those mentioned in paragraph 23, have been made dutiable at the rate of 10 per cent ad valorem. On the other hand, the products which are manufactured from intermediary products and which are covered by paragraph 22 were made dutiable at 15 per cent instead of 20 per cent ad valorem as in the present law, and the duties upon coal-tar colors representing a high state of manufacture have been reduced from 30 per cent to 25 per cent ad valorem. Upon page 205 of the glossary the value of the imports of coal-tar products for the year 1910 as far as traceable was given as $12,994,860, of which $6,148,305, or 47.3 per cent, were imported free, and products valued at $6,846,555, or 52.7 per cent, were dutiable, yielding in duties that year $2,023,189, an average of 29.54 per cent ad valorem. For the purpose of raising additional revenues from the importation of these products a small duty has therefore been placed upon the intermediary products

GLUE AND GELATIN.

The classification of the articles falling under the glue and gelatin paragraph in the proposed law omits to specify gelatin in sheets and emulsions, which enumeration is contained in the present law and enumerates solely manufactures of gelatin. The reason for this omission is that because of the legal construction given to the term "sheet" a higher rate of duty has been applied to gelatin as commercially prepared, while sheet gelatin is an article manufactured with gelatin as a base combined with glycerin and other substances and used as a transparent substitute for celluloid or mica.

I have here at my desk the commercial gelatin and that in sheets. This [exhibiting] is commercial gelatin, which under the present law bears the higher rate of duty which was intended to be imposed on gelatin in sheets, which is this gelatin [exhibiting] and which has been corrected in the new classification.

In the administration of the law gelatin as commercially prepared and which appears in the form in which I show it here [exhibiting] has been held to be gelatin in sheets and bears the higher rate of duty on gelatin manufactured into sheets.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). Does the Senator from Maine yield to the Senator from North Carolina?

Mr. JOHNSON of Maine. Yes.

Mr. SIMMONS. I want to see if it is not possible to have a unanimous-consent agreement to vote upon the unfinished business.

I should like to inquire of the Senator in charge of the bill on the other side whether there would be any objection to agreeing to a vote on the 24 day of July?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Utah?

Mr. SIMMONS. The Senator from Maine yielded to me. I yield to the Senator from Utah.

Mr. SMOOT. In answer to the Senator from North Carolina, I will say that I do not believe there will be any objection to fixing the date——

Mr. SIMMONS. Then I ask unanimous consent that on the 24 day of July, immediately after the termination of the routine morning business, the Senate resume the consideration of the unfinished business, and that a vote be taken upon the bill and all amendments thereto before the end of that legislative day.

Mr. CURTIS, Mr. LODGE, and Mr. SMOOT. Calendar day.

Mr. SIMMONS. Very well. I like that better; the calendar day.

The PRESIDING OFFICER. The Senate has heard the proposition of the Senator from North Carolina. Is there any objection to it as made? The Chair hears none, and the order will be so entered.

Mr. SMOOT. I should like to ask whether the Senator from Maine desires to continue longer and to conclude his speech to-day or would he prefer to leave it until a later day?

Mr. JOHNSON of Maine. I think I would prefer to defer it, but I am not——

Mr. SMOOT. Of course, if the Senator would prefer to conclude his speech later the Senate can go into executive session at this time.

Mr. JOHNSON of Maine. I think it will take me only about a half hour longer.

Mr. SMOOT. Then there is plenty of time, and perhaps the Senator had better finish this evening.

Mr. SIMMONS. I think if the Senator from Maine can conclude in a half hour he had better go on.

Mr. JOHNSON of Maine. The classification and language used in H. R. 20182 in regard to chalk, glues, gelatin, and particularly in regard to coal-tar products, oils, and soaps is believed to be more specific and more easily understood than that of the present law relating to the same subjects.

Some of the inconsistencies of the present law have also been corrected. Among these may be mentioned the duty of 18 per cent upon phosphorus, while phosphoric acid made from it is on the free list. Hydrochloric acid is also on the free list, although common salt and sulphuric acid from which it is made are both upon the dutiable list. Fluorspar and sulphuric acid are both upon the dutiable list, while hydrofluoric acid made from them is upon the free list.

While it is true that in the revision of 1909, as pointed out in the report of the committee, some duties were decreased, it is also true that some were raised, and upon the whole the duties are much higher than are necessary, as they are in many instances prohibitive and do not permit foreign competition, which is necessary to keep down prices to a fair and reasonable level, and even from the standpoint of the protectionist are more than sufficient to cover the difference between the cost of production here and abroad. With a large supply of natural resources at hand, and also supplied as by-products in other industries, the chemical industry, even under the fostering and protecting care of the Government, has not made the advance which should have been made, so that the consumer is forced to pay in this country a largely increased price upon many articles imported for consumption under this schedule without any corresponding benefit in the way of the development of the chemical industry here; and except where needed for the purposes of revenue, reductions should be made and can be made without injury to domestic manufacturers, and in the interests of the consumer. The pulp and paper industries of this country use large quantities of chemicals in the manufacture of their products, the census for 1905 stating the value of the same for that year to be $10,203,340. By reason of the large importations of pulp and paper free of duty from Canada under the reciprocity act they are fairly entitled to a reduction in the duties upon the chemicals which are used by them. In the hearings upon this act in 1911 before the Finance Committee it was strongly urged by these manufacturers that they were at a disadvantage in competition with Canadian

manufacturers of pulp and paper because of the increased cost to them of chemicals by reason of the duties levied upon them.

I will read the testimony of one of these manufacturers as given in the hearings before the Finance Committee on page 159, Reciprocity with Canada. This is from the West Virginia Pulp & Paper Co., furnished by their president in the form of a letter which was presented to the Finance Committee:

"I have likewise prepared a statement," the letter goes on to say, "taken from the books of our company, showing the amount we were obliged to pay during our last year's operations"—that is, one fiscal year—"on account of these tariff charges over and above what the duties would have been on the same items if brought into Canada instead of the United States." That is to say, this table does not show the actual amount paid, but shows what the excess amounts to on these importations over and above what it would have been into Canada, taking into consideration the tariff where any existed on the importations into Canada.

"This company paid last year in excess duty on bleaching powder, $70,000; on alum, $21,000; on aniline dyes and ultramarine and other coloring matters, $5,000; soda ash, $40,000; which would not have been paid or any portion of it would not have been paid had this same company been conducting the same operations on the same scale in Canada last year."

The decreases in duty made by H. R. 20182 on the most important chemicals used in the pulp and paper industries are shown by the following table, which I ask leave to insert.

The PRESIDENT pro tempore. Without objection, the table will be printed in the RECORD.

The table is as follows:

Important chemicals used in paper manufacture.

Article.	Under act of 1909.		Under H. R. 20182.	
	Rate.	Equivalent ad valorem.[1]	Rate.	Equivalent ad valorem.
Sulphuric acid, n.s.p.f.	⅛ cent per pound		Free	
Alum, etc	⅛ and ¼ cent per pound, according to content.	37.46	15 per cent	15.00
Chloride of lime	⅛ cent per pound	24.81	1/10 cent per pound	12.53
Glue size	25 per cent	25.00	1 cent per pound	15.00
Blanc-fixe	¼ cent per pound	43.07	20 per cent [2]	[2] 20.00
Chrome colors	4½ cents per pound	26.85	20 per cent [3]	[3] 20.00
Ochery and ochery earths	⅛ to 1 cent per pound, according to class.	41.21	10 and 20 per cent, according to class.	10.00 / 20.00
Ultramarine	3 cents per pound	30.00	20 per cent [4]	[4] 20.00
Vermilion reds, not containing quicksilver.	4½ cents per pound	19.11	25 per cent [5]	[5] 25.00
Potash:				
Bichromate of	2½ cents per pound	30.00	1 cent per pound	13.50
Prussiate of—				
Red	8 cents per pound	43.07	2 cents per pound	10.75
Yellow	4 cents per pound	39.37	1½ cents per pound	12.50
Soda:				
Caustic	⅛ cent per pound	20.00	⅛ cent per pound	10.00
Ash	¼ cent per pound	22.36	⅛ cent per pound	11.35
Silicate of	⅛ cent per pound	30.53	⅛ cent per pound	13.30

[1] Computed on imports of 1911.
[2] But not less than ⅛ cent per pound.
[3] But not less than 3 cents per pound.
[4] But not less than 2 cents per pound.
[5] But not less than 4 cents per pound.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. JOHNSON of Maine. I do.

Mr. HITCHCOCK. Does the table show that the cost of the raw materials will be any considerably less as the result of the passage of this bill?

Mr. JOHNSON of Maine. It does not. It simply shows the articles used by the manufacturers and the rates of duty.

Mr. HITCHCOCK. What difference is there? Is the cost of the raw material increased or reduced?

Mr. JOHNSON of Maine. The table shows the rates of duty under the proposed act and the rates of duty under the present tariff law. I will read some of them.

Sulphuric acid, which under the present law bears a duty of one-fourth cent a pound, or an ad valorem equivalent of 18 per cent, is free under H. R. 20182. On alum, which bears a duty of one-fourth and three-eighths cent per pound according to content under the present law, the ad valorem has been reduced from 37.46 per cent to 15 per cent. The duty on chloride of lime or bleaching powder, which bears a duty of one-fifth cent per pound under the present law, or an ad valorem equivalent of 24.81 per cent, has been reduced under the House bill to one-tenth cent per pound or an equivalent ad valorem of 12.53. The duty has also been reduced on glue size, chrome colors, ochery, and ochery earths. On caustic soda the duty under the present law of one-half cent a pound or an ad valorem of 20 per cent has been reduced to one-fourth of a cent per pound or an ad valorem of 10 per cent, and upon soda ash from an ad valorem of 22.36 to 11.35.

Mr. HITCHCOCK. So that, as far as the Senator has read, the manufacturers of pulp derive a benefit in that the duty on their raw materials is materially reduced.

Mr. JOHNSON of Maine. It is thought they will derive a benefit, and they so thought, and in appearing before the Finance Committee they represented that the cost of manufacturing in this country was largely increased because of the duties upon the chemicals which they use.

I have read the letter from the West Virginia Pulp & Paper Co. showing the estimate of the excess which they have to pay in this country because of the duties over what their Canadian competitors would have to pay upon the articles named in that statement.

Mr. HITCHCOCK. I notice that by the letter to which the Senator refers there was one item which cost the American paper manufacturer $70,000 more than it would cost the Canadian manufacturer because of the American tariff being higher. If that prevails to any considerable extent that would account——

Mr. JOHNSON of Maine. That article was bleaching powder, which is used to a large extent in the pulp and paper mills.

Mr. HITCHCOCK. So that if that excess prevails upon other articles, the high tariff on chemicals would account in part for the higher cost of manufacturing paper in the United States as compared with Canada, if there is a difference.

Mr. JOHNSON of Maine. That was the claim made by the paper manufacturers in their testimony before the Finance Committee from which I have read.

Mr. FLETCHER. I will ask the Senator if there is any prospect that, if these duties are reduced so that the manufacturers can get their raw materials cheaper, the consumers will get theirs any cheaper?

Mr. JOHNSON of Maine. I can not answer that, except to state my expectation that they will.

Mr. HITCHCOCK. While the Senator is on that point, has he any figures to show what is the total consumption in the United States of the chemicals embraced in Schedule A? He has shown that the amount of imports is something like $119,000,000 a year.

Mr. JOHNSON of Maine. I beg the Senator's pardon. The imports of dutiable and free articles aggregate $119,000,000.

Mr. HITCHCOCK. Yes; there are $119,000,000 of imports of chemicals embraced in Schedule A, either as dutiable or free. But has the Senator any figures to show what is the total consumption in the United States? I ask the question for the purpose of ascertaining what proportion of the chemicals consumed in the United States is imported and what proportion is produced locally.

Mr. JOHNSON of Maine. I do not have those figures.

The cotton and woolen industries are the largest consumers of dyestuffs in this country, many of which are imported, and they also consume large amounts of chemicals; and as doubtless a reduction in the duties upon woolen and cotton goods will soon be made, this furnishes an additional reason why there should be a reduction in the duties upon dyestuffs and chemicals used in the manufacture of textiles. From the census of 1905 it appears that the value of chemicals used in that year by the textile industries amounted to $30,097,685. Some of the reductions made in the chemicals used in the textile industries appear in the following tables, which I ask permission to insert:

Important chemicals used in the manufacture of cotton goods and changes in the duties thereon made by H. R. 20182.

Article.	Under act of 1909.		Under H. R. 20182.	
	Rate.	Equivalent ad valorem.[1]	Rate.	Equivalent ad valorem.
Acids:				
Acetic	⅛ cent and 2 cents per pound.[2]	16.07	Free	
Formic	25 per cent	25.00	1½ cents per pound	22.50
Oxalic	2 cents per pound	38.81	1½ cents per pound	22.00
Tannic	35 cents per pound	89.52	4 cents per pound	10.00
Caustic soda	½ cent per pound	20.17	¼ cent per pound	10.00
Chloride of lime	⅕ cent per pound	24.81	1/10 cent per pound	12.53
Vegetable dyes	15 per cent	15.00	⅛ cent per pound	10.70
Logwood extract	⅛ cent per pound	15.97	⅛ cent per pound	6.85
Coal-tar dyes	30 per cent	30.00	25 per cent	25.00

[1] Imports of 1911.
[2] According to specific gravity.

Cost of chemicals and dyestuffs used in all branches of the wool manufacturing industry.

[Compiled from reports of Census Bureau.]

Branch of industry.	1899	1904	1909
Woolens and worsted	$6,986,000	$7,457,000	$8,821,000
Carpets and rugs	1,152,000	1,467,000	1,733,000
Hosiery and knit goods	1,024,000	1,677,000	2,542,000
Felt goods	128,000	190,000	220,000
Shoddy	111,000	142,000	137,000
Total	9,000,000	10,933,000	13,453,000

Some chemicals and dyestuffs used in the wool manufacturing industry and the changes in the rates of duty made by H. R. 20182.

Article	Under act of 1909.		Under H. R. 20182.	
	Rate.	Equivalent ad valorem.	Rate.	Equivalent ad valorem.
Acids:				
Acetic	¾ cent and 2 cents per pound.[2]	18.67	Free	
Oxalic	2 cents per pound	38.83	1½ cents per pound	25.98
Bichromate of potash	2½ cents per pound	30.35	1 cent per pound	13.50
Hyposulphite of soda	½ cent per pound	18.10	½ cent per pound	12.50
Carbonate of soda (crystal)	¼ cent per pound	18.01	¼ cent per pound	9.80
Logwood extract	½ cent per pound	15.97	¼ cent per pound	6.85
Cream tartar	30 per cent	30.00	25 per cent	25.00
Sulphuric acid	½ cent per pound	18.06	Free	
Formic acid	25 per cent	25.00	1½ cents per pound	25.98

[1] Imports of 1911. [2] According to specific gravity.

In addition to the reduction in the duties under the chemical schedule to meet the requirements of the pulp and paper industries and the textile industries, the unnecessarily high rates of duties upon many articles in this schedule of common use by all classes of citizens call for a substantial reduction of these rates, and in some instances for the abolition of all duties, particularly upon heavy chemicals the materials for the manufacture of which are easily obtained and which are either produced in this country or bear no rates of duty when imported here, and many of which are almost universally used and necessary to the comfort and livelihood of our people, and from which therefore all unnecessary tariff taxation should be removed except so far as the same may be necessary for raising revenue. The articles which have been transferred by H. R. 20182 from the dutiable list to the free list appear in the following table, which shows the rate of duty under the present law, the amount imported for the year 1911, and the duties collected, and which I ask permission to insert at this point:

Articles exempted from duty by H. R. 20182, with the value of imports and duties collected thereon for 1911 and rates of duty under the present law.

Article.	Rates under present law.	Imports.	Duties.
Acid:			
Acetic or pyroligneous	¾ and 2 cents per pound.	$5,172	$992
Chromic	2 cents per pound.	1,456	175
Sulphuric, or oil of vitriol, n. s. p. f.	½ cent per pound.	89	95
Blue vitriol or sulphate of copper	do	321	22
Borates of lime or soda, or borate material, n. s. p. f.	2 cents per pound.	2,357	262
Charcoal in any form, n. s. p. f.		17,389	3,478
Bone char	20 per cent ad valorem.	22,448	4,489
Blood char		346	69
Copperas or sulphate of iron	¼ cent per pound	92	4
Paris green and London purple	15 per cent ad valorem.	2,362	354
Phosphorus	18 cents per pound.	17,788	7,322
Sulphur	30 cents per pound.	39,078	2,146
Salt cake or niter cake	$1 per ton	121,208	11,098
Strychnia and strychnine	15 cents per ounce.	149	22
Sublimed, refined	$1 per ton	24,052	3,605
Sulphur, sublimed, or flowers of		27,396	3,857
Total		285,343	38,701

The first article in this table is acetic, or pyroligneous, acid, which bears a duty of three-fourths of a cent and 2 cents a pound under the present law, according to the specific gravity, that having a specific gravity of more than 1.047 bearing the higher duty. It is made from acetate of lime, of which this country is the principal producer and exporter, our exports for 1911 being 35,000 tons, and which under this bill is on the free list, and from sulphuric acid. As sulphuric acid and acetate of lime have in this bill been placed upon the free list and acetate of lime is produced here, no reason seems to exist for leaving acetic acid, which is largely consumed in the textile industry, on the dutiable list. Glacial acetic acid, which bears the higher rate of 2 cents a pound, is merely an acid of higher strength, obtained by rectification, a process which is not complicated, and for this reason it should not be treated differently from acetic acid itself.

In connection with this acid it should be mentioned that in February, 1900, the State Department made an investigation into the possibilities of the exportation of acetic acid, and did this at the solicitation of a leading chemical manufacturing concern, which stated in its request that the manufacture of acetic acid in the United States had reached then a state of development where the exportation of acetic acid would be not only possible but highly desirable.

As acetic acid has a very extensive use in the industries and arts, in the manufacture of white lead, sugar of lead, arsenical insecticides, iron and aluminum mordants, and can be made from raw materials produced here, there would seem to be no reason for maintaining any duty upon it.

The importations of chromic acid are very slight, and its use is confined almost entirely to the laboratory. Sulphuric acid, or oil of vitriol, the most important of all acids, is used in nearly all industries, and its consumption in this country has been very largely increased by the manufacture of superphosphates. It bears a duty under the present law of one-fourth of a cent a pound, or $5 a short ton. Because of its weight and its very corrosive character it can not be easily transported. Iron pyrites, from which it is largely made, is admitted to this country free of duty, as is also nitrate of of sodium, which enters into its manufacture. Upon this subject the glossary of the Tariff Board states (pp. 169 and 170):

Sulphuric acid is to-day one of the absolute prerequisites of civilization, ranging in importance next to if not with pig iron, and therefore justifies a more detailed study than any other item of Schedule A of the tariff law.

In speaking of the difficulty in shipment, this statement appears upon page 170:

The powerfully stimulating influence which the Le Blanc soda process exercised over the production of sulphuric acid in Europe was wanting in the United States, because this process, for reasons purely economic, never crossed the Atlantic. Our soda supply was imported, and the only reason why the same was not done with sulphuric acid was the difficulty in the shipping of the material. Glass carboys had to be used for the purpose, and even with the most careful packing breakage was unavoidable, involving not only loss of material, but very serious damage to cargo and ship or injury to crew, owing to the corrosive and destructive action of the acid.

This difficulty of shipping the acid, which in the early period protected the manufacturer against foreign competition in spite of the prevailing high prices, is even more potent to-day, because the quantities to be transported exclude anything but bulk shipments and the relatively low price of the acid will not permit the additional cost of transportation. This operates to prevent importations. The difference in manufacturing cost at home and abroad is probably not great where modern scientific methods are employed.

* * * * * * *

A very powerful factor in the development of the sulphuric-acid industry in the United States was the extended use made of this acid in refining mineral oils and in the production of superphosphate for fertilizer purposes—two industries which found in the United States their greatest development and which to-day consume beyond doubt the largest part of the total output. In later years the iron and steel industry became the third largest consumer of sulphuric acid. The geographical expansion of the production of the latter followed, therefore, closely the lines of those industries and of course also that of the manufacturing of chemicals generally, the basis of which is and always will be sulphuric acid.

* * * * * * *

In comparison with the enormous quantities used there is only a comparatively small number making sulphuric acid for sale. Many of these, moreover, are consolidated under common ownership of relatively few corporations.

In the brief of the General Chemical Co., one of the largest manufacturers of acids and chemical salts in the United States, filed with the Finance Committee March 19, 1912, this statement in regard to the manufacture of sulphuric acid appears upon page 470 of the tariff hearings:

We believe the domestic manufacture of inorganic heavy chemicals, such as sulphuric, muriatic, and nitric acids, is now firmly established and can hold its own in competition with the world on the basis of cost of manufacture.

Therefore no injustice has been done the manufacturers of sulphuric acid, the basis of all chemical industries, and used in so many other industries, by taking off the duty of one-fourth of a cent a pound, or $5 a ton, when, according to investigations made by the Tariff Board itself, and this admission from one of the largest chemical companies in the United States, the industry in this country is now established upon a firm basis.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Florida?

Mr. JOHNSON of Maine. I do.

Mr. FLETCHER. I should like to ask the Senator if he knows the average rate of duty on an ad valorem basis on the articles embraced in schedule A under the present law, the Payne-Aldrich law?

Mr. JOHNSON of Maine. Twenty-five and seventy-eight one-hundredths per cent.

Mr. FLETCHER. What will be the average rate of duty on an ad valorem basis under the bill as it is proposed?

Mr. JOHNSON of Maine. About 16 per cent. But I will say to the Senator that I have already made the explanation which I ought in fairness to make—that taking the same items which are dutiable under schedule A of the present law, and considering them alone, the reduction upon these items is from $25\frac{11}{100}$ per cent to $22\frac{45}{100}$ per cent, a reduction of nearly 13 per cent. I will say, however, that while the reduction is only about 13 per cent, it would be 25 per cent if it were not for the increases which have been made in the bill on some few items for special reasons.

For instance, upon gum chicle, imported into this country in large quantities, and used in the manufacture of chewing gum, the duty has been doubled, to obtain additional revenue. The duty upon opium also has been increased from $1.50 to $3 per pound; and that upon cocaine has been largely increased, to discourage the importation of both.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. I do.

Mr. SMOOT. The statement made by the Senator is perhaps correct if he does not take into consideration the items that have been transferred from the free list to the dutiable list.

Mr. JOHNSON of Maine. I made that statement, I think, I said I referred to the same items covered by Schedule A as it now is in the present law.

Mr. SMOOT. Then there is not the difference that the Senator says.

Mr. JOHNSON of Maine. Then we differ as to that.

Mr. SMOOT. But I want to call the Senator's attention, and the attention of the Senate, to the fact that about $40,000,000 of chemicals that have been on the free list are transferred to the dutiable list under this bill.

Mr. JOHNSON of Maine. I do not care to have that statement injected at this point. I shall come to that presently in the treatment of the matter.

I return to sulphuric acid and observe that the small amount imported shows that no competition exists. While the present law provides in paragraph 687 that sulphuric acid not exceeding a specific gravity 1.380 shall be admitted free of duty, this provision has not resulted in any free importation, because acid of such strength can not be economically manufactured nor transported.

BLUE VITRIOL OR SULPHATE OF COPPER.

This country is one of the largest producers and exporters of blue vitriol or sulphate of copper. The amount imported is so small that the imposition of a duty serves no useful purpose. What has been said of blue vitriol or sulphate of copper can be said of borates of lime or soda, charcoal, bone char, blood char, copperas, or sulphate of iron.

Paris green and London purple are also placed upon the free list. All the articles which I have been discussing have been placed upon the free list by the proposed law.

Copper sulphate, white arsenic, acetic acid, and soda ash, the raw materials for the manufacture of Paris green, are produced abundantly in this country, and it is manufactured very extensively. Its use as an insecticide has made its price fluctuate very much owing to the excessive demands which are made at times for it when pests infect the crops of any section of the country, but the farmers of this country should be allowed to purchase this almost indispensable product at a price which is not increased for the sole benefit of its manufacturers. Very little London purple is imported and very little is made here.

PHOSPHORUS.

Phosphorus is used extensively in the manufacture of matches and certain alloys. As its sources are abundant in this country and in its manufacture great advancement has been made through the use of electricity, the duty should be removed in the interest of the consumer. Salt cake and niter cake are both made in large quantities as by-products in this country, the former in the manufacture of hydrochloric acid by heating a mixture of salt and sulphuric acid, and the latter—niter cake—in the manufacture of nitric acid from a mixture of nitrate of soda and sulphuric acid. They are extensively used in many industries, particularly in the manufacture of glass, and as they are by-products in the manufacture of acids they are produced here in great quantities and importations are small, and upon no theory is any duty necessary.

The industry of extracting strychnine from nux vomica on a fairly large scale is carried on by some few establishments in the United States, and the domestic production is in excess of the consumption since large quantities of strychnine are exported from the United States and sold in competition with that manufactured elsewhere. The duty therefore of 15 cents an ounce is entirely unnecessary. The duty on strychnine was 30 cents an ounce under the Dingley tariff law, which was reduced to 15 cents in the law of 1909. The large medicinal use of strychnine furnishes as strong a reason for placing it upon the free list, as is furnished in the case of quinine, which has been admitted free of duty for many years.

SULPHUR.

Large deposits of sulphur are found in this country, particularly in Louisiana, and our domestic consumption is more than covered by home production. Large exports therefore are made. The duty of $4 per ton under the present law is entirely unnecessary. A careful investigation of the manufacture of all these articles included in the above table and the uses to which they are put will clearly demonstrate the wisdom of placing them upon the free list in the interests not only of the consumers of this country, but also of the manufacturing industries which use them.

MEDICINAL COMPOUNDS AND DRUGS.

Very large reductions have been made in H. R. 20182 upon medicinal compounds and drugs so that the price of the same might be enhanced as little as possible by the duties which are levied and at the same time those engaged in their manufacture receive due and fair consideration. The duty upon calomel has been reduced from 35 per cent to 15 per cent; that on medicinal compounds containing alcohol, from 55 cents per pound to 10 cents per pound and 20 per cent ad valorem up to 40 cents per pound and 20 per cent ad valorem, according to the alcohol contained in them. On other medicinal compounds not containing alcohol the duty has been reduced from 25 per cent to 15 per cent; upon chloroform from 10 cents per pound to 4 cents per pound; on drugs such as roots, berries, balsams, etc., advanced in value from one-fourth of a cent a pound and 10 per cent ad valorem to 10 per cent ad valorem; on potassium iodide, from 25 to 20 cents per pound; on iodoform, from 75 cents per pound to 25 cents per pound; on sulphuric ether, from 8 cents to 4 cents per pound.

It would be impossible to speak of the many reductions which have been made in the rates of duty under this schedule, but I will briefly explain some of the more important changes. The duty has been reduced in the case of glue and gelatin valued at 10 cents a pound or less, from 2½ cents per pound to 1 cent per pound, and upon that valued above 10 cents per pound and less than 25 cents per pound it is fixed at 15 per cent ad valorem, and upon that valued above 25 cents per pound at 25 per cent ad valorem. These reductions it is believed will work no hardship to those engaged in the manufacture of these articles, and that they will permit importations to keep down prices to a fair and reasonable level. Under the present law, glue and gelatin, valued at 10 cents or less a pound, bears a duty of 2½ cents per pound; valued above 10 cents and not above 35 cents per pound, 25 per cent ad valorem; valued above 35 cents per pound, 15 cents per pound and 20 per cent ad valorem. Glue is made from bones, hides, or similar material, and gelatin is merely a high-grade glue. The uses of glue extend through a great many industries, and is used by furniture makers, bookbinders, veneer manufacturers and paper and wood box makers, piano makers, hat makers, in the textile industries, the printing trade, and many others. It is claimed by those who are acquainted with the glue industry that its manufacture is to a large extent controlled by the meat packers and their associates, the raw materials of which are provided from the by-products of their meat-packing establishments; and while in the brief filed by the National Association of Glue and Gelatin Manufacturers it is stated that not over 35 per cent of the total annual production of glue in this country, amounting to 100,000,000 pounds, is the product of factories owned or controlled by the slaughter-house interests, those who are familiar with the business assert that at least 65 per cent of our annual production is manufactured in factories directly or indirectly controlled by these interests. While some glue stock is imported into this country from South and Central America, India, and Australia, it is all admitted free of duty and costs the American manufacturers of glue no more than the foreign manufacturers. Much of the raw material is obtained as by-products of the meat-packing establishments in this country and is manufactured into glue by them; and certainly their efficiency of operation and organization can not be exceeded anywhere.

The following table, obtained from the census reports for the years 1890 and 1910, shows the number of establishments, salaried persons, wage earners, salaries and wages, capital invested, products, and raw materials for these census years in the glue industry:

Year.	Establishments.	Salaried persons.	Wage earners.	Salaries.[1]	Wages.[1]	Capital.[1]	Products.[1]	Raw material.
1890	62	139	1,697	$147	[illegible]	$4,859	$4,270	$2,511
1910	65	[illegible]	3,265	747	$1,571	$14,289	$13,718	7,525
Increase, per cent.	5	280	90	408	132	200	221	200

[1] Expressed in thousand dollars.

From an examination of this table it will be seen that there was in 1890 for each salaried person a value of product of $30,800, which fell in 1910 to $26,000. The value of product per wage earner, on the other hand, was, in 1890, $2,510 and in 1910 its value rose to $4,200. In 1890 a sum equal to 3.4 per cent of the value of products was paid out in salaries and in 1910 5.4 per cent. The amount paid in wages in 1890 constituted 15.8 per cent of the value of products and in 1910 11.4 per cent. The percentage cost of raw material relative to the output in 1890 was 60 per cent and in 1910 less than 55 per cent. It is a well-known fact, and will appear from an examination of trade journals, that soon after the passage of the Dingley bill, which increased the duty from 25 per cent ad valorem to a specific duty of 2½ cents per pound, equivalent in the case of the cheaper grades of glue to an ad valorem of 50 per cent or more, the price of glue costing below 10 cents a pound increased very materially and is to-day almost 50 per cent higher than it was before the passage of that act. Under the facts disclosed by these statements, the claim of the National Glue Co. that the American glue industry would be seriously injured by a reduction of the duty from 2½ to 1 cent a pound upon glues costing less than 10 cents a pound is absurd upon its face, as the duty of 1 cent a pound covers the entire wage cost and also part of the salaries paid.

In this connection I will read a statement made to me by one of the independent glue manufacturing companies which has been engaged in the business for about 40 years in this country, as I am informed by one of its officers, and it is as follows:

We submit that the present customs duties on glues and gelatines are extortionate, and notably so on glues below 10 cents per pound.

When the Dingley bill was under discussion an effort was made by the packers and their allied interests to secure a tariff on imported raw material as well as on the finished product.

Failing to secure this protection of their domestic raw material (the bulk of which they produce and continue to control to-day since it is a by-product of their industry) these same packers, with their allied associates, set about to secure such high rates on glues below 10 cents per pound, and which are chiefly made from the grade of stock they produce, as to effectually shut out all foreign glues of similar character, and in this were successful.

The duty on all grades had formerly been 20 to 25 per cent; the above advance of the duty made in the Dingley bill secured them from 30 to 75 per cent duty on glues below 10 cents per pound.

This outrageous and unnecessary protection was secured insidiously and concealed from the knowledge of the other and independent glue makers until enacted and without any public notice being given of the proposed action.

That the packers and their allies controlled and still control powerful influence is well known.

Apart from the great advantage of this special increase of duty enjoyed by the packers and their allies, the effect has been to finally injure the industry in glues below 10 cents per pound, since the resulting high prices have stimulated substitutes for glue, which the consumers are forced to use, though unsatisfactory.

The proposed House bill as passed is an eminently fair and reasonable measure, offering all the protection required to offset the lower cost of foreign labor.

Furthermore, obtaining imported raw material free of duty, the domestic makers are on an even basis with those abroad, and surely require no protection to offset any alleged technique or inventive genius on the part of foreign manufacturers.

The imported glue stock (raw material) is drawn from South and Central America, India, Australia, in fact, from all over the world, and being free of duty costs the American makers no more than it costs the foreign makers of glue.

CAMPHOR AND CELLULOID.

In the proposed bill a duty of 3 cents a pound has been placed upon crude camphor which heretofore has been upon the free list, and a reduction made in the duty on refined camphor which is reduced from 6 to 5 cents a pound, while the duty upon celluloid into the manufacture of which camphor enters to a large extent, constituting about one-third by weight, has been decreased, and a reduction also made in the duty upon articles made from celluloid. Under the present law celluloid in blocks, sheets, rods, tubes, or other forms, not polished wholly or partly and not made up into finished or partly finished articles, bears a duty of 45 cents per pound, which has been reduced in the proposed law to 15 per cent ad valorem and not less than 15 cents per pound. Articles made of celluloid under the present law bear a duty of 65 cents per pound and 30 per cent ad valorem, and the rate upon these articles has been fixed in the proposed law at 35 per cent and not less than 40 cents per pound. A high duty was placed upon these articles in the Dingley bill because of the alcohol used in their manufacture, but since the passage of the denatured-alcohol act in 1906 the necessity for maintaining so high a duty does not exist. The act of 1909, while making a small reduction in the duties upon celluloid in blocks or sheets, increased the duty upon articles made from celluloid. As denatured alcohol is now used in the manufacture of celluloid there is no necessity for the maintenance of any compensatory duty to the manufacturer for the alcohol used in making it. The duty upon celluloid in blocks and sheets is to-day prohibitive, and very little is imported. The manufacturers of celluloid who appeared before the finance committee claimed that the provisions of the proposed law would work a hardship upon them, because a duty was placed upon camphor and the duty reduced upon their finished product, and that their business would be ruined by competition with celluloid articles manufactured in Japan. In connection with this claim I wish to insert the following taken from the Daily Consular and Trade Reports, page 1202, of the year 1911, as given by the American consul, George M. West, relating to the celluloid manufacture in Japan. In speaking of the celluloid factories being erected in Japan he makes the following statement:

CELLULOID MANUFACTURE IN JAPAN.

[From Consul George N. West, Kobe.]

Supplementing the report in the Daily Consular and Trade Reports for January 10, 1911, I have succeeded in obtaining additional information concerning the celluloid factory being erected at Sakai (and the same information will apply to the Aboshi factory) and the probable effect of their output in the oriental and American celluloid markets.

The normal capacity of the Sakai factory will be 1 ton per day of 10 working hours, or 1½ tons at 14 working hours; of the Aboshi plant, 3 tons per day; but it is not thought possible for them to produce their normal capacity, and 600 to 700 pounds per day will be the limit, at least for the present, of the Sakai factory.

COST OF PRODUCTION.

The output of the factories will be of very medium quality, owing to the inferiority of the materials from which it is made and the lack of skilled labor. Only the cheap qualities of celluloid are used in Japan, and this will be what the factories will produce. The imports in 1910 were about 700,000 pounds, of which 300,000 pounds were reexported to China in a manufactured state.

From the best sources of information obtainable the cost of the ingredients entering into the production of celluloid in Japan, other than camphor, will be as follows: Nitric acid, to be manufactured at the works, 8 cents per pound of about 90 per cent strength; sulphuric acid, $22 per ton of 98 per cent strength; nitrate of soda, $45 per ton; grain alcohol, 96 per cent strength, 84 cents per pound; wood spirits (American) of 97 per cent strength, 14 cents per pound; tissue paper (cotton), Japanese manufacture, 18 to 20 cents per pound. This paper will be inferior in quality to the American 10-cent grade. The factories are paying 32 cents per pound for the cheaper class of camphor at the present time (January 17, 1911).

While the cost of labor will be low in comparison with the prices paid in the United States, it will take five or more workers in Japan to perform the work done by one person in the United States. The average cost for all classes of labor at these factories will approximate 50 cents per day of 10 hours, overtime being paid for at the same rate. The employees are given two holidays each month with pay; otherwise they work seven days each week.

The cost of maintenance of the factories will be greatly in excess of that necessary in the United States, as the same attention is not paid to the care of machinery and other articles and repairs are not quickly and adequately made, but makeshifts are used to supply broken parts, which soon render machinery useless.

It will be noted that the prices given in the above report for the raw materials used in the manufacture of celluloid are, in some instances, 50 per cent and even, in many instances, close to 100 per cent higher than the American prices for the corresponding articles. These same manufacturers were also before the Ways and Means Committee in 1909, claiming that their business would be ruined by any decrease of duties upon their products and succeeded in obtaining an increase of duties upon articles manufactured from celluloid. The manufacture of celluloid is an American invention, and an examination of statistics shows that quite a large foreign trade has been built up. We exported in the year ending June, 1911, about $1,694,000 of these manufactured products, and in 1907 $444,000, showing an increase of nearly 300 per cent.

As the average price of crude camphor imported in 1911 was about 30 cents per pound, the proposed duty of 3 cents per pound would be equivalent to an ad valorem duty of about 10 per cent. As the duty upon crude celluloid would be at the minimum 15 cents per pound, in which the duty on camphor would amount only to 1 cent, as camphor constitutes, by weight, but one-third of celluloid, and since the duty upon articles manufactured from celluloid in the proposed bill is at a minimum 40 cents per pound, the manufacturers being allowed the use of

denatured alcohol and obtaining nearly all their raw materials free of duty, have no just ground for complaint. Nor does the information disclosed in the consular reports in regard to the cost of manufacture of celluloid in Japan furnish any ground for the claim that their industries would be severely crippled by a reduction of the duties proposed in H. R. 20182, especially so when it is considered that the Japanese factories, as has been stated, are equipped with machinery imported almost exclusively from the United States. At a hearing before the Ways and Means Committee in 1890, page 384, J. R. France, president of the Arlington Manufacturing Co., one of the companies appearing before the finance committee in 1911, in speaking of a bill permitting the use of denatured alcohol in the manufacture of celluloid, said as follows: "The increasing cost of manufacture makes this tax entirely prohibitive to the sale of our goods in all markets except home. There are large fields open to us from which, for this cost, we are entirely shut out. The superiority of American manufacturers in this line is so much in advance of foreign competition that despite the disparity of earnings by employees as compared with foreign labor we could easily compete and that with good profits except for this tax." The tax referred to, of course, is the internal-revenue tax upon alcohol then in existence. In view of this statement by Mr. France, the complaint of his successors before the Finance Committee at this session that they will be subjected to ruinous competition by reason of the reductions in the duties upon celluloid is without any substantial foundation.

PAINTS.

The pending bill recognizes the extensive use of paints and pigments in this country and the established condition of the paint industries and makes a moderate reduction in the duties on their products, as well as on the raw materials from which they are manufactured. Nearly all the raw materials for manufacturing paint are found or manufactured in this country except the finer grades of ochers and earths, which are imported. Statistics show that in 1910 we exported paints and pigments to the value of $4,726,000, and in 1911 $5,240,000. Testimony given before the Finance Committee disclosed that profits were large in this industry, one manufacturer admitting his profits to be about 40 per cent. The duty upon paints, therefore, has been reduced from 30 per cent to 20 per cent ad valorem.

In this connection I will take but a moment to read into the RECORD the testimony of R. E. Armstrong, as found on page 339 of the hearings before the Finance Committee at the present session:

Senator McCUMBER. Will you give the committee an idea of the profit there is in your business?

Mr. ARMSTRONG. In my own personal business?

Senator McCUMBER. Yes; the percentage of profit. I am not asking you to go into the details of your private business at all.

Mr. ARMSTRONG. I understand. I might say before I tell you that, Senator, that I think my business is different from my fellows', perhaps, in this way: If you and I were running peanut stands and you got to your place of business at 10 o'clock and I got to mine at 5, I probably would do considerably more business than you would, and make more money at it.

Senator McCUMBER. Unless you belonged to a labor union. Then, of course, it would be the same.

Mr. ARMSTRONG. I will say that our profits will run, usually, about 40 per cent on the capital invested.

SOAPS.

House bill 20182 also makes a large reduction in the duty upon soaps, that upon common soaps being reduced from 20 per cent to 15 per cent ad valorem, but not less than 1 cent per pound, and upon medicinal soaps from an ad valorem of 73½ to 30 per cent, and upon fancy or perfumed soaps from 50 per cent ad valorem to 40 per cent ad valorem, but not less than 20 cents per pound. While we imported in 1911 common soap to the value of $68,806, we exported soap of the same class of the value of $2,305,010. Of toilet or perfumed or fancy soaps we imported in the same year $380,472 worth and exported $1,741,171 worth. As the production of soaps in this country amounted in value to more than $100,000,000 in 1910, there is no danger that this industry will be ruined by the new rates. A heavy reduction has been made in the duties upon sodas and glycerin, which enter largely into the manufacture of soaps, which will nearly offset the small duty that has been imposed upon some of the oils which enter into their manufacture.

Mr. HITCHCOCK. Mr. President, I should like to recur for a moment to the quotation made by the Senator from Maine from the manufacturer of paint who appeared before the committee. Is there much testimony of that character to indicate that protected manufacturers are earning a profit of 40 per cent annually on their invested capital?

Mr. JOHNSON of Maine. I do not recall any testimony to that effect except that which I have read.

Mr. SMOOT. Mr. President, the testimony from which the Senator read was that of a young fellow by the name of Armstroug, of Chicago. He started in——

Mr. JOHNSON of Maine. I would prefer to give the statement in regard to it, if the Senator from Utah will pardon me. He can make any answer he sees fit in his own time.

Mr. SMOOT. I will be glad to listen to the Senator.

Mr. JOHNSON of Maine. My recollection of him is different from that of the Senator insofar as his being a young fellow is concerned, unless I am young.

Mr. HITCHCOCK. The Senator looks that way.

Mr. SMOOT. Is that the only explanation the Senator desires to make?

Mr. HITCHCOCK. I had some additional questions I wanted to ask. I wanted to inquire whether, in the opinion of the committee, that was the "reasonable profit" mentioned in the Republican platform that manufacturers were entitled to make at the expense of the American people?

Mr. JOHNSON of Maine. I am unable to answer the Senator's inquiry. I have simply read from the testimony of one manufacturer who appeared before the Finance Committee, and the record of his testimony disclosed the statement which I have read.

Mr. SMOOT. Mr. President——

Mr. HITCHCOCK. I presume that manufacturer was anxious to have the tariff reduced?

Mr. JOHNSON of Maine. He complained about placing a duty on certain raw materials used in the manufacture of paint and which by the amendments proposed by the minority of the committee are returned to the free list. His complaint was that we were taxing raw materials and that the raw materials used in the manufacture of paint should be left upon the free list.

Mr. HITCHCOCK. He had no objection to the reduction of the tariff on paint?

Mr. JOHNSON of Maine. I do not recall that he was inquired of in regard to that.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Utah?

Mr. JOHNSON of Maine. Yes.

Mr. SMOOT. Mr. President, I remember the testimony of Mr. Armstrong very well. He was a young man who started a business in Chicago——

Mr. JOHNSON of Maine. Mr. President, while I would be glad to yield to the Senator for a question, but so long as he is, as I understand, to present his views to the Senate upon the subject, it seems to me he can very well answer in his own time. I am very anxious, if the Senator will pardon me, to get through with what little I have to say, as the hour is late.

Mr. SMOOT. If the Senator objects, I will say nothing more about it; but will tell the Senate at some later time who Mr. Armstrong is, what capital he has invested, and what sort of a manufacturer he is.

Mr. JOHNSON of Maine. The bill also makes heavy reductions upon soda salts and corresponding heavy reductions upon manufactured potash salts, while the potash salts used for fertilizer purposes have been left on the free list as heretofore, and a small revenue duty has been placed on some of the potash compounds which have hitherto been upon the free list, the manufacture of which has been introduced into this country and which the small duty imposed may operate to stimulate.

The widest departure from previous tariff bills is made in H. R. 20182 in placing a duty upon a large number of articles which have hitherto been upon the free list and many of which are not produced in this country. Many of these are luxuries, and the duty imposed is for the purpose of raising a revenue. The dutiable value of these articles in the imports of 1911 was about $42,000,000, and at the rates fixed by H. R. 20182 would have yielded a revenue of about $4,000,000, at an average ad valorem of 9.55 per cent. By the amendments proposed these dutiable values would be reduced to less than $34,000,000, and the revenue derived therefrom would be $3,300,000, at an average ad valorem of 9¾ per cent. While these are articles of universal consumption and the duty imposed is therefore a tax upon consumption and admitted to be such, nevertheless it is a tax which will be paid by the consumer into the Treasury of the Government for the purpose of its maintenance, and is therefore a tax which every patriotic citizen will readily pay. If any of these articles are used as the raw materials for the manufacture of exports from this country, the duty imposed upon them will not increase the price of such articles, because under the provisions of the present law a rebate of the duty paid can be obtained upon proper ap-

plication. Many of these items which have been transferred from the free list to the dutiable list are used in the manufacture of perfumes and cosmetics, articles which are luxuries, and while the duty upon the finished products has not been increased by this bill, it will be found by reference to importations for the year 1911 that the duties upon perfumes have an ad valorem equivalent of 64.32 per cent, and, as the duties placed by the proposed bill upon raw materials entering into the manufacture of perfumeries and cosmetics is 20 per cent ad valorem, the manufacturer is still afforded a margin of about 40 per cent, which ought to enable him to meet foreign competition. As these perfumes are highly finished products and luxuries, they afford a legitimate opportunity for the imposition of a revenue tax.

In the report of the committee the proposed bill is criticized because a tax is placed upon some raw materials or the present duty upon some increased, while there has been a decrease in the duty upon the manufactured products made from them. This criticism has been answered in the report of the minority of the committee, and I ask permission to insert at this point so much of the report as deals with this criticism. The motive for this course was merely to raise revenue in the case of the raw materials on the one hand and to protect the consumer against unreasonably high prices on the other.

The PRESIDENT pro tempore. In the absence of objection, permission is granted.

The extract referred to is as follows:

BENZOIC ACID AND BENZOATE OF SODA.

Benzoic acid is transferred from the free list to the dutiable list, with a duty of 5 cents a pound by H. R. 20182, and the duty on benzoate of soda made from it reduced from 25 per cent to 15 per cent. No benzoate of soda is now imported, because the duty is prohibitive, and as it is used exclusively as a food preservative, which at present is discouraged, no hardship would seem to fall upon its manufacture because of this change in duties, nor would those engaged in it seem to be entitled to the fostering care of the Government under any theory.

PHTHALIC ACID AND PHENOLPHTHALEIN.

In the case of phthalic acid and phenolphthalein the import price of the latter is between $1 and $1.50 per pound, so that even at the lowest price it would pay a duty of 15 cents per pound, against the proposed duty of 5 cents upon the acid. Moreover, in its manufacture over 80 per cent of the raw material used is carbolic acid, which H. R. 20182 places on the free list. The colors made from phthalic acid will pay a duty of 25 per cent under H. R. 20182, which will afford a sufficient manufacturing margin.

ARGOLS OR CRUDE TARTAR AND CREAM TARTAR AND TARTARIC ACID.

H. R. 20182 increases the duty on argols or cream tartar from 5 per cent ad valorem to 10 per cent ad valorem, and upon tartaric acid and cream of tartar made from the same the duties are decreased from 3 cents a pound to 3 cents and 2½ cents a pound, respectively. Argols or crude tartar, of which we imported 29,269,977 pounds in 1911, at a unit value of about 10 cents a pound, would at the proposed ad valorem duty of 10 per cent, bear a duty of 1 cent per pound, and as cream of tartar, which is made from argols or wine lees by refining, bears a duty of 2½ cents per pound, the difference between the duty on the raw material and that on the finished product will about equal the manufacturing cost, as the process of refining is simple and inexpensive, and consists in boiling the argols in water, thereby separating the cream of tartar from impurities, and obtaining crystals of cream of tartar by evaporation. In this process tartaric acid is one of the by-products, and what has been said of the duty on cream of tartar applies to the duty on that. The present duty on both cream of tartar and tartaric acid is practically prohibitive.

COAL-TAR PRODUCTS AND COAL-TAR DYES OR COLORS.

Strong representations were made by several parties to the Ways and Means Committee in 1908–9 as to the advisability of placing a duty upon certain of the primary and intermediate coal-tar products. It was claimed that this country could now supply these products and would do so with slight protection, and that this would not increase the price to the consumer of the finished product. (See pp. 103–147, Tariff Hearings, Schedule A, 1908–9.)

CAMPHOR, COLLODION, ARTICLES OF COLLODION.

While crude camphor is transferred from the free list to the dutiable list with a duty of 3 cents per pound by H. R. 20182, the manufacture of collodion is not affected thereby, because collodion contains no camphor. Camphor, however, does enter into the manufacture of articles of collodion, of which it constitutes about one-third by weight; the other articles used are nitric acid and sulphuric acid and cotton. As nitric acid and cotton are on the free list and sulphuric acid is placed there by this bill, a duty of 35 per cent ad valorem on articles of collodion or celluloid would seem to afford a large manufacturing margin. The average price of crude camphor imported in 1911 was about 30 cents per pound, and at this price the proposed duty of 3 cents per pound would be equivalent to an ad valorem duty of less than 10 per cent.

GUM CHICLE AND CHEWING GUM.

In the case of gum chicle and chewing gum at the hearing before the Finance Committee the manufacturers declared their willingness to pay a duty of 50 per cent ad valorem, which, at the price given in the imports for the last year, would be more than the duty proposed of 20 cents per pound. They wanted, however, the duty put on an ad valorem basis because they admittedly controlled the market and would be able to determine the price. In 1911 we imported 5,368,567 pounds of chicle, practically all of which was converted into chewing gum, and doubling the duty will have little or no effect upon this import and will yield over half a million dollars additional revenue. No chewing gum is imported. The Chicle Trust is certainly no object of justifiable commiseration.

IODINE AND POTASSIUM IODIDE AND IODOFORM.

Potassium iodide contains 70.5 per cent iodine; iodoform, 95 per cent. There is therefore a large margin left to cover manufacturing differences. Neither potassium iodide nor iodoform are imported, nor are they likely to be under the reduced duty. The duty on iodoform was originally placed high on account of the alcohol used in its manufacture, and since the introduction of denatured alcohol in 1906 the high duty is no longer necessary.

COCA LEAVES AND COCAINE.

The duty on the leaves is increased from 5 cents per pound to 10 cents per pound and on cocaine from $1.50 per ounce to $2 per ounce, a duty claimed by manufacturers and dealers to be prohibitive, which, in the case of a dangerous drug like cocaine, will assist in the regulation of its use. If the duty on the manufactured articles is made practically prohibitive, there should be an increased duty upon the leaves.

CITRATE OF LIME AND CITRIC ACID.

In 1910 we manufactured $77,200 worth of citric acid and imported only $9,940 worth, about 11 per cent of our consumption. The duty of 7 cents a pound is clearly prohibitive. The duty of 1 cent a pound upon citrate of lime, which is easily manufactured, is equivalent to about 7 per cent ad valorem, while the duty upon citric acid is over 10 per cent ad valorem.

Mr. JOHNSON of Maine. The General Chemical Co., one of the largest manufacturers of chemicals in this country, in its brief filed with the committee, opposed the reduction of the duties upon some heavy chemicals manufactured by it, among which are alum, sulphate of ammonia, hyposulphite of soda, silicate of soda, and sodium sulphide. In view of the fact that these are all heavy chemicals and their manufacture is protected not only by the duties imposed but by the large cost of transportation, we believe that the reductions in the duties made in the proposed bill are not unreasonable, and a brief examination will disclose the correctness of our position. Alum is made from bauxite which is dutiable under the present law at $1 a ton. This duty has been reduced to 50 cents a ton in the House metal bill which has already passed the Senate. One ton of bauxite will make at least three tons of alum which will sell in the market at the average price of $25 a short ton. In the House bill a duty of 15 per cent ad valorem has been placed upon aluminum compounds equivalent to a specific duty of at least $3 a ton, so that alum would bear this duty under the proposed bill, and as there is no duty upon the other ingredients used in its manufacture this duty surely ought to cover the difference between the cost of production here and elsewhere. Sulphate of magnesia or Epsom salts is manufactured from kieserite which is already on the free list and is continued there by the proposed bill. The duty has been reduced upon sulphate of magnesia or Epsom salts from one-fifth of a cent a pound to one-tenth of a cent a pound, equivalent to a reduction from $4 a short ton to $2 a short ton. As sulphate of magnesia or Epsom salts is used industrially to a very large extent, especially in the textile industries, and no chemicals which bear a duty are used in its manufacture, it would seem as if a duty of $2 a ton added to the sea freight would be a sufficient protection to place the manufacture of it on a fair basis of competition.

The reduction of the duty on hyposulphite of soda from three-eighths of a cent to one-fourth of a cent per pound was made for the reason that under the present duty of three-eighths of a cent per pound there are no importations, as the duty is prohibitive. The reduction of one-eighth of a cent a pound in the proposed bill, making the duty one-fourth of a cent per pound, allows for possible importation to induce some competition. It is very evident, from an examination of the imports under the Dingley tariff law compared with the importations under the Payne-Aldrich tariff that the lower-priced or commercial product is excluded from importation, and that the higher priced is now imported, as under the Dingley tariff law the unit value of importations was 1 cent a pound and in 1910 this was increased to 1.4 cents and in 1911 to 2.1. The rate in the proposed bill of one-fourth of a cent a pound is equivalent to 12.50 per cent ad valorem, a reduction from 18.10 per cent in the present law. Hyposulphite of soda is a heavy chemical, and when the cost of sea transportation is taken into consideration the duty of 12.50 would seem to be sufficient protection.

Soda silicate. In this the reduction has been from three-eighths cent a pound to one-eighth, or from 39.89 per cent to 13.89 per cent ad valorem. This is a heavy chemical, and the cost of transportation is a large factor.

Sodium sulphide. The House bill proposes a reduction from three-eighths to one-fourth of a cent per pound on the crystal. In 1911 not quite 228 tons of both the crystal and the concentrated were imported, so that the competition between the American and foreign manufacturer can not be very keen, in view of the fact that the articles are of general heavy consumption. The duty of one-fourth of a cent a pound is equivalent to an ad valorem of 17.85 per cent. A large cut is made in

all of the soda salts, because of their extreme importance and their use in the industries.

C. E. MOORE.

Mr. LODGE. Mr. President, if the Senator from Maine has concluded, I move that the Senate——

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. LODGE. I yield to the Senator from Kansas.

Mr. CURTIS. I ask unanimous consent for the present consideration of the bill (S. 5790) for the relief of C. E. Moore.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster General to cause the accounts of C. E. Moore, late postmaster at Cherryvale, State of Kansas, to be credited with the sum of $130, and that he cause that credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of the loss of $130 in postal funds lost by the failure of the Cherryvale National Bank, at Cherryvale, Kans., it appearing that the loss was without fault or negligence on the part of the late postmaster, and appropriates $130 to pay the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. I yield to the Senator to make a request.

Mr. PAGE. Mr. President, I stated to the Senate in some remarks I made a few days ago that the Committee on Agriculture and Forestry had prepared a substitute bill for Senate bill No. 3. I now rise, by direction of the Committee on Agriculture and Forestry, for the purpose of asking unanimous consent that Senate bill No. 3, Calendar No. 348, be now laid before the Senate in order that I may ask to substitute for it the amendment proposed by the committee.

The PRESIDENT pro tempore. The Senator asks that the bill which he has indicated be now laid before the Senate in order that he may offer an amendment to it in the nature of a substitute. The Chair lays before the Senate the bill, the title of which will be stated.

The SECRETARY. A bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

Mr. PAGE. I now ask that the amendment reported by the committee be substituted for that bill on the calendar.

Mr. SMITH of Georgia. I wish to inquire whether the acceptance of the substitute would commit the Senate to the substitute without further amendment in any way?

Mr. LODGE. Oh, no.

Mr. PAGE. Not at all. I have no desire to do that, I will say to the Senator.

Mr. GALLINGER. I understand that the Senator asks unanimous consent to substitute the bill to which he refers for the original bill?

Mr. PAGE. That is all.

Mr. GALLINGER. And that it go to the calendar, to take the place of the original bill reported?

Mr. PAGE. That is correct.

The PRESIDENT pro tempore. Without objection, the order will be made.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 15, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 14, 1912.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

First Lieut. Emery T. Smith, Ninth Infantry, to be first lieutenant of Field Artillery, with rank from January 25, 1907.

First Lieut. Charles T. Smart, First Field Artillery, to be first lieutenant of Infantry, with rank from January 25, 1907.

RECEIVER OF PUBLIC MONEYS.

Frank M. Foote, of Wyoming, to be receiver of public moneys at Evanston, Wyo., his term having expired March 30, 1912. (Reappointment.)

REGISTER OF THE LAND OFFICE.

George D. Orner, of Oklahoma, to be register of the land office at Woodward, Okla., his term having expired May 1, 1912. (Reappointment.)

POSTMASTERS.

CALIFORNIA.

H. C. Hollenbeck to be postmaster at Soldiers Home, Cal., in place of Thomas J. Thorp, resigned.

Samuel F. Jenkins to be postmaster at Richmond, Cal., in place of Lizzie McGann.

W. D. Pennycook to be postmaster at Vallejo, Cal., in place of W. D. Pennycook. Incumbent's commission expired May 20, 1912.

FLORIDA.

Elbert A. Froscher to be postmaster at Marathon, Fla. Office became presidential April 1, 1912.

INDIANA.

Andrew F. Gugsell to be postmaster at Jasper, Ind., in place of Winfield S. Hunter. Incumbent's commission expired February 28, 1912.

George E. Spake to be postmaster at Monroeville, Ind., in place of Frank D. Walters, removed.

IOWA.

J. V. Williams to be postmaster at Union, Iowa, in place of Oscar E. Wood. Incumbent's commission expired January 31, 1912.

LOUISIANA.

Earl G. Eagles to be postmaster at Winnfield, La., in place of Edward Eagles. Incumbent's commission expired May 14, 1912.

MARYLAND.

Samuel S. Yingling to be postmaster at Reisterstown, Md., in place of Samuel S. Yingling. Incumbent's commission expired May 26, 1912.

MICHIGAN.

A. Edgar West to be postmaster at Upton Works, Mich., in place of Frank A. Peavey. Incumbent's commission expired February 27, 1912.

MISSOURI.

Charles L. Farrar to be postmaster at Macon, Mo., in place of Charles L. Farrar. Incumbent's commission expired April 22, 1912.

Chester R. Peck to be postmaster at Malden, Mo., in place of William J. Huggins, deceased.

NEW JERSEY.

William E. Bedle to be postmaster at Keyport, N. J., in place of Ellison D. Petteys. Incumbent's commission expired December 11, 1911.

NEW YORK.

David Akers to be postmaster at Hillburn, N. Y., in place of David Akers. Incumbent's commission expired February 10, 1912.

Wilfred A. Robbins to be postmaster at Mexico, N. Y., in place of Webster M. Richardson. Incumbent's commission expired December 17, 1911.

Frank W. Smith to be postmaster at Freeville, N. Y., in place of William E. Stufin, deceased.

Louis M. Spaulding to be postmaster at Albion, N. Y., in place of Samuel P. Milby, removed.

Wilbur H. Wolcott to be postmaster at Crown Point, N. Y., in place of Charles Talbot, deceased.

NORTH DAKOTA.

John W. Doles to be postmaster at Stanley, N. Dak., in place of John W. Doles. Incumbent's commission expired March 17, 1912.

OHIO.

Clifford N. Quirk to be postmaster at Chardon, Ohio, in place of Clifford N. Quirk. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

David C. Blossom to be postmaster at Atoka, Okla., in place of David C. Blossom. Incumbent's commission expired April 28, 1912.

OREGON.

Mabel Miller to be postmaster at Jacksonville, Oreg., in place of John F. Miller. Incumbent's commission expired March 21, 1912.

PENNSYLVANIA.

David A. Moore to be postmaster at New Castle, Pa., in place of John A. McKee. Incumbent's commission expired April 29, 1912.

SOUTH DAKOTA.

Fred C. Bowles to be postmaster at Dell Rapids, S. Dak., in place of Fred C. Bowles. Incumbent's commission expired May 22, 1912.

Robert E. Rogers to be postmaster at Faith, S. Dak. Office became presidential April 1, 1912.

WASHINGTON.

C. J. Casad to be postmaster at Twisp, Wash., in place of Willis R. Hulett, resigned.

William L. Oliver to be postmaster at Rockford, Wash., in place of Lucius L. Wing. Incumbent's commission expired May 26, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14, 1912.

UNITED STATES MARSHAL.

Victor Loisel to be United States marshal for the eastern district of Louisiana.

PROMOTIONS IN THE NAVY.

Capt. Robert M. Doyle to be a rear admiral.
Lieut. Commander Yates Stirling, jr., to be a commander.
Lieut. James C. Kress to be a lieutenant commander.
The following-named ensigns to be lieutenants (junior grade):
Riley F. McConnell,
Robert L. Montgomery,
Ezra G. Allen,
Thaddeus A. Thomson, jr.,
Alfred H. Miles,
Reginald E. Gillmor,
James Parker, jr.,
Schuyler F. Heim,
Newton H. White, jr., and
Burton A. Strait.
The following-named assistant paymasters with the rank of ensign to be assistant paymasters:
Duette W. Rose,
Irwin D. Coyle, and
Paul A. Clarke.

POSTMASTERS.

ARIZONA.

Charles E. Dermont, Metcalf.
Claus V. Meeden, Yuma.
William M. Newell, Mesa.

CALIFORNIA.

Arthur G. Fisk, San Francisco.

GEORGIA.

James F. Boughton, Madison.
William M. Wakeford, Adel.

ILLINOIS.

Archibald B. Campbell, Tolono.

INDIANA.

Harry H. Crooke, Odon.
Anna Egly, Berne.
Emma G. Powell, Montezuma.

IOWA.

William C. Marsh, Aurelia.
W. E. Richards, Edgewood.

KANSAS.

W. S. Lyman, Lewis.

MASSACHUSETTS.

Frank H. Foles, Framingham (late South Framingham).

MICHIGAN.

James Garnsey, Mayville.

MONTANA.

J. Z. Clem, Virginia City.

NEBRASKA.

Joseph F. Hejtmanek, Dodge.
Henry Niebuhr, Winnebago.

NEW YORK.

George F. Odell, Congers.

OHIO.

C. A. Burke, Johnstown.

OREGON.

J. Ralph Woodford, Medford.

PENNSYLVANIA.

David A. Moore, New Castle.

SOUTH DAKOTA.

James D. Stewart, Dupree.

UTAH.

T. G. Wimmer, Greenriver.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 14, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, the inspiration of all that makes life dear, we thank Thee for our Republic, with its splendid traditions, sacred institutions, and incomparable genius; a precious heritage made possible by the heroic sacrifices and daring deeds of our fathers, which challenged the admiration of men everywhere and thrilled the hearts of the liberty-loving people round the world. We thank Thee that its national ensign, designed and carried to victory by our revered Washington, the Father of his Country, will be celebrated today with appropriate ceremonies in song and story. Grant, O most merciful Father, that it may continue to float in peace over a united country and with all the peoples of all the earth, forever and aye. In the spirit of the Prince of Peace, whose advent was heralded by the angelic host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men." And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

GREAT SEAL OF THE HOUSE OF REPRESENTATIVES.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the House resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 586.

Whereas the great seal of the House of Representatives having been in use continually since the year 1830 A. D., and having now become so worn as to make impressions taken therefrom almost illegible: Be it

Resolved, That the Clerk of the House of Representatives immediately procure a new seal for the use of the House of Representatives, which shall possess the same design and description as the present seal, but shall now have 48 stars, emblematic of the 48 States of the Union, instead of the 24 stars now upon the present seal, which represent the 24 States constituting the Union at the time of the adoption of the present seal.

The necessary expense of procuring the new seal to be paid out of the contingent fund of the House.

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose, when the seal is obtained that the gentleman will introduce a resolution similar to the one now in force in reference to furnishing a copy of the impression to the State Department?

Mr. FLOYD of Arkansas. I will state to the gentleman from Illinois that that is the intention. This resolution simply provides for the purchase of the seal. I will state that the old seal is so worn that the impressions from it are almost illegible.

Mr. GARNER. What is to become of the old seal?

Mr. FLOYD of Arkansas. It will remain in the archives of the Capitol, I presume. This resolution does not undertake to dispose of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

INTERNATIONAL MARITIME CONFERENCE.

The SPEAKER laid before the House House joint resolution 299, proposing an international maritime conference, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendments. And in that connection I desire to say that this resolution, for an international maritime conference to propose laws and regulations for greater security of life and property at sea, was introduced by Judge ALEXANDER, of Missouri. It was unanimously reported from the Committee on Foreign Affairs of the House and was passed by the House unanimously and sent to the Senate. While pending in the Senate the Secretary of State informed the Senate that the German Government had issued a similar invitation for an international maritime conference, and that the President, as I understand it, through the German ambassador, had, on the part of our Government, accepted the invitation. These amendments are to give the United States Government representation at this international maritime conference for the greater security of life and protection of property at sea. I trust the House will concur in the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. SULZER. I do.

Mr. FITZGERALD. The gentleman states that the invitation of the German Government was accepted by this Government, and now an appropriation is sought to be made for the expenses of our representatives at that conference. What right has anybody to accept these invitations without authority of Congress?

Mr. SULZER. Of course, if Congress does not authorize it, it can not be done.

Mr. FITZGERALD. Would it not be a little more deferential to submit the matter to Congress for its assent before the invitation is accepted, rather than to embarrass, sometimes, those who accept these invitations by having it ascertained later that Congress thinks a little differently about it?

Mr. SULZER. In view of the recent terrible catastrophe of the *Titanic* it seems to me that this international maritime conference should be called, and everything ought to be done that can be done to provide better laws and regulations for the security of life and the protection of property at sea. It is a matter of much public moment.

Mr. FITZGERALD. I have no objection, but I simply wanted to admonish those in authority who are too free in accepting invitations.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know whether this resolution, as amended by the Senate, carries an additional appropriation beyond what it carried when passed by the House?

Mr. SULZER. The joint resolution carried no appropriation in the House.

Mr. BARTLETT. Then, I suggest, Mr. Speaker, that the gentleman from New York ask unanimous consent to consider this resolution in the House as in Committee of the Whole, because the rule, as I understand, is that where a House bill or joint resolution is amended and an appropriation added to it or increased, it can not be agreed to except by unanimous consent.

The SPEAKER. This amendment carries no appropriation.

Mr. BARTLETT. I understand it carries $10,000.

The SPEAKER. The bill itself carries an appropriation of $10,000.

Mr. BARTLETT. The gentleman from New York, I understood, stated otherwise.

The SPEAKER. The gentleman from New York is mistaken. The question is on agreeing to the motion of the gentleman from New York [Mr. SULZER] to concur in the Senate amendments.

The motion to concur was agreed to.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in the RECORD, in connection with this matter, two letters from the Secretary of State.

The SPEAKER. The gentleman from New York [Mr. SULZER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letters referred to by Mr. SULZER are as follows:

JUNE 13, 1912.

The Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

MY DEAR MR. SULZER: In order that you may be informed of the reason for the amendment made by the Senate to House Joint Resolution 299, proposing an international maritime conference, I beg to inclose herewith a copy of a letter which I addressed to Senator Cullom on the 11th of this month. I am sure that you will agree with me that, in view of the purpose of the German Government as set forth in the letter, the amendment made by the Senate would seem to be desirable to avoid duplication by this Government of the work already undertaken by the German Government.

I am, my dear Mr. Sulzer,
Very sincerely, yours,
P. C. KNOX.

DEPARTMENT OF STATE,
Washington, June 11, 1912.

The Hon. SHELBY M. CULLOM,
Chairman of the Foreign Relations Committee,
United States Senate.

MY DEAR SENATOR CULLOM: In the belief that the information may be of interest to your committee in connection with the pending legislation now under consideration by it, I have the honor to inform you that this department has recently been notified by the German ambassador that his Government has already ascertained, as a result of informal inquiries, that practically all the important maritime powers of the world would receive with favor a proposal from his Government to join in an international conference to consider the adoption of regulations for safety at sea, and that his Government therefore is about to issue invitations for an international conference on this subject to be held in Germany. It is understood that it is the intention of the German Government to arrange, if possible, to convene the proposed conference before the end of the summer, and in that case the conclusions reached by it will doubtless be available for use by Congress at its next session.

In view of this purpose of the German Government I take the liberty of suggesting for your consideration the advisability of amending the joint resolution (H. J. Res. 299) now under consideration by your committee, so that instead of providing that the President be authorized and requested to ascertain the opinions of the maritime nations upon the desirability of an international maritime conference to meet at Washington on the invitation of the United States (lines 3 to 7), that the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held to consider, etc., as provided in the resolution. Some such amendment as this seems desirable in order that it may not be necessary for this Government to duplicate the work already undertaken by the German Government if the conference to be called by that Government is willing to take up for consideration the several subjects enumerated in this resolution. I have the honor to be, sir,

Your obedient servant,
P. C. KNOX.

LEAVE OF ABSENCE.

Mr. BROWNING, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I desire to ask if this is not the day specially set apart by the rules for the consideration of private pension bills?

The SPEAKER. That is true; yes.

Mr. RUSSELL. I ask unanimous consent for five minutes to explain the present condition of pension legislation, pending this motion.

INTERNATIONAL MARITIME CONFERENCE.

The SPEAKER. The Chair will recognize the gentleman from Missouri in a minute. It turns out that the Chair was mistaken instead of the gentleman from New York. The amendment was on the other side of the sheet of the resolution and misled the Chair.

Mr. MANN. Mr. Speaker, I ask unanimous consent to vacate the vote by which the Senate amendments were concurred in.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the vote by which the Senate amendments were concurred in. Is there objection?

There was no objection.

Mr. SULZER. Mr. Speaker, I now ask unanimous consent that the Senate amendments may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARTLETT. Now, Mr. Speaker, will the gentleman from New York yield?

Mr. SULZER. I will.

Mr. BARTLETT. Where is it proposed to hold this conference?

Mr. SULZER. In Berlin, Germany, the latter part of the summer.

Mr. BARTLETT. And how many commissioners are provided for?

Mr. SULZER. If this resolution becomes a law, no doubt the President will send two or three representatives from the United States. The $10,000 will pay all their expenses.

Mr. BARTLETT. And this resolution provides for their expenses?

Mr. SULZER. That is all.

Mr. GARNER. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. GARNER. Will the amount in this resolution be the limit of their expenses?

Mr. SULZER. Yes; absolutely. I shall oppose any additional expense.

Mr. GARNER. Will they not be here next session with a deficiency?

Mr. SULZER. Certainly not.

Mr. GARNER. It was stated in the House at the time the resolution was reported that the commission would not cost anything. I am asking the gentleman now so that the RECORD may show that there will be no additional expense outside of this.

Mr. SULZER. I will be in accord with the gentleman regarding that.

Mr. GARNER. But the gentleman stated before that he would be with me.

Mr. SHERLEY. If the gentleman from Texas will pardon me, if the RECORD shows it, it does not affect the facts at all; they can come back whenever they want to.

Mr. GARNER. I have observed that, especially with regard to resolutions that come with a proposition for a commission, the thing is authorized, accepted, invitations issued, and the statement is made that it will cost nothing; but they immediately come back with a proposition that costs the Government anywhere from $10,000 to $50,000. I want to find out whether this next Congress will have to appropriate $10,000 or $20,000 more.

Mr. SULZER. The $10,000 will be the limit; there will be no more asked for. That amount should be ample to pay the expenses of our representatives.

Mr. SISSON. Mr. Speaker, this appropriations of $10,000 which was added in the Senate was for the purpose of carrying out some sort of an agreement made by the State Department, I understand.

Mr. SULZER. The $10,000 is appropriated to pay the expenses of the representatives of the United States in case they are sent to Berlin to participate in this international maritime conference.

Mr. SISSON. Who called this conference?

Mr. SULZER. It has been called by the German Government.

Mr. SISSON. And the United States Government signified its acceptance to attend through the State Department?

Mr. SULZER. I understand that was done.

Mr. SISSON. Through the State Department?

Mr. SULZER. Yes.

Mr. SISSON. Mr. Speaker, the State Department and the Executive Department have a habit of incurring certain obligations by entering into an agreement with foreign nations and then coming to Congress and asking Congress to appropriate money in accordance with that agreement. It is a practice that is extremely dangerous, because the Executive Department assumes and arrogates to itself a power to enter into an agreement and then coming and telling Congress that they have entered into an agreement and that there is a moral obligation resting on Congress to provide the funds. It is a practice that is gradually on the increase. It is an encouragement to the Executive Department with a monarchical tendency to create obligations which Congress has no right, they say, to decline to meet. I think the practice has got to be a very wicked one. In this instance they are asking now for $10,000, but that is a mere beginning. I have never known one of them to end, and I am opposed to the Federal Government paying one cent toward this conference. If the ship owners and the people interested in this transportation of passengers across the ocean are willing to do their duty by the public, the Government ought not to be called upon to contribute anything.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. SISSON. Certainly.

Mr. BARTLETT. It is a fact that not only this Congress but the English people have had an investigation of the recent terrible disaster, and all the facts have been developed about it from these investigations already. Laws have been passed by this Congress, and laws are proposed to be passed by the English Parliament and by other Governments that will prevent these disasters in the future.

Mr. SISSON. I think the gentleman from Georgia is right; both Governments have already taken steps, and all the Governments have taken such steps. These international conferences result, as a rule, in an opportunity for a number of gentlemen to take a junketing trip abroad, and no real good will come from it. These transportation companies across the ocean, those having vast facilities, owned by people who owe obligations to the traveling public, themselves are the ones who ought to have this business meeting and agree among themselves what they ought to do.

Mr. SULZER. Mr. Speaker, just a few words. Let me say to my friend from Mississippi that the House of Representatives through the gentleman from Missouri, Judge ALEXANDER, initiated this movement for an international maritime conference to provide for better laws and regulations for the security of life and for the protection of property at sea. The joint resolution introduced by him passed the House unanimously. It provided that the President of the United States should call this international maritime conference here, and of course if it were held here it would entail on the Government a very large expense to receive and entertain the representatives from foreign countries; but while this matter was pending in the Senate, after it had passed the House, the German Government called a similar conference, and our Government signified that it would be glad to participate. This will no doubt save us thousands of dollars. It will be much cheaper to send our representatives to Germany to attend the conference, instead of having the representatives of all the foreign Governments come to the United States. I think the resolution as amended by the Senate is a good solution of the problem along economical lines.

Mr. SISSON. Mr. Speaker, there never was a proposition to take money out of the Treasury but that the proponents did not think it was a splendid thing and along economical lines. If we all entertained the views of the gentleman from New York, we never could stop it.

As suggested by the gentleman from Georgia [Mr. BARTLETT], the investigations in England and the United States show that, as far as the vessel was concerned, so far as the *Titanic* disaster was concerned, it was due to criminal negligence and criminal carelessness. No amount of law and no amount of regulation will prevent people from being careless and negligent, because the law of negligence can not make people careful. No amount of regulation will bring about any state of affairs which might not be repeated with the same conditions that surrounded the *Titanic*. This proposition is a mere beginning of what will result in a large claim for an appropriation.

Mr. SULZER. This amount of $10,000 is all that will be expended for this purpose. I assure the gentleman of that.

Mr. SISSON. The gentleman can not bind the future action of these men that will meet here, and I expect to hear the gentleman from New York at the next Congress showing how economical it would be to spend $20,000 for the next conference, in view of the magnificent result that was attained by this.

Mr. SULZER. Oh, no. Our representatives can not exceed this appropriation for expenses. If they do, they will have to pay it out of their own pockets.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 71, noes 18.

So the Senate amendments were concurred in.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes in order to explain the present condition of pension legislation.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is it not the intention of the gentleman to endeavor to set aside some other day for pension business?

Mr. RUSSELL. It is; but I want to explain the importance of it, in the hope that no objections be made to the request.

Mr. MANN. I suggest to the gentleman that he better do that on the day he sets apart.

Mr. RUSSELL. Mr. Speaker, then I will now only ask unanimous consent that the day following the completion of the sundry civil appropriation bill be substituted for to-day, with all of the rights that now pertain to this as private pension day.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman allow me to suggest that he except suspension days and Calendar Wednesday?

Mr. RUSSELL. Yes; excepting Calendar Wednesday and suspension day.

Mr. MANN. Excepting Monday, Wednesday, and Friday.

Mr. RUSSELL. I will except all three of them, and in case one of those days should follow the completion of this bill, then the day following that to be substituted for to-day.

The SPEAKER. The gentleman from Missouri asks unanimous consent to set aside and substitute for to-day the first legislative day following the completion of the sundry civil appropriation bill, to be devoted to consideration of pension legislation, excepting Mondays, Wednesdays, and Fridays. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6453. An act to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899;

S. 6414. An act to establish a fish experiment station and fish hatchery;

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield; and

S. J. Res. 114. Joint resolution directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein.

The message also announced that the Senate had passed without amendment the following resolution (H. Con. Res. 56):

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" to strike out, on page 35, line 23, the name "Moffitt" and insert the name "Maflitt."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6414. An act to establish a fish experiment station and fish hatchery; to the Committee on the Merchant Marine and Fisheries.

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield; to the Committee on Pensions.

S. J. Res. 114. Joint resolution directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein; to the Committee on the Public Lands.

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'"; to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, there is business on the Private Calendar which the House has been unable to attend to, many bills that are of importance to the Members and their constituents, and I rise to ask unanimous consent that after the sundry civil appropriation bill is disposed of, not to interfere with the order which has just been made with reference to pension and not to interfere with suspension day or Calendar Wednesday on such other days next week as are available, it shall be in order to consider bills on the Private Calendar which are not objected to, and that after the bills that are not objected to have been considered then it shall be in order to consider the other bills on the Private Calendar, the order to be limited to next week.

The SPEAKER. The gentleman from Alabama asks unanimous consent that next week, after the disposition of the sundry civil appropriation bill and after the gentleman from Missouri [Mr. RUSSELL] has his day for the consideration of pension legislation, such private bills as to which there is no objection shall be considered; that after that any other private business may be called up; this order to apply to next week only. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama if, during the next two weeks, in which will be held two national conventions, when a good deal of politics will be discussed throughout the country, it is the intention for this House not to do anything more than what may be done by unanimous consent?

Mr. UNDERWOOD. Mr. Speaker, if there is objection to the latter portion of the order which I suggested, I shall withdraw that request and simply limit it to the consideration of bills on the Private Calendar to which there is no objection. Next week it will probably be difficult to obtain a quorum. A number of Members will be here, however, and there are a great number of small bills on the calendar to which there really is no objection and which Members are anxious to get through the House. This is an opportunity when that can be accomplished.

Mr. FOSTER. Mr. Speaker, I desire to say that I have no objection to taking up bills on the Private Calendar and to disposing of them, because I realize that during the session there has not been very much attention given to that class of bills. But we have been in session now for nearly six months, and a great many of us have been here constantly—have not missed a day of the session—and it occurs to me that it seems hardly the proper thing for us to remain here for two weeks and do nothing when we might finish up the business of the session, get through, and go home. [Applause.]

Of course I am not charging anything against my good friend from Alabama, but I realize there has been a demand on both sides of the House for this sort of proposition, and it has been openly stated in the other body that they will not transact any business until the 1st day of July.

Mr. MANN. They have entered a unanimous-consent order to that effect.

Mr. FOSTER. A unanimous-consent order has been entered to that effect. But I want to suggest that it seems to me that the membership of the House of Representatives ought to remain here and transact the business of the House and be ready to adjourn by the 1st day of July and let the country know that it is not through any fault of ours that both Houses are not ready to adjourn. [Applause.]

Mr. MANN. Mr. Speaker, I will ask the gentleman from Illinois if he intends to be here every day during the week after next?

Mr. FOSTER. I want to say that I expect to be here every day that my presence is necessary here.

Mr. MANN. Oh, the gentleman's presence is necessary all of the time.

Mr. FOSTER. And I want to say this, that my services are not required in Baltimore or Chicago, but that whatever little service I may be able to give to this House is required right here. [Applause.]

Mr. MANN. I daresay the gentleman's services will not be required in Baltimore, but they will be received.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. CANNON. All of us desire to dispose of the public business, but in view of the fact that the coordinate branch of Congress is not going to do any business for two weeks from next Monday, except by unanimous consent, can my colleague suggest any possible means under the Constitution by which we can forward the public business ourselves?

Mr. FOSTER. Mr. Speaker, I think my colleague's statement is correct, but I want to remind him that this House can say to the people of this country that we have transacted our business and are ready to adjourn and go home. [Applause.] We can let the people know that fact by remaining here in session and keeping a quorum and transacting the business that is necessary to be done.

Mr. MANN. Mr. Speaker, I will guarantee a quorum in the House next week if the gentleman will guarantee a quorum in the House week after next. I do not want any bluffing.

Mr. FOSTER. And that if there be any blame for not adjourning, it will rest upon the body at the other end of the Capitol and not upon us.

Mr. CANNON. If my friend will allow me just one word. In 40 years I have heard the speech of my honest colleague duplicated so many times that I want to suggest to him that, while he does not mean it, it is, in effect, as sounding brass and tinkling cymbals.

Mr. FOSTER. I want to say to my colleague——

The SPEAKER. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield for a minute.

Mr. FOSTER. I want to say to my colleague from Illinois that in his judgment it may be as sounding brass and tinkling cymbals, but I want to say to him that the people of this country realize that the business of Congress should be promptly transacted and it should adjourn and go home. [Applause.] I want to say to him if he will go out among the people of this

country that he will find that they do not regard this as sounding brass and tinkling cymbals.

Mr. UNDERWOOD. Mr. Speaker, the proposition I desire to place before the House is not a partisan proposition. On all questions that come before the House, except the Private Calendar, we have a unanimous-consent day. You can not place bills on the Private Calendar on the Unanimous Consent Calendar.

Now, there are bills on that calendar that may not be of importance to the country at large or to the membership of this House as a whole, but they are of great importance to the individual Members and of great importance to the constituents of individual Members. Now, what I desire to do is to secure a day when we may have a unanimous-consent day practically, or days, for the Private Calendar, and that is what my request is, and if gentlemen want to object to bills on that calendar they ought to stay here, if they think it is of importance enough to object to them. It would not interfere with the conduct of business of the House because, if they want to go away the next week, it is apparent we can not attend to the general public business, and I think this is a good opportunity to dispose of the Private Calendar.

Mr. ANTHONY. I understood the gentleman's request to extend to next week only?

Mr. UNDERWOOD. To next week only.

Mr. ANTHONY. Has the gentleman any objection to including the week following that?

Mr. UNDERWOOD. I will say the week following there will be probably conference reports in here and other public business that can be disposed of——

Mr. MANN. There will be conference reports here in the negative and conferences over in Baltimore.

Mr. ANTHONY. I intend to go to Chicago next week, but be here during the following week.

Mr. UNDERWOOD. I will say to the gentleman from Kansas if he is to be away, and he has a bill on the Private Calendar, he can probably get a friend to look after it.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, does not this mean we will not transact any business for two weeks?

Mr. UNDERWOOD. Not at all.

Mr. SISSON. Well, I understand we have two parties in this House, notwithstanding the fact the gentleman says this is a nonpartisan request. Now, if Republicans should attend pretty largely the Republican convention in Chicago——

Mr. ADAIR. They will not. They are afraid to go.

Mr. SISSON. The gentleman suggests that; I do not know whether they will go there or not, but will assume that they want to go to that convention. Then, if the Democrats go largely to Baltimore the following week you will have a majority of the Republicans absent next week and a majority of the Democrats absent the following week.

Mr. UNDERWOOD. I will say to my friend from Mississippi this has nothing to do with the following week. It will take all of next week on the sundry civil bill, or take a large part of next week——

Mr. FITZGERALD. I hope not.

Mr. UNDERWOOD. It will take a portion of it, at any rate. Monday will be taken up and Wednesday will be taken up, and the day for pensions, and this order will probably be confined to one day.

Mr. MANN. Mr. Speaker, I hope the request of the gentleman from Alabama will not be objected to. It is perfectly patent to everybody that a good many Members from this side of the House will be absent in Chicago next week. It is a courtesy on the part of the majority side of the House that they will not attempt to take up important legislation during the absence of many Members on the Republican side of the House who desire to attend the Republican national convention, and of course it goes without saying that if the House should be in session and the Republicans should have a majority during the session of the national convention in Baltimore that some sort of an understanding would be reached and carried into effect.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Now, the Chair will state it so there can not be any mistake on the part of Members. The request is, next week after this sundry civil bill gets through the House, except Monday and Wednesday, and allowing the gentleman from Missouri [Mr. RUSSELL] a day for pensions, then any bill on the Private Calendar not objected to shall be considered.

Mr. MANN. And that the Private Calendar will be called in regular order.

The SPEAKER. It will be called in regular order.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069—the sundry civil appropriation bill—and I wish to give notice that I shall ask the House to stay late to-night in order to complete this bill before adjournment to-morrow.

Mr. GARNER. What do you mean by staying late?

Mr. FITZGERALD. Ten or 11 o'clock.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069—the sundry civil appropriation bill—with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 25069, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Page 77, line 17:

"Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:

"For pay of inspectors, deputy inspectors, office force, and expenses of office, $10,260;

"For pay of crews and maintenance of patrol fleet, six steam tugs, and one launch, $75,000;

"In all, $85,260."

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations something about this item, which is for "the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City." How far does the jurisdiction of the Federal Government extend in this matter?

Mr. FITZGERALD. Under the river and harbor act either of 1886 or 1888 provision is made for the prevention of deposits in the harbor of New York, and this force is maintained for that purpose. In view of the very extensive building operations that are carried on in the city of New York, and on account of the further fact that the street sweepings and garbage must be taken out to sea, the temptation is so great to shorten the haul and to dump within the harbor limits that it is to the interest of the Federal Government to maintain this supervision and thus avoid a large expenditure that otherwise would have to be made for removing the deposits.

Mr. MOORE of Pennsylvania. Does the act referred to apply specially to the port of New York?

Mr. FITZGERALD. Yes; the river and harbor act either of 1886 or 1888 specifically provides for this service in the harbor of New York.

Mr. MOORE of Pennsylvania. May I inquire of the gentleman how far this appropriation would extend as applied to the Hudson River or the East River?

Mr. FITZGERALD. I do not know just how far it runs up the river. But the difficulty is not up the river. It is more in the upper and lower bays, and the trouble comes from the fact that the scows do not go far enough out beyond the bars. The authorities require these scows to be taken out a number of miles. That is what they wish them to do; but they do not get them out far enough, and some of the men connected with the navigation of ships complain that around Scotland Light now the bottom is shoaling on account of these deposits.

Mr. MOORE of Pennsylvania. The removal of obstructions is for the benfit of navigation. That goes without saying; but I would like to know if there is similar provision for other ports in matters of this kind.

Mr. FITZGERALD. I do not think so.

Mr. MOORE of Pennsylvania. Is the appropriation made on the ground that it is for the benefit of international commerce?

Mr. FITZGERALD. I do not know the reason that was given when the legislation was enacted, except, as I have stated, that there is in New York a large amount of material that must be disposed of, and there exists a very great temptation to those who are compelled to dispose of it to deposit it inside of the limits prescribed by the authorities. It would involve a large expense on the part of the Federal Government for dredging if this service were not maintained.

Mr. MOORE of Pennsylvania. The Committee on Rivers and Harbors has held that the expense of dredging streams which bisect a city should be borne by the municipality. I wish to inquire, if the gentleman knows, why appropriation in this case was made for a particular port? In other ports, more inland than the port of New York, it is expected that the municipality or State shall look out for obstructions of this kind.

Mr. FITZGERALD. I do not think the conditions are the same anywhere else.

Mr. MOORE of Pennsylvania. This appropriation, or the act under which it is made, does not apply to any other port than New York?

Mr. FITZGERALD. No. That is my understanding.

Mr. PADGETT. Mr. Chairman, I wish to ask unanimous consent to extend my remarks in the RECORD by inserting an address made by myself before the bankers' convention at Knoxville, Tenn., recently on the question of banking and currency.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MANN. Will the gentleman insert it in the latter part of the RECORD, after the regular proceedings?

Mr. PADGETT. I think that would be appropriate.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, on yesterday a very interesting argument took place with regard to the allowance of traveling expenses to the President of the United States. I do not know whether the gentleman from North Carolina [Mr. PAGE], who raised the question, is entirely satisfied with the verdict of the House or not, but there were at least 55 Democrats who indicated by their votes that they were willing to appropriate money for the traveling expenses of a Republican President. Whether the votes of those gentlemen are to be taken as evidence that——

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman is not talking to anything that is pending before the House. That matter was disposed of yesterday, and we ought to proceed now with the consideration of the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment to this paragraph.

Mr. SHERLEY. When the amendment is offered the gentleman can proceed in order, but at present we ought to proceed with the bill.

Mr. MOORE of Pennsylvania. I offer the amendment now, and in offering it I want to say——

Mr. SHERLEY. Mr. Chairman, I make the point of order that unless the gentleman offers an amendment and speaks to it he is not in order. He can not rehash something that is passed.

Mr. MOORE of Pennsylvania. I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Office of Speaker: For automobile for use of the Speaker of the House of Representatives, $5,000.

Mr. SHERLEY and Mr. FITZGERALD interposed a point of order against the amendment.

Mr. MOORE of Pennsylvania. The gentleman was going to let me speak on the amendment. I said I was going to offer the amendment, and now that I have offered the amendment he objects.

Mr. SHERLEY. I wanted to see what the amendment was. I object to the discussion of matters that are not germane to the bill.

Mr. MOORE of Pennsylvania. I think it is germane.

Mr. SHERLEY. I make the point of order, and the Chair can determine it. I make the point of order that it is not germane.

Mr. MOORE of Pennsylvania. Will the gentleman reserve his point of order?

Mr. SHERLEY. I will not reserve it.

Mr. MOORE of Pennsylvania. I think the Speaker ought to be permitted to ride once in a while. I hate to see him standing in street cars taking his chances with the other strap-hangers. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Have I not a right to discuss the point of order, Mr. Chairman?

The CHAIRMAN. The Chair has already ruled.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SCULLY having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title on June 14, 1912:

H. R. 23626. An act to appropriate $300,000, or so much thereof as may be necessary, to equip all Army transports with all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, $115,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. This is an item of a good deal of importance to the old veterans who have lost a limb. I notice that the current appropriation is $330,000 and in this bill it is reduced to $115,000.

Mr. FITZGERALD. This is the amount requested. Every third year it is much larger.

Mr. WILLIS. I will withdraw the point of order.

Mr. MANN. What is the reason given by the gentleman from New York?

Mr. FITZGERALD. Every third year there is a much larger sum appropriated.

Mr. MANN. Do they lose more limbs every third year? [Laughter.]

Mr. FITZGERALD. They are entitled to a new limb every third year and then a larger appropriation is required. This is one of the lean years.

The Clerk read as follows:

The existing unexpended balance of the appropriation for additional repairs and for furniture and covered way connecting the main building of Garfield Memorial Hospital with the new children's ward is reappropriated and made available for furniture and equipment for the "Henry A. Willard Memorial Building" of said Garfield Memorial Hospital.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the Government owns any interest in the Garfield Memorial Hospital?

Mr. FITZGERALD. It has a lien on the property and buildings for a very large sum.

Mr. FOSTER. What does the gentleman mean?

Mr. FITZGERALD. Just what I say. In the event that they should discontinue this institution, certain sums advanced by the Federal Government for improvements are a first lien upon the real estate and improvements.

Mr. FOSTER. Does the gentleman mean to say that the Government holds an interest in the institution for all the money that has been appropriated for buildings and purchase of grounds?

Mr. FITZGERALD. It has a first lien in the event that it should be discontinued as a hospital. The advances made by the Government for the improvements, purchase of land, and buildings are a first lien.

Mr. FOSTER. Does the gentleman mean to say that the Government has a right to force the collection of moneys that Congress has appropriated for the equipment of the hospital and the purchase of ground?

Mr. FITZGERALD. That is the situation under the law. The Government has that right. It is the same as a mortgage, only the amount does not become due—that is, the contingency under which the amount is to become due is the abandonment of the institution as a hospital.

Mr. FOSTER. Is it the policy of the Government to loan money in that way for such purposes?

Mr. FITZGERALD. Congress has in the past appropriated for a number of institutions in this city certain sums of money for various purposes. This lien is under a general statute.

Mr. FOSTER. Is that the case with all hospitals for which the Government has contributed for the buildings and grounds—that they have a lien on the property?

Mr. FITZGERALD. It is, by general statute.

Mr. FOSTER. And in case the hospital is abandoned——

Mr. FITZGERALD. The Government has a first lien for the amounts advanced.

Mr. FOSTER. I withdraw the pro forma amendment.

The Clerk read as follows:

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, $255,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. The current law provides for $285,000, and this bill carries $255,000. How does it come that there should be such a large decrease in that branch of expenditure? Obviously the number of inmates have not decreased.

Mr. FITZGERALD. The estimates called for $245,000. These figures are based on information furnished by the board of managers. There has been a reduction in the number of inmates of the soldiers' homes, although in some the attendance has been very much larger than anticipated.

Mr. WILLIS. The gentleman says the estimate was for $245,000?

Mr. FITZGERALD. Two hundred and forty-five thousand, but the board of managers before the committee made a statement that they required $255,000. We have endeavored to give all the board needed.

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, $187,000.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman if this is the item that covers the food of the members of soldiers' homes?

Mr. FITZGERALD. It is.

Mr. ANTHONY. Has any step been taken by the committee to improve the rations of the members of these homes? If the gentleman will recall, for the last two years there has been considerable complaint voiced on the floor in regard to the rations of the old soldiers.

Mr. FITZGERALD. The committee has not taken any steps, but it has made inquiries of members of the board when they were before the committee, and the statement was to the effect that the rations were very excellent and sufficient.

Mr. ANTHONY. I want to say for the benefit of the House that I have one of these homes in my district, located in my home town, and I am very familiar with the character of food given them. There is universal complaint that the food is not such as should be given to men of the age of these old soldiers. They are reaching the ages of 75 and 80 years, and the same ration that is meted out to the Army or in a penitentiary or any other public institution is no longer fit for the maintenance of the old soldier. They deserve the very best that can be given them, and it is a fact, and I get it from personal complaint from members of these homes, that while they get an ample supply of food and what they do get is of good quality, it is not sufficient in its class to maintain and properly nourish old men like the majority of the members of these homes. I hope the gentleman will permit a sufficient increase in this appropriation to enable the management to give the men what they require.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will permit, the only justification for any complaint is a complaint that is unavoidable. Whenever food is prepared for a large number of men they become in time tired of the food. Complaint was made as to the character of food in the hospitals, and the president of the board of managers made a statement as to the character of food in the hospitals and the character of food in the homes and respecting the method of determining food that should be used, which would convince anybody that ample food is prepared. The president of the board of managers of soldiers' homes is Mr. Wadsworth, who for a number of years was a Member of this House. He served in the war; is a man of very wide experience and very large capacity and, I think, of very warm and sympathetic heart. He has given very careful personal attention to all of these matters. In view of the statements that have been made in the past about the insufficiency of the food and the character of it the committee made inquiries concerning it, and he assured the committee from his own personal investigation and his own statements that there was no question that the food was ample. There was placed in the RECORD—and it is available for Members—a statement of the menu in these various homes.

Mr. Wadsworth said that he thought the best proof of the character of food furnished was the fact that 75 per cent of the men who entered the homes gained in weight after spending a very short time there. I have here the bill of fare, which I shall be very glad to put in the RECORD, and which is as follows:

BILL OF FARE, GENERAL DINING HALL, FOR QUARTER ENDING SEPTEMBER 30, 1910.

Sunday.—Breakfast: Baked pork and beans, graham and white bread, oleo, coffee. Dinner: Roast beef, baked potatoes, macaroni and cheese, brown gravy, bread, coffee. Supper: Cold meat, stewed fruit, bread, oleo, coffee.

Monday.—Breakfast: Fried bacon, mashed potatoes, fruit, bread, oleo, coffee. Dinner: Roast chicken, browned potatoes, creamed onions, giblet gravy, sage dressing, pickles, bread, oleo, coffee. Supper: Cold meat, sago pudding, fruit, ginger cake, bread, oleo, coffee.

Tuesday.—Breakfast: Beef frieassee, steamed potatoes, bread, oleo, coffee. Dinner: Boiled corned beef, creamed potatoes, boiled navy beans, catsup, rice pudding, bread, oleo, coffee. Supper: Cold meat, mush and sirup, stewed fruit, bread, oleo, coffee.

Wednesday.—Breakfast: Fried pork sausage, mashed potatoes, brown gravy, bread, coffee. Dinner: Roast beef, steamed potatoes, tomatoes, rice, tapioca, pudding, bread, oleo, coffee. Supper: Cold meat, creamed lima beans, fruit, bread, oleo, coffee.

Thursday.—Breakfast: Corned-beef hash, stewed fruit, bread, oleo, coffee. Dinner: Roast beef, mashed potatoes, creamed onions, hot corn bread, bread, oleo, coffee. Supper: Cold meat, mush and sirup, stewed fruit, bread, oleo, coffee.

Friday.—Breakfast: Boiled eggs, fried bacon, creamed potatoes, bread, oleo, coffee. Dinner: Roast beef, creamed codfish, pork rashers, steamed potatoes, bread pudding with raisins, bread, oleo, coffee. Supper: Cold meat, creamed rice, pie and cheese, bread, oleo, coffee.

Saturday.—Breakfast: Corned-beef hash, stewed fruit, bread, oleo, coffee. Dinner: Boiled shoulder, lima beans, steamed potatoes, cream gravy, catsup, bread, coffee. Supper: Cold meat, stewed fruit, bread, oleo, coffee.

Changes are made in the general dining-hall bill of fare by the commissary of subsistence and chief cook, in consultation with the governor and surgeon.

The hospital bill of fare is prescribed by the surgeon.

It is prepared with a knowledge of the fact that most of these men are well advanced in years, and they require a different dietary from younger men.

Mr. ANTHONY. Mr. Chairman, would the gentleman from New York recommend a diet of oleomargarine for old men of 75 years of age who are suffering from indigestion?

Mr. FITZGERALD. Everybody who is at all familiar with the matter knows that oleomargarine is much more wholesome than butter.

Mr. ANTHONY. We do not agree with the gentleman about that.

Mr. FITZGERALD. It is furnished to them for that reason, and the gentleman from Kansas [Mr. ANTHONY] himself would not be able to tell whether he was eating oleomargarine or butter unless he were eating renovated butter; and in that instance he might be quite certain that he was eating butter.

Mr. ANTHONY. Let me make a statement here in regard to the use of oleomargarine. It is not only served three times a day in most of the homes, but it is used as flavoring for cooking. They flavor the potatoes with it in the big steam kettle where they are cooked. It is put in their mush and in everything until every article of food has a flavor of rancid beef fat when it is cooked. I have been there and tasted it and I know. I know it makes those old soldiers sick at the stomachs to have to go up against oleomargarine three times a day, and I want to make an effort here, and I want to ask this House to cut out that imitation of a pure food and give those old men as good food to eat as every American workingman has on his board three times a day, especially a good article of pure butter. I am informed that at some of the homes they get pure butter, they do not get oleomargarine. It is only at certain homes that it is served, and I think it ought to be cut out entirely.

Mr. FITZGERALD. Mr. Chairman, if the gentleman bases his objection to the food furnished to these men upon the fact that they are furnished oleomargarine instead of butter, he has very little justification for any complaint.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more time.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Kansas may be extended for five minutes. Is there objection?

Mr. FITZGERALD. Mr. Chairman, one moment. We should not waste our time here discussing this matter. There is nothing before the House.

The CHAIRMAN. If objection is made, the Chair will recognize some one else.

Mr. ANTHONY. There is something going to be before the House.

Mr. FITZGERALD. Well, let it come before the committee now.

Mr. ANTHONY. In due time I will offer it to the committee.

Mr. FITZGERALD. If the gentleman proposes an amendment, let us have it before the committee.

Mr. ANTHONY. Very well, I will submit the following amendment, Mr. Chairman.

The Clerk read as follows:

Page 84, line 16, insert:

"For subsistence: For the purchase of milk, butter, eggs, and fresh fruits, $250,000, to be apportioned pro rata among the several homes according to membership: *Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order. This provision restricts the discretion which under the law is vested in the board as to the distribution of expenditures of funds for subsistence in these homes.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman to reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. ANTHONY. If the gentleman makes the point of order, I would ask unanimous consent to divide my amendment and have the proviso come in as a second amendment, which I will offer.

Mr. FITZGERALD. Mr. Chairman, the gentleman can offer another amendment if this amendment is defeated.

Mr. FOSTER. Does not the gentleman from New York think that Congress has a right to restrict——

Mr. FITZGERALD. Oh, yes; Congress has; but we are discussing what we can do under the rules upon an appropriation bill.

Mr. FOSTER. He has the right to say that no part of this appropriation shall be expended for certain articles.

Mr. FITZGERALD. That is a different thing.

The CHAIRMAN. The Chair holds that the amendment as a whole is subject to the point of order, and therefore sustains the point of order. The Chair will hold that the amendment as a whole is subject to the point of order.

Mr. ANTHONY. Mr. Chairman, I ask to divide the amendment.

The CHAIRMAN. The Chair would suggest that the gentleman divide it to suit himself.

Mr. ANTHONY. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of line 16, page 84, the following:

"*Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. ANTHONY. Now, Mr. Chairman, I ask that the first part of the amendment be reported properly.

The Clerk read as follows:

For subsistence: For the purchase of milk, butter, eggs, and fresh fruits, $250,000, to be apportioned pro rata among the several homes according to membership.

Mr. FITZGERALD. Now, Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The Chair has ruled that the amendment as a whole is subject to the point of order.

Mr. ANTHONY. Mr. Chairman, I divided the amendment and I took out the objectionable proviso.

The CHAIRMAN. What portion did the gentleman offer?

Mr. ANTHONY. I offered the first portion.

Mr. FITZGERALD. I make the point of order against the first portion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANTHONY. I would ask the gentleman from New York on what ground he makes his point of order.

Mr. FITZGERALD. It is not necessary, as the Chair has sustained the point of order; I decline to furnish any information.

Mr. ANTHONY. I simply ask for information, as my amendment as offered simply provides for the purchase of subsistence stores, and names those stores.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's discussion of that is not in order, as the Chair has sustained the point of order.

Mr. ANTHONY. I would like to ask the Chair to state the grounds on which he sustained the point of order.

The CHAIRMAN. That it is legislation.

Mr. ANTHONY. I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection to hearing the gentleman for five minutes? [After a pause.] No objection is heard.

Mr. ANTHONY. Mr. Chairman, two years ago the House adopted a provision appropriating $250,000 additional for the purpose of remedying these complaints against the food served at the soldiers' homes. Although the House increased the appropriation in order to increase the quality of the food which was to go into these homes, the membership have been unable to see where a single dollar of that has been expended to increase the variety of the food served. The facts are, at the Leavenworth Home that the food served the men there to-day, while it is ample in quantity and quality, such as it is, is not a single bit better than the food served at the Federal penitentiary located at the same place. I am not exaggerating in the slightest degree when I make the statement that I believe that the capacity for the serving of proper food for men, with the more modern facilities for cooking and handling it there, are much better at the penitentiary than at the soldiers' homes, and I do hope——

Mr. WILLIS. Will the gentleman yield for a question?

Mr. ANTHONY. I do.

Mr. WILLIS. Does the gentleman know whether this bill of fare that is printed on page 891 of the hearings is applicable to all the soldiers' homes, or does it relate only to that one?

Mr. ANTHONY. I am not informed as to that, but I think they are all about the same.

Mr. WILLIS. If that is true, the statement the gentleman made a little while ago about the use of butter at some homes and oleomargarine at others is not true, because the report shows that in every one oleomargarine is used.

Mr. ANTHONY. If I recall correctly, there was one bill of fare where they used butter.

Mr. BUTLER. Is there any explanation why oleo is used in these homes?

Mr. SLAYDEN. I would like to ask my friend from Kansas if the objection to oleo is not really to the name and not to the substance of the article?

Mr. ANTHONY. I will say to the gentleman it is not. When continually used in cooking the rancid flavor of the beef fat is brought out and permeates the article of food until it becomes nauseous.

Mr. SLAYDEN. I would like to ask the gentleman whether he has used oleomargarine.

Mr. ANTHONY. I have never used it, but I have gone where oleomargarine has been used, and have eaten it and——

Mr. MANN. The gentleman puts himself as a single member as against the world.

Mr. WILLIS. Does the gentleman think that it is a proper ingredient to be used in cooking? I do not.

Mr. ANTHONY. I certainly do not.

Mr. WILLIS. I disagree absolutely with the gentleman from Illinois, and agree with the gentleman from Kansas.

Mr. MANN. Has the gentleman ever used it?

Mr. WILLIS. I never cooked with it, but I have been in places where it has been used.

Mr. MANN. It is from my personal knowledge.

Mr. ANTHONY. The gentleman voices his personal opinion, and not from practical experience.

Mr. MANN. I am voicing my practical knowledge from personal experience.

Mr. ANTHONY. Mr. Chairman, I offer this amendment.

Mr. LOBECK. That will do to tell men, but will not do to tell a good cook or women.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 84, line 16, by adding at the end of the line the following: "*Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. SHERLEY. Mr. Chairman, I make the point of order. The point of order is that it is legislation in that it restricts the discretion now possessed in the board of managers.

Mr. ANTHONY. I insist that it is merely a limitation upon the expenditures.

The CHAIRMAN. The Chair is prepared to rule. The point of order is overruled, and the Chair holds the amendment is in order.

Mr. ANTHONY. Now, Mr. Chairman, I hope that this House will go on record as being in favor of feeding the brave men who went to the front in the days of 1861 and 1865 as well as they do the prisoners at the United States penitentiaries we provide for, and I want to say to this House from my own personal knowledge that if there is one reform needed, one help in the subsistence of the old soldiers' home, it is the elimination of this article of oleomargarine from the regular diet, and I hope the House will adopt the amendment.

Mr. SHERLEY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Without objection the motion will be agreed to. [After a pause.] The Chair hears no objection.

Mr. SLAYDEN. Mr. Chairman, I shall not trespass on the time of the House more than a minute or two. I do, however, want to say a word of protest against what I believe to be an unjustifiable assault on a perfectly wholesome article of food that has been discriminated against by law. If the authorities do serve rancid, unwholesome, and unfit food to the old soldiers or prisoners, it ought to be stopped, but it is not necessary——

Mr. ANTHONY. Certainly, if the article becomes rancid and unwholesome when used in cooking.

Mr. SLAYDEN. Mr. Chairman, there is not any doubt in the world, I think my friend from Kansas must know it, that oleomargarine is a perfectly wholesome food that is used in cooking with great advantage.

The only trouble with oleomargarine to-day is that it has been unfairly discriminated against by laws passed here in the interest of a few butter makers, reserving to them the privilege of coloring their product so as to deceive the consumer and in the same breath denouncing the practice on the part of the makers of oleomargarine as a crime.

Mr. GARNER. And if you used old and rancid butter the same effect would be had?

Mr. SLAYDEN. Yes. Their stomachs would revolt at it just as much, and probably more.

Mr. FOSTER. The gentleman from Texas [Mr. SLAYDEN] makes the statement that oleomargarine has been discriminated against. It occurs to me that the trouble with oleomargarine and with those who manufacture it and sell it to the people is that they want to make as near like good butter as they possibly can in order to get a sale for it.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. FOSTER. Yes.

Mr. SHERLEY. What they want is the same privilege that butter has. The butter makers color white butter yellow because people are accustomed to eating either butter or oleomargarine which has been colored.

Mr. SLAYDEN. If the gentleman will permit, I wish to say that no more fraud is practiced by the oleomargarine manufacturers than by the butter makers.

Mr. FOSTER. The people who make first-class butter do not object to oleomargarine being given its natural color—the color that goes with the oleomargarine.

Mr. SHERLEY. Why do the butter makers color their butter?

Mr. FOSTER. The trouble is that the oleomargarine makers buy in the country a lot of old cows, whose fat is such as to give rise to a large amount of coloring matter when it goes into the manufacture of oleomargarine. They do not get that coloring matter in the fat steer, but they get it in the old cow that comes from the country and that has been a milker. She gives the oleomargarine a higher color than can be obtained from the steer in good condition, and what they can not get in the way of color from the old cow they want to add by additional coloring matter, to make the product look like good butter.

Mr. MANN. Where does the butter come from if it does not come from the same old cow? [Laughter.]

Mr. FOSTER. The old cow no longer serves her purpose as a milk producer. And now she is made to furnish material to the oleomargarine factory and give to the oleomargarine something of the color of butter.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FOSTER. Yes.

Mr. SLAYDEN. I want to ask the gentleman if the butter makers do not use coloring matter in butter?

Mr. FOSTER. Yes, certainly; but that is only done in order to bring the color of the butter to the average natural color that the butter has at the time of year when grazing is the best.

Let me suggest to the gentleman from Texas [Mr. SLAYDEN] this, that in the summer time, when the grass is green and there is plenty of it, the cow gives a richer color of butter than she does in the winter time, when she has more of dry feed. Now, in order to let the butter retain that uniform color the coloring matter is put in. It is not needed in the summer time.

What the oleomargarine manufacturers do with the oleomargarine is this: The oleomargarine has a narrow range of color, and the manufacturers try to get it up to the color of butter, also adding a certain per cent of good butter to give it the flavor, and in that way they are trying to deceive the people in reference to oleomargarine and make the people believe that it looks like butter, and tastes like butter, and is as good as butter.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. FOSTER. Yes.

Mr. SLAYDEN. Then you practice a fraud in the winter months and are honest in the summer time? [Laughter.]

Mr. FOSTER. No. The butter makers give to the butter the color that is natural to the butter on account of the grass that the cow eats, and they give it that color the year round so as to keep it uniform. You are trying to get that color which does not naturally belong to the oleomargarine.

Mr. SLAYDEN. It belongs to it in the summer time, but not in the wintertime.

Mr. FOSTER. You can not get that color with all the old cows you can use without using artificial coloring matter. You use a greater amount of material in order to bring the oleomargarine up to the color that the butter naturally gets in the summer time.

Mr. AUSTIN. Let me suggest to the gentleman from Texas [Mr. SLAYDEN] that he speak of the old cows that are brought up from Texas.

Mr. SHERLEY. Mr. Chairman, it is very easy to make an appeal on behalf of the old soldier, and to gain or supposedly gain credit thereby. There is nobody in this House who desires to see the old soldier treated other than in the best possible manner. But I am not willing on the testimony of the gentleman from Kansas [Mr. ANTHONY] or of the distinguished physician from Illinois [Mr. FOSTER] to determine the controversy between oleomargarine and butter. I do know that the Board of Managers for the National Homes for Disabled Volunteer Soldiers, which controls these homes, is composed of three distinguished Federal soldiers of the Civil War. One of them——

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. No; I can not yield. The gentleman has already spoken in his own time. One of those members of the board has been a Member of this House, and not only a Member, but for years the distinguished chairman of the Committee on Agriculture of this House, and a man who himself has perhaps as much personal knowledge in regard to the dairy business as any other man in this country. He testified before the committee, and his testimony is borne out by the experience of hundreds of men, that the oleomargarine served at the soldiers' homes is wholesome and healthful in every way. That has been tested repeatedly all over the country.

But we have a situation in America where the dairymen have succeeded in the past in using the power of Congress to raise revenue to destroy a competitive business, and they are always anxious in every way they can to prevent competition, and they desire their particular industry to be legislated into a monopoly. This is simply along the line of the restrictive legislation that is born of the greed of dairymen to control absolutely the market and to have no competitor; and this House can not afford, under the specious guise of giving to the old soldier better treatment, to turn down the men who are giving their intelligent and skilled interest in the management of these homes. We have simply the statement of the gentleman from Kansas and of the gentleman from Illinois as a basis.

Mr. CANNON. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CANNON. Under the law oleomargarine can not be colored. Everybody admits that it is a healthful food. It can not be colored to have the similitude of butter when it goes into consumption at the soldiers' homes or anywhere else. If it is a perfectly healthful food, why the amendment?

Mr. BUTLER. Oleomargarine may be colored under the law.

Mr. CANNON. Oh, by paying 10 cents a pound.

Mr. SHERLEY. Yes; it can be colored by paying a prohibitive tax.

Mr. ANTHONY. I should like to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. SHERLEY. No; the gentleman may ask me a question, but I am going to continue to control my time.

Mr. ANTHONY. I should like to ask the gentleman from Illinois——

Mr. SHERLEY. No; the gentleman can not do that in my time.

Mr. BEALL of Texas. Is there anything in the law now that prevents this board of managers from prescribing a diet of butter if they see fit?

Mr. SHERLEY. Not the slightest.

Mr. BEALL of Texas. They are not compelled to use oleomargarine?

Mr. SHERLEY. No. What you are asked to do is to take the offhand statement of the gentleman from Kansas [Mr. ANTHONY], who undertakes to say that these managers of the homes have been derelict in their duty, and that they have given to the old soldiers food that ought not to be given to them.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired.

Mr. MOORE of Pennsylvania. I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend the amendment by adding the words "unless they are free from taint."

Mr. MOORE of Pennsylvania. Unless these various articles mentioned are free from taint——

Mr. SHERLEY. I suggest that debate is out of order.

Mr. MOORE of Pennsylvania. I submit I have the right to speak to my amendment.

Mr. SHERLEY. I submit that the gentleman has not.

The CHAIRMAN. The committee has closed debate.

Mr. MOORE of Pennsylvania. I ask unanimous consent that I may speak for two minutes.

Mr. SHERLEY. I object.

The CHAIRMAN. Objection is made.

Mr. MOORE of Pennsylvania. I wanted to help the gentleman, and I think possibly I could have done so. This is not a question of coloring; it is a question of getting cheaper food for people who are not able to pay for butter.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment.

The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 37, noes 39.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. ANTHONY.

The committee again divided; and the tellers reported—ayes 41, noes 54.

Accordingly the amendment was rejected.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, $86,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

For hospital, including the same objects specified under this head for the Central Branch, $59,000.

Mr. ANTHONY. Mr. Chairman, I should like to ask what line the Clerk is reading.

The CLERK. Page 84, line 23.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I should like to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lieu of the proviso in line 18, page 84——

Mr. FITZGERALD. I make the point of order that we have passed that.

Mr. ANTHONY. Mr. Chairman, there was so much confusion in the House that I was compelled to ask the Clerk what line he was reading on. I was endeavoring to hear, and I scarcely think the Clerk had read a line beyond the paragraph.

Mr. FITZGERALD. We have passed that part of the bill. What is it the gentleman wishes to do?

Mr. ANTHONY. There was a great deal of confusion. I wish to offer an amendment at the end of line 21.

Mr. FITZGERALD. What is the gentleman's amendment?

Mr. ANTHONY. In lieu of that proviso.

Mr. FITZGERALD. Let it be reported.

The CHAIRMAN. The Chair will state that he saw the gentleman from Kansas upon his feet while the Clerk was reading and rapped for order in order that the gentleman might be recognized.

Mr. FITZGERALD. Very well.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas.

The Clerk read as follows:

Insert in lieu of the proviso in line 18, page 84, the following: "*Provided*, That this appropriation shall not be available for the purchase of fuel oil at the western branch when the cost of the oil equivalent of coal is greater than the cost of coal."

Mr. FITZGERALD. Mr. Chairman, I make the point of order upon the amendment.

The CHAIRMAN. The Chair will hear the gentleman from Kansas on the point of order.

Mr. FITZGERALD. I will reserve the point of order.

Mr. ANTHONY. I do not believe a point of order lies against that proviso, for the reason that it is in line with the proviso that is now in the bill, and exactly similar to what has heretofore been held in order. It is a limitation having for its object economy in the expenditure of public money.

Mr. GARNER. What is the gentleman's purpose in offering this amendment?

Mr. ANTHONY. It makes it a little more explicit. I understand the gentleman from New York has simply reserved his point of order.

Mr. FITZGERALD. I have reserved it.

Mr. ANTHONY. Mr. Chairman, I should like to make a statement in regard to the amendment. The necessity for this limitation upon the bill is that a few years ago the board of managers at Leavenworth commenced to use fuel oil instead of coal. The statement was made at that time that by the installation of oil for fuel it was costing the Government a good many thousands of dollars more each year than it would if they had used coal for fuel. Since the last contracts were made, especially in the last two months, the price of fuel oil has trebled, so that now it will be an absolute impossibility for the board of managers to use oil for fuel there, unless they deliberately squander not less than $20,000 per annum of the public funds. I desire that limitation placed upon this paragraph in order to protect the Treasury to that amount.

Mr. MANN. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. MANN. Is the coal produced right near there?

Mr. ANTHONY. The coal is immediately adjacent.

Mr. MANN. In the gentleman's district?

Mr. ANTHONY. In my district.

Mr. MANN. Is there any fuel oil produced in the gentleman's district?

Mr. ANTHONY. Fuel oil is produced at the refinery of the Standard Oil Co., 20 miles from there.

Mr. MANN. Oh, well, fuel oil is produced out of the ground, in the first place.

Mr. ANTHONY. Yes; but it is refined in the refinery of the Standard Oil Co.

Mr. LOBECK. What of it?

Mr. ANTHONY. What of it? It is very significant when it is the Standard Oil Co., and when it would take over $13,000 more money out of the Treasury to use this by-product of the Standard Oil Co. than to use coal, the product of the labor of the miners near by who go down into the bowels of the earth and toil to produce this coal.

Mr. FITZGERALD. What the gentleman states can not be done and has not been done.

Mr. ANTHONY. Nevertheless it has, and I fear it will be done.

Mr. FITZGERALD. It will not with the provision in the bill, which is the very provision offered by the gentleman himself and adopted by the House.

Mr. ANTHONY. I will say that I have here a statement from the board of managers that it is their intention to use the oil at this branch for the coming fiscal year in spite of the fact of the statement that goes with it that oil costs $13,000 more than coal.

Mr. FITZGERALD. Under the law they can not do that.

Mr. ANTHONY. Nevertheless they are going to do it, and justify it on the ground that it will compel some kind of a change in the steam plant. They expended $10,000 three years ago when they changed the boilers from steam to oil, and now they claim that it will offset the increase in the price of oil if they have to spend a few hundred dollars to change it back.

Mr. FITZGERALD. Will the gentleman have read the letter for the benefit of the committee? Let us see what the board of managers say.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. I would like to know something about the history of this provision that is in the bill. As it appears in the bill, does the gentleman know at whose suggestion it was put originally in the appropriation bill?

Mr. ANTHONY. The present provision was inserted on my motion two years ago and adopted by the House, but it has failed so far to attain the object desired.

Mr. GARNER. Does the gentleman from Kansas undertake to say that they have, in violation of this provision, ordered fuel oil when coal could be used more economically?

Mr. ANTHONY. I believe it has been done in the past, taking into consideration the other expenses, and I know by figures furnished by the home authorities that if they continue it it will cost during the next year $13,000 more than coal. That is shown by figures over the signature of the quartermaster of the home.

Mr. FITZGERALD. Will the gentleman state what the quartermaster says?

Mr. ANTHONY. It is a long statement. This is from Capt. Pearsall, quartermaster of the home. He speaks of the fact that the price of fuel oil has advanced lately to 2.68 a gallon, instead of 1.8, as it was last year. He gives the price at which coal can be purchased, and he says if a modern coal equipment was installed and the use of coal is resumed they could use slack or mine run. The chief engineer is of the opinion that it would be more economical for use under the boilers than screened lump, and that the foregoing estimate shows that it would be $5,800 cheaper than screened lump per annum.

Mr. FITZGERALD. That statement is that certain things would be cheaper if some kind of a modern equipment was installed for mine-run coal. The gentleman has not stated all that is in the letter. Let us have all the facts in there.

Mr. ANTHONY. I will give the gentleman the facts.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

By unanimous consent, Mr. ANTHONY was given five minutes more.

Mr. ANTHONY. Mr. Chairman, this controversy between the use of oil and coal as a fuel has gone on several years. Figures making comparisons have been given by the officials, but the comparisons between oil and coal have been made based on the use of coal three years ago under the old worn-out boilers and under the old system of heat radiation. Three years ago they adopted oil for fuel and they immediately made improvements in the boilers, changing the method in radiation in the home, making a saving of 20 per cent. Then they took the cost of the fuel under the new system and compared it with the cost of the coal under the old worn-out system—an unfair comparison. Now that the price of oil has nearly trebled in value, the statement is made over the official signature of the quartermaster of the home that it is going to cost $13,000 a year more to use oil, as compared with coal. I desire to secure justice for the coal miners of that district, as against the Standard Oil Co., who are trying to sell their by-product to the Government.

[Extract from report made to Board of Managers, showing comparison of coal and oil for fuel for use during the next year, made by Charles M. Foersoll, quartermaster of the Western Branch.]

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
WESTERN BRANCH,
June 7, 1912.

SIR: I have the honor to acknowledge receipt of letter of the president of the Board of Managers, dated June 3, 1912, with your indorsement dated June 5, 1912, instructing that I proceed without unnecessary delay to make investigations relative to the cost of fuel oil and bituminous coal and report in detail regarding same. In reply, beg leave to submit the following report:

Transmitted herewith is a copy of boiler tests of fuel oil and coal, made by the Lincoln Traction Co., Lincoln, Nebr. The statements contained therein have been substantiated by the Metropolitan Street Railway Co., Kansas City, Mo., and the R. A. Long 20-story building at Kansas City. The Lincoln Traction Co. and Metropolitan Street Railway Co. are burning both oil and coal and have made very accurate and elaborate tests to determine the economies of each, and I therefore feel that the statement transmitted can be relied upon. These tests show the relative values of oil and coal to be 1 pound of oil equals 1.8 pounds of coal, therefore oil at $2.68 per 100 gallons equals in evaporating qualities coal at $4.06 per ton. This price of $4.06 per ton must include all cost of handling coal, ashes, operation, and maintaining. The result of the investigations of the chief engineer and myself are therefore an opinion that coal can be used at the home more economically than fuel oil at the advanced price, provided modern and economical methods were installed for the burning of coal.

The quality of coal formerly used by the home was screened lump, which can now be purchased for $2.54 per ton, delivered in the bins. I find that we can purchase slack or modified mine run (or screenings) for approximately $2.25 per ton, delivered in the bins. According to the tests of the Lincoln Traction Co., substantiated by others, it requires 1.8 pounds of coal to equal 1 gallon of oil. On this basis it would require approximately 14,630 tons of coal to equal the amount of oil it is estimated will be required for the fiscal year 1913, viz, 2,200,000 gallons. However, the tests of the Lincoln Traction Co. and others was made on southern Kansas coal, which is much higher in heat units than Leavenworth coal. I would, therefore, estimate we would require 20,000 tons of coal for the fiscal year 1913, if used under modern conditions. From this I draw the following comparisons:

2,200,000 gallons fuel oil, at 3.0268 per gallon	$58,960
20,000 tons slack or modified mine-run coal, $2.25 per ton	45,000
Saving in use of coal	13,960
2,200,000 gallons fuel oil, at 3.0268 per gallon	58,960
20,000 tons screened lump coal, at $2.54 per ton	50,800
Saving in use of screened lump coal	8,160

If modern equipment were installed I would recommend, if the use of coal were resumed, that we used slack or modified mine run.

Mr. GARNER. If I understand the gentleman, his contention is that in case his amendment is adopted it will save the Government $13,000 a year?

Mr. ANTHONY. It will.

Mr. GARNER. If it was adopted, could you reduce the appropriation from $87,000 to $74,000?

Mr. ANTHONY. That appropriation could be so reduced, but I will say to the gentleman that it will cost some money to change the steam plant and the boilers over from oil to coal, but in the long run that would be an economy.

Mr. LOBECK. How much would that cost?

Mr. ANTHONY. Not over $1,000.

Mr. LOBECK. You could reduce the appropriation $10,000, then, and save money?

Mr. ANTHONY. Yes.

Mr. BARTLETT. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BARTLETT. This provision in the bill provides that they shall use coal if it is cheaper than oil. Does the gentleman say that the board of managers, in spite of an act of Congress, propose to use oil anyway when it is more expensive?

Mr. ANTHONY. That is my information.

Mr. BARTLETT. What is the use of a law if the board of managers are going to defy it?

Mr. ANTHONY. The proviso in the bill is not explicit enough.

Mr. BARTLETT. It is for men who want to obey the law.

Mr. ANTHONY. Where I say that the oil equivalent must not cost over the coal equivalent the board of managers, then, could not say as an excuse that it will cost so many thousand dollars to change the plant back for the use of coal.

Mr. BARTLETT. But the gentleman said that it would not cost over $1,000.

Mr. ANTHONY. They say that it will cost more; they want to put in new boilers and complete new equipment. They have a lot of smokestacks, and so forth, and a long string of figures that would scare the House to death. But the figures are bunconbe.

Mr. BARTLETT. The gentleman's amendment makes it mandatory to use coal?

Mr. ANTHONY. To use the cheapest fuel.

Mr. MANN. With which kind of fuel does it cost the most to feed the fire; with oil or with coal?

Mr. ANTHONY. To feed coal.

Mr. MANN. The gentleman's amendment does not contemplate that feature, does it?

Mr. ANTHONY. I said that there are incidental expenses in the use of coal, but taking into account all of them there would be a net saving to the Government.

Mr. BORLAND. Mr. Chairman, this amendment of the gentleman from Kansas does not seem to me to mean any more than the wording of the bill. But it does seem that its ultimate result would be to restrict the managers of the home in the purchase of coal and probably to the purchase of coal from the interests in the city of Leavenworth. There are three mines in the city of Leavenworth that produce a fair grade of coal, but, as compared with other coals produced in the Mississippi and Missouri Valleys, it is an inferior grade of coal. For all of the Government institutions located in Leavenworth—the soldiers' home, the penitentiary, and others—the coal produced in Leavenworth has a natural advantage in securing the contract, because of the fact of the low cost per ton, as it does not have any freight rate to pay. However, when measured by the heat producing power of the coal it can be competed with by coal or other fuel from the outside.

Mr. ANTHONY. Mr. Chairman, let me interrupt the gentleman there.

Mr. BORLAND. For a question.

Mr. ANTHONY. Is it not a fact that the adoption of the British thermal unit system in determining the value of the coal, such as the Government now uses, has eliminated all of this difference?

Mr. BORLAND. Yes.

Mr. ANTHONY. So that the Government buys only the heat units under any circumstances.

Mr. BORLAND. That is what I was going to say. Heretofore they have been buying coal from the Leavenworth mines because the price per ton was lower than the price per ton of coal that could be shipped in there or oil that could be shipped in there, but now, since the creation of the Bureau of Mines, the Government has adopted the British thermal unit system, by which it tests the value of fuel according to the heat-producing power. Under this British thermal unit system there are a number of coals from territory extending as far east as Illinois that can be put into the Leavenworth Government institutions at a cheaper price, considering the value as a heat producer, than the coal in Leavenworth. This provision in the bill is ample to permit the managers of the home to do that very thing. It says:

Provided, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

The words "more economically" must mean more economically according to the heat value of the coal.

Mr. ANTHONY. The gentleman will admit that there is no restriction that only the local coal shall be used there. It is any coal. That would be a matter to be determined.

Mr. BORLAND. If there is any difference between the gentleman's language and the language of the bill, I will point it out now. The language of his amendment is:

Provided, That this appropriation shall not be available for the purchase of fuel oil at the Western Branch when the cost of the oil equivalent of coal is greater than the cost of coal.

If the gentleman's language means anything different from the present language of the bill, it means that the net price per ton of the coal, regardless of its heat value, is to be taken as the equivalent of oil.

Mr. ANTHONY. Let the gentleman strike out the words "equivalent of coal." I will be glad to accept any amendment in order to clear it up.

Mr. BORLAND. I think what the gentleman wants is entirely covered by the bill. The board of managers have the right to say which of these particular fuels is more economical, taking into consideration the manner under which it is burned and the heat value after it is burned.

Mr. ANTHONY. Let me say to the gentleman that I do not think he will attain that object under the old language, because under the old language the board of managers was able to bring in a whole lot of other incidental expenses and then make a statement that on account of those expenses they can not use coal to advantage. I want to pin it right down to the absolute fuel equivalent of the British thermal unit system, or any system under which the Government can get one more unit of heat. That is what I want.

Mr. BORLAND. I do not know whether the gentleman is aware of it, but I have been fighting for the British thermal unit system for years before the departments, for the reason that the coal from mines located in the towns where the Government institutions are located has a natural advantage over all other coal when it is measured by the price per ton, but when you come to measure the heat unit producing value it does not have that advantage. The Government ought to adopt the same modern method that business men do, and buy its fuel according to its heat-producing value.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FITZGERALD. Mr. Chairman, I would like to ask the gentleman from Missouri a question. I would like to be recognized.

The CHAIRMAN. The gentleman from New York is recognized. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Kansas to ask a question.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman from Missouri if it is not a fact under the Government's present system purchases are made only under the thermal unit system?

Mr. BORLAND. That has been only very recent.

Mr. ANTHONY. So that there is no discrimination in favor of freight rates.

Mr. BORLAND. It is only very recently that the Government has adopted that. The Government penitentiary contract which was let in October or September of last year was let in defiance of the thermal unit system.

Mr. ANTHONY. Let me say that all Government contracts are now let under that system.

Mr. BORLAND. The last contract let by a public institution in Leavenworth was let in defiance of that system.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted, and I base my opposition very largely upon the letter which the gentleman from Kansas [Mr. ANTHONY] used in support of his amendment. Under date of June 7 the quartermaster of the western branch of the National Soldiers' Home, in response to directions forwarded by the board of managers of soldiers' homes, made an investigation and inquiry as to the relative cost of heating this home by oil and gas. Some years ago the home, as I recall, was equipped to heat with coal, and the cost of heating it by coal, because of the conditions in the locality where the local dealers fixed the price to suit themselves, induced Congress to equip the home with oil-heating apparatus. Now, apparently the price of oil has gone up some, and in this letter the matter is gone into thoroughly, and it appears that out of the saving of $13,960 a year which the gentleman states would be made by this change there must be deducted $6,518, the cost of eight additional employees that will be required if coal is used. In addition to that it will require an expenditure of $59,000 to permanently equip the home to use coal, and if it is to use it temporarily it necessitates an expenditure of $16,000——

Mr. ANTHONY. If the gentleman is quoting from the papers I handed you——

Mr. FITZGERALD. I will not yield at the present time.

Mr. ANTHONY. I would like to have those papers back.

Mr. FITZGERALD. I will give the gentleman the papers. I will not yield now. And the quartermaster of the home makes the statement that he would not recommend to the board the introduction of a makeshift equipment in order to temporarily use coal unless there were assurances that the $59,000 additional required for equipment be furnished. Now, it may not please the gentleman to have me quote the facts which I asked him to state to the House——

Mr. ANTHONY. Will the gentleman permit an interruption?

Mr. FITZGERALD. When I finish this statement, and not before——

Mr. ANTHONY. All right.

Mr. FITZGERALD. But the gentleman was basing his statement upon this letter, and as it has never been called to the attention of the committee, as the same provision was continued in this bill that was inserted on the motion of the gentleman himself, I believed the committee at least was entitled to all the information furnished by the quartermaster of the home, and upon that communication this committee would not be justified in making this change in compelling, as it is the intention there, the use of coal and necessitating this additional expenditure, regardless of what might afterwards be necessary. As it appears from this communication, the quartermaster suggested—I am not quoting accurately, and if I do not the gentleman can correct me; I would, if I had the letter, read what he said—the desirability of waiting until the entire matter could be submitted to Congress. Now I yield to the gentleman from Kansas.

Mr. ANTHONY. The quartermaster makes this statement in this letter: That the net saving on coal used during the coming year, compared with oil, will be thirteen thousand and some odd hundred——

Mr. FITZGERALD. Out of which must be deducted the $6,500 for additional employees which the gentleman from Kansas——

Mr. ANTHONY. Will the gentleman permit——

Mr. FITZGERALD. No; I will not permit the gentleman to make a speech.

Mr. ANTHONY. I trust the gentleman will do me the courtesy to allow me to complete my question, and I think the House will agree with my opinion.

Mr. FITZGERALD. Well, I will not permit the gentleman to make the remarks I wish to make. I stated that the gentleman overlooked the $6,500 which was stated had to be deducted from the $13,000, because additional employees would be required; and if the gentleman had been franker with the House when he purported to furnish information contained in that letter, and stated the facts as they were, it would not have been necessary now for him to take the time to furnish the information he suggests when I am making this statement. Mr. Chairman, it appears very clearly that, instead of a saving next year, it would involve a very large expenditure not now contemplated and not provided. The gentlemen in charge of these soldiers' homes, wherever conditions have made it desirable, have presented the facts to Congress showing where economies could be effected, and Congress has never hesitated to authorize the expenditures necessary. In view of these facts, I hope the amendment will not be adopted.

Mr. SISSON. Mr. Chairman, I think the amendment offered by the gentleman from Kansas ought not to be adopted because the language used in the bill is the only sensible language which could be used in reference to the administration of any institution on business principles. If the amendment were adopted in the exact language as I caught it when it was read, if it is adopted, I say, during the few months that the price of coal would be high it would necessitate by a construction of this amendment that you would have to go back to oil. It would necessitate the maintaining of both an oil and a fuel plant. Is not that the amendment of the gentleman?

Mr. ANTHONY. Contracts are made for one year.

Mr. SISSON. If you take the exact language of your proviso it would mean that at any time when coal was cheaper than oil that coal should be used, and that if oil should be cheaper, vice versa. In other words, it means that you should maintain both an oil plant and a coal plant and you would have to keep and maintain a parity between the two all the time when a contract went in.

Mr. ANTHONY. All the large manufacturing institutions in our country do that.

Mr. SISSON. Mr. Chairman, I decline to yield. Now, under the language of this bill, taking all matters into consideration, the management of the homes are presumed to be honest, presumed to do that which is best, presumed to use the money that the Government has given them in order to obtain the very best possible results and the most economical results. Now, they are compelled to do that under this bill as it is drawn; but if you take the gentleman's amendment it would deprive them entirely of any sort of discretion as to the use of fuel, provided the thermal unit cost would be cheaper in one instance than in the other. And as the thermal unit cost would vary you would have to vary the use of fuel which would necessitate the maintenance of both an oil plant and a fuel plant, and for that reason the committee thought it was

wise to leave it just as the language in the bill now is, because we believe by that we will obtain the greatest amount of economy, irrespective of where the fuel might be purchased, irrespective of whom it might be purchased, because the Government wants to get the greatest amount of use out of the number of dollars it expends for the home.

Mr. ANTHONY. Mr. Chairman, I think the statement made by the gentleman from Mississippi is quite correct. It is true under that construction the Government might be required to change from oil to coal and from coal to oil, but let me say that every big manufacturing plant in that part of the country has duplicate coal and oil plants, and when they can manufacture steam cheaper by the use of oil they use oil, and vice versa with coal. Therefore it is good business that the Government should install the same kind of a duplicate plant, so that either oil or coal can be used, whichever happens to be the most economical.

Now, I want to say just a word in regard to the statement made by the gentleman from New York [Mr. FITZGERALD] in relation to the cost of these fuels. I made the statement that if coal were used it would be $13,000 cheaper the coming year. The quartermaster of the home makes the same statement, and also makes the statement that it will be necessary to expend $59,000 to improve the steam plant for the use of coal, and I want to leave it to this House if it is not a good proposition to expend $59,000 to make an annual saving of $13,000. The Government gets a net profit of 20 per cent per annum on the investment, and that is the way to administer the business of the Government.

Now, I do not really believe that it is necessary to spend this $59,000 to improve the steam plant. I believe that it is a straw put in by the men who are advocating the use of oil in order to block the use of coal. I do not think it is necessary to spend more than $1,000 to change the boilers in that institution for the temporary use of coal. I hope the House will go on record for economy.

Mr. SIMS. Why not read that entire statement to the House, so that we can have the whole?

Mr. ANTHONY. I will put it in the RECORD.

Mr. SIMS. But we want to hear it before we vote.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Mississippi?

Mr. ANTHONY. Yes.

Mr. SISSON. Does the gentleman object to having that letter printed in full in the RECORD?

Mr. ANTHONY. No; I will put it in.

Mr. SIMS. The trouble is that we ought to hear it before we vote. It will be too late after it is printed.

Mr. MANN. Oh, if we read everything we will not reach a vote on this bill until September.

Mr. ANTHONY. Mr. Chairman, I have made a charge on the floor of this House that representatives of the Standard Oil Co. originally induced the change from coal to oil in that home. I want to read the statement from the man who was engineer at the home at the time that change was made. That gentleman says:

In 1892 we put stokers under the boilers at the home, and these same stokers worked with good results up to about 1903, when from constant use and hard service they became worn out and burnt, which caused a loss of coal through the grate bars.

In making up my estimate of supplies for 1904, I included in it castings to renew the grates, etc., but either the quartermaster or the governor cut it down to mere nothing, and I had to do the best I could with what was allowed.

In making up my estimate for 1905, I again included castings and repairs for the furnaces, but it was again cut so that I could not do much toward repairing furnaces that had been in use for 13 years.

In making up my estimate for coal this year, I estimated for 18,000 tons, but the governor insisted upon the quartermaster increasing it to 22,000 tons. I protested against this increase and requested that the tonnage be cut and the difference be put in repairs to the plant, but the quartermaster said if we did not use the coal we could use the money otherwise. As I considered this illegal, I still protested, but it went in at 22,000 tons. During this year we consumed about 18,000 tons.

When the board of managers saw the enormous amount of coal estimated for, they decided to make an inquiry into the matter, so they engaged an expert to make some tests.

This expert came to the home on Saturday about noon. All that afternoon he did nothing but walk over the grounds. The next day, Sunday, we spent at Forth Leavenworth sight-seeing, etc. Monday morning about 9 o'clock he came to my office and for several hours we discussed the needs of the plant again. In the afternoon we went over the plant together, and I informed him of a number of improvements I wanted to make in the plant. About 4 o'clock he packed up and we came to Leavenworth to catch a train, but missed it, and we went to the Elks' Club and played pool until the next train, about 8 o'clock p. m.

Before he left the home he picked a bottle of coal from the pile in front of the boilers, and I noticed he was very anxious to select only the worst samples.

During all his conversation his idea seemed to be to recommend that the board expend about $100,000 on the plant, as he said he wanted to make $5,000 out of the job. I insisted that the improvements actually necessary could be done for one-quarter of the amount he proposed to recommend. He appeared to be very much displeased at my remark and said I ought to get all I could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] asks for five minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman right there?

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. ANTHONY. Yes.

Mr. BARTLETT. By whom was the inspector appointed?

Mr. ANTHONY. This was an inspector appointed by the board of managers. He was sent there to lay the grounds for changing from coal to oil.

Mr. BARTLETT. Does he give his name?

Mr. ANTHONY. No; he does not give his name. There was only one inspector ever sent there, that I know of, employed by the board.

Mr. BARTLETT. Only one?

Mr. ANTHONY. Yes.

Mr. BARTLETT. Did the gentleman ever complain to the board of managers about this inspector? Does the board of managers know of the imperfect way in which the inspector has inspected that situation?

Mr. ANTHONY. I think they accepted the report of this inspector at par value.

Mr. BYRNS of Tennessee. Was he regularly employed, or was he a special inspector?

Mr. ANTHONY. I think he was a special inspector. This statement proceeds:

When his report was made there was not one recommendation except those that I had made to him.

In his report he intimated that the plant could not consume the amount of coal purchased. This was investigated by the inspector general and every ton of coal accounted for.

He claimed to have tested the coal, and his report gave the heat units considerable less than other Government tests; in fact, his aim seemed to be to condemn Leavenworth coal, and make $5,000 out of the job of preparing plans for improving the plant. In his conversation with me he said he considered I was doing extraordinary well with such an old plant.

This expert charged the home $50 per day for 10 days, and the only thing in his report that I had not already reported to the local officers was his condemnation of the Leavenworth coal.

There was nothing done in this matter for about six months, when the plan of using oil as fuel was taken up and its use finally adopted.

Now, Mr. Chairman, I believe there are ample grounds for this House taking action and limiting this paragraph in the appropriation, so that the cheapest fuel to the Government shall be used in that institution. I hope the House will stand for its record for economy by putting that limitation on the bill.

Mr. MANN. Mr. Chairman, I have heard the affidavit, if it is an affidavit, read by the gentleman——

Mr. ANTHONY. It is a statement——

Mr. MANN. And I should say it bears upon its face the imprint of a liar. Is the gentleman who made that affidavit now in the employ of the Government or has he been discharged?

Mr. ANTHONY. The gentleman is not now in the employ of the Government, or he undoubtedly would not make the statement. The gentleman from Illinois is entirely unwarranted in imputing the word "liar" to any man mentioned in debate on the floor of this House. It is entirely unbecoming his leadership in this body to stand here and make use of that word.

Mr. MANN. I think the affidavit bears on its face the imprint of exactly what I said, made by a discharged employee. My friend from Kansas has repeatedly, upon the floor of the House, in reference to the Soldiers' Home at Leavenworth, assaulted the board of managers. Whether or not there are any personal feelings involved I do not know, and whether or not his charges are true I do not know.

Mr. ANTHONY. What does the gentleman mean by the word "assaulted"?

Mr. MANN. Exactly what I say.

Mr. ANTHONY. Is it the business of a Member to criticize when he finds ground for criticism?

Mr. MANN. It is perfectly proper.

Mr. ANTHONY. That is the function I assume in this House.

Mr. MANN. It is perfectly proper. I did not criticize the gentleman for criticizing the board of managers from his point of view.

I do not believe that the assaults have been justified. Usually these things come from some personal feeling. Whether that is the reason in this case I do not know. Sometimes they come because Members are not permitted to control appointments in places in their districts. I do not know that that is the fact in this case; but the gentleman from Kansas [Mr. ANTHONY]

has repeatedly, on this and former occasions, made charges against the board of managers which if true ought to have caused the removal of the board of managers; and which if not correct ought not to be made on the floor of the House.

Mr. ANTHONY. I should like to ask the gentleman if there is not a paragraph in this bill that seeks to remove a large part of the board of managers by cutting down the board membership?

Mr. MANN. Yes.

Mr. ANTHONY. Does not that afford ample ground for the assumption——

Mr. FITZGERALD. It does not remove anybody from the board of managers.

Mr. MANN. No; it does not afford ample ground. The paragraph in the bill is for the purpose of reducing the number of managers as vacancies occur, not on the ground of incompetent management, but on the ground that there is no necessity for so many men on the board of managers.

Mr. ANTHONY. Let me say to the gentleman that ample ground exists, and if he wants the ground given here, I can give him the real reason for the reduction in the number of the board of managers. It may reflect on some of his friends from Illinois. I do not desire to be as personal in referring to the friends of the gentleman from Illinois as he has been to my Kansas friends.

Mr. MANN. The gentleman need not hesitate on my account.

Mr. ANTHONY. I have got the goods.

Mr. MANN. The gentleman need not think he will trouble me by naming anyone.

Mr. ANTHONY. I have got the goods on the gentleman from Illinois's member of the board.

Mr. MANN. Produce the goods. I do not even know who the gentleman is on the board of managers. You can not frighten me. I say that in my judgment the assaults which the gentleman has made repeatedly on the floor of the House in reference to the soldiers' home there are entirely unjustified by any evidence which he has produced to the House.

Mr. ANTHONY. I should like to ask the gentleman if it is not true that one of the motives which actuated the Committee on Appropriations in reducing the membership of the board was the misconduct of some of the members of that board.

Mr. MANN. I do not know. I do not know what the motives of the Committee on Appropriations may be or may have been.

Mr. FITZGERALD. Mr. Chairman, there was no such motive or intention. The reduction was made because the statement was made that it would be more desirable and more effective to have a board of five men than to have the present board of nine men. There was no reflection intended on any member of the board. If the committee had believed what the gentleman from Kansas states, it would have abolished all the board to get rid of those men. It would not have hesitated——

Mr. MANN. So far as the administrative features of it are concerned, if I had my way I would completely abolish that board and every other board that has administrative functions under the Government.

The CHAIRMAN. Does the gentleman from New York withdraw the point of order?

Mr. FITZGERALD. Yes; I withdraw the point of order.

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken, the amendment was rejected.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $6,120.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 88, after line 11, by inserting:
"For combined chapel and memorial hall, $37,500."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not authorized by law.

Mr. BURKE of South Dakota. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. I reserve it.

Mr. BURKE of South Dakota. Mr. Chairman, in support of this amendment I want to bring to the attention of the committee what the board of managers of the soldiers' homes have said relative to this appropriation. The item was transmitted in a supplemental estimate by the Secretary of the Treasury under date of January 2, 1912, and with reference to it is a statement from the president of the board of managers, who has been referred to and eulogized here to-day by the distinguished chairman of the Committee on Appropriations [Mr. FITZGERALD], and also by the gentleman from Kentucky [Mr. SHERLEY], a man who was not only for a great many years a Member of this House, but for a long time was chairman of a very important committee, the Committee on Agriculture. That gentleman, Mr. Wadsworth, states as follows:

Referring to section 4 of act approved June 22, 1906, I have the honor to state that this item was omitted from the regular estimate for the support of the National Home for Disabled Volunteer Soldiers for the fiscal year 1913, forwarded August 8, 1911, for the reason that at that time the urgent necessity for the building was not fully apparent. The number of members present at the sanitarium August 8, 1911, the date that the regular estimate was forwarded, was 296. On December 10, 1911, it was 430, an increase of 134. The chapel and the amusement hall are now located in sanitarium buildings and the space thus occupied is urgently needed for the increased number of patients requiring treatment.

The appropriation is believed to be imperatively necessary to carry out the purpose for which the sanitarium was established.

In the hearing before the committee with reference to this home and this item it appears in the testimony of Mr. Wadsworth that in submitting the estimates for 1913 the board reduced the amount $58,122 below the amount appropriated last year for the same purposes. Maj. Harris, another member of the board, testified as to the necessity for this additional appropriation, and I will read a portion of what he stated:

The original plan for the sanitarium as approved did not provide for a chapel. When the necessity for some place in which religious services might be held became evident a room which had been designed as a dormitory for employees was devoted to the purpose. This room is small and inconvenient, as regards location and shape. It is also important that there should be some place in which convalescent patients and those whose ailments do not confine them to their beds can assemble for entertainments. This building is designed to supply these urgent needs. It will also permit the room in which chapel services are now held to be used for the purpose for which it was designed, and for which it is much needed. Gen. Barry is fully conversant with this matter.

A very distinguished member of the board, a gentleman residing in the State of Nebraska, and selected for the position by the present Congress, was before the committee. I refer to Gen. Barry, and he stated:

This building is really a necessity, and it is believed that it will enable us to accomodate 100 more patients. By removing the amusement hall in the basement we think it will accommodate 100 more patients without any increase of cost.

Then he goes on further and states that this additional room will make it possible for the convalescent men to have a quiet place where they may read. Then he says:

This institution has grown to a large membership, because it is peculiarly adapted to the treatment of old men's complaints. It is well adapted to the treatment of bladder troubles, to which old men are subject. This building is really a necessity, and it is believed that it will enable us to accommodate 100 more patients. By removing the amusement hall in the basement, we think it will accommodate 100 more patients without any increase of cost. The same medical staff can care for them. At the present time orders for admission are extended by reason of the crowded condition of the sanitarium. If we had this additional building, we could take care of 100 more men. The library is in the rear of the chapel. We need the room the chapel occupies for a mess room for the civilian employees, numbering about 72, who now dine in the mess hall for members of the home. If we had this room that the chapel occupies now, it would enable us to feed the civilian employees in a mess hall and remove them from the main mess hall. I suppose we will use a part of this building for a library and reading room. The convalescent men should have a quiet place there to read. There is a great deal of reading done there, because these men go there for treatment, and they have to occupy their time in one way or another. Some of them amuse themselves in the amusement hall, but a great percentage of them are readers. The institution has grown a great deal during the last two years, and they cared for in the past year 750 members. The percentage of the improved is 81 and the unimproved is 9 per cent. The sanitarium is a credit to the Government and is doing good work. I think the building asked for is very much needed, and will supply something that is very much required in that institution. At the present time the chapel is unable to accommodate the men who attend divine services there. For that reason we ask this appropriation for the building.

As to what the results have been upon old soldiers that have been in this sanitarium, I want to say that the reports show:

Number of members present July 1, 1910		264
Gained by admission, readmission, and transfer to Mar. 24, 1911		425
Total number cared for from July 1, 1910, to Mar. 24, 1911		689
Number of members present Mar. 24, 1911		288
Number of members discharged and transferred during the above period, with the following results		432
Improved and cured, 370	per cent	0.857
Unimproved, 30	do	0.069
Died, 32	do	0.074
Number of members present July 1, 1911		277
Gained by admission, readmission, and transfer to Mar. 24, 1912		483
Total number cared for from July 1, 1911, to Mar. 24, 1912		760
Number of members present Mar. 24, 1912		392
Number of members discharged and transferred during the above period, with the following results		373
Improved and cured, 304	per cent	0.816
Unimproved, 36	do	0.096
Died, 33	do	0.088

Mr. Chairman, I am in favor of economy. I am in sympathy with the Committee on Appropriations in their endeavor to keep

appropriations down to the lowest possible point, but I do not believe that we ought, in the name of economy, embarrass and cripple an institution that is doing the work that this institution is doing and has done, for the purpose of saving a few dollars, especially when the expenditure of the amount will contribute to the welfare and comfort mostly of survivors of the Civil War.

All of the testimony from those who have been before the committee is in favor of the appropriation, and I hope that the distinguished gentleman who has reserved the point of order will not make it, but that he will permit the amendment to be inserted in the bill.

Mr. FITZGERALD. Mr. Chairman, the action of the committee is not only easily explained, but it is justifiable. The testimony was to the effect that the attendance at the soldiers' homes will fall off very rapidly in the immediate future. One of the arguments made in favor of the increased pension bill was that if men could have a little larger pension they would prefer to live at home rather than in the soldiers' homes. The general attendance at the homes during the last year has been less than the year previous. Congress within a year or two will be facing the necessity of determining what disposition to make of some of these homes. In view of these facts and that the necessity for this particular chapel did not appeal to the board of managers when making up the estimates, and in one other home where a request was made for a chapel, the committee thought it would not be advisable at this time to add any further buildings at any of these homes.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. The gentleman is aware of the fact that this is a sanitarium, and that its attendants come from all soldiers' homes throughout the country, and that it will have inmates just as long as there are homes anywhere in the country.

Mr. FITZGERALD. The gentleman knows that it is in a bleak, cold place. It never would have been put there at all if it had not been for the presence of certain supposedly beneficial springs. It is used now largely as a sanitarium for old soldiers afflicted with tuberculosis, but it is not nearly as desirable or advantageous for that purpose, from the information that the committee has, as the home at Johnson City, Tenn.

Mr. BURKE of South Dakota. I will say to the gentleman that I think it has been fully demonstrated that every claim that has ever been made has been fully justified by the records of the recoveries of those who have been sent there for treatment.

Mr. FITZGERALD. The purpose of the amusement hall and chapel is to provide additional accommodations, to enlarge that particular home, when at present there is ample accommodation even for tuberculosis patients.

Mr. BURKE of South Dakota. The hearings do not sustain that contention.

Mr. FITZGERALD. But that is the fact.

Mr. BURKE of South Dakota. How are we going to ascertain the facts except from the hearings?

Mr. FITZGERALD. I think the gentleman read the portion of the hearings that stated that the building of a combined chapel and amusement hall would furnish accommodations for 100 additional persons, and that the place now utilized for that purpose would be used for other purposes.

Mr. LOBECK. Mr. Chairman, the home at Hot Springs, S. Dak., is one of the later homes. It is where men go to have treated diseases peculiar to old men. They come from all over the West and from all parts of the country. It has been a healthful place to those seeking to regain health. It is not a bleak place, as stated by the gentleman from New York. The gentleman from New York probably has never been there. The recoveries and improvement in health, as shown by the hearings, amount to 81 per cent.

I have known Hot Springs, S. Dak., since it was first opened up as a resort for health, when people had to go 100 miles by stage from the railroad to get there. It has been a resort that is health-giving to all people suffering from disease, and especially beneficial to the old soldiers who go there. It is shown by the hearings here and from what Gen. Barry said, that by erecting a chapel room would be given for 100 more inmates at the sanatorium, and there has been a large increase of patients in the last two years. Any man familiar with the country, with the health-giving properties of the springs, knows that it is a place that men would like to go. The veterans need more room.

I had a letter from Gen. Barry stating the necessity for a chapel; he has had experience for over 20 years with the soldier veterans in Nebraska, holding the position of adjutant general for years. He is a man whose word is good everywhere; he is an old soldier—a battle-scarred veteran of the Civil War. He was twice wounded severely in battle, losing his arm in the defense of the flag, and he is asking for this improvement, this new chapel, for the comfort and the good of the veterans and old soldiers who come to the home for treatment. I hope that the amendment offered by the gentleman from South Dakota will be adopted.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

Mr. BURKE of South Dakota. Mr. Chairman, I make the point of order against the paragraph, lines 12 to 17, page 89, that it is legislation.

The CHAIRMAN (Mr. RODDENBERY). Will the gentleman state his point of order.

Mr. BURKE of South Dakota. It is legislation changing existing law.

Mr. FITZGERALD. Mr. Chairman, it is legislation; but I insist that it is in order under the rule because it retrenches expenditures and reduces the compensation of officers paid out of the Treasury.

Mr. ANTHONY. How much salary do these gentlemen get?

Mr. FITZGERALD. They get nothing, but each has an allowance for clerical service, and the abolition of the place discontinues the clerical service also.

Mr. BURKE of South Dakota. Is there any reduction in the appropriation in the bill for the expenses of the managers of the soldiers' home by reason of this paragraph?

Mr. FITZGERALD. The rule does not require a reduction on the face of the bill.

Mr. BURKE of South Dakota. I am not asking that. I am asking if there is any reduction in the bill on account of this paragraph.

Mr. FITZGERALD. No; because the committee did not want to assume that any of these places would be vacated next year either for unanticipated or natural cause.

Mr. BURKE of South Dakota. I will say that these members receive no salary.

Mr. FITZGERALD. Yes; but in line 5, on the same page, the clerical service for the various managers is provided for at $4,500. By the reduction of the number of managers the compensation of the clerical services must necessarily be reduced.

Mr. BURKE of South Dakota. It is an assumption to say that the clerical services will be reduced. You will have the same organization; you will have a treasurer; you will have a secretary and have the same force that you have at the present time.

Mr. FITZGERALD. Each member is allowed $500 for clerk hire, and a reduction of the membership by four reduces it $2,000.

Mr. BURKE of South Dakota. The clerical services for the managers in this bill is $4,500. If there were three, they would have $1,500 apiece, and if there were five they would have $900 apiece. I do not think there is anything on the face of the paragraph which reduces expenses.

Mr. FITZGERALD. I think the gentleman is clearly mistaken about that.

Mr. BURKE of South Dakota. I will ask the gentleman if he can tell how many members there are on the board at the present time.

Mr. FITZGERALD. I think the number of members authorized is nine.

Mr. BURKE of South Dakota. Are there nine members at present?

Mr. FITZGERALD. I do not recall.

Mr. BURKE of South Dakota. Then there are only seven on the board at the present time, so that they would receive more than $500 a member. If there are only seven members on the board and this item was put in the bill, why was the appropriation for this purpose not made $3,500 instead of $4,500?

Mr. FITZGERALD. Because under the law, unless the law be changed, those vacancies might probably be filled.

Mr. BURKE of South Dakota. But evidently the gentleman expected to put in an item providing for the nine members. Why did he not reduce the appropriation?

Mr. FITZGERALD. If the gentleman thinks that is desirable, we would be very glad to do it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. There is an appropriation, I believe, providing for traveling expenses of this board of managers.

Mr. FITZGERALD. Yes; there is an appropriation for traveling expenses.

Mr. MANN. Do they all travel now?

Mr. FITZGERALD. Every one of them. The result of this provision is not only to reduce the expenditures for clerical services, but, as I have called to the attention of the Chair, it also reduces the expenditure for traveling of the board.

The CHAIRMAN. The Chair will inquire of the gentleman what retrenchment, outside of the item of $16,000, in line 8, page 89, it is the gentleman's contention this would work?

Mr. FITZGERALD. There is the traveling expense of the board. They are all allowed traveling expenses.

The CHAIRMAN. That is the item of $16,000, is it not?

Mr. FITZGERALD. Lines 5, 6, 7, and 8.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard further upon the point of order?

Mr. BURKE of South Dakota. I do not. I think it is legislation, and I do not think that you can assume that it will reduce the expenditure. The expenditures may be more.

The CHAIRMAN. In the opinion of the Chair on the point of order, the Chair taking cognizance of what the existing law is touching the expense of the board of managers, and as it appears in this bill, it appearing that a reduction in the number of the members of the board of managers would carry necessarily a reduction of expenditures to that extent, being measured by the extent to which the number might be reduced, the point of order is not well taken, and it is therefore overruled.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, in lieu of line 12, page 89, up to and including line 17, the following:

"That upon January 1, 1913, after the passage of this act, the powers heretofore vested in the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be vested in the Secretary of War, and the administration of the laws providing for the operation and regulation of said home shall be under the jurisdiction of the War Department. The Adjutant General, Inspector General, Quartermaster General, Commissary General, and Surgeon General, each, under the direction of the Secretary of War, shall perform such portion of the work of administration as shall appropriately fall to the respective bureaus of the War Department; that upon January 1, 1913, after the passage of this act, the terms of office of the various members of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall cease and all title to property and authority heretofore vested in said board shall pass to the Government of the United States; that such provisions of existing law as are in conflict with the provisions of this act are hereby repealed."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. In the first place, it is not germane to the provision in the bill. In the second place, one of the earliest rulings made under the Holman rule was that a provision transferring authority from one officer to another was in conflict with the rule. I refer to the proposed transfer of the work of the Indian Office to the War Department. That decision was made a great many years ago.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. ANTHONY. Mr. Chairman, I believe that if the provision which has just been ruled in order reducing the membership of the board to five members is in order, then the provision which I have offered is also in order. If the previous provision is in order under the Holman rule as effecting an economy of not more than a few hundred dollars, I submit that my amendment which makes an apparent economy at once of $62,500 must be in order under the Holman rule. The objection made by the chairman of the Committee on Appropriations I do not believe to be pertinent. The reference to the previous ruling is upon a transfer of authority from the Indian department to the War Department. That was a transfer from one department of the Government to another. This is a transfer from one bureau of the War Department to another, because the Secretary of War is now an ex officio member of the present Board of Managers of the Soldiers' Home.

Mr. MANN. Mr. Chairman, on the point of order the reference of the gentleman from New York was not a happy one. The fact is that it was ruled in order to transfer the Indian Office to the War Department.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. MANN. I am perfectly willing to argue with the gentleman about that, but I have both rulings in my hand.

Mr. FITZGERALD. I think the Chair has the ruling.

Mr. MANN. I doubt whether the Chair has. A section was offered that the management of all Indian affairs and of all matters arising out of Indian relations be and the same is hereby transferred from the Department of the Interior to the War Department, and was placed under the Secretary of War agreeable to such regulations as the President may prescribe, and so forth. That amendment was held out of order under the Holman rule, but in the same Congress, a new amendment having been prepared, was held in order:

That the office of the Commissioner of Indian Affairs is hereby abolished and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employees of the Indian Bureau are hereby abolished and the salary heretofore paid to such officers, respectively, shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employees of the Army under the direction of the Secretary of War, and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them, etc.

In the one case it was held that the mere transfer of the duties from one office to another, the management of Indian affairs from the Indian Office to the War Department, contemplated additional officers in the War Department, and there was no pretense that it might not cost as much in the War Department as in the Indian Office, but in the other the officers of the Indian Office were abolished, the duties were placed upon the Secretary of War and the War Department, and it was held that the amendment was in order. I do not care to detain the House. I have quite a lot of these precedents here, which I keep for handy reference.

Mr. CANNON. Mr. Chairman, I think this point of order is well taken. The National Soldiers' Home is authorized under law. The board of managers serve without compensation. I do not care to discuss the merits of this amendment if it were in order, but it transfers this service to the War Department. That is legislation, and it does not appear that it reduces expenditures. On the contrary, if it were to enter into the domain of argument it would greatly increase expenditures.

Mr. ANTHONY. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. ANTHONY. Does not the gentleman admit on the face of the proposition that you save the entire expense of the present board of managers——

Mr. CANNON. The entire expense——

Mr. ANTHONY. Amounting to $62,500?

Mr. CANNON. The entire expense of the present board of managers, as the gentleman states, amounts to $62,500; but what is the entire expense, if you transfer it to the War Department, with its extraordinary allowance for travel pay, with its largely increased clerical services? It does not seem upon the face that it will retrench expenditures, and it does change existing law.

Mr. ANTHONY. Mr. Chairman, may I say one word on the question of retrenchment of expenditures to bring it within the rule? It is apparent to all that the abolishment of the board of managers would save every cent of the appropriation for the expenses of the maintenance of this board, the amount carried in this bill being $62,500. My contention is that the work now being done by the board of managers is administrative in its character; that that administrative work could be done by the Secretary of War and his bureau officers without an additional dollar of expense on the part of the Government. For instance, the quartermaster's work of the soldiers' home will be taken up by the Quartermaster General's Department; the Inspector General of the Army would have his share of the work; the Commissary Department would have its share of the work; the Surgeon General's Department would have its share of the work; so there is no question but what there is a marked economy effected under this provision.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Kansas shows a most serious objection relating to its germaneness. In addition to that the Chair is unable to ascertain upon the face of the amendment that it would retrench expenditures. It is clearly new legislation, and unless it can be brought under the provision for the retrenchment of expenditures it would necessarily go out although it might be germane. The Chair finds it does not come within the terms of the Holman rule and that it is further subject to the infirmity of not being germane. Therefore, the point of order is sustained.

The Clerk read as follows:

UNDER THE DEPARTMENT OF THE INTERIOR.

PUBLIC BUILDINGS.

Repairs of buildings, Interior Department: For repairs of Interior Department and Pension Buildings, and of the old Post Office Depart-

ment Building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, $20,000, of which sum not exceeding $7,500 may be expended for day labor, except for work done by contract.

Mr. SHARP. Mr. Chairman, I move to strike out the last word. In connection with this subject, although the matter of appropriation for unfinished public buildings, and so forth, has passed by in reading the bill, I trust I may be permitted at this time to present to the membership of the House some figures I have compiled as a result of my examination of the report of the Secretary of the Treasury made within the past two weeks in answer to the request of the chairman of the Committee on Appropriations, which report seems to me throws a flood of light upon extravagances that we are permitting in the erection of Federal buildings in places not at all justified by conditions. I am not going to name any specific places enumerated in this bill. The report of the Secretary of the Treasury just referred to, setting forth with much completeness this information, has already been incorporated in the RECORD, and those interested can make reference thereto. The chairman of the Committee on Appropriations has just told me that the United States Government to-day is paying for rentals for buildings used under the Department of the Interior about $60,000 a year, and that the total amount of rentals to-day paid for buildings the Government does not own is upward of $600,000 per annum in the city of Washington alone.

Now, it seems to me, gentlemen, that, if we are paying this vast sum of $600,000 per annum in rentals for buildings that the Government ought to own, it is worth our while to turn our attention to the situation so as to provide buildings for our use in the city of Washington, or elsewhere, instead of spending eight or ten millions of dollars per year where they are not justified or needed. Many years ago a distinguished Secretary of the Treasury, who came from the district I have the honor to represent, is quoted as having made a remark with reference to the feasibility of the resumption of specie payments that the way to resume was to resume, and I might say that it occurs to me that the way to economize is to economize. I listened a while ago with considerable interest to nearly one hour's discussion on this floor of an insignificant item which involved a possible net saving of $6,000 a year. That is worth while; and I have no criticism of the gentleman who offered that amendment. It is certainly worth while to save even that amount of money, but it seems to me that if we should turn our attention earnestly and with a full desire to bring about a real economy in the administration of our Government we could easily find a place where we might properly save, not $6,000 a year, not $600,000 a year, but $10,000,000 a year—the upkeep of which amounts to at least $1,000,000 and——

Mr. SIMS. Will the gentleman yield for a question?

Mr. SHARP. Certainly.

Mr. SIMS. Is it or is it not a fact that here the Government makes long leases and provides, perhaps, contracts running into a number of years? As to that, myself, I do not know.

Mr. SHARP. I will refer the gentleman to the distinguished chairman of the Committee on Appropriations, who is more familiar with that than I am.

Mr. FITZGERALD. In one or two cases we have authorized five-year contracts, but in other instances the contracts run from year to year.

Mr. MANN. They are authorized to make leases for 10 years in the Post Office Department.

Mr. FITZGERALD. That is in the postal service. I mean outside of the postal service.

Mr. SIMS. There is a new building now going up right beside the building occupied by the Interstate Commerce Commission, and I am informed, unofficially, that it has been leased for a number of years for the use of the Interstate Commerce Commission. I was curious to know if we had the right to contract for the erection of private buildings.

Mr. FITZGERALD. There is no authority to contract for the lease of that building for more than one year at a time.

Mr. SIMS. In other words, it is an incorrect rumor?

Mr. FITZGERALD. I may say that in one or two instances in this city authority has been given to lease buildings for four or five years, where the Government has obtained reasonable terms. In more advanced conditions it might be advisable to adopt that plan.

Mr. SHARP. I have no feeling of sectionalism at all in this matter, Mr. Chairman, because, in looking over these different items, I find that they come from almost every section of the United States. I have heard but one argument in favor of the erection of this very large number of public buildings in the class of towns to which I refer. It is the only argument outside of a purely selfish motive that has ever been presented to me which may have some merit in it. I have heard this great expenditure justified on the ground that it inspires patriotism; that it furnishes an object of patriotic devotion to our country to find in these small towns throughout the country a public building flying the American flag, maintained by the Government and built at the public expense.

That has some merit in it, sentimentally considered, but I do not know but that, if the argument was based purely on the ground of patriotism, if the American flag should always be placed over our post offices in rented buildings, the same degree of patriotism would be inspired. We certainly would not then have all the time the accompanying thought of the willful, extravagant waste of the public money in expending from three to four times as much a year in each one of these places as we could rent accommodations for almost equally as good.

In looking over and epitomizing the result, I find in the present bill that there are 34 towns having a population of under 5,000 each, of which 19 towns have a population under 4,000 and 11 have a population under 3,000 each. But 2 towns out of the 34 have receipts in excess of $20,000 per annum, while 11 have less than $10,000 receipts per annum.

I may say further, as affecting the fixed charges that the Government has to pay, that I have compiled a brief statement, in which I think the figures are underestimated rather than overestimated. I have made the following estimates, assuming that in all these smaller towns the amount of money expended runs from $65,000 to $75,000. I believe the figures in this very complete statement of the Secretary of the Treasury, covering the last 8 or 10 years, will substantiate what I say, that the average amount of money so invested runs from $65,000 to $70,000. I have included 3 per cent interest on that sum, which amounts substantially, in round figures, to $2,000 per annum. I have allowed $800 for fuel and light; for janitor and other help, $1,200; and for repairs, a thousand dollars. The statement of the Treasury Department estimates a depreciation of 2 per cent, which would make it $1,300 or $1,400 per year. That makes a total expenditure for maintenance, in round figures, of $5,000 per year.

I have a table here showing the present amount of rentals paid by the Government for these different accommodations throughout the country, and where I have charged against the building, as in my estimate, $5,000, the Government is at present paying about $900 or $1,000 a year rental, which in many cases includes light, heat, and janitor care; making, in other words, a loss of nearly $4,000 a year for each building of that kind.

In looking over the statement itself, covering a period of the past eight years, and including the items in the present bill, I find that there are about 300 different towns having a population under 6,000 people each. I find, in addition to that, that there are 70 whose post-office receipts are under $10,000 a year.

I have listened with a great deal of interest to the arguments upon this bill in debate, as they pertain to the public building appropriations. The gentleman from Illinois [Mr. MADDEN] expressed a desire to see a system adopted, as he put it, that would justify the Government in constructing these buildings—that is, a system based either on sufficient receipts or on adequate population. I have given this subject considerable thought and consideration, although I am not a member of that committee, because it has always impressed me as an extremely unwarranted waste of public money. According to the figures before us we shall have approximately 1,000 of these projects at the end of another term of Congress. We have about 900 finished or under way now. I do not know what would be a proper standard to establish. It is hard to determine. I know of my own personal knowledge that there is in my district a town of less than 10,000 people that has over $100,000 annual postal receipts.

The statement of the Treasury Department shows that there are many other towns of 30,000 or 40,000 people which do not have receipts as large. It is very hard to fix a satisfactory criterion, it seems to me, by which the committee can be guided. I understand there is no statute fixing it, but it is a sort of a rule established by the Committee on Public Buildings and Grounds as to the places at which public buildings may be erected, based upon annual post-office receipts of not less than $10,000.

We all know how that is done. I charge no favoritism. I think that committee has been actuated by a sense of justice and fairness. I find that this condition, as it pertains to Federal buildings in small towns, exists all over the country, more especially, of course, in those parts of the United States where the population is less dense. But it does seem to me an appropriate suggestion that if we, as representatives of the American people, really desire to effect a substantial, a big economy, we can with wisdom and good cause save not less than $10,000,000 or $12,000,000 a year by raising our limit not only as to population, but as to post-office receipts, far in excess of the present requirement. That is my view of it. I may be mistaken. I may have a misconception of the importance of these marble-fronted buildings with which we have presented so many towns, some of which, according to this statement, have less than 2,000 people and have post-office receipts of less than $3,500 a year. I remember of receiving one day a letter from some official of a town in the far Southwest asking for my vote—we all get such requests—in favor of a proposition for a Government building at that place on the ground that it had finally reached a point where its post office was doing a business of $10,000 a year. At that moment I had in my pocket a telegram from the postmaster in one of my home towns having no Federal building, in which he informed me that the postal receipts for the preceding month alone at his post office were in excess of $11,000.

Mr. SIMS. Are post-office buildings erected for the use of post offices alone in towns where the postal receipts are not over $3,500 a year?

Mr. MANN. Mr. Chairman, this is a beautiful speech, but are we proceeding under the hour rule, or the five-minute rule?

Mr. SHARP. I do not think it is my fault, nor do I think the gentleman can ascribe any blame to me. I will take all the time that is given me.

Mr. SIMS. I want to ask the gentleman if there are any buildings erected by the Government for post-office purposes alone where the postal receipts are only $3,500 a year?

The CHAIRMAN (Mr. JOHNSON of Kentucky). The time of the gentleman from Ohio has expired.

Mr. SHARP. I am very grateful to the Committee of the Whole House for listening to me beyond my allotted time. If I may have two minutes I should like to answer the question of the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. SHARP. I have one place noted here—I will not give the name of the town, but it is in Kentucky—where they have 1,638 population.

Mr. SIMS. What are the receipts?

Mr. SHARP. The postal receipts that year were $3,903.

Mr. SIMS. Was the building used for anything except a post office?

Mr. SHARP. The post office, United States court, internal-revenue collector, and so on.

Mr. GARNER. Does not the gentleman think the United States ought to furnish a building in which to hold the Federal court?

Mr. SHARP. I will give the name of the town, so that gentlemen may know all about it.

Mr. GARNER. I want to get the gentleman's opinion whether or not, when the Congress establishes a Federal court in a town and requires people to come to that town to attend court, it is the duty of the Government to furnish an adequate building for the purpose of holding court and conducting the public business?

Mr. SHARP. That may be. In answer to that question, I wish to say that I am unable to determine from this statement whether the rented accommodations before the public building was erected there were sufficient to enable them to hold court or not, but the rental was only $234 a year, whereas the upkeep of the new building was $2,836.

Mr. SHERLEY. What was the town?

Mr. SHARP. London, Ky.

Mr. GARNER. That may be a case where the county had issued bonds and gone to the expense of building a courthouse, and then as a matter of courtesy had permitted the United States to hold court in that courthouse and had permitted the clerk to occupy an office in the courthouse building.

Mr. SHARP. That may be.

Mr. GARNER. Does the gentleman believe the Federal Government ought to continue to impose on the county to that extent—to use the county property free of charge?

Mr. SHARP. I believe not; but I wish to say, in answer to the gentleman's question, that in a large number of these cases the public buildings are used for post-office purposes only.

Mr. GARNER. I agree with the gentleman fully that wherever a case of that kind is shown, then the Congress ought not to have appropriated the money and the public building ought not to have been constructed; but I wish to suggest to the gentleman that wherever a court has been established it has been the policy in every State in the Union, of every county and every State in the Union, to build a house adequate for the transaction of the business of the court.

Mr. SHERLEY. They get the court established for the purpose of getting the courthouse.

[Mr. CANNON addressed the committee. See Appendix.]

The Clerk read as follows:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that that paragraph just read may be passed without prejudice.

Mr. SIMS. Mr. Chairman, I want to reserve a point of order against it.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order, and the gentleman from Kentucky asks that the paragraph be passed without prejudice.

Mr. MANN. For what reason?

Mr. SHERLEY. The chairman of the committee is now absent for a few minutes, and he made the request that it be passed, as it is the desire to make some change in the language.

Mr. MANN. Is it to be taken up later in this day?

Mr. SHERLEY. It will go over until to-morrow, I think. There will be no desire to take anybody by surprise.

Mr. MANN. Of course not, and I am frank to say that my only object of inquiry is to ascertain whether we can get through the bill to-morrow.

Mr. SHERLEY. In my judgment, we can not get through the bill by to-morrow, but the chairman is hopeful that we may.

Mr. MANN. And as to controverted matters, as far as we can, I prefer to have them disposed of this week rather than next week.

Mr. SHERLEY. I prefer to, too.

Mr. SISSON. Mr. Chairman, I want to reserve the right to object. I want to state for the benefit of the House that I have been opposed to this item. I was opposed to it when it passed the House originally two years ago, after being put in the bill by the Senate. I have no objection to its going over, but I would like to have, if we can, a time agreed upon when the matter will be taken up, because sometimes Members may be out of the House temporarily.

Mr. SHERLEY. I will simply say to the gentleman from Mississippi that we will see to it that when it is taken up he shall have notice.

The CHAIRMAN. The Chair can not hear what the gentleman is saying.

Mr. SHERLEY. I stated there would be no attempt to call the matter up during the absence of the gentleman from Mississippi, and I ask that the item may be passed without prejudice, with the understanding that it will come up to-morrow.

The CHAIRMAN. The request of the gentleman from Kentucky is that the matter be passed without prejudice. Is there objection?

Mr. SISSON. With the point of order reserved.

The CHAIRMAN. The Chair has notice that the point of order is reserved by the gentleman from Tennessee [Mr. SIMS]. Is there objection to the request?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, in connection with the amendment that I offered to the bill for a new building at the Battle Mountain Sanitarium, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read as follows:

PUBLIC LANDS SERVICE.

Salaries and commissions of registers: For salaries and commissions of registers of district land offices at not exceeding $3,000 per annum each, $280,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 93, strike out lines 17 to 19 and insert:

"Salaries and commissions of registers and receivers: For salaries and commissions of registers and receivers of district land offices, at not exceeding $3,000 per annum each, $560,000."

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the discussion of my amendment may go over until the next paragraph is read, as I desire to make a point of order on that paragraph, and that I may discuss my amendment after the point of order is disposed of.

Mr. SHERLEY. I see no reason why we should not dispose of the gentleman's amendment now.

Mr. MONDELL. If the Chair should hold that the following paragraph was subject to a point of order——

Mr. SHERLEY. I can not conceive of the Chair so holding.

Mr. MONDELL. I am not particular, but it seems to me that that is the logical thing to do, to dispose of the point of order first. It is entirely immaterial to me.

Mr. MANN. They are all part and parcel of the same proposition.

Mr. MONDELL. That is the logical way to dispose of the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

Mr. CANNON. It seems to me one depends upon the other, and I do not see any objection to considering them both together.

Mr. SHERLEY. I understand from the gentleman from Wyoming that if the Chair should overrule the point of order as to the matter which he considers new matter, the gentleman would then desire to press his amendment.

Mr. MONDELL. Certainly.

Mr. MANN. He might desire to move to strike out the matter.

Mr. SHERLEY. It seems to me, if we are to have the fight, we might as well have it now.

Mr. FITZGERALD. There may be a different situation arise. If the succeeding paragraph be taken out of the bill either upon a point of order or upon motion, of necessity I would be obliged to ask unanimous consent to offer an amendment increasing the appropriation in the paragraph just read and providing for receivers.

Mr. MANN. The gentleman from Wyoming has offered such an amendment and asked to have it passed for the present.

Mr. MONDELL. Until the point of order could be disposed of.

Mr. CANNON. It is perfectly plain. If the next paragraph is agreed to, then this paragraph is to stand as it is, but if it is not agreed to it should be amended.

Mr. FITZGERALD. If it becomes necessary, the committee itself will wish to do what the gentleman has asked to do.

Mr. MONDELL. Then there would be no objection to my request.

Mr. MANN. Any one person might object. It is the orderly way to dispose of the matter.

Mr. FITZGERALD. I do not think anybody would object.

Mr. MANN. Then there is no occasion for discussing and voting upon it now.

Mr. FITZGERALD. No.

Mr. MANN. What is the use taking up time now until we dispose of the other section?

Mr. FITZGERALD. I ask unanimous consent that the paragraph commencing on line 7 and ending on line 9 be passed temporarily.

Mr. MONDELL. Passed until the succeeding paragraph is disposed of.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

The Clerk read as follows:

The office of receiver of public moneys for land districts, from and after the 30th day of June, 1912, is abolished, and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulations, including the receipt of moneys, and he shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation; but such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction: *Provided*, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1912, be paid to and accounted for by such registers, in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed $3,000 per annum, as now provided by law.

Mr. HAWLEY and Mr. MONDELL rose.

Mr. HAWLEY. Mr. Chairman, I make the point of order against the paragraph just read.

Mr. MONDELL. Mr. Chairman, I asked that the matter go over in order that I might make the point of order. I ask that I be recognized to make the point of order, as I made the request under which it was possible to make the point of order.

The CHAIRMAN. The Chair will state that the gentleman from Oregon has already been recognized.

Mr. MONDELL. Mr. Chairman, I want to suggest to the Chair that it was at my suggestion that we passed over the preceding paragraph, and I then announced that I intended to make the point of order to the paragraph when it was reached. I was on my feet and addressed the Chair.

The CHAIRMAN. The Chair will state that the gentleman from Oregon had already done the same thing.

Mr. FITZGERALD. Mr. Chairman, I suggest that we proceed.

Mr. MONDELL. The gentleman from Oregon did not ask unanimous consent to have the matter passed in order that a point of order might be made, and I did request to have the preceding paragraph passed in order that I might make the point of order.

The CHAIRMAN. The Chair has already recognized the gentleman from Oregon.

Mr. PAGE. Mr. Chairman, I demand the regular order.

Mr. HAWLEY. Mr. Chairman, this paragraph proposes to reorganize the local land offices throughout the country by eliminating one of the positions in them that has been in existence for nearly half a century, namely, the office of receiver, and substituting in lieu of the receiver another official and providing a salary for this new official. It proposes, in addition to that, on page 93, from lines 16 to 23, to add to the duties of registers of the Land Office. That matter is clearly new legislation and has no reference apparently on the face of it to any appropriation contained in this act, and under the Holman rule I think it has been held that the legislation must relate to the appropriation contained in the act in which it appears for the year for which the appropriation is made.

In abolishing the office of receiver these facts should be noted by the Chair:

Under the law, Revised Statutes, paragraph 2237, the salary of the receiver is fixed at $500 per year; and under paragraph 2240 and the preceding paragraphs it is provided that certain commissions and fees may be received by the receiver as a part of his compensation up to the total of $3,000, the law further providing that he shall not receive more than $750 for any quarter.

But the salary of the receiver is fixed at $500 per year in the law. These commissions are varying amounts that may amount in the total for the year to $3,000 or may make his salary amount to $800 or $1,000, depending upon the state of the public business and the activity at the local land office. It is proposed to abolish the office of receiver and to substitute an entirely new official. There is no such official provided for in the law, in the local land office, as a chief clerk, as is contemplated in this bill. It can not be maintained that there are in the Department of the Interior such chief clerks as may be appointed to these places. Every subdivision of the Department of the Interior contains a chief clerk; there is one in the General Land Office, one in the Indian Office, and in the Reclamation Office, and so forth. These are designated in the law to do certain specific work in these subdivisions of the Department of the Interior. It can not be maintained that they are available to be sent to the local land offices. It must then follow that there must be appointed new officials to fill the vacancies caused by taking out of the law this provision respecting receivers, and that, I submit, is new legislation, making a new appropriation and expending additional public funds.

The CHAIRMAN. Where is the description about new officers?

Mr. HAWLEY. It begins, line 22, on page 93:

Instead of the office of receiver of public moneys, hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize.

Now, this chief clerk is to be appointed at a salary of not exceeding $2,000, and under the civil service he would under no circumstances receive as low as $500, and in the grade of clerk, from which this officer would be taken, he would receive not less than $1,600 or $1,800, and probably more, so that makes a distinct addition to the fixed legal or statutory salary paid to the officer charged with the duty of receiving moneys at a local land office. But in addition to that, at the beginning of

line 4 and proceeding down to line 20 on page 94, it proceeds to specially describe the duties of this chief clerk. It provides that he shall perform such duties as the register may direct him to perform, and goes on further to specify that in the case of a vacancy in the office of register, or in the absence of said register, he shall not only perform the duties of the new office created for him, but the duties of the present register in the office in which any particular proposed chief clerk is at work. That is new legislation.

In the first place, there is no chief clerk in any of these offices in the contemplation of the law as described here; and, in the second place, there is no clerk that has any such relation to the law as is described here. It is entirely new law. Nor does it not diminish the pay of officers of the United States. It does not diminish the expenditure, because that depends on how much the actual salary received by the present receivers may be, and no showing is made by the provision under discussion that indicates a reduction. The minimum salary of the present receiver is $500, and under the civil-service regulations and law the minimum salary of the chief clerk to be appointed could not be less than $1,600 or $1,800. Therefore, Mr. Chairman, this provision is obnoxious to the rule on three grounds—that it does not reduce expenditures even temporarily, on the face of the bill; that it does not decrease officers of the United States, because it substitutes one officer for another; that it contains new legislation creating a new office; and not only adding a new office here with new powers, but it is new legislation in the part already recited in the preceding page of the bill defining the duties of the present registers of the local land offices and adding new duties to those now provided in the law.

Mr. MONDELL. Mr. Chairman, paragraph 815 of the rules provides that no part of the appropriation——

The CHAIRMAN. What page?

Mr. MONDELL. Page 400, down about the center of the paragraph:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by a reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States.

The amendment in question does not come within the rule, because, while it does reduce the number of a certain class of officers who only receive $500 per annum in salary under the law, it creates an equal number of officers who receive $2,000 per annum as provided in the amendment.

The CHAIRMAN. The Chair will ask the gentleman to repeat that.

Mr. MONDELL. While it does reduce the number of officers—that is, it strikes out the office of receiver of the land office, and there are approximately 105 of such officers, one in each local land office—it abolishes that position, but it also in lieu of these officers provides a chief clerk, and if the Chair will read at the bottom of page 93 and top of page 94 of the bill he will see provision is made for a salary for such new clerks of not to exceed $2,000 per annum.

The paragraph, therefore, dispenses with the services of approximately 105 officials who, under the law, receive $500 per annum; and I call the attention of the Chair to chapter 2, page 302, of the Revised Statutes of the United States, section 2237, "each register and receiver shall be allowed an annual salary of $500," so that in lieu of officers receiving $500 in salary we are providing officers who may receive $2,000 in salary. I think that one fact makes it very clear the amendment is not in order.

Mr. FITZGERALD. The gentleman does not wish to leave the impression that $500 is the maximum salary of receivers and registers of land offices?

Mr. MONDELL. No; I do not desire to leave that impression. There are registers and receivers who receive more in commissions and fees, but we are talking of salaries.

Mr. FITZGERALD. The very next section of the Revised Statutes provides that in addition to the salary mentioned they shall receive certain compensation in the way of fees.

Mr. MONDELL. Yes; but the Chair can not be expected to investigate as to whether or no these officials receiving a certain fixed salary may or may not also in addition to that, as a matter of fact, receive some commissions. There are some receivers who do not receive any commissions at all who serve for $500 per annum.

Mr. FITZGERALD. But the gentleman knows that if these receivers are reinstated in the bill it necessitates the adoption of the amendment which the gentleman himself offered increasing one item in this bill by $280,000.

Mr. HAWLEY. Will the gentleman from New York yield?

Mr. FITZGERALD. Section 2240 of the Revised Statutes provides that the compensation of registers and receivers, including salaries, fees, and commissions, shall in no case exceed in the aggregate $3,000 a year.

Mr. MONDELL. I would like to have the attention of the Chair on that point, if the Chair considers it of any importance. Of course, if these officials are restored, their salaries must be added to the bill. The next paragraph carries an appropriation to pay the new officers provided for by this new legislation, and if my amendment restoring the receivers and their salaries is adopted I shall offer another amendment reducing the appropriation in the next paragraph for clerks. The gentleman certainly——

Mr. FITZGERALD. By how much?

Mr. MONDELL. The gentleman will know when I offer the amendment.

Mr. FITZGERALD. Will not the gentleman now state it?

Mr. MONDELL. The gentleman certainly will not contend that by simply reducing the amount in an appropriation bill, leaving the public service without adequate funds, he would thereby come within the Holman rule, because the necessity for the expenditure is still there, and the amendment might simply be made for the purpose of attempting to show a reduction of expenditures when as a matter of fact no such reduction was provided for.

The bare question before the Chair is this: This is new legislation wiping out certain offices and creating certain other offices. What are the salaries provided by law for these respective offices? The Revised Statutes give the officer who is deprived of his office, and whose office ceases under the amendment, $500. The amendment gives the officer who takes his place a salary not to exceed $2,000. No one will contend that by reducing Federal officers, on the one hand, by a given number and creating new Federal officers, on the other hand, an equal number with a higher salary, you come within the Holman rule, although there may be another item somewhere else in the bill, not in this paragraph—because this paragraph carries no appropriation at all—there may be an item somewhere in another paragraph which is modified or changed in some way.

But this paragraph carries no appropriation. It is pure legislation. It does not decrease, and does not purport or pretend to decrease, the appropriation, because there is no appropriation carried in this paragraph, and on its face it increases the appropriation, for it provides for Federal officials who will receive $2,000 in lieu of Federal officials whose salary is $500.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. Gladly.

Mr. BURKE of South Dakota. I will call the gentleman's attention to the fact that the paragraph also enlarges the duties of the register to a very great extent, and that would undoubedly necessitate the employment of additional clerical force other than what is employed under the present system.

Mr. MONDELL. Yes. I think the points I have made will be quite sufficient to justify the Chair in holding that the amendment is not in order. But if the Chair will bear with me I will call his attention to the fact that here are two pages of new legislation, changing radically the duties of public officials, wiping out a certain position which has existed since the creation of the Land Office and creating a new position and transferring duties. No one knows what the effect of that transfer may be. In my opinion the transfer of the duty of the receiver to the chief clerk can have no other effect than to compel further clerical service for the register, upon whom the duties now performed by the receiver are largely placed. So that, in whatever way you view it, this paragraph can not come under the Holman rule, and therefore is subject to a point of order.

Mr. LAFFERTY. Mr. Chairman, may I be recognized to say a few words on the point of order?

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Chairman, I merely desire to suggest that this is very important legislation. That is the reason why it should be seriously considered. In the first place, the proposition in the amendment abolishes the office of a receiver of the local United States land office.

The CHAIRMAN. By "the amendment" does the gentleman mean the section in the bill?

Mr. LAFFERTY. Yes. By this proposed provision for abolishing the office of receiver you necessarily create a situation under which you are compelled to create other officers.

The other officers provided for here are chief clerks of the United States land offices, officers which do not exist at the present time. It is a fact, of which the Chair will take judicial

notice, that many receivers throughout the Western States at the present time are not receiving the maximum which they may receive of $3,000 per year. Many of these receivers are not taking in over $1,200 at the present time. Some of them, I know within my own knowledge, when the fees and commissions run down to a certain point, resign their offices, and they get other people to fill them. Therefore it is an open question as to whether or not this proposed legislation would not result in an expenditure of more money than is now being expended. And, if I may be pardoned for saying so, Mr. Chairman, these receivers are local officials. They are appointed from among those within the neighborhood or within the State where these public lands are to be administered. On the other hand, these officers who are to take their places are detailed from Washington, D. C., by the Secretary of the Interior, as here provided, and we are to have saddled upon us in the West some more of these gentlemen who go back and forth across the continent, riding in Pullman palace cars, and telling our people where to head in at. I am in favor of home rule in the matter of administration of public lands in the West as much as my brethren here from the South are in favor of home rule in the South.

I say this is an important matter, and, while I am not so familiar with parliamentary law as these other gentlemen who have spoken, I trust the Chairman will give the subject his best consideration.

Mr. FITZGERALD. Mr. Chairman, in reply to the gentleman from Oregon, I will say that this is a very important matter, and has been recommended for three years by the present administration. The Commissioner of the General Land Office states in his report for 1911—

> The recommendation made in the report for the fiscal year ended June 30, 1910, in regard to the abolishment of the office of receiver is renewed. A far better organization at less expense could be perfected——

Mr. MONDELL. Mr. Chairman, is the gentleman discussing the point of order or the merits of the proposition?

Mr. FITZGERALD. I am discussing the point of order. One of the grounds upon which I base the contention that this provision is in order is that it effects reductions in the amounts carried by the bill, and I intend to demonstrate it, not only from the action of the gentleman himself, but from the recommendations of those who have charge of the service.

Mr. MONDELL. We can see how pertinent they were——

Mr. FITZGERALD. If the gentleman will permit me, I can finish what I have to say more quickly. The Commissioner of the General Land Office stated:

> The recommendation made in the report for the fiscal year ended June 30, 1910, in regard to the abolishment of the office of receiver is renewed. A far better organization at less expense could be perfected. There is no business reason to be advanced for the retention of the present organization of local land offices. It originated in the era of sale, when the money value of the land disposed of was the paramount idea; it was retained without any real reason through the era of development; the coming era should see it abolished. The recommendation last year was as follows:
>
> "The organization of the local land offices should be changed and a great deal of money saved and better administration secured by the abolition of the positions of register and receiver and the creation of one position in lieu of the two. The positions of registers and receivers were created under the original organization when the duties were those of sales agent and recording officer. By additional legislation, as stated above, the duties of local officers have been changed. Under this dual system there is a divided responsibility. The register and receiver have to sign decisions, and they are responsible together for the work of the office. This divided responsibility is not a successful method of management for any office. Experience has shown that there are frequent clashes between the two officers. The simplest organization would be the creation of a new office and the placing of one man in charge of all the work of the local office, and substituting for the receiver a bonded clerk. This bonded clerk could be secured for the work to be performed at a salary ranging from $1,500 to $2,000 a year, and the difference between that and the salary now paid to receivers would amount in saving to the Government, in round numbers, to about $110,000 a year. Better administration would be secured, and the Government would save a considerable sum."

This provision, Mr. Chairman, proposes to abolish the office of receiver in the local land offices. Under the law the receivers of local land offices——

The CHAIRMAN. The Chair did not understand whether the proposed abolishment applies to more than one office.

Mr. FITZGERALD. Yes; it abolishes the receivers in all the local land offices. There are a number.

The CHAIRMAN. The Chair did not at first understand whether the gentleman was using the plural or the singular.

Mr. FITZGERALD. There are 105 local land offices in the United States. This provision proposes to abolish the receiver in each of these offices.

The receiver in a local land office, under section 2237 of the Revised Statutes, is allowed an annual salary of $500. By section 2238, in addition to their salaries, they are allowed certain fees and commissions, and the fees and commissions are set forth. Then, by section 2240, the compensation of the receiver, including salary, fees, and commissions, is limited to $3,000. By the abolishment of these offices and the transfer of their duties to clerks in the office of the register, a saving of $110,000 is effected annually, and that appears from this bill itself.

The paragraph just passed provided for salaries and commissions of registers of district land offices at not exceeding $3,000 per annum, $280,000. The gentleman from Wyoming [Mr. MONDELL] proposes to reinsert in that paragraph the provision for the compensation of the receivers of the land offices and to increase the appropriation to $560,000. On page 95, under the contingent expenses of the land offices, the gentleman from Wyoming [Mr. MONDELL] proposes to offer an amendment, should this provision be eliminated, to reduce the appropriation on page 95, line 7, from $490,000 to $320,000, a reduction of $170,000.

This provision does not authorize any new offices. It provides for the transfer of duties from the receivers, who are abolished, to clerks in the respective land offices. There is very ample authority at present for the discontinuance and transfer of these various offices, and under section 2235 of the Revised Statutes the Secretary of the Interior is authorized to make a reasonable allowance for office rent for the consolidated land offices, and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks at reasonable per diem compensation for such time as such clerical force is absolutely necessary to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 2239, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

Now, the fixing of a limitation upon the compensation of these clerks upon whom the duties of the receiver devolve, is fixing a limitation upon compensation which under the law at present is limited only by the determination of the Secretary of the Interior.

Mr. HAWLEY. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. HAWLEY. In every case where a chief clerk exists in a department, if I am not in error, he is mentioned specifically in the statute, and now to appoint chief clerks in the general land offices would be to create new offices, because the positions of chief clerks have been recognized in all cases as being offices created by statute.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken. The word "chief" does not affect the matter at all. One of these clerks in the office would be considered or designated as of a higher rank or in charge of the other clerks. This was merely a devolving of the duties of the receiver upon the clerk of the highest grade in the office.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. BURKE of South Dakota. As I understand the gentleman, he says that under this provision there is no new position created, but that there would be a transfer of duties to a clerk in the office. I should like to call the attention of the gentleman to line 24, on page 93, in which it says:

> The Secretary of the Interior may appoint or designate a chief clerk for any land office.

That certainly is creating a position that does not exist at the present time, and does create a position.

Mr. FITZGERALD. I think not. I doubt if there is any difference in meaning. The Secretary of the Interior now, within the limits of the appropriation, has authority to provide such clerical force in these different offices of register and receiver of the land offices as he sees fit. He fixes the limit of the compensation. In the transfer of the duties now devolving by statute on the receiver, it is provided that they shall devolve upon the most important clerk, or the person who properly would be designated or characterized as the chief or head clerk of the office.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STEENERSON. How many of these receivers are now receiving the maximum of $3,000 a year? I understand there is a number that receives a great deal less. Many officers are not maximum officers; very few. Some of them only receive $500.

Mr. FITZGERALD. I do not know how many are receiving the maximum salary, but the average compensation is over $2,100.

Mr. STEENERSON. The saving would only be $100 for one office then.

Mr. FITZGERALD. The gentleman is very much mistaken; the saving under this reorganization is $101,000 annually.

Mr. STEENERSON. Besides the $2,000 salary they would have to pay them for traveling expenses, and there would be no saving at all.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. I would like to question the gentleman's arithmetic. As I understood, he said the average register and receiver's compensation was about $2,100 a year.

Mr. FITZGERALD. It is more than that.

Mr. BURKE of South Dakota. That would amount to $4,200 for the two places.

Mr. FITZGERALD. But I was speaking of the receivers alone.

Mr. BURKE of South Dakota. The receivers and registers get substantially the same compensation. Now the gentleman proposes to have a chief clerk at $2,000 a year.

Mr. FITZGERALD. The gentleman is mistaken; there are only two or three of the chief clerks who would get the maximum compensation. The great mass of them are not to receive in excess of $1,600.

Mr. BURKE of South Dakota. That is an assumption.

Mr. BYRNS of Tennessee. Will the gentleman from New York yield?

Mr. FITZGERALD. Certainly.

Mr. BYRNS of Tennessee. The statement in the hearings is that in 1911 there was paid the receivers the sum of $274,047.71. That would make an average salary of $2,600 a year.

Mr. FITZGERALD. I thank the gentleman for the statement. That shows conclusively that this would effect a reduction, as I stated.

Mr. RUCKER of Colorado. Mr. Chairman, I raise the point of order that the point of order made by the gentleman from Wyoming is not being discussed. It is the merits of the proposition that is being discussed.

Mr. FITZGERALD. The gentleman from Colorado is mistaken. One of the grounds upon which it is insisted, Mr. Chairman, that this provision is in order, is that it effects a reduction in the amount carried by this bill. It is impossible to discuss that question without going into the question of compensation and the amounts that would be necessitated if this provision was eliminated from the bill.

Mr. BYRNS of Tennessee. If the gentleman from New York will pardon me further, I want to say that the commissioner states that the total compensation to be paid to bonded clerks under this arrangement would amount to $172,600, leaving a balance of $101,447 as the estimated saving.

Mr. FITZGERALD. That is the statement I recall that was made; that under this reorganization that saving would be effected. Mr. Chairman, I think the question of order is simple. Here are certain offices established with authority of the Secretary of the Interior to appoint clerical services in these offices. This provision proposes to abolish certain officers and transfer the duties to the clerks now authorized, and to put a limitation upon the maximum that can be paid to the clerks, there being no maximum fixed at present. The result is a saving in this bill of $101,000. It seems to me that under these conditions this provision is clearly in order under the rule.

Mr. MONDELL. Will the Chair bear with me a moment?

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. I desire, Mr. Chairman, to emphasize the fact that the paragraph against which I made the point of order carries no appropriation whatever. Therefore it does not come under the Holman rule on the ground that it provides for a reduction in the appropriation. It does not come under the Holman rule, further, because while it is new legislation and creates new offices it does not reduce the number of officers under the Government. It wipes out one set of offices and creates another equal in number, so that it does not decrease the number of offices.

Mr. BYRNS of Tennessee. The paragraph to which the gentleman has made the point of order does abolish the office of receiver and substitutes therefor appointed clerks at $2,000. Does not the gentleman think it is perfectly proper and necessary that the Chair shall look to the bill to see what these receivers will receive under the bill, if retained, in order to determine whether or not it properly comes under the Holman rule?

Mr. MONDELL. The Chair could not go through the entire sundry civil bill to find some reason for supporting this amendment. The amendment must stand or fall by what it says; what it says and what it does, and it does not reduce appropriations. It does not decrease the number of officers; it does not reduce expenditures directly, nor does it reduce them indirectly, because it dispenses with one class of officers the salary of which is $500 per annum, and provides for another class of officers at not to exceed $2,000 per annum.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire to make some suggestions that bear upon the point of order. The first is this: Does not the conferring of the functions of the abolished office of receiver upon the office of clerk created as a substitute make it conclusive that a new office is created? I think that can not be successfully gainsaid.

Now, the second inquiry, which I regard as legitimate for consideration of the chairman on the point of order, is: It is not a legitimate solution of the question of the increase of expenditure in the expenditures that may possibly be made by taking statistics, taking the information which the Department of the Interior has furnished as to the expenditures last year and for previous years. This question is not to be determined by speculation. It is not to be determined upon the fluctuations of one year when it was high and another year when it was low, not upon what may possibly occur, but upon what is essentially certain.

The statute provides that the salary of the receiver shall be $500 a year. In the proposed legislation it is certain that the salary of the clerk must be much greater than that. This question must be solved upon the certainties—and I contend that it is not legitimate to decide it upon speculation, upon uncertainties of what the fees may amount to one year or what they will amount to the next year. I anticipate that the enactment of the three-year residence homestead act will make the fees larger next year than last year. That, however, is speculation, and is not a legitimate consideration. A reliable criterion must be furnished. I contend it must be made to affirmatively appear that retrenchment will result. But, sir, it is only shown to be problematical, and assuredly that will not do.

Mr. HAWLEY. Mr. Chairman, I would like to offer one additional consideration in reply to the statement of the gentleman from New York [Mr. FITZGERALD], the distinguished chairman of the committee, wherein he maintained that this was not a new office. There is no such office as chief clerk in any of the local land offices at the present time. All the statutes making appropriations with reference to a chief clerk in any division of the governmental service have appropriations for a chief clerk by the designation of such office, so making him a statutory officer. It is proposed in this paragraph to make a statutory officer and appropriate for him. That must create a new office. In so creating a new office the amendment, if for no other reason, would be obnoxious to the rule.

The CHAIRMAN. Before ruling the Chair will invite the attention of the committee again to that portion of the rule read by the gentleman from Wyoming, which is as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and the salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

For the purpose of retrenching expenditures the Chair holds that the House unquestionably has the right to legislate through an appropriation bill. In the second line of the rule above quoted we find the expression, "changing existing law." Existing law can not be changed without new legislation. The Chair therefore holds, as just stated, that an appropriation bill can change existing law; and if there is the right to change existing law there must, of necessity, be the right to legislate. That right to legislate, however, is limited by what follows in the rule, and there is real ambiguity in what follows:

The gentleman from Wyoming has said that the section to which the point of order has been raised contains no appropriation. That looks in the direction of retrenchment of expenditures because it does not contain an appropriation. Under the Holman rule an appropriation bill can contain such legislative matter as abolishes an office. The right to abolish an office is unquestioned. Now comes the question of the right of an appropriation bill to contain a provision creating an office. If the abolishment of one office and the creation of another works retrenchment in expenditures, the Chair is of opinion that this can be done, because it is still within the limit provided under the Holman rule of "changing existing law."

The question, therefore, that is uppermost in the mind of the Chair is whether there is at last a retrenchment of expenditures under the paragraph under consideration. Being in doubt, the Chair feels constrained to give some weight to the

report made by the Commissioner General of the Land Office to the effect that it is a retrenchment of expenditures. The chairman of the Committee on Appropriations, which originated this bill, makes the positive statement that $105,000 will be saved by this paragraph. He makes that statement after his own research into the matter and upon the statement of the head of the department or bureau, whichever it may be, which has charge of these affairs, and this statement has gone practically unchallenged.

The Chair therefore overrules the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph on page 93, beginning with line 10, down to and including line 4 on page 95.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend pages 93, 94, and 95 by striking out the paragraph beginning with line 10 on page 93 and ending with line 4 on page 95.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield to see if we can agree upon some time for discussion?

Mr. MONDELL. Certainly.

Mr. FITZGERALD. I suggest 15 minutes.

Mr. MONDELL. This is a very important matter and I should like to have 15 minutes myself.

Mr. FITZGERALD. Oh, we can not consent to that, with the other body in this Congress having served notice on the country that no business is going to be done for two weeks.

Mr. MONDELL. But we had a speech here 20 minutes in length a short time ago in regard to a matter not relating to the bill at all. Here is a proposition to abolish 105 offices.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this amendment close at 4 o'clock.

Mr. MONDELL. I think we could conclude the debate under this amendment in one hour.

Mr. FITZGERALD. Oh, no. We have already discussed the matter for half an hour or more.

Mr. HAWLEY. Mr. Chairman, this affects every settler on the public lands, and I think if the gentleman had been in the West and had to do with the settlers he would be willing to grant an hour.

Mr. MONDELL. I think we should go on this evening with the business and dispose of the bill, and I think the chairman ought to give us a fair amount of time.

Mr. HAWLEY. I will remind the chairman of the committee that while there are many Members who are vitally interested in this matter, their advice or suggestion was never requested in regard to the matter, and this is the only opportunity they will have to present their views in regard to the matter.

Mr. FITZGERALD. Well, I suggest to close debate in 40 minutes.

Mr. MONDELL. I think it ought to be made an hour if possible.

Mr. FITZGERALD. If I can not get an agreement to close debate at the end of 40 minutes——

Mr. MANN. Make it 4.20.

Mr. FITZGERALD. I ask that it be closed at 4 o'clock——

Mr. HUMPHREY of Washington. I suggest to the gentleman that he will not make any time by doing that.

Mr. FITZGERALD. Oh, yes.

Mr. MANN. Make it 4.20.

Mr. FITZGERALD. Well, I will make it 4.20.

Mr. RUCKER of Colorado. I suggest to the gentleman that I want to know something about the division of time.

Mr. FITZGERALD. It will be under the five-minute rule.

Mr. RUCKER of Colorado. Well, I am in this position in this House——

Mr. FITZGERALD. The gentleman can protect himself from assault under the five-minute rule.

Mr. RUCKER of Colorado (continuing). In that I am against both propositions, and therefore I do not want to give away what time I desire. I want five minutes.

Mr. FITZGERALD. The gentleman can get his five minutes. I ask unanimous consent that debate on this amendment close at 4.20.

Mr. MONDELL. Mr. Chairman, there are at least a half dozen gentlemen on this side who want to discuss this matter, and we ought to have at least 40 minutes on this side.

Mr. FITZGERALD. Mr. Chairman, I will serve notice that at 20 minutes after 4 I shall move to close debate, and gentlemen can regulate their conduct accordingly.

Mr. MONDELL. Does the gentleman desire considerable time on his side in favor of the proposition? Does the gentleman expect to consume half the time in favor of the proposition?

Mr. FITZGERALD. I think not; probably 10 or 15 minutes; I would like to have 5 minutes. I do not think there will be any trouble; very little time will be occupied on this side, and we are willing to give the gentlemen opposed to it some of our time.

Mr. MONDELL. I want 10 minutes, at least; but I do not want to deprive gentlemen on this side of an opportunity to be heard.

Mr. FITZGERALD. I do not believe more than 10 minutes will be asked on this side of the House against the proposition of the gentleman. I am willing the gentleman's side shall have 40 minutes in favor of the gentleman's motion.

Mr. MONDELL. That is entirely satisfactory.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this amendment close at 20 minutes after 4 o'clock, 40 minutes of the time to be occupied by those in favor of the motion of the gentleman from Wyoming.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. MONDELL. Mr. Chairman, there are many reasons why this provision should be stricken out. There are many reasons why the office of register should be retained. I propose to discuss first the question of economy. The chairman of the committee has been grievously misled in the matter. I am willing to admit for the sake of argument that there is a bare possibility that a little money may be saved to the Government, but I think I can prove beyond controversy that the saving even under the most favorable conditions will not be more than one-fourth or one-third of that suggested by the commissioner or by the chairman of the committee. There has been a curious difference of opinion as to how much was to be saved by this legislation. A year ago we heard that the abolition of these offices would save upward of $200,000. This year in transmitting the estimates suggestion was made that there would be a saving of $150,000. When the commissioner appeared before the committee he suggested they might save $101,000, and the committee evidently estimate $110,000 as the net amount of saving in the two items of the appropriations relating to this matter. Now, the facts are these: There are 105 land offices. Last year in 61 of those offices the registers and receivers received the maximum salary and therefore those 61 offices cost $6,000, $3,000 to each officer, and in these 61 offices, assuming that the business continues this year as it was last year and there would be a saving of $61,000 under this bill, assuming that the clerks all receive $2,000, as they undoubtedly will, as to 16 of these offices the salaries and fees and commissions last year of register and receiver were between $5,000 and $6,000, but all above $5,000, and the saving in the 16 offices would be $7,767.65, so that in 77 offices there would be, on the basis of last year's business, under the new provision a saving of $68,766, providing no additional clerical help should be required. We all know that at least one additional clerk will be required, in addition to the chief clerk, in all of these offices when a chief clerk is provided.

But there are 25 land offices where last year the registers and receivers together received much less than $5,000. For instance, the register and receiver at Nome—and I ask the attention of the gentlemen of the committee to this extraordinary condition of affairs—the register and receiver at Nome last year received the magnificent sum of $136, and under your legislation next year the Nome office might cost $2,136.44. There are a large number of offices, 25 as I have said, in which the expenditures were much less than they would be under the provisions of this bill for this reason: Registers and receivers receive salaries of $500 and fees up to $3,000 a year, and therefore if the receipts in fees in a given office are only $3,000 a year they are divided between the register and receiver and they receive $1,500 each, but if you abolish one office under the terms of your legislation you double the salary of the remaining officer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I do not want to encroach upon the time of others, but I suggest that I asked for 10 minutes when the limitation of time was agreed upon, and I now ask that I may proceed for 5 minutes further.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] No objection is heard.

Mr. MONDELL. Therefore as to these 25 offices the new policy proposed increases the pay of the register, for it gives him all the fees up to $2,500. In lieu of the receiver, who in many instances only receives from five to fifteen hundred dollars, you provide a chief clerk who is to receive $2,000. I have figured out the matter very carefully on every office in the country and assuming that business shall continue as it was last year and assuming that no additional clerical help will

be required, and that is a violent assumption, assuming all these things, the largest possible saving under this arrangement is $38,712.92. The average cost of offices last year for registers and receivers was $5,306.50. The average cost of offices under the provisions of the bill will be $5,000, and on that basis the saving would be only $32,711 even though no additional expenditure was required.

Mr. PAGE. Will the gentleman yield?

Mr. MONDELL. I must hurry along.

Mr. PAGE. Just one question. The gentleman in his figures evidently places the salary of all these chief clerks at the maximum sum that is mentioned, whereas as a matter of fact the record shows a majority of these men would receive very much less than that.

Mr. MONDELL. Well, the record does not show anything, if the gentleman will allow me.

Mr. PAGE. I mean the testimony taken by the committee from the officers of the Government.

Mr. MONDELL. Oh, the gentleman suggests that the commissioner stated that they might not pay all these clerks $2,000 a year. They have the right to pay them all $2,000 a year; and in all probability they will in a year or two, if they do not, in the first instance, pay them all that they are allowed to pay them under the law, and then we will have this condition: A chief clerk in a land office in the West receiving $2,000, sitting beside an appointee of the President who may be receiving all the way from $500 to $1,500 or $1,800.

The following statement shows the situation as regards the land offices under the policy proposed by the committee:

Land office.	Paid register and receiver 1911.	Pay of register and clerk under this act.	Increase under this act.
Nome, Alaska	$136.64	$2,136.64	$2,000.00
Camden, Ark	4,912.84	5,000.00	88.00
Eureka, Cal	3,450.00	5,000.00	1,550.00
Independence, Cal	3,331.00	5,000.00	1,669.00
San Francisco, Cal	1,000.00	2,500.00	1,500.00
Del Norte, Colo	3,562.00	5,000.00	1,438.00
Leadville, Colo	1,968.00	3,468.00	1,500.00
Baton Rouge, La	1,307.00	2,807.00	1,500.00
Natchitoches, La	1,783.00	3,283.00	1,500.00
New Orleans, La	2,540.00	4,040.00	1,500.00
Marquette, Mich	3,144.05	5,000.00	1,855.05
Jackson, Miss	4,134.64	5,000.00	865.00
Springfield, Mo	4,071.86	5,000.00	928.14
Lincoln, Nebr	2,454.40	3,954.40	1,046.60
Fort Sumner, N. Mex	4,500.00	5,000.00	500.00
Devils Lake, N. Dak	4,099.72	5,000.00	920.28
Fargo, N. Dak	4,443.66	5,000.00	556.34
El Reno, Okla	1,186.45	2,686.45	1,500.00
Guthrie, Okla	4,315.12	5,000.00	684.88
Portland, Oreg	4,671.96	5,000.00	328.04
The Dalles, Oreg	3,980.30	5,000.00	1,019.70
Timber Lake, S. Dak	1,000.00	2,500.00	1,500.00
Olympia, Oreg	1,790.87	3,290.87	1,500.00
Wausau, Wis	4,026.64	5,000.00	973.36
Evanston, Wyo	4,379.02	5,000.00	620.98
Total	76,189.17	.....	29,053.73

Land office.	Paid register and receiver, 1911.	Pay of register and clerk under this act.	Decrease under this act.
Montgomery, Ala	$5,272.48	$5,000.00	$272.48
Juneau, Alaska	5,488.84	5,000.00	488.84
Oakland, Cal	5,000.00	5,000.00	.....
Redding, Cal	5,376.38	5,000.00	376.38
Susanville, Cal	5,169.75	5,000.00	169.75
Durango, Colo	5,229.76	5,000.00	229.76
Glenwood Springs, Colo	5,725.00	5,000.00	725.00
Hugo, Colo	5,500.00	5,000.00	500.00
Topeka, Kans	5,872.68	5,000.00	872.68
Kalispel, Mont	5,431.11	5,000.00	431.11
Missoula, Mont	5,388.80	5,000.00	388.80
O'Neil, Nebr	5,253.34	5,000.00	253.34
Bismarck, N. Dak	5,797.50	5,000.00	797.50
Lawton, Okla	5,905.24	5,000.00	905.24
Burns, Oreg	5,437.10	5,000.00	437.10
Roseburg, Oreg	5,916.67	5,000.00	916.67
Total	.....	.....	7,766.65

Saving, 61 offices, maximum	$61,000.00
Saving, 16 offices	7,766.65
Total	68,766.65
Loss, 25 offices	29,053.73
Total	38,712.92

Fiscal year 1911, 105 land offices, cost, salaries and commissions, $557,183. Average, $5,306.50 each. If new bill made the cost $5,000, the saving would be $32,711.

Now, even though all the sums suggested by anyone were to be saved by this legislation, it should not be enacted, because it is not in the interest of the settler on the public domain nor is it in the interest of the body of the people.

The register and receiver sit in judgment on land cases. They are familiar with local conditions. They are charged with the responsibility of passing upon all the questions of law, of fact, and of equity arising under the public-land laws. It is now proposed to dispense with one of those officials and send a civil-service clerk out there to sit in the place of one of them. And, more than that, the provision which my amendment would strike out gives this clerk the right to exercise all the authority and all of the jurisdiction that is now exercised by both the register and receiver.

Under that condition of affairs what would happen? From the very initiation of an entryman's right to the last judgment in the Secretary's office no individual will pass upon it who is familiar with the country, who is familiar with the conditions, who is in a position to understand the equities of the entryman. Civil-service clerks, from the initiation to the close of the case, are to pass upon the right of American citizens to acquire homes on the public domain under the laws of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I am in favor of the motion of the gentleman from Wyoming [Mr. MONDELL] to strike this provision from the bill, first, because I do not believe that legislation as important as this legislation should be incorporated in an appropriation bill.

It has been suggested that this provision is in order under the Holman rule because it would save expense. In my judgment, Mr. Chairman, it will not save one dollar in the expenses incurred in connection with the administration of the land offices of the country.

I remember only a few years ago when it was proposed by the Interior Department to discontinue the Indian agents, and to consolidate the position of the school superintendent and the agent in one position, and we were assured if that was done we would save a large sum of money.

Mr. Chairman, we did discontinue agents and substituted the school superintendents, but the experience has been it has not saved expense, but simply has put into the classified service positions that theretofore were filled by appointments made by the President and confirmed by the Senate, and we now have at the Indian agencies of the country agents who are charged with great responsibility, who are in some instances clerks sent out from the Indian Office, who never had seen an Indian until they left the District of Columbia and never had had any practical experience in dealing with Indians.

If this provision remains in this bill and becomes a law we will have, as the gentleman from Wyoming states, a clerk detailed or designated and sent to the local land offices from the General Land Office to pass upon questions of great importance.

Under existing law the registers and receivers are appointed by the President and confirmed by the Senate. They are offices of a good deal of responsibility, and as a general rule they are filled by men of a large caliber, men who have had experience, and usually one of them is an experienced lawyer.

Among the duties that they have to perform, as has been stated by the gentleman from Wyoming, is the duty of passing upon questions involving the rights of those who settle upon the public domain, and, in the case of a homesteader who may have a contest filed against his entry, a hearing is had. Before whom? The register and receiver, and they join in a decision and determine whether or not that entryman is to have his land and is to be permitted to keep his home, or whether his entry is to be canceled.

What does this bill do? It not only abolishes one of these places, but it provides that in the absence of the register, or in the case of a vacancy in the office of register, a clerk, who they say may receive much less than $2,000 a year, is going to have the power and authority to pass upon these important questions—questions, as I say, determining property rights, and in many instances rights that are of great value.

I say, Mr. Chairman, that this is only another suggestion that comes from a bureau of the Government to extend the classified service. We have already by legislation made these various bureaus so that they are to-day close corporations, and this is an effort to make them still closer and give them greater power and authority than they now possess. If we get rid of the receivers, it will not be long until it will be proposed to do away with the registers also and fill their places with a civil-service clerk. You might just as well say that we might do away with the positions that we hold here and let the duty devolve upon our clerks, or do away with the Commissioner of the General

Land Office and let the duties that he now performs be performed by the chief clerk of that particular bureau.

I say to you, Mr. Chairman, that from every standpoint, and particularly in view of the fact that the entrymen who file upon the public domain are bound by the decisions of the department and have no right to go into any court, we ought at least to permit them to have men of high character, men of wide experience, and men capable of determining judicial questions, and to have two, as we have heretofore had, to pass upon questions that involve their property rights instead of leaving it to one, and possibly that one a mere clerk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the amendment which I sent up to the desk heretofore.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The Clerk read as follows:

Amend the amendment by adding the following: "All the public domain now undisposed of, or not applied for under applications now pending, shall be turned over to the respective States wherein the same are situated."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. RUCKER of Colorado. Now, Mr. Chairman, I have been quite indifferent about this battle as it has raged around the question of the cost of these receiverships, being a good deal like the sulking Henry the Sixth, who retired upon his mound living upon the frugal curds of his herd and watching the mother sheep to suckle the lamb and with equanimity witness his queen and her advisers upon the opposite mound carry on the battle, because from my point of view it is a matter of indifference to the country if the proper legislation is enacted. Again, because I realize the fact that neither one of these factions know exactly what they are contending for. If I had my memorandum here that I had before the public-land States' convention that met in Denver a year ago, where my friend MONDELL was the chairman, I could demonstrate to you that whatever amount you expend here toward the disposition of the public domain, whether it be by way of receivers or by way of extra clerks, is so much money thrown away, because the United States, every day that it maintains these establishments, is losing money. It is topheavy now, and therefore I am against both the retention of the receivers and the employment of clerks in their places.

If you will disabuse your minds once of the idea that the great West is going to produce revenue enough to run this Government, and that you can fix your tariff rates just as you please, and that it does not make any difference, because the West is going to produce enough revenue anyway, if you will disabuse your minds of that idea, then we can discuss these questions intellectually. Here is the concrete fact. It can be demonstrated that the Government is running behind every day that it maintains these offices to dispose of the public lands. The public land should be turned over to the States, just as it was to a majority of the States in the earlier settlement and building up of the great Commonwealths of this country. Those States had the benefit of the public domain, and though it might be a burden to us for a while, at the same time it would relieve the Government of this vast expense of carrying on these offices and receiving not a dollar of revenue in return.

Mr. BARTLETT. The gentleman does not mean to say that the original 13 States ever got any land from the Government?

Mr. RUCKER of Colorado. They not only got their land, but they gave away all the balance of the great public domain.

Mr. BARTLETT. Virginia and Georgia gave their land to the Government instead of getting anything from the Government.

Mr. RUCKER of Colorado. They did not give to the Government what they themselves retained. They did give away all the balance of the country—all that was west of them.

Mr. BARTLETT. The Government never had any public land in Georgia or Virginia.

Mr. RUCKER of Colorado. It had no public land because it was then all private land, but when the public-land service came in you had already taken your part, and now you ask to participate in what is remaining in the western country.

Mr. BARTLETT. We have not taken our part from the Government, because the Government never had any part of the land in Georgia or Virginia.

Mr. RUCKER of Colorado. To whom did it belong? It belonged to somebody.

Mr. BARTLETT. It belonged to the people of those States.

Mr. RUCKER of Colorado. And the purpose of my amendment is to give to the States the public lands within their borders. And then you should disabuse your minds of the idea that you are going to run this Government upon the great unrevealed resources of the West. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the committee, it is a well-known fact that the registers and receivers of the United States land offices are now receiving a very modest compensation, considering the character of the men who are required to fill those places, the ability that they must have, and the part that they must have played in the upbuilding of the communities before they are permitted to receive appointments of this kind. The maximum compensation is only $3,000 each, and it has been provided that if the business of the office does not keep up, so as to justify that amount of compensation, it shall be cut down accordingly; and for that reason we find here this afternoon that many registers and receivers are receiving less than the maximum, and some are receiving only $500. Now, the practical working out of this matter is this: When the homesteader from the South or East goes to Oregon, Washington, California, or any of the other public-land States, the first thing he does when he gets off the train with his three or four children and the old boxes and baskets that they have carried along with them to eat from during their long and arduous trip, what is the first thing that the homesteader does? Remember, gentlemen, that on their journey across the country they do not eat in the dining car as you and I do. They travel in the tourist cars, and they eat out of a box, and they carry their food with them from their homes in the East. When they arrive at their destination the first thing they do is to go to the office of the register and receiver of the United States land office and ask them for advice as to where the best place is to find a homestead within the land district. Then when they are ready to prove up they come back to those officers who are supposed to be acquainted with local conditions and who have probably been over the land. They make their final proofs, and those two officials pass upon the sufficiency of their acts of residence, improvement, and cultivation.

It is said that we will save $101,000 a year by substituting for the local receivers special agents designated from Washington to go out and sit in their places. If as a result of that change you cancel the homesteads of 1,000 men every year whose homesteads would not otherwise have been canceled, and damage those men and their families $1,000 a piece, the $100,000 saved on the one end will be lost in cash by certain of your fellow citizens upon the other, and in addition the loss in patriotism and love of country will amount to as many millions of dollars. In fact, it can not be measured by any money standard. I say, Mr. Chairman and gentlemen, that you must give to every part of the United States home rule. You must give justice and a square deal to every quarter of this Republic if it is to go on through the centuries as it has for 136 years. We must not consider the saving of a few dollars. We must not be pecayunish when it comes to dealing with those who go upon the public domain.

I have had experience along this line, and that is why I take five minutes to address you on the subject. I know that when I was in the General Land Office seven years ago, preparing to be sent to Oregon as a special agent, that I heard from the lips of the bureaucrats that all registers and receivers ought to be appointed from the General Land Office, that these special agents ought to be appointed, and that the time would soon come when they would be. That is why they have slipped in the sundry civil bill a provision to abolish the receivers and put in these special agents, because they are the men that will be designated. You will not save anything.

Mr. PAGE. What does the gentleman mean by "slipped in?"

Mr. LAFFERTY. Because the Commissioner of the General Land Office before the Committee on Appropriations——

Mr. PAGE. It was not slipped in; it was put in.

Mr. LAFFERTY. The commissioner succeeded by gum-shoe methods in having this put on when the Members of the House knew nothing about it until it was reported and on the calendar.

Mr. PAGE. Did the gentleman from Oregon address the committee or make any request of the Appropriations Committee to be heard?

Mr. LAFFERTY. I would have had I known that there was a proposition of this kind.

Mr. PAGE. This item has been proposed time and time again, and the gentleman ought to have expected it.

Mr. LAFFERTY. But it has been so uniformly turned down that I did not think that they could fool the Committee on Appropriations at this late date. [Laughter and applause.] Now, it is said that it will save $10,000 a year. When the chief clerk is appointed at Washington and sent to Oregon or the State of Washington he is sent in grand style, in a Pullman car. I know

many that travel in a stateroom and have a typewriting machine along with them and a lot of records. All that expense has to be paid. The transportation, the expense of the dining car, and all that sort of thing, has to be paid, and by the time you send your chief clerk to Alaska his expenses will be over $1,000. Then he may be transferred to some other land office at the end of the year and that expense of transfer gone over again. Now, you will not save very much in cash.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, the argument in support of this provision in the bill is solely a question of economy. After hearing the gentleman from New York, the chairman of the Committee on Appropriations, the Chair said he was in doubt as to whether or not there was any saving. In fact, I am convinced that it will increase the expenditures of the Government. The gentleman from Wyoming based his calculation on the fact that the business of the Land Office would remain as it was last year, but in the event that the public lands should not be disposed of at the ratio that they were last year or the year before, the expenditures of the department for receivers and registers would decrease. In many instances their salaries would only be $500, so that in the event that there is a decrease, which is very likely to occur, then this provision will result in an increased expenditure instead of a decrease.

But the question of expenditure is not the one which we ought to chiefly take into consideration. I have lived in the West all of my life and am familiar with the conditions of a new country. I know what functions the register and receiver of the land office perform. I know that they have contributed very largely to the upbuilding of the West. They are, as has been stated, men of responsibility, men recommended by Senators and Congressmen, appointed by the President and confirmed by the Senate, and under heavy bonds. They are men usually not only experts in business, but in most cases men learned in the law, and especially in land law. They are able to give advice to intending settlers that desire to take up land. They stand between the settler and the special agents or detectives that are sent out by the Government to see if the settler has complied with the law.

Now, if you turn all these functions over to the detectives, to these special clerks, you simply have the ambition of the detective to make out cases against the settler with no impartial man to stand between him and the Government.

Mr. BYRNS of Tennessee. Why is it that the register in the land office could not perform that particular service?

Mr. STEENERSON. The register does perform it a part of the time, but it needs two.

Mr. BYRNS of Tennessee. I do not understand that it needs two men to give advice.

Mr. STEENERSON. But somebody has got to sit in the office and do the office work. They have to decide cases and read evidence. I have tried cases in the land office for weeks and never saw but one of them; the other was attending to the settlers at the window who wanted to know if there were new lands opened up in another township. He was attending to that while we were trying the case before the receiver who was the judge to pass on the evidence and rule on the objections. They are constantly employed and render high and valuable services.

Mr. BYRNS of Tennessee. I will say that the Commissioner of the Land Office stated that by reason of this dual activity shown by the register and receiver together, it frequently created confusion.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. That is a mistake.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRENCH. Mr. Chairman, those who have spoken have already brought out in the brief time at their disposal the reasons why it is inadvisable to abolish the office of receiver in our public-land offices. There is one observation further, however, that I would make. If I had it in my power I would establish land courts throughout all the public-land States. I would have the land problems as they concern the rights of settlers and the application of the law applied in those courts. However, that is not possible at this time, but the retention of the office of receiver makes it possible for a nearer approach to the condition that I suggest than if the office shall be abolished.

To-day the register and receiver preside over land contests between individuals or between the Government and the individual. The register and receiver consider the evidence submitted and apply the law to the evidence. They join in rendering the decisions, and I say that the weaknesses of our land laws and of their application arise largely through the administration of the laws by those who are not in such close association with local conditions as are the register and receiver of the public-land offices.

It is well that we retain the office of receiver, so that an officer in addition to the register may, in the first instance, hear the evidence, have opportunity to see the witnesses, and apply the law in determining the case.

Of course, under our present system appeal lies to the Commissioner of the General Land Office, and from him to the Secretary. These officers are located in Washington. Only in rare instances can they see or hear testify the applicant for public land, and I submit that they should be guided by the judgment in large part of responsible officials in the local land offices scattered throughout the United States. I submit that the judgment of two officials in the first hearing and trial of every case is better than the judgment of one alone. It is suggested that possibly the Government would save a few dollars by following out the policy proposed by the Committee on Appropriations. That the Government would save by this policy is emphatically denied by others. At any rate, if the Government should save it would be at the expense of the applicant for public land, and it would mean the determination of his interests in larger degree than at present upon ex parte evidence. I am opposed to the proposition advanced by the Committee on Appropriations.

Mr. KINKAID of Nebraska. Mr. Chairman, in the interest of the homestead sections of the United States, and I think in the interests of economy of administration also, I protest against the proposed legislation in the pending bill. I think it is a mistake. I do not think that any economy will be realized by the change contemplated by the legislation that is attempted to be passed by the provision. Therefore, for that reason alone, I should be in favor of the amendment.

Besides this, Mr. Chairman, I think it ill advised after the long-established system of the administration of the homestead law to now interrupt it, to overthrow it and inaugurate a new and untried plan.

Now, it is true that each of these officers exercises judicial as well as administrative and ministerial functions, but they are both required; there is a necessity for each exercising these same judicial functions. As instanced by the gentleman from Minnesota, it is frequently the case that one is to hear contests and will be employed continuously for a week hearing one contest when the other officer must at the same time pass in a judicial way upon filings which are offered.

I am opposed to the legislation because it is against our republican institutions. It is against local autonomy in the administration of our laws. The receiver, as well as the register, is chosen from the people in the States, in the land-office district usually where he officiates. He understands the homestead law. He has lived in the homesteading atmosphere and knows how to apply the law. I think if any mistake has been made in the selection of special agents to go out and inspect how entrymen are complying with the laws, whether they are complying with it, it is due to the fact that they have been chosen from sections of our country where they have not been afforded an opportunity to learn in a practical way anything about homesteading and what might resonably be expected of a homesteader in compliance with the homestead laws. Mr. Chairman, who is asking for this legislation?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. FERRIS. I know the gentleman has had wide experience in public-land matters. Does he not think there is a tinge of duplication in the register and the receivership? And is it not true that either the register or the receiver in the trial of land-office cases invariably sits alone to hear the case?

Mr. KINKAID of Nebraska. Oh, no. In hearing a contest, Mr. Chairman, there is so much work to do that one rarely sits alone. They may sit alone, but they will both review the testimony when it is written out.

Mr. RUCKER of Colorado. And join in the decision.

Mr. KINKAID of Nebraska. Yes.

Mr. FERRIS. Mr. Chairman, I have had some experience before the Land Office myself. I practiced for six or eight years in the land office in my own town.

Mr. KINKAID of Nebraska. But, Mr. Chairman, when my friend, the gentleman from Oklahoma [Mr. FERRIS], asked me to yield I was propounding the question, Who is asking for this legislation? I am sure our constituents have not asked for it. I am sure they do not wish it. I have great respect for the views of the experienced and very capable officials of the Department of the Interior about these administrative matters, but my belief is that the people in homesteading sections are

in general very much attached to the present organization of district land offices, and that they would regard it as a deprivation to their important interests—the interests of their homes, to which they are seeking to perfect title—that the change in contemplation be made.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. That would not leave any time for those who are opposed to the amendment.

Mr. FITZGERALD. Mr. Chairman, has the time been exhausted in favor of the amendment?

The CHAIRMAN. During the pendency of the discussion agreeing upon 40 minutes being granted to one side and 10 minutes to the other 4 minutes were consumed. When it was finally agreed that debate cease at 4 o'clock and 20 minutes, four minutes of that time had already been consumed, so that if those opposed to the amendment consume the time allotted to them there will be only six minutes remaining to the gentleman from New York.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire only to answer the gentleman's question.

Mr. MONDELL. Mr. Chairman, I desire to reserve five minutes on this side.

Mr. FITZGERALD. But the gentleman can not, because it is all gone.

Mr. MONDELL. I think we have five minutes remaining, as I understand it, at the close of the time of the gentleman from Nebraska.

Mr. KINKAID of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the purpose of this provision is to improve the efficiency of the land office and at the same time effect a very considerable economy. This recommendation has been made now for three different years by the Commissioner of the General Land Office, and it has been recommended and approved by the Secretary of the Interior. In the estimates for the fiscal year 1912 there is found this note accompanying the estimates for the salaries of registers and receivers:

There is no need for two officers of coordinate rank and authority in a United States land office, and it was not contemplated when the office of receiver of public moneys was created that that position should be anything more than that of a fiscal officer. All of the functions strictly pertaining to the office of receiver could be better performed by a bonded cashier or financial clerk under the supervision of one officer, as the administrative head of a United States land office. The performance of judicial and quasi judicial functions by receivers has resulted in the unsatisfactory administration of many of the land offices. The joint exercise of judicial duties by both the register and receiver results in many cases in conflicting decisions by them, and the fact that all of the decisions of local land officers are subject to review on appeal by the Commissioner of the General Land Office and the Secretary of the Interior would safeguard all the rights of any parties interested. Quite often there is a lack of harmony, amounting to friction, between the register and receiver, which has resulted in a demoralization of the office in which such condition obtains. The existence of a dual responsibility as to the conduct of an office between the register and receiver tends to prejudice of the conduct of the office, inasmuch as in cases of irregularities or errors in the running of the office each officer attempts to relieve himself of the responsibility therefor and shift the same to the other officer. In addition to this it is a fact, long patent to the General Land Office, that approximately only 75 per cent of receivers personally perform the duties of their office, the remainder leaving the work thereof to a subordinate, thus entailing an unnecessary expense in the conduct of their offices. Further, on account of the limited tenure in office, the receiver does not familiarize himself as fully as he should with the laws and regulations pertaining to his work, with the result that in a great many cases the accounts of receivers of public moneys are so inefficiently handled that the result is an immense burden upon the General Land Office and upon the field service in attempting to correct the numerous errors made. It frequently happens that the changes in personnel of receivers causes much confusion in their accounts for a considerable period until a new officer is acquainted to a certain extent with the duties of his office.

Mr. Chairman, this provision in the bill is to eliminate useless political officers and to substitute in their place men who are selected with regard to their qualifications for the work and to give them a tenure of office that will promote the efficiency of the administration of the public service.

In a majority of the land-office States it is a notorious fact that 75 per cent of the officials whose places are to be abolished by this provision do not personally perform the duties of their offices, but turn it over to a subordinate. In the place of such a condition it is proposed to have appointed officials selected in accordance with the civil-service laws to perform those duties. Now, some gentlemen have been complaining that an attempt was made at one period during this session to strike down the civil service of the country. Here is an attempt, based upon the recommendation of responsible officials, to place in charge of the administration of these offices competent, efficient men, who will be compelled to discharge the duties of the office and not devolve them upon subordinates, which adds to the expense of the offices. This provision will relieve the office at Washington from considerable expense and trouble, as well as the ordinary field force, and greatly advance the interest of those seeking to secure their patents through these local offices. The gentleman from Oregon, and some others, seem to imagine that the designation of chief clerk necessarily means the appointment or sending out from Washington of some officials. The purpose is to give to the clerk in the local office that title so as to differentiate them from the other clerks there. I believe the result will tend very greatly to an efficient administration of these offices, and I hope the amendment of the gentleman from Wyoming will not prevail.

The CHAIRMAN. The hour of 4.20 having arrived, all debate upon this subject is at an end.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Colorado offered an amendment, and I insist upon the point of order on the amendment. It proposes to turn over to the several States the unappropriated public lands in the various States.

The CHAIRMAN. The point of order is sustained. The question now is on the adoption of the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 28, noes 52.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I ask now to go to page 93, lines 8 and 9. The gentleman from Wyoming offered an amendment to that paragraph.

The Clerk read as follows:

Page 93, strike out lines 7, 8, and 9, and insert "salaries and commissions, registers and receivers: for salaries and commissions of registers and receivers of district land offices, at not exceeding $3,000 per annum each, $560,000."

Mr. MONDELL. Mr. Chairman, I do not want to impose on the patience of the House for a further discussion of this matter, but I want to say one word more. The Democratic Party has always claimed to be in favor of home rule—local self-government. I believe that the party has to a certain extent lived up to that declaration of their principles. But here is a case where they are proposing to radically depart from that policy and substitute in cases in which the people of the country are greatly interested, in cases involving the homes of settlers, for the judgment of local men, the judgment of substantial citizens familiar with conditions and in proper sympathy with the aims and aspirations and ambitions of the home builder, to substitute for the judgment of that class of men in cases that involve law and fact and equity, the judgment of a clerk, admitted to Government service through a civil-service examination, sent from the ends of the country into a region they may know nothing of, to pass upon questions that he can not in the nature of things be familiar with; to pass in judgment upon the property of home builders, upon the rights of men who are seeking to acquire the homes that Congress has provided for them on the public domain. I can not understand how that side of the House can consistently vote for such a proposition.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] very unfairly, I believe, injects into this case a proposition that is not involved. He asserts baldly and boldly that the Democratic Party insists on thrusting upon a local community officers who are not acquainted with the situation and who are not capable of understanding those conditions. The gentleman asserts that this paragraph and this amendment involves that practice. I do not so understand it. Registers and receivers of public land offices are to-day appointed by the President of the United States. Under this language they will still be appointed in Washington through the Interior Department, and I assert from my experience and personal contact with it that the Interior Department has, in fact, been appointing the registers and receivers all the time so far as the real practical side of doing that is concerned. The President of the United States acts upon their suggestion and acts upon their advice. He must of necessity do it, so there is as much bureaucracy in one method as the other. Now, one word——

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FERRIS. In just one moment. Now, as to the proposition that the Democratic Party is going to eternal and everlasting ruin because we voted to abolish receivers of land offices, I live in the West, and I have had some personal contact with public land matters. I have been a homesteader myself within the last 10 years, and acquired title to a tract which I still have. I had appeared before public land offices as a lawyer in my town five or six years before I came here, and I assert the rule and practice to be that either the register or receiver actually sits and tries the case while the other one does clerical duty, if anything at all. There is no question that in the last 10 years there has been no necessity whatever for keeping two coordinate officers to do one and the same thing. It has resulted invariably in two men standing side by side, each one with equal powers, and there arises invariably friction and trouble between them. One man ought to be the king bee of the land office; he ought to be a strong, fearless lawyer; and the amendment of this committee does nothing more than to say that one man will be supreme and the other shall act in conjunction with and under him, as it ought to be.

Mr. MONDELL. It does substitute civil clerks for local officials, does it not?

Mr. FERRIS. Well, unless the question of civil service is only a bubble you can not well attack that. If the gentleman wishes to assail the civil service, it is up to him to do it. If he wants to assail the civil service and say it is better to have political appointments rather than the merit system, I yield to him a monopoly of that thought, so far as I am concerned.

Mr. MONDELL. The Hall of the House echoed with the eloquent tones of the gentleman from Oklahoma the other day in denunciation of bureau clerks and civil-service clerks in his State. Has the gentleman entirely forgotten that?

Mr. FERRIS. The gentleman has wrongly stated that. My voice echoed here, if it echoed at all, at too much supervision and too many clerks, and it is echoing in the same note to-day. My position is fully consistent. It is a parallel position. I shall assume it in the future.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield?

Mr. FERRIS. I regret I can not. I must proceed a moment further. I refuse to let gentlemen on that side of the aisle get up here and assail unfairly an amendment proposed by this side.

Here is the situation: Here is the case of the homesteader with a contest. He tries his case first between two coordinate officers, standing side by side, equal in power and in practice. One man tries the case while the other performs clerical services only. Only one actually tries the case. I have tried numbers of them myself as an attorney. What next? They send it here to the Commissioner of the General Land Office. He again tries it. What next? They send it across the street to the Interior Department, and the Secretary of the Interior again tries it. It is the circuitous character of the whole performance that is a burden to the homesteader, and I insist that the functions in this regard of either the General Land Office or the Interior Department ought to be eliminated from the equation.

I want to say with respect to the chairman of the Committee on Appropriations that he has not gone far enough. He ought to say that after a case is tried in the local office before the register the function of the General Land Office or the Interior Department in connection with one or the other ought to be eliminated altogether. Both of them in this regard have no mission to fulfill and no purpose to execute.

Mr. RUCKER of Colorado. What does the gentleman say about the proposition of doing away with all these offices and all these expenses in behalf of my amendment to the amendment?

Mr. FERRIS. The gentleman's amendment might seem pretty revolutionary at first blush, but there are things that are worse than that. In fact, it would not surprise me if we all come to it.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. FERRIS. I do.

Mr. BURKE of South Dakota. The gentleman from Oklahoma has told us of his large experience in public-land matters and his long practice before the department.

Mr. FERRIS. I hope the gentleman will not be facetious about that. I have rendered the service I have referred to.

Mr. BURKE of South Dakota. I am not facetious about it. The gentleman also stated that he himself had acquired a homestead under the public-land laws.

Mr. FERRIS. I did.

Mr. BURKE of South Dakota. Now if some little land inspector had reported against the gentleman's entry, as being fraudulent, then a hearing would have been had?

Mr. FERRIS. Undoubtedly.

Mr. BURKE of South Dakota. And a trial had?

Mr. FERRIS. Undoubtedly.

Mr. BURKE of South Dakota. Would the gentleman have cared to have his rights determined by a $1,200 or a $1,500 department clerk in the land office?

Mr. FERRIS. No; I did not say that, but I believe he would be as competent as most of them.

Mr. BURKE of South Dakota. Does the gentleman believe that he would be as competent as the register?

Mr. FERRIS. He would not pass upon it. The register would do that. The clerk would perform clerical duties and not judicial duties, as it should be.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding $25,000 for clerical services in bringing up and making current the work of the General Land Office, instead of $250,000 made available for that purpose for the fiscal year 1912, $500,000: *Provided*, That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the District of Alaska they may be allowed not exceeding $6 per day each, in lieu of subsistence.

Mr. LAFFERTY. Mr. Chairman, I move to amend this paragraph, on line 12, by striking out "$500,000" and inserting in lieu thereof "$100,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The Clerk read as follows:

Amend page 96, line 12, by striking out "$500,000" and inserting in lieu thereof "$100,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LAFFERTY. Mr. Chairman, I desire to be heard on that amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the Committee, the paragraph just read provides for half a million dollars for the coming fiscal year for special agents of the General Land Office to go into the 10 public-land States of this Union and prevent depredations upon the timber and prevent the fraudulent entry of the public domain.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from Texas?

Mr. LAFFERTY. Yes.

Mr. GARNER. Are these land agents appointed through the civil service?

Mr. LAFFERTY. No; they are not.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. LAFFERTY. I should say they have recently been covered into the civil service. But they are temporary employees, depending for their existence upon the life of this appropriation. They live from one appropriation to another and no longer, and whenever the appropriation is exhausted by their expenditures and perambulations over the country they are furloughed until Congress makes another appropriation.

Now, I want to call attention to the history of the rise and progress of the special agent. We have plenty of machinery in this country for preventing frauds and for enforcing the laws in the ordinary course of human events without sending these gentlemen upon these trips of espionage into the Western States of this Union. You have in every Western State your United States district attorneys, your Federal courts, your Federal grand juries, and the registers and receivers, and United States commissioners in every county and precinct, and it is the duty of all these Federal officials to report derelictions in regard to the public-land laws to the Federal grand jury. From the time of the beginning of the disposition of the public lands at the close of the eighteenth century down to the close of the year 1878 no such thing as a special agent of the General Land Office was ever heard of. In the year 1878 the Commissioner of the General Land Office called the attention of Congress to the fact that there had been a number of depredations committed upon the public timber lands of the West, and urged that he needed to employ temporarily a few special agents at

$100 a month and $3 a day for expenses to assist the Federal district attorneys in gathering testimony and in the trial of those cases.

There is where this system first sprang up. Congress made an appropriation of $12,500 for that purpose. That appropriation, in the same language, has been carried in the sundry civil bill from 1878 to the present day. It has grown year by year from $12,500 in 1878 to $1,000,000 three years ago. It had never gotten up to more than $125,000 until five years ago or six years ago, when it was raised to $250,000. Afterwards it was raised to half a million dollars, and it reached its flood tide three years ago, a million dollars for special agents.

Since that original appropriation was made all of the valuable timberlands have been placed in the forest reserves, and there is no longer any need for any special agent at all in any public-land State of this Union. Yet you propose here in this bill to continue the system, with half a million dollars for the next year. My amendment is to cut it down reasonably to $100,000, and I will say that you will never do a better day's work during any session of this Committee of the Whole House on the state of the Union than that which you will do by passing this amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment of the gentleman from Oregon will not prevail. I am somewhat familiar with the history of the appropriation contained in this item. I recall very well that in a period of hysteria the appropriation for this purpose was increased very much over what, in the opinion of the members of the Committee on Appropriations, it should be. I recall that within a few days the President of the United States has pardoned a man convicted under the operation of those employed under this or a similar appropriation, because of improprieties in the conduct of the prosecution, and the charge is made that a certain force was organized so as to result in the conviction of men, regardless of the merits.

Mr. MONDELL. The gentleman uses the word "improprieties." Does not the gentleman think that is a rather mild word in the connection in which he used it?

Mr. FITZGERALD. The gentleman is acquainted with the facts; I think I should be permitted to characterize it in my own way. If the gentleman thinks it is not a sufficient characterization, he is at perfect liberty to use such language as he thinks to be properly descriptive.

Mr. MONDELL. I think the gentleman ought to characterize it properly.

Mr. FITZGERALD. The Commissioner of the General Land Office, in presenting his estimates for the next year, pointed out that certain things had been accomplished. The great increase in this appropriation originally was for the purpose of enabling the office to make this work current. It is now contended that the volume of the work in the office is so great that this appropriation is needed for that purpose. Since the fiscal year ending June 30, 1909, the results attained under this appropriation are as follows: Trespass settlements, $100,868.35 for cutting timber on public lands; recoveries through criminal and civil suits, $110,575.91; area restored to public domain through cancellation, result of special agents' reports, 498,240 acres; area restored through abatement of unlawful inclosure, 755,341 acres; area restored through suits to cancel patents through proceedings by the Department of Justice, 25,729.67 acres. In 1909–10, when the appropriation was $1,000,000, the expenditure was $995,897.26. The trespass settlements were $198,971.17; recoveries through criminal and civil suits, $150,262.84; area restored to public domain through cancellation, result of special agents' reports, 746,400 acres; area restored through abatement of unlawful inclosures, 1,764,073.82 acres; area restored through suits to cancel patents through proceedings by the Department of Justice, 12,065.61 acres.

For 1910–11 the appropriation was $750,000; the expenditure was $714,675.60. The trespass settlements were $100,090.70; recoveries through criminal and civil suits, $129,003.98; area restored to public domain through cancellation, result of special agents' reports, 703,680 acres; area restored through abatement of unlawful inclosures, 1,475,381 acres; area restored through suits to cancel patents, proceedings brought in the courts, 21,340.25 acres.

Mr. GARNER. I understood the gentleman to say, in response to a statement made by the gentleman from Oregon [Mr. LAFFERTY], that these places under the $500,000 appropriation were controlled by the civil service. I notice in the public press the statement that the Burns Agency or some other detective agency ferreted out a lot of frauds, and that the President pardoned one of the convicted men on the ground that there had been the procurement of false testimony, or the influencing of a jury, or something of that kind. I should like to ask the gentleman from New York whether this was done under the civil service or not?

Mr. FITZGERALD. Part of this fund was available for the employment of persons regardless of the civil service.

Mr. GARNER. If I understand the gentleman from New York, his position is that only a part of this fund is used for the purpose of employing civil-service people, and that the other part of it is used by the W. J. Burns Detective Agency for the purpose of sending people to the penitentiary whom the President is compelled to pardon for the reason that they have been falsely imprisoned.

Mr. FITZGERALD. I have not made any such statement, and it would require a very remarkable stretch of the imagination to place any such construction on what I said. I said part of the appropriation originally could be used in the employment of persons regardless of the civil-service regulations. I may be in error, but my information is that this money is now used for employing persons who enter the employment of the Government through the civil service. I referred to the statement, as a matter of common notoriety in the press, that Mr. Burns and his assistants had been active in ways to procure the conviction of persons regardless of the merits of the case. There has been room for criticism on both sides, criticism of those who were attempting to obtain the public domain in violation of the law, and criticism of those who in an effort to show efficient administration of the service have permitted themselves to be misled in a way that has resulted in the conviction of at least one person whom the President was convinced had been improperly convicted, and whom he pardoned within a few days.

Mr. MANN. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. I notice that the bill provides "$25,000 for clerical services in bringing up and making current the work of the General Land Office, instead of $250,000 made available for that purpose for the fiscal year 1912." I take it that the $25,000 is not instead of the $250,000?

Mr. FITZGERALD. This money was given for the purpose of enabling the department to employ persons in the field.

Mr. MANN. That is not the question.

Mr. FITZGERALD. I am coming to what the gentleman wants. The original appropriation was $250,000, to be available for bringing the work up current. A construction was placed on it that the entire sum was available for clerical service in the department in Washington. There have been picked up in the legislative bill $29,000 for clerks put on permanently.

Mr. MANN. I think the gentleman from New York did not catch my question. The bill says $25,000 for clerical services instead of $250,000 made available for that purpose for the fiscal year 1912. The gentleman does not intend to have the $25,000 applied to the current year?

Mr. FITZGERALD. No; it was placed there to emphasize the situation.

Mr. MANN. But that is not what it says. Having emphasized the situation, what the gentleman means to do is to make available only $25,000. I do not know how they construe it, but you appropriate $25,000 there instead of $250,000 now available and you do not say $25,000 for the next year.

Mr. FITZGERALD. But the bill itself carries appropriations for the next fiscal year.

Mr. MANN. I think that ought to be stricken out.

Mr. FERRIS. Mr. Chairman, I move to amend the amendment of the gentleman from Oregon by making it $250,000.

Mr. LAFFERTY. I will accept that amendment.

Mr. FERRIS. I think there are three, and perhaps many more well-defined reasons why this ought to be cut down. The Sixtieth Congress passed a law known as the withdrawal bill, which gave the President full power to withdraw all kinds of timberland, all kinds of water-power sites, all kinds of lands peculiarly valuable for mineral or any purpose. Through the instrumentality of the Forestry Division and other agitation on the subject it is my belief that they have worked the thing overtime and that they have withdrawn more land than should be withdrawn.

Here we have a great raft of agents running across the country who usually know less about the situation than they ought to to carry on that class of work.

The incompetence is not the sole reason why it should be reduced. It is undeniably true that they are unnecessary. First, for the reason that the President has withdrawn the lands that are timber in character which are now in the forest reserve. He has withdrawn every sort of mineral land that is of any value for mineral purposes, leaving only lands agricultural in character, most of which are arid lands now subject to

entry. The policy has always been to get into the hands of the actual settler at the earliest possible moment agricultural lands. The more circuitous you make it the less is accomplished for the homesteader or the country.

The second reason why it ought to be cut down is that it is the law to-day that if the homesteader does not comply with the law every person living in that community who knows the facts has the right to file his contest affidavit against the entryman, try and establish his case, cancel the entry, and get the land himself. Somebody may say that he would not contest his neighbor, but it does not work that way. There is a sufficient reward or incentive to make every man and every neighbor a keeper of the land and a protector of the land as well, and he by far affords superior protection to the public domain than the man who travels in the Pullman palace car across the continent trying to find something out that does not exist. Smelling around, causing trouble to the homesteaders, expense to the Government, and bringing criticism on the Government.

Now, the three reasons, as I have said, are that the timber land is in the forest reserve, the fact that the land of a mineral character has been withdrawn by the President under the bill passed by the Sixtieth Congress, and the further reason, the fact that every citizen can contest his neighbor if he does not comply with the law. With these three restraints, with these three protections afforded him, there is no use sending from one end of the country to another a lot of useless propaganda-smelling agents that have a retarding effect instead of a wholesome effect.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. Does the gentleman wish the House to understand that the Government ought not to have any agent who can visit the property and gather the facts that must be gathered by somebody?

Mr. FERRIS. In every community they have the full quota of officers in the land office. This and the restraints referred to, particularly the right to contest, is fully sufficient.

Mr. MADDEN. But the gentleman says that the whole thing ought to be cut out next year.

Mr. FERRIS. The land office has a register and receiver and a land office force that has the matter in charge, and that is all that is necessary.

Mr. MADDEN. But those men can not go out on the ground.

Mr. FERRIS. They do not have to go out, the contest is brought before them, and they do just what a court would do and decide it. The contestant who is seeking to acquire the land will marshal the facts before the register.

Mr. MADDEN. But the Government of the United States ought to have some agent from whom the Government can get information upon which to base some action as to whether the laws have been complied with or not.

Mr. FERRIS. Well, this amendment provides $250,000 for that purpose. That is plenty and probably too much.

Mr. MADDEN. But the gentleman says that they ought to have no appropriation after this year.

Mr. FERRIS. I did say that, and I believe it. I think next year we ought to eliminate it altogether. Let this be notice to them.

Mr. MADDEN. The gentleman advocates doing away with every agent of the Government to give the facts to the Government upon which the Government may base its action.

Mr. FERRIS. That only applies to the smelling field agents. I say that every one of the field agents that go around over the country should be done away with. The local force of the bureau and the neighbors to make the contests is everything that is necessary.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. FERRIS. Mr. Chairman, I do not care for it, unless the gentleman desires to ask me a question.

Mr. MADDEN. I desire to ask the gentleman from Oklahoma a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, the gentleman stated this proposition, that there was no need for any other protection than the opportunity which might be afforded by the contest which a settler's neighbor might file, did he not?

Mr. FERRIS. Well, that was sufficient for 100 years, and I think, now that the land is practically all taken up, it is still sufficient.

Mr. MADDEN. I do not agree with the gentleman.

Mr. GARNER. Mr. Chairman, will the gentleman from Oklahoma yield?

Mr. FERRIS. Certainly.

Mr. GARNER. Mr. Chairman, a few moments ago I asked the gentleman from New York with reference to information concerning public reports, reports in the newspapers, with reference to the conviction of a gentleman under this provision of law respecting frauds in the public lands, the President being compelled, after thorough investigation, to pardon him because of a miscarriage of justice. I also asked him with reference to the civil service applying to this appropriation, and I understood him to tell the gentleman from Oregon that it did apply, but he qualified that later on by saying that it applied to only a part of it. I would like the gentleman from Oklahoma to tell the committee how the civil service can apply to a part of this appropriation and not apply to all. In addition to that, I want to know if the gentleman knows what is the largest salary paid to any agent or detective agency that undertakes to enforce the law under this provision?

Mr. FERRIS. Mr. Chairman, I do not think I can give the gentleman the best evidence there is upon that, and I therefore do not care to attempt to give anything on the subject. I do not have the hearings before me. Perhaps the gentleman from New York, who is in charge of the bill, can afford the gentleman the information.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. BURKE of South Dakota. Can the gentleman tell the committee how many cases were investigated in the last fiscal year?

Mr. FERRIS. I have not the facts before me.

Mr. BURKE of South Dakota. Can the chairman of the committee, the gentleman from New York, tell the committee how many cases were investigated last year?

Mr. FITZGERALD. The Commissioner of the General Land Office said:

> Last October, for instance, I remember seeing that we had 35,000 cases, and while we have 22,000, we might six months from now have 30,000. It depends very largely on the work that may be presented.

Mr. BURKE of South Dakota. Is it not true that about 25,000 cases were investigated?

Mr. FITZGERALD. I quote from the Commissioner of the General Land Office:

> Mr. DENNETT. Here is a little summary of the cases reported on by months: December, 1910, 30,000 odd; January, 1911, 35,000; February, 36,000; March, 30,000; April, 37,000; May, 39,000; June, 42,000; July, 42,000; August, 40,000; September, 40,000; October, 39,000; and November, 35,000. These figures are all odd. That is for 1911. Just at present we have 22,000 cases, in round numbers.

Mr. BURKE of South Dakota. That is pending cases.

Mr. FITZGERALD. At the time of the hearings he said he had 22,000 cases, in round numbers.

Mr. BURKE of South Dakota. Is it not a fact that they investigated something like 25,000 cases and clear listed about 16,000 of those?

Mr. FITZGERALD. Yes; I think that is about right.

Mr. BURKE of South Dakota. Therefore, the extent of the money we appropriate in investigating 16,000 cases that they clear listed because there was no grounds for it.

Mr. GARNER. Mr. Chairman, I have been very much gratified during this session of Congress at the efforts of the gentleman from New York [Mr. FITZGERALD] to reduce expenditures, and I am a little bit surprised in this instance, when there is a proposition to reduce a lump-sum appropriation of $500,000 to $250,000, that the gentleman from New York should oppose it, especially when the gentleman from New York is unable to give any good reason why this appropriation should not be reduced to $250,000.

Mr. FITZGERALD. Mr. Chairman, let me call the attention of the gentleman to the fact that the very greatest pressure was exerted upon the committee to give $650,000, the same amount as the current year; and after looking very thoroughly into the matter, knowing the agitation that there has been about the matter, realizing how members of the Committee on Appropriations have been denounced in the uplift magazines for their attempt to hold this appropriation down, and the way the House has invariably run over them, the Committee on Appropriations did not feel justified in flying in the face of the inevitable, and we gave what we believed under the showing made was required.

Mr. GARNER. Mr. Chairman, I am delighted to know that the gentleman has made this appropriation against his own judgment and at the behest of the uplift magazines.

Mr. FITZGERALD. But I did not say that.

Mr. GARNER. I realize, if the gentleman from New York states a fact, that he would be perfectly willing and delighted if the committee should agree with him and his Committee on Appropriations that this appropriation should be cut from $500,000 to $250,000, and I hope that the Committee of the Whole will agree with the gentleman from New York and cut the appropriation from $500,000 to $250,000.

Mr. Chairman, it has developed here in the discussion of this amendment that there is no civil service applying to this appropriation, and I want to say in this connection that the Commissioner of the General Land Office has my highest respect. I believe he is one of the best employees in the service of the Government, from what I have been led to understand concerning his office, but I do contend that when you make a lump appropriation of $500,000, without any limit of salary, without any condition as to who is to be employed, that the Committee on Appropriations ought to be able to tell the committee how much of this appropriation has been expended for the purpose of employing private detectives, what the rate of salary has been, what the active members have done, and what the result of their work is. I submit to the committee that the gentleman from New York or any member of his committee has been unable, so far, to point out to the committee the details of the expenditure of the $500,000.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman from Texas that he is talking about information about a number of matters that nobody intimated was desired and which probably it might be possible to furnish if anybody suggested he desired it. The gentleman asked one question about the civil service and it was answered. He should not complain now that information about other matters was not volunteered when nobody had requested it.

Mr. GARNER. May I ask the gentleman from New York how much of this appropriation is utilized for the purpose of employing men under civil-service rules?

Mr. FITZGERALD. My information is that all of this appropriation is utilized for that purpose. The gentleman is confusing the expenditures made at another time and under different circumstances, not with the conditions that exist at present.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. RUCKER of Colorado. I can answer the question the gentleman from Texas propounds to the gentleman from New York, of which he is so very oblivious. I want to say to the gentleman from Texas that in these investigations and criminal prosecutions concerning these land entries that it has cost the Government $10 where it has covered into the Treasury of the United States $1, and the records will show it.

Mr. GARNER. Mr. Chairman, I do not doubt that the statement of the gentleman from Colorado is correct. I thought the strongest argument with reference to the protection of the public domain that could possibly be made, from my experience with public lands in Texas, was made by the gentleman from Oklahoma [Mr. FERRIS]; that is to say, that the neighbors of a homesteader have the right to contest his location, to contest his right to that ground by virtue of his continued citizenship on the land, and it always has occurred to me that in each instance there is some one who is willing to take his place because he has not complied with the law.

Mr. RUCKER of Colorado. Not necessarily that. I understand the contestor has the right; it is not the neighbors who are going to investigate that question, but it is the man who comes along and wants the land, and there is a contest which goes up fairly before the register and receiver.

Mr. GARNER. But, Mr. Chairman, usually you find some neighbor who is willing to take the contest for this land; that is to say, he is willing to contest, and, as has been suggested by my friend from Oklahoma, there is a reward for some one who detects a fraud and there is some one competing for that reward.

Mr. FITZGERALD. The so-called Cunningham claims were investigated and the spoliation of the public domain in Alaska was prevented under this appropriation. I do not know of any neighbors up in Alaska or anybody else in Alaska——

Mr. GARNER. Oh, that was a mineral location and coal lands.

Mr. FITZGERALD. Well, that is all out of this appropriation.

Mr. GARNER. While I am not familiar with reference to——

Mr. FERRIS. And it was withdrawn.

Mr. GARNER. It was withdrawn.

Mr. FERRIS. Withdrawn as a result of this investigation.

Mr. GARNER. I do know that it has developed here that the gentleman from New York or any member of this committee, not only of the Committee on Appropriations, but any Member of this House, has been unable to give the committee any information as to how much has been expended out of this to any one person, detective, or what the salary was. It is simply a lump appropriation on which there is no limit. You can employ a man at $10,000 a year or $20,000, and I do not like that kind of an appropriation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, this item in the bill is for the purpose of protecting the public lands from unlawful and fraudulent entry or appropriation. We all know that the public domain has been robbed right and left in the past, that efforts will continue to be made in the future to rob the public domain. As long as human nature is as it is and the public domain is of value men will endeavor to acquire it without complying with the provisions of the law. They have endeavored to rob the coal lands, they have endeavored to rob the timberlands, they are endeavoring now to obtain possession of the phosphate lands and other valuable lands and the only protection the Government has is the investigations made under the provisions of this appropriation. It is somewhat surprising to me that gentlemen representing public-domain States claim on the one hand that all entries are made in good faith and are valid and on the other hand are objecting to the investigations. Gentlemen say all the timberlands are covered in the forest reserves. They know that is not the case. They say that all the mineral lands are covered. They know that in many cases that requires an investigation to determine the fact. We withdrew phosphate lands or gave the President the authority a few years ago and many claims are pending made before the withdrawal. The phosphate lands are of great value. Men claim that they are agricultural lands on the one side and it is for the Government to determine through its investigators whether the lands are agricultural or whether they are valuable for phosphate; whether we will turn over to private individuals phosphate veins of immense value or whether they will be reserved for the common good. We know if it had not been for the investigations under this appropriation that the Cunningham coal claims would probably have been allowed, of more value to the Government than this appropriation would be for many years. Not only that, when those claims came up in many cases the complaint was made a few years ago that men could not obtain patent to their lands because they were held up pending investigation. They are still being held up pending investigation. If no investigation is made do gentlemen think the Land Office will assume that all of those claims are valid when there is a question, when there ought to be a question, and when there ought to be an investigation?

Mr. RUCKER of Colorado. Will the gentleman yield for a question? The gentleman will not ignore the fact that there must be a publication made always when one seeks to enter a piece of the public domain.

Mr. MANN. I do not ignore that fact, but what has the fact got to do with the question? The gentleman knows that has been the law for many years, and the gentleman knows that in many of these States men have acquired title to vast areas of land when they were not entitled to any of the land.

Mr. RUCKER of Colorado. Then the gentleman must impeach the officers who must give the title to this land.

Mr. MANN. No; I do not impeach the officers. I impeach the men who made the claim.

Mr. GARNER. They ought to fire those fellows who saved the Cunningham claims.

Mr. MANN. The gentleman knows that is a very unfair statement.

Mr. MONDELL. Mr. Chairman, I had not intended to discuss this item in the bill. I have discussed it at considerable length at other times, and I have managed to get myself very much disliked in certain quarters because of the criticisms I have made of the manner in which this fund was expended; and I should have said nothing on this occasion, because of the fact that the committee has reduced the appropriation considerably, if it had not been for the remarks made by certain gentlemen during the debate. While I doubt the propriety under existing conditions of reducing the item to the amount proposed by the amendment, because it would be difficult to adjust the force to the sudden reduction, still I am thoroughly in sympathy with the gentlemen who favor the reduction.

The gentleman from Illinois suggests that we of the West are afraid of investigations. We are not. We never have been afraid of any fair investigation. But there have been things developed within the last few days with regard to men convicted of offenses against the public-land laws which ought to bring the blush of shame to the cheek of any American citizen. [Applause.] Jury packing with Federal money and men sent to the penitentiary for crimes that they never committed. And there is much that might be said that has not been said in regard to that matter.

Now, we do not claim that there have not been frauds upon the public domain. There have been, and, to a certain extent, there always will be. But they have been exaggerated more than any other class of offenses that I ever heard of under Heaven.

The gentleman says the appropriation must be large, else the cases will not be passed upon. I have called the attention of this House time and time again to the fact that the more money we appropriated the more cases were made [applause]—not cleaned up, but manufactured. I called the attention of the House several years ago to hundreds of cases made out of the whole cloth and without rhyme or reason at one time. There was no justification for them. They were thrown into the special-service division, a great class of cases, where nobody ever claimed there was any fraud, and where no investigation was necessary; but they all counted as cases.

Why, we have a law under which a man may relinquish all claim to the coal that may be contained in the land that he files upon, and, in many cases, men take advantage of that law to relinquish all claim to the coal, even where there is no coal in the land. You would imagine that that would settle that sort of a case, but such has not always been the fact.

The man's proof is perfect. He relinquishes all right or claim to the only thing that the Government proposes to retain a hold upon. That ought to close the case and bring him a patent. But no. In many of these cases special agents were sent hundreds of miles to investigate the question as to whether the land really did contain coal. If they did not relinquish any claim to the coal the Government said was in the land, no patent would issue, and if they did relinquish no patent would issue until good Government money was spent to ascertain if the thing relinquished existed.

Cases of another class came to my attention the other day. Under a provision by which land may be withdrawn for power purposes—about the biggest fake under Heaven [laughter]—the law provides that if a man is a homesteader on the land in good faith, the withdrawal does not affect his homestead. And yet every homestead settler who resides upon those lands has to wait for a patent until there can be an investigation, after final proof. What can such an investigation develop? The land is withdrawn. The law says the withdrawal shall not affect him. His proof is regular. It is simply an opportunity to spend some public money.

Now, I am glad to be able to say that there has been less of this sort of thing in the recent past than there was some years ago; that the present Commissioner of the General Land Office is endeavoring, honestly and faithfully, to use this organization in a helpful and a useful way, rather than in a way that retards the issuance of patents and makes difficult the acquisition of title to the lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. And because the commissioner is making that earnest and honest effort, I shall not vote to reduce the amount below the amount carried in the bill, although I am in hearty sympathy with all those who have proposed a further reduction. This bill reduces the present appropriation $150,000. That is perhaps enough for one year.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SHERLEY. I thought the gentleman had completed his remarks.

Mr. MONDELL. No. Mr. Chairman, we need a larger sum for legitimate purposes under this item than we did years ago, but we do not need the amount we have been appropriating for the past four or five years. Conditions have arisen requiring further investigation and more detailed investigation than was required at one time.

And yet I am frank to say that if everything were done that ought to be done to protect the public domain this appropriation could be reduced, and ought to be reduced, each year for several years as much as it has been reduced this year, to one-half what it is in this bill.

I hope I shall see the time when this service shall be reduced to about half the present appropriation. Then there will cease to be the temptation to make cases. There will cease to be the temptation to hold up patents simply because the holding up of patents gives the opportunity to send special agents to the field to make examinations that are in many cases absolutely purposeless and that would not serve any useful purpose, no matter what the conditions were found to be.

This last year they have cleaned up a few more cases than they have made, so there is hope for the future, and I trust that the coming year will show a still further decrease in the number of cases pending and a very considerable reduction in the number of cases made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, we have made many mistakes in regard to our public lands, but we have never made any in the direction of too much zeal in protecting them from land thieves, and I for one am not willing to lend my vote to aid such people. Gentlemen may talk all they please about land having been covered in and land not open for entry and about there being no need for the expenditure of this fund, but I say to you that in my judgment no man can read the testimony that came before our committee or make himself familiar with the history of the Land Office for the last few years without realizing that we need to be constantly on guard against the land thieves who are seeking every opportunity to steal what the law does not entitle them to, and the statements that are made here that this money has been wasted are statements that are not borne out by the facts.

It has been true that some abuses have grown up in the past. Secretary Garfield testified some years ago before our committee that one of the things he did in reorganizing the service was to get rid of a lot of detectives who he did not think would know anything about any real question at issue, and to substitute for them men who were trained in the work that they were to perform, and there is not now any such abuse in the Land Office as would warrant this committee in striking down this appropriation.

The testimony shows some very interesting things. It shows that for 1910–11 the appropriation was $750,000, the expenditure $714,675.60. The trespass settlements were $100,099.70. That is not a question of entry, but a question of trespass on Federal lands.

Mr. MONDELL. Will the gentleman yield?

Mr. SHERLEY. No; not now. I want to put this statement into the RECORD.

Mr. MONDELL. The gentleman knows that those items——

The CHAIRMAN. The gentleman from Kentucky declines to yield.

Mr. SHERLEY. The recoveries through criminal and civil suits were $129,093.98. The area restored to the public domain through cancellation, as the result of special agents' reports, was 703,680 acres; the area restored through abatement of unlawful inclosures was 1,475,381 acres. The area restored through suits to cancel patents, through proceedings brought in the courts, was 21,340.25 acres.

Now, I want to read to the committee the difference between the management of the Land Office now and at a time when the public domain was being plundered with impunity:

Act of June 4, 1897 (forest lieu selections).

OLD SYSTEM.	PRESENT SYSTEM.
Under the old method of procedure only a small per cent of this class of cases were examined by special agents, such cases as contained some evidence or suspicion of fraud.	At present about 75 per cent are examined by special agents, because of the fraudulent character of many of this class of cases and because of insufficient data in the Geological Survey in some cases as to the coal, oil, or power-site possibilities of the land.

Mr. MONDELL. Does not the gentleman know that Congress repealed the lieu-land law a number of years ago, and that there are practically no more lieu-land selections, except in very rare cases?

Mr. SHERLEY. I know that there are fraudulent cases under that act which are now under investigation, and others which resulted in recovery of land.

Mr. MANN. And there are many State lieu-land cases yet.

Mr. SHERLEY. I know that.

Mr. MONDELL. Where are they?

Mr. SHERLEY. I can not tell the gentleman offhand, but I know, and the gentleman knows, that there are recoveries being made every day as the result of those investigations.

Mr. MONDELL. The gentleman knows that there are very few lieu-land locations now anywhere.

Mr. SHERLEY. Let me continue, please. The gentleman has made his speech.

Scrip, preemption, and town-site cases.

OLD SYSTEM.	PRESENT SYSTEM.
Under the old method only a very few cases belonging to these classes were examined by special agents.	At present many of these cases are examined in the field as to fraud and coal, oil, and power-site possibilities. It would be difficult to determine the exact per cent of such cases, but it will probably reach 15 or 20 per cent.

Timber and stone entries. Under the old system no appraisal was made. And let me in passing say this: It developed during some testimony that was taken at the time of the conservation commission, of which I happened to be a member, that the department for many years construed the land law so as to make what was stated in the law as the minimum price at which public land could be sold the maximum price; and for years, without regard to the fact that the land was worth many times the minimum price stated in the act, the department so construed it as to make that the maximum price that should be paid in any instance.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. LAFFERTY. Is the gentleman aware that section 4 of the so-called timber and stone act provided that in all cases where citizens had trespassed upon Government land they could, by coming into court and paying $2.50 an acre, settle up all their trespasses?

Mr. SHERLEY. What of it?

Mr. LAFFERTY. The point is that Congress never intended that more than $2.50 an acre should be charged for any land——

Mr. SHERLEY. O Mr. Chairman, I can not yield further.

Mr. LAFFERTY. The gentleman will not allow me to ask him three or four more questions?

Mr. SHERLEY. Oh, the gentleman is going to do what every other Member does, and that is to occupy his own time as he wishes, which no other Member deserving courtesy will try to prevent.

Mr. LAFFERTY. I dare say that my prediction will come true, and that the gentleman from Kentucky will not dare allow me to ask him three or four questions.

Mr. SHERLEY. The gentleman's prediction will come more than true; the gentleman from Kentucky will not yield to anyone so lacking in the courtesy of debate as the gentleman from Oregon has shown himself to be.

Mr. LAFFERTY. I knew that the gentleman would not.

Mr. SHERLEY. Now, Mr. Chairman, returning to my remarks under the timber and stone act, I will continue:

Timber and stone entries.

OLD SYSTEM.	PRESENT SYSTEM.
No appraisal made.	Under instructions of November 30, 1908, the lands embraced in all these applications must be cruised to determine the amount and value of the timber thereon, or examined to determine the amount and value of stone thereon, as the case may be.
Inspection of local land offices.	
Formerly made by special inspectors of the department.	Under present practice periodical inspections are made by members of the field force.
Isolated tracts.	
Investigated only where special reasons made same desirable.	Under departmental instructions of January 19, 1912, all applications for sale must be investigated to determine the value of the land, so that the Government may receive adequate consideration therefor, and for the further purpose of preventing agreements to refrain from competitive bidding.

The work of investigation made necessary by the present policy of the department to carefully investigate projects under the so-called Carey Act and various acts amendatory thereof, to the end that the settler who relies upon the approval of the Government may be as fully protected as possible, as well as for the purpose of minimizing the segregation of Government lands for speculative purposes, has been materially increased, not only because of the more careful and painstaking investigation of the various projects but because of the large increase in the number of segregation lists and lists for patent predicated on such segregation lists.

Various phases of the Carey Act (act of Mar. 18, 1910, withdrawals).

OLD SYSTEM.	PRESENT SYSTEM.
No examinations were made.	Examinations are now made of all lists where it appears that such examinations are necessary or desirable. At the present time eight lists are being carefully investigated as to all phases of the cases.
Carey Act segregations.	
Examination as to desert character of the land only by ordinary special agent or departmental inspector.	Complete and careful engineer's report, comprising— 1. Desert or nondesert character of the land. 2. Sufficiency of the water supply, including full abstract of prior appropriations, stream measurements, if any, precipitation records and run-off, area of watershed, and all other pertinent features. 3. Feasibility of the system, including full and careful description of the proposed works, specifications of dams, canals, laterals, etc., suggestions and recommendations, etc. 4. Financial responsibility of the proposing contractors with the States. This examination is as full and careful as may be, to the end that speculative and "wildcat" segregations be reduced to a minimum. 5. Any other information touching upon the project or its bona fides.
Carey Act lists for patent upon alleged reclamation of the land.	
No investigation was made, the certificate of the State engineer that the land was reclaimed being deemed sufficient.	1. Where the segregation list upon which the list for patent is predicated has not been investigated under the present system the engineer is expected to investigate and report upon the same, as in Carey Act segregations above shown, as to sufficiency of water supply and feasibility of the system, in addition to which he reports fully as to whether or not the irrigation works have been completed in a good and workmanlike manner and according to specifications; whether the ditches and laterals have been completed so that water can be turned upon the land at any time required; what portion of each smallest legal subdivision is irrigable under the system and what portion is above ditches; and also as to whether any portion of the nonirrigable acreage is susceptible of irrigation from any other known sources. This report is required to be very full and complete, and upon it is based the patenting of the lands.
Railroad land grants.	
Investigations were only made when the office had reason to believe that the lands were mineral in character.	Investigations are now made as to the mineral or nonmineral character of all selected lands before patent is issued.
Individual lieu selections.	
No investigations were formerly made of individual lieu selections, nonmineral affidavits by the selectors being considered as sufficient.	Investigations are now made of all individual lieu selections, whether under the act of 1898 or 1899, and upon the reports received the lands are either cleared listed for patent or appropriate action taken.
Right-of-way applications under act of March 3, 1891.	
Few, if any, investigations were made except where actual fraud was charged.	Because of the increasing scarcity of water in the Western States many investigations are ordered either by this office or the department touching the available water supply and the feasibility of projects right of way for which application has been made.
Forfeited right-of-way applications under the acts of March 3, 1891, and February 15, 1901.	
No investigations were made.	During the past year a large number of approved rights of way of five years' (or over) standing have been investigated, to the end that if the projected works had not been built suit might be recommended to declare the easement forfeited, and thus clear the records. Upon such reports a large number of suits have been commenced and many easements either judicially declared forfeited or relinquished. During the coming year the number of such investigations which should be made will double, if not treble, that of last year.
Railroad rights of way under the act of March 3, 1875 (forfeited under various forfeiture acts).	
No examinations made.	It is the intention, if the force of special agents will admit of the work, to investigate this year all approved right-of-way applications over 5 years old and to clear the record of such as have not been constructed.

Power sites, act of February 15, 1901.

No examination.	Owing to the increasing value of water power in the West it is necessary to make careful investigation of many applications asked for under the act of March 3, 1891, but which it is suspected are to be used for power purposes and not irrigation purposes, and should therefore be granted by permit under the act of 1901. It is, further, the duty of all special agents to report to this office any matters relative to power development where it is found that the system is being constructed or construction is contemplated without first obtaining permission from the Government. A number of such reports have been received and have resulted in cessation of the work until application was filed and favorably considered by the department.
Lands withdrawn from power sites.	
No examination.	Now all entries upon lands withdrawn for power sites are carefully examined in order that the value of the lands for power purposes, as well as the bona fides of the applicant, may be determined. The area now withdrawn for power sites is 1,515,423 acres.

Until about the middle of last year the work of investigation under the "small-holders" act of April 28, 1904, has been merely superficial. This work has increased very largely during the latter part of the past year, with every evidence of a large increase during the coming year. The special agent is expected to visit and carefully examine both the base and selected lands, which may be hundreds of miles apart, and, after careful investigation, to report whether or not they are of the same quality. One investigation of this character involving a 160-acre tract will often take more time than a straight investigation of a couple thousands of acres which is in a compact body.

Relative to the Carey Act, information received leads to the belief that the State of Arizona will, at the first opportunity, adopt the act and that at least a dozen projects in that State are only awaiting legislative action to file their lists. New Mexico is also in line for aggressive Carey Act work, and from the older Carey Act States lists for patent are now coming in rapidly, which, in view of the old system of meager investigation, means a double investigation before the lists for patent can be approved. In this connection it may be noted that, inasmuch as Carey Act projects are of a quasi public nature, prompt action must be given them, even at the expense of some other public interests.

State selections.

OLD PRACTICE.	PRESENT PRACTICE.
Practically no examination.	Examination of all lands selected by States. Approximately 1,500,000 acres awaiting examination.
Indian allotments.	
Practically no examination.	By order of April 4, 1911, all Indian allotments made on public lands are required to be examined and report made as to settlement of Indian and character and value of his improvements; also as to character of land with respect to timber, mineral, coal, phosphate, oil, power-site possibilities, etc. There are about 4,500 of these allotments pending, involving 720,000 acres.
Water companies.	
No examination.	Under instructions contained in paragraph 18 of circular dated September 30, 1910 (39 L. D., 253), an investigation and technical report is required to be made of water companies in cases of desert entries where, on annual proof, expenditures for stock or interest in any such company, through which water is to be secured for irrigating the land, is alleged. To date approximately 125 companies have been investigated and reported upon. The reports so far obtained are of material value also in adjudication of desert-land entries upon which final proofs have been made. The office examiners are brought more closely in touch with field conditions, and thus can act more intelligently on the final proofs submitted.

The truth of the business is that there has been in this country an awakening of the public conscience, an awakening that demands efficiency in the public service, particularly in regard to the lands that belong as a heritage to all the people and are not simply the property of the States in which they lie. I am tired of the attitude of men who represent States in which the public lands are situated lecturing Congress because it does not see fit to turn the lands over to them to be used by them as they see fit; and judging by the past history of America in regard to public lands, to be despoiled by men who have no title to them.

If we make any mistake, we make it in lack of vigilance in regard to the public-land service and not in too many safeguards over it. I, for one, would hate to see this appropriation cut a dollar. The committee went to the extreme limit, I think, of conservatism in reducing the estimate asked by the department, $650,000, to $500,000. The testimony before us by those in a position to know and those who talk for the benefit of the Government and not for the benefit of any special or private interest was that this sum was necessary. The gentleman from Wyoming passed an encomium upon the Land Commissioner, Mr. Dennett. If that means anything, it ought to go to the extent of making the commissioner's judgment as to the amount of money that can be honestly spent considered by this Congress and not disregarded.

I agree with all that has been said of these acts that have recently come to public light. I have supreme contempt for the man who under the guise of any law will tamper with justice or with a juryman. But the fact that there have been men in the Government service that have prostituted that service is no reason why we should let down the bars and take away the safeguards, so as to leave looters outside of the service an opportunity to continue their work. [Applause.]

Mr. CANNON. Mr. Chairman——

Mr. FITZGERALD. Let me ask the gentleman from Illinois how much time he wishes.

Mr. CANNON. About five minutes.

Mr. FITZGERALD. If the gentleman will pardon me, Mr. Chairman, I move that all debate on the pending paragraph and amendments be closed in 10 minutes.

Mr. BURKE of South Dakota. Reserving the right to object, I want to offer an amendment, and I will not exceed one minute in talking about it.

Mr. CANNON. I have no objection, if I can be recognized afterwards, to the gentleman from South Dakota offering his amendment now.

Mr. FITZGERALD. I will make it 12 minutes.

Mr. BURKE of South Dakota. Mr. Chairman, I suggest that the request be in this form: That there be 12 minutes' debate on the paragraph and all amendments thereto, and that debate close on the pending amendment in 10 minutes, and then that I may offer my amendment and have 2 minutes.

Mr. FITZGERALD. I have no objection to that.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. CANNON. Mr. Chairman, the appropriation for the service for the current year is $650,000. The estimates for this year are $650,000. I did intend to offer an amendment increasing this appropriation recommended in the bill to the amount of the estimate, making it $650,000 instead of $500,000.

I listened to the examination when this bill was being prepared. I have no business in the Public Land Office except to run an errand once in a while for somebody that has gone west from Illinois or some other State. I know but little of the personnel, but I was very greatly interested and very greatly impressed with the presentation that was made touching this appropriation by the Commissioner, Mr. Dennett, of the General Land Office. I am very glad indeed to hear the tribute given to him for efficiency and integrity by the gentleman from Wyoming [Mr. MONDELL].

Now let me read from the hearings:

Mr. DENNETT. I had hoped to get down to $500,000, but I can not recommend to you gentlemen to cut the appropriation to $500,000 this year. I do not believe it will get down to $250,000 for a good many years. The way in which that work accumulated and the big frauds which existed were because that force was not big enough to watch the work. The Commissioner of the Land Office, as you know, is several thousand miles from most of this work. He must have a sufficient force of representatives on the ground who can see exactly what is being done. The registers and receivers do not go out of their offices. The proofs are submitted to them. They have little more local knowledge, of course, than the Commissioner of the Land Office, but they have not this specific knowledge, and the agents have to supply that to the office.

This appropriation also investigates the entries of lands that are alleged to have been made and are proven to have been made in California that were mineral lands, and the entries made by railway companies. The statement is made that very important investigations are being made in Colorado touching the fraudulent entry of coal lands. I do not know anything about it, but all agree that the Commissioner of the General Land Office is a painstaking, honorable, honest, and efficient man, and he not only wants $500,000, but he asks for $650,000. I shall vote against the amendment reducing it below $500,000.

Mr. PAGE. Mr. Chairman, when the sundry civil appropriation bill was reported to the House in 1910 and was under consideration and this item was reached, an appropriation of $750,000 was carried for the purpose of protecting the public lands. I offered an amendment reducing the amount to $500,000. In the Committee of the Whole the amendment prevailed, but when the bill was reported to the House and a separate vote was taken upon that amendment upon a roll call the original provision of the bill was reinstated and it carried the $750,000.

Serving on another committee of this House just prior to that time I had occasion to investigate some expenditures in the Land Office in its various departments and I found what I supposed at that time, and I believe yet to be, some abuses as to the expenditure of this particular appropriation. For that reason I undertook then to reduce the amount carried in the bill. I believe from the investigation that I made at that time, from the testimony that from time to time has been submitted to the Committee on Appropriations, that there is necessity for the appropriation in the amount that is carried in this bill, namely, $500,000 for the protection of the public lands in the Western States. I know that these gentlemen who represent the territory in which this land is situated are extremely anxious to have the land taken up. Sometimes their anxiety has appeared to some of us to be so great that they were not very particular as to how it was taken up, and it is a matter of importance not only to them—that is, the proper administration of the land laws—but to the entire citizenship of the country, because they are our land as well as their lands, and they are a source of considerable revenue to the Government. As was stated by the gentleman from Illinois [Mr. MANN], but for this appropriation carried for the protection of these public lands the Government would have lost immeasurably—not this sum, but this sum a hundred times over in the loss of its public domain by fraudulent entries of public lands.

So far as I am aware I was the first man in this House who made an effort to reduce what I thought was an extravagant amount to be expended for this purpose. I want to say to the committee that I believe to-day that this amount is absolutely necessary to a proper enforcement of the laws against trespass on the public lands, and I hope that the Committee of the Whole will sustain the Committee on Appropriations in the recommendation that it has made with respect to this item.

The CHAIRMAN. The parliamentary situation is this: The gentleman from Oregon [Mr. LAFFERTY] offered an amendment to reduce the appropriation from $500,000 to $100,000. The gentleman from Oklahoma [Mr. FERRIS] offers an amendment to that, to reduce the sum to $250,000. The gentleman from Oregon has indicated his willingness to accept the amendment of the gentleman from Oklahoma. Is there objection to the withdrawal of the amendment of the gentleman from Oregon? [After a pause.] The Chair hears none, and the amendment is withdrawn.

The question now recurs on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 96, line 12, after the figures "$500,000," insert: "*Provided*, That no part of this amount shall be expended in the investigation of any homestead entry where final proof has been submitted and patent has been issued for a period of two years, unless charges of fraud have been filed against the entry prior to the expiration of that period."

Mr. SHERLEY. Mr. Chairman, on that I reserve the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I do not think the item is subject to a point of order, but I want to say just a word. I do not think any gentleman who is in favor of large appropriations for this special-agent service will contend that any great showing has been made, so far as fraud is concerned, in connection with the public domain, where it has been acquired under the homestead laws.

I am in favor of the most liberal appropriations for this service, so far as the mineral lands, timberlands, and so forth, are concerned, but I do say, so far as the homesteader is concerned, that there ought to be some time after which he will not be annoyed or harassed by an inspector of the General Land Office, and this limitation simply provides that in the case of a homestead entryman who has submitted final proof and has had his patent for a period of two years, in the absence of a charge of fraud against that entry it shall not be investigated by a special agent. In other words, no part of this appropriation may be used in the investigation of a case of that character, and gentlemen from the West know that it has been the practice to investigate cases three, four, and five years after patent has issued, when there were cases where the patent was being withheld under the excuse that they did not have special agents enough to investigate the entry, and therefore the entryman had to wait in an uncertainty of knowing whether he was going to get his patent while the agent was investigating a case that had been patented for three or four or five years. This simply limits the period to two years after patent has issued, in the absence of a charge of fraud, and it is a proper and reasonable limitation, and I hope the amendment will prevail.

The CHAIRMAN. Is the point of order insisted upon?

Mr. FITZGERALD. It is.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. I do not believe we should attempt to interfere in this way with the administration of the General Land Office, which is endeavoring to protect the public domain from being despoiled.

Mr. RUCKER of Colorado. The gentleman wants to humiliate us in the West just as much as possible.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 15, noes 38.

So the amendment was rejected.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, to furnish local land offices with the same, and for reproducing by photolithography original plats of surveys prepared in the offices of surveyors general, $5,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment as a new paragraph following the paragraph just read.

The Clerk read as follows:

Insert as a new paragraph on page 97, after line 7, the following: "For the purpose of enabling the Secretary of the Interior to issue two editions per annum of maps showing the lands designated under the enlarged homestead laws during the fiscal year ending June 30, 1912, $1,300."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment. It is not authorized by law.

Mr. MONDELL. Mr. Chairman, I think the amendment is not subject to the point of order. It provides for the issuance of a map. A similar provision has been heretofore carried in the sundry civil bill, and it is almost identical with the paragraph that it follows.

The CHAIRMAN. Because an item has been in the bill heretofore for a number of years does not mean that it is permanent, and the Chair therefore holds it is new legislation and is subject to a point of order.

Mr. MANN. It is not legislation.

Mr. FITZGERALD. There is no authority for the edition of two of these maps.

The CHAIRMAN. The proposed appropriation is without authorization.

Mr. MANN. I think there is authority, and that is the question.

Mr. MONDELL. The Land Office is publishing maps all the time. It published two editions of these very maps last year, and it published one edition of the maps this year, but it so happens, for some reason or other, the item was not in the estimates. The item has been carried in this bill, and the last map was published not over three or four months ago.

The CHAIRMAN. The Chair will say the original appropriation, although carried in an appropriation heretofore a number of times, is still subject to the point of order, because there has never been any authorization for it.

Mr. MONDELL. I will say there is an authorization for the issuance of maps; they are being issued all the time.

Mr. FITZGERALD. The gentleman can not produce the law to sustain his position.

Mr. MONDELL. The chairman of the committee knows very well I can not put my hand on the law at this moment. This is an official publication of the Land Office, showing certain lands, and that office is constantly issuing publications showing locations of public lands. The chairman of the Committee on Appropriations certainly——

The CHAIRMAN. The Chair will state to the gentleman from Wyoming that the Chair has ruled.

Mr. FITZGERALD. I suggest to the gentleman from Wyoming, in relation to this matter being omitted by the department, that if he had called attention in time in the past week it might have been possible to have ascertained the facts. He proposes here, without any knowledge of the law, something, and I have to insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, $2,000: *Provided*, That the notice required by section 1 of the act of June 11, 1906, shall not hereafter be published.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

Mr. HAWLEY. Mr. Chairman, I also reserve the point of order.

Mr. MANN. Mr. Chairman, the proviso proposes to repeal the notice required in the law which permits land chiefly valuable for agricultural purposes located in forest reserves to be settled upon. Now, anyone who takes that law and reads it will find that the notice has to be published. He, I think, would have the right to assume that that is the law. Here comes in the sundry civil bill and in another place repeals the law.

The CHAIRMAN. Will the gentleman from Illinois please repeat that part in regard to the law?

Mr. MANN. Mr. Chairman, it is patent it is subject to the point of order. The proviso provides for the repeal of the law as to the publication of notices required by the act of June 11, 1906.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it does not reduce expenses?

Mr. MANN. It would not make any difference if it did reduce expenses. I am making the application on the merits of the proposition.

Mr. FITZGERALD. The Commissioner of the General Land Office made this statement: This law was enacted in 1906, at a time when very large withdrawals had taken place, and they thought it advisable that the restoration to the public domain should be advertised. That existing condition has practically passed away, and there is no benefit whatever derived from the advertising of the restoration; that it was intended to give some person who might have had a claim notice, and it simply resulted in an unnecessary expenditure of $12,000 or $15,000 a year in advertising, which, in the opinion of the Commissioner of the General Land Office, served no useful purpose.

Mr. MANN. Now, I will say to the gentleman I have been looking up this matter, not in connection with proposed legislation being before the House, but particularly on the agricultural appropriation bill. Under the existing law, where they propose to say that certain land in a forest reserve is chiefly valuable for agricultural purposes and thereby throw it open for homestead entry, a notice is required to be published, so that anyone has possession of that knowledge if they watch the papers in the county in which the land is located, but without that notice they do not have an opportunity to know whether this land has been declared subject to homestead entry, although that is not the point I particularly insisted upon. But there is a good deal of this land being taken up in forest reserves. The person has knowledge of the law of June, 1906. He sees in that law a provision that notice shall be published and relies upon it. Along comes the sundry civil bill, which amends the law, the man does not have any notice, no one reads the sundry civil bill, yet that bill says there shall be no notice, and the man who relies upon the notice finds out that somebody else gets his property.

Mr. FITZGERALD. Suppose it is amended in any other bill?

Mr. MANN. If it was amended in some other bill, it would be an amendment to that section of the law and be published by the department, probably——

Mr. FITZGERALD. The department publishes this as well as any other. This was inserted in accordance with the view of the Commissioner of the General Land Office that it served no useful purpose.

Mr. MANN. Now, the Senate inserted in the agricultural appropriation bill an item which would probably throw open the forest reservations to agricultural settlement and homestead entry, and when that was disagreed to in conference the Senate rejected the conference report because of that fact and the bill is now back in conference. If that item should go into the bill and become a law, any land in a forest reserve which can be said to be suitable for agricultural purposes, although it might now be timberland with great value of forest upon it, would be thrown open to homestead entry. Certainly if that would be the case there ought to be a publication and notice in regard to it. I do not know what disposition is going to be made of the bill at present. I think, therefore, I shall insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1913: *Provided*, That the expenses pertaining to the opening of each of such reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, $20,000.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of saying a word in reference to the timber and stone act that was discussed by the able gentleman from Kentucky [Mr. SHERLEY] a few minutes ago.

The timber and stone act was passed June 3, 1878, and in section 1 it provided that timber lands that were unfit for agriculture, unappropriated, and unreserved might thereafter be sold to the citizens of the United States in tracts not exceeding 160 acres to any one citizen, for the minimum price of $2.50 per acre. The bill went on to provide that any person now being prosecuted in any court of the United States for trespass upon the public lands might absolve himself from further prosecution by coming into court and paying $2.50 an acre and buy all lands by him cut over.

That is one of the reasons why the Secretary of the Interior construed that law to mean that Congress contemplated that the lands should be sold to citizens at $2.50 an acre.

Other reasons were these: For a hundred years lands had been sold by cash entry. They had been sold under various preemption laws for the minimum price of $1.25 an acre, and all the land laws had referred to acts of sale at the minimum price or double the minimum price of $2.50.

Now, here was a proposition to sell these lands at the minimum price of $2.50 an acre. Did that mean that they should be sold at $2.50, or that they should not be sold for any less than that?

There were other provisions like this, that no one citizen should be permitted to buy more than 160 acres, and that he should go in and prove by the testimony of two witnesses that he was not making the purchase for the benefit of any other person or for the purpose of speculation.

Now, by the act of November 15, 1909, as the result, I suppose, of this famous Conservation Commission of which the gentleman from Kentucky [Mr. SHERLEY] was a member, the Secretary of the Interior, Mr. Garfield, issued regulations providing that timberlands under the act of June 3, 1878, should not be sold thereafter to citizens of the United States except at such value as they might be appraised at by these special agents. As a result no timberlands have been sold since, because the special agents appraised them so high that nobody would buy them.

Prior to the issuing of these regulations the Secretary of the Interior had repeatedly asked Congress to repeal the timber-and-stone act of 1878. Congress has refused to do so. That act still stands upon the statute books.

But it is a dead letter there, because the Interior Department, by these recent regulations, has practically repealed it. It may be that Congress failed to do its duty and failed to provide suitable rules and regulations, as it is in duty bound to do under the Constitution, providing for the disposition of the public domain. But when, in report after report, the Secretaries of the Interior asked Congress to make this change in the law of 1878, and Congress, knowing how the courts of the land had been construing it for 30 years, declined to make that change, I say it did not lie within the legitimate jurisdiction of the Interior Department to make that change.

If Congress intended the law to be that a citizen could buy only 160 acres of timberland, and then must pay the full market value, why place that restriction upon him? He could go to the Weyerhaeuser Timber Co. or any other timber company and buy all the land he wanted at the full market value. There was clearly a bounty intended to the citizens of this country who will come from Kentucky or any other State and seek to found a home on the public domain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] saw fit a moment ago to read a lecture to the western Members of Congress in emphatic language because they dared to stand for the rights of their constituents. The gentleman is ordinarily courteous and generally parliamentary, but he was certainly not courteous and scarcely parliamentary when he impugned the motives of western Representatives in gross in the views they have expressed and the efforts they have made to amend this bill. His suggestion was that they took the position they did because they wanted their constituents to have an opportunity to loot the public domain, to rob the people of their landed heritage.

We of the West have heard that sort of thing as long as we care to hear it, and——

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I will be glad to.

Mr. SHERLEY. The gentleman's statement of what I said is in no sense accurate.

Mr. MONDELL. The gentleman thinks it is.

Mr. SHERLEY. I did not imply, and I did not intend to imply, with reference to the gentleman, a desire that he should have his constituents loot the Treasury——

Mr. MONDELL. No; the gentleman did not refer to me by name——

Mr. SHERLEY (continuing). And I regret that the gentleman feels that my remarks, so construed by him, should apply to himself.

Mr. MONDELL. The gentleman's remarks did not worry me. I am perfectly willing to answer to my constituents for my position in these matters, and so far as I am concerned, had I been the only western Member discussing the matter, I should have said nothing.

There is a very great deal of difference between a desire to allow our constituents to loot the public domain and a desire that our constituents shall have their rights under the law. The difference is as wide as the poles are apart. All we stand for and what we insist upon is that there shall not be an administration of the public-land laws that denies to entrymen the rights that Congress has given them; that shall not prevent them from securing the opportunities that Congress expected they should secure, and that it provided for them.

We demand an administration that shall neither deny the right in the first place, nor delay its fulfillment finally, and we know, for we live out there and we have to do with these cases, that many men have been denied their right to initiate; and having initiated, have had a long and weary road to travel before their rights were consummated. Against that sort of administration we shall continue to protest. It is very well for the department to make up lists of what has been accomplished. We favor a proper public-land service. We know how necessary and essential it is, and within proper limits we are favorable to the proper protection of the public domain. We would be the last people in the world to deny proper appropriations for the public-land service. We know that Congress, in giving larger sums in some cases than were necessary for the field service, has given opportunity for oppression and delay or denial of rights. No good purpose is served by appropriations larger than necessary for the service properly conducted.

Mr. RUCKER of Colorado rose.

Mr. FITZGERALD. We can not debate this thing all night, Mr. Chairman. I ask the Clerk to read.

Mr. RUCKER of Colorado. I move to strike out the last word.

Mr. FITZGERALD. The gentleman is not involved in that controversy.

Mr. RUCKER of Colorado. I think I am—very much.

Mr. FITZGERALD. Mr. Chairman, I insist on the regular order. Debate on the amendment is closed, and if every gentleman now wishes to redebate it we shall never finish this.

Mr. RUCKER of Colorado. I move to strike out the last word.

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The regular order is the recognition of the gentleman from Colorado.

Mr. RUCKER of Colorado. Mr. Chairman, I am not so sensitive as my friend from Wyoming [Mr. MONDELL] is concerning the remarks of my distinguished colleague [Mr. SHERLEY], who comes from the State where both of us first saw the light of day. But indeed I am surprised that my friend from Wyoming [Mr. MONDELL], who was just a while ago so heartily in favor of the proposition to reduce the appropriation from $500,000 to $250,000, should have found it necessary to vote for the $500,000. I agree with everything he has said concerning the situation of the western pioneers. I remember, just after the war, when Federal inspectors went through the South. They were in Kentucky as well as other States, and I could have heard the forebears of my friend from Kentucky [Mr. SHERLEY] declaim as eloquently against them as he now takes up for these people who are upon our backs.

I want to give an illustration in my own district. Upon three different occasions these Federal inspectors, whom the gentleman from Kentucky thinks are absolutely necessary in order to pass the title from the Government to the individual, broke open the doors and searched the cabin, broke open the trunks and searched the correspondence, to determine whether or not a man was a bona fide resident. That incident reminded me of long ago, and the gentleman from Kentucky [Mr. SHERLEY] can not wonder that I rebel against having a Federal inspector upon the back of one of my constituents. I agree with him fully and fairly that there have been frauds committed, but that was years ago, when the railroad companies and great corporations took up this vast domain out there, of which we have been robbed, but that robbery the Congress of the United States was responsible for. All we ask now is to be allowed to contest our rights before a tribunal that is as old as the Government itself, to determine the right between the contester and the contestee as to the piece of land which the homesteader is trying to acquire for a home.

Mr. FITZGERALD. Mr. Chairman, I ask the Clerk to read.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $450,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890; and, second, to surveying under such other acts as provide for land grants to the several States and Territories, except railroad land grants and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation not exceeding $200 per month as he may prescribe, except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys whose compensation shall not exceed $250 per month each, and except in the District of Alaska, where a compensation not exceeding $10 per day may be allowed such surveyors and such per diem allowance, in lieu of subsistence, not exceeding $3, as he may prescribe, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, examination of unaccepted contract surveys heretofore made and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, the sum hereby appropriated to be immediately available: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable.

Mr. MONDELL. Mr. Chairman, I offer an amendment at the end of line 5, on page 100.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the typographical errors at the end of lines 10 and 11, on page 99, may be corrected by the Clerk.

The CHAIRMAN. If there be no objection, these typographical errors will be corrected.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Page 100, after line 5, insert the following:
"For resurveys and retracements, in Wyoming, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, the same kind of an amendment has always been carried in this bill from time immemorial. The gentleman can make a point of order against anything.

The CHAIRMAN. If it has not been authorized by law, it is still subject to a point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

After "$450,000," in line 11, page 98, insert the words:
"Of which sum not to exceed $50,000 may be used for resurveys and retracements in Wyoming."

Mr. FITZGERALD. I make a point of order on the amendment that it is a limitation upon the discretion of the Commissioner of the General Land Office in expending this money. Under the law the commissioner has the authority to expend this money for surveys and resurveys in public-land States within his discretion. This attempts to control the discretion of the Commissioner of the General Land Office.

The CHAIRMAN. The Clerk will read the paragraph as it would read if amended.

The Clerk read as follows:

Page 98, after the figures "$450,000," insert as follows: "Of which sum not exceeding $50,000 may be used for resurveys and retracements in Wyoming."

The CHAIRMAN. The Chair is of opinion that that is new legislation, and therefore sustains the point of order.

Mr. MONDELL. Mr. Chairman, I will reoffer the amendment that I offered at the end of the paragraph.

Mr. FITZGERALD. I submit to the Chair that the Chair has already ruled that amendment out of order, and it is not in order to offer it again.

Mr. MONDELL. I would like to have the attention of the Chair on that question.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, after line 5, insert the following: "For resurveys and retracements in Wyoming, $50,000."

Mr. FITZGERALD. I make the point of order again so that there will be no misunderstanding about it.

Mr. MONDELL. Mr. Chairman, the item is not subject to a point of order and the gentleman from New York knows that it is not.

Mr. FITZGERALD. I will produce the decision to show the gentleman that he is mistaken.

Mr. MONDELL. Mr. Chairman, this is the part of the bill that provides for the survey of public lands. Nobody denies that the Commissioner of the General Land Office has authority to survey public lands so far as Congress may give him money to survey them with. This is the item in which surveys are provided for. It is not new legislation to add to this appropriation. It is not new legislation to add an appropriation applying to a specific State. It has been done repeatedly. The bill last year carried four items practically identical with this—one for surveys in Alaska, one for resurveys——

The CHAIRMAN. Were there any points of order made to those items?

Mr. MONDELL. I do not know, but such amendments have been placed on the bill from time immemorial. I do not think it ever occurred to anybody that they were subject to a point of order. No one denies the general authority conferred by law for the survey of public lands, and certainly it is in order in the surveying paragraph to add to the appropriation for service in certain States.

As I said a moment ago, the last bill carried an item of $50,000 for Nebraska, $50,000 for Alaska, $50,000 for Utah, and $50,000 for Montana, four different items in the last appropriation bill.

Mr. MANN. Mr. Chairman, the question involved in the point of order is whether where Congress has the power to make an appropriation for surveying the land anywhere in the United States that gives it the power to make an appropriation for surveying the land in a particular place. There is no doubt about the power of making an appropriation for the survey of public lands generally. We require the surveys of public lands in all the public-land States, and requiring that, we have the power to make an appropriation to make the survey. Now, have we not then the power to make appropriations for survey in a particular State or the survey of a particular location or the survey of a particular piece of public domain as long as it is public domain? Of course, we would not have the power under the rule to make an appropriation for the survey of property which is not authorized. But a survey of this land in Wyoming is authorized by law. The law authorizes the land office to survey the land in Wyoming. Now, there being authority to survey the land, is not that authority to make an appropriation for that purpose?

The CHAIRMAN. The Chair is prepared to rule, and in doing so will read a former ruling from volume 4 of Hinds' Precedents, page 577:

On February 24, 1898, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union. The paragraphs relating to the Geological Survey being read, Mr. MARCUS A. SMITH, of Arizona, proposed an amendment to provide that $5,000 of the appropriation should "be expended in the county of Yuma, Territory of Arizona."

Mr. JOSEPH G. CANNON, of Illinois, having made a point of order, after debate the Chairman ruled:

"The Chair understands that the Secretary of the Interior is given a general discretion as to how and in what localities he shall use the appropriation. This amendment would limit that discretion, and therefore the Chair sustains the point of order."

The Chair, therefore, sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to amend by increasing the sum of $450,000, line 11, page 98, to $500,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, at the beginning of this session of Congress I introduced a bill, which was sent to the Committee on Appropriations, providing for an appropriation of $50,000 for resurveys and retracements in Wyoming. I was not given an opportunity to discuss that matter before the committee. Had I had that opportunity it might not have been necessary to take up the time of the committee to-day. I requested that opportunity in person and by letter on several occasions, but the committee was too busy to give me the time to be heard.

This appropriation for public-land surveys is $200,000 less than it was last year. The committee is very generous in giving western people the benefit of the gentlemen who travel about over the West finding fault with their entries, but is very parsimonious when it comes to surveying lands so that settlers can go upon them, so that they can tell where to establish their homes.

It is true that the committee will probably say that the department did not ask for more than this sum. It is also true that last year the general appropriation was only $450,000, but there were four specific appropriations for $50,000, making $200,000 in all, and that reduction of $200,000 by that amount reduces the total appropriation for surveys. With the reduction of $200,000 the public-land service in surveys is going to be crippled in a way that is bound to retard the settlement and development of the country. In the State I represent resurveys are constantly demanded by the people who are seeking homes on the public lands and who find it difficult to locate the boundaries of the lands they desire to settle upon.

Montana needs more surveys, also Idaho, and the settlers are clamoring for surveys all of the time. We need additional surveys and resurveys in Wyoming, and yet we are not given an opportunity to appear before the committee for a moment to discuss these matters, important to our people. Members of the committee may say, if these additional appropriations are necessary, why did not the department ask for them? In former times, when public lands were surveyed under contract, the surveyors general were charged with the duty of seeing that the survey appropriations were large enough so that the work could go on in their States, but two years ago the method of surveying the public land was changed, with the result that the initiation of the work of survey is largely with the General Land Office.

The General Land Office is not as well acquainted with the demands for surveys in the States as the surveyors general were. There is not the same pressure upon the General Land Office, and as long as their force is employed in the field they have no special incentive for insisting upon large appropriations for surveys. But we who are meeting the demand of the settlers for additional surveys feel that the committee ought at least to have given us an opportunity to be heard and to grant reasonable sums for the work.

I propose to increase this appropriation $50,000, which still leaves it $150,000 less than it was last year.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is incorrect in his statements. A large number of Members of the House requested hearings on various matters in which they were interested in this bill. At my direction all of those gentlemen were notified, and the committee gave several days to hearing such Members as were able to avail themselves of the invitation.

The committee has not reduced the appropriation. It has given the sum requested for surveys by the Commissioner of the General Land Office. It is the same amount requested for 1911 and 1912. It is true that there were special items in the bill for the current year for the surveying of public lands. They were special items, put in as a matter of favoritism to aid certain Members of the House, who thought it desirable to have that assistance in order to assist them in their political standing with their constituents.

The Commissioner of the General Land Office was informed by the members of the Committee on Appropriations that it was his duty to render, and the committee would be pleased to have, an estimate for any additional appropriation required for public surveying, in the event that in his opinion a larger sum should have been requested. If sufficient money has not been requested, it is due to the fact that an attempt has been made to mislead the country by keeping the estimates of the public service below the amounts necessary.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. MONDELL. The gentleman is aware of the fact that the four specific appropriations that were on the bill last year—$50,000—were not estimated for by the department?

Mr. FITZGERALD. I understand that, and the Committee on Appropriations desires to break up the practice of exercising favoritism on behalf of certain Members of the House and to make the appropriation for this service in one sum, so that it can be apportioned to the public service as the needs require, rather than to have money appropriated in order to gratify the whim or the wish or the request of some Member. There has been a ruling by the Comptroller of the Treasury that these specific appropriations made in the bill are available until expended. They do not lapse into the Treasury like a general appropriation. More than that, they can be expended in the employment of persons regardless of the civil-service laws, and it has been very desirable to have the specific appropriations for survey and resurveying in the various States made in this

way. The committee gave all the money that was requested. It notified the Commissioner of the General Land Office that if additional money was required he should submit a supplemental or additional estimate, and it does not propose to be coerced into making appropriations for the surveys that are not requested by those responsible for the conduct of the service.

In no other way can the public business of the Government be properly carried on. If additional money is required, it should be estimated for in accordance with the law. We have been for many years endeavoring to put the financial operations of the Government upon such a plane that it would be possible to tell with some approximate degree of exactness the relation of the expenditures and revenues at the outset of the session of Congress. Numerous instances have been disclosed where estimates have arbitrarily been reduced at the direction of the heads of the departments against the protest of those responsible for the service, in order to keep the estimates down in being submitted to Congress. There is but one thing that the Congress can do, and that is to insist that the estimates be submitted in accordance with the law, and if those responsible for the various parts of the public service do not comply with the law, then to assume that any additional sums to those asked are really unnecessary and are simply desired in order to accommodate gentlemen either in or out of Congress. I hope the amendment will not be adopted.

I move that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Without objection, debate on the paragraph and amendment thereto will close in five minutes.

There was no objection.

Mr. PRAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. There is an amendment already pending. Is this an amendment to that, or is it a separate amendment?

Mr. PRAY. It is a separate amendment and is offered as a new paragraph.

Mr. FITZGERALD. Mr. Chairman, that is not in order at this time as there is an amendment to the paragraph now under consideration.

The CHAIRMAN. The question is on the adoption of the amendment which is now pending, offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. The gentleman from New York asked that all debate on the paragraph close in five minutes.

The CHAIRMAN. That is true, and it has been agreed to.

Mr. MONDELL. But that does not preclude the offering of an amendment, and the gentleman from Montana is offering an amendment.

The CHAIRMAN. There has been no decision to the effect that the gentleman from Montana is precluded from offering his amendment. The Chair has asked the gentleman if it was an amendment to the amendment or a separate amendment.

Mr. MONDELL. There is still five minutes for discussion on the paragraph.

Mr. PRAY. It is a separate paragraph at the end of the paragraph which has just been read.

The CHAIRMAN. Then the amendment offered by the gentleman from Wyoming will come first. The question is on the adoption of the amendment of the gentleman from Wyoming.

The question was taken and the amendment was rejected.

Mr. PRAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 100, after the word "practicable," in line 5, insert a new paragraph as follows:

"For continuing the survey of public lands in Hill, Blaine, Choteau, Valley, Dawson, Rosebud, and Custer Counties, in the State of Montana, $150,000, of which amount the sum of not exceeding $3,000 may be expended for the necessary office work in the Surveyor General's Office in connection with this survey.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. PRAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the amendment which I have offered was embodied in a bill which I introduced at the beginning of this session of Congress at the earnest solicitation of hundreds of homesteaders in my State. Later on I appeared before the Committee on Appropriations and submitted letters from the department and made a statement in support of this demand. I believed then and I believe now that I gave a sufficient reason for granting this request. I read at that time before the committee a report on my bill from the Commissioner of the General Land Office, which I desire at this time to submit to this committee, showing the real necessity for an additional appropriation in the State of Montana to meet the needs of settlers in respect to surveys upon the public domain. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 8, 1912.

Hon. CHARLES N. PRAY,
House of Representatives.

MY DEAR MR. PRAY: I am in receipt of your letter dated January 5, 1912, addressed to the Commissioner of the General Land Office, with which you inclosed a copy of a bill providing for an appropriation of $150,000 for the survey of the remaining unsurveyed lands in Chouteau, Valley, Dawson, Fergus, and Custer Counties, Mont., and request information as to the exact acreage of the unsurveyed land in the stated counties, and such other available information as is relative to this matter.

In reply, I have the honor to report that the area of the unsurveyed and unappropriated lands embraced in each of the counties named, as shown by the latest compilation, made July 1, 1911, is as follows:

	Acres.
Chouteau County	2,039,499
Valley County	3,065,787
Dawson County	3,354,710
Fergus County	1,027,360
Custer County	2,339,395
Total	11,826,751

As these counties are composed principally of farming and grazing lands, there has been a large demand for the survey of their unsurveyed areas, and therefore, with the proposed appropriation, this department will be able to meet said demands by bringing about the desired surveys as a necessary prerequisite to the substantial development of the country through entries under the homestead and other public-land laws.

The total area of unsurveyed, unreserved, and unappropriated land in the entire State of Montana is shown by said circular to be 16,746,928 acres, and the apportionment to that State from the regular appropriation for the survey and resurvey of the public lands is insufficient to meet the petitions of bona fide settlers, especially in the five counties mentioned, and the bill therefore meets with the approval of this office.

Very respectfully,

CARMI A. THOMPSON,
Acting Secretary.

Under the present system of making surveys it costs about 5 cents an acre. In other words, we now need $600,000 to complete the surveys in the counties named in this proposed amendment. The request for $150,000 additional and outside of the general appropriation carried in the bill is extremely modest, in view of the necessities of the case. All of these matters were fully presented to the Appropriations Committee, and I regret they failed to respond to the petitions of the homesteaders in the West.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes. This is a very important matter.

The CHAIRMAN. Is there objection? [After a pause.] No objection is heard.

Mr. PRAY. Now, Mr. Chairman, in addition to that letter I have a report here from the surveyor general of Montana, and I want to read some extracts from that report relative to this amendment. The Surveyor general says:

In relation to surveys payable from the regular appropriation made each year by Congress for surveys and resurveys of public lands, I would state that last year's apportionment for this district was totally inadequate to cover the cost of surveys applied for by actual settlers and authorized for survey by the General Land Office. The amount of said apportionment was $20,000 only.

That was the amount apportioned from the general appropriation in the year 1911.

In consequence of which 35 townships authorized and assigned for survey had to be left unsurveyed last year, as is shown in statement No. 1, although many of the townships included in the different groups were authorized for survey upon settlers' petitions two to three years ago. Petitions for the survey of nine additional townships have been filed to date and authority granted to survey same since the last assignments were made. It is expected that this number will be considerably augmented by petitions which will be filed during the coming months.

Mr. Chairman, in 1910, as the gentleman from Wyoming stated a few minutes ago during the course of his remarks, the State of Montana received an additional appropriation of $100,000, which I was fortunate enough to secure through the Committee on Appropriations, but in 1911 we received no special appropriation and only got $20,000 out of the lump-sum appropriation of $450,000. Now, I want to read you what the surveyor general says about the $100,000 additional appropriation made in 1910. He says this:

Of the $100,000 appropriated for the purpose by act of June 25, 1910, there will be on April 1, 1912, an unexpended balance of approximately $24,000, or $26,000 less than enough to care for townships now authorized for survey, as shown by statement No. 2.

Mr. RUCKER of Colorado. That is, in your State?

Mr. PRAY. In my State alone.

Mr. RUCKER of Colorado. As long as I am on the floor, how long has your State been admitted?

Mr. PRAY. In 1889. Now, for a moment to compare the appropriations carried in the sundry civil bill this year with 1910 and 1911. In 1910 the sundry civil bill carried $800,000

for these surveys, and in 1911 $650,000. This question of public surveys in the West to-day is one of the most important to be considered. In nearly every Western State additional sums are necessary to complete these surveys so that the land can be properly occupied by the settlers, so that settlers upon the public domain will be able to ascertain where their corners are, where the boundaries of their claims are, to enable them to make the proper entries at the various land offices and clearly establish their rights. As before stated, the appropriation for 1910 in the sundry civil bill was $800,000; it was $650,000 in 1911, and only $450,000 in the present bill. I claim that we ought to have this increase.

Mr. FITZGERALD. Mr. Chairman, I have only to say that since 1903 Congress has appropriated every dollar the department has requested, and if there is any failure to get funds for this purpose the responsibility is upon the department.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I fully appreciate the position of my friend from Montana, but his State has not been in the Union longer than 23 years. My State has been in the Union for 36 years, and we have got more unsurveyed land than he has got——

Mr. HOWARD. Will the gentleman yield for a question?

Mr. RUCKER of Colorado. Certainly.

Mr. HOWARD. Is not that because a good deal of your land is not good for anything much?

Mr. RUCKER of Colorado. I will say to the gentleman from Georgia that 1 acre of our land is worth more than 10 in Georgia, and all the Georgians who have come out there will testify to that fact.

Mr. HOWARD. I beg the gentleman's pardon. I thought there was a lot of mesquite and other kinds of poor land out there.

Mr. RUCKER of Colorado. Oh, no; all will be occupied. The point I was endeavoring to make was that I was making the same complaint against this committee that the gentleman from Montana was making, and I thought really I had a case against this committee, because I got from the Secretary a letter recommending or advising me to introduce a bill for $150,000 for the survey of our unsurveyed lands.

When I got that letter I supposed, of course, I was fortified and had only to go before this committee to make them realize their dereliction of duty. But when I was faced with the proposition that the chairman here makes—and, by the way, he was in the minority on that day, so far as politics was concerned—I found that something else was necessary. The chairman had more Republicans there than he had Democrats. Otherwise, I would have thought that he was turning me down because I am a Democrat, on the ground that a Democrat had no sort of right to recognition. It did appear, as the chairman of the committee has stated, that this requisition should have been made by the department. Then when I saw myself go up against that kind of a stone wall I immediately wrote to the Secretary, asking him to tell me what he meant by advising me to introduce a bill for $150,000. I told him that it was only necessary for him to make the requisition upon the committee.

I have that letter wherein he declined to do that. It is not in my desk here; it is over in my office. In that letter, I say, he declined to do that and said I had to wait until next year. So that my friends from Montana and Colorado must wait until next year—until this requisition is made upon the committee. Until then we ought not to make any opposition to the appropriation that is here made.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Completing field notes of surveys in Minnesota and North Dakota: To complete the drafting and field-note writing pertaining to the surveys in the States of Minnesota and North Dakota caused by the discontinuance of the offices of the surveyors general in those States, $2,020.

Mr. PRAY. Mr. Chairman, I offer the following amendment, to be inserted as a separate paragraph following the figures $2,020, in line 10, of page 100.

The Clerk read as follows:

That authority is hereby granted the Secretary of the Interior to make examinations and resurveys and retracements of public-land lines in townships 10 and 11 north, range 26 east, and township 7 north, range 24 east, Montana meridian, State of Montana.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

Mr. PRAY. Will the gentleman reserve his point of order?

Mr. FITZGERALD. I will reserve it.

The CHAIRMAN. The gentleman from New York reserves his point of order.

Mr. PRAY. Mr. Chairman, this amendment is offered in perfect good faith and for the reason that while there is existing law allowing the Secretary of the Interior to make resurveys, retracements, and reexaminations, being the act of March, 1909, nevertheless the department is so bound and restricted by its regulations that it is now absolutely impossible to get orders for resurveys, retracements, or reexaminations of the public lands where the disposals in a given township by final entry, approved State school selections, and patent exceed 50 per cent of the total area thereof.

I know of no way to get this authority or to have these resurveys executed than by offering an amendment to the sundry civil bill, because the department has absolutely declined to entertain a request of that character and has referred the settlers to Congress for relief.

The CHAIRMAN. If the gentleman will show the authorization to the Chair, the ruling might be different.

Mr. PRAY. I am unable to do that, except the law already cited providing for resurveys, and so forth, which is to a great extent rendered inoperative by regulations.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, $10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The chairman of the committee announced a few moments ago a very extraordinary doctrine. He does not propose, as I understand——

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not debating the amendment. I do not propose to have the gentleman lecture me. I am willing, however, to have him discuss the amendment.

Mr. MANN The gentleman from New York ought to be willing to accept a mild lecture once in a while. It will not hurt him any.

Mr. FITZGERALD. All right; I shall not object.

Mr. MONDELL. I assure the gentleman it will not be as severe a lecture as might properly be in view of the provocation.

Mr. FITZGERALD. I thought it would save time. The gentleman will not accomplish anything.

Mr. MONDELL. It is a most extraordinary doctrine. His committee does not propose to listen to the mere representatives of the people. They propose to secure their advice and information and suggestions from the bureaus.

Well, I have thought for a long time that this was getting to be altogether too bureaucratic a Government, but I did not think the chairman of the Committee on Appropriations had reached the point where he thought the bureau chiefs were entitled to exercise greater influence before his committee than Members of Congress.

The item we have just passed is a case in point. Several Members of Congress presented to the committee the strongest kind of claims on behalf of their people—on behalf of people seeking homes on the public domain—for additional expenditures. My voice was not joined in that demand before the committee, because the gentleman did not give me an opportunity to be heard. But he said he was going to teach Members of Congress better than to come before the Committee on Appropriations asking for appropriations for worthy objects. They must, hat in hand, go to the departments; they must ask a chief of a bureau somewhere to recommend an appropriation in which they were interested to the Committee on Appropriations. If the bureaus are for it the committee may provide it, but on the request of Members of Congress never. The representatives of the people have no standing before the committee. Their voices are not expected to be heard within the sacred confines of the committee room of the Committee on Appropriations. Our people may seek homes on the public domain and not find them, because the land is not surveyed. That does not matter to the Committee on Appropriations. If the third secretary or the subchief of some bureau has not appeared before the committee and assured the committee that the appropriation is necessary in the public service, no appropriation is recommended, none is secured; that is the policy of this Democratic Committee on Appropriations supported by the Democratic majority in the House.

Great heavens, Mr. Chairman, to what a pass have we come, when the Democratic chairman of a Democratic committee in the House of Representatives declares on the floor of the House that the representatives of the people are no longer to be heard; that the voices of the bureaus are alone potent in the councils

of the high and mighty Committee on Appropriations. I am willing to leave the matter as he has left it.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say, in justification of the action of the Committee on Appropriations, that it appears that on April 1, 1912, there were in the State of Wyoming public lands surveyed and unappropriated to the extent of 30,000,000 acres; and it did seem to the committee, in view of the fact that since 1909 only about 3,000,000 acres have been taken up in that State, that there was not that screaming necessity for a special appropriation for the survey of public lands in the State of Wyoming that the gentleman from Wyoming would seem to indicate.

Mr. MONDELL. Of course the gentleman from New York, by reading those three lines, receives more information with regard to the needs of the State of Wyoming in that regard than I have been able to receive in 20 years of residence in the State.

Mr. FITZGERALD. That may be, but it shows the wisdom of the committee in not relying too much upon the representations made by a representative of the people seeking to get public funds from the Treasury to benefit his particular constituents.

The Clerk read as follows:

For the analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, $135,000.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 103, line 12, after the word "States," insert the following: "Including personal services in the District of Columbia and elsewhere."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. FOSTER. That is elsewhere in the field.

Mr. FITZGERALD. I ask that the paragraph be passed and laid aside with the point of order pending.

The CHAIRMAN. Is there objection to passing the paragraph with the point of order pending?

There was no objection.

Mr. FOSTER. After line 12, I want to offer an amendment to come in as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 12, on page 103, insert as a new paragraph the following: "Inquiries and investigations into the mining and treatment of ores and other mineral substances, $50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that item that it is not authorized by law.

Mr. FOSTER. Mr. Chairman, the original act contains this language:

The treatment of ores and other mineral substances.

Mr. FITZGERALD. Belonging to or for the use of the United States, and that is provided in the paragraph that we have just read.

Mr. FOSTER. This does not say so, if the gentleman will examine the law. Of course I realize that it was stated when we passed this bill that this was not clearly defined; but I think that under this provision of the law it could be construed as authorizing the work of treatment of ores and other mineral substances.

Mr. MANN. Can we have the amendment reported again?

The CHAIRMAN. If there be no objection, the amendment will be again read.

The amendment was again read.

Mr. MANN. I do not understand that in that amendment there is any limitation upon the appropriation at all. The appropriation under the mining act was, as I understood it, confined in the main to investigations of property owned by the United States, and on the public domain. This is an unlimited appropriation for inquiries concerning ores.

Mr. FOSTER. Concerning the treatment of ores and other mineral substances.

Mr. MANN. Without regard to the question of their ownership. Under that item, if it should go into the bill, the department could undertake the treatment of any person's ores, anywhere in the United States. I do not think that was contemplated by the act, and I do not think it is provided in the act. I do not think it was even covered to that extent by the bill that we passed here the other day, which the gentleman made as broad as he could make it.

Mr. FOSTER. There is a limitation in section 5 of the original act which says that the Bureau of Mines shall not have authority to investigate in connection with the inspection or supervision of mines or metallurgic plants in any State, and there is a limitation which prevents employees of the Bureau of Mines from owning stock or an interest in mines. Of course, I agree fully with my colleague [Mr. MANN] that we ought not to go into the question of examining ores belonging to private persons, but this would be spent in accordance with the authority of the act.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if his amendment would, by implication, repeal the other act?

Mr. FOSTER. I do not think so, because I think that under the provision which defines some of the functions of the Bureau of Mines, one of which is the treatment of ores and other mineral substances, that is one of the things this Bureau of Mines is expected to do, or has the authority to do. Of course, it is not intended that they shall go into any particular mine and examine the value of the ore, or anything of that kind, but it is more in a general way.

For instance, it might be determined that in certain fields where ore is found in quantities it would be necessary for some investigation and laboratory work to discover the best way to extract the metal from that particular kind of ore. I think the Chair will recognize the fact that in agriculture we do that very largely. The Government demonstrates to the people how they can raise certain crops. That is supposed to be in a general way for the benefit of every person in that particular region where these crops can be grown. That might occur in the South, which would not be of much benefit to the North, or it might occur in the West where it would not be of much benefit to the East.

Now, that is true, and true so far as ore is concerned. Then there is a question of investigating the natural gas. In the West there is great waste of gas and ignorance of the proper way to save this waste, which I think would be taken up in a general way under this provision of the law. I assure the chairman of the committee that it is not my intention, and I would be the last person to advocate going into private mines and doing this work under that provision of the law. I have the law here, which I can furnish the Chair.

The CHAIRMAN. The Chair heard the gentleman read it, and there is a limitation in it. In the amendment offered by the gentleman from Illinois there is no limitation, as suggested by his colleague [Mr. MANN]. The Chair is of the opinion that if there was something in the amendment providing that there should be no conflict between the amendment and the original act by way of a limitation, that it should not go to the investigation of ores in private mines, the ruling might be different.

Mr. FOSTER. This does not say in this section of the law that the property shall belong to the United States in particular.

The CHAIRMAN. The Chair understood the gentleman to read in the law a limit to the appropriation.

Mr. FOSTER. The last section of the act does say that it shall not be construed as a grant to any officer employed in the bureau any right or authority in connection with the inspection of mines in any State.

The CHAIRMAN. Does the gentleman think the amendment offered by him is in accord with the original act?

Mr. FOSTER. I think it is, if it comes under the bill at all.

The CHAIRMAN. Does the gentleman think that under this appropriation of $50,000, if the amendment should be agreed to, it would apply to property of private owners?

Mr. FOSTER. Oh, no; I think this does not change the law. I think this simply authorizes an investigation in accordance with the act, and that it would be held that the Bureau of Mines could not go beyond the power granted in the original act.

Mr. RUCKER of Colorado. Mr. Chairman, this is somewhat akin to the bill which came up here the other day. I want to say to the members of this committee that we have very many contentions to face——

The CHAIRMAN. The Chair will ask the gentleman from Colorado to address himself to the point of order.

Mr. RUCKER of Colorado. We have so many contentions in the West with reference to the development of our resources, and I want to say, pertaining to this special amendment, that it seems to me that it is much akin to the one that is now in the bill and that it is germane to the provision.

The CHAIRMAN. The Chair has not any question as to the germaneness of the amendment.

Mr. RUCKER of Colorado. I understand the question is of authorization. I have in mind one case where the gases appeared to baffle all the resources of all the experts of Europe as well as here. The mine is known to contain within it the most precious metals, and yet they have never been able to discover any means of suppressing or overcoming the gas so as

to enable it to be extracted. In this connection I want to say that in Colorado upon the same hill was first discovered radium.

The CHAIRMAN. The Chair will say to the gentleman from Colorado that the merits of the question are not under consideration now.

Mr. RUCKER of Colorado. Then, Mr. Chairman, I will reserve what I have to say in reference to that. I think that this amendment offered by the gentleman from Illinois is germane to the provisions in the bill.

Mr. MONDELL. Mr. Chairman, it seems to me that the amendment is not subject to a point of order. I understand the point of order was made by the gentleman from New York. The amendment provides for inquiries and investigations into the mining and treatment of ores and other mineral substances. It is in almost the exact language of the law which provides for investigations into the methods of mining and treatment of ores and other mineral substances.

The amendment follows closely the language of the organic act conferring authority upon the bureau to do the very thing contemplated by the amendment.

The CHAIRMAN. The Chair is of the opinion that there is a conflict between the amendment offered by the gentleman from Illinois [Mr. FOSTER] and section 5 of the original act. The Chair is also of the opinion, as suggested by the gentleman from Illinois [Mr. MANN], that the amendment offered by the gentleman from Illinois [Mr. FOSTER] is a violation of section 5. Section 5 places a limitation which makes it necessary for the Chair to sustain the point of order made by the gentleman from New York.

Mr. FOSTER. Then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 103, after line 12, insert the following:
"Inquiries and investigations into the methods of mining and treatment of ores and other mineral substances, $50,000."

Mr. FITZGERALD. Mr. Chairman, upon that I make the point of order.

Mr. MANN. Is not that the identical amendment that we have just passed upon?

Mr. FOSTER. Not quite.

The CHAIRMAN. The Chair invites the attention of the gentleman from Illinois to the fact that he has quoted the language in the main body of what has just been termed the original act, but it still does not come within the limitation set out in section 5. The Chair therefore sustains the point of order.

Mr. FOSTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 103, after line 12, insert the following:
"Inquiries and investigations into the methods of mining and treatment of ores and other mineral substances belonging to or for the use of the United States, $50,000.

Mr. FOSTER. Mr. Chairman, of course I thought the other amendment was in order, but I will state that within the public-land States in the West there is a great deal of land belonging to the Government and a good deal of it is mineral land. Under this provision of the appropriation bill the Bureau of Mines would be permitted to make such investigation as it deems necessary into the mineral on those lands. There is a great deal of ore and mineral substances in the public lands that belong to the United States. The Bureau of Mines would be able to make investigations into the treatment of those ores and such other investigations as would develop the mining industry of the United States. We realize that within the last few years in some sections of the country the production of the precious metals has depreciated very much. This would help to stimulate the production upon public lands. This also would give opportunity of finding out more about how to extract the metal from these ores, and I believe would be a start in the right direction. I would state that the people of the West, in the metal-producing States, have asked for a number of years that something be done for that section of the country. When this Bureau of Mines was established, it was done largely for the purpose of investigating coal mine accidents, which was proper and right, and I am glad it was made their special business to look after that feature of the work; but I think we have come to a time when there might be some enlargement of the scope of this bureau, and that we might undertake some useful work which these people in the West have asked for, for so long.

We remember that from the public lands, the mining lands of the United States, the mining industry itself has received very little benefit. The proceeds from the sale of public and mining lands has gone into the Treasury or into the reclamation fund or for agricultural purposes, and really the mining industry has not received the benefit which it ought to have received on account of its importance to the general welfare of the country. I believe the chairman of the Committee on Appropriations, if this matter had been called to his attention a little earlier, would have been willing to place this in the present bill, and I feel that his great desire to do everything he can for the upbuilding of this great industry will prevent him from seriously opposing the amendment. I realize that as chairman of that committee it is necessary for him to make some protest, and I feel that he can not let this go without making a protest in some way, but I feel confident that he will not seriously ask that the amendment be defeated.

Mr. FITZGERALD. Mr. Chairman, the gentleman has not done me full justice. He should have stated that the committee has increased by 33 per cent the appropriation available for practically the same purpose for which the gentleman offers his amendment.

Mr. FOSTER. Oh, no; I think not.

Mr. FITZGERALD. The item just preceding provides for the analyzing and testing of coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, and appropriates $135,000. The appropriation for the current year is $100,000, and the committee has increased it $35,000 in accordance with the estimate.

Mr. MANN. Is the gentleman quite sure about his figures?

Mr. FITZGERALD. My recollection is that I am correct. Considering the liberality of the committee in this respect and its desire to meet the demand for this purpose, it seems that it comes with poor grace from gentlemen who have been treated so well to try and increase this appropriation further by an additional 50 per cent over the appropriation for the current year.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. I think the gentleman will realize that the $135,000 will be all taken up in the testing of coals and lignites.

Mr. FITZGERALD. I am not so sure about that.

Mr. FOSTER. I think the committee has acted wisely in granting this increase, and I want to compliment it for the good work it has done.

Mr. FITZGERALD. Mr. Chairman, I think the gentleman should have profited by the example of the committee and not have attempted at this time to practically repeat the appropriation for the same purpose. The Bureau of Mines has done some valuable work. The disposition of the committee is to give it that assistance that it properly should have, but in view of the fact that the gentleman was really endeavoring to obtain an appropriation for a work not authorized and was unable to do that, he should not attempt to increase far beyond the amount requested by the Bureau of Mines itself the appropriation for another purpose amply provided for.

I ask unanimous consent that all debate on the amendment close in five minutes.

Mr. RUCKER of Colorado. Mr. Chairman, I desire to be heard for one minute.

Mr. FITZGERALD. I ask unanimous consent that all debate on the pending amendment be closed in five minutes.

Mr. MONDELL. I object.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate close in six minutes.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Chairman, I ask to be notified at the end of a minute or two minutes. This appropriation for the Bureau of Mines is apparently increased from $475,500, if my figures are correct, to $536,100, although I think those totals are not quite accurate. Now, the Bureau of Mines is doing very well. It ought to move along somewhat slowly. It can not reform the earth at once or in a minute, and if it makes haste too rapidly it will not make good progress. I do not believe there is any occasion for increasing the appropriation by $50,000, as suggested. I was sorry the gentleman did not offer his proposition to come in under the appropriation carried in the bill. If it is necessary to do that work, it can be done under the appropriation provided in the bill. There is no occasion for expending $50,000 to test metals belonging to the United States. We have them tested now in many places.

Mr. RUCKER of Colorado. Mr. Chairman, if I have the other two minutes I want to say that the gentleman from Illinois is entirely mistaken about that. We have more unoccupied and unappropriated mineral land than is already taken, and the way the titles are obtained to-day to the mineral land is by way of inspection. We can not get our titles to the mineral land like we used to, but the inspector has to come along, and he must take his samples of our prospect holes, and he takes them to the assayer to determine whether we have a mineral

claim that is worthy of obtaining a title, so therefore, as I said the other day, truly this provision is in the interest of the Government to determine whether it will part with its title, and I think, as I said also, it might be extended to the question of air and the gas, and determine about the very valuable minerals that have never been discovered before until they were discovered in the State of Colorado. I think we ought to have an additional appropriation with reference to the metalliferous mines, and it has been determined, as said by the chairman of the committee, that all of this money has been spent in the coal fields. Now let us have some of this appropriation appropriated for the development of the western metalliferous mines. [Applause.]

Mr. MONDELL. Mr. Chairman, I hope the amendment may be adopted. I think the amendment, while it is more restricted than I wish it were, is broader and provides for other work than that covered by the items in the bill. I think it is highly important that the Bureau of Mines should have this sum of money for the purpose of investigating the minerals on the public land and minerals for the use of the Government. The money can be very profitably, properly, and usefully spent. I do not believe that the work contemplated can be carried on under the language in lines 10, 11, and 12, page 103, so that the amendment is necessary in order to have this work carried on at all. The appropriation to which the gentleman from New York referred I do not think is available for the work contemplated under the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. BUCKER of Colorado) there were—ayes 19, noes 19.

So the amendment was rejected.

The Clerk read as follows:

For one mine inspector for duty in Alaska, $3,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. What occasion is there for a mine inspector in Alaska?

Mr. FOSTER. I will state that we have some mines in Alaska——

Mr. FITZGERALD. We have coal mines and placer mines and other mines.

Mr. FOSTER. The great Treadwell mine is there.

Mr. MANN. I judge there is no great occasion in Alaska for anybody investigating placer mines, and I am sure for nobody investigating coal mines.

Mr. FOSTER. It is authorized by law.

Mr. MANN. No; there is no authorization of law for it at all. There was an act in 1891 authorizing two mine inspectors for Territories, who were authorized to inspect coal and other mines of the District of Alaska, but I think not at this salary, and I notice the next item. May I ask the gentleman, in connection with this item about the next item, which is for a per diem expenses of an inspector in Alaska. The per diem is $5 a day for one inspector and his traveling expenses, and carries up a total of $3,500. Of course, if he receives his per diem for every working day it would amount to considerably less than $2,000. How much sleeping-car fares can a man expend in Alaska?

Mr. HAWLEY. They sleep six months up there.

Mr. GARNER. The gentleman from New York can tell you about that; he can tell you how much sleeping-car fares they pay in Alaska.

Mr. FITZGERALD. I do not know; I have never traveled on a sleeping car in Alaska.

Mr. MANN. I have reserved the point of order against the mine inspector for duty in Alaska, and in connection with that item is the other item of $3,500 to pay the per diem of $5 per day and traveling expenses, which seems like a very large sum to pay a man a salary of $3,000 and then $3,500 extra as per diem and traveling expenses.

Mr. FITZGERALD. Mr. Chairman, the law fixes the compensation at $3,000 for one inspector of mines in Alaska——

Mr. MANN. Where is the law that fixes the compensation at $3,000?

Mr. FITZGERALD. There is no law.

Mr. MANN. No; that is it. On the other hand, there is a law, I think, fixing the compensation of a mine inspector in the Territory at $2,500.

Mr. FITZGERALD. Two thousand dollars.

Mr. MANN. Well, the appropriation last year was $2,500, $5,000 for the two.

Mr. FITZGERALD. Five thousand dollars, and this man is now in the service and now doing work. We put a provision in here to prevent certain payments to him which otherwise he would receive. The statement was made that it is very essential in placer mines in Alaska to have an inspector there, more essential than in any other place, and the committee did not feel justified in refusing the appropriation necessary to continue that service.

Mr. MANN. This provision in reference to——

Mr. FITZGERALD. The last provision of $3,000 per year was provided in the last Congress.

Mr. MANN. This provision for mining inspectors in the Territories is under an act passed more than 20 years ago. At that time there was no Bureau of Mines and Mining. There was no appropriation made by Congress in reference to the subject except for two inspectors for the inspection of mines in the Territories, where we had the power. Since that time we have created the Bureau of Mines and Mining, and this bill carries over half a million dollars for the inspection of mines and work in connection with them. I can see no occasion for going back and following after the law of 1891. I supposed that the law gave the Secretary of the Interior the authority for appointing a mining inspector for Alaska. We have come to a more recent date.

Mr. FITZGERALD. I have the provision extending the law to Alaska. It is in the appropriation act for the fiscal year 1911. This provision is:

For salaries of two mining inspectors authorized by the act approved March 3, 1911, for the protection of the lives of miners in the Territories, at $2,000 per annum each, $4,000; and said inspectors are hereby authorized to inspect coal and other mines in the District of Alaska, to which District the provisions of said act are hereby extended and made applicable.

Mr. MANN. I will say to the gentleman that I have the same law in my hand, and not only that law but the current law. But that does not authorize the employment of a mining inspector in Alaska at $3,000.

Mr. FITZGERALD. But it does at $2,000.

Mr. MANN. It would authorize the employment of a mining inspector in the Territories at $2,000.

Mr. FITZGERALD. The compensation paid now is $3,000 a year.

Mr. MANN. I do not know under what authority that sum is being paid. There is no appropriation for it and there is no such officer.

Mr. FITZGERALD. The appropriation is made for a man in Alaska at $3,000. The one who was receiving $2,000 is no longer in the service. This is to provide for the man now in the service who has been receiving $3,000 a year.

Mr. MANN. I think they ought to be provided for out of the lump-sum appropriation that we make for the Bureau of Mines and Mining. That is where it belongs. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $5 per day when absent on official business from his designated headquarters, and for actual necessary traveling expenses of said inspector, including necessary sleeping-car fares, $3,500.

Mr. MANN. Mr. Chairman, I make the point of order against that paragraph. It is in the same condition as the other one.

The CHAIRMAN. The burden is on the committee to produce the authorization for it. The committee producing none, the Chair will sustain the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase or lease of the necessary land, where and under such conditions as the Secretary of the Interior may direct, for the headquarters of five mine-rescue cars and for the construction of the necessary railway sidings on the same, $4,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept any suitable land or lands that may be donated for said purpose.

Mr. FOSTER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

On page 104, line 3, after the word "purpose," insert the words "or the donation of any land or building, or the use of any land or building, that may be suitable for experimental work of the Bureau of Mines, except that such donations shall be reported to Congress and shall involve no expenditure on the part of the Government except as may be authorized by Congress."

Mr. PAGE. Mr. Chairman, I reserve a point of order against that amendment.

Mr. MANN. I make the point of order.

Mr. FOSTER. I do not think that is subject to a point of order.

Mr. MANN. We are perfectly willing to argue it.

Mr. FOSTER. I think the gentleman might have been right in making the point of order against the whole paragraph, but he can not make it now.

Mr. MANN. The item in the bill which is subject to the point of order, and to which the point of order was not made, is the item authorizing the acceptance of land for railway sidings for mine rescue-car stations. Now, it is proposed to add to that a provision authorizing the acceptance or donation of lands or buildings suitable for experimental work.

The CHAIRMAN. To what is the gentleman addressing himself? To the amendment?

Mr. MANN. The point of order to the amendment.

Mr. GARNER. No point of order was made against the paragraph.

Mr. PAGE. There was no point of order made against the paragraph, Mr. Chairman.

Mr. MANN. I was admitting that the paragraph was subject to the point of order.

Mr. CAMPBELL. It is not admitted.

Mr. MANN. If it was not, of course the amendment is out of order. I was admitting that for the purpose of the argument. But the donation that they are authorized to accept in the paragraph which was subject to the point of order was simply land for the purpose of railway sidings in connection with mine and rescue-car stations.

Now, that does not authorize, under the rules, an amendment which covers another subject, and the amendment offered by the gentleman is the acceptance of a donation of any land or buildings for experimental stations. It is an entirely different proposition. The Chair made the ruling the other day that, although an original provision might be subject to a point of order, it did not authorize another amendment on any other subject or extending the scope of the provision.

Mr. FOSTER. I think, Mr. Chairman, that this paragraph being subject to a point of order—the paragraph which has just been read—an amendment which otherwise would be subject to a point of order is not subject to a point of order now. Inasmuch as that point was not made to the paragraph which was not in order, I think this amendment is clearly in order.

Then, this refers to mine-rescue stations, mine-rescue cars, necessary railroad sidings, and so forth. Now, this has reference to the experimental mine stations, and has to do with the same class of work—that is, it is associated with it in that these mine-rescue stations are for the purpose of providing relief in case of mine accidents. What is sought to be obtained in this amendment is that the Government shall have the right to accept certain lands or property that may be offered for the purpose of establishing mine experimental stations in reference to mine accidents. So I think they are very intimately associated, and that for those reasons the amendment should be held in order.

Mr. CAMPBELL. I assume that the idea of the gentleman from Illinois [Mr. FOSTER] is a practical one, the having of this station that he contemplates as an auxiliary to the car on the siding.

Mr. FOSTER. Certainly.

Mr. CAMPBELL. Supplementing the work of the Bureau of Mines in its rescue or relief service?

Mr. FOSTER. Yes; certainly. It is to make experiments along those lines. For instance, at Pittsburgh there is an experimental station. At that station they make experiments in order to determine the effect of explosions, what produces explosions, what prevents them, and so on, and that goes along with the work of the mine-rescue cars and rescue stations.

Mr. CAMPBELL. Mr. Chairman, on the point of order I think there can be no question but that the amendment offered by the gentleman from Illinois [Mr. FOSTER] is germane to the paragraph and supplements it, and really has for its object the carrying out of the intention of Congress in its rescue work for the aid of miners in case of accident; and if it is proper to accept land for sidings for a rescue car, it must follow that it is just as competent to accept land for a shed or a building or a station, in which this kind of rescue work may be had, in connection with the work that is done by the rescue car on the siding.

The CHAIRMAN. The Chair recognizes the principle that although the paragraph itself may have been subject to a point of order, an amendment perfecting it is the greatest extent to which it may go; and while the paragraph itself may be new and unauthorized legislation, additional legislation is not in order. Therefore the Chair sustains the point of order.

The Clerk read as follows:

In all, for the Bureau of Mines, $533,100.

Mr. MANN. Mr. Chairman, the figures on that line need changing, and I suggest to the gentleman from New York that he ask unanimous consent that the Clerk be authorized to correct the totals—that he make that general request.

Mr. FITZGERALD. We always ask that as to all these bills, that the Clerk may have the right to correct the totals.

Mr. MANN. We might as well ask that now.

Mr. FITZGERALD. I ask unanimous consent that at the end of the bill the Clerk be authorized to rearrange the totals to conform to what is done.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000; so much of which sum as may be necessary for the purchase of supplies shall be immediately available: *Provided*, That no person employed hereunder as special agent or inspector, or to perform any special or unusual duty in connection herewith, shall receive as compensation exceeding $200 per month, in addition to actual traveling expenses and per diem not exceeding $4 in lieu of subsistence, when absent on duty from his designated and actual post of duty: *Provided*, That of the sum hereby appropriated not exceeding $7,000 may be expended for personal services in the District of Columbia.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the typographical error at the end of line 4, on page 105.

The CHAIRMAN. If there be no objection, the typographical error at the end of line 4 will be corrected.

There was no objection.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, $5,500.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the paragraph just read may be passed over for a few moments, as the gentleman from Wyoming [Mr. MONDELL] wants to be heard on it, and he is temporarily absent from the Hall.

The CHAIRMAN. If there be no objection, the Clerk will proceed with the reading.

There was no objection.

The Clerk read as follows:

No expenditure for construction of administration or other buildings shall hereafter be made in any national park except under express authority of Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that paragraph.

Mr. FITZGERALD. Mr. Chairman, if the gentleman understands that provision, I think he will favor it. I think everyone interested in the national parks will favor it. In some of the national parks the revenues are permanently appropriated for improvements. Complaint has been made that inadequate appropriations have been made for those improvements, and yet in the Yellowstone National Park it was disclosed that more than $23,000 has been accumulated from the revenues, the intention being to accumulate $50,000 to erect an administration building. The superintendent of the Yellowstone National Park at present resides in the fort with the troops. He is an Army officer. The records are all there. The desire of another department of the Government to eliminate the Army from participation in and control of these parks is responsible for the accumulation of this fund out of the revenues which are supposed to be utilized in maintaining the park, in order that the accumulated fund may be used for the construction of this administration building. At one of the other parks $7,000 or $8,000 has been accumulated for the same purpose. The most important improvements in the park are the building of roads and trails, and it being disclosed that two parks are in a position where these funds have been segregated from the purposes for which they were contemplated, for the erection of very expensive buildings, the committee thought it wise to put this limitation into the bill.

Mr. MANN. As far as I am concerned, I agree with much or all that the gentleman has said. Yet it must be necessary in these parks sometimes to construct small buildings, outbuildings, or something of that kind, for which express authority from Congress would not be asked.

Mr. FITZGERALD. Yes; it would in this way, that the appropriation would include so much for a lodge or something of that kind. That is the only way to prevent this abuse. Here they have been for three or four years accumulating this money——

Mr. MANN. I was going to ask the gentleman whether it would not prevent the abuse if he would put a limitation upon the amount that could be expended for any building? The

gentleman does not desire to make an express appropriation for the building of an outbuilding or some other structure that may cost four or five or six hundred dollars, I take it?

Mr. FITZGERALD. Oh, no.

Mr. MANN. Why not provide that no building paid for in this way shall cost to exceed $1,000 or $500?

Mr. FITZGERALD. That does not do much good, because I have on my desk a request for some four hundred and odd dollars, where a man made a contract with the Forestry Service for a building to cost $900, although the law was that no building should be contracted for in excess of $500.

Mr. MANN. The gentleman is partly correct about that. I know about the case. There was a question whether the law governed that case or cases of that kind. The department made a contract with a man to build a building for nine hundred and odd dollars. The department believed that it had the authority to make the contract, that the $500 provision did not apply, but the comptroller ruled that the $500 limitation did apply.

Mr. FITZGERALD. The genleman knows that if there was any question about it the department, under the law, could have invited the opinion of the comptroller in advance and got a decision.

Mr. MANN. I will say to the gentleman that my knowledge of the case comes from the fact that the Committee on Claims has unanimously reported a bill to pay the four hundred and odd dollars. It seemed to me perfectly plain that no criticism of the department or anybody else could be made.

Mr. FITZGERALD. I think there would be a criticism if there was any doubt about the expenditure of the money when they had the power to call for an opinion of the comptroller in advance and did not do it.

Mr. MANN. That may all be, but they do not call for an opinion from the comptroller every time some one wants to build a $500 building. I suppose the comptroller was right, although I doubt whether the decision was correct, if he had not made it. He settles the law. If we had the provision in the bill before us no one would have supposed that that limitation applied to a building in the case that he held it to apply to. Now, why not put a limitation on this provision?

Mr. FITZGERALD. I have no objection to the gentleman putting in such a limitation.

Mr. RUCKER of Colorado. Mr. Chairman, I am in doubt whether to ask a question of the gentleman from Illinois or the gentleman from New York.

Mr. MANN. The gentleman can ask it of anybody and see if anybody can answer it.

Mr. RUCKER of Colorado. I am much in doubt of getting a correct answer, for the two gentlemen disagree too much. I am under the impression that there is an appropriation asked for to maintain these parks as well as the national monuments. I think the appropriation asked for is $75,000. I see the gentleman from New York shrugs his shoulders. Whenever an appropriation is mentioned the gentleman from New York shrugs his shoulders, and I think it would be the same with 75 cents as if it was $75,000. The gentleman from New York has the atlas of the world upon his shoulders at the present time.

Mr. FITZGERALD. Very few persons can shrug their shoulders with the atlas of the world on them.

Mr. RUCKER of Colorado. It is not because the atlas weighs so much, but because there might be an untoward wind that might drive the atlas off, and then what in the world would become of us?

Mr. FITZGERALD. Oh, ask the question.

Mr. RUCKER of Colorado. Is it not true that there is an appropriation asked for both for the maintenance of parks and national monuments, and would not that cover this appropriation that is in here, and why should you make an exception of national parks?

Mr. FITZGERALD. All of the national parks are specially provided for. There is a special appropriation made for the various national parks and the monuments for which there is any expenditure made.

Mr. RUCKER of Colorado. The point is that there is a bill here asking for a general appropriation for not only the present national parks, but for the future national parks.

Mr. FITZGERALD. I am not familiar with that bill. There is a bill which has been introduced for the creation of a bureau in the Department of the Interior to have charge of all of the national parks, but that would be merely an administrative bureau.

Mr. RUCKER of Colorado. I do not want the gentleman to understand me as objecting to this appropriation. I believe in all appropriations for national parks.

Mr. MANN. Mr. Chairman, will the following amendment be agreeable to the gentleman from New York: To insert, after the word "building," in line 11, "costing in the case of any building exceeding $1,000," so the paragraph would read:

No expenditure for the construction of administration or other building costing in the case of any building exceeding $1,000 shall hereafter be made.

Mr. FITZGERALD. I would make it $500.

Mr. MANN. I do not know that I have any objection to that. Mr. Chairman, I will withdraw the point of order and offer this amendment: In line 11, after the word "building," insert the words "costing in case of any building exceeding $500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

On and after July 1, 1912, permanent appropriations heretofore made of revenues derived from national parks shall be expended only for construction, improvement, and repair of roads, trails, and bridges in the respective parks and for no other purposes whatever.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. Does the gentleman think that this provision is desirable?

Mr. FITZGERALD. The revenues do not amount to much, and it is important in this respect. There is a desire to use the revenues where permanently appropriated in the repair of roads; there is a decision of the comptroller that wherever a special appropriation is made for roads the revenues can not be used for that purpose. We wish to do two things by this. We wish to compel the expenditure of the accumulated surplus on these particular things most important, and to make it possible to expend the revenues on roads, trails, and bridges, in this instance, where specific appropriation has been made.

In the Yellowstone Park the appropriation for roads is under the War Department, and the revenues collected are under the Interior Department. The Interior Department wished to transfer a portion of the revenues for making imperative repairs to the roads, and it is impossible to do so.

Mr. MANN. Are the collections used by the Interior Department in payment of the ordinary expenses? Is not a part of the money derived now from the Yellowstone Park used for the ordinary expenses under the Interior Department, or is the entire money turned over to the War Department?

Mr. FITZGERALD. That is what it should be, but I think in the Yellowstone Park there are only two guides outside of the Army.

Mr. MANN. Who pays them?

Mr. FITZGERALD. They are paid out of a special appropriation made for them, which the gentleman will find on page 106, lines 8 and 9, of the bill.

Mr. MANN. That is the administration. I will withdraw the point of order, but, Mr. Chairman, I ask unanimous consent, in line 14, to correct a typographical error.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement of the Yosemite National Park and the construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $50,000.

Mr. NEEDHAM and Mr. SHERLEY rose.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 106, after line 23, insert the following:

"So much of the appropriation of $12,000 made in the sundry civil act approved June 25, 1910, to enable the Secretary of the Interior to examine into the data required to be submitted by the city of San Francisco with reference to a water supply for that city from Lake Eleanor and adjacent watersheds partially within the Yosemite Park, or from any other available sources of water supply, and to collect such independent data and information as may be necessary in the premises, including all incidental expenses of the officers of the Engineer Corps of the United States Army detailed by the Secretary of War as an advisory board to the Secretary of the Interior in connection therewith, as remains unexpended on the 30th day of June, 1912, is hereby reappropriated and made available during the fiscal year 1913 to enable the Secretary of the Interior to continue such work during that period.

Mr. NEEDHAM. Mr. Chairman, I have no objection to that amendment, but I desire to offer one in advance of it affecting the amount of the appropriation. Is it in order now, or would it be in order after this amendment is agreed to?

Mr. SHERLEY. Mr. Chairman, I desire to have this amendment adopted. I do not know what the gentleman is going to propose. This represents the view of the committee and is the extent to which the committee feels justified in going.

Mr. NEEDHAM. I simply desire to offer an amendment adding $50,000 to the amount already appropriated, and thought it better be done in advance of the gentleman's provision. I do not want to lose any of my rights.

Mr. MANN. I think the gentleman would better offer his amendment now.

Mr. NEEDHAM. Then, Mr. Chairman, I move to amend by striking out in line 23, page 106, the figures "$50,000" and inserting in lieu thereof the figures "$100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, line 23, strike out "$50,000" and insert "$100,000."

Mr. NEEDHAM. Mr. Chairman, the estimates submitted by the Interior Department for the Yosemite National Park for the next fiscal year amount to $274,820. The committee has recommended $50,000, which is less than one-fifth of the amount estimated. The situation with respect to the Yosemite National Park is this: Some years ago the Yosemite Valley Railroad Co. built a railroad from the city of Merced to El Portal, which is upon the park line. From El Portal to the Yosemite Valley there was no wagon road to the valley. The railroad company built a wagon road at an expense to them of $100,000, and the Government of the United States has had the use of this road since. The travel which goes into the Yosemite National Park by rail goes over the Yosemite Valley Railroad and thence by stagecoach from the end of the railroad into the valley proper.

The $100,000 which it cost to construct this road was paid by the railroad company. It is not a well-built road. It is narrow and runs along the canyon of the Merced River, and during this past tourist year one person was killed and several were injured in passing over the road. The fact of the matter is that the road is not in a safe condition, and of the estimates submitted a part are for the purpose of making this road safe and the balance for trails and roads to reach the principal scenic features of the park.

I understand the Government, in fixing the basis of concession charges, exacts of the stage company for going over this road $1 for every tourist carried. In other words, the Government obtains for every tourist who goes into the park over this road a concession charge of $1. The Government also receives a concession charge for each tourist from the hotels and camps.

In the year 1915 we expect to have a great number of people who will visit the State of California. Tickets sold to the exposition in San Francisco during that year will include a trip to the Yosemite National Park.

It is in the interest of the Government, in the interest of the revenues of the Government, that the roads of the Yosemite National Park should be put into such condition that the people who will visit the park may do so safely and comfortably. It is imperatively necessary that we begin now to make these improvements. That is the reason why the estimate of $274,820 was submitted by the Interior Department. It will be an investment, in my judgment, and will bring to the Government during the year 1915 alone, over $100,000. It seems to me that the amendment I offer should be adopted without question, because unless we do improve these roads it will be impossible to transport the crowds that will desire to visit the park during that year.

In the five minutes allowed me I can not go into a description of the beauties of the Yosemite Park or the desire of the tourists to visit it when visiting the State of California. Its fame and beauty is such that there is no doubt but that a large number of people who go to San Francisco to visit the exposition in 1915 will desire to include in the trip a visit to this wonderland. I trust the Committee of the Whole will adopt the amendment. [Applause.]

Mr. SHERLEY. Mr. Chairman, the committee has recommended an appropriation of the exact sum that was given last year and the exact sum that was given the year before, if you exclude from it $12,000 that was to provide a part of the sprinkling apparatus which has now been supplied. If the Committee on Appropriations listened to the demands that were made upon it in connection with the public parks, there would be no limit to the sums that we would be called upon to appropriate. There have been asked, not only for this park, but for several others, sums three and four and five and six times the amount heretofore appropriated by Congress. It is a very serious question as to how far we should go in the development of the various park systems that we have. Every time there is discovered in any of the States any property that, by any stretch of the imagination, can be thought to be desirable for a national park and therefore maintained at national expense, local pressure is brought to bear to induce Congress to appropriate, first, money for the purchase and afterwards for the maintenance of it as a national park. Yet the fact remains that a very insignificant number of people, very much less than a fraction of 1 per cent of the people of America, annually visit these national parks. For my own part I believe the time has come in America when we should impose upon those citizens who get the special benefit of the parks some of the burdens of them, and I should like to see adopted a provision by which every person entering these parks would be charged a reasonable entrance fee.

I appreciate that the average Member on first blush would say that we ought not to require a payment to visit a national park, but when you consider the expense in attending a park is such as to make a fee of a dollar or two simply an incident to the other expenses, it would have the effect not of deterring anybody but simply of providing some revenue to enable us to more rapidly improve the park.

Mr. WARBURTON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. WARBURTON. In talking with the superintendent of the parks, and also the man who has charge of the national parks, Col. Thompson, it has been suggested, which I think probably meets the gentleman's suggestion, that when you give a license to hotel men, for instance, in a park, you should require them to collect, say, 20 cents a day from each visitor. Some go into the park to remain there three or four days or a week, and others remain only a day. I think that has been done in the case of Mount Rainier National Park. There is a revenue collected nearly equivalent to $1 from every man, woman, and child who has entered the park ever since it has been established. It seems to me it could be done in that way, and very easily, even if you put it at a small amount, say 10 or 20 cents a day.

Mr. SHERLEY. I have no objection to any plan that will occasion the people who use the park to pay some of the burden of the maintenance of the park. Now, the point is this, that a good deal of the agitation and what you hear described as public sentiment in connection with parks is simply a sentiment of local communities that are beneficiaries of the park system or of the railroads that naturally want to advertise the park and induce travel there in order that they may get the revenues for hauling people across the continent, and at this time there has been an undue pressure under the plea of the exposition at San Francisco that therefore we should make elaborate improvements. Here is an estimate for $274,000 for roads and trails in the Yosemite. Manifestly the committee would not have been warranted, in view of the policy of Congress in the past, in appropriating any such sum. The appropriation in 1903 was $6,000 for the Yosemite; in 1904, it was $6,000; in 1905, it was $5,400; in 1906, it was $5,400; then a special act of $20,000; then in 1907, it was $5,750; in 1908, it was $30,000; in 1909, it was $30,000; in 1910, it was $30,000; in 1911, $62,000, $12,000 of which I have explained; in 1912, $50,000. The committee this year has recommended the maximum sum that has ever been allowed by Congress for the Yosemite if we exclude the $12,000 for the special purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears no objection.

Mr. RUCKER of Colorado. I know the gentleman has traveled extensively. Will he tell this committee where in the world, not only in the world but anywhere in our country, when you went into a park you had to pay an admission fee?

Mr. SHERLEY. Oh, yes; I recall several in England I visited where I paid admission, and I recall one not owned by the Government in Colorado where I paid admission.

Mr. RUCKER of Colorado. Please tell me where in England you went into a park where you had to pay a fee to get in.

Mr. SHERLEY. I can not recall the place, but I recall what is known as the Torrent Walk, in a park in England, I had to pay an entrance fee, and I am quite sure that is true of some places in Switzerland. But that is neither here nor there.

Mr. RUCKER of Colorado. That is, to the guide?

Mr. SHERLEY. No; it was not to a guide. But that is neither here nor there, whether England or the other countries do it or not. If it is right I think it ought to be done, and if it is not right we should not do it.

Mr. RUCKER of Colorado. I do not think it is right here. I do not think there is a necessity for going to that sort of thing, even if other countries do.

Mr. SHERLEY. The proposition is simply this: Here is the Yellowstone, our greatest national park. Last year 23,000 people attended the Yellowstone National Park. Now, out of 90,000,000 people 23,000 enjoyed that park. Does the gentleman think it would be any great hardship to charge those people in addition to the sums that they voluntarily pay to the transportation companies an entrance fee of a dollar a person?

Mr. RUCKER of Colorado. No; I am going to get my friend from Illinois [Mr. MANN] to answer the gentleman upon that.

Mr. MANN. May I ask the gentleman whether, after all, the question is, how will people consider it who will be charged a direct charge. The gentleman of course would not charge United States citizens for coming into the Capitol to inspect it. We would not think of that. I do not think anyone would think of charging people for going to see the Congressional Library, although it is well worth seeing. We would not think of that, not because people might not properly be charged for the maintenance, but because it would appear to them as a niggardly and stingy act on the part of the Government. If it could be done indirectly as suggested by the gentleman from Washington, perhaps——

Mr. SHERLEY. Well, I am not so much concerned about whether it is done directly or indirectly as I am about this. It is perfectly manifest that Congress is not going to be willing with the present light attendance at these parks to expend the money that gentlemen representing these parks insist ought to be expended, and the result is that we must proceed along the lines we are proceeding, which are very slow, or we must provide some other method of adding to the revenues that are to be spent on the parks.

Mr. NEEDHAM. Is it not true we are now getting indirectly this revenue by charging the transportation companies for the privilege of transporting passengers?

Mr. SHERLEY. It is true that last year we got $35,000, all of which is expended, in addition to the money which is appropriated.

Mr. NEEDHAM. That is quite an amount—$35,000.

Mr. SHERLEY. Yes; and that is in addition to what we have appropriated. And yet the estimates call for $270,000 this year for the Yosemite National Park, away beyond anything that the committee would be warranted in giving.

Now, I had the pleasure of visiting the Yosemite. I appreciate the beauty of that park, and I realize how easy it is for any gentleman, knowing its beauty and representing the State in which it is situated, to urge upon Congress the building of any number of roads and trails in that park in order that its beauties may be enhanced and the more easily seen by tourists; and yet I submit to the House that the committee would not be warranted in recommending the appropriation of anything like the sum that is asked for, in view of the policy that has been pursued heretofore.

I agree that in the past there has been an absence of an enlightened policy. We ought, perhaps, to create a head to look after all the national parks and devise a system for their improvement along fixed lines. But under the circumstances the committee did not feel warranted in going fast.

Mr. NEEDHAM. Did not the committee some years ago adopt the policy in regard to the Yellowstone National Park of making a lump-sum appropriation of a million dollars a year, and were not roads built in pursuance of that policy?

Mr. SHERLEY. Congress appropriated at different times large sums for the improvement of the Yellowstone, and yet the Yellowstone people to-day are just as loud, and perhaps a little louder, in their protests against the treatment that Congress has given to that park than the gentleman from California with respect to the Yosemite; and if to-day we gave every dollar that is asked for here, we would still be confronted with just the same number of demands. The fact is that the demand is measured by the liberality, and the more that is given the more they ask. The railroads, that particularly profit by it, and a few magazines that want to publish special articles on the beauties of America continue to present what they claim is public opinion on that subject, and yet in fact there is so little public opinion upon the subject that the attendance in those parks is but a negligible quantity.

Mr. WARBURTON. I want to say, Mr. Chairman, as one of the Members who have a park asking for appropriations, that I agree, in a large measure, with the opinion of the gentleman from Kentucky [Mr. SHERLEY]. As a matter of fact, visitors in the three larger parks now are assessed the equivalent of a dollar a head for every man, woman, or child who enters the park. In the Yosemite Park last year the Government received $3 a head for every man, woman, and child that entered it.

Mr. SHERLEY. If the gentleman will permit, is not this the accurate statement: Not a dollar was charged for entering the park, but a charge was made against the automobiles using a certain road that led to the park?

Mr. WARBURTON. I do not know how that is with respect to the Yosemite, but that is the way it is done in the park I am interested in—Mount Rainier National Park.

Mr. SHERLEY. We do not charge people for entering the parks?

Mr. WARBURTON. No. We are glad to pay for entering the park. We do not object to that, but when we do that we want to have a road improved. Last year 700 automobiles entered the park, to which they contributed $3,500.

Mr. SHERLEY. Where did that $3,500 go?

Mr. WARBURTON. That will go to the improvement of the national park during the coming year.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Texas?

Mr. WARBURTON. Yes.

Mr. SLAYDEN. Does the gentleman think that the contributions of the automobiles equal the damage done by them to the roads?

Mr. WARBURTON. I think they do. In the park I am interested in I am sure it is true. If you give us a road, the park will be self-sustaining from the charges made to people entering the park. It can be done in an indirect way. It is done in that way now. For instance, the hotel keepers in those parks pay so much license for running the hotels. The people who operate a 'bus pay so much for the privilege of operating a 'bus; and if you enter with your own vehicle and drive in with a team or an automobile, you pay so much for entering the park. We are not asking for a reduction on that point at all. The charge is equivalent in the three larger parks to $1 a head. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] offers an amendment, on page 106, line 23, to strike out "$50,000" and insert in lieu thereof "$100,000." The question is on the adoption of the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. SHERLEY. A division!

The committee divided; and there were—ayes 20, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, the question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY], which was read.

The CHAIRMAN. The question now is on the adoption of the new paragraph offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

Mr. MANN. Reserving the right to object, Mr. Chairman, it is a long amendment to reappropriate money for a survey in California for Lake Eleanor.

Mr. CAMPBELL. Then I withdraw my request.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to recur to the provision with regard to the Yellowstone National Park, lines 8 to 12, on page 106. I desire to offer an amendment at the end of line 9.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Page 106, after line 9, insert the following:

"To enable the Secretary of War to prepare an estimate of the cost per mile and the aggregate cost of widening and surfacing the maintraveled roads and bridges of the Yellowstone National Park, to make them suitable and safe for the use of both teams and motor vehicles, $10,000."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The point of order is reserved. The Chair is ready to rule.

Mr. MONDELL. Mr. Chairman, this amendment is asked in order that the roads in the Yellowstone Park may be surveyed and investigated with a view of admitting automobiles to the park. The automobile owners of the country have for years been seeking entrance to the Yellowstone Park and to the system of park roads. The Secretary of the Interior and others having charge of the park have been of the opinion that if motor vehicles were alowed in the park in the present condition of the roads there would be danger of serious accidents. At some points the roads are rather narrow. At some points there are very sharp curves. It would probably be necessary either to provide for additional roads at certain points or for the widening of the roads in order to enable those using the park with automobiles to go through it without interfering with the park coaches and with the ordinary travel of those who use their own vehicles.

This is the largest and the finest of all the national parks. It has a wonderful system of roads and there is a constantly increasing demand on the part of those fortunate enough to own automobiles to be allowed to utilize the park. I think it would greatly increase travel to the park if automobiles were allowed in it. Automobile owners are to a constantly increasing extent making long trips across the country with their machines. The coming of the San Francisco Panama Exposition is going to lead to a largely increased transcontinental travel by the use of automobiles, and it ought to be possible for these owners of automobiles to go through the national park. As the matter now stands, they can reach the borders of the park with their machines. It is impossible for them to go through the park with their machines, and therefore they are required to make a long detour of several hundred miles in order to view the park and proceed on their journey with their automobiles.

I think the amendment is not subject to a point of order. In any event, I hope the point of order will not be insisted upon and that the amendment will be agreed to.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the ground that the amendment is new legislation and not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, after line 9, insert the following:

"For the improvement and repair of the east and south roads into Yellowstone National Park through the national forests, $50,000."

Mr. SHERLEY. Mr. Chairman, I make the point of order that the amendment is not in order; that it is not germane to the bill.

Mr. MONDELL. Does the gentleman make the point or reserve it?

Mr. SHERLEY. I make the point. The appropriations for the building of roads in the forest reserves are carried in the agricultural bill. We are now under the Interior Department, and there is no authority for an appropriation of this kind on this bill at all, and partfcularly at this place.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I would very much prefer to discuss the merits of the amendment, rather than the point of order. If the gentleman insists on making the point, I want to say that the amendment is clearly not subject to a point of order. It is true that these roads are partly within a forest reserve. The words "within the forest reserves" are used only to indicate a certain portion of these roads. My amendment does not apply to the improvement of the entire length of the east and south roads. It applies only to the improvement of the parts of the east and south roads that are in the forest reserve. The east and south roads are part of the Yellowstone system of park roads. Appropriations for their improvement and repair have been carried in the sundry civil bill for the last 10 years. There has not been a sundry civil bill in that length of time, except this one, which has not carried an item of this kind for the improvement of the east and south roads.

A short time ago the gentleman from New York [Mr. FITZGERALD] objected to appropriations which were simply requested by representatives of the people. He wanted some higher authority for the granting of these appropriations. In this particular case I have a recommendation from the superintendent of the park for this appropriation. It is too long to read, but I shall insert it in the RECORD. He itemizes the needed repairs and improvements, totaling approximately $50,000. It is as follows:

DEPARTMENT OF THE INTERIOR,
YELLOWSTONE NATIONAL PARK,
OFFICE OF SUPERINTENDENT,
Yellowstone Park, Wyo., January 17, 1912.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, transmitting copy of bill (H. R. 14475) appropriating $50,000 for the improvement of the East and South Roads into Yellowstone Park, together with copy of a letter from Hon. F. W. MONDELL in relation thereto, and after conferring with the United States Engineer Department in the park and securing notes on the roads in question the following is submitted:

As to the East Road in the forest reserve:

The East Road, together with the bridges and culverts, were put in a fair condition of repair during the season of 1911. In the regular estimate for park roads for the fiscal year 1913, the sum of $4,500 was included for improvement of this approach, but this amount was calculated to cover the necessary repairs to the road, bridges, and culverts only. To replace the bridges on the North Fork and Elk Creek Fork, as suggested by Mr. MONDELL, by new wooden bridges with concrete abutments would cost about $12,000 additional. This road is used considerably by automobiles, and a few "turning-out" places constructed at frequent intervals along the narrow portion in the passes would add greatly to the safety of passing teams. Much in this line could be done for $1,500. Total needed for East Road, $18,000.

As to the South Road in the forest reserve:

From the southern boundary of the park to Moran, Wyo., a distance of 24 miles, and from Moran to Jackson, Wyo., 24 miles, the roads are in fair condition except that the bridges and culverts need repairing or replacing. From Moran to Dubois, Wyo., 70 miles, the bridges and culverts need repairing, and, in addition, if the road is to be made passable for automobiles the location must be changed in places in order to reduce the grades, and many small streams that are now forded by teams must be provided with bridges. I am informed that this part of the road is in very poor shape; that the grades in many places are excessive—20 to 40 per cent and even as high as 45 per cent in a few places. It is also stated that these grades could be reduced to 15 per cent without increasing the distance appreciably. In the annual estimate for roads and bridges in the park for 1913 the sum of $1,500 was included for these 118 miles of road, but this was intended only to provide for a crew to go over them in the spring and make necessary repairs, and not for material improvement in the way of cutting down grades or supplying new bridges. The Engineer Department estimates that the necessary repairs could be made, the grades cut down to 15 per cent, and new bridges furnished where necessary, so that the road would be passable for automobiles for $30,000.

This makes a total of $48,000 needed for the East and South Roads if they are to be put in condition for automobile travel.

As to the necessity for and advisability of the enactment of the legislation contemplated in the bill, I can only say that the necessity is apparent if it is considered advisable to keep these roads open at all, and it is well known that the more excellent roads there are leading into the park the more popular and accessible the park becomes.

Very respectfully,

L. M. BRETT,
Lieutenant Colonel First Cavalry, Acting Superintendent.

My amendment is drawn for the purpose of providing for the improvements and betterments which the superintendent of the park has recommended. The east and south roads are the most picturesque public roads in the United States. One of them passes through the famous Jacksons Hole country into the park from the south. The other passes into the park from the east, through the Hoodoo Mountain country, past the great Shoshone Dam, the highest in the world; and it is probably the finest 60 miles of road in America, built under appropriations carried in the sundry civil bill and repaired under appropriations carried in this bill.

There is no other way in which the improvements of these roads can be continued except by an item in this bill. For a considerable distance the roads pass through forest reserves. That does not change their character; they are a part of the system of park roads, and appropriations for park roads will be used to a certain extent on these roads. But there is an urgent necessity for improvement of the portion of these roads that lie in the forest reserves. Therefore I have drawn the amendment so it will be in addition to the general appropriation for park roads, but still an appropriation for park roads, and therefore not subject to a point of order.

Mr. SHERLEY. Mr. Chairman, on page 63 in this bill is a provision, under the head of Yellowstone National Park, for the maintenance and repair of improvements, $70,000, which would be the only point, if any point in the bill, where the gentleman's amendment would be in order. But the fact that there has been in this bill in the past various items for the improvement of roads through the forest reserve in Yellowstone Park, while it speaks a good deal for the zeal and diligence of the gentleman in getting appropriations, it does not, in any sense, show the law for the provision.

There is carried now half a million dollars in the argricultural bill for the purpose of improving roads through the forest reserve. It has never been held that any law exists authorizing in this bill such an item, and the gentleman has cited no authority, but simply made the statement that this was in order, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I offer an amendment striking out the words "through the forest reserve."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, after line 9, insert the following:

"For the improvement and repair of the eastern and south roads in the Yellowstone National Park, $50,000."

Mr. SHERLEY. Mr. Chairman, I make the point of order on two grounds; one is, that there is nothing to show that these roads are in the national park, and therefore in order, and the other is that if in order on this bill it would only be in order on page 63 of the bill, where there is provision made under the War Department. The building of roads and the improvement of roads is not under the Department of the Interior, but under the War Department.

The CHAIRMAN. The Chair is of the opinion that the words stricken out do not relieve it from being subject to the point of order. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard. The east road has been so known for years——

Mr. SHERLEY. Mr. Chairman, the Chair having ruled, I demand the regular order.

Mr. MONDELL. I understood that the Chair desired further information. The gentleman said there was nothing in the appropriation to indicate that the roads are in the park. But the gentleman knows that the roads are in the park. East road, I was going to explain to the Chair, begins at the outlet of the Yellowstone Lake, crosses the Yellowstone River on a bridge built under an appropriation identical in language to this, extends from that point easterly through Silver Pass to the eastern border of the park, and thence through the forest reserve. The south road begins at Yellowstone Lake and extends south to the southern boundary of the park, just above Jackson Lake. These roads are a part of the park system. It is true that they extend beyond the boundaries of the park, and if this item were adopted there could be no part of the appropriation used outside of the park, the fact still remains that it would be available for the part of the road within the park, and the gentleman will not deny that the eastern and south roads are within the park as I have stated. They are a part of the park system of roads and are within the Yellowstone Park.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Crater Lake National Park, Oreg.: For protection and improvement of the Crater Lake National Park and repairing and extension of roads, $3,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 107, line 9, add as additional sentence the following:

"For the construction of a wagon road and necessary bridges through the Crater Lake National Park, Oreg., in accordance with the recommendations contained in the report of the War Department, published as House Document 328, Sixty-second Congress, second session, for the commencement of such improvements, $50,000."

Mr. HAWLEY. Mr. Chairman, this amendment is offered pursuant to a survey authorized in the sundry civil bill of 1910 to provide for a system of roads, to make available the natural beauties of this park. The counties on either side of the park have constructed roads through their own lands up to the Government possessions, and these roads are good and efficient roads.

I left Medford one day in an automobile, traveled 84 miles, climbed more than 5,000 feet into the air in less than eight hours' time, and part of the road was new construction. That proves the character of the county roads.

This park is in the southern part of the State of Oregon. It is within 6 miles of the present extension of the Southern Pacific Railroad, and on what will be the main line from San Francisco to Portland, Oreg. It has in it inefficient roads. A large number of people visit the park every year, and a great many more desire to do so if they could get from one side of the mountains to the other side through the park.

The lake itself is located in the ruin of an old volcano. Mount Mazama was formerly a mountain of some 15,000 feet elevation. Some six or seven thousand feet of the top of the mountain have been blown out or have dropped down in some great convulsion of nature, leaving a cavity 4,000 feet deep. This cavity is half full of water, the water being 2,000 feet deep. The surface of the lake is 6,177 feet above the surface of the ocean. The highest point of the rim is about 2,000 feet above the level of the lake—8,000 feet above the surface of the ocean. The lake is about five and a half miles in diameter and covers 22 square miles in area.

The painting exhibited here was made by Miss M. Russell and shows the western portion of the lake, and is an excellent representation of the lake and the western rim. Maj. Morrow, who made the survey, said the lake is the most magnificent sight he has ever seen in his life.

I think that is the unvarying opinion of all who have seen the place. The counties on either side have made the park available as far as they can. They have constructed their roads up to where the Government lands begin. The War Department made the survey authorized in the document referred to. It has recommended a system of roads, including a road around the rim of the crater. From the very highest point of the rim you can not only overlook the lake, but see as well several eternal snow-clad mountains, great valleys on the east, and also one of the most magnificent of our western forests.

During the San Francisco exposition a very large number of people will desire to see what there is in the West in the line of scenic grandeur. The $50,000 I am asking for will put the roads in such condition that the people who go from the railroads can reach the rim of the lake and then return to the railroad or go through to the Southern Pacific line across the mountain. It is said that thousands of our people visit Europe every year, and expend in seeing the parks and grandeurs of the mountains and lakes of Europe millions of dollars. They are not attracted to travel through this country to see what there is to be seen here, because of the inaccessibility of our places of natural beauty. A few hundreds or thousands of dollars, making these places reasonably available, will cause thousands and tens of thousands of our people to visit these parks and to expend in this country the millions of dollars they now expend in Europe. Better than all that, however, it will give them an opportunity to inform themselves of what the United States contains.

I hope the committee will see fit to grant this moderate amount that I have asked. [Applause.]

I earnestly urge upon the Committee of the Whole the adoption of this amendment. It is based upon the report of the engineers of the United States Army. It proposes a system of roads and other improvements so that visitors can secure access to the park and the places of interest in it. These improvements are similar to those made in other national parks. The park can be approached both from the east and west sides, and the construction of the Southern Pacific Railroad to Klamath Falls, and its northward extension will make access to the park comparatively easy. Inside the park are most beautiful and comfortable camping places, with abundant pure water, fuel, and grass. Hotels are being operated and enlarged for transient visitors. But the great hindrance to the use of the park and the enjoyment of the places of beauty and grandeur contained in it is the lack of roads within the park. Our European neighbors have made their wonders of nature accessible by systems of roads, and have found such improvements to be very profitable investments. The United States has done comparatively little in making our wonders of nature accessible.

Large numbers of our people desire to "see America first," but until necessary improvements are made they are precluded from doing so, both on account of inaccessibility and prohibitive cost. It would be of incalculable value to this country if its people could freely visit its places of great natural interest; and when this park is made readily accessible it will become one of the most famous and most frequently visited of our places of scenic grandeur.

It is impossible to adequately describe the wonders of nature in this park, chiefest of which is Crater Lake. It is one of the places that must be seen to be even faintly appreciated.

GEOLOGICAL HISTORY OF CRATER LAKE, OREG.

(By J. S. Diller, United States Geological Survey.)

"Of lakes in the United States there are many and in great variety, but of crater lakes there is but one of great importance. Crater lakes are lakes which occupy the craters of volcanoes or pits (calders) of volcanic origin. They are most abundant in Italy and Central America, regions in which volcanoes are still active; and they occur also in France, Germany, India, Hawaii, and other parts of the world where volcanism has played an important rôle in its geologic history.

"The one in the United States belongs to the great volcanic field of the Northwest. Crater Lake of southern Oregon lies in the very heart of the Cascade Range, and, while it is especially attractive to the geologist on account of its remarkable geologic history, it is equally inviting to the tourist and others in search of health and pleasure by communion with the beautiful and sublime in nature. By the act of May 22, 1902, a tract around this lake having an area of 159,360 acres was set aside as a national park.

"According to W. G. Steel (The Mountains of Oregon, by W. G. Steel, 1890, p. 13) the lake was first seen by white men in 1853. It had long previously been known to the Indians, whose legends have contributed a name, Llao Rock, to one of the prominences of its rim. They regarded the lake with awe as an abode of the Great Spirit. Prospectors were the earliest explorers of the lake. (The discovery and early history of Crater Lake, by M. W. Gorman, Mazama, Vol. I, No. 2, Crater Lake number, 1897, 159 pages. This number contains much valuable information concerning Crater Lake in addition to that referred to.) The first travelers of note who visited the lake were Lord Maxwell and Mr. Bentley, who in 1872, with Capt. O. C. Applegate, of Modoc War fame, and three others, made a boat trip along its borders and named several of the prominences on the rim after members of the party. (The names Watchman, Glacier, Llao, and Vidae, which appear on the map of the lake, have been adopted by the United States Board on Geographic Names.) Mrs. F. F. Victor saw the lake in 1873, and briefly describes it in Atlantis Arisen. (Atlantis Arisen, by Mrs. Francis Fuller Victor, p. 179.) The same year Mr. S. A. Clarke gave an interesting account of the lake in the December number of the Overland Monthly.

"The first Geological Survey party visited the lake in 1883, when Everett Hayden and the writer, after spending several days in examining the rim, tumbled logs over the cliffs to the water's edge, lashed them together with ropes to make a raft, and paddled over to the island. In 1886, under the direction of Capt. C. E. Dutton, many soundings of the lake were made by W. G. Steel, and a topographic map of the vicinity was prepared by Mark B. Kerr and Eugene Ricksecker. Dutton was the first to discover the more novel and salient features in the geological history of the lake, of which he has given from his entertaining pen an all too brief account. (Science, Vol. VII, 1886, pp. 179–182, and Eighth Annual Report of the United States Geological Survey, pp. 156–159.)

"Under the inspiration of the 'Mazamas,' a society of mountain climbers at Portland, Oreg. (The National Geographic Magazine, Vol. VIII, 1897, p. 58), a more extended study of the lake was made by the Government parties from the Department of Agriculture, the Fish Commission, and the Geological Survey. (Crater Lake National Park, United States Geological Survey Professional Paper, No. 3, 1902, 167 pages, 13 plates, by J. S. Diller and H. B. Patton.)

"Crater Lake is deeply set in the summit of the Cascade Range, about 65 miles north of the California line. It may be reached by two routes, one from the Southern Pacific Railroad at Medford or Ashland on the west, and the other from the Southern Pacific at Klamath Falls or Big Spring on the east. Ashland and Medford are in Rogue River Valley, which marks the line between the Klamath Mountains of the Coast Range on the west and the Cascade Range on the east. The journey from Medford by private conveyance 80 miles to Crater Lake affords a good opportunity to observe some of the most important features of this great pile of lavas. The Cascade Range in southern Oregon is a broad, irregular platform, terminating rather abruptly in places upon its borders, especially to the westward, where the underlying Cretaceous and Tertiary sediments come to the surface. It is surmounted by volcanic cones and coulees, which are generally smooth, but sometimes rough and rugged. The cones vary greatly in size and are distributed without regularity. Each has been an active volcano. The fragments blown out by violent eruption have fallen upon the volcanic orifices from which they issued and built up cinder cones. From their bases have spread streams of lava (coulees), raising the general level of the country between the cones. From some vents by many eruptions, both explosive and effusive, large cones, like McLoughlin, Shasta, and Hood, have been built up. Were we to examine their internal structure, exposed in the walls of the canyons carved in their slopes, we should find them composed of overlapping layers of lava and volcanic conglomerate, a structure which is well illustrated in the rim of Crater Lake.

"The journey from Ashland by the Dead Indian road crosses the range where the average altitude is less than 5,000 feet. The road passes within a few miles of Mount McLoughlin and skirts Pelican Bay of Klamath Lake, famous for its fishing. After following northward for some 20 miles along the eastern foot of the range, it ascends the eastern slope, along the castled canyon of Anna Creek, to the rim of Crater Lake.

"From Medford or Gold Hill the trip is a trifle shorter by the Rogue River road. It affords some fine views of the canyons and rapids of that turbulent stream and of the high falls, where it receives its affluents. Striking features along both roads, within 20 miles of the lake, are the plains developed upon a great mass of detritus filling the valleys. Across these plains Anna Creek and Rogue River have carved deep, narrow canyons, with finely sculptured walls, which the roads follow for some distance.

"With the completion of the railroad on the east the approach to the lake was greatly facilitated. Leaving the railroad near Klamath Falls, a small steamer crosses Upper Klamath Lake and connects with automobile stages to the lake.

"Within the park, approaching the lake from any side, the observer sees a broad cluster of gentle peaks rising about a thousand feet above the general crest of the range on which they stand, but not until after he has left the main road, 3 miles from the lake, does he begin to feel the steepness of the ascent. The way winds over a large moraine littered with lava bowlders and well studded with firs. Arriving at the crest, the lake in all its majestic beauty comes suddenly upon the scene, and is profoundly impressive. Descending the wooded slope a short distance within the rim to Victor Rock, an excellent general view of the lake is obtained. Upon the left is the western border of the lake and upon the right its southern border. The eye beholds 20 miles of unbroken cliffs, ranging from over 500 to nearly 2,000 feet in height, encircling a deep blue sheet of placid water, in which the mirrored walls vie with the originals in brilliancy and greatly enhance the depth of the prospect.

"The first point to fix our fascinated gaze is Wizard Island, lying nearly 2 miles away, near the western margin of the lake. Its irregular western edge and the steep but symmetrical truncated cone in the eastern portion are very suggestive of volcanic origin. We can not, however, indulge our first impulse to go at once to the island, for the various features of the rim are of greater importance in unraveling the earlier stages of its geological history.

"The outer and inner slopes of the rim are in strong contrast; while the one is gentle, ranging in general from 10° to 15°, the other is abrupt and full of cliffs. The vertical interval of the contours is 50 feet. Upon the inner slope the contours are crowded close together to show a slope so steep that one needs to travel but a little way to descend 50 feet, while upon the outer slope the contours are so far apart that to descend 50 feet one needs to travel a considerable portion of a mile. The outer slope at all points is away from the lake, and as the rim rises at least 1,000 feet above the general summit of the range, it is evidently the basal portion of the great hollow cone in which the lake is contained.

"In addition to the strong contrast between the outer and inner slopes of the rim the map shows the occurrence of a number of small cones upon the outer slope of the great cone. These adnate cones are of peculiar significance when we come to consider the volcanic rocks of which the region is composed. The rim is ribbed by ridges and spurs radiating from the lake, and the head of each spur is marked by a prominence on the crest of the rim. The variation in the altitude of the rim crest is 1,456 feet (from about 6,700 at Kerr Notch to 8,156 feet at Glacier Peak) with seven points rising above 8,000 feet. The crest generally is passable, so that a pedestrian may follow it continuously around the lake, with the exception of short intervals about the notches in the southern side. At many points the best going is on the inner side of the crest, where the open slope, generally well marked with deer trails over beds of pumice, affords an unobstructed view of the lake.

"Reference has already been made to the glacial phenomena of the outer slope of the rim. There are scattered bowlders upon the surface, and also in piles of glacial moraine, which contain besides bowlders much gravel and sand. Such glacial drift is spread far and wide over the southern and western portion of the rim, extending down the watercourses in some cases for miles to broad plains, through which the present streams have carved the deep and picturesque canyons already observed on the ascent. At many points the lavas are well rounded, smoothed, and striated by glacial action. This is true of the ridges as well as of the valleys, and the distribution of these marks is coextensive with that of the glacial detritus.

"A feature that is particularly impressive to the geologist making a trip around the lake on the rim crest is the general occurrence of polished and striated rocks in place on the very brow of the cliff overlooking the lake. The best displays are along the crest for 3 miles northwest of Victor Rock, but they occur also on the slopes of Llao Rock, Roundtop, Kerr Notch, and Eagle Crags, thus completing the circuit of the lake. On the adjacent slope toward the lake the same rocks present rough fractured surfaces, showing no striæ. The glaciation of the rim is a feature of its outer slope only, but it reaches up to the very crest. The glaciers armed with stones in their lower parts, that striated the crown of the rim, must have come down from above, and it is evident that the topographic conditions of today afford no such source of supply. The formation of glaciers requires an elevation extending above the snow line to afford a gathering ground for the snow that it may accumulate, and under the influence of gravity descend to develop glaciers lower down on the mountain slopes. During the glacial period Crater Lake did not exist. Its site must then have been occupied by a mountain to furnish the conditions necessary for the extensive glaciation of the rim, and the magnitude of the glacial phenomena indicates that the peak was a large one, rivaling, apparently, the highest peaks of the range.

"The Mazamas held a meeting in August, 1896, at Crater Lake in connection with the Crater Lake clubs of Medford, Ashland, and Klamath Falls, of the same State. Recognizing that the high mountain which once occupied the place of the lake was nameless they christened it, with appropriate ceremonies, Mount Mazama. The rim of the lake is a remnant of Mount Mazama, but when the name is used in this paper reference is intended more especially to that part which has disappeared.

"The inner slope of the rim, so well in view from Victor Rock, although precipitous, is not a continuous cliff. It is made up of many cliffs whose horizontal extent is generally much greater

than the vertical. The cliffs are in ledges, and sometimes the whole slope from crest to shore is one great cliff, not absolutely vertical, it is true, but yet at so high an angle as to make it far beyond the possibility of climbing. Dutton Cliff on the southern and Llao Rock on the northern borders of the lake are the greatest cliffs of the rim. Besides cliffs, the other elements of the inner slope are forests and talus, and these make it possible at a few points to approach the lake, not with great ease but yet, care being taken, with little danger. Southwest of the lake the inner slope, clearly seen from Victor Rock, is pretty well wooded, and from near the end of the road, just east of Victor Rock, a steep trail descends to the water. Where fresh talus slopes prevail there are no trees, and the loose material maintains the steepest slope possible without sliding. Such slopes are well displayed along the western shore opposite the island and near the northeast corner of the lake under the Palisades. At this point the rim is only 575 feet high, and a long slide, called from its shape the Wineglass, reaches from crest to shore.

"The best views of the rim are obtained from a boat on the lake, which affords an opportunity to examine in detail the position and structure of the cliffs. They are composed wholly of volcanic conglomerate and streams of lava arranged in layers, as shown in figure 12, that dip into the rim and away from the lake on all sides. Both forms of volcanic material are well exposed on the trail descending the inner slope, and, although most of the cliffs are of lava, many are of conglomerate.

"On arriving at the water's edge the observer is struck with the fact that there is no beach. The steep slopes above the surface of the lake continue beneath its waters to great depths. Here and there upon the shore, where a rill descends from a melting snow bank near the crest, a small delta deposit makes a little shallow, turning the deep-blue water to pale green.

"As the boat skirts the western shore and passes toward Llao Rock the layered structure of the rim is evident, although it is fairly well illustrated on all sides. On the whole the lava streams predominate, although there is much conglomerate. Of all the flows exposed upon the inner slope that of Llao Rock is most prominent and interesting. In the middle it is over 1,200 feet thick and fills an ancient valley down the outer slope of the rim. Upon either side it tapers to a thin edge against the upper slope of the valley. To the lake it presents a sheer cliff—that is, it is abruptly cut off—and one wonders how much farther it may have extended in that direction. Beneath the rock the outline of the valley in cross section is evident. It rests upon pumice and many layers of older lavas, forming the rim down to the water's edge. The direction of flow in this great lava stream forces us to believe that it was erupted from a large volcano which once stood upon the site of the lake. Every layer of lava in the rim is a coulee, dipping away from the lake. This is especially well shown in the canyon of Sun Creek, cut in its outer slope. The sections of these radiating flows exposed upon the inner slope of the rim all tell the same story as to their source. By projecting the lavas in their course toward a common center we can reconstruct in fancy the great volcano, Mount Mazama, which once occupied the place of the lake, and, like Shasta or Rainier, formed a great landmark of the region.

"Proceeding eastward from Llao Rock the rim loses somewhat in height, and at the head of Cleetwood Cove one sees the remarkable spectacle of a lava stream descending the inner slope of the rim. It is the only one that has behaved in this way, and its action throws much light upon the disappearance of Mount Mazama.

"The Palisades are less than 600 feet in elevation above the lake, and are composed almost wholly of one great flow. The streams of lava extending northeast from this portion of the rim are broad and much younger in appearance than those forming the great cliffs south of the lake, where the flows are thinner and more numerous.

"Roundtop is a dome-shaped hill over the eastern end of the Palisades, and is made up chiefly of the lava stream that formed the Palisades, overlain by two sheets of pumice separated by a layer of dacite. The upper surface of the Palisade flow, where best exposed upon the lakeward slope of Roundtop, bears glacial striæ, that extend beneath the layers of pumice and dacite of later eruption from Mount Mazama. It is evident from this relation that Mount Mazama was an active volcano during the glacial period. The occurrence of eruptions from a snow-capped volcano must necessarily produce great floods, and these conditions may account in some measure at least for the detritus-filled valleys of the streams rising on the rim of Crater Lake.

"Returning from this glacial digression to the boat trip on the lake, it is observed upon the eastern side of the lake that Redcloud Cliff is rendered beautiful by the pinnacles of reddish tuff near the summit, where it is capped by a great, dark flow of dacite, filling a valley in the older rim and extending far to the northeast. Here the springs begin to gush from the inner slope and cascade their foaming rills to the lake. They recur at Sentinel Rock, Dutton Cliff, and especially under Eagle Crags, as well as farther westward. Their sources in many cases can be seen in the banks of snow above, but in others they gush forth as real springs, whose water must find its way in from the snow upon the outer slope.

"The boldest portion of the rim, excepting perhaps Llao Rock, is Dutton Cliff, which is made more impressive by the deep U-shape notches on either side. The notches mark points where the canyons of Sun and Sand Creeks pass through the rim to the cliff overlooking the lake. These canyons, due to erosion on lines of drainage, belong to the period when the topographic conditions in that region were quite unlike those of to-day. They were carved out by streams of ice and water descending from a point over the lake, and their presence, ending as they do in the air hundreds of feet above the present water level, affords strong evidence in favor of the former reality of Mount Mazama.

"The Phantom Ship is a craggy little islet near the border of the lake under Dutton Cliff. Its rugged hull, with rocks towering like the masts of a ship, suggests the name, and, phantom like, it disappears when viewed in certain lights from the western rim. Standing in line with an arête that descends from an angle of the cliff, it possibly marks a continuation of the sharp spur beneath the waters, or perhaps, but much less likely, it is a block slid down from the cliff. Whatever its history, it attracts everyone by its beauty and winsomeness.

"At times of volcanic eruption the lava rises within the volcano until it either overflows the crater at the top or, by the great pressure of the column, bursts open the sides of the volcano and escapes through the fissure to the surface. In the latter case, as the molten material cools, the fissure becomes filled with solid lava and forms a dike. The best example of this sort about Crater Lake appears along the inner slope directly north of Wizard Island, and is locally known as the Devils Backbone. It is shown in figure 5 across the left end of Wizard Island, and in figure 18 a nearer view from the island itself. This dike rock, standing on edge, varies from 5 to 25 feet in thickness and cuts the rim from water to crest. Dikes are most numerous in the older portion of the rim under Llao Rock. They do not cut up through Llao Rock, and are clearly older than the lava of which that rock is formed. Dikes occur at intervals all around the lake and radiate from it, suggesting that the central volcanic vent from which they issued must have been Mount Mazama.

"There is another important feature concerning the kinds of volcanic rocks and their order of eruption and distribution about the rim of Crater Lake, as shown on the accompanying reconnoissance map, figure 13, that is of much interest to the geologist. All the older lavas comprising the inner slope of the rim, especially toward the water's edge, are andesites. The newer ones, forming the top of the rim in Llao Rock, Pumice Point, Roundtop, and the Rugged Crest about the head of Cleetwood Cove as well as at Cloudcap, are dacites. Other later flows, all of which escaped from the smaller adnate cones upon the outer slope of the rim, are basalts. The eruptions began with lavas containing a medium amount of silica (andesites), and after long-continued activity lavas both richer (dacites) and poorer (basalts) in silica follow, giving a completeness to the products of this great volcanic center that make it an interesting field of study. Furthermore, the remarkable opportunity afforded by the dissected volcano for the examination of its structure and succession of lavas is unsurpassed. It should be stated, before dismissing the kinds of lava, that there are some dacites in the Sun Creek Canyon south of the lake that appear to be older than those upon the north side, and that the final lava of the region on Wizard Island is andesite.

"The glaciation and structure of the rim clearly establish the former existence of Mount Mazama, but there may well be doubt as to its exact form and size. Judging from the fact that Mount Shasta and the rim of Crater Lake have the same diameter at an altitude of 8,000 feet, and that their lavas are similar, it may with some reason be inferred that Mount Mazama and Mount Shasta were nearly of equal height. The slopes of Mount Shasta may be somewhat steeper than those of the rim of Crater Lake at an equal altitude, but the glaciation of the rim is such as to require a large peak for its source. A restoration of Mount Mazama based on a photograph of the rim of Crater Lake as seen from the southwest is shown in figure 20.

"Wonderful as the lake, encircled by cliffs, may be, it serves but to conceal in part the greatest wonder; that is, the enormous pit or caldera which is half filled by the lake. The caldera is 4,000 feet deep. An impressive illustration of it is seen in figure 21, which was prepared from a photograph of a model of Crater Lake now in the United States National Museum. The water surface is represented by glass, so that one may see through to the bottom and get the full impression of the depth of this tremendous hole in the ground. It extends from the top of the rim; which is the very summit of the Cascade Range, halfway down to the sea level, and nearly a square mile of its bottom is below the level of Upper Klamath Lake at the eastern foot of the range. The volume of the caldera is nearly a dozen cubic miles, and if we add the volume of the lost Mount Mazama that amount would be increased by at least one-half. How was it possible to remove so large a mass and in process develop so great a depression?

"The caldera is completely inclosed, so that it can not be regarded as an effect of erosion. The volcanic origin of everything about the lake would suggest in a general way that this great revolution must have been wrought by volcanism, either blown out by a great volcanic explosion or swallowed up by an equally great engulfment. It is well known that pits have been produced by volcanic explosions, and some of them are occupied by lakes of the kind usually called crater lakes. Depressions produced in this way, however, are, with rare exceptions, surrounded by rims composed of the fragmental material blown out from the depression.

"At first sight the rim about Crater Lake suggests that the caldera was produced by an explosion, and the occurrence of much pumice in that region lends support to this preliminary view; but on careful examination we find, as already stated, that the rim is not made up of fragments blown from the pit, but of layers of solid lava interbedded with those of volcanic conglomerate erupted from Mount Mazama before the caldera originated. The moraines deposited by glaciers descending from the mountain formed the surface around a large part of the rim, and as there is no fragmental deposits on these moraines, it is evident that there is nothing whatever to indicate any explosive action in connection with the formation of the caldera.

"We may be aided in understanding the possible origin of the caldera by picturing the conditions that must have obtained during an effusive eruption of Mount Mazama. At such a time the column of molten material rose in the interior of the mountain until it overflowed at the summit or burst open the sides of the mountain and escaped through fissures. Fissures formed in this way usually occur high on the slopes of the mountain. If instead, however, an opening were effected on the mountain side at a much lower level—say some thousands of feet below the summit—and the molten material escaped, the mountain would be left hollow, and the summit, having so much of its support removed, might cave in and disappear in the molten reservoir.

"Something of this sort is described by Prof. Dana as occurring at Kilauea, in Hawaii. The lake in that case is not water, but molten lava, for Kilauea is yet an active volcano. In 1840 there was an eruption from the slopes of Kilauea, 27 miles distant from the lake and over 4,000 feet below its level. The column of lava represented by the lake of molten material in Kilauea sank away in connection with this eruption to a depth of 385 feet, and the floor of the region immediately surrounding the lake, left without support, tumbled into the depression. In the intervals between eruptions the molten column rises again toward the surface, only to be lowered by subsequent eruptions, and the subsidence is not always accomplished by an outflow of lava upon the surface. Sometimes, however, it gushes forth as a great fountain a hundred feet or more in height.

"The elevated position of the great caldera occupied by Crater Lake makes its origin by subsidence seem the more probable. The level of the lowest bed of the lake reaches the surface within 15 miles down the western slope of the range. That Mount Mazama was engulfed is plainly suggested by the behavior of its final lava stream. The greater portion of this last flow descended and spread over the outer slope of the rim, but from the thickest part of the flow where it fills an old valley at the head of Cleetwood Cove some of the same lava, as already noted, poured down the inner slope. The only plausible explanation of this phenomena seems to be that soon after the final eruption of Mount Mazama, and before the thickest part of the lava effused at that time had solidified, the mountain collapsed and sank away and the yet viscous portion of the stream followed down the inner slope of the caldera. It should be observed also that the lava stream collapsed and formed Rugged Crest.

"It has been suggested, but perhaps not in serious thought, that the cone on Wizard Island may represent the summit of the sunken Mount Mazama projecting above the water. To determine the truth of the matter we must cross over to the island. Wizard Island has two portions—an extremely rough lava field and a cinder cone. These parts may be distinguished in a view of the island from the Watchman, but are more distinct in an illustration as seen from the lake. Only a small portion of the lava field is shown in the foreground. The lava is dark and has a much more basaltic look than any seen in the main body of the rim. It has evidently been erupted from the base of the cinder cone in its present position. The cinder cone, too, is a perfect little volcano, with steep symmetrical slopes 763 feet in height, and surmounted by a crater 80 feet deep. It is so new and fresh that it is scarcely forested, and shows no trace of weathering. Instead of being a part of the sunken Mount Mazama, it is an entirely new volcano built up by volcanic action upon the bottom of the caldera since the subsidence. Were it not for the lake the whole bottom of the caldera could be examined, and it is possible that other small volcanic cones might be found. This suggestion is borne out by the soundings of the lake, which appear to reveal two other cases, but they do not rise to within 400 feet of the surface of the water. It is evident that the volcanic eruptions upon the bottom of the caldera have partially filled it up. Originally it may have been much more than 4,000 feet deep.

"Given the caldera with water-tight walls, there is no difficulty in forming Crater Lake, for in that region precipitation is greater than evaporation. Extensive observations upon precipitation and evaporation have not been made at Crater Lake, but, judging from those made at nearest points, the annual precipitation should be between 60 and 70 inches, while the annual evaporation is about 46 inches. The average diameter of the lake is nearly 5 miles. Its area, including Wizard Island, is about 21.30 square miles. The drainage area inclosed by the rim of the lake, according to Mr. E. C. Barnard, is 27.48 square miles. During the winter great masses of snow drift within the rim, and thus considerably augment the normal precipitation of the lake. The lake does not fill up and overflow. The surplus water must have a subterranean outlet, probably toward the southeast, where the region is traversed by extensive breaks in the rocks, and abounds in excellent springs.

"The color of the lake is deep blue, excepting along the borders, where it merges into various shades and tints of green. It is so transparent that even on a hazy day a white dinner plate 10 inches in diameter may be seen at a depth of nearly 100 feet. The fish it contains have been introduced. A small crustacean flourishes in its waters, and salamanders occur in abundance locally along the shore.

"The level of the lake oscillates with the seasons. During the rainy winter it rises, and in the summer it falls. In August, 1896, observations were made for 22 days, and the lake sank at the rate of 1 inch for every five or six days, depending somewhat on the conditions of the weather. The Mazamas have established a water gauge, and it was hoped that an extended series of observations would be obtained, but the ice broke it off the next winter. The annual oscillation of the lake is about 4 feet.

"The temperature of Crater Lake has been the subject of considerable investigation. While the earlier observations appeared to indicate that the lake received heat from its bottom, later observations show that the temperature of the lake everywhere below a depth of 300 feet is approximately 39° and the bottom contains no appreciable volcanic heat.

"Aside from its attractive scenic features, Crater Lake affords one of the most interesting and instructive fields for the study of volcanic geology to be found anywhere in the world. Considered in all its aspects, it ranks with the Grand Canyon of the Colorado, the Yosemite Valley, and the Falls of Niagara, but with an individuality that is superlative."

The following letter from the Acting Secretary of War explains the feasibility of the proposed improvement:

WAR DEPARTMENT,
Washington, December 18, 1911.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated 16th instant, together with a report from Maj. J. J. Morrow, Corps of Engineers, dated November 21, 1911, with maps, of a survey, with plans and estimates, for roads and trails in Crater Lake National Park, Oreg., made by him in compliance with a provision contained in the sundry civil act of June 25, 1910.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 16, 1911.

The SECRETARY OF WAR.

SIR: I have the honor to submit herewith, for transmission to Congress, a report by Maj. J. J. Morrow, Corps of Engineers, made in compliance with the following provisions of the sundry civil act of June 25, 1910:

"Crater Lake National Park: For surveying, locating, and preparing plans and estimates for roads and trails in Crater Lake National Park, Oreg., and to cover all expenses incident thereto, to be expended under the direction of the Secretary of War, $10,000."

Maj. Morrow estimates the cost of the proposed system of roads and trails at $612,000, with an additional $65,000 for a system of tanks and water supply pipes to provide for sprinkling. The estimated cost of maintenance, including sprinkling, is estimated at $20,000 annually. He recommends that if the work be undertaken an initial appropriation of $100,000 be made to provide plant, shelter, buildings, and construction. Under the plans proposed by Maj. Morrow it is anticipated that the more important roads would be completed in three or four working seasons; the balance of the system in about seven years.

No estimate of funds for this work was made by the Engineer Department in its annual estimates this year. If Congress should decide to adopt the project, it is recommended that, as recommended by Maj. Morrow, the first appropriation be not less than $100,000, to be followed by others annually with a view to completion in seven years.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

UNITED STATES ENGINEER OFFICE, FIRST DISTRICT,
Portland, Oreg., November 21, 1911.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

SIR: I have the honor to submit the following report on survey, plans, and estimates for roads and trails in Crater Lake National Park.

The sundry civil appropriation act approved June 25, 1910, contained an item in the following language:

"Crater Lake National Park: For surveying, locating, and preparing plans and estimates for roads and trails in Crater Lake National Park, Oreg., and to cover all expenses incident thereto, to be expended under the direction of the Secretary of War, $10,000."

The duty of making this survey was assigned to this office July 15, 1910. Two field parties were organized and sent into the park about the middle of August, 1910, and continued the work until October 6, when further field work was interrupted by the first heavy fall of snow.

The field work was in charge of Junior Engineer H. L. Gilbert. Each party consisted of 1 transitman, 1 levelman, 1 topographer, 2 assistant topographers, 1 draftsman, 1 rodman, 2 chainmen, 1 back flagman, and 1 cook.

The method of the survey was that of a preliminary railroad survey. Control was by azimuth checked by frequent observations of the sun. Y levels were used and bench marks set about every half mile, using United States Geological Survey datum and bench marks. The transit line was referenced at about 1 mile intervals. Topography was taken on both sides of the line to develop a strip within which the final location would fall. Grades sought were maximum of 6 per cent for long distances, 8 per cent for fair distances, and 10 per cent rarely, and only for short distances. Least radius of curvature sought was 50 feet. Discharge measurements were made of springs and creeks within practicable reach of the road location.

The first season's work covered in all about 50 miles of preliminary lines and completed all survey work contemplated excepting about 6 miles of the 36-mile road encircling the lake, the 5 miles of road to the Pinnacles, and the 7 miles of road to the eastern boundary of the park. During the season just closed one party, constituted as each of the parties of the preceding season, was sent into the park in July, under the direction of Junior Engineer W. G. Carroll, and finished the work in about one month of field work.

In the office, after return of the field party, each season, all transit lines were computed and plotted to a scale of 1/2400, the location was profiled, and preliminary estimates were made. The finished location was also plotted on a map of the park to scale of 1/48000.

DESCRIPTION OF THE PARK AND ROADS DESIRED.

A complete description of Crater Lake Park is found in Professional Papers, No. 3, Department of the Interior, United States Geological Survey, entitled "The geology and petrography of Crater Lake National Park," by J. S. Diller and H. B. Patton: Government Printing Office, 1902.

Briefly, Crater Lake National Park was made a national park by the act of Congress of May 22, 1902. It is about 18 miles north and south by about 13½ miles east and west, and contains 249 square miles. It lies roughly about halfway between Portland, Oreg., and San Francisco, Cal., and about 50 to 60 miles east of the present main line of the Southern Pacific Railroad between those two cities, but not more than 10 miles west of the proposed new main line of the same road, known popularly as the Natron cut-off.

The park is now reached with considerable difficulty. The easiest method is by rail to Klamath Falls (about 88 miles from the main line), thence by boat to a landing on the shore of Upper Klamath lake, whence the Crater Lake Co. operates an auto stage via Fort Klamath to their lodge on the rim of the crater (a run of about 30 miles). It may be reached by automobile from Klamath Falls or from Bend, Oreg., both approaching via Fort Klamath, or from Medford approaching from the west and about 100 miles distant. Upon the completion of the Natron cut-off the railroad will be within about 10 miles of the eastern boundary of the park, and a road will doubtless be at once constructed toward the lake along the valley of Bear Creek.

The roads now in the park are simple and crude. The headquarters of the superintendent, near the head of one fork of Anna Creek, is at the junction of the roads leading to Medford and to Fort Klamath. From this point about 5 miles of road follows up another fork of Anna Creek to the rim of the crater, just west of Garfield Peak. This road, especially the mile nearest the rim, is exceedingly tortuous and steep, some of the grades being nearly 30 per cent. All existing roads are improved only by sidehill excavation work, with occasional log revetments, are tortuous and narrow, and in the dry summer (the only season) become badly rutted, the soil being a light dry pumice. They are, however, extensively traveled by automobiles, the traffic showing a gradual increase, as the beauty of the park becomes more widely known. There are no other roads in the park and but few trails, those that exist being gradually developed by the superintendent of the park for use of his rangers in protection against forest fires.

The central and dominating feature of the park is the lake which partially fills the crater in the wrecked mountain. The following extracts from the Diller and Patton report describe it briefly:

"On the rim of Crater Lake there once stood a prominent peak to which the name Mount Mazama has been given. Mount Mazama is practically unknown to the people of Oregon, but they are familiar with Crater Lake, which occupies the depression that resulted from the wreck of the great peak. The remnant of Mount Mazama is most readily identified when referred to as the 'rim of Crater Lake.' The wrecking of Mount Mazama was the crowning even in the volcanic history of the Cascade Range, and resulted from a movement similar to that just noted in Mount Thielsen, but vastly greater in its size and consequences. This volcanic activity culminated in the development of a great pit or caldera, which for grandeur and beauty rivals anything of its kind in the world.

GENERAL FEATURES.

"The rim encircling Crater Lake, when seen from a distance from any side, appears as a broad cluster of gently sloping peaks rising about 1,000 feet above the general crest of the range on which they stand. The topographic prominence of Mount Mazama can be more fully realized when it is considered that it is close to the head of Rogue, Klamath, and Umpqua Rivers. These are the only large streams breaking through the mountains to the sea between the Columbia and the Sacramento, and their watershed might be expected to be the principal peak of the Cascade Range.

"To one arriving by the road at the crest of the rim the lake in all its majestic beauty appears suddenly upon the scene and is profoundly impressive. The eye beholds 20 miles of unbroken cliffs, the remnant of Mount Mazama, ranging from over 500 to nearly 2,000 feet in height, encircling a deep, blue sheet of placid water, in which the mirrored walls vie with the original slopes in brilliancy and greatly enhance the depth of the prospect. The lake is about 4½ miles wide and 6½ miles long, with an area of nearly 20½ square miles."

To supplement this brief description it may be added that the surface of the water on the lake is 6,177 feet above sea level, while the lowest point of the rim is over 500 feet higher. The rim at most points is 800 feet high, rising at some points much higher and almost sheer. Near the western margin of the lake rises Wizard Island, almost a perfect cone with a diminutive crater in its peak, about 800 feet above the water. The Phantom Ship, a small pinnacle of rock near the southeast shore, marks the only other break in the sheet of water, which is of great depth, at points reaching nearly 2,000 feet.

Other interesting features of the park are the canyons of Anna Creek (of which excellent views may be obtained from the existing road to Fort Klamath) and the similar canyon of Sand Creek, where the formation has been given the name of "The Pinnacles."

The only roads at present in the park are the two from Fort Klamath and from Medford, leading to the superintendent's headquarters and thence to the rim of the lake. There are numerous trails constructed by the Forest Service from time to time.

In preparing a plan for improvement, as directed by Congress, it was considered of paramount importance to design a road encircling the crater as near to its rim as topography would permit, in order that the lake might be viewed from all possible points. It was believed to be necessary to construct roads from the rim road to the two existing entrances, utilizing the present existing roads as much as possible, and to provide also for a road to the eastern boundary, as this will shortly be the principal entrance to the park. It was also deemed advisable to construct a road leading to The Pinnacles, which road could later be extended into a fourth entrance if desired. About 100 miles of trails are necessary to connect with existing Forest Service trails and provide additional ones. They would be useful to the Forest Service in coping with fires, as well as facilitating the exploration of the park by camping parties. Trails are needed at three points at least leading from the rim road to the surface of the lake. Along these lines the plans have been prepared.

The road around the lake is planned to cross the face of the Watchman, pass behind the Glacier Peak, return to the rim before again passing behind Lion Rock, thence following the rim fairly close until Cloud Cap is reached. It then passes successively behind the mountainous masses of the inside slopes of Mount Scott and Dutton Cliff, but returns to the rim again at Sun Creek Notch, from which point it recedes, passing behind Vidae and Garfield Peaks. It returns to the rim at the site of the present lodge of the Crater Lake Co., following the rim thence to the Watchman. The total length of the rim road is between 35 and 36 miles. A trail a little over a mile in length is provided for those desiring to leave the road to obtain the view from Kerr Notch.

From about this same point in the rim road a road is planned to reach The Pinnacles. Its length is about 5 miles.

At the base of Garfield Peak the road to the southern and western entrances is planned to leave the rim road. It is a little more than 3 miles in length to the present superintendent's headquarters, where it forks. There are 7 miles more to the Fort Klamath entrance and about 6½ miles to the Medford entrance. These roads all follow fairly close the existing roads.

From near Round Top the eastern entrance road is planned, following the valley of Bear Creek. It is a little over 4 miles in length.

The total length of all these roads is 61.7 miles. All are shown on the map submitted herewith.

About 100 miles of trails are planned, to enable campers to reach adjacent points, taking advantage of water and pasturage for their camp sites. These trails have not been surveyed, as it was deemed unnecessary to locate them any more definitely than they can be located on the map prepared by the Geological Survey two years ago.

The road has been designed to permit of automobile traffic. It is believed that a regulation excluding automobiles from Crater Lake Park would be a grave mistake, as even now, with the poor roads, nearly all the visitors reach the rim of the lake in this way. The park is within fairly easy access by motor of the numerous growing cities between Portland and San Francisco, and the approaches will gradually improve as the country becomes more thickly populated.

CLIMATIC CONDITIONS.

The season for work in Crater Lake Park is very short. The section has a heavy precipitation, which is nearly all snow, as but little rain falls in the summer months. Most of the work, and nearly all of the heavy work, is at a high altitude, nearly 7,000 feet. Only in an unusually early season can the rim be reached by the middle of June, although there are portions of the approaches that could be worked

on in June. July, August, and a part of September will be the usual working seasons, with hardly more than two months available for work on the Rim Road. After completion, similarly, provision will have to be made for watering the road, or for oiling it, as showers are exceedingly rare until near the close of the season.

WORKING CONDITIONS.

In addition to the short season the work of construction will be hampered by the remoteness of the locality, requiring the importation of all labor and a comparatively long haul of all supplies. The latter condition may be improved before the work can be completed, even if started at once, by the completion of the Natron cut-off. The question of water supply is not an easy one, especially for that portion of the rim road on the northeast side of the lake between the Watchman and Round Top (about 11 miles). No water has been located between Lighting Spring, south of the Watchman, and Cascade Spring, east of Round Top, and this latter, while a large spring, is at a level much below the road, besides being nearly 2 miles away. Rock suitable for macadam is plentiful on the south side of the lake, but none has as yet been located convenient for work over the same stretch of road where the water is lacking. The drift sand that is found at numerous locations is suitable for the small amount of masonry work that will be required.

The following springs and streams were gauged, and it is believed can be counted on to deliver water at all times in equal or greater quantity than was determined, the measurements having been made in September, at about low water:

	Cubic foot-seconds.
Spring below Crater Lake Co.'s lodge near mile 32, Rim Road	0.1
Cascade Spring (head of Bear Creek)	5.0
Anderson Spring (head of Sand Creek)	2.0
Sun Creek at elevation 6,000 (near mile 25½, Rim Road)	.3
Spring at elevation 6,850 (near mile 27½, Rim Road)	.1
Springs (near mile 29½, Rim Road), aggregating	.1
Spring at elevation 6,450 (near mile 30, Rim Road)	2.0
Arant Spring, at headquarters	1.8
Anna Creek, at mouth of Bridge Creek	40.0
Bridge Creek, above Fort Klamath Road	1.0
Lighting Springs (near mile 3, Rim Road), not gauged but estimated, about	.4

BASIS OF PLANS AND ESTIMATES.

As stated, the road is designed with maximum grade of 8 per cent, and this only for short distances, and with a minimum radius of curvature of 50 feet. Cross section in earth or rock is as follows: In embankment, width of subgrade, 16 feet; side slopes 2 on 3; in excavation, side ditches 1 foot deep, width at bottom 2 feet, and side slopes 1 on 1. Surface of broken stone 12 feet wide, 7½ inches at center to 3½ inches at edges. On grades of 2 per cent or higher, side ditches to be paved. Small culverts to be of corrugated iron or vitrified pipe 1 foot in diameter; large ones of concrete as required.

The unit prices adopted are as follows:

Grading:		
Earth or sand	per cubic yard	$0.30
Hardpan or loose rock	do	.60
Solid rock	do	1.00
Grubbing and clearing	per acre	75.00
Crushed rock, in place, rolled	per cubic yard	3.80
Paving of ditches	per square yard	.50
Construction of rough pack trails	per mile	150.00

ESTIMATE FOR WATER SUPPLY.

The Rim Road can be supplied with water only with extreme difficulty. The question of water on the approaches is comparatively simple. It is estimated that a system of providing tanks and supply pipe for water, so that the road can be kept watered by carts during the season, will cost $65,000.

MAINTENANCE.

It is estimated that after completion of the work an appropriation of $20,000 annually will be required for repairs and maintenance, including sprinkling.

These estimates may appear high, but experience in road work in Yellowstone and Rainier National Parks, where conditions are not dissimilar, have proved that remoteness, short season due to altitude, and high cost of labor and supplies will all operate to increase the cost of construction. It is believed the estimates are not higher than is required for the character of work desired.

RATE OF PROGRESS AND PLAN PROPOSED.

It is believed that completion of the roads in the park, as herein outlined, can be best and most economically effected by a plan about as follows:

The approach from Fort Klamath to the rim of the lake at the present lodge of the Crater Lake Co. should be first constructed by grading only, and then the grading of the Rim Road from the lodge to near Round Top (about 20 miles) should be completed. (The principal hotel of the Crater Lake Co. will ultimately be located on the Rim Road near Round Top.) After completion of this work, if the Natron cut-off is completed, the Bear Creek Road should be graded and the Medford approach graded. These roads should then be improved by surfacing while the remainder of the Rim Road is being graded. The road to The Pinnacles should be undertaken last of all the road work, as a wagon trail can be easily opened up for use during the early work.

The initial appropriation for the work should be about $100,000 to provide plant, shelter, and camp buildings and stores, in addition to a working fund. For the succeeding two years the annual appropriation should be about $75,000, after which time it should be increased to about $100,000 annually, provided the Natron cut-off is completed, as is anticipated. Under this plan it will require about seven years to complete the work, but the grading from the Klamath entrance to the Bear Creek entrance, including about 20 miles of the Rim Road connecting the two establishments of the Crater Lake Co., together with considerable of the surfacing of this much of the road system, would be completed in three working seasons, and all of this road, together with the Medford entrance, could be graded and surfaced by the end of the fourth season.

It is the opinion of this office that as much of this work as possible should be completed prior to the San Francisco exposition of 1915. If this is done, a visit to this park will be one of the favorite side trips, especially as it can be included with a loss of but one day and at little expense by all tourists making the trip via Portland. More rapid progress than outlined above could be made if the work were authorized under some such system as the continuing-contract system used in some of the river and harbor work.

In closing this report this office desires to state that the improvement outlined herein is an exceptionally worthy one. It is doubtful if any view existing in the world to-day is as impressive and at the same time as beautiful as the view of this lake from its rim. Hundreds of people make the trip now year after year under adverse conditions for the pleasure of this view, and as the railroad approach is improved, as it shortly will be, the park should be made as accessible as possible for the thousands of tourists that annually travel between San Francisco and Portland.

It is desired also to acknowledge the courtesy of helpful advance sheets of survey furnished by the United States Geological Survey and assistance in numerous ways rendered by Mr. Arant, superintendent of the park, and Messrs. Will G. Steel and A. L. Parkhurst, of the Crater Lake Co.

Respectfully submitted.

JAY J. MORROW,
Major, Corps of Engineers, United States Army.

(Through the Division Engineer, Northern Pacific Division.)

The following description of Crater Lake and its surroundings is given by Prof. J. S. Diller, of the United States Geological Survey:

CRATER LAKE NATIONAL PARK ROADS.

STATEMENTS OF MAJ. J. J. MORROW AND MAJ. EDGAR JADWIN, UNITED STATES ARMY.

Maj. JADWIN. Mr. Chairman, you asked Gen. Bixby a few questions about the details of the Crater Lake estimates, and as Maj. Morrow, who made the survey and who has charge of the Portland (Oreg.) district, is now in the city, the general thought that he might give you the information desired.

The CHAIRMAN. "For protection and improvement of the Crater Lake National Park," etc., the appropriation for 1912 was $3,000, and you are asking $15,000 for next year?

Maj. MORROW. That is the appropriation for the superintendent of the park. That is for the maintenance of the present roads in the park. The question I am familiar with is the survey which was specially authorized two years ago for a comprehensive system of roads and trails in the park.

The CHAIRMAN. Will you just make a statement about that survey?

Maj. MORROW. The description of the park and the estimates are all in the document. The survey was completed last summer. These estimates came in about Christmas time. When Congress decided to make this survey they provided that the work of the survey be done under the direction of the Secretary of War. It went to the Chief of Engineers and came out to our office. It was a little late in the season, the season being very short, to complete the work. The appropriation did not pass until the 1st of July, and the notification of the fact that it had passed, which was an entire surprise to the Engineer Department, was not received until a month, perhaps, later. The survey and construction parties in the park had to get out before the 1st of October. It is right in the top of the Cascade Mountain Range. So it took two seasons to complete the survey after the estimate.

Mr. SHERLEY. How long a season have you there?

Maj. MORROW. About three and one-half months.

Mr. SHERLEY. Have you that much of a tourist season?

Maj. MORROW. Yes, sir; about the same thing. Tourists go in there about the 1st of July and they come out about the end of September. It is a little shorter than the Yellowstone season, but is entirely comparable with it.

Mr. CANNON. Is it about as long as the Mount Rainier season?

Maj. MORROW. Probably not quite as long.

Mr. MALBY. Are there any railroads which run near this park?

Maj. MORROW. The main line of the Southern Pacific from San Francisco to Portland runs east of it, north and south. The easiest way to reach the park is to run up to Klamath Falls, which is about 60 miles from the park. The railroad, however, is building what they call the Natron cut-off, and when that road is completed, which they say will be shortly, the railroad will be within a very few miles of the eastern limit of the park.

Mr. SHERLEY. How far?

Maj. MORROW. About 6 miles.

Mr. MALBY. Do you contemplate connecting up with the proposed new road or is it intended to connect up with the existing railroad lines?

Maj. MORROW. It is intended to have the principal entrance on the eastern side of the park, so that will be the place that will connect with this new cut-off line.

Mr. SHERLEY. What is at Crater Lake National Park besides the lake and mountains? Is there any unusual feature?

Maj. MORROW. There is nothing except a couple of gorges, which are very picturesque, precipitous rocks, 200 or 300 feet in height, called pinnacles, but the main feature which is really worth while is the beautiful lake.

Mr. SHERLEY. How large is the park area?

Maj. MORROW. About 250 square miles.

Mr. PAGE. What is the area of the lake?

Maj. MORROW. The lake is about 5 miles across, nearly circular.

Mr. SHERLEY. How many square miles?

Maj. MORROW. About twenty-odd square miles.

Mr. SHERLEY. How much of a road system is it contemplated to construct?

Maj. MORROW. There is a map in the document which shows the road around the lake, going as near to the edge of the crater as can be done at as many points as possible, and roads would go east to connect with the new railroad line and south and west to the present entrances.

Mr. SHERLEY. Is it proposed to run the road through the forest reserve?

Maj. MORROW. That ultimately would be done.

Mr. SHERLEY. Is there any record of the people who have gone there heretofore?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. How many people have gone each season?

Maj. JADWIN. There were 5,000 in 1911.

Mr. SHERLEY. Where from?

Maj. MORROW. They all come in from Klamath Falls or Medford.

Mr. SHERLEY. Mostly from the State of Oregon?

Maj. MORROW. No. They come from Oregon and California. A great many of them are tourists who are coming from San Francisco or Portland and stop over.

Mr. MALBY. What is the elevation of the lake?

Maj. MORROW. The elevation of the lake is a little over 6,000 feet, and the rim is from 500 to 3,000 feet higher.

Mr. MALBY. It is an extinct crater?

Maj. MORROW. Yes, sir; the top blown off the mountain or sunk into the mountain. The water has filled up the lake to a depth of as much as 2,000 feet. It is the deepest body of fresh water in the world, certainly the deepest I know anything about. The sight of it is perfectly magnificent; the most beautiful I have ever seen.

Mr. MALBY. Is there any outlet?

Maj. MORROW. No; except seepage and evaporation.

Mr. MALBY. Is there much of an intake?

Maj. MORROW. It is fed by the snow which falls there during the winter and drifts in during the storms. The wind blows the snow in there and it can not get out.

Mr. CANNON. There is no river running into it?

Maj. MORROW. No, sir.

Mr. CANNON. It is fresh water?

Maj. MORROW. Yes, sir. There are little streams feeding it from the snowdrifts.

Mr. MALBY. Are there any fish in the lake?

Maj. MORROW. Yes, sir. They have a regulation limiting the catch to six.

Mr. MALBY. What kind of fish?

Maj. MORROW. Trout and some bass.

Mr. MALBY. Lake trout?

Maj. MORROW. Yes, sir. Six are about all you want to carry up the hill, climbing right up an incline of about 45°.

Mr. CANNON. Are the fish healthy?

Maj. MORROW. Yes, sir.

Mr. MALBY. This system of roads, does it include a road to the railway 6 miles away?

Maj. MORROW. Here [indicating] is the road which runs right around the lake. The map shows it. Here [indicating] are the three approach roads planned.

Mr. MALBY. Where does it go?

Maj. MORROW. Ultimately to Medford.

Mr. MALBY. How far away is that?

Maj. MORROW. One hundred miles.

Mr. MALBY. Through the forest reserve?

Maj. MORROW. A portion of the distance; yes, sir.

Mr. MALBY. And the balance private land?

Maj. MORROW. Yes, sir.

Mr. MALBY. Has the Government expended any money on that up to the present time?

Maj. MORROW. I think the forest people have improved that road only as much as necessary to get around the range.

Mr. SHERLEY. Is there any reason in the world for building roads other than around the rim of this lake and to a point outside by which the public can get in? There is not anything in particular about the scenery away from the lake that would justify the Government in building an elaborate system of roads for automobiles?

Maj. MORROW. No, sir; but you want one road to get in.

Mr. SHERLEY. I understand; but you do not want several roads to get in.

Maj. MORROW. If the people come in automobiles it is a good thing to have them go out on a different road from the one on which they come in.

Mr. SHERLEY. If it is not too much of an expense for the benefit of a limited number of people wealthy enough to own automobiles and who visit a lake of that kind.

Mr. CANNON. What is the distance to this entrance?

Maj. MORROW. About 6 miles.

The CHAIRMAN. How many miles around that lake?

Maj. MORROW. Thirty-five miles.

The CHAIRMAN. What character of road was the estimate based on?

Maj. MORROW. On a roadway surface 16 feet wide with 12 feet of macadam in the center, the width not entirely covered with macadam, but 16 feet of excavation, principally excavation.

Mr. SHERLEY. You estimate $20,000 annually to maintain these roads after built?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. That contemplates how much mileage of roads?

Maj. MORROW. That contemplates the entire mileage—something like 62 miles.

Mr. SHERLEY. Sixty-two miles of roads and $20,000; that is three hundred odd dollars a mile for maintenance?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. I notice that you contemplate sprinkling. Have you considered or estimated at all on the cost of oiling?

Maj. MORROW. That was gone into to a certain extent. The chances are that at this place oil will be used on the road, either in the shape of a bituminous construction or oil for maintenance.

Mr. CANNON. Is it soft or hard rock?

Maj. MORROW. It is hard rock. It will grind up—all rock will—but it is much better than ordinary limestone.

The CHAIRMAN. This survey which you made contemplates how many miles of road?

Maj. MORROW. 61.7; about 62 miles.

The CHAIRMAN. You spoke about 35 miles; would that cover the entrance?

Maj. MORROW. There are 39 miles, the circle around the lake and the distance to the entrance, to what will be the principal railroad entrance to the park.

The CHAIRMAN. And the total estimate of building that 61.7 miles is what?

Maj. MORROW. $627,000 for the 62 miles.

The CHAIRMAN. What would be the cost of the 39 miles?

Maj. MORROW. $468,000.

The CHAIRMAN. It would take 10 years to complete the entire system, according to your statement?

Maj. MORROW. Not 10 years; about 7 years, altogether.

The CHAIRMAN. Are there any roads there now?

Maj. MORROW. Just mountain roads. You can get over them with an automobile, but they are very kinky and in very bad shape. During the season there are probably now anywhere from three to seven automobiles which go up to the rim of the lake every day, besides the ones run by this company that has a lodge up there.

Maj. JADWIN. Mr. Chairman, you asked Gen. Bixby about the way the estimate was prepared and whether he could handle the work relatively economically. Maj. Morrow may throw some light on that.

Maj. MORROW. That point came up in the hearing with the general the other day as to whether the work of construction should be transferred to the Interior Department. The general spoke to me about it and suggested that possibly there were reasons he had not touched upon why the work might better be constructed by the engineer office out there. There is one point that should be emphasized: I have in the office at Portland an organization for river and harbor work for the Celilo Canal, where we are spending $600,000 to $800,000 a year, and that job contemplates a lot of excavation work. I have four steam shovels and a big land dredge on that work, in addition to the plant for putting in concrete. It just so happens that the high-water season in the Columbia River agrees absolutely with the working season in the Crater Lake National Park. The Columbia River flood begins in May or June and comes down in August. If this work were done there would be the advantage of being able to shift a portion of the force, and in that way enable the parties to get in there with a little more facility and to use part of the plant by transfer at the same time.

The CHAIRMAN. How far apart are these places?

Maj. MORROW. About 300 miles. But I am confronted just at this time and at this season of every year with the proposition of having to reduce the force at Celilo for three or four months; some of the men have to be laid off and are laid off. If this work were going on in the same office there would be that advantage of having a place to shift a considerable portion of them.

The CHAIRMAN. You state that three, five, or seven automobiles go through the park during a day?

Maj. MORROW. I say go up to the lodge.

The CHAIRMAN. Are they private cars or cars operated by the company?

Maj. MORROW. They are private cars; the company operates one and sometimes two automobiles to carry the people up to the lodge; but these are private cars in addition to those operated by the company, and sometimes there are seven or eight up there overnight.

The CHAIRMAN. Does the company carry many people?

Maj. MORROW. They carry anywhere from five to a dozen a day during the season in this machine that runs up from Klamath Falls. They charge $10 for that round trip in the automobile.

The CHAIRMAN. I asked that because I notice the fee paid by that company is $30.

Mr. MALBY. Is it an automobile company?

Maj. MORROW. No, sir; it is the Crater Lake Co., which runs this lodge or camping place at the rim of the lake.

Mr. SHERLEY. And they pay $30 for that privilege?

Maj. MORROW. I did not know they paid anything. They have a dozen or twenty tents there, and a big house which they use as a kitchen and dining room.

Mr. MALBY. And they accommodate anybody who goes there?

Maj. MORROW. Yes, sir.

Maj. JADWIN. Maj. Morrow has made reference in his report to a probable large increase in the number of tourists who will travel at the time of the San Francisco Exposition.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 17, 1912.

Mr. JAMES C. COURTS,
Clerk Committee on Appropriations, House of Representatives.

SIR: * * * A memorandum, prepared in this office, is attached giving information concerning the cost of maintenance of wagon roads by the use of oil and by sprinkling with water, along lines suggested by questions asked by some of the members of the committee in connection with Maj. Morrow's testimony.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

[Memorandum concerning the cost of maintenance of wagon roads by the use of oil and by sprinkling with water. Prepared in the office of the Chief of Engineers, United States Army, April 17, 1912.]

PARK AND COUNTY ROADS AND SUBURBAN STREETS IN DISTRICT OF COLUMBIA.

The cost of oil constitutes about two-thirds of the cost of work of oiling the county roads and suburban streets in the District of Columbia. Oils of several kinds were used, including a considerable amount of emulsified oil; this latter oil was found to be better adapted to residence streets where there is much pedestrian traffic on account of being less adhesive to the feet when first applied; it is also less expensive. The heavier oils were found to be best adapted to roads having considerable automobile travel and the lighter oils to roads having heavy hauling and where the surface is loose. These oils are used instead of sprinkling with water, with the result that the dust is kept down at all periods of the day instead of drying out at intervals. The cost of laying varied from about 3 cents to a little over 6 cents per square yard; the cost of watering was about 2½ cents per square yard. While the expense of oiling is greater than of watering, the additional advantage of preservation compensated for the increased expense, for the life of the roadway is considerably increased.

WASHINGTON PARK SYSTEM: PUBLIC BUILDINGS AND GROUNDS OF THE DISTRICT OF COLUMBIA.

The cost of treating with oil and tar is, on an average, 2½ cents per square yard, with oil at 6½ cents per gallon. The roads were, in general, good macadam roads. At this price a 16-foot road would cost about $235 per mile per annum for oiling. Average cost of sprinkling with water in past years was 3.2 cents per square yard, or about $300 per mile for a road 16 feet wide.

MISCELLANEOUS NOTES (FROM HANDBOOK OF COST DATA, GILLETTE, PP. 154 AND 156).

Mr. H. W. Howe gives the cost of sprinkling macadam park roads (locality not stated) as follows per mile per year: Water (16 cents per 1,000 gallons), $187; teaming, $533. The road was sprinkled 10 times daily to keep the dust down, a sprinkler with fine holes being used. The cost of maintaining these roads was about $200 per mile per year, distributed thus: Screenings, $130; teaming, $50; labor, $20.

ROADS IN EUROPE, NEW JERSEY, AND MASSACHUSETTS.

Mr. L. Y. Grabill, superintendent of county roads, Washington, D. C., expresses the opinion that the good condition of the ordinary country roads in Ireland and Scotland is due to the character of rock used which, under ordinary travel, keeps well compacted as the result of the high degree of moisture in the climate.

In the New Jersey report for 1907 an estimate is made for cost of maintenance for the entire State of $300 per mile, and the report states that that estimate is considered low. One county in New Jersey in 1907 expended $436 per mile for maintenance. The cost of maintenance of the highways in the vicinity of Newton, Mass., in 1910, was $541 per mile for maintenance only.

YELLOWSTONE NATIONAL PARK.

The estimated cost of oil delivered in the park is about 10 cents per gallon.

An estimate made in 1903 indicated that the cost of oiling a 10-foot road in the park would be approximately $440 a year. The question is now being carefully investigated again. The average cost of sprinkling roads in the park during the past three years has been about $300 per mile.

Mr. FITZGERALD. Mr. Chairman, the report to which the gentleman calls attention recommends that $627,000 be expended in the construction of 62 miles of road in this national park. Last year there were 4,500 visitors at the park, and the receipts obtained from the various concessions in the park by the Federal Government amounted to $389. A 20-year concession has just been granted to the so-called Crater Lake Co., so that if this system of roads that is contemplated is to be constructed at the rate contemplated in the gentleman's amendment it will take 14 years to complete it. The committee believed, in its investigations of these various parks, that before any very extended appropriation should be made for improvements in them it is of the utmost importance that some definite plan of control and development be determined upon by Congress. The estimate for these roads was made under a survey made by the War Department. This appropriation, if granted, would be expended under the Interior Department.

The roads in the Yellowstone National Park have already been built under the Army engineers. This money, if appropriated as now proposed, would be expended by the Interior Department. This park has roads now. Maj. Morrow said they are just marked roads, but that you can go over them with automobiles. Before Congress should undertake to enter upon a scheme of expending $627,000 for roads in this park, to build 62 miles of roads at a cost of $10,000 a mile, some plan should be adopted by which these concessionaires should make reasonable return to the Government, and some fixed policy should be adopted regarding all of the parks. The Federal Government has rather overdone the matter of national parks. Some of them are well worthy of development, but as concerning others very serious questions arise.

In the Glacier National Park, for instance, there are within the limits of the park a number of homestead entries, and one of the most attractive and beautiful lakes in the entire park is surrounded by homesteaders, so that every dollar expended by the Federal Government in the development and improvement of that park prior to the acquisition of these private rights within the park will simply tend to enormously enhance the value of the private holdings in the park.

The committee believed, in view of all the facts developed in the investigations regarding the parks, that it would be unwise at this time, until opportunity has been afforded to consider a plan that had been proposed to consolidate the question of management of these parks and the defining of some policy toward the development, to undertake these very extraordinary improvements. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 20, noes 43.

So the amendment was rejected.

The Clerk read as follows:

Mesa Verde National Park, Colo.: For protection and improvement of Mesa Verde National Park, Colo., including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $7,500.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I do not believe there is anything which so thrills the human body as the contemplation of enjoyment, and commensurately, in opposite degree, disappointment. It does not happen that this gem of creation, the Mesa Verde National Park, is in my district. At the same time, however, speaking for Colorado, as a Member from the West, being looked upon as one of the most voracious individuals, looking for everything that might be had from the Government, looters of the public domain, and so forth, I feel I must raise my voice in favor of one of the grandest sights there is in the Western Hemisphere.

I believe that this Goverment has done a very generous thing to give us $7,500. [Applause.] I am going to disappoint my friends over there in not allowing them to raise a point of order. I consent to the amendment that is offered by the committee for the $7,500, and we are very thankful for them. We hope that they will do the same thing for us next year. [Applause.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Mount Rainier National Park, Wash.: For protection and improvement of Mount Rainier National Park, construction of bridges, fences, and trails, and improvement of roads, $5,400.

Mr. WARBURTON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add the following at the end of line 20, page 107, Mount Rainier National Park: "For the improvement of the Government road between the National Park Inn, in the Mount Rainier National Park, to a point where the Government road leaves the national forest reserve, $35,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. This part of the bill has reference to national parks. The gentleman is speaking of some road leading to the national park.

Mr. WARBURTON. No; the amendment is offered for the appropriation of $35,000 for the improvement of that part of the road in the national park extending——

Mr. FITZGERALD. It is not a Government road; it is not on Government land.

Mr. WARBURTON. But the gentleman is mistaken; it is a Government road.

Mr. FITZGERALD. I reserve the point of order.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. FITZGERALD. The statement made by the gentleman very greatly impressed the committee when it was made on another occasion, and it rather inclined the committee to favorable action upon this improvement or to serious consideration of some relief of the situation. But the committee was subsequently furnished with information which the gentleman has not been kind enough to give to this committee. From the entrance of the park to the limit of the forest reserve there is only one available route for a road, and along that route there was a roughly cut road that enabled the Forest Service to take out timber; and if any road is to be constructed it must be constructed along that line.

It is 3 miles from the limit of the boundary of the park to the boundary of the forest reserve, and practically every foot of that land through which that road must go from the park to the boundary of the forest reserve is in private ownership, having been taken up by homestead entries.

That information did not come from the gentleman who is now offering this amendment. It was furnished by the Forester of the Department of Agriculture, who called the attention of the committee to the fact that this road was just as much a county road as any other road in the county about which the gentleman speaks, as having been improved at the expense of the county, and it would mean that the United States would enter upon the policy of building roads upon private holdings in the several States.

With that information before the committee, the complexion of this entire matter changed very materially. In view of the fact that there was no authority to build roads of this character, that the proposed road was not upon the public domain, and that it was not in a forest reserve, although it would very greatly enhance taxable values in this county, the committee believed it would be absolutely indefensible to make an appropriation for any such purpose.

I insist upon the point of order, Mr. Chairman, in as much as this road is not upon Government land.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. The gentleman from New York said that this 3 miles of road within the exterior limits of the forest reserve and outside of the park was on private land.

Mr. FITZGERALD. It is not in the forest reserve at all, because it had been taken up in homesteads.

Mr. MANN. I say, it is within the exterior limits of the forest reserve, it is not?

Mr. FITZGERALD. Yes.

Mr. MANN. Is there not a road used by the Government?

Mr. FITZGERALD. There is such a road.

Mr. MANN. Does not the road belong to the Government? How could the Forest Service have a road there otherwise?

Mr. FITZGERALD. They were permitted by the people to get through there. It is the only feasible place to do it.

Mr. MANN. If there is a road dedicated there——

Mr. FITZGERALD. It is not a road dedicated.

Mr. MANN. A road dedicated by practical use is a road dedicated, just the same as if it were done by a formal proceeding.

Mr. FITZGERALD. Even if it is a dedicated road, it does not belong to the Federal Government, because they could not give it to the Federal Government.

Mr. MANN. If there is a road within the exterior limits of the forest reserve, and it is a public road, I take it that it does belong to the Government.

Mr. FITZGERALD. The forester states that this is not in the forest reserve. If the land is taken up in homesteads, it is not within the forest reserve.

Mr. MANN. It is within the exterior limits of the forest reserve.

Mr. FITZGERALD. I can not agree with the gentleman's statement that it is within the exterior limits, because the forester says it is not in the forest reserve. It can not be in the forest reserve, because these are homesteads.

Mr. MANN. I do not think there is any difference between us——

Mr. FITZGERALD. These are private holdings, and the Government can not include them in any forest reserve.

Mr. MANN. I understand that in making a forest reserve the President has the power, and exercises it, to cover all the public lands within certain exterior limits.

Mr. FITZGERALD. This is not public land.

Mr. MANN. It covers all the public land within those exterior limits. Now, a road is public land in one sense. If there is a road there I think we do have jurisdiction.

Mr. FITZGERALD. If the gentleman will permit me, this road is over the private holdings of private individuals.

Mr. NORRIS. Are not these private holdings within the forest reserve?

Mr. FITZGERALD. No; they can not be within it.

Mr. MANN. They are within the exterior limits.

Mr. FITZGERALD. The gentleman is mistaken. I looked at the map.

Mr. WARBURTON. Mr. Chairman, they are within the limits.

Mr. FITZGERALD. They are not within the forest reserve, because the fact that they are taken up by private holdings makes it certain that they are out of the forest reserve.

Mr. MANN. Mr. Chairman, I have the floor, if the gentleman will pardon me.

Mr. FITZGERALD. They are connected right up with the rest of the county there.

Mr. MANN. Now, I should like to ask the gentleman—going into the merits of the proposition—if this road should be constructed, would not the principal beneficiary of it be the Government, which owns the park and the forest reserve?

Mr. FITZGERALD. I am not so sure that it would be. I think the principal beneficiaries would be the owners of the property through which this road would be constructed. It would add immensely to the value of those private holdings.

Mr. MANN. Here are a few quarter sections homesteaded. Those people do not need a macadamized road for automobiles, do they?

Mr. FITZGERALD. No; but, if the gentleman will permit me, they have so located their claims as to take up the only available route for a road. It must have been done with deliberation, to take advantage of the Government in this situation.

Mr. WARBURTON. That is not so.

Mr. MANN. If the gentleman will permit me, it is perfectly apparent, from the statement which was made the other day by the gentleman from Washington [Mr. WARBURTON], that that road, only 3 miles long, ought to be improved to connect with the roads on each side of it. Here is a road—I do not remember how many miles long—outside of the forest reserve, and a road in the park, and for the lack of a connecting link 3 miles long these two roads are unconnected. It is perfectly patent that somebody ought to build the road. Is there not some way of having the Government contribute at least a portion of the cost of the building of the road within the forest reserve?

Mr. FITZGERALD. I suggested to the forester that the Agricultural Department had half a million dollars with which it could build a road in the forest reserve, and the forester made the statement that it is not in the forest reserve.

Mr. SIMS. Was that road built over private land at the expense of the Government, for the purpose of saving a greater expense to the Government in going over a worse or more inconvenient route? That was the statement made by the gentleman from Washington [Mr. WARBURTON].

Mr. FITZGERALD. The so-called road amounts to the cutting and clearing of the standing timber off a stretch through which they can take the cut timber. That is all.

Mr. SIMS. Could the Government have constructed a road that would have answered the purposes of the Government without going over this particular private land?

Mr. FITZGERALD. I think it could, although it would not have been quite as convenient.

Mr. SHERLEY. Will not the people who get the most benefit from this road be the people in the town right near there, who have the advantage of this national park in such close proximity, and who are getting revenues out of it because of the attractions in the park?

Mr. SIMS. I will not controvert that, because I am asking for information; but if the Government built the road through private property at its own request, in order to save money to itself, it does not seem to me that it ought to be regarded as a private enterprise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I should like to have a couple of minutes, just to answer the gentleman's statement.

The CHAIRMAN. The gentleman from Washington [Mr. WARBURTON] asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. WARBURTON. Mr. Chairman, as a matter of fact these settlers went there many years before the park was ever created. They did not go there with any idea of getting in the way of the Government. Nobody could have told at that time where the Government road would go. They took their homesteads along the river, in the valley, as people naturally would do. The Government went to these settlers and asked them for a right of way, on the theory that it was going to build and maintain the road. The Government owns it to-day.

Mr. FITZGERALD. The Government could not take property without special authority of Congress.

Mr. WARBURTON. The Secretary of War has in his possession to-day the deeds of all these roads in forest reserves excepting this 400 feet.

Mr. FITZGERALD. The gentleman is mistaken; the Government can not take it without special authority of Congress.

Mr. SIMS. Mr. Chairman, as I understand, the settlers did not settle there with a view to speculation.

Mr. WARBURTON. No; they did not.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Under the amendment it is proposed to appropriate $35,000 for the improvement of the Government road between the National Park Inn, in the Rainier National Park, and the point where the Government road leaves the national forest reserve.

The question which is most important to the Chair hinges upon the word "improvement." If the word "repair" were used instead of the word "improvement" the Chair would overrule the point of order; but, under the word "improvement" in the amendment, the money could be used in the purchase of ground to widen the road. In the District of Columbia we frequently appropriate money for the repair of streets, but there must be an authorization for the improvement of a road which would necessitate the purchase of ground to widen the road. Because of the word "improvement" in the amendment, the Chair sustains the point of order.

Mr. WARBURTON. Mr. Chairman, I offer the amendment again, substituting the word "repair" for the word "improvement."

Mr. FITZGERALD. Mr. Chairman, I make the further point of order that at this point of the bill we are carrying appropriations for the maintenance of national parks and that the provision for a Government road outside of a national park is not germane to this part of the bill and not in order.

The CHAIRMAN. Now, in relation to the amendment now before the House, which uses the word "repair" instead of "improvement," the Chair invites attention to Hinds' Precedents, volume 4, page 534, where the following language is used:

An appropriation for repair of an existing Government road to a national cemetery is in order on a general appropriation bill as in continuance of a public work.

An appropriation to build a new road to a national cemetery was ruled out of a general appropriation bill as not being a legitimate continuation of the cemetery as a public work.

The Chair therefore holds that this amendment is now in order, and overrules that point of order. The question is on the adoption of the amendment.

The question was taken, and on a division (demanded by Mr. WARBURTON) there were 23 ayes and 43 noes.

So the amendment was rejected.

Mr. WARBURTON. Mr. Chairman, I now move to strike out the words "thirty-five thousand" and insert the words "twenty thousand."

Mr. FITZGERALD. What is the amendment, Mr. Chairman?

Mr. MANN. The gentleman from Washington reoffers the amendment with $20,000 inserted instead of $35,000.

Mr. FITZGERALD. Let it be reported.

The Clerk read as follows:

Amend the bill by adding the following at the end of line 20, page 107:

"Mount Ranier National Park: For the repair of the Government road between the National Park Inn in the Ranier National Park and the point where the Government road meets the national forest reserve, $20,000."

Mr. WARBURTON. Mr. Chairman, I will change that from $20,000 to $15,000.

The CHAIRMAN. The gentleman from Washington modifies his amendment by making it $15,000, and the question is on the amendment as modified.

The question was taken, and on a division (demanded by Mr. WARBURTON) there were 27 ayes and 42 noes.

So the amendment was lost.

Mr. WARBURTON. Now, Mr. Chairman, I desire to offer another amendment.

The Clerk read as follows:

Amend, by inserting immediately preceding line 21, page 107, the following:

"That from and after the date of the passage of this act the wagon road to the Mount Rainier National Park, in the State of Washington, constructed over private and national forest lands under the direction of the Secretary of War, pursuant to acts of Congress approved March 3, 1903 (32 Stat. L., p. 1130), and April 28, 1904 (33 Stat. L., p. 498), shall be, and is, placed under the administrative jurisdiction of the Secretary of the Interior, who is hereby authorized to make and execute rules and regulations for the protection, control, supervision, and maintenance of the said road."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on the amendment. I thank the gentleman for admitting what I have contended for.

Mr. WARBURTON. That is done at the request of the Secretary of the Interior, who inserted the word "private." I did not.

Mr. FITZGERALD. I do not care who requested it. The gentleman from Washington is not to blame. I contend, Mr. Chairman, that that is clearly legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 107, after line 20, insert the following:

"Wind Cave National Park, S. Dak.: For the improvement and protection of the Wind Cave National Park, $2,500."

Mr. BURKE of South Dakota. Mr. Chairman, I do not wish to take up the time of the committee at this late hour. I wish to say that this appropriation has been carried heretofore for the Wind Cave Park, S. Dak. It is estimated for, I believe, at $4,100. I am unable to find any reference to the matter in the published hearings, but in the examination of the bill of last year this seems to be the only park for which an appropriation is not provided for in this bill, and I assume that it was inadvertently omitted from the bill. I therefore hope the amendment will prevail.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Dakota.

Mr. FITZGERALD. Mr. Chairman, I desire to contradict the gentleman's statement that this was inadvertently left out. It was deliberately left out. If there is any excuse for Wind Cave National Park, nobody has ever been able to discover it.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Considering that this is campaign year, does the gentleman not think that we can afford to appropriate something for Wind Cave Park?

Mr. FITZGERALD. No; we do not want the wind confined to that cave.

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from New York that I discovered that Platt National Park is included in the bill, and I could not form any other conclusion than that Wind Cave National Park must have been inadvertently left out of the bill.

Mr. FITZGERALD. The gentleman is aware of the fact that those interested in Platt National Park have not displayed any great enthusiasm over the recommendations made by the committee regarding it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Glacier National Park, Mont.: For administration and improvement of Glacier National Park, the construction of roads, bridges, telephone lines, and the repair of roads, trails, bridges, $50,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. This item provides for the improvement of one of the newest and one of the finest of all of the national parks. I have not offered an amendment increasing the amount because I know that it would be entirely useless to do so.

We have had this evening a beautiful illustration of the way in which this appropriation bill has been prepared. As we have read item after item Members interested in the public service proposed to be provided for have one after another risen in their places and offered reasonable amendments for necessary improvements, and they have all been voted down. I am not a prophet nor the son of a prophet, and yet my guess is that when we again consider this bill after its journey elsewhere practically every item offered this evening will be in the bill, and in the course of time the gentleman from New York in charge of the bill will bring in a conference report agreeing to those items. What is the result of that sort of policy adopted by the committee in connection with this bill? It is to take from the Members of this House whatever influence they may have, whatever standing they ought to have, in the matter of securing needed and necessary appropriations for the public service. The result is to wear out the marble floor between here and another place by the tread of the Representatives of the people going elsewhere to obtain those things which are denied them in the body of which they are Members. So year after year this thing goes on.

I suppose it will go on if the gentlemen in control of this bill continue in their present position, and the prestige of the House falls lower and lower. Who so short sighted, who so foolish as to approach a Representative asking him to secure a needed appropriation for his district, when he knows that there is little possibility of securing it? No; he goes elsewhere to another body, and so the committees of this House deprive the Members of the opportunity to serve the people they represent, and thus enhance the prestige of another body. Incidentally they give us an exhibition of how a committee of this House can and does refuse Members of the House even a decent hearing in regard to the matters of appropriations relating to their districts.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. Is the other body to which the gentleman is referring the one that gave the city of Sundance $175,000 for a post-office building—the aforesaid Sundance having only 275 inhabitants? Is that the body to which the gentleman refers?

Mr. MONDELL. Mr. Chairman, here is another gentleman who has got Sundance on the brain, and I am delighted to have the beautiful city of Sundance receive this advertisement. Come up to Sundance, breathe the pure air of her mountain heights and get a broader view of things. But Sundance is not at issue at this time, and I trust that this committee will in the future mend its ways and give some heed to the amendments of Members for worthy objects.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

Platt National Park: For maintenance, bridging, roads, trails, and sewerage, under direction of the Secretary of the Interior, $5,000.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I desire to offer an amendment increasing the amount to $5,000.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the paragraph.

Mr. MANN. What authority is there for sewerage in this park? Is there any law authorizing the Government to build sewers in Platt National Park?

Mr. FITZGERALD. We are doing our best to prevent it.

Mr. FERRIS. Mr. Chairman, I will say that the amount there is not sufficient to build any sewers, and if the gentleman desires I will consent to have that stricken out.

Mr. MANN. The gentleman can let it go out on a point of order and then reoffer it, or he can ask unanimous consent that the words "and sewerage" be stricken out.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the words "and sewerage," in line 2, page 108, be stricken out, and the word "and" be inserted before the word "trails."

The CHAIRMAN. Without objection, the change will be made in accordance with the suggestion of the gentleman from Oklahoma.

There was no objection.

Mr. FERRIS. Mr. Chairman, I move to increase the amount by striking out "$5,000," in line 3, page 108, and inserting in lieu thereof "$10,000."

This park is estimated for, and the amount of the estimate is $53,455.

I understand from the statement of the chairman of the committee that he does not want to commit the Federal Government to any large expenditures in these parks until some definite arrangement can be arrived at respecting them. I have offered to increase the amount only sufficient to cover little necessary repairs to keep what is there from going to wreck and ruin. As I said before, the estimate is more than $50,000. I have offered only fairly enough to take care of some items that will keep the park from going to wreck and ruin. I hope the chairman will accept the amendment. There is one item of $140 for a revetment wall. There is another item of $30 for improvement of a little spring and another one for $75 and a few little remnant items.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I move to strike out $5,000 and insert in lieu thereof $10,000. It ought to be for the full amount of the estimate.

I am well aware of the value of the time of the House and also the lateness of the hour, and I do not want to yield to anybody. Please permit me to proceed in my own way, at least for the present.

Mr. FOSTER. I have some sympathy with the gentleman——

Mr. FERRIS. I appreciate the gentleman's sympathy. I will also appreciate his vote.

Mr. FOSTER. But if I can not get the information I will have to vote against the gentleman.

Mr. FERRIS. I hope the gentleman will let me proceed, as I do not desire to unduly detain the House. I shall try to give him the information. The situation is this: This park is located in the center of our State and has, approximately, 800 acres. It is an 800-acre park with 33 beautiful mineral springs, with beautiful timber, cataracts, and beautiful hills, in the middle of a prairie State. It is the only institution of the kind in the State or in the Southwest. The Government is not surfeited with parks. We do not get anything for rivers and harbors, we do not get any of the appropriations that most of the States get. We have more than one-third of all the Indians of the United States, whose lands are nontaxable. The recent tax decision has stricken from the tax rolls of our State pretty nearly all of the taxable areas in the eastern part of the State. This is a small item, and I hope the chairman of the committee will accept this amendment. I think it is not too much to ask.

Mr. FITZGERALD. The gentleman says this is the only thing in Oklahoma upon which the Federal Government can expend money. The gentleman understands that is not my fault. I did my best to give this great, magnificent national park to the State of Oklahoma——

Mr. FERRIS. We thoroughly understood the generosity of the gentleman on former occasions. [Laughter.]

Mr. Chairman, I would ask that the amount be increased for the full amount of the estimate, which aggregates $53,455, but for the fact that the chairman of the committee having charge of the bill has stated that it was not his intention to incur any large expenses in any of the parks until some well-defined and well-mapped-out plan had been adopted with reference to them. Of course I, with others who have been disappointed in the size of their park appropriations in this bill, would like to cure that disappointment by having an amount sufficient appropriated to do the things necessary to make the park what it should be. I am only asking at this time an amount sufficient for the park to make a few needed improvements and keep things in repair until such time as the park may be given a regular status, and properly appropriated for in proportion to her natural advantages.

It has been said by this committee in the past on this floor, and it has been said to me in person when presenting the matter to different members of the committee, that this park had been offered to the State and she had refused to accept it. This is a true statement of the situation, and the State does not now desire to accept it; not because it is not of value, but because it has natural attractions, national in character, that induced the Federal Government to purchase it and establish it in the beginning—to make it a national park, not a State park. It has those same attractions now, and even more; the beautiful city of Sulphur has been built up about it. It has been partially improved and beautified, the value and medicinal qualities of the water are now well and favorably established, and why should the Federal Government now undo or take the back track on their former position?

I know this is a time of intense economy, but surely the time has not arrived when the National Government should purchase and establish a park at great cost in 1902 and later, in 1904, adding thereto by an addition, and then in the good year 1912 throw that away. I do not believe the Appropriation Committee are performing any service in constantly attacking these parks. The State of Oklahoma is proud of the park. The State of Oklahoma appreciates, visits, and uses the park. Her visitors from other States use and enjoy the park. There is no other park near this one. The park was purchased from the Indians to the end that it might not be despoiled. Oklahoma has more than one-third of all the Indians in the United States. I think it is not too much in deference to them alone to beautify, improve, and make something of this park. They were the aboriginal owners of it all once, now we own it all. It is not a large sum.

It has 33 mineral springs of which the whole State and every visitor to the park is thrice proud. During the years of 1910 and 1911, respectively, more than 30,000 visitors visited and were benefited by the waters and the park. This shows it is of benefit. This shows it is appreciated.

The park abounds in beautiful scenery, healthful water, a delightful climate, a hospitable people, and her natural advantages are certainly all that could be asked.

It has been contended by the members of the committee that the park has no nation-wide advantages which entitle it to longer recognition as a national park. On this I join issue squarely. I could insert testimonials from the best physicians of the country as to what the water has and will accomplish, but I will not now detain the House with that phase of the matter.

The park has been estimated for by the department. They recognize its worth. They recognize the necessity for this appropriation. They see no reason to change their view that it is still a park of sufficient proportions and value. I have the Book of Estimates before me, and I will present the items for which the department has estimated that there be appropriated $53,455.

Platt National Park, Okla.:

For protection and improvement of Platt National Park and the construction of a sanitary sewer (acts July 1, 1902, vol. 32, p. 655, sec. 1; Apr. 21, 1904, vol. 33, p. 220, sec. 1; Mar. 4, 1911, vol. 36, p. 1420, sec. 1)	$53,455.00	$10,000.00

Memorandum as to proposed expenditure of amount estimated for Platt National Park.

Sewer system	$5,000.00
Revetment wall	300.00
New pavilion, Wilson spring	140.00
Improvement and repair, Wilson spring	50.00
New administration building	10,000.00
Three new barns for park stock	1,000.00
For electric lights in park and superintendent's residence	268.60
Telephone service	102.00
Driveways and trails	1,200.00
Weeds, thistles, and underbrush	200.00
Reenforcement, forest timber	100.00
Miscellaneous and emergencies	150.00
Shoeing of team, repair of tools, etc	75.00
Salaries of park force	4,936.00
Fuel	70.00
Total	53,455.60

Classified statement of receipts and expenditures, Platt National Park, fiscal year 1911.

[Appropriation for protection, improvement, etc., fiscal year 1911, $5,000.]

EXPENDITURES.

Salaries of park employees		$3,935.00
Construction, repair, and improvement of roads and trails; improvement and development of springs and park water system		500.85
For ice, cutting weeds, towel supply and laundry for superintendent's office, repair and sharpening of tools, etc		199.41
Repairs to superintendent's residence and cleaning rest houses		75.00
Electric-light service		112.04
Telephone service		84.00
Fuel		70.00
Miscellaneous expenditures:		
Stationery supplies	$6.26	
Printing and binding	7.74	
Removal of refuse	2.00	
		16.00
Total expended		4,992.30

Platt National Park, Okla.—Continued.

Classified statement of receipts and expenditures, Platt National Park, fiscal year 1911.

REVENUES.

July 1, 1910, balance (after deducting $379.50 for material and supplies furnished and service performed prior to July 1, 1910)		$79.27
Receipts: Fees from licenses and permits granting park privileges, sale of gravel, etc		475.75
Total available		555.02
EXPENDITURES.		
Repairs and development of springs	$368.65	
Harvesting alfalfa crop	11.00	
Miscellaneous expenses: Soap, brooms, wire, ice, telegraph and advertising service	13.37	
		393.02
Balance July 1, 1911		162.00

The gentleman from Illinois objected to the item for the sewer and it was eliminated, but it should not have been done. Due to the topography, the park took in the only tangible or, I might say, possible outlet for the city sewer. In creating the park they were compelled to move the town of Sulphur, or at least a large part of it, twice to accommodate the Government and help the Government with the institution, and now they will not allow the city to use the natural sewer that nature gave them, neither will they construct their share of the sewer from the line of the park across and on their own property. However, I consented to allow the word "sewer" to be omitted in deference to the gentleman from Illinois [Mr. MANN] inasmuch as the amount carried would not be sufficient to construct the sewer anyway.

Every item of the estimate is not only needed, but is badly needed. In deference to the statement of the chairman and the general paring down of all the appropriations I am not asking the full amount, but do want to emphatically assert that we do not concede that any of it should go out.

On the subject of the necessity of this item I can not do better or furnish better information on the subject than to quote from a letter recently received from the Hon. C. B. Emanuel, Sulphur, Okla., addressed to me on the subject. I will read it:

The first town of Sulphur was built around the Hillside and Pavilion Springs. There a thriving little village sprang up and everything was growing and prosperous. The agents for the United States Government discovered these springs and their wonderful curative and medicinal qualities, and then came the first segregation. The town builders moved off willingly to a southeastern direction and started a town or town site on the land that I have circled with a pencil. In a few months Sulphur had a population of approximately 3,000. The question of sewerage came up, and from the report of Mr. H. V. Hinkley it was learned that the city could carry its sewerage to a southwesterly direction and by the expenditure of $8,000 empty all of this sewerage into Rock Creek, one-half mile below the Bromide Spring.

As from the second town site the sewage would have a natural drainage in the southwestern direction. From the records of the old city recorder I note that the actual taxable valuation of the real estate of this second town was more than $1,000,000. Just when they were getting ready to vote bonds for a sewer and water system the second segregation came. From the geological lay of the land they could not move any other direction than onto the present town site of this city, therefore there is absolutely no other direction for the city's sewage to flow other than the route it is now going. From the business portion of this city it is uphill both north, east, and west, therefore the sewage must go as it is now going—south. At present this city has a population of 5,000. Its actual taxable valuation is $2,800,000. We have paved streets, $90,000 water system, $56,000 sewer system, and more than $100,000 invested in our public-school buildings. This sewerage system, as I have heretofore stated, is a menace instead of a benefit to this city; for this reason: I have designated by a small square at the entrance of First Street west to the park the east side septic tank, or the place where all of this city's sewage empties. This method of the waste from a city is absolutely a failure. The sewage does not stop in the tank, but goes on down—the ditch I have indicated by a blue line—and empties into Travertine Creek. Last summer the smell or odor from this creek was so bad that one could not go within a block of it. Furthermore, this septic tank is only half block from the business portion of the town. It could not be placed elsewhere on account of the location or lay of the land, and for the reason that the Government would not cooperate with this city. The west side septic tank is located at a point I have indicated just south of the Santa Fe Railroad station, and that sewage also goes into Rock Creek, all of the sewage flowing through the park. What we want the Government to do is to construct an 18-inch sewer along the route indicated by the green line, keep the sewage out of the creeks, and empty it into Rock Creek outside of the reservation down below the Bromide Spring. The city will construct a line of sewerage along the routes indicated by red lines, and deposit its sewage into the Government sewerage, and it can be carried through the reservation to the place I have stated. The $300 item for revetment wall is for the purpose of constructing a cement wall for the purpose of keeping the embankment from caving into the Bromide Springs. I have indicated on this map just where it is to be built. Another very important item is the $10,000 administration building. I have indicated on this map where this building is to be constructed; and if it is built it will certainly be a great addition to Platt National Park and the city of Sulphur. The $1,200 item for driveways and trails is very very important. I am sorry that it is not $12,000, as that amount will only be a starter that can be used in this direction.

C. B. Emanuel is a bright young lawyer and a member of the legislature from that county, and has the matter well in hand. His law partner, Mr. Broadbent, from Sulphur, made a trip here this winter to assist the committee and the Oklahoma delegation in making known the facts. He has been helpful to us. He has been helpful to the committee. The amount in the bill is the only complaint we have, and it should be enlarged here and now.

One word further about the proposition of ceding the park to the State of Oklahoma. The legislature of the State has spoken upon the proposition by a resolution. I incorporate it here so the House can observe the situation:

Resolution.

Whereas the Legislature and Senate of the State of Oklahoma, by house concurrent resolution No. 13, duly and regularly passed in December, 1910, and signed by the governor, did cede all right, title, and interest that the State of Oklahoma had or might have acquired in and to Platt National Park, by virtue of the supplementary agreement, to the United States of America, copies of which concurrent resolution were duly forwarded to the Secretary of the Interior, to the honorable Speaker of the House of Representatives, and to each member of the delegation in Congress from the State of Oklahoma; and

Whereas up to this time the said resolution has not been presented to the Federal Congress for adoption and acceptance; and

Whereas the Choctaw and Chickasaw Tribes of Indians, by virtue of the supplemental agreement, relinquished, ceded, and conveyed the lands contained in the said park to the United States of America, to be by it held, controlled, and owned absolutely and without any restriction as a national park for the use and benefit of all mankind forever; that the State of Oklahoma is unable financially to hold and maintain said park in a manner in accordance with the original intention of the Indian tribes; and that should the Federal Government not retain said park it must eventually fall into the hands of individual speculators; and

Whereas the patronage from the entire Southwest to Platt National Park has grown to such large proportions as shown by the records of the superintendent of said park for the years 1909, 1910, and 1911 that improvements should be made for the better accommodation of the growing number of annual visitors who avail themselves of the medicinal springs, as well as for the protection of the springs themselves, and that it is meet and fitting that this park, located as it is in the heart of the last home of the red man, should be held and controlled by the National Government: Therefore be it

Resolved, By the people of Sulphur and vicinity, in mass meeting assembled, in behalf of themselves, the Indian tribes, and the entire Southwest:

First. That we earnestly urge the acceptance by Congress of the aforesaid concurrent resolution of the Oklahoma Legislature forever fixing the title to the Platt National Park in the Federal Government; that we request that the appropriation for the park as recommended by the Secretary of the Interior be made by Congress at once; and, in addition, we urge the Congress of the United States to inaugurate such a course as will result in so improving and beautifying the park as to make it a fitting memorial to the Indian race so long as time shall last.

Second. That copies of this resolution be forwarded to Hon. SCOTT FERRIS, Hon. C. D. CARTER, Hon. BINO MCGURIN, Hon. DICK T. MORGAN, Hon. J. S. DAVENPORT, our Representatives in Congress; to Hon. CHAMP CLARK, Speaker of the House of Representatives; and to the Hon. ROBERT L. OWEN and Hon. THOMAS P. GORE, our Senators.

H. W. BROADBENT.
N. P. WEDD.
P. S. WILSON.

Unanimously adopted in mass meeting this 1st day of May, A. D. 1912.

GEO. C. BOLEND, *Chairman.*
P. S. WILSON, *Secretary.*

Our State is new, and there are many burdens to carry in a new State. We do not share the usual Government appropriations for waterways, shipbuilding, and so forth. I think it is not too much, with our large nontaxable Indian-land areas, for the new State to respectfully yet firmly ask the Federal Government to retain the park and provide well for it, as they ought to do.

The House ought to afford the park the full estimate of $53,455, but surely it will be entitled to the small increase asked for by my amendment. I ask for a vote and for the adoption of the amendment just offered.

Mr. FITZGERALD. To carry out the good faith in the treaty made many years ago with the Indians. I did so because I believed it desirable to keep faith with these wards of the Nation. According to the statement of residents of Oklahoma, there are in this national park springs of medicinal character unrivaled on the face of the earth. And a prospectus issued by a gentleman living in Sulphur Springs set out how the lame, the halt, and decrepit were carried from railroad trains in the evening to these springs in the park and, after taking one long, exhilarating draft, immediately walked away with the youth, health [laughter and applause] of the most vigorous man that the country possesses.

And this treasure, this very valuable property, the Congress endeavored to give to the State of Oklahoma, and the gentleman from Oklahoma and his colleagues resented any attempt to take from the United States this most valuable possession. Now, I do not believe the gentleman should complain that after the United States endeavored to give this valuable park

to his State that it does not squander any unnecessary money upon it.

Mr. HOWARD. May I ask the gentleman a question?

Mr. FITZGERALD. Certainly.

Mr. HOWARD. Is it not a fact that they moved the town back twice to get this Sulphur Springs Park? I understand the town was lower down and it was moved back to get the benefit of these springs. Now, does not the gentleman think, in view of that fact, the gentleman from Oklahoma ought to have the limit increased?

Mr. FITZGERALD. We have given all the money they can possibly expend in salaries, and there is nothing else to do. There is nothing to protect. The 833 acres of land will not go to rack and ruin. They will stay there and the springs will continue and the grateful multitudes will continue to come to those springs and go away rejoicing, benefited by their sojourn.

Mr. MORGAN. Mr. Chairman, I hope the amendment offered by my colleague from Oklahoma will be adopted.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is there an amendment pending?

The CHAIRMAN. There is an amendment pending.

Mr. MANN. It was not reported.

The CHAIRMAN. It has been reported once, but the Clerk will report it again.

The amendment was again reported.

Mr. MORGAN. Mr. Chairman, the estimate, as stated by my colleague, for the improvement of this park was in excess of $50,000. There is no question but all these improvements should be made. There is no question but what the Platt National Park ought to have the same consideration as other national parks in the United States, and I hope that this little increase of from $5,000 to $10,000 will be carried.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, the request of the gentleman from Oklahoma will be granted. [After a pause.] No objection is heard.

Mr. WARBURTON. Mr. Chairman, I would like to make the same request.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] The Chair hears no objection.

Mr. MORGAN. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] No objection is heard.

Mr. MANN. Mr. Chairman, I ask unanimous consent to pass over the items under the heading of Government Hospital for the Insane, under the head of Howard University, and under the head of Freedmen's Hospital. I ask that they be passed over temporarily.

The CHAIRMAN. Is there objection to the request. [After a pause.] No objection is heard. The Clerk will read.

The Clerk read as follows:

Penitentiary, Leavenworth, Kans.: For continuing construction of the new United States Penitentiary at Leavenworth, Kans., $100,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. ANTHONY. Mr. Chairman, I move an amendment to this paragraph, that the amount of $100,000, in line 25, page 111, be changed to $167,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 111, line 25, strike out "$100,000" and insert "$167,000."

Mr. ANTHONY. Mr. Chairman, this paragraph provides that the sum appropriated shall be expended so as to give the maximum employment of the inmates of the penitentiary. That is a very necessary provision at that institution. The object of it is to keep the prisoners employed. The appropriation as carried in the bill of $100,000 will not do this. The Department of Justice asks for $167,000 with that idea in view, and if the bill is allowed to be enacted into law carrying only $100,000 the project on foot there for construction will be but half completed. During the present year the convicts will be kept in idleness for fully six months in the year and will bring about a condition there that will result in manifest injury to the convicts. It is a well-known fact that a convict maintained in idleness simply rots in his cell. It would be not only an injustice to these poor men confined behind the bars, but it would be a definite loss to the Government in the loss of the labor of these men. The convicts in that penitentiary are now engaged on the work of constructing new buildings. They are constructing a new penitentiary. If they are not given the required amount of money to carry on this work the Government simply loses the result of their labor. Therefore I ask the chairman of the committee if it is not a fact that the department has asked for $167,000 in order to give this maximum of employment.

Mr. FITZGERALD. An estimate of $167,000 was submitted.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. Can the gentleman state how much has been expended at that institution since July 1, 1911, in construction work?

Mr. ANTHONY. I can not give the exact figures. I understand it is considerably more than the amount called for in the present bill.

Mr. BEALL of Texas. I will say this, that I thoroughly agree with the gentleman from Kansas that a sufficient amount ought to be given to utilize the time of the convicts there. I notice, however, that at the beginning of this fiscal year there was a balance on hand of about $120,000, a surplus coming over from the preceding year; and in addition to that an appropriation of $100,000 was made for construction work, which would make about $220,000. I have not any information as to the amount that has been expended or the amount that is likely to be expended during this fiscal year.

Mr. ANTHONY. If that is the case, I should say the amount should be reappropriated in order to carry out the present plans that are under way.

Mr. BEALL of Texas. I think it has been.

Mr. ANTHONY. The gentleman is aware, in his Committee on Expenditures in the Department of Justice, that the department has already purchased there over $100,000 of structural material, which is lying there on the ground and ought to be utilized. This committee should appropriate the amount to enable the men there to work that structural iron into those buildings, and I hope the amount will be raised.

Mr. FITZGERALD. Mr. Chairman, in 1908 and 1909 $100,000 was annually appropriated for this purpose. For the fiscal year 1910 $212,000 was estimated and $100,000 was appropriated. For the current year $125,000 was estimated and $100,000 was appropriated.

There is a very good reason for continuing this work at this rate. It is practically the only work available upon which to utilize the convicts. It is not desirable that the work should be rushed and finished quickly. One hundred thousand dollars a year enables the Department of Justice to furnish employment to the convicts in this prison and to keep the work going on at a rate sufficiently rapid as not to impair the efficiency with which the work is done.

In view of the history of this work, and in view of the fact that the committee believed that it would be advisable, before the work proceeded much further, to recommend or have enacted some legislation that would put an end to the contracts under which the architects are obtaining very extraordinary fees, as appeared to the committee, there is no special reason why more rapid progress should be made in the next year than has been made in the last five years.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. MANN. My information is that these appropriations have been available under the law until expended. Is the gentleman able to say how much of a balance there will be at the end of this fiscal year?

Mr. FITZGERALD. They spend substantially this amount each year.

Mr. MANN. I understood the gentleman from Texas [Mr. BEALL] to say that there was available at the end of the fiscal year 1911 over $100,000.

Mr. BEALL of Texas. One hundred and twenty-one thousand dollars.

Mr. FITZGERALD. What year?

Mr. BEALL of Texas. At the end of the last fiscal year there came over a balance of $121,000, according to my information. Just what that balance will be for the present fiscal year I do not know.

Mr. FITZGERALD. I do not recall; but since 1908 the appropriations have been $100,000 a year. There was no good reason, no good grounds shown, for that increase.

Mr. MANN. May I ask the gentleman from Texas [Mr. BEALL] what is his authority for saying that there was a balance of $121,000 left at the end of the last fiscal year? That is pertinent, as showing how much they need to expend in a fiscal year.

Mr. BEALL of Texas. As chairman of the Committee on Expenditures in the Department of Justice, I have had an extended correspondence with the Attorney General's Office in regard to the construction work at Leavenworth, and from information received from that office I prepared a table that went into one of the hearings. That shows that $121,000 was left over as a balance at the beginning of the present fiscal year.

Mr. MANN. Is the gentleman quite sure that that $121,000 came out of this appropriation?

Mr. BEALL of Texas. For construction?

Mr. MANN. I think there is only the one.

Mr. BEALL of Texas. It comes out a balance, $121,000 of money that has been appropriated for construction work at the Leavenworth Penitentiary. That is my information.

Mr. MANN. If it came out of this item, of course that would indicate that they had not been expending as much as $100,000 a year.

Mr. BEALL of Texas. In some of the previous years there had been appropriations in excess of $100,000. Those appropriations were available until expended, and there was an accumulation.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] stated that the amount appropriated since 1908 was $100,000 a year. Those appropriations remain available until expended, as I recall, under the law.

Mr. FITZGERALD. That is true, and in each instance, with the exception of 1911, the estimate was in excess of the amount appropriated. These appropriations were made immediately available, and continue available until expended. The next bill will become a law before the 4th of March next, and this money will be supplemented by another appropriation at that time. There has been expended about $1,800,000.

Mr. ANTHONY. I want to ask the gentleman from New York if it is not a fact that it is probable that this apparent balance will be taken up when contracts now outstanding are payable? For instance, suppose they make contracts for structural iron and other materials that may not be paid for at the termination of the fiscal year, but will be paid a few months later, if the appropriations are continued?

Mr. BEALL of Texas. If the gentleman will permit me, in the year 1907, for example, appropriations were made to the amount of $300,000. There seem to have been two appropriations. Only $170,000 was spent.

Mr. FITZGERALD. In 1907 the appropriation was $200,000.

Mr. BEALL of Texas. No; it was $300,000. There was one appropriation of $200,000, and on March 4, 1907, another appropriation of $100,000. On May 27, 1908, there was another $100,000. In that year $123,000 was spent. The next year there was $100,000, and $100,000 spent. The next year there was an appropriation of $100,000, and $108,000 spent. The next year there was an appropriation of $100,000, and $120,000 spent. Total appropriation for Leavenworth Penitentiary, $1,789,000. Total expenditures there for construction work, $1,667,000, leaving a balance on hand June 30, 1911, of $112,000, instead of $121,000, as I stated a moment ago.

Mr. ANTHONY. Mr. Chairman, in regard to the necessity for the increase of this amount for construction, I am informed that a reduction of this estimate means that the overcrowding in the institution, which brings about such bad results, will be continued for another year. One of the facts developed in the hearings before the Committee on Expenditures in the Department of Justice was that with the present limited cell capacity there was the necessity for putting two convicts into one cell. That is a practice that is recognized to be a bad one in all penal institutions, and it is a situation that the Department of Justice is very anxious to remedy. This additional money is needed to build a new block of cells there, and I absolutely believe, and I believe that the chairman of the Committee on Expenditures in the Department of Justice believes, and I believe the gentleman from Georgia, who is familiar with the institution in his State, believes that there is the utmost necessity for a cell for each convict in these institutions which are now being constructed by the Government. There is no question but that the additional amount asked for should be given.

Mr. FITZGERALD. The gentleman knows that there is no excuse for crowding these prisons. There is a very large appropriation, $500,000, to provide for them in State penitentiaries.

Mr. ANTHONY. Yes; but the department does not want to scatter all their prisoners in that way.

Mr. FITZGERALD. They ought to do that rather than put them in cells under conditions that can not be defended. Congress gives an appropriaton for that purpose.

Mr. ANTHONY. The addition of about $40,000 more for construction at each of these institutions will obviate that difficulty.

Mr. FITZGERALD. It will not. They could not expend it before the next bill becomes a law.

The CHAIRMAN. The time of the gentleman has expired. The question is on the adoption of the amendment.

The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 15, noes 32.

Accordingly the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the word "penitentiary," in line 3, page 112, the following:

"*Provided*, That not exceeding $3,500 of the above appropriation of $100,000 shall be paid as compensation in any form for the services of any architect or architects."

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, I believe that the amendment offered by the gentleman from Texas is a good one. I believe it is possible to carry on the work of construction at Leavenworth and at Atlanta, and that the amount carried in the amendment will be sufficient to provide necessary architectural superintendence. The fact is that the Government now owns the plans for both of these institutions. As I understand it, it had already, in its previous contracts with these architects, purchased their plans. It has the present working plans, and all that is necessary at either of these institutions now is to provide a sufficient salary to pay a constructing architect to supervise the carrying out of the plans the Government now owns. I do not believe there is the slightest necessity for paying 5 per cent on the cost of construction from this time on.

The facts are, on the other hand, that I do not believe blame can be attached to the Department of Justice for the making of the 5 per cent contract. As I understand it, 5 per cent is the usual fee asked by the American Institute of Architects upon such work. It is the usual fee which the Government pays in the Treasury Department to architects for supervising the construction of Government work.

Take the great work at Annapolis, where the Naval Department has finished the expenditure of $10,000,000 in rebuilding that institution. I investigated that in looking up the developments brought out before the Committee on Expenditures in the Department of Justice in reference to these prisons, and I found that at Annapolis we have paid out nearly $500,000 to architects for fees. I found that at Key West, where the Government has expended about $7,000,000 for new construction work, we have paid out to architects 5 per cent on that amount, nearly $350,000. I consider that an exorbitant charge and extravagant, and yet it is the usual fee that architects are paid for private work.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. That 5 per cent of which the gentleman speaks would be a fee that would be paid an architect when he began the work, for services in planning, designing, and supervising the construction of the building. Here this 5 per cent was agreed to be paid these architects years after the construction of the buildings had begun, when hundreds of thousands of dollars of construction work had already been erected, when the general design must have been adopted, and the general plans and specifications approved.

Mr. ANTHONY. And yet on the other hand the Department of Justice fears that if these architects would withdraw from the work, which they were carrying on at that time, the Department of Justice would be unable to continue with that work. As I understand it, the new contract was entered into on account of a threat of the architects to withdraw from the work.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman that that is entirely new to me. I never before heard a suggestion of that kind.

Mr. FITZGERALD. The new contract was entered into because of the expiration of the old contract.

Mr. MANN. Mr. Chairman, I have a very high regard for both the ability and the fairness of the gentleman from Texas [Mr. BEALL]. I have been impressed with what he has said, and yet my recollection is that the fee now prescribed by the American Institute of Architects is 6 per cent and not 5 per cent. I am not sure about that, but I think that is the case.

Mr. FITZGERALD. It is 6 per cent. That is the rate within recent years that members of the American Institute of Architects are compelled to charge if they enter into competition;

but they are permitted to make any charge they please if they do not do work as a result of competition.

Mr. MANN. Then my understanding that the rate is 6 per cent is correct. It is quite probable that that rate ought not to be paid at the Fort Leavenworth Penitentiary, and very likely the gentleman is absolutely correct in his deduction that $3,500 is sufficient now to pay. I have no doubt whatever, if the gentleman would get all the facts, that he would say that there was nothing improper in entering into this contract, and that probably it was to the interest of the Government where Congress had not acted.

If we say that not more than $3,500 can be paid for architects' services, we take that responsibility, and the administrative officers are relieved from responsibility in case the work does not progress or in case the architect services do not provide a proper building.

Mr. BEALL of Texas. Mr. Chairman, I would state to the gentleman that I have endeavored to ascertain all the facts that can be ascertained in connection with the making of the new contract, and I have never been able to find any reason why the original contract was modified, except the fact that the architect wanted an increase of compensation.

Mr. MANN. I presume that was the reason.

Mr. BEALL of Texas. I never heard any suggestion that there was any threat of their discontinuing their services or of the work being interrupted in any way.

Mr. MANN. Mr. Chairman, I long ago learned by observation, if not by experience, that very few people appreciate the value of professional services, except those who render them. Professional fees always seem high to those upon the outside, and very often to those who pay them. I have heard this question of architects' fees discussed in the House here for a good many years at different times, denunciations of the American Institute of Architects, and it may be that their fees are too high and ought not to be paid.

But they go ahead collecting that, as a rule, from private individuals. As I understand, in the opinion of the gentleman, and as I said before I have a very high regard for his opinion, if this limitation is put on the bill it will not affect the construction of this work.

Mr. BEALL of Texas. I do not think, Mr. Chairman, it would. In my judgment, instead of appropriating $3,500 a year, we ought not to appropriate anything for architects, because I think the superintendent of construction with the material that he has available will be able to continue the work upon that building.

Mr. MANN. While I have a high regard for the gentleman's judgment, I would not agree with him on that. I believe it is desirable in the construction of a building anywhere to have the services of an architect in addition to the services of a constructor. I think anyone who constructs a building would agree as to that.

Mr. FITZGERALD. Mr. Chairman, I shall not oppose the amendment. The only doubt in my mind is whether it either goes far enough or whether this work should not be done under the control of the Supervising Architect of the Treasury Department.

Mr. MANN. The gentleman will admit that will probably cost more than $3,500 a year.

Mr. FITZGERALD. It will not, and I can explain very easily. The plans have been prepared and all paid for. For the four years from 1909 to the present time $400,000 was appropriated, and the architects got 10 per cent of that amount. Under their contract 1 per cent was for design, 1½ per cent for general drawings and specifications, 1½ per cent, if I recollect correctly, for supervision. Their contract contains some interesting features. They are paid in addition to the fee:

The actual, reasonable, and necessary traveling expenses of the architects or their representatives or employees while engaged in the performance of the work covered by this contract, it being understood that it will be necessary to some extent to travel, especially between St. Louis, Washington, Atlanta, and Leavenworth.

Telegraph, telephone, and messenger service reasonably necessary to conduct by the architect of the contract service.

The reasonable expense of surveys and of chemical and mechanical tests.

Franked envelopes and wrappers and official stationery, reasonably adequate to the needs of the architect to perform the contract work, shall be furnished to them by the United States, to be used by the architect only in accordance with the law and with the regulations of the Post Office Department.

The feature of the contract which I believe is open to the most severe criticism is the manner in which the value of the building is reached in order to estimate the compensation of the architect. They do not figure upon the material and value of the labor put into the building, convict labor being used, but the contract provides for the payment of compensation on the market value of the completed building. Gentlemen can easily understand what a margin there may be for estimation as to what may be the market value of a building when completed. Now, under this contract the United States is required to employ and pay at both of these penitentiaries competent superintendents of construction to carry out the plans and designs of the architect. It is very easy, it seems to me, to put this work entirely on the Supervising Architect of the Treasury, but it was because the committee was not in a position to come to some definite conclusion as to the wisest course to pursue that no recommendation was contained in this bill. The gentleman from Texas [Mr. BEALL] last summer went into the matter exhaustively, and I am prepared to follow whatever his judgment may be in this matter.

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, will the gentleman permit me to state there is a very good reason for ordering that steel in advance? Now, it takes three or four years to build one of these steel houses, and when you order the steel it is necessary, as I understand it, to order the entire amount of steel that will be needed for one of these houses. They can not order the amount which will be needed for one year only, but the entire amount of steel must be fabricated at once, and I understand that is the reason why they have that steel on hand that will not be used for a year or two.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Texas that there is 1½ per cent under the contract for superintendence and 1 per cent for detailed plans. That would make 2½ per cent of the 5 per cent, and under the gentleman's provision they might pay as much as 3½ per cent out of this appropriation.

Mr. BEALL of Texas. At least we will have the assurance they will not get but $3,500 during the next 12 months, and we would not repeat the experience that we had of paying $32,000 in eight months.

Mr. SHERLEY. Will the gentleman answer me this? I am in thorough sympathy with this and I think the gentleman is right, yet we have this contract. It may be the Attorney General had the right to make it. How are we going to get away from it?

Mr. BEALL of Texas. I do not imagine they will receive the appropriation unless Congress makes the appropriation for it.

Mr. SHERLEY. I understand that, but they would have a claim against the Government which having once been decided by the Court of Claims would probably be paid as we pay other claims.

Mr. BEALL of Texas. I will state to the gentleman I understood that there are many thousands of claims against the Government, and it is a very difficult and strenuous undertaking to get one of them adjudicated with the Court of Claims.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. In order to make the record complete I shall ask permission to insert in the RECORD the contract itself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears no objection.

Mr. SHERLEY. The contract is as follows:

1. This agreement, made this 1st day of April, 1910, by and between the United States of America (hereinafter referred to as the United States), party of the first part, acting through its Department of Justice, and William S. Eames and Thomas C. Young, architects, being copartners practicing their profession under the firm name "Eames & Young" (hereinafter referred to as the architects), parties of the second part, witnesseth: That—

2. Whereas the architects are now under employment by the United States as architects for the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., under contract which expired by limitation on June 30, 1909, the buildings are not yet completed, and it is the mutual desire of the parties to renew said employment until said buildings shall be completed;

3. Now, therefore, it is hereby mutually contracted and agreed between the parties hereto, as follows:

4. The United States hereby reappoints and reemploys the architects (who accept said employment) as architects for the buildings hereinafter described, and for the period of time beginning January 1, 1910, and continuing until the construction of all of said buildings has been completed, provided that Congress shall make the necessary appropriations to continue said work.

5. The buildings, in connection with which architectural services are to be rendered under this contract, consist of the main cell wings, the administration building, the hospital building, wall surrounding prison, and addition to stables at Atlanta, Ga.; and the main cell wings, rotunda, administration building, and the hospital building at Leavenworth, Kans.

6. The professional services to be rendered by the architects shall consist of:

7. The necessary conferences, the preparation of preliminary studies, working drawings, large scale and full-size detail drawings, specifications, and of the general direction and customary supervision of the work. This is understood to mean the usual architectural services in connection with said construction.

8. The architects shall furnish specifications from time to time when necessary for the proper letting of contracts for materials, etc., and also such oral or written instructions or directions as are necessary for the proper information of the superintendents of construction.

9. The United States will advertise for and obtain the necessary proposals for materials, contract work, or things as may be required under the specifications, and shall receive and open same on the specified date. Such proposals may, in the discretion of the Department of Justice, be referred to the architects, who shall carefully consider them and recommend the acceptance of the one which, in their opinion, is the lowest and best, with a view solely to the interests of the United States in connection with its use for structural purposes.

10. The architects shall issue certificates of payment to contractors, upon written notice from the wardens that the materials or things have been duly received and checked by the superintendents of construction, according to the terms of the contract.

11. The supervision or superintendence to be furnished by the architects shall consist of such inspection, by themselves or their authorized representative, of the buildings and works in process of erection, completion, or alteration as may be necessary to ascertain whether the work is being executed in general conformity with their drawings, specifications, or directions. This embraces schedules of materials in such form that proposals may be obtained thereon; estimates of quantities where necessary, approval of materials, approval of shop drawings; expert advice, all necessary correspondence.

12. The architects shall have authority, and it shall be their duty, to reject any part of the materials or work that they find does not conform to the said drawings, specifications, and instructions, and to order its removal and reconstruction. They shall also have authority to act according to their judgment in all emergencies that may arise during the construction, and to order such changes in the work as they may consider necessary, and to determine and define the meaning of the drawings and specifications.

13. The architects shall furnish two sets of blue prints of all scale drawings needed for use at each penitentiary, but the cost of all additional blue prints and of all reproductions of drawings or specifications for the use of intending bidders or contractors shall be paid by the United States.

14. The working drawings, which shall in general conform to approved preliminary studies, with such minor or incidental modifications as may be necessary or desirable to carry them out to their best conclusions, shall be subject to the approval of the Attorney General.

15. After a definite scheme as to any part of the work has been approved by the United States, any changes in drawings, specifications, or other working papers or documents that may be required by the United States, shall be considered extra work and compensated as such. Any extra labor or expense which may fall upon the architects as the result of the delinquency, insolvency, or bankruptcy of any contractor or material man shall be considered extra work and compensated as such.

16. The drawings and specifications, as instruments of service, are and shall remain the property of the architects; and the United States, though retaining said blue prints, shall not use them for any other building.

17. The compensation for the contract services to be rendered by the architects shall be ascertained as follows:

It is agreed that the estimate of cost of completing said buildings under present plans from the continuation of the date of this agreement by any party other than the Government would be as set forth below, the Government being enabled, by the use of convict labor, to complete said construction at a less sum; and it is further agreed that the architects shall be paid a commission of 5 per cent on the amounts herein estimated as the value of said completion, as set forth in detail in the following table:

United States Penitentiary, Atlanta, Ga.

Main cell building:		
Brick—		
Common, 1,820 M, at $17	$30,940	
Enamel, 24 M, at $90	2,160	
		$33,100
Granite, 84,200 cubic feet, at $3.25		273,650
Structural steel and iron, 285 tons, at $70		19,950
Other steel and iron—		
1,280 linear feet gallery, complete, $3.50	4,480	
Grilles and gates	9,250	
Miscellaneous	400	
		14,130
Roof slab, 33,000 square feet, at 35 cents		11,550
Slate, 350 squares, at $18		5,940
Copper ridge, gutters, cresting	4,020	
Copper lantern	4,800	
		8,820
Floor construction—		
42,800 cubic feet concrete, at 30 cents	12,840	
54,800 square feet finish, at 15 cents	8,220	
		21,060
Cells (no design), steel frame, concrete floors and partitions—		
Steel frame	16,000	
Concrete	24,000	
Steel fronts, including locking device	64,000	
Galleries, stairs, etc	6,400	
Plastering	4,800	
		115,200
Marble		2,000
Plastering—		
3,400 square yards furring and lathing, at 35 cents	1,190	
7,400 square yards plastering, at 50 cents	3,700	
		4,890
Carpentery, joinery, and millwork		11,400
Hardware, including operating devices for large windows		3,700
Glazing		4,250
Painting		4,800
Plumbing		61,000
Heating and ventilating		17,800
Electrical work		3,200
Immediate approaches		1,000
Miscellaneous		5,000
Market value of uncompleted work		622,440

Administration building:		
Brick—		
Common, 335 M, at $17	$5,695	
Enamel, 17 M, at $90	1,530	
		$7,225
Granite, 14,800 cubic feet, at $3.50		51,800
Structural steel and iron, 60 tons, at $65		3,900
Other steel and iron—		
Grilles	800	
Stairs	1,500	
2 lamp standards	1,600	
Miscellaneous	200	
		4,100
Roof—		
Concrete, 3,900 cubic feet, at 30 cents	1,170	
Tile, 39 squares, at $30	1,170	
Copper	400	
Skylight	350	
		3,090
Floor construction, concrete, 11,100 cubic feet, at 30 cents		3,330
Floor finish—		
Cement, 4,400 square feet, at 15 cents	660	
Granitoid, 3,800 square feet, at 20 cents	760	
		1,420
Marble		3,100
Vault doors		400
Plastering—		
Furring and lathing	420	
4,600 square yards plaster, at 45 cents	2,070	
Ornamental	800	
		3,290
Carpentry		1,500
Millwork, joinery, flooring		7,000
Hardware		850
Glazing		1,000
Painting		1,200
Plumbing		2,500
Electrical work, including fixtures		1,750
Heating and ventilating		4,900
Miscellaneous		2,000
Immediate approaches		16,400
Market value of uncompleted work		120,755
Hospital building:		
Brick—		
Common, 610 M, at $17	10,370	
Face, 102 M, at $22	2,244	
		12,614
Stone Mountain granite—		
2,500 cubic feet, at $3.25		8,125
Structural steel and iron, 185 tons, at $65		11,825
Other steel and iron—		
Grilles, grates, sun room, etc	3,250	
Stairs	1,360	
		4,610
Roof—		
Concrete, 12,000 square feet, at 20 cents	2,400	
Slate, 120 squares, at $18	2,160	
Copper	2,950	
		7,510
Floor construction—		
Concrete, 34,200 cubic feet, at 30 cents		10,260
Floor finish—		
Cement, 10,700 square feet, at 15 cents	1,605	
Granitoid, 3,800 square feet, at 20 cents	760	
Asphaltic, 4,600 square feet, at 25 cents	1,150	
		3,515
Structural terra cotta—		
15,200 square feet partitions, at 15 cents		2,280
Marble		3,150
Plastering—		
Furring and lathing	340	
Plastering 9,400 square yards, at 45 cents	4,230	
Rough cast (exterior)	280	
		4,850
Carpenter work		2,650
Millwork, joinery, flooring		8,400
Hardware		1,140
Glazing		1,610
Painting		1,940
Plumbing		6,400
Heating and ventilation		8,100
Electrical work, including fixtures		2,200
Elevator		3,000
Immediate approaches		1,000
Miscellaneous		2,000
Market value of incompleted work		107,179
Inclosing wall:		
Concrete, 2,140 cubic yards, at $9		19,260
Gallery		1,400
Steel and iron		1,200
Copper		1,000
Miscellaneous		500
Market value of uncompleted work		23,360
Addition to stables:		
Market value		11,200

United States Penitentiary, Leavenworth, Kans.

Main cell wings:		
Brick—		
Common, 2530 M, at $18	$45,540	
Enamel, 13 M, at $100	1,300	
		$46,840
Batesville limestone, 85,400 cubic feet, at $3.60		307,440
Structural steel and iron, 860 tons, at $70		60,200
Other steel and iron—		
1,600 feet gallery, complete, at $3.50	5,600	
Grilles and gates	5,580	
Miscellaneous	340	
		11,520

Main cell wings—Continued.

Roof, slab, 46,000 square feet, concrete, at 35 cents		$16,310
Slate, 966 square feet, at $20		9,320
Copper ridge, gutters, flashing		4,960
Floor construction—		
59,000 cubic feet, concrete, at 30 cents	$17,700	
74,400 square feet, finish, at 15 cents	11,460	
		29,160
Cells (no design), steel frame, brick-partition walls, concrete floors—		
Steel frame	20,000	
Brick	22,000	
Concrete	15,000	
Steel fronts, including locking device	90,000	
Basement doors	6,000	
Galleries, stairs, etc	8,000	
Plastering	6,000	
		157,000
Marble		3,000
Plastering—		
4,600 square yards furring and lathing, at 40 cents	1,840	
9,200 square yards plastering, at 50 cents	4,600	
		6,440
Carpentry, joinery, and millwork		14,200
Hardware, including operating devices for large windows		4,100
Glazing		7,000
Painting		6,500
Plumbing		69,000
Heating and ventilation		25,800
Electrical work		4,200
Immediate approaches		1,600
Miscellaneous		5,000
Market value of uncompleted work		789,590

Rotunda:

Brick—		
Common, 850 M, at $18	17,000	
Enamel, 18 M, at $100	1,800	
		18,800
Batesville limestone—		
37,800 cubic feet, at $4	131,200	
8,400 cubic feet, at $5—curved work	44,000	
5,300 cubic feet, at $6—dome roof	31,800	
Centers and special scaffolding	4,500	
		211,500
Structural steel and iron—		
Floors and roof, 160 tons, at $70	11,200	
Inner dome, 50 tons, at $100	5,000	
		16,200
Other steel and iron—		
Grilles and gates	2,700	
Gallery	2,100	
Staircases	4,500	
Miscellaneous	2,000	
		11,300
Concrete, etc.—		
Floors, 27,000 cubic feet, at 30 cents	8,100	
Roofs, 4,000 cubic feet, at 30 cents	1,200	
Cement finish, 5,000 square feet, at 15 cents	750	
Granitoid, 10,500 square feet, at 20 cents	2,100	
Composition, 4,000 square feet, at 30 cents	1,200	
		13,350
Skylights		2,460
Copper lantern and flashings		3,100
Plastering—		
Furring and lathing, 1,800 square yards, at 50 cents	900	
Plain plastering, 6,500 square yards, at 50 cents	3,250	
Ornamental	5,000	
Inner dome	4,000	
Scaffolding for dome	2,200	
Chem stone planter up to cornice (1,700 yards at $5)	8,500	
Miscellaneous	1,200	
		25,050
Marble—		
Floor of rotunda, 3,400 square feet, at $1	3,400	
16 columns, at $280	4,480	
Railing of balcony	3,200	
Wainscoting, 4,400 square feet, at $2	8,800	
		19,880
Carpentry, joinery, and millwork		6,200
Hardware		1,050
Glazing		1,200
Painting		2,500
Plumbing		4,100
Heating		11,300
Electrical work, including fixtures		6,250
Miscellaneous		5,000
Market value of uncompleted work of rotunda		350,240

Administration building:

Excavation		500
Concrete foundations, 135 cubic yards, at $7		945
Brick—		
Common, 495 M, at $18	8,910	
Enamel, 24 M, at $100	2,400	
		11,310
Batesville limestone—		
38,200 cubic feet, at $4		152,800
Structural steel and iron, 180 tons, at $70		12,600
Other steel and iron—		
Grilles	1,750	
Stairs	1,800	
Miscellaneous	300	
		3,850
Roof—		
Concrete, 4,400 cubic feet, at 30 cents	1,320	
Composition, 4,400 square feet, at 30 cents	1,320	
Copper	725	
Skylights	420	
		3,785

Administration building—Continued.

Floor construction—		
Concrete, 28,200 cubic feet, at 30 cents		$8,460
Floor finish—		
Cement, 13,500, at 15 cents	$2,025	
Granitoid, 5,000, at 20 cents	1,000	
		3,025
Marble		4,800
Vault and fittings		1,800
Plastering—		
Furring and lathing	200	
Plastering, 8,200 square yards, at 50 cents	4,100	
Ornamental	1,100	
		5,400
Carpentry		1,800
Millwork, joinery, flooring		8,200
Hardware		1,100
Glazing		1,350
Painting		1,400
Plumbing		2,500
Electrical work and fixtures		2,100
Heating and ventilation		6,200
Miscellaneous		2,000
Immediate approaches		10,200
Market value of uncompleted work		246,185

Hospital building:

Brick—		
Common, 680 M, at $18	12,240	
Face, 120 M, at $23	2,760	
		15,000
Batesville limestone, 3,500 cubic feet, at $3.60		12,600
Structural steel and iron, 190 tons, at $70		13,300
Other steel and iron—		
Grilles, gates, sun room, etc	3,290	
Stairs	1,360	
		4,650
Roof—		
Concrete, 10,800 square feet, at 20 cents	2,160	
Slate, 108 squares, at $20	2,160	
Copper	2,640	
		6,960
Floor construction—		
Concrete, 30,800 cubic feet, at 30 cents		9,240
Floor finish—		
Cement, 10,000 square feet, at 15 cents	1,500	
Granitoid, 3,500, at 20 cents	700	
Asphaltic, 4,200, at 25 cents	1,050	
		3,250
Structural terra cotta—		
14,300 square feet partitions, at 15 cents		2,145
Marble		2,950
Plastering—		
Furring and lathing	320	
Plastering, 8,200 square yards, at 50 cents	4,100	
Rough cast (exterior)	250	
		4,670
Carpenter work		2,300
Millwork, joinery, flooring		7,700
Hardware		1,030
Glazing		1,580
Painting		1,900
Plumbing		6,400
Heating and ventilation		7,850
Electrical work, including fixtures		2,040
Elevator		3,200
Immediate approaches		1,000
Miscellaneous		2,000
Market value of uncompleted work		111,765

Payments to be made to the architects of such commission shall be apportioned as follows:

For design	1 per cent.
General drawings and specifications	1½ per cent additional.
Details and specifications	1 per cent additional.
Superintendence	1½ per cent additional.
Total	5 per cent.

The said respective commissions of 1 per cent "for design," 1½ per cent for "general drawings and specifications," and 1 per cent for "details and specifications," shall be due when said "design," "general drawings and specifications," and "details and specifications," respectively, shall be completed and delivered by the architects. The commission of 1½ per cent on account of superintendence shall be due quarterly as the work proceeds in proportion to the amount of work done. And the commissions so herein set forth shall be paid as they severally become due, except when, in the opinion of the Attorney General, to make such payments would so deplete the available appropriations as to cause delay or interfere with the progress of the construction work, in which event payment shall not be made until sufficient funds are available for the purpose. In no event shall a greater amount be paid the architects than is actually due them at the time of payment for services actually performed.

18. With respect to any building or work not included in this contract the construction of which shall hereafter be directed by the Attorney General, it is agreed by the parties hereto that no commission for architectural services shall be paid under this contract. Architectural services for such building or work shall be subject to a new contract, if the parties hereto mutually desire to enter into the same, based upon an estimated value as in the case of the buildings covered by this contract.

19. It is mutually agreed by the parties hereto that the terms of a certain contract between Eames & Young and Charles J. Bonaparte, former Attorney General, which covered the employment of Eames & Young as architects for the penitentiaries herein mentioned for the fiscal year ending June 30, 1909, are hereby extended to cover the period between the expiration of that contract and the time when this contract goes into effect.

20. In case any part of the work covered by this contract shall be changed then the estimate of the value of the same, as it appears in the foregoing tables, shall be revised so that it shall represent the cost of completing said work according to the changed plans, were said work to be performed by any party other than the Government.

21. In case any part of the work covered by this contract shall before completion be abandoned, or indefinitely postponed by the United States, the compensation of the architects shall be in accordance with the schedule hereinbefore mentioned showing the apportionment of their commission of 5 per cent for such services as shall have been actually performed by them.

22. The United States will pay for the services of two competent superintendents of construction, one for each of said penitentiaries, who will conduct and execute the work according to the plans, specifications, and directions of the architects, and in other respects under the supervision and orders of the warden, acting as the local representative of the United States on the works.

23. The United States shall, in addition to the compensation herein provided, pay the following expenses:

24. The actual, reasonable, and necessary traveling expenses of the architects, or their representatives or employees, while engaged in the performance of the work covered by this contract, it being understood that it will be necessary to some extent to travel, especially between St. Louis, Washington, Atlanta, and Leavenworth.

25. Telegraph, telephone, and messenger service reasonably necessary to the conduct by the architects of the contract service.

26. The reasonable expense of surveys, and of chemical and mechanical tests.

27. Franked envelopes and wrappers, and official stationery, reasonably adequate to the needs of the architects in performing the contract work, shall be furnished to them by the United States, to be used by the architects only in in accordance with law and with the regulations of the Post Office Department.

28. It is further covenanted and agreed by and between the parties hereto that in case both of said parties of the second part shall through any cause become unable to complete the foregoing contract, or if the conduct of the said parties of the second part is such that the interests of the United States are thereby likely to be placed in jeopardy, or if the said parties of the second part violate any of the conditions or stipulations of this contract, the Attorney General, acting for and in behalf of the said party of the first part, shall have the right to revoke this contract and the commission awarded thereunder as to the portion then unperformed, and to complete or cause to be completed said contract; and he may, in his discretion, use for that purpose all designs, plans, details, drawings, specifications, etc., which may have been prepared by said parties of the second part, provided, in such case, however, that the parties of the second part shall receive equitable compensation for all services properly performed under this contract up to the date of its revocation, such compensation to be fixed by the Attorney General upon the basis of the percentages herein provided for. It is agreed, however, in order to prevent the suspension of the contract services through a dissolution, by death or otherwise, of said firm, parties of the second part herein, that the services hereunder may and shall thereafter be rendered by the survivor or successor in practice of said firm, and such dissolution shall not be construed to constitute inability to complete this contract within the meaning hereof.

29. It is an express condition of this contract that no Member of or Delegate to Congress, or other person whose name is not at this time disclosed, shall be entitled to any share in this contract or to any benefit to arise therefrom; and it is further covenanted and agreed that this contract shall not be assigned.

30. In witness whereof the parties hereto have signed triplicate copies hereof, by their respective authorized representatives, the day and year first above written.

THE UNITED STATES OF AMERICA,
By GEO. W. WICKERSHAM,
Attorney General.

EAMES & YOUNG,
By T. C. YOUNG,
Member of firm.

Witnessed:
JAMES H. HENNESSY.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Penitentiary, Atlanta, Ga.: For continuing the construction of the United States Penitentiary at Atlanta, Ga., $75,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman from Georgia [Mr. HOWARD] how much time he thinks this item will take with his amendment?

Mr. HOWARD. I do not think it will take over 10 or 15 minutes. It will depend on how much time the committee might want.

Mr. MANN. Will it be perfectly agreeable to the gentleman to offer it to-morrow?

Mr. HOWARD. Perfectly.

Mr. MANN. The gentleman might offer the amendment now and let it be considered to-morrow.

Mr. HOWARD. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amend, line 6, page 112, by striking out "$75,000" and inserting in lieu thereof "$175,000."

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. PETERS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Robert Downing (H. R. 15220), Sixtieth, Sixty-first, and Sixty-second Congresses, no adverse report having been made thereon.

SALTON SEA (S. DOC. NO. 846).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Rivers and Harbors:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior inclosing an appeal from the board of supervisors of Imperial County, Cal., for further appropriations of money and futher works for the protection of lands and property in the United States against the flood waters of the Colorado River.

In my message dated February 2, 1912, transmitting data of the work of the Interior Department, published as House Document No. 504, Sixty-second Congress, second session, there is contained a report of the engineer in charge of the work of protection done under the act of June 25, 1910, appropriating $1,000,000 for this purpose, and also a report of a special board convened by my direction to review this report and advise what further work should be done along the lower Colorado River for the protection of the interests of the United States. In this report of the special board, dated June 7, 1911, there will be found a recommendation that certain additional work should be at once executed, and an estimate of $1,000,000 as necessary for this work.

In my message I stated that I did not at that time make a definite recommendation, for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. As stated in this message, the matter was being pressed upon the attention of the Mexican Government and favorable progress has been made in the negotiations. However, it is not probable that the negotiations with Mexico can be consummated before the adjournment of Congress, and it is therefore desirable to provide against a possible emergency which may arise after Congress has adjourned.

Since the report of the special board above referred to a part of the work proposed has been executed, and it is believed that the work will prove adequate for the protection of the lands in Imperial Valley against serious overflow during the present flood, which materially exceeds the average flood in volume, but as shown in the letter of the Secretary of the Interior the Colorado River, since the date of the report of the special advisory board, began and has continued to cave its banks, until the protecting levee on the Mexican side, about 7 miles below the intake of the Imperial Canal, is threatened, and apprehensions are aroused that the Colorado will again cut a deep channel into the Imperial Canal and flow again into Salton Sink, with disastrous results to American lives and property.

I request that the recommendation of the Secretary of the Interior be followed and that an appropriation of $1,250,000 be made to meet any emergencies that may arise for the construction of levees and revetments along the Colorado River and for the protection of property in the United States from damage by the flood waters of that river, and to be expended, in whole or in part, for the purposes stated and under the direction of the President of the United States.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23790. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands";

H. R. 16512. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 23903. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 633).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Ways and Means.

To the Senate and House of Representatives:

I herewith transmit a report by the Secretary of State submitting reports from American consular officers in the German Empire and certain other foreign countries in regard to cooperation and the cost of living.

WM. H. TAFT.

THE WHITE HOUSE, *June 14, 1912.*

LEGALIZATION OF CERTAIN CONVEYANCES, UNION PACIFIC RAILROAD CO.

Mr. NORRIS. Mr. Speaker, I ask that the bill H. R. 16680 be laid before the House. It is on the Speaker's desk.

The SPEAKER laid before the House the bill (H. R. 16680) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., with Senate amendments.

The Senate amendments were read.

Mr. NORRIS. Mr. Speaker, I move to concur in the Senate amendments.

Mr. MANN. Mr. Speaker, may I ask the gentleman a question?

Mr. NORRIS. Certainly.

Mr. MANN. As I understand it, the Senate amendments propose to strike out the entire House bill and insert a new one in its place. Has the gentleman carefully examined the Senate amendments?

Mr. NORRIS. I have.

Mr. MANN. Is the gentleman able to give any reason why the Senate took the action that it did?

Mr. NORRIS. Well, in regard to some of the provisions I can say to the gentleman that they were put in to satisfy some of the members of the Senate committee who were doubtful as to the constitutionality of the bill. My own judgment is that they have not improved it in that respect. I had no doubt about it before.

Mr. MANN. Is there any change from the House bill by the Senate amendment that affects the purpose of the House bill?

Mr. NORRIS. No, sir; none whatever.

Mr. RUCKER of Colorado. I want to say to the gentleman from Illinois that, after the bill passed the House, the Kansas question came in, so that that had to be covered.

Mr. MANN. I think that came up in the House.

Mr. NORRIS. Yes; but it was changed somewhat in the Senate. Now, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I should like to ask the gentleman from Nebraska about how much land is involved here the titles to which will be quieted and settled by this proposed legislation?

Mr. NORRIS. There could be the possibility of conflicts of title involving a strip running along the Union Pacific Railroad through Nebraska and through Kansas, and from the Kansas and Nebraska lines to Denver, and from Denver to Cheyenne. I can not give the gentleman, and I do not think anyone else can, the exact number of acres involved, because it is not the same in all cases. This simply validates any conveyances that have been made of portions of the right of way by the railroad company, or validates the title to any other portions that have been held by the settlers adjoining the right of way, sufficiently long, and under the proper circumstances, to give them title by adverse possession.

Mr. FINLEY. Does this legislation cover anything more than the right of way and town lots adjacent?

Mr. RUCKER of Colorado. Not at all.

Mr. NORRIS. It does not.

Mr. FINLEY. It does not cover the land grants generally?

Mr. NORRIS. Oh, no; it has no reference to them whatever. There was a dispute between the railroad company and the settlers, both in the country and in the towns, about a strip of land on each side. Recently the railroad company has been claiming a 400-foot right of way, and through the State of Nebraska, for instance, the settlers claimed it was only 200 feet. In parts of Colorado the settlers claimed that it was only 100 feet, and the same in Kansas.

Mr. FINLEY. This is one of the land-grant railroads?

Mr. NORRIS. Yes; it is. All the land involved was originally granted to the railroad company by Congress.

Mr. FINLEY. The Senate amendment does cover more land and validates more titles than the bill as it passed the House?

Mr. RUCKER of Colorado. No.

Mr. NORRIS. I think not, although there is a difference in the width. The House provided as to a portion of this right of way that it should not be less than 200 feet, and that in Colorado it should not be less than 100 feet. The Senate amendment changes that and leaves it the same in all the States.

Mr. FINLEY. I will say to the gentleman that I served in two or three Congresses on the Pacific Railroads Committee, and I obtained some little knowledge of land grants to the railroads, and their conveyances, and so forth. Of course, I personally know nothing of this question, and I understand the gentleman is unable to give the House any definite information as to how much land is covered or what titles are validated outside the right of way.

Mr. NORRIS. There is not anything outside of the right of way.

Mr. RUCKER of Colorado. It is all a part of the right of way.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Saturday, June 15, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting estimate of appropriation for completion of post-office and courthouse building at Grand Rapids, Mich. (H. Doc. No. 831); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting deficiency estimate of appropriation for relief of special fiscal agent of the Reclamation Service (H. Doc. No. 832); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LAFFERTY, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, reported the same with amendment, accompanied by a report (No. 888), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24028) authorizing and permitting the Tennessee Hydro-Electric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the House Calendar.

Mr. DODDS, from the Committee on the Judiciary, to which was referred the bill (S. 5935) to fix the terms of the district

court for the western district of Michigan, reported the same without amendment, accompanied by a report (No. 889), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn., reported the same with amendment, accompanied by a report (No. 890), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23284) to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill., reported the same with amendment, accompanied by a report (No. 891), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24067) providing for the construction, erection, maintenance, and operation of a dam across the Osage River, in Miller County, Mo., for the purposes of improving navigation and the development of water power, reported the same with amendment, accompanied by a report (No. 892), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23571) authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River, in Anderson County, State of Tennessee, reported the same with amendment, accompanied by a report (No. 893), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24196) to authorize the construction of a dam across the Kootenai River, in the State of Montana, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 2809) granting an increase of pension to W. S. Hardin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7208) granting an increase of pension to William McCoy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25048) granting an increase of pension to Charles B. Daniel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7331) granting an increase of pension to Harry L. Vance; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22398) granting a pension to Darius E. White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24840) granting a pension to Ward Pine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3739) granting a pension to James Lawton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9287) granting a pension to James Duffy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24687) granting a pension to Grace E. Benford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21134) granting a pension to Hughie C. Thomas; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14373) granting a pension to Cornelius Conly, alias Cornelius Conley or Connelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11638) granting a pension to William P. Barlow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2404) granting a pension to B. E. De Vall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 544) granting a pension to Eden N. Dailey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 25330) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 25331) regulating charges for transportation of parcels by express companies engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 25332) for the purchase of a site and erection of a public building in the city of Somerville, Fayette County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25333) to construct a road from the national cemetery in Shelby County, Tenn., to the eastern boundary line of the city of Memphis, Tenn.; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 25334) to authorize the extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 25335) to amend an act entitled "An act to regulate the immigration of aliens into the United States"; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: A bill (H. R. 25336) to provide for the erection of a public building and site at Charlotte, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25337) for the purchase of a site and the erection thereon of a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. WILDER: A bill (H. R. 25338) to provide for the purchase of a site for a public building at Leominster, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25339) to provide for the purchase of a site for a public building at Framingham, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25340) to provide for the purchase of a site for a public building at Gardner, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 25341) to amend section 2 of an act entitled "An act fixing the compensation of certain officials in the Customs Service, and for other purposes," approved March 4, 1909; to the committee on Ways and Means.

By Mr. HARRISON of Mississippi: A bill (H. R. 25342) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBSON: A bill (H. R. 25343) providing that certain professors at the United States Naval Academy shall be commissioned as professors of mathematics, with the rank of lieutenant commander; to the Committee on Naval Affairs.

By Mr. CLAYPOOL: A bill (H. R. 25371) granting a pension to certain soldiers and sailors of the Civil War who were confined in Confederate prisons; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25372) granting public lands to the city of Phoenix, State of Arizona, for public park purposes; to the Committee on the Public Lands.

By Mr. DAVENPORT: A bill (H. R. 25373) to provide for the payment of drainage assessment on Indian lands in Wagoner County, Okla.; to the Committee on Indian Affairs.

By the SPEAKER: Memorial of the Legislature of the State of New Mexico, asking Congress to set aside $6,000,000 to dam and levee the Rio Grande River; to the Committee on Rivers and Harbors.

By Mr. CALDER: Memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25344) granting a pension to Willis F. Goodhue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25345) granting a pension to George C. Dale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25346) granting a pension to Joel S. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25347) granting a pension to John G. O'Neil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25348) granting a pension to Henry C. P. Roebling; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 25349) granting an increase of pension to Samuel H. Sturgeon; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25350) granting an increase of pension to David R. Beavers; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 25351) granting a pension to Roscoe Worthen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25352) granting a pension to James Campbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 25353) granting a pension to Mary E. Howell; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25354) granting an increase of pension to Charles Logan; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25355) granting an increase of pension to William W. Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25356) granting an increase of pension to Lillian M. Dayton; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 25357) for the relief of the Western Grain & Sugar Products Co., of California; to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25358) granting a pension to Emma J. Winchell; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 25359) granting a pension to Samuel J. Orendorf; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 25360) for the relief of Edward Tighe; to the Committee on Military Affairs.

Also, a bill (H. R. 25361) for the relief of George Gardella; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25362) granting an increase of pension to Susana A. Turner; to the Committee on Pensions.

By Mr. POU: A bill (H. R. 25363) for the relief of Emma H. Ridley; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 25364) for the relief of George R. Phyles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25365) to correct the military record of John Daly; to the Committee on Military Affairs.

Also, a bill (H. R. 25366) granting an increase of pension to Alfred M. Howard; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 25367) granting an increase of pension to Mary Ann Thompson; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 25368) granting an increase of pension to Ada Cummins; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 25369) granting a pension to Lydia M. Jacobs; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25370) granting a pension to Frank O. Scott; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 25374) granting an increase of pension to Mary J. Hatfield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of societies of the Polish Roman Catholic Union of America of the States of New York, Illinois, Minnesota, Pennsylvania, and West Virginia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of St. Anthony Society, No. 569, Chicago, Ill., and St. Joseph Society, No. 551, Hance, Okla., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BERGER: Petition of citizens of the United States, favoring passage of House bill 13114, known as BERGER's old-age pension bill; to the Committee on Pensions.

Also, petition of 116,852 individuals, favoring a constitutional amendment enabling women to vote on the same terms as men; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of citizens of New Jersey, favoring passage of the old-age pension bill for pensioning deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. BULKLEY (by request): Petition of the Law and Order Reform League of Cleveland, Ohio, favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of St. Vincent Society, No. 146, and St. Stanislaus Society, No. 124, of the Polish Roman Catholic Union of America, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, relative to Navy memorial at Vicksburg, Miss.; to the Committee on Military Affairs.

Also, petition of William Sayer, jr., favoring continuance of economy and efficiency work in Government departments; to the Committee on Appropriations.

Also, petition of citizens of Bay Ridge, South Brooklyn, N. Y., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Methodist Episcopal Hospital at Brooklyn, N. Y., favoring bill empowering the Public Health and Marine-Hospital Service in establishing the hospital bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of St. Hedwig's Society, No. 324, and St. Casimir's Society, No. 72, of St. Louis, Mo., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Aero Club of Illinois, favoring the passage of the military aviation bill; to the Committee on Military Affairs.

Also, petition of the Chicago Federation of Labor, of Chicago, Ill., favoring passage of House bill 23673, to prevent unskilled manning of American vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Petition of the Chamber of Commerce of Milwaukee, favoring investigation of all fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against the passage of House bill 22527, relative to labeling all patent medicines; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of House bill 20487, known as the workman's compensation act; to the Committee on the Judiciary.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bill proposing change in present patent laws; to the Committee on Patents.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of the Page bill, known as the vocational education bill; to the Committee on Agriculture.

Also, petition of the Mutual Benefit Association, Fifth Division, surveyor's office, United States customs, port of New York, favoring passage of House bill 23241, relative to pay for customs watchmen; and of the American Thread Co., of New York, favoring downward revision of the tariff; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Washington, D. C., favoring passage of House bill 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of 70 railroad employees of Yuma County, Ariz., protesting against the Federal accident-compensation bill (S. 5382); to the Committee on the Judiciary.

By Mr. HAYES: Petition of Charles Hagmaier, of San Francisco, Cal., and of David S. Jordan, Stanford University, Cal., favoring passage of House bill 19857, relative to conservation of the public grazing range; to the Committee on the Public Lands.

Also, petition of Sign and Pictorial Painters' Local No. 510, and of C. D. McKenney, of San Francisco, Cal., favoring passage of House bill 16844, to compel manufacturers to place their names on goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Gilroy, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Gilroy, Cal., favoring passage of bill regulating express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of the Trenton Chamber of Commerce, protesting against passage of Senate bill 5458, relative to building of bridge across the Delaware River south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Charles W. Fisher, San Francisco, Cal., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sign and Pictorial Painters' Local No. 510, of San Francisco, Cal., favoring passage of the Campbell bill (H. R. 16844) to compel manufacturers to place their names on goods; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of the Daughters of Liberty of Mahanoy, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Order of Independent Americans, Coaldale Council, No. 29, of Coaldale, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of citizens of Greenpoint, N. Y., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Memorial of the Metz Branch of the Polish Roman Catholic Union of America, of Metz; the Sacred Heart of Jesus Society, No. 316, of Bay City; and the Polish Roman Catholic Union, of Posen, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of citizens of Illinois, favoring passage of House bill 17470, for pensioning widows and orphans of veterans of the Spanish-American War; to the Committee on Pensions.

By Mr. McCALL: Petition of Fred S. Scales and others, of Winchester, Mass., against passage of bills proposing change in patent laws; to the Committee on Patents.

By Mr. McDERMOTT: Memorial of Sacred Heart of Jesus Society, No. 92, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Local Union No. 101, Rumford, Me., favoring passage of House bill 19133, for creation of a postal express; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of the Daughters of Liberty of Lakewood, N. J., favoring passage of bill relative to denominational garb for Indian schools; to the Committee on Indian Affairs.

Also, petition of the Daughters of Liberty of Oakhurst, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of citizens of Lincoln, Ill., favoring passage of bill providing for building of battleship in Government navy yards; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of the Journeymen Barbers' International Union of America, and Machinists Lodge, No. 398, and citizens of Trenton, N. J., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on the Judiciary.

Also, petition of members of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of the Mann bill for Sunday rest for post-office employees, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of the fourth congressional district of New Jersey, of Washington Camp, No. 43, Patriotic Order Sons of America, of Somerville, and of citizens of Clinton, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *June 15, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Eleanor L. and Henry C. Lovell, sole heirs of Henry C. Lovell, v. United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 847);

Richard Allen v. United States (Washington Navy Yard) (S. Doc. No. 849); and

No. 23, Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased; No. 27, Margaret A. Norton, widow of Daniel C. Norton, deceased; No. 32, Emma S. Wherren, administratrix of James W. Wherren, deceased, v. United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 848).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I submit a conference report on House bill 17681, the District of Columbia appropriation bill, being a full agreement, and I ask unanimous consent for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its amendments numbered 1, 3, 5, 6, 7, 9, 12, 14, 15, 16, 17, 18, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 95, 96, 97, 98, 99, 101, 102, 103, 104, 106, 108, 113, 114, 117, 121, 126, 137, 138, 139, 141, 148, 150, 154, 155, 156, 162, 174, 178, 179, 193, 194, 198, 199, 206, 207, 208, 209, 210, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 291, 295, 296, 297, 298, 299, 300, 301, 302, 304, 305, 307 310, 311, 313, 315, 317, 318, 319, 320, 321, 324, 325, 326, 327, 331, 332, 333, 336, 342, 343, 344, 345, 351, 358, 359, 362, 363, 364, 365, 367, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 391, 393, 394, 395, 396, 404, 405, 406, 407, 408, 409, and 420.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, 19, 23, 24, 25, 27, 58, 60, 61, 77, 88, 92, 93, 100, 105, 111, 112, 116, 119, 120, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 142, 143, 144, 145, 146, 147, 149, 152, 157, 159, 160, 163, 164, 168, 169, 170, 171, 172, 175, 177, 180, 183, 185, 186, 187, 188, 189, 192, 195, 196, 200, 202, 203, 204, 205, 230, 233, 234, 275, 293, 294, 303, 312, 316, 322, 328, 330, 335, 338, 339, 346, 349, 350, 353, 354, 355, 356, 357, 361, 366, 384, 385, 387, 388, 389, 390, 397, 398, 399, 400, 401, 402, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 423, and 425; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 2 of the bill, in line 3, strike out the word "dollars" and insert in lieu thereof the words "so much as may be necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$114,846"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an

amendment as follows: In lieu of the number proposed insert "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two at $1,400 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,410"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,725"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 18 of the bill, in line 17, after the word "binding," insert the following: "by contract or otherwise, including necessary personal services"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "purchase" in said amendment insert the following: "or exchange"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$129,525"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to enable the Commissioners of the District of Columbia to make a thorough investigation of the desirability and cost of establishing a municipal asphalt plant, including personal services and necessary expenses, report to be made to Congress at the beginning of the next session: *Provided further*, That the facts upon which the conclusions are based shall be fully stated in said report: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized to purchase from this appropriation a portable asphalt plant at a cost not to exceed $7,500 and to operate said plant under their immediate direction in doing such work of repairs to asphalt pavements as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for this purpose is hereby made available for such work"; and on page 28, in line 25, and on page 29, in line 1, of the bill strike out the words "of which sum $60,000 shall be immediately available, three hundred and ninety thousand" and in lieu thereof insert "three hundred and sixty thousand"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: On page 30 of the bill in line 3, strike out the word "two" and insert in lieu thereof "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$140,000"; and on page 30 of the bill, in lines 5, 6, and 7, strike out the following: ", of which sum $20,000 shall be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$265,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: In line 6 of the matter inserted by said amendment strike out the following: "on either side of such crossings"; and in line 11 of the matter inserted by said amendment, after the word "appropriation," insert the word "available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: On page 34, in lines 14 and 15, of the bill strike out the following: "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,830"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "dollars," insert the following: ", which sum shall be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ", the appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,825"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase and maintenance of one motor vehicle for the use of the electrical department, with extra tires and equipment, $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and eighty-four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That all teachers of manual training, drawing, domestic science, domestic art, music, and physical culture in the normal, high, and manual-training high schools now in the service of the public schools and hereafter to be appointed, shall be placed in class six, group A: *Provided further*, That no such teacher shall receive a salary less than that received at the time of the passage of this act: *Provided further*, That hereafter no teacher of any of these subjects shall be appointed without like qualifications to those required of teachers of academic and scientific subjects in the high schools, and that teachers of these subjects now in the service of the public schools and those hereafter to be appointed shall receive their longevity increase according to their previous number of years of experience in teaching in accredited normal, high, and manual-training high schools"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and eighteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four hundred and fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and thirty-seven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,354,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 229, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$319,395"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the matter stricken out insert the following:

"Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: *Provided*, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "Hereafter no" and in lieu thereof insert the word "No"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "one," insert the word "motor-drawn"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "five" and insert in lieu thereof the word "two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "two" and insert in lieu thereof the word "one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,540"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 323, and agreed to the same with an amendment as follows: In lieu of the sum proposed insert "$13,225"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and new bids received or the purchase made in open market, as may be most economical and advantageous to the District of Columbia: *Provided further*, That hereafter formal written contracts with bond for work or the purchase of supplies and materials for the District of Columbia shall not be required in cases where the cost of such work or supplies or materials does not exceed the sum of $1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 334, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,135"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For hospital furnishings, including bedsteads, mattresses, ward and bedside tables, and chairs, $1,000.

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session as to the cost and feasibility of adapting one or more of the vacant buildings upon the site of the Washington Asylum and Jail, reservation No. 13, for use for municipal hospital purposes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: Transpose said amendment to follow line 11, page 91 of the bill, amended as follows: In line 1 of said amendment strike out the word "The" where it first occurs and insert in lieu thereof the words "Hereafter the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$113,635"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,872"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session whether or not there is a necessity for the construction and operation within the District of Columbia of a reform school for white girls; and in this report the commissioners shall state what facilities now exist in public or private institutions for the care of wayward white girls and the cost of their maintenance in such institutions, and shall also state the estimated cost of constructing and maintaining a reform school for white girls"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "salaries"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with

an amendment as follows: In lines 3 and 4 of said amendment strike out the words "one hundred thousand dollars" and insert in lieu thereof the words "fifty thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 369, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 374, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "construction work to be done by contract or otherwise"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$199,330"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following separate paragraphs:

FORT DAVIS AND FORT DU PONT PARKS, AND SO FORTH.

"The Commissioners of the District of Columbia are hereby authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE., between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide proper connection with the new location of Alabama Avenue: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to preserve the sites of Fort Davis and Fort Du Pont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia. There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That if the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized plus the costs and expenses of the proceedings, not less than one-third and all in excess of $21,334 shall be assessed by the jury as benefits, which when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

"Hereafter, the United States shall not bear any part of the cost of the acquisition of land for street extensions, but when the condemnation of any land for such purpose is authorized by law the total cost of the land and the expenses of the condemnation proceedings shall be assessed as benefits; in any case where land is condemned for a parkway, including a street or streets, where such parkway is of considerable length with relation to its width, not less than one-half of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits; and in any case where land is condemned for a public park, not less than one-third of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits.

"The public parks authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, restore the matter stricken out by said amendment amended as follows: Renumber the section to read: "SEC. 8."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 424, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 10. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public convenience stations; fees for tax certificates; fees of the municipal court; and fees collected by the building inspection division on account of permits, certificates, and transcripts of records issued by the inspector of buildings; and the surplus fees of the recorder of deeds and register of wills, together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles."

And the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, JR.,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of state of New Mexico, transmitting a certified copy of house joint resolution No. 30, adopted by the legislature of that State, memorializing Congress to appropriate $6,000,000 for dikes and levees on the Rio Grande River, which, with the accompanying resolution, was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint resolution 30, memorializing Congress to appropriate $6,000,000 for dikes and levees on the Rio Grande.

Whereas the present flood in the Rio Grande, which has destroyed bridges, inundated cultivated fields, and caused great property loss, recalls the fact that such floods have been of almost annual occurrence in the past; and

Whereas the Government of the United States has never appropriated any moneys for the construction of dikes and levees upon the banks of said river: Therefore be it

Resolved by the legislature of the State of New Mexico, That the Congress of the United States is hereby memorialized to appropriate and set aside the sum of $6,000,000 to be expended as by law provided in the construction of dikes and levees upon the Rio Grande with a view to restraining its waters to its natural channel; and be it further

Resolved, That the secretary of state of New Mexico be, and he hereby is, directed to transmit authenticated copies of this memorial to

the Vice President of the United States, and to the Speaker of the House of Representatives.

E. C. DE BACA,
President of the Senate.
JOHN JOERNS,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House.
FRANK STAPLIN,
Chief Clerk of the House.

Indorsed: Filed in office of secretary of state of New Mexico, June 7, 1912, 6 p. m.

ANTONIO LUCERO, *Secretary of State.*

CERTIFICATE OF COMPARISON.

STATE OF NEW MEXICO,
Office of the Secretary.

I, Antonio Lucero, secretary of state of the State of New Mexico, do hereby certify that there was filed for record in this office at 6 o'clock p. m., on the 7th day of June, A. D. 1912, house joint resolution No. 30, memorializing Congress to appropriate $6,000,000 for dikes and levees on the Rio Grande, and also that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on the 10th day of June, A. D. 1912.

[SEAL.] ANTONIO LUCERO, *Secretary of State.*

The PRESIDENT pro tempore presented petitions of the officers of Ridgefield Park Post, Daughters of Liberty, of New Jersey, praying for the adoption of the so-called illiteracy-test amendment to the immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted by the American Society of Tropical Medicine, favoring the creation of a national commission for the study and prevention of malaria, which was referred to the Committee on Public Health and National Quarantine.

Mr. HITCHCOCK presented a petition of the congregation of the Emmanuel Baptist Church, of Mead, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Gage County Medical Society, of Nebraska, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Bear Mountain Grange, No. 62, Patrons of Husbandry, of Harrison; of Barbers' Local Union No. 101, of Rumford; and of sundry citizens of Rockport and Canton, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the incorporation of the Virginia Terminal Co., which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyoming, reported it without amendment and submitted a report (No. 888) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 2953) to grant an honorable discharge to George P. Chandler, reported it with amendments and submitted a report (No. 889) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 4973) authorizing the President to appoint Rudolph Ullmer a first lieutenant on the retired list, submitted an adverse report (No. 890) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 891), accompanied by a bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 449. Susannah Roberts.
S. 1531. John Hedge.
S. 1777. Albert Whitehead.
S. 2614. Henry Ackerman.
S. 2739. Edward S. Clithero.
S. 2978. Almond Partridge.
S. 3786. Gustavus A. Kindblade.
S. 4063. Martin Parker.
S. 4082. Augustus A. Nauman.
S. 4072. Benjamin F. Adams (alias Franklin B. Adams).
S. 4187. Mary Byrne.
S. 4491. Mary C. Smith.
S. 4556. E. Leora Norris.
S. 5411. Augustus C. D. Wilson.
S. 5509. Alice O. Lord.
S. 5590. Julius T. Morse.
S. 5647. Henrietta V. Hawley.
S. 6038. Charles E. Sherman.
S. 6290. Jennie M. Smalley.
S. 6324. Samuel N. West.
S. 6660. James V. D. Ten Eyck.
S. 6947. Nellie L. Davis.
S. 6985. Jerome S. Pinney.
S. 7066. James E. C. Sawyer.
S. 2640. Julius E. Henderson.
S. 6861. William L. Baird.

Mr. SMITH of Michigan, from the Committee on Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported it with amendments.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 106) creating a joint commission on public highways, and for other purposes, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 3132) granting a pension to Deborah B. Roman, reported it with amendments and submitted a report (No. 895) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho, reported it without amendment and submitted a report (No. 896) thereon.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, to report it with amendments, and I submit a report (No. 897) thereon.

Mr. HEYBURN. Mr. President, that is not a unanimous report.

Mr. SMOOT. I did not say that it is; I said that it is a report from the Committee on Public Lands.

Mr. HEYBURN. I merely want the RECORD to show that I made the statement; that is all.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

UINTAH INDIAN RESERVATION LANDS.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, with an amendment in the nature of a substitute, the bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation, and I submit a report (No. 893) thereon. I ask for the immediate consideration of the bill.

Mr. CULBERSON. Let it be read.

The PRESIDENT pro tempore. It will be read for information before the request for unanimous consent is acted upon.

Mr. SMOOT. The committee amendment proposes a substitute for the bill.

The PRESIDENT pro tempore. The substitute will be read.

The SECRETARY. The committee report to strike out all after the enacting clause and to insert:

That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation, in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension, and no more.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation."

Mr. SMOOT. I should like also to have the report of the committee accompanying the bill printed in the RECORD.

There being no objection, the report this day submitted by Mr. SMOOT was ordered to be printed in the RECORD, as follows:

[Senate Report No. 893, Sixty-second Congress, second session.]

EXTENSION OF TIME FOR PAYMENTS ON HOMESTEADS, UINTAH INDIAN RESERVATION.

Mr. SMOOT, from the Committee on Public Lands, submitted the following report to accompany S. 6934:

The Committee on Public Lands, to which was referred the bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation, having given the same careful consideration, beg leave to recommend that the following substitute be adopted in its stead:

"*Be it enacted, etc.*, That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension and no more."

The purpose of the bill is to relieve settlers on the former Uintah Indian Reservation from the necessity of paying for their homesteads at the present time. Conditions are such that it would be impossible for a large majority of the homesteaders to make the required payment this year, and consequently, unless some relief is accorded them, their homesteads will be forfeited to the Government. Since the opening of this reservation the settlers have had an exceedingly difficult time to eke out an existence, owing to a number of reasons. Before the land can be made productive at all water must be put upon it, and most of the settlers have expended practically all their means in doing this and in making other necessary improvements upon their homestead. Senator SMOOT, who introduced the bill, presented a number of petitions signed by most of the settlers on the Uintah Indian Reservation, praying for the relief which this bill gives them. The bill will be a great boon to these settlers, and the committee recommends that it be passed.

The following report on the bill was submitted by the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, June 6, 1912.

Hon. REED SMOOT,
Chairman Committee on Public Lands, United States Senate.

SIR: I have the honor to acknowledge receipt of your request for a report on S. 6934, "A bill to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation."

The statutes under which the Uintah lands were opened (act of May 27, 1902, 32 Stat., 263; act of Mar. 3, 1903, 32 Stat., 998; act of Mar. 3, 1905, 33 Stat., 1069) do not provide for payment of installments; the homestead entryman must, at time of submitting proof, pay $1.25 per acre, which is the entire price of the land. Consequently, the language of the bill referring to installments is not properly applicable.

These lands were opened to entry under the proclamation of July 14, 1905, and the first entries were made between August 28 and October 26, 1905. The seven-year period allowed by section 2291, Revised Statutes, for submission of proof on these entries, will therefore expire within the current year. The relief it may be desired to afford these homesteaders could be granted by simply extending the time allowed for submitting their proofs.

Information has been received regarding the very hard climatic conditions encountered by these people, and there appears to be no doubt that they are entitled to some relief. However, it is suggested, as in the report on the Coeur d'Alene bill (H. R. 18061, 62d Cong., act of Apr. 15, 1912, Public, No. 120), that it would not be wise to grant an extension of two years; the preferable course would be to allow an extension for one year, subject to a single renewal of a like period.

Moreover, since the present laws do not provide for interest on the price of these lands, it is thought that in justice to the Indians, to whom the money is ultimately payable, the entrymen securing extensions should be required to pay, in advance, interest on said price. This interest has, in the recent Coeur d'Alene act, been fixed at 5 per cent per annum.

Consonant with the above suggestions, the department respectfully recommends that the bill be amended before enactment in accordance with the draft herewith submitted.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

JOSEPH B. FORBES.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (S. 421) to correct the military record of Joseph B. Forbes, and I submit a report (No. 892) thereon. It is a short bill, and I ask for its consideration.

Mr. CULBERSON. Is it intended to reinstate a deserter?

Mr. CHAMBERLAIN. There is a charge of desertion, and the committee have reported favorably on the bill.

Mr. CULBERSON. Is it a unanimous report of the committee?

Mr. CHAMBERLAIN. It is. I do not know how many members of the committee were present when it was considered, but no one objected to a favorable report.

The PRESIDENT pro tempore. The Senator from Oregon asks for the present consideration of the bill. Is there objection?

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. The bill will be read for information.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That in the administration of the pension laws Joseph B. Forbes, who was a second lieutenant of Company H, Second Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on the 10th day of November, 1862: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. I will inquire what Senator reported the bill.

Mr. CHAMBERLAIN. It was reported by myself as a member of the committee, though the soldier is not a constituent of mine, but a constituent of the Senator from Utah.

Mr. GALLINGER. The Senator from Utah has looked into the matter, I suppose.

Mr. SMOOT. I have, and also every member of the committee. It follows the same mode that has been followed by the committee in many, many other cases.

Mr. GALLINGER. I suppose the soldier's record is not clear in the department.

Mr. SMOOT. It is not, Mr. President.

Mr. GALLINGER. But if the committee has examined it I will not object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph B. Forbes."

PORTRAITS OF JUSTIN S. MORRILL AND JOHN TYLER MORGAN.

Mr. WETMORE. From the Committee on the Library I report a resolution, which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 347) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Senate Committee on the Library is hereby authorized to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Guthers, at a cost not to exceed $1,000 each, the same to be paid from the contingent fund of the Senate.

Mr. WETMORE. I ask that the report of the committee, No. 894, accompanying the resolution be printed in the RECORD.

There being no objection, the report this day submitted by Mr. WETMORE was ordered to be printed in the RECORD, as follows:

[Senate Report No. 894, Sixty-second Congress, second session.]

PORTRAITS OF SENATORS JUSTIN S. MORRILL AND JOHN TYLER MORGAN.

Mr. WETMORE, from the Committee on the Library, submitted the following report to accompany Senate resolution 347:

The Committee on the Library beg to report the following Senate resolution and recommend its passage:

"*Resolved*, That the Senate Committee on the Library is hereby authorized to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Guthers, at a cost not to exceed $1,000 each, the same to be paid from the contingent fund of the Senate."

In the history of the United States only four men have been elected to the Senate for six full terms—John Sherman, of Ohio; Justin S. Morrill, of Vermont; William B. Allison, of Iowa; and John T. Morgan, of Alabama.

In 1909 the Senate purchased a portrait of Senator Allison, and the opportunity is now presented of securing at a reasonable price the portraits of Senators Morrill and Morgan, painted by Carl Guthers, an artist of high reputation.

Justin S. Morrill, of Vermont, was born April 14, 1810, and died December 28, 1898, aged 88 years 8 months and 14 days.

He entered Congress March 4, 1855, near the end of his forty-fifth year, and served in the House of Representatives 12 years—to March 3, 1867. His service in the Senate commenced March 4, 1867, and continued to the time of his death—31 years 9 months and 24 days.

Senator Morrill was elected to the Senate six times, and at the time of his death was the oldest Senator and had a longer period of service consecutively than any other Senator. Since the death of Senator Morrill his record of continuous service in the Senate has been surpassed by Senator Allison.

Senator Morrill had a longer continuous service in the Senate and House of Representatives than any other person since the organization of the Government.

Senator Morrill became chairman of the Committee on Finance in 1877, and retained that chairmanship until his death, with a hiatus

of four years only—from 1879 to 1881, when Senator Bayard was chairman, and from 1893 to 1895, when Senator Voorhees was chairman.

He was the author of the Morrill Tariff Act of 1861, and had a conspicuous part in all the fiscal and tariff legislation during his nearly 44 years in Congress.

He formulated and secured the enactment of the land-grant agricultural college act of 1862, and its amendatory acts, resulting in the founding of colleges of agriculture and mechanic arts in all of the States.

John Tyler Morgan, of Alabama, was born June 20, 1824, and died June 11, 1907, at the age of 83 years, less 9 days.

Senator Morgan's term of service in the Senate began March 4, 1877, and was continuous for 30 years 3 months and 7 days. He was six times elected to the Senate, and died in the fourth month of his sixth term.

He became a member of the Committee on Foreign Relations December 5, 1878, and served on that committee to the time of his death, as its chairman from 1893 to 1895, and for 22 years as the ranking minority member.

Almost in the beginning of his service in the Senate Senator Morgan became the advocate of an interoceanic canal to connect the Atlantic and the Pacific, and he more than anyone else contributed to the accomplishment of this great enterprise.

Senator Morgan was appointed by President Harrison a member of the Bering Sea Arbitration Tribunal which met in Paris in 1893, and the portrait proposed to be purchased was painted in Paris during the sittings of the tribunal.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 7161) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on Finance.

By Mr. SUTHERLAND:

A bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Arizona:

A bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State, charitable, penal, and reformatory institutions; to the Committee on Public Lands.

By Mr. BROWN:

A bill (S. 7164) granting an increase of pension to William W. Lane; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7165) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; to the Committee on the District of Columbia.

By Mr. KERN:

A bill (S. 7166) granting an increase of pension to Job S. Sims (with accompanying paper); and

A bill (S. 7167) granting an increase of pension to Rachel B. Purdy (with accompanying papers); to the Committee on Pensions.

A bill (S. 7168) for the relief of Dudley Simms (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRIGGS:

A bill (S. 7169) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

A bill (S. 7170) granting a pension to Emma W. Lloyd; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7171) for the relief of Dora D. Walker; to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARDNER submitted an amendment proposing to appropriate $43,890 for additional quarantine facilities at Portland, Me., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—MICHAEL R. SHULTZ.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying the bill (S. 640, 62d Cong., 1st sess.) granting an increase of pension to Michael R. Shultz be withdrawn from the files of the Senate, no adverse report having been made thereon.

EDWARD W. WHITAKER.

Mr. BRANDEGEE submitted the following resolution (S. Res. 348), which was read and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a full and detailed statement of the military history of Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general United States Volunteers, such statement to show the promotions he received, the recommendations therefor, a list of the engagements in which he participated, the recommendations on which he was tendered an appointment as captain in the Seventh United States Cavalry, copy of his letter declining such appointment and of accompanying papers, if any; also copies of orders and other papers connected with his military history.

FLAG OF THE UNITED STATES.

Mr. HEYBURN submitted the following resolution (S. Res. 345), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether or not at any time or under any circumstances any flag, emblem, or banner is raised above the Stars and Stripes on any vessel, building, or ground under the jurisdiction of the Navy Department of the United States.

Mr. HEYBURN submitted the following resolution (S. Res. 346), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether or not at any time or under any circumstances any flag, emblem, or banner is raised above the Stars and Stripes over any fort, encampment, building, or ground under the jurisdiction of the War Department of the United States.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. I send to the desk a resolution, and ask for its present consideration.

The resolution (S. Res. 349) was read as follows:

Whereas the Senate requested certain information of the President regarding the profits and business of certain corporations for the year 1910 and 1911, as specified in Senate resolution 321; and

Whereas the President, in a message on June 11, indicated that the statistics relating to said corporations could not be furnished until the Senate indicated more specifically what corporations should be included: Therefore

Resolved, That the President be, and he is hereby, advised as follows:

First, that the corporations engaged in the iron and steel industry, regarding which information is desired, are the 1,048 corporations embraced in the census report for 1910;

Second, that the corporations engaged in the woolen industry, concerning whose business and profits the Senate asks information, are the 1,650 corporations embraced in the report of the Census Office of 1910;

Third, that the corporations engaged in the cotton industry, concerning whose business and profits the Senate asks information, are the 1,328 corporations embraced in the report of the Census Office of 1910;

Fourth, that the corporations engaged in the sugar-refining business, except beet sugar, concerning whose business and profits the Senate asks information, are the 233 corporations embraced in the report of the Census Office of 1910;

Fifth, that the corporations engaged in the beet-sugar industry, concerning whose business and profits the Senate asks information, are the 58 corporations embraced in the report of the Census Office of 1910;

Sixth, that attention is also called to the fact that Bureau of Corporations has such information as will assist in the compilation of these statistics and the classification of corporations; and

Seventh, that the President is requested to have the Bureau of the Census and the Commissioner of Corporations cooperate in preparing the information requested in Senate resolution 321.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. Mr. President, I did not hear the first paragraph or two of the resolution. The Senator has heretofore submitted a resolution asking for information, which was agreed to. Is the Senator now instructing the President what procedure he shall take to collate and transmit the information? Is that the purpose of the resolution?

Mr. HITCHCOCK. The President replied to that resolution in a message on June 11 by stating that he was not in a position to furnish the information unless the Senate would indicate more specifically the corporations for which the statistics were desired.

Mr. GALLINGER. That is entirely satisfactory, if the President sent such a communication, but I was not aware of the fact.

The resolution was considered by unanimous consent and agreed to.

THE "TITANIC" DISASTER (S. DOC. NO. 850).

Mr. CURTIS. At the request of the Senator from Colorado [Mr. GUGGENHEIM], I ask that the document which I send to the desk be printed as a public document in the type in which it is now printed.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the printing of the speech of the Senator from Michigan [Mr. SMITH] on the *Titanic* disaster as a public document in the same type in which it is now printed. Is there objection to the request?

Mr. SMOOT. I am not going to object to this request because of the fact that there are Members of the Senate who are especially interested in having this particular document printed in this particular way, but I wish to say that I hope it will not be considered as a precedent for similar requests hereafter. This is the first time that such a request has been made. I recognize, however, that it is a case that perhaps never will happen again. Therefore I shall not interpose an objection.

Mr. McCUMBER. Mr. President, I will say to the Senator from Utah that while a case similar to the *Titanic* disaster

may never again happen, I am not prepared to say that there will not be very many cases where it will happen that it would be better to have a speech of a Senator printed in different type from that usually employed. While the Senator from Utah says it may not become a precedent, I ask him why the same privilege should not be accorded any matter that is published as a public document? Why should it not be printed in the same type?

Mr. SMOOT. Mr. President, what appeals to me more than anything else is the fact that the brother of one of our Senators was lost in that frightful disaster, and he asks that this be done. So I do not feel like interposing an objection.

Mr. McCUMBER. With the Senator's explanation, I would not oppose the request.

The PRESIDENT pro tempore. Without objection, an order therefor will be entered.

THE CHEMICAL SCHEDULE—UNANIMOUS-CONSENT AGREEMENT.

Mr. HEYBURN. Mr. President, I find in the RECORD this morning that yesterday, during the temporary absence of some Senators from the floor and in the midst of a speech upon the chemical schedule (H. R. 20182) without any general knowledge to even the scant attendance of Senators, it was undertaken to enter into a unanimous-consent agreement as to the vote to be taken upon House bill 20182, and the RECORD recites that it was agreed, by unanimous consent—

that on the 2d day of July, immediately after the termination of the routine morning business, the Senate resume the consideration of the unfinished business, and that a vote be taken upon the bill and all amendments thereto before the end of that legislative day.

Mr. LODGE and Mr. SIMMONS. The calendar day.

Mr. HEYBURN. I was coming to that. It appears also from the RECORD that the word "calendar" was substituted for "legislative" in describing the day. I regret very much that any such action was taken, because we have a unanimous-consent agreement that practically precludes any opportunity to any Senator to discuss any measure prior to the 1st day of July. The recesses provided for in the unanimous-consent agreement already entered into—and, I think, concurred in by the House—will render it impossible for any Senator to have opportunity for discussing the chemical schedule. I think it is very unfortunate, and it may possibly prove somewhat embarrassing in the future, if it is insisted that a unanimous-consent agreement can be entered into in the midst of a speech, when Senators had a right to expect that no such proceeding would be undertaken during a Senator's speech. I say that it is most unfortunate.

No Senator has a right to assume that any other Senator is as indifferent as to the necessity for discussing a measure as he is. Senators may feel indifferent in regard to the necessity or the propriety of discussing proposed legislation, but they have no right to assume that any other Senator is indifferent to the necessity or the duty of doing so.

Unanimous-consent agreements should only be proposed when there is a quorum of the Senate present and when there is a normal attendance of the Senate; and there should be a rule, if there is none, that would prevent the granting of unanimous consent to take a vote upon a measure in the midst of a speech being made upon that measure.

I do not feel that I am called upon to express myself as strongly as I feel in reprobation of such a practice. If there is any one act that is performed by the Senate that more than another demands perfect candor and a spirit of perfect fairness, it is the act of obtaining unanimous consent for the disposition of pending legislation; and just as soon as it becomes apparent that this parliamentary proceeding is to be used for the purpose of gaining an undue advantage, that will be the end of unanimous-consent agreements in this body.

I feel that any Senator who desires to discuss that measure has been unfairly treated. I am a member of the committee that reported the bill; I had already given notice that I intended to discuss it, and yet we are to be confined to the calendar day of July 2 to discuss one of the most important tariff schedules that has come before the Senate at any time, and all through taking advantage of a time when there were perhaps not to exceed six or seven Senators on the floor to obtain a record unanimous-consent agreement.

I realize the delicate position in which Senators are placed who object or who feel compelled to object, as I do this morning, to this action; but to those who do not know from actual observation the conditions under which this unanimous-consent agreement was obtained, any effort to change it would be charged by such persons as an attempt to avoid an agreement based upon the honor of Senators, so that it is readily to be seen that we have been placed in an embarrassing position. We have taken away the opportunity to debate this question up to a period only a few hours prior to the time fixed for its ultimate disposition. My mind questions the reasons that impel the change from the legislative to the calendar day.

Has any Senator the right to assume or to presume that Senators not present and Senators who are absent with the consent of the Senate have no interest in this legislation because they have not? They have given Senators a just cause of complaint. I will not be personal in this matter, but I want to try to impress upon the minds of Senators that they have posted a watchman, they have set a picket who will be on duty against a repetition of such injustice.

It could not have been done upon the assumption that when those who did it had spoken the end of reason had been attained, or that they stand recognized as holding the proxy for every other Senator to participate in legislation upon this subject.

Have I said enough to impress upon the minds of Senators my views in regard to this way of making an agreement that rests upon the honor of every Senator in the body? Have I said enough to impress my views that the usurpation of the right of another man to participate in an agreement resting upon the honor of that other man is not permitted or recognized among men?

The unanimous-consent proceeding in this body is one resting upon the principle of individual respect for the honor and conscience of each Senator. I give notice now that when the next tariff bill is before the Senate, which will be Calendar No. 675, House bill 21213, I shall object to the fixing of a time for a vote upon the bill by unanimous consent, and I will expect that fair treatment, not only for myself but for every other Senator, by those who shall then assume to be in what is sometimes called the control of the bill.

Under the rule there seems to be no way of avoiding the evil act of yesterday.

Mr. NELSON. Mr. President——

Mr. HEYBURN. I yield.

Mr. NELSON. I thought the Senator from Idaho was through.

Mr. HEYBURN. With all due courtesy to the Senator, that occurs sometimes when Senators in their individual judgment think another Senator has talked as long as they think he ought to have talked, and they assume that he is through. It is a bad habit. I am through.

Mr. NELSON. I ask unanimous consent for the present consideration of Calendar No. 750.

Mr. SIMMONS. I ask the Senator from Minnesota if he will not withhold the request to permit me to make some observations with respect to the matter on which the Senator from Idaho addressed the Senate.

Mr. NELSON. Certainly; I withdraw the request.

Mr. SIMMONS. Mr. President, the request for unanimous consent was made by me. It was made, as the Senator from Idaho suggests, during the speech of the Senator from Maine [Mr. JOHNSON]. I did not make the request until I had conferred with Senators on this side of the Chamber and with Senators on the other side of the Chamber. It had been represented to me that no Senator on this side of the Chamber, except the junior Senator from North Carolina and the Senator from Maine desired to speak upon the bill. The Senator from North Carolina advised me that his speech would probably not occupy more than 10 minutes. I was not aware of the fact that the Senator from Idaho had given any notice that he desired to discuss the bill. No notice to that effect appears upon the calendar, and I was out of the Chamber when the Senator stated his purpose to discuss this schedule. I was advised that there would probably be no speech made on the other side of the Chamber on the bill except one. Under these conditions it was thought, after conference, that we could easily reach a vote and allow every Senator who desired to speak an opportunity to speak on the second day after we reassemble.

My request, Mr. President, was for unanimous consent that we take a vote upon this bill during the legislative day of July 2. A suggestion was made from the other side of the Chamber that I change the request from the legislative to the calendar day, and I made that change in compliance with that suggestion from the other side of the Chamber.

I am sure I have no desire to interfere with the freedom of debate upon this question, and if I had supposed that more time was necessary in order that Senators who desire to speak might have an opportunity to do so, I certainly would not have felt like limiting the time to one day, and I suggest to the Senator from Idaho that we meet again on the 1st day of July, and I shall be very glad to ask that the bill be laid before the Senate on the first day. I do not think there is anything in the way. If there is, it can easily be gotten out of the way, because this

has the right of way, so that we may have not one, but two days for its discussion. I am quite sure that during two days every Senator will have full opportunity to speak.

I want to assure the Senator from Idaho, for myself, that I had no purpose to take any snap judgment in the matter. We conferred about it. The Senator did not happen to be in the Chamber. If he had been, he probably would have been spoken to about it.

Mr. HEYBURN. I suggest to the Senator from North Carolina that the Senator from California [Mr. PERKINS] has already given notice that on Monday, July 1, he will ask the Senate to proceed to the consideration of the naval appropriation bill.

Mr. SIMMONS. That will not interfere with the unfinished business.

Mr. HEYBURN. The naval appropriation bill or any other appropriation bill has certain rights of way.

Mr. SIMMONS. I think the Senator is mistaken——

Mr. HEYBURN. I am reading from the calendar.

Mr. SIMMONS. As to the bill having the right of way against the unfinished business. It would have the right of way, probably, against other matters, but this bill is the unfinished business of the Senate, and at 2 o'clock it would be the regular order.

Mr. GALLINGER. If the Senator will permit me, I think we might relieve the situation somewhat by keeping in mind the fact that we can meet at an earlier hour on that day. We could meet at 10 o'clock, if need be, or 11 o'clock at any rate, and thus gain an additional hour. That would enable the Senator from Idaho to occupy such time as he may wish.

Mr. SIMMONS. I certainly have no objection to meeting at an earlier hour on both the 1st and 2d of July, so as to give ample opportunity for discussion. I must confess that I did not know the Senator desired to speak. I had been advised repeatedly that there would be only one speech on the other side of the Chamber, and that it would not occupy more than two hours.

Mr. HEYBURN. Mr. President, I can understand that the Senator might have received that impression, because, when the metal schedule had been reported and the question was being discussed as to when a vote might be had upon it, it was stated that only two Senators—naming them—would speak on the bill. Of course, that was an irresponsible statement, but it was probably based upon just such an assumption. To be perfectly candid, so far as I am concerned, I intend that the habit which seems to be growing up in this body of certain Members arrogating to themselves an assumed leadership and dictatorship without consulting with all other Senators shall be broken up.

Mr. SIMMONS. The Senator——

Mr. HEYBURN. I am not including the Senator from North Carolina in that.

Mr. SIMMONS. I wanted to say to the Senator——

Mr. HEYBURN. The Senator from North Carolina, representing this measure upon the floor, of course is justified in seeking to get it to a vote. What I object to is an attempted assumption of power which in this accidental case was realized. I desire to see that all Senators in this body stand one the peer of the other. This thing of looking at the almanac to see how long some one has been here, looking at the Congressional Directory to see in what class of service a Senator is, is a piece of impudence; it is unworthy of a Senator. I do not believe that Senators, like some other things, ripen with age, always. Sometimes they do, but not always.

Now, Mr. President, I acquit the Senator from North Carolina of intentionally having sought to shut out any Member from discussing this bill, but it was the result of the action. No request for unanimous consent should be made except when a quorum of the Senate is present. The mere accident that a Senator takes advantage of an opportunity to go to lunch, or that many do, should not be taken advantage of either to call up a measure or to agree by unanimous consent during his absence, because it might get through then and would not at another time.

I say all this in good temper, but I say it within my rights, and I say it with the hope that it may find others in this body who approve of it. I regard the action of yesterday as one that will undermine the orderly procedure of this body and the possibility of getting unanimous consent for anything.

Mr. SMOOT. Mr. President, I was in the Senate Chamber when the unanimous-consent agreement was made, and I wish to assure the Senator from Idaho that if it had not been for a conference held with him I never would have agreed in his absence to a request fixing a time for a vote.

Mr. HEYBURN. If the Senator will permit me, I am a member of the Committee on Finance. I sat with the Senator in the meetings of that committee, and there is no member of that committee who was not advised of my position in regard to every one of these tariff schedules.

Mr. SMOOT. I will remind the Senator of the conference I refer to.

On Thursday, the Senator will remember, the question arose as to whether we could get a vote upon the bill to-day, and as I understood him at that time he was perfectly willing that a vote should be taken upon it to-day.

Mr. HEYBURN. I expressed my dissent in unqualified terms. I said—and I am going to be perfectly candid now, and I hope the Senator will not consider it a breach of confidence—I said whenever we had votes enough to beat the bill, without discussing it, I was willing to have a vote, but I wanted something more than the conjecture of somebody upon which to base it, because, so far as I am concerned, I am opposed to this measure and I am ready to vote upon it whenever a vote will beat it, and I am ready to discuss it until there are votes enough to beat it.

Mr. SMOOT. I think the Senator from New Hampshire heard what was said at the time we were discussing it, and I take it for granted——

Mr. HEYBURN. The Senator will take my word for what I say, regardless of what he takes for granted. He need not refer to the Senator from New Hampshire or anyone else.

Mr. SMOOT. I was going to say, if the Senator will allow me, that it was my fault, not his, if I misunderstood his position on this particular bill. I do not want to shirk any responsibility, if there is any personal responsibility, for securing a unanimous-consent agreement. It was furthest from my mind to agree to anything that would prevent any Senator from saying just what he wanted to upon this bill. I knew that it could be discussed on July 1. I had it in my mind, and so stated to the Senator from North Carolina, that we could meet early upon July 2, if necessary, and could remain in session till 12 o'clock midnight. That was before the Senator from North Carolina made his request for a vote on that legislative day.

I suppose that is why the Senator from Massachusetts and myself suggested that it be the calendar day.

I want the Senator from Idaho to understand that in his absence, and I recognize that he is a member of the Finance Committee, I would not have agreed to a specific time to vote if I had thought for one minute that he would have interposed an objection to it. I will say that I do not want to take a minute's time of the Senate to discuss the bill if there is not time for all Senators who want to speak on the 1st or 2d of July, and as far as I am concerned it would suit me if the Senator from Idaho would start the discussion on the bill, and if he could not get through on the first day that he should take all the time on the second day.

Mr. HEYBURN. Mr. President, I sincerely hope that many others will discuss this bill than myself. I am not promising that I will occupy any given time or at any time speak upon the bill. A Senator is not compelled a week ahead to say whether he will speak upon a measure or how long he will speak. You have foreclosed not only the senior Senator from Idaho, but you have foreclosed three-fourths of this body who were absent.

Mr. SMOOT. Mr. President, that would be true if all the three-fourths desired to speak.

Mr. HEYBURN. They have the right to speak.

Mr. SMOOT. They have the right to speak, but a great many of them have told me they did not intend to speak on the measure. I simply wanted to say, and I say it now to the Senator from Idaho, that, so far as I am concerned, I shall claim no time in the two days in which the bill can be discussed to speak unless there is a chance to do so without limiting the time desired by the Senator. I do not want to interfere with the right of any Senator to have all the time to speak that he desires, not only upon this measure, but every other measure. I can assure the Senator that there was no intention on anyone's part to foreclose him or any Senator from saying what he wishes to upon this particular measure.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain

soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22807) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

ANTI-INJUNCTION BILL.

Mr. NELSON. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, under Rule VIII.

The PRESIDENT pro tempore. The Chair will ask the indulgence of the Senator to state that morning business has not yet been closed.

Mr. NELSON. I supposed it was closed.

The PRESIDENT pro tempore. There is a matter which it is the duty of the Chair to bring to the attention of the Senate. The Chair finds upon the desk a resolution which came over from a former day, which should have been laid before the Senate day before yesterday. The present occupant of the chair did not occupy it the day preceding and had not information of the fact that the resolution was on the table. The Chair thinks it is entitled to its day in court, and it will now be laid before the Senate. It is the resolution offered by the Senator from New Jersey [Mr. MARTINE], and the Chair will lay it before the Senate for such disposition as the Senate sees proper to make of it.

Mr. MARTINE of New Jersey. Mr. President, I will say that I presented the resolution seriously and in good faith, and I desire a vote on it. But I am assured by Senators on the other side that in the event of pressing the resolution at this time the question of a quorum will be raised, and therefore I would be practically legislated out and would interfere thereby with the progress of business at this stage. In deference to that thought, I will consent that it may remain on the table, with the assurance to the Senate that I shall bring it up later in the day.

The PRESIDENT pro tempore. If there be no objection, that direction will be given to the resolution offered by the Senator from New Jersey.

THE CALENDAR.

Mr. NELSON. I renew my request.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of unobjected cases on the calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order on the calendar.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SIMMONS. If it is not out of order, I should like to ask unanimous consent to call up a bill.

The PRESIDENT pro tempore. The Chair would state that the unanimous consent just entered into under Rule VIII would require that each case be considered in its order, and only unobjected cases will be considered under the unanimous-consent agreement.

Mr. SIMMONS. The Chair holds it would not be in order to ask unanimous consent to consider a bill out of its order on the calendar?

The PRESIDENT pro tempore. If it had been taken up on motion, undoubtedly it could be considered, but the unanimous consent would preclude any other action by the Senate except that expressed in the terms of the unanimous-consent agreement. The Secretary will proceed with the calendar.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. BRISTOW. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDENT pro tempore. It will go over.

VOCATIONAL EDUCATION.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. PAGE. I feel like being considerate with all Members of the Senate and I do not wish to press Senate bill No. 3, now in order, but I should like at some time during the afternoon, if possible, to have it read and have it progress so far. With the understanding that later on I may take it up, after other important matters have been considered, I will make no objection to its going over.

Mr. GALLINGER. I will ask the Senator if the bill was not read some days ago?

Mr. PAGE. It never has been read.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. LODGE. Let it go over now.

The PRESIDENT pro tempore. The Chair will state that the Senate is proceeding under a unanimous-consent agreement.

Mr. PAGE. I merely wanted to make the statement; that is all.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The resolution (S. Res. 242) directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, was announced as next in order.

Mr. SMOOT. I ask that this bill may go over, and that all these Indian bills shall go over.

The PRESIDENT pro tempore. The bill will go over. It will be necessary to indicate each one as we reach it.

The bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4536) to provide for a final settlement with the Waukinum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the Island of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. OVERMAN. I move the indefinite postponement of the bill.

Mr. CRAWFORD. I do not think that would be quite fair, because this bill is to be considered in connection with the omnibus claims bill, and I assured the Senator from Pennsylvania, who is interested, that it would remain until some time when he is present.

Mr. OVERMAN. Then let it go over under Rule IX and be taken off this calendar.

The PRESIDENT pro tempore. Without objection, the bill will be transferred to the calendar under Rule IX.

Mr. SMOOT. I should like to have it remain on the calendar under Rule VIII, because the omnibus claims bill is liable to come up at any time.

Mr. CRAWFORD. I think that is true.

Mr. SMOOT. The omnibus claims bill is under Rule VIII, and this bill should also be under Rule VIII.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4159) for the relief of F. M. Lyman, jr., was announced as next in order.

Mr. CRAWFORD. The bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4230) for the relief of Robert F. Scott was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 364) for the relief of Ranney Y. Lyman was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

The PRESIDENT pro tempore. This bill has been read as in Committee of the Whole and certain amendments have been agreed to.

Mr. HEYBURN. Let it be read for information.

Mr. OVERMAN. Let the bill go over. I think the Senator from Maryland [Mr. RAYNER] wants to discuss it.

The PRESIDENT pro tempore. The bill will go over.

THOMAS MARCUS MOLLOY AND JOSEPH HENRY CROZIER.

The bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, by placing their names in the order in which they are set forth herein on the official register of the service next after the name of First Lieut. William Henry Munter. But nothing in this act shall be construed to increase the number of officers allowed by law in the Revenue-Cutter Service, nor shall the officers whose rank is restored in part by this act be entitled to any back pay or emoluments on account thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETTY OFFICERS, ETC., OF NAVY AND MARINE CORPS.

The bill (S. 2905) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. LODGE. I wish to ask the Senator from North Carolina if he will not be willing to allow the bill to be considered. It has been read and amended. It is simply to give a very small number of survivors of the Civil War in the Navy and Marine Corps rank and rating to the next higher grade. It has been granted in the Army and it has been granted to the commissioned officers. These are noncommissioned officers and enlisted men of the Navy. There are very few remaining.

Mr. OVERMAN. About how many are there?

Mr. LODGE. I think it is stated in the report. I will look at the report. There are very few. It seems to me not unreasonable for them to receive it.

Mr. OVERMAN. The Senator, as I understand, says it has been done in the Army.

Mr. LODGE. Yes.

Mr. OVERMAN. If it has been, I raise no objection to the consideration of the bill.

Mr. LODGE. This bill is aimed merely to give these men what all other officers of the Army and Navy receive because of Civil War service. About 115 enlisted men in the Navy and Marine Corps now on the retired list would be affected by it.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws his objection, and the Secretary will read the bill.

The Secretary proceeded to read the bill (S. 2905) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade.

Mr. LODGE. The bill has been heretofore read and amended, Mr. President.

The PRESIDENT pro tempore. The Chair is informed that there are no amendments.

Mr. LODGE. I know the bill has been read.

The PRESIDENT pro tempore. If it is not desired that the bill shall be reread, it will not be. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins was announced as next in order.

Mr. McCUMBER. In the absence of the Senator from Delaware [Mr. DU PONT], who reported that bill, I ask that it may go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. McCUMBER. I also ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

ENTRIES ON ALASKAN COAL LANDS.

The bill (S. 5890) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The Chair is informed that the bill has been heretofore read.

Mr. SMOOT. The bill has been read.

The PRESIDENT pro tempore. If the rereading is not desired, as the title has just been read, the Chair will not direct that the bill be again read.

Mr. HEYBURN. I think I shall have to ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, I only asked for the rereading of the bill in order to be certain as to a part of it that was being passed over so rapidly that I did not have time to examine it. I now move to strike out the word "public," in lines 3 and 4, on page 1. Of course, if they are reserved lands, they are not public lands under the statute.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 1, in line 3, after the word "unreserved," it is proposed to strike out the word "public."

Mr. HEYBURN. The very class of lands there described are held not to be public lands.

Mr. SMOOT. Let the section be read as it is proposed to be amended.

The SECRETARY. If amended as proposed, the section will read:

> That from and after the passage of this act unreserved lands of the United States in Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, and all applications to make entry under the homestead laws upon such lands shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

Mr. SMOOT. If they were reserved lands, I would have no objection to the amendment offered by the Senator from Idaho.

Mr. HEYBURN. Of course, I should like to see the words "reserved" and "unreserved" in the proposed amendment, because it has been held and sustained that lands withdrawn from settlement are not public lands and not included within the designation of public lands in the statute. Of course, this ought to read "reserved and unreserved," but I shall not enter into that contest to-day. I will only deal with the one word.

The PRESIDENT pro tempore. The amendment offered by the Senator from Idaho will, without objection, be agreed to. Does the Senator from Idaho desire the further reading of the bill?

Mr. HEYBURN. No; I do not insist upon it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy was announced as next in order.

The PRESIDENT pro tempore. The Chair is informed that this bill was read in full on the 11th of May.

Mr. BRISTOW. I should like to inquire what the bill proposes to do, if any member of the committee from which it was reported is present?

Mr. LODGE. It proposes to establish a medical reserve.

Mr. PERKINS. The report will show, I think, Mr. President, the object of the bill, and I should like to have the report read.

Mr. CRAWFORD. Let us hear the report.

Mr. LODGE. It does not propose to increase expenses.

The PRESIDENT pro tempore. The report will be read.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDENT pro tempore. The bill goes over.

Mr. BRISTOW. I remember the bill now, and I have no objection to it. I do not ask that it go over.

Mr. HEYBURN. I have objected to its consideration.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 20182) to amend an act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, approved August 5, 1909, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDENT pro tempore. The joint resolution goes over.

REWARDS FOR IMPROVEMENTS IN MANUFACTURING PROCESSES, ETC.

The bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant, was announced as next in order.

The Secretary proceeded to read the bill.

Mr. HEYBURN. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill goes over.

Mr. BRISTOW. I hope the Senator from Idaho will not object to the consideration of that bill.

Mr. HEYBURN. Probably a minute's consideration might obviate my objection, but there arose in my mind from the reading of the clause that a gross appropriation of a thousand dollars a year might all go to one person. There is no limitation as to the amount that may be given as a reward for these suggestions, or "series of suggestions," or whatever they may be. There should be a little more careful provision in regard to that point. Then this exemption of the United States in the last clause is, of course, quite far-reaching. This might go to an extent that would be the basis of a change in the whole system of the ordnance of the United States.

Mr. BRISTOW. I think I can explain the bill to the Senator. The purpose is to encourage employees of the Government to suggest improvements and economies in operation, manufacturing processes, and so forth, and to provide rewards therefor the same as is done by the great corporations. The exemption of which the Senator speaks is simply this: If an employee makes a suggestion which results in economy and saving, he is given a reward; and he can not make a future claim on the Government for additional compensation for the use of his suggestion.

Mr. HEYBURN. Can he patent it?

Mr. BRISTOW. Oh, no.

Mr. HEYBURN. Can he patent it for sale to the general public outside of the Government?

Mr. BRISTOW. That, of course, is not covered; that would be between him and the public; but he can not receive from the Government anything additional, because he voluntarily gives this suggestion to the Government, and if, in the judgment of the Secretary of War and the board which examines it, it proves to be useful, he is given a reward for his industry, his thoughtfulness, and his ingenuity.

Mr. HEYBURN. I think that is all right and I am thoroughly in sympathy with it, but the question is whether or not, after he has received a reward, he may still patent the invention and compel the general public to pay for the use of it?

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him in this connection?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. When a man has allowed the Government, voluntarily, to use a suggestion or invention of his, he has made it public, and he can not afterwards secure a patent on it.

Mr. HEYBURN. But he might at the same time, or immediately prior thereto, file his caveat in the matter and thus secure himself. I was prompted to object to the consideration of the bill, because I thought it involved a number of points that ought to be considered. I am in sympathy with the spirit of the legislation; I only would like to see that we do not pass it so hastily as not to secure efficient and good legislation.

Mr. BRISTOW. The Committee on Military Affairs went into the subject very thoroughly, conferred with the War Department about it, and they think that it will result in an increased efficiency and encouragement to employees, and that the public, as well as the Government, is amply protected.

Mr. HEYBURN. It will accomplish that, but the question is whether it affects the rights of the general public outside of the Government? Of course, when you cover inventions affecting machinery and methods of employing machinery, probably the largest users of those things are individuals and firms outside of the Government. We have in our great machine shops to-day a number of articles similar in use and construction to those used by the Government which are the basis of vast manufacturing enterprises.

I know the Senator from Kansas would not desire to pass an imperfect piece of legislation merely to get it through to-day.

Mr. BRISTOW. Oh, no; it has been on the calendar for a long time.

Mr. HEYBURN. That is the reason my mind was directed to it, because it has been so long on the calendar.

Mr. BRISTOW. It went over once before on the objection of the Senator from Idaho, and I had hoped that in the meantime he had probably considered the bill.

Mr. HEYBURN. I have, and what I say is the result of the consideration I have given it since that time.

Mr. BRISTOW. Of course, no one has any interest in it except the interest of the general public in promoting efficiency on the part of Government employees.

Mr. HEYBURN. I see it comes here as a House bill.

Mr. BRISTOW. Yes.

Mr. HEYBURN. That makes it all the more important to give it consideration. There being, of course, no matters to go

into conference, it makes it very important that we give the measure careful consideration, otherwise it just steps right from here onto the table of laws.

Mr. LODGE. The Government is protected, as I understand.

Mr. HEYBURN. Yes; but how about the public?

Mr. LODGE. The public is protected, of course, because by giving the suggestion to the Government the patent is made public.

Mr. HEYBURN. Not if the inventor had filed a caveat the day before it was given to the Government.

Mr. LODGE. I think that is pretty remote. An employee of the Government can not sell a patent to the Government.

Mr. HEYBURN. He does not have to sell it to the Government, but he may sell it to the public.

Mr. LODGE. He has a right to do that; if he is outside he can do that.

Mr. GALLINGER. To cover that suggestion, I feel sure the Senator from Kansas would have no objection to adding after the word "assigns," the words "and that application for patent has not been made on the invention."

Mr. HEYBURN. The amendment removes my objection.

Mr. BRISTOW. That is satisfactory.

Mr. GALLINGER. I suggest that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "assigns," in line 16, it is proposed to insert a comma and the words "and that application for patent has not been made on the invention."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6497) to protect migratory game and insectivorous birds in the United States was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

The OVERMAN. Let that bill go over also.

The PRESIDENT pro tempore. The bill will be passed over.

ENLARGED HOMESTEADS.

The bill (S. 6351) to amend section 3 of an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. LODGE. Mr. President, I see that this bill and the next number but one on the calendar are bills to amend the same act—the act to provide for an enlarged homestead. I do not profess to understand either of the bills.

Mr. NELSON. I will explain the bill to the Senator. Some years ago we passed a law providing for 320-acre homesteads in the semiarid States, where they could not irrigate the land and had to resort to dry farming. That law originally was applied to Montana. The purpose of this bill is to extend that law to the State of Colorado; that is all. One peculiarity about these homesteads is that they can not be commuted. The people taking them up have to comply with the homestead law.

Mr. LODGE. I have no objection. Is the subsequent bill, No. 628 on the calendar, the same kind of a bill?

Mr. NELSON. Yes; it is of the same nature.

Mr. LODGE. Very well. I have no objection.

The Secretary resumed and concluded the reading of the bill.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 8, to strike out the words "in the same land-office district as" and insert "within 6 miles of."

Mr. HEYBURN. Mr. President, I wish the Senator in charge of the bill were present. It presents this problem: A man may have part of his tract entered in one land office and part of it in another, and they may be 300 miles apart. I can call up in my mind instances of that kind. I regret that the Senator from Colorado is not here.

Mr. NELSON. The amendment removes that objection. It limits it to within 6 miles of the original homestead.

Mr. HEYBURN. Suppose the first homestead is within a mile or half a mile of the line between the land districts, then the man will enter part of it in one land district and part of it in another.

Mr. NELSON. This takes the place of that, as I understand.

Mr. HEYBURN. It is very unfortunate. I am not going to block the passage of these bills. They were considered in the committee of which I am a member. But I think it no more than fair, on the floor, that Senators should have the benefit of the suggestions that were made in the committee. It is a very awkward provision. In the first place it permits a man to obtain a homestead without living on it. Then it permits him to have one homestead in one land district and another homestead in another land district.

Mr. NELSON. But he has to live five years on either the original homestead or the additional land.

Mr. HEYBURN. Of course, that is applicable to all.

Mr. NELSON. He can not commute.

Mr. HEYBURN. No.

I have said about all I want to say, I think, in regard to this law, which in my judgment was a very bad one, and is being made the subject of a good bit of graft right now. I introduced a resolution, which was passed by the Senate, calling upon the Secretary of the Interior for a statement as to the number and area of additional homesteads. Senators have copies of it in their desks or at their disposal. They will be astonished at the result of this enlarged homestead legislation. I want people in the country, and I do not want one man to have it all.

However, I expressed myself fully on that subject on a former occasion, and I merely call attention to the matter at this time. I will not raise any objection to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLLECTION OF TAXES.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

Mr. BROWN. I trust the Senator will not insist on that course.

Mr. SUTHERLAND. I know there is at least one Senator who wants to be here when the bill is considered. I think, myself, there ought to be an amendment suggested to it. I have not formulated in my own mind just what it should be. I do not make any objection to the bill itself.

Mr. BROWN. I very much regret it has to go over again. It went over on a former occasion.

The PRESIDENT pro tempore. The bill will go over, under objection.

ENLARGED HOMESTEADS.

The bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," was announced as next in order.

Mr. SMOOT. Mr. President, in the enlarged-homestead bill the provisions of this bill were included. Therefore it is not necessary to enact this bill into law. The Senator reporting the bill is not here, however, and I shall therefore ask that it go over under Rule IX.

The PRESIDENT pro tempore. The Senator from Utah asks that the bill be transferred to the calendar under Rule IX. Without objection, it is so ordered.

WIRELESS TELEGRAPHY IN THE PHILIPPINES.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. OVERMAN. What is the amount proposed to be appropriated?

The PRESIDENT pro tempore. One hundred and fifty thousand dollars.

Mr. OVERMAN. Let the bill go over, Mr. President.

Mr. McLEAN. I should like to inquire whether the Senator from North Carolina asks for a postponement because of the absence of some Senator interested in the bill or because he is personally opposed to it?

Mr. OVERMAN. I am opposed to the Government spending any more money in the Philippines. The Philippine government have plenty of money of their own. They have $14,000,000 a year. Let them erect their wireless apparatus themselves. That is my idea. Instead of the Government spending $150,000 on its insular possessions, as long as they are now on their feet, let them erect the apparatus themselves. I object to the bill.

Mr. McLEAN. As I understand, when there is objection made to a bill by a Senator, it is not in order to move its consideration notwithstanding the objection.

The PRESIDENT pro tempore. It is not, under the unanimous-consent agreement.

HEIRS OF JOHN W. WEST, DECEASED.

The bill (S. 1231) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. OVERMAN. I object to the consideration of the bill at this time. I want to know more about it.

The PRESIDENT pro tempore. The bill will go over.

RETIRED OFFICERS OF THE NAVY AND MARINE CORPS.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. GORE. I object to the consideration of the bill.

The PRESIDENT pro tempore. It will go over.

PHARMACISTS IN THE NAVY.

The bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy was announced as next in order.

Mr. PERKINS. The bill should be passed over temporarily, for the reason that its substance is included in the naval appropriation bill.

The PRESIDENT pro tempore. The bill will go over.

TESTAMENTARY DISPOSITION OF INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

COAL MINING IN OKLAHOMA.

The bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

WILLIAM E. FARRELL.

The bill (S. 4331) for the relief of William E. Farrell was considered as in Committee of the Whole.

It proposes to authorize the President to appoint William E. Farrell, late midshipman, an ensign in the United States Navy, and to place him upon the retired list as such with three-fourths of the pay of his grade.

Mr. OVERMAN. I will not object to the bill, but I should like to know if there is any reason for providing for this officer in this manner.

Mr. PERKINS. I think the letter from the Acting Secretary of the Navy will explain that. It is printed in the report.

Mr. OVERMAN. Is it recommended by the Acting Secretary?

Mr. PERKINS. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OVERMAN subsequently said: Mr. President, I think the Senator from California [Mr. PERKINS], upon looking at the report, will see that the Acting Secretary of the Navy does not approve the bill. I think he has another bill in mind.

Mr. SMOOT. This is what the Acting Secretary of the Navy says:

There is no provision of law which covers the conditions existing in the case under consideration, and while the department realizes the fact that the disease was contracted in line of duty, yet it feels constrained not to give its approval to special measures, particularly in view of the fact that the object sought is to place upon the retired list of the Navy one who is not now connected with the service.

Mr. OVERMAN. I think we had better reconsider that bill, Mr. President.

Mr. LODGE. I supposed it had been approved by the Acting Secretary of the Navy.

Mr. SMOOT. As a matter of fact, just the reverse is the case. He disapproves it.

Mr. CRAWFORD. I move that the vote by which the bill was passed be reconsidered, and then that it go over.

The motion to reconsider was agreed to.

Mr. CRAWFORD. Now let it go over, Mr. President.

Mr. OVERMAN. I ask that it be placed under Rule IX.

Mr. PERKINS. I have no objection, Mr. President.

The PRESIDENT pro tempore. It will be so ordered, without objection.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

FRANKLIN PIERCE.

The bill (S. 5890) to correct the naval record of Franklin Pierce was announced as next in order.

Mr. LODGE. There is an adverse report from the committee, and the bill ought to be indefinitely postponed. I move that it be indefinitely postponed.

The motion was agreed to.

BILLS OF LADING.

The bill (S. 957) relating to bills of lading was announced as next in order.

Mr. CRAWFORD. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

PUBLIC BUILDING AT SANTA BARBARA, CAL.

The bill (S. 6330) increasing the cost of erecting a public building at Santa Barbara, Cal., was considered as in Committee of the Whole.

It proposes to increase to $120,000 the limit of cost heretofore fixed for the erection of a public building at Santa Barbara, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OCONTO, WIS.

The bill (S. 5354) to acquire a site and for the erection thereon of a public building at Oconto, Wis., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out, on page 1, line 11, the word "seventy-five" and insert "seventy," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire a site and erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Oconto, in the State of Wisconsin, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $70,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SALISBURY, MD.

The bill (S. 6413) for the purchase of a site and erection of a Federal building at Salisbury, Md., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Salisbury, county of Wicomico, State of Maryland, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $90,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CRISFIELD, MD.

The bill (S. 6178) for the purchase of a site and erection of a Federal building at Crisfield, Md., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Crisfield, county of Somerset, State of Maryland, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $65,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF WINNEBAGO INDIANS.

The bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CHEMICAL SCHEDULE.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONTRACTS FOR FUTURE COTTON DELIVERY.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. OVERMAN. Let that go over, in the absence of the author of the bill, the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. The bill will go over.

Mr. PERCY. If there is no objection, I ask that it go to the calendar under Rule IX.

The PRESIDENT pro tempore. The Senator from Mississippi asks that the bill go to the calendar under Rule IX. Without objection, it will be so ordered.

MRS. C. N. GRAVES.

The bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, was considered in Committee of the Whole. It proposes to pay to Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, the sum of $7,000, being the amount assessed for the use and occupation of the property of said R. F. Graves, jr., in Prince George County, Va., by the board of survey appointed for that purpose May 30, 1865.

Mr. GALLINGER. In line 6, after the word "junior," I move to strike out the word "deceased," and likewise in the title when that is considered. Being a widow, the presumption is that the husband is deceased.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr."

PUBLIC HIGHWAY IN CADDO COUNTY, OKLA.

The bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 7, after the word "erect," to insert the words "and maintain," so as to make the bill read:

Be it enacted, etc., That a tract of land 66 feet wide and about three-fourths of a mile in length, situate in Caddo County, State of Oklahoma, described as follows, to wit: Beginning at the point where the south line of the right of way of the Chicago, Rock Island & Pacific Railway crosses the section line between sections 14 and 15, township No. 7 north, range 10 west of the Indian meridian, thence south along said section line 66 feet, then easterly along a line parallel with the right of way of said railway for a distance of about three-quarters of a mile to the west line of the public highway, running north and south, thence north along the west line of said public highway 66 feet, thence westerly along the south line of the right of way of the aforesaid railway to the place of beginning, be, and the same is hereby, set apart as a public highway for the use of the public as such, on condition that the city of Anadarko, Okla., erect and maintain a substantial and suitable fence along the south side of the road hereby set apart, subject to the approval of the Secretary of the Interior: *Provided*, That should said highway ever be abandoned or vacated by any competent authority the title to the said described tract of land shall inure to the then owner of the tract of which it formed a part by the original survey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals game resources was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

FISH-CULTURAL STATION IN NEW MEXICO.

The bill (S. 6590) to establish a fish-cultural station in the State of New Mexico was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of New Mexico, including purchase of site, construction of building and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

Mr. CATRON. There is no amendment to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING IN LAS VEGAS, N. MEX.

The bill (S. 6744) to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex., was announced as next in order.

Mr. CATRON. At the request of my colleague [Mr. FALL], who introduced the bill, and who is now necessarily absent, I ask that it may go over until his return.

The PRESIDENT pro tempore. The bill will go over.

TERM OF PRESIDENT OF THE UNITED STATES.

The joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over.

NAVAL MILITIA.

The bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

CHARLES C. CROWELL.

The bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay $36 to reimburse Charles C. Crowell, late sergeant, Company B, Thirty-fifth Regiment United States Infantry, for two months' extra pay in lieu of traveling expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADULTERATED SEEDS.

The bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United State of certain adulterated seeds and seeds unfit for seeding purposes was announced as next in order.

Mr. LODGE. Let that go over.

PERSONNEL OF THE NAVY.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. PERKINS. That is provided for in the naval appropriation bill and can be passed over.

The PRESIDENT pro tempore. The bill will go over on the request of the Senator from California.

BIG SANDY RIVER BRIDGES, KENTUCKY.

The bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAKE ERIE AND OHIO RIVER CANAL.

The bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 7, to strike out "perform the engineering work necessary for" and insert "supervise and direct"; in line 9, to strike out "a" and insert "the"; on page 2, line 6, to strike out "and" and insert "or"; in line 7, after the word "them," to insert "make request therefor"; in line 14, after "authority," to insert the following proviso:

Provided, That the work shall be executed under the direction of the Secretary of War and provision of the Chief of Engineers—

And to strike out section 2 of the bill; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and instructed, as recommended in the report of the National Waterways Commission, to direct the Chief of Engineers to detail, without charge for services, such officers from the Corps of Engineers as he shall deem requisite to supervise and direct the construction of the proposed waterway suitable for the transportation of steamships, steamboats, barges, or other vessels from the junction of the Ohio and Beaver Rivers, in Pennsylvania, by way of the Beaver and Mahoning Rivers, to a point at or near Niles, Ohio; thence to a terminal on the shore of Lake Erie at the mouth of Indian Creek, whenever the States of Pennsylvania, Ohio, and West Virginia, or certain counties therein, or any of them, make request therefor, and have available for the construction of said waterway the sum of $10,000,000 in cash and have authorized the issue of bonds to the amount of $50,000,000, or to such further amount as is necessary, in the opinion of the Secretary of War, to insure the completion of said waterway, and the legality of such bonds has been certified by competent legal authority: *Provided*, That the work shall be executed under the direction of the Secretary of War and supervision of the Chief of Engineers.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to supervise and direct the construction of a canal between Lake Erie and the Ohio River, and for other purposes."

HENRY O. SLAYTON.

The bill (S. 6332) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "number," to strike out "seven" and insert "eighteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the active list of the Revenue-Cutter Service Henry O. Slayton, first lieutenant of engineers, United States Revenue-Cutter Service, retired, as an extra number, to take rank as No. 18 on the list of first lieutenants of engineers: *Provided*, That said Henry O. Slayton is found physically fit for active duty by a medical board appointed by the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TARIFF DUTIES ON WOOL.

The bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will go over.

JOHN W. SAVILLE.

The bill (S. 171) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank was considered as in Committee of the Whole. It provides that John W. Saville, passed assistant engineer, United States Navy, retired, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with rank and retired pay of one grade above that now actually held by him, and that this promotion and the increased pay incident thereto shall take effect from and after the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. W. BRANSON.

The bill (S. 4693) for the relief of R. W. Branson was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 2, line 1, before the word "dollars," to strike out "fifty" and insert "thirty"; and in line 2, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to R. W. Branson, of Blackland, Okla., formerly postmaster at Cherokee, State of Kansas, to reimburse said R. W. Branson for damages suffered by him on account of the destruction caused by the blowing open of the safe in which were deposited the postal funds, stamps, etc., of the post office at Cherokee, State of Kansas, it appearing that said loss was without fault or negligence on the part of the said postmaster, the sum of $230; and the sum of $230 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIENS OF JUDGMENTS AND DECREES.

The bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States" was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, on page 1, line 6, to insert:

This act shall take effect on and after January 1, 1913.

Mr. CLARKE of Arkansas. Let the bill go over with the amendment pending. I object to its present consideration.

The PRESIDING OFFICER. The bill will go over.

Mr. THORNTON. I think if the Senator from Arkansas will observe the bill he will see that it is purely a local matter.

Mr. CLARKE of Arkansas. The Senator is evidently mistaken as to the particular matter that is before the Senate. The measure to the consideration of which I object is House bill 18017, to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

Mr. THORNTON. I call the attention of the Senator from Arkansas to the fact that the bill has only a local effect with reference to the recording of judgments of the United States District Court for the Eastern District of Louisiana.

Mr. CLARKE of Arkansas. The title of the bill as given on the calendar indicated its scope, and as we are not considering matters likely to provoke debate I thought the shortest way out of it was to object to its consideration. If the Senator from Louisiana gives assurance that it is a local matter exclusively, although the title indicates otherwise, I withdraw the objection.

Mr. THORNTON. That is my understanding.

Mr. CLARKE of Arkansas. Unless the Senator is entirely certain about it, I would not like to repeal an existing law on the subject of liens of judgments and decrees in the Federal courts. It had better go over and I will look into it.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, was announced as next in order.

Mr. LODGE. Let the bill go over. It is a very important and serious bill. It ought to be under Rule IX. I want to be heard when the bill is taken up.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, was announced as next in order.

Mr. SMOOT. The bill will go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN LAWRENCE AND PENNINGTON COUNTIES, S. DAK.

The bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands

within forest reserves," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOUNT RAINIER NATIONAL PARK.

The bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

NOTARIES PUBLIC IN THE DISTRICT OF COLUMBIA.

The bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WESTON, W. VA.

The bill (S. 6341) to provide for the erection of a public building at Weston, W. Va., was announced as next in order.

Mr. SMOOT. I notice that there is no report accompanying the bill and for that reason I should like to have it go over to-day.

The PRESIDING OFFICER. The bill will be passed over.

JOSEPH B. RILEY, ALIAS THOMAS B. KEESY.

The bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws Joseph B. Riley, alias Thomas B. Keesy, who was a private of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, and Company D, Eleventh Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, on the 14th day of February, 1863, and to have been discharged honorably from that service as a member of Company D, Eleventh Regiment Michigan Volunteer Cavalry, on the 24th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MULLALLY.

The bill (S. 1485) for the relief of William Mullally was announced as next in order.

Mr. POMERENE. I suggest that that bill go over, in the absence of members of the Committee on Military Affairs.

The PRESIDING OFFICER. The bill will be passed over.

WIDENING AND EXTENSION OF SPRING ROAD.

The bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, page 2, line 2, after the word "avoid," to insert "substantial," so as to read: "That the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare a new highway plan for Spring Road, between New Hampshire Avenue and Twentieth Street NW., so as to avoid substantial improvements lying in said road as now proposed," etc.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 15, after the word "road," to insert:

Provided further, That in the new highway plan the north line of Spring Road at New Hampshire Avenue shall conform approximately to the present north line of Rock Creek Church Road at that point, and that Spring Road, as laid down in the existing highway plan between Sixteenth Street and Spring Place, shall be abandoned between these points.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 11, after the word "herein," to insert "for the widening of Spring Place between Fourteenth Street and Sixteenth Street to a width of 90 feet."

The amendment was agreed to.

Mr. HEYBURN. In section 2, page 3, line 3, before the words "to condemn," I move to strike out the words "proceeding in rem" and to insert "proper proceeding."

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In section 2, page 3, line 3, before the words "to condemn," it is proposed to strike out the words "proceeding in rem" and to insert "proper proceeding."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2451) providing against the abandonment of destitute, infirm, or aged parents was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GAS MAIN ALONG CONDUIT ROAD.

The bill (S. 6672) to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads, to the District line, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 5, after the word "empowered," to insert "subject to and in accordance with such regulations as may be prescribed by the Secretary of War," so as to make the bill read:

Be it enacted etc., That the president and directors of the Georgetown Gas Light Co. be, and they are hereby, authorized and empowered, subject to and in accordance with such regulations as may be prescribed by the Secretary of War, to lay a gas main for the purpose of conducting gas in and along the Conduit Road from a point beginning at the existing gas main belonging to said company in Foxhall and Conduit Roads and extending therefrom in a northwesterly direction in and along said Conduit Road to the District line, the same to be subject to existing laws governing the manufacture and sale of gas for light, heat, and power in the District of Columbia; and all work in laying said main to be done under the supervision of the War Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DUGGAN.

The bill (S. 6682) for the relief of John Duggan, alias John McCarty (or McCarthy) was considered as in Committee of the Whole. It proposes that in the administration of the pension laws John Duggan, alias John McCarty (or McCarthy), shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Troop K, Sixth Regiment United States Cavalry, on the 27th of July, 1865, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

GEORGE W. BROWN.

The bill (S. 4875) for the relief of George W. Brown was considered as in Committee of the Whole. It proposes that in the administration of the pension laws George W. Brown, who was a captain of the Fifty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that regiment on the 1st of February, 1864; but no pay, bounty, back pension, or other emolument shall accrue or become payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM Z. NORMAN.

The bill (H. R. 16493) to correct the military record of William Z. Norman was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws William Z. Norman, who was enrolled in the service of the United States on the 18th day of January, 1862, at Spencer, Va., and assigned as a private to Company C, Eleventh Regiment Virginia Volunteer Infantry, which regiment afterwards became the Eleventh Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been

captured by the enemy and shot and killed on or about the 1st day of December, 1862, while in the line of duty: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 4355) incorporating the National Institute of Arts and Letters was announced as next in order.

Mr. HITCHCOCK. I think that bill had better go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4356) incorporating the National Academy of Arts and Letters was announced as next in order.

Mr. HITCHCOCK. I ask that that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

ALIENATION OF ALLOTTED LANDS IN CHEROKEE NATION.

The bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised, through the United States Indian agent at the Union Agency, Okla., the tracts of surplus lands which were allotted to the Indians of the Cherokee Nation of Indians in tracts of 30 acres or less, and which tracts are now unoccupied and do not adjoin the homesteads of said allottees. Each tract shall be appraised separately and at its actual value, and the United States Indian agent at said Union Agency may cause a reappraisement of any tract if in his judgment the circumstances warrant such action. After such appraisal the allottee of any of such tracts is hereby authorized to sell and dispose of any of such tracts of 30 acres or less allotted to him which does not adjoin his homestead: *Provided*, That such sale shall not be for less than the appraised value of such tract; and such sale shall be approved by the United States Indian agent at the Union Agency, but the Secretary of the Interior may from time to time designate any other person to so act in lieu of or in addition to said United States Indian agent: *Provided further*, That such purchase price shall be paid to the allottee through said United States Indian agent, and in case the allottee is an Indian of three-quarters blood or more the money received from the sale of any tract allotted to such Indian shall be used for the benefit of such allottee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF OSAGE ALLOTMENTS.

The bill (S. 6686) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve; but where a homestead or homesteads pass in the exchange, in whole or in part, an equivalent in value of land suitable for agricultural purposes shall be furnished, to be designated as a homestead, the new homestead to be subject to the same restrictions as the original homestead; and the Secretary is authorized to do any and all things necessary to make these exchanges effective.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES ACROSS TUG FORK OF THE BIG SANDY RIVER.

The bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

The bill (H. R. 24665) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

PUBLIC BUILDING AT RIPON, WIS.

The bill (S. 6650) for a site and the erection of a public building at Ripon, Wis., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire a site and erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Ripon and State of Wisconsin, the cost of the building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $75,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW FLOYD.

The bill (S. 1001) to correct the military record of Andrew Floyd and grant him an honorable discharge was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Andrew Floyd, who served in Company I, Thirty-fifth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of May, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Andrew Floyd."

FLORIDA EAST COAST RAILWAY CO.

The bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States was considered as in Committee of the Whole. It empowers the Secretary of War to exchange conveyances with the Florida East Coast Railway Co. for the adjustment of a boundary line between the military reservation of Key West Barracks, on the island of Key West, Fla., and the land in front of the reservation filled in by the railway company under permission of the Secretary of War, as authorized by law, in accordance with the memorandum of agreement between the railway company and Maj. George G. Bailey, quartermaster, United States Army, dated December 5, 1910, which agreement is ratified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. CHASE.

The bill (S. 2147) for the relief of James L. Chase was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James L. Chase, now a resident of Ayer, Mass., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Third Regiment New Hampshire Volunteer Infantry, on the 14th of April, 1864; but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.

The bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indians Affairs with an amendment, in section 1, page 2, line 8, after the word "sell," to insert "the live stock"; and in line 9, after the word "either," to strike out "the," so as to make the section read:

That the Secretary of War is hereby authorized to remove to and establish on the Mescalero Apache Indian Reservation, in New Mexico, all persons now held as Apache prisoners of war on the Fort Sill Military Reservation, in Oklahoma, who may desire to go to said Mescalero Apache Reservation. The desires of said Indians shall be ascertained by a commission of two persons, one a representative of the War Department and one a representative of the Interior Department, to be selected by the heads of said departments, respectively. The personal effects, including horses, cattle, farm implements, and household goods, of those electing to remove to said Mescalero Apache Reservation shall also be removed and delivered to the respective owners on that reservation. The proportionate share of those removed in the common property

of the tribes or band shall be segregated and administered for their common benefit. The Secretary of War may, in his discretion, if he deems it advisable, sell the live stock, either individual or common property, and pay over the proceeds of such sale to the Secretary of the Interior, to be by him invested in property suitable in character for the use and benefit of those whose property is sold.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK, WASHINGTON HEIGHTS, D. C.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park, to be known as McClellan Park, was announced as next in order.

Mr. GALLINGER. Mr. President, before asking that this bill go over I want to make a brief statement, directing my remarks particularly to the Senator who reported the bill.

This bill is for a park that is to cost $180,000, immediately north of the Highlands Apartment House. It is a beautiful lawn owned by somebody who can afford to keep up a large establishment. I do not object to it on that ground, however; but in the District of Columbia appropriation bill we have established two parks in the southeast section of the city, where many poor people live, and we have levied benefits upon the adjoining lands. There are no benefits levied in this bill.

Again, in the appropriation bill which passed the Senate this morning, and which doubtless will pass the House in a day or two, we have inserted a provision as to how the expense of purchasing parks shall be divided. As I recall, the Government is to pay one-third, the District of Columbia one-third, and the abutting landowners one-third. That will become a law in two or three days, but the provisions of that law will not apply to this bill as it now reads.

Again, Mr. President, I do not find that anybody has recommended the establishment of this park. There is nothing in the report to show that either the Commissioners of the District of Columbia or the official having in charge the reservations in the District of Columbia have been consulted. Possibly they have been, but the report does not so show.

Mr. MARTINE of New Jersey. Mr. President, I will say, with the Senator's permission, that the bill may not conform to any order or suggestion of the District Commissioners, but the matter was presented to the Committee on Public Buildings and Grounds, and it was referred to a subcommittee of which I was a member. We visited the plot, and were much impressed with the wisdom and desirability of its being made a park. It is a triangular plot, situated in the midst of a very thickly settled portion of the city.

In answer to the Senator's suggestion that it is now a beautifully kept lawn and will likely be kept so, I have to say that the probability is that if it is not purchased by the Government it will be cut into small plots. It would be a great advantage, I believe, and the committee so believed, to that section of the city.

Mr. GALLINGER. I was going to ask that the matter go over.

Mr. SUTHERLAND. I hope the Senator will not ask that the bill go over.

Mr. GALLINGER. He certainly will, because there will be a law on the statute books within the next two or three days providing how parks shall be acquired and how the payment shall be made. This levies the payment upon the District of Columbia and the General Government—$90,000 each.

Mr. SUTHERLAND. Let me ask the Senator a question. Did I understand him to say that provision is made by law as to abutting owners?

Mr. GALLINGER. That they shall pay one-third.

Mr. SUTHERLAND. What does the Senator mean by "abutting owners"?

Mr. GALLINGER. I mean that the benefits shall be assessed in the judgment of the jury.

Mr. SUTHERLAND. Is it simply that one-third of the cost of the park shall be assessed against the owners of property immediately adjacent to the park?

Mr. GALLINGER. Not necessarily. It is in the province of the jury to determine how far the benefits extend.

Then, again, I do not agree as to the great necessity for this park. However, I will look into that. This park is to be established about a half mile from the Zoological Park, on the south, and on the north about a half mile from Dupont Circle. It may be that there is a great necessity for it, but I think it ought to be further inquired into, and for that reason I ask that the bill go over.

The PRESIDING OFFICER. It will go over.

THE COMMERCE COURT.

The motion entered by Mr. POINDEXTER on the 7th instant, that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297, to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate, was announced as the next business in order on the calendar.

Mr. SMOOT. I ask that it go over.

The PRESIDING OFFICER. It will go over.

MAJ. BUTT AND F. D. MILLET.

The joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet was announced as next in order.

Mr. BRISTOW. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will go over.

INTERSTATE TRANSPORTATION OF PRIZE-FIGHT PICTURES.

The bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, was considered as in Committee of the Whole.

Mr. SIMMONS. Mr. President, when this bill was called up several days ago there was some objection to its phraseology, and it went over for the purpose of correction, to supply certain omissions which were deemed necessary. The same identical bill was introduced in the House, and a substitute was prepared for it which covers the objections made the other day, and it was reported by the committee to which it was referred in the House. I move to strike out all after the enacting clause and to substitute what I send to the desk.

After the objections were made to which I have referred the Committee on the Judiciary informally considered the substitute which I now offer.

The PRESIDING OFFICER. The substitute will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

SEC. 2. That it shall be unlawful for any person to take or receive from the mails, or any express company or other common carrier, with intent to sell, distribute, circulate, or exhibit any matter or thing herein forbidden to be deposited for mailing, delivery, or carriage in interstate commerce.

SEC. 3. That any person violating any of the provisions of this act may be proceeded against by indictment and tried and punished either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried, or in which it is delivered; and any person violating any of the provisions of this act shall for each and every offense, upon conviction thereof, be fined not more than $1,000 or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court.

Mr. HEYBURN and Mr. SUTHERLAND addressed the Chair.

Mr. HEYBURN. I was merely going to suggest an amendment—to insert the word "knowingly" before the word "received."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment of the Senator from North Carolina.

Mr. SUTHERLAND. I have no objection to that amendment.

Mr. HEYBURN. I move that the word "knowingly" be inserted.

The SECRETARY. In section 2, line 16, before the word "receive," insert the word "knowingly."

Mr. SUTHERLAND. I suggest, however, to the Senator from Idaho that in view of the fact that this section provides that it shall be done with a specific intent——

Mr. HEYBURN. I intend to make it go further, so that they can not receive it knowingly for their own amusement—to prevent getting a mailing list. Of course the word "knowingly" is necessary, because we do not know what we are receiving in the mail until it is opened.

Mr. SUTHERLAND. The point I make is that the provision "that it shall be unlawful for any person to take or receive from the mails" any of these articles is qualified by the further provision that it shall be "with the intent to sell, distribute, circulate, or exhibit any matter herein forbidden to be deposited," and so forth. Of course, if the article was taken

from the mails innocently, it could not be taken with that intent.

Mr. HEYBURN. I want to include those who take it from the mail for their own amusement, in addition to the provision that it shall be for the purpose of sale. Not having the amendment before me, I am not able to suggest the proper point at which it should be inserted.

Mr. SUTHERLAND. I do not think the Senator would accomplish that. That is the very point of the suggestion I am making—that notwithstanding his amendment the provision is that this shall be with the specific intent.

Mr. HEYBURN. I want that to remain in.

Mr. SUTHERLAND. I think it ought to remain in.

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. Therefore he is by that amendment making the law more drastic than it ought to be and making it more difficult to prove the offense.

Mr. HEYBURN. It may so appear, but we will see how it fits into the text. I merely want to add an additional class. If I may have the amendment, I will determine where it should go in.

Mr. SUTHERLAND. While the Senator is looking into that, I call attention to another matter.

Section 3 of the proposed substitute provides:

That any person violating any of the provisions of this act may be proceeded against by indictment and tried and punished either in the district——

This is the part I call attention to—

either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried or in which it is delivered.

Now, the offense consists in depositing or causing to be deposited in the United States mails or with any express company or other common carrier, or in taking the prohibited matter from the mail or from these carriers, with the specific intent provided. Those are two separate and distinct offenses. It is a complete offense under this proposed law when the forbidden matter is deposited for carriage. Now, under the terms of section 3, that offense which may be committed and be a complete offense in the State of New York may be prosecuted in the State of California; and it seems to me it would be in direct violation of the provision of the Constitution which declares that all persons accused of crime shall be prosecuted in the district and State where the offense was committed. So it seems to me the Senator had better take that out of the section.

Mr. HEYBURN. I withdraw the amendment, in response to the suggestion of the Senator from Utah, and as soon as I can find the place where it should be inserted, I will reoffer it.

Mr. SUTHERLAND. I suggest that, beginning in line 21, page 2, after the word "act," we strike out down to and including the word "act," in line 25, and after the word "each," in line 25, strike out "and every." Then it will read:

That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined——

And so forth.

Mr. SIMMONS. I think that would accomplish the purpose.

Mr. SUTHERLAND. There is no need of providing where the offense shall be prosecuted, because that is a matter of general law.

Mr. HEYBURN. This could all have been accomplished by amending section 211 of the Criminal Code, because it does cover everything except the enumeration here, and I am not sure that it would not be included within the language of that section. I do not know the history of this bill. Let us see. It was introduced by request by the Senator from North Carolina [Mr. SIMMONS]. We already have very complete laws in regard to this matter, and I presume the only question was whether or not they were broad enough to cover the films. But the words "paper," "writing," "advertisement," "device," or "substance," I think, would be held to be broad enough to cover these films. It says, in the beginning, that the transportation of "every * * * filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character" is prohibited.

I think the word "picture" is comprehensive enough to cover it. They are pictures; they are photographs.

I ask the Senator from North Carolina whether or not, in his judgment, the existing law is not broad enough to cover that which is sought to be accomplished? The provisions there against mailing and against receiving through the mails were given very thorough consideration both in the preparation and in the enactment of the code—of course, this is a recent enactment—and the scope of the language was intended to be wide enough to cover it.

Mr. SIMMONS. I fear the general law does not cover this specific case. The substitute was drawn not by me, but by some one in one of the departments, I have been advised, with a view to making the present law fit this particular case.

Mr. HEYBURN. Mr. President, I can readily understand how, a person's attention being directed to an existing evil ever before him, he might overlook the fact whether or not we had a law already on the statute books sufficient to cover it. I doubt if anyone would have drawn this bill had he read section 211 of the Criminal Code, because that section is very comprehensive. Every possible device of the kind was intended to be covered and, I think, is covered; and I think there is an adequate foundation upon which to prosecute these people.

The act specifically uses the word "picture"; and then the matter would be covered by the words "other publication," and by several other phrases. It provides that they shall not be sent through the mail, that they shall not be received in the mail, that they shall not be distributed if they are received, and it provides a penalty both for the party depositing and the party who knowingly receives them.

Whoever * * * shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000, etc.

The penalty is heavy. The law would cover the operators of the stand or whatever it may be termed.

Mr. SIMMONS. Is the Senator reading from the present law?

Mr. HEYBURN. I am reading from the law.

Mr. SIMMONS. Does the Senator mean that the present law would cover the case of transmitting these films through the mails?

Mr. HEYBURN. Yes; it is most specific. It would cover the making of them, the sending of them, the receiving of them, or the use of them. I think now any person can be prosecuted in this city under that statute for operating these establishments, whatever they are called, on the Avenue or elsewhere, where films of this class are used, because the law specifically uses the word "picture."

Mr. SIMMONS. Mr. President, I think the general language used in the existing act could not possibly cover this specific case. The language is:

Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use.

I do not think that would cover the specific case to which this bill addresses itself—that of preventing the use of the mails, or of the express companies, for the purpose of transmitting pictures of prize fights.

Mr. HEYBURN. The latter part of the section covers the transmission of immoral matter.

Mr. SIMMONS. Yes; but there is nothing here that would cover a picture of a prize fight. I do not think it would come under any of the general designations used in the law.

Mr. HEYBURN. It says "any picture."

Mr. SIMMONS. Yes; but it says "any picture" of a certain character. I do not think these pictures would come under the general designation used in the act.

Mr. BACON. Mr. President, if the Senator will pardon me, this is a matter of very considerable importance. It is one in which a great many of the very best people in the land are deeply interested. They regard prize fights as brutalizing to the last degree, and they think the transmission of these films or pictures and their use in moving-picture shows is second only in degree to the actual witnessing of two human beings standing in a ring and beating each other into bloody insensibility.

It is in response to this laudable desire on the part of the best people in the land that these things shall not be encouraged, and that our young women and our young men, to say nothing of older and more mature people, shall not be brutalized and demoralized by the exhibition of such pictures as these that the bill has been introduced.

Of course, the suggestions of Senators as to whatever is objectionable in the bill will be respected and acquiesced in. But the contention of the Senator from Idaho that possibly the existing law might be used to cover the case does not seem to me sufficiently well founded to justify a refusal at this time to pass the bill.

I do hope that no slight consideration will induce the Senator to object, because the matter is really most deeply at heart with a very large part of the religious and moral and respectable element of the whole country, and they desire the passage of the bill.

Mr. HEYBURN. The Senator can not be more zealous than I am in regard to this matter. We had it under consideration in the Joint Committee on the Revision of the Laws for perhaps as great a length of time as any other provision of the laws. Through every available agency we gathered the information that might be had touching upon the matter, and we certainly intended to cover every phase of it.

I will call attention to part of the section. It is not that I desire to prevent legislation, if it is desirable, but that we should not duplicate it.

I call the Senator's attention to this phrase:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery anything declared by this section to be nonmailable—

These pictures are declared to be nonmailable; so that covers it—

or shall knowingly take or cause the same to be taken from the mails.

Of course that is comprehensive enough to cover everything that is referred to here, and the only question, then, is whether the language in the early part of the section covers it.

Mr. SIMMONS. If the Senator will pardon me, any pictures covered by the general terms of the act would be forbidden admission to the mails by the law he has just read. But what term, what word, what language there is broad enough to include these pictures?

Mr. HEYBURN. The word "picture." It says the picture shall not be mailable.

Mr. SIMMONS. But the word "picture" there has qualifying words. They are described as pictures of certain characters, of certain kinds—lewd pictures, obscene pictures. I think none of those words would cover a picture of a prize fight.

Mr. HEYBURN. That would depend upon the estimate placed upon it, of course.

Mr. SIMMONS. In itself a picture of a prize fight would not be obscene, nor would it be vulgar.

Mr. HEYBURN. It is immoral; and pictures of an immoral nature are nonmailable.

Mr. SIMMONS. Nor would it be embraced, in my judgment, in any of the words that are used there to qualify the word "picture."

Mr. HEYBURN. Then, on that suggestion, not having the slightest desire to defeat the purpose sought to be accomplished, which I would much prefer to have in the nature of an amendment to this section of the code by adding a word or two, I will raise no objection to the bill as it is presented, except that the word "knowingly" should be inserted at the proper place.

Mr. SIMMONS. I have no objection to the insertion of the word "knowingly."

Mr. HEYBURN. That is to say, a person does not always know what he is receiving through the mail, so "knowingly" or "with intent" should be inserted at the proper place.

Mr. SIMMONS. I have no sort of objection to the insertion of that word.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Idaho to the fact that unless we put in the law a specific provision that these representations of prize fights and encounters of pugilists shall be denied the mails there will be no general word of description in the existing statutes which will cover them, because people differ as to the character of these exhibitions. A great many people defend them and say they are exhibitions of the manly art. It might depend upon the taste of the judge before whom the case came as to whether he would say the pictures came within the general description of being an indecent exhibition or an exhibition of any other offensive character under the general words used in the statute. So it seems to me it is absolutely necessary, in order to cover pictures and films of this class, that they should be described in precise terms.

Mr. HEYBURN. Mr. President, I would not want to have any misunderstanding as to my views in regard to the matter. I regard a prize fight as being as brutal and disgraceful a thing as can be engaged in by humankind.

Mr. SUTHERLAND. So do I.

Mr. HEYBURN. I despise a man who will not fight when he has a fight coming, and I despise just as much a man who will fight when he has no fight coming. The man who goes out and fights for the amusement of some one is a contemptible creature, I do not care what his name may be nor his assumed standing.

I have no desire at all to give such pictures or anything pertaining to them the right to go through the mail. I have stated on this floor that I would limit to three lines the reference to a prize fight in any newspaper going through the United States mails. I would not allow a paper that published more than three lines describing or mentioning a prize fight to go through the mails at all.

Mr. SUTHERLAND. I entirely agree with the Senator's characterization of this sort of thing. But at least one State in the Union has passed a law legalizing encounters of this very character. In the face of laws of that kind certainly it is safer to particularize these objectionable things by name.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SUTHERLAND] to the amendment offered by the Senator from North Carolina [Mr. SIMMONS]. The Secretary will report the amendment to the amendment.

The SECRETARY. On page 2, line 21, after the word "act," it is proposed to strike out all down to and including the word "act," in line 25; and on page 2, line 25, it is proposed to strike out the words "and every," so that if amended it will read:

SEC. 3. That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined not more than $1,000, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment as amended. The Chair understands that the Senator from Idaho withdrew his amendment?

Mr. HEYBURN. I withdrew the amendment.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from North Carolina [Mr. SIMMONS] as amended by the amendment of the Senator from Utah.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

The bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. WARREN. That goes over.

The PRESIDING OFFICER. The bill will be passed over.

SUITS BY ATTORNEY GENERAL.

The bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. It will go over.

CHOCTAWHATCHEE RIVER DAM, ALA.

The bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE PANAMA CANAL.

The bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

JOHN J. FLYNN.

The bill (S. 2697) for the relief of John J. Flynn was announced as next in order.

Mr. CULBERSON. Does that tend to establish a pensionable status for a man who was a deserter from the Army?

The PRESIDENT pro tempore. The Secretary will read the bill, which will show the character of the measure.

The Secretary read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, John J. Flynn, late a sergeant in Company E, Twenty-fourth Regiment Pennsylvania Volunteer Infantry, and subsequently a sergeant in Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and whose name is borne on the records of both organizations as John Flynn, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry on the 18th day of February, 1863: *Provided*, That no pay, bounty, back pension, future pension, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. CULBERSON. I have no objection to the consideration of the bill.

The bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAVE HILL CEMETERY, LOUISVILLE, KY.

The bill (S. 2928) appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., was announced as next in order.

Mr. WARREN. I do not understand that number. On my copy of the calendar order of business 774 is a pension bill.

The PRESIDENT pro tempore. This is a bill reported by the Senator from Nebraska [Mr. BROWN] from the Committee on Military Affairs June 13.

Mr. HEYBURN. You have two bills in the same condition. Evidently there has been a confusion in printing. The same number, 774, on the calendar is a bill granting an increase of pension to Marion Cunningham.

The PRESIDENT pro tempore. Evidently there is mistake in the calendar.

Mr. HEYBURN. It is a mistake.

Mr. SMOOT. The bill was reported from the Committee on Military Affairs and the calendar states that the bill was reported by the Senator from Nebraska [Mr. BROWN] from the Committee on Pensions. It is a mistake in the calendar.

Mr. WARREN. But the title of the bill on the calendar is wrong.

Mr. HEYBURN. The title of the bill is a mistake.

The PRESIDENT pro tempore. The calendar number indicated on the bill, the number of the Senate bill, and the name of the Senator reporting it all indicate that Senate bill 2928 is the proper bill.

Mr. HEYBURN. So the record does not get awry.

The Senate, as in Committee of the Whole, considered the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, to strike out "$12,828.40" and insert "$25,656.80," and, in line 11, page 1, before the word "feet," to insert the word "square," so as to make the bill read:

Be it enacted, etc., That the sum of $25,656.80 is hereby appropriated, and the Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay the same to the Secretary of War (which sum is to be paid by the Secretary of War to the Cave Hill Cemetery Co., of Louisville, Ky.) for the purchasing of 32,071 square feet of land adjoining the national cemetery grounds in said Cave Hill Cemetery, for the interment of soldiers of that vicinity who served in the Union Army in the late Civil War and the War between Spain and the United States.

SEC. 2. That the Secretary of War is authorized to make the purchase aforesaid: *Provided*, That on examination the title to the land is in all respects good and a proper deed can be and is made for same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I think probably, to save confusion, the calendar should be corrected now, because the title of the bill is reversed. The bill that we have just passed should have been on the calendar as Order of Business 774, and it should be ascertained whether or not we have dealt with the bill given that number on that calendar.

The PRESIDENT pro tempore. The calendar is re-formed each day, and doubtless the correction will be made in the next calendar.

Mr. HEYBURN. The RECORD will show that attention was called to it.

Mr. WARREN. Has the Secretary this pension bill on his list? Is it included in the file? It appears on the calendar as having been reported from the Committee on Pensions by the Senator from Nebraska [Mr. BROWN].

The PRESIDENT pro tempore. There is no question but that the bill just read and passed is the bill which should be on the calendar of that number.

Mr. WARREN. That is true, but we would like to locate the bill described on the calendar.

The PRESIDENT pro tempore. The Chair is informed that there is no bill on the calendar of that title and number.

Mr. HEYBURN. Has no such bill been passed?

The PRESIDENT pro tempore. Senate bill 2928 was passed.

Mr. HEYBURN. I know; but I refer to the bill granting an increase of pension to Marion Cunningham. Has that bill been passed?

The PRESIDENT pro tempore. No such bill, so far as the Chair is informed, is on the calendar.

Mr. HEYBURN. I should like to look at the RECORD of June 13, where it is stated the Senator from Nebraska reported the bill, and it is Report No. 876.

The PRESIDENT pro tempore. The Chair holds in his hand Report No. 876, June 13, 1912, "Mr. BROWN, from the Committee on Military Affairs, submitted the following report." It is a report on Senate bill 2928.

Mr. HEYBURN. All right.

MINING EXPERIMENT STATION IN WYOMING.

The bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. WARREN. Will the Senator allow the bill to be read?

Mr. HEYBURN. I have no option about allowing it to be read.

HAROLD HANCOCK TAINTOR.

The bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army was announced as next in order.

Mr. GALLINGER. As the Senator who reported the bill is not in the Chamber——

Mr. WARREN. Will the gentleman withhold for a moment? I understand the bill is merely to provide for a little matter of age. A man was traveling and on his way when the age limit was reached.

Mr. BRISTOW. I will state that he took an examination in the Philippines, and there was a delay in the transmission of the papers.

Mr. GALLINGER. I do not object to the bill under that statement of fact.

The bill was considered as in Committee of the Whole. It authorizes the President, by and with the advice and consent of the Senate, to appoint Harold Hancock Taintor to the grade of second lieutenant in the United States Army, with lineal rank in accordance with his rating at the competitive examination held under the law by the War Department in January, 1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ALTUS, OKLA.

The bill (S. 4900) to provide for the erection of a public building at Altus, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 1, page 2, before the word "thousand," to strike out "one hundred and twenty-five" and insert "sixty"; and in line 1, page 2, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other offices of the Government at Altus, Okla.; the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $60,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SHAWNEE, OKLA.

The bill (S. 4883) to provide for the erection of a public building at Shawnee, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "thousand," to strike out "seventy-five" and insert "forty-five," and in line 1, page 2, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, included fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other offices of the Government at Shawnee, Okla, the cost of said building, including said vaults, heating and ventilating apparatus, and aproaches, not to exceed $145,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMORY IN THE DISTRICT OF COLUMBIA.

The bill (S. 6734) to provide for the erection of an armory in the District of Columbia was considered as in Committee of the Whole. It directs the Secretary of War to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission, to bring it within a cost not to exceed $1,750,000, of which sum $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications and the starting of work upon the foundations of said building.

Mr. CULBERSON. I will ask the Senator from Utah in charge of the bill how much money under the latter part of section 1 can be used by the Secretary of War in obtaining plans and specifications for the building? There is an appropriation of $50,000. I have not read the bill, but from the reading at the desk I gather that the amount which may be used for that purpose is very indefinite.

Mr. SUTHERLAND. As much of $50,000 as may be necessary.

Mr. CULBERSON. Does not the Senator think that is very indefinite?

Mr. OVERMAN. If I heard the reading correctly I think the plans and specifications have been already prepared.

Mr. SUTHERLAND. That amount is simply made available for the purpose.

Mr. CULBERSON. Will the Senator allow the Secretary to reread that part of the section?

Mr. SUTHERLAND. I have no objection to inserting words so as to read "a sum not exceeding $50,000" or "$50,000, or so much thereof as may be necessary."

Mr. CULBERSON. That is the way it reads now.

Mr. OVERMAN. The plans have already been specified.

Mr. WARREN. The amount would be governed by the regular architects' percentage.

Mr. CULBERSON. May I ask that that portion of the bill be read again?

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To bring it within a cost not to exceed $1,750,000, of which sum $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications and the starting of work upon the foundations of said building.

Mr. CULBERSON. The Senator will observe that the sum of $50,000 is appropriated to be immediately available and there is no limit placed upon what the Secretary of War may use for plans and specifications.

Mr. SUTHERLAND. As I understand it, it covers not only the plans, but the work on the foundations of the building as well. I am willing that it shall be limited in any way the Senator suggests.

Mr. CULBERSON. How much does the Senator from Utah think the Secretary ought to pay for the plans and specifications of this building?

Mr. SUTHERLAND. I have no information upon that subject.

Mr. CULBERSON. It is suggested by the Senator from Wyoming [Mr. WARREN] and the Senator from North Carolina [Mr. OVERMAN] that these plans have already been prepared.

Mr. OVERMAN. It says "in accordance with the plans."

Mr. SUTHERLAND. The general plans have been prepared.

Mr. SMOOT. But not detailed plans.

Mr. SUTHERLAND. Not the details and specifications.

Mr. GALLINGER. If the Senator will permit me, the appropriation is $1,750,000, and $50,000 would be a little less than 3 per cent. I think the usual fee is at least that much, and sometimes 5 per cent.

Mr. SMOOT. However, that can cover superintendence.

Mr. CULBERSON. It seems to me, with all the architects employed generally by the Government of the United States, $50,000 is an extraordinary sum to pay for the plans and specifications of this building.

Mr. OVERMAN. The bill says—

That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908.

So they have submitted plans.

Mr. SUTHERLAND. Those are only general plans. The specifications have not yet been prepared. I understand the appropriation of $50,000 is to be used not only for the purpose of preparing detailed plans and specifications, but also for the purpose of starting the work upon the foundations of the building.

Mr. SMOOT. That is what it says.

Mr. SUTHERLAND. The matter is left in the hands of the Secretary of War. He must approve whatever contract is made.

Mr. SMOOT. The bill does not state that the appropriation of $50,000 is to be for payment of plans only.

Mr. SUTHERLAND. Not at all. If the Senator from New Hampshire, who is the author of the bill, sees no objection to it I have no objection to inserting a provision that not to exceed $10,000 shall be used for the preparation of plans and specifications.

Mr. GALLINGER. I think that would be a very small amount for a building of this magnitude.

Mr. CULBERSON. Mr. President, as a matter of inquiry, we have a Supervising Architect of the Treasury, who has in charge the construction of all the public buildings of the United States, and why can not these plans be drawn by him and his assistants in the office? Why do we want to pay out extra money every time we construct a public building when we have a corps of architects employed there to do such work?

Mr. GALLINGER. If the Senator from Utah will permit me to answer, I will say to the Senator from Texas that we have a corps under the Supervising Architect of the Treasury Department, and the fact is that a very large part of the work that is done under the Supervising Architect is done by outside architects in the construction of public buildings; that the office is overworked; that they are about three years behind time now; and I think it is utterly impossible to load that office down with work of this kind. I think it ought to be done by outside architects.

But as to the matter of compensation for the preparation of plans, it is an important question. I do not know how much work is involved in the term "the starting of work upon the foundations of said building." I do not know exactly what that means. While I introduced the bill, I will say that I did not write the bill.

Mr. SUTHERLAND. Let me suggest to the Senator that the matter might be taken care of if we would provide that the amount to be paid for the preparation of detailed plans and specifications shall be fixed by the Secretary of War.

Mr. GALLINGER. I think that would probably do.

Mr. OVERMAN. I would not fix it that way. I would rather limit the amount. I understand that in the construction of some of the great buildings, for example, at West Point and Annapolis, the architects have been paid $250,000 or $300,000.

Mr. SUTHERLAND. We fix the limit at $50,000.

Mr. OVERMAN. That is for the foundation and plans also. It looks to me like we could get a good architect to do this work for $25,000, anyway.

Mr. GALLINGER. The Architectural Association, if that is the proper term, have an agreement whereby they have a certain percentage. I do not know how much that involves, whether it is simply the preparation of the plans and specifications or the supervision of the construction of the building, but I know that from 3 to 5 per cent is about what is paid the architects.

Mr. CULBERSON. Is not that charge made when they also supervise the construction?

Mr. GALLINGER. I just remarked that probably it involves the construction.

Mr. SUTHERLAND. The superintendence.

Mr. GALLINGER. The superintendence. I think instead of saying "starting of work on the foundations of said building" we should make it read "the preparation of detailed plans and specifications and the superintendence of the construction of the building," and then fix a sum, whatever is thought proper. I will ask the Senator from Utah how that strikes him?

Mr. SUTHERLAND. I did not catch the Senator's remark.

Mr. GALLINGER. Instead of saying "starting of work upon the foundations," say "the superintendence of the construction of said building," and then fix the amount, whatever we think is proper, whether $50,000 or less.

Mr. SUTHERLAND. I have no objection to that if it is agreeable to the Senator from New Hampshire.

Mr. GALLINGER. I will move to strike out the words "starting of work upon the foundations of said building" and insert "superintendence of the construction of said building."

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. In section 1, page 2, line 5, strike out the words "starting of work upon the foundations" and in lieu insert "superintendence of the construction," so as to read:

Preparation of detail plans and specifications and the superintendence of the construction of said building.

Mr. OVERMAN. That would allow them $50,000.

Mr. GALLINGER. Yes; and that is less than 3 per cent on the cost of the building, which I think is less than is ordinarily paid in any case. That is my judgment.

Mr. CULBERSON. I move to amend by striking out "$50,000" and inserting "$25,000."

The PRESIDENT pro tempore. That is not an amendment to the amendment. The Senator from Texas will withhold it until the amendment of the Senator from New Hampshire has been acted on.

Mr. CULBERSON. Yes.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from New Hampshire, which has been read by the Secretary.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Texas moves to further amend the bill. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "thousand," strike out "fifty" and in lieu insert "twenty-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. GALLINGER. The amount having been reduced so violently, I now move to reconsider the vote whereby the amendment I submitted was agreed to, and I will let the text stand as it is in the bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to reconsider the vote by which the amendment previously offered by him was adopted.

The motion to reconsider was agreed to.

Mr. CULBERSON. My amendment was only intended to limit the amount we should pay an architect to $25,000. The amount appropriated also covers the beginning of the work of construction. I do not care to limit the appropriation to $25,000 when it has these two purposes in view. So I move to reconsider the action of the Senate in reducing the amount from $50,000 to $25,000.

Mr. GALLINGER. If the Senator wishes that simply to be paid as a fee to the architect, he would reach the same purpose by striking out the words "and the starting of work upon the foundations of said building." Then that would leave it as an architectural fee.

Mr. CULBERSON. The Senator can make that motion.

Mr. GALLINGER. Then I do make that motion. I move to strike out, in lines 5 and 6, the words "and the starting of work upon the foundations of said building."

The PRESIDENT pro tempore. The Senator from New Hampshire moves to strike out, in lines 5 and 6, the words "and the starting of work upon the foundations of said building."

The amendment was agreed to.

Mr. CULBERSON. Now, may we have the section as amended read?

The PRESIDENT pro tempore. The Secretary will read it as amended. The Chair understands the Senator from Texas to withdraw his motion to reconsider.

Mr. CULBERSON. Yes.

Mr. GALLINGER. Let the section be read as amended.

The SECRETARY. Section 1 as amended reads:

That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission, to bring it within a cost not to exceed $1,750,000, of which sum $25,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications.

Mr. SMITH of Georgia. I should like to ask the Senator whether this entire sum is to be paid out of the National Treasury?

Mr. SUTHERLAND. The entire sum is to be paid out of the National Treasury. It is essentially a piece of Federal work for the benefit of the Federal Government.

Mr. SMITH of Georgia. It is the National Guard, is it not?

Mr. SUTHERLAND. It is the National Guard.

Mr. SMITH of Georgia. Is it merely for the National Guard of the District of Columbia?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. We have our National Guard everywhere else, but the Government does not pay for the armories.

Mr. SUTHERLAND. The Government, as I understood the Senator from Wyoming [Mr. WARREN]—if he were here he could explain it better than I can—but, as I understand, the whole cost of maintaining the National Guard here has been borne by the General Government. I know I have had occasion to go about the city to look at these various so-called armories with a view to determining the necessity for the erection of this building, and I find they are scattered in some 10 or 15 different places in all sorts of poor quarters. The Government property is in fire traps; in one building there is over a hundred thousand dollars' worth of Government property that is at the mercy of any fire that might come along. To my mind, to provide for this armory is one of the most necessary things to be done.

Here is the National Government, which is responsible for the national defense, which is cooperating with the various States of the Union in the building up of the National Guard, and yet this is the one place in the United States where no adequate quarters are provided. In the neighboring city of Baltimore there is a great armory erected at great expense by the State of Maryland, which is so fine, so large, and so commodious that the Democratic national convention is to be held in it.

Mr. SMITH of Georgia. If the Senator will allow me, the State of Maryland and the city of Baltimore alone paid for that——

Mr. SUTHERLAND. Yes; that is quite true.

Mr. SMITH of Georgia. And none of the money came from the National Treasury. It was local taxation and local subscriptions that paid for it. Take any of the cities and you will find that the armories are in no way built for them by the National Government. We raise our money locally; we obtain appropriations from the State legislatures and we subscribe locally for them. The officers of the National Guard in part raise the money, and the cities in part contribute to the fund. Why should the District of Columbia put the entire tax on the National Government—which is the people of the entire country outside of the District—when in all other parts of the country they locally bear the expense themselves? Why is it not properly an expense of the District of Columbia rather than an expense of the whole country?

Mr. SUTHERLAND. I think the National Guard in the District of Columbia is essentially a national organization, intended for the national defense.

Mr. SMITH of Georgia. They all are.

Mr. SUTHERLAND. They are militia in the States, intended as well for the State defense as for national defense. These buildings referred to are used by the State militia.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me, the Senator from Utah fell into a little error in saying that the General Government pays the whole expense of the militia in the District of Columbia. That is not correct. The appropriation is made in the District of Columbia appropriation bill; and while it is not very large, it is paid in equal parts out of the Treasury of the United States and the revenues of the District of Columbia.

While I introduced this bill, I confess I did not examine it very carefully, and I think there is a great deal of force in the suggestion that the District of Columbia ought to make a contribution toward this armory. In my own little State we have six armories that I can recall, and the State made the appropriations for them. They were built by taxation of the people.

Mr. SMITH of Georgia. If the Senator will allow me, we have just finished a large armory in the city of Atlanta, and even the State did not contribute to that. The city contributed about $150,000, and we raised about that much more through the efforts of the National Guard by local subscription. Not a dollar was contributed by the National Government.

Mr. GALLINGER. In this case I assume that the Government will give the land on which the armory is to be erected. It is to be located on public property. The Government makes that contribution, to begin with; but I really think it would be only a matter of equity to amend the bill so as to require this money to be paid in equal parts out of the public Treasury and out of the revenues of the District of Columbia. I will ask the Senator from Utah if he does not feel that that would be right?

Mr. SUTHERLAND. The Senator from New Hampshire is chairman of the Committee on the District of Columbia and is much better informed about District matters than am I. I defer to his judgment. I have no objection to such an amendment as he suggests, if he wishes it.

Mr. SMITH of Georgia. Mr. President, this seems to me a very important question as to whether the Government should be involved in this expense, and while I do not like to object, I should be glad for the matter to go over, so that I may look into it a little further. If it is pressed now, I should feel constrained to vote against the bill, and even to ask for the yeas and nays upon it.

Mr. SUTHERLAND. Would the Senator object if we provide that one-half of the expenditure shall be borne by the Dis-

trict of Columbia, the same as is the case in all other expenditures for the District?

Mr. SMITH of Georgia. I think that would undoubtedly be much more equitable.

Mr. SUTHERLAND. I have no objection to that amendment.

Mr. NELSON. Mr. President, I entirely agree with the Senator from Georgia [Mr. SMITH]. I trust this bill will be amended so that the District of Columbia will at least be compelled to pay one-half. I should not feel like supporting the bill otherwise. I trust the friends of the bill will agree to such an amendment.

Mr. SUTHERLAND. That is agreed to.

Mr. GALLINGER. I will, then, offer an amendment, on page 2, line 2, after the word "appropriated," to insert the words "in equal parts," and then I will follow that with another amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In section 1, on page 2, line 2, after the word "appropriated," it is proposed to insert the words "in equal parts."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. NELSON. How will it then read?

Mr. GALLINGER. I have another amendment to offer. After the word "appropriated," in line 3, I move to insert, "and the revenues of the District of Columbia," so that it will read:

Appropriated in equal parts out of any money in the Treasury not otherwise appropriated and the revenues of the District of Columbia.

Mr. NELSON. I should like to hear the whole provision as amended read.

The PRESIDENT pro tempore. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. In section 1, page 2, line 3, after the word "appropriated," it is proposed to insert "and the revenues of the District of Columbia," so that if amended it will read:

To bring it within a cost not to exceed $1,750,000, of which sum $25,000 is hereby appropriated in equal parts out of any money in the Treasury—

Mr. GALLINGER. No; that is a mistake. The words inserted should come after the full amount, so as to read:

Not to exceed $1,750,000, in equal parts, is hereby appropriated.

The SECRETARY. After the word "dollars," in line 1, on page 2, it is proposed to insert "is hereby appropriated in equal parts."

Mr. GALLINGER. "In equal parts"—exactly the words that were there before:

In equal parts out of any money in the Treasury not otherwise appropriated from the revenues of the District of Columbia, of which sum $25,000—

We have got it right now. Now, let it be reported as amended.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To bring it within a cost not to exceed $1,750,000 is hereby appropriated in equal parts out of any money in the Treasury not otherwise appropriated and the revenues of the District of Columbia, of which sum $25,000 is hereby appropriated, to be immediately available, for the purpose of the preparation of detailed plans and specifications.

Mr. CULBERSON. Mr. President, I am a member of the Committee on Public Buildings and Grounds; but in consequence of another official engagement I did not attend the meeting of that committee yesterday when this bill was considered. I ask the Senator from Utah [Mr. SUTHERLAND], who has charge of the bill, whether $1,750,000, in his judgment, is not a rather large sum for the construction of a mere armory?

Mr. SUTHERLAND. The evidence before the committee was to the effect that it was not. I know nothing personally about the cost of these buildings; but the general plans were submitted to the committee. Testimony was submitted to the committee bearing upon the subject. It is to be a very large building.

Mr. CULBERSON. The building will not be used except for an armory, will it?

Mr. SUTHERLAND. It may be used for other public purposes; it may be used as a building for inaugural balls, if we care to so use it.

Mr. CULBERSON. Is there an assembly hall in it for the public?

Mr. SUTHERLAND. Yes; there will be a very large hall, a drill hall. For example, I call the attention of the Senator from Texas to the fact that the drill hall of the armory at Baltimore is to be used for the Democratic national convention.

Mr. CULBERSON. This probably, then, is to be an armory and a public auditorium.

Mr. SUTHERLAND. It may be used for that purpose; yes.

Mr. GALLINGER. Beyond question this building will provide the District of Columbia with what is so much needed, and which has been so greatly agitated from time to time; that is, a great assembly hall. We ought to have it; and beyond doubt, if this building is constructed, it will provide such a hall.

Mr. SUTHERLAND. It was so stated before our committee.

Mr. CULBERSON. I wanted to bring that out. That was my understanding in a general way in reading over the public prints. I think it puts a different face on the amount, when the building is to be constructed to be used for these two purposes.

Mr. GALLINGER. As an illustration, at each inauguration the Government loses $30,000 by giving up the use of the Pension Office. It was with a great struggle that we secured it for the last inauguration. I do not know what we will do when we come to inaugurate the next President, whoever he may be.

Mr. CULBERSON. We want a great hall for that, Mr. President.

Mr. SMITH of Georgia. And we do not want to wait until this hall is finished to inaugurate him.

Mr. GALLINGER. We shall cross that bridge when we come to it. What I wanted to emphasize, however, was that this will solve a problem which has been agitated for a great many years; and that is one reason why I am so warmly in favor of this bill.

Mr. HEYBURN. The size proposed for the drill hall is 350 by 243 feet, as will be found on page 15 of the report.

Mr. GALLINGER. That is enormous.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I should like to put into the RECORD, in connection with the armory-building bill, this very brief statement:

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SUTHERLAND subsequently said: At the suggestion of some Senators, I ask to have printed in the RECORD, in connection with the discussion on the armory-building bill, the report of the committee on that bill.

Mr. GALLINGER. Following the passage of the bill?

Mr. SUTHERLAND. Yes.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

The report referred to is as follows:

[Senate Report No. 886, Sixty-second Congress, second session.]

ARMORY IN DISTRICT OF COLUMBIA.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany S. 6734:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6734) to provide for the erection of an armory in the District of Columbia, having considered the same, report thereon with the recommendation that the bill pass without amendment.

The bill authorizes the Secretary of War to enter into contracts for the construction of an armory for the National Guard of the District of Columbia, at a cost of not to exceed $1,750,000, upon the site bounded by B Street north, B Street south, Twelfth Street west, and Fourteenth Street west, in accordance with the plans of the commission appointed under the act of Congress approved May 30, 1908 (35 Stat., 540). This commission reported to Congress and submitted plans (H. Doc. 860, 61st Cong., 2d sess.), and the proposed legislation carries into effect the recommendations of this commission. The site recommended by that commission has since been set aside for other purposes and is no longer available, but the proposed site is near the armory site recommended in the report of the McMillan Park Commission, and is adjacent to the White House grounds, so that that tract is available for drill purposes when large formations are desired. The building on the proposed site will not encroach upon the Mall, but will be upon a line with the south building line of the National Museum.

The building recommended by the commission provides accommodations for two full regiments of Infantry, a Cavalry troop, four companies of Coast Artillery, one battery, one company of engineers, one signal corps, hospital corps, brigade staff, etc., and will have a drill hall 243 by 350 feet in area, thus affording ample space for drills in extended order. The architecture of the armory is of classic type and will harmonize with the other Government buildings now built and already planned, and will at the same time be amply safeguarded against the attack of a mob in time of riot, and will afford other advantages, which are pointed out in the report of the Chief of the Militia Division of the War Department in his report for 1911.

"The armory serves a twofold purpose: First, it provides storage facilities, protecting Government property from loss, damage, deterioration; and, second, it provides instruction facilities for the personnel. All instruction, of course, should be progressive, passing from the individual to the largest unit. In theory this idea is carried out by giving certain instruction in the armory, which is then supplemented by summer State encampments and which culminates in the combined field exercises with the Regular Army. The instruction in the armory, beginning with the individual, is in all the minutiæ of a soldier's life which can be given indoor. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundations of this instruction is weak, necessarily the entire structure is unstable. This is exactly the situation which prevails at the present time. The armories generally throughout the country are inadequate and unsuited for their purpose, and in many States there are no armories at all, but buildings or rooms are leased for the purpose. It is gratifying to state, however, that there is an awakening interest in this subject and that in a number of States legislative enactments have been passed looking to the ultimate erection of armories. In this connection, I desire to call attention to the statement of my predecessor relative to the totally unsatisfactory condition of the armory of the District of Columbia. The fact of the National Government, in the one place where it is to provide armories, failing to appreciate the necessity therefor, can not but have a very deleterious effect upon the States."

At the present time the National Guard of the District of Columbia is quartered in eight rented structures, none of which is safeguarded against fire, all of which are inadequate and unsightly, and for which the Government is paying an annual rental of $16,440. Within these buildings is stored Government property estimated to be worth $200,000, and it was stated in the hearings before the committee on the proposed bill that in case of fire in any of these buildings it would be absolutely impossible to arrest it. As indicating the disadvantages under which the National Guard is at present working, we quote from the statement of Col. William E. Harvey, of the Second Infantry, National Guard of the District of Columbia, as follows:

"Some of the men have to double up and put the equipments of the two men in one locker. The standard locker adopted by the Army is 6 feet high, 24 inches wide, and 18 inches deep. The lockers which we have—80 per cent of them—are not half that size. We can not put all of a man's equipment in them. Take, for instance, our equipment of overcoats. We have not any place to put a man's overcoat to keep it, except in packing boxes. We have stored in our main armory stack upon stack of big chests containing the overcoats. If a company is ordered out in winter, a man has to go to the armory superintendent, draw his box of overcoats, give a receipt for it, take it out, and issue it to the men. You can see how absolutely impossible it is to make a quick movement with that kind of accommodations.

"The same is true of blankets. We can not keep individual blankets where they are available. They have to be kept in bulk—boxed up and stored away. The same is true of shelter tents and the field equipment, consisting of haversacks, canteens, and so on. So that we are in a bad way as to equipment; and the first thing that the armory commission took into consideration—the one standard unit which was adopted to work from—was the individual locker for the equipment. We planned it with a view to having the company room large enough to accommodate standard lockers for the entire command."

The danger from fire and its effect upon the National Guard organization was emphasized by Gen. Robert K. Evans, General Staff Corps, United States Army, in the following language:

"It is not extravagant to say that a combination of evil-disposed people could destroy the equipment and armament of the militia very easily in an hour or two by just going around to these wretched hovels that the armament is now stored in, some of which are really inflammable and not much better than chicken coops.

"A mob could burn that equipment and arms up in one night, and if a general condition of unrest or railway disturbance occurred the guard could not get rearmed in several weeks, I think. We would be compelled to get the armament and equipment from the Springfield Arsenal, or one at Rock Island, out there on the Mississippi River, so that your guard, just because of the inflammable nature of the buildings where the equipment is stored, would be put out of business."

The necessity for adequate armory facilities in the District of Columbia is emphasized in the report of the War Department, which is as follows:

WAR DEPARTMENT,
Washington, May 23, 1912.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: I have the honor to return herewith Senate bill No. 6734.

1. The National Guard of the District of Columbia at present consists of the following organizations: First Infantry, of 12 companies; Second Infantry, of 11 companies; First Separate Battalion, of 4 companies; First Battery Field Artillery; Company A, Signal Corps (field company); 1 ambulance company, Hospital Corps, which are provided with armory facilities as follows:

At the Center Market, Pennsylvania Avenue, between Seventh and Ninth Streets: Ten companies of the Second Infantry, eight companies of the First Infantry, one company (ambulance) Hospital Corps.

At the Oyster Building, corner Pennsylvania Avenue and Ninth Street: Four companies (First Battalion, First Infantry).

At Twelfth and U Streets NW.: Four companies (First Separate Battalion).

At Y. M. C. A. Building: One company (Company K, Second Infantry).

At 473 Missouri Avenue NW.: First Battery Field Artillery; Company A, Signal Corps.

At 469 Missouri Avenue NW.: Storehouse for quartermaster and ordnance supplies.

At 621 B Street NW.: Storehouse for subsistence property.

These places are rented.

2. These armories are entirely inadequate and unsuitable in the following particulars:

They are small and are now badly crowded with all of the organizations below the minimum authorized strength. Were the organizations recruited to the minimum authorized strength, the armories could not accommodate the guard at all.

The storage space is entirely inadequate and in many cases insecure, which results in much damage and loss to the Government property.

The Center Market, where most of the organizations are quartered above the market, is an old building, the plan of which is not at all suitable. It smells of bad odors from the market below and the gases from an ice plant in the building and is most unattractive in its surroundings, plan, and condition of repair, due to its age.

The Oyster Building, where the First Battalion of the First Infantry is quartered, is even less suitable than the Center Market Armory.

3. An armory serves a twofold purpose. First, it provides storage facilities, protecting Government property from loss, damage, or deterioration, and, second, it provides instructional facilities for the personnel. The instruction of the individual begins in the armory and is in all the minutia of the soldier's life which can be given indoors. This instruction in the armory is then supplemented by summer State encampments, and culminates in the combined field exercises with the Regular Army. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundation of this instruction is weak necessarily the entire structure is unstable. Acknowledging these facts, most of the States are now providing armory facilities. The National Guard of the District of Columbia is essentially a Federal force, having been created under an act of Congress and having the President as the commander in chief. An adequate armory provision is therefore the duty of the Federal Government.

4. Recognising these facts, Congress appointed a commission, consisting of the Assistant Secretary of War, the general commanding the Militia of the District of Columbia, the officer in charge of public buildings and grounds, Washington, and the Superintendent of the Capitol Building and Grounds, to cause plans and estimates to be prepared for a suitable armory. This commission made its report, which is published in the Sixty-first Congress, second session, House of Representatives Document No. 860. It is believed that the armory recommended therein is suitable, and its erection is urgently recommended.

5. Not only is a suitable armory needed for the protection of the Federal equipment stored therein, and for the instruction of the District Guard itself, but also such armory would serve as a model for the States, as many militia authorities visit this city, and the inspection of such an armory would enable them to obtain correct ideas and thus facilitate the work generally throughout the States of securing model armories.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

The following extracts from the reports of officers of the United States Army show the armory facilities for the District of Columbia National Guard:

"Armory facilities are inadequate and the guard labors under many disadvantages for this reason." (Annual Report on the Organized Militia of the United States, 1905, p. 112.)

Maj. Lloyd M. Brett, First Cavalry, United States Army:

"The buildings now in use as armories are unsuitable and inadequate. Within them public and private property is insecure and they do not offer proper facilities for military work. They are the best accommodations that can be secured in the District.

"When the Congress of the United States passed the militia act of 1903 it assigned to the National Guard of the country an important place among its military forces, and the National Guard will have to work hard to realize expectations. It would appear to be the part of wisdom for the General Government to set the example to the States by housing the National Guard of the District of Columbia, for the maintenance of which it alone appropriates the funds, in an armory that will stand the scrutiny of the many visiting guardsmen and that will serve as a model for the States to follow." (Annual Report on the Organized Militia of the United States, 1906, p. 148.)

Maj. Lloyd M. Brett, First Cavalry, United States Army:

"A suitable armory continues to be the crying need of the National Guard of the District of Columbia. A bill for such a structure is again before Congress and has the earnest support of the War Department. Congress has in many ways expressed itself unequivocally as favoring the proper support by the Federal Government of an efficient Organized Militia. No troops have shown themselves more deserving of encouragement than those in the District of Columbia, and it is believed that Congress will come to their relief as soon as it is realized that they have no fit place in which to do the military work necessary to qualify them for their country's service." (Annual Report on the Organized Militia of the United States, 1908, p. 188.)

Maj. S. L. Faison, Twenty-fourth Infantry, United States Army, reports, in connection with annual inspection of 1910:

* * * * * * *

"The companies of the First and Second Regiments, except Company K of the Second Infantry, each has an office and a very small storeroom over the cold-storage plant at Center Market. The lockers of the men are in the smaller of these rooms and a closet of about 6 feet square is cut off in the latter and serves as a storeroom for company property not actually issued to the men.

"The lockers of the men are placed one above the other and are about 2 feet wide. Fumes of escaping ammonia rust everything in the way of metal unless it be constantly covered with a thick coating of oil. All of the men of any one company can not dress or undress at the same time.

"The companies of these two regiments assemble weekly by battalion for instruction and are assembled in one large hall in the same building. There is just barely room for the battalion at full strength to stand in line in this hall. When in column the companies stretch almost entirely across the whole width of the hall. Under such trying, not to say demoralizing, conditions it is surprising that the companies present as brave a front as was observed. An armory built on modern plans would put new life and hope into this body of men, and it is urgently recommended that immediate steps be taken to provide one."

Incidentally, the proposed armory building will furnish a hall suitable in every way for the inaugural ball which is held every four years, and which has been heretofore held in the Pension Office, at a cost of about $50,000 for the preparations which are necessary, and with the suspension of public business in that building for several days.

This matter has been before Congress for a number of years, and the history of prior legislation relating to it, together with other valuable information, is contained in the following memorandum which was filed with the committee:

MEMORANDUM RELATIVE TO SENATE BILL 6734.

The bill authorizes the Secretary of War to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia in accordance with plans submitted by the commission created by the act of Congress approved May 30, 1908 (35 Stat. L., 540), or such modified plans as may be approved by the Secretary of War and said commission, to bring it within the limit of cost of $1,750,000. Fifty thousand dollars is made available for the preparation of detailed plans and for starting work on the foundations. It dedicates the northern part of the Mall, between Twelfth and Fourteenth Streets, for this purpose, and provides that the construction of

the building shall be under the officer in charge of public buildings and grounds, and that the plans shall be approved by the Secretary of War and the commission authorized by the act of May 30, 1908.

PRIOR ACTION.

Bill H. R. 21897, Sixtieth Congress, first session, as it passed the House of Representatives May 12, 1908, contained the following provision:

"Sec. 17. That the northerly portion of the Government reservation bounded by B Street north, B Street south, Seventh Street west, and Sixth Street west, in the District of Columbia, known as Armory Square, comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby, selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore & Potomac Railroad Co. from said square.

"That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

"And for the expense of said commission a sum not to exceed $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission."

The first paragraph of section 17 dedicating the site was stricken out in the Senate and the Superintendent of Public Buildings and Grounds was added to the commission, and in that form it became a law as the act of May 30, 1908 (35 Stat. L., 540).

On April 30, 1910, the commission created by said act made its report, submitting the plans which had been prepared for the armory by Tracy, Swartwout & Litchfield, architects, and was printed as House Document No. 860, Sixty-first Congress, second session. This report shows that the commission had the plans prepared with the idea of locating the building on the same site that the House of Representatives dedicated for that purpose, namely, the site of the old Pennsylvania Railroad Station on the north half of the Mall between Sixth and Seventh Streets. The commission says:

"As the National Guard of the District of Columbia is a Federal organization exclusively under the control of the War Department, it is presumed that the armory will be a public building under the charge and control of that department, and therefore available for the use of United States troops and for the storage of military supplies in case of war, riot, or other emergency. This possible use has been borne in mind in the planning of the building."

The plans of the building have been referred to the Fine Arts Commission and have been approved by them with some suggested modifications, and the bill is drawn so that the views expressed by the Fine Arts Commission can be met.

NEED OF AN ARMORY.

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department. For a quarter of a century it has struggled along without any proper provision being made for housing it. It has been quartered in rented buildings of various sorts, none of which have afforded the requisite facilities for training the troops and caring for the equipment which is property of the United States.

The entire unsatisfactory and even descreditable accommodations for this organization have been commented upon year after year by the inspecting officers of the United States. A personal inspection of the buildings discloses the fact that these reports are not exaggerated, but are well founded in fact.

The organization at the present time is scattered about the city in eight different buildings, none of which are fireproof and none of which afford enough room for the keeping of the equipment. Some of the buildings have no provision at all for drilling the troops, and the troops are compelled to drill in the streets. For these unsatisfactory, uninviting, and inadequate buildings an annual rental of $16,440 is paid.

Notwithstanding the lack of armory facilities, the National Guard of the District of Columbia has kept up a force which has worked diligently to conform to the requirements of the War Department at a very great sacrifice on the part of the officers and men, who have devoted their time and energy and in many instances money to promoting the welfare of the organization and bringing it to a point where it could be considered as efficient.

Since 1887 about 33,000 individuals, officers and men, have served in this organization. The training which they have received in some instances has been thorough and others not, but all of them have received some instruction which would be valuable in the event that the United States was forced to call for a large force of volunteers. The value of this military training may be very great to the country in time of stress.

At the outbreak of the Spanish War the entire National Guard volunteered and one regiment was permitted to enter the service. It served creditably in Cuba, and was present in the trenches when Santiago surrendered. In addition to this regiment it furnished officers and men to some of the so-called "immune" regiments and to the United States Volunteer Engineers, and during the Philippine insurrection it furnished many officers and men to the United States volunteers organized for service in the Philippines.

At the present time there are more than 25 officers in the United States Army serving there creditably, who received early military training in the District of Columbia National Guard. One of them has been awarded the congressional medal of honor for distinguished gallantry, and two of them have been selected to captain the Army Infantry team in the great rifle competitions.

Past duty well done, as well as future activity in the training of citizens to defend the flag in time of national danger, justifies the expenditure for a complete armory in the District of Columbia—one which will adequately provide for this brigade of troops and serve as a model to the State organizations.

The United States has not established a precisely formulated military policy, but it can be said that in so far as public sentiment is expressed in the halls of Congress, it is committed to the plan of keeping a relatively small but highly efficient Regular Army and relying upon the militia and volunteers for national defense. Realizing the futility of relying upon unorganized and untrained men who constitute the militia in its broad sense, Congress has, by the acts of January 21, 1903 (32 Stat. L., 775), and May 27, 1908 (35 Stat. L., 399), undertaken to promote the efficiency of the Organized Militia or National Guard of the several States, and to bring it into one uniform and homogeneous mass to supplement the Regular Army as our first line of defense. The importance of the National Guard organizations and of this legislation is apparent from the following extract from the report of the then Secretary of War, Mr. Root, for 1903:

"Of equal importance with the General Staff act in its relation to the general military efficiency of the country is the act to promote the efficiency of the militia, approved January 21, 1903, supplemented by an Appropriation of $2,000,000 in the Army appropriation act of March 2, 1903. A copy of the statutes is annexed hereto as Appendix F. The militia act had its origin in an agreement between the Regular Army, represented by the War Department and the National Guards of the States, represented by a convention which met in Washington in January, 1902, upon the main and fundamental provisions necessary to give vitality and effectiveness to our militia system. Upon the presentation of these provisions to Congress the Committee on Militia of the House took up the subject with great public spirit and industry and on that basis wrought out a bill which, with but few changes, was passed and approved in the form of the present act. The act proceeds upon the following ideas:

"That whenever the United States becomes involved in war the Regular Army will form but a small part of its armed force; and the country must also rely, for immediate and special exigencies, upon militia; and for service going beyond the proper limits of militia duty, upon volunteers.

"That it is of vital importance to have a trained force of militia ready for instant service when called upon and also to have a large number of citizens sufficiently instructed and exercised in the art of war to organize, train, and command volunteer forces.

"That the best way for the National Government to secure both these requisites is by turning to the National Guards of the States, which have grown up as State organizations intended for State purposes, but are composed of citizens liable to be called upon by the National Government for military duty, and willing to devote a considerable part of their time to fitting themselves for the performance of that duty.

"That, without at all interfering with the services of these organizations to their respective States in time of peace, they can be treated as a national militia to be called into the service of the United States in time of war; and that it is for the interests of the National Government to make these organizations an effective military force, having in view their prospective national service as militia and their immediate service as the school of the national volunteer soldier."

Experience has shown that adequate armories are a prime necessity to these National Guard forces, and it is so recognized by the War Department, which has made great efforts to prevail upon the State organizations to provide themselves with the proper armory facilities. Upon this subject the Military Secretary has reported:

"The duty imposed upon the governors of the States and Territories by section 1661, Revised Statutes, as amended, and by the militia act of January 21, 1903, of accounting for public property issued under authority thereof, presented immediately the question of providing adequate facilities for the storage and protection of such property.

"Diligent inquiry has developed the fact that, while in the larger cities of the more populous States there are buildings excellently adapted to the purposes for which they are designed and used, there is in general a lamentable lack of proper armory accommodations in the smaller cities and villages.

"This is an evil which can be remedied only by liberal appropriations by the States and Territories or by private contributions. The department is encouraged to hope that the State and local authorities are awakening to the importance of this subject; and it is known that in many instances where armory facilities have been found palpably deficient temporary accommodations have already been provided, with the ultimate object of supplanting these makeshifts by substantial structures owned by the State or by the bodies corporate of the organizations themselves. In mitigation of any blame that may be attached to the military organizations, it is to be remarked that the most convenient and in every respect the most suitable armories are those owned by such organizations, constructed from funds raised by private subscriptions and practically without State aid.

"Experience has demonstrated that there is no element more effective in promoting the organization of National Guard companies and in sustaining the interest of their members, thus contributing to their efficiency as component parts of the National Guard, than the providing of attractive and suitable buildings for their accommodations and the safe storage of their supplies and equipment."

The Chief of the Militia Division of the War Department, in his report for 1909, says:

"Much difficulty is met in the matter of armory instruction, due to the fact that in many of the States suitable armory facilities are not provided. In this connection, attention is invited to the quotations from the reports of officers submitted hereinafter in this report, which show, in detail, in the several States and Territories, the unsatisfactory status of the armory question. The policy of the War Department in reference to this is that inasmuch as the United States issues to the States and Territories valuable armament, equipment, and military stores for the Organized Militia, the latter should provide adequate and secure storage facilities for these stores, and equally adequate facilities for drilling and conducting the training of the troops under cover. Some of the States have been fully cognizant of their obligations in regard to armories and have provided ample facilities both for storage and training. The example of these States is little by little beginning to have effect in other States. It is hoped this movement will proceed more rapidly and progressively accomplish a satisfactory solution of this difficult problem."

In his report for 1911 he says:

"The armory serves a twofold purpose: First, it provides storage facilities, protecting Government property from loss, damage, deterioration; and second, it provides instruction facilities for the personnel. All instruction, of course, should be progressive, passing from the individual to the largest unit. In theory this idea is carried out by giving certain instruction in the armory, which is then supplemented by summer State encampments, and which culminates in the combined field exercises with the Regular Army. The instruction in the armory, beginning with the individual, is in all the minutiæ of a soldier's life which can be given indoor. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundations of this instruction is weak, necessarily the entire structure is unstable. This is exactly the situation which prevails at the present time. The armories generally throughout the country are inadequate and unsuited for their purpose, and in many States there are no armories at all, but buildings or rooms are leased for the purpose. It is gratifying to state, however, that there is an awakening interest in this subject, and that in a number of States legislative enactments have been passed looking to the ultimate erection of armories. In this connection, I desire to call attention to the statement of my predecessor relative to the totally unsatisfactory condition of the armory of the District of Columbia. The fact of the National Government, in the one place where it is to provide armories, failing to appreciate the necessity therefor can not but have a very deleterious effect upon the States."

If the United States is to rely in large part upon the militia; if the militia of the several States is maintained and trained to the standard of efficiency which the military authorities of the United States deem necessary; if, as experience has shown, adequate armories are an absolute necessity in that maintenance and training, it would would seem the part of wisdom on the part of the Federal Government to supply its own Organized Militia in the District of Columbia, which is within the exclusive jurisdiction of Congress, with an armory which will be a model in every way and which can stand as an object lesson to the many State national guardsmen who visit the National Capital, that they may take home with them ideas as to what is desirable in armory construction.

THE EXAMPLE OF THE STATE OF NEW YORK.

New York has demonstrated the difference between a wise and liberal policy and the "penny-wise, pound-foolish" policy adopted in some places. She has treated her militia seriously, provided for it thoroughly, going on the idea that what is worth doing is worth doing right. Long ago she decided that her soldiers should be quartered in buildings owned by the State or county, and not rented from individuals or corporations. She built armories, handsome, commodious, well-planned structures, and the result of this wisdom is shown in the fine organizations of citizen soldiery. She maintains an organization of 963 commissioned officers and 13,688 enlisted men, a total of 14,651 soldiers, an entire division.

She maintains 13 regimental armories, 4 battalion armories, 3 two-company armories, 2 armories for one company and one troop, 4 armories for mounted troops, 2 armories for the signal companies, 31 armories for separate companies, and 3 armories for the Naval Militia, in all 59 armories, of which but 1 is a rented building. The rest are owned by the public, with the exception of one building, which is owned by the organization itself.

From the report of the commission appointed pursuant to chapter 261 of the laws of 1907 to inquire into the conditions of the National Guard of New York in 1908, the following detailed information relative to New York armories is taken (pp. 214, 125):

Armory condition of the National Guard of New York in 1908.

Location of armory.	Organization.	Drill-floor space.	When built.	Built by—
	REGIMENTAL.	*Sq. ft.*		
Brooklyn	Thirteenth Regiment	80,000	1892	County.
Buffalo	Seventy-fourth Regiment	72,924	1889	State.
Do	Sixty-fifth Regiment	72,000	1906	Do.
Brooklyn	Twenty-third Regiment	60,000	1894	Do.
Do	Forty-seventh Regiment	59,000	1883	Do.
Do	Fourteenth Regiment	52,000	1895	County.
New York	Seventh Regiment	50,000	1875	Regiment.
Do	Twenty-second Regiment	41,125	1890	County.
Do	Ninth Regiment	40,700	1895	Do.
Do	Twelfth Regiment	37,774	1886	Do.
Do	Seventy-first Regiment	36,490	1903	Do.
Do	Eighth Regiment	35,994	1889	Do.
Do	Sixty-ninth Regiment	23,750	1906	Do.
	BATTALIONS.			
Albany	Tenth Battalion	41,650	1889	State.
Do	Troop B	8,400	.....	
Rochester	Third Regiment	31,500	1906	Do.
Troy	Second Regiment	27,875	1884	Do.
	TWO COMPANIES.			
Schenectady	Second Regiment	13,100	1899	State.
Newburgh	First Regiment	10,336	1878	Do.
Utica	do	9,600	1883	Do.
	DOUBLE, HORSE AND FOOT.			
Binghamton	Company	15,100	1904	State.
Do	Battery	9,894	.....	
Syracuse	Company	15,100	1907	Do.
Do	Troop	15,100	.....	
	MOUNTED TROOPS.			
Brooklyn	Squadron C	57,459	1906	County.
New York	Squadron A	16,554	1884	Do.
Brooklyn	Third Battery	18,400	1870	Do.
New York	First Battery	11,200	1902	Do.
	SIGNAL CORPS.			
Brooklyn	Second Company	10,000	1884	County.
New York	First Company	2,310	1903	Do.
Medina	Twenty-ninth Separate Company	15,100	1902	State.
Elmira	Thirtieth Separate Company	14,692	1888	Do.
Kingston	Fourteenth Separate Company	13,025	1879	Do.
Olean	Forty-third Separate Company	12,690	1890	Do.
Saratoga	Twenty-second Separate Company	12,500	1881	Do.
Oswego	Forty-eighth Separate Company	12,100	1907	Do.
Watertown	Thirty-ninth Separate Company	11,200	1874	Do.
Poughkeepsie	Fifteenth Separate Company	10,988	1891	Do.
Auburn	Second Separate Company	10,925	1872	Do.
Gloversville	Nineteenth Separate Company	10,800	1895	Do.
Oneonta	Third Separate Company	10,800	1904	Do.
Whitehall	Ninth Separate Company	10,800	1900	Do.
Middletown	Twenty-fourth Separate Company	10,650	1891	Do.

Armory condition of the National Guard of New York in 1908—Contd.

Location of armory.	Organization.	Drill-floor space.	When built.	Built by—
	SIGNAL CORPS—continued.	*Sq. ft.*		
Walton	Thirty-third Separate Company	10,330	1905	State.
Flushing	Seventeenth Separate Company	10,230	1906	Do.
Amsterdam	Forty-sixth Separate Company	9,600	1894	Do.
Hornell	Forty-seventh Separate Company	9,600	1895	Do.
Hudson	Twenty-third Separate Company	9,600	1898	Do.
Mohawk	Thirty-first Separate Company	9,600	1891	Do.
Niagara Falls	Forty-second Separate Company	9,000	1895	Do.
Ogdensburg	Fortieth Separate Company	9,600	1897	Do.
Tonawanda	Twenty-fifth Separate Company	9,600	1896	Do.
Yonkers	Fourth Separate Company	9,548	1886	Do.
Geneva	Thirty-fourth Separate Company	9,375	1892	Do.
Glens Falls	Eighteenth Separate Company	9,000	1883	Do.
Hoosick Falls	.....	8,360	1888	Do.
Cohoes	Seventh Separate Company	8,250	1884	Do.
Jamestown	Thirteenth Separate Company	7,700	1899	Do.
Catskill	Sixteenth Separate Company	7,500	1889	Do.
Malone	Twenty-seventh Separate Company.	7,500	1892	Do.
Mount Vernon	Eleventh Separate Company	6,750	1889	Do.
White Plains	Forty-ninth Separate Company	(1)	.....	
New York	Second Battery	(2)	.....	
	NAVAL MILITIA.			
New York	First Battalion	(3)	.....	State.
Brooklyn	Second Battalion	28,000	1905	County.
Summerville	Separate division	(4)	.....	State.

[1] No armory.
[2] Rented armory.
[3] Training ship, Granite State.
[4] Boathouse, 50 by 125 feet.

The adjutant general of New York states that the average cost of the separate-company armories is $75,000 each. From the report just quoted is taken the following as to the cost of regimental armories located in the city of Greater New York:

MANHATTAN AND THE BRONX.

Seventh Regiment (built 1875):		
Site	$1,300,000.00	
Building	600,000.00	
Repairs, supplies, etc	38,268.50	
		$1,938,268.50
Eighth Regiment (built 1889):		
Site	350,000.00	
Building	328,672.00	
Repairs, supplies, etc	43,064.96	
		721,736.96
Ninth Regiment (built 1895):		
Site	437,062.08	
Building	342,310.12	
Repairs, supplies, etc	30,025.85	
		809,398.05
Twelfth Regiment (built 1886):		
Site	208,000.00	
Building	344,751.31	
Repairs, supplies, etc	33,824.24	
		586,575.55
Twenty-second Regiment (built 1890):		
Site (old)	265,000.00	
Building (old)	318,318.46	
Site (new)	381,000.00	
Building (new)	685,000.00	
Repairs, supplies, etc	40,139.82	
		1,689,458.28
Sixty-ninth Regiment (built 1906):		
Site	8792,028.00	
Building	724,940.02	
Repairs, supplies, etc	22,996.82	
		1,539,964.84
Seventy-first Regiment (built, new, 1903):		
Site	445,829.00	
Building (old)	413,813.70	
Building (new)	716,917.70	
Repairs, supplies, etc	32,011.10	
		1,608,571.50
Squadron A:		
Site (bought with Eighth Regiment site)		
Building	164,275.97	
Repairs, supplies, etc	39,391.88	
		203,667.85
First Battery:		
Site	116,422.73	
Building	201,509.80	
Repairs, supplies, etc	13,564.27	
		331,496.80
Second Battery:		
Site	85,000.00	
Building	450,000.00	
Repairs, supplies, etc	13,975.00	
		548,975.00
First Signal Corps (quarters in Seventy-first Regiment Armory):		
Repairs, supplies, etc		9,114.00
Field Hospital (quarters in First Battery Armory):		
Repairs, supplies, etc		2,000.00
First Battalion Naval Militia:		
Improvements	15,339.65	
Repairs, supplies, etc	20,344.89	
		35,744.54
Total		10,024,972.84

BROOKLYN.

Thirteenth Regiment (built 1892):		
Site	$120,000.00	
Building	555,000.00	
Extension (site)	114,068.18	
Extension (building)	170,264.00	
Repairs, supplies, etc	48,236.24	
		$1,007,568.42
Fourteenth Regiment (built 1895):		
Site	85,000.00	
Building	615,000.00	
Repairs, supplies, etc	29,744.00	
		729,744.00
Squadron C:		
Site	58,500.00	
Building	486,882.40	
Repairs, supplies, etc	26,296.60	
		571,679.00
Third Battery:		
Site	35,200.00	
Building	164,800.00	
Repairs, supplies, etc	25,883.54	
		225,883.54
Second Company, Signal Corps:		
Site	6,000.00	
Building	64,000.00	
Repairs, supplies, etc	10,467.80	
		80,467.80
Second Battalion, Naval Militia:		
Site	125,000.00	
Building	437,448.91	
Repairs, supplies, etc	20,500.00	
		582,948.91
Total		3,198,291.76

STATE ARMORIES.

BROOKLYN.

Twenty-third Regiment (built 1894):		
Site	$125,000.00	
Building	575,000.00	
Repairs, supplies	27,289.85	
		$727,289.83
Forty-seventh Regiment (built 1883):		
Site	151,000.00	
Building	399,000.00	
Repairs, supplies, etc	23,497.00	
		573,497.00

QUEENS.

Seventeenth Separate Company:		
Site	8,500.00	
Building	80,000.00	
Repairs, supplies, etc	10,925.00	
		99,425.00
		1,400,211.83

RECAPITULATION.

Borough.	Sites.	Buildings.	Repairs, etc.	Total.
Manhattan and the Bronx	$4,380,342.21	$5,290,509.65	$354,120.98	$10,024,972.84
Brooklyn	543,768.18	2,493,395.31	161,128.27	3,198,291.76
Expenditures by city for State armories			61,711.83	61,711.83
Grand total	4,924,110.39	7,783,904.96	576,961.08	13,284,976.43

The report of the New York commission, above quoted (p. 110), shows that the cost of the Sixty-fifth Regiment Armory at Buffalo to date of report was:

Building and equipment	$1,154,316.92
Cost of site	220,000.00
Total	1,374,316.92

The new armory provided for the Eighth Artillery district of New York is to cost $1,286,500. (Report of Armory Board, New York City, 1911, p. 41.)

The armory of the Seventh Regiment has recently been enlarged and remodeled to meet the requirement of the War Department as to 12 companies to the regiment instead of 10, and the city has expended on this $382,000.00. (Ib., p. 40.)

The following details will give an idea as to the space provided in some of the armories in New York for single regiments:

Regiments.	Location.	Size of lot.	Size of drill hall.
		Feet.	Feet.
Sixty-fifth	Buffalo	575 by 780	336 by 240
Seventy-fourth	do	256 by 634	236 by 369
Forty-seventh	Brooklyn	231 by 623	197 by 369
Twenty-third	do	219 by 501	197 by 297
Seventh	New York	200 by 400	200 by 300
Eighth	New York (old building)	200 by 300	200 by 200
Do	New York (new building)		

This last-mentioned armory is being built for the eighth artillery district of New York, and has been reported as being the largest armory constructed to date. Its cost is over $1,000,000.

New York is not the only State which has followed the plan of providing public buildings in preference to rented quarters, but detailed information relative to other States is not as complete.

Massachusetts has a number of fine armories.

Connecticut has recently completed a very fine regimental armory at Hartford, having as much space in it as some of the largest armories above referred to.

Rhode Island has within the past few years erected at Providence a very fine structure, making provision for a regiment of Coast Artillery and a battery of Field Artillery. The building alone cost $488,000. The dimensions are 281 by 167. It contains two drill halls, one 233 by 167 feet and the other 231 by 89 feet.

Pennsylvania has a number of fine armories, and is engaged at the present time in a progressive policy of building armories. A very fine armory has recently been erected at Pittsburgh for the Eighteenth Regiment, the details of which are not at hand.

Maryland: The armory of the Fifth Regiment at Baltimore is a large and commodious structure. The site cost $125,000. The building cost $350,000. The size of the building is 336 by 300. The drill hall 200 by 200.

PLANS SUBMITTED BY THE ARMORY COMMISSION.

The plans submitted make provision for a brigade of practically three regiments, namely, two regiments of Infantry, a battalion of Coast Artillery, a signal company, an engineer company, ambulance company, a troop of Cavalry, and a battery of Field Artillery. The organization is equal to that housed in three of the New York regimental armories. The best military administration can be obtained where the entire organization is together, as well as greater economy in the construction of the building and the better safeguarding of public property.

The plans as prepared call for a building 480 by 380, as no larger building could be erected on the site between Sixth and Seventh Streets. The main drill hall is 243 by 350 feet. In addition to this, there is a small drill hall provided for mounted troops. The following are some of the features of the building:

In the basement there are storage rooms for the Engineer and Signal Corps, ambulance and hospital, first regiment, second regiment, and for the general supplies of the brigade. A room for the armorer, a magazine, a reloading room, a swimming pool, gymnasium shower bath, the riding hall, and mechanical plant, lavatories, etc.; also a shooting gallery, gun-wagon park wherein to keep the wheeled transportation.

On the main floor is the great drill hall above referred to, and at each end locker rooms for 12 companies of Infantry. The fixed unit which was worked upon was the standard locker which has been designed by the Army to accommodate a soldier's equipment. It is planned to have enough of these to equip a company at war strength. The District of Columbia is the only National Guard organization having provision for a reserve, and it is planned to keep the equipment for the reserve in the individual lockers, where it will be immediately available. On this floor also is the model room for the Coast Artillery Corps, lockers for the Engineer and Signal Corps, and an examining room, a room for the surgeons, a guardroom, a room for the superintendent, an issue room, and a room for clothing storage, and a tailor shop.

On the next floor will be the company room for 12 companies of Infantry, 4 Coast Artillery, the necessary office rooms for the regimental and brigade administration, and the gymnasium.

On the next floor are two company drill rooms, a squad drill room, practice room for the band, instruction room, a dispensary and ward, lyceum, a memorial hall, kitchen and dining room, library, billiard room, bowling alleys, boxing and fencing rooms.

All of these rooms will present features which are important. It is contemplated that field ranges will be set up in the kitchen, where the cooks can be taught how to prepare the field rations. A number of the cooks of the District of Columbia National Guard have in times past attended the Army Cooking School at the Washington Barracks, and it is plain that there is no one element of military training more important than to have enlisted men trained to cook for their companies.

The memorial hall is intended as a place where patriotic societies, as well as the Grand Army of the Republic, Loyal Legion, etc., can deposit their relics.

The drill hall will afford an ample place in which to hold the inaugural balls, which for many years past have been held in the Pension Office Building at a cost to the Government which has been estimated as high as $50,000, for it involves the closing of the office to business for a week or 10 days, and the loss in clerk hire is very great.

The estimated cost is not excessive when it is taken into consideration that the building is to house virtually three regiments, and must architecturally conform to the scheme for the public buildings of Washington. By reference to the cost of armories erected for single regiments, where no special attention has been paid to the architectural features of the exterior, it is plain that this sum is not too large for the erection of a proper building.

PARK COMMISSION PLANS.

The plans of the Park Commission, Senate Report No. 156, Fifty-seventh Congress, first session, show that an armory for the District of Columbia Militia was one of the public buildings which the commission planned for. On the subject of the location of public buildings the commission reported:

"The location of public buildings has received the very careful consideration of the commission. In general terms, their conclusions are * * *

"Fourth. That the northern side of the Mall may properly be used by museum and other buildings containing collections in which the public generally is interested, but not by department buildings.

"Fifth. That the space between Pennsylvania Avenue and the Mall should be occupied by the District Building, the Hall of Records, a modern market, and armory for the District Militia, and structures of like character" (pp. 28, 29, of the Report of the Park Commission).

Speaking of the area south of Pennsylvania Avenue, the commission says:

"Within the same general area should be constructed an armory sufficient in size to accommodate the brigade of District Militia; and since the inauguration of the President of the United States is regarded as a municipal and not as a national function, the armory should be of a character to accommodate the inaugural balls now given in the Pension Bureau to the disturbance of public business." (Ib., p. 70.)

On the diagram showing sites for future public buildings, printed in the report facing page 28, is shown a long building occupying the space from Pennsylvania Avenue to B Street, between Fourteenth and Fifteenth Streets. It is understood that this represents the Park Commission idea as to the location of the District armory. That site, however, has been taken for departmental buildings, namely, for the Department of Commerce and Labor and Department of Justice.

PROPOSED SITE.

The proposed site for the armory is on the north side of the Mall, between Twelfth and Fourteenth Streets, north of a line established for the New National Museum Building. This tract is immediately adjacent to the one suggested by the Park Commission for the armory. The

Park Commission plans call for a large building on this site. It is at present occupied by greenhouses and some sort of a machine shop. The erection of an armory on this site fully conforms to the views expressed by the Park Commission and is in harmony with those plans.

The building which was designed pursuant to the act of May 30, 1908, contemplated putting the building five squares east of this on the north side of the Mall between Sixth and Seventh Streets, but that site has been dedicated by the Senate for the erection of the George Washington Memorial. The site proposed in the pending bill, while not quite so accessible, is larger, and the grounds themselves will adapt themselves better to the erection of an armory than would the Sixth Street site. The Park Commission plans call for the erection of a very large building on this site, and the plans have been prepared for the armory with a view to conforming fully to the views of the Park Commission as to the type of building to be erected.

Diagram showing relative size of present drill hall for the District of Columbia brigade and New York halls for a single company and single regiments.

Scale, 1 inch=60 feet.

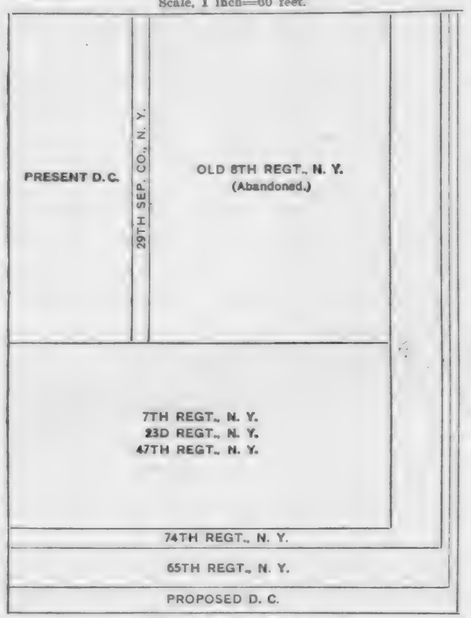

COMPARATIVE SIZE OF DRILL HALL.

	Feet.
Present District of Columbia	200 by 68
Twenty-ninth Separate Company, New York (15,000 square feet)	200 by 75
Eighth Regiment, New York (old building)	200 by 200
Twenty-third Regiment, New York	297 by 197
Forty-seventh Regiment, New York	300 by 197
Seventh Regiment, New York	300 by 200
Seventy-fourth Regiment, New York	309 by 236
Sixty-fifth Regiment, New York	336 by 240
Proposed District of Columbia (for brigade)	350 by 243

GOVERNMENT RENTALS IN THE DISTRICT OF COLUMBIA.

The concurrent resolution (S. Con. Res. 22) to appoint a joint special committee of the Congress to investigate rentals paid by the Government and the District of Columbia was considered by unanimous consent.

The concurrent resolution was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 1, after the words "District of Columbia," to insert: "with the view of ascertaining by what bureaus, departments, and individual representatives thereof contracts for these rentals were made, and with the view of ascertaining further how the rents paid by the Government for premises in the District of Columbia compare with rents previously or subsequently paid for the same or for similar premises," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That a joint special committee of the two Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the Presiding Officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed, by subcommittee or otherwise, to sit during the sessions or recess of Congress, to carefully inquire into the possibility of better utilizing space in the several departments of the General Government and the District of Columbia, and also to make a thorough investigation of the rentals paid by the Government and the District of Columbia, with the view of ascertaining by what bureaus, departments, and individual representatives thereof contracts for these rentals were made, and with the view of ascertaining further how the rents paid by the Government for premises in the District of Columbia compare with rents previously or subsequently paid for the same or for similar premises. Said committee is authorized to employ a stenographer and such other assistants as may be necessary, and shall conclude its investigation and report to the Sixty-third Congress the result thereof, together with its recommendations concerning such legislation, if any, as may be advisable. The expenses incurred by said committee shall be paid equally out of the contingent funds of the Senate and the House of Representatives upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

The amendment was agreed to.

Mr. CULBERSON. I will ask why this resolution went to the Committee to Audit and Control the Contingent Expenses of the Senate? The proposed committee being a joint committee, will the expenses be paid out of the contingent fund of the Senate?

Mr. GALLINGER. No; the expenses will be paid jointly from the contingent funds of the two Houses.

Mr. CULBERSON. Very well.

The concurrent resolution as amended was agreed to.

EXPENSES OF "TITANIC" INVESTIGATION.

The resolution (S. Res. 327) to reimburse the Sergeant at Arms for expenses incurred in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon the subcommittee, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be reimbursed, out of the contingent fund of the Senate, an amount not to exceed $566.71 additional expenses necessarily incurred by order of the subcommittee of the Committee on Commerce in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon said committee.

HEARINGS, COMMITTEE ON NAVAL AFFAIRS.

The resolution (S. Res. 326) authorizing the Committee on Naval Affairs to employ a stenographer to report hearings on bills or other matters pending before the committee was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS, COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

The resolution (S. Res. 317) authorizing the Committee on Pacific Islands and Porto Rico to employ a stenographer to report hearings on bills and other matters pending before the committee was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate. This resolution to take effect from the beginning of the present session.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION CO.

The bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, page 1, line 4, after the word "Company," to insert "or such successors or assigns as may be approved by the Secretary of War," so as to make the section read:

That the consent of the United States is hereby given the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, to locate, construct, maintain, and operate a railroad and tunnel upon and across the property belonging to the United States at Fort Mason, in the State of California, upon such location and under such regulations as shall be approved by the Secretary of War.

Mr. CULBERSON. I will ask the Senator in charge of the bill why is that provision inserted which limits the right of succession to those who may be approved by the Secretary of War?

Mr. BRISTOW. This exposition company will probably cease to exist after the exposition is over; but the tunnel will be a permanent structure, running to the docks of the Government there.

The War Department is anxious to have such a tunnel and railroad, and the exposition company desires their construction. The amendment is simply to provide for their continuance under some possession after the exposition ceases to exist. Any transfer that might be made will be subject to the approval of the Secretary of War, and then the right is reserved to repeal the act at any time if Congress shall so desire, so that I think the Government is amply protected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation in California."

STATISTICS OF COTTON.

Mr. GUGGENHEIM. Owing to the absence of the chairman of the Committee on the Census, I have been requested by the members of the committee to report favorably the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton. I call the attention of the Senator from Georgia to the bill.

Mr. SMITH of Georgia. Mr. President, the bill which has just been reported is quite similar to a bill which the Senate has already passed. The Committee on Agriculture and Forestry had before them the bill which the Senate passed, and I believe were not aware of the fact that the House had already passed a similar bill, that it was in the Senate and was pending before the Census Committee. Our lack of information on the subject was due to the fact that the Census Committee had not had a meeting this year. The bill passed by the House provides that the Director of the Census shall furnish the Bureau of Statistics, Department of Agriculture, such information as he can gather with reference to the volume of cotton in existence and requires that facts covering the volume of cotton on hand be published at the same time crop reports are published with reference to the new crop.

The bill carries no appropriation. It has been submitted to the Senator from Rhode Island [Mr. LIPPITT], who has taken it up with the manufacturers. It originated with the cotton growers, but the Senator from Rhode Island has taken it up with the manufacturers, and they have suggested an amendment which the committee reports and to which I am prepared to agree. The amendment limits the frequency of the reports from the manufacturers to quarterly periods. This being the situation with reference to the bill, I do not think there will be any objection to it; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Census with an amendment, in section 2, page 2, line 6, after the word "hand," to insert "and"; and in line 7, after the word "spindles," to insert "shall be ascertained quarterly in each year," so as to make the section read:

SEC. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to September 1, September 25, October 18, November 1, November 14, December 1, December 13, January 1, January 16, and March 1, and shall be published as soon as possible after these respective dates. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, and the number of active consuming cotton spindles shall be ascertained quarterly in each year, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity of cotton ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported. All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Bureau of Statistics of the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Bureau of Statistics shall publish the same in connection with each of its reports concerning cotton.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ANTI-INJUNCTION BILL.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I will withhold the motion, and yield to the Senator.

Mr. MARTINE of New Jersey. I renew my motion to discharge the Committee on the Judiciary from the further consideration of House bill 23635.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution of the Senator from New Jersey, which the Secretary will state.

The SECRETARY. To discharge the Committee on the Judiciary from further consideration of the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. GALLINGER. Mr. President, had I known the purpose of the genial Senator from New Jersey, I would not have yielded, because, manifestly, his motion will adjourn the Senate, and we shall lose an executive session, which we ought really to have; but, of course, I did yield.

Mr. MARTINE of New Jersey. Mr. President, this matter has been hanging now for three or four days. I could have pressed my motion this morning, which would perhaps have resulted in no quorum and discontinued all legislation for the day; but, yielding to the suggestion made by Senators upon the other side, I deferred my motion until this time. I feel, however, that in justice to the demand that is behind this great question I should press it at this time.

Mr. GALLINGER. I have, of course, no fault to find with the Senator.

The PRESIDENT pro tempore. The motion is before the Senate.

Mr. SUTHERLAND. Mr. President, I want to make a very brief statement about this matter. This is what is known as the anti-injunction bill. It originated in the House, having been introduced by Mr. CLAYTON, and passed the House, I think, on the 15th of last month—a month ago. It came to the Senate—I do not remember the particular day—and was referred to the Committee on the Judiciary. It was recognized as an exceedingly important measure and was referred to a subcommittee of five, of which I am a member. The other members of the committee are the Senator from New York [Mr. ROOT], who is chairman of the subcommittee; the Senator from Minnesota [Mr. NELSON], the Senator from New York [Mr. O'GORMAN], and the Senator from West Virginia [Mr. CHILTON].

The subcommittee has endeavored to have meetings, and has held a number of meetings for the purpose of hearing those who were either opposed to or in favor of the bill; and thus far we have heard quite a large number of persons. During the last three or four days we have held some hearings, but at no meeting have we been able to secure a quorum of the subcommittee. But, notwithstanding that, we have proceeded with the hearings. I personally sat one whole afternoon alone hearing the arguments presented. The Senator from Minnesota [Mr. NELSON] sat another afternoon alone because I could not be present.

The motion to discharge the committee comes from the minority side of the Chamber. The two minority members of the committee have not been able to be present with us at all. I do not complain about that, because I know they have been engaged elsewhere and have been necessarily absent. We all know that at this particular period it is exceedingly difficult to get the members of any committee together, and I think a motion of this kind ought not to be pressed at the present time.

The subcommittee intends to go ahead with this matter just as rapidly as possible, and intends to make its report to the full committee, and I hope the full committee will act upon it and report to the Senate before the session adjourns.

Mr. President, the measure is an exceedingly important one. It involves substantial and vital changes in existing law. There are a very large number of persons in the United States who are interested in it; a very large number who are insisting upon its adoption and another very large number who are very much opposed to the measure; and a measure of such far-reaching importance ought to be given due consideration. It ought not to be hurried through without careful consideration and without giving everybody who is interested, within reasonable limits, an opportunity to present his views.

Mr. MARTINE of New Jersey. Mr. President, I have no desire at all to be unreasonable in the proposition, but I do

insist that while there is a large element in our population opposed to this bill there is, on the other side, an exceedingly large element in favor of it. This proposition or a similar one has had the indorsement of two Republican Presidents. Such a measure passed the House by an overwhelming majority, and there is a powerful public sentiment behind it; and inasmuch as we will next week simply convene for the purpose of recessing and then convene again for the purpose of recessing, and there is no reasonable probability of a declaration being made on this question one way or the other, I feel that in justice to the demand behind this measure I am justified in pressing this question at the present time.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

COAL MINING IN OKLAHOMA.

Mr. GORE. Mr. President, I should like——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. GALLINGER. I yield.

Mr. GORE. When the calendar was under consideration this afternoon Order of Business 645 went over on the objection of the senior Senator from New Hampshire. He has since very kindly assured me that he would not press the objection if the bill came up again.

Mr. GALLINGER. That is correct. I looked for the Senator's colleague, and did not see him, and neither did I see the Senator in the Chamber, and for that reason I asked that the bill go over. I have no objection whatever to its present consideration.

The PRESIDENT pro tempore. The Chair will state to the Senator from Oklahoma that there is pending a resolution offered by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I will defer to the Senator from Oklahoma, but I should like a vote on my proposition.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The PRESIDENT pro tempore. Is there objection?

Mr. HEYBURN. Let the bill be read.

Mr. GORE. I should like to say it is a measure which was introduced by my colleague, and in the passage of which he is vitally interested. I do it on his account.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 1, line 4, after the words "grant to," to insert "the operator of"; and in line 8, after the word "Oklahoma," to insert "not to exceed in any case 640 acres of land," so as to read:

That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal lands of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "faith," to insert "and in only such cases as may be found necessary for the successful administration of such mine," so as to read:

And provided further, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. I rise to a point of order. I insist that there is not a quorum present. I ask that the roll be called.

Mr. GALLINGER. That ends both of us.

Mr. MARTINE of New Jersey. All right.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lodge	Smith, Ariz.
Bacon	Gallinger	Martine, N. J.	Smith, Ga.
Brist ow	Gardner	Myers	Stephenson
Bryan	Gore	Nelson	Sutherland
Catron	Heyburn	Page	Thornton
Culberson	Jones	Pomerene	Wetmore

The PRESIDENT pro tempore. Twenty-four Senators have answered to their names. A quorum of the Senate is not present.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, June 17, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 15, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee O God our heavenly Father to renew our vows and consecrate ourselves to Thee, and by the uplift of prayer receive strength for the duties which wait upon us. We realize that whatever else is of value in life character rises superior to all. Help us, therefore, to add day by day to our character until we reach that perfection in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

Mr. GREEN of Iowa, by unanimous consent, was given leave to withdraw from the files papers relating to bill H. R. 22346, the same not having been acted upon by the committee to which it was referred.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The question is on the pending amendment offered by the gentleman from Georgia last night, which the Clerk will report.

The Clerk read as follows:

Amend, line 6, page 112, by striking out "$75,000" and inserting in lieu thereof "$179,900."

Mr. HOWARD. Mr. Chairman, last night at the adjournment I introduced this amendment to strike out, in line 6, page 112, "$75,000" and insert in lieu thereof "$179,900." The situation, Mr. Chairman, is this—and I have no criticism to make of the Committee on Appropriations for cutting this appropriation to $75,000, because in the year 1910–11 the appropriation was for the identical sum that is carried in this particular bill. But on June 30, 1911, this prison had to its credit the sum of $171,449.05. During the current year from 1911 and 1912 up to the present time the Federal prison in Atlanta had expended $226,449 in construction, and at this time they have a balance on hand amounting to $20,000.

Now, Mr. Chairman, every gentleman on the floor of this House is interested in this appropriation, because every Member has constituents either in Atlanta or at Leavenworth, and when we are legislating for this prison you are legislating for your own constituents.

Mr. SIMS. Desirable citizens? [Laughter.]

Mr. HOWARD. The result is that if this appropriation remains at $75,000 it will be impossible to carry out the provisions of this particular section, because it says that this amount of money "shall become immediately available and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary."

Now, the result of this particular amount being carried, and no additional amount, the prisoners at Atlanta could not be worked up to their full capacity for a period longer than four months. I have a statement from the warden and from the Department of Justice. The Attorney General just a few days ago wrote me this letter. Now, this is a matter of importance to the department, and I do not know as much about it as they do, but the Attorney General says under date of June 5, 1912:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 5, 1912.

Hon. WILLIAM S. HOWARD,
House of Representatives.

MY DEAR MR. HOWARD: You are very familiar with the condition of things at the Atlanta Penitentiary and the needs of pushing the construction of the new buildings there. We estimated for the next year's work for continuing that construction $179,900; in the sundry civil bill as just reported (p. 112, line 6) that estimate has been reduced to $75,000.

I would be very much obliged for such assistance as you might give in bringing about an increase of that amount. You will find in the printed hearings before the subcommittee of the Appropriations Committee in charge of the sundry civil bill, part 2, pages 1448 to 1452, the statement made by the assistant superintendent of prisons as to the needs of construction for the next year.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

Now, here are the actual necessities at this prison. The estimate included $61,000 for general construction, which is needed for the purchase of all necessary materials for supervision not otherwise specifically provided for in other items; $4,500 for lumber and other materials for finishing the building and approaches thereto—the hospital building, which is very much needed at Atlanta. This work ought to be pushed to conclusion as rapidly as possible because of the fact that when the estimates were made for 1913 they only had 600 prisoners at Atlanta, and now we have 946 prisoners there, or the daily average of 835, and the hospital is very much needed. The estimate for that building is $28,900.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HOWARD. That includes all materials necessary for constructing the building, but does not include the amount necessary for furnishing it. At Atlanta they are very much in need of a laundry building. The estimate for that is $20,000. That is a new building, and the amount of the estimate is for material for carrying forward its construction during the coming fiscal year. The residence of the deputy warden is estimated for at $7,000. The construction of that has been commenced. This is for materials and civilian labor for building the deputy warden's residence.

Additions to the power house. The power house was constructed in 1897. They want new boilers, and they need new machinery. It is absolutely essential for the work that is being done at that prison. That is estimated at $45,000. The warden and the Attorney General say that the present power house is inadequate now for the needs of the prison, and they estimate for the cost of installing new boilers and machinery.

Prison dining room, $1,500. The floor there, by the continual use of the prisoners going into their meals and going out, has been worn very much. It is rough and accumulates dirt very rapidly. They need $1,500 for a new floor in the dining room, and that ought to be immediately available. This is to cover the cost of materials for installing a new floor in the dining room. This new floor is absolutely necessary for the health of the prisoners.

This makes an aggregate of $199,900, from which may be deducted $20,000, the available balance on hand at this time. The estimate was submitted, leaving the total necessary appropriation of $179,900. This estimate does not include $61,000 and $64,000 for installing cell fronts and cell plumbing in the new cell blocks.

Mr. Chairman, I do not think that this committee really realizes the importance of making this appropriation available at once. The Atlanta Federal Prison—and I am also informed the same is true of Fort Leavenworth—is, I suppose, the most model prison in the world. The work that is being done by the warden in Atlanta is of the most commendable character. It is really a prison in which the spirit of the law in administering punishment to a man for infraction of the law is being carried out—that is, imprisonment and punishment for the sole purpose of reformation. There are over 30 men in that prison who have life terms to serve, and in 17 years those men have not had even a reprimand for an infraction of the least rule in that prison. The whole system inaugurated by the warden in Atlanta is modern. It is up to date, and he has proven himself to have unusual executive ability, a wonderful control over men, great sympathy for the unfortunate, and we hope that the work of carrying on the construction of this prison in Atlanta will not be retarded by the failure of this committee at this time to make sufficient appropriation for the work to be continued.

I know, as a matter of fact, that the Committee on Appropriations, having a multiplicity of items before them in making up an appropriation bill, can not give to every item thorough consideration, and it is a wonder to me that they do not have more complaints registered by Members as to the amount of appropriations than they do. But I feel they have made this time too small an appropriation for Atlanta. I hope that the gentlemen on the floor and in the committee will vote to give us $179,900. We need it.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FITZGERALD. Mr. Chairman, the gentleman is very much mistaken when he says that the committee does not have information about this item.

Mr. HOWARD. Mr. Chairman, I beg the gentleman's pardon. I did not make that statement. I complimented the committee on making so few mistakes, and I said I thought this was one of them.

Mr. FITZGERALD. Let me say what I desire to say. I said the gentleman is mistaken when he states that we did not have information about these matters. Here was a prison estimated to cost $500,000. There has been expended upon it already the sum of $1,440,000. A firm of architects, under the same kind of contract that was discussed last evening, has received altogether on account of this work $95,203.18. The building of these two prisons at Atlanta and Leavenworth are two of the most interesting governmental enterprises that have ever been undertaken.

Mr. HOWARD. Will the gentleman yield for a minute there, in respect to the architects?

Mr. FITZGERALD. Oh, the gentleman is not interested in the architects.

Mr. HOWARD. I just wanted to ask the gentleman if he did not think that because the architects had gotten these enormous sums of the money instead of its going into the buildings we ought now to have some which we can put into the buildings?

Mr. FITZGERALD. Will not the gentleman permit me to proceed? He has had all the time he wished. The history of these two enterprises is very interesting. They were designed to accommodate at first certain military prisoners. They have been changed and enlarged until over $3,000,000 had been expended upon the two prisons, and nobody has yet been able to determine when they are likely to be completed or what the total expenditure upon them is likely to be.

The reason for the change from one prison to another was the necessity of providing the convicts at these prisons with some sort of work to keep them occupied. It was believed by keeping these prisons under construction at such a rate as would enable the convict labor to be utilized to the largest possible extent that not only could the prisons be completed within some reasonable degree of cost, but that thereby one of the very difficult problems in prison management would be solved. The Attorney General, apparently, has an entirely different notion. He seems to imagine that it is necessary to complete these buildings with a great rush, to finish them as quickly as possible, and after that is done we will be confronted with one of the most troublesome problems that occurs in prison management, and that is to find some means of keeping occupied the prisoners. In the year 1912 the appropriation was $75,000; it was $75,000 in 1911; it was $100,000 in the years 1908, 1909, and 1910; it was $80,000 in 1907; $50,000 in 1906; $200,000 in 1905; $60,000 in 1904; $100,000 in 1903. In this bill there is carried $500,000 to enable the Attorney General to care for the convicts of the United States in State prisons and penitentiaries, in so far as there are insufficient accommodations in the Federal penitentiaries. There is no necessity for crowding these prisoners in these two prisons. The intention of the law is not that they should be crowded, and ample means are given to the Department of Justice to properly care for all the convicts of the United States that have to be cared for. It would be unwise, in my opinion, to attempt this work at the speed which the Attorney General now desires. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 8, noes 22.

So the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "penitentiary," in line 9, page 112, add the following: "*Provided*, That of the appropriation of $75,000 herein made not exceeding $3,500 shall be paid as compensation for the services of an architect or architects."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. BEALL of Texas) there were—ayes 24, noes none.

So the amendment was adopted.

The Clerk read as follows:

(1) Miscellaneous objects, Department of Justice.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after line 13, page 112, the following: "*Provided*, That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits in claims against the United States; detection and prosecution of crimes; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General in United States courts and their officers shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALL of Texas. Mr. Chairman, I do not think it is subject to the point of order. It is clearly a limitation on the appropriation. Mr. Chairman, in my judgment there are certain abuses which have arisen in connection with the expenditure of these various lump-sum appropriations, and this amendment is intended to correct these abuses and these evils. It is aimed at two practices that prevail to a greater or less degree in the Department of Justice. The one is taking a district attorney or an assistant district attorney who was already drawing a salary from the Government and designating him as a special assistant to the Attorney General, perhaps taking him out of his district and out of his State and giving him large compensation for this additional service. Let me call the attention of the committee to one instance in which that has occurred, and while, perhaps, it is the most flagrant case, yet it typifies the practice that is prevailing.

Marion Erwin for many years was district attorney for the southern district of Georgia. As district attorney of that district he received a salary of $3,500 per year. In 1901 he was appointed special assistant to the Attorney General and given charge of the prosecution of the litigation against Carter, Greene, Gaynor, and others. That employment as special assistant to the Attorney General carried with it a salary of $5,000 per annum, and in addition to that a commission of, I believe, 10 per cent upon the net amounts that might be recovered as a result of that litigation. That employment began in 1901. Mr. Erwin continued to be district attorney for the southern district of Georgia until about April, 1912, and during all that time continued his connection as a special assistant to the Attorney General at the salary that I have named.

Mr. SIMS. And collected both salaries?

Mr. BEALL of Texas. And collected both salaries.

Mr. SIMS. His regular salary as district attorney?

Mr. BEALL of Texas. His regular salary as district attorney of $3,500 a year and this additional salary of $5,000 a year. During most of that time, I think I am justified in saying, the duties of his position as special assistant to the Attorney General required his presence in other places than the district in which he was district attorney.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Texas have five minutes additional.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, his salary as district attorney for the 11 years amounted to nearly $40,000. His salary as special assistant to the Attorney General for 11 years amounted to $55,000. In addition, he was paid $2,500 for services antedating his regular appointment and was given a large allowance for expenses, and, in addition to that, a commission upon the total collections made by him in the Greene and Gaynor cases. Mr. Erwin received a total of $100,602 cash up to June last year out of the Greene and Gaynor cases, and about $40,000 for his services as district attorney for the southern district of Georgia.

Mr. SIMS. How much of that sum was commission?

Mr. BEALL of Texas. I can not tell the gentleman the precise sum, but at that time the commissions paid him were about $25,000.

Mr. SIMS. I thought possibly you had it right there.

Mr. BURLESON. Can the gentleman give us the aggregate salary he received during the 11 years, including his special compensation and the commissions?

Mr. BEALL of Texas. In addition to the amount of $100,602 just named he had received the salary of $3,500 per annum, and estimated that about $20,000 would be due him when certain other property had been disposed of. His employment as special assistant still continues and that of district attorney until about April of this year. For the 11 years' service his total payments will probably exceed $150,000. And while we are on the Greene and Gaynor cases let me call the attention of the Committee to another thing. One Edward I. Johnson was a bank examiner at the time the Greene and Gaynor cases came to the front. He was employed by the Department of Justice as a special accountant at $20 a day and expenses, beginning in 1901. That employment continued at that rate until about 1908, when his allowance was increased to $25 a day and expenses. Of course, I have no desire to reflect upon the services of Mr. Johnson. In all probability they were extremely valuable. The record discloses the fact that he was an unusually industrious and diligent man, because during those many years he worked practically all the Sabbath Days. The Fourth of July found him at work. Thanksgiving Day he labored; he did not observe Christmas Day always or all of the other numerous holidays that Government employees usually observe and respect. Incidentally it might be said that on these holidays when he worked he received his usual allowance of $20 a day and expenses and, later, $25 a day and expenses.

Mr. PUJO. Will the gentleman from Texas yield for a question?

Mr. BEALL of Texas. With pleasure.

Mr. PUJO. I desire to call the gentleman's attention to section 1763 of the Revised Statutes of the United States, which reads as follows:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of $2,500 shall receive compensation for discharging the duties of any other office unless expressly authorized by law.

And I would like to ask the gentleman whether or not the employment of these gentlemen in other capacities was in his judgment or not a violation of the section just read from the Revised Statutes of the United States?

The CHAIRMAN. The time of the gentleman from Texas [Mr. BEALL] has expired.

Mr. BEALL of Texas. Mr. Chairman, if it does not trespass too much on the indulgence of the committee, I would like another five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. BEALL of Texas. I will state to the gentleman from Louisiana [Mr. PUJO] that it was undoubtedly the intention of Congress when it enacted that statute to prevent just such occurrences as we have witnessed in the Erwin case and in a number of other cases. But between the Supreme Court of the United States and the Comptroller of the Treasury what appears to me to be the plain meaning of the statute has been construed away, because they have held that these other appointments did not constitute the appointee's offices, and they held that the law applied only to prevent the holding at the same time by any one individual of two offices and that the appointment as special assistant to the Attorney General was not an office in the meaning of the statute.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. BEALL of Texas. Certainly.

Mr. SIMS. What does the gentleman think of the practice of permitting an officer of the law, whose duties are specified, to resign that position and then afterwards to be employed to do the same service at a greatly increased salary?

Mr. BEALL of Texas. I am coming to that proposition. While I am on the Johnson case, I will state that Mr. Johnson received at the time these figures were given, about the middle of last year, for his services in connection with the Greene and Gaynor cases and expenses $126,140.94, and so far as I am advised, the employment of Mr. Johnson in the Greene and Carter cases still continues.

Now, gentlemen, I do not want to have any misunderstanding. I am not seeking to convey the idea that these men have not rendered valuable service. It was an extremely difficult case, and so far as I can judge from the record, these men have prosecuted this case with great diligence and with a considerable degree of success.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. BEALL of Texas. I yield to the gentleman from Illinois.

Mr. CANNON. How many years did this litigation run?

Mr. BEALL of Texas. It has continued from about the year 1901 up to the present time.

Mr. CANNON. And it involved litigation in the United States and in Canada, did it not?

Mr. BEALL of Texas. Yes.

Mr. CANNON. About what was the recovery, finally?

Mr. BEALL of Texas. Well, up to June last there had been recovered in cash $273,372.85. In addition to that, certain property and securities were recovered, the total estimated value thereof being $493,963.90.

Mr. CANNON. And the parties were convicted, were they not?

Mr. BEALL of Texas. Yes. Carter was convicted by court-martial and Greene and Gaynor by the courts.

Mr. CANNON. I know nothing about the case, except that the newspapers were full of it.

Mr. BEALL of Texas. It was a very celebrated case, and I do not doubt but that these officials used their utmost exertions not only to vindicate the law by convicting the violators of it, but also to make recovery in behalf of the United States. The total expenses of the Carter, Greene, and Gaynor cases up to the time this tabulation was made amounted to $381,387.01. The estimated value of the recoveries was $493,963.90.

But that is getting off, Mr. Chairman, from the latter part of the amendment. The latter part of the amendment is intended to correct another abuse that I think is more flagrant and more unjustifiable than the one to which I called your attention, and that is the practice of men holding positions, such as district attorneys or assistant district attorneys, after it has been developed through their offices or otherwise that the Government has a sufficient basis for a prosecution in some particular case, resigning their positions as district attorneys or as assistant district attorneys, with the salaries that are attached to those positions, and then being immediately reemployed by the Department of Justice to perform the very work that they would have been under obligation to perform had they retained their official positions.

Let me call your attention to some of these cases: Some years ago Mr. McReynolds was serving the Government in some capacity at a salary of $5,000 per annum. On the 1st day of January, 1907, he resigned. On the 1st day of February, 1907, he was reemployed by the Department of Justice at a salary of $16,000 and rendered the same character of service to the Government that he was rendering under his appointment at $5,000 per year.

Mr. Stimson was district attorney of the southern district of New York at a salary of $10,000 per year when the sugar-fraud cases came to the surface. Mr. Stimson resigned his position as district attorney of the southern district of New York and was immediately appointed as a special assistant to the Attorney General. Had he remained district attorney for the southern district of New York it would have been his duty as an official to have performed the very service for the Government that he did perform as a special assistant to the Attorney General. Now, I am willing to assume that the service he rendered was an efficient service, and that it brought substantial returns to the Government of the United States.

Mr. CLINE. What was his salary?

Mr. BEALL of Texas. As district attorney his salary was $10,000 a year. As a special assistant to the Attorney General in prosecuting the sugar-fraud inquiries he received $83,000, of which $70,000 was a fee and $14,000 his expenses.

Mr. SIMS. Covering what time?

Mr. BEALL of Texas. Covering probably a year or a year and a half of actual and active service in the prosecution of these cases.

Mr. SIMS. What position does he now occupy?

Mr. BEALL of Texas. Mr. Stimson is now Secretary of War under the present administration, and he was appointed this special assistant to the Attorney General by the present Attorney General of the United States.

Now, Mr. Chairman, I think the most flagrant case is yet to be mentioned. Mr. Winfred T. Denison was assistant to the district attorney for the southern district of New York, Mr. Stimson. As such assistant he received a salary of $4,000 a year, I believe.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask unanimous consent that the gentleman from Texas have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. On March 27, 1909, Mr. Denison resigned as assistant to the district attorney for the southern district of New York. On March 29, 1909, he was appointed special assistant to the Attorney General, his compensation to be determined by the Attorney General on the completion of service, to assist in conducting investigations into the sugar frauds and prosecutions which might result therefrom in the southern district of New York, eastern district of New York, and New Jersey, with authority to conduct grand-jury proceedings, the very character of service that he would have been obligated to perform as assistant to the district attorney of the southern district of New York, and his salary as assistant district attorney was $4,000 a year.

On January 28, 1910, Mr. Denison was appointed Assistant Attorney General at a salary of $5,000 per annum. Between these dates, in March, 1909, and January, 1910, Mr. Denison performed services for which he received the sum of $28,750, together with his expenses, which were small. In other words, he resigned a place paying him $4,000 a year, was immediately appointed to do the very work that he could have done as assistant to the district attorney [Mr. Stimson], who had also resigned to be reemployed, and for that work of about 10 months received $28,000 compensation, and upon the completion of that service returned to the service of the Government at the annual salary of $5,000. Now, I think that presents a condition that requires correction at the hands of Congress, and I offer the amendment, which I trust will be adopted. [Applause.]

Mr. MANN. Mr. Chairman, as I remarked yesterday, the charge for professional services usually seems high to those who do not render the service; but the gentleman only half states the case. I have not personally practiced law very much since I became a Member of Congress, but my junior partner has a very large portion of his time been engaged in the practice of the law on the basis of $100 a day, with extra pay for extra time occupied for long hours of day or evening work. Now, that does not mean that he only renders his services, and it does not mean in these cases that the gentlemen referred to by the gentleman from Texas simply gave their own services. It means that the services of a law office with its clerks, its stenographers, its experts looking up the law, its experts examining into the evidence, from that law office, are brought into play.

Very often there are additional charges for certain work, but in the general class of work the office renders certain services. That is the case with all large firms in every great city. The individual member of the law firm, paid at rather a high rate, does not intend to look into all the details either of the law or the facts in the first instance. I have known my junior partner to keep three stenographers and a number of clerks busy day after day under his supervision with the work which he was doing in court and for which he was paid. Doubtless that is the way in all these cases.

Let us see what the effect of the gentleman's amendment would be. Take the Greene and Gaynor case, a very celebrated case. The main work which was done in that case was not in the recovery which the gentleman refers to, but in the prosecution which resulted in conviction, and which added a great deal to the moral effect of honesty in public life. In that case the district attorney became involved and interested in the prosecution of the case. No reasonable man would expect a district attorney in Georgia to continue the prosecution of that case with the diligence which he ought to use, for the ordinary district attorney's salary. One of two things would be necessary, either that they should engage other counsel in his place or else should pay him in some way additional compensation.

Now, the gentleman proposes by his amendment to insert a provision by which he could not be paid additional pay while he was district attorney, and if he resigned he could not be retained in the case at all. It is an unreasonable proposition, and the district attorney there or anywhere else, engaged in a case of that kind which requires work both night and day and Sunday and holidays, should be allowed extra compensation. The district attorney would not have remained in the case unless he could be paid for extra work performed, if he is the ordinary district attorney or lawyer. No lawyer of ability can afford to give the gray matter in his brain in a great case,

constantly working at all hours in the day, year after year, perhaps, on the basis of $3,500 a year. Nor can the Government expect to obtain the best results by such a course.

A portion of the Greene and Gaynor case was tried in Chicago. The gentlemen on the other side had engaged the best counsel which they could procure. The Government was entitled to have the services of just as eminent counsel and to pay a reasonable sum for those services. The final result in that case justified, in my judgment, what the Government did. But even if the prosecution had not been successful the Government still ought to have had the services of able counsel.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BEALL of Texas. I call the gentleman's attention to the fact that, in addition to the services of Mr. Johnson and Mr. Erwin, the Government paid about $84,000, according to a hasty calculation I have made, for services of other persons, and some of these services, I have no doubt, were rendered in the case at Chicago.

Mr. MANN. Certainly; the man who has charge of a great litigation has to have the services of other lawyers in connection with himself. With half a dozen lawyers representing the other side of the case no lawyer of standing will go into court on a great case and rely solely on his own work and his own ideas and his own judgment in the trying of a lawsuit.

Mr. BEALL of Texas. I want to put a specific case to the gentleman. Does the gentleman believe that it is good public policy—take the condition as it existed with respect to Mr. Erwin—to hold the office of district attorney from 1901 to 1911, and still accept and enjoy this employment, which necessarily carried him out of his district and interfered with the performance of his duties there?

Mr. MANN. I believe that Mr. Erwin, in the work which he did in connection with the case, was entitled to reasonable compensation, and the amount that was paid him was not more than a reasonable compensation. As to whether the district attorney should be paid extra services, instead of resigning the services of the Government, depends upon the facts of each particular case. In this case I think it was far better for the Government to have him retain his office of district attorney and to pay him the extra services, instead of employing outside counsel entirely at a far higher rate of pay.

Mr. BEALL of Texas. My criticism of Mr. Erwin is that he accepted employment in the Green and Gaynor cases, and continued in that service for so many years without resigning his office of district attorney.

Mr. MANN. Whether he neglected any of the work as district attorney, I do not know. The gentleman does not claim that he did. If he had resigned, under the gentleman's amendment he could not have been retained by the Government in charge of this prosecution.

Mr. SIMS. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. SIMS. Like the gentleman, I prefer to do as Mr. Erwin did, but are we not all serving for something beside the mere dollar-and-cents compensation while in office? Should not the district attorney have pride of position and patriotism and love of achievement in mind, and not merely the cold dollars that he gets out of it?

Mr. MANN. A district attorney or any other Government official except Members of Congress is employed upon the basis that he works about so long in the day, and is not expected to do extra work which comes with the management of a great lawsuit. There is no design that he should. Of course we are supposed here to work about 16 hours a day, but we pay ourselves fairly well for it after all. The gentleman refers to the New York case. Of course I do not have the facts except as the gentleman states them, but I have no doubt that in that case the man who resigned in the district attorney's office and was retained, probably upon a per diem basis, did a great deal of work for the Government which in fact was performed by clerks under him whom he privately paid.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman that in addition to the salary he was paid $14,000 for expenses. While I am on my feet I would like to ask the gentleman if he approves the practice of a district attorney developing some great case like the sugar case and then resigning his position as a district attorney and immediately accepting employment at a very greatly increased compensation, or resigning the position of assistant district attorney, with a salary of $4,000 a year, in order to immediately accept a position that paid him $28,000 in just a few months, and then returning to the service of the same Government at a salary of $5,000 a year? I would like to know if the gentleman approves that sort of practice.

Mr. MANN. It depends on the particular case. When the Government has in its employ in the district attorney's office some one who learns the facts and gets the run of a lawsuit which will never be tried in the ordinary course by the district attorney's office, and it is believed the man has the capacity to do that, I do approve of letting him resign from the district attorney's office to take charge of the case, instead of doing what they used to do and what would otherwise be done, namely, employ outside counsel altogether.

It is a familiar fact with every lawyer's office that frequently when a lawyer's office gets control of a big case the lawyers of that office do not try the case, or else one of them disassociates himself entirely from the law work in the office to devote his attention to the particular case. I have known lawyers connected with a law firm who did not go to the office of the law firm—that is, the regular office—for more than a year, because, taking hold of a particular piece of litigation, they organized an outside office for that purpose and gave no attention at all to the ordinary business of the law office. Let us take the case which, I presume, has occurred to the gentleman's mind, though it has not been mentioned, of the distinguished gentleman from Tennessee, who has recently been employed in the Steel Trust investigation. I do not undertake to say whether Mr. Dickinson should have resigned as Secretary of War and should thereafter have been appointed in charge of the Government's case against the Steel Trust, and yet, when it is perfectly patent that somebody would have to be employed, if the executive authorities believed that Mr. Dickinson was the man to be employed, I can see no reason for not employing him and no reason for paying him less than would be paid to other competent counsel.

Mr. SIMS. Mr. Chairman, as a Tennesseean I feel proud of Mr. Dickinson, but at the same time I want to say to the gentleman that if, when a member of the Cabinet, he resigned with an understanding at the time that he was to receive a more lucrative appointment, it is something that ought to be severely condemned. But I do not believe that such were the facts in that case. However, that case is not upon a parallel with the case of the present Secretary of War, who was in office on a salary as district attorney of $10,000 a year, and who resigned that office and was immediately employed to do just what he would have done as district attorney for a period of one year, during which time he was paid about $70,000, and then after that special service expired accepted a $12,000 seat in the Cabinet.

Mr. MANN. However that may be, I know this, that you can not try these great lawsuits in the great cities of the country upon the basis which used to obtain in trying a lawsuit as it is tried in a small country town. You have got to meet the great lawyers of the country in the lawsuits, and the Government ought to meet them with competent counsel.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending amendment close in 10 minutes.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

Mr. SAUNDERS. Mr. Chairman, this debate has illustrated the fact that there is no condition of things however scandalous, that will not find a defender. The material brought to our attention by the gentleman from Texas [Mr. BEALL] discloses a most anomalous and outrageous state of affairs in the administration of one department of our Government. It has been suggested in the course of this argument that a Government employee, such as a district attorney who had been appointed to the Government service with the idea that he will discharge whatever duties may properly attach to his office, is under no obligation to afford his best service in the conduct of a case of unusual difficulty, unless he is afforded additional compensation, so as to make his total allowance commensurate with the fees of the high-priced counsel to whom he may be opposed. This is as much as to say that a soldier who is confronted for the first time with a service of real danger, is justified in refusing to go forward against the enemy unless his pay is then and there advanced. Mr. Chairman, such a doctrine is a reflection upon every Government official in the United States, and if there is any district attorney, or other prosecuting officer who holds to such a view, and claims that with respect to any prosecution of unusual difficulty arising within his district, or fairly appertaining to his discharge of duty, he is under no obligation to render the best service of which he is capable, without thought of additional compensation or regard for the fees of

opposing counsel, then such an official is an unworthy member of the prosecuting branch, and should be dismissed from the Government service. [Applause.]

Such an attitude can not be too strongly condemned as vicious per se, and demoralizing in the extreme. Permit me to give an illustration on this line. In the State of Virginia, from which I come, the attorneys for the Commonwealth prosecute every form of crime. They receive from the State a fee of $10 in a case of felony, and an allowance from the county of from $300 to $1,000 a year.

In many counties the allowance is not as much as $500, and I know of no county in which the allowance is more than $1,000. Yet the very best lawyers in my State are in many cases prosecuting attorneys. Not infrequently they are opposed in felony trials by counsel of the very highest ability who will receive anywhere from $1,000 to $2,500 for their services. It is news indeed to me that in these, or any other prosecutions, the State is not entitled to expect the highest service of which her prosecutors are capable, unless they are afforded a supplementary allowance for the particular case, so as to make his lot measurably equal to those of opposing counsel. As yet we have not reached that attitude, or come to regard the duty of our prosecuting officials from that point of view. Having taken the offices with full knowledge of the compensation attached, these officials prosecute all cases alike, and when opposed by high-priced counsel of exceptional ability, they regard the circumstances as a challenge for the utmost exercise of their powers, rather than an occasion for a demand for additional compensation. I have in mind one Commonwealth's attorney who was promoted from that position to be a judge of the supreme court of my State.

During a long term of office, he rendered services of the highest quality, and prosecuted many of the most important criminal cases in the State of Virginia, for the supposedly pitiful and inadequate compensation I have mentioned. When an attorney is appointed one of the district attorneys of the United States, he is expected to prosecute all the cases arising within his district, whatever their kind, or quality, may be and without regard to the number, mental quality, or caliber of the counsel who may be opposed to him. If it is considered in respect of some particular case that the district attorney ought to give all of his time to it for any considerable proportion of his term, it would be far better and more desirable in every way, including the detail of economy, for the Government to give him an additional assistant at the salary that goes with that appointment, and permit the regularly appointed district attorney to devote himself to the particular subject, or case requiring his undivided attention.

The illustrations that have been furnished by the gentleman from Texas show, as I have said, a most scandalous, outrageous, and I might almost say, disgraceful condition of affairs in connection with official prosecutions by this Government. I am astonished that there could be found anywhere in the United States a district attorney who having been appointed upon the theory that his whole time and his highest service to the fullest capacity of his intellectual make-up should be rendered to the Government which for the time being, is his client, should disregard the plain call of duty, and when confronted with some case of unusual difficulty, should be languid, or indifferent in the discharge of that duty, until his interest is quickened, and his energies stimulated by additional compensation so manipulated and afforded by indirection that in the result it is measurably equal to the fees of counsel for the adversary interest.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. I for one will never admit that such an attitude is a proper one, or that there has been any justification in reason or propriety for the course that has been pursued by the Department of Justice in the cases which have been called to our attention by the gentleman from Texas. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations went very extensively into this matter. Gentlemen will find in the hearings 10 pages of printed matter in which these cases are given. I have never criticised the extent of fees paid in some of these cases. They are very difficult and involved cases, requiring the services of the most eminent lawyers in the United States, who practice law in places where the remuneration is very high and where, if it be necessary for the Government to obtain services of such men, no criticism can be indulged in for the payment to them of the ordinary compensation that would be paid by private individuals. The practice against which the gentleman from Texas [Mr. BEALL] complains is a practice which I believe deserves severe condemnation. I do not agree with the gentleman from Illinois [Mr. MANN] that after a man has been employed as a public servant and in the performance of his duty obtains information of peculiar advantage to the Government he is then justified in resigning from his position and practically blackjacking the Government into employing him at a much larger compensation.

Let me call attention to a case not mentioned by the gentleman from Texas:

Townsend, Burdette D.: Assistant United States attorney, North Dakota, August 12, 1904, $1,200; resigned May 31, 1908.

Special assistant attorney, Oregon, September 26, 1907, case against Southern Pacific Railway Co., re land grants, etc. No additional compensation, but to be allowed expenses and $6 per day in lieu of subsistence.

Special assistant attorney, Oregon, December 24, 1907, being amendment of appointment of September 26, 1907, to the extent that compensation will be determined.

Special assistant attorney, Oregon, June 1, 1908, $4,500 and expenses.

Special assistant to Attorney General, June 8, 1910, coal-land cases in Colorado, etc.; compensation to be determined.

Special assistant to Attorney General, Oregon and California land-grant suits, June 16, 1910; until July 1, 1910, compensation to be at rate of $4,500 per annum; after July 1, 1910, to receive $450 per month on account and final compensation to be determined. Appointment extended from time to time to cover other public-land cases, etc.

Still in service.

Compensation, $31,775.

Here was an attorney who was glad to be an assistant to the United States district attorney, at $1,200 a year for four years, and then by the favor of some high official he is given special appointments which net him in excess of $8,000 a year during the next four years.

The New York cases I have discussed on other occasions. I do not believe that what was done there can be justified. Here were two gentlemen occupying official positions, and they did what they were justified in doing. They announced that at a certain time they could not accept reappointments, and that it was imperative that they retire from public service in order to practice their profession. That, owing to conditions, they were under obligations to their families and themselves to retire from public service and to practice law privately. So they retired, but they were immediately retained in the cases upon which they had be engaged, and after a year one gentleman received $69,000 and the other $28,000 for their services. The unfortunate part of the situation is this: One of these gentlemen who resigned immediately upon the completion of the special work accepted a position at $5,000 a year in the Government service. One gentleman, who asserted that it was absolutely essential that he should quit public life and devote himself to the accumulation of money for his family, became a candidate for high public office in New York State, in which, if he had been successful, he would have had placed upon him financial burdens greater than ever. Having failed in that contest, he accepted a position in the President's Cabinet at $12,000 a year, with burdens which are largely in excess of any that could possibly have fallen upon him in the other position. Of course the unusual distinction of occupying either office might impel sacrifices that otherwise would not be made and perhaps accounts for this action.

Something should be done, however, in my opinion, to reform what I believe to be a grievous abuse. If this amendment will accomplish that result, I shall be glad to see the amendment adopted.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired. The question is on the amendment of the gentleman from Texas [Mr. BEALL].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I notice the amendment commences with "*Provided*," so and so.

Mr. BEALL of Texas. I intended it as a limitation on those appropriations.

Mr. MANN. It is not a proviso, and it is not required to commence with a proviso in order to be a limitation. I suggest to the gentleman to strike out the proviso.

Mr. BEALL of Texas. It is entirely agreeable to me, Mr. Chairman.

The CHAIRMAN. Without objection, the correction will be made.

Mr. MANN. If the Chair understands, the motion is to strike out the proviso.

Mr. BEALL of Texas. I ask that it be simply inserted as a new paragraph.

The CHAIRMAN. The motion is to strike out the word "*Provided*," and insert that which follows as a new paragraph. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask to return to page 34, under the Bureau of Engraving and Printing. A point of order was pending against the provision.

The CHAIRMAN. Beginning on line 12?

Mr. HUGHES of New Jersey. Yes; beginning on line 12. I reserved a point of order against it, and I now make the point of order, Mr. Chairman, if there is no objection to returning,

and ask for a ruling. I do not think it will be contended that it is not subject to a point of order. It is clearly a change of existing law. First, I want to get unanimous consent to return to page 34.

The CHAIRMAN. We have already returned to page 34 for the purpose of considering the point of order.

Mr. HUGHES of New Jersey. Then, Mr. Chairman, I make the point of order which I reserved on the paragraph, beginning on line 12, page 34. The point of order is that the language therein contained is clearly a change of existing law, beginning with the words—

Hereafter the proviso of the act of July 1, 1898 (30 Stat. L., p. 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the back and tints of all United States bonds, and the backs and tints of all United States paper money—

shall not apply, and so forth. I ask for a ruling.

Mr. CAMPBELL. How far down on the next page?

The CHAIRMAN. To what portion does the gentleman make the point of order?

Mr. HUGHES of New Jersey. To the whole paragraph.

Mr. CAMPBELL. Ending on line 4, page 35?

Mr. HUGHES of New Jersey. Ending with line 4, page 35. I make the point of order.

The CHAIRMAN. The Chair is of opinion that at least one part of the paragraph is subject to a point of order, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Miscellaneous objects, Department of Justice.

Mr. MANN. Mr. Chairman, the Clerk just read line 13. The amendment offered by the gentleman from Texas [Mr. BEALL] came in after line 13. I do not know whether the Clerk has it that way or not.

The CHAIRMAN. The Clerk will read, beginning on line 14, page 112.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, to be expended under the direction of the Attorney General, $400,000.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, petitions and resolutions from organizations representing over 30,000 men and women of California, urging an appropriation at this session of Congress sufficient to insure the enforcement of the white-slave-traffic act of June 25, 1910, furnish evidence of the great interest manifested in my State touching the activities of the Department of Justice in this work. I have frequently conferred with the able chairman of the committee, the gentleman from New York [Mr. FITZGERALD], and consulted with the Department of Justice in relation to the amount to be carried in this bill under the head of "Detection and prosecution of crimes."

It was my purpose, in case the appropriation carried was not ample, to offer an amendment from the floor providing a sum fully adequate to carry on this important work, which so vitally concerns the welfare of the women and girls of my native State and of the entire Nation.

My correspondence with the department, however, and the statements of the chairman of this committee satisfy me that the committee has granted the amounts asked for which will permit those in charge of prosecutions under this act to continue in their efforts to wipe out this infamous traffic—a traffic which strikes at the very foundations of the home. I can not too strongly commend the committee for its action. Under the head, "Detection and prosecution of crimes," the last sundry civil bill carried an appropriation of $350,000. Of this amount I am informed that $75,000 was used for the prosecution of violations under this act. The present paragraph carries an appropriation of $400,000, $50,000 greater than the amount carried last year, all of which increase is to be used for the investigation and prosecution of white-slave cases. This will make available a total of $125,000 for this particular work during the fiscal year ending June 30, 1913, an amount which, I am informed by Mr. Finch, is fully adequate to carry on the prosecutions under this act, and which is the full amount that the department has asked for.

I was a member of the Committee on Interstate and Foreign Commerce at the time the white-slave traffic act, the author of which is the gentleman from Illinois [Mr. MANN], then chairman of that committee, was reported, and I am proud to say that I supported that act both in the committee and on the floor of the House, and I propose, as long as I am a Member of this body, to urge at each session appropriations ample to prosecute violations of this act in every section of the country until this terrible traffic is eradicated. [Applause.]

I will ask the Clerk to read a letter that I have received from the department signed by Mr. Finch, special commissioner, showing that this appropriation is ample for the work in the coming fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF SPECIAL COMMISSIONER FOR THE SUPPRESSION OF THE WHITE-SLAVE TRAFFIC,
Washington, D. C., June 3, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have the honor to acknowledge receipt of your letter of the 31st ultimo, which has been referred to me by the Attorney General, regarding the additional funds needed by this department for its work in connection with the suppression of the white-slave traffic.

In reply I beg to advise you that the sum of $50,000 is the full amount which the department is asking, in addition to the amount being expended during the present fiscal year from the appropriation detection and prosecution of crimes, for the purpose above mentioned. It is believed that our expenditures for investigation work in connection with the prosecution of violations of the white-slave traffic act during the present fiscal year will amount to approximately $75,000, so that if the additional $50,000 is provided $125,000 will be available for such expenses during the fiscal year ending June 30, 1913.

As to just what sum will be needed during the coming year it would, of course, be difficult to state at the present time, and it may be that a sum considerable in excess of the amount above stated could be used to advantage. We are, of course, desirous of pushing our work for the suppression of the white-slave traffic with the utmost vigor. It has been thought, however, that we could well undertake our plans for the coming fiscal year with the sum above mentioned, and if it is found as the work progresses that an additional amount will be necessary, a deficiency appropriation might then be requested.

In this connection, I desire to say that the interest which you have taken in the matter of providing additional funds is very heartily appreciated.

Yours, very sincerely,
S. W. FINCH,
Special Commissioner.

Mr. MANN. Mr. Chairman, I think I may be pardoned for saying a word on this subject. As the author of the white-slave law, I have had my attention directed many times to its enforcement, and because of that fact have also consulted with the Attorney General and with Mr. Finch, in the Department of Justice, who had charge of the enforcement of the law. Some of the things which have been revealed, and which were beyond control by the States, are utterly unbelievable, and unless presented in a form where the information must be considered truthful, no one would suppose that conditions could exist which have been proven to be quite common. I said to the gentlemen in the Attorney General's office quite awhile ago that if they would go to the Committee on Appropriations and tell that committee some of the things which they have told me I thought there would be no difficulty in their securing all the money which that committee thought could be properly expended. Whether they did give this information to the Committee on Appropriations I am not informed; but I do believe that the committee have reported a sufficient sum of money to enforce that act properly with all the machinery that will be available during the coming fiscal year.

Mr. FITZGERALD. Mr. Chairman, a statement was made to the committee in line with what has been indicated by the gentleman from Illinois, and the committee inquired how much money could properly be used, and gave the sum that the department said could properly be used.

Mr. BARTLETT. We gave them all they asked for this purpose.

Mr. FITZGERALD. The hearing was not printed. The gentleman understands why.

Mr. MANN. Of course it could not be printed and circulated.

Mr. FITZGERALD. Everybody who heard it felt, I think, that whatever the department said it could efficiently use in this work ought to be appropriated; and as long as it was not conducting a careless or improper campaign, but was working legitimately, the committee felt that it should be given, and it has been given, the sum requested.

Mr. BARTLETT. Mr. Chairman, since the matter of the enforcement of what is known as the white-slave act is under discussion, I desire to say this: I did not agree with the gentleman from Illinois [Mr. MANN] or the other members of the Committee on Interstate and Foreign Commerce of the House, of which for many years I was a member, in the presentation of the bill which passed Congress, nor did I vote for it. Together with the gentleman from Alabama [Mr. RICHARDSON] and the gentleman from Georgia, my colleague [Mr. ADAMSON], I opposed it, not because I was not in favor of prosecuting

crimes of this sort vigorously and efficiently, but because I thought it was an unauthorized and unconstitutional exercise of power by the Congress to enact such a law. I believed then, and I am of that opinion still, that the punishment of all crimes of this character in the various States was a function that did not devolve upon the General Government, but was specifically lodged in the State governments and reserved there for all time by the Constitution and the tenth amendment to that instrument.

My opinion upon that proposition was not sustained by the House or by the Congress. It is true I found myself in the minority upon the subject, as I have often found myself upon questions of this character, but I did not hesitate even on so important legislation as this, which had behind it the influences that it had, to voice and to vote my opinion upon the subject. We are yet awaiting the final decision of the Supreme Court of the United States upon the constitutionality of this statute, because at the last term the Supreme Court granted certiorari in a number of cases to be brought before that court in which the constitutionality of this act is involved, and we are at last to have it determined.

I will not say, Mr. Chairman, that I hope the Supreme Court will sustain the constitutionality of the act, but I will not regret it if it shall be upheld, thereby enabling the courts of the country to eradicate and destroy this great evil.

I believe the duty of protecting the morals, the health, and the general welfare of the particular localities in a State is lodged with the State, and ought to remain there and be enforced by the State. I note from the hearings that there have been in the last 9 months prosecutions of 219 indictments; that there have been 135 convictions, 9 verdicts of not guilty, 12 cases nolle prossed, and there are still 63 cases pending. The total penitentiary and jail sentences amount to 241 years 6 months and 27 days.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I should like two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. These sentences are not too severe for the punishment of this crime, if it shall be determined that the Congress of the United States and the courts of the United States have the proper jurisdiction.

The States have attempted to enforce the laws and have enforced the laws. There never was any opposition on my part to this legislation except that it was founded in the conviction that the State and not Congress have the sole power to protect its communities and localities from immorality and vice. I have never come to the conclusion—and I shall be very slow to come to the conclusion—that immorality and vice are commerce within the meaning of the interstate-commerce clause of the Constitution.

I gladly approve, Mr. Chairman and gentlemen, of the efficient and prompt enforcement of this law as it now stands on the statute book. I will cheerfully vote for the full amount that the Department of Justice has asked for the enforcement of the law against that great crime and evil, and if it should require more I would give my vote for a larger sum. As long as the law is on the statute book until it shall be declared not within the power of Congress to pass it I shall vote to do all that can be done to efficiently and radically stamp out this great crime against the morals of the people. [Applause.]

The Clerk read as follows:

Traveling and miscellaneous expenses: For traveling and other miscellaneous and emergency expenses, including advances made by the disbursing clerk, authorized and approved by the Attorney General, to be expended at his discretion, the provisions of the first paragraph of section 3648, Revised Statues, to the contrary notwithstanding, $10,000.

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if it would not be possible in the arrangement of this bill to incorporate in a single paragraph all the appropriations that might be available for the purpose of travel. In this item there is carried $10,000. Large sums are used out of lump-sum appropriations for identically the same purpose. It would be much better and wiser, and I think more economical, if a separate paragraph might include all the appropriations for traveling expenses.

The same thing is true of expenses for printing done in the Department of Justice. The direct appropriation is made for printing for that department, and yet all these various lump-sum appropriations can be drawn upon, and many of them are drawn upon, for the purpose of paying the expenses connected with the printing in that department. No Member of the House looking at this bill can form any conception as to the actual amount of expenditure that is possible for the purpose of travel, or for printing, or for perhaps some other purpse. I should like to have the opinion of the chairman as to whether or not that condition might not be corrected so that Members might know and so that the department might know just the amount that the department would be permitted to expend for each of these several items.

Mr. FITZGERALD. Mr. Chairman, it is very difficult to determine which is the better way to arrange these appropriations. At present they are arranged for the particular service, and they include all of the various matters that may be necessary to be performed in connection with that service. The Department of Justice, I believe, is the only department which is authorized to have printing done out of these appropriations in addition to the allotment for the department. It is because of the peculiar situation in the Department of Justice. In the conduct of law business of the United States it is practically impossible to make any estimate in advance as to what cases will be taken up—the extent of the briefs and matters of that character—that may be necessary to be appropriated for. Printing is authorized to be done because it is printing for that peculiar class of business covered by this item.

Travel is another item that it is difficult to appropriate for. We appropriate, for instance, $10,000 to enable the Attorney General to conduct a certain class of cases. That includes compensation of the attorney, certain clerical services, the printing that is to be done; and if it is necessary for the attorney to travel the item is so framed as to permit the payment of the traveling expenses out of that appropriation. In that way it is possible to keep track of the cost of certain services. It prevents the grouping of all transportation items and all printing items and all items for clerical services; but the experience of the past has shown it to be the best way to enable Congress to determine the extent to which each appropriation should be made for special services. Sometimes it is difficult to tell which would be the better way, but I think the experience of the House has been that it is necessary to adopt this method of keeping track of certain incidental expenses, and no feasible method has ever been determined upon for the adoption of any other system.

Mr. BEALL of Texas. Mr. Chairman, I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5790. An act for the relief of C. E. Moore;

S. 7096. An act to increase the limit of cost of the public building at Narragansett Pier, R. I.;

S. 7015. An act to provide American registry for the steamer *Damara;*

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York;

S. 6573. An act to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; and

S. 6299. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $200,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 115, line 5, strike out "$200,000" and insert "$250,000."

Mr. CANNON. Mr. Chairman, this is an appropriation for the enforcement of the antitrust laws. Originally this appropriation was a continuing one. It is no longer a continuing one. It is an annual appropriation. In 1904 in the legislative bill the appropriation was for $500,000. In 1908 it was for $250,000;

in 1909, $250,000 with a reappropriation of unexpended balances of $100,000. The appropriations for 1911 were $200,000 and for 1912 $200,000. The estimate is for $250,000.

Mr. MANN. There was a supplemental estimate of $50,000.

Mr. CANNON. Yes. For the purpose of what I desire to say I shall read from the hearings at page 1505. Mr. Fowler represented the department, at the direction of the Attorney General. After speaking of the steel case and various other cases, he said:

Mr. FOWLER. In nearly all of those cases there is quite a number of them. Take the Lake Shore & Michigan Railroad case, about which I spoke. We did not employ special counsel in that case—it was in charge of one of our salaried attorneys, who was being paid $4,500—but we did not hesitate to put it in his charge, because he is an able young lawyer. But on the other side was Mr. Maxwell, of Cincinnati, who is one of the ablest lawyers at the American bar, and two or three lawyers from Cleveland, Ohio—Mr. Squires, and Hoyt, Dustin & Kelly, and, I think, three or four lawyers in addition to those. There were three railroad defendants, and each railroad had its lawyers. Those are the kind of lawyers we meet in all of those cases. And if you can see your way clear I would much rather you would increase that appropriation than to reduce it.

The CHAIRMAN. We can not increase it if you do not estimate for it.

Mr. FOWLER. If we had it to do over, we would ask for it, and I am asking for it now.

The CHAIRMAN. That is not the way to do it; you should estimate for it.

Mr. CANNON. Well, how much do you need?

Mr. FOWLER. I think the appropriation ought to be $300,000.

The CHAIRMAN. Then you should have sent in such an estimate.

Mr. FOWLER. This estimate was made six months ago. At that time we did not realize what the additional expense was going to be, or that there was going to be this heavy increase in litigation.

[The time of Mr. CANNON having expired, by unanimous consent he was granted leave to continue for five minutes longer.]

Continuing from the middle of page 1506, I read the following:

Mr. CANNON. What I want to know is this: Have you several hundred thousand dollars unexpended from former appropriations or have all of the balances been covered into the Treasury?

Mr. FIELD. Those balances were all exhausted one or two years ago.

Mr. CANNON. So that everything is exhausted except for the current year?

Mr. FIELD. Yes, sir.

Mr. Chairman, there are many very important cases, and sometimes criticism has been made that ought not to have been made. Criticism has been made sometimes that some of these cases ought not to have begun, as in the case of the United Shoe Co. and various others. Without expressing any opinion, because I do not know whether these prosecutions are well founded or not, there is the law, and the department asks for $300,000 for the enforcement of the law. The country is interested in the enforcement of the antitrust law. Much of criticism has been made in former years against nearly all of the administrations, because of the fact that these prosecutions have not been efficient. Criticism was made against the Cleveland administration, against the McKinley administration, and against the Roosevelt administration.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. BARTLETT. The gentleman recalls that in 1902 the first appropriation was made specifically for this purpose.

Mr. CANNON. Precisely, I do. But there is much of criticism that with the funds available under the appropriations this act was not enforced. I am not going to say, and it is no part of my purpose at this time to raise the question of whether the criticism was well founded or not. Political platforms of all parties have demanded the enforcement of this law. I believe it is true that the prosecutions under the present administration have been more frequent and greater success has attended them than at all times heretofore since the enactment of the law. Instead of giving $300,000, which was $50,000 over the regular estimate that was submitted, the committee proposes to give and recommends $200,000, which is $50,000 less than the estimate, less than the amount which the department says is absolutely required. This amendment is to increase this $50,000, to bring it up to the amount of the estimate.

Mr. BARTLETT. Mr. Chairman, it may be well to recall the history of this specific appropriation for the enforcement of the antitrust law. For years we had in the Republican platform and otherwise a declaration that the Republican Party was in favor of the vigorous enforcement of what is known as the Sherman antitrust law, but very little fulfillment of the promise contained in the platform. No very serious effort was made for years to enforce the law. The first effort was made when Attorney General Harmon proceeded against the Trans-Missouri Association and the Freight Traffic Association and the Addystone Pipe Co. For years the law slumbered upon the statute books. In 1901 the President of the United States sent to this Congress a message in which he specifically requested that funds be appropriated specifically for the enforcement of that law. The Republican Party was then in power in this House and in the Senate and in all the branches of the Government, yet it took no steps to answer that demand of the President and appropriate the funds necessary to enforce vigorously the law.

In December, 1902, when the legislative, judicial, and executive appropriation bill was being considered by this House, when the paragraph pertaining to the Department of Justice was reached I offered upon the floor of the House an amendment appropriating $250,000 for the purpose of prosecuting violations of the antitrust law and violations of the interstate commerce act, at the same time directing that the Attorney General proceed against all violators of those two laws. The distinguished gentleman from Illinois [Mr. CANNON] was at that time chairman of the Committee on Appropriations. The gentleman from Pennsylvania, Gen. Bingham, was in charge of the bill upon the floor. He promptly reserved the point of order against the amendment, but, at the suggestion of the chairman of the committee, the point was not made or even reserved. The proposition made from this side of the House to appropriate $250,000 for that specific purpose, at the suggestion of the chairman of the committee, the gentleman from Illinois, Mr. CANNON, was increased to $500,000.

So that whatever credit there may be of inaugurating this particular item in an appropriation bill, whatever credit there may be of first providing a specific sum for the prosecution and the enforcement of this law, belongs to this side of the House, and was offered by the gentleman from Georgia—myself.

Mr. CANNON. Was the point of order sustained?

Mr. BARTLETT. It was not made.

Mr. CANNON. Oh, it was not made.

Mr. BARTLETT. And the gentleman from Illinois, if he will recall the incident——

Mr. CANNON. I do not recollect about it.

Mr. BARTLETT. The record shows, and I will produce it——

Mr. CANNON. What is the fact about it?

Mr. BARTLETT. The fact is that the gentleman from Illinois was so anxious that the point of order should not be made that in hot haste he rushed from his seat over to where Gen. Bingham was and caught him by his coat and said, "You must not make it." That is the incident.

Mr. CANNON. I am perfectly willing that the gentleman from Georgia should have all the credit in the world.

Mr. BARTLETT. And I am perfectly willing the gentleman from Illinois should have the credit of not opposing it, too.

Mr. CANNON. All right. Now, then, if the gentleman will allow me——

Mr. BARTLETT. Surely.

Mr. CANNON. Just at this point, because the gentleman will get more time if he desires it.

Mr. BARTLETT. Thank you, sir.

Mr. CANNON. That appropriation was $500,000.

Mr. BARTLETT. Yes.

Mr. CANNON. On the legislative bill. It really belonged on the sundry civil bill, but that makes no difference. Now, then, this appropriation with the Democracy in power in this House is not $500,000. The estimate is $250,000, and you report $200,000. Will my friend be halfway as anxious now as he was then?

Mr. BARTLETT. I will vote every dollar necessary to carry out this law. [Applause.]

I will quote from the CONGRESSIONAL RECORD, which shows the following facts relative to the incident I have referred to.

PROSECUTION OF THE TRUSTS.

On December 17, 1902, when the legislative, executive, and judicial appropriation bill was before the House and the item making appropriations for the Department of Justice had been read, Mr. BARTLETT offered the following amendment:

"For the purpose of enforcing the antitrust laws of the United States and to enable the Attorney General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of $250,000, or so much thereof as may, in the judgment of the Attorney General, be necessary, to be expended under the direction of the Attorney General, and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States." (Vol. 36, CONGRESSIONAL RECORD, p. 410.)

Mr. Bingham, in charge of the bill, said:

"I will make no point of order against that proposition."

Mr. Overstreet said:

"There is no such law known to the statutes as the antitrust law."

Mr. UNDERWOOD said:

"I understand that the disposition here is not to create a new statute, but to provide the Attorney General with the necessary funds by which he can enforce the law now on the statute books."

Mr. Hepburn offered the following as a substitute for the amendment offered by Mr. BARTLETT:

"That for the enforcement of the provisions of the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, and sections 73, 74, 75, and 76 of the act entitled 'An act to reduce taxation, to provide revenue for the

Government, and for other purposes,' approved August 27, 1894, the sum of $250,000 is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying" (p. 411).

Mr. CANNON said:

"But the gentleman from Georgia moved his amendment; no point of order was made upon it—the point, I think, being properly withheld—and that proposition is now before us for consideration. For one I am quite willing to settle it here, so far as we can, and would suggest to the gentleman from Iowa that he increase the sum from $250,000, as proposed in the substitute he moves, to $500,000, and that he make the appropriation immediately available."

Mr. Hepburn accepted these suggestions, and his substitute was amended accordingly.

Mr. BARTLETT said:

"The committee of which the gentleman from Indiana [Overstreet] is a distinguished and honored member has not for a number of years reported any bill or done anything else to relieve the country from the exactions of the trusts, not even when the President of the United States, in his message of December of last year as well as the one delivered to the House at the beginning of the present session, has recommended that some resolute and practical legislation should be enacted to correct the evil of the trusts. And I say that the gentleman does not stand in a position to complain when other Members of the House see fit to propose that funds be put at the disposal of the Attorney General with which to prosecute the trusts of this country. * * * I offered this because it did not appear that any member of the majority intended to do anything to aid the Attorney General or do anything toward prosecuting the trusts of this country or to carry out the recommendation of the President."

Further on he said:

"The Republican Party has been masquerading sufficiently before the country on the subject of their opposition to the trusts, and for one I want to put this amendment before the House, that it may be voted on."

Mr. UNDERWOOD said:

"In fact, he [Grosvenor] points with pride to one or two cases where the Republican Party has actually used the law on the statute books to suppress certain trusts that it was not in partnership with, but I want to ask him, if the law that he takes so much pride in, the law that he says is effective and can suppress trusts, is on the statute books. Why has not the Republican Party, which has been in power since 1896 and which has had absolute control of the legislative and executive branches of this Government since 1896, suppressed the trusts? I would ask him, Why, since the Republican Party has had complete control of the Executive—the President, the Attorney General, and Congress, with the power to provide money—it has not suppressed the trusts? Enumerate in your own mind and before the people the trusts that are a living menace to the people to-day, and yet, according to the confessions of your own leader, you have had the law in your hands and have had the power and the ability to suppress those trusts since 1896 and have not done it."

"Now, I congratulate the gentleman from Iowa [Mr. Hepburn] and the gentleman from Illinois [Mr. CANNON] that when this side of the House offers an amendment to this bill to aid the Attorney General and the Executive of this great Government to enforce the law against the trusts they had the manhood to stand up for the masses of the common people of this country; that they have had the manhood and the courage, notwithstanding the political line, to come across and accept the proposition we made and aid us in the enactment of this legislation, which will do something toward suppressing the evils the people are crying against."

The substitute was then adopted and the amendment as amended by the substitute adopted without division. (Vol. 36, p. 419.)

But, Mr. Chairman, a very distinguished Republican who is now a militant candidate for the Presidency before the Chicago convention, who seems to have forgotten the dignity and the propriety incident to even a candidacy for the first time by those who desire to become the Chief Magistrate of this country, in a message in 1908, which I hold in my hand, recommended to the House that this law should be superseded by some other law which would take away from the courts the right to decide these violations and place it with the Executive, and in speeches made in recent months this same militant candidate for the Presidency has said that it is farcical and useless to undertake to enforce that law, and proposes now as a part of his political creed upon which he proposes to seek the nomination, and, if nominated, to seek election at the hands of the American people, that you supersede this law, proposes to create a commission by which the antitrust law shall be enforced, not by the courts but by a commission or Executive order.

And we find the remarkable spectacle presented in American history that a former President of the United States, who was vigorous and violent in his denunciation of the violation of the laws of the country by the great combination of the criminal rich, to-day the chosen candidate of the greatest industrial combination on the face of the earth; and the millions of dollars that have been spent in the primaries and the millions of dollars more that will be spent in the coming election, should he be nominated, is being furnished by two of these so-called alleged violators of the antitrust law, and Perkins of the Steel Trust and McCormick of the Harvester Trust have contributed of that sum, so we are informed in the press of the country, nearly half a million dollars. So that, Mr. Chairman, I have called attention to the fact that in 1902 the then President of the United States demanded of the Congress that we furnish a sufficient sum to prosecute the violators of the antitrust law. I call attention to the fact that later, in 1908, he recommended that that law be superseded by some other law, because it was idle to undertake to enforce it. I call attention to the fact that he now claims that business, good trusts, should not be prosecuted, but we should have a commission not only to regulate their business but to fix their prices. And when that announcement has been made I call attention to the fact that this commission, as first suggested by Judge Gary, of the Steel Corporation, the idea of an industrial commission to regulate the sale, the manufacture, and the conduct of the business of these great corporations, and who first suggested that the prices even of their products be regulated, I call attention to the fact that since one of the candidates for the Presidency, a former President of the United States, advocated that measure, he has forgotten all he had said about combinations of wealth and "the criminal rich."

I here present the testimony of George W. Perkins, at that time an officer in the United States Steel Corporation, as given before the committee to investigate the said steel corporation on August 11, 1911, in detailing the circumstances of the promptness with which President Roosevelt acquiesced in the absorption of the Tennessee Coal & Iron Co. by the Steel Corporation in 1907:

Mr. PERKINS. I got the telephone to the White House opened about 9.30 o'clock on Monday morning, and talked with Mr. Loeb, and found that Judge Gary had just come in, and that he and Mr. Frick were with the President. I asked him if he could not find out before time for the trust companies to open and the exchange opened what the President's view was likely to be. Judge Gary came on the phone about a quarter of 10 and said that the President was considering it, and that he would call me again in a few minutes. At five minutes of 10, as I remember it, he came back to the phone and said that the President felt that under all the circumstances he had no right to interfere, and that therefore he and Mr. Frick were willing to report to us that they would come back to New York and vote with the committee to acquire that stock. I immediately let that be known—it was just three or four minutes of 10 o'clock—for the effect that was to have on the trust companies' opening and on Moore & Schley's loans. I simply state that to show you how close, to almost minutes, this thing had resolved itself to.

Mr. BARTLETT. You got into communication with the Executive Office at about 9.30 a. m.?

Mr. PERKINS. Yes, sir.

Mr. BARTLETT. And you were informed that Judge Gary and Mr. Frick were in conference with the President?

Mr. PERKINS. Had just come in to see him.

Mr. BARTLETT. And about 10 minutes to 10, 20 minutes thereafter, you got this message that loosened up this whole matter?

Mr. PERKINS. It was very close to 10 o'clock. How long they had been with the President at that time, I do not know.

Mr. BARTLETT. This question, which had troubled your lawyers and eminent counsel, was decided by the Chief Executive in less than 20 minutes?

Mr. PERKINS. I beg your pardon, but I do not think that is the situation at all. I never thought that the President was passing on the technical legal question.

Mr. LITTLETON. I do not think anybody thought so.

Mr. BARTLETT. No; I do not think he thought he was. I do not think he paid any attention to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I will ask for 10 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that he be given 10 minutes more? [After a pause.] No objection is heard.

Mr. BARTLETT. And these criminal rich are now contributing fabulous sums to his campaign funds. I read from the Washington Post of recent date:

$1,250,000 TO BOOM T. R.—WALL STREET HEARS THAT SUM HAS BEEN EXPENDED IN PRIMARIES.

[Special to the Washington Post.]

NEW YORK, *June* 4.

Wall Street to-day heard from what is regarded as authoritative sources that the Roosevelt campaign managers had dispensed more than $1,250,000 in connection with the primaries up to the close of the work in New Jersey. Principal contributors to this fund, it was declared, were George W. Perkins $200,000, Frank A. Munsey $70,000, and certain interests in connection with the Steel Trust, the Harvester Trust, and the anthracite roads.

Who are the men? We hear him now advocating the different methods of conducting this great business and controlling it, and we find lined in his defense men who have in former years received his denunciation, calling them violators of the law and belonging to the criminal rich. Judge Gary, president of the steel corporation, in testimony before that committee, was the first man that officially came before a committee of Congress and suggested the proposition that Congress ought to permit these corporations to be controlled by a commission and their prices be regulated.

I have them, and I will put them in the RECORD, statements from the public prints of the sums contributed to Mr. Roosevelt's campaign. There was contributed by Mr. George W. Perkins, $200,000. The steel corporation contributed $75,000, through

Mr. Munsey, a stockholder of that corporation, and large sums by Mr. McCormick, the Harvester Trust man. You speak about the enforcement of this law. Let me tell you some of the elements that are now published with reference to the prosecution of the Steel Trust—and I call it a "trust" for short.

But, occupying the position that I happen to occupy on this floor, I do not care to denominate it as a "trust" for the present, and therefore if I use that term I do it not with a view of saying that is my position now, because I may be called upon officially to render an opinion upon that. But there came a time when it was important to the steel corporation to secure, if it could, a monopoly—in 1907—by the purchase of the Tennessee Coal & Iron Co. They said they could not do it unless they had the assurance of some one in authority that it was not a violation of the law. And after making all arrangements they chartered a special train, and they sent the president of the steel corporation, Mr. Frick—and you must remember that Mr. Frick made another voyage in 1904, not for the purpose of protecting the steel corporation, but for the purpose of finding out if contributions could be made to campaign funds in 1904—and the President of the United States met Mr. Gary and Mr. Frick and Mr. Roor in the Executive Mansion at 9.30 a. m. Perkins stood listening in New York with a telephone receiver at his ear in order to learn what decision the President of the United States had come to.

And, waiting, he received the information from Loeb, the clerk, at 9.30 that Mr. Gary and Mr. Frick had just come in to see the President according to the agreement made on Sunday, the day before, and that he would hear from them in a few minutes. At 8 minutes to 10 Perkins, with the telephone still to his ear, with the line chartered and waiting, received the information that the President had said that the proposed purchase of the only great rival of the steel corporation by that corporation would not be interfered with by him, and the news was then flashed to the stock exchange that the President of the United States had agreed not to interfere then or thereafter with the prosecution of the steel corporation for purchasing the Tennessee Coal & Iron Co. property. And it was purchased.

I will not go on here in detail, but later on it may devolve upon me to say to the House whether that was a violation of the law or not. But I do know that the then President of the United States, in November, 1907, decided in 10 minutes that that was not a violation or was not such a violation of the law as would require him to interfere, when it had taken the lawyers of the Government and the Supreme Court of the United States nearly 18 years to determine the law of the country.

Now, Perkins and Gary and Frick got the acquiescence of the then President of the United States in 15 minutes, after submitting the case to him, to purchase the Tennessee Coal & Iron Co.; and for that or some other reason with immense millions these immense corporations are backing the then President of the United States, who is now endeavoring to violate the rules and precedents of this great country to become for the third time the President of the United States.

Mr. Chairman, the country can not attribute to patriotism or to love of country or to a desire for good government the action of the interests represented by Perkins and by McCormick in spending their money in behalf of Mr. Roosevelt's campaign. Well can they afford to pay his campaign expenses, both in the primary and in the election, and take the only chance that seems to be left to them to secure the abandonment of the prosecution of the United States Steel Corporation, now being vigorously prosecuted by the present fearless and able Chief Executive. [Applause.]

I am not his political defender. I do not expect to vote for him should he be nominated. But I have admiration for a man of courage and of will. I have admiration for—

Men who possess opinions and a will;
Men who have honor; men who will not lie.

[Applause.]

But whatever his fate politically may be in this contest, I have this to say of him: That I believe if this country is to be afflicted with any Republican President, the interests of the people who love the Government and its institutions, the interests of the people who are devoted to that form of Government that was cemented with the blood of the fathers and builded, I hope, on the eternal rock of right and justice, will be subserved by him better than his opponent, and my people prefer him to any other Republican candidate. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JACKSON. Mr. Chairman——

Mr. BARTLETT. Does the gentleman want to interrupt me?

Mr. JACKSON. No. I wanted to say a few words in my own time.

Mr. BARTLETT. Now, Mr. Chairman, another thing. This paragraph is for the enforcement of the antitrust law. I have shown you where the former President once stood and I have shown you where he stands now. I have shown you that it was left for the Democratic minority to answer his demand that funds be appropriated to carry on these prosecutions.

But there is another thing that I desire to call to your attention. In the enforcement of this law there was employed as a special Assistant Attorney General from this trust appropriation made in 1905 an eminent lawyer for the prosecution, specifically, of the Atchison, Topeka & Santa Fe Railway, the compensation to be thereafter determined, and $1,000 was paid him as retainer. That able lawyer, that great man who was sought to be employed, and who was employed in the prosecution of this alleged criminal violation of the law, was the present governor of Ohio, Judge Harmon.

He began to prosecute that suit, and when it was developed that instead of being a mere violation of the law, a mere proceeding where directions were given to file proceedings in the equity side of the court, it was an altogether different sort of a case, he used this famous expression to the President, that "Guilt is personal," and that personal guilt in the violation of the statute was brought directly home to a former Secretary of the Navy in the administration of President Roosevelt; whereupon Mr. Harmon and Mr. Judson, who had been employed by the Department of Justice to prosecute these violators of the law, because they claimed that a mere punishment by fine and taking money out of the coffers of these corporations was not a proper enforcement of the law, and asserted that this guilt was personal, were directed to discontinue the prosecution and were discharged as attorneys for the Government.

Oh, it is great to parade around the country, booted and spurred and topped with a cocked hat and armed with "the big stick," proclaiming that one stands for what is good and against what is wrong as our former President is doing. It is great to talk to the crowd and declaim against "the criminal rich." But whenever the criminal rich are his personal friends and contributors to his campaign funds in the past and in the present and are expected to contribute further campaign funds in the future, this great apostle of "the people's rights" and opponent of "the criminal rich" and "the criminal corporations" either forbids the prosecution or acquiesces in its abandonment and directs its discontinuance.

O Mr. Chairman, I repeat again, in this hour not only the Republican Party but the country needs—

Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I shall not at this time take the trouble to reply to the irrelevant remarks of my friend from Georgia [Mr. BARTLETT] concerning ex-President Roosevelt. The fact is that we have heard a good many references of this sort recently on the Democratic side of the aisle. All of them are inspired by pure fear. [Applause on the Republican side.]

Mr. GARNER. That is the gentleman's theory.

Mr. MANN. The Colonel has got the Democratic side scared to death.

Mr. BARTLETT. He has got you standpatters skinned to death.

Mr. MANN. I do not propose to discuss the question as to who should be the nominee at the Chicago convention, but whoever is the nominee——

Mr. FITZGERALD. Will not have a chance. [Applause on the Democratic side.]

Mr. MANN. I have been here a good many years, and have heard that same statement every time on that side of the House, and every time the result has been the same. We have licked you to death, and we will do it again. [Applause on the Republican side.]

Mr. BARTLETT. Hope springs eternal in the human breast.

Mr. MANN. I hope I may be pardoned now for referring to the subject matter under consideration. This item in the bill has been referred to by the gentleman from Georgia [Mr. BARTLETT]. I remember when he offered on the floor an amendment, I think, for $250,000——

Mr. BARTLETT. That is right.

Mr. MANN. For the enforcement of the antitrust law. Smart, keen, and bright as he is, the gentleman from Georgia was endeavoring to put the Republican side of the House in a hole.

Mr. BARTLETT. Oh, no; if the gentleman will permit me.

Mr. MANN. The gentleman was trying to put the Republican side of the House in a hole, and that is no reflection on the gentleman.

Mr. BARTLETT. Will the gentleman permit an interruption? I do not want to make another speech.

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman will not charge me with that. While I would be very glad at all times——

Mr. MANN. I will withdraw my statement that he was trying to put the Republican Party in a hole. He came very near putting the Republican Party in the House in a hole. As I recall, the gentleman from Iowa, Mr. Hepburn, came back with a proposition to increase the amount to $500,000, and that coming from the Republican side of the House, the Republicans voted it into the bill, and then they were the ones who had proposed half a million dollars, instead of giving the credit to the gentleman from Georgia [Mr. BARTLETT] of proposing a quarter of a million dollars.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman from Georgia promptly called the bluff of the gentleman from Iowa, Mr. Hepburn, and accepted the amendment, and the next year they spent $20,000 of the $500,000.

Mr. MANN. Which showed that that amount was not necessary at that time.

Mr. BARTLETT. Not when you did not try to enforce the law.

Mr. MANN. But here is the fact: The Sherman antitrust law had been on the statute books for many years. All of the time we were hearing from gentlemen who were complaining that the administrations had not enforced the law. There was complaint from this side of the House that the Cleveland administration had not enforced the law and complaint from that side of the House that the McKinley administration had not enforced the law and that the Roosevelt administration was not enforcing the law, when the fact was that Congress had not made the appropriation necessary for the enforcement of the law. Then we made the appropriation. Now the law is being enforced.

Mr. GARNER. In spots.

Mr. MANN. What is the situation? I propose to give some information to gentlemen on that subject in the very slight hope that the information will be able to penetrate their brains far enough to make a difference in their votes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BARTLETT. I ask that the gentleman have more time. How much time does the gentleman want?

Mr. MANN. I only want five minutes.

Mr. BARTLETT. Does the gentleman want 10 minutes?

Mr. MANN. No; I want to get through, if I can.

The CHAIRMAN. Unanimous consent is asked that the gentleman have his time extended 10 minutes.

Mr. MANN. I only asked for five minutes.

The CHAIRMAN. If there be no objection the gentleman's time will be extended five minutes more.

There was no objection.

Mr. MANN. In this case this year the estimate was $300,000 for the enforcement of the antitrust laws, not exceeding $25,000 of which should be for salaries for necessary employees in the District of Columbia.

The bill as reported carries $200,000, with not exceeding $10,000 to be expended in the District. The estimate was for $325,000 for payment of regular assistants, United States district attorneys. The bill only carries $315,000 for that purpose. So that, if these two appropriations go through as they are provided for, no increase can be made in the force of regular assistants, the United States attorneys, and the department will be restricted to the $200,000 for the enforcement of the antitrust law.

To give some idea of what this means, from the enactment of the Sherman antitrust law until March 4, 1909, the beginning of the present administration, only 62 proceedings, civil and criminal, were brought under that law, of which 16 were pending when President Taft took office. Now, remember that the law was passed in 1890. From that time up to 1909 there were only 62 proceedings commenced, both civil and criminal, and since President Taft assumed office there have been brought 60 proceedings, civil and criminal, besides the 16 proceedings which were pending when he took office. Of these 16, all have been disposed of except 1 now under advisement in the Supreme Court and 1 on advisement for application for final decree in the circuit court.

At the present time there are pending 18 criminal proceedings and 21 civil proceedings. Among these are the civil prosecutions of the American Sugar Refining Co., the United States Steel Corporation, the International Harvester Co., the United Shoe Machinery Co., the National Cash Register Co., all of them difficult, complicated cases, involving a large amount of testimony and the services of the most competent counsel procurable.

Among the criminal proceedings pending are the indictments of the officers of the National Cash Register Co., the so-called Bathtub Trust, the United Shoe Machinery Co., some of the lumber companies, and some transportation companies between the Pacific coast and points in Alaska, all of these involving a great deal of evidence in detail and much labor in the preparation of the cases for trial.

These big corporations and their friends now under prosecution in the civil courts and under prosecution in the criminal courts are all opposed to the enforcement of the Sherman antitrust law, are all opposed to the amendment offered by my colleague to increase the fund which the Government can use in the prosecution of these cases. They are all in favor of the proposition from the Democratic side of the House that there shall not be money enough appropriated by the Government for the Department of Justice to permit that department to vigorously prosecute these trusts. For years you gentlemen on that side of the aisle have howled at the administration because you said they were not prosecuting violations under the Sherman antitrust law, and now when you find that they are vigorously prosecuting them you seek to deprive the Government of the United States of the means to carry on these prosecutions. [Applause on the Republican side.]

We shall charge on our side, we will charge on every stump in the land during the campaign, that you have endeavored to throttle the efforts of the Republican administration to put down the trusts and the combinations, and to prevent the criminal prosecution of the officers who have been guilty of a violation of the law. [Applause on the Republican side.]

Mr. JACKSON was recognized.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. JACKSON. About five minutes.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending paragraph and the amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending paragraph and amendments close in 10 minutes. Is there objection?

There was no objection.

Mr. JACKSON. Mr. Chairman, I desire to say a few words in support of this amendment. As was so well said by the gentleman from Illinois [Mr. MANN], it is not necessary to attempt to answer any of the things that were stated by the gentleman from Georgia [Mr. BARTLETT]. The people of the country well know that Col. Roosevelt has thrown the entire Democratic Party of politicians into hysteria, and it is therefore easily explainable that the scene which has occurred here did occur. I will say this, however, that whatever may occur at Chicago, the colonel will not so far forget himself as to enact so unseemly, not to say so unparliamentary, a scene at Chicago as we have witnessed on the other side in the debate on this question.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman for a moment?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Georgia?

Mr. JACKSON. Mr. Chairman, I do not care to yield. I have only a few minutes.

Mr. BARTLETT. But the gentleman has charged something unparliamentary to this side.

Mr. JACKSON. Mr. Chairman, I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTLETT. I do not blame the gentleman.

Mr. JACKSON. Mr. Chairman, there is one commendable thing about the Democratic Party, and that is its unwavering faith in the Republican Party, and the gentleman in his history of the trust law forgot to remind the House that the Sherman law, which he was so highly praising, originated upon the Republican side. That law was a Republican law. A committee of a Democratic Congress had considered the trust question before the Congress which passed the law of 1890 convened, and the result of that investigation was that the Democratic

committee reported to Congress that it referred the question of the regulation of combinations and trusts to the Congress which was then convening, a Republican Congress. That Republican Congress, under the leadership of John Sherman and William McKinley, vindicated the faith that the Democratic Party had in the Republican Party. And so President Taft needs no vindication or praise from that side of the House. I think it is true that the law is being faithfully enforced by the present administration.

But there is one point to which I desire to call attention now, and that is that in all of the 60 proceedings which have been mentioned by the gentleman from Illinois [Mr. MANN], or at least in a good part of them, equity decrees have been procured. The force of an equity proceeding or its decree depends entirely upon the watchfulness of the Government in the enforcement of that decree after its rendition. What is the cause of the complaint in these trust proceedings? It is that the decrees in equity have not all been enforced. They have been useless, because the interest in the transaction has dropped as soon as the decree was obtained. The country is now watching as to what the effect of the decree in the Standard Oil case will be. If it is followed up and enforced, it will come to something; if it is left where the decree in the Ohio case was dropped 20 years ago, it will amount to nothing to the people of the country. Is this House and is this administration willing to go on record publishing to the country that the Department of Justice has asked for $300,000 and that we will only vote them $200,000? Nothing could occur which would cause more delight in the hearts of the lawbreakers of the land.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. JACKSON. Certainly.

Mr. FITZGERALD. Where is there any request of the Department of Justice for $300,000?

Mr. JACKSON. The gentleman from Illinois [Mr. CANNON] has just said here that the officer of the Department of Justice asked for that sum.

Mr. FITZGERALD. Is that what the gentleman relied upon?

Mr. JACKSON. Certainly.

Mr. MANN. The gentleman can always rely on any statement that I make on the floor of the House.

Mr. FITZGERALD. But he did not refer to the gentleman from Illinois, Mr. MANN. The gentleman from Kansas referred to the gentleman from Illinois, Mr. CANNON, who read from the hearings.

Mr. JACKSON. Both the gentlemen from Illinois, Mr. MANN and his colleague, Mr. CANNON, said that the department asked for this money. Mr. CANNON said that Mr. Fowler asked for $300,000.

Mr. CANNON. The regular estimate was for $250,000. The recommendation of the committee is for $200,000, and the examination of Mr. Fowler, from the Attorney General's office, disclosed the necessity for $300,000.

Mr. JACKSON. That is the way I understand it.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. JACKSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

I have heard a good part of the testimony relied on by the Government in the lumber cases, which has been referred to, and in my judgment, and I have had some experience in such matters, the testimony can not be taken in this case alone for one-eighth of the whole amount allowed in this bill. I venture the opinion that the attorneys' fees which will be paid by the defendants in this lumber case, or in any one of a half dozen cases now pending, will equal the whole amount of this appropriation.

Mr. FITZGERALD. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the statement of the gentleman is the greatest justification for refusing to give the Department of Justice what they request. If any department of the Government is expected to know the law it is the Department of Justice. Informal statements as to the amount of money they think they might be able to use when they do not submit requests in conformity with the law is the best proof that they do not know what they are talking about. If they needed the money and they know the law, then they would estimate in accordance with it. Why is not this money granted?

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. There is a regular estimate transmitted under the law through the Secretary of the Treasury for $250,000.

Mr. FITZGERALD. I admit that. I am talking about the $300,000 which the gentleman mentioned, and which was stated would be necessary, merely as an excuse to try and force out of the committee a larger appropriation than had been made for any one year in several years. Since this special appropriation was made in 1904 the department has had $1,500,000 especially for this purpose. In addition they have for this year $325,000 for the pay of regular assistants to the United States district attorneys, $200,000 for the pay of assistants to the Attorney General, and $500,000 for district attorneys and their assistants.

If the Department of Justice would employ men who would produce results, instead of seeking lawyers in different employments of the Government anxious to be put upon the pay roll at much higher compensation without producing results, they would get much better results with less expenditure. After the 4th of March, Mr. Chairman, these pay rolls will be cleaned out. [Applause on the Democratic side.] Many of these inefficient men, many of these so-called high-class counsel, who have been attending on these appropriations without producing results, will be eliminated, and competent men will be employed to do the work of the Department of Justice, and do it successfully and efficiently. Let the gentleman from Illinois go to the country, as he states, speaking from every stump, telling how the Democratic Party has endeavored to prevent the Department of Justice enforcing the antitrust law——

Mr. MANN. That is what I will do.

Mr. FITZGERALD. I hope he will be accompanied by the distinguished former President of the United States, who may have an opportunity to repeat how ineffective and futile and idiotic has been the conduct and progress made under the present administration [applause on the Democratic side], and together they may succeed in convincing——

Mr. MANN. The gentleman agrees with the former President and takes his side.

Mr. FITZGERALD (continuing). They may succeed in convincing the country that the Democracy, which originated this appropriation, has been compelled to-day to adopt regulations to prevent the continuance of the abuses which have existed since the appropriation has been made to have the expenditures made properly; that they have attempted to prevent or to stifle the enforcement of the Sherman antitrust law. Let the Department of Justice employ competent and efficient men; if they do, there will be no complaint about the adequacy of the appropriation. I believe we have given all that can be expended, should be expended. Having given as much as was asked last year, the hearings not disclosing any necessity for additional money except to pay exorbitant and indefensible fees, no more should be given. The committee could not increase the item.

The CHAIRMAN. All time has expired and the question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired and debate has been closed. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. CANNON) there were—ayes 20, noes 36.

Mr. CANNON. Tellers, Mr. Chairman.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. May I inquire the exact amount of the amendment?

The CHAIRMAN. The bill proposes an appropriation of $200,000 and the amendment increases it to $250,000.

The committee again divided; and the tellers (Mr. FITZGERALD and Mr. CANNON) reported that there were—ayes 28, noes 49.

So the amendment was rejected.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Having fully set forth my views on these suits in the past, I do not desire to go into an extended discussion into the merits or demerits of same at this time. But I would like to ask the gentleman in charge of this bill for some information, if I can get his attention.

Mr. FITZGERALD. I am listening to the gentleman.

Mr. CARTER. On page 1510 of the hearings I notice Mr. Knnebel, in his statement, says that there is already a balance on hand of $58,000. Later on in the same statement he contends that all this sum can be used for the continuation of the work in these suits. Am I correct in that?

Mr. FITZGERALD. They had a balance of $58,000 and expected to spend $30,000 altogether this year, leaving $28,000 at the end of the year.

Mr. CARTER. Then what is the necessity of appropriating the additional $20,000 which the gentleman has in this bill?

Mr. FITZGERALD. They will need $48,000 next year.

Mr. CARTER. They will need $48,000 next year? They were given $50,000 by the act of May 27, 1908, authorizing the suits, then in 1909 another $50,000, in 1910 another $50,000, and in 1911 another $50,000, making in all $200,000 that will be spent by the 30th day of this month, which is the end of the fiscal year. Now, you have given the Department of Justice $20,000 more, and toward the bottom of the same page I see another item of $15,000 for "suits affecting title to Seminole allotted lands in Oklahoma," making a grand aggregate of $235,000 appropriated by Congress, and yet very few of these suits seem to have reached any definite conclusion. Now, will the gentleman enlighten this House and the country by telling us when there is any likelihood of any considerable portion of these suits being settled?

Mr. FITZGERALD. The gentleman himself knows the United States Supreme Court within the year has decided two or three of them.

Mr. CARTER. The Supreme Court has, if my memory serves me right, decided five of the cases, as follows: The Marchie Tiger case, the Deming Investment Co. case, the Goat case, the Mullen and Jansen case, and the Heckman-Owen case.

Mr. FITZGERALD. Those suits have been carried up to the Supreme Court of the United States, and under these decisions of the court certain questions now necessarily being sent back for trial of a great many of these cases he can estimate as easily as I can how long it will take to finish those suits which are brought to protect the Indians from the rapacity of these dishonest whites.

Mr. CARTER. The gentleman's remarks about protecting an Indian from the rapacity of dishonest whites are superfluous and unnecessary. I am seeking light and information and not accusations. I want simply to say to him that I myself am one of these helpless wards of the Government for whom one of these very suits was brought to set aside a conveyance.

The gentleman from New York may differ with me on the subject, but I have a stealthy, sneaking notion that I am as capable of taking care of my own affairs as the gentleman from New York, the Secretary of the Interior, the Attorney General, or any other man under heaven's canopy.

Mr. FITZGERALD. That is true, and the gentleman knows, too, that the conditions were such that, in order to protect those Indians who were not competent and who have been defrauded and who have been despoiled of the lands or property, the Department of Justice was compelled to include a great number of transactions which, because of the limitation of 60 days, if I recall correctly, it was unable to investigate. There are over thirty and odd thousand cases, and I prefer to embarrass the gentleman from Oklahoma just a little bit, rather than to have all the Indians who are incompetent defrauded of their property by dishonest men who have been seeking to take advantage of their incompetency.

Mr. CARTER. The gentleman from New York can not possibly embarrass the gentleman from Oklahoma in this respect. Myself and my people—competent though many of us claim to be—have been so unjustly held in a state of pupilage that embarrassment from additional abuse of our liberties is impossible.

I again insist that I am only seeking information and not a discussion of the moral phase of this question, though I would be very glad to take that issue up with any man with sufficient time and proper conditions. Neither do I care at this time to burden this committee with any further discussion as to the manner in which these suits were brought.

The gentleman in charge of the bill says the department was only given 60 days. I deny it, and I defy the gentleman from New York or any other person to show me any limitation in the face of the law about the bringing of these suits.

Mr. FITZGERALD. Not about bringing the suits. Sixty days were provided, I think, on the Indian appropriation act that certain conveyances should be validated, and it was the opinion of the Department of Justice—I have not looked it up, but undoubtedly the gentleman knows it better than I do—that unless suits were entered at the expiration of the 60-day period it would be too late, and the action would not lie, and, if I am not mistaken, the department has been somewhat sustained in that by some of the cases that have been adjudicated up to this time.

Mr. CARTER. The gentleman is badly mistaken. I have never heard of any Supreme Court decision holding that these suits must be brought within a limited time. Department of Justice officials themselves certainly do not contend that. When they were brought to time by your committee for the reckless and wholesale manner in which these suits were instituted, they offered as an excuse that the restrictions would be removed within 60 days, and that some of the invalid transactions made in the past might be validated by the removal of restrictions. The answer to that is that the very restriction act itself prohibited the validating of any theretofore invalid transactions. Section 4 of this act—the very one which provided for the bringing of these suits—contains the following language:

> That allotted lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.

Now, with a good lawyer, like the gentleman from New York, I think that provision ought to forever settle that question, so that it will not be raised in future debates.

Mr. FITZGERALD. The Department of Justice, charged with the responsibility of conducting these suits, was of the opinion that it was necessary to bring them in advance, and I am inclined to think that they were wise in that case. One of the grounds upon which the suits were antagonized was that the department had no power to bring action in the name of the United States. Even a technicality like that was resorted to, and I have no doubt astute lawyers would easily have taken advantage of the other suggestion. I do not think we can criticize the Department of Justice in going in as they have to protect these Indians from the consequences that the gentleman and myself know.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Oklahoma be extended for five minutes. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Chairman, I repeat that I shall be very glad at any appropriate time to go into a full discussion of the merits of these suits or of the demerits of the manner in which they have been brought and prosecuted by the department, but there is much to be said on my side, and it seems, too, that the gentleman must know that the discussion on my side of the case might be prolonged indefinitely. I again insist that I am trying to get some definite information. Since, however, this question of the manner in which these suits have been brought has arisen I do want to make this statement: Any fair, unbiased man, having the least bit of familiarity with the action of the Department of Justice and the Interior Department with relation to these suits in Oklahoma will be forced to admit that it is one of the most notorious pieces of incompetency and infringement upon the rights of the people of which any government has ever been guilty, and it ought to cause the blush of shame to mantle the cheek of every department official who has had a part in delaying these matters, tying up the business interests of our State, and placing an embargo on the price of the Indians' property.

The restriction bill, approved May 27, 1908, authorized the institution of these suits, and the gentleman from New York [Mr. FITZGERALD] and I took part in its passage. The gentleman from New York made a speech against the bill and I made a speech for it, not that I favored this provision, but because of the many valuable enactments contained therein. In the public hearings which were held on this bill department officials appeared before us and asked that $50,000 be given for clearing up titles to restricted lands in Oklahoma. We all knew that some fraudulent deeds had been given and realized the importance of removing every cloud from the title before the lands were finally offered for sale, but we also had a mortal fear of having these suits brought without proper investigation. These suits could have been brought under the general law anyway, and these department officials seemed to think that they had sufficient machinery with which to bring same. But hearings will show that these same officials stated that they wanted $50,000, not for the purpose of bringing suits but for the purpose of making an investigation so that suits could be brought intelligently and not in a wholesale manner. Now, let us see if these gentlemen have kept faith with this Congress. To fully elucidate this argument it will be necessary to repeat here what I have said on two former occasions on the floor of this House, and that is the necessary procedure for making an investigation preparatory to properly bringing these suits.

The same law which appropriated this $50,000 provided that the tribal rolls, as prepared by the Dawes Commission, should be conclusive evidence to the age and quantum of Indian blood. The test of the allottee's right to convey was the quantum of Indian blood and age. These rolls are indexed in alphabetical order, so that the only thing necessary would be to go to the records of the county in which the land was located, get the name of the vendor, run down the alphabetical list of the rolls, and right beside the name of the allottee you would find his age and quantum of blood. This investigation should require not to exceed five minutes to the name. So that all necessary examinations could have been made prior to the 60 days, if, indeed, that had been necessary, which it was not. Not only that, Mr. Chairman, this investigation could have been made and all spurious suits dismissed, even after they were brought; but was any of these precautions taken? Not on your life, because the moment the suits are dismissed that moment their tenure of office expires. You do not expect one of these fellows to work himself out of a job, do you? Instead of that, they brought suits in a wholesale manner. Hoping to bolster up their own incompetent and disgraceful acts by insidious attempts to discredit some of our State officials, unwarranted suits and criminal prosecutions were attempted, only to be dismissed by the Federal court.

More real harm was done, however, on the converse side of this proposition. Suits were brought to set aside conveyances of allottees, of whose competency there was not a particle of doubt, and who were fully authorized to alienate their land at the time the transfers were made.

Now, this is our side of the case very briefly told, and no one seems safe on either side of the question from the rapacity of this bunch of officials. All seem fish that come into their net.

Now, let me ask the gentleman one more question before I am through. As stated heretofore there is an item at the bottom of the same page providing for the payment of expenses incident to suits brought affecting the title of Seminole lands. Can the gentleman tell us the difference between this and the other suits? Are they not of the same character, and is not that an ingenious way to impose upon the Committee on Appropriations to the extent of getting an additional appropriation?

Mr. FITZGERALD. No. I think they are a different character of suits.

Mr. CARTER. Well, I think the gentleman will find that they are all the same. And since $48,000 is left with which to prosecute these suits, this $15,000 additional would make $63,000 for the ensuing year as against $50,000 appropriated heretofore, which is an increase of $13,000. Mr. Knaebel states in the hearings that of these suits some six or seven thousand have been dismissed. So it would seem that as the cases narrow down the appropriation must be increased.

Mr. FITZGERALD. That statement is hardly fair. The gentleman knows that there are about 30,000 suits. In the first action brought in the district court a demurrer was sustained to the bill, and that case was appealed to the circuit court of appeals and the circuit court of appeals reversed the decree of the district court and held the bill to be good. Then Congress, by legislation with which the gentleman is familiar and with which I am familiar, authorized an appeal to the United States Supreme Court of certain typical cases, in order, if possible, to shorten and prevent as much of the litigation as possible. Four cases, at least, have within a very short time been decided by the Supreme Court. Some of those defendants have been sentenced. The trial of the others will result later, and in the meantime much of this litigation is discontinued. After these actions have been dismissed in which the department is convinced that there is no ground for recovery, pending an appeal to the United States Supreme Court, all of these other cases have been held in abeyance; but now that certain important questions have been settled, it will be possible to prosecute these suits, and many of them will be handled, and a much larger expenditure will be required than if they were all in the same state of suspense as they have been heretofore. Now, relative to the Seminole cases, Mr. Gresham, who is in charge of that, states—

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. Mr. Gresham states:

> This office was established about one year ago, and while we realize that the work is only fairly begun, we have accomplished much good. The office has been instrumental in removing clouds from title by quit-claim deeds and judgments of approximately $200,000 worth of allotted land; 8 persons have been convicted of deed forgeries, and 23 similar prosecutions are now pending in the State courts with many others for forgery and the embezzlement of funds derived from the sale of minor and inherited lands in prospect. A number of civil actions in ejectment and for the cancellation of illegal deeds are now pending, and many others of a similar character will be instituted in behalf of allottees during the next year. Practically every adult member of the tribe, both Indian and freedman, has called at the office and sought advice or assistance in relation to allotted or inherited land.

In view of such statements as that, the committee could not possibly refuse to recommend the appropriation of the money necessary for this service.

Mr. CARTER. Mr. Chairman, it is not my purpose to criticize the committee any further than this: These matters are so complicated that they will fool even as an astute accountant as my distinguished friend from New York. They are so involved that unless a man is thoroughly acquainted with all the details he is very apt to be imposed upon in these different amounts expended, which may be for similar purposes. I am reasonably certain that this money for the Seminole prosecution is to be used for the same purpose as that of the item under discussion. What is the distinction? The Seminoles are a part of the Five Civilized Tribes and the suits are of practically the same nature. The only difference is that the Seminoles' deeds have not yet been delivered, while patents have been delivered to the others.

Now, in conclusion, I want to say this: If my memory serves me right, the law points in these numerous suits were 14 in number. The five cases spoken of before in this discussion have settled all those points except two and—again resorting to my memory—those two relate to inherited estates, and in one of these cases a decision has already been rendered by the United States Court in the Eastern District of Oklahoma and the supreme court of the State, and this decision has not been appealed from. So these suits have been resolved into a question of classification and clerical work. That is to say, as soon as it can be determined to what class a case belongs it should either be dismissed, settled, or prosecuted to a final determination without much delay.

I am willing that the department shall have the necessary funds to make this classification, and live in hopes that some reasonable dispatch will be used in the disposition of these suits within the next year. But I warn the gentleman that the people of Oklahoma have suffered long and greatly from the clouds that these suits have brought upon the Indian lands, and I think this House ought to take a hand in the matter, not only for the benefit of the business interests and the white people of Oklahoma, but for the sake of the Indians themselves. The value of those lands have been almost completely destroyed by the clouding of titles which this wholesale bringing of suits has caused, and unless some reasonable dispatch is made before the meeting of the next Congress, I am going to ask the intelligent membership of this House to take this matter in hand and make some intelligent settlement of it, regardless of what any department says.

Mr. BURKE of South Dakota. Will the gentleman yield to a question?

Mr. CARTER. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I should like to ask the gentleman whom he means by "us." He makes the statement that when two of these points are decided by the Supreme Court he thinks that court will decide against "us." What does he mean by "us."

Mr. CARTER. I think I qualified that statement immediately afterwards by saying I meant the defendants in the suits. I do not happen to be one of the defendants, although a great many of my constituents are. I was one of the incompetents for whom suit was brought, so instead of saying "we-uns" I should have said "you-uns."

Mr. FITZGERALD. Mr. Chairman, I simply wish to say this, that everybody knows that very considerable inconvenience has been occasioned to a great many innocent persons, and I think the desire of the Department of Justice is to clean up that situation as much as possible.

Mr. STEPHENS of Texas. Mr. Chairman, the amendment under consideration reads as follows, viz:

> Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

It clearly appears from the first sentence that this law can be and, in fact, it has been made an engine of oppression to the Indians as well as the white citizens of Oklahoma. It authorizes suits to be brought to set aside conveyances of allotted lands of the Five Civilized Tribes.

If it had stated that the appropriation was made to set aside "fraudulent sales" of Indian lands I would have no objection to the appropriation. The language in this bill authorizes suits to be brought without alleging or proving frauds in purchasing lands from an Indian. Such sales are and were authorized by law, and not unlawful per se, yet this law authorizes suits against any person having any deed of conveyance to Indian lands, and such suits have been brought to the ruin and detriment of hundreds of innocent men in Oklahoma, and many of them have been pending for years; and the result of these suits has been to prevent the Indians from selling their surplus lands for anything like their true worth. No white man would buy land from an Indian, who knows that the Government could and would sue for the next day.

These Indians are land poor. They must sell some of their land to improve their homestead, which they can not sell. The employment of these attorneys and the authorizing of these suits prevents the development of that country. Thirty thousand of these suits have been brought already, and but few have been disposed of, as is shown by the following evidence given before the Appropriation Committee by Mr. Knaebel, the attorney in charge of these Indian suits in Oklahoma:

The CHAIRMAN. What has been done under this appropriation?

Mr. KENDALL. Shall I go back and briefly rehearse it from the beginning?

The CHAIRMAN. Yes, sir.

Mr. KNAEBEL. That appropriation originated in 1908. It grew out of the fact——

The CHAIRMAN (interposing). In 1909, was it not?

Mr. PAGE. The appropriation was made for the fiscal year 1909.

Mr. COCRTS. But it is probable that the act was approved in 1908.

Mr. KNAEBEL. It was found in that year that a vast number of unlawful transactions with Indians in Oklahoma had occurred, and this appropriation became necessary to meet the expenses of the endeavor to set them aside. Three hundred and one suits were begun in the eastern district of Oklahoma, involving about 30,000 different alleged unlawful conveyances, and there were some 16,000 different parties defendant. A great deal has been said since to the effect that the litigation has resulted in casting clouds upon titles in that State and tying up the development of the country. In reply to that I will simply say that there has been no desire upon the part of the department to delay the litigation in any respect. The department was always ready and, with this money, able to go ahead with it and try the cases and dispose of them upon their merits, but the effort was blocked by demurrers raising the question of the right of the Government to represent the Indians and the question of the right to join different parties having distinct interests in the same bill. The lower court sustained these objections, which put a stop instantly to any further progress until that ruling was reversed.

Typical cases were taken to the circuit court of appeals, and the Government there succeeded in overturning the decision of the court below. By a provision annexed to the appropriation bill of that year jurisdiction was given to the Supreme Court to review these cases, and some of them were brought to the Supreme Court. Meanwhile we could do nothing but tighten up in Oklahoma, maintain supervision over the litigation, and attend to such settlements as were possible. The Supreme Court has very recently ruled sustaining absolutely the right of the Government to bring these suits, and putting aside the objection of multifariousness. In the case in which these questions were first passed upon, it also ruled that the conveyances involved were unlawful. That case rules a number of similar cases pending in the courts below, both as to the right of the Government to prosecute and as to the invalidity of the conveyances. In another case, more recently adjudicated, the court held that the conveyances there involved were not unlawful. Many distinct questions of alienability arise in these transactions, because of the differences of tribes, degree of Indian blood, and character of the land; that is, whether homestead or what is called surplus land, or directly allotted or inherited from deceased allottees. The bills are drawn so that each one may embrace only transactions of the same legal character, and, of course, it is possible that the Government may be wrong in respect to some of the classes; but we believe that we are right in a large majority of the contentions made in these cases.

The CHAIRMAN. One of the complaints or objections urged to this appropriation was the charge that the department had instituted indiscriminately a great number of cases without any investigation. Will you state the circumstances under which these suits were initiated, and explain the limitation that was fixed upon the time in which they should be brought? I want you to explain the reasons the Government had to exercise some haste in filing these cases.

Mr. KNAEBEL. The act of May 27, 1908, was passed shortly before this litigation was instituted. It made new provisions as to the right to alienate allotments, and these provisions were to go into effect within 60 days after the approval of the act. The question arose as to whether, upon the expiration of that period, certain transactions, invalid at the time of the passage of the act, might not become so valid as to render any attempt to set them aside futile, if the suits were not previously begun. For that reason, and to avoid any question as to the timeliness of the suits, the work had to be done with enormous haste, and all the facilities then available were used to assemble the data to be gotten from the records, and it was obtained, as far as time would allow, and the greatest care was taken that could be taken to avoid mistakes. Notwithstanding that care, some of the reports relied upon were erroneous, and some transactions were included in the suits that ought not to have been included in the litigation, but these have been largely eliminated since. That has been a large part of the work of this force of representatives we have had at Muskogee during the period of quiescence, and in making these eliminations it has been open to anybody to show where mistake has been made, and in all cases the mistakes have been promptly rectified as established. Then a great many of the transactions have been settled by parties when they have been shown that they were in the wrong, giving quitclaim conveyances. Still others have been settled through the cooperation of the Secretary of the Interior by adjusting the transactions in accordance with the law and in accordance with what was fair and equitable so far as the Indians were concerned.

Mr. Chairman, the Seminole Indians of Oklahoma are one of the Five Civilized Tribes, and the provision of this bill relative to this tribe is as follows, viz:

Suits affecting title to Seminole allotted lands in Oklahoma: For the payment of necessary expense incident to any suits brought, including the salaries of attorneys specially employed to set aside illegal conveyances of Seminole allotments, to protect the possession of Seminole allottees in their allotted lands, or in the prosecution of any criminal proceedings based on frauds perpetrated upon Seminole allottees with respect to their allotted lands, to be expended under the direction of the Attorney General, $15,000.

Mr. Chairman, the language in this Seminole paragraph is entirely different from the first one that I objected to; this authorizes suit to be brought to set aside illegal conveyance only, the other one authorizes suits to set aside any conveyance, as I have fully shown. The first language applies to all of the Five Tribes, the last only to the Seminoles. Why this difference? I have no objection—neither will any citizen of Oklahoma have any objection—to suits to set aside illegal conveyances made by Indians, where the Indian would be compelled to refund the consideration paid him for his land by his purchaser. I do, however, insist that the first provision in this bill, permitting these suits to be brought to set aside all conveyances of land heretofore made by all the Five Tribes except the Seminoles, is an unqualified outrage, if not a crime against the citizens of Oklahoma, especially those who have lawfully purchased lands from Indians.

If the conveyances were illegal, as in the Seminole cases, then I, as in the Seminole cases, would not object to these suits to set them aside. But this outrageous provision permits a citizen to be sued and harassed simply because he has bought land from an Indian and has a conveyance from him, without alleging or proving that it is an illegal or fraudulent sale.

The Seminole Indians are bitterly complaining of their treatment by the Government for withholding from them their patents or deeds to their lands. The law directs the Secretary to do this. He has refused, as I will show, without cause, in my judgment, to do so, and the only reason for his refusal suggesting itself to me is that time may be given to bring more of these unjustifiable suits against the purchasers of these lands.

On April 11, 1912, Mr. DAVENPORT introduced the following bill on this subject, namely:

A bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however*, That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

This bill was favorably reported May 14, 1912, by the Committee on Indian Affairs of the House and is on the Union Calendar of the House, No. 239.

The said report is as follows, viz:

(Union Calendar No. 239.)

[House Report No. 698, Sixty-second Congress, second session.]

PATENTS TO SEMINOLE ALLOTTEES.

Mr. FERRIS, from the Committee on Indian Affairs, submitted the following report to accompany H. R. 23184:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes, having duly considered the same, report the bill without amendment and recommend that it do pass.

The Seminole Tribe of Indians is one of what is known as the Five Civilized Tribes, all of the Five Civilized Tribes having taken their allotments, and the patents or deeds to the same having been delivered to the Choctaws, Chickasaws, Cherokees, and Creeks, but there has only been three patents or deeds delivered to the members of the Seminole Tribe of Indians.

In the Seminole Nation, the withholding of patents or deeds from the allottees has been, as shown by the testimony presented before the committee, detrimental to the allottee as well as detrimental to the honest farmer who desired to go into the Seminole Nation and purchase a home for himself and family, since the allotting of the Seminole lands.

Congress passed an act April 21, 1904, whereby it removed the restrictions from the surplus lands of adult freedmen in the Seminole Nation. May 27, 1908, Congress passed another act with reference to removing restrictions upon alienation upon lands of allottees in the Five Civilized Tribes, of which the Seminole Tribe is one. The provisions of that act removed all restrictions upon all allottees who were not Indians by blood, and upon the lands of all allottees who were Indian by blood but who were less than half blood, and upon the surplus allotment of allottees who were one-half blood or more and less than three-fourths Indian by blood. The act also gave the Secretary of the Interior, in his discretion, the right to remove restrictions upon application by the allottee from the lands of either the homestead or surplus allotments of those who are one-half blood or more than one-half blood and up to full blood.

In view of the fact that Congress has passed the acts of April 21, 1904, and May 27, 1908, removing restrictions from certain lands of allottees in the Seminole Nation and from a portion of allotments from other allottees, the committee believes that the patents or deeds to the lands should be delivered.

It will be noticed from the provision of the bill that the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to

avoid the same or serve to remove restrictions that have not heretofore been removed by express act of Congress.

In the hearings before the committee it was further shown that because of the failure to deliver the patents or deeds to the allottees of the Seminole Nation that various parties who had purchased lands in the Seminole Nation and the allottees themselves were refusing to pay taxes on the land from which restrictions had been removed, thereby leaving the county without any funds for its running expenses and greatly reducing the school funds in said county.

The committee recommends that the bill pass.

Mr. Chairman, as chairman of the Committee on Indian Affairs of this House I have received many interesting letters favoring the passage of this bill, and among them was the following letter from John W. Willmott, an able and trustworthy attorney of Wewoka, in the Seminole country. This letter and the accompanying one written by the same writer to Senator OWEN are as follows, viz:

WEWOKA, OKLA., *March 9, 1912.*

To the honorable CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives, Washington, D. C.

SIR: A great injustice is being done the Seminole Indian Tribe and the white people of Seminole County, Okla., by the withholding of all patents to Seminole lands because a few frauds and forgeries have been committed. The Secretary of the Interior and the Attorney General have taken the view that all conveyances made of lands in Seminole Nation are void, notwithstanding the acts of Congress expressly removing the restrictions. An injunction against the collection of taxes has been obtained in the Federal court, and the county is in a very deplorable condition; and the delivery of patents, while it would not make valid a single invalid title or remove a single restriction that is not already removed, at the same time it would make titles merchantable where restrictions have been removed, and would make it so that in the future perfect titles could be obtained.

You will be surprised to learn that since the act of May 27, 1908, not a single restriction has been removed by the Secretary of the Interior as to Seminole lands, and not a single Seminole has been permitted to make a sale of his lands through the Interior Department; all, they say, because patents have not been delivered, and the Secretary of the Interior keeps the titles in doubt by withholding the patents.

While there is a crying need for the delivery of patents, and the condition here now is almost intolerable because of the dispute over titles, the Government proclaiming that there is not a good title in Seminole Nation, and we most earnestly desire that the patents be delivered, and that at once, we wish to be distinctly understood that we would like to have it provided in the act directing the Secretary of the Interior to forthwith deliver all Seminole patents; that such delivery of patent should not operate to make any land alienable which was not theretofore alienable, and should not operate to validate any title that was not theretofore legal and valid.

To put you on your guard, we will say that an effort is being made to get through Congress a bill seeking to have the patents delivered in such manner that they will operate as if delivered on the 4th of March, 1906, or that they will operate as if delivered in accordance with the provisions of the act of April 26, 1906. Now, to one unfamiliar with the Seminole situation this may seem not to be important, but if this is done it will operate to make valid a great multitude of questionable deeds made subsequent to the 4th of March, 1906, for hundreds or thousands of which sums of from $5 to $25 were paid, with no provision for any further payment. So that if the patents are delivered, they should simply be delivered with no language that can be considered to relate back, or, as we have suggested, with express language providing that the delivery shall not operate to remove any restriction not theretofore removed by Congress or to validate any deed taken prior to the removal of restrictions.

That you may more fully understand the situation, we have attached hereto a copy of a letter sent by us this day to Senator ROBERT L. OWEN.

It may work a hardship upon you, pressed, as you no doubt are, for time, to read this letter and the one attached, but if you will heed the suggestions of this letter you will have an opportunity to prevent a great wrong, to render by vigilance a great public service, and to confer upon the Indians a benefit as great as was ever conferred upon them.

I may say that the district court of Seminole County has already held these conveyances made subsequent to March 4, 1906, and up to the 27th of July, 1908, by indian citizens as distinguished from freedmen void and unenforceable, and is canceling them just as fast as they are brought before the court, and it would be a very great wrong to have any of this class of deeds validated by an act of Congress passed in conjunction with the delivery of patents.

We have the honor to remain,

Yours, very truly,

JOHN W. WILLMOTT.

—

MARCH 9, 1912.

HON. ROBERT L. OWEN,
United States Senator, Washington, D. C.

DEAR SENATOR: Having resided at Wewoka for about 11 years, and having a home and family and good law practice here, I am naturally much interested in the present and future of Seminole County; and I want to take the liberty of writing you, Senator, about some matters which have troubled us greatly in this particular locality and concerning which, I believe, you can aid us.

The subject I have in mind is the confused state of our land titles and the practical impossibility of getting relief except through some positive and unconstrued act of Congress.

You will recall that at various times, and lately with particular clearness in the Marchie Tiger case, the Supreme Court has held that in the matter of restrictions upon the power of the Indians to alienate their lands the will of Congress is supreme.

Having special regard to the Seminole Indians, as one of the Five Civilized Tribes of Indians in Indian Territory, Congress by the act of April 21, 1904, removed all restrictions upon the power of alienation of all citizens of said tribe not of Indian blood, except minors, and except as to their homesteads. By plain language this made all surplus lands of adult freedmen and intermarried whites having no Indian blood alienable; and many good, honorable citizens, relying upon the language of this act, so plain in its terms that it is not susceptible of misconstruction, went out and bought farms and have moved upon and improved the same at the expenditure of a large amount of labor and money.

Again, in the act of Congress of April 26, 1906, it is provided that the adult heirs of any deceased allottee of either of the Five Civilized Tribes to whom a patent has been issued or whose selection has been made may sell and convey the lands so inherited with a provision that the deeds of full-blood heirs must be approved by the honorable Secretary of the Interior, and the same act made the rolls conclusive as to the quantum of Indian blood. Plainly, this act applied to the Seminoles. And again, citizens of this county and others went out and purchased lands in good faith, relying upon this act of Congress. By its express terms this very clause above referred to relieves from the necessity of a patent, if there were ever such a necessity, and says the adult heirs of any deceased allottee * * * whose selection has been made may alienate. In another paragraph in the same act Congress expressly provided that no conveyance of any land of any of the allottees of the Five Civilized Tribes made subsequent to the removal of restrictions should be held invalid, solely because no patent had issued for the land. We do not believe that any fair-minded lawyer or judge could either contend or hold that the two acts above mentioned did not apply to the Seminoles for the sole reason that they had no patents for their lands. This last act of 1906 made alienable all lands inherited by adult mixed-blood Indians, as shown by the rolls; all lands inherited by adult freedmen and intermarried whites; and all lands inherited by full bloods, provided the deeds should be approved by the honorable Secretary of the Interior.

By the act of Congress of May 27, 1908, as you well remember, by language that applies with equal force to the Seminoles, as well as any other of the Five Civilized Tribes, it is provided that all of the lands of citizens not of Indian blood; that all of the lands of those less than half-blood Indians; that all of the lands of half-blood Indians except their homesteads shall be alienable without any restriction whatever; and that the homesteads of all half bloods and over, and the entire allotments of all over half bloods shall be alienable with the approval of the Secretary of the Interior.

These are the acts of the Congress of the United States upon which the good people of Seminole County, Okla., and others, including the Seminole citizens themselves, have relied for authority to deal with the lands of the Seminole Tribe. We submit they are plain enough for anyone who honestly seeks to arrive at their correct meaning.

Now, it is true, Senator, that there were a few evil men in Seminole County; and the opportunity for speculation was such, when the restrictions were removed, that some frauds were perpetrated and some crimes committed. This, however, is not different from what happened in other communities. The great body of the people of this county are a good, honest citizenship who condemn and deplore the fact that frauds and crimes have been committed; and it is upon this worthy class of people, in conjunction with the Indian citizens themselves, that the hardship of the present confused condition rests.

After the bulk of the lands from which restrictions had been removed by the provisions of the above acts had been sold and gone into the hands of white purchasers and the field for speculation had narrowed down, the grafter element, if I may call them such, began to cast about for a means by which some hold could be gotten on the lands that were still restricted, but which would likely soon pass out from under restrictions. This situation and this desire led to the development of a theory among the more astute of the grafter element; and it was this theory in the main that has brought upon us most of our present troubles though some flagrant frauds and forgeries perpetrated in securing lands from which Congress had actually removed the restrictions may have been a participating cause.

If I may impose upon your time to such extent, I would like to explain to you this theory to which I have referred, for I believe that it will be material for you to understand it. I am as sure, as of anything, Senator, that while you earnestly desire to aid the good people of Seminole County in this matter, you would never knowingly do any act which would forward to any extent any illegal or unlawful scheme to validate questionable titles. This theory, if accepted and made law, would work untold hardship upon a great many poor and helpless people.

You will recall that the Seminole treaty providing for the allotment of the Seminole land, also provided that "all contracts for the sale, disposition or encumbrance of any part of any allotment made prior to date of patent, should be void." That was the only provision relative to restrictions upon alienation. There was nothing in that treaty that directly fixed the date when patents should issue. It was provided, however, that upon the extinguishment of the tribal government, the principal chief of the tribe should execute patents for the allotments. No time was fixed by this original treaty, however, for the extinguishment or dissolution of the tribal government, and we think it fair to assume that that was left for Congress in its discretion to fix. By the Indian appropriation act of 1903, it was provided that the Seminole tribal government should not continue longer than the 4th of March, 1906, and further provided that the Secretary of the Interior might at the proper time provide suitable patents, and have them delivered as theretofore provided by law. On March 2, 1906, the Aldrich resolution was passed, providing for the continuance of the existence of the tribal governments of the Five Tribes, and a similar provision was embodied in the act of April 26, 1906.

Now, the contention was made by a few lawyers here, who were principally engaged in the real estate business, that the Aldrich resolution was ineffectual to accomplish the purpose for which it was designed; that the act of Congress of 1903, fixing the 4th of March, 1906, as the time when the tribal government should expire, and by inference fixing the time when the patent would issue, gave the allottee a vested right to his patent on the 4th of March, 1906, or within a reasonable time thereafter; and that the patents were consequently due to issue on the 4th of March, 1906, and were in law consequently, the same as issued, and being the same as issued, the restrictions had at that time passed off entirely, inasmuch as the act of signing or delivery of patent was fixed by the original treaty as being the act which should effect the removal of restrictions. They therefore said the act continuing the tribal government, or assuming to do so, did not accomplish its purpose, or was not intended to continue the existence of the tribe for all purposes. They therefore, and when we say they, I mean a few individuals, believing in this theory—started out, making no distinction as to any of the land, for if the patents were the same as delivered and the restrictions thereby removed, all restrictions would be off, and the freedman, the mixed blood, and the full blood would stand upon the same ground and be equally free. They therefore entered into a gigantic plan of acquiring deeds to all of the lands of the tribe, practically the whole county. In a very few months, practically all of the lands of full bloods, mixed bloods, freedman homesteads

were covered by warranty deeds. In these transactions, in most cases, though large considerations were inserted in the deeds, and receipt of the same acknowledged, only very small sums were paid; for instance, in full-blood cases, hundreds of deeds were obtained for $5 paid, and the amount paid ran up in this class of cases possibly to $25 or a little more in some instances. We find in our practice that some such a conversation as this is reported to have taken place when these instruments were obtained. The proposing purchaser says: "Now, we can't buy your land now, but we just take a deed to it, and pay you a little money, and if it turns out that our deed is good, we will come around later and buy the land from you and pay you for it, and of course if it turns out that our deed is not good you will simply have the amount of money we now pay you and be ahead that much." We do not exaggerate the extent of this business when we say that practically the whole county was covered with these transactions. Not all of the transactions were alike; some men proceeded in good faith, and said to the Indian: "I will give you a written contract; if the courts should hold this deed valid, I will pay you the amount of money named in the contract, and the land shall be mine"; and in many cases the transactions were thoroughly understood by the Indian, though the considerations were very small.

Now, it was with the county in this condition that the matter was called to the attention of the Secretary of the Interior and to the Attorney General. About the same time complaints somewhat similar were going up from the other nations, but we believe in none of them was there any such theory as has here developed. It was determined to file the Federal land suits at Muskogee; and as to the Seminole Nation, unlike the other nation, on account of this widespread taking of deeds to everything, it was decided to recognize no land as free from restrictions and no titles good, but to sue everybody who had taken a deed, without regard to the nature of his title, and this was done. Before the Government could bring itself to this point it had itself to search diligently for a theory by which it might hope to overthrow all transactions in the Seminole Nation and prove that none of the titles here are good; and the feature of no patents delivered standing out prominently, it was seized upon by the Government as the basis of its theory that since no patents had been delivered it could not be supposed that Congress would permit the Seminoles to sell their land, and therefore Congress did not intend the removal of restrictions as to apply to the Seminoles, for the Seminoles had no such title to their allotments as those acts could attach and operate upon. That I understand to have been Mr. Russell's contention. I do not think you will find a lawyer anywhere, in the Attorney General's Department or out of it, who will not admit that that theory is preposterous.

Consequently everybody in the Seminole Nation or out of it who had a deed to a tract of land in the Seminole Nation was sued by the Government. Those suits were filed in 1908 and subsequently; some of them have been tried; many have quitclaimed, but none have been cancelled; appeals have been taken on questions of pleading, and an opinion is now and has long been expected from the United States Supreme Court in the Allen and other cases. Some hope but few expect that the Supreme Court will go further than to pass upon the three points decided by Judge Campbell and the United States circuit court of appeals at St. Louis, viz, as to whether the bills were multifarious, whether the allottees were necessary parties, and whether the United States had such an interest that it could sue. It is generally expected that the Supreme Court will confine itself to the points passed upon by the courts below. In the meantime the people have suffered for going on four years, with no end in view. The Secretary of the Interior, upon advice of the Attorney General, fearing that the suits may be spoiled, is withholding the patents; and although allotment was completed in the main in 1901 and 1902, with some small allotments to new borns later, only two patents have been delivered in the Seminole Nation. And the hardship upon the people is very great. There is an injunction against the collection of taxes upon every foot of land in Seminole County, although the United States circuit court at Muskogee held all of the land alienable from which Congress had in terms removed restrictions. And our State supreme court has held that the lands are unrestricted and alienable in those cases where Congress has removed the restrictions, notwithstanding the nondelivery of patents. But the injunction remains in force, by appeal or otherwise in the Federal court, and there has not been a tax sale of land in Seminole County in the five years since statehood outside of the incorporated towns, and with the injunction in force the treasurer can not enforce collection, and the people will not voluntarily pay, and you can imagine our condition. Our county is bankrupt, and the burden of taxation is borne by a few, and the land which is really alienable and taxable is not—at least at present—bearing any portion of the burden of government.

We don't think it would be polite to write you what we think about the policy of the Government in bringing those suits like they did. It was wrong, Senator, to sue everybody who had bought Seminole land when Congress had made a large part of the land alienable. I was born a free man, Senator, and have the good, red Saxon blood in my veins that made this country a free country, and I shall never forget the wrong perpetrated in this instance by our own National Government upon a great number of innocent and unoffending people just because, forsooth, some few men had violated the law. It violated every principle of our ideas of law and justice and is what I call governmental oppression.

Now, the people of Seminole County want some relief and they want it badly; and when I say the people of Seminole County I don't mean a little group of land buyers, but I mean the bone and sinew of this county, the people who till the soil, who rear the homes, who pay the taxes to meet the expenses of government, and who really constitute the body of the county.

Senator, having an eye to the possible remedy, I would invite your attention to the fact that with regard to the Seminoles Congress has abandoned the idea of the delivery of patents marking and effecting the passing off of restrictions, and, along with the other tribes, has included the Seminoles, and by the various acts of Congress, particularly the act of May 27, 1907, says in plain language what land is restricted and what is not. Now, isn't it perfectly plain that the delivery of patents, if made at this moment, would not make a single title good in Seminole County which is not already good? It would not give any additional advantage to any man who has a bogus or bad title, but it would confer upon us the immeasurable benefit of making those titles which are already good marketable or merchantable, and it would provide a means by which a man in the future could obtain a title which would be good beyond question. Why, at the present time Seminole County and the Seminole Nation has the "black eye" so far as land titles are concerned, and a man with means can not be induced to get off the train in this country for the reason that he has been advised that the Government has sued everybody in Seminole County and won't give them patents, and titles are no good there, and consequently he passes us by. Now, this is a deplorable condition and very unjust to the Indians and to the majority of the white settlers. And this reputation that we have acquired, would you believe it, has been given us by our own National Government to a large extent. Why, it has not been a week since a Government employee told me in my law office here that it was his instructions from the Government offices at Muskogee to inform both white settlers and Seminole allottees that all titles in the Seminole Nation were bad. Now, isn't that infamous; isn't that as inexcusable and as indefensible as anything could be? We may be biased and prejudiced in the matter, Senator, and our judgment may not be good, but 11 years of this mismanagement has made us sick and sore of the situation. It has affected many other likewise, and very many good citizens disheartened and fearing that unfavorable conditions would continue have moved away to more favorable parts of the State where good titles may be obtained or to other States.

Now, as I said, it is quite apparent, we think, that no harm could come from the delivery of patents at this time, and the good to the community would be immeasurable. The delivery of patents would not affect the suits at Muskogee, in our judgment. We can not see how it would make any title good that is now void because in violation of restrictions.

Do you know, Senator, that since the act of 1908 not one full-blood Seminole Indian has been able to get his restrictions removed. Not one piece of full-blood Indian land has been sold since May 27, 1908, although that act provides that the Secretary of the Interior might remove restrictions, just like as to the members of the other tribes. The honorable Secretary, we have been informed by the Government offices, would not entertain an application from a full-blood Seminole to remove his restrictions inasmuch as no patents had been delivered in the Seminole Nation.

In recent months we have been told that applications might be made for patents through the office of the Assistant Attorney General, Mr. James E. Gresham, at Wewoka, and if the party applying is willing to submit to the appraisement of some Government officer and pay an additional consideration he may, after many months of waiting, obtain the delivery of patent to the allottee. Only two or three patents have been obtained in this way, upon applications made very many months ago. You can readily see that this plan is impracticable and must fail. People who have bought and paid for land in good faith and believe they have title to it under acts of Congress will not readily submit to an appraisement and to the demands that they pay an additional consideration fixed by some Government appraiser. It does not meet with favor, and the method is too slow and cumbersome and nothing would ever be accomplished, and it would be years before any considerable portion of the land would be subject to taxation.

The only reason we can see, Senator, why the patents should not be delivered is that thereby there would be additional value and salability given to certain fraudulent transactions. Certainly there is no objection to delivering patents to all restricted lands, and they should be delivered at once. Then if it were possible or practicable to ascertain in what cases frauds or forgeries have been perpetrated those patents might be held up, but let all other patents be issued. Now, it would be a difficult matter to determine just in what cases frauds and forgeries have been perpetrated, for those things are usually determined at the end of hard-fought lawsuits; and to go into those matters otherwise than through the means of a lawsuit would amount to an inquisition, and, it occurs to us, would be a very difficult proposition to provide for. It may be that it would be best and the most practicable thing that could be done to deliver all of the patents without any exceptions. This would not help to remove any restrictions, as we have explained. It would not affect the Indian-land suits one way or the other; and those suits can not reach frauds and forgeries, for they plead only violation of restrictions and general fraud, which can not be proved, as any lawyer knows the facts constituting the fraud, in order to admit proof, must be specifically pleaded.

So we would urge, Senator, that the condition here is unbearable; it is intolerable at present; and if you can assist in securing the delivery of patents to these people, with a provision, if you please, in the act that the delivery of the same shall not operate to remove any restriction that has not theretofore been removed by Congress; but by all means let us have the patents, and it made so that a man by following the law may obtain a good title, and so that taxes may be collected.

One thing, Senator, I wish to call specially to your attention: If the patents are ordered delivered by Congress, I deem it quite important that this shall not be done in such a way as might be construed to validate any of the questionable deeds heretofore made in violation of restrictions. It would be best, I think, if the deeds could be delivered to the allottees without any legislation at all—simply have them handed out. But if an act is necessary to having this done by the Secretary, I think that act directing their delivery should specifically say that the delivery of patents by the Secretary in conformity with the provisions of this act shall not have the effect to remove any restrictions that were not theretofore removed by express language of Congress, and should not operate to validate any conveyance of any allotment not theretofore valid.

It would seem to us also desirable, Senator, if it could be accomplished, if all those suits pending at Muskogee could be dismissed where the conveyances sought to be cancelled were made by permission of any act of Congress; and an act directing their dismissal in such cases, or merely making it plain that all acts heretofore passed by Congress relative to the Five Civilized Tribes providing for the removal of restrictions shall be held and construed as applying to the Seminole Nation or Tribe, notwithstanding the fact that no patents had been delivered to the allottees of said tribe.

I have probably written you at too great length, and you will doubtless be weary when you have read this letter, but these matters are very much on our minds and hearts. Our home country is suffering because of these conditions, and we have desired to put the matter fully before you and ask that you do your best to assist us in obtaining relief. With kindest personal regards, I am, believe me,

Very truly, yours,

JOHN W. WILLMOTT.

Mr. Chairman, Mr. Kneable, the Government attorney I have mentioned, made this remarkable statement in the hearings before this committee. In speaking of bringing so many suits to set aside these Indian conveyances, he puts in this plea of confession and avoidance, viz:

Notwithstanding that case, some of the reports relied upon were erroneous, and some transactions were included in the suits that ought not to have been included in the litigation, etc.

Let me inquire why this great haste? Why file in court 30,000 cases against that many citizens without first ascertaining whether the conveyances were illegal or not? He evidently presumed the conveyances illegal because they were made by an Indian. My belief is that these suits were filed by him so he and other attorneys and employees could hold their jobs, and without regard to the poor citizens he was thus harassing and cruelly wronging.

The vilest criminal under indictment, when arraigned before a court, is "presumed to be innocent until his guilt is established by competent evidence beyond a reasonable doubt." Yet these irresponsible Government attorneys have reversed this rule and presumed these 30,000 defendants in these suits to be guilty of robbing the Indians. One of these suits was brought to cancel a conveyance made by Congressman CARTER, an Indian allottee and the Member of this House who has just addressed this committee. If this Government attorney would file a suit to set aside the conveyance of such an Indian as Mr. CARTER, would he not file other suits with as little justification?

Mr. Chairman, I think Mr. Wilmott was perfectly justifiable in making in his letter to Senator OWEN the following statement, viz:

We don't think it would be polite to write you what we think about the policy of the Government in bringing these suits like they did. It was wrong, Senator, to sue everybody who had bought Seminole lands when Congress had made a large part of these lands alienable.

Mr. Chairman, I have made these remarks chiefly for the purpose of bringing to the attention of this House and the country the necessity of passing House bill 23184, above alluded to, which bill will compel the Secretary of the Interior to deliver these patents of Seminole lands to the Indian allottees entitled to them, thus by law compelling the Secretary to do his duty as an officer of this Government.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTLETT. I ask unanimous consent that I may revise the remarks I made to-day.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks leave to revise his remarks. If there be no objection, that leave will be granted.

There was no objection.

The Clerk read as follows:

Enforcement of acts to regulate commerce: For expenses of representing the Government in all matters arising under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including salaries of employees at Washington, $10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A few moments ago we had a little discussion here concerning the amount to be appropriated for the enforcement of the antitrust law. In the course of the few remarks which I made I stated that the department had estimated for $300,000 for the ensuing year. My colleague from Illinois [Mr. CANNON] had previously made the same statement. The gentleman from New York [Mr. FITZGERALD] in charge of the bill, stated that the estimate was $250,000, and he lectured the Department of Justice in his most sarcastic manner, saying that of all departments of the Government certainly the Department of Justice ought to know how to follow the law in making an estimate and that the mere statement of one of the officials before the Committee on Appropriations was not an estimate, and that the Department of Justice had no right to assume that the statement of an official before the committee was an estimate; that the Department of Justice in charge of the legal branch of the Government ought to know enough, when it wanted additional money, to make an estimate in the proper way.

I might repeat all that the gentleman said concerning the Department of Justice and insert "the gentleman from New York" instead of the words "Department of Justice," because the chairman of the Committee on Appropriations, coming into this House with this great bill under his charge, ought to know what estimates have been made and referred to his committee, and when he argues in the House against an appropriation proposed, or an amendment proposed, on the ground that the estimate has not been presented to his committee, that they have had no supplemental estimate, when it was referred to his committee on May 3 last, he shows that he has fallen down once, at least.

I hold in my hand a copy of the estimate; a copy of a letter from the Secretary of the Treasury, dated May 3, 1912, transmitting to Congress an increase in the estimate of appropriations for the enforcement of the antitrust law from $250,000 to $300,000, which contains a copy of the letter from the Attorney General making the estimate "for the enforcement of antitrust laws, including salaries of necessary employees at the seat of government, $50,000," as a supplementary estimate for the enforcement of the antitrust laws.

I commend to my friend from New York that before he reads too many lectures to the Department of Justice for failure to know the law he should study more carefully the duties devolving upon him as chairman of the Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois is correct; there was a supplemental estimate.

Mr. MANN. I stated awhile ago that the gentleman from Kansas could assume that when I made the statement on the floor it was correct.

Mr. FITZGERALD. I did not hear the statement of the gentleman. The statement of the Assistant Attorney General was made as to the necessity for additional money. I had to remind him that in order to have an estimate considered it was necessary to submit it in compliance with the law. I was justified, if I did make a mistake unintentionally in my statement, in calling the attention of the Attorney General himself to the law, and he was compelled to admit during the present session of Congress that he never had his attention called to a certain statute. It was necessary that he be familiar with it in order to make up the estimates for Congress.

I think I was right in what I said about the department the officers of which seem to imagine that the laws are binding on every department except the Department of Justice. There is no harm in calling attention to the fact. I never claim to be above error. I know that I frequently make mistakes, but I always try to admit that I am mistaken when I find that I have made a mistake, and I commend that characteristic of myself to other gentlemen in the House.

Mr. BUTLER. Freely forgiven, and let us go on with the bill.

Mr. MANN. In this case no other gentleman has occasion to pray for forgiveness except the gentleman from New York.

The Clerk read as follows:

The furniture and other property belonging to the Court of Commerce is hereby turned over to the Department of Justice to be used by the department or disposed of at public sale as the Attorney General shall direct.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph. I will reserve it for a moment.

Mr. BUTLER. This seems to be a sale before the funeral takes place.

Mr. MANN. If the Commerce Court is abolished this provision ought to go in, but that question is likely to be in conference between the two Houses, and if the provision is inserted in any place it ought to be in the legislative bill in connection with the Commerce Court.

Mr. FITZGERALD. Both Houses have agreed to the provision abolishing the Commerce Court.

Mr. MANN. I think it would be in conference; there are a number of Senate amendments that have been agreed to.

Mr. JOHNSON of South Carolina. There is no Senate amendment to the proposition abolishing the court.

Mr. MANN. There are several Senate amendments to which could be attached a rider like this in relation to the Commerce Court.

Mr. FITZGERALD. I can explain the purpose of this provision.

Mr. MANN. Everybody knows the purpose and nobody questions it.

Mr. FITZGERALD. Under the decision of the comptroller, if no disposition is made of this furniture, it would be necessary to sell the effects at public auction.

Mr. MANN. Well, it could be carried in the deficiency bill. It does not belong in this bill.

Mr. FITZGERALD. We thought this was a good time to take care of it.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUCKER of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy,

and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors:

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors:

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 22460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.; and

H. R. 22461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

On and after July 1, 1912, the clerk of the District Court for the Northern District of Illinois shall be compensated for his services as such clerk as other clerks of United States district courts are compensated.

Mr. MANN. Mr. Chairman, I reserve the point of order. The clerk of the District Court for the Northern District of Illinois now receives a fixed salary, and I am not willing to have this assault made upon him. I therefore make the point of order.

Mr. BARTLETT. May I ask the gentleman what his point of order is?

Mr. MANN. This is repealing a law that is now on the statute books. The law provides specifically for the compensation of the clerk of the district court at a fixed salary. This proposes that he shall be paid by fees.

Mr. BARTLETT. Paid as other clerks are.

Mr. MANN. They are paid by fees. I think this is the only place in the United States where the clerk gets a fixed salary.

Mr. FITZGERALD. Under the law to-day, I am informed, the compensation of all clerks is limited to $3,500, to be paid out of the fees of the office. The clerk in this court is specifically appropriated for. It is dropped out of the legislative bill and provision is here made that he shall be paid as all other clerks are, out of the fees of the office, up to $3,500.

Mr. MANN. This is a clear change of existing law. Nobody denies that it is subject to the point of order.

Mr. FITZGERALD. It is subject to the point of order.

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such persons shall be employed during vacation; for the payment of the expenses of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska and Hawaii, as provided by section 259 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and of meals and lodging for jurors in Alaska, as provided by section 193, Title II, of the act of June 6, 1900; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $275,000.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment at the end of line 13, page 119, which I will ask the Clerk to report.

The Clerk read as follows:

Page 19, line 113, add, after the word "Illinois," at the end of the line, the words "and the northern district of Georgia."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order.

Mr. HOWARD. Mr. Chairman, as I understand it, recently Congress passed an act allowing the courts not to exceed five bailiffs. They have picked out the southern district of New York and the northern district of Illinois as only two courts that can have more than three bailiffs under the law. The northern district of Georgia is sixth in the volume of business done in the United States courts of our country. The necessity for the full amount of bailiffs for the northern district of Georgia is this: The judge of that court, residing in the city of Atlanta, holds court in Rome, Athens, Columbus, Elberton, and Atlanta. These cities are at an average distance of 100 miles from the city of Atlanta. When the judge of the northern district of Georgia goes to one of these particular places to hold court it is almost essential for the expedition of business at those places that he have a bailiff who is familiar with the people in those particular towns to attend the court. I do not see any reason why the southern district of New York and the northern district of Illinois should be picked out to allow more bailiffs than is allowed for the northern district of Georgia. The amount of business actually done by the southern district of New York and the northern district of Georgia is not a very much greater amount when compared with the northern district of the great State that I in part represent.

Mr. FITZGERALD. Oh, the gentleman is very much mistaken about that.

Mr. HOWARD. It may be a few hundred thousand dollars more, but that does not amount to anything. There is no more work to be done in the southern district of New York.

Mr. FITZGERALD. There are four United States district judges in the southern district of New York.

Mr. HOWARD. Yes; the gentleman has four judges to sit there, but his four judges do not do any more work than my one judge in the northern district of Georgia. We are energetic down there, and try to earn our salaries by rendering efficient service to the Government. In the southern district of New York and in the northern district of Illinois those judges never leave the city of New York or the city of Chicago. In Georgia the judge travels over the whole northern part of the State, and holds court at five different places, and he is entitled to these five bailiffs, so that he can go there and have his business arranged with these bailiffs, who are acquainted with the people in the different towns, so that when he wants witnesses, jurors, or talesmen he may send and get them. I think it would be a wise provision for this committee to adopt this amendment and allow this district to have these extra bailiffs, because I think it would save more than their salary for 12 months.

Mr. FITZGERALD. Mr. Chairman, more than 20 years ago an investigation disclosed such an abuse in the appointment of bailiffs by the Federal judges that the limitation as contained in the bill, excepting the southern district of New York and the northern district of Illinois, was framed by the Committee on Appropriations.

Mr. HOWARD. If the gentleman will permit, I would like to state to the committee that there has never been any abuses of any privileges by the distinguished jurist, Hon. William T. Newman, who presides over this court in the northern district of Georgia.

Mr. FITZGERALD. It is not of recent origin. Since that time there has never been any difficulty about the bailiffs for these courts. The gentleman from Georgia states that the district of which he speaks is sixth in the order of business.

Mr. HOWARD. That is true.

Mr. FITZGERALD. Why not provide for the other three districts which have a larger business in addition to the districts mentioned, so that they can be adequately provided for? There is no complaint from the judges, no complaint from the Representatives except the gentleman from Georgia. The gentleman is very much mistaken about the amount and character of business transacted in the district from which he happens to come and in the southern district of New York. The volume of law business that concentrates in the city of New York because of the great commercial, maritime, and business interests that are centered there is enormous. The city itself has four and a half millions of population, and it contains in large part two United States districts. My recollection is that in the southern district of New York there are four district judges. In

the eastern district, which is just across the river and includes Long Island, there are two United States district judges, and in addition it is necessary to have assigned from time to time additional judges to dispose of the marvelous amount of business that naturally comes to the courts. The gentleman is very much mistaken about the amount of business, and I am sure if he had had an opportunity to look into the matter he would not have made the mistake.

Mr. HOWARD. If the gentleman will permit, I will state I have had an opportunity, because when the Committee on the Judiciary were fixing clerks' salaries I made a personal investigation of the amount and volume of business of the courts of the United States, and I do know as a positive fact that the northern district of Georgia was sixth in the amount and volume of business done in the United States.

Mr. FITZGERALD. I have not challenged that statement of the gentleman. The gentleman said the difference between the amount of business done in that district and in the southern district of New York was insignificant, and I am sure he is mistaken in that statement.

Mr. HOWARD. The gentleman stated that the judge in this particular district had not asked specifically for it. I want to state to the gentleman the very reason I introduced this amendment at this particular point was at the instigation of the Hon. William T. Newman, judge of the northern district of Georgia, and he said it was absolutely essential that he should have five bailiffs, holding courts at five different places. That is the reason I introduced it.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. For the information of the Chair can the gentleman from Georgia furnish the authorization for the increase that has been proposed?

Mr. HOWARD. Mr. Chairman, I have not the law before me at this moment, but I understand that the recent act of Congress provided for five bailiffs in each of the district courts of the United States—that you could not exceed five bailiffs. Now, they made an exception to this particular rule or law by putting in the southern district of New York and the northern district of Illinois.

The CHAIRMAN. The burden of proof is upon the gentleman from Georgia, and the gentleman failing to produce it, the Chair sustains the point of order, and the Clerk will read.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent of the chairman of the Committee on Appropriations if he will permit this particular item to be held in abeyance for a few moments until I can get the statute. I would like to inform the Chair. I did not know it would be reached so soon or I would have been prepared.

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. If the matter is in order, I have no desire to take an unfair advantage of the gentleman, of course.

Mr. MANN. What is the request?

The CHAIRMAN. That the item be passed for the present.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order. Let us vote on it.

The CHAIRMAN. The point of order is withdrawn. The question is on the adoption of the amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 12, noes 31.

So the amendment was rejected.

The Clerk read as follows:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, $490,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska:

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York if he can state briefly for what purpose this $490,000 is used? It appears from looking over these items of this bill for the Department of Justice that nearly every specific thing is provided for and yet there is an authorization of $490,000 provided for miscellaneous expenses. Just what those miscellaneous expenses can be, I can not imagine.

Mr. FITZGERALD. One item is that every United States judge has a clerk now who is paid out of this fund.

Mr. SHERLEY. If the gentleman will permit, we will find on page 1557 of the hearings a detailed report. For instance, there were:

Accountants	$9,241.57
Handwriting	2,495.50
Medical	3,547.00
Real estate	2,027.00
Bank examiners and assistants	$3,190.00
Others	28,437.91
Abstractors of titles	995.48
Interpreters	11,446.45
Masters in chancery	5,008.24
Stenographers and clerks, permanent	142,045.48
Stenographers and clerks, temporary	60,070.45
Witnesses, other than expert	1,598.75
Messengers	58,734.05
Janitors	5,047.33
Other personal services	28,771.74

Mr. GARNER. I would like to ask the gentleman from Kentucky if these different items are authorized by law?

Mr. SHERLEY. Yes, sir; I think they are.

Mr. GARNER. What is the salary of the clerk?

Mr. SHERLEY. I do not find the item for clerk.

Mr. GARNER. There is the item of "stenographers and clerks, permanent."

Mr. SHERLEY. Nine hundred dollars, I think.

Mr. GARNER. That is the rate fixed by law?

Mr. FITZGERALD. No; it is not fixed by law.

Mr. SHERLEY. That is what they are paid.

Mr. FITZGERALD. I think they are fixed by the Attorney General.

Mr. GARNER. Clerks to the judges?

Mr. FITZGERALD. To the judges; yes.

Mr. GARNER. When was this statute passed allowing the judges clerks?

Mr. FITZGERALD. There is no specific statute.

Mr. GARNER. I ask the gentleman if they were not all authorized by law, and the gentleman from Kentucky thought they were.

Mr. SHERLEY. I know they are, or they would not be approved by the auditor.

Mr. FITZGERALD. They are under miscellaneous expenses of the court. The Attorney General makes allowances, and unless they are authorized by law the accounting officers do not approve them.

Mr. GARNER. If I understand the gentleman from Kentucky [Mr. SHERLEY], his suggestion is that they are authorized by law, because the Attorney General O. K.'s the voucher, and that makes it law?

Mr. SHERLEY. The gentleman made no such statement or anything like that. I said if they were not authorized by law, the voucher would not be paid.

Mr. GARNER. I would like to know when the statute was passed authorizing clerks to district judges.

Mr. FITZGERALD. I do not know of any statute which specifically states that every United States judge shall have a clerk.

Mr. GARNER. Let me make myself understood. How is the clerk to a judge authorized by law, when there is no statute authorizing it?

Mr. FITZGERALD. Because it is considered as a necessary expense in the conduct of the court, and the Attorney General, in the exercise of a certain discretion lodged in him, makes that allotment.

Mr. GARNER. Then I get that back to the original point, that the auditor in this accounting passes on it when the Attorney General decides it is necessary expense to the court, regardless of what the statutes may be?

Mr. FITZGERALD. No; I do not think that at all. The gentleman is certainly mistaken in this respect. It is not necessary in order to spend money for some particular item that there should be a statute saying that that very item shall be obtained, or purchased, or employed out of a particular appropriation. There is a general authority.

Mr. HAMLIN. I think there is a general statute giving the Attorney General the right to do this.

Mr. GARNER. Then, if the Attorney General shall decide that any judge shall have two clerks, they can be granted to him?

Mr. FITZGERALD. If the appropriation be made.

Mr. GARNER. I mean under this lump sum he can allow as many clerks as he sees proper? Has the gentleman from New York [Mr. FITZGERALD] examined these items and interrogated the Attorney General as to the necessity for this amount of money being appropriated for this purpose?

Mr. FITZGERALD. There was an examination. Detailed information was not obtained until after the hearing had been had. The committee has recommended a provision in this bill which is designed in the future to have that information in the committee before the hearing is had.

There is a deficiency in this item for the current year. I think myself there is somewhat of a question as to the right of the Attorney General to incur deficiencies in this item, but there is an estimate for a deficiency in the current year.

Mr. GARNER. Considering the number of lump-sum appropriations made for expenditure under the jurisdiction of the Attorney General, I think an itemized statement is certainly required. They may not be large in this bill, but they are certain to attract the attention of the Members of the House—the number of lump appropriations.

Mr. FITZGERALD. The committee appreciates the situation. The committee has endeavored to ascertain the best method of obtaining information, not only for the use of the committee, but for the use of the Members of the House generally. The committee recommends in the bill a provision requiring that as to all estimates exceeding $250,000 a statement shall be made each year in the Book of Estimates, in which shall be given in parallel columns the appropriations for the fiscal year just preceding and the sum required for the same purpose in the next ensuing fiscal year. It is believed that if the information is furnished in that way the Members of the House and the committee itself will be much better able, in the preparation of these bills, to determine what should be granted and what restrictions, if any, should be placed upon the expending authority.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For subsistence, including supplies for prisoners, warden, deputy warden, and physician, tobacco for prisoners, kitchen and dining-room furniture and utensils, and for farm and garden seeds and implements, and for purchase of ice if necessary, $40,000.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BEALL].

The Clerk read as follows:

Line 13, page 121, strike out "$40,000" and insert the following: "$42,500, of which sum not exceeding $1,000 shall be used for the subsistence of the warden and not exceeding $750 for the subsistence of the deputy warden and physician, respectively."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALL of Texas. Mr. Chairman, this item carries an appropriation of $40,000 for the subsistence of the United States prisoners at the Leavenworth Penitentiary, and, in addition to that, subsistence for the warden, deputy warden, and physician, tobacco for prisoners, kitchen and dining-room furniture and utensils, and for farm and garden seeds and implements, and for the purchase of ice, if necessary.

The amendment that I have offered increases the appropriation by the sum of $2,500, with a proviso added that of this sum of $42,500 "not exceeding $1,000 shall be used for the subsistence of the warden and not exceeding $750" shall be used "for the subsistence of the deputy warden and physician, respectively."

Now, Mr. Chairman, there are more than 1,100 men in the Federal penitentiary at Leavenworth. If the entire amount of $40,000 should be allowed for the single purpose of subsistence, after going into the matter with some degree of care I can say that I do not believe it would be excessive. In addition to the amount that is carried in this bill for the subsistence of these prisoners an additional amount is available for subsistence, because of the fact that a considerable number of prisoners from the District of Columbia are confined there, for which the District pays, and, in addition to that, they have the proceeds of the farm.

It has been estimated that out of this appropriation for the subsistence of the prisoners at Leavenworth the per capita cost per day amounts to only 11 cents, and I think that every gentleman here who is familiar with the prevailing high prices of food products will agree that it is impossible for the warden of that institution, or for the warden of any other institution, properly to subsist a convict upon the sum of 11 cents per day. It necessarily means that the rations of these convicts at certain times must be extremely limited. It is true they are convicts; it is true that they are outcasts from society and are kept there within prison walls; but even outcasts, even convicts, ought to be provided with food of a substantial and nourishing nature, and it is my judgment that with the scant appropriations allowed here it is not possible to give to those convicts the nourishing, substantial food that humanity dictates they should have.

Now, out of this $40,000 they not only feed the convicts, but they provide subsistence for the warden and his family, and the warden has a residence there on the ground; for the deputy warden and his family, who reside also on the ground; and for the physician, who resides in the city of Leavenworth.

This amendment would provide that the allowance for the warden should not exceed $1,000, and I believe that would be sufficient for the warden and his family, and $750 for each of these other officials, leaving $40,000 that can be used for the subsistence of these prisoners and for the other purposes indicated in this paragraph. I believe that in the interest of humanity, in the interest of proper care of these unfortunates who are out there, this increase should be allowed, because whatever else they deserve at least they deserve enough to eat, of the proper quality, and I hope this little increase will be agreed to by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEALL of Texas. I will ask for two minutes additional.

Mr. ANTHONY. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman himself has asked for only two minutes.

Mr. BEALL of Texas. I will ask for five minutes, and if I do not need it I will not use it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. I should like to ask if the investigations made by the gentleman's committee showed that the prisoners were not receiving sufficient food.

Mr. BEALL of Texas. We have not had a very good opportunity to make a thorough investigation of it. Upon my own responsibility I went to Leavenworth and spent a day at the prison. As a general thing I think that the prisoners are cared for as well as could be expected.

Mr. ANTHONY. I want to say to the gentleman that my information is that the 11 cents daily cost of maintaining a prisoner is hardly a correct figure to take, because that sum of 11 cents is augmented by the products of the farm, which are very considerable. For instance, a year ago the farm produced 50,000 pounds of pork. In one year they canned 4,000 gallons of fine preserved peaches, and I think as prison fare goes the fare given the prisoners at the Leavenworth Penitentiary is probably the best in the world.

Mr. BEALL of Texas. I hope it is true.

Mr. ANTHONY. At the same time I hope the gentleman will succeed in getting more for them.

Mr. BEALL of Texas. The United States ought to be a model for all the States, even in caring for its unfortunates. I suppose that these people are provided for as well as could be expected, with the appropriation that is allowed. I am not criticizing the administration of the institution at Leavenworth, but I have examined some of the bills of fare for breakfast, for dinner, and for supper, and it frequently happens that the bill of fare is so limited and so scant that it is hard for me to conceive how an able-bodied man could be satisfied with it. They have coffee, but it sometimes happens that rye or some other grain is parched and is mixed in with the coffee and used for these prisoners. It frequently happens that milk is on the bill of fare, but it is conceded that at least a portion of the milk, a large portion in the past, has been bought from dairies, and the suspicion has prevailed among the officials of the prison that this milk received a dilution of water before it was delivered to the institution; and then after it got into the dining room, sometimes in the plain view of all the assembled prisoners, a most liberal dilution of water was again added to it, and that is the kind of milk that frequently is served to the prisoners.

I believe that they ought to be given good, wholesome, substantial, plain food, and that when coffee or anything else is served to them it ought to be what it purports to be; that when milk is served to them it ought to be the kind of milk that is palatable and nourishing and sustaining. I do not believe that even when you take into consideration all the elements mentioned by the gentleman from Kansas [Mr. ANTHONY] you can support these men as they ought to be supported and as they ought to be nourished upon the appropriation that you are giving them.

Mr. CANNON. Will the gentleman allow me?

Mr. BEALL of Texas. Certainly.

Mr. CANNON. I used to be familiar with this matter in former years, when I was chairman of the Committee on Appropriations. I think everybody agrees that this is the model prison of the United States, if not of the world. I know the warden and his reputation for efficiency and as an expert touching matters relating to prisons. Now, as the whole estimate is given, does not the gentleman think, with the uniform testimony touching this prison, that we better let it alone?

Mr. BEALL of Texas. Perhaps so. I will state that the warden of the penitentiary is in the city now. Yesterday, in relating his experience and services in Illinois, he said that it took about 11 cents a day for the proper food for a prisoner then, and the gentleman from Illinois knows that there is

some difference in the cost of food to-day as compared with the cost of subsistence in 1890.

Mr. CANNON. Yes; but the farm gives much valuable subsistence.

Mr. BEALL of Texas. Well, I simply submit it to the committee. I believe that some increase should be made.

Mr. FITZGERALD. Mr. Chairman, I do not think that this amendment ought to be agreed to.

Mr. MANN. I have a point of order on it.

Mr. FITZGERALD. Does the gentleman intend to insist upon it?

Mr. MANN. I will unless I get some further information. I understand the amendment increases the amount in the bill $2,500 and sets aside $1,000 for the warden and $750 each for the deputy warden and the physician. How can that be done?

Mr. BEALL of Texas. I suppose there will be no trouble; they draw their subsistence from the commissary, and with the provision limiting the amount they would be permitted to draw to not exceeding a certain quantity, it would be easily enforced.

Mr. MANN. How would the accounting officer know about it? These accounts would have to go through the auditor. Somebody has to draw this money from the Treasury, and under the gentleman's amendment I am inclined to think that the purchases for the warden, the deputy warden, and the physician would have to be made separately from the purchases of other supplies in order to pass the accounting officers of the Government. That would cost more than it would amount to.

Mr. BEALL of Texas. I do not think that difficulty would occur.

Mr. MANN. Here is your item in the law which is specific, and somebody would have to enforce it.

Mr. BEALL of Texas. If a quibble is to be made, and points of order made against it when the only purpose is to try and aid 1,100 unfortunates out there, to see that they have something for breakfast, something for dinner, and something for supper, something that is sufficient for human beings to live upon, why, I am content.

Mr. MANN. The gentleman refers to quibbles. The gentleman if he offers an amendment ought to offer it in such form that it would not cost more to execute it than to appropriate for it. That is not my fault. The gentleman proposes to increase the appropriation $2,500 for the warden, deputy warden, and physician. As far as I can see, it requires that that amount of money shall be expended for three officials.

Mr. BEALL of Texas. Not at all, the amendment says not exceeding that amount.

Mr. MANN. That is what the amendment says.

Mr. BEALL of Texas. It says "Of which sum not exceeding the amount of $1,000 may be used by the warden," and so forth.

Mr. ANTHONY. I would like to ask the gentleman from Texas a question.

Mr. BEALL of Texas. I will yield.

Mr. ANTHONY. I want to ask the gentleman if the amount set aside for the warden and the other two officials will exceed that which they now have?

Mr. BEALL of Texas. There is no means of determining what they have drawn from the commissary heretofore; because no record has been made in dollars and cents of what it amounted to. I would suppose that if the amendment was adopted, as they made requisitions on the commissary, some estimate of the value would be kept. I do not think there would be any trouble in the administration of the disbursement of the amount.

Mr. ANTHONY. Could not the gentleman attain the object he seeks by having a provision in the bill which would require the amounts consumed by these different officers to be charged up against them in the accounts, and then in succeeding years we would know how much it was?

Mr. MANN. Mr. Chairman, I think the amendment is subject to a point of order. It specifically requires the payment of a certain amount for the warden and the other two officials which is not in the existing law, and I make the point of order.

The CHAIRMAN. Without going into the merits of the case, the Chair will say that by the amendment it is proposed to increase the appropriation from $40,000 to $42,500, the increase to be disposed of among three men.

Mr. BEALL of Texas. Before the Chairman rules, may I call attention to the fact that this very appropriation as it is framed here provides for the subsistence of the warden, deputy warden, and prison physician. I am not providing for the subsistence of anybody else, but I am limiting the amount that these three officials can use from that commissary. By doing that I am not charging, or seeking to charge, that there has been any improper use by them of the commissary privileges.

The CHAIRMAN. The Chair does not think the amendment can be treated as a limitation, inasmuch as it carries with it an increase of expenditure to meet the alleged limitation. Therefore the point of order is sustained.

The Clerk read as follows:

For miscellaneous expenditures in the discretion of the Attorney General, for fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals, and hay and straw for bedding; blank books, blank forms, typewriting supplies, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant, electric plant and water circulation, and drainage; for labor and materials for construction and repair of buildings; for general supplies, machinery, and tools for use on farm and in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of cows, horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, and electrical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers; for fees to consulting physicians called to determine mental conditions of supposed insane prisoners, and for other services in cases of emergency; for pay of extra guards or employees when deemed necessary by the Attorney General, and for expense of care and medical treatment of guards who may be injured by prisoners while said guards are endeavoring to prevent escapes or suppressing mutiny, $40,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I notice that this proposes to limit the gratuities now provided by law for discharged prisoners to those who have been imprisoned for six months. I understand the theory of the law which gives a man who is discharged from prison a small sum of money is not to pay him for his services in the prison, but to give him an opportunity after he gets out of prison, without any money of his own, to get employment where he may earn something, and not to put him on the street without a dollar and expect him to steal in order to get a night's lodging.

Mr. FOSTER. The gentleman makes the point of order to the limitation?

Mr. MANN. That is what I have in mind.

Mr. ANTHONY. Is the gentleman opposed to transporting these discharged prisoners back to the places they came from?

Mr. MANN. Oh, no; but under the law, as I understand it, every discharged prisoner gets a gratuity. They have inserted in the bill an item which limits this gratuity to those prisoners who have served for not less than six months.

Mr. SHERLEY. Here is the testimony on the subject at page 1459 of the hearings:

The CHAIRMAN. You ask to insert in this paragraph, "*Provided*, That such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months." What is the present law?

Mr. MCGLASSON. The present law at Leavenworth only allows the department to furnish the gratuities to prisoners sentenced for over a year, while at Atlanta the law allows us to furnish them to prisoners sentenced for six months or over. There is a difference with no reason, so far as we can see, and as we send prisoners to Leavenworth from long distances, the department thought it was not right to discharge them with no means of getting home.

What the committee desired to do was to ameliorate the provisions of the law and not make them harder.

Mr. MANN. I quite agree with the committee and withdraw the point of order.

The Clerk read as follows:

For clothing, transportation, and traveling expenses, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, provided that such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months, and including transportation to place of conviction or place of bona fide residence in the United States; for expenses of shipping remains of deceased prisoners to their homes in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, $25,000.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment, on page 122, line 2, by striking out the word "for," after the word "general," and inserting in lieu thereof the word "including."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 122, line 2, strike out the word "for" and insert the word "including."

Mr. SHERLEY. Why is the purpose of that?

Mr. HOWARD. The purpose of that amendment is this: Under a recent ruling of the comptroller if the authorities in charge of either prison at Atlanta or Leavenworth should expend $1 for anything that is not specifically set out in this paragraph, then the person in authority must do it at his own risk and cost.

Mr. SHERLEY. That ought to be so.

Mr. HOWARD. But it is for the use of the prison. It is some item that is not specified here. For instance, sometimes these men in the prison need the services of an oculist. The warden at Atlanta had several of these men there last year. They were practically blind without the use of glasses. Out of the goodness of his heart he sent into the city of Atlanta and got an oculist, Dr. Crawford, to go out there and examine the eyes of these prisoners. The bill was sent into the department and the comptroller held that under the law he had no right to pay it for that purpose, and that the warden had to pay it out of his own pocket.

Mr. BUTLER. Was it a provision exactly similar to this?

Mr. HOWARD. Yes.

Mr. BUTLER. Does the gentleman think that substituting the word "including" for the word "for" would answer the purpose?

Mr. HOWARD. Yes; and I will tell the gentleman why.

Mr. MANN. If the gentleman substitutes the word "including" for the word "for," he may just as well strike out all of the paragraph except that providing for miscellaneous expenditures in the discretion of the Attorney General, $40,000.

Mr. ANTHONY. Why not? You give the Attorney General that discretion in other appropriations, involving vastly greater sums than this.

Mr. HOWARD. Exactly.

Mr. MANN. Yes; but we would not do it if we could help it.

Mr. HOWARD. In other words, Mr. Chairman, the object of the amendment is, in cases of emergency, like the one I have just mentioned to provide a means of payment. I will relate another, where there was a little charge of $2. The cows at the prison broke out of the prison pasture and got into a near-by truck farmer's garden. The truck farmer impounded the United States prison cows. The warden looked over the ground and saw they had done damage to the extent of $2. He paid the $2, and the cows were released. He sent the bill in to the auditor and the auditor held that the warden had to pay it out of his own pocket. First and last, the warden at the Atlanta Penitentiary last year paid out about $200 for absolute necessaries at the Atlanta prison, for which the auditor would not allow him.

Now, substituting the word "including" for the word "for" means that in the item of miscellaneous expenditures it includes all these things and some other things that may be an emergency.

Mr. BUTLER. But there must be some provision of law which entitles the authorities at this prison to employ a physician.

Mr. HOWARD. They have a prison physician, but he is not a specialist, he is not an oculist. He knows nothing about eyes. The warden found men there who could not read on account of their impaired eyesight, their eyes were diseased, and he sent in and got this oculist, thinking, of course, that the Government of the United States having charge of these imprisoned men should give them the benefit of this specialist's services and pay the bill out of this fund.

Mr. FOSTER. If they employ a physician there who is not able to fit glasses to eyes, what they ought to do is to get rid of this physician and get another one.

Mr. HOWARD. The gentleman may be right about that, but you are not going to get an all-around physician any better qualified or more expert in his profession than this one for what they pay the physician at Atlanta—a pitiful $1,600.

Mr. SHERLEY. Mr. Chairman, I hope the amendment of the gentleman from Georgia will not be agreed to. It would be distinctly a step backward. The gentleman from Kansas [Mr. ANTHONY] makes the suggestion that some of the items in here are permitted to be expended at the discretion of the Attorney General. That is true; some of them are of that nature that require a discretion on his part, but the whole history and experience of the Committee on Appropriations has been that our mistakes, if any have been made, have been on account of allowing too much discretion, not by limiting it. The effect of this provision would simply be, as suggested by the gentleman from Illinois [Mr. MANN], to cut out the limitations and enumerations here, and simply turn the fund over to be expended in the discretion of the Attorney General. There occasionally arises a matter of this kind, but usually it is simply due to the lack of ordinary common sense on the part of the officer who is charged with the disposition of the fund, and whenever there is any legitimate cause for an expenditure for a purpose not authorized a recommendation is made to Congress, and the House enlarges the enumerated objects.

Mr. HARDWICK. Does not the gentleman think there ought to be some language in this bill to allow such items as my colleague has described to be charged against the Public Treasury?

Mr. SHERLEY. There has never been any trouble until this particular instance was brought to our attention. The discussion shows they never had any trouble before this. If they had suggested to the committee the desirability of putting in a particular enumeration we could have considered it, but the idea of striking out the word "for" and putting in "including" means an elimination of all the limitations and was not considered by the committee.

Mr. BYRNS of Tennessee. I will call attention to the fact that in the list of miscellaneous expenses there is an item for dentistry for $503 spent under this item, and evidently the Attorney General thought as the gentleman from Illinois [Mr. FOSTER] thought, that the physician ought to have attended to it.

Mr. HOWARD. I will just state to the gentleman from Kentucky this: The warden of the Atlanta Prison is here and was in the gallery a moment ago, and he informed me for the fiscal years 1910 and 1911 that he had paid out of his own pocket for the prisoners, thinking he was doing it under the law, quite a sum of money.

Mr. SHERLEY. I suggest to the warden, if he is still in the gallery, that he read the law the next time he comes to expend such funds.

Mr. HOWARD. I think the next time he will leave the cows in the pound.

Mr. MANN. I would like to inquire whether it is one of the prescribed duties of the warden to be in the gallery when an item of this sort is under consideration?

Mr. HOWARD. I will state to the gentleman he is subpœnaed by the Committee on Expenditures in the Department of Justice and had a few moments' leisure and had gone in the gallery.

Mr. ANTHONY. Mr. Chairman, I hope the amendment offered by the gentleman from Georgia will prevail. The situation that he states as existing at the Atlanta Penitentiary is duplicated at the Leavenworth Penitentiary. These prisons are not ordinary places where you can outline the things for which every cent shall be expended. They are great manufacturing institutions in themselves. They are operating farms, and their occupations are so diversified that they need this unlimited power, you may say. Now, take the Leavenworth Penitentiary. I said a few minutes ago that an investment of $100 for hogs for use on the farm resulted in giving to the prison in one year 50,000 pounds of pork for the use of the inmates, yet under this bill the warden would be prohibited from purchasing those hogs.

Mr. HOWARD. He can not buy a bull calf, even.

Mr. ANTHONY. He can not buy a calf, as Mr. HOWARD says—an entirely ridiculous situation. Under this bill as it is worded the prison authorities can buy a dead chicken, but can not buy a live chicken.

Mr. CLINE. Will the gentleman permit a question?

Mr. ANTHONY. Yes.

Mr. CLINE. I would like to ask the gentleman from Kansas [Mr. ANTHONY] whether the language just as it is written here has been construed by the gentleman from Georgia [Mr. HOWARD] that a limitation has been placed upon it and precludes the exercise of the discretion which the warden has?

Mr. ANTHONY. It absolutely does, as decided by the comptroller, who refuses to authorize the other little amounts from time to time that the officers of the prison have to pay out of their own pockets.

Mr. CLINE. It seems to me in this case the appropriation ought to be sufficient——

Mr. SHERLEY. How comes it this is the first time we have heard of this, and how comes it there is no testimony except that in regard to one of these institutions, and the gentleman from Kansas now talks about numerous instances? The proposition involved here is the proposition of whether we shall keep our hands on expenditures or whether we shall turn them loose to departmental employees who do not like any sort of restriction.

Mr. ANTHONY. Let me say to the gentleman that he ought to make this paragraph in the bill like other paragraphs of a similar nature. For instance, in other cases you leave $400,000 within the discretion of the Attorney General——

Mr. SHERLEY. My answer to you is that if a mistake has been made it has been made in giving too much discretion.

Mr. ANTHONY. In the McNeil Island Penitentiary you leave this discretion to the Attorney General. Why not at Atlanta and at Leavenworth? Make them uniform.

Mr. SHERLEY. I have tried to explain how I would make them uniform. I would make them uniform along the line of restricting.

Mr. ANTHONY. One or the other.

Mr. SHERLEY. If the gentleman had suggested a while ago about restricting the others he would now get a more cordial reception than he is going to receive.

Mr. ANTHONY. I would ask the gentleman to make the appropriation the same at Leavenworth and Atlanta as at McNeil.

Mr. HOWARD. They raise hogs down there for the use of the prison. Suppose cholera would break out? They would have to come here to get an appropriation to get meat for the Federal prison. This is the narrow manner in which the auditor has made these findings.

Mr. BYRNS of Tennessee. The gentleman had something to say a while ago about the examination of eyes not being allowed and the warden had to pay for it out of his own pocket. I find here with reference to the miscellaneous expenses at Atlanta, in addition to the amount allowed, for dentist fees, $900.

Mr. ANTHONY. The year I referred to was 1910–11.

Mr. PAGE. That has been cured by the present provisions of the bill.

Suppose you offer an amendment to this bill authorizing the warden to get impounded cows out of the pound.

Mr. ANTHONY. I think that might not happen again for years, but some hogs might not get out next time.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOWARD. Division, Mr. Chairman.

The committee divided; and there were—ayes 20, noes 19.

Mr. SHERLEY. I ask for tellers, Mr. Chairman.

Tellers were refused.

So the amendment was agreed to.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, $4,000; deputy warden, $2,000; chaplain, $1,500; chaplain, $600; physician, $1,600; chief clerk, $1,800; bookkeeper and record clerk, $1,200; stenographer, $900; 4 clerks, at $900 each; head cook, $1,000; steward and storekeeper, $1,200; superintendent of farm and transportation, $900; 3 captains of watch, at $1,000 each; guards, at $70 per month each, $52,080; 2 teamsters, at $600 each; engineer and electrician, $1,500; assistant engineer and electrician, $1,200; in all, $79,280.

Mr. HOWARD. Mr. Chairman, where is the Clerk reading?

The CHAIRMAN. On page 123, the paragraph beginning on line 7.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment to page 123, line 14, to strike out "$52,080" and insert "$57,360" in its place.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The Clerk read as follows:

Amend, page 123, line 14, by striking out "$52,080" and inserting "$57,360."

Mr. ANTHONY. Mr. Chairman, I would state, for the information of the committee, that this increase of $5,280 in the appropriation for guards will enable the authorities at the Leavenworth Penitentiary to employ seven additional guards.

These guards are rendered necessary by the fact that the institution is at present suffering from a great shortage of guards, so much so that the Attorney General recommended strongly to the Committee on Appropriations that the force of guards be increased by seven.

The reason for that is this: The prisoners in the daytime in pursuing their various occupations require the attendance of the majority of the guard force, leaving the prison improperly guarded at night, so much so that the walls of the prison can not be manned in the nighttime.

A few months ago, on account of the shortage of guards, discharged prisoners succeeded in putting over these unguarded walls a large amount of explosives, dynamite, and many revolvers, and other dangerous material, which, if it had fallen into the hands of the prisoners, would have resulted in a wholesale mutiny and probably the loss of many lives. The prison authorities immediately asked for sufficient guards to man the walls at night. The Attorney General strongly urges that the increase be granted.

Now, for the information of the committee, I will say that the United States military penitentiary, situated a mile away from the prison under the Department of Justice, has over 100 guards for the purpose of controlling the same number of prisoners as are confined in the Federal penitentiary, and the latter penitentiary has only 50-odd guards for the same purpose for which 100 men are used in guarding the prisoners in the military prison. I hope the committee will permit the amendment to go in.

Mr. SHERLEY. Mr. Chairman, the recommendation made by the committee is the same amount that was carried in the bill last year and the year before, and in the judgment of the committee it was sufficient to authorize the employment of the proper number of guards, as well as other officials of the penitentiary.

Mr. ANTHONY. I would like to ask the gentleman if the committee did give consideration to the recommendation of the Attorney General and to his statement in regard to the emergency of the situation?

Mr. SHERLEY. The committee considered it, and considered it to the extent that they recommended the amount carried in the bill last year.

Mr. ANTHONY. I suppose with the idea of reducing the amounts appropriated by the bill, so that a showing could be made of economy. Is that it?

Mr. SHERLEY. No; with the idea of not providing useless jobs for people at the instigation of any locality.

Mr. ANTHONY. Does the gentleman mean to say that any locality is asking for this?

Mr. SHERLEY. All I know is that the only gentleman who is asking for it on the floor is the gentleman who represents that locality.

Mr. ANTHONY. It is my duty to do that.

Mr. SHERLEY. I am not gainsaying that; but the gentleman implied that our motive was the motive of making a showing, irrespective of what ought to be done. I say to the gentleman that the committee did what in its judgment seemed to be wise.

Mr. ANTHONY. I do not know what motive could be imputed to the committee for overlooking such a necessary service.

Mr. BUTLER. Mr. Chairman, what we want is information. The gentleman from Kansas [Mr. ANTHONY] stands with his back to us, and we can not hear what he says. Has the department recommended an increase of these guards?

Mr. ANTHONY. The department has recommended it as a most pressing emergency.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. ANTHONY. I do.

Mr. CANNON. Has Col. McClaughry appeared before the committee?

Mr. ANTHONY. I understand he was before the committee. I will say to the gentleman from Illinois that the walls of the Leavenworth Penitentiary are nearly unguarded at night. There are not enough guards to properly guard them.

Mr. CANNON. Has Col. McClaughry's recommendation before the committee been printed in the hearings asking for these additional guards?

Mr. ANTHONY. Yes; strongly urging it.

Mr. PAGE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. PAGE. As a matter of fact, at night are not these prisoners locked in the cells?

Mr. ANTHONY. The gentleman is correct, but there is nothing to prevent people outside of the prison scaling the walls at night.

Mr. PAGE. Certainly not, but there is not the propensity on the part of people on the outside to scale the walls to get in that there is on the part of the people inside to scale the walls and get out.

Mr. ANTHONY. Let me say to the gentleman that prisons are generally surrounded by former convicts on the outside, scheming for the escape of the men on the inside.

Mr. FOSTER. And that in Kansas?

Mr. ANTHONY. And that in Kansas, surely.

Mr. FOSTER. I am surprised.

Mr. ANTHONY. A short time ago a large supply of dynamite was shoved over the walls, and many revolvers were put over.

Mr. PAGE. If this penitentiary is surrounded every night by convicts or ex-convicts, then, instead of increasing the number of these guards, the militia ought to be ordered out.

Mr. ANTHONY. That is the situation around every penal institution. They have to guard against the attempts of those on the inside to escape and against the attempts of those on the outside to assist those who are on the inside.

Mr. CANNON. If the gentleman will allow me, my vote in reference to this matter will be controlled by his answer to this question: Does he know that Col. McClaughry, the warden of that prison, earnestly recommended the increase of this guard by seven?

Mr. ANTHONY. Absolutely.

Mr. CANNON. Then I shall vote for it.

Mr. BUTLER. Where is that statement in the hearings?

Mr. SHERLEY. There are 62 guards at this place. They work in three shifts of eight hours each. There are guards at night. The place is not absolutely abandoned to the ex-convicts and the lawless citizens of Kansas outside of the penitentiary.

Mr. ANTHONY. The guards are not worked in three equal shifts. A large majority of them work in the daytime.

Mr. SHERLEY. All I can say is that the testimony is contradictory of what the gentleman states.

Mr. ANTHONY. I am giving the gentleman the facts.

Mr. SHERLEY. I am taking the testimony as it was presented to the committee.

Mr. ANTHONY. If the gentleman will read me any testimony to controvert what I have to say I shall be glad to hear it.

Mr. SHERLEY. The testimony is that there are three shifts of guards working eight hours to the shift.

Mr. ANTHONY. But not in equal numbers.

Mr. SHERLEY. My information is that there are 12 guards on the shift which runs from 5.15 in the afternoon until midnight and 12 guards on the shift that runs from midnight until 7.15 in the morning.

Mr. ANTHONY. Yes.

Mr. SHERLEY. The balance of the guards are on the day shift, when the prisoners are out of their cells.

Mr. ANTHONY. That makes 12 on duty at night and 40 in the daytime.

Mr. SHERLEY. And the reason for the greater number in the daytime is the common-sense reason that in the daytime the prisoners are out of their cells and in the night they are locked in. Evidently the people in charge of the institution did not think that the citizens outside were as threatening or as lawless as the gentleman who represents the district thinks they are.

Mr. ANTHONY. Perhaps the gentleman knows more about it than the prison authorities themselves do.

Mr. SHERLEY. I only go by what the gentleman has stated and what the testimony shows.

Mr. BUTLER. Will some gentleman point me to the place in the hearing where this information is to be found? I have asked for it time and again.

Mr. SHERLEY. On page 1467 the gentleman will find it. I tried to read it.

Mr. BUTLER. What does the warden recommend relative to the increase of these guards?

Mr. SHERLEY. There was a recommendation not only to increase the number of guards by 7 but a recommendation for increases all along the line of this appropriation; and if we had simply accepted their statement we would have increased the appropriation to $82,000.

Mr. BUTLER. What, may I ask the gentleman, is the reason stated for the increase of the guards? The gentleman has asked to amend the bill, and we are required to vote on his amendment.

Mr. SHERLEY. The statement was made that they thought they needed more guards.

Mr. BUTLER. Does he simply give his judgment, or does he state any reason?

Mr. SHERLEY. He cites the one instance of their having put some of those explosives over the wall at night. I will read the whole testimony, if the gentleman wants it.

Mr. BUTLER. I do not ask for that; I am simply getting information.

Mr. SHERLEY. I tried to give the information to the gentleman by reading it in detail.

Mr. BUTLER. I have listened ever since the gentleman was on his feet, and I did not hear it read.

Mr. SHERLEY. I can only give the information; I am not responsible for its reception by any gentleman. I did the best I could.

Mr. BUTLER. I understand the gentleman's remarks. I am able to understand, but I say I did not hear the gentleman read what he says he did read, and that is the evidence of the warden of the penitentiary.

Mr. SHERLEY. Oh, the warden of the penitentiary was not before us.

Mr. BUTLER. Well, of the official that had the authority to speak for the penitentiary.

Mr. SHERLEY. I read that to the gentleman, and I suggest that he can read it quicker himself than I can read it again.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was lost.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment to line 14, page 123, to change the sum from $52,080 to $75,440.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 123, line 14, strike out the figures "$52,080" and insert in lieu thereof the figures "$75,440."

Mr. ANTHONY. Mr. Chairman, the reason for this increase of appropriation for the guards in the penitentiary at Leavenworth is in line with the recommendation made by the Attorney General, Mr. Wickersham, in his annual report. There has been some trouble in the institution in keeping a good class of reliable guards. The guard force there now is undoubtedly composed of the best men it is possible to get, and they are good men, but they are continually changing—going out to accept employment which affords them more remuneration, and also going into other branches of the Government service.

The Attorney General suggests that there should be a graduated scale for the payment of guards. They now receive $70 per month. He recommends that they start in at $60, and after six months' time their pay be increased gradually until after five years they receive a maximum of $100 a month. The position of guard at these penitentiaries is one of great responsibility. They require men way above the average, and they get but $70 a month. The idea of the Attorney General is to retain in the service the highest type of men necessary for the purpose. I ask the consideration of the committee for that amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For miscellaneous expenditures, in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans., $25,000.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as fololws:

Amend, line 7, page 134, by striking out the figures "25,000" and inserting the figures "30,000."

Mr. HOWARD. Mr. Chairman, the Attorney General asked in this appropriation for the sum of about $38,000. It is estimated by the Department of Justice that the necessary expenses under this appropriation would be $35,000, but the department submitted a request for an appropriation of $30,000 in order not to ask for a larger amount than was asked for by the department, that $30,000 be inserted in lieu of $25,000.

During the fiscal year 1911 the expenses payable from this appropriation up to the present time have amounted to $34,989.05, which was only $10.95 less than the amount asked for in the years 1911 and 1912.

Now, to further show the necessity for the increase in this appropriation I will state here some of the miscellaneous items paid for out of this appropriation: Coal used at the prison last year, $16,306.74; water, $3,672.73; parole officers' salary and expenses, $1,985.53; employment of dentists and dental work, $2,892.69; surgical operations, $120; for examination of insane prisoners, $270. These items alone amount to over $24,000. When this estimate was made for the Federal prison in Atlanta, $30,000, as the very least amount that the Attorney General could get along on, there were only 624 prisoners at the institution. To-day there are 936 prisoners confined in that penitentiary, or a little over 300 more men than when the estimate was made. The warden and the Attorney General in making their recommendation to the committee recommended the least possible amount upon which they could subsist under this particular head as being $30,000, and I hope this committee will see proper to give us this additional little $5,000 so that we will not be cramped down there for funds during the coming year.

Mr. MANN. Mr. Chairman, this item reads:

For miscellaneous expenditures in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, $25,000.

The item relating to Leavenworth under this head was the one which we just amended, striking out the word "for" and inserting in lieu thereof the word "including," and under the amendment which we agreed to the Attorney General can expend money for miscellaneous items ad libitum; but when it comes to the Atlanta Penitentiary he can only expend that sum for items which are specified in the Fort Leavenworth item, and the gentleman who introduced the amendment, representing the Atlanta prison, succeeded in getting it through for the benefit of the Fort Leavenworth prison, but escaped getting it through for the benefit of the Atlanta prison, and he will be in no better position than he was before unless he can amend this item.

Mr. HOWARD. Mr. Chairman, I am very much obliged to the gentleman from Illinois for the information.

Mr. MANN. Oh, I always play fair.

Mr. HOWARD. I want to state to the gentleman that he possibly observed long ago that I am somewhat green in these matters.

Mr. MANN. I have observed that the gentleman is very bright and very active.

Mr. HOWARD. The verbiage of this amendment I thought would apply to this item, and when this item says "for miscellaneous expenditures in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans.," I concluded it would apply in the same terms to the Federal prison at Atlanta. I have the most profound respect for the opinion of the gentleman from Illinois, but I believe I shall take my chances on Atlanta getting in under that amendment as it stands.

Mr. FITZGERALD. Mr. Chairman, this is not the first time that the Attorney General has made just as vigorous a request for $30,000 for this item, and in former years the Congress has refused to give him in excess of $25,000. He managed to get along without any inconvenience whatever. The gentleman from Georgia is unduly alarmed because the committee does not take the request of the Attorney General quite so seriously as he does. We have increased this item over the appropriation for the current year, and have given all that the experience of the committee and the department indicates will be required for that particular purpose. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, $4,000; deputy warden, $2,000; chaplain, $1,500; chaplain, $1,200; chief clerk, $1,800; physician, $1,600; bookkeeper and record clerk, $1,200; stenographer, $900; 6 clerks, at $900 each; telephone operator, $480; engineer and electrician, $1,500; assistant engineer and electrician, $1,200; 3 captains of watch, at $1,000 each; steward and storekeeper, $1,200; superintendent of farm and transportation, $900; 2 teamsters, at $600 each; head cook, $1,000; guards, at $70 per month each, $43,000; in all, $73,080.

Mr. HOWARD. Mr. Chairman, I have three or four different amendments I would like to introduce to this particular item. Should they all be introduced at one time, or can they be taken up separately?

The CHAIRMAN. One at a time.

Mr. HOWARD. Very well, I offer the following amendment.

The Clerk read as follows:

Amend, line 15, page 124, by striking out "$900" where it first appears in said line and inserting in lieu thereof "$1,200."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

Mr. HOWARD. Mr. Chairman, I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order. It is an increase of salary and changes the law. It is useless to argue about it.

The CHAIRMAN. The point of order is sustained.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, line 16, page 124, by adding before the word "assistant" the word "two," and after the word "assistant" where said word last appears in said line strike out the word "engineer" and insert "engineers," and before the word "electrician," in line 17, add the word "one."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that and I would like to have the Clerk report the paragraph as it would read, as amended. We could not catch the amendment.

The Clerk read as follows:

Two assistant engineers and one electrician.

Mr. SHERLEY. Mr. Chairman, I make the point of order.

Mr. HOWARD. Mr. Chairman, I would like to have the gentleman reserve the point of order for a moment. I desire to let the committee know why the amendments are introduced.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order.

Mr. HOWARD. Mr. Chairman, the necessity for these engineers at this prison is urgent. They have only a chief engineer and one assistant.

The machinery of this plant is run night and day. In the event one of the engineers is sick or takes leave the duty falls upon that one engineer to run all the machinery of this whole plant for 24 hours at a time, which, of course, is a physical impossibility. Now, in the event anything should befall any of these engineers, then the responsibility of running the machinery of that prison falls upon the convicts of the prison who happen to be acquainted with the machinery. This additional engineer has been urgently asked for by the department. It has been recommended by the warden, and it is a real necessity. The two engineers there now are working 12 hours per day every day of their lives including Sundays, and they have asked for this assistant engineer.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOWARD. Certainly.

Mr. MANN. The bill carries engineer and electrician, $1,500; assistant engineer and electrician, $1,200. Just what is the gentleman's amendment?

Mr. HOWARD. Instead of having one assistant engineer I ask for two assistant engineers, at $1,200 each.

Mr. MANN. Just what is the gentleman's amendment?

Mr. HOWARD. To insert after the words "fifteen hundred," in line 12, the word "two" before the word "assistant," and add an "s" to "engineer," and insert before the word "electrician," in line 17, the word "one."

Mr. MANN. Then, the gentleman proposes to appoint two assistant engineers and one electrician?

Mr. HOWARD. No; there is already provided one electrician——

Mr. MANN. Oh, no; there is an assistant engineer and electrician, and that is one person. I thought the gentleman had it a little bit mixed. If he had proposed to appoint two assistant engineers and electricians, I think that is not subject to the point of order, but the gentleman proposes to appoint two assistant engineers and one electrician and——

Mr. HOWARD. Mr. Chairman, I ask to modify my amendment so as to make it "two assistant engineers and electricians."

Mr. SHERLEY. Mr. Chairman, when the amendment is reported I reserve a point of order on it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 124, line 16, by inserting before the word "assistant" the word "two," and before the word "electrician" the word "one," so it will read "two assistant engineers and one electrician."

Mr. MANN. I suggest you make it "two assistant engineers and electricians, $1,200 each, $2,400."

Mr. SHERLEY. I make the point of order on the amendment.

Mr. MANN. The gentleman does not contend it is subject to the point of order to increase the number?

Mr. SHERLEY. Yes.

The CHAIRMAN. The Chair must confess he has been unable to get at the gentleman's amendment.

The Clerk read as follows:

Insert before the word "assistant" the word "two," so it will read "two assistant engineers and electricians."

The CHAIRMAN. Now the Chair will ask the gentleman whether in his opinion that increases the number of officers?

Mr. HOWARD. By one officer.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, before the Chair rules upon the point of order let me remind the Chair that there is no law fixing the number of officers at the Atlanta Penitentiary any more than there is a law fixing the number of officers in any other department of the Government. There is no law fixing even the number of officers, and it has been always ruled that the number of officials named in a current law is not binding upon us in the consideration of an appropriation bill. It has been ruled that the salary fixed in the current law does bind. That is purely an arbitrary rule, but if the Chair sustains the point of order on increasing the number of officers we could not pass the Post Office appropriation bill; you could not pass any appropriation bill which increases the number of officers in the Government or clerks in a department.

The CHAIRMAN. The Chair is aware of that, because they are increased from time to time without authority of law, but no one raises a point of order.

Mr. MANN. Frequently a point of order is raised. A point of order was raised on the Post Office bill this session on that particular question and overruled by the Chair. On the legislative bill on the very question it was overruled by the Chair, and on the agricultural bill on the very identical question it was overruled.

Take the agricultural bill, and the point was made that the agricultural bill granted an increase in the number of employees over that in the existing law, but there being no authority specifically fixing the number of employees and the authority for their being employed in the law creating the department, in every case the Chair has overruled the point of order. If there is good authority for this, the whole item is subject to a point of order.

Mr. FOSTER. I remember the original agricultural bill, because the original act provides such clerks as Congress may authorize.

Does not this provide the same item in the same language?

Mr. MANN. The agricultural bill did not cover a great many cases that were in there.

Mr. FOSTER. I think the original act provides that.

Mr. MANN. No; it does not.

Mr. FOSTER. That was the point when the point of order was made on the agricultural appropriation bill.

Mr. MANN. That was as to certain experts.

Mr. FOSTER. I think that was the ruling of the Chair at that time on the point of order raised on the agricultural bill. The law was broad enough to authorize the appropriation for any officer.

Mr. BUTLER. When the law does prescribe for officials, how can we get them if we do not have authority here to fix them?

Mr. MANN. If there is no law for the engineer or electrician at the Atlanta Penitentiary, and the Chair holds you can not include such an item, you can not hold such an item in this bill in order.

The CHAIRMAN. The Chair is pretty nearly of that opinion.

Mr. MANN. I think, if the Chair so holds, he will overrule nearly all of the other chairmen.

The CHAIRMAN. The Chair is going to follow the precedent and will not sustain the point of order, but let the matter go to a vote.

The question is on agreeing to the amendment.

The amendment was rejected.

Mr. HOWARD. Mr. Chairman, I ask permission to offer these amendments, one at a time, if the Chair will permit. I had not finished, and I would like to offer an amendment to line 17, page 124.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend line 17, page 124, by striking out all of said line after "$1,200."

Mr. HOWARD. That strikes out the words "three captains of the watch at $1,000 each," and I would like to introduce, Mr. Chairman, before I explain that particular amendment, the following amendment to line 20, on the same page.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 124, line 20, by striking out all of said line as follows: "At $70 per month each, $43,000." And inserting in lieu thereof and before the word "guards": "Three captains of watch and guards, $58,293."

Mr. SHERLEY. Mr. Chairman, I make the point of order to that.

Mr. HOWARD. Mr. Chairman, I do not think that that particular amendment is subject to a point of order.

Mr. SHERLEY. It undertakes to change the amount to be paid these guards.

Mr. HOWARD. The three captains of the watch and guards necessary, not stipulating the number of guards that are necessary, but it states the salary. Now, the purpose of this amendment, Mr. Chairman, is to carry out the recommendation of the department relative to the graduated scale of salaries at this prison. These guards are now receiving the small sum of $70 a month, the captains of the watch are receiving the sum of $1,000 per annum. The Attorney General has recommended this change. This is a splendid body of men. Men of high character, intelligent, and industrious. They are men who have families dependent upon them. They used to obtain their midday meal at the prison free; now they have to pay for this meal. At one time they were allowed to purchase their supplies from the prison commissary at the price the Government paid for such supplies. This was stopped by the department, and the free use of the laundry once extended to these men is now denied them.

Mr. Chairman, it is needless for me to call attention to the high cost of living and its steady increase. This small salary, taking into consideration that in addition to the enormous increase in the price of foodstuffs, they have to buy two suits of guard's uniforms per annum. They are furnished no house to live in, no subsistence of any character, and are required to be on duty 365 days in the year.

Now, the Attorney General recommends that after a guard has been employed at the prison for a term of six months he commences to receive $5 per month additional to $70, until his salary reaches the maximum amount of $100 per month, or $1,200 a year; and the captains of the watch at the same time will receive an increase in their salaries up to the maximum of $1,400 per annum.

Now, Mr. Chairman, I hope that this amendment will be adopted.

Mr. SHERLEY. Mr. Chairman, I have made the point of order to it. If the gentleman wishes to speak on the point of order, he is at liberty to do so.

Mr. HOWARD. I think it is good, but it is a question of judgment.

Mr. SHERLEY. I insist upon the point of order.

Mr. HOWARD. Then there is no use in further discussion about it. I concede the point of order. We can proceed.

The CHAIRMAN. The point of order is sustained.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. May I have the attention of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY]? On page 124 you have an item for miscellaneous expenditures, and so forth, at Fort Leavenworth, Kans., $25,000, and another item for $2,500.

Mr. SHERLEY. The gentleman is mistaken. Those items are not for Fort Leavenworth, Kans. They are for Atlanta Penitentiary, but the provisions of the items under which they can be expended are the same as those in regard to the items at Fort Leavenworth, Kans.

Mr. GARNER. They are merely descriptive?

Mr. SHERLEY. Yes.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For foremen, tailor, blacksmith, shoemaker, laundryman, and carpenter, when necessary, $4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that this year at Atlanta they have some of these same officials. The appropriations for blacksmith and carpenter, and so forth, are omitted this year at Leavenworth, but they are left at Atlanta. What special reason is there for that?

Mr. FITZGERALD. The statement was made before the committee that at Leavenworth the warden was able to dispense with the services of the blacksmith and carpenter, and so on.

Mr. MANN. Why do they need a blacksmith and carpenter at Atlanta if they can dispense with them at Leavenworth?

Mr. FITZGERALD. The warden at Atlanta, as the gentleman has probably seen, is very tenacious, and he insisted that he required these particular mechanics.

Mr. HOWARD. It is not the warden; it is the Representative who is tenacious. The warden has nothing to do with it.

Mr. MANN. In the current law we appropriate for a shoemaker and a harnessmaker and a tinner, and a blacksmith at Fort Leavenworth; and the warden there, showing that they might be dispensed with, I assume, recommended that they be left out of the bill, as they have been. But at Atlanta they do not seem to be willing to dispense with anything.

Mr. HOWARD. That is true, Mr. Chairman.

Mr. MANN. As long as they have the present able Representative they will probably be unwilling to dispense with anything.

Mr. HOWARD. I will explain that, if the gentleman wants me to, about the blacksmith. The blacksmith is needed at Atlanta at this particular time because of the peculiar condition——

Mr. BUTLER. Until after the election?

Mr. MANN. Has the gentleman conjured up a good reason while I have been talking? [Laughter.]

Mr. HOWARD. He is needed, I say, because of the condition of the construction personnel at this time.

Mr. MANN. But the conditions of the construction at Atlanta and at Leavenworth are identical.

Mr. HOWARD. I do not know about it at Leavenworth, but at Atlanta I know the blacksmith, and he is a good fellow, and he earns his money.

Mr. MANN. Then, if the gentleman knows him, that is a sufficient explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIGHTHOUSES, BEACONS, AND FOG SIGNALS.

Light vessel, general service: For constructing and equipping one light vessel for general service, $130,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I notice, first, that the committee have changed the heading "Light vessels and other vessels under the Lighthouse Service" to "Lighthouses, beacons, and fog signals."

Then the first item is a light vessel, which is not covered by the heading. What is the reason for changing the heading so that it does not cover the item that follows?

Mr. FITZGERALD. The words "light vessels" were left out inadvertently.

Mr. MANN. Then they may be inserted. Does the gentleman contend that this light vessel is authorized by law?

Mr. FITZGERALD. It is authorized. All of the items here are authorized by law.

Mr. MANN. There really ought to be some reference here, where you provide a light vessel for general service. I do not think there is any authorization for that.

Mr. PAGE. This is authorized under the act of June 17, 1910.

Mr. MANN. Did that provide a light vessel for general service?

Mr. PAGE. Yes; it is so stated, one light vessel for general service.

Mr. MANN. The reason I asked was because there have been several light vessels authorized for particular service where they are not necessary, and the department has been asking that light vessels for general service might be allowed, instead of those for particular service, to which I have no objection; but I do not desire, if we allow one of them, to have it said, "This was allowed by an appropriation bill and is not the one authorized by the act."

Mr. FITZGERALD. The Committee on Appropriations have refused to appropriate for any new works in this service except those that have been previously authorized by law. The Committee on Appropriations have taken the position that it was much safer to have the committee having jurisdiction of the matter recommend the authorization.

Mr. MANN. I was thinking for the moment of lighthouse tenders. There is nothing of that sort in here. I now remember the light vessel for general service. There are some authorizations for lighthouse tenders where they are not needed, and the department desired to have them for general service. That bill has not come along yet.

Mr. FITZGERALD. The committee did not attempt to determine those questions.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

LIGHTHOUSE SERVICE.

General expenses, Lighthouse Service: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That no oil or carbide house erected hereunder shall exceed $550 in cost; the construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees while engaged on works of general repair and maintenance, rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce and Labor of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,569,400.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This paragraph at the top of page 128 carries a provision for rations for lighthouse keepers, or the commutation that is provided for by law. Now, the gentleman has inserted in the bill the words "and other authorized persons" to receive the rations or the commutation.

The CHAIRMAN. On what line is that?

Mr. MANN. Line 7, page 128. That does not mean authorized by law. That would allow the Lighthouse Service to authorize anyone connected with the service to have these rations in addition to pay.

Mr. FITZGERALD. While on board the tenders.

Mr. MANN. I do not think that is it.

Mr. FITZGERALD. It is.

Mr. MANN. It says:

Rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels.

Mr. FITZGERALD. Certain officials or employees in the service are compelled at times to be on these tenders, and this is simply to enable the rations to be furnished them. Otherwise they would have to be provided at the expense of the officers of the vessels.

Mr. MANN. Very well. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read to page 135, including line 8.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not think it is on account of the ball game, but the attendance in the committee has fallen off considerably. I suggest to my friend from New York that this would be a good time and place for the committee to rise.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York; to the Committee on Public Buildings and Grounds.

S. 6573. An act to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

S. 6269. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico; to the Committee on Public Buildings and Grounds.

S. 7096. An act to increase the limit of cost of the public building at Narragansett Pier, R. I.; to the Committee on Public Buildings and Grounds.

S. 5790. An act for the relief of C. E. Moore; to the Committee on Claims.

CHANGE OF REFERENCE.

The Clerk read as follows:

The Committee on Pensions is discharged from the further consideration of the act (S. 1152) granting an increase of pension to Mary Braford Crowninshield, and the same is referred to the Committee on Invalid Pensions.

Mr. MANN. Mr. Speaker, that does not require action of the House. If it is a private bill, the rule provides for the transfer of private bills.

The SPEAKER. It is a private bill, but a Senate bill.

Mr. MANN. The rule provides that the committee may do that. I have no objection to it.

The SPEAKER. The references of Senate bills are corrected under the rule like public bills. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HUGHES of Georgia, for one week, on account of attending the annual meeting of the board of trustees of the University of Georgia.

To Mr. LITTLEPAGE, for five days, on account of important business.

To Mr. DAVENPORT, for one week, on account of illness in his family.

To Mr. THOMAS of Kentucky, indefinitely, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until Monday, June 17, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriation for draining and filling swamps within Government reservations on Constitution Island (H. Doc. No. 834) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 15241) for the relief of Fred R. Payne, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 19190) for the relief of John P. Risley, reported the same with amendment, accompanied by a report (No. 897), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager, reported the same with amendment, accompanied by a report (No. 898), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKELLAR: A bill (H. R. 25375) to authorize a survey of Hatchie River, in Tennessee; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 25376) for the purchase of a site and erection of a public building in the city of Bolivar, Hardeman County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25377) to authorize a survey of the Memphis (Tenn.) Harbor; to the Committee on Rivers and Harbors.

By Mr. DODDS: A bill (H. R. 25378) to provide for the purchase of a site and the erection of a public building thereon at Mount Pleasant, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: Joint resolution (H. J. Res. 330) providing for the purchase of the home of Thomas Jefferson at Monticello, Va.; to the Committee on the Library.

By Mr. AYRES: Memorial of the Legislature of the State of New Mexico, asking for the creation of two additional judicial circuits; to the Committee on the Judiciary.

By Mr. LEVY: Memorial of the Legislature of the State of New Mexico, asking for a specific duty on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying the construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of New Mexico, asking for additional judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, praying that the Navajo Indian and other reservations be allotted and opened to settlement; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25379) granting an increase of pension to William A. Hughes; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25380) granting an increase of pension to John W. Hall; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25381) granting a pension to Francis P. McCue; to the Committee on Pensions.

Also, a bill (H. R. 25382) granting an increase of pension to John D. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25383) granting an increase of pension to Nathaniel Hawes; to the Committee on Invalid Pensions.

By Mr. DANFORTH: A bill (H. R. 25384) for the relief of Francis J. Yawman; to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 25385) granting a pension to Mary E. Sweeney; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 25386) granting a pension to Susan Russell; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25387) granting a pension to D. L. Maddox; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 25388) granting an increase of pension to John R. Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25389) granting an increase of pension to Charles H. Dart; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 25390) for the relief of the estate of Thomas Loker; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Ton Polek Sev. Jadwige Society, No. 357, Chicago, Ill.; Society No. 157, Helmetta, N. J.; and Boskeego Serca Jezusa Society, No. 533, Chicago, Ill., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Kazimier Society, No. 588, North Braddock, Pa., and St. Michael Society, No. 93, Ashland, Wis., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ELLERBE: Petition of citizens of the State of South Carolina, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Memorial of the Swedish-American Republican Club of Will County, Ill., relative to erection of a monument in memory of Capt. John Ericsson; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Mrs. Gervaise Graham, of Chicago, Ill., against the passage of the Richardson bill (H. R. 14060) to amend sections 6, 7, and 8 of the food and drugs act, approved June 30, 1906, concerning dyes and deleterious compounds, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. M. H. Wagner & Sons, of Chicago, Ill., favoring the passage of House bill 21480, to establish a standard barrel and standard grade for apples when packed in barrels, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. HANNA: Petition of citizens of North Dakota, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, against the stop watch for Government employees; to the Committee on the Judiciary.

Also, petition of the North Dakota Medical Association of Casselton, N. Dak., favoring passage of Senate bill 1, known as the Owen bill, providing for national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fort Rice, N. Dak., favoring passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., favoring investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Trenton, N. J., against erection of railroad bridge across the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Young Men's Hebrew Association of Bayonne, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the United States Civil Service Retirement Association, Washington, D. C., against the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5091, for erection of navy memorial at Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Amalgamated Ladies' Garment Cutters' Association Local No. 10, of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Manila Merchants' Association, of Manila, P. I., relative to sale of Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the High School Teachers' Association of New York City, favoring Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Allied Printing Trades Council, New York, favoring the passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of the University of Pittsburgh, relative to providing for an international conference on the cost of living; to the Committee on Foreign Affairs.

Also, petition of Robert H. Ingersoll & Bro., New York, N. Y., favoring the continuation of the Commission on Efficiency; to the Committee on Appropriations.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against passage of the Richardson drug bill, tending to amend the food and drug act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of R. F. Slingerlind, of Lovells, Mich., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Memorial of Polek Sw Jadwigi Society, No. 357, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of the United States Civil Service Retirement Association, Omaha, Nebr., protesting against limiting the tenure of office of employees to five years; to the Committee on Appropriations.

By Mr. REILLY: Memorial of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Auxiliary of St. John's Church, of South Glastonbury, Conn., relative to establishing reservations for the Alaskan Indians; to the Committee on the Territories.

Also, petition of the Daughters of Liberty of New Haven, Conn., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Board of Trade of the city of Newark, N. J., favoring passage of Senate resolution 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Milltown, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Hebrew Trades of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON. Petition of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Woman's Auxiliary of St. Luke's Church, of South Glastonbury, Conn., relative to establishing reservations for the Alaskan Indians; to the Committee on the Territories.

SENATE.

MONDAY, *June 17, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

William H. Norris, executor of William Bohlen, deceased, *v.* United States (S. Doc. No. 853); and

Mary A. Zinn, widow of Henry I. Zinn, deceased, *v.* United States (S. Doc. No. 852).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

USE OF TELEPHONES BY GOVERNMENT OFFICIALS (S. DOC. NO. 851).

A message in writing was received from the President of the United States, by Mr. Latta, executive clerk.

Mr. LODGE. I ask that the message just received from the President of the United States may be read.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which will be read.

The message was read, and, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Commissioners of the District of Columbia, inviting attention to section 7 of the legislative, executive, and judicial bill with reference to the use of telephones by Government officials.

WM. H. TAFT.

THE WHITE HOUSE, *June 15, 1912.*

HOUR OF MEETING ON THURSDAY.

Mr. McCUMBER. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet on Thursday next at 10 o'clock a. m. I am asking for a 10 o'clock meeting for the reason that we will have no business to transact other than the usual morning business and a great many Senators could then have an opportunity to put in a full day if they did not have to wait until noon on that day in order to introduce a bill or something of that kind. Waiting until noon breaks up the entire day, and if we can meet at 10 o'clock—as we will be, in session only a few minutes—it will give us the entire day to do as we may wish. I know that the motion is not inconsistent with the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from North Dakota moves that when the Senate adjourns to-day it adjourn to meet at 10 o'clock on Thursday. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of members of the Commercial Association of Evanston, Ill., praying that an appropriation be made for the purchase of buildings for the accommodation of American representatives abroad, which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Union No. 735, International Brotherhood of Teamsters, Chauffers, Stablemen, and Helpers of America; of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America; and of G. W. Gibson, secretary of the International Association of Car Workers, all of Chicago, in the State of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Kewanee, Taylorville, Chicago, Peoria, Freeport, Carlinville, all in the State of Illinois, praying for the passage of the so-called anti-injunction bill, which were referred to the Committee on the Judiciary.

Mr. ASHURST. I present a concurrent resolution adopted by the Legislature of the State of Arizona, which is very short, and I ask that it may be read.

The concurrent resolution was read and referred to the Committee on Irrigation and Reclamation of Arid Lands, as follows:

House concurrent resolution 5.

Resolved by the Senate and House of Representatives of the First Legislature of the State of Arizona, in special session convened, That it is the desire of the legislature that the Congress of the United States make such amendment or amendments to the reclamation act as will permit the State of Arizona to purchase from the United States water rights for all State and school lands, under reclamation projects, in excess of the maximum of 160 acres allowed to private purchasers, such water rights to be held by the State for the use and benefit of its citizens.

Provided always, That the State, in leasing said lands and water rights, shall impose the same conditions, regulations, and restrictions upon the lessees of said lands and water rights, as to maximum area of holdings, cultivation, etc., as are now imposed upon private water-right producers by the reclamation act.

Resolved further, That certified copies of this resolution be forwarded to Hon. HENRY F. ASHURST and Hon. MARCUS A. SMITH, United States Senators from Arizona; to Hon. CARL HAYDEN, Representative in Congress from Arizona; and to Hon. Samuel Adams, First Assistant Secretary of the Department of the Interior.

June 10, 1912, adopted by the unanimous vote of the senate.

W. G. CUNNIFF,
President of the Senate.

June 10, 1912, adopted by the unanimous vote of the house.

SAM B. BRADNER,
Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the house of representatives of the first State legislature and J. M. McCollum, secretary of the senate of the first State legislature, in extra session, do hereby certify that the fore-

going is a true and correct copy of house concurrent resolution 5, as passed by the house and senate.

B. F. THUM,
Chief Clerk of House of Representatives.
J. M. MCCOLLUM,
Secretary of Senate.

Mr. CURTIS presented a memorial of sundry citizens of Kansas City, Kans., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Topeka and of Barton, Ness, Scott, Reno, McPherson, and Rush Counties, all in the State of Kansas, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. ROOT presented a memorial of sundry citizens of Middletown, N. Y., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 7172) granting an increase of pension to Augustin Buhl (with accompanying papers); and

A bill (S. 7173) granting a pension to Lydia M. Jacobs (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7174) authorizing the issuance of a patent to the northwest quarter section 27, township 17 south, range 40 west, Dodge City (Kans.) land district to George H. Lowrey; to the Committee on Public Lands.

A bill (S. 7175) to correct the military record of Patrick McAnany; and

A bill (S. 7176) to correct the military record of Frederick A. Miller; to the Committee on Military Affairs.

By Mr. JOHNSON of Maine:

A bill (S. 7177) granting an increase of pension to Ezekiel R. Thomas (with accompanying papers);

A bill (S. 7178) granting an increase of pension to John J. Jameson (with accompanying papers);

A bill (S. 7179) granting an increase of pension to Charles T. Knight (with accompanying papers); and

A bill (S. 7180) granting an increase of pension to Alvin H. Ellis (with accompanying papers); to the Committee on Pensions.

THE COTTON SCHEDULE.

Mr. MCCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 23034) to reduce the duties on the manufactures of cotton, which was referred to the Committee on Finance and ordered to be printed.

TARIFF DUTIES ON WOOL.

Mr. MCCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BOURNE. For and on behalf of the Senator from Ohio [Mr. BURTON] I submit an amendment proposing to appropriate $20,000 for continuing the work of the International Waterways Commission, and so forth, intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which I move be referred to the Committee on Appropriations and ordered to be printed.

The motion was agreed to.

Mr. MYERS. On behalf of the Senator from Texas [Mr. CULBERSON], and at his request, I submit an amendment intended to be proposed by him to the bill (H. R. 25069) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and at his request I ask that it be referred to the Committee on Commerce and printed.

The PRESIDENT pro tempore. The amendment will be referred to the Committee on Commerce, and it will be printed under the rule.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $120,000 for payment to the treasurer of the Mount Vernon Avenue Association, of Virginia, to be used by the association toward the construction of a boulevard from Mount Vernon to Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $25,000 for grading and constructing a macadam road on Massachusetts Avenue from Nebraska Avenue west to the District line, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $310.62 to pay the city of Topeka, Kans., being the Government's proportionate part of the expenses incurred in establishing the White Way and the curb and gutter tax against the post-office property in that city, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the promotion of officers in the United States Navy who by their seniority have been placed upon the retired list for physical disability, etc., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment proposing to appropriate $7,500 for the erection of a chapel at the Eastern Branch of the National Home for Disabled Volunteer Soldiers at Togus, Me., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

STATUS OF RESOLUTION ON THE TABLE.

The PRESIDENT pro tempore. Are there concurrent or other resolutions to be introduced? [After a pause.] There is a resolution on the table, but the Chair understands that under the consent order it will not be in order to be considered. So the Chair does not lay it before the Senate.

Mr. HEYBURN. Mr. President, I have some doubt in my mind as to whether resolutions coming over, as in the case of the resolution on the table, would be included in the routine morning business. I intended to have made some inquiry on that point the other day.

Mr. LODGE. Under the unanimous-consent agreement it could not be taken up anyway, because it requires a vote.

Mr. HEYBURN. It might be debated. I was wondering whether it is routine morning business.

Mr. LODGE. The agreement, I think, is intended plainly to exclude everything.

The PRESIDENT pro tempore. The Chair understands the Senator from Idaho not to raise the question as to whether it can be considered under the consent order, but whether it is properly a part of the morning business.

Mr. HEYBURN. I have no desire to have it taken up. I am going away for a few days, and I merely wanted to know whether, in the opinion of the Chair, it is morning business.

The PRESIDENT pro tempore. The Chair will state that it is not specifically named in the rule, except that a concurrent resolution is in order, and if objected to it goes over. That is the sense in which it is considered as a part of the morning business, and it has been so universally treated by the Senate.

Mr. HEYBURN. I see by a reference to the rules what action has been taken heretofore. I do not want to go away under the impression that such matters could not come up and then find they had been brought up.

Mr. CULLOM. The Senator will find it on the table when he returns.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions, the morning business is closed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 12 minutes p. m.) the Senate adjourned until Thursday, June 20, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 17, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that it is not always easy to tell the truth, to be honest, to be just, to be pure; otherwise there would be no virtue in the power of resistance nor in the courage of our convictions. We realize that each day is a day of probation, each test a crucial test. To meet the temptations of to-day successfully is to strengthen us for the conflicts of the morrow. If we live well to-day, we shall be prepared to live better to-morrow. "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise, help us to think on these things."

For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, June 15, 1912, was read and approved.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. This is the day set apart for the consideration of bills on the Calendar for Unanimous Consent. The Clerk will report the first bill.

ALLOTTEES OF FIVE CIVILIZED TRIBES.

The first business on the Calendar for Unanimous Consent was the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

Mr. CARTER. Mr. Speaker, before the bill is read, I ask unanimous consent that consideration of it be passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that consideration of the bill be passed without prejudice. Is there objection?

There was no objection, and it was so ordered.

SCHOOL SECTIONS WITHIN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. FOSTER. Mr. Speaker, the gentleman from California [Mr. RAKER] is not present, and I suggest that the bill be passed without prejudice.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to pass over this bill for the present. I do not see any member of the Public Lands Committee present.

Mr. BUTLER. That will mean the passage for two weeks.

Mr. FOSTER. Yes.

Mr. MANN. I shall not object, although I gave notice two weeks ago that the bill would have to be disposed of.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to pass over the bill without prejudice. Is there objection?

There was no objection.

INHERITED ESTATES IN FIVE CIVILIZED TRIBES, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22083) relating to inherited estates in the Five Civilized Tribes in Oklahoma.

The Clerk read the bill, as follows:

Be it enacted, etc., That conveyances of inherited allotments by full-blood heirs made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. CARTER. Mr. Speaker, the purpose of this bill is, not to change, but simply to elucidate the present law, already in existence. Briefly, section 9 of the act of May 27, 1908, gives the probate courts of the State of Oklahoma jurisdiction over all inherited estates of the Indians of the Five Civilized Tribes. No contention was made on this point until something more than a year after the law went into effect, when suddenly it dawned upon the Interior Department that the point was sufficiently involved to necessitate a ruling on same by the Department of Justice. The Department of Justice, as is usually the case, decided favorably to the Interior Department, reading into the act the word "hereafter," thereby making it apply only to inherited estates of allottees who died after the passage of the restriction act, which was May 27, 1908. In the meantime a great many bona fide transfers had been made upon the presumption that the act of May 27, 1908, applied to allottees dying both before and after the passage of the law. And it has since that time been so held by both the Supreme Court of the State of Oklahoma and the Federal Court in the Eastern Judicial District of Oklahoma in the cases of McHarg *v.* Eatman (116 Pacific, 935) and Harris *v.* Gale (188 Federal, 712), respectively. So that we now have two court decisions on the one hand, as against the ruling of the Attorney General on the other. This bill proposes to construe the law along the line of the two court decisions rather than in accord with the opinion of the Attorney General.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. Yes.

Mr. NORRIS. Does the gentleman mean to say that the law, as this bill would make it, has already been upheld by the Supreme Court of the United States?

Mr. CARTER. Oh, no; not the Supreme Court of the United States, but by the Supreme Court of the State of Oklahoma and the Federal Court of the Eastern Judicial District of the State of Oklahoma. I do not believe the gentleman from Nebraska would dispute that these decisions were correct after reading the law.

Mr. NORRIS. Are the cases on the way to the Federal Supreme Court?

Mr. CARTER. No; and no appeal was taken from the Federal court or from the State supreme court.

Mr. NORRIS. Does the gentleman say that, notwithstanding those decisions have become final, so to speak, the Attorney General still holds otherwise?

Mr. CARTER. The Attorney General made his ruling previous to the two court decisions upon a case submitted to the Department of Justice by the Interior Department. Now, I presume the decision of the Attorney General is so satisfactory to the Interior Department that no further opinion will be asked on the subject.

Mr. NORRIS. Is he not willing to change his ruling now?

Mr. CARTER. Well, he has not done so. There has been no case taken up to him as yet, and it is a rather complicated procedure to get a case before him without submitting same through a department of the Government. What we want is to have these decisions of the courts verified by this Congress—if I may be permitted to use that word—without any further trouble with the Department of Justice or Interior Department, either.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CARTER. Certainly.

Mr. MANN. Mr. Speaker, as I understand, the law was that these conveyances could only be made upon the approval of the Secretary of the Interior.

Mr. CARTER. That was the case before the act of May 27, 1908.

Mr. MANN. Congress passed an act providing that they could be made upon the approval of the probate court, but the Attorney General has held that that did not apply to cases where the allottee had already died. The courts held that it did apply to allottees who had died previous to the passage of the act authorizing the transfers to be made upon the approval of the probate court?

Mr. CARTER. That is correct.

Mr. MANN. A good many transfers have been made, as a matter of fact, upon the approval of the probate court, without the approval of the Secretary of the Interior. The gentleman now seeks to pass an act which will validate those conveyances that have already been made, with the approval of the probate court, and would allow other conveyances to be made hereafter of allottees who died previous to the passage of the act, upon the approval of the probate court?

Mr. CARTER. That is the exact purpose of this bill.

Mr. MANN. Does the gentleman know what the position of the department is in reference to it?

Mr. CARTER. As I have just stated, the Interior Department took the matter up several years ago and submitted it to the Attorney General for an opinion. The Attorney General replied, ruling that the probate courts did not have final jurisdiction in the matter, but such transfers must require the approval of the Secretary of the Interior when involving lands of persons dying prior to May 27, 1908, the date of the passage of the act.

The Interior Department has recently sent us a report which, to be candid, I must admit is unfavorable to the passage of the bill.

Mr. MANN. If the gentleman will permit, of course as to conveyances which might be made hereafter, there is no great difficulty probably in securing the approval of the Secretary of the Interior instead of the approval of the probate court. I apprehend, however, there is considerable work in obtaining the approval of both? That is what the gentleman seeks to avoid?

Mr. CARTER. Yes.

Mr. MANN. Does the gentleman think it complicates matters very much to require the approval of both?

Mr. CARTER. O Mr. Speaker, indeed it does. The nineteen and one-half million acres of lands on the east side of the State of Oklahoma are all Indian lands. The natural percentage of deaths have occurred there the same as in other places, so that this involves deaths that might occur among the allottees of nineteen and one-half million acres of land.

Mr. MANN. This involves only the death of those allottees which occurred prior to 1908?

Mr. CARTER. Yes. My statement should be qualified to that extent. It involves the natural percentage of deaths that might

have occurred from the time enrollment began, in 1898, until the passage of this act of May 27, 1908, which would be 10 years in duration, and everyone must admit that this is sure to be a very large percentage.

We are not afraid to go before the Secretary or any other tribunal for the approval of these matters. It is the complicated procedure and delay attendant upon departmental action which is objected to. It takes not less than six month, and often longer than a year, to get these deeds approved by the Secretary. They have to go through all the channels. The application is filed with the district agent; from the district agent it goes to the superintendent of the Union Agency, at Muskogee; from the superintendent to one of his subordinates; from the subordinate back to the superintendent; from the superintendent to the Commissioner to the Five Civilized Tribes; from the commissioner to one of his subordinates; from subordinate back to the commissioner; then from the commissioner to the Secretary of the Interior at Washington; from whence it is referred to the Indian Bureau; from the commissioner of that bureau to his subordinate; from that subordinate back to the commissioner; from the commissioner to the Secretary of the Interior; from the Secretary of the Interior to the law clerk of his department; and the law clerk refers it back to the Secretary. After all of this red tape you will eventually get final action from the Secretary of the Interior—favorable if you have a gilt-edge case, a good lawyer, and a Congressman who is willing to work 18 hours a day in about 6 to 18 months; and you will find when you get the approval that it has cost you more in expenses, lawyers' fees, trips to Muskogee, Washington, and other places, and in interest on money deposited, than you first contemplated paying for the land.

As I said before, this involves the natural percentage of deaths in almost one-half the lands of a great State—35 or 40 counties, if my memory serves me right—which work in itself would be of sufficient volume to engage the entire attention of a pretty good-sized department. With all this mass of business in hand, and the many other things the Interior Department is having to look after just now, procedure in these cases has become so obstructed that there is very little market for this class of titles. What I desire to do is to make the procedure less cumbersome, and this can very easily be done by this bill, which simply clarifies the present law.

Mr. MANN. It is a fact, is it not, that as to at least one probate court in Oklahoma there were serious charges of fraud preferred and believed to be true? Does the gentleman think it is perfectly secure to permit the probate court to make these approvals and that that will properly safeguard the interests of the Indians?

Mr. CARTER. There have been two county judges against whom charges were made in Oklahoma. One of these judges was defeated at the succeeding election and the other removed from office, neither of them serving at the present time. Even if these charges were true, this would make only 2 out of 35 or 40 judges; and let me remind the gentleman that there have also been some serious charges made upon the other side of this question. I do not care to bring any charges against the department or to even discuss that phase of the question at this time, but this House will no doubt remember a case presented here by my colleague [Mr. DAVENPORT] from the third Oklahoma district, in which an agent of the department was insisting on taking less for land—a great deal less, I believe—than the county probate court had already been offered. The county judge stuck to his contention and got the higher price. These things will naturally occur whether in the department or out of it, whether a county judge in Oklahoma or any other State of the Union.

Mr. MANN. Oh, I do not doubt there might be charges properly preferred against some of the officials in the Interior Department, and yet in the main probably the Interior Department would be less influenced by the local desire to get these lands out of the hands of incompetent Indians than would the local authorities be.

Mr. CARTER. Mr. Speaker, I want to repeat what I said sometime ago in the discussion on the Indian appropriation bill. We have in Oklahoma what we call a State board of charities and corrections. In that board there has been organized a special bureau for the specific purpose of looking after this very character of case—minor children's allotments and inherited estates. That department is very ably presided over by a young lady named Miss Katie Barnard, and her assistant in charge of this specific work is Dr. J. H. Stolper, and the grafter who gets anything past the vigilant eye of these two guardsmen will have to show something better than they have ever yet conjured up.

Mr. MANN. What have they to do with the approval of the probate court?

Mr. CARTER. Well they have a kind of general supervision over the acts of county judges in regard to these matters, and appear as attorneys for the incompetents and minors in these and many other cases.

Mr. MANN. But I do not understand that they appear as attorneys in every case where application is made in the probate court to sell property in the settlement of an estate?

Mr. CARTER. Oh, of course, they could not appear in every case, but they have a general supervision of the entire matter. I presume the county attorney appears very often in such cases; the State board of charities and corrections, however, keeps a pretty close watch over all these transactions and, I think, is amply qualified to take care of the situation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read the committee amendments, as follows:

Amend, line 3, page 1, by inserting after the word "full blood" the word "Indian."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend, line 4, page 1, by inserting after the word "heirs" the following: "members of the Five Civilized Tribes in Oklahoma."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Reservation in California;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes;

H. R. 16493. An act to correct the military record of William Z. Norman;

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant;

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics in cotton; and

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.

The message also announced that the Senate had passed concurrent resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. Con. Res. 22. Concurrent resolution to appoint a joint special committee to investigate rentals paid by the Government and the District of Columbia.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4883. An act to provide for the erection of a public building at Shawnee, Okla.;

S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army;

S. 2928. An act appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky.;

S. 2697. An act for the relief of John J. Flynn;

S. 6776. An act for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation in Oklahoma, and for other purposes;

S. 2147. An act for the relief of James L. Chase;

S. 1589. An act to authorize the exchange of conveyances between Florida East Coast Railway Co. and the United States;

S. 1001. An act to correct the military record of Andrew Floyd and grant him an honorable discharge;

S. 6650. An act for a site and the erection of a public building at Ripon, Wis.;

S. 6686. An act authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes;

S. 6126. An act for the purpose of removing restrictions on encumbrance and alienation of allotted lands within Cherokee Nation;

S. 4675. An act for the relief of George W. Brown;

S. 6682. An act for the relief of John Duggan, alias McCarty (or McCarthy);

S. 6672. An act to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads to the District line;

S. 5333. An act to authorize the widening and extension of Spring Road NW., and for other purposes;

S. 1330. An act for the relief of Joseph B. Riley, alias Thomas B. Keesy;

S. 171. An act placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank;

S. 6332. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service;

S. 6678. An act authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes;

S. 6590. An act to establish a fish-cultural station in the State of New Mexico;

S. 1302. An act for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased;

S. 6178. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.;

S. 6413. An act for the purchase of a site and erection of a Federal building at Salisbury, Md.;

S. 5354. An act to acquire a site and for the erection thereon of a public building at Oconto, Wis.;

S. 6551. An act to amend section 3 of an act entitled "An act to provide for an enlarged homestead";

S. 2605. An act to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade;

S. 5956. An act to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service;

S. 421. An act for the relief of Joseph B. Forbes;

S. 3843. An act granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes;

S. 4693. An act for the relief of R. W. Branson;

S. 4900. An act to provide for the erection of a public building at Altus, Okla.;

S. 5170. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses;

S. 5860. An act to provide for agricultural entries on coal lands in Alaska;

S. 6330. An act increasing the cost of erecting a public building at Santa Barbara, Cal.;

S. 6545. An act to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public;

S. 6734. An act to provide for the erection of an armory in the District of Columbia; and

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Reservation.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles, when the Speaker signed the same:

H. J. Res. 299. Joint resolution proposing an International Maritime Conference;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River, at or near Millard, Ky.;

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co., to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operations of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"; and

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River, at Marrowbone, Ky.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5956. An act to restore, in part, the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

S. 6126. An act for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation; to the Committee on Indian Affairs.

S. 6178. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.; to the Committee on Public Buildings and Grounds.

S. 6330. An act increasing the cost of erecting a public building at Santa Barbara, Cal.; to the Committee on Public Buildings and Grounds.

S. 6332. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

S. 6413. An act for the purchase of a site and erection of a Federal building at Salisbury, Md.; to the Committee on Public Buildings and Grounds.

S. 6545. An act to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public; to the Committee on the District of Columbia.

S. 6551. An act to amend section 3 of an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

S. 6590. An act to establish a fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.

S. 6650. An act for a site and the erection of a public building at Ripon, Wis.; to the Committee on Public Buildings and Grounds.

S. 6672. An act to authorize the president and directors of the Georgetown Gas Light Company to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads to the District line; to the Committee on the District of Columbia.

S. 6682. An act for the relief of John Duggan, alias John McCarty (or McCarthy); to the Committee on Military Affairs.

S. 6686. An act authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes; to the Committee on Indian Affairs.

S. 6734. An act to provide for the erection of an armory in the District of Columbia; to the Committee on the District of Columbia.

S. 6776. An act for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation; to the Committee on Indian Affairs.

S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

S. 5860. An act to provide for agricultural entries on coal lands in Alaska; to the Committee on the Territories.

S. 5354. An act to acquire a site and for the erection thereon of a public building at Oconto, Wis.; to the Committee on Public Buildings and Grounds.

S. 5333. An act to authorize the widening and extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.

S. 5170. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses; to the Committee on Claims.

S. 4900. An act to provide for the erection of a public building at Altus, Okla.; to the Committee on Public Buildings and Grounds.

S. 4883. An act to provide for the erection of a public building at Shawnee, Okla.; to the Committee on Public Buildings and Grounds.

S. 171. An act placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank; to the Committee on Naval Affairs.

S. 421. An act for the relief of Joseph B. Forbes; to the Committee on Military Affairs.

S. 1001. An act for the relief of Andrew Floyd; to the Committee on Military Affairs.

S. 1302. An act for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr.; to the Committee on Claims.

S. 1330. An act for the relief of Joseph B. Riley, alias Thomas B. Keesy; to the Committee on Military Affairs.

S. 1589. An act to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States; to the Committee on Military Affairs.

S. 2145. An act for the relief of James L. Chase; to the Committee on Military Affairs.

S. 2605. An act to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Naval Affairs.

S. 2697. An act for the relief of John J. Flynn; to the Committee on Military Affairs.

S. 2928. An act appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky.; to the Committee on Military Affairs.

S. 3843. An act granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes; to the Committee on Indian Affairs.

S. 4675. An act for the relief of George W. Brown; to the Committee on Military Affairs.

S. 4993. An act for the relief of R. W. Branson; to the Committee on Claims.

S. Con. Res. 22. To appoint a joint special committee to investigate rentals paid by the Government and the District of Columbia; to the Committee on Rules.

AMERICAN REGISTRY TO NORWEGIAN ICE BREAKER "KIT."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17235) to grant American registry to the Norwegian ice breaker *Kit*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized to register as an American vessel the Norwegian steam ice breaker Kit, of 240 tons net: *Provided, however*, That such registry is based upon the express condition that such vessel shall engage each year from November 1 to June 1 of the next year in carrying mail, freight, and passengers in Bering Sea, and from June 1 to November 1 in whaling in American waters.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

Mr. FERRIS. I would ask the gentleman to withhold for a moment——

Mr. ALEXANDER. Mr. Speaker, I would like to call the attention of the gentleman from Massachusetts to the fact that Mr. HASKY is not here this morning, and I ask unanimous consent that this may go over.

Mr. FERRIS. That is the request I was going to make.

Mr. GREENE of Massachusetts. I objected to it two weeks ago.

The SPEAKER. Does the gentleman from Massachusetts object?

Mr. GREENE of Massachusetts. I do.

The SPEAKER. The bill will be stricken from the calendar.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on June 15, 1912, approved and signed bills of the following titles:

H. R. 16074. An act to establish a subport of entry at Indiana Harbor, in the State of Indiana;

H. R. 17679. An act to make Bay City, Mich., a subport of entry; and

H. R. 19476. An act granting certain lands to the State of California to form a part of California Redwood Park in said State.

VETO OF ARMY APPROPRIATION BILL (H. DOC. NO. 825).

The SPEAKER. The Chair lays before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I have carefully considered the important questions presented by the bill entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," and I now return it to the House of Representatives, in which it originated, with my objections to its approval.

The bill provides in the usual form for the appropriation required for the support of the Army during the next fiscal year. If it contained no other provisions, it would receive my prompt approval. It includes, however, further legislation of a most important character.

In addition to the appropriation bill proper, there were enacted by the House of Representatives, in six appended sections and elsewhere in the bill, a body of legislation which would substantially reorganize and change the existing military establishment. Among other things, this legislation reduced the Army by five regiments of Cavalry; it changed the existing term of the soldiers' enlistment; it altered the amounts of pay and conditions of allowances made to officers and enlisted men; it consolidated the three great supply corps of the Army, and also merged The Adjutant General's and Inspector General's departments with the General Staff; it reduced not only the number of general officers of the Army, but also reduced very materially the total number of officers and changed the number and methods of detail of such officers to the various departments; and in other ways made changes which necessarily had a far-reaching effect upon the military policy of the Nation as well as upon the organization with which that policy must be carried out.

When this bill reached the Senate that body, by a decisive vote, struck all of this new and affirmative legislation from the bill, giving as its reasons, in the language of the chairman of the Senate Committee on Military Affairs, the following:

> Mr. President, the sections of the Army bill, from and including section 2, which are known as the legislative sections of the bill, have been stricken out, as the committee does not believe that important and radical legislation of this kind should be included in an appropriation bill, but should be discussed on its own merits as an independent measure as soon as the proposed plan of reorganization is received from the War Department. * * *
>
> The subjects covered by these provisions directly affect the efficiency of the Army, and can not receive the careful consideration which their importance demands when included in the provisions of an appropriation bill. * * *
>
> The consensus of opinion of the military authorities is that it is inadvisable at this time to attempt a partial reorganization of the Army. The entire subject of reorganization has been under prolonged investigation by the General Staff Corps, which corps was created by law for the purpose, among other duties, of studying and advising upon such subjects. * * * Until fully matured by the military authorities of the War Department and by the Military Committees of the two Houses of Congress the time required for its full discussion should not be hastened by the urgency of an appropriation bill.

The bill then went to conference, and the House conferees have now succeeded in restoring to the bill a large portion of this affirmative legislation, and in addition thereto have succeeded in introducing into the bill two entirely new provisions which had not before received the attention of either House of Congress or of either of their military committees.

One of these provisions creates a commission to consist of five retired Army officers, who are named in the bill, instead of being chosen by the President or Secretary of War, and two Members from each House of Congress, to be designated by the presiding officers of such Houses, respectively, to report upon the location and distribution of military posts which are required within the continental limits of the United States for the proper accommodation, instruction, and training of the mobile Army, and until such report is made the Executive is expressly deprived of all power to authorize the commencement of new posts or to change in any manner the posts now in existence in the United States.

The second provision introduced by the conference provides that no officer after March 5, 1913, shall be permitted to serve as Chief of Staff unless he shall have served at least 10 years as a commissioned officer of the line of the Army in grades below that of brigadier general. This provision would render ineligible after that date for service in the most important position of the Army the present Chief of Staff and many other of the most efficient officers of the Army.

This brief summary of the history and character of the affirmative legislation attached to this bill serves to bring out the objections thereto. The dangers inherent in the practice of attaching substantive legislation to appropriation bills have been frequently pointed out by my predecessors. The only justification that has been offered for such practice is that it has been found a convenient method for facilitating the passage of measures which are deemed expedient by all the branches of government which participate in legislation. Thus, it has more than once occurred that useful items of Army legislation, generally of an urgent character, have been passed in this manner, when the desirability of the enactment was recognized and acquiesced in by the common consent of both the Executive and of Congress. But no condition of urgency is here disclosed, nor can it be claimed that there is any such reason for attaching the present legislation to this Army appropriation bill. The history of the measure flatly contradicts this assumption. The most important provisions insisted on by the House of Representatives in this bill have been inserted therein against the recommendation of the President, the Secretary of War, and the General Staff of the Army. They are earnestly opposed by those officers whose experience and knowledge as to matters of Army organization and administration are presumed to be that of experts. The primary purpose of the two provisions last inserted in conference is to limit the existing choice of the President as to his military adviser and to limit the power of his Secretary of War as to the distribution of the mobile Army. Taken as a whole, it would be hard to conceive of a clearer instance of an attempt to force upon the Executive legislation well known to be disapproved by him, and, by attaching such legislation to one of the great supply bills of the Government, to deprive the President of his constitutional power as to legislation.

There can be no constitutional defense to such a practice. On the contrary, such attempts have been firmly resisted by my predecessors. In 1879 President Hayes vetoed an Army appropriation bill because there had been added to it by Congress similar provisions of substantive law.

He said:

> It is clearly the constitutional duty of the President to exercise his discretion and judgment upon all bills presented to him without constraint or duress from any other branch of the Government. To say that a majority of either or both of the Houses of Congress may insist upon the approval of a bill under the penalty of stopping all of the operations of the Government for want of the necessary supplies is to deny to the Executive that share of the legislative power which is plainly conferred by the second section of the seventh article of the Constitution. It strikes from the Constitution the qualified negative of the President.

The legislation attached to the present Army appropriation bill seems to me to be clearly objectionable in the following respects:

First. The provision above mentioned, limiting the eligibility of officers to be Chief of Staff, narrows the choice of the President in selecting incumbents for the most important position of the Army. Had it been in operation in past years, it would have disqualified the majority of the most brilliant officers of our Army. It tends to put a premium upon mere routine service and to exclude from the highest post of the Army the men whose force, intelligence, and opportunities have brought them quickly to the front. It would tend to confine the choice for this principal staff position to men who have had the least staff experience.

If, in addition, this provision, as has been asserted in the debates of Congress, has been introduced for the purpose of affecting the future of individual officers now upon the Army list, it contains a vice frequently reprobated by Executive action in disapproving Army legislation.

Second. By reducing the number of the General Staff the bill, in my opinion, tends to cripple the most important corps of the Army—that corps which, though of comparatively recent organization, is performing invaluable work toward the creation of a consistent military policy for the Nation and the organization of an efficient and economical Army. If, as I believe to be the case, this bill would make necessary the reduction of the work of the War College, harm would be done to our military establishment which would be well-nigh incalculable.

Third. By the provisions of the bill which limit the period during which an officer may remain upon detached service or staff duty the organized personnel of many of the most important bureaus and corps of the War Department and military establishment will be disintegrated, and the work now proceeding under them will be seriously impeded. While these provisions aim at a wise purpose and one which my administration has sought to carry out by Executive action with especial thoroughness, the enactments of this bill are deemed too radical and drastic. By removing at once all of the officers of the Bureau of Insular Affairs, except its chief, they would seriously interfere with the work of that most important bureau in administering the affairs of our insular possessions. Again, they would, on January 1, 1913, relieve all of the officers now assigned to the Philippine Constabulary. Earnest protest has been received from the insular government of the Philippines to the effect that so prompt a relief of all of the officers who have had the especial training and experience necessary for these positions would be disastrous to the morale and efficiency of that important body, and would be a serious handicap to the preservation of law and order in the Philippine Islands.

Again, the provision would at once relieve all but one of the line officers now on duty in the work of constructing the Panama Canal, and, under a very probable construction of the law, it would also relieve the Engineer officers and other staff officers detailed to that work. The organization of the force of officers and men by whom the canal is now being constructed has earned the admiration of the entire Nation. Under this organization that work is fast approaching its completion. The drastic character of the provision can be best understood when it is considered that it might at once relieve from duty the general purchasing officer of the Isthmian Commission, by whom all of the complicated machinery for the locks and gates is being purchased; the officer who is building the Gatun Dam and the spillway; the line officer who, as chief engineer, is relocating the Panama Railroad; the officer in charge of the construction of the new breakwater at Colon; and the medical officer under whose inspection the sanitary work of the zone is being conducted. It would be practically impossible to replace these men or the special knowledge and skill which they have in their departments of the work. The entire organization of the great work in which they are almost indispensable agents would be disintegrated and impaired.

The fact that a single provision of the bill can cause such serious consequences offers further evidence of the unwisdom of a method which deprives legislation of its usual safeguards of scrutiny and discussion.

Fourth. The second section of the bill lengthens the term of enlistment from three to four years. This change has been opposed by the recommendations of the President, the Secretary of War, and the General Staff of the Army. It will tend to make difficult or impossible the establishment of a proper reserve by which the Regular Army could, in time of emergency, be brought up to its full strength. In my opinion it is a step contrary to enlightened military policy.

Fifth. The provision appointing the commission above mentioned to report as to the policy of Army posts seeks to deprive the regularly constituted authorities of our military establishment of all voice in the formulation of one of the most important policies now confronting the Nation in the maintenance of its Regular Army. It devolves the leadership in that matter upon a number of officers now retired and who are no longer responsible in any way for the Army or its maintenance. The very fact that they are selected in the manner proposed by this bill, without the action of the President or the head of the War Department, tends inevitably to create a lack of cooperation between them and the War Department. I believe that the provision will obstruct rather than further the solution of a most important and difficult problem.

Sixth. It is urged that great savings in expenditures are effected by the bill. I have examined carefully its provisions and believe this contention to be unfounded. Thus an examination of the bill in comparison with the estimates shows that there will be a deficit in the pay of the Army alone of $2,262,937. I also find that the amount appropriated for the subsistence of the Army is $191,787 below the amount originally asked for in the estimates and over $900,000 below the amount which, owing to the subsequent rise in the cost of the ration and other causes, will actually be necessary. This simply means that to that extent the alleged economy is arrived at by a failure to appropriate over $3,000,000, which will become necessary to pay and support the Army before the end of the coming year.

Again, the appropriations for the Quartermaster's Department fall short of the estimates by $1,338,319. I find by inquiry that only a portion of this can be met by enforced economy. As to the remainder, the Quartermaster General must either fall back upon his supply of reserve stores or incur a deficiency.

The foregoing enumeration sufficiently sets out some of the grave objections to this bill and sufficiently indicate the reasons which make this method of legislation unwise and dangerous. The Army of the United States is far too vital an institution to the people of this country to be made the victim of hasty or imperfect theories of legislation. As was pointed out by the chairman of the Senate Military Committee in the passage quoted above, it is well known that the War College and the General Staff have been for many months engaged upon a comprehensive plan of Army reorganization. At the present time, therefore, it is especially inappropriate, in my opinion, to force upon the statute book legislation enacted without the usual deliberation and care. I can not conscientiously surrender the responsibility in shaping such laws with which I am vested under the Constitution.

I therefore return to your honorable body without my approval the said bill.

WM. H. TAFT.

THE WHITE HOUSE, *June 17, 1912.*

Mr. HAY. Mr. Speaker, I move to refer the bill and accompanying message to the Committee on Military Affairs.

The motion was agreed to.

USE OF TELEPHONES BY GOVERNMENT OFFICIALS (S. DOC. NO. 851).

The SPEAKER. The Chair lays before the House another message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Commissioners of the District of Columbia inviting attention to section 7 of the legislative, executive, and judicial bill, with reference to the use of telephones by Government officials.

WM. H. TAFT.

THE WHITE HOUSE, *June 15, 1912.*

The SPEAKER. Ordered printed and referred to the Committee on Appropriations.

ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to return to the bill S. 4948, on the Unanimous Consent Calendar, which was passed temporarily.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

Be it enacted, etc., That section 9 of the act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be amended by adding at the end thereof the following: "This section shall apply to the lands of all deceased allottees who died prior to the passage of this act," so that section 9 of the said act as amended will read as follows:

"SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section 1 hereof, for the use and support of such issue during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April 26, 1931, the land shall then descend to the heirs according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section. This section shall apply to the lands of all deceased allottees who died prior to the passage of this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Speaker, I move to strike out all after the enacting clause and to insert the text of H. R. 22083 as reported by the House Committee on Indian Affairs.

The SPEAKER. Does the gentleman want to substitute?

Mr. MANN. The gentleman wants to strike out all after the enacting clause and insert.

Mr. CARTER. I want to strike out all after the enacting clause and insert in lieu thereof the language of the text in H. R. 22083, as reported by the House Committee on Indian Affairs and as it just passed the House a few moments ago.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] moves to strike out all after the enacting clause of the bill S. 4948 and substitute the language of the bill H. R. 22083 as it passed the House. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause in the bill S. 4948 and insert the following:

"That conveyances of inherited allotments by full-blood Indian heirs members of the Five Civilized Tribes in Oklahoma made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, was read the third time, and passed.

The title was amended to read as follows: "An act relating to inherited estates in the Five Civilized Tribes in Oklahoma."

Mr. CARTER. Mr. Speaker, I ask unanimous consent to vacate the order by which the bill H. R. 22083 was passed.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to vacate the proceedings by which the bill H. R. 22083 was passed. Is there objection?

There was no objection.

On motion of Mr. CARTER, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

IMMIGRATION STATION AT BALTIMORE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20601) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

Mr. MANN. Mr. Speaker, this bill is in charge of the Committee on Buildings and Grounds, which has the call on next Calendar Wednesday. If the committee is willing to pass it over for the present, I shall not object.

Mr. BURNETT. Mr. Speaker, I ask that it be passed over.

The SPEAKER. Is there objection?

There was no objection.

MANEUVER CAMP AT ANNISTON, ALA.

The next business on the Private Calendar was the House joint resolution (H. J. Res. 322) authorizing the Secretary of War to accept the title to 4,000 acres of land in the vicinity of Anniston, in the State of Alabama, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and it will be stricken from the calendar.

Mr. MANN. If the gentleman from Alabama [Mr. BLACKMON] desires to be heard, I will reserve my objection.

Mr. BLACKMON. I do not desire to be heard.

The SPEAKER. Then the resolution will be stricken from the calendar.

SALE OF CERTAIN LAND IN FOREST GROVE, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18504) to provide for the sale of fractional block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, under such rules and regulations as he may prescribe, and to convey by patent in fee simple to the purchaser the fractional block No. 6, as designated and numbered on the recorded plat of Naylor's addition to the town of Forest Grove, Oreg.: *Provided*, That N. R. Wells, who has been occupying the tract, be permitted to remove the improvements made thereon by him and his family prior to the date fixed for the sale hereunder, and that the proceeds of sale be used for the benefit of the Salem Indian School.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Oregon [Mr. HAWLEY] a question with reference to the statement made in the report from the Secretary of the Interior, in which he says—

Authority for its sale—

Referring to the land in question—

is contained in sections 2122 and 2123 of the Revised Statutes of the United States, but as it is desirable that the proceeds of sale be made available for the use of the Salem Indian School, additional legislation is required.

I do not understand that the bill as reported to the House proposed to turn over the proceeds of the sale to the Indian school. What does the bill accomplish?

Mr. HAWLEY. The committee strikes out that provision. The bill accomplishes this: That inasmuch as N. R. Wells, an aged and decrepit man, went on the property at the direction of the department and has been occupying the tract and placed on it buildings of his own, in case the land is sold he shall have the right to remove his buildings.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

Amend by striking out all after the word "Oregon," in line 8, page 1, and lines 1, 2, and 3, page 2, and inserting in lieu thereof the following: "*Provided*, That such sale shall be made on condition that N. R. Wells, who has been occupying the tract, be permitted to remove within 60 days from the date of the sale hereunder all improvements made on said lot by him or his family, and that the proceeds of sale be covered into the Treasury of the United States."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMPENSATION FOR SUPERINTENDENTS OF NATIONAL CEMETERIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to know if this bill does anything except to increase a man's salary?

Mr. BURNETT. Nothing except to increase the salary of the superintendent at Arlington. It is now $75 a month, and the recommendations of the War Department show that it is a much larger cemetery than the others, and there are many more burials, and several hundred acres of land have to be taken care of, and the increase of $25 per month is deemed to be a reasonable increase.

Mr. MANN. The present superintendent now receives $75 a month and quarters and fuel, and the bill proposes to increase his salary by $25 a month, with quarters and fuel. I call the gentleman's attention to it for the purpose of reminding our friends on the other side that they stated heretofore that no salary would be increased under unanimous consent.

The SPEAKER. Is there objection?

Mr. FOSTER. I would like to inquire of the gentleman from Alabama how long this man has held this position at $75 a month?

Mr. BURNETT. For several years; quite a number of years. I do not remember the exact number.

Mr. FOSTER. What is his particular duty over there?

Mr. BURNETT. Well, I will read a report made by my colleague, Mr. DENT, from the Military Committee, containing a report from the War Department, in which this statement is made:

Favorable action of the Congress on this bill is recommended. The cemetery at Arlington, Va., is the largest and most important of any of the national cemeteries in the United States; the duties and responsibilities of the superintendent of that cemetery are much greater than those of any other by reason of its prominent location near the seat of the National Government and because of the large number of persons, including officials of high rank, with whom he is daily brought in contact; these duties require a man of considerable tact and good address, as well as one who is sufficiently well educated to keep the important records of the cemetery and conduct the correspondence connected therewith in a businesslike manner.

In a former report, made at the second session of the Sixty-first Congress, Mr. YOUNG of Michigan, a member of the committee, compiled these facts:

At the present time there are 408 acres inclosed by a brick wall and 48 acres that are not surrounded with a wall. The interments number 21,774. The number of men employed range from 30 in winter to 100 in summer. Ten mules and 2 horses are required to keep the place in order. The superintendent is responsible for the mules and horses, 25 mowers, 19 vehicles, such as carts, wagons, etc.

The expenditure on account of labor and for running expenses pertaining to the work is between $15,000 and $20,000 per annum; total for all, about $30,000 per annum.

One can therefore see that the duties of the superintendent at this station have greatly increased, as well as his responsibility. He must attend to all funerals, lay out graves, inspect all foundations for monuments and see that they are properly built, show lots to officers, keep a full record of interments, lot assignments, 13 books of entry, and 2 sets of index cards. He is responsible for every dollar's worth of property on the place, and is obliged to make good all losses.

Every employee has had an advance in pay, except the superintendent. The per diem men, from $1 to $1.50 per day; the monthly men 20 per cent additional pay; the landscape gardener's salary has been increased from $60 per month to $150 per month, and although 46 years have elapsed since this cemetery was established, the superintendent still receives the small amount of $75 per month.

The several colored watchmen at the cemetery, who only work 8 hours in the 24, receive $50 and $60 per month. Among the superintendent's responsibilities is the care of all outbuildings, which consist of 3 large stables, 3 sheds for wagons, tools, etc.; 7 buildings, 1 greenhouse 200 feet long, 1 large hothouse, gatekeeper's house, and the care of 7 entrances with large double gates that have to be opened and closed at certain hours.

The interments during the last year have averaged about 50 per month, and the superintendent is supposed to attend and be present at every burial.

There are two foremen under the superintendent that receive $60 per month.

It is also the duty of the superintendent to look after and take charge of the painting of all buildings, the auditorium, temple of fame, entrance gates, etc.

Let me also read this, for the information of the House:

List of first-class national cemeteries, showing their area and number of interments in each from June 30, 1906, to June 30, 1910, as shown by records in office of the Quartermaster General, United States Army, Washington, D. C.

Cemetery.	Area.	Number of interments.
	Acres.	
Alexandria, La	24	3
Andersonville, Ga	25	3
Antietam, Md	9	7
Beaufort, S. C	20	27
Hampton, Va	19	1,636
Chalmette, La	13	84
Chattanooga, Tenn	75	117
Corinth, Miss	18	11
Cypress Hills, N. Y	18	443
Fredericksburg, Va	12	10
Gettysburg, Pa	17	16
Jefferson Barracks, Mo	20	217
Little Rock, Ark	12	41
Marietta, Ga	21	21
Memphis, Tenn	37	69
Mexico City, Mex	2	.....
Mound City, Ill	8	21
Nashville, Tenn	60	183
Natchez, Miss	11	69
Richmond, Va	9	6
Salisbury, N. C	6	1
San Francisco, Cal	15	[illegible]
Shiloh, Tenn	9	2
Soldiers Home, D. C	16	273
Stone River, Tenn	18	4
Vicksburg, Miss	54	19
Arlington, Va	408	1,475

Total acreage, other than Arlington, 536.

Interments at Arlington National Cemetery from Jan. 1, 1911, to Nov. 11, inclusive.

	Officers.	Enlisted men.	Wives of officers and enlisted men.
January	9	22	1
February	9	18	4
March	7	19	7
April	5	20	5
May	14	24	3
June	6	16	7
July	4	25	3
August	5	16	.....
September	6	18	1
October	2	20	6
November 11 (inclusive)	4	10	2
Total	71	208	51

Aggregate 330.

From this it will be seen that the number of interments annually at Arlington is many times the number at any other national cemetery in the United States, and yet the superintendents in the others receive $60 per month, while this man, with all his extra responsibility and extra work, receives only $75 per month.

Mr. FOSTER. Mr. Speaker, I take it that if we increase this man's salary from $75 a month to $100 a month, all the other superintendents of national cemeteries will be here at the next session of Congress asking that their salaries be increased also. And while it is true that this man's duties are numerous, yet it seems to me, from the reading of the bill and report, that possibly next year he will want an assistant and possibly two assistants—and so it will go. So I hope the gentleman will let this matter go over for the present.

Mr. BURNETT. I will state to the gentleman, if he will permit, that the present superintendent has been there for several years and has not asked for any assistants. Not only that, this bill was unanimously reported and passed in the Sixty-first Congress by the House and went to the Senate, and there died for want of time for consideration. I have made some personal

investigation in relation to this matter. The way I became interested in it was that I was visiting Arlington one day and I saw the work that was done by this man, and I asked him what the amount of his salary was; and I was astonished to find that, with all the responsibilities and duties devolving upon him, he only got $75 a month.

Mr. FOSTER. Has this man any other income from the Government?

Mr. BURNETT. I believe he has a small pension. He was a Union soldier and draws a small pension.

Mr. FOSTER. How old a man is he?

Mr. BURNETT. It is Mr. Magoon, a brother of the former governor general of Cuba. I think he is about 68 years of age.

Mr. FOSTER. I suggest to the gentleman that he let the matter go over, in order that I may look into it a little further.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

REPAIR AND ALTERATION OF BRIDGES IN THE STATE OF ARKANSAS.

The next bill on the Calendar for Unanimous Consent was the bill (S. 6479) to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

The Clerk read the bill, as follows:

Be it enacted, etc., That the St. Louis Southwestern Railway Co., a corporation organized under the laws of the State of Missouri as the successor in interest of the Texas & St. Louis Railway Co., a corporation organized under the laws of Missouri and Arkansas and heretofore duly authorized by act of Congress approved June 27, 1882, to construct, maintain, and operate bridges across the White, Arkansas, Saline, Ouachita, and Red Rivers in the State of Arkansas, be, and it is hereby, authorized to alter, repair, or rebuild the bridges on its line of railroad across the White, Arkansas, Saline, Ouachita, and Red Rivers in the State of Arkansas. This authority is, in all respects, to be exercised subject to and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges on navigable waters," approved March 23, 1906; and whenever the provisions of said act approved June 27, 1882, differ from or are inconsistent with the provisions of said act approved March 23, 1906, and this act, the same are hereby repealed: *Provided*, That this act shall not be construed as legalizing the construction nor as authorizing the reconstruction of the bridge across Saline River as it now exists, but in rebuilding said bridge such changes shall be made therein as the Secretary of War and the Chief of Engineers may deem necessary and order in the interest of navigation.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF FEDERAL BUILDING AND SITE AT OWENSBORO, KY.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 1718) providing for the old Federal building and site at Owensboro, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to sell and convey the old Federal building and the site thereof at Owensboro, Ky., at such time and on such terms as he may deem to be to the best interests of the United States, and to deposit the proceeds in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FORT COVINGTON, N. Y., SUBPORT OF ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21963) making Fort Covington, N. Y., a subport of entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That Fort Covington, in the State of New York, be, and is hereby, constituted a subport of entry in the customs collection district of Champlain, State of New York, and that the privileges of the first section of the act approved June 10, 1880, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to said subport.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman in charge of the bill——

Mr. MANN. I am not in charge of the bill, but the gentleman from New York asked me to make a statement when the bill came up.

Mr. FOSTER. I will ask if this will entail any additional expense on the Government?

Mr. MANN. It may entail a slight expense, but very little. The purpose is to permit the New York Central Railroad, which now brings a large amount of freight from Canada, to bring it by the way of Fort Covington instead of by way of Malone, it being much more expensive, the freight rates being considerably higher by the way of Malone on account of the high grades. The expense will be trifling, and the freight will come through in bond.

Mr. FOSTER. That is the change in traffic routes that is spoken of in the letter of the Secretary of the Treasury?

Mr. MANN. Yes.

Mr. DALZELL. The bill, I will say to the gentleman, has the approval of the Secretary of the Treasury and was reported unanimously by the Committee on Ways and Means.

Mr. FOSTER. I observe that, but I wanted to know about the additional expense.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OWL CREEK COAL CO., WYOMING.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk read the substitute in lieu of the original joint resolution.

The SPEAKER. Is there objection?

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask some questions of the author of the joint resolution, in order to get some information concerning it.

Mr. MANN. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] is in charge of the resolution. He has been called out of town and he left me some memoranda in respect to it.

Mr. CULLOP. Then, I suppose I can ask the gentleman from Illinois. What is the purpose of extending this right to mine coal?

Mr. MANN. Mr. Speaker, this company had, as I understand, a claim to some coal lands which are in dispute, and the suit had not yet been settled by the Department of the Interior. Pending that dispute the court in Wyoming entered an order to permit the company to continue its mining operations under certain terms upon the payment of certain royalty, the money to be retained until the final settlement of the case.

If the matter should be settled in favor of the Government, the money will go to the Government, otherwise to the company. It is expected that the matter will be disposed of by the department during this year. If it should be disposed of adversely to the company, the mine would be closed, and the purpose of this joint resolution is to permit the continued operation of the mine until Congress shall have a chance to dispose of the matter hereafter, reserving the royalty to the Government in case the matter is settled against the company.

Mr. CULLOP. What is the royalty the company is now paying for the mining of this coal?

Mr. MANN. Six and one-half cents a ton, I believe.

Mr. CULLOP. Is there any other portion of the fund arising from the operation of the mine to be retained by the court other than the royalty?

Mr. MANN. I think not, but I am not sure about that.

Mr. CULLOP. Supposing the suit is decided in favor of the Government, against the company, then what will become of the value of the property the company has taken?

Mr. MANN. The property will become the property of the Government, and the only property which the company will have taken will be the coal, and that they pay for.

Mr. CULLOP. They pay a royalty for it?

Mr. MANN. Yes.

Mr. CULLOP. But what will become of the proceeds arising from the sale of the coal other than the royalty that is to be paid?

Mr. MANN. Of course that belongs to the company. They pay the royalty.

Mr. CULLOP. That is the very dispute in this suit, is it not? That is the matter in dispute, as to whether they have the right to mine that coal.

Mr. MANN. That is correct; but when they settled the royalty, which is now 6½ cents a ton and which very likely will be raised if this resolution passes, that fixed full compensation to the Government. This is a mere temporary matter. This company has a mine, and there is no other mine anywhere near it. The company has employed about 200 miners. Of course, if the mine is closed, those miners are thrown out of work.

Mr. CULLOP. If the mine is closed, the property will be saved to the Government until the matter in litigation is settled.

Mr. MANN. It is not a matter in litigation, I will say to the gentleman. The property is saved to the Government in any event. If the Government is right in its contention, it is a matter for settlement by the Department of the Interior, as I understand it. What the court did was to permit the mining to go ahead under an agreement entered into in court that there should be so much royalty set aside and placed in the hands of the Government, to be retained by the Government if the final determination should be in favor of the Government. The Government, therefore, is fully protected.

Mr. CULLOP. Is that the customary royalty in that section of country?

Mr. MANN. That is a very high royalty, I will say to the gentleman. This is the only mine there.

Mr. FERRIS. Mr. Speaker, if the gentleman will permit, the royalty that is fixed by the court is 6½ cents a ton. The substitute resolution permits the Secretary to increase that amount or lower it, as the conditions may warrant. If the gentleman will notice the substitute, it gives the Secretary full power to adjudicate this matter until such time as Congress can arrive at a just conclusion about it and act in the premises. The gentleman from Illinois [Mr. MANN] has stated it precisely as it is. I merely want to amplify one or two things that he stated.

As the bill came to the committee I felt rather opposed to it, but we brought in a substitute consisting of a very few lines, and that does precisely what I think ought to be done. The litigation over those claims will in all probability be decided before the Congress convenes in December next, and we thought it would certainly be a bad idea to close the mine down and throw the men out of employment, the property itself reverting in its entirety to the Government of the United States. The company has made valuable improvements there, so that the Government is amply fortified, and the Government will get the royalty, such royalty as the Secretary of the Interior may prescribe. I think the Government is doubly fortified.

Mr. FOSTER. Also, the order of the court, or the agreement entered into in court, permits the Government to go upon this property, examine it, and check up the weights and do whatever is necessary to see that the contract is being carried out.

Mr. CULLOP. I know that the royalty in mining claims out in some of the Western States is very much higher than 6½ cents a ton. That was the reason I made the inquiry. It occurred to me that this was unreasonably low for that section of the country.

Mr. FERRIS. Mr. Speaker, I would suggest to the gentleman that the passage of this joint resolution does not involve the amount of royalty to be charged. Six and one-half cents per ton was fixed by the court, and that will terminate when the litigation terminates. Then the Secretary may step in and demand such royalty as he sees fit. The gentleman will notice that the language of the substitute provides for that:

That the Secretary of the Interior be, and he is hereby, authorized to allow the Owl Creek Coal Co. to continue the operation of the mine or mines upon any of the lands embraced in Lander, Wyo., coal entries Nos. 18 to 49, inclusive, until July 1, 1913, upon such conditions and under such rules and regulations as he may prescribe.

It gives the Secretary full latitude. There can no harm or loss to the Government come from it.

Mr. MANN. Mr. Speaker, I might add that this is said to be a very wet mine, and if closed it will very soon fill with water and greatly deteriorate.

Mr. FERRIS. That is true.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This joint resolution is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the amended Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

VALIDITY OF CERTAIN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21826) validating certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries made prior to September 1, 1911, under the provisions of the act of February 19, 1909, by persons who, before making such entries, had acquired title to less than 160 acres of land under the homestead laws, be, and the same are hereby, validated: *Provided*, That said entries are in other respects in conformity with the homestead laws.

With the following amendment:

Strike out all after the enacting clause and insert:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to make some inquiries about the bill. To what class of persons is this intended to apply, and about how many of them are there?

Mr. PRAY. Mr. Speaker, I know positively of about 18 or 20 persons at the present time who would come within the scope of this law. There are, of course, others who would be affected by this legislation, but I have not got definite information as to the number.

Mr. CULLOP. Those were persons who have already purchased certain portions of land?

Mr. PRAY. No. These were persons who had previously acquired title to a homestead of less than 160 acres of land under the homestead laws. After the passage of the enlarged-homestead law they were advised that they could acquire title under that act to a second homestead. They accordingly filed upon lands. Their applications were accepted at the land office. In view of the wording of the statute in the act of February 19, 1909, concerning the qualifications of persons who might apply to enter lands under this act, the General Land Office, in effect, held that those who had perfected entry under the homestead laws to less than 160 acres would be entitled to make another homestead entry under the act of February 19, 1909. Consequently, these second entries were held to be valid. Two years later, or about two years later, in July, 1911, in what is known as the Storansli case, the Secretary of the Interior held these entries for cancellation. In the meantime the entrymen had gone upon their lands, resided upon them, improved them, and had otherwise complied with the requirements of the homestead law.

Mr. CULLOP. Were they still holding the first piece they had homesteaded, or had they disposed of that?

Mr. PRAY. I suppose they had disposed of them some time before. I am unable to inform the gentleman as to what had become of each of the original entries.

Mr. CULLOP. By sale or by forfeit, or how?

Mr. PRAY. I do not know. I have no information in respect to that.

Mr. CULLOP. By whom were they advised that they had a right to homestead under the provisions of which the gentleman speaks? Was it by some private individual whom they consulted, or by some officer of the Government?

Mr. PRAY. They were advised by the Commissioner of the General Land Office. He held that their entries were valid, and the wording of the law itself would indicate that such applications would be received and would be held valid. This matter

is fully covered in the report from the Interior Department, which is incorporated in the committee report on the bill.

Mr. CULLOP. But in the first instance, in regard to homestealing this property, did they get their advice from some individual or from some officer connected with the Government?

Mr. PRAY. As I stated to the gentleman, the Commissioner of the General Land Office held they could do this; that these applications would be accepted and held valid. The information upon which the entrymen relied came from the commissioner; otherwise they would have gone ahead in the improvement of their claims.

Mr. CULLOP. I understand that, but he made this holding after they had made the settlement?

Mr. PRAY. No; before they had made settlement and improvement of their claims; at the time they made application to enter the lands.

Mr. MANN. If the gentleman will permit, they made their improvements before the last holding of invalidity some two years before. If I understand the law—and I want to know whether my understanding is correct—under the enlarged homestead law anyone who had obtained a homestead of less than 160 acres might take an additional tract of land.

Mr. FERRIS. That is the ruling.

Mr. MANN. That is the law now. Some people who had taken title to four forties by a description where the four forties contained less than 160 acres in fact claimed the right or were allowed the right to take additional land.

Mr. CULLOP. A fractional survey.

Mr. MANN. They were not fractional surveys, but they contained less than 40 acres.

Mr. CULLOP. That is what is called a fraction.

Mr. MANN. Then afterwards the department held that a man who had taken a quarter section by description, the northwest quarter of a northwest quarter, was charged with 40 acres regardless of the number that was in it; or if he had taken four forties, his charge was 160 acres, and that prevented him taking an additional tract under the enlarged homestead law; and this bill is designed only to allow those people for that additional grant where, in fact, the land that they had taken before was less than 140 acres, and they had taken under a description which was supposed to cover 160 acres. When the matter was up here before I said to the gentleman from Montana I would not consent to have the bill passed by unanimous consent unless it received an approval from the department, and he has furnished a letter to that effect, which he can give to the gentleman.

Mr. CULLOP. I will say to the gentleman from Illinois, in line 5 the word "technical" is used there, "technical quarter section." I presume that means a fractional quarter section.

Mr. MANN. That means the description, the northwest quarter of the northwest quarter of a section is technically 40 acres. That is the description. If it contained less than 40 acres, in fact, the department held that a man might take an additional amount under the enlarged homestead law and then afterwards they held that the description was conclusive that it did contain 40 acres.

Mr. CULLOP. If it was less than 40 acres it would be a fractional quarter.

Mr. MANN. It might not be described as fractional.

Mr. CULLOP. Now, I understand this bill is only to let the homesteader make up the difference between what his original homestead was short by either taking an additional 160 acres of land——

Mr. MANN. No; the rule in reference to the taking of additional land under the enlarged homestead law only gives that right if he had taken under certain conditions less than 160 acres, and if this bill passes it confirms the title to these people in their additional 160 acres of land under the enlarged homestead law. Of course, it is not applicable where the land is very good, probably a detriment to the people who get it. I ask unanimous consent, in connection with the bill, to insert the letter from the Secretary, written to the gentleman from Montana.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 31, 1912.

Hon. CHARLES N. PRAY,
House of Representatives.

DEAR SIR: I am in receipt of your letter of May 25, 1912, inclosing a copy of H. R. 21826 as amended by the House Committee on Public Lands and asking whether the bill as amended is satisfactory to the Department.

The purpose of the measure is remedial, designed to validate certain homestead entries made under the so-called enlarged homestead act by persons who had theretofore entered a technical quarter section of land under the general homestead law of less area than 160 acres, but which was held by decision of this department in the case of Saavi Storaasli, July 18, 1911, exhausted the homestead right.

March 18, 1912, the Acting Secretary advised you that the department would offer no objection to the enactment of legislation validating entries now pending and allowed prior to receipt of "notice of the Storaasli decision at the various local land offices (say Sept. 1, 1911) where no other objection is found to the legality of the entries."

The bill as amended by the Committee on Public Lands reads as follows:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws by persons who before making such enlarged homestead entry had acquired title to a technical quarter section of land under the homestead law and therefore were not qualified to make an enlarged homestead entry be, and the same are hereby, validated if in all other respects regular in all cases where the original homestead entry was for less than 160 acres of land."

The department has no objection to the measure as amended by the Committee on Public Lands.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

The SPEAKER. Is there objection to considering the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged homestead entry, be, and the same are hereby, validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PRAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MOTION-PICTURE COPYRIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

The Clerk read the bill, as follows:

Be it enacted, etc., That sections 5, 11, and 25 of the act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:
"(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;
"(b) Periodicals, including newspapers;
"(c) Lectures, sermons, addresses (prepared for oral delivery);
"(d) Dramatic or dramatico-musical compositions;
"(e) Musical compositions;
"(f) Maps;
"(g) Works of art; models or designs for works of art;
"(h) Reproductions of a work of art;
"(i) Drawings or plastic works of a scientific or technical character;
"(j) Photographs;
"(k) Prints and pictorial illustrations;
"(l) Motion-picture photoplays;
"(m) Motion pictures other than photoplays;
"*Provided, nevertheless*, That the above specifications shall not be held to limit the subject matter of copyright as defined in section 4 of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act."

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 12 and 13 of this act, where the work is later reproduced in copies for sale."

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:
"(a) To an injunction restraining such infringement;
"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of $200 nor be less than the sum of $50, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of $100 nor be less than the sum of $50; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

"First. In the case of a painting, statue, or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Second. In the case of any work enumerated in section 5 of this act, except a painting, statue, or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Third. In the case of a lecture, sermon, or address, $50 for every infringing delivery.

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions, $10 for every infringing performance.

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright.

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

The SPEAKER. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill to state briefly for those of us who do not happen to have a copy of the present law before us, just what change this amendment contemplates?

Mr. TOWNSEND. The bill as read by the Clerk is an exact reproduction of the present law, with the exception of sections 5 and 11. The amendments in section 5 merely add as copyrightable matter motion-picture photoplays and motion pictures other than photoplays.

Mr. TILSON. Those are the only two additions?

Mr. TOWNSEND. Absolutely. Otherwise the section is identical with the present law. The amendments to section 11 are intended to change the law in this respect: At present an infringement by a motion-picture maker of a copyright story made into a motion play would subject the infringer, even though he were innocent, to a penalty of $100 fine for the first reproduction and $50 for each subsequent reproduction. The motion-picture makers produce in duplicate of each play about 50 reels or films. They are played in these little theaters from four to eight times a day. A very simple calculation will show the gentleman that at that rate of penalty the motion-picture playmakers would soon be put out of the business. This law provides that the infringement of the copyright of a play—as ordinarily understood—in the case of innocent infringement and where the infringer shows that by no reasonable precaution could he have avoided the infringement of the copyright, a maximum penalty of $5,000. But the copyright holder does not lose any of his other rights as the law at present reads. There is another provision in the amendment which permits, in the case of an infringement of what is termed here a "nondramatic production," the recovery of a maximum of $100 and a minimum of $50 damages where the infringer shows he was innocent and by no reasonable precaution could have known of the copyright. That is to cover, I will explain to the gentleman, in such a case as this: A great majority of these motion-picture plays are based on scenarios sent in to the manufacturers from all over the country. They take all the precaution they can think of to avoid infringing a copyright. The large makers have practically what in a newspaper office is called an exchange desk; yet from some remote town, in an inconsequential paper, a good story might be written and copyrighted and turned into a scenario and innocently accepted.

Mr. BATHRICK. I notice in the case you have cited that a motion-picture owner, in the event of an infringement where he is innocent of knowledge of that infringement, the customary recovery would be $5,000 and the minimum $250. Do you not think such a recovery from the average proprietor of a moving-picture show would be absolutely prohibitive and put him out of business?

Mr. TOWNSEND. No action would be brought against the owner of a theater. The action would be brought against the companies manufacturing the films. They are responsible corporations or companies.

Mr. ALEXANDER. The Edison Co. is one of the largest manufacturers, is it not?

Mr. TOWNSEND. Yes, sir.

Mr. ALEXANDER. All these manufacturers are companies of large financial responsibility?

Mr. TOWNSEND. Oh, yes, indeed.

Mr. ALEXANDER. And able to respond in damages for any infringement?

Mr. TOWNSEND. Quite so.

Mr. BATHRICK. Under the provisions of this law, is it possible to enter action against the exhibitor?

Mr. TOWNSEND. It would be possible, but a very much more responsible person or company being back of the exhibitor, the proceeding would be naturally against the party from whom it would be possible to recover damages.

Mr. BATHRICK. You have received communications from the picture-show people?

Mr. TOWNSEND. Yes; and favorable to the bill as it is presented now.

Mr. BATHRICK. And this is what they desire?

Mr. TOWNSEND. Absolutely.

Mr. MANN. Mr. Speaker, does the gentleman yield for a question?

The SPEAKER pro tempore (Mr. SULZER). Does the gentleman yield?

Mr. TOWNSEND. With pleasure.

Mr. MANN. The gentleman has referred to the amendment to section 5, covering the law about sheet pictures. He did not, I think, refer to section 11, covering dramatico-musical compositions?

Mr. TOWNSEND. No.

Mr. MANN. There has been at different times considerable controversy with reference to the copyright on musical reproductions. What effect will this change have on that, if any?

Mr. TOWNSEND. It enlarges the scope embraced within that classification. Heretofore, I believe, the classification has been "dramatic or musical productions." There is now recognized, I think, in the theatrical world a third class of performances, commonly known as "dramatico-musical." This amendment makes the manufacturers of motion pictures or other infringers of copyright liable in the case of the infringement of a dramatic or musical or dramatico-musical performance.

Mr. MANN. If the gentleman will permit me to ask him about the form of his bill, I would suggest that, on page 4, under section 25, as I understand, the language beginning after the word "dollars" in line 2 down to and including the word "dollars" in line 19 is new matter.

Mr. TOWNSEND. That is new matter.

Mr. MANN. That provides that under certain conditions where the infringement—

could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion pictures shall not exceed the sum of $5,000 nor be less than $250.

Then follows the language of the existing law, covering precisely the same thing:

And such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250.

What is the object of inserting that under certain conditions the damages shall not be over $5,000 nor less than $250, when you have a general provision that in no other case shall the damages be more than $5,000 nor less than $250?

Mr. TOWNSEND. I should like to have Judge ALEXANDER answer that question. That requires a lawyer.

Mr. ALEXANDER. Of course the dramatist has his remedy by injunction also. He may have his remedy by suit for infringement.

Mr. MANN. I do not think the gentleman caught my question.

Mr. ALEXANDER. I am a member of the committee, and I was present at the hearings.

Mr. MANN. The proposition is that the damages shall not exceed $5,000 or be less than $250. That is followed by a provision that in all cases the damages shall not exceed $5,000 or be less than $250. Having provided that in no case can the damages be less than $250 or more than $5,000, why do you insert a provision that in a particular case that shall be the case?

Mr. ALEXANDER. Well, on the face of it, it looks like redundancy, to my mind.

Mr. MANN. I did not know but that there was a reason for it.

Mr. ALEXANDER. The attorney and Augustus Thomas were there in person, representing the dramatist as his counsel, and the manufacturer of these films was present with his attorney, and various substitute bills were introduced, until finally a bill was framed that met the views of all the parties in interest. That was accepted by the committee, and it has been reported.

Mr. MANN. I apprehend, the committee having agreed upon a bill, having done such a thing in a technical matter, it would be highly proper to send it to the Commissioner of Patents for his examination. I suppose he would cut that part out.

Mr. TOWNSEND. I will say to the gentleman that the register of copyrights attended a number of these hearings and was satisfied with the form of the bill.

Mr. MANN. Then he and the others were very easily satisfied.

Mr. BORLAND. Mr. Speaker, will the gentleman permit an interruption.

The SPEAKER pro tempore. Does the gentleman from New Jersey yield to the gentleman from Missouri?

Mr. TOWNSEND. Certainly.

Mr. BORLAND. I notice on page 4 of the bill there is a provision as to undramatized or nondramatic work produced by means of motion pictures that where the infringer can show that he was not aware that he was infringing, and such infringement could not have been reasonably foreseen, the damages shall not exceed $100 nor be less than $50. I should like to ask the gentleman why there should be any minimum of that kind imposed. Why should you fix a penalty of $50 arbitrarily where the infringer can show that he was not infringing consciously and could not reasonably have foreseen that he was?

Mr. TOWNSEND. I will answer the gentleman by saying that, so far as the motion-picture makers are concerned, they would quite agree with the gentleman, but there appeared before the committee the representatives of the scenario writers. This is rather a new profession, growing rapidly, and they insisted, and the committee agreed that the insistence was just, that there should be some penalty attached to the infringement, even where it was innocent in such an immaterial thing as a scenario of some trifling sketch or story. The committee seemed to think that while the innocent infringer in such an immaterial matter should not be mulcted, as was demanded on the part of these companies, the committee granted it, and it is now satisfactory to all parties concerned.

Mr. BORLAND. As I understand, these films are produced by a few large companies—three or four?

Mr. TOWNSEND. Oh, there are 11 licensed companies, and they are the responsible ones.

Mr. BORLAND. There is no doubt but that the 11 companies which actually make the films ought to have some means of knowing where they get the story out of which the films are made. But when the films are made they rent the films to a thousand little theaters all over the country, and one little theater will rent 40 or 50 in a week. They have absolutely no way of telling whether the story is an infringement of a copyright or not; it is absolutely beyond their power to know. They will produce the copyrighted film that they have innocently acquired and that they do not know is copyrighted 40 or 50 times a week in some theater, and you will put a penalty on them of a minimum of $50 on each production.

Mr. TOWNSEND. Oh, no, no.

Mr. BORLAND. The only explanation the gentleman made was that the chances were that the owner of the copyright would pursue his remedy against the man or company who made the film, but as far as the law is concerned he would have the right to pursue the remedy against the motion theater proprietor who produced it, would he not?

Mr. TOWNSEND. The gentleman is mistaken. Under the present copyright law there could be a recovery for each production, but if this amendment passes, in the case of an innocent infringer there could be only one recovery of $100 or a minimum of $50.

Mr. BORLAND. For how many productions?

Mr. TOWNSEND. For the infringement. Of course, as soon as the manufacturer received ordinary notice that it was an infringement the film would have to be withdrawn or he would be subjected to all the pains and penalties as the law reads at present.

Mr. BORLAND. Let me understand. Suppose a picture theater proprietor has rented a film that contains an infringement of a copyright story. He produces it 40 times in one week, and then he is notified that he is an infringer. Do you say that there could only be one recovery of $50?

Mr. TOWNSEND. In case the court is convinced that the infringement was innocent and the infringer had taken all reasonable precautions, yes.

Mr. BORLAND. Where is that language?

Mr. MANN. On line 5, page 4, where it says "if he was not aware that he was infringing."

Mr. BORLAND. That does not say that the damages shall not apply to all previous infringements.

Mr. MANN. It says that in case of an infringement under these conditions the damages shall not exceed $100 nor be less than the sum of $50.

Mr. BORLAND. That is for the infringement, but each production of a copyrighted work is an infringement.

Mr. MANN. There is only one penalty.

Mr. BORLAND. Each exhibition of a copyrighted dramatic production is an infringement.

Mr. MANN. Not under the provisions of this bill.

Mr. ALEXANDER. If the gentleman will permit me, the bill says:

> And in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of $5,000 nor be less than $250, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty.

There can be only one recovery, and that language was left in there to protect the small producer of moving pictures.

Mr. BORLAND. Does the gentleman from Missouri [Mr. ALEXANDER] say that where there have been 40 or 50 reproductions of the same film there can only be one recovery for the entire 40 or 50 reproductions?

Mr. ALEXANDER. If it has been done innocently there can be only one recovery.

Mr. BORLAND. I can not read that meaning into the bill. Here is a film that has been sent to 100 moving-picture shows in the same town during the same week, because that is their custom. They will send it to one on Monday afternoon and another concern on Tuesday morning, to another on Tuesday afternoon and to another on Tuesday night. Suppose that in that way they have covered the rounds of 100 little theaters. There is a fine of $50 for each theater, even according to that construction of the law.

Mr. TOWNSEND. Oh, no.

Mr. BORLAND. Which the fortunate owner of that infringed work can proceed against in each town. I can not see any reason for the minimum penalty. I can not see any reason for guaranteeing $50 for each infringement, regardless of the actual damage to the owner of the copyright.

Mr. TOWNSEND. Mr. Chairman, I will call the gentleman's attention to the bill at page 5, on line 14, and I think he will then see that if it was the intention of the drafters of the bill to impose a fine for each exhibition or reproduction the language would have been inserted in the law. I read:

> Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions, $10 for every infringing performance.

There is no such language in the amendment as the gentleman is discussing.

Mr. BORLAND. For each subsequent infringing performance.

Mr. TOWNSEND. Yes.

Mr. BORLAND. And the gentleman contends that the absence of that language on page 4 indicates that each infringing performance would be one infringement.

Mr. TOWNSEND. That is the judgment of the committee.

Mr. BORLAND. Is that the decision of the court on this subject?

Mr. TOWNSEND. The decisions of the court are that the guilty infringer is punishable under the present law for each

reproduction in the case of a play for each performance, and in the case of an opera for each infringing performance.

Mr. BORLAND. Is not that the law? Assuming that all the infringing performances might be included in one, it still remains true that each individual infringer will be subject to the penalty.

Mr. TOWNSEND. No; not at all. The infringement is made by the manufacturer of the film.

Mr. BORLAND. Does not the infringement occur on the part of the exhibitor?

Mr. TOWNSEND. If the law intended that each performance should be a new and continuing infringement, I judge it would so state, as it has in the law I quoted.

Mr. BORLAND. I will assume that the law is that all of the infringements by one exhibitor may be included in one penalty. I do not believe that is the law, but I assume that for the purpose of argument. Suppose that 100 different men had produced this copyrighted film, A, B, and C; would they not be guilty of infringement, and one penalty would not cover all of the different circumstances?

Mr. TOWNSEND. No; they would be guilty under the law as it is now for reproductions or performances as the law states. The amendment which the committee seeks to have the House adopt makes the penalty attach to the infringement of the copyright, and that infringement is begun and completed when a copyrighted story is made into a scenario and produced in the film.

Mr. BORLAND. Would not the gentleman be willing to consent, then, that the penalty should apply against the man who made the film?

Mr. TOWNSEND. That is the intention of the law.

Mr. BORLAND. And that the exhibitor should not be liable for an innocent infringement?

Mr. TOWNSEND. That was the understanding of lawyers on the committee.

Mr. BORLAND. Would the gentleman consent to an amendment of that character, that no right of action should lie against the exhibitor until notice is given?

Mr. ALEXANDER. Why, the attorneys representing all these parties were before the committee, and they were jealous of their rights.

Mr. BORLAND. Of course that does not dispense with the necessity of putting it in here.

Mr. ALEXANDER. It may be that the gentleman will be able to frame such an amendment that meets the difficulty he speaks of, but I doubt it.

Mr. BORLAND. Then, Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. SULZER). Objection is heard, and the bill will be stricken from the calendar.

REMISSION OF PORTION OF CHINESE INDEMNITY.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 137) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity.

The Clerk read the joint resolution, as follows:

> *Resolved, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000 reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese-indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent or shall hereafter spend for printing testimony in the trial of the said claims; and further that there shall be allowed as costs in the suits in which recoveries have been or may hereafter be had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution, within three months from the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New Jersey whether under this bill it would not provide that there should be paid counsel fees of claimants on cases that have already been disposed of? Would not the bill allow the payment of counsel fees on cases already disposed of?

Mr. TOWNSEND. It was the opinion of the committee that this resolution, if passed, would permit successful claimants to go before the Court of Claims and present a bill of costs to be allowed in the discretion of the court.

Mr. MANN. On cases which have been finally disposed of and the claims paid?

Mr. TOWNSEND. Yes. The equity of the claim appealed to the committee in this way: That these people have recovered from that indemnity fund various amounts, but those amounts have not been net amounts. They have been obliged to pay sometimes very large sums for the procuring of testimony and the bringing of witnesses here. In one case a large trading company found it necessary to send an official of the company to China and there make extensive investigations, and also to bring witnesses.

Mr. MANN. The same would be true if the claim had been brought against the Government of the United States, would it not?

Mr. TOWNSEND. I presume so. I am not a lawyer. If that is the gentleman's judgment, I will agree with it.

Mr. MANN. It does not require the services of a lawyer to know that when you bring a claim against the United States and try it in the Court of Claims you have to pay counsel fees and more or less expense in procuring testimony. If the gentleman has not had that much legal experience, I congratulate him.

Mr. TOWNSEND. I hope never to have, I assure the gentleman. I will say to the gentleman that the Government itself would be a beneficiary under the operation of this resolution, if passed. The Government defended that Chinese indemnity fund against the claimants, and itself was put to considerable expense, which it could recover from the remaining balance of the fund.

Mr. MANN. But the Government might have kept it all, if it wanted to.

Mr. TOWNSEND. It did not care to, but it might like to recover what it has expended in defending the claims.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I rose to reserve the right to object, but the gentleman from Illinois [Mr. MANN] was recognized. I want to say a word on a different phase of this question. I consider it a very honorable and magnanimous act on the part of this Congress four years ago to have remitted ten or eleven million dollars of claims against China. We have been bragging about that ever since and congratulating ourselves on our generosity. Now, I desire to read one provision in that resolution. It is:

> That the sum of $2,000,000—
>
> Which were reserved to pay the claims—
>
> be reserved from the Chinese indemnity of 1900 for the payment of such judgments, the same to be paid by the Treasurer of the United States, as and when they shall be certified to the Secretary of the Treasury by the said court, and any balances remaining after all such claims have been adjudicated and paid shall be returned to the Chinese Government in such manner as the Secretary of State shall decide, and the Secretary of the Treasury is hereby authorized and directed to so return the same.

That is a clear-cut provision, reserving $2,000,000 to pay any and all claims which may be established by American citizens against China on account of the uprising in the Boxer movement, and to pay judgments recovered on such claims. There is no provision for anything else except to pay judgments. This resolution provides that in addition to the payment of these judgments the expenses in the Department of Justice shall be paid—expenses incurred in the defense of the claims—and also provides that the expense incurred in the Court of Claims for printing and miscellaneous expenses shall be paid. It also provides that counsel fees and expenses for attorneys prosecuting these claims in the Court of Claims shall be paid. I do not believe in doing an honorable thing and then spoiling it. It was a highly honorable and magnanimous act which we did, and we ought not to come down and revise that resolution now simply because there are $2,000,000 in our hands and we do not want to let it go back, according to the provisions of the resolution originally passed. According to the provisions of this resolution we are going to grab out of it for the Department of Justice a certain amount, then another bite for the expenses of printing in the Court of Claims, and another grab for attorneys, some of whom have closed up their cases and got their pay, and others of whom very likely have made agreements with the claimants for a certain percentage of the claim, and have never thought of getting any other counsel fees, because counsel fees are not awarded in the Court of Claims. I do not know that they are ever awarded. I have never known of any of them being awarded. This is something that has never been done, so far as I have known, since I have been here—awarding costs and counsel fees to attorneys in prosecuting claims in the Court of Claims. Because this money is here and because there is enough to pay it, they want to get this grab out of it, and thus spoil the magnanimous act that we have done.

And if the gentleman from Illinois does not object——

Mr. MANN. Will the gentleman yield? Is the gentleman familiar with the expression that is used by boys of "an Indian giver"?

Mr. MICHAEL E. DRISCOLL. Yes. It applies here, and I accept the suggestion.

Mr. MANN. And the gentleman does not believe in being an Indian giver.

Mr. MICHAEL E. DRISCOLL. No. While I am willing to hear the gentleman from New Jersey upon——

Mr. TOWNSEND. If the gentleman is going to object, it is not necessary for me to make any further explanation in regard to a simple act of justice, for the objection will carry, no matter how eloquent my explanation may be.

Mr. MANN. This is one of several efforts that have been made for different claimants to extract the amount of this $2,000,000 indemnity fund which was retained by the Government to pay legitimate claims, which ought to have been returned to the Chinese Government before this time. It has been long enough ago to have all these things disposed of, but I think it is intentionally held back in order to let people try to pass bills like this. There are a number of others, but I think this is the worst one of the lot.

Mr. TOWNSEND. Mr. Speaker, in reply to that I will say to the gentleman from Illinois that his suspicion regarding at least the greater claimant in this case is entirely gratuitous, unfounded, and unjust. He represents a trading company which has been in operation in the Far East for 60 or 70 years, which began in Boston and now, I think, has its headquarters in New York. It is to-day selling many millions of dollars worth of southern cotton in China and Japan against competition of England and France.

Mr. MANN. And doing a profitable business, I take it.

Mr. TOWNSEND. And they were doing a profitable business until this war interruption came. They recovered damages through the Court of Claims against the indemnity fund, but in doing so they were put to very large expense for conducting their case.

Mr. MANN. And they were not satisfied with the damage they recovered and want the right to go into court and recover more.

Mr. TOWNSEND. Not at all; I do not look at it that way.

Mr. MANN. I do not mean this bill. They tried to get permission to go into the Court of Claims and file their claims, which were rejected——

Mr. MICHAEL E. DRISCOLL. And now they want to eat up this fund.

Mr. MANN. When they saw the two millions they did not want that to get away.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MICHAEL E. DRISCOLL. I object.

The SPEAKER. The bill will be stricken from the calendar.

AMENDING COPYRIGHT ACT.

Mr. BORLAND. Mr. Speaker, in regard to H. R. 24224 I desire to withdraw my objection to the consideration of the bill, and the gentleman in charge of the bill consents to an amendment on line 8, page 4, by striking out the words "nor be less than the sum of $50."

The SPEAKER. The gentleman from Missouri objected to the present consideration of the bill H. R. 24224, and he and the gentleman from New Jersey, in charge of the bill, have come to an agreement that he will withdraw his objection provided the gentleman from New Jersey agrees to the amendment offered.

Mr. TOWNSEND. Mr. Speaker, I accept the amendment.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know what the amendment is.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "nor be less than the sum of $50."

Mr. TOWNSEND. I have no objection.

The SPEAKER. Is there objection to this bill being taken up again by unanimous consent? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "nor be less than the sum of $50."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LITTLE RIVER DRAINAGE DISTRICT NO. 1, POTTAWATOMIE COUNTY, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the bill, as it is very much shorter.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Oklahoma upon the allotments of certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district, in Pottawatomie County, Okla., and upon the allotments of certain Sac and Fox allottees in Deep Fork drainage districts, in Lincoln County, Okla.

Sec. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed $15 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees may have in the United States Treasury, in the discretion of the Secretary of the Interior.

Sec. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other redistricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

Sec. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The SPEAKER pro tempore (Mr. BORLAND). Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire, if I may, what the point of difference between the House and Senate would be in case the Senate bill is passed striking out all after the enacting clause and inserting the substitute bill?

Mr. FERRIS. Mr. Speaker, there are two well-defined differences. In the first place, this bill makes the Indian rentals and moneys pay the bill, whereas the Senate made a direct appropriation out of the Federal Treasury. That is one difference. The other difference is we add the county of Lincoln, which is adjoining Pottawatomie County, and the same stream flows through them and conditions are precisely the same, and the Secretary came before the committee and stated that the same conditions prevailed there.

Mr. MANN. I understand the main point of difference would be that under the Senate bill the expense would be paid outside of the General Treasury. Under the House bill it is proposed to have that expense paid by the Indians.

Mr. FERRIS. That is the main difference; yes, sir.

Mr. MANN. Then I notice in the bill the provision or the appropriation of the sum of $40,000, to be immediately available, the said sum to be reimbursible from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees have in the United States Treasury. It being admitted that most of the allottees, or many of them, have no funds in the Treasury, does the gentleman say that they can afford to pay 50 per cent of the rentals and live on the other 50 per cent?

Mr. FERRIS. In the first place, the gentleman has assumed they have no money, which is not according to the facts.

Mr. MANN. I do not know what the facts are. I only know what the report says. The Secretary of the Interior says they have no funds in the Treasury.

Mr. FERRIS. I think the gentleman will find that some of them have. They all have money and trust funds. But, answering the gentleman's question more specifically, we had better take half of the rents of these good lands, well protected from flood, than to take nothing at all, as the report says we would have to do in most cases in event there was no flood protection. In the spring, their lands flooding, they get little or nothing out of them. It is good potato land and alfalfa land and good agricultural land generally. It will yield good crops protected. It will yield good revenues protected. The land will be lost and destroyed unless protected.

Mr. MANN. It is all flooded in the spring?

Mr. FERRIS. It is. They usually have torrents of rain in April and May. That is true of dry countries generally. Because it is dry part of the year it does not follow that it does not need protection.

Mr. MANN. Has it been flooded in the last two or three years?

Mr. FERRIS. Each year in July and August we suffer from the drought for two or three years, but it rains and floods us almost every spring.

Mr. MANN. If the land is all flooded in the spring, it being high land, it would be impossible to drain it without great expense. I would like to ask, in reference to the statement of the superintendent referring to the payment by the Indians and requiring them to assume such burdens as would work a great hardship, how much money do you think, under these conditions, the Secretary of the Interior, having discretion, would take out of their rents to reimburse the Federal Treasury? About as much as they have taken out to reimburse the Federal Treasury for Indian depredations?

Mr. McGUIRE of Oklahoma. If the gentleman will permit, he quotes from a superintendent whose judgment I presume is——

Mr. MANN. The gentleman published it in his report, and I assume he would not have done it if he did not think it was right.

Mr. McGUIRE of Oklahoma. Giving the gentleman all the information he had.

Mr. FERRIS. Will the gentleman yield for a moment?

Mr. MANN. Yes.

Mr. FERRIS. I want to read from the same report. I have no doubt the Indian agent, in an effort to protect his Indian wards, was saying what he could to get the Federal Government to protect these lands at their expense. I want to read from the report:

A large part of the valley of Little River is, in its present state, almost worthless, except for pasturage, and I do not hesitate to say that the successful construction of the proposed ditch will very materially increase the value of the Indian lands coming within said drainage district. It is needless for me to add that in my judgment it is especially advisable that the Indian Bureau should cooperate with the State in such matters.

A part of the valley of the Little River is, in its present state, worthless.

Mr. MANN. Except for pasturage?

Mr. FERRIS. The land has been plowed up once. You can not have pasturage land where it has been plowed up. It requires a long time to resod it after it is once plowed.

Mr. MANN. What?

Mr. FERRIS. It will take him 10 years to resod it, and it would all wash away before that.

Mr. MANN. It will take about a year in our State.

Mr. BURKE of South Dakota. I would like to ask the gentleman if, in all probability, the rental would not be increased by this improvement, so that one-half of it would be greater than the rental that is now received?

Mr. FERRIS. I think the gentleman has very forcibly stated it.

Mr. MANN. Does he want to provide that one-half of the rental shall be used to reimburse the Government?

Mr. FERRIS. It says that.

Mr. MANN. It provides that not exceeding 50 per cent.

Mr. FERRIS. It means that they shall put that in.

Mr. MANN. I do not think it means anything of the sort. I think it means the Senate proposes to pay the money out of the Treasury, and the House proposes reimbursement out of a fund where it would never be reimbursed to the extent of a dollar.

Mr. FERRIS. In the first place, most of them, nearly all of them, have money of their own. I have just called on the telephone a few moments ago to see how much they have. Shawnees have $6,000; Pottawatomies have $292,221.17; Sacs and Fox have $578,724.98. So, it will be observed, they not only have land but also money. This certainly magnifies the importance of this legislation to the Indians as well as to the whites.

We provide that these expenditures shall be reimbursed from the rentals and their trust funds; and I call the attention of the gentleman to the fact that as the dead claims and unallotted claims and remnant claims are sold and administered the money is covered in.

What the gentleman says with respect to the Senate is true. They appropriate with a freer hand than we do. The House committee thought the Indian would get the benefit, and the Indian should pay for it. That was the feeling in the committee. To do otherwise would be to hold up the entire drainage district that our legislature recognized and provided for by law for the white people. Our legislature passed a drainage bill authorizing the county commissioners to let the white people associate themselves together and drain their lands. Interspersed among the white deeded lands are the Indian lands. When the drainage district is formed and the engineer comes along with his ditch and tries to complete his drainage system he runs into an Indian allotment. The State has no power to subject these allotments to any lien of any sort, or any right of way, or to do anything except as Congress permits. The Indian, of course, is without capacity to act, due to his Federal restriction. The thing that necessarily follows is that we must come here and ask the Federal Government to give these Indians permission to let these Indian lands be subjected to the charge and otherwise articulate with the State's drainage law, drainage district. The two of necessity must cooperate, must articulate, must act in conjunction, or the whole system fails. Surely neither should stand in the way of the other; surely both should act together, and all they need to do so is in this bill.

Mr. BURKE of South Dakota. What do the white people pay?

Mr. FERRIS. The white people pay precisely the same as the Indians would. This report says that the engineer has been fair. No advantage is sought. No advantage one over the other is obtained.

Mr. BURKE of South Dakota. How do they make payment?

Mr. FERRIS. They have the power to bond the deeded lands and pay for it. But with respect to Indian lands you can not do that. We are really traveling about the only avenue we can. There is no fee title to them in the Indians. Congress alone can help us out.

Mr. MANN. I think the gentleman is traveling the way he ought to, to make these Indian lands pay the needed expense of improvement and drainage. But there is no reason in the world that I can see why the Government should pay out of the Federal Treasury the expense of adding to the value of the Indian lands. If the drainage district does not add to the value of the Indian lands, there is no reason why they should be compelled to pay. If it does add to the value of the Indian lands, the Government ought to have a lien on the lands for any money advanced to them.

The law provides that the Government shall pay Indian depredation claims out of the funds of the Indians. The law also provides that it shall first use the money available for the support of the Indians and taking care of the Indians, and under that the Secretary of the Interior pays no Indian depredation claims whatever out of Indian funds. I am not criticising. It is perfectly proper. There is no reason why, if they can pay 50 per cent of the annual rentals on account of this, the Government should not retain a lien on the lands of the Indians until the advances made by the Government are paid.

Now, the gentleman has proposed in this bill legislation with reference to two drainage districts, and only to two drainage districts. That is what the original title of the bill refers to, and that is what the amended title of the bill refers to. But the essence of the bill has not been referred to yet on the floor. It says:

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

Now, if we are going to undertake to let the State of Oklahoma make drainage districts wherever they please, and have the Indians pay assessments on their lands, there ought to be some provision to cover it.

Mr. FERRIS. The Secretary under this bill has full power and latitude to approve any estimate, or any charge, or any ditch, or any right of way. He has full and complete power.

Mr. MANN. He has not the power to make any assessments a lien upon the land. He has not the power to pay any money out of the Treasury that belongs to the Indians.

He has not the power under that provision to do anything except get us into a bad box, and he could do that readily enough.

Mr. FERRIS. Does the gentleman undertake to say that under this act he has no authority to pay funds out of the Treasury?

Mr. MANN. For anything outside of these two drainage districts. In these two drainage districts the act gives him the authority.

Mr. STEPHENS of Texas. This only applies to these specified Indians—

Certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district, in Pottawatomie County, Okla., and upon the allotments of certain Sac and Fox allottees in Deep Fork drainage districts, in Lincoln County, Okla.

Mr. MANN. The gentleman thinks that this bill only applies to these Indians?

Mr. STEPHENS of Texas. That is, the first section.

Mr. MANN. The gentleman thinks it does not apply to any other Indians or any other land?

Mr. STEPHENS of Texas. The amended bill reported, under the first section, applies to these Indians. I think the gentleman from Illinois is wrong as to this amount not being reimbursable. The latter part of the section reads in this way:

The said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees may have in the United States Treasury, in the discretion of the Secretary of the Interior.

That makes it reimbursable, except the amount that may be paid out of the 50 per cent coming from rentals.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I can give the gentleman additional information as far as Lincoln County is concerned. I have a letter from the Secretary of the Interior, received since this report was made, in which he stated:

DEPARTMENT OF THE INTERIOR,
Washington, May 31, 1912.

Hon. BIRD MCGUIRE,
House of Representatives.

SIR: Referring again to your letter of May 9, 1912, regarding S. 4913, you are advised that the following telegram has been received from the superintendent of the Sac and Fox School, Oklahoma:

"Office wire 15th. County clerk advises two sixty one and fifty one hundredths acres Indian allotments and two thirty acres school reserve within proposed drainage district. Assessment against Indian allotment, $4,285; against school reserve, $4,862; damages awarded, $150."

Respectfully,
SAMUEL ADAMS,
First Assistant Secretary.

Now, as to that drainage district, it would not take one dollar out of the Treasury of the United States, for the reason that this is very rich land. The estimate is about $9.50 for the land drained. In two years I doubt if there is an acre of that land that would not pay for the drainage, and each of these Indians—the Sacs and Fox—have money in the Treasury of the United States. The tribe has money in the Treasury of the United States, and it was the intention of the bill where they have money that the Secretary should use it, and as far as they are concerned it would not take a dollar out of the Treasury. Now, I agree with my colleague [Mr. FERRIS] that while the superintendent, a capable gentleman, would like to do all he can for the Indians—I know him personally—and from his own additional statement, under his report to the Secretary of the Interior, the fact developed the land is comparatively worthless, and it is; and one-half of the rentals for one year after it was drained would be equal to all the rentals for five years under the present conditions. I know something about the conditions there, and there is a gentleman on the floor—the gentleman from Kansas—who has personal knowledge of the situation and will bear out what I say.

Mr. MANN. How much pasture or grassland is there belonging to private owners in that county?

Mr. McGUIRE of Oklahoma. No land that is to be drained. It is weed land, because the sod has been broken and it comes up in weeds. It is absolutely worthless for grazing or for any other purpose.

Mr. MANN. They seem to be able to rent it.

Mr. McGUIRE of Oklahoma. Yes; but for nothing like the value of it.

Mr. MANN. I will say that I am going to object to the consideration of this bill unless it is passed over. If the Government is to cooperate in a drainage district in behalf of the Indian lands, I think it is quite proper that the Government that is to advance the money should be entitled to a lien on the Indian lands so that the Government in the end will receive the money back.

Mr. McGUIRE of Oklahoma. That would be perfectly satisfactory to me. Will the gentleman offer an amendment to that effect?

Mr. MANN. No; I have not one prepared, and, furthermore, I do not know enough about the subject to prepare one properly. I have no objection to passing the bill over without prejudice.

Mr. STEPHENS of Texas. Would the gentleman extend the same remark to the irrigable land in the United States belonging to the Indians, and make it responsible for the money that is used for irrigation purposes?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. If you did, you would make paupers out of the Indians.

Mr. MANN. If it is not for the benefit of the lands, do not do the irrigating. If it is, the land ought to be able to stand for the cost of it.

Mr. STEPHENS of Texas. They are the wards of the Government, and we must take care of them, irrespective of whether it is a benefit or not.

Mr. MANN. I never before heard that it was the duty of the guardian of a ward to spend his own money to advance the value of the property of the ward. That is a new doctrine to me.

Mr. STEPHENS of Texas. Then the gentleman would reverse the doctrine that we have stood by for all of these years?

Mr. MANN. We never have done that. We make it reimbursable whenever we provide for these irrigation projects, except in the few that got away from us.

Mr. BURKE of South Dakota. In the last Congress we passed a provision by which the moneys expended for irrigation of Indian allotments are a perpetual lien upon the allotment. That is, if the land should be sold by the allottee, the cost of irrigating it would be a lien that would have to be paid.

Mr. MANN. That is what I understand.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Oklahoma, in charge of this bill, in regard to this provision in line 23, by which it provides that from any funds the said allottees may have in the United States Treasury the Treasury shall be reimbursed. Do moneys belonging to these Indians that are known as individual moneys go into the Treasury of the United States? Are they not deposited in the local banks to the credit of the Indians and paid out under the supervision of the superintendent, and never do go into the Treasury?

Mr. FERRIS. That is true as to individual moneys; but they have lands unallotted.

Mr. BURKE of South Dakota. I understand this relates to any money belonging to individual allottees in the Treasury of the United States. They may have a large sum of money that would not be in the Treasury, but deposited in banks, and such money ought to be subject to reimburse this fund.

Mr. FERRIS. I heartily agree with the gentleman about that. I do not think the bill refers to individual funds. It says from any funds.

Mr. MANN. In the Treasury.

Mr. FERRIS. Yes.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I ask unanimous consent that consideration of the bill be passed without prejudice.

The SPEAKER pro tempore (Mr. BORLAND). The gentleman from Oklahoma asks unanimous consent that the consideration of the bill be passed without prejudice. Is there objection?

There was no objection.

STANDARD BARRELS AND GRADES FOR APPLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

Mr. HARDWICK. Mr. Speaker, I ask unanimous consent that the Clerk read the substitute in lieu of the original bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

"That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of head, 17¼ inches; distance between heads, 26 inches; circumference of bulge, 64 inches outside measurement, representing as nearly as possible 7,056 cubic inches.

"SEC. 2. That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than 10 per cent below the foregoing specifications shall be 'U. S. Standard, minimum size 2½ inches,' if the minimum size of the apples is 2½ inches in transverse diameter; 'U. S. Standard, minimum size 2¼ inches,' if the minimum size of the apples is 2¼ inches in transverse diameter; or 'U. S. Standard, minimum size 2 inches,' if the minimum size of the apples is 2 inches in transverse diameter.

"SEC. 3. That apples packed in barrels in accordance with the provision of this act may be branded in accordance with section 2 of this act.

"SEC. 4. That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined, and the capacity of the barrel is less than the capacity prescribed by section 1 of this act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by section 1 of this act. The marking required by this paragraph shall be in block letters of size not less than 72-point 1-inch gothic.

"SEC. 5. That barrels packed with apples shall be deemed to be misbranded within the meaning of this act—

"First. If the barrel bears any statement, design, or device indicating that the apples contained therein are 'U. S. Standard' and the apples when packed do not conform to the requirements prescribed by section 2 of this act.

"Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are 'U. S. Standard' and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked.

"SEC. 6. That any person, firm, or corporation, or association who shall pack or cause to be packed apples in barrels or who shall sell or offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of $1 for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction. This penalty to be recovered under the provisions of an act approved June 30, 1906, entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.' (34 Stat., p. 768.)

"SEC. 7. That this act shall be in force and effect from and after the 1st day of July, 1913."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JACKSON. Mr. Speaker, reserving the right to object, I would like to know something of what the bill is sought to accomplish.

Mr. SULZER. Mr. Speaker, the object of this bill is to prevent fraud and deception in the apple business, which handles the largest fruit crop in the country. Provision is made for standard packages throughout the United States, and a standard is fixed for the grade and sizes of apples in commerce. It will establish for the producer a broader and more stable market; it will give the distributor confidence in the integrity of the package and the grade; and it will assure the consumer of both the quantity and quality of the food which he buys.

This measure has received the substantial approval of all branches of the apple industry; and representatives of fruit growers, fruit jobbers, horticultural societies, boards of trade, granges, commission merchants, apple shippers, and exporters from all parts of the United States, with scarcely a dissenting voice, urge its passage.

It establishes a standard barrel of the same dimension which is now established by law in many States, and which is in general use throughout the country. It provides that a barrel of less capacity than specified may be used, providing it is marked to show the fractional relation which the actual capacity bears to the standard barrel prescribed.

It establishes, for the purpose of interstate and foreign commerce, three standard grades of apples, to be designated according to the minimum size of the fruit, and specifies the quality of merchantable apples. It provides that barrels marked within the meaning of the act shall also show the identity of the packer and the locality where the fruit is grown and its grade.

The provisions establishing standard grades are not compulsory, and any person will be at liberty to pack his fruit in the old way or as he may desire, so long as he does not brand or mark it as "U. S. Standard," etc.

The penalty for violation of the standard package clause may be recovered at the suit of the United States in any district court having jurisdiction, and that part of the bill which is placed within the pure-food act is enforceable as a part of that law.

The provisions of the bill are in line with the statutes of the various States which have adopted a standard apple barrel, and I will say to the gentleman that this bill is approved by substantially all of the apple growers in the United States, by all of the apple dealers in the United States, by all of the boards of trades and chambers of commerce in the United States. It is an honest bill for honest dealing, and the demand for its enactment has come from every section of the country. It is reported unanimously from the committee, after extensive investigation and prolonged hearings. It is a bill to promote honest dealing between the producer and the consumer. It can only be done by a common standard.

Mr. JACKSON. What is the interest of the apple grower in such a measure as this?

Mr. SULZER. The interest of the apple grower in such a measure as this is that the honest apple producer wants a common standard that the dishonest apple grower must live up to in order to have honest competition. In other words, an honest apple grower wants to give a full barrel, while a dishonest apple grower does not. This compels the dishonest apple grower to live up to a standard.

Mr. JACKSON. Does the gentleman think any honest apple grower can pack apples in accordance with the second section of this bill?

Mr. SULZER. Yes; the producers of apples appeared before the committee and testified they could, and that is what they wanted to do. All the apple growers in the United States were present or duly represented. The hearings tell the whole story. This bill should pass.

Mr. JACKSON. Then a man must subject himself to all of the penalties of the pure-food law if he packs an apple of less than a certain diameter.

Mr. SULZER. Oh, no.

Mr. MANN. In that connection I would ask where there is any provision in reference to a violation of this law. How can a man violate the law?

Mr. BUTLER. By shortening his barrel.

Mr. MANN. No; there is no prohibition against shortening the barrel in this bill.

Mr. SULZER. That is correct.

Mr. BUTLER. Then this is merely a declaration of morals?

Mr. MANN. Merely a declaration of intent.

Mr. SULZER. In other words, if a man packs less than a barrel and does not comply with this act he can not mark it "U. S. Standard."

Mr. MANN. There is no prohibition respecting that.

Mr. SULZER. He subjects himself to a fine of a dollar a barrel if he marks the barrel "U. S. Standard" when it is not United States standard, in accordance with this act.

Mr. HAY. He can pack his apples in any way he pleases, but he can not brand the barrel as provided for in this bill without incurring the penalty.

Mr. JACKSON. The bill provides for the branding of apples, not the branding of barrels.

Mr. HAY. It does not make it obligatory upon anybody who packs apples to pack them in barrels of this character. I will say to the gentleman from Kansas, representing as I do the largest apple district perhaps in the country——

Mr. JACKSON. Oh, I did not know the gentleman was from Kansas. [Laughter.]

Mr. HAWLEY. The gentleman should except myself.

Mr. HAY. I said I represented the largest apple-growing district.

Mr. JACKSON. And I repeat that I was not aware that the gentleman came from Kansas.

Mr. MANN. The gentleman from Virginia means that he represents the district that grows the largest apple. [Laughter].

Mr. HAY. No; the largest number of apples and the district that ships the largest number of barrels of apples. I may say for the apple growers that they are all in favor of this bill in the interest of honest packing; and, furthermore, they believe by the passage of this bill that the apple industry of the country will be very much aided, and all of the apple interests, both the growers and the buyers, have agreed upon the terms of the bill. It is not the bill that everybody would like to have, but, like all legislation, it is a compromise. I trust the gentleman from Kansas will not object.

Mr. JACKSON. Will not the result of the bill be to increase the price of certain kinds of apples that are designated as standard apples?

Mr. HAY. No; there is no designation of any standard here.

Mr. JACKSON. What does the bill do, if it does not do that?

Mr. MANN. That is all it does do. It does not prohibit anything.

Mr. HAY. It standardizes the size, not the quality—United States standard minimum size.

Mr. JACKSON. It tends to standardize the quality also.

Mr. HAY. Not at all. It is only the size.

Mr. YOUNG of Michigan. The size of the apple or of the barrel?

Mr. HAY. Of the apple.

Mr. TUTTLE. It does standardize the quality of merchantable apples.

Mr. JACKSON. That is what I thought.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, as the matter is up I shall not object to the consideration of it, but I would like to call the attention of gentlemen to the fact that the only apparent prohibition in the bill is one against selling barrels and not against selling barrels of apples. There is no prohibition in the bill against marking barrels "U. S. Standard" when they are not United States standard. There is no prohibition in the bill against putting in apples of a different size and then marking them United States standard of a certain size. There is no provision in the bill except providing a penalty for violation of the act, and there can be no violation of an act unless there is a prohibition.

Mr. HARDWICK. Would the gentleman leave it that way?

Mr. MANN. Absolutely. I want to leave it that way unless the gentleman can correct it.

Mr. HARDWICK. The gentleman is right in one sense and wrong in another. The bill does provide that any violation of any of its provisions shall subject the violator to a penalty of $1 per barrel.

Mr. MANN. Yes.

Mr. HARDWICK. Yes; there is a violation which relates to the size of the barrel or the size of the apple——

Mr. MANN. But there can be no violation unless there is a prohibition.

Mr. HARDWICK. That is purely technical.

Mr. MANN. I take it is very pertinent.

Mr. HARDWICK. It is purely technical.

Mr. MANN. It is purely basic to say that a man can not pack apples and market them when there is no prohibition against the packing of apples and the marketing of them.

Mr. HARDWICK. The gentleman has not read the bill carefully.

Mr. MANN. Oh, yes; I have read the bill a half a dozen times, but I should not oppose its consideration even in the form it is.

Mr. HARDWICK. Then the gentleman is not opposed to its consideration?

Mr. MANN. Or to passing it, as it will not accomplish anything.

Mr. MOORE of Pennsylvania. I would like to ask what section 3 means.

Mr. SULZER. That section will be amended. I call attention to section 5, which says "that barrels packed with apples shall be deemed to be misbranded if not within the meaning of this act."

Mr. MANN. There is no provision against misbranding. It is no violation of the act, because there is no prohibition which makes it a criminal——

Mr. HARDWICK. It is not criminal but civil. A man can violate the law and only be subject to a civil penalty.

Mr. MANN. It is neither one.

Mr. HARDWICK. Mr. Speaker, I understand the gentleman from Illinois does not object to the consideration of the bill.

The SPEAKER. Nobody has objected yet.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

Mr. JACKSON. Mr. Speaker, I reserved the right to object, and I do object. I think the bill is too imperfectly drawn to be passed.

Mr. HARDWICK. The gentleman is very much mistaken, and I hope the gentleman will reserve the right to object and let us explain the bill.

The SPEAKER. Does the gentleman reserve the right to object or does he object?

Mr. JACKSON. I object.

Mr. HARDWICK. I ask the gentleman to let us explain the bill to him.

The SPEAKER. The gentleman objects, and that is the end of it. The bill will be stricken from the calendar.

Mr. HARDWICK. Will the gentleman reserve the right to object?

The SPEAKER. The gentleman insists on his objection, and the Clerk will report the next bill.

PHOSPHATE LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands.

Mr. MANN. Mr. Speaker, in the absence of the gentleman who introduced the bill, I will ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

BLANK MANIFESTS AND CLEARANCES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13392) to repeal section 2648 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc."

The Clerk read as follows:

Be it enacted, etc., That section 2648 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc.," be repealed, and the following be enacted in lieu thereof:

"That the Secretary of the Treasury is hereby authorized to obtain by purchase, or cause to be printed, blank forms of clearances, manifests, and other forms used in connection with the transaction of customs business, and to sell such forms at ports and subports of entry, ports of delivery, and elsewhere at such prices as he may deem proper and under regulations to be prescribed by him.

"Sec. 2. That all moneys received from the sale of such forms shall be accounted for and paid into the Treasury in the same manner as other moneys collected by customs officers.

"Sec. 3. That section 2648 of the Revised Statutes, and all additions thereto and amendments thereof, are hereby repealed."

The SPEAKER. Is there objection?

Mr. MILLER. Mr. Speaker, I object.

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

DISPOSITION AND SALE OF SURPLUS OF UNALLOTTED LANDS, STANDING ROCK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill S. 100, an act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota and making appropriation and provision to carry same into effect.

Mr. BURKE of South Dakota. Mr. Speaker, this bill has been read in the House on a former occasion. I do not believe it is necessary to have it read again.

The SPEAKER. Well, the Chair thinks to-day is the day and the bill ought to be read.

Mr. BURKE of South Dakota. I did not want to take up the time of the House in reading it if there is going to be objection. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota. [After a pause.] The Chair hears none, and it is so ordered.

RADIO COMMUNICATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 6412) to regulate radio communication.

Mr. MANN. Mr. Speaker, I think this bill was read before.

Mr. ALEXANDER. I was going to ask unanimous consent that the reading of the bill be dispensed with, as it was read in full when it came up for consideration on the last Unanimous Consent Calendar day.

Mr. MANN. Reserving the right to object, I simply want to ask the gentleman whether the international conference already agreed upon the other day might not in some way affect this?

Mr. ALEXANDER. It does not relate to any subject included in this bill.

Mr. MANN. It would relate to wireless signals at sea, would it not?

Mr. ALEXANDER. It might so far as regulations for two or more operators on shipboard, character of apparatus, and so forth, but this bill does not relate to those subjects in any way. This bill in part carries out the provisions of the Berlin convention, which has been ratified by the Senate on the part of the United States.

Mr. MANN. It seems to be very important that the regulations among the nations should be practically uniform, and as this conference has been provided for I suppose it will be reported before a great while.

Mr. ALEXANDER. But this bill is to carry out the provisions of the Berlin convention, and does not cover the subjects embraced in the joint resolution that passed the other day and that the gentleman from Illinois has in mind.

Mr. MANN. Yes; I know. It is a great deal more than that, though.

Mr. ALEXANDER. The other conference provided for in that joint resolution will not consider any of the questions that are embraced in the subject matter of this bill.

Mr. MANN. I will personally say to the gentleman, without any knowledge of the subject, and hence without an opinion that is worth anything, I do not believe it is practicable to enforce this bill in the language in which it is drawn, nor do I believe it would be fair to the amateurs of the country to endeavor to enforce it.

Mr. ALEXANDER. We have gone over the subject matter with the amateurs, and with the gentleman from Pennsylvania [Mr. BUTLER], who is in touch with them. The Wireless Association of Pennsylvania represents the largest number of wireless amateurs in the United States.

Mr. BUTLER. I think the association to which the gentleman from Missouri [Mr. ALEXANDER] refers contains more experimenters, perhaps, than any other association devoted to this subject in the United States, and, as the gentleman knows, today the Department of the Navy is in communication and in consultation with these experimenters in Philadelphia for the purpose of agreeing, if they can, upon some measure—I would not say to be inserted in this bill, because I will be honest in my statement, but in consultation relative to the rights of the experimenter or relative to the obstruction of his work which the passage of this bill might make. Now, I have not heard from them. I know they are in consultation. Has the gentleman from Missouri [Mr. ALEXANDER] had any word from them?

Mr. ALEXANDER. No; but the gentleman from Pennsylvania and I have agreed that one amendment shall be made that they insist on.

Mr. BUTLER. One amendment in the first section.

Mr. MANN. I have 22 question marks after provisions in this bill which I would like to have explained and possibly amended, and I do not see how that can be done to-day.

Mr. ALEXANDER. I will undertake to explain them if in my power, and if the gentleman has any amendments that will improve the bill and will protect either the commercial or amateur interests, I am entirely willing that they may be brought

before the House. But this is such an important measure, and the time for its consideration is passing, I do hope no objection to its consideration will be made.

Mr. MANN. We passed a law the other day about radio communication, and it may be that this ought to pass at once, but then we may change it next year. Sometimes it is wise to wait a bit. I know the gentleman and his committee have done extremely able work and hard work, too, upon this and other bills from his committee, and while I am disposed to follow the gentleman on a good many things from his committee, I am not disposed to pass a bill like this without consideration in the House.

Mr. ALEXANDER. I would be very glad to have it considered, and if there is any Member of the House that does not understand any provision of this bill, we will endeavor to make it clear.

Mr. MANN. If we can strike a time on unanimous-consent to-day when the calendar is not full, I would as soon have this bill up as any other. Unless the gentleman asks to have it passed over, I will have to suggest——

Mr. BUTLER. Let it go over for two weeks.

Mr. ALEXANDER. I am not more interested in this than in many other measures. The subject matter comes from the administration, and I know the importance of the legislation, and for that reason I am so anxious that it may be considered and passed. At the same time I do not want to pass any law through the House without consideration. For that reason the bill was printed in the RECORD two weeks ago that all Members of the House might have opportunity to study it. If the gentleman has not read the bill and insists on his objection to its present consideration, I will ask unanimous consent that it may go over until next unanimous-consent day.

Mr. MANN. So far as I am concerned, I would be glad to take it up at any time.

Mr. BUTLER. In the meantime, I think he has practically removed the objections of the association to which he referred.

Mr. MANN. What is the amendment they propose to section 5?

Mr. BUTLER. As to reception of messages.

Mr. ALEXANDER. Line 8, page 1, strike out the words "receipt or." In the meantime, I hope the gentleman will frame such amendments as he may wish to propose? I ask unanimous consent that the consideration of this bill may go over until the next Unanimous Consent Calendar day.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent to pass the bill by without prejudice. Is there objection?

There was no objection.

SALE AND ENTRY OF CERTAIN LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following-described tracts of land within the State of Oklahoma, to wit, the southeast quarter and the south half of the northeast quarter of section 30, the east half of section 31, and section 32, all in township 19 north of range 13 west of the Indian meridian; and the west half of section 5 and the northeast quarter of section 5, and section 6, all in township 18 north of range 13 west of the Indian meridian; and also any other tract or tracts of land within what was formerly the Cheyenne and Arapaho Indian Reservation which heretofore may have been reserved for agency or school purposes which, in the judgment of the Secretary of the Interior, are no longer needed or necessary for the purpose for which said tract or tracts were originally reserved; and said lands shall be opened to entry and settlement and disposed of under the conditions, terms, and provisions prescribed in the act approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand the subject matter of this bill, the Secretary has now the authority to sell this land if he wants to?

Mr. MORGAN. Mr. Speaker, I will state that there is a letter in the hands of the chairman of the Committee on Indian Affairs, which I had in my possession a few weeks ago, but which I returned to the chairman, in which the Secretary says that his statement, which is made in this letter and printed in the report, was made through inadvertence.

Mr. MANN. I recollect that fact now.

Now, this bill provides that the proceeds of this land, which the committee says belongs to the Government, shall be turned over for the benefit of the Indians.

Mr. MORGAN. Yes; but, Mr. Speaker——

Mr. MANN. It further says that the Indians do not want the land to be sold, because they want the land.

Mr. MORGAN. Mr. Speaker, in regard to the land, first, I will say that the Indians believed that they had the legal title to this land, and the agent no doubt had the same conception. The Indians who signed the petition of course got their information from the agent.

Now, as a matter of fact, as shown by the report of the Secretary, the legal title, the cold, naked legal title, belongs to the United States. The Indians signed this petition against the sale on the theory that these lands which are referred to in the body of the petition would, when they should cease to be used for school purposes, revert to the Indians, which is not true.

I desire to say, further, that one of the chiefs of that tribe, who was the first man who signed that petition, is here in Washington at the present time, in company with other Indians of that tribe. They have talked the matter over with me and with the Commissioner of Indian Affairs, and after they have been made to understand it they are now willing that these lands should be disposed of according to the terms of this bill.

Now, while it is true, Mr. Speaker, going to the other point, that this bill provides that the proceeds of this land shall go to the benefit of the Indians, and while the report states correctly that the legal title is in the United States, yet I want to call the attention of the gentleman to this fact, that here was a great reservation, comprising something like 2,000,000 acres, and the United States, through commissioners, entered into a treaty for the allotting of these lands to the Indians, 160 acres to each, and for the disposal of the rest under the homestead laws to settlers.

The Indians in that treaty in terms did release their right to all the lands except their allotments. However, certain little reservations were reserved for school purposes for the benefit of the Indians and are being used and have been dedicated to that purpose.

Now, it appears that there is a surplus of these lands that have been reserved by the United States for school purposes for the benefit of the Indians. I should not think that the Government of the United States would be doing just the right thing to take these lands that were reserved for the Indians, for the purpose of educating this tribe of Indians, and appropriate these lands and place the money to the credit of the people of the United States. The Cheyenne and Arapahoe Indians are not a very progressive tribe. They have not advanced very far in civilization. It will take many years before these Indians will reach the point where they will not need great care and a great amount of education and training; and I would feel that we were doing an act of great injustice now to appropriate these lands and take them away from these 3,000 Indians, who are wards of the Government, and who are not, as I say, advanced very far in civilization. I do hope the gentleman from Illinois will not oppose this bill.

Mr. MANN. Mr. Speaker, the gentleman is both able, ardent, and plausible. But even he can not escape the fact that at one time we paid the Indians for the land—bought it and paid for it—and thereupon let the Indians make use of it by establishing Indian schools upon the land. Thereupon the Indians got an idea that they owned the land, and then they objected to our selling the land because they wanted the land. They visited Washington, they visited my distinguished friend from Oklahoma, and he explained to them that they did not own the land, but if they let this bill pass they would get the money for it. Of course they flopped over, but the very reason that actuates the Indians in favor of the bill which they formerly was opposed to makes me a little more opposed to it.

Mr. CARTER. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. CARTER. Mr. Speaker, these lands were bought and paid for by the Federal Government from the Choctaw and Chickasaw Indians, and it was said that the Federal Government got it for the purpose of settling friendly Indians thereon. The Federal Government, when it bought the land, bought it for a very small price. It did not in its negotiations with the Choctaws and Chickasaws, as the treaty will show, make any pretention that it wanted the land for itself, but wanted it for settling friendly Indians. It did not want it for white men.

Mr. McGUIRE of Oklahoma. Then it belongs to the Choctaws and Chickasaws?

Mr. CARTER. No; they have been paid for it at the rate of $1.25 an acre, but it was taken to settle friendly Indians on it. They were not so very friendly, however, as it turned out.

Mr. NORRIS. Well, is this a plan to buy it over again and see if we can not get it in that way?

Mr. CARTER. I make the point that the Federal Government did not buy the land for itself, but bought it for the Shawnees and Arapahoes and friendly Indians.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Oklahoma if it is not a fact that this land was ceded to the Government along with other land, and that this particular portion of it was simply reserved by the Government for the purpose of using it in connection with an Indian school established there.

Mr. MORGAN. That is a fact.

Mr. BURKE of South Dakota. This bill, if I understand it, provides that when this land is sold the proceeds shall go into the Treasury of the United States.

Mr. MORGAN. Yes; to the credit of the Indians, to be disposed of by Congress.

Mr. BURKE of South Dakota. My understanding was, when the bill was reported—I may labor under a misapprehension—that it was the opinion of the committee that the Indians had no right whatever to the land, and if there was no further use for it for the purpose of a school, that when it was sold the proceeds should go to the United States; in other words, we ought not to purchase land from the Indians, allow them to use it for 10 or 20 years, and then purchase it of them again, or sell it and give them the proceeds. We have been doing that in a number of cases for several years, notably in the case of the Kiowas and Comanches, where we gave them several million dollars.

Mr. MORGAN. It is true, as I understand it, the Indians have released their right to these lands, but the United States Government reserved these 4,000 acres of land for the purpose of educating these Indians. Now, that is a fact that can not be denied. I would not feel that I was doing justice to these Indians to now take this land that was reserved by the United States for the high and noble purpose of providing means for the proper education, culture, and development of these Indians to make them citizens of the United States, capable of self-support—I could not consent that we should take the lands reserved for that purpose and appropriate them to the general purposes of the United States. I do not think there is anybody here that wants to do that. If this land can not be disposed of so that the proceeds will go to the Indians, we ought to leave the lands there as they are, to be used in connection with that Indian school. I hope the gentleman will not object to the consideration of this bill.

Mr. MANN. Mr. Speaker, as I understand this bill, this property was acquired by the Government in 1891 by purchase from the Indians. More than a year later the department set aside this particular tract of land as a part for Indian schools. It did not belong to the Indians, nobody pretended that it did; but because they have been on it for 20 years, or sending children to school there, they came to the conclusion that they own it; they believe they own it, and believing they owned it they objected to the sale of it. The committee and the department, in order to excuse themselves for making a sale of it, called attention to the fact that the Indians did not own it, and that, therefore, the objection of the Indians to the sale of it ought not to be given any weight. If that be the case, why, when we sell it should we give them the money for it?

Mr. MORGAN. Because the United States reserved this for the purpose of educating these Indians.

Mr. ANDERSON of Minnesota. Why not keep it for that purpose?

Mr. MORGAN. We are; we are going to put it in the Treasury, because we can utilize it better if it is put in the form of cash.

Mr. BURKE of South Dakota. Suppose the Government had not reserved the land; suppose it had gone outside and purchased a tract and located the Indian school upon it, would that give the Indian any right to the proceeds from the sale of it now when it is no longer needed for school purposes? The Government purchased the land, paid for it, and then reserved what is authorized to be sold by this bill and built a school thereon to educate the Indians, but that did not give the Indians any right to the land.

Mr. MORGAN. I think if we purchased the land for the use and benefit of the Indians, if we ever dispose of it we should use it for the benefit of the education of the Indians who need it.

Mr. MILLER. The land was originally a part of an Indian reservation and sold by the Indians. At what price was it sold?

Mr. MORGAN. I think at $1.25 an acre.

Mr. MILLER. Has the gentleman any information as to the real value of the land at the time of the sale?

Mr. MORGAN. It is now worth $10 or $15 per acre.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MORGAN. I hope the gentleman will allow me to ask that the bill may be passed without prejudice.

Mr. MANN. I will not object to that; we have got in the habit of passing bills over in that way.

Mr. MORGAN. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. Is there objection?

There was no objection.

STANDARD BARRELS AND GRADES FOR APPLES.

Mr. JACKSON. Mr. Speaker, I desire to withdraw my objection to the consideration of the bill (H. R. 21480) providing for standard barrels and grades of apples.

The SPEAKER. The gentleman from Kansas withdraws his objection to the bill H. R. 21480, the title of which the Clerk will report.

The Clerk read as follows:

A bill to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I have not objected to the consideration of the bill and I have no objection to its passage, and yet I think it is proper to call attention to some of the things this bill does do and does not do.

The SPEAKER. The gentleman from Illinois is recognized for an hour.

Mr. MANN. Mr. Speaker, in the first place it provides for the size of an apple barrel, that it shall represent as nearly as possible 7,056 cubic inches. It is possible to have exactly 7,056 cubic inches in a barrel, and if it is a provision with a penalty to it, what is to be the result? We have been considering for a year in the Committee on Interstate and Foreign Commerce the question of the quantity of the contents of packages, and the committee has recently reported the bill, which I think is a very desirable one to pass, providing that there shall be tolerances; putting it in the law, that word "tolerances" having a well-defined meaning. In this bill you may just as well say that the size of the barrel shall be 7,056 cubic inches, because it is possible to make a barrel of that size. But it is not practicable in the trade to make them of that size. How would you determine whether a man was violating the law or not? A man could not tell in advance whether he was violating the law.

However, the bill contains no provision that anything is a violation of the act. It provides what shall be the United States standard on apple barrels and apples, and provides for the marking of United States standard on the apple barrel, but it makes no prohibition against a man falsely marking the barrel. Anybody can put the mark on the barrel. It provides for the packing of certain grades of apples under certain marks which may be put on the barrel, but you can pack potatoes in the barrel and mark it "United States standard, minimum size, 2¼ inches," and there is no violation of the act.

The bill says the barrels packed with apples shall be deemed to be misbranded within the meaning of the act, but there is no prohibition against misbranding. There is nothing in the act that makes it illegal to misbrand unless it is covered by the existing pure-food law. Under that it would be illegal to mark potatoes as apples and it might be illegal to lie about the size. This bill does not cover that

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. SLAYDEN. I want to ask the gentleman where this bill originated? Where does the demand come from for this legislation? Is it from the growers?

Mr. MANN. I will say frankly I think it comes from the apple growers of the United States. They have been asking for legislation of this sort for years, and, as I understand, the demand also comes because we export a great many apples. They want to be able to sell their apples at a high price. The Canadians pack their apples and standardize them, and the United States wants to be able to do the same thing.

Mr. LOBECK. The apple and fruit growers of Nebraska desire it.

Mr. MANN. I think there is a general demand for the passage of the bill. I think it is a desirable measure to pass. If it was not for that fact, I would not be willing to pass this bill which I think will not cover the case. I simply call attention to these things now and hope that the gentlemen who are interested in the bill will at some stage insert some provision that will make it of value.

Mr. SLAYDEN. I do not, see, to save my life, why if we are going to undertake to supervise trade in this inquisitorial and severe way, we should not say that the stuff shall be sold by weight, where there can be no fraudulentness.

Mr. MANN. Because apples, with many worms in them, will weigh just as much as those without worms, and little apples will weigh more than big apples, and they are not worth as much.

Mr. SLAYDEN. The buyer could then examine the stuff that he buys. Apples are sold by weight in a large part of the world.

Mr. FOSTER. The barrels are not opened.

Mr. MANN. Apples can not be sold by weight unless they are guaranteed of certain quality in the barrels, not exposed or examined.

Mr. SLAYDEN. I will say to the gentleman that I have seen them sold by weight.

Mr. MANN. I will not say that somebody has not done it. I only say that it is not practicable to do it.

Mr. SLAYDEN. I do not mean to say that it is exceptional. It is customary to sell them by weight in many parts of the world.

Mr. MANN. Where?

Mr. SLAYDEN. In Europe.

Mr. MANN. Oh, they do not have many apples there, and they buy their apples from us. They do not buy the big bulk of apples from this country by weight, however.

Mr. SLAYDEN. I do not know about that.

Mr. MANN. They may sell them over there for 50 cents a pound. I have heard people say that it was impossible to get apples over there.

Mr. JACKSON. I think apples are sold almost entirely in the West, out beyond the mountains, by weight.

Mr. HAWLEY. Oh, no; they are sold by the box.

Mr. MANN. It is a box weighing so much, but it is the kind of apple and the quality of apple that determines the value.

I myself have been a witness at what is probably the largest apple market in the world, on South Market Street, in Chicago. I have gone there myself a number of times as a matter of experience.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes; for a question.

Mr. MOORE of Pennsylvania. Oh, the gentleman has one hour.

Mr. MANN. But I do not wish to occupy it all.

Mr. MOORE of Pennsylvania. The gentleman from Texas [Mr. SLAYDEN] has made an inquiry which deserves an answer. I have petitions in favor of the passage of this bill. Some come from dealers in apples and some from consumers, and the reason they would like to have a bill of this kind passed is that they would like to have the apples delivered as represented. The gentleman may be aware of the fact, since he comes from a partly agricultural district, that sometimes when apples fall or are picked they are grouped in the orchard in piles of primes and culls. When they are packed it sometimes happens that the primes go to the bottom of the barrel, the culls to the middle, and the good, big, red, round apples again to the top. The consumer is often deceived in this way. The honest apple grower sells the consumer and would like to regulate the distribution of apples so far as fair dealing is concerned. The consumer's interest is almost entirely in the fact that he wants to receive the contents of the barrel as they are represented to him.

Mr. MANN. Mr. Speaker, the gentleman from Texas [Mr. SLAYDEN] will notice that this bill does not endeavor to cover the entire apple trade at all. It only purports to authorize the packing of apples under certain conditions and marking the barrel with a certain mark. That was a proposition I tried to put in the pure-food law—to mark a thing "United States standard" and allow a standard to be made. That is all this bill endeavors to do. Nobody needs to mark it who does not want to.

Mr. SLAYDEN. The gentleman will remember that I was one of his humblest lieutenants in the passage of the pure-food law.

Mr. MANN. The gentleman was one of the ablest lieutenants I had.

Mr. SLAYDEN. I am absolutely in favor of doing everything possible to prevent fraud in trade, because the more honest you make it the more you develop commerce; but I have not been able to see the necessity for this sort of legislation.

Mr. MANN. Of course gentlemen who represent apple districts——

Mr. SLAYDEN. I am an apple grower.

Mr. MANN. Well, I have been raising apples all my life, my father having been a nurseryman and owning orchards when I was a baby, and we still own orchards in our family, although we do not sell very many profitably now. Apples are a peculiar thing. The value depends largely upon the size and quality, more so than almost any other fruit, and that is not plainly observable. All you can see in a barrel of apples is the top of it, and you can not run anything in that will bring out the quality of the apples like you can most things of that sort. With ordinary fruit you can take out a sample, and if necessary you can turn the box out and find whether it is a half pint instead of a pint, whether all the little strawberries are in the bottom. That we are trying to regulate now.

Mr. SLAYDEN. And whether the little apples are all at the bottom.

Mr. HAY. The purpose of this bill is to have an honest pack, to have an honest grade.

Mr. SULZER. In the opinion of the gentleman from Illinois, will not this bill, if it becomes a law, have a tendency to make the trade more honest in its dealing with the consumer?

Mr. MANN. This bill would be a fine thing to make a standard barrel of apples and require that the apples shall conform to a standard and permit that standard to be marked on the barrel if you forbid, which this bill does not do, anybody falsely marking on the barrel the same thing.

Mr. MOORE of Pennsylvania. How do you explain section 3, which requires a branding of the apple itself?

Mr. GREEN of Iowa. Mr. Speaker——

Mr. HAY. Mr. Speaker——

Mr. MANN. I yield to the gentleman from Virginia to answer the gentleman from Pennsylvania, and then I will yield to my friend from Iowa [Mr. GREEN].

Mr. HAY. Section 3 provides that the apples shall be branded—I have not a copy of the bill——

Mr. MOORE of Pennsylvania. Yes; it says the apples shall be branded.

Mr. HAY (continuing). As is provided for in section 2, and section 2 provides the brand that shall be placed upon the barrel.

Mr. MOORE of Pennsylvania. The gentleman is aware that a great deal of annoyance to dealers arises from inspection methods, and if the paragraph is taken literally as meaning that the apple itself shall be branded it would lead to all sorts of difficulties.

Mr. MANN. If the gentleman will permit, section 3 provides for the branding of the apples and section 6 provides a penalty for the sale of the barrels, not the apples.

Mr. GREEN of Iowa. That is where I wanted to ask my question.

Mr. MOORE of Pennsylvania. That is why I thought paragraph 3 was unnecessary and ought to be stricken out of the bill.

Mr. GREEN of Iowa. Will the gentleman permit the gentleman from Virginia to answer a question?

Mr. MANN. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Line 19, page 6, I suggest, should read, with a slight change, in this way: "or who shall sell or offer for sale such barrels which under the provisions of this act are misbranded."

Mr. MANN. If the gentleman wants my opinion in reference to this, this only relates to the sale of barrels and not barrels of apples.

Mr. GREEN of Iowa. Such barrels would refer back to section 5.

Mr. HAY. If the gentleman will permit me, I will state to the gentleman from Pennsylvania that we propose to change section 3 so as to provide that the barrel in which the apples are packed in accordance with the provisions of this act may be branded.

Mr. MOORE of Pennsylvania. That removes the objection I had to the paragraph.

Mr. HAY. That amendment will be offered.

Mr. MOORE of Pennsylvania. I think if it is left as it is it will result in great annoyance both to growers and dealers.

Mr. HAY. It is badly worded.

Mr. SLAYDEN. I would like to ask the gentleman from Illinois another question or two. This bill in section 2 undertakes to compel the uniform packing in that it requires the apples shall be all——

Mr. MANN. Undertakes to permit a uniform packing.

Mr. SLAYDEN. In that section it requires that they shall be the minimum size of so many inches in transverse diameter, and so forth. How in the world is the average apple grower of the country to arrive at an exactness of that sort of thing? He can only go by his eye; he has not got the time to measure every apple.

Mr. MANN. Has the gentleman ever seen them separate oranges and apples? It is a very simple process.

Mr. SLAYDEN. I have seen them separate oranges. They do that through screens.

Mr. HAY. I will say to the gentleman from Texas that in separating apples they have a grading table, and there is no trouble about that at all.

Mr. MANN. Yes; they do not run them through screens, as oranges, because it would bruise the apples.

Mr. HAY. But they have a uniform size and they have a grading table.

Mr. SLAYDEN. There should be a glossary to this bill.

Mr. HARDWICK. At the proper time I propose to offer an amendment to section 3.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] reserve the balance of his time?

Mr. MANN. Yes; I reserve the balance of my time.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for an hour.

Mr. HARDWICK. I want just a minute. I will not use the hour. At the proper time I will offer an amendment to the amendment to cure the objection to the verbiage of section 3 raised by the gentleman from Pennsylvania. I want to say this in answer to the technical objections of my friend, who is for the bill, the gentleman from Illinois [Mr. MANN].

Mr. MANN. They are not technical.

Mr. HARDWICK. I think they are, with all due deference to the gentleman's judgment. It was not intended in this bill to make any violation of any of its provisions a criminal offense. It was simply intended, and your committee did not go any further, that for each and every infraction of the provisions of this bill there should not be a criminal penalty, but a civil penalty, and the committee has so provided and the bill so reads. In answer to every word that the gentleman has said on the subject, I want to read from section 6 of the bill, as follows:

That any person, firm, or corporation, or association who shall pack or caused to be packed apples in barrels, or who shall sell or offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of $1 for each such barrel—

For each and every violation of the provisions of this act there shall be this civil penalty of $1 per barrel.

Now, this legislation is not exclusive. It is cumulative. If the bill is enacted into law a man can ship into interstate commerce any sort of barrel, even though it is not the United States standard.

Mr. MANN. There is no doubt the statement you have just made is correct, and that you can ship in interstate commerce apples just as we do now, only we can not brand them.

Mr. HARDWICK. We can not brand them. After this bill is enacted into law if you want to ship apples in boxes or in bags you can ship them in that way, and also in carload lots.

Mr. BOOHER. The gentleman from Georgia is quite sure that this bill does not interfere with the shipment of apples in interstate commerce in barrels other than the standard barrel provided in this bill and in carload lots without branding.

Mr. HARDWICK. The bill does not interfere in any way with such shipments, unless the shipper desires to brand the barrel as provided by the bill.

Mr. GREEN of Iowa. I think the suggestion the gentleman from Illinois [Mr. MANN] made is good. The provisions of the act prior to section 6, the gentlemen will observe, do not make anything obligatory, and some persons would not want to brand their apples.

Mr. HARDWICK. That is the reason why they do not.

Mr. GREEN of Iowa. The provision in section 6—

Any person—

And so forth—

who shall sell or offer for sale such barrels in violation of the provisions of this act—

is the only provision that is obligatory. There is nothing obligatory in the preceding sections. If we should offer apples that were misbranded—

Mr. HARDWICK. To you and the gentleman from Illinois I want to repeat the assurance that it ought not to take much examination of the question for you to find out that every section need not carry the statement that "This is a violation of law if you do not live up to it."

Mr. GREEN of Iowa. That is very elementary. The trouble is, you have nothing there with reference to violating the preceding sections.

Mr. HARDWICK. We have laid down the law in the preceding sections.

Mr. GREEN of Iowa. I do not think you do it.

Mr. HARDWICK. I beg the gentleman's pardon. Section 1 provides that the standard barrel for apples shall be of certain prescribed dimensions. Section 2 provides what the standard grades shall be. Section 3 provides for the branding of the barrels in which the apples are packed. Section 4 provides that all barrels packed with apples shall be deemed to be below standard, if the barrel bears any statement, design, or device indicating that the barrel is of less than the capacity prescribed by section 1, unless the barrel is plainly marked otherwise. Section 5 describes misbranding. Then comes section 6, and it says:

That any person, firm or corporation, or association who shall pack or cause to be packed apples in barrels, or who shall sell or offer for sale such barrels in violation of the provisions of this act shall be liable to a penalty of $1 for each such barrel so sold or offered for sale.

And so forth.

Now, if that does not explain it to the gentleman, it is not my fault. If the gentleman still can not understand, it is through no fault of mine.

Mr. GREEN of Iowa. It would not hold in any court.

Mr. HARDWICK. I do not think any lawyer in any court would make such a point.

Mr. MANN. Mr. Speaker, if the gentleman will allow me, I may say that I am not giving offhand information on this subject. It was a matter that was brought up when the pure-food legislation was considered in committee, and when it was considered in the House; and I do not think there is any question in the slightest that unless a prohibition is put in the bill there can not be any penalty enforced.

Mr. HARDWICK. I will say to the gentleman that this bill was very carefully prepared and considered by the committee, and there is not a single member on the committee on either side who has the slightest doubt on the proposition which the gentleman raises.

We provide in section 6 that each and any violation of the provisions of this act shall subject the person who violates the act to a fine of $1 a barrel. It seems to me that is plain and specific and covers all. I can not see why not. I do not think you have got to say in each section, in so many words, that a man who does such and such a thing commits a violation of the law, and repeat it every time.

Now, if the gentleman contends that we have not established a criminal penalty for the violations of this provision, he is right, but——

Mr. GREEN of Iowa. The gentleman misunderstands me entirely. My objection is not based on that ground. There is nothing obligatory in the preceding sections.

Mr. HARDWICK. Does not the gentleman see anything obligatory in section 6?

Mr. GREEN of Iowa. The trouble is there is nothing for them to violate.

Mr. HARDWICK. If a man packs his apples and ships them in a different way from what the act of Congress prescribes and brands them as standard under this act, he is guilty of a violation of the act, and if the gentleman can not understand that, Mr. Speaker, it is simply another instance of "De gustibus non disputandum est." There is not any use discussing such a proposition as that.

Mr. MANN. The gentleman is entirely wrong about that.

Mr. HARDWICK. I have not finished. I have the floor, I believe.

Mr. MANN. When the gentleman is through I will take the floor.

Mr. HARDWICK. Of course, Mr. Speaker, I want this bill to prescribe a real standard. I know, of course, that my friend from Illinois [Mr. MANN] is a friend of the bill just as much as I am, and if he wants to offer an amendment like that, and not make the bill too stringent, I shall not oppose it. But I do not think it is necessary.

It will be a matter of absolute indifference to me whether such an amendment is adopted or not. I do not think it will improve the bill any; neither do I think it will hurt it.

Mr. FOSTER. Mr. Speaker, will the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. HARDWICK. Yes.

Mr. FOSTER. The purpose of this bill is to make a standard barrel of apples. That is the intention?

Mr. HARDWICK. Yes, sir.

Mr. FOSTER. And when it is marked "United States standard," that mark shows that it comes up to the provisions of the bill?

Mr. HARDWICK. Exactly; and the buyer has the guaranty that it must come up to the provisions of this law, and the seller is protected because he can sell his apples on that basis.

Mr. FOSTER. If it does not come up to the standard, does the gentleman contend that the man who sells or ships that barrel of apples is subject to a fine of a dollar a barrel?

Mr. HARDWICK. Yes. That is the penalty. The House can go further, if it desires, and make the violation of this law a criminal act and punish it, but I think what is provided in here is sufficient.

Mr. FOSTER. It seems to me that a dollar a barrel is penalty enough.

Mr. HARDWICK. We thought so. The committee was unanimous about it. Of course, if anybody wants a criminal provision attached to it, the bill is subject to amendment.

Now, Mr. Speaker, I reserve the balance of my time. I shall offer an amendment when we get to it.

The SPEAKER. The gentleman has consumed 10 minutes.

Mr. HARDWICK. I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. FAISON].

[Mr. FAISON addressed the House. See Appendix.]

Mr. MANN. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I am in favor of the principle of the bill, and I would rather see it go through under its present form than not at all, because I am sure that the error in the bill of which I complained will be subsequently corrected. I wish to state that from section 2 up to section 6 it merely consists of definitions. It absolutely imposes no obligations; it does not determine and could not determine that anybody should have his barrels of this size or that he should brand them in a specific way. Of necessity that is left to his choice. The difficulty with the bill is that it does not provide, as it stands, for anything to which to apply the words in line 19, section 6, "in violation of the provisions of this act." As it stands there is nothing to violate. This provision of the bill should read something like this: "Any person who shall sell of offer for sale such barrels containing apples which are misbranded under the provisions of this act."

Mr. SULZER. We will accept that amendment.

Mr. GREEN of Iowa. I do not care particularly that it should be in that form, only that the bill shall be in some form so that there will be something to predicate a violation upon.

Mr. BUTLER. You can sell with or without branding.

Mr. MANN. I yield two minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I am in favor of this bill for the reason that, in my judgment, it will benefit both the producer and consumer. It seems to me that if a person buys a barrel of apples that are marked "U. S. Standard" he knows that he is going to get apples in a certain kind of a barrel as a measurement, just as he does when he goes to the dry goods store and buys a yard of cloth he knows there is to be 36 inches to a yard of that cloth. Now, I ask unanimous consent that I may extend my remarks by printing some letters from the horticultural societies and fruit dealers from the State of Illinois in support of this bill.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letters and petitions are as follows:

ILLINOIS STATE HORTICULTURAL SOCIETY,
OFFICE OF THE SECRETARY,
Kinmundy, Ill., June 12, 1912.

Hon. MARTIN D. FOSTER,
Washington, D. C.

DEAR SIR: I am writing to ask one more favor of you, not only for myself personally, but also in behalf of the Illinois State Horticultural Society. I wish your favorable consideration and hearty support of House bill 21480, which has been favorably reported upon by the Committee on Coinage, Weights, and Measures and is upon the calendar of the House.

The bill provides for a standard apple barrel and the marking of the grade of apples the barrel contains upon the barrel, and is known as the Sulzer apple package and grade bill.

I hope you may see your way clear to vote for the bill when it comes to a vote.

Respectfully,
W. B. LLOYD,
Secretary Illinois State Horticultural Society.

—

FREEPORT, ILL., *June 18, 1912.*

Hon. MARTIN D. FOSTER, M. C.,
Washington, D. C.

DEAR SIR: We have been notified that the Committee on Coinage, Weights, and Measures of the House of Representatives have reported favorably on the Sulzer apple barrel and grade bill—H. R. 21480—and that it is now upon the House Calendar.

We are very much interested in the passage of this bill, and understand that it is on the calendar for Monday, June 17, and we hope that you will give this bill your special attention and hearty support.

Yours, respectfully,
F. R. RICE & CO.

—

CENTRALIA, ILL., *March 6, 1912.*

DEAR SIR: I strongly favor the passage of the Sulzer bill and also any measure giving us a general parcel post, and ask your support for these measures.

Yours, truly,
W. S. PERRINE,
President of Southern Illinois Horticultural Society,
Member of State Board of Horticulture,
Secretary Illinois Commercial Apple Growers' Association.

Mr. FAISON, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. MANN. I yield 10 minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, I do not desire to speak on this particular bill. I hope it will pass.

Mr. Speaker, some days ago, on May 27, the gentleman from New York [Mr. MICHAEL E. DRISCOLL] made some remarks on the naval appropriation bill, in which he said he would, if unanimous consent was given him, print in the RECORD, from the statutes of Georgia, certain laws in regard to labor.

I inquired at the time what he proposed to print, and he stated that he proposed to publish only what was in the statute books of Georgia, and, of course, I did not object, and I had no objection then and shall never have any objection to anyone publishing any of the statutes of my State. He has published the statutes of quite a number of States in the South upon certain subjects. I shall have nothing to say with reference to any except the statutes of the State which I have the honor, in part, to represent upon this floor. I will not say anything with reference to the statutes which he has alleged to have copied on page 7261 of the RECORD as being taken from the Penal Code of Georgia. I think they are correct. They refer to punishment for offenses against enticing apprentices away, offenses against conspiracy to interfere with laborers under contract, and things of that sort. They are the same laws we find not only in the Southern States, but the laws against conspiracy that we find in the State of New York and in the State of Massachusetts and in other States of the Union. They are the same laws that have existed in England, and some of them are the common law. I have no controversy with my friend the gentleman from New York upon correctly citing the statutes of the State of Georgia, but he has made one statement in which he has committed a great error. He says on page 7262 of the RECORD:

I further submit a condensed reference to labor laws in those 12 States as a comparison of them with those of other States.

Twenty-eight States of the Union provide by statute that children under the age of 14 shall not be employed in mills, factories, and so forth. Only one of those States is from the above group of 12, viz, Kentucky.

Alabama, Arkansas, Florida, North Carolina, and South Carolina fix the age limit at 12 years, while Georgia fixes it at 10, and Louisiana, Mississippi, Tennessee, Texas, and Virginia have no laws for the protection of children.

Mr. Speaker, in 1889 and prior to that time we had a law which limited the hours of labor—in fact, we have it now—and also limited the age to 12 years. We have a law now which limits the age to 14 years. I will read the statute, for that is the clearest way to put it. My friend has fallen into the error of taking somebody else's investigation instead of his own. I am sure that he did not intentionally misrepresent the facts, because I have the utmost confidence in the fact that he would not do so.

I read from the statutes of the State of Georgia:

ARTICLE 4.

CHILD LABOR IN FACTORIES REGULATED.

3143. No child under 10 years of age to be employed: No child under 10 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State under any circumstances.

3144. Child under 12 years: On and after January 1, 1907, no child under 12 years of age shall be employed or allowed to labor unless such child be an orphan and has no other means of support or unless a widowed mother or an aged or disabled father is dependent upon the labor of such child, in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment a certificate from the ordinary of the county in which such factory or establishment is located, certifying under his seal of office to the facts required to be shown as herein prescribed: *Provided*, That no ordinary shall issue any such certificate except upon strict proof in writing and under oath clearly showing the necessary facts: *And provided further*, That no such certificate shall be granted for longer than one year nor accepted by any employer after one year from the date of such certificate.

3145. Child under 14 years: On and after January 1, 1908, no child under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of 7 p. m. and 6 a. m.

3146. Educational qualification: On and after January 1, 1908, no child, except as heretofore provided, under 14 years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State unless he or she can write his or her name and simple sentences and shall have attended school for 12 weeks of the preceding year, 6 weeks of which school attendance shall be consecutive; and no such child, as aforesaid, between the ages of 14 and 18 years shall be so employed unless such child shall have attended school for 12 weeks of the preceding year, 6 weeks of which school attendance shall be consecutive; and at the end of each year, until such child shall have passed the public-school age, an affidavit certifying to such attendance as is required by this section shall be furnished to the employer by the parent or guardian or person sustaining parental relation to such child. The provisions of this section shall apply only to children entering such employment at the age of 14 years or less.

3147. Affidavit as to age, birth, etc.: It shall be unlawful for any owner, superintendent, agent, or any other person acting for or in

behalf of any factory or manufacturing establishment to hire or employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent, guardian, or person standing in parental relation thereto certifying to the age and date of birth of such child and other facts required in this article. Any person knowingly furnishing a false affidavit as to the age or as to any other facts required in this article shall be guilty of a misdemeanor.

3148. Inspection by the grand juries: The affidavit and certificates required in this article shall be open to inspection by the grand juries of any county where such factory or manufacturing establishments are located.

3149. Penalties: Any person or agent or representative of any firm or corporation who shall violate any provision of this article, or any parent, guardian, or other person standing in parental relation to a child who shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State a child in violation of any provision of this article shall be guilty of a misdemeanor.

This morning I notified the gentleman from New York [Mr. MICHAEL E. DRISCOLL], and recently by phone, that I intended to call the attention of the House to this matter and to set the matter right. Unfortunately for him, I think, he has relied upon some statements that he has seen made by some one, not of recent date. I have read the statutes of the State of Georgia upon the subject of limit of age when a child may be employed in a factory.

Mr. MICHAEL E. DRISCOLL. What age does the gentleman give?

Mr. BARTLETT. I have read the statute that said that after 1908 the age shall be 14 years.

Mr. MICHAEL E. DRISCOLL. Day or night?

Mr. BARTLETT. That no child under 14 years of age shall be employed in any factory or manufacturing establishment in the State between the hours of 7 p. m. and 6 a. m., and no child at all under the age of 12 years shall be permitted to be employed. All I desire is that there shall be put into the RECORD the entire law upon the subject as it exists at this time. I do this in the utmost good will, knowing that my friend has been misinformed as to the true facts. That is all I desire to say.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HARDWICK. Mr. Speaker, I yield three minutes to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Speaker, I am in favor of this bill in relation to the standardizing size of apple barrels and the markings thereon. I live in the eastern portion of Nebraska. We have there a great apple country. We also adjoin western Iowa. In Omaha we have a great apple market, and our commission merchants in Omaha and those that raise apples in our vicinity have been writing to me and asking me to support this bill. I believe that if this bill is passed that from our country, the Missouri River Valley, where my good friend from Iowa, Mr. GREEN, resides, and also the gentleman from Nebraska, Mr. STEVENS, and the gentleman from Nebraska, Mr. MAGUIRE, represents, will be afforded larger markets for apples throughout the country. We have a great apple-producing country. Our farmers raise a fine quality of apples. My people are in favor of this bill, and I am in favor of it and will give it my hearty support.

Mr. HARDWICK. Mr. Speaker, returning the courtesy of my friend from Illinois to my colleague, I now yield five minutes to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I made an error in the statute that I put in the RECORD. I called on my good friend from Georgia, Mr. BARTLETT, and submitted to him several statutes, but not this particular one. Of course I assume the responsibility, and yet it may be said truthfully that another party was looking up these statutes for me and did not find the latest law. The law that I found was the law of 1906, which provides that from and after the approval of that act no child under 10 years of age should be employed or allowed to labor in or about any factory or manufacturing establishment within the State under any circumstances. There is another statute which I had not seen and which I will refer to now, in order to correct the RECORD. This says that on and after January 1, 1907, no child under 12 years of age shall be employed or allowed to labor unless such child be an orphan and has no other means of support, unless the widowed mother or an aged or disabled father is dependent upon the labor of such child, in which event before putting the child at labor the father shall produce and file in the office of such factory or manufacturing establishment a certificate from the officials of the county in which the factory is located, certifying certain things.

I made a mistake, and I apologize. [Applause.] But this second statute does not help the gentleman very much, in my judgment. The other statute provides that they shall not work during the nighttime when under 14 years of age, which has no application here.

But I will refer to this particular statute which the gentleman puts in. I supposed these laws were to protect children—young children under the age of 12 or under the age of 14—from work in factories. I believe in work. I worked from the time I was 6 years old, and my notion is that too much idleness is worse for boys than too much work; yet I believe it is wrong to put a boy of immature years to work in a factory or mill where the air is not good and fresh and his health may be impaired, and where he is subjected to the risk of accident and permanent injury.

Mr. BUTLER. You quit too soon. Did the gentleman say six weeks or six years?

Mr. MICHAEL E. DRISCOLL. These laws were intended to protect children and not their parents, and here children under the age of 12 years, according to this statute, may work in a factory or manufacturing establishment or mill when the child has a poor mother or a disabled father, or if it is necessary, on account of the condition of his family, to work. You will not find any such law as that in any of the Northern States. Why can not the State of Georgia in some way support these little children under 12 years of age where their fathers or their mothers are poor or disabled and can not support them without forcing them into the factories to work? [Applause.]

Mr. BYRNS of Tennessee. Will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. Mr. Speaker, I offer the following amendment.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Speaker, I would ask unanimous consent for two minutes right on this point, as the matter has been brought up.

Mr. HARDWICK. I yield two minutes to the gentleman.

Mr. BYRNS of Tennessee. Mr. Speaker, I want the gentleman from New York [Mr. MICHAEL E. DRISCOLL] to permit me to call his attention to another mistake that he made in the remarks that he inserted in the RECORD, June 12. In his statement he included Tennessee as one of the five Southern States which had no laws upon their statute books for the protection of children. My attention has just been called to those remarks, and I will say to the gentleman that Tennessee has had for several years, in fact, since 1893, a law upon its statute books which forbids the employment of children under 14 years of age in factories and elsewhere. [Applause on the Democratic side.]

Mr. MICHAEL E. DRISCOLL. I have taken my facts from the Twenty-second Annual Report of the Commissioner of Labor.

Mr. HARDWICK. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

Mr. MICHAEL E. DRISCOLL. If there is any other exception to be taken to the remarks such as I have indicated I would like to have them made now.

Mr. BUTLER. Or else hold your peace.

Mr. MICHAEL E. DRISCOLL. Or else hold your peace.

Mr. BARTLETT. Mr. Speaker, will the gentleman from Georgia yield?

Mr. HARDWICK. How much time?

Mr. BARTLETT. About three minutes.

Mr. HARDWICK. I yield three minutes to the gentleman from Georgia.

Mr. BARTLETT. Mr. Speaker, I did not have any feeling in this matter. I am sorry the gentleman from New York [Mr. MICHAEL E. DRISCOLL] has evinced any about it. I desire to call attention in his hearing to this: It is a fact that after 1908 no child under 14 years of age shall be employed or allowed to labor about any factory unless he can write his name, and so forth, and shall have attended school for 12 weeks of the preceding year, 6 weeks of which shall be school attendance, and so forth. I am going to put all these laws of the State in the RECORD. I thought my friend was with good grace going to admit his error in the matter, and he did admit it, but he would not be satisfied without taking a fling at the State which I have the honor in part to represent. That I shall pass by, Mr. Speaker, as idle wind about which I care not.

Mr. HARDWICK. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 15, by inserting after the word "that" the following: "the barrels in which apples are packed."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motions of Mr. HAY, Mr. SULZER, and Mr. HARDWICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

LITTLE RIVER DRAINAGE DISTRICT NO. 1, POTTAWATOMIE COUNTY, OKLA.

Mr. FERRIS. Mr. Speaker, a few moments ago the bill S. 4913 was passed temporarily in order to permit the preparation of an amendment. We have prepared the amendment, and as I understand the gentleman who objected is willing to withdraw his objection I ask unanimous consent to recur to that bill for a moment.

The SPEAKER. The gentleman asks unanimous consent to recur to the bill S. 4913. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title.

The Clerk read as follows:

An act (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes.

Mr. FERRIS. Mr. Speaker, I offer the following amendment.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk will report the amendment.

Mr. FERRIS. To be added at the end of the page on page 3, after the word "interior" on line 24.

The SPEAKER. This is really an amendment to the amendment, as the amendment strikes out all after the enacting clause and inserts entirely new matter.

Mr. FERRIS. That is not it, Mr. Speaker.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amend, page 3, line 24, by adding at the end of the line the following:

"*Provided*, That in the event any allottee shall receive a patent in fee to an allotment of land in any lawfully constituted drainage district within the State of Oklahoma, before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided, shall, when fully recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien."

Mr. MANN. Mr. Speaker, the gentleman showed me the amendment while I was sitting in my seat. My brain works a little bit differently when I am on my feet than when sitting down. This is purely a limitation on the two drainage districts, but the bill provides for drainage throughout the State. It seems to me it would be desirable to insert this amendment without the word "*Provided*" in it, after line 10, on page 4.

Mr. FERRIS. If the gentleman thinks it would more properly go there, I have no objection to it.

Mr. MANN. It is simply a limitation on these two districts, and the gentleman wants it to apply anywhere.

Mr. FERRIS. Strike out the word "*Provided*" and offer the amendment at the end of line 10, page 4.

Mr. MANN. As a new paragraph.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 10, add the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FERRIS. The gentleman from South Dakota [Mr. BURKE] suggested another amendment, and I submitted it to the gentleman from Illinois, and I think perhaps there ought to be another one. On line 23, after the word "funds," the same line, strike out the words "in the United States Treasury," the thought being that the Indian funds might be on deposit in banks or might be individual funds; so it gives the Government three different avenues in which to get their money back.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 23, by inserting, after the word "funds," the words "belonging to."

On the same page, at the end of line 23 and the beginning of line 24, strike out the words "in the United States Treasury."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the third reading of the amended sections of the bill.

Mr. MANN. What was the amendment you inserted after the words "funds"?

Mr. FERRIS. "Any funds belonging to the allottees."

Mr. MANN. The words "may have" ought to go out.

Mr. FERRIS. That is true.

The SPEAKER. What is the amendment?

Mr. FERRIS. In line 23, strike out the words "may have," in order to make proper sense.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "may have in the United States Treasury."

Mr. MANN. You just simply want the words "may have" stricken out?

Mr. FERRIS. Yes; the other was already stricken out. This would make a repetition.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to a third reading, was read a third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

Mr. FERRIS. Mr. Speaker, it is called to my attention that the title ought to be amended.

The SPEAKER. Without objection, the title will be amended according to the text of the bill.

There was no objection.

LIGHTING PINEY BRANCH ROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to light and maintain the lights on Piney Branch Road from Georgia Avenue to Butternut Street.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the author of this bill some questions. Is it necessary to have an act of Congress every time you put lights on the streets in the city of Washington?

Mr. LOBECK. Mr. JOHNSON, the author of the bill, is not present. So I will reply. It seems so. It seems necessary either to have an act of Congress to light a street or change the boundary of a street.

Mr. CULLOP. It seems reasonable that you should have an act of Congress to change the boundaries of a street, but it seems to me there is some provision of Congress, or ought to be, at least, authorizing the authorities under an act of Congress to light the streets.

Mr. LOBECK. I will say that in the report on this bill, made by Mr. JOHNSON of Kentucky, the chairman of the Committee on the District of Columbia, it is stated that the street was lighted for about 30 years.

Mr. CULLOP. How long is it since it has been lighted now?

Mr. LOBECK. Since February last.

Mr. CULLOP. What was the occasion of doing away with the lights since then?

Mr. LOBECK. Another street was laid out and they removed the lights to that street.

Mr. CULLOP. Did they get an act of Congress to do that?

Mr. LOBECK. No; the commissioners did it of their own accord.

Mr. CULLOP. Then it seems there is a precedent in which they lighted a new street without coming to Congress for an enactment.

Mr. LOBECK. The commissioners did that; yes, sir.

Mr. CULLOP. Then why can they not light this street without an act of Congress?

Mr. LOBECK. Because they will not do it.

Mr. CULLOP. Because they will not do it?

Mr. LOBECK. Yes.

Mr. CULLOP. Then it seems to me it would be better to pass some act concerning the conduct of the commissioners than to pass an act to light the street. It would be more appropriate, I should think. [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore (Mr. HAY). Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LOBECK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MANUFACTURE AND SALE OF PROCESS OR RENOVATED OR ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act section 4 of the act of August 2, 1886 (24 Stat. L., 209), as amended by the act of May 9, 1902 (32 Stat. L., 194), defining butter, etc., be, and the same is hereby, amended so that where the words "Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter" now appear in said section 4 shall, as amended, reads as follows:

"Every person who knowingly sells, or offers for sale, adulterated butter, knowing the same to be adulterated butter, shall be regarded as a dealer in adulterated butter."

And further that the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195, relating to the internal-revenue tax upon process or renovated butter and adulterated butter, be, and the same is hereby, amended to read as follows:

"Manufacturers of process or renovated butter or adulterated butter shall pay a tax of $50 per year.

"Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

"Wholesale dealers in adulterated butter shall pay a tax of $480 per annum and retail dealers in adulterated butter shall pay a tax of $48 per annum.

"Every person who knowingly sells or offers for sale adulterated butter, knowing the same to be adulterated butter, in less quantities than 10 pounds at one time, shall be regarded as a retail dealer in adulterated butter.

"And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3243 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed."

SEC. 2. That all other acts or parts of acts inconsistent with this act are hereby repealed.

The SPEAKER pro tempore. Is there objection?

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice, for the reason that other Members who are interested equally with myself are absent, and it would not be fair to take up the bill in their absence. There are Members also who are better informed than I on certain questions involved in the bill, and they are absent.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KINKAID] asks unanimous consent to pass the consideration of the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON of Minnesota. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman object?

Mr. ANDERSON of Minnesota. I do not know whether I shall object or not; but, reserving the right to object, I would like to make a remark concerning the report of the committee.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to pass the bill over without prejudice. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. What position will that give this bill on the next unanimous-consent day?

The SPEAKER pro tempore. It will retain its place on the calendar.

Mr. BARTLETT. Will it be the first bill on the calendar?

The SPEAKER pro tempore. No; some other matters have been passed over by unanimous consent without prejudice. It will be on the calendar.

Mr. BARTLETT. Objection now would take it off the calendar. Has it ever been on the calendar before?

The SPEAKER pro tempore. It has not. Is there objection?

Mr. MANN. I shall not object; but I hope some gentlemen will read it before it comes up again, and that some sections which ought to be amended will be amended——

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

UNRIGGED VESSELS.

The next business on the Calendar for Unanimous Consent was the bill S. 4445, an act concerning unrigged vessels.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon affidavit by a reputable shipbuilder of the United States that an unrigged wooden vessel of the United States has been rebuilt, giving the date and place of such rebuilding, is sound and free from rotten or doted wood in structural parts, properly fastened and calked and in strength and seaworthiness as good as new, the Commissioner of Navigation shall include in the List of Merchant Vessels a notation to that effect.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the following committee amendments:

In line 3 insert the word "a" after the word "by," and make the word "shipbuilders." in the same line, singular instead of plural.

In line 4, after the word "that," insert the word "an." Make the word "vessels," in the same line, singular instead of plural. In the same line insert the words "of the United States" after the word "vessel." In the same line change the word "have" to "has."

In line 5 change the word "are" to the word "is."

The committee amendments were agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The next business on the Calendar for Unanimous Consent was Senate joint resolution (S. J. Res. 101) to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the reappointment of Andrew D. White, a citizen of New York.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

There was no objection.

The Senate joint resolution was read the third time and passed.

The next business on the Calendar for Unanimous Consent was Senate joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents in the Smithsonian Institution in the class other than Members of Congress.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, caused by the resignation of James B. Angell, of Michigan, be filled by the appointment of Charles W. Fairbanks, of Indiana.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend by inserting in line 6, after the name "Fairbanks," the words "a citizen."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Insert, page 1, line 6, after the word "Fairbanks," the words "a citizen."

The amendment was agreed to.

The amended Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

COMPENSATION FOR SUPERINTENDENTS IN NATIONAL CEMETERIES.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to recur to the bill (H. R. 1739) to amend section 4875, Revised Statutes, providing compensation for superintendents of national cemeteries, passed without prejudice this morning.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to return to the bill he mentions, passed without prejudice this morning, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 1739) to amend section 4875 of the Revised Statutes, providing compensation for superintendents of national cemeteries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Mr. Speaker, I do not think it is fair to ask to take up a bill of that sort in the absence of Members——

Mr. FOSTER. It was only passed over for the present.

The SPEAKER pro tempore. Does the gentleman from Illinois object?

Mr. MANN. I object to its being taken up at this time. It is on the calendar and will stay there. I am only objecting to recurring to it.

The SPEAKER pro tempore. The gentleman from Illinois objects to the consideration of the bill at this time.

Mr. MANN. It is not before the House.

The SPEAKER pro tempore. The gentleman objects to the request to recur to it.

Mr. MANN. I object to going back to it and taking it up out of order.

The SPEAKER pro tempore. The Clerk will call the next bill.

SALE OF LANDS, COLVILLE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted and conveyed, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described

lands, or so much thereof as said town may desire, to wit: All that portion of lot 8 of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March 22, 1906, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the said town shall not have the right to sell or convey the lands herein granted, or any parts thereof, or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the bill in section 1 grants and conveys certain land to the town of Okanogan. A bill of that sort enacted into law is an absolute conveyance, and requires nothing further. That is what section 1 does. After section 1 is passed the land is conveyed. Then the bill goes ahead in section 2 and provides that the Secretary of the Interior shall make a conveyance upon certain terms.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman not consent that this go over until the gentleman from Washington [Mr. LA FOLLETTE] is here?

Mr. MANN. Certainly.

Mr. HUMPHREY of Washington. Then, Mr. Speaker, I ask unanimous consent that the consideration of the bill be passed without prejudice in the absence of the gentleman from Washington [Mr. LA FOLLETTE].

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS MISSISSIPPI RIVER, ST. LOUIS, MO.

The next business on the Calendar for Unanimous Consent was the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Chicago, Burlington & Quincy Railroad Co., a corporation organized under the laws of the State of Illinois, is hereby authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River, from a point to be located by said company and approved by the War Department, suitable to the interests of navigation, between the Eads Bridge in St. Louis, Mo., and the Alton Bridge at Alton, Ill., to a point in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, strike out the word "railroad."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by inserting, on page 1, line 7, after the word "point," the words "on the west side of said river."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPTAIN AND CREW OF CUNARD STEAMSHIP "CARPATHIA."

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamship *Carpathia*.

The Clerk read the joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this resolution is on the calendar and provides for medals of honor to be presented to Capt. Rostron and the officers and crew of his vessel. There is also a bill on the calendar, or a resolution, carrying the thanks of Congress and naming Capt. Rostron and generally the officers of the vessel. While the *Carpathia* and those in charge of her did a very noble thing, it does not seem to me that there is any occasion for Congress to pass two resolutions upon the subject. To one of them, if it comes up by unanimous consent, I shall object. I am perfectly willing to give my friend from Missouri [Mr. ALEXANDER] his choice as to which one he will pass by unanimous consent. Of course he can pass the other one in any way he desires.

Mr. ALEXANDER. Mr. Speaker, the gentleman from Illinois will recall that the other joint resolution is a Senate joint resolution.

Mr. MANN. That is true.

Mr. ALEXANDER. And it provides that the thanks of Congress shall be extended to Capt. Rostron.

Mr. MANN. And the officers of his vessel.

Mr. ALEXANDER. I really think that is the resolution that we ought to pass. It is not on this calendar, and I hope to have it passed under the suspension of the rules.

Mr. MANN. It does not seem to me that there will be very much chance to pass any bill under suspension of the rules to-day.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, pending an arrangement in respect to the matter, I will ask unanimous consent that consideration of the resolution be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that consideration of the resolution be passed without prejudice. Is there objection?

There was no objection, and it was so ordered.

AMERICAN REGISTER FOR STEAMER "OCEANA."

The next business on the Calendar for Unanimous Consent was the bill (S. 5207) to provide an American register for the steamer *Oceana*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steamer Oceana, when owned by the United States Marine Exposition Co., a corporation organized under the laws of the State of New York, to be registered as a vessel of the United States, and upon application of the owner to change the name of said steamer: *Provided*, That said steamer shall not have the right to engage in the coastwise trade or enjoy the tolls in the use of the Panama Canal that may be limited by law to American-built ships engaged in the coastwise trade: *Provided further*, That all repairs or alterations made upon the said vessel shall be made in the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects.

Mr. ALEXANDER. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. GREENE of Massachusetts. Certainly. I withhold the objection for a few moments.

Mr. ALEXANDER. Mr. Speaker, this is a Senate bill. It passed the Senate without objection. It has the indorsement of the Department of Commerce and Labor and is reported from the Committee on the Merchant Marine and Fisheries with one amendment, striking out the words "the United States Marine Exposition Co." and inserting the words "a citizen or citizens of the United States or by," and striking out the words, in line 7, "State of New York" and inserting the words "United States, or of any State thereof."

The bill was introduced in the Senate by Senator ROOT. It was introduced in the House by myself. Before I introduced the bill I told the gentleman who brought it to me that I would insist that this vessel should not be admitted to the coastwise trade, and that proviso was written into the House bill, and the Senate has added one other proviso, that the repairs or alterations made upon the vessel shall be made in the United States. The purpose of the parties is to hold a marine exposition of the industries of the United States, and to visit various ports in South America first and perhaps after that other ports in the world. Since the original bill was introduced the United States Marine Exposition Co. undertook to buy an American-built ship, and I withheld a report upon the bill for nearly a month in order that they might effect that purchase, as we believed it would be more consistent in making an exhibit of American manufactures to do it in an American-built ship.

Since the disaster to the *Titanic*, the *Kroonland* or the *Finland*, one or the other of which vessels the company undertook to purchase, has been found to be beyond their reach. At least the company has not been able to effect the purchase. Another company was made up of the owners of the *Oceana*, whose pur-

pose it is to carry out this exposition in the event the other company fails, and not wishing to engage in any controversy between them or to show any partiality to one or the other, we simply amended the bill and provided that this vessel might be registered for the foreign trade and leave it open to purchase by one company or for use by the other to carry out this purpose. The bill has the indorsement of the President and of the Department of State and of the Department of Commerce and Labor, and I hope under the circumstances that my colleague on the committee, the ranking minority member, will not object to its consideration.

The SPEAKER pro tempore. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects, and the bill will be stricken from the Calendar for Unanimous Consent.

IMPORTATION OF GOODS BY COMBINATION, CONSPIRACY, TRUST, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25002), to amend section 73 and section 76 of the act of August 27, 1894.

The Clerk read the bill, as follows:

A bill (H. R. 25002) to amend section 73 and section 76 of the act of August 27, 1894.

Be it enacted, etc., That section 73 and section 76 of the act of August 27, 1894, be amended to read as follows:

"SEC. 73. That every combination, conspiracy, trust, agreement, or contract is hereby declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter. Every person who is or shall hereafter be engaged in the importation of goods or any commodity from any foreign country in violation of this section of this act, or who shall combine or conspire with another to violate the same, is guilty of a misdemeanor, and on conviction thereof in any court of the United States such person shall be fined in a sum not less than $100 and not exceeding $5,000, and shall be further punished by imprisonment, in the discretion of the court, for a term not less than 3 months nor exceeding 12 months."

"SEC. 76. That any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 73 of this act, and being in the course of transportation from a foreign country into any State, or from one State to another, or to or from a Territory or the District of Columbia, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law."

The SPEAKER pro tempore. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, reserving the right to object, I would like to know what the bill is.

Mr. NORRIS. Mr. Speaker, this bill reenacts section 73 and section 76 of the act of August 27, 1894, with but slight changes. It adds the words in section 73 "as agent or principal." It adds the words in section 76 as follows, "from a foreign country into any State or." As the bill now reads it provides that the property mentioned being the subject of an illegal combination can be seized by the Government as it is being transferred from one State to another. That is the law now. The intention of the law as it was enacted was to apply to importations. There is not any question about that. This adds these words that I have just read, so that there will be no doubt but that it will apply to the property not only when it is going from one State to another, but when it is going into any State from a foreign country.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. I yield to the gentleman.

Mr. BARTLETT. This applies simply to bringing goods from foreign countries?

Mr. NORRIS. Yes.

Mr. BARTLETT. It does not apply to interstate commerce?

Mr. MANN. The existing law applies to interstate commerce.

Mr. BARTLETT. I understand.

Mr. NORRIS. Yes. This is to leave it so that there will be no doubt that it shall apply just as well when goods are coming in from a foreign country to a State as when the goods are going from one State to another.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. I have no objection.

The SPEAKER. The Chair hears no objection.

The Clerk read the committee amendment, as follows:

Page 1, line 5, after the word "be" insert the words "and the same is hereby."

Mr. MANN. Mr. Speaker, I desire to say I do not believe anybody but the gentleman from Nebraska could pass through the House by unanimous consent a bill amending in very important particulars very important provisions in a very important tariff law.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORRIS a motion to reconsider the vote by which the bill was passed was laid on the table.

REPEAL OF SECTION 4716, REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18434) to repeal section 4716 of the Revised Statutes of the United States.

The Clerk read as follows:

Be it enacted, etc., That section 4716 of the Revised Statutes of the United States be, and the same is hereby, repealed.

The committee amendment was read as follows:

At the end of the bill add the following:

"*Provided, however*, That no name of any pensioner which may have been dropped from the rolls under the provisions of this section shall be restored thereto, nor that of any person whose application for pension has been rejected, or who may hereafter apply for pension, shall be placed thereon prior to the date of filing an application in the Bureau of Pensions after the passage of this act."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I desire to ask the gentleman in charge of the bill to explain what is meant by this bill?

Mr. RICHARDSON. Mr. Speaker, I will do so as well as I can. Mr. Speaker, this bill to repeal section 4716 of the Revised Statutes, of course, has to be considered by the House as in Committee of the Whole House on the state of the Union. It appears to me, Mr. Speaker, that a bill of this kind and of its nature and purposes ought more properly to be considered upon the floor of the House under the Calendar of Unanimous Consent than on any other calendar provided for under the rules of the House. This bill, Mr. Speaker, has a long history, or rather the statute to which it refers. It is statute 4716 of the Revised Statutes of the United States, and is as follows:

No money on account of pensions shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

This statute, Mr. Speaker, had its origin or beginning during the period of the great conflict between the States of the North and the South, and was enacted by the Congress in 1862 as a proviso to section 4 of the act approved July 14, 1862. This section and its repeal has received very earnest and careful consideration and thought by a subcommittee of the Committee on Pensions after full deliberation concerning the history of the act proposed to be repealed and the propriety and justice of repealing it. No member of the subcommittee or anyone of the Pensions Committee said that section ought longer to remain among the statute laws of our Government.

Mr. Speaker, I regret very much indeed that a very distinguished Member of this House, a member of the Pensions Committee, and in my opinion justly and worthily classed among the ablest lawyers on the floor of this House, from the State of Rhode Island [Mr. UTTER], is not present. He was on that subcommittee and gave this matter very careful study and attention, and a bill was reported by the subcommittee unanimously and by the committee unanimously reported favorably to the House. I am aware—yes, know—that ordinarily the consideration of a bill or the repeal of a section of this kind years ago would have been considered as having a dynamite quality, but it is a fact known to every man here that over 50 years have transpired since this section was first enacted by the Congress of the United States. The world has never witnessed in the same period greater developments from every standpoint of life, socially and materially. I will first read to you in connection with this bill the report that came from the Department of the Interior:

It may be said * * * that practically the only class of persons who would be benefited by the passage of bill H. R. 18434 would be those persons who, having had a prior service in the Confederate army or navy, enlisted in the military or naval service of the United States subsequent to January 1, 1865. The exact number of such enlistments is not known, but it is of record that the Fifth and Sixth Regiments of United States Volunteers, made up of prisoners of war, were recruited and mustered into the service of the United States subsequent to January 1, 1865. There were doubtless many individual enlistments subsequent to that time, and as the provisions of the joint resolution of July 1, 1902 (32 S. L., 750) did not remove the limitation imposed by section 4716, Revised Statutes United States, as to such persons, they would be benefited in some degree at least by the enactment of the bill submitted.

Mr. Speaker, it is undoubtedly a fact that in effect section 4716 of the Revised Statutes of the United States has been repeatedly modified, altered, and changed by various acts of legislation on

the part of Congress in the last 35 years. This section, as I said in the beginning of my remarks, in substance appeared in the Statutes of the United States in 1862, and this section, though worded differently, is a proviso to the same section which was, in its present form, made section 23 of the act of March 3, 1873. At the present time it stands, as its number indicates, a section of the Revised Statutes. This section, as originally drawn, was very sweeping in its provisions, but Congress has, at various times, exempted from its provisions certain possible pensioners, as follows:

By an act approved March 9, 1878, dependents of soldiers of the War of 1812 and the Indian wars were exempt.

By an act approved January 29, 1887, dependents of the soldiers who served in the Mexican War were exempt.

By an act approved July 27, 1892, the dependents of soldiers who served in the Black Hawk War, the Creek War, the Cherokee disturbances, and the Seminole War were exempt. Later this exemption was extended to the veterans of all the other Indian wars and to the survivors of the Texas Volunteers and their widows.

By the act of March 3, 1877, all those who voluntarily served in the Army of the United States, and by the act of August 1, 1892, all those who voluntarily served in the Navy of the United States, and who, during such service, contracted disability, were exempt.

By the act of April 18, 1900, the dependents of soldiers, sailors, and marines who served in the War with Spain were exempt.

By a joint resolution approved July 1, 1902, construing "An act granting pensions to soldiers and sailors who were incapacitated for the performance of manual labor," which act had been approved June 27, 1890, the benefits of said act were extended to all persons, and the widows and minor children of all deceased persons subject to the limitations of said act, who had served for 90 days in the military or naval service of the United States during the late War of the Rebellion, and the resolution amended section 4716 to comply therewith, except in the case of persons who served in the First, Second, Third, Fourth, Fifth, and Sixth Regiments, United States Volunteer Infantry, who had a prior service in the Confederate army or navy, and who had enlisted in said regiments while confined as prisoners under a stipulation that they were not to be pensionable under the laws of the United States, and those who having had prior service in the Confederate army or navy had enlisted in the military or naval service of the United States after the 1st day of January, 1865.

Gentlemen, you have heard frequently of these regiments. These Confederate regiments were prisoners of war. They were put in certain prisons—most of them, I think—and they took the oath of allegiance, and, as I am now advised, many of them afterwards were given pensions and then for some reason they were taken away from them, as I am informed. Now, this bill H. R. 18344 has but little meaning and carries but little meaning with it. It is but a memory connected with a period of our history that we all would be glad to forget. It is there as one of a batch of statutes—I am not offering to condemn it; I do not feel that way about it—which were made at that time when passion prevailed. It has been gradually repealed and modified and changed until now it has but little effect. It ought to be repealed. It is just such a bill, having in view the repeal of this section, that ought to be and will be repealed by the unanimous consent of every Member of Congress present.

And just as the Secretary of the Interior said, there is a certain class of men that would be benefited.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Certainly I will.

Mr. MANN. As I understand the gentleman's statement, the law now would forbid the payment of pensions to any person or the widow of any person who served in the Confederate Army?

Mr. RICHARDSON. Yes, sir; that is the meaning of it.

Mr. MANN. This bill is designed to permit those men who served in the Union Army, but who previously had had service in the Confederate Army, or their widows, to draw pensions?

Mr. RICHARDSON. Yes, sir.

Mr. MANN. How many people is it estimated it would apply to in the United States, so far as anyone can tell?

Mr. RICHARDSON. I have not accurately secured that information and neither can the Secretary of the Interior give it to me.

Mr. MANN. I notice in the report it is estimated there would not be more than a thousand pension cases.

Mr. RICHARDSON. Yes; that is it; but it could not be definitely ascertained.

Mr. MANN. In one place in the proviso which the gentleman has inserted it reads that it shall not be applicable to anyone who may hereafter apply for a pension prior to the date of filing an application with the Bureau of Pensions.

I do not see the force of the word "hereafter." I suppose it is not desired to have this bill apply to anyone so as to place their name on the pension roll before they make application under this act?

Mr. RICHARDSON. I think your construction is right. I do not think there is any meaning in that.

Mr. MANN. As I understand, really this is wiping out, so far as we are concerned——

Mr. RICHARDSON. It is the last vestige of war and blood and bad sectional feeling that goes.

Mr. MANN. I agree with the gentleman.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OBSERVANCE OF MEMORIAL DAY.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 321) relative to observance of Memorial Day.

The Clerk read the resolution, as follows:

House joint resolution (No. 321) relative to observance of Memorial Day.

Resolved, etc., That as a tribute to the memory of those who fought and those who died in defense of their country, the flags on all Government reservations and property shall be lowered to half-mast between 12 o'clock noon and 12 o'clock and 5 minutes postmeridian on each Memorial Day hereafter, and that wherever practicable bugles shall sound taps, bells shall be tolled, and a salute of 13 guns shall be fired.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, who has charge of this bill? What is the point of ordering a salute of 13 guns to be fired on every Government reservation?

Mr. SLAYDEN. It costs something.

Mr. FRENCH. I reported the resolution from the committee. The whole purpose of the resolution is to contribute in the ways indicated to the fitting observance of Memorial Day, and the committee was of the opinion that it should pass in the way it was introduced, which is in line, as I understand it, with the desire of patriotic bodies throughout the country.

Mr. MANN. If you could provide for the firing of 13 or any other number of guns loaded at some of these automobile races on Memorial Day I should approve of the bill. I am not sure that I approve it as it stands. Does the gentleman want to dispose of it now?

Mr. FRENCH. I would have no objection.

Mr. MANN. Does the gentleman want to dispose of the matter now or have it passed over?

Mr. FRENCH. I would be glad to have it passed over, or be glad to see an amendment in line with the gentleman's suggestion approved.

Mr. GARNER. In regard to the automobiles?

Mr. FRENCH. I think I would go as far as he on that question.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. FRENCH. I ask unanimous consent to have it passed over without prejudice.

Mr. MANN. The gentleman ought to make such a request before I object to the consideration of the bill.

CHECKS FOR DUTIES ON IMPORTS, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be lawful for collecting officers to receive certified checks drawn on national and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports,

internal taxes, and all public dues, including special customs deposits; and the act of March 2, 1911, entitled "An act to authorize the receipt of certified checks for duties on imports and internal taxes," is hereby amended accordingly.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts a question. This is applicable to nearly everything. What is it not applicable to?

Mr. PETERS. It is not applicable now to some 20 or 25 items in the Treasurer's report, on which there was collected between fifty and sixty million dollars last year as sales from public lands, consular fees, customs fees and fines, forest-reserve fund, sales of Government property, and a number of items, none of which amount to a very large sum, but which occasion trouble and inconvenience to the Treasury Department.

Mr. MANN. The act of 1911 permitted what is proposed to be done here as to the payment of internal-revenue taxes, customs duties——

Mr. PETERS. And nothing else.

Mr. MANN. And that has worked so well that the Treasury Department desires the law made applicable to the items of all money that goes to the Government?

Mr. PETERS. That is the purpose. It has been of so great a convenience to the people who pay revenue duties and internal taxes, as well as to the Treasury Department, that it is proposed to extend the act to all items.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

QUITCLAIM OF INTEREST OF THE UNITED STATES IN CERTAIN LANDS IN HAMPDEN COUNTY, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11933) authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed by quitclaim deed for and on behalf of the United States to convey to John D. McKnight and William H. McKnight or their heirs and assigns forever all right, title, and interest it may have in and to all of that plat or parcel of ground described as containing 40 rods of land, together with a right of way, "situated in Springfield in Hatch's pasture, so called, near Garden Brook," Hampden County, Mass., and acquired by the United States through the deed of Solomon Hatch, dated September 14, 1825, recorded September 15, 1825, in book 75 at page 186 of the records of Hampden County.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NATIONAL INSTITUTE OF ARTS AND LETTERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18841) incorporating the National Institute of Arts and Letters.

The Clerk read the bill, as follows:

Be it enacted, etc., That Brooks Adams, of Massachusetts; Charles Francis Adams, of Massachusetts; Henry Adams, of the District of Columbia; George Ade, of Indiana; Henry M. Alden, of New Jersey; Richard Aldrich, of New York; James Lane Allen, of New York; Simeon E. Baldwin, of Connecticut; Arlo Bates, of Massachusetts; Robert Bridges, of New York; W. C. Brownell, of New York; John Burroughs, of New York; Richard Burton, of Minnesota; Nicholas Murray Butler, of New York; George W. Cable, of Massachusetts; Bliss Carmon, of Massachusetts; Madison J. Cawein, of Kentucky; Robert William Chambers, of New York; Edward Channing, of Massachusetts; John Vance Cheney, of California; Winston Churchill, of New Hampshire; James B. Connolly, of Massachusetts; Royal Cortissoz, of New York; Wilbur Lucius Cross, of Connecticut; Samuel McChord Crothers, of Massachusetts; Charles de Kay, of New York; Finley Peter Dunne, of New York; Maurice Francis Egan, of the District of Columbia; Chester Bailey Fernald, of California; Henry T. Finck, of New York; John Huston Finley, of New York; Worthington C. Ford, of Massachusetts; John Fox, jr., of West Virginia; Horace Howard Furness, of Pennsylvania; Horace Howard Furness, jr., of Pennsylvania; Hamlin Garland, of Illinois; Basil L. Gildersleeve, of Maryland; William Gillette, of Connecticut; Lawrence Gilman, of New York; George A. Gordon, of Massachusetts; Robert Grant, of Massachusetts; Ferris Greenslet, of Massachusetts; William Elliot Griffis, of New York; A. T. Hadley, of Connecticut; Arthur Sherburne Hardy, of Connecticut; George McLean Harper, of New Jersey; Oliver Herford, of New York; Robert Herrick, of Illinois; Ripley Hitchcock, of New York; M. A. De Wolfe Howe, of Massachusetts; W. D. Howells, of New York; Arthur M. Huntington, of New York; Henry James, of Massachusetts; Owen Johnson, of New York; Robert U. Johnson, of New York; George Kennan, of New York; Nelson Lloyd, of New York; HENRY CABOT LODGE, of Massachusetts; John Luther Long, of Pennsylvania; T. R. Lounsbury, of Connecticut; Robert Morss Lovett, of Illinois; Abbott Lawrence Lowell, of Massachusetts; Charles F. Lummis, of California; H. W. Mabie, of New Jersey; Percy Mackaye, of New Hampshire; A. T. Mahan, of New York; Edwin Markham, of New York; Edward S. Martin, of New York; Brander Matthews, of New York; Saint Clair McKelway, of New York; John Bach McMaster, of Pennsylvania; Joaquin Miller, of California; John A. Mitchell, of New York; Langdon E. Mitchell, of Pennsylvania; Paul Elmer More, of New York; Harrison S. Morris, of Pennsylvania; John Torrey Morse, jr., of Massachusetts; John Muir, of California; Meredith Nicholson, of Indiana; Thomas Nelson Page, of the District of Columbia; Will Payne, of Illinois; William Morton Payne, of Illinois; Harry Thurston Peck, of New York; Bliss Perry, of Massachusetts; Thomas Sergeant Perry, of Massachusetts; William Lyon Phelps, of Connecticut; A. S. Pier, of Massachusetts; James Ford Rhodes, of Massachusetts; James Whitcomb Riley, of Indiana; Charles G. D. Roberts, of New York; Edward A. Robinson, of New York; Theodore Roosevelt, of New York; Josiah Royce, of Massachusetts; Felix E. Schelling, of Pennsylvania; Montgomery Schuyler, of New York; Clinton Scollard, of New York; Henry D. Sedgwick, of New York; Ernest Thompson Seton, of Connecticut; Frank Dempster Sherman, of New York; Paul Shorey, of Illinois; William M. Sloane, of New York; F. Hopkinson Smith, of New York; Thomas Russell Sullivan, of Massachusetts; Booth Tarkington, of Indiana; Abbott Handerson Thayer, of New Hampshire; William R. Thayer, of Massachusetts; Augustus Thomas, of New York; Frank L. Tooker, of New York; Ridgely Torrence, of New York; William P. Trent, of New York; Henry van Dyke, of New Jersey; John C. van Dyke, of New Jersey; Barrett Wendell, of Massachusetts; Andrew F. West, of New Jersey; Andrew Dickson White, of New York; William Allen White, of Kansas; Charles G. Whiting, of Massachusetts; Jesse Lynch Williams, of New Jersey; Harry Leon Wilson, of Indiana; Woodrow Wilson, of New Jersey; Owen Wister, of Pennsylvania; George E. Woodberry, of Massachusetts; Herbert Adams, of New Hampshire; John W. Alexander, of New York; George F. Babb, of New York; Hugo Ballin, of New York; George Gray Barnard, of New York; Paul W. Bartlett, of New York; J. Carroll Beckwith, of New York; Frank W. Benson, of Massachusetts; Karl Bitter, of New Jersey; Edwin H. Blashfield, of New York; Richard E. Brooks, of New York; Glenn Brown, of the District of Columbia; George de Forest Brush, of New York; William Gedney Bunce, of Connecticut; Daniel Hudson Burnham, of Illinois; Emil Carlsen, of New York; William M. Chase, of New York; Timothy Cole, of New York; Walter Cook, of New York; Kenyon Cox, of New York; Frederic Crowninshield, of New York; William T. Dannat, of New York; Frank Miles Day, of Pennsylvania; Joseph De Camp, of Massachusetts; Charles Melville Dewey, of New York; Thomas W. Dewing, of New York; Frederick Dielman, of New York; John M. Donaldson, of Michigan; Paul Dougherty, of New York; Frank Duveneck, of Ohio; Ben Foster, of New York; Daniel C. French, of New York; Walter Gay, of Massachusetts; Charles Dana Gibson, of New York; Cass Gilbert, of New York; Charles Grafly, of Pennsylvania; Jules Guerin, of New York; H. J. Hardenburgh, of New Jersey; Alexander Harrison, of Pennsylvania; Birge Harrison, of South Carolina; Childe Hassam, of New York; Thomas Hastings, of New York; Robert Henri, of New York; John Galen Howard, of California; William Henry Howe, of New York; Samuel Isham, of New York; Francis C. Jones, of New York; H. Bolton Jones, of New York; W. Sergeant Kendall, of New York; Bancel La Farge, of New York; Will H. Low, of New York; Frederick Macmonnies, of New York; Herman A. MacNeil, of New York; Carl Marr, of Wisconsin; Walter McEwen, of Illinois; William Rutherford Mead, of New York; Carl Melchers, of New York; Willard L. Metcalf, of New York; Francis D. Millet, of New York; H. Siddons Mowbray, of Connecticut; Leonard Ochtman, of Connecticut; Maxfield Parrish, of New Hampshire; Robert S. Peabody, of Massachusetts; Charles Sprague Pearce, of Massachusetts; Joseph Pennell, of Pennsylvania; Charles A. Platt, of New Hampshire; George H. Post, of New York; Edward Clark Potter, of Massachusetts; Bela L. Pratt, of Massachusetts; A. Phimister Proctor, of New York; Edward W. Redfield, of Pennsylvania; Robert Reid, of New York; F. G. R. Roth, of New York; F. W. Ruckstuhl, of New York; Albert P. Ryder, of New York; John S. Sargent, of Massachusetts; W. E. Schofield, of Pennsylvania; H. M. Shrady, of New York; Edward Simmons, of New York; William T. Smedley, of New York; Lorado Taft, of Illinois; Edmund C. Tarbell, of Massachusetts; Abbott H. Thayer, of New York; D. W. Tryon, of New York; Elihu Vedder, of Massachusetts; Lionel Walden, of Connecticut; Henry Oliver Walker, of New Jersey; Horatio Walker, of Canada; Whitney Warren, of New York; Adolph A. Weinman, of New York; J. Alden Weir, of New York; Irving R. Wiles, of New York; Arthur Bled, of Massachusetts; Howard Brockway, of Maryland; G. W. Chadwick, of Massachusetts; F. S. Converse, of Massachusetts; Walter Damrosch, of New York; Reginald De Koven, of New York; Arthur Foote, of Massachusetts; W. W. Gilchrist, of Pennsylvania; H. K. Hadley, of New York; Victor Herbert, of New York; Edgar Stillman Kelley, of Ohio; Charles M. Loeffler, of Massachusetts; Horatio W. Parker, of Connecticut; Harry Rowe Shelley, of New York; David S. Smith, of Connecticut; F. Van der Stucken, of Ohio; Arthur Whiting, of New York; and their successors duly chosen, are hereby incorporated, constituted, and declared to be a body corporate of the District of Columbia, by the name of the National Institute of Arts and Letters.

SEC. 2. That the purposes of this corporation are and shall be the furtherance of the interests of literature and the fine arts.

SEC. 3. That the National Institute of Arts and Letters shall consist of not more than 250 regular members, and the said corporation hereby constituted shall have power to make by-laws, and rules, and regulations; to fill all vacancies created by death, resignation, or otherwise; to provide for the election of foreign, domestic, or honorary associate members, and the division of such members into classes, and all other matters needful or usual in such institutions.

SEC. 4. That the National Institute of Arts and Letters shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to the Congress to be filed with the Librarian of Congress.

SEC. 5. That the National Institute of Arts and Letters be, and the same is hereby, authorized and empowered to receive bequests and donations of real and personal property and to hold the same in trust, and to invest and reinvest the same for the furtherance of the interests of literature and the fine arts.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I want to ask the gentleman from Texas if there is any limitation in the bill as to the amount of the property the corporation may hold, and whether if they acquire property it will be taxable?

Mr. SLAYDEN. Mr. Speaker, I say with perfect frankness, as the gentleman from Illinois probably knows, that I did not write the bill. The bill was brought to the committee and approved by the members of the committee. There is nothing in it that I can see that exempts property from taxation.

Mr. MANN. I will say to the gentleman that bills of this character have quite frequently been referred to the Committee on the Library, of which the gentleman is a member, but recently some of them, I think at the suggestion of the Committee on the Library, have been sent to the Committee on the Judiciary.

Mr. SLAYDEN. I do not recall any instance of that kind.

Mr. MANN. The bill to incorporate the American Hospital of Paris—did not that go to the Committee on the Judiciary? And there was one the other day taken away from the Committee on the Library and sent to the Committee on Appropriations.

Mr. SLAYDEN. That was an appropriation bill for a building.

Mr. MANN. Congress ought to have some policy in reference to incorporating institutions of this character, and not put in one bill a provision limiting the life of a corporation and not in another; to put in one bill a limit to the amount of property they can hold and not in another; to put in one bill a provision that the property that they may acquire shall be exempt from taxation and not put it in another. I shall make no objection to this bill, but I think the gentleman and his committee ought to be careful in that particular.

Mr. SLAYDEN. Mr. Speaker, all the property that this association expects to have is such as it will get by gift, and it is not likely that under such circumstances their coffers will ever overflow.

Mr. MANN. No one knows how much property a corporation may acquire which has no limit on its life and practically no limit on its purpose. I shall offer an amendment to this bill, that Congress reserves the right to alter, amend, or repeal it.

Mr. SLAYDEN. There is no objection to that amendment. There is one other amendment, Mr. Speaker, that will have to be offered. Since the bill was presented and recommended by the committee one of the distinguished gentlemen whom it was proposed to associate has been drowned, Mr. Millet, of New York, and his name will have to be taken out.

Mr. MANN. I see the name of one distinguished gentleman in here as of New York, and I am quite sure that he is of Chicago now. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I move to amend by striking out the name of Francis D. Millet, of New York, at the bottom of page 5 and the top of page 6 of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Pages 5 and 6, strike out the name of Francis D. Millet, of New York.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by inserting as a new section the words "The right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new section, on page 8, after line 5, the following:
"SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. CANNON. Mr. Speaker, I move to amend by inserting the words "Albert Jaeger, of New York," in line 18, page 5, after the words "New York" where they occur the second time.

Mr. SLAYDEN. What is his particular line of work?

Mr. CANNON. He is a sculptor. He is the artist who designed the Steuben statue in Lafayette Square.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 18, page 5, after the words "New York" where they occur the second time, insert the words "Albert Jaeger, of New York."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUR OF DAILY MEETING.

Mr. UNDERWOOD. Mr. Speaker, I understand from the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], that in order to expedite the passage of the sundry civil appropriation bill he desires to have the House meet to-morrow morning at 10 o'clock, and then for the balance of the two weeks ahead of us I think the business of the House is not such that we need to meet before 12 o'clock. I therefore ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock, and that after to-morrow, and until otherwise ordered, the daily hour of meeting shall be 12 o'clock noon.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock, and that after that, and until otherwise ordered, the daily hour of meeting shall be 12 o'clock noon. Is there objection?

There was no objection.

REPAYMENT OF CERTAIN WAR-REVENUE TAXES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected.

The Clerk read the bill as follows:

Be it enacted, etc., That all claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected under the provisions of section 29 of the act of Congress approved July, 1, 1898, known as the war-revenue tax, or of any sums alleged to have been excessive, or in any manner wrongfully collected under the provisions of said act may be presented to the Commissioner of Internal Revenue on or before the 1st day of January, 1914, and not thereafter.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys of the United States not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, and shall establish the erroneous or illegal assessment and collection, of any sums paid by them or on their account or in their interest to the United States under the provisions of the act aforesaid.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. I understand there are a lot of private claims pending now which, if this bill does not pass, are likely to take up a good deal of time on the Private Calendar.

Mr. BUTLER. Yes; and I think the gentleman knows also that they are not likely to be reached at all.

Mr. MANN. Oh, we will reach them this week.

Mr. AINEY. Mr. Speaker, this bill originates with the Committee on Claims, before whom there are pending a number of private bills for the refund of taxes which had been erroneously collected by the Government under the war-revenue act of 1898. It was decided by the Committee on Claims, rather than report these bills severally and favorably, that a bill of this nature should be introduced whereby the statute of limitations now barring the repayment should be removed, and authorizing the Secretary of the Treasury to refund the several amounts to claimants upon proofs to be furnished by them. This bill was introduced, and was referred to the Committee on the Judiciary.

Mr. MANN. Of course the gentleman has nothing to do with the reference of the bill.

Mr. AINEY. No.

Mr. MANN. I have not been able to get through my noddle as yet what jurisdiction of the bill the Committee on the Judiciary had. The bill should certainly have been referred to either the Committee on Claims or the Committee on Ways and Means.

Mr. AINEY. Surely the gentleman does not purpose asking that question of me, after his experience in the House and his knowledge of my lack of experience.

Mr. MANN. Mr. Speaker, I merely asked a question for the purpose of attracting the attention of the distinguished chairman of the Committee on Ways and Means.

Mr. AINEY. Mr. Chairman, I want to make a statement more fully regarding these cases. Under the war-revenue act of 1898 there was a provision that inheritances and legacies in excess of $10,000 should be subject to a tax. Through a misinterpretation on the part of the department, individual legacies less than $10,000 were improperly taxed. That is, when the sum total of several individual legacies or inheritances in any estate aggregated more than $10,000 the department held that the estate was subject to the tax. The Supreme Court subsequently, in Knowlton *v.* Moore (178 U. S., 41), decided that where there were five legacies, say, each less than $5,000, they were not subject to the tax, even though in the aggregate they amounted to more than $10,000. Prior to this judicial interpretation there had been paid to the Government under this act taxes upon legacies and inheritances amounting to less than $5,000. When the case of Knowlton *v.* Moore had become known the statute of limitations had run and claimants had no opportunity to recover, and this bill is to relieve that situation. Not until the decision of the Supreme Court was rendered was there any knowledge on the part of these people who had paid these taxes on legacies of less than $10,000 that there was no liability. There are about 90 claimants and some 15 or 20 bills, largely coming from the Senate, some originating in the House. It

was thought best that these be cared for by a general bill removing the statute of limitations.

Mr. BUTLER. Has not the Treasury Department reported favorably upon this measure?

Mr. AINEY. It has, and it has recommended that this bill be passed rather than separate bills as introduced.

Mr. EDWARDS. Mr. Speaker, will the gentleman yield?

Mr. AINEY. Certainly.

Mr. EDWARDS. What is the aggregate amount of these claims?

Mr. AINEY. It is impossible to say accurately, but not to exceed $50,000. There are bills now pending aggregating $28,000.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. AINEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. GREEN of Iowa. Mr. Speaker, I hope this bill will pass. It is merely an act of ordinary justice. The Senate has already passed several of the private bills for the refund of these taxes. As stated by the gentleman from Pennsylvania [Mr. AINEY] it was decided by the Supreme Court that the tax had been erroneously collected. A large number of people were unaware of the decision of the Supreme Court and consequently failed to put in their claims within the time prescribed by section 3228 of the Revised Statutes. Others did put in their claims in time, and those have been paid. The greater portion of this tax that was erroneously collected has been refunded, but only those who were unaware of the decision of the Supreme Court in time to make their claim within the provisions of section 3228 of the Revised Statutes, which requires a claim for refund to be made within two years, now ask that the tax be refunded.

Mr. MANN. Mr. Speaker, I did not object to the consideration of this bill, but it is one of those pestiferous bills which, while it originated with the committee, is the result of the activity of claim agents. Congress passed the act of 1898. It was intended that there should be a payment on every legacy where the estate was over $10,000. That was the understanding here in the House and in the Senate. Some enterprising claim attorney took the case to the court, and insisted that the act did not require the payment of any tax unless each legacy amounted to $10,000. When we passed the act we thought that we were exempting from taxation an estate of $10,000 which was being devised. The court through some process of reasoning, which very likely was correct from our language, held that it could not be applied as against any legacy which amounted to less than $10,000. Before that decision was reached the time in which you could file claims for refunds had passed. Then the enterprising claim attorneys throughout the country got busy and hunted up all the claims they could find of cases where money had been collected on legacies of less than $10,000. They commenced to have bills introduced and corresponded with the people who paid the tax, which they ought to have paid, and which was collected and which ought not to be paid back, and got these people to appeal to Congress to refund the tax illegally and erroneously collected under a decision of the Supreme Court of the United States. They now come along and ask for a general bill. Of course, this means the presentation to claim agents or attorneys of probably 50 per cent of the amount that we will pay without any real justice at all. Nobody likes to pay a tax. People get it back if they can. We intended the tax to be paid. It was paid. We pay it back. There are a thousand such cases and more pending around Congress now not covered by this decision, but on all fours as far as reasoning is concerned.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 6, strike out the words "July 1" and insert the words "June 13."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 8, strike out the word "the" and insert the word "such."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 2, line 9, strike out the word "of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. AINEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMPENSATION FOR SUPERINTENDENTS OF NATIONAL CEMETERIES.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to recur to the bill H. R. 1739, which was passed over without prejudice this morning.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMERICAN REGISTRY FOR STEAMER "DAMARA."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22907) to provide American register for the steamer *Damara*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer *Damara*, rebuilt at San Francisco, Cal., from the wreck of the British steamer *Damara*, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, I object.

The SPEAKER. The Chair will state that the Senate has passed a bill——

Mr. HUMPHREY of Washington. Mr. Speaker, I said I did object.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman if he will withhold his objection for a moment?

Mr. HUMPHREY of Washington. I will.

Mr. UNDERWOOD. Mr. Speaker, I am not personally interested in this bill, but Mr. POST has written me a note saying that he is confined to his bed on account of sickness to-day and could not be here, and asked me to make a statement for him in reference to this bill, if the gentleman from Washington will allow me. It seems that this vessel was wrecked going out of the harbor of San Francisco, and I wish to state, so the RECORD may show, that the committee gives the following reasons as to why this bill should pass:

The committee believes she should be granted an American register, because—

(1) She is, in reality, an American-built vessel.

(2) No American shipbuilding industry has been or will be deprived of a single dollar's worth of business or profit.

(3) Her gross tonnage constitutes but one twenty-six hundredth part of the gross tonnage of American registered vessels with which she would come in competition.

(4) The building of nine-tenths of a vessel in the United States should be encouraged, as well as the building of a vessel entire.

(5) There have been presented to the committee petitions representing, in addition to the Union Iron Works Co., every other steel-ship builder on the California coast, praying that favorable action be taken on this bill.

(6) The owners of 75 per cent of the vessels on the Pacific coast have petitioned Congress to grant a register to the *Damara*.

(7) It appears that the repair account and other items making up the record in his case are bona fide, in no manner inflated, and the prices paid or charged for labor, dry dockage, and material were in every case the current and reasonable charges therefor.

(8) It clearly appears and is uniformly conceded that the *Damara* presents the most meritorious case ever coming before Congress in a similar application, and the admission of this vessel to American registry is in all ways desirable, and, while increasing the American merchant marine to the extent of the *Damara's* tonnage, will work a hardship to no American industry.

Now, Mr. Speaker, there was a time when we had on the statute books of this country a law that authorized a foreign-built vessel which was wrecked on our coasts to be admitted to American registry, providing a certain portion of the ship was rebuilt in this country—a very much less proportion than that which constitutes the repairs on this vessel—and when that law was repealed in 1906 it was not the intention of Congress to foreclose the right absolutely of repairing a vessel wrecked on the American coast and giving the American shipbuilding yards the right to repair such a vessel and put it back into commission, but it was stated when the bill went through Congress that it was better to leave the matter optional with Congress as to whether the vessel should be admitted to American registry or not. Of course, if Congress takes the position that a vessel should not be admitted where nine-tenths of it is rebuilt in American yards after registry, then it practically takes the position that no wreck on American coasts of a foreign-built vessel can be repaired by an American citizen, because he can not use it under American registry. I think it is really a very meritorious bill and one that should be passed. Of course, the gentleman from Washington has a right to exercise the privilege of objecting to the bill; but I will ask him, as Mr. POST is not here—I would like to see the bill go through this evening—if he will withdraw his objection, and if he does not, I will ask him to withdraw it so that I may ask unanimous consent to allow it to remain on the calendar, so the gentleman who is interested in it may have an opportunity to be present.

Mr. HUMPHREY of Washington. Mr. Speaker, I feel inclined to grant the gentleman's request and let the bill go over, but there is this difference in regard to this bill from the ordinary bill which goes on the Unanimous Consent Calendar. When it was placed on this calendar it was well understood by the gentleman placing it there that there was strong opposition to the bill. It was opposed in the committee, and there are a number of men on both sides of this aisle who are opposed from principle to admitting any of these foreign-built wrecks to American registry. The Merchant Marine Committee, I believe it was, in the Sixtieth Congress, by resolution introduced by a distinguished gentleman, now chairman of that committee, Judge ALEXANDER, went on record as saying that they would not consider any more of this class of bills. The reason of it was this, that there had grown up a custom in the country among certain wrecking companies and certain attorneys to speculate upon their influence with Congress, and in this particular bill I have no doubt but what the same thing has been done. I happen to know of my own personal knowledge that a certain attorney of this city, and not one of those now representing those interested in the bill, was offered $10,000 if he secured the passage of this bill through Congress. Now, this bill in itself possesses considerable merit, and if you could stop it here I probably would not object, but the fact that this bill has been favorably considered has already caused several others to be introduced. Things will soon go back to where they were before, when they amounted to almost a national scandal, when certain attorneys and wrecking companies of this country were letting it be understood that if they took charge of one of these wreck bills that by certain influence which they could wield they could get the bill passed. This is why the committee went upon record as it did, and I think it would be a very bad policy to change that action of the committee. While this bill has been before the House before on this calendar, I will not object to its going over, although it seems to me it would be just as well to let it go off this calendar, as the gentleman who has charge of it knows it will be objected to. But under the circumstances I will consent to its going over.

Mr. UNDERWOOD. Mr. Speaker, the gentleman who is interested in this bill and who has charge of it is sick at home in his room, and I therefore ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill may be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

SALE OF CERTAIN LANDS TO PENDLETON, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 3293) to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton Oreg.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the city of Pendleton, a municipal corporation in Umatilla County, State of Oregon, under such terms, conditions, and regulations as he may prescribe, not to exceed 200 acres of unallotted tribal Indian lands within the Umatilla Reservation at not less than its appraised value, said lands to be used by the city of Pendleton, Oreg., for municipal waterworks purposes: *Provided*, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum.

The committee amendment was read, as follows:

Page 2, line 3, after the word "annum," strike out all down to and including the word "Interior" in line 5.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand from the reading of this case that the Indians themselves have been opposed to the sale of this land—200 acres—that they want to keep it themselves. The Senate in its bill inserted a provision that the net proceeds of the lands when sold should be paid to the Indians or used for their benefit, in the discretion of the Secretary of the Interior. The House bill proposes to strike out the provision and sell this land against the protest of the Indians and deposit the money in the Treasury, depending upon what Congress shall do hereafter. I will say to the gentleman frankly that I think if they are going to take this land away from the Indians and sell it they are entitled to get the money for it.

Mr. STEPHENS of Texas. I will state to the gentleman the last clause of the bill makes a provision for the payment to the Indians in this language:

Provided, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum.

Now, our committee struck out this language:

And may hereafter be paid to the said tribe of Indians pro rata or used for their benefit, in the discretion of the Secretary of the Interior.

We struck that out for the reason that we did not think it right for Congress to authorize the Secretary of the Interior to dispose of the proceeds of money arising from the sale of this land and pay it out for the benefit of the Indians, because it should be put in the United States Treasury and held there for the Indians subject to the future action of Congress.

Mr. MANN. The Indians were opposed to this bill, and stated that they did believe that to take the land described in this bill was a violation of the treaty and agreements with them; that they had very little land left, and they needed all they had. And they especially objected because, as originally introduced, it was proposed that the money be deposited in the Treasury. Then the Indians said, "We lose the land and we will never get the benefit of the money."

Now, I feel very much as the Indians do about it. [Laughter.] When you want to take this land away from them, which they say they want, and do not want to sell, but want to use it, give them the money.

Mr. STEPHENS of Texas. The Secretary makes this statement in his letter to the Senate indorsing this bill, viz:

On January 18, 1912, a council of the Umatilla Indians was held for the purpose of ascertaining their wishes with regard to the disposal of lands within their reservation to the city of Pendleton, and, as the inclosed copy of the council proceedings will show, the Indians objected to the proposed sale. Their objections, however, are due principally to the fact that they do not desire to see any more tribal lands pass from the ownership of the Indians.

Now, that is their only objection. It has been our policy for years to allot Indian lands to individual Indians and to sell the remainder. The Indians are not usually consulted as to what shall be done with the land. They are our wards, and Congress only can dispose of their property. This tract of land is land adjoining the city of Pendleton, and is necessary for the use of that city for waterworks, and we are permitting the Secretary by this bill to sell these lands of the Indians to the city for that purpose. They will get a better price from the city than from any other party. The Indians can not use the land; it is not fit to use for agricultural purposes, because it can not be irrigated. It is upon a mountainous part of the reservation and at the present time not used by the Indians for any purpose.

Mr. FOSTER. How much land have these Indians there?

Mr. STEPHENS of Texas. One hundred and ninety-nine and a fraction acres.

Mr. FOSTER. And that is all the land there is?

Mr. STEPHENS of Texas. This is only a small portion of a large Indian reservation adjoining the city; and the city needs this little tract for waterworks. The Secretary recommends its sale, as proposed by this bill. The Senate passed it, and the Indian Committee of the House has reported it favorably.

Mr. FOSTER. About what is that land worth?

Mr. MANN. The gentleman has called my attention to what the Secretary of the Interior says in his report. In part let me call his attention to what the Secretary says:

If the bill is amended as suggested, however—

After reciting what the gentleman has referred to—

it is believed that its provisions will be fair to both the Indians and the city of Pendleton.

Now, what was the amendment suggested? That the money should be paid to the Indians or used for their benefit in the discretion of the Secretary of the Interior—the very thing that the gentleman strikes out of the bill. I am perfectly willing that the gentleman from Oregon shall explain it, but I will say frankly, gentlemen, I expect if you are going to take this land away from these Indians who want to keep it, and simply to turn it over to a city which may or may not need it, I think the Indians are entitled to have the money, and unless the gentlemen agree to that I shall object.

Mr. STEPHENS of Texas. The gentleman misunderstands the use of this language. It plainly says—

That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum.

Mr. MANN. I understand what the language is. You only strike out that part that it shall be used for the benefit of the Indians.

Mr. FINLEY. I notice the words "appraised value" are used. What is the difference in the "appraised value" and "actual value"?

Mr. MANN. That would depend on what the appraised value is. It is supposed to be the same.

Mr. LAFFERTY. This bill relates to land in my district.

Mr. FERRIS. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. To whom does the gentleman yield?

Mr. STEPHENS of Texas. First to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. As I understand the gentleman, it is his opinion that if you sell the land the Indians ought to have the money. I want to pause a moment and rejoice at his attitude in this regard. We did not think of letting the department, without bridle or restraint to go ahead and expend the money, without coming back to Congress and letting Congress have something to say about it. In other words, they go out there and build houses and buy horses and teams that the Indians do not want, and it was that reason why the committee acted as it did. I have not consulted with the gentleman from Oregon [Mr. LAFFERTY] about it, but I have no doubt they would be glad to accept the amendment and let the Indians have the money from the sale of these lands.

Mr. MANN. I think where large sums are involved the policy of the committee is correct.

Mr. FERRIS. I think so.

Mr. MANN. When these Indians object to the sale of this land I am not willing to have the Government put in a position where they can justly complain "You took away our lands after you promised we should have them and you give us nothing for them."

Mr. STEPHENS of Texas. Is the gentleman aware that nearly every tribe of Indians has objected to selling their lands and to breaking up the reservation, and in spite of their protests the Government has required them to be broken up and allotted them part of their reservations in severalty and sold the remainder of the land to white settlers and put the money derived from its sale in the Treasury to the Indians' credit.

Mr. MANN. That is a matter that has nothing to do with this; it is an entirely different proposition.

Mr. STEPHENS of Texas. That is the only reason they have suggested in their objection to this bill. I yield to the gentleman from Oregon.

Mr. LAFFERTY. Mr. Speaker, there is considerable importance attached to the present passage of this bill for the reason that the city of Pendleton has been designated as the location of the insane asylum for eastern Oregon. The waterworks of the city are inadequate at the present time. The object of this bill is to permit the city to purchase land for the waterworks.

The report on the bill says that Joseph Craig, a member of the Umatilla Tribe, was here during the past winter. He is the gentleman who wrote the letter dated Washington, D. C., January 21, 1911, protesting in the usual form against the encroachment of the white man upon the Indian. Mr. Craig's protest, which was referred to by the gentleman from Illinois [Mr. MANN], was written over here in the office of the Commissioner of Indian Affairs. I heartily sympathize with the protest against the white men encroaching on the Indians, but Mr. Craig's protest is of a general nature rather than a protest against this particular bill.

Mr. FERRIS. Will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. FERRIS. Does not the gentleman think that if he would accept the amendment suggested by the gentleman from Illinois and let the Indian have the money, that his objections would at once subside.

Mr. LAFFERTY. I think so. Mr. Craig's protest shows that it is the form of the bill that he objects to. The bill as it was originally introduced in the Senate provided that the land should be appraised by local appraisers, to be appointed by the register and receiver of the land office. Mr. Craig said he thought an Indian ought to be on the commission. The Indian Office prepared a form of a bill to suit Mr. Craig. It provides that the appraisement shall be in accordance with such rules and regulations as the Secretary of the Interior may prescribe. Now, perhaps there will be an Indian put on the commission, and I do not care if there are two Indians on it.

Referring to the treaty obligations of the United States, the treaty provided that certain lands should be open to homestead settlement and certain other lands remain for the purpose of Indian allotments. The Indians take the position that that should be permanent. We all know that these lands that were designated in treaties as homestead lands have been disposed of otherwise by Congress when emergencies arose, and the lands that were to be subject for all time to Indian allotments are not more sacred. They can certainly be very properly used to relieve suffering humanity.

Senator CHAMBERLAIN requested me to put the bill on the Unanimous Consent Calendar, knowing the need of this asylum at Pendleton. Then the chairman of the Committee on Indian Affairs very courteously consented to a favorable report at the first meeting of the committee.

Now, the next matter that I wish to comment on is the committee amendment striking out these words. Here is what Mr. Craig wanted put in the bill:

Provided, That the net proceeds from the sale of said lands shall be deposited in the Treasury of the United States to the credit of said Umatilla Tribe of Indians and shall draw interest at the rate of 4 per cent per annum and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit in the discretion of the Secretary of the Interior.

The committee recommended striking out the words "and may thereafter be paid to the said tribe of Indians pro rata or used for their benefit in the discretion of the Secretary of the Interior."

I am willing to adopt the suggestion of the gentleman from Illinois to reject the committee amendment and let the Secretary of the Interior be authorized to pay these moneys to these Indians. I think that the distinguished chairman of the Committee on Indian Affairs will agree to that.

Mr. FINLEY. Will the gentleman yield?

Mr. LAFFERTY. Certainly.

Mr. FINLEY. What are these lands worth?

Mr. LAFFERTY. They are desert lands. It is in a high altitude. They are of no particular value except for the waterworks for the city. The Indians always get the best of it, and they will probably be appraised for five or six times what they are worth.

Mr. FINLEY. You say that the Indians always get the best end of it?

Mr. LAFFERTY. That is so in our country.

Mr. MANN. That is what they say when they strike them under the belt. [Laughter.]

Mr. FINLEY. Are you not rather isolated in that respect?

Mr. LAFFERTY. I do not think so. These Indians are in Washington and on the job.

Mr. FINLEY. Are these lands worth $1 an acre or $50 an acre?

Mr. LAFFERTY. Well, right up next to the city probably the land is worth $25 an acre.

Mr. FINLEY. How near the city is it?

Mr. LAFFERTY. The nearest point is several miles, I understand.

Mr. FINLEY. Any of it under cultivation?

Mr. LAFFERTY. A great deal of it, but this particular portion where the right of way for the waterworks is desired is too high to be reached by irrigation.

Mr. FINLEY. I am speaking of the land proposed to be turned over to the city.

Mr. LAFFERTY. It is not under cultivation.

Mr. HAWLEY. It is too high for irrigation.

Mr. LAFFERTY. I want to add that if the committee amendment is withdrawn or voted down I would like to have the chairman of the committee——

Mr. MANN. The gentleman says that this is very important; that he wants to get a right of way for a water pipe; but he is getting a tract of land amounting to 200 acres.

Mr. LAFFERTY. But they want a reservoir site.

Mr. MANN. The gentleman said they wanted a right of way for a water pipe from a distant reservoir down to the city.

Mr. LAFFERTY. This is to be a reservoir site to which the water is to be pumped.

Mr. HAWLEY. They want sufficient area for a reservoir and to protect the surrounding area from which water will be drawn into the reservoir.

Mr. MANN. This is not intended, then, as a right of way?

Mr. HAWLEY. It is a reservoir site.

Mr. MANN. It is intended as a watershed and as a reservoir.

Mr. HAWLEY. A reservoir.

Mr. LAFFERTY. Not as a watershed.

Mr. MANN. It is a watershed if they intend to have water drained into the reservoir.

Mr. STEPHENS of Texas. Does the gentleman think that 200 acres are too much?

Mr. MANN. I have no doubt they have a great deal more than that. Two hundred acres are too much for a right of way to cross.

Mr. HAWLEY. This is for a reservoir.

Mr. MANN. I have no objection to the bill being passed if the gentleman from Texas [Mr. STEPHENS] will agree to disagree to the committee amendment.

Mr. STEPHENS of Texas. And let it remain as it was in the Senate?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. It is a small bill, and I do not think we ought to violate the principle of our committee for years. I hope the gentleman will not insist upon that, but rather than to lose the passage of the bill I will agree to it.

Mr. MANN. The gentleman may consider himself knocked down and tied.

Mr. HAWLEY. The water is being taken up there very rapidly, and unless we can get this for the use of the city of Pendleton and the insane asylum the water may be appropriated. It is very important to the State that this bill be passed at this time.

Mr. MANN. I think this a different case from the ordinary case. I quite agree with the chairman of the committee and the gentleman in charge of the bill that ordinarily with large sums of money it is not advisable to give the Secretary of the Interior a free hand.

Mr. STEPHENS of Texas. Will not the gentleman agree to leave out the words "used for their benefit"?

Mr. MANN. That puts it in the discretion of the Secretary of the Interior. There is no other way of doing that.

Mr. FERRIS. If the gentleman will leave that language in there "or use for their benefit, in the discretion of the Secretary of the Interior," I think it would be better. Of course he does not pay it to them. He goes and buys things for them that they may want or may not want.

Mr. MANN. Oh, that is the case with a great many appropriations.

Mr. FERRIS. "And may thereafter be paid to said tribe of Indians pro rata." That would accomplish the gentleman's purpose.

Mr. STEPHENS of Texas. What is the amendment that the gentleman proposes?

Mr. MANN. I propose to disagree to the committee amendment, and that is the only thing I do propose. I do not offer anything. I just ask the gentleman if he will agree to vote down the committee amendment.

Mr. STEPHENS of Texas. Yes; in order to pass the bill we will do that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, lines 5, 6, and 7, strike out the words—

"And may thereafter be paid to the said tribe of Indians pro rata or used for their benefit, in the discretion of the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LAFFERTY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 5 o'clock and 34 minutes p. m.), the House adjourned until Tuesday, June 18, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal., reported the same with amendment, accompanied by a report (No. 907), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 22209) providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army, reported the same without amendment, accompanied by a report (No. 909), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ALLEN, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 25201) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, reported the same without amendment, accompanied by a report (No. 906), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill (S. 5176) granting a pension to Elizabeth B. Preston, reported the same without amendment, accompanied by a report (No. 908), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 25391) to provide for the purchase of a site and the erection of a building thereon at Charles Town, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25392) to provide for the purchase of a site and the erection of a public building thereon at Keyser, in the State of West Virginia; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 25393) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture.

By Mr. BURGESS: A bill (H. R. 25394) to provide an American register for the bark *Baunen;* to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFFERTY: A bill (H. R. 25395) limiting the hours of labor of female employees in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 25396) limiting the hours of labor in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER: Memorial of the Senate and House of Representatives of the State of New Mexico, asking for construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

By Mr. HAYDEN: Memorial of the Legislature of the State of Arizona, requesting that the reclamation act be amended so as to permit the purchase of water rights for State and school lands; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25397) for the relief of Joseph Blackham, alias Joseph Black; to the Committee on Military Affairs.

By Mr. CATLIN: A bill (H. R. 25398) granting a pension to Augusta Madsen; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 25399) for the relief of William A. Persons; to the Committee on Military Affairs.

By Mr. DIXON of Indiana: A bill (H. R. 25400) granting a pension to Laura A. Cumback; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25401) granting an increase of pension to George K. Gould; to the Committee on Pensions.

By Mr. DONOHOE: A bill (H. R. 25402) for the relief of William Mourer; to the Committee on Claims.

Also, a bill (H. R. 25403) to correct the naval record of John Halpin; to the Committee on Naval Affairs.

By Mr. FRANCIS: A bill (H. R. 25404) granting an increase of pension to Joseph A. Pyle; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 25405) for the relief of John M. Boyd; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25406) granting a pension to Charlotte Maude Pomroy; to the Committee on Pensions.

Also, a bill (H. R. 25407) granting a pension to Susan S. Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25408) to correct the military record of William T. Riffe; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 25409) for the relief of Jonathan J. Totten; to the Committee on War Claims.

Also, a bill (H. R. 25410) granting an increase of pension to Hathaway J. Hooker; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 25411) granting a pension to Ardilicy Braining; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 25412) to remove the charge of desertion standing against Conrad Stark; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 25413) granting a pension to Louis Spindler; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 25414) granting an increase of pension to John T. Payne; to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 25415) granting a pension to Katherine O. Hector; to the Committee on Pensions.

Also, a bill (H. R. 25416) to correct the military record of Jacob Lillian; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25417) granting a pension to Susanna Earhart; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 25418) granting a pension to Alice M. Duncan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Branch 1, Socialist Party, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also (by request), memorial of the Order of Railway Conductors, against passage of the workman's compensation act; to the Committee on the Judiciary.

Also, petition of the Polish Roman Catholic Societies of Massachusetts, New York, and Illinois, protesting against the passage of House bill 22527, for restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Military Order of the Loyal Legion of the United States of America, protesting against the construction of the proposed memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. BLACKMON: Petition of the Medical Association of the State of Alabama, favoring passage of Senate bill 2117, for increasing pay of the officers of the Public Health and Marine Hospital Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of educators, labor leaders, and financiers relative to the high cost of living; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of the Order of Independent Americans of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Trainer, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Pennsylvania, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of Milliken, Tomlinson Co., of Portland, Me., favoring passage of the Stevens-Burton weight and measure bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the J. W. Pratt Co. and of J. W. and George H. Hahn, of New York, and of J. B. Hoecker, of Brooklyn, N. Y., against passage of the Oldfield bill, proposing change in present patent laws; to the Committee on Patents.

Also, petition of citizens of South Brooklyn, N. Y., against passage of bill appropriating for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petitions of the Allied Printing Trades Council of New York and the United Garment Workers of America, favoring passage of House bill 23673, known as the seamen's bill, relative to proper protection of passengers and crew on vessels; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of Washington, D. C., favoring passage of House bill 357, for investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Fotle & Jenks, of Jackson, Mich., and of the J. P. Allen Medicine Co., of St. Paul, Minn., against passage of House bill 14060, known as the Richardson bill, relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. DANIEL A. DRISCOLL: Petition of the Buffalo Chamber of Commerce, of Buffalo, N. Y., favoring restoring to the appropriation bills the $94,000 deducted; to the Committee on Appropriations.

Also, petition of St. Anthony Padurzki Society, No. 208, Buffalo, N. Y., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: Petition of citizens of the State of New Mexico, favoring passage of Rodenberg-Simmons anti prize fight bill; to the Committee on Patents.

By Mr. FRANCIS: Petition of Martins Ferry Aerie, Fraternal Order of Eagles, No. 456, of Martins Ferry, Ohio, relative to protection of all white fraternal orders, societies, or associations of the United States; to the Committee on the Judiciary.

By Mr. FULLER: Petition of the committee of Wholesale Grocers of New York, protesting against the passage of the Lodge substitute to the free-sugar bill; to the Committee on Ways and Means.

Also, petition of the International Association of Car Workers, favoring the passage of the seamen's bill (H. R. 23673) relating to manning of vessels on the Great Lakes, etc.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of St. Mary's Society, No. 187, of Peru, Ill., protesting against the passage of the Dillingham-Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GREEN of Iowa: Petition of citizens of Emerson, Iowa, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of the Daughters of Liberty of Jersey City and Harrison, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petitions of members of the Daughters of Liberty of Dallastown, Red Lion, Wrightsville, and York, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the American Institute of Architects, protesting against the repeal of the Tarsney Act, relative to engaging architects for proposed Government building; to the Committee on Appropriations.

By Mr. LOUD: Petition of the Robinson Lumber Co., of Goodar, Mich., against passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of the Daughters of Liberty of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DONOHOE: Petition of citizens of Philadelphia, Pa., against passage of bill appropriating for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. SULZER: Petition of the New York State Retail Jewelers' Association, against passage of bills proposing change in present patent laws; to the Committee on Patents.

Also, petition of the committee of Wholesale Grocers of New York, relative to corrections for the free-sugar bill; to the Committee on Ways and Means.

Also, petition of the Buffalo Chamber of Commerce, favoring passage of bill for improving the consular and diplomatic service; to the Committee on Foreign Affairs.

Also, petition of the Daughters of Liberty, New York, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON: Petition of Judith Lodge, No. 33, I. O. F. S. of I., Hartford, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the Military Order of the Loyal Legion of the United States, protesting against the construction of the proposed memorial in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. WEBB: Petition of the Woman's Christian Temperance Union of Charlotte, N. C., favoring passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of R. E. Hills and other members of the Ohio Wholesale Grocers' Association Co., favoring passage of the Stevens-Burton bill, providing for reasonable variation in marked contents of packages; to the Committee on Interstate and Foreign Commerce.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 18, 1912.*

The House met at 10 o'clock a. m.

The Rev. John Van Schaick, jr., of the Church of Our Father, Washington, D. C., offered the following prayer:

Almighty God, who has brought us to the beginning of this day, defend us in the same by Thy almighty power. Give to these Thy servants strength to bear their burdens, and wherever our citizens come together to think for the common good that there may be given to them increased devotion to our institutions and greater love for this Government of our fathers, that they and all of us, in the high places and in the humble places, may think and plan together for the increased good of this great Republic. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WILLIAM Z. NORMAN.

The SPEAKER laid before the House the bill H. R. 16493, an act to correct the military record of William Z. Norman, with a Senate amendment.

The Senate amendment was read.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

RIGHT OF WAY ACROSS FORT MASON RESERVATION, CAL.

The SPEAKER laid before the House the bill H. R. 22204, an act granting the right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Reservation, in California, with a Senate amendment.

Mr. KAHN. Mr. Speaker, I move to concur in the Senate amendment.

Mr. MANN. Mr. Speaker, this bill as it passed the House gave to the Panama-Pacific Exposition Co. the right to construct a railroad and a tunnel across the Fort Mason Military Reservation. The matter was discussed in the House and the bill was amended in the absence of the gentleman from California, who was then away for his health. The bill as amended by the Senate proposes to give that right not only to the exposition company, but to any of its assigns or successors. I desire to ask the gentleman from California, people would be much interested in the proposition, whether he thinks the bill is in such shape which fully safeguards the interest of the Government in the granting of what is a permanent right of way across a military reservation?

Mr. KAHN. Mr. Speaker, I think that the language of the bill fully safeguards the rights of the people. The bill provides for the construction of this tunnel by the exposition company. I may say that a similar right was granted to the Southern Pacific Railroad by Congress several years ago, but the railroad company refused to build the tunnel. The legislation was asked for by Army officials. The Army transport docks are on the western boundary of Fort Mason. At the present time a belt line owned, I believe, by the State of California runs to the eastern border of Fort Mason. This belt railroad carries supplies that are destined for the Philippine Islands and Hawaii to the eastern boundary of the fort. Those supplies are removed from the cars, placed upon drays and trucks, and are carted around the Fort Mason Reservation to the transport docks. The Army officers were very anxious to have this tunnel built because it would enable the supplies to be carried direct in the cars through the tunnel to the transport docks. The saving to the Government will be considerable in the matter of cartage. The cost of constructing the tunnel will not cost the Government a single dollar. The section in the bill which gives the Congress the right to amend, alter, or repeal the act safeguards, in my judgment, the right of the Government. The reason for the Senate amendment seems to be this: The life of the exposition company is limited to a number of years. This tunnel will be useful to the Government as long as the transport docks continue at their present location; and for that reason, before the exposition company shall have expired, the company ought to be allowed to turn over the tunnel to its successor, and such successor, under the terms of the Senate amendment, must be approved by the Secretary of War.

Mr. FOSTER. Does this give the railroad company the use of this tunnel after the exposition is over, or give it to anyone to whom they may assign their right?

Mr. KAHN. Yes; anybody to whom the exposition company would assign their right.

Mr. FOSTER. In other words, they are enabled possibly to sell out their rights to the railroad company after the exposition company is through with the use of the tunnel?

Mr. KAHN. It is possible, but that part of the railroad which would connect with the tunnel, as I understand it, is owned by the State of California.

Mr. GARNER. The principal objection suggested by the gentleman from Illinois [Mr. MANN], as I understand it, is the difference between the bill now and what it was when it passed the House. When it passed the House it granted a temporary license to a company that was going out of existence. As it came back from the Senate it gives a permanent indefinite right to use this property. That is the essential difference.

Mr. KAHN. True, but it seems to me the Government will save considerable money by allowing the tunnel to be transferred to a permanent company after the exposition is over, because that company will continue to haul supplies to the transport docks direct, whereas now they are hauled only part of the way, and then the Government must cart them, at considerable expense, about a third of a mile to the docks.

Mr. GARNER. This is one more spike to drive into the State of California the grip that the Southern Pacific now has upon it.

Mr. KAHN. I have told the House several times that the Southern Pacific refused positively to build the tunnel, and the Southern Pacific does not run the railroad up to the eastern boundary of the tunnel. The railroad that runs to the proposed entrance of this proposed tunnel is known as the belt line and is owned by the State of California.

Mr. GARNER. The gentleman will not tell the House he will guarantee the Southern Pacific will not become possessor of this property after the exposition company is through with it?

Mr. KAHN. I will say this to the gentleman, and will say this to the House, that in my opinion I do not think it will ever become the property of the Southern Pacific, and I do not see how it can.

Mr. GARNER. What railroad company is likely to own this property?

Mr. KAHN. The State of California owns the belt line, which runs from a point near the ferry at the foot of Market Street around the bay shore of San Francisco to the Fort Mason Reservation.

Mr. FOSTER. But there is nothing to prevent the exposition company from assigning their rights to the Southern Pacific Co.?

Mr. KAHN. I suppose they could assign it to any company that would be satisfactory to the Secretary of War.

Mr. MANN. I will say that the Senate amendment requires the Secretary of War to approve the assignor.

Mr. FOSTER. But the exposition has the right with the approval of the Secretary of War?

Mr. MANN. With the approval of the Secretary of War.

Mr. SISSON. I want to ask the gentleman from California this question: In the event this exposition company should sell its property—and, of course, they will do that—does this bill, in the opinion of the gentleman, give them any right tantamount or equal to a charter right?

Mr. KAHN. Well, whatever right they acquire will be subject to the approval of the Secretary of War under such regulations as he may make.

Now, as I have said to the House, the legislation is desired by the officials of the Army because it will enable them not alone to save money for the Government, but also to get their supplies onto the transport docks and onto the transports much more expeditiously than they do now.

Mr. SISSON. Would it not be better for this matter to be submitted back to Congress for its approval rather than to the Secretary of War?

Mr. KAHN. Well, I think the Secretary of War would safeguard the rights of the Government in the matter, and there is a special reservation in the bill which gives Congress the right at any time to amend, alter, or repeal the act.

Mr. SISSON. I do not think that amounts to anything, so far as that is concerned, in a matter of that kind. I think you might just as well give them a perpetual charter. My most serious objection to the bill is that it is not limited. You ought to limit it for 50 years. I would not grant anybody a charter for longer than 50 years. You give them a perpetual right.

Mr. KAHN. There is on the statute books now a law which gives the Southern Pacific Co. the right absolute for unlimited time to build this tunnel. The railroad has refused to do it.

Mr. SISSON. Was there no limitation?

Mr. KAHN. None whatever.

Mr. SISSON. It just shows the folly of the Congress which granted that legislation.

Mr. KAHN. The railroad company never asked for the legislation. I will say to my friend from Mississippi. The Army officers were the men who asked for the legislation in order to get direct railroad communication to the transports.

Mr. SISSON. If the Secretary of War safeguards the rights of the people in giving the Southern Pacific Co. its perpetual rights the Secretary of War will take little interest in this matter.

Mr. MANN. If the gentleman will permit, we often give the right to a railroad for the company to lay a track across a reservation, very much in the language of this bill; and I have never thought of the limitation of time, but always of the right to alter, amend, or repeal. That last matter was submitted in the House when it was up for consideration——

Mr. SISSON. I recollect the bill when it came up here, but at that time nobody was granted any right except the exposition company.

Mr. MANN. The bill as presented to the House from the committee did grant rights to the exposition company.

Mr. SISSON. And they were stricken out of the bill, were they not?

Mr. MANN. And without any explanation from the gentleman from California, or any other person giving any sufficient reason, we thought in the House it was sufficient to grant the right to the exposition company.

Mr. BUCHANAN. With the right of appeal, but without any right of action against the company for damages?

Mr. KAHN. There was nothing of that kind in the bill.

Mr. MANN. That is a question, I will say to my colleague from Illinois [Mr. BUCHANAN], that never has been settled.

Mr. BUCHANAN. Has there been any such case in the courts? There seems to have been about everything else.

Mr. MANN. I think there has. Whether we can repeal the statute and take away the property is another proposition, and I think that has not been disposed of.

The SPEAKER. The question is on agreeing to the motion to concur in the Senate amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SISSON. A division, Mr. Speaker.

The House divided; and there were—ayes 18, noes 6.

So the motion to concur was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill. The Clerk will read.

The Clerk read as follows:

Spearfish (S. Dak.) Station: Superintendent, $1,500; fish-culturist, $900; two laborers, at $600 each; in all, $3,600.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question. I notice, in line 7, that two laborers are provided for at the station at Spearfish, S. Dak. Has the gentleman the number that was estimated for? My understanding is that the superintendent had asked for three laborers.

Mr. FITZGERALD. The Commissioner of Fisheries asked for an additional laborer at a number of these fish hatcheries, but in view of the fact that there is an appropriation of $325,000 out of which temporary labor can be employed and assigned to these places, we did not believe it desirable to grant any of the requests.

Mr. BURKE of South Dakota. I would like to ask the gentleman if that is the same number of laborers that they had last year?

Mr. FITZGERALD. That is the same as they had.

Mr. BURKE of South Dakota. And there is a fund from which they can pay temporary labor?

Mr. FITZGERALD. Yes. On page 143 there is an item—

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $325,000.

Mr. BURKE of South Dakota. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Boothbay Harbor (Me.) Station: Superintendent, $1,500; fish-culturist, $900; engineer, $1,100; skilled laborer, $780; 3 firemen, at $600 each; custodian of lobster pounds, $720; 2 laborers, at $600 each; in all, $8,000.

Mr. GARNER. Mr. Chairman, I would like the gentleman from New York [Mr. FITZGERALD] to tell us, if he can, just how many fish hatcheries there are in the State of Maine.

Mr. FITZGERALD. My recollection is that there are three.

Mr. GARNER. What other State has more than two? Does the gentleman know?

Mr. FITZGERALD. I do not know.

Mr. GARNER. Has the gentleman ever investigated as to the necessity of these three hatcheries in the State of Maine?

Mr. FITZGERALD. Well, the Boothbay Harbor Station in Maine is one of the most important in the country. That is the station where lobsters are propagated. That is a very important matter along the Maine coast.

Mr. GARNER. There seems to be one at Greene Lake and one at Craigs Brook.

Mr. FITZGERALD. Those are trout hatcheries.

Mr. GARNER. There seem to be two in the State of Washington. I simply call attention to this matter to show the difference in the service given throughout the country. In the great State of Texas, which has an area, as the gentleman knows, many times that of the State of Maine, there is only one fish hatchery, that at San Marcos, and there is not one application in ten coming to that hatchery from the people of the State of Texas that can be granted and the applicants supplied with fish.

Mr. FITZGERALD. These hatcheries in Maine are the oldest hatcheries in the country, because they are the places where the great supply of brook trout originated.

Mr. GARNER. I am not criticizing it; but so far as my observation goes the $5,400 that is spent at San Marcos, Tex., affords more benefit to the people of the State of Texas than any $50,000 spent elsewhere in that State for any other purpose.

Mr. FITZGERALD. I think that is true with respect to all the hatcheries.

Mr. GARNER. Having in mind the fact that only 1 application out of 10 can be complied with in Texas, and seeing that there are 3 hatcheries in the State of Maine, I wondered whether it would not be possible, when the Treasury gets in better condition, to have provision made whereby the State of Texas could be better taken care of.

Mr. FITZGERALD. I will say to the gentleman that the committee does not originate these fish hatcheries.

Mr. STEPHENS of Texas. I will say to the gentleman that I have several counties in my district in northwestern Texas, 500 miles away from San Marcos, that can not get any fish from that station. It is found to be impossible to supply my constituents with fish from that station. My district alone is as large as the State of Maine. I am very desirous to see a fish hatchery established on the Red River, and I have introduced a bill to that end. I have not heretofore been able to get a favorable report on it, but I shall insist upon it hereafter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fish-cultural station, South Carolina: Superintendent, $1,500; fish culturist, $900; 2 laborers, at $600 each; in all, $3,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This fish-cultural station at South Carolina, point unnamed, is new in the bill. The preceding item, a fish-cultural station at Jefferson County, Ky., is new in the bill. The succeeding item, fish-cultural station at Wyoming, at a point unnamed, is new in the bill. They are all authorized by the last sundry civil appropriation bill. Kentucky is represented on the Committee on Appropriations by a very able and distinguished gentleman. South Carolina is represented on the Committee on Appropriations by an able and distinguished gentleman. Both of these gentlemen are members of the Committee on Appropriations of the House. The State of Wyoming is represented by a gentleman on the Appropriations Committee in the Senate.

Mr. FITZGERALD. The gentleman is mistaken. South Carolina did not have a member at the time this was authorized.

Mr. GARNER. That is indicated in the bill, that South Carolina did not have a member at that time.

Mr. MANN. I beg the gentleman's pardon, but I want to submit some observations, if I may be permitted.

Mr. GARNER. The gentleman from Illinois is entitled to the floor, of course, at all times.

Mr. MANN. The gentleman should not be angry because I want to take a little of my own time.

Mr. GARNER. Of course not.

Mr. MANN. It is a very valuable thing at times to be represented on the Committee on Appropriations. The gentleman from Texas a few moments ago called attention to the fact that in certain States there were several fish-cultural stations while in the State of Texas there was but one. There are no fish-cultural stations in Ohio, in Indiana, in Illinois, or in Wisconsin—four great States bordering upon the Lakes, where there are great opportunities for the cultivation of fish.

Mr. GARNER. There ought to be some there.

Mr. FOSTER. And Illinois, let me say, ships as many fresh-water fish as any State in the Union.

Mr. MANN. We have maintained one or two fish-cultural stations at the expense of the State, and they are doing great good. The trouble has been heretofore that the committee of the House, when it desires to report bills for fish-cultural stations, reports all the bills pending before the committee on the subject—and there are usually 40 or 50—and the House has to pass the 40 or 50 bills or not any. The House usually has not passed any. Then some enterprising gentleman who is or expects to be a member of the Committee on Appropriations goes over to another portion of the Capitol, has an item inserted in the sundry civil bill in the Senate, which comes back to the House, and is agreed to in conference; whereas the Members of the House not intimately connected with the Committee on Appropriations has no opportunity of getting anything in or getting anything out.

Mr. FITZGERALD. As the gentleman from Illinois states, these three hatcheries were authorized in the last sundry civil appropriation bill. They were put on as amendments in the other body and were agreed to over my protest. I take no responsibility for their existence.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

Steamer Gannet: Master, $1,200; engineer, $1,100; fireman, $720; two seamen, at $600 each; in all, $4,220.

Mr. GARNER. Mr. Chairman, I would like to ask whether or not these vessels are located at some particular point by virtue of a statute, or are they under the direction of the Bureau of Fisheries?

Mr. FITZGERALD. My impression is that they are located at various places under the discretion of the commissioner.

Mr. GARNER. I never heard of any of them drifting down to the Gulf waters.

Mr. FITZGERALD. No; they do not ordinarily get as far South. Boothbay Harbor, Me., and Woods Hole, Mass., are two of the most important places from which the vessels are operated.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $325,000.

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

In line 11, page 143, strike out the figures "325," and insert in lieu thereof the figures "320," so that it will read "three hundred and twenty thousand."

Mr. WILLIS. Mr. Chairman, I have introduced this amendment to call attention to what seems to me to be a peculiar situation in the work of this bureau. The paragraph just read provides for the propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, $325,000. I propose to strike out the figures "325,000" and insert in lieu thereof the figures "320,000." If this amendment shall prevail, when we come to the paragraph relating to the item:

Inquiry respecting food fishes: For expenses of the inquiry into the causes of the decrease of food fishes in the waters of the United States, and for investigations and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, including expenses of travel and preparation of reports, and for all other necessary expenses in connection therewith, $40,000.

I shall offer another amendment to increase the sum provided there from $40,000 to $45,000. I am doing that to call attention to the peculiar situation. It seems to me that it is almost a waste of public money to spend this large sum for the propagation of food fishes when there is so little done to protect the fish that we have. I notice in the estimate in the hearings that the commissioner wanted an appropriation of $340,000 for the purpose of propagating food fishes.

Under all the circumstances I think the committee very wisely held it down to the item of the current year—$325,000. Only just recently the President of the United States has sent a message to Congress on the subject of the high cost of living, and very properly has the Chief Executive called attention to that important subject. We learn from the press that at least one of the great political parties is going to dignify that subject by making it a point of issue in the coming campaign. It certainly is an important question.

In that connection, Mr. Chairman, I desire to call the attention of the committee to the very unusual condition that exists in the greatest fisheries this country possesses, namely, the fisheries of Alaska. In the year 1889 the Alaska Oil & Guano Co. was organized with a capital of $75,000. That company has for its business not the preserving or salting or pickling of fish for food, but at this time, when the country is interested in the conservation of its natural resources and in keeping down the high cost of living, I invite the attention of the committee to the fact that this Alaska Oil & Guano Co. last year took out of the waters of Alaska more than 11,000,000 pounds of good fish and manufactured them into oil and guano or fertilizer. It was stated in the hearings before the Committee on the Territories, a portion of which hearings I now ask permission to insert as a part of my remarks because I think it is very much in point, that these fish were not edible fish. The statement referred to is as follows:

Mr. WILLIS. As I understand it, you want us to strike out all of the section after the word "Alaska"?

Mr. SNOW. Yes.

Mr. WILLIS. The question is this: A number of men have stated to the committee that enormous quantities of important food fishes are used in the manufacture of fertilizers and the manufacture of fish oil every year to the detriment of the supply of that particular kind of fish in those waters. Do you think that the catching of many tons of herring, which are food fishes, and the manufacture of them into oil and fertilizer is not waste?

Mr. SNOW. No, sir; I don't think it is.

Mr. WILLIS. What is your argument on that? I should like to hear it, because it has been emphasized in hearings before this committee that it was.

Mr. SNOW. The limitations on the fish industry in Alaska—the natural limitations—which limit in large part the territory over which any fish industry can be conducted, is one reason. Alaska has a seacoast of approximately 3,000 miles. Now, we are operating over a small part of the region known generally as southeastern Alaska, which comprises the territory from Dixon entrance on the south to, say, approximately Yakutat Bay on the north. If you will examine your map, you will see that this territory takes only about 350 miles out of 3,000 miles of coast. Our operations have been confined entirely to this part of Alaska [indicating on map], say, for 100 miles of this 350-mile region, while herring is found in all the waters of Alaska and along the entire 3,000 miles of coast. Now, the natural inquiry comes, "What is to prevent your going farther along the coast and catching your herring and bringing them back to your plant?" The answer is that the time spent by a boat in going from Killisnoo, where our factory is located, to the fishing grounds and back makes it unprofitable.

Mr. WILLIS. Where is that on the map?

Mr. SNOW. In southeastern Alaska. Down here [indicating on map]. Our fishing industry is within a short radius from Killisnoo, 50 or 60 miles in either direction. And we can't possibly get any farther than that territory, because we waste all of our time in going and coming. There is a natural limitation to fishing anywhere in Alaska, and you can't go outside of a territory of 50 or 60 miles?

The CHAIRMAN. Herring is found all along that coast, you say?

Mr. SNOW. Yes.

The CHAIRMAN. That is not what some other gentlemen have stated to the committee.

Mr. SNOW. That is the fact, nevertheless, and the record of the Bureau of Fisheries verifies this. The herring also feeds upon something at certain seasons of the year that is found in a tightly inclosed sack in the stomach, and no salt solution can reach this substance. The result is this poisonous substance causes the fish to decay very rapidly, so that there is not more than 20 per cent of the catch that can be packed. Moreover, if you could pack the entire catch you would not have a demand on the Pacific coast for more than approximately 1,000 barrels, so that no matter how much food fish you catch you have no market for more than 1,000 barrels. We find that about 20 per cent of the catch is good to pack. I was asked the other day how we knew what fish were good to pack and what were not. I can not answer that question. I have no data with me that will enable me to tell that, but I can very soon lodge with you the details of how we can know that; how when we send out our vessels to catch

fish it can be told what part of the catch can be packed and what part can not.

Mr. WILLIS. You can see how this thing appears to the committee at this time, when we hear so much about the high cost of living, and it looks like a peculiar thing for us to countenance the catching of good food fishes and making them into fertilizer.

Mr. SNOW. Fertilizer is a food product in a way.

Mr. WILLIS. Yes; but its value for that use is relatively small. That would be like making beefsteak into fertilizer. Sirloin steak would undoubtedly make good fertilizer, but it would be much more useful as a food product.

Mr. BOOHER. Your argument is something like that which was used in regard to the buffalo. Thirty or forty years ago there were thousands of buffalo on our western prairies, and the argument was made that they would not become extinct, but they have become extinct, nevertheless.

Mr. SNOW. Well, take our factory: Our catch for the past 11 years has not averaged approximately much over 40,000 barrels of fish, which, at 200 pounds each, is, say, 9,000,000 pounds of fish.

Mr. YOUNG. You are referring now to the Alaska Oil & Guano Co.?

Mr. SNOW. Yes.

Mr. YOUNG. What did it catch in 1910?

Mr. SNOW. In 1910 its catch was 11,783,800 fish.

Mr. YOUNG. In document 746 of the Bureau of Fisheries it is given as 59,000 barrels, or 11,800,000 pounds of herring.

Mr. SNOW. Well, I don't know what the Bureau of Fisheries report.

Mr. YOUNG. Besides that there was only 30,000 barrels of that herring pickled for food.

Mr. SNOW. That is probably an error.

Mr. YOUNG. No; not for food, but for bait.

Mr. SNOW. Well, I don't know; they were probably giving the entire catch of the Alaskan waters.

Mr. YOUNG. I want to correct that so as to say 130,000 barrels were pickled for use as bait for halibut.

Mr. WILLIS. Doesn't it show that any part of the amount pickled was used for food?

Mr. YOUNG. No.

Mr. WILLIS. Do the natives there use this fish as food? Does anybody up in that country use this fish as food?

Mr. SNOW. I couldn't say whether the natives do or not. There is a small quantity used fresh.

Mr. WICKERSHAM. I can answer that. The report of the Bureau of Fisheries for the year 1911 shows that there was $65,209 worth of herring put up for food. That included fresh herring, pickled herring, dried herring, salted herring, and egg-dried.

Mr. WILLIS. That indicates unquestionably, then, that this fish can be used as food and is so used.

The CHAIRMAN. I do not suppose there is any question about the fact that the fish can be used for food and is so used.

It is clearly demonstrable that the statement that these are not food fish is absolutely without foundation in fact. It was stated that only about 20 per cent of the fish were in condition to be packed when they are brought to this guano plant, and in this connection the following statement from the hearings is of interest:

Mr. WILLIS. Did you ever attempt to put up this 20 per cent for food purposes?

Mr. SNOW. Yes, sir.

Mr. WILLIS. What did you do with the other 80 per cent?

Mr. SNOW. We made it into guano and oil.

Mr. WILLIS. Are you doing that now?

Mr. SNOW. Yes.

Mr. WILLIS. This report that Judge Young read does not indicate that you put up any food fish at all.

Mr. SNOW. We do put up a little herring for selling purposes.

Mr. WILLIS. But you haven't put up 20 per cent, have you?

Mr. SNOW. No.

Mr. WILLIS. What per cent have you put up?

Mr. SNOW. I am not able to answer that. It is a negligible quantity.

The CHAIRMAN. You haven't undertaken to put up 20 per cent for food and to make 80 per cent into oil and guano?

Mr. SNOW. No, sir.

Mr. WILLIS. When your fleet goes out and comes in with a load of fish suppose there should be other fish with them. Do you sort them out and throw out the others or work it all up into fertilizer?

Mr. SNOW. When the fishing fleet goes out it fishes exclusively for herring. Undoubtedly there will be some fish get in that are not herring, but generally they are a negligible quantity. We do put up, for instance, a few salt cod and a few salt salmon bellies. The king salmon runs in these waters, too, but in the main the catch is herring.

It was established clearly that while it is true that less than 20 per cent of the catch is used as food, it is because there are not sufficient facilities for handling the fish. In other words, there is not any doubt that if the business is carried on as it is carried on in Holland and Norway and Sweden, and wherever else these fish are caught, practically all of them are valuable as food fish. I invite attention in that connection to a table which I have here:

Comparative statement of herring catches.

Year.	Scotland.	Holland.	Norway.	Alaska.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
1900	441,575,900	109,554,000	.....	9,895,800
1901	544,238,352	138,282,200	.....	9,820,800
1902	596,334,704	187,452,500	.....	6,320,200
1903	536,818,576	213,778,250	.....	7,786,600
1904	681,452,016	198,355,000	40,552,088	11,717,600
1905	670,197,920	151,677,000	61,014,066	9,748,200
1906	694,672,048	187,820,500	79,681,338	6,719,400
1907	784,418,992	211,514,000	105,101,246	4,959,200
1908	713,767,824	171,415,500	86,611,752	7,512,000
1909	569,960,224	201,030,000	.....	10,403,600
1910	650,436,528	.....	.....	11,783,800

This table shows that in 1908 in Norway 86,000,000 pounds of these herring, which in Alaska are being taken from the waters by this company and manufactured into fertilizer, are preserved as food fish. We are spending hundreds of thousands of dollars to put fish in these waters, and this company, without paying the Government practically anything, last year took out of the waters 11,000,000 pounds, as I have said, on the claim that the fish are not good food fish. Yet it is shown that in Norway last year 86,000,000 pounds of this same kind of fish were preserved and used by the people. In Holland last year 201,000,000 of pounds were caught and preserved and in Scotland the year before last 569,000,000 pounds and in the past year 650,000,000 of pounds, and these fish were used as food. It is perfectly apparent and demonstrable from a scientific standpoint that the fish that are being used by this company, to be converted into oil and fertilizer, are perfectly edible and are excellent food fish. It is also stated in this connection that the Government is realizing something from the use of these fish. Last year this company took from those waters 59,000 barrels of fish and paid in taxes to the Government of the United States $851. Dividing that up, we find that this Government is realizing from the Alaska Oil & Guano Co. for the fish that it is paying hundreds of thousands of dollars to get into the waters to stock the streams the munificent sum of 1.2 cents per barrel of 200 pounds, or, putting it on the basis of pounds, the Government of the United States is realizing about one two-hundredths of 1 cent per pound for these food fish which are being worked up into fertilizer. It may be said that these fish, being converted into guano, in turn will increase food supply, but it must be apparent that it is a wicked and willful waste of this natural resource to allow this company to use these food fishes, that are used on the Pacific coast, by the natives of Alaska and by everybody else, simply for the purpose of making sordid gain.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. JACKSON. The gentleman has investigated this subject. Is the oil that is extracted from these fish used for food?

Mr. WILLIS. I think not.

Mr. KAHN. I think it is the basis of the liquid soap that is being used so largely in this country at this time.

Mr. WILLIS. I so understand.

Mr. JACKSON. Mr. Chairman, the point I had in mind is whether these fish that are caught, especially in Alaska, are not a saving after all, because they would not be caught and used for food and could not very well be shipped from there for that purpose, could they?

Mr. WILLIS. There is no reason why they could not be. They are the same fish that are caught by fishermen of Holland, Norway, Denmark, and Scotland, and hundreds of millions of pounds are used every year for food. There is no reason why they could not be so used, and the economy that the gentleman has in mind that if they were not used for guano they would not be used at all is the same kind of economy that men had in mind when they said, "Let us slaughter the buffalo and we will take the tallow and the hide and let the carcass go." It is a very false economy.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting brief statements from the hearings on this subject.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I ask that the gentleman's time be extended for one minute in order that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Are the fish that are being slaughtered by this company the same variety with which we are restocking the waters at Government expense?

Mr. WILLIS. While the Government is spending a good deal more for other varieties of fish, this fact was developed in the hearings. When they go out to catch these fish for the purpose of manufacturing fertilizer they do not make any particular selection of the fish. They go where they expect to get fish, but if they get salmon or any other kind of fish they bring it in with the rest and manufacture it into fertilizer, and to me that is a very wicked waste.

Mr. SIMS. Incidentally they do catch and use fish that we are paying money to stock the waters with?

Mr. WILLIS. Without any question.

Mr. GARNER. Is there any law to prohibit this wicked destruction of fish to which the gentleman refers?

Mr. WILLIS. I will say to the gentleman that I do not know of any. I think there will be. There ought to be.

Mr. GARNER. It seems to me that the matter ought to be submitted to some committee that has jurisdiction over a bill of that kind.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for one minute more in order that I may answer the question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I will say to the gentleman that in the Committee on Territories a bill is pending which seeks to relieve this situation. I am in hopes that it will be reported out.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. KAHN. What kind of fish are these?

Mr. WILLIS. They go fishing for herring, but when they let down their nets obviously there is no way of getting out an injunction to keep other fish from getting in the nets, and whatever kind of fish they get, and they may get salmon, they use in the same way. I think it is true that most of the fish they get are these herring.

Mr. KAHN. What waters of Alaska are these?

Mr. WILLIS. The southeastern section of Alaska. The company has its headquarters at Killisnoo, on Admiralty Island, and its operations are limited by a radius of 50 or 60 miles from that point.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Certainly.

Mr. HAMILTON of Michigan. I desire to make a suggestion in reply to the gentleman from Tennessee [Mr. SIMS]. The gentleman from Ohio, as I understand, has stated that this company is catching and destroying fish of the kind that we pay money to stock the waters with.

Mr. WILLIS. Certainly.

Mr. HAMILTON of Michigan. I did not know that. I understood that we were spending money to stock the waters with salmon more particularly.

Mr. WILLIS. As I just stated, undoubtedly it is the purpose of the company to catch herring, but when they go out and let down their nets they take whatever they get. As was shown in the hearings, they get large numbers of other kinds of fish, and whatever they get they make into guano.

Mr. KAHN. In other words, all is herring that comes to their nets.

Mr. WILLIS. All is herring that comes to their nets.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not prevail. The bureau reports that it requires this appropriation. Out of it is furnished the equipment of the various fish-cultural stations of the country. Six additional ones require equipment during the next fiscal year. The committee went into the matter with sufficient thoroughness to be convinced that it would be a mistake to reduce this appropriation. The gentleman states that he intends to ask that the item further on, "inquiry respecting food fishes" be increased $5,000. The committee has increased that appropriation $5,000 over the amount available for the current year, and gave the commissioner all he requested. It would be a great mistake either to reduce this item or to increase the other. I hope the amendment will not prevail.

Mr. GARNER. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of calling attention again to the custom of Congress—or at least in this bill—to make lump appropriations. Now, we have here a contingent fund, you might term it, of $325,000, and the next item a contingent fund for the maintenance and support of vessels of $60,000, whereas on the preceding pages, 141–142, the committee undertakes to provide, so far as we have any knowledge, for all the vessels that belong to the Bureau of Fisheries, which has an entire expense of less than $25,000. Here in these lump appropriations are where enormous salaries are provided and where, if you might term it, the extravagance comes in in the different bureaus of the Government.

I want to say in this connection that I have the honor of acquaintance with the present commissioner, and I do not mean by this statement any reflection on him, but he may not always be at the head of that department. So far as I know, he has made a most excellent commissioner, but I think the Congress is to be criticized that these lump-sum appropriations afford an opportunity of extravagance and high salaries on the part of these different heads of bureaus that the Committee on Appropriations and the Congress ought to remedy by making specific appropriations, and it has attracted my attention that $60,000 was appropriated in the next item for the maintenance of vessels, whereas at the same time the entire expense of the fish fleet, if you may term it such, is less than $25,000, but it costs $60,000 to repair and maintain that fleet.

Mr. FITZGERALD. The gentleman has not read the entire paragraph. Boats are hired out of this item. Boats are hired at a number of the stations. They do not need them all the time, but they hire them from time to time as they need them. In the maintenance and repair of vessels no committee of this House is able to write specifically the sum that may be needed. I might call the attention of the gentleman to the naval appropriation bill, where $6,000,000 is appropriated for repair of vessels under the Bureau of Construction and Repair and nearly the same sum under the Bureau of Steam Engineering. If there be any place where such items should have some consideration, I think it should be upon a bill such as that.

Mr. GARNER. Well, Mr. Chairman, I agree with the gentleman from New York that these items ought to be, if it is possible, segregated and specific appropriations made.

Mr. FITZGERALD. You can not do so on repairs of vessels; nobody can tell what they will be.

Mr. GARNER. It appears, however, from this item as compared with the maintenance of the entire fleet it would be better if we bought our vessels rather to hire them. It costs more to hire a few vessels, if we do not need them continually during the year, than to maintain the entire fleet. If you will take the vessel service, lines 21, 22, 23, 24, and lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and add the totals together you will ascertain they do not amount to $25,000, and that covers the entire fleet of fish vessels, and yet we have for hire of vessels and little repairs to vessels the sum of $60,000. It looks like it is out of proportion to me, and I simply wanted to ask the chairman of the committee, if he had made an investigation as to the item for which it is to be paid, whether he has an estimate from the department on this subject?

Mr. FITZGERALD. The gentleman must understand that one of these vessels is the *Albatross*, a very large vessel, and a request was made for $40,000 to overhaul that vessel alone this year. In addition, there are 5 other small steamers, 31 or more power launches. The cost of maintaining these vessels and hiring others in this work is paid out of this item. In my opinion this item is not at all excessive, and I do not know of any possible way for any committee of Congress to segregate it in any way to make the administration more effective.

Mr. GARNER. I would like to ask the gentleman, in these three different paragraphs on page 143, if he construes them to admit of such salaries as the Commissioner of the Bureau of Fisheries may suggest?

Mr. FITZGERALD. It does; yes.

Mr. GARNER. In other words, the Congress is simply making this lump appropriation and turning over the question of salaries to the head of the bureau?

Mr. FITZGERALD. It does it in the case of the Geological Survey, for instance, and it does it in pretty nearly every department of the Government.

Mr. SHERLEY. If the gentleman will permit, it does it in the very bill which the gentleman brings into this House coming from the Committee on Foreign Affairs. There is an item of $471,000 for contingent expenses in connection with the United States consulates in the diplomatic and consular bill. Now, I agree with the gentleman as to the lack of wisdom in having large lump-sum appropriations where it is possible to segregate them, but to simply make a condemnation wherever you find one is frequently condemning what must be, as it is impossible always to segregate the items.

Mr. GARNER. In connection with the Consular Service it may be observed that an itemized statement of expenses under that item was reported to this House in the report of the committee.

Mr. SHERLEY. If the gentleman will read he will find a statement.

Mr. GARNER. An itemized statement?

Mr. SHERLEY. The law requires an itemized statement.

Mr. GARNER. In the Consular Service there is a law fixing the salary, and the result is that we have had in this House at this session of Congress a splendid effort on the part of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY] to hold down the salaries of the different officials; but we have in this lump appropriation an opportunity for them to continue these enormous and, I think and I believe, entirely unjustifiable salaries.

Mr. FITZGERALD. I wish to call the gentleman's attention to the fact that some of these items it is impossible to segregate. The committee is trying to work out a scheme improving the present methods, which we hope to accomplish if we

have time. It can not be done at once. I know of an instance that has just come to my attention where, I think, there has been great abuse.

Mr. SHERLEY. I call the gentleman's attention to an item coming out of his bill where there is discretion given. I refer to the Chinese writers and messengers, and so forth. The item is five times as big as this one.

Mr. GARNER. But as a usual thing the statute governs all the employees connected with the Consular Service.

Mr. PAGE. I want to call the gentleman's attention to the item just ahead of this one, namely, "Maintenance of vessels," and to the fact that in the testimony it is contemplated to purchase this year from this fund two additional vessels for the fleet. It is not only for the maintenance of vessels that are now in the fishing fleets, and it is not only for the hiring of vessels for stations, where they are not needed continuously. This year it is contemplated to purchase, and one was purchased last year.

Mr. GARNER. I agree with the gentleman from North Carolina, but I wanted to know if the committee could not designate so much for the purchase, so much for the hire, so much for maintenance, and so much for clerical help, if it is needed.

Mr. PAGE. I agree with the gentleman from Texas in his purpose, but it is not altogether practical.

Mr. GARNER. I agree with you.

Mr. MANN. I wanted to ask the gentleman from Texas [Mr. GARNER] a question. The gentleman made the statement that the maintenance of the fleet of vessels which we have is only $25,000. There is an item of $60,000.

Mr. GARNER. I meant in this territory, and not the Alaskan service.

Mr. MANN. I mean the one named in the bill. The gentleman will notice on the principal vessel, the steamer *Albatross*, the item in the bill is $5,200, but that does not include the maintenance of the vessel as far as seamen are concerned. That does not include the maintenance of the vessel as to subsistence. The whole item as to the steamer *Albatross*, which is the largest vessel carried in the bill, is for the experts on the vessel; the maintenance of the vessel, as I understand, the sailing master, the seamen, and all the regular force running the vessel not carried in the bill under the head of "steamer *Albatross*" are carried in the bill under the head of the "maintenance of vessels." And I suppose it is not possible to state how much the maintenance of that vessel will be.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARNER. Can the gentleman account for the fact that under the "steamer *Albatross*," which is the largest vessel, there is nothing provided for first mate or second mate, where, in the next item, the "schooner *Grampus*," they provide for officers and seamen?

Mr. MANN. I think it is because the *Albatross* is so much larger that it is impossible to tell what the number of persons on the vessels will be. Some are not employed the year around, whereas the other is a permanent force employed all the year around. Whether they increase the force during the active season, I do not know. And probably that is the reason why the *Albatross* had an expenditure of $60,000 under the head of maintenance.

The CHAIRMAN. The question is on the amendment to strike out "325,000" and insert in lieu thereof the figures "320,000."

Mr. FAISON. Mr. Chairman, I move to strike out the last word. I hope this amendment will not pass, and I hope the appropriation will stay just as it is. If any change, it should be larger.

I am a member of the Committee on the Merchant Marine and Fisheries, and as I see none of the other members of the committee on the floor to speak in behalf of the committee, I may, therefore, say that we have already passed on eight bills for additional fish hatcheries. The Bureau of Fisheries, through Dr. Smith, the assistant commissioner, was before our committee a short time ago, and he said he could take care of 10 or 12 new fish hatcheries a year. There are more than 100 bills pending asking for additional fish hatcheries.

The gentleman from Ohio [Mr. WILLIS] spoke a little while ago about the high price of food and care of the food fish, and in that connection I wish to say that these food fishes should be well cared for and properly protected. I think it is proper that they should be, and that more hatcheries and culture stations should be established. On account of the splendid work of the large hatcheries for shad on the Chesapeake Bay and in the Potomac shad are now being sold, or were sold, as cheap as 25 cents a piece—shad of 7 or 8 pounds weight—on the wharves of Washington City. In my own State of North Carolina we hatched out a great many shad in the last few years, amounting this present year to 100,000,000 shad fry, and the cost of shad there has been reduced in the markets from $1 to 50 cents. Gentlemen from Georgia and from Texas and other sections have been asking for the establishment of like fish hatcheries, because of the fact that the price of shad in their State ranges from $1.50 to $2, whereas shad are sold in the vicinity of Washington for 25 cents to 50 cents apiece during much of the shad season. In reply to what the gentleman from Ohio [Mr. WILLIS] has said, I would say that we have had the question of beam and other trawler fishing before our committee some time ago, and the evidence obtained showed that they destroyed 25 to 35 per cent of the small edible fish, which should not be allowed. We have referred the matter to the Bureau of Fisheries for their consideration, and will report the matter soon.

Upon the present conditions and the high price of food, especially meats, there is nothing that can so relieve this situation as a good, large appropriation for fish hatcheries and fish culture; and I want to see the number of fish hatcheries increased, so that more fish may be used for food purposes. These fish are hatched at a very small cost. I believe it costs only $4 per million of shad eggs, while they are gathered by experts, as the fishermen catch the parent fish in their nets, and the extraction of the eggs does not destroy the sale of the fish, but are sold along with the others at a little smaller price.

With the establishment of a number of additional fish hatcheries we can get a supply of cheaper fish for food, and I want to say, as a physician as well as a Representative, that fish is the best and most wholesome food of all the meat products in the market. The gentleman should gladly be willing to vote for more instead of for less appropriation in order to supply the deficiency that now exists and keep up a supply of such wholesome food for years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the gentleman's time be extended five minutes. There are some of us who would like to ask him some questions.

The CHAIRMAN. Is there objection to the gentleman's request? The Chair hears none. The gentleman's time will be extended five minutes.

Mr. WILLIS. Mr. Chairman, I simply wanted to make a statement to the gentleman. I do not want him to get the idea that I am opposed to these hatcheries. I am entirely in sympathy with what the gentleman has said. What I want to do is to stop these people who are destroying the fish. I want to ask the gentleman this question: Whether his committee has in contemplation legislation applicable to this situation in Alaska? Have they investigated the work of this particular company?

Mr. FAISON. I would say to the gentleman that we are now investigating it. Our attention has been called to it, and we have referred the matter to the Bureau of Fish and Fisheries and trust to receive a report soon as to the damage to the food supply of fish, and so forth.

In the State of North Carolina we have a number of guano, or fish-scrap, factories, but in those factories only nonedible fish (the menhaden) are used. We have a large supply of these fish off our coast and the men engaged in that business are using them for guano purposes instead of for food.

Mr. MOORE of Pennsylvania. Is there not a Federal law now that prohibits these men from fishing with nets within the 3-mile limit? Is there not a Federal law that prohibits what is known as menhaden fishing within the 3-mile limit?

Mr. FAISON. Yes; I understand there is a law to that effect, but I am not sure.

Mr. MOORE of Pennsylvania. The gentleman is familiar with the proceedings of the menhaden fishermen on the Atlantic coast by which they drag within the 3-mile limit?

Mr. FAISON. No; I am not, but will investigate it.

Mr. MOORE of Pennsylvania. Have any measures been taken by the committee to investigate that situation?

Mr. FAISON. Not yet. We are now investigating the whole matter of the steam beam and other trawlers which now destroy 25 to 35 per cent of the small fish, edible fish, on the North Sea and soon to be used off the coast of Maine and Massachusetts.

Mr. MOORE of Pennsylvania. The gentleman is familiar with the fact that there is a law of that kind prohibiting such fishing within the 3-mile limit?

Mr. FAISON. Yes; I think there is, but I do not know much about the national fishing laws; but the States are protecting the fish within their limits, and properly so, I think, so that they shall be caught for food; but no method should be used that would destroy 25 to 35 per cent of the small fish. Should that be allowed, then there is no use for the establishment of fish hatcheries and culture stations which, under the wise management of the Bureau of Fisheries, will soon be an important factor in supplying cheaper and more wholesome food. [Applause.]

Mr. BATHRICK. Will the gentleman yield?

Mr. FAISON. I will.

Mr. BATHRICK. Did your committee investigate the character of the fish that you say they take from which they manufacture guano; you say they are nonedible fish?

Mr. FAISON. They use the nonedible fish for the manufacture of guano, because they can sell the edible fish for so much more as food than fertilizers. They could not afford to use the edible fish, and different fishermen fish for either kind, and when caught together they are separated.

I hope the amendment to cut the amount of this appropriation will be voted down.

Mr. FITZGERALD. Mr. Chairman, I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Maintenance of vessels: For maintenance of the vessels and launches, including the purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and all other necessary expenses in connection therewith, $60,000.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to return to page 138 of the bill, line 19, the Edenton (N. C.) fish station. My reason for that request is that I did not know that the House met at 10 o'clock this morning. I thought it met at the usual hour of 11, and I was here at that time with the expectation of offering the amendment.

Mr. FITZGERALD. What is the amendment?

Mr. SMALL. I want to increase the two laborers for that station to three, and I ask unanimous consent to return to that item.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. SMALL. Now, Mr. Chairman, I offer an amendment, page 158, line 20, to strike out the word "two" and insert the word "three." Mr. Chairman, the Commissioner of the Bureau of Fisheries made an urgent recommendation that the number of laborers at Edenton Station be increased by one. The reasons are that this is one of, if not the, most important fish stations in the country, and by all odds is the most important in the propagation of shad. This fish station is situated on an estuary of Albemarle Sound, a very large body of fresh water, the largest body on the Atlantic seaboard, and the largest in the United States outside of the Great Lakes. It is one of the greatest sources of the supply of shad in any waters of the United States.

For some years after this station was established there was difficulty in obtaining a supply of roe from which to hatch a sufficient quantity of shad. These difficulties have been removed, and the commissioner in his statement before the committee at the hearings said that they had something like 70,000,000 eggs at that time, and before the end of the season they hoped to have ready for planting at least 100,000,000 from that station alone.

Prior to the work of this station there had been a falling off in the catch of shad in these waters, but for the last four or five years at least the catch has been restored almost to its normal quantity. Now, great quantities are caught and shipped north; they come next to the Florida shad in the shipment to the northern market. Most of the shad in this market early in February comes from the North Carolina waters, and particularly from Albemarle Sound and these tributaries. In fact the necessity for this additional laborer, involving only the sum of $600, is urgent, and I hope the committee will grant it. I can only say that I am familiar with the work of this station; I investigated it last season, and to some extent this season, and I know that they are handicapped by reason of the limited supply of labor, and in view of the importance of this station I hope the committee will vote for the amendment.

Mr. FITZGERALD. Mr. Chairman, I stated, in response to the gentleman from South Dakota, that the commissioner asked for increased laborers in a number of stations. These laborers are needed particularly during the distribution period, but it does not require them for the entire year, and out of the sum appropriated of $325,000 for the propagation of food fishes the temporary labor required is obtained and assigned to the various stations.

Mr. SMALL. If the gentleman will pardon me, I failed to state the necessity for this laborer during the entire year. In addition to the propagation of shad they are engaged in propagating other varieties of fish, fishes adapted to the upper stream, and the work of propagation of these varieties takes place at other seasons than the early spring. That is the main reason for the need of this laborer for the entire year.

Mr. FITZGERALD. The committee did not think that this station was on any different basis from any others. The committee believed that no inconvenience would be suffered if these laborers were not increased and that there would be no loss of efficiency to the service.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. Did the committee take into consideration that this was the most important fish hatchery station in the United States and located upon the largest body of fresh water in the United States outside of the Great Lakes?

Mr. SMALL. I fear that they did not.

Mr. FITZGERALD. The committee made ample provision for all stations and saw no reason why this station should be increased and not the others. I think it would be unjust to the others to increase this.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 10, nays 24.

So the amendment was lost.

The Clerk read as follows:

Alaska Fisheries Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, and clothing and other necessities of life to the natives of the Pribilof Islands, Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on the Pribilof Islands, purchase, hire, and maintenance of vessels, including crews for same, and for all other expenses necessary to carry out the provisions of the act of April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes"; and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $100,000.

Mr. GARNER. Mr. Chairman, I move to strike out "$100,000" and insert "$75,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 145, line 2, by striking out "$100,000" and inserting "$75,000."

Mr. GARNER. Mr. Chairman, I do this for the reason that after three weeks' hearings before the Committee on Foreign Affairs, with reference to the killing of seals, it developed that in case no seals were killed the reduction in the cost of maintaining and protecting the seals could be reduced. The members of the Committee on Foreign Affairs, or a number of them, gained the impression that by stopping the killing of seals for the year it would reduce the expenditure of this appropriation by $50,000, but in order to be within the confines of what I am certain will be the reduction in the necessary expenditure, by reason of stopping the killing of seals, I make my amendment $75,000 in place of $50,000.

Mr. FITZGERALD. Make it $60,000.

Mr. GARNER. Very well. Mr. Chairman, at the suggestion of the chairman of the Committee on Appropriations I ask unanimous consent to so modify my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to modify his amendment by making it $60,000 instead of $75,000. Is there objection?

There was no objection.

Mr. GARNER. Mr. Chairman, I have no interest in this matter except to give the House the information that I obtained as a member of the Committee on Foreign Affairs in investigating the matter. We have now before Congress a bill that prohibits the killing of seals for 10 years, as the bill is now before the Congress. I myself do not concur in that.

Mr. MANN. Is that correct?

Mr. GARNER. Yes; the Senate amended the House bill and fixed a close season of 10 years.

Mr. MANN. That is the Senate amendment, and the House has not concurred in it.

Mr. GARNER. No; but under the present treaty and the law there is at present a close season, and unless there is a law permitting the killing of the seals the season will remain closed indefinitely as long as the treaty is in existence.

Mr. MANN. The bill as it passed the House provided for the killing of a certain number of seals.

Mr. GARNER. Yes.

Mr. MANN. If that bill should become a law, then could this reduction be properly made?

Mr. GARNER. Mr. Chairman, I am not certain that you could make $40,000 of reduction, but I believe you could make a reduction of $25,000. There is no question in my mind but that there has been a good deal of extravagance in the way of maintaining those seal herds in the Pribilof Islands. For in-

stance, instead of having the Revenue Service take up supplies, which it occurred to us could be done, they having to patrol those waters and to protect the fisheries anyway, a vessel is hired at a cost of $18,000 to make the trip to the Pribilof Islands and return to carry up a small provision for the inhabitants of those islands. It occurred to me—and I think to others of the committee—that where you have a Government vessel going from the Pacific coast to the Pribilof Islands in patrolling those waters and protecting the seals from those who would kill them on the high seas the Government provisions could be carried by that revenue cutter or by a naval vessel.

Mr. MANN. Has the gentleman made any investigation of that subject?

Mr. GARNER. I have not, except that we know that these vessels go from one point to the other.

Mr. MANN. My information is that the revenue cutters have always carried all of the supplies up there that could be profitably done in that way. Of course it would cost a great deal more to send a naval vessel there than the hiring the vessel and the supplies combined.

Mr. GARNER. I understand that. I suggest to the gentleman that after this bill is passed and is pending in the Senate, if the Congress should see proper to pass the seal bill, which I fear it will not do at this session, for there is a difference in the House as to what the policy should be, and there seems to be a difference of opinion in the House and Senate with respect to it, whether we should have a close or an open season, but if there should be a bill passed authorizing the killing of seals this matter could be arranged in the Senate. Evidently, without the killing of seals, this is a much larger appropriation than is necessary.

Mr. MANN. That may be. I do not think we ought to hamper that service up there. A large part of this money is used for feeding the natives, is it not?

Mr. GARNER. A good portion of it is; yes.

Mr. MANN. How many employees do we have up there? Not very many outside of the natives?

Mr. GARNER. Very few. They are appropriated for in another paragraph of the bill. There are two physicians and two school-teachers and outside of them there is the superintendent.

Mr. MANN. Is not this fund used in the main for the subsistence and care of the natives up there who are utilized as far as necessary in the protection and the killing of the seals, when they do kill the seals?

Mr. GARNER. A good portion of it is, but the gentleman will realize, I am sure, that if there is to be no killing season, no expense for killing the seals and taking care of the meat, there will be a necessary reduction in the appropriation. For instance, they put up several hundred barrels of seal meat for the Alaskan people and for others.

Mr. MANN. But that is for use?

Mr. GARNER. That is for use, but I will say to the gentleman that all that is necessary for the inhabitants of the Pribilof Islands is the meat of from twelve to thirteen hundred seals per year, whereas they have been killing some 12,000. That food is used for people living in Alaska, and is said to be very acceptable and desirable.

Mr. MANN. Do they preserve all of the meat of all of the seals that are killed?

Mr. GARNER. They have, with the exception of a small per cent.

Mr. MANN. Is that meat sold or given away?

Mr. GARNER. Given away to the people living along the Alaskan coast is my understanding, though I am not certain.

Mr. MANN. Of course, we have to provide for those people up there in some way. We do not permit them to kill the seals and we have to support them.

Mr. GARNER. I am inclined to believe that under the treaty they would be permitted to kill sufficient seal for their own subsistence. That was the general impression of the committee, and they can do that themselves.

Mr. MANN. But they have to have something besides seal meat.

Mr. GARNER. Oh, yes; they have to have sustenance. I believe $75,000 will be sufficient.

Mr. FITZGERALD. Mr. Chairman, the Commissioner of Fisheries was before the committee, and he insisted that this money was required for the subsistence of about 300 natives of the islands of Alaska, estimated at about $233 per capita each. That seems a very large sum to subsist the natives. It is also used for the hire of the vessel. It appeared as if about $80,000 might be sufficient. The commissioner stated that the agent in charge of this work had requested $125,000, but he believed that they could get along with $100,000, and he rested upon that estimate. The committee was in grave doubt as to the amount that should be given. It had before it the detailed statement of the expenditures under this appropriation, which showed that there was an unexpended balance of $51,554.46 in the last year. The commissioner pointed out, however, that they had taken over the property of the North American Commercial Co., a very large property, for which $60,568.17 had been paid. He stated that that property could not be duplicated for $150,000. The committee was in considerable doubt as to what to do, and gave the amount requested. It is unfortunate that the Committee on Foreign Affairs did not communicate to the Committee on Appropriations the information that it had acquired during its investigation of this matter, because had it done so it might have removed the doubt that existed in the minds of the committee, and have been of considerable service to it in arriving at a proper conclusion as to what could be done.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. GARNER. The Committee on Foreign Affairs was investigating the question of the policy of the Government with reference to the killing of seals, as to whether there should be a close or an open season, so called. The Committee on Foreign Affairs ascertained this information incidentally to reporting a bill to this House as to the policy of the Government with reference to certain commercial relations to the seal herd, and if the Committee on Appropriations had sought from the same sources the information I imagine they could have obtained the same information that the Committee on Foreign Affairs did.

Mr. FITZGERALD. But the committee had that information as early as the 2d of December. The committee has the statement of the Commissioner of Fisheries that the man in charge of the work believes it will require $125,000. He insisted that $100,000 would be necessary in order to subsist the natives and do the other work necessary. I referred to the Committee on Foreign Affairs for this reason. Early in the session of Congress I addressed a communication to the chairmen of the various committees on expenditures of the House and requested that any information obtained by them in the conduct of various investigations that might be of service to the Committee on Appropriations in the preparation of the various appropriation bills be furnished to the committee, and I did not receive a single response.

Mr. GARNER. If I understood the chairman, that was addressed to the chairmen of the various expenditures committees. The Committee on Foreign Affairs is not a committee on expenditures, but a committee of the House that makes up one of the appropriation bills and reports various legislation.

Mr. FITZGERALD. I understand that. I say it was unfortunate that it did not occur to some member of that committee to furnish this information, because with the information that it had and the information which the Committee on Appropriations had, the members might have been in a better position to have acted on this matter.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Mr. Chairman, I understood the gentleman from New York a moment ago to say that the cost of this subsistence would be $80,000.

Mr. FITZGERALD. Seventy thousand dollars or eighty thousand dollars. I think perhaps, after refreshing my memory from what was said, the gentleman might better modify his amendment to $75,000.

Mr. GARNER. Mr. Chairman, as I stated before, I have no interest in this matter other than to appropriate the proper sum necessary for the proper conduct of this work for the next fiscal year, so I ask unanimous consent to change the amendment, making it $75,000.

The CHAIRMAN. Is there objection? [After a pause.] No objection is heard, and the amendment will be changed accordingly. The proposed amendment is to strike out "$100,000" and insert "$75,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

IMMIGRATION STATIONS.

Immigrant station, Ellis Island, New York Harbor: Toward the construction, at a total cost not to exceed $350,000, of an additional story on baggage and dormitory building, and metal and masonry projection on northerly side of said building, $150,000.

Mr. CANNON. Mr. Chairman, I move to amend, in line 14, page 145, by striking out the first word "toward" and inserting the word "for."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 145, line 14, by striking out the word "toward" and inserting the word "for" in lieu thereof.

Mr. CANNON. And an accompanying amendment, in line 17, strike out "$150,000" and insert "$350,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 145, line 15, by striking out "$150,000" and inserting "$350,000."

Mr. CANNON. Mr. Chairman, these two amendments are twin amendments. If the last amendment fails, the first amendment ought to fail. I will read the proviso as it is contained in the bill:

Immigrant station, Ellis Island, New York Harbor: Toward the construction, at a total cost not to exceed $350,000, of an additional story on baggage and dormitory building, and metal and masonry projection on northerly side of said building, $150,000.

Now, there is no authority in this provision given to contract for this work, but it authorizes its construction at a limit of cost of $350,000. If my first amendment prevails to strike out the word "toward" and insert "for" it would authorize the construction at $350,000 and appropriate the full amount to pay therefor. I shall not take up further time. Amongst many other urgent items to which I will call attention touching the Ellis Island Immigration Station immediately following the disposition of this, this was of such importance that the Committee on Appropriations authorized its construction. Now, one of two things, it seems to me, ought to be done—either the appropriation ought to be $350,000 or, in the absence of that, if only $150,000 can be expended the first year, there ought to be authority to contract for the remainder of the cost, in my judgment.

Mr. FITZGERALD. Mr. Chairman, the committee believe that this additional story to this building is necessary. Three hundred and fifty thousand dollars could not possibly be expended between the time this bill will become a law and the next bill will become a law. The committee treated this matter just as it treated every other public building in the bill. It gave such money as it believed could be utilized until the next bill became a law. I know of no reason whatever for appropriating the full amount at this time. It is not customary to do so.

Mr. CANNON. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. CANNON. As this is a repair or an addition to the building, it seems to me—I do not recollect the investigation which was had touching the necessary expenditure for the coming year—but it seems to me that the appropriation ought to be for the full repair of the building or authority to contract for the remainder. It is immaterial to me. I am frank to say I was not present when the hearing was had upon this particular item. The gentleman, I am satisfied, desires that this work should proceed as rapidly as possible.

Mr. FITZGERALD. It was not believed it was necessary to put in the provision relative to the contract, but I have no objection to an amendment which I shall offer if it is thought desirable for the contract to be made for the full amount.

Mr. CANNON. Will the gentleman offer the amendment with authority to contract for the remainder?

Mr. FITZGERALD. I will. After the word "cost," on line 14, insert the words:

Under a contract, which is hereby authorized, not to exceed $350,000.

Mr. CANNON. That is satisfactory. I will withdraw my amendments.

Mr. FITZGERALD. I offer that amendment, Mr. Chairman, namely, after the word "cost," on line 14, page 145, insert:

Under a contract, which is hereby authorized.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 145, line 14, by inserting after the word "cost" the words "under a contract, which is hereby authorized."

Mr. MOORE of Pennsylvania. The effect of this amendment is that now, instead of going ahead with $150,000 worth of improvements at the New York station, they are authorized to make a contract for the entire $350,000?

Mr. CANNON. An appropriation of $150,000.

Mr. FITZGERALD. That is the estimate as to what this improvement will cost, and it is believed to be a very imperative matter. There is no doubt about that.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. FITZGERALD. I understand the gentleman withdrew his amendments.

The CHAIRMAN. Without objection, the amendments offered by the gentleman from Illinois [Mr. CANNON] will be withdrawn. [After a pause.] The Chair hears no objection.

The question now is on the adoption of the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, as a separate paragraph, following line 17, page 145, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 145, after line 17, insert "For the complete construction of a steel-hull ferry steamer, $125,000."

Mr. CANNON. Mr. Chairman, I purpose to offer a series of amendments that are submitted in the estimates, including this one, for the proper care of the Ellis Island Immigrant Station, in construction and repairs and otherwise, aggregating in round numbers $500,000. I do not propose to take great time in discussing these amendments, but it is proper for me to read as follows touching this estimate:

NOTE.—The average number of passengers carried annually by the Ellis Island ferryboat is over 2,000,000. She is over 7 years old, and during this period has been in constant service, including much night work, except during the short intervals when hauled out for repairs. It is extremely difficult to secure a substitute boat even when there is ample time to advertise therefor. Recently it took five weeks to find such a boat while our ferryboat went into dry dock. It is becoming more and more difficult to find boats that will meet our requirements. A second ferryboat is required, not only because the present boat is overworked, but because common prudence requires that there should be a substitute in the event of a breakdown or accident to which the ferry service at Ellis Island is always exposed, the route being a very dangerous one, crossing heavy traffic at all seasons, with much ice and fog in winter, and the entrance to the Ellis Island slip being via a channel having rocky shoals on the north. Nearly 18 months will elapse after the appropriation has been made before a new boat can be constructed.

That is all I want to say about this particular amendment. But I do want to say, as a foundation for saying less on the various amendments which I shall offer and to which I referred a few moments ago, that in round numbers there are about 1,000,000 immigrants, sometimes more, sometimes a little less, that come into this country, substantially all of them at Ellis Island. Many gentlemen here, I presume, have been at Ellis Island. I never have been there, but I know something of it in a general way. With this great number of immigrants there is a head tax of $4 to each immigrant. If a million come here that means $4,000,000. So that this Immigration Service is substantially paid for by the head tax.

Now, it is strongly urged, as gentlemen will discover, not only touching this ferryboat, but touching various affairs from the standpoint of life and of health and of proper care for these, to a certain extent, helpless people when they land at Ellis Island, that they should have at least ordinary consideration and care, especially as the head tax pays for it. But even if the head tax did not pay for it, humanity requires that Ellis Island, as well as other stations, but particularly Ellis Island, inasmuch as it is a great station, should be amply safe to accommodate that service.

Mr. FITZGERALD. Mr. Chairman, until eight years ago the immigration service in New York hired a boat to provide means for transporting immigrants from Ellis Island to the city. Eight years ago Congress authorized the purchase or construction of a steel ferryboat to cost $110,000. As soon as the service had acquired that ferryboat it started an agitation for a reserve boat, and is now asking $125,000 for a boat to act as a reserve to this vessel that cost $110,000. The Pennsylvania Railroad discontinued a ferry service between Jersey City and New York and Brooklyn with the opening of the tubes under the North River. They had three boats in that service. One of them was offered to the officials of the immigration service at a cost of about $30,000, including the fitting and equipment of it and putting it in thorough repair. It is estimated that such a boat would last about 15 years.

This was called to the attention of the officials. They did not seem to think very highly of it, because they did not believe that the boat would meet their requirements, and yet two of these boats have been put into service on new ferries crossing the Sound at points where up to that time there had been no ferry service. The runs are much longer and more difficult than the run from Ellis Island to the Battery.

In view of all these facts, the committee thought that there was absolutely no excuse for expending $125,000 merely to take the place of this steamboat, 8 years old, whenever it might be necessary to suspend its operations for repairs.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. In one moment. The boat makes a trip from the Battery on the even hours, and from Ellis Island, as I recollect, on the half hours. The trip each way takes about 15 minutes; so that the service is not of such a character as to

require two boats, or an additional boat to replace this one in case of any disability.

Now I yield to the gentleman.

Mr. MOORE of Pennsylvania. Does the boat now in use belong to the United States Government?

Mr. FITZGERALD. Oh, yes; it was purchased eight years ago for $110,000. It is a modern steel-constructed boat.

Mr. MOORE of Pennsylvania. Is it used solely for the purpose of transporting immigrants back and forth?

Mr. FITZGERALD. Immigrants and employees at the immigrant station.

Mr. MOORE of Pennsylvania. The 2,000,000 passengers referred to by the gentleman from Illinois [Mr. CANNON], who use this boat every year, would not be solely immigrants, would they? There are other passengers in addition to the immigrants.

Mr. FITZGERALD. Even if there were 2,000,000 passengers, it would not crowd the boat excessively, because it makes 15 or 16 trips a day; 16 trips, I suppose. They have two shifts of men, each working eight hours a day.

Mr. MOORE of Pennsylvania. Will the gentleman explain, so that the House can understand, whether the immigrants are landed at Ellis Island or the Battery?

Mr. FITZGERALD. The immigrants are landed at Ellis Island from the steamers.

Mr. MOORE of Pennsylvania. The ships stop there on the way in?

Mr. FITZGERALD. The passengers are taken there on barges, and after they are passed they are taken from Ellis Island to the Battery on this ferryboat. Then all the persons who have business at Ellis Island go to and fro on this boat. It is a regular ferry service. It makes a trip every hour from the city, and on the half hours to the Battery from Ellis Island, and the trip from the Battery to Ellis Island takes about 15 minutes.

There is no question of the lack of facilities; they do not intend to operate two boats at one time. The desire is to expend $125,000 to obtain a boat that can be utilized when the boat that is now in commission must be laid up for repairs. It seemed to the committee that there was no excuse for the expenditure. I hope the amendment will not be adopted.

Mr. MOORE of Pennsylvania. Mr. Chairman, as a member of the Committee on Immigration and Naturalization I have been obliged to discuss the question of the transportation of immigrants from time to time. I agree with the argument of the gentleman from Illinois [Mr. CANNON], and I intend to support his amendment. The question has arisen in California because of the transportation of immigrants back and forth, and it will arise on the Atlantic coast very soon, notably at Philadelphia, which has now taken second place as an immigrant receiving station.

Mr. PAGE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. PAGE. Does the gentleman understand that there is no lack of facility between Ellis Island and the Battery; that the statement that went into the RECORD, by all the people in charge of the station, was that there was absolutely no lack of facilities? They requested this appropriation in order that they might purchase a vessel for the purpose of taking the place of the vessel now in commission when that vessel was laid up for repairs for a few weeks in the year. That is the only pretense put before this committee for this appropriation. There is no question but that the present vessel has ample facilities to take care of the passengers between the two points.

Mr. MOORE of Pennsylvania. The argument of the gentleman from Illinois was that the vessel is 8 years old, is frequently crowded, and that if the vessel should break down there should be some relief in a great station like that of New York.

Mr. CANNON. If the gentleman will pardon me, it was not my argument nor my statement, but it was the statement submitted with the estimate which I read, a statement from the authorities in charge at Ellis Island and forwarded by the Department of Commerce and Labor.

Mr. MOORE of Pennsylvania. I understood the gentleman to say that the appropriation for this boat was recommended by the Department of Commerce and Labor.

Mr. CANNON. Absolutely. I did not make much of the talk; most of it was in reading a statement submitted with the estimate by the department for the new vessel.

Mr. MOORE of Pennsylvania. It is desired as a relief vessel to take the place of the other if the other should be laid aside for repairs.

Mr. CANNON. It says:

A second ferryboat is required not only because the present boat is overworked but because common prudence requires that there should be a substitute in the event of breakdown, to which the service at Ellis Island is always exposed.

And then he states that it is always difficult to get a substitute; that they advertised for five weeks before they got a substitute when the ferryboat had to go in for repairs. Then it speaks of the dangerous passage there from the freight traffic and the situation of navigation in the neighborhood of Ellis Island.

Mr. PAGE. Mr. Chairman, if the gentleman will permit, just one word. In the hearings Mr. Williams, who is in charge of the service, before the committee stated in answer to questions that I asked him:

Mr. PAGE. Would the securing of this boat necessitate an additional crew for its manning?

Mr. WILLIAMS. No, sir. The crew would be shifted from one boat to the other.

Mr. PAGE. This boat is not to take the place of the other boat; at least you do not propose to operate both of them; one is to relieve the other?

Mr. WILLIAMS. We do not propose to operate both boats. We are up against it at times. Sometimes we have from three to five thousand people coming in one day, and we have to do the best we can.

Mr. MOORE of Pennsylvania. I think it is apparent that all that is to be expended is the cost of this boat, because the crew will be transferred from boat to boat.

Mr. PAGE. But it requires only $3,000 or $4,000 a year to hire a boat to do the service while the present boat in commission is laid up for repairs, whereas if the amendment of the gentleman from Illinois should prevail we would expend $125,000 for a boat to be used three or four weeks in the year.

Mr. MOORE of Pennsylvania. Might it not be possible to put the boat in service at some other port where it is needed when not needed in New York? Why should the boat be tied up exclusively for Ellis Island in view of the needs of immigration at other ports?

Mr. PAGE. I do not know as the purchase of this boat would help any other place.

Mr. MOORE of Pennsylvania. If there was great necessity in Boston or Baltimore or Philadelphia, it should not be held up at the port of New York when it was in a running condition.

Mr. PAGE. But no such condition is shown to exist at Boston or Philadelphia or Baltimore.

Mr. MOORE of Pennsylvania. There will be such a necessity at Boston and Philadelphia and Baltimore.

Mr. FITZGERALD. If this boat is authorized, it will not go to Philadelphia to take care of the immigration there, and the gentleman need not vote for it on such a misapprehension.

Mr. MOORE of Pennsylvania. I will do the best I can for Philadelphia, and when I want to be liberal——

Mr. PAGE. I heard the gentleman say that he was in favor of reciprocity.

Mr. MOORE of Pennsylvania. In matters of this kind I am, and I am in favor of giving New York a square deal.

Mr. CANNON. Mr. Chairman, I am not personally familiar with Ellis Island or the necessity for the boat, except as the estimate is officially submitted, and I have read that to the House. The gentleman from New York [Mr. FITZGERALD] represents a district near to Ellis Island. I do not know whether Ellis Island is situated in his district or not. I shall vote for this amendment upon the recommendation of the department, believing that it is a proper amendment, although the gentleman representing a district near by, knowing the necessities of the service, allunde the recommendations of the department, does not favor it.

Mr. FITZGERALD. Mr. Chairman, I simply wish to state these facts: This same estimate was presented to the Committee on Appropriations in two sessions of the last Congress. No one could justify it. It costs about $3,000 or $4,000 a year at the outside to engage a relief boat for the times when this boat is laid up. A few years ago a pipe line for water was built from New Jersey to Ellis Island, and immediately an estimate was submitted for a duplicate line upon the theory that because of an earthquake or some other unforeseen contingency this pipe-line supply might be destroyed. The argument for this boat is that because of the large amount of traffic in the river and the danger of crossing the water about the lower part of New York there is great danger of collision and of propellers being broken and the boat being put out of commission. I am familiar with the situation there. I do not believe it would be justifiable to purchase this boat. If it be necessary to have a relief boat, the Government can obtain a boat that would do adequately for anything that is required at an expenditure of $30,000. I do not believe we would be justified in expending $125,000 to purchase a boat that would not be utilized over 30 or 40 days in a year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer as a separate paragraph the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 145, after line 17, insert "For additional story to restaurant building, $80,000."

Mr. CANNON. Mr. Chairman, I will read the statement by the department on the submission of this estimate, and that is all I desire to say about it. The committee will note that I am reading rather than talking. The following note accompanied this estimate:

This will be largely used as quarters for cabin aliens. There are still none such, though we have to detain a great many cabin passengers. Most of them must sleep in rooms attached to the immigrant quarters in three-tier beds. As a result the Government receives from time to time serious complaints, some of them well founded. We are treating such passengers as best we can. It will continue to be necessary to detain considerable numbers of them, and they should have quarters corresponding to those which they have enjoyed on board ship. I made, in substance, the same comment last year.

A portion of the new space will also be used as a dormitory for the employees of the commissary contractor when they are obliged to spend the night here, as often they are. They now sleep on such occasions in the cellar, an insanitary and entirely inappropriate place.

That is all I have to say.

Mr. PAGE. Mr. Chairman, the committee, in the consideration of this estimate sent in by the department for an additional story on this building, took into consideration two things—first, that if we allowed the estimate and the request for an additional story on the other building for additional quarters at Ellis Island, and when we took into consideration the fact that this building to which they propose to add an additional story, built in 1900, costing only $47,000, and they estimate for $80,000 to put on the additional story, it seemed to us that it was making the building just a little bit top-heavy. In addition to that, they did not insist upon this appropriation as they had on other requests that were made. Mr. Williams merely stated this additional room would be an advantage to the station in that it would give them a space in which they could temporarily keep first-cabin passengers, the idea being that they did not have at the present time sufficient room to give each one of these passengers a room with a bath, but particularly in view of the fact that here is a building that cost $47,000 12 years ago, upon which they propose to put an additional story to cost $80,000, the committee did not think it was wise to allow the estimate. We do not think now that it ought to be done, and I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk reads as follows:

Page 145, after line 17, insert:

"For enlargement of boiler plant in main power house, $40,000."

Mr. CANNON. Mr. Chairman, all I desire to say touching this amendment is the note made by the department when it was forwarded to Congress. It is as follows:

NOTE.—This implies substitution of larger boilers for boilers now located in power house on south side of chimney and the removal of four 125-horsepower units that were installed in the power house in 1899, and the replacing of said 125-horsepower units by three 500-horsepower units of a type that has proved economical and efficient since power house was in part reconstructed two years ago. This will give us a steam plant of 1,000 additional horsepower, which is required by proposed increase in size of the buildings on main island, the increased demands for steam heating, lighting, pumping, and power incident to the growing business of this station.

I have said all I desire to say when I have read the note; but on my own motion I will suggest to the committee that in these days of increasing necessities for heating and lighting, in these days of invention, especially electrical invention, a plant in whole or in part soon becomes uneconomical. I am not acquainted with this plant and I only read what is officially submitted, and am content, so far as I am concerned, to let the committee pass upon the amendment.

Mr. PAGE. Mr. Chairman, in regard to this item, it developed in the hearings before the committee that there has been authorized and provided on Ellis Island a reserve power plant of very considerable horsepower and capacity that has never been called into service. Mr. Williams testified they had never had occasion to use this reserve plant, and yet the department asked that we install and build an entirely new boiler plant when the evidence developed the fact that they already have a plant that is merely for reserve, and that up to this time it has not been called into service. I hope the amendment will be voted down.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 145, after line 17, insert:

"For new story on southeast wing of main building, $70,000."

Mr. CANNON. Mr. Chairman, I read the following note explaining this estimate:

NOTE.—What was said last year about the inadequacy of the medical and statistical quarters in the main building remains substantially true except that new electrical devices recently installed in the statistical division will lessen its requirements, so that the statistical division could be accommodated in the proposed new story. The space vacated on lower floor can be advantageously added to the recently installed quarters of the medical division on that floor and give this division much needed additional space in which to detain for observation certain classes of immigrants whom it is not desirable to send to the hospital.

Mr. Chairman, so far as I am concerned, I am ready for a vote.

Mr. PAGE. Mr. Chairman, this is one other item submitted by this department for new service at Ellis Island which embraces not only the items that have been covered by amendments offered by the gentleman from Illinois, but practically an addition to a half dozen or possibly 10 new projects on this island. The committee held very extensive hearings and went very thoroughly into the necessity for this additional space at this immigration station, and after going carefully into it we reached the conclusion that the only necessity existing at this time was to have the item written into the bill for an additional story upon one of these buildings, and this we did. Now, the evidence before the committee shows that this additional story on this building was to provide for office space. There is no evidence that every single officer on the island now has not sufficient office space. There is some evidence to the effect that they need some storage room, but the committee did not believe this was the proper place to provide storage room for the various things that had to be stored by these people on the island, and the committee did not believe that the necessity exists at this time for this appropriation and this expenditure.

Mr. MANN. Mr. Chairman, every once in awhile I receive a letter from some gentleman who has visited Ellis Island and who complains somewhat bitterly against the accommodations which we provide there for the immigrants. How just those complaints may be, of course, I do not know. I presume they are usually exaggerated. We levy a tax on every immigrant who comes in, and the theory of levying that tax was that the money collected would be expended for the purpose of securing the comfort, the safety, the health, and the convenience of the immigrants who come to our shores. If a condition exists at Ellis Island to which just complaint can be made as to accommodations furnished there, certainly it would be only fair for the Government to use a little more money, which otherwise would be covered into the Treasury, and which is paid by the incoming immigrants, to provide suitable accommodations there. I am inclined to think that the authorities at Ellis Island who have recommended a large number of these items ought to have some of them provided for. I am inclined to think that the authorities there are probably better acquainted with the needs than even the committee or the House, though I would not have the committee provide everything that is asked merely because it is asked. But here these items come along one after another, and the gentleman gives specious or probable logical reasons for not providing the accommodations. It is submitted generally, I think, that the accommodations are not complete at Ellis Island, and I think we can afford to use something from time to time out of the money which the immigrants contribute——

Mr. SHERLEY. We are proposing to add a building that costs $350,000 in this bill.

Mr. MANN. That is true. The bill carries an additional story on the baggage and dormitory building, and I am extremely glad of it. That is one of nine or ten items which were submitted. I believe. Well, I would go a little further and provide a little more accommodations for the convenience, the comfort, the safety, and the health of those immigrants.

Mr. PAGE. Will the gentleman permit? This particular item and amendment that is pending will not affect in the slightest degree the health, comfort, or convenience of any immigrant who comes into Ellis Island. It is merely for the accommodation of office and storage space for the officers on the island.

Mr. MANN. I think it is not merely for the accommodation of the officers on the island. I think the gentleman is in error in that. For the accommodation of officers and storage space, and the purpose, I think, was to move the officers from some other place to this place.

Mr. PAGE. Yes; to use the place from which they moved for storage purposes.

Mr. MANN. Yes; and that is for the accommodations of the immigrants.

Mr. PAGE. Oh, incidentally.

Mr. MANN. Incidentally, directly, that is what it is for. It gives more space somewhere else. The storage is not for the benefit of the officers of the island.

Mr. PAGE. This storage is the storage of the records of the office.

Mr. MANN. Well, the gentleman makes that statement——

Mr. PAGE. Of the records running back until 1871.

Mr. MANN. If the gentleman makes that statement I accept it as true.

Mr. PAGE. That is the statement made.

Mr. MANN. If it is necessary for the storage of records, there ought to be provided a place for the storage of records.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. The question raised by the gentleman from Illinois is an exceedingly important one, and it throws a new light upon the immigration question. We have been providing very largely for the reception of immigrants at the port of New York. It is a question whether we should concentrate all of the immigration business at any one port. We have other immigrant stations along the Atlantic seaboard and along the Pacific coast. We have long frontier lines along the border of Canada and the border of Mexico, and there is great difficulty with regard to the tracing of immigrants along the border lines.

Sometimes, it seems to me, Mr. Chairman, it would be a good thing for this Congress to take up the question of the distribution of the immigration as it comes into the ports of the country. The vast amount of it, as the gentleman from Illinois [Mr. CANNON] said a moment ago, comes into the port of New York. That is the undisputed fact. When we received a million immigrants a year the great proportion of them came into that port. They centralize there largely and take their departure from that point to points of destination throughout the country. But the congestion of population in the large centers, in the great municipalities, arises largely from the tendency to not properly distribute the business.

A bill is now pending before the Committee on Immigration and Naturalization which proposes to abandon even the bureau of distribution we now have, and this I am opposed to. The concentration of the foreign element in the great cities is a problem with which the best thinkers upon the subject of immigration have been endeavoring to deal. They generally believe that a proper distribution and assimilation of these immigrants would be a good thing, not only for the commercial but for the agricultural interests of the country; that it would be a good thing in the way of opening up certain undeveloped sections of the country, of improving the natural resources, and doing that heavy work which usually falls upon the backs of the newcomers to this country.

I am glad the gentleman from Illinois [Mr. MANN] has raised this question. It is broader than that of the amendment which is now before the House. It is a question as to what Congress ought to do to properly distribute the immigrants who come here. Immigrants and commerce come together, and we ought to provide for their distribution so that they will not be concentrated at one or two points in the country to the great disadvantage of all other points.

Mr. BUTLER. Will my colleague permit me to ask a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. BUTLER. Does not he think it quite important that Congress should pass an immigration law to provide places for landing immigrants?

Mr. MOORE of Pennsylvania. If I can get 15 minutes before these paragraphs are passed, I am prepared to discuss that question. I am not in favor of certain restrictive laws that are now pending in Congress. I am in favor of every law that tends to restrict undesirable immigration—that immigration which is cunning, vicious, or criminal, and that immigration which does not want to work in the United States. I am going to ask at the proper time that I may have 10 or 15 minutes in which to discuss this question.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 145, after line 17, by inserting:

"For renovating interior of old hospital on No. 2 Island, including new plumbing, and sanitary fittings, and new floors, $40,000."

Mr. CANNON. Mr. Chairman, I will read the comment of the Department of Commerce and Labor in transmitting this estimate, as follows:

NOTE.—Existing plumbing, fittings, and floors were installed some 11 years ago, were of comparatively inexpensive character, and have been subjected to very hard use by immigrants. This plumbing, if it existed to-day in a New York hospital, would be condemned by the board of health. It does not comply with the present building code requirements.

That is all of the comment I desire to read that comes from the department. I want to say one additional word. This plumbing is 11 years old. I have had experience with plumbing in a house. I built a house in 1876, and it was plumbed then, and it has been plumbed five times since then, and I do not know but that it may have to be plumbed again. You may take this Capitol, and the plumbing is going on in it constantly. It is a great matter to properly plumb buildings. All the time plumbing is being perfected. Now, if this man who makes this estimate that is approved by the department tells the truth, this item ought to be agreed to.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. PAGE. I want to say in regard to this particular appropriation that the gentleman appearing before the committee in relation to it said in reply to questions that this item had been recommended by the physician in charge of the hospital, and he personally knew nothing of the particular needs for this item in this appropriation. The gentleman speaks of the continual necessity of plumbing in the building. I suppose most of us who have buildings have had plumbing to do in connection with them every year. But the plumbing in that building has been repaired in this way all these years. It is, as is explained in the report, the same as the plumbing in this Capitol, or any other Government building. The representation made to the committee was not of that character and force as made us feel warranted in making an appropriation at this time for the renovation of the building.

And I want to say further, Mr. Chairman, being reminded of it by the gentleman from Pennsylvania [Mr. MOORE], that in the minds of the committee, touching all these items respecting Ellis Island and the vast improvements that they are requesting, this station has reached partly, if not entirely, the zenith of its growth, and it is not going to handle in the years to come the same number of immigrants that it has handled in recent years. The Government has established immigration stations at other ports of the country. Steamship lines have been established between European ports and other ports in America besides New York, and the immigrants coming into this country are being more widely scattered than they have been in the past history of immigration. The committee, therefore, does not believe, in view of these facts and this tendency, and in view of the pressure that is being brought to bear by gentlemen representing other localities than New York City and Ellis Island, that for any considerable length of time there is going to be the necessity for room and accommodation at Ellis Island that now exists; and in view of these facts I do not believe that these estimates are warranted or that the appropriations asked for should be granted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 145, after line 17, insert the following: "For construction of covered way connecting No. 2 and No. 3 Islands, $80,000."

Mr. CANNON. Mr. Chairman, I read the recommendation of the department touching this amendment:

Both these islands are occupied by hospitals. They are connected by a pile gangway. It will be necessary frequently to carry sick people from one to the other, and in wintertime this can not be done without danger to life. It is earnestly recommended that proposed covered way be of fireproof construction, including its piles and foundations. The present covered way, connecting the various buildings on No. 1 Island and No. 2 Island, is of wood with slate roof. It is more or less of a fire risk and in time should be replaced. Moreover, the piles constituting foundation are beginning to deteriorate near the heads thereof and probably within five years at least the flooring system of said wooden covered way will have to be replaced. It would seem undesirable to use wood in the new construction.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

A few days ago the gentleman from Wisconsin [Mr. BERGER] introduced a resolution on the floor of the House charging Judge Cornelius H. Hanford, of the western district of the State of Washington, with corruption, drunkenness, and immorality. I am in receipt of resolutions passed by the board of trustees of the Seattle Chamber of Commerce in relation to these charges, with the request that they be read on the floor of the House.

I send them to the Speaker's desk, and ask that the Clerk read them in my time.

The CHAIRMAN. Is there objection?

Mr. SHERLEY. Would not the gentleman be willing to have them printed? This is entirely foreign to the bill.

Mr. HUMPHREY of Washington. Let them be read in my time.

Mr. SHERLEY. I know; but the gentleman is talking about a matter entirely foreign to the bill.

The CHAIRMAN. Is there objection?

Mr. SHERLEY. I shall not object this time, but I will object to any other foreign matter that is brought in.

The CHAIRMAN. No objection is heard, and the Clerk will read.

The Clerk read as follows:

NEW SEATTLE CHAMBER OF COMMERCE.
Seattle, Wash.

In view of the unfounded charges made in Congress against the character of our neighbor, Judge Cornelius H. Hanford, it becomes our duty, in the interests of truth and justice, to speak out in his defense.

He has lived in this community for 58 years. He has been known to us for many years—to some of us for more than 30 years.

We know that he is an honest, moral, sober, and fearless man; that he is patriotic and public spirited, and that since his early manhood, now more than 40 years, he has taken an active and prominent part in every worthy movement for the good of the community. Always a hard worker, he has never been sparing of himself when the public interest called for his help.

If he had given to his private affairs the time, energy, and faithful attention so freely given to the public he would not be, as he is now, a poor man in his old age. The State has never had a better, more upright, or more patriotic citizen.

Presented by Mr. E. F. Sweeney.

Adopted by board of trustees June 11, 1912.

[SEAL.] C. B. YANDELL, *Secretary.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 145, line 17, insert "for inclosing in glass the two-story corridor of contagious-disease hospital, with incidental work, $28,000."

Mr. CANNON. I will read the note submitted by the department in the estimate:

NOTE.—The present corridor connects the entire group of buildings on No. 3 Island, except the isolation wards and the office building. In a rainstorm and in winter weather it will obviously be difficult to afford patients, nurses, and attendants proceeding from one building to another proper protection and to keep food warm, hence the recommendation for this inclosure.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. CANNON) there were 14 ayes and 34 noes.

So the amendment was lost.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 145, after line 17, insert "For dredging channels about Ellis Island, $25,000."

Mr. CANNON. The note in the estimates for this appropriation is as follows:

NOTE.—The conditions prevailing in New York Harbor, where the bottom is largely soft mud and silt, coupled with great quantities of solid matter deposited by the sewers and by the flow of the Hudson River, necessitates our dredging with growing frequency in order to insure proper access to the three islands and maintain our channels and slips.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, to save time, seeing that all of these amendments are being voted down, and I presume these will, I ask unanimous consent to offer the four following amendments and have them considered as one amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Page 145, after line 17, insert:

"For improvements to power house and laundry of contagious-disease hospital, including rearrangement of machinery and equipments therein, $5,000."

Page 145, after line 17, insert:

"For enlarging central kitchen building of contagious-disease hospital, including changes in construction and equipment incidental thereto, $30,000."

Page 145, after line 17, insert:

"For disinfecting plant for contagious-disease hospital, including necessary building and concrete dock appertaining thereto, $17,500."

Page 145, after line 17, insert:

"For garbage crematory and concrete dock appurtenant thereto for contagious-disease hospital, $17,500."

The CHAIRMAN. The question is on the amendments.

Mr. MANN. Mr. Chairman, the improvements provided for in these amendments offered by my colleague relate to the contagious-disease hospital. The treatment of contagious diseases in recent years has progressed to a very remarkable extent. We take better care of contagious diseases than we used to everywhere in the United States, except possibly at Ellis Island. They take better care of them there. Only a few years ago a man who had some form of contagious disease was stuck out in a building not fit to live in, and nobody permitted to go near him, except some one to leave food and then hustle away. Now, if these people coming in here, paying this head tax, have a contagious disease when they land they ought to be properly taken care of. If they need additional facilities at Ellis Island, as they say they do, to provide proper care for these people who have contagious diseases, both for the benefit of the person who has the disease and those who do not want it, they ought to have additional facilities. I wish gentlemen could see their way clear, having voted down all the other amendments, to permit these propositions in behalf of the people afflicted with contagious diseases to be properly provided for.

Mr. FITZGERALD. If the gentleman from Illinois were acquainted with the facts, he would not urge these amendments.

Mr. MANN. Is that the case with the authorities? They are familiar with the facts.

Mr. FITZGERALD. The gentleman can draw his own conclusions when I state the facts. The contagious hospital and facilities connected therewith providing for the care of immigrants who may be afflicted with contagious diseases was completed over two years ago. There were erected on what is known as Island No. 3, a group of buildings at Ellis Island. They were not utilized until the 1st of last July. The buildings and arrangements were constructed upon plans agreed upon after many conferences between the physician in the Public Health and Marine-Hospital Service and the Supervising Architect.

After they have been utilizing this plant about six months the doctor desires some of the building torn down and many things done that were gone into thoroughly, and thoroughly considered and decided against. Part of these improvements contemplate the destruction of buildings that have not been in use for six months and which are considered adequate and ample by everybody except one man in the service. Under all of the circumstances the committee was convinced that not only were the facilities sufficient and ample, but that there was no justification whatever for the requests made in these items. Therefore they did not recommend them.

The CHAIRMAN. The question is on the adoption of the four amendments offered by the gentleman from Illinois.

The question was taken, and the amendments were rejected.

Mr. CANNON. Mr. Chairman, I offered this further amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 145, after line 17, insert:

"For a building on the westerly side of main island for use as a carpenter shop, general storeroom, and bakery, $60,000."

Mr. CANNON. Mr. Chairman, I merely state that this is a specially submitted item, and I shall not take the time to read the note of the department accompanying it, because it seems to me that the steam roller is operating in the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

IMMIGRATION SERVICE.

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" and acts amendatory thereof; for expenses of necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Commerce and Labor, $2,500,000: *Provided*, That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

Mr. CANNON. Mr. Chairman, I desire to amend, on page 147, line 10, by striking out "$2,500,000" and inserting in lieu thereof "$2,575,000."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 147, line 10, strike out the figures "$2,500,000" and insert in lieu thereof the figures "$2,575,000."

Mr. CANNON. Mr. Speaker, I desire the especial attention of the committee to this amendment. The appropriations for expenses regulating immigration, this item, for the current year are $2,525,000. The estimate is $2,575,000 for the coming year.

The recommendation carried by this bill is $2,500,000, $25,000 less than for the current year and $75,000 less than the estimate. It will be noticed that this provision is a very important one, covering much for the enforcement of the law and for the prevention of violations of it in connection with immigration, including the return of Chinese, including the cost of imprisonment and actual expenses of conveyance of Chinese to the frontier or seaport for deportation. It is very broad, and the appropriation is a very important one. In my judgment, instead of skimping the appropriation, instead of decreasing the amount recommended, not only $75,000 below the estimate but $25,000 below the appropriation for the current year, we should be more liberal, and the course of the committee is not defendable. If I had my way, I would like to make this appropriation ample. I would provide for the enforcement of the law against extraordinary possibilities. I believe the appropriation ought to be amply sufficient for the ordinary enforcement of the law and, if necessary, for the extraordinary conditions that might arise in its enforcement.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois might have called attention to the fact that for the current year the estimate is $2,600,000 instead of $2,575,000, and the appropriation granted by Congress for the current year was $75,000 less than the estimate, so that in that respect the committee this year has not taken any different route from the one followed heretofore.

Mr. CANNON. It is stated in the report that the $2,525,000——

Mr. FITZGERALD. And the estimate was $2,600,000.

Mr. CANNON. And $2,525,000 appropriated.

Mr. FITZGERALD. Yes; $75,000 less than the estimate. The reduction was due partly to two reasons: One was that a provision was made by which about $50,000 is reimbursed to the immigration service for expenses of detained aliens, paid for from the appropriation for the expense of regulating aliens and afterwards collected from the steamship companies. In 1910 780,004 immigrants came to this country. In 1911 the number was 637,003, over 100,000 less; and the immigration this year will probably be less than the immigration of 1910. Yet, regardless of the extent of the decrease of the immigration, the cost of the service apparently never changes. The committee believed, in view of all of the circumstances, that the department could very readily conduct the service with $2,500,000, with the additional $50,000 which will be reimbursed to the appropriation under the law enacted last year. Believing that much would be sufficient, the committee recommended that amount.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, the Appropriations Committee is entitled to our acknowledgments for having inserted in this bill the item of $105,000 to complete the Philadelphia immigration station at Gloucester, N. J. This item, added to the $250,000 originally appropriated from the "immigrant fund" before it was absorbed by the General Treasury, will admit of the completion of a first-class immigration station at the port of Philadelphia, where it has been long and urgently needed. The new station is eligibly located on the Delaware River, opposite Philadelphia, and will be equipped in such manner as give a favorable impression to the newcomer to our shores—a matter of much civic importance, since the quality of citizenship arising from immigration is frequently influenced by first impressions, which, in the instance of the old Philadelphia immigrant shambles, were certainly not calculated to inspire confidence or hope in the breast of the immigrant seeking a haven here.

Just now there is reawakened interest in the Delaware River, due to channel improvement. Shippers are coming to regard the river at its true worth as a carrier of commerce, and the port of Philadelphia has induced a number of large steamship companies to avail themselves of its facilities. An increased number of immigrants arriving at Philadelphia has been a feature of this development. In this respect the city has taken second place in the number of immigrants received, being exceeded this year only by the great port of New York. Five years ago it held fourth place, being behind New York, Boston, and Baltimore.

ALIENS WHO ARE EXCLUDED.

And so long as we have been discussing items relating to the reception and treatment of immigrants, I desire as a member of the Committee on Immigration and Naturalization to say a word about the immigrant himself. We will be called upon shortly to pass upon bills which are designed to restrict immigration even beyond the limitations fixed by existing law. As the law now stands we are fairly well safeguarded in this country against unfair immigration. Precautions already taken by Congress are noted in the immigration act of February 20, 1907. A careful reading of section 2 of this act is illuminating and ought to correct many misrepresentations with regard to the alleged insufficiency of existing law.

The section quoted reads as follows:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons, hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

This provision would seem to justify the statement that if the United States is to be regarded as a free country to which the downtrodden and oppressed may come, we have already excluded about as many of the so-called undesirable classes as may be reasonably excepted from that hospitality which the spirit of our institutions dictates. We have provided for the exclusion of the vicious, the helpless, the criminal, the contract laborer, and the otherwise undesirable.

THE LABORER OR THE LECTURER: WHICH?

But it is contended by some of the patriotic societies and by some of the leaders of labor unions that existing law does not go far enough; that we should take one more step and bar the man or woman who can not read or write—not the actor nor the lecturer nor the minister, mark you; but the man who can not read or write.

Apart from certain other exactions, this barrier, known as the "illiteracy test," is the essence of both the Burnett and the Dillingham bills. Favoring the illiteracy test are those who believe it necessary to preserve American traditions from what they conceive to be a baneful assimilation, and on behalf of certain labor unions it has been said that an increase in immigration will tend to lower wages, reduce the opportunities for employment, and thus lessen the power of the unions. At the same time we have been confronted not only by a demand for labor, which the unlettered immigrant is supposed to supply, but by the broader and more important factor of humanity itself. The hearings have developed hundreds of opinions from intelligent men ranged upon either side of the question, and although in some instances passion and prejudice have been manifested, it is evident that trained and serious-minded men have been working upon this subject. But the outcome of it all, notwithstanding the great variety of views expressed and the tremendous volume of statistics produced, has, up to the present time, failed to carry us beyond this one plain, all-pervading, and all-significant question:

Shall those of us whose citizenship in the United States was acquired by birth or naturalization deny the right of admission to those who knock at our doors even as our forefathers did merely because they can not read or write?

That is the whole problem. It is not a question of goods made more cheaply in foreign countries than under American conditions; it is not a question of money at all nor of any inanimate article of merchandise; it is a question of flesh and blood, of men and women and children with human impulses, seeking release from the bondage of ignorance and oppression.

DRAWING THE LINE TIGHT.

By some we have been told that the labor unions will suffer from the immigration of the unlettered immigrant. This is not orthodox labor doctrine. Organized labor is supposed to sympathize with the downtrodden masses. Are we now to understand that it has arrayed itself with the man who plots and works with his wits against the man who works with his hands? It is inconceivable that organized labor has so far drifted from its moorings as to thus impose the brand of despair upon the hopes of the pleading poor. Section 2 of the act of 1907 specifically bars the contract laborer. In this the unions have a legitimate shield. It is unlawful now for any workman, skilled or unskilled, to come into the United States under agreement, promise, or contract. He can not thus unfairly compete with American labor. In this respect the law is effective. It applies to a commercial rather than to a humane transaction. But the law does more than that. It forbids the anarchist; it forbids admission to the pauper or to the prostitute; it forbids admission to the criminal or the diseased or to those who are unable to support themselves. All these and more are barred now. If any of them come into the country they come in violation of existing law and are subject to deportation. What, then, is the purpose of these restrictive measures? In the last analysis it is this: To tighten the legal net which is already drawn around the borders of our country, to enmesh and turn back the man or woman who is neither an anarchist nor a criminal nor a prostitute nor a pauper nor a contract laborer, but who is so unfortunate as to be unable to read or write.

Regardless of his adaptability for labor or other worthy service in the United States, the immigrant who seeks a residence here intending to study our language and our customs, to obey our laws, and to do menial toil which is essential to our progress is to be confronted with this blunt and startling admonition: You are not wanted in the United States; only the educated and the clever need apply.

I do not believe the spirit of our institutions warrants any such treatment of the unfortunate alien of to-day, for he is merely following in the footsteps of the alien of yesterday and of the day before, and so on back to the scholarly vagabonds of the earliest settlements against whose devilry and worthlessness no such line was drawn.

A MATTER OF ADMINISTRATION.

Much of the agitation in favor of these restrictive bills arises from the fact that many of the classes already proscribed by law do manage by hook or crook to enter the United States in violation of existing law. We have long coast lines on the Atlantic and the Pacific and along the Gulf, and thousands of miles of border separating us from Canada and Mexico. It is sometimes charged that Asiatics have been smuggled over these borders. Doubtless there is some truth in the assertion, but will a law prohibiting the admission of a well-intentioned alien who can not read or write prevent the designing smuggler from finding his way in? It is not the fault of existing law that a forbidden alien stealthily crosses the Frazer River in the Northwest or hides along the Rio Grande for a favorable opportunity of crossing over from Mexico. This is a problem of administration, and we have met that problem by existing law. No law is sufficient to prevent a crime. We may enact laws defining murder and providing a punishment for it, but murder will be committed in spite of any law. We can punish the murderer; that is all. So with the undesirable immigrant. If he sneaks in in violation of law, we can detect and punish him. We may enact drastic laws against criminals or anarchists, and yet they will evade the law in spite of every effort to properly enforce it. We may arrest them after they have evaded the law and we may deport them. This is purely a matter of administration.

On arriving at any one of the ports of this country an educated alien may respond to every requirement of the law to the satisfaction of the most relentless restrictionist, and yet he may have it in his heart to commit murder or to secretly conspire against the constitution and the laws of the United States. To impose upon all immigrants an educational test would seem to offer a loophole of escape for the scholarly but dangerous and undesirable alien, while it would bar the worthy and law-abiding, but unlettered immigrant whose honest labor in this country is not to be despised. And it is safe to say that the unlettered immigrant is the least likely to attempt a violation of the law by tricks of which the educated immigrant is capable.

PUTTING EDUCATION ABOVE LABOR.

It is one of the phenomena of the industrial and social evolution through which we are passing in the United States that manual or physical labor, such as is necessary for the construction of public works and for the promotion of our domestic comfort, is growing less available as popular education advances. The educated American boy, whether he is native or of foreign birth, is looking over and above the drudgery of manual labor and is growing more and more inclined to enter the professions or to seek the occupations which do not soil the hands. And yet if we are to till the soil and make it productive; if we are to dig the trenches and lay the bricks and mortar; if we are to rear the edifice from cellar walls to the highest pinnacles, we must have the burden-bearing laborer, as we must have the mechanic or the architect. It is no stretch of the imagination to say that in large measure we have depended for the roughest and the lowliest work in connection with our great enterprises upon those who have come from other shores; those who have been seeking through long years of rugged toil the right to obtain a livelihood for themselves and their families, and to give their children a fairer start in life's competition than they enjoyed themselves. Nor is it any more a stretch of the imagination to say that our great architects and builders of to-day, the managers and directors of our great industrial enterprises, and the owners of our farms are perplexed even now by the problem of labor, in that those who are willing to accept emolument as teachers, and preachers, and professors of labor are ever in the ascendant, while the actual laborer is gradually disappearing from the scene of action.

THE PLODDING WORKER AND THE AGITATOR.

If, then, we have work to do, if the efficiency of our industrial establishments, the supremacy of our farms, and the integrity of our American traditions are to be preserved, why should we bar from the country those who come in good faith seeking the same opportunities our forefathers sought and who are willing to take their turn at the foot of the ladder of fate? We are proud of our educational institutions, proud of the freedom of educational facilities to the masses, but surely we have not forgotten the value of labor, whether it is crude or refined. The restrictive bills, which we are soon to discuss, are questionable in this respect: They seek to improve the standard of immigration by increasing the number of nonlaboring professionals and by reducing the number of laboring nonprofessionals. Not only do they give us those that we have, but they also take away from us those that we have not. If the immigrant belongs to the tribe of teachers and propagandists who hold themselves above labor, these bills permit him to join the increasing army of the intellectually restless and discontented; but if he is only a plodding workman, who has not the power to preach anarchy or to write sedition, he can take himself hence. It is neither a wise nor a humane proposition.

We could better afford to repeal that paragraph of section 2 of the act above quoted, which excepts "professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession," than to exclude the unlettered laborer. The honest and serviceable toil of the latter is of equal, if not of greater value to the country, than the vocal or artistic services of the former. Moreover, it has already been demonstrated that the United States is capable of supplying about as many actors, artists, lecturers, and others of the professional classes as the demand in this country reasonably warrants.

ENCOURAGING FALSE DOCTRINES.

Surely, Mr. Chairman, the scholarly foreigner who is coming to this country for reasons of his own, who will comply with every educational test, is not going into the trenches and the sewers to obtain his daily bread. If obliged to do this, it will not be long before we may expect to see him preaching on the street corners the doctrines of disloyalty that are becoming all too frequent in the United States. To turn aside the willing

worker because he can not read or write, and to admit the unscrupulous nonworker who can read and write and who can agitate and can preach discontent and who will do nothing else, seems like an invitation to the restless and disorderly, to make sport of the Nation's beneficence, and to degrade that worthy, wealth-creating, and most desirable labor which has been the basis of our national prosperity. Indeed, a careful study of the social conditions which now prevail seem to justify the conclusion that the unrest and discontent of the people is not due so much to ignorance as it is to half-baked and misdirected education.

The stories of the early attempts at settlement in the Colonies are rife with incidents of failure, due to the incompetence of the sprigs of foreign aristocracy and to the "remittance men," who neither understood the art of earning their own living nor cared to be involved in the attempt. We owe nothing to these useless but generously educated mendicants. The growth of this country to a population exceeding 92,000,000 and to a position of eminence throughout the world was in spite of them. Their experience was valuable to us only in that it taught us the lesson that labor is honorable and that it was absolutely essential to the perpetuity of a nation as it is to the maintenance of human life.

NOTHING TO BE GAINED BY OPPRESSION.

I do not see that anything is to be gained by driving back from our shores deserving men and women who are anxious and willing to work. It will not increase our patriotism nor advance the interests of our labor unions. In many avenues of employment we are sadly in need of their services now. They come to us seeking freedom from conditions abroad which many of them hold to be intolerable. They know the terms upon which they can come. They must be law abiding; they must be industrious; they must be free from disease; they must be willing to assimilate and to conform to the laws of our country; and they must bear their share of the burdens which we have assumed. Will an educational test sift out those who are unworthy and admit only those who are desirable? The propagandist will come in; the trouble maker will not be barred by an educational test; but the peaceful, willing laborer can not be admitted if he falls short of the literary requirement. To enforce this test against the unlettered poor is plainly giving the palm to the educated rascal. The latter can enter and work out his will, for he is clever and alert; but the desirable worker who will be useful will be returned to the wretched and benighted surroundings from which, with the same hopes and aspirations that actuated our forefathers, he was induced to flee.

I shall not vote for the illiteracy test because I believe it to be contrary to American principles. It will be ineffectual as a means of restricting undesirable immigration, and bears down unnecessarily upon the lowly and deserving suppliant for American citizenship. Moreover, it will render hopeless tens of thousands of God's humble creatures who appeal to us as a favored people, believing us to be liberty loving and humane.

OUR NATION STRONG AND GENEROUS.

We have been strong enough as a nation to receive all those who came from foreign shores who were willing and anxious to assimilate with us. In our treatment of Cuba and the Philippines we have crossed the very threshold of international philanthropy. In the construction of the Panama Canal we have proven that we can be as generous in commerce as we have been in our treatment of individuals. No one questions our ability to enact laws that will protect the sacred institutions of our country, nor our courage to administer them. Why should we now turn from the pathway of freedom and opportunity which we have justly and proudly maintained for more than a century? Is it because some vicious person forced his way into our country in violation of our laws? Is it because some preacher of social unrest, some wild-eyed malcontent, has made a futile assault upon our social fabric? Is it because some lowly sojourner, teased and tantalized by heartless hoodlums, has turned in anger and smitten his tormentors; or is it because some moral leper has violated the sanctity of the home or rendered fatherless dependent children? Suppose it be for one or all of these offenses, we are still 92,000,000 of people, descendants of all the nations of the earth, with courts and officers of law a plenty, with forums and tribunals. Are we not able to cope with these excrescences? To say we are not is such an indictment of our administrative officers as few of us would care to confess.

I would not ask nor tolerate the admission to the United States of any person morally unfit to come, but this is not a question of morals; it is a question of humanity. If we are to practice the uplift; if we are not to deny that brotherhood of man which we so devoutly preach we can not turn aside the innocent and the worthy, though illiterate, upon the pretense that we are holier than they are. We may guard our ports and border lines against the foreign malefactor. That is a duty we owe to our country and to our firesides, but we can not place the seal of American condemnation upon the law-abiding poor without doing violence to our own traditions.

In my judgment the illiteracy test ought not to be enacted into law.

Mr. COX of Ohio. Mr. Chairman, it occurs to me that while the committee has under consideration matters affecting the Immigration Service, which has to do with our new citizens or our citizens-to-be, we might properly pause for a moment and consider the standards and ethics of life, political and otherwise, followed by our present citizens.

I hold in my hand a report of the debate which took place in this House on the 15th of March, 1910. A few days prior to that the Hon. Wade Ellis had resigned as an official in the Department of Justice. A day or two before March 15, 1910, he had been appointed chairman of the Republican committee in the great State of Ohio, a relation which was characterized in this debate by Mr. CLARK, now Speaker of this House, as the receiver for the Republican Party in our State, a title which seems to have been borne out by events. It was charged that day on this floor that Mr. Ellis gave up a position paying him $7,000 per year with the full knowledge that he would be employed by the Government and paid out of the Treasury a sum equal to, if not in excess of, his $7,000 per year. The debate brought some champions of Mr. Ellis from the other side of the House, who insisted that he was on that day off the pay roll, and that he would not go back on the pay roll. Some one had inquired while the debate was in progress whether a pay roll had ensued following his resignation, and it developed that there had been none. Attention was then called to this circumstance, that it was in contemplation that Mr. Ellis would be employed ostensibly to take care of certain trust proceedings, against certain great combinations, and that while he was giving his time to the affairs of the Republican Party in the State of Ohio he would be compensated out of the Treasury of the United States.

Mr. LONGWORTH, our colleague from Ohio, had something to say, and I want to say now that I hesitate to make this reference in his absence. In fact, any discussion of this phase of the bill, which carries $200,000 for trust prosecutions, has been delayed by me entirely from a sense of propriety, because I would prefer our colleague from Ohio to be here. However, I notice in the public print that he is entered in a fiddling tournament at Chicago, and it is not the first time in history when a great statesman has followed his musical impulses, which tied him to a fiddle, while affairs of state were going to the devil generally. So I am sorry that our colleague is away. He gave us the assurance that day that Mr. Ellis was not only not on the pay roll, but would not be employed by the Government in the conduct of these trust prosecutions. I quote him literally in these words:

> Mr. LONGWORTH. The fact is, I presume, Mr. Ellis has had experience in the trial of these Beef Trust cases, and he for some time will give the benefit of his information to his successor, possibly, and I say my only statement is that he is not and will not be paid out of the funds of the department or any other department.

Now, it developed in the recent hearings held by the subcommittee of the general Committee on Appropriations that Mr. Ellis was employed subsequent to March, 1910, in the prosecution of certain trust cases, and there is this marked coincidence, that in two years' time he has drawn in compensation for this service $14,500, almost to the dollar the same amount of money he would have drawn had he remained in the Department of Justice and claimed his original salary of $7,000 per year. Our colleague from Ohio is not a man of loose information. He felt that he knew what he was talking about. There is no one in this presence who would make the charge that he was acting in bad faith with the House, so that the only logical conclusion is that he was imposed upon by the administration. I recall that the debate went on, and Mr. JAMES, of Kentucky, and myself asked him whether he had the means of knowing the inside secrets of the administration. In fact, some one made the observation that he attended the pink teas at the White House, and our misgivings and doubts were cleared away entirely when our colleague from Ohio made the positive statement that public money would not be paid out in compensating a State political manager.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Ohio. May I have just one minute more?

SEVERAL MEMBERS. Take five minutes.

The CHAIRMAN. Without objection, the gentleman from Ohio will be permitted to proceed for one minute. [After a pause.] The Chair hears no objection.

Mr. COX of Ohio. Now, in the name of the great Commonwealth of Ohio, I want to protest against the Federal administration doing such violence to the credulity of one of her honored sons. I think the record should be thoroughly and well rounded out, however, and that this committee should understand that this appointment in the State of Ohio of a purely partisan relation was made and the money of the people was taken to pay the appointee for his services. I have no fault to find with Mr. Ellis. He is an honored resident of our State; he is eminent as a lawyer and stands high as a citizen. The cases, it develops, were prosecuted to no successful end, and I imagine Mr. Ellis was following the policy of the administration, which never seriously had in mind a successful issue. [Applause on the Democratic side.]

Mr. CAMPBELL. Mr. Chairman, before the gentleman takes his seat, I would like to have his time extended for the purpose of asking him a question, or I will take the floor in my own right. Is it contended that Mr. Ellis did not render able and efficient service to the Government of the United States for the amount of money that he received?

Mr. COX of Ohio. Has the gentleman finished his question?

Mr. CAMPBELL. That is the question; is it contended that he did not render able and efficient service?

Mr. COX of Ohio. That is not the thing at issue. This House was imposed upon that day.

Mr. CAMPBELL. That is the issue now. It will not be charged and has not been, I think, against this administration that it has been very partial to partisan Republicans in making appointments, either to the Supreme Court Bench or in the appointment of attorneys in the prosecution of special cases or Cabinet officials nor in the appointment of an able advocate on the Supreme Court.

Mr. FITZGERALD. That was because it was necessary to go outside of the Republican Party to get a good man.

Mr. CAMPBELL. Not at all. Does the gentleman from Ohio——

Mr. COX of Ohio. Let me answer your other question.

Mr. CAMPBELL. I understood the gentleman stated there was no question but very able service was rendered.

Mr. COX of Ohio. No; I did not say that; I said that was not the thing at issue. Now, the gentleman has asked a question, and if you will give me time I will reply.

Mr. CAMPBELL. Then answer the question.

Mr. COX of Ohio. On that day, when this matter was up——

Mr. MANN. What matter was up?

Mr. COX of Ohio. The legislative, executive, and judicial appropriation bill was under consideration. The assurance was given to the House that Mr. Ellis would doubtless give some of his time to his successor because of his familiarity with the Beef Trust cases, but that he would not be paid out of the funds of the Treasury or any other department. It was clearly inferred that he was passing on to some dignified station, and that he would give his services to the country for nothing, and the Republican organization, or some individual or individuals, would pay for such services as he rendered here.

Mr. CAMPBELL. Does the gentleman from Ohio [Mr. Cox] complain because that was not done? Does he complain because Mr. Wade Ellis did not give his services to the Government for nothing in his prosecution of this case?

Mr. COX of Ohio. The gentleman misunderstands the tenor of the debate entirely. I rose here in my place and voiced my protest in behalf of a great State against the administration imposing upon a representative from our State [Mr. LONGWORTH].

Mr. CAMPBELL. Of course, I hold no brief for the genial gentleman from Ohio.

Mr. COX of Ohio. As a matter of fact, I am not sure but we are discussing a great episode in history. It may be that out of this circumstance grows the great feud in the Republican Party.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. CAMPBELL] has expired.

Mr. MANN. May I ask the possibly next governor of Ohio [applause] what the incident was that he referred to that occurred in the House? What was the occasion of that debate in the House?

Mr. COX of Ohio. We had under consideration the legislative, executive, and judicial appropriation bill, and at that time the appropriation for the conduct of these trust prosecutions was carried in that bill, as I understand it. Subsequently it was transferred to the sundry civil bill, because it was a miscellaneous expense of the Department of Justice.

Mr. MANN. Mr. Chairman, there were several debates in the House which brought in the name of Mr. Ellis—one, I think, on that bill; one on another appropriation bill; and one on a bill providing for an additional Federal judge in Ohio. I took part in the debate. I think I was not credited at the time with being an ardent defender of Mr. Ellis. It may be that my distinguished friend was imposed upon, but I do not believe that anybody else in the House had his credulity imposed upon. I think the House very well understood the situation. There were several statements made, not for the purpose of imposing upon the House. Some of the statements were erroneous, and therefore corrected by gentlemen who made them; and I submit to my genial friend from Ohio [Mr. Cox] that under existing conditions, with the responsibilities which the gentleman from Ohio [Mr. LONGWORTH] has resting on his shoulders just now, that the gentleman from Ohio [Mr. Cox], candidate for governor, ought not to be attacking the gentleman from Ohio [Mr. LONGWORTH], his colleague from this side of the House.

Mr. COX of Ohio. On the contrary, I am defending a man that your administration or your side of the House flimflammed. [Applause on the Democratic side.]

Mr. MANN. No; I do not think this side of the House flimflammed anybody. The support of the bill, which was the real subject of controversy, came largely from that side of the House. I was opposing it from this side of the House.

Mr. COX of Ohio. You were a sporadic instance in your opposition. You had no support over there.

Mr. MANN. I am glad to know that the gentleman considers my opposition sporadic. Some people consider it perennial.

Mr. COX of Ohio. I simply want to assure my colleague that I arise purely in a patriotic spirit to defend one of our fellow Members here who has been violently and unkindly imposed upon.

Mr. FITZGERALD. I hope he will do as much for the gentleman from Ohio [Mr. Cox] in a short time.

The Clerk read as follows:

UNDER LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the first and second sessions of the Sixty-second Congress, as required by the act approved October 19, 1888, $4,000, to be paid to the persons designated by the chairmen of said committees to do said work.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word.

I would like to ask the chairman of the Committee on Appropriations a question with reference to this item. I see here reference is made to "new offices created." Has the committee made any investigation into the facilities and abilities of the several district attorneys of the United States to conduct prosecutions, or the business that falls upon them, and to perform the functions of their offices, such as the prosecution of the trust cases and other cases which it is their duty to conduct?

Mr. FITZGERALD. That was inquired into when the committee looked into the question of making a special appropriation for the conduct of suits under the Sherman antitrust law, and also in connection with the appropriations for assistants to the United States district attorneys. The limit upon the compensation to assistants to United States district attorneys, according to my recollection, is $2,500, and the belief was expressed that there are a great many of these cases that can not very easily and properly be handled in the offices of the United States district attorneys.

Mr. CULLOP. What I wanted to ascertain was whether the gentleman or his committee has made any investigation whereby, if the district attorneys were unable to perform the functions of their offices, as seems to have been the practice in the last several years, and some steps could be taken regarding their appointment, so that competent men would be appointed to conduct such public litigation, instead of permitting the raids that have been made on the Treasury in the last 9 or 10 years, notably the one that the gentleman from Ohio [Mr. Cox] has just mentioned.

Mr. FITZGERALD. The appropriations that have been made for that purpose have been made to enable the Attorney General to carry on the litigation. The special counsel that have been employed were employed to work under the direction of the Attorney General, and not under the direction of any district attorney.

Mr. CULLOP. It is the duty of the office of the district attorneys not only to prosecute these cases arising in their districts and within the jurisdiction of their courts, but also to

prosecute the indictments under the criminal clause of that law, such as the cases of the American Sugar Refining Co., of New York, in which the present Secretary of War was allowed a princely sum for his conduct of that litigation. The indictments having been returned under him as district attorney, as soon as they were returned he resigned his office, and in a day or two was appointed as special counsel to conduct the suits. Has the committee found, or can it find, some way by which that reprehensible practice or habit may be rebuked and stopped?

Mr. FITZGERALD. Well, I believe it is a very difficult thing to control. It depends entirely upon the administration of the Department of Justice. In the prosecution of certain crimes and in the conduct of certain litigation it is necessary to place a certain amount of discretion in the department.

Mr. CULLOP. Does not the gentleman think that it would be advisable for his committee to make some investigation along that line to see if that practice, which has been so liberally indulged in by the present administration and the previous one, could not in some way be broken up?

Mr. FITZGERALD. The committee did go into the matter quite extensively.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. The Attorney General stated——

Mr. CULLOP. I ask, Mr. Chairman, that the gentleman from New York [Mr. FITZGERALD] be allowed five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FITZGERALD. The Attorney General stated that these special assistants to the Attorney General were necessary properly to conduct the law business of the Government, and the committee was not in a position to controvert the contention of the Attorney General. The committee endeavored to give him such sums as would enable him properly to conduct the Government's law business. Whether some of these suits that have been brought in recent years could properly be handled by the respective district attorneys, I am not sufficiently informed to say, because I do not know their capacity. The Attorney General called attention to the fact that in many of these prosecutions he appointed a person to take control of them as an assistant to the Attorney General, because it was possible for such an employee of the Government to appear before the Federal grand jury in any district, whereas an assistant to a district attorney in some particular district could not present the cases to a Federal grand jury in any other district. The Attorney General pointed out the fact that it is more economical to have one man who is familiar with the work and able to go before a number of grand juries, than to have a man in every district familiarize himself with the same work and be confined to one district only.

Mr. CULLOP. In other words, it seems as if the man as a district attorney, holding a commission under the Government, was unable to conduct the prosecution in a suit, but as soon as he was appointed special counsel, whereby he could get a very liberal allowance, he was abundantly able to conduct the prosecution. For instance, take the case of the present Secretary of War. The work was too great, while he was district attorney, to conduct the prosecutions as district attorney; he resigned his office, was appointed special counsel, and then he could conduct the work, but not with very great success, as all must admit, as none of the great violators were ever convicted; only a few hired men connected with the company were convicted. Now, if the man was not able as district attorney to conduct the business, he ought to have resigned and somebody appointed who was able to do it, and save the people the expense of hiring the same man to do as an individual what he was unable to do as a public officer.

Mr. FITZGERALD. Mr. Chairman, I think, in order to have the facts in the RECORD, I shall call attention to a few statements made by the Attorney General. In making inquiry as to the special assistant attorneys general, the Attorney General illustrated the necessity by this case:

The CHAIRMAN. Is there necessity for these special assistants?

Mr. WICKERSHAM. Oh, yes; there is constant necessity for them. These are cases which are constantly arising. Perhaps I could best illustrate it by this group of bleached-flour cases, in which Mr. Pierce Butler, of Minneapolis, was retained. A question arose of whether the bleaching of flour by electricity produced a deterioration which amounted to an adulteration of the flour, and whether it was misleading to ship that flour and sell it in the market as No. 1 flour, or whatever it was; there was some ordinary label which they used on that sort of flour. The Bureau of Chemistry, in the Department of Agriculture, reached the conclusion that bleaching flour in that way did produce adulteration, and that it would be misbranded unless labeled "bleached flour." The millers, who had taken what is called monkey wheat, and by this process made it look exactly like No. 1 northern wheat, protested against that, and the Government determined to test the question. We did not know just where the best place would be to test it or right where we would have to test it, and therefore I retained Mr. Pierce Butler, and he made a study of the subject. There were three or four cases brought, and we finally picked out of them a case that embraced all of the questions, and Mr. Butler tried that case before Judge McPherson in Iowa. It was a long trial, and there was a voluminous amount of evidence. The Government won both on the facts and on the law, and an appeal is now pending in the circuit court of appeals in the eighth circuit. Now, that was a case that really could not be attended to by one of the district attorneys. It required a comprehensive study of the whole situation; it required having control over all the cases that might arise in different districts; and it involved coming here to Washington a number of times and taking up the matter with the bureau and arranging for the expert testimony, and all that sort of thing.

Mr. SHERLEY. And you had no assistants here at Washington who could have performed that work?

Mr. WICKERSHAM. No; I had not, because every assistant I have in Washington is loaded to the gunwales with work. The counsel of the defendants were lawyers of very marked ability, and it required the services of the very best man we could get. That is a case that I have taken haphazard, but there are a number of just such cases.

Then he cited other cases. It was apparent that in the case suggested one district attorney could not devote himself exclusively to such a case to the neglect of the regular routine work of the district attorney's office. If he attended to the routine work of his office he could not devote himself, as was necessary, exclusively to this case. If he devoted himself exclusively to this case the routine work of the United States would be neglected. From the investigation I have made I do not see how it would be possible to avoid in a great many instances having men specially designated to look after particular cases or groups of cases.

Mr. MANN. Mr. Chairman, the remarks made by the gentleman from Indiana [Mr. CULLOP] seem to me so unfair and so unjustifiable that I rise for the purpose of saying a word on the subject. Certainly the Government requires the services of special counsel in these important cases. A few years ago gentlemen on that side of the aisle were complaining because they said the Republican administration was not commencing prosecutions under the antitrust law. As soon as the prosecutions are commenced then they find fault with the method of employing counsel. If the Government employs outside counsel entirely, they say we pay too much for counsel fees. If the Government employs counsel in its service on a regular salary and puts them upon special fees, then they complain against that method. If the Government keeps its persons in regular employ specially devoted to this work, then they complain in regard to that method.

The truth is that many men belonging to the Democratic Party hope in this campaign to secure the blessings and the comforts and the benefits that may arise from helping out to defend the trusts. They cut off in this House the appropriation the other day in part needed for the prosecution of the trusts and then adopted an amendment which absolutely paralyzes, if it becomes a law, the arm of the Department of Justice in enforcing the law and prosecuting the suits.

When the committee the other day adopted the amendment offered by the gentleman from Texas [Mr. BEALL], which was apparently agreed to by gentlemen on that side of the House and voted into the bill over the protests of Members on this side of the House, I asked the Department of Justice in regard to the effect of this amendment. I have a letter from the Attorney General, which I propose to read, because it demonstrates the purpose of the Democrats in the House in endeavoring to paralyze the efforts of this Republican administration in the prosecution of the so-called trusts under the antitrust law. The Attorney General says:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 8, 1912.

Hon. JAMES R. MANN,
House of Representatives.

DEAR MR. MANN: My attention was called to-day to the amendment added to the sundry civil bill in the Committee of the Whole Saturday, June 15, printed on page 8782 of the RECORD.

The amendment might fitly be called "An act to destroy the efficiency of the Department of Justice." It is certainly a measure in aid of defendants now under prosecution by this department. As I read it, it would legislate out of office on July 1 every attorney engaged on behalf of the Government in any of the suits brought under the antitrust law, the interstate-commerce act, or any of the other laws referred to in the amendment who, two years before his present employment, had held any position or employment of any kind under the Government or had been retained in any other lawsuit. It would wipe out at once all the counsel engaged in prosecuting the suit against the United States Steel Corporation, who have been at work for months past and are in the midst now of taking testimony in that suit. The representatives of that corporation could ask nothing better from the Government. It would wipe out counsel for the Government in the suit to set aside the Oregon and California land grant, who has for years past been engaged in that arduous suit, who has been successful in sustaining the bill on demurrer and is now engaged in taking testimony. It would dismiss a dozen fine young lawyers who have been trained in the department and are now employed in the prosecution, as special assistants, of important litigation for the Government in different parts of the country. I am having made up a list of the cases affected by this amendment, but I may say, in general, that it

interferes with the successful prosecution of almost every important case the Government has pending. Its language is so broad that apparently it punishes everybody who is engaged as counsel for the Government in one case by preventing his retainer in another case for two years. It would do more for the defendants in these actions than their own counsel could accomplish for them, for you know what it means to change attorneys in the midst of a lawsuit. I do not know whether even the framer of the amendment understood how far-reaching it is in its effect. I am sure few who voted for it did. It not only operates to deprive the Government in the future of the assistance in its litigation of men who have been trained in its service when they leave salaried positions and go into private practice, but it interferes with pending prosecutions to a degree that can only be sustained upon the theory that it is the deliberate purpose of Congress to hamper the prosecution of most of the pending litigation.

I do not think this language is too extreme, and I write it to call your attention sharply to the question, so that, if it be possible when the bill is reported to the House, some change may be suggested in its language.

The idea that, in order to punish a few men who, having done good service for the Government in salaried positions, have afterwards been retained and paid reasonable fees for doing magnificent work as special counsel, the Government itself should be hampered by being deprived of the service of a large body of trained, efficient men in the conduct of its litigation, and that no attorney shall be employed in more than one case for the Government unless two years have elapsed since the termination of the work under his present retainer, is a novel conception of efficient government.

Faithfully, yours,

GEO. WICKERSHAM,
Attorney General.

Mr. Chairman, there is not a large concern in the country employing its own counsel on a salary by the year which does not employ special counsel from the outside when it becomes involved in important litigation. Yet here is a proposition which, as I said, will practically paralyze the arm of justice of the United States. I do not know whether or not the gentleman who offered the amendment wanted to prevent the prosecution of the antitrust cases, but I believe that the Democratic side of the House in voting in the amendment did it with the deliberate intent of showing themselves friends in need of the people who are being prosecuted and for the purpose of hampering the present administration in the prosecution both of the civil and the criminal cases now pending. [Applause on the Republican side.]

Mr. BEALL of Texas. Mr. Chairman, the gentleman from Illinois [Mr. MANN], in the last sentence, might impress a person unacquainted with him with the idea that he was in earnest. But there is slight probability that anyone who is familiar with the peculiar antics of the gentleman from Illinos will for a moment misunderstand the situation and think that the gentleman from Illinois is not playing a part. The gentleman from Illinois said that he believed that it was the purpose of the majority, in adopting that amendment, to throw out an anchor to these combinations that are being prosecuted. The gentleman from Illinois can hardly believe that, because the history of this country has shown that the party upon this side of the aisle has never been a friend of these violators of the law. Whenever they have come to Congress looking for friends, Mr. Chairman, they have known exactly where to go. If they have looked to either side of this Chamber, they have looked to that side which the gentleman from Illinois so signally graces.

I heard only a part of the letter of the Attorney General. He arraigned the innocent little amendment that I offered and talked about its paralyzing the arm of the Government in the prosecution of these suits. It is more unfortunate, Mr. Chairman, that long before this amendment was adopted the arm of the Federal Government to a great extent had already been paralyzed in the prosecution of these trusts. [Applause on the Democratic side.] Whatever may befall such prosecutions in the future, I am confident that no more disastrous ending to any of the balance of them will occur than the ending of the prosecution against the Beef Trust that has its domicile in the gentleman's own town.

Mr. Chairman, that amendment, or some such amendment as that, was made necessary by what I consider a grave abuse by the Department of Justice, an abuse that had become scandalous, an abuse that even the gentleman from Illinois will not defend upon this floor. The only purpose of it was to prevent abuses that have been practiced by the Department of Justice. Have we reached the point where, in order to prosecute the trusts of this country, we have to witness a spectacle such as we witnessed when Mr. Stimson resigned—resigned, if not for the purpose of accepting employment at a very largely increased salary, at least, resigned with the knowledge that he would be immediately reemployed in order to conduct this prosecution in behalf of the Government? Why did he resign? Not for the good of the Government, but in order that by legerdemain of that kind he could receive a much larger compensation for doing the very character of work that it was his duty to do as the district attorney in the southern district of New York.

Why did Mr. Denison resign? He was receiving $4,000 as assistant district attorney in New York. Why did he resign? Because he knew that he would be reemployed by the Government and paid an extravagant salary to do the very work that he would have been expected to do had he retained his position as assistant to the district attorney in New York. I do not believe that the country has reached the point where the only men who can prosecute these suits against these combinations are the men who, holding one position, find it necessary to give it up in order to secure additional compensation.

There were two purposes in that amendment. One was to prevent the Department of Justice taking some district attorney or some assistant district attorney out of his district, taking him away from his duties, and assigning him duties in connection with the prosecution of cases in behalf of the Government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BEALL of Texas. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, where is the gentleman who will say that that is a good practice? Where is the man upon that side of the House who will defend it and say that it is a proper practice, or that such a practice as that which occurred in the case of Mr. Erwin is proper, wherein he was taken out of his district for a large part of the time for as much as 10 or 11 years and still received a salary of $5,000 and expenses and very large commissions for conducting other prosecutions in behalf of the Government? I am not criticizing the character of the service that was rendered by Mr. Erwin. So far as I have been able to ascertain he rendered efficient service as special assistant to the Attorney General. There were conditions that probably made him the most available man and the most efficient man that could have been selected to do this work because of his intimate knowledge of the case. If he had resigned and accepted that service and devoted his energies to the prosecution of that work and let somebody else be appointed district attorney in Georgia, I would have had no criticism.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. BEALL of Texas. Certainly.

Mr. SIMS. Would it not have been on all fours and exactly of the kind, so far as the principle is concerned, if the Attorney General himself had resigned and then had been employed immediately to prosecute the Steel Trust?

Mr. BEALL of Texas. I do not see any difference. Everybody will recognize it is not the right practice; it is not treating the Government of the United States properly or decently for that sort of practice to prevail in the Department of Justice. If it was just one isolated case it would not be so bad, but it has developed into a practice down there, and it is a practice that deserves to be condemned, to be reprobated by Congress, and I therefore offered that amendment. I do not want to interfere with any proper prosecution of the Steel Trust or any other trust, but I do believe that the time has been reached when Congress should give expression to its views upon this question. I do not desire to reflect upon the Attorney General or the Department of Justice. I want to give that department all the credit it deserves, and it does deserve some credit. I think, though, it has continued a practice that is bad. It is a matter that should be corrected. If there had not been an abuse of this discretion that has been vested in the Attorney General by Congress, there would have been no necessity for the amendment which I offered. [Applause on the Democratic side.]

Mr. CULLOP. Mr. Chairman, certainly the gentleman from Illinois [Mr. MANN] in defending a bad case is a past master. He is both artful and resourceful, and especially so in a very bad case. He can always find a very plausible excuse or defense for his position. The trust is not looking to the Democratic Party for any favors. The trusts know they can hope for no favors from it, and hence their efforts in every campaign are expended to defeat it. It has no reason, no just cause, to complain of the Republican Party at this time, and I do say that the practice that has been in vogue in the Department of Justice for district attorneys, after they begin suits, to resign as district attorneys for the purpose of being appointed special counsel to conduct the suits is reprehensible and ought not to be permitted. It deserves censure, and reflects on those who have been guilty of such methods. It is in violation of the ethics of the profession to which they belong. [Applause on the Democratic side.]

Mr. Chairman, let me call attention to another trust prosecution, with all of the able counsel they have had at the command of the Government, and that is the prosecution of the Beef Trust. In 1902 they secured an injunction in the Federal

court at Chicago. That case was appealed to the Supreme Court of the United States, and the decree of the lower court was affirmed in 1904.

Yet there was not a single one of those able counsel who ever attempted to have the defendants cited for contempt of court for violating that injunction. They violated it every day in the week from that time to this. Instead of enforcing the injunction they began new prosecutions. They all failed. They obtained new indictments, and the defendants were acquitted time after time. The case in some form or other dragged its weary way through that court, under the conduct of these able counsel, for nearly 10 years without success, and how much it cost the people we are not informed, but it was a large sum. The Government pursued unsuccessfully this litigation until February, 1912, when it ended in failure, except two pleas of guilty of two clerks for receiving rebates from the railroads, and impositions of fines as a punishment. The Beef Trust went on plundering the people, and all the high-up fellows escaped punishment. I say this, that whenever one of these district attorneys resigns the Government ought to appoint some one in his stead who would be able to conduct these prosecutions. Eighty-three thousand dollars as a fee in the Sugar Trust case, paid to Mr. Stimson, the present Secretary of War, was a very unreasonable fee, as everyone knows. Now, a fee in a lawsuit is to be measured largely by the result obtained. What was the result in this case?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. A few clerks in the office were convicted and soon afterwards pardoned. The result did not reflect great ability and success on the part of those in charge of the litigation.

Not a single man high up in that criminal organization has ever felt the weight of the law, and yet the Government paid him the sum of $83,000 for his services and his assistant $27,500. It was their duty as men, patriotic men, a duty which they took upon themselves when they were sworn into office to prosecute these cases and not dodge their responsibility in that way, to be rewarded as political henchmen; and so in the other cases that the gentleman from Texas has mentioned. Oh, no; the trusts of this country do not care for the power to go out of the hands of their friends, where it is now resting; and that is why they are continually fighting the Democratic Party. [Applause on the Democratic side.]

That is why their leading men are at this very hour struggling in the disgraceful battle going on at Chicago to name the national ticket which will permit them to continue to exploit the pockets of the American people in order that they may revel in their predatory wealth and dominate the policies of the Republican Party. Oh, no; the trusts resist all efforts of the Democratic Party to come into power. They prefer to continue the rule of the party now in power. [Applause on the Democratic side.]

Mr. NEELEY. Mr. Chairman, in the light of some of the disclosures revealed last week in New York by the committee investigating the Money Trust the charge that the Democratic Party and the trusts are working together is remarkable to say the least. No Democratic President ever opened the Treasury of the United States to the Money Trust and invited that plunderbund to take $42,000,000 of the people's money in three days and loan it to private individuals at 6 per cent, thereby yielding them $8,000 a day in interest; and the success of the prosecution against the Beef Trust is best evidenced by the fact that after it had been all concluded the price of beef advanced 2 cents per pound, and everybody connected with the trust seemed to be very happy. [Applause on the Democratic side.] Mr. Chairman, there is another matter in this bill. On page 149, where I find there is an appropriation of $2,500,000 made for the purpose of regulating the immigration of aliens into the United States, including the enforcement of the contract labor laws, with the other specifications. That matter is of peculiar interest to the people of my district. I have a district that has three transcontinental lines of railroad running through it, and those three lines of railroad have been violating the noncontract labor law for years. Last winter, when I was making my campaign, at the town of Syracuse, on the Colorado line, I went through a camp of over 300 Mexican laborers, and when I got up to Garden City I found another gang of over 100 there. The postmaster at Syracuse said that in one day he had sent over $1,600 in good American money back to Mexico, every dollar of which went back to the families of men who came into this country in violation of the contract labor law. Nor is that all. It is a notorious fact in my district that for years these lines of railroad have maintained immigration agents at El Paso and Juarez whose duty it is to go into Mexico and solicit immigrants to come to the United States under a specific contract of employment for six months, with an agreed rate to be paid. They violate that law every day. You say, Why is not the law enforced? The statute reads as follows:

SEC. 5. That for every violation of any of the provisions of section 4 of this act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States, and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

That is the penalty, and it is recovered by an action in the nature of an action for damages. No man wants to prosecute in his own name, and no man wants to go to Mexico to get evidence, and the result is that the law is violated every day in the year with impunity. I am told that over 22 Mexicans are in the Kansas Penitentiary, that some 14 or 15 are in the industrial reformatory in my town, that many of them are in the insane asylum, and that in every county through which a transcontinental——

The CHAIRMAN. The time of the gentleman has expired.

Mr. NEELEY. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] No objection is heard.

Mr. NEELEY (continuing). Line of railroad runs they have Mexicans in their jails. They do not pay a dollar of taxes; they do not work the roads; they contribute nothing to the upbuilding of our State; and sometimes as many as four families of them live in one two-room house. Even that is the exception, because they live in little shanties constructed of car doors and such other lumber of a similar kind as they have been able to get alongside the railroad tracks, or in shanties constructed of railroad ties set on end and covered over with dirt. They do not contribute a single dollar to the development of the country, and yet there is a provision in this bill made to enforce a law that has always been a nullity and which is absolutely a farce. Its only office is to make a place of political creditors. On the 10th day of February I introduced a bill, H. R. 19867, designed to correct that evil. If we want to enforce the law, if we want to vitalize this law so that it will be effective, you must have a penalty that fits the crime; and if you want to exclude these people who come into our country in violation of our country's laws, who take the places of many of our own people, we will have to do that by providing a punishment that is sufficient to give the result desired. I live in one of the richest counties in the State of Kansas, a county with a population of approximately 40,000 people. We have a bank total in that county of over $8,000,000, approximately $2,000 for every man, woman, and child in the county, and yet last winter our poor commissioner gave aid to 289 families during the month of December.

And in that county, up to the 14th day of January, he had given aid to 176 during that month. Who were these people, and why were they aided? What caused the citizens of our county to bear this added burden of taxation? Was it the residents? No. It was either for the Mexicans that had been brought in there in violation of the law and who, owing to the fact that the railroad lines were covered with snow and they were unable to work there, were made dependents upon our people, and the latter were obliged to support and feed and clothe those aliens who care nothing for us or our institutions, or else they were men who had been forced out of employment by those Mexicans who had been unlawfully brought in. Not only is that not right, but it is absolutely wrong. The people of my district and the people of the State of Kansas want this Congress to give them some relief from a condition that ought not to be longer tolerated and to stop this raid on the Treasury by political grafters.

Mr. MANN. Mr. Chairman, I did not know how much personal trouble I was starting with certain gentlemen when I read a letter from the Attorney General a while ago. I believe the old method used to be that if you had a small case in a court, and it was not a very good one, to "cuss" the counsel on the other side. The gentleman from Texas [Mr. BEALL] refers to the peculiar antics of the "gentleman from Illinois," and by using personalities, of course, invites personalities. It is probably true that to gentlemen who have been practicing law where a thousand-dollar law fee seems larger than a

cart wheel, that some of the fees paid by the Government seem excessive. But to lawyers who are accustomed to handling large litigation these fees seem very moderate.

The distinguished gentleman who is now gracing the Chair [Mr. CULLOP] a few moments ago asked what were the results over in New York when Mr. Stimson was prosecuting the case. My understanding is—and I am subject to correction—that the results were that the Government collected about $3,000,000 for which they paid a very moderate fee. If the same work had been done for a private party the fee would have been very much larger or else the attorney would have been very foolish.

Now, the distinguished gentleman from Texas [Mr. BEALL] who offered an amendment, either knowing what was in it and knowing the effect it would have in paralyzing the Department of Justice, or else not knowing what was in it, has offered it absolutely and directly in the interest of the defendants in these trust prosecutions. Whether he meant it that way or not I do not know. We judge people by the results, by their acts, and not by what they say. And the gentleman who says that "if the trusts desire legislation they know which side of the aisle to go to and whom to go to," introduces an amendment in the interests of the trusts either knowingly or unwittingly. If knowingly, without any excuse; and if unwittingly, subject, of course, to forgiveness, because we all do things unwittingly.

I repeat the action of the Democratic side of the House in refusing to make a sufficient appropriation to prosecute the trusts in the first instance, and then endeavoring to tie it up so as to discharge the present counsel and attorneys engaged in the suits, is working in the interests of the trusts and a bid for financial and other support in the coming or present campaign.

Mr. FITZGERALD. Nobody who is familiar with the attendance at Chicago has any notion that Democrats have any hope, if they even desired it, to enlist the aid of the wealthy malefactors of this country who have been identified with the trusts that have been prosecuted under the Republican administration.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BEALL of Texas. Do you think there is any necessity for the Steel Trust looking for help from over on this side of the House as long as it has its friends——

Mr. FITZGERALD. And its angel.

Mr. BEALL of Texas (continuing). And its good angel, who happens now to be in Chicago?

Mr. BUCHANAN. I would like to ask if there is any necessity for enlarging our prisons on account of the successful prosecutions by the Republican administration of trust officials?

Mr. MANN. We are building two new penitentiaries to put them in and other gentlemen over there.

Mr. FITZGERALD. If we have the administration after the 4th of March that we have had for the last few years, the Department of Justice will not be busy. There will be no necessity for lawyers. There will be necessity for practical men.

Mr. BEALL of Texas. The gentleman from Illinois talked about building the penitentiaries to which to send these men. Will not many of them go to the convention?

Mr. MANN. Many of them will be at Baltimore.

Mr. FITZGERALD. I ask the Clerk to read.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I have been listening to the gentleman from Texas [Mr. BEALL] and my colleague from Illinois [Mr. BUCHANAN] and that shining light which is all knowledge, the gentleman from Indiana [Mr. CULLOP], and I have been somewhat amused. I am not going to discuss this matter, because it would be useless for me to try to inform anybody who has the amount of knowledge and wisdom that is possessed by the gentleman from Indiana [Mr. CULLOP].

Really this whole matter does not legitimately belong to the consideration of this bill, which is being considered by about one-fourth of a quorum in the Committee of the Whole House on the state of the Union by unanimous consent. I am not here to defend anybody or prosecute anybody touching the trusts. I am here, however, to say that there has been made and is being made an honest, persistent, able effort to enforce the laws of the United States, and more has been accomplished in their enforcement in the last three years than was accomplished during the whole time prior thereto, since their enactment.

Mr. FITZGERALD. It would not be safe for the gentleman to make that statement in Chicago to-day. [Laughter.]

Mr. CANNON. Oh, Chicago will take care of itself.

Mr. MANN. And the Democrats, too.

Mr. CANNON. Yes.

Mr. BARTLETT. And some Republicans, too. [Laughter.]

Mr. CANNON. My friends are having a good time prophesying about this and that and the other event. You are going to meet down in your own convention next week. Wait and see how you get along. [Laughter on the Republican side.] In the meantime I would suggest to the gentleman that he proceed with his bill, if he desires to do so, for I do not believe that anything that has been done here to-day or may be said along the line of prophecy and criticism will be worth one vote to any party next November. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $35,932.

Mr. GARNER. Mr. Chairman, just a word, to ask the chairman of the committee if he can give me information as to what the particular items in this sum of $35,000 are used for, and under whose direction is this money expended?

Mr. FITZGERALD. It is expended under the direction of the Superintendent of the Capitol Building and Grounds, subject to the supervision of the commission in charge of the House Office Building.

Mr. GARNER. Who is in charge of the House Office Building?

Mr. FITZGERALD. The commission, consisting of the Speaker of the House, the gentleman from Illinois [Mr. CANNON], and myself.

Mr. GARNER. Could the gentleman tell us what it has cost in the last six months to repair and rearrange some of the offices over there? For instance, the office of the Committee on the Judiciary.

Mr. BARTLETT. That was carried on the urgent deficiency bill.

Mr. FITZGERALD. I do not have the figures in my mind at present, but six or seven thousand dollars of it was expended under the control of the commission, and some of the furnishings were supplied out of the contingent fund of the House. I do not remember exactly how much that was. A certain portion of it was considered as properly chargeable to the permanent addition to the building, and that was provided for in a deficiency bill, and the furnishings were provided by the Committee on Accounts out of the contingent fund.

Mr. GARNER. I must admit, Mr. Chairman, that I did not know that the furniture was paid for out of the contingent fund of the House. In fact, I have made some inquiry about it, and I understood the chairman of the Committee on Accounts to say that he did not know anything about it. That might have been before the bills came in.

Mr. FITZGERALD. I think the Chairman must have known about it, because in the last session of Congress the gentleman from Missouri [Mr. LLOYD] and myself conferred before anything was done, and an agreement was reached as to the parts of the expense that should be charged to the various funds. The gentleman from Arkansas [Mr. FLOYD], I am inclined to think, was the chairman of the subcommittee that had charge of the matter.

Mr. MANN. Mr. Chairman, does the gentleman yield for a question?

Mr. GARNER. Certainly.

Mr. MANN. I would like to ask the gentleman from Texas [Mr. GARNER] whether the character of the furniture and improvements in the Committee on the Judiciary over in the House Office Building is what he would characterize by the term "democratic simplicity"?

Mr. GARNER. Mr. Chairman, I am very candid to say it is not, and if it had been done under my supervision, speaking as one Member, it would not have been fixed up as expensively and luxuriously as it appears to the eye when one walks into that committee room. I believe that each committee of the House ought to have a convenient and proper place in which to perform its work and conduct its business, but I do believe, in justice to ourselves—and a majority of us, I am certain, want to inculcate it here into the minds of the balance of the minority, as it were—that the idea of democratic simplicity has not been adhered to in every instance, and I believe the case of the Committee on the Judiciary is one of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I have never been in the room of the Committee on the Judiciary in the House Office Building, and I do not know about it, but, after all is said and done, I think we might get along in Washington, in the House and Senate, with much less expensive furniture. For instance, I would rather have, so far as I am concerned, an old-fashioned split-bottom chair than these mahogany chairs, and instead of these expensive cuspidors, I would rather have one made of brown crockery, fashioned out of blue clay, which is not so apt to

break. You might take out that elegant marble desk where the Speaker sits, and these expensive mahogany chairs. Remove the decorations about the Capitol Building. I have always been glad that the House Office Building was put up. I am responsible for that building, in part, because I got unanimous consent to put an item on the appropriation bill for its erection, but after all it might have been built of plain brick, and all the ornamentation and the pillars that delight the eyes of the people have been dispensed with. But, Mr. Chairman, I apprehend that the people of this country are glad to have the House Office Building and glad to have the furniture in the various buildings, and I know Members of Congress are glad to come and occupy them. But, Mr. Chairman, with the small number of Members here we are devoting a good deal of time trying to make capital to get back, and I suggest that the gentleman from New York go on with the bill.

Mr. GARNER. But, Mr. Chairman, the gentleman from New York has not furnished me yet with the information as to what most of this $35,000 goes for.

Mr. FITZGERALD. The principal item is for salaries.

Mr. GARNER. Are the salaries paid out of this sum?

Mr. FITZGERALD. Yes.

Mr. GARNER. What salaries are paid out of this that are not provided for in the legislative bill?

Mr. FITZGERALD. None of the salaries for that building are covered by the legislative bill except the elevator men and police.

Mr. GARNER. Is the superintendent paid out of this sum?

Mr. FITZGERALD. Yes.

Mr. GARNER. What is his salary?

Mr. FITZGERALD. Two hundred dollars a month.

Mr. GARNER. All of these salaries are regulated by this commission?

Mr. FITZGERALD. Yes.

Mr. GARNER. What amount is expended for salaries?

Mr. FITZGERALD. Twenty-nine thousand dollars and over.

Mr. GARNER. I do not know of employees enough over there to amount to $29,000, unless it is the charwomen——

Mr. FITZGERALD. The charwomen are paid out of this sum to the extent of $9,600.

Mr. GARNER. And the superintendent gets $2,400 a year?

Mr. FITZGERALD. Yes. I will read the list of salaries for the benefit of the gentleman:

Maintenance—House Office Building.

1 custodian, at $200 per month	$2,400
1 assistant, at $120 per month	1,440
1 clerk, at $100 per month	1,200
1 messenger, at $75 per month	900
1 clerk, at $100 per month	1,200
5 toilet men, at $50 per month each	3,000
5 laborers, including window washer, at $40 per month each	2,400
1 carpenter, at $80 per month	960
1 painter, at $80 per month	960
2 attendants to the heating system, at $75 per month each	1,800
1 electrician, at $120 per month	1,440
1 electrician's helper, at $60 per month	720
3 toilet women, at $40 per month each	1,440
1 forcelady of char force, at $40 per month	480
40 charwomen, at $20 per month each	9,600
Total salaries	29,932
For maintenance and supplies, including personal services	6,000
Total	35,932

Mr. GARNER. All of these employees are under the direction or are employed by and under the direction of this commission?

Mr. FITZGERALD. They are employed by the Superintendent of the Capitol Building and Grounds.

Mr. GARNER. But I suppose the superintendent appoints the people that are suggested by the commission and pays them the salary——

Mr. FITZGERALD. He does not. Nobody has ever been appointed by me, and I do not think by any other member of the commission.

Mr. GARNER. I am not contending that they have been; I am trying to get information.

Mr. FITZGERALD. The superintendent appoints them subject to the approval of the commission, and my experience is that the superintendent has been performing his duties along the lines that would result to the satisfaction of the commission and the efficiency of the service.

Mr. WILLIS. Will the gentleman from New York yield to me for a question?

Mr. FITZGERALD. Yes.

Mr. WILLIS. Is there authority under this item in question whereby screens could be furnished for the restaurant in the House Office Building? Some of us take our meals there; and there are no screens to the windows, and it is quite unpleasant and insanitary; and I wondered whether this item would be sufficient to cover that object.

Mr. FITZGERALD. It would be, but we do not screen buildings; we use electric fans to keep the flies off.

Mr. WILLIS. But they do not keep the flies off. There are flies over there as big as English sparrows. [Laughter.]

Mr. FITZGERALD. Well, the fans are better than screens.

The Clerk read as follows:

For fuel, oil, and cotton waste, and advertising for the power plant which furnishes heat and light for the Capitol and congressional buildings, $77,000. This and the three foregoing appropriations shall be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building, appointed under the act approved March 4, 1907, and without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item says—

This and the three foregoing appropriations shall be expended by the Superintendent of Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building.

Is it designed to include in that the provision of the item under House Office Building, $35,000?

Mr. FITZGERALD. It should be included. In fact, it is included.

Mr. MANN. I see now that it is.

Mr. FINLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 16, page 154, insert as a new paragraph the following:

"Printing Investigation Commission, as provided for in the act making appropriations for sundry civil expenses of the Government, approved March 4, 1911, the sum of $5,000 is hereby appropriated for the expense of said Printing Investigation Commission."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the amendment.

Mr. FINLEY. Mr. Chairman, a point of order does not lie.

The CHAIRMAN. The gentleman from New York reserves the point of order. The Chair will hear the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, this is provided for by law. The last sundry civil appropriation bill extended the life of this commission during the Sixty-second Congress. That would be until the 4th of March next. No point of order would lie against it.

Mr. MANN. Let us have a statement of the gentleman as to what the provisions are, so as to know what the law is.

Mr. FINLEY. Mr. Chairman, many gentlemen here are familiar with the work of this commission. Some expense is necessary in order to carry on the work of the commission. A great deal has been done, and I may say that the work is nearly completed, but not altogether. There are certain investigations being carried on now, and it will require about $5,000 to defray the expenses until the 4th of next March. Then the commission expires by operation of law. A great many matters in the Government Printing Office have been investigated. We are now investigating the matter of ink, the purchase of machinery, and a great many matters of that sort that I could mention. The work is being carried on. The commission has two clerks and one stenographer. That is the working force of the commission.

Mr. MANN. Is the gentleman able to give the provision of law creating the commission and the provision extending its life?

Mr. FINLEY. Yes. The last sundry civil appropriation bill extended the life of the commission. The commission itself was created several years ago.

Mr. FOCHT. Was not the appropriation then $10,000 a year?

Mr. FINLEY. The appropriation has been $10,000 annually. We are not spending all of the money this year. I believe there will be something like $1,500 that will lapse into the Treasury the 1st of July. The commission has been in operation for many years. It was hoped by the members of the commission that the bill revising the laws relative to printing and binding would pass Congress by the 1st of July, so that there would be no necessity for continuing this work. In other words, the work then would be taken over by the Joint Committee on Printing. The Joint Committee on Printing has no force whatever. It has no clerks.

Mr. FITZGERALD. The two committees of the House and the Senate, which constitute the Joint Committee on Printing, have clerks.

Mr. FINLEY. I understand that, but the gentleman from New York must be aware that the clerks in the Committee on

Printing in the House and the Committee on Printing in the Senate have not time to carry on this work.

Mr. MANN. What else do they have to do

Mr. FINLEY. They have a great deal to do. If the gentleman will investigate the work of the two committees he will ascertain that they are busy.

Mr. MANN. I have investigated, but I have not ascertained that they are busy.

Mr. FINLEY. The gentleman, then, has not investigated properly. If the gentleman will look into the matter he will find that there is work in both of those committees all the time Congress is in session, and each committee has a clerk, but these clerks are busy. They have as much as they can do to attend to the business of the committee.

Mr. MANN. Does not the joint committee have some one detailed from the Printing Office under its control?

Mr. FINLEY. It has not.

Mr. MANN. Nobody in the Printing Office?

Mr. FINLEY. Not in the work of the joint committee.

Mr. MANN. Does not the joint committee have control of somebody in the Printing Office, somebody who is subject to its order?

Mr. FINLEY. The joint committee designates an inspector of paper, and that is all; but no one else in the Government Printing Office.

Mr. MANN. It also has employed somebody getting up the Congressional Directory.

Mr. FINLEY. That is provided for by law.

Mr. MANN. I understand; but that is under the Joint Committee on Printing.

Mr. FINLEY. Yes.

Mr. MANN. I understood the gentleman to say that the Joint Committee on Printing has nobody employed under it.

Mr. FINLEY. I say the joint committee has no clerk employed. It has a compiler or editor of the Congressional Directory. That has been the law and the practice for years, as the gentleman knows, and it is provided for by law. The legislative bill which was passed some time ago carried, I believe, $1,600 for the salary of this official. There is no connection whatever between the compiler of the Directory and the other work of the joint committee.

Mr. MANN. The compiler of the Congressional Directory, of course, has very little work to perform. He has nothing to do most of the time. Why does not the joint committee make use of him?

Mr. FINLEY. It is only authorized to employ him for that work, and that is all he has ever done; and I will say to the gentleman that he must be aware of the fact that the compiler has almost invariably been some newspaper correspondent or editor.

Mr. MANN. I think that is true; and I heard that very bitterly denounced on the floor of this House by gentlemen on that side of the House—bitterly denounced. Thereupon the same practice was followed, only a little worse.

Mr. SIMS. Who denounced the practice?

Mr. FITZGERALD. I think not. The same practice was not followed.

Mr. MANN. I said only a little worse.

Mr. FITZGERALD. Upon the representations of the gentleman from South Carolina that a man had been employed who was to work all the year round, not only upon that, but upon other work, the legislative committee concluded to carry a compensation for the year.

Mr. FINLEY. Oh, I want to correct the gentleman from New York about that. I did not say on other matter. I said that was his work.

Mr. MANN. I think we used to pay $1,000; and that side of the House then said it was too much, and then they increased it to $1,600.

Mr. FINLEY. I made no statement to the gentleman from New York that would carry that impression.

Mr. FITZGERALD. The gentleman did not make the statement to me. One of the committee stated to me what the gentleman from South Carolina has said, and it was upon that ground that the committee acted. Otherwise it would not have been so carried.

Mr. FINLEY. I do not know what was said by some one else. I know I did not. I call the attention of the gentleman from Illinois to the fact that there is no connection between the work of the joint committee and the Printing Investigation Commission.

Mr. MANN. We have a Printing Committee in the Senate.

Mr. FINLEY. Yes.

Mr. MANN. And a Printing Committee in the House.

Mr. FINLEY. Yes.

Mr. MANN. And a Joint Committee on Printing.

Mr. FINLEY. Yes.

Mr. MANN. And a Joint Investigating Commission.

Mr. FINLEY. Yes.

Mr. MANN. For the Lord's sake, how many committees do you want before you get at business?

Mr. FINLEY. We have been at work all of the time.

Mr. MANN. The Committee on Printing in the House is able to make any investigation and the Committee on Printing in the Senate is able to make the investigation, and the joint committee is entitled to make the investigation. Then you have a special provision with an appropriation of $10,000 for a Joint Investigating Commission.

Mr. FINLEY. I want to say this: A law was passed some six or seven years ago, and I think with the aid and assistance of the gentleman from Illinois, providing for a Joint Commission on Investigation. The gentleman's party was in power and framed the law, and I want to say that it was a wise thing to do. It has resulted in great saving at the Government Printing Office. The Printing Investigation Commission is one commission that has made good.

Mr. FITZGERALD. Let me ask the gentleman if the personnel of the Printing Committees in the House and in the Senate and the Joint Committee on Printing in the House and in the Senate and the Joint Commission on Printing are not identical?

Mr. FINLEY. So far as the House membership is concerned, that is true, but it is not true of the Senate.

Mr. FITZGERALD. How does it differ in the Senate?

Mr. FINLEY. The Senate has more than three members on its Committee on Printing.

Mr. FITZGERALD. Oh, well, the other two do not do anything. It is what is known as a one-man committee.

Mr. FINLEY. I will say to the gentleman that the chairman of the joint committee is not chairman of the Senate Committee on Printing. So I do not think the gentleman has looked into it at all.

Mr. FITZGERALD. I have looked into it. Thus far this commission has been in existence over six years and have spent $32,000, in addition to the expenditure upon the part of the two Houses when provision was made at the beginning of the commission. The gentleman has made no statement yet to justify the expenditure of $5,000. He says they have two clerks and a stenographer. How much do these clerks receive?

Mr. FINLEY. I think one gets—I will ask the gentleman from Pennsylvania if he can state?

Mr. FOCHT. There are two clerks——

Mr. FITZGERALD. How much do they get?

Mr. FOCHT. One $2,500 and one $3,500.

Mr. FINLEY. And a stenographer.

Mr. FITZGERALD. How much does the stenographer get?

Mr. FINLEY. The stenographer, I think, only gets about $60 or $75 per month.

Mr. FOCHT. The chief clerk of this committee, as the gentleman has stated, has duties which require him to prepare an endless number of estimates in regard to great contracts for the letting of paper and supply contracts, and he gets $3,500. The duties he has to perform are of great importance. And while I am making these observations I would like to say, in connection with the Congressional Directory, that the only complaint I have ever heard from the Democratic side was when the editor was laboring under a misapprehension as to the politics of some Representative from New York State.

Mr. FITZGERALD. That was not the complaint. The complaint was that he was employed and got $800 in addition and then hired somebody at the Government Printing Office and paid him $250 for doing the work and put the balance in his pocket.

Mr. FOCHT. I believe an investigation failed to disclose that statement to be the fact.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FINLEY. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears no objection.

Mr. FINLEY. Mr. Chairman, I will say this to the gentleman: There are several items I can mention. Since this joint commission has been in existence the printing of documents has been reduced annually by as much as 1,000,000 or more pages; something like that. The saving has been enormous. I will say another thing to the gentleman. Here last year it was ascertained that Members of the House and Senate were violating the law in that they were having more than one copy—we will say volume No. 1 or volume No. 10—of the same docu-

ment bound at the Government Printing Office. That was called to the attention of the committee and that was stopped.

Mr. MANN. Everybody knew what the law was.

Mr. FINLEY. They did not. They violated the law at any rate, and I want to say the commission stopped that. Last year this overcost was more than $71,000.

Mr. FITZGERALD. Why could it not have been done by the Joint Committee on Printing?

Mr. FINLEY. I have stated to the gentleman the Joint Committee on Printing have no clerks. In other words, they have nobody employed except this compiler and——

Mr. FITZGERALD. The Joint Committee on Printing consists of members of the Committees on Printing of the two Houses, and those committees have clerks.

Mr. FINLEY. Yes; and I want to say, as far as the House committee is concerned, that clerk is busy.

Mr. FITZGERALD. That may be; I have no doubt of it.

Mr. FINLEY. He has as much as he can do; and, besides, it is not his business to do the work of the Joint Investigating Commission. He has not the time to do it.

Mr. FITZGERALD. Why do not the members of the committees do some work, instead of insisting on having clerks to do it?

Mr. FINLEY. I will say this to the gentleman: That if the distinguished gentleman from New York did some work, why does not he do more?

Mr. FITZGERALD. I do; I work until midnight in my committee from 9 o'clock in the morning.

Mr. FINLEY. I will say to the gentleman that I am in my committee room working as much as the gentleman is.

Mr. FITZGERALD. That may be; but the gentleman can not make such a statement about me as that, because I do work. I have worked since the 4th of December as hard as any man of this House ever worked.

Mr. FINLEY. I believe I have spent two days at home this year—I think it is two—so the gentleman from New York can not say that I do not work. I will say another thing to the gentleman: That I happen to have a membership next to the chairman on the Committee on the Post Office and Post Roads.

Mr. FITZGERALD. I know the gentleman is busy, and I was not reflecting on the gentleman at all.

I was not reflecting on the gentleman. I know the gentleman is a member of the Committee on the Post Office and Post Roads, and I know that he has done a very large amount of work as a Member of this House, and has ever since I have known him.

Mr. FINLEY. I think I have been as busy as anybody in the House, and I know I have not the time to do this work, nor do I propose to do that class of work. This is a work of clerks, and it is their business, and it is the business of Congress to provide clerks when the Senate and House provides an organization and puts extra work upon that organization; so, therefore, this appropriation is necessary.

Mr. SISSON. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. SISSON. Will this commission be as long-lived as the other commissions have been?

Mr. FINLEY. I just stated to the Members here that the committee expires on the 4th of March, 1913, by limitation of law, and I for one will not ask for new life to be given to it.

Mr. SISSON. How long has it been in existence?

Mr. FINLEY. I think some seven years.

The CHAIRMAN. The time of the gentleman has again expired. The Chair would say, since the point of order has been reserved and probably will be made, that he would like to invite discussion to the act just referred to by the gentleman from South Carolina [Mr. FINLEY] continuing this. This act says (U. S. Stat. L., vol. 36, p. 1444):

Printing Investigation Commission: The authority vested in the Printing Investigation Commission to examine into the the general subject of the public printing and binding of Congress and the various executive departments, as now existing under authority of an act making appropriations to supply deficiencies, approved March 4, 1909, is hereby continued during the term of the Sixty-second Congress; and the said commission shall consist of three Senators who are members of the Joint Committee on Printing and three Members of the House elected to the Sixty-second Congress to be appointed by the Speaker and to serve until the Sixty-second Congress convenes; and the sum of $10,000 is hereby appropriated, to be immediately available and to continue available until July 1, 1912, for the expenses of said Printing Investigation Commission.

Under this act the commission is to serve only until the Sixty-second Congress convenes. But, in addition to that, there is another question that arises which the Chair would ask the gentleman from South Carolina [Mr. FINLEY] to look up, if he does not already know, and that is, if the Speaker of the House has appointed the three Senators provided for in this act, and also the three Members provided for in the investigation act?

Mr. FINLEY. I will state, if the Chair will indulge me, it says, "to serve until the convening of the Sixty-second Congress." Now, if the Chair will go along with me, they were appointed during the Sixty-first Congress and they were to continue until the Sixty-second, and then the life of the commission was to continue during the term of the Sixty-second Congress.

Mr. MANN. Yes; but it does not provide that they shall continue during the Sixty-second Congress.

Mr. FINLEY. I will say to the gentleman they were regularly appointed during this Congress.

Mr. MANN. By whom?

Mr. FINLEY. I think the gentleman from Illinois [Mr. MANN] named the gentleman from Pennsylvania [Mr. FOCHT].

Mr. MANN. I beg the gentleman's pardon.

Mr. FINLEY. Well, he designated him.

Mr. MANN. Yes; I know——

Mr. FINLEY. And he was elected by the House.

Mr. MANN. Yes; he was elected by the House a member of the Committee on Printing. This statute provided, and the other statute provided, and I call the attention of the House to the time, that the members of that committee were to be appointed by the Speaker. That never has been done, so far as I know.

Mr. FINLEY. They have been serving, and their acts have not been questioned.

Mr. MANN. They doubtless have been serving, and certified to the accounting officers that they were acting, although I think it was without authority of law. However, there is no provision in here for an appropriation, Mr. Chairman, except as the appropriation is made. I do not think there is any authority in any of the acts authorizing a further appropriation than the one carried in the bill. This is about the fifth time, I think, the matter has been up. The original act was passed in 1906, during the life of that Congress. An appropriation accompanied it. It was extended by a deficiency bill during the next Congress, and an appropriation accompanied it. It was then extended in the deficiency bill. Now, the gentleman proposes to make an additional appropriation. An appropriation has already been made under which this committee is entitled to act under this act of Congress.

Mr. FINLEY. I will call the attention of the gentleman from Illinois to the fact that no one contends that any appropriation is carried in the law authorizing this commission. It is subject, of course, to appropriation by Congress annually. That has been done all the way through. I contend for nothing else now. But I contend Congress is authorized to make the appropriation if it sees fit to do so. I think the Speaker did appoint the members of the commission.

Mr. FOCHT. Certainly this commission on the part of the House was regularly appointed by Speaker CLARK at the opening of the Sixty-second Congress. There can not be any question about that.

Mr. MANN. Well, we would like to know under what authority he acted.

Mr. FOCHT. I have my commission or notification.

Mr. MANN. What authority did he have?

Mr. FOCHT. He is not here. I can not determine that.

Mr. FINLEY. The gentleman wants to know the authority?

Mr. MANN. Here is the authority for the Speaker to appoint them until Congress convenes, to serve until the Sixty-second Congress convenes, which occurred within 30 days after the act went into effect.

Mr. FINLEY. I do not think there is any question as to the regularity of the commission as constituted.

Mr. MANN. Of course the gentleman does not think there is trouble, but the gentleman has not shown any authority as yet.

Mr. PAGE. Mr. Chairman, in the light of the developments during this discussion, I shall insist upon the point of order.

Mr. FOCHT. Mr. Chairman, in order that this matter may be made entirely clear, I desire to read here from the CONGRESSIONAL RECORD of April 24.

The CHAIRMAN. Will the gentleman please speak a little louder?

Mr. FOCHT. Oh, yes. Here it is:

PRINTING INVESTIGATING COMMISSION.

The SPEAKER. The Chair announces the following appointments to the Printing Investigating Commission: Mr. FINLEY, Mr. BARNHART, and Mr. FOCHT.

The CHAIRMAN. The Chair would like to ask the gentleman if the Speaker also appointed the Senate portion of the committee?

Mr. FOCHT. Not the Speaker, but the Senate.

The CHAIRMAN. The law says:

And the commission shall consist of three Senators, who are members of the Joint Committee on Printing, and three Members of the House, elected to the Sixty-second Congress, to be appointed by the Speaker.

Now, that bears the construction that any three Senators from that committee may be selected by the Speaker here.

Mr. FOCHT. It has not been so as to the members for six years, at least.

Mr. FINLEY. The provision, as contained in the last sundry civil bill, speaks of "three Members of the House, elected to the Sixty-second Congress, to be appointed by the Speaker." This has no reference to the Speaker appointing the Senate members.

The CHAIRMAN. By whom are the Senate members to be appointed according to this act?

Mr. FINLEY. They are to be appointed under the original law, the law that passed in 1906. My recollection is that it provided that the House members of the Committee on Printing should be members of this joint commission.

The CHAIRMAN. The Chair has the act or joint resolution of March 30, 1906, before him, and it reads in this way:

That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations—

And so forth. Nowhere in the act is any provision made for any other appointments.

Mr. FINLEY. If the Chair will excuse me, that is provided in the act creating the Joint Investigation Commission on Printing, passed in 1905. I will send out and get it.

The CHAIRMAN. In the meantime the Chair will further invite the attention of the gentleman from South Carolina to the question as to whether the Speaker of the Sixty-first Congress, after the November election, when he could officially know what Members had been elected to the Sixty-second Congress, then appointed this commission to expire when the Sixty-second Congress met, which was on the 6th day of April, 1911.

Mr. FINLEY. My recollection is that ex-Speaker CANNON did so appoint the House members of the Printing Investigation Commission.

Mr. FOCHT. Here it is, on April 24, 1911, when he appointed them.

The CHAIRMAN. But Speaker CANNON was not Speaker of the House at that time.

Mr. FOCHT. No; Speaker CLARK made the appointments.

The CHAIRMAN. The question is whether he had the right to do that.

Mr. FINLEY. My recollection is that Speaker CANNON, among the last things he did, appointed the House members.

Mr. FOCHT. Yes; and when the new session convened it was done by the present Speaker.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] seems not to have gotten the idea expressed by the Chair, or perhaps the Chair did not make himself quite clear. The act now in hand, which was passed during the Sixty-first Congress, provides that the Speaker shall appoint this commission and that this commission shall cease to exist when the Sixty-second Congress convenes; but that the House end of that commission shall be made up of Members elected to the House of the Sixty-second Congress. Now the question arises: After the then Speaker of the House, the Speaker of the Sixty-first Congress, was officially advised as to whom had been elected to the Sixty-second Congress, whether it was not his duty to appoint this commission, to expire when the Sixty-second Congress convened, so that this commission could have been at work from the time that the Speaker of the Sixty-first Congress may have appointed the commission until the Sixty-second Congress convened; and any appointment made by the present Speaker before that time would certainly not have been valid, because he was not then Speaker, and if the commission was to cease its existence at the commencement of the Sixty-second Congress, then the Speaker of the present Congress had no authority to appoint it. The Chair wishes the discussion to be confined along those lines in order that he may properly decide the point of order that has been raised.

Mr. FINLEY. The CONGRESSIONAL RECORD states, as I recollect right, Mr. Chairman, that Speaker CANNON in the Sixty-first Congress appointed this commission.

The CHAIRMAN. The gentleman from Pennsylvania has based his claim upon an appointment by the present Speaker of the House after this Congress convened.

Mr. FINLEY. I think Speaker CANNON appointed the gentleman from Ohio [Mr. KENNEDY], the gentleman from Pennsylvania [Mr. FOCHT], and myself.

Mr. PAGE. Mr. Chairman, if the Chair will allow me to make the observation, if the commission was appointed under the act read by the chairman of the committee by the former Speaker of this House, it ceased to exist and went out of existence under the statute at the beginning of the Sixty-second Congress.

The CHAIRMAN. The Chair is inclined to that opinion.

Mr. PAGE. And if the present Speaker made any appointment during the Sixty-second Congress it was in violation of law.

The CHAIRMAN. The Chair is rather inclined to think so.

Mr. FINLEY. Mr. Chairman, an appropriation was made in the last Congress, and it continues up to the 1st of July next.

Mr. FOCHT. I concede, Mr. Chairman, that if no authority had been given for the continuation of the commission the appointment by the present Speaker would necessarily not be valid, but, as stated by the gentleman from South Carolina, I insist that the authority was given and that the appropriation was made for the commission and continues up to the 1st of July next. I would agree with the chairman that if the commission had expired and no further authority had been given the Chair would be right, but further authority was given.

Mr. FINLEY. The authority was continued and appropriation was made, and the appropriation is not exhausted, but goes on to the 1st of July of this year.

The CHAIRMAN. Does the gentleman from New York insist on the point of order?

Mr. PAGE. I insist on the point of order.

The CHAIRMAN. The Chair is ready to rule. The Chair is of the opinion that the burden is upon the gentleman from South Carolina to produce the authority authorizing the appropriation which he asks. An appropriation can not be made for a commission which is not in existence. The Chair, reading the statute before him, holds that there is no such commission in existence. It is quite plain that the commission would have died without the act approved March 4, 1911, but it was revived under that act to continue until the Sixty-second Congress convened.

That commission could have been appointed by the Speaker of the Sixty-first Congress at any time after the November election, when he had official knowledge as to what Members had been elected to the Sixty-second Congress. He could not have made an appointment from among Members of the House who had not been reelected; and, therefore, he was limited in his selection to those who had been elected to the Sixty-second Congress.

If the Speaker of the Sixty-first Congress did appoint that commission from eligible Members of the House, then that commission had authority and existence until the Sixty-second Congress convened. When the Sixty-second Congress convened, all power of the Speaker of the Sixty-first Congress to appoint that commission had expired. No authority is given to anybody to appoint this commission after the Sixty-second Congress did convene. The Sixty-second Congress convened on the 4th day of April, 1911, just 30 days after the power of the Speaker of the Sixty-first Congress had expired.

Mr. FINLEY. Is the Chair of the opinion that Speaker CANNON did not appoint the commission?

The CHAIRMAN. The Chair has stated that it is not material whether he did or not. If he did, the commission expired at the beginning of the Sixty-second Congress. If he did not appoint it before his time was out as Speaker, then nobody had the right to appoint, because the present Speaker did not become Speaker until the 4th day of April, 1911.

Mr. FINLEY. On March 4, 1911, the RECORD shows that Speaker CANNON announced as the Printing Commission Mr. KENNEDY of Ohio, Mr. FOCHT of Pennsylvania, and Mr. FINLEY.

The CHAIRMAN. That commission, under the act which the gentleman now asks the House to make an appropriation, went out of existence when the Sixty-second Congress convened. The Chair therefore sustains the point of order, and the Clerk will read.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

Office of the Public Printer: Public Printer, $5,500; purchasing agent, $3,600; chief clerk, $2,500; accountant, $2,500; assistant purchasing agent, $2,500; cashier and paymaster, $2,500; clerk in charge of the CONGRESSIONAL RECORD at the Capitol, $2,500; assistant accountant, $2,250; chief timekeeper, $2,000; paying teller, $2,000; telegrapher and clerk, $1,800; clerks—1 at $2,000, 10 of class 4, 11 of class 3, 6 of class 2, 6 of class 1, 9 at $1,000 each, 4 at $900 each, 6 at $840 each, 12 at $720 each; paymaster's guard, $1,000; chief doorkeeper, $1,200; doorkeeper, $1,200; 6 assistant doorkeepers, at $1,000 each; 2 messengers, at $840 each; chief delivery man, $1,200; 5 delivery men, at $950 each; telephone switchboard operator, $720; 3 assistant telephone switchboard operators, at $600 each; 6 messenger boys, at $420 each; in all, $131,200.

Mr. WILLIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the word "six," after the word "three," in line 1, page 25, and insert in lieu thereof the word "seven."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the amendment. It is an increase of salary.

Mr. WILLIS. Mr. Chairman, there is no increase of salary at all. This is in accordance with the recommendation set forth in the Book of Estimates on page 375. The estimate is provided there for 7 clerks of class 2, and the statement is made that it is arranged to promote one clerk from class 1 to class 2 on account of long and faithful service and increased responsibility. That is the recommendation of the Public Printer. When the matter came before the committee in the hearings, at page 1858, the following colloquy occurred:

The CHAIRMAN. Then you ask for 7 clerks of class 2 instead of 6 clerks of class 2.

Mr. DONNELLY. The promotion of one clerk from class 1 to class 2 is recommended on account of long and faithful service and increased responsibilities.

The CHAIRMAN. How are these places fixed? Are these clerkships graded because of the work of the particular places, or is the compensation arranged so as to promote a man doing the same work after a certain period of time?

Mr. DONNELLY. These salaries are fixed in consideration of the nature of the employment and the capability of the clerk. The particular clerk whom it is proposed to promote under this recommendation is a clerk named Emerson, who has received $1,200 for some time. His position has become more important, and the volume of his work has increased in the past two or three years. He is in charge of the receipt of formal bids for open-market purchases; he receipts for and returns samples, keeps the index of forms, corrects addresses, and acts as assistant telegrapher. The efficiency of the individual has been considered in all these cases, and in no case have I recommended an increase in the salary of anyone receiving more than $2,000 a year.

Because of this long and efficient service the promotion indicated by the estimate is suggested by the Public Printer. It seems to me it is only fair and in the interest of the public service that this be done. I therefore hope that the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, this is one of a great many recommendations made for increased compensation. Three years ago the committee picked up and placed on the statutory roll a number of employees who before that time had been paid out of lump appropriations. Ever since then requests have been made to rearrange and readjust and increase the compensation of various employees. There is no more excuse for increasing the compensation of one of these employees at this time than there would be for increasing the compensation of a great many others. The committee did not believe it would be justified in making the recommendation. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 154, at the end of line 19, strike out "$5,500" and insert in lieu thereof "$7,000."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order.

Mr. BUCHANAN. Mr. Chairman, I will ask the gentleman to reserve the point of order.

Mr. FITZGERALD. I will reserve the point of order.

Mr. BUCHANAN. Mr. Chairman, this is subject to the point of order, but at the same time, in my judgment, it will be conducive to economy. I want to say, in connection with that, that the salaries paid to the superintendents (not business managers) of the three largest publishing houses in New York City is $7,500 per annum.

The combined force of the mechanical departments in these three publishing houses is approximately one-half of the force employed in the Government Printing Office.

The charges for work performed in the Government Printing Office during the last fiscal year amounted to $6,307,762.74; the salary paid to the business manager of this institution, which has 4,000 employees and does a business of over $6,000,000 a year, is $5,500 per annum, out of which he is compelled to pay a premium of $150 per annum for his bond.

The foremen of the composing rooms of the New York and Chicago newspapers receive on an average $4,000 a year, and direct the work of an average force of 200 men.

Since the present Public Printer has been in that official position there has been a reorganization of the force there, showing the efficiency of this man to fill the position that he is occupying at the present time. I say that rewarding merit is conducive to economy, and in that connection I want to make the following statement to prove my contention.

The total appropriation for public printing and binding have been decreased annually since 1909, as will be seen by reference to the table on page 1913 of part 2 of the hearings before the subcommittee of the House Committee on Appropriations having charge of the sundry civil bill for the fiscal year 1913.

The Government Printing Office was operated during the fiscal year 1911 without a deficiency appropriation for the first time in 20 years, and with a balance of $272,000 remaining unexpended. A deficiency appropriation will not be necessary for the present fiscal year.

The work of Congress has been executed promptly and efficiently, and for a period of three years there has been no cause for complaint as to the service rendered by the Government Printing Office.

The execution of approximately 10 per cent greater volume of work at a less labor cost is the result of increased efficiency and improvement of equipment and of methods of handling the work.

It seems to me that this is a reward to which the Public Printer is entitled, and unless Congress shows that it is willing to reward efficient and capable service, it is probable that it will not be able to keep an efficient man in that position. I maintain that it is much more important to pay a salary sufficient to reward a man of that merit in that position than it is to pay the sums that are paid to many other employees in different departments of this Government. That is my reason for desiring the consideration and adoption of this amendment at this time.

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. Yes.

Mr. TRIBBLE. What becomes of the amount of money that is paid by Members of Congress for publication of speeches? Where does that money go?

Mr. BUCHANAN. The chairman of the Committee on Appropriations can tell that better than I.

Mr. FITZGERALD. It is covered into the Treasury of the United States.

Mr. BUCHANAN. I know that it is covered into the Treasury, but the chairman of the Committee on Appropriations can explain that better than I can.

I have here a comparative table of the production and expenses of the Government Printing Office in recent years, and with the permission of the committee I will insert it at this point in my remarks. It is as follows:

Comparative statement of production and expense—Government Printing Office.

Fiscal year.	Salaries, wages, leave, and holiday.	Charges rendered.	Scale reduced first of fiscal year.	What charges would have amounted to had no reduction been made in scale of charges.	Remarks.
			Per cent.		
1908	$4,470,754.03	$5,[illegible],[illegible]			Scale of charges indefinite.
1909	4,452,689.11	6,042,443.13			Not enough definite information on hand to make change in scale.
1910	4,341,818.71	6,156,[illegible]	5	$6,657,258.33	
1911	[illegible]	6,307,762.74	2½	6,811,928.61	The volume of work (represented by $6,811,920.61) is over 9 per cent in excess of 1908, while the salaries, wages, etc., are about 3½ per cent less than in 1908.
1912 (11 months)	(1)	(2)			

[1] No greater than in 1911.

[2] $[illegible],[illegible].39 in excess of same period in 1911.

Mr. Chairman, I understand, of course, that this amendment is subject to the point of order, but under the circumstances the point of order ought to be withdrawn. The increase in the salary is just. The request is not made by the Public Printer himself. When I learned the efficiency and capability of his management of the business of the Printing Office, I volunteered to put in a bill which is now pending before the House increasing his salary.

Mr. FITZGERALD. Mr. Chairman, the present Public Printer is undoubtedly a very competent man, but in fixing Government salaries Congress has always taken into consideration the very great distinction that comes to a man through holding so important a public place. The committee would not be justified in consenting to any increase of compensation in a position like this, and I insist upon the point of order.

The CHAIRMAN. The point of order is made by the gentleman from New York. The gentleman from Illinois, who offers the amendment, admits the point of order. The Chair sustains the point of order.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 155, lines 2 and 3, strike out "6 at $840 each, 12 at $720 each," and insert in lieu thereof "18 at $840 each."

Mr. FITZGERALD. I make the point of order this is an increase of compensation and I make the point of order against it.

Mr. BUCHANAN. Mr. Chairman, I am of the opinion this is one of the recommendations made by the Public Printer.

Mr. FITZGERALD. Oh, yes; the Public Printer has recommended a great many persons over there be increased, and if we followed the recommendations of all these officials we would be issuing bonds in a few months.

Mr. BUCHANAN. Mr. Chairman, I want to say I am satisfied the Public Printer made these recommendations due to the efficiency of these clerks, and I think I was justified in offering it.

Mr. FITZGERALD. I am not criticizing the gentleman for offering this amendment.

Mr. BUCHANAN. I know; I did not say the gentleman was.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages, of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding, and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures, and ice; bicycles, horses, wagons and harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery of the work, $4,182,880.

Mr. TRIBBLE. Mr. Chairman. I move to strike out the last word. I rise for the purpose of eliciting some information from the chairman of this committee. Our constituents throughout the country are under the impression that the speeches we send out through our districts are published free. That they are furnished free is a charge frequently made in the press of the country. Such publications have been made in my district. I have distributed some of my speeches and I am informed that the impression is general throughout the district that they cost me nothing. Now, I make the assertion, and I am prepared to verify it, that the speeches published in the CONGRESSIONAL RECORD, printed by the Public Printer, cost the Members of this House more than it costs to print them in private printing offices in this city. Now, if we are to pay more for the speeches than private houses in this city charge, then I think the people ought to know that fact and this House should know what disposition is being made with money we pay for the printing of these speeches.

Mr. HAMILTON of Michigan. Why not make fewer speeches?

Mr. TRIBBLE. Well, possibly that might be better; but we are here to give expression to our views and by the exchange of thought enact wholesome legislation. When I distribute a speech and pay a big price for it I do not care to have it charged in my district that I am receiving these speeches from the Government press free of charge when, as a matter of truth, I pay more than is charged elsewhere.

Mr. FOCHT. I would like to ask the gentleman where could he get any printing done in this country at the prices he gets it done there?

Mr. TRIBBLE. If the gentleman will take his speeches and go down to a private printing office of this town and get the prices he will find out. I am speaking the truth, for I have personally secured prices in private establishments.

Mr. FOCHT. On the contrary, I feel ashamed to take work from the Government Printing Office and send it out at the prices we pay.

Mr. TRIBBLE. The gentleman can make his own investigation, I have made mine, and I assume my statement is worth as much as his.

Mr. MANN. Has the gentleman considered the difference in the cost of paper on which the speeches are printed? Is it the fact the difference in the cost of printing speeches in a private printing office and getting them at the Government Printing Office is the difference in the cost of paper?

Mr. TRIBBLE. I do not know, and I want to know now this difference and what is done with the money paid for them. That is the purpose of my rising to obtain that information, if I can. I do not object to paying for the publication of my speeches; indeed, I think the Members should pay for such publications. My point is, we pay the Public Printer more than a private office charges, and yet the public generally understands that speeches are free.

Mr. MANN. I think no private printing office would print speeches upon the paper which the Government Printing Office uses, and the fact is the speeches which we send out from there would cost considerably less if the Government Printing Office would print them upon less expensive paper; they are purely temporary speeches and are not supposed to last 50 years. [Laughter.] Well, they are presumably embalmed in the CONGRESSIONAL RECORD on rag paper, and there is no occasion for using anything but the cheapest ground wood-pulp paper in sending speeches into a district, and I think the gentleman will find the difference is in the cost of the paper.

Mr. FITZGERALD. Mr. Chairman, the gentleman is accurate in his statement. My attention was called to the fact within a few weeks that such a statement had been printed in connection with a very excellent speech which I made myself. [Applause.] The statement was to the effect that the speech was being distributed in my district and that the printing was done by the Government, and that it was a very desirable thing that Members of Congress should be able to have speeches printed free by the Government and circulated. I did not pay any attention to the statement because I had painfully realized that those speeches were not printed free, and I had been compelled to pay a very substantial sum to have copies printed in order to circulate them. Like the gentleman from Georgia, and other Members of the House, having prepared the speech myself and having delivered it, and knowing better than anybody else what a very excellent speech it was, I was willing to incur that expense and pay that money out of my own pocket in order to give the people of my district the benefit of the work I had put upon the speech. I believed it was a very illuminating speech. I think it is one of the best speeches that has been called to my attention in the course of a year. Its chief value was the fact that it was an accurate account of the failings and mistakes of the Republican Party. [Applause on the Democratic side.] I know it was a good speech.

Mr. MANN. A speech that was not even delivered here?

Mr. FITZGERALD. No; it was not.

Mr. MANN. And printed at Government expense?

Mr. FITZGERALD. I was informed that a gentleman in the House thinking as highly of this speech as myself had had it inserted in the RECORD, so that Representatives might have an opportunity to see their shortcomings. The gentleman from Illinois asked some question about the speech at the time, and his colleague, my colleague on the committee, also. In reading the RECORD, as I did after it was called to my attention, I was inclined to believe they both were of the opinion that it was a very good thing to circulate that speech to enlighten the country. I know that they appreciate my patriotic enterprise in having printed, at my own expense, a number of copies of this speech so at least in one portion of the United States, that represented by myself, the people would not be under any delusions about the record of the Republican Party.

Mr. TRIBBLE. Now, these charges are covered into the Treasury.

Mr. FITZGERALD. The money that the Members of Congress pay to the Public Printer in return for these speeches is covered into the Treasury as miscellaneous receipts.

Mr. MANN. I think the gentleman is mistaken about that.

Mr. FITZGERALD. No. Formerly the Public Printer got the benefit of these payments, by having the appropriation reimbursed, but he does not now.

Mr. MANN. I think the gentleman is mistaken.

Mr. FITZGERALD. I inquired about it.

Mr. TRIBBLE. I want to know, if we are furnishing the printing press——

Mr. MANN. The printing of those speeches is not made at the expense of the appropriation. The fund is used over and over again.

Mr. FITZGERALD. The gentleman is mistaken about that. That was the law at one time.

Mr. MANN. I only give my opinion on the subject. I am satisfied that when the gentleman finds out he will see that I am right.

Mr. FITZGERALD. The Treasury gets the benefit of the payment made by the Members.

Mr. MANN. Then, under the theory of the gentleman, the more speeches printed by Members of Congress, the less can be used for real congressional printing. We make an appropriation of so much for congressional printing, and if the appropriation should be exhausted we could not print any. The gentleman is mistaken.

Mr. FITZGERALD. No; I am not. The Public Printer is doing what never has been done before. He is doing more work all the time for less money. I am confirmed in the statement I made from a reliable source.

Mr. MANN. It is a wrong source this time.

Mr. FITZGERALD. It has been stated that it costs more to print these speeches in the Government Printing Office than elsewhere. I have had some experience both ways. I had one speech printed more cheaply outside the Government Printing Office, but I never tried it a second time. The workmanship, paper, and everything about the speech was of such a character that I did not care to repeat the experiment. Whether it would cost more to have the work done in the same style, same grade of paper, same grade of ink, outside of the Government Printing Office I do not know.

Mr. BUCHANAN. Will the gentleman yield? It is also a fact that the workmanship of the Government Printing Office is superior to other work.

Mr. FITZGERALD. The press work would be the same any place. I do not think there would be any difference in that. It is not like that of a skilled painter or something requiring the peculiar individual skill of an artistic character. The excellence of the work consists, first, in the style of setting type. That can be set in any way a person desires, and then the grade of paper and quality of ink will also enter into it.

Mr. TRIBBLE. The gentleman will understand I am not complaining. I simply wanted to know if the money went into the Treasury.

Mr. FITZGERALD. The money goes into the Treasury.

Mr. MANN. It goes to the Public Printer.

Mr. CAMPBELL. Mr. Chairman, I shall not enter into the controversy between the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] as to where the money goes.

Mr. FITZGERALD. There is no controversy between the gentleman from Illinois and myself as to where the money goes. The difference of opinion is where certain money comes from.

Mr. CAMPBELL. That is a question I want to mention. I am in hearty sympathy with the gentleman from Georgia [Mr. TRIBBLE]. A newspaper having a very large circulation in this country, published in my district, advised its readers some months ago to write to their Members of Congress for anywhere from 300 to 500 copies of a certain speech that was delivered here, telling them that the Government printed these speeches for nothing, and all they had to do was to ask their Members for them. Thereupon I received many requests for numerous copies of this speech

Mr. MANN. Whose?

Mr. CAMPBELL. Well, it was the first speech of its kind ever delivered on the floor, by the only kind of a man that ever appeared on the floor.

Mr. FOCHT. May I ask you a question?

Mr. CAMPBELL. Yes.

Mr. FOCHT. You will recall in connection with Thomas H. Benton's Thirty Years in Congress, when his publishers asked him how many copies should be printed, he said, "Great heavens! Do you not know what the last census was?" I suppose this was the case with you?

Mr. CAMPBELL. Very much the same case. And the notion prevails generally throughout the country that Members of Congress have all the printing done they want done for nothing. I am very glad that the gentleman from Georgia has raised the question, and I would like every citizen of the Republic to know what the facts are with regard to the expense of printing speeches that are delivered by Members of Congress.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,750,000. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 157, in line 15, strike out "$1,750,000" and insert "$1,992,981.68."

Mr. CANNON. Mr. Chairman, this is the estimate. The amount recommended is over $200,000 less than the estimate. Of course this estimate was primarily prepared by the Public Printer.

Now, it seems to me that that is a very large difference between the appropriation for the next fiscal year and that for the current year. The appropriation for the current year is $1,846,850, and the estimate for the coming fiscal year is $1,992,981.68. This amendment, if adopted, will give the estimate. Everybody agrees that this Public Printer is a good official.

Mr. SHERLEY. Mr. Chairman, if there is any item that I have ever discovered in my long service in Congress that I am sure ought not to be increased, it is the item providing for printing and binding for Congress. I hope to see the time come in America when the present inexcusable abuse that exists in regard to printing may be done away with. I hope to see the time in America when all documents will be sold at a nominal figure, as I am reliably informed is now done in England, in order to prevent the tremendous waste that now prevails.

We print a great deal of material, good, bad, and indifferent. Some of it, I believe, would be of value if it got into the hands of certain people; some of it would be of no value in the hands of anybody; and I should like to see the reform made along the line of less printing instead of more printing. Constantly some one gets hold of the ear of the Committee on Printing, or a certain demand is made because people in a particular section of the country desire temporarily certain things that they have heard of, through the press or otherwise, and we authorize the printing and circulation and distribution of a lot of matter. It is one of the great wastes of Congress. That waste could be stopped and a saving of money could be had, amounting to a good many thousand dollars, by a different system.

Mr. FOCHT. I would like to make a suggestion along that line, if the gentleman from Illinois will permit.

Mr. CANNON. Certainly.

Mr. FOCHT. I quite agree with the gentleman from Kentucky [Mr. SHERLEY] that there has been a very serious abuse, but an effort has been made in the new printing bill very largely and extensively to reform that abuse.

Mr. SHERLEY. Oh, that effort is simply hitting at a few pronounced abuses and not hitting at the viciousness of the old system. The truth of the business is that the Members of Congress undertake, through the distribution of documents and seeds and a lot of other things to make themselves popular in their own districts in order that they may come back to Congress, and for my part I think that a man who is dependent on that sort of work for his coming back demonstrates that he ought not to be here in the first place. And I think, along with this free advertisement of ourselves, that we should do away with a lot of the messenger-boy work that now pertains to the work of a Member of Congress and deal with some of the great questions that are pending before the country, and if we did that we would be better off and the country would be much better off. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I am not going to debate the proposition or to affirm or to deny the proposition that the gentleman from Kentucky makes, because it is not necessary. Here is the Government Printing Office and here is a provision for the printing and binding of Congress. All the printing and binding of Congress must necessarily be under existing law.

Mr. SHERLEY. If the gentleman will permit, we authorize every day, and will authorize probably out of part of this fund that this money is supposed to supply, the printing of a whole lot of things. Now, all we have to do is to cut off a lot of fool printing and come within this limit.

Mr. CANNON. But that is under existing law.

Mr. SHERLEY. No; the gentleman is mistaken again. We make the law from day to day.

Mr. CANNON. Under the law the Committee on Printing comes in with a resolution which we agree to. If the law did not authorize it, we could not have printing done.

Mr. SHERLEY. The gentleman is mistaken. If the law did authorize it they would not come to Congress for authorization.

Mr. CANNON. The gentleman knows that by resolution of the House, or by resolution of the Senate, public printing is ordered, and that is permitted under existing law. It is true that if Congress did not sit there would be no CONGRESSIONAL RECORD. If the reports of the committees were not made there would be no printing from that standpoint. I have reason to suppose that in this year of our Lord 1912, with a presidential election approaching, with a session of Congress that is liable, I suppose, to run to the 1st of September, and God knows how much longer—and I know of nobody that can tell me—I see no reason to suppose that there will be any less printing done in the coming fiscal year than there has been in the current fiscal year.

Now, what is to happen? If we cut this estimate from $1,992,000 plus to $1,750,000, about a quarter of a million dollars or a little more, all there is about it is there will be a deficiency appropriation to make, or else the printing that we order will not be done. I believe there is a law that requires the Public Printer to divide this appropriation into four parts and spend so much each quarter. I am perfectly willing, if the majority desires, to cut off a quarter of a million dollars at one stroke for printing and binding for Congress. If the majority want it, so be it.

Mr. FINLEY. Mr. Chairman, something was said about the Committee on Printing. I am sure the gentleman from Kentucky will not charge the present committee with anything like extravagance; in fact, a comparatively small amount of printing has been done by authorization of this committee.

Mr. SHERLEY. If the gentleman will permit me, I am not charging the present committee with any extravagance, but it is the vicious system. I understand the pressure that is brought to bear on the committee, and my wonder is that they have not done more of it, considering the demands that are made on them under this vicious system.

Mr. FINLEY. If the Committee on Printing in the House made favorable reports on three-quarters of the resolutions that go to them, the printing would amount to more than a million dollars a year above what it does at present. There are very few Members of this House who do not at some time—the gentleman from Kentucky himself—call matters to the attention of the committee, which, if carried out, would call for large expenditures of money.

Mr. SHERLEY. The gentleman is right, and I repeat that the fault is with the system. In nine years' service in the House I have made one request, and that was for the printing of a public law—the bankrupt law—of universal interest to the country.

Mr. FINLEY. I will admit that there are abuses. I remember one instance in the last Congress where 100 copies of the laws of the District of Columbia were ordered by a committee. That meant the initial cost of that publication would come out of this appropriation. It cost $1,059. That was, in my opinion, an unnecessary expenditure of the public money. I want to call the attention of the gentleman from Kentucky to the fact that very often Members will introduce resolutions not drawn by themselves, but suggested by some one outside, and they do not know what is in them or what they involve. I have one resolution, where I got an estimate, and it called for an expenditure of something like $250,000. So nothing can be charged to the present Committee on Printing in the House in the way of extravagance. The only criticism at present is that we are not liberal enough with the membership of the House. It is true that the joint committee, within the limit of $200, can order reprints, and do sometimes, and the House by special resolution can order prints or reprints to the extent of $500. If the cost exceeds $500, it must be by concurrent resolution, so that whatever waste there is the majority in the House or Senate, or both the House and the Senate, is responsible for it.

Mr. FITZGERALD. Mr. Chairman, the estimate for printing and binding of Congress for the current year was $2,272,036.88. The appropriation was $1,846,850. The Public Printer will do all the printing and binding for Congress for the fiscal year without any deficit. Congress has been in session seven months during this year. In the next fiscal year the ordinary session of Congress will be three months, and we will probably be in session at least during the month of July, making four months, but not much more than 50 per cent of the time that we are in session during the present fiscal year. The reduction in this item, although Congress will be in session three months shorter time in the next year, is only $96,850. The gentleman from Illinois proposes to give for public printing and binding next year, when Congress will be in session about half the time it is in session this year, $150,000 more than is required for that purpose during this fiscal year. The committee could not justify any such appropriation. There is no necessity for it. I believe the Public Printer will have ample money, unless there is an extra session of Congress next spring. In that case there probably would be more money required, but that is not anticipated.

Mr. MANN. What?

Mr. FITZGERALD. That is not anticipated at present, and I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, I do not agree with the gentleman from Kentucky [Mr. SHERLEY] in reference to public printing. I believe now, and I always have believed, that where the Government spends very large sums of money in acquiring information it can afford to spend proportionately very small sums in disseminating information. Of course I know there are abuses under the system. I am going to give the gentleman from Kentucky a chance to explain something which perhaps has not been called to his attention. In the report of the Committee on Printing, recently submitted to the House on the 1st of this month, there is a quotation from a report made by the Printing Investigation Commission, from its preliminary report dated June 25, 1910, in which occurs this statement:

> Libraries also receive a great number of documents from private individuals who have been supplied with Government publications they do not desire by Members of Congress and the departments. A startling incident of the extent of this practice was reported to the commission by the librarian of the Louisville Free Public Library. The Louisville librarian stated that last fall he received 3,000 documents that had been franked to a citizen of Louisville. Nearly all of these publications bore the dates of 1900 to 1904, and many of them were duplicates. In the lot were 20 mail sacks of the 1904 Yearbooks of the Department of Agriculture, a total of about 750 copies of that publication alone. Out of the entire number the Louisville librarian says there were only about 300 volumes that his library desired, and he forwarded the remainder, about 2,700 volumes, to the superintendent of documents in Washington, the Government having to bear the expense of mailing this wagon load of publications from Washington to Louisville and from Louisville to Washington.

Mr. SHERLEY. Mr. Chairman, let me say to the gentleman that I know nothing of the matter except what he has read. Perhaps I can explain it from my knowledge of some of my predecessors. I was elected to Congress in 1902 and took my seat in December, 1903. There were no publications mentioned in the statement just read by the gentleman that were the result of any action of mine, but it so happens that there was a predecessor of mine who died, and when his estate was administered there were quite a number of documents to his credit. I do not know, but it is just possible that these documents were turned over by his administrator, the Fidelity Trust Co., to the public library, because I recall that the trust company at one time spoke to me touching some documents. If that be not the explanation, the only explanation of it that I can offer is that they are from some Senator of the State or from my immediate predecessor who represented the district during the time to which the gentleman refers.

Mr. MANN. Mr. Chairman, I had not conferred with the gentleman from Kentucky upon this subject, but, knowing the gentleman, I was very confident that he had not sent out 750 of those valuable books to one individual. I thought it was proper, as long as this matter came up, to have his attention called to it.

Mr. SHERLEY. And I am very glad the gentleman did.

Mr. MANN. So that he would have on record the fact that this does not refer to him.

Mr. SHERLEY. Mr. Chairman, I care nothing about that. The people of my district, I think, have sufficient confidence in me not to be concerned touching a statement that bears no more directly upon me than the statement just read.

Mr. MANN. But the statement here says that they were received last fall. This is 1910, and it might, without an explanation, have been supposed by anyone who saw this and knew the gentleman had been in Congress from Louisville for years that it referred to the gentleman from Kentucky. Of course I was confident it referred to some documents probably sent out in bulk at some time when some Member retired from Congress, in the hope that he might use them in his district.

Mr. SHERLEY. Mr. Chairman, I have no doubt that the suggestion which I offer is probably correct, but it is a good illustration of what does happen. We have here every year questions as to space for storing public documents.

Mr. MANN. Mr. Chairman, I do not think it is a good illustration of what happens. It is an illustration of what would happen or what might happen, but it is not an illustration of what ordinarily is done by any means, and that is just the point. Every day a Member of Congress receives a large number of printed papers, documents, magazines, newspapers in

his mail. What does he do with them? I do not know what other gentlemen do, but I know they do not read them, because that would be impossible in 24 hours of the day. Yet out of those, every once in a while, if a Member examines them at all, he gets something of very great value to him and of great value to the country, which he will use. Oh, the gentleman from New York [Mr. FITZGERALD] shakes his head. Perhaps he knows everything without acquiring the information. He has a good deal of information, and I do not know where he gets it.

Mr. FITZGERALD. Mr. Chairman, I do not believe that out of the class of literature to which the gentleman refers anybody gets anything of any great value to the country, to the people, or to himself.

Mr. MANN. Oh, on the contrary, I think a Member who does not examine or glance at the things sent to him misses the opportunity of getting a great deal of very valuable information.

Mr. FITZGERALD. Mr. Chairman, I know I waste a great deal of time in looking through everything.

Mr. MANN. Oh, I suppose the gentleman prefers to read daily newspapers which do not pretend to have information in them rather than to read papers that are from expert sources, and those are the ones that the gentleman ought to look at to get his information. I am in favor of publishing the information which we acquire. I was going to ask the chairman of the Committee on Printing, as a matter of information for the House, whether he expected to get before the House during the present session of Congress the printing bill which he has reported in the House?

Mr. FINLEY. Mr. Chairman, I hope to do so.

Mr. MANN. How?

Mr. FINLEY. In the usual way that such bills are gotten up, and as to the manner of which I do not think I could enlighten the distinguished gentleman from Illinois.

Mr. MANN. I take it that we will spend every Calendar Wednesday of the next session of Congress, then, upon this bill?

Mr. FINLEY. Oh, I think the bill will be considered in this Congress.

Mr. CANNON. Mr. Chairman, I just want to add a word. I have listened to my colleague from Illinois [Mr. MANN] with great interest, and also to the gentleman from New York [Mr. FITZGERALD], the chairman of the committee. I was especially interested in the statement respecting magazines and daily newspapers, and the essays therein, covering everything from the creation of the world to the end thereof, as it would seem, either in fact, assertion, or speculation. But I agree with my colleague that they are useful. You can take some of these publications that are sent here and for mere assertion and abuse nothing like them could be found anywhere else. I have in mind now one paper, a metropolitan paper, that I occasionally get, and not being a subscriber I suppose it comes to me as a sample copy. I turn it over and read it. I know what it is sent for, as it appears either on the front page or upon the inside—a great double column in large print, consisting of assertions and vituperation. If the man who writes those articles had lived back in the time of Job, and had been afflicted as was Job, or even without being afflicted, Job's wife, after reading one of his articles, would undoubtedly have advised him to curse God and die.

Well, we like to see what uses the English language now and then can be applied to. So much for that. The reform that will come from the public printing bill, if it is ever enacted, remains to be seen. The reform that will come from cutting down this appropriation and other appropriations that I will reach a little later by way of amendment, will be hoped for but will not be, I fear, ever materialized.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the State Department, $35,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 157, in line 22, strike out the figures "$35,000" and insert "$45,000."

Mr. CANNON. Mr. Chairman, that is the estimate for 1913. The appropriation for the current year was $37,000. I do not desire to speak further, but merely move the amendment which will give the estimate.

Mr. FITZGERALD. Mr. Chairman, in investigating the items for these various departments of the Government it was ascertained that in 1911, in most of them or in many of them, a very large balance was unexpended, and the committee made up the items for these departments upon the information which it acquired from what had actually been expended. Instances were called to the attention of the committee where indefensible extravagance had been indulged in in having printing done. For the purpose of preventing a repetition we gave the Department of State the money actually required. For the State Department $35,000 was fixed. In the last two years the appropriation was $37,000 each year. I think the committee has information which justifies it in recommending no larger appropriations than we recommended. I hope the amendment will be disagreed to.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Treasury Department, $340,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 157, line 24, strike out "$340,000" and insert "$360,000."

Mr. CANNON. Mr. Chairman, the appropriation for the current year is $360,000. The estimates for the coming year is $360,000. This, if adopted, will give the estimate. It is the same as the appropriation for the current year.

Mr. FITZGERALD. Mr. Chairman, in 1911 this department had $350,000 and an unexpended balance of $15,000. On the 1st of May of this year, out of an appropriation of $360,000, there was an unexpended balance of $71,000, and it is believed this amount will be sufficient.

Mr. CANNON. Yes; but my friend will allow me there. In 1910 there was appropriated $325,000 with a deficiency of $65,000, which would make $390,000 for that year.

Mr. FITZGERALD. Yes; but that was in a year of great extravagance, and since that time the Public Printer materially reduced the cost of public printing.

Mr. CANNON. Yes; but he recommends $360,000 this year, and he is a good man.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the War Department, $190,000: *Provided*, That the sum of $3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 158, line 1, strike out "$190,000" and insert "$258,000."

Mr. CANNON. Mr. Chairman, this is the estimate made by the officers of the Government, while the appropriation for the current year is $263,000, $5,000 more than the estimate.

Mr. FITZGERALD. Mr. Chairman, in 1911, out of an appropriation of $275,000, the War Department was unable to expend $78,000, and on the 1st of May of this year it had a balance of $83,849. Apparently it obtained an appropriation very much in excess of what was actually required, and the committee cut the appropriation accordingly.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Navy Department, $140,000, including not exceeding $25,000 for the Hydrographic Office.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 158, line 7, strike out "$140,000" and insert "$153,000."

Mr. CANNON. That is the estimate for the coming year.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Interior Department, including not exceeding $40,000 for the Civil Service Commission, and not exceeding $25,000 for the publication of the Annual Report of the Commissioner of Education, $230,000.

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Page 158, in line 12, strike out "$230,000" and insert "$273,500."

Mr. CANNON. Which is the estimate for the coming fiscal year, and is $22,000 less than the appropriation for the current year.

Mr. FITZGERALD. In 1911 the appropriation was $285,500, and there was expended $227,089.31, making a balance in the neighborhood of $58,000, and on the 1st day of May of this year they had an unexpended balance of $50,000.

Mr. MANN. Will the gentleman yield for a question? Why should it cost $25,000 to publish the annual report of the Commissioner of Education?

Mr. FITZGERALD. I do not know.

Mr. GARNER. I do not suppose anybody else does.

Mr. FITZGERALD. They had expended $40,000 until they came down to $25,000.

Mr. MANN. I believe they print 25,000 copies of the report of the commissioner of education. That is one of the cases I do not know, but I am inclined to agree with my friend from Kentucky. I believe in printing the information. We get a congressional distribution of it, and I apprehend most of the copies are maintained in the folding room because the department has all of the books that the school-teachers want, and then some besides.

Mr. GARNER. And nobody seems to be particularly interested in it.

Mr. MANN. It was used primarily for getting an increased appropriation for the bureau.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Chair would like the indulgence of the committee for just one moment, and to ask afterwards to return to the item relative to printing, and to the amendment offered by the gentleman from South Carolina [Mr. FINLEY]. The Chair finds the statute relative to the subject most ambiguous indeed. The statute is found in volume 36 of the United States Statutes at Large, page 1444. This statute says in so many words that this commission, authorized under the act of 1909, shall continue during the term of the Sixty-second Congress. A few lines further along the statute is just as emphatic in saying that that commission shall serve until the Sixty-second Congress convenes. Now, there is a contradiction and an ambiguity which is difficult to get over, but on mature reflection the Chair has arrived at the conclusion that it was the intention of the Sixty-first Congress to provide that this commission, which might be appointed by the Speaker of the Sixty-first Congress, should continue until the Sixty-second Congress convened, and then a new commission could be appointed by the Speaker of the Sixty-second Congress to run during the Sixty-second Congress. The Chair, therefore, reverses the ruling made a few moments ago.

He is not entirely clear, however, that he is right in it, but in the indicated reversal of opinion relative to it the Chair desires to construe the statute according to intention. While it is the accepted rule that all statutes should be construed against themselves, yet I take it that nobody knows exactly what this does mean, and I do not believe there is any Member on the floor who knows what it means. If there is objection to returning to it, then the Chair wishes to put it to the House.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that we return to that paragraph and that the proceedings be vacated.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the committee return to the paragraph indicated, and that all the proceedings in regard thereto be vacated. Is there objection? [After a pause.] The Chair hears none.

Now, the question pending is the point of order.

As the Chair has just indicated, he is perfectly frank to admit he does not know what the section means, and, not knowing, the Chair prefers to have the sense of the House upon it.

Mr. MANN. Mr. Chairman, I think the Chairman is right in announcing his present ruling, because, after I looked up the matter myself, I concluded it was not subject to a point of order.

The CHAIRMAN. The Chair, at the time of rendering the ruling, was satisfied, but on more mature reflection became dissatisfied, because he did not know what it did mean, and does not know yet. But the Chair is inclined to give it the significance that the commission appointed by the Speaker of the Sixty-first Congress ran until the Sixty-second Congress convened, and then that the Speaker of the Sixty-second Congress had the right to appoint the commission to run during the Sixty-second Congress.

The Chair will now hold that that is the meaning of the section, reverses itself, and holds that the amendment is in order.

Mr. FINLEY. Mr. Chairman, I renew my amendment.

The CHAIRMAN. The amendment offered by the gentleman from South Carolina [Mr. FINLEY] is now before the House, and the Clerk will report it.

The Clerk read as follows:

After line 17, page 154, insert: "Printing Investigation Commission, as provided for in an act making appropriations for sundry civil expenses of the Government, approved March 4, 1911: The sum of $5,000 is hereby appropriated for the expenses of said Printing Investigation Commission."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. FINLEY. I ask for a division.

The committee proceeded to divide.

Mr. FOCHT. Mr. Chairman, before the decision is given, I trust that the Chair will permit the chairman of the Committee on Printing to state this case clearly and specifically so that the committee will understand.

Mr. FITZGERALD. The gentleman is not in order.

Mr. FOCHT. Then I call attention to the fact that there is no quorum in the House.

Mr. FITZGERALD. It is time to quit, anyway.

The CHAIRMAN. The point is made that there is no quorum present.

Mr. FINLEY. I suggest to the gentleman from Pennsylvania [Mr. FOCHT] that he withdraw his point of no quorum.

Mr. FOCHT. No; I will not. They will not allow the gentleman to explain the purpose of the bill. Why not call for a quorum?

The CHAIRMAN (after counting). Fifty-nine gentlemen are present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Evans	Langley	Raker
Akin, N. Y.	Fairchild	Lawrence	Randell, Tex.
Alexander	Faison	Lee, Ga.	Ransdell, La.
Ames	Farr	Legare	Redfield
Anderson, Ohio	Fields	Lenroot	Reilly
Andrus	Flood, Va.	Lever	Reyburn
Ansberry	Fordney	Levy	Riordan
Anthony	Fornes	Lewis	Roberts, Mass.
Austin	Foss	Lindbergh	Roberts, Nev.
Ayres	Fowler	Lindsay	Roddenbery
Barchfeld	Fuller	Lithicum	Rodenberg
Barnhart	Gallagher	Littlepage	Rouse
Bartholdt	Gardner, Mass.	Littleton	Rubey
Bates	Garrett	Lloyd	Rucker, Colo.
Berger	George	Lobeck	Rucker, Mo.
Booher	Gillett	Longworth	Sabath
Borland	Glass	McCall	Saunders
Bowman	Godwin, N. C.	McCoy	Scully
Bradley	Goeke	McCreary	Sells
Broussard	Goldfogle	McDermott	Shackleford
Browning	Good	McGuire, Okla.	Sharp
Bulkley	Goodwin, Ark.	McHenry	Sheppard
Burgess	Graham	McKellar	Sherwood
Burke, Pa.	Gray	McKenzie	Simmons
Burke, S. Dak.	Green, Iowa	McKinley	Slayden
Burke, Wis.	Griest	McLaughlin	Slemp
Butler	Gudger	McMorran	Small
Byrnes, S. C.	Hamill	Macon	Smith, Saml. W.
Calder	Hanna	Madden	Smith, Cal.
Callaway	Hardwick	Maher	Smith, N. Y.
Cantrill	Harris	Malby	Smith, Tex.
Carlin	Harrison, Miss.	Martin, Colo.	Sparkman
Carter	Harrison, N. Y.	Martin, S. Dak.	Speer
Cary	Hartman	Matthews	Stack
Catlin	Haugen	Mays	Stanley
Claypool	Hay	Miller	Stedman
Connell	Hayes	Mondell	Stephens, Miss.
Cooper	Heald	Moon, Tenn.	Stevens, Minn.
Copley	Helgesen	Moore, Tex.	Sulloway
Covington	Helm	Morrison	Talbott, Md.
Cox, Ind.	Henry, Conn.	Morse	Talcott, N. Y.
Crago	Henry, Tex.	Mott	Taylor, Ala.
Crumpacker	Higgins	Murdock	Taylor, Colo.
Curley	Hobson	Murray	Taylor, Ohio
Currier	Holland	Needham	Thomas
Curry	Howard	Nelson	Tilson
Dalzell	Howell	Nye	Townsend
Davenport	Hughes, Ga.	Oldfield	Turnbull
Davidson	Hughes, N. J.	Olmsted	Tuttle
Davis, Minn.	Hughes, W. Va.	Padgett	Underhill
Davis, W. Va.	Humphrey, Wash.	Palmer	Utter
De Forest	Humphreys, Miss.	Patten, N. Y.	Vare
Denver	Kendall	Patton, Pa.	Volstead
Dickinson	Kent	Payne	Vreeland
Dickson, Miss.	Kindred	Pepper	Warburton
Dies	Kinkead, N. J.	Peters	Wedemeyer
Dodds	Kitchin	Pickett	Whitacre
Draper	Konig	Porter	Wilder
Driscoll, D. A.	Konop	Post	Wilson, Ill
Driscoll, M. E.	Kopp	Pou	Wilson, N. Y.
Dupré	Korbly	Powers	Wilson, Pa.
Dwight	Lafean	Prince	Wood, N. J.
Dyer	La Follette	Prouty	Woods, Iowa
Esch	Lamb	Pujo	Young, Tex.
Estopinal	Langham	Rainey	

Thereupon the committee rose; and Mr. SISSON having taken the chair as Speaker pro tempore, Mr. JOHNSON of Kentucky,

Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum had caused the roll to be called, whereupon 131 Members had answered to their names, and he now returned a list of the absentees.

The SPEAKER pro tempore. A quorum being present, the committee will resume its session.

The CHAIRMAN. The question is on the adoption of the amendment presented by the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, I would like to modify my amendment by striking out the five thousand and inserting four thousand eight hundred.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. FINLEY. Mr. Chairman, I want to say——

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that the gentleman is too late to discuss his amendment.

Mr. SHERLEY. And I make the point of order that it is too late to offer the amendment.

The CHAIRMAN. The amendment of the gentleman from South Carolina has not been disposed of.

Mr. SHERLEY. But the committee was dividing.

The CHAIRMAN. That is true; but the point of no quorum brings the matter back to the original form, de novo.

Mr. FITZGERALD. The gentleman can modify his amendment.

The CHAIRMAN. The Chair asked if there was any objection to the modification of the amendment and heard none.

Mr. FINLEY. Mr. Chairman, I want to call the attention of the committee to the fact that the work of this commission is important. It is the only supervision that the Government Printing Office has. It is expected that as soon as the bill on the calendar passes the joint committee will take over this supervision after the 1st of July, and unless this provision of $4,800 is made there will be absolutely no supervision of the Government Printing Office by Congress. This is very important. Thousands of dollars have been saved by these clerks. I have in mind one case where they saved $13,000 and another instance where there was a proposition referred to reprint certain documents and these clerks went to the superintendent of documents and found there were several thousand volumes not disposed of. I could enumerate fifty instances where these gentlemen have saved money to the Government. It is for the House to say whether they shall continue this work and go on after the 1st of July.

Mr. GARNER. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. GARNER. What do you do with this $5,000?

Mr. FINLEY. There are two clerks and one stenographer who are busily engaged in this work.

Mr. GARNER. What do they have to do?

Mr. FINLEY. If the gentleman will investigate, he will find that they look into the conduct of the Government Printing Office, investigate proposed purchases of machinery and material; that they assisted largely in getting up the specifications for paper used this year for the first time, whereby a great deal of money was saved in that respect. These gentlemen are busy every day.

Mr. MANN. The gentleman says there will be no supervision after the 1st of July if this appropriation is not agreed to. Is this for the Joint Committee on Printing?

Mr. FINLEY. This is for the investigating commission.

Mr. MANN. The joint committee has control of the Printing Office. The investigating committee does not have any control of the Printing Office.

Mr. FINLEY. That is what it has got.

Mr. MANN. All that committee has to do is to investigate.

Mr. FINLEY. If the gentleman will read the law, he will find out he is mistaken.

Mr. MANN. Oh, I have read the law. This appropriation is not for the Joint Committee on Printing. The committee on investigation is another thing. All it can do is to investigate and report.

Mr. FINLEY. It investigates and reports to the joint committee, and the joint committee is made up of the same membership as the investigating committee. The result is that the joint committee gets the benefit of the work and the Treasury of the United States gets the benefit of what it saves.

Mr. MANN. The authority of the Joint Committee on Printing still exists whether this appropriation is made or not.

Mr. FINLEY. It will exist, but without any force or power to carry on the work, for the joint committee has no clerks.

Mr. MANN. The Joint Committee on Printing has clerks in the shape of clerks of the two committees.

Mr. FINLEY. The gentleman from Illinois ought to know that those clerks have their own work to do and that they have not time to do the work that is done by the investigating commission, and they are not going to do it.

Mr. MANN. I do not know whether they are going to do it or not, but they ought to do it.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FINLEY. Certainly.

Mr. GARNER. Do I understand the gentleman that the joint committee is composed of the same gentlemen that compose the investigation commission?

Mr. FINLEY. That is correct.

Mr. GARNER. Why is it this work can not be done under the committee without calling upon the commission?

Mr. FINLEY. The commission was authorized in 1905. It was clothed with larger inquisitorial powers than the joint committee has under the law, and this commission has been at work all of these years. It has finally reported, and the report is in the shape of a bill. That bill has passed the Senate, and it has been reported by the Committee on Printing to the House and it is now on the House Calendar.

Mr. GARNER. Then, if I understand the gentleman, it took seven years of investigation by two clerks and one stenographer in order for the commission, which is composed of the identical gentlemen who compose the committee, to report a bill to Congress.

Mr. FINLEY. I do not know what the gentleman understands, but he is mistaken.

Mr. GARNER. Well, I asked the gentleman a question. The gentleman said that it was appointed in 1905, and this is 1912. That is seven years. The two clerks and the one stenographer have been working under the identical gentlemen who compose the committee.

Mr. FINLEY. The gentleman must bear this in mind, that this is the first Democratic House that we have had, and the work has been pushed in this Congress.

Mr. GARNER. O Mr. Chairman, now I understand.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, it seems a difficult thing to understand why the same men composing a committee and composing the commission need to have the same clerks report to them as the committee from the commission in order that the committee may determine what shall be done. The truth of the matter is that the Government Printing Office ought to be run by a practical printer. It is a great, big business establishment, and there is just as much excuse for having a joint committee of the two Houses attempting to run the Navy Department or the War Department or some other department of the Government. I believe that if we would permit the Public Printer to conduct the business of the Printing Office and hold him responsible the result would be just as satisfactory, if not much more so. I can not believe that two clerks ought to be put in a position where upon their determination the conduct of that great establishment should be fixed and settled.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. FITZGERALD. Yes.

Mr. FINLEY. Has the gentleman any inside information on this proposition?

Mr. FITZGERALD. Mr. Chairman, I do not understand what the gentleman means by "inside information."

Mr. FINLEY. Has the gentleman been in consultation with the Public Printer about this?

Mr. FITZGERALD. No; I have not talked with him about this. I know this commission has been in existence seven years. The statement is made to-day that these two clerks are the men who are making certain investigations and doing certain work—in effect, controlling a business establishment that does a business of the extent of $6,000,000 a year. The present Public Printer is one of the most competent men in the United States for the position that he holds, and if, as it appears now, instead of these Members of the two Houses of Congress attempting to exercise some sort of control or jurisdiction, they are absolutely dependent upon two clerks and one stenographer, the quicker we discontinue the services of these clerks and the stenographer the better it will be for the public service.

Mr. FINLEY. Would the gentleman abolish the Joint Committee on Printing also?

Mr. FITZGERALD. If I had my way I would.

Mr. FINLEY. Then I am sure the gentleman would have an absolute waste, and he would have a scandal on Congress in no time.

Mr. FITZGERALD. I do not believe that would result. I would put responsibility upon somebody and not have it divided

around and have some clerk hidden away where nobody could find him, who is exercising a greater power than either House of Congress can exercise.

Mr. FINLEY. These clerks exercise no power. The only thing they do is to gather information for the joint commission, and the joint committee gets that information, and they have used it and have saved hundreds of thousands of dollars annually since this commission has been in existence; and the gentleman knows that the appropriations for printing and binding have not increased in the past five years. He knows that there has been a great saving.

Mr. FITZGERALD. I think from the investigation that I have made of the subject that it is due to the fact that at present for the first time in my experience there is at the head of the Printing Office a man who knows something about the office. I have listened to representatives of the Government Printing Office who knew nothing whatever and could not tell anything at all about it.

Mr. FINLEY. Who were they?

Mr. FITZGERALD. The representatives of the Printing Office before the present Public Printer were unable to tell anything at all about the business of the Printing Office.

Mr. FINLEY. The gentleman must bear in mind that the present Public Printer, however efficient he may be, will not always be in office.

Mr. FITZGERALD. I hope we will get one as good when we put a Democrat in charge.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 18, noes 41.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the original amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Paragraph 52 of section 73 of the act approved January 12, 1895 (Stat. L., vol. 28, p. 620), relating to the binding and disposal of volumes of the specifications and drawings of each patent issued, is repealed.

Mr. FINLEY. Mr. Chairman, I make the point of order on the paragraph beginning on line 19 and ending on line 24 of page 158. It is new legislation.

Mr. FITZGERALD. Mr. Chairman, it repeals a provision which authorized the publication and binding of documents which costs $49,000 a year. The gentleman has included the same provision in a bill reported from his committee. This bill under consideration at the present time will become a law, and it is not so certain that the other will. If the gentleman wishes to effect an economy, here is the place to do it.

Mr. FINLEY. Mr. Chairman, the gentleman admits that this very provision is in the bill that has been reported by the Committee on Printing.

Mr. FITZGERALD. Not the very provision, but a provision to accomplish the same purpose.

Mr. FINLEY. Yes; so that evidently the gentleman thinks there are some good things in that bill. He will pick them out and put them in the sundry civil appropriation bill, and thereby weaken the chance of passing the other bill which has been reported by the Committee on Printing.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. FINLEY. That is the effect of it, and I make the point of order.

Mr. FITZGERALD. I would not wish to admit that this is the only good thing in the bill reported by the gentleman's committee.

Mr. FINLEY. No.

Mr. FITZGERALD. The committee was called upon to recommend appropriations for printing, and here was printing and binding that is confessedly a waste. Instead of appropriating the money for it it recommended a provision to repeal the authority for the printing.

Mr. FINLEY. At any rate, this proposition which the gentleman says will save $49,000 and which will do it is some of the work of the Printing Investigation Commission, to which the gentleman is opposed. I insist on the point of order.

Mr. FITZGERALD. Mr. Chairman, I insist that it repeals authority which imposes an expense on the Government, and it is in order under the rule to make reductions in expense.

The CHAIRMAN. Under the Holman rule there can be legislation in an appropriation bill to the extent of changing the law. The law can be changed by modifying existing law or by repealing it, provided it comes under some one of the provisions named in section 2 of Rule XXI. The only portion of that which the Chair can see under which it might come is in the language contained near the bottom of the page, which reads as follows:

Or by the reduction of amounts of money covered by the bill.

The Chair is not advised that by repealing this former act there is a reduction of amounts of money covered by the bill. That does not appear on its face.

Mr. FITZGERALD. Oh, Mr. Chairman, there is no doubt about that.

Mr. MANN. Will the Chair permit me to make an inquiry?

The CHAIRMAN. Certainly. The gentleman from Illinois is recognized.

Mr. MANN. The further provision of the Holman rule is:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The Committee on Printing has reported to the House Senate bill 4239 and included in that bill a recommendation that this section be repealed and that the work provided for in the section be stopped and that the printing be no longer done. That is the report of the committee having jurisdiction of the subject matter.

The CHAIRMAN. If that is the report of the committee——

Mr. MANN. I ask the gentleman from South Carolina whether his committee has not reported a bill in favor of stopping this work?

Mr. FINLEY. Does not the Holman rule mean the committee reporting? And that is the sundry civil bill.

The CHAIRMAN. No; the Chair thinks not. The Chair thinks it means the report of the committee having jurisdiction of the subject matter under the rule, and if the Committee on Printing has reported a bill that repeals this act now referred to in the sundry civil bill, which would retrench expenditures, then the Chair will hold the point of order should be overruled.

Mr. MANN. I do not have the report before me just at this time, but they not only state that they propose to abandon this printing, but they recommend in the bill the repeal of the act.

Mr. FOSTER. I think the gentleman from South Carolina, chairman of the Committee on Printing, conceded that it would save $40,000.

Mr. FINLEY. I said the gentleman from New York claimed it would save $49,000, and I asked if it was not one of the good things in the bill.

Mr. FOSTER. But the gentleman from South Carolina himself conceded it would save that amount.

Mr. FITZGERALD. I have it here; it is $49,137.39.

Mr. FINLEY. Does the gentleman get that out of the report?

Mr. FITZGERALD. I get it out of the statement which the Public Printer submitted as to the cost of this. It is $49,137.39.

The CHAIRMAN. The question with the Chair is whether the repeal of that act would reduce the amount of money covered by the bill or be a retrenchment of expenditures.

Mr. FINLEY. There is nothing in the bill and nothing in the sundry civil bill to show that that is true; no motion is pending that will affect that directly.

The CHAIRMAN. If there is not, the Chair will overrule the point of order made by the gentleman from South Carolina; but if, upon the contrary——

Mr. FINLEY. I did not hear the Chair.

The CHAIRMAN. Unless the Chair has information to the effect that the repeal of the act mentioned in the bill now under consideration would reduce the amount of money covered by the bill or retrench expenditures under the proviso of the Holman rule, then the Chair will overrule the point of order; but——

Mr. FINLEY. I stated that this provision being in the sundry civil bill does not operate as a reduction directly of the money carried for printing and binding.

The CHAIRMAN. It may or may not.

Mr. FINLEY. And therefore it is extraneous and outside evidence or conclusion.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] just stated that the Committee on Printing has made a report to the House to the effect that it would save money; that a repeal would be a retrenchment of expenditures. If that be correct, the Chair would be compelled to sustain the point of order.

Mr. FINLEY. The gentleman from New York made the statement.

The CHAIRMAN. The Chair understood the gentleman from Illinois to make the statement.

Mr. MANN. Does the gentleman from South Carolina controvert the statement that his committee has reported in favor of abandoning this work, as provided for in section 73 of the act?

Mr. FINLEY. I do not. We have so reported.

Mr. MANN. They have so reported, and also propose to repeal the entire printing act, including section 73.

The CHAIRMAN. Will the gentleman from South Carolina state to the Chair the action of his committee on this point? Has the chairman of the Committee on Printing of this House made a report to the effect that the act set out on page 158 of this bill, beginning with line 19, should be repealed?

Mr. FINLEY. There is no question about that. We have.

The CHAIRMAN. If the chairman of the Committee on Printing has so reported for his committee, then the Chair will overrule the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The paragraph in the bill says, "paragraph 52 of section 73 of the act." It is not paragraph 52 of section 73.

And I suggest to the gentleman that he strike out "fifty-two" and insert the word "The" before "paragraph," so that it will read:

The paragraph of section 73.

Mr. FITZGERALD. I will offer the amendment. I move to strike out the word "fifty-two," after the word "paragraph," in line 19, and insert the word "The" before the word "paragraph."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

Page 158, line 19, strike out the word "fifty-two," after the word "paragraph," and insert the word "The" before the word "paragraph."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For engraving the illustrations necessary for the Annual Report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, and for printing and binding the same publications, of which sum not more than $35,000 may be used for engraving, $145,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 159, line 7, strike out "one hundred and forty-five thousand" and insert "one hundred and sixty-five thousand."

Mr. CANNON. Mr. Chairman, that one hundred and sixty-five thousand is estimated for, and that is the appropriation for the present year. If the amendment prevails, the estimate will be allowed.

Mr. FITZGERALD. Mr. Chairman, in 1911 the appropriation was $175,000, and there was a balance of about $35,000. The balance on the 1st of May was about $15,000, and the committee thought $140,000 was ample in that regard.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendixes, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $34,000; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the International Exchanges, $200; the International Catalogue of Scientific Literature, $100; the National Zoological Park, $200; for miscellaneous printing and binding for the Astrophysical Observatory, $400, and for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory of the Smithsonian Institution, $2,000; and for the Annual Report of the American Historical Association, $7,000; in all, $74,900.

Mr. CANNON. Mr. Chairman, I offer an amendment.

Mr. FINLEY. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The point of order will be disposed of first.

Mr. FINLEY. On page 159, line 24, beginning with the words:

And for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory of the Smithsonian Institution, $2,000.

That is new legislation.

The CHAIRMAN. The Chair would be glad to hear the gentleman from New York [Mr. FITZGERALD] on the point of order.

Mr. FITZGERALD. Mr. Chairman, of course this institution is existing and does this work. It has completed these investigations. This is the third volume of the annals. Fifteen hundred copies of the other two volumes have been printed. This is to enable the publication of 1,500 copies of the third volume.

The CHAIRMAN. Can the gentleman cite to the Chair the authorization for any of these appropriations?

He knows that the Smithsonian Institution has been appropriated for for year in and year out, but to the extent for which it may be appropriated for has always been a question with the Chair.

Mr. FINLEY. I want to state to the gentleman from New York I would like to know the necessity for this. I have no wish to stand in the way of any proper appropriation, but I would like to know the necessity for it. That is why I reserve the point of order.

Mr. FITZGERALD. The Secretary of the Smithsonian Institution says in regard to this:

Astrophysical Observatory: The current appropriation is $400. The sum of $3,000 is asked for the fiscal year 1913 in order to enable the observatory to publish volume 3 of its annals, including the results of all its researches from 1908 to 1913. Volume 2 was published in 1908 at a cost of $2,000, but owing to the general increase in cost of printing and the necessity of publishing a larger amount of tabular matter in volume 3 than was included in volume 2, the estimate of $3,000 is submitted. The edition of volume 3, as of volume 2, will be 1,500 copies. Only 60 copies now remain of volume 2, and a demand for them still exists.

The work has all been done. The manuscript is ready. The persons engaged in obtaining this information in the Astrophysical Observatory cost about $15,000 a year for their services, and this money is to enable this information to be made available.

Mr. FINLEY. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from South Carolina [Mr. FINLEY] withdraws his point of order, and the Clerk will now report the amendment of the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 159, line 17, strike out $34,000 and insert $50,000.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $47,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of Public Resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $125,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $475,000.

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 160, in line 4, strike out "$35,000" and insert "$40,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, we are now down to line 20.

Mr. CANNON. All right.

Mr. FITZGERALD. The Clerk had finished reading the paragraph ending with line 20, and line 4 is three paragraphs earlier.

Mr. BURLESON. Regular order!

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. FITZGERALD. I do not want to take advantage of the gentleman.

Mr. CANNON. I will offer another amendment, and the gentleman can object to it if he desires.

The CHAIRMAN. The Chair will advise the gentleman from Illinois [Mr. CANNON] that we have long since passed the paragraph.

Mr. FITZGERALD. I shall not object to returning.

The CHAIRMAN. Without objection, the paragraph will be returned to. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I will offer another amendment.

The Clerk read as follows:

On page 160, line 7, strike out "$290,000" and insert "$325,000."

Mr. CANNON. Mr. Chairman, this is for the Post Office Department, including the Money Order Division.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 160, line 9, strike out "$47,000" and insert "$52,000."

The CHAIRMAN. Without objection, the paragraph will be returned to——

Mr. CANNON. No; that is not the paragraph.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment of the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 160, line 20, strike out "$475,000" and insert "$480,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" semed to have it.

Mr. MANN. Mr. Chairman, I ask for a division. That is for the Department of Agriculture.

The committee divided; and there were—ayes 17, noes 32.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Interstate Commerce Commission, $90,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

On page 161, line 13, strike out "$90,000" and insert "$110,000."

Mr. FITZGERALD. Mr. Chairman, on the 1st of May the Interstate Commerce Commission had a balance of $41,000 unexpended.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the International Union of American Republics, $20,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph for the purpose of making the inquiry, By whom and when was this bureau claimed to be or called "The International Union of American Republics"? It used to be called "The Bureau of American Republics." I am asking to get some information.

Mr. FITZGERALD. I do not recollect when it was changed. I understand that it is the correct title.

Mr. MANN. Do they have authority to change the name whenever they please? I confess that the new name does not strike me favorably. I do not know of any union of American Republics. It was the Bureau of American Republics and was properly called a bureau.

Mr. FITZGERALD. In the letter of the director it is spoken of as the Pan American Union, formerly the Bureau of American Republics.

Mr. MANN. I presume the gentleman did not have his attention attracted to it.

Mr. FITZGERALD. I am not familiar with it. There was a dispute whether the correct title was the Bureau of American Republics or the Pan American Union. My recollection is that we looked it up and found this title and put it in.

Mr. MANN. I have no doubt that my friend Mr. Barrett, who is at the head of that institution, would be glad to have a union of American Republics and be its first president.

Mr. FITZGERALD. I have no doubt he is well qualified for that place; if they would leave out the United States of America I would support him for the presidency of the others.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

That no more than an allotment of one-half of the sum hereby appropriated for the public printing and for the public binding shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended; and no department or Government establishment shall consume in any such period a greater percentage of its allotment than can be lawfully expended during the same period of the whole appropriation.

Mr. MANN. Mr. Chairman, I reserve a point of order. I would like to ask the gentleman how he thinks this would work with the appropriation for printing by Congress, especially of the CONGRESSIONAL RECORD of next year? The appropriation is based, I suppose, upon the RECORD being printed only until the 4th of March. Now, under this item it would not be possible to spend all of the money appropriated for the CONGRESSIONAL RECORD, because you could not expend the last quarter of it in any event.

Mr. FITZGERALD. There is a large amount of additional printing. However, I will state that it is my recollection that this provision has been in the bill for 20 years, at least.

Mr. MANN. The gentleman's recollection is in error. A part of this item first appeared in the act of 1910 and a part of it first appeared in last year's act.

Mr. FITZGERALD. That was a modification to carry out the purpose of the provision. It is the only provision that prevents the exhausting of the public printing appropriation the first part of the year and then a request for a very large deficiency.

Mr. MANN. I understand the purpose of it, and have no quarrel with the purpose, but that purpose is not applicable to congressional printing. If Congress ends on the 4th of March, of course, as far as the RECORD is concerned, as far as a large share of the printing is concerned, there could be no use of one-fourth of the appropriation, because you could not expend it after that time. I call it to the attention of the gentleman. I have no desire to strike it out on a point of order. I think the gentleman will find that as far as the congressional printing is concerned it requires a larger appropriation than necessary, because you can not spend the whole of it under the provision of that paragraph.

Mr. FITZGERALD. I am informed that the part of the paragraph down to line 23 has been carried in this bill for at least 20 years, and that it has never interfered with the printing of the CONGRESSIONAL RECORD. The truth of the matter is that for a great many years the Public Printer in printing for Congress went ahead and printed what Congress wanted, regardless of allotments or anything else.

In a conference with the Public Printer it was stated to him that we desired to have the printing for Congress done the same as for any other department of the Government, and if a deficiency must be created because of the excess of printing, Congress ought to know it and be asked for a deficiency and have provision made for it, so that better track could be kept of the expenditures and better results attained. If that were done, it would result beneficially to the Government.

Mr. MANN. I do not know whether the congressional printing would be denominated as included in "department or Government establishments," because I do not know what a "Government establishment" is, but that has never been in the law but one year before, and that was not when it was a short session.

Mr. FITZGERALD. My impression is that that language does not apply to Congress.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The Isthmian Canal.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SLAYDEN, for 20 days, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until Wednesday, June 19, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BUCHANAN, from the Committee on Labor, to which was referred the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, reported the same with amendment, accompanied by a report (No. 910), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the reso-

lution (H. Res. 578) directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer, reported the same without amendment, accompanied by a report (No. 911), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 24536) granting a pension to James T. Cape, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JACOWAY: A bill (H. R. 25419) for the purchase of a site and the erection thereon of a public building at Morrilton, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25420) to increase the limit of cost for the United States post-office building at Sistersville, W. Va., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. NEELEY: A bill (H. R. 25421) for the erection of a public building at Pratt, Kans.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25422) for the erection of a public building at Larned, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. ALEXANDER: Resolution (H. Res. 587) empowering and directing the Committee on the Merchant Marine and Fisheries to investigate the methods and practices of various ship lines engaged in general transportation and their connection with railroad lines and other common carriers, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Minnesota: A bill (H. R. 25423) granting a pension to Melissa J. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to Sophia Bemis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25425) granting an increase of pension to Eliza Jane Blythe; to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 25426) to correct the relative rank of Lieut. Frederick S. L. Price; to the Committee on Military Affairs.

By Mr. FAISON: A bill (H. R. 25427) granting a pension to Zebulon A. Pyatt; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 25428) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart; to the Committee on Naval Affairs.

By Mr. NEELEY: A bill (H. R. 25429) granting a pension to Samantha Crews; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25430) granting an increase of pension to Mary Morris; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 25431) granting an increase of pension to Henry E. Everts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25432) for the relief of the heirs of John W. Graves; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 25433) granting a pension to Hiram H. Potter; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 25434) granting an increase of pension to Hiram W. Partlow; to the Committee on Invalid Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 25435) granting a pension to Richard M. J. Miller; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Polish Roman Catholic societies of Connecticut and Pennsylvania, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Kazmir Society, No. 360, and St. Stanislaus Society, No. 29, of Scranton, Pa., both protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ANDERSON of Minnesota: Evidence to accompany claim for pension for Eliza Jane Blythe, widow of John Blythe, of Company B, First Regiment Minnesota Heavy Artillery Volunteers; to the Committee on Invalid Pensions.

Also, evidence to accompany claim for pension of Melissa J. Gross, widow of Gilbert Gross, Company C, Second Regiment Minnesota Volunteer Cavalry; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Sophia Bernis, widow of Jason Bernis, corporal Companies E and F, Second Ohio Volunteer Cavalry; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Wisconsin Chapter of the American Institute of Architects of Milwaukee, Wis., against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

By Mr. FULLER: Petition of Active Workers' Association, eastern district of Pennsylvania, Order of Independent Americans, favoring the passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Illinois State Horticultural Society, favoring the passage of the Sulzer apple package and grade bill (H. R. 21480); to the Committee on Coinage, Weights, and Measures.

By Mr. GOLDFOGLE: Petition of Rabbi M. T. Sockler Lodge, No. 611, Independent Order B'rith Abraham, New York, protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also: petition of New York State Retail Jewelers' Association, Syracuse, N. Y., protesting against any change in present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the Civil Service Reform Association, of Pennsylvania, protesting against the proposed five-year tenure of office; to the Committee on Appropriations.

Also, petition of the Methodist Episcopal Hospital, Brooklyn, N. Y., favoring passage of bill empowering the Public Health and Marine-Hospital Service to establish a hospital bureau; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Exporter, New York, favoring passage of House bill 20044 for improvement of Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Memorial of John Hay Lodge, No. 61, Knights of Pythias, and Judith Lodge, No. 32, Independent Order Free Sons of Judah, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of United States Customs Civil Service Retirement Association of San Francisco, Cal., opposing the five-year tenure of office for civil-service employees of District of Columbia; to the Committee on Appropriations.

By Mr. KINDRED: Memorial of Military Order of the Loyal Legion of the United States, against passage of Senate bills Nos. 2925 and 5991, relative to construction of a Navy memorial in Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: Petition of citizens of Foster Top, Pa., against passage of bill to appropriate for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petitions of Order of Independent Americans, St. Clair and Pottsville, Pa., both favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of New York State Retail Jewelers' Association, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, memorial of the Civil Service Reform Association of Pennsylvania, against the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

By Mr. LINDSAY: Petition of Active Workers' Association, Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Pennsylvania Civil Service Reform Association, protesting against the five-year tenure of office; to the Committee on Appropriations.

By Mr. NEELEY: Petition of citizens of Wichita County, Kans., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petition of Daughters of Liberty of Providence, R. I., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 19, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, fountain of wisdom and source of all good, keep us, we beseech Thee, in touch with Thee through the remaining hours of this day, that we enter not into temptation, but with pure motives, high ideals, and lofty purposes we may do the work Thou has given us to do. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill making an appropriation for the Boston customhouse.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday.

The SPEAKER. The gentleman from New York asks unanimous consent, which I suppose will be equivalent to a two-thirds vote, to dispense with Calendar Wednesday for to-day.

Mr. PETERS. Mr. Speaker, reserving the right to object——

Mr. BURNETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Alabama objects. Does the gentleman from New York wish to make a motion?

Mr. FITZGERALD. No; I do not.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WHITACRE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Francis W. Leeper, applicant for special pension, Sixty-first Congress, no adverse report having been made thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take the bill just reported from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. MANN. Mr. Speaker, I think the bill had better go over a day.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. I ask the gentleman to withdraw his request.

Mr. JOHNSON of South Carolina. I withdraw the request.

CALENDAR WEDNESDAY.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24227, and the gentleman from Tennessee [Mr. BYRNS] will take the chair. [Applause.]

CUSTOMHOUSE, BOSTON, MASS.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24227, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909.

The CHAIRMAN. If there is no further general debate upon the bill, the Clerk will read the bill under the five-minute rule.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Massachusetts whether he has any further information from the Treasury Department other than that contained in the report.

Mr. PETERS. There is an estimate in a letter which was sent to the Chairman of the Committee on Appropriations and myself since that time which gives a little more complete figures than those I gave to the House. They do not differ materially.

Mr. MANN. Has the gentleman that information here?

Mr. PETERS. Yes; I will be glad to give it to the gentleman.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts has given me a copy of a letter addressed to him by the Assistant Secretary of the Treasury, in which the Assistant Secretary says:

TREASURY DEPARTMENT,
Washington, June 11, 1912.

Hon. ANDREW J. PETERS,
House of Representatives, United States.

SIR: I have the honor to inclose herewith a copy of a letter this day addressed to the chairman of the Committee on Appropriations, relative to the customhouse building, Boston, Mass., which explains itself.

Respectfully,

J. F. CURTIS,
Assistant Secretary.

JUNE 11, 1912.

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives, United States.

SIR: In accordance with telephonic request from Mr. Courts, that you be furnished with information relative to the basis for the award of the contract for the construction of the foundation and of the basement and first floor of the extension, etc., of the customhouse at Boston, Mass., I have the honor to advise you that on May 5, 1910, eight proposals were received, in amounts, $278,500, $322,000, $375,062, $378,856, $420,000, $441,700, $483,000, $530,000, and the contract was awarded to the lowest bidders, the Norcross Bros. Co., in the amount of their bid, namely, $278,500.

During the execution of the work it was found necessary to have additional work done, at an expense of $51,542.54, in detail as follows:

Removing exterior dome and base, etc	$8,900.00
Removing inner brick dome	15,700.00
Removing certain walls and floors and shoring up central part	24,746.85
Extra depth of caissons	2,195.69

Work was omitted to the extent of $568, as follows:

Omitting boiler flues, brickwork, etc., in east and south wall in subbasement, etc	$210
Miscellaneous changes	358

In addition to the foregoing expenditures have been made and liabilities incurred for rent of temporary quarters for certain purposes, equipment, and maintenance of same, chargeable to the appropriation for the new customhouse, aggregating approximately $265,600. For architects' fees, $84,905.66; steel inspection and other miscellaneous items, $13,829.23; in total amount, $693,809.43.

Respectfully,

———, *Secretary.*

The original limit of cost was $1,800,000.

Mr. PETERS. Yes.

Mr. MANN. There has now been taken from that $693,809.43, and a part used for construction work. As I understand, up to the present time for rent, equipment, and maintenance there has been charged to this appropriation $265,600, and that is what the gentleman desires to make up.

Mr. PETERS. Yes.

Mr. MANN. And the rent which will be paid in the future?

Mr. PETERS. Yes.

Mr. MANN. How long would these rents probably run?

Mr. PETERS. It is estimated two more years will be necessary to complete the building.

Mr. MANN. At the rate of about $90,000 a year?

Mr. PETERS. At the rate of about $90,000 a year.

Mr. MANN. That would make about $450,000?

Mr. PETERS. About.

Mr. MANN. Somewhere near that?

Mr. PETERS. Yes.

Mr. MANN. Now, is it possible to have paid $85,000 for architects' fees up to date on this building?

Mr. PETERS. The fees include the preparation of the plans. And the entire working plans have been completed. It was necessary to have them completed, so that final contracts could be offered to contractors and bids received on them.

Mr. MANN. Well, 5 per cent of the total original appropriation would be $90,000, I think, if my arithmetic is correct.

Mr. PETERS. Yes; I am sure that is right.

Mr. MANN. Here are paid out $85,000 in architects' fees up to this time, and they have not commenced work on the superstructure.

Mr. PETERS. Yes; because architects' fees include the plans on the superstructure.

Mr. MANN. I would like to ask the gentleman this question in reference to the building. From my examination of the matter it seems to me that this building would not be a building that would be satisfactory to Boston very long and would not supply the needed room very long. How soon does the gentleman think the people there would be knocking at the doors of Congress for an additional building to take the place of this one?

Mr. PETERS. The Treasury Department has estimated that this will give sufficient room for any increase of facilities for 30, 40, or 50 years.

I wish to make it clear that this bill does not ask that the customhouse be built in the shape of a tower. We are already committed to building a tower under the plans which were drawn in accordance with the act of 1900. It is now simply a question of whether Congress will give to Boston an adequate

and respectable building along the lines already laid out or whether it chooses to build in Boston a skimped and cheaply constructed tower, which will be an eyesore and make a building, the shape of which some do not approve, still more objectionable by constructing it in a manner that would be deplorable in the case of any public building. The very fact that the customhouse is to be a tower, dominating all other buildings in the city, makes it imperative that it be constructed in the most pleasing and stable manner possible within the limits of a reasonable expenditure.

Mr. MANN. Does the gentleman agree to that?

Mr. PETERS. I am not an expert in making an estimate of that nature.

Mr. MANN. But the gentleman is an expert on the needs of Boston. I discovered that. He is not only an expert on the needs of Boston, but an expert in acquiring the things which Boston desires.

Mr. PETERS. So far as I know, this will be sufficient to look after the business for some time in the future.

Mr. Chairman, I ask unanimous consent that all debate on this measure close in five minutes. I desire to use three minutes of that time myself.

Mr. MANN. Perhaps somebody might wish to reply to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent that all general debate on the pending bill close in five minutes.

Mr. MANN. For the present I object. I do not think there will be any trouble in closing debate right away.

Mr. TOWNER rose.

Mr. PETERS. How much time does the gentleman from Iowa [Mr. TOWNER] desire?

Mr. TOWNER. I do not ask for any particular time, but I do not think it would be a good idea to make the rule too stringent as to the limitation of debate. I desire at this time, if I may be allowed now for a moment, to say this in regard to this building.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] has the floor.

Mr. PETERS. I asked the gentleman from Iowa [Mr. TOWNER] how much time he wanted and have not yet been able to ascertain.

Mr. TOWNER. Five minutes will be enough for me.

Mr. PETERS. Mr. Chairman, this bill, as it originally passed the House, provided for an appropriation of $1,800,000, from which there was to be taken the amount necessary for the rent of the temporary quarters. The bill which we offer here to-day proposes to repeal the part of the section which places that restriction on the original appropriation and allow the entire $1,800,000 to be used for the construction of this building. There has been already expended for such construction, including the contract for the foundation and including the sum which has been deducted from the $1,800,000 necessary to pay the rent, the amount of $693,809.43, which taken from the original limitation leaves as an amount now available only the sum of $1,106,190.57. Of this sum there must be deducted, if the act remains as it is to-day, the sum necessary to pay rent for the temporary quarters until the completion of the new building, which is estimated to be about two years, so that there will have to be deducted, as the law stands to-day, from this sum $234,400 additional, making the net amount available for building above the ground only $871,790.57. I wish to submit at this point a table showing the present status of the original appropriation. The amounts of the items that have already been charged against the $1,800,000 are taken from the Treasury Department's letter of June 11, 1912:

Original appropriation		$1,800,000.00
Already expended:		
Architects' fees	$84,905.66	
Contract for foundation	278,500.00	
Additional work	51,542.54	
Equipment, rent, etc., of quarters (approximate)	265,600.00	
Steel inspection and miscellaneous	13,829.23	
	694,377.43	
Exact amount charged against original appropriation up to June 11, 1912		693,809.43
Amount now available		1,106,190.57
Less amounts for rent, etc., still to be subtracted—		
1. Of the original $300,000 set aside by treasurer there has been expended $265,600, leaving	$34,400.00	
2. Additional amount that it will be necessary to expend for rent before completion of new customhouse	200,000.00	
		234,400.00
Net amount available for building above ground		$871,790.57
Lowest main proposal		1,393,000.00
Additional amount necessary to complete the building and pay the rent on temporary quarters		521,209.43

That is, $521,209 less than the lowest bid, and it falls short by about $250,000 of allowing sufficient money to finish the building, even if all the changes were made which the chairman of the Committee on Appropriations suggested should be made last time.

Mr. FITZGERALD. How much does the gentleman say?

Mr. PETERS. Two hundred and fifty thousand dollars.

Mr. FITZGERALD. Oh, no. The gentleman is mistaken. If the changes are made there will be ample funds to complete the building.

Mr. PETERS. There are not ample funds; and if the change is made there are not funds left sufficient to finish the building, because there must be deducted from the balance left sums amounting to $250,000, the amount needed to pay rent for these necessary quarters; so that there is about $250,000 less than the chairman of the Committee on Appropriations had in mind in submitting his figures. That is, there would be a balance left, now, of $871,790.57, which is about $250,000 less than the required amount, even deducting the amount suggested by the chairman of the Committee on Appropriations.

Now the office force is in temporary quarters, and the Government is paying $84,000 a year in rent, which comes out of the appropriation needed for the building itself. The earlier we can move into the new building the sooner the necessity for this expense is ended. It is therefore a matter of economy to the Government and a matter of fairness to the second port in the country that this bill, which has the unanimous support of your Committee on Public Buildings and Grounds, be passed without further delay.

Mr. Chairman, I ask unanimous consent that all debate on this measure be closed in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. PETERS] asks unanimous consent that all general debate on the pending measure close in 10 minutes. Is there objection?

Mr. MANN. I object. I do not think it would take any considerable length of time to complete the debate.

Mr. PETERS. If the gentleman will name any definite amount of time he desires, I will ask unanimous consent that the debate close after the expiration of that time.

Mr. MANN. Oh, we will soon get through with the bill. I do not know whether anybody wants time or not.

Mr. TOWNER. Mr. Chairman, I think there need be very little time consumed in determining the merits of this bill. The bill was carefully considered by the Committee on Public Buildings and Grounds, and while a rather unfortunate situation exists, yet I think that as sensible men we need only meet it as we find it, and do the best that can be done.

In the first place, in an effort to secure a site for this building in Boston it was ascertained that it was practically impossible to secure a site large enough to build the kind of building that it was anticipated would be needed. A building site larger than the existing site could not be secured without the expenditure of a very large amount of money. Then wisely, as it seemed to us, and as it now seems to me, they concluded to utilize the building site that they already have, and to construct the building thereon as far as possible to do under the circumstances. That was possible by the building of a tower-like structure.

It seems that after careful investigation this was approved by the Treasury Department, and plans were made that will accommodate for 25 or 30 years the needs of the city.

I know that at first blush this character of building seems to be perhaps not the best calculated from the standpoint of utility to serve the purposes intended, but in view of the fact that it was selected only because of the existing circumstances and that it will really subserve the purpose for which it was intended, it seems to me there ought to be no criticism on the action taken.

Then another difficulty existed, and that was the fact that in the change from the old to the new building it became necessary to secure quarters for the present operative force, and such quarters could only be secured at a very large rental, approximating $90,000 a year. Under the terms of the bill, which certainly were not very definite, this amount was taken from the appropriation.

It may be that the Treasury Department interpreted the act aright. However that may be, that has been the interpretation, and the amount named has been taken from the original appropriation. I can not but believe from the evidence before the committee that such was not the original intention. That has diminished the fund at the rate of $90,000 a year for perhaps

three years, so that the amount now available is less now than is necessary to complete the contemplated and necessary building.

That constitutes, as we believe, an emergency, to meet which the House ought to make at this time a sufficient appropriation.

So that now we have before us simply the proposition to build this building under the original plans and terms, as it will almost necessarily have to be, or else abandon the project and lose that which has already been put into the foundation. So that it seems to me that it is only the part of wisdom on the part of the House to act on the unanimous recommendation of the Committee on Public Buildings and Grounds.

I do not join with others in the suggestion that this is a plan of the Members from Boston or Massachusetts to loot the Treasury. I think they are only doing what Representatives of the people ought to do under the circumstances—look after the interests of their constituents and the country. Indeed, I believe that the Government could not afford to build a building less dignified, less useful, and less appropriate in its appearance than is contemplated in the second port of importance in the United States.

Mr. WEEKS. Mr. Chairman, I introduced the original bill which provided for a new customhouse building in Boston and a building for the appraisers stores. The present customhouse building was erected nearly 70 years ago, and no addition has been made to the facilities for conducting the customs business of the port of Boston since the erection of the present building.

For a great many years it has been necessary to lease quarters for the appraisers storehouse, and when in the Fifty-ninth Congress a bill was introduced to construct a new building a large part of the Committee on Public Buildings and Grounds went to Boston to inspect the premises. I do not see any Member in the House at this time who was a member of the committee at that time, but there are Members of the House who went to Boston at that time, and I can say to those who are now present that it did not take the committee 20 minutes to determine that it was absolutely essential that there should be a new building erected in Boston. The facilities were admitted to be entirely inadequate and, in addition, the ventilation was very bad; men were working in public corridors and in all kinds of unusual places. In fact, all of the conditions were so unusual that the committee was astonished that a change had not been made years ago.

The original appropriation provided that the customhouse should cost $3,000,000. It was believed that that amount would be necessary to purchase a site and erect a building. But during the contemplation of this subject the citizens of Boston for two reasons decided that they would like to erect the kind of a building which is now in process of erection. There was a great deal of sentiment in favor of preserving the old building, which had become one of the landmarks of Boston. This building was constructed of Quincy granite.

The columns are as fine specimens as are to be found in any building in New England; they were cut from solid blocks of stone, so that they are not in sections, as columns ordinarily were those days. Incidentally, it is worth noting that the columns were hauled from Quincy, 10 miles distant from Boston, to the site of the customhouse by oxen, and it required 30 pairs to haul each column over the roads as they existed at that time.

Now, wishing to preserve this building as a base for the new structure, and wishing at the same time to reduce the cost as much as possible, the citizens of Boston, as represented by the chamber of commerce, agreed to the form of building which is now proposed, the plans for which were drawn by the firm of Peabody & Sterns, of Boston.

And, incidentally, lest I forget it—I would like the attention of the chairman of the Committee on Appropriations, who took occasion the other day to criticize these plans—they were drawn by the well-known firm of architects to whom I have just referred. I noted in the New York Sun two or three days ago that in the erection of a county courthouse in the city of New York there was some question about the architects who had been selected to compete in making the plans, it being stated that architects had been selected who were not well known. The Sun stated that there need not be any fear that there would be inadequate or unsuitable plans for this building, because a committee of umpires had been selected whose reputation was such that there need be no doubt about their disapproving plans which were unsuitable for such a building; the first of the umpires selected to pass upon these plans is Mr. Peabody, of the Boston firm, who drew the plans for this customhouse.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. WEEKS. Certainly.

Mr. FITZGERALD. The gentleman is perfectly well aware of the fact that the very best umpires are sometimes the very poorest players.

Mr. WEEKS. Mr. Chairman, I do not agree to that in the case of architects. As I have said, the proposed plans were passed on by a committee of the chamber of commerce, of which organization there are 3,000 members, representing all the varied business interests of Boston. I have never heard any considerable criticism of the decision to which they came. Personally, I think that perhaps it would have been better to have provided plans of another character, but if that had been done it would have been necessary to purchase a new lot, because the old customhouse in this case covers the entire lot.

The purchase of a suitable lot for a customhouse would have cost in the neighborhood of $1,000,000, which would have been added to the final expense of the construction of this building.

From time to time Congress passes large numbers of public-building bills for various uses, so I wish the members of this committee to note the purpose of this bill. It is to provide quarters for the customhouse service of Boston, which is and has been for more than 50 years the second largest customs district in the United States. Thirty millions of revenue are collected there annually, and when we stop to think of the purposes for which we erect public buildings in other sections of the country the necessity for a new building in Boston will be all the more apparent. In the sundry civil appropriation bill, which is now under consideration in the House, there are appropriations for carrying on the work connected with public buildings aggregating $72,247,000. The amount of revenue collected in the buildings which this large amount is provided for is in the proportion of one dollar of revenue annually for five dollars and fifty-four cents of building constructed. In the Boston customhouse the revenue collected is $30,000,000 annually, and it is proposed to expend for the building itself less than a million and a half dollars. In other words, there is a proportion of $20 of revenue collected annually for every dollar of building, a difference of something like one hundred times in favor of the necessity for these quarters.

As the people of Boston are satisfied with this proposed building, as it is of a character which has proven to be adequate in other places for other purposes—for in the city of New York the great Manhattan tower building is one of the most useful buildings in that city—as the customs officials in Boston are satisfied with the character of the building, as it will save at least $1,000,000 to the National Treasury, as it has been demonstrated that on account of the original building being constructed on made land, in order to get suitable foundations it was necessary to go deeper and spend more money than was originally contemplated, it seems to me that this additional request for $300,000 is entirely within reasonable bounds and that the committee action in recommending it should be approved by the unanimous vote of the House.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. BUTLER. I am disposed to vote for this measure, but I want to assist, as far as I am able, to procure satisfactory quarters for the customhouse authorities and officials at Boston. Does the gentleman think the people of Boston will be satisfied with this improvement if it is made? It seems to me that the proposed structure is a sort of patched affair, and that the importance of Boston would entitle it to a first-class location and a first-class customhouse in every way. If it is insisted by the gentleman that this bill ought to pass, I am going to vote in favor of it; but what does the gentleman think of the suggestion that has been made that a larger appropriation be made and that some convenient location be selected and a building erected upon it which will satisfy the Boston people for all time to come, or within reasonable time.

Mr. WEEKS. Mr. Chairman, the best evidence that this building will be satisfactory to Boston is that it was approved by a committee of the chamber of commerce, representing 3,000 members. I believe there was no objection made to the report of the committee which investigated these plans. The chamber of commerce is made up of members representing every business industry in Boston, and therefore I think it is a fair statement to say that this will be satisfactory to the citizens of that city.

Mr. SIMS. Mr. Chairman, inasmuch as the gentleman is almost entirely responsible for the drain on the Treasury because of the Appalachian Park appropriation, will he not agree that this amount be taken out of that appropriation and reduce it to that extent?

Mr. WEEKS. Oh, the gentleman from Tennessee gives me altogether too much credit. I wish I were entirely responsible for the appropriation which he calls to our attention, because, in my judgment, it is about the most worthy expenditure the Government is making to-day.

Mr. SIMS. It never passed until the gentleman took hold of it; and I also remember the Weymouth Back River matter, so that I have become rather afraid every time I see the gentleman rise in favor of any money demand on the Treasury of the United States.

Mr. WEEKS. The gentleman need have no fear on that score. He ought by this time to have learned that anything which the gentleman from Massachusetts favors is so worthy that it receives the approval of the House.

Mr. SIMS. Well, it goes through the House anyway.

Mr. WEEKS. Mr. Chairman, in this connection I want to say that while I do not directly represent a city of Boston district, I have an intimate knowledge of the necessity for this building, and, in my opinion, the necessity is so acute that action should be taken at once. I believe the appropriation is less rather than more than it should be, and hope that the bill will receive the approval of this committee.

Mr. FITZGERALD. Mr. Chairman, the opposition to this bill was not based upon the fact that Boston should not have an adequate building, or that the sum originally contemplated was excessive. It was based entirely upon the fact that the building was unfit and was an architectural monstrosity. The gentleman in advocating the bill should, of course, at least state the facts. The gentleman from Massachusetts [Mr. WEEKS], in summing up the reasons which made this legislation necessary, said that the foundations had cost a larger sum than had been originally anticipated. In that he differs with the architect for whom he has expressed so high an opinion. Mr. Peabody said:

The foundations have not really cost more than was anticipated.

So that instead of the foundations costing more than was anticipated, they cost just about what it was expected they would cost.

I venture again the prediction, Mr. Chairman, that when this building is completed and the people of Boston are compelled to transact the public business in it, there will be a violent protest against the Federal Government having such a building for the public business of the United States. To urge that an 18-story tower, 70 by 40 feet, out of which must be taken the space for two elevators, the stairways and the hallways, is an adequate and fit building for the public business in Boston, seems to be not merely ridiculous but preposterous. If some one in this House were attempting to force this building upon Boston, these gentlemen here would be protesting against any such action. They all seem so anxious to have it that perhaps it will be a good thing for the future that this record will be here to show that this building is constructed upon the insistence of the representatives of Boston, who, in the interests of the people of Boston, should be most violent in their opposition to the bill.

I stated all the facts in connection with the matter when the bill was before the House on the last occasion, and I do not wish to occupy time unnecessarily, but I commend the facts to the Members of the House.

Mr. JACKSON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. JACKSON. Has anything been proposed this morning which changes the situation from what it was when the bill was last under consideration? I just came in from attendance upon a committee.

Mr. FITZGERALD. None whatever, except that the gentlemen from Boston seem to have returned to the assault with renewed courage and determination.

Mr. JACKSON. I wanted to ask the gentleman if he sees any way by which we can tell how much we would be increasing this appropriation if we adopt the suggestions of the gentlemen from Massachusetts? It seem to me it would be like voting blind to increase the amount allowed for the building by an uncertain amount. Is that correct?

Mr. FITZGERALD. The passage of this bill will make available for the construction of the building $1,800,000. It makes available for rent and other expenses while the building is being constructed only such sums as Congress may hereafter determine to appropriate.

Mr. MANN. Mr. Chairman, in that connection I desire to say to the gentleman from Kansas that I just read a letter from the Treasury Department, stating that there had already been paid out $265,000, which would be reimbursable to this fund under this bill. The estimate is $90,000 a year until the building is occupied.

Mr. JACKSON. That is a mere estimate.

Mr. MANN. That is what we are paying, $90,000 a year or $84,000 a year, and they estimate it will take two years.

Mr. JACKSON. It seems to me we would be appropriating, then, merely upon an estimate.

Mr. MANN. Well, he is fairly accurate as far as that is concerned.

Mr. FITZGERALD. Mr. Chairman, I can only repeat what I have said before and all I believe necessary to be said in opposition to this bill, and I do not care to delay its fate.

Mr. FOSTER. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. FOSTER. Can the gentleman tell us why this building has not been commenced or gone ahead with instead of delayed so long under this appropriation?

Mr. FITZGERALD. There has been no delay. They are now ready to let the contract for the superstructure, and unless this bill be passed the substitutions which I mentioned two weeks ago will necessarily be made. Instead of having granite there will be some other stone; instead of having $25,000 worth of sculpture there will be no sculpture. The copper windows will be of some other metal than copper and the marble wainscoting will be turned into a marble base.

Mr. FOSTER. Is it the policy of the Treasury Department to delay the commencement of public buildings at the request of some Senator or Representative who may desire to have changes made?

Mr. FITZGERALD. I am unable to speak authoritatively for the Treasury Department regarding public buildings. My understanding is there has been no delay thus far.

Mr. FOSTER. I understand there is something in the hearings in which the gentleman from Illinois [Mr. CANNON] seems to have asked some pertinent questions in reference to this matter.

Mr. FITZGERALD. I think occasionally in the selection or letting of contracts if a Representative of a district prefers to have the matter delayed rather than the contract made the department has sometimes deferred making the contract in order to give the Congress an opportunity to pass upon the appeal that is made.

Mr. FOSTER. Is that appeal made because the Treasury Department in its judgment desires a change made in order to make the service better?

Mr. FITZGERALD. Not always. Sometimes it is done because changed conditions may necessitate a larger building than was originally contemplated, and sometimes the delay is had because the Representative of the district believes it is necessary to make it more artistic and ornamental than contemplated by the department.

Mr. FOSTER. And it is not so much a matter of getting a particularly serviceable building but one that will be of architectural beauty. Is that the case?

Mr. FITZGERALD. One that will be a monument to the gentleman responsible for the legislation.

Mr. SIMS. Mr. Chairman, I heard the speech of the distinguished chairman of the Appropriations Committee the other day in opposition to this bill and I was willing to follow him. I thought his argument was unanswerable, but for some reason or other he seems to be in an extraordinary good humor this morning——

Mr. FITZGERALD. I was in a good humor the other day.

Mr. FOSTER. And always is.

Mr. SIMS. Has the gentleman from New York changed his attitude?

Mr. FITZGERALD. I have not changed my attitude, and, of course, I never lose my temper.

Mr. SIMS. Oh, of course, the gentleman never does that, but I notice that the gentleman is willing this morning that the bill be acted upon, and does it in such a manner as to leave the impression with the rest of us that he has surrendered and given up what he thinks is a useless fight, and I want to know now——

Mr. FITZGERALD. The gentleman is mistaken about my changing my opinion or position.

Mr. SIMS. Does the gentleman really want this bill defeated? If he does, he knows how to do it. We can defeat it. We can prevent the passage of it if the gentleman thinks we ought to do it.

Mr. FITZGERALD. I am not in a position to——

Mr. WEEKS. Do I understand the gentleman from Tennessee has surrendered his judgment in this case to that of the gentleman from New York?

Mr. SIMS. I want to say this, that I have several times been run over and captured by not surrendering my judgment to the

gentleman from Massachusetts, and I did not know but that the gentleman from New York was facing the inevitable and recognized the fact that whenever the Massachusetts delegation go after anything they generally get it.

Mr. FITZGERALD. No; I do not think this bill has any more chance of passing this House than a certain former distinguished gentleman has of being nominated at Chicago.

Mr. SIMS. Well, his supporters all claim that is a dead certainty.

Mr. BURNETT. Mr. Chairman, in reply to the criticism of the gentleman from New York in regard to the character of the building as a tower, gentlemen have overlooked the fact that by constructing a building of this character they were unable to utilize a site already occupied by the present customhouse. If we had gone into the market and undertaken to purchase a site for the construction of a new building it would have cost from $800,000 to $1,000,000, and in this case the site of the old building has been utilized and in that way it saved the Government an expenditure in the amount of the cost of a new site. It does not cover all the old building site, and hence it not only uses the present site but leaves part of the old building still occupied and still in condition in which it can be used hereafter.

The Supervising Architect, when before the committee, stated that the building as proposed would be sufficient for years to come for the use of the customhouse and governmental purposes in that connection. In answer to the question of the gentleman from Kansas [Mr. JACKSON], I desire to state that instead of making it indefinite and uncertain, the purpose of this bill is to make the appropriation definite and certain.

Mr. JACKSON. Will the gentleman permit a question there?

Mr. BURNETT. Yes.

Mr. JACKSON. My point is this, if the gentleman will permit, that this appropriation would be increased by a sum equal to whatever the department sees fit to spend for rent and other expenditures during the construction of this building. It does not seem to me that is the way to make appropriations. If they need more for this building, let us give them $200,000 more, say.

Mr. BURNETT. That would not be the effect of the passage of this bill, Mr. Chairman. The effect would be after the passage of this bill to stop the appropriations for the renting and return the amount that has already been used for rentals.

Mr. CURLEY. I want to ask what the difference would be to the Government if another site had been selected for the customhouse to avoid the payment of rent?

Mr. BURNETT. What is the question of the gentleman?

Mr. CURLEY. What would be the difference in saving to the Government between paying rent for the building which is now being used and the purchase of another site?

Mr. BURNETT. None at all.

Mr. CURLEY. What would be the difference?

Mr. BURNETT. The difference in the amount of rent and purchase of another site?

Mr. CURLEY. Yes.

Mr. BURNETT. That would depend, of course, on the length of time for which the Government pays rent.

Mr. CURDEY. In that vicinity the cost of a site would be a million dollars.

Mr. BURNETT. It is my understanding that it would cost $800,000 to $1,000,000 to get another site. They are utilizing the present site, and in doing that they have to go up with the building that is proposed here. They utilize a part of the old building. They utilize all the site of the old building that is necessary.

Mr. SIMS. Could not the present site be sold for something? Would it be absolutely a loss?

Mr. BURNETT. Possibly it could be sold; but it is in the portion of the town where they want it for this particular purpose. There are other available sites in this portion of the city where the customhouse ought to be constructed. The vice of the original act was that it was construed by the Secretary of the Treasury to authorize the use of part of this $1,800,000 for paying the rent during the construction of the building. It said, as I recollect, "for the temporary removal from this building," but that was not construed to mean merely the removal of the building and furniture, and it would mean rent of other buildings during the time when this building was being constructed. As has been said by the chairman of the Appropriations Committee, the gentleman from New York [Mr. FITZGERALD], there has been paid out for the excavation for the site, as I recollect it, $280,000, and the plans and specifications for this building have been made. Therefore, whatever view we may have as to the expediency of adopting such buildings as this, it is res adjudicata, it seems to me. The excavation has been made, the site of the present customhouse has been utilized for this building, and the plans and specifications have been made for the kind of a building that has been agreed upon and recommended by the Treasury Department. As to what may occur hereafter, as to whether there may be a riot in Boston or whether the gentlemen from Boston may be relegated to the shades of private life because they have made a death trap up there is mere speculation and is something with which this House has no concern. The question is we are confronted with a situation now that is imperatively demanding that some action be taken.

Mr. TRIBBLE. Did not the authorities know at the time they were excavating and when they were drawing these plans that there was not sufficient money and that they would have to come back here and ask for more?

Mr. BURNETT. I do not know that they knew what the excavation would cost.

Mr. TRIBBLE. Why did they not draw the plans to suit the money appropriated?

Mr. BURNETT. The officials may have done wrong in all this matter, as I think they have in many others. And after the 4th of March next there will be a change that will give us more efficiency in all of the departments. [Applause on the Democratic side.] Here is a situation that demands immediate action, and I can not see any good policy in changing the plans agreed upon by the Supervising Architect and the heads of the department at this time.

Mr. CURLEY. Mr. Chairman, I question if any measure ever considered by this House has been subject to a more searching or thorough investigation than the one upon which we are now about to pass judgment.

And as a representative of Boston it is pleasing to me—and I believe it is gratifying to Boston business men generally—that when the vote is taken every man will be in full possession of all facts and his vote will be cast in accordance with his judgment and conscience. The people of Boston have ever displayed a willingness most commendable to make financial sacrifice that historic landmarks may be preserved or that public buildings might be so constructed as to appeal to aesthetic taste in addition to being serviceable.

If Boston had been animated by the desire to economize and accumulate money alone, which apparently is the thought uppermost in this body, its gratification would be possible, but at what a cost in historical landmarks standing as sentinels of a glorious past.

If the present or past generations had harkened to the voices of greed, there would be no Old North Church, with its treasured memory of Paul Revere, and "the shot heard round the world" at Concord Bridge. There would be no Old South Church, whose dead walls breathe the spirit of a militant and patriotic past; likewise, no old statehouse, where are stored relics of past greatness; and dim would be that beacon of human liberty which has served as an inspiration to the oppressed and downtrodden of the world—Faneuil Hall.

Thank God, our regard for patriotic associations has not been blinded by our love for money, for in a nation where great wealth is the sole desire patriotism is dead and the doom of the nation is at hand.

The Boston customhouse is a Boston landmark, with its columns of granite quarried in the city which gave to the Nation two Presidents, and possesses an individuality peculiar to the Quincy industry at the time of the construction of the customhouse.

Boston is in no sense unreasonable in the demand for a suitable building, since the customs receipts of Boston are the second largest of any port in the United States.

I have the highest regard for the sincerity and ability of the chairman of the Appropriations Committee, Mr. FITZGERALD, and regret that he does not share the view entertained generally by Boston men.

I am grateful to the membership of the House for the consideration I feel they propose giving this appropriation, which will make possible at Boston a public building creditable to Boston's sense of propriety and suitable for the proper conduct of the customs business at the second largest port of entry.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 11 of chapter 318 of the acts of 1909, entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909, be amended by striking out, in the last three lines of said section, the words "including expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension."

That such amounts as the Secretary of the Treasury has charged against the appropriation for the customhouse, Boston, Mass., for expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension of said customhouse shall be repaid to said appropriation from moneys in the Treasury to be hereafter appropriated.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, line 10, strike out the period and insert a semicolon and the following:

"*Provided*, That no compensation shall be paid to architects additional to the amount now due and payable under the original limit of cost of said building, to wit, $1,500,000, or because of the increased limit of cost provided by this act."

Mr. MANN. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. FITZGERALD. Mr. Chairman, it was disclosed in the investigation of this matter that the architects were notified that the limit of cost, fixing the amount of money available for the construction of this building, was $1,500,000. It appears that they resented any legislation or any direction that did not permit them to plan a building to cost the original estimate of $1,800,000.

They did not quite appreciate the power of Congress to provide that the cost of removal and rent should be paid out of the amount limited, and a building was designed by them which could not possibly be completed within the limit of $1,500,000, but would require the expenditure of $1,800,000.

That is the reason this bill is here to-day, because the building was planned in defiance of the act of Congress, so that it would cost about $300,000 in excess of the amount determined upon here.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. In a letter which I read a while ago from the Assistant Secretary of the Treasury, addressed to the gentleman, it was stated that there had already been paid in architects' fees just a trifle less than $85,000, which is very close to 5 per cent of the original $1,800,000, and very close to 6 per cent, if not entirely 6 per cent, of the $1,500,000.

Now, it is perfectly patent that you can not complete the building without paying architects' fees from some source. As I understood the gentleman's amendment, it would even prevent the services of any of the architects under the Supervising Architect to be paid out of this fund.

Mr. FITZGERALD. It is difficult to understand how the architects have already received $84,000, when the total compensation to be paid to them is limited to $90,000, and they have not yet completed the foundations and have not made a contract for the superstructure.

Mr. MANN. It may be difficult to understand. I tried to extract information on the subject, while the gentleman was temporarily out of the Hall, from the gentleman from Massachusetts [Mr. PETERS]. The letter from the Assistant Secretary of the Treasury, addressed to the gentleman as chairman of the Committee on Appropriations, stated there had been paid out already as architects' fees eighty-four thousand and some odd dollars. It does seem to me it would be unwise to prevent the services of an architect, either a special architect or the Supervising Architect, in completing the building, because you can not put up a building of that character without architects' services as you progress.

Mr. FITZGERALD. But if these eminent gentlemen, who have performed in the manner I have indicated with respect to this building, are not willing to go ahead and do the superintendence, the building can be constructed under the superintendence of the Supervising Architect's office here. I do not believe we should permit these men to draw plans for a building which will cost in excess of the limit fixed, and——

Mr. BUTLER. Mr. Chairman, will the gentleman permit a question?

Mr. MANN. I was going to ask whether the gentleman's amendment would not prevent payments to anybody in the office of the Supervising Architect out of this fund.

Mr. FITZGERALD. If this work was done in the Supervising Architect's office, it would not be paid out of the appropriation for the building.

Mr. MANN. Is it not the fact that where the Supervising Architect's office supervises the construction of a building there is a charge against the appropriation for that building?

Mr. FITZGERALD. No; that is changed and we now appropriate specifically for the service in the architect's office.

Mr. MANN. Including the supervision of all buildings?

Mr. FITZGERALD. It is not chargeable at all to the appropriation for the building.

Mr. BUTLER. Have not these architects been already paid for their services to be rendered in the construction of this building? Five per cent is the ordinary price.

Mr. FITZGERALD. They are getting 6 per cent in this case. But I do not believe that we should permit the architects to get a profit to the extent of a commission on this additional amount after they have been so insistent in making these plans. If they wish to decline to perform the services, it is easy to have the superintendence of the construction done under the men in the employ of the Treasury Department. It may teach some of these architects a lesson that when Congress authorizes a building to cost a certain sum, and they are directed to design a building to be completed within that limit, not to disregard the law and the instructions of the Treasury Department and plan a building which is to cost a sum which in their opinion should be spent on such a building.

Mr. FOSTER. Does not the Treasury Department make provision when they make a contract for a building that the architect shall superintend the construction of it?

Mr. FITZGERALD. Yes; on a certain percentage.

Mr. FOSTER. Do they pay them all the money before the building is constructed?

Mr. FITZGERALD. I do not know how the limit of compensation could be paid under this appropriation for $1,500,000. The architect's commission would amount to $90,000. The foundations have not been completed, the contract for the superstructure has not been let, and yet apparently they have been paid to within $6,000 of the total compensation to which they are entitled. How they managed to do it I am unable to say. That only illustrates some features about the building of this customhouse that deserve the attention of the House.

Mr. WEEKS. If the gentleman will permit me, in the original estimate it was believed that the temporary quarters could be procured for about $30,000 a year, and that $1,700,000 would be available for the building.

Mr. FITZGERALD. The gentleman from Massachusetts is mistaken; the statement of Mr. Peabody, the architect, is that he was informed that $1,500,000 would be available.

Mr. WEEKS. The "gentleman from Massachusetts" is not mistaken, the gentleman from New York is mistaken.

Mr. FITZGERALD. The "gentleman from New York" is not mistaken, because he was present and questioned the architect himself.

Mr. WEEKS. The "gentleman from Massachusetts" was present when the original statement was made, and it was understood then that there would be $1,700,000 available.

Mr. FITZGERALD. That was a misunderstanding, because the architect himself stated that it was a million and a half.

Mr. WEEKS. This was five years ago, and I know all about it.

Mr. FITZGERALD. I know what the architect who drew the plans stated his understanding was.

Mr. MANN. Mr. Chairman, if there is a contract with the architect which has been entered into, would not the Government in the end be required to pay the amount covered by the contract, whether the Government got the services or not? Undoubtedly if they made a contract they must stand by it.

Mr. FITZGERALD. The contract was made by the architect, who admits he was notified that $1,500,000 would be available, and he deliberately designed a building that could not be built within that limit. I do not believe that the Government would be bound to pay him upon the excess of cost due to his own stubbornness and determination.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. MANN. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. I would like to know whether or not the architect has actually been paid $84,000 for services rendered here when no structure has been begun.

Mr. FITZGERALD. I do not recall, but the gentleman from Illinois says that he had a letter from the Assistant Secretary of the Treasury to that effect.

Mr. MANN. The gentleman from Massachusetts [Mr. PETERS] has in his possession a letter transmitted from the Treasury Department containing that statement, and I read it into the RECORD a little while ago.

Mr. BUTLER. I do not understand why they should pay him all of the fees when the work has not been done. I understand, according to the rules of the Institute of American Architects, that the ordinary commission is 5 per cent, and that includes the services of supervision.

Mr. WEEKS. This agreement between the Government and the architect is at 6 per cent.

Mr. BUTLER. Does that include supervision? What we do let us do right, and see to it that if architects have made an agreement to supervise the building that they are kept to it. I think that question is involved in this amendment.

Mr. PETERS. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. Mr. Chairman, I do not think I have any time to yield, but I would like to have the information.

Mr. PETERS. I have a copy of a letter sent from the Treasury Department to the chairman of the Committee on Appropriations, under date of June 11, which gives the items charged against this appropriation. There was included in that an item of architects' fees, $84,905.66. I know nothing of the relations between the architects and the department. I presume that that is for the completing of plans, because they naturally had to be made before they could get estimates upon them.

Mr. TOWNER. I would ask the gentleman if the letter states that that amount has been paid?

Mr. PETERS. It states that "expenditures have been made and liabilities incurred" for rent, architects' fees, and so forth, to the amount of $693,800.43. I requested a statement of the charges made against this appropriation and received this, and one of the items charged against it is for architects' fees.

Mr. TOWNER. Is the gentleman certain that when the statement is made that this is a charge against the appropriation that that means that it has already been paid out of the appropriation?

Mr. PETERS. That would be my understanding of it, but it makes no difference.

Mr. BUTLER. This haste reminds me very much indeed of that found in the story which is told of three masons who built a bake oven. Two of them held it up while the third went in to get the money.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment, with a recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. HOUSTON, as Speaker pro tempore, having assumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24227, and had directed him to report the same back to the House with an amendment, with a recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 28, noes 4.

So the bill was passed.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE WASHINGTON MEMORIAL BUILDING.

Mr. BURNETT. Mr. Speaker, the next bill on the calendar from the Committee on Public Buildings and Grounds is S. 5494, to provide a site for the erection of a building to be known as the George Washington Memorial Building, to serve as the gathering place and headquarters of patriotic, scientific, medical, and other organizations interested in promoting the welfare of the American people. I will state that there are some questions of engineering on which I think we ought to have a report from the department. No report has so far come to this committee. I think the bill ought to be recommitted to the Committee on Public Buildings and Grounds, and I so move.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama to recommit the bill to the Committee on Public Buildings and Grounds.

The question was taken, and the motion was agreed to.

POST OFFICE BUILDING, HURON, S. DAK.

Mr. BURNETT. Mr. Speaker, I call up the bill S. 6009, to increase the limit of cost of the United States post-office building at Huron, S. Dak.

The SPEAKER pro tempore. This bill is upon the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. FITZGERALD. I object.

The SPEAKER pro tempore. Objection is heard, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 6009) to increase the limit of cost of the United States post-office building at Huron, S. Dak., with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

The CHAIRMAN. If there is no general debate of the bill, the Clerk will read the bill for amendment under the five-minute rule.

Mr. MANN. Mr. Chairman, before that is done. I would like to know what special reason there is for enlarging the cost of this building in order to use Bedford stone. Why can they not put up a very good building with the material which is available under the existing appropriation? I see the distinguished gentleman from South Dakota [Mr. BURKE] here, always watchful of the interests of his State, and I would like to know what he has to say on the subject.

Mr. BURKE of South Dakota. Mr. Chairman, I would say in response to the inquiry of the gentleman from Illinois that the report which accompanies the bill and the letter from the Secretary of the Treasury, which is a part of the report, set forth fully the justification for increasing the limit of cost of this structure.

Mr. MANN. Mr. Chairman, I will say to the gentleman that I have read the letter and the report. I would like to ask the gentleman in reference to that, as he has apparently also read the letter and the report, whether a building like this with three sides faced with stone does not have a rear side that might be faced with something else? Does this building occupy a whole block?

Mr. BURKE of South Dakota. Mr. Chairman, my understanding is that the building stands on a square, and that the rear will be exposed. To have three sides of stone and one side of brick it is apparent would be unsightly, and if the gentleman has never observed it, I would like to have him, some time, when he is passing the Senate Office Building, notice the side of the building which is the rear, which is finished with brick, in contrast with the other three sides of the building. It seems to me that demonstrates that in the construction of public buildings we should provide sufficient appropriation to make it possible for the four sides to be of the same material, especially when the four sides are exposed, as will be the case with the building at Huron.

Mr. MANN. Perhaps so, Mr. Chairman, but I quite approve of the method adopted in reference to the Senate Office Building, of making the side there that is of brick of brick. If this building at Huron is in the center of a square, all four sides are equally exposed to the street, and I can see that there ought to be no distinction between the material on the different sides of the building, but if, as I suspect, it is on the corner of a square, I can see no reason why one side not exposed should be constructed of brick instead of stone.

Mr. BURKE of South Dakota. Mr. Chairman, I may be mistaken, but my impression is that the building stands upon a corner of a block, but, in any event, there is a public alley in the rear that is more or less used as a thoroughfare. The dimensions of the ground are such that there will be considerable space between the rear of the building and the alley, and it is in a sense similar to what it would be if it were in a square—that is, the rear will be exposed almost the same as the sides.

Mr. MANN. I believe the law requires a vacant space of 40 feet, but a vacant space of 40 feet is not very wide. I do not know what the facts are in this case. I can see no reason why,

as a general policy, the Government should put into its building what no private corporation or individual ever does, the same expensive material on the rear of a building not exposed to ordinary sight that it does on the other sides which are exposed to the sight of the public.

Mr. BURKE of South Dakota. I will say to the gentleman that the difference in cost between the two materials is very slight. It only increases the cost $6,000, and it may not require that amount.

Mr. FITZGERALD. Mr. Chairman, I did not understand all about this building proposition, and I inquired about the policy which permitted the making of contracts for public buildings, three sides of which facing the public are to be built of stone and the fourth side built of brick. The Assistant Secretary of the Treasury, in charge of public buildings in the Treasury Department, stated that every contract for public buildings was made in the same way. That is not unusual, not exceptional, and it is not intended to build that fourth side of brick rather than stone. Under the law the department is required to make a contract for the entire building within the limit of cost. As it is impossible to anticipate all contingencies which may arise, some material is substituted in some part of the contract, with the option of the department to substitute another material if it so desires. After the foundation work has been completed, if any unforeseen or unusual or unanticipated difficulties have been met, then the material that is intended to go into the building is substituted. The possibility of an inferior or different material is eliminated.

I was somewhat surprised to learn that was the practice, but the Assistant Secretary of the Treasury states that is the uniform policy. If every contract be made in that way and that be followed, and Congress is to increase the limit of cost so as to substitute the material desired in the plan of the building, then every public building authorized and for which the contract is let will require special legislation to increase the limit of cost. There may be some unusual or peculiar circumstances in this case to which my attention has not been called. I know of none, however, and I believe if there be any such unusual or peculiar circumstances the gentleman should state them, so that this will not be taken as a precedent hereafter to have the committee approve legislation of this character when it will not be either desired or necessary to enact it.

Mr. BURKE of South Dakota. Mr. Chairman, in answer to what the gentleman has said, it seems to me it has been already sufficiently stated why this bill ought to pass. The plans and specifications called for the four sides of the building to be of Bedford stone. The department in asking for bids did not get a bid within the limit of cost and made a contract within the amount authorized by providing that the rear wall should be of brick, but put in a condition that if an additional appropriation was obtained it might be built of stone; and I submit that it is a reasonable and businesslike proposition and we ought to authorize it by passing this bill.

Mr. BURNETT. Mr. Chairman, just a word or two in justification of the committee. The committee thought unanimously that this was an urgent case because of the fact that there was an alternative contract let, and as has been said by the gentleman from South Dakota the construction of the building would have to go on this summer. Under the alternative for the amount of the appropriation within the authorization it would have to be built with three sides of stone and one side of brick, and all its sides are exposed, and it would be in that kind of an anomalous and unsightly condition of a public building with three sides of stone and one side of brick. In that view and in view of the further fact that the statement of the Treasury Department was that this was an emergency matter and that the building is now under contract and that in case the increase of the present limit is postponed until next session it will be too late to make the substitution the committee thought it ought to be passed.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. BURNETT. Certainly.

Mr. HOWARD. Is this exposure of this building on a public thoroughfare?

Mr. BURNETT. Yes; I understand it is; that all sides are exposed to public gaze.

Mr. HOWARD. All sides are exposed, but there is a 10-foot alley, and, as far as that is concerned, the question is, Is this on a public thoroughfare where this rear end of the building will be seen by pedestrians generally?

Mr. BURNETT. It probably will not be upon one of the large streets, but upon an alley that is used by the public.

Mr. HOWARD. The public, as a general rule, does not use an alley—the gentleman knows that.

Mr. BURNETT. They do in the small towns.

Mr. HOWARD. They are not used by anybody except the taxgatherer and the ash man.

Mr. BURNETT. The gentleman is mistaken about that. In large cities like Atlanta, which is a metropolis, I think that is true.

Mr. HOWARD. They are not used by the general public in going to and fro, but for delivering goods at back doors.

Mr. BURNETT. In the small towns they do.

Mr. HOWARD. Mr. Chairman, right on that line, I do not know whether I am going to oppose this increase, but there is something wrong about this contracting business that is going on here in the Treasury Department. They are continually asking for increases when buildings are started, as illustrated here this morning in the case of the Boston customhouse proposition.

Now, I want to give the gentleman from Alabama [Mr. BURNETT], who is chairman of the Committee on Public Buildings and Grounds, just one sample of the extravagance that is going on in these public-building contracts on the part of the Treasury Department, or whoever has control of them after these appropriations are made. A few weeks ago the contract for the stone in this new post-office building over here next to the station was to be let, and finally under some maneuver—I do not know what it is that is carried on here when letting these contracts—the selection of the stone finally fell to one man, and that man was the Secretary of the Treasury himself. It developed that there is a certain concern up here in Vermont—I do not know whether they are furnishing the stone for this building, but it is very probable they are——

Mr. BURKE of South Dakota. This is Indiana stone.

Mr. HOWARD. It ought to be from Vermont. They are getting everything in sight up in Vermont, I know; but it developed in this particular matter to which I have reference that there was a certain stone which the Supervising Architect had said was a better stone. It stood the pressure test better than this Vermont stone, and the bid on this post-office building was $57,900 cheaper than the bid of the Vermont company. I went down to the station myself, and the exposed side of this new terminal station is pitted from one end to the other where the black mica that appears in this Vermont stone washes out in spots as large as a silver dollar. The stone company from my district—the Stone Mountain Granite Corporation—bid $57,900 less than this Vermont company and could have cut the stone and delivered it during the winter, when everything is frozen in Vermont. The Secretary of the Treasury, however, takes the bit in his mouth and spends $57,900 of the people's money uselessly. I want to know by what hook and crook this power is given to this man, and whether these bids are let by honest competition or they can go out and spend money indiscriminately in these public-building matters. If we have got the power, I want in the summer months down home to work on some sort of a law to keep them from wasting the people's money in that sort of style.

Mr. TRIBBLE. Tell the gentlemen what kind of stone the Stone Mountain stone is?

Mr. HOWARD. The Stone Mountain stone is said by the Supervising Architect, J. Knox Taylor, to be as fine building stone as there is in the United States, or equally as good as any in the United States. It is the Stone Mountain granite. It has about 40 per cent less black mica in it than this Vermont stone, and wherever the black mica appears in stone——

Mr. CANNON. Does the gentleman say that limestone comes from Vermont?

Mr. HOWARD. I am not talking about limestone. I am talking about granite. I know where limestone comes from. There is plenty of it in the gentleman's district.

Mr. CANNON. The gentleman, then, is not talking about this particular bill?

Mr. HOWARD. I am talking about how these things are done. It is a new caper here to let a contract out at an enormous sum, greater than they can buy the stone for elsewhere. It is a pure waste of the people's money in order to show favoritism to somebody. That is what I say about it.

Mr. CANNON. May I suggest to the gentleman that if these frauds are being perpetrated, these outrages committed, and his stone is so much better than some stone that has been accepted, and so much cheaper than the stone that has been accepted, why does not the gentleman move an investigation?

Mr. HOWARD. This is a small matter as compared to the many investigations we are engaged in making into irregularities indulged in by the gentleman's party.

Mr. CANNON. Oh, you have got the House. You have 60 majority. You are after all kinds of frauds.

Mr. HOWARD. The trouble is that there has been so much to investigate in your party we can not start investigating all of it at one time. We are doing very well, and we will have

new recruits in the Democratic Party next year to help clean up these departments which have been under the control of your party.

Mr. CANNON. It seems the gentleman should not make his word alone all powerful in this case. If what he says is true, somebody has been guilty of maladministration. And the gentleman's speech for home consumption and the broad assertion which he makes are not very well taken unless he proceeds to redress the condition.

Mr. HOWARD. I will say to the gentleman right now that I do not propose to make any speeches here or anywhere else for home consumption. I do not have to do it to retain my seat in this House, and I do not suppose the gentleman from Illinois has to do it after his long and distinguished record in the House. But I want to say the excuse given by the Secretary of the Treasury for selecting this Vermont stone was only this, that it matched the depot in color, and therefore he had to give it to the Vermont concern.

Any man of ordinary observation knows that within six years' time, if that post-office building is built out of any sort of granite, no living human being could tell the difference in its color at a distance of 100 feet, because it would color with exposure to the atmospheric conditions. I can take that particular building and construct it out of Stone Mountain granite or any other light granite, and in six years' time no human being could stand off 100 yards from it and tell the difference in the color of the two buildings unless he is an expert, and that was the excuse given for spending this $57,900.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. HOWARD. Yes.

Mr. CANNON. I do not know about the matter that the gentleman refers to. The gentleman says he does not have to make a speech for home consumption.

Mr. HOWARD. That is true.

Mr. CANNON. And the gentleman thinks I do not have to make speeches for home consumption.

Mr. HOWARD. I am sure of that from some of the statements that the gentleman makes.

Mr. CANNON. But I will say to the gentleman, if I made statements as broad as he has made, without attempting action, I would have to do a good deal of speaking for home consumption to explain my nonaction.

Mr. HOWARD. Well, the gentleman from Illinois probably would have taken some action, and probably the gentleman from Georgia has not allowed this thing to slumber peacefully. It occurred but a very short time ago that this contract was let, and myself and some of my colleagues called on the Secretary of the Treasury and spoke to him about this contract, and I think there will be something further said about this matter before it is finally ended. [Applause and cries of "Read!"]

The CHAIRMAN. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Huron, S. Dak., be, and the same is hereby, increased $6,000, or so much thereof as may be necessary to finish the walls of said building with the stone specified in the existing contract.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with a favorable recommendation for its passage.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 6009, had directed him to report it back to the House with the recommendation that it do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having had under consideration Senate bill 6009, had directed him to report it back with the recommendation that it do pass. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote whereby the bill was passed was laid on the table.

IMMIGRATION STATION SITE, BALTIMORE, MD.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to call up the bill H. R. 20501, Report No. 694, Union Calendar No. 236.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of $35,000.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. MANN. I think we had better go into Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the gentleman from Tennessee [Mr. BYRNS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20501) to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20501, which the Clerk will report.

The Clerk read the title of the bill.

Mr. MANN. Mr. Chairman, no one on the committee seems inclined to state what this bill is about, and I shall have to do it myself.

Mr. BURNETT. I did not know that there would be any objection to it, or I should have made some explanation of the bill.

Mr. MANN. I thought the gentleman was afraid to make an explanation of the bill. I thought the less that was known about it the more votes it would get. If the gentleman desires to take the floor, I will reserve the balance of my time.

Mr. BURNETT. Mr. Chairman, the purpose of the bill is to provide for the sale or exchange of the site that was purchased for an immigration station in the city of Baltimore.

The last public-building bill made provision for the purchase of a site for an immigration station at Baltimore. The present conditions there are very bad; they are very much cramped, and the former Congress thought there ought to be a new site acquired and a building constructed. There was an authorization of $130,000 for this purpose, and the Supervising Architect, or some one representing the Treasury Department and some one representing the Department of Commerce and Labor, visited the city and selected the site which was purchased.

The agent of the Secretary of Commerce and Labor acted with the agent of the Treasury Department because immigration stations are under the supervision of the Secretary of Commerce and Labor. I have been informed by the former Supervising Architect, Mr. Taylor, that their understanding was that the selection was only for a temporary detention station in case there should be sickness among the immigrants, or something of that kind.

I do not think that the bill authorizing the purchase of this site would bear that construction, because it is for the purchase of an immigration station. This bill was introduced by the gentleman from Maryland [Mr. LINTHICUM] in view of the fact that it has become evident that the place selected was a most unsuitable place for the location of an immigration station. I believe every member of the committee who went and looked over the place was of that opinion. It is located six or seven blocks from the water's edge, so that the immigrants landing would have to march through the city for quite a distance before they arrived at it. Not only that, but it is in a very insanitary location. There are fertilizer factories near by, and we were informed that when the wind was coming from

the direction of these factories the odor from the acid and the lime was almost intolerable.

The committee, after that investigation, were unanimously of the opinion that this land ought to be sold or exchanged for some other suitable site, and while we had no authority to choose or select a site, we were informed that there are available sites near the water's edge that could be acquired for a reasonable price. We believe that an exchange can possibly be made, and if not, a sale can be made and a site purchased down near the water's edge without any great expense to the Government. In fact, the expense by the bill is limited to $35,000.

Mr. LINTHICUM. Mr. Chairman, Baltimore at the present time is terribly hampered in its immigration business. We are using an old building not more than 16 feet front and probably 60 feet deep with a side yard as a detention station. Sometimes there are as many as 150 or 200 people huddled together in this old building. It was therefore determined that we should have a new immigration station, and a bill was introduced asking for $250,000 for the purchase of a site and the construction of such a building.

Congress appropriated $110,000 out of an authorization of $130,000, the $130,000 being available at any time. The Secretary of the Treasury, having a rule that no more than 10 per cent can be paid for any site, decided that he would not pay more than $13,000 for a site in the city of Baltimore. A number of sites were submitted to him. Among them was the present site, offered for $14,000. That came the closest to the 10 per cent of $130,000, and he decided to look into it and see if he could purchase it for $13,000. It was offered to him for $13,250, and he bought the property at that price. I am informed by the local commissioner of immigration at Baltimore that he was not consulted as to the selection and purchase of the site. He informed me of this personally, but in order to have it more specific I telegraphed him on June 4, as follows:

JUNE 4, 1912.

Mr. LOUIS T. WEIS,
President American Label Manufacturing Co.,
Cross and Covington Streets, Baltimore, Md.:

Am I correct in stating to the House that you were not consulted in the selection and purchase of the immigration detention site secured by the Government, and that you knew nothing of this purchase until after the transaction was completed? Please wire me at my expense, giving full statement.

J. CHAS. LINTHICUM, M. C.

I received the following answer to that:

BALTIMORE, MD., *June 4, 1912.*

Hon. J. CHARLES LINTHICUM,
House of Representatives, Washington, D. C.:

Knew nothing of location of site selected for immigration station until shown by congressional committee on their recent visit to Baltimore at time when Taylor and Larned were inspecting sites near immigration pier. I had Marine-Hospital Surgeon Schereschewsky write strong protest against site in that locality on account acid and fertilizer factories in that vicinity. I am on record at Department Commerce and Labor for over four years favoring Fort McHenry site.

LOUIS T. WEIS,
Former Commissioner of Immigration.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. MOORE of Pennsylvania. The accommodations at Baltimore regarding immigration have not been very good.

Mr. LINTHICUM. In what respect?

Mr. MOORE of Pennsylvania. I mean as to the accommodations for the immigrants.

Mr. LINTHICUM. As I have said, we are using a small three-story house, which is very old and dilapidated, with a side yard, near the railroad track, on an unpaved street. It is very insanitary and is totally inadequate for the purpose, and should not be used for it.

Mr. MOORE of Pennsylvania. It is not in keeping with the business done at the port of Baltimore?

Mr. LINTHICUM. Absolutely not. We have an immigration this year, up to the 1st of June, of 20,562 people.

Mr. MOORE of Pennsylvania. Does the gentleman know when this site was purchased, the one of which he speaks?

Mr. LINTHICUM. I do not know the exact date, but I think about six months ago.

Mr. MOORE of Pennsylvania. And it is that site the gentleman desires to have changed?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. That is, the gentleman desires to move from that site to one more eligible?

Mr. LINTHICUM. We have a number of sites offered us in that vicinity, and some of them very desirable. One of them is situated right adjoining Fort McHenry, and it is the intention to make the fort a permanent reservation. It is right on the water's edge and it would make a desirable site for a detention station, and the immigrants could be landed right there and taken care of by the Government.

Mr. MOORE of Pennsylvania. And the passage of this bill is required in order to give the Secretary of Commerce and Labor discretion to make an exchange, if he sees fit to do so?

Mr. LINTHICUM. I think it is necessary to give him that discretion. I know that he will not use that discretion unless the bill is passed.

Mr. TOWNER. Mr. Chairman, will the gentleman from Maryland yield for a question?

Mr. LINTHICUM. Certainly.

Mr. TOWNER. Was it not stated at the time that the investigation was being made by the committee of the House, by those who represented the Treasury Department, that it had not been contemplated to construct on or use the site they now have secured for anything except a detention hospital and not for an immigration station and detention hospital combined?

Mr. LINTHICUM. That is what the Department of Commerce and Labor say, but why they say that I have never understood, because the bill specifically says that it is for an immigration station, and they have never consulted the local commissioner of immigration as to what it was to be used for. He evidently thought it was to be used for general purposes of immigration.

Mr. MANN. Mr. Chairman, I do not remember just when this building and site were authorized. Can the gentleman inform me? It is not stated in the report.

Mr. BURNETT. It was authorized in the last public-building bill, which I think passed two years ago.

Mr. MANN. We provided for the purchase of a site and the construction of a building at a total cost of how much?

Mr. LINTHICUM. There was no distinction made in respect to how much should be expended for a site and how much should be expended for a building. The total amount authorized was $130,000 and the total amount appropriated was $110,000.

Mr. MANN. The authorization for the site and the building was $130,000. I take it that when the committee examined into the matter and made a report to the House they endeavored to ascertain something in regard to what a site would cost and how much ought to be expended for a site and a building. It seems there was allotted for the purchase of the site $13,000. I take it that there must have been some consultation between the officers of the Department of Commerce and Labor, the Immigration Service, and the Supervising Architect's Office before they determined upon the amount of money that should be expended for the building. Of course the balance might be utilized for a site. It seems they went ahead and purchased a site for a trifle over $13,000. No one seems to be able to give us much information in regard to the purchase of that site. Why did they select a site where the committee now states is an insanitary location, and unfitted for the purpose, six or eight blocks away from the water's edge? I do not know whether the building ought to be on the water's edge, convenient to the attack of mosquitoes, or not; but certainly the Government has acquired no new information on that subject in the last two years. They knew as well two years ago whether the immigration station ought to be on the water's edge as they know now. Who was responsible for the selection of this site?

The Committee on Public Buildings and Grounds, fixing practically the amount which could be expended for the purpose at $13,000, now proposes to increase that amount, if we make a direct purchase, to $35,000, and if we make an exchange, to an indefinite sum. We have no report from the department which has charge of the immigration service. It files this report and letter from the Secretary of the Treasury. Even that letter is unsatisfactory and gives no information.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LINTHICUM. In answer to the question, if the gentleman has no objection, I will be very glad to read a letter sent from the committee to the Department of Commerce and Labor, and the reply thereto.

Mr. MANN. I have no objection, and would be very glad to have the gentleman read them.

Mr. LINTHICUM. They are as follows:

MAY 24, 1912.

The honorable the SECRETARY OF COMMERCE AND LABOR,
Department of Commerce and Labor.

SIR: House bill 20501, authorizing "the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof," was favorably reported to the House by this committee under Report No. 694, herewith inclosed.

Upon the action of Congressman LINTHICUM, H. R. 20501 was placed on the Unanimous Consent Calendar. Congressman MANN, of Illinois, objected to the bill being placed on the Unanimous Consent Calendar for certain reasons, as will appear by reference to the inclosed clippings from the CONGRESSIONAL RECORD of the proceedings of the House on Monday, May 20, 1912.

At Congressman LINTHICUM'S earnest solicitation the Committee on Public Buildings and Grounds has the honor to request that it be advised if the Department of Commerce and Labor has any objection to the proposed exchange of site, it being understood, of course, that the matter of the erection of the building eventually to be placed on the same shall be under the supervision of the Treasury Department.

It appears from Congressman LINTHICUM'S representations to this committee that Congressman MANN said that if the proposed transfer was agreeable to the Department of Commerce and Labor, and a letter to that effect from the department could be shown, he would offer no objection to H. R. 20501 being placed on the Unanimous Consent Calendar; and Congressman MANN further suggests that he would like to be advised as to why the change is advisable.

Very respectfully, yours,

———

DEPARTMENT OF COMMERCE AND LABOR,
Washington, May 24, 1912.

Hon. JOHN L. BURNETT,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply beg to say that on the 29th of April this department, in writing to the Secretary of the Treasury upon the same subject, stated that the department is inclined to believe that if sufficient funds are provided by Congress for the purpose it would be advisable to have the immigration station at Baltimore, Md., located upon the water front, so situated that aliens can be landed there directly from boats or barges, and also to facilitate the inspection of new arrivals, as well as the housing of those detained. In other words, it would probably be best for all parties concerned if the immigration station at Baltimore could be arranged upon plans somewhat similar to those of the station now under construction at Philadelphia.

I regard it as quite clear that a location on the water front is in every respect preferable for the reasons just indicated and, further, for the reason that the station on the water front is calculated to secure decided advantages by way of ventilation and other similar conditions.

Respectfully, yours,

CHARLES NAGEL, *Secretary.*

Mr. BURNETT. Mr. Chairman, if the gentleman will permit a further suggestion, I would state that there is in the files a letter from the Secretary of Commerce and Labor. The bill was originally referred to both departments, and the Secretary of Commerce and Labor wrote that owing to the fact that the Secretary of the Treasury had exclusive jurisdiction of the construction of such buildings he would make no further report, but refer this to the Secretary of the Treasury. That letter is also in the files, and that is why no further answer, I suppose, was made to our committee before we took action. This letter to Mr. LINTHICUM has come since.

Mr. MANN. Mr. Chairman, I have no doubt that the committee in the usual course of its business wrote this letter to the Secretary of Commerce and Labor and also to the Secretary of the Treasury. The Secretary of Commerce and Labor side-stepped an answer to the letter by stating that the building site was under the control of the Treasury Department. That is because they did not want to make any reply upon it. The gentleman from Maryland [Mr. LINTHICUM] has obtained a reply from the Secretary of Commerce and Labor; and what does that Secretary say? He says he is inclined to think it would be better to have this immigration station on the water's edge, because the ventilation would be better there.

Mr. CAMPBELL. Would it not?

Mr. MANN. Well, Mr. Chairman, the gentleman from Kansas wants to know. He comes from an inland town a long way from the sea. I never heard there was any trouble about ventilation in a Kansas cyclone.

Mr. CAMPBELL. We have no more cyclones in Kansas than you have on the lake front in Chicago.

Mr. MANN. There is no trouble about ventilation on the lake front in Chicago, but they are back from the lake front——

Mr BURNETT. Is it not a little warm there now?

Mr. MANN. But they say they want to put an immigration station on the water front, because ventilation is there, which, if carried to its logical conclusion, would wipe Baltimore off the face of the map and put the buildings along down the Chesapeake Bay, and I think even the gentleman does not propose to do that. They do not say they favor this bill even. Here is a department that has under its control the Immigration Service, and the Treasury Department has purchased a site for an immigration station. Somebody wants to spend more money for an immigration-station site, and urges Congress to increase the authorization, asks the department to recommend it, and they say they are inclined to think it would be a good thing, because the ventilation is better there. They do not say it ought to be done.

Mr. LOBECK. Can not they remove the fertilizer plant?

Mr. MANN. I would like to ask the gentleman—by the way, yesterday in the House we had up for consideration the sundry civil appropriation bill. My colleague from Illinois [Mr. CANNON] offered on that bill 8, 9, or 10 amendments to increase the sanitary conditions, the health conditions, and so forth, over at Ellis Island, where the immigrants really come in. Every one of those propositions was defeated by the Democratic side of the House, by a solid Democratic vote, as against a solid Republican vote in favor of them, and the statement was made that in all likelihood a new immigration bill might be passed, restricting the number of immigrants coming into the country, and the facilities already in existence would be sufficient to furnish all that was necessary. Now, if the Burnett bill or the Dillingham bill passes, does the gentleman think there is any occasion for enlarging the facilities for immigrants in these ports?

Mr. LINTHICUM. I will say in reply to that that the immigrants who come to this country at Baltimore can pass the test of the Burnett bill.

Mr. MANN. Well, it may be they need somebody over there who can, but I should question whether a large share of the present inhabitants over there could pass the test if they had to submit to it to get in.

Mr. BURNETT. If the gentleman will permit——

Mr. MANN. Where do these immigrants come from whom the gentleman says can pass the test at Baltimore?

Mr. LINTHICUM. A large number of them come from Norway and Sweden and a great many from Poland and Bohemia, a very few from the south ports or from Syria.

Mr. MANN. Well, not very many come from Syria at any port. What lines bring in immigrants to Baltimore?

Mr. LINTHICUM. The North German Lloyd Line.

Mr. MANN. Is that the only one?

Mr. LINTHICUM. That is the only one.

Mr. MANN. How many come in the course of a year?

Mr. LINTHICUM. During the year 1911, 23,581. Up to June of this last year, 20,561. They are coming in larger number this year and we expect it to be larger than in the last few years, but not as large as some years back.

Mr. MANN. I am not opposed myself to these people becoming citizens of the United States both by immigration and naturalization, and I believe they ought to have ample facilities for their care and protection whenever they come in, and I think that at Baltimore, even with the number that come in there, there ought to be a sufficient immigration service and a sufficient immigration station. I would like to ask the gentleman, with a site that is already acquired only costing $13,000, why it should be necessary to have a new site that costs $35,000?

Mr. LINTHICUM. I would say to the gentleman from Illinois that the site which was acquired was located right in a locality where there are some fertilizer factories and other manufacturing industries. It is absolutely in the wrong section in which a hospital or a detention station should be located. The site that we desire to get is along the water and has large wharfage facilities and extends down to where boats would come up and land the passengers right there. I hope we will not have to pay $35,000. I do not believe we will, but we do not want to have too small a limit so that we can not acquire what is desirable.

Mr. MANN. Does the gentleman think a site for a hospital along a wharf is an ideal site for a hospital? I think I should prefer to inhale the odors of a good fertilizer plant rather than be on the water front along the wharf if I were ill.

Mr. LINTHICUM. The site for the detention station would not be on the water——

Mr. MANN. I said water front.

Mr. LINTHICUM. The pier would extend out in the water and the detention station and hospital would be some distance from the water. It will reach near Fort McHenry, which no one can ever say was insanitary, and it is desired to make it a public reservation, and, in fact, to-day it is used practically as a public reservation. It certainly would conform with the gentleman's idea for ventilation. Now, the ventilation referred to in the letter is not the ventilation which the gentleman referred to in a general way, but they want to get away from the odors of this guano factory and these other factories alongside of it.

Mr. MANN. There is too much ventilation at that site, not too little.

Mr. LINTHICUM. Too much of that kind; yes.

Mr. MANN. Now, this bill provides—if I may have the attention of the gentleman—not only for the purchase, but also for the exchange of the additional site, and then provides an additional sum in accomplishing the exchange; but there seems to

be no limit on the amount of money that might be used as addition if you make the exchange. Of course, this is only the authorization. How much money does the gentleman think it would be in order to appropriate under the rules of the House, if this bill passes, for this purpose?

Mr. LINTHICUM. I should think, in order to carry out the buildings and to have the proper site in the city of Baltimore, we ought to have somewhere in addition about $150,000 all told.

Mr. MANN. What I want to know is, if the gentleman was offering an appropriation on the sundry civil bill, say, how much would he want in addition to the sum now authorized? There is no limit in here on the amount of money if you make an exchange. I suppose there is some proposition. Let us know what it is. I mean the proposition for the exchange. Is there one under consideration?

Mr. TOWNER. Does not the gentleman think the language here near the close of the section, as follows—

The total cost of such new site so acquired not to exceed the sum of $35,000—

will apply also to the prior clause of the bill as well as to the latter?

Mr. MANN. I should doubt it. It would certainly not include the present site and exchange?

Mr. TOWNER. No; but the provision of the law is that the proceeds from the present site shall be converted into a fund. So that would amount to the same thing.

Mr. MANN. I beg the gentleman's pardon. The provision in this bill is that the Secretary is authorized to exchange the site heretofore acquired for another suitable site and to pay, if necessary, an additional sum in accomplishing such exchange.

Mr. TOWNER. Yes. But does not the gentleman think——

Mr. MANN. How much additional could be paid?

Mr. TOWNER. I think that the provision here at the close—that the total cost of such site so acquired shall not exceed $35,000—limits it.

Mr. MANN. On the gentleman's theory you can purchase a new site that would cost $48,000—$35,000 additional in cash and the exchange of the existing site, that cost $13,000.

Mr. TOWNER. Oh, no; that would not be possible, because it says the total is to be $35,000, not $48,000.

Mr. MANN. The total cost; but there is no provision in here that the value of the present site shall be taken into consideration; certainly no provision that the original cost shall be taken into consideration. I only wanted to know from the gentleman from Maryland [Mr. LINTHICUM], so that he would be on record on the subject, how much he intended to add in appropriation on this bill if it passed.

Mr. LINTHICUM. I am not asking for any additional appropriation. This comes from the appropriation that has already been made.

Mr. MANN. Oh, yes; that is true enough. That is in case of the exchange. Undoubtedly the appropriation already made, just as in the Boston case, comes out of the appropriation already made. But as soon as it is taken out, then we will be asked to reimburse the appropriation. That is what I wanted to get at. How much is it going to take? Have you not some proposition over there for an exchange?

Mr. LINTHICUM. We have not any proposition for an exchange, and I do not believe we are going to get any. I believe the site they have acquired will have to be sold to somebody for a factory site. I do not believe anybody who has property there is going to exchange for this. I take it that the word "total" meant all money that could be expended for a site whether now or previously—the total amount to be used not to exceed $35,000 under all conditions.

Mr. MANN. The explanation on that point is quite satisfactory.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman from Pennsylvania [Mr. MOORE] each time as he may desire.

Mr. MOORE of Pennsylvania. Mr. Chairman, I should like to ask the gentleman from Maryland [Mr. LINTHICUM] whether the present immigration station is not located on the water's edge?

Mr. LINTHICUM. I will say to the gentleman from Pennsylvania [Mr. MOORE] that Baltimore has not any immigrant station at the present time. She is using the Baltimore & Ohio Pier, and the immigrant station is a private dwelling.

Mr. MOORE of Pennsylvania. Then you receive your immigrants at the railroad pier?

Mr. LINTHICUM. On the Baltimore & Ohio Railroad Pier.

Mr. MOORE of Pennsylvania. On the water's edge?

Mr. LINTHICUM. On the water's edge, of course.

Mr. MOORE of Pennsylvania. And you transfer them to the detention house?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. About how far away?

Mr. LINTHICUM. About three blocks away.

Mr. MOORE of Pennsylvania. So that those people that for some reason or other are carried over to the detention house are carried three blocks?

Mr. LINTHICUM. At least 3 blocks.

Mr. MOORE of Pennsylvania. That is correct. Now, then, the site that was purchased is 7 or 8 blocks away from the water's edge?

Mr. LINTHICUM. It is about 6 blocks away from the water's edge and about 8 blocks from the present pier that is being used.

Mr. MOORE of Pennsylvania. It is at least twice as far away from the water's edge as the present detention house.

Mr. LINTHICUM. It is at least three times as far away.

Mr. MOORE of Pennsylvania. And it appears that a mistake was made in your purchase and that it would be desirable now to move back to the water's edge? That is the situation, is it not?

Mr. LINTHICUM. Mr. Keefe, Commissioner General of Immigration, is desirous of having all these places at the water's edge. But aside from the fact that this is not at the water's edge, this place is unsuitable for the purpose.

Mr. MOORE of Pennsylvania. I agree with that opinion of the Commissioner General of Immigration. The fact is that the site which the gentleman wishes to purchase is 7 or 8 blocks away from the water's edge, or twice as far as the detention house?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. I will address myself, Mr. Chairman, to that phase of the question since the gentleman from Illinois [Mr. MANN] has raised it. The immigration station at Boston is at the water's edge. The detention house is also there. The old immigration station at Philadelphia was at the water's edge and the new station will be on the water's edge. It seems to be a wise thing to place these stations as near the landing stage as possible, and the reason for it is one that I am sure will appeal to the gentleman from Illinois. Sometimes the patients are detained on account of sickness. It may be that they are detained on account of a malignant or contagious disease. It will be readily seen how unwise it is under such circumstances to take such patients from the landing stage and carry them through the built-up portions of a city, to be detained somewhere in the center of population.

That is one of the objections to the present detention house in Philadelphia, which, by virtue of the erection of a new detention house, will soon happily be abandoned. At present those immigrants who are detained are carried through the streets of a very thickly settled portion of the city to a detention house and are there held until discharged for one reason or another. If it should happen that smallpox should break out after the immigrants have arrived at any landing stage, whether it be at Boston or New York or Philadelphia or Baltimore, it could very easily start an epidemic where the people are so thickly settled as they are at New York, for instance, or at Boston or at Philadelphia.

Hence it is a wise provision, as written into this bill, that the new site shall be somewhere near the water's edge. It is a matter of health precaution. I think the communities through which these immigrants go to the detention stations are entitled to this measure of protection against possible epidemics.

Now, in our city of Philadelphia we have struggled against that condition for a long time, and we are freeing ourselves from it now; and I trust that Baltimore may be given the same facilities to relieve the residential portions of the city of any possible invasion of disease due to the conditions stated.

I realize, as does the gentleman from Illinois [Mr. MANN], the peculiar position in which the gentleman from Alabama [Mr. BURNETT] is placed in his advocacy of this bill. As the father of a measure which is proposed to restrict immigration, he is put in the very anomalous position here of providing additional facilities for immigrants. The author of the Burnett bill has given great and deep thought to this subject of immigration, and has always conducted himself in a manner befitting the chairman of an important committee and a Member of this House upon this question. [Applause.] Just how he will explain the advocacy of a measure which means more and better facilities for immigrants while at the same time he presents to the country a measure which says we shall limit the number of future immigrants I do not know. But, being a

member both of the Committee on Immigration and Naturalization and the Committee on Public Buildings and Grounds, he does his duty as he sees it, no matter which committee he represents. I hope that the measure now pending, advocated by one who can be so broad and generous in his advocacy of measures as is the gentleman from Alabama, will pass this House. [Applause.]

[Mr. BURNETT addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I have never shared the feeling which many gentlemen seem to have against the character of the immigration from along the Mediterranean Sea, or, as is usually described, from the south of Europe. My town is largely made up of people of foreign birth, or the children of people of foreign birth. I have never noticed any evidence that there was any injury to the country from those people. I believe that the educational system of the country and the movement of people from one place to another in the country have proven of sufficient force and effect to largely change in the children of these people what we imagine at least to be the characteristics of many of them. I have no doubt that the children of the people from the south of Europe will prove of as great value to the citizenship of this country as have the children of the immigrants from Ireland.

I can easily remember when there was just as much feeling in the country, probably more, against a large share of the immigrants coming from Ireland, and they came in great numbers for a while. He would be a very foolish man who did not understand now that the Irish blood infused into the American citizenship has proven itself of enormous value in every direction. I imagine the same thing will be true of the south of Europe.

I agree with the gentleman from Alabama [Mr. BURNETT] and others that there might properly be some steps taken to restrict the number of immigrants, not because their character is objectionable as to any particular individual, but because the immigration is probably a trifle larger than can be profitably absorbed in the labor market and possibly a trifle larger than can be absorbed in the intellectual life of the country. I never have seen any reason myself for believing that the educational test, reading and writing, as proposed by the Senate bill, or reading as proposed by the existing proposition reported by the House committee, is the proper test.

I am led to say these few words on the subject because of the remarks which the gentleman has just made with reference to the facilities on board ship. It seems to me that if we would make it less profitable to the steamship companies to get hold of immigrants in order to bring them over here we would correct the condition of which we complain, and we would do it in the proper manner. Require more space on board ship for each immigrant. Make it more comfortable for the immigrants who come and less profitable for the steamship companies who scour Europe urging them to come—or perhaps I ought not to say that, for that is forbidden, but advertising——

Mr. BURNETT. While it is forbidden, it is beyond our reach, and we can not control it as a matter of fact.

Mr. MANN. That is true, but advertising the facilities and cheapness with which they may come to this land of promise, and thereby encouraging immigration. There is no reason why we should run the country in order to make profits for the steamship lines, and if we would pass a law enlarging the space per immigrant on board the steamships, so that it will not be so profitable for the company to bring immigrants instead of freight, or even empty space, we would restrict immigration without adopting a test which has never been the proper test of judging of the worth of a man, namely, an educational test. [Applause.]

Mr. TOWNER. Mr. Chairman, I desire to bring the mind of the committee back to the bill that is before it. Originally the department recommended that an appropriation should be made for an immigration station at the port of Baltimore, and an appropriation was recommended of $250,000. Action was taken upon it by the House and it authorized an appropriation of only $130,000. Subsequent to this authorization there were quite a number of bills introduced into the House and in the Senate in respect to the matter. Unfortunately, some of those referred to the desired appropriation as an appropriation for an immigration station which would have included a detention hospital, and some of them were only appropriations or authorizations for a detention hospital. That was the condition of affairs until the present time.

There is no immigration station which is owned by the Government in Baltimore. Neither is there any detention hospital there owned by the Government. The Government has the use, by mere sufferance, as I understand, of the facilities which are afforded for the landing of immigrants from the German-Lloyd steamers to the station or pier of the Baltimore & Ohio Railroad Co. That is the only immigrant station that the Government has. The detention hospital is in a dwelling house of a very unsatisfactory kind, which is located some three or four blocks away from the water's edge in a most inhospitable and unpleasing locality, and is in itself a most forbidding-looking building for that purpose. It is absolutely necessary, as it would seem, that Baltimore should have an immigration station, and, further, that it should have as a part of it a detention hospital. All agree that the immigration station and the detention hospital should be as intimately associated as possible. If they can be part of the same plant, they ought to be so arranged. It is contemplated that this immigration station and the hospital shall be so arranged. Under the impression that they were locating only a detention hospital, the Treasury authorities selected and purchased a site which is seven or eight blocks distant from the water front in immediate proximity to some manufactories of various kinds that are not only unsavory, but absolutely unhealthy, in a place that no detention hospital, and certainly no immigration station, should be located at all. It may be admitted that is a mistake, and not seeking to place the responsibility for that mistake we now have this condition. It is thought now that by the expenditure of not a very large sum of money, not to exceed $35,000, a very desirable site can be obtained for an immigration station, with the detention hospital combined, on the water front, so that it will be in direct contiguity to the grounds now known as Fort McHenry, which will give it one of the most desirable locations in the city. This can be secured for the Government at a total cost of not to exceed $35,000. That is the authorization proposed for that purpose. I think gentlemen certainly would be unreasonable to suppose that an expenditure of that amount for a site for an important place of this kind in a city like Baltimore, which ranks fourth, I believe, among the ports of entry of the United States, is unreasonable. The amount already authorized for the building of an immigration station is entirely inadequate to a city of Baltimore's importance.

I think it ought to be increased regardless of the passage of the immigration bill. I agree with what the chairman has so well said. It is not of importance whether we lose 1 or 5 or 10 or 15 per cent of our population by the passage of this bill in so far as it relates to our duty in this regard. It is important, as the gentleman from Illinois well said in his remarks, how we treat the immigrants after they come here, and certainly for a great port like Baltimore an adequate immigration station ought to be provided, and the simple question before this committee now is, Is $35,000 too large and an unreasonable amount to provide for the acquiring of such a site for such a station? I think it is not, and the committee was unanimous in its belief it was reasonable for that purpose, and I hope that the bill will pass. [Applause.]

Mr. LOBECK. Mr. Chairman, I did not intend to speak, but I believe that nothing better can be done than to take care of and prepare proper facilities for the immigrants coming to our shores. If it will prove of benefit and convenient to exchange this piece of property or sell it and get a better location for the accommodation in Baltimore for those who come to our country making a home here, we should authorize it. Therefore I shall favor this measure.

I have been listening here this afternoon to the discussion about immigration. I may not know as much about immigration as some of my friends, Members of Congress on this floor, but I have seen the time when I was a boy in Chicago, when improper care was given to the immigrants who came there. There was not the attention given to their comfort, nor were they given the necessary consideration. They had to care for themselves as best they could in the old Illinois & Michigan Central Station at the foot of Lake Street. As a boy I became interested and often went to assist the immigrants and act as interpreter for them. I knew something of the Scandinavian and German languages, and my efforts were amply rewarded by the deep gratitude of these people who did not understand our language and did not know which way to turn in this world so new to them.

My people were seven weeks coming across the water in an old sailing vessel; that was in 1849. They were three months on their journey from Sweden to their new home in western Illinois. They landed in New York and then went by boat up to Albany on the Hudson River, thence by Erie Canal to Buffalo and around by the Great Lakes to Chicago. When they arrived in Chicago, part of the family were stricken with that dread scourge, Asiatic cholera, and on the shores of Lake Michigan

the mother of the family was laid away. On the advice of the authorities they were requested to move on. They did so, by the Illinois Canal to Peru and thence by team to Henry County, Ill. More than one-half of the company died of this dread plague, including the father. But they were a courageous people, and over what seemed insurmountable difficulties they survived and made their permanent homes in a New England settlement, and there these pioneer immigrants alongside the sturdy sons and daughters of New England turned the soil to the sun, working with such simple implements as they had at hand. With untiring efforts they have made that country blossom as a rose. They did not understand our language, very few of them could read any of the English language, most of them could not, but I do know that they could write their names as well as the average American born who lived in that country. As a boy growing up in a country store and as a man I have seen as many "Xs" and as many "marks" for signatures made by those of American birth as made by those of foreign birth. I do not blame the American because he had not had the advantage of schools, but these pioneers of American as well as foreign birth having faith in the same God soon understood each other and became friends. These people of foreign birth settled that country and made it a veritable garden.

When in 1861 the call came from the immortal Lincoln for volunteers no men were braver than these Scandinavians, and it is said that every fifth Scandinavian of Illinois old enough to bear arms went to the front and offered his life to preserve the Union. [Applause.] I saw some of them come back from Andersonville, and others I saw brought back from the fields where they had contracted disease, some of them to die, and some of them, as soon as their strength permitted, to return to their places in the ranks, and I know of some who laid down their lives on the field of battle, to sleep forever there. These Scandinavians marched shoulder to shoulder with the gallant Irishman, the sturdy German, and the men of American birth, and shared with them all the privations that come to a patriot and a soldier. When the war was over they returned to their homes and took up their former vocations on the farm, in the shop, in the store, and in every line of life's activity. They have done their full share to develop this beautiful country.

These pioneers were interested in churches and in education. Schoolhouses were built and churches erected. There is scarcely a school for higher education in the States of the North but has many graduates of Scandinavian parentage, and this is also true of some schools in the South. The same can be said of the German and the Irish races. So I say all honor to these worthy people

I heard the word "Syrian" mentioned here to-day. When I was comptroller of my city—Omaha—a little boy, a manly little fellow, came on Saturdays to my desk to receipt the pay warrant for his father's work. The father commenced work as a street sweeper, and after he had accumulated and saved money he bought a team and continued to work for the city. I saw this little fellow sign his name in a beautiful hand script. The boy attended our schools. I said to him one day, "Are you going to help your father some day?" He replied, "No, sir." I said, "What are you going to do?" "I am going to be a bookkeeper."

That boy had the right spirit. And you can go through the schools of Iowa, Illinois, Nebraska, everywhere in this country, and you will see the children of these foreigners from Germany, Ireland, Denmark, Norway, Sweden, Bohemia, Poland, Austria, France, Russia, and Italy—Jew, Gentile, or Greek—attending our schools. These children are studious and stand well in the grades and are becoming imbued with American ideas. They desire to become good citizens. If we will support a proper system and keep up a high standard of education in this country and uphold the teachings of the fathers of this Nation and teach American patriotism, there will be no trouble about these people who come to our shores, for they will make a good citizenship.

These people of foreign birth and their descendants have made good in every line—agriculture, railroading, education, and banking. You may go to Chicago, as my friends Mr. MANN and Mr. MADDEN can tell you, and see a bank controlled by Scandinavians, one of the largest banks of that city, which now has some $30,000,000 of deposits. This bank was established by an old Swedish sailor who scarcely knew how to read or write, but he had a good, clear head and was possessed of common sense; he acquired some lake vessels and helped to develop his adopted country. He gave his son an education—sent him through Harvard. The son, through sterling and rugged spirit inherited from a hardy, industrious parentage, made a success of banking. The same story in varied terms can be told of the German, the Irish, and other Europeans who have come to the United States. Everywhere they have made their names known—in the lawmaking bodies of our country, in the cities, counties, and legislatures of our States. In a word, they have made good. On this floor to-day I see my friends REILLY of Connecticut and MURRAY of Massachusetts, of Irish lineage, and I recall the names of ESCH and BARTHOLDT, of German ancestry, and the Scandinavian HAUGEN, LENROOT, and LINDBERGH. There are many Members of Congress of English, French, and Scottish ancestry, who are held in the highest esteem by their constituents.

Mr. MOORE of Pennsylvania. And if we had imposed an educational test many years ago they would not have been here now?

Mr. LOBECK. No; and there were many from other States, American born, who came West to settle Iowa and Nebraska who could not write, but who have given to the West a high class of citizenship.

Mr. MOORE of Pennsylvania. And all these constitute some of our best citizenship to-day?

Mr. LOBECK. Yes; and I would like to state, Mr. Chairman, that among these of foreign birth are some of the greatest inventors of the age. It was an Ericsson that constructed the *Monitor*, and his ideas have revolutionized the navies of the world. It was a poor Swedish boy on a farm in Illinois who conceived the idea and made the first model of the modern corn planter. In every workshop, in every manufacturing plant, you will see the ideas of these sons of foreign birth in daily use.

I have mentioned the Civil War, and I might with equal propriety mention the Spanish-American War. On both sides in the Civil War were found those of foreign birth who battled for what they believed was right. In the Spanish-American War, from every portion of this land, these young men of foreign ancestry fought side by side with the sons of American lineage.

I wish to say to my friend from Alabama [Mr. BURNETT] that if in his bill proper provisions are made to exclude the criminal classes from our country, I will be with him; but no educational test should bar the honest man and his family from coming to this country. The scalawags, the men who leave their country for their country's good, are men who can read and write. They are the men that you are welcoming if education is the test instead of honest fellows who can not read and write. Some of us would be in a serious fix if we should go to Germany, Russia, or other parts of Europe if we could not use their languages, and still we might make very good citizens. I believe in extending a welcoming hand to all honest men or women who come to our shores with their families to make America their home. Foreigners who came to this country when I was a lad were many of them very poor and it did not seem as if they would make good. They have helped to build our railroads, construct our canals, and they have given their services to public works, and as soon as they could save enough to secure a humble home, either in the city or in the country, they did so.

I believe that the same will be true of the great majority of people that are coming to our shores now. They are looking for the future and seeking a home for themselves and their children. As they have made good in the past they will do better in the future. I have no fears for this country so long as we maintain the high standard of our schools and instruct our children in the wisdom and teachings of the forefathers. Under such conditions we will lead the world in civilization and make good in the sight of God and man. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I have listened with a good deal of interest to the gentleman from Nebraska [Mr. LOBECK]. I knew something of the character of the immigrants to which he refers. I have met them on the prairies of Kansas; have seen them as Irishmen, Scotchmen, Germans, Swedes, wearing every badge of a new immigrant. They settled upon the raw prairie with few implements. I have watched their growth into citizenship and their development of the prairie of Kansas into one of the best agricultural States in the Union. Men who settled upon those prairies 25, 30, or 40 years ago, with no knowledge of our language, of our institutions, or of our laws, and but little of our people, are to-day among the very best citizens we have in the country. They have raised families, educated them, given them every opportunity, and have made of them the very best citizens we have. I might say incidentally that they own the original quarter section upon which they settled, and the quarter section that adjoins it on the north, and on the south, and on the east, and they are ready to buy the quarter section that lies on the west. They did not mortgage the farm as soon as they could get a loan for the purpose of gratifying some fancy as a needed improvement, but put up with the limited means they had, used the simple implements they started with, and in many instances, as I have said, to-day they not only possess the original quarter section upon which they settled, but additional valuable lands.

I have also seen immigration of a different character, of the character referred to by the gentleman from Illinois [Mr. MANN], come into the community. The part of the country in which I live has a very large foreign population, coming from Italy and from Austria and from southern France—from southern Europe, if you please. I know men, whom I can call by name, who settled there 20 to 25 years ago without any knowledge whatever of our language. I do not know whether they could read or write in their own language, but probably they could.

Mr. BURNETT. I will ask the gentleman whether they were from northern or southern Italy? The reason I ask is that there is a vast difference. In northern Italy there are only 8 per cent of adults who can not read and write, and in southern Italy there are over 50 per cent.

Mr. CAMPBELL. A man whom I call to mind at this time came from the neighborhood of Milan. But there are hundreds of them. I remember when they did not have a member of their family who could speak a word of English. In the course of four or five weeks they would come in and bring a little girl or boy 5 or 6 years of age to interpret for them. To-day those men and their families are among the substantial, good citizens of that community. They engage in the work of coal mining. They had no other occupation. There was nothing else for them to do. They brought nothing with them. They went into the mines and learned to dig coal, and as coal miners they provided themselves such homes as they could, paid such rent as they were able to pay, sent their children to school, and kept them in school; and many of those men to-day not only own the houses they live in, but own three or four more besides. I know some of them who own brick buildings on the best business street in our city, from which they are receiving a rental running from $75 to $100 and $125 a month.

Mr. LOBECK. Mr. Chairman, may I ask the gentleman a question?

Mr. CAMPBELL. Yes.

Mr. LOBECK. Is it the rule that they are anxious to have their children go to school and receive a good education? Is not that the rule?

Mr. CAMPBELL. Yes. There are no citizens in our section of the country who are more anxious to have their children acquire an education than those peoples, or who are more anxious and ambitious for the welfare of their children than they.

So far as their ability to read and write when they came here goes, but little was known. I do not know whether they could read and write or not. But I do know that they were ambitious and honest and industrious; and I know that they have made good citizens, and that they have raised children that have grown up in our community, who have made and are making good citizens.

But I have in mind another character of people who come to this country not, if you please, as immigrants; people who come here not to be assimilated into our citizenship, not to assume the responsibilities of citizens of the United States, but who come here for the sole purpose of getting the benefit of our high wages; people who work just enough below our standard of wages to displace the immigrant who came here with a view of becoming a citizen and assuming the responsibilities of our citizenship and raising their children here and having them grow into our community as a part of it.

I have in mind especially the people who come here from old Mexico and work upon our railroads. The lines of nearly all the railroads in our section of the country are covered with Mexicans—single men, with just enough women among them in the camp to do the cooking. They do not come here with a view of becoming citizens. They do not come here with any view but of getting the highest wage they can get, sending the money back home, and going back there themselves as soon as they lose their jobs.

I have in my hand a paper that gives in detail and at considerable length the condition of the labor market in the United States at given periods. The gentleman from Illinois [Mr. MANN] spoke of the immigrants who had come to his city. I will state that at a given time there were a great many men who had families to support in the great city of Chicago, Ill., who would have been glad to have employment at a living wage, who would have been glad to work upon the tracks of the railroads centering in Chicago, with a view of supporting their families, who were deprived of work by the Mexicans who had been brought across the line into the United States, and who work right up to the city limits of Chicago on the railroads centering there, driving every man who would live as a respectable American citizen off the railroads by reason of the low wage they were willing to take, all on account of the low standard of living on which they were willing to live, and on which they do live while working upon our railroads. It is that class of immigrants, whether they can read and write or whether they can not, that I would bar from the United States; men who do not come here with a view of becoming citizens, but with a view of supplying our labor market and taking from the immigrant who comes here to become an American citizen, or the man who has been here long enough to have acquired citizenship, or who was born here, the employment which of right should be his. I say I would deprive these men who come here solely for the purpose of getting the advantage of our high wages of the right to come here to take the place of our citizens who are here and willing to do that work at a living wage.

Mr. LOBECK. Has the gentleman a remedy to propose?

Mr. CAMPBELL. I wish I could suggest one offhand. But I will say to the gentleman from Nebraska that I have given the matter a good deal of study. I would bar every immigrant who does not come to our country with the intention of staying here and becoming a good, law-abiding citizen. I wish it were possible to draft a law to bar the man who merely comes to the United States to get the advantage of our wages for a few years and then return to his own country, whether it be Mexico, Sicily, Italy, France, Spain, or any other country. I have taken the Dillingham bill and the Burnett bill and tried to work out an amendment that was feasible and that could be enforced at Ellis Island or at any of our ports or on the line between the United States and Old Mexico. I see the greatest possible difficulty in framing such a law. I think, however, that the enforcement of the law that we now have would be a great protection to us. There are many of the Mexicans and Greeks who, I fully believe, come to the United States to-day to work upon the railroads and work throughout the country who come here under contract. [Applause.] There is no sort of question about it, in my opinion. The railroads practically admit that they bring them here by saying that they can not get trackmen in any other way. They do that while men are without employment in Chicago and Kansas City and every other large city in the country, willing to work at a wage upon which they can live and live decently. I am opposed to the Greek and the Mexican being permitted to come in through any sort of violation of the law or by any pretext, driving our own people back off the railroads into the city, where there is no work, and to thus practically deprive them of an opportunity to make a living.

Mr. MANN. Will the gentleman permit a question?

Mr. CAMPBELL. Certainly.

Mr. MANN. We just passed in the sundry civil appropriation bill an item for two men at $1,000 each to furnish information of violations of this contract law. I submit that some of these people who are out of employment might possibly be able to acquire a handsome fee by furnishing information which the gentleman says is patent and acknowledged by the railroads of the violation of this law.

Mr. CAMPBELL. Oh, I do not say that the railroads acknowledge that they make contracts and bring laborers into the United States.

Mr. MANN. Then I misunderstood the gentleman.

Mr. CAMPBELL. They practically admit it. There is no railroad coming into Chicago from the Southwest that does not employ many of its trackmen from Old Mexico. How does it happen that these Mexicans, without any knowledge whatever of our language, who can not read our newspapers, come into the United States in large numbers and find employment readily upon the tracks of our railroads? Is it not because somebody representing the railroads has been down in Old Mexico picking up these men and telling them that they can find employment on the railroads of the United States——

Mr. MANN. There is no law against that.

Mr. CAMPBELL. And who has made arrangements with them to come at an agreed price, which is against the law?

Mr. BURNETT. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. BURNETT. I want to suggest to the gentleman that last year over 18,000 were admitted from old Mexico, and of that number 7,000 over 14 years of age were unable to read their own language. This illiteracy test is to reach that very class of people.

Mr. MANN. Will the gentleman permit a question?

Mr. CAMPBELL. I will.

Mr. MANN. Does the gentleman think that there are as many Mexicans in the United States earning money, which the gentleman says ought to be earned by citizens of the United States, as there are citizens of the United States in Mexico earning money, which the Mexicans think ought to be earned by citizens of Mexico? Is not the shoe on the other foot?

Mr. CAMPBELL. Oh, I do not know. The men who go to Mexico are skilled laborers.

Mr. MANN. But he takes the place of somebody, whether he is a skilled laborer or a merchant or something else.

Mr. CAMPBELL. I beg the gentleman's pardon, he does not take the place of anybody. He supplies a vacant place, a place that has not been filled and would not be filled if the American skilled laborer did not go there and fill it. And let me say to the gentleman that the skilled laborer makes a place down below him for many unskilled laborers.

Mr. MANN. The gentleman knows that there is considerable prejudice in Mexico against the United States because of the large number of citizens of the United States in Mexico making money, and that the Diaz government was probably overthrown in Mexico for the reason, principally, that the people there had come to believe that President Diaz was too friendly with the American citizens in Mexico making money which the Mexican people thought ought to be made by Mexican citizens.

Mr. CAMPBELL. The character of the American who has gone to Mexico differs very widely from the character of the Mexican who comes to the United States. The American who has gone to old Mexico has gone there as a skilled laborer or has gone there with his means and invested it in constructing shops and factories and building railroads and employing Mexican labor.

Mr. MANN. The gentleman objects because the cheap Mexican labor comes to the United States. The Mexicans would not object because cheap labor went from the United States to Mexico. They object because the higher-priced people go to Mexico and take the money, and as an American citizen probably makes more money in Mexico than a Mexican citizen does in the United States, and as there are more American citizens in Mexico making money than there are Mexican citizens in the United States making money it looks to me as though we were not in a position to throw many stones at Mexico.

Mr. LOBECK. I think the Mexican plantation advertising schemes have brought a whole lot of money into Mexico that has been of benefit to the Mexicans and of not much benefit to the Americans who invested it.

Mr. MANN. Does the gentleman think that much of that money went into Mexico? I have been under the impression that most of it went into New York and some other cities like that. Some of it went into Chicago.

Mr. CAMPBELL. The chief complaint that I found in old Mexico was not against the employment of skilled American labor there, nor against the investment of American capital there. Progressive Mexicans welcome both, but what the Mexicans feared was that we were Americanizing Mexico, and that was the thing to which they were particularly objecting. They have a different civilization from ours, a different standard of living. They have an entirely different viewpoint from ours, and they are not particularly anxious to exchange their viewpoint for ours. The Mexican laborer there lives as the Mexican lives here. They are huddled up in small places in which an American laborer would not stay. They live in a fashion in which the American laborer could not live, and under which we would not have him live. These Mexicans come to the United States and they live out of a tin can, occupying space on the right of way of the railroad that gives them employment, and they send practically all of their wages back to their own country. They propose to follow that money back there just as soon as they have acquired enough to justify them in returning to their own country.

Mr. MOORE of Pennsylvania. Is the gentleman referring to Mexicans now?

Mr. CAMPBELL. I am referring solely to Mexicans and Greeks or others who do not come to our country with a view of becoming citizens.

Mr. MOORE of Pennsylvania. Many of them do.

Mr. LOBECK. Oh, yes; many of them do.

Mr. CAMPBELL. Not so many of them.

Mr. MOORE of Pennsylvania. It has been in evidence before the Committee on Immigration and Naturalization that very many of the Greeks, and particularly the Italians, and especially the Jews, leave their money in this country. Of course they have attachments abroad which will linger for a generation or two. They help the old folks by sending the money back; but the tendency is dying out. The disposition is rather to acquire land here and to become citizens of this country.

Mr. CAMPBELL. I have already noted that the Europeans that come here come here very largely with a view of becoming citizens. They invest their money here and they acquire homes as soon as they can get them. They invest in business property and in rental property and establish themselves here and become a part of our communities.

Mr. MOORE of Pennsylvania. And when they do that they become good citizens?

Mr. CAMPBELL. Yes; good citizens.

Mr. MOORE of Pennsylvania. So long as the gentleman has opened up the question of railroad labor, that which he says comes from Mexico, is it all unskilled labor?

Mr. CAMPBELL. Yes; although a man must have some knowledge of laying railroad ties and putting down tracks and taking out an old rail and putting in a new one and becoming a good trackman on a railroad.

Mr. MOORE of Pennsylvania. Is it such labor as the American boy aspires to?

Mr. CAMPBELL. No; but there are many men, as I have ascertained, who can be found in cities of the United States and in the country who would be perfectly willing—indeed, who would be anxious—to do the work these men do, and who, if they were properly distributed over the United States, could do this work that the Mexicans come here and do, if they could get sufficient pay for the work.

Mr. MOORE of Pennsylvania. Then it is a question of distribution after all?

Mr. CAMPBELL. It is a question of getting the labor where it is required and paying him enough for doing it.

Mr. MOORE of Pennsylvania. Is it not also a question as to whether you can get the educated American boy to undertake the kind of work to which the gentleman refers?

Mr. CAMPBELL. That is true not only of the American boy but of the boy who is born of European parentage in the United States. They do not aspire to become trackmen on railroads or to dig ditches; but many men may be found in every section of the country to do such work at fair pay.

Mr. MOORE of Pennsylvania. The American boy does not want to do it.

Mr. CAMPBELL. He does not want to do it, and he fits himself for a different kind of work; but that boy's father, or his uncle, probably, would like employment on the railroad at a time when he is out of work at something else, if he could get good wages that would enable him to support his family.

Mr. MOORE of Pennsylvania. Commensurate with the service rendered?

Mr. CAMPBELL. Yes; that would enable him to provide his family with a suitable living.

Mr. MOORE of Pennsylvania. Would the illiteracy test applied against immigrants remedy that situation?

Mr. CAMPBELL. I do not think it would.

Mr. BUCHANAN. Mr. Chairman, if the gentleman will yield, I would like to ask if it is not a fact that there are Americanized workmen who work digging ditches in cities, especially in building work, where they are organized, and which work pays two or three times as much as railroad companies are paying for their trackmen? I have in mind a condition in the city of Chicago, where the building laborers get from $3 to $4 a day working at foundation work. They are very creditable citizens. People do not have to rely on foreign labor to secure work of that kind done. I am of opinion that if the railroad companies would make it an inducement for men to do the work these men would find work that is more desirable, probably, than the work they do in the ditches and in the foundation work of buildings.

Mr. CAMPBELL. I have no doubt that the railroads could find plenty of laborers who have come here to become citizens, who are raising their families here, to do the work on their tracks if they were willing to pay them enough money to keep their families.

Mr. BUCHANAN. Is it not a fact that one of the reasons they are making an inducement to these foreign immigrants to come here is for the purpose of keeping that sort of labor down?

Mr. CAMPBELL. Oh, I do not think there is any question about that.

Mr. BUCHANAN. Down to a lower standard than the American laborer would be willing to work for?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. Has the gentleman any direct information that they do induce these people to come; that they undertake to violate the law respecting contract labor?

Mr. CAMPBELL. I believe they do.

Mr. MOORE of Pennsylvania. Is there any evidence of that?

Mr. CAMPBELL. No; I have no evidence; that is, no such evidence as I could submit to a court and ask conviction upon. I have not gone into it far enough for that.

Mr. MOORE of Pennsylvania. Suppose we were to take up the padrone system—that is to say, the manipulation by one man of a number of men in the interest of a railroad or any other large employer of labor—does the gentleman not think it is possible under the existing law to reach an offense of that kind and that it could and would be reached?

Mr. CAMPBELL. Oh, I have no doubt it could be done. I want to say this——

Mr. MOORE of Pennsylvania. The gentleman from Illinois [Mr. MANN] called attention a moment ago to a paragraph in the sundry civil bill which provided a reward of $1,000 each to two men who gave information in regard to the employment of alien contract labor.

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. Now, if the employer brings in five or a dozen men, or not to say 100 men, is it possible, with the labor organizations thoroughly established all over this country, on guard against contract labor, that some one would not tell the story of these 5 or 100 men coming in under contract, especially when there is a reward of $1,000 for the man who supplies the information?

Mr. CAMPBELL. I am not contending and I do not think anyone contends that any industry that employs labor in the United States now goes to Europe or Mexico or any other country and brings men into the United States under contract, but they induce the men to come here in some way and in that way violate the law.

Mr. MOORE of Pennsylvania. The gentleman is still vague as to his information, but he admits that there is existing law that forbids the very transaction of which he speaks.

Mr. CAMPBELL. Of course there is existing law that forbids that.

Mr. MOORE of Pennsylvania. And there is an inducement to anyone to report a violation of that law—to the extent of $1,000.

Mr. CAMPBELL. I am protesting against this violation.

Mr. MOORE of Pennsylvania. It is a question of administration after all and not a question of existing law.

Mr. CAMPBELL. Certainly; I have said all the time it was in violation of the law.

Mr. MOORE of Pennsylvania. Then any man belonging to a labor union, any man belonging to a patriotic society, who has any information that John Smith was bringing in 5 or 100 men improperly, could report it to the officials at Washington or to any Federal officers anywhere, and put himself in the position of obtaining a reward of $1,000.

Mr. CAMPBELL. I have this kind of a case, if the gentleman will permit me to proceed in my own time: A railroad company had three gangs of men who were getting $1.50 a day. Within 10 days every one of those men except the foreman was laid off and Mexicans took their places at a less wage. Now, was that an accident, or were the men induced to come into the country and do the work for less pay than it was being done for?

Mr. MOORE of Pennsylvania. That was reprehensible, to say the least; but were those Mexicans brought in in violation of the law?

Mr. CAMPBELL. How did they know they could find this employment from this particular railroad?

Mr. MOORE of Pennsylvania. I am sure I do not know.

Mr. CAMPBELL. They reported for duty to the foreman.

Mr. MOORE of Pennsylvania. But apparently the gentleman does not know that they got into this country improperly in violation of the immigration law.

Mr. CAMPBELL. I think they were.

Mr. MOORE of Pennsylvania. Then they should have been deported. If they are brought in in violation of the contract-labor law, they should have been apprehended and sent back, and there would have been a reward for their detection.

Mr. CAMPBELL. Well, it is sometimes difficult to enforce the law. If the gentleman had ever lived in a State where it was against the law to sell liquor, he would know something about the difficulty of enforcing the law when two men want to violate it—both the man who sells and the one who buys; and in this case, where the man who employs the laborer wants to violate the law and the laborer who is employed wants to violate the law, it becomes a very difficult question.

Mr. MOORE of Pennsylvania. But that the gentleman knows is due to an appetite or tendency that no law can restrain.

Mr. CAMPBELL. Oh——

Mr. MOORE of Pennsylvania. How can you stop a man from drinking by the enacting of a law?

Mr. CAMPBELL. That has no bearing on the discussion.

Mr. MOORE of Pennsylvania. How can you prevent a man from committing murder by providing in an act that there shall be no murder committed?

Mr. CAMPBELL. It illustrates how difficult it is to enforce the law where two men conspire together for its violation as is done when the employer wants to bring a man into the United States in violation of law and the man wants to come into our country for the purpose of getting our high wages, whether by contract or otherwise.

Mr. MOORE of Pennsylvania. The gentleman, as a Member of the lawmaking body of this Nation, has performed his duty by enacting a law which reaches the offense of which he complains, and it is a matter of administration whether the law is violated or not.

Mr. CAMPBELL. It may not be out of place sometimes to call attention in a lawmaking body to the fact that the law exists, and that it is being violated and should be enforced.

Mr. MOORE of Pennsylvania. There is no harm in that.

Mr. JACKSON. My colleague has been along the Mexican border, I am sure, a number of times. He does know that there are men there, or labor agencies, that make it their sole business to encourage immigration to this country and to procure the placing of these laborers in large numbers with the railroads, does he not?

Mr. CAMPBELL. Yes. There is no question but that it is done.

Mr. JACKSON. And if it was not for this sort of work these Mexicans would not leave their homes and come over here to fill these contracts?

Mr. CAMPBELL. As I stated a moment ago, it is inconceivable that a Mexican, totally ignorant of our language, who can not read or write in English, would come here at once and take a place a thousand miles in the interior on our railroads and supplant an American citizen.

Mr. JACKSON. This condition of affairs amounts to a violation of the law, although it would not be a violation of the letter of the law.

Mr. CAMPBELL. That is true.

Mr. JACKSON. So that the remarks of the gentleman from Pennsylvania [Mr. MOORE] are wholly irrelevant and not addressed at all to what my colleague is talking about?

Mr. CAMPBELL. I am talking about the general effect of this immigration into the United States upon the condition of our laborers, and express my belief that these people are here in violation of our laws.

Mr. JACKSON. As I understood my colleague to say, he thought the illiteracy test would not exclude these Mexicans?

Mr. CAMPBELL. I do not say it would not, but I did say, in my judgment, it would not cure the whole evil.

Mr. JACKSON. You do think, though, do you not, that it would exclude a large percentage?

Mr. CAMPBELL. I have no doubt of that. I am not prepared to say I am ready to establish a literary test for immigration into the United States. Some of the men who are a menace to this country to-day are men who have come here from other countries, not only with the knowledge of our language, but with the knowledge of many languages, who can not only read and write in their own language, but in our language and other languages, but who do not come here for the purpose of making this a better country, but, as has been suggested, for bettering the country that they have been forced to leave. They become a danger here.

Mr. MOORE of Pennsylvania. Almost any educated man can pass a civil-service examination, can he not?

Mr. CAMPBELL. Oh, yes.

Mr. MOORE of Pennsylvania. And that does not always detect whether a man is morally fit, whether he is a good man. It is no test of his moral worth, is it?

Mr. CAMPBELL. No. And I am not especially enamored of the idea of a literary test as a test of a man's fitness to do departmental work.

Mr. MOORE of Pennsylvania. That is the way I understood the gentleman.

Mr. JACKSON. The class of immigrants of which you speak would have to be excluded under other laws, and we have laws that are calculated to take care of them. It is hardly a legitimate argument against this other class that we do not seem to be able to exclude them in any other way.

Mr. CAMPBELL. I would hesitate long before I would say to a man with a family coming to the United States with a view of becoming a citizen here——

Mr. MOORE of Pennsylvania. In good faith.

Mr. CAMPBELL. In good faith, working at such employment as he could find, sending his children to our schools and

rearing them as citizens—I say I would hesitate a long time before I would say, "You can not come here unless you can read and write."

Mr. MOORE of Pennsylvania. That is a human test rather than a moral one.

Mr. BURNETT. May I ask the gentleman right there a question?

Mr. CAMPBELL. Certainly.

Mr. BURNETT. Is it not a fact that the large majority the educational test would keep out do not come with their families, do not come for the purpose of remaining, do not wish to be naturalized, do not become citizens, but acquire all the money they can, and when a wave of adversity comes over this country are the first to leave it? Would not an illiteracy test keep out just that class of people?

Mr. CAMPBELL. I have no doubt there is a large number in the class to which the gentleman refers.

Mr. BURNETT. In the language of the commission, would not that be most feasible? You spoke of a rule awhile ago that can not be worked and can not be worked as to whether they become citizens or not. How do you know what is in a man's mind? As you admitted, that is an impracticable test and can not be worked out. Now, what other practical way of keeping out the class I referred to a little while ago could be adopted except the illiteracy test?

Mr. CAMPBELL. Well, I confess that I have been unable to arrive at a solution of the problem. It is a grave one, and it is more serious to-day than it has ever been in this country heretofore. The land that has been available for settlement has been practically settled. The immigrant who comes here now comes to supply the labor market among our wage earners. He no longer comes here to develop our agricultural resources, but he comes here to take a place alongside of those who are employed in a given industry, that pays a good wage, and he too often accepts a lower wage than the standard of living here requires. After he has been here long enough to acquire our customs and our habits and to become acquainted with his fellow laborers he demands the wage that is customary and that enables a laborer to live according to the American standard.

Mr. BUCHANAN. Does not the gentleman think that if a standard minimum wage scale could be established it would have a good effect on the immigrants? Does not the gentleman think if the corporations were required to pay these immigrants the same scale of wages as American workmen receive that would be a good thing?

Mr. CAMPBELL. Well, it would be a very difficult thing to frame a wage scale for every industry in the United States; quite as difficult as it is to draft an immigration law that would permit the man of good intentions to come into the United States and keep out the man who would make an undesirable citizen.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. LOBECK. The question was asked here a few moments ago as to whether the American laborer would work at common labor, such as working on the streets, sewers, and other public improvements. It has been my experience and observation that whenever the waterworks company of my city wants to get men for labor there has been no trouble to get men, either of foreign ancestry or of American ancestry, to work, and it is the same way with respect to work on our streets and the same way with respect to work on our public improvements. There are always plenty of men seeking for the job, and they are not foreigners, but they are of American ancestry.

Mr. CAMPBELL. Oh, there is no difficulty whatever in getting American citizens, whether foreign born or native born in the United States, if you will pay a sufficient wage for their labor.

Mr. LOBECK. A decent wage. They are anxious to get the work, and they are Americans.

Mr. CAMPBELL. There is no question about that.

Mr. MOORE of Pennsylvania. Is that true with respect to labor on the farms of the country?

Mr. CAMPBELL. Well, we are having some little difficulty in getting enough laborers on the farms. But wages are going up, and that is bringing more help.

Mr. MOORE of Pennsylvania. But the farmers have been complaining that they could not get sufficient farm labor.

Mr. CAMPBELL. Oh, yes; they have been complaining about that.

Mr. MOORE of Pennsylvania. Is it true of the mines?

Mr. CAMPBELL. No; I believe the supply of laborers for the mines is quite equal to the demand.

Mr. MOORE of Pennsylvania. It is not so reported from some parts of Pennsylvania.

Mr. CAMPBELL. Oh, there may be an occasional district in which that is true; but my information is that the supply of laborers is kept quite equal to the demand in the mines throughout the country.

Mr. MOORE of Pennsylvania. How about domestic labor? The gentleman, of course, speaks from the interior country viewpoint; but there is a great deal of complaint about the scarcity of labor for domestic service.

Mr. CAMPBELL. It is a great deal more difficult, I will say to the gentleman, to get domestic help in the interior than it is in Philadelphia, for example.

Mr. MOORE of Pennsylvania. Is not the tendency of the American woman not to work in the kitchen for wages?

Mr. CAMPBELL. That is, to work for her neighbor or for a wage?

Mr. MOORE of Pennsylvania. Yes.

Mr. CAMPBELL. That is true.

Mr. MOORE of Pennsylvania. A moment ago the gentleman was asked, I think by the gentleman from Kansas [Mr. JACKSON], about those aliens who came into this country and left the country without leaving much of their earnings here. I would like to know whether it is not true that lots of Americans, native-born citizens of the United States, who live well and are finely educated, do not avoid the payment of taxes and escape other responsibilities that a man who owns real estate or who engages in business is bound to assume?

Mr. CAMPBELL. Oh, yes. But that is wide of the discussion.

Mr. MOORE of Pennsylvania. Oh, I think it is a fair question.

Mr. CAMPBELL. There are men of means who put themselves into the class of bad citizens by refusing to pay taxes and covering up the property that they have on which they should pay taxes.

Mr. MOORE of Pennsylvania. And some of them "toil not, neither do they spin."

Mr. CAMPBELL. That is true; and "yet Solomon in all his glory was not arrayed like one of these."

Mr. MOORE of Pennsylvania. Now, may I ask the gentleman one more question? He has given careful attention to the study of the Mexican situation, and has referred to these natives of Mexico who come over the borders of the United States to work upon the railroads, doing manual labor which a great many American citizens do not care to do. Is it not true that many Mexicans come over the border for other purposes than to secure labor in the United States?

Mr. CAMPBELL. I assume so.

Mr. MOORE of Pennsylvania. Is it not true that along the border of Mexico now and in the State of Texas there are Mexicans who are there for an entirely different purpose?

Mr. CAMPBELL. I think that is true.

Mr. MOORE of Pennsylvania. Does the gentleman know how we may apprehend these Mexicans and interfere with the practices in which they are engaged? I mention this to show the difficulty of administering the immigration laws.

Mr. CAMPBELL. I am familiar with the difficulty of administering the law, and I say I wish it were possible to frame a law that would be more easy of administration, that would exclude from the United States the undesirable and unnecessary people of whom I complain. I wish it were possible to exclude those and to admit every man who wants to come here and who would make a good citizen. I repeat, I wish it were possible to frame a law that would permit every man who wants to come into the United States with a view of bettering his condition, with a view of rearing his family here and of becoming a citizen and having his home here, and bar every immigrant who does not come here for that purpose.

I want to say, in conclusion, that no one need say, or can justly say, that many of the people who come here from southern Europe and would be barred by a literacy test come here and make good citizens. There is no sort of question about their fitness from every standpoint of industry and morality. Some are bad.

I recall when the United States called for volunteers a few years ago that I saw in the streets of my own town, where we have almost every nationality in Europe, Italians, Austrians, Frenchmen, and many nationalities walking down the street with a company that afterwards was merged into the Twentieth Kansas, to the music of the Union, under the Stars and Stripes, to give their lives for the country of their adoption. Some of them went to the Philippines with the Twentieth Kansas and died following our flag.

Mr. MOORE of Pennsylvania. And no questions were asked as to whether they could read or write?

Mr. CAMPBELL. They made good fighters whether they could read or write; they understood orders, and they knew the purposes for which they enlisted. In civil life they pay their taxes and support our institutions. It is true they have their own customs through the first generation, but in the second generation they make just as good citizens as we find anywhere. I am glad to welcome those who come here and make such citizens, and I would welcome any plan that could be formulated that would exclude those who do not come here for that purpose.

Mr. CURLEY. The gentleman said that he saw these men marching to the music of the Union. I suppose he means the national anthem?

Mr. CAMPBELL. Yes.

Mr. CANNON. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. CANNON. I do not know who the gentleman's forebears were, but when did they come to this country?

Mr. CAMPBELL. In 1866; they made the first stop in Iroquois County, Ill. My mother could not speak English, and I could not at that time.

Mr. CANNON. From what country did they come?

Mr. CAMPBELL. Nova Scotia.

Mr. CANNON. And the gentleman has been for some years a Member of Congress?

Mr. CAMPBELL. For nine years.

Mr. SLOAN. And hopes to be for two years more. [Laughter.]

Mr. CAMPBELL. I hope so.

Mr. CANNON. How old was the gentleman when he came to this country?

Mr. CAMPBELL. Four years of age.

Mr. CANNON. Then, of course, he could not read and write at that time. I do not know just when a man ceases to be a foreigner and becomes an American citizen, but a good many of us, if we go back a generation or a generation and a half, would not be here now if the educational test had been applied to those who are responsible for our being. [Laughter and applause.]

Mr. CAMPBELL. That is true.

Mr. CANNON. Where a man of the Caucasian race comes to this country, whether he can read and write or not, if he comes to make his home here and live in the sweat of his face, labor for what he gets, and has his children educated in the public schools, after all is said and done, he is of a class of immigration that is not undesirable, I take it.

Mr. CAMPBELL. I think so. On the contrary, where a man has the courage, spurred on by ambition, to leave home and fatherland, old associations and friends and relatives, and go out into a new country, knowing nobody, unacquainted with the language, unacquainted with the conditions, going there to take his chances and become a citizen, he shows he has in him the elements of which good citizens are made.

Mr. CANNON. Let us take the people who come to the country to blackmail and prey upon their brethren, notably from the south of Europe. As I understand it, generally they are somewhat intelligent and can read and write and have the capacity to send these blackmailing letters and to kill people. Is there anything in any proposed legislation that would keep one of those people out, unless it could be demonstrated that he is a criminal?

Mr. CAMPBELL. We would have to prove, in the first place, that he is a criminal.

Mr. MOORE of Pennsylvania. That is already provided against in the immigration act of February 20, 1907.

Mr. CAMPBELL. That is true; but it must be shown that he is that kind of a man.

Mr. CANNON. And it is somewhat difficult, either as to a native or to a foreign-born citizen in this country, to convict a man or enforce laws against him without proof. Under our system of government every man is entitled to a hearing and a trial, and must be convicted only upon proof. In fact, I think that none of us would be very safe, so far as the moral law is concerned, and sometimes so far as the law that is merely prohibitory is concerned, if we did not have the protection afforded us by being able to demand that we be confronted with proof.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

Mr. MANN. Mr. Chairman, I shall not object, but I would like to get along with the business of the House. I ask unanimous consent that general debate upon this bill shall conclude in 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate on the bill close in 10 minutes. Is there objection?

Mr. BUCHANAN. Mr. Chairman, reserving the right to object, I would like to know if the gentleman from Illinois thinks there has been sufficient time consumed in a discussion of this bill so that the large number of Members who are here will understand it properly?

Mr. MANN. It might be desirable to have a longer discussion from many points of view. However, owing to the fact that the House is pressed with business, I think it would be well to close debate upon this bill.

Mr. BURNETT. And there are several others, I will state, from the Committee on Public Buildings and Grounds.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate close in 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. MOORE of Pennsylvania. A question put by the gentleman from Illinois [Mr. CANNON] to the gentleman from Kansas is a vital one. He asked about the writers of black-hand letters. They are most undesirable citizens?

Mr. CAMPBELL. Oh, yes; whether they be foreign or native born.

Mr. MOORE of Pennsylvania. Would a test as to reading and writing keep out a man who could write a black-hand letter?

Mr. CAMPBELL. Hardly, and a vicious black-hand letter could be written quite as well by a native-born American citizen as by some one who has come from a foreign country.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. SLOAN. I noted with a good deal of interest the gentleman's description of those foreigners who joined the gallant Twentieth Kansas, noted in our military history, and the gentleman's description of their marching to the music of the Union under the national colors. I noted also that the gentleman in answer to questions by the gentleman from Illinois [Mr. CANNON] gave a personal turn to the matter and spoke of another interesting band of immigrants coming from Nova Scotia to the prairies of Illinois. I would like to ask if this last group of immigrants, in whom we are all interested, did not come marching to the music of that other very interesting tune, ever welcome, The Campbells Are Coming? [Laughter.]

Mr. CAMPBELL. Well, Mr. Chairman, the bagpipes were not playing very much just at that time. But the gentleman from Illinois [Mr. CANNON] brought out that phase of the discussion; and I recall that it was in the little town of Onargn, in Iroquois County, in his district, that my family made their first stopping place in the United States.

Mr. MANN. That is the most intellectual place in the State.

Mr. CAMPBELL. It was but a short time before the 4th day of July, and I remember riding in the band wagon on the Fourth—and I will say this, that I was in the wagon before the band began to play, and my father was driving the wagon.

Mr. LOBECK. Mr. Chairman, the gentleman from Illinois [Mr. CANNON], in a speech I once heard him deliver, described the trip from North Carolina which he took when he was a 3-year-old, and I desire to compliment the gentleman from Kansas upon the fact that he has now improved upon it by describing one which he took when he was 4 years old.

Mr. CAMPBELL. Mr. Chairman, if I may be permitted to bring this rambling discourse to a conclusion, I desire to say that the United States is greatly indebted to foreign countries. Our blood is a mixture of the blood of England, Ireland, Scotland, Wales, France, Germany, Austria, Italy, Norway, Sweden—of almost every country in the world. Immigrants have come here from all of these countries, and their blood has mingled here and has made the average American citizen. I do not hesitate to say that he is the highest type of citizenship to be found anywhere in the world. I would bar the vicious and the criminal, whether they can read and write or not. I would admit the ambitious immigrant who comes here to better his condition and become a good citizen. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, the total cost of such new site so acquired not to exceed the sum of $35,000.

With the following committee amendment:

Page 1, line 2, strike out the words "Commerce and Labor" and insert in lieu thereof the words "the Treasury."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20501, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "A bill to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof."

On motion of Mr. LINTHICUM, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUR OF MEETING.

Mr. UNDERWOOD. Mr. Speaker, I understand there is a conference report that is necessary to be adopted in the morning, and the chairman of the Committee on Appropriations desires to finish the sundry civil bill to-morrow if possible. I therefore ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 to-morrow morning.

Mr. MANN. I understand that conference report is on the District of Columbia appropriation bill.

Mr. UNDERWOOD. On the District appropriation bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] No objection is heard, and it is so ordered.

CONVEYANCE OF CERTAIN PROPERTY IN ALVA, OKLA.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to call up the bill H. R. 1248.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 1248) to authorize the Secretary of the Interior to convey a certain frame building.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. I suggest to the gentleman this is a very simple bill and that he ask that it be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] No objection is heard.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to Company I, Oklahoma National Guard, the frame building formerly used for the United States land office, and located on lot No. 1, in block No. 40, in the city of Alva, in Woods County, State of Oklahoma, said building to be removed from its present location and used as an armory for said militia company.

Mr. BURNETT. Mr. Speaker, the purpose of this bill was to remove the building without expense to the Government, and I am not sure the bill expresses that it is to be without expense to the Government, and therefore I ask unanimous consent to add at the end of the section the words "such removal to be without expense to the Government of the United States."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 9, page 1, the words "such removal to be without expense to the Government of the United States."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

OLD MARINE HOSPITAL, SAN FRANCISCO, CAL.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to call up the bill S. 6252.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill, and the gentleman from Indiana [Mr. CULLOP] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill S. 6252, with Mr. CULLOP in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.," approved August 11, 1876, be, and the same is hereby, amended as follows:

Strike out the words "to be used by the city and county of San Francisco solely for the purpose of a sailors' home: *Provided*, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to and again vest in the United States," and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine," so that the act will read as follows:

"That all the right and title of the United States to the following described property is hereby relinquished to the city and county of San Francisco, the same being the two 50 vara lots on which the old marine hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine."

Mr. BURNETT. Mr. Chairman, I yield to the gentleman from California [Mr. KAHN] such time as I may have to enable him to explain the bill.

Mr. KAHN. Mr. Chairman, the property which it is proposed to turn over to the city and county of San Francisco for such charitable purposes as the Secretary of the Treasury may permit is known as the old Marine Hospital. The building is quite an old one, having been constructed in the early fifties, as I have been informed. Since 1876 it has been in the custody of the city and county of San Francisco, and has been used as a sailors' home. Congress passed an act in that year authorizing the transfer, which act also provided that if at any time it should be used for any other purpose than a sailors' home the property should revert back and again vest in the Government of the United States. There are accommodations in this building for 300 persons, and in recent years not more than 30 or 35 beds have been used. It is proposed by the charitable organizations of San Francisco, if this bill be enacted into law, to use the building as a lodging place for homeless men. I may say that only a few weeks ago this building was used for the refugees who were brought by the Government transports from Mexico—American citizens who were brought to San Francisco by reason of the disturbed conditions in our sister Republic. The amendments which the committee has made to the Senate bill, in my judgment, entirely safeguard the rights of the Government. There is a provision that Congress reserves the right to amend, alter, or repeal the act at any time. There is also an amendment to the effect that the city shall use the property for such charitable purposes as the Secretary of the Treasury may permit, so that the Secretary himself will be enabled to make the regulations for admission to this building under the direction of the charitable organizations of San Francisco.

The building suffered somewhat during the earthquake of 1906, but the citizens put it in repair. Though old, it is serviceable for the purpose intended. It has been used for charitable purposes since 1876. This continues it for charitable purposes, but rather enlarges the scope of the charity. It will not cost the Government a single dollar.

Mr. TOWNER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from California [Mr. KAHN] yield to the gentleman from Iowa [Mr. TOWNER]?

Mr. KAHN. I yield to the gentleman from Iowa.

Mr. TOWNER. The gentleman from California has anticipated the inquiry I was going to make. In order to make it more clear, as I understand the situation, it is now used for charitable purposes to the extent of making it a sailors' home?

Mr. KAHN. That is true.

Mr. TOWNER. And they use only about 30 of the 300 beds that can be used? This authorizes the extension of its use, so that the building can be used to its capacity for charitable purposes by the charitable associations of San Francisco?

Mr. KAHN. That is the entire purpose of the bill.

Mr. MANN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MANN. This building was under the Marine-Hospital Service formerly?

Mr. KAHN. That is true.

Mr. MANN. And turned over to the city of San Francisco on the theory that the city of San Francisco would maintain it as a sailors' hospital?

Mr. KAHN. A sailors' home.

Mr. MANN. And it would relieve the Government from taking care of the sailors in the marine hospital to a large extent?

Mr. KAHN. On the theory that it would take care of the sailors who were on shore for a limited period during the time between the date of their discharge from one vessel and the date they would sign new shipping articles and go on some other vessel. In other words, it was intended to provide a home for sailors while they were in port.

Mr. MANN. Do we now maintain a marine hospital in San Francisco?

Mr. KAHN. Yes.

Mr. MANN. So that the Government, having given this building to the city of San Francisco on the theory that it would relieve the Government to a large extent of maintaining sailors in a Government hospital, the city has managed it so that the sailors did not go to this hospital. They go to the Government hospital, and therefore San Francisco says: "As we have complied with our implied contract to take care of the sailors, you ought to turn it over to us to do something else with it."

Mr. KAHN. I think the gentleman is mistaken about it.

Mr. MANN. Is not that absolutely the fact?

Mr. KAHN. The gentleman is entirely mistaken. The building was never turned over to the city for the purposes of a hospital. It was turned over to be used as a sailors' home. The gentleman will recognize the fact that in nearly all seaports there are a good many so-called sailors' boarding houses. In some instances sailors have been very badly handled in those houses. I think some years ago legislation was passed by Congress to prevent the bad treatment of sailors. It was shown that sometimes the boarding-house keepers would get them full of liquor and sign them up without the sailors having a full knowledge of what they were doing. It was to prevent the sailor from falling into the clutches of that kind of individuals that the building was turned over for the purposes of a sailors' home, so that when the sailor got his discharge he had a place to go to where he would be assured fair and honest treatment.

Mr. MANN. Has the number of sailors in San Francisco decreased since 1876?

Mr. KAHN. Yes; the maritime conditions are entirely different there.

Mr. MANN. There are not so many sailors there now?

Mr. KAHN. Not so many.

Mr. MANN. They can find only 30 sailors to be taken care of?

Mr. KAHN. There are only 30 sailors occupying this building.

Mr. MANN. How many are there in the Government hospital being taken care of?

Mr. KAHN. I do not know. But the gentleman will realize the fact that there are many sailors sent to the Government hospital from various branches of the Government service as well as those who are employed in the merchant marine, and these ordinarily would not have occasion to go to any home. They probably have their own homes. Many of the sailors who sail from San Francisco have their regular domiciles. Many of them are married men.

Mr. MANN. And live up on the hill in the palaces, I presume?

Mr. KAHN. No; they live down near the water front, most of them. I know there are a great many married men among them and they go to their own homes when they return from a cruise; but they are entitled by law to go to the marine hospital for treatment, and those are the men who accept the treatment at the marine hospital. The moment they get discharged as cured they go to their own homes again, but those who have no homes find lodgment in this building.

Mr. Chairman, I reserve the balance of my time.

Mr. BURNETT. Mr. Chairman, under the existing law the home could be used only as a sailors' home, and the result is that they have there some 300 beds in the building that are susceptible and capable of being used, and yet there are only 30 or 35 of them that are being used. All that this bill does is merely to enlarge the use of the home, so that it may be used for the other persons specified, who can occupy some of these vacant beds. That is the whole effect of the change. Then the bill is better safeguarded than the original law, it seems to me, in regard to the reversion of the title in case it should be used for any other purpose.

The CHAIRMAN. The Clerk will read the bill and the committee amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.," approved August 11, 1876, be, and the same is hereby, amended as follows:

Strike out the words "to be used by the city and county of San Francisco solely for the purpose of a sailors' home: *Provided*, That if the same shall at any time be used for any other than the purpose aforesaid, or if said home shall not be opened within one year from the passage of this act, in each such case all right and title hereby relinquished shall revert back to and again vest in the United States," and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine," so that the act will read as follows:

"That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50-vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as its governing body shall determine.

Also the following committee amendment:

On page 2, line 3, strike out everything after the words "United States" and insert in lieu thereof the following: "to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes all right and title thereby relinquished shall revert back to and again vest in the United States."

Also insert a new section, as follows:

"SEC. 2. Congress reserves the right at any time to amend, alter, or repeal this act."

So that the act will read as follows:

"That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50-vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street, between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of said city, to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes all right and title hereby relinquished shall revert back to and again vest in the United States.

"SEC. 2. That Congress reserves the right at any time to amend, alter, or repeal this act."

Mr. KAHN. Mr. Chairman, I move to amend the committee amendment, on line 23, page 2, after the word "States," by changing the comma into a semicolon and adding as a new section the following:

SEC. 2. That Congress reserves the right at any time to amend, alter, or repeal this act.

I may say, Mr. Chairman, that that amendment was embodied in the report, but failed to be inserted in the bill. It is simply to correct the bill.

Mr. MANN. How does that correct the bill?

The CHAIRMAN. In the bill, the Chair desires to state to the gentleman, it is on page 3 as section 2.

Mr. KAHN. But there is no provision in the part amending the bill.

Mr. MANN. There should not be. That is section 2 of this bill, not of the original bill.

Mr. KAHN. It seems to me that in the section which amends the bill up to and including the word "follows" ought to have that amendment, adding the new section, because otherwise you would say "strike out" certain language and then insert this language which follows.

Mr. MANN. This is the amendment of the original act, which, as the gentleman will notice, is correctly printed in quotation marks in this bill. Section 2 of this bill is not put in the original act. That is covered by the enacting clause.

Mr. KAHN. I should imagine that it should be put in after the words "United States," on line 23. Does the gentleman think it is unnecessary?

Mr. MANN. I do not think it is proper.

Mr. KAHN. Then, Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from California is withdrawn. The question now recurs on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendment, to the House and recommend the adoption of the amendment and the passage of the bill as amended.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 6252, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CONVEYANCE OF PORTION OF MARINE-HOSPITAL RESERVATION TO WILMINGTON, N. C.

Mr. BURNETT. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I call up the bill S. 6603, authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to convey to the board of education of New Hanover County, State of North Carolina, the following-described tract of land, being a portion of the marine-hospital reservation in the city of Wilmington, which, in the opinion of the Secretary of the Treasury, is no longer needed for marine-hospital purposes, to wit, 34.1 acres of land, more or less, covering six whole and three one-half city blocks lying east of Tenth Street, in the city of Wilmington, county of New Hanover, and State of North Carolina, such conveyance to be upon condition that the land shall be used exclusively for industrial-school purposes, the title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purpose.

Mr. MANN. Mr. Speaker, I understand that if the House should now adjourn this would be the unfinished business.

The SPEAKER. This would be the unfinished business.

ADJOURNMENT.

Mr. BURNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 45 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, June 20, 1912, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 25065) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, reported the same with amendment, accompanied by a report (No. 915), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAGUIRE of Nebraska, from the Committee on Claims, to which was referred the bill (S. 1293) for the relief of Herbert Thompson, reported the same without amendment, accompanied by a report (No. 912), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5287) for the relief of Kate Ferrell, reported the same without amendment, accompanied by a report (No. 913), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4180) for the relief of Allessandro Comba, reported the same with amendment, accompanied by a report (No. 914), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 25436) to authorize agricultural entries on surplus coal lands in Indian reservations; to the Committee on the Public Lands.

Also, a bill (H. R. 25437) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; to the Committee on the Public Lands.

By Mr. CARTER: A bill (H. R. 25438) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. DRAPER: Memorial of the Legislature of the State of New Mexico, calling for the return of the Spanish and American archives relating to New Mexico which are now in the Library of Congress; to the Committee on the Library.

By Mr. CURRY: Memorial of the Legislature of New Mexico, praying the construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, memorial of the Legislature of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 25439) granting a pension to Frances C. Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25440) granting a pension to Dora Hewey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25441) granting a pension to F. A. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25442) for the relief of Charles R. Grant; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 25443) to remove the disabilities of William A. Fyle; to the Committee on Military Affairs.

By Mr. DONOHOE: A bill (H. R. 25444) granting a pension to Gottfried J. Maier; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 25445) for the relief of R. D. Shackleford; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25446) granting an increase of pension to Mary A. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25447) for the relief of William J. Beard; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 25448) granting a pension to Charles Quaintance; to the Committee on Pensions.

By Mr. REDFIELD: A bill (H. R. 25449) granting an increase of pension to Jacob A. Burkhardt; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 25450) granting a pension to Ellen Wecker; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Polish Roman Catholic Unions of Pennsylvania, Wisconsin, and Maryland, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Polish Roman Catholic Unions of New York, Michigan, Pennsylvania, and Illinois, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Trenton Chamber of Commerce, protesting against the building of bridge south of Trenton as proposed by the Pennsylvania Railroad; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Order of Railway Conductors of Memphis, Tenn., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also (by request), memorials of St. Mary's of Gestochowe Society, No. 341, of West Wyoming, Pa., and St. Joseph's Society, No. 165, of Albany, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BATHRICK: Petition of Division No. 145, Order of Railway Conductors, of Conneaut, Ohio, against passage of employers' liability and workmen's compensation bills; to the Committee on the Judiciary.

By Mr. BUTLER: Petition of the Daughters of Liberty of Pennsylvania, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also (by request), memorials of Edgemont Council, No. 833, the Order of Independent Americans, of Gradyville, Pa., and Active Workers' Association, Order of Independent Americans, of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of citizens of McKeesport, Pa., protesting against appropriation for the purpose of celebrating 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. DONOHOE: Memorial of the Trenton Chamber of Commerce, of Trenton, N. J., against construction of railroad bridge over Delaware River near Trenton; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of F. R. Rice & Co., of Freeport, Ill., favoring the passage of the Sulzer apple barrel and grade bill (H. R. 21480); to the Committee on Coinage, Weights, and Measures.

Also, petition of N. M. Mosely, of Washington, D. C., favoring passage of bill for the relief asked for him in the so-called Norton case; to the Committee on the Post Office and Post Roads.

Also, petition of the Civil Service Reform Association of Pennsylvania, protesting against the enactment of section 5 of the legislative, executive, and judicial appropriation bill, relating to tenure of office of civil-service employees; to the Committee on Ways and Means.

By Mr. GALLAGHER: Petition of the Polish Roman Catholic Mission of Illinois, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Passaic Citizens' Club, Passaic, N. J., protesting against proposed celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. KINKEAD of New Jersey: Petition of the Daughters of Liberty of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against construction of bridge below Trenton as proposed by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of St. Joseph Society, No. 315, Mahanoy City, Pa., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against construction of bridge south of Trenton as proposed by the Pennsylvania Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: Memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of St. John the Baptist Society, No. 54, New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against construction of bridge south of Trenton as proposed by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Memorial of the National Executive Board of the Italo-American Alliance of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the National Association of Cotton Manufacturers, of Boston, Mass., relative to sale and purchase of cotton through cotton exchanges; to the Committee on Agriculture.

Also, memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of N. M. Mosely, of Washington, D. C., relative to the Norton case; to the Committee on the Post Office and Post Roads.

Also, memorial of the Omaha Branch of the United States Civil Service Retirement Association and Pennsylvania Civil Service Reform Association, against passage of section 5, House bill 24023, for five-year tenure of office for Government employees; to the Committee on Appropriations.

Also, memorial of the Farmers' Union and Active Workers' Association of Philadelphia, Pa., and State Council, Order United American Mechanics of the State of New York, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Memorial of Arch Confraternity Sacred Heart of Jesus Society, No. 23, of Bay City, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of Judith Lodge, No. 33, I. O. F. S. of I., Hartford, Conn., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania Civil Service Reform Association, protesting against passage of the five-year tenure of office for Government employees of the District of Columbia; to the Committee on Appropriations.

By Mr. ROBINSON: Papers to accompany bill for the relief of heirs of John W. Graves; to the Committee on Claims.

Also, papers to accompany House bill 13041, the old-age pension bill; to the Committee on Pensions.

By Mr. SCULLY: Petition of the Daughters of Liberty of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Division No. 175, Order of Railway Conductors of America, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation bills; to the Committee on the Judiciary.

SENATE.

THURSDAY, *June 20, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

The Secretary read the following communication:

UNITED STATES SENATE,
Washington, D. C., June 20, 1912.

To the Senate:

In the absence of the Vice President and of the President pro tempore of the Senate, by authority of Rule I, I hereby name Mr. PORTER J. MCCUMBER, a Senator from North Dakota, to perform the duties of the Chair to-day.

A. O. BACON,
President of the Senate pro tempore.

Mr. McCUMBER thereupon took the chair as Presiding Officer, and directed the Secretary to read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of Monday last when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FLAG OF THE UNITED STATES (S. DOC. NO. 854).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 15th instant, information relative to the raising of any emblem or banner above the American flag on any vessel, building, or grounds under the jurisdiction of the Navy Department, which was referred to the Committee on Naval Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.;

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.; and

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 16493) to correct the military record of William Z. Norman.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22204) granting a right-of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 4445. An act concerning unrigged vessels;

S. 4913. An act to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes;

S. 4948. An act to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

The message further announced that the House had passed the following joint resolutions, each with an amendment, in which it requested the concurrence of the Senate:

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1718. An act providing for the sale of the old Federal building and site at Owensboro, Ky.;

H. R. 1739. An act to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries;

H. R. 11933. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.;

H. R. 18434. An act to repeal section 4716 of the Revised Statutes of the United States;

H. R. 18504. An act to provide for the sale of fractional block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes;

H. R. 18841. An act incorporating the National Institute of Arts and Letters;

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes;

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street;

H. R. 21826. An act validating certain homestead entries;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 21224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909;

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 24703. An act to extend the authority to receive certified checks drawn on National and State banks and trust companies in payment for duties on imports and internal taxes and all public dues; and

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operations of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Russell Fork of the Big Sandy River at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.; and

H. J. Res. 290. Joint resolution proposing an international maritime conference.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Lankershim, Cal., and a resolution adopted by the Evangelical Lutheran Augustana Synod Convention at Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. CATRON. I present a joint memorial adopted by the Legislature of the State of New Mexico, relative to redistricting the judicial circuits for the United States circuit courts of appeals. I ask that the memorial be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint memorial 5. Introduced by Mr. R. L. Baca, April 25, 1912; read first and second times by title; ordered translated and printed and referred to committee on judiciary.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners, the Senate and House of Representatives of the State of New Mexico, respectfully show that the interests of that portion of the United States west of the Mississippi River imperatively demand the creation by Congress of at least two additional judicial circuits, as will readily appear from a consideration of the facts hereinafter set forth, which present a comparative statement of the number of States and population in each of the circuits as they now exist:

The first judicial circuit includes the four States of Rhode Island, Massacusetts, New Hampshire, and Maine, with a population of 5,082,033.

The second judicial circuit includes the States of Vermont, Connecticut, and New York, with a population of 10,584,826.

The third judicial circuit includes Pennsylvania, New Jersey, and Delaware, with a population of 10,404,600.

The fourth judicial circuit includes Maryland, Virginia, West Virginia, North Carolina, and South Carolina, with a population of 8,368,868.

The fifth judicial circuit includes Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, with a population of 12,848,397.

The sixth judicial circuit includes Ohio, Michigan, Kentucky, and Tennessee, with a population of 12,051,988.

The seventh judicial circuit includes Indiana, Illinois, and Wisconsin, with a population of 10,673,827.

The eighth judicial circuit includes Nebraska, Minnesota, Iowa, Missouri, Kansas, Arkansas, Oklahoma, Colorado, North Dakota, South Dakota, Utah, Wyoming, and New Mexico, with a population of 16,515,272.

The ninth judicial circuit includes California, Oregon, Nevada, Idaho, Montana, Washington, and Arizona, with a population of 5,181,180.

It will be seen from a comparison of these figures that the eighth circuit, in which our State of New Mexico is situated, has a population of more than three times as much as the first and ninth circuits, nearly twice as much as the fourth circuit, about 50 per cent more than the second, third, and seventh circuits, and about 33⅓ per cent more than the fifth and sixth circuits; and in addition to this the enormous area of the eighth circuit should be considered, extending as it does from the northern boundary of Minnesota to the southern boundary of New Mexico, a distance of approximately 1,500 miles. It should also be borne in mind that the principal railroad lines through that circuit run in east and west directions. As a consequence a large part of the people resident in that circuit, and especially the people of our own State, are subjected to great losses of both time and money in the transaction of business in the Circuit Court of Appeals, and the increasing amount of litigation in the Federal courts in that circuit must necessarily tend greatly to obstruct and delay the determination of causes. It must also be remembered that the population of most of the States in that circuit is increasing very rapidly, and the population of the whole circuit will probably long before the taking of the next decennial census exceed twenty millions.

We therefore respectfully pray that the 13 States included in that circuit be divided among three judicial circuits, and if such division be made each of those circuits, while much greater in area, would have approximately the same population as the first and ninth circuits, and we particularly ask that one of those circuits may be composed of the States of Kansas, Oklahoma, Colorado, and New Mexico, with a population, according to the census of 1910, of 4,474,524, but the actual population at the present time must greatly exceed that number.

Mr. PERKINS presented telegrams in the nature of petitions from the Riverside Chamber of Commerce; the San Francisco Chamber of Commerce; the Turlock Board of Trade; the Placerville Board of Trade; the Chico Business Mens' Association; of the Panama-Pacific International Exposition Co.; of the Hollister Chamber of Commerce; of the Merchants' Association of Fresno; of the Crocker Huffman Land & Water Co.; of Hon. John Barneson, of San Francisco; of the Oakland Chamber of Commerce; of the First National Bank of Merced; of the Pomona Board of Trade; of the Madera County Chamber of Commerce; of Hon. M. J. Brandenstein, of San Francisco; of the Alameda Chamber of Commerce; of the Lodi Merchants' Association; of the Livingston Chamber of Commerce; of the Stockton Chamber of Commerce; of the Owens Valley Chamber of Commerce; of the Auburn Chamber of Commerce; of the Redding Chamber of Commerce; of the Native Sons Golden West of Sutter Creek; of the Board of Trade of San Francisco; of the Berkeley Chamber of Commerce; of the Visalia Board of Trade; of the Bishop Chamber of Commerce; of the Paso Robles Chamber of Commerce; of the Orland Chamber of Commerce; of the Stanislaus Board of Trade, of Modesto; of the Merced Merchants' Association; of the Redwood Board of Trade; of the Sacramento Valley Development Association; of the Merced Security Savings Bank; of the Merced County Chamber of Commerce; of the Fresno County Chamber of Commerce; of the Richmond Board of Trade; of the Marysville Chamber of Commerce; of the Pasadena Board of Trade; of the Escondido Chamber of Commerce; of the San Mateo County Development Association; of Hon. A. I. Elsberg, of San Francisco; of the San Joaquin Valley Association; of Hon. James Rolph, jr., mayor of San Francisco; of the Los Angeles Chamber of Commerce; of the Grass Valley Chamber of Commerce; of the Berkeley Board of Trade; of Hon. Charles S. Fee, of San Francisco; of Hon. James Borsburgh, jr., of San Francisco; of the Sanger Chamber of Commerce; of the Coalinga Chamber of Commerce; of the Long Beach Chamber of Commerce; and of the Board of Trade of Sierra Madre, all in the State of California, favoring an appropriation of $270,000 for the improvement of the Yosemite National Park, which were referred to Committee on Appropriations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 7181) extending the provisions of the Carey Act to Arizona; to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 7182) for the relief of George L. Neff (with accompanying papers); to the Committee on Public Lands.

A bill (S. 7183) granting an increase of pension to Anna L. Phillips; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7184) to remove the charge of desertion from the military record of Jose Padilla; to the Committee on Military Affairs.

A bill (S. 7185) for the relief of the estate of Reymundo Trujillo, deceased; to the Committee on Claims.

A bill (S. 7186) granting a pension to Mariana L. de Miller; and

A bill (S. 7187) granting a pension to Martina M. de Sanchez; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7188) to correct the military record of Thomas H. Barrett; to the Committee on Military Affairs.

A bill (S. 7189) granting an increase of pension to Donald McDonald;

A bill (S. 7190) granting an increase of pension to Albert Burgess (with accompanying papers); and

A bill (S. 7191) granting a pension to Franklin Bannon (with accompanying paper); to the Committee on Pensions.

By Mr. REED:

A bill (S. 7192) authorizing the construction, maintenance, and operation of a dam across the Osage River, in Miller County, Mo.; to the Committee on Commerce.

INTERNATIONAL INSTITUTE OF AGRICULTURE (S. DOC. NO. 855).

Mr. FLETCHER. I am not certain whether under the unanimous-consent agreement I am justified in making the request, but I present the matter to the Presiding Officer. I wish to ask for the publication as a Senate document of the report to the International Institute of Agriculture on the conference held at Nashville, Tenn., April, 1912. If it is in order, I will ask that it be printed as a document.

The PRESIDING OFFICER. Such matters have usually been regarded as a part of the morning business, and in the opinion of the Chair it is within the unanimous-consent agreement. Is there objection to the request of the Senator from Florida? The Chair hears none, and it is so ordered.

Mr. NELSON. I move that the Senate adjourn until Monday next at 10 o'clock a. m.

The motion was agreed to; and (at 10 o'clock and 8 minutes a. m.) the Senate adjourned until Monday, June 24, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 20, 1912.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal spirit, Father soul, never far from any of us, we would draw near to Thee with open minds and hearts, that we may receive of Thy spirit and be guided through the changing scenes of this new day, that at its close we may find ourselves in harmony with Thee, at peace with ourselves and all mankind. And Thine be the glory and the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I call up the conference report on the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913.

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The gentleman from Texas calls up the conference report on the District of Columbia appropriation bill, and the gentleman from Kentucky reserves all points of order thereon.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, does that prejudice my rights upon any of the points of order?

The SPEAKER. Not at all. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the statement of the conferees.

The conference report is as follows:

CONFERENCE REPORT (NO. 899).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 5, 6, 7, 9, 12, 14, 15, 16, 17, 18, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 95, 96, 97, 98, 99, 101, 102, 103, 104, 106, 108, 113, 114, 117, 121, 126, 137, 138, 139, 141, 148, 150, 154, 155, 156, 162, 174, 178, 179, 193, 194, 198, 199, 203, 207, 208, 209, 210, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 291, 295, 296, 297, 298, 299, 300, 301, 302, 304, 305, 307, 310, 311, 313, 315, 317, 318, 319, 320, 321, 324, 325, 326, 327, 331, 332, 333, 336, 342, 343, 344, 345, 351, 358, 359, 362, 363, 364, 365, 367, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 391, 393, 394, 395, 396, 404, 405, 406, 407, 408, 409, and 420.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, 19, 23, 24, 25, 27, 58, 60, 61, 77, 88, 92, 93, 100, 105, 111, 112, 116, 119, 120, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 142, 143, 144, 145, 146, 147, 149, 152, 157, 159, 160, 163, 164, 168, 169, 170, 171, 172, 175, 177, 180, 183, 185, 186, 187, 188, 189, 192, 195, 196, 200, 202, 203, 204, 205, 230, 233, 234, 275, 293, 294, 303, 312, 316, 322, 328, 330, 335, 338, 339, 346, 349, 350, 353, 354, 355, 356, 357, 361, 366, 384, 385, 387, 388, 389, 390, 397, 398, 399, 400, 401, 402, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 423, and 425; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 2 of the bill, in line 3, strike out the word "dollars" and insert in lieu thereof the words "so much as may be necessary"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$114,846"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two at $1,400 each"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,410"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,725"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,300"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 18 of the bill, in line 17, after the word "binding," insert the following: "by contract or otherwise, including necessary personal services"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "purchase" in said amendment insert the following: "or exchange"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$36,000"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$220,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,100"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$129,525"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, to enable the Commissioners of the District of Columbia to make a thorough investigation of the desirability and cost of establishing a municipal asphalt plant, including personal services and necessary expenses, report to be made to Congress at the beginning of the next session: *Provided further*, That the facts upon which the conclusions are based shall be fully stated in said report: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized to purchase from this appropriation a portable asphalt plant at a cost not to exceed $7,500 and to operate said plant under their immediate direction in doing such work of repairs to asphalt pavements as in their judgment may be economically performed by the use of said plant and so much of this appropriation as is necessary for this purpose is hereby made available for such work." And on page 28, in line 25, and on page 29, in line 1 of the bill, strike out the words "of which sum $60,000 shall be immediately available, three hundred and ninety thousand," and in lieu thereof insert "three hundred and sixty thousand"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: On page 30 of the bill, in line 3, strike out the word "two" and insert in lieu thereof "four"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$140,000"; and on page 30 of the bill, in lines 5, 6, and 7, strike out the following: ", of which sum $20,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000"; and the Senate agree to the same.

Amendment numbered 167: That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$265,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: In line 6 of the matter inserted by said amendment strike out the following: "on either side of such crossing"; and in line 11 of the matter inserted by said amendment, after the word "appropriation," insert the word "available"; and the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: On page 34, in lines 14 and 15 of the bill, strike out the following: ", to be immediately available"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,830"; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "dollars," insert the following: ", which sum shall be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ", the appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,825"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase and maintenance of one motor vehicle for the use of the electrical department, with extra tires and equipment, $1,500"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "284"; and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That all teachers of manual training, drawing, domestic science, domestic art, music, and physical culture in the normal, high, and manual training high schools now in the service of the public schools and hereafter to be appointed, shall be placed in class 6, group A: *Provided further*, That no such teacher shall receive a salary less than that received at the time of the passage of this act: *Provided further*, That hereafter no teacher of any of these subjects shall be appointed without like qualifications to those required of teachers of academic and scientific subjects in the high schools, and that teachers of these subjects now in the service of the public schools and those hereafter to be appointed shall receive their longevity increase according to their previous number of years of experience in teaching in accredited normal, high, and manual training high schools." And the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and eighteen"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four hundred and fourteen"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and thirty-seven"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,354,000"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days"; and the Senate agree to the same.

Amendment numbered 220: That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$312,365"; and the Senate agree to the same.

Amendment numbered 250: That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the following: "to be immediately available,"; and the Senate agree to the same.

Amendment numbered 253: That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils"; and the Senate agree to the same.

Amendment numbered 259: That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the matter stricken out insert the following: "Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: *Provided*, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia"; and the Senate agree to the same.

Amendment numbered 287: That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "Hereafter no" and in lieu thereof insert the word "No"; and the Senate agree to the same.

Amendment numbered 289: That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

Amendment numbered 290: That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,250"; and the Senate agree to the same.

Amendment numbered 292: That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "one," insert the word "motor-drawn"; and the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,500"; and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "five" and insert in lieu thereof the word "two"; and the Senate agree to the same.

Amendment numbered 309: That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "two" and insert in lieu thereof "one"; and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,540"; and the Senate agree to the same.

Amendment numbered 323: That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,225"; and the Senate agree to the same.

Amendment numbered 329: That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and new bids received or the purchases made in open market, as may be most economical and advantageous to the District of Columbia: *Provided further*, That hereafter formal written contracts with bond for work or the purchase of supplies and materials for the District of Columbia shall not be required in cases where the cost of such work or supplies or materials does not exceed the sum of $1,000"; and the Senate agree to the same.

Amendment numbered 334: That the House recede from its disagreement to the amendment of the Senate numbered 334, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,135"; and the Senate agree to the same.

Amendment numbered 337: That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For hospital furnishings, including bedsteads, mattresses, ward and bedside tables and chairs, $1,000.

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session as to the cost and feasibility of adapting one or more of

the vacant buildings upon the site of the Washington Asylum and Jail, reservation No. 13, for use for municipal hospital purposes."

And the Senate agree to the same.

Amendment numbered 340: That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: Transpose said amendment to follow line 11, page 91, of the bill, amended as follows: In line 1 of said amendment strike out the word "The" where it first occurs and insert in lieu thereof the words "Hereafter the"; and the Senate agree to the same.

Amendment numbered 341: That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$113,635"; and the Senate agree to the same.

Amendment numbered 347: That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$51,872"; and the Senate agree to the same.

Amendment numbered 348: That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session whether or not there is a necessity for the construction and operation within the District of Columbia of a reform school for white girls; and in this report the commissioners shall state what facilities now exist in public or private institutions for the care of wayward white girls and the cost of their maintenance in such institutions, and shall also state the estimated cost of constructing and maintaining a reform school for white girls."

And the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "salaries"; and the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lines 3 and 4 of said amendment strike out the words "one hundred thousand dollars" and insert in lieu thereof the words "fifty thousand dollars"; and the Senate agree to the same.

Amendment numbered 368: That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,080"; and the Senate agree to the same.

Amendment numbered 369: That the House recede from its disagreement to the amendment of the Senate numbered 369, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

Amendment numbered 371: That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,030"; and the Senate agree to the same.

Amendment numbered 372: That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$16,000"; and the Senate agree to the same.

Amendment numbered 373: That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,700"; and the Senate agree to the same.

Amendment numbered 374: That the House recede from its disagreement to the amendment of the Senate numbered 374, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$26,320"; and the Senate agree to the same.

Amendment numbered 386: That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "construction work to be done by contract or otherwise"; and the Senate agree to the same.

Amendment numbered 392: That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,320"; and the Senate agree to the same.

Amendment numbered 403: That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following separate paragraphs:

"Fort Davis and Fort Dupont Parks, and so forth:

"The Commissioners of the District of Columbia are hereby authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE., between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide proper connection with the new location of Alabama Avenue: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to preserve the sites of Fort Davis and Fort Dupont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia. There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That of the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized plus the costs and expenses of the proceedings, not less than one-third and all in excess of $21,334 shall be assessed by the jury as benefits, which when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

"Hereafter the United States shall not bear any part of the cost of the acquisition of land for street extensions, but when the condemnation of any land for such purposes is authorized by law the total cost of the land and the expenses of the condemnation proceedings shall be assessed as benefits; in any case where land is condemned for a parkway, including a street or streets, where such parkway is of considerable length with relation to its width, not less than one-half of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits; and in any case where land is condemned for a public park, not less than one-third of the cost of the land, including the same fraction of the expenses of the condemnation proceedings, shall be assessed as benefits.

"The public parks authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

And the Senate agree to the same.

Amendment numbered 422: That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment amended as follows: Omit the matter inserted by said amendment; restore the matter stricken out by said amendment as follows: Renumber the section to read Sec. 8; and the Senate agree to the same.

Amendment numbered 424: That the House recede from its disagreement to the amendment of the Senate numbered 424, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 10. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public convenience stations; fees for tax certificates; fees of the municipal court; and fees collected by the building inspection division on account of permits, certificates, and transcripts of records issued by the inspector of buildings; and the surplus fees of the recorder of deeds and register of wills, together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles."

And the Senate agree to the same.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, JR.,
Managers on the part of the House.

J. H. GALLINGER,
CHARLES CURTIS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1913, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of the said amendments in the accompanying conference report:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, relating to the executive office: Strikes out the proposed increase in the salaries of the commissioners from $5,000 to $6,000 each; increases the salary of one assistant secretary to commissioners from $1,400 to $1,500; appropriates $1,000, as proposed by the Senate, for medicines, surgical, and hospital supplies for the veterinary division; increases the salary of the purchasing officer from $2,750 to $3,000; provides for a computer, at $1,440, transferred from the per diem roll; appropriates $150 for temporary labor in the purchasing division; appropriates $1,500 for purchase and maintenance of a motor vehicle in the building-inspection division; and increases the salary of the principal inspector of plumbing from $1,400 to $1,550; otherwise all increases in salaries and additional employments in the executive offices are stricken out.

On amendments Nos. 29 and 30: Strikes out the proposed increase of six cleaners, at $240 each, for the care of the District Building.

On amendments Nos. 31 and 32: Strikes out the provision for a record clerk, at $1,800, in the assessor's office.

On amendments Nos. 33 and 34: Strikes out the proposed increase in pay of one messenger from $600 to $840 to the excise board.

On amendments Nos. 35 and 36: Strikes out the provision for an additional assistant cashier, at $1,400, in the collector's office.

On amendment No. 37: Confines the employment of extra labor in the collector's office to the preparation of tax-sale certificates and data, as proposed by the House.

On amendments Nos. 38, 39, 40, and 41: Strikes out the increase in the salary of one bookkeeper from $1,800 to $2,000, and strikes out the provision for one accountant at $1,800 and a stenographer at $900 in the auditor's office.

On amendments Nos. 42 and 43: Strikes out the proposed increase in the salary of the corporation counsel from $4,500 to $5,000.

On amendment No. 44: Strikes out the provision for a clerk at $900 in the sinking-fund office.

On amendments Nos. 45, 46, 47, and 48: Strikes out the proposed increases in the salaries in the coroner's office as follows: Morgue master from $720 to $840; janitor from $480 to $600; hostler and janitor from $360 to $480.

On amendments Nos. 49, 50, and 51: Strikes out the proposed increase in the salaries in the farmers' produce market as follows: Night watchmen from $540 to $600; watchman from $480 to $540.

On amendments Nos. 52 and 53: Strikes out the proposed increase for two laborers in the eastern and western markets from $240 to $300 each.

On amendments Nos. 54, 55, 56, and 57: Strikes out the proposed increases in salaries in the office of weights, measures, and markets as follows: Assistant from $1,200 to $1,320, assistant from $900 to $1,000, and the provision for one driver at $600.

On amendments Nos. 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76, all relating to the engineer commissioner's office: Increases the salary of the superintendent of sewers from $3,000 to $3,200, the superintendent of trees and parks from $1,800 to $2,000, and one clerk from $1,400 to $1,500. Otherwise all proposed increases in compensation or additional employments are omitted.

On amendments Nos. 77, 78, 79, and 80, relating to the municipal architect's office: Strikes out provision for an additional clerk at $840 and the increase in pay of one clerk from $620 to $840; and the proposed appropriation of $1,500 for an automobile.

On amendments Nos. 81, 82, and 83, relating to the special assessment office: Strikes out the proposed increase in the salaries of two clerks from $1,200 to $1,500 each.

On amendments Nos. 84 and 85: Strikes out the proposed increase in the salary of the superintendent of street-cleaning division from $2,500 to $2,750.

On amendments Nos. 86, 87, and 88, relating to the department of insurance: Strikes out the proposed increase in the salary of an examiner from $1,700 to $2,000 and appropriates $500 for purchase of files for records.

On amendments Nos. 89, 90, 91, 92, 93, and 94, relating to the surveyor's office: Strikes out the proposed increase in the salary of the surveyor from $1,800 to $2,000; strikes out the provision for a draftsman at $825, and appropriates $6,000, as proposed by the Senate, instead of $5,000, as proposed by the House, for temporary draftsmen, computers, laborers, and additional field parties when required, and miscellaneous expenses.

On amendments Nos. 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113, relating to the Public Library: Strikes out the increases proposed by the Senate in the salary of the librarian from $3,500 to $4,000, the assistant librarian from $1,500 to $1,600, the chief of the circulating department from $1,200 to $1,300; strikes out the chiefs of the catalogue and industrial divisions at $1,000 each; strikes out the assistant in charge of work for the blind at $1,200, the same having been provided for in another act; appropriates specifically for one assistant at $720, one at $480, and one janitor at $360 for the Takoma Park branch, and makes available the appropriations for miscellaneous expenses of the library for its maintenance instead of a lump sum of $4,000 proposed by the Senate; changes the title of a cataloguer at $900 to a "classifier"; provides that binding for the library may be done by contract or otherwise, and authorizes the use of that appropriation for personal services; extends the provision for contingent expenses to include purchase or exchange of motor cycle and increases the appropriation from $8,000 to $8,500, as proposed by the Senate.

On amendments Nos. 114, 115, 116, 117, 118, 119, 120, 121, 122, and 123, relating to contingent and miscellaneous expenses: Strikes out the authority, proposed by the Senate, for payment of membership dues in the National Convention of Insurance Commissioners; appropriates $36,000, instead of $34,500 proposed by the House and $37,000 proposed by the Senate, for contingent expenses; increases the appropriation for postage from $10,000 to $11,000; strikes out the increase of $800, proposed by the Senate, for expenses of the coroner's office and morgue; appropriates $200, instead of $100 proposed by the House and $300 proposed by the Senate, for enforcement of game and fish laws; confines the appropriation for purchase of identification tags for horse-drawn vehicles to "vehicles used for business purposes"; increases the appropriation from $750 to $1,200, as proposed by the Senate, and strikes out the language making the item available immediately; strikes out the limitation, proposed by the House, restricting repairs to markets to "minor" repairs; and inserts the provision, proposed by the Senate, authorizing the commissioners to exchange typewriters, adding machines, pianos, machinery, etc., in part or full payment for new articles of similar character.

On amendment No. 124: Appropriates $220,000, instead of $200,000 proposed by the House and $240,000 proposed by the Senate, for assessment and permit work.

On amendments Nos. 125, 126, 127, and 128: Appropriates $70,100, instead of $57,100 proposed by the House and $81,400 proposed by the Senate, for work on streets and avenues.

On amendment No. 129: Appropriates $7,200, as proposed by the Senate, for paving the north roadway of B Street NW. between Seventeenth Street and Virginia Avenue, and Virginia Avenue NW. between B Street and Eighteenth Street.

On amendment No. 130: Strikes out of the appropriation for purchase or condemnation of streets, etc., the language "when authorized by law."

On amendments Nos. 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the construction of county roads: Changes the name from "county" to "suburban" roads; appropriates $129,523, instead of $74,725 proposed by the House and $160,125 proposed by the Senate; and strikes out the authority, proposed by the House, for the use of wood blocks for paving or improvements.

On amendments Nos. 153, 154, 155, and 156, relating to repairs to streets, avenues, and alleys: Appropriates $360,000, instead of $390,000 proposed by the House, and strikes out the language making $60,000 immediately available; modifies the provision, proposed by the Senate, making an appropriation of $5,000 for an investigation and report on the establishment of a municipal asphalt plant, and inserts authority for the use of $7,500 for the purchase of a portable asphalt plant and makes provision for its operation; strikes out the increase in the amount for replacing and repairing sidewalks around public reservations and buildings from $7,000 to $10,000, proposed by the Senate; and strikes out the appropriations of $1,500 and $2,500 for replacing sidewalks around the Patent Office and old Post Office Buildings, respectively.

On amendments Nos. 157, 158, 159, 160, and 161, relating to repairs of county roads: Changes the name from "county" to "suburban" roads; provides for four motorcycles, as proposed by the Senate, instead of two, as proposed by the House; appropriates $140,000, instead of $125,000 proposed by the House and $150,000 proposed by the Senate; and strikes out the language making $20,000 immediately available.

On amendment No. 162: Strikes out the provision, proposed by the Senate, appropriating $5,000 for the examination of the bridge across Rock Creek on the line of Calvert Street and the preparation of plans for a new bridge.

On amendments Nos. 163, 164, 165, 166, and 167, relating to sewers: Increases the appropriation for sewage pumping service from $43,000 to $44,500, as proposed by the Senate; increases the appropriation for main and pipe sewers from $60,000 to $65,000, as proposed by the Senate; appropriates $130,000, instead of $100,000 as proposed by the House and $167,000 as proposed by the Senate, for suburban sewers; appropriates $125,000, instead of $100,000 as proposed by the House and $150,000 as proposed by the Senate, for assessment and permit work; and appropriates $40,000, instead of $30,000 as proposed by the House and $50,000 as proposed by the Senate, for the Anacostia main intercepter.

On amendments Nos. 168, 169, 170, 171, 172, 173, 174, 175, and 176, relating to street cleaning: Strikes out the limitation of $10,000 on the amount to be expended for removing snow and ice; authorizes the hire of horses and wagons; provides for the supervision of motor vehicles; appropriates $265,000, instead of $245,000 as proposed by the House and $325,000 as proposed by the Senate; strikes out the provision propose by the Senate fixing the minimum daily wage of laborers at $2; and modifies the provisions proposed by both Houses relating to the removal of snow and ice from the tracks of street railway companies so as to limit it to the crossings of the several streets intersecting their lines.

On amendments Nos. 177 and 178, relating to the Parking Commission: Increases the amount from $42,500 to $45,000 as proposed by the Senate, and strikes out the sum of $1,500, proposed by the Senate, for trees in public school grounds.

On amendments Nos. 179, 180, 181, and 182, relating to the bathing beach: Increases the appropriation for temporary services from $2,000 to $2,250, and for repairs from $1,200 to $1,500 as proposed by the Senate; strikes out the provision making the latter sum immediately available; and strikes out the proposed increase in the salary of the superintendent from $900 to $720.

On amendments Nos. 183, 184, 185, 186, 187, 188, 189, 190, and 191, relating to playgrounds: Increases the amount for maintenance, etc., from $3,000 to $4,000, as proposed by the Senate; inserts the item proposed by the Senate of $3,000 for repairs and replacement of apparatus and makes the same payable wholly out of the revenues of the District; increases the salary of the supervisor from $150 to $175 per month; provides for 2 additional directors at $75 per month, 1 assistant at $40 per month, and 1 watchman at $45 per month, and makes permanent the provision for the payment of salaries wholly out of the revenues of the District.

On amendment No. 192: Makes a verbal change in the title of the item for condemnation of insanitary buildings.

On amendments Nos. 193, 194, 195, 196, and 197, relating to the electrical department: Strikes out the provision for 1 additional inspector; makes a verbal correction in the text of the bill; increases the appropriation for installation of fire-alarm boxes from $1,000 to $2,000, as proposed by the Senate, and provides $1,500 for the purchase of a motor vehicle.

On amendments Nos. 198, 199, 200, 201, 202, and 203, relating to the Washington Aqueduct: Strikes out the provisions, proposed by the Senate, for the purchase of a motor truck and for an increase of $5,000 in the appropriation for salaries and repairs; inserts the amount of $15,000, proposed by the Senate, for improvement of Conduit Road from Foxhall Road to Great Falls; appropriates $10,000, instead of $8,000 as proposed by the House and $12,000 as proposed by the Senate, for lining the tunnels of the aqueduct; appropriates $4,800, as proposed by the Senate, for placing water meters on certain water services; and inserts, as proposed by the Senate, a provision transferring from the Chief of Engineers to the Commissioners of the District jurisdiction over certain land extending from Wyoming Avenue to Kalorama Road.

On amendments Nos. 204 and 205, relating to Great Falls water power: Increases the amount to be expended in the investigation from $10,000 to $20,000, as proposed by the Senate.

On amendments Nos. 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, and 236, all relating to salaries and employments in the public schools: Strikes out the proposed increase in the salary of the superintendent from $5,000 to $5,500; strikes out the proposed change in the title of the attendance officer at $900; strikes out the proposed addition of 22 new teachers; provides for the promotion, in the several classes of teachers, as authorized by law; provides that no class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days; appropriates $319,365, instead of $300,000, as proposed by the House, and $296,770, as proposed by the Senate, for longevity pay; strikes out the increase in the allowance to principals from $33,000 to $36,000, proposed by the Senate; strikes out the proposed increase of $2,500 in the amount for teachers and janitors of night schools; strikes out all the proposed increases in salaries and additional employments of janitors for the public schools and inserts the provision, proposed by the Senate, authorizing the employment of substitutes in the absence of engineers, assistant engineers, janitors, laborers, and firemen; strikes out the increase of $4,000, proposed by the Senate, in the amount for the care of rented rooms and smaller buildings; provides that 1 of the 12 medical inspectors shall be a woman; strikes out the employment of two graduate nurses at $900 each, proposed by the Senate; and provides, as proposed by the Senate, that teachers and other employees of the board of education shall be paid at the close of the school term and on the 1st day of every month except September.

On amendments Nos. 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249, all relating to miscellaneous expenses of the public schools: Strikes out the increases proposed by the Senate in all of the items for miscellaneous expenses, as follows: Repairs and improvements to school buildings from $85,000 to $105,000; purchase and repair of tools, machinery, etc., from $23,500 to $27,500; for furnishings for school buildings, from $5,250 to $6,850; for contingent expenses, from $47,500 to $50,000; for textbooks and school supplies, from $65,000 to $69,000; for maintenance and repairs to playgrounds, from $1,500 to $1,800; and for extending telephone system, from $1,400 to $1,500.

On amendments 250, 251, 252, 253, 254, 255, 256, 257, and 258, relating to buildings and grounds for public schools: Inserts the sum of $11,000 proposed by the Senate for purchase of additional ground adjacent to the Corcoran School; inserts the provision, proposed by the Senate, authorizing the preparation of plans for a new Central and a new M Street High School; strikes out the following appropriations for new school buildings: Central High School, $250,000; M Street High School, $150,000; school building west of Soldiers' Home grounds, $66,000; Takoma School annex, $36,000; Chevy Chase School annex, $36,000; Birney School annex, $35,000; and Congress Heights School annex, $36,000.

On amendment No. 259: Provides for the payment of tuition for attendance in the public schools by certain nonresident pupils.

On amendments Nos. 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, and 282, relating to the Metropolitan police: Strikes out all increases in salaries and additional employments proposed by the Senate; restores the provision, proposed by the House, reducing the number of privates to 640; strikes out the increase of $2,800, proposed by the Senate, in the appropriation for the support of the National Bureau of Criminal Identification; inserts authority for the purchase of "modern revolvers"; strikes out authority for the purchase of books of reference; and strikes out the appropriations of $2,500 and $18,080, proposed by the Senate, for a site for a new station house and reconstruction of cell corridors, respectively.

On amendments Nos. 283, 284, 285, 286, 287, 288, 289, 290, 291, and 292, relating to the fire department: Strikes out all additional employments and increases in salaries, proposed by the Senate; inserts the provision, proposed by the Senate, fixing leaves of absence to members of the department; strikes out the increase from $12,000 to $15,000, proposed by the Senate, for repairs to engine houses; appropriates $1,000, instead of $800, as proposed by the House, and $1,200, as proposed by the Senate, for repairs to the fire boat; strikes out the provision, proposed by the Senate, appropriating $40,000 for the establishment of a new truck company; and inserts the item, proposed by the Senate, appropriating $9,000 for a motor-drawn combination fire engine and hose wagon.

On amendments Nos. 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, and 309, relating to the health department: Changes the titles of the chief inspector and assistant chief inspector; strikes out all increases in salaries and new employments, proposed by the Senate; strikes out the increase of $2,500, proposed by the Senate, in the limitation on the amount to be spent for salaries from the appropriation for prevention of contagious diseases and strikes out the proposed increase of $1,500 in that appropriation; restores the provision, proposed by the House, limiting the pay of the bacteriologist to $6 per day; strikes out the increase of $500, proposed by the Senate, for the drainage of lots; increases the sum for maintenance of bacteriological laboratory from $500 to $700, as proposed by the Senate; strikes out the sum of $750, proposed by the Senate, for the chemical laboratory; strikes out the increase in the allowance, proposed by the Senate, from $240 to $365 per annum to inspectors of dairy farms; appropriates $5,500 instead of $5,000, as proposed by the House, and $6,000, as proposed by the Senate, for the inspection of dairy farms; strikes out the increase of $500, proposed by the Senate, for the maintenance of the crematory; appropriates $200, instead of $500, as proposed by the Senate, for the treatment of stagnant water; and appropriates $1,000, instead of $2,000, proposed by the Senate, for participation in the International Congress on Hygiene and Demography.

On amendments Nos. 310, 311, 312, 313, and 314, relating to the juvenile court: Strikes out the increase proposed in the salary of a deputy clerk from $1,200 to $1,400; increases the amount for furniture, etc., from $200 to $300, as proposed by the Senate; and strikes out the item, proposed by the Senate, of $260 for an adding machine in the clerk's office.

On amendments Nos. 315, 316, 317, 318, 319, 320, 321, 322, and 323, relating to the police court: Strikes out the allowance of $150 each, proposed for two judges of the municipal court while acting in the absence of police court judges; extends the authority of expenditure and strikes out the increase of $250 for miscellaneous expenses; strikes out the increases, proposed by the Senate, of $150 for furniture, $75 for meals of jurors and bailiffs, $3,000 for compensation of jurors; and increases the amount for repairs to building from $500 to $750.

On amendments Nos. 324, 325, 326, and 327, relating to the municipal court: Strikes out the additional messenger, at $900, proposed by the Senate, and strikes out the increase of $50 in the amount for contingent expenses.

On amendments Nos. 328 and 329, relating to the emergency fund: Permits expenditures to be made in the discretion of the commissioners and inserts a provision requiring formal written contracts with bond for work or purchase of supplies only in amounts exceeding $1,000.

On amendments Nos. 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 341, relating to the Washington Asylum and Jail: Increases the salary of the visiting physician, as proposed by the Senate, from $1,080 to $1,200; strikes out the proposed increase in the salaries of three assistant engineers from $480 to $600 each; strikes out the provision for one additional orderly at $300, and one additional ward maid at $180, proposed by the Senate; increases the appropriation for provisions, fuel, etc., from $34,000 to $35,000; strikes out the increase proposed in the appropriation for repairs, plumbing, etc., from $1,500 to $2,000; strikes out the appropriation of $1,000 proposed for hospital furnishings and inserts a provision requiring the District Commissioners to report to Congress at the next session as to the cost and feasibility of adapting vacant buildings upon the site of the Washington Asylum and Jail to municipal hospital purposes; increases the appropriation for support of prisoners from $41,000 to $42,000; directs the superintendent of the Washington Asylum and Jail to execute judgments of the courts in capital cases; and inserts a provision authorizing the commissioners to sell the products of the workhouse to the various departments and institutions of the government of the District.

On amendments Nos. 342, 343, 344, 345, 346, and 347, relating to the Home for the Aged and Infirm: Strikes out the increase proposed in the salary of the superintendent from $1,200 to $1,320; strikes out the provision for 1 laundress at $240; strikes out the increase proposed for repairs and improvements to buildings from $1,500 to $3,000; and appropriates, as proposed by the Senate, $6,000 additional for extension of the colored men's ward.

On amendments Nos. 348, 349, and 350, relating to the Reform School for Girls: Inserts a provision requiring the commissioners to report to Congress at its next session as to the necessity for the construction and operation of a reform school for white girls in the District and changes the name of the school to the National Training School for Girls.

On amendments Nos. 351, 352, 353, 354, 355, 356, 357, 358, 359, and 360, relating to medical charities: Strikes out the increase in the amount for care of patients at Freedmen's Hospital from $34,000 to $35,000; provides that fees collected from treatment of patients admitted to Freedmen's Hospital shall be placed to the credit of the hospital to be disbursed for subsistence, fuel, light, etc.; strikes out the item of $20,000, proposed by the House, for support of indigent patients by the Board of Charities; appropriates $20,000 for care of patients, $20,000 for repairs, $250 for re-covering awnings, and $5,000 for the preparation of plans for a new building for Columbia Hospital; strikes out the increase of $1,000 for care of patients at Children's Hospital; strikes out the increase of $500 for care of patients at National Homeopathic Hospital; and appropriates $50,000 toward the construction of a new building for the Emergency Hospital.

On amendments Nos. 361, 362, 363, 364, and 365, relating to the Board of Children's Guardians: Inserts authority for purchase of books and periodicals at not exceeding $25; strikes out the increase proposed in the salary of 1 clerk from $660 to $720; and strikes out the increase of $1,500, proposed by the Senate, for the maintenance of feeble-minded children.

On amendments Nos. 366, 367, 368, 369, 370, and 371, relating to the Industrial Home School for Colored Children: Increases the salary of the manual training teacher from $480 to $600, as proposed by the Senate; strikes out the provision for an assistant laundress at $180 and $500 for temporary services; appropriates $1,000, instead of $800 as proposed by the House and $1,200 as proposed by the Senate, for repairs and improvements to buildings and grounds; and strikes out the sum of $500, proposed for repairing the barn.

On amendments Nos. 372, 373, and 374, relating to the Industrial Home School: Appropriates $16,000, instead of $15,000 as proposed by the House and $16,500 as proposed by the Senate, for maintenance; and appropriates $1,700, instead of $1,500 as proposed by the House and $1,750 as proposed by the Senate, for repairs to buildings.

On amendments Nos. 375 and 376: Strikes out the increase proposed in the salary of the foreman at the municipal lodging house from $360 to $480.

On amendment No. 377: Strikes out the provision, proposed by the Senate, admitting ex soldiers and sailors of the Spanish and Mexican Wars to the Temporary Home for ex-Union Soldiers and Sailors.

On amendments Nos. 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, and 392, relating to the workhouse: Strikes out all increases in salaries proposed by the Senate; provides rewards for fugitives; provides means for transportation, including the salary of the captain of boat at $900 and a fireman at $840; inserts authority for construction work to be done by contract or otherwise; increases the amount for fuel from $12,000 to $32,500, as proposed by the Senate; and strikes out the appropriation of $15,000 for the purchase or construction of a boat for operation to and from the workhouse.

On amendments Nos. 393, 394, 395, 396, 397, 398, and 399, relating to the militia: Strikes out the increase proposed from $25,000 to $27,500 for expenses of camps, etc.; strikes out the appropriation of $1,000, proposed by the Senate, for lockers, furniture, etc.; strikes out the increase of $500 proposed for printing, stationery, and postage; strikes out the proposed increase of $250 in the appropriation for cleaning and repairing uniforms; increases the appropriation for rifle target practice from $1,000 to $1,250; and provides for the pay of troops, as proposed by the Senate.

On amendments Nos. 400, 401, and 402: Provides $24,500 for the extension of improvement of Rock Creek Drive and Lovers Lane, as proposed by the Senate.

On amendment No. 403: Provides for the condemnation and purchase of Fort Davis and Fort Dupont Parks.

On amendments Nos. 404, 405, 406, 407, 408, 409, and 410, relating to the water department: Strikes out all increases in salaries and additional employments, proposed by the Senate; and provides for the maintenance of motor trucks.

On amendment No. 411: Provides for employment of temporary drivers and hostlers on sewer, street, and road work.

On amendment No. 412: Strikes out the increase of $3,000 in the amount to be expended for temporary services in connection with the water department.

On amendments Nos. 413, 414, 415, 416, 417, 418, 419, 420, and 421: Makes certain verbal changes in the provision for street lighting, as proposed by the Senate.

On amendment No. 422: Restores the provision, proposed by the House, prohibiting the payment of membership dues or fees of officers or employees of the United States or the District of Columbia unless the same be specifically authorized by law.

On amendment No. 423: Makes a verbal correction in the text of the bill.

On amendment No. 424: Provides for the payment of fees collected by the District of Columbia into the Treasury of the United States in equal parts to the credit of the District and the United States.

On amendment No. 425: Makes permanent law of the provision authorizing the Superintendent of the Capitol Building and Grounds to transfer certain property discontinued or permanently out of use to other branches of the service of the United States or the District of Columbia.

The bill as finally agreed on appropriates $10,719,173, which sum is a reduction of $1,357,613.50 under the current law, $2,235,547.50 under the estimates submitted, $1,145,351.50 under the amount as passed by the Senate, and $418,315 more than as it was passed by the House.

A. S. BURLESON,
E. W. SAUNDERS,
E. L. TAYLOR, Jr.,
Managers on the part of the House.

Mr. BURLESON. Mr. Speaker, as shown by the statement, the bill as agreed upon by the conference committee carries the sum of $10,719,173. This amount is less than the current law by $1,357,613.50 and is under the estimates submitted by $2,235,547.50. It is under the amount carried in the bill as it was returned to us from the Senate by $1,145,351.50. The House conferees agreed to an increase of $418,315, being the aggregate of certain amendments proposed by the Senate. Of this sum the major portion is made up of certain authorized improvements of streets and extensions of sewers, items which were purposely left out of the bill as originally reported to the House under the policy of the House committee to leave certain of the street improvements and sewer extensions for the Senate to determine upon.

Now, Mr. Speaker, if no Member of the House desires to ask questions respecting any particular item in the statement, I move the adoption of the conference report.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. MANN. I would ask the gentleman whether in the conference report there are any schoolhouses provided for?

Mr. BURLESON. There is a provision authorizing plans for the M Street High School and the Central High School. An unexpended balance from a former appropriation made for the purchase of sites for those two schools is reappropriated in this bill for securing the services of architects to prepare plans for the two high-school buildings. There are no other appropriations for school buildings carried in the bill.

Mr. MANN. There are no appropriations for new schoolhouses?

Mr. BURLESON. No new school buildings other than the two high schools are provided for in the bill. I will state to the gentleman from Illinois that the controlling reason which moved the House conferees to insist upon this policy was that the President had directed attention to the fact that there had been a striking lack of economy in the construction of school buildings in the District, and we hope by next year that Dr. Davidson, recently appointed superintendent of schools, will be able to designate certain school buildings which it is desirable to enlarge to 12, 14, or 16 room buildings, and thereby correct mistakes which have been made and, in a measure, overcome this lack of economy which has characterized the management or the policy of the school board with reference to the erection of school buildings in the past.

Mr. MANN. That was the reason?

Mr. BURLESON. That was the reason which controlled us in resisting amendments for additional school buildings.

Mr. MANN. I believe that was not the same reason that was given when the bill was before the House for not including any items for schoolhouses in the bill. Either reason may be sufficient.

Mr. BURLESON. Oh, I beg the gentleman's pardon. If he will examine the RECORD—the discussion on this bill when first reported—he will find that was the principal reason, among others, assigned why we did not provide for new school buildings in the bill this year.

Mr. MANN. I have a very distinct recollection of the debate upon that subject, which, however, does not make any difference. That was not the main reason that was assigned. The fact is that the bill does not carry any provision in the conference report for new school buildings.

Mr. BURLESON. That is true.

Mr. MANN. Mr. Speaker, I desire to ask the gentleman in reference to amendment No. 219, concerning schools. The Senate inserted the following provision:

No class in any year of any of the high schools at any time shall consist of less than 10 pupils.

The House conferees declined to agree to that in that shape, and insisted upon making it read:

No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days.

Mr. BURLESON. Mr. Speaker, I will candidly state to the gentleman that that is an error. The additional language was added by the clerk who served the conference committee, and the word "not" ought to have been left out. There is an unfortunate handling of the negative there.

Mr. MANN. Then I take it that the intention of the conferees was to provide that no class should consist of less than 10 pupils for a period longer than 15 days.

Mr. BURLESON. That was the intention of the conference committee.

Mr. GARNER. I do not understand that.

Mr. MANN. The class should not consist of 10 pupils for a period longer than 15 days. In other words, suppose there is a class of 15 or 20 pupils and some of them do not appear on certain days so that the class happens to consist on those days of less than 10 pupils. This language, as it stands, literally construed, would require not teaching the class on that day, whereas the intention is to permit a class of 10 pupils or less for a period not longer than 15 days.

Mr. BURLESON. That is true; but I hope that an intelligent officer will construe this provision in accordance with the intended meaning of the conference committee.

Mr. MANN. I am having this go into the RECORD in order that the intelligent officer will know that it was a clerical error and as it reads does not carry out the intention of the conferees.

Mr. BURLESON. I am pleased that the gentleman has directed attention to it.

Mr. MANN. In reference to this provision concerning parks, it is proposed to add a couple of parks, one-third of the expense to be borne out of the District revenues, one-third out of the Federal Treasury, and one-third by levy and assessment upon the property benefited. Is not that something of a departure from the theory of the half-and-half principle, or does the gentleman contend, as I think he might, that that is along the same line as opening a street by condemnation proceedings with a special assessment to pay benefits?

Mr. BURLESON. Mr. Speaker, in the matter of opening a street by condemnation, under the law no part of the expense is borne either by the District government or the General Government. The primary expense is all borne by the District government, but after the street is opened by condemnation proceedings, the cost thereof as benefits are all assessed against the abutting property, collected and restored to the treasury of the District. With reference to parks, heretofore the policy has been for the Federal Government to pay one-half, for the District government to pay one-half of the cost thereof, and for the abutting property owners to pay nothing toward its acquisition.

The conferees thought it was only fair that hereafter in the acquisition of a park the General Government should pay one-third, the District government should pay one-third, and that not less than one-third of all the expense should be assessed as benefits against owners of adjoining property, the scope or area of benefit conferred to be as large as the court may determine to be just and fair.

Mr. MANN. Mr. Speaker, I desire to ask the gentleman also with reference to the appropriation for playgrounds, being amendment 190. There are three paragraphs in the bill relating to playgrounds originally, and one new one inserted by the Senate, which was agreed to. In the last one of the paragraphs, which is for salaries, the conferees have added the provision:

The appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia.

I take it that it only relates to the payment of salaries.

Mr. BURLESON. The gentleman is correct. It has become the settled policy of the House that appropriations made for that purpose, in so far as they are intended to pay salaries, shall be paid wholly from the revenues of the District of Columbia. The Senate, following its usual practice, struck out the proviso in the House bill requiring this to be done, and when the item was reached the House insisted upon having it restored, and the Senate conferees agreed that inasmuch as this matter has been in controversy a number of times they would no longer have controversy about it, but that hereafter all salaries shall be paid by the District. Acting upon that suggestion, the item was restored and it was made permanent law.

Mr. MANN. I believe the gentleman has had his attention called to the fact that there is an error when they disagreed to the Senate amendment No. 191——

Mr. BURLESON. Involving the total.

Mr. MANN. That will be cured——

Mr. BURLESON. Will be cured by an existing statute.

Mr. MANN. And will not affect anything, because the specific appropriation will control.

Mr. BURLESON. It will be cured by general statute, which provides that an item specifically appropriated for shall control and not the aggregate or total for a number of items.

Mr. MANN. Now, the gentleman says it has become the settled policy to require these appropriations to be paid out of the revenues of the District. On page 42 the first item of playgrounds is for maintenance, repairs, including labor——

Mr. BURLESON. What number, please?

Mr. MANN. Amendment No. 183, for maintenance, repairs, including labor, supplies, and necessary incidental and contingent expenses, $4,000. The House had it $3,000 and the Senate made it $4,000, and that is the amount agreed to. That is not paid out of the revenues of the District of Columbia.

Mr. BURLESON. No; we have not heretofore insisted that such expenditures should be paid out of the revenues of the District.

Mr. MANN. The next item, which is precisely the same kind of an item, for repairs and replacement of apparatus and other equipment on the playgrounds, and so forth, $3,000. Does the gentleman insist that shall be paid wholly out of the revenues of the District?

Mr. BURLESON. Yes; and I will say to the gentleman——

Mr. MANN. What is the distinction between the two items?

Mr. BURLESON. I will state candidly why the House conferees insisted this proviso should go in, and we announced our intention that it was ultimately our purpose, if the House sustained us in it, to make the District revenues bear the entire expense of playgrounds. For this reason, Mr. Speaker, the city of Washington is upon an entirely different footing in the matter of spaciousness from any other city in the United States, or I might say in the world. I read an article only last Sunday, in a magazine, stating that 54 per cent of the area of Washington is covered by her streets, alleys, and parks. In Paris it is only 26 per cent; in Vienna it is only 35 per cent; and in New York only about 27 per cent; and inasmuch as the House has heretofore taken the position that these playgrounds here are in a way unnecessary—in fact the House has taken the position that this playground movement, in so far as it is known here, is a fad, nothing but a fad, and in this city there is really no need for them—this proviso was insisted upon. It is the intention next year, if we can have the House agree with us, to make the city of Washington pay the expense of all the playgrounds the people desire and insist upon out of the District revenues.

Mr. MANN. Mr. Speaker, I regard the playgrounds in a great city as a necessity, not as a fad.

Mr. BURLESON. In the city of Chicago or in a great congested city, like New York, I agree with the gentleman, but here conditions are not like those in these great cities; it is upon an entirely different footing, for the reasons I have just stated. There is no controverting the fact that in the city of Washington 54 per cent of the area of the city is given over to streets, alleys, and parks.

Mr. MANN. And public grounds; that will have to be included in the 54 per cent.

Mr. BURLESON. Mr. Speaker, we have no great industrial manufactures here; we have no congested sections in this city. The gentleman knows that the contest over these playground items has been made here on the floor time and time again, and I think the policy of the House is clearly understood.

Mr. JOHNSON of Kentucky. And there are 7,000 acres of water included.

Mr. MANN. The gentleman says there are 7,000 acres of water. I suppose they can play in that, too.

Mr. GARNER. On it—in the wintertime.

Mr. MANN. They can play in it in the summer time, if I had my way about it.

Mr. BURLESON. We make adequate provisions for aquatic sports, or bathing facilities, for those who desire to participate in such.

Mr. MANN. I do not know whether it has been touched upon, but my friend has a liberal and generous heart and I know has responded, but it cost me $2 the other day to buy four tickets for the benefit of the playgrounds on a proposition to attend a baseball game.

I am quite willing to expend the money for the benefit of the playgrounds, and yet if the playgrounds are necessary I suggest that instead of being supported at the expense of individual Members of Congress, as is partly the proposition now, there is no reason why the Government should not contribute at large as they do in other respects in the District of Columbia.

Mr. BURLESON. Mr. Chairman, I now yield to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, in my opinion there are several reasons why this bill in its present shape should not pass. There are four or five provisions in the bill against which points of order, if made, would be sustained. If any one of them was sustained, it would relate to the whole bill, and the whole bill would then be compelled to go back to conference. That would cause a very considerable delay, so much delay that it is possible, if the Congress adjourns at the time when it is now anticipated it will adjourn, no bill might be passed at all. If that should happen, the entire District of Columbia would possibly be without any money at all until next December. That is one reason why, and a very important reason why, the bill should pass in the best possible shape.

There are, as I said, several reasons why it should not pass. But, taken upon the whole, perhaps the best that is within reach has been done, and the bill should go ahead and become law. But it is a singular coincidence that one piece of new legislation in this bill, a piece of legislation that was not in the House bill, a piece of legislation that was not in the Senate bill, and, consequently, legislation made by the committee of conference, pertaining to the longevity pay of a new class of school-teachers which they have put upon an increased pay roll, should begin on the very day when the 180 half days which they have taught, and for which they have received pay, have expired and they are now entering upon the 180 full days which they will not teach and for which they will receive pay.

Mr. BURLESON. Will the gentleman allow a short statement? I will say that the House conferees were opposed to this particular item. I have resisted it for a number of years, because I think it unjust considering the compensation allowed other teachers. I do not think it is good legislation. But we acceded to it in the way of compromise in order that we might reach an agreement. In doing so we expressed a hope that we could have an understanding that next year the superintendent of schools will bring forward a comprehensive plan for the rearrangement of the salaries of school-teachers upon some sound, sensible basis. The plan upon which we are now operating, those who are best informed state, is without parallel in any city in the United States, that there is no other city which has such a plan, and I earnestly hope that the present able superintendent of schools will, before next year, draft a plan, acting in cooperation with the school board, and have it ready for presentation to Congress next year for its consideration, which will thoroughly revise and re-form the law for paying the teaching force in this District.

Mr. MANN. I suppose the net result of that will be a very large increase in the expense to the Government?

Mr. BURLESON. On the contrary, I am assured that the result will be a reduction of the present appropriations; that there will be a considerable portion of overhead supervision and unnecessary supervision eliminated. If it does result in an increase of appropriation, not much progress will be made with the superintendent's reorganization plan.

Mr. MANN. I hope the gentleman will remember this statement and that the superintendent of schools will remember his statement next year, but I think both gentlemen will forget it until they are reminded of it, and I hope some gentleman will remind them of it.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Texas [Mr. BURLESON] a question.

Mr. BURLESON. The gentleman from Kentucky [Mr. JOHNSON] has the floor.

Mr. BURKE of South Dakota. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Texas how the salaries of teachers in the District of Columbia compare with the salaries of teachers in cities of similar size?

Mr. BURLESON. The per capita cost in the District of Columbia is higher than in any other city in the United States, and, I have heard it stated on this floor, higher than in any city in the world.

Mr. BURKE of South Dakota. Is it due to the salaries paid to the teachers, or is it due to the overhead expense?

Mr. BURLESON. A small part to the salaries paid to the teachers, but largely due to the grossly excessive supervision and duplication of supervision.

Mr. BURKE of South Dakota. Are the salaries as a matter of fact larger than in other cities of this size?

Mr. BURLESON. They are.

Mr. JOHNSON of Kentucky. I will say to the gentleman, in that connection, that in most parts of the country from which I have heard relative to the matter school-teachers are paid by the month, and they are paid only for the months they teach.

Here they are paid by the year, and they are paid for the months when they do not teach. They are paid for the months when they are out hunting positions in other places; they are paid as teachers when they are in business for themselves or working for somebody else.

But that has been gone over time and time again. But I say it comes as a singular coincidence that many of the teachers should be given participation in a longevity fund on the very day when their long vacation begins.

Mr. BURKE of South Dakota. Will the gentleman yield for a question that his statement suggests?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURKE of South Dakota. If these teachers are paid so much better here in Washington than in other cities in the United States, why should they be looking for positions elsewhere, as the gentleman suggests they do, while they are receiving pay?

Mr. JOHNSON of Kentucky. The grass on the other side of the fence always looks a little better to the average cow. [Laughter and applause.] It is the roving disposition of some people that brings this about.

Mr. BURKE of South Dakota. As a matter of fact, is it not true that many of the teachers who are employed in the schools of the city of Washington have been so employed continuously for many years and they are not of a roving disposition, as the gentleman suggests?

Mr. JOHNSON of Kentucky. Some of them have been teaching in the District of Columbia until the school board admits that they are now an injury to the schools; that they are in the way; that they are incompetent and incapacitated to teach. Yet they are kept on the pay roll. They have no desire to roam; they can not.

Mr. BURKE of South Dakota. That does not sustain the gentleman's suggestion that they are roaming about or seeking positions elsewhere.

Mr. JOHNSON of Kentucky. Oh, I had no desire to say, and the gentleman has somewhat strained at what I did say, to arrive at the conclusion that the teachers as a whole were of a roving disposition. But some of them can find employment at other places that are more congenial, and, for some reason, do find employment elsewhere, while other teachers from elsewhere come here and find employment.

Now, there is another serious objection to this bill, and that is with respect to the two parks that are provided for. Points of order were made against the parks in the House bill, and those provisions were stricken out. The Senate has inserted two parks. They are to be paid for on an entirely new scheme, as suggested by the gentleman from Texas [Mr. BURLESON]—one-third from the revenues of the Federal Government, one-third from the revenues of the District of Columbia, and one-third from the assessment of benefits upon other property in the District of Columbia.

No zone is fixed; no limit is established as to what distance the assessment of benefits shall extend. That no zone is fixed I believe is beneficial. If a small zone were fixed, it would amount to confiscation of the property immediately surrounding the property to be taken as parks.

I believe that the entire District of Columbia should be assessed as benefits in the purchase of these parks.

Some years ago, probably 12 years ago, a million and a quarter of dollars was appropriated to acquire Rock Creek Park. In the bill appropriating this million and a quarter dollars was a provision that benefits should be assessed. The commission which made the purchase of the land which now constitutes Rock Creek Park took the assessments upon those various parcels of real estate and added them up. When the assessed values were added up the total did not nearly consume the million and a quarter dollars which had been appropriated. Then the commission, if I am properly informed, multiplied that amount by four. Even then the $1,200,000 was not yet exhausted. Then the commission had another meeting.

Mr. BURLESON. Does the gentleman mean they increased it by 400 per cent?

Mr. JOHNSON of Kentucky. They multiplied it by 4, according to my information, until at last they got 000 per cent beyond the assessed value of the property. That is what I was getting to. Every time they met and added up the former valuations they fixed higher values upon the different pieces of ground and still found money left, and they continued to meet and meet until finally they fixed the value of the land purchased at $1,200,000, the total appropriation. That was 12 years ago. No assessment of benefits has been made by that commission even up to this day.

Mr. BURLESON. If that is so, ought not a resolution or a law to be passed directing that assessment to be made?

Mr. JOHNSON of Kentucky. Yes, that is true; but it is a deplorable thing that congressional directions to executive officers amount to nothing. They are ignored day after day and year after year. Now, as concerns these two parks to be acquired there is a provision for an assessment of benefits. I believe that benefits will be assessed, but when the benefits are assessed they will be assessed upon that portion of the District of Columbia least able to bear it; whereas concerning Rock Creek Park the assessment of benefits that should have been made, and which never have been made, related to property of the people who were best able to bear the assessment.

Mr. BORLAND. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BORLAND. Does not the gentleman think that when the principle is once established of charging the cost of these parks on the adjoining property owners that there will be more careful appraisal of the value of the land taken? Does not he believe that the property owners will have an interest in keeping down the price to a fair value of the land taken?

Mr. JOHNSON of Kentucky. If the gentleman had followed me closely he would have seen that I am in favor of that system; but when are you going to do it? Twelve years ago Congress passed a law that benefits should be assessed for land taken for Rock Creek Park.

Mr. MANN. If the gentleman from Kentucky will allow me, the gentleman says 12 years ago.

Mr. JOHNSON of Kentucky. When was it?

Mr. MANN. It was before I came here, and I have been here longer than that.

Mr. CANNON. If the gentleman will allow me, my recollection is that that legislation was under the leadership of Louis C. Payson, of Illinois, during the Fifty-first Congress. Mr. Payson had not been in Congress but a little time, and that was in 1890.

Mr. JOHNSON of Kentucky. It is possible, then, Mr. Speaker, that I have mistaken the year 1900 for that of 1890. If that is true, 22 years have elapsed instead of 12 since the commission should have assessed the benefits against that property, and to-day they have not done it. When they held their last meeting and adjourned they did not adjourn sine die, but simply adjourned. It has been within their power during 22 years to have held another meeting of that commission and assessed these benefits, and still they have not assessed them. There, I may say to the gentleman from Missouri, is a precedent of a law passed by Congress and absolutely ignored by the commission.

Mr. BORLAND. I will say to the gentleman that I think there must have been some fatal defect in creating that commission, and I think the gentleman will agree that the proposition as a general thing to assess the cost of parks or some part of them on the adjoining property owners will have a tendency to hold down the extortionate price for the land taken. If the Government is going to pay for all the land there will be a temptation to divide up the total amount appropriated among the landowners.

Mr. GARNER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARNER. Why does not the gentleman from Texas in charge of the bill make some condition precedent to the opening of these parks, that this assessment shall be made and collections carried into the Treasury or in some other way before the park is opened? In that way you will enforce the views of Congress and not open the park until the condition has been complied with.

Mr. BORLAND. I think they are attacking a tangled problem.

Mr. BURLESON. That is the intention of the provision. As the item was inserted in the Senate it provided for no benefits to be assessed against owners of adjoining property. The House conferees propose that they should pay a certain proportion of the cost of acquiring the parks; and in order to avoid the very condition of which the gentleman from Kentucky [Mr. JOHNSON] speaks—and I am not familiar with the facts of the case detailed by the gentleman—or a condition similar to the one described by him, we provide that hereafter whenever a park is acquired one-third shall be assessed as benefits against the adjoining property owners, making it a specific, direct, mandatory provision of law.

Mr. GARNER. Does this apply in the case of these two parks?

Mr. BURLESON. It does.

Mr. GARNER. Do I understand the gentleman's contention to be that before these parks can be opened they must assess one-third against the adjoining property owners?

Mr. BURLESON. Yes; and we safeguard the interests of the Government by fixing what we consider two-thirds of the value thereof, what we think is fair and just, one-half of which is to be paid by the General Government and one-half by the District of Columbia; but if any jury, influenced by other considerations than a desire to find the true value of this property, should find for a higher value for this property, then we say that any excess over that amount fixed in this bill shall also be assessed as benefits against the adjoining property owners.

Mr. GARNER. May I suggest to the gentleman from Texas that if this same provision was in the Rock Creek Park——

Mr. BURLESON. But it was not.

Mr. GARNER. It is suggested to me by the gentleman from Kentucky [Mr. JOHNSON] that this provision, not the identical one the gentleman has referred to, but a provision that it "shall be" was included in it; and if that was so, could they not ignore this one the same as they did that, unless you put in a provision that this park shall not be opened until the assessment has been made and collected?

Mr. BURLESON. We provide against that by fixing a limitation of the amount that can be paid by the District government and the Federal Government.

Mr. GARNER. Well, let us illustrate that out. Let us see what would happen. Suppose they go out there and buy the park, open it up, and pay upon it what has been appropriated, and then come back to Congress and say that they lack so much money and that Congress ought to pay it, and get some committee to bring in an appropriation, and we settle it up.

Mr. BURLESON. They can not do that under this provision, for we provide that any excess over the sum fixed in the bill shall be assessed against the adjoining property owners as benefits. There is no loophole left for them to come back and ask from the Government or District an additional sum.

Mr. GARNER. Of course, if the park could be purchased for the appropriation carried in the bill, then there would be no necessity of any assessment against any part of the property.

Mr. MANN. Mr. Speaker, if the gentleman will permit, the provision in the conference report is not quite as stated by the distinguished gentleman from Texas [Mr. BURLESON], in charge of the conference report. The provision is that the Government shall pay for the land acquired, and there is enough money appropriated to pay for the land acquired. Then comes the provision that of the amount which is paid for the land, plus the expenses, at least one-third shall be assessed as benefits, and that the total amount which the Government is required to pay in excess of the benefits shall not exceed $21,334. But if the Government has condemned the land and paid for it you could only assess the benefits through a proceeding in court.

Mr. GARNER. Yes.

Mr. MANN. And if the court should hold that the land assessed is not benefited to the extent of the assessment or benefits, we still have paid for the land and have it, and it probably is turned into a park at that time.

Mr. BURLESON. I will say to the gentleman from Illinois this is all in one proceeding, and the provision clearly directs that any excess over and above $21,334 shall be assessed by the jury against adjoining property owners as benefits.

Mr. MANN. That is true; but, as I endeavored to state before, the provision is:

> There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages.

Then comes the further provision that one-third of that shall be assessed as benefits and paid into the Treasury. That is to reimburse the fund already paid out.

Mr. GARNER. In other words, to make it a concrete statement, it is this: This bill is carrying an appropriation of $21,334 to buy a park. The proposition is that they will return $7,000 of that to the Treasury to be paid by those benefited by the opening of the park, but after you have paid the $21,000, if it can be purchased for that amount, there is a very serious question, according to the gentleman from Kentucky [Mr. JOHNSON], and from his statement and other statements it is entirely justified, as to whether the Treasury will ever get back this $7,000. My only suggestion is this, that it ought to be possible to so frame this item that the part to be contributed by those benefited would be paid into the Treasury before the park is opened.

Mr. BORLAND. Mr. Chairman, I would say to the gentleman from Texas [Mr. GARNER] that the only absolutely necessary provision in making this assessment of the landowners is that the landowners have some sort of a day in court. We could not by any act of Congress provide that a landowner should pay a sum of money, $7,000 or any other sum, and this provision expressly says that when the jury is assessing the value of the property to be taken it shall divide the amount found to be due for damages as benefits, and not less than one-third of that shall be assessed on the adjoining property owner in that proceeding. That will have the effect of giving the property owner a chance for his day in court to determine, first, the value of the land taken, and, second, the proportionate amount of the benefits that ought to be assessed against his property; and if he has notice and appears in court, or does not appear in court, if he has adequate notice, and a due finding of the jury is made and confirmed by the court, that assessment stands against his property, or ought to, unless there is some other defect in the proceedings.

Mr. GARNER. Then there will be a legal assessment before this park is acquired by the Government?

Mr. BORLAND. Oh, I think so. That is the intention.

Mr. MANN. It is, so far as that makes the assessment of damages, but the assessment of benefits may not be disposed of for quite a while after the damages have been paid. However, this is a step in that direction.

Mr. BURLESON. In the right direction.

Mr. MANN. I am not so sure about that.

Mr. JOHNSON of Kentucky. Mr. Speaker, while we are upon the subject of condemnation proceedings, it may not be inappropriate for me to mention that when a condemnation jury is sent out it is not any longer sent out as one was to condemn the property for Rock Creek Park, where the commission was not limited either in the minimum or maximum, except in so far as the money went; but in the proceedings under which these parks are to be condemned there is a provision that it is to be condemned under the act by which an addition to the post-office property was condemned. In those condemnation proceedings, and in all park condemnation proceedings held since that time, there has been a provision that the proceedings should be held under the act condemning the addition to the post-office property. The court has now gone to the extreme of issuing written instructions to the condemnation jury, saying that they shall not, in arriving at a value, consider the assessed value of the land, and this has the same provision in it. It seems to me that when a jury goes out to condemn, it ought to have all the information it can get as to the value; and when these two parks are condemned they will be condemned under that post-office act, and there will be written instructions given by the court, saying to the jury who are to fix the value that they shall not hear the assessment values; that they shall not be brought into evidence. Between the Capitol and the Union Station, if I am correctly informed, we have now this condition: Concerning a piece of property, which is assessed at $1.50 per square foot, proof is now being heard, and has recently been heard, to fix the value of that particular piece at $25 a square foot; and what it is assessed at is, under the instructions of the court, forbidden to be put into evidence.

Now, as I have said, this piece of property is to be condemned under the same procedure. That is all wrong, it should be defeated, but I doubt if this is the time when it can be done.

Now, Mr. Speaker, there is much legislation that the committee of conference has put into this bill. Some of it is good, and some of it is bad; but, whether it be good or bad, from recent events I hardly think it necessary for the point of order to be made here. The President of the United States has taken that legislative privilege unto himself. He has taken the position that if there is new legislation in an appropriation bill he will veto it because of that fact. If the Army of the United States has to go unfed and unpaid until the time for the next appropriation bill comes round, then it will be because the President of the United States has exercised that legislative function, and I am not going to take issue with anybody in advance that he will be inconsistent. I am going to agree that he will be consistent, and that he will veto this bill because by containing new legislation it places a burden upon the poor people residing in the northeast in contradistinction to the former legislation, which gave so much to the rich of northwest section of the District. He has ample ground here upon which to put in his veto, and I expect him to be consistent. Now, I am at issue in my own mind with the conference committee, but in the main I think they ought to be congratulated rather than be censured too much. There are items here which they should not have consented to let go in. They should have kept them out, but it must be said in their praise that for the first time in long years

they have insisted to the other end of the Capitol that there is a House of Representatives. [Applause.] They have said for the first time in long years that the legislative body which is closest to the people shall keep some sort of check upon appropriations. A million and a quarter of dollars have been cut out of this bill in conference. The House conferees have stood like Gibraltar for several months insisting that that million and a quarter dollars should not go on, but I still insist that the conferees should have gone a little bit further and said that there shall be no bill unless the Senate confine itself to the rules; but perhaps they, like I, have relied to some extent upon the consistency of the President of the United States to veto this bill. Because of the fact that the House conferees have cut down a million and a quarter dollars in this bill—saved that much for the people without injuring the administration of affairs in the District of Columbia—the gentleman from Texas may be pardoned for having retained, at a cost of $24,000, his favorite item—brass band of the District Militia. [Laughter.]

I do not know just how he is going to use this brass band, neither am I as bitterly opposed to it as I once was. I conceived the idea that, perhaps, he was going to take that brass band through Texas in his canvass. He has promised to let me have it upon some occasion to go down to the station, or come back from the station accompanied by some of my constituents, that they might see how money grows on trees here. It is now too late to raise objection to it, and, having fought it when it was before the House, I shall not have any more to say concerning the item. But, Mr. Speaker, there is another and more serious objection to the legislation put into this bill by the conference committee, and that is that they have given away, without authority of law, public property, real estate, owned by the United States, for which no money is to come in return. They have deliberately given it away. They have provided in this bill for a small asphalt plant. That is good. I have not opposed the erection of a larger asphalt plant alone, but because the bill carrying the appropriation for it had a provision in it that the United States Government should give the land upon which it was to be built. That has been my most serious objection to the asphalt plant, and I think it is a tenable one.

Mr. BURLESON. I will state to the gentleman that there is no provision in this bill affecting any tract of land belonging to the Government in connection with this asphalt plant.

Mr. JOHNSON of Kentucky. There is no provision in this bill carrying the grant of land for a $7,500 movable asphalt plant, but there was in the House bill—which the subcommittee of which the gentleman from Texas is chairman—a proposition to give to the District of Columbia, without the payment of a farthing, the most valuable piece of water front in the District of Columbia.

Mr. BURLESON. I will state to the gentleman that he is mistaken about that. We did not convey the title, but the title to it——

Mr. JOHNSON of Kentucky. You did not undertake to convey the fee, but you did undertake to give the use of it.

Mr. BURLESON. Yes; that is true; we permitted its use for the purpose——

Mr. JOHNSON of Kentucky. And if that plant had been once established the use of it would always have remained in the District of Columbia, just as in 1871 the United States gave the use of a valuable tract of land for a school in the District of Columbia, and it is still being used. The United States Government is now paying half the expense of maintaining it; has contributed, upon the half-and-half plan, to purchase $10,000,000 worth of school property in the District of Columbia, and the entire $10,000,000 has been conveyed, not half to the United States that paid for half, not half to the District of Columbia that paid for half, but the deeds in fee simple have been made to the District of Columbia.

Mr. BURLESON. But the gentleman understands that the District of Columbia is under the exclusive jurisdiction of the Congress. As a matter of fact we speak of these funds as District revenues, but the revenues raised by the assessment of property for taxation in the District of Columbia, the collecting of excise taxes in this District—in fact, all revenues collected here—are just as much revenues of the United States as revenue collected through the customhouse offices or through the internal-revenue offices of the United States.

That is a mere fiction that has been built up by the people who have no franchise, no voice in government, but who happen to live here. It does not hurt the United States or anyone else for them to indulge in this belief, but, as a matter of fact, I repeat the revenue that is derived by taxation in the District of Columbia is just as much the revenue of the Federal Government as custom taxes and internal-revenue taxes, and is subject to the same control by Congress.

Mr. JOHNSON of Kentucky. I must admit that I see nothing in what the gentleman has said to justify that the United States shall give away all the land that it owns in the District of Columbia to anybody. The District of Columbia is a municipal corporation. It has the right to own property and sue and be sued; and when the Federal Government, without valuable consideration, parts with title, then, I say, it is an unwarranted gift. There is but little of this done in this bill, I am glad to say. Much of it has been kept out, to the credit of the conference committee.

The Senate has not been able to override this conference committee in every respect. The committee is to be complimented, too, upon the fact that it kept out some of these schools. A year and a half or a little more ago, in a short speech made upon the floor of this House, I said and was able to establish, and can now establish, that during the then next preceding five years one could take the appropriations made for new school buildings in the District of Columbia, add them up, and make a total of those amounts, and then divide that total by the number of children who had actually come into the school age during those five years, and show it cost $1,210 to give each one of those children desk room alone in these buildings, to say nothing of the maintenance of the building; to say nothing of the cost of tuition. And I say that the conference committee from this House has acted wisely in not again adding a million or two more of public money to this already large expenditure for seating capacity.

We people who live in the country and can once in a long while get $1,210 for a house in which to seat all our children have a right to complain; and we have a right to compliment the gentlemen of the committee that they have stood in the way and said that $1,210 shall not be spent for desk room for each child that enters at school age in the District of Columbia. [Applause.]

Mr. Chairman, as I have said several times, there are some items in this bill that should not be in it. But the committee has done well to keep out some monstrous things that were attempted to be put in. In passing I should mention, in my opinion, that without authority of law there is one item of $500,000 in the bill which has been given as a present to the District of Columbia. Yet, I say the time has now arrived in the consideration of this bill when we can not go back to that. I repeat that the committee for the first time in long years have withstood the pressure that has been made to bear upon them to grant more than they were warranted in granting. They may be pardoned for having withstood to the extent they have this pressure and that they did not put more in this bill simply because it was desired by those at the other end of the Capitol.

I have reserved points of order against this bill. There are at least five which, in my opinion, if made and insisted upon, the Chair would be compelled to sustain; but, so far as I am concerned, I will for the present withdraw the points of order and leave it to the President of the United States to treat this bill as he has treated the Army bill, by vetoing it because it has new legislation in it.

Mr. BURLESON. I will say to the gentleman from Kentucky that I am not expecting the President to veto this bill. Mr. Speaker, I now move to agree to the conference report.

Mr. ANDERSON of Minnesota. If the gentleman will yield, I understand there has been carried in this bill for several years a provision admitting ex soldiers and sailors of the Spanish and Mexican Wars to the temporary home for ex-Union soldiers and sailors. That provision was put in the bill and has been stricken out in conference.

Mr. BURLESON. I will state to the gentleman that I put in a former bill the provision of law to which he alludes. It was stricken out by the request of the Mexican War veterans, saying that they did not want to be put on such a basis; that they were not asking such charity. And I will state, furthermore, to the gentleman, in my opinion this institution to which he refers is a fake institution and ought to be abolished, and I am not alone in that opinion.

Mr. ANDERSON of Minnesota. I am not complaining of the action of the gentleman. I merely wanted to know what the reason was.

Mr. BURLESON. I will state to the gentleman that I have stated the reason.

Mr. MANN. Mr. Speaker, I did not and shall not make a point of order upon the conference report. There is one item in it that I think ought to have a statement made concerning it, so that it will not mislead some one else hereafter. Amendment 153 appropriated $5,000 for an investigation of an asphalt plant. Rather, I should say, it provided that $5,000 of the appropriation carried in the bill should be used for that purpose. The conferees have slightly increased the amount which

shall be taken out of the appropriation. The amount carried by the appropriation in the bill as it passed the House was $390,000.

Mr. BURLESON. That is true.

Mr. MANN. Thereupon, after having provided that a portion of that should be used for a purpose for which it could not be otherwise used, the conferees reduced the amount of the appropriation from $390,000 to $360,000.

Mr. BURLESON. That is true.

Mr. MANN. Which clearly made the report subject to a point of order by the way of affecting the text. As I understand—and I want to know whether that is the case or not—the original sum of $390,000 was put in the bill in connection with the proposition creating an asphalt plant?

Mr. BURLESON. Yes; the municipal asphalt plant, and not the portable one.

Mr. MANN. And I understand that the latter provision creating the asphalt plant was stricken out in the House on a point of order without changing the original appropriation.

Mr. BURLESON. I will say to the gentleman that when that item was stricken out of the bill it carried with it also the portable plant and we thereby lost the advantage that would accrue to the engineering department of the city by the utilization of the municipal asphalt plant and the portable asphalt plant. The District engineer officer informed us that if he could have the use of a portable asphalt plant he could effect economies by the use of the refuse material or old material that was prized up from the pavements to be replaced by new material. He said he could effect such economies that he would not need the entire amount of money that the bill carried, and for that reason we reduced the amount.

Mr. MANN. I remember that when the provision in the bill for the permanent asphalt plant was stricken out my distinguished friend from Texas [Mr. BURLESON], with some dramatic instinct, rose and offered an amendment increasing by a considerable amount the appropriation in the bill, stating:

> This shows itself that the Chair was wrong in ruling that this proposition did not decrease expenses, because I have got to offer an amendment largely increasing the amount.

Thereupon it was carried, and then it goes into conference and, contrary to all the ordinary rules of practice in conference, the conferees have reduced the amount now because the gentleman has found that the permanent asphalt plant did not make that much change.

Mr. BURLESON. The explanation I have made of expected economies to result from the use of the portable plant accounts for that action. It will effect economies that will attain the same results without the expenditure of so much money.

Now, Mr. Speaker, I ask for a vote on the motion to agree to the conference report.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman from Texas [Mr. BURLESON] moves to agree to the conference report. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

On motion of Mr. BURLESON, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent to take from the Speaker's table the bill H. R. 24023, to disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

> H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SIMS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Carolina a question.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the Senate amendments to the House bill 24023—the legislative, executive, and judicial appropriation bill—be disagreed to and a conference asked for. Is there objection?

Mr. MANN. He asked unanimous consent to take the bill from the Speaker's table and do this.

Mr. JOHNSON of South Carolina. I ask unanimous consent, Mr. Speaker, to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. Mr. Speaker, I reserve the right to object in order to ask the gentleman from South Carolina a question. Has the gentleman examined the Senate amendments to the House proposition abolishing the Commerce Court?

Mr. JOHNSON of South Carolina. I will say to the gentleman that I only received a copy of the printed bill this morning and have not had time to examine it closely.

Mr. SIMS. I looked it over this morning casually, and the provisions do not appear to be as they were published in the papers. As I gather from reading the amendments of the Senate to section 10 of the House bill, I think the House would readily concur. I dislike very much to disagree to amendments which I highly favor.

Mr. BURLESON. I think there is one amendment relating to the Commerce Court wholly unnecessary, but that is neither here nor there.

Mr. SIMS. I only wanted to know whether the members of the committee had examined the amendments carefully.

Mr. FITZGERALD. I think it is important that these amendments should be carefully examined.

Mr. SIMS. Yes; they should be. I do not care to make any motion in regard to it.

Mr. HAY. I assume that there is no general legislation on the bill.

Mr. JOHNSON of South Carolina. There is legislation in the bill.

Mr. FITZGERALD. In accordance with the rules of the House.

Mr. HAY. And I hope that the work will not all have to be done over again.

Mr. BARTLETT. The legislation that the gentleman from Tennessee refers to is the abolition of the Commerce Court—the enactment that the court shall be abolished and the office shall be taken away from the judges, or the act repealed which created the court.

Mr. SIMS. That does not seem to be in the bill. The provision abolishing the tenure of office does not appear in the bill, unless it is in some other section.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. MANN. Reserving the right to object, I want a little time.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. Fifteen or 20 minutes.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois be permitted to proceed for 15 minutes.

Mr. MANN. I am perfectly willing to agree to the request of the gentleman from South Carolina that the bill be taken from the Speaker's table and laid before the House, and that the gentleman shall have the right in the House to move to disagree to the Senate amendments, but I want a little time to make some observations.

Mr. FITZGERALD. Pending the request of the gentleman from South Carolina I ask unanimous consent that the gentleman from Illinois be permitted to proceed for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANN. Mr. Speaker, I want to call the attention of the House to Senate amendments in relation to employees in the Senate. I know it is always stated in the House that the House has no jurisdiction over the amount appropriated for Senate employees. I do not know whether it is lucky for me or lucky for the Senate that I am not one of the conferees on the subject, because, unless I should change my mind very decidedly, I never would agree to some amendments which they have inserted and which they have insisted on at different times.

The Senate has added 22 messengers to the various committees of the Senate in this bill, besides a large number of other committee employees. The House appropriates $162,230 for its committee employees, to which may be added $6,480 appropriated for nine committee clerks, and possibly $4,200 appropriated for clerks for the minority leader, making a total of $172,910. The Senate, with the amendments that they have inserted in this bill, appropriates $370,940—$370,000 for the Senate against $172,000 in the House.

It is true that the Senate does not appropriate for private secretaries for 61 Senators, while the House appropriates for clerks for every Member of the House. Now, these Senate committees in the aggregate can have no greater jurisdiction than the House committees. While I know that a Senator represents a larger constituency than a Member of the House, and probably ought to have, as I think he ought to have, more help

than the average Member of the House, I think that either the employees of the committees in the Senate are grossly excessive, or else the employees of the committees in the House are entirely inadequate, possibly both. I am inclined to think that some of the House committees do not have clerks enough, especially judging from some reports that I read where I think more employees would be able to give greater attention to details in some of the bills which are reported from the committees.

But in that distinguished body at the other end of the Capitol, for which I have a profound respect, a respect which sometimes increases when I am absent and do not read the CONGRESSIONAL RECORD for a time, they get into the habit when a chairman of a committee proposes something which he thinks he needs every other chairman falls in line. Because one Senator thought he needed an extra messenger for his committee, they have added 22 extra messengers. Some committees in the Senate that never meet each have two messengers. They had but one each before. I think the House committee, which is responsible to the people for the total of appropriations, ought to say that we can see no reason for this and decline to agree to it.

Mr. JOHNSON of South Carolina. Mr. Speaker, before the gentleman leaves the item just referred to, I would like to ask him a question.

Mr. MANN. Certainly; I yield to the gentleman.

Mr. JOHNSON of South Carolina. Under the rules that obtain between the two Houses how can the conferees on the part of the House question the expenditures that are made by the Senate, when they are made, as it is claimed, for the personal comfort of the Senators?

Mr. MANN. Mr. Speaker, let them put it in a contingent fund. They ought to have no larger contingent fund than the House. Possibly they ought to have as large a contingent fund. What they do with the contingent fund I do not care. If they want to pay for employees for the individual Senators, that is their look-out; but when they ask for specific places and ask us to appropriate for them, we have a right to examine into that matter just as much as we have a right to examine into the clerks in the different departments of the Government.

Mr. Speaker, the House passed a provision to abolish the Commerce Court. The Senate has inserted a provision in another place in the bill to abolish the additional judges which were created when the Commerce Court was created. They have tried to do it in four different ways. Of course, some of us believe that when you create a judge of the Federal court, under the provisions of the Constitution we can not remove that judge from his office during his good behavior.

Mr. BARTLETT. Mr. Speaker, may I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. But we can do as they did in 1802 when the midnight judges were appointed. We can remove the office from the judge.

Mr. MANN. I doubt that. I know that most lawyers believe that that act was unconstitutional. It never was tested.

Mr. BARTLETT. No judge who was appointed at that time ever sought the office. All they did was to make an appeal to the Congress to provide for their salaries or give them work to do. That is as stated by the historians.

Mr. MANN. Certainly. Congress in the last hours of its session, in an expiring administration, provided for the creation of a number of Federal judges. The succeeding Congress and the succeeding administration almost instantly, as soon as it had the power, when Congress met, repealed that law. The judges had been appointed instantly when the law was passed. I take it that they appreciated the fact that it was highly improper for an expiring Congress and an expiring administration to endeavor to load onto the incoming administration and the incoming Congress, of a different political party, a large number of judges, and they acquiesced in the passage of a law which many, and I have no doubt most, lawyers then and now believe to be unconstitutional. But outside of the constitutionality the new law had all the marks of propriety.

Mr. BARTLETT. If the gentleman will pardon me, the act of 1789 did not create any circuit judges. There were 5 United States associate judges of the Supreme Court, whose duty it was to hold court with the district courts in the circuits. This act of 1801 created 16 circuit judges and 16 circuit courts. In 1802, when the Jefferson administration acted, it repealed the act creating the 16 new judges and circuits and reenacted the old law of 1789, and under the repeal of the act of 1801 and the reenactment of the statutes of 1789 all of the 16 judges went out of office.

Mr. MANN. It was done under the conditions which I have stated.

Mr. BARTLETT. Oh, the gentleman has correctly stated the matter, of course.

Mr. MANN. And I think no textbook writer from that time to this has assumed that that act was constitutional. It was not questioned. It met the proprieties. It was highly improper for the Adams administration—I believe that was the administration——

Mr. BARTLETT. Yes.

Mr. MANN. Going out of the office, in the expiring days of its life and of the life of the Congress under it, to create a lot of new Federal judges and appoint them at that time for the purpose of preventing the Jefferson administration, coming in, having been selected by the people, from having any control over the Federal judiciary.

It is quite patent that the distinguished body at the other end of the Capitol did not believe that act was unconstitutional. They provide first in their amendment:

The five additional circuit judges provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished.

If that is good, that ends it. We created five additional judges, and they say that those five judges are hereby abolished. That is enough to settle it, if that is good. Then they go on and say further:

And the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed.

That is sufficient by itself, if it is good. They are not willing to stand on abolishing the judgeships, because they think they can not do it. If it can not be done, it is useless to put it in here; and if it can be done, it is useless to go further. Then they provide that this law under which the judges were appointed is repealed. That would be sufficient. They then go ahead further and say:

And the number of circuit judges is hereby reduced to 29.

That would also be sufficient, if it were good. There are three propositions, any one of which would be sufficient if it were good, and the fact that they do not stop at one in each case shows that they do not believe that one in either case will be sufficient to accomplish the purpose. Then they go ahead further and adopt a fourth method of trying to get rid of these judges by providing that these judges can not hereafter sit. They are endeavoring to repeal the law which authorized these judges to sit in the circuit or district court.

Any one of the four provisions would be sufficient, if it were valid, and the fact that the distinguished body at the other end of the Capitol took four chances at it indicates they did not believe any one chance was very good, but they hoped that some one of the four under the provisions of Almighty Providence would be sufficient.

Mr. FITZGERALD. Is it not more likely that it was to meet the varying views of different gentlemen that they adopted each of the various propositions? Some might have thought one was effective and some another, and they wanted to satisfy everybody.

Mr. MANN. It is perfectly patent that the body acts as a body, and if they would meet all the varying views in the Senate they would have 96 provisions, in all probability.

Mr. SIMS. The fact that the Senate adopted so many provisions in order to get rid of them is certainly conclusive that they did really want to get rid of them.

Mr. MANN. I do not know. I assume they did. I am perfectly willing, so far as I am concerned, for the House in the end, if it wants to, to agree to this provision, because when the President vetoes the bill he will be clearly justified by the people, for they will regard it as an assault upon the integrity of the courts. Here is a proposition that would reduce the number of circuit judgeships from 34 to 29. We have the same authority to say 25 that we have 29. We have the same authority to say 9 that we have 29. With a constitutional provision saying that these judges shall be appointed for life or during good behavior I do not believe that Congress has the power under the Constitution to deprive them from their offices without impeachment, without trial, without any authority of law at all except the mere provision that they are fired.

Mr. SIMS. May I ask the gentleman a further question?

Mr. MANN. Certainly.

Mr. SIMS. Suppose Congress had very foolishly provided for the creation of 500 judges, does the gentleman think the people then would not be willing to adopt some method of getting rid of that unnecessary number? If 5 are unnecessary, 500 would just add to the number of unnecessary judges.

Mr. MANN. I think if Congress provided for 500 judges there would be no difficulty in getting rid of the Congress. [Laughter.]

Mr. SIMS. Not a bit, and there ought to be none.

Mr. MANN. But I do not believe they could get rid of the judges unless those judges resigned.

Mr. SIMS. Then the Constitution ought to be amended.

Mr. MANN. Not at all. If the provision of the Constitution that a judge is appointed for life or during good behavior can be set aside by a majority of the two Houses discharging the judge, then the provision of the Constitution for dismissing a judge by impeachment is of no effect.

Mr. SIMS. It is practically of no effect.

Mr. FITZGERALD. The gentleman recalls the law abolishing the circuit courts and creating an entirely new system of courts——

Mr. MANN. But we did not abolish the circuit court judges.

Mr. FITZGERALD. I think the gentlemnn is going too far, because outside of the judges of the Supreme Court I have no doubt that Congress can abolish any other court and get rid of the judges.

Mr. MANN. The power of Congress over the Supreme Court is no greater, but is precisely the same as it is over any Federal court. We can increase or decrease.

Mr. FITZGERALD. The commentators on the Constitution seem to have a different view.

Mr. MANN. The gentleman has not read them recently. I have read them recently.

Mr. FITZGERALD. I have read them, but I may not have read the particular one on which the gentleman seems to rely.

Mr. MANN. The gentleman has not read them lately or he would not make that statement.

Mr. FITZGERALD. I have read some lately.

Mr. MANN. The power of Congress over the Supreme Court, as far as the personnel is concerned, is precisely the same as it has over any other court. It can increase the number of Supreme Court judges. Congress can increase the number of Supreme Court judges, and it can decrease the number of Supreme Court judges, but we can not dismiss a number of judges on the bench when we decrease it. Now, the Constitution does not say how many judges shall be on the Supreme Court. The same power exactly exists under the law. I do not believe, Mr. Speaker, and I am not prepared to take that position in this day and in these hours when there is so much discussion—I do not believe that the Federal judiciary ought to be made the football of politics in Congress.

Mr. SIMS. Will the gentleman yield for one further question?

Mr. MANN. I will.

Mr. SIMS. The gentleman, I suppose, has no doubt of the constitutionality of the House provision as passed by the House?

Mr. MANN. I do not; I have no doubt of our power to abolish the Commerce Court, not the slightest; but I do not believe it is desirable for the conferees to agree to the Senate amendment, although if they do I hope and believe that the President will veto the bill, and I think the country will sustain him in it. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I only desire a moment or two. The House is not responsible for the provision which the gentleman from Illinois has been criticizing. The House included in this bill a provision which it believed meets practically almost the unanimous sentiment of the country in providing for the abolishment of the Commerce Court. The Senate for a number of various reasons has inserted an amendment providing for legislating out of office the additional circuit court judges who were appointed at the time the Commerce Court was created. This House has no desire either to make a football of the courts or to do that which is not within its power under the Constitution. The conferees have not yet been appointed, and at any rate the committee has not taken the matter up for consideration. Some of the Members of this House who are recognized as very excellent and competent lawyers have been requested to look carefully into the constitutionality of the amendments of the Senate. I am inclined to think the House conferees will not act hastily—will not agree to consent to these provisions to get rid of the judges—if there be any doubt whatever as to the power of Congress to legislate them out of office. This House does not wish to give the President such an excuse for his interference with the right of Congress to abolish a court which has become an obstruction in the administration of justice rather than an aid in the administration of justice. If the President wishes to override the will of the Congress in getting rid of a useless and inefficient court, he will have to do it upon some other ground than that Congress has exceeded its constitutional power.

Mr. SIMS. Mr. Speaker, what I said when I first got the floor had reference only to the amendments touching section 10 in the House bill which abolished the court. I did not have reference to the amendment on page 149, which I had not then seen.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, be taken from the Speaker's table, the Senate amendments be disagreed to, and a conference asked for on the disagreeing votes between the two Houses. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER pro tempore announced the following conferees: Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. JOHNSON of Kentucky in the chair.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $150,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

I do not have it in mind, so far as consideration of other appropriations is concerned, to move material amendments to this bill. I will move an amendment when we reach fortifications. I desire, however, at this time to call attention to the estimates for the construction of the canal. The appropriations for 1912 were $45,500,000; the estimates for 1913 were $41,622,810. The amount recommended in this bill for construction, and so forth, is $28,780,000. The total decrease in the appropriations is $12,842,810.20 below the estimates, as against the appropriations of last year of $45,560,000. This is not particularly called attention to in the report as to the reason for making this seeming great reduction. It is a reduction apparent on its face, but not in fact real. These appropriations for the construction of the canal are continuing appropriations.

I doubt if they are sufficient for the coming fiscal year. If they are not sufficient, during the short session of Congress the deficiency can be made good. But there is a surplus in round numbers—I am not exactly accurate, but I can be accurate in the statement—in the amount appropriated last year of, say, $6,000,000. That is owing to greater efficiency in this work, greatly to the credit of Congress, but substantially the credit is due to that great man Col. Goethals, who is in charge of this work, supported by Congress and by the administration, and who is commended for his efficiency, that there is, in round numbers, $6,000,000 of the $45,500,000 appropriated for the current year which is not expended; and the appropriation is continuing, available for the coming fiscal year, just as much as it would be if this $28,780,000 was increased by $6,000,000, making it $34,000,000 instead of $28,000,000.

For the purposes of comparison I call the attention of the House to the fact that from the $45,500,000 appropriation for the current year $6,000,000 should be deducted, making, in point of fact, $39,500,000 that has been and will be spent for the current year. Now, if you will take this $6,000,000 which comes over and is available and add it to the $28,780,000 appropriated or recommended by this bill, the amount would be $34,780,000. Substracting that from the $39,500,000 leaves really and in fact a difference between the appropriation for the coming year and the current of $4,720,000 instead of $12,000,000 plus, as a casual reading of the amounts appropriated last year and recommended for this year would lead one to suppose. I am inclined to think—at least I hope—that the amount appropriated for construction in the coming year will be sufficient. It may not be.

It is true also that the constantly improving efficiency of labor and effort on the Isthmus, as well as the less amount of work to be done, furnishes an explanation of the difference of $4,720,000 between the appropriations for the current year and the present year.

You may say, "What of it?" Nothing. And yet I thought proper at this time to call attention to it. The $6,000,000, in round numbers, that comes over as a surplus which is just appropriated for the current year continues for the coming year and the next year. It does not have to be expended in any

fiscal year. That is also true as to the appropriation for the coming year.

That is all I desire to say, and I say it for information and in justice to the last Congress that made this appropriation, I believe, by the consent of both the majority and minority of the Committee on Appropriations, and in justice, also, to those who expended the money, making, so far as I have been able to ascertain, every dollar a real asset and force in the construction of that great work.

Mr. FITZGERALD. Mr. Chairman, the committee in making up these recommendations, acting upon the information in its possession and its experience, recommended such amounts as it believed would be sufficient for the entire fiscal year. Since the bill was reported I have received information from a reliable source to the effect that the total amounts of the appropriations are satisfactory to those in charge of the canal. There may be some little differences of opinion about one item or another, but with the continuance of the 10 per cent interchangeable provision, as it is in the bill, the appropriations are entirely satisfactory.

I wish to repeat that, so far as the majority members of the committee are concerned, they made no effort whatever to make any reductions in the appropriations for the canal in order to lessen the total of appropriations to be made by this Congress. The appropriations in this respect were made for the purpose of enabling the work to be carried forward during the entire year. I do not say that the committee could not have made a mistake, but I repeat that since the bill has been reported I have inquired about the matter and have received information from those connected with the work to the effect that, in their opinion, the total appropriations would be sufficient. I believe, in justice to the committee and everybody concerned in this work, that statement should be made.

Mr. MANN. Mr. Chairman, the appropriations for the Panama Canal stand upon a different footing from the appropriations for any other service of the Government. Every one admits that the sooner the canal is completed and opened for operation, the more economical it is in the end; and the appropriations which are made and the expenditures which are made are reimbursable by the sale of bonds, if a necessity exists therefor. So that the condition of the Treasury should not affect the amount of the appropriations, and the only question should be, How much can be properly expended in the operations incident to the work of construction?

It seems to me that the report of the Committee on Appropriations is a serious reflection upon Col. Goethals and the other officers in charge of the construction work, although I know it is not so intended. It is the first reflection that I have heard made upon those gentlemen. They estimated for $41,000,000. They certainly did not make an estimate without some care and some knowledge. The committee's bill carries an appropriation of $29,000,000, but they say that about $6,000,000 surplus will be carried over from this fiscal year unexpended, and say therefore that the total reduction from the estimates by the bill practically amounts to about $6,000,000. Am I correct in my figures?

Mr. FITZGERALD. I think it is a little less than that.

Mr. MANN. About $6,000,000?

Mr. FITZGERALD. I think it is less than that, because information received later was to the effect that it would be a little lower.

Mr. MANN. The information I give is derived from statements made on the other side of the House by the gentleman to-day.

Mr. FITZGERALD. It is about that. It might be a little lower.

Mr. MANN. It is impossible for me to understand how the engineers in charge of this work, after a series of years and a series of estimates, are unable to come closely to what they need. I can not understand how they are $6,000,000 wrong.

Mr. FITZGERALD. The gentleman will understand that they are engaged in a great construction enterprise. The estimates were prepared in September. As the work progressed the information as to the progress and the cost of the work as it was going on was furnished to the committee, and I hardly think it fair for the gentleman to say that the committee intended to reflect upon Col. Goethals.

Mr. MANN. I say the committee did not intend to reflect upon him, but that the action of the committee is an indirect reflection upon him.

Mr. FITZGERALD. It did not reflect upon him. The information as to the surplus and as to the propriety and the possibility of a reduction in the estimates originated with Col. Goethals himself and not with the committee.

Mr. SHERLEY. If the gentleman will permit, I offer him another suggestion. He says that the estimates, speaking in round figures, were about $41,000,000, and the appropriation is about $29,000,000, being about $12,000,000 less, $6,000,000 of which is explained by a balance coming over, so that even if we have cut the estimates $6,000,000 this year, we have done no more than ought to have been done last year, as is shown by a surplus of $6,000,000 for that time.

Mr. MANN. That may be true. No one knows. But this year nobody can tell whether the surplus will be $6,000,000 or not. But the work of construction is not hampered now by the fear that the money will be running short by the 1st of July. If the gentlemen in charge of this work in last September were not able to come nearer than $12,000,000 as to what the appropriations ought to be, I think they fell down very badly indeed.

Mr. SHERLEY. Oh, well, if the gentleman will permit, it is not a question of coming within $12,000,000; it is a question of coming within $6,000,000, because the estimates do not take into view the balance that will be available.

Mr. MANN. Of course they take into account the balance available.

Mr. SHERLEY. They never do and did not in this instance.

Mr. MANN. The estimate for the amount of work to be done on the canal, to complete the canal, necessarily takes into view the amount of money which is appropriated and which is unexpended.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. MANN. I am not mistaken.

Mr. FITZGERALD. The gentleman is mistaken, because I know it does not, and that is why the surplus is charged off against the estimate.

Mr. MANN. In the estimates of the expense of the canal originally figured out and always kept in view in making all the estimates, it is necessary to take into consideration all the time the amount of money which has been appropriated and the amount of money which has been expended and the amount of work which is unfinished.

Mr. GARNER. Oh, the gentleman is hedging.

Mr. MANN. No; I am not hedging; I am stating the absolute fact. These gentlemen ought to know what they wanted in September. I know how gentlemen come before the Committee on Appropriations and submit to the sharp cross-examination of bright gentlemen who seek in every way to get them to admit that they can get along with a little less money—quite a proper course to pursue in reference to the departments of the Government, but not a proper course to pursue with reference to the construction of the Panama Canal; a proper course to pursue in reference to the personnel and number of employees, but it will have no effect whatever on the cost of handling the dirt.

Mr. SHERLEY. If the gentleman will permit, he is the first man who has ever suggested that by a skillful cross-examination, or by anything else, anyone could take advantage of the judgment or determination of Col. Goethals in the full performance of his duties.

Mr. MANN. I have seen Col. Goethals before a committee many times, more times than has the gentleman from Kentucky. I know how all these gentlemen are affected when they come before a committee of Congress, especially a great man outside, fearing the extreme greatness here, and of course he meets it in the Committee on Appropriations. I think the canal work ought not to be hampered in any way, and that there ought to be no chances taken in hampering it. It can do no harm to make the appropriation such as Col. Goethals asked for when he was giving his cool, deliberate judgment to it, and before he was called into the private conference in the room of the Committee on Appropriations. I think gentlemen are making a mistake in this regard. Probably it will do no great amount of injury, except to delay the opening of the canal a little. It will have that effect; the work will not progress as rapidly as it otherwise would. They will not have the money, they will not expend the money, and they will commence to curtail the moment the appropriation is passed in this shape, if it passes with the amounts named in this bill.

Mr. FITZGERALD. Mr. Chairman, the statements of the gentleman from Illinois are so absolutely erroneous that I propose to demonstrate it by the statement of Col. Goethals himself. Five minutes' examination of the statement of Col. Goethals would have shown the gentleman from Illinois that he is absolutely in error. The $5,000,000 surplus was $5,000,000 that came over from 1910 and was to the credit of the canal commission on the 1st of July, 1910. For the fiscal year 1910 the estimates were $48,063,524.70. There was appropriated by the Republican Congress $37,855,000, or about $11,000,000 less than Col. Goethals asked for, and at the end of the year they had $5,000,000 they could not expend.

So that there will be no misunderstanding, I will read from the record:

ESTIMATES FOR CURRENT YEAR.

The CHAIRMAN. Your estimates for the current year were $47,920,847.69, and the appropriations were $45,560,000. Will you state first whether you anticipate any deficiencies?

Col. GOETHALS. From the talk that you gave me in Washington, I do not think it would be wise for us to anticipate any deficiencies, and so far as construction and engineering is concerned there will be no deficiencies.

The CHAIRMAN. Will there be any surplus?

Col. GOETHALS. That I doubt.

Mr. MALBY. Not ultimately?

Col. GOETHALS. Not ultimately.

The CHAIRMAN. As far as the present year is concerned?

Col. GOETHALS. No; I do not think there will be as far as the present year is concerned; we have not gone far enough ahead yet to determine what savings there will be, but I am perfectly willing to give you the savings that were on our books in 1911, but nothing more.

The CHAIRMAN. I might state for the record that the estimates for 1911 were $48,063,524.70, and the appropriations $37,855,000. Now, have you any surplus from 1911?

Col. GOETHALS. Yes.

The CHAIRMAN. Will you state the amount of the surplus?

Col. GOETHALS. Salaries in the United States, a balance on hand at the close of the fiscal year June 30, 1911, of $15,000; incidental expenses in the United States, a balance of $29,000; pay of officers and employees on the Isthmus, $416,000; Isthmus pay roll, $1,600,000; miscellaneous, material, purchases on the Isthmus, $3,767,800; that is, supplies of all kinds purchased by the quartermaster's department.

The CHAIRMAN. Which makes how much all told?

Col. GOETHALS. Very nearly $5,000,000.

The CHAIRMAN. Which you will have available in addition to the $45,000,000 appropriated?

Col. GOETHALS. In addition to the $45,000,000 appropriated.

The CHAIRMAN. In preparing these estimates was allowance made for the surplus which you have?

Col. GOETHALS. No; it was not.

The CHAIRMAN. So that regardless of any other considerations we can eliminate about $5,000,000 from your estimates for the next year?

Col. GOETHALS. Yes, sir.

The CHAIRMAN. Can you place in the record a statement showing the amount of transfers made by you under the provisions of law giving you authority to transfer not to exceed 10 per cent or not to increase any appropriation by 10 per cent?

In March or April of this year Col. Goethals for this fiscal year, having but three additional months to run, was able to state that from his own knowledge as to the conduct of the work what saving would be made out of the appropriations made for this year. In making up the sums to be carried in this bill the committee made allowance for the savings of two years.

So that the statement of the gentleman from Illinois may not create a misapprehension in any place, I want to say that the day this bill was reported to the House a copy of it was sent to Col. Goethals in the city of New York for his information, and the only request that came from him relative to changes in the provisions for the canal was to insert the one word "unallotted" before the word "surplus" in the provision turning the surplus earnings of the Panama Canal into the Treasury.

To be certain that there was no question that there was enough money carried in this bill, I inquired from the office in Washington as to whether the committee had recommended sufficient money, and a statement was made that when this bill was reported the details were cabled to the Isthmus, and, so far as the total appropriations were concerned, they were perfectly satisfactory and would be sufficient; that there was some difference of opinion as to the amounts carried in some of the items, but that with the 10 per cent interchangeable provision in the bill, in the shape it is in this year, there will be no embarrassment, no difficulty, and they had all the money and all the authority they needed for the next fiscal year. The gentleman from Illinois [Mr. MANN] is not justified on the facts or the record in attempting to put this side of the House in the position of in any way delaying or preventing the speedy completion of the work upon the Isthmus or the completion of the canal as rapidly as those in charge of it are able to complete it.

Mr. MANN. Mr. Chairman, I have nothing to take back from what I have said, which was all true, but let that go for a moment. May I ask the gentleman about something else? The gentleman has stated, I think, on the floor that the appropriations carried for the canal in this bill made ample provision for the construction of a dry dock or the commencement of the construction of warehouses, docks, wharves, coal yards, and so forth, that are contemplated in the Adamson bill, and that in his opinion the authorities there were authorized to make these constructions under the Spooner Act. Under what appropriation in the bill can that be done?

Mr. FITZGERALD. It comes under several of the items—the engineering and construction items.

Mr. MANN. I do not know what the auditor might do, but I do not see how an auditor could approve accounts for any of those items in this bill under the Spooner Act.

Mr. FITZGERALD. When the committee was on the Isthmus the matter was discussed, and the necessity for inserting some language in the appropriation provisions was considered. The statement was made by those in charge of the work that it was believed that under the provisions of the Spooner Act providing for the construction of the canal and proper terminals, if I recall the language, it included the facilities contemplated which the gentleman has mentioned.

Mr. MANN. I do not know who those gentlemen were who gave the committee that information, but certainly until very recently no one contemplated that under the Spooner Act these works could be constructed, nor do I see how they could be constructed under any provision of the bill. True, the bill carries one provision in reference to the matter.

Mr. FITZGERALD. They could, under the third, fourth, fifth, and sixth items. They would be the appropriations out of which they would be paid. It depends entirely on the accuracy of the construction that is placed upon the Spooner Act.

Mr. MANN. Of course that would depend under the fifth provision on whether the construction of these works is a part of the construction of the Isthmian Canal.

Mr. FITZGERALD. That is true.

Mr. MANN. The same would be true under any other provision, I suppose.

Mr. FITZGERALD. Mr. Chairman, I will call the gentleman's attention to a statement of Col. Goethals:

I should like to state right here that we have prepared an estimate for 1913, including the sum of $3,000,000 for the terminal.

Mr. MALBY. Is that included in your 1913 estimate?

Col. GOETHALS. Yes. We have in our current year's appropriation an estimate of $2,193,000. Also for terminals, and I have authorized, in order not to tie up some of the dredges, the excavation of a certain area at the Pacific entrance of the canal, which I showed you the other afternoon.

So that for the current year in the appropriations made there was the sum of $2,193,000 included.

Mr. MANN. But that is for dredging in the sea.

Mr. FITZGERALD. No; it is for dredging at Balboa, where the dock is to be constructed.

Mr. MANN. Oh, I think the gentleman is mistaken.

Mr. FITZGERALD. No; I remember it distinctly.

Mr. MANN. The gentleman may be correct; but the original provision was for dredging in the sea.

Mr. FITZGERALD. But this item about which Col. Goethals was speaking was the dredging at Balboa, where it was intended to build the slips and docks.

Mr. MANN. There is certainly no authority in the original act to construct a dock down there.

Mr. FITZGERALD. I have sent for the Spooner Act, and I will call the gentleman's attention to the provision under which those in charge of the work and construction insist they have that right.

Mr. MANN. I will say to the gentleman that I served for years on the legislative committee having jurisdiction over this subject, and no one ever pretended they had that authority, and they never have made any such pretense that they have to the members of the committee having legislative jurisdiction of the subject.

Mr. FITZGERALD. That may be true, but this was the situation. The gentleman is familiar with the conditions and the necessity for providing certain terminal facilities.

Mr. MANN. Of course I appreciate the fact that if the Spooner Act authorized these works as a part of the construction of the canal, then the work could be done under the items in the bill; but if the Spooner Act did not authorize the construction of these works as a part of the construction of the canal, then if the gentleman had inserted an item in this bill, that would have been subject to a point of order. However, the House has passed the Adamson bill, providing for the construction of those works. That bill has been reported into the Senate. I think before this bill becomes a law the gentleman ought to endeavor to have put into it in proper language at some place an authorization. I notice the gentleman carries the language on page 168, after the total appropriation, but that is applicable to appropriations hereafter made, as well as heretofore made, and would not be construed as an authority.

Mr. FITZGERALD. That is true. Let me call attention to this statement:

Col. GOETHALS. I do not know. We contemplate building a sufficient length of dockage at both ends of the canal to serve the needs of the present commerce, leaving to the future the enlargement or the extension of the system should the necessities require. We contemplate also the construction of a dry dock for commercial purposes and the construction of coaling facilities. In case the canal authorities are authorized to deal in coal, certain terminal facilities will be necessary, even before the canal is completed, to take care of the commercial business that now devolves upon the Panama Railroad; the present appropriation will provide for that, and I am willing to take the responsibility of going ahead, but we need some authority from Congress in the matter.

The CHAIRMAN. Is there any statute or anything in any of the laws regarding the construction of the canal by which authority can be had to construct terminals?

Col. GOETHALS. Yes; the Spooner Act. What the Spooner Act contemplated by terminals is questionable; whether it included a dry dock or not I do not know. In our estimates for 1908, which contemplated the completion of the canal, we had no idea at that time of a dry dock or a coaling station, our estimates including only the construction of a few docks.

It is upon that statement that I have made the statement I have made several times.

Mr. MANN. A dry dock is necessary, and a coaling station is absolutely necessary. Why not insert after the total amount of appropriation, on page 168, after the word "expended," some such provision as this:

Which sum may be used as far as necessary for the construction of necessary dry dock, coaling plant, etc., referred to below.

Mr. FITZGERALD. Mr. Chairman, I have no objection, and I think it would be desirable unless somebody else objects. The work ought to be done, as the gentleman understands, at the present time, when the canal is being constructed.

Mr. MANN. Certainly. Now is the time to do the work. The bill giving authority will become a law. It has already passed the House.

Mr. FITZGERALD. As far as I am concerned, I believe it is desirable, if there be any doubt, to have the matter settled, so that there will be no holding up of expenditures because of lack of authority.

Mr. MANN. Of course this would not increase the appropriation.

Mr. FITZGERALD. No; and the amounts required for that purpose are included in the present year's appropriations, and are included in the amounts carried for the next year.

Mr. MANN. I suggest to the gentleman, after the word "expended," in line 11, to insert some such provision as I have intimated.

Mr. FITZGERALD. I will have an amendment prepared when we reach that if it is the desire of the committee to put it in.

Mr. MANN. All right.

The Clerk read as follows:

Fourth. For skilled and unskilled labor on the Isthmus, including engineers, conductors, firemen, brakemen, electricians, teamsters, cranemen, machinists, blacksmiths, and other artisans, and their helpers; janitors, sailors, cooks, waiters, and dairymen, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, $11,000,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 166, line 10, after the figures "$11,000,000" insert the following:

"Provided, That so much of this appropriation as may be necessary, not to exceed $15,000, shall be expended in soil improvement and agricultural development, in accordance with the recommendations and conclusions submitted in Report No. 95, United States Department of Agriculture, entitled 'The agricultural possibilities of the Canal Zone.'"

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not think it is subject to the point of order. It is drawn on lines corresponding to those of the paragraph which has just been passed and does not contemplate any change in expenditure.

Mr. FITZGERALD. Does the gentleman wish to discuss the point of order?

Mr. MOORE of Pennsylvania. I want to discuss the merits.

Mr. FITZGERALD. I will make the point of order.

Mr. MOORE of Pennsylvania. No; I do not care to discuss the point of order, but I would like to have a vote upon the amendment. I do not think it is subject to the point of order.

Mr. FITZGERALD. I do. Let us dispose of the point of order, and if the gentleman wishes to speak to his amendment——

Mr. MOORE of Pennsylvania. May I ask the gentleman what his point of order is?

Mr. FITZGERALD. It is that it is not authorized by law, it is legislation, it is not germane to this bill, and there are three or four other reasons which I could give if necessary.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item is as germane to the bill as paragraph 3 on page 164. The provision as drawn is in exactly the same language as the proviso on page 164, and it contemplates no change in expenditure, but simply makes a reservation of a certain amount of the appropriation for a certain purpose.

Mr. MANN. May I ask the gentleman from Pennsylvania whether his amendment is for carrying on the work of the construction of the canal under the so-called Spooner Act? The gentleman will notice that items of appropriation follow the language, to continue the construction of the Isthmian Canal to be expended in accordance with the terms of an act entitled, and so forth, which is the Spooner Act. I do not recall any provision in that act other than for the construction of the canal and the acquirement of the necessary land. I do not recall any provision in it in regard to cultivating the soil, and I call the attention of the gentleman to ask whether there is any such provision.

Mr. MOORE of Pennsylvania. I have not gone very thoroughly into the relation of the Spooner Act to this particular amendment. But I observe that provision is made in the paragraph, to which I propose to attach this amendment, for dairymen and for subsistence, and if those two features can be regarded as coming within the provisions of the Spooner Act for the continuation of the construction of the canal, if the milking of cows is in line with the construction of the canal and the providing of food for those employed on the construction of the canal, then this amendment is equally in line with the Spooner Act. If it can be held that provision can be made in this bill for employing men to do the work of dairying and that is in line with the construction of the canal, then surely this amendment is germane.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Then, Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD on this subject.

The CHAIRMAN. Without objection, leave will be granted. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Fifth. For purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Isthmian Canal, including not exceeding $50,000 for the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, which may be compromised by agreement between the claimant and the chairman of the commission without the intervention of a joint commission for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and for a permanent administration building, $12,000,000.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Kentucky [Mr. SHERLEY], if I may have his attention, that in line 3, page 166, coming after the word "commission," there should be a comma.

Mr. SHERLEY. What page?

Mr. MANN. Page 166. Without the comma the way the language reads is "joint commission for the departments of construction and engineering."

Mr. SHERLEY. I think there ought to be a comma. Mr. Chairman, I move to insert after the word "commission," in line 3, page 166, a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 166, line 3, after the word "commission," insert a comma.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The President is authorized and directed to detail officers and enlisted men of the Regular Army, not to exceed four companies, in manner and form as he may prescribe, to police the Canal Zone and perform the duties of peace officers therein under the laws thereof; and for the purposes hereof the President is empowered to use so much as may be necessary of the moneys appropriated by this act for the departments of civil administration and law.

Mr. CULLOP. Mr. Chairman, I make the point of order against the paragraph for the reason it is new legislation.

Mr. FITZGERALD. Mr. Chairman, I think if the gentleman understood the provision he would not make the point of order. We have on the Isthmus at the present time about 1,000 soldiers. There is nothing for them to do. The people in charge of the construction of the canal state that if they can be utilized in this way they would be utilized in some useful occupation and we would save $200,000 a year.

It is purely in the interest of economy and efficiency and simply to enable the utilization of soldiers who are on the Isthmus, for whom there is no work, for which no occupation can be found, to do this policing of the canal at a saving of $200,000 a year.

Mr. CULLOP. Well, I do not understand, Mr. Chairman, that the argument of the gentleman from New York has been directed against the point of order, but has been directed in support of the policy proposed by the amendment. The President has the power now to withdraw the troops that are there if he cares to exercise it.

Mr. FITZGERALD. The President will not withdraw the troops. While the canal is being constructed there is nothing for them to do. There are a thousand men on the Isthmus with no occupation, with no means for occupying their time, and they can be utilized in policing the canal at the saving of $200,000 a year.

The CHAIRMAN. The Chair will say to the gentleman from New York [Mr. FITZGERALD] and the gentleman from Indiana [Mr. CULLOP] that he will be glad to hear the question discussed, not upon the merits but relative to the point of order, and in that discussion he would like them to treat of the question as to whether or not the President, as Commander in Chief of the Army and Navy, has the right to send troops there with or without this section and can use them for that purpose. Recently the troops were used for similar purposes, if the Chair is informed, on the border of Texas.

Mr. FITZGERALD. I was not discussing the point of order, Mr. Chairman. I was making a statement to the gentleman from Indiana before we came to the discussion of the point of order.

Mr. MANN. I would like to ask some gentleman whether it is the plan now to make the Canal Zone a mere military reservation?

Mr. CANNON. I hope so.

Mr. HAY. I will say to the gentleman that the Secretary of War, in a hearing before the Committee on Military Affairs stated it was the purpose of the War Department to send to the Canal Zone about 7,000 troops, and if that is done I take it that would make it very largely a military reservation.

Mr. MANN. Mr. Chairman, when we passed the Adamson bill through the House——

Mr. CULLOP. Will the gentleman permit me just a moment as to the discussion of the point of order?

Mr. MANN. Certainly.

Mr. CULLOP. Instead of making a point of order just now, I will reserve it, in order to open up the discussion some of the gentlemen wish to have on it. I beg pardon for interrupting the gentleman from Illinois [Mr. MANN].

Mr. MANN. The fact is, I saw the gentleman from Indiana and the gentleman from New York trying to reach an agreement, and pending that I thought I would try to get some information.

Mr. FITZGERALD. Mr. Chairman, this provision was inserted after consultation with the officers in charge of the construction of the canal. A thousand soldiers have been sent to the Isthmus. They have no occupation, no way of occupying their time, no kind of amusement or entertainment. If they could be utilized in this way, they would be kept out of mischief and they will be paid the extra-duty pay, and after that pay is given to them we would still save $200,000 a year in the policing of the canal. Those in charge of the construction of the canal believe that as time goes on it is much more desirable to utilize the troops that are there for the policing of the various parts of it rather than to rely upon civilians. It seemed a way to utilize troops that were there with no occupation. It was believed it would improve the efficiency of the policing of the canal and would result in this saving and the committee believed, under all those circumstances, that it was highly desirable and a wise thing to include this provision in the bill. It is done simply and purely in the interests of economy and efficient protection in the policing of the canal. As soon as the canal is completed I understand the intention is to have it controlled by a military power. We simply advance a year or two and get the benefit of the saving. The committee hopes that under the circumstances, with the facts before the committee, objection will not be made to the provision.

The CHAIRMAN. The Chair has not heard the point of order discussed.

Mr. CULLOP. Mr. Chairman, after what the gentleman from New York has said about the purpose of this provision, even though it be new legislation, I am not disposed to insist on the point of order. I am convinced that it is necessary and should be enacted at this time.

Mr. MANN. I reserve a point of order, Mr. Chairman.

Mr. HAY. Mr. Chairman, I desire to offer an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment as soon as this matter is disposed of.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman from Virginia [Mr. HAY] may have reported for the information of the committee the amendment which he suggested.

Mr. HAY. I understood the gentleman from Illinois [Mr. MANN] reserved a point of order.

Mr. MANN. I reserved it for the purpose of obtaining information. I reserved it, and I am disposed to insist upon it.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Virginia [Mr. HAY].

The Clerk read as follows:

After the word "officers"——

Mr. MANN. After the word "officers" where?

Mr. HAY. In line 3.

The Clerk read as follows:

After the word "officers," in line 3, page 167, insert the following: "in accordance with the provisions of existing law."

Mr. CULLOP. Mr. Chairman, that would apply only to officers and not to enlisted men. It seems to me that should belong after the word "Army."

Mr. HAY. We do not want it to apply to anybody except the officers. Enlisted men are not detailed. It is the officers who are detailed, and what I desire to do is to provide that these officers detailed under this provision in the bill should be detailed just as other officers are detailed from their commands—that is, for four years.

Mr. CULLOP. Then if the gentleman leaves the amendment at that place he will see that in reading it it is ambiguous.

Mr. HAY. I do not see how it should apply to others than the officers. It would read:

The President is hereby authorized and directed to detail officers in accordance with the provisions of existing law and enlisted men of the Regular Army.

Mr. CULLOP. Is there not going to be some punctuation or something after it?

Mr. MANN. That covers it.

Mr. Chairman, as I understood the gentleman, he is under the impression that if this provision goes in they can use four companies now on the Canal Zone as police instead of civil police without interfering with the present arrangement of the companies incident to the military occupation there. It must be perfectly patent to anyone that the enlisted men and officers of these companies located in camp are not in a situation to act as policemen on the zone and that you would practically have to break camp and locate them in the towns, which you could not ask enlisted men to do unless you paid them extra for it, with no provision or authorization for paying them extra for it.

Mr. FITZGERALD. Under the law they would get the extra-duty pay.

Mr. MANN. Extra-duty pay, yes; but here is a man who is subsisted by the Government in camp. He can not remain in camp down there and perform the duty at night in Colon and other towns in Panama.

Mr. FITZGERALD. The intention is to have these men located in different places. There is ample provision for them.

Mr. MANN. If you locate a company, that means a military camp in that place and it would cost more than the police cost now.

Mr. FITZGERALD. That is in accordance with the belief that is entertained down there.

Mr. MANN. Let us be frank about it. The opinion of the people there is that the matter of expense cuts no ice. They have reached the conclusion—and perhaps they are right about it—that no private citizen has any right to be anywhere on the Canal Zone and that it ought to be policed by the military authorities for the purpose of keeping people back at the point of the bayonet, not merely by police officers. The Adamson bill that came into the House, representing their views, expressly provided that it should be a misdemeanor or a crime for any person to be found on the Canal Zone without special authority.

Mr. SHERLEY. If the gentleman will permit, without questioning whether or not it shall be the ultimate intention of these gentlemen to have practically a military reservation there, the matter of using these soldiers for police duty came up entirely apart from any question of that kind, and, as I now recall, it came up as the result of a suggestion made by some member of the committee.

It was then stated that it was believed that it could be done and effect a saving, and the economical side was the side that was chiefly discussed and considered.

Mr. MANN. As a matter of fact, the men on the Canal Zone are not the Army at all.

Mr. SHERLEY. I had in mind Col. Goethals, who has not only acted there in charge of the actual construction, but I think also has the viewpoint that the gentleman has expressed, of having the military side of the canal not lost sight of in the future.

Mr. MANN. The people who represent us on the military arm there are the marines.

Mr. SHERLEY. Technically, yes; but we were not speaking of that. The point I want to make is that the consideration of this was quite apart from the more fundamental question of framing the government that is to be maintained there.

Mr. MANN. That may be a part of it, but not on the part of the people of the Canal Zone.

Mr. SHERLEY. I am quite sure it was, because the suggestion discussed by the committee was from the standpoint of economics and not of policy.

Mr. MANN. I doubt very much whether this is economical.

Mr. FITZGERALD. The estimate was reduced upon the calculation made, and there were two reasons. The economy of this was not the only reason. It was important not only in the towns, but they are getting to the point in the completion of the locks and other works where the statement was made that it would be very desirable to have them policed and controlled by soldiers.

Mr. MANN. That may be important; I do not know that it is not; but I think there is no hurry about that.

Mr. FITZGERALD. I will say this to the gentleman, that provision was made for a certain number of special officers—plain-clothes men——

Mr. MANN. I think whoever has authority of the Canal Zone, in charge as the chief officer, ought to have control over the police in any event.

Mr. FITZGERALD. He ought to have it now.

Mr. MANN. You take it a great deal further away from him by this provision. The chief engineer of the canal would have absolutely no control over the police on the zone and no control over the enforcement of the regulations. It would be determined purely by the military officers, who are unaccustomed to enforcing the civil law. I do not think it is desirable.

Mr. SHERLEY. The gentleman will observe that in lines 6 and 7 it is proposed that they shall perform the duties of peace officers under the laws thereof, the idea being that thereby they would be subject, as the present officers are, to the head authority of the zone.

Mr. MANN. Not at all; that does not mean that. It means that they could arrest a man for violating the law. Mr. Chairman, I make the point of order.

Mr. FITZGERALD. If I thought that it was going to take away the control from the man that had charge of the construction, I would not be in favor of it.

Mr. MANN. I think that perhaps when the canal is completed something of this sort ought to be had, but the Adamson bill provides for a reorganization, and I think it is quite sufficient, and it will soon be a law.

Mr. MOORE of Pennsylvania. Mr. Chairman, has this paragraph been held to be in order?

The CHAIRMAN. The Chair has not ruled on it yet, but is prepared to rule. The Chair is of the opinion that while the paragraph is meritorious it is against the rule of the House, and therefore sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, was the point of order made against the paragraph or the amendment of the gentleman from Virginia?

The CHAIRMAN. The amendment of the gentleman from Virginia was only read for information.

Mr. MOORE of Pennsylvania. Then the point of order was to the paragraph?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. I offer the following amendment, which I send to the desk, as a new paragraph.

The Clerk read as follows:

Page 167, line 2, after the figures "$300,000," insert the following new paragraph:

"The President is authorized and directed to create a commission, to consist of one member of the Isthmian Canal Commission, three members of the Chamber of Commerce of the United States, and the Secretary of the Department of Commerce and Labor, to inquire into and report upon the most approved ways and means of utilizing the Panama Canal and the territory adjacent thereto within the Canal Zone; to foster, promote, and develop the mining, manufacturing, shipping, and fishery industries, the labor interests, and transportation facilities of the United States; and to secure for the commerce and industry of the United States a fair and full return upon the investment made by the United States in the construction of the canal; and for the purposes hereof the President is empowered to use so much as may be necessary of the moneys appropriated by this act from the departments of civil administration and law."

Mr. SHERLEY. Mr. Chairman, I make or reserve for a few moments the point of order.

Mr. MOORE of Pennsylvania. I want to address the committee for a few moments.

Mr. SHERLEY. Does the gentleman desire to discuss the point of order?

Mr. MOORE of Pennsylvania. I will not discuss the point of order, in view of the ruling of the Chair.

Mr. SHERLEY. I am willing to reserve a point of order, and permit the gentleman to address the Chair.

Mr. MOORE of Pennsylvania. Mr. Chairman, why did we build the Panama Canal? Was it to provide a passageway for our warships to get hastily from one ocean to the other? Was it to improve our commercial intercourse with foreign nations? Did we intend that it should serve equally for commerce and war? Or was it a philanthropic enterprise? The Adamson bill, providing for the government of the Canal Zone, does not adequately answer these questions, and the sundry civil bill, now under consideration, makes provision for fortifications and maintenance and practically gives notice to commerce that it must look out for itself. There is no provision to encourage commerce or agriculture in this bill.

On several occasions during the discussion of the Adamson bill I endeavored to obtain light upon the interest which agriculture, commerce, and industry have in the canal without any very great amount of satisfaction. It was not made clear by anyone that the trade of the United States was to have any special benefit as a result of the construction of the canal, except as it would arise from the preference given to American ships—a preference with which I fully agree. But it seemed clear that the Canal Zone was to be amply fortified and was to be made a military reservation. That impression has been confirmed during the discussion of the present or sundry civil bill. The distinguished chief engineer of the canal and a majority of his associates of the Isthmian Canal Commission supported the fortifications plan, and their recommendations have thus far been potent with Congress. Hence the inquiry: Why did we build the Panama Canal?

AN ENGINEERING MASTER STROKE.

No one who has visited the Isthmus will deny the monumental character of the work. The construction of the canal is conceded to be the engineering master stroke of the century. We may differ regarding the purpose of it or as to the methods of utilizing it, but there has been no dissenting voice, in the United States at least, as to the glory of its achievement. Political contentions and differences made difficult the work of organization under the great civil engineers who first took up the stupendous task after its abandonment by the French, but with due credit to Wallace, Shonts, and Stevens we all agree in paying tribute to the Isthmian Canal Commission as at present constituted for the skill, efficiency, and integrity with which it has forwarded the project now approaching completion. The practical accomplishments of the commission have fully justified the faith of the country in the United States Army engineers. We agree that the War Department and the country were fortunate in the selection of Col. George W. Goethals as the chief engineer of the commission. In his more than five years of firm and intelligent direction of the canal project Col. Goethals has justly earned the plaudits of Congress and the people. His fine generalship has frequently been commented upon in the House.

THE BUILDERS OF THE CANAL.

Associated with him in the commission were men of exceptional ability who are not so well known to the public, but the quality of whose service has been such as to make effective the splendid organization that now prevails.

These men knew how to take orders as well as to give them. In this they have contributed to discipline and efficiency in one of the most trying assignments ever imposed upon officers of the Government. They went to their work in hip boots, and they wore them in the jungle and the mud. They took their families with them, and they stood by their guns in torrid weather and in rain until now their great work is almost done.

With their distinguished leader they will finish the work and turn it over to the United States. Lieut. Col. H. F. Hodges, the energetic and devoted second in command; Lieut. Col. D. D. Gaillard, of the central division, who directed the work through the great Culebra Cut; Lieut. Col. W. L. Sibert, of the Atlantic division, who constructed the Gatun Dam; the Navy's representative on the commission, H. H. Rousseau, assistant to the chief engineer; the famed Col. William C. Gorgas, head of the department of sanitation; and the Hon. Maurice H. Thatcher, head of the department of civil administration. These are the leaders into whose hands the Government entrusted the great responsibility of completing this work of the centuries triumphantly and without scandal. And to our everlasting credit as a Nation they are doing it as directed.

THE GLORY IN COMMERCE, NOT WAR.

If time permitted and the list were not so long, I should like also to speak of the chiefs of the various subdivisions of the work. The scientists who have devoted themselves to the prevention of disease, the guardians and distributors of supplies, the mechanical geniuses who have made new strides in engineering and labor-saving devices, the conservitors of domestic peace and order, and the persistent and patriotic mechanics who have taken "a home pride" in their work on the Isthmus. Whether they cut through the jungle, labored along the railroad or on the dredges; whether in the shops or out in the open; whether they tended the sick or conducted the burial rites; they all participated in the consummation which has made Americans proud of them. Devol, Williamson, Wilson, Smith, and Feuille are amongst the names that are now familiarly associated with the Panama Canal.

But thousands of workmen who played a noble part in the great work will soon return to their homes and to new employment in the States. Will the glory of their service be in the consciousness that they reared fortifications to show the Nation's fighting qualities, or will it be in the knowledge that they have opened up a new avenue of commercial communication with the world? What was our purpose in sending them to build the Panama Canal? To involve us in war or to improve and extend the blessings of peace? If it was to show our fighting qualities, we need not have spent so much of our blood and treasure, for a much easier way could have been found to have the chip knocked off our shoulder. If we built it to add to the Nation's commercial prestige, then we should demand the commercial advantages which belong to the United States by virtue of its undertaking. It is fair and desirable that we should police the canal, that we should be prepared to defend it on land or sea, but there is no war in sight, except a trade war in which the odds are already with our competitors.

HAMPERED BY TREATIES.

We have had a generous discussion of treaty obligations, engineering problems, questions of toll, the necessity for courts and administrative offices, as well as of fortifications and military and naval supervision and oversight, all of which, with the exception of tolls, will require expenditure on the part of the Government; but we have had scant information as to any of the methods by which we are to derive revenue from the canal or make it of advantage to the agricultural, the commercial, and the industrial interests. We have thrashed over the Clayton-Bulwer treaty of 1850, and we have generally agreed, I think, notwithstanding the conditions which induced us to make that treaty in 1850, that it has proven to be about as foolish an agreement as the United States ever made with any nation. No matter what the circumstances of its making, the outcome of that treaty was to place the United States in the position of being unable to own and operate a canal in its own name without inviting every other nation to use the canal on equal terms. In that treaty we told Great Britain, in effect, that if we ever spent $400,000,000, or any other amount, upon a canal linking up the two oceans, she and all other nations would forever be our guests in the use of it, while we would maintain and keep it in order for their benefit. The Hay-Pauncefote treaty of 1901 was an effort to have Great Britain yield us some leeway in order that we might at least become the owners and constructors of the canal, but the general question of our right to use it for our own benefit was left substantially as wide open as it was in the treaty of 1850. The great lawyers of Congress have differed as to the terms of the treaties and as to the meaning and effect of presidential proclamations and agreements with Colombia and Panama, but there is still reason to believe that there are many and important problems to be solved before the people of the United States fully realize their responsibility in the ownership and operation of the canal.

ORGANIC LAW HAD COMMERCE IN VIEW.

In the endeavor to ascertain the purpose for which the canal was built we must recur to the act of Congress which authorized it—the so-called Spooner Act of June 29, 1902. This important piece of legislation, which was enacted after the Spanish-American War and the celebrated cruise of the *Oregon* around the Horn, was entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans." And the second section of it which authorized the President to acquire the canal strip provided that the canal to be constructed should be—

of such depth and capacity as will afford convenient passage of ships of the greatest tonnage and draft now in use from the Caribbean Sea to the Pacific Ocean.

And section 3 amplified the foregoing provision somewhat by providing as follows:

Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean; and he—

The President—

shall also cause to be constructed such safe and commodious harbors at the terminl of said canal, and make such provisions for defense as may be necessary for the safety and protection of said canal and harbors. That the President is authorized for the purposes aforesaid to employ such persons as he may deem necessary, and to fix their compensation.

These extracts from the organic law of the canal give us the most authentic clue as to the purpose of it, and I respectfully submit that the inference to be drawn from the language of the act is that it was to provide for ships of commerce and that fortifications, such as are now proposed, were not contemplated, since the original cost of the canal, fixed by the act, was limited to $130,000,000 instead of the $375,000,000 since spent upon it.

GOVERNMENT ORGANIZING FOR BUSINESS.

At the time of the passage of the act we were closing up a foreign war and were returning to the problems of peace. We were beginning to talk about the expansion of trade resulting from our great success in manufactures. Our food products were going abroad, and while our home market was undeniably great, we were rapidly becoming an export nation. Great Britain, regardless of her free-trade proclivities, and Germany, with a decided inclination toward protection, were rivals for supremacy in the markets of South America, and we were beginning to open our eyes to the wisdom of entering the competition with them. The business men of the country, and particularly such organizations as the National Association of Manufacturers, were feeling their way in European and Asiatic markets, and they renewed with vigor the agitation for the creation of a department of commerce, or some similar body, with a seat at the Cabinet table of the President, which could speak for trade, as the Department of Agriculture had spoken for the great farming interests of the country. The agitation for the passage of an Isthmian Canal bill went hand in hand in many respects with the agitation which resulted in the passage of the act of February 14, 1903, creating the Department of Commerce and Labor. With the organization of this arm of the Government bringing together various disjointed and floating bureaus for the common purpose of improving the commercial and industrial conditions, it seemed as if the one great incentive for cutting a canal through the Isthmus had been duly launched.

WANTED TO PROMOTE TRADE.

The Panama Canal act provided that the purpose of the canal was—

To afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated.

Not war vessels, which are built for speed and fighting purposes, but vessels of the "largest tonnage" of this and future generations. And when we speak of the tonnage of a vessel we ordinarily refer to her commerce or her commerce-carrying capacity.

So, considering the Panama Canal act in conjunction with the organic law of the Department of Commerce and Labor enacted eight months later, we find Congress following up the broadening commercial purpose of the one by a well-defined and well-organized effort to derive the advantages which were expected to ensue from the other. It was intended that the business man of the country should be put in a position to improve his trade relations with foreign countries. The purpose of the Department of Commerce and Labor as set out in the organic law fully supports this contention:

It shall be the province and duty of said department—

Says the act of February 14, 1903—

to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishery industries, the labor interests, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

A SETBACK FOR MANUFACTURES.

With the passage of an act so directly promising to the substantial growth of business it was believed that the Government had at last taken the initiative in a systematic development of trade, as it had already taken it in the development of agriculture. We are all familiar with the history of the Department of Commerce and Labor, of the daily grind of its dull routine in matters of navigation, immigration, corporation and steamboat and boiler inspection, coast and geodetic work, and the accumulation of labor statistics, and we have noted the efforts of several of the excellent Secretaries of the department to carry into effect the purpose of the organic law which was to "foster, promote, and develop the foreign and domestic commerce." It is no reflection upon any of the four Secretaries who have been at the head of the department to say that thus far, apart from the deadening details which the work of the bureau has imposed upon them and the one or two attempts to organize commercial bodies, no great or signal work of promotion has been undertaken. Special agents have been sent abroad to inquire into trade conditions and to make report for the benefit of the American producer, but all this has been dependent upon the will of Congress, which has not been generous to the department in this respect. The very entering wedge, if any great promotion work was to be done by the department, was the Bureau of Manufactures, the purpose of which

is so comprehensive as to have been made ridiculous by the paltry appropriation which was allotted to it when it was finally authorized to begin business in 1905.

The Bureau of Manufactures was charged—

to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law.

My recollection is that Congress permitted the organization of this bureau by authorizing for its use in its comprehensive undertakings the munificent (?) sum of $11,400. Certain statistical and editorial work involving a much larger expense was subsequently turned over to the bureau, but in the legislative, executive, and judicial bill recently brought in and passed by the Democratic majority of the House no provision was made for the Bureau of Manufactures, nor for the very important Bureau of Statistics, which has been of long and useful service to the Government and to the business community. A consolidation of bureaus has been proposed, but the high purposes of the Bureau of Manufactures are ignored, and this one promising stepping stone for promotion in the Department of Commerce and Labor is eliminated.

A TREMENDOUS MAINTENANCE COST.

Now, Mr. Chairman, in thus drawing attention to the purposes of the Department of Commerce and Labor I am not drifting very far away from the Panama Canal. The Departments of Agriculture and of Commerce and Labor represent, in theory at least, the breadwinners of the Nation, the wealth producers, the employers, and the employed. The Government derives its revenue from these sources, and most of the other departments of the Government are dependent upon them. Not only the soldiers and the sailors must look to these sources for revenue, but also the pensioners, whom it is our constant duty to sustain. It is not only fair but timely, therefore, since we are going into the fortification business, which means a great maintenance cost on the Canal Zone, to inquire whether the canal itself is to bear a portion of this expense. I am familiar with the answer about tolls. We are going to give free passage to American ships, and, whether it involves us in complications with foreign nations or not, we intend to levy a toll upon foreign ships.

The best estimate of tonnage through the canal, both foreign and domestic, however, does not exceed 10,000,000 tons, and that is believed to be a very high estimate, indeed. If we get $1 a ton on that proportion of the tonnage which is foreign, we will still have to provide for the cost of maintenance, commissary, sanitation, and subsistence from $3,000,000 to $4,000,000 per annum, and from $25,000,000 to $30,000,000, if we fortify and arm the canal, as proposed. Since the problem of "making both ends meet" thus forcibly presents itself, I hope it may not be unstatesmanlike to direct attention to the wisdom of so starting this great American enterprise that it will bring back to the people of the United States some return commensurate with the investment they have made. Most of them, I believe, will not take kindly to a program which means that we are to operate the canal at our expense for the benefit of other nations and get nothing out of it for ourselves. And how are we going to do this without encouraging commerce and agriculture?

CUTTING OUT AGRICULTURE.

I know the agricultural prospects of the Isthmus are not as attractive as they are in the Middle West, but the major part of the 10-mile strip will be above water and is capable of cultivation. The 2,500 men who will remain to operate the canal, and their families, in addition to the soldiery, estimated to number from 5,000 to 8,000 men, will have to be fed. The hospital patients will continue to need fresh milk and vegetables.

And since all food, with slight exceptions, is now forwarded from the States and is necessarily storage food, why not encourage the raising of fresh food—vegetables and fruits at least—upon the Isthmus? To that query the Adamson bill gives answer that it is undesirable even to have inhabitants upon the zone. If found anywhere within the 10-mile strip they are to be arrested subject to suspicion of intent to blow up the works.

Mr. Chairman, I have no immediate fear that anyone is going to blow up the Panama Canal. It is not likely that any foreign nation would thus want to spite its own face, and it is inconceivable that anyone in the environment of Panama would want to attempt it or would be permitted to do it. On the contrary, there is reason to believe that cultivation of the Isthmus and the encouragement of population under proper regulations would add to the security of the canal. Col. Gorgas, in his testimony before the Interstate and Foreign Commerce Committee, said the cultivation of the zone would help sanitation rather than hinder it. The commission conducts a large dairy near the Ancon Hospital and also an experimental vegetable garden.

With the view of giving agriculture a further foothold on the Isthmus I offered to the sundry civil bill item of $11,000,000 for skilled and unskilled labor on the Isthmus, the following amendment:

Provided, That so much of this appropriation as may be necessary, not to exceed $15,000, shall be expended in soil improvement and agricultural development in accordance with the recommendations and conclusions submitted in report No. 95, United States Department of Agriculture, entitled "The agricultural possibilities of the Canal Zone."

I wanted to see if the committee was willing to permit of the use of $15,000 of the $11,000,000 to enable the people on the Isthmus to help provide food for themselves. The experts of the Department of Agriculture had said it was feasible. They made a reconnoissance survey in October, 1911, which indicated that while there were agricultural possibilities on the zone, and cattle and poultry thrived there, fertilization as we understand it in the States had never been attempted. My own inquiries as to the fine herd whose milk supplies the patients at the Ancon Hospital, showed that they were dependent upon the artificially watered coarse grasses of the vicinity, and that there had been no experiments in the use of clover or alfalfa or other pasture grasses so familiar to us. But my amendment to extend the usefulness of the commission on these lines was promptly objected to and ruled out by the Chair, indicating that for the present the policy of depopulating the zone is to be sustained, and that, except as to the canal and fortifications, the 10-mile strip is to remain a jungle.

NO COMMERCE INQUIRY.

When we reached the item authorizing the President to detail officers and enlisted men of the Regular Army, not to exceed four companies, to aid in policing the zone, I offered another amendment. This time it had to do with the broad problem of commerce, and was as follows:

And the President is also authorized and directed to create a commission, to consist of one member of the Isthmian Canal Commission, three members of the National Chamber of Commerce, and the Secretary of the Department of Commerce and Labor, to inquire into and report upon the most approved ways and means of utilizing the Panama Canal and the territory adjacent thereto within the Canal Zone, to foster, promote, and develop the mining, manufacturing, shipping, and fisheries industries, the labor interests, and transportation facilities of the United States, and to provide for the commerce and industry of the United States a fair and full return upon the investment made by the United States in the construction of the canal. For the purposes hereof the President is empowered to use so much as may be necessary of the moneys appropriated by this act from the departments of civil administration and law.

The purpose of this second amendment was to obtain some recognition, if possible, for the commercial interests through the Department of Commerce and Labor, but it was also objected to and ruled out by the Chair.

Now, Mr. Chairman, in view of the contemplated coordination of the canal and commerce, it would seem as if we ought to provide in some way for the business man who wants to do business on or through the canal. It is patent to anyone who visits the zone and stops overnight at the Tivoli Hotel that foreign nations have their representatives on the ground. It is obvious also that, so far as they have been able to do so, they have made Panama a basis for operations in the contest for the commerce of South America. We are already buying extensively from those foreign agents ourselves.

HELP OUR OWN MERCHANTS.

To what extent have we encouraged American business interests to make business by or through the canal? We know that Germany and Great Britain are already entrenched in the countries south of Panama, and that they have been more successful in making friends with the 60,000,000 of people there than we have. What warehouse facilities have we offered Americans? What banking factors or means of exchange? What opportunities to study the language and customs of South Americans or to show our samples? I do not insist that it is the business of the Government to do all these things for the individual business man, but I do believe that by our decision to make the zone a military reservation we are helping to shut the door in his face. We have certainly prepared to take away from him the small incentive we threw him in 1903, when the Bureau of Manufactures was created in the Department of Commerce and Labor. The bureau never had a fair show to do things, but with the proper spirit directing it and fair support from Congress, it could have been made a guiding star through the Panama Canal to the trade of South America. That, among other things, is what we hoped it would be, but now when the great trade channel of the world is to be opened under American auspices our official promoter is to be taken away and commerce is to do business through the War Department.

All this may work out to the satisfaction of Congress and the people. I do not say it will not, for the majority of the House has spoken; but I believe it was due to Congress and the country that in providing for the government and maintenance of

the canal we should have had more light upon its possibilities for the fostering, promotion, and development of the trade and commerce of the United States. In this the producer, the consumer, and the taxpayer of the country have a mutual interest.

Mr. SHERLEY. Mr. Chairman, the land over which we have jurisdiction on the Isthmus of Panama is about 40 miles long and 10 miles wide. More than half of that will be under water after the canal is finished, and more than half of what remains is a jungle and always will be and ought to be. I do not think the history of the United States in regard to tropical countries, together with the amount of undeveloped land in our country, is such as to warrant us in any very extravagant expenditure of money looking to the development of agriculture on the Isthmus of Panama. Provision has not been made to exclude all of the proper trade conditions that will arise as a result of the canal. Conditions have not been made and are not contemplated that will create such a military situation as will destroy the benefits that are to be derived from the canal commercially; but a common-sense view has been taken by nearly everyone I have ever seen who has visited the canal and who knows something of the conditions of climate and people there that it is far from wise to expend any great amount of money in a Utopian effort to create there a civilization such as people living in this Temperate Zone know or desire.

The matter being foreign to the bill, I now make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Twelfth. For material, supplies, equipment, construction, and repairs of buildings, medical aid and support of the insane and of indigent persons permanently disabled, while in the line of duty and in the employ of the Isthmian Canal Commission, from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, $500,000: *Provided*, That no part of this appropriation shall be used for or toward the construction of a new quarantine station.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I again call the attention of the gentleman from New York to the discussion we had some while ago as to the necessity of making these appropriations available for those works that were carried in the recent Adamson bill.

Mr. FITZGERALD. Mr. Chairman, I will offer the following amendment to take care of that situation.

The Clerk read as follow:

Amend, page 168, after line 9, by inserting:

"The foregoing sums, so far as necessary, shall be available for necessary dry dock, coaling plant, shops, and other facilities for repairing and supplying vessels and necessary wharves, sheds, and other terminal facilities, and for the consolidation and preservation of the files of papers and other records which have accumulated or may accumulate during the construction of the canal and needed or useful or having a permanent value or historical interest, as may be determined by the chairman of the Isthmian Canal Commission."

Mr. MANN. Mr. Chairman, I would like to know whether that will authorize the use of these appropriations for those public works which are contemplated or included in the Adamson bill.

Mr. FITZGERALD. I believe so; yes; and as that bill will probably become a law after the appropriation bill, it is to make the two fit together.

Mr. MANN. That is what I understood.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service or lay-over days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909.

Mr. BUCHANAN. Mr. Chairman, I desire to offer the following amendment, to strike out the last paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after line 20, page 169.

Mr. BUCHANAN. Mr. Chairman, it seems to me, in view of the climatic conditions in Panama, that this longevity pay should not be stricken out. That is all I desire to say, but it does seem to me there ought to be some incentive or extra reward paid to men who work on the canal under the conditions as they are there.

Mr. FITZGERALD. Mr. Chairman, I only wish to say this: The compensation of employees on the canal is from 40 to 75 per cent in excess of what it is in this country. They are furnished with quarters, light, fuel, ice at cost, medical treatment, and assistance free, and certain transportation free, and leave of absence with pay. They are the best cared for and the best paid employees in the world. This matter was thrashed out thoroughly a few years ago, and as the result of the investigation made Congress determined not to permit the extension of longevity and lay-over pay.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. WILSON of Pennsylvania. Is it not true in the early days of the work on the canal that it was difficult to obtain sufficient men to do the work, and that the promise of longevity pay was made by the department in order to get the men to go there?

Mr. FITZGERALD. No; I do not believe that is true.

About 1909 longevity and overtime pay was given to three or four classes of employees. An investigation disclosed it would cost, I do not recall exactly, but I think it would have added 25 per cent to the cost of the building of the canal. It was a gross injustice to give to the steam-shovel men, the railroad men, and some other classes of employees that which was not given to other classes. Congress had to do one thing or the other—treat the employees all alike by extending the longevity and lay-over-time privileges to all or else stop. It decided in view of the extraordinarily favorable conditions under which men were working on the canal to stop it at the point indicated.

Mr. WILSON of Pennsylvania. It could scarcely have cost 25 per cent for building the canal. I think the total amount for longevity pay at the highest point it reached was only 12 per cent and that only applied to a certain class of labor on the canal, and it certainly could not have reached the rate of 25 per cent.

Mr. FITZGERALD. Under Executive order longevity pay was allowed until the employee reached a rate of compensation 25 per cent in excess of the basis of the employment in which he was engaged. The reason it only reached 12½ per cent of the pay roll of those who were enjoying it was because they had not all enjoyed it a sufficient length of time to obtain the maximum of longevity. The employees of the canal—and I speak with accurate knowledge—are the best treated and the best paid employees in the world. I have three times visited the canal and I know such to be so.

Mr. BUCHANAN. Is it not a fact that treatment and good pay has secured the most efficient men to do work of that kind which has contributed much to the successful construction of the canal?

Mr. FITZGERALD. Oh, yes; they are selected men, and there is a long waiting list in Washington. I have dozens of applications from desirable mechanics in my district who are anxious to go there and who can not. The men who have been there have remained a long time. They have come back to the States, some of them, in comfortable circumstances.

I think it would be a gross injustice to the people of the United States to attempt to reestablish that system and take out of the Treasury unnecessarily, I think, something in the neighborhood of $40,000,000 additional to what is now being paid—that is, it would add to the cost of the canal about 25 per cent of the labor cost.

Mr. WILSON of Pennsylvania. This bill only provides an appropriation of about $11,000,000, I think, for skilled and unskilled labor for the fiscal year. Twelve per cent being the highest longevity, it would not amount to the sum the gentleman stated.

Mr. FITZGERALD. Oh, but the gentleman overlooks that this Executive order is still in force, and the minute this provision is stricken out of this bill the employees would be entitled to the accumulated longevity pay since 1909, and it would increase by 25 per cent the compensation of men who now receive from 40 to 75 per cent in excess of the same compensation of the same line of work in the United States in addition to the innumerable other advantages which they receive. They have their quarters; they have their food practically at cost; light, fuel, churches are maintained for them, clergymen are maintained for them, clubhouses are maintained for them, lodge rooms are maintained for them; they have free schools for their children, free medicines, and medical attendance. They receive treatment for their families at a cost of $1 a visit from the physicians.

If they wish to send them to the hospitals, the pay is insignificant compared with the pay in the United States. They receive transportation across the Isthmus once a month. They receive transportation to and from the Isthmus on their annual leave. Those on the monthly roll receive six weeks' leave with pay, and those on the per diem roll now receive two weeks with pay. They simply purchase their food and clothing. They buy their food practically at cost. A line of hotels is maintained by the Canal Commission and furnishes excellent food more cheaply than it can be furnished in the United States.

Mr. BUCHANAN. Is it not due to the fact that they are not at the mercy of a trust there, only so far as the Government having to buy food from it?

Mr. FITZGERALD. I believe the Government has been liberal and has treated its employees well. It was necessary for it to do so. We have a splendid aggregation of employees there, but I do not believe we will be justified in adding this burden to the Treasury for their benefit.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN. I want to ask the gentleman if it is not a fact that the supply houses there, departments of the Government, although they are furnishing supplies to the employees of the canal cheaper than they can be bought in the United States, add a sufficient amount for those supplies to pay for all their buildings and cold-storage houses, and the employees there are really paying for all the expense the Government has gone to in regard to them?

Mr. FITZGERALD. I think not.

Mr. BUCHANAN. I was so informed when I was down there.

Mr. FITZGERALD. Food supplies are sold at some increase over what they are purchased for, but the Government of the United States is purchasing supplies to feed an army of 40,000 people, and so they purchase in great quantities and can do it cheaper than an individual.

Mr. BUCHANAN. It is a sufficient amount to cover the cost of these buildings.

Mr. FITZGERALD. Even so, it is much less than the individual could purchase the supplies for elsewhere.

Mr. SABATH. The Government does not charge any rental for the buildings nor for light nor coal——

Mr. FITZGERALD. It furnishes quarters.

Mr. SABATH. And if I am not mistaken, only the cost of help is added to the cost of the materials sold to employees.

Mr. FITZGERALD. I think a little more.

Mr. SABATH. About 1 per cent or 2 per cent more.

Mr. BUCHANAN. I was informed, and I never heard it denied, that they did charge a sufficient amount to pay for all those cold-storage buildings down there.

Mr. SHERLEY. I think the gentleman is accurate to this extent, that there is a charge that will in time cover the cost; that is a direct incident of the commissary department. They not only do that, but they ought to do that. But, as a result of their efforts, they are giving to the workmen their food at a price less than it could be bought for here in the States.

Mr. BUCHANAN. That is true; but I am also informed they have paid all the expense of those buildings.

Mr. SHERLEY. If that is true, then there will be an instant reduction in the cost of food.

Mr. BUCHANAN. It has been made, I understand.

Mr. SHERLEY. In other words, the cost of the food has been figured mathematically at what it costs the Government plus the administration of taking it there and delivering it to the purchasers.

Mr. SABATH. That is about all.

Mr. FITZGERALD. I ask for a vote.

The CHAIRMAN. In order to avoid any technicality, the Chair will call attention to the fact that the amendment proposes to strike out all after line 20 on page 169. The Chair takes it for granted that the gentleman from Illinois [Mr. BUCHANAN], who introduced the amendment, did not mean thereby to strike out all the rest of the page.

Mr. BUCHANAN. The paragraph on page 169.

The CHAIRMAN. The Chair is making the suggestion out of an abundance of caution. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Seacoast batteries: For construction of seacoast batteries on the Canal Zone, $1,000,000, and any balances of the appropriation for the construction of seacoast batteries on the Canal Zone made by the act of March 4, 1911.

Mr. SHERLEY. Mr. Chairman, I call attention to the misspelling of the word "seacoast," on line 11, the first word on the line, and ask to have it amended by the insertion of the letter "a" after the letter "o." That is the first word of line 11, page 170.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Field fortifications and camps: For the construction of field fortifications and the preparation of camp sites on the Canal Zone, $200,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment, to constitute an additional paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 170, after line 23, by inserting the following paragraph:

"For the construction on the Panama Canal Zone of accommodations for 3 regiments of Infantry, 1 squadron of Cavalry, 1 battalion of Field (mountain) Artillery, and 12 companies of Coast Artillery, including water, sewer, and lighting systems, roads, walks, and refrigerating plant, $3,587,500."

Mr. CANNON. Mr. Chairman, this is in pursuance of a supplemental estimate, forwarded in due form through the Treasury Department, by the Secretary of War. I shall content myself with reading House Document No. 689, second session of the Sixty-second Congress, and incorporate it in the RECORD, without objection. It is as follows:

WAR DEPARTMENT,
Washington, April 6, 1912.

The honorable SECRETARY OF THE TREASURY.

SIR: I have the honor to forward herewith, for transmission to Congress, an additional estimate of an appropriation of $3,587,500 required by the War Department for the service of the fiscal year 1913 for the construction on the Panama Canal Zone of accommodations for 3 regiments of Infantry, 1 squadron of Cavalry, 1 battalion of Field (mountain) Artillery, and 12 companies of Coast Artillery, including water, sewer, and lighting systems, roads, walks, and refrigerating plant.

The imperative necessity for the submission of this estimate and the reason for its omission from the regular annual estimates submitted in October last are explained in the footnote to the estimate and in the accompanying memorandum of the Chief of Staff, which is made a part of the estimate.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

[Memorandum for the Secretary of War.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, March 29, 1912.

Relative to the estimate for $3,587,500, barracks and quarters necessary for the garrison (Coast Artillery and mobile army) on the Isthmus of Panama, I have recommended, and you have approved, a reduction of the proposed Infantry garrison from four regiments to three, the Cavalry from one regiment to one squadron, and the Field Artillery from one regiment to one battalion, all at full strength, and certain sanitary troops. The Coast Artillery garrison will be 12 companies. The mobile garrison has been reduced to the smallest force which can perform the duties required of that garrison on the Isthmus. It was thought at one time that the canal buildings would become vacant in such numbers that they could be used to quarter a large portion of the garrison for a number of years, but as this was not certain the estimate for barracks and quarters of permanent construction was included in the original estimate for the fortification, which was approved by the President, and on which Congress has already made an appropriation for fortifications. This estimate for a barracks and quarters ($3,587,500) is a part of that estimate (fortifications). We were able to secure canal buildings for one regiment of Infantry only, when it was found that practically no more buildings will be available until the spring of 1914, at which time the canal will be about completed and the garrison should be established on the Isthmus, so that the question of further use of the canal buildings had to be given up. There are also other reasons why it is inadvisable to attempt to use these buildings. The first is that the cost of moving sufficient buildings for a regiment, including their demolition, transfer, and reerection, and the subsequent installation of water, plumbing, the construction of roads, walks, etc., will, according to the estimate of Col. Hodges, of the Isthmian Canal Commission, amount to $300,000 per regiment, whereas the estimates for new buildings of permanent concrete construction, of suitable type, with proper sanitary arrangements, will cost, together with officers' quarters, less than $600,000 per regiment. It can be seen that it would not be economical to utilize the temporary buildings, even if they were to be promptly available, in view of their costing practically 50 per cent of what the permanent buildings would cost, and for the further reason that their life would not be more than 10 or 12 years, as they are most of them old buildings. Finally, there is an even stronger reason than that of economy: Col. Gorgas, the chief sanitary officer of the commission, has urgently recommended that no more troops be sent to the Isthmus until permanent camps, properly drained, with permanent buildings, have been prepared.

For the above reasons, the board has decided that it is best to commence at once the erection of permanent buildings.

After careful consideration a camp site has been selected at a point on high ground, opposite Culebra. The Panama Railroad passes through a section of the tract, and supplies can be economically forwarded. The location is healthful, and one of the coolest on the Isthmus. Such grading as has to be done can be accomplished at a relatively small cost by the use of spoil taken from canal excavation work near at hand.

LEONARD WOOD,
Major General, Chief of Staff.

NOTE.—This estimate is submitted in accordance with instructions of the Secretary of War, conveyed in memorandum of March 14, 1912, from the Chief of Staff, and covers the construction on the Panama Canal Zone of the accommodations required for the Coast Artillery and mobile troops deemed necessary to be stationed within said zone.

The buildings for barracks and quarters are to be of a type suitable for a hot climate, but with the minimum space which it is believed is possible in order to accomplish satisfactory results, the barracks to be of reenforced concrete, under the concentration plan; officers' quarters to be stucco or plaster walls. It is believed that these buildings can be constructed for the sum now asked for by purchasing material and hiring the labor, and will supply the needs of the garrison under normal conditions.

Stables and storehouses have been reduced to a minimum in accordance with instructions, and this estimate has been prepared on the

assumption that electric current for power and lighting purposes can be obtained from the plant to be operated for the use of the Panama Canal.

The receipt so recently of the necessary final data and authority rendered it impracticable to include this with the annual estimates submitted for the fiscal year 1913, and the case is too important to admit of another year's delay.

J. B. ALESHIRE,
Quartermaster General United States Army.

I desire also to read from the hearings touching this proposed appropriation. The passage I shall read is to be found on page 1951. I shall not read all the passage, but will read a part of it, and insert such other portions as are material in connection with my remarks. I read:

The CHAIRMAN. Would it not, therefore, be wise to utilize the accommodations that are there now, if they be adequate, for a period of time and until it can be determined as to what would be the best location for these buildings?

Gen. WOOD. Well, we have the statistics, of course, of all the years of operation, and we have studied pretty carefully the different sites. The board finally considered two sites; one was what is known as the savanna country near Panama; you are familiar with that; and the other was the high midland country. It then took up the question of the cost of the various tracts, and it was the feeling that if we went down into the savanna country the area selected might be located in a way which would involve the possible transfer of property to the Republic of Panama, a strip connecting the city with the rest of the country to the south; and then came the question of possible yellow fever or contagious diseases in Panama, and the constant source of danger from being so near to the city; everything considered, we looked upon the highland site as being the best to be used. Frankly, and answering your question without any reservation, I think from a military standpoint and the standpoint of ultimate economy, it would be best to put the whole garrison together. We can undoubtedly use these buildings when they are available, but, as I say, I think the site we have determined upon would be the better place for the troops.

The matter under discussion was the estimate now pending, which I have just read.

Col. Goethals intervenes here:

Col. GOETHALS. The great objection to the use of the buildings is that they would all be on the wrong side of the canal.

Gen. WOOD. And it will cost more in the end to do it.

Mr. SHERLEY. What about the cost of building your barracks with the force now at hand as compared with the cost of building them subsequently when that force is no longer there?

Col. GOETHALS. It would be more economical now than later on.

Gen. WOOD. Twenty per cent at least.

Col. GOETHALS. Yes, sir.

Mr. SHERLEY. Would it be a sufficient economy to outweigh any saving by virtue of the use of the old buildings for a period of 5 or 10 years?

Col. GOETHALS. Oh, yes.

These buildings on the site that has been chosen are on the south side of the canal at Culebra. The buildings that were referred to are on the north side of the canal.

I do not care to talk longer about it, but it seems to me that now that the labor is there, and under the estimate of the Secretary of War, duly forwarded, and under the official statement of the Chief of Staff, as well as that of the Quartermaster General, and under the statement on examination in the hearings of Gen. Wood and the statement of Col. Goethals, this appropriation ought to be made now. Therefore I move to insert it by amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. If all of the recommendations and estimates of the War Department were to be granted, it would be impossible to supply the money for such purpose, even if the revenues were greatly increased over what they are at present.

We have at present at the Canal Zone in the neighborhood of 5,000 white employees who are American citizens. We have accommodations for them there, suitable quarters, which it has been contemplated could be utilized by the Army after the completion of the canal. In the estimate submitted for fortifications of the canal for the current fiscal year, among the balances to be submitted at some future time, is one for barracks and quarters amounting to $3,687,000. Then, in a note appended by Capt. Embick, of the general staff of the Panama fortification board, is this statement:

Experience with the durability of wooden buildings on the Canal Zone indicates that buildings erected in connection with the construction of the canal can probably be utilized for the accommodation of the permanent garrison for the Canal Zone for a period of about 10 years after the completion of the canal. For this reason an appropriation covering the item of $3,587,000 for barracks and quarters will not be needed for a number of years, but the amount was included in the above table in order to show the total ultimate cost of the project for the fortification of the canal.

When the committee made its investigation this spring as to the sums required for the fortification purposes it was then stated that an estimate would be submitted subsequently for a sum necessary to provide quarters and storehouses for certain troops in the Canal Zone, and that estimate was transmitted on the 8th of April, 1912, aggregating $3,587,500.

After the canal is completed there will be a permanent operating force of about 2,500 men. Among the statements made by those advocating this appropriation at this particular time, I wish to read one brief statement which stands out so promptly as to emphasize the fact that it is unnecessary at this time to take any action to provide these quarters:

The CHAIRMAN. Will there not be sufficient buildings at Gatun, Colon, and Ancon, outside of the flooded districts, in which, by dividing the force at the outset, the troops could be accommodated without the expense incident to the removal of the buildings?

Gen. WOOD. What do you think about that, Col. Goethals?

Col. GOETHALS. I think there would be; there are accommodations now for about 7,000 Americans, and our force would be reduced to 2,500.

What necessity is there to appropriate three and a half million dollars to provide for accommodations for troops when there will be ample accommodations on the completion of the canal for the greater part of those who will be necessary to defend it? Why should these buildings be abandoned? They are suitable and adequate for the American citizens who are building the canal. What objections can be raised against them for housing the troops who are to defend the canal? Who can say that they will not be sufficient and adequate for 10 years? A thousand American soldiers are there now and are occupying quarters built by the French 20 years ago. All of the buildings erected by the Americans since their control of the work are of a better type and more satisfactory than those built by the French.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for three minutes more.

Mr. CANNON. I hope the gentleman will take five minutes and let me ask him a question.

The CHAIRMAN. The gentleman from New York asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. In view of the fact that originally it was contemplated to put the great bulk of troops that were to be there out on the savannas, the other side of the city of Panama, that a change of policy has resulted in plans to concentrate them in the neighborhood of Culebra, and the fact that in the present uncompleted condition of the canal, it may be desirable hereafter to make some other change in the location, it seems to me highly desirable to wait a short time longer, or several years longer, until we can know what policy will be finally determined upon as the permanent policy of the department rather than to embark now on an expenditure of over $3,000,000 for quarters when there will be ample quarters for all troops to be sent to the zone for some time.

My attention has been called to the fact that the department has already selected a distinguished architect in the city of New York and sent him to the Canal Zone for the purpose of planning and designing these quarters. My attention was called to such a statement carried in the daily papers. I hope we are not to have a repetition of what has so frequently happened in these matters, that as soon as it becomes known that a large sum of money is to be expended for barracks and quarters at some place some distinguished architect's services become apparently inevitable, with the resulting criticism, condemnation, and dissatisfaction. For the present, Mr. Chairman, it seems to me that we can well wait until we know definitely and accurately that the present buildings will not suffice. The mere fact that it would save money to put up these barracks now rather than to wait 10 years from now would be a very bad policy on which to proceed.

Mr. CANNON. Mr. Chairman, the gentleman read what Col. Goethals said, and I also read what he said at page 1951. From what page did the gentleman read?

Mr. FITZGERALD. I read from page 1950.

Mr. CANNON. That was a partial statement and from one standpoint.

Mr. FITZGERALD. It was sufficient for the purpose I had in mind.

Mr. CANNON. Yes; but on page 1951 there is the final statement, down near the bottom of the page. First we had Gen. Wood and then Col. Goethals. There is perfect agreement that this work ought to be done and done now. Of course the gentleman has that same admiration for Col. Goethals that I have.

Mr. FITZGERALD. Col. Goethals is of the opinion, and I think correctly, that if we are to construct the reservation with barracks and necessary equipment, that would cost eventually $3,500,000 or more, it would be cheaper to do it now than at the end of 10 years; but he also makes the statement that at Gatun and Colon and Ancon there will be ample accommodations for at least 5,000 men. I do not see the very great advantage that would result from this expenditure at this time and the concentration at one point of these many troops rather than the accommodation of them at the three points indicated. They would have to be transported from one place to another at any rate, and I can not justify the policy that contemplates

the destruction of entire villages and towns, because there will be no use for them when we will have use for them for these troops unless we incur this very large expenditure at this time. During the coming fall, Mr. Chairman, when the committee visits the canal again, it will be able to take up more carefully the suggestions of the department, to examine more closely their proposed plans, and ascertain accurately for themselves whether the accommodations there will not be sufficient, and then to determine whether it is advisable to enter upon any such expenditure. In view of the information I have of the situation I do not believe we should authorize the work at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 10, noes 30.

So the amendment was rejected.

The Clerk read as follows:

Armament of fortifications: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for the manufacture at the arsenals, to cost ultimately not to exceed $2,324,000, $500,000.

Mr. CANNON. Mr. Chairman, I move to strike out the last word to make one remark. The vote of the committee touching the amendment that I offered a moment ago was against the amendment. The Secretary of War, the Chief of Staff, the sanitary officer, Col. Gorgas, and Col. Goethals are all agreed from every standpoint of economy and from the standpoint of labor that this work ought to proceed during the coming fiscal year. I apprehend, without knowing what amendments may be placed upon this bill elsewhere, that in the end this appropriation will be made, and I am quite sure it ought to be. But I am in the minority, and of course it would not do any good to issue a defy or to threaten to resign, or do any other outrageous thing. [Laughter.] I think it would not do a bit of good, and therefore I am content that the Clerk should read.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

There was no objection.

The Clerk read as follows:

For the purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $573,000.

Mr. BATHRICK. Mr. Chairman, I rise to ask the gentleman's construction of the word "ammunition." Does it include powder?

Mr. SHERLEY. It does.

Mr. BATHRICK. Then, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend page 171 by adding at the conclusion of line 7 the following: "*Provided*, No smokeless powder shall be purchased with moneys herein appropriated."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on the amendment.

Mr. BATHRICK. Mr. Chairman, this matter was all thrashed out during the consideration of the Navy bill, wherein it was decided that our means of manufacturing smokeless powder are entirely adequate to supply all that is required. I notice that the Senate has amended the naval appropriation bill by providing a large sum of money to extend our facilities in this respect. We have been manufacturing smokeless powder, I desire to remind the committee, at a cost of approximately 43 cents, and we have been paying about 60 cents for it when we got it from private manufacturers. Aside from this, it has been shown in the hearings before the Naval Affairs Committee and the Military Committee that we had a large quantity on hand, a large surplus. For this reason, without going into all this matter that has been thrashed over here so frequently, I desire to have the amendment prevail. I do not believe it is necessary for us to purchase any powder for this particular purpose.

Mr. SHERLEY. Mr. Chairman, in the interest of expediting the bill I withdraw the point of order and ask for a vote.

Mr. FITZGERALD. Mr. Chairman, I do not remember the discussion about this matter. This particular ammunition is authorized at this time so as to be available for the defense of the Panama Canal. I have not had time to look into the matter of whether we can furnish all the smokeless powder needed, but I do not believe that we should take any chance in the matter.

Mr. BUCHANAN. Mr. Chairman, I want to say that there is information from officials to be had in the hearings before the Military Affairs Committee and the Naval Affairs Committee that the Government powder mills are operated only one-third of the time. In other words, they can produce two-thirds more powder than they are now producing.

Mr. FITZGERALD. That is, they are working one shift of 8 hours instead of three shifts of 24 hours.

Mr. BUCHANAN. They are working one shift, and if they need more powder all they have to do is to work more shifts. There is no question but what they can produce this powder at a less expense. The amendment ought to be adopted if you want to save money for the Government, and if you want to give big profits to the Powder Trust the amendment ought to be defeated.

Mr. SIMS. What is there now on the Canal Zone with which to use this powder? Are there any guns or fortifications?

Mr. FITZGERALD. No.

Mr. SIMS. Then why provide the powder?

Mr. FITZGERALD. We are providing for the defenses, and ammunition is one of the provisions we make for that purpose.

Mr. SIMS. There is no probability of fortifications being completed by the end of one year from now which would call for the use of any smokeless powder.

Mr. FITZGERALD. I do not know. It is put in here because it is believed to be imperatively necessary to provide it at this time.

Mr. SIMS. There is no sign of any war there or anywhere else that I can see.

Mr. MANN. Mr. Chairman, I was not here when the naval bill was under consideration, but I heard the discussion of this subject during the consideration of the fortification bill and the Army bill. I am inclined to think that the Government establishment for the manufacture of smokeless powder will have a good deal more than it can do in supplying the powder that is already expected to be supplied from that quarter. I believe the Naval Committee in the Senate intends to increase the appropriation for the Government establishment to a very considerable degree in order to carry out the policy announced by the House. Of course we have not a very large attendance here. There are not very many Members here, and we have been running through these bills without these questions being interjected into them. I do not propose to have a question like this interjected into this bill without a quorum in the House.

Mr. SHERLEY. Oh, I suggest to the gentleman that there is no probability of the amendment prevailing. I did not discuss it because I was sure of that fact.

Mr. MANN. I supposed that the gentleman was going to agree to it.

Mr. SHERLEY. I was not; but I was so sure that it was not going to be agreed to that I decided not to speak to it, and thought in that way to get ahead with the consideration of the bill.

Mr. MANN. I accept the statement of the gentleman.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BUCHANAN) there were—ayes 29, noes 27.

So the amendment was rejected.

The Clerk read as follows:

In all, specifically for fortifications and armament thereof for the Isthmian Canal, $2,806,950.

Mr. SHERLEY. Mr. Chairman, the other day there were certain remarks made in general debate touching the policy of fortifying the canal and the cost that would result from the adoption of that policy. I shall not delay the committee now, but I have in my possession certain data touching the cost of fortifications, and I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] No objection is heard.

The Clerk read as follows:

SEC. 2. The chairman of the Isthmian Canal Commission is authorized to establish a division of records and, as the requirements of the service permit, to consolidate in the custody thereof the files of papers and other records which have accumulated or which may accumulate during the period of the construction of the Isthmian Canal; and he is directed to carefully preserve, properly index, and arrange for use all papers needed or useful in the transaction of current business or having a permanent value or historical interest; and he is authorized to destroy or otherwise dispose of duplications in the files and other papers which are not needed or useful in the transaction of current business and have no permanent value or historical interest and which have been recommended to him for destruction or other disposition by a committee of three competent persons who have personally examined the papers and in connection with their recommendation have submitted a concise statement of the condition and character thereof.

Mr. CULLOP. Mr. Chairman, I make the point of order against this paragraph and whole section, because it is new legislation on an appropriation bill.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will reserve his point of order——

Mr. CULLOP. I will reserve the point of order if the gentleman desires to be heard.

Mr. FITZGERALD. Mr. Chairman, there is on the Isthmus now a great mass of important papers and documents, and so forth, relating to the Isthmian Canal. They are scattered from one end of the Canal Zone to the other in various offices. It is of the utmost importance that these papers be collated and arranged and indexed and the unnecessary and useless duplicates destroyed and those that are of any value, either historically or otherwise, put in such shape as to make possible their utilization by those desiring them. This provision does not add to the cost of the work. It simply gives the chairman of the Isthmian Canal Commission authority to appoint three persons to pass preliminarily upon the value or necessity of preserving certain papers so that the unnecessary and useless ones may be eliminated and those that are of value preserved in such manner as will make them of value. Provision is being made for the construction of an administration building, which will cost about $250,000, in which these records will be stored. Unless in some way they can be straightened out and adjusted they will be packed in there in a useless heap and never be available for use. This work should be done at this time and be finished by the completion of the canal, or it never will be done in the future satisfactorily.

Mr. SIMS. Let me ask the gentleman if he does not think it better to have these three persons appointed by the Secretary of War and not by the chairman of the commission.

Mr. FITZGERALD. I think not, because the chairman of the commission will merely designate three persons in the employ of the canal to act as this committee to make their recommendations, and then the commission will pass on those recommendations. If the Secretary of War does it, he will probably appoint three persons simply for the purpose of giving them the places.

Mr. SIMS. Here is the point to which I had reference. Of course, I do not mean to question the fact that the commission would not do what is right. In regard to the question of what papers ought to be preserved and what destroyed it seems to me they are more interested than anybody else, and while they ought to be consulted it seems to me proper that somebody else should be consulted also.

Mr. FITZGERALD. The Secretary of War would depend upon some one else, some subordinate official, and the man best fitted to finally determine the question is the man who is in charge of the construction of the canal and has been for some time.

Mr. SIMS. I did not mean that they should take no part in this. It should be done in cooperation with them. For instance persons are in charge of a work which involves large expenditures, and does not the gentleman think that they ought to be free from any charge that might possibly be made that they had destroyed papers that would throw light on something that might in the future come up to be examined? Of course, I do not intimate that anything relating to these gentlemen will arise.

Mr. FITZGERALD. All the expenditures are audited here in the War Department; those records are here.

Mr. SIMS. I do not care whether it is the War Department or not, but should not some person who is not interested in the work do it?

Mr. FITZGERALD. All expenditures for the canal are audited here by the Auditor for the War Department, and those records could not be affected. They are the ones which will disclose whether there has been any impropriety in regard to expenditures.

Mr. SIMS. I only have reference to the records that are to be destroyed. The gentleman knows that in investigations of corporation records it has often been found that records were destroyed and charges made that they had been purposely destroyed, and I think, as a protection to these men, there ought to be some means devised by which that could not occur.

Mr. FITZGERALD. These records are all here in the office of the Auditor for the War Department.

Mr. SIMS. What is it you want to destroy, then?

Mr. FITZGERALD. Why, there is a mass of routine correspondence duplicated in three or four offices, some of it of no value at all; an order issued directing certain things to be done sometimes has to be filed in several offices. They are all preserved. They want to eliminate a lot of this useless material.

Mr. SIMS. They want to get rid of that which is absolutely useless and get the benefit of the other?

Mr. FITZGERALD. That is it. The other records they desire to bring to one place and have them filed in an orderly manner. If anybody wishes to use the records for any purpose they will be of some value to them. No one could go to the Canal Zone now and attempt to make an examination of the records for the purpose of obtaining information.

Mr. SIMS. The commission has no authority to do what is sought to be given them?

Mr. FITZGERALD. No.

Mr. SIMS. I only know that such a thing ought to be done, and wanted to see that it was guarded properly.

Mr. FITZGERALD. All the expense accounts under the law must be audited by the Auditor for the War Department, and the auditor's office will have the records which cover expenditures. But there are a lot of papers, for instance—specifications and detailed drawings of various numbers of works—which, because of the number of different gangs that have been occupied on identical work, have been multiplied enormously, and there is a great mass of useless material there that should be cleaned out.

Mr. MANN. There are great quantities of duplicate blue prints.

Mr. SIMS. I have no doubt there is much in what the gentleman says. But I heard Col. Goethals once say, more or less jocularly, that before the canal is 15 years old Congress would have a committee appointed to investigate what was done with the money. That is why I thought these records ought to be preserved.

Mr. FITZGERALD. The one thing to protect the men on that work was the auditing of the accounts by the Auditor of the War Department.

Mr. MANN. If the gentleman will permit, if these papers could be transmitted to the War Department in Washington they could be destroyed practically by a clerk.

Mr. CULLOP. If the gentleman from Illinois [Mr. MANN] will permit, I just understood the chairman to say that most of the papers were here now in the War Department.

Mr. MANN. Not any of those that are to be destroyed.

Mr. FITZGERALD. The papers affecting the expenditures are in the auditor's office of the War Department. Some of them will be of value for one purpose or another, but the great duplication of blue prints, specifications, various drawings, routine correspondence, of no value whatever, encumbering every office in the zone, should be destroyed.

Mr. STEPHENS of Texas. Will that apply to the legal papers that are being used there for the condemnation of the lands that are to be covered by the artificial lake?

Mr. FITZGERALD. They will be a part of the court records. They could not destroy them.

Mr. STEPHENS of Texas. Then, this resolution would not cover any part of any court records?

Mr. FITZGERALD. No.

Mr. SIMS. It leaves the commission to determine absolutely what shall be destroyed or what shall be preserved.

Mr. FITZGERALD. It does not relate to court records at all. It says the files of papers that have accumulated or which may accumulate.

Mr. MANN. Whether it does or not, you have got to leave it to somebody, and either let all of our records go to pieces or else have some one determine those which shall be not kept and indexed.

Mr. STEPHENS of Texas. Does the gentleman think it safe to destroy any records that might be used in the condemnation of land?

Mr. FITZGERALD. Those to be destroyed under this provision are duplicates.

Mr. SHERLEY. Not only is that so, but if you do not destroy useless papers you will have great trouble in getting hold of any useful papers that you may desire.

Mr. STEPHENS of Texas. I understood the gentleman from New York [Mr. FITZGERALD] to say it did not apply to legal papers. In view of the fact, I have no objection.

Mr. CULLOP. In view of the fact that legislation is in process of adoption by this Congress which will make a change at the completion of the canal and in the operation of it when it is completed, and when that law takes effect, as it will soon, and this new management of the business of the canal goes into operation, it will be the better time then to determine what papers ought to be destroyed and what papers ought to be preserved, and how they should be complied. And I think it, therefore, not the proper nor opportune time to pass legislation of this kind; and, in addition to that, this legislation belongs properly to another committee. If the committees are to overlap each other in the legislation that they bring in on the same subjects or businesses connected with the Government, there will probably come a conflict between them, and a multiplica-

tion and a complication that would bring confusion into the departments. This being new legislation, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. It is true, as the gentleman from New York [Mr. FITZGERALD] says, that the paragraph carries no appropriation. Nevertheless the Chair is of opinion that it is legislation, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

That until the close of the fiscal year 1913, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Isthmian Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him; and the President is authorized, in his discretion, to sell and convey to the Republic of Panama the building situated in the city of Panama known as "the Administration Building," together with the ground on which the same is located, for a sum of not less than $80,000, and the proceeds of such sale, if made, shall be covered into the Treasury of the United States.

Mr. CULLOP. Mr. Chairman, I make a point of order against that part of the paragraph which commences in line 18 with the word "and," after the semicolon, and ending with the word "States," at the bottom of the page, and all the matter included therein. It is new legislation, and I make the point of order against it for that reason, it being included in an appropriation bill.

Mr. FOSTER. May I ask the gentleman from Indiana [Mr. CULLOP] if this building is located on property owned by the Government of the United States or on that owned by the Republic of Panama?

Mr. CULLOP. I am not able to state as to that, as to whether it is located on the ground of the United States or on that of the Republic of Panama.

Mr. FOSTER. Is it the gentleman's idea that this building is to be used after the canal is completed?

Mr. CULLOP. My idea is that the provision does not belong to this bill. It belongs as a part of the work of another committee. But, further, this is not the time to dispose of the building while they are talking about fortifying the Panama Canal with large appropriations asked for that purpose. This may be of very great service to the Government, and the retention of this building may hereafter save a much larger expenditure out of the Public Treasury. At least for the present I do not think we ought to dispose of it.

Mr. FOSTER. Does the gentleman think the Government needs this building?

Mr. CULLOP. I am not advised whether or not it will be needed under the new management authorized by the legislation now pending. It may be needed or it may not be needed. If it is necessary hereafter to sell it, I suppose that can be done under the new administration.

Mr. FOSTER. Is not this just giving authority now to sell this building?

Mr. CULLOP. That is what is proposed to be done.

Mr. FOSTER. If we do not need the building, why not sell it?

Mr. CULLOP. They might need it hereafter. They might find out later that they do not need it, and in that case it could be sold.

Mr. FOSTER. It could be provided for in this bill just as well as by another committee, it seems to me.

Mr. CULLOP. I do not think it is opportune just now to enact this legislation until the new administration and management comes into power under the legislation now pending, which will evidently be enacted at this session of Congress and which makes radical changes in the management of the Panama Canal.

Mr. FOSTER. The disposal of this building, as I understand, was authorized by a bill coming from the Committee on Interstate and Foreign Commerce.

Mr. SIMS. There was a special act.

Mr. FITZGERALD. Mr. Chairman, a bill authorizing the sale of this building, at the price fixed in this bill, to the Republic of Panama unanimously passed the House during the membership of the gentleman from Indiana [Mr. CULLOP]. The building is located in the city of Panama.

Mr. CULLOP. If the gentleman will permit me, I will say it was before I was a member of the Committee on Interstate and Foreign Commerce. No such bill has been reported or considered since I have been a member of that committee.

Mr. FITZGERALD. The gentleman was a Member of the House, though, and it passed the House unanimously.

Mr. JOHNSON of South Carolina. The gentleman's committee would not have jurisdiction of a building in the city of Panama. It is not on the Canal Zone.

Mr. CULLOP. It must have been done before I was a member of that committee and before the Sixty-second Congress. No such action has been proposed during this Congress.

Mr. FITZGERALD. I simply state that it was authorized in a bill reported by the Committee on Interstate and Foreign Commerce, which passed the House unanimously. The building is located in the city of Panama. It is of no value whatever to the United States. It can not be utilized by the United States for any purpose. The Republic of Panama can utilize it as a public building. Our officials believe that if we can get $80,000 for it we will be doing very well. In a desire both to accommodate the Republic of Panama, and at the same time sell useless property at a very good price, the committee, with the knowledge that the matter had passed the House unanimously on a former occasion, thought that perhaps it might help get the legislation through by incorporating it in the bill.

Mr. SIMS. What did the building cost the Government?

Mr. MANN. Nobody knows. We bought it from the French, for which we paid $40,000,000 with all the other property.

Mr. FITZGERALD. It was utilized by the French, and I think when we first took possession of the work it was used as an administration building. It was a part of the $40,000,000 purchase.

Mr. SIMS. It is not one of the new buildings built by the American Government?

Mr. FITZGERALD. No; our people believed it was desirable not to have located in the city of Panama, under the jurisdiction of a foreign government, the employees or any part of the working force of the canal, and removed them into the Canal Zone and erected an administration building. This building has been idle for a long time; it is too large to be utilized by any private enterprise, but the Republic of Panama could utilize it as a public building, and is willing to pay for it.

Mr. MANN. The gentleman said that the House passed the bill by unanimous consent for the sale of this building. Has the gentleman the date of that? I thought that that bill became a law. My impression is that the House twice has passed a bill covering this item.

Mr. SIMS. How does the gentleman arrive at the decision that it is worth more than $80,000? I know nothing about the building.

Mr. MANN. I can say to the gentleman that from my recollection, before the bill was reported from our committee—and, I think, while the gentleman from Tennessee was a member; and I know the gentleman from Georgia [Mr. ADAMSON], as well as the gentleman from Georgia [Mr. BARTLETT], were members—a bill was reported to sell this building. There had been some negotiations between the canal men and the officials of the Republic of Panama, and it was believed that it could be sold to the Republic of Panama, and that it might be some favor to them to sell it to them. It is absolutely useless to the United States. We long ago abandoned the use of the building, partly because it was not suitable, in our view, for the housing of the clerks and other employees down there. It was a building acquired from the French with the rest of the property connected with the Panama Zone.

Mr. CULLOP. I would like to ask the gentleman a question.

Mr. MANN. I will yield to the gentleman.

Mr. CULLOP. The gentleman says, if I understand him correctly, that the House, previous to the Sixty-second Congress, passed a bill twice authorizing the sale of this building.

Mr. MANN. I know that it passed one bill, and I was under the impression that the same item was afterwards included in another bill, but I may be mistaken.

Mr. CULLOP. In view of the gentleman's thorough knowledge about the Panama Canal, which he obtained during his chairmanship of the Committee on Interstate and Foreign Commerce, I want to ask him if he knows anything about the use of this building by the United States Government?

Mr. MANN. The Government has no use for it whatever.

Mr. CULLOP. How long since it has been used by the Government of the United States?

Mr. MANN. It has been a number of years since any practical use was made of it. Whether there has since been anything stored in it or not I do not know.

Mr. CULLOP. Has it ever been used by this Government as a part of the executive department in the Canal Zone?

Mr. MANN. It was when we first commenced work on the canal. I visited this building when it was being used by the Government. The city of Panama is rather a hot place in summer time, and the building itself is not very well suited, according to our notions, for that work, and so our people were moved out of the building and an administration and other buildings built where they are now, and this one was abandoned.

Mr. CULLOP. How long since the Government has used this building?

Mr. MANN. Several years.

Mr. FITZGERALD. I do not think it has been used since Col. Goethals has been chairman of the commission. I think they moved out of it before that.

Mr. MANN. The first time I was down there Mr. Wallace was the chief engineer, and at that time the Government was using it.

Mr. FITZGERALD. But they afterwards moved the administration headquarters to Culebra.

Mr. BARTLETT. When I was there, in 1909, they were not using it for any Government purpose whatever.

Mr. CULLOP. Could the Government use the building in any way during the operation of the canal as proposed under the new legislation?

Mr. MANN. It could not. It is a building that is absolutely useless.

Mr. CULLOP. Mr. Chairman, under that view of it I shall withdraw the point of order, as I am convinced from what has been said here that it is for the best interest of the public that this provision remain in the bill. However, I desire to say I do so with some reluctance, for the reason that another committee, that of Interstate and Foreign Commerce, has jurisdiction of the legislation on this subject, and I believe it a bad practice for one committee to assume the functions of another committee. Confusion is sure to follow such a practice, and conflict in the performance of duties must necessarily occur under such circumstances.

Mr. SIMS. Mr. Chairman, I want to state that these points of order, so far as I am concerned, have been made in this way: The gentleman from Georgia [Mr. ADAMSON], who is chairman of the Committee on Interstate and Foreign Commerce, has been called home on account of the serious illness of Mrs. Adamson. The gentleman from Georgia [Mr. HARDWICK] requested me to make the point of order that the gentleman from Indiana has made, together with others, as being desired by the chairman of the Committee on Interstate and Foreign Commerce. Personally I have no objection to legislation on appropriation bills and never have made points of order against legislation on appropriation bills where they are in line with the appropriation, but under the circumstances it seems to me that the chairman's wishes ought to be respected by his fellow members on the committee. If a bill has passed this House to sell this building at a time when Mr. ADAMSON was a member of the committee——

Mr. MANN. It met his approval, I will say to the gentleman.

Mr. SIMS. His attention no doubt was called to it. Yesterday I requested the gentleman from New York, the chairman of the Committee on Appropriations, to wire Mr. ADAMSON and see if he was not willing to have these points of order withdrawn or not made. In view of the fact that the gentleman states that a bill was reported by the committee of which Mr. ADAMSON was the ranking member and is now the chairman, I do not feel like insisting upon the point of order.

Mr. MANN. Mr. Chairman, I will say to the gentleman from Tennessee that the gentleman from Georgia, the chairman of the Committee on Interstate and Foreign Commerce, and myself are on very friendly terms, growing in part out of our services on that committee. I discussed with the gentleman the items in the bill in regard to which points of order might be made. I do not recall discussing this particular item with him. I do not think he called it to my attention. I do not think he would have insisted or would insist, if he were here, upon the point of order, because I know this met his approval when we reported it before.

Mr. BARTLETT. He voted for it in the House and in the committee.

Mr. SIMS. This bill was brought to me marked for points of order by the gentleman from Georgia [Mr. HARDWICK].

Mr. MANN. This item is new in the bill, and I presume that is why it is marked.

Mr. CULLOP. Mr. Chairman, in view of the statements made and the showing upon the matter, it seems to me that this provision ought to be retained in the bill. I shall not insist upon the point of order nor ask that it should be sustained.

The CHAIRMAN. Without objection, the point of order will be withdrawn and the Clerk will read.

There was no objection.

Mr. WILLIS. Mr. Chairman, it will be observed that in this section—section 4—there is the following provision:

That until the close of the fiscal year 1913, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Isthmian Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

I am one of those who hope that the equipment and material, so far as it will be available, which is now in use in the construction of the Panama Canal will not be sold, but will be retained by the Government for use in another great enterprise which I believe the Government will undertake. I understand that an effort has already been made to sell some of this equipment and that it has been found that bids submitted were about 10 per cent only of what the equipment was regarded as being actually worth. It is quite apparent that if Alaska is to be developed, some one will be compelled to build a railroad from tidewater to the interior of Alaska. In my judgment the Government of the United States should build and operate this railroad and should use the extra equipment from Panama for that purpose. As is well known, there are several measures pending looking to some provision of that kind, and it seemed to me in this connection it would be interesting to have inserted in the RECORD certain correspondence with the Quartermaster General of the Isthmian Canal Commission relative to the disposition of this material. I therefore ask unanimous consent to insert in the RECORD two letters to which I have referred.

The CHAIRMAN. Without objection, leave will be granted.

There was no objection.

The letters are as follows:

THE AMERICAN MINING CONGRESS,
Washington, D. C., May 28, 1912.

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: At the suggestion of the Secretary of the Interior, Mr. Callbreath and the writer called upon Col. C. A. Devol, chief quartermaster, Isthmian Canal Commission, to inquire as to his availability as a witness before your committee.

We found that the colonel was leaving that day for his post of duty, but after explaining to him the importance of his making such a statement he very kindly prepared for us a letter, of which the inclosed is a copy, which I hasten to forward to you as a matter of particular interest.

Faithfully, yours,

H. HANIMAN,
Acting Chairman Alaska Committee.

ISTHMIAN CANAL COMMISSION,
PURCHASING DEPARTMENT,
Washington, D. C., May 20, 1912.

J. F. CALLBREATH, JR.,
Secretary the American Mining Congress,
Munsey Building, Washington, D. C.

SIR: Replying to your verbal inquiry of this date in regard to using the plant equipment and tools now on the Panama Canal construction work for the construction of part of a railway system in Alaska, please be advised as follows: I turned over a complete list of all plant equipment, such as locomotives, steam shovels, cranes, rails, etc., to Secretary Fisher on his visit to the Canal Zone some months since. This is an itemized list, showing in detail all the articles now carried, giving the date purchased, original cost, condition at present, and probable date of release from work on the canal. In addition there is being prepared a list of shop tools, which will be turned over to the Secretary of the Interior at an early date.

Although the gauge of the Panama Railroad is 5 feet, all cars, steam shovels, etc., can be reduced to a standard gauge, or 4 feet 8½ inches, at a very moderate cost. About 24 locomotives can also be remodeled, but the greater number are so constructed that there is not sufficient room to set the tires and driving wheels in to the standard gauge.

We have on the Isthmus two large repair shops—one to repair steam shovels and one on repair of locomotives and car equipment—and all equipment is kept in first-class condition, none of it being allowed to deteriorate. Should a transfer of the surplus equipment be directed, it could all be put through the shops before leaving and be in good, serviceable condition on arrival in Alaska.

We have employed on the Isthmus at the present time about 5,000 American citizens, the greater number of whom have been identified with the construction work on the canal for a number of years. They have learned of the proposed legislation in regard to the railway in Alaska, and they are already talking the matter over and many of them are eager to go. They are accustomed to the Government service, accustomed to our methods, and entirely familiar with all the various articles of equipment that are to be shipped from the Isthmus; in other words, a portion of the canal organization, including accountants, mechanics, engineers, and all classes of men, with the appliances, with which they are entirely familiar, could be transplanted to Alaska and go to work at once under the system entirely familiar to them. There would be no loss of time incident to the formative stages of the organization; the men would know each other and would know their immediate superiors, and it would seem that the best of results should obtain.

It is presumed that a wage scale for this force would be authorized similar to the wage scale on the canal, as good men would not be induced to live in either Panama or Alaska for the same amount of wages that are paid in the United States.

Arrangements could be made to ship the equipment just as fast as it is released, and this probably would fit in with the construction work in Alaska. The transport *Buford*, now on the Pacific coast, possibly might be used to effect this transfer and therefore minimize the cost.

An attempt has been made recently to sell some of the surplus equipment, with very discouraging results; steam shovels, for instance, only bringing 10 per cent of the original cost, and unless some special project can be found it is not believed any better prices will be obtained in the future. It would therefore effect a very decided saving to the Government to put this plant, the total value of which amounts to about $16,000,000, into service elsewhere.

Yours, very respectfully,

C. A. DEVOL,
Chief Quartermaster, Isthmian Canal Commission.

The Clerk read as follows:

SEC. 5. That hereafter no payments shall be made for maintenance or other charge in connection with the Toro Point Light, Isthmus of Panama, out of moneys of the United States or of the Panama Railroad Co.

Mr. MANN. Mr. Chairman, I reserve the point of order. Why should we provide in this bill for the officials down there if they think it necessary not to maintain a lighthouse?

Mr. FITZGERALD. It is under a so-called concession. The Toro Light is of absolutely no value to the Panama Railway Co. or to the men who navigate its ships.

Mr. MANN. If it is of no value, why do they maintain the light?

Mr. FITZGERALD. They do not. This light is maintained by certain gentlemen residing in Panama under a so-called concession, and the United States is being mulcted in the sum of about $30,000 a year for the maintenance of the light, and we have been assured that is of absolutely no value whatever.

Mr. MANN. Why is it maintained?

Mr. FITZGERALD. They have a concession under which all vessels shall pay a toll.

Mr. MANN. "They" have? Why not be specific?

Mr. FITZGERALD. I do not recall the names of the people, but they are certain residents of the city of Panama. They obtained this concession from Colombia.

Mr. MANN. What is the concession?

Mr. FITZGERALD. It is a concession to maintain this light and to charge all vessels entering the port of Colon certain fees. The Panama Railroad Co. strenuously protested against the payment of the fees. They do not use the light, but to avoid a little difference of opinion with certain persons in Panama it was decided to acquiesce.

Mr. MANN. Where is Toro Point?

Mr. FITZGERALD. It is on the Atlantic side.

Mr. MANN. I understand, but where is it from Colon?

Mr. BURLESON. It is where that jetty projects from.

Mr. FITZGERALD. It is where the new breakwater projects. There is another light, which is used by the masters of the vessels in reaching the port.

Mr. MANN. For the life of me, looking at it, I do not see how vessels can get in there without a light on that point.

Mr. FITZGERALD. All that I know is that the masters of these vessels state that it is absolutely useless to them, and they do not go by it or rely upon it. They pick up another light.

Mr. BURLESON. The captain of the *Ancon* told me that he never had used it, and he always protested against the payment of these fees.

Mr. FITZGERALD. I think we pay about $30,000 a year. It is the only gold mine on the Isthmus.

Mr. MANN. Is the light on our territory?

Mr. FITZGERALD. My recollection is it is within the Canal Zone.

Mr. MANN. If they have a right to charge these vessels, how can you stop it?

Mr. FITZGERALD. It is very doubtful if they have that right. We went into the matter pretty extensively. There was a unanimity of opinion respecting it.

Mr. MANN. I do not know very much about it, but I will withdraw the point of order.

The Clerk read as follows:

SEC. 6. That all surplus earnings of the Panama Railroad Co. shall be covered into the Treasury of the United States to the credit of miscellaneous receipts.

Mr. CULLOP. Mr. Chairman, I make the point of order against the paragraph on the ground that it is new legislation.

Mr. FITZGERALD. Mr. Chairman, if the point of order had not been made, I intended to offer as an amendment, before the word "surplus," the word "unapplied." It appears that the Panama Railroad Co. has accumulated a surplus of about $1,800,000, which is largely profit made out of the work of building the Panama Canal.

Mr. FOSTER. Can the gentleman tell us what that money is being used for now?

Mr. FITZGERALD. Yes. That is why I desire to offer this amendment. It is being utilized to construct a new hotel at Colon, and certain docks. All of the stock of this company is owned by the United States, the board of directors consisting of certain officials of the Army and other officials of the United States and one or two civilians, accumulating a surplus in the operation of the road, very largely from the charges made against the Government in the construction of the canal. It has about $1,800,000 on deposit in the banks of New York, subject to the disposition of this board of directors, with no supervision or control exercised by Congress. They are contemplating the purchase of property in the State of New Jersey for terminal facilities that will cost from half a million to a million dollars.

It seemed to the committee that so long as Congress, whenever necessary, was required to appropriate the money that the Panama Railroad Co. needs for any purpose, if it does not have the money for boats or terminals, or whatever the railroad had to have to keep it in condition, that as we appropriate the money out of the Treasury, in the interest of good administration, we should take this surplus, the unapplied portion, at least, and put it in the Treasury of the United States where it belongs.

Mr. FOSTER. Then, I understand from the gentleman's statement that the Government buys what is necessary—has been doing it—for the Panama Railroad Co. in the way of steamers, and such as that. Then, when they make a surplus they keep the surplus and spend it for what they deem necessary for the organization. Is that the situation?

Mr. FITZGERALD. We bought some boats for the company.

Mr. FOSTER. I think we bought two three or four years ago.

Mr. MANN. The Government owns four out of six.

Mr. FITZGERALD. The last two we bought.

Mr. MANN. We own four out of six.

Mr. FITZGERALD. The other two belong to the Panama Steamship Co., all the stock of which belongs to the Government.

Mr. SIMS. I would like to ask the gentleman if the Panama Railroad Co. proposes to build terminals at any place?

Mr. FITZGERALD. They are building at Colon a hotel that will cost, as I recall, something like half a million dollars. They are also building certain docks there.

Mr. SIMS. Without authority of Congress?

Mr. FITZGERALD. Why, certainly, the board of directors decided to build the hotel and docks.

Mr. SIMS. And the board of directors are United States officials.

Mr. FITZGERALD. Not all of them.

Mr. SIMS. And they are going along and building it without a law authorizing them to do so.

Mr. FITZGERALD. They have a law; they are officers of a corporation.

Mr. SIMS. Well, the Government owns the corporation, does it not?

Mr. FITZGERALD. My own opinion is, being somewhat familiar with the laws of the State of New York, under which the Panama Steamship & Railroad Co. is incorporated, that it would be very difficult to find any authority under the laws of that State for a corporation organized for the purpose of building and operating a steamship line and a railroad to build a hotel. I think it is clearly ultra vires.

Mr. SIMS. It has always been a remarkable thing to me that the Government has to do its business in this fictitious way. If we own that railroad company, why not operate it as a Government facility and not permit it to be operated under the fiction of a corporation?

Mr. FITZGERALD. I think everybody realized that in the construction of the canal that in retaining this corporation certain business could better be done under a corporate form than if done by the Government. I believe it has worked out beneficially. Having accumulated this surplus, which is, I have no doubt, the result of payments to the company by the canal officials for the work it has done for the commission, this surplus lying to the credit of the company in private banking institutions, it seemed to the committee desirable that these surplus earnings should go into the United States Treasury.

Mr. SIMS. These directors authorized these deposits in private banks without any law of Congress.

Mr. FITZGERALD. No; as a corporation they properly deposited their money in banks, because if they put it in the Treasury they could not get it out. It is not desired to interfere with the corporation using its revenues to meet its current expenses, but any surplus earnings, it was believed, should be covered into the Treasury.

My attention has been called to certain conditions which require modifications in the provision. Contracts are in existence for the construction of a hotel and certain docks, and a portion of the surplus has been allotted or applied for that purpose, and to that extent this surplus fund should not be covered into the Treasury, but should continue available to carry out existing contracts.

Mr. SIMS. Now, right there: Is this railroad going ahead and undertaking enterprises that are not a part of the construction, operation, and maintenance of the canal?

Mr. FITZGERALD. Well, I think so; it does a commercial business.

Mr. SIMS. Does not the gentleman think we had better have a little legislation on that subject?

Mr. FITZGERALD. I think it is of great importance that the corporation be preserved for the present.

Mr. SIMS. But building hotels and other structures that are not necessary for the building of the canal—does the gentleman think——

Mr. FITZGERALD. I am not discussing that.

Mr. BARTLETT. Mr. Chairman, it is a fact that the United States Government owns all the stock of this corporation?

Mr. FITZGERALD. Oh, yes.

Mr. BARTLETT. While some of the officers own enough stock to qualify them to be officers, the United States owns all the stock.

Mr. FITZGERALD. It is all in the Treasury.

Mr. BARTLETT. It is all in the Treasury, and have not we the right to do as we please with our own money?

Mr. CULLOP. In other words, the Government owns the railroad, practically?

Mr. BARTLETT. Owns all the stock which the railroad represents.

Mr. CULLOP. Now, then, if the Government officials are taking the money and using it in the building of hotels or other enterprises, they are misappropriating the funds. Now, in the new canal bill provision is made for all the surplus earnings there.

Mr. BARTLETT. Does not the gentleman think——

Mr. CULLOP. It provides over and above the operating expense except certain of the stores there, which must be replenished from time to time, but everything else is to be covered into the Treasury, which, in my judgment, is wise, and also safeguards the Government money.

Mr. BARTLETT. The bill the gentleman speaks of may not become a law.

Mr. CULLOP. Oh, it will become a law at this session. It will, in all probability, become a law before this bill will become a law, when under this bill all these things, in my judgment and that of the committee at the time they prepared it, will be amply taken care of. This is a part of the purpose for its early enactment.

Mr. FITZGERALD. We all agree that it is something that should be done.

Mr. CULLOP. Yes, indeed; I agree with the committee fully that some legislation ought to be had to correct this matter and safeguard the rights of the public, as there is really room for abuse as it now exists, and such legislation should be had at this session of Congress to secure a remedy, because it is imperatively demanded. Public policy requires it, in my judgment, but under the new bill it is well taken care of.

Mr. MANN. If the gentleman will permit a slight interruption, I think the first Panama Canal bill that I reported into the House—it was an early one anyhow—provided for practically abolishing the Panama Canal Railroad Co. and putting it under the control of the Government.

Mr. CULLOP. That ought to be done and would be wise.

Mr. MANN. I believe it ought to be there. That bill was not passed, and I was firmly convinced that my motion was somewhat erroneous. We could not have carried on the work of the canal without making use of the canal railroad. While I would not be in favor of it as a permanent policy, as a temporary expedient on the Canal Zone, owing to the harsh environment, it was big enough down there to enable the Panama Canal Railroad Co. to do things which the Government officials directly could not do, and I think it ought to be continued that way until permanent legislation goes into effect in reference to the control of the Panama Canal.

Mr. CULLOP. I fully agree with the gentleman from Illinois on that. I think it is advisable. And under this new law or legislation that is proposed and now pending, if it is adopted, that matter will be amply taken care of under the new management.

Mr. MANN. Without being in this bill?

Mr. CULLOP. Without being in this bill; and as provided in that bill the new management can amply care for it and correct this abuse as it now exists, as the gentleman says it does, at this time.

Mr. MANN. I do not think it is being abused. I think it has been used very well and usefully down there up to the present time.

Mr. CULLOP. I do not agree with the gentleman that the management of this railroad ought to take the surplus earnings of it and build hotels or any other enterprise down there without the consent of some supervisory power. It ought not to do that. It ought not to expend the surplus earnings without authority from Congress or from some other authority. A policy of that kind should not be tolerated. In such a practice abuses are likely to occur.

Mr. MANN. Does not the gentleman believe it was a wise thing to build the bakeries down there, and the laundries down there, and the eating houses down there?

Mr. CULLOP. Oh, yes.

Mr. MANN. Well, that was all done by the Panama Canal Railway Co.—every dollar of it.

Mr. CULLOP. But it was done more under the direction or advice of Congress.

Mr. MANN. It was not done by the advice of Congress at all. It was done by the same officials that were managing the construction of the canal. It was done through a form of law which we could not undertake and make applicable throughout the United States, and ought not to, as a permanent thing. But it was useful down there and was done in that way. That is the way they get their meat and vegetables down there as well as other supplies.

Mr. CULLOP. I think the gentleman from Illinois will concede this, while that was all done wisely and justly, still a policy of that kind continued without some restriction around it, and for any great length of time would be subject and liable to great abuse, because the license is unbridled.

Mr. MANN. I agree with the gentleman that it ought not to be the permanent policy, but I think it ought to be pursued until the canal is finished.

Mr. CULLOP. Until it is finished and under the management provided by the new legislation, and ready for operation. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate; and

Second, the number of persons, if any, employed and the rates of compensation paid each, and the amounts expended for each other object or class of expenditures out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Mr. MANN. Mr. Chairman, I make a point of order on that paragraph. How is it practicable to comply with the provisions of that paragraph?

Mr. FITZGERALD. It is very easy. We get one part of the information now in one way, and the balance of the information is furnished during the course of the investigation. If it were all furnished when the estimates are submitted, it would be of immense value to the committee. We have, for instance, a provision which requires to be stated under certain lump-sum appropriations the manner in which the money is expended during the preceding fiscal year. In making up the estimates for the ensuing fiscal year the proposed expenditures are always classified in the same way. If such information were included in the Book of Estimates, so that the two columns could be printed together, the committee would have the advantage of it in advance of the examination instead of having it submitted after the examination is completed. It would be of very great service.

Mr. MANN. Mr. Chairman, I will withdraw my point of order, owing to the dulcet tones of my friend from New York.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. Hereafter no specific or indefinite appropriation made in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in act" approved June 24, 1874, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment.

Mr. MANN. The gentleman had better tell why it goes in first.

Mr. FITZGERALD. The amendment is to correct a date.

Mr. MANN. There will be no trouble about that if it stays in.

Mr. Chairman, I asked the gentleman the other day in reference to the act that was passed recently concerning the covering-in act, and then another joint resolution or act that we passed exempting certain things from the operation of the other act. We have had at least three acts on this subject; two in the last couple of years, I think. Has the gentleman examined this?

Mr. FITZGERALD. I have examined it. This has no reference to it. Under the covering-in act there are six classes of appropriations that are not covered in at the expiration of the two years.

Mr. MANN. Those are the six named here? No; there are five named here. What is the other one?

Mr. FITZGERALD. The other class is what are called permanent specific appropriations. The Treasury Department has construed a number of appropriations to be permanent appropriations, to continue available until used. For instance, I can illustrate in this way: In 1893 an appropriation of $50,000 was made to enable certain services to be employed in connection with some suits affecting the Pacific railroads. A part of the appropriation was used, and the balance remained unexpended for a number of years. About 1908 the Comptroller of the Treasury construed that appropriation to be a permanent specific appropriation, and some others persons were employed under it. This year, the appropriation giving out, an estimate was submitted for additional money, and it was discovered that out of this appropriation, made in 1893 for one purpose, during the last three or four years certain other services were being paid of which Congress had no knowledge whatever. That is an illustration.

Mr. MANN. I know, but that might happen under any of these appropriations or under any appropriation that was made available until expended.

Mr. FITZGERALD. It was not made available until expended.

Mr. MANN. I understand, but it might happen under any appropriation that was made available until expended. They construed it to be available until expended.

Mr. FITZGERALD. The purpose of this is to prevent such action. I will cite another class of cases. We frequently make specific appropriations for surveying public lands in certain States. No one that I know of or have consulted with ever knew until this year that the Comptroller of the Treasury construed those to be permanent specific appropriations.

No one that I have consulted with knew that the Comptroller of the Treasury construed those to be permanent and specific appropriations; so that they were not available only for the specific year, but until the money was expended.

Mr. MANN. I have heard that statement made several times on the floor.

Mr. FITZGERALD. I never have known it, and I have been connected with the work for some time.

Mr. MANN. The gentleman has no public land in his State to be surveyed.

Mr. FITZGERALD. No; but I have had gentlemen from States that have public land within their borders furnish me with about all the possible available information upon the subject.

Mr. MANN. The gentleman remembers that a short time ago we passed an act affecting the covering-in act liable to hold up all the river and harbor appropriation.

Mr. FITZGERALD. That was in 1909, and it grew out of this situation: During the Spanish War an appropriation of $3,000,000 was made to meet unforeseen emergencies that might arise in the War Department. In 1908 it was found that there were several million dollars unexpended in that appropriation, and the Comptroller of the Treasury construed it to be a permanent specific appropriation, and it was used to pay certain expenses in connection with the Brownsville investigation. Then Congress passed this act:

SEC. 10. The Secretary of the Treasury shall cause all unexpended balances of appropriations which remained on the books of the Treasury on the 1st day of July, 1904, except permanent specific appropriations, judgments and findings of courts, trust funds, and appropriations for fulfilling treaty obligations with the Indians, to be carried to the surplus fund and covered into the Treasury: *Provided*, That such sums of said balances as may be needed to pay contracts existing and not fully discharged at the date of this act shall remain available for said purposes. For the purposes herein declared no appropriation made prior to July 1, 1904, shall be construed to be a permanent specific appropriation unless by its language it is specifically and in express terms made available for use until expended.

That was in the sundry civil act of March 4, 1909.

Mr. MANN. That went through with a statement something like this, and it caused lots of trouble.

Mr. FITZGERALD. My attention is called to the fact that it was a provision put on in the Senate as an amendment, and was not discussed here. It was discovered later that in certain river and harbor work there were unexpended balances that would be affected that it was not contemplated should be covered by the act, and on the 25th of June it was provided that that act should not be construed as applying to the unexpended balances of river and harbor appropriations, the use of which might be essential in the judgment of the Secretary of War in the further maintenance and prosecution of the work.

The reason for that was that the river and harbor appropriations made for improvements sometimes included authority for maintenance. The estimates for the river and harbor work for the next ensuing fiscal year had been based on the fact that there were unexpended balances out of appropriations made prior to 1904 for river and harbor improvements. If they were not excepted, additional sums would have to be appropriated for that purpose. That was the only place that it worked out in a way that had to be corrected.

Mr. MANN. This provision reads:

SEC. 8. Hereafter no specific or indefinite appropriation made in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year, unless it belongs to one of the following five classes.

Of course this would not apply to any permanent, indefinite, or specific appropriation made heretofore——

Mr. FITZGERALD. It would not apply to any appropriation made heretofore that may have been construed as a permanent specific appropriation.

Mr. SHERLEY. It is not retroactive.

Mr. MANN. It is retroactive. It says hereafter it shall not be construed so and so.

Mr. FITZGERALD. The trouble is that they have all been construed.

Mr. MANN. That would not make any difference; this would not permit them to be construed that way hereafter.

Mr. FITZGERALD. In this bill and other appropriation bills we make appropriations available until used.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. I offer the following amendment.

The Clerk read as follows:

Page 175, in line 7, strike out the word "twenty-fourth" and insert in lieu thereof the word "twentieth."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. After June 30, 1912, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, and chiefs of field parties are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July 1, 1912, no fee or money paid for the services herein described shall be paid or reimbursed by the United States.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order on that paragraph. It has no relevancy to the Canal Zone.

Mr. MANN. No; this is general legislation.

Mr. FITZGERALD. Mr. Chairman, it has been ascertained that travel vouchers, which must be verified, are sworn to before all sorts of officials, and fees are collected that amount to about $60,000 a year. This is to give authority to certain designated officials of the United States to administer such oaths and compel the oaths to be made before such officials whenever it is feasible rather than to employ outside persons and incur expense.

Mr. MOORE of Pennsylvania. Certain of those officials are specified in this paragraph. How does the gentleman explain "the chief of field parties"? How would you locate him?

Mr. FITZGERALD. That is a well-recognized term. For instance, the Geological Survey has field parties, and one person is designated as the chief. This is to give him the authority to administer an oath rather than to have men hunt all over the country for somebody who under the law is empowered to administer oaths.

Mr. MOORE of Pennsylvania. May I ask why it was advisable to insert such a paragraph in this bill?

Mr. FITZGERALD. It is designed to prevent the expenditure of about $60,000 to reimburse officers for fees they have paid for these travel vouchers. It is in the interest of economy and efficiency. If a man is out in the field and he gets to a point where he has to put in a travel voucher, a chief of that party is authorized to administer the oath. Otherwise the man might be compelled to go a considerable distance to find some official who is authorized to administer the oath.

Mr. MOORE of Pennsylvania. And it has been shown to the committee that there is a necessity for this legislation?

Mr. FITZGERALD. We think it is a very desirable thing. It will not only facilitate business, but will prevent the expenditure unnecessarily of fifty or sixty thousand dollars a year.

Mr. MOORE of Pennsylvania. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

SEC. 10. All of the records relating to naturalization or declarations of intention to become citizens of the United States and all certificates

of naturalization filed, recorded, or issued prior to an act to validate certain certificates of naturalization approved June 29, 1906, in or from the police court of Louisville, Ky., shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. SHERLEY. Mr. Chairman, the paragraph is subject to a point of order. The purpose of it is simply to cure the question of whether the police court of Louisville—its proper name is the city court of Louisville—was a court authorized to naturalize aliens. There are some ten or fifteen thousand certificates that were issued under the old naturalization law under the belief that the court was a court having jurisdiction to naturalize aliens. The only effect of this provision, if agreed to, would be to cure that question. It does not validate any naturalization papers that are subject to attack because of any other reason such as fraud or noncompliance with the law in any particular. It is similar to remedial legislation that was passed in one of the courts of Cook County, Ill.

Mr. MOORE of Pennsylvania. Does not the gentleman think that a matter of this kind should have gone before the Committee on Immigration and Naturalization?

Mr. SHERLEY. I think that it is a matter of such plain understanding and is one that every principle of equity would warrant action being had, and that the committee was justified in placing it here. It is subject to a point of order.

Mr. MOORE of Pennsylvania. I thought it would be fair for the gentleman to make his explanation. I do not see the chairman of the Committee on Immigration and Naturalization present, but I think it ought to be said that there are other questions of this kind coming before that committee and that that is the proper place for this legislation to go.

Mr. MANN. If the gentleman will permit, this proposition is on all fours with the proposition which I presented to the House coming from Cook County, at one time. The law then in force in reference to naturalization, it was determined, did not cover the criminal court of Cook County, which for years, being a court of record, had been naturalizing citizens. In fact, it was almost the favorite court for that purpose. It was finally determined that there was some doubt about it, and finally, that probably no one of the people naturalized there were properly naturalized. I presented a bill and it went to the Committee on Immigration and Naturalization. It was reported with a unanimous report, together with a good deal of information in connection with the report. The bill passed the House and became a law. This is identically like that, and the same question has arisen.

Mr. MOORE of Pennsylvania. The gentleman will agree that where committees of the House are regularly constituted to consider special legislation, those committees ought to be considered. I do not know whether the chairman of the committee has been consulted about the matter. It seems to me that this is a matter that should go to the proper committee.

Mr. SHERLEY. Of course, the chairman of the committee would be no more the person to consult than any other member of the committee. The matter was referred to the officials of the Bureau of Naturalization. It plainly shows upon its face that the only effect of it is to validate the power of the court to issue naturalization papers. It was a police court having a limited criminal jurisdiction, a court with a seal, and a court that was supposed to have jurisdiction. It is not a matter that requires any intricate investigation, and I have in my hand here a letter from the Acting Secretary of the Department of Commerce and Labor saying there is no objection to the legislation.

Mr. MANN. Of course, this is practically asking unanimous consent for the consideration of the proposition, but the gentleman has managed to get it where it comes in in this way. The person who is really interested is the man who wants to be a citizen.

Mr. MOORE of Pennsylvania. Some of the committees of this House are much more powerful than other committees, and some gentlemen who happen to get upon these powerful committees have much more influence than gentlemen who are on committees of less importance.

Mr. MANN. But the gentleman should remember that he may be on the most powerful committee himself before a very great while.

Mr. MOORE of Pennsylvania. I had not heard of that. But, Mr. Chairman, this is a matter of legislation which, I think, should have gone to the Committee on Immigration and Naturalization, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SEC. 11. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1913, and all laws or parts of laws in conflict with the provisions of this act are repealed.

Mr. SIMS. Mr. Chairman, I want to ask the gentleman if the repealing provision is not pretty broad?

Mr. FITZGERALD. Oh, no; it is the same as is carried every year.

Mr. Chairman, this concludes the reading of the bill. There were several places which were passed over. On page 21 the paragraph from lines 17 to 21, inclusive, were passed over to ascertain whether the committee would offer an amendment relative to a central power plant. I have no amendment that I wish to offer at this time.

Mr. SISSON. Was not a point of order reserved on that power-plant proposition?

Mr. FITZGERALD. It is not in here. We passed this point so that the committee might, if it desired, return to permit an amendment to be offered. I shall not offer any amendment. It was understood that if an amendment were offered no Member would lose his right to make the point of order if the amendment proposed were subject to the point of order. But this provision was not subject to a point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of explanations that have just been made to me, I ask unanimous consent to withdraw the point of order made by me a moment ago against the item affecting the naturalization court at Louisville.

The CHAIRMAN. Without objection, the point of order will be withdrawn. [After a pause.] No objection is heard.

Mr. SHERLEY. Mr. Chairman, I desire to offer the following amendment to that section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 176, line 6, strike out the words "police court at Louisville" and insert the words "Louisville city court, sometimes called the Louisville police court."

Mr. MOORE of Pennsylvania. Will the gentleman state the reason for that amendment?

Mr. SHERLEY. I am just trying to give the accurate title of the court. As printed it is "police court of Louisville," and the actual title of the court is "Louisville city court."

Mr. MOORE of Pennsylvania. It is a clerical correction?

Mr. SHERLEY. Absolutely.

The question was taken, and the amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I desire leave to print with my remarks a letter from the district attorney of the western district of Kentucky and one from the Acting Secretary of the Department of Commerce and Labor touching the matter just disposed of.

The CHAIRMAN. Without objection, that leave will be granted. [After a pause.] No objection is heard.

The letters are as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY,
WESTERN DISTRICT OF KENTUCKY,
Louisville, May 23, 1912.

Hon. SWAGAR SHERLEY,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am just in receipt of yours of the 20th, referring to your correspondence with Mr. Tincher, touching the status of certain foreign-born residents of Louisville, who undertook to be naturalized in the Louisville police court, and the validity of whose naturalization papers has been questioned.

Undoubtedly, in my judgment, the police court was without jurisdiction to issue naturalization papers under the old law, as it did not have common-law jurisdiction, although it had the other requisites—a clerk and a seal.

Tincher informs me that he counted the list in the police court, and ascertained that there were somewhere between ten and twelve thousand orders made admitting aliens to citizenship. The certificates were issued upon printed blanks, which recite that the Louisville police court was a court having common-law jurisdiction, a clerk and a seal, half of which was perhaps true. In other words, the Louisville city court perpetrated a fraud upon the applicants for naturalization. These people, being themselves misled as to their status, clearly come within the last proviso of the first subsection of section 4 of the present act (Naturalization Laws Pamphlet of 1911, p. 4), which was added by the act of June 25, 1910, and they are entitled to make application and obtain their final papers under that proviso.

It seems to me that, while of course great numbers of those naturalized have moved away from here or died, it is a hardship to compel these people to incur the expense and trouble of again obtaining their final papers, and that they might very well be put upon an equality with persons who obtained certificates of naturalization from the criminal court of Cook County, Ill. (Act of June 29, 1906, 34 Stats., p. 630; Naturalization Pamphlet, p. 18, sec. 2, at foot of page.)

I can see no reason why Congress should make fish of the Chicago people, who were naturalized in a court which had not jurisdiction by virtue of having common-law jurisdiction, and fowl of the Louisville aliens in like condition.

I may add that Mr. Frederick W. Weber, United States naturalization examiner, of Chicago, who usually attends the hearings here of

applicants for naturalization, with whom I had some talk on this subject the last time he was here, seemed to fully agree with me as to the propriety of adopting an act similar to the one relating to the criminal court of Cook County, Ill., and applicable to the "Louisville city court, called the Louisville police court."

Very respectfully,

GEORGE DU RELLE,
United States Attorney.

—

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, June 11, 1912.

Hon. SWAGAR SHERLEY,
Representative in Congress, Washington, D. C.

MY DEAR SIR: The department has to acknowledge the receipt of your letter of the 10th instant, addressed to the Chief of the Division of Naturalization, inclosing a letter addressed to you by the United States attorney at Louisville, Ky., in relation to certificates of naturalization issued by the police court at Louisville prior to the passage of the naturalization act of June 29, 1906.

It is noted from the said inclosure that somewhere between ten and twelve thousand orders were made by the said court admitting aliens to citizenship, and that many of the persons so naturalized have since moved from Louisville or died.

It would appear that the same situation exists with regard to the persons so naturalized as in the case of those aliens who had been admitted to citizenship by the criminal court of Cook County, Ill. In both instances the persons naturalized have been the victims of an error upon the part of the said courts in assuming a jurisdiction which they were not by law authorized to exercise. Recognizing this situation apparently, the act of June 29, 1906, entitled "An act to validate certain certificates of naturalization," was passed, which validated all certificates theretofore issued by the said criminal court of Cook County, Ill., so far as lack of jurisdiction was concerned, but no further.

The department can see no reason why similar action should not be taken on behalf of those persons who have been admitted to citizenship by the police court of Louisville. In fact it sees no other means by which injustice to such of the persons so naturalized as were qualified to become citizens may be avoided.

In compliance with your request, the letter addressed to you by Mr. Du Relle is herewith returned.

Very truly, yours,

BENJ. S. CABLE,
Acting Secretary.

Mr. SHERLEY. Mr. Chairman, I ask to return to page 55, and I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 55, after line 1, insert:

"The Secretary of War is authorized and directed to grant and lease in the manner hereinafter provided, for a period of 25 years, such surplus water of the United States within the limits of or pertaining to the military reservation of Schofield Barracks (Waianae Uka), island of Oahu, Territory of Hawaii, as may not be needed for the supply of the military post and troops on said reservation; and he is further authorized and directed to include in such grant or lease authority to the grantee or lessee thereunder to enter upon such reservation and make surveys thereon for, and construct and maintain, dams, reservations, canals, ditches, flumes, tunnels, and pipe lines for the purpose of diverting and conducting from the reservation the water covered by such grant or lease at such places on said land as said grantee or lessee may select, subject to the approval of the Secretary of War; and to include also the right to said grantee or lessee to take from the lands of the United States adjacent thereto, subject to the approval of the Secretary of War, earth and stone necessary for such construction and maintenance: *Provided*, That said grant or lease shall be made to or entered into with the highest responsible bidder for such surplus water, under sealed proposal, after public advertisement of the terms and conditions thereof for a period of not less than 30 days in a newspaper or newspapers of general circulation published at Honolulu, in the Territory of Hawaii; such terms and conditions to be fixed by the Secretary of War when not inconsistent with the provisions of this act: *Provided further*, That the right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. KAHN. Mr. Chairman, I make the point of order.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. SHERLEY. If the gentleman will reserve the point of order, I think it is due to the House that a statement be made as to why the committee recommended this legislation.

Mr. KAHN. The Delegate from Hawaii is not present in the House, and I understand he is opposed to this legislation.

Mr. SHERLEY. I think the gentleman is misinformed. The Delegate from Hawaii, though we had very elaborate hearings, did not in any way indicate that he was interested in it at all, and I can not imagine that the Delegate from Hawaii is interested in a proposition that is in some respects a question between rival companies. It is not a question involving the Hawaiian Islands at all.

Mr. KAHN. I understand that it is a question between rival companies that ought to be adjudicated by the courts, but if the gentleman desires I will reserve the point of order.

Mr. SHERLEY. I think it is only due to the House that it should know what occurred and why we proposed this legislation.

Mr. MANN. Will the gentleman yield for a moment?

Mr. SHERLEY. Certainly.

Mr. MANN. I would like to ask the gentleman from New York whether he expects to finish this bill to-night?

Mr. FITZGERALD. Yes; I desire to finish it.

Mr. MANN. It does not look to me as though it would be possible.

Mr. FITZGERALD. Oh, I think it is possible; we have only a few more items.

Mr. MANN. Well, there are a number of other items, and I will say frankly to the gentleman at the proper time——

Mr. FITZGERALD. There are four or five more, and we can finish, I think, by 6 o'clock. It would be a matter of great personal convenience to me.

Mr. MANN. It would be a matter of great personal convenience to me if you did not.

Mr. FITZGERALD. Well, I think the gentleman and myself can arrange this so as to accommodate ourselves.

Mr. SHERLEY. Mr. Chairman, the Waianae-Uka tract of land, situated in Oahu, contains the military reservation of Schofield Barracks, consisting of about 14,000 acres. There are certain rights to the waters that rise upon this military reservation and lands adjoining them. Some of those rights occur as a result of the ancient water rights of the Kingdom. Others occur as a result of certain leases which were granted from the Crown at one time and which expired in 1912. In 1909 the Congress of the United States, at the instance of a water company, passed an act giving them a right of way to the extent of the ground covered by water impounded by the company, and so forth. The act is as follows:

That the Wahiawa Water Co. (Ltd.), a corporation organized under the laws of the Territory of Hawaii for the purpose of irrigation, be, and is hereby, granted the right of way through the lands of the United States to the extent of the ground occupied by the water of the reservoirs and canals of said company and their laterals, and 50 feet on each side of the marginal limits thereof, including that portion of said company's irrigation works located within the limits of the military reservation made by the order of the President July 20, 1899, setting aside a portion of Waianae-Uka, in the island of Oahu, Territory of Hawaii, and as published in the general orders of the War Department No. 147, and dated August 10, 1899, and including also the right to take from the lands of the United States adjacent to the line of the canals earth and stone necessary to the construction thereof, the said reservoir sites, canals, and laterals, and waterways being now occupied under an outstanding lease from the former authorities of said Territory to said company and so recognized in said general orders: *Provided*, That the plans for the works herein proposed shall be submitted to the Secretary of War for approval, and shall be carried out in conformity to such regulations in respect to maintenance and operation as he shall prescribe: *Provided also*, That the servitude herein granted shall not prevent the movement of troops over the said right of way, and when the movement of field artillery and wagon trains is impeded or prevented, due to the use of gulches for water storage by said company, bridges suitable for the passage of troops, artillery, and wagon trains across said gulches, with suitable approaches thereto, shall be provided by said company when required by the Secretary of War, said bridges and approaches to be constructed in accordance with plans approved by the Secretary of War: *Provided further*, That during the occupation of said military reservation by troops the said company shall furnish, free of charge, all the water needed for post or encampment purposes, and, in case an electric power plant is erected by said company, it will furnish power to the United States, if required, and, if it be obtainable without interference with the irrigation supply, at not to exceed 1 cent per kilowatt hour, measured at the dynamos.

It is the contention of this company that by that act they were granted in perpetuity the right to the surplus waters of the south branch of this stream. Now, I do not desire to go into an elaborate legal discussion of the proposition, except to state this fact for the consideration of the gentleman from California and then let him, if he feels that he should make the point of order, make it. The failure to act by Congress in this matter is in effect an adjudication in behalf of this company whereby, in my judgment, water that is worth as much as $40,000 a year is given without the payment of one cent.

The committee, after an elaborate hearing that lasted a whole day, after a consideration of briefs of eminent counsel, came to the conclusion that there was not the slightest basis for their claim of title to these surplus waters, and that the nonaction by Congress was simply to permit them to use water that was of this great value without compensation, and that, therefore, inasmuch as the War Department had asked that action be taken, we were warranted, and, in fact, it was our duty, to present the proposition to the House. I suggest to the gentleman from California [Mr. KAHN] that inasmuch as the failure to act at all by Congress is actually for the benefit of these people, the proper procedure is to let the whole matter come before this committee. Let him, if he desires to present the proposition this company has to offer, offer it as an amendment to the proposition offered by the committee, and then let Congress act on it. But we ought not, by failure to act, continue to permit these people to enjoy this water without compensation, if the position of the committee is a correct one.

Mr. HUMPHREYS of Mississippi. I would like to ask the gentleman a question. They have a right to dig canals and build dams and reservations. What is meant by the word "reservation"?

Mr. SHERLEY. It means reservations in lands being used to impound the water.

Mr. KAHN. It practically means reservoirs.

Mr. SHERLEY. Practically.

Mr. KAHN. Has the gentleman concluded?

Mr. SHERLEY. Yes; I have no desire to go into an elaborate discussion of the matter for nothing if the point is to be made.

Mr. KAHN. This controversy is a fight between two sugar plantation companies as to rights to use the water. I think it is a matter of sufficient importance to go before the Committee on Military Affairs that would have jurisdiction of this matter, and it ought to be taken up in a separate bill and ought to be thoroughly discussed. I insist on the point of order.

Mr. SHERLEY. The Committee on Military Affairs has no jurisdiction, and could not have any jurisdiction of the bill.

Mr. KAHN. I think the Committee on Military Affairs would have jurisdiction.

Mr. WILLIS. I understood this was a fight between two companies. As I heard the reading of the amendment it simply proposes the right of the Government should be put up and sold to the highest bidder. Why is it a fight, then, between two companies?

Mr. KAHN. I was in Honolulu last summer and heard much about the conflicting interests. There is a company there that expended something like three or four hundred thousand dollars to put up a dam to impound the water. And they agreed to furnish, free of cost to the Government, all the water the Government desired. They offered to expend something like $200,000 in putting in a reservoir to supply the Government needs in that direction. They offered to furnish the Government all the electric power it might desire. They offered the Government to build, free of cost to the Government, the bridges across the ditches and across the gullies where this water is impounded.

There is a disposition to divert the water from the plantation that is now using it, the Waialua, to the Oahu plantation, on the other side of the island, and the matter is in such shape that I think the rights of the company that is now using the water ought to be judicially determined. I insist on the point of order.

Mr. SHERLEY. If the gentleman will permit just a moment, I desire to say this: The committee is not presenting the claim of one company as against the other. The committee believed there was a plain right in the Government to this surplus water; that there was no reason on earth why the Congress should voluntarily becloud the Government's own title, which is what this company desires Congress to do. Knowing these waters were of value, the testimony of the Judge Advocate General of the War Department being that he estimated them to be worth $40,000 a year, we felt it was incumbent upon Congress to provide for the sale of these water rights to the highest bidder.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. MANN. How did the matter come to the committee?

Mr. SHERLEY. It came from the two alternative propositions that the War Department submitted.

Mr. MANN. Why should that go to the Committee on Appropriations?

Mr. SHERLEY. The Committee on Appropriations makes appropriations for barracks and quarters, and this was in connection with the water supply of the Schofield Barracks; and I might say to the gentleman that the Government, realizing absolutely there was no cloud upon its title, is proceeding now, at this very moment, to build a reservoir to impound the waters for its own use at the Schofield Barracks. This was simply to use the surplus waters.

Mr. KAHN. The Judge Advocate General, in a decision rendered September 20, 1909, I believe, says that this company that is using the water has rights.

Mr. SHERLEY. Yes; that Judge Advocate General reversed himself and has since been reversed by the present Judge Advocate General and the Secretary of War; and I think it would be demonstrable to any lawyer in five minutes that a grant is not contained in the proviso, and it is undisputed that when they came here and asked permission to go upon the Government land they were not asking for and did not think that they would obtain thereby a right to this water. But now they claim that the Government having placed certain limitations on the grant that was given to them they thereby acquired a right to this water.

Mr. KAHN. But the Judge Advocate General held that they had a right; and that in itself would show, it seems to me, that there is some judicial question involved, and it ought to be decided in a judicial way.

Mr. MANN rose.

Mr. CANDLER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I want to yield, first, to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I wanted to inquire about the jurisdiction of the committee. I could see how the committee took jurisdiction of this matter in connection with barracks and quarters. I believe that the Committee on Appropriations has jurisdiction over Army barracks and quarters. As a legislative proposition would the Committee on Military Affairs have jurisdiction of this, or would the Committee on Territories have it?

Mr. SHERLEY. I did not catch what the gentleman said.

Mr. MANN. I asked if, as a legislative proposition, the Committee on Military Affairs would have jurisdiction over this subject, or whether the Committee on Territories would have it?

Mr. SHERLEY. I think unquestionably the Committee on Military Affairs would not have jurisdiction. I am inclined to think the Committee on Territories would.

Mr. KAHN. Then it ought to go to that committee and be fully thrashed out. It ought to be brought into the House as a separate proposition, so that all the facts can be placed before the Members. I insist, Mr. Chairman, on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offered an amendment on page 57, to which a point of order was reserved by the gentleman from Illinois [Mr. MANN]. I do not wish to detain the committee any further than to say that I have here an opinion by the Attorney General in which he construes this identical language to be a limitation merely upon the appropriations that are contained in the bill. The amendment covers lines 20 to 23. The Attorney General says:

There are certain reasons why I am of opinion that the proviso is properly to be construed as applicable only to the appropriations carried by the act in which it appears, notwithstanding the fact that the language of the clause, not being in terms explicitly limited, is, standing alone, open to the other construction.

That was the opinion of the Attorney General.

Mr. MANN. I believe, then——

Mr. FITZGERALD. It was on his opinion, delivered in 1910, that I relied in the statement I made that the provision was in order.

Mr. MANN. But the gentleman does not contend that it was not subject to a point of order?

Mr. FITZGERALD. I would not if it had not been for the opinion of the Attorney General, who was able to hold and rule in that extraordinary way.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

Mr. MANN. That is not fair after having the paragraph passed for another purpose, not for the purpose of preparing an amendment.

Mr. FITZGERALD. Oh, I passed it over for the purpose of getting this decision, which was challenged.

Mr. MANN. You will never pass over another paragraph in that way. You passed it over in order to get an amendment prepared.

Mr. FITZGERALD. It adds only the word "herein."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 57, after line 19, insert "No part of any appropriation herein for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. MANN. There was only one "aye."

Mr. FITZGERALD. But the "aye" was a big one.

The CHAIRMAN. Is a division asked for?

Mr. FITZGERALD. No.

Mr. MANN. I did not ask for it.

The CHAIRMAN. The "ayes" have it, and the amendment is adopted.

Mr. FITZGERALD. The next amendment is on page 92, line 21, and line 5 on page 93.

The Clerk read as follows:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

Mr. SIMS. Mr. Chairman, I reserved the point of order on the whole paragraph. I do not know that I will make it, but I want to discuss it. I reserved the point on the entire paragraph, but it was on account of the proviso only.

Mr. SISSON. Mr. Chairman, I want to reserve the point of order on the whole paragraph.

Mr. SIMS. I reserved it on the whole paragraph, but what I cared about chiefly was the latter part; that is, the legislative provision that makes the Speaker of the House a part of the commission to investigate and purchase this land. I know it has been general heretofore, and I understand the reason for it in some respects. They put the Vice President on and the Speaker of the House on, but I think there is a reason that goes beyond what is on the surface. Gentlemen who want to get up these deals want men upon the commission that it would be embarrassing to Members of the House to differ with in their judgment. It is not that I lack any confidence in the Speaker that we have, or have had, or perhaps will have, but it seems evident that the present Speaker of the House will not be in the House very long and can not serve as such commissioner, and could not, like the present ex-Speaker, remain on the commission. I think it is a rather indelicate thing for Members to be forced if they disagree with the purchasing commission in their judgment to have to criticize or differ with the presiding officer of the House. I have not thought it was a good thing to do so. I always opposed the commission, and for that reason I do not think the office of Speaker of the House ought to be involved in this way.

I do not mean to reflect at all upon the present Speaker, or any Speaker. I think it would be better to make the chairman of the Committee on Appropriations, or some member of that committee, a member of the commission rather than to have the Speaker of the House.

Mr. FITZGERALD. I hope the relations of the other Members of the House are not more unfriendly to the chairman of the Committee on Appropriations than they would be to the Speaker of the House.

Mr. SIMS. Oh, we can scrap with the chairman of the Committee on Appropriations, and he always takes it in good humor.

Mr. FITZGERALD. He has the advantage of the Speaker in that respect, for he can give and take.

Mr. SIMS. And for that very reason, that the Speaker can not give and take, we dislike to criticize him or differ with him while he is presiding over the House. I do not think that the Speaker of the House ought to be put on any purchasing commission.

Mr. FITZGERALD. It never has interfered with gentlemen on the floor in recent times in indulging in such criticisms as they wished.

Mr. CANNON. If the gentleman from Tennessee will allow me, I have been Speaker of the House for a number of years and for many years chairman of the Committee on Appropriations. Let me say that the chairman of the Committee on Appropriations, who is something of a power on the floor and in the preparation of these bills, can give any of the Speakers cards and spades in influencing legislation.

Mr. SIMS. I have no reference to influencing legislation or anything of that kind, but I should feel a delicacy in opposing something that even the gentleman from Illinois, the ex-Speaker, should favor.

Mr. MANN. I have never noticed that.

Mr. CANNON. I have not any feeling of that kind.

Mr. FITZGERALD. I do not think the gentleman from Illinois should disparage the power and importance of the Speaker, whether he exercise more power in one place or another. There is a reason for putting the Speaker of the House on this commission. In reference to the grounds surrounding the Capitol, where Congress meets, it was believed that the Speaker, representing the House, and the Vice President, representing the Senate, should more properly than any other persons be on the commission. I do not believe their exalted position would protect them from criticism if occasion required it.

Mr. SIMS. I do not believe the Speaker would exercise any improper influence, but it is the feeling Members have in deference to the Speaker on matters of judgment, and it seems to me that the Speaker ought not to be on the commission. I know that the ex-Speaker discharged his duties well, and he got his training on the Appropriations Committee. I have no criticism to make of what he has done, and I am perfectly willing for him to stay on the commission. But I do think that we ought not, at least, to cause Members to feel a hesitancy in criticising a matter on which the Speaker has made a report in a matter that does not belong to his office.

Mr. FITZGERALD. Sometimes Members are glad of an excuse to criticise the Speaker.

Mr. SIMS. That might be, but I am opposed to the purchase of this land and to the whole business and always have been.

Mr. FITZGERALD. Is the gentleman going to make the point of order?

Mr. SIMS. I am willing to leave it to the House, and therefore I move to amend by striking out "the Speaker" and inserting "the chairman of the Committee on Appropriations."

Mr. FITZGERALD. Mr. Chairman, I shall object to that.

Mr. SISSON. Will the gentleman yield?

Mr. SIMS. I notified the gentleman that I only want to substitute for the Speaker the chairman of the Committee on Appropriations.

Mr. SISSON. I do not want to lose any of my own rights.

The CHAIRMAN. The gentleman will not lose his rights.

Mr. SIMS. Mr. Chairman, I will state to the gentleman that as far as I am concerned I only wanted to bring this matter up and move to amend it, and so far as I am concerned I do not care to insist upon the point of order.

Mr. CANDLER. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. CANDLER. I understand the gentleman to say that he is opposed to this whole proposition?

Mr. SIMS. I am opposed to buying the land.

Mr. CANDLER. And because he is opposed to this proposition he has reserved the point of order and offered this amendment to substitute somebody in place of the Speaker.

Mr. SIMS. I reserved it only as to the proviso.

Mr. CANDLER. I thought the gentleman was opposed to the whole proposition. I am opposed to it all.

Mr. SIMS. We can vote it down.

[Mr. SISSON addressed the committee. See Appendix.]

Mr. CANNON. Mr. Chairman, touching the legislation to condemn or purchase the property between the Capitol and the Union Station, so far as I recollect I had nothing to do with it. It may be that I voted for it. I do not know. I will say that if I had been voting, I should have voted for it, because I believe that property ought to be acquired by the United States. The gentleman from Mississippi [Mr. SISSON], after the legislation is enacted and after $1,100,000 worth of this property has been condemned, talks for the better part of an hour against purchasing any more of it.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Certainly.

Mr. SISSON. I will say to the gentleman that I made an effort at the special session of Congress, before any of this property had been condemned, to get a resolution considered instructing the commissioner not to proceed to the purchase of any of this property.

Mr. CANNON. Well, the gentleman's effort seemingly, with his party friends, did not materialize. He is a little bit in the position that I was once as a young lawyer when I failed to win. I cussed the court.

Mr. SISSON. Mr. Chairman, I will say that I am not responsible for what any of my colleagues on that committee did.

Mr. CANNON. O Mr. Chairman, the gentleman has had his time. I want to make a statement. This act was passed and became a law. Five hundred thousand dollars was appropriated, and a provision was enacted that there should be $500,000, I believe, appropriated every year. The commission, under the provisions of the law, was to try to purchase the property at private sale, and the law was careful to have in it this proviso:

Provided, That they shall not purchase any property above its fair actual value.

I happened to be Speaker at the time, and under the law I was a member of the commission and still am. The Superintendent of the Capitol Building and Grounds is a member, and the Vice President is a member. We instructed one member of the commission, the superintendent, to advertise. He did so. He got bids. We instructed him to find out whether those bids were put in at a fair value or at less than a fair value. After an investigation we found, so far as we could ascertain, that the bids that were made voluntarily were not put in at their fair value or less than the fair value of the property, but rather above. I did not suppose for a moment the offers ever would be made at a fair value; and I want to say that I would have hesitated long before I would have purchased this property or voted to buy it at private sale as the law authorized, for the very reason that some gentlemen in the House or somebody abounding in the newspapers would get up and say that it was bought at two or three times its assessed value. We did not know who owned it. What difference does it make who owned it—whether it was owned by a lord or a pauper, whether by a rich man or a poor man, whether by a trust company or a railroad company? What difference does it make? Yet I knew, and I think the commission knew, that if we purchased this property or tried to purchase, it would have been subject to all kinds of criticism. We did not purchase because we did not

consider it was offered at its fair value. I do not suppose that there ever will be purchased at private sale by any commission under this law any part of this property, because I apprehend it will not be offered at its fair value. I want to say further, in view of what the gentleman from Mississippi says, that I would never voluntarily place myself in a position where I would be criticized. I doubt if any Members of the House would place himself in that position.

It was our duty, as we did not purchase at private sale, to condemn the property. I never examined the decree of the court. I never had anything to do with it except to sign a request to the Department of Justice to proceed to condemn two squares under the law. We thought we had money enough, so far as we could ascertain, to purchase two squares. Condemnation proceeded, and in the fullness of time was concluded. I never saw the decree, and I do not suppose I ever will see the decree. As a matter of information, I will state that I have been told that the witnesses for the Government in court valued the property and improvements at about $900,000. The witnesses for the parties who owned the property valued it at $1,500,000 or $1,600,000. I am not precisely accurate in these figures. The commissioners found its value to be about $1,100,000. I have never seen the decree of the court, but I have been informed that the court confirmed the judgment of the commissioners. That is all I know about it, and it is all I care about it.

The gentleman from Mississippi is strong and virile and forceful and industrious, and I have great respect for him, but I wondered at my friend to know just where he was trying to go. He says that the cabin or the house of a man is his castle. He complains that a great Government comes to turn the man out and then the gentleman turns around and claims that he is turned out by that great Government at a price greatly above the value of the property. He says that nobody has approached him to say that they were sorry that they were being sold out or condemned, and finally he comes around to the point of saying that after all he was not for this legislation and he does not believe in taking this property.

I am aware that he was not for it, because he said so. I did not know until long after that he was not for it, because I never examined the roll. The gentleman from Tennessee [Mr. SIMS] says that he was not for it. Men differ about these things. I am for it. I believe that the balance of this property should be condemned and that the Government should acquire it. I believe it can acquire it at a less price under condemnation proceedings now than ever hereafter.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. GARNER. Let us take the instance of where a Member opposed the legislation in its original passage. Does the gentleman think he is under any obligation now, since Congress has passed the law and undertaken to take that property, to vote for an appropriation for that purpose? What is the gentleman's view upon that?

Mr. CANNON. Oh, I can not enter the domain of morals. I never criticize anybody's motives for voting against an appropriation or for it, against a law or for it.

Mr. GARNER. But I thought this, since the Government had already passed a law and has undertaken to take this property now, is it not the duty of Congress to continue to carry out that contract?

Mr. CANNON. I apprehend if the Congress appropriates the money and the law is not repealed that this property will be acquired. I apprehend so, yet far be it from me to criticize any gentleman who believes this law ought to be repealed. That is up to him.

Mr. SISSON. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. SISSON. I want to state, Mr. Chairman, I do not know that anybody could have done any better upon the commission than my friend from Illinois. It is not my purpose in any way to criticize him or to criticize the action of this commission. I do not want the gentleman to have that idea at all, because it is not in my mind. While I am on my feet I would like to ask him what construction he places upon the law that you can not condemn this property until the money is appropriated?

Mr. CANNON. That is my opinion. Some others hold a different opinion. It is merely my opinion. I did not take the opinion of anybody else. Now, in my judgment, this property should be acquired, and if I have the opportunity I shall vote for the appropriation.

Mr. SIMS. Mr. Chairman, I heartily agree with the course that the commission took in having the property condemned. I think like the gentleman from Illinois, the ex-Speaker, that there might have been criticism, but I do not think public officials ought to be placed in a position where it is necessary for them to do a certain thing, and that they then should be put in such position as to be assailed and attacked. I was opposed to the acquiring of the property myself. We did not need it. I can not imagine why this Capitol Square here which now has artistic shape ought to be destroyed to open up a vista to the Union Station, and take in a lot of property between the Peace Monument and the Union Station so that anybody coming up Pennsylvania Avenue can get a glimpse of the Union Station. I think it absolutely destroys its symmetry, and I was opposed to acquiring it at all.

Mr. GARNER. If Congress refuses to make this appropriation, do I understand the people who own that property will remain in statu quo?

Mr. SIMS. They have got their property and they will still have it.

Mr. MANN. The gentleman will not claim they are in the position——

Mr. SIMS. No. If you make it mandatory on the Government to buy a piece of property it advances the price of that property, whether it is procured by condemnation or any other way. When we passed a law authorizing the acquiring of property on which to build the House Office Building, just before that time a house which was sold opposite the Varnum Hotel at public auction was sold for about six thousand some odd dollars. The purchaser failed to comply with the terms of the sale and the parties entitled to the proceeds brought suit to make him comply with the terms of sale.

During that litigation a bill was passed to acquire that property, and then all at once he sought to comply with the sale and the beneficiary brought suit to keep him from complying with the sale, and that house and lot, which sold at public auction and brought only $6,000, was valued under condemnation proceedings at between $12,000 and $13,000. It would not under any circumstances have brought any such price if Congress had not passed a law to acquire that property. Now, why is it necessary for us to do this now when we are refusing to make appropriations for actual necessaries on account of the condition of the Treasury? We will not build battleships, which I heartily indorse, on account of the condition of the Treasury, but here we are going to acquire this property for which there is no immediate necessity. The criticism I made on the point of order a while ago is another matter. I think the whole paragraph ought to be stricken out by a vote. Well, people will say, here is a law passed for us to acquire this property, but it is not mandatory on us to acquire it. I think this is a good time to stop with what we have already done until we have more money to acquire property which we do not need now. I think we ought not to appropriate the money. I think there is no need for the property, no immediate need for it, and there is great immediate need of protecting the Treasury against the taking of half a million dollars out of it just at this time.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling on the point of order.

Mr. KAHN. I hope the gentleman will not——

Mr. FITZGERALD. I am going to offer an amendment and close debate in a very brief time. We have had over an hour on this.

The CHAIRMAN. The Chair will say that as yet no point of order has been made.

Mr. SISSON. Mr. Chairman, I reserved the point of order. I make it now.

Mr. KAHN. I hope the gentleman will not make the point of order until——

Mr. FITZGERALD. The gentleman will make it now or never make it.

Mr. SISSON. I make the point of order. It was reserved for the purpose of discussion. I have no desire to cut any gentleman off from whatever remarks he wishes to make. But I now make the point of order.

The CHAIRMAN. Taking the paragraph as a whole, the Chair finds that the appropriation is authorized by act of Congress, which is to be found in volume 36 of the United States Statutes at Large, on page 738. Under that statute three officials are named to acquire the property, namely, the Vice President of the United States, the Speaker of the House of Representatives, and the Superintendent of the Capitol Buildings and Grounds. Later that act was amended. The amendment is found in the same volume, on page 1414, and says, after the proviso:

That the persons designated in said act to acquire said land described therein for the purposes stated, etc.

The original act creates a commission of not three persons or individuals in that capacity to acquire the land, but it does create a commission composed not of individuals named, but

officials, described by the positions which they then held. If the act of March 4, 1911, went no further than to refer to these officials as persons, then the Chair could, perhaps, upon that ground sustain the point of order. But the draftsman of the act of March 4, 1911, staggered around and finally gave such a description of the persons as let them come in under the original description of officials. Upon that ground the Chair will construe the act contrary to the principle that each act shall speak for itself, but give it the intention——

Mr. SISSON. I desire to call the Chair's attention to the fact that there is a provision there as to what constitutes a quorum.

The CHAIRMAN. The Chair has not reached that yet.

Instead of construing the statute upon the old principle that it must speak for itself, the Chair will give the statute the benefit of whatever doubt there may be concerning it and construe it according to intention. The intention, badly expressed, seems to have been to continue the officials who first constituted the commission by designating them as "persons." The point of order as to that is overruled. We now have before us for determination the point of order as to the proviso, which reads in these words:

Provided, That in addition to the persons named in the said sundry civil act, the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and shall be competent to transact the business devolving upon them.

The original act created a commission of three officials. The amendment to that act continued, as I have just held, those same men in office as commissioners. That act makes two a quorum. Under this proviso, the Chair is of the opinion that there are two pieces of legislation in it—the addition of the present Speaker of the House of Representatives to that commission and the change of a quorum from two to three.

The Chair holds these to be legislation, and therefore sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 92, insert, after line 20, the following:

"Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act for enlarging the Capitol Grounds, $500,000."

Mr. FITZGERALD. Mr. Chairman, I do not wish to take up much time. The acquisition of these grounds was authorized by Congress. I am one of those who believe they should be acquired. At the time the Union Depot legislation was pending a great many gentlemen protested violently against the plaza being 800 feet across in front of the depot and wished it narrowed to 200 feet. No one now would advocate any such restricted plaza.

Between the Capitol and between the Senate Office Building and the Union Station is property that properly should be part of the Capitol Grounds. It is useless for us to look at this matter from the viewpoint of the situation of to-day. It means the permanent beautification of the city of Washington. The property referred to should properly be included in the Capitol Grounds. It will cost large expenditures from time to time to keep the city of Washington in that shape in which the Capital of the United States should be maintained. I know of no one who ever visits this city who begrudges the expenditures for proper improvements in this city. There is not a man in Congress to-day who would not regret, 10 years from now, the failure of Congress to acquire this property at this time if, during that period, upon this intervening property there were erected a class of houses similar to those now upon that property between the Capitol and the Union Depot. They should be cleaned out. Furnished-room houses should not occupy any such place. We should have between the entrance to the city and the Capitol an approach that would appeal to the artistic sentiments not only of our own people but of visitors from all over the world.

I do not know who owns the property. I do not care. I remember when the legislation originally enacted was passed. I doubted then the wisdom of one feature of it, and that was the limitation of $500,000 a year upon the amount that could be purchased. I have had some experience in the practice of law in connection with condemnation proceedings, and there is no doubt that unless the law be modified so as to permit the institution of a proceeding to condemn the entire tract at one time that as each particular tract is condemned it will enhance the value of the remaining tracts. It would be economical and an advantage to change the law so as to enable one proceeding to be initiated and payments to be made for the property from time to time, as the proceedings might be completed.

I believe it is a wise and proper thing to continue the acquisition of the property. We have acquired now under the condemnation proceedings the two squares directly north of the Capitol Grounds, which are improved. There is considerable vacant property. Some portions of that which is to be acquired, if I were to determine the matter, I should eliminate, but I should prefer to take all that the law provides rather than to stop and permit the property between the Capitol and between the Senate Office Building and the Union Station to be "improved" by the erection of nondescript buildings, cheap houses, hotels, and eating houses, instead of becoming part of an attractive and beautiful approach to the Capitol from the Union Depot. [Applause.]

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. There is an amendment pending.

Mr. SISSON. I offer it as a substitute for the amendment offered by the gentleman from New York.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Mississippi [Mr. SISSON] to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

That so much of an act approved June 25, 1910, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," and the act approved March 4, 1911, amending said act, as refers to enlarging the Capitol Grounds, be, and the same is hereby, repealed, said portion of said act being as follows, to wit:

"Enlarging the Capitol Grounds: It is hereby declared to be the purpose of Congress to ultimately acquire all of squares Nos. 632, 633, 634, 680, 681, 682, 683, 684, 685, 721, 722, and 723, in the city of Washington, D. C., for the enlargement of the Capitol Grounds, and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly foundation in said Plaza. The Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise, and to expend for that purpose not more than $500,000 in any one fiscal year, commencing with the year 1911, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value, or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, chap. 837). For the execution of the foregoing, $500,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. MANN. I make a point of order, Mr. Chairman, or reserve it.

Mr. SISSON. Mr. Chairman, I prepared that amendment to offer as an amendment to the bill. The purpose was to repeal the entire act carried in the sundry civil bill. I ask unanimous consent to modify the caption of the amendment—that is, to strike out that the amendment is a substitute for that of the amendment of the gentleman from New York and put in the caption which is "to repeal so much of an act making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1911, and for other purposes, as relates to enlarging the Capitol Grounds."

Mr. MANN. That would make no difference as to the point of order. I wish the gentleman would state briefly what his purpose is, and then I hope that the committee may rise.

Mr. FITZGERALD. This is to repeal the provision.

Mr. MANN. Well, Mr. Chairman, I make the point of order.

Mr. SISSON. The purpose is to repeal the entire act.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that he offered his amendment as a substitute, and the Chair followed the reading of that substitute and it is an exact copy of the statute.

Mr. SISSON. Yes, Mr. Chairman; and now I want to repeal the entire act. My contention is that this item went into the appropriation bill in the sundry civil act, and under the Holman rule I contend it is in order, because it saves money.

The CHAIRMAN. If the Chair correctly understands the gentleman from Mississippi, it is this: He at first offered an exact copy of the statute as a substitute for the amendment offered by the gentleman from New York. Now the gentleman from Mississippi wishes to add to that amendment which he has already offered a repealing provision.

Mr. SISSON. Yes, Mr. Chairman. I thought when I offered the amendment that it was in that form, but upon just looking at it at the Clerk's desk I noticed that the repealing provision was stricken out.

Mr. MANN. Is it not a fact that the language which the gentleman has offered is the language in the existing law which the gentleman desires to repeal?

Mr. SISSON. Yes.

Mr. MANN. Well, I make the point of order, and I hope that the committee will rise.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25069, the sundry civil appropriation bill, but had reached no conclusion thereon.

FIXING HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow.

Mr. MANN. Reserving the right to object, which I shall not do, I take it that when we get through with the sundry civil bill to-morrow, and I apprehend that we will get through with it early in the day, under the rule we will proceed with the call of the Private Calendar.

Mr. HAWLEY. Pensions.

Mr. MANN. The pension proposition the other day excepted Mondays, Wednesdays, and Fridays.

The SPEAKER. The recollection of the Chair is—of course the RECORD will show—that when we get through with the appropriation bills somebody had the next day after.

Mr. MANN. The gentleman from Missouri [Mr. RUSSELL] asked unanimous consent that the first day following the disposition of the sundry civil bill, except Monday and Wednesday, be substituted for pension day, and at my request, made on the floor, Friday was excepted. Of course that would provide that the Private Calendar would be called to-morrow and pensions on Saturday.

Mr. FITZGERALD. My object in asking for an early meeting to-morrow is to make it possible that the greater part of to-morrow may be available for the Private Calendar.

Mr. MANN. Mr. Chairman, I think we ought to be able to take up both the Private Calendar and the Pension Calendar this week.

Mr. FITZGERALD. I think so.

Mr. MANN. For that purpose I hope the request may be agreed to.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation, Cal.; and

H. R. 16493. An act to correct the military record of William Z. Norman.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. To make certain about a question that was raised here to-day, the Chair appoints the following conferees on the part of the House on the legislative, executive, and judicial appropriation bill (H. R. 24023), whom the Clerk will announce.

The Clerk read as follows:

Mr. JOHNSON of South Carolina, Mr. BURLESON, Mr. GILLETT.

ADJOURNMENT.

Then, on motion of Mr. FITZGERALD (at 5 o'clock and 56 minutes p. m.), the House adjourned until Friday, June 21, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 17323) for the relief of Henry A. V. Post, reported the same with amendment, accompanied by a report (No. 916), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOOD of Virginia: A bill (H. R. 25451) providing for the erection of a public building in the city of Buena Vista, Va.; to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 25452) to authorize the Great Northern Railway Co. to construct a bridge across the Yellowstone River; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: A bill (H. R. 25453) for the extension of Eighteenth Street east from Benning Road to K Street north; to the Committee on the District of Columbia.

Also, a bill (H. R. 25454) for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue; to the Committee on the District of Columbia.

By Mr. GREEN of Iowa: A bill (H. R. 25455) providing an appropriation to check the inroads of the Missouri River in Mills County, Iowa; to the Committee on Rivers and Harbors.

By Mr. CURRY: A bill (H. R. 25456) for the purchase of a site and erection of a Federal building at Las Cruces, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: Memorial of the Legislature of the State of New Mexico, asking for the return of the Spanish and American archives relating to the State of New Mexico; to the Committee on the Library.

By Mr. GOLDFOGLE: Memorial of the Legislature of the State of New Mexico, asking for the return of the Spanish and American archives relating to New Mexico; to the Committee on the Library.

By Mr. CURRY: Memorial from the Legislature of the State of New Mexico, calling for the return of Spanish and American archives relating to New Mexico which are now in the hands of the Librarian of Congress; to the Committee on the Library.

By Mr. FULLER: Memorial from the Legislature of the State of New Mexico, calling for the return of Spanish and American archives relating to New Mexico which are now in the hands of the Librarian of Congress; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COX of Indiana: A bill (H. R. 25457) granting a pension to Elizabeth Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25458) granting an increase of pension to William H. Knapp; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25459) granting a pension to Frank Gravins; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 25460) for the relief of Patrick Hughes; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25461) granting an increase of pension to George H. Allen; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25462) to remove the charge of desertion from the military record of Peter Poole; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 25463) granting a pension to John Storms; to the Committee on Pensions.

Also, a bill (H. R. 25464) granting a pension to William Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25465) for the relief of the heirs of Caleb Mullins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25466) for the relief of the heirs of Even Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25467) to add to the records of the War Department the name of James B. Partin; to the Committee on Military Affairs.

By Mr. STONE: A bill (H. R. 25468) granting a pension to Avery Dalton; to the Committee on Pensions.

By Mr. TRIBBLE: A bill (H. R. 25469) granting a pension to Pow A. Wooten; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Ladies of St. Eugene Society, No. 117, Chicago, Ill., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Milwaukee Chamber of Commerce, relative to investigation of all foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Civil Service Reform Association, protesting against the proposed five-year tenure of office for employees of the District of Columbia; to the Committee on Appropriations.

Also, petition of the Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Chamber of Commerce of Trenton, N. J., protesting against construction of bridge south of Trenton, as proposed by the Pennsylvania Railway Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Alfred D. Whitehouse, Brooklyn, N. Y., favoring passage of House bill 1339, for increasing pension of veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of Brooklyn Chapter of the American Institute of Architects, New York, relative to engaging architects for building Government buildings; to the Committee on Appropriations.

By Mr. DICKINSON: Paper to accompany bill (H. R. 25247) for the relief of the heirs of Nancy Wilson, deceased, late of Cass County, Mo.; to the Committee on War Claims.

By Mr. DANIEL A. DRISCOLL: Memorial of St. Aloysius Society, No. 391, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of the Order of Railroad Conductors, Division No. 175, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the High School Teachers' Association of New York City, favoring passage of the Page bill for Federal aid to vocational education; to the Committee on Agriculture.

Also, petitions of Jacob S. Bernharmir & Bro., of New York, against passage of House bill 16844, relative to manufacturers placing their name on goods, and of Mrs. Gervaise Graham, of Chicago, Ill., and the Association of American Advertisers, of New York, against passage of the Richardson bill (H. R. 14600), relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York Branch of the Polish Socialist Alliance, against passage of the Root amendment relative to deportation of aliens; to the Committee on Immigration and Naturalization.

Also, memorial of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kops Bros., of New York City, against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

Also, petition of Julius Mile Sons & Co. and Silas W. Driggs Warehouses, of New York City, against passage of the Works bill relative to license in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Petition of the Thomas Davis Club, the Pat O'Donnell Club, the Limerick Guards, the Samuel McAllister Club, the John Mahoney Club, the D. H. Comber Club, and citizens of Philadelphia, Pa., against passage of the Burton-Littleton bill relative to celebrating 100 years of peace with England, etc.; to the Committee on Industrial Arts and Expositions.

By Mr. O'SHAUNESSY: Petition of the Daughters of Liberty, of Providence, R. I., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PATTEN of New York: Memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5458, relative to construction of bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Pennsylvania Civil Service Reform Association, against clause in House bill 24023 relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. REDFIELD (by request): Petition of citizens of the United States, favoring passage of Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of St. Adabert Society, No. 211, of Brooklyn, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bills 2925 and 5991, relative to construction of a Navy memorial in Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. REYBURN: Memorial of St. Joseph's Society, No. 403, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Barker & Co., of Philadelphia, Pa., favoring passage of the Sulzer apple package and grade bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Philadelphia, Pa., against passage of the Burton-Littleton bill relative to celebration of 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Order of Railway Conductors of America, Division No. 175, of Memphis, Tenn., against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to construction of a bridge over the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Pennsylvania State Association of the American Institute of Architects, at Pittsburgh, Pa., against the repeal of the Tarsney Act by the sundry civil bill; and of the Pennsylvania Civil Service Reform Association, against section 5 of House bill 24023, relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. SCULLY: Petition of the Daughters of Liberty of Harmony, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Sacred Heart Society, No. 199, South Amboy, N. J., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of C. A. Burrows, Lancaster, Pa., favoring passage of the old-age pension bill (H. R. 13114); to the Committee on Pensions.

Also, petition of the Los Angeles Chamber of Commerce, favoring free use of the Panama Canal by American ships; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Order of Railroad Conductors, Division No. 175, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. TRIBBLE: Petition of James Carter and others of Hart County, Ga., favoring passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XLVIII.

WASHINGTON:
1912.

VOLUME XLVIII, PART IX.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 21, 1912.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy Kingdom come in our hearts that we may be filled with wisdom and purity, justice and mercy, patience, courage, fortitude; that we may hallow Thy name and fulfill the law of Christ, "All things whatsoever ye would that men should do to you do ye even so to them." This we ask in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORTS, PENSION BILLS.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference reports that have been printed under the rules. The first one I desire to call up is the bill H. R. 18712.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 904).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, Frank A. Schaller (H. R. 11007): The House passed this at $24. The Senate reduced the amount to $12 on the ground that the soldier's disability does not warrant a higher rating; and the House concurs and recedes from its disagreement to the amendment.

Amendment No. 2, Noah H. Stout (H. R. 11710): The House passed this at $24 per month. The Senate reduced the amount to $12 per month on the grounds that the soldier's physical condition does not warrant a higher rating; and the House recedes from its disagreement.

Amendment No. 3, Louis T. Moseley (H. R. 12721): The House passed this at $20. The Senate reduced the amount to $12 per month on the grounds that soldier's disability from pensionable causes does not warrant a higher rating. The soldier was rated $24 by the examining board for nephritis; and the Senate recedes.

Amendment No. 4, John H. Dardis (H. R. 15732): The House passed this at $15 per month. The Senate struck the item from the bill on the grounds that the soldier's condition is not due to his service. He is badly crippled; and the Senate recedes.

WILLIAM RICHARDSON.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the bill H. R. 20628.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 905).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, Oliver P. Allen (H. R. 16228): This is the case of a Mexican War veteran. The House passed the bill at $30 per month. The Senate struck the item from the bill on the grounds that the soldier can get the same rate by applying at the bureau, and the House recedes.

Amendment No. 2, Anne Flannigan (H. R. 17723): This is merely the customary proviso, that in case of death of helpless child the additional pension shall cease. The House recedes from its disagreement.

WILLIAM RICHARDSON.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the bill H. R. 22867.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 902).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

P. J. MCCUMBER,
HENRY E. BURNHAM.
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of Hugh L. Freeman (H. R. 15658): The House passed this at $30 per month. Since it passed the House a law has been enacted which gives soldiers of the Mexican War $30 per month, and hence the item was stricken from the bill. The House recedes from its disagreement.

Amendment No. 2, Nathaniel L. Lawrence (H. R. 4324): The House passed this at $12 per month. The Senate struck the item from the bill on the grounds that disability was not incurred in the service. The Senate recedes from the amendment.

Amendment No. 3, Louis O. Edgar (H. R. 18750): The House passed this at $30 per month. The Senate cut the amount to $20 on the grounds that the examining board recommended a

total rating of only $18 per month, and the soldier's condition does not warrant a higher rating. The House recedes.

WILLIAM RICHARDSON.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23515.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 901).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
REED SMOOT,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, Hugh J. McKane (H. R. 538): The House passed this at $18 per month. The Senate reduced the amount to $12 on the grounds that there was some question as to a higher rating being warranted. The Senate recedes.

Amendments Nos. 2, 3, 4, 5, 7, and 8 are merely corrections of errors and in no way affect the amounts carried by the items. The House recedes from its disagreement to these amendments.

Amendment No. 6, Thomas H. Davis (H. R. 7668): The House passed this at $20 per month. The Senate reduced the amount to $12 per month on the grounds that disability did not warrant a higher rating. The House recedes from its disagreement.

Amendment No. 9, Evelyn Barnette (H. R. 15763): The House passed this at $50 per month. The Senate struck the item from the bill on the grounds that the report showed a financial condition which did not warrant granting an increase of pension. Since that time evidence has been filed with the conferees showing that the property held by the widow did not belong to her. The Senate recedes from its amendment.

Amendment No. 10, Noah Y. Ream (H. R. 17529): The House allowed $30 per month to a soldier of the Mexican War. The Senate struck the item from the bill on the grounds that the soldier can now receive the same amount by applying at the bureau. The House recedes from its disagreement.

WILLIAM RICHARDSON.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 22194.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 903).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22194), granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, Alice Downing (H. R. 15514): The House passed this at $12 per month and $2 for each minor child. The Senate struck the item from the bill on the grounds that the soldier's death was not due to service, but the Senate recedes from its amendment.

Amendment No. 2, Thomas Joyce (H. R. 10637): The House passed this at $50 per month. The Senate struck the item from the bill on the grounds that it is a second special act for a soldier of the Indian wars. The Senate recedes from its amendment.

Amendment No. 3 is merely a correction of a typographical error, and the House recedes.

WILLIAM RICHARDSON.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill H. R. 23765.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 900).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, Alfred B. Light (H. R. 9804): This item passed the House at $30. Since it passed the House a general pension law has been enacted which will give the soldier the same amount by making application at the bureau, and the Senate therefore cut it from the bill. The House recedes from its disagreement to this amendment.

Amendments Nos. 2 and 3, Jane R. Bonnin (H. R. 14349) and Jane R. Adams (H. R. 16409): These are cases in which the House proposes to increase the pension of widows of soldiers of the Mexican War to $24 per month. The Senate cut both items to $20 per month in accordance with the usual custom of that body in allowing increases to widows of soldiers of both the Mexican and Civil Wars. The House recedes from its disagreement to these amendments.

WILLIAM RICHARDSON.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The first business before the House is the amendment offered by the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I believe a point of order was pending against the amendment which I offered. I do not desire to argue it.

I ask unanimous consent to correct the amendment I offered in the committee on yesterday, as indicated.

Mr. MANN. That has already been done in the House.

Mr. SISSON. I want to correct the RECORD and get it properly before the Chairman of the committee, and so that it will read as the amendment which is now in the hands of the Clerk.

The CHAIRMAN. Without objection——

Mr. SISSON. I just ask that the balance of the amendment, or the portion that was left out, be read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That so much of an act approved June 25, 1910, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," and the act approved March 4, 1911, amending said act, as refers to enlarging the Capitol Grounds, be, and the same is hereby, repealed, said portion of said act being as follows, to wit.

Mr. SISSON. Now, Mr. Chairman, the point of order against the amendment strikes me as not being a point of order that is well taken, because on the face of the amendment an appropriation of $500,000 is carried in it. This amendment which I offer reduces the expenses $500,000. Under the Holman rule this amendment which I offer is in order. Now, the Chair will take into consideration that this act went into the sundry civil bill in 1911 as an amendment to that act. Now, since it was legislation which was put upon the sundry civil bill, this being a bill of like character and like kind, it is simply an amendment to repeal so much of the sundry civil act as refers to enlarging the Capitol Grounds. And it unquestionably reduces expenses $500,000 a year up until the final purchase would be consummated under the present law, which would be perhaps 10 or 12 years, and the saving on the face of the amendment would be $500,000, and on the whole legislation at least five or six millions of dollars.

Now, under the Holman rule, if the Holman rule means anything, this amendment ought to be considered in order under that rule.

Mr. MANN. Mr. Chairman, if the Chair will permit——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. This is not an amendment to any item in the bill, hence it could not reduce any amount carried by the bill. The provision in the bill has gone out on a point of order and is no part of it.

The original provision in the bill for enlarging the Capitol Grounds was ruled out by the Chair on a point of order, and that ruling is to the effect that it never was a part of the bill. The gentleman understands that when the Chair rules a portion of a bill out on a point of order it is as though it never had been in the bill.

Now, there is no amount carried by the bill for this item for this purpose. Hence no amendment can reduce the amount carried by the bill, because the bill does not carry anything. The gentleman probably had not thought of that point, having the idea——

Mr. SIMS. There was an amendment offered.

Mr. MANN. An amendment offered from the floor is quite a different thing. There is no provision in the rules against offering an amendment from the floor. The gentleman evidently had in mind that the item in the bill remained in the bill, carrying an appropriation of $500,000, and this would reduce that. But this proposition comes now as though that item had never been in the bill, because it was in there contrary to the rule. That has been stricken out, not by the committee, not by the House, but by the Chairman, on the point of order. The amendment offered by the gentleman also, even if the original item were in the bill, is not germane. It has been contended in some cases, and I think fairly well contended, that where you have a bill to amend a section of a law, that that may authorize the repeal of the law. But that is not always allowed, even though you are attempting to amend a law. It is not always allowable to amend other parts of the law or to repeal a law, but there is no proposition here to amend a law. Here was an original item in the bill to make an appropriation for the purpose of carrying out a law. Does that authorize an amendment to repeal the law? I think no one can find any precedent going to that extent, and there are many precedents to the contrary. And it is not germane to propose to repeal a law based upon a proposition to make an appropriation under the law.

Mr. FITZGERALD. The part of the so-called Holman rule, Mr. Chairman, to which I wish to call attention provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The gentleman from Illinois [Mr. MANN] has pointed out that there is no provision in the bill providing for the continuation of this work, and the amendment proposed by the gentleman from Mississippi [Mr. SISSON] is not an amendment to any provision in the bill. I do not find anything in the rule which makes in order a provision or amendment to the pending amendment.

The Chair can readily see to what that would lead. He can see that amendments which, under no reasoning whatever would be in order on the bill, could easily be offered and held to be in order by an arrangement whereby an amendment that would be germane and in order would first be offered, and then some matter that could not possibly be offered by itself under the rules would be offered as an amendment to it. It seems to me that such a construction of the rules would be far beyond what was ever contemplated.

Mr. SISSON. Mr. Chairman, I think the first objection urged by the gentleman from Illinois [Mr. MANN] is a very highly technical one, because the rule is broader than that. These gentlemen now offer an amendment to this bill which carries in that amendment an appropriation of $500,000.

Now, in order that we may save $500,000, not only carried in the amendment offered by the gentleman from New York [Mr. FITZGERALD], but in order that we may save $500,000 in the future——

Mr. SIMS. Five million dollars——

Mr. GARNER. Yes; $5,000,000 in the future——

Mr. SISSON (continuing). This amendment which I offer unquestionably reduces the item which is now called or known as an amendment. Now, it is entirely too technical to say that because the present law provides for $500,000 a year, when in accordance with that statute now in existence you offer to appropriate the $500,000 required to be appropriated by law, it is not in order to repeal the statute requiring the $500,000 which is then offered. To say that it is not in the bill is a purely technical objection, one that finds nothing in substance. This is germane to the amendment that is offered here, because it is the very crux of that amendment. If you repeal the law, there is no authority for the $500,000, and if you may, in sundry civil appropriation bills, fasten charges upon the Government, then it is a peculiar rule of the House, and the Holman rule must be peculiarly construed if in the same bill, in order to retrench expenditures, you can not repeal the provision which was carried in the sundry civil bill.

Mr. MANN. Mr. Chairman, a word more. Supposing on any appropriation bill which comes before the House there is no item in the bill then relating to a matter, and suppose some gentleman on the floor offers an amendment to make an appropriation. Does anyone contend that the mere offering of that amendment from the floor permits the House, under the rules, to repeal any law relating to the subject matter of that amendment? That would permit any legislation upon an appropriation bill at any time. It would permit the offering and the voting on any legislation at the whim of any two gentlemen in the House, because there is no way of preventing a man from offering an amendment for an appropriation, and then anyone can offer an amendment to repeal an act of legislation on the subject that brings the legislation before the House without consideration by a committee or anybody else.

Now, the purpose of these rules is to prevent the bringing up of matters which have received no consideration, to prevent the throwing into the House of propositions on which gentlemen are not prepared to vote or to intelligently understand without proper consideration. But if the Chair makes the precedent that any Member on the floor, by offering an amendment for an appropriation, thereby throws open the door to legislation by cutting out that amendment as a substitute, there is no limit to what can be done and no protection under the rules.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question in that connection.

Mr. MANN. Certainly.

Mr. SIMS. Suppose that in this particular case the committee had recommended no appropriation in the bill, and then had offered an amendment on the floor of the House, and because it is offered here we then can not propose to repeal the law upon which that appropriation is based by the committee taking such a course. Then you would prevent any opportunity to reduce expenditures by repealing the law?

Mr. MANN. The House is not required to vote in the item because it is offered on the floor. The Committee on Appropriations does not have jurisdiction over the legislation. Under the claim of the gentleman from Mississippi, if it be allowed, there would be no use for any other committees than the Committee on Appropriations; there would be no use to consider any bills except appropriation bills, because any Member by offering an amendment to make an appropriation could throw the whole subject matter involved in the amendment or in the law authorizing the appropriation open to consideration upon the floor.

Mr. SIMS. If this amendment is voted in appropriating $500,000, which is authorized and has authority of law, then no amendment could be offered to repeal that act based on reducing the appropriation.

Mr. SISSON. This bill was referred by the Speaker to the Committee on Appropriations.

Mr. MANN. But they have not reported it, and it was an improper reference.

Mr. SISSON. As to this particular item, neither the chairman nor will the committee say that the full committee agreed upon it. An amendment was to be prepared, and I have prepared an amendment now—the amendment which the gentleman from North Carolina would have offered to this bill——

Mr. FITZGERALD. O Mr. Chairman, the gentleman's statement is not quite accurate. There was some difference of opinion among the members of the committee about the acquisition of some of this property, and it was believed, and my understanding was, that the gentleman from Mississippi desired to have an amendment prepared which would have eliminated certain parcels from the property to be acquired, and then he would have been content; but when such an amendment was prepared and suggested to him, my information is that he said he would support that amendment, and then try to have the entire provision repealed. Of course, it was not to be expected that men would make a compromise to surrender all they were willing to and then leave the gentleman from Mississippi free to fight to have the entire provision repealed.

Mr. SISSON. That was not the point I was calling the attention of the House to. That was the original item in the bill, which was passed by the committee, and it has never been called together since to consider it.

Mr. FITZGERALD. The gentleman from Mississippi has been conferred with.

Mr. SISSON. It is true the gentleman came to me, and I told him I would be glad to support the amendment cutting out three or four squares.

Mr. FITZGERALD. The gentleman should not say that I came to him; the gentleman was present at a hearing in which the gentleman in charge of the condemnation proceedings testified, and the matter was thoroughly discussed. I was necessarily absent later, and requested the gentleman from North Carolina to prepare the amendment. I believe the gentleman from Mississippi understood what occurred. The gentleman from North Carolina [Mr. PAGE] informed me that when he submitted it to the gentleman from Mississippi the gentleman said he was perfectly willing to support that amendment, but when it was adopted he would then endeavor to have the law repealed. The gentleman from North Carolina said he then dropped the entire matter.

Mr. SISSON. Mr. Chairman, the amendment was not prepared by the gentleman from North Carolina, but he asked if it would be satisfactory to me, and I told him that it would not; that I was opposed to the whole proposition, but if the amendment was offered I would support it. But to go back, Mr. Chairman, you will find that the bill I introduced was referred to the Committee on Appropriations, and if the Committee on Appropriations had no jurisdiction, then there should have been a motion on the part of those gentlemen who wanted a new reference to have the bill referred to the proper committee. If they took jurisdiction of the proposition and reported it back to the House after the reference, then they have jurisdiction over the whole matter.

Mr. MANN. If the bill was referred, as the gentleman states, to the Committee on Appropriations, and they had reported back the bill, no point of order could have been made after the report to the House.

Mr. CANNON. And if the gentleman will pardon me, that bill would have gone to the calendar, and would not have been privileged as general appropriation bills and revenue bills are privileged.

Mr. MANN. That brings up the precise question. There is another provision of the Holman rule:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

If the reference of this bill to the Committee on Appropriations gave jurisdiction to that committee over the subject matter this matter could be brought before the House upon the report from the Committee on Appropriations recommending the enactment of the legislation.

Take, for instance, the ordinary case. The Committee on Appropriations has jurisdiction over the appropriations for the District of Columbia. The Committee on the District of Columbia has jurisdiction over legislation. Now, will the gentleman from Mississippi contend that because the Appropriations Committee has jurisdiction over appropriations for the District and reports the District appropriation bill I can offer an amendment on the floor of the House to make an appropriation, and thereupon he can move to substitute for that legislation relating to the District of Columbia? For instance, here is a pat case that may come up. We appropriate in the District bill for the execution of the excise laws. Suppose I offer an amendment in reference to the excise laws. Does the gentleman think that upon that amendment, without the report of a committee, without the consideration of a committee, he can offer an amendment fixing the rate of excise, the rate of license under the excise laws, so as to reduce expenditures?

Mr. SISSON. I do not think that would be a case in point—to fix the excise law, which is a law to collect taxes, paying money into the Treasury.

Mr. MANN. Suppose he should propose to repeal the laws providing for a license and thereby prohibit certain collections?

Mr. SISSON. That could not be in order under the Holman rule.

Mr. MANN. Why not?

Mr. SISSON. Because it does not reduce expenses.

Mr. MANN. Oh, certainly it would reduce expenses.

Mr. SISSON. It would take taxation away from the Treasury.

Mr. MANN. But it would reduce expenses. It would cut out the collection of the excise.

Mr. SISSON. If the collection should be greater than the excise, that might be true.

Mr. MANN. It may reduce the revenues, but it would reduce the expenses.

Mr. SISSON. If you reduce the revenues more than you reduce the expenses, then it is a question whether you reduce the expenses.

Mr. MANN. That is a matter of argument always.

Mr. SISSON. It would not be a reduction of expenses on the face of the bill.

Mr. MANN. It would be a reduction of the expenses, because you reduce the amount of expenses. There is no limit. If the gentleman's contention should prevail, any Member on the floor, by the offering of an amendment on the District appropriation bill, could throw into the House the consideration of any legislation relating to the District of Columbia without any reference to the Committee on the District of Columbia at all.

Mr. SISSON. Mr. Chairman, if the legislation which was offered was legislation which the Committee on Appropriations had originally put upon the statute was legislation belonging to the District bill, and if to repeal the legislation so placed upon the statute by the Committee on Appropriations it afterwards offered to appropriate money under a law which was passed on an appropriation bill, and when the same bill was under consideration a motion was made to amend the original law carrying the appropriation, if it reduces expenses, then certainly it ought to be in order. Is it possible that under the Holman rule a committee can obtain jurisdiction for the purpose of putting an expense upon the people, passing a law for the purpose of putting a burden upon the Treasury, and that the same committee which places the burden upon the people can not find in itself the right to withdraw the burden? If originally the District bill had not carried the item, but the legislation had occurred originally on the appropriation bill and had been carried as an amendment to the appropriation bill, a law authorizing an expenditure, then that committee that had the jurisdiction certainly would have the right then,

or ought to have the right under the Holman rule, to repeal the law for which they themselves are responsible. And, with that idea, I presume, this bill was referred to the Committee on Appropriations. I presume that that was the cause of the reference of the bill to that committee. If that reference was a correct reference, if the Speaker referred it correctly under the rule, then certainly this amendment would be in order under the rule.

Mr. BARTLETT. Mr. Chairman, whatever may have been my position originally upon the merits of this proposition, I am now more interested in the correct ruling upon the point of order than in the disposition hereafter of the amendment should it be held to be in order. It is important, Mr. Chairman, if we are to amend existing laws upon an appropriation bill, that we follow the rule that we have inaugurated for the purpose of allowing such amendments. For myself I do not stand in so much awe of the sacredness of appropriation bills from being amended by the House as do others when those amendments are necessary and can not be procured in any other way. That is a question that I may discuss hereafter on another bill. I shall not do so now. Suffice it to say that in the history of the English-speaking people and in the history of this country some of the most wholesome legislation in the country of our forefathers across the water and in this House and in the Senate has been enacted on appropriation bills. But, Mr. Chairman, it does seem to me that this proposition does not meet the requirements of the rules that we have adopted. I shall not stop to discuss the proposition that has been discussed with reference to the reduction of expenditures, but I simply desire to call the attention of the Chair to the latter part of the Holman rule. We had an instance of that at this session of Congress when the pension appropriation bill was under consideration. The matter was given some attention by the Committee on Appropriations and the subcommittee having that bill under consideration. We first reported to this House a bill which had been drafted, had been referred to the Committee on Appropriations and considered by that committee, reported to the House, and placed on the calendar. That bill involved a change in the method of paying pensions, so that instead of paying them by vouchers and receipts they were to be paid by checks. When the pension appropriation bill was under consideration the bill to which I have just referred, which had been considered by the Committee on Appropriations and had been favorably reported by it and placed on the calendar, was offered as an amendment. A point of order was suggested or reserved, as I recall, by the gentleman from Illinois [Mr. MANN]. The Chair ruled it in order because the Committee on Appropriations, taking jurisdiction of the bill, had reported it favorably. It had been referred to it I think properly, although the question of jurisdiction, if it had been raised, could not be raised at that late hour after the committee had taken jurisdiction and reported the bill. As I say, the Committee on Appropriations, in compliance with the second provision of the Holman rule, had considered the bill and acted favorably upon it and reported it to this House. The amendment was held to be in order by the then Chairman, the gentleman from Missouri, Mr. BOOHER. That was a correct ruling, admitted so by the gentleman who reserved or made the point of order.

So that it does not mean, Mr. Chairman, that any member of a committee or anyone else, simply because a bill may have been introduced and referred to a committee for consideration, can offer that bill as an amendment to a pending appropriation bill unless all of the provisions of the rule have been complied with.

The chief requirement of the provisions of the Holman rule is that it shall be upon the report of a committee or a joint commission, and that means something. The proper construction of this rule, so far as that is concerned, must mean that no amendment is in order under that provision unless it complies strictly with the rules. This rule is one of long standing. It makes exceptions to the acknowledged and accepted rules of the House in vogue for 100 years or more. The common, accepted construction of all statutes and all parliamentary rules and laws is that where you make an exception to the general rule you must strictly comply with it. It is not necessary to construe strictly this rule, however. The ordinary, plain, reasonable construction of the provision is that it is not in order to offer an amendment in the nature of a bill unless the requirements contained in the exception are complied with. For the orderly government of the House, to prevent confusion and delay, and, I might say, chaos in the consideration and passage of these great appropriations through the House, it seems to me that is the only reasonable construction to put upon it. Otherwise you open the door wide for any man who desires to amend an appropriation bill by enacting legislation originally or repealing legislation which he desires to repeal, to introduce a bill either to enact or repeal legislation, having it referred to a committee for consideration, having no report of that committee, but simply offering the amendment because he has introduced and has pending before some committee some such bill. It does not matter that it may have been referred to the Appropriations Committee, whether they have jurisdiction of it or whether they assume jurisdiction of it, and that assumption has been acquiesced in by the House. So that I repeat, Mr. Chairman, the importance of the ruling is that the exception which is here made for the purpose of reducing expenditures and enacting legislation along that line can not be carried out unless the rule is construed as it was intended, and reasonably intended, and strictly construed; otherwise, I say we are liable to be led into confusion worse confounded.

Mr. SISSON. Mr. Chairman, the proviso referred to by the gentleman from Georgia [Mr. BARTLETT] is simply an enlargement, an extension of the Holman rule, which does not narrow the rule at all, because the last clause before the proviso gives the right to a Member on the floor, to an individual Member, to offer an amendment where the compensation of any person is reduced, or where it reduces the number of employees or the amount of money covered by the bill.

That right is given to every Member of the House, if that condition existed at the time of the offering of the amendment.

The proviso, however, goes further and says:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment.

That is simply an enlargement of the first provision giving the right to members of the committee that would not be given to an individual who had made no investigation. Therefore it is an enlargement and not a narrowing of the Holman rule.

Mr. BARTLETT. Will the gentleman permit a question?

Mr. SISSON. Certainly.

Mr. BARTLETT. The provision which you propose to strike out is $500,000?

Mr. SISSON. The $500,000 has been stricken out, but there is an amendment now offered, and there is an amendment to the amendment.

Mr. BARTLETT. That amendment has not been adopted. In what way do you reduce the amount carried in the bill?

Mr. SISSON. Suppose we save $500,000. Suppose we were to adopt my amendment as an amendment to this amendment, then could not you vote my amendment down and would you not then get it?

Mr. BARTLETT. We would just simply meet the conditions as presented. The rules require you to reduce the amount carried in the bill.

Mr. SISSON. That is purely technical.

Mr. BARTLETT. It may be.

Mr. SIMS. Mr. Chairman, I would like to be heard. It does not seem to me that this amendment should be regarded in the light of not having been in the bill or not in it for this reason. It was in the bill as first offered coupled with the proviso. The point of order was made to the proviso and sustained as to the proviso, but as a matter of course the point of order was made to the whole paragraph and this language went out with it, and it is simply reoffered by the gentleman from New York——

Mr. FITZGERALD. I beg the gentleman's pardon, the gentleman is mistaken. The point of order was reserved on the proviso by the gentleman from Tennessee, and to the whole paragraph by the gentleman from Mississippi. The gentleman from Mississippi insisted that the entire paragraph go out because part was subject to the point of order and that took it out.

Mr. SIMS. I do not controvert that fact, but the portion now offered by way of amendment was in the bill, and no point of order would lie to it if only so much as now offered had been in the bill and nothing in the way of legislation connected with it.

Mr. FITZGERALD. All of these rules are technical.

Mr. SIMS. I know they are, and decidedly too much so.

Mr. FITZGERALD. And to say it is a mere technical objection does not amount to anything, because every objection offered under the rules of the House is a technical objection and these rules were designed for the purpose of enabling the House in a proper and orderly manner to conduct its business.

Mr. SIMS. But the amendment by way of fiction is not in the bill——

Mr. FITZGERALD. It is not a matter of fiction.

Mr. SIMS. Well, by reason of the question of the point of order on the whole paragraph that only applied to the proviso in the paragraph.

Mr. FITZGERALD. It is a matter of fact and not a matter of fiction.

Mr. SIMS. Now, let me say this to the gentleman from New York: That the letter killeth while the spirit maketh alive. Now, what is the object of the Holman rule or what is the object of proposing to permit legislation on an appropriation bill or the necessity for it? It is to save money to the Government. If the amendment did not save money for the Treasury, if it did not reduce expenditures in the form in which it is offered, it ought to cut no figure whatever, and a liberal construction of this rule certainly would, so far as that is concerned, apply to this proposition.

Mr. SHERLEY. If the gentleman will permit, if that reasoning is accurate all you have to do under the guise of the Holman rule is to offer an amendment repealing every office that exists under the Government and say you are coupling something equitable, just, and so forth, with it.

Mr. SIMS. I am not contending for any such latitude.

Mr. SHERLEY. But the very force and very purpose of parliamentary law is to require that you do a thing according to the law and not according to the spirit.

Mr. SIMS. Now, suppose this amendment the gentleman from New York has offered had been in the bill uncoupled with the proviso. Would not the amendment, by way of substitute, be in order? I think it would. Now, the effect of the amendment now offered by the gentleman from New York is exactly the same as to this bill as though it appeared in the bill as reported, and I think it is equally as important that the Holman rule apply to the amendment of the gentleman as though it was a part of the bill as reported.

Now, the question of whether it is germane or not or whether the amendment could be offered and sustained if no other proviso had been in there is a different question, which I am not undertaking to discuss, as I am not as well prepared to discuss these things as the distinguished gentlemen who have discussed them. But in construing the Holman rule I do think the spirit and purpose should dominate in any construction given the Holman rule, because the object, no doubt, is to permit the Appropriations Committee to make any reduction in expenses by such necessary legislation as enables them to make that reduction. And I know nothing better and more germane than to repeal a paragraph of a law heretofore passed by and through the Appropriations Committee that enabled them not to further make that appropriation. Now, suppose the Appropriations Committee itself had brought in this amendment; it seems to me that in order to enable the committee to make that reduction so much of a law upon which it was based should be repealed that the committee should be permitted—or a Member of the House, if the committee does not do it—to present such legislation, confined, as it is in this case, to negative action, not to affirmative legislation, and simply repealing that which authorizes the committee to take the action it has taken.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. MANN. Suppose we had under consideration the general deficiency bill, which authorizes an amendment to any service in the Government as a deficiency, and some Member offers an amendment to the deficiency bill. Does the gentleman contend, then, that the offering of that amendment would authorize some one else to offer as a substitute a proposition to repeal the law creating the Army——

Mr. SIMS. I am confining my remarks to the particular matter before the committee in construing the rules to enable the committee to do by the Holman rule what was intended.

Mr. MANN. Can the gentleman make any distinction between the two? If so, I would like to hear it.

Mr. SIMS. I do not think it is necessary.

Mr. SISSON. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SISSON. The gentleman from Illinois [Mr. MANN] asked you if under the general deficiency bill an item was carried in the bill——

Mr. MANN. Not for an item that was carried in the bill at all.

Mr. SISSON. If an amendment was offered from the floor to carry an item in the sundry civil bill, do you believe, then, it would be in order to repeal the law authorizing the item? It would simply mean, if the House wanted to reduce any expenses, if you had any confidence in the membership of the House, if it was an improper expenditure of money, they would vote for your amendment. If it was a proper expenditure of money, they would promptly vote for it. It would simply enable the House to vote on the proposition.

Mr. MANN. The rules are designed to prevent forcing the House to vote on a proposition which is under consideration.

Mr. SIMS. Does the gentleman assume the House would put on a proposition without knowing anything about it?

Mr. MANN. I not only assume they will, but I have seen them do it.

Mr. SIMS. If we should repeal a portion of a law or the whole of a law simply to save expenditure, it does not follow that we have to follow it with affirmative legislation to take the place of the law; but when we repeal a certain part of the law that requires further affirmative legislation it would only be properly so much of the law as the present appropriation is based on, and comes within at least the spirit, and ought to come within the letter of any such rule.

Mr. SISSON. As in this case, the Appropriations Committee took away from the Committee on Public Buildings and Grounds the law authorizing the purchase of this property.

Mr. SIMS. As I say, I am discussing this alone with reference to the construction of a rule enabling legislation on appropriation bills and not all possible complications that might follow by reason of applying the rule prohibiting legislation on an appropriation bill and only so much of it as is authority for making the appropriation.

The CHAIRMAN. The bill as presented to the House contains this paragraph:

> Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act, approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

As to that paragraph the gentleman from Tennessee [Mr. SIMS] reserved a point of order as to all that which comes after the word "*Provided*." The gentleman from Mississippi [Mr. SISSON] reserved and made a point of order to the entire paragraph. The Chair, in ruling, overruled the point of order to everything in the paragraph before the word "*Provided*" and sustained the point of order for everything that followed the word "*Provided*." When that ruling was made, that entire paragraph was then out of the bill for every purpose.

The gentleman from New York [Mr. FITZGERALD] then offered the following as an amendment to the bill:

> Enlarging the Capitol Grounds: To continue the acquisition of land described in the sundry civil appropriation act, approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000.

Thereupon the gentleman from Mississippi [Mr. SISSON] offered a substitute to that amendment repealing the act referred to in the amendment which authorized the appropriation of $500,000.

The question is now raised upon a point of order as to whether the substitute offered by the gentleman from Mississippi is permissible under what is commonly known as the Holman rule, which is section 2 of Rule XXI, and which reads as follows:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject of the bill, shall retrench expenditures.

The Chair thinks that nothing which comes in the above rule after the word "*Provided*" need be considered in determining the point of order. The question hinges solely upon that part of the Holman rule which is quoted, which comes before the word "*Provided*." The pertinent part of that section of the Holman rule reads as follows:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The first question which arises is: Can there be legislation in an appropriation bill under that part of the rule which I have just read? It seems quite evident to the Chair that under the rule there can be legislation, because the rule says—

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except—

and so forth. That clearly implies that existing law may be changed because of the use of the words therein, "changing existing law."

If existing law can be changed, under the rule it must be germane, and so the next question arises as to whether or not

the substitute offered by the gentleman from Mississippi [Mr. SISSON] is germane to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

We are all familiar with the meaning of the word "germane," in its legislative sense at least, but inasmuch as a dictionary lies on the table before the Chair, the Chair has taken occasion to get the definition from that, and the definition that it gives is—

Any close relationship to.

The amendment offered by the gentleman——

Mr. FITZGERALD. Mr. Chairman, I can refer the Chair to a decision made on the 1st of April, 1910, that an amendment proposing to repeal a law is not in order as an amendment or substitute to an amendment modifying one section of the law. It was decided on April 1, 1910.

The CHAIRMAN. The Chair would have preferred not to have had his chain of thought broken, but to have had the precedent presented to him later. Before finally ruling the Chair will look at the reference mentioned by the gentleman from New York. When interrupted by the gentleman from New York the Chair was dealing with the word "germane" and was about to read, and will now read, from the amendment offered by the gentleman from New York, which treats of the act approved June 25, 1910, which authorizes this appropriation. The substitute offered by the gentleman from Mississippi proposes to repeal the act which is mentioned in the amendment offered by the gentleman from New York.

The Chair is of opinion that there is such a close relationship between the two that the substitute offered by the gentleman from Mississippi in treating of the act of June 25, 1910, is germane to the amendment offered by the gentleman from New York in treating of the same act—that of June 25, 1910.

The Chair is, up to this time, of the opinion that under the Holman rule there is a right to *change existing law provided it is germane;* and provided, further, it meets any one of the other conditions set out in the rule. The Chair first rules that the substitute offered to the amendment is germane. Before the substitute can be held to be subject to a point of order, or that it is not subject to a point of order, other parts of the Holman rule must be applied to the item as tests. If *existing law can be changed* in an appropriation bill provided it is germane, it must have one or the other of the additional qualifications. It must, in one instance, in addition to being germane, retrench expenditures by the reduction of the number and salary of the officers of the United States. The substitute offered by the gentleman from Mississippi to the amendment does not meet that requirement of the rule. Next, in order that it may be in order the substitute offered by the gentleman from Mississippi must be a reduction of the compensation of any person paid out of the Treasury of the United States. It does not come under that requirement of the rule. The Chair is of the opinion, however, that it does come under the next requirement, which reads as follows:

Or by the reduction of the amounts of money covered by the bill.

The Chair first holds that existing law under the Holman rule can be changed, provided it is germane, and the Chair holds that it is germane. Further, that it is good provided it reduces the amount of money covered by the bill. The Chair holds that it does reduce the amount of money covered by the bill to the extent of $500,000.

Now, as to the suggestion made by the gentleman from Kentucky [Mr. SHERLEY] that if the contention of the gentleman from Mississippi were correct all offices could be abolished. The Chair is not called upon to decide that point and will not do so; but, in passing, it may be remarked that there is a provision in the Holman rule for the reduction of the number and salary of officers of the United States. If the Chair were called upon to decide that point he would, as on the present occasion, decide it just as he has the point which is now raised. The Chair has quite clearly outlined his individual views about it, but will be glad to see the precedent to which the gentleman from New York has just referred before making the final ruling.

Mr. FITZGERALD. I have sent for the precedent. I do not think that this amendment is germane to the amendment I have offered. My recollection is that the Senate put an amendment on the legislative bill changing one portion of the law relative to the corporation tax, and I offered a motion to recommit the Senate amendment to the Committee on Appropriations with instructions to report the Senate amendment amended so as to repeal the corporation-tax provision in the Payne-Aldrich tariff law. After a lengthy discussion it was held that to a provision proposing to amend one section of the law an amendment to repeal the law was not in order.

The CHAIRMAN. As to whether it is germane or not, the amendment offered by the gentleman from New York sets out specifically the date and approval and subject matter of which the law treats. The substitute offered by the gentleman from Mississippi treats of the same act referred to by the gentleman from New York in his amendment.

Mr. MANN. Mr. Chairman, might I ask the Chair whether the Chair holds that the part of the bill the Chair ruled out on a point of order still remains a part of the bill for the purpose of considering this proposition?

The CHAIRMAN. The Chair has not ruled, but has indicated, unless shown an authority to the contrary, that he is inclined to rule that the amendment offered by the gentleman from New York is not any part of the bill, but that the substitute offered by the gentleman from Mississippi is germane and a proper amendment to the amendment which the gentleman from New York has offered.

Mr. MANN. I am asking for information, because these rulings are of value hereafter. Then I take it that the present opinion of the Chair is that if the substitute is a reduction of the amount carried by an amendment offered from the floor, that brings it within the Holman rule, regardless of the amount in the original bill.

The CHAIRMAN. Yes. The Chair is inclined to rule only on the question as to whether or not this substitute is germane to the amendment, but thinks it applies also to any part of the bill before it is accepted.

Mr. FITZGERALD. Mr. Chairman, I have the decision here to which I referred. On the 1st of April, 1910, I moved to recommit a Senate amendment—I think it was to the legislative, executive, and judicial appropriation bill—with instructions to report forthwith Senate amendment 78, amended so as to read as follows:

Provided, That the act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby repealed.

Mr. GILLETT made the point of order. There was considerable discussion, and the Speaker ruled as follows:

The SPEAKER. The Chair will cause to be read the amendment which has been agreed to.

The Clerk read as follows:

"Concur with the following amendment:

"'Strike out all of amendment No. 78 and insert instead thereof the following:

"'For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services, and for rent of such quarters as may be necessary, $25,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.'"

The SPEAKER. The House will notice that this is a proposition or an amendment covering one specific subject in the tariff act—as to the returns made by corporations. It does not relate to the amount of the tax, the kind of corporations to be levied upon, the time of levying, or touching any other matter, but only and simply the returns of corporations.

Upon the motion to concur with an amendment, which amendment provides for striking out the Senate amendment and inserting what has just been read, the previous question was ordered, and the House has, on a yea-and-nay vote, agreed to the amendment, so that is a closed incident.

Now, the argument of the gentleman from New York brings up a very ingenious theory. But the Chair does not feel called upon to decide upon his theory, because it has been held—and, so far as the Chair has been able to ascertain, uniformly held—that where there is a proposition to amend a law in one particular—a specific particular—a proposition to amend generally or to repeal the law would not be germane. The Chair, after a hasty examination, finds as follows:

"Hinds' Precedents, volume 5, page 411:

"'5806. To a bill amendatory of an existing law as to one specific particular an amendment relating to the terms of the law rather than to those of the bill was held not to be germane.'"

Under that decision, if the amendment of the gentleman had been offered before the previous question operated it would not have been in order, as the precedents are uniform that you can not by a motion to recommit make that in order which would not have been in order if offered as an amendment. Therefore the Chair sustains the point of order.

There was a provision, Mr. Chairman, in which an appropriation was made to carry out the provisions of the Payne-Aldrich law, imposing a tax on corporations and providing for the classifying and arrangement of the returns. The House had agreed to an amendment which modified the law in that it provided that these returns should not be made public except upon order of the President or under rules and regulations to be approved by him. I then offered what was in effect an amendment, being a motion to recommit the bill with instructions to report forthwith repealing the law, and it was held to be not germane.

In this instance, and this decision applies to this case particularly, in the bill as reported from the committee there was an appropriation to carry out the law and a provision amending the law in one particular. That would have placed the provision in the bill in exactly the same category as the amendment to section 38 of the Payne-Aldrich law, and a proposal

to have repealed the law under this decision would not have been germane. In this instance, in the shape in which it comes before the House, there is no proposition to amend a law at all, but a proposition to appropriate to carry out the law without any suggested change. A proposition to repeal can not possibly be held to be germane, in my opinion, under the authorities. I recall this case very distinctly, because it was a matter of very great importance. It was carefully and elaborately discussed. The decision was based upon the precedents which had been made prior to that time. There was some doubt as to whether in a provision amending the law in one particular line a provision to repeal the law was in order. Decisions had been found to the effect that where a provision proposing to amend the law in more than one respect, in two or three respects, an amendment to repeal the law was germane. It was so held by Speaker Reed, but where the proposition was to amend the law in but one particular the decision was, and this followed what seemed to be the logic of the decision, that it was not in order.

In this case, if the gentleman had offered his amendment as a substitute for the provisions in the bill as reported from the committee, it would have come clearly within that decision. He is now offering his amendment as a substitute for an amendment which does not propose to change the law in any respect at all, but which merely provides for an appropriation. I do not see how under these decisions such an amendment can be held germane, and I call the attention of the Chair further to the fact that the definition of the word "germane," as given in the dictionary, is not the meaning ascribed to the word in the parliamentary practice of the House, because things may be intimately related to each other which under the parliamentary law would not be germane. For instance, in a bill providing for the admission of a Territory as a State, an amendment proposing to admit some other Territory as a State is not germane. They are somewhat intimately related, and yet if the bill proposed to admit two Territories as States into the Union, then the decisions are that a proposition to admit a third or a fourth Territory as a State would be germane. So that in determining the meaning of the word "germane" as used in the rules and procedure of the House of Representatives, the meaning ascribed to it in any standard dictionary as to the common acceptation of the word is not applicable.

It seems to me that under this decision, and under the decisions referred to, upon which the Speaker relied at that time, to a provision appropriating money to carry out existing law a proposition to repeal the law can not possibly be held to be germane. I call the attention of the Chair to the fact that not only has this law been partly executed, but a judgment of the court has been entered under which certain property has been acquired, and that creates an entirely different relation.

Mr. SIMS. That would not vacate the proceedings that have already been had under the law.

Mr. FITZGERALD. It would vacate proceedings unless the awards had been finally confirmed by a decree of the court, because until a decree is entered confirming the awards Congress could abandon the proceedings at any time. After the decree is entered, it could not. But I do not believe that has any bearing particularly upon the matter. I merely wanted to call it to the attention of the Chair. Under the practice of the House, as far as I am familiar with it, and the decisions—and this decision has never been challenged since that time, over two years ago—to a proposition proposing to amend in one respect an amendment to repeal is not germane, and as this proposition does not propose to amend the law at all, I do not see how, to a mere appropriation, it could be held that a proposition to repeal is germane.

Mr. SIMS. Was the gentleman's motion to repeal the whole Payne-Aldrich law or the mere paragraph upon which the particular appropriation rested?

Mr. FITZGERALD. It would repeal the whole law, but it made no difference at all, because the gentleman from Mississippi is not proposing to repeal part of one law, but is proposing to repeal part of two laws.

Mr. SIMS. He is not proposing to repeal the whole sundry civil bill.

Mr. FITZGERALD. No; he is proposing to repeal a part of two appropriation acts.

Mr. SIMS. But not acts like the gentleman from New York refers to——

Mr. FITZGERALD. Oh, that is immaterial; the same reason applies—that an attempt was made to repeal part or an entire act.

The CHAIRMAN. The amendment offered by the gentleman from New York treats of the act approved June 25, 1910, which authorizes the expenditure of $500,000 a year for the enlargement of the Capitol Grounds. The gentleman from Mississippi has offered a substitute for the repeal of that act. Now, the gentleman from Mississippi, in offering his substitute, did not refer to the act by its title and date of its approval, but he did more than that, he referred to it by its title, the date of its approval, and then quoted every word of the act, so it occurs to the Chair there is no escape under the conditions from the conclusion that the substitute is germane to the act. The Chair overrules the point of order, and in doing so agrees with the position taken by the gentleman from New York [Mr. FITZGERALD] in his contention upon a former occasion with the then presiding officer of the House.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the paragraph and pending amendments close in 10 minutes.

Mr. SIMS. Oh, no.

Mr. FITZGERALD. We have given more than two hours and a half. Everybody has been heard——

Mr. KAHN. The committee has.

Mr. SISSON. It has been on the point of order.

Mr. FITZGERALD. The gentleman from Mississippi himself stated that he would not occupy any more time.

Mr. BYRNS of Tennessee. I should like a little time.

Mr. FITZGERALD. How much time?

Mr. BYRNS of Tennessee. Five minutes. And there are several others who desire to be heard.

Mr. FITZGERALD. I desire to state that I am going to try to fix a time at this time and see if we can finish this bill to-day.

Mr. KAHN. I want five minutes.

Mr. FITZGERALD. We took over an hour yesterday, and we have taken an hour and a half this morning.

Mr. KAHN. The chairman of the committee will admit that most of the time has been occupied by members of the Committee on Appropriations.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. KAHN. I shall want five minutes.

Mr. FITZGERALD. I have no objection to the gentleman having that much time.

Mr. SIMS. I want to have five minutes.

Mr. FITZGERALD. Mr. Chairman, I move that all debate upon the pending amendment close in 30 minutes.

Mr. SISSON. Make it 35.

The CHAIRMAN. Is there objection?

Mr. BYRNS of Tennessee. Mr. Chairman, I am opposed to the purchase of the land between the Capitol——

The CHAIRMAN. If the gentleman will suspend. When the Chair was about to put the question whether debate should close in 30 minutes the gentleman from Tennessee addressed the Chair.

Mr. BYRNS of Tennessee. I beg the Chair's pardon; I thought the Chair had put the question.

The CHAIRMAN. The Chair thought the gentleman rose to object. No objection being heard, debate upon the pending matter will close in 30 minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I am opposed to the purchase of land between the Capitol and the Union Station as provided under the bill passed two years ago, and I therefore shall vote for the amendment offered by the gentleman from Mississippi as a substitute for the amendment offered by the gentleman from New York. I am not opposed, Mr. Chairman, to the law or, rather, I do not favor its repeal because of any objection to the personnel of the commission. It is composed of men who have rendered long, patriotic, and distinguished service to the country, and everyone knows that those gentlemen will administer the law and perform their duties under the law as best they can for the protection of the Federal Treasury and the people. But I do not believe it is right to take the money of the people, Mr. Chairman, for the purpose of buying a great area of land between the Capitol and the Union Station purely for park purposes when, as a matter of fact, the land after it is bought can do the people and the Government of the United States absolutely no good. It has been stated upon this floor by the gentleman from Mississippi that much of this land is occupied; that a big hotel and apartment houses and splendid residences occupy a great portion of this land.

I have walked through that property, and I find a great many pieces of property there which are for rent to-day, and I have had the suspicion that possibly the movement which first brought about the passage of this law, the influences which were brought by the newspapers of Washington and by certain citizens of Washington to cause Congress to pass this law, were induced largely by the fact that this property is now in a particular section of the city which is not growing, but is depreciating in value, because the city is growing in another direc-

tion, and that the people who own this property are desirous that the Government should purchase it simply to relieve themselves of the burden of ownership. Now, Mr. Chairman, I favor beautifying the city of Washington. I think we ought to make it a beautiful city, and it is a beautiful city. Why, it was stated on the floor yesterday that the United States Government now controls or owns 54 per cent of the area of this city—in parks, streets, etc., whereas in other cities this class of property ranges from only 20 to 25 per cent. I think, however, that Congress possibly goes too far in this idea of beautifying the city and buying lands and opening them for park purposes. I noticed a few days ago that over in another body of this Capitol a bill was passed providing for the appropriation of a million seven hundred and fifty thousand dollars to build an armory for the District Militia, and it was provided that the people of the whole country should pay half the expense of that building in spite of the fact that the United States Government will furnish the land upon which it is built. The United States Government does not build armories for militia in other places. The only argument which I noticed in favor of the United States contributing half of the expenses of the building as well as the land, was the fact that it might be used for an inaugural ball once every four years.

Mr. Chairman, this Government owns and has purchased some of the most expensive portions of the property south of Pennsylvania Avenue, and it is hoped that some day the Treasury may be in condition whereby public buildings may be placed there for the occupany of the Department of State and possibly other departments, and thus save to this Government $600,000 a year in rent. We are told when the proposition is made to erect public buildings over the country that the Treasury will not admit it. I have heard gentlemen on the floor of this House state that it is not wise to authorize more public buildings on account of the condition of the Treasury, and yet those same gentlemen are advocating the purchase of this land at the cost, as has been stated on this floor, of $5,000,000, and it has also been stated that after it has been purchased it will take $2,000,000 to place it in a condition for parks, making a total of $7,000,000. This amount would build 140 buildings over this country at $50,000 apiece.

We have claims to-day which have been adjudicated by the Court of Claims as proper charges against this Government, and yet Members of this House and in another body oppose the payment of those claims, Mr. Chairman. And I venture the assertion if Members here will go back to their people and will tell them frankly that they voted for an appropriation or to maintain upon the statute books a law which provides for $7,000,000 expenditure in the city of Washington for purely park purposes, and then will tell them as frankly that the Government is paying $600,000 a year in rents to-day to owners of property in the city of Washington because we have not money in the Treasury to put up the necessary public buildings; if they will at the same time tell them also frankly that Congress has refused and denied to claimants over this country the right to an appropriation to pay their claims, notwithstanding the fact that those claims have been passed upon and declared proper and right against the Government, I do not believe the people will approve any such vote. [Applause.]

Mr. KAHN. Mr. Chairman, I do not know who owns any of the property that is involved in this controversy. That is an entirely immaterial matter. The land ought to be purchased, for it can be purchased cheaper now than in the future. All the great capitals of the world are constantly buying property and are expending millions of dollars in beautifying those capitals.

In 1868 the city of Paris expended $135,000,000 in buying property for the purpose of widening and extending its boulevards and avenues, in making the city attractive. There was a good deal of criticism of the expenditure at the time, but the intervening years have amply justified it. It was a good investment. Paris to-day is looked upon as one of the most beautiful capitals in the world. It is the Mecca of hundreds of thousands of travelers from all over the world. They enjoy its parks, its boulevards, and its avenues. We admire the patriotism of the Frenchmen in having spent that amount of money to make Paris an attractive city. And as for going home and telling our constituents that we have voted money to beautify the National Capital, as suggested by the gentleman from Tennessee [Mr. BYRNS], there is not a constituent of any Member of this House who does not feel proud whenever he comes here to find this city a beautiful one. [Applause.] Our constituents will certainly justify the expenditures in beautifying it.

The city of London in 1905 expended hundreds of millions of dollars in opening up new streets. The King's Way and Aldwych were constructed in the very heart of the English capital. If that work had been done a hundred years ago it could have been done for a fraction of the amount that it cost England in 1905. The city of Berlin is expending millions of dollars in the beautification of the German capital. The city of Rome has been improved in recent years at an enormous outlay. The city of Vienna has expended millions of dollars in widening and beautifying its streets.

That property which is covered by the pending amendment can be purchased cheaper to-day than it can be purchased at any time in the future. Property always enhances in value in a city like Washington. It is the Capital of a great Nation. Its future growth and importance should always be considered by the legislators gathered in this Capitol. The south side of Pennsylvania Avenue has been referred to. I agree that it is a conglomeration of ramshackle buildings that are a disgrace to the Capital. Why has it not been improved? Because it is believed that Congress some day will purchase all of that property and make it a part of the park system of the city. And this property that we are now discussing will be an eyesore to the capital so long as there are no general plans in regard to it. Several years ago Congress decided it should be purchased. There is always in the mind of the owner an idea that Congress will live up to the purchase plan. It is covered largely by a lot of old rubbish to-day.

The gentleman from Tennessee [Mr. BYRNS] speaks of the houses being idle. They will continue idle if this law be repealed. I venture the assertion that there will not be an improvement on that property for years, and it will continue an eyesore. The property owners will not attempt to improve it, for they will feel uncertain as to the course Congress will pursue toward the land in question.

Take the city of Frankfort, in Germany. Within recent years it has been spending millions of dollars in widening its streets. It has put up a magnificent union railway station, not unlike ours, and it has a most superb plaza in front of it. The people there have gladly expended millions of dollars in beautifying their city. And so I could cité innumerable instances of what is being done all over the world in the way of beautifying cities. These cities are correcting the mistakes, the shortsightedness, if you please, of earlier periods. We are a young Nation. We want to make Washington the most beautiful capital in the world. We are the richest Nation in the world. It is a small, narrow policy, in my mind, to repeal a law of this kind. If the law be continued it will enable the people of this country, the American people, to have a capital commensurate with their dignity, their wealth, and their power.

I hope the amendment of the gentleman from Mississippi [Mr. SISSON] will be voted down. [Applause.]

Mr. SIMS. Mr. Chairman, I could take the gentleman from California [Mr. KAHN], who has just addressed the committee, and show him streets to-day in Washington which the people have to use which would be a disgrace to a city of 100,000 inhabitants. Exercise your public spirit where it will be a benefit to the people who want to use those streets. I will go with him and pay his car fare and show these streets to him this afternoon.

Now, this idea that our republican Government must manifest its magnificence and beauty in physical features only, by way of building great avenues and parks in order that those who happen to come to Washington who are going to stay here only a few days may see them and go home and have them approve of the expenditure of the money, is erroneous. Those people do not see these neglected streets I have mentioned. If we put this $500,000 on improvements in certain portions of th city of Washington that absolutely need them instead of buying property down here which will immediately make a demand for property in out-of-town divisions that are being boomed now by real estate men, it would be vastly better. Turn out these thousands who live in these houses now and cause them at once to have to seek other homes, and you accelerate the advance in price and enhance the value of lots now being held in the suburbs at fictitious, unreasonable, and speculative values.

Now, this committee had no such thought. This legislation was put on an appropriation bill at the other end of this Capitol. There was no time in which to consider it here; and, in justice to well-considered legislation, it ought to be repealed. Then bring in a bill, and have it well considered, and let us know what we are going to purchase.

Why, the gentleman from Mississippi [Mr. SISSON] yesterday showed a map here delineating the land contemplated to be bought and showing that that land is absolutely unnecessary, relatively, to this Capitol square. If it is bought, and the buildings are removed, and the land is parked, it will make it look ridiculous. It will make it look like a one-winged eagle statue. It will make it look as though you had put up

an eagle and taken a wing off of it. Put a wing on that square there and then you will have to have a wing here and another wing yonder. We have a Capitol square now that is symmetrical in its proportions. Millions of dollars have been put into this House Office Building here, and millions of dollars have been put into that Senate Office Building, and other millions of dollars have been put into other public buildings all over this District, and into parks galore. Indeed, there is danger now of getting lost in the city of Washington in the wilderness of unused and unoccupied parks.

That is the only excuse that can be given for the purchase of this land—the beautification of the city and the enlargement of the parks.

Mr. KAHN. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. KAHN. I would like to ask the gentleman where is there a single park in the city of Washington that is not enjoyed and used by all the people, including the poor people?

Mr. SIMS. Those who go to the out-of-town parks are not the poor people. Tell me how many poor people ever put their feet inside of Rock Creek Park.

Mr. KAHN. I saw them there by the dozens and hundreds.

Mr. SIMS. How do they get there? There are no street cars running to it, and the street car companies are opposed to the putting of street cars there. The fact is that nobody but automobile owners ever get there. [Applause and cries of "Vote!" "Vote!"]

Mr. CULLOP. Mr. Chairman, I would like to have the amendment reported.

Mr. FITZGERALD. If anybody wishes to get time, let him use it now.

Mr. CANNON rose.

Mr. CULLOP. Mr. Chairman, in view of the fact that the debate is to be closed, I ask that the amendment be reported.

The CHAIRMAN. The Chair has already recognized the gentleman from Indiana.

Mr. CANNON. On which side is the gentleman?

Mr. CULLOP. I do not care to occupy time.

The CHAIRMAN. The Chair then recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, two years ago, or three—I believe it was three—this legislation was enacted. It has been executed as speedily as possible under the provisions of the law. It was bad in its conception, in my judgment, because it did gradually, year by year, what it ought to have done at once. In other words, condemning this property piecemeal enhances the property remaining after each condemnation.

There has been acquired, however, the two principal squares and the two most expensive squares just north of the Capitol, costing about $1,100,000. The decree has been confirmed, and whatever action might be taken by Congress in repealing this law, that property has been acquired.

Mr. HARDY. Mr. Chairman, will the gentleman permit an interruption?

Mr. CANNON. Yes.

Mr. HARDY. What are the two blocks that have been already acquired?

Mr. CANNON. The two blocks just north of the Capitol, between the Senate Office Building and New Jersey Avenue, down to the railroad property, which was formerly occupied by the old Baltimore & Ohio depot.

Mr. HARDY. Does the gentleman recall who was the owner of the property?

Mr. CANNON. I do not know any man that was the owner of a portion of it, save one. I have the impression that one or two houses belonged to the estate of former Representative Babcock, who died a number of years ago. But I do not care who it belongs to. If it ought to be acquired, what difference does it make who owns it? With all due respect to my friend from Texas, I do not see that there is any great point in his query.

Now, I am satisfied that if this Congress does not acquire it, some Congress in the future, better advised, will take every foot of this property. You may repeal this act, but there is the property. There is the great terminal, to which nearly a hundred million people who visit the city in a year will land. Here is the great Capitol, the greatest on earth, having no equal on earth. Here are the great office buildings belonging to the people, and I am satisfied that if this act should be repealed, in the end this property will cost vastly more to condemn in the future than it will cost to take it now.

It is easy to say that this property is going to cost $5,000,000 or $7,000,000, and $2,000,000 to improve it. Who gave the gentleman from Mississippi the right to make such statements? I state, and I am informed by men who ought to know, that the two blocks that have already been condemned are by far the most expensive property, and that the buildings on these two blocks, the improvements, cost as much as the ground cost. Much of this property is now vacant farther on toward the Plaza. I trust that the amendment offered by the gentleman from Mississippi to repeal the law will be voted down.

Mr. CULLOP. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. CULLOP. I want to ask a question for information. Is any part of the vacant property between here and the Union Depot included in this matter, or has that been purchased?

Mr. CANNON. It is substantially all included in this matter. The only part that has been condemned are the two blocks between New Jersey Avenue and the Senate Office Building down to the street just in front of where the old Baltimore & Ohio Depot stood.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARDY. I ask that the gentleman be given five minutes more in order to answer a question.

Mr. CANNON. I do not care for any further time.

The CHAIRMAN. The time for debate has been limited.

Mr. CANNON. I would be glad to answer the gentleman's question if I had the time.

Mr. HARDY. Mr. Chairman, I am opposed to buying this property between the Capitol and the Union Station. I did not ask the gentleman from Illinois who owned the land already acquired by the Government in order to make any deduction of impropriety, but merely as a matter of curiosity, and, broadly, I would like to know all the owners of the property which this law forces the Government to buy. I oppose the policy of forcing the Government to buy more and more land whenever some one may have property to sell and thinks it a good opportunity to unload it on the Government. I believe that the National Government has to-day all the property in Washington City that it needs for public uses. This matter of beautifying the National Capital is nice to talk about, but it has its reverse side also. I am reminded a little of an old gentleman I know who bought, first, 100 acres of land and then wanted every 100 acres adjoining that and then wanted all the land adjoining that, and there was no end to it. We seem to be in the condition of wanting to buy every piece of land within the city limits that is offered for sale on some plausible pretext that it might be of some use or benefit to the Government now or hereafter, or at least would beautify the city.

In the history of great nations there has always been an era of public improvement just preceding the era of public decay. Pericles beautified Athens, and at the end of his reign decay set in upon the Athenean Republic.

Herod was building temples and beautifying the city of Jerusalem, and provincial governors from Rome were beautifying other cities, in the days of Christ, while the people were suffering under enormous burdens of taxation. The old story of building monuments to the glory of kings and governments is as old as the history of the pyramids of Egypt. The swinging gardens of Babylon were an example of beautifying, and, doubtless, the people of Babylon were proud of the glories of Belshazzar. Every dead civilization found itself tottering to decay amid efforts at beautification and adornment and public expenditure for the glorification of the national capital.

I believe that governments should confine themselves to the useful purposes of government. Of course, more or less adornment and beautification is possible and consistent; but if we are to spend millions upon millions, and then millions more, in order to beautify this part of the city and that part of the city, in rivalry with the glories of other lands and other ages, some will repent our extravagance when our accumulated burdens have become unbearable; and if every time anybody who has a piece of property that he can not profitably use or dispose of he is encouraged to raid the Public Treasury by selling at a fancy price to the Government, there will be no end to this kind of exploitation. Interested parties will always find some plausible excuse to make the Government buy property. That is the way it has been ever since I have been here. I am told that many years ago the Government bought a block by the Belasco Theater under the plea that it was immediately needed for a public building. It is vacant still.

We are now confronted with a proposition to open up West Capitol Street and to pay millions of dollars for property on the south side of Pennsylvania Avenue. That would be the next thing. When the Union Depot was planned we started out with the proposition to buy a little stretch of property in front of the Union Depot, and now we want to widen that Plaza and then buy out all the land between this widened Plaza and the Capitol. Next it will be necessary to widen the roads out to Anacostia or between here and the navy yard, for

what visitor to this city would like to go down along Pennsylvania Avenue and have to look on the shacks that are around the navy yard? We ought certainly to remove all those eyesores and beautify it and make it full of palaces, because all visitors to Washington want to see our navy yard.

Mr. Chairman, I have reached the conclusion that if the Government will attend to the economic administration of public affairs, the growth and beauty of this Capital will be spontaneous and will be made naturally by the people who settle here and find their profit in the growth of the city and the building of useful and needed structures. If the Government is beginning to spend vast sums or to erect buildings just for the purpose of beautification, such expenditure makes burdens, such burdens make poverty. This way lies the beginning of the ultimate decay, in my opinion. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am opposed to repealing the law providing for the acquisition of this property, and I am in favor of the amendment I offered to appropriate $500,000 to carry out the original intention of the law. I regret very much that the gentleman from Mississippi [Mr. SISSON] has not recently read the history of the Capitol Buildings and Grounds, and the debate which took place when a very distinguished Representative from the State of Mississippi advocated and urged legislation providing for the two wings of this Capitol and the acquisition of the grounds surrounding it. The people of the United States are indebted more than they will ever be able to repay to Jefferson Davis for the two wings of this Capitol and for the beautiful Capitol Grounds. [Applause.] I regret that it is another gentleman from Mississippi who is not inspired with the same broad views as Jefferson Davis, who is attempting at this time to prevent the completion of the great work for which he is entitled to so much credit.

It is unjust and unfair to assert that this is a scheme to help somebody unload property upon the Government. If I were the owner of property in the tract to be taken I should resist and exert every influence I had to prevent the property being acquired by the Federal Government at this time. No man who is familiar with the development of great capitals, who is familiar with the prosperity and the wealth of this country, and the situation of this Capitol in relation to the Union Depot can doubt for an instant that some day the Federal Government will acquire the property between the Capitol and the Union Depot as a part of the parking system of this city. It should be done now. We should not wait until those who own the property, by letting it remain idle or permitting it to be used for purposes that should not be within the shadow of the Capitol, may be, with the growth of time and the development and improvement of the city, able to obtain in condemnation proceedings a much larger compensation than can possibly be obtained at this time. The improvement of municipalities is something which benefits all of the people of the community. It does not benefit so much the wealthy, those who are in a position to spend their leisure moments in congenial surroundings and under circumstances that appeal to the imagination, but to those who can never leave the community, who are compelled to spend their entire lifetime in it, these movements to beautify cities result most beneficially. People come to this Capital from all over the United States and from all over the civilized world. Who is there in the House or in the Congress who would advocate to-day the selling of a single foot of the property surrounding this Capitol? Who would not rejoice if the property facing the Office Building for the House and the Office Building for the Senate on both sides happened to be owned by the Government of the United States? Why speak of having a building essential for the prosecution of Government business and for the comfort and convenience of the people's representatives and for the gratification of the people when they come here located amidst surroundings that are disgraceful to the community? What are five or six millions of dollars to 90,000,000 people when the making of this Capital such that it will be a credit and a pride to every citizen of the United States, no matter how humble, is involved? [Applause.]

We can not approach these questions in a small or niggardly spirit. We must look upon them with a broad mind, keeping in view the future and the fact that we are destined to be not as we are to-day—the greatest Government and the greatest Republic the world has ever known—but destined to be a Republic and to represent a civilization that we hope will keep in the forefront through all the ages. [Applause.] Our Capitol should represent and typify that civilization.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the adoption of the substitute offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. SISSON) there were—ayes 24, noes 32.

Mr. SISSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. SISSON and Mr. FITZGERALD to act as tellers.

The committee again divided; and the tellers reported—ayes 29, noes 38.

So the amendment was rejected.

Mr. SISSON. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from New York, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend so much of an act approved June 25, 1910, being "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," as refers to enlarging the Capitol Grounds, so as to read as follows:

"Enlarging the Capitol Grounds: It is hereby declared to be the purpose of Congress to ultimately acquire all of squares No. 632, all that part of square No. 633 that lies west of the street or alley known as Arthur Place, 634, 680, 681, 682, 683, 684, 685, in the city of Washington, D. C., for the enlargement of the Capitol Grounds, and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly foundation in said plaza. The Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise, and to expend for that purpose not more than $500,000 in any one fiscal year, commencing with the year 1911, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, chap. 837). For the execution of the foregoing, $500,000."

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

Mr. SISSON. Mr. Chairman, will the gentleman reserve it for a minute?

Mr. MANN. I understand that it is not debatable.

Mr. SISSON. Oh, yes, it is.

Mr. MANN. I understood that all debate on this proposition had been closed.

Mr. SISSON. I wanted to explain the amendment to the House. I ask unanimous consent to explain the amendment to the House. It will not take but a minute.

Mr. MANN. Mr. Chairman, I am not disposed to cut off debate, but I think we have spent sufficient time upon this.

Mr. FITZGERALD. Does the gentleman from Illinois propose to discuss the point of order? If the gentleman is going to insist upon the point of order we might as well have it settled first. There is no use of occupying considerable time on this matter uselessly when we can not accomplish anything.

Mr. SISSON. Oh, I do not think it is useless.

Mr. MANN. Mr. Chairman, there is no pretense that this is to repeal existing law. This is a modification of existing law. Neither the Chair nor anyone else can tell whether it is a retrenchment of expenditures. It is not the same proposition that was presented before. I do not propose to take the time of the House in discussing the point of order. I thought the other amendment was clearly subject to a point of order on grounds which I then stated. The Chair overruled that point of order. I think this amendment is subject to a point of order upon other grounds; that it is not a retrenchment of expenditures, but simply a modification of existing law, carrying the same amount of appropriation.

Mr. SISSON. Mr. Chairman, in reference to the point of order I will state that the amendment which I offered eliminates certain squares of property, which reduces the amount that would finally be acquired in the purchase of the property embraced in the original act.

The property eliminated is the property that can be seen here and one square here [illustrating on map]. I will say that this was an amendment which the gentleman from New York and I were discussing and which Mr. PAGE was to prepare and to offer as a compromise on this matter eliminating certain sections of property——

Mr. FITZGERALD. I understand that the gentleman rejected that compromise.

Mr. SISSON. Now, Mr. Chairman, in offering this amendment I am sure that it does not present the same question which was in the other amendment which I offered; that on its face it does not reduce the expenditures carried in the

amendment offered by the gentleman from New York. I was in hopes that we might get a vote upon this matter by unanimous consent and exclude from the future purchase of this act the property which I do not think anybody insists we need in opening up a park between here and the Union Station, nor is it needed for the purpose of building a boulevard. It eliminates the property on either side of the Senate Office Building and the property that is not within the view and approach from the Capitol to the Union Station, and I think it would be useless to purchase this property for the purposes which the bill intended originally to cover. I think that it includes entirely more property than is necessary, and for that reason I offer the amendment.

The CHAIRMAN. The Chair is of the opinion that if the amendment reduces the amount of money covered by the bill that it would not be subject to the point of order. The ultimate purpose of the amendment offered by the gentleman from Mississippi is to reduce the cost finally, but the Chair does not believe that it means a reduction of the cost in this bill; or, in other words, the Chair knows officially that within the scope of the original act there is sufficient property to amount to more than $500,000 in addition to the $500,000 heretofore expended; and, as it does not reduce the amount of money contemplated to be expended in this bill, or any amendment thereto, the Chair sustains the point of order.

Mr. SISSON. Mr. Chairman, I move to amend the substitute which I have offered here by substituting $400,000 for $500,000.

Mr. FITZGERALD. Mr. Chairman, I will object to that. The law authorized $500,000 worth of property to be condemned, and we ought to appropriate the money in accordance with the law. I ask for a vote on the pending amendment.

Mr. SISSON. If the gentleman is willing to have a vote on this amendment——

Mr. FITZGERALD. I am not willing to have a vote on the gentleman's amendment.

Mr. SISSON. I want to offer another amendment, and the language of the amendment which I have just offered as a substitute is the same as the other, except that I strike out the $500,000 in the amendment which I have offered and make it $400,000. I want to substitute for the amendment which I offered an amendment which is identical in language with the other amendment, except that $400,000 shall be in the amendment instead of $500,000.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. I do not see that helps the gentleman at all.

Mr. SISSON. I trust the Chair understands what I want to do. I want to offer the amendment which I have just offered and which was ruled out on the point of order because it did not reduce expenses, substituting $400,000 instead of $500,000 in the amendment which I offered a moment ago.

Mr. MANN. Let the amendment be reported.

Mr. SISSON. I will ask that the amendment be reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

Mr. MANN. An objection would stop it, but has the gentleman a right to offer the amendment? There is nothing before the House. The gentleman has offered an amendment, and let us find out what it is.

The CHAIRMAN. The Clerk will read again the amendment for information.

Mr. SISSON. I offer the amendment.

The CHAIRMAN. The gentleman from Illinois has asked that the amendment be reported.

Mr. BYRNS of Tennessee. I submit this is a new amendment offered by the gentleman from Mississippi that has not yet been reported to the committee.

The CHAIRMAN. If the gentleman will only give the Clerk a chance he will report the amendment.

Mr. MANN. It is not a matter of reporting; it is not done by unanimous consent. I am willing to consent to waive the reading of it, as it has been read three times.

Mr. SISSON. That is what I was endeavoring to explain to the committee. The amendment I now offer is identical to the former amendment, except that $400,000 is inserted in the present amendment where $500,000 was in the amendment ruled out on the point of order.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment, and I ask unanimous consent to dispense with the reading.

The CHAIRMAN. Without objection, the reading of the amendment will be dispensed with. [After a pause.] The Chair hears no objection.

Mr. SISSON. The gentleman has not stated his point of order.

Mr. MANN. I make the point of order it is not a reduction of anything connected with the bill; practically the same point of order that was made before applies to it.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee to what a remarkable situation the House will be in if this amendment were held to be in order.

If one gentleman could offer an amendment appropriating a certain sum of money to carry out some law, under the guise of reducing the amount carried by the bill, the gentleman could offer an amendment appropriating $1 less in that amendment and propose to change the law.

Mr. SISSON. This does not change the law.

Mr. FITZGERALD. Certainly it changes the law. It eliminates from the law certain features of it. But on the pretense that it reduces the amounts carried by the bill, it would be the easiest thing if such a ruling was made to have in order any conceivable proposition gentlemen would desire to offer to an appropriation bill. The rule is plain. It must affect the amounts carried by the bill, and pending amendments are not amounts carried by the bill under any construction that can be given.

Mr. MANN. Mr. Chairman, there is a law usually called the pure-food law, and an appropriation to provide for its administrative effect. Suppose, when the deficiency bill comes before the House some gentleman offers an amendment proposing an appropriation of $150,000 for the execution of the pure-food law, and some gentleman proposes an amendment reducing the amount to $40, and an entire revision of the pure-food law, neither proposition having been considered by the committee of the House. Now, is the Chair prepared to adopt the rule that under those circumstances there can be precipitated upon the House for a vote an entire revision of the pure-food law when it has received no consideration from any committee and when there is no line in the bill reported either relating to the law or its enforcement?

The CHAIRMAN. The bill itself is yet an unaccepted proposition submitted to the House by the committee and is subject to amendment. The amendment also is an unaccepted proposition made to the House by a Member of the House; and, in this instance, by the chairman of the committee. The Chair holds this subject to amendment. The gentleman from New York [Mr. FITZGERALD] seems, from his remarks, to be laboring under the impression that an authorization of exactly $500,000 a year is provided for under the original act. That is a mistake. The original act authorizes the expenditure of not more than $500,000 a year. If the act authorizes an expenditure of not more than $500,000 a year, an expenditure of less than $500,000 a year would be authorized by the bill.

Mr. FITZGERALD. Mr. Chairman, the rule does not say an amendment which changes the bill shall be in order, which proposes to reduce the amount in a proposed amendment. It must reduce the amount carried in the bill.

The CHAIRMAN. The Chair sees the hair-splitting difference there which the gentleman suggests. When there is no section in the bill on this subject, the offering of a new section by the committee is an unaccepted proposition, just the same as if it had been submitted to the House originally by the committee.

Mr. FITZGERALD. The committee has not offered any new section. The committee has offered no new provision. I offered that as a Member of the House.

The CHAIRMAN. The Chair put it in the shape of having been offered by an individual, but it was by the chairman of the committee, and the Chair is willing to strike that part of it out.

Mr. FITZGERALD. I call the attention of the Chair to the fact that the only legislation under the rule that is in order is an amendment which was reported by an individual Member of the House.

The CHAIRMAN. The Chair is of the opinion that the amendment offered by the gentleman from New York is subject to amendment.

Mr. FITZGERALD. I know it is subject to amendment under the rules of the House. It is not subject to any amendment gentlemen may desire to make. The amendment must be in order under the rule, and the rule is what controls and not the peculiar desires of the Members of the House. The gentleman, in order to make his amendment in order, must be able to point to some rule in the House under which the amendment is in order, and not under pretense which no sane construction of the rule can hold it is in order under the rule and precipitate this House into a condition of chaos in the consideration of these bills. That is what such a ruling will do by holding such an amendment in order.

The CHAIRMAN. The Chair is of the opinion that the amendment is in order.

Mr. FITZGERALD. I ask for a vote on the amendment.

Mr. SISSON. I ask that debate close on this amendment. I thought it was closed on the amendment which I offered.

Mr. FITZGERALD. It is closed on all the amendments.

The CHAIRMAN. The question is on the adoption of the substitute offered by the gentleman from Mississippi [Mr. SISSON] to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now comes on the adoption of the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. SISSON. A division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 17.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask that the Clerk return to page 103.

The CHAIRMAN. Without objection, the Clerk will turn to page 103.

There was no objection.

The Clerk read as follows:

Amend, page 103, line 12, after the word "States," by inserting the following: "Including personal services"——

Mr. FITZGERALD. I ask, Mr. Chairman, that that be passed over temporarily and that the Clerk return to page 108. The gentleman from Illinois [Mr. FOSTER], who is interested in the matter on page 103, is not present at this moment. I ask that the Clerk turn to page 108.

The CHAIRMAN. The Clerk will read the item.

The Clerk read as follows:

Page 108, line 4:

"GOVERNMENT HOSPITAL FOR THE INSANE.

"For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicles for official use of the superintendent, $314,400; and not exceeding $1,500 of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding $1,000 may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital and for the medical library, and not exceeding $1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients."

Mr. CANNON. Mr. Chairman, I offer the following amendment: On line 15, page 108, strike out "$314,400" and insert "$334,400."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 108, line 15, by striking out "$314,400" and inserting "$334,400."

Mr. CANNON. Mr. Chairman, a single word touching this amendment. In round numbers there are 3,000 people in the insane asylum, one-half substantially from the District of Columbia and one-half from the Army and Navy. The maintenance cost per capita in round numbers is $220 a year. It will require the amount named in the amendment to meet the requirements of the service. The amendment meets the estimate, and it meets the appropriation for the current year. I believe the appropriation should be increased as proposed by the amendment.

Mr. FITZGERALD. Mr. Chairman, I simply wish to call to the attention of the committee the fact that this is not a reduction of the amount for the maintenance of this institution. This item of $314,400 is not, as the gentleman assumes, a reduction in this appropriation. Twenty thousand dollars was deducted from this item, and $15,000 was added to the item for general repairs and improvements—an item which occurs a little later—and in addition a provision was inserted in the bill requiring the inclusion of the cost of repairs and certain maintenance charges in estimating the cost of maintenance of patients in the insane asylum from the District of Columbia. As a result of it the District of Columbia will pay the full cost of maintaining the patients from the District, and that burden will be taken off the United States. We have simply, by a readjustment of these items, given the estimate practically.

Mr. CANNON. Let me understand the gentleman. The gentleman states that elsewhere in the bill, if it is agreed to, by succeeding items the amounts recommended in the bill will be sufficient, substantially, to care for 3,000 patients.

Mr. FITZGERALD. Yes. I understand the gentleman's amendment increases this amount by $20,000?

Mr. CANNON. Yes.

Mr. FITZGERALD. The committee deducted $20,000 from this item, and it added $15,000 to the item for general repairs and improvements, on page 109, because about that sum was paid out of the other item. Then, the committee inserted a provision to compel the payment by the District of Columbia of that portion of the general repairs and improvements which properly would be prorated to the District patients.

Mr. CANNON. As I understand the gentleman, his explanation is a satisfactory one, namely, that, taking the provisions all together, if agreed to by the House, the provision here, with the other items and provisions touching the insane asylum, will substantially care for 3,000 patients, which is the estimate of the number that there will be, at $220 a year each.

Mr. FITZGERALD. Not 3,000.

Mr. CANNON. Well, substantially that. In other words, there is no cut in the bill for maintenance?

Mr. FITZGERALD. There is a reduction of only $5,000 in these items from the current law.

Mr. CANNON. And that reduction is cared for elsewhere.

Mr. FITZGERALD. We believe that that will be cared for by this provision which requires the payment by the District of its proportionate share.

Mr. CANNON. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in the Government Hospital for the Insane from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1881 to 1911, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1913, the sum of $769,536.09 in seven equal annual installments, which amounts so transferred shall be covered into the Treasury as miscellaneous receipts.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. FITZGERALD. I think in its present shape it is subject to a point of order. There is only one phase of it, however, that I think is subject to a point of order, and that is the requirement that the money be paid in seven annual installments. If that should be sustained I propose to offer an amendment so that it will be paid in one installment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, after line 2, page 109, the following:

"To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in the Government Hospital for the Insane from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1881 to 1911, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1913, the sum of $769,536.09, which amounts so transferred shall be covered into the Treasury as miscellaneous receipts."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. FITZGERALD. What is the point of order of the gentleman from Illinois?

Mr. MANN. It is not in order in this bill to make such a provision even if authorized by law. This is not the bill providing for appropriations for the District of Columbia. This item, if in order at all, would be in order on the District of Columbia appropriation bill.

In the second place, there is no authorization in law for the transfer or making this appropriation. Of course, the transfer could only be considered in order in any event as an appropriation, and there is no authorization in law for this appropriation.

As to whether there has been an excess charge or a lack of charge is a matter which requires legislation, and the committee having jurisdiction of the legislation for the District of Columbia is the Committee on the District of Columbia.

This proposes to acquire in this bill an appropriation of over $700,000 from the District revenues to be paid to the United States Treasury on a claim which the United States Treasury may have against the District. No one is prepared to know what the law is on the subject, or whether there is any law, and the gentleman can not base an appropriation upon the claim merely that the District of Columbia has not paid its proportional share. It requires legislation to accomplish the purpose, and that legislation should come from the proper committee.

Here is the situation: This House has already authorized the District Committee to make an investigation of the books of the District. That committee is engaged in making such investigation. We originally appropriated a certain amount of money out of the contingent fund for that purpose, and we have

recently added to the amount which may be expended for that purpose. When the District Committee reports it has a right to report recommending that certain action be taken. But until that is had it is not within the province of the Committee on Appropriations in the sundry civil bill to go back for all time and undertake to determine for themselves whether the Government owes the District or whether the District owes the Government for matters which have taken place in the past. This is not an appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, or anything in relation to it. I do not desire to consume very much time in arguing points of order or otherwise, because I hope that we can get along with this bill and get through with it. To me it is perfectly clear that it is subject to a point of order.

Mr. FITZGERALD. Mr. Chairman, I can not agree with the gentleman. In the first place there is nothing in the rule which requires the Committee on Appropriations to report in any particular bill appropriations over which it has jurisdiction. In the second place it is well established that the committee can report in any bill over which it has jurisdiction for deficiencies in any service over which it has jurisdiction. Under the law the District of Columbia is authorized to send certain classes of insane to the Government Hospital for the Insane. Appropriations have been made from time to time to cover the cost of maintaining these District insane and investigation has disclosed that in a number of instances the District has not paid the full amount it should have paid for maintaining the insane properly chargeable to it. I have seen some statements of the auditor showing the balances due from the District to the United States for certain years. The books in the Government Hospital for the Insane disclosed that the District is indebted to the United States for the amount named in this amendment for care of the insane.

This provision merely proposes to appropriate from the revenues of the District a sufficient sum to meet a deficiency which now exists in the appropriations heretofore made for the care of the insane of the District in the Government Hospital for the Insane. This item supplies deficiencies in the appropriations heretofore made for that purpose during the period indicated in the amendment.

The CHAIRMAN. In 1857 the first provision was made that District lunatics might be put into this asylum. That arrangement went along until 1876, when by another act of Congress, which is to be found in volume 19 of the United States Statutes at Large, page 108, a law was enacted to the effect that the District of Columbia should pay one-half of the expenses of the indigent persons who might be thereafter admitted from the District of Columbia into the Hospital for the Insane.

The next act bearing upon the subject is that which is commonly called in the District of of Columbia the "organic act," the act of June 11, 1878, in which the half-and-half plan is contained. If there was any obligation imposed upon the Federal Government by the act of June 11, 1878, it was repealed by the act which is to be found in volume 20 of the United States Statutes at Large, at page 230, of date June 20, 1878, which reads as follows:

> That one-half of the expense of the indigent persons who may be admitted from the District of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the General Government.

That is a direct piece of legislation, that one-half of the expenses on account of the indigent insane from the District of Columbia shall be paid by the District of Columbia and charged against the appropriations toward the expenses of the District of Columbia by the General Government. The question now arises, first, as to whether or not that has been done, and, next, if it has not been done, can it be done now in this bill and in this way? The gentleman from Illinois [Mr. MANN] has just stated that this paragraph is not in the proper bill. There are numerous precedents where everybody who has been called upon to rule upon this question has held that appropriations concerning the District of Columbia may be contained in any of the general appropriation bills, and it is all the time practiced.

The next question that arises is this: Has this fund been converted into the Treasury as directed by the statute of May 20, 1878, a section of which the Chair just read? The Comptroller of the Treasury has decided upon numerous instances that that has not been done. The Chair now has in hand a communication which reads as follows:

> TREASURY DEPARTMENT,
> FIRST COMPTROLLER'S OFFICE,
> *Washington, D. C., November 16, 1883.*
>
> GENTLEMEN: An account between the United States and the District of Columbia for expenses of indigent insane District patients in the Government Hospital for the Insane during the fiscal year which ended June 30, 1879, has been settled per first auditor's report, No. 229391, as certified by this office, and there has been found to be due the United States the sum of $4,300.10, as is shown by the inclosed statement.
>
> Very respectfully,
>
> W. LAWRENCE, *First Comptroller.*

This was addressed to the Hon. Joseph R. West, T. P. Morgan, and Maj. Garrett J. Lydecker, Commissioners of the District of Columbia.

Another ruling and also certification made by the Comptroller of the Treasury is as follows:

> TREASURY DEPARTMENT,
> FIRST COMPTROLLER'S OFFICE,
> *Washington, D. C., March 23, 1885.*
>
> GENTLEMEN: An account between the United States and the District of Columbia for expenses of indigent insane District patients in the Government Hospital for the Insane during the fiscal year which ended June 30, 1880, has been settled per first auditor's report, No. 229411, as certified by this office, and there has been found to be due the United States the sum of $27,490.98, as is shown by the inclosed statement.
>
> Very respectfully,
>
> W. LAWRENCE, *First Comptroller,*
> By JOS. AD THOMSON,
> *Acting Deputy First Comptroller.*

This was addressed to Hon. Joseph R. West, James B. Edmonds, and Maj. G. J. Lydecker, Commissioners of the District of Columbia.

Another ruling made by the Comptroller of the Treasury, and so certified by him, is as follows:

> TREASURY DEPARTMENT,
> FIRST COMPTROLLER'S OFFICE,
> *Washington, D. C., January 18, 1884.*
>
> GENTLEMEN: An account between the United States and the District of Columbia for expenses of indigent insane District patients in the Government Hospital for the Insane during the fiscal year which ended June 30, 1881, has been settled, per First Auditor's report No. 229498, as certified by this office, and there has been found to be due the United States the sum of $24,678.25, as is shown by the inclosed statement.
>
> Very respectfully,
>
> WILLIAM LAWRENCE,
> *First Comptroller,*
> By J. TARRELL,
> *Deputy First Comptroller.*

That was also addressed to Hon. Thomas B. Edmonds, Joseph R. West, and Maj. Garrett J. Lydecker, Commissioners of the District of Columbia.

A further photographic reproduction of a statement from the accounts, as kept by the Treasury of the United States, which the Chair has before him, shows that those certifications continued until 1888, during all of which time, except during the first two years, they were absolutely ignored by the Commissioners of the District of Columbia, and not one cent was paid to the Federal Government by the District of Columbia, as was certified by the Comptroller of the Treasury to those commissioners.

The law not having been complied with, as set out in the act of June 20, 1878, which reads as follows:

> * * * and charged against the appropriations to be paid toward the expenses of the District by the General Government—

the Chair, upon mature consideration of the matter, is of the opinion that the amendment offered by the gentleman from New York is not such legislation as is forbidden by the rule. It is what might be termed "congressional dictum"; or, as the District Commissioners in a communication to the President have denominated, "legislative direction," to the executive officers of the United States to do that which they should have done without this direction.

The law already directs that these transfers shall be made upon the accounts between the District of Columbia and the Federal Government. This paragraph is not, therefore, new. That law has been ignored, notwithstanding the fact that the Comptroller of the Treasury has repeatedly called the attention of the Commissioners of the District of Columbia to it, and they have failed and refused thus far to comply either with the law or with the direction of the Comptroller of the Treasury as he has construed the law.

The Chair is, as said, of the opinion that this is not new legislation, because no change in the law is made hereby. It is simply a congressional direction to the executive officers to do that which they should have done without it. The Chair, therefore, overrules the point of order.

Mr. MANN. Mr. Chairman, I have not yet learned the distinction between legislation and a legislative direction to the administrative officers of the Government. The Chair has ruled the item in order. I would like to ask the chairman of the Committee on Appropriations whether that committee or the subcommittee preparing the sundry civil appropriation bill, or the subcommittee that has jurisdiction over appropriations for the District of Columbia, heard anybody representing the District with reference to this item?

Mr. FITZGERALD. It did not; but I call——

Mr. MANN. That is a sufficient answer.

Mr. FITZGERALD. That hardly answers the question.

Mr. MANN. That answers my question, but I am quite willing that the gentleman should extend his answer.

Mr. FITZGERALD. It does not give the gentleman all of the information to which he is entitled. Later, when the committee was at work upon the general deficiency appropriation bill, the auditor for the District of Columbia called attention to this provision, and I gave the auditor a copy of the testimony before the committee and suggested that he examine it and furnish any statement he thought proper to the committee.

Mr. MANN. Mr. Chairman, here is a proposition which the Chair has ruled in order as a legislative direction to the administrative officers to go back and take money out of the District since 1881 on old claims. I do not know the merits of the proposition, but no committee of the House that has jurisdiction of the subject has had any hearings upon the subject at all.

Mr. FITZGERALD. The Committee on Appropriations has jurisdiction.

Mr. MANN. The subcommittee of the Committee on Appropriations having jurisdiction over the District of Columbia appropriations has had no hearings, the gentleman states. The subcommittee representing the sundry civil appropriation bill, which has no jurisdiction over District of Columbia matters, has had hearings. The Committee on the District of Columbia has had no hearings. I would not hang a dog upon such evidence, much less endeavor to take nearly $800,000 out of the treasury of the people of the District of Columbia without a hearing, without giving the District Commissioners a chance to be heard. I have not discussed the matter with anyone. I noticed in the newspapers some things in regard to it, and the gentleman says they have had no one representing the District before his committee upon this proposition. Yet it is proposed, without a hearing on a matter that is in controversy at the best, that Congress shall do what the Chairman describes as a sort of dictum, namely, determine the matter regardless of law, regardless of the decision of the accounting officers, and require that there be taken out of the revenues paid by the District people this sum of money, to be paid into the Treasury of the United States.

There ought to be a settlement if there is a controversy, and it ought to be settled by the proper officers. If the District owes the United States, the amount ought to be paid; if perchance the Government owes the District, the amount ought to be paid, but it should not be paid when there is a controverted question of accounting.

Mr. FITZGERALD. Mr. Chairman, there is no controverted question of accounting.

Mr. MANN. I say there is. I have often heard lawyers say there is no controversy in a case, but that is the opinion of the gentleman as to whether there is a controversy, and I do not agree with the gentleman.

Mr. FITZGERALD. I did not say what the gentleman said; I am making my own statement.

Mr. MANN. That is the opinion of the gentleman, that there is no controversy.

Mr. FITZGERALD. I say there is no conflict in the question of accounting. Under the law the District is entitled to send certain insane patients to the Government Hospital for the Insane. The books of the Government Hospital for the Insane show that for 25 years the District has failed to pay for the patients sent there under the law. There is no question of accounting; it is a matter of fact; and the facts appear of record, and all the testimony that the District Commissioners would give from now to the end of the year can not change the facts, because the records are not in their possession. The Superintendent for the Government Hospital for the Insane has been endeavoring to compel the District to pay what is due. This year he finally compelled them to pay, and also last year, because of the ruling of the Comptroller of the Treasury that the District could no longer shirk its duty in this respect. The Committee on Appropriations, whenever it finds a situation so simple, when an application to the records shows clearly that the District is indebted to the General Government, that it has been enjoying the benefits of the Federal Treasury improperly, does not need to search out gentlemen who may desire to make statements not based upon the facts or statements based upon other things than the facts in order to reach a conclusion. From the books of the insane asylum, which show the amount that the District failed to pay for the maintenance of patients properly chargeable to the District, the committee acted.

The Committee on Appropriations has jurisdiction of this matter, and the inquiry having been made regarding the appropriations made out of the Federal Treasury for the support of the insane properly chargeable to the Federal Treasury found that part of that money was being taken for the support of the patients that should have been supported out of the District treasury. It did the only thing that could be done; that is, to recommend a provision that would appropriate from the revenues of the District the amount it had failed to pay for the care of patients properly chargeable to it in the past. I think the District should pay it, and I hope the amendment will be adopted.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. FITZGERALD) there were—ayes 33, noes 11.

So the amendment was agreed to.

The Clerk read as follows:

For roadways, grading, and walks, $5,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 109, after line 18, insert "for cement wall about Howard Hall and shop and storehouse building, $55,209."

Mr. CANNON. Mr. Chairman, the superintendent of the insane asylum was heard touching this item. This is one of the estimates made and formally transmitted. We have just enacted a provision that gives credit to the Federal Treasury for three-quarters of a million dollars, in round numbers, that the District, under the law, owes to the United States. The money is in the Treasury to comply with that direction from the District revenues, as I understand it. Now, they are pretty badly off over there at the insane asylum for many improvements, and as the District contributes its half, there is a much less sum that comes into the Federal Treasury, or something less, required to put that institution into good shape and proper shape so that humane and safe treatment may be given not only to those who are entitled to admission from the Army and Navy and for insane indigent soldiers of the Civil War, but also to give proper care to the insane of the District of Columbia. This is one of several amendments I propose to offer. I read the note on which this estimate is transmitted:

For cement wall about Howard Hall and shop and storehouse building, $55,209.

And I crave the attention of members of the committee to this fact.

NOTE.—This item is in lieu of a previously requested appropriation of $160,000 for a new building for the criminal insane, and is based upon the recommendation of a special committee which has spent considerable time in studying the accommodations for the criminal insane and the problem of their future care at the hospital. The present building has never been altogether safe for such a dangerous class of patients, and although its safety has recently been increased by remodeling the window guards, still it is considered that further safeguard should be taken. It seems most feasible to construct a cement wall 24 feet in height about the building at a considerable distance. This will not only render escape from the building practically impossible, but will give a much-needed outside courtyard for exercise. The construction of a shop and storehouse building is made necessary in connection with this proposed wall for the reason that the basement of Howard Hall is at present used as a shop and storehouse, and if a wall were constructed about the building the use of the basement for these purposes would have to be abandoned, and, as there is no other available place to which to move, the construction of a separate building is rendered necessary.

This estimate has been presented in accordance with the special report made by the special committee appointed by the Secretary of the Interior for the purpose of making an inquiry into the needs of the Government Hospital for the Insane, and for outlining the future policy of its growth. It is believed to be essential as a matter of public safety so long as the criminal insane are maintained at the institution.

I will not take the time to read from the hearings the statement of Dr. White touching this matter. It is fuller than the note which has been read. The criminal insane are dangerous to themselves, are dangerous to each other, are dangerous to the people that are not in the insane asylum. I hope the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, the estimates recommending a number of the improvements were withdrawn when Dr. White was before the committee. This particular item was for $55,209, for the purpose of building a cement wall around one building and erecting a workshop outside of the wall. The committee, in view of all the facts before it, did not feel justified in recommending the appropriation. A number of these recommendations were of such a character that the committee did not feel that it could properly recommend the appropriations of the amounts requested for the purpose asked. For instance, there was a request for $65,000 to build a barn to accommodate 200 cows and some hogs. Even those members of the committee who are not engaged in agricultural pursuits were rather astonished at the request, and it was modified by having the $65,000 item withdrawn and an appropriation of $50,000 substituted instead. Even that sum

appeared to members of the committee, who were quite familiar with the management of farm animals and accommodations for them, as being excessive to accommodate 200 cows and the number of hogs that were there. These estimates were undoubtedly made in the same way. The gentleman from Kentucky [Mr. SHERLEY] called attention to the fact that in the annual report of the superintendent the recommendation was made for a residence to cost $40,000 for the superintendent of the asylum. These various recommendations seemed to the committee to be on such a scale that they could not be justified, and they did not recommend any of the estimates that were placed upon such a plane. There are ample accommodations for the insane of the District and the Government at the present institution.

A suggestion was made that some additional land should be purchased, but it is very doubtful whether it is advisable to acquire additional land for the present institution, or if it be necessary to accommodate a much larger number of insane, to remove them some place else where land will be much more reasonable and where accommodations can be more economically provided. This institution at present has about 3,000 insane. That seems to be about as large a number as could be accommodated in one institution. The committee did not believe it desirable to enlarge it. Some of the recommendations which the gentleman intimates he will offer to the committee in the form of an amendment were not considered and recommended because of the conviction that they could not be justified on the information in the possession of the committee.

I hope the amendment will not be agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the last word in order to call attention to the reply that the chairman of the Committee on Appropriations has made in opposing this amendment. I did not take time to read the statement of Dr. White, which is much fuller than the note that was submitted with the estimate, and is to be found in the hearings. There was a board appointed by the Secretary of the Interior to consider the condition of St. Elizabeth Insane Hospital. It consisted of George H. Torney, Surgeon General of the Army of the United States; A. W. Dunbar, surgeon of the United States Navy, representing the Secretary of the Navy; Robert V. La Dow, superintendent of prisons, representing the Attorney General; William V. Judson, engineer, United States Army, representing the Commissioners of the District of Columbia; and Dr. William A. White, superintendent of the Government Hospital, representing the Secretary of the Interior. This report made to the Secretary of the Interior and transmitted by message from the President covers some 37 pages. It is a very interesting report and shows the absolute necessity not only for this appropriation but for many other appropriations.

Mr. BOWMAN. Will the gentleman yield for a question?

Mr. CANNON. Yes.

Mr. BOWMAN. Do I understand that there is no proper protection so that the inmates of this home now can have outdoor exercise?

Mr. CANNON. There is no proper protection for the criminal insane to prevent their escape, and it is proposed to build a wall about the building in which they are confined and give a little place for outdoor exercise; and not only for exercise, but principally for the protection of the public and for the protection of the 2,500 other patients that are at St. Elizabeth. My friend from New York [Mr. FITZGERALD] is one of the most astute Members of the House in defense of his bill. He says there was an estimate of an appropriation for additional land. I will offer that amendment presently. He also says there was an estimate of an appropriation for a house for the superintendent to live in, and that there was an estimate for an appropriation submitted for the building of a barn, and so on, and so on; and that the committee anticipated that at some time or other there may be an additional insane asylum constructed. I have heard that for 25 years. There has not been and will not be, in my judgment, an additional asylum. So that, not talking gravely about the necessity of this appropriation, the gentleman says, "Oh, well, we considered these propositions and did not give any of them."

Mr. Chairman, I am ready for a vote.

Mr. SHERLEY. Mr. Chairman, little things are very indicative at times of the temper and capacity of men making recommendations, and when a committee appointed to investigate this hospital for the insane make a recommendation as a serious proposition to spend $40,000 for a superintendent's house they have to do a good deal to convince me that they are safe people to follow.

I think a recommendation of that kind is so wantonly extravagant and inexcusable as to show on the part of the men making it a total lack of appreciation of the needs of an institution and of the policy that the Government should follow in connection with one; and they did make that recommendation, as will be found upon an examination of page 27 of the report of the Government Hospital for the Insane.

Now, that is simply in keeping with a great many other recommendations that have been made in connection with this institution. I do not agree at all with the gentleman from Illinois [Mr. CANNON] that it is nonsense to talk about an additional insane asylum. I believe that we have reached, if we have not already passed, the proper point of size for a Government insane asylum, and if we are to go on enlarging this institution, which is now right at the edge of the town, and buy property practically at city prices, in order there to confine in one institution all the insane of the country, it does not strike me as either in the line of good administration or economy or common sense.

Nor is it true in any correct sense of the word that this improvement is necessary in order to make safe the confinement of the criminal insane, and the hearings do not bear out that statement. It is stated and alleged that it will make their confinement safer. But there were none of us who were familiar with the conditions who felt that it was necessary to spend this money in order to insure the safety of those patients. And I repeat that the recommendations that have come from time to time touching the Government Hospital for the Insane have led me to believe that there is a total lack of appreciation on the part of those who are managing the concern of the limitations that should be put upon such an institution.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. BOWMAN. Do I understand the gentleman to say that there is an opportunity now for the criminal insane to have adequate out-door exercise?

Mr. SHERLEY. I did not say that; but I do believe there are facilities now. I did say that this was not necessary to prevent the escape of the criminal insane, and I will now read the statement of Dr. White, who put, to say the least, the most favorable construction possible upon conditions in order to back up these estimates of his. He says:

Dr. WHITE. Howard Hall is the building in which the insane criminals are confined. The object of this cement wall is to increase the safety of caring for that class of people. We have had in the past year in that building some of the most dangerous men in the United States, and we have spent several thousand dollars in making that building as secure as we can, but it is still an insecure building. It was built a good many years ago, and one of the very material elements of insecurity is the presence of something like 300 windows right outside, without any protection from anybody getting things into the building through the windows, except by having watchmen to patrol the grounds. The object of the wall, therefore, is to prevent access to the building by evil-minded people who may pass in weapons, for example.

Now, it ought to be stated in that connection that there has been a remodeling of the windows, whereby they are protected by iron gratings. If, on that statement, it could be said that there is any great danger of the criminal insane escaping, then I fail to properly weigh language.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 109, after line 18, insert:

"To enable the Secretary of the Interior to purchase additional land for the Government Hospital for the Insane, $100,000, or so much thereof as may be necessary.

"In the event of his inability to make such purchase, the Secretary of the Interior shall proceed in the manner prescribed for providing a site for the Government Printing Office, in so much of the act of July 1, 1898, as is set forth on pages 638 and 649 of volume 30 of the Statutes at Large, to acquire the land desired; and for the purpose of such acquisition the Secretary of the Interior shall have and exercise all the power conferred upon the Public Printer in such act; the appropriation to be disbursed by the Secretary of the Interior."

Mr. CANNON. Mr. Chairman, I shall not take much time in calling the attention of the committee to this or other amendments that I may offer. It is perfectly patent that however meritorious the amendment may be, in my judgment, from my standpoint, the majority of the committee, under the leadership of the chairman of the Committee on Appropriations, constituted as it is, will vote down each one of them. I voted for the amendment offered by the gentleman from New York reimbursing the United States for three-quarters of a million dollars that the District owed it for the care of the District insane; and in the future I apprehend that they will have to pay the amount that the law requires them to pay.

I think that that legislation was apt; but what right have we, in caring for our own people, caring for the insane of the

Army and the Navy and the indigent insane, the soldiers of the Civil War—what right have we to fail to provide for them while we collect from the District of Columbia for the care of their insane the full price and to make them reimburse the Government by three-quarters of a million dollars, two-thirds of which, if appropriated, and all of which, if appropriated, would buy this land and make the insane asylum what humanity requires it to be?

Now a word as to the merits of this amendment. The note in the estimate says:

NOTE.—The need of additional land by the hospital has been appreciated for some time, and each superintendent for many years past has requested appropriations for its purchase. The need of land has become more acute of late because all of the new construction has been placed upon land previously used for farming purposes, thus restricting the output of the farm to such an extent that it is now impossible to raise enough fodder for the dairy herd. The hospital is increasing in size at the rate of upward of 100 patients per annum and more buildings must be added in the near future, which will still further infringe upon the land used for farming.

NOTE.—The need of additional land is recognized by the special committee appointed to inquire into the needs and future policy of the hospital, and its purchase has been recommended in the committee's report.

Some years ago it was necessary to make some provision for a considerable enlargement of this insane hospital. There was a proposition to buy some land adjoining it on the South. That proposition failed. Buildings were provided, and they crossed the road for the erection of the educational buildings. Now, I have no doubt in my own mind, from what knowledge I have been able to obtain, that this amendment ought to be agreed to and the additional land obtained. For one I am not willing to postpone action upon the statement that as the city extends the land becomes more valuable. That is true, and now is the best time to obtain that land. Nobody believes, in my judgment, that this large expenditure at this great plant at the insane asylum ever will be abandoned, and it can be more economically administered by the purchase of the additional land now.

Mr. FITZGERALD. Mr. Chairman, many years ago, when the gentleman from Illinois was the chairman of the Committee on Appropriations, a proposition was made to buy additional land and erect additional buildings for this institution. Congress authorized the erection of the buildings at a cost to the United States of a million dollars or more, but declined to buy the land. Ever since that time it is my recollection that there has been an attempt made to obtain additional land. The Governmental Hospital for the Insane has about 800 acres of land at present, over 357 of them are devoted to agricultural purposes. The land that it is proposed to purchase at present is of very little value for agricultural purposes. The superintendent does not know how much it will cost, and he does not believe that it can be obtained for less than $500 an acre, and in his opinion it would not be worth $500 an acre for agricultural purposes.

So the only reason for buying this land would be to hold it and to hope that at some future time it might be utilized for the construction of buildings thereon. The tract in contemplation is a tract of about 150 acres, for which it is desired to appropriate $100,000. It would be much better, if additional land is needed, to buy a farm some place out in the country for the benefit of this institution, to remove the herd and the raising of the crops for the benefit of the institution from the vicinity of the institution to farm land that could be purchased within a reasonable distance of the institution at farm-land prices. The committee could not justify the expenditure of $100,000 to purchase 150 acres of land that is of very little value for agricultural purposes and as to which there is no prospect of buildings being erected thereon. Under the circumstances, I hope the amendment will not be agreed to.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. FOSTER. Does the Government own some land over there that is operated in connection with the asylum which is detached from this land?

Mr. FITZGERALD. It does. They have a place some miles from the asylum.

Mr. FOSTER. If we are going to buy land over there for the purpose of farming, is it not the gentleman's idea that we better buy it out there?

Mr. FITZGERALD. Yes; out where farms are and not in the city. There are over 300 acres that can be utilized for buildings.

Mr. CANNON. Will the gentleman offer an amendment to buy the farm land that is detached.

Mr. FOSTER. Oh, I do not know anything about the matter.

Mr. CANNON. Will the gentleman from New York offer such an amendment?

Mr. FITZGERALD. For what?

Mr. FOSTER. To buy the farm land over there.

Mr. FITZGERALD. I shall not. Mr. Chairman, there is one thing else I wish to say. The gentleman from Illinois [Mr. CANNON] seems to be petulant if this side of the House will not vote for amendments which he offers. He should not complain. We remember the gentleman from Illinois as chairman of the Committee on Appropriations. It was a very sad day for anybody on this side of the House to presume to offer an amendment to any bill of which he had charge. These matters have been thrashed out in the committee. Members of the committee have reached their conclusions upon them. The gentleman does not bring in any additional information. It is not to be expected that we should be of such shifting minds that one day we would be of one mind and another day another. The gentleman should be content to let this side of the House assume and bear the responsibility for the legislation which it is enacting.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of making a single observation. I am quite aware that the majority of the House and the committee at this time will settle these appropriations. The gentleman says that I am petulant. Nay, nay; I am only earnest. I am going to stop right now after this amendment is disposed of. I apprehend, without being a prophet or the son of a prophet, that the majority will withhold the appropriation covered by the amendment which I have offered.

There are many other amendments that ought to be offered, but what good would it do? It is my judgment, and as a member of the minority and from the standpoint of humanity I feel that I ought to call the attention of the committee to the necessity for improvements at St. Elizabeths Insane Asylum, and in most perfect good humor after you have voted down my amendment I am going to subside as quietly as possible, and hope that some time in the future, if you should be continued in power, you will take better care of those unfortunates than you are now doing; and if we should be so fortunate as to be returned to power I shall appeal with the same earnestness to the majority side of the House for this and similar appropriations.

Mr. FITZGERALD. Mr. Chairman, I wish to remind the gentleman from Illinois that in the Sixtieth Congress he appointed a very excellent committee of this House to investigate the insane asylum. That committee made a report and did not recommend, among other things, the purchase of this land. In all the years that I have been in the House this same recommendation has been made to Republican Congresses, and they have steadily refused to purchase this land.

I have never heard any criticism that the insane were to suffer because of the failure to acquire the land. I do not believe there is any danger of suffering if we do not at this time buy it. The acquisition of this land determines a policy. It would mean that it was the intention of Congress to very greatly increase the present institution. I am one of those who believe that as additional facilities are needed it would be better to provide them in a separate institution. An institution with 3,000 inmates is about as large an institution as it is wise to have under the control of one man in order to have proper and efficient management. That is one of the reasons I do not believe it desirable to buy this land.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 14, noes 35.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I shall withhold the offering of sundry other amendments touching the insane asylum simply because I do not care to consume the time of the committee in offering what seem to be necessary amendments and in having them voted down.

The Clerk read as follows:

For fuel and light, in part payment for fuel and light, Freedmen's Hospital and Howard University, including necessary labor to care for and operate the same, $3,500.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 110, after line 23, insert:

"For dormitory for men, $150,000."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order. It is not authorized by law.

The CHAIRMAN. The Chair is of opinion that it is subject to the point of order.

Mr. CANNON. How is it subject to the point of order?

Mr. FITZGERALD. For the same reason that the item included in this bill for a science hall for Howard University was subject to a point of order three or four years ago. It was held that it was not authorized by law. This is not authorized by law. It is not Government property, as I recall, and there is no authority for this building.

Mr. CANNON. I do not recollect the item to which the gentleman refers.

Mr. FITZGERALD. I recollect, because I helped to get the building authorized in a different way. There was a provision in the bill for a hall of science to cost $90,000, and it was taken out on a point of order.

Mr. CANNON. Will the gentleman be kind enough to indicate to me the way?

Mr. FITZGERALD. Nay, nay. [Laughter.]

Mr. KAHN. I suspect he went over to the Senate and got the amendment offered there. Am I correct in my surmise?

Mr. FITZGERALD. We got it in the House.

Mr. CANNON. Notwithstanding a point of order was made to it and sustained?

Mr. FITZGERALD. Yes. It was through a little ingenuity.

Mr. CANNON. Did the gentleman appeal from the decision of the Chair?

Mr. FITZGERALD. Oh, no; we put it in in a different way, with the assistance of gentlemen upon the other side.

Mr. CANNON. Then, by the gentleman's solitary cuteness, he avoided the rules of the House and got a desirable appropriation that was not in order?

Mr. FITZGERALD. The gentleman knows that sometimes things can be done by a little skill and preparation.

Mr. CANNON. Possibly so; but I know of no way, if this amendment is not in order, which will enable me to avoid the rules of the House and still get the appropriation.

Mr. FITZGERALD. Neither do I. I do not think there is any way by which the gentleman can get this put in the bill.

Mr. CANNON. Mr. Chairman, upon the point of order: Freedmen's Hospital has been cared for for almost a generation. It has grown. It is a public work.

Mr. FITZGERALD. It is not Government property. This is not to erect a building on Government property. It is not authorized by law. So, therefore, the amendment is not in order.

Mr. CANNON. Mr. Chairman, I will ask the gentleman by what authority the appropriation for maintenance is made, for tools and materials, for the medical department, and so forth? Is all that unauthorized by law and is all that going on by unanimous consent? Are the expenditures placed under the Interior Department and audited without law?

Mr. FITZGERALD. I have never been able to find any statute for it. Has the gentleman from Illinois? He knows these appropriations are gratuities. The Federal Government has been appropriating these sums for the aid of Howard University year by year without objection on the part of anybody, but there is no authority to be found in any statute for it.

Mr. CANNON. And yet are they not under the control of the Government?

Mr. FITZGERALD. I think the Secretary of the Interior is on the board of trustees, and I think he has some control over expenditures, but I do not recall the statute.

Mr. CANNON. The gentleman has sitting at his side the very efficient clerk of the committee. Will the gentleman inquire of the clerk of the committee whatever of legislation, if there is any, touching this matter and inform me?

Mr. SHERLEY. This is one of the occasions when Jupiter nods. The clerk does not know, and it is the only time I have ever struck him when he did not, but it is a fact.

Mr. FITZGERALD. This is a corporation incorporated under an act of Congress. My recollection is the Secretary of the Interior is on the board of trustees and exercises a certain control over these expenditures.

Mr. CANNON. Precisely, and the expenditures are made by the Government, under the supervision of the Government, supported by the Government in large part, and have been from the commencement. There is an endowment fund, and every dollar that is expended is——

Mr. FITZGERALD. It has a very slight endowment fund. There is some money obtained from students.

Mr. CANNON. Oh, well, the endowment fund is larger than the gentleman seems to intimate. He says it is very slight. My recollection is—I have the report here somewhere—that the income is from charges to students and endowment, probably one-third of the cost. I am ready for a ruling of the Chair.

The CHAIRMAN. The Chair is waiting upon the gentleman from Illinois, and thought he intended continuing his remarks. The Chair is ready to rule.

Mr. CANNON. Very well.

The CHAIRMAN. The precedents are unbroken that even upon Government property new buildings have to be authorized. There is no authorization for this building; it is not on Government property, and therefore the Chair sustains the point of order.

Mr. CANNON. If the Chair will allow me, I do not think the precedents are such as the Chair says. I think, too, at any of the institutions controlled by the Government you do not have to have an authorization for every building that is constructed. However, let it go.

Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 110, after line 23, insert "for assembly hall for university uses, $75,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it is not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Mr. Chairman, how far has the Clerk read?

The CHAIRMAN. Down to and including line 23 at the bottom of page 110.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the Howard University has had a very remarkable growth in the last decade under very efficient superintendence. I do not know of an institution that has had a better growth. In round numbers there are 1,500 or 1,600 students. It is the only institution, so far as I know, substantially set apart and devoted to the consideration of those of the colored race who desire knowledge in medicine and surgery, in agriculture, in law, chemistry, physics, manual training, and especially in training of students as teachers, so necessary for the oncoming generations even of white people. More and more substantially the colored citizens of the United States are excluded, if not by law by practice, from universities and colleges of the country. I believe that the maintenance of Howard University should keep step in efficiency with the increase of students, and with accommodations for the rapidly increasing number of students.

Mr. BOWMAN. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. BOWMAN. On page 1412, part 2 of the hearings, Dr. Thirkield states, in answer to a question of the chairman:

The CHAIRMAN. Just state the necessity for the dormitory.

Dr. THIRKIELD. There has been no increase in dormitory accommodations since the original buildings were erected, over 40 years ago. Of the nearly 1,500 students in attendance, four-fifths of whom are men, only one in five can be accommodated in present dormitories. It is unfortunate that the young men who are in training as the intellectual, moral, religious, and industrial leaders of their race are thus forced out into the miscellaneous lodging places of the city, and are not kept under the direct supervision, control, and uplifting influence of the dormitory life of the institution. The men's dormitory that was built for 125 men has in it more than 200 men.

Mr. CANNON. Oh, yes; and much more of the same kind.

Mr. SHERLEY. Will the gentleman permit? There is hardly a college in America, certainly none I know of, where students are confined within the college boundaries. I attended the University of Virginia, one of the great universities of America, and it is not true there and it is not true of the great colleges of which I know, and how you can say that negro students attending Howard University are going to be injured by living in the city of Washington rather than living in the university grounds passes my understanding.

Mr. CANNON. There is greater demand for accommodations in the dormitories and those accommodations are paid for by the students. The bare statement of the location of this institution and the statement of the late superintendent, Dr. Thirkield—who, I very much regret, leaves this work for other work—show the propriety, aye more, the necessity, for appropriating as recommended in the estimates.

Even in such an institution for white people the dormitories are desirable. If they are builded, they are self-supporting and paid for by the students. It seems to me, for reasons assigned, that the dormitories are desirable. Now, then, this whole matter is larger than the expenditure of a few thousand dollars or many thousand dollars. I do not seek to criticize anybody anywhere for the condition touching our colored American citizens. I think, everything considered, they have made marvelous progress. That great institution in Alabama is doing good work, as I am informed and believe, under the leadership of Booker T. Washington, but this institution for the training of teachers and instruction in agriculture, and otherwise, is a practical training which they receive, and surely, surely, it ought to be liberally supported.

Mr. BOWMAN. Will the gentleman yield once more?

Mr. CANNON. Yes.

Mr. BOWMAN. I see on page 1404 of these hearings that the amount of income received from students, for fees and rent of dormitories, and so on, was $47,781.

Mr. FITZGERALD. I suggest to the gentleman that for 16 years they have had these dormitories, and during all that time the gentleman from Illinois has never agitated himself about it. I have stood here and fought for this institution and am just as friendly to it as anybody in the House. Nobody was convinced that there was any pressing necessity at this time for these two buildings. We have been liberal in the appropriations for the support of the institution. That is all we should be. There is no necessity for attempting to place anybody improperly before the country in connection with these items.

Mr. CANNON. I am not seeking to place anybody improperly before the country, but with the doubling up of the membership of this institution I say there has been no adequate appropriation made for their accommodation.

Mr. FITZGERALD. The necessity has not arisen this year, and the gentleman has not advocated the increased accommodations during the past 16 years during which his own party has been in power.

Mr. CANNON. The manner in which these students strive to make themselves competent to be of assistance to their race should be encouraged by liberal appropriations to maintain this institution.

The Clerk read as follows:

For furniture and furnishings, including awnings and screens, and other necessary articles for the proper equipment of the nurses' home authorized by sundry civil act approved March 4, 1911, $6,000.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 111, after line 15, insert the following:
"For repairs and painting hospital buildings, $5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Chairman, the hearings show the necessity for the repairs and for the amount of money indicated. I am ready for a vote.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. FITZGERALD. Mr. Chairman, I simply wish to call the attention of the gentleman from Illinois [Mr. CANNON] to the fact that this bill carries $5,000 of an item out of which repairs can be made.

Mr. CANNON. That does not care for these special repairs.

Mr. FITZGERALD. It cares for the repairs. The reason they asked for this $5,000 was that they had no specific appropriation, and the committee increased the item under which repairs may be made from $21,000 to $26,000.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. I also offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:
"For furniture and furnishings, including awnings and screens, and other necessary articles for the proper equipment of the nurses' home authorized by the sundry civil act approved March 4, 1911, $6,000."

Mr. FITZGERALD. Mr. Chairman, I call the gentleman's attention to the fact that that provision is in the bill, and that he is offering it again as an amendment to the provision.

Mr. CANNON. I compliment the gentleman on the fact that the provision is in the bill. The gentleman has my cordial approval for having inserted it in the bill. I withdraw the amendment, and offer another amendment. I am glad to have an opportunity to commend my friend from New York touching this item.

The CHAIRMAN. The amendment is withdrawn, and the Clerk will report the new amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:
"For the purchase of an electric ambulance, $3,500."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Upon what ground?

Mr. FITZGERALD. It is not authorized. There is no authority to purchase it.

Mr. CANNON. The Government owns this hospital, does it not? The Government owning the hospital, does the gentleman say that this provision for an ambulance that is necessary is subject to a point of order? I ask the gentleman that question.

Mr. HAY. I submit, Mr. Chairman, that the Chair has already ruled.

The CHAIRMAN. The Chair has ruled, but we will hear the gentleman from Illinois.

Mr. CANNON. Precisely. Does not the Chair understand that this ambulance is necessary for the moving of patients and necessary to carry on this hospital? Does the Chair hold that it requires a special act of Congress providing "*Be it enacted, etc.*, That there shall be appropriated, out of any money in the Treasury not otherwise appropriated, so much for the purchase of an ambulance"?

Mr. FITZGERALD. I withdraw the point of order, Mr. Chairman, and am willing to have a vote on the item.

Mr. CANNON. The point of order is not well taken.

Mr. FITZGERALD. But the Chair held that it was. The gentleman is not the czar now that he used to be.

Mr. CANNON. No; I am not the czar, but I am a Member of the House, and I challenge the decision.

Mr. FITZGERALD. The gentleman need not criticize the decision of the Chair. The gentleman can move an appeal.

Mr. CANNON. I would move an appeal from the decision of the Chair, but I notice the gentleman withdraws the point of order.

Mr. FITZGERALD. I withdraw the point of order. We do not want to have a controversy in the matter.

Mr. CANNON. I do not think you want to establish a precedent of that kind.

Mr. FITZGERALD. We will, if it is necessary.

The CHAIRMAN. The Chair will state that the point of order has been made against automobiles and automobile ambulances, and things like that, a great many times in the House, and every time that the question has been raised the point has always been sustained. The point of order has again been sustained. By unanimous consent, and by unanimous consent only, will the status be changed.

Mr. MANN. If the Chair will permit, I wish to say a word. The Chair has made that statement. The point of purchasing an ambulance was directly ruled upon in the Army appropriation bill a few years ago, when it was held that it was in order to provide for the purchase of an ambulance or an automobile, there being authority for a conveyance.

Mr. FITZGERALD. I am not certain that there is authority for a conveyance.

The CHAIRMAN. Is objection heard to the request of the gentleman from New York that the point of order be withdrawn? No objection is heard, and the point of order is withdrawn. The question is on agreeing to the amendment.

Mr. CANNON. The necessity for this amendment, Mr. Chairman, is fully explained in the hearings. I shall not take time to read them. It is absolutely useless to do it, but I will take five minutes of time to speak of the work of this hospital.

Patients admitted to the hospital are classed under two heads—United States and District of Columbia. Those from the District of Columbia are received under a contract with the Board of Charities at the following rates: Adults, $1.10; children, 65 cents; and babies, 40 cents per day.

At the close of the preceding year there remained 154 patients—87 from the District of Columbia and 67 from the States. Two thousand four hundred and ninety-eight were received during the year, and 248 births occurred in the hospital, making a total of 2,900 indoor patients treated, as against 2,869 the previous year. Of those under care, 1,882 were residents of the District of Columbia and 1,018 were from the States. Two thousand seven hundred and twenty-four were discharged during the year, their conditions being as follows: Recovered, 1,416; improved, 919; unimproved, 138; not treated, 17; died, 234; leaving 176 in the hospital July 1, 1911, of which number 100 were from the District and 76 from the States.

The mortality for the year from all causes was 8+ per cent. Deducting the 13 premature births and the 57 moribund cases, the percentage of deaths is found to be 5.6+, a very low death rate for a hospital of this character.

In the surgical division 1,767 operations were performed, or 285 more than during the previous year.

OUTDOOR DEPARTMENT.

In this department 4,839 were treated—an increase of 292 over last year—as follows:

Medical, 1,258; surgical, 351; nervous, 192; eye, 554; ear, nose, and throat, 437; pediatrics, 344; gynecology, 482; dermatology, 314; genito-urinary, 778; tubercular, 91; orthopedic, 38. The number of visits to this department was 5,637. Twelve thousand seven hundred and twelve prescriptions were compounded and 983 emergency cases were received.

And then follows a list of the cases which have been treated.

Now, I want to say that I have some familiarity with the working of the hospitals here in the District of Columbia, and with one-third of the population, substantially, colored, and this being the only hospital that is practically open to them whereas

we have for other people the Providence Hospital, the Garfield Hospital, the Columbia Hospital, the Homeopathic Hospital, the Eye and Ear Hospital, and others not mentioned, and yet here is one-third of the population that is dependent on this one hospital, and from the very best investigation I have been able to make this is the greatest hospital of the District in the treatment of numbers and care for those perhaps who most need care. I believe that this ambulance ought to be given.

Mr. FITZGERALD. Mr. Chairman, if an ambulance was needed at the Freedmen's Hospital, I should favor an electric ambulance. The hospital has an ambulance which the Government purchased five years ago. It is in perfect condition. Dr. Warfield said that perhaps an electric ambulance could be maintained more cheaply. Every hospital in this city, so far as I am aware, has accommodations for colored people. I know that Providence Hospital, the Garfield Hospital, and the Columbia Hospital take colored people, and the Emergency Hospital also takes colored people. There is no necessity for the ambulance. It is true that Dr. Warfield says that he believes that it would be cheaper to have an electric ambulance than the one purchased five years ago; that it would cost less to maintain it. When the time comes, if there is a necessity for a new ambulance I should favor an electric ambulance. There is but one electric ambulance in the city, and that was donated by some people who were very much interested in it. All the other ambulances are drawn by horses. I see no necessity why an electric ambulance should be purchased for this hospital at this time to replace one that is perfectly satisfactory merely because it might be a little more economical to maintain at this time.

Mr. BOWMAN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BOWMAN. I see by the hearings, in part 2, page 422, that the doctor considers that it is necessary that the hospital should have an electric ambulance.

Mr. FITZGERALD. I do not read the testimony that way. The statement was made that they had calls from all parts of the District, but that is ignoring the fact that, for instance, within a short distance from the Capitol is the Providence Hospital, and there is no necessity for sending an ambulance out to the Freedmen's Hospital for somebody who needs an ambulance in the vicinity of the Providence Hospital. I know more about that institution than I do about some of the others, because I have been there more times. That is true of all the hospitals in the city. But when an ambulance is sent for, the question is not asked whether it is for white or colored; the ambulance goes and takes care of the person in need of treatment.

Mr. FOSTER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. Can the gentleman state how old the present ambulance is?

Mr. FITZGERALD. It was purchased five years ago, according to Dr. Warfield.

Mr. FOSTER. I thought possibly it might be worn out.

Mr. FITZGERALD. The only reason given is that they thought perhaps it would be more economical to maintain an electric ambulance in the District.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:
"For the installation of an ice plant, $4,000."

Mr. FITZGERALD. Mr. Chairman, the reason that the committee did not recommend the installation of an ice plant is that the Government has installed an ice plant for the Department of the Interior, and the Department of the Interior sells ice to this institution, and economies in that way result to the Government. There is no necessity for multiplying ice plants in every institution.

Mr. CANNON. Mr. Chairman, in my judgment the hearings show that this appropriation ought to be made.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:
"For the installation of an ash conveyer at the Freedmen's Hospital and Howard University power, heating, and lighting plant, $3,000."

Mr. CANNON. Mr. Chairman, the hearings show that that item ought to be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:
"For labor and material for construction of a suitable fence inclosing hospital grounds, $12,000."

Mr. CANNON. Mr. Chairman, the hearings show that the fence is needed and ought to be constructed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 111, after line 15, by inserting:
"For the construction of a pathological building, $25,000."

Mr. CANNON. Mr. Chairman, the hearings show the necessity and the propriety for this appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

In all, $64,040.

Mr. FITZGERALD. Mr. Chairman, I ask now to return to page 103 for the purpose of offering an amendment after line 12 on that page.

The CHAIRMAN. The Clerk will report the paragraph which has not been agreed to.

The Clerk read as follows:

For the analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, $135,000.

Mr. FOSTER. Mr. Chairman, there is an amendment pending to that paragraph which I ask unanimous consent to withdraw.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois will be withdrawn.

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 103, in line 12, after the word "States," insert "including personal services in the Bureau of Mines, at Washington, D. C., not in excess of the number and total compensation of those so employed during the fiscal year 1912."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25669, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. MANN. Before that is done I desire to state that I would like some time on one of the amendments.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. Fifteen or 20 minutes.

Mr. FITZGERALD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. SISSON. Mr. Speaker, I desire to demand a separate vote on one of the amendments.

The SPEAKER. The Chair will suggest that the gentleman wait until the other matter is disposed of.

Mr. MANN. Mr. Speaker, as I understand it the gentleman from New York withholds his motion for the previous question for the present.

Mr. FITZGERALD. Certainly.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Is now the proper time to demand a separate vote upon any amendment?

The SPEAKER. Any time before the vote is taken.

Mr. MANN. Let us dispose of the other amendments, then. I desire to have a separate vote on the Beall amendment and the gentleman from Mississippi desires a vote on the amendment of the gentleman from New York.

Mr. FITZGERALD. Then, Mr. Speaker, I ask unanimous consent that the vote be taken on all amendments except the amendment to appropriate for the enlargement of the Capitol Grounds, the so-called Beall amendment, which limits the expenditure of certain appropriations in the Department of Justice, and the amendment on page 122, which substituted the word "including" for the word "for," in line 2.

The SPEAKER. With the exception of the three amendments named by the gentleman from New York, unless some other gentleman demands a separate vote on some other amendment, the Chair will put the question on the other amendments in gross.

The question is on agreeing to the amendments except the three named by the gentleman from New York.

The question was taken, and the amendments were agreed to.

The SPEAKER. The gentleman from New York is recognized for one hour.

Mr. FITZGERALD. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the so-called Beall amendment provides, among other things, that no part of the appropriations carried in the bill shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States or any department thereof.

A Member of the House handed me a letter the other day relating to this amendment, written by a gentleman now connected with the Department of Justice. In it he says:

JUNE 18, 1912.

The amendment to the sundry civil bill relative to payment from antitrust appropriation to special assistants to the Attorney General who had held a Government place within two years of employment as special hits me by accident. I held a statutory place and received my present appointment by way of promotion—on the same work and of a permanent nature. I am in the middle of four cases, all of which I hoped to try this year. It would take a new man a year to know them at all, since there are some thousands (six) pages of testimony ready to present to United States district courts in four different districts.

Sincerely,

———.

I have here a letter from the Attorney General upon the subject, which I will read:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 18, 1912.

Hon. JAMES R. MANN,
House of Representatives.

DEAR MR. MANN: I have looked further into the question of the effect of the Beall amendment to the sundry civil bill (CONGRESSIONAL RECORD, p. 8782), adopted on Saturday last while the House was in Committee of the Whole. The more closely I study it the more disastrous its effect appears to be. It prohibits the expenditure of any of the appropriations described in the amendment for the payment of any salary, fee, compensation, or allowance in any form whatever, first, to any person who holds any other office, place, position, or appointment under the United States Government or any department thereof; and, second, to any person who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof.

Taking the latter prohibition first, the provision would disqualify 50 special agents, 3 special examiners, and 10 special bank accountants now employed in the Bureau of Investigation, whose compensation is paid from the appropriation for the "detection and prosecution of crimes," all of whom were transferred to their present positions from some other service in the Government. It would also oust the special commissioner in charge of, and three of his principal assistants in, the prosecutions of violations of the white-slave act, which we have been organizing to carry on more effectually during the ensuing year, and to aid in which the House has added $50,000 to this appropriation.

The Assistant Attorney General in charge of customs cases and seven attorneys, the chief clerk and four other clerks, who are paid from the appropriation for the "conduct of customs cases," would have to be dropped.

Seventeen lawyers, five clerks, and one messenger, paid from the appropriation for the enforcement of antitrust laws would also have to go.

The attorney in charge of the prosecutions of customs frauds in the importation of sugar into Philadelphia would be ousted.

Two lawyers, employed and paid from the appropriation for "suits to set aside conveyances of allotted land, Five Civilized Tribes," would be displaced.

Thirty-two lawyers, paid from the appropriation for the payment of special assistants to the Attorney General or to the United States attorneys, to aid in special cases, would also be cut off.

Among the lawyers who would have to be summarily discharged on July 1, under the provision under discussion, would be all the attorneys in charge of the suit against the United States Steel Corporation and either all or substantially all of the attorneys in charge of the prosecutions of—

The National Cash Register Co. (civil and criminal);
The United Shoe Machinery Co. (civil and criminal);
The so-called Bath Tub Trust (civil and criminal);
The American Sugar Refining Co.;
The International Harvester Co.;
The coal-carrying roads in Ohio and West Virginia;
The various lumber combinations (civil and criminal); and
The various steamship pools; all under the antitrust law.
The various land-fraud suits against the Pacific railroads, including the Oregon and California land-grant suit and the Union Pacific oil-land cases.
The Alaska coal-land-fraud cases.
The White Earth Indian frauds.
The Alaska Bank cases.

So far as it affects the payments out of the appropriation "Miscellaneous expenses, United States courts," under the language used the department would apparently be unable to employ an expert witness, an interpreter, or a stenographer in any case if he had within two years previously served the Government under any other appointment or held any office, place, or position thereunder. It would exclude the use of any bank examiner from the Treasury Department as an expert in connection with pending cases for violation of the national banking laws.

It would seem that we would be unable to obtain the services of any employees in other departments of the Government and pay them as experts, and that they could only be subpœnaed as ordinary witnesses and paid from the appropriation "Fees of witnesses, United States courts," and, of course, under those circumstances they could not be expected to prepare themselves as experts to testify on the Government's behalf.

The more carefully this amendment is studied the more deadly and far-reaching appears to be its effect in utterly destroying the efficient conduct of the Government's law business. I am quite sure that the proponent of the amendment could not have understood what he was doing when he offered it on the floor, and that certainly a majority of those who voted for it could not have had the faintest idea of the far-reaching effect which would be produced by it. I am,

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

I do not know whether it is the purpose—I apprehend it was not the purpose—of the amendment to absolutely destroy the activities of the Government in prosecutions under the antitrust law in the customs-frauds cases and all other cases being carried on by the Government, but under the provisions of the amendment no fee, compensation, or allowance whatever can be paid to anyone who has served the Government in any capacity within two year's time.

It was stated here the other day by the gentleman from Ohio [Mr. COX] that a misstatement was made on the floor of this House at one time by the gentleman from Ohio [Mr. LONGWORTH] in reference to the employment of Wade Ellis. I have secured a statement in regard to that from the Attorney General, which I will ask the Clerk to read in my time.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 19, 1912.

Hon. JAMES R. MANN,
House of Representatives.

DEAR MR. MANN: I notice in the CONGRESSIONAL RECORD of Tuesday, June 18, some statements made by Mr. COX of Ohio concerning the employment of the Hon. Wade H. Ellis as special assistant under this department and some reflections upon statements made by Mr. LONGWORTH in a discussion which took place in the House at about the time of Mr. Ellis's resignation from the position of assistant to the Attorney General in March, 1910. In the course of that discussion, which is reported in the RECORD (pp. 3205 et seq.), Mr. LONGWORTH stated that Mr. Ellis had sent in his resignation to the Department of Justice on March 1, that his successor was appointed March 14, and that Mr. Ellis had not drawn a cent of salary since the day his resignation was sent in, and he said:

"The fact is, I presume, Mr. Ellis has had experience in the trial of these beef-trust cases and he for some time will give the benefit of his information to his successor, possibly; and I say my only statement is that he is not and will not be paid out of the funds of the department or any other department"——

Mr. LONGWORTH'S statements were entirely accurate. Mr. Ellis handed me his resignation as assistant to the Attorney General on March 1, 1910, to be accepted at my pleasure, with the understanding that it should be accepted as soon as I could determine upon his successor. That successor, Mr. (now Senator) KENYON, was nominated by the President to the Senate on March 14, 1910, and confirmed March 23. About the middle of March Mr. Ellis advised me that in view of some criticism which had been made concerning the propriety of his acting in a political capacity in Ohio and at the same time being a salaried official of the Department of Justice, he had determined not to accept any salary after March 1, the day when he handed me his resignation. At the time of that resignation Mr. Ellis had been engaged in the preparation for argument in the Supreme Court of a very important case, known as the Missouri River rate case, and as I found it impossible to get anyone competent to prepare and argue that case within the short time then remaining before it came on for argument in the Supreme Court, at my earnest solicitation Mr. Ellis accepted a special appointment to argue that case, and appeared in the Supreme Court on April 5 and 6, 1910, and conducted the argument, having previously prepared the brief. The decision of the court was rendered in favor of the Government May 31, 1910 (218 U. S., 88, 113).

About the 1st of September, 1910, Solicitor General Bowers died very suddenly, and it became necessary to retain counsel to argue a number of cases in which the Government was interested which were on the docket of the Supreme Court at the term to begin a month later. I therefore retained Mr. Ellis as counsel to prepare and argue, and he did argue, in the Supreme Court the cases of Muskrat v. United States (219 U. S., 346) and Brown & Gritts v. United States (219 U. S., 346), important cases involving the constitutionality of legislation concerning Cherokee Indian lands; the so-called Southern Pacific Terminal case (219 U. S., 498), involving the validity of important orders of the Interstate Commerce Commission regarding charges of the terminal company at Galveston, Tex.; the Southern Pacific lumber case (219 U. S., 433), involving the validity of an important order of the Interstate Commerce Commission concerning rates of transportation of lum-

ber; and the case of Marchie Tiger v. Western Investment Co. (221 U. S. 286), which was twice argued in the Supreme Court, and which involved difficult questions regarding the rights of Indians of the Five Civilized Tribes in the Indian Territory; in all of which cases, except the Southern Pacific lumber case, the decision of the court was in favor of the Government.

During the same period of vacancy in the Office of Solicitor General I retained Mr. Ellis as special counsel in the Commodities Clause cases (United States v. Lehigh Valley Railroad Co., 220 U. S., 257), in which the original Commodities Clause decision, reported in 213 United States, 366, was very materially modified in favor of the Government. I also, during the same period, employed Mr. Ellis in one other case, namely, the prosecution particularly by the Government against the so-called Electrical Trust, which resulted in the entry of a decree of injunction with the acquiescence of the defendants in October, 1911, granting comprehensive relief against a combination which controlled the manufacture and sale of incandescent electric lamps.

Mr. Ellis has had no retainer under this department since August last, and he is not at present employed in any capacity. For his services in the cases mentioned, which resulted in very great advantage to the Government, he was paid compensation at an exceedingly moderate rate, considerably less, I think it is safe to say, than would have been charged by any counsel of equal capacity who had not been recently connected with the law department of the Government.

However, the point of this letter is simply that all of these appointments arose after Mr. LONGWORTH's statement in the House referred to above, and that they were not in contemplation at the time Mr. Ellis resigned his position with the department.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

Mr. MANN. Mr. Speaker, I hope that the majority side of the House, this amendment having been inserted from the floor and not having been part of the bill as reported from the committee, may see its way to reject the amendment, which certainly, in the form in which it is, should not be passed——

Mr. FITZGERALD. Mr. Speaker, there is no desire to interfere with gentlemen who are now employed on any Government case. I think everybody agrees there has been some abuse in this matter, and I suggest to the gentleman that by inserting after the word "or," in the fourth line from the bottom of the amendment——

Mr. MANN. Between what two words?

Mr. FITZGERALD. "Or any department thereof or," insert these words: "to anyone appointed, designated, or employed hereafter who shall."

Mr. MANN. So it would read——

Mr. FITZGERALD. So it would read, "or any department thereof or to anyone appointed, designated, or employed hereafter who within two years," and so forth. The first part of the amendment prohibits the payment out of different appropriations for compensation to persons now in the Government employ—that is, they can not pay some person now employed on a case some special compensation—but this provision would provide by making it hereafter.

Mr. MANN. Well, it would imply that, but it would not say that.

Mr. FITZGERALD. I think it does.

Mr. BURLESON. It can be so framed.

Mr. MANN. It seems to me a matter of this kind ought to be permanently cared for.

Mr. FITZGERALD. There has been an abuse, and I think it is indicated from the letter of the Attorney General himself, and I believe the House should take some kind of step to put a stop to it.

Mr. MANN. I do not see anything embraced in the letter of the gentleman indicating that.

Mr. FITZGERALD. I know of an instance which occurred just a few days ago. The Attorney General made two attempts to increase the compensation of a head of one of the divisions in his office. The compensation was at the rate of $3,500 a year and Congress refused to do it. That gentleman occupying that place appeared before the Committee on Appropriations and made an appeal for an additional appropriation for the work of his division and the day after he appeared and the inquiry had been concluded the Attorney General transferred him from the statutory roll at $3,500 a year to this lump-sum appropriation at $6,000.

Mr. MANN. Well, perhaps the Attorney General wanted to keep him.

Mr. FITZGERALD. That is a gross abuse and should not be tolerated.

Mr. MANN. That depends.

Mr. FITZGERALD. It appears in the opinion of the Attorney General the compensation of this man should be increased, although Congress had on several occasions declined to accede to his request.

Mr. MANN. Congress declined to increase the salary of that position, but that does not necessarily affect the compensation that may be paid an individual in some other position.

Mr. FITZGERALD. But he is put in charge of the same work that he was doing at the other compensation at not only $6,000 a year, but in addition he is granted $6 a day when absent either from Baltimore or Washington, and as he could not be in both places at the same time he will get $6 a day additional for every day in the year.

Mr. MANN. They have legislative committees in this House. The committee presided over by the gentleman from Texas [Mr. BEALL], who introduced this amendment, or the committee presided over by the gentleman from Alabama [Mr. CLAYTON] would have jurisdiction of the matter.

Mr. FITZGERALD. The gentleman who offered the amendment is chairman of the Committee on Expenditures in the Department of Justice.

Mr. MANN. I say he would have jurisdiction.

Mr. FITZGERALD. It was the result of an investigation which he made.

Mr. MANN. When you transferred the Bureau of Investigation over here they took over a number of people who had been formerly employed under Wilkie in the Secret Service—a desirable and proper thing to do. It could not be done under this, and it would affect those very people.

Mr. FITZGERALD. Under this amendment it provides who shall hereafter be designated or employed. That removes the objection that is made by inserting those words.

Mr. MANN. If the gentleman's amendment does what he thinks it will do. In the way he had it it does not seem to do so.

Mr. FITZGERALD. I have changed it. I have transferred the word "hereafter." Let me read it to the gentleman:

The department thereof or to anyone hereafter appointed, designated, or employed who, in the two years next preceding.

Mr. MANN. Or to anyone hereafter. Put it down to that time, at least, to anybody already appointed.

Mr. FITZGERALD. Now, it prevents any payment being made to any person employed in the service.

Mr. MANN. Employed now. The pending amendment applies to anybody now in the service who, within two years of his appointment——

Mr. FITZGERALD. The amendment is that no part of any one or a number of appropriations shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government or any department thereof, or to anyone hereafter appointed or employed, who, within two years next preceding the date——

Mr. MANN. Of course, if the gentleman inserts the word "hereafter" there, it would not affect anyone now in the service. But on the other merits of the proposition it is perfectly patent that it is desirable to transfer people at times from other bureaus or departments of the Government to the Bureau of Investigation. It is desirable at times to take people who have been educated in that service and who go outside to get them special employment.

Mr. FITZGERALD. I do not think so. I think there are abuses. I will cite another one.

Mr. MANN. I have no doubt the gentleman can cite many cases.

Mr. FITZGERALD. The Secretary of the Treasury urged very strongly that the compensation of special agents in the Treasury Department be increased, and also wanted the special agents of the Treasury Department consolidated with the Secret Service. Congress declined to consolidate them, but did increase the compensation of the special agents; and he fixed the compensation of the chief special agent at $4,500 a year. And the Chief of the Secret Service was immediately designated as chief special agent in the Treasury Department and designated as Acting Chief of the Secret Service, and the only thing accomplished was to give him the benefit of the increased compensation. There are many abuses that this would prevent, I am quite confident.

Mr. MANN. I will say to the gentleman that if this be an abuse, to increase the salary of an officer by paying him an extra amount out of the lump-sum appropriation to which the gentleman has referred, there is on the legislative bill an amendment, inserted by the Senate, prohibiting that, which I have no doubt will be agreed to in conference. That shows the necessity of that.

Mr. FITZGERALD. I have not seen that. This amendment applies to certain specific appropriations in the Department of Justice alone. I believe it ought to be adopted.

Mr. MANN. It will destroy the good effect of prosecuting under these laws. That is all.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman from New York [Mr. FITZGERALD] give me five minutes?

Mr. FITZGERALD. Mr. Speaker, I wish to offer an amendment to the amendment which appears on page 8249 of the CONGRESSIONAL RECORD.

The SPEAKER. That is the one the gentleman spoke of?

Mr. FITZGERALD. Yes.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the amendment offered by the gentleman from Texas [Mr. BEALL].

The Clerk read as follows.

Amend by inserting, after the word "or," in line 13 of the amendment as it appears on page 8249 of the RECORD, the following: "To anyone hereafter appointed, designated, or employed"——

Mr. FITZGERALD. Mr. Speaker, in order that there may be no misunderstanding as to where that amendment comes in, I will ask the Clerk to report that part of the amendment beginning "or any department thereof" and continuing with "or to anyone hereafter appointed, designated, and employed," the "or" being the second "or" on the fourth line from the bottom.

Mr. GREEN of Iowa. Mr. Speaker——

The SPEAKER. Does the gentleman [Mr. FITZGERALD] yield to the gentleman from Iowa?

Mr. GREEN of Iowa. Has the amendment been reported, Mr. Speaker? Will the gentleman give me some time?

Mr. FITZGERALD. There are several gentlemen who wished to participate in the debate, but we wish to get the bill finished. This is a very unusual proceeding to be discussed at this time, and I do not think more time should be asked for, in view of the liberality of treatment that has been shown.

Mr. GREEN of Iowa. I have not spoken one minute on this bill.

Mr. FITZGERALD. I regret I can not yield. I can not yield to the gentleman without also yielding to others.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] declines to yield. The Clerk will report that part of the amendment which will contain the amendment offered by the gentleman from New York, if it is agreed to, so that the House can get the sense of it.

The Clerk read as follows:

Amend by inserting, after the word "or," in line 13 of the amendment as it appears on page 8249 of the RECORD, the following: "To anyone hereafter appointed, designated, or employed," so that it will read, "position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed, or who within two years next preceding"——

Mr. FITZGERALD. Strike out the "or" before "who." It should be "appointed, designated, or employed who," and so forth.

The SPEAKER. The Clerk will read the whole thing over, so that there will not be any mistake about it. The Clerk will read the lines that will include the words offered by the gentleman from New York [Mr. FITZGERALD], if they are ever put in, so that we can see how it reads.

The Clerk read as follows:

To any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the amendment offered by the gentleman from Texas [Mr. BEALL].

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amendment offered by the gentleman from Texas [Mr. BEALL] as amended by the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 31, noes 23.

So the amendment of Mr. BEALL of Texas as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, on page 122, line 2, by striking out the word "for" and inserting the word "including" in place thereof.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and the remaining amendment to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The Clerk will report the remaining amendment.

The Clerk read as follows:

Page 92, after line 20, insert:

"Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act, approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 43, noes 21.

Mr. SISSON. Mr. Speaker, I want a yea-and-nay vote on this proposition. I do not want to be compelled to make a point of no quorum, but I am willing that this matter shall go over until we can get a quorum without difficulty.

Mr. FITZGERALD. Mr. Speaker, it is a well-known fact that there will be no quorum in this House until after the 1st of July. It is important that the members of the committee controlling this bill at the other end of the Capitol shall get it immediately in order to get to work on it. The gentleman from Mississippi knows the situation as well as anybody.

Mr. MANN. If the gentleman will allow me the suggestion, I desired to offer a motion to recommit and have a roll call. We also desired to have a roll call on several amendments agreed to in this bill. We have not done that because of the situation in the House, and it seems to me that the gentleman from Mississippi ought not to precipitate a situation which would prevent the speedy passage of the bill.

Mr. SISSON. Mr. Speaker, I am very much opposed, as was evidenced by the fight in the Committee of the Whole——

Mr. MANN. We are quite willing to admit that the gentleman made a good fight.

Mr. SISSON. I do not think that appropriation bills ought ever to be passed without a quorum being present. But the situation is a very peculiar one, due to the fact that there are two great conventions, one now in session, and the other to be in session next week. In view of that situation I shall not ask for a roll call, although I really believe that I ought to do it.

The SPEAKER. The ayes are 43 and the noes are 21, and the amendment is agreed to. The question is on the engrossment and third reading of the amended bill.

The amended bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. MCMORRAN, by unanimous consent, was given leave of absence for two weeks on account of illness in his family.

BILLS ON THE PRIVATE CALENDAR.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House.

Mr. HAY. Mr. Speaker, I call for the regular order, which is the call of bills on the Private Calendar in their order.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. When these bills are called will any objection under the request for unanimous consent carry the bill over; that is, it will not be considered?

The SPEAKER. That is as the Chair understands it.

Mr. GARNER. Now, as these bills are called on the regular calendar it would facilitate matters if those in charge of the bills would ask unanimous consent to consider them in the House as in Committee of the Whole.

Mr. MANN. I will ask unanimous consent that in the call of the Private Calendar bills not objected to shall be considered in the House as in Committee of the Whole House.

Mr. SIMS. Before that is put, Mr. Speaker, I am not asking for consideration under the special order.

The SPEAKER. But there was an agreement on June 14 which the Chair will state. The RECORD says:

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Now, the Chair will state it so there can not be any mistake on the part of Members. The request is, next week after this sundry civil bill gets through the House, except Monday and Wednesday, and allowing the gentleman from Missouri [Mr. RUSSELL] a day for pensions, then any bill on the Private Calendar not objected to shall be considered.

Mr. SIMS. I misunderstood the order, if it was intended to deprive committees of their regular days. I thought it was to make private claims in order on days upon which they would otherwise not be in order.

The SPEAKER. That is what it does.

Mr. SIMS. Then to-day war claims are in order.

The SPEAKER. That is true; but it seems to the Chair this order agreed to by the House supersedes and takes precedence over that. It swept everything out, except Mondays

and Wednesdays, and the gentleman from Missouri [Mr. RUSSELL] for the consideration of pensions.

Mr. SIMS. I certainly never would have agreed to it if I knew that.

The SPEAKER. Of course, that is neither here nor there.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee was here when the request was agreed to. The request made by the gentleman from Missouri [Mr. RUSSELL] would have struck Friday out if I had not asked that an exception of Friday be made.

The SPEAKER. The gentleman from Tennessee will gain by this order. He may lose this piece of the evening which is before us, but private bills are in order now every day except Monday and Wednesday and the day that the gentleman from Missouri will have.

Mr. SIMS. I know, but they will only be taken up in their order, and it will be impossible to reach bills from the War Claims Committee.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that when bills are called upon the Private Calendar in their regular order, those to which no objection is made shall be considered in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Texas asks unanimous consent that when bills on the Private Calendar are called in their order those to which no objection is made shall be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

EXTENSION OF REMARKS.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the sundry civil appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

WAR CLAIMS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that some other Friday be given to the consideration of war claims. I am quite serious in my statement that I did not know that this order was to displace the preference that we would have on this day.

The SPEAKER. What is the request of the gentleman?

Mr. SIMS. That a day be set aside for the consideration of private bills coming from the Committee on War Claims.

The SPEAKER. Does the gentleman designate any day?

Mr. MANN. Mr. Speaker, so that we may progress with the matter before the House, I shall object.

Mr. SIMS. I shall ask that to-morrow, Saturday, be set aside for that purpose.

Mr. MANN. That is already set aside for the consideration of pensions.

BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will proceed with the call of bills on the Private Calendar.

SHEPLER W. FITZGERALD AND ALDEN G. STRONG.

The first business on the Private Calendar was the bill (S. 5046) to authorize the appointment of Shepler Ward FitzGerald and Alden George Strong to the grade of second lieutenant in the Army.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Shepler Ward FitzGerald and Alden George Strong to the grade of second lieutenant in the Coast Artillery Corps, United States Army, with lineal rank in accordance with their respective ratings at the competitive examination held under the law by the War Department in September, 1911.

The SPEAKER pro tempore (Mr. JAMES). Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, this is a bill reported for the relief of these two young men, who received appointments as second lieutenants in the Army, stood the examination, but before they could be confirmed by the Senate they had reached the age beyond which second lieutenants of the Army can not be given their appointments. This bill simply permits the President to again send their names to the Senate to be confirmed. I do not think there can be any objection to the bill.

Mr. BARTLETT. This simply authorizes him to do that. It does not require him to do it?

Mr. HAY. The bill authorizes him to do it.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY HARRISON HALL.

The next business on the Private Calendar was the bill (H. R. 20721) to authorize the President to reappoint Henry Harrison Hall as second lieutenant in the Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

HEIRS OF MYRA CLARK GAINES.

The next business on the Private Calendar was the bill (H. R. 17501) for the relief of the heirs of Myra Clark Gaines, deceased.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

DANIEL W. ABBOTT.

The next business on the Private Calendar was the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That Daniel W. Abbott be, and he is hereby, empowered to make entry of and acquire title to the south half of the southeast quarter and the south half of the southwest quarter of section 6 in township 10 south, range 28 east, Boise meridian, under the general provisions of the homestead laws of the United States, notwithstanding he may have heretofore exhausted his right to make entry under said laws, and he shall be given credit, under any entry made by him under this act, for the full period of such actual residence as he may have maintained on said land or on land embraced in the legal subdivision of land adjoining said land prior to the time he makes entry under this act.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. Mr. Speaker, reserving the right to object, I desire to ask if this is a Senate bill?

The SPEAKER pro tempore. This is a House bill.

Mr. SIMS. I see that the gentleman from Idaho [Mr. FRENCH] reported the bill. Is the gentleman present?

Mr. MANN. The gentleman from Idaho is not present. This bill validates a homestead entry which a man would have in any event, except that he located his house a few rods over onto land that he did not take up.

Mr. SIMS. Will there be any contest upon the matter?

Mr. MANN. No; I think not. I think the bill would have been passed before this time if the gentleman had not reserved the right to object.

Mr. SIMS. I wanted to find out whether there was to be any controversy.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears no objection. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SIMS. Is the gentleman from North Carolina [Mr. POU] present?

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. Mr. Speaker, the next bill is from the Committee on Claims, and by an agreement heretofore made with the chairman of the Committee on Claims, the war claims bills have had two days and he has had two for bills from his committee, and by agreement the Committee on War Claims was to have the next day, and I want to ask if he will not agree that the bills reported here from the Committee on Claims may be passed over until after the bills reported from the Committee on War Claims are first considered?

Mr. MANN. The gentleman would not have any jurisdiction to consent to that.

Mr. HAY. These are individual bills.

Mr. SIMS. I did not want to object, but it will take a lot of time, and they will have had three days to our one.

Mr. POU. I will be very glad to make any arrangement to suit my friend from Tennessee; but under this order everything has been swept aside and I do not believe I would have any right to make any such agreement.

Mr. SIMS. The House, by unanimous consent, can, but I will not submit the request unless the gentleman is ready to yield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. MANN. What is the request?

Mr. SIMS. My request is that on the call of this calendar that bills reported from the Committee on Claims be not called until bills reported from the Committee on War Claims are called.

Mr. MANN. Well, we will never get to the Committee on War Claims that way. They will have to wait the call of all

bills reported from other committees first, and therefore I object.

The SPEAKER pro tempore. The Clerk will report the next bill on the Private Calendar.

SNARE & TRIEST CO.

The next business on the Private Calendar was the bill S. 2512, an act for the relief of the Snare & Triest Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

CHARLEY CLARK.

The next business on the Private Calendar was the bill (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described.

The bill was read.

Mr. MANN. Mr. Speaker, I do not know who has charge of this.

Mr. MILLER. Mr. STEENERSON asked me to look after it.

Mr. MANN. There is a Senate bill (No. 6153), and I understand the gentleman desires to have the Senate bill substituted for the House bill. I do not know whether the Senate engrossed bill is over here or not.

Mr. MILLER. I presume it is in the hands of the committee.

Mr. MANN. The House could not do that unless it had the engrossed copy here, and there is no use in passing this bill. I ask to pass it over temporarily without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

CAPT. HAROLD L. JACKSON.

The next business on the Private Calendar was the bill (H. R. 19788) to restore Capt. Harold L. Jackson, retired, to the active list of the Army.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

LLOYD L. R. KREBS.

The next business on the Private Calendar was the bill (H. R. 7142) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, to be a major of the Medical Corps on the retired list of the Army. And the retired list is hereby increased by one for the purposes of this act.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. HAY. Will the gentleman reserve his objection?

Mr. MANN. I will reserve the right to object.

Mr. HAY. Mr. Speaker, I hope the gentleman from Illinois will not object to this bill. It is one of the most pitiful cases that I have ever known. This is a case of a surgeon in the Army who was ordered here under the rules and regulations for an examination for his promotion. When he went before this examining board he was suffering with tuberculosis, and the board recommended him to be retired from the Army. The recommendation was overruled by the War Department and he was ordered again before the board for examination, notwithstanding the fact that he was suffering with tuberculosis. As a consequence of his physical condition he failed on examination and, under the law, was put out of the Army and was refused the privilege of being put on the retired list. This man is in a dying condition from tuberculosis. Personally, I have no interest whatever in the case; these people live in California. But I happen to be familiar with all the facts in the case and I believe that a gross injustice was done this man. This bill is recommended by the War Department and is particularly recommended by the Surgeon General, and I hope the gentleman from Illinois will not interpose an objection to the bill.

Mr. MANN. Mr. Speaker, it is a tribute to the large heart of the gentleman. I have examined the papers in this case very carefully and am liable to make an error of judgment. I do not believe the bill ought to pass, but I would like to discuss it some time when it comes up. It is not practicable to do that to-day. This bill is early on the calendar and will undoubtedly be on the calendar on a Friday before long. Therefore I feel compelled to object now.

Mr. KAHN. Mr. Chairman, I ask unanimous consent that the Committee on Military Affairs be discharged from further consideration of the Senate bill (No. 1337) to the same purpose, and that it be placed upon the House Calendar in lieu of the House bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. It can not be done in that way.

Mr. HAY. Why not?

Mr. MANN. The bill is not up for consideration. The committee can report——

The SPEAKER pro tempore. Does the gentleman object to the consideration of the bill?

Mr. MANN. I would not have objected if they were going to consider it and substitute the Senate bill.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES S. BAER.

The next business on the Private Calendar was the bill (H. R. 21952) for the relief of James S. Baer.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws James S. Baer, late captain Company G, First Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 28th day of September, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill just read?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLEY CLARK.

Mr. MANN. A moment ago there was passed temporarily, without prejudice, the bill H. R. 10784.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read the title, as follows:

An act (H. R. 10784) for the relief of Charley Clark, a homestead settler on certain lands therein described.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk may read a similar Senate bill, in order to see whether objection shall be made to substituting that for the House bill.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 6153) for the relief of Charley Clark, a homestead settler on certain lands therein described.

Be it enacted, etc., That the homestead entry of Charley Clark for the west half of the northeast quarter of section 31, in township 153 north, range 40, in the Crookston land district, Minnesota, under the act approved February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," upon which final proof and payment was made, but which was held for cancellation by the Secretary of the Interior for want of qualification to make the same, be, and the same is hereby, allowed and permitted to remain of record as of the date of said entry, and that patent shall issue in the name of said Charley Clark for said land.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill as a substitute for the House bill? [After a pause.] The Chair hears none.

The bill was read a third time and passed.

HEIRS OF JAMES S. ROLLINS.

The next bill on the Private Calendar was the bill (H. R. 18904) to perfect the title of the heirs of James S. Rollins, deceased, to bounty-land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster's Department, War with Mexico.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to recognize the heirs of James S. Rollins, deceased, of Columbia, Mo., as the lawful owners of land warrant No. 58479, issued on March 11, 1857, to George Hickum, teamster, United States Quartermaster Department, War with Mexico; and that he instruct the Commissioner of the General Land Office to permit said heirs to use said land warrant in such manner as they see fit, in accordance with law and the rules and regulations of the General Land Office.

Also the following House amendments were read:

Page 1, lines 3 and 4, insert after the word "Interior" the following: "and the Commissioner of the General Land Office."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Amend, page 2, by striking out lines 2, 3, 4, 5, and 6, after the word "Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

OTTO NEUMANN SVERDRUP.

The next business on the Private Calendar was the Senate joint resolution 69, authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States.

The Clerk read the joint resolution, as follows:

Whereas Otto Neumann Sverdrup, a subject of the King of Norway, who has rendered great service to science as a navigator and explorer, has lately become a resident and declared his intention to become a citizen of the United States, and desires to obtain the privilege of serving as master of vessels of the United States before his naturalization as a citizen can be procured under existing law: Now therefore be it

Resolved, etc., That the right and privilege to be licensed and to serve as master of vessels of the United States, conferred by law upon citizens of the United States, be, and the same are hereby, given and granted to said Otto Neumann Sverdrup.

The SPEAKER pro tempore. Is there objection to the consideration of the joint resolution?

There was no objection.

The joint resolution was passed.

BARKLEY S. DENISON.

The next business on the Private Calendar was the bill (H. R. 11627) to correct the military record of Barkley S. Denison.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

MATHEW T. FULLER.

The next business on the Private Calendar was the bill (H. R. 16993) for the relief of Matthew T. Fuller.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of pension laws, Matthew T. Fuller shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier at the time of his capture by the enemy while serving as a member of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF BENJAMIN S. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 4125) for the relief of the heirs of Benjamin S. Roberts.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

HEIRS OF ROBERT S. GILL.

The next business on the Private Calendar was the bill (S. 2127) for the relief of the heirs of Robert S. Gill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert S. Gill, of Memphis, Tenn., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $2,520, to compensate them for injuries received by Robert S. Gill while in the employ of the Government on the Panama Canal.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

AMERICAN SURETY CO. OF NEW YORK.

The next business on the Private Calendar was the bill (S. 3469) for the relief of the American Surety Co. of New York.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the American Surety Co. of New York the sum of $115.51, as reimbursement in full of a payment made by the American Surety Co. of New York, as surety on the bond of John W. Coltrane, a railway postal clerk, to cover the sum embezzled by him, said payment having been made to the Postmaster General and covered into the Treasury of the United States without knowledge of the fact that a like sum to cover the same embezzlement had already been paid by said John W. Coltrane to the clerk of the United States District Court for the Eastern Division of North Carolina and turned into the Treasury of the United States.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

DOUGLAS B. THOMPSON.

The next business on the Private Calendar was the bill (S. 2601) for the relief of Douglas B. Thompson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 to Douglas B. Thompson, late an employee in the service of the Isthmian Canal Commission, for the loss of a leg and consequent physical disability incident to said service.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

REIMBURSEMENT TO CERTAIN FIRE INSURANCE COMPANIES.

The next business on the Private Calendar was the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

CONVEYANCE OF REAL ESTATE IN JONESVILLE, MICH.

The next business on the Private Calendar was the bill (H. R. 16191) to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Solicitor of the Treasury is authorized and empowered, upon the payment of the sum of $10, to convey the apparent interest of the United States in lot 21 of Olds plat of the village of Jonesville, in township 6 south, range 3 west, in Hillsdale County, Mich., to Milo D. Bacon for the purpose of completing the title of said Bacon to said property, and that the United States incur no expense or liability whatever in consequence of such conveyance, it being understood that the solicitor is to convey said land in the nature of a quitclaim deed to said Milo D. Bacon, without guaranty or warranty of any nature or kind whatsoever.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read the committee amendment, as follows:

Amend, page 1, line 4, by inserting after the word "empowered" the words "upon the payment of the sum of $10."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES W. CHRISMAN.

The next business on the Private Calendar was the bill (S. 5198) to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be issued to James W. Chrisman a patent for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, all in township 29 north, range 113 west of the sixth principal meridian.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

GEORGE A. ARMES.

The next bill on the Private Calendar was the bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major general on the retired list of the Army.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

FIFTH-THIRD NATIONAL BANK OF CINCINNATI, OHIO.

The next business on the Private Calendar was the bill (H. R. 16518) for the relief of the Fifth-Third National Bank of Cincinnati, Ohio.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue a duplicate registered bond of the 3 per cent loan of 1908 to 1918, in favor of the Fifth-Third National Bank of Cincinnati, Ohio, in lieu of United States 3 per cent registered bond, loan of 1908 to 1918, No. 37195, for $1,000 inscribed in the name of Jacob B. Elberfeld, alleged to have been lost or mislaid after having been assigned in blank, sold, and delivered to the Fifth-Third National Bank of Cincinnati: *Provided*, That the said bank shall first file in the Treasury Department a bond in the penal sum of double the amount of the missing bond, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify the United States against loss on account of said original bond.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GUSTAV A. HESSELBERGER.

The next business on the Private Calendar was the bill (H. R. 15286) for the relief of Gustav A. Hesselberger.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHN TREFFEISEN.

The next business on the Private Calendar was the bill (H. R. 606) for the relief of John Treffeisen.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I think we ought to have some information about this bill; there is nothing in the report.

Mr. MANN. There is not a word of information in the report.

Mr. FOSTER. I do not think we ought to pass the bill without some information. If there is no one here to explain it, I shall object. Mr. Speaker, I do object.

JOHN K. WREN.

The next business on the Private Calendar was the bill (H. R. 22939) for the relief of John K. Wren.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws John K. Wren, who served in Company D, Sixty-sixth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from said company and regiment on the 16th day of December, 1863.

With the following committee amendment:

Page 1, line 8, amend by inserting after the word "sixty-three" the following proviso:

"*Provided*, That no rights or benefits under any law shall accrue to the said John K. Wren prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

G. A. EMBRY.

The next business on the Private Calendar was the bill (S. 183) for the relief of G. A. Embry.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CATHERINE RATCHFORD.

The next business on the Private Calendar was the bill (S. 4050) for the relief of Catherine Ratchford.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask whether this bill was referred to the War Department or any report received from the department in relation to this injury.

Mr. JACKSON. I had the report this morning, but I do not remember. It is the bill of the gentleman from Kansas [Mr. ANTHONY].

Mr. MANN. There is nothing in the report of the committee and nothing in the Senate report further than is disclosed in the bill. It seems to me that where we are paying for personal injuries caused by some one in the Government service, it is only fair that we should have a statement from them as to their side of the case and as to the extent of the injuries.

Mr. JACKSON. This is a bill of the gentleman from Kansas [Mr. ANTHONY], and he is absent just at this minute. I ask to have it passed over without prejudice.

Mr. MANN. I will object, Mr. Speaker. That does not affect the status of the bill any.

LIGHTHOUSE TENDER "MANZANITA."

The next business on the Private Calendar was the bill (S. 837) to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,642.55 to the officers and crew of the lighthouse tender Manzanita for personal-property losses sustained by them on the foundering of that tender on October 6, 1905, as set forth in the letter of April 25, 1906, from the Department of Commerce and Labor to the Treasury Department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

J. H. SCHMIDT.

The next business on the Private Calendar was the bill (H. R. 16720) authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainey Mountain Indian School in Oklahoma.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to pay to J. H. Schmidt, out of any balances of appropriations for the support and civilization of the Apache, Kiowa, and Comanche Indians, for the fiscal year 1911 or 1912, the sum of $75 in full compensation for damage sustained by him through trespass of cattle belonging to the Rainey Mountain Indian School.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARNEY NATIONAL FOREST.

The next business on the Private Calendar was the bill (H. R. 21259) to allow an exchange of certain lands in the Harney National Forest.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the transfer by John L. Baird to the United States of title to the east half of the southeast quarter, and lot No. 1 in section 4, and lot No. 4 in section 3, all in township 1 south, range 1 east, of Black Hills meridian, containing 155.96 acres, situated in the Black Hills National Forest, the Secretary of the Interior is authorized, upon the approval of the Secretary of Agriculture, to issue a patent to said John L. Baird for the lands covered by the Keen Stone Placer mineral survey No. 1947, in Lawrence County, S. Dak., containing 90.978 acres; and the lands thus transferred to the United States shall thereupon become a part of the Harney National Forest.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Chair is informed that the next bill on the Private Calendar is a pension bill, which under the order of to-day will be laid aside, as will other pension bills that are upon this calendar.

DELAWARE TRANSPORTATION CO.

The next business on the Private Calendar was the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*.

The Clerk read the bill, as follws:

Be it enacted, etc., That the claim of the Delaware Transportation Co., owner of the American steamer Dorothy, injured in collision with the U. S. steam collier Sterling in Chesapeake Bay on December 3, 1911, for and on account of the damage to said steamship Dorothy by reason of said collision, may be submitted to the United States Court for the Eastern District of Virginia, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine any suits brought and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same rights of appeal.

SEC. 2. That notice of the suits shall be given to the Attorney General of the United States and to the Secretary of the Navy, as may be provided by the order of said court, and it shall be the duty of the Attorney General to cause the United States attorney to appear for and defend the United States.

SEC. 3. That should damages be found to be due the said Delaware Transportation Co., as owner of said steamship Dorothy, the amount of the final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That said suit shall be brought and commenced within four months from the date of the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SARAH A. WAITE.

The next business on the Private Calendar was the bill (S. 547) for the relief of Sarah A. Waite.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sarah A. Waite, widow of George B. Waite, who at the time of his death was a first sergeant on the retired list of the United States Army and a civilian employee in the Quartermaster's Department of the United States Army, the sum of $1,050, as full compensation for the death of said George B. Waite, resulting from injuries received while in the discharge of his duty as a teamster in the employ of the post quartermaster at Vancouver Barracks, State of Washington, on the 3d day of December, 1907.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHANNA S. STOECKLE.

The next business on the Private Calendar was the bill (S. 4189) for the relief of Johanna S. Stoeckle.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. POU. Mr. Speaker, I ask unanimous consent that the consideration of this bill be passed without prejudice. The reason is that a bill has passed this House which covers that and all similar cases, and there will probably be no necessity for passing this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

ALBERT S. HENDERER.

The next business on the Private Calendar was the bill (S. 4751) for the relief of Albert S. Henderer.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert S. Henderer, out of any money in the Treasury not otherwise appropriated, the sum of $1,572.04 for damages arising out of an injury sustained by him while employed in the east gun shop, United States navy yard, Washington, D. C., on the 11th day of August, 1903.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

ROBERT H. PECK.

The next business on the Private Calendar was the bill (H. R. 4500) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. KAHN. Mr. Speaker, the Senate passed a similar bill (S. 6636), which was referred to the Committee on Military Affairs, and I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill and that the Senate bill be considered.

Mr. MANN. Is the Senate bill here?

Mr. KAHN. There is a Senate bill exactly like it.

Mr. SULZER. As I understand it the bills are identical.

Mr. KAHN. Yes; they are identical.

Mr. MANN. You can not pass the Senate bill unless you have the engrossed copy of the bill here. Is the engrossed copy of the Senate bill on the Speaker's table?

The SPEAKER pro tempore. It is not here.

Mr. HAY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ELIZA B. HAUSE.

The next business on the Private Calendar was the bill (S. 1508) for the relief of the estate of Eliza B. Hause.

The Clerk read the bill.

Mr. MANN. Mr. Speaker, this is one of the same class of bills that we have just passed over.

Mr. AINEY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. MANN. Oh, I think we better object to it.

Mr. AINEY. It is included in the omnibus bill which has passed the House.

Mr. MANN. I object.

PATRICK HOWE.

The next business on the Private Calendar was the bill (H. R. 7434) for the relief of Patrick Howe.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Patrick Howe shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company B, Fifty-ninth Regiment New York Volunteer Infantry, on the 1st day of February, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HERMAN HAUPT.

The next business on the Private Calendar was the bill (H. R. 20613) for the proper recognition of services rendered by Herman Haupt during the Civil War.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SETTLEMENT OF CLAIMS OF THE ATTORNEY OF RECORD INVOLVING CERTAIN INDIAN ALLOTMENTS.

The next business on the Private Calendar was the bill (S. 5776) authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to consider the claim of the attorney of record in the matter of the enrollment and allotment of lands to Virgil H., Willie A., and Oscar R. Esterbrook, minor children of Frank Esterbrook, and Pearl May, A. Ray, J. Otis, and Dora Edith Williams, minor children of C. O. Williams, enrolled members of the Cascade Band of Indians and allotted on the Yakima Reservation in the State of Washington, and to allow said attorney such fee as he may consider reasonable and just, and to pay the same out of any money standing to the credit of said minor children or which may hereafter become due them.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

HAROLD HANCOCK TAINTOR.

The next business on the Private Calendar was the bill (H. R. 23934) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Harold Hancock Taintor to the grade of second lieutenant in the United States Army, with lineal rank in accordance with his rating at the competitive examination held under the law by the War Department in January, 1912.

The SPEAKER pro tempore. Is there objection?

Mr. HAY. Mr. Speaker——

Mr. PEPPER. Mr. Speaker, I ask unanimous consent, in view of the fact that the Senate has passed a similar bill (S. 7018), which has been referred to the Committee on Military Affairs, that that committee be discharged from the further consideration of the bill and that the Senate bill be substituted for the House bill. I have an engrossed copy of the Senate bill in my hand.

The SPEAKER pro tempore. The gentleman from Iowa requests that an engrossed copy of the Senate bill be substituted for a similar House bill. Is there objection?

Mr. FOSTER. Let us have the bill read.

The Senate bill was read.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a similar House bill was laid on the table.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. COL. CONSTANTINE MARRAST PERKINS.

The next business on the Private Calendar was the bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

REFUNDING CERTAIN TONNAGE TAXES AND LIGHT DUES.

The next business on the Private Calendar was the bill (H. R. 2359) to refund certain tonnage taxes and light dues.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, the following amounts to the respective named companies, assessed and collected under section 4225, Revised Statutes, which amounts are hereby appropriated: Ninety-three dollars in the case of the American dredge Erie, without enrollment, upon the application of the Duluth-Superior Dredging Co.; and $270 in the case of American scows Nos. 1 and 2, American dredge Lincoln, and American derrick scow No. 1, without enrollment, upon the application of the Duluth Marine Contracting Co.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ERROR IN TREATY, CHOCTAW INDIANS.

The next business on the Private Calendar was the bill (S. 5141) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the reservation of section 8 and the west half of section 9, in township 19 north, range 16 east, Choctaw meridian, Mississippi, to Thomas Wall, and the sale thereof by him to Anthony Winston, made on December 11, 1833, be, and the same are hereby, approved, and the title thereto confirmed in the said Thomas Wall and his vendee, the said Anthony Winston; and the Commissioner of the General Land Office is hereby authorized and directed to cause the proper entries to be made upon the land records of the land office at Jackson, Miss., and of the General Land Office, showing that said land was reserved to the said Thomas Wall.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

A. W. TORESON.

The next business on the Private Calendar was the bill (H. R. 22437) for the relief of A. W. Toreson, son and heir of Anna M. Toreson, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to public entry the following parcel of land situate in Modoc County, Susanville land district, in the State of California, to wit:

The south half of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 9, township 41 north, range 10 east, Mount Diablo base and meridian, in California, containing 160 acres.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, upon compliance with the foregoing section and proof of said compliance by the entryman under the timber-and-stone act of June 3, 1878, and acts amendatory thereof, to issue to A. W. Toreson, son and heir of Anna M. Toreson, deceased, a patent for the south half of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 9, township 41 north, range 10 east, Mount Diablo base and meridian, being the same land described in section 1 of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, if anybody can give me any information about this bill I wish they would. Anna M. Toreson took up a homestead claim, I believe, she being a very old lady, and died, leaving several children. This bill proposes to turn that right over to A. W. Toreson as the son and heir of Anna M. Toreson. What becomes of the other heirs? How do they eliminate the claim of the other heirs?

Mr. KAHN. Mr. Speaker, this is a bill introduced by my colleague Mr. RAKER, who is away. I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from California [Mr. KAHN] requests that the consideration of this bill be passed without prejudice. Without objection, it will be so ordered.

There was no objection.

JOHN M. OAK.

The next business on the Private Calendar was the bill (H. R. 17709) for the relief of John M. Oak.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Oak, postmaster at Bangor, Me., out of any money in the Treasury not otherwise appropriated, the sum of $110,184.85, for postal funds, key-deposit funds, postage stamps and other stamped paper, and such further sum as shall be ascertained to have been lost from money-order funds, on account of losses resulting from fire April 30, 1911.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of John M. Oak, postmaster at Bangor, Me., in the sum of $132,311.12, due to the United States on account of postal funds, key-deposit funds, money-order funds, postage stamps, and other stamped paper on account of losses resulting from fire April 30, 1911."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ANTONIA SOUSA, DECEASED.

The next business on the Private Calendar was the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased.

The bill was read, with a committee amendment.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill go over, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

REFUND TO THE SPARROW GRAVELY TOBACCO CO.

The next business on the Private Calendar was the bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States.

The Clerk read the bill, as follows:

Whereas heretofore, to wit, in the month of June, 1908, a tax of $173.52 was assessed against the Sparrow Gravely Tobacco Co. by the Commissioner of Internal Revenue in the western district of Virginia, the same being for a deficiency in the account of the said company for the year 1907; and

Whereas this assessment was by reason of the fact that the said company had erroneously omitted to include in their inventory for January 1, 1908, 1 hogshead of scrap tobacco; and

Whereas this omission was an honest error on the part of the said company, which the Internal Revenue Department did not allow them to correct by means of an amended inventory; and

Whereas as the result of this error on the part of the said company, and the refusal of the department to allow the same to be corrected, the said company has been compelled to pay to the Government the above assessment, with penalty and interest, which said amount was in excess of what was actually due from the said company to the Government: Now therefore,

Be it enacted, etc., That the said sum of $173.52, with interest and penalty, is hereby directed to be refunded to the said Sparrow Gravely Tobacco Co. from the Treasury of the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object—I shall not object, for I think it is a very meritorious proposition—it will not do any particular good to pass the bill. It does not purport to appropriate any money for the payment of the claim.

Mr. BARTLETT. Mr. Speaker, I know nothing about this bill; but I want to call attention to a state of facts with reference to men and small corporations that are not subject to the corporation tax that have failed by a day or two, and sometimes by a week, to make a return, and have been assessed under a penalty ranging from $25 up. There is no means by which those people have been able to secure relief from that penalty. This appears to have been a fault or mistake by the owners of this tobacco, or whatever it was, in making the returns.

A bill has been pending before the Committee on Ways and Means for a year, in which an effort has been made to authorize the Secretary of the Treasury to settle or compromise these penalties against these corporations all over the country which are not subject to the corporation tax and who have failed to make the returns in time showing that they are not subject. There are now 30,000 cases of this kind in the office of the Commissioner of Internal Revenue awaiting treatment.

Mr. MANN. I will say to the gentleman that, of course, irrespective of that, in this particular case there was a mere error of a clerk in adding up the figures on the inventory. There was no negligence on the part of anybody whatever.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, in lines 14 and 15, strike out the words "one hogshead of scrap tobacco," and insert in lieu thereof the words "one bin of plug tobacco in process."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 3 and 4, strike out the words "$73.52, with interest and penalty," and insert in lieu thereof "$76.90."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY, Mr. POU, and Mr. STEPHENS of Mississippi rose.

Mr. POU. Mr. Speaker, I want to offer an amendment to this bill before it is finally disposed of.

The SPEAKER pro tempore. The gentleman will send the amendment to the Clerk's desk.

Mr. POU. If the gentleman from Virginia [Mr. HAY] will by unanimous consent go ahead, I will ask unanimous consent to recur to this bill after the gentleman from Virginia finishes.

ROBERT H. PECK.

Mr. HAY. Mr. Speaker, a moment ago a bill for the relief of Capt. Robert H. Peck was laid aside until I could secure the bill which has passed the Senate. I have the bill now, and I ask that it be considered.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Robert H. Peck to the grade of captain of Infantry, United States Army, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act; and that there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

Mr. HAY. Mr. Speaker, I ask that the House bill (No. 45000) of similar character be laid on the table.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. Is there objection to the consideration of the bill.

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

LLOYD L. R. KREBS.

Mr. HAY. Mr. Speaker, while the gentleman from North Carolina is arranging his amendment——

Mr. POU. I will say to the gentleman from Virginia [Mr. HAY] it was a little difficult to get this amendment in proper shape, and I will ask that the call of the calendar proceed until I have it completed.

The SPEAKER pro tempore. Without objection, the bill under consideration will be temporarily laid aside.

Mr. MANN. What bill is it?

Mr. BARTLETT. A tobacco bill.

Mr. HAY. It is a bill which was just passed over.

Mr. Speaker, the gentleman from Illinois [Mr. MANN] a moment ago objected to the House bill 7142, for the relief of Lloyd L. R. Krebs. The gentleman now states that he will withdraw his objection if I will state that, in my judgment, this is a bill that ought to be passed and is of very great merit. I want to say that I so regard it, and I have no personal interest in it or connection whatever with the parties interested. And, as the gentleman does not object, I hope the bill will be passed. It has already been read.

The SPEAKER pro tempore. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7142) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

I. S. ROGERS AND J. L. WORTHLEY.

The next business on the Private Calendar was the bill (H. R. 7630) for the relief of I. S. Rogers and J. L. Worthley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $1,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse I. S. Rogers and J. L. Worthley for money paid to the proper officers of the court as bondsmen for U. G. Copeland, indicted for violating section 5438 of the Revised Statutes, who was afterwards, to wit, on the 16th day of April, 1910, duly tried and convicted in the District Court of the United States for the Western Division of the Eastern District of Arkansas for his offense and sentenced to imprisonment at hard labor in the United States penitentiary at Atlanta, Ga., for a period of five years, the said I. S. Rogers and J. L. Worthley rendering material aid to the Government in the apprehension and prosecution of the said U. G. Copeland.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from Arkansas [Mr. MACON], who introduced the bill, for a short statement in reference to it.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. MACON] is not present.

Mr. CANDLER. The gentleman is temporarily absent from the city; otherwise, I think he would be here.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "one thousand" and insert in lieu thereof "seven hundred and fifty."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

COWDEN & COWDEN.

The next business on the Private Calendar was the bill (H. R. 17850) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture.

The Clerk read the bill, as follows:

A bill (H. R. 17850) to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cowden & Cowden, of Amory, Monroe County, Miss., the sum of $200 for a horse that died while in use by employees of the Department of Agriculture.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what good it would do to pass the bill, there being no appropriation in it? Second, why the Government should have to pay for the loss of a horse. It says that it was the result of the improper use and the neglect of one of the employees of the Agricultural Department. Why do you not require the employee to pay for the horse he killed through improper use and neglect?

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object. I would like to hear from the gentleman from Tombigbee. [Laughter.]

Mr. CANDLER. The facts in relation to this bill were fully submitted to the Agricultural Department and thoroughly considered by the Secretary of that department. He recommended, as is contained in the report, that a reasonable sum be appropriated to pay for the horse.

Mr. MANN. Does not the gentleman think that the committee ought to comply with that recommendation and put an appropriation in the bill? If you pass this bill 40 times it would not give the man any money.

Mr. CANDLER. That can be avoided very easily.

Mr. MANN. It can not be avoided unless an amendment is offered.

The Clerk read the following amendment:

On page 1, line 5, strike out the words "two hundred" and insert the words "one hundred and thirty-five."

The amendment was agreed to.

Mr. CANDLER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "pay," insert the words "out of any money not otherwise appropriated."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LLOYD L. R. KREBS.

Mr. HAY. Mr. Speaker, since the bill H. R. 7142, in relation to appointing Lloyd L. R. Krebs a captain in the Medical Corps, was passed, I have in my hand now a similar bill passed by the Senate. I ask unanimous consent that the proceedings with reference to that bill may be vacated and that the Committee on Military Affairs may be discharged from the consideration of the Senate bill, and that the Senate bill be substituted for the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

An act (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act.

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, to be a major of the Medical Corps on the retired list of the Army. And the retired list is hereby increased by one for the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 7142 was ordered to lie on the table.

J. M. H. MELLON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Sevird, J. M. H. Mellon,

Bessie Blue, Mrs Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Marlin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, with interest thereon from July 1, 1907, to J. M. H. Mellon, administrator, the sum of $3,001.52, to James A. Mellon the sum of $2,002.70, to Thomas D. Mellon the sum of $1,258.03, to Mrs. E. L. Sevird the sum of $366.75, to J. M. H. Mellon the sum of $151, to Bessie Blue the sum of $75, to Mrs. Simpson the sum of $13.80, to Annie Turley the sum of $47.15, to C. B. Eyler the sum of $437, to Luella C. Pearce the sum of $918.70, to John McCracken the sum of $63.25, to A. J. Mellon the sum of $821.84, to J. J. Marlin the sum of $51.75, to Eugene Richmond the sum of $36.80, to the Springdale Methodist Episcopal Church the sum of $270, to Heidekamp Mirror Co. the sum of $7,057.21, to James P. Confer, jr., the sum of $28.75, to W. P. Bigley the sum of $552, to W. J. Bole the sum of $330.75, and to S. A. Moyer the sum of $34.50, as compensation for the injuries sustained by them by reason of a flood in the Allegheny River in January, 1907, said principal sums being the amounts recommended to be paid the parties herein named by the Chief of Engineers, United States Army.

The following committee amendments were read:

Page 2, line 3, strike out the name "Sevird" and insert in lieu thereof the name "Siverd."

Page 2, line 14, strike out the name "Marlin" and insert in lieu thereof the name "Martin."

Page 2, line 23, strike out the word "and."

Page 2, after the word "cents," in line 24, insert the following: "and Albert Weiss the sum of $59.38."

Page 1, line 6, strike out "with interest from July 1, 1907."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

SPARROW-GRAVELY TOBACCO CO.

Mr. POU. Mr. Speaker, I ask unanimous consent to recur to Calendar No. 102, the bill (H. R. 18213) to refund to the Sparrow-Gravely Tobacco Co. moneys erroneously paid for the purpose of altering an amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. POU. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, lines 5 and 6, strike out the words "directed to be refunded to be" and insert in lieu thereof the words "appropriated out of any money in the Treasury not otherwise appropriated and reimburse."

And, in lines 6 and 7, strike out the words "from the Treasury of the United States" and insert the words "the sum aforesaid having been erroneously paid by said company to the United States Government."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN C. SULLIVAN.

The next business on the Private Calendar was the bill (H. R. 18294) for the relief of John C. Sullivan.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

HENRY W. CARPENTER.

The next business on the Private Calendar was the bill (H. R. 12476) for the relief of Henry W. Carpenter.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

HARRY S. WADE.

The next business on the Private Calendar was the bill (H. R. 15181) for the relief of Harry S. Wade.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask a question. Is the man not entitled to receive or has he received compensation under the general compensation act?

Mr. LAFFERTY. He is entitled to receive compensation for one year at the rate of $53 a month, which will amount to $636.

Mr. MANN. He is entitled to receive compensation under the general act.

Mr. LAFFERTY. Not compensation in full, but $636.

Mr. MANN. Whatever it is.

Mr. LAFFERTY. The fact is that this young man——

Mr. MANN. I do not propose the facts at this time. The fact is that this is the first bill that has been reported in which it is proposed to pay a man for personal injuries where he already had received compensation under the original act. If this bill passes, every man who receives an injury under the Government, having received some compensation, will thereupon ask a Member of Congress to introduce a bill for him. It will require discussion at some other time.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

THEODORE SALUS.

The next business on the Private Calendar was the bill (H. R. 13938) for the relief of Theodore Salus.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theodore Salus, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 for the loss of his eyes and other physical injuries received by him in an explosion at Agana, island of Guam, on February 12, 1906, while he was in the employ of the Government of the United States and in the discharge of his duties as a foreman of labor at the town of Agana, island of Guam, as aforesaid.

With the following committee amendment:

Line 6, strike out the word "five" and insert in lieu thereof the word "three."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY E. QUINN.

The next business on the Private Calendar was the bill (H. R. 644) for the relief of Mary E. Quinn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary E. Quinn, whose husband, James H. Quinn, was fatally injured by an accident at the Watertown Arsenal, Watertown, Mass., on July 10, 1905, out of the Treasury of the United States, from any money not otherwise appropriated, the sum of $5,000.

With the following committee amendments:

Line 7, strike out the word "five" and insert the word "three."

Line 9, strike out the words "five thousand" and insert the words "one thousand five hundred."

The SPEAKER pro tempore. Is there objection.

Mr. MANN. Mr. Speaker, reserving the right to object, the committee, I see, reports an amendment to strike out $5,000 and insert in lieu thereof $1,500. I shall take my chances on that amendment being agreed to in the absence of my genial friend from Tennessee [Mr. AUSTIN].

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN JOHNSON.

The next business on the Private Calendar was the bill (H. R. 14333) for the relief of John Johnson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Johnson, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, which sum is hereby appropriated, for permanent injuries sustained by said John Johnson at White Shoals Government Light Station, Lake Michigan, first district, on June 29, 1909.

With the following committee amendment:

Line 6, strike out the word "five" and insert in lieu thereof the word "one."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 9, strike out the words "first district," and in line 8 strike out the word "Government."

The SPEAKER pro tempore. The question is on agreeing to the amendments offered by the gentleman from Illinois.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK WENZEL.

The next business on the Private Calendar was the bill (H. R. 16621) for the indemnification of Frank Wenzel.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Frank Wenzel, former employee of the Treasury Department, the sum of $5,000, to indemnify him for permanent personal injuries received by him December 6, 1895, by reason of the defective condition and management of the passenger elevator in the Government building in the city of Toledo, county of Lucas, and State of Ohio.

With the following committee amendment:

Lines 6 and 7, strike out the words "five thousand" and insert in lieu thereof the words "seven hundred and fifty."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I ask to have the spelling of the word "Toledo," in line 11, corrected.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, correct the spelling of the word "Toledo."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

H. C. OWENS.

The next business on the Private Calendar was the bill (H. R. 22863) for the relief of H. C. Owens.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $10,000, for the benefit of H. C. Owens, who lost his eye as the result of injuries received on the 30th day of April, 1908, by being struck by the arm of a steam shovel on a train of the Isthmian Canal Commission, at San Pablo Cabin, belonging to the United States and being operated on the Panama Railroad at San Pablo Cabin, in the Canal Zone, be hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be paid to H. C. Owens by the Secretary of the Treasury immediately upon the approval of this act.

With the following committee amendment:

Line 3, strike out the words "ten thousand" and insert in lieu thereof the words "two thousand five hundred."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask a question. The general law on this subject became a law on May 30, 1908. This man was injured on April 30, 1908, which is 30 days before the general law took effect. If he had been injured 31 days after he was he would have received compensation under the general law. Is the gentleman prepared to say how much that would be?

Mr. WILLIS. Mr. Speaker, I am not prepared to say exactly how much it would be. I presume it would be a year's pay, whatever that would be. I do not know what the pay per month was.

Mr. MANN. I will ask the gentleman whether, irrespective of this case, he believes it ought to be the policy of the Government, when it passes a law beneficent in its purpose and a man could secure compensation under that, to pay him twice as much because the accident happened just before the law took effect?

Mr. WILLIS. Mr. Speaker, in response to that I want to say that it is doubtful in my mind whether this man would have been entitled to compensation even though he had been injured, as the gentleman from Illinois suggests, 31 days later, because the circumstances of this case are peculiar. This man was in the employ of the Panama Railroad. He was injured not through any fault of any employee of the Panama Railroad, so he has no relief as against the railroad company. He was injured through the negligence of certain people in the employ of the Isthmian Canal Commission.

Mr. MANN. The railroad can pay him. The claim is, however, that he was injured by the Government.

Mr. WILLIS. He was injured by the employees of the Isthmian Canal Commission. This man has entirely lost his sight. He was a conductor, a railroad man, before he went on the Isthmus, and since coming back has been unable, of course, to secure employment in that work. He is totally and permanently disabled for that kind of work. It seems to me, in view of that, that the allowance made by the committee of $2,500 for the total loss of sight is not unreasonable.

Mr. MANN. The gentleman can go out here to various institutions and find many people who are totally disabled. He can find plenty of people in the District of Columbia who are totally disabled as far as eyesight is concerned, and yet I have not heard that that was a reason why the Government should make appropriations in order to pay them. There is no pretense in this case, I can see, that anybody was negligent in the matter.

Mr. WILLIS. Oh, yes; I think I can show the gentleman——

Mr. MANN. I have been over the record thoroughly.

The SPEAKER pro tempore. Is there objection?

Mr. WILLIS. I hope the gentleman will not object.

The SPEAKER pro tempore. The Chair hears none.

The Clerk reported the committee amendment, as follows:

Page 1, line 3, strike out the words "ten thousand" and insert in lieu thereof the words "two thousand five hundred."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TRANQUILINO LUNA.

The next business on the Private Calendar was the bill (H. R. 19819) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill go over.

WILLIAM F. NORRIS.

The next business on the Private Calendar was the bill (H. R. 3668) for the relief of William F. Norris.

The bill was read.

Mr. MANN. Let the bill go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SLAVO RAMADANOVITCH.

The next business on the Private Calendar was the bill (S. 462) for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased, formerly a Montenegrin subject, the sum of $6,396, recommended by the President in his message to Congress dated July 5, 1909.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I do not think there is very much merit in this bill. It has been recommended by several Secretaries of State; however, I am not going to object.

Mr. POU. I will state to the gentleman that the committee gave this bill very careful consideration, and I do not hesitate to say it is an entirely meritorious bill, so much so that the President of the United States felt constrained to recommend the appropriation of this money in a message, and the committee thinks it will promote the relations between the two countries if the recommendation of the President be followed.

Mr. MANN. I believe this bill is the result of the pernicious, if not the persistent, activities of some of the gentlemen who represent foreign countries here and have little else to do. They got a report from the Secretary of State and got a message from the President. I do not think there is any merit in the bill, but if it tends to promote foreign relations, which I do not think it does, I shall not object.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, just a moment. When was this message from the President sent to Congress?

Mr. POU. In 1900. I will state to the gentleman from Illinois it is perfectly clear——

Mr. MANN. If the gentleman wants to argue the facts, I am perfectly willing to do so, but I have not objected.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

RALPH E. HESS.

The next business on the Private Calendar was the bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ralph E. Hess, of Visalia, Cal., the sum of $150 in compensation for two horses lost while hired by the United States Geological Survey.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, this bill is for the pay of those horses that got away and were never heard of since. They must have been very valuable horses, because I see they got $15 for 30 days' use of them. Does the committee know whether that is the full amount for the two horses?

Mr. MANN. The evidence showed this man hired these from some sort of a relative, and that if he had hired them from somebody else it would have cost a great deal more money. I was wondering why these two horses were figured at $150 in California, when we have just provided $135 for one in Mississippi.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY J. MANNING.

The next business on the Private Calendar was the bill (H. R. 7672) for the relief of Mary J. Manning.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary J. Manning the sum of $334.40, being the amount of money paid by J. H. Mitchell as surety on the bail bond of one Thad Manning, which money was paid under a mistake of fact, the said Thad Manning being dead at the date for which judgment was rendered against his said surety, the said money having been collected by said J. H. Mitchell from said Mary J. Manning, the widow of said Thad Manning, by the sale of certain of her property, which had been conveyed by mortgage for the purpose of indemnifying the said surety, J. H. Mitchell.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM B. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 21760) for the relief of the estate of William B. Taylor.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

SAMUEL BUTTER & CO.

The next business on the Private Calendar was the bill (H. R. 20511) for the relief of Samuel Butter & Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next bill.

ROBERT F. SCOTT.

The next business on the Private Calendar was the bill (H. R. 17355) for the relief of Robert F. Scott.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let the bill go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next bill.

HEIRS OF VICTIMS OF FORT LAFAYETTE EXPLOSION.

The next business on the Private Calendar was the bill (H. R. 15594) for the relief of the heirs of those killed in the explosion at Fort Lafayette, February 19, 1903.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs and legal representatives of those who were killed in the employ of the United States in the discharge of their duties on the 19th day of February, 1903, at Fort Lafayette, in the harbor of New York, by the explosion of an 8-inch shell, the respective sums hereinafter stated, being a sum equal to one year's pay, or a part thereof, at the rate of compensation paid the injured employee at the time of his injury, the same being in full, and the receipt of the same being taken and accepted in each case as full and final release and discharge of the respective claims, namely:

To pay $895.20 to the heirs or legal representatives of William Van Gurp.

To pay $895.20 to the heirs or legal representatives of Gustav Doser.

To pay $895 to the heirs or legal representatives of John Mason.

To pay $895.20 to the heirs or legal representatives of Frederick Munder.

To pay $730 to the heirs or legal representatives of James Clancey.

To pay $1,209.60 to the heirs or legal representatives of John Rother: *Provided*, That where the deceased left a widow and children the widow shall receive one-half, and the children shall share alike.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask some gentleman in reference to this bill. It just provides for the payment of money to the heirs and legal representatives of those who were killed. That is general language. If the legal representatives are heirs, that possibly could be done, but I do not see how it could be. Then, when it gets over in the bill farther it names the amounts and provides that the money shall be paid to the heirs of the legal representatives. A legal representative should be the administrator. If this is paid to the legal representatives, it may be applied in the payment of a debt——

Mr. CANNON. Ought not "legal representatives" be stricken out all through?

Mr. MANN. I am calling this to the attention of the House in the hope that whoever is interested in the bill before it gets through and is made a law will have it fixed so that somebody can have the money. I do not think the department will be entitled to determine.

Mr. CANNON. Will the gentleman yield? Have we ever appropriated in these injury cases to pay the debts of the party?

Mr. MANN. We never have attempted to do that. I guess it would be as well to strike out "legal representatives" and do it the other way.

Mr. GREEN of Iowa. There would be no objection to that as far as that is concerned.

Mr. MANN. I move to strike out, on page 1, line 5, the words "and legal representatives."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, lines 5 and 6, by striking out the words "and legal representatives."

The amendment was agreed to.

Mr. MANN. Then I move to strike out, on page 2, wherever they occur, the words "or legal representatives."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 2 strike out wherever they occur the words "or legal representatives."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLAIMS OF SETTLERS, SHERMAN COUNTY, OREG.

The next business on the Private Calendar was the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask to have that go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

HEIRS OF WILLIAM HANNUM.

The next business on the Private Calendar was the bill (H. R. 14748) to refund certain taxes paid by the heirs of William Hannum, deceased.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. This is one of the bills of the kind that we had up a while ago. There is no use in reading it.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] objects.

BOLOGNESI, HARTFIELD & CO.

The next business on the Private Calendar was the bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I think that should go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

J. KENNARD & SONS CARPET CO.

The next business on the Private Calendar was the bill (S. 4007) for the relief of the J. Kennard & Sons Carpet Co.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. POU. Mr. Speaker, I ask that that be passed over.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. POU] objects.

JOHN T. HAINES.

The next business on the Private Calendar was the bill (S. 4778) to correct the military record of John T. Haines.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let that go over, too.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

LEGAL HEIRS OF A. G. STRAIN.

The next business on the Private Calendar was the bill (S. 2427) for the relief of the legal heirs of A. G. Strain.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, authorized to relinquish to the legal heirs of A. G. Strain, by proper deed of conveyance, all title which the said A. G. Strain had vested in the United States Government to the following-described lands: North half northeast quarter and north half northwest quarter, section 22, township 4 north, range 15 west, San Bernardino meridian, in the county of Los Angeles, State of California: *Provided*, That the said heirs of A. G. Strain make satisfactory proof of such conveyance to the United States of said land by the submission of an abstract of title, together with the deed of conveyance to the United States of the same, which said deed and abstract or abstracts shall be retained in the files of the General Land Office.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

H. C. HODGES, H. A. POWELL, JOHN SMITH, AND JOSEPH RIDLEY.

The next business on the Private Calendar was the bill (H. R. 20692) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

H. J. RANDOLPH HEMMING.

The next business on the Private Calendar was the bill (H. R. 21526) for the relief of H. J. Randolph Hemming.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask to have that go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

ELLEN M. STONE.

The next business on the Private Calendar was the bill (H. R. 2461) to provide for the repayment of the ransom of Ellen M. Stone.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I ask to have that passed over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

Mr. SHARP. Mr. Speaker, may I ask the gentleman to withhold his objection for a moment?

Mr. MANN. For the purpose of making a speech on the bill?

Mr. SHARP. Just a moment, in which to make an explanation.

Mr. MANN. Well, that might require me to make a speech of 15 or 20 minutes.

Mr. GREEN of Iowa. Mr. Speaker, I would like to state that the bill has been drawn on the wrong supposition as to the parties. It will have to be remodeled anyway.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MANN] withhold his objection?

Mr. MANN. I do not.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

GEORGE P. HEARD.

The next business on the Private Calendar was the bill (H. R. 23080) for the relief of George P. Heard.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I ask, Mr. Speaker, that that go over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

JOHN J. TROXELL.

The next business on the Private Calendar was the bill (H. R. 5135) to correct the military record of John J. Troxell.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, usually these bills recently have given a man a pensionable status. This proposes to revoke an order which dismissed him. The fact is, the man got into a row with Gen. McCook.

Mr. GARNER. Some one has suggested that the President has vetoed a number of bills of this character.

Mr. FOSTER. He has vetoed bills where it changed the record. I have never known the President to sign a bill where it changes the record in the War Department. This provides for giving this man an honorable discharge, which he has not now.

Mr. PEPPER. It is not a case of desertion, and it is the desertion cases that have been vetoed.

Mr. FOSTER. I remember distinctly that I had a bill that passed the House twice without opposition, went through the Senate, and went to both Presidents that we have had within the last few years, and they both vetoed the bill.

Mr. WILLIS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. WILLIS. The bill is in the form which I understand would meet the objections raised to the other bill. What the gentleman refers to is the objection which the Chief Executive had to attempting to falsify the record of the War Department. There is no attempt to change the record here.

Mr. MANN. Why not? It says that the order is revoked and set aside.

Mr. WILLIS. The record still stands there.

Mr. MANN. This purports to set aside the record.

Mr. GARNER. Let me ask the gentleman. The object, I suppose, is to get this man a pensionable status?

Mr. WILLIS. Certainly.

Mr. GARNER. Then why not put it in the form used recently to remove the impediment for securing a pension?

Mr. MANN. I think this bill had better go over, and I object.

GASTON LEE HOLMES.

The next business on the Private Calendar was the bill (H. R. 14607) authorizing the President to reinstate Gaston Lee Holmes as a midshipman in the United States Naval Academy.

Mr. MANN. Let that bill go over.

JOHN W. WEST.

The next business on the Private Calendar was the bill (H. R. 6544) for the relief of the heirs of John W. West, deceased.

Mr. BURKE of South Dakota. Let that bill go over.

LUTHER BURBANK.

The next business on the Private Calendar was the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank, under certain conditions.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be set aside for a period of five years such portions of the unappropriated, nonmineral, and nonirrigable unreserved lands situated in California, New Mexico, Arizona, and Nevada as Luther Burbank, of Santa Rosa, Cal., may select, not to exceed 12 sections in all, and the right to enter the same and propagate the spineless cacti thereon, erecting all necessary improvements, and clearing and tilling the soil thereof, be granted the said Luther Burbank, his heirs, and successors in interest.

SEC. 2. That the Secretary of the Interior be directed to issue patent from the United States to the said Luther Burbank, his heirs, or successors in interest, for all or any legal subdivision of the said lands so set aside upon the payment of $1.25 per acre, or $2.50 per acre if the same be reserved sections within any railroad grant, as purchase price, provided said payment is made within the said five years: *Provided*, That no patent shall issue until the said Luther Burbank or his heirs or successors in interest shall have had at least 100,000 growing plants of spineless cacti of a character suitable for animal food upon said lands or some part thereof for the period of two years: *Provided further*, That the land selected shall be approved by the Secretary of the Interior, and that the Commissioner of the General Land Office shall certify as to the semiarid, nonmineral, nonirrigable, and unsuitable character of the said lands for agricultural purposes under present methods of agriculture before the same shall be set aside as herein provided, and that said certificate shall be conclusive as to the character of said lands.

The Clerk read the following committee amendments:

On page 1, line 4, after the word "unappropriated," add a comma.

On the same line, after the word "nonmineral," strike out the word "and" and insert "nontimber." On the same line, after the word "nonirrigable," insert the word "and."

On page 1, line 5, before the word "land," insert the word "public."

On page 1, line 13, strike out the words "from the United States."

On page 2, at the end of line 10, after the word "years" and before the colon, insert the following: "and until it has been shown to the satisfaction of the Secretary of the Interior that the lands to be patented are suitable for the growth of spineless cacti valuable for domestic animal food."

On page 2, in line 12, strike out the words "and that" after the word "Interior" and insert the word "when."

On page 2, in line 13, strike out the words "as to the" before the word "semiarid" and insert the following words: "to the Secretary of the Interior is."

On page 2, line 14, after the word "nonirrigable," insert the words "nontimbered, unreserved," and strike out the words "the character of said land" in lines 14 and 15.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

E. ROSENWALD & BRO.

The next business on the Private Calendar was the bill (H. R. 20124) for the relief of E. Rosenwald & Bro.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to E. Rosenwald & Bro. the sum of $4,922.85, which sum is hereby appropriated, being the amount of money unlawfully collected from said E. Rosenwald & Bro. upon an entry covering 186 bales of unstemmed wrapper tobacco, made upon June 1, 1909, and liquidated upon October 4, 1909.

Such liquidation was unlawfully made and said duty unlawfully levied, assessed, and collected upon 2,660.51 pounds of tobacco more than the actual amount of said entry upon proper allowance for tare.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MEETING OF THE HOUSE NEXT WEEK.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that when the House adjourns on Monday next it adjourn to meet on Thursday, June 27, and that when it adjourns on Thursday, June 27, it adjourn to meet on Monday, July 1.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns on Monday next it be to meet on Thursday, June 27, and that when it adjourns on Thursday, June 27, it be to meet on Monday, July 1. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, can we have an understanding among those who are here that the House after Monday next until the following Monday will transact no business whatever except the reading of the Journal?

Mr. UNDERWOOD. And the motion to adjourn. That is the purpose. My purpose is if this is agreed to, to do that, except that on Monday next we will transact such business that may come up.

Mr. MANN. Monday is District day, and if they have any business we can transact that. Otherwise I guess we will have no business.

Mr. CANNON. Mr. Speaker, I want to suggest to the gentleman from Alabama that under this order we will adjourn from Thursday next until the day the new fiscal year begins. Public service will stop unless some provision is made for it. It seems to me, as there is to be a practical adjournment during that time there ought to be a resolution extending the appropriations, as is usual in such case, for 15 or 30 days, as the case may be, or until further order.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Illinois that as far as the House is concerned the appropriation bills are in the Senate, and the House, I think, could have disposed of the appropriation bills before the 1st day of July if the Senate had acted upon them, but the Senate has already agreed not to transact any business whatever until the 1st day of July. Therefore, if we send a resolution of the kind referred to to extend appropriations for the next fiscal year it would accomplish no result.

Mr. CANNON. Had we not better throw the responsibility on the Senate?

Mr. MANN. I would suggest to my colleague that if they desire to do that, of course, it could be done to-morrow or upon Monday.

Mr. UNDERWOOD. Yes; there is an opportunity to do so, but I do not see that anything will be accomplished by it as the Senate has already agreed to transact no business.

Mr. CANNON. It is perfectly patent that without violating the law all along the line, with the exception of here and there a permanent appropriation and with certain exceptions touching the Army and Navy, that the public service will stop unless, as I say, everybody is guilty of serious infraction of the law.

Mr. GARNER. But the point the gentleman suggests is that the Senate has agreed by unanimous consent to transact no business until the 1st day of July. A resolution of the character suggested by the gentleman from Illinois could not meet with any action on the part of the Senate under that unanimous-consent agreement. Therefore, it would be useless for us to pass that kind of a resolution at this time.

Mr. CANNON. It seems to me that the resolution ought to pass. In other words, all public business stops on the 1st day of July unless an appropriation is made to continue it.

Mr. GARNER. But the Senate will meet on the 1st day of July and the House will meet on the 1st day of July. A resolution of that kind could be passed through each of them on that day, if it was deemed advisable.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Mr. Speaker, I suppose the gentleman intends to move to adjourn after that request is agreed to?

Mr. UNDERWOOD. There is a unanimous-consent request over on this side, and I wish to also ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock, so as to accommodate certain gentlemen who have some very important business to be transacted later in the afternoon.

Mr. MANN. The business in order to-morrow ought not to take very long, and I do not see any necessity for meeting before 12 o'clock.

Mr. CANNON. Oh, we will be away from here by 4 o'clock.

Mr. UNDERWOOD. I will ask the Chair to submit my request.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns on Monday next it adjourn to meet on the following Thursday, and that when it adjourns on that day, the 27th, it adjourn to meet the following Monday, July 1. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. I would now like to see if I can agree with the gentleman from Illinois about meeting to-morrow morning. There is yet about a page and a half of this Private Calendar.

Mr. MANN. But that is not in order to-morrow.

Mr. UNDERWOOD. Oh, yes; it is in order under the rule.

Mr. MANN. No; pension business is in order to-morrow.

Mr. UNDERWOOD. If the pension bills are disposed of, then this would be in order.

Mr. MANN. I do not think so.

Mr. UNDERWOOD. I remember very clearly the request I made that this matter should be in order, not to interfere with pension bills, on any day this week.

Mr. MANN. It is not material. I do not expect we shall spend very much time on the Private Calendar to-morrow outside of pension bills. We will have plenty of time to go through the Private Calendar before we adjourn and dispose of these matters.

Mr. SIMS. Mr. Speaker, I have a resolution, which I am very anxious to have passed, to send certain matters to the Court of Claims.

Mr. MANN. There is no hurry about that. That does not have to pass the Senate.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when we adjourn to-day we adjourn to meet to-morrow at 11 o'clock.

Mr. MANN. Mr. Speaker, we met this morning at 10 o'clock. I object.

OLMSTEAD LANDS, NORTH CAROLINA.

The SPEAKER pro tempore laid before the House the bill (H. R. 20738) for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture, with a Senate amendment thereto.

The Clerk read the Senate amendment.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the Senate amendment be agreed to.

The SPEAKER pro tempore. Is there objection? [After a pause]. The Chair hears none, and it is so ordered.

ALEXANDER HAMILTON STEPHENS.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. WILLIAM G. BRANTLEY, of Georgia, on the occasion of the unveiling of a tablet to the memory of Alexander Hamilton Stephens, of Georgia, by the Confederate Memorial Literary Society in Richmond, Va., May 22, 1912.

The SPEAKER pro tempore. Is there objection to the request? [After a pause]. The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17681. An act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23765. An act granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy

and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors;

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 101. Joint resolution to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution;

S. 3203. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.; and

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned to meet to-morrow, Saturday, June 22, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 917), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOUSTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 21594) to appoint a commission to consider and report upon the general subject of the treatment of juvenile and first offenders, together with the best system of detention of Federal prisoners, reported the same with amendment, accompanied by a report (No. 919), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution (H. Res. 577) to investigate certain coal companies doing business in Two Harbors, Minn., reported the same without amendment, accompanied by a report (No. 918), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PRAY: A bill (H. R. 25470) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: A bill (H. R. 25471) to provide for the construction of a public building at Anoka, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: A bill (H. R. 25472) to amend section 801 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. KINKAID of Nebraska (by request): A bill (H. R. 25473) to provide small farm homes for worthy citizens of the United States; to the Committee on Rules.

By Mr. CARTER: A bill (H. R. 25474) to provide for the holding of two regular terms of the United States District Court for the Eastern District of the State of Oklahoma at Hugo, Okla.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 25475) granting a pension to Ariadne Leak Andrews; to the Committee on Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 25476) granting a pension to George L. Mickle; to the Committee on Pensions.

Also, a bill (H. R. 25477) to remove the charge of desertion and grant an honorable discharge to James Kane; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 25478) granting a pension to Jane Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25479) granting a pension to Hannah Norwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25480) to correct the military record of James H. Thompson; to the Committee on Military Affairs.

By Mr. BATHRICK: A bill (H. R. 25481) granting an increase of pension to Francis J. Truesdell; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25482) granting a pension to George A. Loughery; to the Committee on Pensions.

Also, a bill (H. R. 25483) for the relief of the heirs of Alexander Stalnaker; to the Committee on War Claims.

Also, a bill (H. R. 25484) for the relief of the heirs of Bryson Hamilton; to the Committee on War Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 25485) granting an increase of pension to J. W. Linsley; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25486) granting an increase of pension to Francis M. King; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 25487) granting a pension to James W. Scott; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 25488) for the relief of heirs or estate of Wilson W. Whitaker, deceased; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25489) for the relief of Daniel O'Riley; to the Committee on War Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 25490) granting a pension to George Uhl; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 25491) granting an increase of pension to Harriet G. Sangster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25492) granting an increase of pension to Samuel S. Jones; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 25493) granting an increase of pension to Nancy E. Hutcheson; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 25494) granting an increase of pension to William R. Clark; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25495) granting an increase of pension to Joseph Phillips; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 25496) granting a pension to Mary White; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 25497) granting an increase of pension to James Wilkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Polish societies of the States of Indiana, Illinois, Ohio, New Jersey, Michigan, and Arkansas, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Polish Society No. 532, of Oswego, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of societies of the Polish Roman Catholic Union of America of the States of Michigan, Indiana, Illinois, Kansas, and New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ALLEN: Memorial of Episcopal Church Club, of Cincinnati, Ohio, favoring passage of bill for relief of Alaskan natives; to the Committee on the Territories.

Also, memorial of Order of Independent Americans, of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of Pennsylvania Civil Service Reform Association, against passage of provision of section 5

in House bill 24023, relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. BARNHART: Memorial of St. Urban Society, No. 399, of Otis, Ind., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BROWN: Papers to accompany a bill for the relief of the heirs of Bryson Hamilton; to the Committee on War Claims.

Also, papers to accompany bill for the relief of the heirs of Alexander Stolmaker; to the Committee on War Claims.

By Mr. CANNON: Memorial of Polish-American citizens of Chicago, Ill., and Polish National Alliance of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of Carl Brewer and 6 others, of Onarga; A. Sutton and 5 others, of St. Anne; W. Smith & Son and 10 others, of Milford; Wilson & West and 2 others, of Martinton; George Camps and 6 others, of Minooka; Arnold Harken Co. and 5 others, of Peotone; F. M. Wright Co. and 8 others, of Manteno; Hennessy & Spies and 8 others, of Chebanse; M. R. Meents & Sons and 14 others, of Clifton; O. L. Calkins and 9 others, of Momence; Trobaugh, Kraft & Wright and 1 other, of Gilman; Sterrenberg & Voigt and 2 others, of Crescent City; and Volberding Shoe Co. and 11 others, of Watseka, all in the State of Illinois, protesting against the enactment of proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Memorial of Pennsylvania Civil Service Reform Association, against passage of section 5 of House bill 24023, relative to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. DANIEL A. DRISCOLL: Petition of United Spanish War Veterans of New York City, favoring passage of House bill 17470, providing pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of Queen Hedwig Society, No. 393, of Buffalo, N. Y., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Chamber of Commerce of Trenton, N. J., against passage of Senate bill 5458, relating to building bridge over the Delaware River near Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of Order of Railway Conductors of America, Division No. 175, of Memphis, Tenn., against passage of the proposed employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of C. A. Burrows, of Lancaster, Pa., favoring passage of House bill 13114, old-age pension bill; to the Committee on Pensions.

By Mr. GOEKE: Petition of 35 textile workers of Brunswick, Me., favoring passage of the Goeke postal-express bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILL: Memorial of Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to building a bridge across the Delaware River at Trenton; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the United Business Men's Association of Philadelphia, Pa., favoring passage of House bill 9242, relative to pensions for civil-service employees; to the Committee on Reform in Civil Service.

By Mr. HARDWICK: Papers in support of bill (H. R. 24940) granting an increase of pension to Mrs. C. A. Stovall; to the Committee on Pensions.

By Mr. LAFFERTY: Memorial of Pendleton Commercial Association, of Pendleton, Oreg., favoring the opening of the Columbia and Snake Rivers to navigation and the utilization of the machinery used in constructing the Panama Canal for the purpose; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Memorial of citizens of Danbury, Conn., and Bay Ridge, Brooklyn, N. Y., against passage of Senate bill No. 5458, relative to celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. MOORE of Pennsylvania: Memorial of Philadelphia Board of Trade, favoring appointment of a commission for the consideration of the questions involved in the further amendment of the patent law; to the Committee on Patents.

Also, memorial of Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill No. 5458, relative to locating bridge by Pennsylvania Railroad Co. near Trenton; to the Committee on Interstate and Foreign Commerce.

By Mr. REDFIELD: Memorial of Our Lady of Azenstochova Society, No. 259, of Brooklyn, N. Y., and Labor Council of Greater New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of United Garment Workers of America, favoring passage of the seamen's bill No. 22673, relative to safety for crew and passengers on vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. REILLY: Memorial of Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, relative to placing of bridge by Pennsylvania Railroad Co. over the Delaware River near Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Bridgeport, Conn., against passage of the Burton-Littleton bill relative to celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of Wilson & West and 2 others, of Martinton; Arnold Harken Co. and 5 others, of Peotone; George Camps and 6 others of Minooka; F. M. Wright Co. and 8 others, of Manteno; Hennessy & Spies and 8 others, of Chebanse; M. R. Meents & Son and 10 others, of Clifton; L. W. Calkins and 9 others, of Momence; Trobaugh, Kraft & Wright and 1 other, of Gilman; Sterrenberg & Voigt and 2 others, of Crescent City; and Volberding Shoe Co. and 11 others, of Watseka, all in the State of Illinois, praying for the enactment of legislation giving the Interstate Commerce Commission control over express rates and classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition on behalf of 401,658 soldiers and sailors of the Spanish-American War, favoring passage of House bill 17470, for granting pensions to widows and orphans of same; to the Committee on Pensions.

By Mr. SABATH: Memorial of Polish Societies of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SAMUEL W. SMITH: Memorial of Jewish Community of Detroit, Mich., against passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of United Spanish War Veterans of New York City, favoring passage of House bill 17470, relative to pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of Philadelphia Chamber of Commerce, of Philadelphia, Pa., favoring the extension of the merit system to the Consular and Diplomatic Service; to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of Council No. 69, Junior Order United American Mechanics, of North Carolina, and Daughters of Liberty of North Carolina, both favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of Order of Railway Conductors of America, Division No. 175, of Memphis, Tenn., against passage of employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, memorial of Brooklyn Chapter of American Institute of Architects, against the repeal of the Tarnsey Act by the sundry civil bill; to the Committee on Appropriations.

Also, petition of Daughters of Liberty of New York City, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 22, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for that never-failing providence which has shaped and guided the destiny of Thy children from savagery through barbarism to civilization; which in spite of the untoward circumstances of life, in spite of the efforts of men, unwittingly it may have been, to turn back the tide of civilization, it has steadily moved forward, and we most fervently pray that Thou wilt continue to protect, bless, and guide us that Thy kingdom may come and Thy will be done in earth as it is in heaven. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that all private pension bills to be considered to-day on the calendar be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all private pension bills that may be considered to-day shall be considered in the House as in the Committee of the Whole. Is there objection?

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take up the bill S. 6340.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title, as follows:

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Somebody has suggested that the Chair has neglected to put the request of the gentleman from Missouri [Mr. RUSSELL] to consider the bills in the House as in the Committee of the Whole, and therefore the Chair will put the request of the gentleman from Missouri over again.

Mr. RUSSELL. The Speaker was interrupted by the gentleman from Iowa [Mr. GREEN] and has not submitted the proposition.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. RUSSELL]?

Mr. TRIBBLE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri [Mr. RUSSELL] two or three questions. I want to know if the committee has arrived at any policy which they propose to pursue in the future in view of the fact that the President has recently signed a bill making general legislation in regard to pensions? Since that time has the gentleman arrived at any idea as to what course will be pursued in the future in regard to private pension bills?

Mr. RUSSELL. I will state that the committee has taken no official action upon that question. I can state to the gentleman, however, my own feelings about the matter if he would like to have me do so.

Mr. TRIBBLE. I think an expression of yours would be representative as coming from the committee.

Mr. RUSSELL. I will state to the gentleman that since we have passed the general pension bill there will be less demand and less necessity for private pension bills, and personally I do not favor hereafter reporting private bills for those who are beneficiaries under the general law, except in cases where they are helpless from age or disease, so as to need an attendant. That is my personal position. I believe where a man is blind, where he is crippled, or where he is bedfast and needs an attendant, he ought to have more than the amount provided by the general bill, and I shall favor bills of that sort.

And as to widows who are not affected at all by the general bill, if they have meritorious cases according to precedents heretofore adopted by Congress, I do not think that they ought to be prevented from having the same rights that they have had heretofore. That is my own feelings in the matter. [Applause.]

Mr. TRIBBLE. Does the gentleman think that this view, while it has not come formally from the committee, expresses the sentiment of the committee?

Mr. RUSSELL. I have talked with a number of the members of the committee about it, and, without binding anybody, I will say that I believe that will be the policy of the committee in the next Congress.

I want to say, however, that here is a bill that we reported to the House about a month ago, nearly all the items of which were considered by the committee before the general bill was passed, and in a great many cases the beneficiaries at home have been notified that the committee has indorsed and favorably reported their bills. Therefore I think this bill now pending in the House ought, for these reasons, to be passed, regardless of the general bill.

Mr. TRIBBLE. That is all.

Mr. SIMS. Mr. Speaker, for the information of the gentleman from Georgia [Mr. TRIBBLE] I will state that a few days ago I had official notice—that is, I mean by that it was sent by the chairman of the Committee on Invalid Pensions—declining to report a bill which I had before the committee with the proper evidence until an application had first been made under the general law recently passed, and naturally I inferred that that would be the policy pursued by the committee in other cases, inasmuch as that was done in my case.

Mr. TRIBBLE. The gentleman thinks that will be the policy of the committee?

Mr. RUSSELL. Yes, as now constituted.

Mr. SIMS. I know that is the case, so far as my bill is concerned.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. RUSSELL]?

Mr. HOWARD. Mr. Speaker, at this particular time I would like to ask the Chair if it would be in order for me to make a correction in the RECORD?

The SPEAKER. Yes. The Chair will entertain the request. But I would suggest to the gentleman to wait until the Chair puts the other request. That is the way it got knocked out before. Is there objection to the request of the gentleman from Missouri [Mr. RUSSELL] that pension bills that are called up to-day shall be considered in the House as in Committee of the Whole? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will proceed with the reading of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Michael Grace, late of Company A, Thirty-fourth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Andrew J. Laws, late of Company C, Second Regiment Washington Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John T. Peel, late of Company A, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Robert S. Kartho, late of Company E, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry L. Sargent, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rachel T. Beck, widow of William H. Beck, late lieutenant colonel Third Regiment United States Cavalry, and brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Arthur W. S. Maw, late of Company E, Fourteenth Regiment United States Cavalry, and Company I, Fourth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of William H. Sterling, late of Company K, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Lehr, late of Company D, Third Regiment New Jersey Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Willison G. Nowers, late of Capt. Hancock's company of Cavalry, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Winfield S. Gibbs, late of Capt. John Guess's company, Minute Men, Second Regiment Oregon Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Marcellus Moore, late of Capt. Bagby's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 782. Michael Grace.	S. 5341. Arthur W. S. Maw.
S. 2483. Andrew J. Laws.	S. 5388. William H. Sterling.
S. 2833. John T. Peel.	S. 5457. John Lehr.
S. 3687. Robert S. Kartho.	S. 5476. Willson G. Nowers.
S. 3825. Perry L. Sargent.	S. 5940. Winfield S. Gibbs.
S. 4678. Rachel T. Beck.	S. 5656. Marcellus Moore.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read the first committee amendment, as follows:

Amend, page 1, by striking out all of lines 6, 7, and 8.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read the next committee amendment, as follows:

Amend, page 2, by striking out all of lines 12 to 15, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend by striking out all of lines 21 to 24, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 3, line 3, by striking out the word "thirty" and inserting in lieu thereof the word "sixteen."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. RICHARDSON. Mr. Speaker, I now call up the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Martin Markeson, late of Company F, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Rebecca Strouther, dependent mother of Charles Strouther, late of Company G, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Frederick S. Barrows, jr., late of Company K, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Maggie Boutlette, widow of Cyril Boutlette, late scout and guide United States Army, and pay her a pension at the rate of $12 per month.

The name of William H. Hinkel, late of Troop H, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Emison, late of Company L, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William A. Hickok, late of Company D, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of William Quinlivan, late of Troop A, First Regiment United States Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary Meade Sands, widow of James H. Sands, late captain and rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Francis M. Tibbetts, late of Capt. W. W. Chapman's Company I, Second Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William E. Bailey, late of Company A, Tenth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The above bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 550. Martin Markeson.	S. 3601. William A. Hickok.
S. 799. Rebecca Strouther.	S. 5216. William Quinlivan.
S. 2525. Frederick S. Barrows, jr.	S. 5655. Mary Meade Sands.
S. 2850. Maggie Boutlette.	S. 6023. Francis M. Tibbetts.
S. 3304. William H. Hinkel.	S. 6326. William E. Bailey.
S. 3585. William C. Emison.	

The Clerk read the following committee amendments:

On page 2 strike out lines 1, 2, 3, and 4.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend page 2 by striking out lines 5, 6, 7, and 8.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to withdraw that committee amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent to withdraw the committee amendment and let the original text stand. Is there objection?

There was no objection.

The Clerk read the next committee amendment, as follows:

Amend page 2 by striking out lines 10 and 11.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend page 3 by striking out lines 5, 6, 7, and 8.

The amendment was agreed to.

The amended bill was ordered to be read a third time, was read the third time, and passed.

Mr. RICHARDSON. Mr. Speaker, I now call up the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Mr. MANN. Mr. Speaker, that is not a Private Calendar bill.

Mr. RICHARDSON. I ask unanimous consent that that bill be passed over without prejudice.

The SPEAKER. It can not come up. Only bills that are on the Private Calendar can be considered to-day, and not general pension laws.

Mr. RICHARDSON. Mr. Speaker, I now call up the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Alfred Faucher, late of Company F, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Simmons, late of Capt. Swindel's company, Second Regiment Washington Mounted Volunteer Infantry, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John W. Barnes, late of Company H, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thomas Gorman, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Alan P. Wilson, late of Company I, Second Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John H. Mumaw, late of Company I, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Richard Burnside, late of Company C, Thirty-eighth Regiment United States Infantry, and pay him a pension at the rate of $16 per month.

The name of James Petree, late of Capt. W. H. Latshaw's company, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Bertha B. Byrne, widow of Bernard A. Byrne, late lieutenant colonel Fortieth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the minor children of said Bernard A. Byrne until they reach the age of 16 years.

The name of George Berry, late of Company H, First Regiment Montana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Roberson Ford, late of Capts. Kelly and Stafford's company, Oregon Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Allen Tyler, late of Sixteenth Battery United States Field Artillery, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Willoughby Churchill, late of Company D (Capt. M. M. Williams), Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John McCombs, late of Capt. John F. Miller's company, Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anne Jones Banks, widow of William Banks, late of Capt. William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, and pay her a pension at the rate of $8 per month.

The name of Emily Whitman, widow of Luther Whitman, late of Capt. Ortons's company, New York Militia, War of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Frank H. Lasher, late of Company D, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $16 per month.

The name of George A. Wageck, late of Company L, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 345. Alfred Faucher.	S. 4018. George Berry.
S. 892. George W. Simmons.	S. 4132. Roberson Ford.
S. 1368. John W. Barnes.	S. 4503. Allen Tyler.
S. 2157. Thomas Gorman.	S. 4538. Willoughby Churchill.
S. 2711. Alan P. Wilson.	S. 4612. John McCombs.
S. 3137. John H. Mumaw.	S. 4765. Anne Jones Banks.
S. 3270. Richard Burnside.	S. 4814. Emily Whitman.
S. 3683. James Petree.	S. 4875. Frank H. Lasher.
S. 3755. Bertha B. Byrne.	S. 4914. George A. Wageck.

The SPEAKER pro tempore (Mr. JAMES). The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 4, by striking out lines 10, 11, and 12.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Alabama what order he is observing in calling up these bills. Naturally, under the rule they would be called up in the order they stand on the calendar.

Mr. RICHARDSON. I intended to call them up in the order that they appear on the calendar, but in regard to this one I made a mistake.

Mr. MANN. Then the gentleman intends to have them called up in the order that they stand on the calendar?

Mr. RICHARDSON. Yes; but in this case I made a mistake. I am not going to omit a single one.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Alabama that he allow the bills to be called in their order on the calendar. The Chair is of the impression that that is the agreement, and that under the rule they should be called in that way.

Mr. RICHARDSON. Very well.

The next business on the Private Calendar was the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Anna J. Mellstrup, dependent mother of Elmer M. Mellstrup, late ordinary seaman, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Margaret E. Fugatt, widow of Royal S. Fugatt, late of Company G, First Missouri Mounted Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Brown, late of the United States ship Worden, United States Navy, and pay him a pension at the rate of $15 per month.

The name of Sherman A. Cole, late of Company D, Twentieth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of John A. Shannon, late of Company I, Second Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles B. Swinney, late of Company B, Sixth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Theodore W. Swan, late of Company G, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George C. Rimes, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William Ramsey, late of Troop B, United States Mounted Riflemen, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Mercer, as dependent father of Grover C. Mercer, late of United States Navy, and pay him a pension at the rate of $12 per month.

The name of John S. Scheerer, late of the United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wesley J. Banks, late of Company A, First Regiment Indiana Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ronald B. Veach, late of Company A, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Clinton L. Coleman, late of Company L, Tenth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of William M. Hanks, late of Company C, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John G. Morgan, late of Sargent's company, First Regiment Georgia Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lawrence Z. Hoffman, late of Company F, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Rupert Haas, late of Company E, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $6 per month.

The name of Charles Myer, late of Company E, First Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Mandelbaum, late of Troop H, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Elizabeth S. Tinsley, widow of Alfred M. Tinsley, late of Capt. Bennett's company, First Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 3674. Anna Mellstrup.	H. R. 14649. Wesley J. Banks.
H. R. 4201. Margaret E. Fugatt.	H. R. 16323. Ronald B. Veach.
H. R. 4583. John H. Brown.	H. R. 16799. Clinton L. Coleman.
H. R. 7072. Sherman A. Cole.	H. R. 18519. William M. Hanks.
H. R. 8898. John A. Shannon.	H. R. 18814. John G. Morgan.
H. R. 9721. Charles B. Swinney.	H. R. 19713. Lawrence Z. Hoffman.
H. R. 11280. Theodore W. Swan.	H. R. 20634. Rupert Haas.
H. R. 11342. George C. Rimes.	H. R. 20999. Charles Myer.
H. R. 12436. William Ramsey.	H. R. 22228. Jacob Mandelbaum.
H. R. 13813. William H. Mercer.	H. R. 23692. Elizabeth S. Tinsley.
H. R. 13852. John S. Scheerer.	

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Frank Newman, late of Company G, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mathew M. Ledwien, late of Company K, Fifteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Frank E. Lyman, jr., late first lieutenant, Signal Corps, United States Army, and pay him a pension at the rate of $24 per month.

The name of Walter A. Menges, late of the band, Nineteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Eliza T. Henderson, mother of Jesse H. Henderson, late of Company C, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Frank W. Petmecky, late of Capt. G. H. Nelson's company, Texas Volunteers, against Mexican marauders and Indian depredations, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Fetterer, late of Company K, Fourth Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Ira N. Haney, late of Company C, First Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ralph A. Anderson, late of Company L, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Lora Sims, widow of William W. Sims, late of Company H, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of three minor children of the soldier until they, respectively, reach the age of 16 years.

The name of William F. Bauchle, late of the Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sinclair R. Boone, late of Company I, Second Regiment South Carolina Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Bennie C. Longan, late of Company K, Second Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mark E. Cooper, late of Battery E, Second Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 112. Frank Newman.	H. R. 15656. Lora Sims.
H. R. 2651. Mathew M. Ledwien.	H. R. 16117. William F. Bauchle.
H. R. 7169. Frank E. Lyman, jr.	H. R. 18275. Sinclair R. Boone.
H. R. 9809. Walter A. Menges.	H. R. 21435. Bennie C. Longan.
H. R. 12430. Eliza T. Henderson.	H. R. 23297. Mark E. Cooper.
H. R. 13128. Frank W. Petmecky.	H. R. 23300. Isaac Smith.
H. R. 13247. William Fetterer.	H. R. 23301. James M. Roberts.
H. R. 14220. Ira N. Haney.	H. R. 23302. Henry Schwetheim.
H. R. 14276. Ralph A. Anderson.	

Mr. TAGGART. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 4, by adding, after line 14, as a new paragraph the following:

"The name of Sarah Jane Scurlock, formerly the widow of Benjamin Franklin Gordon, late of Capt. Walton's company, First Regiment Missouri Volunteers, under Col. Doniphan, War with Mexico, and pay her a pension at the rate of $30 per month.

Mr. TAGGART. Mr. Speaker, in behalf of this amendment I have no criticism whatsoever to offer of the action of the committee. I simply wish to say that the claim has been unfavorably considered by the committee, for the reason that this widow does not have in law a pensionable status at this time. The records show that the soldier served faithfully in the Mexican War and was honorably discharged, and that the person for whom this pension is asked married that soldier in 1851. The soldier served in the Confederate Army. He entered the Confederate service as a colonel of the First Missouri Confederate Infantry and continued in the service throughout the war, rising to the rank of brigadier general. In 1866, a year after the close of the war, he died. The testimony before the committee is that he died from a disease contracted in the Mexican War. His widow did not have a pensionable status on account of his service in the Confederate Army. There was no relief as against section 4716 of the Revised Statutes, which precluded a Confederate soldier or his widow from receiving a pension, until 1887, when soldiers who served in the Mexican War were relieved from the restrictions that were laid upon them for having served afterwards in the Confederate Army.

During the period from 1866 until 1873 this widow would have been entitled to a pension at the rate of $8 per month, on account of the death of her husband, because of his service in the Mexican War, if he had not served in the Confederate Army. It has been the policy of Congress to remove these restrictions upon Confederate soldiers and their widows. In 1877 this restriction was modified and again modified later, and just the other day all restrictions were removed from soldiers or their widows on account of the prior service of the soldier in the Confederate Army.

This is a singularly meritorious case. Ample proof is before the committee that this woman was born in 1829; that she has now attained the age of 83 years; that her husband served faithfully in the Mexican War. She remarried in 1873, and in 1880 on account of family difficulties, on account of her children and on account of her husband being utterly unworthy, as the record shows, she secured a legal separation from him. I therefore ask that this amendment be agreed to, not, as I say, in any spirit of criticism of the committee, because I believe the committee has worked faithfully and has observed its rules, but because the rules of the committee are too strict.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to proceed for one minute longer.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TAGGART. Mr. Speaker, I simply wish to say that this is one of the cases that is meritorious, and I ask that the committee accept this amendment and that the House agree to it.

Mr. RICHARDSON. Mr. Speaker, I will say to the gentleman from Kansas that I took the liberty of inclosing to him the rules governing our committee, and I have no doubt that he received and read them. Rule VIII requires that consideration be not given to any bill proposing to restore to the roll the name of a widow whose pension was forfeited by remarriage unless she was the wife of the soldier or sailor during his service. While it is true that this rule is not applicable to this case, it is governed by the same principle, for she was not his wife until after his service. The fact is that at the time the widow made the application for a pension, or afterwards, she was the widow of another and different man. She had remarried and did not at all have a pensionable status and, according to the rule as properly construed, we could not allow her pension.

Mr. TAGGART. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. The gentleman from Kansas does not deny that she remarried and had separated from her last husband, and at the time she made the application for a pension her former husband, whom the gentleman says had been in the Confederate Army, had been dead for many years. She had no pensionable status at all. The committee unanimously, under these circumstances, refused to allow the pension.

Mr. TAGGART. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Certainly.

Mr. TAGGART. Does the gentleman insist on applying that part of the rules about a widow of a Mexican soldier which provides that she could not be placed on the pension roll unless she was married to the soldier at the time of the Mexican War?

Mr. RICHARDSON. That is the rule and that is the law.

Mr. TAGGART. Does not that rule become absurd because of lapse of time, inasmuch as it is nearly 70 years since that war began? The widow would necessarily be in the neighborhood of 100 years of age in order to have that rule apply.

Mr. RICHARDSON. But this widow did exactly what the rules provide should not be done in order to secure a pension——

Mr. TAGGART. Did she not save the Government of the United States the amount of a pension of $8 a month during the whole interim?

Mr. RICHARDSON. And we very reluctantly declined to grant the pension.

Mr. TAGGART. It surely is not the desire of the gentleman's committee to punish her for having practiced economy in behalf of the Government.

Mr. RICHARDSON. Mr. Speaker, I must object to the amendment.

Mr. MANN. Mr. Speaker, we pass in the course of a session of Congress several thousand pension bills, considering each item as a different bill, although the custom is now to pass them in the form of omnibus bills. It never has been the custom in the House to pass pension bills without their having been considered by a committee. The gentleman's amendment is practically to pass a pension bill without a report from the committee. I am unwilling that a precedent of that sort should be set in the House without at least a considerable membership of the House being present at the time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. TAGGART) there were—ayes 6, noes 18.

So the amendment was rejected.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 24796) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Joseph W. Wightman, late fireman, second class, of the United States Navy, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Jesse B. Haptonstall, late of Capt. Williams's company, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George E. Matthews, late of Company L, Seventh Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lemuel E. Whitsitt, late of Company E, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Delia Johnson, widow of Willis Johnson, late of Battery B, Second Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Louis G. Murray, late of Battery D, Fourth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Cornell, alias Robert Conners, late of Company B, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 6019. Joseph W. Wightman.	H. R. 18532. Delia Johnson.
H. R. 7230. Jesse B. Haptonstall.	H. R. 22387. Louis G. Murray.
H. R. 13520. George E. Matthews.	H. R. 23484. Robert Cornell, alias Robert Conners.
H. R. 18350. Lemuel E. Whitsitt.	

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 24966) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Pryor G. Guseman, late of Company H, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth L. Bayless, widow of James M. Bayless, late of Troop E, Eighth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month, with an additional allowance of $2 per month on account of each of four minor children of the soldier until they, respectively, reach the age of 16 years.

The name of Ann Livingston, dependent mother of Robert E. Livingston, late of Company K, Thirty-second Regiment Michigan Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of James W. Fisher, late of Company H, Eighth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of John H. Brogan, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Virginia L. Duplan, widow of Melchior Long Duplan, late of Battery C, Third Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 193. Pryor G. Guseman.	H. R. 14436. James W. Fisher.
H. R. 6978. Elizabeth L. Bayless.	H. R. 17089. John H. Brogan.
H. R. 13745. Ann Livingston.	H. R. 19011. Virginia L. Duplan.

Mr. MANN. What has become of the invalid pension bills?

The SPEAKER pro tempore. The Chair is informed by the Clerk that they have been waiting for the gentleman from Alabama to conclude, and then the gentleman from Missouri [Mr. RUSSELL] is going to call those bills up.

Mr. MANN. I am perfectly willing that should be done by consent of the House, but not by private consent. If the gentleman wants to ask unanimous consent to pass over these bills——

Mr. RUSSELL. It was done to accommodate the gentleman from Alabama [Mr. RICHARDSON].

Mr. MANN. Let the gentleman make the request.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent——

Mr. RICHARDSON. I asked that in the beginning. Does the gentleman wish me to ask that for every one?

Mr. RUSSELL. Mr. Speaker, I agreed with the gentleman from Alabama to let him finish his bills, as he is very anxious to get away, having some friends in town, and I ask unanimous consent that bills from the Pensions Committee be first considered, before the bills from the Committee on Invalid Pensions.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that bills reported from the Pensions Committee be first considered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Joseph Morris, late of Company E, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William P. Maudeville, late of the U. S. S. Constellation, Rhode Island, and Wabash, United States Navy, and pay him a pension at the rate of $30 per month.

The name of John A. Connolly, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frederick L. Jones, late of Company B, First Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Ann O. Burt, dependent mother of Andrew J. Burt, late captain Company D, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month.

The name of James A. Bean, late of Capt. Wall's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Ulysses J. Wannemaker, late of Company E, Third Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Cora E. Rottinger, late nurse, Medical Department, United States Volunteers, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Robert H. Parker late of Capt. E. J. Harding's Company A, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Benjamin A. Yates, late regimental quartermaster sergeant Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Leslie Harding, late of Company E, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Philip C. Elbert, late of Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Le Claire H. Evans, late of the U. S. S. Nipsic, United States Navy, and pay him a pension at the rate of $10 per month.

The name of Libbins W. Davis, late of Company H, Thirty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Joseph L. Cooper, late of Company E, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James Tompach, late of Company B, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anderson Wright, late of Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Thomas Roy, late of Company A, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jennings J. Pierce, late second lieutenant Company I, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Joseph P. Sullivan, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Lillie Bauskett, late nurse, Medical Department, United States Volunteers, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Albert W. Kelley, late of Company M, Fourteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Andrew L. Weatherford, late of Company L, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gomecindo Sallas, late of Captain Mickler's independent company, Florida Mounted Volunteers Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Roscoe C. Tartar, late of Sixty-seventh Company United States Coast Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Paul Lemm, late of Company L, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Knight, late of Battery F, Fourth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Otto Paulson, late of Company I, First Regiment North Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sarah F. Maynard, widow of Edward T. Maynard, late of Company E, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Tivis C. Simmons, late of Company E, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Florence H. Ridgway, widow of Everett S. Ridgway, late of Hospital Corps, United States Army, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Catharine Huber, widow of William Huber, late of Troop B, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of John K. Jamieson, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Emily J. Chambers, widow of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, and pay her a pension at the rate of $12 per month.

The name of Chauncey S. Pratt, late of Company G, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of John Mooney, late of Company H, Twelfth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Benjamin F. Downen, late of Capt. William Martin's Company A, Second Brigade California Mounted Militia, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Martin J. Tunney, late of Troop M, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lydia Blanke, widow of Casper Blanke, late of Company C, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Susie C. Hellner, widow of Lewis C. Hellner, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Samuel H. Craig, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 56. Joseph Morris.
S. 100. William P. Maudeville.
S. 347. John A. Connolly.
S. 394. Frederick L. Jones.
S. 427. Ann O. Burt.
S. 432. James A. Bean.
S. 440. Ulysses J. Wannemaker.
S. 516. Cora E. Rottinger.
S. 565. Robert H. Parker.
S. 757. Benjamin A. Yates.
S. 794. Leslie Harding.
S. 840. Philip C. Elbert.
S. 842. Le Claire H. Evans.
S. 1136. Libbins W. Davis.
S. 1480. Joseph L. Cooper.
S. 1481. James Tompach.
S. 1624. Anderson Wright.
S. 2074. Thomas Roy.
S. 2416. Jennings J. Pierce.
S. 2476. Joseph P. Sullivan.
S. 2535. Mary Lillie Bauskett.
S. 2557. Albert W. Kelley.
S. 2616. Andrew L. Weatherford.
S. 3029. Gomecindo Sallas.
S. 3188. Roscoe C. Tartar.
S. 3210. Paul Lemm.
S. 3383. Andrew Knight.
S. 3580. Otto Paulson.
S. 3659. Sarah F. Maynard.
S. 3715. Tivis C. Simmons.
S. 4583. Florence H. Ridgway.
S. 5815. Catharine Huber.
S. 6048. John K. Jamieson.
S. 6117. Emily J. Chambers.
S. 6138. Chauncey S. Pratt.
S. 6409. John Mooney.
S. 6437. Benjamin F. Downen.
S. 6607. Martin J. Tunney.
S. 6608. Lydia Blanke.
S. 6667. Susie C. Hellner.
S. 6668. Samuel H. Craig.

The committee amendments were read, as follows:

Amend, page 2, by striking out all of lines 5 to 8, inclusive.
Amend, page 3, by striking out all of lines 9 to 12, inclusive.
Amend, page 4, by striking out all of lines 7 to 10, inclusive.
Amend, page 5, by striking out all of lines 6 to 9, inclusive; 10 to 13, inclusive; and 18 to 21, inclusive.
Amend, page 6, by striking out all of lines 4 to 7, inclusive, and all of lines 12 to 15, inclusive.
Amend, page 7, by striking out all of lines 1 to 5, inclusive, and all of lines 10 to 13, inclusive.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary M. Shambaugh, widow of George W. Shambaugh, late of Company C, Forty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the soldier until they reach the age of 16 years.

The name of Charles Larkin, late of Troop A, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samantha Morrison Flint, daughter of William Morrison, late private in Col. Stephen J. Schuyler's regiment of New York Volunteers in the War of the American Revolution, and pay her a pension at the rate of $25 per month.

The name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier general, United States Army, War with Spain, and pay her a pension at the rate of $50 per month.

The name of Myra Joy, widow of Alfred B. Joy, late of Company D, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the soldier until they reach the age of 16 years.

The name of Elroy R. Cary, late of Company E, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The above bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 7802. Mary M. Shambaugh.
H. R. 8065. Charles Larkin.
H. R. 18135. Samantha Morrison Flint.
H. R. 20532. Ellen Bernard Lee.
H. R. 21806. Myra Joy.
H. R. 23450. Elroy R. Cary.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ANNIE R. SCHLEY.

The next business on the Private Calendar was the bill (S. 4568) granting an increase of pension to Annie R. Schley.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie R. Schley, widow of Winfield S. Schley, late rear admiral, United States Navy, and pay her a pension at the rate of $150 per month in lieu of that she is now receiving.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 2, line 1, by striking out the words "one hundred and."

Mr. MANN. Mr. Speaker, I move a substitute for the committee amendment by striking out "one hundred and fifty" and inserting "seventy-five."

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read as follows:

Amend the committee amendment on page 2 by striking out the words "one hundred and fifty" and inserting the word "seventy-five."

Mr. MANN. Mr. Speaker, the Senate passed this bill at $150 a month. I understand the rule is $50 a month. I think the committee acted properly in recommending only $50 a month. Without argument, as I do not intend to take the time for a discussion, I think that the circumstances justify at least some increase over the ordinary amount, and therefore I have offered the substitute to make it $75 a month.

Mr. RICHARDSON. Mr. Speaker, I am obliged to object to the substitute offered by the gentleman from Illinois [Mr. MANN], because it violates the principle upon which the Pension Committee acted, and I can only say that in view of the fact that the Senate had allowed Mrs. Schley $100 over and above what the Pension Committee of the Senate allowed, which was only $50, and gave its reasons for it, the Pension Committee of the House followed the policy of the Pension Committee of the Senate and placed the amount to Mrs. Schley at $50.

I can say to the House now that within 24 hours after the Senate passed that amendment on the floor of the Senate giving Mrs. Schley $150 there were two very worthy and deserving ladies, the widows of distinguished soldiers, who came to me in person and said, "Well, if that has been done, why can not you and the committee do likewise to us and increase our pension?" And that is the custom. That is what the Senate committee provided for Mrs. Schley, namely, $50, and gave strong and convincing reasons for it. And I hold in my hand a large number of names of widows of distinguished officers of the Civil War and of the Spanish-American War where that proceeding was taken. The amount given is more in the nature of a bonus than strictly a pension, and why it should be departed from on account of one deserving widow rather than another I can not understand. I do not think it is right or proper to make that discrimination or that distinction between those widows of distinguished officers. Therefore our committee unanimously concurred with the Senate committee on that subject and differed with the vote taken on the floor of the Senate giving Mrs. Schley $150 instead of $50. And therefore I think the substitute giving her $75 instead of $150 is a total departure from our rule; and if you can depart from it and give $75 to one, there is just a good excuse and the gate is open to give any amount the House or the committee may please.

Mr. BATHRICK. Will the gentleman yield?

Mr. RICHARDSON. Yes; with pleasure.

Mr. BATHRICK. I desire to know as to this rule which you say has prevailed in the Pension Committee regarding the amount intended to be given to widows under these circumstances——

Mr. RICHARDSON. Also having regard to their financial condition, of course.

Mr. BATHRICK (continuing). Have you taken into consideration the fact that Admiral Schley gave to this country extraordinary service, and the service given to the country by husbands of these other widows have not been so extraordinary?

Mr. RICHARDSON. I will say that I was just as much an admirer as anybody in this country of the grand services rendered by Admiral Schley, of the great victories he won for our country, but that is not the question at all that governs in making our decision in a case like this. There are rules which govern our committee and the Senate committee, and it is our imperative duty to abide by and maintain these rules. Any other course opens wide the field of personal partialities. You can understand very well how the Senate, on the floor, under impulse and excitement and feeling and impassioned oratory, departed from the honored custom. I ask for a vote.

The SPEAKER pro tempore. The question is on the substitute of the gentleman from Illinois, to strike out "fifty" and insert "seventy-five," in line 1, page 2.

The question was taken, and the substitute was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Grant Noble, late of Company D, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward F. Shaughnessy, late of Company B, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Gust Carlson, late of Battery B, Utah Volunteer Light Artillery, War with Spain, and pay him a pension at the rate of $10 per month.

The name of Ira Howell, late of Company A, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Jethro J. T. Garde, late of Company G, Twenty-first Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of William Buck, late of Company H, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $14 per month.

The name of Anna E. R. Webb, widow of Alexander S. Webb, late brigadier general, United States Volunteers, and brevet brigadier general and major general, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Marion Franklin, widow of Samuel R. Franklin, late rear admiral, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 152. Grant Noble.
S. 350. Edward F. Shaughnessy.
S. 428. Gust Carlson.
S. 451. Ira Howell.
S. 4763. Jethro J. T. Garde.
S. 5324. William Buck.
S. 5393. Anna E. R. Webb.
S. 6076. Marion Franklin.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read the first committee amendment, as follows:

Amend, page 2, by striking out all of lines 5 to 7, inclusive.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 2, by striking out all of lines 8 to 11, inclusive.

Mr. RAINEY. Mr. Speaker, I want to be heard with reference to this amendment, which strikes out the name of Ira Howell. I do not question the other two amendments—the one which has been adopted, and the one which remains to be acted upon—but I desire to oppose this amendment.

This young man, Ira Howell, was a Spanish-American soldier and he served a year and a half in the Army, and during nearly all that period of time he was in the Philippine Islands. He was a perfectly sound man when he enlisted and he is pensioned now at the rate of $6 a month for lumbago. He filed his claim in the bureau for a pension on account of rheumatism and malarial poisoning, but the Pension Bureau declined to grant his application on this account upon the theory that he could not trace these disabilities to the service.

The medical records on file in the War Department show that during the time he was a soldier he was treated for various injuries and disabilities contracted in the service—contusion of the right knee and bronchitis and acute diarrhea and acute lumbago; and the last time he was examined they rated him at $6 per month. He is getting $6 per month now. The medical board rated him at $6 for disease of the rectum, which the bureau did not allow.

There is an abundance of evidence on file as to the incurrence of his disabilities while in the service, and I think, from an examination of this Senate report and from the evidence, that this is about as worthy a claim as is embraced in this entire Senate bill. The Senate committee awarded him $12 a month and the House committee has stricken it out, upon what theory I do not know, except that perhaps he could go back to the Pension Bureau and pass another examination and possibly get more.

He has tried that repeatedly, and $6 is all they have awarded him. He can trace to the satisfaction of the bureau but one of these injuries back to the service, but the evidence at least tends to show that he contracted them all in the service. He

is a farmer, but he can not work at his calling. He is compelled to do light work to make a living.

I think this committee ought not to recommend this amendment, and I insist that the House should retain the item at the amount fixed by the Senate, namely, $12 a month.

Mr. RICHARDSON. The gentleman from Illinois states that the war records show there was no pensionable disability connected with the soldier's service.

Mr. RAINEY. No; I did not say that. The medical records show that his disabilities were connected with service. He is receiving only $6.

Mr. RICHARDSON. I remember the case, and the committee examined into the case with great care, but we thought that the disability for which he claimed additional pension was not connected with the service. That is the theory of the Pension Committee. The committee demands and requires the disability to be shown to have its origin in the service; otherwise, there is no pensionable status.

Mr. RAINEY. But the Senate Pension Committee, after an equally careful examination, found otherwise, and gave him $12 a month. It is a small matter to give to a Spanish-American War veteran who is suffering from pensionable diseases and disabilities traceable to his service a pension of $12 a month when it is shown that he is incapacitated for pursuing the occupation in which he formerly made his living. It is not much to ask that he should receive $12 a month. I think the gentleman and his committee ought not to insist on the amendment.

Mr. RICHARDSON. The gentleman from Illinois admits that the applicant has been before the Bureau of Pensions and each time his disabilities have been rated at $6. He has been before the bureau several times, and his claims for an increase have been rejected.

Mr. RAINEY. There is no reason at all for the existence of this Pension Committee in this House if they turn down an application for pension simply because it has been rejected by the Pension Bureau.

Mr. RICHARDSON. Oh, I did not say that, and I did not pretend to say it. There is not a pension claim in this bill that has not been rejected by the Pension Bureau on the amount they are claiming.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the amendment was rejected.

The Clerk read the next committee amendment, as follows:

Amend, page 2, by striking out lines 12 and 13.

Mr. FRENCH. Mr. Speaker, I would like to be heard respecting that amendment. The Senate inserted in the bill a provision to pension Jethro J. T. Garde, who enlisted in 1876 and served to September, 1877. He contracted a disease of the eyes, and later, after spending some time in the hospital, was discharged, and the surgeon of the regiment, George M. Sternberg, made the following observation on his condition:

Glaucoma: His vision is very imperfect and is becoming worse every day. Disease contracted since enlistment. Disability one-half. Operation of iridectomy proposed to patient and declined by him.

Following that he was discharged, and he applied for a pension, as the records show, and was rejected by the department because "a ratable degree of disability had not been shown since the date of filing on account of disease of the eye."

There is evidence shown, supported by affidavits by doctors, that he has suffered from an ailment of the optic nerve of the right eye, and that it is of such a character as to prevent him from performing any continuous labor. He is otherwise in poor health and has the responsibilities of a family resting upon him that makes his condition an exceptional one, and one that ought to appeal to this House.

Among other conditions he has a child in his home who is afflicted with tuberculosis, and that is an additional burden thereby imposed upon him, and it would seem that that should be an argument in favor of granting the small pension that has been recognized by the Senate to this old soldier. He is a man 64 years of age, is deserving in every way, and I submit that the amendment that has been proposed by the committee to the bill of the Senate ought not to prevail.

Mr. RICHARDSON. Mr. Speaker, the Pension Committee could not go outside and consider children under certain circumstances mentioned by the gentleman unless they are properly brought within the jurisdiction of the Pension Committee. My recollection—and it is very hard to recollect all these cases, there are so many brought before the committee—but my recollection is that the last statement made about it, the certificate of the doctors that examined him afterwards and examined him last, found that his vision had improved wonderfully and that he was not suffering at all, and the Pension Committee considered the disability was not connected sufficiently with the service.

Mr. FRENCH. It was shown that he was discharged on account of this disability connected with his eyes.

Mr. RICHARDSON. Yes; but his eyes were well, and his sight was practically restored.

Mr. FRENCH. He was regarded when discharged as one-half disabled, and now he has an ailment of the optic nerve, and he is not able to perform any continuous work. It is a reasonable presumption, a presumption concurred in by the Senate committee, that the condition of the eyes at this time is the result of the condition at the time of the discharge, and is thereby connected with the service.

Mr. RICHARDSON. My recollection about it is that the Pension Committee looked into this, carefully read all the evidence, as it does always in these cases, and they made a report that the disability was not connected with the service; and hence we turned it down, although the Senate had passed it. We have to do that when we consider that the disability is not connected with the service. I have not heard any satisfactory statement made by the gentleman that it is connected with the service.

Mr. MANN. Mr. Speaker, the discussion has been carried on in such a low tone that we on this side do not know what this amendment is or what it is about.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out lines 12, 13, and 14.

Mr. MANN. Is it a committee amendment?

The SPEAKER pro tempore. It is. The question is on the committee amendment.

The question was taken, and the amendment was rejected.

The amended Senate bill was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William H. Eoute, late of Companies H and L, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of Paul Heineman, late cook, third class, of the U. S. S. Charleston, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Jay W. Ducatt, late of Company I, First Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Oliver J. Johnson, late of Company D, Third Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clara G. Stoney, widow of James M. Stoney, late of Company G, Thirty-second Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of one minor child of the soldier until such child shall reach the age of 16 years.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 5176) granting a pension to Elizabeth B. Preston.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Preston, widow of William B. Preston, late captain Company I, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

INDIAN WAR SURVIVORS.

Mr. RICHARDSON. Mr. Speaker, I call up now the bill (H. R. 14053) to increase the pensions of Indian war survivors in certain cases.

The SPEAKER pro tempore. The Chair will suggest to the gentleman that that is a bill which is on the Union Calendar.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to suspend the rules and take up this bill and consider it at this time.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to suspend the rules to take up the bill referred to. Is there objection?

Mr. RUSSELL. Mr. Speaker, I regret that I shall have to object.

Mr. MANN. Is not that bill on the Calendar for Unanimous Consent?

The SPEAKER pro tempore. It is on the Union Calendar.

Mr. MANN. We have a very distinct understanding in the House and the gentleman ought not to press that.

Mr. RICHARDSON. Will not the gentleman permit me to explain the bill?

Mr. MANN. I know what the bill is. I am in favor of the bill, but I object to taking it up in this irregular way. The gentleman must understand he has no right to take it up at this time under the order under which we are operating to-day.

The SPEAKER pro tempore. The gentleman from Illinois objects.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, I now call up the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Edward S. Allen, late of Company G, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter S. Brady, late of Company K, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan R. Lovell, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Reiber, late of Company B, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester J. Hervey, late of Company B, Sixth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Murphy, late of Troop C, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luzerne Jones, late of Company A, One hundred and thirtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Gunther, late of Company L, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher C. Yancey, alias Christopher Columbus, late landsman, U. S. S. Great Western and Naumkeag, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Atwood, late of Companies I and K, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim Edmonson, late of Company D, Second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Graham, late captain Company H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Fisher, late of Company F, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert McKinnis, late of Company G, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Fletcher, late of Company H, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Lory, late of Company I, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Miller, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey Ellison, late of Company A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Plank, late of Company C, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel S. Jones, late of Company M, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Boland, late of Company I, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chauncey M. Carpenter, late of Company C, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Leavell, late major, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry J. Hallowell, late of Company B, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hall, jr., late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Houghland, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Hill, late of Company C, Fourth Regiment, and Company D, Seventh Regiment, Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Mount, late of Company G, Fifteenth Regiment, and Company G, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Ard, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah W. Poorman, late of Company D, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Spore, late of Company E, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Wilson, late of Company C, Sixty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seymour B. Young, late of Capt. Smith's company, Utah Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David L. McNutt, late of Company G, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerry Butts, late of Company G, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Torrence, late of Company I, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Montgomery, late of Company K, Eleventh Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rufus F. Thorne, late of Company H, Second Regiment Kansas Volunteer Cavalry, and second lieutenant Company F, Fifth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas E. McMillan, late of Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Willcox, late of Company G, Seventh Regiment Pennsylvania Volunteer Cavalry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Riley, late of Company H, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eli K. Simonds, late of Company D, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George F. Wonder, late of Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Heath, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Silas Ebersole, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna M. McCartney, widow of Joseph S. McCartney, late captain Company H and major Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George C. Bucknam, late of Company C, Third Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate provided by law for loss of both hands from disability incurred in the military service from the date of the passage of this act.

The name of James T. Taylor, late of Company A, Second Battalion District of Columbia Militia Infantry, and Company D, Third Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Marshall Dillon, late of Company F, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Forsythe, late of Company G, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wesley C. Harvey, late carpenter and second master United States steam ram T. D. Horner, Mississippi Ram Fleet, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Annie B. Godwin, widow of William T. Godwin, late first lieutenant Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William Yeakey, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and Company H, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine Owens, helpless and dependent daughter of Micajah Owens, late of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Page, late of Company I, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Lewis, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Randolph, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amelia Pearce, widow of William S. Pearce, late of Company H, Thirty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marvin Chapman, late of Company D, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Maberry, late of Company F, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Sperry, late of Company K, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert M. Carlton, late of Company F, Forty-fifth Regiment Ohio Volunteer Infantry, and Sixty-first Company, Second

Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy Wilson, former widow of William Wilson, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elisha G. Norton, late of Company D, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace W. White, late of Company A, Fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Savage, late of Company A, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Justin E. Brown, late of Company B, Thirteenth Regiment Maine Volunteer Infantry, and first lieutenant Company A, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Potter, late of Company G, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eva J. Clarke, helpless and dependent child of William S. Clarke, late of Battery G, Fifth Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Daniel Fordham, late of Company H, One hundred and eighteenth Regiment, and Company A, Ninety-sixth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob W. Kinsey, late of Company H, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Biermann, late of Company B, First Regiment Missouri State Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Raubyauer, late of the U. S. S. Yankee, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Ford, late of Company A, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David P. Wilcox, late first lieutenant Company H, Second Regiment East Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. Chick, dependent mother of Adelbert P. Chick, late of Company K, Eleventh Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel M. Terry, late of Troops D and K, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert F. Whiting, late of Company K, Seventh Regiment Massachusetts Volunteer Infantry, and Company E, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac W. Hodsdon, late of Company K, Tenth Regiment, and Companies A and K, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Foster, widow of John D. Foster, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, and Company C, Nineteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James M. Lowell, late of Company G, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Bennett, late of Company B, Thirty-third Regiment, and Company B, Second Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. Evans, late of Company G, Coast Guards, Maine Volunteer Infantry, and pay him a pension at the rate of $24 dollars per month in lieu of that he is now receiving.

The name of Adelaide E. Harding, widow of Cyrus B. Harding, late of Company C, Hatch's battalion, Minnesota Volunteer Cavalry, and former widow of Carlton W. Race, late of U. S. S. Savannah and Ironsides, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Jeremiah Miles, late of Company G, Twenty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson L. Porter, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rudolph Alf, late of Company L, Fourth Regiment, and Company L, Ninth Regiment, New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Pincus, alias Jacob Harris, late of Company G, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Heiphenstine, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

With the following committee amendment:

Page 14, strike out lines 17 to 20 inclusive, the beneficiary being Mary J. Chick.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I move to amend by striking out on page 8, lines 19, 20, 21, and 22, as the beneficiary, Eli K. Simonds, is dead.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

An act (S. 6369) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Julius A. Pherson, late of Troop L, First Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Arnold, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Comstock, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Wilson, late of Company K, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Clark, late of Company F, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James D. Smith, late of Company D, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonas Schrock, late second lieutenant Company H, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Torey, late of Company B, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Hoy, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andy Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram S. Shahan, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Read, late of Company H, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Greene, widow of Charles A. Greene, late of Company A, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elias Shaffer, late of Company C, Thirty-eighth Regiment, and Company I, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel G. Bowles, late of Company C, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dudley C. Rutledge, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orson P. Matthews, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph W. Frank, late of Company D, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas D. Dick, late of Company C, Third Regiment Kentucky Volunteer Infantry, and Battery A, Kentucky Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Junius T. Turner, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and captain Company F, Third Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sagarlin C. Knighton, late of Company E, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Dixon, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Ouderkirk, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellwood A. Collins, late of Company A, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James F. Cassedy, late of Company C, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah S. Caward, widow of David C. Caward, late second lieutenant Company F, Fiftieth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin Ricards, late of Company B, Ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Fogleman, late of Company I, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert B. Baldwin, late of Company C, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel T. Bennett, late of Company F, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Mowery, late second lieutenant Company C, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Wible, late of Company B, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas V. McConn, late of Company K, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bradford L. Hollenbeck, late of Company E, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Smith, late of Company L, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Bauer, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George S. Arnold, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander F. Matthews, late of Company F, Twenty-first Regiment, and Company F, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira McCall, late of Company G, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Tenant, late of Company D, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William G. Baldwin, late of Company G, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Alexander H. Farmer, late second lieutenant Company H, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard Fossett, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henrietta S. Kimball, widow of Abner D. Kimball, late of Company I, Ninety-ninth Regiment, and assistant surgeon, Forty-eighth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel Welch, late of Company H, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Mooney, late of Company E, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Lanam, late of Company H, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John L. Mellender, late of Company H, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William M. C. Hix, late of Company H, One hundred and thirty-seventh Regiment, and Company B, Fourteenth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Shamp, widow of Carlton T. Shamp, late of Company K, Twenty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martin Dolsby, late of Company G, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Wood, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Hopper, late of Company G, Third Regiment, and Company K, Seventh Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Barker, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram F. Reel, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Blair, late of Company D, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Sutherland, late of Company C, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William A. Smith, late of Company C, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Keene, late of Company B, Sixty-seventh Regiment, and Company F, Sixty-fifth Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Mills, late of Company G, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben H. Neff, late of Company F, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ebenezer Miller, late of Company E, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Jones, late of Company D, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison Presson, late first lieutenant Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James O. McCabe, late of Company K, One hundred and first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah W. Hancock, late of Company D, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Vanneat, late of Company I, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel S. Weaver, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Blaise, late of Company D, Eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Ellis, late of Company C, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Ephraim Leasure, late of Company E, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Braden Zeigler, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McQuown, late of Company F, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Lay, late of Company K, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Thompson, late of Company L, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Barrelle, late of Company D, Eleventh Regiment, and Company G, Eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Kendall, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Hudson, late first lieutenant and adjutant Forty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles J. Strain, late unassigned, Sixty-second Regiment Illinois Volunteer Infantry, and Eighteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Bennett, late of Company B, One hundred and twenty-seventh Regiment, and Company A, Fifty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Dougherty, late of Companies H and D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Manely, late of Company K, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Sponsler, late of Company B, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elihu Eversole, late of Company B, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Toller Peterson, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Jones, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Williamson, widow of John Williamson, late of Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abraham Smock, late of Company D, Fifth Independent Battalion Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isora E. Dwire, widow of Hiram Dwire, late of Company G, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and former widow of John Davis, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Rowley, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Martz, late of Company C, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Miles, late of the Fourteenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Fuller, late first lieutenant Company E, Eleventh Regiment Connecticut Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew G. McAuslan, late of Company D, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Charles, late of Company A, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Swaim, late of Company E, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Maull, late of Company C, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip R. Grund, late lieutenant colonel Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mattie B. Wintrode, widow of Jehiel T. Wintrode, late first lieutenant Company G, Seventy-sixth Regiment Ohio Volunteer

Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Emmett A. Brockway, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick Beckhorn, late of Company B, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Miller, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carrie Diefenbach, widow of Henry Diefenbach, late first lieutenant Company I, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Mulholland, widow of St. Clair A. Mulholland, late colonel One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Emma P. Justison, widow of George C. Justison, late of Company A, Fifth Regiment, and Company E, Seventh Regiment, Delaware Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Gardner P. Waterhouse, late of Company K, Thirteenth and Thirtieth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Marquet, late of Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Kittil Torgerson, late of Second Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Michael Hilti, late of Company E, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles R. Spicer, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Green, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira Grant, late of Company H, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel C. Stevens, late of Battery G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben H. Rich, late first lieutenant Battery G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Lewis, late of Company L, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie E. Loudon, widow of Samuel Loudon, late of Second Independent Battery Minnesota Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Alma J. Van Winkle, widow of Edwin Van Winkle, late of Company C, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Franklin, widow of Asa Franklin, late first lieutenant Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Shear, late of Company A, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph F. Kendall, late first lieutenant Company H, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward M. Hitchcock, late of Companies C and M, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eben Kneeland, late of Company F, Thirty-second Regiment Massachusetts Volunteer Infantry, and Twenty-first Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clement Lovely, late of Company G, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Polley, widow of Pleasant J. Polley, late of Company G, Fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth E. Donaldson, widow of Wayne Donaldson, late of Company I, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James A. Morgan, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jesse H. Conrad, late of Company M, Twenty-fourth Regiment New York Volunteer Cavalry, and Company M, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noah A. Decker, late of Company G, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick W. Zwickey, late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas C. Kinsey, late of Company G, Seventh Regiment Pennsylvania Volunteer Cavalry, and Company H, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura B. Stiles, widow of Wilbur A. Stiles, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Moses D. Marshall, late of Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin B. Monroe, late second lieutenant Company K, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eugene Besancon, late of Company B, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rufus G. Barber, late of Company B, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace A. Foster, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel B. Baker, late of Company I, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Jordan, late of Company D, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Crosser, late of Company D, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Clark, late of Company I, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leonard C. Norton, late of Company H, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gott Latlip, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Lurvey, late of Company A, Fortieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fanny M. Jones widow of Charles C. Jones, late acting master's mate, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William E. Henry, late of Company A, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rachel Hagan, widow of Lawrence Hagan, late of Company G, Twentieth Regiment Kentucky Volunteer Infantry, and Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary C. Riley, widow of Charles Riley, late captain Company F, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Nathaniel M. Milliken, late of Company F, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Gardner, late of Company D, Twenty-second Regiment, and Company D, Twenty-ninth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bowman, late of U. S. S. Ohio, Vermont, and Savannah, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard M. White, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The SPEAKER pro tempore (Mr. HAY). The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Leon Schuhmacher, late of Company G, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harmon A. Fleming, late of Company M, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willis Dennis, late of Company A, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Boroff, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth R. Nelson, widow of Thomas Nelson, late of Company H, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Marcellus Albright, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and Companies E and L, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Boner, late of Company C, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hostler, late of Company K, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jacob D. Welsh, late of Company B, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and landsman, U. S. S. Princeton, Wabash, and Wissahickon, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Cooley, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Ralls, late first-class boy, U. S. S. Grampus, Great Western, and General Bragg, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joshua Hubbard, late of Company G, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Dover, late of Company L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Merles, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Freels, late of Company H, Seventh Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jacob C. Bloodworth, late of Company G, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Remington, late of Company F, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Carter, late of Company D, Fourth Battalion Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. McWilliams, late of Company I, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Monroe Abbott, late of Company K, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh J. Hales, late of Company F, Twelfth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Wallace, widow of Charles Wallace, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Henry Zellner, late of Company G, Eighty-first Regiment, and Company C, Fifty-second Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Crain, late of Company A, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin Rail, late of Company E, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Johnson, late of Company C, Ninth Regiment United States Colored Volunteer Heavy Artillery, and Company D, Eighty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Mishler, late of Company G, Sixty-seventh Regiment, and Company C, One hundred and thirty-seventh Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Shropshire, late of Company C, Sixth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month, in lieu of that he is now receiving.

The name of Sylvanus G. Peffle, late of Company I, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George G. Hughes, late of Capt. Bard's independent company, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph R. Peck, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Parks, late of Company F, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Steffen, widow of Christopher Steffen, late of Company F, Ninetieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alvis Sharp, late of Company F, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Kinsley, late of Company D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Inman, late of Company H, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Cutberth, late of Company E, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joel Parsons, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nannie Slayton, widow of Austin C. Slayton, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas H. Wilson, late of Company F, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter W. Gadbow, late of Troop C, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Perkins, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Byron Lilly, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Tway, late of Company G, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel D. Preston, late of Company G, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Conrad Hamman, late of Company I, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Fry, late of Company H, Forty-second Regiment, and Company E, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Allen, late of Company D, Fifth and Third Regiments West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Miller, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Keene, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Flesher, late of Company F, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George H. Bolsey, late of Company A, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Galen H. Lotz, late of Company E, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Francis, helpless and dependent son of Abraham Francis, late of Companies F and G, Sixteenth Regiments Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of David M. Kinsey, late of Company E, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McPhern, late of Company E, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael R. Godfrey, late of Company B, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Johnson, late of Company C, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Longbon, late adjutant Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Francis, late of Company D, Sixty-fourth Regiment, and Company I, One hundred and seventy-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Patrick J. Carroll, late of Company I, One hundred and seventy-fourth Regiment, and Company L, Sixty-second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Breneman, late of Company F, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Dennis Willard, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi B. Wightman, late of Company L, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Miller, late of Company F, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Zedeker, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel B. Boynton, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lyman H. Evans, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Henry, late of Company A, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Gough, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and Company F, Seventeenth Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John L. Smith, late of Company E, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anton Ohnesorg, late of Company A, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Ruie, late of Company E, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Williamson, late of Company C, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edmond Dunahoo, late of Company K, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Shepherd M. Knapp, late of Company E, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ezeriah Evans, late of Company C, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles D. Beman, late of Company I, Seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Taylor, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias D. Keoppel, late of Company G, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Wheeler, late of Company A, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Harris, late of Company H, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert B. Kidder, late of Company B, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph B. Rendall, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Price, late first lieutenant and quartermaster, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Granville Koger, late of Company C, First Regiment Alabama Volunteer Vidette Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Harris, late of Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel A. Houser, late of Company M, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James E. Bowers, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of True Hart, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hanlon, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy D. Miller, widow of John J. Miller, late of Company E, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Bohland, late of Company A, Second Battalion, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Collins, late of Company E, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Kittrell, late of Company A, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Devol, late adjutant Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Turpin, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and Company A, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert L. Higgins, late of Company K, Fourth Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Turpin, late of Company G, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter M. McNelly, late of Company B, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Bricker, late of Company K, One hundred and fifty-third Regiment Ohio National Guard Infantry, and Company A, Battalion, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David A. Pew, late of Company E, Seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram C. Smith, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Reed, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Thompson, late of Company C, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leonard A. Wilson, late of Company G, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Godfrey Winkler, late of Company L, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Willman, late of Company I, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard Burns, late of Company C, Ninth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George L. Mull, late of Company C, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Napoleon B. Agy, late of Company K, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Dunn, late of Company G, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. McAllister, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Heitzel, late of Company H, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison Bradley, late of Company C, Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Leeper, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Melton, late of Company L, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Bond, late of Company A, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abraham Shipman, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Garner, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emma J. Turner, widow of William H. H. Turner, late of Company G, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martin V. B. Smith, late of Company H, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Brown, late of Company A, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy E. Smith, widow of John T. Smith, late of Company B, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel Pierce, late of Company H, First Regiment Illinois Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Farley Day, late of Company I, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harmon Dixon, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Johnson, late of Company K, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hester A. Snodgrass, widow of Thomas J. Snodgrass, late of Company A, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin F. Lemon, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bonecutter, late of Company E, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frances A. Francis, widow of Charles S. Francis, late of Company I, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jane A. Kirby, widow of Stephen M. Kirby, late of Company G, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph H. Shipman, late of Company H, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Lansbery, late of Company E, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas C. Snider, late of Company G, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Underwood, late of Company F, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Marshall, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas K. Anderson, late of Company G, Fifty-third Regiment, and Company I, One hundred and forty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Price, late of Company D, Seventh Regiment Maine Volunteer Infantry, and ordinary seaman, U. S. S. Colorado, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel H. Hulse, late of Company E, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. King, late of Company D, One hundred and sixty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry D. Jordan, late of Company A, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rebecca J. Shy, widow of Andrew Shy, late of Company K, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William L. Switzer, late of Company E, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. Paine, late of Company F, Christian and Green Counties Missouri Home Guards, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Susan H. Butler, widow of Henry H. Butler, late of Company A, Seventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of James Tolbert, late of Company I, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben H. Crosby, late of Company G, Seventeenth Regiment, and Company C, Third Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Reason Carrico, late of Company K, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses Hensley, late of Company I, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Claudius N. Martin, late of Company F, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Funk, late of Company F, One hundred and thirty-second Regiment Ohio National Guard Infantry, and Company F, First Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Childers, late of Company C, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henderson W. Foundstone, late of Company B, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Brown, late of Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward J. Hummel, helpless and dependent child of Frederick Hummel, late of Company H, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Wesley Z. Lewis, late of Company M, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Youart, late of Company C, One hundred and fifty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Harry Karslake, late of Company F, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Weaver, late of Company K, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horatio F. Bronson, late of Company I, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank A. Higgins, late of Company K, First Regiment New York Mounted Volunteer Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Minnie A. Johnson, helpless and dependent child of Samuel Johnson, late of Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James E. Anthony, late of Company D, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Glendening, widow of George W. Glendening, late of Company E, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abram A. Gossett, late of Company G, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adelbert B. Crampton, late of Companies F and A, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel R. Smith, late of Company M, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margret Babcock, widow of Abraham Babcock, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Utter, late of Battery B, First Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George O. Booth, late of Company C, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Timothy Donovan, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James N. Dennis, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Livingston, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Commodore O. Perry, late of Company B, Twenty-eighth Regiment New York Volunteer Infantry, and Company E, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank F. Pullen, late of Company F, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Sutton, late of Company G, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles R. Brown, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles G. Mason, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nannie K. Thomas, widow of William B. Thomas, late of Company B, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William McCutcheon, late of Company F, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George A. Painter, late of Company A, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Hornung, late of Company L, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Esther E. Bailey, widow of George N. Bailey, late of Company C, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Wright, late of Company A, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Ballmer, late of Company G, One hundred and sixty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Scott, late of Company E, Fifteenth Regiment New York Volunteer Cavalry, and Company E, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian H. Snyder, late of Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Ferrier, late of Company E, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frietz Heinrich, late of Company E, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Shug, late of Battery L, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Mack, late of Company B, Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Drew, alias Frank Drube, late seaman, U. S. S. North Carolina and Susquehanna, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Sergeant, late of Company A, Seventy-sixth Regiment, and Company I, Ninety-first Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Mitchell, late of Company F, Seventeenth Regiment, and Company E, Eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Salmon A. Buell, late acting midmanship, United States Navy, and major, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Biteman, late of Company D, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rebecca Behrmann, widow of John H. H. Behrmann, late of Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Makajah T. Hill, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Hiram Budinger, late of Company I, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Tipton, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob M. Neely, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Bonnet, late of Company E, Twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton S. Lawhead, late of Company E, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milo Paden, late of Company B, Thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel N. Mathews, late of Company I, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar F. Towne, late landsman U. S. S. Vermont and Daffodil, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Hickman, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Foster, late of Company B, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Palmer, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel T. Chambers, late of Company B, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. English, late of Company H, Twenty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas L. Curas, late of Company D, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John H. Austin, late of Company F, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Calvin B. Castelo, late of Company D, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William J. Sneed, late of Company C, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen J. Still, late of Company I, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel L. Riley, late of Company H, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Palmer, late of Company B, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Norman D. McKown, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Reeder, late of Company C, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hector M. Stocum, late of Company D, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Fitts, late landsman, U. S. S. Ohio, Brooklyn, and Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel K. Harris, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel M. Fenton, late of Company G, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert M. Stewart, late of Capt. Pichthorn's company, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Alva M. Courtright, late of Company G, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Denton, late of Company I, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Montgomery, late of Company H, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert L. Fuller, late of Company C, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Uzal K. Still, late of Company A, One hundred and sixty-eighth Regiment, and Company D, Fortieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helena T. Wood, widow of Hiram Wood, late of Company F, Second Regiment Missouri Provisional Enrolled Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Lay, late of Company M, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willetts Haas, late of Company A, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James B. H. McDaniel, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Stephen B. Estes, late of Company H, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Emerick, late of Company F, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Smith Barkley, former widow of Madison B. Smith, late of Company A, First Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Orrin L. Drake, late of Company K, Second Regiment Vermont Volunteer Infantry, and Company E, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Burns, widow of Edward Burns, late of U. S. S. Potomac, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benton W. P. Derryberry, late of Company G, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha Coslett, widow of James Coslett, late of Company G, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stephen H. Clayton, late of Company F, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Smith, late of Company K, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Kinkead, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Genio S. Lawrence, late of Company D, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary Rothenburger, helpless and dependent daughter of Jacob Rothenburger, late of Company E, Thirty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Orlando P. Brennesholtz, late of Companies A and I, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stewart Wells, late of Company D, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Cox, late of Company C, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma A. Jahne, widow of Wilmer T. Jahne, late of Company K, Thirteenth Regiment, and unassigned, Thirty-third Regiment, New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Marshall D. Watson, late of Company F, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and Battery B, First Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John C. Dom, late of Companies M and C, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Celia O'Neal Boothby, widow of Charles W. Boothby, late of Company C, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry K. Reese, late of Company H, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza Williams, widow of Conrad Williams, late of Company K, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Fannie B. Brown, widow of Worthington Brown, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Price, late of Company E, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Israel Loatman, late of Company C, Forty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis C. Field, alias Silas Mansfield, late of Company F, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herman Boedicker, late of Company A, One hundred and third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. Whetstone, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie White, widow of William A. White, late of Company C, Seventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Jacob L. Kennamer, late of Capt. John B. Kennamer's company Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of C. M. Hildebrand, late of Company M, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Sandusky, late of Company B, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Florence King, helpless and dependent child of Granville C. King, late of Company H, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of George B. Kiehl, late of Company K, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Florence L. Latrace, widow of Isaac Latrace, late of unassigned Fourteenth Regiment, and Companies M and C, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Sanford D. Ramey, late of Independent Battery C, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Slonaker, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen Smith, widow of Alexander F. Smith, late of Company A, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Milton Brown, late of Company I, Forty-seventh Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Coe, late unassigned, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of W. Walter Branyan, helpless and dependent child of Robert H. Branyan, late of Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Ellen E. Beck, widow of Charles W. Beck, late of Company C, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John Henderson, helpless and dependent child of Justus Henderson, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John H. Adelmeyer, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and Troop C, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Yates, late of Company E, Twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Armstrong Staley, late of Company A, One hundred and thirty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Silas McGregor, late of Company K, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Hughes, late of Company B, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August H. Merchant, late of U. S. S. Paul Jones, John Adams, and Princeton, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allison Clark, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Kate G. Andrews, widow of Hugh Andrews, late of Company D, One hundred and ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Sallie F. Wilson, helpless and dependent child of Miles Wilson, late of Company D, One hundred and thirty-fourth Regiment

Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Thaddeus W. Wolfe, late of Company C, First Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel S. Tuthill, late of Company L, Nineteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. McElhiney, late commissary sergeant One hundred and fortieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna D. Strock, helpless and dependent child of David Strock, late of Company A, Eighth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Michael Fitzgerald, late of Company E, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Koonts, late of Company F, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Salter, late of Company D, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Scott Wright, late of Company I, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Gross, late of Company E, Sixteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall Preston, late of Second Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Russell, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelius W. Roberts, late of Company B, Pike County Missouri Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Erminia Thayer Carpenter, former widow of Morgan J. Thayer, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Perley Evans, late of Company H, Tenth Regiment, and Company G, Sixth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cornelius McCafferty, late of Company D, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary A. Sanborn, former widow of Albin N. Nash, late of Company F, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John R. Parmley, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Miller, late of Company F, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Brandon (now Sweeney), dependent mother of John Brandon, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Corn A. Crist, widow of James A. Crist, late of Company G, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Philip McGregor, late of Company F, Fourteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester Kuhn, late of Company M, Third Brigade, First Division, Twelfth Army Corps, and Second Brigade, First Division, Twentieth Army Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Dalton, late of Company A, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman K. Miller, late of Company H, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Manford G. W. Tucker, late of Company C, Seventh Regiment Indiana Volunteer Infantry, and Company H, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel T. Wolf, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Amos E. Burbank, late of Company C, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Pierson, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvin M. Miller, late of Company M, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emeline C. Griffiths, widow of Esek A. Griffiths, late of Company C, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josiah Garrison, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christine March, widow of Frederick March, alias Frederick Marks, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Reuben V. Lott, late of Company E, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and Company A, One hundred and ninety-eighth Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Tandy R. Shoemaker, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Abram Eutsler, late of Company A, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Conrad Push, late of Battery I, Third Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O'Mara, late second-class fireman U. S. S. Michigan, North Carolina, and Galatea, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Munzert, late of Company L, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Mattison, late of Company H, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles J. Hodgkinson, late of Company F, Fortieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McAdoo, late of Signal Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Fuller, late of Company K, Thirty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard B. Hill, late of Company G, Tenth and Twenty-ninth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Gaines, late of Company A, Twelfth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas Burlbaw, late of Company I, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Wray, late of Companies F and I, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen F. Libby, late of Company F, Twenty-fifth Regiment, and unassigned, Thirtieth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Cartwright, late of Company F, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George C. Hall, helpless and dependent child of Thomas B. Hall, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Overstreet, late of Company G, Fourth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fountain D. Plummer, late of Company K, One hundred and fifty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie Swayze, widow of Amos B. Swayze, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Laura V. Alexander, widow of Robert McClellan Alexander, late of Company G, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Erastus Morgan, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Thompson, late of Company G, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph H. Duncan, late of Company A, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Chapman, late of Company H, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Verona Witham, widow of Simon Witham, late of Company K, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James A. Buck, late of Company D, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Paul Hirschfield, alias Harris Cohn, late of Company C, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John A. Kerr, late of Company B, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Bernard Taylor, helpless and dependent child of James F. Taylor, late of Companies A and G, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Isaac Prosser, late of Company C, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Furbee, late of Company H, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rufus Bradish, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Grove, helpless and dependent child of Simon Grove, late of Company G, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Henry B. Davis, late of Company C, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Dowell, late of Company M, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Susan C. Virgin, widow of James M. Virgin, late of Company K, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francesca L. Perrine, widow of Hermanus L. Perrine, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Julia J. Kendall, widow of George H. Kendall, late commissary sergeant Thirty-seventh Regiment New York State Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob Eley, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Addison Miller, late of Company G, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Arnoldi, late of Company C, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephraim Martin, late of Company B, First Regiment Louisiana Volunteer Cavalry Scouts, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Louis Gessner, late assistant surgeon Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Job H. Kerns, late of Company C, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward D. Ingersoll, late of Company D, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie Elizabeth Boyle, widow of Patrick H. Boyle, late of Company B, First Regiment Louisiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Basil Peterson, helpless and dependent child of Thomas Peterson, late of Company F, One hundred and sixteenth and Sixty-fourth Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Thomas Casey, late of Company C, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Arbogast, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Carmean, late of Company H, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Wilson, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily L. Brown, widow of Charles L. Brown, late of Company G, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas N. Maple, late of Company F, Second Regiment, and Company A, Forty-third Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert F. Evans, late of Company E, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Waldo W. Williams, late of Company C, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Duncan Cox, late of Company H, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solonas Williams, late of Company A, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abram S. Esmay, late quartermaster sergeant, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melissa Lindsey, widow of John A. Lindsey, late of Company A, Third Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Miller, late of Company A, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur A. Jones, late of Company C, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Nye, late of Knapp's Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert List, late of Company D, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Myers, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. McCumber, late of Company D, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hawkins, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and Company I, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Doolittle, late of Company H, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Edwards, widow of Robert W. Edwards, late of Company C, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jesse Dorsett, late of Company D, Third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Burson, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Kenton Core, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Tipton, late of Company I, One hundred and sixteenth Regiment, and Company C, Seventeenth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Butler, alias Benjamin Bullson, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Bachore, late of Company M, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah Switzer, late of Company E, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Yetts, late of Company I, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. Martin, widow of Nelson Martin, late of Company E, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rufus McCutcheon, late of Company D, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles G. Scott, late of Company B, Fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma C. Smith, widow of Onesimus M. Smith, late of Companies B and E, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John R. Perkins, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Loviah S. Osborn, widow of George F. Osborn, late of Company K, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rachel A. Houck, widow of Jacob W. Houck, late of Company A, Purnell Legion Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William W. Thornton, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Perry Black, late of Company F, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lawrence Hoffman, late of Company K, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lorenzo D. Barnhart, late of Company B, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Otto Maroiotzl, late of Companies M and E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert C. Cole, late of Battery H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Lenihan, late of Company I, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Burwell C. Crosthwait, late of Company D, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Carr, widow of Morgan Carr, late of Company F, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David B. Ziegler, late of Company C, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius W. Robinson, late of Company G, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noah Brown, late of Company H, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joshua Pack, late of Company D, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Holmes C. Grant, late of Company F, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Warren Brown, alias James Warren, late of Companies D and K, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Miller, late of Company B, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Parks, late of Company D, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caleb W. Story, late of Company G, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hope M. Craig, widow of William A. Craig, late of Company L, Eighty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Stephen L. Freel, late of Company C, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry J. Van Iderstine, late of Company E, Twenty-second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Rudisell, late of Company D, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Osmer A. Talmage, late of Company K, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert L. Kirkwood, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adoniram J. R. Lohr, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah M. Spence, former widow of John M. Ray, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma Chapman, widow of Hugh Chapman, late of Company H, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John P. Ballard, late of Company K, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Leonard, widow of John Leonard, late of U. S. S. New Hampshire and Princeton, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John A. Mow, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Penelope Morton, widow of James Morton, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James F. Walker, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward L. Richmond, late of Company A, First Battalion United States Infantry, and drum major Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Comstock, late of Company D, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. C. White, late of Company G, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sidney E. Haines, widow of Ellis A. Haines, late scout and guide, Quartermaster's Department, United States Army, and pay her a pension at the rate of $12 per month.

The name of James W. Thacker, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry E. Rockafellow, late of Company I, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen Coen, widow of Ezekiel Coen, late of Company G, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Lindquist, late of Company L, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Merritt, widow of Panning T. Merritt, late of Company C, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Powers, late of Company E, Thirty-ninth Regiment, and unassigned, Thirty-third Regiment, New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas F. Edgar, late of Company F, Sixth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Schwindling, helpless and dependent child of Peter Schwindling, late of Company K, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Marion Chambers, late of Company D, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Latham, late colonel Second and Sixth Regiments West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hiram W. Howland, late of Company I, Fourth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Harrison Craig, late of Company A, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Spaulding, late of Company K, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tamson E. Boylston, widow of Frank S. Boylston, late of Company A, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Kelly, widow of James Kelly, late of Company F, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of James A. Mullen, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Roswell Corbett, late of Company E, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Williams, late of Company A, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Ratliff, late of Company D, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Davis, late of Company L, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel R. Snyder, late of Company B, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emsey O. Young, widow of William Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William M. Young, helpless and dependent son of said Emsey O. Young, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emsey O. Young, the name of said William M. Young shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emsey O. Young.

The name of John B. Cason, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace Buchanan, late adjutant Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel H. Woolery, late of Company B, Twenty-second Regiment, and Company F, Fifty-fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucretia M. Smith, former widow of William Schenck, late of Company B, First Regiment New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of John C. Kliver, late of Company I, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stanford W. Ellis, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Bacome, late of Company C, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas R. Scott, late of Companies E and K, Seventy-first Regiment New York State Militia Infantry, and captain Company D, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Bricker, late of Company A, One hundred and Ninety-fourth Regiment Pennsylvania Volunteer Infantry, and Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James E. Cady, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Reash, late of Company B, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Leroy McMichael, late of Company K, Thirty-eighth Regiment Ohio Volunteer Infantry, and Company F, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George N. Van Wagener, late of Company A, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O. Shufeldt, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas F. Lankford, late of Company B, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin J. Flegel, late of Company C, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth H. Nichols, widow of Frederick R. Nichols, late of Company K, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William J. Ferguson, late of Company G, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas D. McElwain, late of Company A, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Spencer, late of Companies A and D, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret E. Carrick, former wife of Daniel Fisher, jr., late of Company I, One hundred and forty-fifth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Nathaniel McDonald, late of Company A, Fifteenth Regiment, and Company K, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary M. Rowe, widow of Charles A. Rowe, late of Company E, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cyrus A. Moneysmith, late of Company A, One hundred and sixty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Goddard, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frank E. Barnes, helpless and dependent child of Frank E. Barnes, late of Company I, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary E. Sprayberry, widow of Jerry D. Sprayberry, late of Company B, Tenth Regiment, and Company G, Second Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joel Ratliff, late of Company D, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Coster, late first-class boy, U. S. S. Santiago de Cuba and Princeton, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Reynolds, widow of Henry E. Reynolds, late of Company A, Fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Bapp, widow of Henry Bapp, alias William Henry Bapp, late of Company D, One hundred and thirty-third Regi-

ment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Thompson, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Phillips, alias Joseph Stanton, late of Company G, First Battalion, Eleventh Regiment United States Infantry, and Company F, Eighty-eighth Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth Schreiner, widow of Peter Schreiner, late of Company E, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Barbara Schreiner, helpless and dependent daughter of said Peter Schreiner, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Schreiner, the name of said Barbara Schreiner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth Schreiner.

The name of Angeline Wilson, widow of Joseph S. Wilson, late commissary sergeant Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elmer E. Wilson, helpless and dependent son of said Joseph S. Wilson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Angeline Wilson, the name of said Elmer E. Wilson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Angeline Wilson.

The name of James Baxter, late of Company A, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Mears, late of Company B, Twenty-third Regiment Massachusetts Volunteer Infantry, and Company B, Second Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James T. Kennedy, late of Company A, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Crider, late of Company F, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John Breeding, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward W. Clough, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of King A. Bowman, late of Company I, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Hays, late of Company A, First Regiment Mississippi Marine Brigade, and Company K, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James G. Begley, late of Companies I and B, Eighth Regiment, and Company A, Fourth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel M. Hager, late of Company D, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Cook, late of Company E, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary H. Atkinson, widow of John M. Atkinson, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 78. Leon Schuhmacher.
H. R. 878. Harmon A. Fleming.
H. R. 92. Willis Dennis.
H. R. 107. Daniel Boroff.
H. R. 184. Elizabeth R. Nelson.
H. R. 191. Marcellus Albright.
H. R. 465. James Boner.
H. R. 467. George Hostler.
H. R. 468. Jacob D. Welsh.
H. R. 484. John Cooley.
H. R. 499. Benjamin F. Ralls.
H. R. 507. Joshua Hubbard.
H. R. 654. John Dover.
H. R. 662. John Mertes.
H. R. 1127. William M. Freels.
H. R. 1539. Jacob C. Bloodworth.
H. R. 1585. Daniel Remington.
H. R. 1586. John C. Carter.
H. R. 1591. James L. McWilliams.
H. R. 1926. Monroe Abbott.
H. R. 2022. Hugh J. Hales.
H. R. 2232. Sarah Wallace.
H. R. 2371. Henry Zellner.
H. R. 2466. James Crain.
H. R. 2871. Benjamin Ball.
H. R. 2873. Samuel Johnson.
H. R. 2924. Samuel Mishler.
H. R. 2928. Samuel Shropshire.
H. R. 2943. Sylvanus G. Pepple.
H. R. 2808. George G. Hughes.
H. R. 3027. Joseph R. Peck.
H. R. 3029. William D. Parks.
H. R. 3290. Elizabeth Staffen.
H. R. 3316. Alvis Sharp.
H. R. 3713. Edward Kinlry.
H. R. 3724. Thomas Inman.
H. R. 3841. Henry Cutberth.
H. R. 3915. Joel Parsons.
H. R. 4054. Nennie Slayton.
H. R. 4075. Hugh H. Wilson.
H. R. 4351. Peter W. Gadbow.
H. R. 4616. Francis M. Perkins.
H. R. 4617. Byron Lilly.
H. R. 4638. William T. Tway.
H. R. 4890. Samuel D. Preston.
H. R. 5104. Conrad Hamman.
H. R. 5106. John W. Fry.
H. R. 5107. Charles Allen.
H. R. 5254. Samuel J. Miller.
H. R. 5257. William W. Keene.
H. R. 5341. Henry Flesher.
H. R. 5342. George H. Bolsey.
H. R. 5392. Galen H. Lotz.
H. R. 5429. William Francis.
H. R. 5543. David M. Kinsey.
H. R. 5565. John McPhern.
H. R. 5566. Michael R. Godfrey.
H. R. 5567. Joseph C. Johnson.
H. R. 5646. James W. Longhon.
H. R. 5664. James M. Francis.
H. R. 5783. Patrick J. Carroll.
H. R. 5789. John Breneman.
H. R. 5810. Dennis Willard.
H. R. 5814. Levi B. Wightman.
H. R. 6099. John Miller.
H. R. 6126. John Zedeker.
H. R. 6249. Daniel B. Boynton.
H. R. 6262. Lyman H. Evans.
H. R. 6353. Jacob Henry.
H. R. 6437. David Gough.
H. R. 6814. John L. Smith.
H. R. 6832. Anton Ohnesorg.
H. R. 6838. James C. Rule.
H. R. 7048. Alfred Williamson.
H. R. 7137. Edmond Dunahoo.
H. R. 7231. Shepherd M. Knapp.
H. R. 7237. Esertah Evans.
H. R. 7295. Charles D. Beman.
H. R. 7383. Jeremiah Taylor.
H. R. 7403. Elias D. Koeppel.
H. R. 7639. Henry Wheeler.
H. R. 7663. Francis M. Harris.
H. R. 8506. Albert B. Kidder.
H. R. 8526. Joseph B. Randall.
H. R. 8713. Thomas Price.
H. R. 8750. Granville Koger.
H. R. 8756. John W. Harris.
H. R. 8870. Samuel A. Houser.
H. R. 9051. James E. Bowers.
H. R. 9292. True Hart.
H. R. 9348. John Hanlon.
H. R. 9404. Lucy B. Miller.
H. R. 9559. John Robland.
H. R. 9674. John R. Collins.
H. R. 9704. Francis M. Kittrell.
H. R. 9782. George H. Devol.
H. R. 9791. David B. Johnson.
H. R. 9925. Robert L. Higgins.
H. R. 9926. David Turpin.
H. R. 9935. Peter M. McNelly.
H. R. 9941. John W. Bricker.
H. R. 9942. David A. Pew.
H. R. 9994. Hiram C. Smith.
H. R. 10026. Thomas B. Reed.
H. R. 10266. James A. Thompson.
H. R. 10395. Leonard A. Wilson.
H. R. 10457. Godfrey Winkler.
H. R. 10468. Henry Willman.
H. R. 10561. Richard Burns.
H. R. 10573. George L. Mull.
H. R. 10631. Napoleon B. Agy.
H. R. 10633. John Dunn.
H. R. 10748. William H. McAllister.
H. R. 10791. John Heltzel.
H. R. 10872. Harrison Bradley.
H. R. 10973. William Leeper.
H. R. 11013. Reuben Melton.
H. R. 11015. John W. Bond.
H. R. 11117. Abraham Shipman.
H. R. 11293. Theodore Garner.
H. R. 11392. Emma J. Turner.
H. R. 11393. Martin V. B. Smith.
H. R. 11408. William Brown.
H. R. 11452. Nancy E. Smith.
H. R. 11453. Samuel Pierce.
H. R. 11505. Farley Day.
H. R. 11507. Harmon Dixon.
H. R. 11511. George W. Johnson.
H. R. 11512. Hester A. Snodgrass.
H. R. 11524. Benjamin F. Lemon.
H. R. 11540. John Benecutter.
H. R. 11610. Frances A. Francis.
H. R. 11653. Jane A. Kirby.
H. R. 11707. Joseph H. Shipman.
H. R. 11737. James H. Lansbery.
H. R. 12019. Thomas C. Snider.
H. R. 12073. Calvin Underwood.
H. R. 12095. Robert Marshall.
H. R. 12352. Thomas R. Anderson.
H. R. 12388. Charles W. Price.
H. R. 12438. Samuel H. Hulse.
H. R. 12452. William M. King.
H. R. 12509. Henry D. Jordan.
H. R. 12567. Rebecca J. Sby.
H. R. 12573. William L. Switzer.
H. R. 12575. William H. Paine.
H. R. 12594. Susan H. Butler.
H. R. 12632. James Teller.
H. R. 12676. Reuben H. Crosby.
H. R. 13024. Reason Carrico.
H. R. 13059. Moses Hensley.
H. R. 13086. Claudius N. Martin.
H. R. 13197. Joseph Funk.
H. R. 13306. James M. Childers.
H. R. 13307. Henderson W. Poundstone.
H. R. 13312. Theodore Brown.
H. R. 13322. Edward J. Hummel.
H. R. 13323. Wesley Z. Lewis.
H. R. 13324. William H. Youart.
H. R. 13340. Harry Karstake.
H. R. 13372. John H. Weaver.
H. R. 13424. Horatio F. Bronson.
H. R. 13440. Frank A. Higgins.
H. R. 13490. Maud Johnson.
H. R. 13546. James E. Anthony.
H. R. 13552. Anna Glendening.
H. R. 13639. Abram A. Gossett.
H. R. 13764. Adelbert B. Crampton.
H. R. 13896. Aaron Teegarden.
H. R. 13992. Samuel Engle.
H. R. 14174. Daniel R. Smith.
H. R. 14176. Margret Babcock.
H. R. 14177. James H. Utter.
H. R. 14179. George O. Booth.
H. R. 14374. James N. Dennis.
H. R. 14378. Timothy Donovan.
H. R. 14435. George Livingston.
H. R. 14446. Commodore O. Perry.
H. R. 14470. Frank F. Pullen.
H. R. 14521. Francis M. Sutton.
H. R. 14544. Charles R. Brown.
H. R. 14644. Charles G. Mason.
H. R. 14751. Nannie K. Thomas.
H. R. 14782. William McCutcheon.
H. R. 14841. George A. Tainter.
H. R. 14900. Joseph Hornung.
H. R. 14903. Esther E. Bailey.
H. R. 14914. Daniel Wright.
H. R. 14963. John H. Ballmer.
H. R. 15047. Thomas H. Scott.
H. R. 15052. Christian H. Snyder.
H. R. 15063. John Ferrier.
H. R. 15066. Frietz Heinrich.
H. R. 15078. William Shug.
H. R. 15079. William Mack.
H. R. 15081. Frank Drew, alias Frank Drube.
H. R. 15164. Charles Sergeant.
H. R. 15204. William M. Mitchell.
H. R. 15210. Salmon A. Buell.
H. R. 15226. James H. Biteman.
H. R. 15236. Rebecca Behrmann.
H. R. 15238. Makajah T. Hill.
H. R. 15253. Hiram Budinger.
H. R. 15333. John Tipton.
H. R. 15379. Jacob M. Neely.
H. R. 15387. Frederick Bonnet.
H. R. 15429. Milton S. Lawhead.
H. R. 15442. Milo Paden.
H. R. 15444. Samuel N. Mathews.
H. R. 15557. Oscar F. Towne.
H. R. 15559. Daniel W. Hickman.
H. R. 15848. George W. Foster.
H. R. 15965. James R. Palmer.
H. R. 15988. Samuel T. Chambers.
H. R. 15995. John R. English.
H. R. 16048. Thomas L. Curns.
H. R. 16055. John H. Austin.
H. R. 16116. Calvin B. Castelo.
H. R. 16202. William J. Sneed.
H. R. 16234. Stephen J. Still.
H. R. 16236. Samuel L. Riley
H. R. 16241. William Palmer.
H. R. 16243. Norman D. McKown.
H. R. 16246. James R. Reeder.
H. R. 16272. Michael Fitzs.
H. R. 16275. Hector M. Stocum.
H. R. 16380. Samuel K. Harris.
H. R. 16485. Daniel M. Fenton.
H. R. 16511. Robert M. Stewart.
H. R. 16521. Alva M. Courtright.
H. R. 16595. Joseph H. Clifton.
H. R. 16616. Henry M. Montgomery.
H. R. 16634. Robert L. Fuller.
H. R. 16696. Uzal K. Still.
H. R. 16718. Helen T. Wood.
H. R. 16728. William Lay.
H. R. 16865. Willetta Hans.
H. R. 16897. James B. H. McDaniel.
H. R. 16925. Stephen R. Estes.
H. R. 16959. George Emerick.
H. R. 16962. Mary E. Smith Barkley.
H. R. 16981. Orrin L. Drake.
H. R. 16989. Bridget Burns.
H. R. 16995. Benton W. T. Derryberry.
H. R. 17075. Martha Coslett.
H. R. 17139. Stephen H. Clayton.
H. R. 17185. William A. Smith.
H. R. 17261. James H. Kinkead.
H. R. 17270. Genio S. Lawrence.
H. R. 17277. Mary Rothenburger.
H. R. 17290. Orlando P. Brennesholtz.
H. R. 17291. Stewart Wells.
H. R. 17345. William H. Cox.
H. R. 17346. Emma A. Jahne.
H. R. 17404. Marshall D. Watson.
H. R. 17433. John C. Doss.
H. R. 17509. Celia O'Neal Boothby.
H. R. 17515. Henry K. Reese.
H. R. 17526. Eliza Williams.
H. R. 17557. Fannie E. Brown.
H. R. 17564. John H. Price.
H. R. 17698. Israel Loatman.
H. R. 17703. Francis C. Field, alias Silas Mansfield.
H. R. 17715. Herman Boedicker.
H. R. 17765. William L. Whetstone.
H. R. 17852. Annie White.
H. R. 17943. Jacob L. Kennamer.
H. R. 17981. C. M. Hildabrand.
H. R. 17993. James Sadusky.
H. R. 18071. Mary Florence King.
H. R. 18111. George B. Kiehl.
H. R. 18114. Florence L. Latrace.
H. R. 18154. Sanford D. Ramey.
H. R. 18265. David Sleitaker.
H. R. 18403. Ellen Smith.
H. R. 18440. Milton Trout.
H. R. 18445. Benjamin Coe.
H. R. 18708. Ellen E. Beck.
H. R. 18746. John Henderson.
H. R. 18804. John H. Adelmeyer.
H. R. 18812. William Yates.
H. R. 18883. Armstrong Staley.
H. R. 18885. Silas McGregor.
H. R. 18900. William W. Hughes.
H. R. 19013. August H. Merchant.
H. R. 19047. Allison Clerk.
H. R. 19048. Kate G. Andrews.
H. R. 19058. Sallie F. Wilson.
H. R. 19079. Thaddeus W. Wolfe.
H. R. 19136. Daniel S. Tuthill.
H. R. 19163. John B. McElhinny.
H. R. 19194. Anna D. Strock.
H. R. 19197. Michael Fitzgerald.
H. R. 19262. Charles H. Koontz.
H. R. 19265. George W. Salter.
H. R. 19311. Scott Wright.
H. R. 19358. Lewis Gross.
H. R. 19360. Marshall Preston.
H. R. 19392. George F. Russell.
H. R. 19490. Cornelius W. Roberts.
H. R. 19513. Erminia Thayer Carpenter.
H. R. 19571. W. Walter Branyan.
H. R. 19600. Perley Evans.

H. R. 19631. Cornelius McCafferty.
H. R. 19648. Mary A. Sanborn.
H. R. 19649. John R. Parmley.
H. R. 19650. James A. Miller.
H. R. 19658. Sarah Brandon (now Sweeney).
H. R. 19665. Cora A. Crist.
H. R. 19735. Philip McGregor.
H. R. 19778. Josiah Main.
H. R. 19779. Michael Dalton.
H. R. 19846. Herman K. Miller.
H. R. 19970. Manford G. W. Tucker.
H. R. 20033. Samuel T. Wolf.
H. R. 20200. Amos E. Burbank.
H. R. 20254. John A. Pierson.
H. R. 20292. Alvin M. Miller.
H. R. 20342. Emeline N. Griffiths.
H. R. 20361. Josiah Garrison.
H. R. 20364. Christine March.
H. R. 20414. Reuben V. Lett.
H. R. 20449. Tandy R. Shoemaker.
H. R. 20462. Abram Eutsler.
H. R. 20468. Conrad Push.
H. R. 20516. Henry A. Munzert.
H. R. 20530. Alexander Mattison.
H. R. 20534. Charles J. Hodgkinson.
H. R. 20535. John McAdoo.
H. R. 20556. William Fuller.
H. R. 20621. Willard B. Hill.
H. R. 20656. Henry Gaines.
H. R. 20657. Nicholas Burlbaw.
H. R. 20658. John W. Wray.
H. R. 20774. Stephen P. Libby.
H. R. 20844. Thomas J. Cartwright.
H. R. 20920. George C. Hall.
H. R. 21088. Thomas Overstreet.
H. R. 21102. Fountain D. Plummer.
H. R. 21127. Annie Swayze.
H. R. 21247. Laura V. Alexander.
H. R. 21266. Erastus Morgan.
H. R. 21297. John B. Thompson.
H. R. 21316. Joseph H. Duncan.
H. R. 21377. Thomas B. Chapman.
H. R. 21380. Verona Withaus.
H. R. 21385. James A. Buck.
H. R. 21386. Paul Hirschfield, alias Harris Cohn.
H. R. 21402. John A. Kerr.
H. R. 21408. Harrison Bernard Taylor.
H. R. 21414. Isaac Prosser.
H. R. 21437. Henry B. Furbee.
H. R. 21469. Reubin Bradish.
H. R. 21502. George Grove.
H. R. 21509. Henry S. Davis.
H. R. 21512. James A. Dowell.
H. R. 21562. Susan C. Virgin.
H. R. 21569. Francesca L. Perrine.
H. R. 21580. Julia J. Kendall.
H. R. 21583. Jacob Eley.
H. R. 21598. Addison Miller.
H. R. 21608. August Arnoldi.
H. R. 21633. Elpharan Martin.
H. R. 21689. Louis Gessner.
H. R. 21809. Job M. Kerns.
H. R. 21822. Edward D. Ingersoll.
H. R. 21842. Annie Elizabeth Boyle.
H. R. 21850. Bertha Peterson.
H. R. 21866. Thomas Casey.
H. R. 21873. William Arbogast.
H. R. 21874. Joseph C. Carmesan.
H. R. 21956. William H. Wilson.
H. R. 21993. Emily L. Brown.
H. R. 22001. Thomas N. Maple.
H. R. 22025. John M. Buckley.
H. R. 22026. Robert F. Evans.
H. R. 22070. Waldo W. Williams.
H. R. 22076. Duncan Cox.
H. R. 22128. Solomon Williams.
H. R. 22137. Abram S. Esmay.
H. R. 22153. Malissa Lindsey.
H. R. 22172. William H. Miller.
H. R. 22373. Arthur A. Jones.
H. R. 22385. William Nye.
H. R. 22388. Albert List.
H. R. 22414. Abraham Myers.
H. R. 22444. William W. McCumber.
H. R. 22445. James Hawkins.
H. R. 22457. James S. Doolittle.
H. R. 22530. Mary C. Edwards.
H. R. 22540. Jesse Dorsett.
H. R. 22559. John M. Burson.
H. R. 22602. Kenton Core.
H. R. 22622. William Tipton.
H. R. 22624. Benjamin Butler, alias Benjamin Bullson.
H. R. 22630. Isaac Baschore.
H. R. 22662. Noah Switzer.
H. R. 22673. Daniel Yetts.
H. R. 22722. Mary C. Martin.
H. R. 22746. Rufus McCutcheon.
H. R. 22756. Charles G. Scott.
H. R. 22761. Emma C. Smith.
H. R. 22780. John R. Perkins.
H. R. 22789. Lovish S. Osborn.
H. R. 22804. Rachel A. Houck.
H. R. 22811. William W. Thornton.
H. R. 22841. Perry Black.
H. R. 22854. Lawrence Hoffman.
H. R. 22887. Lorenzo D. Barnhart.
H. R. 22915. Otto Marolotzi.
H. R. 22929. Robert C. Cole.
H. R. 22931. Edward Lenihan.
H. R. 22970. Burwell C. Crosthwait.
H. R. 22990. Mary E. Carr.
H. R. 23016. David B. Ziegler.
H. R. 23017. Cornelius W. Robinson.
H. R. 23019. Noah Brown.
H. R. 23048. Joshua Pack.
H. R. 23055. Holmes C. Grant.
H. R. 23057. James Warren Brown, alias James Warren.
H. R. 23058. William L. Miller.
H. R. 23059. Alexander Parks.
H. R. 23061. Caleb W. Story.
H. R. 23131. Hope M. Craig.
H. R. 23168. Stephen L. Freel.
H. R. 23173. Henry J. Van Iderstine
H. R. 23196. Michael Rudisell.
H. R. 23230. Omer A. Talmage.
H. R. 23249. Robert L. Kirkwood.
H. R. 23275. Adoniram J. R. Lohr.
H. R. 23285. Sarah M. Spence.
H. R. 23287. Emma Chapman.
H. R. 23305. John P. Ballard.
H. R. 23314. Anna Leonard.
H. R. 23356. John A. Mow.
H. R. 23432. Penelope Morton.
H. R. 23443. James F. Walker.
H. R. 23474. Edward L. Richmond.
H. R. 23476. John L. Comstock.
H. R. 23486. Henry M. C. White.
H. R. 23489. Sidney F. Haines.
H. R. 23495. James W. Thacker.
H. R. 23497. Henry E. Rockafellow.
H. R. 23512. Ellen Coen.
H. R. 23531. John Lindquist.
H. R. 23540. Sarah E. Merritt.
H. R. 23552. James Powers.
H. R. 23562. Thomas F. Edgar.
H. R. 23590. Mary Schwindling.
H. R. 23597. Marion Chambers.
H. R. 23608. George R. Latham.
H. R. 23656. Herschel W. Howland
H. R. 23678. Harrison Craig.
H. R. 23688. Edward Spaulding.
H. R. 23693. Tamson E. Boylston.
H. R. 23725. Mary E. Kelly.
H. R. 23731. James A. Mullen.
H. R. 23742. Roswell Corbett.
H. R. 23746. Joseph Williams.
H. R. 23747. Harrison Ratliff.
H. R. 23748. George L. Davis.
H. R. 23783. Daniel R. Snyder.
H. R. 23790. Emsey O. Young.
H. R. 23792. John B. Cason.
H. R. 23814. Horace Buchanan.
H. R. 23815. Daniel H. Woolery.
H. R. 23825. Lucretia M. Smith.
H. R. 23860. John C. Kilver.
H. R. 23871. Stanford W. Ellis.
H. R. 23872. William Bacome.
H. R. 23873. Thomas R. Scott.
H. R. 23875. Charles W. Bricker.
H. R. 23886. James E. Cady.
H. R. 23887. John Reash.
H. R. 23888. John Leroy McMichael
H. R. 23890. George N. Van Wagener.
H. R. 10500. King A. Bowman.
H. R. 13559. Joseph H. Hays.
H. R. 19681. James G. Begley.
H. R. 23896. John O. Shufeldt.
H. R. 23911. Thomas F. Lankford.
H. R. 23915. Martin J. Flegel.
H. R. 23929. Elizabeth H. Nichols.
H. R. 23933. William J. Ferguson.
H. R. 23936. Thomas D. McElwain.
H. R. 23937. Charles H. Spencer.
H. R. 23979. Margaret E. Carrick.
H. R. 23981. Nathaniel McDonald.
H. R. 24006. Mary M. Rowe.
H. R. 24031. Cyrus A. Moneysmith.
H. R. 24080. Joseph Goddard.
H. R. 24105. Frank E. Barnes.
H. R. 24127. Mary E. Sprayberry.
H. R. 24138. Joel Ratliff
H. R. 24140. Henry Coster.
H. R. 24141. Elizabeth Reynolds.
H. R. 24143. Sarah E. Bapp.
H. R. 24170. David Thompson.
H. R. 24171. James Phillips, alias Joseph Stanton.
H. R. 24198. Elizabeth Schreiner.
H. R. 24294. Angeline Wilson.
H. R. 24300. James Baxter.
H. R. 24314. Henry C. Mears.
H. R. 24332. James T. Kennedy.
H. R. 24468. George W. Crider.
H. R. 24552. John Breeding
H. R. 24555. Edward W Clough.
H. R. 20612. Daniel M. Hager.
H. R. 23867. John W. Cook.
H. R. 24584. Mary H. Atkinson.

During the reading of the bill,

Mr. STERLING. Mr. Speaker, on page 6, line 20, appears the name of Sylvanus G. Peffie. It should be P-e-p-p-l-e instead of P-e-f-f-i-e.

Mr. RUSSELL. I have no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 20, change the name of "Peffie" to "Pepple."

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to offer a committee amendment. On page 18, line 10, strike out the word "twenty-four" and insert in lieu thereof the word "thirty-six."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 10, strike out the word "twenty-four" and insert the word "thirty-six."

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to offer a committee amendment on page 19, line 23, by striking out the word "twenty-four" and inserting "thirty." [Godfrey Winkler.]

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 23, strike out the word "twenty-four" and insert the word "thirty."

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to offer an amendment. On page 21, line 13, strike out lines 13, 14, 15, and 16, inclusive. The party is dead. [Reuben Melton.]

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, strike out all of lines 13 to 16, inclusive.

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to offer a committee amendment, on page 32, line 7, by striking out the word "twenty-four" and inserting the word "thirty." [Francis M. Sutton.]

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 7, strike out the word "twenty-four" and insert "thirty."

The question was taken, and the amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I desire to offer a committee amendment on page 73, line 10, by striking out the letter "J" and inserting the letter "L." [William J. Miller.]

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 73, line 10, strike out the letter "J" and insert the letter "L" in lieu thereof.

The question was taken, and the amendment was agreed to.

At the conclusion of the reading of the bill,

Mr. RUSSELL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the bill as a new paragraph the following:

"The name of John Howell, late of Company H, Second Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

Mr. RUSSELL. Mr. Speaker, this is the first time this committee has ever permitted a new item to be added to a bill in the House, or attempted to do so. We have consented to do this for the reason that by an error, though authorized, it was not placed in this bill, and for the further reason that this party is now 80 years of age, has had long and honorable service, and is totally blind, and the committee has authorized me to offer this amendment.

Mr. MANN. Is this amendment offered at the suggestion of the Senate committee?

Mr. RUSSELL. No; this is a House bill, and it is offered at the suggestion of the House committee.

Mr. ADAIR. As I understand, this was favorably acted upon by the committee, but through an inadvertence was omitted from the bill.

Mr. RUSSELL. This bill had a favorable report from the examiner, favorably acted upon by the committee, but by some error it was not included in the list of items. This man is totally blind, and it ought to be allowed to him, anyway.

The question was taken, and the amendment was agreed to.

Mr. TRIBBLE. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, at the end of the bill, by inserting the following:

"*Provided*, That the name of no person contained in this act shall be placed on the pension roll who has filed application for increase of pension under act of Congress pending to the granting of pensions, passed on the 11th day of May, 1912, or who is entitled under said act to a pension or an increase of pension thereunder: *Provided further*, That for the purpose of carrying into effect the foregoing provision the Commissioner of Pensions shall certify to the Secretary of the Interior such names as are qualified to be placed on the pension roll under this act, and for such purposes the decision and certificate of the Commissioner of Pensions shall be conclusive and final."

Mr. TRIBBLE. Mr. Speaker, I offer that amendment in perfect good faith. I do not care to make any extended remarks on it. It seems to me this bill ought to be revised by the committee. It was stated on the floor of the House by the chairman this morning that the bill was passed upon by the committee before the recent act, which was signed by the President, creating the most general and most liberal pension act ever passed in the history of the world by any country. Now, I can not conceive that any injury would be done to anyone by revising this bill, and it should be revised to conform to general provisions of the recent pension act.

Mr. MANN. Will the gentleman yield for a question?

Mr. TRIBBLE. Yes, sir.

Mr. MANN. The gentleman proposes, first, to bar anyone who has filed a claim for increase under the recent act, and, second, to bar anyone who is entitled to an increase under the recent act. As it could not be ascertained whether anyone is entitled to an increased pension under the recent act until they had filed an application, would not the gentleman's amendment bar everybody under this act?

Mr. TRIBBLE. Not those who are entitled to receive under the recent pension act. They would not be barred.

Mr. MANN. The gentleman's amendment bars anyone in this act who has filed an application for an increase of pension under the recent act.

Mr. TRIBBLE. That means those who have filed. There are thousands of them who have already filed in the Pension Office and also are provided for in this bill. It is the purpose to reach the ones who are in this bill and who are filing and asking for $30 or less in the new legislation.

Mr. MANN. But under the other provisions of the bill it would be necessary to file an application in order to ascertain. The commissioner could not tell offhand whether a person is entitled to an increase under the recent law. That may depend upon facts.

Mr. TRIBBLE. It is true there may be some carried in this bill that the pension bill would cut out. I admit that.

Mr. MANN. But the Pension Bureau can not determine whether an existing pensioner or somebody carried in this act is entitled to a pension under the recent act without having an application before it or a pension before it. The Pension Commissioner can not tell offhand whether somebody is entitled to a pension or not, or increase of pension.

Mr. TRIBBLE. The amendment contemplates there shall be an investigation by the Pension Bureau.

Mr. MANN. Supposing it is a matter depending upon age and all those things. Without an application filed by the applicant the Pension Commissioner has no authority to make an investigation. Now, if the gentleman's amendment prevails, nobody can be paid a pension who might have an increase; therefore everybody who wanted a pension would have to make an application, and then the gentleman bars everybody who makes application.

Mr. TRIBBLE. It only refers to the names in this omnibus bill which is before the House now.

Mr. MANN. Anyone in this bill?

Mr. TRIBBLE. Yes.

Mr. MANN. So that in either horn of the dilemma which anyone took, he would be barred from getting the increase of pension.

Mr. TRIBBLE. I do not so understand it. The only purpose is to exclude anyone who is not provided for in the general law.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the amended bill.

Mr. TRIBBLE. I thought we had reached that point.

Mr. KINKEAD of New Jersey. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman can not move to strike out the last word now. The question is on the engrossment and third reading of the amended bill.

The bill was engrossed and read a third time.

Mr. TRIBBLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. TRIBBLE] offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Moved, That the bill be recommitted to the Committee on Invalid Pensions with instructions to report the same back to the House amended as follows:

Strike out all pensions allowed at the rate of more than $30 per month, reporting back each such item so stricken at $30 per month.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia to recommit the bill.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (S. 6646) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William S. Brown, late of Company A, Third Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert D. Scovell, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Graham, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter C. Johnson, late of Company M, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susannah Sprague, widow of John Sprague, late of Company A, Tenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William F. Hoffman, late of Company K, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Johnson, alias Curry, late of Company C, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel N. Black, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Farris, late first lieutenant Company F, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Coffen, late of Company G, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Himanus De Witt, late of Company B, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sumner R. Tarbox, late of Company A, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Tillman Settles, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hobbs, late of Company D, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Dennis, late of Company G, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Duchenhorst, late of Thirteenth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Simpson, late of Company B, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elise G. Irving, widow of William Irving, late lieutenant colonel Thirty-eighth Regiment Ohio Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Francis M. Dean, late of Company D, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas M. Boylan, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Riley Small, late of Company A, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Adkins, late of Company K, Fourteenth Regiment, and Company C, Battalion, Fourteenth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas B. Davis, late of Company A, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Porter, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Poffenbarger, late of Company K, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph T. Reno, late of Company A, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph D. Miller, late of Company M, Second Regiment Missouri State Militia Cavalry, and Company L, Thirteenth Regiment

Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Job Snyder, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alva M. Cunningham, late of Company I, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Sowards, late of Company D, Fifth Regiment West Virginia Volunteer Infantry, and Company E, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Page, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Wood, late of Company E, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustus F. Johnson, late of Company I, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas Wilder, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Doan, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Lincoln Bradburn, widow of Otho N. Bradburn, late of Company A, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Harbaugh, late of Company H, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bluford S. Jones, late of Company G, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Urslila G. Underwood, widow of John Underwood, late of Troop B, First United States Lancers, Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Taylor Vance, late of Company I, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Hedlin, widow of James Hedlin, late of Company H, Eleventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elijah Cox, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac R. Storm, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Miles J. Burns, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Hill, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Laurentine V. Tarvin, widow of Alonzo W. Tarvin, late second lieutenant Company I, Twenty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William R. Evans, late of Company B, One hundred and second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barlow A. McCoy, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Falty Livers, late of Company H, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sara A. Haskell, widow of Frank W. Haskell, late first lieutenant and adjutant Nineteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of David Curfman, late of Company H, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Cleaver, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Olive A. Cordon, widow of Shedrach M. Cordon, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry K. Brawner, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. Hines, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, and Company K, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Herrington, widow of James M. Herrington, late first-class pilot, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Henry Grady, late of Company K, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Balaam Fox, late of Company B, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellis Miller, late of Company B, Seventeenth Regiment, and Company D, Second Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Spear S. Zenor, late of Company D, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Douglas, late of Company I, Fourteenth Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas S. Cogley, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and second lieutenant Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of August Runge, late of U. S. S. Savannah, Sabine, and Colorado, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa Balgenoth, former widow of Benjamin F. Prior, late of Company C, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jefferson Wykoff, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert F. C. Evans, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James D. Calahan, late of Company B, Fifty-ninth Regiment, and Company I, Eighty-eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Dyer, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph D. Taylor, late of Company D, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Collins Blake, late of Company B, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Minnie D. Dobbins, widow of Ruel Dobbins, late hospital steward United States Army, and former widow of James C. Burkholder, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry, and Company H, Seventh Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of James D. Boyles, late of Company F, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John G. Thompson, late of Company F, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company E, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Reuben E. Chapman, late of Company E, One hundred and thirtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Gallaway, late of Company B, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James W. Jones, late unassigned, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. White, late of Company H, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sarah I. Dunahey, widow of John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Heller, late of Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerusha Morgan, widow of James Morgan, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clarence Morgan, helpless and dependent son of said James Morgan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Jerusha Morgan the name of the said Clarence Morgan shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Jerusha Morgan.

The name of James B. Bryant, late of Company B, Fifth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $15 per month.

The name of Francis M. Hockinbery, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis E. Stratton, late of Thirty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jane Smith, widow of Seager F. Smith, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis McCabe, late of U. S. S. North Carolina and Delaware, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob M. Roberts, late of Company L, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Prather, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ada P. Armstrong, widow of George A. Armstrong, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Nye, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darwin A. Webb, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Follansby, late of Company G, Eleventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Horatio N. Merritt, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Gerhart, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Varney, late of Company H, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Conley, late of Company I, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred C. Taft, late of Company G, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Serena Mizee, widow of Lewis J. Mizee, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John A. Andrews, late of Company A, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andsell H. Beam, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Brown, late of Company B, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Miranda A. Bishley, widow of Coonrod Bishley, late of Company A, Second Battalion District of Columbia Militia Infantry, and pay her a pension at the rate of $12 per month.

The name of John F. Miller, late of Company A, Second Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of John L. Taylor, late of Company L, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ellis Gully, late of Company F, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ellis T. Padget, helpless and dependent son of Addison Padget, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Pleasant W. Lowe, late of Company F, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles K. Conard, late of Company G, Fourth Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Walters, late of Company C, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Percy, late of Company F, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Coats, late of U. S. S. Ohio, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Byron F. Nutten, late of Company H, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Kingsley, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frealing Walker, late of Company G, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alvord Peck, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Gaines, late of Company D, Eleventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Solomon Butler, late of Company D, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James W. Lowrie, late of Company G, One hundred and seventy-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin J. Trobridge, late of Company A, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Jones, late of U. S. S. Ohio, Sagamore, and Hendrick Hudson, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George P. Love, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Ryan, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel E. Stainbrook, late of Company F, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Miller, late of Company C, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Homer McC. Summerville, helpless and dependent child of James J. Summerville, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Winfield S. Flint, late of Company L, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Philbrick, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Bennett, late of Company A, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Pendleton, late of Company H, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ralph A. Thompson, late of Company I, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Brown, late of Company F, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John J. Mercer, late captain Company E, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. KINKEAD of New Jersey. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. KINKEAD] moves to strike out the last word.

Mr. KINKEAD of New Jersey. I do so for the purpose, Mr. Speaker, of congratulating the gentleman from Missouri [Mr. RUSSELL] on his brief statement made this morning as to what, in his judgment, would be the attitude of the Committee on Invalid Pensions, now that the general pension bill which has been passed by this Congress is on the statute books, regarding widows of soldiers and others not affected by the act.

As a member of the Committee on Invalid Pensions last year I realize the difficulties that confront the members of that committee in making recommendations to the House with regard to what shall be done in individual cases; and if Judge RUSSELL's views are carried out, if his judgment is the judgment of the committee, I feel safe in saying that all Members of the House, whether they believe, as I do, in a liberal pension policy toward the veterans of our wars, or otherwise, all of them will give their hearty approval to the rulings that come from that committee.

We can gather an idea of how rapidly the rolls of the Civil War veterans are being depleted from the fact that during the past week two generals who had gained fame on southern battle fields passed off almost within an hour of each other. One of them had made his name famous throughout the land in seconding in 1884 the nomination of the last Democratic President of the United States. "We love him for the enemies he has made," was the timely and effective sentiment uttered by him regarding Grover Cleveland. His words on that occasion will be remembered as long as Democracy lives, but by far his greatest service to the Nation was rendered from 1861 to 1865. Entering the Army as captain, after giving a brave, unselfish, patriotic service for four years, he was mustered out as brigadier general at the close of the great struggle. And now the entire country weeps with Wisconsin in the loss of her loyal, fearless son, Edward Stuyvesant Bragg.

Within the hour death called another famous general of that war, a man who had been in ill health for the past six or seven months, but whose illness was not expected to prove fatal. He had been in charge of the pension agency in New York for seven years. His work in that assignment had been eminently satisfactory, alike to the Government which he represented and to his comrades whose pension affairs were committed to his care. Gen. Kerwin had given a valiant service to the Union Army during the days that tried men's souls. Energetic, loyal, faithful to the end, a worthy son of that race which has been ever ready to respond to freedom's call, always devoted to his adopted land and to its flag. As we consider the untimely death of Bragg and Kerwin, we can readily see that the day is not far distant when everyone of that mighty army that fought with Grant, bled with Sherman, rallied under Sheridan, will have gone to his reward.

I remember well that some of us were criticized for voting for the increases of pensions granted in the bill of May 15. But I would rather suffer that criticism now—I would rather have it said of me that I voted for those increases of pensions now than to feel in after life when the men who wore the blue are no longer with us that when I had an opportunity to care for them in their old age, that when I had an opportunity to help care for their families and for their widows, I did what I consider my duty and voted to grant them a slight increase in their pensions.

Mr. Speaker, I am one of those who believe that it is better far to honor men in life than in death. I am one of those who believe that a rose given while the heart still throbs does more good than many garlands heaped upon the grave. A kind word, a single sympathetic sentiment uttered now while life still lingers in their time-worn, battle-scarred frames, means more to these men than tomes of praise—tributes of the great—after they have passed on. Let us do what we can for these brave men and the saddened widows of their comrades now. Let us as far as lies in our power make their declining years comfortable and happy. This, in my judgment, is a duty much more practical than the erecting of costly monuments when the hand of death claims them for her own. Let our Nation care well for her preservers while they are still with us. God will care well for them when He calls them from us. [Applause.]

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I call up Senate bill 6847, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John Brannan, late of Company A, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram R. Smith, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Currier, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Norman B. Van House, late of Company B, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Roe, late of Company A, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Harrison Statler, late of Company F, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar Graves, late of the U. S. S. Sabine, Ohio, and Supply, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie A. Sears, widow of William H. Sears, late of Company A, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Cooper, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Livonia C. Becker, widow of Peter J. Becker, late of Company F, Second Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John W. Grocsbeck, late assistant surgeon, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Jarvis, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily Donaldson, widow of Hugh W. Donaldson, late sergeant major Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Weaver, late of Company E, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Hart, late of Company I, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Dow, late of Company K, Seventh Regiment, and Company A, Sixth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry T. Stuart, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Grose, late of Company A, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna G. Lord, widow of John S. Lord, late first lieutenant and adjutant One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Nickell, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Phinney, late of Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Etta M. Hankinson, widow of Richard H. Hankinson, late of Company D, Eighth Regiment Michigan Volunteer Infantry, and Thirteenth Independent Battery Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Morgan M. Mills, late of Company F, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary I. Stauber, widow of Silas I. Stauber, late first lieutenant Company G, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Carrie R. Sparklin, widow of Silas M. Sparklin, late of Company E, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of James R. Helton, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas F. Chafee, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bradley Gilbert, late of Thirteenth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luke Flynn, late of Company K, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Walker, late of Company C, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander F. Hays, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and Company D, Fourth Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Stapleton, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Silas M. Finch, late first lieutenant Companies F and K, Tenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Day, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Thompson, late of Company C, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Olive J. Allen, widow of Charles H. Allen, late of Company A, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John T. Lance, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Allen, widow of Nathan Allen, late of Company I, Third Regiment North Carolina Mounted Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert M. Belcher, late of Company H, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Wilson, widow of John C. Wilson, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Isaac M. Brandon, late of Company K, Thirtieth Regiment Pennsylvania Volunteer Infantry, and Company H, Second Battalion, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin A. Cary, late of Company G, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Johnson, late of Company H, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elin G. Timoney, widow of Edward McB. Timoney, late captain Company C, Third Battalion, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John D. Wood, jr., late of Company E, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Kennedy, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eliza Ash, widow of William T. Ash, late of Company H, Twenty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Marion G. Blodgett, widow of Edward T. Blodgett, late of Company F, First Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary M. Culver, widow of Nelson S. Culver, late of Company G, First Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annette Farmer, widow of Amasa A. Farmer, late of Company F, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna R. Wellman, widow of David L. Wellman, late first lieutenant Company H, and captain Company I, Fourth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abram Burnett, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Smith, late of Company C, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Tiffany, late of Company K, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen L. Sleeper, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emma A. Prior, widow of William A. Prior, late of Chicago Mercantile Battery, Illinois Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry H. Brinkley, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Palmer, late of Company I, Thirty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Priest, late of Company G, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar Bullard, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Suel T. Gibson, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Campbell, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Mays, late of Battery K, First Regiment United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William A. Reeves, late of Company A, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Shannon, late of Company I, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Clara L. A. Read, widow of Edwin W. H. Read, late captain, Eighth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Curtis Stimpson, late of Company B, Second Regiment, and Company H, Eighteenth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James G. A. Middleton, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James O. Taylor, late of Company D, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Catherine J. Orr, widow of John W. Orr, late captain Company B, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Sophronia F. Cady, widow of Charles T. Cady, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James A. Wise, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Hooker, late of Company G, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Randolph, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen V. Webster, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Manerva Eveann Dealey, widow of John Dealey, late of U. S. S. Richmond, United States Navy, and pay her a pension at the rate of $20 per month.

Mr. RUSSELL. Mr. Speaker, I move to amend page 2, line 15, by striking out the letter "o" in the name of "Stotler," and in lieu thereof insert the letter "a."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 15, strike out the letter "o" in the name of "Stotler" and insert the letter "a."

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 6977, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William H. Wyatt, late of Company A, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza J. Anderson, widow of John T. Anderson, late of Company K, Forty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Charles E. Young, late of First Independent Battery New Hampshire Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Power, late of Company B, Ninety-ninth Regiment, and Company B, Forty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy J. Tolfree, dependent mother of Burton F. Tyler, late second lieutenant Company H, Thirty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of William R. Amen, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abner K. Gray, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Gilbert, late of Company L, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Davenport, late of Company A, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley Hunt, late of Company G, One hundred and second Regiment Illinois Volunteer Infantry, and Battery B, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sue B. Merrill, widow of Sherman M. Merrill, late chaplain One hundred and seventy-seventh Regiment New York Volunteer Infantry, and post chaplain, United States Army, and pay her a pension at the rate $20 per month in lieu of that she is now receiving.

The name of Godfrey Hammarberg, late of Company H, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph S. Ewing, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Ann Babcock, widow of George W. Babcock, late of Company F, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry M. Dunlap, late of Company D, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and Company B, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clyde W. Duvall, helpless and dependent son of Jacob B. Duvall, late of Company I, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry C. Carbee, late of Second Battery Vermont Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James S. Evans, late of Company D, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Wilt, late unassigned, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton E. Turner, late of Company D, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Francis M. Berry, late of Company G, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marcus Connelly, late of Company E, One hundred and thirtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen M. Ripley, late of Company K, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Orlando C. Beck, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas E. Ellis, late of Company B, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Calvin E. Barney, late of Company K, One hundred and eighth Regiment Illinois Volunteer Infantry, and Eighteenth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Etta B. Stewart, helpless and dependent daughter of Orren P. Stewart, late of Company D, Second Battalion, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Theodore H. Wilson, late of Company E, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Agnes Drumgoold, helpless and dependent daughter of Michael Drumgoold, alias Michael Gould, late of Company A, Seventy-first Regiment New York Volunteer Infantry, and landsman, U. S. S. Colorado, United States Navy, and pay her a pension at the rate of $12 per month.

The name of John T. Allen, late of Company F, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Ashurst, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marion H. Bolerjack, late of Companies D and H, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McDaniel, late of Company G, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Webb, late of Company B, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Murphy, late of Company A, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert H. Overley, late of Company C, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel P. Murrell, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reason Walker, late of Company C, Seventieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Martha L. Perry, dependent mother of Thomas J. Matlock, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rachel Ann Bovee, former widow of Silas Gillman, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Eliza T. Eastin, widow of James C. Eastin, late of Company K, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Howard Mobley, now known as Howard Miller, late of Company M, Fifth Regiment United States Colored Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Camp, late of Company I, Tenth Regiment, and Company K, Forty-fourth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Palmer Atkinson, late of Company E, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert Wood, late of Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan D. Harrington, late of Company G, Third Regiment Delaware Volunteer Infantry, and Company C, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Harris, late of Company K, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward H. Baker, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick O. Nims, late of Company B, Fifty-sixth Regiment Illinois Volunteer Infantry (Mechanic Fusileers), and pay him a pension at the rate of $24 per month.

The name of Margaret J. Grable, widow of Joseph R. Grable, late of Company B, Third Regiment Indiana Volunteer Cavalry, and Company D, Ninth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Dawson, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Maupin, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin W. Johnson, late of Company F, Forty-fifth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Sweet, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and landsman U. S. S. Eastport, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas McCarty, late of Company L, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Turney, late of Company K, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Elliott, late of Company K, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert W. Shaffer, late of Company I, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Rand, late of Company B, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas A. Christy, late of Company F, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael McNulty, late of Company C, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. St. Clair, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Bowman, late of Companies F and A, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Johnson, late of Company K, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jeremiah Williams, late first lieutenant Company H, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Kenoyer, late of Company H, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addie E. Ferrell, widow of George F. Ferrell, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and former widow of David L. Wetmore, late of Company F, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah D. Shaw, widow of Martin V. B. Shaw, late of Company D, Fourth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Melissa J. Sheffield, widow of John A. Sheffield, late of Company B, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Smith Whitman, late of Company L, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Weilman, late of Company G, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus E. Prindle, late captain Company D, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frederick Richards, late of Company E, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elroy S. Jennings, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lyman C. Putman, late of Company F, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Dunton, late of Company H, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias H. Davis, late of Company A, Fourth Regiment Maine Volunteer Infantry, and Company I, Ninth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Robinson, late of Company D, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin O'Dowd, late of Company B, Thirty-fourth Regiment Wisconsin Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lydia M. Cole, widow of Emory Cole, late of Company C, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Oliver C. Swarthout, late of Company B, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Braun, late of Company A, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie Bassett, widow of Samuel Bassett, late first lieutenant Company F, One hundred and thirty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma L. Tappan, widow of George Arthur Tappan, late second lieutenant Company H, and first lieutenant Company G, Eighty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider all of the votes whereby the pension bills were passed to-day was laid on the table.

PRIVATE BILLS.

The SPEAKER pro tempore (Mr. HAY). Under the unanimous-consent order the Clerk will call the Private Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the same order be followed to-day that was followed yesterday—that bills unobjected to may be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. I understand that is the order.

Mr. MANN. It was the order yesterday.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that bills unobjected to on the Private Calendar may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will call the bills on the calendar, beginning where we left off yesterday.

CHARLES LOUIS CLIFFORD.

The first business on the Private Calendar was the bill (H. R. 14593) authorizing the President to reinstate Charles Louis Clifford as a midshipman in the United States Naval Academy.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

L. D. HILDEBRAND.

The next business on the Private Calendar was the House resolution 567, a resolution in lieu of H. R. 15207, for the relief of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, deceased, and referring the same to the Court of Claims.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

FRED FOX, JR.

The next business on the Private Calendar was House resolution 568, a resolution in lieu of H. R. 17123, for the relief of Fred Fox, jr., and referring the same to the Court of Claims.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. MANN. I object.

MRS. L. R. GOODLETT.

The next business on the Private Calendar was the bill (H. R. 19149) for the relief of the legal representatives of Mrs. L. R. Goodlett, deceased.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Mrs. L. R. Goodlett, deceased, late a resident of Davidson County, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $81, being for corn sold to the Army of the United States for their use during the Civil War.

The Clerk read the following committee amendment:

Amend, page 1, line 7, by striking out the word "eighty-one" and inserting the word "thirty-nine."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

REFERENCE OF CERTAIN CLAIMS TO THE COURT OF CLAIMS.

The next business on the Private Calendar was the resolution (H. Res. 528) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

Mr. MANN. Mr. Speaker, I ask unanimous consent that this resolution be read now for amendment, so as to dispose of the amendments without going back to them.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the resolution be read for amendment. Is there objection?

There was no objection.

The Clerk read as follows:

H. R. 22214. Christian, J. H., deceased, heirs or estate of.

The following committee amendment was read:

Amend, page 2, by inserting, after line 15, the following: "H. R. 23754. Coffey, David P., deceased, heirs of."

The amendment was agreed to.

The Clerk read as follows:

H. R. 11233. Belt, Elizabeth T. Amend, page 4, by inserting, after line 13, the following: "H. R. 21564. Boatner, Lewis, deceased, heirs of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23024. Brannen, John, deceased, heirs of. Amend, page 4, by inserting, after line 19, the following: "H. R. 24289. Brannen, Hope, heirs of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 22169. Clay, Eliza A., deceased, heirs of. Amend, page 5, by inserting, after line 1, the following: "H. R. 13598. Cochran, William J."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23022. De Loach, Z. T. Amend, page 5, by inserting, after line 16, the following: "H. R. 1518. Dickson, William N., deceased, heirs of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 22058. Gaulden, Col. William B., heirs of. Amend, page 6, by inserting, after line 12, the following: "H. R. 21554. Graham, William F., estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23145. House, Elizabeth, deceased. Amend, page 6, by inserting after line 21: "H. R. 24290. Jarrell, Bennett, heirs of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 4832. McLeod, Francis H., heirs of. Amend, page 7, by inserting after line 15 the following: "H. R. 24607. McVicker, James, deceased, legal representatives of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23262. Black, Martha. Amend, page 11, by inserting after line 3: "H. R. 25024. Butler, William P., estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 21248. Hart, Colomon, heirs of. Amend, page 11, line 6, by striking out the word "Colomon" and inserting in lieu thereof the word "Solomon."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23616. Green, Frank T. Amend, page 11, by inserting after line 14 the following: "H. R. 11194. Mosby, Abel J."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 21062. Combs, Alfred. Amend, page 13, by inserting after line 8 the following: "H. R. 24599. Conn, David O., deceased, estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 24174. Hill, T. J., sr., administrator of the estate of Harvey McAllister, deceased. Page 15, amend by inserting before line 2 the following: "H. R. 24207. James, Isaac."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

H. R. 21667. O'Hara, W. M., deceased, estate of. Amend, page 16, by inserting after line 16 the following: "H. R. 25050. Pearson, Henry C. H. R. 24447. Oldham, Emily, deceased, estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 20090. Ragsdale, David F. Amend, page 17, by striking out all of line 3.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 21664. Rice, N. N., deceased, estate of. Amend, page 17, by inserting after line 11: "H. R. 12255. Robbins, John."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 20893. Savoie, Joseph Jean, deceased, heirs of. Amend, page 22, by inserting after line 6: "H. R. 24261. Prudhomme, John E."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 21613. Smith, Katherine. Amend, page 22, by inserting after line 16: "H. R. 25058. Snowden, Laulette (formerly Stafford)."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 24060. Suit, Kelita, deceased, estate of. Amend, page 23, by inserting after line 11 the folowing: "H. R. 25064. Vestry of St. Peter's parish, in Montgomery County. H. R. 19095. Whiteley, Robert H. K., deceased, estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23728. Calef, John H., estate of. Amend, page 26, by inserting after line 15: "H. R. 24648. Ogg, St. Clair, estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 1518. Dickson, William N., deceased, heirs of. Amend, page 26, by striking out all of line 21.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 20218. Joyce, Oliver C., legal representatives of. Amend, page 27, by inserting after line 2: "H. R. 17625. Kress, John A."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 23491. McMinn, Washington A., deceased, heirs of. Amend, page 27, by inserting after line 9: "H. R. 24814. Carter, Zimri A., heirs of; H. R. 17558. McGuire, James."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 13701. Pumphrey, Elizabeth. Amend, page 27, by inserting after line 16: "H. R. 20090. Ragsdale, David F."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

New Jersey. Amend, page 28, by inserting after line 20: "H. R. 19121. Merrill, Abner H."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 21723. Argersinger, Hiram. Amend, page 29, by inserting after line 1: "H. R. 25051. Burbank, James B."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 21200. Post, James Charles, estate of. Amend, page 29, line 6, by striking out the word "Charles" and inserting in lieu thereof the word "Clarence."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 20669. Silvey, Isabella H. Amend, page 29, by inserting after line 7: "H. R. 19743. Smith, Charles S."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

North Carolina. Amend, page 29, by inserting after line 12: "H. R. 24484. Allen, James M., administrator of the estate of William H. Allen, deceased."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 19267. Pettipher, William H., heirs of. Amend, page 30, by inserting at the top of the page: "H. R. 18905. Sears, Mordecai, heirs of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

H. R. 20378. Ritchey, Stephen Arnold. Amend, by inserting after line 25, page 30: "H. R. 4574. Sullivan, Elizabeth B., estate of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 10402. Berks County Agricultural and Horticultural Association. Amend, by inserting after line 14, page 31: "H. R. 22803. Horton, Frank M."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 18066. Ihly, S. R. Amend, by inserting after line 12, page 32: "H. R. 24535. Kirk, Dr. John W., deceased, heirs of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 11803. Caldwell, B. H., estate of. Amend, by inserting after line 23, page 35: "H. R. 24842. Calhoun, J. C., deceased, legal representatives of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 14890. Crider, R. H., deceased. Amend by striking out line 18, page 36.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 1443. Goforth, William M., estate of. Amend by inserting, after line 1, page 38, "H. R. 25161. Goodwin, A. B."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 11795. Grant, Edwin, estate of. Amend, page 38, by inserting, after line 4, "H. R. 24904. Harlin, Alexander, deceased, legal representatives of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 23008. Moore, James, deceased, heirs of. Amend by inserting, after line 21, page 40, "H. R. 22753. Moore, L. B., estate of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 11751. Montgomery, William. Amend by inserting, after line 2, page 41, "H. R. 24839. McHenry, E. B., receiver of the Bank of West Tennessee; H. R. 24838. Mosby, Samuel, deceased, estate of."

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

H. R. 22243. Rabb, John, deceased, heirs of. Amend, page 42, after line 10, by inserting "H. R. 13723. Rick, John."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 15090. Timberlake, Ann E., heirs of. Amend by inserting, after line 14, page 44, "H. R. 24508. Timmins, J. M."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 7508. True, Ruth Ann. Amend by inserting, after line 17, page 44, "H. R. 24507. Tuck, W. H."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 21252. Reid, Marion C., heirs of. Amend, page 48, by striking out all of line 14.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 20557. Sutton, Thomas F., heir of Jonas Sutton, deceased. Amend by inserting, after line 2, page 49, "H. R. 21556. Randolph, Theresa S., heir of Meredith P. Tanner, deceased."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 20523. Garber, A. D., deceased, estate of. Amend by inserting, after line 13, page 49, "H. R. 20524. Garber, Rev. A. D., deceased, estate of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 15307. Rice, Francis E., deceased, heirs of. Amend by inserting, after line 6, page 50, "H. R. 21855. Rinker, Casper, deceased, heirs of."

The Clerk resumed and concluded the reading of the bill.

Mr. SIMS. Mr. Speaker, on page 53, in line 23, I move to amend by adding the letter "s" to the word "finding," so it will read "findings," and to strike out the words "of facts," in line 23, and strike out, in line 24, the words "of law," same page.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 23, add the letter "s" to the word "finding"; strike out the letter "a" and the words "of facts" in the same line; and in line 24 strike out the words "of law."

The question was taken, and the amendment was agreed to.

Mr. SIMS. On page 54, line 2, I move to strike out that part of the resolution in parentheses.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 54, by striking out all of line 2 after the word "judiciary," and lines 3 and 4 included in parentheses.

The question was taken, and the amendment was agreed to.

The question was taken, and the resolution as amended was agreed to.

JESUS SILVA, JR.

The next business on the Private Calendar was the bill (H. R. 24598) for the relief of Jesus Silva, jr.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of the General Land Office be, and he is hereby, directed to cause to be issued to Jesus Silva, jr., a patent to the following-described lands: Lots 3, 4, and 5 of section 25, township 21 south, range 1 west, New Mexico principal meridian, Las Cruces, N. Mex., land district, being the tract embraced in his homestead entry made October 5, 1905, upon which cash certificate issued February 3, 1909: *Provided*, That in said patent there shall be expressly reserved to the United States, or its successors, the right to take or use, without compensation to patentee or his grantees, any or all of the said lands needed for or in connection with the construction, maintenance, and operation of the Rio Grande reclamation project.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

EUGENE PRINCE.

The next business on the Private Calendar was the joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince.

The joint resolution was read, as follows:

Whereas Eugene Prince, son of John Henry Prince, an American citizen residing in St. Petersburg, Russia, is not entitled to American citizenship by descent, under section 1993, Revised Statutes of the United States; and

Whereas the said Eugene Prince is not recognized as a citizen by the Government of Russia or by any other foreign Government; and

Whereas the said Eugene Prince is without the character and privileges of a citizen in any country of the world; and

Whereas the said Eugene Prince is now sojourning in the United States and intends to reside therein: Therefore be it

Resolved, etc., That Eugene Prince, son of John Henry Prince, an American citizen residing in St. Petersburg, Russia, be, and he is hereby, unconditionally admitted to the character and privileges of a citizen of the United States.

The SPEAKER pro tempore. Is there objection to the consideration of the House joint resolution?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

THEODORE DEHON.

The next business on the Private Calendar was the bill (H. R. 9136) for the relief of the heirs of Theodore Dehon.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Let it go over.

The SPEAKER pro tempore. The gentleman from Illinois objects.

LEGAL REPRESENTATIVE OF GEORGE E. PAYNE, DECEASED.

The next business on the Private Calendar was the bill (H. R. 22311) for the relief of the legal representative of George E. Payne, deceased.

The bill was read.

Also a committee amendment was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let the bill go over, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois objects.

CHARLES A. COOLIDGE.

The next business on the Private Calendar was the House resolution 580, referring the bill (H. R. 24844) for the relief of Charles A. Coolidge to the Court of Claims.

The resolution was agreed to, as follows:

Resolved, That the bill (H. R. 24844) for the relief of Charles A. Coolidge, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. Reserving the right to object, I would like to make an inquiry. I judge that this is one of the cases that involves longevity pay. I ask whether that is a fact.

Mr. J. M. C. SMITH. I would say that the bill was looked after by my colleague [Mr. SAMUEL W. SMITH], and, being a member of the Committee on Claims, it was handed to me as reported. I understand there is a decision of the Supreme Court confirming the claim, and the only question is to refer it to the Court of Claims to find the amount due.

Mr. MANN. I will say to my friend from Michigan that there is a decision of the Supreme Court on the subject of longevity pay, and if that decision were followed all the cases that are barred by the statute of limitation would cost the Government a very large sum of money and involve a thousand or more cases. There is no need for any reference to the Court of Claims in any of those cases. The matter can be computed by the War Department, and would be computed by the War Department in any case, as the Court of Claims can not compute it. And I can see no reason for the reference in this bill to the Court of Claims if it is one of the longevity cases. Of course, all of these people have been trying in various ways to get Congress to pass either an omnibus bill or a special bill in order to set a precedent for the paying of all of these cases. Prior to this decision of the Supreme Court, no one supposed that the longevity pay began at the time the Supreme Court held that it did. All of those cases that were within the statute of limitations were paid through findings and claims filed in the Court of Claims. I can see no reason for Congress commencing now to go back and pay all of the claims that would date many years back, from the beginning of the time that longevity pay was allowed down to the time the statute of limitations interposed when the Supreme Court decision was filed.

They come in here by the basketful at different times. Of course, I can not tell from the resolution just what it is. There is nothing in the resolution or report to show, except an indication, and the indication is that it is a longevity claim. I shall be compelled to ask that it go over.

Mr. J. M. C. SMITH. Can the gentleman tell how long ago that decision of the Supreme Court was rendered?

Mr. MANN. I can not.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

MAG BROWN.

The next business on the Private Calendar was House resolution 581, referring the bill (H. R. 8507) for the relief of Mag Brown to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 581.

Resolved, That the bill (H. R. 8507) for the relief of Mag Brown, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

DEATH OF U. S. JACKSON, SERGEANT AT ARMS HOUSE OF REPRESENTATIVES.

Mr. DIXON of Indiana. Mr. Speaker, I regret very much to announce to the House the death, a few moments ago, of the Sergeant at Arms of the House, Mr. Jackson. I ask immediate consideration of the following resolution (H. Res. 588), which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. U. S. Jackson, Sergeant at Arms of the House.

Resolved, That as a mark of respect to his memory the House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to; accordingly (at 3 o'clock and 2 minutes p. m.) the House adjourned until Monday, June 24, 1912, at 12 o'clock noon

---

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of Commerce and Labor, transmitting, pursuant to House resolution 547, information relative to miners' strike in bituminous coal field in Westmoreland County, Pa. (H. Doc. 847); to the Committee on Labor and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings filed by the court in the case of the heirs of William McE. Dye *v.* The United States (H. Doc. No. 848); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings filed by the court in the case of the estate of William Hemphill Bell *v.* The United States (H. Doc. No. 849); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims transmitting copy of the findings filed by the court in the case of Thomas J. Rodman, deceased, *v.* The United States (H. Doc. No. 850); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 4512) for the relief of Mary Beal, reported the same with an amendment, accompanied by a report (No. 920), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 25370) granting a pension to Frank O. Scott; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12564) granting a pension to Joseph Clyde Shadden; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6972) granting a pension to Bascom M. Meyers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25429) granting a pension to Samantha Crews; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8536) granting an increase of pension to William A. Robson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6956) granting an increase of pension to James White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7082) granting an increase of pension to George A. Whalen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOWLAND: A bill (H. R. 25498) to establish a uniform preferential primary for all candidates for the Presidency, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. HUMPHREYS of Mississippi (by request): A bill (H. R. 25499) to provide for the incorporation of live stock record associations; to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 25506) providing for the sale of timber and other lands belonging to the Choctaw and Chickasaw Indians, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. CLAYTON: Resolution (H. Res. 589) for the consideration of House joint resolution 325; to the Committee on Rules.

Also, resolution (H. Res. 590) for the consideration of House bill 22591; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 25500) for the relief of the estate of James Sayre, deceased; to the Committee on War Claims.

By Mr. GRAY: A bill (H. R. 25501) granting a pension to Sarah F. Vales; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25502) granting a pension to William A. Robson; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 25503) for the relief of John T. Emmert, alias John T. Reed; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 25504) granting an increase of pension to Margaret Scanlon; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 25505) for the relief of Eli A. Spain; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Polish societies of the States of Illinois and Massachusetts, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of Active Workers' Association of Pennsylvania, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BATES: Petition of citizens of Meadville and Erie, Pa., favoring reservation for the Indians of Alaska and aid to relieve medical and sanitary conditions; to the Committee on the Territories.

Also, petitions of Polish Roman Catholic Union of America, of the State of Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Erie, Pa., favoring passage of House bill 357, regulating foreign and domestic fire insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. BARNHART: Petition of citizens of Michigan City, Ind., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Association of Fully Disabled Union Veterans of the Civil War, favoring the passage of House bill 1339, to grant increase of pensions to certain veterans of the Civil War who lost an arm or a leg; to the Committee on Invalid Pensions.

Also, petition of Illinois Chapter of the American Institute of Architects, relative to engaging architects for building Government buildings, etc.; to the Committee on Appropriations.

By Mr. HARDWICK: Paper in support of bill (H. R. 24940) granting an increase of pension to Mrs. Courtney A. Stovall; to the Committee on Pensions.

By Mr. HENRY of Connecticut: Memorial of St. Stanislaus Kostka Society, No. 579, New Britain, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Petition of Workmen's Sick and Death Benefit Fund of the United States of America, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Order of Independent Americans, Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LAFEAN: Petition of Order of Independent Americans of Pennsylvania and Daughters of Liberty of Pennsylvania, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of New York State Grange, Watertown, N. Y., protesting against passage of House bill 24927, for preventing the shipment of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of Association of Fully Disabled Union Veterans of the Civil War, Brooklyn, N. Y., favoring passage of House bill for increasing pension to veterans of the Civil War who have lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of National Headquarters of the United Spanish War Veterans, New York, N. Y., favoring passage of House bill 17470, for granting pensions to widows and orphans of the Spanish-American War; to the Committee on Pensions.

By Mr. MANN: Petition of Trenton (N. J.) Chamber of Commerce, protesting against the construction of bridge south of Trenton, as proposed by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pennsylvania Civil Service Reform Association, protesting against the proposed 5-year tenure of office; to the Committee on Appropriations.

By Mr. MACON: Petition of citizens of St. Francis County, Ark., favoring passage of the Berger old-age pension bill; to the Committee on Pensions.

SENATE.

MONDAY, *June 24, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON resumed the chair as President pro tempore.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries; and

H. R. 11933. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 18841. An act incorporating the National Institute of Arts and Letters; and

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894.

H. R. 1718. An act providing for the sale of the old Federal building and site at Owensboro, Ky., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 18434. An act to repeal section 4716 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Pensions.

H. R. 18504. An act to provide for the sale of fractional block No. 6, in the town of Forest Grove, Oreg., no longer needed for school purposes, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes, was read twice by its title and referred to the Committee on Standards, Weights, and Measures.

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street was read twice by its title and referred to the Committee on the District of Columbia.

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry was read twice by its title and referred to the Committee on Commerce.

H. R. 21826. An act validating certain homestead entries was read twice by its title and referred to the Committee on Public Lands.

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, was read twice by its title and referred to the Committee on Patents.

H. R. 24703. An act to extend the authority to receive certified checks drawn on national and State banks and trust com-

panies in payment for duties on imports and internal taxes and all public dues was read twice by its title and referred to the Committee on Finance.

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected was read twice by its title.

Mr. CRAWFORD. Mr. President, in regard to that bill I wish to make a statement.

The Committee on Claims reported favorably some twenty-odd bills relating to claims for the refunding of inheritance taxes which were erroneously collected, as shown by the decision of the Supreme Court of the United States in the Knowlton case. When those bills went to the House, instead of acting on the individual bills the House committee reported this general provision, so that all cases similarly situated might be acted upon without having so many separate bills.

This is a substitute for all the Senate bills reported favorably by the Senate Committee on Claims and passed by the Senate. On that account I suggest that the bill be referred to the Committee on Claims.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Claims, without objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operations of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Russell Fork of the Big Sandy River at Marrowbone, Ky.;

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.; and

H. J. Res. 299. Joint resolution proposing an international maritime conference.

HOUSE AMENDMENTS TO SENATE BILLS.

The PRESIDENT pro tempore. The Chair will state that there are certain messages from the House transmitting Senate bills with House amendments. The Chair feels that under the consent agreement it would be improper now to lay them before the Senate for action as they are matters about which contention might possibly arise. For that reason the Chair will withhold laying those messages before the Senate until after the consent agreement has been exhausted.

THE FLAG OF THE UNITED STATES (S. DOC. NO. 856).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War transmitting, in response to a resolution of the 15th instant, information relative to the placing of any flag, emblem, or banner above the Stars and Stripes over any fort, encampment, building, or ground under the jurisdiction of the War Department, which was referred to the Committee on Military Affairs and ordered to be printed.

HEIRS OF THEODORE T. S. LAIDLEY, DECEASED (S. DOC. NO. 857).

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion of law filed by the court in the cause of Jane A. Oberly, daughter, and Jane W. Laidley, widow, sole heirs of Theodore T. S. Laidley, deceased, v. United States, which case was referred to the Court of Claims by the resolution of the United States under the act of March 3, 1911, known as the judiciary act, which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

S. 462. An act for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased;

S. 547. An act for the relief of Sarah A. Waite;

S. 837. An act to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905;

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act;

S. 2127. An act for the relief of the heirs of Robert S. Gill;

S. 2427. An act for the relief of the legal heirs of A. G. Strain;

S. 2601. An act for the relief of Douglas B. Thompson;

S. 3469. An act for the relief of the American Surety Co., of New York;

S. 4751. An act for the relief of Albert S. Henderer;

S. 5046. An act to authorize the appointment of Shepler Ward FitzGerald and Alden George Strong to the grade of second lieutenant in the Army;

S. 5141. An act to correct an error in the record of the supplementary treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes;

S. 5176. An act granting a pension to Elizabeth B. Preston;

S. 5198. An act to authorize the issuance of patent to James W. Christman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northwest quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;

S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army;

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; and

S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 4568. An act granting an increase of pension to Annie R. Schley;

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.; and

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and

certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLETT managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building;

H. R. 2359. An act to refund certain tonnage taxes and light dues;

H. R. 7434. An act for the relief of Patrick Howe;

H. R. 7650. An act for the relief of I. S. Rogers and J. L. Worthley;

H. R. 7672. An act for the relief of Mary J. Manning;

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 14333. An act for the relief of John Johnson;

H. R. 15594. An act for the relief of the heirs of those killed by the explosion at Fort Lafayette, February 19, 1903;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.;

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio;

H. R. 16621. An act for the indemnification of Frank Wenzel;

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 16720. An act authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainey Mountain School in Oklahoma;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 17850. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 18213. An act to refund to the Sparrow-Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States;

H. R. 18904. An act to perfect the title of the heirs of James S. Rollins, deceased, to bounty land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster's Department, War with Mexico;

H. R. 19149. An act for the relief of the legal representatives of Mrs. L. R. Goodlett, deceased;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for the United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidencamp Mirror Co., James F. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.;

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest;

H. R. 21952. An act for the relief of James S. Baer;

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;*

H. R. 22863. An act for the relief of H. C. Owens;

H. R. 23043. An act to patent certain semiarid lands to Luther Burbank under certain conditions;

H. R. 22939. An act for the relief of John K. Wren;

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909;

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 220. Joint resolution to grant American citizenship to Eugene Prince.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 3263. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.;

S. 6479. An act to authorize the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas;

H. R. 16493. An act to correct the military record of William Z. Norman;

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22006. An act authorizing the Choctawhatchie River Light & Power Co. to erect a dam across the Choctawhatchie River in Dale County, Ala.;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation, Cal.;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. J. Res. 101. Joint resolution to appoint Andrew D. White a member of the Board of Regents of the Smithsonian Institution.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 7650. An act for the relief of I. S. Rogers and J. L. Worthley;

H. R. 7672. An act for the relief of Mary J. Manning;

H. R. 12131. An act for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 14333. An act for the relief of John Johnson;

H. R. 15594. An act for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19, 1903;

H. R. 16621. An act for the indemnification of Frank Wenzel;

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 17850. An act to pay Cowden & Cowden, of Amory, Monroe County, Miss., for the loss of a horse while being used by the Department of Agriculture;

H. R. 19149. An act for the relief of the legal representatives of Mrs. L. R. Goodlett, deceased;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidencamp Mirror Co., James F. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa.;

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;* and

H. R. 22863. An act for the relief of H. C. Owens.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building;

H. R. 12375. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.;

H. R. 18904. An act to perfect the title of the heirs of James S. Rollins, deceased, to bounty-land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster's Department, War with Mexico;

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest;

H. R. 23043. An act to patent certain semiarid lands to Luther Burbank under certain conditions; and

H. R. 24598. An act for the relief of Jesus Silva, jr.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 7434. An act for the relief of Patrick Howe;

H. R. 21952. An act for the relief of James S. Baer; and

H. R. 22939. An act for the relief of John K. Wren.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 2359. An act to refund certain tonnage taxes and light dues;

H. R. 16518. An act for the relief of the Fifth-Third National Bank, of Cincinnati, Ohio; and

H. R. 18213. An act to refund to the Sparrow-Gravely Tobacco Co. the sum of $173.52 with penalty and interest, the same having been erroneously paid by them to the Government of the United States.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Immigration:

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for the United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof; and

H. J. Res. 220. Joint resolution to grant American citizenship to Eugene Prince.

H. R. 16720. An act authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainey Mountain School in Oklahoma was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the International Association of Factory Inspectors, praying for the creation of a bureau of agriculture and labor in the island of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented resolutions adopted by members of the Lutheran Ministerial Association, of Washington, D. C., remonstrating against the reappointment of William A. De Lacey as judge of the juvenile court of the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM. I present a joint resolution adopted by the Legislature of Illinois, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the joint resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

THIRD SPECIAL SESSION, FORTY-SEVENTH GENERAL ASSEMBLY OF ILLINOIS, 1912.

Senate joint resolution 5.

Whereas the people of the lower Mississippi Valley have again this year been great sufferers from the overflow of the Mississippi River, entailing immense losses in life and property and in many instances the destruction of the crop prospects of the year; and

Whereas the Government of the United States and of the individual States along the lower Mississippi and numerous levee districts contiguous to its banks have, in the aggregate, expended millions upon millions of dollars within the past 40 years in the hope of preventing overflows and reclaiming the rich lands of that important region; and

Whereas this year, and frequently in the past, new high-water marks have been successively made and new areas inundated, thus continuing the losses and disappointing the hopes of the people; and

Whereas the lower Mississippi is the natural outlet to the sea for the waters of nearly half the area of the entire country, the vast plain lying between the Allegheny Mountains on the east and the Rocky Mountains on the west, all the northern portion of which, through tile and farm drains and the reclamation of swamps, is steadily pouring an increased volume of water into the great central stream; and

Whereas justice requires that the lower Mississippi Valley States should not be burdened with the task of providing outlet for all the water of the more northern portion; and

Whereas the time is at hand when the millions of people in this country will greatly need the vast increase of products of which the overflow and swamp lands of the lower valley is capable when once reclaimed and made secure against floods: Therefore be it

Resolved by the senate (the house of representatives concurring herein), That it is the sense of the Legislature of the State of Illinois that the control of the waterways of the lower Mississippi Valley is a national problem and should be dealt with by the General Government on plans broad and comprehensive enough to prevent overflows, reclaim the waste areas, and make them available for the production of food for the millions of people they are capable of supporting.

Resolved, That the secretary of state is directed to send copies of this resolution to the Senators and Representatives from Illinois in the Congress of the United States, and they are hereby urged to use their best efforts to secure action by Congress in accord with the spirit, intent, and purpose herein expressed.

Adopted by the senate June 4, 1912.
Concurred in by the house June 5, 1912.

OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Illinois, ss:*

I, C. J. Doyle, secretary of State of the State of Illinois, do hereby certify that the foregoing joint resolution of the Forty-seventh General Assembly of the State of Illinois, passed and adopted at the third special session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of state, at the city of Springfield, this 6th day of June, A. D. 1912.

[SEAL.] C. J. DOYLE,
Secretary of State.

Mr. CULLOM presented a petition of the International Molders' Conference Board, of Chicago, Ill., praying for the enactment of legislation providing for the better protection of American seamen, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia or garb of any religious denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Kell and Texico, in the State of Illinois, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Chicago, Dixon, Clifford, Quincy, Coal City, and Herrin, all in the State of Illinois, praying for the passage of the so-called injunction-limitation bill, which were referred to the Committee on the Judiciary.

Mr. FLETCHER. I present a telegram in the nature of a petition from wholesale grocers in Florida and Georgia, requesting the passage of the Gould bill, known as the weight or measure branding bill. I ask that the telegram be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the telegram was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

TAMPA, FLA., *June 21, 1912.*

Hon. DUNCAN U. FLETCHER,
Washington, D. C.:

We, the undersigned wholesale grocers doing business in Florida and Georgia, do most earnestly request and urge the passage of the Gould bill, known as weight or measure branding bill (H. R. 22526). We urge the passage of this bill for the reason that it is unquestionably the best bill that has been presented to your honorable body and, further, it is necessary for the honest manufacturers, wholesale, retailers, and consumers on account of its honesty of purpose.

PITTMAN GROCERY CO.
MILLER JACKSON GRAIN CO.
CONSOLIDATED GROCERY CO.
C. B. WITT.
J. Q. BRANTLEY.
PENINSULAR NAVAL STORES CO.
SNOW & BRYAN.
MACDONNELL GROCERY CO.

Mr. FLETCHER. I present a communication from the secretary of the Bankers' Association of Florida, transmitting a resolution adopted at the nineteenth annual session of that association held in Key West, Fla., April 4 and 5. I ask that the communication and resolution be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the communication and resolution were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FLORIDA BANKERS' ASSOCIATION,
Jacksonville, Fla., June 18, 1912.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: I beg to quote you below a resolution passed by the Florida Bankers' Association at their nineteenth annual session held in Key West, Fla., April 4 and 5:

"*Be it resolved by the Bankers' Association of the State of Florida*, That it is the sense of this association that the purpose of the bill of the Monetary Commission is against the best interests of the progress and development and the management of the banks of Florida, and that our Senators and Representatives in Congress be requested to use their best efforts to prevent the passage of the bill."

Respectfully, yours,

G. R. DESAUSSURE, *Secretary.*

Mr. McCUMBER presented resolutions adopted by members of the North Dakota Medical Association, favoring the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of the Association of Credit Men of Fargo, N. Dak., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. CATRON presented petitions of sundry citizens of Dona Ana and Curry Counties, in the State of New Mexico, praying for the enactment of legislation providing for two judicial districts in New Mexico, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce, of Los Angeles, Cal., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Knights Land and Patterson, in the State of California, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Eureka, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers, etc., which was referred to the Committee on Commerce.

He also presented a petition of the Ministerial Union of Santa Cruz, Cal., praying for the enactment of legislation to prohibit

the interstate transportation of prize-fight pictures, which was ordered to lie on the table.

He also presented resolutions adopted by the Shipowners' Association of the Pacific Coast, remonstrating against the enactment of legislation relating to the restriction of the salutary powers of courts in the matter of injunctions and restraining orders, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the City Council of Santa Cruz, Cal., favoring the enactment of legislation providing for the protection of passengers on ocean vessels, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Labor Council of San Francisco, Cal., favoring the dismissal of United States District Judge C. J. Hanford, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7193) to provide for the construction of four revenue cutters; to the Committee on Commerce.

By Mr. WILLIAMS:

A bill (S. 7194) to establish a drainage fund and to provide for the reclamation of swamp and overflowed lands in certain States; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River; to the Committee on Commerce.

By Mr. CRAWFORD:

A bill (S. 7196) granting an honorable discharge to William Cawley (with accompanying papers); to the Committee on Military Affairs.

CHARLES F. RIDDELL, CASHIER.

Mr. SHIVELY. Mr. President, by reason of the death of Hon. U. Stokes Jackson, Sergeant at Arms of the House of Representatives, it is necessary to authorize some one to perform the functions of that office in relation to drawing money from the Treasury for the pay of Members of the House. I introduce a joint resolution in the proper and usual form, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The Chair will understand that the Senate consents to that action, unless there be objection. It is a matter of emergency and a matter of course also, and the Chair presumes that it will not be governed by the consent agreement. The joint resolution will be read.

The joint resolution (S. J. Res. 120) authorizing Charles F. Riddell, cashier in the office of Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain money appropriated for the salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until the election of the Sergeant at Arms of the House of Representatives, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That Charles F. Riddell,, cashier in the office of Sergeant at Arms of the House of Representatives, be, and he is hereby, authorized and directed to draw checks, requisitions, and execute all papers necessary to obtain from the United States Treasury the money appropriated for salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until a Sergeant at Arms of the House of Representatives has been duly elected and qualified; and the Treasurer of the United States is hereby authorized to pay the said money to the said Riddell, cashier in conformity with the provisions of this resolution; and that the bond executed by said Riddell, as cashier in the office of Sergeant at Arms in the House of Representatives, in the penal sum of $50,000, payable to the United States of America, by authority of public resolution No. 34, approved June the 4th, 1912, be, and the same is hereby, with the consent of the sureties on said bond, extended in force and effect to cover the faithful discharge of the aforesaid-cashier's duties, as herein authorized and directed, until a Sergeant at Arms of the House of Representatives has been elected and qualified.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JOHNSTON of Alabama (for Mr. BANKHEAD) submitted an amendment relative to the retirement of any officer of the United States Navy now on the retired list who prior to June 30, 1911, failed in his physical examination for promotion, etc., intended to be proposed to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. MYERS submitted an amendment proposing $3,000 for paving the public street of the city of Butte, Mont., in front of the Federal Government building in that city, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS (by request) submitted an amendment proposing to appropriate $1,200 to pay Joseph E. Johnson for services as stenographer in the office of the Sergeant at Arms, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—GERTRUDE BROWN.

On motion of Mr. McCUMBER, it was

Ordered, That the papers accompanying the bill (S. 4672) granting a pension to Gertrude Brown, Sixty-second Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

SENATOR FROM ILLINOIS.

Mr. MYERS. Mr. President, I give notice that on Friday, the 5th day of July, at the close of the morning business for that day, or as soon thereafter as I may be heard, by permission of the Senate I will submit some remarks on the right of Mr. WILLIAM LORIMER, a Senator from the State of Illinois, to a seat in this body.

HOUR OF MEETING ON THURSDAY.

Mr. McCUMBER. I move that when the Senate adjourns to-day it adjourn to meet on Thursday at 10 o'clock a. m.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 120) authorizing Charles F. Riddell, cashier in the office of Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain money appropriated for the salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until the election of the Sergeant at Arms of the House of Representatives.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 120) authorizing Charles F. Riddell, cashier in the office of Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain money appropriated for the salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until the election of the Sergeant at Arms of the House of Representatives, and it was thereupon signed by the President pro tempore.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 33 minutes a. m.) the Senate adjourned until Thursday, June 27, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 24, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven we thank Thee for the gift of life, the joy of living, the hopes and promises of its prolongation beyond the confines of the earthly existence. And we most fervently pray that each day, each year, may be the preparation for the larger life of to-morrow. A purer, nobler life for the year that is coming. Comfort, we beseech Thee, the friends, the bereaved wife, and family of the officer of this House who has been summoned to another one of the Father's many mansions, and help them to look forward with faith and confidence to a reunion which shall never end, and "songs of praises we will ever give to Thee." In Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, June 22, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Gilfry, one of its clerks, announced that the Senate had passed the following joint resolution, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 120) authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain money appropriated for the salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until the election of the Sergeant at Arms of the House of Representatives.

Resolved, etc., That Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, be, and he is hereby, authorized and directed to draw checks, requisitions, and execute all papers necessary to obtain from the United States Treasury the money appropriated for salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until a Sergeant at Arms of the House of Representatives has been duly elected and qualified; and the Treasurer of the United States is hereby authorized to pay the said money to the said Riddell, cashier, in conformity with the provisions of this resolution; and that the bond executed by said Riddell, as cashier in the office of the Sergeant at Arms in the House of Representatives, in the penal sum of $50,000, payable to the United States of America, by authority of public resolution No. 34, approved June 4, 1912, be, and the same is hereby, with the consent of the sureties on said bond, extended in force and effect to cover the faithful discharge of the aforesaid cashier's duties as herein authorized and directed, until a Sergeant at Arms of the House of Representatives has been elected and qualified.

OFFICE OF THE SERGEANT AT ARMS.

Mr. DIXON of Indiana. Mr. Speaker, I ask that the resolution in reference to the office of the Sergeant at Arms, which has just come over from the Senate, be taken from the Speaker's table and laid before the House for immediate consideration.

The SPEAKER. The gentleman from Indiana asks to take the resolution referred to from the Speaker's table and consider it now.

Mr. JOHNSON of Kentucky. Mr. Speaker, this is District day, and I wish to take up District business.

The SPEAKER. The Chair will recognize the gentleman from Kentucky as soon as the resolution is disposed of. The situation is that unless this resolution passes every Member of the House that has a check outstanding will have it protested. The Clerk will read the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 120) authorizing Charles F. Riddell, cashier in the Office of the Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain money appropriated for the salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until the election of the Sergeant at Arms of the House of Representatives.

Resolved, etc., That Charles F. Riddell, cashier in the Office of the Sergeant at Arms of the House of Representatives, be, and he is hereby, authorized and directed to draw checks, requisitions, and execute all papers necessary to obtain from the United States Treasury the money appropriated for salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until a Sergeant at Arms of the House of Representatives has been duly elected and qualified; and the Treasurer of the United States is hereby authorized to pay the said money to the said Riddell, cashier, in conformity with the provisions of this resolution; and that the bond executed by said Riddell as cashier in the Office of the Sergeant at Arms in the House of Representatives, in the penal sum of $50,000, payable to the United States of America, by authority of public resolution No. 34, approved June 4, 1912, be, and the same is hereby, with the consent of the sureties on said bond, extended in force and effect to cover the faithful discharge of the aforesaid cashier's duties as herein authorized and directed until a Sergeant at Arms of the House of Representatives has been elected and qualified.

Passed the Senate June 24, 1912.

Mr. MANN. Mr. Speaker, I understand this resolution originates in the Senate at the request of the Members of the House, because the Senate met at 10 o'clock this morning, and would not be in session when the House met.

Mr. DIXON of Indiana. That is the reason that it was not passed by the House in the first place, because the Senate was to meet at 10 o'clock this morning and would adjourn before the House could meet and pass the resolution.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman from Kansas has a request to make.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that I may have 15 minutes, in which time I desire to have a letter read.

The SPEAKER. The gentleman from Kansas asks unanimous consent to address the House for 15 minutes. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I send to the Clerk's desk a letter which I shall ask to have read. The letter was written by a man who has a rare ability to write of what he knows, and to write it in forceful phraseology. I ask that the letter be read.

The Clerk read as follows:

SAGAMORE HILL,
Oyster Bay, N. Y., September 9, 1908.

Mr. CONRAD KOHRS,
Helena, Mont.

MY DEAR MR. KOHRS: I have received your letter about the candidacy of Mr. Taft, the man who I feel is in an especial sense the representative of all that in which I most believe in political life.

Every good citizen should desire to see both prosperity and justice, prosperity and fair and righteous dealing as between man and man, obtain permanently in this great Republic. As a people we are justly proud of our business industry, of our energy and intelligence in our work; and it is entirely right that we should ask ourselves as to any given course of conduct. "Will it be profitable?" But it is also no less emphatically true that the bulk of our people, the plain people, who found in Abraham Lincoln their especial champion and spokesman, regard the question, "Is this morally right?" as even more important than the question, "Is this profitable?" when applied to any given course of conduct. Indeed, in the long run our people are sure to find that in all dealings, alike in the business and the political world, what is really profitable is that which is morally right. The last few years have seen a great awakening of the public conscience and the growth of a stern determination to do away with corruption and unfair dealing, political, economic, social. It is urgently necessary that this great reform movement should go on. But no reform movement is healthy if it goes on by spasms; if it is marked by periods of frenzied advance, followed, as such periods of frenzied advance must always be followed, by equally violent periods of reaction.

The revolutionary and the reactionary really play into one another's hands, to the extent that each by his excesses necessarily tends to arouse such disgust, such a feeling of revolt, in the minds of quiet people, as temporarily to restore the other to power. To permit the direction of our public affairs to fall alternately into the hands of revolutionaries and reactionaries, of the extreme radicals of unrest and of the bigoted conservatives who recognize no wrongs to remedy, would merely mean that the Nation had embarked on a feverish course of violent oscillation which would be fraught with great temporary trouble, and would produce no adequate good in the end. The true friend of reform, the true foe of abuses, is the man who steadily perseveres in righting wrongs, in warring against abuses, but whose character and training are such that he never promises what he can not perform, that he always a little more than makes good what he does promise, and that, while steadily advancing, he never permits himself to be led into foolish excesses which would damage the very cause he champions. In Mr. Taft we have a man who combines all of these qualities to a degree which no other man in our public life since the Civil War has surpassed. To a flaming hatred of injustice, to a scorn of all that is base and mean, to a hearty sympathy with the oppressed, he unites entire disinterestedness, courage both moral and physical of the very highest type, and a kindly generosity of nature which makes him feel that all of his fellow countrymen are in very truth his friends and brothers, that their interests are his, and that all his great qualities are to be spent with lavish freedom in their service. The honest man of means, the honest and law-abiding business man, can feel safe in his hands because of the very fact that the dishonest man of great wealth, the man who swindles or robs his fellows, would not so much as dare to defend his evil doing in Mr. Taft's presence. The honest wageworker, the honest laboring man, the honest farmer, the honest mechanic or small trader, or man of small means, can feel that in a peculiar sense Mr. Taft will be his representative because of the very fact that he has the same scorn for the demagogue that he has for the corruptionist, and that he would front threats of personal violence from a mob with the unquailing and lofty indifference with which he would front the bitter anger of the wealthiest and most powerful corporations. Broad though his sympathies are, there is in him not the slightest tinge of weakness. No consideration of personal interest, any more than of fear for his personal safety, could make him swerve a hair's breadth from the course which he regards as right in the interest of the whole people.

I have naturally a peculiar interest in the success of Mr. Taft, and in seeing him backed by a majority in both Houses of Congress which would heartily support his policies. For the last 10 years, while I have been governor of New York and President, I have been thrown into the closest intimacy with him, and he and I have on every essential point stood in heartiest agreement, shoulder to shoulder. We have the same views as to what is demanded by the national interest and honor, both within our own borders and as regards the relations of this Nation with other nations. There is no fight for decency and fair dealing which I have waged in which I have not had his heartiest and most effective sympathy and support, and the policies for which I stand are his policies as much as mine.

It is not possible in the space of this letter to discuss all the many and infinitely varied questions of moment with which Mr. Taft as President would have to deal; let him be judged by what he has himself done and by what the administration, in which he has played so conspicuous a part, has done. But

to illustrate just what his attitude is, let me touch on two matters now prominent in the public mind:

Mr. Taft can be trusted to exact justice from the railroads for the very reason that he can be trusted to do justice to the railroads. The railroads are the chief instruments of interstate commerce in the country, and they can neither be held to a proper accountability on the one hand nor given proper protection on the other save by the affirmative action of the Federal Government. The law as laid down by the Federal courts clearly shows that the States have not and can not devise laws adequate to meet the problems caused by the great growth of the railroads doing an interstate-commerce business, for more than four-fifths of the business of the railroads is interstate, and under the Constitution of the United States only the Federal Government can exercise control thereover. It is absolutely necessary that this control should be affirmative and thoroughgoing. All interstate business carried on by the great corporations should, in the interest of the whole people, be far more closely supervised than at present by the National Government; but this is especially true of the railroads, which can not exist at all save by the exercise of powers granted them on behalf of the people, and which, therefore, should be held to a peculiar accountability to the people. It is in the interest of the people that they should not be permitted to do injustice; and it is no less to the interest of the people that they should not suffer injustice. Their prime purpose is to carry the commodities of the farmers and the business men; they could not be built save for the money contributed to them by their shareholders; they could not be run at all save for the money paid out in wages to the railroad employees; and, finally, they could not be run judiciously, or profitably to any one, were it not for the employment by them of some masterful guiding intelligence, whether of one man or of a group of men. There are therefore several sets of interests to be considered. Each must receive proper consideration, and when any one of them selfishly demands exclusive consideration the demand must be refused. Along certain lines all of these groups have the same interests.

It is to the interest of shipper, farmer, wageworker, business man, honest shareholder, and honest manager alike that there should be economy, honesty, intelligence, and fair treatment of all. To put an effective stop to stock watering would be a benefit to everybody except the swindlers who profit by stock watering; it would benefit the honest shareholder because honest investments would not be brought into competition with mere paper; it would benefit the wageworker, because when the money earned does not have to go to paying interest on watered capital more of it is left, out of which to pay wages; it would benefit the shipper, because when only honest stockholders have to be paid interest, rates need not be improperly raised; it would benefit the public, because there would be ample money with which to give efficient service. Similarly the prevention of favoritism, as among shippers, does no damage to anyone who is honest, and confers great good upon the smaller business man and the farmer, whom it relieves of oppression. Again, such supervision of accounts and management as will prevent crookedness and oppression works good, directly or indirectly, to all honest people. Therefore everything that can be done along all these lines should be done; and no man's legitimate interest would thereby be hurt. But after this point has been reached great care must be exercised not to work injustice to one class in the effort to show favor to another class, and each class naturally tends to remember only its own needs. The stockholders must receive an ample return on their investments or the railroads cannot be built and successfully maintained; and the rates to shippers and the wages to employees, from the highest to the lowest, must all be conditioned upon this fact. On the other hand, in a public-service corporation we have no right to allow such excessive profits as will necessitate rates being unduly high and wages unduly low. Again, while in his proper ways rates must be kept low, we must always remember that we have no right and no justification to reduce them when the result is the reduction of the wages of the great army of railroad men. A fair working arrangement must be devised according to the needs of the several cases, so that profits, wages, and rates shall each be reasonable with reference to the other two—and in wages I include the properly large amounts which should always be paid to those whose masterful ability is required for the successful direction of great enterprises. Combinations which favor such an equitable arrangement should themselves be favored and not forbidden by law, although they should be strictly supervised by the Government through the Interstate Commerce Commission, which should have the power of passing summarily upon not only the question of the reduction but the raising of rates.

This railroad problem is itself one of the phases of one of the greatest and most intricate problems of our civilization; for its proper solution we need not merely honesty and courage, but judgment, good sense, and entire fair-mindedness. Demagogy in such a matter is as certain to work evil as corruption itself. The man who promises to raise the wages of the railroad employees to the highest point and at the same time to reduce rates to the lowest point is promising what neither he nor anyone else can perform; and if the effort to perform it were attempted disaster would result to both shipper and wageworker and ruin to the business interests of the country. The man to trust in such a matter as this is the man who, like Judge Taft, does not promise too much, but who could not be swayed from the path of duty by any argument, by any consideration; who will wage relentless war on the successful wrongdoer among railroad men as among all other men; who will do all that can be done to secure legitimately low rates to shippers and absolute evenness among the rates thus secured; but who will neither promise nor attempt to secure rates so low that the wage earner would lose his earnings and the shareholder, whose money built the road, his profits. He will not favor a ruinous experiment like Government ownership of railways; he will stand against any kind of confiscation of honestly acquired property; but he will work effectively for the most efficient type of Government supervision and control of railways, so as to secure just and fair treatment of the people as a whole.

What is here said as to his attitude on the railway question applies to the whole question of the trusts. He will promise nothing on this subject unless he firmly believes he can make his promise good. He will go into no chimerical movement to destroy all great business combinations, for this can only be done by destroying all modern business; but he will in practical fashion do everything possible to secure such efficient control, on behalf of the people as a whole, over these great combinations as will deprive them of the power to work evil. Mr. Taft's decision in the Addystone Pipe Line case while on the bench is proof, by deeds not by words, of the far-sighted wisdom with which he serves the interests of the whole people even when those of the most powerful corporations are hostile thereto.

If there is one body of men more than another whose support I feel I have a right to challenge on behalf of Secretary Taft, it is the body of wageworkers of the country. A stancher friend, a fairer and truer representative, they can not find within the borders of the United States. He will do everything in his power for them except to do that which is wrong; he will do wrong for no man, and therefore can be trusted by all men. During the 10 years of my intimate acquaintance with him, since I have myself, as governor and President, been obliged to deal practically with labor problems, he has been one of the men upon whose judgment and aid I could always rely in doing everything possible for the cause of the wageworker, of the man who works with his hands, or with both hands and head.

Mr. Taft has been attacked because of the injunctions he delivered while on the bench. I am content to rest his case on these very injunctions; I maintain that they show why all our people should be grateful to him and should feel it safe to intrust their dearest interests to him. Most assuredly he never has yielded and never will yield to threat or pressure of any sort, as little if it comes from labor as if it comes from capital; he will no more tolerate the violence of a mob than the corruption and oppression and arrogance of a corporation or of a wealthy man. He will not consent to limit the power of the courts to put a stop to wrongdoing wherever found. This very fact should make the labor people feel a peculiar confidence in him. He has incurred the bitter hostility of foolish and bigoted reactionaries by his frank criticism of the abuse of the power of injunction in labor disputes, and he is pledged to do all he can to put a stop to the abuses in the exercise of the power of injunction. He will never promise anything that he will not do all in his power to perform. He can always be trusted to do a little better than his word, and the fact that before election he will not promise the impossible is in itself a guaranty that after election all that is possible will be done.

His record as a judge makes the whole country his debtor. His actions and decisions are part of the great traditions of the bench. They guaranteed and set forth in striking fashion the rights of the general public as against the selfish interests of any class, whether of capitalists or of laborers. They set forth and stand by the rights of the wageworkers to organize and to strike, as unequivocally as they set forth and stand by the doctrine that no conduct will be tolerated that would spell destruction to the Nation as a whole. As for the attack upon

his injunctions in labor disputes, made while he was on the bench, I ask that the injunctions be carefully examined. I ask that every responsible and fair-minded labor leader, every responsible and fair-minded member of a labor organization, read these injunctions for himself. If he will do so, instead of condemning them he will heartily approve of them and will recognize this further astonishing fact that the principles laid down by Judge Taft in these very injunctions, which laboring people are asked to condemn, are themselves the very principles which are now embodied in the laws or practices of every responsible labor organization. No responsible organization would now hesitate to condemn the abuses against which Judge Taft's injunctions were aimed. The principles which he therein so wisely and fearlessly laid down serve as a charter of liberty for all of us, for wageworkers, for employers, for the general public; for they rest on the principles of fair dealing for all, of even-handed justice for all. They mark the judge who rendered them as standing for the rights of the whole people; as far as daylight is from darkness, so far is such a judge from the timeserver, the truckler to the mob, or the cringing tool of great, corrupt, and corrupting corporations. Judge Taft on the bench—as since, in the Philippines, in Panama, in Cuba, in the War Department—showed himself to be a wise, a fearless, and an upright servant of the whole people, whose services to the whole people were beyond all price. Moreover, let all good citizens remember that he rendered these services, not when it was easy to do so, but when lawless violence was threatened, when malice, domestic and civic disturbance threatened the whole fabric of our Government and of civilization; his actions showed not only the highest kind of moral courage but of physical courage as well, for his life was freely and violently threatened.

Let all fair-minded men, wageworkers and capitalists alike, consider yet another fact. In one of his decisions upon the bench Judge Taft upheld in the strongest fashion and for the first time gave full validity to the principle of the employers' liability for injuries done workmen. This was before any national law on the subject was enacted. Judge Taft's sense of right, his indignation against oppression in any form, against any attitude that is not fair and just, drove him to take a position which was violently condemned by short-sighted capitalists and employers of labor, which was so far in advance of the time that it was not generally upheld by the State courts, but which we are now embodying in the law of the land. Judge Taft was a leader, a pioneer, while on the bench, in the effort to get justice for the wageworker, in jealous championship of his rights; and all upright and farsighted laboring men should hold it to his credit that at the same time he fearlessly stood against the abuses of labor, just as he fearlessly stood against the abuses of capital. If elected, he has shown by his deeds that he will be President of no class, but of the people as a whole; he can be trusted to stand stoutly against the two real enemies of our democracy—against the man who to please one class would undermine the whole foundation of orderly liberty and against the man who, in the interest of another class, would secure business prosperity by sacrificing every right of the working people.

I have striven as President to champion in every proper way the interests of the wageworker, for I regard the wageworker, excepting only the farmer, the tiller of the soil, as the man whose well-being is most essential to the healthy growth of this great Nation. I would for no consideration advise the wageworker to do what I thought was against his interest. I ask his support for Mr. Taft exactly as I ask such support from every farsighted and right-thinking American citizen, because I believe with all my heart that nowhere within the borders of our great country can there be found another man who will as vigilantly and efficiently as Mr. Taft support the rights of the workingman as he will the rights of every man who in good faith strives to do his duty as an American citizen. He will protect the just rights of both rich and poor, and he will war relentlessly against lawlessness and injustice, whether exercised on behalf of property or of labor.

On the bench Judge Taft showed the two qualities which make a great judge—wisdom and moral courage. They are also the two qualities which make a great President.

Sincerely, yours,

THEODORE ROOSEVELT.

[Applause.]

During the reading of the letter, the time of Mr. CAMPBELL having expired, by unanimous consent, on the request of Mr. MANN, his time was extended five minutes.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent for 10 minutes in which to address the House.

The SPEAKER pro tempore (Mr. HULL). The gentleman from Alabama asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, here is a document recently issued by the ex-President of the United States, Col. Theodore Roosevelt, which is very interesting reading, and I desire to have it read to the House in my time. What Mr. Taft has said about Mr. Roosevelt recently would also make interesting reading just now.

The Clerk read as follows:

ROOSEVELT READY TO TAKE LEAD OF A NEW MOVEMENT—SAYS IF PEOPLE DEMAND IT HE WOULD ACCEPT NOMINATION OF PROGRESSIVE PARTY—DELEGATES NOT TO BOLT.

CHICAGO, ILL., *June 21, 1912.*

Col. Theodore Roosevelt yesterday issued this statement:

"The time has come when I feel that I must make certain statements not merely to honestly elected members of the Republican national convention, but to the rank and file of the Republican Party and to the honest people of the entire Nation. I went into this fight for certain great principles. At the moment I can only serve these principles by continuing to bear the personal responsibility which their advocacy has brought to me.

"On behalf of these principles I made my appeal straight to the people themselves. I went before them, I made my argument in full, and every move I made was in the open, without concealment of any kind.

"The opposition to me was extraordinarily bitter, for I was opposed by the practically solid phalanx of the big, conscienceless political bosses, with back of them the practically solid phalanx of the big, conscienceless beneficiaries of special privilege in every form, and of course the many big newspapers which are controlled by or in the interest of the bosses and special privilege.

"Nevertheless, in the appeal to the people I won. In many of the Republican States and of the Democratic States where there is a large and real Republican Party primaries of different kinds were held and a substantial expression of the will of the people was obtained.

"In these primary States some 3,000,000 voters, the rank and file of the Republican Party, cast their votes. I beat Mr. Taft considerably over two to one. In these States I obtained about six delegates to Mr. Taft's one. Nearly three-fourths of my delegates came from these primary States where the people had a chance to express themselves.

TAFT'S SUPPORT USELESS AT POLLS.

"Mr. Taft's strength, as indicated by the two roll calls already taken, consisted chiefly (aside from his 90 stolen delegates) of the nearly solid delegations from the Territories and from the Southern States, in which there is no real Republican Party—South Carolina, Georgia, Florida, Alabama, Arkansas, Mississippi, Louisiana—and of Northern States like New York, where the people had no chance to express themselves at primaries and where the delegates were picked by the bosses.

"In spite of these odds against me, I obtained a clear majority of all the delegates elected to the convention. In my campaign I again and again stated that if the people decided against me, I would have nothing to say, but that if they decided for me and the politicians then robbed me of the victory I would not silently and tamely acquiesce.

OPPONENTS USE FOUL MEANS.

"It was already evident that my opponents, with Mr. Taft's encouragement, intended to beat me by foul means if they could not do so by fair means.

"The crucial but not the only step in the concerted and hitherto successful effort to cheat the people out of the victory they had fairly won was taken up by the now defunct national committee, which, without one show of justification and with cynical contempt of the most ordinary rules of decency, in making up the temporary roll call unseated 90 fairly elected Roosevelt delegates and substituted for them 90 Taft delegates who in the convention represent nothing whatever but successful fraud.

"I was clearly entitled to all these 90 delegates; all the 90 possessed, for instance, clearer titles than the uncontested Taft delegates from New York City; and as to 70 of them, their titles were as flawless as those of any other delegates in the convention.

FRAUDULENT VOTES ELECT ROOT.

"Mr. ROOT was elected, and Gov. Deneen's motion for partially cleansing the roll of fraud was defeated by the vote of these 90 fraudulent delegates—the last being a vote on a straight moral issue, the result of which, in my judgment, ought to render it impossible for any man longer to take part in the pro-

ceedings of the convention as now constituted. The majority in each case was slightly over 50.

"In each case, therefore, if it had not been for the hitherto successful rascality which placed these fraudulent delegates on the roll and permitted them to vote the cause of decency would have won; Mr. McGovern would have been elected in place of Mr. ROOT, Gov. Deneen's motion would have prevailed, and the Republican national convention would now have been exercising in good faith the high, honorable, and vitally important function of honestly representing the wishes, the judgment, and the interests of the plain people who make up the mass of the Republican Party.

CONVENTION REPRESENTS FRAUD.

"Instead, it now presents nothing but successful political fraud perpetrated in the interest of political and financial privilege.

"I understand that Mr. ROOT has announced that no one of the stolen delegates will be allowed to vote on his own case, but that all will be allowed to vote on one another's cases. Such a ruling is a sheer denial of justice and fair play.

"All these 90 fraudulent delegates were seated at the same time by the votes of the same national committeemen to serve the same purpose. The credentials committee appointed to try their cases included three of their own number—from the States of Washington, Arizona, and Texas—where the delegations were stolen en masse. This committee selected as its chairman the Guggenheim delegate from Colorado, who had already, as national committeeman, assisted in initiating the frauds upon which he is now to sit in judgment.

"Nothing that this committee may do is entitled to consideration, and in considering what they do it will be well to keep in mind the remark made in private by one of the national committeemen, who, when asked why they had stolen so many more delegates than were needed for their purpose, answered that it would enable the credentials committee to make a show of generosity by unseating some, while retaining a number amply sufficient to accomplish all the ends they have in view.

MEANS A TAINTED NOMINATION.

"Moreover, it is well to remember that the fraud is equally great and equally reprehensible, whether the fraudulent delegates actually vote on the nomination for President or whether they are merely used to create a situation which renders it unnecessary for them to vote on the nomination for President. If the roll is not purged en masse of these fraudulently elected delegates the whole election of the convention is tainted.

"The committee on rules, against the protest of the progressive members, has just provided for the perpetuation of the national committee in the form responsible for the scandalous outrages which have at this moment brought the Republican Party to the breaking point; and they have explicitly refused to recognize the principle of popular presidential primaries and have made the national committee supreme over the people in the matter of primaries.

RESPECTABLE MEN AID UNSCRUPULOUS.

"Unfortunately in our political life the unscrupulous man who commits wrongs such as these can usually count on having some respectable men support him and other respectable men oppose him, but cease their opposition at the point when it would become really effective.

"In this connection the unscrupulous men who are the leaders have already received support from the former class of respectable men; and they count upon seeing representatives of the latter class, who have hitherto voted against them, fear to take the decisive step of sundering connection with the fraudulent convention itself.

"Such are the facts about the national convention as now constituted. I decline any longer to be bound by any action it may take. I decline to regard as binding any nomination it may make. I do not regard successful fraud and deliberate political theft as constituting a title to party regularity, or a claim to the support of any honest man of any party.

"I hope that the honestly elected majority will at once insist upon the immediate purging of the roll in its entirety and not piecemeal by the convention.

"If this purging is not accomplished, I hope the honestly elected delegates will decline all further connection with a convention whose action is now determined, and has hitherto been determined, by a majority which is made a majority only by the action of the fraudulent delegates whom the convention has refused to strike from the rolls.

"If the leaders of the honestly elected majority disagree with me in this matter and desire me to lead the fight, I will do so.

"There can be no cause for which it is better worth while to fight, none in which it is of less consequence what happens to the individual himself, provided only that he valiantly does his duty in the forward movement. I shall make my appeal to all honest men, East and West, North and South, and gladly abide the result, whatever that result may be.

"THEODORE ROOSEVELT."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On June 18, 1912:

H. R. 10612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia; and

H. R. 23790. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges, or viducts, across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands."

On June 19, 1912:

H. R. 9061. An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 23557. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

MILITARY ENCAMPMENT AND MANEUVERS (H. DOC. NO. 852).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

Very complete arrangements have been tentatively prepared for the participation in camps and maneuvers of a large portion of the Organized Militia of the United States. Preparation has been made for this most important military instruction both by the United States and by the various States whose Organized Militia will participate. The magnitude of the maneuver plans can be seen when it is estimated that 70,000 officers and enlisted men of the Organized Militia will take part in them during the coming year. Should it be impossible to carry out the contemplated maneuvers it will be at a very great loss of efficiency to the troops concerned and will entail a great disappointment to the thousands of men who, with the maneuvers in view, have been preparing themselves therefor.

In contemplation of the maneuvers it has been necessary already to expend the sum of $80,000 from the unexpended balance of last year's appropriation for maneuver purposes for the Organized Militia, which sum will be lost should the project of maneuvers not be consummated. In addition to this, the various States have made arrangements to expend large amounts from their apportionment from the funds appropriated by Congress under section 1661, Revised Statutes, or from funds appropriated by the State. Without an appropriation by Congress the maneuvers may not be held. I have the honor, therefore, strongly to recommend and urge that the following item, taken from House bill No. 18956 (Army appropriation bill), be enacted separately and specially:

One million three hundred and fifty thousand dollars "Encampment and maneuvers, Organized Militia, 1912–1914."

In addition to the appropriation for the Organized Militia for maneuver purposes it would be necessary that certain amounts be appropriated and made immediately available for the Regular Army to participate with the Organized Militia and aid the latter in the purpose of the maneuvers. This appropriation would total $367,500, and is made up of the following items:

Regular supplies	$160,000
Incidental expenses	4,500
Barracks and quarters	33,000
Army transportation	75,000
Roads and walks, etc	4,000
Water and sewers	57,000
Clothing and equipage	34,000
Total	367,500

The immense importance of the training of the militia leads me again to urge most strongly that the two appropriations mentioned be made available on or before the 2d day of July, 1912, since, unless the maneuvers can be definitely determined upon by that date, the plans for the encampments and maneuvers of a great portion of the Organized Militia of the United States will have to be abandoned.

WM. H. TAFT.

THE WHITE HOUSE, *June 24, 1912.*

Mr. HAY. Mr. Speaker, the situation referred to in the President's message was created by his veto of the Army appropriation bill (H. R. 18956), which carried in it $1,350,000 for these maneuvers. The recommendation of the President will be acted upon as speedily as we can do so under existing circumstances, but it is well known to all that both the House and Senate have practically adjourned until the 1st of July. I move to refer the present message to the Committee on Military Affairs.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. MANN. As I understand, the plan is to have the maneuvers very early in July.

Mr. HAY. July 5, I believe.

Mr. MANN. Of course, so far as the actual appropriation is concerned, I suppose that if it be made by the 2d of July it would be in sufficient time.

Mr. HAY. I so understand from what the President says in his message.

Mr. MANN. Is it practical for the Army and the national reserve to proceed with their plans meanwhile with any sort of assurance that the appropriation will be made? As I understand, the gentleman from Virginia himself, and probably his committee, is perfectly willing that this emergency appropriation should be made as speedily as possible.

Mr. HAY. As speedily as possible; yes.

Mr. MANN. I think the same is true absolutely of this side of the House.

Mr. HAY. I will say that as far as I am personally concerned that is true. The gentleman will understand that a bill of that character would have to go to the calendar and could only be taken up and passed by unanimous consent.

Mr. MANN. The day upon which we meet next week, Monday, is suspension day, and I take it there will be no trouble in passing it at that time.

Mr. HAY. It could be passed at that time.

Mr. MANN. And probably there will be no objection to it, but I think it would be well if the Army officials and the National Guard officials have the understanding that it is the expectation, at least, of gentlemen in Congress to make the emergency appropriation.

Mr. HAY. I have already stated that as speedily as it possibly can be done the appropriation will be provided for. I do not think I can go any further than that.

Mr. MANN. I agree with the gentleman. I wanted to have it clearly understood in the House that no one would like to make objection to it.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. HAY. Certainly.

Mr. CANNON. I should say that by the 2d of July provision for almost the whole public service would have to be made, or the public service stops—oh, for 15 or 30 days, whatever in the wisdom of the majority of the House and the Senate would seem apt to them as a matter of policy. That would be true not only as to the militia, but also as to the whole public service.

Mr. HAY. I will state to the gentleman that this appropriation does not stand on all fours with the appropriations which may be continued. The appropriation for this purpose in the Army appropriation bill last year carried only $350,000, and a continuation of it for 30 days would not meet the present requirements. The appropriation in the present Army bill is $1,350,000, so that in order that these maneuvers shall go on it is necessary to appropriate the whole amount.

Mr. CANNON. It might be done, however, in a resolution that appropriated otherwise for the extension of the public service.

Mr. SHERLEY. Mr. Speaker, if the gentleman will yield, it will probably be necessary, in the event that any joint resolution is passed, coming from the gentleman's and my own committee, the Committee on Appropriations, to make special provision as to certain matters. That was so particularly true as to this matter of the Army maneuvers that the majority members of the Committee on Appropriations felt it was perfectly proper that the matter, belonging primarily to the Committee on Military Affairs, should go to that committee and should be taken care of independently, and they have no objection to the motion as made by the gentleman from Virginia.

Mr. CANNON. I think it ought to go to that committee, but it might well be included in a resolution of the kind to which I refer.

Mr. SHERLEY. The question of what will be done about providing other funds, because of the failure of the supply bills, will be met when that situation arises. I agree with the gentleman from Virginia that this is the course to pursue at this time.

Mr. HAY. Mr. Speaker, I renew my motion to refer the communication to the Committee on Military Affairs.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia.

The question was taken, and the motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PLUMLEY for 12 days on account of important business.

BILLS ON THE PRIVATE CALENDAR.

Mr. UNDERWOOD. Mr. Speaker, I understand that it will require the House to wait a short time in order that the joint resolution may be engrossed and signed authorizing the Deputy Sergeant at Arms to sign the Members' checks, and whilst we are waiting for that purpose I ask unanimous consent that the order which was in force last Saturday in reference to the Private Calendar may be renewed to-day so that the remaining bills on the Private Calendar may be called up by unanimous consent and be acted on in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the order applying last week shall be continued to-day as to bills on the Private Calendar; that they shall be called, and those not objected to shall be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. MANN. That means, to proceed where we left off the other day.

The SPEAKER. Yes; proceed where we left off. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

THEODORE DEHON.

The first business on the Private Calendar was the bill (H. R. 9136) for the relief of the heirs of Theodore Dehon.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, that bill and several after it were disposed of the other day. I ask that the bill go over.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will report the next bill.

GEORGE E. PAYNE.

The next business on the Private Calendar was the bill (H. R. 22311) for the relief of the legal representatives of George E. Payne, deceased.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I desire to ask to have this bill go over. This bill and Calendar No. 153 were read before the House last Saturday and objected to and the Clerk read the calendar down to No. 154, House resolution 581, when the motion to adjourn was made.

The SPEAKER. The gentleman from Illinois objects.

MAG BROWN.

The next business on the Private Calendar was House resolution 581, in lieu of House bill 8507, for the relief of Mag Brown, and referring the same to the Court of Claims?

The Clerk read as follows:

Resolved, That the bill (H. R. 8507) for the relief of Mag Brown, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law

under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

MRS. THOMAS S. FERRAL.

The next business on the Private Calendar was House resolution 582, a resolution in lieu of House bill 15752, for the relief of Mrs. Thomas S. Ferral, and referring the same to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 15752) for the relief of Mrs. Thomas S. Ferral, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is there anyone here from the Committee on Claims who knows; if so, I would like to inquire, why these individual resolutions were not included in the omnibus resolution. Very well—I do not object.

The SPEAKER. The Chair hears no objection.

The question was taken and the resolution was agreed to.

JAMES EASSON.

The next business on the Private Calendar was the bill (H. R. 265) for the relief of James Easson.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill go over.

The SPEAKER. The gentleman from Illinois objects.

GEORGE IVERS.

The next business on the Private Calendar was the bill (S. 100) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill go over.

The SPEAKER. The gentleman from Illinois objects.

JOE COOK.

The next business on the Private Calendar was the bill (H. R. 25060) for the relief of Joe Cook.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $422.25 to Joe Cook, of Manhattan, Nev., found and held to be due him by the Secretary of Agriculture under contract of February 8, 1911, for the construction of a rangers' headquarters on the Toiyabe National Forest Reserve, Kinston Canyon, Nev.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ROBERT E. BURKE.

The next business on the Private Calendar was the bill (H. R. 4113) for the relief of Robert E. Burke.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert E. Burke, of Brooklyn, N. Y., the sum of $4,340.70, as reimbursement for expenses actually incurred by him in connection with his duties as United States customs inspector at the port of New York.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this bill as introduced carries the sum of $4,340. The committee recommends to increase it to $5,590. I have no objection to the consideration of the original bill if the sum is not to be increased. There is no justice in the increase.

Mr. FARR. That was due to a recommendation of the department.

Mr. MANN. The department did recommend that this man be given compensation in the way of an award. But the proposition in the bill is to pay him his salary and expenses while he was out of the service. If he is to be paid his salary as an official of the Government, then he is not entitled to any reward such as would be paid to a person outside of the service for obtaining information about customs frauds.

Mr. FARR. Mr. Chairman, I will say that the committee added that because the department recommended the additional $1,250 as a moiety for the work he had done.

Mr. MANN. But I think they did not recommend that he be paid his salary during this time.

Mr. FARR. They certainly did, Mr. Speaker.

Mr. MANN. No; that is where the committee made a mistake. The committee recommended that the man be paid his $1,250 moiety and his expenses and attorney's fees. That is what the department recommended. The bill provided for the payment of the expenses, attorney's fees, and salary, and thereupon the committee added the reward in addition. Now, if a man has been in the service and discharged for reasons which we think were not good and then we pay him his salary, he is not entitled to an extra reward for performing the functions of his office.

I will read the letter, if the gentleman wants it, from the department on the subject. It is from Acting Secretary Curtis, and is dated June 11, 1912:

As it appears that Inspector Burke's efforts resulted directly in the collection of a fine of $5,000 and the conviction of two other persons of frauds upon the revenue, the department also recommends that an additional amount in the nature of compensation in lieu of moieties, amounting to $1,250, be granted, and such an amount for his expenses and attorney's fees in making the investigations during the time he was out of the service as your committee may deem reasonable and just. The amount claimed by Inspector Burke for such expenses is $962.80, and for attorney's fees, $1,500. The department, however, has no means of ascertaining the correctness of these figures, nor whether they are reasonable or not.

I am not willing, so far as I am concerned, by unanimous consent, to pay a man his salary and at the same time pay him extra money for the work that he performs.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. MANN. No; I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Lines 6 and 7, strike out the words "four thousand three hundred and forty" and insert the words "five thousand five hundred and ninety."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ERSKINE R. K. HAYES.

The next business on the Private Calendar was the bill (S. 3450) for the relief of Erskine R. K. Hayes.

Mr. MANN. Mr. Speaker, I ask to have that bill go over.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

TURNER HARDWARE CO.

The next business on the Private Calendar was the bill (S. 458) for the relief of the Turner Hardware Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to pay, out of any available funds in the Treasury of the United States belonging to the Creek Nation of Indians, to the Turner Hardware Co., of Muskogee, Okla., the sum of $86.81, in full payment of an account for supplies purchased by the superintendent of the Colored Orphans' Home in the year 1902.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

WILLIAM F. M'KIM.

The next business on the Private Calendar was the bill (S. 1754) to correct the military record of William F. McKim.

The bill was read, as follows:

Be it enacted, etc., That the fact that William F. McKim, who was a private of Company I, Second Regiment Kentucky Infantry, was absent without leave from the 10th day of April, 1863, to the 27th day of May, 1863, shall be no bar to any right, privilege, or benefit as an honorably discharged soldier to which he would have been entitled had he not been so absent without leave during the period specified.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

The title was amended to read as follows: "An act for the relief of William F. McKim."

ALFRED L. DUTTON.

The next business on the Private Calendar was the bill (S. 897) for the relief of Alfred L. Dutton.

The Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Alfred L. Dutton shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery E, Third United States Artillery, on the 18th day of June, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

FRED R. PAYNE.

The next business on the Private Calendar was the bill (H. R. 15241) for the relief of Fred R. Payne.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, there seems to be no report from the Navy Department on this case. I do not think we ought to promote men on the retired list without at least knowing the situation and the views of the Navy concerning the cases. I therefore object.

The SPEAKER. The gentleman objects.

JOHN P. RISLEY.

The next business on the Private Calendar was the bill (H. R. 19190) for the relief of John P. Risley.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws John P. Risley, late of Battery D, First Regiment United States Artillery, shall hereafter be held and considered to have been discharged from the military service of the United States on September 11, 1865.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

In line 6, after the word "been," insert the word "honorably," so that it will read, "considered to have been honorably discharged from the military service," etc.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SIMON NAGER.

The next business on the Private Calendar was the bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Simon Nager, formerly of Company D, First Regiment United States Infantry, from which he was honorably discharged, subsequently reenlisting in Company A, First Regiment United States Infantry, from which he deserted, and to issue to said Simon Nager an honorable discharge.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the committee amendment.

The Clerk read as follows:

Amend by striking out all after the enacting clause and inserting the following:

"That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, Simon Nager shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company D, First Regiment United States Infantry, on the 30th day of March, 1864, and of Company A, First Regiment United States Infantry, on the 1st day of May, 1864, and of Company K, Seventh Regiment United States Infantry, on the 15th day of March, 1868: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS AND ASSIGNS OF MARCUS P. NORTON.

The next business on the Private Calendar was the bill (H. R. 25201) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill go over, Mr. Speaker.

The SPEAKER. The gentleman from Illinois objects.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Illinois [Mr. MANN] to withdraw his objection, if he will, and let the bill that he just objected to be passed over without prejudice.

The SPEAKER. They are all passed over without prejudice.

Mr. UNDERWOOD. As I understand, Mr. Speaker, there are only three more bills on the Private Calendar.

The SPEAKER. The gentleman is correct.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20738. An act for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 120. Joint resolution authorizing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain money appropriated for the salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives until the election of the Sergeant at Arms of the House of Representatives.

HERBERT THOMPSON.

The next business on the Private Calendar was the bill (S. 1293) for the relief of Herbert Thompson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Virginia Trust Co., of Richmond, Va., guardian of Herbert Thompson, minor and only child of Charles J. Thompson, deceased, the sum of $701.12, in full compensation for the loss of his father, late a master ripper at the Norfolk Navy Yard, and who was killed by an accident while in line of duty on September 14, 1899, while engaged in removing the battery of the U. S. S. Newport, at the navy yard in Norfolk, Va.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

KATE FERRELL.

The next business on the Private Calendar was the bill (S. 5287) for the relief of Kate Ferrell.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kate Ferrell, widow of John Ferrell, the sum of $1,080, this being the amount of the annual salary of the said John Ferrell, who at the time of his death was an employee of the Bureau of Mines, and came to his death on January 19, 1912, in a mine at Cherry Valley, Washington County, Pa., while engaged under the direction of the Bureau of Mines, in the hazardous employment and work of exploring said mine filled with poisonous gases.

The SPEAKER pro tempore [Mr. FLOYD of Arkansas]. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

ALESSANDRO COMBA.

The next business on the Private Calendar was the bill (S. 4180) for the relief of Alessandro Comba.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alessandro Comba the sum of $500, on account of injuries received while in the employ of the United States under the supervision and direction of the Isthmian Canal Commission, on the Isthmus of Panama, on the 21st day of September, 1907.

SEC. 2. That there be, and there is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500 for the purposes of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a case where the committee has increased the compensation. The man lost both legs, and, of course, was incapacitated for permanent employment, and was in the hospital for a long time. Col. Goethals recommended that he be paid $500, he having been injured on canal work. The Secretary of War recommended that he be paid $500. The Italian ambassador asked that he be paid $500. The Senate passed the bill at $500. I am quite willing it should pass the House at $500, but the committee with a largeness of heart proposes to make it $1,500. If they are willing to have it passed at $500 I will not object.

Mr. MAGUIRE of Nebraska. This is a unanimous report of the committee. The committee examined the case carefully and believed that $500 was in no sense adequate for a man crippled for life. He lost both legs while employed on the Canal Zone and in line of duty. It is true he would receive only $500 if he fell within the provisions of the general law which was passed since the accident. I am in favor of giving these work-

men in hazardous employment of the Government fair treatment when they meet with accidents.

Mr. MANN. No one is personally interested in the bill.

Mr. MAGUIRE of Nebraska. The man had both legs cut off and was in the hospital about two years and a half. He lay in a hospital on the zone for a long time, and was then taken to Ellis Island for treatment and was there for a long time, and was finally deported to his native country—Italy. Because he was an Italian citizen and was working on the canal and seriously injured is no reason why we should not treat him justly and honestly. I am in favor of giving the man fair treatment.

Mr. MANN. I examined the facts in the case and have no criticism to make of the committee.

Mr. MAGUIRE of Nebraska. The Italian ambassador presented the case to the committee afterwards and said that $500 was a very small amount, as his condition was constantly growing worse. The diplomatic correspondence is in the report. He said that the man had been at great expense, that he had a family with several children, and he felt that $1,500 was none too large. The facts are clearly set forth and not in dispute. The man is in a pitiable condition and ought to be equitably and fairly dealt with by this great Government. The condition of the man has grown much worse since the correspondence in the report was had.

Mr. MANN. If this man had been injured while in the employ of the Italian Government he would not have received anything, not a dollar, under the same circumstances. The man's legs can not be replaced, and no compensation can be made which will equal the loss of his legs. He was in the hospital and was cared for by the Government.

Mr. MAGUIRE of Nebraska. I ask that the bill go over without prejudice. This poor, unfortunate workman ought to have the amount allowed by the committee, and I trust that it will finally pass for that amount.

Mr. MANN. Of course it will go over without prejudice, if it goes over.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the first committee amendment, as follows:

Page 1, line 5, strike out the word "five" and insert "fifteen."

The question was taken, and the amendment was lost.

The Clerk read the following committee amendment:

On page 2, line 1, strike out the word "five" and insert the word "fifteen."

The question was taken, and the amendment was lost.

The bill was ordered to be read a third time, was read the third time, and passed.

H. A. V. POST.

The next business on the Private Calendar was the bill (H. R. 17323) for the relief of Henry A. V. Post.

The Clerk read the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I ask to have that bill go over.

MARY BEAL.

The next business on the Private Calendar was the bill (H. R. 4512) for the relief of Mary Beal.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary Beal, of Portsmouth, Va., out of any money in the Treasury not otherwise appropriated, the sum of $3,000, for injuries sustained by her while in charge of laundry work in the United States Navy Hospital at Portsmouth, Va., on or about the 26th day of May, 1903.

The SPEAKER. Is there objection?

There was no objection.

The following committee amendment was read:

Page 1, line 6, strike out the word "three" and insert in lieu thereof the word "one."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. UNDERWOOD, to reconsider all the votes by which the several bills were passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. J. Res. 290. Joint resolution proposing an international maritime conference;

H. R. 20480. An act excepting certain lands in Pennington and Lawrence Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.;

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 22194. An act granting pensions and increase of pensions to certin soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22006. An act authorizing the Choctawhatchie River Light & Power Co. to erect a dam across the Choctawhatchie River in Dale County, Ala.;

H. R. 16493. An act to correct the military record of William Z. Norman; and

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation, Cal.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p. m.) the House, in accordance with its previous order, adjourned until Thursday, June 27, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the chief clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William E. Carlin, son and administrator of the estate of William Passmore Carlin, against The United States (H. Doc. No. 851), was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FRENCH, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 21888) providing for the sale of the United States unused post-office site at Perth Amboy, N. J., reported the same without amendment, accompanied by a report (No. 921), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 4520) for the relief of Catherine Grimm, reported the same without amendment, accompanied by a report (No. 924), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 21195) for the relief of Sam Mana, owner of the schooner *Moi Wahine*, sunk in collision with a Government vessel, reported the same with amendment, accompanied by a report (No. 922), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21043) for the relief of the owners of the cargo laden aboard the schooner *Moi Wahine*, reported the same with amendment, accompanied by a report (No. 923), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STERLING: A bill (H. R. 25508) to amend section 3186 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 25509) to prevent and punish the desecration, mutilation, or defamation of the flag of the United States; to the Committee on the Judiciary.

By Mr. McDERMOTT: Memorial of the Legislature of Illinois, favoring Federal control of waterways of the lower Mississippi Valley, etc.; to the Committee on Rivers and Harbors.

By Mr. FULLER: Memorial of Legislature of the State of Illinois, favoring Federal control of the waterways of the lower Mississippi Valley, etc.; to the Committee on Rivers and Harbors.

By Mr FORNES: Memorial of the Legislature of New Mexico, calling for the return of the Spanish and American archives relating to New Mexico now in hands of Librarian of Congress; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURRY: A bill (H. R. 25510) for the relief of Nicolas Apodaca; to the Committee on Claims.

Also, a bill (H. R. 25511) for the relief of Theophilous L. Keen; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 25512) granting a pension to Andrew J. Hunter; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 25513) granting an increase of pension to Frances Strauss; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25514) granting a pension to John W. Graden; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 25515) for the relief of Joshua H. Hutchinson; to the Committee on the Public Lands.

By Mr. STEPHENS of California: A bill (H. R. 25516) granting a pension to Josephine R. Goolman; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 25517) for the relief of Martha Hazelwood, widow and survivor in community of Calvin T. Hazelwood, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By The SPEAKER: Petition of Polish Roman Catholic Unions of Illinois, Pennsylvania, Connecticut, Texas, New York, and California, all protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of Trenton Chamber of Commerce, Trenton, N. J., protesting against building of proposed bridge south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foregin Commerce.

Also, memorial of New York Esthonian Socialist League, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the Bronx, opposing the passage of the Root amendment to the immigration bill making any alien liable to deportation who conspires to a violent overthrow of a foreign Government; to the Committee on Immigration and Naturalization.

Also, petition of Order of Railway Conductors No. 175, Memphis, Tenn., protesting against the passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of Order of Railway Conductors of America, Division No. 175, Memphis, Tenn., protesting against passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of Polish Roman Catholic Union No. 321, of Pennsylvania, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Southern Shoe Retailers' Association, protesting against passage of bill requiring manufacturer's brand on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of Kops Bros., New York, N. Y., protesting against any change in the patent laws that would affect price maintenance; to the Committee on Patents.

Also, petition of diocese of Bethlehem, relative to improving the conditions of the natives of Alaska; to the Committee on the Territories.

Also, petition of William H. Bachman, Hazleton, Pa.; Edgar H. Kresge, Freeland, Pa.; Howard L. Swivell, Jeddo, Pa.; Thomas J. Richards, Dufton, Pa.; Order of Independent Americans of Pennsylvania and Daughters of Liberty of Pennsylvania, all favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of American Poultry Association, Pennsylvania branch, favoring the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. DANIEL A. DRISCOLL: Petition of Sacred Heart of Jesus Society, No. 241, Buffalo, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of Military Order of the Loyal Legion of the United States of America, protesting against proposed memorial to be constructed in the Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of New York State Retail Jewelers' Association Convention, Utica, N. Y., and the Arcade Stationery & Printing Co., New York, N. Y., protesting against any change in present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of Daughters of Liberty of New York, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of United Spanish War Veterans, favoring the passage of the Crago bill (H. R. 17470), to grant pensions to widows and orphans of Spanish War veterans; to the Committee on Pensions.

By Mr. RAKER: Petition of citizens of California, asking that the Interstate Commerce Commission be granted further power looking toward the regulation of express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco Labor Council, against the action of Judge Hanford in canceling the citizenship papers of Leonard Aleson, of Tacoma, Wash.; to the Committee on the Judiciary.

Also, petition of Order of Railway Conductors, of Memphis, Tenn., against the employers' liability and workmen's compensation act passed by the Senate and now before the House; to the Committee on the Judiciary.

Also, petition of local Eureka Socialist Party, Eureka, Cal., protesting against the antirefugee legislation; to the Committee on Immigration and Naturalization.

Also, petition of Humboldt Chamber of Commerce, favoring passage of House joint resolution 284 relative to the Redwood National Park; to the Committee on Agriculture.

Also, petition of California Wholesale Grocers' Association, favoring passage of House bill 22526 for uniform legislation in weight and measure branding laws; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Petition of Ladies of the Maccabees of the World, Long Beach, Cal., favoring the giving to the fraternal, trades-union, etc., publications the same postal or mailing rates as the commercial press; to the Committee on the Post Office and Post Roads.

Also, petition of Los Angeles Chamber of Commerce, Los Angeles, Cal., favoring passage of bill creating a board of river regulation for regulating navigable streams; to the Committee on Rivers and Harbors.

Also, petition of the San Francisco Labor Council, San Francisco, Cal., favoring passage of House bill 25103; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: Petition of business men of Charlotte, N. C., favoring bill giving the Interstate Commerce Commission further power toward controlling the express rates and classifications; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *June 27, 1912.*

The Senate met at 10 o'clock a. m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

The Secretary read the following communication:

UNITED STATES SENATE,
Washington, D. C., June 27, 1912.

To the Senate:

In the absence of the Vice President and of the President pro tempore of the Senate, by authority of Rule I, I hereby name DUNCAN U. FLETCHER, a Senator from the State of Florida, to perform the duties of the Chair to-day.

AUGUSTUS O. BACON,
President of the Senate pro tempore.

Mr. FLETCHER thereupon took the chair as Presiding Officer, and directed that the Journal of the last legislative day's proceedings be read.

Mr. SMOOT. I ask that the reading of the Journal be dispensed with.

Mr. HEYBURN. I should like to have the Journal read this morning. A number of us have been absent.

Mr. SMOOT. I have no objection.

The Secretary proceeded to read the Journal of the proceedings of Monday last.

Mr. NELSON. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. HEYBURN. I have asked that the Journal be read this morning. Some of us who were not here desire to know what the Journal contains. We can spend that much time in hearing it read.

Mr. NELSON. Very well; I withdraw the request.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

THE FLAG OF THE UNITED STATES.

Mr. HEYBURN. I notice in the Journal of the last legislative day that a communication from the Secretary of War, Senate Document No. 856, was referred to the Committee on Military Affairs. That was in response to a resolution which I offered, and I desire that it shall lie on the table so that I may call it up in the morning hour. I was not able to be here at the time it was referred, but I do not desire that it be referred to a committee, because I wish to address the Senate upon it at an early day. For that reason I ask that the communication be withdrawn from the committee and that it may lie on the table.

The PRESIDING OFFICER. The Senator from Idaho asks that the Committee on Military Affairs be discharged from the further consideration of the communication and that it may lie on the table. Without objection, it is so ordered.

INTERNATIONAL EXPOSITION AT GHENT, BELGIUM (S. DOC. NO. 863).

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State, submitting an estimate of appropriation in the sum of $25,000 to enable the Government to participate in a universal and international exposition to be held at Ghent, Belgium, from April, 1913, to the end of October, 1913, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Edgar L. Swaine, administrator of the estate of Peter T. Swaine, deceased, v. United States (S. Doc. No. 859);

Lucy May Castor, administratrix of the estate of Thomas Foster Castor, deceased, v. United States (S. Doc. No. 861);

Diantha G. Littlejohn, administratrix of the estate of John Egan, deceased, v. United States (S. Doc. No. 860); and

Washington Loan & Trust Co., administrator of the estate of James W. Cuyler, deceased, v. United States (S. Doc. No. 884).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented resolutions adopted by the Swedish Evangelical Mission Covenant, in annual convention at Chicago, Ill., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by District Council, Amalgamated Meat Cutters and Butcher Workmen Society of North America, American Federation of Labor, of New York, remonstrating against the adoption of the so-called literacy-test amendment to the immigration law, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Auxiliary to the Board of Missions of the Diocese of New Hampshire, praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of the Connecticut Avenue Citizens' Association, of the District of Columbia, and a petition of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. WORKS presented a memorial of members of the National League for Medical Freedom, of Los Gatos, Cal., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Pacific Beach, Cal., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers, which was referred to the Committee on Commerce.

He also presented a petition of the congregation of the People's Church, of Washington, D. C., praying for the enactment of legislation granting the right of suffrage to the citizens of the Philippine Islands and the District of Columbia, which was referred to the Committee on the Philippines.

He also presented a memorial of sundry citizens of Eureka, Cal., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. JONES presented a petition of sundry citizens of La Crosse, Wash., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

Mr. ASHURST. I present a petition signed by a large number of stockmen of Mohave and Yavapai Counties, Ariz., with reference to the so-called leasing and grazing bill. I ask that the petition be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

SELIGMAN, ARIZ., *June 22, 1912.*

Hon. HENRY ASHURST,
United States Senator, Washington, D. C.:

We, the undersigned stockmen of Yavapai and Mohave Counties, Ariz., do respectfully ask you to do everything in your power and influence to assist in having the present leasing grazing bill passed.

This bill, known as the La Follette bill, proposes to lease the Government grazing lands of the western part of the United States or the public domain. The bill is now pending before the Senate of the United States Congress, and we earnestly request you to present this petition to the committee in charge of the bill and use your utmost efforts to have this bill passed before the present session of Congress adjourns.

Sincerely, your petitioners,

J. W. Sullivan, E. L. Paterson, D. L. Williams, Thos. King, Chas. King, Arthur King, M. A. Perkins, N. Perkins, S. Perkins, N. Penteny, Chas. Penteny, Joe Mathie, Albert Mathie, M. L. Boner, J. W. Knoots, John Duke, J. W. Stewart, Clarence Stewart, Rall Stewart, Geo. Carter, J. H. Stevens, Ed. Stevens, Chas. Ridgen, John Hurley, Joseph Campbell, Abe Caufman, Al Sanford, A. L. Nelson, Ed Carrow, John Lawler, Joe Tribble, Robt. Tribble, Lee Cockrell, Ed Haskins, Walter Brown, Le Van Evens, John Markham, Jas. Johnson, Carl Davis, Ray Carr, Dee Nelson, John Neil, W. B. Stevens, M. L. Boner, Henry Bacon, Jones Bishop, Sam Sloan, Geo. Miller, Wm. Epperson, William Ellison, John Simpson, Geo. Daniels, Dave Kaiser.

Mr. CURTIS presented petitions of sundry citizens of Kansas City, Kans., praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial signed by 459 members of the Florida Branch of the League for Medical Freedom, remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7197) for the relief of the heirs of L. A. Davis; to the Committee on Claims.

By Mr. WORKS:

A bill (S. 7198) granting a pension to Ida A. Mitchell (with accompanying papers);

A bill (S. 7199) granting a pension to Rebecca J. Murphy (with accompanying papers); and

A bill (S. 7200) granting an increase of pension to Rosa L. Couch (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7201) granting a pension to Fannie M. Carey; to the Committee on Pensions.

A bill (S. 7202) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. ASHURST:

A bill (S. 7203) to provide for homestead entries in national forests; to the Committee on Public Lands.

DRY-FARMING PROCESS.

Mr. ASHURST. Mr. President, I desire to introduce a bill to exempt from cancellation and provide for patenting by dry-farming process desert-land entries. It is a very short bill, and I ask that it be printed in the RECORD. With the permission of the Senate, if it be in order, I should like to give notice that immediately after the morning business on Tuesday, the 9th of July, if such be the pleasure of the Senate, I shall submit a few remarks with reference to the bill.

Mr. HEYBURN. I did not catch the suggestion of the Senator, and I ask what the request was?

The PRESIDING OFFICER. The request, as the Chair understands, is to introduce a bill and to have the bill printed in the RECORD and lie on the table.

Mr. HEYBURN. I thought I heard something about the bill being printed in the RECORD.

Mr. ASHURST. I should like to have the bill printed in the RECORD.

Mr. HEYBURN. I think there is no rule permitting that.

Mr. GALLINGER. I think the Senator from Arizona is entitled to have the bill read, and in that way it will go into the RECORD. Let the Senator request that the bill be read.

Mr. HEYBURN. It is not in order to print the bill in the RECORD without having it read.

Mr. ASHURST. Then I most respectfully ask to have the bill read. It is very short.

The bill (S. 7204) to exempt from cancellation and provide for patenting of desert-land entries reclaimed by dry-farming process was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That no desert-land entry heretofore made under the public-land laws for lands shall be canceled or in any wise impaired because of any failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to December 31, 1913: *Provided, however,* That patent shall be permitted to issue to any desert-land entry when the proofs disclose that the land embraced within such entry has fairly and in good faith been reclaimed to agricultural or horticultural crops by the dry-farming process.

The PRESIDING OFFICER. The Senator from Arizona gives notice that he will address the Senate on this bill on the 9th of July, and it will lie on the table.

Mr. ASHURST. With the kind permission of the Senate, I will change the notice to Tuesday, the 16th day of July. I feel it is due to the Senate that I should state that my remarks will be very brief, and it is simply because of what I deem to be the great public importance of the bill that I will take the time of the Senate to discuss it. My remarks, as I have said, will be brief, but I do feel that I should say something in support of the bill.

The PRESIDING OFFICER. The bill will lie on the table.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25060).

Mr. JONES submitted an amendment proposing to appropriate $100,000 to investigate the treatment of ores and other mineral substances with special reference to the prevention of waste in the mining and the utilization of important mineral resources, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate $1,250,000 for necessary improvements in the Colorado River to protect the land and property of Imperial Valley, Cal., from overflow, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment providing that hereafter the proviso to the act of July 1, 1898, directing that all bonds, notes, and checks be printed on hand-roller presses, shall not apply to checks, the backs and tints of all United States bonds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 to pay the city of Salt Lake, Utah, to assist in defraying the expenses of the International Irrigation Congress to be held in that city September 30, 1912, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $28,000 to enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in California, and to adjudicate the same in the General Land Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate $41,615 for the protection and improvement of the Mesa Verde National Park, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act and joint resolutions:

On June 25, 1912:

S. J. Res. 120. Joint resolution authorizing and directing Charles F. Riddell, cashier in the office of the Sergeant at Arms of the House of Representatives, to draw checks, requisitions, and execute all papers necessary to obtain from the United States Treasury the money appropriated for salaries and mileage of Members, Delegates, and Resident Commissioners of the House of Representatives, and for other purposes.

On June 26, 1912:

S. J. Res. 101. Joint resolution authorizing the appointment of Andrew D. White a member of the Board of Regents of the Smithsonian Institution; and

S. 6479. An act authorizing the St. Louis Southwestern Railway Co. to repair, alter, or rebuild certain bridges in the State of Arkansas.

THE ORGANIZED MILITIA (H. DOC. NO. 852).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

Very complete arrangements have been tentatively prepared for the participation in camps and maneuvers of a large portion of the Organized Militia of the United States. Preparation has been made for this most important military instruction both by the United States and by the various States whose Organized Militia will participate. The magnitude of the maneuver plans can be seen when it is estimated that 70,000 officers and enlisted men of the Organized Militia will take part in them during the coming year. Should it be impossible to carry out the contemplated maneuvers it will be at a very great loss of efficiency to the troops concerned and will entail a great disappointment to the thousands of men who, with the maneuvers in view, have been preparing themselves therefor.

In contemplation of the maneuvers it has been necessary already to expend the sum of $80,000 from the unexpended balance of last year's appropriation for maneuver purposes for the Organized Militia, which sum will be lost should the project of maneuvers not be consummated. In addition to this, the various States have made arrangements to expend large amounts from their apportionment from the funds appropriated by Congress under section 1661, Revised Statutes, or from funds appropriated by the State. Without an appropriation by Congress the maneuvers may not be held. I have the honor, therefore, strongly to recommend and urge that the following item, taken from House bill No. 18956 (Army appropriation bill), be enacted separately and specially:

One million three hundred and fifty thousand dollars "Encampment and maneuvers, Organized Militia, 1912–1914."

In addition to the appropriation for the Organized Militia for maneuver purposes it would be necessary that certain amounts be appropriated and made immediately available for the Regular Army to participate with the Organized Militia and aid the latter in the purpose of the maneuvers. This appropriation would total $367,500, and is made up of the following items:

Regular supplies	$160,000
Incidental expenses	4,500
Barracks and quarters	33,000
Army transportation	75,000
Roads and walks, etc	4,000
Water and sewers	57,000
Clothing and equipage	34,000
Total	367,500

The immense importance of the training of the militia leads me again to urge most strongly that the two appropriations mentioned be made available on or before the 24 day of July, 1912, since, unless the maneuvers can be definitely determined upon by that date, the plans for the encampments and maneuvers of a great portion of the Organized Militia of the United States will have to be abandoned.

WM. H. TAFT.

THE WHITE HOUSE, *June 24, 1912.*

LIEUT. COL. J. F. REYNOLDS LANDIS (S. DOC. NO. 862).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a silver medal and a diploma awarded by the Italian Government to Lieut. Col. J. F. Reynolds Landis, United States Army, in recognition of services rendered by him at the time of the Messina earthquake.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the medal and diploma to Lieut. Col. Landis.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

CAPT. FRANK PARKER (S. DOC. NO. 858).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Cuban Relations and ordered to be printed:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a decoration of the Order of Military Merit of the Third Class which has been conferred upon Capt. Frank Parker, United States Army, by the President of Cuba in recognition of services rendered by Capt. Parker as military instructor of the rural guard of Cuba.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the decoration to Capt. Parker.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and that the request of the House for a conference be granted, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. WETMORE, and Mr. FOSTER conferees on the part of the Senate.

ANNIE R. SCHLEY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4568) granting an increase of pension to Annie R. Schley, which was, on page 1, line 8, before the word "dollars," to strike out "one hundred and fifty" and insert "seventy-five."

Mr. McCUMBER. In the absence of the Senator from Maryland [Mr. RAYNER], I ask that the bill and amendment of the House of Representatives lie on the table until his return.

The PRESIDING OFFICER. Without objection, that order will be made.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5621) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was, on page 4, to strike out lines 9 to 12, inclusive.

Mr. McCUMBER. I inquire what are the lines stricken out?

The PRESIDING OFFICER. The Secretary will read the paragraph of the bill stricken out by the House.

The Secretary read as follows:

The name of Anne Jones Banks, widow of William Banks, late of Capt. William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, and pay her a pension at the rate of $8 per month.

Mr. McCUMBER. I move that——

Mr. NELSON. Mr. President, I desire to make the point of order that under the unanimous-consent agreement a motion to concur can not be made. That would be to pass the bill, and would be legislative business.

Mr. McCUMBER. I think the Senator is correct in regard to that; but I was not going to move to concur.

The PRESIDING OFFICER. The Chair thinks the point of order well taken.

Mr. McCUMBER. I was not going to move to concur, but simply that conferees be appointed. Probably, however, even that motion would not be in order, although I observe that in the case of the legislative, executive, and judicial appropriation bill conferees were appointed. I think, Mr. President, that all the pension bills amended by the House had better lie on the table until next Monday.

The PRESIDING OFFICER. The bills will lie on the table.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HEYBURN. Mr. President, I should like to make a suggestion. I was in some doubt when the conferees were appointed on the legislative, executive, and judicial appropriation bill (H. R. 24023) as to whether that was not in violation of the unanimous-consent agreement. That period of the consideration of a bill often provokes considerable discussion. I do not raise any point against it, but it is no part of the morning business and I merely make that suggestion.

Mr. WARREN. Mr. President, I desire to say a word with regard to the appointment of the conferees in the case of the legislative, executive, and judicial appropriation bill. It was not the intention in moving that conferees be appointed to perfect or present any conference report until next week. Debate and action usually take place in connection with the presentation of the conference report, but I should presume, unless I am reminded otherwise by something not now evident, that morning business would carry with it the receipt of messages from the House and the reference of a bill to a conference committee, the same as if a bill were introduced and referred to one of the regular committees of the Senate. Of course the appointment of the conferees is not a matter of voting, but the custom is to take the senior Senators who have served on the subcommittee and appoint them conferees. I only wanted, of course, to carry out what I thought was the morning business of the Senate.

Mr. HEYBURN. I did not intend to raise any objection that would embarrass the Senate at all; but I was of the opinion at the time the unanimous-consent agreement was entered into that it should have been better protected. Of course the conferees should be appointed, but clearly their appointment was not in accord with the unanimous-consent agreement.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, I desire to give notice that on Monday next, at the close of the routine morning business, I will ask the Senate to consider the Indian appropriation bill, being House bill 20728. I observe that notice has been given for the same time for the consideration of the naval appropriation bill, and I desire to say that the giving of the notice of the intention to ask for the consideration of the two bills on that day is not to be taken as suggesting any differences whatever between those who have them in charge.

Mr. HEYBURN. The original notice, as appears from the calendar, for the consideration of that bill was June 27. I understand the Senator has already given notice to that effect. Is this intended to be an original notice in lieu of any notice heretofore given?

Mr. CLAPP. Oh, I do not know whether it is or not. There are several objections going to be made to the consideration of the Indian appropriation bill, and, in order that Senators may know when the bill will come up, I give this notice.

THE CHEMICAL SCHEDULE.

Mr. HEYBURN. Now, I too desire to give a notice. It is that on next Monday, when the Senate resumes business, I shall endeavor to have the Senate proceed immediately to the consideration of the chemical-schedule bill (H. R. 20182). In the absence of Senators a unanimous-consent agreement, or what appears to be one, was obtained which undertook to confine the consideration of the chemical tariff bill to one calendar day. I think there will be some difficulty in enforcing that agreement, because it is my intention to discuss that measure when the order of the unfinished business is reached on that day; and, if the unfinished business is laid aside, it will be by

a vote and not by unanimous consent. I merely give that notice.

Mr. CLAPP. Some time ago—in fact, very soon after the Indian appropriation bill was reported—I gave notice that I would ask for its consideration, and continued the notice from day to day. It is an appropriation bill, and I think Senators are desirous of getting the appropriation bills through the Senate and into conference. So I give this notice this morning.

The PRESIDING OFFICER. The morning business is closed.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. It seems to me that that is not morning business. I understood that nothing but morning business would be considered.

Mr. GALLINGER. I withdraw the motion, although I think it is in order.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. GALLINGER. I move that the Senate adjourn, to meet at 11 o'clock on Monday.

Mr. HEYBURN. Why make it 11? I should like to inquire why the Senate——

Mr. GALLINGER. I have made my motion.

Mr. HEYBURN. I move to amend by making the hour of meeting 12 o'clock.

The PRESIDING OFFICER. The Senator from New Hampshire has moved that the Senate adjourn to meet on Monday next at 11 o'clock. The Senator from Idaho moves to amend by making the hour 12 o'clock. The question is on the motion of the Senator from Idaho.

The motion was not agreed to.

The PRESIDING OFFICER. The question is on the original motion made by the Senator from New Hampshire.

The motion was agreed to; and (at 10 o'clock and 42 minutes a. m.) the Senate adjourned until Monday, July 1, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 27, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely wise and strong and good, Father of our souls, dispenser of all its needs, fill our hearts with the Christ spirit that Thy will may dominate our thoughts and acts, that whatsoever may confront us we may be able to say, "Nevertheless not my will but Thine be done." That Thy plans and purposes may be fulfilled in us to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of Monday, June 24, 1912, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McClintock, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. WETMORE, and Mr. FOSTER as the conferees on the part of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 2601. An act for the relief of Douglas B. Thompson;

S. 5176. An act granting a pension to Elizabeth B. Preston;

S. 2427. An act for the relief of the legal heirs of A. G. Strain;

S. 5198. An act to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;

S. 2127. An act for the relief of the heirs of Robert S. Gill;

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act;

S. 837. An act to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905;

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.;

S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States;

S. 462. An act for the relief of Slavo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased;

S. 547. An act for the relief of Sarah A. Waite;

S. 7018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;

S. 4751. An act for the relief of Albert S. Henderer;

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes;

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5046. An act to authorize the appointment of Shepler Ward FitzGerald and of Alden George Strong to the grade of second lieutenant in the Army; and

S. 3469. An act for the relief of the American Surety Co. of New York.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 24, 1912:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.

On June 26, 1912:

H. R. 17681. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 16493. An act to correct the military record of William Z. Norman;

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.; and

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.

LIEUT. COL. J. F. REYNOLDS LANDIS, UNITED STATES ARMY (S. DOC. NO. 862).

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Foreign Affairs:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a silver medal and a diploma awarded by the Italian Government to Lieut. Col. J. F. Reynolds Landis, United States Army, in recognition of services rendered by him at the time of the Messina earthquake.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the medal and diploma to Lieut. Col. Landis.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

CAPT. FRANK PARKER, UNITED STATES ARMY (S. DOC. NO. 858).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Foreign Affairs:

To the Senate and the House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning a decoration of the Order of

Military Merit of the Third Class which has been conferred upon Capt. Frank Parker, United States Army, by the President of Cuba in recognition of services rendered by Capt. Parker as military instructor of the rural guard of Cuba.

In accordance with the recommendation of the Secretary of State, these papers are submitted to Congress with a view to its decision whether the Secretary of State may be authorized to deliver the decoration to Capt. Parker.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

NATIONAL BUDGET (H. DOC. NO. 854).

The SPEAKER also laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, ordered printed and referred to the Committee on Appropriations.

To the Senate and House of Representatives:

I send herewith the report of the Commission on Economy and Efficiency on "The need for a national budget." The recommendations contained therein are approved by me. I recommend to the Congress the enactment of the legislation necessary to put them into effect.

The subject is one of fundamental importance to the Executive as well as to the Congress. Notwithstanding the magnitude and complexity of the business which is each year conducted by the executive branch and financed by the Congress, and the vital relation which each governmental activity bears to the welfare of the people, there is at present no provision for reporting revenues, expenditures, and estimates for appropriations in such manner that the Executive, before submitting estimates, and each Member of Congress, and the people, after estimates have been submitted, may know what has been done by the Government or what the Government proposes to do.

Briefly stated, the situation is this: Under the Constitution (and subject to its limitations) Congress is made responsible for determining the following questions of policy: What business or work the Government shall undertake; what shall be the organization under the Executive which is charged with executing its policies; what amount of funds and by what means funds shall be provided for each activity or class of work; what shall be the character of expenditures authorized for carrying on each class of work—i. e., how much for expenses, how much for capital outlays, etc.

As a means of definitely locating this responsibility, Congress was given the sole power to levy taxes; to borrow money on the credit of the United States; to authorize money to be drawn from the Treasury. To the President also has been given very definite responsibility. To the end that Congress may effectively discharge its duties the article of the Constitution dealing with legislative power provided that "a regular statement and account of receipts and expenditures of all public moneys shall be published"; and the article dealing with the Executive power requires the President "from time to time to give to the Congress information on the state of the Union and to recommend to their consideration such measures as he shall deem necessary and expedient."

Notwithstanding these specific constitutional requirements, there has been relatively little attention given to the working out of an adequate and systematic plan for considering expenditures and estimates for appropriations, for regularly stating these in such form that they may be considered in relation to questions of public policy, and for presenting to Congress for their consideration each year, when requests are made for funds, any definite plan or proposal for which the administration may be held responsible.

Regular committees on expenditure have been established by the Congress for the purpose of obtaining knowledge of conditions through special investigations. During the last century over 100 special congressional investigations have been authorized to obtain information which should have been regularly submitted, and much money as well as much time has been spent by the Congress in its effort to obtain information about matters that should be laid before them as an open book; many statutes have been passed governing the manner in which reports of expenditures shall be made; specific rules have been laid down giving the manner in which estimates shall be submitted to Congress and considered by it. From time to time special investigations have been made by heads of executive departments. During the last century many such investigations have been carried on and much money has been spent in the conduct of these, as well as by Congress, for the purpose of obtaining facts as a basis for intelligent consideration of methods and procedure of doing business with a view to increasing economy and efficiency. From time to time Executive orders have been issued and reorganizations have taken place.

Generally speaking, however, the only conclusions which may be reached from all of this are that—

No regular or systematic means has been provided for the consideration of the detail and concrete problems of the Government.

A well-defined business or work program for the Government has not been evolved.

The reports of expenditures required by law are unsystematic, lack uniformity of classification, and are incapable of being summarized so as to give to Congress, to the President, or to the people a picture of what has been done and of cost in terms either of economy of purchase or efficiency of organization in obtaining results.

The summaries of expenditures required by law to be submitted by the Secretary of the Treasury, with estimates, not only do not provide the data necessary to the consideration of questions of policy, but they are not summarized and classified on the same basis as the estimates.

The report on revenues is not in any direct way related to the expenditures, except as the Secretary of the Treasury estimates a surplus or deficiency, and this estimate is based on accounts which do not accurately show expenditures or outstanding liabilities to be met.

Instead of the President being made responsible for estimates of expenditures, the heads of departments and establishments are made the ministerial agents of Congress, the President being called on only to advise Congress how, in his opinion, expenditures may be reduced or revenues may be increased in case estimated expenditures exceed estimated revenues.

The estimates do not raise for consideration questions which should be decided before appropriations are granted, nor does the form in which estimates are required to be presented by the Congress lay the foundation for the consideration of subjects of work to be done, the character of organization best adapted to performing work, the character of expenditures to be made, the best method of financing expenditures.

The present law governing the preparation and submission of estimates, requiring them to be submitted each year in the same form as the year before, was passed without due consideration as to what information should be had before Congress as a basis for action, the result being that the unsystematic and confused method before in use was made continuous.

The rules of the Congress do not provide for the consideration of estimates in such manner that any Member of Congress, any committee, or either House of Congress as a whole may have before it at any one time the information needed for the effective consideration of a program of work done or to be done.

The committee organization is largely the result of historical development rather than of the consideration of present needs.

Inadequate provision is made for getting before each committee to which appropriations are referred all of the data necessary for the consideration of work to be done, organization provided for doing work, character of expenditures, or method of financing.

Following the method at present prescribed, the estimates submitted by each organization unit may have to be split up for consideration by appropriation committees of the Congress and be made the subject of several different bills; in few places are all of the estimates or appropriations asked for by a single organization unit brought together.

The estimates for appropriations requested for a single class of work are similarly divided, no provision being made for considering the amount asked for, the amount appropriated, or the amount spent for a single general class of governmental activity.

Generally speaking, the estimates for expenses (or cost of each definite class of services to be rendered) are not separately shown from estimates for capital outlays (or cost of land, buildings, equipment, and other properties acquired).

While the classification and summaries of estimates do indicate a proposed method of financing, these summaries do not show classes of work or the character of expenditures provided for, and therefore can not lay the foundation for the consideration of methods of financing as a matter of governmental policy as is contemplated under the Constitution.

The appropriations are just as unsystematic and incapable of classification and summary as the estimates; in fact, follow the same general form, making it difficult and in many cases impossible to determine what class of work has been authorized, how much may be spent for each class, or the character of expenditures to be made; nor does any one bill cover the total authorizations for any particular general class of work.

Bills for appropriations (the authorizations to incur liabilities and to spend) are not considered by the committee to which measures for raising revenues and borrowing money are

referred, nor are revenues and borrowings considered by committees on appropriations in relation to the funds which will be available.

So long as the method at present prescribed obtains, neither the Congress nor the country can have laid before it a definite understandable program of business or of governmental work to be financed; nor can it have a well-defined, clearly expressed financial program to be followed; nor can either the Congress or the Executive get before the country the proposals of each in such manner as to locate responsibility for plans submitted or for results.

Although the President has the power to install new and improved systems of accounts and to require that information be presented to him each year in such form that he and his Cabinet may intelligently consider proposals or estimates, although the President, under the Constitution, may submit to the Congress each year a definite well-considered budget, with a message calling attention to subjects of immediate importance, to do this without the cooperation of the Congress in the repeal of laws which would be conflicting, and in the enactment of other laws which would place upon the heads of departments duties to be performed that would be in harmony with such procedure would entail a large expenditure of public money in duplication of work.

The purpose of the report which is submitted is to suggest a method whereby the President, as the constitutional head of the administration, may lay before the Congress and the Congress may consider and act on a definite business and financial program; to have the expenditures, appropriations, and estimates so classified and summarized that their broad significance may be readily understood; to provide each Member of Congress, as well as each citizen who is interested, with such data pertaining to each subject of interest that it may be considered in relation to each question of policy which should be gone into before an appropriation for expenditures is made; to have these general summaries supported by such detail information as is necessary to consider the economy and efficiency with which business has been transacted; in short, to suggest a plan whereby the President and Congress may cooperate—the one in laying before the Congress and the country a clearly expressed administrative program to be acted on, the other in laying before the President a definite enactment to be acted on by him. Included in this report are summaries of expenditures for the year 1911, summaries of appropriations for the fiscal year 1912, and summaries of estimates of appropriations for the fiscal year 1913. To these summaries your special attention is invited. Attached is also an appendix containing a digest of laws pertaining to appropriations and allotments, to the preparation of estimates, and to forms of reporting expenditures; also the suggested pro forma draft of budget, which has been prepared by the commission and is submitted for your consideration as a matter bearing very directly on the economy and efficiency with which Government business is carried on.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. McCALL. Mr. Speaker, for how long a time is that?

Mr. UNDERWOOD. Mr. Speaker, the adjournment will be until Monday next, July 1.

Mr. McCALL. Has the order for that been adopted?

Mr. UNDERWOOD. Yes.

The SPEAKER pro tempore (Mr. HAY). The question is on the motion of the gentleman from Alabama that the House do now adjourn.

Mr. McCALL rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. McCALL. Mr. Speaker, I desire to demand a division upon that motion. I want to ask the gentleman from Alabama a question.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman from Massachusetts that the order was agreed upon in the House between the minority leader and myself on the floor of the House, together with the Members present at that time, that no business should be transacted to-day. I therefore insist upon my motion.

Mr. McCALL. Mr. Speaker, I was going to ask the gentleman from Alabama whether any provision had been made for running the Government in those departments where the appropriations have not been passed for the next fiscal year.

The SPEAKER pro tempore. Debate is not in order upon this motion.

Mr. UNDERWOOD. The House has made provision, but unfortunately the Senate has not. Mr. Speaker, I insist upon my motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Alabama that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 27 minutes p. m.) the House adjourned until Monday, July 1, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill (H. R. 46) to amend section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds" (34 Stat. L., 1221, 1222), reported the same without amendment, accompanied by a report (No. 925), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 25518) appropriating money for the purpose of constructing an efficient and practical fish ladder over the Derby Dam, Truckee River, in Washoe County, Nev.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 25519) to create a board of river regulation, and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; to the Committee on Rivers and Harbors.

By Mr. AUSTIN: A bill (H. R. 25520) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 25521) granting an increase of pension to John W. Williams; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 25522) for the relief of the heirs of Harvey Clark; to the Committee on War Claims.

Also, a bill (H. R. 25523) for the relief of Martha Martin; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 25524) for the relief of Ellen B. Monahan; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 25525) for the relief of William A. Lowe; to the Committee on Military Affairs.

Also, a bill (H. R. 25526) granting an increase of pension to Isabella Reed; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 25527) for the relief of George W. Cary; to the Committee on the Public Lands.

By Mr. J. M. C. SMITH: A bill (H. R. 25528) granting an increase of pension to David Young; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 25529) for the relief of H. G. Britting; to the Committee on Claims.

Also, a bill (H. R. 25530) granting an increase of pension to Augustus Schoenwald; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Swedish Evangelical Mission, Chicago, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of the Bronx, New York City, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BOWMAN: Petition of the Workmen's Sick and Death Benefit Fund of the United States of America and the Qw.

Tadwigi Society, No. 107, of Pennsylvania, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Women's Auxiliary, Seattle, Wash., favoring relief of natives of Alaska; to the Committee on the Territories.

Also, petition of Barker & Co., Philadelphia, Pa., favoring bill for standard size and grading in shipping of fruits, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Daughters of Liberty, of Pennsylvania; William T. Howells, of Jeddo, Pa.; and Order of Independent Americans, of Philadelphia, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill granting increase of pension to David Young; to the Committee on Invalid Pensions.

Also, petition of Campbell's Lodge, Division No. 65, Order of Railway Conductors, favoring passage of the employers' liability act; to the Committee on the Judiciary.

By Mr. FORNES: Petition of the Architectural League of New York, relative to the hiring of architects for construction of Government buildings; to the Committee on Appropriations.

Also, petition of United Spanish War Veterans, favoring passage of House bill 17470, granting pensions to widows and orphans of the Spanish-American War; to the Committee on Pensions.

Also, petition of the Master New York State Grange, protesting against the passage of House bill 24927, for preventing the shipment of immature calves; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Hon. F. S. Dickson, adjutant general of the State of Illinois, in favor of an emergency appropriation for joint Army and State militia maneuvers, etc.; to the Committee on Appropriations.

Also, petition of St. Adalbert's Society, No. 350, of Portland, Ill., against the passage of the Dillingham-Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petition of the San Francisco Labor Council, San Francisco, Cal., favoring dismissal of United States District Judge Cornelius J. Hanford for canceling citizenship papers of Leonard Oleson for being a Socialist; to the Committee on the Judiciary.

Also, petition of A. H. Tarkins, San Francisco, Cal., and Daughters of Liberty of San Francisco, Cal., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Board of Trade of San Francisco, Cal., favoring passage of the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of George W. Kahn, San Francisco, Cal., protesting against any change in the patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of the California Wholesale Grocers' Association, San Francisco, Cal., favoring passage of House bill for uniform weight and measure branding laws; to the Committee on Coinage, Weights, and Measures.

Also, petition of Charles F. Schmidt & Peters and of H. S. Neustadter, San Francisco, Cal., protesting against passage of the Works liquor bill for regulation of the liquor business of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Master Sheet Metal Workers' Association, protesting against bill exempting labor unions from the Sherman antitrust law; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of bill for improving the Diplomatic and Consular Service; to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 18327, for printing a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Brotherhood of Cement Workers, of San Francisco, Cal., favoring passage of House bill 23673; to the Committee on the Merchant Marine and Fisheries.

Also, petition of William T. Goldsborough, San Francisco, Cal., favoring establishment of Mount Olympus National Park in the State of Washington; to the Committee on the Public Lands.

Also, petition of the Labor Council of San Francisco, Cal., favoring passage of House bill 25103, giving crews of dredges the same use of marine hospitals as other employees of a marine character; to the Committee on Interstate and Foreign Commerce.

By Mr. LAFFERTY: Petition of the Stanfield Commercial Club, Stanfield, Oreg., relative to further opening to navigation of the Columbia and Snake Rivers; to the Committee on Rivers and Harbors.

By Mr. LOUD: Petition of Jackson & Tindle, Pelliston, Mich., protesting against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Papers to accompany bill (H. R. 24350) granting increase of pension to David Chapman; to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 23508) granting an increase of pension to Aldelbert M. Beatty; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petition of the Eclectic Medical Society of California, protesting against the establishment of a national health bureau; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Los Angeles Chamber of Commerce, favoring investigation of all foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Uncle Sam Post, No. 177, Department of California and Nevada, Grand Army of the Republic, protesting against the incorporation of the Grand Army of the Republic; to the Committee on Military Affairs.

SENATE.

MONDAY, *July 1, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the order of the Senate of June 12, 1912.

The Journal of the proceedings of Thursday last was read and approved.

THE LAWRENCE (MASS.) STRIKE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of May 7, 1912, a report of the investigation of the recent strike at Lawrence, Mass., which, with the accompanying paper, was referred to the Committee on Printing.

CHARLES H. QUACKENBUSH (S. DOC. NO. 866).

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of May 13, 1912, the correspondence in the possession of the Post Office Department relating to the discharge of Charles H. Quackenbush from the Railway Mail Service and his reinstatement, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

YELLOWSTONE NATIONAL PARK (S. DOC. NO. 871).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of April 2, 1912, an estimate prepared by Capt. C. H. Knight, Corps of Engineers, relative to the cost of new roads in Yellowstone National Park.

Mr. HEYBURN. I should like to have the communication printed with the illustrations.

The PRESIDENT pro tempore. Without objection, it will be printed with the illustrations. To what committee is it desired that it should be referred?

Mr. HEYBURN. It should not go to any committee. It is in response to a resolution which I offered calling for information.

The PRESIDENT pro tempore. Such communications are usually referred to some committee.

Mr. HEYBURN. Let it lie on the table.

The PRESIDENT pro tempore. The communication will lie on the table, without objection.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6847) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was, on page 2, line 15, to strike out "Stotler" and insert "Statler."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House and ask a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the House amendments, ask a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the House amendments and ask a conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers or sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House and ask a conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House and that a conference be requested on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

ANNIE R. SCHLEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4568) granting an increase of pension to Annie R. Schley, which was, on page 1, line 8, to strike out "one hundred and fifty" and insert "seventy-five."

Mr. McCUMBER. The Senator from Maryland [Mr. RAYNER] evidenced some interest in this bill. I will ask that the bill and amendment of the House may lie on the table until his return.

The PRESIDENT pro tempore. It will be so ordered, without objection.

MISSISSIPPI RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri, which were, on page 1, line 6, after "a," to strike out "railroad," and on page 1, line 7, after "point," to insert "on the west side of said river."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PROPERTY IN SAN FRANCISCO, CAL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6252) to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal., which was, on page 2, to strike out lines 4 to 17, inclusive, and insert: "to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes, all right and title thereby relinquished shall revert back to and again vest in the United States," so that the act will read as follows:

That all the right and title of the United States to the following-described property is hereby relinquished to the city and county of San Francisco, the same being the two 50 vara lots on which the old marine-hospital building now stands, fronting 275 feet on the north side of Harrison Street between Spear and Main Streets, with a uniform depth of 137 feet and 6 inches, as laid down on the official map of the said city, to be used by the city and county of San Francisco for such charitable purposes as may be approved by the Secretary of the Treasury: *Provided*, That if the same shall at any time be used for any other than such charitable purposes all right and title hereby relinquished shall revert back to and again vest in the United States.

SEC. 2. That Congress reserves the right at any time to amend, alter, or repeal this act.

Mr. PERKINS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 458. An act for the relief of the Turner Hardware Co.;
S. 897. An act for the relief of Alfred L. Dutton;
S. 1293. An act for the relief of Herbert Thompson;
S. 4180. An act for the relief of Alessandro Comba; and
S. 5287. An act for the relief of Kate Ferrell.

The message also announced that the House had passed the bill (S. 1754) to correct the military record of William F. McKim, with an amendment to the title, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 6078) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4113. An act for the relief of Robert E. Burke;
H. R. 4512. An act for the relief of Mary Beal;
H. R. 18425. An act to remove the charge of desertion from the military record of Simon Nager;
H. R. 19190. An act for the relief of John P. Risley; and
H. R. 25060. An act for the relief of Joe Cook.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 462. An act for the relief of Salvo Ramadanovitch, of Cettigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased;
S. 547. An act for the relief of Sarah A. White;
S. 837. An act to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905;
S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act;
S. 2127. An act for the relief of the heirs of Robert S. Gill;
S. 2427. An act for the relief of the legal heirs of A. G. Strain;
S. 2601. An act for the relief of Douglas B. Thompson;
S. 3469. An act for the relief of the American Surety Co. of New York;
S. 4751. An act for the relief of Albert S. Henderer;
S. 5046. An act to authorize the appointment of Shepler Ward FitzGerald and of Alden George Strong to the grade of second lieutenant in the Army;
S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes;

S. 5176. An act granting a pension to Elizabeth B. Preston;

S. 5198. An act to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter, and the southeast quarter of the southwest quarter of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;

S. 5770. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;

S. 6000. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army;

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7018. An act to authorize the appointment of Harold Hancock Talntor to the grade of second lieutenant in the Army;

H. R. 20738. An act for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the American Seed Trade Association, in convention at Chicago, Ill., favoring the enactment of legislation to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds, etc., which was ordered to lie on the table.

He also presented a resolution adopted by the general mission board of the Church of the Brethren of Elgin, Ill., favoring the enactment of legislation to authorize the reading of the Bible in the public schools, which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented resolutions adopted by the Illinois Chapter of the American Institute of Architects, in convention at Chicago, Ill., and a memorial of the Merchants' Association of New York City, remonstrating against the repeal of legislation providing for competition among architects for all Federal buildings, which were referred to the Committee on Appropriations.

He also presented petitions of Local Union No. 6, Metal Polishers, Buffers, and Platers' Union; of Local Union No. 130, Journeymen Plumbers' Protective and Benevolent Association; and of Local Union No. 62, United Brotherhood of Carpenters and Joiners of America, all of Chicago; and of Local Union No. 2, International Brick, Tile, and Terra Cotta Workers' Alliance, of Bernice, all in the State of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Wenona, Ill., praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of Cigar Makers' Local Union No. 250, of Belleville, Ill., and a petition of Cigar Makers' Local Union No. 305, of Monmouth, Ill., praying for the enactment of legislation requiring manufacturers to place their own names upon manufactured articles, which were referred to the Committee on Manufactures.

He also presented a petition of Cigar Makers' Local Union No. 250, of Belleville, Ill., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Finance.

He also presented petitions of Local Union No. 765, United Mine Workers of America, of Breese; of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America, of Chicago; of the Trades and Labor Assembly of Breese; of Typographical Union No. 213, of Rockford; of Local Union No. 15, Coopers' International Union, of Chicago; of Cigar Makers' Local Union No. 20, of Decatur; of Local Union No. 41, Coopers' International Union, of Alton; and of the Trades and Labor Assembly of Decatur, all in the State of Illinois, praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Branch, United Order of the Golden Cross, of Providence, R. I., praying for the adoption of an amendment to the Post Office appropriation bill relative to the transportation through the mails of publications issued by benevolent or fraternal societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of J. F. Taake, executive committeeman of the Associated Fraternities of America, of Des Moines, Iowa, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of Bartenders' Local Union No. 285, of Providence, R. I., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a memorial of the Lutheran Ministerial Association, of Pittsburgh, Pa., remonstrating against the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

He also presented a petition of members of the Pastors' Association of Easton, Pa., and a petition of sundry citizens of Kittanning, Pa., praying for the establishment of a department of public health, which were ordered to lie on the table.

He also presented a petition of Local Division No. 528, Amalgamated Association of Street and Electric Railway Employees of America, of Tarentum, Pa., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Philadelphia, Pa., remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

He also presented resolutions adopted by the Ministers' Association of Oil City, Pa., favoring the enactment of legislation to prohibit the interstate transportation of moving pictures of prize fights, which were ordered to lie on the table.

He also presented a petition of the Woman's Auxiliary of the Church of the Messiah, of Gwynedd, Pa., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented memorials of sundry citizens of Philadelphia, McKeesport, and Luzerne County, all in the State of Pennsylvania, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Pittsburgh Chapter, American Institute of Architects, of Pennsylvania, and a memorial of the Pennsylvania State Association of the American Institute of Architects, remonstrating against the repeal of the act providing for competition among architects for all Federal buildings, which were referred to the Committee on Appropriations.

Mr. BRANDEGEE presented resolutions adopted by the Merchants' Association and the Chamber of Commerce of Honolulu, Hawaii, remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of Molders' Local Union, No. 71, of Ansonia, Conn., praying for the passage of the so-called Clayton injunction-limitation bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Gales Ferry, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of the congregation of the First Christian Church of Sheridan, Wyo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of members of the Central Labor Union, of Lincoln, Nebr., praying for the passage of the so-called Clayton injunction-limitation bill, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Commercial Club, of Kansas City, Mo., praying for the enactment of legislation to regulate the sale of convict-made goods, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation providing for the retirement of officers of the Civil War Volunteer force upon a fair and equitable basis, which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a telegram in the nature of a memorial from the San Francisco Chapter, American Institute of Architects, of California, remonstrating against the repeal of the act providing for competition among architects for all Federal buildings, which was referred to the Committee on Appropriations.

He also presented telegrams in the nature of memorials from Frank B. Anderson and members of the Chamber of Commerce of San Francisco, Cal., and of members of the Northern California Hotel Association, remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

Mr. BRADLEY presented a petition of sundry citizens of Fayette County, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of sundry citizens of Kingston, N. Y., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 898) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 7205) granting jurisdiction to the Supreme Court of the District of Columbia to quiet the title to lands in certain cases; and

A bill (S. 7206) restricting the method of disposition of public land in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 7207) granting an increase of pension to Cyrus N. Lyons (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7208) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893; and

A bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 7210) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining and to regulate the expenditure thereof; to the Committee on Mines and Mining.

By Mr. McCUMBER:

A bill (S. 7211) to correct the military record of Samuel Barry (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 7212) granting an increase of pension to Lucius E. Fletcher; and

A bill (S. 7213) granting an increase of pension to Myra Von Winkle; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 7214) granting an increase of pension to John Cook, alias Joseph Moore;

A bill (S. 7215) granting a pension to Amanda Barrett; and

A bill (S. 7216) granting an increase of pension to Alvah S. Howes; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7217) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

By Mr. BORAH:

A bill (S. 7218) providing for the disposition of town sites in connection with reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CRANE:

A bill (S. 7219) granting an increase of pension to George C. Rider; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7220) to provide for the sale of 39.69 acres of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the Pittsburg County Fair (with accompanying paper); to the Committee on Indian Affairs.

A bill (S. 7221) granting a pension to William H. H. Chestnut; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7222) granting an increase of pension to Hiram Lay (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A joint resolution (S. J. Res. 121) authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion; to the Committee on Appropriations.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. CRAWFORD submitted an amendment proposing to appropriate $75 to reimburse the Government of the Philippine Islands for expenses relative to the disinterment, shipment, and transportation of the remains of the late Ormon K. Osbon, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment providing that no allowance or disallowance heretofore made shall preclude an officer or enlisted man of the United States or Volunteer Army or his next of kin or personal representative from applying for and receiving any pay and allowance which may be due him under the decision of the Supreme Court of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the number of topographic and hydrographic draftsmen in the Coast and Geodetic Survey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. OLIVER submitted an amendment relative to the donation of any land or building or the use of any land or building in or near the city of Pittsburgh, Pa., suitable for experimental work of the Bureau of Mines, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $100,000 for inquiries and investigations into the methods of mining and treatment of ores and other mineral substances, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $100,000 for inquiries and investigations into the mining and treatment of ores and other mineral substances, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to appropriate $250,000 for expenses of the semicentennial exposition for the celebration of the semicentennial anniversary of the act of emancipation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,656.80 for the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 to enable the Census Department to collect statistics concerning the quantity of leaf tobacco in all forms in the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the punishment for violations of internal-revenue laws, etc., from $140,000 to $150,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

UNITED STATES DISTRICT COURTS.

Mr. WETMORE submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to the compensation of clerks of the United States district courts, etc., which was referred to the Committee on the Judiciary and ordered to be printed.

IMPERIAL VALLEY, CAL. (S. DOC. NO. 367).

Mr. WORKS. Mr. President, a few days ago I offered an amendment to the sundry civil appropriation bill for the improvement of the Colorado River to prevent the overflow of land in the Imperial Valley. This is a matter of urgency. The appropriation has been urged by the Secretary of the Interior and has been recommended by a special message of the President.

I have here a statement showing the necessity for the improvement that is sought to be made. I move that the statement be printed and referred to the Committee on Appropriations, to accompany the amendment.

The motion was agreed to.

EXPENSES IN PRESIDENTIAL CAMPAIGNS.

Mr. WORKS. I offer the resolution which I send to the desk, and ask that it be read.

The Secretary read the resolution (S. Res. 350), as follows:

Whereas it is asserted and has been charged on the floor of the Senate and elsewhere that large sums of money have been furnished to and used by candidates for the office of President of the United States by the various candidates for that office to control the presidential primary elections in the different States, and otherwise, to secure the election of delegates to the national conventions of the Republican and Democratic Parties; and

Whereas it is well known that many persons drawing salaries or other compensation from the Government for services as public officials or employees, from the President, Cabinet officers, and United States Senators down, have been using the time for which they have been paid by the Government in campaigning for themselves and others and acting as campaign managers and otherwise during this session of Congress, and in the endeavor to influence and control the primary elections in the various States for the election of delegates and the nomination of candidates for President of the United States: Now therefore be it

Resolved, That a committee of seven Senators, four Republicans and three Democrats, be appointed by the Vice President a special committee to investigate, inquire into, and report to the Senate the following facts:

1. What amount of money has been subscribed, paid, or furnished to or for the use of each and every candidate for the nomination as a candidate for President of the United States, both Republican and Democratic, or to their and each of their managers, treasurers, auditors, committees, agents, or friends, or paid out or subscribed in aid or support of his candidacy, directly or indirectly, and the amount paid out by such candidate himself for such purpose, giving the name of each such candidate, the amount subscribed, paid, and used for or in aid of his candidacy, by whom paid, subscribed, or furnished, directly or indirectly, the name of each person or corporation by whom subscribed, furnished, or paid, and in behalf of which candidate; the amount paid by each person; the total amount subscribed, paid, and furnished to or in aid of the candidacy of each of such candidates; the amount of money paid out by or in aid of the candidacy of each such candidates and for what purpose, in detail, and the total amount subscribed, paid, or furnished to or for and paid out by all such candidates.

2. What persons engaged in the campaign by and for each of such candidates or in aid thereof, in whatever mode or form, were under salary or other pay of the Government, in what capacity, the amount of compensation paid each of them, the amount of time devoted by each of them, including the candidates themselves, and the total amount of money paid by the Government to such persons and the aggregate amount paid to all of them for the time consumed by them all in conducting, carrying on, or in any way aiding in the conduct of such political campaign, giving the amount so paid for workers of all kinds for all of said candidates, giving them separately.

3. The proportion or percentage of the registered and qualified voters voting at the presidential primary elections in each of the States, giving the Republican and Democratic percentage of votes cast separately, and the total vote cast at such election in each of the States, giving the Republican and Democratic votes separately.

4. The amount of money paid to newspapers and other publications and periodicals and newspaper and other writers for services of any and every kind rendered by said newspapers and other publications and periodicals and writers in aid or support of each and every candidate for such office; the names of such newspapers and other publications and writers and the amount paid to each, directly or indirectly, whether for additional subscriptions or otherwise; the amount paid by, for, or on account of any such candidate in the aggregate, and the whole amount so paid by all of such candidates to all of such newspapers, publications, or periodicals.

5. The cost to the candidates and each of them, and of the delegates attending the same, of the national convention for the nomination of candidates for President of the United States, and each of them, and for what purpose moneys were paid and used at each such convention, and particularly whether the expenses of any delegate to such convention, or either of them, were paid, either in whole or in part, by anyone other than themselves, and if so, by whom and in what amounts and on what terms and conditions, if any.

6. In what States corrupt-practice acts have been enacted applicable to primary elections and, in general terms, the provisions of each of said acts and the penalties imposed for the violation thereof.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers; to send for persons and papers; to administer oaths; and to report the results of its investigations, including all testimony taken by it, and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. WORKS. Mr. President, I have been an earnest advocate of the direct and presidential primaries. I believe they are necessary to the preservation of the rights of the people and the prevention of fraud and corruption in elections. I believe they will have that effect if rightly and honestly conducted. They have been on trial for the past few months. I think it is time to take account of stock and see what they have profited us.

We have just passed through a campaign in both of the great parties for the nomination of candidates for President of the United States. No American citizen can look back upon it without the blush of shame. Candidates for that great office have gone on the stump and canvassed for their own election. That was shame enough. But one of them was President of the United States and another an ex-President, pitted against each other. Their campaign was undignified, malicious, and disgraceful. It was not a discussion of principles or an effort to inform or instruct the people, but consisted of personal attacks and counterattacks, criminations and recriminations. If half the things they said of each other were true, neither of them was fit to be nominated. The whole country was shocked at this unexampled spectacle. The people were humiliated and indignant. It was openly charged on the stump and on the floor of the Senate that enormous sums of money were being used to carry the election. The people have a right to know whether this charge is true or not. They have a right to know whether the direct primaries can be controlled by the use of money, as we all know the caucus and convention can be controlled and corrupted. If they can, if the masses of the people can not be trusted and their votes can be had for money, the last hope of maintaining the institutions of the country free and uncorrupted has vanished. The hope of the country rests upon the integrity and patriotism of the people.

We all know that public officials, paid by the Government, from the President down, have given their time, that the people are paying for, in carrying on the campaigns of the various candidates. The people have a right to know how much of the time paid for by them has been used in conducting, managing, and manipulating politics in the interest of candidates. They have a right to know, too, how much it cost to hold the nominating conventions and who put up the money for these expenses. The enormous sums of money expended in political contests has become one of the crying evils of the time. This country has every right to be informed on these subjects. In other words, the people have a right to know how much it costs them, in money and time, to nominate a candidate for President, and how much the candidates and their supporters have paid in the attempt to secure the nominations. It is information that touches the very vitals of our systems, new and old, of nominating candidates for President.

We have tried both the direct primaries and conventions in this campaign. The national convention at Chicago was a fitting sequel to the campaign that preceded it. It was full of malice and hatred. Charges of fraud and corruption were

openly and loudly made. The nomination made is tainted with the belief of thousands of people that it was procured by unjust, fraudulent, and illegal means. And now we have a torn and dismembered party and the prospect of a new one. The movement for a new party is founded upon hatred, revenge, and ambition. The Democratic Party is torn with the same dissentions, the result of like causes.

What is the duty before us in this condition of discord and unrest? The people are going to rule this country. Of that we may be assured. If they can not do it through the instrumentalities of the old parties, they will have a new one. They will no longer be ruled by political bosses and privilege-seeking corporations. But we do not need a new party in California. The Republican Party in my State is decent and respectable. Five years ago California was one of worst boss-ridden States in the Union. It was owned and controlled by the Southern Pacific Railroad Co. and its hired bosses and corruptionists.

The question confronted us there, as it is confronting Republicans of the whole Nation to-day, Shall we form a new party to meet this consuming evil, or shall we undertake to free and redeem the old one? We chose the latter course. We succeeded beyond our fondest hopes. The good people of the State, Democrats and Republicans alike, came to the rescue. It was not a question of party, but of political freedom and civic righteousness. As a result the people and not the bosses have control of the party and the State government. They have complete control of the party organization. The Southern Pacific machine has retired from business. The State has the best and purest government in its history. We are not ready yet to surrender this redeemed and purified party to the old machine and embark in the perilous venture of a new party. When we do we want it to be a party founded on principle and the best interests of the public welfare. We want no political bosses or privilege seekers, who are looking for the loaves and fishes, to govern or control it, but men of courage and patriotism who are willing to sacrifice their standing and interest in the old party to the public good. But are we ready now for such a party? Is it necessary? Are we willing to surrender and give over the old party, with all its achievements and traditions, to the men who have brought it to the brink of ruin? Are we ready to give up the fight the Progressives have been making for a free and untrammeled party? Not yet. The fight has just begun, and the people have been winning battle after battle against the interests. Many of the States have already shaken off the shackles of boss rule and become free. So may all the others, and so they will if their leaders are faithful and vigilant.

I can remember when a mere boy shouting for Abraham Lincoln in his first campaign. Later, when still a boy, I took my place with thousands of others in the ranks of the Army formed to maintain the principles of freedom upon which the Republican Party was founded. I cast my first vote for Ulysses S. Grant, who led that Army to ultimate victory. I have cast my vote with that party in national affairs until now. Now I am called upon to make my choice between the old party and a new one to be formed. The temptation is great. The provocation is almost overwhelming. This is a time when men should search their own consciences and their motives unmoved by anger or passion and do what seems to each of them to be his patriotic duty to the whole people. I shall not shirk my own individual responsibility or question the motives of others who may take a different course. As conditions now present themselves to my mind, I can not join a new party movement. But, Mr. President, I do not want to be misunderstood by the Senate or by the country. It does not follow, from what I have said, that I shall support the alleged nominee of the Republican convention. I believe he secured his nomination by unjust and illegal means. I do not believe that he is the nominee of the party in any just or proper sense. I hope he does not realize, in accepting such a nomination, what thousands and thousands of his party believe to be the fact—that it was procured for him by compromising with fraud and corruption and the violation of an express statute of a State. But its alleged nominee is not the Republican Party. He does not represent its principles or its sentiments. His title to the nomination is tainted and questioned by the great mass of the party. Neither I nor any other Republican who views the situation and believes as I do owe him, personally, any political allegiance or support. If any good Republican representing the real sentiments of the party were to become an independent candidate, running on a progressive platform that he could conscientiously stand upon, the voters of the party would sustain him; but in my judgment the man who attempts to form a new party, as conditions now are, will not be serving the interests of the people. Better far to see the great Republican Party go down to temporary defeat now for the sins its leaders have committed, and redeem it four years hence, than attempt the uncertain and dangerous remedy of forming a new party. Better, for the time being, to "bear the ills we have than fly to others that we know not of." The party had already been purged in many of the States of its worst and most dangerous elements. Many of the members of the national committee who made possible the nomination that was brought about had been repudiated in advance by the voters of their States. This victory was thrown away by the delegates chosen to represent the progressive element of the party in the convention, a victory that would in all probability have taken the control of that committee out of the hands of the powers that manipulated it at the convention. Four years from now, if we stand to our guns and do not follow after false gods, the people will have complete control over the Republican Party in the Nation, as it now has in many of the States.

Mr. President, this struggle for political freedom and civic righteousness is not confined to the Republican Party. Its great rival, the Democratic Party, has the same fight with the powers of evil; and one man, with a courage and patriotism that challenges my admiration and respect and should incite the gratitude of the American people, is bravely fighting for the integrity and righteousness of his party and fighting practically single handed and alone. He is making the fight that every good and loyal citizen should be making, not outside but inside of his party. If that effort, rightly made, fails, it will be time enough to form a new party. If it does fail, no one will be more ready than I to form that new party, founded on principles of justice, liberty, purity, and honesty in politics.

Mr. President, I have offered these resolutions so that the people may, so far as it can be ascertained by such an inquiry as they call for, be informed as to what has brought us to this present pass, so far as the campaign just closed is concerned.

I understand the Vice President is not likely to be present for some time to come. I desire, therefore, to amend my resolution, where it authorizes the appointment by the Vice President, so as to read "by the President pro tempore of the Senate."

I desire further to say that in view of the limited attendance this morning I shall not insist upon pressing the resolution at the present time.

The PRESIDENT pro tempore. The resolution will be modified as suggested by the Senator from California.

Mr. GALLINGER. I suggest that under the law the resolution will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WORKS. I was about to suggest that it take its regular course and go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. It is necessary that that be done.

The PRESIDENT pro tempore. The resolution necessarily will be so referred.

Mr. HEYBURN. Mr. President, before the close of morning business, if I may be indulged, in order briefly and imperfectly to do what should be done with care and elaboration. I will interpose a demurrer to the statement read by the Senator from California. I do not desire that it should be taken as accepted by Republicans.

I shall not occupy any considerable time. Not having the resolution of the Senator from California in print, and not having known that such a motion would be made, it will, of course, be somewhat difficult to cover the subject. I shall not undertake to do that.

An attack has been made in this resolution upon the integrity of the President of the United States as an incumbent and as a candidate for reelection. Concurrently an attack has been made upon those who are responsible for his nomination. Still further an attack has been made upon the integrity of the Republicans of this Nation.

Mr. GALLINGER. And upon Members of this body who are upon the national committee.

Mr. HEYBURN. Yes; and as suggested by the Senator from New Hampshire, who sits on my left, upon Members of this body who chance to be members of the national committee. More than that, with an ever-widening circle of slander, an attack has been made upon the citizenship of the country at large.

It is charged, in effect, that the standard of the citizenship of this country is so low and so venal that it may be bought and sold like chattels in the markets; that it may be controlled by corrupt men. This resolution undertakes to stamp a character of degradation, inefficiency, and corruption upon the citizenship of this country to the extent that it controls the Government. The man who can be corrupted is as bad a citizen as the man who corrupts him or attempts to do so. There is no difference under any rule of morals or of law.

So this resolution charges that these people constituting the citizenship have been subject, for a period not named, to the dominion and control and manipulation of corruption and corrupt men. I deny it. I challenge any man, responsible for this resolution or otherwise, to hand in to the Secretary of the Senate and have read from the desk the names of five men that within his knowledge come within the class of debauched citizenship.

No man should be allowed to slander another, even in political excitement or campaigns, without being held responsible. The offense of slandering the American citizenship, singly or in the aggregate, is as heinous a crime as that of attempting to bribe them. It is usually indulged in for the purpose of compelling some one to do or not to do something—heaping opprobrium and epithets upon your fellow citizen in order to deter him or to influence him one way or the other.

The statement in the resolution that an unhappy condition of affairs has existed in the country is true in a very large measure. It did not emanate from the rank and file or the leadership of either party, singly and alone. Whatever of the unhappy conditions pictured in this resolution have existed are the result of an attempt—an irresponsible and unwise attempt—to change overnight the form of this Government and the manner of the performance of the political duties of citizenship. Where there is no meeting or coming together of men there can be no riot. Where the opportunity is not given or accorded them to violate long-established principles the principles are safe.

It is not necessary to take up the resolution in detail and analyze it, because it is all based upon one wrong, vicious proposition. To stand in the Senate of the United States and charge that Members of this body, in the performance of their individual citizenship, have participated in disreputable and dishonest procedure in a national convention is intolerable, and if such a charge is made it should be accompanied by the names of those charged.

We have a rule in this body which precludes any Member from speaking disrespectfully of another. We have a rule in this body which precludes any Member from charging another with improper motives. It may be said that that applies only to his actions in the body. I hold that it applies to the action of the Senator, because he is a Senator of the United States wherever he is during the tenure of his office.

What a document that would be to read in the public schools of the United States! As well take in the infected flag of smallpox or cholera. It is a more serious offense to poison the minds of the children and the students of the country than it is to infect them with a disease. The mind, once tainted, never is restored to perfect health. A suggestion of dishonor made against the representative bodies of the people of the country is never eradicated from the mind of the child.

If it is said that the charges are true, why investigate them? No man should say that these charges are true unless he can stand in his place and show that they are true by giving the day, date, data, and names. The things charged in that document are crimes. They are crimes against the law of citizenship; they are crimes against the law of the land. There should be no necessity for an investigation of such a charge by a committee.

What would be the result? Send out a committee of this body to travel up and down the land for months and months, sitting in various places, with its daily proceedings made the subject matter of newspaper quibble and comment, charge and vituperation, and you had as well send the trailing bag of infectious disease from one end of the country to the other to poison the air. There is nothing more important than that the minds of the people of the country, especially of the youth and those whose minds are in process of formation, should remain untainted by a charge coming from a responsible body.

It is bad enough to be confronted with irresponsible slander, but it is infinitely worse to be confronted by a charge coming with the sanction of the Senate of the United States for investigation in the local communities of the United States. The committee would succeed in procuring conjecture, uncertainty, but would any man come before the committee and make a definite charge? If he would, he is accessible now without this public exhibition of irresponsible charges.

The thing to be desired is that whatever has occurred during these political contests shall be buried in oblivion as soon as possible, that most of the men shall be forgotten at the earliest possible moment. The names of men who engage in disgraceful conduct in the performance of public duty ought not to be remembered overnight. No man is entitled to fame because of his misbehavior.

This, if it is calculated for anything more than another, is calculated to perpetuate the consideration of the evil deeds of evil men. We do not want that kind of history written. We want to write only the history of the good deeds of good men, and how much of it would be found in the report of this committee? It does not ask that the committee shall investigate lawful deeds of men engaged in lawful proceedings. It is a little on the order of the journalism of the day. I have not seen in any paper any statement as to the good deeds of a man in display type at the head of a column. I have not noticed any reference to the class of men who do good deeds except, perhaps, in obituary. Would this committee sit under the resolution to hear the facts in regard to really great and pure statesmen actuated by high motives of statesmanship? It does not ask that they shall do it, and they have no jurisdiction. It is simply a dragnet in search of crime, in search of the disreputable, in search of that which should be forever hid.

Now, Mr. President, it is not a subject to elaborate on very much, in my judgment. It contains suggestions and innuendoes enough to wipe out every good and patriotic impulse in the mind and breast of every child in the land. A suggestion that those things are true to those who are studying the institutions and learning the lesson of citizenship is a blot upon their life. I care not what are the politics of the officials who are charged irresponsibly, against whom a suggestion is made that if you will enter into this investigation you will probably find that they are disreputable. I would like the man to stand up before us and make the charge. I like the habit when a man commences to tell you in confidence something to the detriment of another to say, "Wait; I will call him up on the phone that I may have him here and listen to the conversation." I have stopped a good many conferences of that kind in that way.

Let any man making those charges give the names, and in the presence of those whose names he gives take the chances. If he will not, the charge ought not to be made. Let us elevate the standard of citizenship so that there will be no possibility of such a condition as is presented here this morning.

I am not going to consider the question whether or not there will be two parties or three parties or many parties in the coming campaign. The man whose mind is bent on considering that question as paramount loses sight of the principles for which parties stand. The Republican Party at Chicago has redeemed itself in its tariff declaration. We do not find within that platform the old saw about the difference between the cost of production abroad and at home. That absurdity is eliminated. It is a perfect tariff plank, except for one little joke in it, which suggests that some duties are too high. I think so. I think myself the duty of beeswax and curled feathers might be reduced. I am not afraid to meet a platform anywhere in considering the question of adjusting business relations between the American people and the people of other countries. I do not know what kind of a plank will come over from Baltimore. I do not know that I am very much interested in it, because a man can not ride in two cars at the same time, and he can not vote two tickets at the same election—that is, I do not think he can.

This resolution leaves the people up in the air, with nothing beneath their feet. It does not advise supporting either party. It rather intimates that there may come a deliverer out of Israel.

Now, Mr. President, I have said more than I intended to say, but I feel that a resolution like that should not go through in a perfunctory manner, be referred to a committee as though it were something serious, reported by a committee as though it were worthy of consideration, and considered in the Senate as though we were here to spend our time in the consideration of such a matter. I hope that the committee will be supplied with a proper undertaker for burial services.

Mr. WORKS. Mr. President, this resolution has been regularly referred, and I am not going to take up the time of the Senate now in discussing the merits of it.

The Senator from Idaho [Mr. HEYBURN] has made a resolution of his own and discussed it quite elaborately, not the resolution offered by me. Evidently he did not pay attention to the reading and has not read the resolution itself. The resolution does not charge anybody with anything. It is purely and simply a resolution calling for inquiry as to the truth of the charges that have been made by somebody else, and made on the floor of the Senate, not by me, not by the resolution. It calls for an inquiry into the truth of the facts that have been spread all over the country, not only as emanating from the floor of the Senate of the United States, but charges that were made in the political campaign over and over again affecting the integrity of the Republican Party and those who are connected with it.

Now, who should object to the truth being known about it? The best way to overcome the evil is to disclose it and then

handle it. That is just what we have to do with the affairs of the Government and in politics to-day if we are going to accomplish anything.

It was charged, Mr. President, on the floor of the Senate within a very short time, that millions of dollars had been expended to control this campaign. It was said upon the floor of the Senate that a Member of this body had made that same charge on the stump throughout the country. All sorts of charges were made during the continuance of the Republican convention. How much of them were true, how much of them were false, none of us know. But I say, Mr. President—and I say it in all sincerity—that the people of this country have a right to know whether these charges are true or false and the Senate of the United States, standing as a representative of the people, have a right to ask that this kind of an investigation may be had in order to determine whether the charges are true or not.

These resolutions do not charge corruption upon the part of the citizens of this country, as the Senator from Idaho assumes. I sincerely hope that the investigation made under the resolution will disclose the fact that they are not subject to corruption, because it would be a sorry day for this country if it should ever come when the masses of the people of the country could be influenced and corrupted with money.

There are some things recited in the resolution that every Senator on this floor knows to be true. As the Senator from Idaho says, that does not need any investigation. Members of this body and other public officials have been giving their time day after day to carry on the political campaigns of the different candidates. We know it. A good many of the people of the country do not know it, and they have a perfect right to know if it be true that men sent here as their representatives, men employed in the departments of Government, and paid by them, are using the time for which they are paid by the Government to carry on the campaign of any candidate for President or any other office within the gift of the people.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Minnesota?

Mr. WORKS. I do.

Mr. NELSON. I want to ask the Senator, in all candor, if those remarks would not apply to some of the Members of this body?

Mr. WORKS. I think they are applied to Members of this body, as the Senator would have known if he had listened to the resolution. I think, if an investigation of this kind is made, that it will be found to be true with respect to Members of this body the same as other public officials.

As I said in the beginning, I am not disposed to discuss the merits of this resolution. I am perfectly willing to take such responsibility as may flow from its introduction. It is for the proper committee and the Senate to determine whether this investigation shall be made or not. I have submitted the resolution in good faith. I think it calls for an investigation, which should be made and made thoroughly, but that, as I have said, is a matter for the Senate to determine.

Mr. McCUMBER. Mr. President, personally I have no objection whatever to the resolution introduced by the Senator from California. I, however, do have objection and I wish to protest as a Republican against the argument that was used to bolster up the resolution. We have heard the cry of fraud throughout the country in reference to the presidential primaries from the very beginning, and there is not a man in the Senate of the United States who did not thoroughly understand why that cry of fraud went out months before an election was had in a single State. It is the practice of the incendiary who purposes to destroy by fire to cry fire in some other quarter of the city and thereby divert attention from his own work. We have heard the cry of fraud and what was going to happen and the contests that were going to be initiated from one end of the country to the other. We knew when that cry went forth that there was a purpose, a clear purpose, to create fake contests all over the country, and as those fake contests would necessarily be dismissed there would be seemingly some ground for suspicion and enable the cries of fraud to gain some attention when they were dismissed.

I think it most unjust at this time, in support of a resolution of this character, to declare that the President of the United States received his nomination through fraud and corrupt practices. I do not believe it, Mr. President, myself, and I do not believe that there will be any evidence forthcoming to sustain a charge of that kind.

I am perfectly willing to investigate the question of the amount of money that is necessary in these primary contests. I am willing to investigate and ascertain how many dollars it takes to bring out one-quarter, one-fifth, or one-tenth of the party vote in any one of the States.

There are some justifiable provisions included in the resolution of the Senator from California. I agree with him that a contest has been carried on that has been a disgrace to the American people, and the very system that the Senator supports so strongly and so earnestly has been the system that has invited the kind of personalities against which he complains.

Mr. WORKS. Mr. President——

Mr. McCUMBER. In just a moment.

Personalities and personal abuse that never would be made before a convention of intelligent men, that never would be made before a legislature in any State in the Union, have been indulged in as fit arguments by those who think they can mislead the people by making charges of a criminal character, charges that would not be made before any convention or any gathering of men organized to make nominations. I agree with the Senator on many of those things contained in his resolution, but I do not agree with him that there has been any fraud or injustice whatever in the matter of dismissing any of those fake contests. There may have been some few contests in which there were close questions, but I believe as a whole the members of the national committee acted honestly and conscientiously in their decisions, and to charge that they have acted dishonestly and corruptly is not only uncalled for but is untrue.

Why, Mr. President, the greatest——

Mr. WORKS. Mr. President——

Mr. McCUMBER. One moment. The greatest amount of money that was ever raised in any political campaign was raised in 1896 during the McKinley campaign, and not a dollar of the millions of dollars that were raised was used to buy votes; it was used for literature; it was used to pay the expenses of the speakers; it was used to cover the thousands of expenses that are necessary to carry on a great campaign of education. I do not condemn the using of a great amount of money, whether it comes from the Standard Oil Co., whether it comes from Mr. Perkins in support of his candidate, or whether it comes in support of the present President of the United States, if it is used honestly and fairly for the purpose of getting out literature, for the purpose of presenting facts to the people and not sensational falsehoods. I think the greater force we can have to disseminate true political knowledge over the country the better it will be for the country.

I now yield to the Senator from California.

Mr. WORKS. Mr. President, the Senator from North Dakota may be perfectly right that the presidential primary has resulted in such a campaign as we have just witnessed. If that be the case it has a great deal to answer for, and if it is going to have such an effect in this country I want to know it. I am not so wedded to any kind of machinery for conducting the elections of this country as to insist upon that or any other machinery that is going to result in such consequences.

With respect to the question of the expenditure of money, certainly there may be legitimate expenditures of money in a political campaign whether for President of the United States or anybody else. The object and purpose of the resolution is to ascertain whether the large sums of money alleged to have been used have been used properly or not. To that I should think the Senator from North Dakota would not object.

Mr. McCUMBER. I do not object to that, Mr. President.

The closing remarks of the Senator from California in his first address on this subject were not surprising to me. It is a part of what has seemed to me for the last 8 or 10 years to be a consistent policy—a policy of rule or ruin. "If we can not rule the party, if we can not secure the success of our nominee this year, we will turn against the candidate who is nominated." Then they use that as a reason why some other person, representing a different view, should be selected next time. I have heard in a number of the States in the past few years, where we have conducted such elections, the claim made: "We have put up our candidate"—I will say "our progressive candidate"—"for a number of years in the primary; he has not been chosen; so we will elect a Democrat to that position. That will furnish evidence to you, the people of the country, that you had better nominate our candidate." It is simply a hold-up system. "Support our views; support our candidate; or we will destroy the party." That is the proposition in a nutshell that is presented to the Senate of the United States in the argument that has just been made. "If we can not secure the defeat of your candidate in the primary, then, the next step is to defeat him in the election. We will try once more; we will defeat him, if it is possible; if we should not succeed in defeating him, it will be time enough then to consider whether it is necessary to create a third party in order to win."

Mr. President, I believe in fighting out our difficulties within the party itself. I do not believe that the public is so corrupt. I do not believe that the average people who go as delegates to conventions are so corrupt, as the Senator would have us believe. I do not believe that those who support one party are criminals and those who support the other party are saints. I believe that we should and can fight out these questions in our conventions, or fight them out in our primaries if we have the primary system, and then let us as good partisans stand by the party of our choice. If there is a plank in our platform that is not just according to our idea let us try to better fit it to the necessities of the country. If we think our tendency is in the wrong direction, let us work together to guide the party in the right direction. We gain nothing by uniting a number of people who have been defeated in their purposes and attempting to destroy the old organization by creating a new one.

Mr. President, I only rose primarily to dissent most earnestly from this continuous cry of fraud by those who were defeated, and while I might have, with the majority, differed as to some of the contests that were decided I certainly believe that the men who decided them were honest in their convictions in every decision. The majority of the elected delegates favored the renomination of President Taft. As a Republican he is my nominee. Had either of his opponents been nominated I should have supported that nominee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies, in which it requested the concurrence of the Senate.

EXTENSION OF APPROPRIATIONS.

Mr. WARREN. Mr. President, I ask that House joint resolution No. 331 be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives.

Mr. WARREN. I think the joint resolution should be read for information, and then referred to the Committee on Appropriations. I will say that the committee have already had the subject under consideration and will probably be prepared to report at once; but I wish that the joint resolution may be read so as to go into the RECORD.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies was read the first time by its title, the second time at length, and referred to the Committee on Appropriations, as follows:

Resolved, etc., That all appropriations for the necessary operations of the Government, and for the payment of pensions under existing laws, which shall remain unprovided for on the 30th day of June, 1912, be, and they are hereby, continued and made available for and during the month of July, 1912, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1913; and a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twelfth of the appropriations made for the fiscal year 1912 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1913 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twelfth of the appropriations for the fiscal year 1912, and eleven-twelfths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the same.

This joint resolution shall be construed as authorizing the continuance of the salaries and other expenses under the organization of the Bureau of the Census of the Department of Commerce and Labor as the latter existed June 30, 1912, for the period of time and under the conditions provided herein for all other branches of the public service.

Mr. WARREN subsequently said: The Committee on Appropriations, having considered House joint resolution 331, I report it back favorably without amendment and ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS OF HON. N. C. YOUNG (S. DOC. NO. 865).

Mr. McCUMBER. Mr. President, I have here a very short address delivered by Hon. N. C. Young, late a member of the Supreme Court of the State of North Dakota, on the subject, "Shall we change our plan of Government?" I consider it a very worthy article, and ask that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MANEUVERS OF REGULAR ARMY AND MILITIA.

Mr. JOHNSTON of Alabama. Mr. President, I desire to ask the chairman of the Committee on Appropriations if any immediate action is being taken in regard to the appropriation for maneuver camps?

Mr. WARREN. We will await the action of the other House upon that matter. Of course we have been unable to act until to-day, but I assume that the other House will take care of it, and that we shall hear from them soon.

Mr. JOHNSTON of Alabama. Very well.

APPROPRIATIONS FOR GOVERNMENT EXPENSES (H. DOC. NO. 854).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I send herewith the report of the Commission on Economy and Efficiency on "The need for a national budget." The recommendations contained therein are approved by me. I recommend to the Congress the enactment of the legislation necessary to put them into effect.

The subject is one of fundamental importance to the Executive as well as to the Congress. Notwithstanding the magnitude and complexity of the business which is each year conducted by the executive branch and financed by the Congress, and the vital relation which each governmental activity bears to the welfare of the people, there is at present no provision for reporting revenues, expenditures, and estimates for appropriations in such manner that the Executive, before submitting estimates, and each Member of Congress, and the people, after estimates have been submitted, may know what has been done by the Government or what the Government proposes to do.

Briefly stated, the situation is this: Under the Constitution (and subject to its limitations) Congress is made responsible for determining the following questions of policy: What business or work the Government shall undertake; what shall be the organization under the Executive which is charged with executing its policies; what amount of funds and by what means funds shall be provided for each activity or class of work; what shall be the character of expenditures authorized for carrying, on each class of work—i. e., how much for expenses, how much for capital outlays, etc.

As a means of definitely locating this responsibility, Congress was given the sole power to levy taxes; to borrow money on the credit of the United States; to authorize money to be drawn from the Treasury. To the President also has been given very definite responsibility. To the end that Congress may effectively discharge its duties the article of the Constitution dealing with legislative power provided that "a regular statement and account of receipts and expenditures of all public moneys shall be published"; and the article dealing with the Executive power requires the President "from time to time to give to the Congress information on the state of the Union and to recommend to their consideration such measures as he shall deem necessary and expedient."

Notwithstanding these specific constitutional requirements there has been relatively little attention given to the working out of an adequate and systematic plan for considering expenditures and estimates for appropriations, for regularly stating these in such form that they may be considered in relation to questions of public policy, and for presenting to Congress for their consideration each year, when requests are made for funds, any definite plan or proposal for which the administration may be held responsible.

Regular committees on expenditure have been established by the Congress for the purpose of obtaining knowledge of conditions through special investigations. During the last century over 100 special congressional investigations have been authorized to obtain information which should have been regularly submitted, and much money as well as much time has been

spent by the Congress in its effort to obtain information about matters that should be laid before them as an open book; many statutes have been passed governing the manner in which reports of expenditures shall be made; specific rules have been laid down giving the manner in which estimates shall be submitted to Congress and considered by it. From time to time special investigations have been made by heads of executive departments. During the last century many such investigations have been carried on and much money has been spent in the conduct of these, as well as by Congress, for the purpose of obtaining facts as a basis for intelligent consideration of methods and procedure of doing business with a view to increasing economy and efficiency. From time to time Executive orders have been issued and reorganizations have taken place.

Generally speaking, however, the only conclusions which may be reached from all of this are that—

No regular or systematic means has been provided for the consideration of the detail and concrete problems of the Government.

A well-defined business or work program for the Government has not been evolved.

The reports of expenditures required by law are unsystematic, lack uniformity of classification, and are incapable of being summarized so as to give to Congress, to the President, or to the people a picture of what has been done and of cost in terms either of economy of purchase or efficiency of organization in obtaining results.

The summaries of expenditures required by law to be submitted by the Secretary of the Treasury, with estimates, not only do not provide the data necessary to the consideration of questions of policy, but they are not summarized and classified on the same basis as the estimates.

The report on revenues is not in any direct way related to the expenditures, except as the Secretary of the Treasury estimates a surplus or deficiency, and this estimate is based on accounts which do not accurately show expenditures or outstanding liabilities to be met.

Instead of the President being made responsible for estimates of expenditures, the heads of departments and establishments are made the ministerial agents of Congress, the President being called on only to advise Congress how, in his opinion, expenditures may be reduced or revenues may be increased in case estimated expenditures exceed estimated revenues.

The estimates do not raise for consideration questions which should be decided before appropriations are granted, nor does the form in which estimates are required to be presented by the Congress lay the foundation for the consideration of subjects of work to be done, the character of organization best adapted to performing work, the character of expenditures to be made, the best method of financing expenditures.

The present law governing the preparation and submission of estimates, requiring them to be submitted each year in the same form as the year before, was passed without due consideration as to what information should be had before Congress as a basis for action, the result being that the unsystematic and confused method before in use was made continuous.

The rules of the Congress do not provide for the consideration of estimates in such manner that any Member of Congress, any committee, or either House of Congress as a whole may have before it at any one time the information needed for the effective consideration of a program of work done or to be done.

The committee organization is largely the result of historical development rather than of the consideration of present needs.

Inadequate provision is made for getting before each committee to which appropriations are referred all of the data necessary for the consideration of work to be done, organization provided for doing work, character of expenditures, or method of financing.

Following the method at present prescribed, the estimates submitted by each organization unit may have to be split up for consideration by appropriation committees of the Congress and be made the subject of several different bills; in few places are all of the estimates or appropriations asked for by a single organization unit brought together.

The estimates for appropriations requested for a single class of work are similarly divided, no provision being made for considering the amount asked for, the amount appropriated, or the amount spent for a single general class of governmental activity.

Generally speaking, the estimates for expenses (or cost of each definite class of services to be rendered) are not separately shown from estimates for capital outlays (or cost of land, buildings, equipment, and other properties acquired).

While the classification and summaries of estimates do indicate a proposed method of financing, these summaries do not show classes of work or the character of expenditures provided for, and therefore can not lay the foundation for the consideration of methods of financing as a matter of governmental policy as is contemplated under the Constitution.

The appropriations are just as unsystematic and incapable of classification and summary as the estimates; in fact, follow the same general form, making it difficult and in many cases impossible to determine what class of work has been authorized, how much may be spent for each class, or the character of expenditures to be made; nor does any one bill cover the total authorizations for any particular general class of work.

Bills for appropriations (the authorizations to incur liabilities and to spend) are not considered by the committee to which measures for raising revenues and borrowing money are referred, nor are revenues and borrowings considered by committees on appropriations in relation to the funds which will be available.

So long as the method at present prescribed obtains, neither the Congress nor the country can have laid before it a definite understandable program of business or of governmental work to be financed; nor can it have a well-defined, clearly expressed financial program to be followed; nor can either the Congress or the Executive get before the country the proposals of each in such manner as to locate responsibility for plans submitted or for results.

Although the President has the power to install new and improved systems of accounts and to require that information be presented to him each year in such form that he and his Cabinet may intelligently consider proposals or estimates, although the President, under the Constitution, may submit to the Congress each year a definte well-considered budget, with a message calling attention to subjects of immediate importance, to do this without the cooperation of the Congress in the repeal of laws which would be conflicting, and in the enactment of other laws which would place upon the heads of departments duties to be performed that would be in harmony with such procedure would entail a large expenditure of public money in duplication of work.

The purpose of the report which is submitted is to suggest a method whereby the President, as the constitutional head of the administration, may lay before the Congress and the Congress may consider and act on a definite business and financial program; to have the expenditures, appropriations, and estimates so classified and summarized that their broad significance may be readily understood; to provide each Member of Congress, as well as each citizen who is interested, with such data pertaining to each subject of interest that it may be considered in relation to each question of policy which should be gone into before an appropriation for expenditures is made; to have these general summaries supported by such detail information as is necessary to consider the economy and efficiency with which business has been transacted; in short, to suggest a plan whereby the President and Congress may cooperate—the one in laying before the Congress and the country a clearly expressed administrative program to be acted on, the other in laying before the President a definite enactment to be acted on by him. Included in this report are summaries of expenditures for the year 1911, summaries of appropriations for the fiscal year 1912, and summaries of estimates of appropriations for the fiscal year 1913. To these summaries your special attention is invited. Attached is also an appendix containing a digest of laws pertaining to appropriations and allotments, to the preparation of estimates, and to forms of reporting expenditures; also the suggested pro forma draft of budget, which has been prepared by the commission and is submitted for your consideration as a matter bearing very directly on the economy and efficiency with which Government business is carried on.

WM. H. TAFT.

THE WHITE HOUSE, *June 27, 1912.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

WILLIAM F. M'KIM.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1754) to correct the military record of William F. McKim, which was to amend the title so as to read: "An act for the relief of William F. McKim."

Mr. JONES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6978) granting pensions and increase of pensions to certain

soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 4113. An act for the relief of Robert E. Burke;

H. R. 4512. An act for the relief of Mary Beal; and

H. R. 25060. An act for the relief of Joe Cook.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 18425. An act to remove the charge of desertion from the military record of Simon Nager; and

H. R. 19190. An act for the relief of John F. Risley.

UNEXPENDED BALANCE FOR PARTING AND REFINING BULLION.

Mr. WARREN. From the Committee on Appropriations, I report back favorably without amendment Senate joint resolution No. 121, authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion, and I submit a report (No. 899) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the unexpended balance of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury June 30, 1912, may be drawn upon to defray in full the expenses incidental to refining and parting bullion in the mints at Denver and San Francisco and the assay office at New York, including labor, material, wastage, and loss on sale of sweeps, until the regular appropriations for the mint service for the fiscal year 1913 are available, and that the amount expended under this provision shall be deducted from the annual appropriation for this service.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. I ask that the report accompanying the joint resolution may be printed in the RECORD. It is short and carries with it a letter from the Secretary of the Treasury in explanation of the necessity for the passage of the joint resolution.

The PRESIDENT pro tempore. Does the Senator desire that it be printed in the RECORD without being read?

Mr. WARREN. Without being read.

The PRESIDENT pro tempore. It is so ordered, in the absence of objection.

The report submitted this day by Mr. WARREN is as follows:

Mr. WARREN, from the Committee on Appropriations, submitted the following report, to accompany Senate joint resolution 121:

The Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 121) authorizing the use of the unexpended balance of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury June 30, 1912, for said purpose for the fiscal year 1913 until the annual appropriation therefor is available, reports the same to the Senate with the recommendation that it pass without amendment, and in explanation of the action of the committee respectfully submits the following letter from the Secretary of the Treasury:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 29, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

SIR: In connection with the consideration of a joint resolution to provide temporarily for the expenses of the Government after June 30, 1912, pending final action upon the regular appropriation bills for the fiscal year 1913, I beg to invite your particular attention to the situation relative to parting and refining operations in the mints and the assay office at New York.

The provision under which all expenditures incident to parting and refining bullion have been met for years past is to be found in the deficiency act of July 7, 1898 (see ch. 571, 30 Stat. L., 657), and reads as follows:

"Chapter 571. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for prior years, and for other purposes.

"PAR. 4a. And refining and parting of bullion shall be carried on at the coinage mints of the United States and at the assay office at New York, and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, and also the proceeds of sale of by-products (spent acids arising from any surplus bullion recovered in parting and refining processes), pursuant to law, so far as may be necessary, to defraying in full the expenses thereof, including labor, material, wastage, and loss on sale of sweeps.

"But no part of the moneys appropriated for the support of the coinage mints and assay office at New York shall be used to defray the expenses of parting and refining bullion."

The policy of using the proceeds of charges imposed upon bullion to meet the cost of operating the refineries was changed by a provision of the deficiency act of March 4, 1911 (see ch. 240, Public, 480), the repealing clause reading as follows:

"All laws and parts of laws, to the extent that they make a permanent indefinite appropriation for the expenses of parting and refining bullion, are repealed to take effect from and after June 30, 1912; and the Secretary of the Treasury shall, for the fiscal year 1913, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates for the expenses of this service.

"The unexpended balance, after meeting all obligations, of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury two years after the close of the fiscal year 1912 shall be covered into the Treasury as a miscellaneous receipt."

It is a grave question whether a resolution so worded as to extend the 1912 appropriations will have the effect of reviving a statute which is definitely repealed. Estimates for the cost of maintaining this service in the fiscal year 1913 in the Denver and San Francisco mints and the assay office at New York were submitted to Congress, and provisions for the same appear in the bill making appropriations for the legislative, executive, and judicial expenses. It is highly important that provision be made for continuing these refinery operations at the three institutions without a break. The wages of 90 people are involved. At the New York assay office the larger part of all expenditures have been met from the charges imposed upon bullion and the institution can not be kept open for the transaction of business unless provision is made for meeting these expenses after June 30, 1912.

I therefore suggest that the proposed resolution contain the following specific provision, or one similar that meets your judgment, to cover the situation above pointed out:

"That the unexpended balance of the permanent indefinite appropriation for parting and refining bullion remaining on the books of the Treasury June 30, 1912, may be drawn upon to defray in full the expenses incidental to refining and parting bullion in the mints at Denver and San Francisco and the assay office at New York, including labor, material, wastage, and loss on sale of sweeps, until the regular appropriations for the mint service for the fiscal year 1913 are available, and that the amount expended under this provision shall be deducted from the annual appropriation for this service."

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the morning business is closed.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 20728, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and that order is made.

Mr. CLAPP. Mr. President, before the Secretary proceeds to read the bill, I desire to make a very brief statement.

This bill, as reported from the Senate committee, very largely increases the House appropriations. The increases come from three sources: First, many of the appropriations are appropriations of Indian funds and not of Government funds. Second, many of the increases are simply cases where the House failed to grant the amount estimated for, and the Senate committee has increased the appropriation to the estimate. Third, there are items affecting the conduct of irrigation and other projects where the Indian Office felt that it was wiser to have the larger sum appropriated.

The bill contains a great deal of general legislation, which it seems difficult to get in any other form. I am not so sensitive on that subject as heretofore, in view of the uniform custom at this session of putting much general legislation on the appropriation bills.

I call attention to these matters before the Senate proceeds to consider the bill. Of course it is for the Senate to determine what it will do with them.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, on page 2, line 16, before the word "thousand," to strike out "two hundred and fifteen" and insert "three hundred and thirty-five"; in the same line, after the word "dollars," to insert "$35,000 of which to be immediately available"; and in line 20, after the word "expended," to insert: "*Provided*, That the unexpended balances of all continuing appropriations heretofore made for survey, allotment, classification, or appraisement work, general or specific, are hereby made available for the purposes enumerated herein. Surveys provided for by appropriations for surveying and allotting Indian reservations shall be made in accordance with the provisions for surveys and resurveys of public lands, including traveling expenses and allowance in lieu of subsistence, to surveyors and clerks detailed as surveyors employed thereunder," so as to make the clause read:

For the survey, resurvey, classification, and appraisement of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the Office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $335,000, $35,000 of which to be immediately available, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended: *Provided*, That the unexpended balances of all continuing appropriations heretofore made for survey, allotment, classification, or appraisement work, general or specific, are hereby made available for the purposes enumerated herein. Surveys provided for by appropriations for surveying and allotting Indian reservations shall be made in accordance with the provisions for surveys and resurveys of public lands, including traveling expenses and allowance in lieu of subsistence, to surveyors and clerks detailed as surveyors employed thereunder.

Mr. GALLINGER. Mr. President, I would suggest to the Senator, inasmuch as we have commenced on another fiscal year, that the words "to be immediately available" should be stricken from the bill wherever they occur.

Mr. CLAPP. Mr. President, that occurred to me while the joint resolution we have passed was being read. It strikes me that while the joint resolution answers the purpose for the present, some provision must be made in all these appropriation bills to meet that proposition. In these bills there are certain appropriations with reference to a fixed day. That day has already passed; yet the joint resolution of the two Houses does not cover an appropriation made under those circumstances. I thought that, if necessary, when we get through with all of them, the Committee on Appropriations can meet that difficulty by some general provision.

Mr. GALLINGER. I shall not insist upon my suggestion, Mr. President. It does no harm to leave in the clause; but it seems to me it is unnecessary, for the reason that when the bill becomes a law all these appropriations will be immediately available.

Mr. CLAPP. Will they?

Mr. GALLINGER. Absolutely.

Mr. WARREN. The 1st of July will have passed before the bill becomes a law, but it will do no harm to leave in the language.

Mr. CLAPP. Some of them would be immediately available and some, in the very nature of things, would not be.

Mr. GALLINGER. I shall not insist upon it.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 3, line 10, before the word "thousand," to strike out "three hundred" and insert "three hundred and forty-five," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, $345,000, to remain available until expended.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc.; on page 4, line 14, before the word "thousand," to strike out "ten" and insert "fifty-five," so as to make the clause read:

For traveling expenses of two inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, $355,700: *Provided also*, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in line 17, after the word "employed," to insert:

Provided also, That there shall be covered into each fund, from whatsoever source derived, for construction or maintenance and operation of any irrigation project or system within the jurisdiction of the Indian Service or preliminary surveys and investigations for determining the feasibility or cost of new projects in the Indian Service, the proceeds of the sales of material utilized for temporary work and structures, as well as of the sales of any other property which had been purchased from such fund, and also any moneys refunded in connection with operations necessary for and incidental to such work; and for lands under any such project the Secretary of the Interior may fix annual maintenance charges, which shall be paid as he may direct, such charges, when collected, not to be covered into the Treasury but to be immediately available for use for the maintenance and operation of the project or system for which collected.

Mr. CURTIS. I make the point of order against that amendment. I think the acting chairman will concede that it is general legislation, in violation of Rule XVI.

The PRESIDENT pro tempore. The Chair will be glad if the acting chairman of the committee will indicate whether or not there is an issue upon that point.

Mr. CLAPP. Mr. President, I do not see how there can be any issue. The Senator makes the point of order. It is a provision that the Indian Office is very anxious to have. That is the only thing I can urge in its behalf.

The PRESIDENT pro tempore. The Chair will sustain the point of order.

Mr. OVERMAN. Mr. President, I suggest that we go on today on these matters as in Committee of the Whole, and when we get into the Senate, if any Senator wishes to offer an amendment to strike out anything that has been agreed to—I do not know that such will be the case—he can do so. I do not suppose the Senator desires to have the bill passed to-day.

Mr. CLAPP. Of course I should like to have the bill passed to-day if it can be passed without pressing the matter against the convenience of Senators. It is an appropriation bill, and we want to get the appropriation bills out of the way.

Mr. OVERMAN. I realize that fact, but I think probably the Senator can not get it passed to-day. I simply make the suggestion so that we may reserve any amendments that any Senator desires to reserve. I have no amendments to offer myself, and no fight to make on the bill. But there are only a few Democratic Senators here, and there may be some who will desire to have the course I suggest taken.

Mr. CLAPP. There is no objection to agreeing to that.

Mr. GALLINGER. I will ask the Senator, Mr. President, if he objects to a point of order being made and ruled upon by the Chair?

Mr. OVERMAN. Not at all. I only want, when the bill gets into the Senate, to reserve the right to submit any amendment that any Senator wants to submit. I am doing it only as a matter of caution.

Mr. GALLINGER. Certainly.

Mr. OVERMAN. I have no fight to make on the bill myself, and no amendments to offer.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 5, line 10, after the word "Indians," to insert "including the illegal introduction of intoxicating liquors into the State of Oklahoma," so as to make the clause read:

For the suppression of the traffic in intoxicating liquors among Indians, including the illegal introduction of intoxicating liquors into the State of Oklahoma, $75,000.

Mr. CURTIS. Mr. President, in view of the decision of the Supreme Court that the law does apply to Oklahoma, I think that amendment is unnecessary, and I will ask that the Senate disagree to it.

Mr. CLAPP. I think so, too.

The PRESIDENT pro tempore. What is the suggestion of the Senator from Kansas?

Mr. CURTIS. That we disagree to the amendment.

The PRESIDENT pro tempore. The motion is properly put in the affirmative, and those who wish to disagree will vote against the amendment.

The amendment was rejected.

Mr. CLAPP. Mr. President, I have talked with some members of the committee and I wish to offer an amendment at this point. In the conduct of this matter of suppressing the traffic in intoxicating liquors among Indians it has been found that a strict interpretation of the law would prohibit the introduction of wines into Indian country to be used for sacramental purposes. The undesirability of such a restriction is so manifest that I am going, at this time and in connection with this item, to offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from Minnesota.

The SECRETARY. On page 5, line 12, after the word "dollars," it is proposed to insert a colon and the following proviso:

Provided, That hereafter it shall not be unlawful to introduce and use wines solely for sacramental purposes, under church authority, at any place within the Indian country or any Indian reservation, including the Pueblo Reservations in New Mexico.

Mr. HEYBURN. Mr. President, I should like to ask a question for information. Can it be possible that the Indians may not make wine from the grapes grown in that part of the country? They grow plenty of grapes there.

Mr. CLAPP. There are some sections of the country where grapes could be grown and homemade wine made for sacramental purposes. There are other sections of the country where it is very doubtful whether that could be done. A strict construction of the liquor law, at least the construction placed upon it by the authorities, prohibits the having of wine within the Indian country even for sacramental purposes, and to set the matter at rest and avoid any further question in regard to it I have offered this amendment.

Mr. HEYBURN. I did not rise to object to the amendment, but my attention was attracted by the suggestion that any legislation is necessary.

The PRESIDENT pro tempore. The Senator will suspend for one moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I should like to ask if the Senator from Idaho desires to speak upon the unfinished business. If not, I shall ask unanimous consent that it be laid aside temporarily.

Mr. HEYBURN. I had intended at this time to make some remarks, but in view of the fact that the Indian appropriation bill is before the Senate I will defer any remarks. Of course it is not to be laid aside for the day, but only to be laid aside temporarily.

Mr. SMOOT. Temporarily. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEYBURN. I do want to get at an intelligent idea of this matter. Can it be possible that one in authority has held that Indians may not make wine out of the grapes at their door? Everyone who knows this country knows that grapes are one of the plentiful fruits, and that it should require legislation in order that they might have wine for church purposes seems to me to imply that they may not make wine out of their own grapes.

Mr. CLAPP. I will ask the Senator if it is his understanding that under the law of this country an Indian within the prohibited classes has the right to manufacture liquor on a reservation?

Mr. HEYBURN. I should dislike to think that we had ever been so unwise in legislation as to make it impossible for Indians to make wine of their own grapes for such a purpose. If we have, then it is another of the curiosities that should be taken into consideration in legislation.

I was impelled to make the suggestion because of the fact that if any person should be permitted to do it they should be permitted to make out of their production whatever a white man might make out of his. Those Indians there are probably quite up to the standard of average American citizenship.

Mr. CLAPP. That is all true, but the fact remains that those in authority maintain that wine for sacramental purposes comes within the general provision of the statute.

Mr. HEYBURN. Then my criticism would be shifted to those in authority.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in line 12, after the words "dollars," to insert the following proviso:

Provided, That the powers conferred by section 788 of the Revised Statutes upon marshals and their deputies are hereby conferred upon the chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior.

Mr. GALLINGER. I suggest to the Senator that as he has already inserted a proviso, that this proviso should read "*Provided also*," and I would further suggest that it be made one paragraph instead of two.

Mr. CLAPP. That can be done now or in the final preparation of the bill.

Mr. GALLINGER. The clerks can make it a single paragraph.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In line 13, after the word "*Provided*," insert "*also*."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Let it appear in the RECORD that the part beginning in line 9 down to the end of line 19 shall be treated as one paragraph.

The PRESIDENT pro tempore. That will be done.

The next amendment was, on page 5, line 24, before the word "thousand," to strike out "sixty" and insert "two hundred and fifty," so as to make the clause read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $250,000.

Mr. HEYBURN. I should like to know something of the necessity for making so radical a change as to strike out $60,000 and insert $250,000 for purchase of vaccine and expense of vaccination.

Mr. CURTIS. It was my purpose to oppose this amendment, and if the Senator will——

Mr. HEYBURN. I will leave it to the Senator, who is much more familiar with the subject; but I was naturally put upon inquiry by the vast raise in the appropriation.

Mr. CURTIS. I dislike very much to oppose an amendment of this kind, but it seems to me that the report of the commissioner justifies me in taking that course. I hope the Senate will disagree to the amendment.

The Commissioner of Indian Affairs estimated for only $75,000. The House gave them only $60,000. Last year there was appropriated for this purpose $60,000, and only $53,000 of it was used. Twenty thousand dollars of that was used in the building of a hospital and only $10,000 was used for medicine; $1,000 was used to buy material for taking photographs, and all the balance was paid in salaries. The year before they had $40,000 and used only $29,000.

It seems to me that there is no justification for so large an increase in view of what has been expended and in view of the further fact that there are now 100 regular physicians, 64 contract physicians, 54 matrons, and 88 field matrons to look after matters of this kind and attend the Indians who need care and attention.

I hope the amendment will be voted down, and then I should like to have the Senate give the commissioner what he asked, $75,000.

Mr. HEYBURN. I should like to inquire if the Senator has information as to how much of this sum is expended for physicians and how much for vaccine matter.

Mr. CURTIS. Less than $10,000 was paid out for medicines of all kinds.

Mr. HEYBURN. That would include vaccine matter?

Mr. CURTIS. I will read the items that were paid out last year:

Relieving distress among destitute Indians	$3,000
Purchase of vaccine and antitoxin and the vaccination of Indians	2,000
Employment of special physicians and purchase of medicines	3,000
Equipment and maintenance of sanatoria in the North and Northwest	20,000
3 physicians at large, at $1,400 per annum each	4,200
Expenses of 2 physicians, at $1,200 each	3,600
1 nurse, field service	1,000
Expenses of nurse, field service	1,200
Traveling expenses and subsistence of physician detailed to Trachoma Hospital at Phoenix	1,200
1 nurse, field service	720
Expenses of nurse, field service	1,200
2 contract physicians, 1 at $480 and 1 at $720	1,200
2 nurses, at $720	1,440
2 assistant nurses, at $300	600
Incidental expenses, such as extra drugs, supplies, etc., in open market	500
1 nurse	720
1 cook	600
Incidental expenses at tuberculosis sanatorium, such as fresh fruit, extra food, and supplies in open market	500
Salary	2,200
Traveling and incidental expenses	2,695
Transportation for box of books and instruments	150
Motion picture accessories, etc	204

Mr. HEYBURN. What is that item?

Mr. CURTIS (reading)—

Motion-picture accessories, chemicals, 2 boxes Ozone, 8 cans lime, and 160 barrels sulphuric ether	$204.00
6 cases photographic plates	100.00
3 cases lantern slides	50.00
6 gross developing paper	50.00
Photographic accessories, chemicals	100.00
5,000 feet positive film	212.50
7,000 feet negative film	292.50

Making a total of $53,104 expended last year.

Mr. HEYBURN. There is nothing in the report showing extraordinary conditions under which there should be an increase?

Mr. CURTIS. Nothing at all.

Mr. HEYBURN. Can the chairman of the committee advise us as to why the increase was made?

Mr. CLAPP. Mr. President, this item was increased from the amount allowed by the House over the estimate of the bureau on the request of the Indian Office. I will read a statement which appears in the report and which is brief:

The records of the Indian Bureau show that a large per cent of the Indians are afflicted with tuberculosis as well as trachoma. The conditions of health among the Indians as has been revealed by a careful study of conditions, especially as relates to trachoma, is very startling, indeed, as it is shown by carefully prepared statistics that anywhere from 15 to 80 per cent of the Indians in different parts of the country are suffering from trachoma, and if this terrible disease is not checked a large number of Indians will eventually become totally blind.

Then here comes another feature of it:

It should be remembered that this disease not only endangers the sight of a large per cent of the Indians, but it endangers the health of millions of white people living in the immediate vicinity of the Indian reservations and who come in contact with the Indians.

Mr. HEYBURN. I should like to ask the Senator whether or not these Indians are living in their homes—on their farms. They are not in a reservation?

Mr. CLAPP. Some are on reservations; some are on farms and in their homes. There is an indiscriminate condition of the Indian situation with reference to residence from those who are still practically blanket Indians to those who now own and cultivate farms.

Mr. HEYBURN. Are the blanket Indians remaining within the purview of this bill?

Mr. CLAPP. There are yet a great many Indians who might properly be called blanket Indians.

Mr. HEYBURN. These are in Oklahoma.

Mr. CLAPP. No; this would apply to the whole country.

Mr. HEYBURN. I was just looking at the end to see whether it is so extensive.

Mr. CLAPP. If the Senator is correct, then the committee was laboring under a very serious misapprehension.

Mr. HEYBURN. The clause beginning in line 9 reads:

For the suppression of the traffic in intoxicating liquors among Indians, including the illegal introduction of intoxicating liquors into the State of Oklahoma, $75,000.

I find no qualifying provision between that language and the language under consideration. I suppose the committee intended this to be of general application to all Indians.

Mr. CURTIS. A general provision, to apply to all Indians throughout the country.

Mr. CLAPP. Certainly. That criticism would apply to the provision for the day Indian schools.

Mr. HEYBURN. I had that in mind. I have it before me. I merely wanted information in regard to it. I have no sympathy with the vaccination proposition whatever, and to see a sum, including that kind of services, raised nearly $200,000 rather provoked inquiry.

Mr. CLAPP. Of course, vaccination is a very small item. It is included with the others. I will say that there was a time when smallpox was a very destructive disease, but to-day tuberculosis and trachoma are the two diseases that menace the Indians.

Mr. GALLINGER. Mr. President, I am going to ask a question that will reveal ignorance on my part, although I think probably I understand it. This bill does not apply to Indians in Alaska, I assume.

Mr. CLAPP. No; it does not, except in one or two schools that are specially mentioned.

Mr. GALLINGER. I have in mind a very eloquent and pathetic appeal of the Bishop of Alaska for Indians in that Territory, or whatever we may call it, and if I get an opportunity I should like very much to vote for a liberal appropriation to relieve the suffering of the people there. But I assume that this is not of general application.

Mr. CLAPP. Only where it is specified.

The PRESIDING OFFICER (Mr. SMITH of Georgia in the chair). The question is on agreeing to the amendment of the committee.

Mr. GALLINGER. Before the vote is taken I will ask the Senator from Kansas if I understood him correctly to say that the estimate of the department was $75,000?

Mr. CURTIS. Seventy-five thousand dollars.

Mr. GALLINGER. The House reduced it to $60,000.

Mr. CURTIS. Because last year only $53,000 was expended, and the year before I think $29,000 was expended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. GALLINGER. I shall support a motion of the committee to insert $75,000 in lieu of $60,000.

Mr. CLAPP. I shall move now, on behalf of the committee, to insert $75,000 in lieu of $60,000, if there be no objection to that.

Mr. CURTIS. I think that ought to be done.

Mr. CLAPP. The motion now is to amend, on line 24, by striking out "sixty" before "thousand" and inserting "seventy-five" in lieu thereof.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, line 24, after the word "vaccination," strike out "sixty" and insert "seventy-five," so as to read "seventy-five thousand dollars."

Mr. McCUMBER. I understand that the amendment proposing to appropriate $250,000 has been stricken out.

The PRESIDING OFFICER. It was disagreed to.

Mr. CLAPP. I propose to insert $75,000 in lieu of $60,000, conforming to the estimates of the Indian Office.

Mr. McCUMBER. I wish to ask the Senator in charge of the bill if, in his opinion, $75,000 is sufficient for the purposes enumerated?

Mr. CLAPP. Personally, I do not feel that it is. I think the increase, especially of trachoma among the Indians during the last two or three years, warrants us in making a larger appropriation, and I not only moved the amendment at the request of the office but I very cheerfully supported it.

Mr. McCUMBER. I think we ought to stop a moment to consider this matter before we hurriedly strike out a provision that has been adopted by the committee after a very full hearing. We are appropriating, Mr. President, some $10,000,000, I think, in the bill for the benefit of the Indians of the country. Large sums are being expended for instruction. I do not know what particular good we will obtain by instructing and educating Indians this year, when what knowledge they may have obtained could not be exercised, as they would be in the grave. I can not see the necessity of spending millions of dollars for the comfort of the Indians in certain lines while we neglect to appropriate a few thousand dollars necessary for the purpose of saving lives. It seems to me that the life of the Indian is about the first thing to take into consideration; that first we ought to look after their health. An Indian diseased with tuberculosis or smallpox is not going to be a very useful Indian, and the money expended will not be very beneficially expended in his behalf if we do not first adopt some means to stop the spread of this fatal disease among the Indians.

The evidence, as I now remember, that was taken before the committee showed that 30, 40, 60, or 70 per cent of the Indians in some sections were affected by tuberculosis. If we want to settle the Indian question in a very short time, we might withdraw all aid in this direction, and in a very few years it would not be necessary for us to pay out expenses for schools, and so forth.

I again appeal to the Senate to appropriate what ought to be appropriated to eradicate the disease. The commissioner says that it is necessary. Those who were present and testified as to the condition of the Indians in the several sections of the country showed, to my mind, most conclusively that $250,000 ought to be expended for their protection and in the attempt to wipe out this dread disease. Therefore, Mr. President, I move to amend the amendment of the Senator from Minnesota by inserting $150,000 in lieu of $75,000.

Mr. CURTIS. Mr. President, I agree with the Senator from North Dakota that sufficient appropriation should be made to take care of the health of the Indians, but the Senator will remember that a gentleman who appeared before the committee stated that in one case where the Indians had been under the care of the Government they had been bothered with trachoma, and after they were left alone and went to themselves trachoma had entirely disappeared. There was no evidence given before the committee that justified such a large appropriation or such a large increase as was made by the committee. There was nothing in the previous expenditures of the department to show that that amount of money was necessary.

I agree with the Senator from North Dakota that every precaution should be taken. So far as I am concerned, I shall vote for his amendment making the amount $150,000. If any facts had been given to the committee, if any cases had been cited, or if the report had shown that the money was expended for medicine or something for the use of the Indians instead of for photographs and things of that kind, and only $10,000 of it for medicine, I would have voted for the appropriation of $250,000.

I believe that before the department get at the hands of Congress large sums they should give an itemized statement to the Senate or to the House showing what they need the appropriation for. I shall support the amendment.

Mr. McCUMBER. I agree with the Senator that probably there may have been some wastefulness in previous appropriations, but this paragraph is clear in reference to the purpose for which the money is to be used. If the department will use the money for the purposes indicated and not for films for kodaks, I have no doubt but that a great deal of benefit can be obtained. I believe that the whole amount should have been appropriated and most of it used, not so much for trachoma and for minor diseases as for the eradication of tuberculosis. I am glad that the Senator agrees at least that we should have $150,000.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from North Dakota if the hearings to which he alludes have been printed?

Mr. McCUMBER. I am not certain.

Mr. CLAPP. They are in print.

Mr. McCUMBER. We had a witness before us, a special examiner, who had been out in Montana and Washington, and his evidence was very strong on the subject.

Mr. GALLINGER. The proposition of the committee, Mr. President, was to increase the appropriation $163,000, which would necessarily have gone to physicians and for medicines. I think it is an extravagant suggestion. Trachoma undoubtedly exists among those people. It will not require a great deal of either medical treatment or medicine to care for that disease if it is properly handled. So far as tuberculosis is concerned, these Indians have to-day at their own command, without physicians and without medicine, all that advanced medical science says can do them any good; they are out in the open. The system now is to establish open-air camps for tuberculosis patients, and the physician who would use medicine to any very considerable extent in the treatment of that disease at the present time would be laughed at by the advanced members of the profession.

So, I see no reason why in this case a very large amount of money should be appropriated for physicians and medicines for these two particular diseases, and yet that is the proposition involved in this amendment. If the Senators who know more about the matter than I do think that the amount ought to be increased to $150,000, I certainly would not oppose it, although it occurs to me that as $62,000 was used last year and some of it was used for moving-picture films and all sorts of things that may have amused those people, $75,000 will be adequate for this year. But at best the matter is going to conference and it will be adjusted there. In that view, while I think it is not a necessary increase, I shall not vote against it.

Mr. WARREN. Mr. President, I hope that the motion to make the amount $150,000 will prevail. The ills of the Indians are not confined entirely to the diseases named here. The employment of physicians is very largely used for other diseases.

Mr. GALLINGER. One suggestion made by the Senator from North Dakota attracted my attention. It is that the testimony showed that in many instances 75 per cent——

Mr. McCUMBER. I would not say 75 per cent. I suggest in some cases I think 70 per cent.

Mr. GALLINGER. That as high as 70 per cent were afflicted with tuberculosis. The Senator has in his own State a good many Indians, and we are making appropriations for the Indians in the State of North Dakota. I will ask the Senator if he has discovered any such percentage among the Indians in North Dakota as that even 50 per cent or 40 per cent of them are suffering from tuberculosis.

Mr. McCUMBER. I do not know the exact per cent. I know that the percentage is very great, even among those in North Dakota. It is demonstrated, I think, that the disease is to some extent, at least, infectious, and while the Senator's remedy may be the proper remedy for the treatment of tuberculosis, and if it could be cured in a single summer by keeping the Indians out of doors, that might be quite a proper remedy, and would require but little expenditure; these Indians, especially in the northern regions, can hardly camp out when the thermometer registers 30 or 40 or 50 below zero. They are compelled to live in houses during at least six or seven months of the year, and possibly eight months in some sections of the country. Their houses are not sanitary. They need more or less instruction in the matter of their own treatment of themselves, and they need constant assistance. The Indian does not follow advice very readily. He is somewhat indigent and somewhat careless as to his personal habits. The buildings in which they live are often very insanitary and conducive to increasing the extent of tuberculosis. So there is something besides medicine that must be considered in the matter of treatment.

Mr. GALLINGER. Mr. President, I will not raise any issue on this point. I do not set myself up as an authority at all, but I have sometimes thought that we were pampering the Indian a little too much; that it is about time, after the centuries have come and gone, for the Indian to be taught some degree, at least, of self-reliance and some degree of self-support. But that probably is not the popular idea, and I have no disposition to deny to these poor people any governmental aid that they can reasonably ask, except I do feel that if this appropriation is to be largely used for physicians and medicines, while it is a good thing for the profession, with which I greatly sympathize, it is rather a profligate expense.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 6, to insert:

To enable the Secretary of the Interior to investigate, audit, and adjust, under such terms, conditions, and regulations as he may prescribe, the claims of licensed traders and other bona fide claimants who have claims against individual Indians under the jurisdiction of the Department of the Interior, $75,000: *Provided*, That $10,000 of this amount may be used for clerk hire in the Indian Bureau.

Mr. CURTIS. Mr. President, I make the point of order against that amendment on two grounds: First, the appropriation was not estimated for; and, second, it is general legislation and in violation of Rule XVI.

Mr. CLAPP. Mr. President, the committee will have to accept as sound the objection made by the Senator from Kansas.

The PRESIDING OFFICER. The point of order is well taken.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 6, line 12, before the word "hundred," to strike out "four" and insert "five," and in the same line, before the word "thousand," to strike out "and fifty," so as to read:

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,500,000.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "thousand," to strike out "four hundred and twenty-five" and insert "six hundred and fifty," so as to make the clause read:

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $650,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

That the Secretary of the Interior is hereby authorized to expend $100,000, or so much thereof as may be necessary, in the prevention and control of forest fires on Indian reservations during the fiscal year ending June 30, 1913, all sums expended hereunder to be reimbursed from the tribal funds of the Indians on the reservations where the sums are expended.

Mr. CURTIS. Mr. President, I make the point of order against that amendment that it is general legislation.

Mr. CLAPP. Mr. President, I hope the Senator from Kansas will not press the point of order. There is a great deal of destruction of timber belonging to these Indians. This is a reimbursable appropriation. I doubt very much whether technically it is subject to a point of order. The Senate held some years ago that even in the case of a claim against an Indian tribe the item was not subject to a point of order. I certainly hope the point will not be pressed.

Mr. CURTIS. Does the Senator from Minnesota say that this provision is wholly for the protection of timber from fire?

Mr. CLAPP. It reads:

That the Secretary of the Interior is hereby authorized to expend $100,000, or so much thereof as may be necessary, in the prevention and control of forest fires on Indian reservations during the fiscal year ending June 30, 1913, all sums expended hereunder to be reimbursed from the tribal funds of the Indians on the reservations where the sums are expended.

Mr. CURTIS. I will withdraw the point of order on that amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 9, after line 4, to insert:

There is hereby appropriated the sum of $250,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby appropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

Mr. CURTIS. Mr. President, I make the point of order against that amendment on two grounds: First, the amount named was not estimated for; and, second, the amendment proposes general legislation, in violation of Rule XVI.

Mr. CLAPP. Mr. President, the committee will have to concede the correctness of the point of order, though I regret it.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 10, line 20, before the word "thousand," to strike out "four" and insert "five," and in line 21, after the word "rent," to insert: "*Provided*, That hereafter the Board of Indian Commissioners is authorized to employ a secretary, not a member of said board, and pay his salary out of the appropriation herein made or which shall hereafter be made for said board: *Provided further*, That the proper accounting officers of the Treasury are hereby directed to pay the salary of H. C. Phillips for services heretofore rendered said board as secretary out of the appropriation provided for the expenses of said Board of Indian Commissioners in the Indian appropriation act for the fiscal year ending June 30, 1912," so as to make the clause read:

For expenses of the Board of Indian Commissioners, $5,000, including not to exceed $300 for office rent: *Provided*, That hereafter the Board of Indian Commissioners is authorized to employ a secretary, not a member of said board, and pay his salary out of the appropriation herein made or which shall hereafter be made for said board: *Provided further*, That the proper accounting officers of the Treasury are hereby directed to pay the salary of H. C. Phillips for services heretofore rendered said board as secretary out of the appropriation provided for the expenses of said Board of Indian Commissioners in the Indian appropriation act for the fiscal year ending June 30, 1912.

Mr. GALLINGER. I will ask the Senator from Minnesota if it is possible that the money shall be paid out of the appropriation of the last fiscal year?

Mr. CLAPP. I suppose it was upon the theory that there was money left over.

Mr. GALLINGER. At the end of the fiscal year, it strikes me, the money must be turned back into the Treasury, and that this would not be approved. We would have to reappropriate it.

Mr. CLAPP. That is true, but does not this amount to a reappropriation? That was the design.

Mr. GALLINGER. I am afraid not. I think the Senator had better let that amendment be passed over for the present, and look into it.

Mr. WARREN. I think, if that is the idea, it will have to be expressed as a reappropriation.

Mr. GALLINGER. Unquestionably so. Let it go over.

Mr. CLAPP. Let the amendment be passed over. I will change the language.

The PRESIDING OFFICER. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, line 24, before the word "thousand," to strike out "eighty-five" and insert "one hundred and twenty-five," so as to make the clause read:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

The amendment was agreed to.

The next amendment was, at the top of page 12, to insert:

Provided, That the Commissioner of Indian Affairs may expend not to exceed $1,000 of this appropriation in purchasing law books for official use in the Indian Bureau.

Mr. CURTIS. I want to ask the acting chairman of the committee why that amount of law books provided for can not be purchased out of the contingent fund of the Interior Department?

Mr. CLAPP. The Indian Commissioner advised the committee that the comptroller declined or objected—I do not know that he put it quite so strong as refused—at least he objected to paying this item out of the contingent fund. That was the reason why the amendment was put in the bill.

Mr. GALLINGER. I would suggest that the proviso should become a part of the text of the bill on the preceding page, and not be made a separate paragraph. The Senator, if he examines it, will see the point of that suggestion.

Mr. CLAPP. I think that ought to be done, Mr. President. Let the proper record be made for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 12, after line 4, to insert:

For continuing the work of classifying and indexing the files of the Indian Office and preparing historical data from records therein, including the pay of employees, $5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 12, after line 8, to insert:

For the purpose of conducting hearings and taking evidence to determine the heirs of deceased Indian allottees, pursuant to the act of June 25, 1910 (36 Stat. L., 855 to 866), and the regulations thereunder prescribed by the Secretary of the Interior, $100,000.

Mr. CURTIS. Mr. President, I wish the chairman of the committee would explain the necessity for that item, if he can.

Mr. CLAPP. Just a moment before I take the matter up. Acting on the suggestion of the Senator from New Hampshire [Mr. GALLINGER] I think the bill will read much better when concluded if the words "to be immediately available" are eliminated in all cases where they occur.

Mr. GALLINGER. That ought to be done.

Mr. CLAPP. I desire it understood that it shall be done.

Mr. WARREN. Why not ask that the Secretary may do that in this place the same as in the others?

Mr. CLAPP. It amounts to the same thing.

Mr. GALLINGER. That should be done in all cases.

Mr. WARREN. In all cases.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. CLAPP. Now, Mr. President, in answer to the inquiry of the Senator from Kansas [Mr. CURTIS], I will say that the Indian Office asks for this upon the ground that—

The regular administrative work of the various Indian agencies taxes the efforts of those officials to the limit. There have been about 200,000 allotments to Indians on 52 reservations, of which number it is believed that about 40,000 allottees have died leaving undetermined heirs. In order to clear up the tangled condition of the estates of deceased Indians so that the inherited lands may be disposed of to white settlers and so that the money may be available to provide the Indian heirs with funds with which to begin the farming of their own allotments and the building of sanitary homes, it is desirable that this item should be retained in the bill.

Mr. CURTIS. I have no objection to the amendment. I merely wanted to get into the RECORD the information which the Senator from Minnesota has furnished.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 12, after line 15, to insert:

That so much of the provision of the Indian appropriation act of June 7, 1897 (30 Stat. L., pp. 62–90), as limits the amount that may be paid for salaries or compensation to employees regularly employed at any one agency to $10,000 and at a consolidated agency to $15,000 is hereby amended by increasing the amounts to $20,000 and $25,000, respectively.

The amendment was agreed to.

The next amendment was, under the head of "Arizona and New Mexico," on page 13, line 15, before the word "thousand," to strike out "eight" and insert "eleven"; and in line 16, before the word "thousand," to strike out "twenty-seven" and insert "thirty," so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $11,000; in all, $130,400.

The amendment was agreed to.

The next amendment was, on page 13, line 20, before the word "thousand," to strike out "three" and insert "five"; and in line 21, before the word "thousand," to strike out "twenty-one" and insert "twenty-three," so as to make the clause read:

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $5,000; in all, $23,200.

The amendment was agreed to.

The next amendment was, on page 14, line 3, after the word "dollars," to insert:

Provided, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized

by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

So as to read:

For maintenance, including purchase of electricity for irrigation wells already completed, and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $15,000: *Provided*, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

Mr. HEYBURN. Mr. President, I should like to ask the Senator in charge of the bill whether or not it is proposed in allotting irrigated lands to the Indians to make the cost of construction a lien upon the lands that may be foreclosed.

Mr. CLAPP. Not so long as they retain the land, but in case they dispose of the land, then it is a lien.

Mr. HEYBURN. Then it is a charge against the value of their lands.

Mr. CLAPP. Certainly.

Mr. HEYBURN. And a limitation on the right of sale.

Mr. CLAPP. Undoubtedly; it does amount, in effect, to a certain limitation.

Mr. HEYBURN. That would seem to me to be a very harsh way of dealing with the Indians. You take their lands, irrigate them, and say to them—and they are citizens of the United States—"you will stay right here, and if you sell these lands or do anything to better your condition in life, then we will foreclose to the extent of the cost of putting water on them." The Indian would rather have the land without the water than to have it subject to so harsh a condition as that. No white man would submit to it for a moment.

I do not know where the idea originated, but, of course, I assume that it did not originate with the acting chairman of the committee. It is probable that a departmental clerk somewhere conceived the idea of making the burden of these Indians more onerous than it is. I would rather see the whole amendment go out of the bill than to see so harsh a burden as that placed upon the Indians. Two years ago and four years ago we had that same question here of seizing a man's land and, as Lord Eldon said, "improving him out of his title." That is what it amounts to. The Indian does not depend upon the market; he depends upon his own necessities for the value of the land, while the white man depends upon the market where he can sell the proceeds of the land.

I do not like to raise a point of order against these matters, but I think, if the Senator in charge of the bill will allow the amendment to go over and give it a little more thought, he will find some way of eliminating that harsh feature from it.

Mr. CLAPP. Mr. President, this plan has been adopted quite generally with reference to Indian reservations, but it has not yet been applied to the Pima Reservation.

Mr. HEYBURN. Mr. President, it has not always been successfully adopted. In the case of the California Indians, some six years ago now, the Senate refused to accede to any such plan. Again, two years ago, when the question was before the Senate, the Senate again refused to recognize it. Now it is brought up again. If they are not doing one thing, they are doing another; if they are not cutting the units down so that the Indian can not possibly sustain himself and those dependent upon him, then they are putting a burden upon the Indian in the way of payment, and they say now, "So long as you and your family and your descendants live here we will not foreclose, but it will be a charge against you and a burden on your property, and if you undertake to exercise the right that ought to belong to you, if you are citizens of the United States, then we will foreclose." We have to keep our eyes on the departments; we have to keep our eyes on that department particularly.

Mr. CLAPP. I suggest that the matter go over for the present.

Mr. HEYBURN. A word before it goes over. These are Indians with whom we have treaty relations. We have entirely lost sight of those relations, and we seem to have reached a point where we think we can be forgetful of the relations that ordinarily exist and take their lands and, as I have said, improve them out of their title.

The PRESIDENT pro tempore. The Chair understands that the Senator from Minnesota asks that the amendment be passed over.

Mr. CLAPP. I suggest that it go over for the present.

Mr. ASHURST. Mr. President——

Mr. CLAPP. I understand the Senator from Arizona desires to say a word on the matter before it is passed over.

Mr. ASHURST. Mr. President, just a word. I appreciate what the distinguished Senator from Idaho [Mr. HEYBURN] has just said. I have the honor to be a member of the Committee on Indian Affairs, and I desire at this time publicly to make expression of my appreciation as a Senator of the faithfulness of that committee in the performance of its duty. That committee labored for nearly three months on this bill. This item was carefully considered, and the reason—if I remember aright—why it was inserted in this way was the committee felt that it would be for the benefit of the Indian. If he had land at that particular place allotted to him and he were permitted to alienate it, speculators could come along and buy his land, he would possibly squander the money received for the sale of the land and again soon become a charge upon the Government, whereas if allowed to retain the title and cultivate his land, the Government for all practical purposes has furnished him with an irrigation project without any charge to him——

Mr. HEYBURN. Mr. President, of course Indians differ in different sections. Now, we are not under the necessity of considering——

Mr. ASHURST. Just permit me a moment, and I will close. I wish, of course, this money could be appropriated without the reimbursement feature. I now yield to the Senator from Idaho.

Mr. HEYBURN. We are not under the necessity of considering the Indian as incompetent to take care of his money. A tribe of Indians in the adjoining county to that in which I live is, if not the first, the second wealthiest organization or body of citizens of the United States. They know how to keep their money in bank; they know how to invest it; and they know how to do business with it probably as well as any body of white men.

Mr. ASHURST. That may be true as to some tribes of Indians.

Mr. HEYBURN. That is true generally of our northern Indians.

The PRESIDENT pro tempore. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in the item of appropriation for the maintenance of the Gila Indian Reservation, on page 15, line 12, before the word "thousand," to strike out "ten" and insert "twenty-five," so as to make the proviso read:

Provided, That the Secretary of War be, and he hereby is, directed to convene a board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings, and surveys for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon, on the San Carlos Indian Reservation, known as the site of the proposed San Carlos reservoir on the Gila River, Ariz., and the necessary irrigation works in connection therewith to provide for the irrigation of Indian, private, and public lands in the Gila River Valley. Said board of engineers to submit to Congress the results of their examinations and surveys, together with an estimate of cost, with their recommendations thereon at the earliest practicable date. The sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of conducting said investigations.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to strike out:

For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., to be immediately available, $5,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

To enable the Secretary of the Interior to investigate the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands on the Papago Indian Reservation, Ariz., and report thereon to Congress at the beginning of its next session, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

For the purpose of enabling the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 8, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, the sum of $250,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated. In carrying out the authority hereby conferred the said Secretary may expend said funds, in his discretion, in establishing day schools or other industrial schools, tribal habits and climatic conditions being considered, suitable for the education of said Indians.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to make an investigation of the conditions on the White Mountain, or San Carlos, Indian Reservation, in the State of Arizona, with respect to the necessity of constructing suitable steel and concrete wagon bridges, with approaches thereto, across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit of the cost for the construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912; and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes herein authorized.

Mr. CURTIS. Mr. President, I make the point of order that that amendment proposes general legislation and that the amount proposed to be appropriated is not estimated for.

Mr. ASHURST. Mr. President, I realize that the point of order made by the distinguished Senator from Kansas [Mr. CURTIS] may be dangerous to this appropriation of $2,000. Far be it from me to seek, for any purpose whatever, any strained ruling or strained construction of any rule which would give to Arizona or to any other State money to be expended within a State contrary to our rules. My remarks, therefore, will be directed more to the Senator from Kansas than to the Senate, if I may be permitted to so address him, in order to induce him to withdraw the point of order.

Mr. President, the necessity for this bridge at the point described in the amendment offered by the Senate committee is so great that my duty requires I should say a word here in its behalf.

The first main tributary of the Gila River is the San Francisco River, which comes into the Gila at or near Clifton. At the town of Duncan, about 20 miles above Clifton, in Arizona, the river begins to assume considerable proportions. The next important tributary is the San Carlos, which flows into the Gila River on the San Carlos Indian Reservation. These streams—that is, the Gila River and the San Carlos—are torrential rather than perennial. At times the Gila River would float a battleship, and during such periods of high water all traffic is suspended, farming lands are destroyed, and the commerce of that part of the country is wholly and completely suspended by reason of the raging and turbulent waters.

It was my intention, when I came to this distinguished body, to ask for a direct appropriation of $100,000 for the purpose of constructing a bridge there. After serving here for a few weeks, I learned that it would be impossible to secure such appropriation just now. Therefore this amendment has been reported by the committee. It simply authorizes the Secretary of the Interior to investigate the situation, and if, in his opinion, when he makes his report to the next Congress, the bridge should be built there an appropriation may be secured.

I earnestly hope the Senator will withdraw his point of order. I desire at this time to say that this proposed bridge is favored by the department, and I request to have read at the desk the letter in which the department states that this bridge should be built. The department has no objection to it.

With the permission of the Senate, I will ask that that letter be read now.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Land contracts, 36118, 1911; 13579, 1912. R. J. H. Proposed bridges.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 3, 1912.

MR. ABRAHAM L. LAWSHE,
Superintendent San Carlos School.

SIR: Referring to your letter of February 6, 1912, regarding proposed bridges across the Gila and San Carlos Rivers, there is inclosed for your information a copy of departmental report of March 25, 1912, to the chairman of the Committee on Interstate and Foreign Commerce, House of Representatives, on the subject.

Respectfully,

H. ABBOTT,
Assistant Commissioner.

[I-21497. Land contracts, 16794, 1911; 13579, 1912. R. J. H. H. R. 1682.]

MARCH 25, 1912.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

SIR: I have the honor to invite your attention to departmental letter of May 12, 1911, reporting on H. R. 1682, the purpose of which is "to authorize the Secretary of the Interior to construct bridges across the San Carlos and Gila Rivers on the White Mountain or San Carlos Indian Reservation, in the Territory of Arizona, and for other purposes."

Section 2 of the bill authorizes the Secretary of the Interior to select the most available sites for such purpose at points on said rivers "not to exceed 3 miles above the confluence."

In its letter of May 12, the department referred to the fact that there were pending certain applications involving the San Carlos reservoir site, and that if application to construct a dam were granted, the banks of both the Gila and San Carlos Rivers would be submerged to points in excess of 3 miles above the confluence.

In connection with this case there is inclosed a copy of a report dated February 6, 1912, from the superintendent in charge of the San Carlos Reservation, who thinks it would be entirely feasible to construct bridges within 3 miles of the confluence of the two rivers, as the shallowness of the water would make such construction easily possible. The department would be much pleased to see the proposed legislation enacted into law, and an appropriation made available for constructing the bridges which would be an important factor in the development of that section of the country. It seems that the citizens of Arizona are making special efforts to construct good roads and to open up a transcontinental highway of which the proposed bridges would be a part.

While the superintendent's letter of February 6 indicates that in all probability bridges could easily be constructed within the 3 miles of the confluence of the rivers, yet to obviate the contingency of having the proposed improvements defeated by reason of circumstances which would make it impossible to construct at sites within the limit named in the bill, the department respectfully suggests that the bill be amended by striking out in lines 12 and 13 of page 1 the words "not to exceed 3 miles above the confluence of said rivers."

If the bill be so amended, the department respectfully suggests that it be favorably considered and reported.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

Mr. ASHURST. Mr. President, it is true that not all of the letter is pertinent to this particular amendment, but I had it all read in order that it might not go in the RECORD in a fragmentary or broken condition.

That is all I wish to say at this time.

Mr. HEYBURN. Mr. President, I will ask the Senator to designate the lines where this amendment is found.

Mr. ASHURST. The amendment commences on page 16, line 24, and extends down to and includes line 13, on page 17. The amendment offered by the committee simply calls for an appropriation of $2,000 in order that the Secretary of the Interior may make an estimate as to the necessity for a bridge there.

Mr. HEYBURN. This is on an Indian reservation?

Mr. ASHURST. It is, sir.

Mr. HEYBURN. And on a navigable river?

Mr. ASHURST. At times the river assumes the proportions of a navigable river.

Mr. HEYBURN. Not practically navigable?

Mr. ASHURST. No.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. Most certainly I yield.

Mr. CURTIS. The letter that has been read, of course, is not an estimate, and can not be so construed. There are quite a number of bridge items in the bill. If this one is agreed to, all the others should be agreed to. I judge from the letter that the bridge is needed, and, so far as I am concerned, I have no objection to building bridges where they are needed. I think, however, the Government is going too extensively into the building of bridges on reservations that are likely to be soon opened to settlement; but I withdraw the point of order.

The PRESIDENT pro tempore. The point of order is withdrawn, and, without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 17, after line 13, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to make an investigation of the conditions on the Yuma Indian Reservation, in the State of California, with respect to the necessity of constructing a suitable thoroughfare bridge of sufficient strength and capacity to safely carry street cars, in addition to foot and wagon traffic, over and across the Colorado River, connecting Fort Yuma, on the Yuma Indian Reservation, Imperial County, State of California, with the town of Yuma, State of Arizona, and also to cause surveys, plans, and reports to be made, together with an estimated limit of the cost for the construction of said bridge, at such a site as he may select, and submit his report thereon to Congress on the first Monday in December, 1912; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose herein authorized.

Mr. CURTIS. Mr. President, I make the point of order against that amendment. I should like to ask the Senator, if the Chair will permit the inquiry before ruling upon the point of order, whether that bridge, if constructed, will be wholly within an Indian reservation?

Mr. ASHURST. A frank reply, which of course is always given by a Senator, requires me to say that it will not be wholly within an Indian reservation.

Mr. CURTIS. Then, Mr. President, I insist upon the point of order.

Mr. ASHURST. Before the ruling I should like to say a few words if, under the rule, I may be permitted to do so. Appreciating very much the withdrawal of the other point of order, I insist most strenuously—respectfully, of course—that the point of order against this amendment also be withheld for the following reasons: The great Colorado River is anomalous in

America. It has no parallel on this hemisphere; it has a parallel only in one place, and that is in Africa—the Nile. The Colorado River is very long; it flows some 1,700 miles without being spanned by a wagon bridge. Like the Nile, it flows a thousand miles without a tributary. Like the Nile, it rises in June and spreads out for a number of miles on either side of its banks and irrigates alluvial soil which is so rich that it could be transported to Canada and used for fertilizing purposes if it were not for the prohibitive freight rates. At high water means of communication between the two banks are almost completely shut off.

It has been determined by the unanimous voice of the great Southwest, which includes southern California and the States of Arizona and New Mexico, that at this advanced stage of civilization, in this morning of the twentieth century, at this time when the ingenuity of man is making such progress in means and ways which make for the facility of transportation, it is almost a reproach to civilization that there is no wagon or automobile bridge across that great river.

Not long since, the President of the United States sent a message to Congress asking an appropriation of a million or more dollars in order that the banks on either side of the river might be revetted and riprapping built to protect the farms on both sides of the river from the raging overflow. The Colorado River almost defies, if a river could defy, the very law of nature. At one time of the year it chooses a particular course or channel; and at another time of the year, or possibly another year, it chooses another place whither it shall go. On the Arizona side of the river, which would be the eastern abutment of the proposed bridge, is the prosperous city of Yuma, a marvel of industry and progress. Directly across the river, on the California side, is the Indian reservation. Many Indians—and they are strong swimmers—have been drowned there even when the river was at low water, for the reason that it is very heavily charged and impregnated with silt, and even the strongest swimmer is in danger. But consider that river in a raging, turbulent condition, such as the press dispatches announce it has been in for the last few weeks, and the necessity for a wagon bridge across it becomes apparent.

It may be, and it doubtless is, that this amendment proposed by the committee is obnoxious to the rule of the Senate. If it be obnoxious, I most respectfully insist, with all the earnestness at my command, that such a rule ought to be abrogated, because we ought not to have a rule which will stand in the way of the requirements of advancing civilization. I am very sorry if the rule does prevent the appropriation of a thousand dollars in order that an investigation may be made by the Secretary of the Interior to ascertain the suitability or the necessity of a bridge at that point.

Mr. CURTIS. I insist on the point of order.

The PRESIDENT pro tempore. On what ground does the Senator raise the objection?

Mr. CURTIS. It is general legislation, and the item was not estimated for by the department.

The PRESIDENT pro tempore. The Chair is constrained to sustain the point of order made by the Senator from Kansas.

Mr. ASHURST. Mr. President, of course I accept the ruling of the Chair.

The PRESIDENT pro tempore. The Chair will state to the Senator that he did not understand the Senator to contest the ruling. The Chair was ready to give full weight to any suggestion the Senator might make on the other side of the matter.

Mr. ASHURST. The Chair ruled correctly.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 6, to insert:

For salary due Clarence I. Stacy, supervisor of ditches, Pima Indian Reservation, Ariz., from April 8, 1911, to October 25, 1911, at $1,200 per annum, $600.

Mr. CURTIS. Mr. President, I make the point of order against that item, because it was not estimated for. But surely there must be some reason for the committee having put it in, and I will ask the acting chairman of the committee if he will explain why that and the next item were put in this bill?

Mr. CLAPP. Mr. President, these items were inserted for the reason that some time ago there was trouble down there—I do not know the details of it nor would they be material—and these two employees were suspended pending an investigation or examination. The result of the investigation was that they were reinstated, but the comptroller held that he could not allow their pay for this time in view of the fact that they had been formally suspended. Consequently there is no way in which they can get their pay except by a direct appropriation. I trust the Senator will withhold his point of order.

Mr. CURTIS. I withdraw the point of order, Mr. President.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 11, to insert:

For salary due N. D. Brayton as physician on the Pima Indian Reservation, Ariz., from April 7, 1911, to November 14, 1911, inclusive, at the rate of $1,200 a year, $726.67.

The amendment was agreed to.

The next amendment was, on page 18, after line 17, to insert:

For constructing dike to protect allotments on the Fort Mojave Indian Reservation, $33,000.

Mr. CURTIS. Mr. President, I desire to make the point of order that that was not estimated for, and to ask the acting chairman of the committee whether that item was inserted at the request of the department?

Mr. ASHURST. It was estimated for.

Mr. CLAPP. Yes, sir; it was estimated for, as the record shows.

Mr. CURTIS. Then I withdraw my point of order.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 18, after line 19, to insert:

For continuing the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land and for maintaining and operating the pumping plant, $35,000, reimbursable as provided in said act. (Act of Apr. 4, 1910, vol. 36, p. 273, sec. 3.)

The amendment was agreed to.

The next amendment was, under the head of "California," on page 19, line 19, before the word "thousand," to strike out "ten" and insert "twenty-three," and in line 20, before the word "thousand," to strike out "one hundred and four" and insert "one hundred and seventeen," so as to make the clause read:

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for general repairs and improvements, $23,000; in all, $117,350.

The amendment was agreed to.

The next amendment was, on page 19, line 25, before the word "thousand," to strike out "eighteen" and insert "one hundred," so as to make the clause read:

For the balance of the first annual reclamation and maintenance charge on Yuma allotments and for the second and third annual charge and maintenance $100,000, or so much thereof as may be required, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911.

The amendment was agreed to.

The next amendment was, under the head of "Idaho," on page 21, after line 4, to insert:

To reimburse Peter Moctelmy, a member of the Coeur d'Alene Tribe of Indians, for damages sustained by him because of the sale by the United States to the State of Idaho of land for a State park on a portion of which the said Peter Moctelmy made his home, $500.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," on page 21, line 21, before the word "thousand," to strike out "one hundred and twenty-seven" and insert "one hundred and twenty-nine"; in line 22, before the word "thousand," to strike out "ten" and insert "eleven," and in line 23, before the word "thousand," to strike out "one hundred and thirty-seven" and insert "one hundred and forty," so as to make the clause read:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $129,750; for general repairs and improvements, $11,000; in all, $140,750.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the word "dollars," to strike out "three thousand" and insert "five thousand five hundred," and in line 7, before the word "dollars," to strike out "seventeen thousand eight hundred and sixty" and insert "twenty thousand three hundred and sixty," so as to make the clause read:

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., and for pay of superintendent, $14,860; for general repairs and improvements, $5,500; in all, $20,360.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," on page 22, after line 22, to insert:

That the sum of $116.37 be, and the same is hereby, reappropriated for the purpose of paying the claim of John E. Meyer, of Shepherd, Mich., for the balance due him on construction of certain wells at the Mount Pleasant Indian School, located at Mount Pleasant, Mich., in the years 1901 and 1902, the appropriation out of which such balance should have been paid having heretofore lapsed.

Mr. CURTIS. Mr. President, I do not like to make a point of order against that item, but it sounds to me like a claim. I wish the acting chairman of the committee would explain why the item was put in here without an estimate.

Mr. CLAPP. In one sense, of course, it is a claim, although not in the ordinary sense of the word. This man entered into a contract to sink a well. He made three attempts, and the third attempt was successful. The department, after reviewing the case, recommends, in view of all the circumstances, that this amount be paid him.

The PRESIDING OFFICER (Mr. CHAMBERLAIN in the chair). The question is on the adoption of the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Minnesota," on page 23, line 12, before the word "thousand," to strike out "four" and insert "five"; in line 16, after the word "sheds," to insert "for the construction of a drain from the head of Pipestone Falls east in the bed of the creek to a point where it turns south, from thence east to the section line, $1,500"; and, in line 20, before the word "hundred," to strike out "forty-three thousand six" and insert "forty-six thousand one," so as to make the clause read:

For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, $39,175; for general repairs and improvements, $5,500, $1,500 of which shall be used for the installation of an electric lighting system and $500 of which shall be used for the construction of coal sheds; for the construction of a drain from the head of Pipestone Falls east in the bed of the creek to a point where it turns south, from thence east to the section line, $1,500; in all, $46,175.

The amendment was agreed to.

The next amendment was, on page 24, after line 19, to insert:

That there is hereby appropriated the sum of $700 in addition to the $1,000 heretofore appropriated for the construction of a bridge across Clearwater River on the Red Lake Indian Reservation in the State of Minnesota.

Mr. CURTIS. Mr. President, I make the point of order on that amendment, but I would like to ask if the bridge is wholly within an Indian reservation? If so, I shall withdraw the point.

Mr. CLAPP. It is on the reservation. The appropriation of $1,000 was made a year ago, and it was found that it was not sufficient, so that the committee inserted an item carrying the additional $700.

Mr. CURTIS. I withdraw the point of order.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 25, to insert:

That there is hereby appropriated, out of any funds in the possession of the United States and belonging to the Chippewa Indians in the State of Minnesota not otherwise appropriated, the sum of $100,000, of which $85,000 shall be used to procure a site or sites and thereon to construct, furnish, and equip a building or buildings to be used as a hospital or hospitals as hereinafter directed; and of which $15,000 shall be used for the operation and maintenance of the said hospital during the 12 months next after its completion.

Mr. CURTIS. Mr. President, to save the time of reading, I should like to make a point of order against the amendments commencing at the top of page 25 and ending on page 28, line 9.

Mr. CLAPP. Mr. President, I must concede that the point is well taken. In view of that, I do not see any necessity of taking the time of the Senate with the full reading. Of course, I should like to have the items in the bill, but they are undoubtedly subject to the point of order.

The PRESIDING OFFICER. The point of order is sustained.

The remaining amendments ruled out on the point of order were on page 25, after line 10, to insert:

That the said hospital or hospitals shall be called the Minnesota Chippewa Hospital and shall be open to all Chippewa Indians in the State of Minnesota who can qualify for admission as hereinafter provided. It shall be under the control and government of a board of directors, who shall be called the board of governors of the Minnesota Chippewa Hospital. Said board shall consist of three members, one of whom shall be the Secretary of the State Board of Health of Minnesota, who shall be ex-officio chairman of said board of governors, and two of whom shall serve for a term of five years, one to be appointed by the Secretary of the Interior and one to be chosen by the Chippewa Indians in the State of Minnesota.

The representative of the Indians on said board shall be selected by a council of the Indians to meet at White Earth, Minn., consisting of delegates from the several bands of Chippewa Indians in Minnesota, each band being entitled to 1 delegate for each 100 members or major fraction thereof. The said board of governors shall meet at the hospital as occasion requires and at least once every two months. As compensation the said governors shall receive $3 per day while attending meetings of the board and their actual and necessary traveling expenses within the State of Minnesota.

That immediately upon the approval of this act and the selection of the board of governors, or a majority thereof, the said board shall proceed to acquire a suitable site in the State of Minnesota and thereon construct, furnish, and equip the said hospital. The title of the said site or sites shall be taken in the name of the Board of Governors of the Minnesota Chippewa Hospital as trustees for the Chippewa Indians in the State of Minnesota. One part or building of said hospital shall be adapted for and devoted to the care of patients afflicted with tuberculosis; one part or building shall be adapted for and devoted to the care of patients afflicted with contagious or infectious diseases; one part or building shall be adapted for and devoted to the care of patients suffering from old age, debility, or other bodily infirmities. Said board of governors shall also immediately appoint one physician, without regard to civil-service rules or requirements, who shall be regularly qualified to practice in the State of Minnesota, who shall receive a salary not exceeding $3,500 per annum, and who shall be selected without regard to civil-service rules. The said physician shall give his entire time, from the date of appointment, to the said hospital, first in its construction and later in its operation. He shall be the attending physician and known as the superintendent.

That admission to the said hospital shall be upon the order of a majority of the board of governors, save in emergency cases admission may be on the order of the superintendent, subject to approval by the board at its next meeting. Only the following, who are also Chippewa Indians in the State of Minnesota, shall be entitled to admission for care and treatment.

Indians afflicted with tuberculosis or some contagious, infectious, or fatal diseases.

Indians who by reason of age or bodily infirmities are unable to earn a livelihood and who have not means with which to procure necessaries.

Applications may be made by anyone in person or by others on behalf of such person, which application shall set forth the facts of the case, and be accompanied by a certificate setting forth the merits of the case signed by a physician. Discharge from the hospital shall be by order of the board of governors.

That the said board of governors shall appoint such hospital attendants as may be needed in the operation of said hospital and make such rules and regulations and perform such other acts as may be appropriate or necessary in said operation and not inconsistent with the provisions of this act.

This appropriation shall be immediately available and all moneys drawn hereunder shall be drawn from the Treasury of the United States upon vouchers signed by the chairman of said board of governors.

The next amendment was, under the head of "Montana," on page 28, line 13, before the word "thousand," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $25,000.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the word "hundred," to strike out "two" and insert "four," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $400,000.

Mr. CURTIS. Mr. President, I hope that amendment will not be agreed to. The estimate was only $250,000. It seems to me that without an estimate or a statement from the department, that that amount of money is needed, it is too large an increase to make to go from $200,000 to $400,000. I, for one, would have no objection to the department being given what they estimated—$250,000—but I hope the amendment making the amount $400,000 will be disagreed to.

Mr. McCUMBER. Mr. President, before that is disagreed to I should like to have the report read in reference to that particular section. I am assuming that there is a report on it, and that the reason is given for the additional amount.

Mr. CURTIS. If the Senator from North Dakota desires, I will read the paragraph of the report relating to this item:

The amendment on page 28, line 10, increasing the appropriation for the construction of the irrigation system on the Flathead Indian Reservation from $200,000 to $400,000, $50,000 to be made available, and striking out lines 13 to 16 of said item, was reported on favorably by the department under date of April 4, 1912. The department is of the opinion that it is more economical to expend larger sums during shorter periods so as to complete the project at the earliest date practicable. Overhead charges on large projects remain about the same, whether the amount expended be large or small. The department is also of the opinion that the work should not be limited to any particular unit, as that would cause discontent among Indians on other units within the reservation.

Mr. McCUMBER. I think there was some testimony before the committee on that particular question.

Mr. CLAPP. There was.

Mr. McCUMBER. If I remember rightly, the purport of the testimony was in effect that it would be a considerable saving to the Government to appropriate the necessary amount now and to continue and complete the work as soon as possible; and it was necessary to appropriate the full amount in order that we might have a completion and save the work that had already been done on the project. I confess that I am not entirely clear as to what the testimony was on that line, but I think it justified the committee in asking that the sum be added at the present time as proposed.

Mr. CLAPP. The statement of the Senator from North Dakota is practically the evidence we had before the committee and the same consideration applies to some other items. The Indian Office was of the opinion that it would result in an economy in the end to have the appropriation made now instead of stringing it out at later periods.

Mr. CURTIS. In view of the fact that the Montana Senators are absent, I suggest that we pass over the Montana amendments and take them all up at one time. I understand there are other amendments in the bill to be passed over, and I presume there will be no objection to this course.

Mr. CLAPP. There is no objection to it.

The PRESIDING OFFICER. If there is no objection, the amendments under the heading "Montana" will be passed over for the present.

The next amendment, after those passed over, was, under the head of "Nebraska," on page 34, line 5, before the word "thousand," to strike out "three" and insert "six," and in line 10, before the word "thousand," to strike out "sixty-five" and insert "sixty-eight," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $52,100; for general repairs and improvements, $6,000; to complete the construction of two dormitories provided for in the Indian appropriation act of March 3, 1911, $10,000, or so much thereof as may be necessary, to be immediately available; in all, $68,100.

The amendment was agreed to.

The next amendment was, on page 34, after line 10, to insert:

For construction of septic tank on sewer main at the Indian school at Genoa, Nebr., $1,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 13, to insert:

For cottage for superintendent of Indian school at Genoa, Nebr., $4,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 15, to insert:

For additions to hospital and office at the Genoa Indian School, Genoa, Nebr., $3,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 18, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of 1863, except such amounts as have been paid them under the treaty of 1868 or for an otherwise adequate consideration.

That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore or may be hereafter employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved or which shall hereafter be approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed to be paid to the attorney or attorneys so employed by the said bands of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been or may hereafter be employed by said bands of Indians in said cause.

Mr. CURTIS. I make the point of order against the amendment beginning on line 17, page 34, and ending line 5, page 37. It is general legislation and subject to a point of order under Rule XVI.

Mr. McCUMBER. I wish to suggest that this is a provision, as I understand it, to carry out a treaty stipulation, and if it is to carry out a treaty stipulation it removes it from the operation of the rule relating to general legislation.

Mr. CURTIS. This identical question has been raised upon two different occasions on amendments similar to this, and each time the point of order was sustained on the ground that it was general legislation. If the Senator desires, I can get those authorities.

The PRESIDING OFFICER. The Chair is inclined to believe that if it is to carry out a treaty stipulation, as suggested by the Senator from North Dakota, the point of order is not well taken under Rule XVI.

Mr. CURTIS. Mr. President, this is simply a claim against the Government. It repeals a law which was passed, as I recollect it, in 1863, which repealed the treaty and took away from these Indians their rights to annuities and other rights under the treaty. That treaty was done away with in 1863; the right was taken away; and now by this bill it is proposed to give these Indians an opportunity to go into court to have their rights reestablished. It virtually repeals the act of 1863.

Furthermore, on page 36, line 8, it provides for the employment of attorneys which is not provided for in any treaty with any Indians, and it provides for fixing the fees of the attorneys, which are not provided for in any treaty with the Indians. As I said before, this same question was raised on an identical claim upon two former occasions in the Senate, and the point of order was sustained.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. CURTIS. Certainly.

Mr. McCUMBER. I think the Senator is a little in error about the amendment repealing any other law. This case grew out of the Indian massacre in Minnesota in 1862. Prior to that time a treaty had been entered into between the United States and the Wahpeton and Sisseton Bands of Sioux Indians. Under that agreement, as I now recall it, certain annuities were to be paid to those Indians. A provision was contained in the treaty requiring the Indians as a nation to keep peace with the United States, and, I think, with a provision in it for the abrogation of the annuity in case the tribe as a nation did not maintain peace with the United States.

In 1862, while the Civil War was in progress, a certain number of the Wahpeton and Sisseton Bands of Indians and of the bands mentioned here committed heinous depredations upon white settlers. The President of the United States then, as I remember, by an order, abrogated the treaty, and it was not done by a legislative act. I stand ready to be corrected in that respect if I am in error.

Mr. CURTIS. The amendment itself says:

With right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed.

In other words, this act repeals the act of 1863.

Mr. McCUMBER. Let us suppose that that is all true and that an act was passed repealing another act. The original act was a treaty. The treaty was a contract between the Government of the United States and the Sioux Nation of Indians. The treaty took certain lands of the Indians and in consideration agreed to pay them certain annuities for a given number of years. There was a contract fully executed upon the part of the Sioux Nation and the United States. The Sioux Nation relinquished its claim to a very large section of the country. The annuities fell due. The annuities were paid for a given number of years. They were paid until this uprising by a number of the bands. Then the question arose, and it was the only question, whether or not the act of the depredators was an act by the nation. Congress, acting rather hurriedly, and influenced undoubtedly by the atrocities of the Indians in that massacre, passed the act referred to, which abrogated the treaty.

Now, Mr. President, after these many years and the blood of the nation is allowed to cool, I think the country generally concedes that we were hasty and unjust in punishing the entire Sioux Nation for the acts of some of their followers who could not be controlled by the old leaders of the nation.

Therefore, the treaty itself in all moral law still exists, and the question before us is whether we shall, notwithstanding this abrogation, fulfill the treaty stipulation. It is based upon a treaty; it is to carry out the terms of a treaty; and the fact that we may have been hasty in passing a law abrogating that treaty would not take it without the rule.

Mr. CURTIS. I desire to call the attention of the Chair to the point that was raised in the Fifty-fourth Congress, second session.

On motion by Mr. Allen to further amend the same bill by inserting, after line 6, page 34—

And if the Chair will read the amendment he will see that the amendments are almost identical—

That the Santee Sioux Indians of Nebraska and the Flandreau Sioux of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, be, and they are hereby, restored to all rights, privileges, and benefits they and their ancestors had and enjoyed under the treaty entered into September 29, 1837, at the city of Washington, in the District of Columbia, between Joel R. Poinsett, on behalf of the Government of the United States, and the Medawakanton Sioux Indians, by certain of their chief men, proclaimed June 15, 1838, and the treaty entered into between the United States, through Luke Lea and Alexander Ramsey, as commissioners, and the Medawakanton and Wapakoota Sioux Indians, by certain of their chief men and proclaimed by Millard Fillmore as President of the United States, August 5, 1851, and all treaties and acts of Congress supplementary thereto and amending thereto, etc.

Mr. Allison raised a question or order, viz: That the amendment proposed general legislation to a general appropriation bill and was not in order under clause 3, Rule XVI.

The Presiding Officer (Mr. Faulkner in the chair) sustained the point or order.

In another Congress the same amendment was offered and the point of order was again sustained, because it repealed the act of 1863, which took away from the Indians all their right under former treaties. The courts have held that a treaty with the Indians is nothing more than an act of Congress and it may be repealed and it was repealed by the act of 1863.

Mr. CLAPP. Mr. President, it is true that the decisions referred to have been made, but the more one studies these acts the more he is inclined to think, with due deference to the presiding officers at the time, that the decisions were not correct. It is also true that Congress arbitrarily, in 1863, did pass an act purporting to forfeit the rights under a treaty between the Government and the Indians. The courts have gone a long way toward holding that the United States Government can contract with an Indian, the Indian in the Constitution of the United States being recognized as competent to make contracts, because it is one of the functions of Congress to deal with foreign nations and Indian tribes; but the fact remains that without any act on the part of the Indians as a tribe consenting to the act of Congress of 1863 Congress passed that act.

Now, the outbreak of 1862 was perhaps one of the most atrocious in the history of this country, but the evidence was so overwhelming and the sense of gratitude to a part of those Indians who, against the rashness of the younger members of the band, protested and opposed the massacre, and the outbreak of the Indians was so recognized, that almost 20 years ago an illustrious predecessor of mine, Senator Davis, on the floor of the Senate demonstrated the injustice of the act of 1863. That act was born of the passions that were engendered by that outbreak.

This measure is not in the nature of creating a claim. It is simply for the purpose of ascertaining what the value of those annuities thus sought to be forfeited by the act of 1863 amounted to. Those annuities were due and they are due to-day under the terms of that treaty.

The only difference between this amendment and an amendment appropriating the money for the annuities is that instead of Congress seeking without any further instrumentalities then they had an ascertainment of the value of the annuities it is proposed to send the matter to the court that the court may investigate the value of the annuities. The fact that it provides for procedure in court is none the less carrying out the terms of the agreement, because we ourselves have abandoned the other process of carrying out the terms of those treaties, which would be for Congress to directly appropriate the money.

That is all I care to say upon the subject. As I said, it engendered a great deal of passion at the time. The outbreak was one of the most diabolical ever known. Yet the people who had been part and parcel of those who suffered so recognized the debt that they owed some of these Indians who opposed the outbreak that 20 years ago, when the feeling had far less died out than it is to-day—and it took time for it to die out—the then senior Senator from that State not only urged this provision, but demonstrated the justice of settling the matter in some way, and surely no more just way can be found than to let the Court of Claims ascertain the value of the annuities.

The PRESIDING OFFICER. It seems to the Chair that the amendment simply proposes to transfer to the courts the right to determine whether or not there are any annuities due under the treaty. The court can in that same proceeding determine whether the treaty provision has been repealed, as insisted by the Senator from Kansas. If it sustains the repeal there can be no claim and there would be no adjudication or determination.

Mr. CURTIS. But, Mr. President, the provision of the bill provides in so many words that that decision shall be made regardless of the act of Congress repealing the former treaty.

Mr. CLAPP. Yes; that is true, Mr. President. I would not have the occupant of the chair labor under a false impression as to the terms of the amendment. It provides that the court shall entertain the case and act upon it "as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed."

The PRESIDING OFFICER. In other words, does the Senator think the amendment reinstates the act that was repealed?

Mr. CLAPP. It would amount to a legislative declaration that that act ought not to stand.

The PRESIDING OFFICER. In view of that situation, the Chair thinks the point of order is well taken. The Chair had not an opportunity to read the amendment, and supposed that it adjudicated the rights of the parties under the treaty if valid, and not to reinstate a treaty that had been repealed. Then it is not an appropriation made in pursuance of any treaty. The point of order is, therefore, sustained.

The next amendment was, under the head of "New Mexico," on page 37, line 20, before the word "thousand," to strike out "five" and insert "six"; in the same line, after the word "dollars," to insert "for addition to girls' dormitory, including heating plant, $10,000"; and in line 22, before the word "thousand," to strike out "fifty-six" and insert "sixty-seven," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for addition to girls' dormitory, including heating plant, $10,000; in all, $67,900.

The amendment was agreed to.

The next amendment was, on page 38, line 1, before the word "thousand," to strike out "three" and insert "six," and in line 3, before the word "thousand," to strike out "fifty-six" and insert "fifty-nine," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $6,000; for water supply, $1,000; in all, $59,900.

The amendment was agreed to.

The next amendment was, on page 38, after line 4, to strike out:

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navajo Indian Reservation at Shiprock, N. Mex., with respect to the necessity of constructing a bridge across the San Juan River at Shiprock on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1912, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purpose herein authorized.

And insert:

For the construction of a bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, to be immediately available, $16,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 20, to insert:

For the pay of one special attorney for the Pueblo Indians of New Mexico and for necessary traveling expenses of said attorney, $4,000, or so much thereof as the Secretary of the Interior may deem necessary.

The amendment was agreed to.

The next amendment was, under the head of "New York," on page 39, after line 9, to strike out:

For pay of one special agent, at $1,050; one physician, at $600; and one financial clerk, at $600 per annum, in addition to employees otherwise provided for at the New York Agency; in all, $2,250.

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 39, line 20, after the word "dollars," to insert "for rebuilding employees' quarters destroyed by fire, $6,000," and in line 22, before the word "thousand," to strike out "twenty-eight" and insert "thirty-four," so as to make the clause read:

For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $26,650; for general repairs and improvements, $2,000; for rebuilding employees' quarters destroyed by fire, $6,000; in all, $34,650.

The amendment was agreed to.

The next amendment was, on page 39, after line 23, to insert:

For the purchase of a site at or near the town of Pembroke, Robeson County, N. C., and the erection thereon of a suitable building for a school for the Indians of Robeson County, N. C., the sum of $25,000.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 40, after line 11, to insert:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments, $100,000.

The amendment was agreed to.

The next amendment was, on page 40, line 18, after the word "dollars," to insert "for the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500"; and in line 22, before the word "dollars," to strike out "twenty

thousand two hundred" and insert "twenty-two thousand seven hundred," so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; for the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500; in all, $22,700.

The amendment was agreed to.

The next amendment was, on page 41, line 2, before the word "thousand," to strike out "four" and insert "six"; in the same line, after the word "dollars," to insert "$2,000 of which shall be immediately available"; and in line 4, before the word "thousand," to strike out "seventy-two" and insert "seventy-four," so as to make the clause read:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; for general repairs and improvements, $6,000; in all, $74,500.

The amendment was agreed to.

The next amendment was, on page 41, line 5, after the word "hundred," to insert "and fifty"; in line 8, before the word "dollars," to strike out "eighteen thousand two hundred" and insert "twenty-eight thousand five hundred"; in line 9, after the word "improvements," to insert "including fencing of building grounds"; in line 10, before the word "thousand," to strike out "two" and insert "three"; in the same line, after the word "dollars," to insert "for erection of silo and purchase of ensilage cutter and other farm machinery, $2,000; for purchase of milch cows and other live stock and poultry, $2,000; for erection of hospital building and equipment of same, $25,000"; and in line 16, before the word "dollars," to strike out "twenty thousand two hundred" and insert "sixty thousand five hundred," so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $28,500; for general repairs and improvements, including fencing of building grounds, $3,000; for erection of silo and purchase of ensilage cutter and other farm machinery, $2,000; for purchase of milch cows and other live stock and poultry, $2,000; for erection of hospital building and equipment of same, $25,000; in all, $60,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 16, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the Indians of the Standing Rock Indian Reservation in the States of North Dakota and South Dakota, immediately after the passage and approval of this act, out of moneys derived from the sale of certain of their lands under the act of May 29, 1908, and now in the Treasury of the United States to the credit of said Indians, a $40 per capita cash payment.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 42, line 12, after the word "benefit," to strike out: "and he is hereby authorized to withdraw from the Treasury the further sum of $40,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the construction and equipment of an Indian hospital upon the Fort Sill Indian School Reservation in Oklahoma, to be used only for the benefit of Indians belonging to said tribes; in all, $65,000," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

The amendment was agreed to.

The next amendment was, on page 42, after line 20, to insert:

For the purpose of fitting up the old agency and other buildings of the Kiowa, Comanche, and Apache Agency for hospital purposes and the construction of other hospitals, $20,000.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States, standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from September 13, 1884, in full payment of the award made by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees promulgated August 17, 1846, and which award was approved by the Secretary September 10, 1884, and his action reaffirmed April 26, 1886.

Mr. CURTIS. The Senator from North Dakota [Mr. McCUMBER] asked a question about that item a few moments ago. I suggest that it be passed over until his return.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to that request?

Mr. CLAPP. There is no objection.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The next amendment was, on page 44, line 11, before the word "thousand," to strike out "eight" and insert "nine," so as to make the clause read:

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $9,000.

The amendment was agreed to.

The next amendment was, on page 44, line 16, before the word "thousand," to strike out "six" and insert "seven," and in line 17, before the word "thousand," to strike out "ninety" and insert "ninety-one," so as to make the clause read:

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $7,500; in all, $91,000.

The amendment was agreed to.

The next amendment was, on page 45, line 17, after the word "Shawnee," to strike out "Agency" and insert "Superintendency," so as to make the clause read:

For pay of 1 stenographer and typewriter, $900 per annum, in addition to employees otherwise provided for at the Shawnee Superintendency.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to insert:

That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of the several annual installments due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June 17, 1910, "to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes": *Provided*, That purchasers shall pay interest at the rate of 5 per cent per annum on the deferred payments for the time of the extension herein granted.

The amendment was agreed to.

The next amendment was, under the head of "Five Civilized Tribes," on page 46, after line 13, to strike out:

SEC. 18. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $150,000: *Provided further*, That during the fiscal year ending June 30, 1913, no money shall be expended from the tribal funds belonging to the Five Civilized Tribes, except for schools, without specific appropriation by Congress.

And insert:

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $174,000.

The amendment was agreed to.

The next amendment was, at the top of page 47, to insert:

For salaries and expenses of district agents for the Five Civilized Tribes of Oklahoma and other employees connected with the work of such agents, $100,000: *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes except for schools for the ensuing year and for the equalization of allotments, per capita or other payments authorized by law to individual members of the respective tribes, and the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Five Civilized Tribes, and attorneys of said tribes employed under contract approved by the President, without specific appropriation by Congress, except as hereinafter provided: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance.

The amendment was agreed to.

The next amendment was, on page 47, after line 19, to insert:

For payment of salaries of employees and other expenses of advertisement and sale in connection with the disposition of the unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, to be paid from the proceeds of such sales when authorized by the Secretary of the Interior, as provided by the act approved March 3, 1911, not exceeding $25,000, reimbursable from proceeds of sale.

The amendment was agreed to.

The next amendment was, on page 48, after line 2, to insert:

For expenses incident to and in connection with collection of tribal revenues, including rent of unallotted lands, such amount as may be necessary: *Provided, however*, That such expenditures shall not exceed in the aggregate 20 per cent of the amount collected.

The amendment was agreed to.

The next amendment was, on page 48, after line 7, to insert:

For traveling expenses of appraisers of the surface of the Choctaw and Chickasaw coal and asphalt segregated lands, $5,000, or so much thereof as may be necessary: *Provided*, That the houses and other valuable and permanent improvements placed upon the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, in the State of Oklahoma, by private individuals and not purchased by the Indian nations shall be scheduled to the present owners thereof, and shall be appraised independently of the surface of the land on which they are located; and if the owners of such improvements fail to buy the surface of the lands on which their improvements are located at the highest bid, said improvements shall be sold with the lands at the appraised value with the surface of the land, and the owners of such improvements shall receive out of such purchase money the appraised value of said improvements.

The amendment was agreed to.

The next amendment was, on page 48, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept payment in the full amount of the purchase money due, including interest to date of payment, on any town lots

originally sold as provided in agreements with any of the Five Civilized Tribes and declared forfeited by reason of nonpayment of amount due and not resold.

The amendment was agreed to.

The next amendment was, on page 50, line 16, after the date "1910," to strike out "to March 1, 1912," so as to make the clause read:

The Secretary of the Interior is hereby authorized to pay, out of the funds of the Chickasaw Indians now on deposit in the Treasury of the United States, to Douglas H. Johnston, governor of said nation, the sum of $3,000 per annum from March 1, 1910.

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

For the construction of a sanitary sewer system in Platt National Park, Okla., to be immediately available and expended under the direction of the Secretary of the Interior, $35,000.

Mr. CLAPP. On page 50, line 19, in the amendment of the committee, I move to strike out the words "immediately available and."

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 50, line 19, after the words "to be," in the amendment of the committee, it is proposed to strike out the words "immediately available and," so as to read:

To be expended under the direction of the Secretary of the Interior.

The amendment to the amendment was agreed to.

Mr. CURTIS. I simply want to call the attention of the acting chairman of the committee to the fact that while that item was estimated for in the sundry civil appropriation bill, I have no objection to it going into this bill; but I think that fact ought to be noted in the RECORD, so that it will be left out of the sundry civil bill.

Mr. CLAPP. Yes; that is true. The item ought not to go into the sundry civil bill.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 50, after line 21, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay to the heirs or legal representatives of John W. Noble and R. V. Belt the sum of $3,569.95, for legal services rendered to and expenses incurred on behalf of members of the Lyman family, Osage allottees, under contract made pursuant to section 2103 and the following of the Revised Statutes of the United States, and duly approved by the Commissioner of Indian Affairs and the Secretary of the Interior, said sum to be paid as provided for in the contract out of individual funds in the Treasury of the United States to the credit of the members of said Lyman family.

The amendment was agreed to.

The next amendment was, on page 51, after line 9, to insert:

That the Secretary of the Interior is hereby authorized and directed to satisfy of record the judgments rendered in the district court of Oklahoma, for the eighth judicial district, on December 15, 1911, in favor of Albert J. Lee and against Jack Postoak, in the sum of $1,448, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Bessie Postoak; against King Isaacs and others, in the sum of $1,449, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Roger Isaacs; against Thompson Peters, in the sum of $1,476, by the payment thereof out of any funds that may now or hereafter be to the credit of the heirs of Sookie Peters; and against Zeno Huff, in the sum of $732, by the payment thereof out of any funds that may now or hereafter be to the credit of said Zeno Huff.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

The fund of $390,257.92, placed to the credit of the Choctaw Indians by act of March 1, 1907 (34 Stat. L., 1027), shall draw interest at 5 per cent per annum, and the accrued interest at this rate shall be placed to the credit of the Choctaw Nation.

Mr. CURTIS. I make the point of order against the amendment on the ground that it proposes general legislation; but I should like to ask the acting chairman why the item was inserted? The existing agreements and treaties do not fix the rate of interest to be paid to these Indians.

Mr. CLAPP. In answer to the inquiry of the Senator from Kansas I will say that the Office of Indian Affairs has asked for this appropriation on the following ground:

The amendment on page 50, lines 4 to 10, inclusive, providing that the fund of $390,257.92 placed to the credit of the Choctaw Indians by the act of March 1, 1907 (34 Stat. L., 1037), shall draw interest at 5 per cent per annum and the accrued interest at this rate shall be placed to the credit of the Choctaw Nation, was reported on favorably to the chairman of the Senate committee in letter of April 23, 1912, on H. R. 20728.

Mr. CURTIS. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 52, after line 9, to insert:

For incidental and necessary expenses of any suit heretofore brought at the request of the Secretary of the Interior and now pending on behalf of any of the Five Civilized Tribes, the sum of $10,000 is hereby appropriated to be expended under the direction of the Secretary of the Interior, reimbursable from funds belonging to the tribe in whose interest such suit was brought, or now pending.

The amendment was agreed to.

The next amendment was, on page 52, after line 16, to insert:

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stats., p. 861), and the subsequent agreement of June 30, 1902 (32 Stats., p. 500), and laws providing for a minimum allotment to each Creek citizen whose name has been placed on the rolls by the Government of the United States under the authority of said agreements and laws, of the standard value of $1,040, the Secretary of the Interior be, and is hereby, directed to pay, out of the funds of the said nation now in the Treasury or that may hereafter come into the Treasury to their credit, to each of said Creek citizens placed on the rolls under said agreement and subsequent agreements, a sum sufficient to bring the allotment of land and money to each up to $800 as a part payment on the standard allotment of $1,040; and that jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment in the matter of the claim of all citizens of said nation who have received allotments of less than the standard value of $1,040, and to render judgment for a sum of money sufficient to equalize the allotments of each citizen who shall be found to be so entitled up to the standard amount of $1,040; and that the action herein authorized shall be brought in the name of the Muskogee (Creek) Nation against the United States by petition to be filed within six months after the passage of this act, which petition shall be verified by the national attorney of said nation or by the attorney or attorneys employed by said nation to conduct said suit, whose employment is approved by the Department of the Interior in accordance with section 2103 of the Revised Statutes, and the Attorney General shall appear and defend said action; and in rendering judgment in said cause the court shall fix the compensation to be paid to the attorneys upon a quantum meruit for all services rendered in behalf of said Indians in the matter of the claim of all of said citizens for the equalization of their allotments, including services rendered before the departments of the Government, the committees of Congress, and the courts, in and for their interest in this matter in any way rendered, said compensation to be based on a per cent of the amount of said judgment, less any money in the Treasury to the credit of the Creek Nation, not to exceed 10 per cent, and the Secretary of the Treasury shall pay said sum out of the amount of said judgment or out of any funds of the said nation in the Treasury, and all the remaining funds of said nation not appropriated by the council and approved by the President of the United States (except the sum of $50,000) shall be utilized and applied in any judgment that may be rendered under this act; and the said cause shall be advanced in hearing by the Court of Claims, and by the Supreme Court of the United States if the same shall be appealed.

Mr. CURTIS. Mr. President, I make the point of order against the amendment that it is clearly legislation, in violation of Rule XVI. A point of order was sustained against the same provision a few years ago when it was offered as an amendment to the then pending Indian appropriation bill.

The PRESIDING OFFICER. Upon what ground is the point of order based?

Mr. CURTIS. On the ground that it is legislation on an appropriation bill.

Mr. CLAPP. Mr. President, it is a fact that the point of order has been heretofore sustained, and in view of the scant attendance this afternoon I shall not take the time of the Senate to discuss it or suggest an appeal.

The PRESIDING OFFICER. In the opinion of the Chair the point of order is well taken, and it is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 54, after line 21, to insert:

The sum of $300,000 to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations in Oklahoma during the fiscal year ending June 30, 1913.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," in section 19, page 55, line 13, after the word "thousand," to insert "six hundred," so as to make the clause read:

For support and civilization of the Wallawalla, Cayuse, and Umatilla Tribes, Oregon, including pay of employees, $3,600.

The amendment was agreed to.

The next amendment was, on page 55, after line 13, to insert:

To enable the Secretary of the Interior to construct a bridge and the necessary approaches thereto across the Deschutes River, abutting on the Warm Springs Indian Reservation, in the State of Oregon, at a point to be agreed upon between him and the county court of Crook County, Oreg., the sum of $15,000.

Mr. CURTIS. Mr. President, I want to make a point of order against that amendment; but I should like to ask the Senator from Minnesota [Mr. CLAPP], the acting chairman of the committee, or the Senator from Oregon [Mr. CHAMBERLAIN], if the bridge is on a river that runs through an Indian reservation, and is it within the reservation?

Mr. CHAMBERLAIN. A part of it runs through the reservation; but where the bridge is it abuts on the reservation. At the place where the bridge is to be built the bluffs are very precipitous, and the Indians, as they now travel from the reservation, have to go down with their teams to the stream and up these precipitous bluffs.

Mr. CURTIS. Is it to accommodate the Indians on the reservation?

Mr. CHAMBERLAIN. Yes, sir; almost altogether. A recommendation was made by the department, and the estimates have also been made.

Mr. CURTIS. Then I withdraw the point of order.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 56, after line 22, to insert:

That there be paid to the Tillamook Tribe of Indians of Oregon the sum of $10,500, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Clatsop Tribe of Indians of Oregon the sum of $15,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Nuc-quee-clah-we-muck Tribe of Indians of Oregon the sum of $1,500, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Kathlamet Band of Chinook Indians of Oregon the sum of $7,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Wasklum Band of Chinook Indians of Washington the sum of $7,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; that there be paid to the Wheelappa Band of Chinook Indians of Washington the sum of $5,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear; and that there be paid to the Lower Band of Chinook Indians of Washington the sum of $20,000, to be apportioned among those now living and the lineal descendants of those who may be dead, by the Secretary of the Interior, as their respective rights may appear, and for this purpose there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $66,000: *Provided*, That said Indians shall accept said sum, or their respective portions thereof, in full satisfaction of all demands or claims against the United States for the lands described in the agreements or unratified treaties between the United States and said Indians dated, respectively, August 7, 1851; August 5, 1851; August 7, 1851; August 9, 1851; August 8, 1851; August 9, 1851; and August 9, 1851: *Provided further*, That if, after investigation by the Secretary, he shall find that all of the Indians of either of said tribes or bands and their lineal descendants are dead, then none of the money hereby appropriated for such tribe or band shall be paid to any person for any purpose: *Provided further*, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder, which compensation, if any, shall be paid out of the sum hereby appropriated, in full payment of services rendered; and the decision of the Secretary of the Interior with respect to the attorneys and their compensation shall be final and conclusive: *Provided further*, That before any money is paid to any attorney hereunder, he shall first execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered such Indians in the matter of their claims.

Mr. CURTIS. Mr. President, I desire to make a point of order against that amendment, but during the pendency of it I should like to have the Senator from Oregon explain that claim for the purpose of getting the facts regarding it in the RECORD. As I understand, it is a claim to carry out the provisions of certain unratified treaties. Treaties made and sent to Congress were not ratified, but the Government proceeded to take possession of the lands without paying the Indians.

Mr. CHAMBERLAIN. Mr. President, that is practically a statement of the facts with reference to the matter as briefly as it can be made. These cases are like numerous other cases of sharp practice that was indulged in against the Indians in the early days on the frontier. It is rather amusing to look back at some of the treaties that were attempted to be entered into. I was just reading one to my colleague on my left [Mr. JOHNSTON of Alabama], where, instead of paying the Indians money, it was agreed to give them a silk dress or a calico dress or other such things in consideration for valuable tracts of land.

These particular unratified treaties were negotiated pursuant to the acts of 1850 and 1851, which authorized commissioners to treat with the Indians and to make treaties with them for the cession of valuable tracts of land in Oregon. It had been the purpose and desire of the Government for a great many years to try to get these nomadic tribes of Indians together on one reservation, and in pursuance of that policy these treaties were made with them.

Some of the treaties were ratified, but a great many of them were not ratifid by the Senate, because it is supposed, although there is no record to show that fact, that the Indians refused to go on the reservations which had been designated by the Government. They did not care to go long distances from the places where they had been accustomed to live and where they had been accustomed to fish and hunt in times gone by.

To show you how the Government treated these people, Mr. President, I might say here that the claims under those treaties which were ratified by the Senate were paid a long while ago, and these are the only ones not paid. The Indians do not even ask interest on the amount of these claims, which I think are just. For instance, the Clatsop Indians ceded to the United States about 500,000 acres of land for a consideration of $15,000, and reserved to themselves only about 4,000 acres. The Government of the United States took that 500,000 acres of land and treated it exactly as they have treated other parts of the public domain. They have sold it, and have received the money for it; but, notwithstanding that fact, these claims have not been paid, because the Government says the Senate never ratified the treaties. That land is amongst the most valuable land in the State of Oregon; it is along the timber ridges of the Coast Range of mountains, and now, in private hands, is worth all the way from $50 to $500 an acre.

Mr. CURTIS. Mr. President, I withdraw the point of order.

Mr. CHAMBERLAIN. That same statement might be made with reference to all these claims. Mr. President, I am truly glad that the Senator has withdrawn the point of order, because these claims have been hung up here in the Senate for years, and ought to have been paid a long time ago.

The PRESIDING OFFICER. The Senator from Kansas withdraws the point of order, and, without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Pennsylvania," in section 20, on page 59, line 18, before the word "thousand," to strike out "nine" and insert "twenty"; and in line 22, before the word "dollars," to strike out "one hundred and forty-eight thousand five hundred" and insert "one hundred and fifty-nine thousand five hundred," so as to make the clause read:

SEC. 20. For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, $132,000; for general repairs and improvements, $20,000; for completing steam heating plant, $7,500, to be immediately available; in all, $159,500.

The amendment was agreed to.

The next amendment was, under the head of "South Dakota," in section 21, on page 60, line 2, after the word "dollars," to insert "for the construction and equipment of a gymnasium building, $8,000"; and in line 5, before the word "thousand," to strike out "sixty-six" and insert "seventy-four," so as to make the clause read:

SEC. 21. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $61,500; for the construction and equipment of a gymnasium building, $8,000; for general repairs and improvements, $5,000; in all, $74,500.

The amendment was agreed to.

The next amendment was, on page 60, line 10, before the word "thousand" where it occurs the first time, to strike out "six" and insert "seven"; and in the same line, before the word "thousand" where it occurs the second time, to strike out "thirty-eight" and insert "thirty-nine," so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; for general repairs and improvements, $7,000; in all, $39,000.

The amendment was agreed to.

The next amendment was, on page 60, line 16, before the word "thousand," to strike out "eight" and insert "nine"; in line 17, after the word "dollars," to insert "for a new school building, $35,000; for remodeling boys' building, $5,000"; and in line 21, before the word "dollars," to strike out "sixty-one thousand five hundred" and insert "one hundred and two thousand five hundred," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, $48,500; for general repairs and improvements, $9,000; for completion and extension of heating plant, $5,000; for a new school building, $35,000; for remodeling boys' building, $5,000; in all, $102,500.

The amendment was agreed to.

The next amendment was, on page 62, line 9, after the word "dollars," to insert "for general repairs and improvements of agency buildings, $10,000; in all, $24,000," so as to make the clause read:

For subsistence and civilization of the Yankton Sioux, South Dakota, $14,000; for general repairs and improvements of agency buildings, $10,000; in all, $24,000.

The amendment was agreed to.

The next amendment was, at the top of page 64, to insert:

To complete the work of straightening the Duchesne River within the limits of the town site of Duchesne, in the State of Utah, $2,000, to be immediately available and to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation opened to entry under the act of May 27, 1902, including the sales of lots within the said town site of Duchesne.

Mr. CURTIS. Mr. President, I should like to ask the Senator in charge of the bill if the town of Duchesne, referred to in the amendment, is an Indian town or embraces Indian lands?

Mr. CLAPP. I understand it is within the reservation.

Mr. CURTIS. Is the land being sold for the benefit of the Indians?

Mr. CLAPP. Well, some of the lands are being sold. They were taken by allotment. The item is recommended by the Secretary of the Interior as necessary in order to serve the interests of the Indians on that reservation.

Mr. CURTIS. I will not make a point of order then against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 8, to insert:

VIRGINIA.

SEC. 23. For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

The amendment was agreed to.

The next amendment was, under the head of "Washington," on page 64, line 21, before the word "dollars," to strike out "one thousand" and insert "one thousand five hundred," so as to make the clause read:

For support and civilization of the Qui-nai-elt and Quil-leh-utes, including pay of employees, $1,500.

The amendment was agreed to.

The next amendment was, on page 65, line 5, before the word "thousand," to strike out "thirteen" and insert "eighteen," so as to make the clause read:

For support and civilization of Indians at Colville and Puyallup Agencies, Wash., for pay of employees, and for purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $18,000.

The amendment was agreed to.

The next amendment was, on page 65, line 13, before the word "thousand," to strike out "fifteen" and insert "seventy-five," so as to make the clause read:

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $75,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 65, after line 15, to insert:

For support and education of 300 Indian pupils at the Cushman Indian School, Tacoma, Wash., including repairs and improvements, and for pay of superintendent, $50,000, said appropriation being made to supplement the Puyallup School funds used for said school.

The amendment was agreed to.

The next amendment was, on page 65, after line 21, to insert:

That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide 1,500 cubic feet of water per second of time at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $1,600,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service.

Mr. JONES. Mr. President, on page 65, line 23, in the committee amendment just stated, I offer an amendment which has been suggested by the department. I will say that the chairman of the committee requested me to look after the matter.

Mr. CLAPP. Mr. President, I have no objection to the amendment. We might as well close the matter up now.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 65, line 23, after the word "provide," it is proposed to strike out "1,500 cubic feet of water per second of time" and insert "for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season"; and on page 66, line 4, before the word "thousand" to strike out "six" and insert "eight" so as to make the clause read:

That for the purpose of constructing storage reservoirs to impound flood waters of the Yakima River to provide for the total diversion of 516,000 acre-feet of stored water and natural flow during each irrigation season at the reservation gates for the irrigation of 120,000 acres, more or less, on the Yakima Indian Reservation, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $1,800,000, or so much thereof as may be necessary, to be expended in said works by the Reclamation Service.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 66, after line 6, to insert:

That the lands within the project on the Yakima Indian Reservation owned by Indians in fee or otherwise to the extent of 32,000 acres, estimated to be necessary for the support of Indians allotted within the project, for which a water supply of 400 cubic feet per second of time is required, shall receive water free of any and all cost or charge on account of said storage works.

The amendment was agreed to.

The next amendment was, on page 66, after line 13, to insert:

That other lands under Indian ownership to the extent of 70,000 acres additional, more or less, shall bear the proportionate acreage cost for providing said storage waters in the river, except that provided for in the preceding paragraph, which cost shall be a charge against said lands to be paid on such terms and under such regulations as the Secretary of the Interior shall prescribe.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert:

That the claims for water of the owners of the remaining area of 18,000 acres, more or less, of irrigable Indian land, the Indian title to which has been extinguished, shall be equitably adjusted by the Secretary of the Interior: *Provided*, That any payments by owners of said lands on account of said storage works shall be deposited in the Treasury to the credit of the United States.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

That the owners of irrigable lands within the project shall pay the proportionate cost of the distribution and drainage systems upon such terms as may be fixed by the Secretary of the Interior: *Provided*, That no water shall be furnished as herein provided for until the owners of deeded or sold lands and Indians holding lands in fee benefited thereby shall have agreed to pay such proportionate share, such payments when received to be a part of the tribal funds of the Yakima Indians.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," on page 67, line 17, before the word "thousand," to strike out "two" and insert "three"; in the same line, after the word "building," to strike out "an addition" and insert "additions"; in line 18, after the word "to," to strike out "dormitory" and insert "dormitories"; in line 19, before the word "dollars," to strike out "sixteen" and insert "twenty"; and in line 19, before the word "thousand," to strike out "fifty-four" and insert "fifty-nine," so as to make the clause read:

SEC. 25. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $36,670; for general repairs and improvements, $3,000; for building additions to dormitories, $20,000; in all, $59,670.

The amendment was agreed to.

The next amendment was, on page 68, line 1, before the word "thousand," to strike out "three" and insert "seven"; and in line 2, before the word "thousand," to strike out "forty-eight" and insert "fifty-two," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; for repairing and rebuilding barn, $2,500; for general repairs and improvements, $7,000; in all, $52,950.

The amendment was agreed to.

The next amendment was, on page 68, after line 4, to insert:

For support, education, and civilization of the Pottawatomie Indians who reside in the State of Wisconsin, $9,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 7, to insert:

The time provided for bringing suits under the fifth paragraph of section 26 of the act approved April 4, 1910, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911 (36 Stat. L., p. 287), be, and the same is hereby, extended to the 30th day of June, 1913.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of the sum of $1,500,000 set aside and held in the Treasury of the United States for the use and benefit of the Colville Indians under the provisions of an act approved June 21, 1906 (34 Stat. L., p. 337), the sum of $45,000 to Hugh H. Gordon for his individual services in behalf of said Indians, which sum of $45,000 is hereby appropriated for said Gordon's exclusive use and benefit out of any money in the Treasury not otherwise appropriated, and the same shall be charged against the funds set aside for the benefit of said Indians.

Mr. CURTIS. Mr. President, I make the point of order against that amendment, as being in violation of paragraph 3 of Rule XVI. It is general legislation on an Indian appropriation bill.

Mr. CLAPP. Mr. President, I will ask the Presiding Officer to withhold his ruling in deference to the absence of the senior Senator from Georgia [Mr. BACON]. With that understanding let the amendment be passed over for the present.

The PRESIDING OFFICER. Without objection, the point of order made by the Senator from Kansas will be entered and further action on the matter deferred until the Senator from Georgia is present.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Wyoming," on page 69, line 12, before the word "dollars," to strike out "thirty-one thousand and twenty-five" and insert "thirty-two thousand five hundred"; in line 13, before the word "thousand," to strike out "three" and insert "four"; and in line 15, before the word "dollars," to strike out "thirty-four thousand and twenty-five" and insert

"thirty-six thousand five hundred," so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, $32,500; for general repairs and improvements, $4,000; in all, $36,500.

The amendment was agreed to.

The next amendment was, on page 69, after line 21, to insert:

For continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., $20,000, reimbursable in accordance with the provisions of the act of March 3, 1905.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ASHURST. Mr. President, I desire, if I may be permitted to do so, to recur to page 17 of the bill where, commencing with line 14, there is an amendment reported by the committee which was discussed a few moments ago, and against which a point of order, made by the Senator from Kansas [Mr. CURTIS], was sustained.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. Certainly.

Mr. CURTIS. If it can be done, I desire to withdraw the point of order and let the question come upon the amendment.

The PRESIDING OFFICER. The Chair understands the Senator from Arizona to ask unanimous consent to recur to the amendment on page 17, beginning with line 14. Is there objection? The Chair hears none. The Senator from Kansas asks unanimous consent to withdraw the point of order which he made against the amendment and which was sustained. Is there objection? The Chair hears none. The point of order is withdrawn, and, without objection, the amendment is agreed to.

Mr. CLAPP. Mr. President, under the heading "Utah," and after the items now in that heading, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. To come after all the provisions in regard to Utah?

Mr. CLAPP. Yes, sir. In support of the amendment I desire to make a short statement.

This matter was referred to the Court of Claims. The court entered a judgment. Prior to the matter going to the court the amount due the Indians was drawing interest payable annually and was paid annually, but when it was merged into a judgment the comptroller held that he could not any longer pay interest except by direct authority of the Congress. This amendment is in part to cover that.

In connection with that it appears that a great many of these Indians have allotments upon which irrigation rights attach, subject to forfeiture if the improvements are not carried on. In addition to that it appears that many Indians require help in the matter of making improvements, getting stock, and so forth. So the department recommended an appropriation to cover this whole matter, to be used in the judgment and discretion of the Secretary of the Interior.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. On page 64, after line 8, it is proposed to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,305,257.19, being the net amount of a judgment rendered by the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 12, 1911, exclusive of the amount awarded for attorney's fee, pursuant to the provisions of the jurisdictional act approved March 3, 1909 (35 Stat. L., p. 788), the same to bear interest at the rate of 4 per cent per annum from and after the date of said judgment, the amount thereof and the interest accruing thereon to be available for cash payments to the Indians or for expenditures for their benefit, in the discretion of the Secretary of the Interior (Mar. 3, 1909).

The amendment was agreed to.

Mr. CLAPP. Mr. President, under the heading "Oklahoma," at the end of the provisions already in the bill under that heading, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Under the head of "Oklahoma," subhead "Five Civilized Tribes," on page 55, after line 3, it is proposed to insert:

For the purpose of reimbursing the trust funds of the Kickapoo Community in Mexico, said fund having been created under the provisions of the act of Congress of April 30, 1908 (35 Stat. L., 89), for legal expenses necessarily incurred in defending said community, its funds, lands, and members from fraud, the Secretary of the Treasury is hereby authorized and directed to pay to Okemah, who is now trustee of said community, the sum of $41,000, the same to be immediately available.

Mr. LODGE. Mr. President, I should like to hear that amendment explained. It is a private claim.

Mr. CLAPP. The explanation of the amendment is this: Some years ago these people had lands in Oklahoma. While it would take some time to go through the details of the litigation, these Indians were subjected to a great deal of expense that was unfair and unjust. They are now in Mexico, and in need not only of this item but the item of their lease money, which has not been paid them and which is due them. In order to clean up both matters, I have offered this amendment to reimburse them; and I desire to offer one directing the Indian Office to pay their lease money over to them.

Mr. LODGE. Does this money go to the Indians?

Mr. CLAPP. It goes to the Indians; yes, sir. I want to say that from all the information I have been able to get, those Indians, after they went down to Mexico, became a contented, satisfied band of Indians and, in the main, are doing well. I have made inquiries from time to time about them—of course, the evidence which I have is all hearsay—and I believe it was a blessing to those Indians that we allowed them to go down there. They have these two items left; and the purpose of this amendment is to clean up the matter, so that we may be through with it.

Mr. LODGE. I made the inquiry because of the statement I saw in one of the hearings—that of the $2,000 heretofore appropriated for the Kickapoos, I think, only $45 reached the Indians. The rest went in salaries.

Mr. CLAPP. That is too true with reference to their agency in Oklahoma. I have no hesitation in saying, from the evidence I have obtained in these matters, that those Indians are infinitely better off in Mexico and come much nearer getting a fair return for what is theirs and due them than they ever did while they were under the jurisdiction of our own Government.

Mr. LODGE. If this money goes to them, Mr. President, I have no objection to the appropriation; but I do think, in view of the appropriation of $2,000 for the benefit of the Kickapoo Indians, of which all but $45 was spent in the expense of distribution, that we ought to be careful to see that this money goes to the Indians.

Mr. CLAPP. So far as the law can safeguard it, this amendment provides that the money shall be paid over to them.

Mr. LODGE. I do not want it all absorbed in the salaries of agents.

Mr. CLAPP. No, sir; I am as anxious to avoid that as is the Senator.

The amendment was agreed to.

Mr. CLAPP. In addition to that, I am going to ask for the adoption of an amendment to pay over their lease money to them. I send the proposed amendment to the Secretary's desk.

The SECRETARY. After the amendment just agreed to it is proposed to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to immediately cause to be deposited to the credit of the Indian owner in the First National Bank of Douglas, Ariz., all money known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the Mexican Kickapoo Indians now resident in the Republic of Mexico. The receipt by such bank for any such money shall operate as the receipt of the Indian owner and as a complete release of all liability on the part of the officer paying the said money as herein directed.

The amendment was agreed to.

Mr. CLAPP. Now, Mr. President, I offer the amendment which I send to the desk. I regret I have no statement concerning it. It was handed me by the senior Senator from Idaho [Mr. HEYBURN]. Perhaps it may be well to offer it and let it lie on the table until he returns.

The SECRETARY. On page 21, after line 9, it is proposed to insert the following:

For the construction of buildings for agency headquarters on the Coeur d'Alene Indian Reservation in Idaho, $30,000.

The PRESIDING OFFICER. The Senator from Minnesota asks that the amendment lie upon the table. Without objection, it will lie upon the table.

Mr. CLAPP. I now offer the amendment I send to the desk, and ask for the reading of the letter from the Interior Department in regard to it.

The SECRETARY. Under the head of "South Dakota," on page 62, after line 19, it is proposed to insert the following:

The Secretary of the Treasury is hereby authorized and directed to pay to A. C. Brink, of Pierre, S. Dak., the sum of $128.68 on account of repairs to a gas engine made while said engine was rented by him to the superintendent of the Pierre Indian school, and being used during September and October, 1911, in digging a test well for the purpose of securing a water supply for that school, and to charge said amount to the appropriation for Indian school, Pierre, S. Dak., water supply.

The PRESIDING OFFICER. In that connection, the Secretary will read the letter from the Secretary of the Interior in relation thereto.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 24, 1912.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: Answering your letter of June 17, 1912, relative to claim in favor of A. C. Brink, I have the honor to advise you that the bill originally consisted of a charge of $50 for 10 days' rental of a gas engine, which amount was allowed by the Auditor for the Interior Department, and of $128.68 for repairs on the engine while it was being used by the Government. As the agreement for the rental of the engine did not expressly specify that the repairs should be made at the expense of the Government and as their necessity appears to have been due, in part, to the negligence of the Government employees, the auditor held, following the decision of the comptroller dated March 26, 1912, in case of the Oregon Short Line Railroad Co., that the damages were unliquidated and, therefore, were not of such a nature as the executive departments are authorized to settle. The amount of $128.68 was, therefore, disallowed by him.

Mr. Brink, the claimant, has a legal right to appeal to the Comptroller of the Treasury at any time within one year from the date of settlement, which was April 24, 1912.

However, as the statutory authorization suggested by you would probably be more effective in the settlement of his claim, an item has been prepared as requested and is transmitted herewith so that you may take such action as you consider proper in the matter. The office deems the charge a just one and recommends its payment.

Respectfully,

F. H. ABBOTT,
Acting Commissioner.

The amendment was agreed to.

Mr. CLAPP. On page 43, at the suggestion of the Senator from Kansas [Mr. CURTIS], we passed the item proposing to pay $5,000 to the estate of John W. West, beginning with line 1, going down to and including line 15. I desire to call up that amendment.

The PRESIDING OFFICER. The Senator from Minnesota moves to recur to page 43, lines 1 to 15, inclusive, the amendment which was temporarily passed over during the absence of the Senator from North Dakota. Is there objection? The Chair hears none. The amendment is before the Senate. The question is upon agreeing to the amendment.

Mr. CURTIS. I simply asked that it be passed over because the Senator from North Dakota was not here.

The PRESIDING OFFICER. It has now been recurred to. Does the Senator still ask that it be passed over?

Mr. CLAPP. No; I move the adoption of the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President, owing to the absence of some Senators there was an understanding that the bill would not be reported out of the committee to-day. Unless some Senator has an amendment he desires to offer I ask that the bill be laid aside until to-morrow.

The PRESIDING OFFICER. Without objection it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, requested the Senate to return to the House of Representatives the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also informed the Senate that the House of Representatives had elected JOSHUA W. ALEXANDER, a Representative from the State of Missouri, Speaker pro tempore during the temporary absence of the Speaker.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies, and it was thereupon signed by the President pro tempore.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. BRANDEGEE) laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 25069) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LODGE. Mr. President, I understand that is a request for the recall of the sundry civil appropriation bill?

The PRESIDING OFFICER. It is.

Mr. LODGE. That bill has been referred to the Committee on Appropriations, and it is now under consideration by that committee. I should think the chairman of the committee should be consulted before any action is taken.

The PRESIDING OFFICER. The Chair is informed by one of the clerks at the desk that word was sent to the Senator from Wyoming, the chairman of the Committee on Appropriations, and he said he had no objection to the granting of the request of the House.

Mr. LODGE. Then that is sufficient.

The PRESIDING OFFICER. Without objection, the request of the House is complied with.

REGENT OF SMITHSONIAN INSTITUTION.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 94) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, which was, on page 1, line 6, after "Fairbanks," to insert "a citizen."

Mr. LODGE. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. HEYBURN. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The motion was agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, July 2, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 1, 1912.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Anthony J. Lanza to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 9, 1912.

Asst. Surg. Robert Olesen to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from April 9, 1912.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS, ETC.

William H. Parker, of Massachusetts, to be special examiner of drugs, medicines, and chemicals, and assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts, under the act of Congress (Public, No. 149) approved May 10, 1912.

Mr. Parker is now serving as special examiner of drugs, medicines, and chemicals.

SOLICITOR GENERAL OF THE UNITED STATES.

William Marshall Bullitt, of Kentucky, to be Solicitor General of the United States, vice Frederick W. Lehmann, resigned.

UNITED STATES ATTORNEY.

Homer N. Boardman, of Oklahoma, to be United States attorney for the western district of Oklahoma, vice John Embry, resigned.

JUDGE OF THE CIRCUIT COURT OF HAWAII.

Lyle A. Dickey, of Hawaii, to be judge of the Circuit Court of the Fifth Circuit of the Territory of Hawaii, vice J. Hardy, resigned.

REGISTER OF THE LAND OFFICE.

George H. Charlton, of Colorado, to be register of the land office at Durango, Colo., his term having expired May 26, 1912. (Reappointment.)

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. William Wallace Wotherspoon to be major general with rank from May 12, 1912, vice Maj. Gen. Frederick D. Grant, deceased.

Brig. Gen. Clarence Ransom Edwards, Chief of the Bureau of Insular Affairs, War Department, to be brigadier general, with rank from May 12, 1912, vice Brig. Gen. Daniel H. Brush, retired from active service.

Col. Edward John McClernand, First Cavalry, to be brigadier general, vice Brig. Gen. William Wallace Wotherspoon, to be appointed major general.

Col. George F. Chase, Cavalry, detailed inspector general, to be brigadier general, with rank from May 16, 1912, vice Brig. Gen. Joseph W. Duncan, deceased.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 24, 1912.

Ernest Chester McCulloch, of Ohio.
Robert Henry Duenner, of the District of Columbia.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. Walter F. Winton, Seventh Cavalry, to be second lieutenant of Field Artillery, with rank from April 25, 1912.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

To be captains with rank from June 25, 1912, after three years' service.

First Lieut. Henry C. Coburn, jr., Medical Corps.
First Lieut. Arnold D. Tuttle, Medical Corps.
First Lieut. John B. H. Waring, Medical Corps.
First Lieut. William R. Dear, Medical Corps.
First Lieut. Charles E. Doerr, Medical Corps.
First Lieut. Daniel P. Card, Medical Corps.
First Lieut. Ralph H. Goldthwaite, Medical Corps.
First Lieut. Frederick S. Wright, Medical Corps.
First Lieut. Daniel W. Harmon, Medical Corps.
First Lieut. James C. Magee, Medical Corps.
First Lieut. Corydon G. Snow, Medical Corps.
First Lieut. Norman L. McDiarmid, Medical Corps.
First Lieut. Clarence A. Treuholtz, Medical Corps.
First Lieut. Eben C. Hill, Medical Corps.
First Lieut. George H. McLellan, Medical Corps.
First Lieut. Alexander D. Parce, Medical Corps.
First Lieut. James A. Wilson, Medical Corps.
First Lieut. Armin Mueller, Medical Corps.
First Lieut. Morrison C. Stayer, Medical Corps.
First Lieut. Robert W. Kerr, Medical Corps.
First Lieut. Lee R. Dunbar, Medical Corps.
First Lieut. Leon C. Garcia, Medical Corps.
First Lieut. William S. Shields, Medical Corps.
First Lieut. Addison D. Davis, Medical Corps.
First Lieut. William H. Smith, Medical Corps.
First Lieut. Clarence E. Fronk, Medical Corps.
First Lieut. George D. Heath, jr., Medical Corps.

CORPS OF ENGINEERS.

To be second lieutenants with rank from June 12, 1912.

Cadet Howard Sharp Bennion.
Cadet Rudolph Charles Kuldell.
Cadet Roscoe Campbell Crawford.
Cadet Earl Grady Paules.
Cadet Bradford Grethen Chynoweth.
Cadet Milo Pitcher Fox.

CAVALRY ARM.

Cadet William Henry Walmsley Youngs.
Cadet Byron Quinby Jones.
Cadet Robert McGowan Littlejohn.
Cadet Harry Albert Flint.
Cadet Pearl Lee Thomas.
Cadet Sidney Vincent Bingham.
Cadet Otto Emil Schultz.
Cadet Isaac Spalding.
Cadet Henry Lytton Flynn.
Cadet Robert Fee Hyatt.
Cadet Harold Marvin Rayner.
Cadet Stephen Marston Walmsley.
Cadet John Traylor McLane.
Cadet George McClellan Chase.
Cadet James Sylvester Mooney.
Cadet Henry William Harms.
Cadet John Earl Lewis.
Cadet John Duncan Kelly.
Cadet Thorne Deuel, jr.
Cadet William Nalle.
Cadet Gustav Jacob Gonser.

FIELD ARTILLERY ARM.

Cadet Russell Lamonte Maxwell.
Cadet Charles Janvrin Browne.
Cadet John Nathaniel Hauser.
Cadet Karl Chris Greenwald.
Cadet Richard Emmanuel Anderson.
Cadet James Albert Gillespie.
Cadet Wesley Moter Bailey.

COAST ARTILLERY CORPS.

Cadet Lee Otis Wright.
Cadet Lewis Andrews Nickerson.
Cadet Philip Ries Faymonville.
Cadet William Coffin Harrison.
Cadet John Shirley Wood.
Cadet Robert Henry Lee.
Cadet David McLean Crawford.
Cadet Oscar James Gatchell.
Cadet Cris Miles Burlingame.
Cadet Raymond Vincent Cramer.
Cadet Sidney Parker Spalding.
Cadet Leonard Lovering Barrett.
Cadet Stephen Harrison MacGregor.
Cadet James Kirk.
Cadet Robert Nall Bodine.
Cadet James Harve Johnson.
Cadet John Henry Lindt.
Cadet Bird Spencer Du Bois.
Cadet Cyril Augustine Phelan.

INFANTRY ARM.

Cadet Thomas Jay Hayes.
Cadet d'Alary Fechét.
Cadet William Hale Wilbur.
Cadet Edgar Staley Gorrell.
Cadet Basil Duke Edwards.
Cadet Davenport Johnson.
Cadet Wade Hampton Haislip.
Cadet William Dean.
Cadet Walter Melville Robertson.
Cadet Harry James Malony.
Cadet John Hartwell Hinemon, jr.
Cadet Charles Nathaniel Sawyer.
Cadet Gilbert Richard Cook.
Cadet Max Weston Sullivan.
Cadet Franklin Cummings Sibert.
Cadet Archibald Vincent Arnold.
Cadet John Nicholas Smith, jr.
Cadet William Gaulbert Weaver.
Cadet Stephen J. Chamberlin.
Cadet William Horace Hobson.
Cadet Walter Glenn Kilner.
Cadet Raymond Oscar Barton.
Cadet Houston Latimer Whiteside.
Cadet Walton Harris Walker.
Cadet Millard Fillmore Harmon, jr.
Cadet Edward Chamberlin Rose.
Cadet Albert Eger Brown.
Cadet Ralph Cadot Holliday.
Cadet Robert Emmett Patterson.
Cadet Adrian Kenneth Polhemus.
Cadet Carl Peterson Dick.
Cadet Charles Chisholm Drake.
Cadet George LeRoy Brown, jr.
Cadet Earl Barlow Hochwalt.
Cadet William Joseph Morrissey.
Cadet Robert Theodore Snow.
Cadet Henry Charles McLean.
Cadet Joseph Edmund McDonald.
Cadet Frank Victor Schneider.
Cadet Frank Joseph Riley.
Cadet Benjamin Franklin Delamater, jr.
Cadet Theodore Willis Martin.

CHAPLAIN.

Chaplain Herbert S. Smith, Third Infantry, to be chaplain with the rank of captain from June 19, 1912, after seven years' service.

PROMOTIONS IN THE NAVY.

Commander Volney O. Chase to be a captain in the Navy from the 7th day of June, 1912, to fill a vacancy.

Lieut. (Junior Grade) Edward S. Moses to be a lieutenant in the Navy from the 3d day of May, 1912, to fill a vacancy.

Ensign Edward S. Moses to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of service as an ensign of three years, plus service during suspension from promotion after failure at examination.

Ensign William C. I. Stiles to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of service as an ensign of three years, plus service during suspension from promotion after failure at examination.

Ensign James J. Manning to be a lieutenant (junior grade) in the Navy from the 13th day of September, 1911, upon the completion of service as an ensign of three years, plus service during suspension from promotion after failure at examination, and to correct the date from which he takes rank as previously confirmed.

Ensign William O. Wallace to be a lieutenant (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as an ensign.

Ensign Ellis Lando to be a lieutenant (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as an ensign.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

Clarence N. Hinkamp,
Leslie E. Bratton,
Ralph R. Stewart,
Ralph C. Parker,
Henry C. Gearing, jr.,
George W. Simpson,
Charles F. Pousland,
Charles C. Windsor,
Edmund D. Almy,
Robert F. Gross,
Seymour E. Holliday,
Emanuel A. Lofquist,
Elmer W. Tod,
Homer H. Norton,
John F. Cox,
George N. Barker,
Newton L. Nichols,
Patrick N. L. Bellinger.

POSTMASTERS.

GEORGIA.

Marcus S. Baker, jr., to be postmaster at Savannah, Ga., in place of Henry Blun, jr., resigned.

ILLINOIS.

H. B. Chaffin to be postmaster at Clay City, Ill., in place of Henry C. Bothwell, deceased.

David Herriott to be postmaster at Morgan Park, Ill., in place of David Herriott. Incumbent's commission expired January 22, 1912.

INDIANA.

Joseph W. Morrow to be postmaster at Charlestown, Ind., in place of Joseph W. Morrow. Incumbent's commission expired December 11, 1911.

IOWA.

Lawrence J. Finn to be postmaster at Bonaparte, Iowa, in place of Albert G. Roberts, removed.

MICHIGAN.

Lee R. Wallace to be postmaster at Port Austin, Mich., in place of William J. Morrow, deceased.

NEBRASKA.

Joseph A. Storch to be postmaster at Fullerton, Nebr., in place of Clarence J. McClelland, resigned.

John A. Wood to be postmaster at Ewing, Nebr., in place of John A. Wood. Incumbent's commission expired March 31, 1912.

NEW HAMPSHIRE.

Waldo C. Varney to be postmaster at Alton, N. H. Office became presidential July 1, 1912.

NEW JERSEY.

William R. Poe to be postmaster at Glen Ridge, N. J., in place of William R. Poe. Incumbent's commission expired February 19, 1912.

NEW YORK.

Mary A. Wilson to be postmaster at Sacket Harbor, N. Y., in place of James A. Wilson, deceased.

OHIO.

Charles A. Ward to be postmaster at Marietta, Ohio, in place of Alva D. Alderman, removed.

OKLAHOMA.

Emma Dale to be postmaster at Roff, Okla., in place of Louis M. Merritt. Incumbent's commission expired April 28, 1912.

PENNSYLVANIA.

James M. Bell to be postmaster at Chicora, Pa., in place of Lott I. Leach, deceased.

William H. D. Godshall to be postmaster at Lansdale, Pa., in place of William H. D. Godshall. Incumbent's commission expired May 15, 1912.

Robert R. Groetzinger to be postmaster at Leetsdale, Pa., in place of John Nelson, removed.

Alfred Edward Lewis to be postmaster at West Middlesex, Pa., in place of David Farrell. Incumbent's commission expired April 24, 1912.

Anne D. Moore to be postmaster at Avondale, Pa., in place of Anne D. Moore. Incumbent's commission expired April 28, 1912.

Freeman C. Wilcox to be postmaster at New Albany, Pa., in place of Charles H. Keeler. Incumbent's commission expired May 20, 1912.

SOUTH DAKOTA.

George W. Bowker to be postmaster at Ashton, S. Dak., in place of Charles F. Graves, resigned.

TENNESSEE.

Samuel F. Carroll to be postmaster at Lenoir City, Tenn., in place of John J. Duff. Incumbent's commission expired January 28, 1912.

VIRGINIA.

Paxton G. Williamson to be postmaster at Mount Jackson, Va., in place of Albert A. Evans, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 1, 1912.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. John W. McKie to be captain.

SUBSISTENCE DEPARTMENT.

Lieut. Col. David L. Brainard to be assistant commissary general with the rank of colonel.

Maj. Charles R. Krauthoff to be deputy commissary general with the rank of lieutenant colonel.

Capt. Morton J. Henry to be commissary with the rank of major.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Leopold J. H. Herwig to be second lieutenant.

INFANTRY ARM.

Second Lieut. George E. Arnemann to be second lieutenant.

APPOINTMENT IN THE ARMY.

INFANTRY ARM.

Gilbert Penfield Strelinger to be second lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Ralph Leonidas Byrnes.
Leon Theodore Le Wald.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 1, 1912.*

The House met at 12 o'clock noon and was called to order by the Clerk of the House, Hon. South Trimble.

Dr. J. Lewenthal, rabbi, Vine Street Temple, Nashville, Tenn., offered the following prayer:

Almighty God, may Thy loving kindness be upon us and establish Thou the works of our hands, yea, the work of our hands, firmly establish Thou it. We pray Thee to look down in Thy infinite kindness upon the Members of this House; be graciously inclined toward them and endow them with a good heart, with wisdom and understanding, and with a just and willing mind so that they may acquit themselves of and discharge their duties as fully as their hearts desire to do so. We thank Thee, O God, for the preservation of this great and glorious Republic, in its national integrity and unity, and humbly do we pray Thee for strength and courage that we may purge wherever it exists our citizen States of the deep causes of corruption which so often make sin profitable and uprightness hard. Do Thou grant unto our public men the faith and daring of the kingdom of God in their hearts so that they may enlist in the sacred warfare for the freedom and the rights of the people.

Into Thy keeping, O Father, do we commend the President of these United States and Members of this House and all the constituted authorities, so that through them order may be preserved and right and liberty be fostered. Do Thou strengthen the bonds of loyalty and friendship between all the inhabitants of our great country. Bless all mankind, Thy children, now and forevermore. Amen.

The Clerk read the following communication:

JULY 1, 1912.

Hon. SOUTH TRIMBLE,
Clerk House of Representatives:

I hereby designate Hon. J. W. ALEXANDER, of Missouri, to preside over the House this day.

CHAMP CLARK, *Speaker.*

Mr. ALEXANDER assumed the chair as Speaker pro tempore amid applause.

The Journal of the proceedings of Thursday, June 27, 1912, was read and approved.

EXTENDING APPROPRIATIONS FOR THE NECESSARY OPERATIONS OF THE GOVERNMENT, ETC.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report back to the House House joint resolution 331, extending appropriations for the necessary operations of the Government under certain contingencies and ask unanimous consent that it may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 331) extending appropriations for the necessary operations of the Government under certain contingencies.

Resolved, etc., That all appropriations for the necessary operations of the Government, and for the payment of pensions under existing laws, which shall remain unprovided for on the 30th day of June, 1912, be, and they are hereby, continued and made available for and during the month of July, 1912, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1913; and a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twelfth of the appropriations made for the fiscal year 1912 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1913 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twelfth of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the same.

This joint resolution shall be construed as authorizing the continuance of the salaries and other expenses under the organization of the Bureau of the Census of the Department of Commerce and Labor as the latter existed June 30, 1912, for the period of time and under the conditions provided herein for all other branches of the public service.

Mr. FITZGERALD. Mr. Speaker, the House understands the necessity for this resolution. Nine of the regular appropriation bills have not yet become law. The only appropriation bills which have received the approval of the President are the fortifications bill, the diplomatic and consular bill, and the District of Columbia bill. In order to continue the operations of the Government it is necessary that some such resolution as this be passed. Under the law, except in certain excepted cases, no official of the Government is authorized to incur any liability without express authority, and all officials of the Government are prohibited from accepting any voluntary services except under penalty fixed by the law. This resolution is drawn on lines similar to the last one passed by Congress under similar conditions, the last one being in 1894. Joint resolutions were necessary to continue appropriations in 1876, 1882, 1884, 1886, 1888, 1890, and 1894. This resolution was prepared after a conference between the Comptroller of the Treasury and the Chief of the Division of Bookkeeping and Accounts in the Treasury Department and the clerk of the Committee on Appropriations, whose long services and familiarity with these matters is known to the House and which makes him peculiarly competent to act in these respects. I shall ask that there may be printed as part of my remarks the report prepared to accompany the resolution.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

[House Report No. 926, Sixty-second Congress, second session.]

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD, from the Committee on Appropriations, submitted the following report, to accompany House joint resolution 331:

The Committee on Appropriations report herewith a joint resolution extending the appropriations made for the necessary operations of the Government for the fiscal year 1912 during the month of July of the fiscal year 1913 and recommend its immediate passage.

The enactment of this resolution is made necessary because of the failure of final passage of nine of the annual appropriation bills before the beginning of the fiscal year 1913, namely, Agriculture, Army, Indian, legislative, Military Academy, naval, pension, Post Office, and sundry civil.

The Army bill for 1913 was passed by both Houses, but failed to become a law because of the veto by the President June 17, 1912.

The diplomatic and consular, District of Columbia, and fortification acts for the fiscal year 1913 have become laws.

Under the provisions of this measure sums equal to one-twelfth of the appropriations made for the necessary operations of the Government for 1912 are appropriated for the month of July of the fiscal year 1913, or the proportionate part of such sums for such part of July as shall elapse before the enactment of the respective appropriation acts for 1913; all amounts expended out of such sums to be deducted from the appropriations finally made for each purpose for the entire fiscal year 1913.

Joint resolutions or acts of a similar character, extending appropriations after the close of a fiscal year because of failure to pass the regular bills, were enacted in 1876, 1882, 1884, 1886, 1888, 1890, 1892, and 1894.

The accompanying joint resolution is in the exact terms of the one last passed by Congress, in 1894, providing for a similar condition to that now existing, except that the month of July is provided for instead of 30 days, and express provision is made for continuance of the Census Bureau; the latter is made necessary because existing law provides for the termination of the organization of that bureau on June 30, 1912. The reorganization of the bureau is provided for in the legislative, etc., act for 1913, but until the latter becomes a law it is necessary to thus provide expressly for a continuance of the old organization.

The month of July is specified as the extreme period of time covered by the proposed extension of appropriations instead of 30 days, in order to avoid possible complications that may arise in settling salary or pay accounts under the provisions of the act of June 30, 1906, requiring that in making payments all annual salaries shall be divided into 12 equal parts, and each of such parts into 30 equal portions, or computing 360 days as a year and 30 days as constituting each month.

The accompanying memoranda, compiled from the laws and from the records of Congress, are submitted for the further information of the House:

CONTINUANCE OF APPROPRIATIONS.

Forty-fourth Congress: The first session of this Congress extended until August 15, 1876, or 46 days beyond the fiscal year 1876.

Act of June 30, 1876, made unexpended balances available for 10 days and, to the extent they might be insufficient, made an indefinite appropriation for the necessary service of the Government, all sums expended to be charged to and deducted from the appropriations for 1877 (Stat. L., vol. 19, p. 65).

Further continued for 10 days by act July 10, 1876 (Stat. L., vol. 19, p. 78).

Further continued until July 31, 1876, by act July 21, 1876 (Stat. L., vol. 19, p. 95).

Further continued until August 10, 1876, by act August 1, 1876 (Stat. L., vol. 19, p. 122).

Further continued until August 14, 1876, by act August 12, 1876 (Stat. L., vol. 19, p. 151).

No specific service or object was mentioned or specially provided for except the public printing, which was authorized to be continued in advance of appropriations to be made therefor.

The Forty-fifth and Forty-sixth Congresses did not extend their regular sessions beyond the fiscal years 1878 and 1880, respectively.

Forty-seventh Congress: The first session of this Congress extended until August 8, 1882, or 39 days beyond the fiscal year 1882.

Joint resolution June 30, 1882, continued appropriations of 1882 for 20 days and, when insufficient, indefinite amount appropriated to carry on necessary operations of Government; amounts expended to be deducted from regular appropriations when made. (Stat. L., vol. 22, p. 384.)

Further continued until July 31, 1882, by joint resolution July 20, 1882 (Stat. L., vol. 22, p. 384).

Further continued until August 3, 1882, by joint resolution August 1, 1882 (Stat. L., vol. 22, p. 390).

Further continued until August 5, 1882, by joint resolution August 5, 1882 (Stat. L., vol. 22, p. 390).

No particular service or object was mentioned or specifically provided for except authority was granted for continuing, during the periods stated, public printing and binding and "miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

The sundry civil act was not approved at this session until August 7, 1882, or two days after expiration of continuance of appropriations.

Forty-eighth Congress: The first session of this Congress extended until July 7, 1884, or seven days beyond the fiscal year 1884.

Joint resolution June 30, 1884, continued appropriations for 1884 for five days, and when insufficient, indefinite amount appropriated to carry on necessary operations of Government, amounts expended to be deducted from regular appropriations when made. (Stat. L., vol. 23, p. 276.)

No particular service or object was mentioned or specifically provided for, except authority was granted for continuing, during the periods stated, public printing and binding and "miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

The sundry civil, legislative, and diplomatic and consular acts were not approved at this session until July 7, 1884, or two days after expiration of continuance of appropriations.

The regular naval appropriation act for the fiscal year 1885 failed of enactment, and on July 7, 1884, a joint resolution was approved providing for the naval service for six months on the basis of the appropriations for the fiscal year 1884.

Forty-ninth Congress: The first session of this Congress extended until August 5, 1886, or 36 days beyond the fiscal year 1886.

Joint resolution July 1, 1886, contained appropriations for 1886 for 15 days, and when insufficient, indefinite amounts appropriated to carry on necessary operations of Government, amounts expended to be deducted from regular appropriations when made. (Stat. L., vol. 24, p. 343.)

Further continued until July 31, 1886, by joint resolution July 15, 1886. (Stat. L., vol. 24, p. 345.)

No particular service or object was mentioned or specifically provided for, except authority was given for continuing, during the period stated, public printing and binding and "miscellaneous objects embodied in the sundry civil and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

The sundry civil act was not approved at this session until August 4, 1886, or four days after expiration of continuance of appropriations.

Fiftieth Congress: The first session of this Congress extended until October 20, 1888, or 112 days beyond the fiscal year 1888.

Joint resolution June 30, 1888, continued appropriations for 1888 for 30 days, and when insufficient, indefinite amount appropriated to carry on necessary operations of Government, amounts expended to be deducted from regular appropriations when made. (Stat. L., vol. 25, p. 624.)

Further continued until August 31, 1888, by joint resolution July 31, 1888. (Stat. L., vol. 25, p. 628.)

Further continued until September 15, 1888, by joint resolution September 1, 1888. (Stat. L., vol. 25, p. 630.)

Further continued until September 25, 1888, by joint resolution September 15, 1888. (Stat. L., vol. 25, p. 630.)

Further continued until October 10, 1888, by joint resolution September 26, 1888. (Stat. L., vol. 25, p. 631.)

No particular service or object was mentioned or specifically provided for except authority was granted for continuing, during the period stated, public printing and binding and "miscellaneous objects embodied in the sundry civil, Army, District of Columbia, legislative, executive, and judicial, and naval appropriation acts in advance of appropriations to be hereafter made for said objects."

Fifty-first Congress: The first session of this Congress extended until October 1, 1890, or 93 days beyond the fiscal year 1890.

Joint resolution June 30, 1890, continued appropriations for 1890 for 30 days; terms used identical with those of proposed continuance of 1912 appropriations, except the last paragraph of latter, as to census, etc. (Stat. L., vol. 26, p. 675.)

Further continued until August 14, 1890, by joint resolution July 30, 1890. (Stat. L., vol. 26, p. 677.)

Further continued until August 29, 1890, by joint resolution August 14, 1890. (Stat. L., vol. 26, p. 677.)

No particular service or object was mentioned or specifically provided for, although only the Military Academy, Navy, pension, and Post Office acts were approved prior to July 1, 1890.

Fifty-second Congress: The first session of this Congress extended until August 5, 1892, or 36 days beyond the fiscal year 1892.

Joint resolution June 30, 1892, continued appropriations for 1892 for 15 days. Terms used identical with those of proposed continuance of 1912 appropriations, except the last paragraph of latter as to census, etc. (Stat. L., vol. 27, p. 397.)

Further continued until July 30, 1892, by joint resolution July 15, 1892. (Stat. L., vol. 27, p. 398.)

Further continued until August 4, 1892, by joint resolution August 1, 1892. (Stat. L., vol. 27, p. 401.)

No particular service or object was mentioned or specifically provided for except the District of Columbia "and for the payment of pensions."

Fifty-third Congress: The first regular session of this Congress extended until August 28, 1894, or 50 days beyond the fiscal year 1894.

Joint resolution June 29, 1894, continued appropriations for 1894 for 30 days. Terms used identical with those of proposed continuance of 1912, except the last paragraph of latter as to census, etc. (Stat. L., vol. 28, p. 585.)

Further continued until August 14, 1894, by joint resolution July 31, 1894. (Stat. L., vol. 28, p. 587.)

Further continued until August 20, 1894, by joint resolution August 15, 1894. (Stat. L., vol. 28, p. 590.)

No particular service or object was mentioned or specifically provided for except the District of Columbia "and for the payment of pensions."

In addition to the foregoing general continuance of all appropriations a joint resolution was enacted July 9, 1894, making an indefinite appropriation "to continue until the 31st day of July, 1894, the employment of mechanics and laborers paid from the appropriation 'Increase of the Navy, construction and machinery,'" the amount so expended to be deducted from the amount finally appropriated for that purpose for 1895. (Stat. L., vol. 28, p. 587.)

The naval act for 1895 was approved July 26, 1894.

APPROPRIATION BILLS (WITH DATES OF APPROVAL) NOT FINALLY ENACTED AT FIRST REGULAR SESSIONS OF CONGRESS WHEN APPROPRIATIONS OF A PRIOR YEAR WERE CONTINUED.

Forty-fourth Congress (fiscal year 1877): Army, July 24, 1876; consular and diplomatic, August 15, 1876; Indian, August 15, 1876; legislative, etc., August 15, 1876; Military Academy, August 7, 1876; Post Office, July 12, 1876; sundry civil, July 31, 1876. (Seven in all.)

Forty-seventh Congress (fiscal year 1883): Consular and diplomatic, July 1, 1882; District of Columbia, July 1, 1882; legislative, etc., August 5, 1882; Navy, August 5, 1882; pensions, July 25, 1882; sundry civil, August 7, 1882. (Six in all.)

Forty-eighth Congress (fiscal year 1885): Army, July 5, 1884; consular and diplomatic, July 7, 1884; District of Columbia, July 5, 1884; fortification, July 5, 1884; Indian, July 4, 1884; legislative, etc., July 7, 1884; pension, July 4, 1884; Post Office, July 5, 1884; Navy, July 7, 1884; sundry civil, July 7, 1884. (Ten in all.)

Forty-ninth Congress (fiscal year 1887): District of Columbia, July 9, 1886; fortification (failed of enactment); legislative, etc., July 31, 1886; Navy, July 26, 1886; pension, July 2, 1886; sundry civil, August 4, 1886. (Six in all.)

Fiftieth Congress (fiscal year 1889): Agriculture, July 13, 1888; Army, September 22, 1888; diplomatic and consular, July 11, 1888; District of Columbia, July 18, 1888; fortification, September 22, 1888; legislative, etc., July 11, 1888; Navy, September 7, 1888; Post Office, July 24, 1888; sundry civil, October 2, 1888. (Nine in all.)

Fifty-first Congress (fiscal year 1891): Agriculture, July 14, 1890; diplomatic and consular, July 14, 1890; District of Columbia, August 6, 1890; fortification, August 18, 1890; Indian, August 19, 1890; legislative, etc., July 11, 1890; sundry civil, August 30, 1890. (Seven in all.)

Fifty-second Congress (fiscal year 1893): Agriculture, July 5, 1892; Army, July 16, 1892; diplomatic and consular, July 16, 1892; District of Columbia, July 14, 1892; fortification, July 25, 1892; Indian, July 13, 1892; legislative, etc., July 16, 1892; Military Academy, July 14, 1892; Navy, July 19, 1892; pension, July 13, 1892; sundry civil, August 5, 1892. (Twelve in all.)

Fifty-third Congress (fiscal year 1892): Agriculture, August 8, 1894; Army, August 6, 1894; diplomatic and consular, July 26, 1894; District of Columbia, August 7, 1894; fortification, August 1, 1894; Indian, August 15, 1894; legislative, etc., July 31, 1894; Military Academy, July 26, 1894; Navy, July 26, 1894; pension, July 18, 1894; Post Office, July 16, 1894; sundry civil, August 18, 1894. (Twelve in all.)

APPROPRIATION ACTS APPROVED AFTER CLOSE OF FISCAL YEARS WHEN PROVISION FOR CONTINUANCE OF APPROPRIATIONS WAS NOT MADE.

Fifty-fifth Congress (fiscal year 1899): Indian, July 1, 1898; sundry civil, July 1, 1898.

Fifty-seventh Congress (fiscal year 1903): District of Columbia, July 1, 1902; Navy, July 1, 1902.

Sixty-second Congress (fiscal year 1913). The following bills have not yet become laws: Agriculture, Army, Indian, legislative, etc., Military Academy, naval, pension, Post Office, sundry civil (nine in all).

The following have been approved: Diplomatic and consular, District of Columbia, fortification.

The Army bill, having passed both Houses, was vetoed by the President June 17, 1912.

The SPEAKER pro tempore. Is there objection to the immediate consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. FINLEY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FINLEY. Does the gentleman think it will be necessary to pass another resolution similar to this before the appropriation bills or the money bills generally are passed by Congress and sent to the President in the usual form?

Mr. FITZGERALD. Well, I have not thought about the matter at all. I have no impression——

Mr. FINLEY. The necessity for this resolution is unusual, and has the gentleman any particular views and reasons to give——

Mr. FITZGERALD. The gentleman is as familiar with the situation as I am.

Mr. FINLEY. Well, it is a political situation, is it not?

Mr. FITZGERALD. Well, I know the House passed the appropriation bills, and because of the fact that the two great national conventions were to be held in the month of June after the 15th the Senate made an agreement that no business should be transacted in the Senate between the 17th of June and the 1st of July, which was done to accommodate, apparently, members of both political parties, and had it not been for the two conventions I know of no reason that would have prevented all the appropriation bills having been acted upon prior to the termination of the last fiscal year.

Mr. FINLEY. I call attention to the fact that the Post Office bill has been in the Senate for about two months and has not been reported out of committee yet.

Mr. FITZGERALD. Of course, the gentleman realizes I am not responsible——

Mr. FINLEY. I am sure of that——

Mr. FITZGERALD (continuing). For what happens or what does not happen in the Senate.

Mr. FINLEY. I am sure of that.

Mr. FITZGERALD. But we have the situation to face. This resolution is to do what has been done under similar conditions in the past.

Mr. RODDENBERY. Reserving the right to object——

Mr. FITZGERALD. I understand it is too late for gentlemen to object or reserve the right to object. I understand consent has been given, and we are debating the resolution, but I do not think any gentleman wishes to object. It is an unusual situation.

Mr. RODDENBERY. The resolution as prepared does not provide that the abolition of positions made in the House bill shall not be covered by this provision.

Mr. FITZGERALD. It does not. The gentleman understands that the two Houses apparently are in disagreement over a great many items. If the House should propose to appropriate only in accordance with its action taken on the appropriation bill, the Senate very likely would insist on the appropriations being made in accordance with its desires, and we could do nothing.

Mr. RODDENBERY. We would like to carry out these economies in our bills but for that objection.

Mr. FITZGERALD. We hope before this session is ended to enact the appropriation bills and have as many unnecessary and useless offices abolished as possible, and have as many reductions as possible in the appropriations for the present fiscal year.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

RETURN OF SUNDRY CIVIL BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 591.

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives the bill (H. R. 25069) entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes."

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FITZGERALD. The purpose is, Mr. Speaker, to have corrected an error that was made in the enrollment of the bill.

The SPEAKER pro tempore. The question is on the passage of the resolution.

The question was taken, and the resolution was agreed to.

ENCAMPMENT AND MANEUVERS OF ORGANIZED MILITIA.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to offer the following House joint resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 332) appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

Be it resolved, etc., That the sum of $1,350,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for paying the expenses of the Organized Militia of any State or Territory or the District of Columbia which may be authorized by the Secretary of War to participate in such encampment as may be established or the field instruction of the troops of the Regular Army, as provided by section 1521 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. In the House as in the Committee of the Whole?

Mr. HAY. In the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, the resolution which I have just reported by direction of the Committee on Military Affairs is made for the reason that the Army appropriation bill, which passed both Houses, was vetoed by the President, and therefore these encampments can not be had unless this appropriation is now made.

I desire to say, however, that I do not propose to treat any other appropriation in the Army bill in this way, nor would I have been in favor of making this appropriation now had it not been for the fact that the States in good faith had prepared themselves for these maneuvers and had spent large sums in order to carry them out.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. MANN. How much does the resolution carry?

Mr. HAY. One million three hundred and fifty thousand dollars.

Mr. MANN. That does not include, I take it, the amount that was suggested by the passage of the bill for the Regular Army?

Mr. HAY. It does not.

Mr. MANN. Is not that necessary?

Mr. HAY. I think not. I think under the continuing resolution just passed the War Department can use for the purpose of these maneuvers, if it desires to do so, that part of the appropriation which provides for transportation and subsistence.

Mr. MANN. The gentleman has given careful attention to the subject. My recollection of the President's message, which was read the other day, is that it indicated that these maneuvers would require a considerable increase of expense in the Regular Army.

Mr. HAY. No. It required only the usual appropriation. The proposition of the President was that we appropriate for this purpose for the Regular Army $367,000. But the appropriation which was carried for the last fiscal year was not increased by reason of the maneuvers. For instance, the appropriation for transportation or for subsistence or for regular supplies in the Quartermaster's Department is not increased by reason of the maneuvers.

Mr. MANN. The reason I asked the question, of course, was this: The joint resolution which we just passed confines the expenditure for this month to one-twelfth of the appropriation of the last fiscal year. I did not know but that the maneuvers might require an additional expenditure in connection with the maneuvers and the other business of the Army greater than the one-twelfth.

Mr. HAY. I think not. I think that one-twelfth of the appropriation of last year, for instance, for transportation will be ample to take care of these maneuvers.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Virginia yield?

Mr. HAY. I do.

Mr. KAHN. The appropriation for last year, as carried in the bill, was for $350,000 for maneuvers?

Mr. HAY. Yes.

Mr. KAHN. And therefore this amount carried in the resolution is absolutely necessary if the maneuvers are conducted on the large scale that is contemplated?

Mr. HAY. Yes.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY, chairman of the Committee on Military Affairs, by direction of that committee, reported the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time and, together with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed. (H. Rept. 927.)

Mr. PRINCE. Mr. Speaker, I reserve all points of order against the bill.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PRINCE] reserves all points of order against the bill.

Mr. PRINCE. Mr. Speaker, I would like to ask the chairman of the Committee on Military Affairs to give us five legislative days in which to file the views of the minority.

Mr. HAY. I hope the gentleman will not insist upon that.

Mr. PRINCE. I do not want to delay the consideration of the bill at all.

Mr. HAY. I am anxious to get this bill through as soon as possible. If the gentleman asks consent to file his report within five legislative days and, notwithstanding that consent, I am allowed to bring it up at any time, I have no objection.

Mr. PRINCE. Of course, I am perfectly willing to do that.

Mr. MANN. Mr. Speaker, may I ask the gentleman if he expects to get the Army bill before the House to-morrow?

Mr. HAY. I desire to do so, and if I can agree with the gentleman I would like to pass it to-day under the suspension of the rules.

Mr. UNDERWOOD. I would like to say, if the gentleman from Virginia will yield, that this bill is the same as the bill which passed the House some time ago. Of course, in the end the differences must be agreed upon in conference. We are anxious to expedite the public business and get these supply bills out of the way. If agreeable to the gentlemen on the other side, inasmuch as the bill has already been passed by the House and does not contain those particular items on account of which the President vetoed the bill, I think it would be well in the way of expediting business to send the bill to the Senate, because, of course, the majority on this side will pass it ultimately, and let the Senate disagree and send it to conference, and then the House can act on the conference report when it comes back here. If that is agreeable to gentlemen on the other side, I think it is the wise thing to do.

Mr. MANN. Mr. Speaker, I take it that this side of the House would make no obstruction to the passage of the bill, but we voted against it when it was passed before. The gentleman could hardly expect us to vote for it in the same form that it is now presented.

Mr. HAY. We do not expect the gentleman to vote for it.

Mr. MANN. That might be required under a motion to suspend the rules.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Illinois, in the way of expediting this business and disposing of the bill, if it would be agreeable to that side of the House to give unanimous consent that it may be considered this morning and passed without debate. Of course, that can only be done by unanimous consent.

Mr. MANN. Mr. Speaker, I think there is some desire to have a little discussion of the bill. I understand that it is the purpose to go ahead with the Unanimous Consent Calendar to-day. I do not believe there will be any objection to taking the bill up to-morrow.

Mr. PRINCE. None whatever.

Mr. HAY. Under a rule?

Mr. MANN. Under a rule or under some unanimous-consent agreement. Let the gentleman from Virginia [Mr. HAY] and my colleague from Illinois [Mr. PRINCE] get together and agree upon some procedure.

Mr. HAY. Then I will make this request: That to-morrow morning, immediately after the reading of the Journal this bill be taken up, and that general debate be had upon it for one hour on a side, at the end of which time the previous question shall be considered as ordered, and a vote taken upon the final passage of the bill.

Mr. MANN. The bill to be considered in the House as in the Committee of the Whole?

Mr. HAY. Yes. General debate to be limited to two hours—one hour on a side; at the end of which time the previous question shall be considered as ordered, and the vote taken on the final passage of the bill.

Mr. MANN. We might want a ruling on some points of order on the bill.

Mr. HAY. Those points of order have been already ruled upon.

Mr. MANN. I think the gentleman would have no trouble in reaching an agreement to-morrow substantially like that suggested.

Mr. HAY. I do not see why we can not reach it now, because we can bring in a rule in exactly those terms.

Mr. MANN. Oh, certainly.

Mr. HAY. But I do not want to ask for that unless it becomes necessary.

Mr. MANN. Let the gentleman from Virginia and the gentleman from Illinois get together. I think there would be no difficulty in agreeing on the terms upon which the bill should be brought in.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Illinois and the gentleman from Virginia that the House to-day will take up for consideration the Unanimous Consent Calendar and probably run for an hour or two, and that they could go ahead and reach some agreement before adjournment to-day for taking up the military appropriation bill.

Mr. HAY. And that is what I am asking.

Mr. PRINCE. I understood the gentleman wanted to bring it up to-day.

Mr. HAY. Oh, no; I made no such proposition.

Mr. PRINCE. I am perfectly willing to bring this matter up to-morrow morning and dispose of it. We have no desire to obstruct in the slightest degree the public business, but I am inclined to think, from memory now, that there are some points of order that I may want to make—not the same points that I made before, for those have been already passed upon; but the matter will only take an hour on a side and we will expedite it as rapidly as possible.

Mr. HAY. I will say to the gentleman that all points of order were made upon the bill when it passed the House before and they were all ruled upon.

Mr. PRINCE. Possibly all of them, but there may be one or two that were not.

Mr. HAY. Under the agreement which I propose it would be impossible to get at points of order, because I propose that after the general debate the previous question shall be ordered.

Mr. CANNON. But the points of order would lie.

Mr. HAY. You can not make points of order except under the five-minute rule, as I understand it.

Mr. MANN. I would suggest to the gentleman he would have difficulty about that, because the ordering of the previous question would not prevent a point of order being made when the bill was read, and the waiving of the reading of the bill could only be done by unanimous consent or under a rule.

Mr. HAY. Of course.

Mr. MANN. And I do not think the gentleman would desire to bring in a rule to that extent, except by unanimous consent. I do not think there will be any trouble about the matter to-morrow.

Mr. HAY. Very well.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PRINCE] asks unanimous consent to have five legislative days in which to file the views of the minority on the military appropriation bill. Is there objection?

There was no objection, and it was so ordered.

DAM ACROSS WHITE RIVER, ARK.

The SPEAKER pro tempore laid before the House the bill (H. R. 20347) to authorize the Dixey Power Co. to construct a dam across White River at or near Cotter, Ark., with Senate amendments thereto.

The Senate amendments were read.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendments and ask for a conference.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees on the part of the House: Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

HON. CHAMP CLARK.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The clerk read as follows:

House resolution 592.

Resolved, That the Members of this House, regardless of politics, express their full confidence in the honor, integrity, and patriotism of the presiding officer of this House, the Hon. CHAMP CLARK.

[Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL—EXTENDING REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend in the RECORD remarks upon H. R. 25009, the sundry civil appropriation bill, in relation to the public-land offices and the receivers, upon that portion of the bill to be found on page 93, from lines 1 to 25, and on pages 94 and 95; and to insert also in the RECORD certain letters and telegrams from public-land States in relation to the office of receiver.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California to extend his remarks in the RECORD on the subject referred to?

There was no objection, and it was so ordered.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. This is the day set aside for the consideration of business on the Calendar for Unanimous Consent, and the Clerk will report the first bill.

EXCHANGE OF SCHOOL LANDS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I thought possibly the gentleman from California was going to make a request, but if he is not I shall object.

Mr. RAKER. Well, the only request to be made is that the House take up the bill and pass it.

Mr. MANN. All right, then I object.

The SPEAKER pro tempore. Objection is heard.

CONFLICT BETWEEN PLACER AND LODE LOCATORS OF PHOSPHATE LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, I had intended to ask unanimous consent that the bill should go over.

Mr. FOSTER. Certainly.

Mr. MONDELL. Mr. Speaker, I rose for the purpose of asking unanimous consent that the bill just read go over without prejudice.

The SPEAKER pro tempore. Does the gentleman from Illinois waive his objection?

Mr. FOSTER. I have no objection to that.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the bill go over without prejudice. Is there objection? [After a pause.] The Chair hears none.

SALE AND DISPOSITION OF THE SURPLUS AND UNALLOTTED LANDS IN THE STANDING ROCK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, and making appropriation and provision to carry same into effect.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, the gentleman from South Dakota [Mr. BURKE] is interested in this bill and has been suddenly called out of town, and asked that this bill might be passed over, and therefore I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered. [After a pause.] The Chair hears no objection.

REGULATION OF RADIO COMMUNICATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 6412) to regulate radio communication.

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. BARTLETT. What is the calendar number?

The SPEAKER pro tempore. The House Calendar number is 243 and the Unanimous Consent Calendar number is 262.

Mr. MANN. Mr. Speaker, that bill is not at the proper place on the calendar, and I think I can explain it. We had a House

bill on the calendar, but this bill was placed on the Unanimous Consent Calendar, and it was understood when the matter came up in the House that the Senate bill should be substituted for the House bill, and I think that was done on the calendar.

The SPEAKER pro tempore (Mr. SIMS). The House Calendar number of the bill is 243, and the number for Unanimous Consent is 262.

Mr. MANN. Mr. Speaker, I reserve the right to object——

Mr. ALEXANDER. Mr. Speaker, the bill has been read heretofore.

Mr. MANN. Does the gentleman desire to have this bill go over again for a couple of weeks?

Mr. ALEXANDER. It just depends upon the attitude of the gentleman from Illinois.

Mr. MANN. I will say to the gentleman I am trying to work somewhat on this bill, and I am not satisfied that it be passed to-day by unanimous consent.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice to the next calendar consent day.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SALE AND ENTRY OF CERTAIN LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22847) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object—I do not see the gentleman from Oklahoma [Mr. MORGAN] present.

Mr. FOSTER. Let it go over.

Mr. MANN. All right. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered. [After a pause.] The Chair hears no objection.

RENOVATED AND ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter.

The Clerk proceeded with the reading of the bill.

Mr. KINKAID of Nebraska. Mr. Speaker, the bill has already been read once. I ask unanimous consent that it be passed without prejudice.

The SPEAKER pro tempore. This bill that has just been reported?

Mr. KINKAID of Nebraska. Yes.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. BUTLER. It is understood it is passed over without prejudice?

Mr. MANN. And not as having passed the House.

Mr. BUTLER. And not having passed the House.

LANDS FOR HOMESTEAD ENTRY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22000) to subject the lands of the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LANDS IN COLVILLE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted and conveyed, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All that portion of lot 8 of section 17, township 23 north, range 26 east of the Willamette meridian, containing 47.35 acres.

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March 22, 1906, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That the said town shall not have the right to sell or convey the lands herein granted, or any parts thereof, or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object if nobody desires to be heard on it.

MEDALS OF HONOR TO CAPTAIN, OFFICERS, AND CREW OF THE CARPATHIA.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamship *Carpathia*.

Mr. MANN. The bill was read before, and I reserve the right to object.

Mr. ADAMSON. There is another resolution for a similar purpose, which has been passed by the Senate and is now on the calendar—Senate joint resolution 111. By some means, or for some reason, or without a reason—I do not know which—these bills were sent to different committees, and both committees have reported them promptly. I have conferred with the author of this House joint resolution, the gentleman from Ohio [Mr. FRANCIS], and he thinks it would expedite the completion of legislation and serve substantially the same purpose if we should consider the Senate joint resolution in lieu of this. He has requested me to ask unanimous consent, first, that we take the matter up in the House as in Committee of the Whole, and then request that the Senate joint resolution, reported by the other committee, be taken up and considered in lieu of this.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Well, that is going a good deal, to ask the House to go into Committee of the Whole when the resolution is not on the calendar.

Mr. ADAMSON. Yes; it is on the Unanimous Consent Calendar.

The SPEAKER pro tempore. Does the gentleman wish to pass it informally?

Mr. ADAMSON. Until we reach the other, and then I desire to make the request that I have indicated.

Mr. MANN. I will say to the gentleman from Georgia [Mr. ADAMSON] that one of these bills provides for the thanks of Congress and the other provides for medals to the captain of the *Carpathia* and crew, and so forth. I am not willing to pass at this time by unanimous consent both of the bills. As the gentleman who now occupies the chair by designation is the chairman of the committee that reported one of the bills, I do not wish to take any advantage of him while he is in the chair. If the gentleman wants to pass this without prejudice, it is all right; otherwise, I shall object.

Mr. ADAMSON. The object is to facilitate legislation. The author of this bill will be as well satisfied to pass the Senate bill, because he will secure legislation more quickly. My idea is that this bill should be passed without prejudice until we reach the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia [Mr. ADAMSON]?

Mr. ANTHONY. Will the gentleman answer a question?

Mr. ADAMSON. With pleasure.

Mr. ANTHONY. What does the Senate bill propose to do?

Mr. ADAMSON. It proposes to extend the thanks of Congress.

Mr. ANTHONY. But it does not decorate every member of the crew with a medal?

Mr. ADAMSON. No, I think not; although I have not analyzed that thoroughly.

Mr. MANN. The bill extends the thanks of Congress by name to the captain and to the balance of the crew by general language.

Mr. ANTHONY. I think that would be preposterous, because I think it would be impossible to decorate the entire crew.

Mr. LONGWORTH. Do the thanks of Congress carry with them the right or privilege to the floor of Congress?

Mr. ADAMSON. I so understand.

Mr. MANN. What is the request of the gentleman?

The SPEAKER pro tempore. That the bill be laid over informally until the Senate bill is reached. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AMERICAN REGISTER FOR THE STEAMER "OCEANA."

The next business on the Calendar for Unanimous Consent was the bill (S. 5207) to provide an American register for the steamer *Oceana*.

The bill was read.

Mr. PADGETT. Mr. Speaker, that bill has been read heretofore.

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GREENE] objects.

OBSERVANCE OF MEMORIAL DAY.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 321) relative to observance of Memorial Day.

The House joint resolution was read.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. I object.

Mr. BARTLETT. Mr. Speaker, I call the attention of the gentleman from Illinois [Mr. MANN] to the fact that the same resolution is over on page 40, No. 278.

Mr. MANN. It was stricken from the calendar at this place, and ought to have gone off the calendar here.

Mr. BARTLETT. It is on page 40 of the calendar here.

Mr. MANN. It was stricken from its place on the calendar, and it appears here by an error of the Clerk.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. Mr. Speaker, the gentleman from Illinois [Mr. MANN] has just stated that it is through an error on the part of the calendar clerk that the bill appears at this place. He says that it was stricken from the calendar on last unanimous consent day and that it appears——

Mr. BARTLETT. And that it appears in another place——

Mr. GARNER. And that it appears in another place, after it was stricken from the calendar.

Mr. MANN. It was stricken from the calendar on the last unanimous consent day, and placed on the calendar the same day. The Clerk in making up the calendar placed it in both places.

The SPEAKER pro tempore. The Clerk informs the Chair that that is correct. It is an error that it appears in its present place on the calendar. Without objection, it will be stricken from the calendar——

Mr. BARTLETT. At this place——

The SPEAKER pro tempore. At this place.

There was no objection.

RIGHT OF WAY FOR ELECTRIC RAILROAD ACROSS VANCOUVER MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted to the Washington-Oregon Corporation, a corporation organized under the law of the State of Washington, under the conditions and restrictions in this act contained, the right to extend, maintain, and operate its electric railway across the Vancouver Military Reservation, in the county of Clarke, in the State of Washington, with the right to construct, maintain, and operate telegraph, telephone, and electric-power transmission lines, the said grant to remain in force during the pleasure of Congress.

SEC. 2. That the works herein authorized shall be constructed upon such location as may be fixed by the Secretary of War, and in such manner, of such character, and with such spurs, switches, and crossings as he may prescribe; and said works shall be maintained and operated subject to such rules and regulations as the Secretary of War or the commander at the said post may from time to time prescribe: *Provided*, That before beginning construction the said corporation shall furnish a bond to the satisfaction of the Secretary of War, conditioned for the completion of the said railroad and other works mentioned herein across said reservation within one year from the approval of said bond by the Secretary of War.

SEC. 3. That any other person or corporation having a franchise for the operation of a street railway in the city of Vancouver, in the State of Washington, including any electric railway as may have authority to do a suburban and interurban business, may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation upon paying just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided*, That if said right of way is located over any land which the public is using, or may hereafter use, as a public highway, the uses herein authorized shall not exclude such public use: *And provided further*, That the said corporation shall surface the said roadway for a width of 24 feet alongside and exclusive of the said railway tracks for the entire distance occupied by said tracks within the reservation, with crushed rock of suitable size, the said roadway to be properly oiled and rolled, and shall maintain the same, including the space between the tracks, at all times in good condition for vehicle traffic; shall keep the said track or roadway within the reservation limits properly lighted by satisfactory electric light without expense to the United States; and shall construct and maintain a suitable drainage ditch along said track.

SEC. 4. That if any portion of the said reservation occupied by the works herein authorized shall cease to be used for some one of the purposes aforesaid, the same shall revert to the United States; and the said corporation, its successors or assigns, shall thereupon restore the premises to good condition, as required by the post commander.

SEC. 5. That the said corporation may be required at all times to improve and maintain its tracks and the spaces between them in good condition for traffic in conformity with the streets or public roadway over which they are laid.

SEC. 6. That the Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, the bill grants to the Washington-Oregon Corporation the right for an electric railroad across a military reservation. There seems to be no report from the War Department shown in the report of the House committee on the bill. I sent and got the report of the Senate committee on the bill, and there is no information contained in that at all. I suggest to the gentleman from Washington [Mr. WARBURTON] that we are entitled to have a report from the War Department. The House report says that the War Department has made a thorough investigation of the subject matter of the bill and has recommended to the Committee on Military Affairs the granting of a franchise instead of the grant recommended. We are entitled to have that report, if a report has been made.

Mr. WARBURTON. Mr. Speaker, this bill had been drawn as a matter of fact and submitted to the War Department before it was introduced by Senator JONES in the Senate. It was referred to the War Department and a favorable report made upon it. I can not explain why the report is not here, but a report was made before the committee when it had this bill up for consideration.

Mr. MANN. The committee did have a report from the War Department on this bill when it recommended favorable action on the bill?

Mr. WARBURTON. It did.

Mr. MANN. Then I shall not object. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

AMERICAN REGISTRY FOR THE STEAMER "DAMARA."

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22907) to provide American registry for the steamer *Damara*.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, this bill has been read heretofore, and, in the absence of my colleague, Mr. POST, who is in the hospital, I ask unanimous consent that this bill go over.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GREENE] asks unanimous consent that this bill go over to the next Unanimous Consent Calendar day. Is there objection?

Mr. MANN. It is to be passed over without prejudice?

Mr. GREENE of Massachusetts. Yes; to be passed over without prejudice.

The SPEAKER pro tempore. Without objection, that will be done.

There was no objection.

PATENT TO ENTRYMEN FOR HOMESTEADS UPON RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I think this bill was read before. I will ask unanimous consent that the bill be passed over without prejudice, in the absence of a number of gentlemen.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bill S. 5445 be passed over without prejudice. Is there objection?

There was no objection.

AMERICAN HOSPITAL OF PARIS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6380) to incorporate the American Hospital of Paris.

The Clerk read the bill, as follows:

Be it enacted, etc., That John H. Harjes, John J. Hoff, H. H. Harjes, Henry Cachard, S. F. B. Biddle, W. S. Dalliba, Dr. Edmund L. Gros,

Leopold Huffer, Dr. A. J. Magnin, Frank H. Mason, J. Pierpont Morgan, F. W. Sharon, H. A. van Bergen, Dr. Crosby Whitman, and such persons as shall or may hereafter associate with them and in such manner and upon such terms as shall be specified in the by-laws of this corporation, are hereby ordained, constituted, and declared a body corporate in fact and in name in the District of Columbia, by the name and style of the American Hospital of Paris.

SEC. 2. That the said corporation is authorized to take by purchase, gift, grant, devise, and bequest, and to hold, mortgage, lease, transfer, and convey, for the purposes of the said corporation, any real and personal property in the United States of America and in France as may be deemed necessary for the wants or development of the corporation of any of them.

SEC. 3. That it shall be the design and purpose of said corporation to establish, maintain, and conduct in the city of Paris, Republic of France, or in its vicinity, a hospital to furnish, gratuitously or otherwise, medical and surgical aid and care to the citizens of the United States of America, and it shall be lawful for the said corporation to demand and receive a reasonable compensation for such care, sustenance, professional treatment, and other services; and all moneys so received shall be applied to the uses and benefits of the said corporation.

SEC. 4. That the direction and management of the affairs of the said corporation shall be vested in a board of governors composed of not less than 12 nor more than 20 members. The principal office of the corporation shall be located in the District of Columbia, but offices may be maintained and the meetings of the board of governors and committees hold elsewhere.

SEC. 5. That the following persons shall, until the first annual election, be held to constitute the first board of governors: John H. Harjes, John J. Hoff, H. H. Harjes, Henry Cachard, S. F. B. Biddle, W. S. Dallibe, Dr. Edmund L. Gros, L. Huffer, Dr. A. J. Magnin, Frank H. Mason, J. Pierpont Morgan, F. W. Sharon, H. A. van Bergen, and Dr. Crosby Whitman. In case any of the above-named persons shall decline to serve or be ineligible, the vacancy or vacancies may be filled by the remaining governors, and any governor shall be eligible for reelection.

SEC. 6. That as soon as practicable after the passage of this act the said board shall organize and shall, by ballot, elect from the members of the board a president, a vice president, a secretary, and a treasurer, who shall hold their respective offices until the annual meeting in the year 1913. At such meeting for organization the said board shall by lot divide into three classes of equal numbers. The term of office of the first class shall continue until the annual meeting in the year 1914; that of the second class until the annual meeting in the year 1915; and that of the third class until the annual meeting in the year 1916. At the expiration of the term of each class as aforesaid, an equal number of governors shall be elected by said corporation at its annual meeting to fill the same, who shall hold office for the term of three years then next ensuing or until their successors shall be chosen. And at each succeeding annual election thereafter an equal number of members of said board of governors shall be so elected for said term to fill the class then becoming vacant as aforesaid.

SEC. 7. That the said board of governors shall have power to conduct and manage all the business and concerns of the said corporation; to fill, until the next annual election thereafter, any vacancy in the board occasioned by death, resignation, or otherwise; and to appoint such attending and resident physicians and surgeons, agents, assistants, and attendants as may be necessary; to fix their compensation, and to discharge them; to make such by-laws as may be necessary and proper and not contrary to law relative to elections and meetings, the qualifications and duties of governors and officers, the admission and qualifications of members, the management and disposition of the estate, business, and concerns of the said corporation, and to alter or to amend the same.

SEC. 8. That five governors shall be a quorum for the transaction of all business, except the sale or alienation of any of the real or personal estate of the said corporation, or the leasing of any real estate thereof for a longer term than one year, for which purposes or any of them the consent of a majority of the said board shall be necessary.

SEC. 9. That the property, real and personal, of said corporation shall be exempt from taxation.

SEC. 10. That this act shall be subject to alterations, amendment, or repeal.

SEC. 11. That this act shall take effect immediately.

The SPEAKER pro tempore. Is there objection?

Mr. BARTLETT. Mr. Speaker, I reserve the right to object, and in doing so I will say I have no objection to the purposes for which it is indicated that this incorporation is sought. I may not be familiar with the fundamental law of this land, but I do not now recall, nor do I believe that anyone here can suggest, any provision of the Constitution of the United States under which authority can be exercised to incorporate this proposed body corporate.

Mr. MANN. It is done in similar cases in the District of Columbia.

Mr. BARTLETT. I am aware of the fact that the District of Columbia has a law by which corporations of this kind can be incorporated. But Congress having provided by law in the District Code and by acts of Congress the means by which all corporations that desire to be incorporated under the law may do so, I do not see how an incorporation of this kind can be authorized.

The bill provides that the principal office of the corporation shall be located in the District of Columbia, but that offices may be maintained and the meetings of the board of governors and committees held elsewhere. This is a bill to incorporate the "American Hospital of Paris," and under section 3 it is provided that it shall be the design and purpose of said corporation to establish, maintain, and conduct in the city of Paris, Republic of France, or in its vicinity, a hospital to furnish, gratuitously or otherwise, medical and surgical aid and care to the citizens of the United States of America. And further—

and it shall be lawful for the said corporation to demand and receive a reasonable compensation for such care, sustenance, professional treatment, and other services; and all moneys so received shall be applied to the uses and benefits of the said corporation.

Mr. Speaker, when bills of this character have been before the House on previous occasions, when I have been present, I have been opposed to their passage, and have voted against them, even in the case of the incorporation of the Red Cross Society, or extending its incorporation, which is an institution that commends itself to everybody. I have always called attention to the fact that Congress, in my judgment, has not the power under the Constitution to create these charters, and I so believe with reference to this. I shall not go over the ground and call attention again to the adjudications of the court, commencing with the case of McCulloch v. Maryland and other decisions which I might quote, but in all the cases, even in modern cases, no suggestion has ever been made that Congress had the power or authority to incorporate corporations except those to carry out and perform some governmental function, as in the case of the United States Bank, or to incorporate a railroad engaged in interstate commerce and traversing the public lands of the United States, which were to be sold and the value of them increased thereby and to open up the land, or, as in the bridge case, to span navigable rivers and thereby aid interstate commerce. The courts have never yet, and I apprehend never will, say that Congress exercising its sovereign power has inherent authority to incorporate any sort of corporation, and I call attention to this bill which seeks to incorporate a corporation for the establishment of a hospital to be located in Paris and for certain business and charitable purposes. I have never thought that Congress had the power to enact this sort of law and pass this kind of a bill.

But this particular bill, Mr. Speaker, has some objections to which attention ought to be called, some defects, in my judgment. In the first place, we do not put any limitation upon the life of the corporation. We do reserve the right to amend or repeal the law, but it is unlimited so far as its life is concerned, except hereafter when it is sought to amend or repeal it.

There is no limitation as to the amount of property, either real estate or personalty, that the corporation may hold, whether it come by gift, purchase, or otherwise. They are authorized in the second section to take by purchase, gift, grant, devise, and bequest, and to hold, mortgage, lease, transfer, and convey for the purposes of said corporation. So that we have here an alleged purpose to incorporate an institution for relieving the sick and injured and to render service free, and also service that must be paid for and for which charges are to be made, and also seek to grant power to a corporation which is unlimited as to time and as to the amount of property that it may own, giving it the power to engage in a business of loaning, leasing, and mortgaging, of creating debts and taking mortgages. I suggest to the gentleman from New York [Mr. HARRISON] that there ought to be something in this bill that limits its duration and limits the amount of property that the institution may own.

I need not recall the history of corporations incorporated under the guise of religious corporations, charitable and other eleemosynary institutions, which have gathered great amounts of property. I do not mean that this is in the present day, but the English history shows it, and we ought to be careful in this day when by the very terms of this bill we exempt from taxation all the property that this corporation may acquire by purchase, gift, grant, devise, and bequest, and all the loans that it may create and secure by mortgages, as well as the property in which they may in any wise be interested, whether for an alleged charitable purpose, or purposes beneficial to humanity, in the maintaining of a hospital in Paris. We ought to be slow to pass unnoticed a bill of this character, granting all of these powers, making no limitation as to the duration of the corporation and no limitation as to the amount of property it may own or upon the question of taxation. For instance, they may have an office in Georgia, my own State, or in Illinois, or anywhere else. They may own property in the State of Georgia, in California, or in Illinois, unlimited as to amount, any sort of property, engage in any sort of business, and not a dollar's worth of taxation shall be paid to the State of Georgia or the State of Illinois or any other State in this Union.

Mr. HILL. Mr. Speaker, I would like to ask the gentleman if in his opinion this exemption would go so far as to make it impossible for a State or municipality to tax this institution?

Mr. BARTLETT. It will not, and for the reason that Congress has not the power to incorporate this institution.

Mr. HILL. That is what I thought. Then it is only an exemption from Federal taxation.

Mr. BARTLETT. I do not think so. I will answer the gentleman as best I can and I think to his satisfaction. If Congress has the power to incorporate this corporation, and to exempt it from taxation, the Constitution of the United States and the laws passed in pursuance thereof, and the treaties of the United States being the supreme law of the land, would prevent a State from taxing unless the bill contained a provision subjecting the institution to the power of the State to tax. The gentleman will recall that a case in point is that of McCullough against The United States Bank. There the question was raised that the State could not tax the shares of the United States Bank, because it was a United States corporation, and for the first time in the history of this country the question was raised whether Congress had the constitutional power to incorporate a bank. It was raised upon the question of whether Maryland could enforce its tax laws against the United States bank, situated in Maryland. The Supreme Court, in order to prevent the State of Maryland from enforcing its tax execution against the United States bank, decided that Congress had the power to incorporate a United States bank, and, therefore, Maryland had no right to tax it. So the question is answered, I hope to the gentleman's satisfaction.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. CANNON. Mr. Speaker, section 3 allows this corporation to charge a reasonable price for its services.

Mr. BARTLETT. Yes.

Mr. CANNON. Section 9 provides that the property, real and personal, of said corporation shall be exempt from taxation.

Mr. BARTLETT. Yes.

Mr. CANNON. Section 2 provides that the corporation is authorized to take by purchase, gift, grant, devise, and bequest, and to hold, mortgage, lease, transfer, and convey real and personal property, and so forth, as may be deemed necessary for the wants or development of the corporation. Would not the gentleman's objections be removed if the bill were so amended as to eliminate section 9, which exempts the corporation from taxation?

Mr. BARTLETT. In a measure, yes; but not all of them. That would help. I think there ought to be some sort of provision limiting the life of the corporation and limiting the amount of property that it may hold. So far as I am concerned, I might be content to let a thing pass that I did not think Congress could put any life into by passing it.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. LONGWORTH. I do not know whether the gentleman has distinguished between this and the American Academy at Rome, and, as I recall, the American Archeological Institute in Athens.

Mr. BARTLETT. I did not draw any distinction between those. I remember now that I did not vote for either one of those propositions.

Mr. LONGWORTH. I was only inquiring to know whether the gentleman based his objection generally to Congress authorizing the corporation to do business abroad.

Mr. BARTLETT. I stated to the House, and it is a reiteration of the things I have frequently said, that I did not believe that Congress had the constitutional power to authorize such a corporation as this.

Mr. LONGWORTH. But the Congress has passed those two bills, as I say, and I did not know whether the gentleman had referred to them.

Mr. BARTLETT. Congress has sometimes done things which were afterwards declared to be void.

Mr. MANN. Will the gentleman yield?

Mr. BARTLETT. Yes; I have about finished.

Mr. MANN. The gentleman does not doubt, I take it, the authority of Congress to incorporate this company as a District corporation here if its work is to be confined in the District?

Mr. BARTLETT. No; doubtless it could; but I stated, having passed a law which required all these corporations to be established in a certain way in that case until it was repealed, that is the law.

Mr. MANN. That does not go to the question of power.

Mr. BARTLETT. Oh, no.

Mr. MANN. That goes to the question of propriety.

Mr. BARTLETT. Of method; yes.

Mr. MANN. Now, if we have the power to incorporate this company to transact business in the District of Columbia, have we not the same power to incorporate it to transact business in some other places as a District corporation? For instance, here is a State, one that is very much in the eye of the people just at present, which has extremely liberal corporation laws, called "the mother of trusts."

Mr. BARTLETT. Yes.

Mr. MANN. And a large share of the corporations that have been incorporated under the laws of that State have been intended not for purposes of transacting business in the State, but for the purpose of transacting business out of the State, and I believe no one questioned the power of the State to do that.

Mr. BARTLETT. No.

Mr. MANN. Although a good many have questioned the propriety.

Mr. BARTLETT. Yes; and whenever they have attempted to do business in a State other than that of their creation against the laws of that State the Supreme Court has upheld the laws of that State and sent them out.

Mr. MANN. Of course, they have no right to go into other States except under the laws of that State, nor can we confer——

Mr. BARTLETT. Exactly.

Mr. MANN (continuing). Any power upon those corporations—although that is suggested by the report, I regret to say—which would not be given by the French law, as far as Paris is concerned. The report in this case seems to indicate this company would have much more liberal concessions or powers granted to it in Paris if it were incorporated by the United States than would be the case if it were incorporated under the French law.

Mr. BARTLETT. On account of international comity.

Mr. MANN. That they might treat them better, and whoever drew the report seems to have based his statement upon the opinion of somebody else who did not know.

Mr. BARTLETT. Now, Mr. Speaker, I have thus given my views about the bill, and I say I dislike very much to stand in the way of what purports to be philanthropic and charitable purposes; but I dislike more to have those purposes used, as I fear they may be used and have been used, to enact laws which do not meet my approval and which have no authority in the fundamental law of our land to be enacted. I may be very lonesome in occupying that position. It may be that I have outlived all that, but still those are my convictions, and I have got too far advanced in years to change them before I die. Therefore I make these suggestions, and my friend can answer them. I still reserve the right to object.

Mr. HARRISON of New York. Mr. Speaker, does the gentleman from Connecticut desire to ask a question or to be heard?

Mr. HILL. To be heard.

The SPEAKER pro tempore. Does the Chair understand the gentleman from Georgia objects?

Mr. BARTLETT. I reserve the right to object, if I may be permitted to do so.

Mr. HARRISON of New York. Mr. Speaker, I have listened with very great attention to the learned argument of the gentleman from Georgia [Mr. BARTLETT] as to the constitutional power of Congress to grant charters for purposes of the kind indicated in this bill, and I think that nobody can differ from him in the conclusion he reaches as to the United States charters, but this bill, as was pointed out by the gentleman from Illinois [Mr. MANN], proposes merely to give a charter in the District of Columbia. But the gentleman from Georgia then proceeds to question our power to execute the provisions of this charter in a foreign country. We do not contend that we have any power because of a charter in the District of Columbia which we can force upon the people of France or of any other country without treaty provisions to that effect, but there can be no question whatever that a charter granted by our Congress to a hospital situated in Paris would receive consideration both from the Government of France and in the courts of France far greater than if it were incorporated in any other way. International comity would give this charter of the District of Columbia a standing in France at least equal to the standing which we in New York give to the French hospital in New York, which is incorporated under the French laws and of which French citizens are the directors and which takes care of French people in the city of New York. I feel certain that the Republic of France would give equal recognition such as the State of New York gives to the French corporation incorporated for the same purposes and operating in the same manner in which our corporation would operate in France.

The real reason why it was necessary to come and ask for a charter here was because the American Hospital of Paris, which is now in operation and performing services, the value of which can not be overestimated, was forced to be incorporated under an act known as the "Religious Disabilities Act," in France, by the terms of which the hospital is prohibited from receiving a sum by devise or bequest greater than 500 francs. Now, there are already a very large number of thousands of dollars promised to the American Hospital of Paris as soon as it is legally able to receive these sums, either by gift or by bequest, and I feel confident that there will be a great deal more money forthcoming if this hospital can legally receive the sums as they accrue. Now, under this charter those sums of money could be received by this hospital and could be administered by the directors for the purposes specified in the face of the bill.

I can not quite agree with the gentleman from Georgia [Mr. BARTLETT] as to the inadvisability of passing the bill in its present form, because even though we have not limited the life of the corporation nor limited the amount they may receive by devise or bequest, we have specifically stated in section 10 that this act shall be subject to alteration, amendment, or repeal, a fact which, of course, is inherent in any act of Congress, at any rate.

But I would suggest to the gentleman from Georgia [Mr. BARTLETT]—and I know on unanimous-consent day, even though I were able to prevail over him in the argument, he would still have the power to put the bill off the calendar—I suggest to him that if these gentlemen who are named as directors in this bill or any of their successors should conduct themselves unbecomingly to the dignity of the charter, or should they depart from the eleemosynary character of the charter, Congress could step in at once and repeal the charter or amend it in any way that seemed suitable. I trust the gentleman from Georgia——

Mr. LONGWORTH. Will the gentleman yield for information? Is the property of the French hospital in New York owned by the French Government?

Mr. HARRISON of New York. It is a corporation incorporated under the laws of France.

Mr. LONGWORTH. Is that corporation taxable?

Mr. HARRISON of New York. I do not know whether it is or not.

Mr. LONGWORTH. It does seem that property could not be exempt from taxation in the State of New York.

Mr. HARRISON of New York. Our policy is to exempt eleemosynary institutions.

Mr. LONGWORTH. Whether owned by this country or otherwise?

Mr. BARTLETT. Is it the policy of the State of New York to tax property owned by eleemosynary or other institutions of that character when the income is not used for the purposes of the institution? In other words, an office building owned by it would not be exempt?

Mr. HARRISON of New York. I think it is only the property that is used for eleemosynary purposes.

Mr. BARTLETT. We have the same law in Georgia, for instance, that exempts churches from taxation as well as the property of the Masonic orders, but we do not exempt that property which is rented out for stores and which produce revenue, and I did not think New York did that.

Mr. HARRISON of New York. The gentleman is correct in his opinion. So far as I am concerned, if it would satisfy the gentleman from Georgia and he would let the bill receive consideration, I would consent, so far as I am able to do so, to strike out section 9, which exempts the property from taxation. This property will be in France, anyway, and we can not exempt property in France from taxation.

Mr. MANN. Why does the gentleman say the property will be in France?

Mr. HARRISON of New York. I judge it will be. It is not defined by the bill, but probably it will be.

Mr. MANN. Is it not more profitable to invest money in this country than in France?

Mr. HARRISON of New York. I think for the purpose of a hospital a bequest would more likely be made in securities which could be handled by the directors over there in Paris.

Mr. LONGWORTH. But would not the location of that property be in the District of Columbia?

Mr. MANN. I think it would be more profitable to invest the money in the District of Columbia, where it would not be taxed, than it would be to invest it in France, where the rate of interest is lower and the taxes would run against it.

Mr. HARRISON of New York. My only purpose in making the suggestion was to overcome the objection of the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. Does not the gentleman think that in granting these franchises we ought to put in a time limit and also a limit on the amount of property to be acquired?

Mr. HARRISON of New York. I should think that would be of very doubtful value. We can put that amendment to the act at any time we wish or we can repeal it entirely.

Mr. MANN. Of course; but the other day we increased the limit of property which a corporation in Italy might acquire from a million dollars to a million and a half dollars.

Mr. LONGWORTH. That was the National Academy at Rome, was it not?

Mr. MANN. Yes.

Mr. LONGWORTH. Has that a fixed period of charter?

Mr. MANN. I am not sure about that, but I understand it has a fixed amount. Usually these acts of incorporation do carry a 99-year provision, or something of that sort, to which there could be no valid objection.

Mr. HARRISON of New York. There could be no objection whatever to such a provision in this bill.

Mr. MANN. Could not the gentleman ascertain the amount of property which would be perfectly agreeable to the gentlemen who desire to incorporate this as a maximum limit?

Mr. HARRISON of New York. I think I can state on my own responsibility that the sum of $250,000 would be reasonable for their buildings.

Mr. MANN. I think the total limit would be more than that, I will say to the gentleman.

Mr. HARRISON of New York. And I will add that they have promises of sums of money aggregating $50,000 or $60,000 at the present time.

Mr. MANN. Have they not already acquired considerable property?

Mr. HARRISON of New York. Just the hospital buildings and grounds. I can not state the exact value.

Mr. MANN. Suppose we make it a million dollars and strike out section 9?

Mr. HARRISON of New York. Would the gentleman from Georgia [Mr. BARTLETT] be satisfied with that amendment?

Mr. MANN. It might not remove his objection to the bill, but it might remove his objection to the consideration of the bill.

Mr. BURKE of Pennsylvania. If the gentleman will permit, if we should strike out section 9, which relates to the official residence of this institution, would that not render liable to taxation all the personal property that the institution owns or holds in the United States?

Mr. HARRISON of New York. I think the gentleman from Ohio [Mr. LONGWORTH] correctly pointed that out. I think that is the fact.

Mr. BURKE of Pennsylvania. Under section 2 the corporation has the option of owning or holding property, real or personal, either in France or in the United States. Now, presuming it exercises its functions to the extent of holding a majority of it in the United States, technically it would be holding and owning it within the limits of the District of Columbia, and if you strike from the bill the section waiving taxation, so far as that is concerned, what is the consequence? Is the property taxable or not taxable? I should say it was taxable.

Mr. MANN. Certainly it would be.

Mr. BURKE of Pennsylvania. Then is it the purpose of this House to render it subject to taxation? If so, you strike out section 9. If not, you leave in section 9.

Mr. MANN. Suppose they buy an office building. Why should they not pay taxes on it?

Mr. BURKE of Pennsylvania. That is not for me to answer.

Mr. MANN. They do not expect to use that office building for eleemosynary purposes.

Mr. BURKE of Pennsylvania. These holdings are to be held in the United States. What part of the United States? In the home office of the corporation, perhaps to the amount of half a million dollars. Now, they are either subject or not subject to taxation. That question is to be answered by the specific provisions of this bill. If there is not a specific provision absolving them from taxation, the burden falls on this institution. If there is a provision absolving them, they will be relieved. Do you wish to relieve them or not relieve them of that burden?

Mr. HARRISON of New York. I think that all property that is used for eleemosynary purposes should be exempted from taxation. I understand that is the principle that prevails in most of the States.

Mr. LONGWORTH. Suppose they acquired an office building in the city of New York, for instance. There is no question but that that would be taxable in the city of New York, because it is used as an investment. It is not used directly for the purposes of the charity.

Mr. BARTLETT. We have the right to charter these people, and we have got the right to say that they shall not be taxed anywhere, because the supreme lawmaking body of the land is the Congress of the United States, exercising the power within its jurisdiction.

Mr. MANN. Mr. Speaker, I ask unanimous consent that this bill may be temporarily passed over until the gentlemen can agree upon something.

The SPEAKER pro tempore. Is there objection?

Mr. BARTLETT. I am perfectly willing that the bill should be passed over without prejudice.

The SPEAKER pro tempore. Does the gentleman from Georgia object to the request of the gentleman from Illinois?

Mr. BARTLETT. I ask that it be passed over without prejudice. I do not want to have to remain here all day.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I withdraw my request.

The SPEAKER pro tempore. The gentleman from Georgia asks that the bill be passed over without prejudice.

Mr. HILL. Mr. Speaker, will the gentleman withhold his request for a moment?

Mr. BARTLETT. I will.

Mr. HILL. I am heartily in favor of the passage of the bill in some form and hope that no action will be taken which will prevent it during this session of Congress, because I think it is an institution that is greatly needed and ought to be encouraged. And yet there is a feature of the bill which I think should be changed and which, if the request of the gentleman from Illinois [Mr. MANN] could be complied with, might be changed, so that it would have a reasonable certainty of passing at this session of Congress.

I am in favor of the proposition made by the gentleman from Illinois [Mr. CANNON], that section 9 should either be stricken out or modified.

In the State of Connecticut we have had a great deal of trouble in years gone by with such bills as this, especially with charitable associations which have been incorporated. At first they were authorized to hold property and have it free from taxation, until we were forced in that State to put in a provision that the exemption from taxation should apply only to such property as was actually used and occupied by the association for its own purposes. In other words, they were not permitted, as the gentleman from Illinois has suggested, to buy an office building in the District of Columbia or the city of New York and occupy one room in it or a portion of it and rent out the rest for profit, and thereby enable them to sustain the institution on the free basis from the gain on real estate held for purposes of profit, thus depriving the State of what would otherwise be taxable property. I do not think this should be done in this case. I do not believe that it is right and proper that this Congress should give to any institution, I do not care how good the purpose may be, the right to hold an unlimited amount of property free from taxation.

I have a very distinct recollection of a very large bank in the city of New York to-day that a great many years ago received a charter, I think, as a water-power company and is now doing a banking business under that charter. This language is broad enough to enable almost any character of business to be carried on under the terms of this act, anything which is necessary for the "wants or the development of the institution," giving them the power to have entire exemption from taxation whether the institution itself personally uses or occupies the property or not, and I think that that is unfair and unjust. I would go further than the gentleman from Illinois. I would not deem it necessary to strike out section 9 entirely, although, of course, that would strike at the root of the whole evil, but it certainly ought to be amended to provide that only so much of the property as is actually occupied for the hospital institution for its own purposes may be free from taxation.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HILL. Certainly.

Mr. MANN. As the property which is to be actually occupied for hospital purposes is in a foreign land——

Mr. HILL. Not all of it.

Mr. MANN. I understand all of it.

Mr. HILL. Oh, no. It has an office in the District of Columbia.

Mr. MANN. It may have an office here, but it will have no hospital here.

Mr. HILL. No; but it could hold real estate here for its own purpose.

Mr. MANN. Oh, it could invest in real estate here, but it has no use for real estate here so far as its eleemosynary side is concerned.

Mr. HILL. No; but the headquarters and the office of the association must be in the United States, and I think the question is rather a fine one. I think the wise thing would be to strike out section 9. As I understand it, the gentleman who proposes the bill is entirely willing to strike out that section. I hope that the bill may be passed with that section eliminated.

Mr. BARTLETT. Mr. Speaker, I desire to withdraw my request that I made to pass the bill without prejudice at this time, and say just a word more and then I shall be through.

The SPEAKER pro tempore. Does the gentleman wish the bill to be considered at this time?

Mr. BARTLETT. No; I do not ask to have it passed without prejudice. I still reserve my objection and ask unanimous consent to proceed for a minute or two.

The SPEAKER pro tempore. The gentleman from Georgia withdraws his request and reserves his right to object.

Mr. BARTLETT. Mr. Speaker, I have made a suggestion to the gentleman from New York to strike out section 9 to limit the life of the institution and to limit the amount of property that it may hold. Under those circumstances I do not think I shall object to the bill being considered, but of course I would not promise to vote for it even then. I could not, under my view of the power of Congress. I stated that Congress did not have any power to create such a corporation, and I have here an authority, a very influential authority, which I wish to cite upon that proposition. It is an opinion delivered by Chief Justice Marshall in the case of Osborn against United States Bank.

Mr. MANN. He used to be considered a pretty good authority.

Mr. BARTLETT. He is still a good authority when we come to determine the law. There is, however, nothing that is good authority as against the clamor of the demagogue and the mob, sometimes. Of course, I do not mean to say that my friend is a demagogue, but no doubt he understands the reference.

Mr. YOUNG of Michigan. Nobody misunderstands the gentleman, and nobody is offended.

Mr. BARTLETT. In this case of Osborn against the bank, Ninth Wheaton, the court reviewed the case of McCulloch against Maryland, and I read from the opinion of Chief Justice Marshall:

> Is that law unconstitutional? This point was argued with great ability and decided by this court, after mature and deliberate consideration, in the case of McCulloch v. State of Maryland. A revision of that opinion has been requested, and many considerations combine to induce a review of it. The foundation of the argument in favor of the right of a State to tax the bank is laid in the supposed character of that institution. The argument supposes the corporation to have been originated for the management of an individual concern, to be founded upon contract between individuals, having private trade and private profit for its great end and principal object. If these premises were true, the conclusion drawn from them would be inevitable. This mere private corporation, engaged in its own business, with its own views, would certainly be subject to the taxing power of the State as any individual would be; and the casual circumstance of its being employed by the Government in the transaction of its fiscal affairs would no more exempt its private business from the operation of that power than it would exempt the private business of any individual employed in the same manner. But the premises are not true; the bank is not considered as a private corporation whose principal object is individual trade and individual profit, but as a public corporation, created for public and national purposes. That the mere business of banking is, in its own nature, a private business and may be carried on by individuals or companies having no political connection with the Government is admitted, but the bank is not such an individual or company. It was not created for its own sake or for private purposes. It has never been supposed that Congress could create such a corporation. The whole opinion of the court in the case of McCulloch v. State of Maryland is founded on and sustained by the idea that the bank is an instrument which is "necessary and proper for carrying into effect the powers vested in the Government of the United States."

And so I might go on, and I repeat that following that decision where the original one was reaffirmed and a distinction clearly marked that no private concern created for private purposes, having no connection with the United States, not discharging a public function or public duties, either a fiscal agent of the Government to issue bills, money for the benefit of the people at the instance of the Government in the way pointed out by that act, following the decisions in the national bank cases reaffirming the same doctrine, all these cases have never gotten away from the doctrine laid down that a mere private corporation for eleemosynary purposes or private profit can not be incorporated by Congress. I have thus, for the first time having seen this bill, thought proper, as I did on one other occasion, to call attention to these matters, because I do not think we have the power to extend to this corporation or any other corporation engaged in a private business, owning property, to be exempt from taxation; and if this bill, if I am correct, is passed, it is not worth anything to the incorporators so far as those objects are concerned.

I can not exactly bring myself to the position, because I believe as I do and because that is my position, to say that I will not permit the bill to be considered. I do not think I am called upon to do that; it is not dangerous enough to anybody's interest or the public interest to stand alone in the way of having it considered. If it is passed, if my views are correct, it can do nobody any harm, because the courts will take care of that, and if I am wrong about it, it may do a great deal of good. However, I do not think I am wrong, but I am willing to have it considered. I shall not vote for it, however.

Mr. HARRISON of New York. Mr. Speaker, I understand the gentleman from Georgia does not object.

Mr. BARTLETT. If certain amendments are offered.

Mr. HARRISON of New York. Mr. Speaker, I ask unanimous consent for the consideration of the bill.

Mr. BARTLETT. I have no objection to the unanimous consent.

Mr. HARRISON of New York. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 9 and insert in lieu thereof the following:

"SEC. 9. That this charter shall continue for a term of 50 years: *Provided*, That at no time shall this corporation hold real estate except for the necessary use of offices and hospital purposes of this hospital."

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. HARRISON of New York. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman, Ought not the gentleman to say instead of "this corporation" and "this hospital" "said corporation" and "said hospital"?

Mr. HARRISON of New York. Mr. Speaker, I ask unanimous consent that the word "said" be substituted for the word "this" at those two places.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. May I ask the gentleman further, Is there to be an amendment limiting the amount of property which the corporation can acquire?

Mr. BARTLETT. I thought this did it. It states "real estate."

Mr. MANN. As I understand the amendment, it limited real estate to the property actually used for hospital purposes, but it seems to me there ought to be a limitation in the amount of property which the corporation could acquire.

Mr. BARTLETT. I think so, too.

Mr. MANN. That could be added.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend section 2 by adding at the end of it:

Provided, That the total value of the property owned at any one time by said corporation shall not exceed $1,000,000.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 7, after the word "then," insert the following:

"*Provided*, That the total value of the property owned at any one time by the said corporation shall not exceed $1,000,000."

Mr. HILL. Mr. Speaker, I wish the gentleman from Illinois would increase the amount. As I understand, this property will be donated by benevolent citizens.

Mr. MANN. I asked the gentleman from New York how much he wished should be the limit, and he said $200,000 would be an extreme limit.

Mr. HARRISON of New York. That is for the real estate. I did not mean personal property.

Mr. MANN. I have no objection to an increase in the amount.

Mr. HILL. If the gentleman will stop to think for a moment, in all probability it would not bring a revenue out of which it owned of over 3 per cent——

Mr. MANN. I say, I have no objection.

Mr. HILL. I move to amend by making it $5,000,000, as long as we are going to do it.

SEVERAL MEMBERS. Oh, no.

Mr. BARTLETT. Not over $2,000,000.

Mr. HILL. Well, I move to amend it by making it $2,000,000. I want to see the United States creditably represented in this institution at Paris. If people are willing to give their money to this purpose I think they ought to be allowed to do it.

The question was taken, and the amendment to the amendment was agreed to.

The question was taken, and the amendment as amended was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HARRISON of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 331. Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies.

WASHINGTON-OREGON CORPORATION.

The SPEAKER pro tempore. A while ago we passed the bill S. 4663 that had been read on a previous day. The attention of the Chair was not called to the fact that there were some House amendments to the bill and that they were not agreed to.

Mr. MANN. I ask unanimous consent to reconsider the vote by which the bill was passed.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to reconsider the vote by which the bill was passed. Is there objection?

There was no objection.

Mr. MANN. And also reconsider the vote by which we passed the bill to the third reading.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "the right" and insert in lieu thereof "a revocable license," so that it will read:

"Under the conditions and restrictions in this act contained, a revocable license."

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 2, line 2, strike out the word "grant" and insert in lieu thereof the word "license."

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 2, lines 2 and 3, strike out the words "during the pleasure of Congress" and insert in lieu thereof "at the discretion of the Secretary of War."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the amended bill.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PATENTS TO SEMINOLE ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I think the gentleman who is especially interested in this is engaged on other important work over in Baltimore, and I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

GRANTING LANDS TO YUMA, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz.

The bill was read, as follows:

Be it enacted, etc., That the following-described tracts of lands be, and the same are hereby, granted to the town of Yuma, a municipal corporation of Yuma County, Ariz., and its successors, for public purposes as herein limited and defined, to wit:

Tract No. 1: That portion of the tract of land lying and being within the exterior boundaries of section 35, township 16 south, range 22 east, San Bernardino meridian, in Arizona, and known as the United States military reservation, or the quartermaster's of said United States military reservation, and on the west boundary line of block No. 4, of said town of Yuma, according to White's survey thereof, which is 208.71 feet south from the left and south bank of the Colorado River, and running thence west 150 feet; thence north to the left and south bank of the Colorado River; thence along the left and south bank of the said river to a point due north of the place of beginning; and thence south to said commencement point, and containing, approximately, 1 acre; together with a perpetual easement and right of way over, across, through, and under a strip of land 40 feet in width on the east side of said United States military reservation, and adjoining the west side of said block No. 4, for a roadway and conduit way to and from said last-described and granted tract of land: *Provided*, That the said town of Yuma shall pay all expenses of an official survey and platting of the tracts to be so patented.

SEC. 2. That no part of said described and granted tracts of land shall be sold or conveyed by said town to any person or corporation whatsoever for private use, but shall be held in perpetuity by said town and its successors for public purposes: *Provided, however*, That said town and its successors may convey any portion or portions thereof to the State of Arizona, or any of its county, municipal, educational, or military corporations or organizations for actual public use, and such conveyances may be made by the proper officers of said town or its successor upon and by the resolution of its governing body, notwithstanding any law of said State describing the manner in which municipalities shall convey real property.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first amendment.

The Clerk read as follows:

Amend, page 2, line 12, by inserting after the word "thence" the word "south."

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Amend, page 3, lines 6 and 7, by striking out the words "two hundred and eight and seventy-one one-hundredths" and insert in lieu thereof the words "one hundred and fifty."

The amendment was agreed to.

The Clerk reported the following amendment:

Amend, page 3, line 17, by adding after the word "land" the following proviso:

"*Provided*, That the said town of Yuma shall pay all expenses of an official survey and platting of the tracts to be so patented."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS IN MONTANA FOR PARK PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the town of Ronan, Mont., under such terms, conditions, and regulations as he may prescribe, not to exceed 20 acres of unallotted tribal land within the Flathead Indian Reservation, at not less than its appraised price; said lands to be used by the town of Ronan for school, park, or other public purposes: *Provided*, That the net proceeds received from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the Flathead Indians and draw interest at the rate now provided by law, and may thereafter be used for the benefit of said Indians.

The SPEAKER pro tempore. Is there objection?

Mr. PRAY. That bill, Mr. Speaker, is on the Union Calendar. I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection? [After a pause.] Without objection, that will be done.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PRAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SPEAKER PRO TEMPORE.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent to offer for immediate passage an important resolution, which I have sent to the Clerk's desk.

The SPEAKER pro tempore (Mr. PAGE). The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 593.

Resolved, That Hon. JOSHUA W. ALEXANDER, a Representative from the State of Missouri, be, and hereby is, elected Speaker pro tempore during the temporary absence of the Speaker.

Resolved, That the Clerk of the House be directed to notify the Senate that the House has elected Hon. JOSHUA W. ALEXANDER, a Representative from the State of Missouri, as Speaker pro tempore during the temporary absence of the Speaker.

Resolved, That the Clerk be instructed to inform the President of the election of Hon. JOSHUA W. ALEXANDER, a Representative from the State of Missouri, as Speaker pro tempore of the House of Representatives during the temporary absence of the Speaker.

Mr. BARTLETT. Mr. Speaker, the resolution which we passed this morning has to be signed by the Speaker. The Speaker is not in the city. He has designated Mr. ALEXANDER as the Speaker for the day. The person designated is not authorized to sign the joint resolution, and it becomes necessary that some one should properly be selected, and I therefore ask that the resolution just read be passed.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

Mr. ALEXANDER resumed the chair as Speaker pro tempore.

Mr. BURKE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Pennsylvania will state it. But first the Chair will request the gentleman from Pennsylvania to suspend a moment.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker pro tempore signed the same:

H. J. Res. 331. House joint resolution extending appropriations for the necessary operations of the Government under certain contingencies.

Mr. BURKE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURKE of Pennsylvania. Has the joint resolution been signed? If it has, I shall not put the question. My intention was to put the question before the resolution was signed.

The SPEAKER pro tempore. The resolution has been signed.

Mr. CANNON. Regular order.

DAMS ACROSS DUCK RIVER, HICKMAN COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn.

The Clerk read the bill, as follows:

Be it enacted, etc., That Carl J. Kiefer and Laurent Lowenberg, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate two dams across Duck River, in Hickman County, State of Tennessee, at points suitable to the interests of navigation, one about 5 miles east of Centerville, near mouth of Swan Creek, and the other about 4 miles east of first dam, near mouth of Willeys Branch, in the State of Tennessee, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, I want to reserve the right to object. I would like to ask the chairman of the Committee on Interstate and Foreign Commerce if he is willing to let these six bills go over without prejudice to the next unanimous-consent day? I notice that there are six here of the same kind.

Mr. ADAMSON. So far as I am personally concerned, Mr. Speaker, I have no interest in the bills, but they represent enterprises all over the country the promoters of which would like to know what their status is, and if Congress should finish its work and adjourn before the next unanimous-consent day they would lose time in starting their work.

Mr. MANN. Will the gentleman from Georgia permit an interruption?

Mr. ADAMSON. Certainly.

Mr. MANN. I call the gentleman's attention to the fact that as to several of these bills—five of them, anyhow—the bills are not correctly printed as reported by the committee. It seems to me that the gentleman had better accept the suggestion of my colleague, Mr. FOSTER, and in the meantime have the bills corrected, so as to show the amendments recommended by the gentleman's committee.

Mr. ADAMSON. Mr. Speaker, I confess to having been away, for providential causes, and I have not circumstantially examined the text of the bills, and I am not prepared to deny the statement of my friend from Illinois [Mr. MANN]. He is doubtless correct, as he generally is, in his statements. As I said before, I personally have no objection to the request of the gentleman from Illinois [Mr. FOSTER]. I do not know, however, what the authors of the several bills will say. The gentleman from Tennessee [Mr. PADGETT] is here, and if he is willing I will consent that this bill go over.

Mr. PADGETT. Mr. Speaker, I would ask the gentleman not to object to the consideration of this bill. It is very much desired to get it passed at the present session of Congress. I personally know that the river is not navigable, and this is being done out of abundant precaution, to get the consent of Congress. It does not or can not in any way interfere with navigation to construct a dam across this river. There are times at a point where you could not run a canoe down the river without getting out and dragging it over the shoals, and it is desired to get this legislation enacted, so that the parties can begin the construction of the dam in order to supply electric

power to enterprises which are desired to be inaugurated in that vicinity. I beseech the gentleman not to object to the consideration of the bill.

Mr. FOSTER. Mr. Speaker, I have no desire at this time to object to some of these bills. I would say that I have some serious objection as against a part of them. I want to be perfectly frank with the House and say that the gentleman from Mississippi [Mr. HUMPHREYS] was unavoidably called home on account of the serious illness of his brother. I know that two weeks ago he talked to me about these bills, and I know that we have some ideas about them which we would like to take up when they are considered. He has introduced a bill in the House, and I think Senator BURTON has in the Senate, in reference to granting rights to build dams across navigable rivers. For these reasons I suggest to the gentleman from Tennessee [Mr. PADGETT] that this bill, with the others, be permitted to go over until next unanimous-consent day.

Mr. PADGETT. Mr. Speaker, I realize that I am powerless to do otherwise. If the gentleman intends to insist upon his objection, there is nothing else that I can do except to consent that they go over, and yet I wish to appeal to the gentleman that in the urgency of this matter and the absolute lack of navigability in the river he will not insist on his objection.

Mr. MANN. Mr. Speaker, does the gentleman from Tennessee think that is a fair observation? It is not the fault of my colleague from Illinois [Mr. FOSTER] that there is this urgency about the bill. Why was not the bill introduced before?

Mr. PADGETT. It has been pending for some time.

Mr. MANN. It was introduced May 6, 1912; less than two months ago.

Mr. PADGETT. Yes.

Mr. MANN. If gentlemen expect that they can get bills passed by Congress by sticking a penny in the slot, then they have another think coming. Of course I am not referring to the gentleman from Tennessee, but to others who are outside of Congress.

Mr. ADAMSON. Mr. Speaker, I remind my friend, the distinguished gentleman from Tennessee, that all of these bills involve the same question, which is the line of cleavage between the two sides of advocacy in the House and in the Senate. If one of them goes over, I think all of them ought to go over together. I further remind gentlemen that since this bill and all of these bills have been introduced there has been no negligence on the part of the committee.

Mr. PADGETT. None whatever.

Mr. ADAMSON. We have been thrashing out the subject at the places where discussion and reasoning were necessary in order, if possible, to reconcile all differences between them and bring them into the House in shape to pass them.

Mr. PADGETT. Mr. Speaker, in view of the statements made and the attitude upon the matter, I consent to the request of the gentleman from Illinois that they be passed over.

Mr. MANN. Mr. Speaker, will the gentleman from Georgia yield?

Mr. ADAMSON. Yes; with the statement that I desire the same course to be pursued with respect to all of them.

Mr. FOSTER. All six of them.

Mr. ADAMSON. Because the same question that will determine one applies equally to all.

Mr. COOPER. Does that consent of the gentleman from Tennessee preclude the making of objection when the bills come before the House again?

Mr. MANN. Oh, not at all.

Mr. ADAMSON. No.

Mr. MANN. Mr. Speaker, I notice that in all of these bills the committee has adopted a new phraseology, giving the consent of Congress for the construction of dams when authorized by the laws of the State. Just what is the reason for making this change from the accredited form used in the past?

Mr. ADAMSON. Mr. Speaker, I will state to the gentleman that I have been observing the discussions of the question and the reasoning of the Waterways Commission and the letters of the Secretary of War, and the line of cleavage between the two classes of advocates seems to be whether or not Congress will undertake at this time to govern the relations between the company and its patrons in each State or whether it will wait and see if the States will properly adjust those things. Therefore it was suggested, inasmuch as the Waterways Commission had suggested that for the present the question be left for the States to determine, that we adhere to our long-time policy of leaving that without the assumption on the part of the Government of regulating the rates of charge to be made by those water-power companies. As to the language respecting the consent, if the gentleman from Illinois will look at the different bills he will see that the use of those words was adopted in some bills and not in others, because the language and the grammar came along more euphoniously.

Mr. MANN. I see it was adopted in all of them.

Mr. ADAMSON. Oh, I do not think in all. I do not think that is material, anyway.

Mr. MANN. I ask whether it is the assumption of the committee that when we give power to a corporation to construct a dam across a navigable stream, unless you put in there that it shall only be done when authorized by the laws of the State, they have authority to do it, regardless of the laws of the State?

Mr. ADAMSON. Oh, no.

Mr. MANN. I have always assumed that when Congress gave power to construct a dam or bridge across a navigable stream it was essential for the corporation organized to have that power under the laws of the State to do that thing, because all that we gave is the consent to obstruct a navigable water.

Mr. ADAMSON. The gentleman is entirely correct about that, but I will call attention to the further fact, which perhaps operated to induce the insertion of this language "when authorized by the State," that it is being insisted right now on one bill sent to conference this morning, and insisted by others, I understand in conversations with me, that we put in these bills a provision directly reserving the power to fix the rates, or a provision in the alternative that if the State fails to do it, then the Secretary of War may do it. Recognizing the position assumed by the gentleman from Illinois, which he has always occupied, and correctly so, that the State has the right and power and that it is its duty to regulate these things, we say, "when authorized by the State," and my recollection is that in one or two of the bills in which the language is not used it is recited that the grantee has already been authorized by the State to construct a dam.

Mr. MANN. If the gentleman will yield, I have always contended and do now that when Congress gives its consent to place an obstruction in or over a navigable water, it has the right to make terms for the granting of the consent, and that as one of the terms it has the power to retain the right to regulate charges—not to take that right away from the State, but exercising it within the limitation of the granting of the consent. So that Congress could say that the power should not cost more than so much to the consumers or otherwise. I do not understand, however, that that question is involved here, but if it is, then I am opposed to the amendment saying that Congress has no power when it grants consent to obstruct a navigable stream by a dam or bridge to impose conditions.

Mr. ADAMSON. Mr. Speaker, if the gentleman from Illinois will examine the language of the reports——

Mr. MANN. I have read them all through.

Mr. ADAMSON. He will see that we have in each case met his last suggestion by saying that in each bill as well as in the general dam act itself Congress reserves the right to amend, alter, and repeal at any time.

Nobody questions the power of Congress in granting its consent to fix any terms it chooses, but we insisted under the general dam act, in the framing of which the gentleman from Illinois had large part, it is provided that the Secretary of War and the Chief of Engineers may impose all proper conditions which it is proper for Congress to impose. Now, I have nothing further to say.

The SPEAKER pro tempore. The request of the gentleman from Illinois is that this bill go over without prejudice.

Mr. ADAMSON. That all these bills take the same course; I want all to go together if one goes.

Mr. MANN. That would be down to and including H. R. 24028?

The SPEAKER pro tempore. The request is also applied to the following bills:

H. R. 24197. A bill to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn.;

H. R. 23284. A bill to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill.;

H. R. 24067. A bill providing for the construction, erection, maintenance, and operation of a dam across the Osage River, in Miller County, Mo., for the purposes of improving navigation and the development of water power;

H. R. 23571. A bill authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River, in Anderson County, State of Tennessee;

H. R. 24196. A bill to authorize the construction of a dam across the Kootenai River, in the State of Montana; and

H. R. 24028. A bill authorizing and permitting the Tennessee Hydro Electric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee.

Is there objection? [After a pause.] The Chair hears none.

TERMS OF DISTRICT COURT, WESTERN DISTRICT OF MICHIGAN.

The next business on the Calendar for Unanimous Consent was the bill (S. 5935) to fix the terms of the district court for the western district of Michigan.

The Clerk read as follows:

Be it enacted, etc., That the term of the district court for the western district of Michigan for the southern division shall be held at Grand Rapids, commencing on the first Tuesdays in March, June, October, and December; and for the northern division at Marquette, commencing on the second Tuesdays of April and September; and at Sault Ste. Marie, commencing on the second Tuesdays in January and July.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DODDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

SETTLEMENT OF ACCOUNTS DUE FOR BUILDING CORBETT TUNNEL, SHOSHONE IRRIGATION PROJECT.

The next business on the Calendar for Unanimous Consent was the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and determine the several amounts remaining unpaid on account of labor and material performed and furnished in the construction of the Corbett Tunnel, in the State of Wyoming, and to pay the same out of the reclamation fund to the persons to whom such several amounts may be found to be justly due.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object—I withdraw my objection.

Mr. FINLEY. Mr. Speaker, reserving the right to object, how old are these claims? When were they contracted?

Mr. MONDELL. Mr. Speaker, the claims are for labor and material furnished.

Mr. FINLEY. Furnished when?

Mr. MONDELL. For building the Corbett Tunnel.

Mr. FINLEY. How long since?

Mr. MONDELL. And the amendment proposed by the committee simply gives those having these claims the right to sue against the bond of the contractor.

Mr. FINLEY. That is the amendment reported by the committee?

Mr. MONDELL. That is the amendment proposed; it gives the parties the right to sue.

Mr. FINLEY. When were these claims contracted?

Mr. MONDELL. During the building of the tunnel, some three years ago.

Mr. FINLEY. It is no claim against the Government of the United States?

Mr. MONDELL. No.

Mr. FINLEY. I withdraw my objection.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That all persons having supplied labor or materials for the prosecution of the work of constructing the Corbett Tunnel, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States, and their assigns and legal representatives, are hereby given the full rights and remedies awarded to persons supplying labor and materials in the prosecution of public works, as set forth in the act of August 13, 1894, entitled 'An act for the protection of persons furnishing materials and labor for the construction of public works,' to the same force, extent, and effect as if the act had not been amended, modified, or repealed, with full right of action in the name of the United States for his or their use and benefit against any contractor or contractors and their sureties, upon any bond or bonds furnished to the United States under any such contract: *Provided*, That no action prosecuted under this act shall involve the United States in any expense."

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore (Mr. SIMS). Is there objection to the request? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read as follows: "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project."

On motion of Mr. RAKER, Mr. LAFFERTY, and Mr. MONDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. ARTHUR HENRY ROSTRON.

The next business on the Calendar for Unanimous Consent was a joint resolution (H. Res. 306) to provide for the award of medals of honor to the captain, officers, and crew of the Cunard steamer *Carpathia*.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, was the House resolution read? How does the House resolution get up now?

The SPEAKER pro tempore. The Chair is informed the House resolution was read heretofore and passed without prejudice.

Mr. ADAMSON. The author of the House resolution desires to move to lay that on the table in order to clear the way to pass the Senate resolution which follows.

Mr. FRANCIS. I desire to do that so as to have speedy action. The resolutions are practically the same, except the House resolution is somewhat broader. I ask that the House resolution be laid on the table, and I ask that the Senate resolution be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the request just stated? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. What is the request?

The SPEAKER pro tempore. That the House resolution be laid on the table and that Senate joint resolution 111 be considered in lieu thereof.

Mr. MANN. The Senate resolution is now on the calendar and has not yet been reported, I think.

The SPEAKER pro tempore. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 111) to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia* of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean.

Resolved, etc., That the thanks of Congress be, and the same are hereby, presented to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia* of the Cunard Line, for promptly going to the relief of the steamship *Titanic* and heroically saving the lives of 704 people who had been shipwrecked in the North Atlantic Ocean.

SEC. 2. That the President of the United States is hereby authorized and requested to cause to be made and presented to Capt. Rostron a suitable gold medal appropriately inscribed, which shall express the high estimation in which Congress holds the service of this officer, to whose promptness and vigilance was due the rescue of 374 women and children and 330 men.

SEC. 3. That the sum of $1,000, or so much thereof as may be necessary for the purchase or manufacture of said medal, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand from the gentleman from Ohio [Mr. FRANCIS] who introduced House joint resolution 306, which has just been laid on the table, that he is perfectly satisfied now to pass the Senate joint resolution.

Mr. FRANCIS. That is the idea.

Mr. MANN. Mr. Speaker, I shall not object to the consideration of this joint resolution although the Senate resolution proposes to grant the thanks of Congress to Capt. Rostron and the crew of the *Carpathia*. The House bill proposes to strike medals for all of them. There has been a good deal of praise for the captain and crew, to which I suppose they are entitled. To my mind there is nothing extraordinarily meritorious in going to the succor of the *Titanic*, but the action of Capt. Rostron is great in comparison with the action of Mr. Ismay, and I would like to put another kind of a medal on him.

Mr. MONDELL. Leather?

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

MEMORIAL DAY.

The next business on the Calendar for Unanimous Consent was joint resolution (H. J. Res. 321) relative to observance of Memorial Day.

The resolution was read, as follows:

Resolved, etc., That as a tribute to the memory of those who fought and those who died in defense of their country, the flags on all Government reservations and property shall be lowered to half-mast between 12 o'clock noon and 12 o'clock and 5 minutes post meridian on each Memorial Day hereafter, and that wherever practicable bugles shall sound taps, bells shall be tolled, and a salute of 13 guns shall be fired.

Mr. FRENCH. Mr. Speaker, in harmony with the agreement arranged between the gentlemen who objected to the consideration of the resolution the last time it was considered and others

who are interested in the resolution, I have a couple of amendments that I desire to propose, and I will state the object of the amendments, that all may understand. The first is in line 8, to amend by striking out the last comma and inserting the word "and," and the second to amend by striking out everything in line 9 following the word "tolled" and all of line 10. I send the amendments to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amend, line 8, by striking out the last comma and inserting the word "and."

And amend lines 9 and 10 by striking out all after the word "tolled" in line 9.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the resolution was passed was laid on the table.

TENNESSEE SCHOOL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18719) to authorize the State of Tennessee to sell school lands for educational purposes.

The bill was read, as follows:

Be it enacted, etc., That the State of Tennessee be, and is hereby, authorized, through its legislature, to pass such laws as may be necessary and expedient for the sale, lease, or other disposition of school lands in said State, to the end that the money arising from said sale or lease of lands may be applied to the education of the children of the county wherein said lands are located, and also to provide for the preservation of said fund and the use of the same devoted to the education of the children.

SEC. 2. That any acts of the Legislature of Tennessee authorizing the sale of such lands as have heretofore been passed and not inconsistent with the provisions of this act are hereby ratified and confirmed so far as the assent of the United States to the same may be necessary to the confirmation thereof.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, it seemed to me, upon examining this bill, that it was in the main for the benefit of a lumber company down there.

Mr. MOON of Tennessee. How is that?

Mr. MANN. It seemed to me, on the examination of this bill and report, that the main beneficiary is a lumber company down there.

Mr. MOON of Tennessee. What makes you think that?

Mr. MANN. Reading the report is what made me think it.

Mr. MOON of Tennessee. The report ought to show, as the facts are, that the bill is offered at the request of the superintendent of public instruction. I do not know whether a lumber company proposes to bid on this lumber, but that is immaterial.

Mr. MANN. There is an agreement already to sell this timberland to a lumber company down there, I think, probably for less than the value of it.

Mr. MOON of Tennessee. I do not know. Is the gentleman speaking from the report?

Mr. MANN. Yes.

Mr. MOON of Tennessee. I do not think that means anything more than a statement of the value of the land.

Mr. MONDELL. Will the gentleman from Illinois [Mr. MANN] yield to me in order that I may ask the gentleman from Tennessee a question?

Mr. MANN. I will.

Mr. MONDELL. How has the State of Tennessee been disposing of its school lands heretofore?

Mr. MOON of Tennessee. By sales. It has been all disposed of years and years ago nearly, and there is very little left in the State now.

Mr. MONDELL. How does this legislation come to be necessary at this late day when from the report there are only a section or two of lands left?

Mr. MOON of Tennessee. I take it that it becomes necessary because the superintendent of the county is of the opinion that this act of ratification by Congress is necessary.

Mr. MANN. I can give the gentleman that information. That is not the reason, if the gentleman from Tennessee will pardon me.

Mr. MOON of Tennessee. What does the gentleman from Illinois mean?

Mr. MANN. I just want to state the reason why they are asking this legislation from Congress which the gentleman momentarily has probably forgotten. These are two sections of timberland on which nobody resides. No one resides in the township. It is all timberland or vacant land in the township. Under the law under which these lands were granted to Tennessee they can only be disposed of by the request of the people living in the township, either by vote or otherwise. As no one lives in the township, it seems to be impossible.

Mr. MOON of Tennessee. The gentleman from Illinois, when he interrupted me, prevented me from saying that while that land may not be occupied, the people of the county and the superintendent of instruction in that county desired this action to be taken.

Mr. MANN. Undoubtedly. Now, here the Government granted land for the benefit of schools in a township. Why should we sell it for the benefit of schools somewhere else? Supposing some time this township should become inhabited——

Mr. MOON of Tennessee. Does the gentleman know anything about that township? He seems to know a good deal about this measure.

Mr. MANN. Yes; I do.

Mr. MOON of Tennessee. What do you know about it?

Mr. MANN. I know what is in the report. It is now timbered land. They want to cut the timber off; and wherever they cut the timber off anywhere in this country somebody gets on the land for some purpose.

Mr. MOON of Tennessee. Does the gentleman think that that land ought to remain there without being of any benefit to the State or the institutions of education in the State or in the county, lying back in the mountains where there probably will not be an inhabitant in the next hundred years?

Mr. MANN. Well, I should hope that there would be an inhabitant there within that length of time. But I do not believe that the Government should compel the State of Tennessee to keep a lot of ripe timber which could not be used in any way.

Mr. MOON of Tennessee. This act does not compel a sale.

Mr. MANN. I say I do not believe the Government ought to compel them to keep ripe timber which will not increase in value.

Mr. MOON of Tennessee. I take it that this property perhaps would realize as much to the school fund of the State now as it ever will at any time. I imagine that it is not of any great value except for the timber.

Mr. MANN. They agree to sell it at $10 an acre.

Mr. MOON of Tennessee. That is about twice what it is worth ordinarily. It would be a pretty good sale ordinarily.

Mr. MANN. Well, I should think that there is no timber company down there that would pay twice what it was worth.

Mr. MOON of Tennessee. Well, there might not be any down there, but sometimes there come some from Illinois that do not know any better, and they might pay it. [Laughter.]

Mr. MANN. That may be. We are very often taken in when we go to Tennessee. [Laughter.] We have spent a good deal of money in Tennessee and got back very little for it.

Mr. MOON of Tennessee. You have got this: You have got a better State and a better people to live among than you had before. [Laughter.]

Mr. MANN. Oh, not many people have gone down there to live. They have bought timber and invested their money otherwise. Generally I think they have done well when they bought timberland.

Mr. MOON of Tennessee. Coming down seriously to the question, I think it very hard to beat an Illinois man on a trade. [Laughter.]

Mr. MANN. We are buying down there in that section of country timberland to make it into an Appalachian forest, and that is better land than this, based either on acreage or on timber.

Mr. MOON of Tennessee. If the gentleman is serious about it, and he knows more about it than I do—and it is in my district, and I have been there—if he thinks it worth more than this, let him suggest a higher price. I do not care whether a lumber company in Illinois buys it or a lumber company anywhere else. In the interest of education, the people think it ought to be sold, and that is the only interest I have in it.

Mr. MANN. So far as education is concerned, we have given a section of land for the benefit of one township to help build schoolhouses. The people of another township want to get the property away from them.

Mr. MOON of Tennessee. No; the people of the county.

Mr. MANN. Well, the people of the county. They are not entitled to it under the theory of the law under which it was granted to them at all. This is making it a pure present to the people of the county.

Mr. MOON of Tennessee. The bill leaves that to the legislature, does it not?

Mr. MANN. That does not make any difference.

Mr. MOON of Tennessee. I think it does. I think the legislature of the State ought to be permitted to settle that question. I do not think the Congress of the United States is interested in

that proposition. These lands have been practically disposed of, and here is a section of the State that is not inhabited and Congress is giving the power to the legislature to do what is wise in that matter. Why it should be prohibited from taking such action for its benefit is hard for me to see.

Mr. MANN. Congress did prohibit it in the beginning—the very thing that this bill seeks to allow to be done.

Mr. MOON of Tennessee. If Congress had not done that, we would not be here. The lands are all disposed of except a few sections.

Mr. MANN. I suspect a large share of it has been wasted. It has been so in other places, if not in Tennessee.

Mr. MOON of Tennessee. That may be, but we are not legislating here now in the light of what has been done heretofore.

Mr. MANN. Oh, yes, we are.

Mr. MOON of Tennessee. The gentleman may be right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

Mr. FOSTER. Mr. Speaker, there are amendments to the bill.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read the first committee amendment, as follows:

Amend, page 1, by striking out all of lines 6 and 7 and inserting in lieu thereof the following: "of school lands in said State to the end that the money arising from the lease of said lands and the interest derived from the proceeds of the sale thereof may be applied to."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 2, by striking out lines 2 and 3 and the word "children," in line 4, and inserting in lieu thereof the following: "are located, and also to provide for the preservation of the proceeds of the sale of said lands in a permanent school fund, the interest of which only shall be devoted to the education of the children."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote whereby the bill was passed was laid on the table.

STORM-DRAINAGE SYSTEM OF HOT SPRINGS, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24669) authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing the storm-drainage system, as well as the sanitary-sewer system, of the city of Hot Springs, abutting the Hot Springs Reservation, Ark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., and to prepare plans and estimate of the cost of increasing the present storm-drainage system, as well as the present sanitary-sewer system, of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The sum of $10,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to cover all expenses incident to the work herein authorized, to be expended under the direction of the Secretary of the Interior.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MIGRATORY GAME BIRDS OF UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 36) to protect migratory game birds of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That all wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game birds which, in their northern and southern migrations, pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided for.

SEC. 2. That the Department of Agriculture is hereby authorized to adopt suitable regulations to give effect to the previous section by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country within which said closed seasons it shall not be lawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law, and by declaring penalties by fine or imprisonment, or both, for violations of such regulations.

SEC. 3. That the Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption to cause same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to effect or interfere with the local laws of the States and Territories for the protection of game localized within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to have some one give some reason why this extraordinary legislation should be passed. Ultimately I expect to object. As far as I am concerned, however, I will be very glad to hear of any reason why such legislation should pass now or at any other time.

Mr. WEEKS. Mr. Speaker, I should be very glad to furnish the gentleman with, I think, ample reasons why the legislation should pass, but if his announced intention of objecting to the bill in any event is going to be carried out, I do not care to take the time of the House to offer the substantial reasons which I think do exist.

Mr. MONDELL. One slight objection to the bill which might perhaps be urged, although I suppose it would not have much weight just at this time, is that it is unconstitutional. I do not know that that would be an objection that would have any considerable weight with some people in these days.

Mr. WEEKS. Mr. Speaker, that is simply the assertion of the gentleman from Wyoming, and even as good a lawyer as he may be mistaken.

Mr. MONDELL. Mr. Speaker, the gentleman from Wyoming is not a lawyer, but the gentleman from Wyoming assumes that the Supreme Court of the United States is the court of last resort in questions of this character. The Supreme Court of the United States has said that the States are sovereign in control of game within their borders. The court said that years ago in the case of Grear against Connecticut, and more recently in the case of Ward against Racehorse. The matter is pretty well settled, it seems to me.

Mr. WEEKS. Mr. Speaker, the case which the gentleman cites of Grear against Connecticut is an argument in favor of this bill. If he had read the decision in the case carefully, he would have come to the conclusion—if he is basing his objection upon that—that this legislation ought to pass.

Mr. MONDELL. The case of Ward against Racehorse is a little more clearly in point. That is very clear, and it is quite recent.

Mr. WEEKS. Let me add this word, that no one contends that the General Government can in any way regulate the killing of birds of any character which are not migratory, but as to birds which pass from one section of the country to another, which are at times in the far North and at other times in the far South, they are the property of all of the people of the country and should be protected by the General Government under its police powers or under the general welfare clause of the Constitution.

Mr. MONDELL. It may be, Mr. Speaker, that game in Massachusetts is so well behaved and so fixed in its habits that it never passes beyond State lines. The game we have in our country, I think, is not well enough informed with regard to State boundaries to know when they cross it. I do not think our elk are so informed or our deer or antelope. Of course, it is possible that when game go across the State boundary they cease to be game and become a part of interstate commerce, which seems to be the gentleman's argument. But how does the gentleman propose to prove that these birds are not residents of the State—by affidavit of the creatures? The gentleman refers to the police powers of the General Government. I was not aware that the National Government could exercise police powers within the borders of a State. We have heard some very extraordinary suggestions with regard to the general welfare clause of the Constitution, but this is the first time I have heard it suggested that it authorized the National Government to assume control over game birds within a State.

Mr. WEEKS. Mr. Speaker, the confusion of the gentleman is indicated by his calling elk and deer migratory birds. We are attempting to treat of birds of the air that fly from one section of the country to the other.

Mr. MONDELL. Mr. Speaker, if the gentleman from Massachusetts had listened carefully to the gentleman from Wyoming, he would know that the gentleman from Wyoming did not refer to elk and deer as birds, but as game, and that he also referred to birds as game. According to the philosophy of the gentleman from Massachusetts, game, if it is migratory, ceases to be game and becomes interstate commerce, or something of that sort. Do I understand him that game is of two sorts—State and interstate?

Of course, the fact that this would require an innumerable Federal army along all of the watercourses and around all of the ponds and sloughs of all of the States, and would probably result in a considerable portion of the population of most of the States being haled before Federal courts to answer the charge of killing ducks at a time when a Federal understrapper said they should not be killed, is a matter of no consequence in the view of some gentlemen and should have no weight with us in the consideration of the bill. The bill proposes to place migratory birds within the custody and under the protection of the United States; that would of necessity demand the presence of Federal officials wherever the birds fly and wherever they light, in order that they might protect them, and if there were any of them killed contrary to the regulations issued, that those killing them might be haled before a Federal grand jury and indicted and tried in the Federal court; but little interferences of that kind with the rights of the citizens within the sovereign Commonwealths of the Union I suppose are not at all important in the opinion of the gentlemen who favor this bill.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COOPER. The gentleman seems to apprehend that if this were enacted into law there would be too many Federal officials. The gentleman recalls, does he not, that when the Lacey bill was up, which sought to prevent the shipment outside of a State of game killed within its borders, under certain penalties, that identical argument was made to defeat that legislation—namely, that an excess of Federal officials would at once be created, that the people of the State would be harassed to death because of the intense desire of the National Government to prevent the extermination of certain kinds of birds. Is the gentleman aware of the fact that there has been no complaint of any excess of Government officials? Has the gentleman found anywhere that these prophecies have come true?

Mr. MONDELL. The gentleman from Wyoming did not object to the Lacey bill.

Mr. COOPER. No; but other gentlemen were just as apprehensive that the same sort of legislation would have the effect which he now imagines this would have.

Mr. MONDELL. I do not think that proves anything; but does the gentleman imagine that if the taking of geese and brant and ducks in the State of Wisconsin is made punishable by a Federal law, it will not be necessary to have Federal officials in the great State of Wisconsin, with its splendid streams and beautiful lakes, to see that the law is enforced?

Mr. COOPER. Yes; and I have no doubt, although I have not consulted them, that the people of the State of Wisconsin would willingly endure the comparatively trivial burden of having a few officials there to prevent the extermination of the game. I can recall the time when the wild pigeons flew by the millions, and the heavens were darkened by them. Yet I read recently of the reward of a thousand dollars being offered for anyone who would furnish a male wild pigeon. There is a female wild pigeon in captivity in the zoological garden in Cincinnati, but they have been practically exterminated, and so it will be with these other migratory birds, which the gentleman from Massachusetts by this legislation seeks to preserve. I hope the gentleman from Wyoming will withdraw his objection?

Mr. MONDELL. Mr. Speaker, I have such high regard for the people of Wisconsin that I can scarcely agree with the suggestion of the very worthy and honorable representative of a very considerable portion of that State, that the people there would welcome the establishment within their borders of Federal police jurisdiction. That may be so in Wisconsin, but it is not so in the State that I have the honor to represent. Out in the mountain country we realize that we have sovereign Commonwealths, and that upon the people of those Commonwealths there are placed under our form of government certain duties and responsibilities.

We do not shrink from the performance of those duties and responsibilities. Furthermore, I do not think there is a State in the Union whose people would not, after they come to consider it, protest most vigorously against having their game laws made in a Federal bureau at Washington and enforced by Federal game wardens.

With regard to the goings and comings and protection and taking of game within a State the Federal Government has not anything to do, and should not have anything to do with it and could not have anything to do without an amendment of the Federal Constitution.

Mr. WEEKS. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. WEEKS. The gentleman from Wisconsin is on sound ground in the statement he made, for I have a letter from the governor of his State indorsing this legislation and also a communication from the game warden of that State indorsing this legislation, and to the gentleman from Wyoming I will also say that the highest official in his own State—the governor—has written a letter indorsing this legislation. [Applause.]

Mr. MONDELL. I have no doubt but what there are men who have been elected to high office who have gotten very wrong on this and other questions. The fact they are wrong does not affect my position in regard to it at all. I will say to the gentleman frankly I think the whole thing is ridiculous beyond words. The idea of establishing Federal police jurisdiction over all States of the Union, along all the streams and around all the reedy ponds and beside all the sloughs, and subjecting the citizens of all the sovereign States of the Union——

Mr. BUTLER. Do not forget the babbling brooks.

Mr. MONDELL (continuing). To the danger of being hauled before a Federal grand jury and tried in a Federal court and sent to jail—a Federal jail, as one of my friends here suggests—for the doing of what? For doing what may be entirely a lawful thing for them to do—that is, to take game in accordance with the laws of the States. This is just another illustration of how recklessly and foolishly we are running into federalism. Some of the people of the States, on the one hand, desirous of being relieved from the performance of their duty in regard to these matters and willing to sell their sacred birthright of self-government for a measly mess of Federal patronage, and, on the other hand, what is infinitely more potent in a case of this sort, a coterie of very fine gentlemen in a Federal bureau busily engaged in enlarging the jurisdiction of their bureau until it shall embrace all the earth. What a glorious outlook the Bureau of Biology in the Department of Agriculture will have when it shall number its deputies by the thousand and tens of thousands, sleuthing all over the country, ready to nab every barefooted boy who goes with a single-barrel shotgun to shoot a duck on a pond back of the barn or on the brook below town.

Mr. BOWMAN. Will the gentleman yield at that point?

Mr. MONDELL. Yes.

Mr. BOWMAN. In the mining district of Pennsylvania it is very difficult to protect the game birds—and they are numerous—from the men who kill them, most of whom are foreigners only a short time in this country, and this measure is considered very important by most of the people who live in Pennsylvania.

Mr. MONDELL. My good friend wants to confess on behalf of the State of Pennsylvania that it either has not the courage or public spirit to protect the game birds within its borders; in other words, to do its duty. Now, I do not represent that sort of people. We do protect the game within our borders, and we do not propose to have the Federal Government have anything to do with it. We do not ask the Federal Government to help us protect it except as it may do so incidentally in carrying out its other work. The game belongs to the State, and I can imagine nothing more dangerous than to invite Federal police jurisdiction within the States in the way proposed by this bill. Of course, it appeals to some good people at first blush. It appeals to some good folks, high-minded people, who believe in the protection of game birds, as most of us do. They do not stop to think what a revolutionary thing it is to have game laws made by some clerks in a Federal bureau and enforced by a Federal judge. They say, "Let us take care of the birds; let us invite the Federal Government to help us; we have some lawless people within our borders whom we are powerless to control; let us bring in the strong arm of the Federal Government to control these lawless gun toters." Why, if you need Federal aid in Pennsylvania to prevent men from toting guns against the birds, you certainly would be entirely justified in appealing to the strong arm of the Federal Government to protect the people against the men who tote guns against their fellow men. Some of them are migratory, and human life is vastly more precious than bird life.

Mr. FOWLER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FOWLER. I desire to ask the gentleman if this bill should become a law which would prevail, the national law or the State law which is passed to regulate the supervision and killing of game birds?

Mr. MONDELL. Well, the gentleman who drafted this legislation evidently hoped that they both would operate, but that the Federal law would be supreme. Of course the fact is that the legislation would not last long after the Supreme Court got hold of it, but in the meantime it would do a great deal of harm. The very fact it has been reported by a committee of this House, the very fact that it is seriously considered, is to me astounding, and I can not understand the frame of mind of men who propose a thing of that sort, men who have local pride, men who have faith in the people of their States, men who believe in our form of local self-government—I can not understand how such men can favor it for a moment, this scheme of Federal bureaucracy. I understand that the protection of game birds is an excellent thing. I live in a State where we have protected the large game better than any State in the Union, and in my State there are folks who occasionally get wrong on the same question and wonder why we have not invited the Federal Government in to help us out. We all know how a thing of this sort secures support. Local people who are interested in game preservation, and who grow impatient because the people of their States as represented in the legislatures do not look at things as they do, are easily influenced by the officials of a Federal bureau, endeavoring to extend their power and authority, into believing that if the Federal Government were to take hold of the matter everything would be adjusted just as they want it. Of course no one would be more disappointed or disgusted with the outcome than those same people, but in the meantime the harm would be done.

The fact that some good people get wrong on these questions does not make it right, does not change the constitutional aspect of the question, and does not in any way make it less harmful and mischievous.

Mr. FOWLER. What would become, then, of the game wardens of the States if this law passed?

Mr. MONDELL. They can go home or they can enlist under the Federal banner. They might, perhaps, be able to get jobs as Federal game wardens.

Mr. MANN. The gentleman wants to be fair, as he always does, and, of course, he knows the proviso especially provides that the law shall not interfere with the game laws of the States that are effective.

Mr. MONDELL. What the bill does is this:

Nothing herein contained shall be deemed—

This is the bill as it was before it was amended:

Nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of game localized.

I have said in my State the game is not acquainted with State boundaries.

Within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

As amended it provides:

That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of game or other birds resident and breeding within their borders.

So it would be necessary to have an affidavit in each case—from the bird, I suppose—that it was or was not a resident.

Mr. SIMS. Have them tagged like an automobile.

Mr. MANN. Does not the gentleman think that refers to individual birds or class of birds?

Mr. BUTLER. Does not the gentleman from Wyoming think he has worked up into a frame of mind where he can justify the objection he intends to make?

Mr. MONDELL. The gentleman assumes that the fact that the bill is unconstitutional is sufficient reason for an objection, and the further fact that it is unwise, if it were constitutional, is a further reason.

Mr. SIMS. Has not the gentleman seen us try here to defeat bills championed by the gentleman from Massachusetts [Mr. WEEKS], and how we failed? What is the use of trying further?

Mr. WEEKS. I will make a suggestion to the gentleman from Tennessee that, in my opinion, there will be a failure in this case. The gentleman from Wyoming can object to this bill to-day, but the people of this country who are familiar with the subject are in favor of this legislation; and the bill, in my judgment, if it is ever gotten before the House, will pass, because it is right. But I do not care to take the time of the House if the gentleman is going to object to it to-day.

Mr. MANN. I think no one will hasten a discussion, because it is interesting to hear a constitutional discussion between the gentleman from Wyoming [Mr. MONDELL], who is not a lawyer, and the gentleman from Massachusetts [Mr. WEEKS], who is not one.

Mr. MONDELL. Mr. Speaker, it may be possible that as objectionable legislation as this may get on the statute books. All things are possible in these days. In these days of hysteria all things may come to pass, but if this law should be put on the statute books of the country its effect would be to shame every man who advocated it. It is unconstitutional. It deprives the people of the opportunity to legislate on their own affairs in their own way. It substitutes Federal bureaucracy for local self-government. It is contrary to our theory of government. I shall have to object.

INVESTIGATION OF COAL COMPANIES.

The next business on the Calendar for Unanimous Consent was the resolution (H. Res. 577) to investigate certain coal companies doing business in Two Harbors, Minn.

The Clerk read the bill, as follows:

House resolution 577.

Resolved, That the Commissioner of Corporations be, and hereby is, authorized and directed to make an investigation of the facts touching the handling and selling of coal at the city of Two Harbors, Minn., in accordance with the powers and authority granted to said commissioner by section 6 of an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and the acts amendatory thereof and supplemental thereto, to determine whether the said city of Two Harbors was and is prevented from purchasing coal in wholesale quantities by an agreement, understanding, or conspiracy by and between companies, persons, or partnerships engaged in the coal business and in interstate commerce, and to determine whether any of said companies, persons, or partnerships have committed acts in restraint of trade or otherwise contrary to law in connection with the matters herein referred to.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, does the gentleman from Minnesota [Mr. MILLER] desire to be heard on this?

Mr. MILLER. I shall be pleased to answer any questions that the gentleman desires to ask. If you care to have a statement of the case——

Mr. MANN. This resolution, as I understand it, is to have the Bureau of Corporations investigate the matter of the sale of coal at Two Harbors, Minn. I should doubt very much the desirability of the Government starting in to investigate every local complaint of the violation of the antitrust law.

Mr. MILLER. It seems to have been in contemplation of those framing the Commerce and Labor act that an investigation of this kind should be had by that department, and they do make these investigations constantly.

Mr. MANN. It was I who first proposed the Bureau of Corporations and had charge of the bill which created it. It went through my hands. I should question whether those who framed it contemplated it should be used for the purpose of investigating local matters of this sort.

Mr. MILLER. In view of the statement just made I would not say that the framers of the bill had that in mind, but the language of the bill certainly empowers the Commissioner of Corporations to carry on such investigations.

Mr. MANN. Undoubtedly very comprehensive in its language, and ought to be.

Mr. MILLER. There is one reason in this particular instance that would hardly be found elsewhere. It might be found, but not ordinarily. These coal companies, which it is proposed shall be investigated, will not, I will say, require much of an investigation, and the investigation will not involve any large expense—none at all to speak of. The companies are all engaged in interstate commerce on a large scale. These are not retailers or men doing a small business. The number comprises practically all of the large coal companies which operate mines and sell, in wholesale quantities, coal out through the Northwest. I do not suppose it is necessary to mention their names. Their names are probably known to most of the membership of the House.

Mr. MANN. I would not know the names of the coal companies.

Mr. MILLER. I think these names are known pretty well throughout the country.

Mr. MANN. That may be. I have no objection to a resolution requiring the Bureau of Corporations to investigate coal companies. I should, however, doubt whether it is desirable to have a resolution passed directing the Bureau of Corporations to determine whether anybody is violating the antitrust law. I do not quite see how they can determine that question.

Mr. MILLER. They are not directed to determine it. They are directed to make an investigation to see whether or not any

misconduct was committed in that direction. It is not necessary to make an official determination.

Mr. KENDALL. They are expected to report facts.

Mr. MANN. Well, the resolution says:

And determine whether any of the said companies, persons, or partnerships have committed acts in restraint of trade, or otherwise contrary to the law in connection with the matters herein referred to.

Mr. MILLER. That is perhaps stronger than I thought, but since the matter is brought to my attention it seems to me that is exactly the language contained in that paragraph of the Department of Commerce and Labor bill.

Mr. MANN. I think not, although my memory has not been refreshed in connection with that. It may be in conformity with the language of bills that have been introduced. The bureau has given much information and assistance to the Department of Justice, and to that extent it may be said that it is engaged in endeavoring to determine. But I question the advisability of Congress, at the request of any locality, directing the Bureau of Corporations to make an investigation to determine whether or not local people or the people of any particular locality are violating the antitrust law. I should say that from my city I could readily offer 50 such resolutions at any time.

Mr. MILLER. If the gentleman will permit me, I would like to make a statement of one or two facts that possibly have not come to the gentleman's attention.

Mr. MANN. I will say to the gentleman that no facts have come to my attention in connection with this except the report. I understand that there is a peculiar situation there. I understand that the city of Two Harbors desires itself to go into the coal-handling business and sell coal to its people. It claims it has been discriminated against by these coal companies. I suppose it is so claimed because the companies do not desire to have the municipality to buy coal, or that is the claim, at least, instead of private dealers.

Mr. MILLER. That is the gist of the situation.

Mr. MANN. I will ask the gentleman to let this go over, anyhow.

Mr. MILLER. I will say to the gentleman that if this goes over now I do not suppose any additional reason could be advanced two weeks from now why it should be considered.

Mr. MANN. Possibly not.

Mr. MILLER. And if it is not considered at this session it might as well not be considered at all. I would like to urge upon the attention of the gentleman one or two things. It will take only a few minutes.

Mr. MANN. I simply reserve the right to object, and I hope the gentleman will discuss the question.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

Mr. MANN. The gentleman from Minnesota has the floor.

Mr. RAKER. I understood objection was made.

Mr. MANN. No. I reserved the right to object until the gentleman had explained the resolution.

Mr. SIMS. Mr. Speaker——

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MILLER. Mr. Speaker, the coal companies that come within the purview of this resolution are all engaged in interstate commerce, and number about seven. These are not coal companies that are local in their activities. They are coal companies that operate mines in Pennsylvania, in Illinois, in Ohio, in West Virginia, in Virginia, and some of the companies operate in several of these States. They ship the coal by way of the Great Lakes to the head of the lakes, which is the distributing point for the entire Northwest. These coal companies that so operate furnish the coal—probably 90 per cent of all the coal—consumed in the States of Minnesota, Wisconsin, the Dakotas, and even some parts of the more distant Northwest, so that it is of more than a local significance whether they are conducting their affairs in a proper way.

I have no complaint, and have heard of none, with respect to the general conduct of their business. The city of Two Harbors is located at the head of the lakes. It is a city of about five or six thousand people and is chiefly important because of its railroad terminals and lake shipping. For the education of some of the gentlemen from big places, I beg to say that the city of Two Harbors has a tonnage vessel commerce greater than the combined vessel commerce of Galveston, Tex.; New Orleans, La.; Mobile, Ala.; and Pensacola, Fla.

Mr. MANN. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MANN. When the gentleman makes that statement, he means that the coastwise commerce of Two Harbors is greater than the combined foreign commerce of these other cities?

Mr. MILLER. I did not make any such reservation or restriction.

Mr. MANN. Then, the gentleman will find, when he investigates, that he is mistaken.

Mr. MILLER. I will call the gentleman's attention to the fact that my figures were given me by the board of engineers of the War Department, who furnished them some time ago.

Mr. MANN. That is just it, and the board of engineers furnished the coastwise commerce for the Great Lakes and the foreign commerce for the seaports.

Mr. MILLER. I think the gentleman is mistaken.

Mr. MANN. Oh, I have been over that so often that I can assure the gentleman that I am not mistaken about it.

Mr. MILLER. Some gentleman here asked what is the comparison with Chicago. I should say that Chicago has 14,000,000 tons, and Two Harbors has 12,000,000 tons, so that Chicago has a little the better of it by 2,000,000 tons. But that is neither here nor there. The city of Two Harbors desired to purchase coal in wholesale quantities, and retail the same to her citizens. The companies refused to sell coal to the city for that purpose.

The SPEAKER pro tempore. Is there objection to the passage of the resolution?

Mr. MANN. Mr. Speaker, I reserved the right to object upon this bill, and I ask that the bill go over.

Mr. MILLER. Mr. Speaker, if the gentleman is going to object, then I ask unanimous consent that the bill may be passed over.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

EXCHANGE OF SCHOOL LAND.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, be passed over until the next unanimous-consent day, without prejudice.

Mr. MANN. Has not that bill gone off the calendar once before?

Mr. RAKER. Yes; and it could not come back without this consent.

Mr. MANN. I shall not object to it.

Mr. RAKER. I know that it is unusual, but the conditions are such that I am impelled to try and get it back on the calendar.

The SPEAKER pro tempore. Is there objection?

There was no objection, and it was so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. PAYNE to withdraw from the files of the House, without leaving copies, papers in the case of Walter H. Burnett, Sixty-first Congress, third session, no adverse report having been made thereon.

DAM ACROSS WHITE RIVER, ARK.

The SPEAKER pro tempore. On account of some apprehension that the appointment of conferees earlier to-day upon the bill H. R. 20347 might not have been regular, the Chair again appoints the following conferees on the part of the House.

The Clerk read as follows:

Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 20738. An act for the transfer of the so-called Olmstead lands in the State of North Carolina from the Solicitor of the Treasury to the Secretary of Agriculture;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 331. Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. YOUNG of Texas, indefinitely, on account of important business.

To Mr. DOREMUS, for 10 days, on account of important business.

To Mr. NEEDHAM, for two weeks, on account of important business.

ADJOURNMENT.

Mr. MURRAY. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MURRAY. My point of order is that there is not a quorum present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

Mr. SIMS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MURRAY. Mr. Speaker, I demand the regular order.

Mr. SIMS. Mr. Speaker, I desire to call up a bill (S. 7027) on the Speaker's table to prevent the shipping through the mails and in interstate commerce of moving-picture films of prize fights, especially the one between a negro and a white man, to be held in New Mexico on the 4th of July next, and the point of order is made by the gentleman from Massachusetts to defeat the present consideration of that bill, as it will be too late to get it passed before that date if not considered now.

Mr. MURRAY. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The point of order is sustained. Evidently there is not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, it is evident that there is not a quorum present and that a quorum could not be obtained this afternoon. Therefore I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned until Tuesday, July 2, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, calling attention to provisions of S. 4239 and recommending that appropriations for the support of the Army, Army Schools, and the Rifle Practice Board be excepted from said provisions for the fiscal year 1913 (H. Doc. No. 856); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting petition of George T. Hale for himself and other assistants to superintendents of construction in the United States Life-Saving Service, praying for certain legislation in his and their behalf (H. Doc. No. 857); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting petition of P. Julian Latham for himself and other assistants to superintendents of construction in the United States Life-Saving Service, praying for certain legislation in his and their behalf (H. Doc. No. 858); to the Committee on Interstate and Foreign Commerce and ordered by be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting an estimate in the form of authority to allow and credit in the accounts of George W. Evans, chief disbursing clerk, Department of the Interior, certain items disbursed by him amounting to $529.90 (H. Doc. No. 855); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma, reported the same without amendment, accompanied by a report (No. 928), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. LEE of Pennsylvania: A bill (H. R. 25532) to provide for the erection of a Federal building at Tamaqua, Schuylkill County, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HAY: Resolution (H. Res. 594) fixing time and manner of considering the Army appropriation bill; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWMAN: A bill (H. R. 25533) granting a pension to Lucy E. Puterbaugh; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 25534) for the relief of the estate of Martin G. Spruel; to the Committee on War Claims.

By Mr. CATLIN: A bill (H. R. 25535) granting a pension to Lucy A. Wharton; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25536) granting a pension to William L. Altdorfer; to the Committee on Pensions.

Also, a bill (H. R. 25537) granting a pension to Henry Moore; to the Committee on Pensions.

By Mr. DONOHOE: A bill (H. R. 25538) granting a pension to Albert F. Alexander; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 25539) granting an increase of pension to Orlando Herrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25540) granting an increase of pension to James E. Marden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25541) granting an increase of pension to Frank Rowe, jr.; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25542) granting an increase of pension to Emily S. Van Beuren; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 25543) granting a pension to Lawrence F. Hickey; to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 25544) granting an increase of pension to Jane Fleming; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25545) granting an increase of pension to Thomas Martin; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 25546) to correct the military record of Albert S. Austin; to the Committee on Military Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 25547) granting an increase of pension to Marcus L. Moreland; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 25548) granting a pension to George M. Lawton; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 25549) granting a pension to James W. Clarke; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 25550) granting a pension to Ferdinand Sandusky; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25551) granting a pension to Manda Sexton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25552) for the relief of John F. West; to the Committee on War Claims.

Also, a bill (H. R. 25553) for the relief of the heirs of Even Jones, deceased; to the Committee on War Claims.

By Mr. RODENBERG: A bill (H. R. 25554) granting a pension to Thomas B. Cline; to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 25555) granting a pension to Lois A. Hastings; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Ruthenian Greek Catholic Church, the Ruthenian Beneficial and Political Societies of Philadelphia, Pa., and the Polish Roman Catholic Unions, of Illinois, Colorado, New Jersey, and Pennsylvania, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Petition of the Brotherhood of Locomotive Engineers, favoring the passage of the workmen's compensation act; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Martin G. Spruel; to the Committee on War Claims.

By Mr. CARY: Memorial of the Wisconsin State Medical Society and the Conference of Health Officers of Wisconsin, at Madison, Wis., favoring Senate bill 1, establishing a national health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of the American Association of Masters, Mates, and Pilots, Harbor No. 28, of St. Louis, Mo.,

favoring passage of House bill 24854; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brown Shoe Co., the George F. Dittmann Boot & Shoe Co., and the Burron, Jones & Dyer Shoe Co., of St. Louis, Mo., favoring passage of the Pomerene substitute Senate bill 6810; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Shoe Retailers' Association of Memphis, Tenn., against passage of the Campbell bill, relative to manufacturers placing name on goods; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Scudders-Gal Grocery Co. and William G. Milford's Oyster House and Restaurant, of St. Louis, Mo., favoring passage of House bill 22526, known as the weight or measure branding bill (H. R. 22526); to the Committee on Interstate and Foreign Commerce.

Also, petitions of the A. S. Alve Co., the Elliott Jewelry Co., the St. Louis Pharmaceutical Society, Alf. W. Pauley, the Phoenix Automobile Supply Co., the Wesco Supply Co., and the Moon Motor Car Co., of St. Louis, Mo., against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

Also, petition of the Trenton Chamber of Commerce, of Trenton, N. J., against passage of Senate bill 5458, extending time for completion of a bridge across the Delaware River by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Washington Lodge, No. 15, Benevolent and Protective Order of Elks, against passage of the Jones-Works excise bill (S. 5461), relative to license for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Washington Presbytery, favoring passage of the Jones-Works excise bill (S. 5461); to the Committee on the District of Columbia.

Also, petitions of the Missouri State Poultry Experiment Station, of Mountain Grove, Mo., and the Missouri Library Commission, of Jefferson City, Mo., favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of St. Louis Chapter of the American Institute of Architects, of St. Louis, Mo., against the repeal of the Tarnsey Act by the sundry civil bill; to the Committee on Appropriations.

By Mr. FULLER: Petition of the Rockford Drilling Machine Co., of Rockford, Ill., protesting against passage of Senate bill 6850, raising the rates on all kinds of circulars and catalogues, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Petition of the Polish Roman Catholic Unions of Chicago, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Liquor Dealers' Protective Association of Illinois, protesting against the passage of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

By Mr. GARNER: Petition of the Texas Bankers' Association, of San Antonio, Tex., favoring legislation for promotion of a sound banking system; to the Committee on Banking and Currency.

By Mr. GOLDFOGLE: Petition of John B. Daish, of Washington, D. C., relative to the right of shippers to be heard in court; to the Committee on the Judiciary.

Also, petition of the Brotherhood of Locomotive Engineers, of Cleveland, Ohio, favoring passage of workmen's compensation bill; to the Committee on the Judiciary.

By Mr. HILL: Petition of citizens of Bridgeport, Conn., protesting against appropriation for celebration of 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. KINKEAD of New Jersey: Petition of the Brotherhood of Locomotive Firemen and Enginemen, Atlanta, Ga., protesting against passage of the employees' compensation act; to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of Marcus T. Moreland; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Taylor Williams, administrator of S. Y. B. Williams; to the Committee on War Claims.

By Mr. PALMER: Memorial of Bowman's Council, No. 440, of Bowmenstown, Pa., I. O. of A., favoring passage of Senate bill 3175, for literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Pastors' Association of Easton, Pa., favoring passage of Owen health bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of the Fraternal Benefit League, New Haven, Conn., relative to carrying of mail of societies and unions; to the Committee on the Post Office and Post Roads.

Also, petition of the Workmen's Sick and Death Benefit Fund of the United States of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Vincent Society, No. 463, New Haven, Conn., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Order of Railroad Conductors, Memphis, Tenn., protesting against the passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

By Mr. REYBURN: Memorial of the Ruthenian Beneficial and Political Societies of the city of Philadelphia, State of Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of the Daughters of Liberty of Los Angeles, Cal., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, favoring passage of the workmen's compensation act; to the Committee on the Judiciary.

By Mr. WOOD of New Jersey: Petition of citizens of Hamilton, the Township Committee of Hamilton, N. J., and the Trenton Chamber of Commerce, of Trenton, N. J., favoring passage of Senate bill 5458, providing for the extension of time for constructing the railroad bridge across the Delaware River below Trenton; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 111, Sheet Metal Workers, of Trenton, N. J., favoring passage of House bill 23625, known as the anti-Taylor system bill; to the Committee on the Judiciary.

Also, petition of Printing Press Union No. 70, of Trenton, N. J., favoring passage of House bill 22339, known as the anti-Taylor system bill; to the Committee on the Judiciary.

Also, petition of Pride of Trenton Council, No. 4, Daughters of Liberty, Trenton, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *July 2, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

LIQUOR TRAFFIC AMONG INDIANS (S. DOC. NO. 868).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate for an increase in the appropriation for the suppression of the liquor traffic among Indians from $75,000 to $100,000, which, with the accompanying paper, was ordered to lie on the table and to be printed.

COAL-MINING OPERATIONS IN WYOMING.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, which was to strike out all after the resolving clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized to allow the Owl Creek Coal Co. to continue the operation of the mine or mines upon any of the lands embraced in Lander, Wyo., coal entries No. 18 to 49, inclusive, until July 1, 1913, upon such conditions and under such rules and regulations as he may prescribe.

Mr. CLARK of Wyoming. I move that the Senate disagree to the amendment of the House and ask a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. SMOOT, Mr. CLARK of Wyoming, and Mr. CHAMBERLAIN conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution.

S. 5935. An act to fix the terms of the district court for the western district of Michigan;

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Roman, State of Montana, for the purposes of a public park and public-school site; and

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic services rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean.

The message also announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington;

S. 4862. An act authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes; and

S. 6380. An act to incorporate the American Hospital of Paris.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 18719. An act to authorize the State of Tennessee to sell school lands for educational purposes;

H. R. 24669. An act authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing the storm drainage system, as well as the sanitary sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark.;

H. J. Res. 321. Joint resolution relative to observance of Memorial Day; and

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the National Association of Piano Merchants of America, favoring the adoption of certain changes in the present currency law, which was referred to the Committee on Finance.

He also presented a resolution adopted by the National Association of Piano Merchants of America, favoring the enactment of legislation requiring manufacturers to place their own names upon manufactured articles, which was referred to the Committee on Manufactures.

He also presented the petition of A. Atlee, of Philadelphia, Pa., praying for the establishment of a national department of health, which was ordered to lie on the table.

Mr. BRISTOW presented a petition of sundry citizens of Belle Plains, Kans., praying for the establishment of a governmental system of postal express, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Solomon, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented resolutions adopted by the Cook District Liquor Dealers' Protective Association, of Illinois, in convention at Chicago, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 363, International Brotherhood of Boiler Makers and Iron-Ship Builders and Helpers of America, of East St. Louis; of Bluff City Lodge, No. 660, International Association of Machinists, of Upper Alton; of Local Union No. 4, Stove Mounters' International Union, of Belleville; and of the Trades and Labor Assembly of Aurora, all in the State of Illinois, praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Council of Grain Exchanges, in convention at Chicago, Ill., praying for the enactment of legislation providing for a uniform bill of lading, which were ordered to lie on the table.

GARDEN CITY (KANS.) WATER USERS' ASSOCIATION.

Mr. SUTHERLAND, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 6784) for the relief of Garden City (Kans.) Water Users' Association, and for other purposes, reported it with an amendment and submitted a report (No. 900) thereon.

SCHOOL LANDS IN ARIZONA.

Mr. SMITH of Arizona. From the Committee on Public Lands I report back favorably without amendment the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State, charitable, penal, and reformatory institutions. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill.

Mr. ROOT. Is there a report with the bill?

Mr. SMITH of Arizona. There is no report accompanying it, but I will state to the Senator that the Fort Grant Military Reservation has been turned over to the Interior Department and we are selecting for the lands granted to us under the enabling act this particular piece of land for the purpose of establishing a reform school. The bill has been recommended by the Secretary of the Interior, and it is on his recommendation that the committee made a unanimous report in its favor.

Mr. SMOOT. I should like to ask the Senator from Arizona if the amendment was made in accordance with the action of the committee?

Mr. SMITH of Arizona. Exactly as the committee agreed to it the bill was reprinted and it was so reported.

Mr. SMOOT. And it is approved of by the Secretary of the Interior.

Mr. SMITH of Arizona. Yes; his letter of approval is here.

Mr. SMOOT. I have no objection to the bill.

Mr. McCUMBER. Mr. President, what is before the Senate now?

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the present consideration of Senate bill 7163, the title of which the Secretary will again read.

Mr. McCUMBER. I will ask the Chair how that comports with the unanimous-consent agreement which was made for to-day's business?

The PRESIDENT pro tempore. The Chair will state that morning business has not yet closed. This bill has just been reported to the Senate, and in the act of reporting it the Senator from Arizona accompanied it with a request for present consideration. It was not called up from the calendar, but it is a part of the morning business. It is before the Senate in connection with the morning business, the report having been received this morning. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON of Alabama:

A bill (S. 7223) to authorize the Secretary of War to lease the surplus water created by any improvement on navigable streams, and for other purposes; to the Committee on the Judiciary.

By Mr. BRISTOW:

A bill (S. 7224) granting an increase of pension to Charles C. Littlefield (with accompanying papers); and

A bill (S. 7225) granting a pension to Adam Ross (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 7226) granting an increase of pension to Thomas Harrison (with accompanying papers); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 7227) for the relief of heirs or estate of Joseph Block, deceased (with accompanying papers); to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CULLOM submitted an amendment proposing to appropriate $250,000 for increasing the capacity of the plant at Rock Island Arsenal for the production of Field Artillery material,

etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 18719. An act to authorize the State of Tennessee to sell school lands for educational purposes; and

H. R. 24669. An act authorizing the Secretary of the Interior to make a survey and estimate of the cost of increasing the storm drainage system, as well as the sanitary sewer system, of the city of Hot Springs, abutting the Hot Springs Reservation, Ark.

The following joint resolutions were severally read twice by their titles and referred to the Committee on Military Affairs:

H. J. Res. 321. Joint resolution relative to observance of Memorial Day; and

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

THE CHEMICAL SCHEDULE.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions the morning business is closed, and under the unanimous-consent agreement the Senate will proceed to the consideration of House bill 20182.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The Chair is informed that the bill has not yet been read, and the Chair awaits the pleasure of the Senate as to the procedure. The Chair will direct the bill to be read unless it is desired otherwise.

Mr. SMOOT. Do I understand that the bill has not been read?

The PRESIDENT pro tempore. It has not been read.

Mr. HEYBURN. I do not understand that there is any requirement that the bill should be read at this time.

The PRESIDENT pro tempore. There is none. The only time when a bill is required to be read is upon its passage.

Mr. HEYBURN. In the Senate.

The PRESIDENT pro tempore. In the Senate, it having already been informally read twice.

Mr. HEYBURN. And it will be informally read the third time.

The PRESIDENT pro tempore. The Chair will conform to whatever may be the desire of the Senate in this regard. There is no rule to that effect, but it is the usual custom to read a bill unless some motion is made to the contrary.

Mr. HEYBURN. I presume that on the request of a Senator the bill would be read, but inasmuch as we are not desirous to-day of killing time I certainly should not make that request. But I would inquire of the Senator in charge of the bill whether or not he desires to take up the amendments suggested by the minority of the committee? I notice that there are some amendments suggested in the views of the minority.

Mr. SIMMONS. I think probably it is just as well to take up the bill as a whole at this time.

Mr. HEYBURN. I would think so.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and the Senator from Idaho has the floor.

Mr. HEYBURN. Mr. President, in considering Schedule A, the chemical and paint schedule of the tariff act, it is not my intention to speak at length, and I trust not in a tiresome manner. I am not going to deal in long tables or figures. I am going to discuss some general principles that are especially applicable in view of the pronounced policy of the Republican Party at Chicago a few days since. We have now a definite rule for tariff legislation.

I want to suggest to Senators, with the permission of the Chair, that inasmuch as it would not be practicable or fair to suggest the absence of a quorum, that they make it unnecessary to do so and be indulgent with those who are willing to give their energy and their efforts to a brief discussion of this question. Ordinarily we have rules which we can invoke, but unfortunately we have not now, and no one cares to speak that which would be as well written because of the absence of auditors. I merely make this suggestion, because we are under peculiar conditions here this morning. If we were forced to it by any disposition to treat this subject and those discussing it with less consideration than they are entitled to, we might call for a quorum. I merely make this suggestion.

I am not speaking merely for the purpose of speaking. We have to meet this question in a campaign that is about to begin, and I give notice to Senators that, if they persist in absenting themselves, I shall call for a quorum, and they might as well take notice of it.

The reason given by the minority for pressing this legislation is found on page 19 of the House report on "Schedule A—Chemicals, Oils, and Paints," made by the majority of the Committee on Ways and Means. They have taken the trouble to set out under the head "Reason for reductions" the following statement:

> A special reason for reducing rates of duty on many of the crude chemical products is found in the fact that their bulk and low unit of cost will not permit of their being moved except under very favorable conditions. The United States imports some of the products shown in Table 10, because while we have abundant supplies it is less expensive to import them from other countries than to install plants or resort to the processes of saving the by-products necessary to introduce the industry here.

They give that as their reason. It is the most unique reason that I have ever seen given for the performance of a public duty—that because it is more convenient to allow these products to be made abroad or to be produced abroad we will not undertake to promote their production at home. I am very much surprised that any great party, speaking through its representatives, should have been candid enough to confess that they were perfectly willing to destroy these interests in America on the sole ground of convenience.

Of course it would be more convenient for the Members of Congress, most of them, to stay at home—and less expensive to the Government in some ways—and not legislate at all, to allow the foreigner to come into the port under his own flag, in his own ship, bring in the products of his own country, take possession of our wharves and warehouses, and sell those products here to those who would buy. That is the rule of convenience. I have never heard it urged before as a legitimate reason for legislation, but that is the reason they give. So we must conclude that they have no other or better reason than that put out in the report of the majority of the Ways and Means Committee.

While it may make little difference to the auditors present, I do not want that there shall be any mistake on the part of those who read the RECORD of the consideration of this question, because I shall use it throughout the campaign, and there I shall have an audience; do not make any mistake about that. I shall use it as the principle upon which this legislation is proposed and enacted, and it will be heard and considered by hundreds of thousands of people—American citizens—determining how they will elect to cast their votes.

I am going to read it again, because it is unique. Such a concession never was made before by any political party. I read:

> A special reason for reducing rates of duty on many of the crude chemical products is found in the fact that their bulk and low unit of cost will not permit of their being moved except under very favorable conditions. The United States imports some of the products shown in Table 10, because while we have abundant supplies it is less expensive to import them from other countries than to install plants or resort to the processes of saving the by-products necessary to introduce the industry here.

That is being spoken of a schedule that represents an output of $1,500,000,000 every year. It is dealt with on the rule of convenience. That is being spoken of a product that used in raw material, which they treat so cavalierly here, $900,000,000 in the year 1911; that is being spoken of an item of wages of $240,000,000 a year; that is being spoken of factories making these articles that employ within the factories 12,000 people, and, in connection with the product of the things the factory uses, 300,000 people. That is from their own report. I take those figures from the report, and they are correct, for I have compared them with the statistics of the Government; yet they say that because the United States imports some of the products shown in Table 10—that is the table I am speaking of—while we have abundant supplies—that is, we have those things susceptible of being produced—it is less expensive to import them from other countries, you know, than to install plants. That means making machinery, constructing buildings, employing men, and that kind of expenditure—

> or resort to the processes of saving the by-products—

And so forth.

That is, by saving the item of $900,000,000. We have to deal with that kind of a question this morning, and we are going to vote on it, I suppose, directly. I intend that those things shall go out to the country through the medium of the CONGRESSIONAL RECORD, and, at a proper time, through other mediums that will reach a larger percentage of the people.

While our output is $1,500,000,000 in these articles, we imported in 1911 only $48,868,308 worth; so the foreign trade is kept at the minimum. It has not varied 10 per cent in 10 years;

it has been held there by reason of the tariff laws of our country, which are now proposed to be changed; but changed how? Articles valued at $42,000,000, consisting principally of raw material and of articles not produced in this country, came in last year. They estimate that they will collect on those articles on the basis of $38,812,000. That is not a material difference in the volume of the imports. They say they will collect $3,364,000.65, and for that they would make a change involving an entire schedule and hold the Senate here for the consideration of that kind of legislation.

In 1911 the value of the imports under this schedule that came in free was $61,110,766, and the value of those that came in under the dutiable clauses was $33,390,000; so that about two-thirds came in free and one-third was dutiable; and yet, for the reasons given in the report, we are to consider a change of the schedule, not that it will bring in more duty, but that it will transfer the free list to the dutiable list.

They say in the abstract that they are opposed to taxes of this kind. They call it a "tax," and yet they are doubling the taxes, or they are proposing to do so. Of course, they will not do it because the Senate will not permit them to do it, but that is what they are proposing to do. We often judge men—and we may always judge parties—by what they propose to do. It is not necessary to wait for the realization of their promise; if they propose to do a thing, we will take it for granted that they would do it.

This has been a growing industry in this country. In 1900—and that is not very long ago—there were 8,820 establishments manufacturing the articles covered by the chemical schedule. Five years later the number had grown to 9,689, and in 1910 to 11,863 establishments engaged in manufacturing under this schedule.

The capital invested in 1900 was $1,180,000,000; in 1905, $1,521,000,000; and in 1910, $2,053,000,000. This business had doubled in 10 years. I will say, in passing, that I am not giving the odd figures; I am giving the master figures of the column.

The value of the product of these factories in the United States in 1900 was $757,000,000; in 1905 it had grown to $1,056,000,000; and in 1910 to $1,479,000,000. So that it is not a dead enterprise. It grew thus because of the legislation that protected the industry. It did not and would not have grown under this holty-toity statement that "Oh, they are small things; let them come in. Do not notice them as they come through the customhouses; they are too trifling."

In 1900 the salaried officers engaged in this business numbered 34,564, at a compensation of $37,253,000. In 1905 that item had increased from 34,564 to 45,442. In 1910 it had increased to 68,756; at a compensation of $81,037,000, because of the growth of an industry that owed its growth entirely to the discriminating protection that kept out the foreign product.

In 1900 the total average number of wage earners engaged in this enterprise was 185,515, and their wages amounted to $73,349,087; in 1910 the number of wage earners had increased from 185,515 to 242,961, and the wages amounted to $116,214,000. The wages had increased nearly double, and the number of employees had increased about 30 per cent. That is not a long period.

The raw material used in these factories in 1900 had a value of $453,410,783, in 1905 of $629,609,000, and in 1910 of $903,920,000. I am reading these figures to show the growth of this industry, and, of course, the conditions surrounding it must have had something to do with its growth, because the growth of the industry is all out of proportion and in excess of the proportion of the growth of the population of the country.

There are other items which, added together, amount in the aggregate to a considerable sum to be added to those I have given, but I do not intend, as I have said, to go extensively into the tables.

In this bill they propose to transfer from the free list to the dutiable list 80 items, and those 80 items represent about one-half of the imports to this country. The value of imports in the items that are transferred from the free list to the dutiable list amounted to $42,337,887 in 1911. They estimate that under this bill the imports will be $38,812,150 and the duties will be $3,464,065. That involves no material increase in benefits to the customhouse, but is a transfer of items that we do not produce and can not produce to the dutiable list in violation of the principles that they have professed throughout generations. That is to be taken in connection with the reasons which they give on page 19 of the report for the proposition contained in the proposed legislation.

On page 16 of their report they put the interests of the consumer first. That is rather a unique proposition. I want this to go into the RECORD.

At the top of page 16 they say under the caption "Consumer's interests":

> In its revision of Schedule A the committee has also endeavored to give careful consideration to the interest of the consumer. Although the duties on chemicals have a less direct relation to the prices of fully finished products than is the case with many other goods, yet in some instances the rates have an important direct bearing upon prices paid by the consumer.

That is an erroneous principle. The consumer is not to be given the first consideration in legislating, because the consumer may have nothing to consume. The order of importance, if we are to divide industries and the people engaged in industries into classes, would seem to me to be, first, the farmer. I include under that designation all classes of people who produce the things that grow in the earth or on the earth for the comfort and sustenance of mankind. The farmer produces the foodstuffs and the raw material. Of course no other person is interested in what he consumes. He consumes of his own product and adds nothing to the wealth of any other person, but he is of first importance.

There could be no cities without farmers. Bear that in mind. There could be no communities, other than those composed of farmers, without farmers. So the farmer is to be given the first place and not the consumer, as is said on page 16 of the report. The consumer does not exist until after the producer has come into existence, and when you protect the producer you make it possible for the consumer to be protected and to exist.

So I put the farmer first. I place his interest first in considering tariff legislation. Take him out of the category and there is nobody else to protect. There would be no iron furnaces nor spinning mills without the farmer. All the farmer has to do to stop them or control them is to rest the plow in the furrow, sit under the shade of the tree, and eat the product of his own garden and of his own stockyard. There would not be a wheel turned in the factory nor a furnace lighted except for this element of the community. That should be borne in mind. I mention it because the minority of the committee, in its report, has placed the consumer first and the producer last. It barely mentions the producer; in fact, I do not think it saw him clearly. It saw him as through a glass, darkly.

The man of next importance is not the consumer, but the distributor, because if these products remained where they are produced they never would reach anyone outside of the producer. The second largest item for consideration in tariff legislation or in any legislation affecting the prosperity of the people is that of distribution; and that is a big question. It includes the men who haul in their little huckster wagons and deliver to the consumers. It includes the great transportation companies of the country that carry in quantity that which is produced in local centers. It is one of the big questions to be taken into consideration. It is just as important when we are dealing with distribution that we consider the smallest as it is that we consider the largest, because it is distribution that connects the producer with the consumer. There would be no consumers except the producers if it were not for the means of distribution and for the distributors. That has very close application to a schedule of this kind. No ordinary consumer could go to the place of production and secure the benefits of production at all. He would not know where to go. The distances would be prohibitive.

So in classifying these people I place them in that order: First, the producer; second, the distributor; then, the producer of raw material, without the producer of raw material there would be no wage-earning class in this country. You must have raw material to run any foundry or factory or machine shop, and you must apply the law to the production of raw material as the item third in importance.

This schedule reverses that rule. It creates a false premise; and when you start out with your face in the wrong direction you are not apt to reach the desired destination. To be sure, these questions are familiar to all Members of this body. This is a body of men selected because of their capacity to understand these questions and because of the fact that they do understand them. When we talk here about these questions that may seem academic, it is not that we hope to turn men in their trend of thought, but it is that we speak through this medium to the country that is affected by and interested in this matter. The country expects us to send out the true ring of the true gospel, and it is our duty to do it; otherwise we might as well meet in executive session or write letters to each other.

There are three classes that have been completely ignored in this report—not ignored through oversight, but ignored specifically by substituting some other class for them. So it can not be charged as a mere difference of opinion or oversight; but they have deliberately substituted the wrong persons in classify-

ing those for whom this legislation is intended, and the country should know it; otherwise the country is apt to start from wrong premises—otherwise the country is apt, with its face pointed in the opposite direction, to go astray.

You can make no greater mistake than to believe that the people do not think, that they do not follow these questions. I have no doubt it is the experience of every other Member of this body, when he goes out and is no longer addressed in his official capacity, that he finds that all communities are considering and thinking and talking about these questions. They are not all right, but they are all seeking for the light.

I have heard as interesting discussion of some of these questions in the last three weeks out in local communities as you would hear upon this floor. Many of them started off with false premises. There are certain newspapers that seem to have become popular in some sections of the country that have been preaching false doctrine, and these people excusably take it as a text.

A few days ago some men were talking on the street corner in the midst of one of the most prosperous sections of the State of Pennsylvania. They were sure they were right, and they were denouncing everything that exists and demanding everything that is dangerous. I said to them: "Where do you get these ideas? Where do you get the basis for such statements?" "Why," they said, "from the North American." The North American had insidiously wormed itself into that community and spread venom like a poisonous snake, and those people were mistaking it for the source of wisdom.

That is just as dangerous and as venomous as the things I spoke of yesterday. It leads whole communities astray. When they find, though, with a little careful consideration, that they are wrong, they do not hesitate to turn; but sometimes it is too late. Sometimes it is after election day. Up in the State of Pennsylvania the knowledge came too late. But the knowledge now is spreading itself from mind to mind and house to house. I am hearing from some of it, and they are thinking. What they want is the truth as the basis of thought, and, while they may be longer in arriving at the truth, they will get there. It is not a case of permanent insanity; only one of temporary aberration of mind.

I have considered this statement in the report in its relation to the first three classes of American citizenship. I am not here with my heart filled with pity or sympathy for the laboring classes of other countries. That is a question for missionaries and not for statesmen.

I now come to the class termed manufacturers—that is, those who combine wages with raw material and produce things for man's use. Those are manufacturers. Their work makes a market for the raw material, it makes a market for the labor, and it enlarges the scope of individual and personal civilization. But now we come to the confluence of the streams. When you reach the manufacturer you have reached the point where these streams come together and constitute consumers and producers, because all that we produce in this country that is not sent abroad is consumed by those identified with the manufacture of raw materials into finished products, excepting only that consumed by the producers of raw materials. There is your situation. They start separate streams, as the fingers of your hand, and at the wrist they form that great, mighty stream of American industry and enterprise that is composed of the producer of raw material, those who convert it into a finished product, and those who use it. They are the united result of the separate enterprises. Every one of them is a consumer in kind, to be considered not separate and apart, but as an indispensable part of the other.

The first—that is to say, the farmer, the tiller of the soil—can live and prosper without any of the others. Mark that. The farmer, the tiller of the soil, can live and prosper and be a good citizen without any other element of the people. We have only to remember back within our own lifetimes to know it. We have only to go up in the old garrets and see the spinning wheels and the looms there to know that the ancestors who landed upon this continent and made their homes in the timber built their own looms, made their own spinning wheels, raised their own flax, and converted it into clothing for the family. They raised things to eat; they raised the local stock that constituted the winter's supply of food; and they were as complete a civilization and a governmental power as the richest and strongest nation of the earth.

So I say that you can eliminate the manufacturer, you can eliminate every other class of citizen, and have a perfect and concrete and happy government of men based upon their possession and use of the soil. Then what follows? In legislating upon this or any other subject involved in tariff legislation to classify the very top and crown of human kind at the end of the list, to be considered only if we have time after the day's work is done or perhaps not be reached during the day. The great majority of the errors into which the people fall, the hysteria that marks the proceedings of caucuses and conventions, the mistakes in legislation and in government, result from misapprehension upon this question, from error in classification of those for whom we are legislating.

It was told of a man who had been a noted street-corner orator on political questions, who made much noise and dealt in high-sounding phrase, that finally, in order to quiet him, they sent him to the legislature. He knew the word "legislature"; he did not know how to spell it, but they sent him there. After he had been guided through the preliminary steps of taking an oath of office and being assigned to a seat he looked around and said, "Now, what will I do?" "You are here to legislate." "Well, what is legislating?" "Legislating is making laws." "What laws?" And so on. It illustrates the fact that you must know what you are going to do when you come into a hall of legislation. You want to know who your client is, who is your constituent. Unless you do know you go blind, like that poor fellow did in the legislature, without knowing why he was there or what purpose he was to serve.

We are here to legislate primarily for those who occupy the soil, for the masters, the masters of business, large and small, the masters of the cities, the masters of the banks and the railroads, and everything, that would starve in a week if the soil were to cease to produce. They would not know what to do with the soil if they were placed upon it. They would not know how to plow it, how to plant it, or how to reap it. They are not only helpless in the sense that they depend upon it for the sustenance of life, but helpless because they do not understand it, and would not know how to use it.

Now, Mr. President, we come to those who are to receive the especial consideration under this report, the consumers' interests. I have read the first half of the paragraph. I will now read the last half of it:

> The general changes proposed in the duties on the articles included in these paragraphs by H. R. 20182 are such as to reduce the burden of prices resting upon the consumer, as far as possible, with due regard for necessary revenue from the schedule.

There is no provision there for reasonable profits to the producer. It is only the consumer who is to be considered. They are proposing that there shall be due regard to revenue, but there is no mention of the producer. You are going to sacrifice him. They say in their report that these imports will increase the next year from $47,000,000 to $96,000,000. What does that mean? It means that you are going to substitute the difference between $47,000,000 and $96,000,000 by allowing the foreigner to displace that much in our fields of production. It is like the process that took place in the pine trees in Colorado. Great giant pines fell to the ground ages, perhaps not many, ago and were brought in contact with certain solutions which substituted silica for wood fiber and made what we call petrified trees. Substitute the silica of foreign labor and raw material for the wood fiber of American labor and American material and you will have petrified America.

The process will be the same. I have seen those giant trees lie there. When you come to break one of them open and examine them you find that the original intention of the Creator in growing that tree has been displaced; you have a rock. You ask for bread and you get a rock, a petrified tree. You can not build a house out of it, and you can not build a wall out of it either, if petrified.

We are saving up a large amount of forest petrified in time, when we are gone, conserving it. In place of the picture of cities and homes made of those forests you will find the petrifaction of inactivity and solitude. I just say that in passing.

But I was reading the second part of this paragraph. I was calling attention to the fact that no mention is made of the producer. He must work and slave and toil and produce things in order that the consumer may sit around and consume them and growl about high prices. I have not heard the producer talk about prices being too high for his corn or his wheat or his cattle. I have only heard those who would disregard him and his rights complain that he does not work cheaply enough for them, that he asks the right to live on a basis established by himself and not by somebody else.

Now, they proceed to say:

> This has been brought about by expanding—
>
> That is, this condition that they deplore—
>
> by expanding classifications and by alterations in the rates of duty.

Then they proceed with the statements, and they are most interesting. I have spent many hours over this report, and I find it as interesting a document as ever was written under the caption of a novel. It reminded me last night when I thought

of it as I was reading it in the night, that if you would start out to write a poem about the lark and describe the crow you would about strike the gait of this report.

I wish it might be possible for that report to go out among the people who would read it and get at the true inwardness of this proposed change in the schedules, the substitution of a free list by a dutiable list upon articles none of which we produce or can produce at all.

They say they are in favor of tariff for revenue. I say they say it; I do not know whether they will say it or not. I notice they start to say it, and some of them interrupt them, and they have not yet reached a conclusion. But the Republican Party has spoken.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Certainly.

Mr. SIMMONS. I understood the Senator to express a wish that the report might go out and obtain wide circulation. Will the Senator suggest how many copies he would agree to have printed and circulated?

Mr. HEYBURN. You mean pay for being printed? I would no. charge the people for the use of the people's property for the benefit of the people.

Mr. SIMMONS. I thought the Senator in the interest of the public, from his standpoint, would be willing to bear the small expense of printing, and I asked how many copies of the report he would like to have printed.

Mr. HEYBURN. That reminds me——

Mr. SIMMONS. I hope the Senator will make a motion for the printing and circulation of a great many copies of that report.

Mr. HEYBURN. I will be very willing to see it go out just as we vaccinate the public against certain diseases, to send it out under the appropriation we were discussing yesterday of some hundreds of thousands of dollars for the raw material to prevent the disease.

In reference to the cost of sending it to the people, I hear so much about charging the people for that which belongs to them, I will state that I had a letter this morning from one of the departments in reply to a request that a certain document be sent to one of my constituents.

They gave the price at which it could be obtained. It was printed at public expense. It is the property of the people and ought to be free to them, because it pertains to questions the Government is arrogating to itself the right to investigate. Yet those people have to pay for it. Of course that condition should not exist. That is the result of cheeseparing and small minds or small minds engaged in cheeseparing. They are trying to make a reputation as economists, and they think if they can show that they save $19.12 by making their masters pay them for that which they have already paid for, some one will commend them.

I was proceeding to say that we had not heard from Baltimore in regard to the rule of revenue except about such sounds as I heard coming from a neighboring room a bit ago where you would hear a word here and there. But there is a declaration before the country by the master organization.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arizona.

Mr. HEYBURN. Yes.

Mr. ASHURST. I should like to have a moment to say that while all our eyes are turned on Baltimore, when the tariff plank is announced there it will be hailed with delight, and will be just what the American people are seeking, and for which they will vote.

Mr. HEYBURN. I was unfortunate in not catching all that the Senator said. His voice was dropped.

Mr. ASHURST. The distinguished Senator from Idaho spoke of Baltimore. I simply rose, with his kind permission, to say that when the result shall finally have been announced, the tariff plank of the platform written there will be hailed with delight throughout the country, and it will call for a downward revision, a promise which, unlike the Payne-Aldrich promise, will be kept.

Mr. HEYBURN. That is sweet music in my ears. I am very fond of reading the old prophets; it is one of my chief delights. I never stop to inquire whether or not the prophecies were fulfilled; the sound of prophecy is a charming thing.

Now, here is the seventh plank in the platform of the great Republican Party. I use the words "great Republican Party" because I do not refer to any offshoots. I mean the party which spoke at Chicago, which spoke, and did not sit silent at Chicago, and whose platform is now before us as a responsible rule of action. A few weeks ago when I spoke in this Chamber upon the tariff question I could only speak on the basis of the past, four years old or more, and what had been done under it, but now by authority——

Mr. SIMMONS. Mr. President, I should like to make an inquiry of the Senator. The Senator says that part of the Republican Party which spoke——

Mr. HEYBURN. No; not that part.

Mr. SIMMONS. Not that which remained silent. Can the Senator give information to the Senate and the country as to what proportion spoke and what proportion remained silent?

Mr. HEYBURN. The Senator has added something to my expression. I did not say that part, because any that remained silent were no part of the Republican Party. I referred to something real and not something that might have been hidden in the darkness.

Now, let us hear the gospel of protection and tariff legislation. I read the seventh plank in the platform, the heading of which is—

> Stand on tariff—

That does not mean tread on it and stamp on it; it means stand on it as a foundation—

> We reaffirm our belief in a protective tariff—
>
> A protective tariff; not one for revenue—
>
> The Republican tariff policy has been of the greatest benefit to the country, developing our resources, diversifying our industries, and protecting our workingmen against competition with cheaper labor abroad, thus establishing for our wage earners the American standard of living.

That is the crux of it—"the American standard of living." You need no lead pencil to find out what that means. You do not have to telegraph to Berlin or London or Paris to find out what the cost of producing a lead pencil is this morning in order that you may fix the duty to be collected upon it at the customhouse this morning. I will proceed:

> The protective tariff is so woven into the fabric of our industrial and agricultural life that to substitute for it a tariff for revenue only would destroy many industries and throw millions of our people out of employment.

That statement is based upon a foundation of facts as stern and stanch as Gibraltar. It will stand no chipping or whittling or sophistry or pretense of reason. I proceed:

> The products of the farm and of the mine should receive the same measure of protection as other products of American labor.

That is a raw-material declaration. No party that sends that out upon its banner can ever support a proposition of free raw material. I am glad to see it; I congratulate those who are responsible for the utterance. I proceed:

> We hold that the import duties should be high enough, while yielding sufficient revenue, to protect adequately American industries and wages.

"High enough." That means above the boot tops. An 18-inch boot top will not keep your feet dry in 20 inches of water. It means that the tariff is to be "high enough," so that there is no danger of splashing over; so that there is no cheeseparing about it; no whittling down to see how close you can cut the producer to the quick without drawing blood, and, if you draw blood, how you can best stanch its flow. That is the kind of condition with which we have been confronted in the discussion of the tariff question here for many months since that unfortunate expression, upon which an unfortunate interpretation was placed, crept into our declaration of principles. Even in the most solemn hour among men a little levity will creep in. Following that is—

> Some of the existing import duties are too high and should be reduced.

I suppose that really got caught and tangled in the fringe of this work as it was brought out from the loom in which it was woven. That is all I can say for it. As I said yesterday, I presume that is true of some items. I mentioned two yesterday. Perhaps the duty may be too high on curled feathers and beeswax or some little things like those. I might be willing to enter into council for the consideration of that question; but it is not too high to protect earnest, responsible enterprise, individual and collective. A free trader would laugh at a provision that would undertake in such terms to qualify the great statement that preceded it. I proceed:

> Readjustment should be made from time to time to conform to changing conditions and to reduce excessive rates, but without injury to any American industry.

That is to say, under the rule above stated, but not by schedule, not by nipping in here and there. That platform does not mean to favor revision by schedule. I am going throughout this country during the campaign making that declaration, and no member of the committee that made that platform will dare controvert it or claim for a moment that that is a declaration in favor of revision by schedule, because the Republican Party the last time it spoke responsibly condemned in explicit and

unmeasured terms revision by schedule. The Democratic platform in the same campaign expressly declared in favor of revision by schedule. I make this statement thus early in order that I may lay the foundation upon which I shall rest whatever argument I may make to the people of this country that that is not a declaration in favor of revision by schedule, but that, on the contrary, it is a declaration in favor of the revision of the tariff as a whole, in order that there may be that harmony in the work of revision that insures fair treatment to all, all being considered at the same time and parties to the same decree. If during the campaign I hear anyone claim that that is a declaration in favor of revision by schedule, I shall take issue with him; and the Republican Party and the Republicans will be in harmony with me and will sustain my position. We are not going to turn Democrats at this time or at any other. When you favor revision by schedule you have turned Democrats, because they declared for it and the Republicans declared against it.

I see saner days ahead in the Republican Party; I see a braver spirit to stand up against the tremor and fright of the threats of the enemy; I see sterner warfare, where the noise and the smells of the army of China will no longer frighten or stampede civilization.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSTON of Alabama in the chair). Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Certainly.

Mr. SIMMONS. The Republican Party in 1908 defined what it meant by protection. It stated that industries were entitled to be protected to the extent of the difference between the cost of production here and elsewhere, plus a reasonable profit. I judge from what the Senator from Idaho has just said—I have not read the platform of his party very carefully—that the recent Republican convention abandoned that definition of protection. I should like to ask the Senator whether that is because the party has lost confidence in its definition of 1908 or because of the report of the Tariff Board?

Mr. HEYBURN. It was because of a misuse and misapplication of the statement that had been made in the discussion of tariff legislation; that is why. It never was intended for a moment that the platform of 1908 should change the principle of protection. There was a little scare on the part of certain individuals who thought unless they could get some Democratic votes—and I do not speak of the Presidency—they perhaps could not win; that they perhaps could not be reelected or continue to hold their offices. They tried the experiment of seeing if they could not look like Democrats until they got past the tellers, in order that they might be counted as such. That is about the size of it; and we caught them at it. We found that they attempted to use it in the discussion of the tariff question in violation of the real principles upon which the party had stood. The Republican Party in its greatest platform in recent years announced the doctrine that the revision of the tariff should not be made, except after such lengthened intervals as would represent changed conditions and make it obviously necessary, and they closed with the words "and let it stand thus."

In my judgment, we had upon the committee on resolutions, which drafted the platform at Chicago a few weeks ago some Republicans who knew how to be Republicans, what it was to be Republicans, and how to express Republican sentiment, for which I thank God in the interest of good government and in the interest of the continuance in power of the party of principle.

I reread that:

> Readjustment should be made from time to time to conform to changing conditions and to reduce excessive rates, but without injury to any American industry.

That does not mean without injury alone to the large aggregations of business and capital. It says any interest or any industry. That means the individual who works at his loom to-day alone in his own house or the aggregation of men and capital where thousands of spindles hum. It means the man who has his little forge up in a valley that I have in mind, who makes plows and axes and implements for the farm, as he did or as his father did, to my recollection, 50 years ago. It means that man as much as it means the United States Steel Corporation or any other aggregation of capital. It means the person who has not yet reached manhood——

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. HEYBURN. Yes.

Mr. JOHNSTON of Alabama. The Senator from Idaho said a few minutes since that the Republican Party was opposed to the revision of the tariff, schedule by schedule.

Mr. HEYBURN. Yes.

Mr. JOHNSTON of Alabama. If my memory serves me correctly, the present President of the United States heartily recommended that method of revision.

Mr. HEYBURN. Mr. President, I spoke of the Republican Party. No man is the Republican Party. I do not derogate from the respect and credit that I give the President of the United States; but the Republican Party is made up of the Republicans of the country, and it is greater than anything less than every man who is a Republican. I do not intend to cast any aspersion or to be led into any debate that would involve any action of the President. Presidents are selected because they are wise, but not because they are allwise; they are selected for the average of wisdom which they can bring to the performance of their duties, without the expectation that there will never arise an occasion to differ from them. Criticism of the acts of a President should be couched in respectful language and expressed in a respectful manner, because Presidents are chosen by all the people, and respect or respectful treatment in dealing with them is only respectful treatment or respect to the whole people, not necessarily to one individual.

Mr. President, so much for the responsible gospel of Republicanism. There are many other provisions in that platform. There are 30 planks in it, every one of which could be eliminated except that one, and leave a perfect code of government for the party. The others deal with things that come and go; they pass into legislation and out of it without creating more than a local ripple; but the great business problem of the Government is involved in the tariff plank, as it is involved in tariff legislation. It represents the balance of trade between the American people as a whole and the rest of the world; not between some selected malefactor and the world, but between the people as a whole and the world. When we take the books of the customhouse at the end of the year and ascertain by the subtraction of one side of the ledger from the other that we have taken in more money than we have paid out or paid out more than we have taken in, we have the problem of the prosperity of the people as a whole. One man may not have shared equally in this division of business; but I am speaking of the American people. There is the rule. That is the rule that governs a business man. At the end of the year he strikes a balance for the purpose of determining whether or not he has taken in more than he has paid out. If he has paid out more than he has taken in, he is that much to the bad; if he has paid out less than he has taken in, he is that much to the good. The rule applies to individuals and to aggregations of individuals, and that is the tariff, and nothing but the tariff. That balance of trade is influenced by the tariff. If he might not export, he would have no market for his surplus; if he might not import, it would make no difference to him as to the value or cost of things abroad. We regulate those things by the Constitution of the United States in the one case and in the other by the often-changing law.

In the question of the balance of trade in commodities the Government has no interest whatever; it is neither affected one way or the other, except as the citizens are affected. The Government, through its customhouses, leading into its Treasury, is affected in the revenues derived from imports and other sources. The people are not benefited at all by them. Oftentimes they fail to distinguish between the two ledgers—the ledger of the Government and the ledger of the people. Until the people have produced a surplus, they can not make a dollar, except as they mine it from the ground.

The buying and selling between individuals at home neither adds to nor takes from the wealth of the people as a whole; but if the Government, through the levying of discriminating duties, influences the sum of money spent by our people for purchases abroad, there the two streams converge. We get commodities for the money we spend abroad, and presumably consume them; but they add nothing to the wealth of the people.

Mr. President, this bill is confessedly without purpose. No demand was made for this proposed legislation; no claim was made that there was a need of more revenues or increased revenues through the customhouses. It is true that those on the other side of this question have declared their intention of rendering it unnecessary to collect anything at the customhouses; they have declared their intention of substituting other sources of revenue sufficient to maintain the Government; they have declared their intention of substituting such items as I find in the financial statement of the Treasury Department; and this sounds so much like a joke, in view of the discussion of the question upon this floor, as to make it interesting as well as amusing.

The prophecies that were indulged in as to the amount of money that would be realized from the corporation tax would

make some Members rather bashful if you would open the pages of the CONGRESSIONAL RECORD and call their attention to the speeches and prophecies. The Treasury statement issued on June 29 shows that for the fiscal year ended June 30, 1912, there had been collected $28,583,103.90 under the corporation tax. How does that sound as compared with the figures upon which that legislation was procured? It could not have been procured upon any such showing as that. No one would have stopped long enough to give it thought or to support it. It was conceived in a spirit of vengeance and wrought out in a spirit of frenzy. The corporation tax was going to render it unnecessary any longer to levy protective duties, or even revenue duties, at the customhouses. We collected last year at the customhouses $311,257,347.86; and on account of this item, the corporation tax—and so that it may appear in conjunction with the customs duties I will restate the amount—we collected $28,583,103.90.

Now they are proposing another class of taxation. It amounts to an occupation tax, a personal tax. They would substitute a system of personal taxation to make up a large part of the difference between $28,000,000 and $311,000,000; and that is one of the arguments they use. I see a vacant seat over there from which I heard the statement made when we were discussing the last revenue bill that it would not be difficult for the Government legitimately to collect enough taxes through these extraordinary means of local taxation to make it unnecessary to keep open the customhouses. I heard one Member say that he would close every customhouse in the United States and undertake to provide revenues to run this Government.

We have had now more than a year—nearly two years—of actual experience, and there is the result. It was supposed that there would be collected from corporations—and they were so classified as to eliminate all smaller corporations—at least half enough money in the beginning to pay the running expenses of the Government. That I speak of as against the general proposition of changing and shifting our revenue laws with the idea that you are going to eliminate the necessity for a protective-tariff duty. We already bring into this country free about the same amount of merchandise as we import under duty. They are fairly divided.

Mr. President, we are facing both a theory and a condition this morning. We have the theory I have referred to that the Government should be run by local taxation. We have a condition which shows that all the attempts in that direction which have been made have been utterly futile and based upon nothing. The condition is the result of the theory, and we must get rid of both condition and theory. We have too many theorists who theorize without any experience upon which to base their theories. We want to disregard them and eliminate them entirely from the consideration of this question.

The best way to get rid of a theorist is to give him his way and he will explode. It will be a case of spontaneous combustion if you just give him his way, but it is an expensive thing to do. We know the remedy is all right, but it is like many physical remedies—they carry with them an element of danger. The man who is always wanting change and wanting something new is a dangerous man. Our lunatic asylums are filled with those men. I suppose half the people of demented condition to-day are those who imagine they have a panacea for the ills of others. None of them having succeeded they become obsessed with the idea, and go on and on until they land over on the hill.

Just place responsibility upon one of those men and that is the end of him, because he is not able to live up to it; he is not able to make good. He will tell you how he can do this and that, but just put the responsibility on him and you are through with him. But that is another expensive process.

There has been so much noise indulged in or created by those who have been sitting on the fence watching the real workers and laborers in this country that it has really gotten on the nerves of the workers. Here is an idle theorist sitting on the fence telling the farmer how better to plow the furrow, how better to hoe the corn or reap the crop; and he talks from long practice in such a way as to create the impression that he could do these things himself and that he knows from experience how to do it. Tell him to get down off the fence and start to plow the furrow, and the first thing that would happen to him, probably, would be that the plow handle would hit him in the jaw. Farmers will understand that; I do not know whether all Senators will or not. Take him at his word when he is advising the man how to cut down a tree and he probably would throw the tree so that it would fall on him and destroy him. It is a good thing once in a while to call these critics off the fence and say, "Here, you say you can do this; now do it." You are through with him then. That is the end of him.

Mr. President, I have occupied quite as much time as I think I am justified in occupying, and more time than perhaps some think I was justified in occupying. But it was not my intention that there should be any possible ground upon which anyone might base the supposition that the Republican Party did not know the difference between protective-tariff legislation and tariff for revenue. If we are going to have to compare them after the convention at Baltimore is over, I hope I have made some suggestions that may be useful in a further consideration of the difference between these two systems.

Mr. SMOOT. Mr. President, I anticipated proceeding with the discussion of this bill to-day, but there are a number of Senators upon the other side who have asked me not to do so until the Senator from Maine [Mr. JOHNSON] is present. He is detained at the present time and is out of the city. It is quite evident that with the number of Senators absent we can not get a vote upon the bill to-day. Therefore, Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum, and the Secretary will call the roll.

Mr. HEYBURN. Mr. President, I rise to a question of parliamentary privilege.

Mr. SMOOT. Mr. President, I will withdraw the suggestion if——

Mr. LODGE. The Senator can not withdraw it.

Mr. SMOOT. Only for a statement, however.

The PRESIDENT pro tempore. Nothing can be entertained unless it relates to the question of a quorum.

Mr. HEYBURN. I rise to a parliamentary question, which, I imagine, may be done. It is that such a suggestion is not in order under the unanimous-consent agreement. If that were not the case, you could destroy any unanimous-consent agreement.

Mr. SMOOT. I believe the Senator said in the beginning of his speech to-day that he could suggest the absence of a quorum, and that would develop the fact that there was not a quorum here to do business.

Mr. HEYBURN. I said that I would do so in an alternative.

The PRESIDENT pro tempore. The Senator submitted his point of order, and the Chair will rule on it. The Chair understands the Senator from Idaho to make the point of order that under the unanimous-consent agreement there can be no question raised as to the presence of a quorum. The Chair is constrained to overrule that point. It is a fundamental proposition that a quorum is essential to the doing of business, and the rule is imperative that whenever that suggestion is made the roll shall be called. There is no exception to it and no variation from it.

Mr. HEYBURN. My suggestion was only in the interest of harmony.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	Johnston, Ala.	Root
Bacon	Crawford	Jones	Sanders
Borah	Cullom	Kenyon	Simmons
Bradley	Cummins	Lippitt	Smith, Ariz.
Brandegee	Curtis	Lodge	Smith, Ga.
Briggs	Dillingham	McCumber	Smoot
Bristow	du Pont	Nelson	Sutherland
Brown	Fall	Oliver	Thornton
Bryan	Fletcher	Overman	Tillman
Burnham	Gallinger	Page	Townsend
Catron	Gronna	Paynter	Warren
Chamberlain	Guggenheim	Perkins	Wetmore
Clapp	Heyburn	Poindexter	Works

Mr. THORNTON. I desire to announce that my colleague [Mr. FOSTER] is necessarily absent on account of illness.

Mr. ASHURST. I was requested to announce that the junior Senator from Montana [Mr. MYERS] is necessarily detained from the Senate.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. SMOOT. Mr. President, I had hoped that the Senator from Maine [Mr. JOHNSON], who spoke on the pending bill the other day, would be present, but he is absent from the city; and under the unanimous-consent agreement I must proceed with what I have to say upon this particular schedule.

In beginning my discussion of the chemical schedule I want at the very outset to congratulate the Democratic Party upon the fact that it has finally come to appreciate the value of information furnished by the Tariff Board in connection with tariff legislation. That these Democratic tributes to the ability of the Tariff Board may not be lost or forgotten, I ask permission to quote the following words uttered by the author of the

chemical bill, Mr. HARRISON of New York, in presenting it to the House of Representatives. He said:

The members of the Ways and Means Committee take this opportunity of expressing to the Tariff Board their appreciation of the very valuable assistance which this report has been to them in the preparation of their bill. When the Tariff Board made this report to us, no inquiry had been made by them as to the supposed difference, if any, in the cost of production here and abroad, so that the Tariff Board documents published with this report refer solely to subjects which are of importance to all revisers of the tariff, either Republicans or Democrats.

This claim that the present bill is based in part, at least, upon information furnished by the Tariff Board or one of its experts is alone sufficient justification for the position taken by those Members who opposed the crude attempt made to revise the chemical schedule last session and fully sustains the President in his veto of that makeshift measure. Do not understand me as saying that even the present bill is based upon any report of the Tariff Board, for it is not. The Tariff Board has not made any complete report on the chemical schedule either to the President or to Congress. That board furnished the Ways and Means Committee of the House with simply a glossary or dictionary of chemical terms for its use in connection with the preparation of this bill. The chemical bill which passed Congress last session was enough to convince anyone that its Democratic proponents were sadly in need of a dictionary to understand even the mere words of that measure. Undoubtedly, if they had had this pocket dictionary at hand last session, they never would have sent such a haphazard bill to the President for the veto that he so justly gave it.

This glossary as prepared by the Tariff Board, excellent as it is for dictionary purposes, does not contain, nor does it purport to contain, any adequate information upon which a revision of the chemical schedule should be based. That there may be no misunderstanding as to the scope of this "glossary" on Schedule A, as it is called, let me quote the definition which Webster's International Dictionary gives of the word "glossary." According to this authority a glossary is—

A collection of glosses, or explanation of words and passages of a work or author; a partial dictionary of a work, an author, a dialect, art, or science, explaining archaic, technical, or other uncommon words.

The chairman of the Tariff Board stated to the Finance Committee that this board had not had time as yet to begin any investigation whatever of the chemical schedule. When asked the direct question, if the Tariff Board had made any investigation of the chemical schedule, Mr. Emery said:

We prepared a glossary explaining what the different articles are and the ordinary statistics regarding them, but we have made no investigation into the industry.

This glossary taken by itself, Mr. Emery said, was not in any way adequate information upon which to base a revision of the chemical schedule and that it did not show the relative cost of making chemicals in this country and in foreign countries at all.

MAGNITUDE OF CHEMICAL INDUSTRY.

Such is the elementary information upon which the proponents of the chemical schedule have undertaken to play with the fate of an industry which alone numbers nearly 12,000 establishments, has an invested capital of more than $2,000,000,000, and employs nearly a quarter of a million wage earners. The industries affected both directly and indirectly by Schedule A include, according to the report of the American Institute of Chemical Engineers for 1905, 56,580 establishments, having 1,107,714 wage earners, whose annual compensation amounted to $575,635,257, and the value of their products $4,716,490,371. The Tariff Board has given its indorsement to the following statement by Dr. J. Lawrence Smith, American commissioner for the Universal Exposition in Paris, concerning the far-reaching scope of the chemical industry:

Industrial chemistry links itself with every modern art in such an intimate manner that were we to take away the influence and results of chemistry it would be almost like taking away the law of gravitation from the universe. Industrial chaos would result in one case as material chaos would in the latter.

The author of this bill has frankly stated that the Tariff Board, in submitting its glossary to the Ways and Means Committee, made no report upon the cost of production of chemicals at home and abroad, which information, from the Republican point of view at least, is absolutely fundamental to any scientific revision of the tariff to which our party is pledged.

The author of the bill was also fair enough to state that the Tariff Board was not responsible for the rates in the bill, that responsibility, he asserted, resting upon the Democratic members of the Ways and Means Committee. Typical of the Democratic method of preparing tariff measures is this gentleman's open avowal that the chemical schedule was chiefly drafted by himself and accepted by the Ways and Means Committee with practically no change. It is likewise a matter of fact that this bill was adopted by the Ways and Means Committee without ever having been read at a session of that committee and was accepted by the Democratic caucus without any reading whatever of its provisions to that body which now controls the legislative program of the House. Furthermore, a gag rule to force its passage through the House was adopted by the Democratic majority of that body without any reading of the bill to inform the Members of the House as to its provisions. This measure came to the Senate, therefore, without any information whatever to show the difference in the cost of production at home and abroad.

The glossary of the Tariff Board does not contain any such information nor has the board made any inquiry into that subject as yet. Moreover, neither the author of the bill nor the Ways and Means Committee of the House obtained any information as to the condition of the chemical industry or its costs of production at home and abroad. No hearings were held by the Ways and Means Committee on this schedule, its author admitting that he had no information upon which to base his revision except the testimony in accordance with which the act of 1909 had been prepared and the informal statements of a few gentlemen who came to Washington and asked the Democratic subcommittee of the Ways and Means Committee for an opportunity to explain their views. Most of these statements undoubtedly were made by importers anxious to tear down the American protective-tariff system. As far as is known, whatever they may have said to the subcommittee in secret was not taken down nor have any of the statements made to that committee been printed. No opportunity was given the other members of the committee to question or cross-examine these importers nor were American manufacturers permitted to make any answer to the arguments that they may have poured into the ears of the author of the chemical schedule.

FINANCE COMMITTEE'S HEARINGS.

In marked contrast with this method of considering measures vitally affecting the prosperity of the American people is the careful consideration which the Committee on Finance has given the pending measure. So far as within its power and its time since the chemical bill was referred to the Finance Committee on February 22, 1912, hearings have been held on that schedule, and everyone desiring to appear before the committee or submit a statement has been accorded the fullest freedom to do so. The minority members of the committee were permitted to be present, summons witnesses of their own, and cross-examine every witness at great length. At the conclusion of these hearings the committee decided that Congress ought to wait until it receives a full and complete report from the Tariff Board before it undertakes to legislate further on this subject.

The bill in itself is a confession that its proponents do not possess adequate information to revise the chemical schedule at this time. If the advocates of this bill contend that it is a just and honest revision of the chemical schedule, then they must admit that the bill which they supported last session was an unjust and dishonest measure. If they insist that the chemical schedule which they passed last session was a fair revision, based upon adequate information, then they confess that the pending bill is unfair and is not based upon information sufficient to warrant jeopardizing the livelihood of more than a million wage earners who are directly or indirectly affected by Schedule A.

I want to be entirely fair in this matter, and I am glad to say that the author of the pending bill, who has assumed all responsibility for its rates, has stated that if the Ways and Means Committee had had an opportunity of originating the chemical schedule last session it would have been drafted upon somewhat different lines. This statement fully sustains the position taken by those Members of Congress who voted against that iniquitous measure and upheld the President in his veto of it.

The pending bill shows a most remarkable change of front by the Democratic Party in regard to the policy of free raw materials. This measure was heralded to the country as another downward revision, yet it contains the greatest transferring of articles from the free to the dutiable list that has been witnessed in tariff legislation for many years. The Democratic Party proposes in this bill to take more than 150 articles from the free list of the act of 1909 and place them on the dutiable list. The value of the articles thus imported free in 1911 under the Republican tariff amounted to $42,347,887, upon which the Democratic bill proposes to place a duty ranging from a quarter of a cent a pound, as in the case of coconut oil, to $3 a ton on nitrate of potash.

The free list of the Democratic bill includes only 16 items, the value of whose imports for 1911 amounted to $283,543. In other words, chemical products valued at more than $42,000,000 are revised upward, while products valued at but little more than a quarter of a million are revised downward. These figures do not bear out the Democratic estimate that their revision in Schedule A is a reduction of 31½ per cent. On the contrary, they fully sustain the estimate that the bill really makes an increase of 20 per cent over the present rates. This increase is due to the most remarkable and wholesale transfer of material from the free to the dutiable list. As regards the finished products covered by the bill, there undoubtedly has been a considerable reduction in rates.

FROM FREE TO DUTIABLE LIST.

The following articles now on the free list will become dutiable if this bill goes into effect:

Ambergris.
Acids: Benzoic acid, phosphoric acid, phthalic acid, picric or nitropicric acid.
Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene. Amended.
Balsams: Copaiba, fir or Canada, Peru, tolu, storax or styrax, and all other crude.
Castor or castoreum.
Alkaloids or salts of cinchona bark.
NOTE.—While these alkaloids should be dutiable and protected as manufactures of the United States, yet the feeling among the people, especially in the South, is that an article of such world-wide use, and a specific for malaria, should be as cheap as possible; that is, providing we count the tariff as a tax.
Coal-tar products known as dead and creosote oil, soluble and sulfonated dead and creosote oil, anthracene and anthracene oil, benzol, naphtol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes.
Coal-tar products known as aniline oil and salts, toluidin, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, nitrobenzol and nitrotoluol, naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitraniline, dimethylaniline; all the foregoing not medicinal and not colors or dyes.
Tea siftings, etc.
NOTE.—These are used in the manufacture of caffeine and are not produced in this country. Although the rate of duty on caffeine has been advanced the rate charged on the tea siftings or sweepings would more than compensate for this extra duty.
Cocculus Indicus: An article of little importance. Not grown or made in this country.
Cudbear: Used as a coloring matter. Not produced in this country.
Cuttlefish bone: Large quantities of this are imported. None is produced in this country.
Divi-divi: A tannin-containing material which is used in tanning. It is the husks of a plant imported from South America. It is not produced in this country. It is quite an important article of commerce. A duty on this would increase the cost of tanned skins and leather.
Ergot.
Gums: Amber and amberoid, unmanufactured, or crude gum; arabic; copal; dragon's blood; gambier; kauri and damar; lac, crude, seed, button and stick and shell; resin, crude; scammony; Senegal; tragacanth; and all other gums and gum resins in a crude state.
None of these articles are produced in the United States, and placing a duty on them is a tax on raw materials, increasing the cost of mucilage, pastes, tanning, coloring, etc.
Indigo, crude: As is well known, indigo is a product of India. None is produced in this country. Placing a duty on it would increase the cost of dyeing, especially in the finer grades of woolens.
Iodine, crude.
Leaves, roots, and spices: Buchu; coca leaves; gentian; licorice root, unground; sarsaparilla root; cassia buds, cassia, and cassia vera; cinnamon, and chips of; cloves, unground; clove stems, unground; ginger root, not preserved or candied; mace, unground; nutmegs, unground; pepper, black or white, unground; pimento; saffron, safflower, and extract of, and saffron cake; salicin, a glucoside, obtained from the bark of several species of salix and populus. Used in medicine.
Sheep dip, not containing arsenic.
Strontia, oxide of, and protoxide of strontian, etc.
Terra alba, not made from gypsum.
Tonka beans.
Tumeric.
Turpentine, Venice.
Uranium, oxide and salts of.
Valonia.
Wax, mineral and vegetable.
Grease: Enfleurage; sulphur oil or olive foots; marrow, crude.
Oils: Vegetable, fixed or expressed: Almond, sweet; coconut, not refined or deodorized; mace; Chinese nut oil; peanut oil; olive oil, rendered unfit for use as food; palm; palm kernel; sesame; and soya bean, free. Volatile or essential and distilled: Bitter almond; anise, or aniseed; bergamot; camomile; caraway; cassia and cinnamon; cedrat; citronella or lemon grass; jasmine; juniper, lavender and aspic or spike lavender; lemon; limes; neroli or orange flowers; origanum, red or white; rosemary or anthos; roses, attar of; thyme; and valerian.
Turpentine, and spirits of.
Civet.
Lac dye and lac spirits.
Lacterene or casein.
Annatto, roucou, or orleans, and extracts of.
Arsenic, and sulphide of, or orpiment.
Wood ashes and lye.
Saltpeter, crude, a raw material, a duty on which would increase the cost of manufacture of other articles on which the duty has been reduced.
Nitrate of soda: Used as a fertilizer and in the manufacture of sulphuric acid and nitric acid. A product of Chile, the only place in the world where it is produced. A duty on this will increase the cost of fertilizers and nitrates.
Cyanimid, guano: Used as fertilizers—guano, the natural fertilizer; cyanimid, manufactured. No reason why such distinction should be made, as sulphate of ammonia, another manufactured fertilizer, is still on the free list.
Madder, or munjeet, or Indian madder.
Manna.
Mineral salts, obtained by evaporation from mineral waters.
Myrobolans.
Orchil or orchil liquid.
Pitch, Burgundy.

Under H. R. 20182 the following articles are transferred from the dutiable to the free list:

Acids: Acetic acid, chromic acid, sulphuric acid, and oil of vitriol.
Antitoxins, vaccine virus, and all other serums derived from animals and used for therapeutic purposes.
Blue vitriol or sulphate of copper.
Borax, crude and unmanufactured, and borate of lime, soda, and other borate material, crude and unmanufactured.
NOTE: This paragraph is incorrectly worded, as there is no such article as "crude borax."
Acetate of lime.
Charcoal, blood char, bone char, and bone black, used chiefly by the Sugar Refining Trust.
Copperas or sulphate of iron.
Refined mineral oils, paraffin oil, unmixed.
Paris green.
London purple.
Phosphorus.
Santonin and salts thereof.
Soda, sulphate of, crude, or salt cake, and niter cake.
Strychnia, and salts thereof.
Sulphur, refined or sublimed.

What justification there is, either as a business proposition or an economic theory, for increasing the cost of raw materials to American manufacturers and at the same time decreasing their protection against foreign competition I am utterly at a loss to explain. Yet it seems to have been the deliberate intent of the author of this bill to handicap American manufacturers as much as possible by transferring their raw materials from the free to the dutiable list and at the same time reducing the duties on the finished products of foreign manufacturers made from the same raw materials, on which the foreigner pays no duty. Only a few of the raw materials thus taken from the free list are produced in this country, so that the placing of a duty on them will not benefit any American producer of them as partial compensation for their increased cost to the American manufacturer. The bill is replete with instances of increased rates of duty upon raw materials and decreased rates on articles manufactured from these materials.

INCREASES ON RAW MATERIALS.

The table following gives only a few of the principal items of this character.

Raw material.	Tariff of 1909.	H. R. 20182.	Articles manufactured from—	Tariff of 1909.	H. R. 20182.
Acid, benzoic	Free	5 cents per pound	Benzoate of soda	25 per cent	15 per cent.
Acid, phthalic	do	do	Phenolphthalein	do	Do.
Argols or crude tartar	5 per cent	10 per cent	Tartaric acid	5 cents per pound	3 cents per pound.
			Cream tartar	do	2½ cents per pound.
All of coal-tar products save naphthalin, phenol, and creosol.	Free	5 per cent and 10 per cent.	Coal-tar products not colors or dyes	20 per cent	15 per cent.
			Coal-tar dyes or colors	30 per cent	25 per cent.
Camphor, crude	do	3 cents per pound	Collodion	40 per cent and 45 per cent	15 per cent.
			Articles of collodion	65 cents per pound and 30 per cent.	35 per cent.
Gum chicle	10 cents per pound.	20 cents per pound	Chewing gum	20 per cent	20 per cent.
Iodine, crude	Free	10 cents per pound	Potassium iodide	25 cents per pound	20 cents per pound.
			Iodoform	75 cents per pound	25 cents per pound.
Coca leaves	5 cents per pound	do	Cocaine	$1.50 per ounce	$2 per ounce.
Citrate of lime	Free	1 cent per pound	Citric acid	7 cents per pound	3 cents per pound.
Vanilla beans, crude	do	50 cents per pound	Vanilla extract	60 cents per pound and 25 per cent.	10 cents per pound and 20 per cent to 50 cents per pound and 40 per cent.

Another shifting of the Democratic position in regard to tariff revision is its conversion to the principal of levying specific instead of ad valorem duties upon imports. The chemical schedule, which the Democrats stood sponsor for last session, was based entirely on ad valorem duties. The pending bill is a complete abandonment of the old Democratic theory of ad valorem duties. There is not a duty in the present chemical bill which could be made specific that has not been made specific. Specific duties have been placed even upon articles which carry ad valorem duties under the present law. The Democratic Party is to be congratulated upon having, in this instance at least, progressed far enough to adopt the same method of levying tariff duties that practically every civilized country now has in force, and of which every Secretary of the Treasury, with one exception, regardless of his party affiliations, has declared to be the proper method of levying tariff duties.

I want to call the attention of the Senate for a moment to the map of the United States, included in the glossary of the Tariff Board, which shows the geographical distribution by States of the chemical establishments affected directly by Schedule A. This map is to be found opposite page 312 of the Tariff Board's glossary accompanying the House report on Schedule A (No. 326). The black spots show relatively the number of chemical industries located in each of the States. Notice particularly how large are the spots representing the chemical industry in the Northern and Eastern States, and how small are the spots representing the chemical industry in the Southern States. This map clearly indicates the tariff-revision policy of the Democratic House, controlled, as it is now, by Members from the Southern States. It is the same sectional spirit that prompted the House to revise the woolen and metal schedules before it gave any consideration whatever to the cotton schedule affecting its own part of the United States. Seventy-two per cent of all the chemical establishments in the United States are located in the 14 States constituting the middle and central divisions of the United States. Of the 6,194 chemical establishments in this country only 273 are located in the 15 Southern States.

LOCATION OF ESTABLISHMENTS AFFECTED.

The following table, prepared by the Tariff Board, shows the geographical distribution of establishments directly affected by Schedule A of the tariff act of 1909:

United States	6,194
Middle States	2,441
New York	1,202
New Jersey	288
Pennsylvania	704
Delaware	17
Maryland	128
District of Columbia	12
Central States	2,047
Ohio	476
Michigan	203
Indiana	188
Illinois	593
Wisconsin	130
Minnesota	132
Iowa	98
Missouri	233
New England States	750
Maine	58
New Hampshire	31
Vermont	28
Massachusetts	454
Rhode Island	61
Connecticut	118
Southern States	538
Virginia	66
West Virginia	34
North Carolina	41
South Carolina	10
Georgia	63
Florida	17
Kentucky	71
Tennessee	72
Alabama	88
Mississippi	10
Arkansas	11
Louisiana	40
Indian Territory	1
Oklahoma	8
Texas	59
Pacific States	273
Washington	27
Oregon	20
California	226
Western States	145
Montana	6
Idaho	
Wyoming	2
North Dakota	
South Dakota	4
Nebraska	34
Nevada	4
Utah	16
Colorado	31
Kansas	48
Arizona	
New Mexico	

It is interesting to note that, while the House bill has placed a double burden upon the chemical industry of the Northern States by taxing their raw materials and decreasing the duties on competing products, it has taken good care of at least one item that is an important Southern product by transferring peanut oil from the free list of the present law to the dutiable list with a protective rate of 10 cents per gallon.

The Democratic Party has been loud of mouth in its attack on the trusts and equally as vociferous in proclaiming its love and affection for the "common" people of this country. Let us see what that party has done for the trusts and the people in the pending measure.

SUGAR TRUST AGAIN FAVORED.

First, let us take the Sugar Refining Trust which was so greatly elated over the Democratic sugar bill. That trust has found additional cause for rejoicing over the fact that the Democratic Party, with all the goodness of its heart, has eliminated the 20 per cent duty on bone black and placed that product on the free list. Bone black is used in large quantities by sugar refineries. Beet sugar does not have to go through these refineries and consequently this favor to the Sugar Trust will not be of any assistance whatever to the producers of beet sugar in the Northern and Western States. Bone black is one of the few items that the Democratic bill places upon its free list, so the Sugar Trust is under special obligations to the Democratic Party for reducing the cost of this material of which it makes so much use.

Again, let us take the Standard Oil Trust, about which such voluminous reports have been made by the Democratic investigating committees. This trust practically controls the output of crude gum resin, a residue of turpentine. This resin is used largely by soap manufacturers, especially in the more common grades of soap. Crude gum resin is on the free list of the Republican tariff law, but the Democratic bill proposes to transfer this Standard Oil product to the dutiable list. It is also to be noted in this connection that turpentine is produced largely in the South, and that more than $16,000,000 worth of resin was exported from the United States last year. By increasing the duty on this residue of turpentine the only beneficiary of the country will be the Standard Oil Trust and turpentine producers of the South, who will benefit thereby at the expense of the poor washerwomen or small retailer, from whom will be exacted a hard-earned tribute to the Oil Trust every time they have to buy a bar or box of laundry soap.

The Linseed Oil Trust, a $50,000,000 combination, also has good reason to thank the Democratic Party for the kind consideration it receives in the chemical bill. This trust practically controls the linseed-oil output of the United States. The Republican tariff act reduced the duty on linseed oil from 20 to 15 cents per gallon. The pending Democratic bill has made extensive reductions in many of the duties on oils. When it comes to the product of the Linseed Oil Trust, however, a reduction of only 2 cents a gallon is made, which, of course, is a matter of little consequence to that $50,000,000 organization.

But American trusts are not the only corporations nor are they the chief beneficiaries of the pending bill. The powerful trusts and combinations that control the chemical industry of Europe will reap the greatest benefit from this measure in the reduction of the duties on their products. Even the glossary of the Tariff Board makes clear the fact that the chemical industry of Europe, especially of Germany, is under the control of the trusts and combinations that would not be tolerated in this country. I shall refer to these foreign combinations again in a moment, but first I want to point out how this Democratic tariff bill affects the common people.

I wonder if the good housewives throughout the country are fully aware of the fact that the Democratic bill proposes to take all their spices, including cinnamon, cloves, ginger, mace, nutmegs, and black and white pepper, from the free list and impose duties on these articles so essential to the kitchen of from 1 to 8 cents a pound. Of white and black pepper alone there were imported into the United States 23,193,416 pounds, which under the Republican tariff act came in free of duty. The

Democratic bill proposes to place a duty of 1 cent a pound on black and white pepper and estimates that the housewives of this country will have to contribute $171,230 as the price they will have to pay for a Democratic tariff revision. So much for black and white pepper, which is to be found on the table of every workingman in the country.

Now, let us see what this same Democratic tariff bill does with cayenne or red pepper. This pepper is confined largely to the tables of the rich and is also used especially throughout the South. These users of red pepper can thank the author of the Democratic bill for reducing its duty from 2½ cents to 1 cent a pound. In other words, the rich man will pay the same duty for his cayenne pepper as the poor man will pay for his black pepper.

Olive oil is another article to be found especially on the tables of the rich, yet the pending bill reduces the duty on olive oil in bottles and other containers from 50 to 30 cents per gallon, a revision downward that is of absolutely no benefit whatever to the ordinary individual.

Take the case of perfumed toilet soaps, which are a luxury of the rich. The House bill reduces the duty on perfumed soaps from 50 to 40 per cent, while at the same time increasing the duty on crude gum resin, one of the principal ingredients of laundry soap.

Is it in the interests of the common people of this country that such household articles as sarsaparilla, vanilla beans, licorice, and balsams have been removed from the free to the dutiable list?

BURDEN UPON WORKING PEOPLE.

The pending bill also transfers to the dutiable list certain dyes and indigo which are used largely in the coloring of calico, gingham, prints, and other cotton goods and low-priced fabrics such as denim, used for overalls. The manufacturers of cotton goods declared before the Finance Committee that the placing of a duty on these dyes will necessarily increase the cost of colored cotton goods to consumers in the United States. These fast colors have been imported free of entry since 1883. The Democratic tariff bill is therefore a revision backward of nearly 30 years in this item. The proposed duty of 10 per cent on indigo will increase the price of practically all the cotton garments worn by working people, who necessarily have to use garments of dark colors produced by indigo. A cotton dress or wrapper made of indigo blue and selling at $1.98 contains about 30 cents' worth of dye. The heavier goods require much more dye, at a cost running from 3 to 18 per cent of the entire cost of the article. This indicates the importance of the duty on indigo and other dyes to the users of the more common grades of cotton goods.

Aside from the foreign chemical trusts, the American importers, whose principal offices are in New York City, the home of the author of this bill, will be the chief beneficiaries of the proposed reduction in the tariff on foreign chemical products. I recently received such a frank confession from a New York importer as to their interest in reducing the protection now afforded American industries that I want to quote from his letter to show the small obligation that the American people owe the importers of foreign products:

Based on my own business experience—

Says this New York importer—

I believe that you can show by questioning those importers or those people who advocate a reduction of duties—

First. That the importer will derive on the sale of the imported articles an importer's profit of anywhere from 2½ to 10 per cent.

Secondly. That the only investment made by this importer is covered by a letter of credit furnished by him to the foreign manufacturer, which he in turn obtains from the foreign banker here for a commission of anywhere from one-fourth to 1 per cent, depending on whether the credit is for 30 days or 4 months; that by this process he is not obliged to invest any of his own money, but simply imports his goods against this letter of credit, which he furnishes to the manufacturer or seller on the other side, obtains his goods when they arrive here, disposes of same, collects his money, and retires the draft drawn against the letter of credit.

Thirdly. That the length of time upon which he bills his goods to the buyer here varies from 30, 60, or possibly 90 days, according to the percentage of profit derived by him on the transaction.

If he is dealing in a staple article and working on as close a margin as 2½ per cent, he will not extend to the buyer here more than 30 days' time.

If he is working on a 5 per cent margin, then he may extend 60 days, or possibly 90 days, and if working on a 10 per cent margin, he may be obliged to extend a longer credit; but, in any event, he is able to turn his money, if he has any money invested at all in the transaction, a sufficient number of times each year to return to him a profit of anywhere from 12 to 25 or possibly 30 or 40 per cent without, as above stated, the investment of a single dollar in machinery or the employment of labor in the manufacture of these goods, all of which is done on the other side, he simply taking the manufactured goods and disposing of same to the domestic buyer the same as the manufacturer is obliged to do after he has manufactured his goods.

There is great necessity of building up the chemical industry in the United States to relieve this country of dependency on Europe for such products, as is the case now to a large extent. The imports of chemical products, dyes, medicines, and so forth, for the fiscal year 1909, the last under the Dingley Act, were, in value, in round numbers $78,000,000, and for the calendar year of 1910, under the new law, $89,000,000, and for 1911, $97,000,000. In other words, there has been an increase in imports in two years under the existing law of $19,000,000.

This country now possesses all the natural resources required for the manufacture of organic and fine chemicals. There is an unlimited field for the future development of these branches of the industry. The importance of such development can hardly be exaggerated. It would not only create a new field of consumption for chemicals now produced, but also cheapen the cost to the domestic consumer of the finished product. There is an enormous production of chemicals in Europe in excess of the requirements of the home market. That surplus of products must be marketed, and by means of agreements embracing all the manufacturers this excess production is disposed of in foreign markets at prices which bear no relation to cost of production or to the prices ruling in the home market. A large percentage is dumped into the United States at prices so low that the American buyer is frequently required to agree not to reexport. The proposed reduction of duties on foreign chemicals would simply enlarge the opportunity for the German manufacturers to unload their surplus products in this country, thus replacing the products of American factories and American workmen.

FINE ORGANIC CHEMICAL INDUSTRY.

The manufacturers of fine organic chemicals in Europe employ over 200,000 men, of which 4,000 at least are engineers and chemists. There is no reason why this class of chemicals should not be produced in the United States, to the full extent of consumption at least, instead of relying on European organizations to furnish the requirements of our markets. It is in the fine organic chemical branches of the industry that the European producers make their large profits, and they are very jealous of competition in this market, and do not hesitate to pursue a course destructive to any manufacturer in this country who engages in that branch of the industry.

The report of the Ways and Means Committee on schedule A makes this admission, probably inadvertently, in regard to the superior development of the chemical industry in foreign countries. I read from the report:

There are some branches of the industry in which the United States does not appear to have reached the same stage of development that has been attained in some of the foreign countries, notably in Germany, which leads the world in highly advanced chemical manufacture.

I quote this paragraph from the article on the chemical industry in Germany accompanying the Tariff Board's glossary on schedule A:

Germany possesses to-day the best-developed chemical industry in the world, and accordingly she dominates the chemical trade of the globe. Some of its branches, and these the most profitable, are practically a German monopoly; her supremacy in this field as a whole is at present undisputed; industrially she is still expanding and there is no probability that she will relinquish any of her advantages without a strenuous struggle.

The chemical industry of Europe is practically maintained under what is known as the power of the convention, which is a method of combination. This convention, which is composed of eight corporations, does not hesitate to call meetings instantly to meet any new competition, and to allot each producer of the article a pro rata tonnage which he must place in competition with the new American competitor at a price much below cost.

Germany has giant factories, according to the Tariff Board, "of far-reaching concentration, either in the form of single corporate ownership or through the formation of combinations (carteis) dictating production and prices." A single chemical factory in Germany employs 10,000 persons, not counting the great number of distributing agencies all over the world. German law does not penalize such methods, but the Government assists, so that the industry is under what we would call in this country trust control. A number of these German organizations are bound by agreements of some kind to international "carteis," the object of which is to control the international market. The same condition exists in England, where the tendency is to eliminate competition the same as in Germany, and for identical reasons. One corporation in England has 7,000 employees, and controls a number of other corporations, while another is a consolidation of some forty-odd individual establishments, and they work in harmony, while other combinations with international scope are known to exist. In France certain branches of the French chemical manufactures are fairly consolidated in their management and ownership. One organiza-

tion operates 17 establishments in France alone. These foreign combines now make a business of dumping in the United States. Whenever they have a surplus of any product they send it to this country for disposal, and if any new competitor starts here they make a business of selling below cost to force him out of business. Several instances of this character, with the temporary reduction in prices to force out of business the American competition, were brought to the attention of the Finance Committee. But when competition here is ended the foreign combinations, which are in many cases international in scope, put up prices.

The United Kingdom at one time led the German Empire in the production of chemicals and allied products, but Germany has rapidly forged to the front. The United Kingdom's ready accessibility to raw materials, the latter depending largely upon her extensive shipping facilities, helped her to increase her chemical manufactures while her great mineral wealth added materially in that respect. The manufacture of soda ash by the Le Blanc process was the life and center of the chemical industry for more than half of a century, enjoyed much in this respect in England because no other country had the necessary raw materials—salt or brine, limestone and coal—to be found in such close proximity, while brimstone and pyrites required for making sulphuric acid, which England, like most other countries, must import, were brought back as ballast, and consequently at a very low cost, in vessels that had carried England's merchandise to other lands. Under such conditions the chemical industry of Great Britain developed rapidly, but she has had to give the first place to her German competitors. In 1879 Germany imported 24,000 tons of soda, representing the consumption for that year; in 1910 that country imported only 154 tons, while her exports had gone up from practically nothing to 62,520 tons. Numerous similar instances illustrating the growth of the German chemical industry could be given. According to the Tariff Board's glossary the German chemical industry is the most profitable of all industries in that country, the average dividends per share being 14.03 per cent. The manufacture of dyeing material shows an average dividend of 20.49 per cent. Since 1880 the average rate of dividends paid by establishments in Germany manufacturing dyestuffs, and so forth, was never less than 20 per cent.

One reason for Germany's prosperity is due to the fact that Germany has done all in her power to instill into her own people the love for German goods, while it appears that in the United States there is a large party actuated by a desire to instill a love for the goods of every country other than our own. The Germans have what is called the 10 business commandments posted up in nearly every business house, calling on Germans not to buy a foreign article when the home article would serve the same purpose because it makes the country poorer, and to write on German paper with German pens and German ink, and to use German blotters, and use German clothes to dress with, and so forth; advice that has proven efficacious in that country.

American manufacturers produce only a small part of the chemicals now consumed in this country, and to deprive them of protection for their labor, as proposed by the Underwood bill, means simply to extinguish the American industry and subject our people to the exactions of the European chemical trusts. Canada, with its wealth of raw materials and the valuable water power to be found within her extensive borders, possesses all the elements necessary for the development of a large chemical industry. With a protective tariff of her own and the United States market open freely to it, Canada may be expected to rapidly increase its production and sell its surplus product in our markets.

AMERICAN INDUSTRY IN DANGER.

Germany exported $189,517,498 worth of chemical and allied products in 1910, as compared with $84,588,644 for the United States, but half of our exports were cottonseed oil, fats, and other things not properly classified as chemicals. The American market is the most valuable in the world, and the foreign inventor and his foreign assignee naturally take all the advantage that the law here gives them to exploit this market as profitably as they can. For this reason the development of the chemical industry in this country has not been rapid, but with the imposition of duties on its raw materials and the reduction of the duties on its finished products its development will cease.

Foreigners can take out patents in this country without producing the article here, a privilege not extended to any extent by other countries to inventors in the United States. This accounts for the fact that 62 per cent of our patents in this industry taken out between 1900 and 1910 were obtained by foreigners living in foreign countries, Germany taking out by far the largest number. The author of this bill has stated that the chemical industry was more able than any other to stand upon its feet and not fear invasion from the foreign manufacturers, because many chemicals are the subject of either patents or secret processes. As a matter of fact, with the exception of coal-tar colors and a few coal-tar derivatives, there is hardly a single article mentioned in proposed law which is covered by exclusive patents or secret processes. Even synthetic indigo is now produced in Switzerland. Nearly all processes for the manufacture of these products are known and can be found in the chemical literature.

The American manufacturers are not only in competition with each other, but they are also in competition with these great foreign syndicates and combinations. Under the laws of this country, such combinations would be declared illegal and dissolved. These foreign combinations effectually control the market, regulate prices, and are able to dump surplus product into this country at prices with which our domestic manufacturers can not compete.

The glossary of the Tariff Board referred to by the Ways and Means Committee furnishes statistics which throw some light on the difference between the wages in this country and in Germany. From this authority it appears that for 1910 there were employed in this country in the chemical industry 311,537 persons who received in pay $197,251,000, or an average of $633.15 per annum. The statistics given for Germany show the average paid in 192 establishments to range from $291.55 to $318.44 per annum. In other words, the average paid in this country is more than double that in the same industry in Germany.

In Germany chemists are numerous and can be obtained at a lower wage than the American manufacturer has to pay to his skilled laborers, while the services of a chemist in this country cost four times as much as in Germany. Greater care is taken in Germany in educating both chemists and workers in this industry. That country spends every year millions of dollars for the chemical departments of its universities, where many highly educated professors and their assistants are constantly working hand in hand with the large chemical factories for the development of new processes and the invention of new products. If the salaries were taken out of that total amount, the average German wages would be considerably below the amount stated. The difference between the cost of American and foreign labor is greater when France or Belgium are taken into consideration. Then, in addition to this enormous advantage of lower wages and more efficient labor, because of its better training, there is harmonious union of action without individual competition between the different branches of the industry in Germany and other countries.

It appears from an analysis made of this bill that the revenue on finished products will be reduced from $11,104,090, as shown under the existing law for 1911, to $9,996,097, which is the amount estimated under the proposed bill. This analysis also shows that the duties on raw materials will be increased from $1,812,360 to $6,064,060. This means a double hardship to the manufacturer by removing his protection against the more favorable conditions of manufacture existing in foreign countries, and then taxing his basic materials so as to impose greater hardships on him in this country. The result of such a policy must inevitably be the abandonment by the chemical manufacturers of many branches of the industry, thus throwing many men out of work, and in the final result increasing the prices to consumers.

MEDICINAL AND OTHER PURE CHEMICALS.

The manufacture of medicinal and other pure chemicals requires the highest degree of scientific knowledge and the employment of expert chemists and skilled workmen. Medicinal chemicals are mostly made in small quantities, many of them in lots of only a few pounds or ounces. The preparations have to be conducted either by the hand or under the immediate supervision of expert and experienced chemists. There must be careful supervision to prevent mistakes, as the wrong labeling of a package might be followed by fatal results. The manufacture of pure chemicals should therefore be entitled to a higher protection and not be considered in the same class with technical chemicals, produced in great quantities with the employment of machinery and in the production of which skilled labor plays a less important part and comparatively few high-grade chemists are required. Purity is of the first importance in medicinal chemicals, and the products of the American manufacturers have a higher standing than those of foreign manufacturers. The business is one of a great deal of responsibility, and the principal cost is labor. Machinery can be employed only to a small degree. The higher cost not only of labor but of most materials and things that enter into the making up of the manufacturing plant more than offset the 25 per cent

protection now afforded. A comparison of the rates of duty imposed on the products of the textile, iron, glass, and many other industries will show that the rate of 25 per cent ad valorem on chemicals is comparatively small. That rate is not a sufficient protection now, as is shown by the fact that the importation of medicinal, photographic, and other fine chemicals has been steadily increasing for a number of years. If the duty is reduced to 15 per cent, as proposed by this bill, manufacturers assert that they will have to discontinue the production of a large number of articles and become importers.

There are no exports of medicinal chemicals from the United States, because it does not pay to manufacture here at the present time in competition with Germany, owing to the greater cost of labor and of chemists, while a large part of the apparatus used in chemical manufacture has to be imported. German manufacturers, under their trust agreements, sell their surplus, when necessary, abroad at the cost of manufacture and even less. The result of this is most disastrous to the American producer and of no benefit to the consumer. The "dumping" process is well recognized as a disadvantage to trade, and the foreign makers for that reason dump in this country instead of temporarily reducing prices at home. If importations were stimulated by reducing the duty, it would necessitate the abandonment of five-eighths of the present domestic product to bring the revenue up to the current figures, and thus would destroy the industry in this country and leave us at the mercy of the foreign combines.

Mr. Adolph G. Rosengarten, of Philadelphia, one of the largest manufacturers of chemicals in the country, protested vigorously to the Finance Committee against the passage of this bill, which he stated would end the American manufacture of a number of articles, throw out of employment many persons engaged in various branches of the chemical industry, and in a short time give to the foreign producers the control of the American market in many items. Making benzoic acid, now on the free list, dutiable at 5 cents per pound and reducing the duty on sodium benzoate, made from that acid, from 25 to 15 per cent, would, as Mr. Rosengarten says, stop the production of the latter article in this country.

Citric acid is now dutiable at 7 cents per pound, which it is proposed to reduce to 3 cents, while the raw materials, lime juice, now free, is made dutiable at 10 per cent, and citrate of lime at 1 cent per pound. These two articles are not produced in this country. The duty imposed on the raw material is equivalent to 1⅔ cents per pound on the citric acid contained in citrate of lime, and 2 cents per pound on that in the lime juice, which gives only a net protection between 1 and 1¼ cents per pound on citric acid. This leaves the actual ad valorem rate not more than between 3 and 4 per cent instead of 10.4 per cent as stated in the House report. It would be impossible to manufacture this product at this rate of duty in competition with the cheaper labor and free raw materials abroad. There is no country in the world in which an import duty is imposed on lime juice and citrate of lime as proposed by this House bill.

ALKALIES AND ALKALOIDS.

Alkalies, alkaloids, and all chemical and medicinal compounds, mixtures, and salts, and combinations thereof not specially provided for in the bill, are made dutiable at 15 per cent instead of 25 per cent, the existing rate, which is low enough as shown by the value of the imports last year, which amounted to $3,338,419. The estimated value of the imports under this proposed change of duties is placed at $5,040,000. This additional $1,700,000 of foreign products to be imported simply means the sacrifice of so much capital and labor in this country which must be turned into other channels, as the consumption of these articles will not be increased except as the population increases.

A duty of 10 per cent is imposed on quicksilver by the House bill as compared with 7 cents, the specific duty under the existing law. The duty on calomel, corrosive sublimate, and other mercurial medicinal preparations is reduced from 35 per cent to 15 per cent, with a reduction of only 1½ cents a pound on the raw material. This is another industry that would have to be abandoned under the proposed law.

Iodine is now free, but it is proposed by this bill to make it dutiable at 10 cents a pound. It is the raw material for a number of products on which the duties are greatly reduced by the proposed bill. Carbonate of potash is another raw material made dutiable.

Magnesia, calcined, medicinal, is made dutiable at one-half the rate of the existing law. In 1911 some 65,739 pounds were imported, which is said to be greater than the quantity manufactured in this country. Reducing the duty one-half simply means to extinguish the industry here and nearly double the imports.

Epsom salts, made principally from calcined magnesite, is an illustration of lowering the duty one-half on a finished product and imposing a duty on the crude material, none of which is produced in this country.

Strychnine and all salts thereof are made free under the proposed bill, while at the present time they are dutiable at 15 cents an ounce. This alkaloid is manufactured from the nux vomica bean, requiring great skill in its production, and being a violent poison must be made with great care. Why it should be singled out and placed upon the free list is incomprehensible, as it can not be produced in this country in competition with foreign makers if the duty be removed.

Mr. John F. Queeny, a St. Louis manufacturer, testified that the Monsanto Chemical Works is manufacturing six medicinal products, all of which a few years ago were imported from Germany, and that each one of these products is now sold in this country at very materially lower figures than at the time the corporation began business. Under this bill the American producers of those products would have to stop business. One of their productions is phenolphthalein, used in this country quite largely and manufactured up to about three years ago almost exclusively by the Germans. The duty on that product is reduced by the Underwood bill from 25 per cent to 15 per cent, while the raw material, phthalic acid, is taken from the free list and made dutiable at 5 cents per pound, equal to about 20 per cent of its value, or a higher duty than that placed on the finished product.

NO LIGHT ON EXISTING CONDITIONS.

The Manufacturing Chemists' Association of the United States has called attention to the careless way in which this bill has been prepared and states that the question of revising the chemical schedule is a problem that can not adequately be solved except by the assistance of competent experts after prolonged and careful study. The chemical schedule deals with hundreds of different raw materials imported from every country in the world, and the number of combinations of finished products from these various basic elements is practically unlimited. No expert study of the chemical schedule has been completed by any official body. The Tariff Board has made no report upon the subject. That board had prepared "A glossary on Schedule A," which the Manufacturing Chemists' Association states is "a mere glossary or translation of technical chemical terms into laymen's English." That organization goes on to say that "the Ways and Means Committee was assisted by a trained chemist in the employ of the Tariff Board, but the assistance was merely in the nature of technical interpretation and could shed no light on the existing conditions of the American industry, the Tariff Board having conducted no investigation in this regard."

Not only are the rates of duty generally changed in the pending bill and many articles transferred from the free list to the dutiable list and others transferred from the dutiable list to the free list, but the phraseology and classification of the act have undergone many and varied alterations. The result is that if this bill should become a law the entire chemical industry will necessarily undergo a complete readjustment, with a result that would be in many cases disastrous.

Acetic acid, which is made by decomposing acetate of lime with a mineral acid, either sulphuric or hydrochloric, is put on the free list, though it is dutiable under the existing law at a specific rate, according to its specific gravity, the equivalent ad valorem in 1911 being 16 per cent. Europe produces acetic acid in enormous quantities. It frequently becomes of great importance to these foreign manufacturers to dispose of large tonnage of surplus product in this country. There has been a very active contest in progress between American factories, which has reduced the price so low that imports are comparatively small at present. Canada as a competitor will be particularly dangerous, because a manufacturer there will have the home market under the protective tariff of that country and can sell his product in this country with just as much advantage as to transportation rates as the American producer, and will have whatever advantage of lower labor cost and other things that may be derived by producing in that country.

Sulphuric acid can not be transported across the ocean, and therefore a large industry has been built up in the production of that product. But acetic acid, which is manufactured from acetate of lime and requires about 54 per cent of its weight of sulphuric acid to decompose it, can be brought here from Europe. The census of 1910 shows that 56,924,000 pounds of acetic acid were produced in the United States. The House bill now proposes to put it on the free list. One hundred pounds of

this acid represents more than 93 pounds of strong sulphuric acid, which is a by-product in Europe. Acetic acid can be shipped at its maximum strength and diluted as required, and therefore 100 pounds of this product, when imported, would shut off the consumption of 87 pounds of sulphuric acid. Putting acetic acid on the free list would not only destroy that industry in this country, but also seriously interfere with the production of sulphuric acid.

The quantity of sulphuric-acid gas discharged daily into the atmosphere in Kansas, Oklahoma, Colorado, Utah, Montana, and California is so enormous that if the geographical location permitted they could supply the entire world with acid made from that gas and then have enough gas discharged in the atmosphere to make an equivalent of acid sufficient to supply the world many times over. But the geographical location and distribution of these sulphur-bearing ores makes exportation of the acid impossible. With all our waste of sulphur in sulphide ores and all the resulting destruction to vegetation, the manufacturer of sulphuric acid still buys one-half of his sulphur-bearing ores from Europe.

HYDROCHLORIC AND MURIATIC ACID.

Hydrochloric acid, or muriatic acid, furnishes another illustration of the manner in which this bill has been prepared. This acid is made from salt and sulphuric acid, the salt requiring about 90 per cent sulphuric acid to decompose it. Two products result—one, muriatic acid, which protects itself because of the difficulty in its transportation over the ocean, and the other, sulphate of soda, a dry salt. It is used in enormous quantities for window-glass making, for Glauber's salt, and in the manufacture of other chemicals. Sulphate of soda, which has heretofore had a nominal protection of $1 per ton, has arbitrarily been put on the free list, thereby enabling the foreigners to dump their by-products at the expense of our own. Glauber's salt, which contains 50 per cent of sodium sulphate, is left dutiable at $1 per ton.

Bleaching powder, another chlorine product consumed in a very large way, is also made from common salt. The duty is reduced from one-fifth to one-tenth of a cent per pound. It is largely manufactured at Niagara Falls, where some advantages exist in power cost, but the large consumption on the seaboard involves transportation expenses in excess of ocean freights. That accounts for the fact that with all the raw material in this country and every reason to supply the market exclusively with American goods more than 99,000,000 pounds were imported last year.

Magnesia salts are made from magnesite, an imported article. The House bill, therefore, imposes a duty of $1 per ton on the calcined product, the raw material, and at the same time reduces the duty one-half on the finished salts, thus not only handicapping the manufacturer of chemicals, but also the maker of fire bricks, insulating material, and asbestos products.

Chromium salts furnish another example of the disregard of existing conditions. Chromates and bichromates are both reduced to 1 cent a pound, although the existing law reduced the duty on the former from 2 cents per pound to 1¼ cents, and on bichromate of potash from 3 cents per pound to 2¼ cents. This industry has to compete with the foreign manufacturers of Scotland and Germany, who work under an agreement, and sell bichromate of soda in this country at less than the foreign prices, and bichromate of potash at about the same figures, duty paid.

Nitric acid is another product of sulphuric acid, and enters into a large number of other chemicals. Cheap nitric acid and cheap sulphuric acid depend to a large extent on the magnitude of the business done, and if sweeping reductions are made in the chemical salts that consume these acids, then the cost of producing them is enhanced and the chemical salts themselves become more costly to manufacture.

One hundred pounds of aniline oil consumes 84 pounds of sulphuric acid and 81 pounds of nitric acid. Aniline oil is the base of a very large number of other chemicals, the manufacture of which consumes acetic acid, chlorine, bichromate of potash, and a large number of diversified chemical products. In Germany half a dozen companies make them all, and for all practical purposes their agreements reduce these to one great corporation acting as a world-wide trust and monopoly to destroy competition. Many of the reductions proposed in this bill come at the very time when greater protection is needed. Sulphate of ammonia is one of these products; only 16 per cent of the total that might be made is recovered. Approximately 25 per cent ammonia requires 75 per cent sulphuric acid. In 1905 only 70,000,000 pounds were imported, but in 1910, 207,000,000 were imported.

SALICYLIC ACID.

Salicylic acid was dutiable at 10 cents a pound under the Dingley tariff and was reduced to 5 cents a pound by the existing law, and the pending bill proposes a further reduction to 2½ cents a pound. All of the European salicylic acid factories are combined. Seeing in the American manufacturers their only opponents they have been for years making special prices on the American market, much lower than they sell for in their own countries. They want to put the American manufacturers out of business and thereby regain control of the world's market which they enjoyed about 20 years ago, before the first salicylic acid factory was started in this country. The consumers in this country would not benefit by a reduction of the duty to 2½ cents a pound, for after the domestic manufacturers were thereby eliminated the foreign syndicates undoubtedly would advance the price of the product of which they would then enjoy a monopoly. There will be no increase of revenue under this slaughter of rates, because even if the European syndicates get absolute control of this market the revenue on all salicylic acid that can be sold in this country would not amount to more than $10,000.

It is proposed to reduce the duty on tartaric acid to 3 cents a pound as against the existing rate of 5 cents, and on cream of tartar to 2½ cents as against the existing rate of 5 cents, and to increase the duty on argols, the crude material from which those products are chiefly made in this country, from 5 per cent to 10 per cent; that is to say, 100 per cent increase, which will at times make the duty on the crude material exceed the duties on the manufactured products. Foreign manufacturers situated in the argol-producing countries of southern Europe already possess advantages of various kinds over the American manufacturers, the chief of which is their ability to use a lower testing grade of crude material, which will not bear transportation here, and lower labor cost.

The manufacturers on the Pacific coast that use argols protested that the increase of the duty on argols and the reduction of the duty one-half on the finished products would simply make it impossible to find a market for such argols as are produced in this country. If the duty on argols is 10 per cent, the duty on the crude material will be 2½ cents a pound higher than that proposed on the refined goods, such as cream of tartar, tartaric acid, and Rochelle salts.

Blanc fixe is manufactured in this country from weatherite spar chiefly, which is mined in England. There are two small mines in Germany, but none of the weatherite is exported from that country, and there is none available either in the United States or in Canada. The importers pay the same freight rate on the raw materials that the exporters from England and Germany pay on the finished product. The other two articles which enter largely into the manufacture of blanc fixe are sulphuric and muriatic acid. In England muriatic acid is sold at 50 cents a hundred pounds less than the price in the United States, and in Germany sulphuric acid is one-half the price charged in this country. Blanc fixe from England could be sold, duty paid, under the proposed law at $1.61 per hundred pounds less than American cost of production, according to testimony before the Finance Committee. The present duty is one-half cent per pound, and the reduction to one-fourth of a cent, as proposed in the House bill, would simply throw the business into the hands of the English and German manufacturers.

DEXTRINES AND SUBSTITUTES.

The proposed change in the duties on dextrines, burnt starch, or British gums, dextrine substitutes, etc., is another illustration of the unscientific manner in which this bill has been prepared. Dextrines are made from cornstarch, potato starch, tapioca, and sago. Those made in this country are principally from cornstarch and potato starch, both of which are classified under the existing law in the schedule relating to agricultural products. In the proposed law dextrines are subjected to a duty of only three-fourths of a cent per pound, while the duty on potato starch remains at 1¼ cents, the practical result of which would be that instead of a duty discriminating in favor of the American manufacturer there will be one discriminating against him and in favor of the foreign manufacture of dextrines. Excluding labor and overhead cost, under this proposed bill 100 pounds of dextrines manufactured in Germany could be sold in the United States for $4, while 100 pounds manufactured here from imported potato starch, without labor and overhead charges, would cost $5.30, making a difference of $1.30 per hundred pounds in favor of the foreign producer, which would be still larger if the labor cost and the overhead charges were taken into consideration.

A very good illustration of the difficulty in building up an industry in the United States without sufficient protection is furnished in the manufacture of lactic acid, which is also made from dextrines, cornstarch, or potato starch, or the waste from sugar mills, and which is manufactured in a small way in the United States. It was stated in the House report on this bill

that lactic acid is specifically an American industry; that the consumption is large and increasing; that four times as much lactic acid is exported as is imported; and that in the foreign market the American product meets successfully the competition of other makers. On the contrary, lactic acid, although first produced in America, is now a German industry, and in the dyeing, printing, and textile industries, the German imports of lactic acid monopolize almost the entire American market—at least 90 per cent thereof. This industry, instead of flourishing in the United States, has shown an actual drop in output. There are only three plants in the United States, and these have been running at less than one-third of their capacity. The production in the United States dropped from more than 1,600 tons American consumption in 1908 to under 1,200 tons in 1910. Of the three producers in the United States, two have never exported a ton of lactic acid to any European market, while the exports of the third producer, located in Massachusetts, have never been sent to any producing country, and, according to the best information obtainable, are far below the tonnage imported. The Massachusetts producer established himself in England, where the acid is not produced, in a small way, so that the English trade became familiar with his product before the Germans produced any, and the English still adhere to the use of the American acid.

The Germans have a good market at home, and the advantage of cheap labor, lower pay to chemists, lower cost of raw material, potato starch in abundance, and a volume of business which has enabled them to go further in the cheapening of the product than Americans have been able to do. In 1897 the manufacture of lactic acid was in its infancy, and the standard strength of the acid in this country was 22 per cent acid, including lactic anhydride. In that year Congress recognized the new industry and placed a duty of 3 cents a pound on lactic acid without specifying the strength. The Germans developed a process of concentration by which they raised the acid content of their imports to a strength of 40 per cent without having to pay any more duty. This concentrated German acid, after its receipt in America, was then, and still is, diluted to the standard strength of 22 per cent before being put on sale. Thus a large proportion of the German tonnage really paid no duty whatever. In 1909 Congress imposed an extra duty of 1 cent a pound on all concentrated above 40 per cent. The Germans then developed their process to the point of 80 per cent concentration, and their imports are to-day of that character. The result has been that the light, refined American lactic acid has been almost entirely driven out of the dyeing trades and the German output has increased. The German acid has nearly the control of that part of the market, and instead of any reduction of the duty there should be a rearrangement so as to impose a duty according to the strength of the acid, and the light or refined and more costly acid should receive a higher protection than the dark acid. But, if the proposed bill becomes a law, the lactic-acid industry will cease to exist in the United States.

THE PYROXYLIN INDUSTRY.

The pyroxylin (soluble guncotton) industry is distinctly and peculiarly American. It was discovered by an American and developed in this country after a large expenditure in the way of experiments. New machinery had to be designed and made, the science of chemistry had to be taxed to produce new and unknown working materials, all resulting in giving to the world a unique commodity and bringing into existence manufacturing communities in the United States that have made this their life study and work, aggregating to-day some 40,000 operatives, or about 200,000 persons dependent upon this industry. Foreign manufacturers copied the American plants and have a decided advantage in the cheapness by which crude materials can be obtained by them, lower cost of labor and overhead expenses, besides many skilled chemists. Competing factories have sprung into existence in Germany, France, England, Russia, Austria, Italy, and also now in Japan, where two very large factories have recently been completed. As conditions stand to-day the foreign manufacturers control all the markets of the world except the United States. This is the result of their cheap labor and other advantages.

There are from six to eight million dollars' worth of foreign articles made from compounds of pyroxylin imported into the United States. The wording of the present law in imposing duties on such articles is not sufficiently defined so as to make certain all of the imports of this product. Many articles made partly or wholly of compounds of pyroxylin are imported into this country under different schedules, causing considerable confusion and loss to the Government.

American manufacturers greatly fear the products of the two large factories that have been recently constructed in Japan. They have a capacity of 4 to 5 tons of material per day. The average daily wage of factory hands in Japan is 12 cents, the lowest being 4.9 cents and the highest 37.4 cents. The Japanese possess unique decorative skill, and their Government controls 90 per cent of the camphor production of the world, camphor being the chief raw material used in the production of celluloid and other combinations of pyroxylin. The selling agent for the Japanese Government for camphor is the same Japanese firm that has erected a large factory for the production of combinations of pyroxylin and which will be perhaps the most dangerous competitor of American manufacturers. The many articles produced from pyroxylin combinations are classified in the tariff as luxuries. The technical nature of the product will not permit the use of automatic machinery such as is used in other industries, but compels manufacturers to rely in a great measure on handwork. In addition to camphor, the manufacturers in this country use approximately 10,000,000 pounds of cotton a year.

It is evident from these facts and the large importations that the existing duty is not too great, and it is doubtful if it will be sufficient to allow American manufacturers to exist in competition with Japan. But the Democrats propose to reduce the duty on manufactured articles from 65 cents a pound and 30 per cent ad valorem to 35 per cent. This reduction is so drastic and so radical that if it becomes a law it may seriously cripple the industry if not wipe it out altogether.

In this connection I wish to refer to a statement which was made by the Senator from Maine [Mr. JOHNSON] upon this item. He says:

> At a hearing before the Ways and Means Committee in 1890, page 384, J. R. France, president of the Arlington Manufacturing Co., one of the companies appearing before the Finance Committee in 1911, in speaking of a bill permitting the use of denatured alcohol in the manufacture of celluloid, said as follows: "The increasing cost of manufacture makes this tax entirely prohibitive to the sale of our goods in all markets except home. There are large fields open to us from which, for this cost, we are entirely shut out. The superiority of American manufacturers in this line is so much in advance of foreign competition that despite the disparity of earnings by employees as compared with foreign labor we could easily compete, and that with good profits, except for this tax." The tax referred to, of course, is the internal-revenue tax upon alcohol then in existence. In view of this statement by Mr. France, the complaint of his successors before the Finance Committee at this session that they will be subjected to ruinous competition by reason of the reductions in the duties upon celluloid is without any substantial foundation.

Mr. President, twenty-two years ago America was about the only country manufacturing celluloid. We led the world at that time in its manufacture. It was essentially an American product. But since that time Austria, Germany, France, England, and Japan have all established the industry, and are making it with the same formula, into the same articles, and by practically the same class of machinery.

I must disagree with the Senator from Maine when he says that the goods made in Japan are of the coarser grade. We have all seen in the stores of this country celluloid articles of the finest quality and beautiful design. There are no people in all the world who imitate so well as do the Japanese.

While 22 years ago the statement of Mr. J. R. France may have been correct, it does not apply to-day.

The existing duty on refined camphor is 6 cents per pound, while the crude material is on the free list. The House bill assesses a duty of 3 cents a pound on crude camphor and reduces the duty on refined to 5 cents a pound, which, taking into consideration the loss in refining, would leave a protection to the American refiner of only 1 and three-quarters of a cent per pound. As one-third of the total consumption of refined camphor in this country is now imported, this change in duty would extinguish the American industry of refining camphor. The capacity of the American refiners is now more than enough to supply the whole United States, but they can not compete altogether with the Japanese refiners. Crude camphor is controlled entirely by the Japanese Government, and can only be purchased from its agents. The importation of refined camphor has increased from 87 pounds in 1890 to 214,049 in 1905, and reached 558,014 pounds in 1909, and has been a little less since that time. This shows the inroads the Japanese are making in the way of exporting refined camphor.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. CATRON in the chair). Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield to the Senator.

Mr. FLETCHER. I do not know to what extent we are making progress in the production of crude camphor in this country, but the Government is making efforts to see if it can be produced here, and I know of one plantation in Florida of some 5,000 acres of camphor trees. So far as I am advised the industry is of considerable consequence.

Mr. SMOOT. The camphor produced outside of what is controlled by the Japanese Government is a mere bagatelle, and has no influence on the world's prices. Not to exceed 5 per cent of the camphor used in America is what is known as synthetic camphor.

At one time the Japanese put the price so high that camphor was $1.24 per pound, and then the Germans produced a synthetic camphor made from turpentine, which caused the Japanese to reduce their prices to a point that prevented the importation of this synthetic article. That is the condition to-day, and this proposed imposition of a duty on the raw material and a reduction of the present low duty on the refined material will extinguish the industry in the United States, without a solitary advantage to consumers, for the reason that the Japanese fix the price simply to exclude synthetic camphor.

ALUMINA, ALUM, ETC.

Under the Dingley law the duty on hydrate of alumina was six-tenths of 1 cent per pound. The importation in 1898 amounted to $2,092,082 pounds, and this gradually decreased until only 20,310 pounds were imported in 1900. Under the existing law the rates of duty are decreased to four-tenths of 1 cent per pound when the hydrate does not contain more than 64 per cent of alumina and to six-tenths of a cent per pound above that percentage. As a result imports increased rapidly, amounting to 1,538,619 pounds in 1910 and 2,006,561 pounds in 1911. The total estimated sales of hydrate of alumina of strengths under 64 per cent will not exceed at the maximum 3,000,000 pounds per annum. Thus under the existing law the imports are 50 per cent of the domestic consumption. The duty on strengths above 64 per cent is less than 5 per cent ad valorem, but there is no demand of any consequence for this high-grade product. Hydrate of alumina is produced from bauxite. It is essentially refined bauxite. In Europe, France and Germany are the great producing countries. When the industry is depressed there it leaves a surplus product, which could be sold in this country under any further reduction in the tariff at prices with which no American manufacturer could compete. With one-half of the amount consumed now imported, and the imports increasing each year, there appears to be no excuse for any further reduction in the duty.

The same rate of duty, 15 per cent, is provided by the House bill for alum cake, sulphate of alumina, and so forth. Under the law of 1897, with a specific duty of one-half of 1 cent per pound, the importations were approximately 2,500,000 pounds. By the act of 1909 the duty was changed so that alum, alum cake, and so forth, containing not more than 15 per cent alumina and more than three-tenths of 1 per cent of iron oxide carry a duty of one-fourth of 1 cent per pound, while above that 15 per cent the duty is three-eighths of 1 cent per pound. Under that law importations for 1910 show an increase of 1,000,000 pounds, or more than 40 per cent, while in 1911 there was a further large increase.

Under the proposed bill the classification is changed and the duty reduced more than half.

Sodium sulphide is another example. At three-eighths of a cent per pound the concentrated product contains double the quantity of sodium sulphide per pound of product, and naturally is entitled to proportionately greater protection. The proposed law solves the problem by reducing the duty on each to a quarter of a cent per pound, when long experience has shown that even three-quarters per pound on one product was hardly equal to the three-eighths per pound imposed on the low-strength article. The same criticism can be made of sodium sulphate, sodium silicate, anhydrous bichloride of tin, and other salts, which it is proposed to reduce in some cases to one-half and in some cases to one-third of the former duties.

On sulphide sodium crystals the duty is reduced one-eighth of a cent per pound, viz, from three-eighths of a cent to one-quarter of a cent per pound, while on the concentrated product the duty is reduced one-half of a cent per pound, or from three-quarters of a cent to one-quarter of a cent per pound. In other words, the total duty on 2,000 pounds of sulphide sodium crystals, which makes 1,000 pounds of concentrated sulphide sodium, would be $5 as against a duty of $2.50 to be paid on the concentrated, although the potential value to the consumer of the two articles is identical. Even under the existing law this concentrated product from Germany is making serious inroads upon our markets, and should the proposed law go into effect we would have to abandon the manufacture of this product. The same illogical treatment has been accorded the various strengths of chloride zinc, which are all taxed one-half of a cent per pound.

YELLOW PRUSSIATE OF POTASH.

The House bill reduces the duty on yellow prussiate of potash from 4 cents a pound to 1¼ cents a pound, and on yellow prussiate of soda from 2 cents a pound to three-quarters of a cent per pound, while the duty on refined carbonate of potash, the principal raw material from which prussiate of soda is made, is one-half of a cent per pound, although under the existing law it is on the free list. There is also a surtax charged by the German Government on potash salts.

Nearly 50 per cent of the yellow prussiate of soda used in this country is imported now. The largest American manufacturers of yellow prussiate of soda, a Philadelphia, firm, which had been in business many years, closed out last November because they could see no future in the business for them. There is only one establishment in the country now producing yellow prussiate of potash, and should this bill become a law, as the president of that company said, it would close out immediately.

Labor costs in this country are 60 per cent higher than in England, and the cost of raw material is 40 per cent higher, whereas compared with Germany labor is 100 per cent higher in the United States. There is keen competition, and the price of yellow prussiate of potash has been reduced in the last 10 years from 18 to 13 cents.

The duties on bichromate of potash and bichromate of soda are both reduced, though heavy reductions were made by the existing law. Foreign manufacturers in Germany and in Scotland work together under an agreement or pool to maintain prices. One of the principal raw materials is muriate of potash, on which article, through the monopoly of the German potash syndicate and the arbitrary action of the German Government, American producers have been compelled to pay nearly $12 a ton more than they had contracted. German manufacturers of bichromate of potash in some instances are members of this potash syndicate. In England the process of manufacture is carried on continuously 7 days a week by men who work in two shifts of 12 hours each, and who receive in pay only 41 per cent of the wages paid in the United States in this industry. The reduction of duty proposed by this bill would simply open the American market to these foreign combinations at the expense of the American producers.

CAUSTIC SODA AND BLEACHING POWDER.

The average price of caustic soda in the United States has decreased since 1900 from $46.87 per ton to about $40 per ton, the present market price. This reduction in the cost of this article to the consumer has been effected in spite of the fact that its consumption in this country has increased during the same period from 59,000 to 170,000 tons, the total production during the year of 1911. Importations from abroad in 1890 amounted to about 40,000 tons, with a home production of about 10,000 tons. In 1900 the importations had decreased to 5,700 tons and steadily declined until the year of 1906, when they disappeared entirely.

It appears, therefore, that the American manufacturers of caustic soda have met the greatly increasing demand of the American consumer, lowered the prices to him, and driven out importations of this article from abroad. New enterprises engaged in the manufacture of this article have been started, and existing plants have extended their works and increased their facilities. Now it is proposed by the Underwood bill to cut the protective duty one-half. Such a reduction would be highly injurious to American manufacturers and would arrest the progress which has been made in cheapening the prices to producers. The foreign manufacturers will have an advantage along the Atlantic coast where the principal markets for this soda are found, as the ocean freight rates from abroad are less than inland railroad rates.

The cheapening of the price to the consumer is more notable in the case of bleaching powder than in that of caustic soda. Since 1892 the average price of bleaching powder has been reduced from $52 a ton to $25.60 a ton. In 1892 there were 55,000 tons imported and none manufactured in this country. In 1910 there were 47,000 tons imported and 60,000 produced in the United States. This result has been accomplished notwithstanding the heavy competition from abroad. Approximately one-half of the bleaching powder consumed by the home market is produced by domestic manufacturers using the electrolytic process. The manufacturers using this process to produce caustic soda are compelled to manufacture 2 tons of bleaching powder for each ton of soda. The only practicable manner yet discovered in which the chlorine gas released by electrolysis can be profitably and legally utilized is in the production of bleaching powder. The manufacturers are compelled by law to prevent the escape of this gas as being injurious to public health and property. They comply with the law by turning the gas to a commercial use.

Foreign manufacturers fix the price of bleaching powder abroad. By trade agreements among themselves, where there is no law to prevent, they are enabled to sustain high prices for

the other chemical components of the raw material, and are thus able to treat the bleaching powder as a by-product, placing the whole commercial burden on the other components. That naturally leads them to use the American market as a dumping ground for their bleaching powder. To reduce the duty one-half as proposed by the Underwood bill would help these foreign producers at the expense of their American competitors.

Chlorine gas enters into the manufacture of liquid chlorine, sulphur chloride, benzyl, and naphthalene chlorides, and many miscellaneous articles, as well as indigo, which is not manufactured in this country. The market for these products is very small and the volume of business, as a whole, would only, in a slight degree, reduce the amount of chlorine gas manufactured. It is proposed to reduce the duties on these articles, thus adding to the difficulty of the American producers.

CAFFEINE.

Paragraph 15 proposes to assess a duty of 75 cents a pound on caffeine, with the statement in the House report that the equivalent ad valorem per cent is 41.25, while, as a matter of fact, it is only 23.80 per cent, the correct value of caffeine abroad being $3.22 per pound and not $1.82 per pound, the stated average unit basis. In the same paragraph a duty of 1 cent per pound is proposed on the raw material—tea waste, tea siftings, and so forth—equivalent to about 40 per cent of its actual value or nearly twice as much on the raw material as on the finished product. The imports of caffeine under the existing law have grown to 40 per cent of the consumption in the United States, while there have been no exports. The change in the tariff rates, as proposed in the Underwood bill by reducing the duty and placing a duty of 40 per cent on the raw material, would annihilate the industry in this country, throw the workmen and chemists out of employment, and make useless a large investment.

Paragraph 18 of the House bill imposes a duty on chemical and medicinal compounds and preparations when containing alcohol. The present law provides for "chemical compounds, mixtures, and salts containing alcohol or in the preparation of which alcohol is used." By changing the wording there is no provision in the proposed bill for chemical compounds, mixtures, and salts in the preparation of which alcohol is used. There are a number of medicinal and chemical preparations which are prepared with the use of alcohol, but which do not actually contain alcohol as such in the finished product. One of the basic products for the manufacture of chloral hydrate is alcohol, but the finished chlorate does not contain alcohol as such, as is the process of manufacture it is converted into the chemical product of chloral hydrate. Therefore this product would come in under paragraph 5 at 15 per cent ad valorem duty instead of 55 cents per pound as now assessed. The same arguments hold good on phenacetin (acetphenetidin). It would be absolutely impossible to manufacture this product in this country in competition with Germany with only 15 per cent protection.

ACETATE OF LIME, CHARCOAL, AND WOOD ALCOHOL.

The proposed bill puts acetate of lime on the free list, though it is now dutiable at 25 per cent. It puts charcoal on the free list, which is now dutiable at 20 per cent. It makes the duty on wood alcohol 5 cents per gallon instead of 20 per cent, the present duty. These articles are manufactured in about 100 establishments in the United States, with an investment of about $25,000,000, and give employment and sustenance to about 75,000 persons. They are made from wood, and the wood is to a large extent that of tops, butts, and breaks of trees which have been cut into saw logs, thereby creating from what would otherwise be waste materials valuable commercial commodities and a wide field for the employment of labor. If this bill becomes a law, it will result in the building of a large number of new works in Canada, where wood is more than 20 per cent cheaper than in the United States, and the inevitable result would be to exterminate the American industry. Canada, with its vast areas of cheap raw materials, is offering every encouragement to the building up of the industry within its own borders by paying a large bounty on the manufacture of charcoal iron and a high price for wood alcohol used for denaturing purposes. With our market open to them, the Canadian production would increase rapidly, and they could also "dump" into the United States any surplus product.

In 1907 a free alcohol bill was passed which almost exterminated the wood-alcohol industry. The producers were reduced from a basis of 40 cents a gallon to about 15 cents a gallon, and that put them to a large expense in bringing in foreign apparatus to rehabilitate their industry. These factories are spread throughout the hardwood-lumber districts and high wages have to be paid to get the technical labor required.

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene are made dutiable in section 6 of the bill at 10 per cent ad valorem. Section 38 imposes the same duty on indigo, indigo extracts or pastes, and indigo carminated. All of these fast dyes, which have been on the free list since 1883, are not manufactured in the United States and never have been, and there is no question of protection involved. They were put on the free list to enable the textile industry in the United States to produce coarse goods which wear, so far as durability is concerned, equal not only to the textile fabrics made in other countries, but to the highest grade of textiles made here. Synthetic indigo sold for 72½ cents a pound in New York in 1894, and it now sells for 16½ cents a pound, this artificial article having taken the place of the indigo formerly used. A great industry has been developed in this country in the production of denims, indigo prints, chambrays, and ginghams, in which those dyes are used. Many other examples of equal force may be found in the dry-goods market. No other country in the world now produces the volume of fast-colored, coarse cotton fabrics manufactured in the United States, with the possible exception of China, where an indigo-dyed cotton cloth is the national dress.

The American Cotton Manufacturers' Association, representing mills in Virginia, North Carolina, Alabama, and elsewhere in the South, appeared before the Finance Committee to protest against the injustice done in the proposed duties on alizarin and anthracene and dyes derived from the same, including indigo. They are not made in this country, and could not be produced here under the duty proposed by the House bill. Synthetic indigo, which comprises practically all of the indigo now used in manufacturing, is a patented article produced chiefly in Germany.

The cotton mills, as one of their representatives told the committee, are having a hard time even now to meet British and other foreign competition. Those countries have these dyes free of duty. They pay the same for raw cotton as our manufacturers do, have much cheaper labor, lower cost of plant, and practically monopolize the trade in this class of goods in the South American countries, Cuba, Porto Rico, and the West Indies. This proposed legislation would enable them to extend their advantages to our own markets.

ALIZARIN ASSISTANT.

An illustration of the haphazard way in which the bill has been drafted is furnished in the duty provided for alizarin assistant. Castor oil is the component material of chief value in alizarin assistant. The oil is made dutiable at 20 cents a gallon, and alizarin assistant at 15 per cent ad valorem, without limitation as to castor-oil contents. Material imported and described as alizarin assistant by reason of the mixture of other substances incorporated therein could go to the point of 95 per cent castor oil, and the foreign substances could, after importation, be removed and leave the castor oil of sufficient purity for large commercial uses. The duty on the castor oil imported in that way would be only about one-half the duty imposed on castor oil imported under its own name. Previous tariff legislation has provided for alizarin assistant based on the castor oil contained in it. But that wise provision in the existing law has been thrown aside and the door opened wide for the importation of castor oil at about one-half of the duty provided for in the bill.

Then there is a provision in the same paragraph for "all other pressed oils and combinations of the same not otherwise provided for, 15 per cent." Nearly, if not quite, all such oils are capable of combination for importing purposes and separation thereafter, thus evading the specific duty provided for elsewhere. Alizarin assistant is used in connection with dyeing, and more especially in dyeing alizarin red, which is the modern name for all turkey red. The proposed tariff of 15 per cent ad valorem on alizarin assistant puts a premium on the imported goods. The Wilson bill carried a duty of 30 per cent on alizarin assistant, and a witness testified before the Finance Committee that he could not produce it in this country in competition with the imported product at that rate of duty. Now it is proposed to impose a duty of one-half of that of the Wilson bill. The cost of the American product f. o. b. Boston is 5½ cents a pound. A 50 per cent alizarin assistant made in England could be sold, duty paid, at less than 5 cents a pound in Boston under this proposed bill.

Castor oil, according to a manufacturer, costs a little above 9 cents a pound in Boston, while the foreign product could be sold under the proposed duty at the same point at 8¾ cents a pound. Hence this proposed bill would end the manufacture of alizarin assistant in the United States. The duty on it would be much less than the duty exacted on the oil in the castor bean, which comes in under another schedule and is not touched by the proposed bill. In other words, a manufacturer stated he would have to pay more duty on the oil that was in the bean than

his competitor would pay on the article which had been manufactured from the beans into the oil and then from the oil into the assistant. The imports of alizarin assistant are now about 25 per cent of the total consumption. There has been a large increase in the imports of oils and seeds under the new tariff, amounting to nearly $5,000,000 increase of dutiable oils for the year 1911 as compared with 1909 and $21,000,000 increase in dutiable seeds in the same time and $10,000,000 increase in oils free of duty and $3,000,000 increase in seeds free of duty.

QUEBRACHO AND TANNING EXTRACTS.

The existing law imposes a duty of seven-eighths of 1 cent a pound on extracts of bark such as are commonly used for dyeing and tanning, and on extracts of quebracho not exceeding in density 28° Baumé one-half of 1 cent per pound, and exceeding 28° three-fourths of 1 cent per pound. The House bill makes the duty on extracts of quebracho and other extracts commonly used for dyeing and tanning three-eighths of 1 cent per pound. In addition to this large reduction in duty on these extracts, a provision is made for a duty of 10 per cent ad valorem on the raw materials—the woods, and so forth—from which the extracts are obtained when the wood has been advanced in condition by peeling. Such woods under the existing law are brought in free of duty. There is nothing that comes into this country in the way of raw material in sticks and wood that is not peeled. The bark naturally falls off or is peeled off when the wood is dry to save paying freight. To make this wood dutiable and then to reduce the duty on the manufactured article from three-fourths of a cent per pound to three-eighths of a cent would seriously affect the industry of producing such extracts in the United States.

A large manufacturer testified before the Finance Committee that if the bill became a law in its present shape, he would "go out of business," for the reason that he could not make it pay. He thought that this insertion of the word "peeling" in the law was some kind of a "joker" in the interest of the foreign producers of these extracts to prevent their manufacture in the United States. These raw materials have been coming in free for about 40 years, and now it is proposed to put a duty on them of 10 per cent by inserting the word "peeling." There is double the quantity of these extracts imported to what is produced in this country, and some grades are sold at such prices as to make it impossible to produce them in the United States. Moreover, competition in this business by home production has kept down prices as in other cases.

Another singular provision in the proposed bill is that of leaving out the distinction between liquid and solid quebracho extracts. The importers have ceased to bring in the liquid extracts because of the comparatively low duty on the solid. The existing law makes a duty of three-fourths of a cent per pound on the solid extracts, though it is evidently too low. Under the proposed law the duty is to be only three-eighths of a cent with a 10 per cent duty on the raw materials. The production in this country under the existing rate is one-third of the consumption and necessarily would cease altogether under the proposed law while there would be no increase in revenue. The largest manufacturers of logwood extracts are to be found in France, which has a prohibitive tariff on such extracts. England has a number of factories which are united into a trust that ships goods to the United States.

The quebracho trust in the Argentine Republic, which has a capital of $10,000,000 and which paid 24 per cent dividends on its common stock last year, will, of course, be greatly benefited by this proposed legislation. There is another large corporation in Argentina producing quebracho extracts, but they have made arrangements with the trust so the two now work together. The business outside of the United States is controlled almost exclusively by this trust, which is composed of Germans backed up by English capital; and they also control the industry in Germany. With the opposition of the American manufacturer removed they would control the business in the United States.

The Argentine manufacturers can produce solid quebracho extracts, containing 65 per cent tannin, for about one-third of the labor cost involved in producing an equivalent chestnut extract in the United States. The German and French Governments not long ago raised their duties to prohibitive rates, which has resulted in making the United States a "dumping" ground for surplus quebracho. From 1898 to 1904 the domestic manufacture increased two or three times in volume, but in recent years the capacity for output has been stationary, while the actual output has decreased. This in the face of the large increase in the consumption of the extract.

COAL-TAR PRODUCTS.

Manufacturers of coal-tar colors and coal-tar products vigorously protested before the Finance Committee against the proposed reduction of duty on their products, while at the same time taking their raw material from the free list and making them dutiable. They maintain that if any change is made in the rate for coal-tar dyes, it should be increased rather than decreased. The consumption of coal-tar dyes in the United States is about seven and a half million dollars' worth annually, of which only one and a half million dollars' worth is produced in this country, the other six million dollars' worth being imported.

By reducing the duty on the finished product, and making the raw material dutiable, the framers of the House bill assume an increase of a million dollars in the imports of this product. That would be equivalent to driving the domestic manufacturers out of business. If the purpose of making this change was to increase the revenues, this object will not be accomplished, for even if the importers should give the American consumers the benefit of the entire reduction of duty the consumption would not be stimulated. But importers will not lower their selling prices because they are given a large market in this country. On the contrary, to judge by past experience, foreign manufacturers with American competition eliminated would raise their prices, so that the final result would be higher prices to the American consumers and smaller revenues to the United States Government.

The mere fact that the industry now exists in this country is a restraining influence on the importers, and saves the American consumer the arbitrary exactions and high prices of the foreign manufacturers.

A manufacturer testified before the committee that he began the production of acids black, 2-B, direct blacks, G-extra, when the duty was 20 per cent, and he found that he could then make a reasonable profit. These colors had been selling at about the same price for many years, but when the American manufacturers began their production in sufficient quantities to disturb the importers, prices began to drop, and were cut in two, so that the domestic producers could not make any profit. In the revision of 1909 particular attention was paid to this schedule, with the result that American manufacturers have been enabled to increase their range of colors considerably. But they had only got fairly started when tariff agitation was renewed and now threatens the existence of their business.

An effort was made some 30 years ago to promote this industry. But the tariff in 1883 reduced the protection, with the immediate result that five of the new factories closed their doors and the remaining four struggled along in reversed conditions, hoping that some future revision would bring them relief. This came in 1909, and now they are again threatened with destruction by another Democratic tariff revision. The cost of establishing a coal-tar dye plant, designed for a yearly output of 3,000,000 pounds, with allowances for depreciation, is $1,134,800 in the United States, as compared with $780,000 in Germany. The employees necessary for conducting such a plant would be paid $116,236 in the United States, as compared with $61,493 in Germany, and the cost of raw materials under the present tariff would be $396,508 in the United States, as compared with $317,206 in Germany. In other words, the cost of producing 3,000,000 pounds of coal-tar dyes under the present tariff rates is $645,784 in the United States, as compared with $480,299 in Germany.

In many cases the most important so-called raw materials—that is, the intermediate products made from coal tar—are imported and are controlled abroad by two or three concerns which fix their own prices that the American manufacturers are compelled to pay. Hence any duty on these raw materials will be exacted from the American manufacturers in the way of increased importation prices. For instance, analine salt and oil are now controlled by a convention, consisting of German, English, and French manufacturers, who fix prices to suit themselves.

The "Glossary of Schedule A," as given in the report of the Ways and Means Committee, on page 203, says:

> The industry of coal-tar products in Germany, especially dyes, is in the hands of powerful combinations. While officially about 40 establishments are engaged in their manufacture, only 4 or 5 furnish the bulk of the production—about 90 per cent—and even these few firms work under an agreement not only to control prices but also to divide profits.

With this strong and powerful combination as the principal competitor of the American producers, it is needless to say that the American coal-tar industry requires all the protection heretofore granted. The coal-tar industry in the United States makes no plea for protection based on the idea of fostering an infant industry, but it asks for a sufficiently high protective tariff to compensate for the difference in wages paid in the United States as compared with the wages of Germany, and for sufficient protection to prevent this country from being made a "dumping" ground for the excess production in Germany.

The foreign trade in coal-tar products in the United States is entirely one-sided, the natural result of the comparatively undeveloped state of the industry in this country. The only item of exportation is coal tar proper, or the crude raw material, amounting in value, in 1910, to $138,834.

Germany exported in 1910 coal-tar dyes to the value of $44,623,000, of which nearly 22 per cent were exported to the United States, and more than 18 per cent to the United Kingdom. And this notwithstanding the fact that England supplied the world's requirement for staple inorganic chemicals long before Germany entered the field of manufacture in the industry of coal-tar products. The proudest achievement of the German chemical industry was developed with coal tar imported from wherever obtainable, and in the face of the fact that the industry originated in England and France, and had taken root in both countries. Although coal is more expensive in Germany than in England, Germany supplies its own huge requirements of coal tar, the indispensable raw material, and exports enormous quantities. Germany supplies over 85 per cent of the world's consumption of coal-tar dyes, although the United States is much better supplied with the raw material for the production of those dyes than is any other country.

PYROGALLIC ACID AND HYDROCHINON.

The owner of an establishment that was started about two years ago for the manufacture of pyrogallic acid, but which has not yet marketed any of that product, told the Finance Committee that if this bill became a law he would immediately abandon the undertaking. The machinery has to be made especially for the purpose, and he stated that it would be of no value for any other object, but under the reduction of duty as proposed by this bill they can not compete with the German manufacturers, who now have absolute control of this market. The price of pyrogallic acid, which is used for dyeing furs and medicinally to a small extent, and for photographic work, and so forth, varies in accordance with the competition between the foreign manufacturers. In 1908 it sold for $1.10 a pound, but strong competition on the other side caused it to drop to 64.1 cents in 1911. This is a temporary condition, and as soon as the foreign manufacturers settle their differences prices will go up again, but to reduce the duty below a protective point is simply to continue the American consumers of this product entirely at the mercy of the foreign manufacturers.

Hydrochinon, which is an acid used for the same general purpose as pyrogallic acid, was not manufactured in this country until about 18 months ago, when a factory was opened here. Immediately the price was dropped by the foreign producers for export purposes to this country below the cost to manufacture here, so that the man who had invested his capital in that business declared that he would immediately abandon it excepting that he could not dispose of his machinery. That is the condition that follows whenever duties are placed so low as to allow of such temporarily unfair competition or the "dumping" of the foreign product.

It is proposed to impose a duty of 10 per cent on paranitraniline, the raw material from which paranitraniline colors are made, and then to reduce the duty on the colors to 20 per cent. That would leave only 10 per cent protection. The difference in the wages paid in this industry in this country and in Germany requires a protection of about 7 or 8 cents, but under the proposed bill that would be reduced to about 3½ cents, which, of course, would allow the Germans to destroy the trade in this country.

HITTING THE PAINT INDUSTRY.

The Paint Manufacturers' Association found reasons similar to those of other organizations in protesting against the proposed increase of duties on raw materials and a decrease on the finished product. The paint manufacturers call attention to the fact that no opportunity was given them for a hearing by the House committee that prepared this bill, nor has the Tariff Board made any investigation into the production and cost abroad of articles used in their industry. The association asserts that the duties proposed show lack of familiarity with the paint business and as to what are raw materials of the paint grinder, but which are finished products of the dry-color maker from whom he buys. In like manner raw materials to the dry-color maker are, in many instances, the finished product of the chemical manufacturer, who in turn derives his raw materials from the mines bearing the necessary ores. In the case of the articles used in making prepared paints, principally linseed oil, it is the finished product of the crusher of flaxseed, who takes for his raw material the flax, the product of the farmer. The paint manufacturers call attention to the omission of any mention of flaxseed or of zinc and lead bearing ores in the preparation of this schedule, though they are directly connected with their industry.

Wages paid in the paint industry in this country are from two and a half to three times greater than those paid for similar labor in foreign countries, and to reduce the tariff under such circumstances necessarily means a proportionate reduction in the wage scale of the persons employed.

British statistics show that the raw materials in the paint and varnish industry are two-thirds of the cost of the finished product, and that is in accordance with the census returns of this industry in the United States. Crude materials are much cheaper abroad, transportation rates are lower, and the foreigners have many other advantages which can not be met under this proposed change in the duty. But in the preparation of this bill no attention apparently was paid to that fact.

Great strides have been made in the scientific preparation of paint, and a use has been found for the soja-bean oil to the extent of about 5,500,000 gallons in 1911, whereas a few years ago none was used. Now, it is proposed by this bill to transfer that product from the free list to the dutiable list. In the same way wood oil and other materials are made dutiable, and then a reduction of 10 per cent is made in the duties on the finished products.

The American paint industry is a large and growing one, having increased 40 per cent in five years, and shows sales in 1910 of $124,000,000. The industry should be guarded carefully and not treated in the careless and indifferent way that it has been done in this House bill. Rates are not by any means prohibitive under the existing law. Imports are brought in from various countries—England, Germany, Italy, France, and Spain.

The Senator from Maine, to bolster up the Democratic position on this theme, referred to the testimony of a number of witnesses, but I think it is a very, very poor case when he has to quote the evidence of a young man who designates himself as follows:

> I am one of those optimistic, bigoted individuals who believe the American manufacturer can "clean 'em all up" if you will give him low-priced raw materials. I really believe he could do it with half the load removed and one hand tied behind his back. The American manufacturer to-day is a live wire, with heavy, brutal, tariff insulation. Strip even half of it off, and he will galvanize the commercial world into a "sit up and take notice" attitude that will be unparalleled in history.

Mr. President, Mr. Armstrong appeared before the Finance Committee and read his little essay. I have not time to analyze his testimony in full, but he was the party who testified that his profits were 40 per cent per annum and that he thought if the raw materials remained on the free list he could stand a reduction from present duties on paints. The Senator from Maine reached his conclusion upon the statement of this individual. Let us see how much Armstrong has invested in his business and who this man is who pretends to speak for an industry that produces millions and millions of dollars of goods per annum. Senator McCUMBER asked him this question:

> But why should you not give these dear people, then, the benefit of 30 per cent off of those prices and bring them down to a basis of 10 per cent profit?
>
> Mr. ARMSTRONG. I might say in answer to that that theoretically you might be correct if I were purely a philanthropist. But I started in this business about 12 years ago with absolutely nothing. My business has grown so fast that I had to put nearly everything I made into machinery and buildings.

I asked him this question:

> Senator SMOOT. When did you start in business?
>
> Mr. ARMSTRONG. About 15 or 18 years ago.

An exaggeration within 10 minutes of 6 years did not seem to bother the young man.

> Senator SMOOT. You spoke of making 40 per cent on your capital stock. What is your capital stock?
>
> Mr. ARMSTRONG. Our capital stock is about $40,000.
>
> Senator SMOOT. That has all been made out of the business?
>
> Mr. ARMSTRONG. Practically.
>
> Senator SMOOT. Has it not all been made out of the business? You said you started with nothing.
>
> Mr. ARMSTRONG. With the exception of a few thousand dollars, I would say "yes." We had an old ramshackle plant, and it was hard to tell what was there. I could not tell you.

We are asked to change a schedule involving millions of dollars upon the testimony of this man, who says that he is an optimist and a bigot.

In Malaga, Spain, factory labor is paid at the rate of 36 cents a day, and the skilled labor, such as machinists, coopers, and engineers, at the rate of 54 cents a day. In France—Apt in Vaucluse—ordinary labor is paid 50 cents a day and skilled labor 60 cents a day. In London, England, the pay amounts to $4.88 for ordinary labor a week and $7 to $12 a week for skilled labor. But in the United States the paint factories pay for ordinary labor from $10 to $15 a week and for coopers, machinists, and engineers from $15 to $25, and for bricklayers $26.

GLUE AND GELATIN.

The House bill proposes to reduce the duty on gelatin valued not above 10 cents a pound from 2½ cents to 1 cent a pound; valued above 10 cents a pound and not above 25 cents, from an

equivalent ad valorem of 25 per cent to 15 per cent; valued above 25 cents per pound, from an equivalent of 48.50 to 25 per cent. On glue there is a similar reduction.

There is the same difference in the cost of production in the United States and in foreign countries, due to wages paid in this industry, as in others, and the proposed duty of 1 cent a pound does not cover the difference in cost, which manufacturers testify is from 2.2 to 2.8 cents a pound more in this country than in Europe. This is exclusive of interest on investments, which would make the cost considerably greater in this country. The average rate of duty on glue and gelatin for the last 10 years has been considerably less than the average charge collected on all dutiable products.

Pleas have been put forth that the business is conducted by the packing-house interests. That was met in 1909 by affidavits showing that 65 per cent of the 100,000,000 pounds of the glue and gelatin produced in this country is made in factories that are entirely independent and are not owned or controlled by the packing houses. Practically the same conditions prevail to-day as was shown by the sworn statements in 1909.

I was very much surprised to hear the Senator from Maine reiterate that old worn-out charge. I have here the affidavits which were made by manufacturers of glue in this country representing 65 per cent of the product, swearing that they had no connection whatever with the packing industries of this country.

The only Glue Trust in the world is a German-Austrian syndicate, which now controls practically all of the desirable factories in Germany, Austria, Belgium, and all but one in Italy, and is extending its operations in France and Russia. This trust regulates the output of these foreign factories and absolutely controls the selling prices. An American agent of this concern has openly stated that the American market was used for a "dumping" ground for the surplus stock. The lowering of the duties as proposed by the House bill will give this foreign trust advantages that can not be overcome by home manufacturers. During the year of 1911 this European Glue Trust did not operate 19 of its plants, but these plants are ready for operation and would at once begin work when the opportunity to market the product is offered. Such a market would be offered by this reduction proposed in the House bill.

An American agent for this European trust has stated in a letter that 75 per cent of the entire continental glue industry is now under the trust control, "which pervades all countries of the European Continent."

Competition has resulted in keeping down prices to a uniform level, and glue is practically the only article in the list of animal products that has not advanced in price during the last three years. Prices of raw materials, on the contrary, have advanced, and the average of prices paid during the present year is higher than any average for more than 20 years.

The competition in this country is so severe that during the past year one factory has gone out of business entirely, a second one is winding up its business, and a third one has changed hands three times because of the unsatisfactory condition of the business. Very little glue is exported, and that which goes abroad is practically all specialties. They are not competitive glues. They are packing-house products, and the packing house alone has the raw material which can be used in the manufacture of these types of glues. For the last fiscal year $1,352,905 worth of glue and gelatin were imported into this country.

A portion of the raw material has been imported from foreign countries because the domestic production is not large enough to supply the demand. The decrease in duty as proposed would naturally divert a large amount of this raw material to foreign factories. During the fiscal year 1911 the imports of raw material amounted in value to $1,655,679. Germany, according to the statistics given by the Tariff Board, imported hide cuttings for 1910 to the value of $446,726, and exported $314,160, which shows only a small excess of imports over exports, while the imports into the United States furnish the raw material for about one-third of the hide stock glue produced in this country.

A decrease in the shipments of the raw material to this country would tend to lessen the amount of valuable fertilizer material now available to our farmers. It would also deprive the tanneries in this country of a market for a by-product which they now sell to glue manufacturers.

So far as gelatin is concerned, the national pure-food law imposes a greater cost in its production in this country than formerly existed because of the greater care that must be taken for food purposes. The European producers are not restrained by the same regulations.

PARIS GREEN ON THE FREE LIST.

The proposed law removes the duty from Paris green. It is now dutiable at 15 per cent. The president of the National Paint, Oil, and Varnish Association protested to the Finance Committee that this course would close every Paris green factory in the United States. The chief ingredients used in making Paris green are arsenic and sulphate of copper. The former is on the free list, and sulphate of copper, which is now dutiable at one-fourth of a cent a pound, is made free under the proposed schedule. Sulphate of copper is not imported to any extent. Arsenic can be bought in Europe as cheap as in this country, if not cheaper, as is shown by the importation of 3,000,000 pounds last year. As sulphate of copper can be bought, perhaps, cheaper abroad than in this country, and labor is so much lower in Europe, it is conclusive that Paris green can be made abroad at a lower cost than in the United States.

Canada has a duty on Paris green which it manufactures, and, of course, Canada could sell its product in this country. This bill would open our door to the foreigners who close their doors against us, and it would be an inducement to the American manufacturers to transfer their plants across the Canadian border, as many have branches there already.

Paris green is retailed at 30 cents a pound, but the manufacturer sells it at 11 and 12 cents a pound. Hence, if the duty were removed and the American factories closed, the consumers would not get Paris green at any less in price than at present. Moreover, the European syndicates control chemical production, and when they have this market in their power they will put up prices as they have done in other cases.

Blues, including Berlin, Prussian, Chinese, and Milori, are now dutiable at 8 cents a pound, and the proposed law reduces that rate to 20 per cent, or less than 3 cents a pound. This is an extremely drastic cut. Last year approximately 190,000 pounds of blues were imported, a very large proportion of the quantity consumed in this country, and this reduction in rate, it is claimed, will simply close out the American factories, as they can not compete, which is evident from the imports now. The chief ingredient used in making blue is prussiate of potash, and there are only two factories in America at the present time. They are not making any profits owing to foreign competition. Lithopone is reduced in duty under the proposed law from 1¼ cents per pound to 15 per cent ad valorem, but no less than sixtenths of 1 cents per pound. This is another drastic cut. This industry was first started in the United States under the McKinley Act. There are at least five independent and competitive companies, and they have reduced the rates of the article from 7 cents per pound to 3¼ and 3¾ cents per pound. In spite of the present duty imports are large, amounting at the port of New York alone for the last fiscal year to 2,100 tons, in addition to the imports at other American ports. The production in this country in 1910 was 12,693 tons. The present cost in this country to produce this article is about 3 cents a pound, as against 2 cents in Germany.

STRIKING AT THE VARNISH INDUSTRY.

The proposition in the House bill to make the raw materials used in the manufacture of varnish dutiable would have the same effect as in many other cases of discriminating against the American manufacturer. The raw materials on which it is proposed to impose duties are either fossil gums not found in the United States or oils made from seeds or nuts which can not be grown in this country. The fossil gums, known under the general name of copals, are found in the Dutch East Indies, in Africa, and in South America. There were imported 10,916,600 pounds in 1911, valued at $615,002. The value per pound was generally from 3 to 16 cents, although some African copal was valued at 70 cents. The proposed duty of one-half cent per pound would increase the cost from 7 to 16 per cent, or an average increase of 9 per cent.

Kauri gum is also a fossil found only in New Zealand. It is the most important of all varnish gums. The imports in 1911 were 7,772,800 pounds, at prices ranging from 3 to 80 cents, with an average of 12½ cents. The proposed duty is 1 cent per pound, which increases the cost 8 per cent. Damar is grown in Java and Sumatra. The imports in 1911 were 4,414,000 pounds, with an average cost of 10 cents per pound. The proposed duty of 1 cent a pound would increase its cost 10 per cent.

Gum shellac is made from the sap of a tree which grows in India. The imports in 1911 were 15,967,200 pounds, at an average price of approximately 15 cents per pound. The duty proposed is 1½ cents a pound, which increases the cost 10 per cent.

Gum copal and shellac also enter largely into the manufacture of varnishes, buttons, billiard and pool balls, hats, electrical supplies, and talking-machines records. No substitute has ever been offered for them. The talking-machine records made of these products are exported to various countries in competition with Germany, France, Italy, and England, and to impose a duty on the raw material will naturally interfere with

the export business now conducted, as there is no duty in foreign countries on these raw products.

Chinese nut oil is expressed from tung nuts found only in China, and of that oil 4,088,800 gallons were imported in 1911. The proposed duty is 5 cents a gallon, which increases the cost at least 10 per cent.

Linseed oil is dutiable at 15 cents a gallon, and that, with rosin, turpentine, and naphtha, is produced in this country.

The other articles used in the manufacture of varnish are not produced in this country, and to place a duty on them would tend to increase the cost of materials used by the varnish maker from 6 to 7 per cent.

Once in a while in connection with a southern industry like that of resin—rosin—an effort is made to encourage it by imposing a duty on raw material now on the free list. Resin, as a residue from the distillation of turpentine, is the crude article not refined. It has been classed as a raw material by a decision of the United States Court of Customs Appeals. It is one of the materials used widely in the manufacture of common laundry soap and an imposition of a tax upon it would be a serious burden to manufacturers of such soap.

More soap is used in the United States per capita than in any other country. There are 436 manufacturing concerns making ordinary soap scattered widely throughout the different States. There is the keenest possible competition between them and they have $60,000,000 of capital and give employment to 15,000 persons. It is an industry that should be encouraged in every way possible, but the authors of this bill have taken steps to discourage it.

Coconut oil, palm oil, palm-kernel oil, soja-bean oil, bergamot, caraway, citronella, and various other ingredients necessary in the manufacture of soap are taken from the free list and made dutiable. The additional cost of soap due to these proposed duties on ingredients not produced in the United States would amount to 21 cents a box, or nearly one-fourth of a cent per cake. The result would be that every cake of soap would have to be sold at an additional cent or the size of the cake reduced, which is an important item to the users of this grade of soap.

Carbonate of potash and caustic soda, also used in soap making, are taken from the free list and made dutiable. The imposition of the duty on coarse kinds of gum resin seems to be altogether for the benefit of a corporation which now controls the market in resin and fixes the price.

PERFUMERY.

Mr. Theodore Ricksecker, of New York, representing the Manufacturing Perfumers' Association of the United States, testified before the Finance Committee as to what is certain to follow when a duty is reduced below a protective point. He equipped a factory in New York for making toothbrushes, and employed English, French, and American workmen, and produced the best toothbrushes made, as was conceded, he stated, personally by the best makers in Paris and London. The work was largely handwork, but the business grew rapidly. In 1884 there was a reduction in the tariff on toothbrushes from 40 to 30 per cent. That closed his factory and nearly ruined him. He testified that all the other factories of the kind closed and the industry has been dead ever since. That is a fair illustration of the effect of a reduction that went below a protective point.

Mr. Ricksecker also told of selling a bill of $300 worth of perfumery to a retailer in Berlin, Germany. A number of the members of the Reichstag in passing the store saw the American goods in the window and got up in the Reichstag and proposed an increased duty on perfumery. The bill was passed and the further shipment of perfumery to Germany was stopped.

The proposed law imposes a duty on almond oil, anise, bergamot, camomile, caraway, and other oils now on the free list, which are the raw materials of the perfumery industry. These oils are not used in the raw state, but are made into perfumery when utilized, compounded, and manipulated under American labor, capital, and skill. To make them dutiable would handicap the perfumery industry in this country for the benefit of the foreign manufacturers. To injure this industry would not only affect men and women directly employed, but the manufacturers of bottles, boxes, labels, and the various other articles used in marketing perfumery.

An exporter of American manufactured goods and also an importer of raw materials also protested against the duty of 20 per cent on perfumery raw materials. Perfumes are luxuries, and there seems to be no excuse for offering further advantages to foreign manufacturers of these products. Under the present law the duty on perfumery was advanced, but the imports have increased at the rate of about $200,000 a year. American perfumery is taxed because of the alcohol used in it. But the French manufacturer is allowed a drawback for the duty paid on his alcohol, which gives him a great advantage in this market, an advantage that will greatly increase under the proposed law of taxing the raw materials.

SUGAR OF MILK.

One of the articles that illustrates how an industry can be developed through a duty is sugar of milk. Not many years ago that article was imported, and the cost was from 40 to 45 cents a pound. There was only one manufacturer making it, located in Burlington, Vt. He was making a small quantity of sugar of milk, and using it in a child's food preparation. The duty was 3 cents a pound. It was proposed to raise the duty to 6 cents a pound. This manufacturer appeared and protested, saying that this was a country where milk was cheap and where milk sugar could be made as low as anywhere in the world, and that he did not want 6 cents a pound duty, because it would create competition. Nevertheless the duty of 6 cents a pound was imposed, and within two years the American sugar of milk was selling at 8½ cents instead of 40 and 45 cents. Later we began to export it to Germany, and Germany immediately put on a higher rate of duty to exclude the American article.

COPPERAS.

When the Wilson tariff law was in preparation a Member of Congress was asked to use his influence to retain the duty on copperas, and he replied that he could not do so as "everything in connection with copper must come in free." It looks as though that ignorant prejudice still exists. Copperas is made from what is known as "sludge," or "waste pickling liquor," vast quantities of which are produced wherever wire rods or tin plate are made. That acid liquor or sludge is not allowed to run into the rivers or sewers, but is used to make copperas. It is costly to produce and can not be carried on in competition with the low-priced labor and other advantages which the European manufacturers have. To put copperas on the free list would make that industry unprofitable in the United States and impose a further hardship on the manufacturer of tin plate, wire rods, and so forth.

PEANUT OIL.

Peanut oil, which is taken from the free list and made dutiable at 10 cents a gallon, is imported to use in the manufacture of butterine, for which the American oil is not suitable because of its taste. The west African peanut makes an oil that is tasteless and is a necessary ingredient in the manufacture of butterine. There seems to be no object gained in imposing a duty on it, as the revenue would be very small, and a duty would only increase the cost of butterine, which is used by many persons who desire a cheaper product than butter.

OLIVES AND OLIVE OIL.

The change of duty on both olives and olive oil under the act of 1909 has given a wonderful impetus to the olive industry in California. The business has increased over one-third in three years, and it is reported that 2,500 acres of young olive orchards are being set out at the present time. From an acreage of about 8,000 bearing trees four years ago there has been an increase to about 14,000 acres in the old and young orchards combined. If the olive industry is let alone, under the present tariff there will be a still larger increase in the immediate future. A reduction in duty as proposed by the House bill means about 20 cents a gallon on olive oil, or about $8 a ton. The manufacturers, because of strong competition, can not stand that loss, and it would have to fall on the grower. Those expert in the business assert that such a reduction would mean virtually the annihilation of the olive industry in both oil and pickles, as they can not produce olives at any such prices as would be necessary under the reduced rates of duty. It takes at least 5 years after the planting of an olive orchard before any returns are obtained, and from that time up to 10 years the young orchard will not produce fruit enough to pay for its care and cultivation, consequently it means an investment running between 10 and 12 years before the revenues exceed the cost of cultivation and care. There are thousands of acres of good land in California and Arizona well suited to the cultivation of olives. If the tariff were left alone as it is at present, this industry would rapidly grow, but the proposed change in duty would strangle it, for which there is no excuse.

SPICES AND MUSTARD.

To impose the same duty, 1 cent a pound, on both whole and ground spices would be a blow at the American industry. The higher prices paid for labor in this country and the pure-food law make the work of grinding much more expensive here than abroad. Most spices arrive here containing more or less moisture, and that would be dutiable at 1 cent a pound on the landed weight. There is a loss in weight in grinding, and there is some

loss in packing, and a higher cost of accessories, such as labels, printing, cartons, cans, boxes, and cases, all of which make the imposition of the same duty on ground spices as on raw material unjust. The English would pay no duty on containers, only duty on net weight, which is subject to only small shrinkage by drying out. No crude spices arriving here wormy or damaged are allowed entrance, but they are used abroad in the grinding process, and after so treated the wormy or damaged article can not be detected. Paragraph 41 also proposes to assess a duty on cloves of 2 cents per pound, equal to about 20 per cent of their value, while vanillin, which is made from cloves, suffers a reduction of 50 per cent to 10 cents per ounce.

The proposed bill takes amber and amberoid from the free list and imposes thereon a duty of $1 a pound. This can only result in making more difficult the manufacture of pipes and smokers' articles in this country and to offer greater inducements to foreign manufacturers of these articles. The material is found only on the shores of the North Sea. At the request of southern planters, who said laurel wood could be used for making pipes in place of French briarwood, a duty was placed on briarwood, but it has been proved that the laurel wood is not suitable. To now put a duty on amber and amberoid is to add to the difficulties of the pipe manufacturers in this country and to assist the importers. Every tobacco user in the country will be affected by this increase if he smokes a pipe.

Mr. President, it seems to me that I have already called attention to enough of the inconsistencies in this bill to prevent any Senator from voting for it. I say again the man who drew the bill either did not know what he was doing or he cared nothing for the effect it would have upon American industries. The bill recites that it is "An act to amend an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909." If the bill should become a law, the title of the original bill should be changed, and it should read something like this: "An act to provide revenue by encouraging the industries of foreign countries, and for other purposes."

The PRESIDING OFFICER (Mr. CATRON in the chair). The Secretary will read the bill.

The Secretary proceeded to read the bill, which is as follows:

Be it enacted, etc., That on and after the day following the passage of this act, there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 1 to 83, inclusive, of section 1 and of section 25 of an act entitled "An act to provide revenue, equalize duties and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

DUTIABLE LIST.

1. Acids: Benzoic acid, 5 cents per pound; boracic acid, three-fourths of 1 cent per pound; citric acid, 3 cents per pound; formic acid, 1½ cents per pound; gallic acid, 4 cents per pound; lactic acid, 1½ cents per pound; oxalic acid, 1½ cents per pound; phosphoric acid, 2 cents per pound; phthalic acid, 5 cents per pound; pyrogallic acid, 6 cents per pound; salicylic acid, 2½ cents per pound; tannic acid and tannin, 4 cents per pound; tartaric acid, 3 cents per pound; all other acids not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

2. Acetic anhydrid, 2½ cents per pound.

3. Acetone, 1 cent per pound.

4. Albumen, blood, 2 cents per pound; egg albumen, 6 cents per pound.

5. Alkalies, alkaloids, and all chemical and medicinal compounds, preparations, mixtures and salts, and combinations thereof not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

6. Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

7. Alumina, hydrate of, or refined bauxite; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and all other manufactured compounds of alumina, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

8. Ammonia, nitrate of, carbonate of, and muriate of, three-fourths of 1 cent per pound; phosphate of, 1 cent per pound; liquid anhydrous, 2½ cents per pound; ammoniacal gas liquor, 10 per cent ad valorem.

9. Argols or crude tartar or wine lees crude or partly refined, containing not more than 90 per cent of potassium bitartrate, 10 per cent ad valorem; containing more than 90 per cent of potassium bitartrate, cream of tartar, and Rochelle salts or tartrate of soda and postassa, 2½ cents per pound.

10. Balsams: Copaiba, fir or Canada, Peru, tolu, and all other balsams which are natural and uncompounded and not suitable for the manufacture of perfumery and cosmetics, if in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem; if advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the balsams and the prevention of decay or deterioration pending manufacture, 15 per cent ad valorem; all the foregoing not specially provided for in this act or in the first section of the act cited for amendment: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

11. Barium, chloride of, one-fourth of 1 cent per pound; dioxide of, 1½ cents per pound; carbonate of, precipitated, 15 per cent ad valorem.

12. Blacking of all kinds, and all creams and preparations for cleaning or polishing boots and shoes, 20 per cent ad valorem.

13. Bleaching powder, or chloride of lime, one-tenth of 1 cent per pound.

14. Bromin, 2 cents per pound.

15. Caffein, 75 cents per pound; impure tea, tea waste, tea siftings or sweepings, for manufacturing purposes, 1 cent per pound.

16. Calomel, corrosive sublimate, and other mercurial medicinal preparations, 15 per cent ad valorem.

17. Chalk, natural, ground or bolted, 10 per cent ad valorem; chalk, precipitated, suitable for medicinal or toilet purposes, 25 per cent ad valorem, but not less than one-half of 1 cent per pound; chalk put up in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, and other manufactures of chalk not specially provided for in this act or in the first section of the act cited for amendment, 25 per cent ad valorem.

18. Chemical and medicinal compounds and preparations, including mixtures and salts, distilled oils, essential oils, expressed oils, rendered oils, greases, ethers, flavoring and other extracts and fruit essences, all the foregoing and their combinations when containing alcohol, and all articles consisting of vegetable or mineral objects immersed or placed in, or saturated with, alcohol, except perfumery and spirit varnishes, if containing 20 per cent of alcohol or less, 10 cents per pound and 20 per cent ad valorem; containing more than 20 per cent and not more than 50 per cent of alcohol, 20 cents per pound and 20 per cent ad valorem; containing more than 50 per cent of alcohol, 40 cents per pound and 20 per cent ad valorem.

19. Chemical and medicinal compounds and all similar articles dutiable under this act or the first section of the act cited for amendment, whether specially provided for or not, put up in individual packages of 2 pounds or less net weight (except samples without commercial value sent by mail) shall be dutiable at a rate not less than 20 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar forms, shall be dutiable at not less than 25 per cent ad valorem.

20. Chloroform, 4 cents per pound.

21. Coal-tar dyes or colors, not specially provided for in this act or in the first section of the act cited for amendment, 25 per cent ad valorem.

22. All other products or preparations of coal tar, not colors or dyes, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

23. Coal-tar products known as dead and creosote oil, soluble and sulfonated dead and creosote oil, anthracene and anthracene oil, benzol, naphtol, resorcin, toluol, xylol; all the foregoing not medicinal and not colors or dyes, 5 per cent ad valorem.

24. Coal-tar products known as anilin oil and salts, toluidin, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, nitro-benzol and nitrotoluol, naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes, 10 per cent ad valorem.

25. Cobalt, oxide of, 10 cents per pound.

26. Collodion and all other liquid solutions of pyroxylin, or of other cellulose esters, or of cellulose, 15 per cent ad valorem but not less than 10 cents per pound; compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, if in blocks, sheets, rods, tubes, or other forms not polished, wholly or partly, and not made into finished or partly finished articles, 15 per cent ad valorem but not less than 15 cents per pound; if polished, wholly or partly, or if finished or partly finished articles, of which collodion or any compound of pyroxylin or other cellulose esters, by whatever name known, is the component material of chief value, 35 per cent ad valorem but not less than 40 cents per pound.

27. Coloring for brandy, wine, beer, or other liquors, 40 per cent ad valorem.

28. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this act or in the first section of the act cited for amendment, but which are advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

29. Ergot, 10 cents per pound.

30. Ethers: Sulphuric, 4 cents per pound; amyl nitrite, 20 per cent ad valorem but not less than 10 cents per pound; amyl acetate and ethyl acetate or acetic ether, 5 cents per pound; ethyl chloride, 20 per cent ad valorem; ethers of all kinds not specially provided for in this act or in the first section of the act cited for amendment, 25 per cent ad valorem but not less than 25 cents per pound: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

31. Extracts of nutgalls and of Persian berries, 1 cent per pound; extracts of quebracho, of hemlock bark, of sumac, and extracts and decoctions of logwood and other dyewoods, extracts of barks and of woods other than dyewoods, such as are commonly used for dyeing or tanning, and all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, all the foregoing not containing alcohol, not medicinal, and not specially provided for in this act or in the first section of the act cited for amendment, three-eighths of 1 cent per pound.

32. Extract of chlorophyll, 15 per cent ad valorem; saffron and safflower, and extract of, and saffron cake, 10 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

33. Formaldehyde solution containing not more than 40 per cent of formaldehyde, or formaline, 1 cent per pound.

34. Fusel oil, or amylic alcohol, one-fourth of 1 cent per pound.

35. Gelatin, glue, and glue size, valued not above 10 cents per pound, 1 cent per pound; valued above 10 cents per pound and not above 25 cents per pound, 15 per cent ad valorem; valued above 25 cents per pound, 25 per cent ad valorem; manufactures of gelatin or manufactures of which gelatin is the component material of chief value, 25 per cent ad valorem; isinglass and prepared fish sounds, 25 per cent ad valorem; agar-agar, 20 per cent ad valorem.

36. Glycerin, crude, not purified, 1 cent per pound; refined, 2 cents per pound.

37. Gums: Amber, and amberoid unmanufactured, or crude gum, $1 per pound; arabic, one-half of 1 cent per pound; camphor, crude, natural, 2 cents per pound; camphor, refined and synthetic, 5 cents per pound; chicle, 20 cents per pound; gum copal, one-half of 1 cent per pound; gum resin, 10 per cent ad valorem; dextrine, burnt staich or British gum, dextrine substitutes, and soluble or chemically treated starch, three-fourths of 1 cent per pound; gum Kauri and damar, and lac, crude, seed, button, and stick, 1 cent per pound; lac dye and shell, 1½ cents per pound.

38. Indigo, indigo extracts or pastes, and indigo carmined, 10 per cent ad valorem.

39. Ink and ink powders, 15 per cent ad valorem.

40. Iodine: Crude, 10 cents per pound; resublimed, 15 cents per pound; potassium iodide, 20 cents per pound; iodoform, 25 cents per pound.

41. Leaves, roots, and spices: Buchu leaves, 10 cents per pound; coca leaves, 10 cents per pound; gentian, one-fourth of 1 cent per pound; licorice root, unground, .15 cent per pound; sarsaparilla root, 1 cent per pound; all the foregoing in a crude state, and not advanced in value or condition by refining, grinding, or other process; cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips; ginger root, unground and not preserved or candied; nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound; pimento, three-fourths of 1 cent per pound; sage, one-half of 1 cent per pound; mace, 8 cents per pound; mustard, ground or prepared, in bottles or otherwise, 6 cents per pound; all other spices not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

42. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol, 10 per cent ad valorem.

43. Licorice, extracts of, in pastes, rolls, or other forms, 15 per cent ad valorem but not less than 2 cents per pound.

44. Lime, citrate of, 1 cent per pound.

45. Magnesia: Calcined, 3½ cents per pound; carbonate of, precipitated, 1½ cents per pound; sulphate of, or Epsom salts, one-tenth of 1 cent per pound; magnesite, calcined, not purified, $1 per ton.

46. Menthol, 50 cents per pound.

47. Methyl alcohol or wood alcohol, 5 cents per gallon.

48. Moss and sea grass, eel grass, and seaweeds, if manufactured or dyed, 10 per cent ad valorem.

49. Oils, rendered: Cod, seal, herring, whale, and other fish oil, not specially provided for in this act or in the first section of the act cited for amendment, 5 cents per gallon; cod-liver oil, 12 cents per gallon; wool grease, including that known commercially as degras or brown wool grease, crude and not refined or improved in value or improved in value or condition, one-fourth of 1 cent per pound; refined or improved in value or condition, and not specially provided for in this act or in the first section of the act cited for amendment, one-half of 1 cent per pound; lanolin, 1 cent per pound; all other animal oils, rendered oils and greases, and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

50. Oils, expressed: Alizarin assistant, sulphoricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, and all other alizarin assistants and all soluble greases used in the processes of softening, dyeing, or finishing, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem; castor oil, 20 cents per gallon; cocoanut oil, palm oil, palm-kernel oil, and soya-bean oil, one-fourth of 1 cent per pound; olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him, three-eighths of 1 cent per pound; flaxseed and linseed oil, raw, boiled, or oxidized, 13 cents per gallon; poppy-seed oil, raw, boiled, or oxidized, rapseed oil, and peanut oil, 10 cents per gallon; tempseed oil and Chinese-nut oil, 5 cents per gallon; almond oil, sweet, 5 cents per pound; maco oil, 8 cents per pound; sesame or sesamum seed or bean oil, 1½ cents per pound; olive oil, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; olive oil, in bottles, jars, kegs, or other packages containing less than 5 gallons each, 30 cents per gallon; all other expressed oils and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

51. Oils, distilled and essential: Peppermint, 25 cents per pound; almond, bitter; anise or anise seed; bergamot; camomile; caraway; cassia; cinnamon; cedrat; citronella or lemon-grass; jasmine or jasmine; juniper; lavender, and aspic or spike lavender; lemon; limes; neroli or orange flower; orange; origanum, red or white; rosemary or anthoas; attar of roses; thyme; and valerian; all the foregoing oils, and all fruit oils and essences, and essential and distilled oils and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

52. Opium, crude or unmanufactured, and not adulterated, containing 9 per cent and over of morphia, $3 per pound; opium of the same composition, dried to contain 15 per cent or less of moisture, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, $4 per pound; morphia or morphine, sulphate of, and all alkaloids of opium, and salts and esters thereof, $3 per ounce; cocaine, egconine, and all salts and derivatives of the same, $2 per ounce; aqueous extract of opium, for medicinal uses, and tincture of, as laudanum, and other liquid preparations of opium, not specially provided for in this act or in the first section of the act cited for amendment, 60 per cent ad valorem; opium containing less than 9 per cent of morphia, $6 per pound; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

53. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints, and pastes, pomades, powders, and other toilet articles, all the foregoing: If containing alcohol, 60 cents per pound and 50 per cent ad valorem; if not containing alcohol, 60 per cent ad valorem; floral or flower waters containing no alcohol, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

54. Ambergris; enfleurage grease; musk, crude, in natural pods, and musk in the grain; civet, crude; all synthetic and essential oils and all other odoriferous substances or preparations suitable for the manufacture of perfumes or cosmetics, or flavoring extracts, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

55. Plasters, healing or curative, of all kinds, and court-plaster, 15 per cent ad valorem.

56. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 15 per cent ad valorem but not less than 40 cents per ton; manufactured, 20 per cent advalorem but not less than $1.30 per ton; blanc-fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, 20 per cent ad valorem but not less than one-fourth of 1 cent per pound.

57. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, 20 per cent ad valorem but not less than 3 cents per pound; ultramarine blue, whether dry, in pulp, or ground in or mixed with oil or water, and wash blue containing ultramarine, 20 per cent ad valorem but not less than 2 cents per pound.

58. Black pigments, made from bone, ivory, or vegetable substance, by whatever name known; gas black and lampblack, dry or ground in or mixed with oil or water, 15 per cent ad valorem.

59. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 20 per cent ad valorem but not less than 3 cents per pound.

60. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, Spanish brown, Venetian red, Indian red, and colcothar or oxide of iron, not specially provided for in this act or in the first section of the act cited for amendment, when crude or not powdered, washed or pulverized, 10 per cent ad valorem; if powdered, washed, pulverized, or ground in or mixed with oil or water, 20 per cent ad valorem.

61. Lead pigments: Litharge, orange mineral, red lead, white lead, and all pigments containing lead, dry or in pulp, and ground or mixed with oil or water, not specially provided for in this act or in the first section of the act cited for amendment, 25 per cent ad valorem but not less than 1 cent per pound.

62. Lead, acetate of, white, and nitrate of, 1½ cents per pound; acetate of, brown, gray, or yellow, 1 cent per pound; all other lead compounds not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

63. Varnishes, including so-called gold size or japan, and enamel paints made with varnish, 25 per cent ad valorem: *Provided*, That spirit varnishes containing less than 10 per cent of methyl alcohol of the total percentage of alcohol contained therein, shall be dutiable at $1.32 per gallon and 25 per cent ad valorem.

64. Vermilion reds, containing quicksilver, dry or ground in oil or water, 15 per cent ad valorem but not less than 7½ cents per pound; when not containing quicksilver but made of lead or containing lead, 25 per cent but not less than 4 cents per pound.

65. Whiting and Paris white, dry, one-tenth of 1 cent per pound; ground in oil, or putty, 15 per cent ad valorem but not less than one-fourth of 1 cent per pound.

66. Zinc, oxide of, and white sulphid of, lithopone, and pigments containing zinc, but not containing lead, ground dry, 15 per cent ad valorem but not less than six-tenths of 1 cent per pound; when ground in or mixed with oil or water, 20 per cent ad valorem but not less than 1 cent per pound.

67. Zinc, chloride of and sulphate of, one-half of 1 cent per pound.

68. All paints, colors, pigments, stains, lakes, crayons, including charcoal crayons or fusians, smalts and frostings, and all ceramic and glass fluxes, glazes, enamels, and colors, whether crude, dry, mixed, or ground with water or oil or with solutions other than oil, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; all paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 25 per cent ad valorem.

69. Potash: Bicarbonate of, and carbonate of, refined, one-half of 1 cent per pound; hydrate of, six-tenths of 1 cent per pound; hydrate of, in sticks or rolls, 1 cent per pound; chlorate of, chromate and bichromate of, 1 cent per pound; cyanide of, 1½ cents per pound; nitrate of, or saltpeter, crude, $3 per ton; refined, $7 per ton; permanganate of, 1½ cents per pound; prussiate of, red, 2 cents per pound; yellow, 1½ cents per pound.

70. Soaps: Toilet soaps, 40 per cent ad valorem, but not less than 20 cents per pound; medicinal soaps, 30 per cent ad valorem, but not less than 8 cents per pound; castile soap and all other soaps not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem, but not less than 1 cent per pound.

71. Soda: Arseniate of, chlorate of, and nitrite of, one-half of 1 cent per pound; bicarbonate of, or supercarbonate of, or saleratus, and other alkalies containing 50 per cent or more of bicarbonate of soda; hydrate of, or caustic; phosphate of; hyposulphite of; sulphid of, and sulphite of, one-fourth of 1 cent per pound; cyanide of, 1½ cents per pound; chromate and bichromate of, and yellow prussiate of, three-fourths of 1 cent per pound; borate of, or borax refined; crystal carbonate of, monobydrate, and sesquicarbonate of; sal soda, and soda crystals; silicates of; and soda ash, one-eighth of 1 cent per pound; and sulphate of soda crystallized, or Glauber salts, $1 per ton.

72. Sponges, 15 per cent ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

73. Sumac, ground, one-fifth of 1 cent per pound.

74. Talcum, steatite, and French chalk, powdered, washed, or pulverized, 15 per cent ad valorem.

75. Tin, chlorid of, tetrachlorid of, crystals and all other compounds of tin, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

76. Vanillin, 10 cents per ounce; vanilla beans, 50 cents per pound; tonka beans, 25 cents per pound.

FREE LIST.

That on and after the day following the passage of this act, the articles enumerate, described, and provided for in the following paragraphs shall, when imported from any foreign country into the United

States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty:

77. Acids: Acetic and pyroligneous, arsenic or arsenious, carbolic, chromic, fluoric, hydrochloric or muriatic, nitric, prussic, silicic, sulphuric acid and oil of vitriol, and valerianic.

78. Albumen, not specially provided for in this act or in the first section of the act cited for amendment.

79. Ammonia, sulphate of.

80. Antitoxins, vaccine virus, and all other serums derived from animals and used for therapeutic purposes.

81. Blue vitriol, or sulphate of copper; acetate and subacetate of copper, or verdigris.

82. Borax, crude and unmanufactured, and borate of lime, soda, and other borate material, crude and unmanufactured, not otherwise provided for in this act or in the first section of the act cited for amendment.

83. Calcium, acetate of, brown and gray, chloride of, crude, and nitrate of, crude.

84. Chalk, natural, not ground, bolted, precipitated, or otherwise manufactured.

85. Charcoal, blood char, bone char, or bone black, not suitable for use as a pigment.

86. Coal tar, crude, pitch of coal tar, and products of coal tar known as naphthalin, phenol and cresol; all the foregoing not medicinal and not colors or dyes.

87. Copperas, or sulphate of iron.

88. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, logs, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in this act or in the first section of the act cited for amendment, and are in a crude state, not advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol shall be admitted free of duty under this paragraph.

89. Magnesite, crude, not purified.

90. Oils: Cottonseed oil; spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; petroleum, crude or refined, including kerosene, benzine, naphtha, gasoline, and similar oils produced from petroleum.

91. Paris green and London purple.

92. Phosphorus.

93. Potash, crude, or "black salts"; carbonate of potash, crude; sulphate of potash, crude or refined; and muriate of potash.

94. Santonin, and all salts thereof.

95. Sheep dip containing five one-hundredths of 1 per cent of arsenic or more, not specially provided for in this act or in the first section of the act cited for amendment.

96. Soda, sulphate of, crude, or salt cake and niter cake.

97. Strychnin or strychnine, and all salts thereof.

98. Sulphur in any form, brimstone, and sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur.

99. Talcum, steatite, and French chalk, crude and unground.

SEC. 2. That section 25 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended to read as follows:

"SEC. 25. That where imported materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less 1 per cent of such duties: *Provided*, That when the articles exported are made in part from domestic materials the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

"That on the exportation of flavoring extracts and of medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used: *Provided*, That no other than domestic tax-paid alcohol shall have been used in the manufacture or production of such preparations. Such drawbacks shall be determined and paid under such rules and regulations and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as the Secretary of the Treasury shall prescribe.

"That the provisions of this section shall apply to materials used in the construction and equipment of vessels built for foreign account and ownership, or for the Government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported."

SEC. 3. That on and after the day following the passage of this act all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subject to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

During the reading of the bill,

Mr. SIMMONS. I move that the Senate take a recess until this evening at half past 8 o'clock.

Mr. SMOOT. Mr. President, would it not be better to continue and finish the reading of the bill and then take a recess?

Mr. LODGE. Let us finish the reading of the bill.

Mr. SMOOT. I suggest to the Senator from North Carolina that the reading of the bill be concluded.

Mr. SIMMONS. I inquire on what page the Secretary is now reading?

The PRESIDENT pro tempore. There are about 15 pages more to be read, as the Chair is informed.

Mr. SIMMONS. Very well, I will withhold the motion.

The reading of the bill was resumed and concluded.

RECESS.

Mr. SIMMONS. I move that the Senate take a recess until half past 8 o'clock to-night.

The motion was agreed to, and thereupon (at 3 o'clock and 25 minutes p. m.) the Senate took a recess until 8.30 p. m.

EVENING SESSION.

At 8.30 p. m., on the expiration of the recess, the Senate reassembled.

THE CHEMICAL SCHEDULE.

The PRESIDENT pro tempore. The business before the Senate is the further consideration of House bill 20182.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, I desire to offer an amendment to the bill on behalf of the minority members of the Committee on Finance. On page 3 I move to strike out lines 3 and 4, which read as follows:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from North Carolina.

The SECRETARY. On page 3 strike out lines 3 and 4, which read as follows:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from North Carolina.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. That Senator is necessarily absent, and I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON]. If he were present I should vote "yea." In his absence I withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the unavoidable absence of my colleague [Mr. FOSTER] on account of illness, and also that he has a general pair with the Senator from Wyoming [Mr. WARREN]. I will let this announcement stand for all subsequent roll calls during the evening.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN]. If I were privileged to vote I would vote "yea."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. He being absent, I withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. PENROSE (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. WILLIAMS], and therefore I withhold my vote on this and all other questions on the bill this evening.

Mr. LODGE (when Mr. ROOT's name was called). I desire to announce the pair of the senior Senator from New York [Mr. ROOT] with the Senator from Maine [Mr. JOHNSON]. I will let the announcement stand for the evening.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city.

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. CRAWFORD (after having voted in the affirmative). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent. Not knowing how he would vote, I will withdraw my vote. If I were at liberty to vote I should vote "yea."

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I inquire if that Senator has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BRANDEGEE. Then I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. BRIGGS (after having voted in the affirmative). I understand that the senior Senator from West Virginia [Mr. WATSON] has not voted. I therefore withdraw my vote. I have a general pair with that Senator.

Mr. CURTIS. I desire to announce that I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained from the Chamber on account of illness. I therefore withhold my vote on this question and all others this evening.

Mr. CRANE (after having voted in the affirmative). In the absence of the junior Senator from Maine [Mr. GARDNER], with whom I am paired, I withdraw my vote.

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from New Mexico [Mr. FALL], understanding that he has not voted, and vote "yea."

Mr. JOHNSTON of Alabama. I desire to announce the pairs of several Senators who are absent.

The Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

The Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT].

The Senator from Indiana [Mr. KERN] is paired with the Senator from Tennessee [Mr. SANDERS].

The Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Kansas [Mr. CURTIS].

The Senator from Montana [Mr. MYERS] is paired with the Senator from Connecticut [Mr. McLEAN].

The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from South Dakota [Mr. GAMBLE].

The Senator from Ohio [Mr. POMERENE] is paired with the Senator from Michigan [Mr. TOWNSEND].

The Senator from Missouri [Mr. REED] is paired with the Senator from Michigan [Mr. SMITH].

The Senator from Maryland [Mr. SMITH] is paired with the Senator from New Hampshire [Mr. BURNHAM].

The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON].

The Senator from Missouri [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK].

The Senator from Virginia [Mr. SWANSON] is paired with the Senator from Nebraska [Mr. BROWN].

The Secretary recapitulated the vote.

Mr. CLARK of Wyoming. I desire to announce the pair of my colleague [Mr. WARREN] with the Senator from Louisiana [Mr. FOSTER]. My colleague is absent from the Chamber on public business.

Mr. SANDERS (after having voted in the affirmative). Owing to a pair with the junior Senator from Indiana [Mr. KERN], I withdraw my vote.

Mr. TOWNSEND (after having voted in the affirmative). I have just been informed that I was paired with the junior Senator from Ohio [Mr. POMERENE]. I was not aware of that fact, but I am willing to abide the judgment of the Senator from Alabama as to that. There was some talk about my being paired until the 1st of July, so I withdraw my vote.

The PRESIDENT pro tempore. The Chair will state that less than a quorum of Senators has voted upon this amendment, but in order to give an opportunity to secure a quorum, if it is so desired, the Chair will not announce the result.

Mr. GALLINGER. I suggest that the vote ought to be announced and then the names of absentees called.

The result was announced—yeas 35, nays 0, as follows:

YEAS—35.

Ashurst	Clarke, Ark.	Lodge	Poindexter
Bacon	Cullom	Lorimer	Simmons
Borah	Cummins	McCumber	Smith, Ariz.
Bradley	Gronna	Nelson	Smoot
Bryan	Guggenheim	Oliver	Sutherland
Catron	Johnston, Ala.	Overman	Thornton
Chamberlain	Jones	Page	Wetmore
Chilton	Kenyon	Paynter	Works
Clapp	La Follette	Perkins	

NOT VOTING—59.

Bailey	Dillingham	Lippitt	Sanders
Bankhead	Dixon	McLean	Shively
Bourne	du Pont	Martin, Va.	Smith, Ga.
Brandegee	Fall	Martine, N. J.	Smith, Md.
Briggs	Fletcher	Myers	Smith, Mich.
Bristow	Foster	Newlands	Smith, S. C.
Brown	Gallinger	O'Gorman	Stephenson
Burnham	Gamble	Owen	Stone
Burton	Gardner	Penrose	Swanson
Clark, Wyo.	Gore	Percy	Tillman
Crane	Heyburn	Pomerene	Townsend
Crawford	Hitchcock	Rayner	Warren
Culberson	Johnson, Me.	Reed	Watson
Curtis	Kern	Richardson	Williams
Davis	Lea	Root	

Mr. LODGE. I make the point of no quorum, Mr. President.

The PRESIDENT pro tempore. The Senator from Massachusetts makes the point that there is no quorum present. The Secretary will call the roll of the Senate.

Mr. McCUMBER. Before that is done, I am satisfied from the vote that my pair would vote in the same way as I would vote. Therefore I will let my vote stand without the announcement of the pair. I transferred it to the junior Senator from New Mexico [Mr. FALL], who has since returned to the Chamber, and that will give him an opportunity to vote.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Johnston, Ala.	Penrose
Bacon	Crane	Jones	Perkins
Borah	Crawford	Kenyon	Poindexter
Bradley	Cullom	La Follette	Sanders
Brandegee	Cummins	Lippitt	Simmons
Briggs	Curtis	Lodge	Smith, Ariz.
Bryan	Dillingham	Lorimer	Smith, Ga.
Burnham	Fall	McCumber	Smoot
Catron	Fletcher	Nelson	Sutherland
Chamberlain	Gallinger	Oliver	Thornton
Chilton	Gronna	Overman	Townsend
Clapp	Guggenheim	Page	Wetmore
Clark, Wyo.	Heyburn	Paynter	Works

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. SIMMONS. Mr. President, while the roll call has disclosed a quorum, it is apparent that on a vote there is no quorum present. I move that the Senate do now adjourn.

The motion was agreed to; and (at 8 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 3, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 2, 1912.*

The House met at 12 o'clock noon, and was called to order by the Clerk of the House, Hon. South Trimble.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Holy, holy, Lord God Almighty, Maker of heaven and earth, let Thy blessing descend in all fullness upon us that our thoughts may harmonize with Thy thoughts, that our judgments may be in consonance with Thy judgment, and our acts conform to Thy will, that we may be the instruments in Thy hands for the furtherance of the plans which Thou hast ordained. In the spirit of the Lord Jesus Christ. Amen.

The Clerk read the following communication:

JULY 2, 1912.

Hon. SOUTH TRIMBLE,
Clerk House of Representatives:

I hereby appoint and designate Hon. T. W. SIMS, of Tennessee, to act as Speaker and preside over the House to-day.

CHAMP CLARK, *Speaker.*

Mr. SIMS took the chair as Speaker pro tempore amid applause.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to make some corrections and extensions in remarks I made on the 24th, for the permanent RECORD.

The SPEAKER pro tempore. Without objection, the corrections will be made.

There was no objection.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take up for present consideration the Army appropriation bill and consider it in the House as in Committee of the Whole House on the state of the Union; that general debate upon the bill be confined to two hours, one hour of which to be controlled by the gentleman from Illinois [Mr. PRINCE] and the other hour by myself, and at the end of that time the previous question shall be considered as ordered and final vote be taken upon the bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that the military appropriation bill be taken up and considered in the House as in the Committee of the Whole House on the state of the Union and that two hours of general debate be had, one half to be controlled by the gentleman from Illinois [Mr. PRINCE] and the other half by the gentleman from Virginia [Mr. HAY], and at the end of the two hours the previous question shall be considered as ordered and the bill voted on as a whole. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the Clerk report the bill by title.

The Clerk read as follows:

A bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Mr. HAY. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose the bill ought to be read at some time. I am not sure, under the unanimous-consent agreement, it would be read.

Mr. UNDERWOOD. I will state to the gentleman from Illinois, the bill has been read in the House several times; it is exactly the bill which passed the House, the identical bill.

Mr. MANN. That is the statement of the gentleman from Alabama, which I have no doubt is accurate, but the only way to test that is to have the bill read in the House. This is a new bill.

Mr. GARNER. In order to obviate the difficulty if the gentleman from Illinois merely wants to print the bill, why not have unanimous consent to print the bill at this point?

Mr. MANN. Oh, I think every bill ought to be read at some time. I do not care which reading of the bill it is, but I take it the second reading would be dispensed with under the order, probably.

Mr. HAY. Mr. Speaker, if the bill is to be read, it might as well be read now as any other time.

The SPEAKER pro tempore. The gentleman withdraws the request?

Mr. HAY. Yes.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1913:

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War, $25,000.

OFFICE OF THE CHIEF OF STAFF.

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, office, toilet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, employment of temporary, technical, or special services, and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, $9,000.

Contingencies military information section, General Staff Corps: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attaches at the United States embassies and legations abroad; and of the branch office of the military information section at Manila, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

United States service schools: To provide means for the theoretical and practical instruction at the Staff College (including the Army School of the Line, Army Field Engineer School, and the Army Signal School) at Fort Leavenworth, Kans., the Mounted Service School at Fort Riley, Kans., and the School of Fire for Field Artillery at Fort Sill, Okla., by the purchase of textbooks, books of reference, scientific and professional papers, the purchase of modern instruments and materia for theoretical and practical instruction, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interests of the military service, $30,000.

THE ADJUTANT GENERAL'S DEPARTMENT.

Contingencies, headquarters of military departments: For contingent expenses at the headquarters of the several military divisions and departments, including the Staff Corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, technical books of reference, professional and technical newspapers and periodicals, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the several military division and department commanders, $7,500.

UNDER THE CHIEF OF COAST ARTILLERY.

Coast Artillery School, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, hardware; cost of special instruction of officers detailed as instructors; extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; office furniture and fixtures, machinery, and unforeseen expenses, $10,000.

For purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the division of the enlisted specialists, $7,000.

For purchase of special apparatus and materials and for experimental purposes for the department of artillery, $3,000.

For purchase of generating, measuring, and mine apparatus, and materials for use in instruction of artillery troops in their special duties in connection with the loading and planting of submarine mines, $5,500.

For purchase and binding of professional books of recent date treating of military and scientific subjects for library and for use of school, $2,500.

Provided, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons and airplanes, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $375,000: *Provided, however*, That not more than $75,000 of said amount shall be used for the purchase, maintenance, operation, and repair of airplanes and other aerial machines.

Washington-Alaska military cable and telegraph system: For defraying the cost of such extension and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1914, from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, $50,000.

Annunciator buzzer systems at target ranges: For the installation of annunciator buzzer systems at such target ranges as the Secretary of War may determine, $10,000.

PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $6,893,098.

For additional pay to officers for length of service, to be paid with their current monthly pay, $1,524,120. That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $15,832,000: *Provided*, That no part of the appropriation in this act for the pay of officers and enlisted men shall be paid to any officer or enlisted man in active service for any period of time lost by him on account of diseases which are the result of his own intemperate use of drugs or alcoholic liquors or other misconduct.

For additional pay for length of service, $1,535,000: *Provided*, That on and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry, and no more, in the United States Army, and that the officers who shall be rendered supernumerary by this reduction in the number of Cavalry regiments shall be retained in service, and shall be assigned to vacancies in their respective grades as such vacancies shall occur in the Cavalry, or, in the discretion of the President, to such vacancies in their respective grades as shall occur in any other arm of the service: *Provided further*, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Infantry, Field Artillery, Coast Artillery, Cavalry, according to their relative commissioned personnel strength; and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service: *And provided further*, That no officer shall be reduced in grade; and the Secretary of War is directed to carry out the provisions of this act.

CORPS OF ENGINEERS.

For pay of enlisted men, $477,840.

Additional pay for length of service, $65,000.

ORDNANCE DEPARTMENT.

For pay of enlisted men, $221,436.

Additional pay for length of service, $105,500.

QUARTERMASTER'S DEPARTMENT.

For pay of 200 post quartermaster sergeants, at $45 per month each, $108,000.

Additional pay for length of service, $38,000.

SUBSISTENCE DEPARTMENT.

For pay of 207 post commissary sergeants, at $45 per month each, $111,780.

Additional pay for length of service, $45,000.

SIGNAL CORPS.

For pay of 42 master signal electricians, at $900 each, $37,800.

For pay of 132 first-class sergeants, at $540 each, $71,280.

For pay of 144 sergeants, at $36 per month each, $62,208.

For pay of 24 cooks, at $30 per month each, $8,640.

For pay of 156 corporals, at $24 per month each, $44,928.

For pay of 552 first-class privates, at $18 per month each, $119,232.

For pay of 168 privates, at $15 per month each, $30,240.

Additional pay to 12 sergeants, serving as mess sergeants, at $6 per month each, $864.

Additional pay for length of service, $56,000.

HOSPITAL CORPS.

For pay of enlisted men, $850,000.

Additional pay for length of service, $160,000.

PAY TO CLERKS, MESSENGERS, AND LABORERS AT HEADQUARTERS OF DIVISIONS, DEPARTMENTS, POSTS COMMANDED BY GENERAL OFFICERS, AND OFFICE OF THE CHIEF OF STAFF.

One chief clerk, at the office of the Chief of Staff, $2,000 per annum.

Fourteen clerks, at $1,800 each per annum.

Fourteen clerks, at $1,600 each per annum.

Thirty-five clerks, at $1,400 each per annum.

Sixty-eight clerks, at $1,200 each per annum.

Seventy clerks, at $1,000 each per annum.

One captain of the watch, at $900 per annum.

Three watchmen, at $720 each per annum.

One gardener, at $720 per annum.

One packer, at $840 per annum.

Two messengers, at $840 each per annum.

Sixty messengers, at $720 each per annum.

One laborer, at $660 per annum.

Two laborers, at $600 each per annum.

One laborer, at $480 per annum.

Five charwomen, at $240 each per annum.

In all, $303,240

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, posts commanded by general officers, or office of the Chief of Staff shall be assigned to duty with any bureau in the War Department.

FOR PAY OF OFFICERS OF THE STAFF CORPS AND STAFF DEPARTMENTS.

Adjutant General's Department: For pay of officers in the Adjutant General's Department, $88,500.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $22,000.

Inspector General's Department: For pay of officers in the Inspector General's Department, $59,000.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $16,000.

The Corps of Engineers: For pay of officers in the Corps of Engineers, $460,300.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $110,000.

Ordnance Department: For pay of officers in the Ordnance Department, $228,500.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $50,000.

Quartermaster's Department: For pay of officers in the Quartermaster's Department, $348,200.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $86,340.

Subsistence Department: For pay of officers in the Subsistence Department, $123,800: *Provided*, That so much of section 1261 of the Revised Statutes as pertains to additional pay for acting commissaries be, and the same is hereby, repealed.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $34,480.

Medical Department: For pay of officers in the Medical Department, $1,547,800.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $185,000.

Pay Department: For pay of officers in the Pay Department, $152,000.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $40,220.

Judge Advocate General's Department: For pay of officers in the Judge Advocate General's Department, $45,500.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $8,700.

Signal Corps: For pay of the officers of the Signal Corps, $114,200.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $27,760.

Bureau of Insular Affairs: For pay of officers of the Bureau of Insular Affairs, $13,000.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $2,000.

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $2,800,000.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $465,000.

For increased pay to retired officers assigned to active duty, $46,550.

For additional pay to such officers for length of service, to be paid with their current monthly pay, $18,930.

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, $2,150,000.

MISCELLANEOUS.

For pay of 75 hospital matrons, $9,000.

For pay of one Superintendent Nurse Corps, $1,800.

For 125 nurses (female), $88,000.

For pay of 42 veterinarians, at $1,700 each, $71,400.

For additional pay to such veterinarians for length of service, to be paid with their current monthly pay, $13,240.

For pay of 30 dental surgeons, at $2,000 each, $60,000.

For additional pay to dental surgeons for length of service, to be paid with their current monthly pay, $12,000.

For pay of 30 acting dental surgeons, at $1,800 per annum, $54,000.

For pay of 10 contract surgeons, at $1,800 each per annum, $18,000.

For pay of Army paymasters' clerks, $156,250.

For pay of 15 Army paymasters' clerks, retired, $24,750.48.

For pay of paymasters' messengers, $19,000.

For traveling expenses of Army paymasters' clerks and expert accountant of the Inspector General's Department, $19,500: *Provided*, That hereafter Army paymasters' clerks and the expert accountant, Inspector General's Department, shall receive mileage at the same rates and under the same conditions as is provided by law for officers of the Army.

For expenses of courts-martial, courts of inquiry, military commissions, and compensation of reporters and witnesses attending the same, $35,000: *Provided*, That hereafter enlisted men may be detailed to serve as stenographic reporters for general courts-martial, courts of inquiry, military commissions, and retiring boards, and while so serving shall receive extra pay at the rate of not exceeding 5 cents for each 100 words taken in shorthand and transcribed, such extra pay to be met from the annual appropriation for expenses of courts-martial, etc.

For additional pay to officer in charge of public buildings and grounds at Washington, D. C., $1,000.

For commutation of quarters to commissioned officers, dental surgeons, and veterinarians on duty without troops at stations where there are no public quarters, $470,000.

For travel allowance to enlisted men on discharge, $800,000.

For clothing not drawn due to enlisted men on discharge, $600,000.

For interest on soldiers' deposits, $130,000, and so much as may be necessary to pay back such deposits.

For pay of translator and librarian of the military information section, General Staff Corps, $1,800.

For pay of expert accountant for the Inspector General's Department, $2,500.

For extra pay to enlisted men employed on extra duty for periods of not less than 10 days in the offices of district artillery engineers, and district ordnance officers, and as switchboard operators, at seacoast fortifications, $10,952.55.

For extra pay to enlisted men employed on extra duty as switchboard operators at each interior post of the Army, $11,369.75.

For extra pay to enlisted men of the line of the Army and to enlisted men of the Signal Corps employed in the Territory of Alaska on the Alaskan cable and telegraph system, for periods of not less than 10 days, at the rate of 35 cents per day, $32,000.

For mileage to officers, dental surgeons, veterinarians, and contract surgeons, "when authorized by law," $500,000.

For pay of one computer for Artillery Board, $2,500.

For payment of exchange by special disbursing agents of the Pay Department serving in foreign countries, and when specially authorized by the Secretary of War by the special disbursing agents of the Pay Department serving in Alaska, $600.

For subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools, $21,500.

For three months' additional pay to enlisted men reenlisting within the period of three months from date of discharge from first enlistment, $150,000.

For six months' additional pay to beneficiaries of officers and enlisted men who die while in active service from wounds or disease not the result of their own misconduct, $60,000.

For additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $180,000.

For amount required to make monthly payment to Jennie Carroll, widow of James Carroll, late major and surgeon, United States Army, as per act of Congress approved May 23, 1908, $1,500.

For amount required to make monthly payment to Mabel H. Lasear, widow of Isaac W. Lasear, late acting assistant surgeon, United States Army, as per act of Congress approved May 23, 1908, $1,500.

For amount required to make monthly payments of $100 to John R. Klasinger, late of Company D, One hundred and fifty-seventh Indiana Infantry Volunteers, also late of the Hospital Corps, United States Army, $1,200.

For Porto Rico Regiment of Infantry, composed of two battalions of four companies each:

Pay of officers, $65,700.

For additional pay for length of service, $10,000.

Pay of enlisted men, $128,960.

Additional pay for length of service, $35,000.

PHILIPPINE SCOUTS.

For pay of officers: For 52 captains, $124,800.

For pay of 64 first lieutenants, $128,000.

For pay of 64 second lieutenants, $108,800.

For pay of 12 majors, in addition to pay as captain, $600 each, $7,200.

Additional pay for length of service, $89,810.

For pay of enlisted men, $585,482.40.

For additional pay for length of service, $65,000.

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers and contract surgeons when authorized by law, shall be disbursed and accounted for by officers of the Pay Department as pay of the Army and for that purpose shall constitute one fund.

Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1914, $1,350,000.

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army, without pay, as guides and scouts, and military convicts at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties, and applicants for enlistment while held under observation; authorized issues of soap, candles, matches, toilet paper, salt, vinegar, flour, and towels; authorized issues of toilet articles, barbers', laundry, and tailors' materials, for use of military convicts confined at military posts without pay or allowances, and applicants for enlistment while held under observation; for issues of toilet kits to recruits upon their first enlistment; ice for issue to organizations of enlisted men at such places as the Secretary of War may determine; for sales to officers and enlisted men of the Army; coffee roasters and cooking apparatus in the field, and when traveling (except on trans-

ports), bake ovens and apparatus pertaining thereto; scales, weights, measures, utensils, tools, stationery, blank books, and forms, office furniture, commissary chests and outfits, and field desks of commissaries: *Provided*, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the Organized Militia who may be competitors in the national rifle match: *And provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets at the United States Military Academy in lieu of the regular established ration, at the rate of 30 cents per ration; of the regulation allowance of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in department and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment and military convicts while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and military convicts sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein, to be paid to the surgeon in charge); of compensation of civilians employed in the Subsistence Department; of extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than 10 days, at rates fixed by law; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots, who are to be graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for printing, advertising, commercial newspapers, and use of telephones; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for providing prizes to be established by the Secretary of War for enlisted men of the Army who be graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, $8,605,273, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund.

QUARTERMASTER'S DEPARTMENT.

Regular supplies, Quartermaster's Department: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts, and repair and maintenance of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and contract dental surgeons when stationed at, and occupying public quarters at, military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost in the operation of the act approved May 31, 1902; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for extra-duty pay of enlisted men and hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry, the batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots, and for labor and expenses incident thereto; for straw for soldiers' bedding, and for stationery, typewriters and exchange of same, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing department orders and reports: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1913, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid: *Provided further*, That no part of this appropriation shall be expended for the installation of an electric lighting plant at Fort Niagara, $7,456,773.

For the purchase of the necessary instruments, office furniture, stationery, and other authorized articles required for the equipment and use of the officers' schools at the several military posts, $4,000.

Incidental expenses, Quartermaster's Department: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for such periods of not less than 10 days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners, and for the United States military prison guard; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; authorized office furniture, hire of laborers in the Quartermaster's Department, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and clerks, foremen, watchmen, and organist for the United States military prison, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures for the several regiments of Cavalry, the batteries of Light Artillery, and such companies of Infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, $1,736,337.

Horses for Cavalry, Artillery, Engineers, etc.: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War, for remounts, for officers entitled to public mounts, for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by competent officers after competition duly invited by the Quartermaster's Department and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts, or for instruction of cadets at the United States Military Academy: *Provided further*, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1910, 1911, and 1912, for the purchase, care, and foraging of horses, because of age, sex, or size, and for the purchase of seeds, machinery, and for labor and other expenditures in connection with the raising of forage at remount depots, from appropriations of the Quartermaster's Department, $275,000.

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Seacoast Artillery; for repairing public buildings at military posts; for extra-duty pay to enlisted men and hire of employees; for rental of the authorized allowance of quarters for officers on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes; and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts, as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster General's Department, including those paid from the fund appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War: *Provided further*, That of the amount herein appropriated the sum of $25,000 shall be immediately available for the construction of barracks and quarters: *Provided further*, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service: *Provided further*, That no part of this appropriation shall be expended at any of the following named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburgh Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell: *Provided further*, That the Secretary of War be, and he is hereby, authorized to transfer and convey to the State of Texas, for the purpose of a State tuberculosis sanitarium, such portion of Fort Clark Military Reservation, not to exceed 640 acres, in the State of Texas, as the governor of the State or his representative and the President of the United States or his representative may agree upon: *Provided*, That should the State of Texas in any event refuse or fail to use or shall abandon the property herein authorized to be conveyed, or any portion thereof, for the purposes designated, then such land and property shall revert to the United States and become a part of the

public domain thereof, $1,621,380: *Provided further*, That no part of the sum appropriated by this act shall be used to convert a mobile Army post of less grade or size than a regimental post into a regimental post or a regimental post into a brigade post.

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the act approved May 31, 1902, to be expended in the discretion and under the direction of the Secretary of War, $40,000.

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees; of clothing and equipage and other quartermaster's stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipments and of subsistence stores from places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance and ordnance stores and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage tolls and ferriage; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, and other vehicles as are required for the transportation of troops and supplies, and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; and for extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, $16,723,528.

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster's Department of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, $598,557: *Provided further*, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburgh Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage; for repairs to water and sewer systems and plumbing within buildings; and for extra-duty pay of enlisted men and hire of employees, $1,702,595: *Provided*, That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburgh Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $450,000: *Provided*, That no part of said sum shall be expended for the construction of quarters for officers of the Army the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of $8,000; of a colonel or officer above the rank of captain, $6,000; and of an officer of and below the rank of captain, $4,000.

Clothing and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army regulations; for altering and fitting clothing and washing and cleaning when necessary; for equipage, and for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $4,813,271.

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $450,000.

Quarters for hospital stewards: For construction and repair of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, $10,000.

Shooting galleries and ranges: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, including the extra-duty pay of enlisted men and hire of employees, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War: *Provided*, That of this amount the sum of $3,450, or so much thereof as may be necessary, is made immediately available for the purchase of additional land adjoining the military reservation of Fort D. A. Russell, Wyo., for use in connection with the rifle range, $93,336.

Maintenance of the Army War College: For supplying the necessary fuel for heating the Army War College building at Washington Barracks and for lighting the building and grounds; also for pay of a chief engineer, at $1,200 per annum; an assistant engineer, at $900; 4 firemen, at $720 each; 1 elevator conductor, at $720, $10,760.

Rent of buildings, Quartermaster's Department: For rent of buildings and parts of buildings in the District of Columbia, for military purposes, during the fiscal year 1913, as follows:

Field medical supply depot, $5,567.10;
Signal Corps test rooms, $2,100;
Quartermaster's stable, $2,700;
Quartermaster's stable and storehouse, $4,938;
Quartermaster's storehouse, $3,600;
Quartermaster's stable and warehouse, $3,600;
Five floors for Army Medical School, $8,680;
Six rooms for attending surgeon and retiring board, $1,000;
Depot quartermaster's office, $2,500;
Garage, Quartermaster's Department, $1,500;
One room (for storage purposes), Quartermaster's Department, $54;
Quarters for officers, noncommissioned officers, and privates on duty with troops where no public quarters are available, $13,347.90;
In all, $49,587.

MEDICAL DEPARTMENT.

Medical and hospital department: For the purchase of medical and hospital supplies, including ambulances and disinfectants, for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and of civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and to pay payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $700,000.

Army Medical Museum and library: For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, $5,000.

For the library of the Surgeon General's office, including the purchase of necessary books of reference and periodicals, $10,000.

BUREAU OF INSULAR AFFAIRS.

Care of insane Filipino soldiers: For the care, maintenance, and treatment at asylums in the Philippine Islands of insane natives of the Philippine Islands cared for in such institutions conformably to the act of Congress approved May 11, 1908, $2,000.

Care of insane soldiers, Porto Rico Regiment of Infantry: For the care, maintenance, and treatment at asylums in Porto Rico of insane soldiers of the Porto Rico Regiment of Infantry, $500.

ENGINEER DEPARTMENT.

Engineer depots: For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, and laborers, extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for lumber and materials and for labor for packing and crating engineer supplies; repairs of and for materials to repair public buildings, machinery, and for unforeseen expenses, $20,000.

For purchase and repair of instruments to be issued to officers of the Corps of Engineers and to officers detailed and on duty as acting engineer officers for use on public works and surveys, $10,000.

Engineer School, Washington, D. C.: Equipment and maintenance of the Engineer School at Washington Barracks, D. C., including purchase of instruments, machinery, implements, models, and materials for the use of the school and for instruction of engineer troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of professional works and periodicals of recent date treating of military and civil engineering and kindred scientific subjects for the library of the United States Engineer School; for incidental expenses of the school, including fuel, lights, chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; for extra-duty pay to soldiers necessarily employed for periods of not less than 10 days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, telephone operators, teamsters, wheelwrights, masons, machinists, painters, oilers, laborers; for repairs of and materials to repair public buildings and machinery; for unforeseen expenses; for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and to provide means for the theoretical and practical instruction at the Engineer School by the purchase of textbooks, books of reference, scientific and professional papers, and for other absolutely necessary expenses, $25,000.

Engineer equipment of troops: For pontoon material, tools, instruments, and supplies required for use in the engineer equipment of troops, including the purchase and preparation of engineer manuals, $90,000.

Civilian assistants to engineer officers: For services of surveyors, survey parties, draftsmen, photographers, master laborers, and clerks to engineer officers on the staff of division, corps, and department commanders, $40,000.

Contingencies, Engineer Department, Philippine Islands: For contingent expenses incident to the operations of the Engineer Department in the Philippine Islands, to be expended at the discretion of the Secretary of War, $5,000.

ORDNANCE DEPARTMENT.

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; and for publications for libraries of the Ordnance Department, including the Ordnance Office, and payment for mechanical labor in the office of the Chief of Ordnance, $500,000.

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, date: July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, $250,000: *Provided*, That no part of this appropriation shall be paid for small-arms powder at a price exceeding 71 cents a pound.

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions does not exceed $730,000, $740,000: *Provided*, That no part of this appropriation shall be paid for small-arms powder at a price exceeding 71 cents a pound.

Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, $660,000.

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, $700,000.

National trophy and medals for rifle contests: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs, and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, $10,000.

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1914, $100,000.

Field artillery for Organized Militia: For the purpose of procuring field artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said artillery material to the Organized Militia; and the sum of $770,000 is hereby appropriated and made immediately available and to remain available until the end of the fiscal year 1914, for the procurement and issue of the articles constituting the same: *Provided*, That hereafter when authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation.

SEC. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments hereafter accomplished five years shall be counted as an enlistment period in computing continuous-service pay.

SEC. 3. That all laws and parts of laws authorizing increase of the pay of commissioned officers and enlisted men of the Army serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, are hereby repealed to the extent to which such increase of pay is authorized by such laws.

SEC. 4. That the office establishments of the Quartermaster General, the Commissary General, and the Paymaster General of the Army are hereby consolidated and shall hereafter constitute a single bureau of the War Department, which shall be known as the Quartermaster Corps, and of which the Chief of the Quartermaster Corps created by this act shall be the head. The Quartermaster's, Subsistence, and Pay Departments of the Army are hereby consolidated into and shall hereafter be known as the Quartermaster Corps of the Army. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the Quartermaster Corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provisions of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices and officers of the Quartermaster Corps with rank above that of colonel. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the Quartermaster Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred. The noncommissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as quartermaster sergeants; the Army paymaster's clerks shall be known as pay clerks, and each of said noncommissioned officers and pay clerks shall continue to have the pay, allowances, rights, and privileges now allowed him by law: *Provided*, That no details to fill vacancies in the grade of major in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 11, and thereafter the number of officers in said grade shall not exceed 46; and no details to fill vacancies in the grade of captain in the Quartermaster Corps shall be made until after the number of officers of that grade shall be reduced by 31, and thereafter the number of officers of said grade shall not exceed 100; and whenever the separation of a line officer of any grade and arm from the Quartermaster Corps shall create therein a vacancy that, under the terms of this proviso, can not be filled by detail such separation shall operate to make a permanent reduction of one in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That whenever the Secretary of War shall decide that it is necessary and practicable, regimental, battalion, and squadron quartermasters and commissaries shall be required to perform any duties that junior officers of the Quartermaster Corps may properly be required to perform, and regimental and battalion quartermaster and commissary sergeants shall be required to perform any duties that noncommissioned officers or pay clerks of the Quartermaster Corps may properly be required to perform: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of the Quartermaster's, Subsistence, or Pay Departments shall hereafter be performed by such officer or officers of the Quartermaster Corps as the Secretary of War may designate for the purpose: *Provided further*, That there shall be a Chief of the Quartermaster Corps, who shall have the rank of major general while so serving, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among the officers of said corps and in accordance with the requirements of section 26 of the act of Congress approved February 2, 1901, hereinbefore cited: *Provided further*, That when the first vacancy in the grade of brigadier general in the Quartermaster Corps, except a vacancy caused by the expiration of a limited term of appointment, shall hereafter occur that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That the Quartermaster Corps shall be subject to the supervision of the Chief of Staff to the extent the departments hereby consolidated into said corps have heretofore been subject to such supervision under the terms of the existing law.

SEC. 5. That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than $30 nor more than $175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, employees of the classified service, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps, and all enlisted men of the line of the Army detailed on extra duty in the Quartermaster Corps or as bakers or assistant bakers shall be replaced permanently by not to exceed 2,000 enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed 6,000 men, who shall be attached permanently to the Quartermaster Corps and who shall not be counted as a part of the enlisted force provided by law, is hereby authorized: *Provided*, That the enlisted force of the Quartermaster Corps shall consist of not to exceed 15 master electricians, 660 sergeants (first class), 1,095 sergeants, 650 corporals, 2,500 privates (first class), 1,190 privates, and 45 cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the Quartermaster Corps as the Secretary of War may prescribe: *Provided further*, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the

terms of this act may enlist in the Quartermaster Corps: *Provided further*, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian employees excepted from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the Quartermaster Corps.

SEC. 6. That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are hereby consolidated, and shall hereafter constitute a single bureau of the War Department, which shall be known as the Bureau of the General Staff, and of which the Chief of Staff shall be the head. The Adjutant General's and Inspector General's Departments of the Army are hereby consolidated and merged into the General Staff Corps. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, so far as the officers hereby transferred to the General Staff Corps, and the offices held by them, may be affected, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the General Staff Corps in the manner and to the extent to which they now apply to The Adjutant General's and the Inspector General's Departments; but nothing in said sections shall be held to apply to any officers of the General Staff Corps except the officers transferred to that corps from The Adjutant General's and Inspector General's Departments by the terms of this act, and nothing in said sections or in this act shall be held or construed so as to nullify or change any of the provisions of existing law as to the detail of officers for duty as Chief of Staff, or as to the period for which officers so detailed may serve, and no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the General Staff Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred: *Provided*, That, except as otherwise specifically provided in this act, after the consolidation of bureaus, departments, and corps hereinbefore provided for shall have been effected, no details to fill vacancies in the grade of colonel in the General Staff Corps shall be made until the number of officers of that grade in said corps shall have been reduced by 3, and thereafter the number of officers of said grade in said corps shall not exceed 10; and no details to fill vacancies in the grade of lieutenant colonel in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 4, and thereafter the number of officers of said grade in said corps shall not exceed 14; and no details to fill vacancies in the grade of major in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 7, and thereafter the number of officers of said grade in said corps shall not exceed 25; and no details to fill vacancies in the grade of captain in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 31, and thereafter the number of officers of said grade in said corps shall not exceed 10; and whenever the separation of a line officer of any grade and arm from the General Staff Corps shall create therein a vacancy that, under the terms of this proviso, can not be filled by detail, such separation shall operate to make a permanent reduction of 1 in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of The Adjutant General's or Inspector General's Department shall hereafter be performed by such officer or officers of the General Staff Corps as the Secretary of War may designate for the purpose: *Provided further*, That when a vacancy in the grade of major general shall occur among the officers hereby transferred to the General Staff Corps that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That officers now holding commissions as officers of either of the departments hereby consolidated with the General Staff Corps may at any time, in the discretion of the President, and shall, whenever they shall have served four years as members of said corps, be detached therefrom and assigned to duty with the line of the Army, or to such other duty not pertaining to the General Staff Corps as the President may direct, and they shall not be returned to duty in said corps until they shall have served for two years under detachment therefrom except in cases of emergency or in time of war, and during their detachment from said corps their places therein may be filled by the selection and detail, under such regulations as the President may prescribe, of line officers having the same rank, respectively, as the officers whose places said line officers are to fill: *Provided further*, That officers of the line of the Army who are now, or who shall hereafter be, detailed for service in any staff corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," may at any time, in the discretion of the President, be relieved from such service and returned to duty with the line: *Provided further*, That, in order to expedite the reduction of the number of officers of the consolidated General Staff Corps to the limit contemplated by this act, officers who now hold commissions as officers of either of the departments hereby consolidated with the General Staff Corps, and who are eligible for retirement from active service under any law existing at the date of the approval of this act, shall, upon their own applications, and may, in the discretion of the President, be retired from active service: *Provided further*, That all officers of the line of the Army now detailed for service in either of the departments hereby consolidated with the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in said corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in said corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in case of emergency or in time of war: *Provided further*, That hereafter, when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," be appointed or reappointed to an office with rank above that of colonel his appointment to said office and his acceptance of the appointment shall not create a vacancy in the arm, corps, or department from which he shall be appointed, but he shall retain therein the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office unless he shall be reappointed thereto.

SEC. 7. That hereafter no vacancies occurring in the grade of major general in the line of the Army shall be filled until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers of said grade shall not exceed four; that hereafter no vacancies occurring in the grade of brigadier general in the line of the Army shall be filled until after the number of officers of that grade shall have been reduced by five, and thereafter the number of officers of said grade shall not exceed 11; and for the purposes of this act general officers not commissioned as officers of any of the staff corps or departments of the Army shall be regarded as general officers of the line: *Provided*, That hereafter the number of officers above the grade of colonel who shall be members of the General Staff Corps under the provisions of section 3 of the act of Congress approved February 14, 1903, entitled "An act to increase the efficiency of the Army," shall be two; *Provided further*, That hereafter service as a cadet of the United States Military Academy or as a naval cadet or midshipman shall not be counted in computing for any purpose the length of service of any officer of the Army: *Provided further*, That hereafter service as a cadet, naval cadet, or midshipman at either the United States Military or Naval Academies, exclusive of the sea service as prescribed by law upon completion of the academic course and preliminary to final graduation at the latter institution, shall not be counted in computing for any purpose the length of service of any officer of the Army.

SEC. 8. That the appropriations herein provided for the several departments consolidated under this act shall be available for the consolidated corps herein created.

SEC. 9. That nothing in this act shall be held or construed so as to separate any officer from the Army or to diminish the rank now held by him, and that all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

Mr. HAY. Mr. Speaker——

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent——

The SPEAKER pro tempore. Does the gentleman from Virginia yield temporarily?

Mr. HAY. I will.

RETURN OF BILL FROM THE PRESIDENT.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to consider the resolution which I have sent to the Clerk's desk in relation to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors. The word "of" before the word "dependent" should be "and." The bill is in the hands of the President, and the resolution requests its return from the President.

The SPEAKER pro tempore. The Clerk will read the resolution.

The Clerk read as follows:

House concurrent resolution 57.

Resolved by the House of Representatives (the Senate concurring): That the President be, and he is hereby, requested to return to the House of Representatives the bill (H. R. 23515) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors."

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution offered by the gentleman from Alabama? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1754. An act to correct the military record of William F. McKim;

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri; and

S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate.

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers or sailors;

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMOOT, Mr. CLARK of Wyoming, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

THE ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, the Army appropriation bill which has just been read is the bill which originally passed the House on February 16, 1912. It is not the bill which the President vetoed. Of course an Army appropriation bill had to be reintroduced in order to provide for the maintenance of the military establishment by reason of the President's veto. This bill carries $87,777,257.18, which is a reduction of $4,910,528.79 over last year's bill, and is $9,150,731.80 below the estimates for the present fiscal year. I hardly deem it necessary to make any remarks upon the various provisions of this bill because they were very fully discussed when it was before the House, and therefore in what I shall have to say I will refer more to the veto sent in by the President of the United States than to the particular bill.

For many months the officials of the War Department have sought, through the public press and in other ways, to create the impression that the Army bill contained provisions hurtful to the Army and injurious to the various branches of the service. This, in face of the fact that most of the principles contained in the bill have been approved by the War Department, notably the consolidation of the supply corps and the general service corps. The bill as presented by the conferees of the two Houses contained nothing which could justly be called revolutionary, and contained much that is of great advantage to the country and the Army.

The statement in the veto message of what the bill contained when it passed the House can have no bearing upon what was in the bill when it was sent to the President, and why this was injected into the message is not apparent, unless the President wanted to bolster the issue. The statement that the Senate "by a decisive vote struck all this new and affirmative legislation from the bill" is not true, the fact being that the only provision in the House bill upon which the Senate took a recorded vote was the provision with regard to the cavalry regiments.

The President deals at some length with what he calls "the dangers inherent in the practice of attaching substantive legislation to appropriation bills." He argues that such legislation should only be attached to appropriation bills "when the desirability of the enactment was recognized and acquiesced in by the common consent of both the Executive and of Congress." Such an interpretation of the rights of the executive branch of the Government is subversive of all the history of legislation which has been obtained from oppressive and reluctant Executives, and if it is to be acquiesced in by Congress, the day is not far distant when Congress will become merely an agent to register the wishes of the Executive. Congress has a right to legislate in any way it pleases; the President, of course, has a right to exercise his veto power, but he has not the right to dictate to Congress the manner or mode in which it may transact its business. The right to legislate on appropriation bills is one which Congress can never give up without jeopardizing the liberty of the people, and this is particularly true of the Army appropriation bill. The history of legislation on Army appropriation bills for the last 10 years discloses the fact that a very large portion of Army legislation has been carried on these bills, and especially is this true of the Army bill for last year. The President's contention amounts to this: That he will sign any appropriation bill if the legislation carried in it is approved by him, but if he does not approve the legislation he will veto it and argue that it is a bad thing for appropriation bills to carry legislation. The bill signed by the President in 1912 carried a large amount of legislation which added to the expenses of the military establishment, and it would seem from this that the President is willing to sign an appropriation bill carrying legislation which takes money out of the Treasury, but is unwilling to sign a bill which has for its purpose the economical administration of the Army.

The President states that the legislation in this bill was hasty and imperfect. This is not true. The legislation was carefully considered by the Military Affairs Committee of the House. Officers of the War Department, including the Secretary of War, were heard at length, and the principles of the bill in most respects were indorsed by them. The bill was debated for some time in the House of Representatives and hearings upon the bill were had before the Senate committee. After giving the general reasons for his veto, the President urged several specific reasons, the first of which was as to the qualifications for the Chief of Staff of the Army. This objection is based on insufficient grounds and a very imperfect conception of the qualifications which are essential to the safe and efficient discharge of the duties of this position. The only purpose which can justify the maintenance of our Army is the purpose of fighting. The fighting part of the Army is preeminently the line, and to that part all other parts are merely contributory. The position of the Chief of Staff under existing law is that of adviser of the President and Secretary of War in military matters. No man is competent to give sound advice relative to the principal part of the Army—the line—unless he has a practical knowledge of it. Such knowledge can only be acquired by actual service in the line as a commissioned officer thereof in grades not above that of colonel. It is true that past wars have developed great commanders, who, under legislation such as that now under consideration, would not have been eligible for service in the position of Chief of Staff in time of peace.

But there is nothing in that legislation to prevent the advancement of such military geniuses in future to the very highest command, including the command of the whole Army, either in time of peace or war, or to prevent their detail as Chief of Staff in time of war or when war is imminent. It is a mistake to say that the position of Chief of Staff is "the highest post in the Army." The Chief of Staff is not a commander, but is merely a staff officer, with no authority of his own by virtue of his position. The highest position which can be held by any officer of the Army is that of its commander. The requirement that in time of peace the Chief of Staff shall have some practical knowledge of the line of the Army does not restrict the power of the President, either in peace or war, to assign to a far higher position or command of the whole Army any person of future military genius, regardless of the amount of his line service, or even if he has had no line service at all. Under the existing Army regulations there is no military head of the Army, the President's command over it being exercised through the Secretary of War, with no second in command. It is therefore apparent that the Chief of Staff, who is the military adviser of the President and the Secretary of War, should have a good practical knowledge of the fighting branch of the Army, the line, to which all other branches are secondary and concerning which the President and Secretary of War most frequently require accurate information and sound advice. The chiefs of the various staff corps are close at hand to give expert advice and accurate information concerning all matters pertaining to the staff branches of the Army. But there is no one except the Chief of Staff to advise upon matters pertaining to the line, the largest and most important part of the Army. Then it is imperative, as the law now provides, that a Chief of Staff should be a general officer. It is equally as imperative that he have knowledge of and experience in the line, so that grave mistakes may not be made, which certainly will be made if an aggressive and erratic officer without line service and with

no knowledge except such as may be gained by a staff officer or a high general officer should be detailed to the position of Chief of Staff. The knowledge, so necessary to a Chief of Staff, can never be acquired except through experience in the line. It can not be supplied by any amount of pretense, misrepresentation, sophistry, self-assertion, or arrogance, even though they may be backed up by strenuous official support and by an assiduously cultivated newspaper claque.

In the organic Chief of Staff act of February 14, 1903, which was approved by the Secretary of War—ROOT—Congress, in the exercise of its statutory right to make rules for the government and regulations of the land and naval forces, adopted a provision which rendered all officers of the Army except general officers ineligible for detail to the position of Chief of Staff. To carry this restriction a little further by requiring that in time of peace a general officer, to be eligible for this detail, must have service for 10 years with the line of the Army as a commissioned officer below the grade of brigadier general was not an infringement upon the right of the President, nor did it restrict unduly his choice for this detail, but was a proper and wise exercise of the indisputable right of Congress. The staff act never contemplated that any other than a general officer of the line should be Chief of Staff. The duties performed by Engineer and Ordnance officers fit them in no possible way to discharge the duties of Chief of Staff. It is idle to say that the restriction in question puts a premium upon mere routine service and that it tends to confine the choice to men who have had least staff experience. All that it does is to exclude the manifestly unfit, who had little or no experience except staff experience. It leaves the door wide open to all others.

In this connection it should be observed that under the operation of the law requiring vacancies occurring in various staff corps of the department to be filled by the temporary detail of officers of the line the time is not far distant when all the staff corps and the departments, except the Medical Corps, the Engineer Corps, and the Judge Advocate General's Department, will be filled from top to bottom with temporarily detailed line officers, all of whom will be both eligible and qualified, so far as long service in the line is concerned, for detail to the position of Chief of Staff whenever they attain the requisite rank. It is not true that the legislation in question was aimed at any particular officer. On the contrary, the conferees who framed the provision were actuated solely by the conviction that such a general requirement of the law is not only wise but that it is demanded in the interest of the War Department, the Army, and the country. Moreover, the conference committee took special pains to frame the provision so that it should not apply to the present Chief of Staff until his detail as such should be terminated, in accordance with existing Army regulations.

With reference to the President's second objection, it is not a fact that the proposed reduction in the number of officers detailed for duty in the General Staff Corps would tend in the least degree "to cripple the most important corps in the Army"; nor is there any basis for the prediction that it would "make necessary the reduction of the work of the War College." The General Staff Corps as now organized, exclusive of the Chief of Artillery and the Chief of the Militia Division, both of whom are additional members of it, consists of 45 officers, to wit, 3 general officers, 4 colonels, 6 lieutenant colonels, 12 majors, and 20 captains. The legislation in question proposed a reduction of 1 general officer, 1 colonel, 2 lieutenant colonels, 4 majors, and 10 captains, making a total reduction of 18 officers, and rendering all of them available for assignment to meet the persistent and clamorous demand for more officers for duty with the line and elsewhere. It has long been manifest that the membership of the General Staff Corps is greatly in excess of that required for the full and efficient discharge of any and all of the legitimate duties of that body. When the corps was about to be organized its sponsors declared, and Congress distinctly understood, that only a minor part of the members of the corps would be stationed in Washington and that the major part would be distributed through the Army, its members being assigned to duty at the various division and department headquarters. Secretary of War ROOT, the father of the General Staff act, who had a hearing before the Committee on Military Affairs of the House of Representatives on December 13, 1902, with regard to the proposed General Staff Corps, said:

> A portion of the members of the corps would be stationed in Washington to conduct the general business falling under the heads enumerated in the description of the duties which I have already read, and a portion of them—the larger portion of them—would be assigned to the different departments to serve under the different department commanders.

But from the very beginning it has been apparent—at least to those fully advised as to the real situation—that there has never been enough legitimate General Staff work, either at division or department headquarters, or at Washington, or at all these places combined, to give appropriate employment to anything like the number of officers now and heretofore authorized for the General Staff Corps.

The result has been that from the first relatively few General Staff officers have been kept with the Army in the field and that a disproportionately large number of them has been kept in Washington, where their superfluousness would be less conspicuous than it would be at department headquarters and where, too, some employment could be provided for them by turning over to them details of administrative work that belong exclusively to and should be disposed of in the various bureaus of the War Department. When the War Department about a year ago deprived department commanders of all of their administrative and of much of their executive authority, it was no longer possible to find even the pretense of employment for General Staff officers at department headquarters, and consequently it was necessary to bring still more of these officers to Washington to swell still further the already excessive number of such officers stationed here. Examination of the last accessible issue of the Army List and Directory discloses the fact that of the entire number of 45 General Staff officers proper allowed by law only 10 are on duty outside of Washington, whereas all of the remainder, 35 in number, are stationed here. If the Chief of Artillery and the Chief of the Militia Division, who are additional members of the corps, are included in the enumeration, they will increase to 37 the number of General Staff officers stationed in this city as against 10 stationed or on duty elsewhere. This showing is directly the reverse of that which Secretary ROOT declared to be proper, and would of itself be convincing evidence that the present allowance of General Staff officers, as fixed by law, is far in excess of the number for which appropriate employment can be found; but there is more direct and conclusive evidence to the same effect. The Army List and Directory abovesaid shows that of the 35 General Staff officers proper stationed in Washington 25 are on duty in the office of the Chief of Staff and 10 are on duty at the War College, an institution that forms no part whatever of the General Staff establishment, although, like many other educational institutions of the Army, it is subject to the supervision of the Chief of Staff. It is plainly improper, as it is unnecessary, that these 10 officers should occupy positions in the General Staff Corps while actually under assignment to the War College. If qualified for that duty, they could quite as well be detailed for it directly from the line, just as instructors are detailed for duty at the Military Academy and other Army schools. A continuing detail in the General Staff adds nothing to their qualifications for War College work, and merely fills places on the General Staff that ought not to be filled at all. It must be evident to anyone that the real reason for detailing these 10 General Staff officers as such to the War College, instead of detailing them directly from the line or first relieving them from the General Staff if already detailed thereon, is that the number of officers allowed by law to the General Staff is greatly in excess of the number for which appropriate and necessary General Staff employment can be found. One of the principal reasons urged for the detail system was that all officers of the Army would in time be detailed to the various staff corps. If officers detailed to the General Staff Corps are to be kept there for a long time, the object desired will not be accomplished. There are other General Staff officers in Washington who ought not to be here.

It is a notorious fact, well known to everyone in reasonably close touch with War Department affairs, that much, if not most, of the time of the Chief of Staff and his 24 immediate assistants is devoted to a mass of business that properly pertains to the various bureaus of the War Department and that is entirely foreign to the work for which the General Staff was created. Secretary of War ROOT was emphatic in the declaration that the members of the General Staff Corps should not be permitted to meddle with the details of administrative work, but that all such details should be kept, as before, in the various bureaus to which they pertain, and that the initiative and responsibility of the bureau chiefs with respect to business pertaining to their bureaus should be in no wise diminished by any activities of the General Staff. If Mr. ROOT had remained longer at the head of the War Department, he would have impressed his own wise views so strongly upon all concerned that much of the trouble which has followed the creation of the General Staff would not have occurred, but he left the department soon after the General Staff was organized and before his well-considered views as to its proper functions and relations could be crystallized into a firmly established practice. His successors have known or cared little about the principles which he laid down, and generally they have left the General

Staff and the bureaus to work out the situation as best they could, the staff naturally reaching out constantly for more power and authority, and the bureaus very naturally striving to preserve their autonomy and to retain the management of the business for the transaction of which they were created and are maintained by law. Although there was always more or less friction between the General Staff and the bureaus, due to lack of a well-established line of demarcation between their respective spheres of activity, none of this friction appears to have been serious until during the last two or three years. Since that time there has been much interference by the General Staff with the bureaus, and a determined and successful attempt to grasp for the General Staff much work of an administrative character that properly belongs to the bureaus and in which the General Staff has no proper concern. This course has been pursued partly because of a desire for the aggrandizement of the General Staff, but there is no doubt that the principal reason for pursuing this course was the necessity of finding some occupation for a lot of General Staff officers for whom there was, and still is, little or nothing to do in the way of necessary and appropriate General Staff work. For this reason the bureaus were raided, their work thrown into confusion and delayed, and their chiefs humiliated and disheartened; and that is the situation to-day. The public business suffers through delay and incompetent handling, and there is a great amount of expensive and wholly unnecessary duplication of work, a duplication which has no excuse and which is only done for the purpose of giving idle hands something to do. That the above is a true presentation of conditions as they now exist in the War Department can be readily established by inquiring of officers of the bureaus most concerned, and who are conversant with the facts. There is not the slightest doubt that a greater reduction than the 18 proposed by the legislation in question could be made in the membership of the General Staff Corps without interfering at all with any proper and necessary General Staff work.

It is not true that by the enactment of legislation such as that in question—

> the organized personnel of many of the most important bureaus and corps of the War Department and the military establishment will be disintegrated and the work proceeding under them will be seriously impaired.

The few instances cited in the veto message in support of this sweeping general assertion are by no means justified. The details of line officers to the various staff corps and departments are governed by the Army reorganization act of 1901, as amended, and no change of importance is made in that law by the new legislation under consideration. Under existing law, colonels and lieutenant colonels of the line who have served by detail for four years in any of the staff corps of the War Department are eligible for further detail therein without returning to the line and serving with it for two years, as is now required of all line officers below the grade of lieutenant colonel while in any staff corps or departments, except the Ordnance Department. The new legislation especially exempts the Ordnance Department from the operation of the new provision with regard to this particular matter, but it would require colonels and lieutenant colonels serving for four years by detail in a staff corps or department other than the Ordnance Department to return to the line for two years' service therewith before such detail in the staff, just as is now required of all detailed line officers below the grade of lieutenant colonel, except those detailed in the Ordnance Department.

No other change with regard to this class of details was proposed by the new legislation. Only colonels and lieutenant colonels would be affected by it, and the number of places open or expected to be open to the detail of officers of these high grades is relatively so very small that any little inconvenience that would result from this particular requirement with respect to them would be of no importance. It would sink into insignificance as against the importance, so often and so vehemently insisted upon by the Chief of Staff and the Secretary of War, of having detailed officers after completing a tour of staff service return to the line and serve therewith for considerable periods before returning to staff duty. If this rule is a good one for the many officers below the grade of lieutenant colonel, it is difficult to see why it should not be equally good for the relatively few officers of the grades of lieutenant colonel and colonel to whom staff detail is or will be opened.

It is true that the proposed change in the law would remove two of the officers from the Insular Bureau. One of these officers, as shown by the report of the Secretary of War, published in Senate Document 288, Sixty-second Congress, is a major of Infantry, who, out of a total commissioned service of about 26 years, has served only 9 years and 4 months with the line organization to which he has belonged, and who has been continuously absent from his regiment for more than 9 years last past, being on detailed service in the General Staff Corps and Insular Bureau during the whole of that period. The other officer who would be relieved from the Insular Bureau is a captain of Infantry, who, out of a total commissioned service of about 16 years, has served only 5 years and 6 months with the line organization to which he has belonged, and during the last 13 years has served only a little more than 3 years with his regiment, and during the last 6 years has been continuously absent from his regiment, being detached during the whole of that time for service in the General Staff Corps and in the Insular Bureau. These two cases show very flagrant violation of the rule so strenuously insisted upon when it is convenient or desirable to insist upon it for returning officers to the line for considerable service therein after four years' detached service.

The President was very unfortunate in citing these cases in support of the objection to the legislation which would require such rotation of service. It is impossible to see why the rotation of service which is required by law in all the great staff corps and departments in which details are made from the line should not be required also in the not very important Insular Bureau. It is the fault of the Executive that the abuse of excessive detached service has been permitted in that bureau, and it is time that the abuse be corrected by legislation which shall make it impossible in the future. Substantially the same comments are applicable to the matter of details of officers of the Army for duty with the Philippine Constabulary. It is simply absurd to contend that unlimited details with that civil organization are nearly as necessary or advisable as they are in the great staff corps and departments of the Army, in which they are prohibited by law. It is entirely the fault of the Executive if officers have been permitted to remain on detached service with this organization for an excessive length of time or if conditions exist which will render it difficult in the course of six months to replace in it officers who ought long ago to have been returned to the commands to which they belong. This particular ground of objection to the legislation under discussion shows clearly the necessity for its enactment. It is true that the provision in question would relieve from subordinate positions under the Isthmian Canal Commission a few line officers who have been absent from their organizations longer than they should have been. But it is understood that the head of that commission has admitted that the relief of these few officers would not seriously embarrass him. The objection that the provision would relieve, or might be construed so as to relieve, the engineer officers and other staff officers detailed for duty in connection with the Panama Canal is not well founded. Any such construction of the provision would be most unreasonable, and it is not to be believed that the Executive would place any such construction upon it. In the first place, the provision applies to officers not above the rank of major, and it is known that the engineer and other staff officers and the medical officers who are members of the commission are colonels or lieutenant colonels. In the second place, the provision only applies to officers detached from the branch of the Army in which they are permanently commissioned. By no reasonable construction can it be held that engineer and other staff officers, wherever they may be, are detached from their respective branches of the Army when by order of the Secretary of War and in the service of the United States they are in the full performance of duties peculiarly appropriate to these branches, and especially when they are under the immediate direction and control of a military superior, as the staff officers on the Isthmus are. Service with a staff corps or department does not by any means mean service with troops, or necessarily service with officers or enlisted men of that corps or department. It means nothing more than such service for the United States under the direction of the Secretary of War or other competent military authority as is commonly rendered by officers of the particular corps or departments concerned. It is not apparent that the place of rendition of the service is important.

The author of the veto message was most unfortunate in his reference to the efforts of the present administration "to carry out by Executive action with especial thoroughness" the admittedly wise purpose at which the legislation in question, relative to detached service of officers, is aimed. It was because of the scandalous state of affairs which was recently brought to light in respect to this very matter—and which was due to the inexcusable failure of the present administration to correct it by any kind of Executive action—that it became necessary for Congress to do by legislation what the administration had completely failed to do by Executive action toward correcting this evil.

Under date of January 30, 1912, in response to a resolution of the Senate calling for the information, the Secretary of War transmitted to the Senate a list showing the names and service

records of no less than 179 line officers who during the 6 years ended July 31, 1911, had not served 2 years with the organizations in which they were commissioned; also a similar list of 39 line officers who during the 12 years ended July 31, 1911, had not served 4 years in the organizations in which they were commissioned. The response of the Secretary and the two lists which accompanied it were published in Senate Document No. 288, Sixty-second Congress. The publication of this document disclosed a state of affairs which was as discreditable as it was astonishing. The document shows that many officers of long, or relatively long, service had spent less than a half or a third or a fourth of that time with the organizations to which they belonged, having been favored with detached service of various kinds and leaves of absence during the greater part of their entire service. One of the especially favored officers, who had been in service a little over 10 years, had served only 9 months with his regiment.

The worst feature of this showing is to be found in the fact, the responsibility for which lies at the door of the present administration, that of the 179 officers whose names appear on the 6-year list of absentees all but 9 were still absent on the date of compiling the list, to wit, January 1, 1912; and of the 39 officers whose names are borne on the 12-year list all but 1 were still absent January 1, 1912.

Examination of the last issue of the Army List and Directory brings to light the significant fact that, notwithstanding the exposure which was effected by the publication of the Senate document, many officers whose names appear on the lists of absentees published in that document are still absent from their organization, and many whose cases are among the most flagrant of those exposed are actually stationed in Washington at the present time, being immediately under the eyes of the Chief of Staff and the Secretary of War.

Objection is made to lengthening the term of enlistment from three to four years. The ground which is stated as the basis for that objection is that the change "will tend to make difficult or impossible the establishment of a proper reserve" for the Regular Army. The exhaustive investigation made by the Committee on Military Affairs of the House of Representatives with regard to this subject, as set forth fully in the report of that committee on the pending Army appropriation bill, established beyond a doubt that the plan advocated by the Chief of Staff and approved by the Secretary of War, attempting to create a reserve from our small Army, is impracticable, enormously expensive, and visionary in the extreme. Moreover, a Senate amendment embodied in the bill which was vetoed provided a practicable and inexpensive way of bringing former soldiers back to the colors when they are needed in time of emergency. This provision, as well as the fact that fixing the Army enlistment period at four years places the Army on the same footing as the Navy and the Marine Corps in this respect, seems to have been overlooked or ignored by the President.

The objection that the provision for a mixed commission of Senators, Representatives, and retired Army officers to consider certain questions relative to Army posts seeks to deprive "the regularly constituted authorities of our military establishment of all voice in the formulation of one of the most important policies now confronting the Nation in the maintenance of its Regular Army," and that "it devolves the leadership in that matter" upon a number of retired officers, has no other foundation than a positive and unqualified misstatement of facts. The creation of an independent and unconstrained commission for no other purpose than to furnish Congress information not colored by the preconceived views of those who have already presented their side of the case very fully to Congress in no wise tends to deprive the regularly constituted authorities of any part of their voice in the matter. The Chief of Staff and the Secretary of War have already, and at great length, communicated their views about this question to Congress, and they will undoubtedly have ample opportunity to be heard with regard to it further and as fully as they may desire before any action is taken by Congress upon the subject. The fact that the Executive objects to an effort on the part of Congress to supplement information and opinions already furnished to it by the War Department by information and opinions to be procured and furnished independently by a commission composed in part of certain distinguished officers whose active military careers have ended and whose futures can not be affected by Executive favor or disfavor suggests very strongly that the real ground for the objection is that the regularly constituted authorities will have no opportunity to shape or color the report of the commission. The assertions that the creation of the commission devolves upon the retired officers who may be members of its leadership in the matter to be investigated and reported upon hardly deserves serious consideration. The War Department has already taken leadership by bringing the question very forcibly to the attention of Congress, and that department or its representatives will have full opportunity in future to exercise its leadership with regard to the question in the same way, or any other way, as it may see fit to adopt. The provision for the commission is merely an attempt on the part of Congress in the exercise of its unquestionable right to obtain information and expert opinions from all sides of a case which is far too important to be disposed of on any one-sided presentation of it, or on information or advice which shall be obtained from a single source.

The objection urged that there will be no saving made by the passage of this bill, and the suggestions made that deficiencies will occur, show to what length the Executive is willing to go in vetoing an appropriation bill. Surely it will not be denied, even by the present President of the United States, that Congress has the sole right to say how much money it will appropriate for the use of the Army, and certainly Congress will not permit itself to be dictated to by the Executive as to the amounts which it shall appropriate.

I reserve the balance of my time, Mr. Speaker.

Mr. PRINCE. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, the woolen and worsted industry is one of great importance in the State of New Jersey and in the district which I have the honor to represent in this House, and I wish to submit some remarks on Schedule K, in answer to the very able speech made by the gentleman from New York [Mr. REDFIELD].

In an address recently delivered on this floor, analyzing and criticizing the report of the Tariff Board on Schedule K, the gentleman from New York [Mr. REDFIELD] once more takes occasion to indulge in a very radical and at the same time most unwarranted and illogical attack upon the woolen and worsted industry of the United States. The gentleman certainly erred in his interpretation of the tariff plank of the last national Republican platform. That plank reads:

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

And again:

> * * * the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage earners of this country, who are the most direct beneficiaries of the protective system.

It surely can not be seriously maintained that any man with knowledge of business ever supposed or supposes to-day that there was or is one cost of production for all American woolen and worsted mills, or that it would be possible to determine mathematically the exact difference in cost of production between such mills in the United States and in Europe. On the other hand, as every practical man knows, and as manufacturers with experience on both sides of the Atlantic have testified, there is a difference in cost of production between this country and the manufacturing countries of Europe, and the purpose of the American protective tariff is to equalize this difference. If there is any variation in the cost of production, as ascertained by careful inquiry, the protective policy requires that the tariff be fixed at a point which will insure a fighting chance to the American manufacturer.

A good deal has been said by the gentleman about what constitutes the cost of production, and he has dwelt at great length upon the fact that such cost can be decreased by increased output. He has also repeatedly enlarged upon the possibility of increasing output by increasing wages in return for a speeding up of the workpeople. As a matter of fact, these ideas of scientific management are to a great extent theoretical and, at least, have not been tried out to such a degree as to produce any startling results.

Woolen and worsted manufacturers as a whole are heartily in sympathy with the principles of scientific management and would rejoice to see them applied to the fullest possible extent. This question, however, is not germane to the tariff question. Only the most chauvinistic American will assert that America has any monopoly on industrial efficiency. In respect to efficiency and its effect upon productive cost, the European is as favorably situated as the American. Brains and energy are not concentrated in any one spot of earth, and the possibilities of individual initiative open to the citizens of one nation are open to those of another. The cost of production differs not only in America, but also in Europe; efficiency and inefficiency exist side by side not only in the United States, but also on the other side of the Atlantic. Between the nations of Europe, however, and the United States there is a wide, impassable gulf, created by years of unrivaled prosperity; it is the gulf which separates the standard of values in this country from the standard of

values abroad. Whether this difference of values will always exist, or whether we shall sink to the cheap level of prices prevalent in Europe, or whether Europe will rise to our level, depends on the wisdom of our statesmen. Of prime importance for us to-day is the fact that there is this difference in values, not only in one industry but throughout the whole commercial structure of the Nation.

If the cost of building and equipping an up-to-date woolen and worsted mill is 50 per cent greater in America than in Europe, it is evident that the fixed charges, even at equal interest rates, must be that much higher; but interest rates generally are also higher in the United States than in Europe. And with plant and machinery costing so much more, the machinery cost, as well as the labor cost, must necessarily be so much greater than in Europe. Everybody knows that the cost of production varies inversely with the output; but this holds true in all countries, and it is mere idle boasting to arrogate to Americans, in those competitive industries which have been similarly developed on both sides of the Atlantic, a possible superiority in efficiency and power of production sufficient to offset the cheaper labor, machinery, and overhead costs of Europe. As a matter of fact, the advantage in this respect lies with the textile industries of Europe, due especially to their greater age and their more settled and better trained body of workers, and also owing to the fact that the industry in European countries has not been the shuttlecock of political parties and initiative has not been paralyzed by threatened changes of commercial policy.

To destroy the values of one industry by throwing open our home market, as respects the products of that industry, to foreign competition, is simply to invite ruin and disaster. And in doing this, to say that it is being done for the benefit of the industry, to make it more efficient, more productive, is the direst confusion of cause and effect. The American woolen and worsted industry must be protected, and every other industry which needs protection must be protected. And the remedy for possible inefficiency does not lie in inviting in the foreign manufacturer to cut the ground from under the feet of American industry, but in putting the industry at home upon such a solid and safe basis as to stimulate and encourage domestic competition. In a previous speech the gentleman from New York ridiculed most unmercifully the antiquated methods of some English manufacturers in his own line of business. Now, England has been a free-trade country for nearly three-quarters of a century, with all the "stimulus" of foreign competition. And yet the inefficiency of the firm he mentioned was almost beyond belief. The gentleman's English friends have undoubtedly a different opinion of the "beneficial" effects of untrammeled foreign competition.

The question of the reclamation or the nonreclamation of waste and the utilization of by-products is purely a matter of profitableness and not an abstract scientific one. In his quotation the gentleman from New York says that, according to Industrial Organic Chemistry, wool grease can be profitably extracted from raw wool as a by-product, of which a value of $3.75 can be produced for 60 cents. A reference to the original work from which he quotes shows that it takes 1 ton of raw wool to yield the quantity of grease mentioned. No details are given regarding the cost of reclamation. It is mere assertion against the practical experience of hundreds of manufacturers. He does not quote the suggestion also made by the author of Modern Industrial Progress in connection with the above statement that most of the wool fat and potash contained in the waste scouring liquid could be saved by establishing degreasing plants at the principal points where wool is shipped. Where are those principal points? How many plants would have to be established? What would be the cost and the fixed charges of such plants? What prospects of continuous employment would they have?

Of interest in this connection are the following remarks from a paper, "The pollution of streams by manufacturing wastes," presented by William S. Johnson at the Congress of Technology in Boston, in April, 1911, upon the occasion of the celebration of the fiftieth anniversary of the granting of a charter to the Massachusetts Institute of Technology:

> Every manufacturer has some idea of the great value of the material escaping with his wastes, but he is also probably aware that the cost of recovering this material, at least by the present methods, is likely to be greater than the value of the recovered product. Even if it could be recovered at a small profit the trouble and annoyance of carrying on such an industry outside of the regular business of the factory would more than offset any profit.

And again:

> Certain of the most valuable portions of wastes, like the fats from the wool-scouring processes, have been recovered with more or less success where it has been necessary to purify the wastes before they are discharged into the streams, and the results have shown that, while the cost of purifying the wastes is not met by the sale of the product, still the net cost of purification is much less than it would be were these products not recovered. The experience of the wool-scouring mills, however, indicates one great difficulty which is to be met. Several factories having put in wool-scouring plants recently, the market has become overstocked with degras, and the price has consequently been reduced to a very low figure. It is probable that a market can be made for this material, but it can not well be done by the individual manufacturer.

From the experience of manufacturers in Europe and this country it can be stated most positively that the rentability of a plant for reclaiming the by-products mentioned is very doubtful. Even in the case of very large mills the possibility of profit is limited by the varying production; and with smaller mills it is out of the question to install the necessary plant and equipment for the very small amount of by-products which could be reclaimed.

The gentleman from New York mentions one mill which was not visited by the representatives of the Tariff Board, and adds:

> I am told by what I think sound authority that the owners of this mill have said they do not care about a tariff to protect their manufacturing processes, because they are efficient enough to take care of themselves. It is but natural that the name of such a mill should not appear on the visited list, for they might fear to give away the results of their initiative.

While criticizing other mills for not having this wonderful standard of efficiency, he yet intimates that such excellence is something in the nature of a secret, unknown to the average mill owner, and to be jealously guarded by the possessors thereof. It is a bold statement, made, by his own confession, upon hearsay, and no details are given in support of it. Even if the existence of such a mill were admitted and the facts were as he says, the best construction to be put upon the whole matter would be that the conditions of that particular mill are exceptionally favorable, and it therefore can not be taken as a type in determining a fiscal policy. Moreover, the fact that many woolen and worsted mills exist in America with higher efficiency than others, so far from offering ground for criticism of the protective system, is really a strong argument in favor of that system. Efficiency is evidently possible under a protective tariff, and the competition of such mills with less efficient mills can be depended upon to keep prices at a reasonable level and also to stimulate the less efficient mills to greater exertions.

The gentleman from New York speaks with a good deal of derision of the cost accounting common in textile mills. If he had taken the trouble to go carefully and thoroughly into this question, instead of lightly making disparaging assertions about it, he might have become less eloquent, but he certainly would have become much wiser. He is far from making it clear what cost system he would have the textile manufacturer adopt, and without doubt there is a good reason for his silence on this point.

The problem of a practical system of cost accounting in a woolen and worsted mill, which shall actually show the cost of production without imposing an unbearable burden of overhead expense upon the output of the mill, has been and is still being studied by men versed in accounting and the manufacturing processes. The whole science of accurate costing in factories is still a comparatively new science and the practical results accomplished therein, in comparison with the expense, are still far from being final. Smaller mills with a limited output can not always afford the services of experts to install elaborate systems, nor can they afford an expensive staff to maintain such systems. But conditions are not as bad as the gentleman's illustrations would indicate. The examples he gives are amusing, but they are not convincing. On the face of things, a hasty generalization from the few data which have come under his own personal observation, however striking and sensational such generalization, must obviously be erroneous and misleading. A brief glance at the literature of this subject will show that the newer science of cost accounting has made most rapid progress in those factories whose output is confined to a few simple styles where the work can be standardized and simple records are required. In the woolen and worsted industry many factors conspire to complicate the question of cost. Besides the frequent and numerous changes of style made necessary by ever-fluctuating fashions, each manufacturing process is in itself a variable quantity. The amount of sorting necessarily varies with each lot of wool and the purposes for which it is destined. For the finer goods, the fleeces must be most carefully sorted to obtain those qualities of wool which alone can be used in the manufacture of those fabrics.

Hardly any two lots of wool are quite alike, this one requiring more scouring than another, that one more or less carbonizing, and the greatest watchfulness being necessary throughout to see that the process on the one hand is effective enough to thoroughly cleanse the wool and on the other hand that it is not so severe as to injure the wool fiber, which is extremely sensitive to all the various agents which must be employed in its cleansing. In all the subsequent processes of carding, combing, drawing, spinning, weaving, and so forth, the greatest possible attention is necessary, and the process has to be gauged to the peculiarities of the wool or blend of wools that are being worked, necessitating great judgment and vigilance on the part of the operatives and overseers if a perfect product is desired. In the process of finishing, especially, the amount of processing any particular piece of goods is to be subjected to depends on the judgment of the finisher, and many processes have to be repeated two or more times to obtain the desired effect. In other words, the making of fine woolens and worsteds is an industrial art and not a science, and the volume of output must always be subordinate to the requirement of excellence in quality.

In his latest as well as in his previous speeches the gentleman from New York has spoken a good deal about "efficiency," as if it were some panacea for all the ills that flesh is heir to. He seems to measure the woolen and worsted industry by certain standards of efficiency with which he has become familiar in an industry entirely different. The woolen industry, from the sorting of the greasy wool to the last of the numerous finishing processes, is replete with complexity. In this connection it is worth while to quote from another paper presented at the Congress of Technology in Boston in April, 1911.

The gentleman has undoubtedly gained a good deal of information of the subject from the writings of men who are considered authorities in this line, but many of whom are carried away by their enthusiasm into claiming for their system many things which can not be accomplished, at least not at once, without long and persistent and patient effort. The quotation given shows that even in the engineering profession the whole question may be looked at from different points of view. In a paper entitled "A consideration of certain limitations of scientific efficiency," Mr. Henry G. Bradlee said:

> During the past year we have become quite familiar with the word "efficiency." It has appeared prominently in the public press, in popular magazines, and in many more serious publications. Recently we have been startled by the statement that our steam-railroad systems are wasting a million dollars a day—$365,000,000 a year—which might be saved through the adoption of so-called scientific methods of management. We do not infrequently see statements like the following, which I quote from a volume recently published by a prominent industrial engineer:
>
> "Inefficiency is not a local evil. It extends through the whole of American life—extends through the whole industrial life of the world.
>
> "The American railroad, by the most advanced engineering and industrial methods, carries an absurdly small net load for an absurdly small distance at an unnecessarily high cost.
>
> "Railroad repair shops throughout the country do not show 50 per cent efficiency, on an average, as regards either materials or labor.
>
> "Coal wastes on railroads are almost as bad as labor and material wastes.
>
> "This inefficiency of effort pervades to a greater or less degree all American activities.
>
> "Inefficiency similar to that in the manufacturing shops exists in all building operations to the same or even greater extent.
>
> "The United States and State agricultural bureaus have determined like inefficiencies in farming operations.
>
> "In our whole educational system there is the same inefficiency. Years are given to study, yet better results have been attained in months."
>
> Why should we be treated to such wholesale condemnation as this? In all modern nations industrial development has claimed the services of the very highest order of intellect and ability. Can it be that the great industrial leaders and workers of the past have all been wrong? Can it be that they have been directing and executing the work of the world with great inefficiency, and is it possible that this inefficiency may be removed by some comparatively simple process? This whole question has recently jumped into prominence because a group of men who have been doing some very excellent and successful work have been tempted into the realm of prophecy and have possibly allowed their enthusiasm to outstrip their judgment.
>
> It would no doubt be presumptuous for one to attempt at this time to place a limit on what may be accomplished in the future through scientific efficiency methods, and certainly no one would wish to criticise or suggest weak points in these methods were it not for the fact that the public may be misled by exaggerated statements and may unreasonably condemn those who are doing most to develop and direct our industries.
>
> In view of the statements which have been made, it certainly seems reasonable and proper for us to consider whether there are not some practical limitations which have prevented a general adoption of these methods in the past, and which may prevent the wholesale overturning of our present industrial system prophesied by certain efficiency engineers.

The entire paper is deserving of a careful perusal, but it will suffice here to quote further the following two paragraphs:

> Low cost of operation or of manufacture is, after all, only one factor out of many to be considered in measuring industrial efficiency. It frequently happens that the lowest cost can be secured only through sacrificing other and more important factors. This we have already mentioned in connection with steam-railroad organization. Let us consider some other examples.
>
> A majority of our countrymen believe in a tariff to protect home industries when the cost of manufacture at home is greater than that abroad. They approve the tariff because they believe that there are advantages from diversified business which more than offset any increased price of manufactured goods.

Theoretical or nominal efficiency of machinery and actual efficiency are widely different things. The whole question of efficiency is a relative one, dependent on character of work and the nature of the product. The more the personal supervision of the operator is essential for perfect work and the less automatic the turning out of a perfect product; in other words, the more the personal equation creeps in, the harder it is to attain a nominal standard of efficiency. Especially in the fine woolen and worsted goods manufacture it is most imperative to avoid sacrificing quality to quantity. Many of the finest fabrics absolutely do not permit of speeding up the machinery. As a matter of fact, although some looms with a speed of 130 picks per minute are used in the industry, yet for certain goods special looms built to run at a speed of only 60 picks a minute are employed. Even with the most skilled weavers this moderate speed is necessary to permit of proper supervision and to avoid imperfections, the costliness of which, of course, increases with the fineness of the goods. To try to increase unduly the turnout of the looms would certainly result in proving the truth of the saying, "More haste, less speed."

If the American woolen and worsted industry were the egregious sinner the gentleman from New York makes it out to be, how is it that the American standard of values as a whole is so much higher than in Europe? If the removal of protection from the American woolen and worsted industry is necessary to make that industry more efficient and bring it up to date, what about the many American industries and occupations which, being by nature absolutely or partly protected, do not depend on the tariff for their existence? Are they all inefficient, and what will bring them out of the slough of their inefficiency? Or are they all, in contrast to the woolen and worsted industry, models of efficiency? And how have they attained this degree of efficiency without the stimulus (?) of foreign competition?

A fatal defect in the gentleman's discussion of the entire subject, as it seems to me, is that the whole matter is approached from an absolute and not from an historic point of view. He speaks as if old mills could be torn down and old machinery thrown away without further ado. The woolen and worsted industry, even more than other industries and institutions of America, is an organism representing years of growth—a growth retarded, however, more than once by actual or threatened experimental changes in our commercial policy.

The gentleman from New York evidently takes a keen interest in the tariff question, but in applying experience gained by him in certain lines to an industry with which he is entirely unfamiliar, his zeal seems to lead him astray. His intentions are undoubtedly excellent, but his information regarding the woolen and worsted industry seems to be very meager and fragmentary. In this respect, as in all others, the words of Pope hold true:

> A little learning is a dangerous thing,
> Drink deep, or taste not the Pierian spring.

Instead of helping the woolen and worsted industry and the many workers dependent upon it, he injures it and them; and whether he injures it willfully or for lack of knowledge, the harm done is the same. He is undoubtedly a practical man, but many practical men, when they forsake the particular field with which they are familiar, become more theoretical and impractical than the wildest visionary. He says in the peroration of his speech:

> We offer an affirmative, not a negative, teaching.

This is most emphatically not so. Despite his plausible arguments and his noble sentiments, the gentleman's teaching, at least as far as the woolen and worsted industry is concerned, is nothing but a destructive and hostile criticism.

Mr. PRINCE. Mr. Speaker, I now yield 15 minutes to my colleague on the committee, the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, when a similar bill was before the House in the early part of February the minority members of the Committee on Military Affairs at great length expressed their disapproval of the legislative sections contained in the bill. They have had no reason to change their views in that regard.

The President, in his veto message against the former bill, properly says:

> The dangers inherent in the practice of attaching substantive legislation to appropriation bills have been frequently pointed out by my predecessors. The only justification that has been offered for such practice is that it has been found a convenient method for facilitating the passage of measures which are deemed expedient by all the branches of government which participate in legislation. Thus, it has more than once occurred that useful items of Army legislation, generally of an urgent character, have been passed in this manner, when the desirability of the enactment was recognized and acquiesced in by the common consent of both the Executive and of Congress. But no condition of urgency is here disclosed, nor can it be claimed that there is any such reason for attaching the present legislation to this Army appropriation bill.

Now, the chairman of the Committee on Military Affairs stated a moment ago that the President in setting forth his reasons for his veto undertook to usurp the power of Congress. I think that the gentleman [Mr. HAY] rather undertakes to usurp the power of the Executive. The Executive is authorized under the Constitution to place his veto upon any legislation that is objectionable to him.

And whether that legislation be carried in an appropriation bill or in a bill simply covering the legislation to which he objects is immaterial. If the legislation be not approved by the Executive he should veto it, whether it be in a great appropriation bill or whether it be in a separate bill covering the objectionable legislation. This bill which is now before the House carries at least three specific items to which the President objected in his veto message. And the majority of this committee in again reporting this bill with these objectionable legislative features, simply court another veto to the great detriment of the Army and to those men in every section of the country who furnish the articles that make up the subsistence and other supplies of the Army. The President, in his veto message, referring to the former bill, says:

> By reducing the number of the General Staff the bill, in my opinion, tends to cripple the most important corps of the Army—that corps which, though of comparatively recent organization, is performing invaluable work toward the creation of a consistent military policy for the Nation and the organization of an efficient and economical Army. If, as I believe to be the case, this bill would make necessary the reduction of the work of the War College, harm would be done to our military establishment which would be well-nigh incalculable.

Here the President gives a specific reason why he objected to a certain provision of the former bill, and yet this bill which we are asked to vote upon to-day carries an identical provision. It certainly courts another veto and, being general legislation, it should not find a place in this Army appropriation bill.

The President further says:

> By the provisions of the bill which limit the period during which an officer may remain upon detached service or staff duty the organized personnel of many of the most important bureaus and corps of the War Department and military establishment will be disintegrated, and the work now proceeding under them will be seriously impeded. While these provisions aim at a wise purpose and one which my administration has sought to carry out by Executive action with especial thoroughness, the enactments of this bill are deemed too radical and drastic. By removing at once all of the officers of the Bureau of Insular Affairs, except its chief, they would seriously interfere with the work of that most important bureau in administering the affairs of our insular possessions.

Again:

> Earnest protest has been received from the insular government of the Philippines to the effect that so prompt a relief of all of the officers who have had the especial training and experience necessary for these positions would be disastrous to the morale and efficiency of that important body, and would be a serious handicap to the preservation of law and order in the Philippine Islands.
>
> The provision would at once relieve all but one of the line officers now on duty in the work of constructing the Panama Canal, and, under a very probable construction of the law, it would also relieve the Engineer officers and other staff officers detailed to that work. The organization of the force of officers and men by whom the canal is now being constructed has earned the admiration of the entire Nation. Under this organization that work is fast approaching its completion. The drastic character of the provision can be best understood when it is considered that it might at once relieve from duty the general purchasing officer of the Isthmian Commission, by whom all of the complicated machinery for the locks and gates is being purchased; the officer who is building the Gatun Dam and the spillway; the line officer who, as chief engineer, is relocating the Panama Railroad; the officer in charge of the construction of the new breakwater at Colon; and the medical officer under whose inspection the sanitary work of the zone is being conducted. It would be practically impossible to replace these men or the special knowledge and skill which they have in their departments of the work. The entire organization of the great work in which they are almost indispensable agents would be disintegrated and impaired.
>
> The fact that a single provision of the bill can cause such serious consequences offers further evidence of the unwisdom of a method which deprives legislation of its usual safeguards of scrutiny and discussion.

Now, to my mind, those are very serious objections to this legislation and yet the bill carries substantially those provisions.

Mr. HAY. Will the gentleman permit me to interrupt him?

Mr. KAHN. Certainly.

Mr. HAY. What provision in the bill provides for a detail of officers, for example, in the Philippine Constabulary?

Mr. KAHN. I have not it right at my finger's end. If that has been omitted, I do not know of it.

Mr. HAY. There is no provision in the bill which does what the gentleman states.

Mr. KAHN. With regard to the Philippine Constabulary?

Mr. HAY. No; in regard to the Insular Bureau or any of these other details. There was an amendment offered by the gentleman from TEXAS [Mr. SLAYDEN] with regard to the detail of Army officers, but that amendment does not go that far.

Mr. KAHN. As I recollect the amendment, it provided that where an officer has served four years he was to be taken away from his detail, no matter what the work might be that he was engaged upon, or be deprived of his salary.

Mr. HAY. No; it intended to do that, but as a matter of fact it did not do that.

Mr. KAHN. I understood that that was the purpose of the provision.

Mr. HAY. That was the purpose of it; yes.

Mr. KAHN. That was a very objectionable feature. I understand that the same purpose is attempted in the present bill. While I have not examined it carefully, yet——

Mr. HAY. The same amendment is in the present bill, but it does not do what the gentleman says it does.

Mr. KAHN. The President in his message says, as I recall now, that it is capable of such a construction.

Mr. HAY. No. The President says in his message that it is a "very probable construction" that engineer officers may be taken from their detail upon the Panama Canal. But while he may think it a probable construction, nobody else that I have ever heard of who has read the provision thinks so.

Mr. KAHN. Well, the President is looked upon as a very capable lawyer.

Mr. HAY. That is true, but——

Mr. KAHN. And the fact that he says it is capable of a probable construction of that kind would indicate to me, at least, that it is an ambiguous section and has no place in this bill.

Mr. HAY. Who would construe it? The President would, would he not? He would hardly construe it against the interest of the canal.

Mr. KAHN. The department would construe it, and yet another bureau chief coming in might construe it differently.

Mr. HAY. The President will have the final construction of it. But that provision which the gentleman is talking about is not in this bill.

Mr. KAHN. Where is the provision to which the gentleman refers?

Mr. MANN. If the gentleman from California [Mr. KAHN] will permit, I may say that the President does not confine his observation with regard to the probable construction to engineer officers. He says, "And other staff officers."

Mr. CANNON. Does this bill change it so that it is different from the other bill, so as to meet the objections of the President?

Mr. KAHN. No; I do not think it does.

Mr. CANNON. Why not?

Mr. KAHN. Because the majority of the committee have reported this bill out just as it was in the other House bill, and the President says that it is capable of that construction—the construction that he refers to in his message.

Mr. TILSON. So far as that matter is concerned, the present bill contains exactly the language that was in the bill which the President vetoed.

Mr. KAHN. Yes. I will ask my colleague from Virginia [Mr. HAY] to let me have the page as soon as he finds it.

The President in his message also referred to the increase of the time of the term of enlistment. When the vetoed bill was up in the House last February it was shown by figures that a five-year enlistment period resulted in increased desertions. Since the bill passed this House I have had letters from enlisted men, in which they have told me that a three-year enlistment period was a proper period and that the five-year enlistment period was entirely undesirable.

In my own mind I think that a short period of enlistment is the best. A one-year enlistment, in my judgment, would be better than a three-year period of enlistment. Many men enlist, young men, probably 20 or 21 years of age, without any experience in life. They are ambitious; they are patriotic; they see a possibility of advancement in the Army, and they enlist. Within a few months after they have signed the articles of enlistment it frequently happens they find that they are entirely unsuited for the service, and they want to get out. In cases of that kind the enlisted man should be given his discharge at the end of one year.

Mr. HAY. I have that provision now. It is on page 6, line 21. It provides:

> That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

Mr. KAHN. I thank my colleague for having cited the language. That is the language that was in the other bill?

Mr. HAY. No; that is not the language at all that was in the bill that was vetoed.

Mr. KAHN. Then why is it here? That was the language of the bill as it passed the House. Was it not the same language that was agreed to by the conferees?

Mr. HAY. Not at all. The Senate amended the House provision, and that, as amended, went to the conferees, and they

wrote an entirely new section upon this particular subject, providing that no officer below the rank of lieutenant colonel shall be detached, and so forth.

Mr. KAHN. That was said to refer to Lieut. Col. Wilson, the subsistence officer on the Canal Zone.

Mr. HAY. It did not affect him at all, because it would apply only to those below that rank.

Mr. KAHN. The lieutenant-colonel proviso was put in in order to save one man.

Mr. HAY. Not at all. This provision does not at all do what the President is opposed to. That is the point I make.

Mr. KAHN. This language, however, does prevent a man from continuing in the work to which he has become accustomed by at least four years' service.

Mr. HAY. But is not that right? I ask the gentleman from California——

Mr. KAHN. I do not think it is right. There are many cases when a man by his experience becomes especially adapted to a certain line of work, and to take him away and break in a new man who knows nothing about it at all is, in my opinion, exceedingly injurious.

Mr. HAY. Will the gentleman yield?

Mr. KAHN. In a moment; and gentlemen here in Congress constantly speak of the fact that long service here is a beneficial thing to their constituents.

Mr. HAY. That is an entirely different proposition.

Mr. KAHN. It is not a different proposition at all. Men after long experience in a certain position can perform their duties in a manner beneficial and advantageous to the country, while a new man would probably know nothing about those duties and would require some time in acquiring the necessary information and training to properly perform those duties. There would probably be delay, there would possibly be additional expense, and new methods would likely be tried out that might prove exceedingly disastrous to the public service.

Mr. HAY. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. HAY. Is the gentleman in favor of the detail system in the Army?

Mr. KAHN. Certainly.

Mr. HAY. Let us take, for example, the Insular Bureau, to which the President referred.

Mr. KAHN. Yes.

Mr. HAY. There are detailed in that bureau only two Army officers.

Mr. KAHN. Yes.

Mr. HAY. One is a major and the other is a captain. The captain has been there for a little over a year.

Mr. KAHN. Yes.

Mr. HAY. Does the gentleman say that that bureau would be affected in a detrimental manner by the detail of some other captain to that service? Does not the gentleman know that that officer has been away from the organization to which he belongs in the General Staff on other detached duty for eight or nine years, and does the gentleman think that is right?

Mr. KAHN. I understand that that officer has been away, but the major in that bureau, who by virtue of his position there has the rank of colonel——

Mr. HAY. But I am asking the gentleman now about the captain.

Mr. KAHN. That captain is learning his duties there, and so long as the superior officer over him continues in his place the latter can always regulate the work of that office.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. HAY. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. KAHN. I thank the gentleman from Virginia.

Mr. HAY. Then the argument of the gentleman goes to the abolition of the detail system, because, if he is correct, when a man is detailed to a position in any one of these corps and he learns the duties there he ought not to be disturbed.

Mr. KAHN. Oh, there are some places in the Army where a man can be taken from his detail without any loss to the service. There are other places, such as are enumerated by the President in his veto message, where it would be a great loss to the Government to take a man away from his detail.

Mr. HAY. The President enumerated the Philippine Constabulary, for example.

Mr. KAHN. Yes.

Mr. HAY. All of the officers who are now on duty with the Philippine Constabulary have been there for 4 years, some of them 8, some 9, and one as many as 10 years. Does the gentleman think that these men ought to be kept there and no other officers detailed to that work? What is the idea of the detail system? The idea is that the officers of the Army should be detailed for these several services in order that the whole Army may be educated. That was the argument used to inaugurate the detail system, and the duties that are to be performed in the Philippine Constabulary are not very difficult. Some other officers ought to be sent there. Some officer might die, and then, according to the argument made by the gentleman and the President, the whole service will be thrown into confusion.

Mr. KAHN. Not at all.

The SPEAKER pro tempore. The time of the gentleman from California has again expired. He has consumed 15 minutes which have been charged to the gentleman from Illinois and 5 minutes which have been charged to the gentleman from Virginia.

Mr. HAY. Mr. Speaker, I again yield to the gentleman another 5 minutes.

Mr. KAHN. I again thank the gentleman from Virginia. In the Philippine Constabulary, and in other branches of the Government service, there are officers who have become thoroughly familiar with the duties of the particular work in which they are engaged. I think it is ill-advised under such conditions to take the officers away from that kind of work; but there are many places to which officers are detailed—for instance, to colleges as military instructors—where, after four years of service, a man can be detached without any detriment to anybody. A comparison of the provision in this bill with the provision in the vetoed bill indicates to me, at any rate, that the present provision is even more drastic than the provision referred to in the President's veto, and, if anything, is more objectionable.

But, Mr. Speaker, there is one provision of the bill in particular to which I desire to call the attention of the House, aside from the legislative features of the bill, and that is the item making appropriation for the subsistence department of the Army. In my judgment, the amount appropriated in this bill is entirely inadequate. The appropriation for the subsistence of the Army last year was $9,033,579.40. The estimates for this year were $8,988,867.42. This bill carries for subsistence $8,605,273. The Commissary General of the Army, in explaining the difference in the estimates, stated that the amount asked for last year was predicated upon the full strength of the Army, namely, 80,000 men; and this year his estimates were for only 75,000 men, or 5,000 less than the full strength.

Yet the committee has materially reduced the amount estimated by the Commissary General. What happened to the appropriation of last year? The department recently sent to the Committee on Appropriations a deficiency item of nearly $600,000 for the purchase of commissary supplies for the Army. If this bill goes through in its present shape I believe that the deficit will be nearer $1,000,000 than $600,000. There is entirely too great a decrease in the appropriation carried in this bill for that purpose.

What has happened as a result of the cheeseparing process of the committee? Merchants all over the United States who have furnished supplies to the Army can not get their money. I have received telegrams from the merchants of the Pacific coast telling me that they had to go to the banks to borrow money in order to keep themselves afloat, paying interest upon their loans. The Government of the United States does not pay a dollar of interest to any man who has to wait for his money from the Government. One man sent me a telegram recently saying that he had not had a dollar for 60 days, that the appropriation was exhausted, and yet he was compelled to live up to the letter of his contract in furnishing supplies or suffer a penalty. He is compelled to borrow from his bankers, although the Government owes him a large sum of money. I have here a telegram from San Francisco in regard to this matter, which reads as follows:

SAN FRANCISCO, CAL., *June 24, 1912.*

Hon. JULIUS KAHN,
House of Representatives, Washington, D. C.:

We, in company with other merchants, have sold and delivered goods to the War Department of the United States, and for the past 60 days have not received payment for same. We entered into this obligation with the United States Government, relying upon being paid for our deliveries within a reasonable time. We are informed that the War Department can not make payment owing to a want of funds. We understand that a deficiency appropriation bill, to provide the funds to meet these obligations of the Government, is now before Congress, and we would request the assistance of the California delegation in obtaining the passage before the 1st of July of the necessary bill. Please communicate with the congressional delegation.

WM. CLUFF CO.	HARRIS & CAHEN.
J. A. FOLGER & CO.	ROSENBERG BROS. & CO.
HAAS BROS.	SPERRY-FREITAS CO.
GUGGENHEIM & CO.	FRED HILLMAN CO.
JOHN ROTHSCHILD & CO.	SPERRY FLOUR CO.
GETZ BROS. & CO.	JONAS ERLANGER.
MILLER & LUX (INC.).	M. J. BRANENSTEIN & CO.
GARCIA & MAGGINI CO.	

The firms who sign that telegram are gentlemen who furnish supplies to the Government. They are reputable business men who stand high in the community in which they live. They ought not to be compelled to wait so long for money that is justly due them. This cheeseparing policy will result in additional expense to the Army. When business men find that they can not receive their pay as their bills fall due they may be tempted, when bidding on Government contracts in the future, to raise the price of their commodities in order to offset the interest they have to pay to the banks that loan them money to tide over their financial difficulties by reason of the Government's nonpayment of its just debts. It is not good business to compel the contractors to wait 60 days for their pay after they have furnished the materials required by the Government. No private concern would dare to treat its creditors that way. And the Government ought in all such matters to set the example for the private citizen. There are many other defects in the pending bill which my limited time will not permit me to point out. I am opposed to the measure in its present shape and hope it will be voted down.

The SPEAKER pro tempore. The time of the gentleman from California has again expired.

Mr. HAY. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, when the conference report on the military appropriation bill was before the House, I voted for its adoption. I did so because I was convinced that the bill carried a great deal of valuable legislation in it for the Army. I did not approve of all of it. There were some things in the bill that I would not have voted for if a separate vote could have been had on each proposition. For instance, I did not approve of lengthening the term of enlistment for the soldiers in the Army, and I would not have voted for any provision which would have imposed an excessive limitation upon the requirements for service of an officer as Chief of Staff. But I did find in the bill as it came from the conference legislation which I considered of vital importance to the Army. I am sorry to be compelled to take exception to the statements just made by the gentleman from California [Mr. KAHN] in reference to the desirability of continuing indefinitely on special duties officers of the line of the Army who have been assigned to detached service. I think that one of the greatest evils in the Army to-day comes from the fact that there are hundreds of officers detached on special duty away from their companies and their regiments. Before the Military Committee there have come time and time again the Secretaries of War, the Chiefs of Staff, and even the President of the United States, when he was Secretary of War, calling our attention to this crying evil, and recommending legislation which would cut off these continual and perpetual details, and asking for legislation which would send those men back to their regiments.

Mr. PRINCE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. PRINCE. Has the gentleman read the veto message by the President, on page 4, where he used this expression:

While these provisions aim at a wise purpose and one which my administration has sought to carry out by Executive action with especial thoroughness the enactments of this bill are deemed too radical and drastic.

So you and the President are in accord that these provisions are too radical and drastic, and for that reason he vetoed it.

Mr. ANTHONY. I believe the President wrote that statement without an accurate impression of what the bill would do. I contend that if there are officers of the line doing duty as commissary officers down on the Isthmus of Panama who would be taken away from that duty on the canal and were returned to their regiments, that there are hundreds of just as capable officers in the line of the Army to-day who could be assigned to that duty, and very glad to have it, and the work would not suffer one iota. I contend there is no subordinate officer on detached duty to-day in the Army but who could be replaced by hundreds of equally competent officers, and I contend that it would vastly increase the morale of the Army to send these men who have so long enjoyed the special privilege of detached service away from the line of the Army back to their regiments and detail other officers in their places, and it is for that reason I hope that this really good legislative feature will be retained in the bill when it is finally enacted.

In the original bill and in the present bill under consideration I think unwise, and I am opposed to, the provision for the extension of the enlistment period; likewise the provision eliminating cadet service in computing length of service, and also the reduction of the Cavalry arm.

I heartily approve the provisions of the bill for the establishment of a quartermaster corps by the consolidation of the present Quartermaster, Commissary, and Pay Departments; also the establishment of a service corps of enlisted men, provided such corps shall be gradually created so as not to interfere with the tenure of office of any of the present teamsters, bakers, firemen, storekeepers, and laborers now employed throughout the Army, and that only vacancies be filled by service-corps men, and no person now under civil-service regulations be affected. I also indorse the idea of requiring a proper length of previous service with the line of the Army as a requisite to appointment to most of the places on the General Staff.

The need of some legislation concerning the absence of officers from their regiments has been apparent for several years. The Army regulations cover the subject, but little or no attention has been paid to the flagrant violations of the regulation, which had become practically a dead letter. Information called for by Congress developed a condition demanding drastic remedy. The legislation proposed is objected to mainly by those who have profited by failure to apply the regulations, and who under any fair system would have been long since returned to duty with their organizations. The legislation conforms to the principle commended by the President, of rotation in staff and other details. The Army is filled with capable officers and there will be no difficulty in finding substitutes for those who may be relieved under the new legislation, which is nothing more than an enactment of an Army regulation into a statute. [Applause.]

The SPEAKER pro tempore. The gentleman has two minutes remaining.

Mr. ANTHONY. I yield back those two minutes.

Mr. HAY. I yield five minutes to the gentleman from Tennessee [Mr. MCKELLAR.]

Mr. MCKELLAR. Mr. Speaker, as I view this bill it is entirely different from the bill that has been vetoed by the President. I think gentlemen are confusing it somewhat. The first ground of veto offered by the President is the provision limiting the eligibility of officers of the staff. That provision is not in this bill.

Mr. KAHN. Nobody contends that.

Mr. MCKELLAR. Not at all. Now, take the next one. To reduce the number of the General Staff, that provison is not in this bill——

Mr. KAHN. Oh, yes.

Mr. MCKELLAR. Not exactly as it is here. It is a different measure which the President vetoed in that regard. Now, take the third provision——

Mr. KAHN. This reduces the General Staff.

Mr. MCKELLAR. If gentlemen on the other side will examine page 6 of the bill that was vetoed, as shown here on this memorandum, and then examine this page 6 of the bill now under consideration, they will see that is an entirely different provision in the bill now proposed, wholly different in all respect from the bill that the President vetoed.

Mr BURKE of Pennsylvania. May I ask the gentleman in what respect is that difference in the gentleman's mind?

Mr MCKELLAR. I will suggest this, that the President objects to it because it is too drastic. Now, if the gentleman will just read, on page 9 of the veto message of the President, he will see the drastic measure to which the President objected. If he reads on page 6 of the bill under consideration, he will see that it contains no such drastic features as the President points out.

Mr. KAHN. Will the gentleman yield?

Mr. MCKELLAR. Yes.

Mr. KAHN. The gentleman has stated that the present bill does not reduce the number of officers in the General Staff.

Mr. MCKELLAR. No; I did not; I said not in the same way in which the bill which was vetoed reduced it.

Mr. KAHN. The gentleman will admit that this bill reduces the number of officers of the General Staff very materially.

Mr. MCKELLAR. Of course.

Mr. PRINCE. Will the gentleman yield?

Mr. MCKELLAR. Certainly.

Mr. PRINCE. I think the gentleman tried to get at this question very fairly, but let me call his attention to page 9 to the proviso to which the gentleman referred.

Mr. MCKELLAR. Of what?

Mr. PRINCE. Of the veto message of the President:

Provided, That hereafter in time of peace whenever any officer holding a permanent commission with rank below that of lieutenant colonel shall not have been actually present for at least two years—

Then he shall receive no pay. That is the amendment.

Mr. MCKELLAR. That is not in this bill.

Mr. PRINCE. Now, look on page 6 of the bill, line 21:

No money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned.

No officer, even a major general. The other was a lieutenant colonel. The provision now in the bill is even broader than the one vetoed and more drastic. It goes on to say—

Unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

So that the whole includes the part. He vetoes a part, and yet you say the whole is not as great as the part.

Mr. MCKELLAR. I think the gentleman is mistaken in that entirely.

Mr. PRINCE. If the gentleman will read that proviso he will see I am not.

Mr. MCKELLAR. It is not nearly as drastic; but, of course, that is a difference of opinion.

Mr. PRINCE. All right.

Mr. MCKELLAR. I think the gentleman is mistaken. Now, we come to the next provision of the President's veto message, which is in regard to the term of enlistment. Now, of course, the President suggests that as a reason why he vetoed this bill.

I do not believe he would have vetoed it if that was the only reason. It is very natural he should take that position, but the difference of opinion is this: This House has passed before the five-year term of enlistment and it has proposed to pass in this bill a five-year term of enlistment, and, as I say, that is just a difference of opinion for which, I am sure, the President would not veto this bill. The next provision constitutes the commission; that is not in the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAY. I yield the gentleman two minutes additional.

Mr. MCKELLAR. The next provision is purely a difference of opinion about the expenditures that may be required under this bill. It is a different bill from the bill that was vetoed, and I do not think that the President would urge that as a reason why he should veto this bill. And now it seems to me that the features of this bill to which the President really objected, which we all know, are Nos. 1 and 2, as the President has pointed out. Those are the reasons, as we all believe, why the President vetoed the bill. Those provisions are not in this bill, and I see no reason why we should not reenact the measure as passed by the House before, and I hope the bill will pass. [Applause.]

Mr. PRINCE. I now yield five minutes to my colleague on the committee, the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, the present bill is the same as that which passed this House on February 16, 1912. That bill went its way to the Senate, where it was amended, then through a prolonged conference between the two Houses, where it was further amended, and finally to the President, where, on June 17, 1912, it met the well-deserved fate of a veto. The reasoning of the presidential veto is so conclusive that no attempt has been made to meet it. Instead, we are confronted with a new bill, which is, in fact, the old bill with the Senate and conference amendments eliminated. While some of the objectionable features referred to in the veto message have been removed, others, left out of the House bill by the Senate and the conference, have been restored.

When the former bill was under discussion here the matter of extending the enlistment period from three years to five years was gone into in much detail and, in my opinion, the arguments then made against the extension have not been and can not be answered. I shall not attempt to repeat the arguments made on that occasion and shall refer to only one of them in order to enlarge somewhat upon it.

The adoption of the five-year enlistment period would be, in my opinion, a very serious step backward and directly opposed to the best military thought of the present day. The tendency under such a policy would be toward a professional army. A professional army as small as ours in a country as large as ours is an absurdity. A war of any consequence must be fought, as have been our wars in the past, by men brought into the service at the time for the particular purpose. When all arms were of short range and men could fight in compact bodies it was a less difficult matter to train men for efficient military service. It was a comparatively simple matter to fill the ranks of skeleton companies with raw recruits and trust to the impetus of the trained men to carry the entire mass forward in case of conflict. With the rapid development in firearms has come new and more difficult problems in warfare. The heavy column has been necessarily replaced by the thin skirmish line. Instead of going forward with locked arms or in solid phalanx, it often becomes necessary to advance only a few men at a time, or even individual soldiers. This means that each man must be trained. If skeleton organizations are filled up with raw recruits the trained men will be impeded or demoralized by the failure of the untrained.

Our Army as it exists to-day is little more than a school of training for the national defense in case of war. The training required of officers makes it necessary that they be professional soldiers, and they become essentially military teachers. With the man in the ranks it is quite different. It is generally agreed that a private soldier can be well trained within a year, and that any time beyond three years is wasted, so far as necessary training is concerned.

There are two widely differing theories as to how best to maintain our Army in time of peace that it may most effectively perform its function in time of war. The one upon which this provision in the bill seems to be based is that it is better to train only a few men and keep these in the service as long as possible. There would be a sounder foundation for this theory if our Army were large enough of itself to need no assistance in case of war. The other theory—and, as I believe, the only sound one—is that inasmuch as it will surely be necessary to draw from civil life the bulk of our soldiery in case of war it is extremely important that there be as many trained men as possible in civil life. The supply of such trained men will grow less as the period of enlistment is increased. If the period of enlistment were only sufficient for thorough training and no more, the number of such men would rapidly increase. The President, in his veto message, referring to the extended term of enlistment, well says:

It will tend to make difficult or impossible the establishment of a proper reserve by which the Regular Army could in time of emergency be brought up to its full strength.

Several weeks ago, while the former bill was still in the Senate or in conference, I introduced a bill providing for just such a reserve as that referred to by the President. It is now pending before the Committee on Military Affairs, and I shall continue to press it before that committee as one of the most important propositions touching our national defense.

We have all become familiar with the word "conservation" as applied to our natural resources, but little has been said touching conservation of our military resources. For a long time it has seemed to me that we have failed to take full advantage of one of our chief military resources so as to be able to use it in case of war. Each year a considerable number of men, well trained for service, go out of the Army and return to civil life. My bill proposes to make of these men a national military reserve. I can not go into the details of that bill here, though I commend it to the thoughtful consideration of those who are interested in the question of a proper and reasonable national defense.

It is enough to say here that the principle involved is to conserve our resources in trained men. Having at great expense trained men in our Army and in our militia, instead of turning them loose without keeping any record of them as to where they can be found in case of emergency I propose to make a reserve, which substantially means that all organizations in the Army and in the militia will be potentially filled to the maximum war strength with trained men, ready in case of trouble to step into the ranks of their organizations, instead of having our skeleton regiments filled up with raw recruits.

One additional feature I would add is that if this reserve can be brought about as provided in the bill to which I have referred, it can be done with comparatively little cost. I am prepared to show, from figures which I believe to be reliable, that a reserve sufficient to fill every organization in the Army to its maximum war strength can be established and maintained for less than it would cost to maintain two regiments of Infantry.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PRINCE. Mr. Speaker, I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, there are many objectionable provisions in this bill, and if the opportunity for amendment had been given I should have offered or voted for quite a number of amendments. I am not in favor of the change in the terms of enlistment. I think it is a very great mistake to increase that term. I am not in favor of the reduction of the strength of the Cavalry arm, and particularly at this time. If I had the opportunity, I should offer amendments striking out certain provisions in the bill, found on pages 31, 33, and 37, which prohibit the use of appropriations made for barracks and quarters, and for roads, walks, wharves, and drainage, and for water and sewer systems at certain Army posts. This bill, Mr. Speaker, illustrates, by its violation of it, the wisdom of the

general rule against legislation on appropriation bills. Our rules for a great many years have prohibited general legislation on such bills. That rule is modified to a certain extent in the present rules by the so-called Holman rule, under which a certain very wide class of amendments can be made which contain legislation. In my opinion it is very unwise to give the appropriations committees of the House any authority under any pretense to place legislation on appropriation bills. The members of those committees should be required, as the members of the other committees are, to bring their proposals of legislation before the House in a regular way, to present them for consideration, to have them considered in an orderly way, and on their merits, and without regard to items that may be carried on an appropriation bill. So long as the committees are allowed to legislate, so long we shall have and ought to have presidential vetoes of appropriation bills. The appropriation committees of this House have arrogated to themselves powers that can not be exercised by other committees of the House. By reason of their control over appropriations they have brought in appropriation bill after appropriation bill containing all sorts and kinds of legislative matter. Many of the propositions, if standing alone and on their own merits, would not and could not receive the support of the House. That being the case, these committees should not be given the opportunity to secure indirectly what they could not secure by direct legislative action.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. PRINCE. Mr. Speaker, I now yield three minutes to the gentleman from Pennsylvania [Mr. BOWMAN].

Mr. BOWMAN. Mr. Speaker and gentlemen, there is a provision in the latter part of the bill, starting on page 63, at the bottom of that page, to the effect that hereafter the service of a cadet at the United States Military Academy, or as a naval cadet or midshipman, shall not be counted in computing for any purpose the length of service of any officer of the Army. I understand this method of computing time has been practiced for some 30 years or more.

Now, as an employer of labor to some extent I have always considered that good treatment and good pay secure good men. I can not understand what purpose the committee had in view in practically cutting down the pay of the cadet officers to the extent of about 10 per cent. Certainly the cost of living is increasing, and wages are or should be increased proportionately. There is a great demand for the sort of talent that the United States needs in its Army and Navy, and there is great difficulty to-day in getting the sort of men at Annapolis and at West Point that the United Sates Government needs.

I suggested to some bright young men in my district that they ought to offer themselves as candidates for West Point and Annapolis. Their answer was that they did not care anything for those positions; they would rather go to work and earn money sufficient to put themselves through college on their own responsibility and have their services belong to themselves. They did not care to go there and put themselves under the authority which they are obliged to encounter and do the work which they are called upon to do for the pay that they get. And in talking over this matter with officers at West Point and Annapolis I am advised by them that a great many of the men who have acquired the education leave the Government service as soon as possible, because they are offered better pay in civil life.

It is true that after entering the Military Academy the cadet receives his education and training at the expense of the Government, but his appointment to the grade of second lieutenant is made contingent on his ability to pass satisfactorily through the difficult course outlined in the Official Register of Officers and Cadets of the Military Academy.

If civilians were required to pass an examination even remotely approximating the requirements of the curriculum of West Point there would be justice in the assertion that Congress, not the War Department, had discriminated in favor of graduates of the academy, but the cadet before entering West Point acquires at his own expense practically the same education which the civilian acquires at his own expense. The Government pays for the education of the cadet, not with a view to benefiting him but with a view to benefiting the State; the civilian is not required to qualify in the curriculum of the academy. On this score there is no discrimination against the civilian.

Upon entering the military service neither the civilian nor the cadet is required to demonstrate fitness for the military profession. While the cadet is receiving training in the rudiments of his profession his pay is $709.50 per year; while the civilian is receiving training in the rudiments of his profession as a second lieutenant his pay is $1,700 per year. On this score again there is no discrimination against the civilian.

The average age of the cadet upon entering the Military Academy is 19 years; the average age upon graduation, 23 years. If unsuccessful in securing an appointment to enter West Point, the civilian may enlist at the age of 18, and at the age of 20 may receive his appointment as second lieutenant by passing an examination equivalent to that required for first-year men at West Point, or equivalent to that required for civilians in entering the Army. As a soldier he would receive the pay and allowances of his grade. He can reach the grade of second lieutenant three years earlier than the average cadet; service as an enlisted man under the act of June 18, 1878, is counted in computing his service for longevity pay and retirement, while the advantage of seniority in attaining the grade of second lieutenant ahead of older men in the Corps of Cadets will remain with him during the rest of his career, will permit him to attain promotion in the higher grades three years ahead of graduates of the Military Academy, and will place him in command of them whenever they serve together. Should he fail in his examination at West Point he may secure his appointment as second lieutenant either by taking the examination as a civilian or by enlisting and passing through the ranks, and in the latter case his time spent in the ranks will be counted in computing his service for longevity pay and for retirement.

On the whole, it would therefore seem that no real advantage is enjoyed by the cadet under existing law, and that if the privilege now accorded him by statute be taken away he will be at a serious disadvantage as compared to civilians and enlisted men. If this be done the time spent in a rigorous course of training at the Military Academy will become a handicap which the Government ought not to impose.

The proposed legislation withdraws the privilege of counting cadet service for retirement as well as for pay. Officers of long service regard the retirement privilege as a valuable one, and while advantage is not often taken of the laws permitting retirement before reaching the age at which it is compulsory, there is and will be a natural feeling of sorrow upon the part of such officers that, as they approach the end of their careers in the service, it should be considered proper to curtail the privilege of honorable retirement under the expectation of which they have given long service to the Government. Enlisted men can claim retirement after 30 years' service, and can then receive three-quarters of their allowances as well as three-quarters of their pay. Officers can claim the right of retirement only after 40 years' service, and then receive three-quarters of their pay only, losing all of their allowances. The privilege of counting cadet service with respect to retirement does not therefore seem to be out of accord with other similar privileges which are granted by law.

Midshipmen at the Naval Academy are at all times subject to orders into general service, and they have actually been so employed, as when, during the Civil War, midshipmen were ordered to cruising vessels after only two or three years' training instead of undergoing full course of four years. During the Spanish War midshipmen of all classes were ordered to active duty, some of them even doing duty as regular watch officers on board the smaller vessels. Again, for several years after 1902 midshipmen were ordered to sea before the completion of their academic term to help meet the requirements of the active service.

Further, during the course at the Naval Academy the midshipmen spend one-quarter of each year at sea in vessels in active service in the fleet. During this time they perform actual responsible duty, which if not done by them would have to be performed by other officers.

Their four years as midshipmen is therefore not a purely educational period, but part educational, part active service. Further, as they are subject to whatever duty may be assigned to them, without any choice of their own, from the moment of entering the naval service, they should be credited with service for longevity pay and purposes of retirement from the same date.

As regards retirement, if the 4 years' service as midshipmen were to be neglected the purpose of the 30, 40, and 45 years' retirement laws would be defeated, the aim of those laws being to secure younger officers for the arduous duties in the several higher grades. To raise all these ages 4 years would nullify the progress made in the past 10 years in the desired direction, unless the laws mentioned were correspondingly modified.

Enlisted men's service counts for all benefits from the day of enlistment, yet their unproductive period of preliminary training is comparatively longer than a midshipman's, and continues for some months after their drafting into regular service. After

only 8 months' service midshipmen regularly go to sea and perform responsible duty; they are at any time available for such duty throughout their 4 years as midshipmen, and thereafter for 40 years or more, whereas the enlisted man is seldom capable of regular service under 6 months and generally not for a year, or one-quarter of his whole term.

In general, in seafaring life, and particularly in the naval profession, instruction and service go hand in hand, so that to regard the midshipmen's 4 years as purely educational would be as far from correct as to consider the ensign's 3 years or the lieutenant's 8 years as purely practical. The proportions of study, instruction, and responsible duty vary too widely to make an arbitrary ruling without injustice, not to individuals, but to the whole grade of officers concerned.

The Government of the United States has secured good men in the past, but I candidly believe it can not secure men of like character in the future unless it gives as much or more for the service than it has paid in the past. I can not believe this provision will be an advantage to the service, and I trust it will be defeated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOWMAN. I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, the gentleman will be permitted to extend his remarks in the RECORD.

There was no objection.

Mr. PRINCE. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has 31 minutes remaining.

Mr. PRINCE. I do not wish to dispute with the Chair, but only the gentleman from California has used 15 minutes.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. TILSON] had 5 minutes yielded him, the gentleman from Wyoming [Mr. MONDELL] had 5 minutes, the gentleman from New Jersey [Mr. BROWNING] 1 minute, the gentleman from California [Mr. KAHN] 15 minutes, and 3 minutes to the gentleman from Pennsylvania [Mr. BOWMAN].

Mr. PRINCE. I now yield, Mr. Speaker, five minutes to my colleague from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the objections to the provisions of this bill were quite completely expressed by my colleague, Mr. PRINCE, and other members of the Committee on Military Affairs when the other Army appropriation bill was before the House. The provisions which were in the conference report that were especially objectionable, and which were discussed when the conference report was before the House, are not in this bill. We all understand, those of us who are here, that the passage of this bill in this form at this time is mainly perfunctory. The other bill having been passed by this House, and the conference report upon it having been agreed to, and it having been sent to the President, the President vetoed it.

There was then only one of two things which could be done—either to bring the vetoed bill before the House for a final vote or to introduce a new bill practically in the form in which it passed the House before. If the vetoed bill had been brought before the House, I think the veto would have been sustained; that is, I do not think there would have been a two-thirds vote in either body in favor of the bill.

The gentleman from Virginia [Mr. HAY] has now put before the House the bill with a new number, the same as it passed the House before. It was quite fully discussed in the House before, at the time of its consideration previously, and I take it that the object is now to have this bill go into conference again and to endeavor there to meet the objections which the President raised by his veto.

I hope that the gentlemen in charge of the House will understand that the President is quite within his rights and privileges in vetoing an appropriation bill because he objects to the legislation upon it. No legislative body at this day, in my judgment, can afford to withhold appropriations because of a difference of opinion concerning general legislation; that is, appropriations for the maintenance of the Government—in this case for the support of the Army. I hope that the conferees will be able, when they bring a final report before the House, to present a conference report which can meet the approval of both sides of the House and meet the approval of the President when the bill is sent to him.

It is not a case for stubbornness on either side. There will have to be some yielding, probably, by all the parties in controversy. But on this side of the House, although we would like to express our disapproval of the provisions of the bill by a roll call, I take it that my colleague in charge of the bill on this side will consider the peculiar conditions under which we are operating and express the disapproval of this side of the House in the statement which he makes on the floor, and that the President and others throughout the country who are interested in this legislation will understand that the failure to demand a roll call on the bill, or possibly even the failure to demand tellers or a division, if that should not be done, will not be because we are in favor of the bill, but because we are not in favor of stopping legislation on account of the absence of so many gentlemen at Baltimore. We are quite willing on this side of the House to exchange the ordinary amenities of civilized warfare with the gentlemen on that side of the House, without attempting to prevent them from transacting business or attempting to override them because they are temporarily in a minority.

Mr. GARNER. We have had enough war in the last two weeks without bringing any in here. [Laughter.]

Mr. MANN. Well, if I should read the last report we had from Baltimore it would seem so. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PRINCE. Mr. Speaker, I now yield five minutes to my colleague from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

[Mr. CANNON addressed the House. See Appendix.]

Mr. PRINCE. Mr. Speaker, I yield five minutes to my colleague on the committee, the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, in line with the suggestions just made by the distinguished gentleman from Illinois [Mr. CANNON] I believe the President of the United States, if he was ever justified in vetoing an appropriation bill, exercised that power with wisdom and in strict line with his duty on this occasion. So far as the bill as it originally passed the House is concerned, it may be well for us to stop for a moment and see what this method of legislation means and what the provisions the bill contained mean.

Here was to be presented to the President an appropriation bill which reduced the Army by five regiments of Cavalry; which changed the existing term of the soldiers' enlistment; which altered the amounts of pay and conditions of allowances made to officers and enlisted men; which consolidated the three great supply corps of the Army; and which also merged The Adjutant General's and Inspector General's Departments with the General Staff, making changes which necessarily had a far-reaching effect upon the military policy of the Nation. Where are those provisions found? They are found in a bill containing appropriations aggregating nearly $100,000,000, necessary to keep the military establishment of this Government in operation; and yet you place before not only the President of the United States but the Commander in Chief of that Army in the last days of a legislative session the alternative of acceding to these vicious and unwise provisions or of striking down the entire appropriation. I say that that is not in keeping with the high standard of public service which should mark the performance of duty by this House.

There is another provision that I do not believe should go back to conference or sent to the Senate, and that is the provision, originally contained in the bill, and which is in the one under present consideration, striking down the pay of the men in the foreign service, the men who in good faith made a contract with the United States Government, who donned its uniform, and sailed across the seas, who are to-day 10,000 miles away from home, and helpless to aid themselves against the imposition of this wrong, while we on the floor of this House undertake to abrogate the contract, strike down the little pay we guaranteed them, and make, I believe, an unjust an attack upon them in their absence as was ever made upon men serving in the military ranks of any nation. [Applause.]

An American soldier should never be shot in the back, but if he is, the last body to do it should be the Congress of the United States.

His pay at best is not large, and the average extra pay for the foreign service is by no means commensurate with the additional expense and vicissitudes. He enters the service for a given number of years with at least an implied promise of certain compensation. If he breaks that pact he is branded a "deserter" and suffers consequently. While the brand of infamy attaches to the soldier's violation of the contract, to say the least its violation by a powerful and wealthy Government is by no means creditable. If the foreign pay is to be reduced, reduce it at the end of the enlistment periods of those now in the military service.

In addition to this there is another suggestion I wish to make in passing, with reference to this particular bill, which went to

the President and was finally vetoed. There was substantive legislation added in conference. I am just as jealous as any man in this House of the respective rights of the two branches of the legislative department as I am of the rights of conferees appointed by them, but I do not believe that any set of men outside of this body and the Senate has the right to set up, as a result of their superior confidence in themselves, a third or additional legislative branch of the Government. I do not believe that any committee on conference ever had the right to initiate original legislation of this kind, tack it onto appropriation bills, and send it to the President with, as I said before, the alternative of acceding to their demands or striking down a great appropriation bill in the last hours of a legislative session.

If it were not for the Baltimore convention and other conditions that have existed in this country for the last three or four weeks, it is more than probable that this Congress would now be adjourning and we would find ourselves as a consequence of this unwise policy which I have outlined face to face with a prolonged summer session engaged in a controversy over this bill, with the additional peril of having the military establishment crippled, or, on the other hand, acceding to the unwise provisions that have been inserted in the Army bill by those who had no authority whatever to do so.

Mr. Speaker, I believe that the provisions outlined by the President as being obnoxious should be stricken out now in so far as this House can, in its wisdom, see its way clear to do so, and I do not believe that we ought again to send either to the Senate or to a conference committee a measure of this kind and impose upon them the duty of doing that which we, in our wisdom, ought to do here and now.

No other body should be regarded by this House as possessing superior legislative ability. No measure should leave this House in a condition which we will admit will require changing for the better. It certainly is no credit to the House to be compelled to recede from any position it takes in initiating legislation. Nothing so impairs the influence of this body or increases that of another so much as forcing us to yield to views in conflict with those which we have gone so far as to frame and pass in the form of original House bills. The high standing of this body will best be preserved always by pursuing that patient, cautious course which defies being departed from, and the expression, "It will be cured elsewhere," will disappear from the parlance of the House.

Passing bills which are certain to be vetoed is also a senseless policy.

Mr. PRINCE. Mr. Speaker, the House passed the Army appropriation bill on February 16, and it was like unto the one now before us. That bill went to the Senate. That body struck out all of the legislative portions of the present bill and of the bill of date February 16. The measure went to conference. The conferees after long and arduous work agreed upon a measure. The two Houses agreed to the conference report, and it went to the President. The President vetoed the measure and sent to Congress his message of date June 17, 1912. He specifically finds fault with the bill to the extent of six provisions in his veto message. As was properly stated by my colleague, the leader of the minority, the gentleman from Illinois [Mr. MANN], two courses were left open for the Military Affairs Committee of the House, namely, to bring back the bill as vetoed by the President and seek to pass it over his veto or else abandon that course and bring in another measure to be passed by the House. The first course was abandoned. We are now presented with the second course of procedure, namely, by the recommendation into this House of the bill like unto the one passed by the House of date February 16, 1912. The President in his message of veto, on page 1, said:

> Among other things, this legislation reduced the Army by five regiments of Cavalry; it changed the existing term of the soldiers' enlistment; it altered the amounts of pay and conditions of allowances made to officers and enlisted men; it consolidated the three great supply corps of the Army, and also merged The Adjutant General's and Inspector General's departments with the General Staff; it reduced not only the number of general officers of the Army, but also reduced very materially the total number of officers and changed the number and methods of detail of such officers to the various departments; and in other ways made changes which necessarily had a far-reaching effect upon the military policy of the Nation as well as upon the organization with which that policy must be carried out.

That is what the President said under date of June 17, 1912, with reference to the bill passed by the House of date February 16, 1912. The same bill, subject to the same criticism, subject to the same expressions set forth by the President in his message, is here to-day in this House seeking to be passed on its way to the President to meet his views as expressed in his veto message. True it is that of the six provisions that he enumerates in his message three are not applicable to this bill. Three of them are applicable to this bill. What are the three? In his message the President says:

> Second. By reducing the number of the General Staff the bill, in my opinion, tends to cripple the most important corps of the Army—that corps which, though of comparatively recent organization, is performing invaluable work toward the creation of a consistent military policy for the Nation and the organization of an efficient and economical Army. If, as I believe to be the case, this bill would make necessary the reduction of the work of the War College, harm would be done to our military establishment which would be well-nigh incalculable.
>
> If the bill of February 16 contained that well-nigh incalculable harm, this bill contains the same well-nigh incalculable harm.
>
> Third. By the provisions of the bill which limit the period during which an officer may remain upon detached service or staff duty the organized personnel of many of the most important bureaus and corps of the War Department and military establishment will be disintegrated, and the work now proceeding under them will be seriously impeded. While these provisions aim at a wise purpose and one which my administration has sought to carry out by Executive action with especial thoroughness, the enactments of this bill are deemed too radical and drastic. By removing at once all of the officers of the Bureau of Insular Affairs, except its chief, they would seriously interfere with the work of that most important bureau in administering the affairs of our insular possessions. Again, they would, on January 1, 1913, relieve all of the officers now assigned to the Philippine Constabulary. Earnest protest has been received from the insular government of the Philippines to the effect that so prompt a relief of all of the officers who have had the especial training and experience necessary for these positions would be disastrous to the morale and efficiency of that important body, and would be a serious handicap to the preservation of law and order in the Philippine Islands.
>
> Again, the provision would at once relieve all but one of the line officers now on duty in the work of constructing the Panama Canal, and, under a very probable construction of the law, it would also relieve the engineer officers and other staff officers detailed to that work. The organization of the force of officers and men by whom the canal is now being constructed has earned the admiration of the entire Nation. Under this organization that work is fast approaching its completion. The drastic character of the provision can be best understood when it is considered that it might at once relieve from duty the general purchasing officer of the Isthmian Commission, by whom all of the complicated machinery for the locks and gates is being purchased; the officer who is building the Gatun Dam and the spillway; the line officer who, as chief engineer, is relocating the Panama Railroad; the officer in charge of the construction of the new breakwater at Colon; and the medical officer under whose inspection the sanitary work of the zone is being conducted. It would be practically impossible to replace these men or the special knowledge and skill which they have in their departments of the work. The entire organization of the great work in which they are almost indispensable agents would be disintegrated and impaired.
>
> The fact that a single provision of the bill can cause such serious consequences offers further evidence of the unwisdom of a method which deprives legislation of its usual safeguards of scrutiny and discussion.

That provision was in the bill in a broader sense on date of February 16, 1912. The conferees modified that provision and made it affect a less number of officers, but the President saw fit to veto it and especially called attention to it. The measure which is before the House to-day makes this provision broader than the provisions which the President vetoed. On page 6, beginning with line 21, you find:

> That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

If the lesser provision brought forth the lightning of the President in the form of a veto, can we hope or expect the broader provision will share a less fate at his hands? And yet we are asked to pass it.

Mr. HAY. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. HAY. The gentleman does not want the House to misunderstand him, certainly.

Mr. PRINCE. No, sir.

Mr. HAY. The provision which the gentleman has just read says that unless otherwise specifically provided by law. Now, it is specifically provided by law that a lieutenant colonel and colonel can be redetailed.

Mr. PRINCE. Yes.

Mr. HAY. So that the statement the gentleman makes that it applies to everybody and all officers is not correct.

Mr. PRINCE. Except those specifically authorized by law. I have read the whole provision.

Mr. HAY. The House did not understand it.

Mr. PRINCE. I want the House to understand it, because I read it just as the provision is. If I have by argument sought to enlarge it, the provision governs instead of my argument.

Mr. HAY. I know.

Mr. PRINCE. The next objection made by the President is on page 4, and is as follows:

> Fourth. The second section of the bill lengthens the term of enlistment from three to four years. This change has been opposed by the recommendations of the President, the Secretary of War, and the General Staff of the Army. It will tend to make difficult or impossible the establishment of a proper reserve by which the Regular Army could, in time of emergency, be brought up to its full strength. In my opinion it is a step contrary to enlightened military policy.

The bill of February 16, 1912, contains that provision which the President specifically vetoed. The bill under consideration, which we are asked to pass to-day, has the same provision which the President vetoed under date of June 17, 1912. Now, I do not, Mr. Speaker, care to go into an argument of this bill more fully. For eight days we had it before us in February. We discussed it from every angle we could. We made objections to the bill, offered amendments, made points of order, but the other side of the House, being in control, voted us down and passed it out of this body. When the conference report came back this side of the House again exercised its rights under the rules and under the Constitution.

We again made specific objections in the shape of points of order for hours, for almost a day we discussed them here in this body. We were overruled and the bill finally passed and went to the President and received his veto. To-day we do not want to appear to be captious in the slightest degree. We merely want to preserve our rights and our integrity as to our views as expressed heretofore upon this great measure. We are fully aware that owing to conditions many Members of this House are away upon other duties, discharging them by direction of their States in another body, seeking to nominate a candidate for the Presidency. We know that if we insist upon a roll call here to-day that we would only delay its passage in this body. We know that if we would exercise our constitutional rights by calling for a quorum, by asking for a roll call, that men could be brought here from 40 miles away, if not to-day to-morrow or the day following, but we do not desire to do anything of the kind. We have been anxious all along to hurry legislation, to get it out of this House and get this House and its coordinate branch to adjourn and finish up this Congress. [Applause.] But here we are after the 1st of July. On the 31st of May, when the Military Academy bill was up for consideration, I called attention then to the condition of the calendar with reference to the appropriation bills. More than a month has passed between that time and this, and yet we have not passed the appropriation bills necessary to conduct the affairs of this Government. For the first time in many years yesterday we were called upon to pass a joint resolution to continue the great affairs of this Government in its various branches by a resolution making appropriations for at least one month's pay for this Government. I do not want to repeat the arguments I made then, but I want the country to see the conditions; I want the country to know just exactly how matters stand; and I want the country to know in addition that this side of the House does not stand here as obstructionists; that we are willing and able to hurry up as fast as we can legislation, but we give you notice now, we give the country notice, and we give the President notice that we are not in favor of this measure; that we are as unalterably opposed to it now as we were when we voted against it on its passage in this House, I think on February 16, 1912. So that we say to you who are responsible for legislation, so we say to you to whom the people have given the control of the House of Representatives, go on with your legislation without obstruction on our part, go on and pass this bill and present it, if you see fit, to the President with the assurance that he has given you in his veto message, push it up again against the buzz saw if you want to; it is your action and not ours, but we enter our protest as far as we can as Members of the House. We shall not, however, insist upon a quorum, we shall not insist upon a roll call; we will permit you to pass it and move it on to the other body, and then when they act upon it and it comes to a conference, I hope that the second sober judgment of the conferees will act along the lines suggested by the leader on our side of the House [Mr. MANN], my colleague, and we will try to harmonize this legislation; that we will try to put in shape that which meets the wishes of the Executive as expressed in his veto message, and we will not try to do that which will be in the shape of obstruction, but finally obtain legislation for the good of the country and for the good of the Army. [Applause.]

Mr. HAY. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent that all gentlemen who have addressed the House on the subject of this bill may be allowed to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that gentlemen who have addressed the House on this bill may have leave to extend their remarks in the RECORD.

Mr. MANN. For how long?

Mr. BURKE of Pennsylvania. For five legislative days.

The SPEAKER pro tempore. For five legislative days. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEVER, for 10 days, on account of sickness in family.

To Mr. AUSTIN, for 1 day, on account of sickness.

ADJOURNMENT.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, July 3, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting item for reappropriation for the expenses of arbitration of outstanding pecuniary claims between the United States and Great Britain in accordance with the special agreement concluded for that purpose August 18, 1910 (H. Doc., No. 860); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Interior, transmitting, in compliance with law (4 Stat. L., 430), papers in the claim of Charlotte E. Rockwell, widow of Thomas H. Rockwell, late of Company E, Third New York Volunteer Infantry, original No. 836013 (H. Doc. No. 859); to the Committee on Military Affairs and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DODDS: A bill (H. R. 25556) to provide for the erection of a public building on the site owned by the Government in the city of Boyne City, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25557) to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. MILLER: A bill (H. R. 25558) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries; to the Committee on the Public Lands.

By Mr. MATTHEWS: A bill (H. R. 25559) to provide for the erection of a public building at Donora, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 333) to authorize the loan of obsolete Springfield rifles, etc., to the Historical Pageant Committee, Philadelphia, Pa.; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25560) granting an increase of pension to John Deturk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25561) granting an increase of pension to Philander Jones; to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 25562) granting an increase of pension to William M. Temple; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 25563) granting an increase of pension to Johnson V. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25564) granting an increase of pension to George W. Pitner; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 25565) granting an increase of pension to William J. Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25566) granting a pension to Sarah F. Bates; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 25567) granting a pension to H. C. Clements; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 25568) granting a pension to Nina J. Eckles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25569) granting a pension to Isaac Shoaf; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 25570) granting a pension to Elizabeth A. Campbell; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25571) granting a pension to Edward Lichtenstein; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BUTLER: Petition of the Daughters of Liberty of Parkesburg, Pa., favoring the discontinuance of the wearing of religious garb in Indian schools; to the Committee on Indian Affairs.

By Mr. FULLER: Petition of the Brotherhood of Locomotive Engineers, Cleveland, Ohio, favoring the passage of the workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, petition of the Committee of Wholesale Grocers of New York City, concerning the proposed duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. McMORRAN: Petition of church parishes and societies of Detroit and Hamtramck, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of postal employees at Helena, Mont., against provision in House bill 24023, relating to five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. SCULLY: Petition of the Daughters of Liberty of New Jersey and Pride of Hickering Council, No. 927, Order of Independent Americans, Charlestown, Pa., both favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Locomotive Engineers, Cleveland, Ohio, favoring passage of the workmen's compensation act; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Paper to accompany bill granting pension to Elizabeth A. Campbell; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *July 3, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

UNRIGGED VESSELS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4445) concerning unrigged vessels, which were, on page 1, line 2, after "by," to insert "a"; on page 1, line 3, to strike out "shipbuilders" and insert "shipbuilder"; on page 1, line 4, after "that," to insert "an"; on page 1, line 4, to strike out "vessels" and insert "vessel of the United States"; on page 1, line 5, to strike out "have" and insert "has"; and, on page 1, line 6, to strike out "are" and insert "is."

Mr. NELSON. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

WHITE RIVER DAM, ARK.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARKE of Arkansas. I ask that the bill and amendments may lie on the table, without prejudice, subject to the further action of the Senate.

The PRESIDENT pro tempore. The bill and amendments will lie on the table until called up by the Senator from Arkansas.

CORBETT TUNNEL, WYOMING.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, which was to strike out all after the enacting clause and insert:

That all persons having supplied labor or materials for the prosecution of the work of constructing the Corbett Tunnel as a part of the Shoshone irrigation project in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States, and their assigns and legal representatives, are hereby given the full rights and remedies awarded to persons supplying labor and materials in the prosecution of public works, as set forth in the act of August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," to the same force, extent, and effect as if the act had not been amended, modified, or repealed, with full right of action in the name of the United States for his or their use and benefit against any contractor or contractors and their sureties upon any bond or bonds furnished to the United States under any such contract: *Provided*, That no action prosecuted under this act shall involve the United States in any expense; and to amend the title so as to read: "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project."

Mr. BORAH. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz.;

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 25531. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (No. 57) requesting the President to return to the House the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 458. An act for the relief of the Turner Hardware Co.;

S. 897. An act for the relief of Alfred L. Dutton;

S. 1293. An act for the relief of Herbert Thompson;

S. 1754. An act for the relief of William F. McKim;

S. 4180. An act for the relief of Alessandro Comba;

S. 5287. An act for the relief of Kate Ferrell;

S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.;

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri;

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress; and

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic services rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of sundry citizens of Laconia, N. H., praying for the enactment of an interstate

liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of Local Union No. 710, Packing House Teamsters and Chauffeurs' Union, of Chicago, Ill., praying for the enactment of legislation providing for the better protection of American seamen, which was referred to the Committee on Commerce.

He also presented petitions of Local Union No. 841, United Brotherhood of Carpenters and Joiners of America, of Carbondale; of Local Union No. 140, Amalgamated Sheet Metal Workers' International Alliance, of Normal; and of Local Union No. 4, American Brotherhood of Cement Workers, of Chicago, all in the State of Illinois, praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

Mr. ASHURST presented a petition of Local Union No. 476, International Union of Steam Engineers, of Miami, Ariz., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a petition of sundry assistant inspectors of steam vessels at the port of New York, praying for an increase in their salaries, which was referred to the Committee on Commerce.

Mr. BRIGGS presented petitions of sundry veterans of the Spanish-American War, residents of Newark, N. J., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which were referred to the Committee on Pensions.

He also presented petitions of the Cigar Makers' Local Union; of the Typographical Union; of Local Union No. 228, Journeymen Tailors; of Carmen's Local Union No. 540; of Local Union No. 124, Bartenders' League; and of Machinists' Lodge No. 315, of Trenton; and of the International Association of Machinists, of Elizabeth, all in the State of New Jersey, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Fisheries, to which was referred the amendment submitted by Mr. LODGE on the 3d ultimo to the sundry civil appropriation bill (H. R. 25069), proposing to appropriate $5,000 to investigate the method of fishing known as beam or otter trawling, reported it without amendment, submitted a report (No. 903) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River, reported it without amendment and submitted a report (No. 902) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 1739) to amend section 4875 of the Revised Statutes, to provide a compensation for superintendents of national cemeteries, reported it without amendment.

Mr. WARREN. On June 27 the message from the President of the United States recommending an appropriation to defray the expenses of camps and maneuvers of the Organized Militia during the coming summer was received and was referred to the Committee on Appropriations. I ask that that committee be discharged from further consideration of the message of the President and that it be referred to the Committee on Military Affairs, as it relates to items in the Army appropriation bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CUSTOMHOUSE BUILDING AT BOSTON, MASS.

Mr. SUTHERLAND. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 24227) to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes," approved March 4, 1909. I call the attention of the Senator from Massachusetts [Mr. LODGE] to the bill.

Mr. LODGE. I ask for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. CHAMBERLAIN. I should like to have the Senator from Massachusetts state the purpose of the bill. I have not seen it.

Mr. LODGE. Congress appropriated for the new customhouse at Boston $1,800,000 and included in that appropriation the cost of taking temporary quarters during the change and all expenses connected with the removal to temporary quarters and back again. It has been found absolutely impossible to complete the building and pay those expenses out of the fund appropriated for the building. This is simply to allow the original amount to go for the construction of the building and to pay those expenses separately. The bill has passed the House after very full hearing and discussion. It is absolutely necessary for the completion of the building, which is now under way.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN HARNEY NATIONAL FOREST.

Mr. CLARK of Wyoming. From the Committee on Public Lands, I report back favorably without amendment the bill (H. R. 21259) to allow an exchange of certain lands in the Harney National Forest, and I submit a report (No. 901) thereon. As it is in the nature of a correction of an act already passed by both Houses, I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment.

Mr. GRONNA. I ask that the bill be read again.

The PRESIDENT pro tempore. Without objection, the bill will be read by the Secretary.

The Secretary again read the bill.

The bill was ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 7228) granting an increase of pension to James McMahon (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 7229) to make desert-land entries eligible to patent by means of the dry-farming process; to the Committee on Public Lands.

A bill (S. 7230) to grant an honorable discharge to John E. Simmons (with accompanying papers); to the Committee on Military Affairs.

By Mr. WORKS:

A bill (S. 7231) granting an increase of pension to Samuel E. Merriam (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7232) granting an increase of pension to Carrie M. Mathews (with accompanying papers);

A bill (S. 7233) granting an increase of pension to William J. Heal (with accompanying papers);

A bill (S. 7234) granting an increase of pension to Andrew E. Clark (with accompanying papers);

A bill (S. 7235) granting an increase of pension to Isaac A. Conant (with accompanying papers); and

A bill (S. 7236) granting an increase of pension to Charles G. Glidden (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7237) to reserve certain lands and to incorporate the same and make them a part of the Santiam National Forest; to the Committee on Public Lands.

By Mr. LODGE:

A bill (S. 7238) granting a pension to Jane M. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7239) to correct the military record of John W. Cleavenger; and

A bill (S. 7240) to correct the military record of William S. Hess; to the Committee on Military Affairs.

A bill (S. 7241) granting a pension to Samuel Jackson;

A bill (S. 7242) granting a pension to Marshall Ray;

A bill (S. 7243) granting a pension to Mrs. D. H. Crews;

A bill (S. 7244) granting a pension to Henry Synnamon;

A bill (S. 7245) granting an increase of pension to Timothy Ellison;

A bill (S. 7246) granting an increase of pension to Joseph Bigham;

A bill (S. 7247) granting an increase of pension to James B. Evans (with accompanying paper);

A bill (S. 7248) granting a pension to Samuel Jackson (with accompanying papers);

A bill (S. 7249) granting a pension to Margaret A. Graham (with accompanying papers);

A bill (S. 7250) granting a pension to Lettie Vilatt (with accompanying paper); and

A bill (S. 7251) granting a pension to James Thompson (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. SMOOT submitted an amendment proposing to appropriate $5,500 for the compensation of the clerk and assistant clerk to the Joint Committee on Printing, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $900 for the salary of the terrapin and fish culturist at the biological station, Beaufort, N. C., etc, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to increase the appropriation for the post-office building at St. Petersburg, Fla., in the sum of $25,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MILL EMPLOYEES AT LAWRENCE, MASS.

Mr. POINDEXTER. Mr. President, I move that the report of the Secretary of Commerce and Labor in regard to the condition of employees in the mills at Lawrence, Mass., be printed as a Senate document.

Mr. SMOOT. This report was submitted to the Senate, I think, on July 1. There were no instructions for printing the document accompanying the reference to the Committee on Printing. It is an exceedingly voluminous report. I do not know how many volumes there will be in it, but quite a number. The expense will be quite heavy. I just want to call the attention of the Senate to the fact, and then Senators can determine whether it is best to be printed as a public document or not. If the Senate thinks best, of course it will be done; but I want to say to the Senator that it will be a very, very expensive piece of work.

Mr. GALLINGER. If the Senator from Washington will permit me, I will ask the Senator from Utah if an estimate has been made as to the expense of printing this document?

Mr. SMOOT. I have not asked for an estimate, for the reason that there was no instruction to have it printed. But I think before it is printed, if the Senator from Washington desires it to be printed, the best thing to do would be to let it go over, and I will ask for an estimate, and we will know just what the work will cost.

Mr. GALLINGER. I suggest to the Senator from Washington that he do that. I will cooperate with him to have this printed if the Senator thinks it desirable. It is now in the hands of the committee, and I think the committee ought to be allowed to make the usual inquiry.

Mr. POINDEXTER. I agree with the Senator as to that matter. The only reason I made the motion was because the chairman of the committee had informed me that they would take no action unless they were so directed by the Senate. I should like to ask the Senator from Utah how long it will be before he can give the Senate an idea of the cost of this printing?

Mr. SMOOT. By Friday or Saturday we will have an estimate.

Mr. POINDEXTER. If the Senator will do that, I will defer the matter until that time.

Mr. SMITH of South Carolina. I should like to ask the Senator from Washington if this report that he is asking to have printed as a Senate document is a report made pursuant to a resolution of Congress to investigate conditions at Lawrence?

Mr. POINDEXTER. Yes; it was a Senate resolution.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 57) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the President be, and he is hereby, requested to return to the House of Representatives the bill (H. R. 25515) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I ask the Senate to agree to the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

HOUSE BILLS REFERRED.

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz., was read twice by its title and referred to the Committee on Public Lands.

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read the first time by its title and referred to the Committee on Appropriations.

H. R. 25531. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, was read the first time by its title and referred to the Committee on Military Affairs.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. On the 1st instant the Senate disagreed to the amendments of the House of Representatives to the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and requested a conference with the House on the disagreeing votes of the two Houses thereon. I desire to enter a motion to reconsider the votes by which the House amendments were disagreed to.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

Mr. McCUMBER. I move that the House be requested to return to the Senate the bill and amendments of the House.

The motion was agreed to.

IRRIGATION PLANT AT GARDEN CITY, KANS.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the bill (S. 6784) for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SMOOT. Let the bill be read first.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The Committee on Irrigation and Reclamation of Arid Lands proposes to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and hereby is, authorized to have appraised, and dispose of at not less than the appraised value, at public or private sale, by sealed bids or otherwise, under such terms as may be approved by him, the irrigation plant built under the terms of the reclamation act of June 17, 1902 (Stat. L., p. 388), located in Finney County, Kans., together with the machinery, wells, pumps, transmission lines, and all other appurtenances, and the lands of the United States on which they are located, either as a whole or separately, in his discretion. The Secretary of the Interior is hereby authorized to execute appropriate conveyances for the real property sold hereunder.

SEC. 2. That the contracts heretofore entered into between the Finney County Water Users' Association, of Finney County, Kans., or with individual landowners, and the Secretary of the Interior, for the supply and use of water from the irrigation plant of the United States be, and the same are hereby, canceled and relieved and the liens upon the lands in said county created by such contracts are hereby released and discharged.

There being no objection, the bill was considered as in Committee of the Whole.

Mr. SMOOT. I should like to ask the Senator from Kansas to make a brief statement as to why the bill should pass, and the object of it.

Mr. CURTIS. Mr. President, the bill as reported was drawn by the Department of the Interior.

About 10 years ago this project was built by the Government and under an agreement to supply water to the members of the water users' association. They have never been able to comply with the contract. The management was not satisfactory and the plant as put in was not feasible.

Two years ago Congress authorized an extension of time to see if proper arrangements could not be made, but they have failed. The plant has not been used for two years or longer. It is in the hands of a carekeeper, who is being paid for taking care of it. The water is not being used; in fact, the machinery is not being used. Nothing is being done with it. The officers of the department think it would be best to sell the machinery and get rid of the plant to the best advantage possible.

Mr. HEYBURN. Mr. President, I should like to ask a question or two in connection with this bill, because it goes to the sufficiency and efficiency of the whole system.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. CURTIS. Certainly.

Mr. HEYBURN. Was this a pumping plant?

Mr. CURTIS. It was a pumping plant, and one of the first put in; but I understand that the experience of the Government at this plant has caused them to change their plans in other places. I think I was advised by the department that there were but three or four plants put in of this kind.

Mr. HEYBURN. How much did this pumping plant cost?

Mr. CURTIS. Something over $300,000, all told.

Mr. HEYBURN. Where did it get the water?

Mr. CURTIS. The water was supposed to be supplied from a number of wells; I think 20 in number.

Mr. HEYBURN. This was a well proposition?

Mr. CURTIS. This was a well or pumping proposition, including the plant, machinery, and so forth.

Mr. HEYBURN. In what part of the State of Kansas is it located?

Mr. CURTIS. It is in the southwestern part of the State, where they have a great underflow, and this was supposed to tap that underflow.

Mr. HEYBURN. It is an arid region on the surface?

Mr. CURTIS. Semiarid.

Mr. HEYBURN. Semiarid. They bored these, some 15 or 20 of these wells?

Mr. CURTIS. About 20 of them.

Mr. HEYBURN. Did they tap that underground flow of water?

Mr. CURTIS. They did; and I think they made a mistake in trying to carry the water a long distance in sand ditches instead of in cement ditches.

Mr. HEYBURN. That is, they pumped it to the surface and then undertook to distribute it by natural flow over the surface?

Mr. CURTIS. They did; not by the natural flow, but by means of ditches, carrying the water by gravitation.

Mr. HEYBURN. That is, the water flowed naturally?

Mr. CURTIS. Yes; for some 10 or 12 miles.

Mr. HEYBURN. Did the ditches leak?

Mr. CURTIS. That water seeped out; yes, sir.

Mr. HEYBURN. And the water that had been pumped up was lost?

Mr. CURTIS. It was largely lost.

Mr. HEYBURN. How many acres were to be supplied?

Mr. CURTIS. About 7,600 acres.

Mr. HEYBURN. The entire cost of this plant was about how much?

Mr. CURTIS. It was over $300,000. I can not tell exactly how much.

Mr. HEYBURN. Did they get any water on any of the lands?

Mr. CURTIS. On a few pieces the first year or two, but it has not been a success.

Mr. HEYBURN. On a few pieces?

Mr. CURTIS. On a few tracts.

Mr. HEYBURN. But practically not at all?

Mr. CURTIS. Not enough to justify the continuance of the plant.

Mr. HEYBURN. Now, it is proposed to sell the plant and the machinery, I suppose?

Mr. CURTIS. It is proposed to sell the machinery, because the principal expense has been in putting in the machinery.

Mr. HEYBURN. Why do they not move it to some other plant?

Mr. CURTIS. That was considered by the department; and, I understand, they thought it would be better to sell it, because other pumping plants are being used successfully in that neighborhood, where they pump water directly on the land and do not try to carry it in ditches 6 or 8 or 10 miles, and there should be a demand for the plant.

Mr. HEYBURN. Has the probable price the machinery will bring been estimated?

Mr. CURTIS. It has not been. The department, of course, knows what it cost. The principal expense was in building the plant and for the machinery.

Mr. HEYBURN. I am not seeking to catechize the Senator, but am merely asking these questions for the sake of obtaining information.

Mr. CURTIS. I appreciate that fact.

Mr. HEYBURN. We have a pumping plant in our State, and I am looking for information as to the feasibility of pumping plants. I do not want to see, nor does any Senator desire to see, money expended in the installation of pumping plants unless the results are satisfactory.

Mr. CURTIS. Mr. President, there was a letter written by the department two years ago, which is a part of the files of the committee, asserting that this plant was not feasible, and time was asked to see if it could not be made feasible.

Mr. HEYBURN. When was the plant installed?

Mr. CURTIS. About 10 years ago.

Mr. HEYBURN. And it took them about 10 years to find that out?

Mr. CURTIS. It took them about eight years to find it out.

Mr. ROOT. May I ask the Senator from Kansas a question?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New York?

Mr. CURTIS. Certainly.

Mr. ROOT. I should like to ask whether any Government lands have been irrigated or are being irrigated by this plant?

Mr. CURTIS. No Government lands are irrigated by this plant at all.

Mr. ROOT. May I ask, then, what was the warrant of law, the constitutional authority, for the Government to establish this plant and to engage in the business of irrigating private lands?

Mr. CURTIS. That is a question I can not answer. I know that the plant was established. I was not a Senator at the time it was done, but know that it has been established; and that is all that I know about it.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. I do.

Mr. SMOOT. Is the Government to lose all the money that is lost in the process?

Mr. CURTIS. Oh, no. As I have stated, the principal item of expense has been the machinery. The machinery is nearly as good as new, and it ought to bring a good price, if it is transferred to some other locality, to be used. It is just about as good as new machinery.

Mr. SMOOT. Did the water users dig the ditches or did the Government pay for them?

Mr. CURTIS. I can not answer that question positively, but I think the Government dug the ditches.

Mr. SMOOT. Has the Senator any idea as to what the cost will be to the Government in abandoning the plant?

Mr. CURTIS. I do not know what the machinery will bring, but I should judge that it could be sold for about what it cost; and I understand that most of the money was put into machinery.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas further yield?

Mr. CURTIS. Yes.

Mr. HEYBURN. If the Government built the ditches and they were unsuitable for the purpose of carrying the water, then that would be a dead loss, would it not?

Mr. CURTIS. Certainly; but the ditches were dug in sand and could not have been very expensive.

Mr. HEYBURN. Did the Government drill the wells?

Mr. CURTIS. The wells are only 20 feet deep, and there was little expense in drilling wells of that depth.

Mr. HEYBURN. And this plant, as the Senator from Kansas has stated in response to a question of the Senator from New York [Mr. ROOT], was installed solely for commercial purposes, to sell water to owners of land in which the Government had no interest?

Mr. CURTIS. So I understand—under certain contracts.

Mr. HEYBURN. I think it would be very difficult to find any warrant of law for that kind of procedure. I should like to have seen a pretty thorough investigation in a case of this kind, so as to perpetuate the facts for future reference, because all sorts of experiments are being tried. I am thoroughly in sympathy with the system of irrigating the public lands, but I am not in favor of the Government engaging in the business of producing water and selling it to private owners.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. CURTIS. Certainly.

Mr. GALLINGER. I assume, Mr. President, that if the matter shall remain as it is now this will be a dead loss to the Government——

Mr. CURTIS. It is a dead loss; it is an expense every year.

Mr. GALLINGER. While, if the terms of the bill are complied with and the property is sold, the Government will recoup itself to some extent.

Mr. CURTIS. Certainly.

Mr. GALLINGER. The Senator from Kansas is optimistic when he says that the Government will get as much for the machinery as it originally cost.

Mr. CURTIS. I did not mean that. I meant about as much as it cost, as the machinery is in good condition.

Mr. GALLINGER. It seems to me that inasmuch as it seems to be definitely settled that this project is a failure, the sooner

the Government unloads it the better, because the Government will get back a part of the money that has been expended. For that reason I shall vote for the bill.

I am a believer in the irrigation project, although it does not affect my part of the country; I have given it my support; but I have taken occasion several times to say that I think there has been very great mismanagement on the part of somebody in establishing these irrigation projects in certain sections of the West, and it seems to me that this is a demonstration that, at least in one instance, there has been a lack of judgment or good business sense in expending the public money. If this matter will lead to an inquiry along the lines suggested by the Senator from Idaho [Mr. HEYBURN], as to the propriety or feasibility of establishing pumping stations, or whatever you may call them, it may save us some money in the future. I shall vote for the Senator's bill on the ground that we had better get something out of this rather than to have a dead loss to the Government and to the people of the country.

Mr. HEYBURN. A further question, if the Senator from Kansas will permit me.

Mr. CURTIS. Certainly.

Mr. HEYBURN. Does this bill provide for a report being made to Congress of the result of this sale?

Mr. CURTIS. It does not.

Mr. HEYBURN. Well, I think it should provide for an account being stated regarding this enterprise.

Mr. CURTIS. I am perfectly willing that an amendment of that kind be attached to the bill.

Mr. HEYBURN. I have not at hand a copy of the bill, and I think it has not been reprinted.

Mr. CURTIS. That can be provided for by a resolution at any time.

Mr. HEYBURN. We can just as easily provide for it in this bill. I now have a copy of the bill, and I will move to amend by adding to section 3 a proviso——

Mr. GALLINGER. Why not make it a separate section?

Mr. HEYBURN. Very well; I will make it a separate section. I move to amend by adding as a new section the following:

SEC. 3. That the Secretary of the Interior shall make to Congress a statement of the expenditure connected with this reclamation project and the amount received from its sale.

I think that covers it.

Mr. CURTIS. I have no objection to that amendment.

Mr. BORAH. Mr. President, this enterprise is perhaps a failure in a sense; but it is no surprise that in initiating or inaugurating a great scheme of reclamation of the arid lands, such as was inaugurated a few years ago, there should be some mistakes. I ask, however, Senators to bear in mind that these mistakes are not borne by the Treasury, but they are borne by the people who are out upon the land, and we need not be disturbed over the fact that a few dollars are lost, so far as the Government is concerned. We are going to have to take up very shortly, however, the subject of relieving the settlers from the burden of any mistakes which have been made in any of these enterprises. If mistakes are made, which ought not to be a surprise, still the Government must in the end bear the same. Any unnecessary or mistaken charges should not be charged against the settler. I propose later to submit this whole proposition in proper form for the consideration of the Congress.

Mr. HEYBURN. Mr. President, I would not like to have it understood that I was antagonistic to the reclamation system; on the contrary I have always been one of its most ardent supporters. I think, however, where an effort was made, as it was made in this case, and it has not succeeded, we should obtain the information as a guide to us in our future action. There can be no objection to having the facts in the case.

Mr. BORAH. I have no objection to having the facts in this particular instance, but I do object to the general criticism which seems to be lodged against the department, because, as I have said, while this particular enterprise may have been a failure, it is no surprise that there should be misjudgment in one particular instance, or even in several instances. The matter was wholly a new proposition and must necessarily be worked out with experience and, therefore, result in some mistakes. I said a moment ago, whatever mistakes there have been have been lodged upon the settlers, and when we get ready to rectify these mistakes we ought not to direct our attention so much to the Public Treasury as to relieving the settlers of the mistakes and exempting them from the results of these mistakes.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to his colleague?

Mr. CURTIS. Certainly.

Mr. BRISTOW. I myself regret that the Government has not continued the operation of this plant. I understand the theory is that the water has to be lifted farther than is justified by pumping in order to secure water to irrigate the crops that are grown there. As I understand, the water has to be lifted about 15 feet, has it not?

Mr. CURTIS. The difficulty is not so much in raising the water as it is in carrying it and putting it upon lands that are located a long distance from the pumping plant and the wells.

Mr. BRISTOW. The objection, as I understand from the officers in charge, was that the department had concluded that the water was costing more than it was worth. I do not believe that it ought to cost more than it is worth; but I am not going to antagonize the wishes of the department in disposing of this plant, because I believe it will be acquired by somebody who will make a success of it. The department has failed, but I think that failure is due more to prejudice against the proposition than it is to anything else.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Idaho [Mr. HEYBURN] to the amendment reported by the committee. The Secretary will state the amendment to the amendment.

The SECRETARY. At the end of the bill it is proposed to add a new section to read as follows:

SEC. 3. That the Secretary of the Interior shall make to Congress a statement of the expenditure connected with this reclamation project and the amount received from its sale.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY MANEUVERS.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 332) appropriating $1,350,000 for encampment and maneuvers for the Organized Militia, to report it favorably with amendments. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the joint resolution.

Mr. SMOOT. I desire to ask the Senator in charge of the joint resolution whether it carries the same amount that was appropriated in the Army appropriation bill?

Mr. DU PONT. I will say to the Senator from Utah that I understand it to be exactly the same amount.

My attention has been called to the fact that the resolving clause of the joint resolution as it passed the House is not in the form required by law or statute. I therefore move to amend the resolving clause by striking out the words "Be it," in the first line of the joint resolution, and inserting the words "of America" after "United States," in line 2. I do so in order to make it conform to the statute.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the resolving clause of the joint resolution so as to conform to the statute and to read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I move that the Senate proceed to the consideration of House bill 20728, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. CLAPP. I call attention to page 11, which was passed day before yesterday, and, in line 1, after the word "to," to strike out "pay" and insert "approve the payment of." It would seem as it is that this is an authority for the payment of money, whereas payment has already been made.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Minnesota.

The SECRETARY. On page 11, in the committee amendment, line 1, strike out the word "pay," the last word in the line, and insert "approve the payment of," so that it will read:

The accounting officers of the Treasury are hereby directed to approve the payment of the salary of H. C. Phillips.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Mr. President, I was called from the Chamber when the bill was under consideration before. I will ask the Senator from Minnesota if the bill has been concluded, so far as the committee amendments are concerned?

Mr. CLAPP. Oh, no; but I will treat the Senator's amendment as a committee amendment, if the Senator wishes to offer it now.

Mr. GALLINGER. Mr. President, when this bill was before the Senate a few days ago there was more or less discussion as to the paragraph on page 5, commencing with line 20, and including line 24, which reads:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination.

In the House bill $60,000 was appropriated. I believe the recommendation was that it should be $250,000, and it was compromised by making it $150,000.

I took occasion when the matter was up before to make some observations as to the indefiniteness of the prevalence of these diseases among the Indians, recognizing the fact that they existed, but not being satisfied as to the accuracy of the statements concerning their prevalence. One Senator, for instance, said he understood that about 70 per cent of the Indians in the United States were afflicted with trachoma, an infectious disease of the eyes. It seemed to me extraordinary that that could possibly be the fact.

Mr. President, we propose to expend $150,000 to relieve this condition, provided the bill as amended is agreed to by the conferees. I desire to offer an amendment to that paragraph making a small appropriation for an investigation of this matter, with a view to having definite information when the next bill shall be under consideration, and I send to the desk the amendment I propose.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 5, line 24, after the word "dollars," insert:

Provided, That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to enable the Public Health and Marine-Hospital Service to make a thorough examination as to the prevalence of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases among the Indians of the United States, full report to be made to Congress not later than February 1, 1913, with such recommendations as may be deemed advisable.

Mr. CLAPP. The committee will accept that as a committee amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to. The Chair understands that the amendment preceding that has already been agreed to.

Mr. CLAPP. Yes.

The PRESIDENT pro tempore. The present occupant of the chair was not in the chair at that time.

Mr. GRONNA. I wish to offer an amendment on page 5——

The PRESIDENT pro tempore. Committee amendments under the order are first to be considered.

Mr. GRONNA. I understand that the chairman——

Mr. CLAPP. If the Senator will yield to me for a moment, I think if we can at this time pass these matters, which are somewhat formal, we may as well close them up.

The PRESIDENT pro tempore. Very well.

Mr. CLAPP. Therefore I will treat it as a committee amendment, and the Senator can offer it.

Mr. GRONNA. On page 5, line 11, strike out "seventy-five" and insert "one hundred." This was not estimated for, as I understand, when the bill was before the committee, but the President pro tempore laid before the Senate yesterday a letter which fully explains the importance of the amendment I now offer.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 5, line 11, strike out "seventy-five" and in lieu insert "one hundred," so that if amended it will read:

For the suppression of the traffic in intoxicating liquors among Indians, including the illegal introduction of intoxicating liquors into the State of Oklahoma, $100,000.

The amendment was agreed to.

Mr. CLAPP. I notice the Secretary read that provision as though the words "including the illegal introduction of intoxicating liquors into the State of Oklahoma" were in the paragraph. Strictly speaking they were stricken out, although I am going to move to reinsert them, and at this point I move to reconsider the vote by which those words were stricken out.

The PRESIDENT pro tempore. The Senator from Minnesota moves to reconsider the vote by which the Senate disagreed to the amendment found on page 5, lines 10 and 11. Without objection the motion to reconsider is agreed to. The question now is on the motion of the Senator from Minnesota—to what effect?

Mr. CLAPP. To agree to the amendment as it has been amended.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CLAPP. On page 14 there is an item which went over. I move that the Senate agree to the Senate amendment on page 14.

The PRESIDENT pro tempore. The Secretary will state the amendment on page 14, the Chair being informed that it has not yet been reported to the Senate.

The SECRETARY. On page 14, line 3, after the word "dollars," it is proposed to insert the following proviso:

Provided, That the proportion of the cost of the irrigation project on the Gila River Indian Reservation heretofore and herein authorized to be paid from the public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: *Provided further*, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project, to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

The PRESIDENT pro tempore. The question is on the adoption of the amendment just read.

Mr. CLAPP. I wish to call the attention of the Senator from Idaho [Mr. HEYBURN] to this amendment. It is a matter which was passed over on his request. It comes in at the place where we make provision for the Pima Indians. The charges for irrigation, so long as they retain the title, will not be collected, but will become collectible upon their sale of the land.

Mr. HEYBURN. Mr. President, it is an embargo upon transfer. Do I understand that it would be an accumulated charge in the event of an attempt to sell at the end of five years, or would it only result in charges being collected after the sale?

Mr. CLAPP. It is the proportionate cost of the project. I wish to say that this is done by the Federal Government as a gratuity, and it is in the nature of a limitation upon the gratuity. So long as the Indian himself or his heirs enjoys the gratuity the Government does not enforce it, but if the Indian desires to sell his land then it becomes a charge against the land.

Mr. HEYBURN. The difficulty seems to me to arise out of the failure to take into consideration the fact that the Indian already owns the land.

Mr. CLAPP. He owns the land, but does not own this increased value the Government gives by reason of the irrigation.

Mr. HEYBURN. But he is not asking for this blessing. He is content to own the land. Now along comes a very generous patron who says, "We will add to the value of your property upon which you are living perfectly content at present, and we will put a burden upon it that will prevent you from ever selling it."

Mr. CLAPP. If the Senator will pardon an interruption, I do not think his deduction is properly drawn. This land would be worthless without water. While there are some Indians who do not yet appreciate the value, the average Indian to-day does desire to have an increased value placed upon his allotment. As to these particular Indians I am not able to state; they may not have asked for this; but I do know that in many instances the Indians have asked that we appropriate money to irrigate their land, and it is not in all cases forced upon them.

Mr. HEYBURN. Mr. President, I think the Government should make provision for irrigating the Indian lands where they need irrigation. Some grave mistakes have been made. For instance, in the case of the Pocatello Indian Reservation, they provided for a large payment in money to the Indians. They should have provided for an expenditure of the money to bring water on the land. That is only one instance. I could

name a number of such instances. We ought to get away from that class of mistakes in dealing with these funds that might be applied to the irrigation of Indian lands. The Indians are not so organized that they themselves can negotiate loans or organize water companies or do the ordinary things that are available to other citizens.

I did not intend to precipitate a general consideration of the question of irrigating Indian lands when I made this suggestion. I merely intended to do no more than call attention to it in passing.

It is a tribe of Indians with which I have little or no acquaintance. I am not familiar enough with the facts to say whether or not these Indians have been given lands in severalty that were of no value except that they afterwards be subjected to the burden of irrigation at the expense of the Government with a forfeiture clause, because this amounts to a forfeiture clause, in the event they want to sell the lands.

The Indian to-day is a very different proposition from the Indian of a few years ago. Our Indians are just as capable of transacting business as their white neighbors, and it is a farce to talk about having guardians over them. A great evil in the last 12 years has grown out of the erroneous idea that the Indians must have a guardian. They were getting along very well 12 years ago. In many instances they were capable of making contracts satisfactory to them in regard to the use of their lands. But a lot of men who wanted a job, men who wanted to multiply the necessity for offices, got in and said, "No, Mr. Indian, you may think you are wise; you may conduct yourselves so that other people will think you are; but we would not have any job unless we got the opportunity to get possession of your land and treat you as though you were not intelligent human beings."

I know from observation, as do many other Senators, that the idea that the Indian is a ward who must be taken care of and administered is no longer based upon facts. We have tribes of Indians where I have attended the commencement exercises, and I have witnessed the commencement exercises of schools where the Indians were as good performers as you would find anywhere in the United States. Farmers who ride upon their reapers and binders and sulky plows and have stock and homes as others are not to be treated as the wards of anybody. They are more like barons. Take them down on the Umatilla Reservation or on the Nez Perce Reservation; they employ white men to work for them, because they are rich enough to do it. They have a larger balance to their credit in the banks than any other class of people, and notably so. Now, if we are going to treat them as though they were children in violation of their rights we must account for it.

I was rather interested in the little discussion that preceded this section and the talk about spending $100,000 to investigate the cause of the difficulty with the Indians' eyes. When I first went among the Indians, a good bit more than 30 years ago, they lived in tepees with the fire even on the ground and the only outlet for the smoke was the unfurled peak of their wigwam or tent, and they all had what we called "blinky" eyes. Their eyes were opening and shutting all the time from habit and necessity growing out of the smoky condition inside their tepees. That is no disease. It probably resulted in a general weakness of the eyes. It did not appear until the Indians were pretty well grown, and then you would see young Indians of both sexes, especially female Indians who would be in the tepees more of the time than the male Indians, who had acquired the habit of opening and shutting the eyes constantly, and not being able to hold them open as others not subjected to those conditions. Yet we have been talking about spending $100,000 to find out the cause of something that is termed a disease, that is no disease at all.

I merely speak these words of admonition. In dealing with the Indians we must recognize that they are progressive people, too, as well as some others.

Mr. CLAPP. Mr. President, to correct one erroneous thought that might flow from the Senator's remarks I want to say that this is not the imposition of a burden upon the Indians. Primarily this fund would be repayable in regular terms. It is the extension of the payment indefinitely on condition that the Indian shall remain the owner of the land.

Mr. HEYBURN. It was because of that I asked the Senator the question whether or not this applied when the Indians sold the land and thenceforward, or whether there was an accumulated charge to be taken into account and when they sold the land that would have to do with it.

Mr. SMITH of Arizona. Mr. President, this particular item leads me to call the attention of the Senate at this time to the very different treatment accorded the Indians and the white men not only at Yuma, but all over the West. We have been attempting, under the irrigation scheme at Yuma, to extend the time of payment which the farmers owe the Government for that project. Contracting for a few million dollars, the Government has finally a claim against those people for a vast sum of money running into the millions. Under the terms of their agreement with the farmers those debts will soon fall due. Inasmuch as the farmers are at great expense outside of the contract that they have with the Government they feel that their time for payment should be extended. I purpose, if I can during this session, to get an extension of that time.

I will not delay this bill now, but I call the attention of the Senate to the fact and to the absolute necessity of the Government dealing some sort of favor to those people, as is shown in the effort here to do a very great justice to the Indians in this matter. I shall content myself now with this mere observation.

Mr. CLAPP. I wish to say, Mr. President, I am thoroughly familiar with the case the Senator refers to; it is a meritorious case, and when the time comes, for one I shall be very glad to contribute my small influence in securing a remedy.

I ask for the adoption of the amendment on page 14.

The amendment was agreed to.

Mr. CLAPP. I call the attention of the Senate to page 21 and offer the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 21, after line 9, insert the following item:

For the construction of buildings for agency headquarters on the Coeur d'Alene Indian Reservation in Idaho, $30,000.

Mr. CURTIS. Is that estimated for?

Mr. CLAPP. It was not estimated for. It is a supplemental estimate which the department sent in.

Mr. HEYBURN. The report of the department is here.

Mr. CLAPP. The department recommended it.

The amendment was agreed to.

Mr. CLAPP. I now desire to call the attention of the Senate to page 39. In the items under "North Carolina," I desire to move the following committee amendment:

On line 18, in lieu of the word "twenty-six," insert "thirty-one"; on line 19, in lieu of "six," insert "five"; and on line 19, in lieu of the word "fifty," insert "sixty."

It seems that the amount placed in the bill was a misprint, and these are to correct it to conform to the estimate.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 39, line 18, strike out "twenty-six" and insert "thirty-one"; line 19, strike out "six" and insert "five"; and line 19, before the word "dollars," strike out "fifty" and insert "sixty," so that if amended it will read:

For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $31,560.

The amendment was agreed to.

Mr. CLAPP. I move to further amend by making the total agree to the figures which have been substituted.

The PRESIDENT pro tempore. The amendment will be agreed to, changing the total as stated.

Mr. CLAPP. I now desire to call attention to page 55. I offer the following amendment to be inserted after line 3 after the amendments already inserted upon that page.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 55, just above the subhead "Oregon," insert:

That the act of Congress approved February 19, 1912 (Public, No. 91), being an act to provide for the sale of the surface of the coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, be, and the same is hereby, amended to provide that the classification and appraisement of such lands shall be completed not later than February 1, 1913.

Mr. CLAPP. That is to extend the time for making the classification. The amendment is offered on the request of the department.

The amendment was agred to.

Mr. CLAPP. On the same page, following the amendment just agreed to, I offer the following committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. To follow the amendment just agreed to, insert:

That the Secretary of the Interior be, and he is hereby, requested to report to Congress at the opening of the next session of Congress as to the advisability and the probable cost of securing homes in Oklahoma and New Mexico for the Apache Indians now held as prisoners of war on the Fort Sill Military Reservation, Okla.

The amendment was agreed to.

Mr. CLAPP. I desire to call the attention of the Senator from Kansas [Mr. CURTIS] to the amendment I am about to

offer. Some time ago the Senate passed a bill authorizing the exchange of homestead allotments on the Osage Reservation, subject to the authority of the Secretary of the Interior. I realize that it is legislation. In the absence of the Senator from Oklahoma I shall offer it as an amendment, following the amendment just agreed to.

Mr. CURTIS. I make the point of order against the amendment. I will wait until after it is read.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. CURTIS. That it is general legislation and the cost has not been estimated for.

Mr. CLAPP. It does not involve any cost.

Mr. GALLINGER. I would suggest that the amendment should first be read. I do not know what it is.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. After the amendment just agreed to, on page 55, insert:

That the Secretary of the Interior be, and he hereby is, authorized to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve: *Provided*, That where a homestead or homesteads pass in the exchange, in whole or in part, an equivalent in value of land suitable for agricultural purposes shall be furnished, to be designated as a homestead. The new homestead shall be subject to the same restrictions as the original homestead. The Secretary shall have authority to do any and all things necessary to make these exchanges effective. That the Secretary of the Interior be, and he hereby is, authorized, in his discretion and upon application, to remove restrictions upon alienation of all or only a described portion of the surplus lands of any Osage allottee.

Mr. CURTIS. Mr. President, that being a general bill and having passed the Senate I think I shall insist upon the point of order. It is general legislation in an Indian appropriation bill.

Mr. CLAPP. There is no question as to the soundness of the point that is raised. I would say that it is a bill that has been recommended by the committee and by the department and it has passed the Senate.

The PRESIDENT pro tempore. The Chair understands the Senator from Minnesota to concur in the opinion that it is general legislation.

Mr. CLAPP. Oh, certainly, it is general legislation.

The PRESIDENT pro tempore. The Chair is compelled to sustain the point of order.

Mr. CLAPP. I desire, now, to call attention to the pages of the bill from 29 to 33, which were passed over, beginning at line 23 on page 29.

The PRESIDENT pro tempore. The Chair is informed that all of those items relating to Montana were passed over.

Mr. CLAPP. They were passed over. If the Secretary will read them we may take them up in the order in which they appear.

The Secretary resumed the reading of the portion of the bill heretofore passed over, beginning on page 28, line 10, under the heading "Montana."

The next amendment of the Committee on Indian Affairs was, on page 28, line 12, after the word "employees," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

SEC. 10. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $25,000.

The amendment was agreed to.

The next amendment passed over was, on page 29, line 5, before the word "hundred," to strike out "two" and insert "four," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $400,000.

Mr. CURTIS. Mr. President, I hope that amendment will not be agreed to. The department only asks for $250,000. I think the amendment provides for too large an increase, and I hope the acting chairman of the committee will agree that the amendment may be voted down and accept an amendment giving the amount which the department asks, which is $250,000.

Mr. CLAPP. The acting chairman will accept the suggestion of the Senator from Kansas, and move that the amendment be rejected and that the House provision stand.

The PRESIDENT pro tempore. Without objection, the amendment will be disagreed to.

Mr. CURTIS. Now, I suggest that we make the amount $250,000, which is the sum asked for.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 29, line 5, after the word "hundred," it is proposed to insert the words "and fifty," so that it will read "$250,000."

Mr. CLAPP. That is right.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs passed over was, on page 29, in line 7, after the date "1910," to insert "$50,000, to be immediately available."

Mr. CLAPP. I ask that the amendment may be disagreed to.

The amendment was rejected.

The next amendment passed over was, on page 29, line 8, after the date "1910," to strike out:

Provided, That no portion of the amount herein appropriated shall be used for continuing the construction of irrigation systems, except upon the Jacko and Pablo units now under construction.

The amendment was agreed to.

The next amendment passed over was, on page 29, line 17, before the word "thousand," to insert "and fifty," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

Mr. CURTIS. I suggest that that amendment ought to be disagreed to. The department only asked for $100,000 for that work.

Mr. CLAPP. It is clearly subject to the point of order.

The PRESIDENT pro tempore. Without objection, the amendment will be disagreed to.

The next amendment passed over was, on page 29, line 19, after the date "1907," to strike out:

Provided, That no portion of the amount herein appropriated shall be used for continuing the construction of irrigation systems, except upon the Two Medicine unit now under construction.

The amendment was agreed to.

The next amendment passed over was, on page 29, after line 22, insert:

For continuing construction of irrigation systems to irrigate allotted lands of the Indians of the Fort Peck Indian Reservation in Montana, including necessary surveys, plans, and estimates, $75,000, reimbursable, the same to be immediately available.

Mr. CLAPP. I move to amend the amendment by increasing the appropriation from $75,000 to $100,000, in line 1, on page 30. I do that because that is the estimate, and, I take it, there may have been some mistake in copying the amendment. So I offer the amendment now.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to amend the amendment, on page 30, line 1, before the word "thousand," by striking out "seventy-five" and inserting "one hundred," so as to read "$100,000."

The amendment to the amendment was agreed to.

Mr. GALLINGER. I wish to call the attention of the Senator from Minnesota to the fact that as the words "the same to be immediately available" are to be stricken from the bill there ought to be some words, I think, either preceding or following the word "reimbursable," either "to be reimbursable," or, as in former paragraphs, "in accordance with the provisions of the act of March 1, 1907."

Mr. CLAPP. I will say to the Senator that it is quite the custom now to use the language in the bill, but the words suggested by the Senator can be inserted if it is so desired.

Mr. GALLINGER. I have no objection, but I noticed in a preceding section attention was called to a certain case where such language was used.

Mr. CLAPP. Sometimes it is "the same to be reimbursable."

Mr. GALLINGER. "The same to be reimbursable." I will make that suggestion.

Mr. CLAPP. I accept the suggestion on behalf of the committee.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "dollars," on page 30, line 1, it is proposed to amend the amendment by inserting "the same to be," so as to read "the same to be reimbursable," and so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs passed over was, on page 30, after line 2, to insert:

There is hereby appropriated the sum of $40,000, to remain available until expended, and the Secretary of the Interior is hereby authorized and empowered to use said money, or so much thereof as may be necessary, in the erection of buildings for agency purposes on the Flathead

Indian Reservation in Montana; for the purchase of lands therein for an agency site not to exceed 80 acres if such is deemed by the Secretary of the Interior to be necessary for the proper location of such agency; for the expenses of the removal of the agency to the new site selected; and for the protection and repair of any other buildings required for the efficient conduct of the affairs of the Flathead Indians in Montana: *Provided*, That the entire sum expended hereunder for the purposes herein mentioned shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within the Flathead Indian Reservation.

The amendment was agreed to.

The next amendment passed over was, on page 30, after line 19, to insert:

The sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, for the purpose of surveying the land on the Fort Belknap Indian Reservation, Mont.

The amendment was agreed to.

The next amendment was, at the top of page 31, to insert:

There is hereby appropriated the sum of $20,000, to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as he may deem necessary, in the purchase of a sawmill and logging equipment and the employment of suitable persons to manufacture and to lumber burned timber on the Flathead Indian Reservation, Mont., and to protect the remaining timber from fire and trespass: *Provided*, That the sum expended under authority of this act shall be reimbursed the United States from the proceeds arising from the sale of lands and timber within said reservation under existing acts of Congress: *Provided further*, That the amounts paid to persons employed hereunder shall not be included within the limitation of salaries and compensation of employees in the Indian Service contained in the act of June 7, 1897 (13 Stat. L., p. 90).

The amendment was agreed to.

The next amendment passed over was, on page 32, after line 14, to insert:

That so much of the act of Congress approved March 3, 1911 (36 Stat. L., p. 1066), which provides for the reservation of an easement over tracts of land bordering Flathead Lake, Mont., be, and the same hereby is, amended to read as follows: "That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Mont., which lie below an elevation of 9 feet above the high-water mark of said lake for the year 1909, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation."

Mr. CURTIS. Mr. President, I desire to ask the Senator in charge of the bill if that proposed legislation was requested by the department? It is purely legislation.

Mr. CLAPP. It is, of course, legislation; but it is asked for by the department at the request of the Geological Survey in order to adjust a situation there. The request of the Geological Survey was indorsed by the Department of the Interior.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs passed over was, on page 33, after line 2, to insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury the entire share of the Northern Cheyenne Indians in the permanent fund created under section 17 of the act of Congress approved March 2, 1889 (U. S. Stat. L., vol. 25, p. 888), and to expend it for the benefit of said Northern Cheyenne Indians in the purchase of stock cattle, or such articles as in his judgment will best advance said Indians in civilization and self-support.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs passed over was, on page 33, after line 12, to insert:

That there is hereby appropriated the sum of $100,000, out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians, the appropriation herein made to be reimbursable and to be repaid within a period not to exceed 20 years, the first payment to be due and payable within 5 years from the date of this act: *Provided*, That this appropriation be expended for the benefit of the Northern Cheyenne Indians and also repaid to the Government by said Indians under such terms, conditions, and regulations as the Secretary of the Interior may prescribe.

Mr. CURTIS. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill. I do it for this reason: The preceding amendment provides that the money in the Treasury shall be used for the purpose of buying stock cattle for these Indians. That being true, I think it would be best to try the experiment and see how it works before expending more money for the benefit of these Indians. I therefore make the point of order against the amendment, from line 13 to line 25, inclusive, on page 33.

Mr. CLAPP. The committee will have to concede the soundness of the point.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CLAPP. Mr. President, I now offer the amendment which I send to the desk, to come in at the end of the Wisconsin items.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the Wisconsin items, on page 69, after line 5, it is proposed to insert:

That for the purpose of carrying into effect certain treaty stipulations between the United States and the United Nation of Chippewa, Ottawa, and Pottawatomie Indians, and for the purpose of carrying into effect the act of June 25, 1864 (13 Stat. L., p. 172), the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now resident in the States of Wisconsin and Michigan the sum of $447,339, the same being the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in the report of the Secretary of the Interior to the House of Representatives, embodied in House Document No. 830, Sixtieth Congress, first session; and said sum shall be immediately available for said purpose. From the said sum the said Secretary is authorized and directed to pay to Mrs. R. B. Belt, widow of R. B. Belt, deceased, the attorney who in his lifetime represented the Wisconsin Band of Pottawatomie Indians in the proceedings, under an accounting set forth in said document, 10 per cent of such sum, in lieu of and in full for the amount due him under the contract approved by the Commissioner of Indian Affairs on the 1st day of November, 1902, which amount shall be immediately available for said purpose; and the balance of said sum placed to the credit of said Indians shall bear interest at the rate of 5 per cent per annum, which said interest shall be distributed per capita under the direction of the Secretary of the Interior to the members of said band now resident in the States of Wisconsin and Michigan, or shall be expended in his discretion for their benefit.

Mr. CURTIS. Mr. President, I very much dislike to make a point of order on this amendment. I realize from the report of the Secretary of the Interior that there is that amount of money due these Indians, and I think some arrangement should be made for their payment; but I do believe it unwise on the floor of the Senate to put an item on an Indian appropriation bill providing for the payment of attorneys' fees and matters of that kind. I hope the Senator in charge of the bill will be content simply to offer an amendment authorizing the payment of the interest to these Indians and let the other matter go over until the next session of Congress. The point of order I make against the amendment is that it provides for the payment of a claim; that it has not been estimated for in the regular way; and that it is not proper that it should be placed upon an appropriation bill under Rule XVI.

Mr. CLAPP. Mr. President, I would hardly concede, if time warranted a discussion of this matter, the soundness of the point of order. To my mind the amendment is merely to carry out treaty stipulations. I do not know that a provision involving the payment of attorneys for their services where it is necessary to go into the Court of Claims to get the stipulations provided for in the treaty has ever been before the Senate. This is an amount which ought to be settled and adjusted, and it will grow no less by letting it run along. This matter has been before the Senate time and again. However, in view of the fact that the time is so limited, rather than argue the matter—although I would not want to be understood as admitting the soundness of it—I will accept the suggestion and will offer an amendment providing that the Secretary of the Treasury be authorized to pay interest upon the sum named in the amendment.

The PRESIDING OFFICER. The point of order is sustained.

Mr. CLAPP. Mr. President, that concludes the Senate amendments, with the exception of one on page 68, which was passed over, and to which I call the attention of the senior Senator from Georgia [Mr. BACON].

Mr. BACON. What page is that?

Mr. CLAPP. Page 68.

The PRESIDING OFFICER. The Chair will direct the attention of the Senator from Minnesota to the fact that the Secretary informs the Chair that the amendment on page 68, commencing with line 18, was passed over.

Mr. CLAPP. No, sir; my record shows that that was adopted. I remember making the statement. However, to save any question I move the adoption of the committee amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment.

Mr. McCUMBER. Mr. President, what amendment are we now speaking of?

The PRESIDING OFFICER. The amendment will be read. It is on page 68, commencing at line 18.

Mr. CLAPP. The other is regarded as adopted, I understand.

The SECRETARY. On page 68, after line 17, it is proposed to insert the following:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of the sum of $1,500,000 set aside and held in the Treasury of the United States for the use and benefit of the Colville Indians under the provisions of an act approved June 21, 1906 (34 Stat. L., p. 337), the sum of $45,000 to Hugh H. Gordon for his individual services in behalf of said Indians, which sum of $45,000 is hereby appropriated for said Gordon's exclusive use and benefit out of any money in the Treasury not otherwise appropriated, and the same shall be charged against the funds set aside for the benefit of said Indians.

Mr. McCUMBER. Mr. President——

Mr. CURTIS. If the Senator will yield, I made a point of order against that amendment yesterday.

Mr. McCUMBER. I was going to ask the Senator to withhold his point of order, at least until we can perfect the amendment. Then I should like to discuss the point of order. I think properly, at least, we can perfect the amendment first.

Mr. CURTIS. I shall very gladly do that, Mr. President, if by doing it I do not waive the right to make the point of order. In my judgment, if a point of order is not made when an amendment is first presented, and it is permitted to be amended and discussed, the point is waived. I may be wrong in that.

The PRESIDING OFFICER. The Chair would hold that the point of order could be made at any stage of the consideration of the matter.

Mr. CURTIS. If the Chair will hold that, I have no objection. I want to make the point of order against the whole of the amendment, and I should like to state the grounds now.

First, it is in violation of section 1 of Rule XVI, in that it adds a new item of appropriation, which is not intended to carry out the provisions of any existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during this session.

Second, it is in violation of section 3 of Rule XVI, in that it proposes general legislation in an appropriation bill.

Mr. McCUMBER. Mr. President, I am somewhat acquainted with this particular case and with the litigation that has grown out of it. I do not intend to go into the details of the case, but I do wish to present to the Senate enough of it to enable the Senate to clearly understand not only the merits of the matter, but also the parliamentary question as to whether or not it is proper upon an appropriation bill.

When the Colville Indian Reservation was opened it was opened pursuant to an agreement entered into between the United States and the Colville Indians. It was a treaty or agreement made between the United States and those Indians. Whatever right may exist for payment of funds that shall be appropriated in this bill or otherwise must depend upon a treaty stipulation and relate to that treaty stipulation.

We agreed to pay those Indians a certain sum for the cession of their rights to about one-half of the reservation.

Congress neglected, year after year, to perform its duty. There is no question about that. It was necessary, in order to bring the matter clearly before Congress and to get Congress to take some action toward performing its part of the agreement, that the Indians should employ counsel. That counsel performed his duties. Without the aid of the counsel, in my opinion, upon both the facts and the law in the case, the matter never would have been decided. So, whatever of counsel fees shall be provided in this bill, I for one am in a position to declare from my knowledge of the case that the fees have been honestly earned, and that without those services the Colville Indians would not have had the appropriation.

The counsel who first entered into the agreement with the Indians to demand from the United States the fulfillment of its obligation made a contract with those Indians for the payment to him of 15 per cent upon the amount recovered. That was not an excessive charge. The claimant in this case, Mr. Gordon, was one of the original attorneys, or, perhaps I might say, the original attorney. This contract lapsed by reason of the time specified in which the relief was to be obtained. Afterwards another contract was made, which, as I remember, provided for a fee of 10 per cent, but in which contract Mr. Gordon retained an interest, and other attorneys were introduced into the case.

Mr. CURTIS. May I interrupt the Senator there?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. CURTIS. I simply wished to say that, as I understand, that contract was not approved.

Mr. McCUMBER. This contract had expired, at all events, whether it was approved or not. But notwithstanding the expiration of the contract, the services of the attorneys were continued before the department and before the Committee on Indian Affairs, with the consent and at the request of the tribe. Therefore, the services having been performed at the request of the Indians and they having received the benefit of the services, they are in equity estopped from denying the right of the counsel to a reasonable compensation. That was the view taken by the committee a few years ago. The matter was submitted to the Court of Claims as to the right of the Indians to recover the amount to which they were entitled, and the value of the services of the counsel rendered upon a quantum meruit.

Remember that the amount they contracted to pay in the first instance was 15 per cent. In the second instance, I think, it was 10 per cent. Part of the services, and most of them, perhaps, were performed under the original contract calling for a fee of 15 per cent.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. BACON. If the Senator will permit me a moment, the fact is that the original contract with the Indians was for 15 per cent. It was submitted to the Interior Department for approval, and the department, while approving the contract in all other particulars, cut down the fee to 10 per cent.

Mr. McCUMBER. Yes; I knew that was substantially correct. The second understanding was, at least, that it was to be 10 per cent.

When the matter was finally submitted to the Court of Claims that court, as I remember, allowed $1,500,000 as the basis of the claim. Ten per cent upon that would be $150,000. So if even the whole $150,000 had been paid out of that sum to the attorneys it would not have been unjust to the Indians, considering the character of the litigation. But the court awarded as compensation to the attorneys, as I remember, $60,000, which was divided among most of the attorneys who had taken part in the trial of the action and in producing the evidence and presenting the facts before Congress year after year.

Inasmuch as $60,000 was awarded, and that was the limit of the amount allowed for the services of other attorneys, having some knowledge on my own part of the services rendered by the several attorneys, and by this particular attorney who instituted the action in the first instance and has been connected with it all the time, he having received no sum whatever so far for his services, it seems to me that upon a quantum meruit basis he ought to be allowed a reasonable sum. Considering the entire sum received by all, I think $45,000 is more than he should receive.

For that reason, Mr. President, I am going to move to strike out the words "forty-five thousand" and insert in lieu thereof the words "twenty-five thousand." That leaves the matter still open as to another $14,000, which is still in litigation, and the litigation concerning which, as I am credibly informed, has cost this claimant nearly the full amount of about $14,000.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. Certainly.

Mr. OVERMAN. My sympathies have always been with Mr. Gordon, and I want to see him paid; but why was it that he did not receive part of this $60,000?

Mr. McCUMBER. As I remember, $14,000 was awarded as Mr. Gordon's share. Other attorneys interested in the case, directly and indirectly, as was brought out before the committee, brought suits against him, and have tied up this money by injunction or otherwise. The defense of these suits, as I understand, including the costs in the original case, has cost him just about the amount of money involved.

Mr. OVERMAN. There is $14,000, then, that is held up pending litigation, as I understand?

Mr. McCUMBER. Yes. But, as I say, the proposed payment of $25,000 and this $14,000, most of which has been used up in litigation, I think would be a fair compensation for him, on the basis of the allowances made by the Court of Claims to other attorneys for their services in the case.

Just one word, Mr. President, on the point of order.

Mr. SMITH of Georgia. Will the Senator yield to me for a moment?

Mr. McCUMBER. I yield.

Mr. SMITH of Georgia. Is not this really the trouble about the $14,000: Mr. Gordon had the assistance of additional counsel besides those paid by the action of the Court of Claims, and they claim additional sums from him for their services that are not provided for? They claim that this $14,000, or most of it, should go to them, in addition to what went to the other lawyers? That is about the status of the matter, as I understand.

Mr. McCUMBER. I think that is not wholly correct, Mr. President. An action was brought, not by the principal attorney in the case, but by some other attorneys, against Mr. Gordon, and this $14,000 has been tied up.

Mr. SMITH of Georgia. I do not think I made myself clear. My suggestion was this: Is it not true that lawyers not men-

tioned in the decision of the Court of Claims, and in addition to them, claimed that they had also done some work for Mr. Gordon in connection with the matter, and that out of his $14,000 he must pay them, and that it will take a large part of that sum to pay them?

Mr. McCUMBER. That is correct, Mr. President, as I understand.

Now, a word on the other subject:

The United States agreed to pay the Colville Indians for the cession of certain of their lands. The lands were ceded to the United States in consideration of that agreement. That agreement was, in effect, a treaty, and such a treaty as is referred to in the rules. The payment that is authorized by this bill is a payment of money that grew out of that treaty.

I do not understand that in appropriating to carry out the provisions of a treaty which requires us to pay certain sums of money we are going outside of the rule when we provide how that money shall be distributed. That is the only difference between a certain portion of this money being paid to counsel and the principal being paid to the Indians themselves that is not wholly in accord with the original agreement.

This question was brought up some years ago under a treaty in which it was attempted, by an amendment which I offered, to distribute in a certain manner the money which was to be paid pursuant to a treaty. A point of order was raised, similar to the point raised by the Senator from Kansas. The Chair held—Mr. Frye then being in the chair—that under the rule, after making an appropriation, the Senate could provide for its distribution in any manner it saw fit without such provision constituting new legislation, and that the only question there involved was whether the original appropriation of itself constituted new or independent legislation.

Mr. BACON. Mr. President, I want to say one word further in regard to the point of order.

The same point of order was made by the Senator from Kansas when this bill was before the Senate two years ago. It was then sustained by the Chair, the Vice President being in the chair at the time. I want to call attention to the ground upon which the ruling was made, to show that it does not apply to the present case.

The ruling made by the Vice President was that it was general legislation, because the amendment provided that the amount should be immediately available. The contention on the part of the friends of the amendment was that it was a payment of a fee due out of a particular fund which belonged to the parties from whom the fee was charged to be due, and that it was therefore strictly germane.

The Vice President conceded that, but here is his ruling. I will read first the remarks made by me and then the reply. The Vice President said:

The VICE PRESIDENT. The point of order is sustained.

Mr. BACON. I would beg permission of the Chair to make a suggestion in reference to a point of order previously ruled upon.

The VICE PRESIDENT. The Chair will be very glad to hear the Senator.

Mr. BACON. If this were a simple claim against the Indians for that much money, independent of this particular fund, I think the ruling of the Chair would certainly be correct; but this is a claim upon this particular fund and not a general claim against the Indians. This is what would be recognized in a court as a lien on a fund. It relates to the particular fund which is being appropriated. I think there is a distinction between that and an effort which might be made to collect some other debt against the Indians and asking that it be paid out of this fund.

Here is a fund which Congress is appropriating, and this is a part of the particular transaction which brings about this appropriation. Therefore I can not see how it can come under the terms of the rule. The object of the rule, which says that general legislation shall not be permitted, is that independent matter shall not be engrafted upon an appropriation bill. This is not an independent matter; it is a matter which directly relates to and is connected with the provision making the appropriation.

To that the Vice President made this reply:

The VICE PRESIDENT. The point which the Chair made was that this is a bill providing appropriations for the Indian Department during a fiscal year. The amendment provides for another appropriation——

Mr. DAVIS interjected:

Distinct from this.

The Vice President continuing said:

For payment at a different time, which makes it a legislative provision in the opinion of the Chair.

Mr. BACON. I presume it is because I am not entirely familiar with this Indian legislation that I do not understand the exact statement the Chair makes.

The VICE PRESIDENT. Here is a provision which, under certain circumstances, might be considered purely as a limitation upon the appropriation being provided for, but the amendment makes provision that the appropriation shall be immediately available, which takes it out of the fiscal year for which we are making the appropriation.

Mr. BACON. I did not know of that, Mr. President, or I would have suggested to the author of the amendment that that ought to have been stricken out. That puts an entirely new phase on it. I did not know that that was in the mind of the Chair.

Now, Mr. President, that was the ground upon which the ruling was based, that when the amendment provided that the fund should be immediately available it took it out of that appropriation bill and provided for general legislation, making it a charge upon an altogether different appropriation bill.

Now, that is not in this amendment. Here is a particular fund, the balance of $100,000 coming to these Indians. It is in the nature, as I said upon that former occasion, of a lien upon that particular fund. It does not come out of the Treasury of the United States. It does not fall in any measure or in any manner within the spirit or purpose of the rule, which is to protect the Treasury of the United States against a particular appropriation being ingrafted upon a general appropriation bill, thus tending in its effect to take out of the Treasury of the United States money which has not been properly estimated for, and so forth.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. BACON. I think, Mr. President, that that clearly differentiates it, and the statement of the Vice President——

Mr. SIMMONS. Mr. President, I am willing that the unfinished business shall be laid aside until the Senator finishes his remarks, if he desires. Otherwise I should like to go on with the unfinished business.

Mr. BACON. I have no desire to finish my remarks unless the matter is going to be acted upon. If the appropriation bill is going to be laid aside, I would prefer to wait until it is taken up again.

Mr. CLAPP. I think the better plan would be now to take up the tariff measure and vote on it and get it out of the way, and then the Senator from Georgia will have such time as he desires.

Mr. BACON. Very well; I am willing that that course should be pursued.

ADJOURNMENT TO FRIDAY.

Mr. NELSON. I move that when the Senate adjourns to-day it adjourn to meet on the 5th of July.

The PRESIDING OFFICER. The Senator from Minnesota moves that when the Senate adjourns to-day it be to meet on Friday, the 5th day of July.

The motion was agreed to.

THE CHEMICAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS and Mr. SMOOT suggested the absence of a quorum.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Kenyon	Reed
Bacon	Cullom	Lea	Root
Bailey	Cummins	Lippitt	Shively
Bourne	Curtis	Lodge	Simmons
Bradley	Dillingham	Lorimer	Smith, Ariz.
Brandegee	du Pont	McCumber	Smith, Ga.
Briggs	Fall	Martin, Va.	Smith, Md.
Bristow	Fletcher	Martine, N. J.	Smith, S. C.
Brown	Gallinger	Nelson	Smoot
Bryan	Gardner	Newlands	Thornton
Burnham	Gronna	Oliver	Tillman
Catron	Guggenheim	Overman	Townsend
Chamberlain	Heyburn	Page	Wetmore
Clapp	Johnson, Me.	Paynter	Works
Clark, Wyo.	Johnston, Ala.	Perkins	
Clarke, Ark.	Jones	Rayner	

Mr. THORNTON. I wish to announce the unavoidable absence of my colleague [Mr. FOSTER] on account of illness.

Mr. JONES. I wish to state that my colleague [Mr. POINDEXTER] is detained from the Chamber by reason of public business.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment offered by the Senator from North Carolina [Mr. SIMMONS]. On page 3 it proposes to strike out lines 3 and 4, which read as follows:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

The PRESIDING OFFICER. The yeas and nays were ordered and taken on the amendment, and no quorum appeared. The roll will be again called on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the Senator from Montana [Mr. DIXON], and in his absence I withhold my vote.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him on the floor, and therefore I withhold my vote. I would vote "yea" if I were at liberty to vote.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I see that he is not present, and therefore I withhold my vote. I should vote "yea" if I were at liberty to vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CRAWFORD (when his named was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. Not knowing how he would vote, I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the unavoidable absence of my colleague [Mr. FOSTER] an account of illness, and furthermore that he is paired with the senior Senator from Wyoming [Mr. WARREN]. I make this announcement for the day.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senate from Alabama [Mr. BANKHEAD]. In his absence I withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present I should vote "yea."

Mr. REED (when his name was called). On this vote I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate. As stated by the Senator from Missouri, he is paired with that Senator. If the senior Senator from Michigan were present, he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. In his absence I withhold my vote. Were he present I would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "yea."

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted, and as I have a pair with him I withdraw my vote.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is unavoidably absent. He has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. ASHURST. I wish to state that the Senator from Montana [Mr. MYERS] is unavoidably detained, and he is paired with the Senator from Connecticut [Mr. McLEAN].

Mr. OLIVER. I desire to announce that my colleague [Mr. PENROSE] is temporarily detained from the session of the Senate. He is paired with the Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present, he would vote "yea."

Mr. CULLOM. I think I will take the liberty of voting. I vote "yea."

Mr. RAYNER. I vote "yea."

The result was announced—yeas 58, nays 0, as follows:

YEAS—58.

Ashurst	Cullom	Lippitt	Root
Bacon	Cummins	Lodge	Sanders
Borah	Curtis	Lorimer	Shively
Bourne	Fall	Martin, Va.	Simmons
Bradley	Fletcher	Martine, N. J.	Smith, Ariz.
Briggs	Gallinger	Nelson	Smith, Ga.
Bristow	Gardner	Oliver	Smith, Md.
Brown	Gronna	Overman	Smoot
Bryan	Guggenheim	Page	Swanson
Burnham	Johnson, Me.	Paynter	Thornton
Catron	Johnston, Ala.	Perkins	Townsend
Chamberlain	Jones	Poindexter	Wetmore
Clapp	Kenyon	Pomerene	Works
Clarke, Ark.	Kern	Rayner	
Crane	Lea	Reed	

NOT VOTING—36.

Bailey	Dillingham	McCumber	Smith, Mich.
Bankhead	Dixon	McLean	Smith, S. C.
Brandegee	du Pont	Myers	Stephenson
Burton	Foster	Newlands	Stone
Chilton	Gamble	O'Gorman	Sutherland
Clark, Wyo.	Gore	Owen	Tillman
Crawford	Heyburn	Penrose	Warren
Culberson	Hitchcock	Percy	Watson
Davis	La Follette	Richardson	Williams

So Mr. SIMMONS's amendment was agreed to.

Mr. SIMMONS. I offer the following amendment: On page 10, lines 9 and 10, I move to strike out the words "gum copal, one-half of 1 per cent per pound."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

The amendment was agreed to.

Mr. SIMMONS. On page 10, line 13, I move to strike out the words "gum kauri and damar."

The amendment was agreed to.

Mr. SIMMONS. On page 10, line 16, I move to strike out the word "indigo."

The amendment was agreed to.

Mr. SIMMONS. On page 12, line 25, I move to strike out the words "and soya-bean oil."

The amendment was agreed to.

Mr. SIMMONS. On page 13, line 9, I move to strike out the words "Chinese-nut oil."

The amendment was agreed to.

Mr. SIMMONS. On page 17, line 21, I move to strike out the word "twenty-five" and substitute in lieu thereof the word "fifteen."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17, line 21, strike out the word "twenty-five" and in lieu insert "fifteen," so that if amended it will read:

Varnishes, including so-called gold size or japan, and enamel paints made with varnish, 15 per cent ad valorem.

Mr. SMOOT. Mr. President, I hope the Senate will not agree to that amendment. It proposes to reduce the rate on varnishes, not only on plain varnishes but on gold size or japan varnishes and enamel paints made with varnish. The rate in the bill as passed by the House is 25 per cent, and now it is proposed that it shall be reduced to 15 per cent. I hope the Senate will not agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina. [Putting the question.] The noes appear to have it.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I again announce my pair with the Senator from Montana [Mr. DIXON]. To avoid the trouble of repeating it I will ask that this announcement may stand for the day. I also desire to couple with the announcement the statement that if I were at liberty to vote I would vote generally with my party associates.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay." I make this announcement for the day of the transfer of my pair.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE]. I will let this announcement stand for the day.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANK-

HEAD]. In his absence I will withhold my vote. Were he present and were I permitted to vote I would vote "nay."

Mr. REED (when his name was called). I repeat the announcement of my pair with the Senator from Michigan [Mr. SMITH] and the transfer of that pair to the Senator from Nebraska [Mr. HITCHCOCK]. I will let this announcement of the transfer stand for the day. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON], and I therefore withhold my vote. If I were at liberty to vote, I would vote "yea." I will let this announcement stand for the day.

The roll call was concluded.

Mr. CULLOM (after having voted in the affirmative). It may be possible that the Senator with whom I am paired may differ from me on this question, and I therefore withdraw my vote.

Mr. DU PONT (after having voted in the negative). As I observe that the senior Senator from Texas [Mr. CULBERSON], with whom I have a general pair, is not present, I withdraw my vote.

Mr. McCUMBER (after having voted in the negative). I will ask if the senior Senator from Mississippi [Mr. PERCY] has voted?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. McCUMBER. I have a general pair with him, and I will therefore withdraw my vote.

Mr. WILLIAMS (after having voted in the affirmative). I wish to ask if the Senator from Pennsylvania [Mr. PENROSE] has voted upon this roll call?

The PRESIDING OFFICER. The Chair is informed that that Senator has not voted.

Mr. WILLIAMS. Then I withdraw my vote, because I am paired with the senior Senator from Pennsylvania.

Mr. RAYNER (after having voted in the affirmative). I withdraw my vote. I am paired with the junior Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Ashurst	Gardner	Overman	Smith, Ga.
Bacon	Johnson, Me.	Payntor	Smith, Md.
Bristow	Johnston, Ala.	Poindexter	Swanson
Bryan	Kern	Pomerene	Thornton
Chamberlain	Lea	Reed	Tillman
Clarke, Ark.	Martin, Va.	Shively	
Crawford	Martine, N. J.	Simmons	
Fletcher	Newlands	Smith, Ariz.	

NAYS—29.

Bourne	Cummins	Lippitt	Sanders
Bradley	Curtis	Lodge	Smoot
Briggs	Dillingham	Lorimer	Townsend
Brown	Fall	Nelson	Wetmore
Burnham	Gallinger	Oliver	Works
Catron	Gronna	Page	
Clapp	Guggenheim	Perkins	
Crane	Jones	Root	

NOT VOTING—36.

Bailey	Davis	La Follette	Richardson
Bankhead	Dixon	McCumber	Smith, Mich.
Borah	du Pont	McLean	Smith, S. C.
Brandegee	Foster	Myers	Stephenson
Burton	Gamble	O'Gorman	Stone
Chilton	Gore	Owen	Sutherland
Clark, Wyo.	Heyburn	Penrose	Warren
Culberson	Hitchcock	Percy	Watson
Cullom	Kenyon	Rayner	Williams

So Mr. SIMMONS's amendment was rejected.

Mr. SIMMONS. I move, on page 10, line 10, to strike out the words "gum resin."

The PRESIDING OFFICER. The Chair would suggest to the Senator from North Carolina that the words "10 per centum ad valorem" should also be stricken out.

Mr. SIMMONS. The Chair is right.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 10, line 10, it is proposed to strike out the words "gum resin, 10 per centum ad valorem."

The amendment was agreed to.

Mr. SIMMONS. On page 8, line 6, I move to amend by striking out after the words "or condition by" the word "peeling."

The amendment was agreed to.

Mr. SIMMONS. On page 22, line 14, I move to amend, after the words "or condition by," by striking out the word "peeling."

The amendment was agreed to.

Mr. SIMMONS. On page 12, in line 19, after the word "soaps," I move to amend by striking out the words "containing castor oil, any of the foregoing in whatever form," and by inserting in lieu thereof the words "all of the foregoing made from or containing castor oil in whatever form, 20 per centum ad valorem," to be followed by a comma.

The amendment was agreed to.

Mr. SIMMONS. On page 21, line 19, I move to amend by inserting after the word "gray" the words "carbide of."

The amendment was agreed to.

Mr. SIMMONS. On page 21, after paragraph 78, I move to amend by inserting a new paragraph, as follows:

Alizarin and indigo, natural or artificial, and dyes derived from alizarin or from anthracene.

The amendment was agreed to.

Mr. SIMMONS. On page 22, line 2, I move to amend by inserting after the words "known as" and before the word "naphthalin" the words "anthracene and anthracene oil," to be followed by a comma.

The amendment was agreed to.

Mr. SIMMONS. On page 22, after paragraph 88, I move to amend by inserting as a new paragraph the following:

Gums, copal, kauri, damar, and resin.

The amendment was agreed to.

Mr. SIMMONS. On page 22, line 25, after the word "petroleum," I move to insert "soya-bean oil and Chinese nut oil."

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I have no further amendments to offer.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SIMMONS. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him on the floor, I withhold my vote. I will make no further announcement of the pair during the day. I desire to say that if the Senator from New York were present and I were at liberty to vote, I should vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote. If allowed to vote, I should vote "nay."

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I therefore withhold my vote. Were he present, I should vote "nay."

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON], but I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is unavoidably absent. He has a general pair with the Senator from Oklahoma [Mr. OWEN]. If my colleague were present, he would vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. He is absent, and I therefore withhold my vote. If he were present and I were at liberty to vote, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I am compelled to withhold my vote. Were I at liberty to vote, I should vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate. He is paired with the junior Senator from Missouri [Mr. REED]. If present, the senior Senator from Michigan would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have already made a statement in reference to my pair, and will let that stand for the remainder of the day.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent on business of the Senate. He is paired with the senior Senator from Louisiana [Mr. FOSTER]. If present and at liberty to vote, my colleague would vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted. As I have a general pair with him, I withdraw my vote.

Mr. RAYNER. I am paired with the Senator from Utah [Mr. SUTHERLAND]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. MARTINE of New Jersey. I have been requested to announce the pair existing between the Senator from West Virginia [Mr. CHILTON] and the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 27, nays 32, as follows:

YEAS—27.

Ashurst	Johnson, Me.	Overman	Smith, Ariz.
Bacon	Johnston, Ala.	Payntor	Smith, Ga.
Bryan	Kern	Poindexter	Smith, Md.
Chamberlain	Lea	Pomerene	Swanson
Clarke, Ark.	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Williams
Gardner	Newlands	Simmons	

NAYS—32.

Borah	Clapp	Jones	Penrose
Bourne	Crane	Kenyon	Perkins
Bradley	Cummins	Lippitt	Root
Briggs	Curtis	Lodge	Sanders
Bristow	Fall	Lorimer	Smoot
Brown	Gallinger	Nelson	Townsend
Burnham	Gronna	Oliver	Wetmore
Catron	Guggenheim	Page	Works

NOT VOTING—35.

Bailey	Davis	La Follette	Smith, Mich.
Bankhead	Dillingham	McCumber	Smith, S. C.
Brandegee	Dixon	McLean	Stephenson
Burton	du Pont	Myers	Stone
Chilton	Foster	O'Gorman	Sutherland
Clark, Wyo.	Gamble	Owen	Tillman
Crawford	Gore	Percy	Warren
Culberson	Heyburn	Rayner	Watson
Cullom	Hitchcock	Richardson	

So the Senate refused to pass the bill.

COTTON FUTURES.

Mr. SMITH of South Carolina. Mr. President, during my absence, having been called away a week or two ago because of illness in my family, the bill (S. 4654) to regulate contracts for the future delivery of cotton, being Calendar No. 670, was placed under Rule IX. I ask unanimous consent that it be restored to the calendar under Rule VIII.

Mr. THORNTON. Mr. President, I shall object to that, on account of the wishes of the Senator from Mississippi, who had the bill placed on the calendar under Rule IX. I would rather not have it taken up in his absence.

Mr. SMITH of South Carolina. It is not a question of taking up the bill. I merely ask unanimous consent that it be restored to the calendar under Rule VIII.

Mr. THORNTON. I object to anything being done with it in the absence of the Senator referred to.

Mr. SMITH of South Carolina. Then, Mr. President, I move that the bill be restored to its place on the calendar under Rule VIII. It is a bill introduced by me and favorably reported by the Committee on Agriculture and Forestry. During the time of my unavoidable absence the bill was taken from the calendar under Rule VIII and placed on the calendar under Rule IX. I move that it be restored to its place under Rule VIII.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to resume the consideration of House bill 20728, the Indian appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The PRESIDING OFFICER. The pending amendment is, on page 68, line 18 to line 5, inclusive, on page 69. The Senator from Kansas [Mr. CURTIS] made the point of order against the amendment.

Mr. CURTIS. I desire to know whether the Senator from Georgia [Mr. BACON] has completed his remarks on the point of order. I understood he had not done so.

The PRESIDING OFFICER. If the Senator will permit the Chair, the Chair recalls the fact that the Senator from North Dakota [Mr. McCUMBER] offered an amendment to the paragraph. Does the Senator from Georgia desire to proceed now, or will he allow the amendment offered by the Senator from North Dakota to be acted on?

Mr. BACON. I am perfectly willing to have the amendment acted upon first.

Mr. LODGE. The point of order must be first considered.

The PRESIDING OFFICER. The point of order relates to the paragraph. This is an amendment to the text of the bill.

Mr. McCUMBER. It was agreed that that should be the course.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 68, line 25, it is proposed to strike out the word "forty-five," before the word "thousand," and in lieu thereof to insert the word "twenty-five," so that, if amended, it will read:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of the sum of $1,500,000 set aside and held in the Treasury of the United States for the use and benefit of the Colville Indians under the provisions of an act approved June 21, 1906 (34 Stat. L., p. 337), the sum of $25,000 to Hugh H. Gordon for his individual services in behalf of said Indians, which sum of $25,000 is hereby appropriated for said Gordon's exclusive use and benefit out of any money in the Treasury not otherwise appropriated, and the same shall be charged against the funds set aside for the benefit of said Indians.

The amendment to the amendment was agreed to.

Mr. CURTIS. Mr. President, it seems to me the Senators who have argued the point of order have overlooked two things. In the first place, the amendment is not to a provision in the bill. It is a separate and distinct item. The amendment against which I made the point of order some two years ago was an amendment to an item in the bill. But it seems to me that whether that is true or not, the material point in this case is the fact that this amendment seeks to amend an act of Congress.

In 1906 this claim was before Congress. The Senate at that time placed an item in the Indian appropriation bill; and I desire to call the Chair's attention to that item, because this amendment repeals that act of Congress and sets aside the decision of the Court of Claims.

The item was as follows:

The act of June 21, 1906, supra, in addition to setting aside the $1,500,000 for the use and benefit of the Colville Indians, contained the further provision that "jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim * * *; and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

In accordance with this provision of law a petition was filed in the Court of Claims, the case being docketed as No. 29526, Butler & Vale (Marion Butler and Josiah M. Vale) *v.* The United States and the Indians residing on the Colville Reservation. A decision was rendered by the court on May 25, 1908 (43 C. C. 497), and a decree entered in favor of claimants in the aggregate sum of $60,000, apportioned as follows:

Benjamin Miller, administrator of the estate of Levi Maish, deceased, $6,000.
Hugh H. Gordon, $14,000.
Marion Butler, $20,000.
Josiah M. Vale, $10,000.
Daniel B. Henderson, $5,000.
Herbert J. May, $3,000.
Frederick C. Robertson, $2,000.

The Court of Claims construed the act of June 21, 1906, supra, as limiting the court to a judgment on the basis of a quantum meruit. Booth, J., in delivering the opinion of the court, said:

"In view of the facts and circumstances surrounding the enactment of the jurisdiction statute here questioned, we can not hold otherwise than that Congress intended to reward claimants, if entitled to reward, upon the basis of a quantum meruit."

This amendment repeals that act of Congress. It sets aside that decision of the Court of Claims. It is clearly general legislation, attempted to be placed upon the Indian appropriation bill. It seems to me that the bare statement of the fact that it does repeal this former act of Congress, and that that must of necessity be done in order to give these people any money whatever, is sufficient to make it subject to the point of order. It is general legislation, because it repeals a general act of Congress.

The PRESIDING OFFICER. Does any other Senator desire to be heard on the point of order? Upon carefully examining the proposed amendment, the Chair finds in it nothing that is apparently deserving of consideration, except the fact that it is a private claim. The question, in the mind of the Chair, is

whether or not, under the rules of the Senate, a private claim of this nature may be placed upon an appropriation bill.

Mr. BACON. Mr. President, as I did not have anything to say on that point, I should like to say one word in that connection, if I may do so without intruding too far upon the time of the Senate or of the Chair.

The rule that has been invoked refers to private claims against the Government. This is not a claim against the Government. Here is a fund that belongs to the Indians, and it is the last of the fund. It is a fund which has been recovered under the contract for which this fee is claimed. It seems to me the rule with reference to a private claim has no application whatever so far as it would bar this item from the right to be put upon an appropriation bill. It has no relation to a claim against the Government.

Mr. McCUMBER. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, I will say just one word. This is a claim against a specific fund. When that fund is once paid out this claim never can be thereafter enforced against it. It is not like a claim against the Government, which, if denied in one place, may be asserted and maintained and recovered in another. It is here or nowhere. It is about to be paid out. The money is already in the Treasury to the credit of these Indians.

Mr. McCUMBER. Mr. President, I want to call the Chair's attention to the fact—probably it has been already brought to its attention—that exactly the same question was passed upon on March 23, 1904.

The PRESIDING OFFICER. The Chair has not yet concluded its statement, but will be glad to hear from any Senator who wishes to enlighten the Chair.

Mr. McCUMBER. I will call attention to the particular point of order then made:

The Indian appropriation bill being under consideration, on page 53, after line 9, the committee reported the following amendment:

"For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $50,000, which said sum the Secretary is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as attorney of said nation under contract entered into on the 7th day of November, A. D, 1891, between said J. Hale Sypher and the said Choctaw Nation.

Mr. Kean raised a point of order that it was a private claim and not in order.

The PRESIDENT pro tempore (Mr. Frye). The Chair calls the attention of the Senate to the item on page 53 of this bill, beginning in line 10 and ending with line 19, for payment to J. Hale Sypher of $50,000. The point of order was made by the Senator from New Jersey [Mr. Kean]. The Chair is of opinion that the private claim, under Rule XVI barred from appropriation bills, must necessarily be a claim against the Government of the United States which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair the committee having full jurisdiction of the subject had a right to report this item favorably and thus make it in order. So the Chair overrules the point of order raised by the Senator from New Jersey.

Mr. CURTIS. But, Mr. President, that item in the appropriation bill thus passed upon did not attempt to repeal a former act of Congress, nor did it attempt to set aside a finding of the Court of Claims. That is what this amendment does.

The PRESIDING OFFICER. The Chair was about to remark when interrupted that it is of opinion that this is not general legislation. The Chair would agree with the Vice President in the ruling he made when the point of order was made against this identical claim—that it became general legislation only for the reason that the words "to be immediately available" were inserted in the amendment.

The Chair is familiar with the ruling of the late Senator Frye, which has been read by the Senator from North Dakota, and has likewise observed that as long ago as February 13, 1855, in the Thirty-third Congress, this identical question arose in the Senate and was ruled upon. It arose on an amendment providing for the payment to Richard W. Thompson, as attorney for the Menominee Indians, of an amount for services, in conformity with a memorial of said Indians. Mr. Badger, in the chair, decided it in order because it was not a claim against the Government, but payable from the annuities of the Indians, although a private claim.

Mr. CURTIS. But, Mr. President, does the Chair hold that we can, on an Indian appropriation bill, or any other, repeal a general act of Congress, and that an amendment of that kind will be in order if a point is made? Does the Chair hold that Congress can set aside the judgment of a court without the item becoming general legislation?

The PRESIDING OFFICER. The Chair does not think the amendment repeals an act of Congress, and does not take that matter into consideration at all. The Chair is of opinion that it is competent for the Senate to pass upon the validity of this claim upon precisely the ground that was determined by the late President pro tempore of the Senate, Mr. Frye, and by Mr. Badger as long ago as in the Thirty-third Congress. The Chair is inclined to overrule the point of order, but will be glad to have it further discussed.

Mr. CLARKE of Arkansas. Mr. President, I desire to hear from the Senator from North Carolina [Mr. OVERMAN], who has knowledge of the history of this claim, as to the reasons which take it beyond the rule established by the precedents which have been read before the Senate. My understanding is that this whole matter was once before under discussion in this body, and the Congress of the United States solved the difficulty then presented by referring the whole matter to the Court of Claims for adjudication, both as to the liability and the extent thereof. The Court of Claims found in behalf of the claimants for $63,000. That sum was accepted by the claimants, including this particular claimant.

Mr. OVERMAN. When the appropriation of the money was made they received it in full, and it was provided that they should receive that much in full of all claims and demands.

Mr. CLARKE of Arkansas. That being the case, it seems to me the entire proceeding was novated into that judgment, and that precluded and estopped everybody who attempted to assert any right under that transaction. It seems to me it then required an affirmative act of Congress to create a liability when the court and the action of the parties themselves decided that no liability existed and that nobody ought to pay any more on account of that particular transaction.

If that is the case—and I understand from the Senator from North Carolina that while rather an imperfect statement of it, it is not an incorrect one so far as it goes—it would not be a claim to be dealt with.

The PRESIDING OFFICER. The Chair will state that the Chair did not understand that particular fact in this case.

Mr. CLARKE of Arkansas. I was sure the Chair did not.

The PRESIDING OFFICER. It had not been stated to the Chair.

Mr. OVERMAN. The recollection of the Senator from Kansas fully agrees with mine about that. I very well remember the debate upon this claim on the floor of the Senate some four or five years ago. It was then understood that we would leave to the Court of Claims the question as to what amount should be allowed upon the idea of the quantum meruit. The court allowed some $63,000. Then, of course, there had to be an appropriation to pay the $63,000. As I understand, in conference it was provided that this $63,000 should be paid, provided it was accepted in full of all claims and demands. They did so receive it, and $14,000 was allowed to this claimant. Now he comes here and asks for $45,000 more. If it is granted, what is to hinder any other attorney engaged there from coming to Congress hereafter and asking for forty or fifty or a hundred thousand dollars more, on the ground that the Court of Claims erred, after he had agreed to go into the Court of Claims and have the amount allowed upon a quantum meruit?

This matter has been here three times before, has been voted down by the Senate, and now it comes up here again. This money is in the Treasury. I remember it was said that the Senator from North Dakota wanted to leave $93,000 there, the disposition of it to be determined hereafter. But why is this money left there when we provided for the disposition of this fund some two years ago?

I sympathize with Mr. Gordon because this $14,000 is in litigation. It is true that it is not a claim against the Government. But the Government is the guardian of these poor Indians, and they are its wards, and I think they ought to be treated just like anybody else.

Mr. NELSON. Mr. President, I think—and I say it with all due respect—that the Chair misapprehended the point of order. I observed—and I am not saying it by way of criticism—that while the Senator from Kansas [Mr. CURTIS] was reading from the document to which he referred, the Chair was reading from the bill. I think if the Chair had heard what the Senator from Kansas read on that point it would have made a different ruling on the point of order. I therefore ask that the Senator from Kansas will again read what he read before.

The PRESIDING OFFICER. Before that is done, the Chair will venture to ask the Senator from North Carolina whether this claimant accepted a sum of money and receipted for it?

Mr. OVERMAN. No, Mr. President. I understand that the $14,000 mentioned has been in litigation. An injunction has been issued, and there is litigation over that money right now. That was his part of the award.

Mr. CURTIS. The litigation has held up the payment of the amount.

Mr. OVERMAN. The court said he was entitled to the $14,000, but the injunction held up its payment, and other lawyers are suing for it.

The PRESIDING OFFICER. The Chair will be glad to hear from the Senator from Kansas.

Mr. CURTIS. I made the point of order that this was general legislation, because of this decision of the court, as I stated.

Mr. NELSON. I wish the Senator would again read what he read just now.

Mr. CURTIS. I intend to read it.

The PRESIDING OFFICER. Before the Senator does that, the Chair will state that it is familiar with the ruling the Vice President made on this claim. Was the point the Senator is now going to urge urged at that time?

Mr. CURTIS. The point urged by me at that time was that it was general legislation; but this argument was not made, because, as I understand—I have not looked at the RECORD—the Chair ruled upon the point that the money was made immediately available. I do not recall whether I made this point and read this decision at that time or not; but my recollection is that the matter went off on the other point.

If the Senate will bear with me, this is the part I read a while ago:

The act of June 21, 1906, supra, in addition to setting aside the $1,500,000 for the use and benefit of the Colville Indians, contained the further provision that "jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim * * *; and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler and Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler and Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler and Vale as to the distribution of said fees, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

In accordance with this provision of law a petition was filed in the Court of Claims, the case being docketed as No. 29526, Butler & Vale (Marion Butler and Josiah M. Vale) v. the United States and the Indians residing on the Colville Reservation. A decision was rendered by the court on May 25, 1908 (43 C. C., 497), and a decree entered in favor of claimants in the aggregate sum of $60,000, apportioned as follows:

Benjamin Miller, administrator of the estate of Levi Maish, deceased, $6,000.

Hugh H. Gordon, $14,000.

Mr. OVERMAN. Is that the Hugh H. Gordon mentioned in this bill?

Mr. CURTIS. The same claimant.

Marion Butler, $20,000.
Josiah M. Vale, $10,000.
Daniel B. Henderson, $5,000.
Herbert J. May, $3,000.
Frederick C. Robertson, $2,000.

The Court of Claims construed the act of June 21, 1906, supra, as limiting the court to a judgment on the basis of a quantum meruit. Booth, J., in delivering the opinion of the court, said:

"In view of the facts and circumstances surrounding the enactment of the jurisdiction statute here questioned, we can not hold otherwise than that Congress intended to reward claimants, if entitled to reward, upon the basis of a quantum meruit."

Mr. McCUMBER. Mr. President, I think the Senator from Kansas is mixing up the merits of this case with the parliamentary question whether or not it is proper to be considered upon an appropriation bill.

The very first question that naturally arises in this case is whether or not, there being $1,500,000 to the credit of these Indians, the Congress had a right to say that any portion of it should be applied for attorneys' fees. The moment we admit that Congress had the right to distribute it in a certain way, the moment we admit that Congress had a right to say that the court should advise Congress—because that is all it means—as to what fee ought to obtain in this case, that moment we concede the right of Congress to go over the subject in an appropriation bill.

Suppose the court had said $60,000, as it did, and Congress had appropriated only $30,000 or $40,000, or suppose Congress at that time had said "We will not take the advice of the court as conclusive and we will appropriate $65,000 instead of $60,000." Is there any question of the power of Congress to do that?

Mr. NELSON. Mr. President——

Mr. McCUMBER. I will yield the floor in just a moment. If Congress had the power to determine what portion of the appropriation should be applied for a certain purpose at one session of Congress, it would have a right to increase or diminish that at another session of Congress. So, after all, it seems to me that it is not a question of new legislation, a question of abolishing other laws, but it is a question as to whether Congress will grant so many thousand dollars in addition to what it has heretofore appropriated for that purpose.

Mr. LODGE. Congress, as I understand it, made no appropriation. It simply directed a payment from a fund.

Mr. McCUMBER. That is the same thing.

Mr. LODGE. Not at all. The law did not provide that the court should advise Congress as to what they were to appropriate. The law distinctly says "and payment of said judgment shall be in full satisfaction of all attorneys." The judgment was to fix the amount.

Mr. President, I do not care to take the time of the Senate in discussing the point of order. I do not agree with the original decision of Mr. Frye in the Sypher case, and I never did; but I think this comes under an entirely different head. If it is not general legislation to reverse the previous action of Congress and to reverse the decision of a court, it is difficult for me to understand what general legislation is.

Mr. BACON. Mr. President, I hesitated about entering upon a discussion involving the merits of the question, and I carefully avoided that in what I had to say before to the Senate. But the matter has been presented in such a way that it seems to me a recitation of the facts in this case is somewhat essential, if the point of order is to be broadened to the extent now indicated. With the permission of the Senate, I will occupy a few minutes just to state what this case is, and I hope I may have the attention of the Senate, especially of Senators who seem to be indisposed to recognize the propriety of this claim.

Congress passed upon the question as to whether or not it was indebted to these Indians, the Colville Indians, on account of the opening of a reservation, the contention being that while the reservation should be opened the Indians did not have a claim to it, and that while the lands would be sold no compensation would be given to the Indians. That contention was made by one of the most honored and careful Senators in this body, and one in whom the Senate had as much confidence as it ever had in any other Senator in this body—one who was particularly familiar with Indian affairs, Mr. Orville H. Platt. He contended that the Government of the United States was under no obligation to pay these Indians one dollar, and the act which was passed opening the lands to settlement and practically taking them away from the Indians did not carry with it any appropriation; and while I can not recall that it did so in words, it did in effect deny that there was anything to be paid to these Indians.

In that condition of affairs Mr. Gordon made a contract with these Indians that he would endeavor to secure for them compensation from the United States Government. The Indians entered into a contract with him in writing by which they agreed that they would pay to him and to his associate who was with him in the contract—I mention the name of only Mr. Gordon for brevity—15 per cent of all that might be gotten from the United States Government in payment for these lands in the State of Washington. That contract was brought by him to the Interior Department for its approval. An examination of the contract was made by the then Secretary of the Interior, my present colleague [Mr. SMITH], and he cut the fee down from 15 per cent to 10 per cent and approved it upon those terms. It was a solemn contract in writing that upon the recovery which should be had from the United States Government under the claim which he would prosecute for them he should be paid the amount of 10 per cent. The Indians, of course, were perfectly satisfied with that contract. The contract had in it an additional provision that it should run for the term of 10 years.

That contract was prosecuted with the utmost industry by Mr. Gordon and by those whom he employed to assist him. The work was done and the end practically and almost certainly assured before the expiration of the limitation of 10 years prescribed in the contract. I do not make that statement in a general way simply from hearsay, but I make it as a fact found by the Court of Claims.

It so happened that after Gordon's contract had expired by limitation, and after the work had already been done, other parties sought to make a contract with these Indians, and probably did have some form of contract with them. When the case was before the Court of Claims this second body of lawyers tried to establish a claim against this fund on the ground that they had rendered certain services after the expiration of the 10 years. The Court of Claims denied to them any compensation whatever upon the express ground that all the work had been done before the 10 years had expired, and that therefore the parties who came in afterwards were not entitled to anything. They were denied the right to any com-

pensation upon the ground that Gordon and those who had done the work under Gordon's contract had done all the work, and that these parties therefore were not entitled to anything.

I mention that simply as conclusive evidence of the fact that while technically the contract of Gordon was limited to 10 years, and he might not be held to be entitled to anything under the contract after that time, it is a fact judicially ascertained that he had performed all the work before that, that the result was due exclusively to his work, and that therefore those who came in and claimed for services subsequently rendered were not entitled to anything. When I speak of Gordon I speak of him and those whom he employed to work under him.

Gordon employed some other lawyers, principally a firm by the name of Butler & Vale. Gordon himself, after having spent a number of years in looking after it, left it largely to those whom he employed, and he is certainly entitled to the benefit of whatever resulted from the work of those whom he employed. There was never any other living human being who had a contract with these Indians except Gordon and the man who was associated with him and Butler & Vale. No other lawyer ever had any contract with these Indians. The contract was with Gordon alone and the lawyer who was associated with him, and all the work performed by other lawyers was under an employment by Gordon that they should assist him in the work.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. OVERMAN. My recollection of this matter is——

Mr. BACON. I would prefer that the Senator would allow me to conclude my statement of the question.

Mr. OVERMAN. I speak of the contract. This contract——

Mr. BACON. The Senator goes ahead.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. OVERMAN. The amendment was made six years ago in a conference committee and had never been considered in either House. The fight came on when the report of the conference committee was presented.

Mr. BACON. I object to the Senator's interruption of my narration with an argument.

Mr. OVERMAN. I am speaking of the contract.

Mr. BACON. I would prefer to go on.

Mr. OVERMAN. I am stating facts.

Mr. BACON. The Senator is doing it without my permission.

Mr. OVERMAN. I beg pardon. I thought I had the Senator's permission.

Mr. BACON. I endeavored in as courteous a way as I could to suggest to my honored friend that I should be permitted to complete my narration before he entered upon an argument.

Mr. OVERMAN. I beg the Senator's pardon.

Mr. BACON. I am now narrating the history of the case. While the matter was under consideration before Congress as to whether or not these Indians should be paid anything for this property, which was afterwards recognized by Congress as being worth $1,500,000, when it was afterwards denied that they were entitled to one cent of it, and when Gordon and his partner with him in the contract was endeavoring to secure for them that for which they had no evidence of indebtedness whatever, the Spanish War came on and Gordon went off into the Army. After a service of some time the matter was still pending here in Congress and the active charge of it really went out of his hands. It was in the hands of those whom he had employed, not in the hands of associate counsel employed by the Indians, because nobody else had been employed by the Indians. Gordon and his partner in the contract were the sole parties to any contract with the Indians, and these other parties were simply his employees. He himself having interests in the far South, living, practically, in Florida, although he was from my State, and having property interests there, and the matter dragging slowly along, the lawyers whom he had employed living here in Washington, he naturally left it to them. Everything which they did in the prosecution of that case was as much his act as if he had himself been present. After the term expired these same lawyers continuing to prosecute the claim, although the contract by its limitation of 10 years had expired, the appropriation was finally secured, after long-continued and most earnest effort, with a claim utterly denied and disputed as having any validity by such a man as Orville H. Platt.

Finally Congress was brought to a recognition of the fact that these Indians were entitled to be paid, and Congress proceeded to arrange to pay them $1,500,000 for this property which it had gotten, for which it had refused originally to pay a cent, and which it had finally been induced to recognize. Congress agreed to pay $1,500,000 exclusively through the efforts of Gordon and those whom he employed to represent him.

When the question of the distribution of that fund came up in Congress and the claim was made for $150,000, which was the contract of the Indians which had materialized to their great benefit in securing $1,500,000 for them out of the repudiated claim, the contention was as to whether or not these lawyers should have the money. Gordon was not here; he was leaving it to the parties whom he not only understood but knew to be his employed attorneys to represent him in all these matters. I recollect well the debate in the Senate. Under the act which the Senator from Kansas has read, instead of paying $150,000, which was the plain letter of the contract, and which nobody was disputing was justly due and was a reasonable fee for a claim which had been utterly repudiated and denied by the Government after a long contention here, in which there were a great many personalities, which my friend from North Carolina will recall, in a part of which he was a little prominent himself, as there seemed to be some matters which related to distinguished gentlemen from his own State, it was finally so ordered that the act was passed directing the Court of Claims to pass upon it as a quantum meruit, but the act recited that in passing upon it as a quantum merult these contracts should be taken into consideration, or rather that they should take cognizance of them.

Mr. Gordon was not here. He was not a party consenting to that in any way. He was not present at the time of the adjudication by the court. He has never consented to receive $14,000 in full payment. He has never received a cent of it, and he has never made any signature agreeing that he should be limited to $14,000. It can not be produced; it does not exist; it never has existed. Yet it is said that under those circumstances a point of order can be raised.

Mr. President, how does that repeal any law? Here is a fund in court, as it were. It is not a court, but it is likened to that. Here is a claim upon this particular fund. Where else can this claim be asserted? It is not as in the case of a claim against the Government where, when a point of order is made upon an amendment proposing to put it upon a bill and that point of order is sustained, the party can go and bring it up in the next session of Congress br propose it in another bill. When this money is once paid to these Indians it is gone, and gone for good. It is really a question as to what is due in justice and in equity.

This matter originated 20 years ago, and 10 or 15 of the best years of this man's life have been passed hanging around this Capitol; first, in the effort to secure justice for these Indians, and next, in the effort to get a poor pittance for himself in compensation for his work. He has grown old and gray in the effort.

Mr. President, if this were a case where we were seeking to secure a payment for some alleged service where no particular fund was the fruit of that service, it would be a bad enough case if it were meritorious, but in a case where the fund is the fruit of that service and where that fund is a great and a valuable fund, and where not a dollar of it would have been gotten but for the work of this man and those whom he has employed, where these Indians are the recipients of a great sum of money once repudiated by the Government, not repudiated in a careless, thoughtless way, but repudiated after careful consideration and upon the judgment of such a man as Orville H. Platt, then to say, Mr. President, that we would be untrue to our wards if we required that out of that fund a reasonable pittance should be paid for this service, because it is a pittance compared with the original amount, can, in my opinion, find no justification.

Mr. President, I repeat the statement I made in the earlier part of what I have had to say, or possibly on the subject of the point of order originally, that this man has not received one dollar, and, practically, unless this amount is allotted him, he will not receive a dollar. Butler & Vale employed other men to represent them. Other men got mixed up in it. When this unfortunate claimant sought to get the small pittance of $14,000 out of the $150,000 which was the original contract, with suits innumerable and injunction after injunction, this pittance has been tied up in the court and denied him. As fast as one case would be decided in his favor another would be instituted. It has been little short of blackmail, sir. If the $14,000 ultimately comes to him, every dollar of it will practically have been consumed in his expenses in trying to get some little return for the great work which he accomplished through himself and those whom he employed in securing $1,500,000 for these Indians.

Mr. President, that is not all. He not only secured that, but this particular contention in regard to the payment of this money, while it related particularly to the northern half of the property of the Colville Indians, settled the principle which

controlled the money which they have received for the southern half. If the figures which I have understood to be correct are true, these Indians have not only received a million and a half dollars for the northern half, but over a million and a half dollars for the southern half, controlled by the same principle, amounting altogether to nearly $4,000,000, every dollar of which has been paid over to them but $100,000, which is still in the Treasury. When that is gone not another dollar is available for the payment of this money, the payment of this fee. It is the fruit of this work. It is the remnant, the small remnant, of the fruit of this work, without which work not one dollar would have ever gone to these Indians.

Mr. President, I do not see how any man can hesitate in the opinion that this amount should be paid. The Senator from North Dakota has offered an amendment which reduces it to $25,000. I will say very frankly that I am glad he offered the amendment, not because I have any doubt of Mr. Gordon's being entitled to the $45,000, because I have none whatever. It is better that he shall have that than nothing at all. Even then it would be far less in the aggregate than the $150,000 which these Indians themselves agreed in writing under the approval of the Secretary of the Interior to pay.

Mr. President, in what possible way can it be contended that it is subject to a point of order? There may be reasons which will be sufficiently influential with the Senate upon the merits of the question to cause Senators to say that the money shall not be paid, but it does seem to me that there is nothing here which should subject it to a point of order. The bill in no manner sets aside any former legislation. It in no manner sets aside the adjudication of the court. It is an independent question whether or not this fund shall be subjected to the payment of this pittance to this man or whether after 20 years of work, first in behalf of the Indians themselves and then in the effort to secure scant justice for himself, he shall be turned out for all time, forever and for aye, without a dollar, when there has been this great result from his labors to be enjoyed by others, and when it is only proposed that out of that rich fruit of his labors this small pittance shall be paid to him after this long delay.

Mr. LODGE. Mr. President——

Mr. BACON. I want to ask——

Mr. LODGE. I beg pardon; I thought the Senator had finished.

Mr. BACON. I want to add something which I recall. I have here the letter of the Department of the Interior addressed to the Senator from Minnesota [Mr. CLAPP], signed by the former Secretary of the Interior, which I ask may be read as a part of my remarks. It shows the absolute justice of this claim and the propriety of its payment.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 2, 1910.

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: I have the honor to acknowledge receipt, by your reference of March 3, 1910, of a copy of an amendment intended to be proposed by Senator Clay to H. R. 19028, the Indian appropriation bill for the fiscal year 1911, which has since become a law, it having been approved on April 4, 1910, without the proposed amendment being included.

It was proposed to insert in the last paragraph of section 23 (sec. 25 of the act as approved), relating to the Colville Reservation, after the words "provided by law," the following:

"*Provided further*, That the Secretary of the Treasury is hereby authorized to set aside from said annual installment the sum of $90,000 and pay said sum to Hugh H. Gordon, attorney for said Indians, for services rendered in the prosecution of their claim for the payment for lands ceded to the United States."

The paragraph which it was intended to amend appropriates the sum of $300,000 for the fourth of five installments to the Indians of the Colville Reservation for the cession of land opened to settlement by the act of July 1, 1892 (27 Stat. L., 62), being a part of the full sum of $1,500,000 set aside in the Treasury in payment for said land under the terms of the act of June 21, 1906 (34 Stat. L., 325, 377).

It is assumed that the insertion was intended to be made after the words "provision of law," as the words "provided by law" do not appear in the section to which reference is made.

The services for which Mr. Gordon seeks compensation were rendered by him in connection with the claim of the Colville Indians against the United States for $1,500,000 in payment for the lands on the north half of the Colville Reservation, which were opened to public settlement by the act of July 1, 1892, supra, as fully set out in his memorial presented in the Senate by Senator Clay on March 1, 1910, and referred to the Committee on Indian Affairs.

The act of June 21, 1906, supra, in addition to setting aside the $1,500,000 for the use and benefit of the Colville Indians, contained the further provision that "jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim * * *; and the Secretary of the Treasury is hereby authorised and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

In accordance with this provision of law a petition was filed in the Court of Claims, the case being docketed as No. 29526, Butler & Vale (Marion Butler and Josiah M. Vale) *v.* The United States and the Indians residing on the Colville Reservation. A decision was rendered by the court on May 25, 1908 (43 C. C., 497), and a decree entered in favor of claimants in the aggregate sum of $60,000, apportioned as follows:

Benjamin Miller, administrator of the estate of Levi Maish, deceased, $6,000.
Hugh H. Gordon, $14,000.
Marion Butler, $20,000.
Josiah M. Vale, $10,000.
Daniel B. Henderson, $5,000.
Herbert J. May, $3,000.
Frederick C. Robertson, $2,000.

The Court of Claims construed the act of June 21, 1906, supra, as limiting the court to a judgment on the basis of a quantum meruit. Booth, J., in delivering the opinion of the court, said:

"In view of the facts and circumstances surrounding the enactment of the jurisdiction statute here questioned, we can not hold otherwise than that Congress intended to reward claimants, if entitled to reward, upon the basis of a quantum meruit" * *

It is rather a remarkable circumstance that the jurisdictional act authorized the court to render judgment in the name of Butler & Vale, and provided that the latter should distribute the compensation awarded, when the facts as established by the court conclusively show that Butler & Vale first became interested in the case as employees of Gordon.

The findings of the court established that Maish and Gordon's contract (to which Hugh H. Gordon succeeded on the death of Maish) was the only contract ever executed by the Colville Indians respecting their claim, and that it was likewise the only legal authority whereby any attorney appeared for the Indians during its operation. It is also of interest to note that all the persons who were awarded compensation by the Court of Claims were brought into the case by Gordon in the nature of his employees; that is, Gordon did not assign to these persons an interest in his contract, as approved by the department in accordance with section 2106, Revised Statutes, but he made separate agreement with them, so that while the contract was in operation Gordon was the only attorney, after the death of Maish, recognized by the department as representing the Colville Indians in this matter, the others simply being his employees.

While it is true that the judgment of the court was not based on the contract of Gordon, and that this was simply used as evidence in the case, yet it is a remarkable fact that all the attorneys who were awarded compensation for their services were brought into the case at the instance of Hugh H. Gordon, or claimed to be so brought in, and that none of the attorneys who worked independently of Gordon was awarded compensation. Another matter worthy of notice is that Messrs. Butler & Vale were awarded by the Court of Claims a sum equal to that which they would have received from Mr. Gordon had the Indians' claim been settled while the Maish and Gordon contract was in operation and had its terms been carried out.

There seems to be no doubt that it was due to the agitation initiated by Hugh H. Gordon that the Colville Indians finally received compensation for their lands. The Indians expected at the time they made the contract with Maish and Gordon to pay 15 per cent of the amount recovered, which would have been $225,000. The department reduced the rate of compensation to 10 per cent. It seems altogether probable that if the appropriation had been made before the expiration of the Maish and Gordon contract a fee would have been allowed in the amount provided for therein. Mr. Gordon asserts that although the appropriation was not made until June 21, 1906, almost two years after the expiration of his contract, yet, as a matter of fact, the case in favor of his clients—the Indians—had been fully made up before July 25, 1904, at which time the contract, by its own terms, expired. This seems to be substantially correct in that no additional facts were presented or new argument advanced thereafter; the efforts subsequently being in the line of urging upon the Congress the justice of the claim and the propriety of an appropriation upon the facts and arguments theretofore submitted. The Congress saw fit, however, to refer the matter to the Court of Claims in the manner provided in the act of June 21, 1906. That court, in pursuance of the jurisdiction conferred upon it, has heard the case and rendered its judgment. The contention of Gordon, as set forth in his memorial presented by Senator Clay and referred to your committee March 1, 1910, that he should have been awarded a fee in the amount named in his contract rather than an amount to be determined upon the basis of a quantum meruit, is not one for this department to pass upon. If the court wrongly construed the jurisdiction act, as asserted by Gordon, and thereby did him an injustice, it is for the Congress to determine whether it may now correct the mistake. The dispute between those found by the court entitled to share in the judgment as to their respective shares is one in which this department can have no interest. The history of the case, the connection of each attorney therewith, and the services performed by each are set forth quite in detail in the statement of facts made in connection with the decision of the Court of Claims.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Mr. OVERMAN. What is the date of that communication? That same fellow was here when we turned the claim down in the last Congress, in 1910.

The PRESIDING OFFICER. The date of the document is May 2, 1910.

Mr. BACON. Mr. President, I want to say a word in response to what the Senator from North Carolina [Mr. OVERMAN] has

said. The Senator from North Carolina, in his effort to disparage this case before the Senate, says that that letter was here when the Senate turned that case down two years ago.

Mr. OVERMAN. Is not that correct?

Mr. BACON. No, sir; it is not correct.

Mr. OVERMAN. Well, I stand corrected.

Mr. BACON. I am proposing to correct the Senator. The Senate did not turn it down at all. It went off on a point of order.

Mr. OVERMAN. It was turned down; it went out; and that case was here at that time. It went out, whether the Senate turned it down or not. I do not know whether or not there was an appeal from the decision of the Chair, but that is sufficient.

Mr. BACON. But the impression sought to be produced by the Senator from North Carolina is an absolutely unfair one. The impression sought to be produced by him is that the Senate had considered the matter and rejected it, whereas the truth is it went out on a point of order upon an expression in that bill which is not in this bill, and it would not have gone out on a point of order if the amendment had then been framed as it now is. It was a ruling based on the provision which made the amount "immediately available," and nothing else.

Mr. OVERMAN. The Senate did not make the appropriation, and the claim did go out. That same letter was here. Is it unfair to make that kind of a statement?

Mr. BACON. It is when the impression is sought to be conveyed that the Senate had passed upon the merits of this case and had rejected any favorable consideration of it.

Mr. OVERMAN. It was attempted——

Mr. BACON. The fact is that it went off on other considerations altogether.

Mr. OVERMAN. This claim has been here three or four times. It was attempted to get it through by getting a letter from the Secretary of the Interior, who stated the truth about it, as did the Senator from Kansas. The case came here and it was ruled out on a point of order. The language may have been different. There was no appeal from the decision of the Chair; the claim was not appropriated for, and therefore it went out.

But, Mr. President, I was starting, in interrupting the Senator from Georgia, to state some facts in reference to this case when it came up. As I said, this was attempted to be done in conference; it was not argued in the House of Representatives or in the Senate. It came back here in a conference report. The Senator from South Carolina [Mr. TILLMAN] then made the point of order that the conference committee had no right to legislate in any such manner. I arose and asked the question, What services had these men performed? There had just been a scandal over this country in reference to a case in which lawyers had been allowed over a million dollars out of Indian funds. The whole country was full of the scandal. I simply rose and asked what services had been performed by these lawyers. No one said what services had been performed, except that they had been here time and time again before the Senate and the House of Representatives and before committees.

The Senator from Texas then drew from his desk an opinion of the Supreme Court of the United States holding that a contract for the performance of services before Congress was void, as such contract was against public policy. I read that and it is now in the debate. After that was done some Senators claimed that those lawyers ought to be allowed something for their services, although the contract was void on account of public policy. Then we agreed here upon the floor that we would send the case to the Court of Claims and that every lawyer who had performed services for these Indians should go into a proper court and establish his claim. They all went there. If Mr. Gordon did not go there it is his own fault; but, nevertheless, he did go there. The Senator from Georgia says he was allowed his $14,000. Now, a second time after that here comes his claim again, though this same debate had then occurred.

What right have we to take this money from the Indians just because they are Indians and because it is not a claim against the Government? It is our duty as Senators here, because these Indians are our wards, to stand by them just as well as we do by the other taxpayers of this country.

Mr. LODGE. Mr. President——

Mr. BACON. I hope the Senator from Massachusetts will allow me to reply for a moment to the Senator from North Carolina.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield, certainly.

Mr. BACON. Mr. President, the Senator from North Carolina speaks of a scandal. I do not know anything about the case to which he refers, but it will never be considered a scandal in any community or in any body of men that a fee of 10 per cent should be permitted in a case where there had been a recovery of a claim, the entire justice of which had in the beginning and for many years been utterly denied and repudiated by this Government; so that while there may have been other cases in which there were scandalous fees, this could not have been so considered. It is not, I think, exactly fair to endeavor to disparage the claim by a comparison of that kind. Especially so, when this contract was one made with these Indians with the careful approval of its terms by the Interior Department. That made it a legal contract.

Here is a case where the Government, not in a general way, but in its legislation, had said that it did not owe a dollar and that not a dollar should be paid, and, through the efforts of these two attorneys, Gordon and Maish, and those whom they employed, not only $1,500,000 was recovered for those Indians, of which otherwise they would not have had a cent——

Mr. OVERMAN. How was it recovered?

Mr. BACON. By getting Congress to pass a bill recognizing it, after Congress had refused to do so time and time again, and for more than 16 years refused it. By arguments before committees the matter was finally recognized as a legitimate claim against the Government, and $1,500,000 was recognized as the proper amount, and appropriated as the proper amount, for the payment of it. In addition to that, the principle being once settled, a still larger amount for other property resting upon the same title was awarded to these Indians, so that altogether the amount is nearly $4,000,000.

I want to call attention to one fact, and I really do not care about detaining the Senate with much more on this subject. Gordon and Maish employed Butler & Vale, and agreed that they should have a certain percentage of the fees. Maish died, and Gordon, for the reason which I have already mentioned and in the circumstances which I have already narrated, practically left the matter in charge of these men whom he had employed. One of them, from North Carolina, Mr. Butler, had a contract with Gordon, under which he was to receive a certain percentage of this fee. Gordon left to him the representation before Congress in the effort to secure this fee. He undertook to represent it before the courts; and when the award was made, Butler, if my information is correct—and I think it is—got all from that court he would have gotten if Gordon had collected his entire $150,000 and paid Butler the amount he was entitled to receive under his contract. Therefore this distinguished North Carolinian is in receipt of every dollar he would have gotten if the original $150,000 had been collected. After that is done this other distinguished North Carolinian, the Senator now opposing this claim, is perfectly content that the poor Georgian shall go without anything at all, his North Carolina friend having received everything which he would be entitled to receive if the full fee had been paid to Gordon under his contract.

Mr. LODGE. I should like——

Mr. OVERMAN. One minute, if the Senator please.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. OVERMAN. The Senator from Georgia has stated in his former speech——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from North Carolina?

Mr. LODGE. I yield.

Mr. OVERMAN. The North Carolina lawyer against whom the Senator thought I had some feeling had been a United States Senator. What I complain of is that men should go out of the United States Senate, loaf around Washington, get contracts from the Indians, and come here and try to get enormous amounts from the Indians by contracts which the Supreme Court says are void. I will show you the decision and how their contract is void. The Senator admits that the Georgia lawyer has done nothing but to go before the committee time and time again. A contract to get 10 per cent of a million dollars to appear before a committee is robbery of the Indians, I say.

Mr. BACON. But the unfortunate thing is that the North Carolinian got his part of it, and then the Senator is satisfied.

Mr. OVERMAN. The court did that; I did not do it. The court allowed your man $14,000.

Mr. LODGE. Mr. President, I have no desire to discuss the merits of this case, because its merits have absolutely nothing whatever to do with the point of order; but I wish to call the Chair's attention, if the Chair will permit me, to a case in the Senate which is almost exactly like this, although it is not quite so strong. That was a case which occurred in 1909 in regard to a provision in the Indian appropriation bill for paying 10 per cent out of the loyal Creek fund to Mr. Peel, of Arkansas. The Senator from Kansas [Mr. CURTIS], who has reminded me of the case, which I remember very well, raised the question of order that the amendment as amended proposed general legislation to a general appropriation bill, and was therefore not in order. This is what occurred:

Mr. LODGE raised a further question of order, viz, that this amendment as amended is a provision for a private claim, which can only be received to a general appropriation bill when it carries out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment, and inasmuch as no treaty stipulation is cited on the face of this amendment, it is therefore not in order.

The Vice President said:

The Chair has been greatly impressed by the strength of the argument of the friends of the amendment as to the equitable character of the claim. But in deciding the point of order the Chair is, of course, precluded from considering either the equitable nature of the claim or the supposed merit of the claim that is involved in the amendment.

The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows—

I shall not read that, for it is simply the provision of the act for the loyal Creek claims.

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

That said sum shall be accepted by said Indians in full payment and satisfaction of all claim * * *.

Unless this act has been very materially modified or repealed by a subsequent act it stands as the supreme law, and standing as it does it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore it is in the nature of general legislation, and is obnoxious to the rule.

The Chair sustained both points of order. Vice President Fairbanks was then the occupant of the chair.

Mr. President, it seems to me perfectly clear that this is a change of the existing law. I know that our rule is not like the House rule, which forbids any amendment changing existing law, while ours is against general legislation; but it seems to me to follow that, if you change a general act of Congress, the change proposed must be in the nature of general legislation. I do not see how that point can be escaped. I will not pause to argue the other question.

Mr. POINDEXTER. Mr. President, it seems that there are precedents on both sides of this point of order relating to the point that it is a private claim. The attempt is made to except this case from the rule which prohibits a private claim from being incorporated on a general appropriation bill upon the ground that it is not a claim against the United States. I fail to see any merit in that argument. There is nothing in the rule of the Senate which makes an exception of claims which are not claims against the United States. The fact of the case is that this is a private claim which is proposed to be paid by the United States. It is said that it is proposed to pay it out of a special fund; but if there is any merit in the rule of the Senate which excludes private claims from being incorporated in general appropriation bills, it has twice the merit when it applies to funds which the United States is holding in trust for the Indians.

Mr. LODGE. Will the Senator allow me there?

Mr. POINDEXTER. I yield.

Mr. LODGE. I wish the Senator would read the precise language of that rule, as he is arguing the point that the amendment is a private claim. The rule says "provide for a private claim." There is no suggestion that it should be an appropriation. The rule is purposely broad. If you provide for a private claim, no matter how you provide for it, it seems to me obnoxious to the rule.

Mr. POINDEXTER. I thank the Senator for his statement. It corroborates the point which I was attempting to make. The change of the application of that rule would be a change of the rule itself, the reading into the rule of something that the rule does not contain. If we are proposing here now to pay a claim which the United States is not liable for, then we must be paying a claim which the Indians are liable for, without consulting the Indians and without giving the Indians an opportunity to be heard.

The Senator from Georgia [Mr. BACON] has gone at some length into the merits of this claim, and he is justified in doing so because other Senators have gone into the merits of it, and a discussion of the merits of it in a way indirectly may be pertinent to the point of order. It seems that he bases the argument that this is an equitable claim on the ground that Mr. Butler took advantage of Mr. Gordon in the distribution of this fee. I do not see that that creates any obligation on the part of the United States to reimburse Mr. Gordon. If Mr. Butler took advantage of Mr. Gordon, broke faith with him, and took more of this money for his fee than he was entitled to receive, Mr. Gordon's claim is against Mr. Butler and not against the United States.

Mr. CLAPP. Mr. President, will the Senator yield to me a moment?

Mr. POINDEXTER. I yield to the Senator.

Mr. CLAPP. A man whose name is referred to in the Senate is almost powerless to protect himself. While I do not care to become involved in this controversy, and while I am in favor of paying Mr. Gordon this $25,000, I do want to say, in order that it may go into the RECORD, that I have been familiar with the history of this case from the beginning, and I can not feel that there is warrant for saying that Mr. Butler defrauded Mr. Gordon or anyone else in this case.

Mr. BACON. I have not said that he did.

Mr. CLAPP. No; I desire to say that I did not understand the Senator from Georgia to say that. I think we are sometimes somewhat careless and indifferent in our statements in the Senate. We forget that the RECORD is almost imperishable; we forget the circulation of the RECORD; and we forget how helpless a man is to protect himself when any charges are made against him in the RECORD. Thousands who never saw him may read these statements in the RECORD. I am not, as I have said, taking any part in this matter, although I do feel that Mr. Gordon should have this $25,000, and if I have an opportunity I will vote to give it to him.

Mr. OVERMAN. Will the Senator yield to me for a question?

Mr. CLAPP. Certainly.

Mr. OVERMAN. Does not the RECORD show that Mr. Butler got exactly what the court allowed him?

Mr. CLAPP. Mr. Butler got what the court allowed him; yes. The court allowed the attorneys in this case $63,000 to be distributed among them. Mr. Gordon undertook the case early in its history, before any of the others were interested in it, at a time when one of the leading Senators in this Chamber had declared that the claim had no merit, that Congress would not recognize it, and that the department would not recognize it; yet these men worked upon that case until the court decided that the Indians were entitled to the south half of the reservation, and awarded them $1,500,000 for the northern half of the reservation. The court made the division of the fund.

Mr. BACON. I have not said any words that indicated to the contrary.

Mr. CLAPP. I know the Senator has not.

Mr. POINDEXTER. I desire to ask the Senator from Minnesota if he does not think that $63,000 was fair compensation for the legal services rendered?

Mr. CLAPP. I do not think it begins to be reasonable compensation for the services rendered.

Mr. POINDEXTER. Does the Senator know what these attorneys did, what legal services they rendered?

Mr. CLAPP. I know in a general way they had to take this case to the courts. They had to make the proof, and they had to establish the case.

Mr. POINDEXTER. To what court did they take it?

Mr. CLAPP. The Court of Claims.

Mr. OVERMAN. I think the Senator is mistaken about that. They did not take the Colville case to the Court of Claims; they only took their own case to that court. The Colville case was settled by Congress.

Mr. CLAPP. They had to take their case to the Court of Claims.

Mr. OVERMAN. Yes; on a quantum merult. That is all they went to the court about—their own fees.

Mr. NELSON. Will the Senator from Washington allow me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield to the Senator.

Mr. NELSON. The only case, as I understand from what has been said here, that these attorneys took to the Court of Claims was their own claim for compensation. That is the only matter they took to the Court of Claims, and Congress authorized them to do so.

Mr. CLAPP. Exactly.

Mr. NELSON. They performed no other legal services; the only court they attended was the Court of Claims; and the only case they had in the Court of Claims was their own claim for compensation, and not the claim of the Indians.

Mr. CLAPP. That is true——

Mr. NELSON. And the fact is, according to the statements made, that at first the claim of the Indians made no impression

on Congress, but, subsequently, after all these assistant attorneys came in, they succeeded in converting Congress to their view. Does not a case such as that come within the spirit of the decision of the Supreme Court that that kind of service is not legal service and that it is contrary to the spirit of the law? The court would not have allowed the attorneys' claim in this case but for the fact that Congress consented to it.

Mr. CLAPP. Exactly; but when Congress authorized the attorneys to go into the Court of Claims and there by proof establish the value of their services, Congress waived whatever there was as to the technical want of legality in the service they had previously performed. But I simply rose to say——

Mr. BACON. I want to call the attention of the Senator, if he will pardon an interruption, to the fact——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. POINDEXTER. I yield.

Mr. BACON. This was under a contract which had been approved by the Government.

Mr. CLAPP. That is a fact, of course, that has appeared time and again in the discussion of this case.

Mr. POINDEXTER. Mr. President, referring to the remarks of the Senator from Minnesota [Mr. CLAPP], I think the Senator will fail to find anything in what I have said in criticism of Mr. Butler or Mr. Gordon or anyone else. I know nothing whatever about the private arrangement between Mr. Gordon and Mr. Butler. I understood the Senator from Georgia [Mr. BACON] to say that Mr. Gordon had left the presentation of the claim for attorneys' fees to Mr. Butler, and that, as a result of that, Mr. Gordon had not obtained his share of the fee.

Mr. BACON. I do not claim that Mr. Butler was responsible for the fact that Mr. Gordon did not secure a larger award from the court. I simply stated the fact that he had not received the same amount. Mr. Gordon was not present, and Mr. Gordon has never received a dollar under that award.

Mr. POINDEXTER. The court allowed Mr. Gordon $14,000, it allowed Mr. Butler $20,000, and Mr. Vale $10,000. A great number of attorneys were employed in this same matter, and in the aggregate a sum was awarded, as the Senator from North Carolina, I think, has stated, of $63,000. Herbert J. May received $3,000; F. C. Robertson, $2,000; and Daniel B. Henderson, $5,000.

It is said here that there was some dispute as to whether the Indians were entitled to this money. That would require going back and investigating the Indian claims, which of course, the Senate is not prepared to do in the consideration of this claim for an attorney's fee by Mr. Gordon. I fail to see how there could have been any serious doubt about the title of the Indians to the money for lands which they occupied and which had been set aside for them by treaty with the United States Government; and all that this great corps of attorneys did, who received $63,000 for their services, was to secure to the Indians an appropriation of money for lands which the Government had taken from the Indians for a reservation which had been set aside to them by a treaty signed by the Government of the United States.

Mr. HEYBURN. Mr. President, if the Senator will permit me——

Mr. POINDEXTER. I yield to the Senator.

Mr. HEYBURN. He has raised a question that it will probably be proper to consider in connection with this matter. First, the Government undertook to make a treaty with the Colville Indians for the opening of the northern half of their reservation. That treaty was agreed to. It came before the Senate for consideration, and the Senate, after very considerable discussion, disregarded the treaty, and the reservation was opened by an act of Congress. It was the first case, if I remember correctly, where the Congress took the position that they might take Indian lands by an act of Congress instead of taking them under the provisions of a treaty.

Mr. CLAPP. That is right.

Mr. HEYBURN. That covered the north half of the Colville Reservation. That question was taken into the courts. I tried it before the United States court in the case of Northern View Mining Co. v. Bubb, I think, and there is an elaborate opinion filed by the judge of that court in that case. It afterwards went to the circuit court of appeals. This was a good many years ago.

Now, Congress disregarded the treaty rights of the Indians, and disregarded the treaty, and determined the amount the Indians should receive for this land by an act of Congress rather than through the treaty. In other words, they took it out of the hands of the Indians entirely and violated all of the precedents up to that time.

It then became a live question as to whether or not Congress should do it or could do it, and notwithstanding the treaty, Congress opened the north half of the Colville Reservation and fixed the compensation which should be paid to the Indians for that land and the terms of the cession. That cession has been sustained in the courts. In other words, the courts recognize the right of Congress to disregard the treaty rights of the Indians, and out of that all of this controversy has arisen.

Now, of course we can not go back upon the act of Congress opening this reservation; we can not do that because it is something that has passed into the fixed law of the land. So that there was nothing for anyone to do to secure any further compensation to those Indians. It was payable as a draft upon the Government, and when the controversy finally arose they thought—the Indians did not think so; if you could hear their side of the story you would understand how they were led to believe that Congress could not be trusted at all. They were led to believe that they were at the mercy of Congress and had no rights whatever, and so a lot of attorneys, insisting that their services were necessary, inveigled themselves into this controversy; and now this grows out of the violation of the treaty with those Indians.

Mr. BACON. Will the Senator from Idaho permit me for a moment?

Mr. HEYBURN. I will, although I have not the floor.

Mr. BACON. I have not the papers before me, but I am sure the Senator is incorrect in one particular. The Senator says the Government disregarded the treaty and took the lands of the Indians by act of Congress for certain consideration.

Mr. HEYBURN. That is what it did.

Mr. BACON. In fact, they took the lands and denied obligation for any consideration at all.

Mr. HEYBURN. They provided for a consideration.

Mr. BACON. Never. On the contrary I assert it, and I will, if time permits, produce the evidence of it——

Mr. POINDEXTER. Mr. President——

Mr. BACON. One moment. I will not trespass long upon the time of the Senator from Washington. I want to finish my sentence.

Mr. POINDEXTER. I will yield briefly to the Senator from Georgia.

Mr. BACON. They passed the act of Congress providing for the opening of the land and taking these lands and denying any obligation to pay a cent, on the contrary absolutely repudiating the possibility of any claim on the part of these Indians; and no less a man than Orville H. Platt, one of the authorities on the subject of everything that related to Indians, and one of the ablest and most prominent men who ever sat in this Chamber, contended that the Government did not owe these Indians a dollar. It was not a case where the Government had taken the land by act of Congress and provided they would pay a certain amount and where the Indians were led to believe nothing would be paid to them under that contract. It was a case where the Government had denied that it had to pay anything, and had asserted the right to take the property without paying anything, and it was 15 or 16 years after the taking of the property before the right of payment was recognized by the Government—the right of payment of anything, of a dollar or of a penny.

Mr. POINDEXTER. That is going into the treaty with the Colville Indians, going back to the question of this reservation, which had been set aside to the Indians, recognized by the Government as their country, and which had been made the basis of a treaty between the Government of the United States and the Indians, in which treaty it was provided that the Indians should be compensated for the lands which were taken from them and opened to the settlement of white people—questions which are not concerned in any way at all either in the point of order or in the merits of the claim of Mr. Gordon for legal services. Mr. Gordon has presented his claim for all the legal services that he rendered in that case. It has been adjudicated in the court constituted for the purpose of hearing such claims. All the other attorneys have had their claims adjudicated. The claims of these parties and what proportion should be allowed each one have been adjudicated. So much for the merits of the case.

I simply repeat upon the point of order that the amendment is obnoxious to the rule against the insertion of a private claim in a general appropriation bill. There is nothing in the language of that rule upon which any exception can be based. The amendment is also obnoxious to the rule against general legislation, because it can not be denied that this whole matter has been covered by general legislation, been disposed of, and the amount he is entitled to has been allowed. If we are going to

open that up again, we do it, as the Senator from Massachusetts said, by a statute which in effect modifies or repeals a general law which has already been passed by Congress, and, of course, in doing so it is necessarily general legislation.

The PRESIDING OFFICER. When the Chair undertook to rule and was interrupted by debate, the Chair was not aware of some facts which have developed in the discussion since that time.

The Chair was cognizant of the ruling made by the present Vice President on a similar amendment, which was ruled out of order on the ground that it was general legislation because it contained certain words which placed it in the category of general legislation, and which words do not appear in the present amendment. The Chair did not recall, if the questions were raised at that time, the points that have been raised by the Senator from Kansas in the debate that has recently closed. As before stated, the Chair is familiar with the ruling of President pro tempore Frye and President pro tempore Badger that a claim of this kind does not come under the inhibition of Rule XVI, relating to private claims.

But in the debate which has occurred during the last hour very serious questions have been raised upon which Senators entertain widely differing opinions, both as to the point of order and as to the facts in this case. The mind of the Chair has been disturbed, and it is not an easy matter to form an opinion sufficiently clear to make a ruling on the question without giving the matter more consideration than can be given to it now. Therefore the Chair takes the liberty, under the provision of Rule XVI, to submit the matter to the Senate, the question being, Is the amendment in order on an appropriation bill? Senators agreeing that the amendment is in order will say "aye"; those of a contrary mind will say "no." The noes appear to have it. The noes have it, and the amendment is——

Mr. BACON. I ask for a division.

Mr. CLARKE of Arkansas. Mr. President, there is one matter which cropped out in the opinion of the Secretary of the Interior which I think has not been sufficiently brought to the attention of the Senate. It appears that this contract described certain services that the attorneys were to render, fixing the compensation when rendered, to be paid out of the amount recovered and in proportion to it. There was also a limitation of time, that the service was to be rendered within a given time. The service was not rendered within the specified time, but the attorneys continued to serve in their capacity attending upon committees of Congress explaining this matter, hoping that some turn would be taken by which they would be compensated.

At the time the payment was made by Congress no contract existed with the attorneys. The assumption of the court must have been that the services were to be measured by the rule quantum meruit. That was brought to my mind from listening to the letter from Mr. Secretary Ballinger, written about two years since.

The PRESIDING OFFICER. On this question a division is demanded.

There were on a division—ayes 10, noes 21.

The PRESIDING OFFICER. The Senate decides that the amendment is not in order.

Mr. CLAPP. On page 46, after line 13, I desire to submit a proposed amendment which is accompanied by a request of the department.

The SECRETARY. On page 46, after line 13, insert as a separate paragraph the following:

The Secretary of the Interior is hereby authorized to approve the findings of the district court of the State of Oklahoma for Kay County in the matter of the determination of the heirs of Buck Bill, a deceased Tonkawa Indian; to make an equitable partition of the estate among such heirs; and in his discretion to issue patents in fee to the adult heirs for their respective portions of said estate.

The amendment was agreed to.

Mr. CLAPP. On page 68, at the end of the Wisconsin items, I offered an amendment this morning. I now move to reconsider the vote by which the amendment was adopted. It relates to the Pottawatomie Indians.

The SECRETARY. On page 68, at the end of the Wisconsin items, the following amendment was agreed to:

That for the purpose of carrying into effect certain treaty stipulations between the United States and the United Nation of Chippewa, Ottawa, and Pottawatomie Indians, and for the purpose of carrying into effect the act of June 25, 1864 (13 Stat. L., p. 172), the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of that portion of the Wisconsin Band of Pottawatomie Indians now resident in the States of Wisconsin and Michigan the sum of $22,368, the same being the interest upon the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared as set forth in the report of the Secretary of the Interior to the House of Representatives embodied in House Document No. 830, Sixtieth Congress, first session, and said sum shall be immediately available for said purpose, which said interest shall be distributed per capita under the direction of the Secretary of the Interior to the members of said band now resident in the States of Wisconsin and Michigan, or shall be expended in his discretion for their benefit.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

Mr. CLAPP. I ask that the amendment be rejected.

The amendment was rejected.

Mr. CLAPP. At the same place I offer the following amendment.

The SECRETARY. On page 68, after line 7, insert:

That there be, and there is hereby, appropriated out of any money in the Treasury not otherwise appropriated the sum of $22,366.95 to those members of the Wisconsin Band of Pottawatomie Indians now resident in Wisconsin and Michigan, the same being 5 per cent interest for one year upon the sum of $447,339, the proportionate share of these Indians in annuities and moneys of the Pottawatomie Tribe in which they have not shared, as set forth in the report of the Secretary of the Interior to the House of Representatives, embodied in House Document No. 830, Sixtieth Congress, first session. Said sum shall be distributed per capita under the direction of the Secretary of the Interior or shall be expended in his discretion for their benefit.

The amendment was agreed to.

Mr. CLAPP. On looking over the bill, in view of the fact that it will be passed subsequently to the 1st of July, it has occurred to me that, on page 47, line 7, the word "ensuing" should be changed to "current."

I therefore move to amend the committee amendment, on line 7, page 45, by striking out the word "ensuing" and inserting in lieu thereof the word "current."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. CLAPP. The original amendment has been already agreed to.

The PRESIDENT pro tempore. The Chair will not require a reconsideration of the amendment for that purpose. By unanimous consent, the change will be made. The amendment as amended is agreed to.

Mr. CLAPP. That completes the suggestions of the committee. I understand the Senator from Oklahoma wishes to offer some amendments.

Mr. GORE. Mr. President, I desire to submit an amendment to the sections just amended upon motion of the Senator from Minnesota. Are we now in Committee of the Whole or in the Senate?

The PRESIDENT pro tempore. In Committee of the Whole.

Mr. GORE. I presume I would have to move to reconsider that amendment, then.

The PRESIDENT pro tempore. That will be necessary.

Mr. GORE. Then I move to reconsider the amendment.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate reconsider the vote by which it agreed to the amendment to section 18. Without objection, the motion to reconsider prevails.

Mr. GORE. Now, I ask the Secretary to read the amendment, and during the reading I will suggest two or three verbal changes.

The PRESIDENT pro tempore. The Secretary will report the amendment, as requested.

The SECRETARY. Under the heading of "Five Civilized Tribes," on page 46, the committee propose to strike out lines 15 to 22, inclusive, and to insert a new section 18, as follows:

SEC. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $174,000.

For salaries and expenses of district agents for the Five Civilized Tribes of Oklahoma and other employees connected with the work of such agents, $100,000: *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes except for schools for the current year and for the equalization of allotments, per capita, or other payments authorized by law to individual members of the respective tribes.

Mr. GORE. One amendment I desire to move is to transpose those two clauses.

Mr. CLAPP. If the Senator will pardon me, I will undertake to assist him by reading the amendment. He moves to take out, on page 47, the following words, in lines 8, 9, and 10:

For the equalization of allotments, per capita, or other payments authorized by law to individual members of the respective tribes—

And insert them after the word "except," on line 7, following such insertion with the word "and," so that it would read, beginning with line 7:

Five Civilized Tribes except for the equalization of allotments, per capita, or other payments authorized by law to individual members of the respective tribes, and for schools for the current year.

I understand that to be the amendment.

Mr. GORE. Yes; that is one of the amendments I desire to offer.

Mr. CLAPP. I move that amendment.

The PRESIDENT pro tempore. The Secretary will report the amendment suggested by the Senator from Minnesota.

The SECRETARY. It is proposed to insert, after the word "except," in line 7, the following words occurring in lines 8, 9, and 10:

For the equalization of allotments, per capita, or other payments authorized by law to individual members of the respective tribes—

And also to insert the word "and."

The amendment to the amendment was agreed to.

Mr. GORE. I will ask the Secretary now to proceed with the reading, continuing from the word "salaries."

The Secretary read as follows:

And the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Five Civilized Tribes, and attorneys of said tribes.

Mr. GORE. I wish to submit an amendment to that. It should be "mining trustees of the Chickasaw and Choctaw Tribes." The language of the bill is, "mining trustees of the Five Civilized Tribes." There are no such officers for the Five Civilized Tribes. It is only the Chickasaw and Choctaw Tribes that have mining trustees.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out the words "Five Civilized Tribes" and to insert in lieu thereof the words "Chickasaw and Choctaw Tribes."

The amendment to the amendment was agreed to.

Mr. GORE. I now move to transpose the phrase "current year" to a position after "Chickasaw and Choctaw Tribes."

The PRESIDENT pro tempore. The Secretary will report the proposed amendment.

The SECRETARY. It is proposed to insert after the words "the Chickasaw and Choctaw Tribes" the words "for the current year."

The amendment to the amendment was agreed to.

Mr. GORE. Now I will ask the Secretary to proceed with the reading.

The Secretary read as follows:

Employed under contract approved by the President, without specific appropriation by Congress, except as hereinafter provided: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance.

Mr. GORE. Mr. President, I think the last clause there, from "*Provided*" on, is covered by the preceding provision, and I believe I will raise a point of order to that provision.

Mr. CLAPP. Mr. President, I am afraid the Senator is falling into confusion. My judgment would be to suggest to him that he let the matter stand, and if there is any question of that kind it can be settled in conference.

Mr. GORE. There has been some little confusion or controversy upon that point. That policy is now being pursued, as I understand. These moneys are being used for the purpose of maintaining these schools.

Mr. CLAPP. Yes; but I understand the department holds that there is at least very serious doubt as to its authority to use moneys for this purpose without this direct authorization.

Mr. GORE. Yes; and a great many of these Indians are unwilling to have the law made explicit. That is the reason why I raise the point of order. It undoubtedly would be subject to a point of order, I think.

Mr. CLAPP. On the other hand, I understand some of them desire it. If there is any conflict about it, I shall be glad to call the Senator's attention to it when we get into conference.

Mr. NELSON. Mr. President, I rise to inquire of the Senator from Minnesota as to what is implied in that. It is difficult to gather the force of the amendment. It seems that there is a reservation in that paragraph in favor of some attorneys. How is that?

Mr. CLAPP. There are certain attorneys who are regularly employed, at a salary of $5,000 a year, under contract approved by the President. At the beginning of this section—it is somewhat involved as it reads, although I think it can be all straightened out in conference—there was a limitation placed upon this appropriation that during the fiscal year ending June 30, 1913, no moneys should be expended from the tribal funds belonging to the Five Civilized Tribes except for certain purposes then enumerated. One of those purposes was the equalization of allotments, per capita, or other payments; another was the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes, and the attorneys whose contracts are approved by the President, and the schools that are also included in this exception. I would very strongly urge the Senator to let the matter go into conference in that shape.

Mr. GORE. It is my own theory that these appropriations ought to be made in an annual budget, and the necessary sums ought to be annually appropriated by Congress. I do not think it wise to vest the Secretary of the Interior with plenary powers, unlimited as to time and as to amount, with reference to these schools. I am very decidedly of the opinion that there ought to be annual appropriations. I have no objection to them as annual appropriations, but I do not think it wise to insert a provision here without any limitation.

Mr. CLAPP. I am very quick to accept the suggestion of the Senator. As I understand the situation now, the latter clause could be for only one year, while the others are annual, in the nature of a continuing matter, as suggested by the Committee on Appropriations. If there is any question about the matter, I shall be very glad to correct it.

Mr. GORE. As I understand, the last provision is entirely without limitation as to amount or as to time.

Mr. CLAPP. Then, after the word "maintenance," in line 19, I move the insertion of the words "for one year."

Mr. GORE. That is all right. Just say "for the current year."

Mr. CLAPP. "For the current year," then.

The PRESIDENT pro tempore. Does the Senator offer that as an amendment?

Mr. CLAPP. Yes, sir.

The PRESIDENT pro tempore. The Secretary will report the proposed amendment.

The SECRETARY. After the word "maintenance," in line 19, it is proposed to insert the words "for the current year."

The amendment to the amendment was agreed to.

Mr. CLAPP. Now I move the adoption of the amendment, as amended.

The amendment as amended was agreed to.

Mr. GORE. Mr. President, I have another amendment which I desire to send to the desk.

I may state, by way of preliminary, that a bill has passed the present Congress providing for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations—a tract comprising about half a million acres of land. It happens that there are several small cemeteries situated in that section. There is no provision under existing law, for the reservation of these cemeteries. The amendment which I send to the desk provides for excepting those cemeteries.

I will add that accompanying the amendment there is a letter from the Secretary of the Interior, which I will ask to have printed in the RECORD. It need not be read.

The SECRETARY. On page 49, line 4, after the word "resold," it is proposed to insert:

And provided further, That where any cemetery now exists the land within said cemetery, together with land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery and where a church was in existence on February 19, 1912, land not exceeding 1 acre for each church, may, in the discretion of the Secretary of the Interior, be sold to the proper party, association, or corporation under such terms, conditions, and regulations as he may prescribe, provided application to purchase the same for such purpose is made within 90 days from date hereof.

Mr. CLAPP. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Oklahoma.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The Chair understands the Senator from Oklahoma to request also that the accompanying letter be printed in the RECORD.

Mr. GORE. Yes; I do not care to have it read.

The PRESIDENT pro tempore. It is so ordered, without objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1912.

Hon. R. J. GAMBLE,
Chairman Committee on Indian Affairs, United States Senate.

SIR: In response to your request of April 3, 1912, for a report on S. 6078, introduced in the Senate on March 28, 1912, by Mr. OWEN, of Oklahoma, and being "A bill amending the act entitled 'An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes,' approved February 19, 1912," I have the honor to invite your attention to the fact that the above bill, being an amendment to the act of Congress approved February 19, 1912 (Public, No. 91), passed the Senate on April 5, 1912. (See CONGRESSIONAL RECORD, 62d Cong., 2d sess., vol. 48, No. 97, for Friday, Apr. 5, 1912, p. 4569.) However, the amendment as adopted provides only for the sale of adjoining land to cemeteries, but makes no provision for setting aside the land covered by existing cemeteries on the surface of the segregated coal-land area, nor is there any provision for such sale under existing law. In the same connection it is suggested that a provision should also be made

in the proviso for land not exceeding 1 acre for church purposes where churches have already been established.

I have recommended to the chairman of the House Committee on Indian Affairs that in lieu of the proviso in S. 6078 there be inserted the following:

"*And provided further*, That where any cemetery now exists the land within said cemetery, together with land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery, and where a church was in existence on February 19, 1912, land not exceeding 1 acre for each church, may, in the discretion of the Secretary of the Interior, be sold to the proper party, association, or corporation under such terms, conditions, and regulations as he may prescribe, provided application to purchase the same for such purpose is made within 90 days from date hereof."

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. SMITH of Arizona. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 17, at the end of line 13, insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to construct suitable steel and concrete wagon bridges, with approaches thereto, across the Gila and San Carlos Rivers on the White Mountain or San Carlos Indian Reservation, in the State of Arizona, for the use and accommodation of the Indians and the general traveling public on the said Indian reservation; that the Secretary of the Interior is hereby authorized to select the most practicable available sites for the said bridges at points on said rivers; that the Secretary of the Interior is hereby authorized to make all necessary regulations to carry out this act, and for the purpose of carrying its provisions into effect there is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $100,000, or so much thereof as may be necessary.

Mr. CURTIS. I make the point of order against that amendment. It has not been estimated for by the department.

Mr. SMITH of Arizona. I recognize that the point of order is good. I know that the measure is favored by the department. While there has been no estimate made, I offered the amendment with the hope that the Senator might be gracious enough to our suffering class to have withheld the point of order and let the amendment go.

The PRESIDENT pro tempore. The Senator from Kansas will please state the ground of his point of order.

Mr. CURTIS. I make the point of order on the ground that the item was not estimated for by the department.

The PRESIDENT pro tempore. The Chair sustains the point of order.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 24565, the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached.

The PRESIDENT pro tempore. The Senator from California asks that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments. Without objection, it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, on page 3, after line 8, to insert:

That all officers of the Navy who, since the 3d day of March, 1899, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

Mr. BRISTOW. I raise the point of order on the amendment that it is new legislation. It is advancing all officers to a grade higher upon retirement than they held.

The PRESIDENT pro tempore. What is the ground on which the Senator from Kansas makes the point of order?

Mr. BRISTOW. That it is general legislation.

The PRESIDENT pro tempore. The Senator from Kansas makes the point of order that the amendment just read is general legislation, not coming within the rule. The Chair is constrained to sustain the point of order. The Secretary will proceed with the reading of the bill.

The reading of the bill was continued.

The next amendment was, on page 3, after line 20, to insert:

The Auditor for the Navy Department is directed to allow payments made to hospital stewards who were granted permanent appointments as of date of May 13, 1908, which have heretofore been disallowed by reason of a decision of the Assistant Comptroller of the Treasury dated December 29, 1910, and to pay them out of the appropriations for "Pay of the Navy."

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to strike out:

That hereafter any officer retired under the provisions of sections 8 and 9 of the act approved March 3, 1899, an act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, shall be retired with the rank and three-fourths the sea pay of the grade from which he is retired.

And insert:

That hereafter commissioned officers of the staff corps of the Navy who are graduates of the Naval Academy below the rank of captain shall be promoted in rank with the officer of the line with whom or next after whom they take precedence on the list of order of precedence of the Navy, and to carry out this provision temporary changes shall be made, when necessary, in the numbers of the various grades and ranks established by law for the staff corps: *Provided*, That there shall be no other promotion in grade or rank in any staff corps except in accordance with this act, and all laws and acts in conflict with this provision are hereby repealed: *Provided further*, That nothing herein contained shall be held to increase the total number of officers in any staff corps as now fixed by existing laws and provided for in this act.

Mr. BRISTOW. I make the same point of order on that amendment—that it is general legislation.

Mr. PERKINS. I ask the Senator to let the amendment go over until the Senator from South Carolina [Mr. TILLMAN], who wishes to be here when it is considered, is present.

Mr. BRISTOW. I am perfectly willing to let the ruling go over, but I want to make the point now, so that if I should be out of the Chamber when it is again taken up I may not lose my right to interpose the point of order.

Mr. PERKINS. That is understood.

Mr. LODGE. The amendment can be passed over and the point of order reserved.

The PRESIDENT pro tempore. The point of order will be reserved and the amendment passed over.

The reading of the bill was continued.

The next amendment was, on page 5, line 11, after the word "other," to strike out "dependent relative of" and insert "person previously designated by," and in line 12, after the words "enlisted man," to strike out "previously designated by him," so as to make the clause read:

That hereafter immediately upon official notification of the death, from wounds or disease not the result of his own misconduct, of any officer or enlisted man on the active list of the Navy and Marine Corps the Paymaster General of the Navy shall cause to be paid to the widow, and, if no widow, to the children, and, if there be no children, to any other person previously designated by such officer or enlisted man, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man, to defray expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person.

The amendment was agreed to.

The reading of the bill was continued to line 15 on page 6.

Mr. PERKINS. On page 6, line 1, I move to strike out the word "line" and insert in lieu thereof the word "nine," so as to read:

Shore-duty pay and allowances of the rear admiral of the lower nine.

The amendment was agreed to.

The next amendment was, on page 6, after line 15, to insert:

That hereafter the pay of the secretary to the Admiral of the Navy shall be at the rate of $3,000 per annum.

The amendment was agreed to.

The next amendment was, on page 6, after line 18, to insert:

Hereafter any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed in time of peace shall receive the pay and allowances of an officer of the active list of the grade from which he was retired: *Provided*, That no such retired officer so employed on active duty shall receive, in time of peace, any greater pay and allowances than the pay and allowances which are now or may hereafter be provided by law for a lieutenant commander on the active list of like length of service: *And provided further*, That any such officer whose retired pay exceeds the highest pay and allowances of the grade of lieutenant commander shall, while so employed in time of peace, receive his retired pay only, in lieu of all other pay and allowances.

Mr. OVERMAN. I am satisfied that the Senators on this side of the Chamber, there being so few here, do not know that this bill is up. I think they ought to know it. Therefore I suggest the absence of a quorum.

Mr. PERKINS. I think we can make progress by going on with the reading and passing over any amendments to which there may be objection.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Page	Sutherland
Bacon	Gardner	Penrose	Thornton
Briggs	Gronna	Perkins	Tillman
Bristow	Heyburn	Pomerene	Townsend
Burnham	Johnston, Ala.	Sanders	Warren
Catron	Lodge	Simmons	Wetmore
Chamberlain	Nelson	Smith, Ariz.	
Clapp	Newlands	Smith, S. C.	
Fall	Overman	Smoot	

Mr. PERKINS. Before the result is announced I will state that the committee has no objection to the bill going over until Friday, at the close of the morning business, and I will therefore agree to an adjournment with that understanding.

The PRESIDENT pro tempore. The Senator from California asks that the bill be temporarily laid aside?

Mr. LODGE. No; the Senator from California gave notice that he will move to take up the bill on Friday immediately after the routine morning business.

The PRESIDENT pro tempore. That would be the effect of laying it aside. It is the unfinished business.

Mr. LODGE. I am aware of that.

Mr. PERKINS. I move that the Senate adjourn.

Mr. SMOOT. If the Senator will withhold that motion I will explain to him that there are a number of Senators who desire a brief executive session.

Mr. PERKINS. I withdraw the motion.

The PRESIDENT pro tempore. Thirty-three Senators only are present. A quorum of the Senate is not present.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until Friday, July 5, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 3, 1912.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast never forsaken us, blessed be Thy name forever. Inspire us by Thy holy presence to be faithful servants unto Thee, rich in thought, noble in deed, giving ourselves to those things which seemeth best in Thy sight; and with perfect faith and confidence in the overruling of Thy providence help us to submit ourselves to all the vicissitudes of life, assured that all things work together for good to them that love God. For thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADJOURNMENT OVER.

Mr. UNDERWOOD. Mr. Speaker, as to-morrow is a legal holiday, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection? [After a pause.] The Chair hears none.

TO CONVEY TO WILMINGTON, N. C., PORTION OF MARINE-HOSPITAL RESERVATION.

The SPEAKER. This is Calendar Wednesday. The call rests with the Committee on Public Buildings and Grounds. The unfinished business is the bill S. 6603, which is on the Union Calendar, and the House resolves itself automatically into the Committee of the Whole House on the state of the Union, and the gentleman from Georgia [Mr. ADAMSON] will take the chair.

The CHAIRMAN. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (S. 6603) authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

Mr. MANN. The bill has not been read in the committee.

The CHAIRMAN. The Chair was misinformed, then. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to convey to the board of education of New Hanover County, State of North Carolina, the following-described tract of land, being a portion of the marine-hospital reservation in the city of Wilmington, which, in the opinion of the Secretary of the Treasury, is no longer needed for marine-hospital purposes, to wit, 34.1 acres of land, more or less, covering six whole and three one-half city blocks lying east of Tenth Street, in the city of Wilmington, county of New Hanover, and State of North Carolina, such conveyance to be upon condition that the land shall be used exclusively for industrial-school purposes, the title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purpose.

Mr. MANN rose.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] desire recognition?

Mr. MANN. I thought that some gentleman in charge of the bill would desire recognition.

The CHAIRMAN. The Chair, not hearing anyone in charge of the bill who desires recognition, will recognize the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, a number of years ago the Government purchased a piece of property at Wilmington, N. C., for which it paid cash, for a marine-hospital site—a tract of about 40 acres. It is now proposed to donate to the board of education of the county, at Wilmington, 34 acres of this land for nothing. The land which it is proposed to donate is valued at $22,500, which is believed to be a conservative value. The Government paid for the tract 50 years ago $6,500. What excuse can anyone give for the Government to purchase a piece of land for its own use, for which it pays cash, and to donate the major portion of the land to one of the municipalities of a State for no consideration whatever? I shall be glad to hear any reason that can be given.

Mr. HAMMOND. What was the total acreage bought?

Mr. MANN. About 50 acres were bought, and it is proposed to donate 34 acres, and to donate them undoubtedly for a good purpose—for a school of some kind. But why should the General Government purchase land in order to turn it over to a State or any municipality or other organization of the State without consideration?

I reserve the balance of my time.

Mr. CULLOP. I would like to ask the gentleman from Illinois a question.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. MANN. I do.

Mr. CULLOP. What is the purpose of turning this land over?

Mr. MANN. To be used for an industrial school.

Mr. CULLOP. Without any consideration?

Mr. MANN. Without any consideration.

Mr. CULLOP. What has it been used for by the United States heretofore?

Mr. MANN. The Government purchased in 1857 a little less than 50 acres, upon which it located the marine hospital used for marine hospital purposes. Those services only occupy something less than 4 acres, and it is said, and truthfully said, that although this bill should pass it would leave 15 acres there, and it is very likely that the Government would not be discommoded by turning over this land to the county, but I can see no reason why the county should not pay at least the proportionate share of the original cost of the land.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield at that point?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Has the gentleman examined the precedents for bills like this? Is it not a fact that if he will examine into the matter he will find that in the Western States, in numerous instances, public lands have been given to cities and towns—public lands and Indian lands to cities and towns and municipalities, and sometimes to States—for schools and other purposes, hospitals, and so forth?

Mr. MANN. Well, I very much regret that the committee presided over by the distinguished gentleman from Texas [Mr. STEPHENS] has on several occasions reported bills to grant Indian lands or other lands, and other committees have reported bills to grant other lands for various purposes. A number of those have not been passed, and Congress in recent years has, usually at least, refused to pass such bills where no consideration was proposed unless there were very exceptional circumstances existing, which I do not believe exist in this case.

Mr. STEPHENS of Texas. Will the gentleman yield further?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Oh, certainly. I yield to any gentleman who desires information.

Mr. STEPHENS of Texas. In the Fifty-first Congress, I believe, a bill, which I think came from the Committee on Public Lands, passed this House and was approved, taking part of the

public domain, the property of the people of the whole United States, and devoting it to educational purposes.

The CHAIRMAN. The Chair is unable to hear the gentleman.

Mr. STEPHENS of Texas. I was simply asking the gentleman from Illinois if there were not numerous precedents for bills of this kind, and if other bills of like character have not been passed by this House?

Mr. MANN. The Government possesses the title to two sections in each township of the public land in the public-land States, to be devoted to public purposes, and it frequently grants additional land for educational purposes. But it is not the custom, although it has sometimes been done, for the Government to give away land which it has purchased and for which it has paid. Take the case over in New York, which was referred to the other day by the gentleman from New York [Mr. FITZGERALD] when another bill was up—a bill which came from the committee of which I was formerly a member, and of which the gentleman [Mr. ADAMSON] presiding over this Committee of the Whole is now the chairman—in reference to conveying a portion of a lighthouse site in New York, where they wanted it for road purposes. We made them pay $50,000 or $60,000, or some such amount as that, for the small portion of land which was taken.

Mr. FOSTER. Does the gentleman yield for a moment?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. FOSTER. I would like to ask the gentleman if he understands that this tract of 34 acres which it is proposed to give away is worth $22,000—the whole tract of land?

Mr. MANN. Well, there might be a question about that; but from the statement I had understood that the tract to be given away was worth——

Mr. FOSTER. Twenty-two thousand dollars?

Mr. MANN. Yes. Whether it really was or not I do not know.

Mr. FOSTER. Does the gentleman understand that this land is within the corporate limits of Wilmington, a city of 30,000 or 40,000 people?

Mr. MANN. I understand so.

Mr. FOSTER. And we are asked now to give away to the city this tract of 34 acres, which is worth $22,000? That is the proposition?

Mr. MANN. Yes; that is the proposition.

Mr. FOSTER. And for which the Government paid for the whole tract $6,500 50 years ago?

Mr. MANN. Yes; $6,500. I would not, so far as I am concerned, insist upon the city paying for the present value of the land, but it seems to me that the city ought voluntarily to be willing to pay the proportion which the land granted bears to the whole of the original purchase price of the land.

Mr. FRENCH. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. FRENCH. In answer to the suggestion of the gentleman from Illinois [Mr. MANN] that the city or county in which this land is situated should pay its proportionate share of the original cost of this land, I will say that the county will be glad to do that, as was brought out in the committee, providing there would be granted to the county that which would naturally be granted when a payment of that kind is made—a deed in fee simple to the land. There is a reservation in the present bill that if the land ceases to be used for the purpose contemplated in the bill it shall revert to the Government, and it was owing to that condition that the committee felt that we should not attach to the county the obligation of paying even a proportionate share of the value of the land. I am satisfied—in fact it was represented to the committee—that the county will gladly pay its proportionate share of the cost of the land if a deed be made in fee simple to the county.

Mr. MANN. Yes; but if the deed is to be made in fee simple to the county it ought to pay the present value of the land.

Mr. FRENCH. Well, the committee looks at the question from this point of view: The purpose for which the grant is made is for an industrial school for the education of the negro population of that section of the country. That is a State that has not received the liberal grants of land for educational and other purposes that Western States have received. The very purpose of this grant is to aid the citizens there who do not bear a considerable portion of the burden of taxation of the county and State government. The committee felt that to make this grant would be not only in line with the precedents, but that it would be doing a right and equitable thing to the South, to the State of North Carolina, and to the people who will be benefited. We can well afford to make this grant without cost on condition that if the land shall cease to be used for the purpose of the grant it shall revert to the United States. The land is not needed further for the original purpose for which it was bought.

More than that, it has been suggested that the county should pay, if it is to receive the title in fee simple, a proportionate share of the present value of the land. I would say that it hardly seems right that the Government should want to make a profit on a real-estate investment in selling the land for school purposes. If any cost is to be taxed up to the county, it should simply be the proportionate share of the original cost of the land to the Government.

Mr. MANN. I will yield to the gentleman from Georgia.

Mr. HARDWICK. Mr. Chairman, I ask unanimous consent to extend some remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, I would like to ask the gentleman from Idaho, with the permission of the gentleman from Illinois, if he does not think that the United States Government is entitled to some consideration where property that it owns has increased in value?

Mr. FRENCH. Unless you want to take into consideration the suggestion I made a few minutes ago, that the Government has acted generously with other States, has made grants to similar institutions in other States, and that here is a section of the country that has not received very much of grants of this character. More than that, the grant is not for the State generally or for the white people, but rather for the benefit of the colored population of that section. It seems to me that it would be a generous thing to do for the Government to make the grant on the basis provided in the bill; or, if you are going to impose a charge for the property, it seems reasonable that you limit it to the proportionate cost that the amount of land granted the county bears to the original cost to the Government of the entire original tract.

Mr. MANN. Mr. Chairman, it is very natural that the gentleman who has just addressed the House should believe that wherever the Government owns land, and the State or any local or municipal organization under the State desires it, that we ought to grant it. Because we have been so liberal to the Western States the Representatives from that section have come to believe that if they want any portion of the public domain in the State they are entitled to it without any compensation. But it is going a little further to say that when anybody wants land which the Government does not own the Government ought to buy the land, pay for it out of the Federal Treasury, and then donate it. The Government purchased this land for its use as a marine-hospital site and paid $6,500 for it. Whenever the Government owns a piece of land that it does not need, whether it has been purchased or reserved, the moment it is seen that the Government does not need it the local counties, towns, cities, or States say that they want it, and ask that it be given to them. Now, does the gentleman from Idaho believe that we ought to adopt that as the policy of the Government?

Mr. FRENCH. I would not lay that down as a policy, but it seems to me that with all the circumstances surrounding this particular case it would be a proper course to pass the bill as reported by the committee. It would be impossible for this industrial school to be established or to be enlarged—because there is an industrial school there at this time—except at great expense. This is a tract of land that by reason of belonging to the Government has been reserved from passing into private ownership, and it practically adjoins the property that is being used now for industrial school purposes.

Mr. KENDALL. By the State?

Mr. FRENCH. By the county for the education of the colored population of the county, and I see no bad precedent that can be established by the passage of this bill.

Mr. KENDALL. The land to be applied to public purposes?

Mr. FRENCH. It will be applied to public purposes, certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Illinois yield while I ask a question of the gentleman from Idaho?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. There appears to be nothing in the report indicating any intent to erect a school or to carry out the purpose to which the gentleman has referred.

Mr. FRENCH. I will say that the bill itself provides that.

Mr. MOORE of Pennsylvania. What pledge or promise has the committee?

Mr. FRENCH. The bill provides that it shall be granted to the county for industrial school purposes and also provides that in the event of its ceasing to be used for that purpose it shall revert to the Government. It is because of that provision that the committee thought it was not necessary to charge the county for the land.

Mr. MOORE of Pennsylvania. Has any suggestion come from any one that the county really wants to build a school there, or that it proposes to build one, should the land be granted?

Mr. FRENCH. Oh, the committee had a hearing upon that subject from the Senator who introduced the bill.

Mr. MOORE of Pennsylvania. There is nothing in the report to indicate any purpose on the part of anybody to build a school.

Mr. FRENCH. I think that is fully covered in the bill itself, together with the reservation that shall it not be used for that purpose the title shall revert to the United States.

Mr. MOORE of Pennsylvania. But there is no direct proposition that a school is to be built. The land is to be transferred on condition that one shall be built?

Mr. FRENCH. Yes.

Mr. MOORE of Pennsylvania. In other words, the Government is offering an inducement for the county to erect schools by giving the land. What does the county say about it? That is what I want to get at.

Mr. FRENCH. It is well understood, as we were assured by the Senator who introduced the bill, when he appeared before the committee, that the county proposes to build this institution.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] permit me to ask a further question?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. The report of the Secretary of the Treasury makes no recommendation upon this subject at all. His letter makes no reservation, but merely submits the facts.

Mr. FRENCH. Yes; submits the facts that a certain amount of land is used for marine-hospital purposes, and we are leaving for that purpose a large amount besides. We propose in this bill to grant to this industrial school an amount from the land that is not used at all by the Government for marine-hospital purposes.

Mr. MOORE of Pennsylvania. Is it not the policy of the Treasury Department to hold onto that land which it has, rather than to let go of it?

Mr. FRENCH. I think there can be no good policy in holding onto this land.

Mr. MOORE of Pennsylvania. I am asking if it is not the policy now of the Treasury not to dispose of these public lands?

Mr. FRENCH. I think wherever the land could be used for some good purpose by the Government that the Government ought to retain the land; but these lands are so far away from the harbor that they can not ordinarily be used for the purpose of an immigration station or anything of that character. That question was brought out in the committee, and there seems to be no purpose for which the Government could use the land.

Mr. MOORE of Pennsylvania. The gentleman brought in a bill the other day which provides for a transfer of a piece of land in San Francisco which had formerly been used for marine-hospital purposes. I would like to have the gentleman explain why, when a bill is introduced, as one has been by me for three or four successive Congresses, for the sale of a piece of land for which there is absolutely no public use, that we can not get a report on the bill?

Mr. MANN. If the gentleman were proposing to give it away the committee would undoubtedly report it very quickly.

Mr. MOORE of Pennsylvania. In this instance we asked that the land be sold. It is of no further public use.

Mr. MANN. I know, but to sell anything and get cash for it offends the sensibilities of the committee.

Mr. MOORE of Pennsylvania. In this instance the Treasury reported against the sale of land for which it has had no use for nearly 100 years.

Mr. FRENCH. Of course, I am not familiar with the particular bill to which the gentleman refers, but I am addressing myself to the merits of this bill.

Mr. MOORE of Pennsylvania. But it bears very strongly upon the policy of the Department of the Treasury, which, according to the letter in this North Carolina case, seems to be that it is just as well to hold on to the land.

Mr. FOWLER. Mr. Chairman, I desire to ask if there is anybody else behind the proposed industrial school save the county?

Mr. FRENCH. It was not so indicated to the committee; no.

Mr. FOWLER. Is there any donation or donations that this industrial school will receive—any donation from any source other than that of the county?

Mr. FRENCH. I am not familiar with that; I could not answer the gentleman.

Mr. FOWLER. Is there any other colored school in the county?

Mr. FRENCH. I am not familiar with that question; I do not know.

Mr. FOWLER. And is it to be exclusively for colored children?

Mr. FRENCH. That is my understanding from the general hearings the committee held.

Mr. FOWLER. What is the proposed cost of the building and the capacity thereof for educational purposes?

Mr. FRENCH. Well, that feature was not developed, other than it would naturally be developed by assuming it would be a rather large institution, located in the county in which it is and in a city that is made up of so large a colored population as Wilmington.

Mr. FOWLER. And is it intended to accommodate students outside of the town of Wilmington or the county in which the school is located?

Mr. FRENCH. I do not know.

Mr. LONGWORTH. If the gentleman will permit, I suggest it might be wise——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. I yield.

Mr. LONGWORTH. I suggest it might be wise for the gentleman in whose district this city is to explain some of the questions that the gentleman on the committee is unable to answer. I do not know who is the Representative.

Mr. GODWIN of North Carolina. Mr. Chairman, I represent that district. I want to ask the gentleman from Illinois [Mr. MANN]—I have just come on the floor and did not hear his first remarks—I would be glad to hear in a brief statement what objection he has to the bill.

Mr. MANN. Well, the objection which I made was that there is no provision in here that the county will pay anything to the Government as a consideration for the transfer of the property. The original 50 acres cost $6,500, or at the rate of about $135 an acre, and here it is proposed to convey 34 acres without any consideration, except it should be used for certain purposes.

Mr. GODWIN of North Carolina. Is it not a fact that the bill proposes to convey it upon conditions?

Mr. MANN. Yes; that is what I have just stated.

Mr. GODWIN of North Carolina. And those conditions are based upon the fact that the land shall be used for educational purposes. Now, if the transfer of this property is to be made solely upon the condition that it is to be used for educational purposes to establish an industrial school for the colored people, then what objection would the gentleman have? That is what I understand the bill does.

Mr. MANN. I did not know it was to be used for a colored industrial school. There is no statement to that effect in the bill or report.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question? I would like to ask the gentleman who has just catechized the gentleman from Illinois with reference to the saving clause, which reads as follows:

> The title thereof shall revert to the United States if at any time the land or any building erected thereon shall no longer be used for such a purpose.

Now, what does that mean?

Mr. GODWIN of North Carolina. I am perfectly willing for that to be part of the transfer.

Mr. BURKE of Pennsylvania. The conveyance must necessarily use the language of the act.

Mr. GODWIN of North Carolina. Yes.

Mr. BURKE of Pennsylvania. Suppose the language of that act necessarily implies that there can be no abandonment until there has been an actual occupancy. Suppose they do not enter upon an occupancy of this ground, and suppose they do not erect a building, what becomes of the title, the conveyance having already been made?

Mr. GODWIN of North Carolina. That could be cured by a clause to require them to enter upon the property upon conditions.

Mr. BURKE of Pennsylvania. That should be incorporated in this legislation.

Mr. GODWIN of North Carolina. I am perfectly willing for that to be done. I want to state further, Mr. Chairman, that this bill came from the Senate, and as I have been away from the Capitol for the past two weeks attending my primary I

am not as familiar with it as I otherwise would have been. I am perfectly willing for this transfer to be made upon the condition that this property shall be used for educational purposes, because it is a matter of fact that the marine hospital there has more real estate, more acreage, than they find necessary to use, and it would be to the decided advantage of the colored people of the South and the people of that section of the country, as well as the city of Wilmington, to have this bill passed, and I am anxious to have the bill passed upon fair and equitable terms and provisions.

Mr. MANN. If the gentleman will permit, as far as conditions are concerned I think the bill covers the question very well. The bill expressly provides that the conveyance shall be upon the condition that the land shall be used exclusively for industrial-school purposes.

Mr. GODWIN of North Carolina. Yes.

Mr. MANN. And if it is no longer used for that purpose the title shall revert to the United States. Of course, we all know that as a matter of fact if at any time they conclude they want to use this for any other public purpose they would come to Congress and get the authority, and very likely properly so.

Mr. GODWIN of North Carolina. That is not the desire. This bill is based solely upon the intention of using this property, the portion that the marine hospital does not need, for educational purposes.

Mr. MANN. I will say to the gentleman from North Carolina the question which I raised was whether the Government, where it purchases property for one purpose, perhaps it is for building a public building in a city, and concludes it wants to use some other site, the question is whether it shall then turn around and give away the site for educational or any other purposes without any compensation. I acknowledge, that in the light of what has been said about this being used for a colored industrial school, that it makes some difference in the situation; but may I ask the gentleman if he can give an approximate idea of the proportion of colored and white population in the county or city of Wilmington?

Mr. GODWIN of North Carolina. I am very sorry I have not the exact figures.

Mr. MANN. Well, I do not need them.

Mr. GODWIN of North Carolina. But I think it would be safe to say at least one-third of the population in Hanover County are colored people.

Mr. MANN. How much of a colored industrial school is there now?

Mr. GODWIN of North Carolina. None whatever, as I understand it.

Mr. MANN. The gentleman from Idaho stated——

Mr. GODWIN of North Carolina. I desire to say I was not before the committee; I was not in the city at the time, and requested before leaving here that Senator SIMMONS be allowed to represent me before the House committee, which he did.

Mr. MANN (continuing). That there was now an industrial school there.

Mr. FRENCH. I think a small industrial school that occupies about one or two blocks that is near this particular tract of land.

Mr. GODWIN of North Carolina. Yes, sir. I do not know as to that. I have no information.

Mr. PAGE. I ask the Chair for recognition.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] is recognized.

Mr. PAGE. The gentleman who represents the district in which Wilmington is situated has not come upon the floor. I do not care to occupy the time of the committee further than to state to it that the purpose for which this land is to be used is to establish an industrial school for the education of the negro. The State of North Carolina has not been a frequent asker of the National Government for contributions of any sort, nor do I think any locality in it would be averse to the payment of a reasonable sum for anything it asks now. And this is no unusual proposition that is put to the Congress. I am sure in the brief service that I have had here that I have seen half a hundred bills passed donating land of the United States to municipalities and counties and States without a question being raised as to compensation.

Mr. MANN. Will the gentleman permit?

The CHAIRMAN. Will the gentleman from North Carolina yield to the gentleman from Illinois [Mr. MANN]?

Mr. PAGE. I yield with pleasure.

Mr. MANN. Does the gentleman think that statement is correct if it should mean land which the Government had purchased? I am quite confident that the passage of those bills has been very infrequent, indeed.

Mr. PAGE. I agree with the statement of the gentleman that cases of land that has been purchased and a price been paid for it by the Government and that has been donated by it have not been frequent. I think there have been instances of this kind that might be cited. But I do not distinguish, as does the gentleman, between the land that the Government donates, whether it was purchased or whether it came into the hands of the Government in another way. It was the land of the Government and was as valuable, whether or not purchased for a given sum or whether it came into the hands of the Government originally in some other way. The State of North Carolina has certainly never had any land at the hands of the Government, being one of the original thirteen States, and there was no Government land in them and no donation of land to my State.

Mr. MANN. The State owned all the land?

Mr. PAGE. The State owned all the land, and therefore the Government could not give it any.

Mr. Chairman, I believe, in the light of all the facts that surround this particular case, this bill should pass. Although I do not want to make any plea here to the credit of the citizens or the taxpayers of the State of North Carolina or any other Southern State, it is only fair to say that for 50 years 95 per cent of the taxes of the State of North Carolina have been paid by the white people of the State; that they have taxed themselves and divided the school taxes in educating the negro, and they have had a burden that gentlemen on the other side of this aisle know nothing about. I do not think men ought to quibble about a few thousand dollars, even though it should be donated to a municipality in my State; and, of course, the tax money which is to support this school will be the money paid by the taxpayers of this county. I believe the National Government can well afford to make a donation of these few acres of land, for which it has no use now and which it can not use in all time to come. It is not of great value, because of its situation and character. I only want to say that, and ask that the bill pass.

Mr. GODWIN of North Carolina. I want to say just a word further. The land that we are seeking to transfer is not now necessary for the purpose of operating the marine hospital. It can be readily seen they now have more than they need with which to carry on that enterprise; and in view of that fact, and in view of the further fact that the land is lying idle and is rendering no service to the Government, the people of Wilmington, or the State of North Carolina, I am candid in my belief that this committee ought to pass the bill, because the proposition is made upon fair and reasonable terms. We come here and ask you to pass a bill and convey the land for educational purposes. We have done a great work in the State of North Carolina along the line of education, and we come and ask you to give us the privilege there to erect a great industrial school for the colored race; and we state further that we request that the lands be conveyed upon the condition that if we do not use them, or if we use them and abandon them at any time in the future, they may revert immediately to the Government. That seems to be a fair proposition.

Mr. MOORE of Pennsylvania. A while ago I tried to get some information from the gentleman from Idaho [Mr. FRENCH], the gentleman from North Carolina not being present. I wanted to know if there was any immediate prospect of the erection of a school or the extension of a school on these premises for educational purposes.

Mr. GODWIN of North Carolina. I am glad you asked me that question. While I was away from here the other day I was in the city of Wilmington, and had a talk with Mr. Carr, chairman of the board of education of New Hanover County, the county in which the city of Wilmington is situated, and he told me if this bill should pass they would begin the erection of this industrial school immediately; that the work would be undertaken and prosecuted this summer.

Mr. MOORE of Pennsylvania. North Carolina is quite liberal in its treatment of the negro so far as education is concerned. I am aware of that fact.

Mr. GODWIN of North Carolina. Yes, sir.

Mr. MOORE of Pennsylvania. I would like to know if the gentleman would agree to fix a limitation of time within which the improvement of this property for educational purposes is to begin?

Mr. GODWIN of North Carolina. I am perfectly willing to agree to that; but I do not think it is necessary, because I assure the gentlemen here that this work will begin speedily, and I feel it safe to say that it will begin this year.

Mr. MOORE of Pennsylvania. This property is located on the Cape Fear River, is it not?

Mr. GODWIN of North Carolina. Yes; on the Cape Fear River.

Mr. MOORE of Pennsylvania. The gentleman from Idaho [Mr. FRENCH] a little while ago stated that there had been a number of gentlemen before the committee to discuss this matter and had stated incidentally that it was intended for educational purposes for the advancement of the negro?

Mr. GODWIN of North Carolina. Yes.

Mr. MOORE of Pennsylvania. There is an intent on the part of the people of that county to improve these premises for the purpose of advancing the education of the negro?

Mr. GODWIN of North Carolina. Certainly; that is the sole intent. That will be done if this bill passes.

Mr. MOORE of Pennsylvania. Does the gentleman object to an amendment to the bill which would indicate that it is for the purpose of aiding the colored man?

Mr. GODWIN of North Carolina. I will not object to it, because I understand that is the purpose. I do not care for that, though, and we do not think that ought to go in.

Mr. MANN. "For industrial school purposes" is the language used in the bill.

Mr. MOORE of Pennsylvania. In North Carolina they are comparatively liberal in their treatment of the negro. There is no question about that. But so long as the purpose to help the negro is not stated in the bill, I am satisfied with having it brought out in the discussion. I shall not insist on the amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GODWIN of North Carolina. I do.

Mr. BARTLETT. I want to say to my friend from Pennsylvania [Mr. MOORE] that he need not confine the liberality he refers to in regard to taxation and the erection of school buildings and the education of negro children to North Carolina. The same applies equally to any of the other Southern States.

Mr. GODWIN of North Carolina. We admit that they are liberal in Georgia.

Mr. MOORE of Pennsylvania. I am glad to have the gentleman [Mr. BARTLETT] make that statement. I happen to know that in North Carolina they are doing the best they can under the circumstances.

Mr. BARTLETT. We are doing that also in Georgia, and we are taxing ourselves to a burdensome degree for that purpose.

Mr. MOORE of Pennsylvania. I am glad to hear the gentleman from Georgia make the statement.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield.

Mr. GODWIN of North Carolina. With pleasure.

Mr. STEPHENS of Texas. The State of Texas, I may say, appropriates the same amount of money to the colored race per capita for education as to the white children; that is, for the common schools.

Mr. GODWIN of North Carolina. We do that also in North Carolina.

Mr. STEPHENS of Texas. Then we have the higher schools. We have a normal school in Texas upon which we expend quite a large sum of money annually. They have splendid buildings, and they have the same resources to draw from, and we pay the same amount of money to each individual negro as we do to our own people.

Mr. MOORE of Pennsylvania. The schools for the negroes in Texas are separate from the schools for the white children, are they?

Mr. STEPHENS of Texas. Yes. That is so throughout the South.

Mr. MOORE of Pennsylvania. Are your taxes separate for the two kinds of schools?

Mr. STEPHENS of Texas. No; they are not.

Mr. MOORE of Pennsylvania. The general taxation applies equally to the education of the colored and the white children?

Mr. STEPHENS of Texas. Yes; it is the same general taxation, and the white people pay over 90 per cent, I may say 95 per cent, of the amount that is collected for the purpose of running all the schools of the State.

Mr. GODWIN of North Carolina. Now, Mr. Chairman, I ask for a vote on this bill.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman from North Carolina yield to the gentleman from Connecticut?

Mr. HILL. I would like to say a word. Does the gentleman yield?

Mr. GODWIN of North Carolina. Yes, sir.

Mr. HILL. Mr. Chairman, I am in favor of the bill on its merits. I am in favor of anything that will tend to educate and uplift either the white or the black man who needs it in the South, but I am exceedingly tired of hearing men stand on this floor claiming to themselves great credit for paying taxes to educate illiterate people in the South. That is done all over the country. You are entitled to no more virtue and no more credit for doing it in North Carolina than we are in Connecticut, and if you would pay the same wages to those men and women in the South that we pay in the North they would pay their own taxes.

Bear that in mind. Your platform, issued yesterday, says:

> We denounce the Republican pretense on that subject and assert that American wages are established by competitive conditions and not by the tariff.

And you in the South, beating down and having a lower rate of wages with child labor and longer hours than in any other part of the United States, are establishing competitive conditions by which the wages are kept down in the Northern States. So take no credit to yourselves that you are educating poor people in the South, because you are getting back a thousandfold the taxes that you pay in the lesser wages that you give to these poor people than we pay to like and corresponding and competing labor in the North.

I am in favor of your bill, but you should ask its passage on the merits of the case and not under any pretense, pharisaical or otherwise, that you are doing it as a matter of charity when you are getting your money back again many times in the lower wages you are paying to both blacks and whites. [Applause on the Republican side.]

Mr. GODWIN of North Carolina. Mr. Chairman, I am satisfied that the gentleman from Connecticut [Mr. HILL] misinterpreted the intent of the provisions of this bill, and also misconstrued what was said on this side of the House by some of the gentlemen from the South. I think it can be safely stated here that the South has been as fair and as equitable and as true to the colored race as has any other section of the country.

Mr. HILL. I do not dispute it.

Mr. GODWIN of North Carolina. While I do not care to inject a discussion of the race question or the salary or wages paid to the negroes in the South into the question of the passage of this bill, I want to say that the South pays the negro and the white man also an equitable wage for the services rendered every day in the year. [Applause on the Democratic side.] It has done that in the past and will continue to do it in the future. But, Mr. Chairman, I can not see how that can come legitimately into the question of the passage of a bill to educate the negro and to establish this industrial school in the South to better his condition. Therefore, Mr. Chairman, if the discussion has been concluded I ask for a vote.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. EDWARDS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bill of the following title:

S. 4445. An act concerning unrigged vessels.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest; and

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public building acts, and for other purposes," approved March 4, 1909.

The message also announced that the Senate had passed bill and joint resolution of the following titles in which the concurrence of the House of Representatives was requested:

S. 7163. An act authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions; and

S. J. Res. 121. Joint resolution authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion.

The message also announced that the Senate had passed with amendment joint resolution of the following title in which the concurrence of the House of Representatives was requested:

H. J. Res. 332. Joint resolution appropriating $1,850,000 for encampment and maneuvers for the Organized Militia.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 7163. An act authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions; to the Committee on the Public Lands.

TO CONVEY TO WILMINGTON, N. C., PORTION OF MARINE-HOSPITAL RESERVATION.

The committee resumed its session.

Mr. FOWLER. Mr. Chairman, I am deeply interested in the passage of this bill, for it deals with a question which is of vital importance to the American people. It proposes to authorize the Secretary of the Treasury to convey 34.1 acres of land, now owned by the United States, to the board of education of New Hanover County, in the State of North Carolina, for the purpose of establishing an industrial school for the education of colored people. It is a part of a 50-acre tract of land which the United States purchased in 1857 for marine-hospital purposes for the sum of $6,500. It is not now, and under all probability it will never, be used for marine-hospital purposes, as the remaining 15 acres are yet owned by the United States on which a marine hospital has been erected and is regarded as being ample for all future use. The greater portion, if not all of the proposed transfer, lies in the city of Wilmington and lies adjacent to a small tract of land on which a colored school is located. If the proposed transfer of the 34.1 acres is consummated, it is the intention, I understand, to erect a commodious building and convert this school into an industrial college for the purpose of giving the colored boys and girls an opportunity for higher education, which, in my opinion, is most commendable.

Mr. Chairman, it is contended by some that this proposed grant of land for this industrial school is worth $22,500, and for this reason they claim that this bill should not pass, unless the county of New Hanover is willing to pay what the land is now worth, or at least pay what the Government originally paid for it. There might be some force to this contention if the Government stood in need of the land and could not part with it without being compelled to replace it by purchasing other lands, but no such conditions exist here. The Government can make no use of it, and probably will never have occasion to use it. It never has used it and for more than 50 years it has remained idle, yielding no benefit either to the public or to the private citizen. Under these conditions I see no reason why the donation should not be as complete and as generous as though the land came to the United States without cost. It is not a question of dollars and cents. It lies deeper than that. It goes down to the basis of our civilization and deals directly with the standard of citizenship of this Republic.

The perpetuity of our institutions depends upon the education of the many. It is said that a Republic can not endure half free and half slave; neither can it endure half educated and half illiterate. It will either resolve itself into a depotism, with the cultured as the rulers, or perish in anarchy and bloodshed at the hands of the ignorant. The colored people of this country number more than one-tenth of our population to-day, and it must be admitted that their opportunity for education is limited. Most of them are poor and depend solely upon their daily labor for the support of themselves and families. They do not have the advantage of educated ancestors to inspire them to greater efforts, and many of the children do not have the advantage of educated parents to aid and assist them in their studies. The beginning of their education dates back less than 50 years. Men are yet living who can remember when colored children were not sent to school at all. No preparation was then made on the part of the public for any kind of education for them and but few of them ever learned to read and write. Many old colored people are still living who learned to read and write after their children entered school. Thus handicapped by poverty and illiteracy, the colored people of to-day are struggling on to higher levels and to higher life. They need the assistance of the public to establish schools and libraries to aid them in their struggles, and I am of the opinion that we can make no better use of this tract of land than to donate it without cost and without price as the site of a great industrial colored school. Such an institution would be an ornament to the South. It would be an ornament to the Nation. It would be a blessing to the colored man. Then why not pass this bill?

Mr. Chairman, while it is true that in every part of this beautiful Republic, even in the South, I am informed, as well as in the North, there is great activity on the part of the governments of the different States to furnish the colored people with equal opportunities for education with that of the whites, yet it is a regrettable fact, Mr. Chairman, that by custom, and not by law, the colored man has not had that equal opportunity in any portion of this country. I am sorry to say that there still lingers in the bosom of a portion of the public at least, in the North as well as in the South, a feeling that the education of the colored people is only of secondary importance, thereby depriving him of the same opportunity for education that has heretofore been accorded to the white people. The environments of their ancestors, the limited amount of education of their parents, their poverty, and their lack of understanding of the value of knowledge has had a wonderful retarding influence over their ambition for education; but, as a whole, their advancement since their emancipation has been marvelous, and we wonder how it has been possible for them to rise in such a short time in many instances from dependence and poverty to independence, filling responsible positions of trust in official and professional and business life.

Confronted on all sides with prejudice and opposition to their advancement in education and society, they early betook themselves to their own quarters and their own color for counsel as to how they might best solve the problem of their own moral and intellectual advancement. They have established their own churches throughout the country and placed men of their own color in the pulpit, many of whom are now able ministers of the gospel and are wielding a wonderful influence in the moral uplift of their race. Inspired by the same influences, they demanded separate schools for their children and placed colored teachers over them. They have erected colleges in many places in the country, affording better opportunities for higher education for their children, among which is the Tuskegee Institute, conducted by Booker T. Washington. He is running this institution upon the theory that the colored man must work out his own salvation, and it is generally conceded that his school has done more for the advancement of the colored people, intellectually and morally, than any other institution in America. I understand that he is annually turning out well-educated boys and girls, with practical knowledge, thereby fitting them for teachers of colored schools and other responsible positions in business and professional life.

Mr. Chairman, I believe there is an instinct in all animal life, capable of working out its own destiny and filling the mission for which it was created. Acting upon this theory, I believe that the colored man is able to solve the problems of his own future, and if he elects to have industrial schools for the education of his children, separate and apart from the white schools, I see no good reason why he should not have them. In my district the colored people generally have separate schools, with teachers of their own color, and it is my opinion that they are making greater advancement than they would if they were taught in mixed schools by white teachers. I am sorry to say, Mr. Chairman, that there yet prevails an opinion all over this land, in the breasts of some at least, that the colored man is inferior and ought not to be educated equally with the whites.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FOWLER. Certainly.

Mr. MOORE of Pennsylvania. The colored brother votes quite freely in the North.

Mr. FOWLER. I understand he does, and to the great astonishment of our institutions, some of them, like some of the whites, have the reputation of repeating on election day.

Mr. MOORE of Pennsylvania. That is a reflection on the colored brother that I did not make. The gentleman misunderstood the question.

Mr. FOWLER. I want the black man educated like I want the white man educated, so that both will rise above the business of repeating on election day, and help to maintain the purity of the ballot and preserve inviolate the institutions of our fathers.

Mr. MOORE of Pennsylvania. The gentleman from Illinois is in favor of the free education of the negro?

Mr. FOWLER. I am.

Mr. MOORE of Pennsylvania. And the gentleman is in favor of free suffrage for the negro?

Mr. FOWLER. I am.

Mr. MOORE of Pennsylvania. All over the country?

Mr. FOWLER. I am.

Mr. MOORE of Pennsylvania. Then the gentleman is a patriot.

Mr. FOWLER. I stand for equal education for all the people. The best interest of this country demands it.

Mr. FOCHT. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FOCHT. I am afraid my colleague from Pennsylvania omitted a suggestion, that if the gentleman from Illinois is in favor of the free franchise of the negro his remarks ought to be addressed to the other side of the House instead of this side.

Mr. FOWLER. I am addressing my remarks to both sides of the House—as well to this side as to your side. If you were as much in favor of educating the colored man as you are the white man, there would not be one of you on that side of the

aisle who would raise your voice against the passage of this bill.

Mr. Chairman, the true friend of the colored people is anxious to give them a fair and equal opportunity to prepare themselves for the discharge of the grave responsibilities which rest upon the citizens of this Republic, regardless of color or previous conditions of servitude. All others are their enemies. I am sorry, Mr. Chairman, that the question of politics should be injected into this most important subject by the distinguished gentleman from Connecticut [Mr. HILL]. The question is too big for sectionalism or partisan politics. It appeals to our highest statesmanship with a warning that the life of this Republic depends upon the moral and intellectual education of the masses. This bill is the product of Members from the South. Many of its most ardent supporters come from the South. I am glad, indeed, Mr. Chairman, to see the South, as well as all other sections of this country, deeply concerned in the establishment of good schools for the education of the colored people, and for one I want to register my vote and my influence for the upbuilding and the education of the colored man the same as any other people of this country. Let us pass this bill. [Applause.]

Mr. BURKE of Pennsylvania. Mr. Chairman, I am very much delighted to be able to be present at the opening of the campaign of 1912, and from the deliverances which I have heard here during the last 20 minutes, I am sure it will be one of the most entertaining and delightful through which men of political experience have had the felicity of passing during the last half century. [Laughter.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Pennsylvania. I yield for a question.

Mr. FOWLER. Does the gentleman allude to the section of the Democratic platform that was read by the gentleman from Connecticut [Mr. HILL] and to the political speech which he made a few minutes ago?

Mr. BURKE of Pennsylvania. Mr. Chairman, I did not pay any attention to the reading of the platform, but I did hear the remarks of the gentleman from Connecticut in which he congratulated those who are behind this bill upon their progress as an evidence of the improvement throughout this country upon the part of men upon both sides of the aisle to do that which ultimately means the uplifting of both races in the country.

I claim not for this side of the House alone the selfish credit of having done all that has tended to bring about a better condition of the black man. I know there are patriots and wise and able and far-seeing men on the Democratic side of this House, just as there are upon the Republican side, and I know that there are men on that side of the aisle who in their hearts would go as far as many on this side to improve the conditions of the negro race in the United States. In my comment with reference to the opening of the campaign it was intended at first to be facetious, but if the gentleman seeks to give it an earnest color, then those on this side of the House are willing to pick up the glove where he threw down the gage.

There are in my district more colored boys and girls than there are in any other congressional district in the State of Pennsylvania, and that which you are doing or intending to do in the city of Wilmington we have been doing in the State of Pennsylvania for half a century. Our State appropriates more money for the education of its children than any other State in the family of this Union, and we make no discrimination between the black children and the white who walk the streets and the highways on their way to school in response to the music of the bell that sings from the tower on every school day. [Applause.]

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman how many schools there are in the State of Pennsylvania for the colored children alone?

Mr. BURKE of Pennsylvania. Mr. Chairman, the gentleman's question implies a discrimination which does not exist in the State of Pennsylvania. You will find in every section of the Keystone State schools in which the white boy and the black boy are being taught under the same roof.

Mr. FOWLER. Mr. Chairman, I desire, then, further to ask what percentage of colored boys and girls graduate in the high schools of Pennsylvania?

Mr. BURKE of Pennsylvania. And I will answer the gentleman by saying that the question of moral, political, or social right and wrong was never determined by a question of percentage.

Mr. FOWLER. I will ask the gentleman again if in the great universities of this country there is not a custom to discourage the admission of the colored boys and girls to the schools on an equality with the whites?

Mr. BURKE of Pennsylvania. Mr. Chairman, I can speak from my own experience as a graduate of one of the greatest universities of the North, the University of Michigan, and say that no such discrimination ever existed there in the past nor does it exist there to-day.

Mr. FOWLER. May I say that I have the honor to be a graduate of that great university, and in my class of more than 280 there were just two colored men who graduated.

Mr. BURKE of Pennsylvania. Does the gentleman mean to say that there was any discrimination against those colored boys, or that they were deprived of a single right that he enjoyed while in that institution?

Mr. FOWLER. No; not by law, but by custom; and that is what I refer to when I say that the colored man has not had in America, either in the North or in the South, an equal opportunity for education.

Mr. BURKE of Pennsylvania. Did the gentleman, during his time of being tutored in the University of Michigan, ever have occasion to raise his voice in protest against the treatment accorded to the two colored boys of whom he speaks?

Mr. FOWLER. I did not.

Mr. BURKE of Pennsylvania. That is a complete answer to my question and a vindication of my proposition that no such discrimination exists.

Mr. FOWLER. And then for that reason, because of that very custom, there is a necessity throughout the country to give to the colored men somewhere an opportunity to get a good education, and a separate school like the one proposed, which is of a character like that conducted by Booker T. Washington, who is doing more for the colored man to-day, to educate and uplift him, than all the people in the State of Pennsylvania. Such a school, in my opinion, offers an opportunity to the colored people for education superior to that afforded by the common schools.

Mr. BURKE of Pennsylvania. Mr. Chairman, when the bill is read I desire to offer an amendment, and I will refer to that amendment now.

The CHAIRMAN. The Chair will suggest that if the general debate is closed the bill will be read for amendment under the five-minute rule.

Mr. BURKE of Pennsylvania. Mr. Chairman, I was just about to give the gentleman from North Carolina [Mr. GODWIN] an opportunity to digest it while the bill is being read. I suggest as an amendment, to insert, after the word "purposes," on page 2, line 3, the words "that the board of education aforesaid shall within one year from the passage of this act enter and begin improvements upon the land and that," so as to place a limitation of one year within which they must enter and take possession of the land, and thus guarantee its use for school purposes at a reasonably early date.

Mr. GODWIN of North Carolina. Mr. Chairman, I desire to say, as I stated a while ago, that I have the assurance of the board of education of the county of New Hanover that they will make immediate entry.

Mr. BURKE of Pennsylvania. Then the gentleman can have no objection to that amendment. The question arises in my mind whether we do not establish a bad precedent if we place no limitation whatsoever upon it, and if they are going to enter upon the land within a year there can be no objection, or the gentleman may make it two years if he wishes. I have no objection to that.

Mr. GODWIN of North Carolina. Well, I have the understanding that they will make immediate entry, but still we do not know what will intervene, and I suggest that the gentleman make it two years. Then I have no objection.

The CHAIRMAN. The Clerk will read the bill.

The bill was read.

Mr. BURKE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 3, by inserting after the word "purposes" the following: "That the board of education aforesaid shall within two years from the passage of this act enter and begin improvements upon said land, and that."

Mr. GODWIN of North Carolina. Mr. Chairman, after considering this I think that the amendment would jeopardize the bill in conference. It is a well-known fact that we are near the end of the present session, and I am anxious to get the bill passed at this session.

Mr. MANN. If the gentleman will permit, while I do not think the amendment is at all necessary, as I understand the amendment it gives the county two years' time in which to commence the work.

Mr. GODWIN of North Carolina. Yes, sir.

Mr. MANN. Well, I do not see how anyone can make any objection to that. I think the Senate will agree to that without any trouble.

Mr. GODWIN of North Carolina. That is the only objection I have.

Mr. MANN. The gentleman understands commencing the thing is a very simple proposition, to haul one board on the land; you do not even need to dig a hole.

Mr. BURKE of Pennsylvania. If the gentleman is apprehensive of the final consequences, I will withdraw the amendment, if I may, by unanimous consent. I ask unanimous consent to withdraw the amendment.

Mr. GODWIN of North Carolina. I would very much appreciate it.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

Mr. MOORE of Pennsylvania. Mr. Chairman, I understand there are several gentlemen on this side who may oppose the bill if there is not some such stipulation as proposed by this amendment. Before the motion is put I should like to know whether some understanding could not be had as to some limitation as to time. I think some of the gentlemen on this side are apt to vote against the bill unless there is a limitation such as proposed by the amendment offered by the gentleman from Pennsylvania [Mr. BURKE].

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. As far as that is concerned, how can you make it any stronger than it is in the bill when it says that the title shall revert to the United States if at any time the land shall no longer be used for such purposes?

Mr. MOORE of Pennsylvania. Well, I am not expressing my own opinion now with regard to the bill itself, but I made the statement that several gentlemen intended to vote against the bill and had so expressed themselves, unless a limitation of time was introduced as proposed.

Mr. MANN. I think they were under the impression there was no limitation in here. This limitation in here requires the county to take this land at once and use it as soon as they get title to it.

Mr. MOORE of Pennsylvania. Well, the limitation is simply a guaranty of good faith upon the part of the county authorities. I question very much whether the bill would be held up. Some gentlemen have said that this bill establishes a precedent. It does in a way, because it takes from the Government a piece of property for which the Government has paid actual cash and gives it free to a county for purposes which were not clearly explained in the beginning of the discussion of the bill. We have since learned that it is intended that the county shall erect a school to educate colored children, a very worthy and commendable purpose, and for which I think most everyone upon this side of the House would vote, but the question of good faith is involved——

Mr. HOWARD. May I ask the gentleman why does he say "on this side"? Why does the gentleman put it that way?

Mr. MOORE of Pennsylvania. Simply because objection to the bill seems to be raised largely on this side of the House.

Mr. HOWARD. I am very glad the gentleman explains it.

Mr. MANN. Because that side of the House is always willing to give away something for nothing.

Mr. HOWARD. Especially to help the colored people who need it so much.

Mr. MOORE of Pennsylvania. Mr. Chairman, I renew the amendment made a moment ago by the gentleman from Pennsylvania [Mr. BURKE].

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 2, line 3, by inserting, after the word "purposes," the following: "That the board of education aforesaid shall within two years from the passage of this act enter and begin improvements upon said land and that."

Mr. MOORE of Pennsylvania. Mr. Chairman, just one moment. I am entirely friendly to the purposes of this bill, and I desire to vote for it. I did not intend to discuss the political questions which have been raised in the opening of the campaign at the close of two great conventions. Those questions will be discussed in ample time, and when the people understand them fully the Republican Party will unquestionably win in a walk, as it deserves to do.

Mr. BURNETT. Which branch of it; there were two conventions.

Mr. MOORE of Pennsylvania. There is no division in the ranks of the Republican Party; we will vote as one man for the President.

Mr. CARLIN. Which man?

Mr. MOORE of Pennsylvania. Who? Why the nominee of the Republican Party at Chicago——

Mr. CARLIN. Which convention?

Mr. MOORE of Pennsylvania. The Republican convention at Chicago.

Mr. CARLIN. Which Republican convention?

Mr. MOORE of Pennsylvania. And I believe that when the Republican Party comes together in November there will be but one song, and that the song of victory.

Mr. CARLIN. The gentleman has not answered my question.

Mr. MOORE of Pennsylvania. Mr. Chairman, I had not intended to discuss politics. They seem to have greatly troubled gentlemen upon the other side of the House during the past 10 days, and there is good reason for them now to take a rest. I wish I might discuss politics for a moment, however, because I would like to pay a tribute——

Mr. HOWARD. Will the gentleman yield right there?

Mr. MOORE of Pennsylvania. The gentleman is breaking in on a tribute. I was going to pay a tribute to one of your great Democrats. I would like, Mr. Chairman, to discuss politics for a moment to pay tribute to one of the great Democrats of this Nation, a man who I intended to applaud upon his entrance here this morning, and I am sorry I was a minute too late. [Applause.]

Mr. BUTLER. We applauded two of them. Which one does the gentleman mean?

Mr. MOORE of Pennsylvania. And I want to say to those Democrats who have been attacking individuals on this side of the House and in the great Republican Party, and who have taken for truths those rumors and gossip which have been published with great frequency recently, that they now have an evidence of the tyranny of that so-called popular opinion, which, centered in the hands of one man, enabled him in the Baltimore convention to crush the presidential prospects of one whose 16 years of political life has been devoted faithfully to the service of the Democratic Party of this Nation. It is something for Democrats who have been assailing Republicans to think about; that after a life devoted honestly and courageously and with self-sacrifice to the cause in which he believed, the reputation and character of the Speaker of this House should at one fell swoop be assailed and taken away at the instance of another, who for the moment happened to have the ear of the newspapers and the applause of his followers.

But I am not going to discuss politics. I wanted to talk about education. I wanted to confirm what the gentleman said a moment ago in answer to my question in regard to the attitude of the State of North Carolina toward the education of the negro. I believe an honest effort is being made by the white people of North Carolina who do control that State politically to lead the negro onward and upward. I glorify the Southern State that undertakes this sort of work. All of the States below the old Mason and Dixon line have had difficulties to contend with, and they have struggled along bravely to do the best they could with conditions they knew better, perhaps, than the rest of us in other sections of the country. [Applause.] But since North Carolina now proposes to give the negro a chance to follow up this advance sentiment that prevails amongst the white people of the State, and to give the negro an opportunity, I am willing, for one, to vote over for educational purposes a piece of property the Government no longer needs. I shall support this bill and hope the amendment, which will show the good faith of the county authorities, shall be attached to it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SMALL rose.

The CHAIRMAN. Is the gentleman from North Carolina [Mr. SMALL] opposed to the amendment?

Mr. SMALL. I am opposed to it and wish to address myself to the merits of the amendment proposed by the gentleman from Pennsylvania [Mr. MOORE]. The gentleman from Illinois [Mr. MANN] stated a while ago what must be absolutely correct, that the United States is amply protected by the last clause of the bill on page 2. The language is as follows:

The title thereof to revert to the United States if at any time the land or any building erected thereon shall no longer be used for such purpose.

When the deed shall have been executed by the proper officials of the Government to this board of education that language will appear in the deed. It will be a condition subsequent which the authorities may at any time take advantage of by a proper suit and declare the deed void and restore the title to the Government. Of course, the Government will wait a reasonable length of time before instituting any such action, but as

matter of law it would have the right to institute it at any time under this condition subsequent, which will be inserted in the deed.

Mr. BURKE of Pennsylvania. Mr. Chairman.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. SMALL] yield to the gentleman from Pennsylvania [Mr. BURKE]?

Mr. SMALL. Certainly.

Mr. BURKE of Pennsylvania. Would it not solve the question if you struck out the words "no longer" and inserted the word "not"?

Mr. SMALL. Where?

Mr. BURKE of Pennsylvania. The words "no longer." The question is whether the words "no longer" imply a previous possession, and if you simply inserted the word "not" would it not cure the whole business?

Mr. SMALL. That would subject it to the same objection which was urged by my colleague, Mr. GODWIN, representing the district in which Wilmington is situated, and I submit that the words "no longer" are not ambiguous, and that they cover the purpose which the gentleman has in mind.

Mr. BURKE of Pennsylvania. I am reconciled to that view of it.

Mr. SMALL. The point I was submitting was, when this condition shall be inserted in the deed, the Government of the United States may at any time it chooses, in its discretion, if this property shall not be entered on and actually used for an industrial school as provided in the bill, institute a suit and have the title restored to the Government of the United States.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. GODWIN of North Carolina. Mr. Chairman, I move that the committee do now rise and report the bill to the House favorably with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 6603) authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes, and had directed him to report the same to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time, and having been read a third time, was passed.

On motion of Mr. GODWIN of North Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 6309. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri;

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia*, of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean;

S. 6232. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.;

S. 1754. An act for the relief of William F. McKim;

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress;

S. 458. An act for the relief of the Turner Hardware Co.;

S. 4180. An act for the relief of Alessandro Comba;

S. 1293. An act for the relief of Herbert Thompson;

S. 897. An act for the relief of Alfred L. Dutton; and

S. 5287. An act for the relief of Kate Ferrell.

ENCAMPMENT AND MANEUVERS OF ORGANIZED MILITIA.

Mr. DENT. Mr. Speaker, I desire to call up House joint resolution 332, appropriating $1,350,000 for encampment and maneuvers of the Organized Militia, and move to agree in a Senate amendment. It is a mere formal amendment adding the words "of America" after the words "United States" in the resolving clause. They were left out inadvertently.

Mr. WILSON of Pennsylvania. What is that?

Mr. DENT. A resolution providing for the joint maneuvers.

The SPEAKER. The Journal Clerk informs the Chair that this bill has no amendment to it.

Mr. DENT. I understand an amendment was made by the Senate.

Mr. MANN. I think, Mr. Speaker, if the Chair will wait a moment the engrossing clerk can give us some information on the subject. He has gone out to get it.

The SPEAKER. The Committee on Public Buildings and Grounds has had two days, and the Clerk will now proceed to read the call of committees.

The Clerk proceeded with the call of committees.

DEPARTMENT OF LABOR.

Mr. WILSON of Pennsylvania (when the Committee on Labor was called). Mr. Speaker, I desire to call up the bill (H. R. 22913) to create a department of labor.

The SPEAKER. The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. WILSON of Pennsylvania (interrupting the reading). Mr. Speaker, I desire to call attention to the fact that this bill is on the Union Calendar.

The SPEAKER. That is true.

Mr. WILSON of Pennsylvania. Is the reading of the bill required before its consideration?

The SPEAKER. No. The House would resolve itself automatically into Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, just a moment, before the House goes into Committee of the Whole. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This bill, as I understand, has now been called up—the Department of Labor bill?

The SPEAKER. Yes; the bill has been called up, but the Chair has not announced that the House has gone into Committee of the Whole House on the state of the Union.

Mr. MANN. I think, Mr. Speaker, we ought to have a quorum here to consider an important bill like this, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point that there is no quorum present, and evidently there is none.

Mr. CLAYTON. Mr. Speaker, I move a call of the House.

Mr. WILSON of Pennsylvania. I demand a call of the House, Mr. Speaker.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves a call of the House.

Mr. CANNON. Mr. Speaker, while I have no objection to a call of the House, or to the consideration of the bill, I want to say that this is the 3d of July and a great many Members on this side of the House are out of the city, and I suppose a great many on that side are absent also. As to-morrow is the Fourth of July, does the gentleman think it well to consider the bill to-day?

Mr. CLAYTON. I am very sorry that the minority leader [Mr. MANN] has raised the question of no quorum. I think that this is a matter that both sides of the House will probably favor. I do not speak of the details of it because, as the gentleman from Illinois knows, there have been party declarations, I think, on the part of both parties in favor of this proposition to create a department of labor with a member of the President's Cabinet at its head.

It was right for Congress to create the youngest Cabinet officer—that is, the Secretary of Commerce and Labor—and it was right for Congress to have created the office of Secretary of Agriculture, and no department has rendered more valuable service to the great agricultural interests of the country than our Department of Agriculture at Washington. The Department of Commerce and Labor has rendered great aid to our commerce, foreign and domestic, and I think that the multiplied interests of millions of our American citizens who are laborers demand that we create a separate department of labor and that such a department be represented by a Cabinet officer. Hence I heartily favor this bill and hope that it will pass now.

Mr. CANNON. A bill of this importance ought to be considered with a quorum present, so I agree with the gentleman from Illinois [Mr. MANN], my colleague, upon that point. I have no objection to the consideration of the bill. I am willing to consider it at any time, but——

Mr. CLAYTON. I am afraid that if we would take the suggestion of my friend from Illinois this bill would not, perhaps,

get any consideration at this session, and it is very desirable that this bill be acted upon at the earliest possible day. I think we can get a quorum present to-day.

Mr. CANNON. I have no objection to the gentleman's effort to get a quorum. It is a suggestion made in the most perfect good faith and not to embarrass the consideration of the bill.

Mr. CLAYTON. The gentleman from Illinois always makes his suggestions in good faith and with great courtesy.

Mr. WILSON of Pennsylvania. Mr. Speaker, this bill comes from the committee with a unanimous report. A similar bill has been pending before that committee for years and there never has anyone appeared before that committee in opposition to the bill. There is a general demand for a department of this kind, and now that we have reached the point where the committee in charge of the bill can secure consideration before the House I insist upon proceeding with the call of the House.

The SPEAKER. The question is on the motion for a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and Members, when their names are called, will answer "present."

The Clerk proceeded to call the roll, and the following Members failed to answer to their names:

Adair	Dupré	Kindred	Porter
Ainey	Dwight	Kinkead, N. J.	Post
Akin, N. Y.	Dyer	Knowland	Powers
Allen	Ellerbe	Konig	Prince
Ames	Esch	Konop	Pujo
Anderson, Ohio	Evans	Kopp	Randell, Tex.
Andrus	Fairchild	Korbly	Redfield
Anthony	Farr	Lafferty	Reyburn
Ashbrook	Finley	Lamb	Riordan
Austin	Fitzgerald	Langham	Roberts, Mass.
Ayres	Flood, Va.	Langley	Roberts, Nev.
Barchfeld	Focht	Lawrence	Rucker, Colo.
Bartholdt	Fordney	Lee, Pa.	Rucker, Mo.
Bates	Fornes	Legare	Scully
Beall, Tex.	Gardner, Mass.	Lenroot	Sells
Bell, Ga.	Gardner, N. J.	Lever	Shackleford
Boehne	George	Levy	Sharp
Bradley	Gillett	Lewis	Sheppard
Broussard	Good	Lindbergh	Sherley
Brown	Goodwin, Ark.	Lindsay	Sherwood
Burke, S. Dak.	Gould	Linthicum	Sisson
Burke, Wis.	Graham	Littleton	Slayden
Burleson	Green, Iowa	Lobeck	Smith, Saml. W.
Byrnes, S. C.	Gregg, Tex.	Longworth	Smith, Cal.
Calder	Guernsey	Loud	Smith, N. Y.
Callaway	Hamill	McCoy	Smith, Tex.
Campbell	Hamilton, Mich.	McCreary	Stack
Candler	Hanna	McDermott	Steenerson
Cantrill	Harris	McHenry	Stephens, Nebr.
Carlin	Harrison, Miss.	McLaughlin	Stephens, Miss.
Carter	Harrison, N. Y.	McMorran	Stevens, Minn.
Cary	Hartman	Macon	Sulloway
Clark, Fla.	Haugen	Madden	Sulzer
Claypool.	Hay	Maher	Switzer
Collier	Hayden	Malby	Taggart
Conry	Hayes	Martin, Colo.	Taylor, Ohio
Copley	Heald	Martin, S. Dak.	Thayer
Covington	Heflin	Matthews	Thomas
Crago	Helgesen	Mays	Tilson
Crumpacker	Helm	Miller	Townsend
Curley	Henry, Conn.	Moon, Pa.	Underhill
Currier	Henry, Tex.	Moore, Tex.	Underwood
Curry	Higgins	Morse, Wis.	Utter
Dalzell	Hinds	Mott	Vare
Danforth	Hobson	Needham	Volstead
Davidson	Howland	Nelson	Vreeland
De Forest	Hughes, N. J.	Nye	Webb
Denver	Hughes, W. Va.	Olmsted	Weeks
Dickson, Miss.	Humphrey, Wash.	O'Shaunessy	Whitacre
Dies	Humphreys, Miss.	Palmer	White
Difenderfer	Jackson	Parran	Willis
Dodds	James	Patten, N. Y.	Wilson, Ill.
Doremus	Johnson, Ky.	Patton, Pa.	Wilson, N. Y.
Draper	Johnson, S. C.	Payne	Young, Mich.
Driscoll, D. A.	Jones	Peters	Young, Tex.
Driscoll, M. E.	Kent	Plumley	

The SPEAKER. The roll call shows that 167 Members are present—not a quorum.

Mr. WILSON of Pennsylvania. Mr. Speaker, it is apparent that there is no quorum present, and it is likely that no quorum is present in the city at this time, so soon after the adjournment of the convention and the fact that the Fourth of July follows immediately. So, Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. I should have supposed that there would be a quorum immediately after the Baltimore convention, for they would have no other place to go.

The SPEAKER. They are probably asleep. [Laughter.]

Mr. DENT. Mr. Spenker, I wish the gentleman from Pennsylvania would withhold his motion to adjourn for a moment. I would like to inquire whether House joint resolution 332, with a Senate amendment, has come back to the House.

The SPEAKER. The Chair will state to the gentleman that it would not make any difference whether it has or not, because the House can not take any action without a quorum.

Mr. DENT. I did not suppose that any Member would make any point in regard to it.

The SPEAKER. But the point of no quorum has already been made. The roll call has disclosed that no quorum is present and the Chair must take cognizance of the fact.

ADJOURNMENT.

The motion of Mr. WILSON of Pennsylvania was then agreed to; accordingly (at 2 o'clock and 2 minutes p. m.) the House, in accordance with its previous order, adjourned until Friday, July 5, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State submitting estimate of appropriation to eradicate the opium evil (H. Doc. No. 861); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Missouri River near Omaha, South Omaha, Florence, and Dundee (H. Doc. No. 862); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SAUNDERS: A bill (H. R. 25572) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: A bill (H. R. 25573) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law; to the Committee on Ways and Means.

By Mr. STANLEY: A bill (H. R. 25574) to provide for the securing of plans for additional buildings for the Department of Agriculture in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. COX of Ohio: Resolution (H. Res. 595) to investigate conditions in the Treasury Department; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 25575) to remove the charge of desertion against Peter Gumm; to the Committee on Military Affairs.

By Mr. COX of Indiana: A bill (H. R. 25576) granting a pension to Kate Nye; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 25577) granting a pension to Horace Olive Gray; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 25578) granting an increase of pension to Thomas F. Bland; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25579) granting an increase of pension to William Furness; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 25580) granting an increase of pension to William A. Peterson; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 25581) for the relief of the heirs of Henry H. Smith, deceased; to the Committee on War Claims.

By Mr. MORSE of Wisconsin: A bill (H. R. 25582) granting a pension to Kate M. Hale; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 25583) granting an increase of pension to Taylor Lobdell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25584) granting an increase of pension to John Shallenberger; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25585) granting a pension to George M. Maginnis; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 25586) granting a pension to Leander Thomas; to the Committee on Pensions.

Also, a bill (H. R. 25587) granting an increase of pension to Joseph Roach; to the Committee on Pensions.

Also, a bill (H. R. 25588) for the relief of the heirs of Lewis M. Davenport, deceased; to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 25589) granting an increase of pension to Thomas B. King; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE of Wisconsin: Evidence in support of bill (H. R. 24373) granting an increase of pension to Margaret Berg; to the Committee on Invalid Pensions.

Also, petition of Paul J. Wiechmann and 25 other citizens of Fond du Lac, Wis., favoring passage of House bill 22339 and Senate bill 6172; to the Committee on Labor.

By Mr. FOSTER: Petition of Division No. 175, Order of Railway Conductors, of Memphis, Tenn., and Bluff City Division, No. 308, of Mount Carmel, Ill., against passage of employers' liability act; to the Committee on the Judiciary.

By Mr. FULLER: Petition of R. M. Pritchett and others of Dana, Ill., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HANNA: Petition of Enderlin Division, No. 453, Order of Railway Conductors, against passage of the Federal employees' compensation act and favoring employers' liability act; to the Committee on the Judiciary.

By Mr. HARTMAN: Petition of the Order of Independent Americans, of South Fork, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Patriotic Order Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Chamber of Commerce, favoring 2-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Somach Nofim Lodge, No. 190, of Altoona, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of citizens of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the Spanish War Veterans, favoring passage of House bill 17470, giving pensions to widows and orphans of the Spanish-American War; to the Committee on Pensions.

Also, petition of the Brotherhood of Locomotive Engineers, favoring passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the Architectural League of New York, protesting against the repealment of the Tarsney Act for securing Government architects; to the Committee on Appropriations.

By Mr. MAGUIRE of Nebraska: Petition of Silas A. Strickland Post, No. 13, Department of Nebraska, Grand Army of the Republic, against passage of Senate bill 18, relative to incorporation of the Grand Army of the Republic; to the Committee on the Judiciary.

By Mr. McDERMOTT: Memorial of the Hebrew veterans of the War with Spain, of New York City; the Workmen's Sick and Death Benefit Fund of the United States of America; and the Boskrigo Serca Jesusa Society, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Hebrew veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. THISTLEWOOD: Petition of citizens of Gale, Ill., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Brooklyn League, of Brooklyn, N. Y., favoring retention of the National Economy and Efficiency Commission; to the Committee on Appropriations.

Also, petition of the Architectural League of New York, against the repeal of the Tarsney Act in the sundry civil bill; to the Committee on Appropriations.

SENATE.

FRIDAY, *July 5, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

VANCOUVER MILITARY RESERVATION, WASH.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington, which were, on page 1, line 6, to strike out "the right" and insert "a revocable license"; on page 1, line 10, to strike out "grant" and insert "license"; and on page 1, line 11, to strike out "during the pleasure of Congress" and insert "at the discretion of the Secretary of War."

Mr. JONES. I move that the Senate disagree to the amendments of the House, ask a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6903) authorizing the Secretary of the Treasury to convey to the Board of Education of New Hanover County, N. C., portion of the marine-hospital reservation not needed for marine-hospital purposes.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 332) appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

The message further announced that the House insists upon its amendment to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular

Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4445. An act concerning unrigged vessels.

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest; and

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by Local Union No. 21, United Garment Workers of America, of Chicago, Ill., praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of members of the Young People's Christian Union of Chanute, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JONES. I present telegrams in the nature of petitions from members of the Alaska Steamship Co., the Associated Chambers of Commerce of the Pacific Coast, and the Shipowners' Association of the Pacific Coast, favoring the adoption of a proposed amendment to the sundry civil appropriation bill, which was submitted by me on the 13th instant, to appropriate $115,000 to establish a light and fog signal at or near Cape St. Elias, Alaska. I move that the telegrams be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. GARDNER presented petitions of Northern Light Grange, Patrons of Husbandry, of Monroe; of Weavers' Local Union No. 703, of Brunswick; and of sundry citizens of Portland, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. TILLMAN presented a petition of the congregation of the Methodist Episcopal Church South, of St. Matthews, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Union No. 534, Brotherhood of Painters, Decorators, and Paperhangers of America, of Newport, R. I., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of Local Division No. 453, Order of Railway Conductors, of Enderlin, N. Dak., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. JONES presented resolutions adopted by Stevens Post, No. 1, Grand Army of the Republic, Department of Washington, of Seattle, Wash., expressing confidence in the integrity and faithfulness of C. H. Hanford, United States district judge for the western district of Washington, which were referred to the Committee on the Judiciary.

He also presented a petition of the faculty of the University of Washington, Seattle, Wash., and a petition of the faculty of the University of Washington (summer school), Seattle, Wash., praying for the establishment of a department of public health, which were ordered to lie on the table.

THE SPONGE INDUSTRY.

Mr. FLETCHER, from the Committee on Fisheries, to which was referred the bill (S. 6385) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes, reported it with amendments and submitted a report (No. 904) thereon.

EUGENE PRINCE.

Mr. LODGE. From the Committee on Immigration I report back favorably, with an amendment striking out the preamble, the joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince. I ask for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. JOHNSTON of Alabama. I ask the Senator from Massachusetts why it is necessary to pass the joint resolution.

Mr. LODGE. I will be very glad to tell the Senator and tell the Senate. It is a very strange case. I never heard of one like it.

This young man's grandfather went to Russia as the representative of a large firm in Boston and established himself there. His son, John Henry Prince, was born there and remained an American citizen, but has resided in Russia ever since. He is the agent for the Niles Tool Works and the Bethlehem Steel Works. His son, the subject of the joint resolution, was born in Russia. Our statute, section 1993, provides that—

> All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

His father has never resided in the United States. Therefore he can not take by descent. He is not a Russian subject. He therefore can not be naturalized, for he has no allegiance to renounce. He could have become a Russian subject and then come here and renounced his allegiance, but he declined to swear allegiance to the Czar. He can not even get a passport to leave the country. It had to be arranged by our ambassador there with the knowledge of the Russian state department, and he was allowed to come out on a letter which they gave him.

Mr. JOHNSTON of Alabama. He is a man without a country now, of course.

Mr. LODGE. The House report, which I shall ask to have printed in the RECORD, says that Eugene Prince is a citizen of no country on earth. I may add that his family have been settled in the town of Wenham, Mass., since 1643. So he may fairly be described as American stock.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The committee recommend that the preamble shall be stricken out. It will be so ordered, without objection.

Mr. LODGE. I ask that the House report may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[House Report No. 856, Sixty-second Congress, second session.]

Mr. SABATH, from the Committee on Immigration and Naturalization, submitted the following report, to accompany House joint resolution 220:

The Committee on Immigration and Naturalization, to which was referred House joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince, reports the same without amendment and recommends that it be passed.

Eugene Prince is a citizen of no country on earth. His father is an American citizen residing in Russia; but under section 1993, Revised Statutes of the United States, American citizenship has not descended to Eugene Prince. On the other hand, as will be seen from the subjoined letters of the State Department and of the American ambassador at St. Petersburg, under Russian law Eugene Prince is not a Russian subject.

Prince is at present employed in Chicago, Ill., by the International Harvester Co. He is 22 years of age. It is impossible for him satisfactorily to meet the legal requirements of naturalization in the United States, as he has no allegiance to renounce.

The young man's history is as follows:

He comes of a family who settled in Essex County, Mass., in 1643. His relatives are residents of Wenham, Salem, Andover, and Cambridge, Mass.

As a young man his grandfather, George Henry Prince, left Salem, Mass., and went to St. Petersburg, Russia, to represent the firm of Messrs. W. Ropes & Co., of Boston, Mass., exporters of petroleum. Subsequently he became a partner of the firm, dying in Finland in 1900. George H. Prince's fifth child, John Henry Prince (father of Eugene Prince), was born in Russia and never resided in the United States, retaining, however, his American citizenship and acting as agent for various American firms, such as the Niles Tool Works, of Hamilton, Ohio, the Bethlehem Steel Works, etc. John Henry Prince is now about 49 years old. He is carried on the Russian records as an American citizen doing business in St. Petersburg under an annual permit of residence known as a "billet de sejour." Under the Russian law his offspring are also held to be American citizens.

Eugene Prince, the beneficiary under H. J. Res. 220, son of John Henry Prince, was born January 22, 1890. On completing his studies he became a clerk in the office of the International Harvester Co. at Moscow, Russia. As he approached the age of 21 years he determined to return to America and take up his residence, but soon found that there was difficulty about his citizenship and consequently about his passport for leaving Russia.

Under section 1993, Revised Statutes of the United States, American citizenship does not descend to the children of an American citizen who has never resided in the United States. Consequently, as John Henry Prince has never resided in this country, our diplomatic and consular officers in Russia could not recognize his son, Eugene Prince, as an American citizen and therefore could issue him no passport.

On the other hand, Russian law does not recognize Eugene Prince as a subject of the Czar, and therefore he could not get a passport as a Russian.

It appears that when an American resident in Russia desires to leave that country he must arm himself with a permit from the Russian Government allowing him to pass the border. This permit is only issued upon the presentation of his American passport. As Eugene Prince could present no American passport he could get no Russian permit to cross the border. Ambassador Rockhill and various consular officers interested themselves in the matter and affairs were finally adjusted temporarily through the good offices of Ambassador Guild. The Russian Government issued to Eugene Prince a special permit in the form of a letter, and then by the American consul he was passed over the border and put on the steamship at Libau, Russia.

Some time in 1911 Prince arrived in this country. After a visit to his relatives in Wenham, Mass., he entered the Chicago offices of the International Harvester Co., and at the same time made declaration of his intention to become an American citizen, should it prove impossible to obtain special legislation in his behalf. It now appears that this declaration does not and can not conform with the terms of the law. Unless this resolution is passed, Prince will be in a deplorable situation, without standing as a citizen of any country and without the possibility of returning to Russia because he can secure no passport either as an American citizen or as a subject of the Czar. And yet his chief value to his employers obviously arises from the fact that his knowledge of the Russian tongue and of Russian business methods makes him a most acceptable agent to send to Russia from time to time to straighten out difficulties and to help in the introduction of new lines of goods. Unless his way is open for free entrance into Russia and free exit from Russia his services to his employers will be of little or no value. He must probably content himself with a very inferior situation.

It is true that Eugene Prince could to some extent have solved the difficulty before leaving Russia had he been willing to take the necessary steps to obtain Russian citizenship. The opportunity was open to him under Russian law to swear allegiance to the Czar, to have himself received into a "class" so called, to pay certain fees and conform to some formalities. In this way he could have become a Russian subject and could have obtained a passport as such whenever he should desire to revisit Russia. Naturally enough, however, he had no desire to swear allegiance to the Czar, and then proceed at once to the United States for the purpose of renouncing that very allegiance. His convenience would have best been served by adopting Russian citizenship. He has passed the age for military service and no embarrassing obligations would have fallen to his lot. Nevertheless, it was and is repugnant to his sentiments to abandon his desire to be recognized as a citizen of the United States in view of his descent and in view of his training and sympathies and in view of the fact that until recently he always supposed that his American citizenship was an unquestioned fact.

MARCH 12, 1912.

Hon. JOHN L. BURNETT,
House of Representatives.

SIR: With reference to your letters of February 10 and 17, 1912, concerning House joint resolution 220, providing for the citizenship of Eugene Prince, who was born in Russia of an American father who had never resided in this country, you are informed that this case has been informally and unofficially referred to a member of the Russian embassy, who confirms the conclusion already reached by the department that Mr. Prince did not acquire Russian nationality by the fact of his birth within the territory of Russia, the Russian law of nationality being based upon the jus sanguinis and not upon the jus soli. While it is believed that this information can be relied upon for the purpose you have in view, yet, if you so desire, the department will seek to obtain from the appropriate Russian authorities an official statement of the law applicable in this case. I venture the suggestion, however, that to obtain such a statement would not improbably require considerable time.

I have the honor to be, sir, your obedient servant,

HUNTINGTON WILSON,
Acting Secretary of State.

ST. PETERSBURG, *May 3, 1912.*

The honorable the SECRETARY OF STATE, *Washington.*

SIR: Referring to the department's unnumbered instructions of April 13 last, relative to the citizenship of Eugene Prince, I have the honor to report that under Russian law Mr. Prince can not be considered a Russian subject.

In determining the nationality of a native Russian in foreign lands the Russian law only considers the question of whether such individual obtained permission from his Government to renounce his allegiance thereto and to assume a foreign citizenship, or, if born in a foreign country, whether his parents were Russian subjects. Under this theory the Russian law applies the same test to foreigners who may be born or who reside in Russia.

Thus Mr. Prince, whose grandfather and father were Americans, is also considered an American, even though born in Russia. He had the opportunity of becoming a Russian subject at any time after five years' continuous residence, but did not do so.

I have the honor to be, sir, your obedient servant,

CURTIS GUILD.

[Section 1993, Revised Statutes of the United States.]

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SANDERS:

A bill (S. 7252) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying papers); to the Committee on the Judiciary.

By Mr. BURTON:

A bill (S. 7253) granting an increase of pension to Lucy E. Richards; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 7254) for the relief of Nicholas Redmond and certain other Army officers and their heirs and legal representatives; to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 7255) to remove the charge of desertion from the record of James L. Pierce (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7256) granting a pension to Mary J. D. Arkett (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7257) granting an increase of pension to Jennie E. Engle (with accompanying papers); and

A bill (S. 7258) granting an increase of pension to Margaret Staton, including Earnest M. Staton; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7259) granting a pension to Cornelia Coleman Bragg; to the Committee on Pensions.

By Mr. GORE (for Mr. OWEN):

A bill (S. 7260) providing for the sale of the remaining portion of the Choctaw and Chickasaw unallotted and segregated lands; to the Committee on Indian Affairs.

By Mr. BRADLEY:

A bill (S. 7261) granting an increase of pension to William L. Brown (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. JONES submitted an amendment proposing to appropriate $50,000 for the establishment in Alaska of a fisheries experiment station, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the improvement of the Government road in the Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. CATRON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, to lie on the table.

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, to lie on the table.

IRRIGATION AND RECLAMATION (S. DOC. NO. 869).

Mr. WORKS. Mr. President, I have here a paper on irrigation and reclamation by Francis G. Tracy, of New Mexico. It is a very interesting and instructive presentation of the question, containing valuable information in the way of statistics relating to the Reclamation Service and various other things. I should like to have it printed as a public document.

The PRESIDENT pro tempore. The Senator from California asks that the paper which he has described be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On July 1, 1912:

S. 3206. An act to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.

On July 3, 1912:

S. J. Res. 69. Joint resolution authorizing the licensing and employment of Otto Neumann Sverdrup as master of vessels of the United States;

S. 547. An act for the relief of Sarah A. Waite;

S. 1337. An act authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Kreba, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list and increasing the retired list by one for the purposes of this act;

S. 1018. An act to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army;

S. 2001. An act for the relief of Douglas B. Thompson;

S. 5046. An act to authorize the appointment of Shepler Ward FitzGerald and of Alden George Strong to the grade of second lieutenant in the Army;

S. 2127. An act for the relief of the heirs of Robert S. Gill; and

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.

On July 3, 1912:

S. J. Res. 94. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution in the class other than Members of Congress;

S. 462. An act for the relief of Slavo Ramadanovitch, of Cetigne, a Montenegrin subject, heir and administrator of Marcus Ramadanovitch, alias Radich, deceased;

S. 837. An act to reimburse the officers and crew of the lighthouse tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905;

S. 2427. An act for the relief of the legal heirs of A. G. Strain;

S. 3460. An act for the relief of the American Surety Co. of New York; and

S. 4751. An act for the relief of Albert S. Henderer.

MISSOURI RIVER BRIDGE.

Mr. McCUMBER. Before the unfinished business is taken up, I ask unanimous consent for the consideration of a bridge bill that will take only a moment. It is the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches across the Missouri River at a point suitable to the needs of navigation, to be selected by said company and approved by the Secretary of War, either in the county of McKenzie or Williams, in the State of North Dakota, or the county of Dawson or Valley, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly hereby reserved.

Mr. HEYBURN. The title does not state under the laws of what State the corporation was organized. It is in the body of the bill. I ask that that be stated.

The PRESIDENT pro tempore. The Secretary will again read that part of the bill.

The Secretary read as follows:

A corporation organized and existing under the laws of the State of Minnesota, its successors and assigns.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SCHOOL LANDS IN IDAHO.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 24505, the naval appropriation bill.

Mr. HEYBURN. Will the Senator from California yield to me for a moment. I merely want to have taken from the calendar and passed a bill affecting school lands in my State.

Mr. PERKINS. I will yield for that purpose.

Mr. HEYBURN. I ask for the present consideration of the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho.

Mr. BANKHEAD. If the Senator from California will yield to me I wish to make a motion which will take but a moment.

The PRESIDENT pro tempore. The Senator from Idaho has asked unanimous consent to call up a bill from the calendar.

Mr. HEYBURN. It is a matter that should involve no discussion.

Mr. BANKHEAD. After that is disposed of I will ask for recognition.

The PRESIDENT pro tempore. The Senator from Idaho asked the Senate to proceed to the consideration of the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Alabama?

Mr. PERKINS. I will yield as soon as the naval appropriation bill is laid before the Senate.

The PRESIDENT pro tempore. The Senator from California moves that the Senate now proceed to the consideration of House bill 24505, being the naval appropriation bill. Is there objection?

Mr. MYERS. What bill is that?

The PRESIDENT pro tempore. That is the naval appropriation bill.

Mr. MYERS. Has the morning business been concluded?

The PRESIDENT pro tempore. The Chair is not sure that the announcement was made, but it has in fact been concluded. The Chair will now say that, unless the Senator has morning business——

Mr. MYERS. I wanted to make a motion before the morning business was closed. I ask the Senator from California if he will withhold his motion, so that I may make a motion?

The PRESIDENT pro tempore. The Chair has not made the announcement, and therefore the Senator may submit the matter.

INDIAN APPROPRIATION BILL.

Mr. MYERS. Mr. President, on Wednesday of this week, during my necessary and unavoidable absence, the Senate took up and passed to a third reading, and finally passed, House bill 20728, being the Indian appropriation bill. There were considered during the proceedings several amendments that mean very much to the people of Montana. Some of those amendments were passed upon adversely. There was no one on the floor of the Senate to speak for Montana, to speak for those most interested. I regret very much that it was absolutely impossible for me to be here, and I know that the action of the Senate in taking up the bill and passing adversely on matters of great importance to the people of Montana was unintentionally and inadvertently taken in my absence. Of course, I know that no one would think of doing it intentionally. I understand the excitement and rush of affairs that have been on in the Senate for some days past and the irregularity of proceedings; but, while it may or may not do any good, I should like very much for the people of Montana to be allowed, at least, to be heard, to have a word spoken in their behalf in those matters before they are finally passed upon. I am satisfied that the Senate will agree thereto. In fact, I have been so assured by the Senator from Minnesota [Mr. CLAPP], who is in charge of the bill.

I move that the vote by which House bill 20728 was passed be reconsidered. My object in making that motion is simply that there may be a review of the action of the Senate on two or three amendments, and then the Senate may do what it may see fit after I have made a statement.

Mr. LODGE. Mr. President, I have never before heard of reconsidering the vote by which an appropriation bill was passed and bringing it back to the Senate because Senators for any reason were unable to be present and take part in discussing amendments. It seems to me, if we enter on the recalling of appropriation bills so as to discuss amendments which have been voted down or voted in, there will be absolutely no end, no finality, to the business of the Senate. I hope such a motion will not be adopted.

Mr. MYERS. Mr. President, since I have been a Member of this body, which is now 16 months, I have been absent but 5 days during its sessions—3 days this week, Monday, Tuesday, and Wednesday, on account of the Democratic national

convention at Baltimore; 1 day this session previous thereto, upon which I was in attendance at the funeral of a relative near here; and 1 day during the special session last summer, during which I was confined to my bed by illness. Five days have I been absent from the sessions of this body—1 day by illness, 1 by reason of a funeral, 2 days by reason of being a delegate to the Democratic national convention at Baltimore, and 1 day only, Wednesday of this week, on account of pressing private business and family matters, which rendered my absence absolutely unavoidable.

I was much surprised yesterday to learn that the Senate had taken up the Indian appropriation bill, when neither Senator from Montana was on the floor to be heard and when that bill involved amendments amounting to hundreds of thousands of dollars of appropriations for reclamation work upon Indian reservations in Montana, and this, too, when, as I have said, there was not a voice to be heard here on behalf of the people of Montana. I did not learn anything about it until yesterday; I had no means of knowing that that bill was to be taken up on Wednesday—the one day out of my 16 months of service here when I was necessarily and unavoidably absent on account of private business and family matters. This bill was not on any calendar. I had received no notice that it was to be taken up. The unfinished business of the Senate was the chemical tariff bill. I was paired with the Senator from Connecticut [Mr. McLEAN] and supposed that that pair would protect me on all matters that might come before the Senate.

I arrived here from Baltimore about 5 o'clock Wednesday afternoon. I could not possibly be ready to leave Baltimore until 12:30 o'clock. I then found that the next train did not leave until 2:45 o'clock; but that train was late in arriving at the depot in Baltimore, and it was further delayed on the way, so that it was about 5 o'clock when I arrived here. I went to my office, knowing, as I have stated, that I had a pair with the Senator from Connecticut and supposing that I would be protected on all matters coming before the Senate; but I found awaiting me 10 days' accumulated mail, which I started to look into. I had not finished looking over my mail until the sound of the electric bell notified me that the Senate had adjourned for the day. I repeat I had no way of knowing that that bill would come up that day.

Mr. LODGE. Mr. President, if the Senator will allow me, the notice of the acting chairman of the committee of his intention to call up that bill was on the front page of the calendar for days and days.

Mr. MYERS. Well, I had not seen it, and my secretary informed me it was not there.

Mr. LODGE. That is really not the fault of the calendar.

Mr. MYERS. No; I will admit that. If such notice was on the calendar I was not aware of it.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Arizona?

Mr. MYERS. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, the RECORD will show distinctly that on Monday last, while we were discussing the Indian appropriation bill, the Senator from Minnesota [Mr. CLAPP] asked that the consideration of the portion of the bill relative to Montana be deferred until the return of the Senator from Montana, and it was the understanding that those items were to be passed over.

Mr. CLAPP. Mr. President, I doubt whether that is an exact statement of the situation. Of course, I knew that many Senators were away on Monday and Tuesday last. I think the suggestion was made that, in view of the absence of the Senator from Montana, the items in reference to his State be passed over at that time. I supposed that on Wednesday morning all Senators were in Washington, though not necessarily in the Chamber until they might find it to their convenience to be here. At the same time, so far as I am personally concerned, rather than have any misunderstanding of the slightest nature as to the naval appropriation bill—I would not want to interrupt the consideration of that bill at this time—after the passage of that bill, while it is an unusual proceeding and a most undesirable precedent to establish, if the Senate feels so inclined, I certainly, for one, would have no objection to again bringing the Indian bill before the Senate for the purpose of permitting the Senator from Montana to urge the amendments to which he refers.

Mr. LODGE. I simply want to call attention to the fact that on June 27, 1912, the Senator from Minnesota [Mr. CLAPP] gave notice that on Monday, July 1, following the routine morning business, he would ask the Senate to take up and consider the Indian appropriation bill. That notice remained on the calendar until the bill was disposed of. It never went off the calendar; it was there every day.

Now, Mr. President, one word. I appreciate the Senator's close attendance here; I appreciate the importance of the amendments to which he refers; but if we are to have appropriation bills reconsidered and brought back here, the necessary business of the Congress will never be done. Here we are trying to get through the work of the session in some reasonable time in this hot weather, and if we bring that bill back and reconsider the vote by which it was passed, we shall reopen the whole bill. It seems to me that there will be no end to it if we begin to reconsider and bring back appropriation bills.

Mr. OVERMAN. Can we not get unanimous consent to take up nothing else but the items referred to by the Senator from Montana? With that understanding, I think the Senator will agree to let the bill come up.

Mr. MYERS. There are only three amendments.

Mr. LODGE. Is every Senator to have the same privilege?

Mr. OVERMAN. No; not at all. This is an exceptional case.

Mr. LODGE. If for any reason a Senator is not here when an appropriation bill passes, is he to have the right to have it brought back?

Mr. OVERMAN. The items to which the Senator from Montana refers will not take half an hour.

Mr. LODGE. Very well. I am speaking of the principle. If we make the concession to one Senator, every other Senator will have a right to make the same request when by any misfortune or by any necessity he is absent from the Senate and finds that some amendment has passed or failed to pass in which he is interested. He will have a right to have a great appropriation bill brought back and reconsidered when perhaps we are on the eve of adjournment in a short session on the 4th of March.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Montana if there was any item affecting Montana in the Indian appropriation bill as it passed the House that was stricken from the bill by the Senate?

Mr. MYERS. I believe not, Mr. President. The amendments that were defeated were amendments proposed by the Senate Committee on Indian Affairs, which increased some appropriations over the amounts the House had allowed.

Mr. SMOOT. I should like to ask the Senator, then, were any of the increases that were recommended estimated for by the department?

Mr. MYERS. My understanding is that they were recommended by the Reclamation Service. I will ask the Senator from Minnesota [Mr. CLAPP] if there was not some recommendation along that line?

Mr. SMOOT. I will ask the acting chairman of the committee, who has the bill in charge, was there an item affecting Montana in the Indian appropriation bill as it passed the House that was stricken out in the Senate?

Mr. CLAPP. Mr. President, I will answer that question and perhaps avoid further questions by going a little further than merely making the answer the question would require.

There were two unimportant provisions of the Indian appropriation bill as it passed the House about which the Senator from Montana, as I understand, makes no contention. Then there were certain increases which the Senate committee proposed, some to the extent of the estimates and some in excess of the estimates. The particular item which was recommended by the Reclamation Service was allowed to stand. The increases which the Senate committee recommended were cut down in the Senate to the amounts estimated for.

Mr. SMOOT. So that the bill provides for all the amounts that were estimated for?

Mr. CLAPP. Yes; all that the estimates covered.

Mr. LODGE. Then it would be perfectly useless to go back, because a point of order would take them all out.

Mr. CLAPP. There was one item, which appears on page 33, that was objected to on a point of order, and the point of order was sustained.

Mr. SMOOT. Then, of course, the Senator from Montana could not have it adopted if the bill was reconsidered, because the same point of order would be made against it. The amounts estimated for are in the bill, and a point of order would lie against an amendment increasing the amount, so that it would be useless to bring the bill back to the Senate.

Mr. MYERS. I am not seeking to bring up anything against which a point of order was made.

Mr. SMOOT. I understand the Senator is not, but the Senator is seeking to bring the bill back into the Senate for the purpose of increasing certain appropriations, and those increases are increases over the amounts estimated for by the department.

Mr. MYERS. Well, is that new business?

Mr. SMOOT. The increases would be subject to a point of order.

Mr. LODGE. The increases not being estimated for, would go out on a point of order.

Mr. SMOOT. Yes; they are not estimated for and would go out on a point of order.

Mr. SWANSON. Mr. President——

Mr. MYERS. Mr. President, I believe I have the floor, but I will yield to any Senator who wishes to speak.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Virginia?

Mr. MYERS. Certainly.

Mr. SWANSON. Mr. President, it seems to me the request submitted by the Senator from Montana ought certainly to be acceded to by the Senate. His only request is that we may reconsider the Indian appropriation bill to give him an opportunity to present, for the consideration of the Senate, certain amendments very material to the well-being of Montana. He has explained to the Senate very clearly how he was misled and the reason for his absence. It seems to me we can conduct the business here more rapidly and more satisfactorily if the request of the Senator from Montana, which is a reasonable one, is granted.

The bill has not left the Senate; a motion for the reconsideration of the entire bill is in order; the acting chairman of the committee says he is willing that a motion to reconsider be agreed to; but the Senator from Montana does not ask that; he simply asks that the bill be reconsidered by unanimous consent to the extent of permitting him to offer three amendments very important to his State. Whether they will pass or not pass, he is entitled to the privilege of having them presented for the consideration of the Senate.

Mr. LODGE. And entitled to the privilege of having a point of order made against them.

Mr. SWANSON. As I understand, the Senator from Montana says that he will offer no amendment that will be subject to a point of order.

Mr. LODGE. If the amendments propose amounts beyond the estimates the Senator from Virginia knows as well as I do that they are subject to a point of order.

Mr. SWANSON. Increases?

Mr. LODGE. If they are beyond the estimates they are subject to a point of order.

Mr. SWANSON. Beyond the estimates?

Mr. LODGE. Certainly; of course they are.

Mr. CLAPP. Mr. President, if Senators will pardon me a moment, I wish to make a suggestion.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. MYERS. Certainly.

Mr. CLAPP. My impression is that, if the Senator will go through the various items in the Indian appropriation bill, he will find that, with the exception of the item against which the point of order was made, the items were adopted. So his motion might rest for the present and we can go on with the naval appropriation bill. The Senator can then go over the items, and possibly he will be satisfied with them as they have been disposed of, if not, he can bring in a concrete suggestion as to the particular matters he desires to bring up.

Mr. SWANSON. I should like to call the attention of the Senator from Minnesota to what the RECORD shows about this matter:

> Mr. CURTIS. In view of the fact that the Montana Senators are absent, I suggest that we pass over the Montana amendments and take them all up at one time. I understand there are other amendments in the bill to be passed over, and I presume there will be no objection to this course.
>
> Mr. CLAPP. There is no objection to it.
>
> The PRESIDING OFFICER. If there is no objection, the amendments under the heading "Montana" will be passed over for the present.

So that on account of the absence of the Montana Senators the matter went over. All the Senator from Montana now asks is to have the privilege of bringing certain amendments up for the consideration of the Senate.

Mr. SMOOT. That was on Monday, was it not, Senator?

Mr. SWANSON. Monday.

Mr. SMOOT. If the view reached by the Senator was carried to its logical conclusion when the bill came up in the Senate on Wednesday and was ready for passage, it should have been laid aside until the Senator arrived.

Mr. SWANSON. It was impossible for the Senator to arrive in time. This was an unusual occurrence. A Democratic convention meets only once in four years. It does not meet every week. Consequently the exigency was unusual.

Mr. SMOOT. It does seem to me that the suggestion of the Senator from Minnesota is a sensible one. Let the Senator from Montana take each of the items and see whether a point of order will lie against them. If it will, there is no need of bringing the bill back to the Senate. If it will not, then we can take up the question for further consideration.

Mr. MYERS. I will say, in reply to some of the suggestions that have been made, that these increases were recommended by the Senate Committee on Indian Affairs, and, according to my understanding, that eliminates them from the schedule of new business and makes them in order.

Mr. SMOOT. That is not the rule. If they fall within the rule of not being estimated for, they will go out on a point of order. I have no doubt the rule of this body is such that a point of order would lie against the amendments.

Mr. SMITH of Georgia. If the committee recommends them they can be considered.

Mr. SMOOT. That is only a recommendation. That does not put them in a position where a point of order will not lie against them.

Mr. CLAPP. Mr. President, this is the next legislative day, a day within which the motion to reconsider can be made and save the point. It holds the bill here now. In the meantime we can go into these matters.

Mr. MYERS. Yes; I understand that thoroughly. I want to say a few words further if I may, without interruption, in reply to some things which have been said.

The Senator from Massachusetts [Mr. LODGE] called my attention to the fact that on the 27th of last month the Senator from Minnesota [Mr. CLAPP], the acting chairman of the committee, gave notice that he would move last Monday to call up the bill. I was not here on the 27th day of June, and I have not seen the calendar since then until yesterday.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. MYERS. Certainly.

Mr. LODGE. The Senator from Minnesota gave notice on May 31 that he would call up the act making appropriations for Indian affairs at the earliest possible moment, and that notice was carried on the face of the calendar for one month.

Mr. MYERS. I did not know what the earliest possible moment would be. I am not endowed with divine foreknowledge of these things. I could not have foreseen that the bill would be called up day before yesterday.

Mr. LODGE. The Senator from Minnesota gave notice that he intended to call it up immediately after the routine morning business at the very first opportunity, and he gave that notice a month ago.

Mr. MYERS. I did not know when the first opportunity would be. The Senator from Massachusetts may have; I did not.

Mr. LODGE. It served to put the Senator on notice, inasmuch as the notice appeared on the calendar.

Mr. MYERS. I presume I was supposed to remain here every second of the time from the 31st of May to the very hour when the bill was called up, in order to keep business that affects the people of the State of Montana from being railroaded to an adverse decision in my absence one day out of the 16 months I have been a Member of this body.

Mr. WILLIAMS. Mr. President, it seems to me that what the Senator from Montana asks is something that is merely fair. We entered into a sort of gentleman's agreement that no important business should be taken up between certain dates. At the time we entered into that agreement we thought that those dates would cover the two great national conventions. As a matter of fact, the agreement did cover the Republican convention, and protected every Republican Senator—every one. The spirit of the agreement was for mutual protection. The agreement was that no important legislative matter should be taken up.

But, as a matter of fact, the Democratic national convention lasted not only longer than anybody expected, but I believe longer than any other one ever did.

Mr. LODGE. Will the Senator from Mississippi allow me for a moment?

Mr. WILLIAMS. Yes.

Mr. LODGE. I want that agreement carried out in spirit as much as the Senator does. I want it to cover both conventions. As it covered the Republican, I want it to cover the Democratic convention; and if this had happened on Monday or Tuesday I should not have said one word, but it happened on Wednesday, after the conclusion of the Democratic convention,

and Baltimore is within a comparatively short distance of Washington.

Mr. WILLIAMS. I did not know that. I thought the matter had been brought up on Monday.

Mr. SMOOT. I should like to call the attention of the Senator also to the fact that we were so careful that the spirit of the agreement should be carried out that even the unanimous-consent agreement that was made for Tuesday failed.

Mr. WILLIAMS. I said what I did then under a misapprehension of the facts. I thought it occurred while the Baltimore convention was in session.

Mr. MARTIN of Virginia. I think the Baltimore convention did not adjourn until 2 o'clock Wednesday morning. Therefore a Senator can not be said to have been derelict in not being here when the bill came up on Wednesday, he being detained in the convention hall until 2 o'clock in the morning of Wednesday. But, independently of that, it seems to me that Senators are antagonizing a reasonable motion. There seems to be an indisposition to allow a fair hearing in respect to a matter which very much concerns a Senator who was unavoidably absent on that occasion.

Mr. LODGE. I thought it had been arranged, on the suggestion of the Senator from Minnesota, that he go over the question with the Senator from Montana, and if the point of order would not lie, the matter would be taken up. The motion to reconsider has been entered.

Mr. MARTIN of Virginia. If that is agreeable to the Senator from Montana, I shall have nothing more to say.

Mr. MYERS. It is.

Mr. President, I wish to say a few words on this subject. I suppose I have been guilty of consuming an entirely undue proportion of the time of this body, to the exclusion of those Members who have practically nothing to say, but I will trespass a little further.

I have been here for 16 months. I have time and again heard the request made on the floor of the Senate that certain business be allowed to go over because a State that had an interest in such legislation was not represented on the floor or because a Senator who was interested in it was not present on the floor. I have never objected to any of those requests. I have favored all of them. I have myself made request that legislation go over because a Senator who was interested in it was not present. I am astounded, I am amazed, that this bill was put through on Wednesday, and that amendments involving hundreds of thousands of dollars, in which the people of Montana are interested, were decided adversely in the absence of both Senators from Montana. I repeat emphatically I am amazed that it was done.

I would have thought that there would have been some one Senator, be he Democrat or Republican, on this floor who would have arisen and called attention to the fact that Montana was not represented on the floor of the Senate and asked that that part of the bill be allowed to go over. I have made those requests myself, and I have seen it done time and again, and I have never objected to it, and it seems to me that it might have been done for me and my colleague on Wednesday; but it was not.

These amendments in which I am interested were not offered by me; they were offered by my colleague; but, nevertheless, I am no less interested in them; and I consider it as much my duty to say what the people of Montana wish said about them as if they were my own amendments and I had offered them. I feel just as much interested in them as if they were my own amendments; I feel there is just as much merit in them as if they were my own amendments; and even if the Senators from Montana are not entitled to sufficient consideration to be allowed to be present when matters of this kind are considered, I think the State of Montana and the people of the State of Montana are entitled to that much consideration.

Now, Mr. President, having made a motion to reconsider the vote by which the bill passed the Senate, and understanding that the bill is retained in the possession of and under the jurisdiction of the Senate, and that my motion will protect any rights I may have or interests I may desire to further in the bill, and not desiring to be in the way of anything else, and understanding that the Senate wishes to take up the naval appropriation bill, I will let the motion lie over until after the naval bill is disposed of, and then I will call it up.

I will say further, while I have the floor, that I gave notice some time ago that to-day I would submit to the Senate some remarks on the right of Mr. LORIMER, a Senator from the State of Illinois, to a seat in this body. I have not been able to give the matter the exhaustive attention and investigation I had desired or to make the analysis I had desired of the law and the facts in the case, and would have to confine myself to a few extemporaneous remarks; but, understanding that it is the desire to get the naval bill under consideration to-day and finish it if possible, I will waive my right to speak on the Lorimer case to-day and will let it go over until to-morrow, and will endeavor to get an opportunity to make what remarks I may see fit in the general discussion, which will begin to-morrow and continue until that matter is disposed of.

STANDARD GRADES FOR APPLES.

Mr. BANKHEAD. I ask that the Committee on Standards, Weights, and Measures be discharged from the further consideration of the bill H. R. 21480, and that is be referred to the Committee on Interstate Commerce.

The PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the order as agreed to was reduced to writing, as follows:

Ordered, That the Committee on Standards, Weights, and Measures be discharged from further consideration of the bill (H. R. 21480) to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes, and that it be referred to the Committee on Interstate Commerce.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I ask that the Senate proceed with the naval appropriation bill.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

Mr. LODGE. On page 4 the clerk very naturally said "strike out lines 4 to 10 and insert." There is nothing to be inserted. Those are two entirely distinct amendments. To strike out lines 4 to 10 is one amendment, and the clause in italics is another amendment. They have no relation to each other and should be disposed of separately. I think we can do that now.

The PRESIDENT pro tempore. The question is on the amendment striking out lines 4 to 10.

Mr. LODGE. That is the pending question.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. LODGE. Now comes the new amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The amendment was, on page 4, after line 10, to insert:

That hereafter commissioned officers of the staff corps of the Navy who are graduates of the Naval Academy below the rank of captain shall be promoted in rank with the officer of the line with whom or next after whom they take precedence on the list of order of precedence of the Navy, and to carry out this provision temporary changes shall be made, when necessary, in the numbers of the various grades and ranks established by law for the staff corps: *Provided*, That there shall be no other promotion in grade or rank in any staff corps except in accordance with this act and all laws and acts in conflict with this provision are hereby repealed: *Provided further*, That nothing herein contained shall be held to increase the total number of officers in any staff corps as now fixed by existing laws and provided for in this act.

Mr. PERKINS. I desire, on the part of the committee, to correct the amendment by striking out the words "who are graduates of the Naval Academy."

The SECRETARY. On page 4, in the committee amendment, line 12, strike out the words "who are graduates of the Naval Academy," so that if amended it will read:

That hereafter commissioned officers of the staff corps of the Navy below the rank of captain shall be promoted, etc.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. LODGE. I merely desire to say that I, and I think the Senator from Minnesota and perhaps one or two other members of the committee, agreed to this amendment with that limitation. It is clearly open to a point of order, and with that limitation stricken out I make the point of order on the clause.

The PRESIDENT pro tempore. Does the Senator from Massachusetts understand that the amendment has been agreed to striking out the words?

Mr. LODGE. I do. I did not desire to oppose the amendment, but if there is to be no limitation on this great increase of pay and rank, I desire to make a point of order.

Mr. PERKINS. I call the attention of the Senator from South Carolina to it.

Mr. LODGE. I make the point of order, and I suppose that is all there is before the Senate, is it not?

The PRESIDENT pro tempore. That is the question before the Senate. The amendment has not yet been reported to the Senate.

Mr. LODGE. It was read the other afternoon.

The PRESIDENT pro tempore. The Chair is informed that it has been, and the Chair is now informed that a point of order was made against it by the Senator from Kansas [Mr. BRISTOW]. So the pending question is on the point of order.

Unless something is to be suggested to the contrary, the Chair sustains the point of order.

The next amendment was, on page 6, after line 18, to insert:

Hereafter any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed in time of peace shall receive the pay and allowances of an officer of the active list of the grade from which he was retired: *Provided*, That no such retired officer so employed on active duty shall receive, in time of peace, any greater pay and allowances than the pay and allowances which are now or may hereafter be provided by law for a lieutenant commander on the active list of like length of service: *And provided further*, That any such officer whose retired pay exceeds the highest pay and allowances of the grade of lieutenant commander, shall, while so employed in time of peace, receive his retired pay only, in lieu of all other pay and allowances.

Mr. NELSON. I desire to call the attention of the chairman of the committee to the fact that under this amendment, on page 6, lines 22 and 23, a retired officer when put on active duty gets the pay and allowances of the grade at which he is retired. Now, that is unfair for this reason: In many instances just before they are retired they are given an extra grade, and they are given this pay on the extra grade which was given to them just as they were retired.

Mr. LODGE. The proviso, if the Senator will allow me, cuts it down.

Mr. NELSON. It does cut it down in some cases, but not in all cases.

Mr. LODGE. It cuts it down to the rank of lieutenant commander, and there are very few retired officers below that rank. This is to stop the employment of retired officers. That is the point of the amendment. It leaves the grade of lieutenant commander as the only retired pay. They now get full pay if they are put on active duty above the grade of lieutenant commander.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

The act "to authorize and provide for the disposal of useless papers in executive departments," approved February 16, 1889, is hereby amended so that accumulations in the files of vessels of the Navy of papers that, in the judgment of the commander in chief, are not needed or useful in the transaction of current business and have no permanent value or historical interest may be disposed of by the commander in chief by sale, after advertisement for proposals, as waste papers if practicable, or if not practicable, then otherwise, as may appear best for the interests of the Government, the commander in chief to make report thereon to the Secretary of the Navy: *Provided always*, That no papers less than two years old from the date of the last indorsement thereon and no correspondence, or the related papers, with officers or representatives of a foreign Government shall be destroyed or disposed of by such commander in chief.

The amendment was agreed to.

The next amendment was, on page 8, beginning with line 1, to insert the following:

Hereafter the commander in chief of the United States Atlantic Fleet and the commander in chief of the United States Pacific Fleet, respectively, shall each, after being designated as such commander in chief by the President, and from the date of assuming command of such fleet until his relinquishment of such command, have the rank and pay of an admiral; and in each of the above-named fleets the officer serving as second in command thereof shall each, after being designated as such second in command by the President, and from the date of assuming duty as such second in command until his relinquishment of such duty, have the rank and pay of a vice admiral; and the grades of admiral and vice admiral in the Navy are hereby reestablished and authorized for the purposes of this section. The annual pay of an admiral shall be $12,000 and of a vice admiral $10,000: *Provided*, That in time of peace officers to serve as commander in chief and as second in command of the two said fleets shall be designated from among the rear admirals on the active list of the Navy: *And provided further*, That nothing herein contained shall create any vacancy in any grade in the Navy nor increase the total number of officers allowed by existing law, and that when an officer is detached from duty as such commander in chief or as such second in command, as above provided, he shall return to his regular rank in the list of rear admirals, and shall thereafter receive only the pay and allowances of such regular rank.

Mr. BRISTOW. Mr. President, I desire to make a point of order on that amendment.

Mr. PERKINS. Mr. President, before the Chair rules upon the point of order I desire to state that the Committee on Naval Affairs of the Senate consists of 15 members; it has given consideration to 40 or 50 amendments that have been presented to them, and no amendment has been recommended by the committee unless it has the approval of the entire committee, with one exception.

It seems just and proper from every standpoint that we should establish these grades. Other nations have admirals. England has 4 admirals of the fleet; Germany, 2; Japan, 1. England has 12 admirals; Germany, 5; Japan, 7. England has 22 vice admirals; France, 15; Germany, 12; Japan, 20. England has 55 rear admirals; France, 30; Germany, 22; Japan, 38.

Of course the committee made this recommendation after consulting with the Navy Department. I am sorry that we did not have the benefit of the counsel and advice of the Senator from Kansas, but he has had quite enough to do on the Committee on Military Affairs. That committee brought in more legislation on the military appropriation bill than on any bill that has been presented in my recollection during the 19 years that I have been here. Nevertheless your committee has recommended this amendment and also other amendments. I think as a question of policy it ought to be adopted.

I send to the desk a letter from the head of the department in relation to this matter and ask the Secretary to read it.

The PRESIDENT pro tempore. The Senator from California asks that the communication which he sends to the desk may be read. Without objection, it will be read by the Secretary.

The Secretary read as follows:

THE SECRETARY OF THE NAVY,
Washington, June 11, 1912.

Hon. GEORGE C. PERKINS,
Chairman Committee on Naval Affairs,
United States Senate.

MY DEAR MR. CHAIRMAN: In accordance with a telephone request from your office this morning referring to page 8, lines 1 to 26, H. R. 24565, the department believes that the enactment of a measure reestablishing the higher grades of flag officers has now become of urgent necessity. This opinion is based on the principle that rank should be commensurate with the importance of the command and should be higher than that of subordinate officers in the same command, also on a consideration of the material national interests likely to become involved.

Fleets are properly commanded by admirals; squadrons, which are smaller than fleets, by vice admirals; and divisions, which are smaller than squadrons, by rear admirals.

The Atlantic Fleet contains five divisions, organized into two squadrons and a separate cruiser division. The proper officers are 1 admiral, 2 vice admirals; and 3 rear admirals; actually all 6 flag officers are of the same rank, rear admiral.

It is customary in international cooperation for the supreme direction to be intrusted to the ranking officer of the combined forces, this irrespective of the standing and interest of his country or of the strength and importance of his command.

There have been fleet reviews recently in England, France, Germany, and the United States. Had these several fleets been cooperating, the American commander in chief would have been outranked by 3 admirals, 10 vice admirals, and 17 rear admirals.

England, France, Germany, and Japan have in the aggregate 243 flag officers, of whom 100 are of higher rank than rear admiral.

The authorized number of flag officers of the United States Navy, apart from the Admiral of the Navy, who holds his office by special provision of law, is 18 rear admirals.

Such conditions are at variance with the importance of the present flag commands in the Navy and with the country's material national interests. They would be somewhat ameliorated by the creation of the limited number of higher flag officers. Believe me,

Faithfully, yours,

G. V. L. MEYER.

Mr. LODGE. Mr. President, this amendment is open to the point of order, but I hope that it will not be made. The House committee reported this provision and it went out on a point of order in the House. This committee reported it unanimously, as did the House committee.

I desire to assure the Senate that it is of very great importance. It has become important owing to the growth of the American Navy into fleets. We now have two fleets. As we are now doing, it is exactly like trying to run the Army with nothing but colonels. It is necessary to have brigadier generals. It is necessary to have major generals. It is necessary in certain cases to have a lieutenant general and general.

We have now an Admiral, of course, created, as is well known, for distinguished service. But this is a provision merely for fleet command. It is to give them proper rank and proper organization when in command of a fleet.

It also gives them during their service as vice admiral or admiral, and no longer, only for the year or two that they have that position, an increase of pay. It will amount to a very few thousand dollars in the long run, because there will not be, at the outside, more than four, owing to the divisions of the fleet. They are obliged to go to foreign ports, and a great burden is thrown upon them, for which provision is made in every other navy by allowances for expenses of entertainment. They have to carry this expense out of their not very large pay now.

It is absolutely necessary, Mr. President, I think, that we should have these ranks if we are to have a proper arrangement of fleets and squadrons and divisions.

Mr. BRISTOW. It seems to me from the facts that can be gleaned from the records of the military establishments of the United States the principal purpose of the higher grade is for retirement privilege.

Mr. LODGE. The Senator understands, of course, that this does not retire them.

Mr. BRISTOW. But it creates the rank of admiral and rear admiral.

Mr. LODGE. Only during the absolute time of command of the fleet. The moment they leave the command they retire. They retire as rear admirals.

Mr. BRISTOW. I can not see any reason why in the command of these fleets the senior officers can not assume command as they always have done heretofore and as they do now.

I wish to call the attention of the Senate to a significant fact. There are now on the retired list 210 rear admirals. A rear

admiral is the highest grade in the Navy at this time. The retired pay of the rear admirals is $1,105,500 per annum. In the grade of commodore, which is the next grade below rear admiral, there are 49 retired commodores. Taking the Army there are 236 retired brigadier generals and but 27 brigadier generals in the active service.

I make the point of order against this amendment because it is general legislation, and I do not think it ought to be enacted on an appropriation bill.

Mr. POINDEXTER. Mr. President, I do not desire to discuss this question, but on another matter after the Chair has ruled.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. POINDEXTER. I ask to turn back in the bill which is under consideration to page 3, the amendment on which a point of order was made by the Senator from Kansas [Mr. BRISTOW], beginning on line 9, and including the intervening lines to line 13. I was not present when that matter was disposed of. I notice from the RECORD that there must have been a misapprehension as to the effect of the amendment. The Senator from Kansas stated in making the point of order, as I notice from the RECORD of July 3, that the effect of the amendment would be to retire officers at a higher grade than the one which they held. He said:

> I raise the point of order on the amendment that it is new legislation. It is advancing all officers to a grade higher upon retirement than they held.

Mr. BRISTOW. I desire to state that at the time I made that remark I was under the impression that it was another amendment, but after considering the amendment and knowing what its application is, I would still make the point of order against it, because I do not believe it is proper legislation. I think when an officer is confirmed his term of office should begin the same in military life as in civil life.

Mr. POINDEXTER. Of course, if the Senator insists on his point of order, in view of the actual effect of the amendment, I have nothing to say, but I hoped very much that the Senator would withdraw the point of order. The effect of the amendment is simply to allow officers to draw pay of the rank which their commission calls for from the date of the commission.

Mr. BRISTOW. From the date of the commission instead of the date of the confirmation. I think it should be the date of confirmation as the law now requires. I do not see why the law should be changed.

Mr. POINDEXTER. The commissions are issued bearing a certain date. It is my opinion, and in that I am perfectly clear, that the officer ought to draw the pay his commission calls for.

Mr. BRISTOW. He is not in that grade until the Senate confirms his appointment.

Mr. POINDEXTER. When the Senate confirms his appointment it dates from the date of the commission.

Mr. BRISTOW. My contention is that the Senate is just as much a part of the appointing power as is the Executive, and until the Senate performs its act the appointment is not made.

The reading of the bill was resumed. The next amendment was, under the subhead "Pay, miscellaneous," in the item of appropriation for commissions and interest, on page 10, line 20, after the words "two hundred and," to strike out "$54,654.25" and insert $80,000," so as to make the proviso read:

> *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards, naval stations, and purchasing pay offices for the fiscal year ending June 30, 1913, shall not exceed $280,000; in all, $1,000,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

> That the term of enlistment of all enlisted men of the United States Navy other than those who are enlisted during minority shall be four years.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to insert:

> That the term of enlistment of any enlisted man in the Navy may, by his voluntary written agreement, under such regulations as may be prescribed by the Secretary of the Navy, with the approval of the President, be extended for a period of either one, two, three, or four full years from the date of expiration of the then existing four-year term of enlistment, and subsequent to said date such enlisted men as extend the term of enlistment as authorized in this section shall be entitled to and shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of their term of enlistment, and such extension shall not operate to deprive them upon discharge at the termination thereof of any right, privilege, or benefit to which they would be entitled at the expiration of a four-year term of enlistment.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to insert:

> That section 1,573 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows: "If any enlisted man or apprentice, being honorably discharged, shall reenlist for four years within four months thereafter, he shall, on presenting his honorable discharge or on accounting in a satisfactory manner for its loss, be entitled to a gratuity of four months' pay equal in amount to that which he would have received if he had been employed in actual service: *Provided*, That any enlisted man in the Navy whose term of enlistment has been extended for an aggregate of four years shall, after the expiration of the preceding four-year term of enlistment upon which the extension is made and if otherwise entitled to an honorable discharge, be paid the gratuity above provided: *And provided*, That any man who has received an honorable discharge from his last term of enlistment, or who has received a recommendation for reenlistment upon the expiration of his last term of enlistment, who reenlists for a term of four years within four months from the date of his discharge, shall receive an increase of $1.36 per month to the pay prescribed for the rating in which he serves for each successive reenlistment: *And provided further*, That an extension of the period of enlistment as hereinbefore authorized, aggregating four years, shall be held and considered as equivalent to continuous service with respect to all rights, privileges, and benefits granted for such service pursuant to law."

The amendment was agreed to.

The next amendment was, on page 13, after line 5, to insert:

> That under such regulations as the Secretary of the Navy may prescribe, with the approval of the President, any enlisted man may be discharged at any time within three months before the expiration of his term of enlistment or extended enlistment without prejudice to any right, privilege, or benefit that he would have received, or to which he would thereafter become entitled, had he served his full term of enlistment or extended enlistment: *Provided*, That nothing in this act shall be held to reduce or increase the pay and allowances of enlisted men of the Navy now authorized pursuant to law.

The amendment was agreed to.

The next amendment was, on page 14, line 9, after the word "dollars," to insert:

> *Provided*, That the Secretary of the Navy is authorized to transfer all the lepers of Guam now segregated, and other cases that may later appear, to such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers, and to pay the cost of their transfer and maintenance from this appropriation.

So as to make the clause read:

> Care of lepers, island of Guam: Naval station, island of Guam: Maintenance and care of lepers, special patients, and for other purposes, $14,000: *Provided*, That the Secretary of the Navy is authorized to transfer all the lepers of Guam now segregated, and other cases that may later appear, to such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers, and to pay the cost of their transfer and maintenance from this appropriation.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 15, line 6, before the word "dollars," to strike out "seven hundred and fifty thousand" and insert "eight hundred and forty-three thousand two hundred and fifty," so as to make the clause read:

> Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $843,250.

The amendment was agreed to.

The next amendment was, on page 15, line 12, before the word "thousand," to strike out "twenty-five" and insert "forty-five," so as to read:

> Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $145,000.

The amendment was agreed to.

The next amendment was, on page 17, line 15, before the word "dollars," to strike out "eight hundred and seventy thousand" and insert "nine hundred and sixty-seven thousand seven hundred and seventeen," so as to make the clause read:

> Outfits on first enlistment: Outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, at not to exceed $60 each, $967,717.

The amendment was agreed to.

The next amendment was, on page 20, line 10, before the word "dollars," to strike out "twenty-two thousand four hundred and eighty" and insert "twenty-three thousand seven hundred and fifty," so as to read:

> Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, $23,750.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the Naval War College, Rhode Island, on page 20, line 23, before the word "dollars," to strike out "eight thousand nine hundred and eighty" and insert "ten thousand two hundred and fifty," and, in line 24, before the word "dollars," to strike out "twenty-eight thousand five hundred and eighty" and insert "twenty-nine thousand eight hundred and fifty," so as to make the proviso read:

> *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1913, shall not exceed $10,250. In all, Naval War College, Rhode Island, $29,850.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Ordnance," in the items of appropriation for ordnance and ordnance stores, on page 24, line 17, after the word "proposals," to insert:

> *Provided*, That the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad this material shall be admitted free of duty.

The amendment was agreed to.

The next amendment was, on page 24, line 22, before the words "of smokeless powder," to strike out "Manufacture" and insert "Purchase and manufacture"; in line 24, before the word "thousand," to strike out "nine hundred" and insert "one million one hundred and fifty"; and in the same line, after the word "dollars," to insert:

> *Provided*, That the plant for the manufacture of smokeless powder at Indianhead may be enlarged and extended to meet as nearly as may be the necessities of the Navy, including the purchase of additional land, necessary dredging, the erection of additional buildings, purchase of additional machinery, and such other objects as may be necessary to the efficient extension of the plant at a total cost not exceeding $850,000, toward which the sum of $325,000 is hereby appropriated out of any sums in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. LODGE. Mr. President, at this point, to follow the amendment just adopted, I desire to offer, with the permission of the chairman of the committee, the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The amendment will be stated.

The SECRETARY. After the amendment just agreed to, on page 25, it is proposed to insert the following:

> *Provided further*, That the Secretary of the Navy is hereby authorized to exchange such quantities of potassium nitrate now in store as may not be needed in the manufacture of black powder for sodium nitrate of equal value for use in the manufacture of smokeless powder.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 27, after line 6, to insert:

> Mines and mine appliances: For naval-defense mines, appliances, and accessories for mine ships, $100,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert:

> Hereafter appropriations for the naval service under the headings "Ammunition for ships of the Navy," "Fire-control instruments for ships of the Navy," "Small arms and machine guns," "Torpedoes and appliances," "Experiments, Bureau of Ordnance," "New batteries for ships of the Navy," "Arming and equipping Naval Militia," "Modernizing projectiles," "Modernizing turrets of ships of the Navy," "Naval Gun Factory, Washington, D. C.," and "Battle compasses" shall be available for obligation for two fiscal years: *Provided*, That the balances unobligated on January 11, 1912, under any of these appropriations shall be available for obligation until the close of the fiscal year ending June 30, 1913.

The amendment was agreed to.

The next amendment was, on page 29, after line 8, to strike out the subhead "Bureau of Equipment."

The amendment was agreed to.

The next amendment was, in the item of appropriation for equipment of vessels, on page 30, line 16, before the words "shore stations," to strike out "wireless telegraph" and insert "radio"; in line 19, after the words "work in," to strike out "wireless telegraphy" and insert "radio telegraphy"; and in line 20, after the word "naval," to strike out "wireless telegraph" and insert "radio," so as to read:

> Service and supplies for coast signal service, including the purchase of land as necessary for sites for radio shore stations; instruments and apparatus, supplies, and technical books and periodicals required to carry on experimental and research work in radio telegraphy at the naval radio laboratory.

The amendment was agreed to.

The next amendment was, on page 31, line 14, before the words "shore stations," to strike out "wireless telegraph" and insert "radio"; and in line 17, before the word "laboratory," to strike out "wireless telegraph" and insert "radio," so as to read:

> *Provided further*, That the sum to be paid out of this appropriation for the purchase of land for sites for radio shore stations shall not exceed $50,000: *Provided further*, That the total expenditures under this appropriation at the naval radio laboratory shall not exceed $5,000.

The amendment was agreed to.

The next amendment was, on page 32, line 20, after the word "dollars," to strike out:

> *Provided*, That the coal purchased by the Government shall be mined by labor that is employed not exceeding eight hours a day.

So as to make the clause read:

> Coal and transportation: Coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, water for all purposes on board naval vessels, including the expenses of transportation and storage of the same, $4,000,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 22, to insert:

> Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel for the supply of steamships of war, $500,000: *Provided*, That $75,000 of said sum, or so much thereof as may be necessary, may be used for the mining of coal and development work on public lands in Alaska for the purpose of supplying coal for the United States Navy.

The amendment was agreed to.

The next amendment was, on page 33, after line 18, to insert:

> Toward the purchase and preparation of necessary sites, purchase and erection of towers and buildings, and the purchase and installation of machinery and apparatus of high-power radio stations (cost not to exceed $1,000,000), to be located as follows: One in the Isthmian Canal Zone, one on the California coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, $400,000, to be available until expended.

Mr. BRIGGS. Mr. President, I make the point of order that that amendment is new legislation, that it is not estimated for, and that it is not relevant to the bill.

Mr. LODGE. It has been estimated for, Mr. President.

Mr. BRIGGS. When?

Mr. LODGE. The estimate has been furnished to us and is here before us.

Mr. BRIGGS. I say that it was not estimated for as a regular estimate.

Mr. LODGE. No; it was sent in as a supplemental estimate; but it has been estimated for and, I think, is clearly in order. It is an amendment reported from a committee providing for work that has frequently been done by the Navy and is in continuance of its regular work. It is a matter of the utmost importance. It was reported by the House committee and is to give us a wireless system from certain points in the Pacific Ocean of enormous importance and value commercially. I do not think the point of order would lie, but, in any event, I hope the amendment will be adopted.

Mr. BRIGGS. Mr. President, this proposition, if adopted, would simply embark the Government on a new commercial enterprise and would occasion unnecessary expenditure, for the same thing can be accomplished in other ways without expense to the Government.

The PRESIDING OFFICER. The question is, Has the item been estimated for?

Mr. LODGE. I have the estimate in my hand.

Mr. BRIGGS. I make the point that it is new legislation and also is in contravention of paragraph 3 of Rule XVI. I claim it is out of order on that ground.

Mr. LODGE. I hold in my hand an estimate for the item sent in by the department. Radio telegraphy or any form of signaling in the Navy is a part of the regular work of the Navy; it is a work that is being done by the Navy all over the world, and this simply provides for increasing the system. It is an extension of or an addition to the naval work and rests on the same ground as the increase in the Navy in battleships or in any other way, which has been held in order repeatedly in the other House, where the rules are much narrower than here. The amendment has also been reported by a standing committee, which takes it out of the rule referred to by the Senator from New Jersey.

Mr. PERKINS. It has also received the recommendation of the Secretary of the Navy, and I ask that the letter from him which I send to the desk may be read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 28, 1912.

Hon. GEO. C. PERKINS,
Chairman Committee on Naval Affairs, United States Senate.

SIR: The department has this day forwarded to the honorable the Secretary of the Treasury, for transmission to Congress, a supplemental estimate of appropriation required for the Naval Establishment for the fiscal year ending June 30, 1913, as follows:

Bureau of Equipment: Navy wireless-telegraph stations, $1,000,000.

It is suggested that this item, if it meets with the approval of Congress, be included in the naval bill immediately following the appropriation "Equipment of vessels."

Respectfully, yours,

G. V. L. MEYER.

Mr. BRIGGS. Mr. President, I still think that the amendment is new legislation, and, further, that it is contrary to paragraph 3 of Rule XVI, which provides:

Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

The PRESIDING OFFICER. The Chair thinks, it having been estimated for and reported by a committee, that, under the rulings heretofore by other presiding officers, the amendment is in order. The question is on agreeing to the amendment.

Mr. JONES. I offer an amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 33, line 24, after the words "California coast," it is proposed to insert the following: "One on the Washington or Alaska coast."

Mr. PERKINS. The committee has no objection to either one.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Washington.

Mr. BRIGGS. I hope the amendment will be stricken out.

The PRESIDING OFFICER. The question is first upon the adoption of the amendment offered by the Senator from Washington to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Mr. President, I would ask that the Senate recur to a previous amendment, and that it be passed over. It was read rapidly.

Mr. LODGE. What amendment?

Mr. HEYBURN. The one in reference to the mining of coal. I ask that it be passed over.

Mr. LODGE. What amendment does the Senator refer to?

Mr. HEYBURN. The amendment at the bottom of page 32 and the top of page 33.

Mr. LODGE. The amendment regarding depots for coal?

Mr. HEYBURN. No; the mining of coal. It provides—

That $75,000 of said sum, or so much thereof as may be necessary, may be used for the mining of coal.

And so forth.

Mr. LODGE. Under the head of "depots for coal"?

Mr. HEYBURN. Yes, sir.

The PRESIDING OFFICER. Without objection, the amendment will be considered as passed over.

Mr. HEYBURN. Just the portion of it with reference to the mining of coal.

The SECRETARY. The proviso beginning on line 4, page 33, and going down to and including line 8.

Mr. POINDEXTER. I offer an amendment, on line 4, page 33, to strike out "seventy-five" and insert "two hundred and fifty."

Mr. LODGE. That whole amendment has just been passed over temporarily.

Mr. POINDEXTER. Very well; then I give notice of the amendment.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

The reading of the bill was resumed, beginning at line 4, page 34.

The next amendment of the Committee on Naval Affairs was, on page 34, line 24, after the date "1912," to strike out "*Provided further*, That the Secretary of the Navy shall report to Congress at the beginning of its next ensuing session the distribution of the duties of the Bureau of Equipment made by him under the authorization herein granted, with full statement in relation to said distribution and the performance of navy-yard work therein involved," and insert "*Provided further*, That the Bureau of Equipment in the Navy Department be, and the same is hereby, abolished, and the duties heretofore performed under that bureau shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the other bureaus of the Navy Department," so as to make the clause read:

Distribution of duties: That duties assigned by law to the Bureau of Equipment shall be distributed among the other bureaus and offices of the Navy Department in such manner as the Secretary of the Navy shall consider expedient and proper during the fiscal year ending June 30, 1913, and the Secretary of the Navy, with the approval of the President, is hereby authorized and directed to assign and transfer to said other bureaus and offices, respectively, all available funds heretofore and hereby appropriated for the Bureau of Equipment and such civil employees of the bureau as are authorized by law, and when such distribution of duties, funds, and employees shall have been completed, the Bureau of Equipment shall be discontinued as hereinbefore provided: *Provided*, That nothing herein shall be so construed as to authorize the expenditure of any appropriation for purposes other than those specifically provided by the terms of the appropriations, or the submission of estimates for the Naval Establishment for the fiscal year 1914, except in accordance with the order and arrangement of the naval appropriation act for the year 1912: *Provided further*, That the Bureau of Equipment in the Navy Department be, and the same is hereby, abolished, and the duties heretofore performed under that bureau shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the other bureaus of the Navy Department.

The amendment was agreed to.

The next amendment was, on page 35, after line 10, to insert:

That the Hydrographic Office, now assigned by law to the Bureau of Equipment, shall be attached in and be a part of such bureau of the Navy Department as the Secretary of the Navy may direct.

The amendment was agreed to.

The next amendment was, on page 35, after line 14, to insert:

That all available funds heretofore and herein appropriated for and such civil employees of the Bureau of Equipment as the Secretary of the Navy may designate shall be assigned to the other bureaus of the Navy Department.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," on page 36, line 11, before the word "thousand," to insert "and forty," so as to read:

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely: For books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $1,340,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Yards and Docks," on page 37, line 2, after the word "dollars," to insert "continuing extension of quay wall, $100,000"; and in line 3, after the words "in all," to insert "one hundred and," so as to make the clause read:

Navy yard, Portsmouth, N. H.: Crane track and railroad extension, $20,000; tool house for naval prison, $2,000; quarters for commanding officer, naval prison, $12,000; improvement and additions to power plant, $10,000; continuing extension of quay wall, $100,000; in all, $144,000.

The amendment was agreed to.

The next amendment was, on page 38, line 4, after the word "dollars," to insert "rebuilding building No. 7, $50,000," and in line 7, before the word "thousand," to strike out "thirty" and insert "eighty," so as to make the clause read:

Navy yard, Philadelphia, Pa.: Sanitation system, reserve basin, to complete, $45,000; Pier No. 5, to extend, $75,000; water-closets and laundry, $10,000; rebuilding building No. 7, $50,000; in all, navy yard, Philadelphia, $180,000.

The amendment was agreed to.

The next amendment was, on page 38, line 17, after the word "electric," to strike out "light," and in line 18, after the word "repairs," to strike out "to," so as to make the paragraph read:

Navy yard, Norfolk, Va.: Railroad tracks, extensions, $5,000; electric plant, extensions, $20,000; repairs, buildings, St. Helena, $25,000; improvements to water front, $50,000; paving and grading, $10,000; heating system, extension, $15,000; water-closets and lavatories for ships in dock, $15,000; incinerator, St. Helena, $5,000; in all, navy yard, Norfolk, Va., $145,000.

The amendment was agreed to.

The next amendment was, on page 39, line 6, after the word "dollars," to insert "improvements to water front, $300,000," and in line 8, before the word "thirty-nine," to insert "three hundred and," so as to make the clause read:

Navy yard, Charleston, S. C.: Paving and grading, to continue, $5,000; railroad system, extensions and improvements, $5,000; conduit system extension, $5,000; bathroom and lavatories for enlisted men, $4,000; storehouse for oil, $20,000; improvements to water front, $300,000; in all, $339,000.

The amendment was agreed to.

The next amendment was, on page 39, line 11, after the word "dollars," to strike out "in all, $30,000" and insert "paving and grading on Whitehead, Front, and Green Streets where abutting on naval station, $5,500, or so much thereof as may be necessary: *Provided, however*, That the cost of the United States Government's share for paving and grading said streets shall not exceed one-fourth of the total cost thereof; in all, $35,500," so as to make the clause read:

Naval station, Key West, Fla.: Power plant, $25,000; grading and paving, $5,000; paving and grading on Whitehead, Front, and Green Streets where abutting on naval station, $5,500, or so much thereof as may be necessary: *Provided, however*, That the cost of the United States Government's share for paving and grading said streets shall not exceed one-fourth of the total cost thereof; in all, $35,500.

The amendment was agreed to.

The next amendment was, on page 40, after line 15, to insert:

The appropriation made by the naval act approved June 24, 1910, for a torpedo station near the Pacific coast of the United States, is hereby reappropriated and such part as the Secretary of the Navy may deem necessary is made available for expenditure for the same purposes at the naval station, Puget Sound, Wash.

The amendment was agreed to.

The next amendment was, on page 40, line 25, before the word "dollars," to strike out "three hundred and fifty thousand" and insert "four hundred and eighty-six thousand five hundred," and in the same line, after the word "to," to strike out "complete" and insert "continue," so as to read:

Naval station, Pearl Harbor, Hawaii: Dry dock (limit of cost is hereby increased to $3,486,500), to continue, $1,050,000; water-front development, $100,000; street paving, $25,000.

Mr. REED. I should like to inquire of the chairman of the committee why that increase from $3,350,000 to $3,486,500 is made.

Mr. PERKINS. I will state that the Navy Department find it necessary to have this additional sum, and make this recommendation for the reason that they found quicksands in sinking excavations for the dry dock in Pearl Harbor, Hawaiian Islands. This is only to authorize them to expend that much more money if it is found absolutely necessary. We acted entirely upon the recommendation of the Chief of the Bureau of Yards and Docks and the Secretary of the Navy.

Mr. LODGE. If the Senator will allow me to add one word, in digging they found it became necessary to use what they call a richer concrete, a stronger concrete, on account of the condition of the earth; and to complete the work it is necessary to increase the total amount. But they have ample to cover it, and it will result in no additional appropriation for 1913.

Mr. PERKINS. It is simply that the limit may be extended.

Mr. REED. I simply wanted to understand the reason for it, as it is a large item.

Mr. PERKINS. Certainly. I will state to the Senator that in the report I made to the Senate that matter is all covered.

The amendment was agreed to.

The next amendment was, on page 41, after line 22, to insert:

The Secretary of the Navy is authorized to purchase, from the appropriation "Naval station, Pearl Harbor, Hawaii, fresh-water system," made by the act of March 4, 1911, 1 acre, more or less, of land in the island of Oahu, Territory of Hawaii, for the location of wells for supplying fresh water to the naval station, Pearl Harbor, Hawaii, and to acquire a right of way for a pipe line from such wells to the naval station.

The amendment was agreed to.

The next amendment was, on page 42, line 20, after the word "dollars," to insert "underground conduit and lighting system, to extend, $5,000; in all, $15,000," so as to make the clause read:

Naval training station, Rhode Island, buildings: Repairs to barracks "B" and "C," $10,000; underground conduit and lighting system, to extend, $5,000; in all, $15,000.

The amendment was agreed to.

Mr. LODGE. On page 43, after line 2, in the Naval Observatory clause, I offer the following amendment.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Secretary will report the amendment.

The SECRETARY. On page 43, after line 2, it is proposed to insert the following:

The Secretary of the Navy is hereby authorized to arrange for the exchange of data with such foreign almanac offices as he may from time to time deem desirable with a view to reducing the amount of duplication of work in preparing the different national nautical and astronomical almanacs and increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris and Nautical Almanac: *Provided*, That any such arrangement shall be terminable on one year's notice: *Provided further*, That the work of the Nautical Almanac Office during the continuance of any such arrangement shall be conducted so that in case of emergency the entire portion of the work intended for the use of navigators may be computed by the force employed by that office and without any foreign cooperation whatsoever: *Provided further*, That any employee of the Nautical Almanac Office who may be authorized in any annual appropriation bill and whose services in whole or in part can be spared from the duty of preparing for publication the annual volumes of the American Ephemeris and Nautical Almanac may be employed by said office in the duty of improving the tables of the planets, moon, and stars, to be used in preparing for publication the annual volumes of the office: *Provided further*, That section 435, Revised Statutes, is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 43, line 9, after the word "dollars," to insert "one set of double quarters for commissioned officers, $18,000"; and in line 11, before the word "thousand," to strike out "nineteen" and insert "thirty-seven," so as to make the clause read:

Naval proving ground, Indianhead, Md.: Repairs to wharf and coal-handling plant at powder factory, $10,000; new surveillance magazine, $1,500; two dry houses for smokeless powder, $7,500; purchase of 5 acres (more or less) of additional land, $200; one set of double quarters for commissioned officers, $18,000; in all, naval proving ground, Indianhead, $37,200.

The amendment was agreed to.

The next amendment was, at the top of page 44, to insert:

Naval magazine, Fort Lafayette, N. Y.: Dredging channel, widening water approach, $15,000.

The amendment was agreed to.

The next amendment was, on page 44, line 6, after the word "dollars," to insert "water pipe mains, $4,000; fire and boundary wall, $5,000"; and in line 8, before the word "thousand," to strike out "seventeen" and insert "twenty-six," so as to make the clause read:

Naval magazine, Lake Denmark, N. J.: One locomotive house, $2,500; one magazine building, including clearing, preparing, grading of site, railroad tracks, $15,000; water pipe mains, $4,000; fire and boundary wall, $5,000; in all, $26,500.

The amendment was agreed to.

The next amendment was, on page 45, line 7, after the word "dollars," to insert "improvements to water front, $22,000; assembly and repair shop, $50,000"; and in line 10, before the word "thousand," to strike out "one hundred and thirty-five" and insert "two hundred and seven," so as to make the clause read:

Naval torpedo station, Newport, R. I.: New power house, toward building (cost not to exceed $60,000) and equipping (cost not to exceed $120,000), to complete, $120,000; paving, $5,000; extension of fresh-water, steam-heating, and conduit system, $10,000; improvements to water front, $22,000; assembly and repair shop, $50,000; in all, $207,000.

The amendment was agreed to.

The next amendment was, on page 45, line 12, after the word "dollars," to insert "one general magazine, $13,000; one shell house, $20,000; in all, $73,000," so as to make the clause read:

Naval magazine, Hingham, Mass.: Improvement of channel, $40,000; one general magazine, $13,000; one shell house, $20,000; in all, $73,000.

The amendment was agreed to.

The next amendment was, on page 46, line 20, before the word "hundred," to strike out "four million five hundred and seventy-eight thousand eight" and insert "five million one hundred and eighty-six thousand three," so as to make the clause read:

Total public works, navy yards, naval stations, naval proving grounds and magazines, Naval Academy, Naval Observatory, and Marine Corps, $5,186,300.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Medicine and Surgery," on page 47, line 2, before the word "thousand," to insert "and thirty," so as to make the clause read:

Medical Department: For surgeons' necessaries for vessels in commission, navy yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School, Washington, and Naval Academy, $430,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Contingent, Bureau of Medicine and Surgery," on page 47, line 9, after the word "of," to insert "and," so as to read:

For tolls and ferriages; care, transportation, and burial of the dead; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; trees, plants, garden tools, and seeds, etc.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "Contingent, Bureau of Medicine and Surgery," on page 47, line 23, after the words "Pacific coast," to insert "for dental outfits and dental material, not to exceed $15,000," and on page 48, line 2, before the word "thousand," to strike out "eighty-two" and insert "ninety-seven," so as to read:

For the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast; for dental outfits and dental material, not to exceed $15,000, and all other necessary contingent expenses; in all, $97,000.

The amendment was agreed to.

The next amendment was, on page 48, line 17, before the word "thousand," to strike out "four hundred and ninety-seven" and insert "five hundred and forty-two," so as to make the clause read:

In all, Bureau of Medicine and Surgery, $542,000.

The amendment was agreed to.

The next amendment was, on page 49, line 2, before the words "dental surgeons," to strike out "assistant," and in line 3, before the words "dental surgeons," to strike out "assistant," so as to make the clause read:

That the appointment of not more than 30 dental surgeons be, and the same is hereby, authorized, said dental surgeons to be a part of the Medical Department of the United States Navy, to serve professionally the personnel of the naval service, and to perform such other duties as may be prescribed by competent authority.

The amendment was agreed to.

The next amendment was, on page 49, after line 6, to insert:

That there shall be 1 dental surgeon with the rank of lieutenant commander, 4 passed assistant dental surgeons with the rank of lieutenant, and 25 assistant and acting assistant dental surgeons with the rank of lieutenant (junior grade), to be appointed and promoted as hereinafter provided.

The amendment was agreed to.

The next amendment was, on page 49, line 17, before the word "years," to strike out "not over 27" and insert "between 24 and 32," so as to read:

That all original appointments herein authorized shall be made by the Secretary of the Navy in the grade of acting assistant dental surgeon, and all appointees to such grade shall be citizens of the United States, between 24 and 32 years of age, and shall be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral character, of unquestionable professional repute, and before appointment shall pass satisfactory physical and professional examinations.

The amendment was agreed to.

The next amendment was, on page 50, line 12, after the words "in this," to strike out "section" and insert "act," so as to make the clause read:

That at the end of three years from the passage of this act all acting assistant dental surgeons who have had two or more years' service under their original appointment, as herein provided, shall undergo such physical and competitive professional examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and if found qualified they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade), in the order of standing as determined by the professional examinations provided for in this act.

The amendment was agreed to.

The next amendment was, on page 50, after line 12, to insert:

That at the end of three years from the date of the examinations provided for in this act all assistant dental surgeons shall undergo such physical and competitive professional examinations as the Secretary of the Navy may prescribe to determine their fitness for promotion to fill the theretofore existing vacancies in the grade of passed assistant dental surgeon, and said vacancies shall be filled by the four officers, if qualified, standing highest as a result of the professional examinations provided for in this act and in the order of their standing.

The amendment was agreed to.

The next amendment was, on page 50, after line 22, to strike out:

That after the competitive examinations provided for in section 2 of this act have been held, acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and, if found qualified, they shall be appointed assistant dental surgeons with the rank of lieutenant (junior grade).

And in lieu to insert:

That at the end of five years from the date of the examinations provided for in this act the senior officer in the grade of passed assistant dental surgeon shall undergo such physical and professional examinations as the Secretary of the Navy may prescribe to determine his fitness for promotion to fill the theretofore existing vacancy in the grade of dental surgeon, and said vacancy shall be filled by said officer, if qualified, as a result of the professional examinations provided for in this act: *Provided*, That if said officer be found not qualified the provisions of this act shall apply successively in order of rank to the other officers of lower seniority in said grade of passed assistant dental surgeon.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to insert:

That after the competitive examinations provided for in this act have been held, acting assistant dental surgeons thereafter appointed shall serve a probationary period of three years, and upon the completion of such period shall undergo such examinations as the Secretary of the Navy may prescribe to determine their fitness to receive commissions in the Navy, and, if found qualified, they shall be appointed assistant dental surgeons, with the rank of lieutenant (junior grade): *Provided*, That all promotions among said dental surgeons other than the promotions provided for in this act shall be made in the same manner and under the same relative conditions, so far as applicable, as now are or may hereafter be prescribed in pursuance of law for officers of the Medical Corps of the Navy.

The amendment was agreed to.

The next amendment was, on page 52, line 9, after the words "prescribed in," to strike out "sections 3 and 4 of," and in line 11, before the word "dental," to insert "assistant," so as to make the clause read:

That if any acting assistant dental surgeon shall fail upon the examinations prescribed in this act he shall be honorably discharged from the naval service, and the appointment of an acting assistant dental surgeon may be revoked at any time in the discretion of the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, on page 52, line 15, after the word "precedence," to strike out "next below other officers of the rank of lieutenant (junior grade) now or hereafter commissioned in the Navy" and insert "in the same manner in all respects as in the case of appointees to the Medical Corps of the Navy," so as to make the clause read:

That all appointees authorized by this act shall take rank and precedence in the same manner in all respects as in the case of appointees to the Medical Corps of the Navy and shall not exercise command over persons in the Navy other than dental surgeons and such enlisted men as may be detailed to assist them by competent authority.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

Provided, That acting assistant surgeons in the Navy shall receive the same pay and allowances as are now or may hereafter be provided by law for assistant surgeons in the Navy.

The amendment was agreed to.

The next amendment was, on page 53, line 5, after the words "authorized by," to strike out "the preceding sections of," and in line 6, after the word "retirement," to insert "at the age of 70 years," so as to read:

That all officers authorized by this act shall be eligible to retirement at the age of 70 years in the same manner and under the same conditions as officers of the Medical Corps of the Navy: *Provided*, That section 1445 of the Revised Statutes of the United States shall not be applicable to the officers herein authorized: *And provided further*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act

Mr. PERKINS. On page 53, line 5, the first line in the paragraph, after the word "officers," I move to insert the words "of the Dental Corps."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. If the Senator from California will permit me, I should like to offer an amendment at this point that I feel sure he will accept. I would not offer it now except that I have to leave the Chamber to attend a committee meeting.

I ask the Secretary first to read the proviso on page 53, lines 12 and 13.

The PRESIDING OFFICER. The Secretary will read the proviso.

The Secretary read as follows:

And provided further, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. GALLINGER. At the end of line 13 I move to add:

And he shall have the same official status, pay, and allowances as may be provided for the senior dental surgeon at the Military Academy.

Mr. PERKINS. I have no objection to the amendment.

Mr. REED. Mr. President, it seems to me curious that the bill expressly provides that a certain man shall continue to hold his position.

Mr. GALLINGER. That is the provision in the bill as it passed the House, that the dental surgeon at the Naval Academy shall not be displaced. I will say to the Senator from Missouri that there are more boys at the Naval Academy than there are at the Military Academy. They have two dental surgeons at the Military Academy and one at the Naval Academy. We have legislated so as to give both the surgeons at the Military Academy a higher salary than the dentist at the Naval Academy. Not only that, but this bill creates a corps of assistant dental surgeons, and every one of those dental surgeons would have a higher salary than the man who has been serving at the Naval Academy since 1889, I believe. This amendment simply provides that he shall have equivalent pay with the senior dental surgeon at the Military Academy. It is but fair.

Mr. REED. I was not addressing myself to the amendment offered by the Senator from New Hampshire. I see no objection to that amendment, if the other language is to remain, but what strikes me as curious and upon which I desire to have some light, is why a bill should specifically provide that a particular individual should continue to hold a particular place. There is undoubtedly some reason for it and I ask for light.

Mr. PERKINS. I will state to the Senator from Missouri that this provision was inserted by the House of Representatives, and undoubtedly they had light on the subject or they would not have recommended it.

Mr. LODGE. This dentist, who has been for some time at the Naval Academy, as the Senator from New Hampshire stated, would have been removed by the operation of the creation of a corps, and the House, wishing to retain him, put in that special clause.

Mr. REED. I have no desire to take the time of the Senate in opposing a matter of this kind, but I wish to say, as a general proposition, that it strikes me as being a very bad practice when an appropriation bill is written to write into it provisions that certain people shall retain their positions. To provide for the retention of a position is all right, but to provide that a certain man shall continue to hold that position is, in my judgment, not the best practice.

I have nothing further to say. I am not going to take the time of the Senate to move to strike out, but I do not think it is good practice.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

The next amendment was, on page 53, after line 13, to strike out:

That the Secretary of the Navy is hereby authorized to appoint, for temporary service, suitably qualified acting dental surgeons when necessary to the health and efficiency of the personnel of the Naval Service: *Provided*, That the total strength of the dental corps, including those appointed for temporary service under this section, shall not exceed the proportion of one to each thousand of the authorized enlisted strength of the Navy and Marine Corps: *Provided further*, That appointments issued under authority of this section may be revoked at

any time, shall have no legal force or effect except for the time the temporary appointee is in active service, and shall include no right of retirement.

The amendment was agreed to.

The next amendment was, on page 54, line 2, before the word "dental," to insert "assistant," so as to make the clause read:

That all appointments authorized by this act, except the appointment of acting assistant dental surgeons, shall be made by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The reading of the bill was continued to line 12, on page 54.

Mr. OVERMAN. I offer an amendment to be inserted after line 12. I understand it is satisfactory to the chairman of the committee.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. It is proposed to insert, after line 12, on page 54, the following additional proviso:

Provided further, That of the dental surgeons hereby authorized to be appointed to the said Medical Reserve Corps and to the said dental corps, the whole number ordered to active duty shall not exceed the number the Secretary of the Navy may deem actually necessary to the health and efficiency of the personnel of the Navy and Marine Corps, and in time of peace the number shall not exceed the proportion of one dental officer to 1,000 of said personnel.

Mr. PERKINS. The committee are willing to accept the amendment.

The amendment was agreed to.

The next amendment was, on page 54, after line 12, to insert:

That pharmacists shall, after six years from date of warrant, be commissioned chief pharmacists after passing satisfactorily such examination as the Secretary of the Navy may prescribe, and shall, on promotion, have the rank, pay, and allowances of chief boatswains.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Supplies and Accounts," in the item of appropriation for provisions of the Navy, on page 56, line 2, after the words "shall not exceed," to strike out "$492,290.36" and insert "$520,000," so as to make the proviso read:

Provided, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; labor in general storehouses and paymasters' offices in navy yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under the general account of advances; and for the purchase of United States Army emergency rations, as required: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, and messenger service in the general storehouses and paymasters' offices of the navy yards and naval stations for the fiscal year ending June 30, 1913, shall not exceed $520,000. In all, $8,542,328.25.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair," on page 57, line 2, after the word "aeroplanes," to strike out "(not to exceed $10,000)," so as to read:

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, aeroplanes, and all other auxiliaries.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Steam Engineering," on page 60, line 6, after the word "dollars," to strike out "*Provided*, That the sum to be paid out of this appropriation for aeroplane machinery shall not exceed $20,000," so as to make the clause read:

Steam machinery: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, aeroplane, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels; repair and care of machinery of yard tugs and launches and for pay of classified force under the bureau, $4,250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Commissary department," on page 64, line 22, after the word "dollars," to insert "*Provided*, That such additional payments from the midshipmen's commissary fund, as the Superintendent of the Naval Academy may deem necessary, may be made to the waiters herein authorized," so as to make the clause read:

Commissary department: One chief cook, $1,200; 4 cooks, at $600 each, and 8 assistants, at $300 each; 1 steward, $1,200, and 1 assistant, $600; one head waiter, $720, and 2 assistants, at $480 each; 2 pantrymen, at $420 each; 1 chief baker, $1,200; 1 baker, $600; 2 assistants, at $540 each, and 1 assistant, $420; necessary waiters, at $16 per month each, $13,440; 1 messenger to the superintendent, $600; 27 attendants, at $300 each; in all, $35,700: *Provided*, That such additional payments from the midshipmen's commissary fund, as the Superintendent of the Naval Academy may deem necessary, may be made to the waiters herein authorized.

The amendment was agreed to.

The next amendment was, on page 65, after line 18, to strike out:

Expenses of the Board of Visitors of the Naval Academy, $600: *Provided*, That so much of the act approved February 14, 1879, as relates to the constitution of the Board of Visitors to the Naval Academy be amended and reenacted to read as follows.

The amendment was agreed to.

The next amendment was, at the top of page 66, to strike out:

That hereafter the Board of Visitors to the Naval Academy shall consist of five members of the Committee on Naval Affairs of the Senate and seven members of the Committee on Naval Affairs of the House of Representatives, to be appointed by the respective chairmen thereof; the members so appointed shall visit the Naval Academy annually at such time or times as the chairmen of said committees shall appoint, and the members from each of said committees may visit said academy together or separately as the said committees may elect during the session of Congress; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board not exceeding $5 per day and their actual expenses of travel by the shortest mail routes: *Provided further*, That so much of the act approved February 14, 1879, making appropriations for the naval service for the year ending June 30, 1880, and for other purposes, as is inconsistent with the provisions of this act is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 66, after line 22, to insert:

Expenses of the Board of Visitors of the Naval Academy, being mileage and $5 per diem for each member for expenses during actual attendance at the academy, and for clerk hire, carriages, and other incidental and necessary expenses of the board, $3,000.

The amendment was agreed to.

The next amendment was, on page 67, line 6, before the word "dollars," to strike out "forty-three thousand six hundred" and insert "forty-six thousand," so as to make the clause read:

In all, current and miscellaneous expenses, $46,000.

The amendment was agreed to.

The next amendment was, on page 68, line 11, before the word "hundred," to strike out "seventy-eight thousand two" and insert "eighty thousand six," so as to make the clause read:

In all, Naval Academy, $580,620.

The amendment was agreed to.

The next amendment was, under the head "Marine Corps," on page 71, line 2, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," so as to make the clause read:

In the office of the paymaster: One chief clerk, at $2,000; one clerk, at $1,500; one clerk, at $1,200.

The amendment was agreed to.

The next amendment was, on page 71, line 6, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," so as to make the clause read:

In the office of the adjutant and inspector: One chief clerk, at $2,000; 1 clerk, at $1,500; 1 clerk (in lieu of 1 clerk in the office of the assistant adjutant and inspector), $1,200.

The amendment was agreed to.

The next amendment was, on page 72, line 4, before the word "hundred," to strike out "three" and insert "seven," so as to make the clause read:

In all, for pay of civil force, $30,711.28; and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.

The amendment was agreed to.

The next amendment was, on page 72, line 10, before the word "hundred," to strike out "eighty-six thousand seven" and insert "eighty-seven thousand one," so as to make the clause read:

In all, pay, Marine Corps, $4,387,121.78.

The amendment was agreed to.

The reading of the bill was continued to line 18, on page 73.

Mr. PERKINS. On page 73, line 17, after the word "quality," I move to strike out the proviso which reads as follows:

Provided, That the coal shall be mined by labor that is employed at not exceeding eight hours per day.

Mr. REED. Mr. President, why is that amendment offered?

Mr. PERKINS. Because the coal is mined by the ton and not by the day, and it is not possible to apply an eight-hour day to it.

Mr. REED. The coal is obtained in this country principally?

Mr. PERKINS. Altogether.

Mr. REED. I should like to inquire why we can not get coal that is mined by labor at eight hours a day.

Mr. LODGE. Mr. President, if the Senator will allow me, the coal, as the committee is informed, is mined and paid for by the ton, and the transportation that brings it is paid by the

day or month. The Navy Department inform us that if this clause goes through as it is it will be utterly impossible for the department to get coal for a considerable time until they can establish supplies of their own. It will simply tie up the ships. They could not do anything if this is passed suddenly in this way.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from California.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 75, line 3, after the word "dollars," to insert: "*Provided*, That authority is hereby granted to employ the services of an advertising agent in advertising for recruits under such terms and conditions as are most advantageous to the Government," so as to make the clause read:

Transportation and recruiting, Marine Corps: For transportation of troops, and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, $317,000: *Provided*, That authority is hereby granted to employ the services of an advertising agent in advertising for recruits under such terms and conditions as are most advantageous to the Government.

The amendment was agreed to.

The next amendment was, on page 78, line 21, before the word "hundred," to strike out "five" and insert "nine," so as to make the clause read:

Total Marine Corps, exclusive of public works, $7,425,978.78.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," at the top of page 79, to insert:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000 each.

Mr. JOHNSTON of Alabama. I wish to move to amend the paragraph. In line 3 I move to strike out "two battleships" and insert "one battleship."

I wish to call the attention of the Senate to the fact that we have now under construction 6 battleships, 13 destroyers, 5 colliers, 2 seagoing tugs, and 18 submarines. These are already provided for by law, and when completed will cost the Government $100,000,000. I ask leave to insert a table which has been prepared showing the special vessels under construction.

The table referred to is as follows:

United States naval vessels under construction.

No.	Vessels.	Building yards.	Engines.	Number of shafts.	Speed, knots.	Percentage machinery completed 1912. May 1.	June 1.
	BATTLESHIPS.						
32	Wyoming	Wm. Cramp & Sons	Parsons turbine	4	20½	94.34	94.95
33	Arkansas	New York Ship Building Co	do	4	20½	97.57	97.57
34	New York	Navy yard, N. Y	Reciprocating	2	21	28.04	29.06
35	Texas	Newport News Co	do	2	21	61.80	64.40
[illegible]	Nevada	Fore River Ship Building Co	Curtis turbine	2	20½	4.16	4.79
37	Oklahoma	New York Ship Building Co	Reciprocating	2	20½		
	DESTROYERS.						
37	Fanning	Newport News Co	Parsons turbine	3	29½	90.70	95.30
38	Jarvis	New York Ship Building Co	do	3	29½	67.25	82.62
39	Henley	Fore River Ship Building Co	Curtis turbine and reciprocating	2	29½	79.15	87.79
40	Beale	Wm. Cramp & Sons	Parsons turbine	3	29½	85.42	89.88
42	Jenkins	Bath Iron Works	do	3	30	96.03	99.45
43	Cassin	do	Parsons turbine and reciprocating	2	29	22.15	29.31
44	Cummings	do	do	2	29	22.15	29.31
45	Dawnes	New York Ship Building Co	Curtis turbine and reciprocating	2	29	5.75	6.38
46	Duncan	Fore River Ship Building Co	do	2	29	23.42	31.74
47	Aylwin	Wm. Cramp & Sons	Zoelly turbine and reciprocating	2	29½	42.69	50.42
48	Parker	do	do	2	29½	31.86	45.80
49	Benham	do	do	2	29½	31.66	38.55
50	Balch	do	do	2	29½	31.10	38.12
	COLLIERS.						
9	Proteus	Newport News Co	Reciprocating	2	14	37.00	42.90
10	Nereus	do	do	2	14	34.80	39.90
11	Orion	Maryland Steel Co	do	2	14	86.33	92.76
12	Jason	do	do	2	14	48.19	53.05
3	Jupiter	Navy yard, Mare Island	Electric	2	14	26.27	35.27
	SEAGOING TUGS.						
12	Sonoma	New York Ship Building Co	Reciprocating	1	14	67.90	77.73
13	Ontario	do	do	1	14	68.30	78.40
	SUBMARINES.						
21	F-2	Union Iron Works	Diesel	2	14	98.54	100.00
22	F-3	Seattle Construction & Dry Dock Co	do	2	14	97.70	99.20
23	F-4	do	do	2	14	88.60	90.70
	G-1	Lake Torpedo Boat Co	White & Middleton	2	12½	98.00	98.00
27	G-2	do	do	2	14½	98.10	98.10
31	G-3	do	Diesel-Sulzer	2	14	11.97	12.38
26	G-4	Wm. Cramp & Sons	Laurenti	2	14	76.46	78.61
28	H-1	Union Iron Works	Diesel	2	14	73.48	78.12
29	H-2	do	do	2	14	88.58	78.08
30	H-3	Seattle Construction & Dry Dock Co	do	2	14	53.60	62.80
32	K-1	Fore River Ship Building Co	do	2	14	17.44	19.31
33	K-2	do	do	2	14	17.34	19.25
34	K-3	Union Iron Works	do	2	14	16.26	19.52
35	K-4	Seattle Construction & Dry Dock Co	do	2	14	13.80	16.30
36	K-5	Fore River Ship Building Co	do	2	14		2.08
37	K-6	do	do	2	14		1.26
38	K-7	Union Iron Works	do	2	14		1.49
39	K-8	do	do	2	14		1.49

Mr. JOHNSTON of Alabama. Mr. President, instead of entering into competition with foreign nations in building battleships, one for every two of England and one for every one of Germany, France, or Japan—instead of being governed in our expenditures or following the pace set by these nations, it would be far better, both for ourselves and for the burdened taxpayers of foreign nations, to endeavor to provide treaties that would put an end to these struggles for supremacy and these vast and unnecessary wastes of public funds. The burden of every appropriation, the final incidence of every dollar expended by this Government, falls upon the citizens, rich and poor, of the United States. The glory that was Rome, the games and largess of its emperors, made many a Roman holiday and bent with toil many a Roman citizen or else extinguished the light of happiness in provincial cottages. A nation has no riches by inheritance or by speculation. The last cent of its revenue is taken

from the pockets of the people. Great ships do not spring from mere ideas of grandeur, but are slowly constructed by the sweat of a nation.

Whenever we build a war vessel England builds two and Germany, France, and Japan build one; thus six ships, not one, are involved when the Congress of the United States increases its Navy by one. At least $75,000,000 of energy are wrung from five nations and wasted as utterly and remorselessly as by fire. Some, in the face of this fact, advocate that we shall build enough battleships to command both the Atlantic and Pacific Oceans, which, even if England stood still in her construction and addition to her navy, would require the expenditure of billions of dollars, would extend the income tax into every home, take its toll from every wage and income, and abolish for all time the bright dream of tariff reduction. In 1900 our appropriations for the Navy were about $55,000,000. Last year they were $120,000,000, and with all the paring down of a Democratic House, and after eliminating excess battleships, the present House bill calls for $118,547,137.48, and this bill adds over $15,000,000.

When are we to stop? How long will it take at this pace to saddle upon the backs of our people burdens they can only bear by denying their families the necessities of life? Very few of our people, with sound minds and sound appetites, would have their hunger assuaged by the knowledge that we had the second greatest Navy in the world. Ideas of grandeur fill the mind, not the stomach.

The militarism of the German Empire has imposed such burdens upon their people that they have been forced to Socialism and other fancied panaceas of brotherhood in the hope of relief. Monarchical grandeur has no place in a republic. The American people must not be sweated out of taxes to provide pageants. Montesquieu was wise when, in speaking of the corruption of democracy, he said that the people themselves are corrupted when false leaders—

to disguise their own ambition speak to them only of the grandeur of the state. (Book VIII, 2.)

All grandeur, force, and power are relative. Care, therefore, must be taken that in endeavoring to increase the real grandeur the relative be not diminished. (Book IX, 9.)

The total revenue of the Government is about $1,000,000,000, or an average of $10 for every man, woman, and child in the United States. Of this vast sum over $600,000,000, or an average of nearly $6 for each person, is expended for war or in preparation for or in reparation of the ravages of war. This requires over $12,000,000 from the people of Alabama.

We should now determine our policy. Is the United States to proceed upon this delirium of paranoia and invite the fevered unrest which has followed lavish military outlay in every European country, or shall we forestall that result by reducing the burden of taxation and applying our revenue to works of permanent usefulness and of benefit to the common people who must stand the burden?

Our policy not many years since was to build one ship each year. Now, when the Panama Canal is almost completed, linking the oceans together and satisfying the supposed necessity for two fleets, one on the Atlantic and the other on the Pacific, we are asked to build two or four each year, and a few warriors, to whom war is a stage and not the grim reality of hell, advocate six.

I have seen war. It extends beyond the wounds and deaths upon the battle field to the homes of the people. We have scarcely recovered from the conflict between the States now after 50 years. That war cost in money and destruction of property over $5,000,000,000 and the lives of the flower of the manhood of this country. In money burden we still have as a legacy nearly $200,000,000 a year to disburse in pensions. Our gigantic outlay for purposes of war, curtailed or diverted to the uses of the people, would enable us to abolish the tariff and make this great land smile with peace and plenty. With highways universally and permanently maintained, the postal service extended to every hill and dale and made to embrace the carriage of parcels and express; with systematic extension of the aid to agricultural demonstration and experiment; our schools endowed and equipped; institutions for the treatment of our ill and infirm and for the extension of knowledge, and for relief and instruction upon all questions involving social and physical well-being established and maintained; with all this possible if we can devise a procedure which will save us from this staggering martial waste, how can this national competition in armament be justified?

When we build a *Dreadnought*, have supplied its armament, and made it ready for battle, we shall have to spend over $10,000,000; and to keep it on the sea, properly manned, will cost annually about a million dollars. The distinguished Senator from Maine, Mr. Hale, an expert in these matters, said in a speech in the Senate on May 20, 1910 (RECORD, p. 6594):

That every battleship of the *Dreadnought* class that we built cost, when fully completed and equipped and ready for war, from $16,000,000 to $18,000,000—

And that he had given the matter minute investigation

In a decade, after we have spent some $30,000,000 on its construction and maintenance, it becomes a second-class ship, and in 10 more years it is relegated to the third class, and soon thereafter becomes practically useless. The great battleships of 1900 are now in the second or third class, and in a few years more will be more valuable to demonstrate their uselessness, their mistakes in design, their wasted cost, and as junk than for use in war. All of the millions expended will have been swallowed up like the *Titanic* in the remorseless sea. The great guns placed upon these vessels thunder forth their futility. A hundred shots—and they belch greater danger to our brave gunners and the ship than to the enemy.

We have a great Nation, and claim to be a Christian Nation, and to stand for peace on earth and good will to all. We have the greatest resources of any nation in the world. God has led us from over seas to a land separated from probable aggression by thousands of miles of water. We should stand for peace and good will on earth and employ our industry and our resources in the arts of peace.

Mr. President, we want no sailor settled like an "old man of the sea" on the back of every man who must then labor not only for himself and his family but for his costly rider. What nation would measure swords with us or invade our shores even if we had no battleships?

Our duty and responsibility is plain. We must maintain a Navy reasonably adequate to police our shores and our dependencies. We must by world treaties secure to the Philippines immunity from seizure and attack, open them to the enlightenment and development of all nations, and extend our weary protectorate until such time as the gradual civilization of the waste places of the earth has reached those islands and made their people fit for self-government. For these purposes we need no annual multiplication of vessels of war nor dollar diplomats. We need a State Department with the love of humanity for its guide and the example and conviction of a great people to back stand it.

Instead of harkening to the romantic visions of great conquests, I desire to submit to the Senate that we should not only set all nations an example by limiting this evergrowing waste for armament and appeal to the Christian spirit of the world, but should hold such inducement as we can to bring an end to this orgy of expenditure for war. With every farmer in Germany burdened with the equivalent of maintenance of six nonproducing men at arms, with England in social chaos from her great outlay, let the United States, in determining its tolls for the use of the Panama Canal, prescribe a differential against the ships of every nation which constructs more than one battleship of the first class a year.

Mr. President, let us take the first step toward the redemption of modern times from socialism and anarchy, those grim reflexes of martial waste. Let us add to our example the force of economic expediency. I shall earnestly oppose the construction of more than one battleship, and I will submit to the Panama bill when it shall come before the Senate an amendment embodying my idea of the first step toward international disarmament and which will make the use of the Panama Canal on equal terms with other nations conditional upon a limitation of naval expenditure.

Mr. PERKINS. Mr. President, I hope the amendment proposed by the Senator from Alabama will not be adopted. The provision contained in the bill is unanimously recommended by the Committee on Naval Affairs, with the exception of 1 member, 14 of the 15 members constituting that committee being in favor of it. I have prepared a short statement in regard to the amendment of the committee, which I ask the Secretary to read at this time.

The PRESIDENT pro tempore. The Secretary will read as requested, in the absence of objection.

Mr. JOHNSTON of Alabama. Mr. President, did the Chair lay before the Senate the amendment which I proposed to the amendment of the committee?

The PRESIDENT pro tempore. The amendment has been received, and will be laid before the Senate as soon as the time comes for a vote. In the meantime the Senator from California has asked that a statement relative thereto be read. The Secretary will read.

The Secretary read as follows:

Your committee has deemed it advisable to recommend the construction of two battleships. The progress of the great nations in naval

construction is such as to compel the United States to add yearly to its fleet fighting vessels of the greatest possible efficiency in order not to fall so far behind in offensive and defensive strength as to invite aggressive policies by other countries. The opening of the Panama Canal will be followed by changes in the great trade routes of the world, and the United States, through its ownership and control of the new waterway, will be brought into closer contact with the great world powers than ever before, and the latter will have interests in the Western Hemisphere which do not now exist. The Caribbean Sea will become one of the centers of the world's greatest commercial activity, in which all the great nations will play prominent parts. The concentration of the trade interests of all the great maritime countries at the Isthmus of Panama will necessitate on the part of these countries such action as all nations take to safeguard their commerce, and there will be an incentive for the exhibition of foreign naval and military strength in the waters contiguous to the canal, which has hitherto been lacking. The new interests which other nations will have in the Western Hemisphere on account of the new trade routes established through the Panama Canal will almost surely bring into the field of international discussion as never before the so-called Monroe doctrine, and the United States, as its promulgator and sponsor will doubtless have to deal with questions arising thereunder, some of which may well be such as to render it advisable to have adequate naval strength behind official negotiations. Such naval strength is secured mainly through battleships, the floating force which, when necessity arises, must meet and contend with battleships of a foe. If we are to maintain ourselves upon the sea, our offensive strength must be at least equal to that of any probable antagonist. And it goes without saying that if we do not construct vessels equal in power to those which other nations build, we shall soon become so far inferior as an antagonist upon the sea as to render impotent objections to what, under the Monroe doctrine, might be considered unfriendly acts. M. d'Estournelles de Constant in the report of the Commission of the Interparliamentary Union, in behalf of the limitation of naval and military expenditures, pertinently says:

"Only senseless beings—and whatever may be said, they are rather rare—would make light of the fate of their country, as good citizens profit by modern progress in order to develop their activity, as their independence and dignity grow, the more their sense of duty toward national defense develops; in the same way a father would defend his child, his family, his home."

For the past three or four years the United States has stood next to Great Britain in sea power. To-day she has yielded that place to Germany. Not only in gross tonnage of naval vessels is Germany far ahead—1,087,399 tons against 885,036—but in real fighting strength as represented by battleships.

Built and building, Germany has 726,110 tons of first-class battleships and battleship cruisers against 555,790 tons for the United States. These figures represent 42 German vessels and 35 American. And the building program of Germany goes steadily on, and next year will see a further discrepancy between the sea strength of the two countries if we remit our efforts; but comparison with Japan will reveal in a very striking manner the unwisdom of refusing to add capital vessels to maintain our sea strength. The battleships and battleship cruisers built and building in Japan to-day aggregate only 372,498 tons against 555,790 tons for the United States—21 fighting ships against 35; but at this time Japan has no all-big-gun ships, though six are under construction, yet the program adopted by Japan will place that country on an equality in that respect in 1920, even if we continue the policy of building two battleships a year. In that year the United States would have 24 fighting vessels, 16 battleships armed with 14-inch or larger guns and 8 with 12-inch guns, while Japan would have 23 capital ships, only two of which would carry guns as small as 12 inches. She would have 21 ships carrying guns of 14-inch caliber or over, to pit against only 16 United States vessels of the same class. In calling attention to this state of affairs, the Scientific American says:

"It is surely only necessary to enumerate the facts to impress upon the country the seriousness of the position and the folly of even thinking of reduction."

Mr. CLAPP. Mr. President, I should like to inquire of the Senator in charge of the bill, or of the Senator from Massachusetts, if it is a fact that other countries are now engaged in building battleships larger than those contemplated by this bill?

Mr. LODGE. Of course the expression "contemplated by this bill" is rather indefinite. There are some larger ships built and being built by other countries than any we have yet undertaken to construct.

Mr. CLAPP. Yes; but that is not exactly the question. I desire to know whether the Senator understands that this bill—and I ask for information—would warrant our entering upon the construction, simply under the authority conferred by this bill, of battleships as large as those that are now being constructed by some of the other nations?

Mr. LODGE. This provision would permit the Secretary of the Navy to build battleships as large as those the department decided were of the best type.

Mr. CLAPP. That is what I wanted to appear in the RECORD.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. JOHNSTON] to the amendment reported by the committee.

Mr. JOHNSTON of Alabama. Mr. President, it is necessary, I find, to add other amendments to perfect the amendment I have offered. I move to change the word "battleships," in line 3, to "battleship," and in lines 3 and 8 to strike out the word "each" where it occurs.

The PRESIDENT pro tempore. The Secretary will state the amendment as modified to the amendment of the committee.

The SECRETARY. On page 70 it is proposed to amend the amendment of the committee, in line 3, before the word "first-class," by striking out "two" and inserting "one"; in the same line by striking out "battleships" and inserting "battleship"; and in lines 3 and 8 by striking out the word "each."

Mr. OVERMAN. Mr. President, before the vote is taken on the amendment of the Senator from Alabama I should like to inquire of the Senator from Massachusetts, or the chairman of the committee, how many battleships are now being built and how many have been contracted for that are in process of building at this time?

Mr. PERKINS. There are 29 already constructed and ready for service.

Mr. OVERMAN. I mean how many have been provided for and not yet completed?

Mr. PERKINS. Four are under construction and two have have been authorized.

Mr. OVERMAN. So that six are now under construction?

Mr. JOHNSTON of Alabama. Six are now under construction.

Mr. OVERMAN. And two more authorized?

Mr. PERKINS. If the recommendation of the Committee on Naval Affairs is adopted by Congress, two more battleships will be authorized.

Mr. OVERMAN. So that if this appropriation is made it will make eight battleships provided for by law but not completed?

Mr. PERKINS. Yes.

Mr. OVERMAN. If we provide for two battleships now, how long will it take to construct them?

Mr. PERKINS. About three years.

Mr. OVERMAN. If they are begun at once; but can they be begun at once when two already provided for are uncontracted for?

Mr. PERKINS. It will be six months before the plans are ready, and it will be two or three years, at least, before they are completed.

Mr. OVERMAN. How about the two that we have not even contracted for which were required to be built?

Mr. PERKINS. They have been referred to the general board of the Navy for the preparation of plans, and so forth, and, as I understand, bids are about to be asked for their construction.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama to the amendment of the committee.

Mr. BURTON. I call attention to the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Asburst	Culberson	McCumber	Simmons
Bacon	Cullom	Martin, Va.	Smith, Ariz.
Bourne	Cummins	Martine, N. J.	Smith, Ga.
Bradley	Curtis	Myers	Smith, Md.
Brandegee	Fletcher	Nelson	Smith, S. C.
Bristow	Gallinger	Newlands	Smoot
Bryan	Gardner	Overman	Swanson
Burnham	Gronna	Page	Thornton
Burton	Guggenheim	Paynter	Tillman
Catron	Heyburn	Perkins	Townsend
Chamberlain	Johnston, Ala.	Poindexter	Warren
Clapp	Jones	Pomerene	Watson
Clarke, Ark.	Kenyon	Reed	Wetmore
Crane	Kern	Root	Williams
Crawford	Lodge	Sanders	Works

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. POINDEXTER. Mr. President, I rise only to state that I shall vote against the amendment proposed by the Senator from Alabama, not because I am opposed to the program of economy that he speaks for, but because I regard an adequate fleet as an insurance against loss by war. I shall vote against this amendment in the interest of economy.

The Senator stated in his speech, I believe, that for every battleship built by the United States, Germany built one and England two.

Mr. JOHNSTON of Alabama. I did.

Mr. POINDEXTER. I think that is correct; but if it is intended to draw from that the inference that if we cease our shipbuilding program, Germany and England will cease theirs, I deny the correctness of the inference. The shipbuilding program of Germany and England is, I apprehend, only remotely dependent on our program. Theirs will go on whether we build ships or not, although, perhaps, their programs might be affected remotely by our action.

It is only very recently that we noticed in the public prints statements of the chancelleries of Germany and England of the intentions of those countries in regard to building ships, and we

have read the official statement in the House of Commons that——

Mr. JOHNSTON of Alabama. Mr. President——

Mr. POINDEXTER. Just one moment—and the notice served upon Germany by England that for every ship laid down by Germany England would lay down two; so that whatever our program may be and whatever contingent difficulties we may have in the enforcement of our foreign policy, we will be confronted by those fleets, regardless of the program which we may adopt here.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Alabama?

Mr. POINDEXTER. I yield.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Washington if he thinks we can ever equal England in its armament and its fleet? How much money would we have to pay out to do so? Would it not be over $2,000,000,000 if she just stood still?

Mr. POINDEXTER. If we should undertake to do that, Mr. President, we would have to pay out $216,000,000 a year for our naval estimates.

Mr. JOHNSTON of Alabama. For 20 years?

Mr. POINDEXTER. Well, for the present rate of increase or for the present equipment. What period of time would be required to overtake England in armament is a matter dependent, of course, upon various circumstances that can not be calculated here.

Mr. JOHNSTON of Alabama. The Senator's idea is not that we can ever accomplish the result of having as large a fleet as England at all, is it?

Mr. POINDEXTER. I do not think we ought to have any such object in view. I do not think that it is necessary.

Mr. JOHNSTON of Alabama. But if we had the idea, we could not do it.

Mr. POINDEXTER. My idea is that if we wanted to do it we could do it.

Mr. JOHNSTON of Alabama. We could not do it at all.

Mr. POINDEXTER. We could afford to do it, and there is nothing in the world that I can see and nothing that the Senator has so far pointed out which would prevent this Nation from building a fleet as great as that of England. I do not contend that we ought to do that; that is not involved in this proposition; but I do say, in answer to the Senator's question, that, if the necessity arose for it, we have the wealth, the resources, and the ability to build a fleet equal to that of England.

Mr. JOHNSTON of Alabama. I think the Senator will admit that England has as great ability and as great resources as we have for building battleships.

Mr. POINDEXTER. No; I do not admit that at all.

Mr. JOHNSTON of Alabama. Well, we differ widely.

Mr. POINDEXTER. The resources incident to the construction of battleships consist of natural resources and accumulated wealth, and I insist that this country has more resources than has the Empire of Great Britain; but that is a mere academic discussion.

We have undertaken to assert, Mr. President, since we have become a nation of importance, what has come to be known as the Monroe doctrine. That doctrine is not accepted as a part of international law by the great nations of Europe. The only way we can maintain it is by the possession of a sufficient military force. For every ship we build we are relieved to that extent of the necessity of maintaining an army.

It is only commonplace to refer to the wars in which we have already been engaged, and to call attention to the fact that we have been successful in those wars, including the great Civil War, because of our Navy. In the great Civil War the Federal Union was successful because it commanded the seas and the Confederate States possessed no navy. So it was in the Revolutionary War. The services of John Paul Jones, together with the services rendered to us by the French fleet, were responsible to a large extent for the success of the American Army and the American Nation in the war for independence. So it has been throughout our history.

Mr. JOHNSTON of Alabama. I want to ask the Senator how our Navy in the Revolutionary War compared with the English Navy. We had only a few ships then.

Mr. POINDEXTER. It compared very favorably in point of brilliant service. It compared favorably enough for us to threaten the city of London, to gain victories off the coast of the islands of Great Britain, and to threaten the commerce of England.

Mr. SWANSON. If the Senator will permit me, I will suggest that it was the French fleet in Chesapeake Bay that compelled the surrender of the British forces at Yorktown. If the French fleet had not been in American waters at that time to maintain the naval supremacy of our cause, the results of the Revolutionary War would have been vastly different.

Mr. POINDEXTER. I have not the slightest doubt of the accuracy of the statement of the Senator from Virginia. But I say it is only commonplace to cite the fact that not only in our own experience, but in that of England itself, and that of all the great nations of the world, their success and their greatness have been due to their navy, to their command of the sea. That was the case with the Empire of Rome. England never would have survived the attacks of Napoleon if it had not been for the superiority of her fleet, the superiority of her admirals, her command of the sea.

We can not blind ourselves to the fact that we are facing the contingency, at least, of foreign difficulty, not only in the Atlantic but in the Pacific. The danger is constantly increasing; the possibility of those difficulties is becoming more acute year by year as the pressure of population and the struggle for existence become more acute in the great nations bordering upon those oceans. We are compelled to be prepared to defend ourselves. The moment we cease to maintain an armament, that moment we become a prey to the necessities and to the ambitions of the nations which rival us upon the Atlantic and upon the Pacific.

We have had practical experience already with Japan and with England and with Germany—I hope the incidents will not be repeated, but they are matters of recent history—when we were able to maintain the honor of the United States, not through diplomacy, not through negotiations, but because our diplomacy was backed up by an adequate fleet. The only way we can continue to maintain the honor of this country, so long as the program of military armament by other nations is continued, is to continue to be able to use force when it is necessary.

I am in favor of peace, as we all are. If the Senator from Alabama could institute a negotiation which would result in the simultaneous cessation of warship building by Japan and Germany and England and the United States, he would render a great service not only to his own country but to mankind. But for the United States to undertake to stop the extension of its Navy, without consideration of what the other nations are going to do, would be, in my judgment, perfect folly.

Mr. HEYBURN. Mr. President, there is another phase of this matter which ought to be mentioned. When we provide for the building of two battleships we are merely providing a market for at least $20,000,000 of American material and American labor. If we were going to buy these ships in a foreign market, ships constructed out of foreign material by foreign labor, that would be a different proposition. But we are merely going to make occupation for American citizens by giving them a chance to construct these ships. Nothing is lost in the way of money expended, because it is merely an interchange or an exchange. It is creating an opportunity to do business.

One of the wisest provisions in regard to the construction of these ships is that they must be constructed of home material by home labor, and that goes far to justify the expenditure of these large sums of money. It is not an expenditure in one sense of the word, but it is employing our own resources and making opportunities for men.

I have never hesitated to vote liberal appropriations for the construction of ships for the Navy, not because I thirst for war or strife, but because I regard their construction as a guaranty against war and as a guaranty of protection to our people and their property. The responsibility of founding this Nation rested upon those who did that great act, but the responsibility of maintaining it rests upon each succeeding generation that follows.

There should be no cessation, no period when this Government should not be expending the money which it collects in tolls from foreign peoples and nations to protect us against the aggression of those peoples. We take in every year at our customhouses enough money to build 30 battleships. We make the foreign manufacturers and producers of dutiable articles build our Navy out of only a small portion of the money we collect from them. So my conscience does not trouble me in regard to the expenditure of money for this purpose.

Think how much more desirable it is to keep an enemy out of the country than it is to take care of him after he gets into the country. We do not want foreign soldiers landed upon American soil. When they are once landed we are confronted with a very different proposition. The Navy of the country is,

and should be, primarily intended to protect our people against the invasion of foreign foes, and it has always met the necessity.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Alabama to the committee amendment.

Mr. JOHNSTON of Alabama. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. Mr. President, I understand a vote for the amendment is a vote for one battleship, while a vote against the amendment is a vote for two?

The PRESIDENT pro tempore. The Senator is correct; at least in the first part of his statement.

Mr. MYERS. Will the Chair have the amendment read, in order that we may see in what form it is?

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 79, in the proposed committee amendment, it is proposed, before the word "first-class," in line 3, to strike out "two" and insert "one"; also, on the same line, to strike out the word "battleships" and insert the singular, "battleship"; also, on lines 3 and 8, to strike out the word "each," so that, if amended, it will read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed one first-class battleship, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him on the floor I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I am assured that he would vote as I intend to, and, therefore, I take the liberty of voting. I vote "nay."

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer it to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK] and therefore withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). I wish to announce that my colleague [Mr. FOSTER] is necessarily detained from the Chamber on account of sickness. He is paired with the junior Senator from Wyoming [Mr. WARREN]. I am also authorized by my colleague to say that, if present, he would vote for two battleships.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not know how he would vote if he were present, and in his absence I withhold my vote. I will say that if he were present and I were at liberty to vote, I should vote "nay."

Mr. WETMORE (when Mr. LIPPITT's name was called). My colleague [Mr. LIPPITT] is unavoidably absent. He has a general pair, I understand, with the Senator from Tennessee [Mr. LEA]. If my colleague were present, he would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. MYERS (when his name was called). On this and other matters for the time being I am paired with the Senator from Connecticut [Mr. McLEAN]. It is my information and understanding that if he were here he would vote "nay" on this amendment, while if at liberty to vote I should vote "yea." But, on account of being paired, I refrain from voting.

Mr. OVERMAN (when his name was called). On this amendment I am paired with the junior Senator from West Virginia [Mr. CHILTON]. He favors two battleships; I favor one. He would vote "nay" if present, and I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Chamber. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). On this question I am paired with the senior Senator from Louisiana [Mr. FOSTER], and withhold my vote.

The roll call was concluded.

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is unavoidably absent. He has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Chamber, and I understand he is paired with the junior Senator from Missouri [Mr. REED].

Mr. REED (after having voted in the affirmative). I had risen to my feet to say that I voted inadvertently, without noting the absence of the Senator from Michigan [Mr. SMITH]. I transfer my pair with the Senator from Michigan to the Senator from Nebraska [Mr. HITCHCOCK], and will allow my vote to stand. I am just informed that the Senator from Nebraska is paired, and under the circumstances I withdraw my vote.

Mr. WARREN. My colleague [Mr. CLARK] is at home ill. He has a general pair, I believe, with the senior Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. STONE. I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not know how he would vote, and therefore I withhold my vote.

Mr. HEYBURN. I transfer my pair with the senior Senator from Alabama [Mr. BANKHEAD] to the junior Senator from Pennsylvania [Mr. OLIVER], and will vote. I vote "nay."

Mr. CLAPP. I desire to state that the senior Senator from Montana [Mr. DIXON] is unavoidably absent. He is paired with the junior Senator from Texas [Mr. BAILEY]. If the senior Senator from Montana were present, he would vote "nay."

Mr. CULBERSON. In view of my general pair with the Senator from Delaware [Mr. DU PONT], who is absent, I withhold my vote.

The result was announced—yeas 12, nays 43, as follows:

YEAS—12.

Bacon	Clapp	Johnston, Ala.	Smith, Ariz.
Bristow	Fletcher	Kern	Tillman
Burton	Gronna	Pomerene	Williams

NAYS—43.

Ashurst	Cullom	Lodge	Simmons
Bourne	Cummins	Martin, Va.	Smith, Ga.
Bradley	Dillingham	Martine, N. J.	Smith, Md.
Brandegee	Fall	Nelson	Smoot
Bryan	Gallinger	Page	Swanson
Burnham	Gardner	Payntar	Thornton
Catron	Guggenheim	Penrose	Townsend
Chamberlain	Heyburn	Perkins	Watson
Clarke, Ark.	Johnson, Me.	Poindexter	Wetmore
Crane	Jones	Root	Works
Crawford	Kenyon	Sanders	

NOT VOTING—39.

Bailey	Dixon	McCumber	Reed
Bankhead	du Pont	McLean	Richardson
Borah	Foster	Myers	Shively
Briggs	Gamble	Newlands	Smith, Mich.
Brown	Gore	O'Gorman	Smith, S. C.
Chilton	Hitchcock	Oliver	Stephenson
Clark, Wyo.	La Follette	Overman	Stone
Culberson	Lea	Owen	Sutherland
Curtis	Lippitt	Percy	Warren
Davis	Lorimer	Rayner	

So the amendment of Mr. JOHNSTON of Alabama to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the committee.

The amendment was agreed to.

Mr. ASHURST. I have an amendment to propose. I was on my feet when the question was put, although possibly I did not present the matter quickly enough. I want to propose an amendment to that section.

The PRESIDENT pro tempore. The Chair will consider it, if there be no objection.

Mr. ASHURST. I offer the following amendment——

Mr. LODGE. The amendments of the committee have not yet been completed.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Arizona to say that he wishes to amend the amendment just adopted? That can not be done without a reconsideration of the vote.

Mr. ASHURST. I then offer it as an independent amendment, Mr. President.

The PRESIDENT pro tempore. The Senate is now considering the committee amendments, and unless it is an amendment to a pending amendment, the Senator will have to withhold it for the present.

Mr. ASHURST. Very well; I will do so.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 79, line 11, after the words "navy yards," to insert

"one to be built in a navy yard on the Pacific coast," so as to make the clause read:

Two fuel ships to cost, exclusive of armor and armament, not to exceed $1,140,000 each, and which shall be built in navy yards, one to be built in a navy yard on the Pacific coast.

The amendment was agreed to.

The next amendment was, on page 79, line 19, before the word "submarine," to strike out "Four" and insert "Eight"; in line 21, before the word "thousand," to strike out "two million two hundred and forty" and insert "four million four hundred and eighty"; in line 23, before the word "dollars," to strike out "eight hundred thousand" and insert "one million six hundred thousand"; and in the same line, after the word "purpose," to insert "and the Secretary of the Navy is directed to consider the advisability of stationing four of said submarine torpedo boats at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico as a proper naval defense thereof," so as to make the clause read:

Eight submarine torpedo boats in an amount not exceeding in the aggregate $4,480,000; and the sum of $1,600,000 is hereby appropriated for said purpose, and the Secretary of the Navy is directed to consider the advisability of stationing four of said submarine torpedo boats at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico as a proper naval defense thereof.

Mr. JONES. Mr. President, I desire to offer an amendment to the section, which I send to the desk.

The SECRETARY. On page 80, in line 3, after the word "thereof," it is proposed to insert the words "and the other four upon the Pacific coast."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 80, line 8, after the words "in this," to strike out "except submarines," and in line 10, after the word "authorized," to strike out "except submarines," so as to make the clause read:

The Secretary of the Navy may build any or all of the vessels authorized in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

The amendment was agreed to.

The next amendment was, on page 80, after line 17, to strike out:

The appropriation made by the act of May 4, 1898, for one gunboat to be built on the Great Lakes and to take the place of the United States ship *Michigan* (now *Wolverine*) is hereby made available for the construction of a river gunboat, which may, as advantage may offer, be built elsewhere than on the Great Lakes or their connecting waters.

The amendment was agreed to.

The next amendment was, on page 81, line 4, before the word "thousand," to strike out "eight million nine hundred and forty-six" and insert "twelve million six hundred and fifty-eight," so as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $12,658,206.

The amendment was agreed to.

The next amendment was, on page 81, line 16, before the word "thousand," to strike out "three hundred and twenty-five" and insert "four hundred and forty-five," so as to make the clause read:

Increase of the Navy; equipment: Toward the completion of equipment outfit of the vessels heretofore and herein authorized, $445,000.

The amendment was agreed to.

The next amendment was, on page 81, line 20, before the word "thousand," to strike out "five million two hundred and sixty-five" and insert "thirteen million one hundred and ninety-three," so as to make the clause read:

Increase of the Navy; armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, $13,193,200.

The amendment was agreed to.

Mr. PERKINS. I offer the amendment I send to the desk.

The SECRETARY. On page 81, line 23, change the total so as to read "$29,799,373.48."

The amendment was agreed to.

The Secretary continued the reading of the bill and read to line 21, page 83, the last paragraph read being as follows:

That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

The next amendment of the Committee on Naval Affairs was, on page 83, line 22, to strike out the word "section" and insert the word "act."

The PRESIDENT pro tempore. If there is no objection, the amendment is agreed to.

Mr. HEYBURN. The question in my mind is as to what is agreed to. That section, in part, is as it comes from the House and is not subject to amendment during the consideration of committee amendments, but there are contained in the section several provisions that might be subject to amendment now.

Mr. LODGE. Perhaps the Senator did not notice the amendments by the Senate committee which are included.

Mr. HEYBURN. They are all included in the section; but the question is whether now in considering those very meager amendments we are to be taken as accepting the portions of the bill on pages 82 and 83, in which there are no amendments except one, in which the word "act" is substituted for the word "section."

Mr. LODGE. That is the bill precisely as it passed the Senate.

Mr. HEYBURN. When?

Mr. LODGE. The eight-hour bill. It is the eight-hour bill as it passed the Senate.

Mr. HEYBURN. I understand that; but we are now considering it as a part of this legislation.

Mr. LODGE. I am aware that it is a part of this bill. I can only say that the committee followed the bill as it passed the Senate. They did not feel that it was possible, after the recent action of the Senate on that bill, to enter on an attempt to change the bill in connection with the naval appropriation bill, and they hope it will be allowed to go without debate on the subject, because we are anxious to pass the bill.

Mr. HEYBURN. I was inquiring, in my mind, as to why it was necessary to reenact the existing law. I would call the Senator's attention to the question as to why it is necessary to enact an existing law in this bill.

Mr. LODGE. It was necessary to enact it because the law as passed does not become effective until after the 1st of January, 1913, and it was desired to make the law effective for the naval work between now and that time. The clause, by an error, was left in the bill on page 85, and of course it will be taken out. It is the clause fixing the date.

Mr. HEYBURN. As I understand it, it amounts to this, that a piece of bad legislation, which, fortunately, was deferred, is now hastened forward in this bill. I thought it was very regrettable that Congress should have enacted that law, and I got some comfort out of the fact that its operation was deferred. Now that little comfort is to be taken away by making it operative a long time before Congress intended it should be operative. I do not care to enter again——

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. HEYBURN. Yes.

Mr. SWANSON. Under the present law, before the passage of what is commonly known as the eight-hour law, the construction of battleships was already under the eight-hour law. The only effect of this provision is to extend the common eight-hour law to subcontractors. The battleships last let were let to contractors under the operation of the eight-hour provision that was placed in the appropriation bill for the Navy. So this is but a limited extension of the present law operating now on this measure.

Mr. GALLINGER. If the Senator from Idaho will permit me, I will ask the Senator from Virginia if any harm has come

FUJI MICRO SAFETY N

to anybody because of the operation of the eight-hour law under which the battleships have heretofore been built?

Mr. SWANSON. None that I have heard of. The Newport News shipyard contracted to build a ship under the eight-hour law, and I have heard of no dissatisfaction. They have gotten along very nicely.

Mr. GALLINGER. This eight-hour law seems to be of so much importance that we have got to enact it and reenact it and reenact it again.

Mr. SWANSON. The occasion for this provision being included here is that the eight-hour law passed the House and came to the Senate and there was some doubt as to whether it would pass the Senate or not. So it was put in this bill. Then, after it was included in this bill, as the general eight-hour law as passed does not operate until 1913, it was thought that possibly it might repeal the eight-hour law which was carried in the naval appropriation bill of last year and the year previous to that, limiting the work on battleships contracted for to eight hours. Then the eight-hour law was extended to subcontracts under the interpretation. We saw no occasion why the eight-hour law should not be made operative at once on battleships, for the reason that contracts might be made now which would extend over two and three years. If we should have a contract made before the 1st of January, 1913, under the eight-hour law it might extend over two or three years, which time would be taken for the completion of the battleship, and so we thought it better to include the provision in the pending bill.

Mr. GALLINGER. If the Senator from Idaho will permit me——

Mr. HEYBURN. Certainly.

Mr. GALLINGER. The only comfort I got out of the discussion and the vote upon the eight-hour bill was that on my motion it was not to be operative until January 1, 1913. In other words, it gave contractors of the Government a little time to digest this matter and to prepare themselves for the operation of a law which to my mind is going to do a great deal of harm. But we did get that little bit of comfort out of it. Now, that is a law, and yet at the suggestion of somebody the law is to be reenacted, and that provision is stricken from it.

Mr. SWANSON. No; it is simply to be enacted as to this appropriation bill; that is, to make it apply to battleships the contracts for which are to be made under this bill. It provides for ships to be built years from now, and if they are to enter on contracts between now and the 1st of January, 1913, when the eight-hour law becomes operative, there is doubt as to whether they ought to make contracts under the general eight-hour law or not. To eliminate that difficulty the intention was to let the eight-hour law apply at once to the battleships to be contracted for and to be built under this bill—contracts which will extend over many years.

Mr. GALLINGER. Yet the Senator a moment ago admitted that under the eight-hour law there was no trouble about building the battleships which had been provided for.

Mr. SWANSON. There was this conflict: The Attorney General held that the eight-hour law simply applied to work done in the yard, not to contracts and work elsewhere, and the general eight-hour law was passed to get rid of some interpretations of that kind.

Mr. HEYBURN. Mr. President, we enacted this law less than a month ago. On June 19, 1912, the act was approved. It provides:

> That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section 1 of this act.

That is the obnoxious provision contained in section 1 of the act. Now it is proposed to repeal the last clause of the act approved June 19, 1912, less than a month ago. It is proposed to repeal that which came into the bill through the amendment, I believe, offered by the Senator from New Hampshire [Mr. GALLINGER], which reads as follows:

> SEC. 2. That this act shall become effective and be in force on and after January 1, 1913.

We are proposing, as I said, to repeal that provision of the act so recently enacted. Of course that was considered at the time. There has been no test of the efficiency or applicability of the act. Sufficient time has not elapsed in which anything could occur that would justify a change in the provisions of an act so recently enacted; but we are, in this appropriation bill, proposing to repeal section 3 of that act. I can see no reason why we should do so.

As I said, I shall not go back and enter into a discussion of the merits of the law of June 19, 1912. I only protest against enlarging the scope of what, in my judgment, was not only bad legislation but void legislation, which undertakes to say that a man shall not be allowed to work more than eight hours, that he shall be fined, and that the contractor shall be fined and punished, and that the subcontractor shall be fined and punished if he permits a man to exercise a right that we had always supposed, until this class of freak legislation came in vogue, was one of the inalienable rights of a man.

Mr. President, we ought not to do it. If that law is to remain let it remain subject to the consideration of the next meeting of Congress, which may be wise enough to repeal it between the meeting of Congress and the 1st day of January, 1913. I have thought perhaps there was some ground upon which to base a hope that the further thought upon this question might prompt Congress to repeal that act.

In my judgment, Congress went beyond its powers in saying that a man might not contract for his own time and sell it by the hour or by longer periods or sections. I do not believe it is within the power of Congress to say that a man shall or shall not work, except in the case of a conviction for an infraction of the law in the nature of a punishment. I do not believe that Congress had any more right to say that a man should not work more than eight hours than to say that he should work more than eight hours. I believe that the right of individual contract for the services of the individual is one of those inalienable rights that can not be controlled or disturbed by legislation. Congress thought otherwise—I will not say in its wisdom, but in its hours of inattention and forgetfulness. It seemed to think——

Mr. GALLINGER. Mental aberration.

Mr. HEYBURN. Yes; mental aberration. It seemed to think that its powers were unlimited over the personal and private affairs of the individual, and thrust this statute upon the statute books. I had hoped that within the short time that has elapsed since the enactment of this law, less than 20 days ago, Congress might have gathered some wisdom and some conservative judgment. I had hoped that it might have done so, but it seems to be still under the mental strain which resulted in that enactment, and is inclined not only to repeat it but to emphasize it.

Can it be possible if this eight-hour law, as it is called, were before Congress to-day, after a conservative consideration of it, a fearless consideration of it, with the national conventions gone by, with no selfish motive for bidding for support, that Congress would reenact that measure? The Senate of the United States has been denominated a conservative body. It has in the past stood against such erratic propositions and the consummation of them by legislation.

Who made this demand that a man should have taken away from him the right to labor? There is a sensational element of the people that claims the power to take away from a man the right not to work. Now, we have reached the point where it is asserted that we have the power to take away from a man the right to work.

I am in thorough sympathy with the right of individual contract, whether it be for 6 hours or for more. It is purely an individual question. We have knowledge of conditions that exist in this country where men work what are termed 8-hour shifts with 20-minute passes. There is a crew of men who go on in the Comstock lode and work 20 minutes and come out and another crew go in and take their place and work 20 minutes. In the aggregate the crew work only 6 hours because of the conditions in those mines—water so hot as to be only bearable, condition of atmosphere that renders it impossible for men to work a continuous shift of 6 hours. But it is a question of contract with them. They are paid for the full shift, notwithstanding that they work only a comparatively small portion of it.

Now, while we are not confronted with the Comstock question here we are confronted with possible conditions where men by their contract with their employers regulate the hours and conditions under which they work. We do not recognize that any longer. We have established the principle, if you may call it one, of regulating in the Chambers of Congress the right of a man to work. We have disregarded the necessity, we have disregarded the benefits of the laborer, we have disregarded his wishes in the matter, and we not only fine the man who does it, but fine those who employ him.

Now, that was bad enough. I am hoping and praying that the conservative wisdom of the people will correct that error, and I am protesting here, not only against continuing it and specifically providing for it in this bill, but hastening the day when its wicked and baneful purpose shall confront the people of this country.

The PRESIDENT pro tempore. The Chair had already announced that the amendment was agreed to, but withheld the final conclusion.

Mr. HEYBURN. I ask for the yeas and nays on that provision.

The PRESIDENT pro tempore. The question is on the amendment on page 83, striking out the word "section" in line 22 and inserting the word "act" in lieu thereof. Upon the adoption of that amendment does the Senator from Idaho call for the yeas and nays?

Mr. GALLINGER. Mr. President, I think the Senator from Idaho did not quite mean that. As I understood the Senator, he meant to demand the yeas and nays upon this eight-hour provision as a whole after it had been amended. I think that was his purpose.

Mr. HEYBURN. That was the purpose.

The PRESIDENT pro tempore. That was the purpose of the Senator from Idaho?

Mr. HEYBURN. Yes.

The PRESIDENT pro tempore. The Senator will demand the yeas and nays on the section, then.

Mr. HEYBURN. My objection was directed to the eight-hour provision. Whether it is necessary, under parliamentary rules, to submit the entire section or not is one that I have not given consideration to.

The PRESIDENT pro tempore. There are a number of amendments in the section, and the votes will have either to be limited to particular amendments as offered or else the vote will be taken, if desired by the Senator, upon the section as finally amended, which would include the particular amendments.

Mr. HEYBURN. I think the vote should be taken on the section as a whole as amended. Then, if it is rejected or sustained, it can be dealt with further.

The PRESIDENT pro tempore. Then the Senator desires to withhold the call for the yeas and nays until the entire section has been dealt with?

Mr. HEYBURN. Yes, sir.

Mr. MARTINE of New Jersey. With the Senator's permission, I desire to inquire whether it is his purpose to strike out the eight-hour provision that was enacted some weeks ago as affecting Government construction.

Mr. HEYBURN. It is to strike out the provision which advances the time when the eight-hour law takes effect.

Mr. CLARKE of Arkansas. Mr. President, I listened to the explanation made as to why this particular provision was incorporated in the bill, but I did not hear any statement giving the true condition of the attempt to amend the statute.

While the so-called eight-hour bill was pending in the Senate, the friends of this measure in the House, rather out of abundant caution, concluded that it was best to insert that bill bodily in the naval appropriation bill, word for word, as it passed the House. After the naval appropriation bill had passed the House and was pending here the Senate, after having amended the eight-hour bill slightly, passed it. The House on the 5th of June concurred in the Senate amendments, and on the 19th of June the President signed the bill. In the meantime the provision included in the House was permitted to remain in in the Senate; and the Senate amendments to the original bill were incorporated in this bill. So what is pending now is a complete word-for-word copy of the eight-hour law, approved by the President on the 19th of June.

Mr. HEYBURN. But, Mr. President——

Mr. CLARKE of Arkansas. With this exception, that it does not include a provision that it shall take effect on the 1st of January, 1913. If the matter shall remain in the bill as it now stands it will take effect together with every other provision in the pending bill as soon as it is approved by the President. The effect of it will be to advance the date on which the eight-hour law is to take effect to the date on which the President shall approve the naval appropriation bill.

Those in favor of that change in the law, and for which I have heard no satisfactory explanation, and for which I see no particular reason, will vote to retain the matter in this bill. If it is amended so as to include the provision that it shall not take effect until the 1st of January, 1913, then all the matter on pages 82 and 83 and the following pages might be stricken out, because it is a literal reproduction of existing law, and it would amount to nothing more than an act of folly to reenact it in that form.

By failing to include a provision that it shall take effect on the 1st of January, 1913, we make it operative immediately. That is the issue presented here now. If the proposition of the Senator from Idaho shall be adopted it is not to strike out anything, but to incorporate an amendment that this part of the bill shall not take effect until the 1st of January, 1913. That identical effect can be obtained by striking out the entire eight-hour law from the bill, for it has no place here, if it is going to take effect on the same day that the existing law will become operative, if it has been made to conform literally and absolutely with the law approved the 19th of June.

Mr. HEYBURN. I would suggest to the Senator that perhaps it could be accomplished by inserting after the word "made," in line 1, page 82, the words "after January 1, 1913."

Mr. CLARKE of Arkansas. Then that would make it exactly as the law is now and encumber the record with an unnecessary provision.

Mr. HEYBURN. It is in that first line that the difficulty occurs. It is in that first line that the act becomes immediately operative.

Mr. CLARKE of Arkansas. The law becomes immediately operative unless we include in it a provision specifically mentioning another date. What the Senator desires to do can be accomplished not by striking out anything but by moving to insert a provision that has been erroneously printed in the bill on page 85, lines 13 and 14. I understand the committee did not authorize the clerk to include the words contained in those two lines as a committee amendment. If that shall be included, then the law in this bill will be exactly the law that is now upon the statute books, and there is no good reason why we should duplicate existing law.

Mr. CRAWFORD. Mr. President, may I ask the Senator from Arkansas if lines 13 and 14, on page 85, are not found in the amendment proposed by the committee?

Mr. CLARKE of Arkansas. I understand that that is not true, because if that were true the whole provision ought to go out, as it is a mere duplication of existing law.

Mr. HEYBURN. This print would indicate it.

Mr. CLAPP. Will the Senator from Arkansas yield to me?

Mr. CLARKE of Arkansas. I will be very glad to yield to the Senator from Minnesota.

Mr. CLAPP. Lines 13 and 14, page 85, have no place in the bill, and were placed there inadvertently. The Senator from Arkansas is correct as to one proposition, and that is that unless the provision is to take effect at once none of it is necessary.

Mr. CLARKE of Arkansas. Of course not.

Mr. CLAPP. It was put in here not to advance the time when the general law should take effect, except as to the matters covered by the bill. As this bill is passed at this time, as contracts may be contemplated at this time, and as possibly work will progress, it was thought that it would avoid confusion by advancing the time at which the eight-hour law takes effect as to these matters to the time of the passage of this bill.

Mr. CRAWFORD. But the effect of the use of this verbiage is simply to put the law already passed into effect six months before the time it was intended it should go into effect.

Mr. CLARKE of Arkansas. That is it.

Mr. CLAPP. As to those matters within this bill.

Mr. CLARKE of Arkansas. The Senator is mistaken about that. There are no exceptions. It is the incorporation of the general eight-hour law, which applies to all kinds of Government contracts, whether connected with the construction of naval vessels or any of the other works which the Government undertakes.

Mr. HEYBURN. Mr. President, if I might state the amendment that I have already written in the bill, it might probably shed some light. I have the bill marked on page 82, after the word "made," in line 1, to insert "after January 1, 1913." That goes to the time of the making of the contract. Then I had it marked to strike out lines 13 and 14, on page 85. I think that would leave the eight-hour law stand only to be operative after January 1, 1913.

Mr. CLARKE of Arkansas. That is very true; but it can be accomplished in a much more parliamentary way by striking out the entire provision. It has no business there; it is simply a duplication of existing law. If it is not the purpose of the Senate to make the law operative at once, then the thing to do is to strike it all out.

Mr. HEYBURN. I will cheerfully yield to any effort the Senator may make in that direction.

Mr. CLARKE of Arkansas. Until we have taken a vote upon the proposition to amend, so that it shall not take effect until the 1st of January, 1913, I shall withhold the motion to strike it all out; but if that amendment be adopted, then there will be no reason why it should be incorporated in this bill, because it is already the law, having been approved, as I understand, on the 19th of June last.

Mr. HEYBURN. I wish merely to make a parliamentary inquiry, which is whether or not it will be proper to propose two amendments at the same time, inasmuch as they deal with the same subject; that is, the motion to insert the words "after

January 1, 1913," on line 1, page 82, and to strike out? But first, I will propose the amendment on page 82.

Mr. CLARKE of Arkansas. That is equivalent to providing that the act—defining it—shall take effect at that time. If that shall be done, it will make it an exact copy of existing law, and therefore there will be no reason why it should be included in this bill.

Mr. CLAPP. If I may address myself to the Senator from Idaho [Mr. HEYBURN], I will say that it seems to me the proper procedure is to perfect this amendment; and one of the steps toward perfecting it on the request of the committee would be to strike out lines 13 and 14. Then the question would be whether the Senate desired the eight-hour law to take effect as to these matters before the time fixed in the law itself. If it did not, then the simple way would be to strike out the entire amendment.

Mr. SWANSON. Mr. President, through an inadvertence the purposes of the committee have not been carried out in this provision. The purpose of this provision was to have the eight-hour law applicable immediately to contracts under this bill. That is what we desired. The committee intended that the eight-hour law should be operative at once on contracts that were entered into under this naval appropriation bill. We have no purpose of changing our eight-hour law as to the time it should be operative generally. Neither did we have any desire to delay it until the 1st of January, 1913, so as to make it operative as to the appropriations under this bill. A battleship might be contracted for at once, while its construction would extend through two or three years. There might be some constructed under the eight-hour law and some not under the eight-hour law. So it was necessary to make the eight-hour law operative at once as to the provisions of this bill. It was by inadvertence that this was extended to 1913. The proper thing to do is to eliminate from the bill lines 13 and 14, on page 85.

Mr. PERKINS. If the Senator will permit me, I will, on behalf of the committee, offer that amendment.

Mr. SWANSON. Here is where I want to offer an amendment. I will yield for a moment for the Senator's amendment to be read, if it accomplishes the purpose.

The SECRETARY. On page 85 it is proposed to strike out lines 13 and 14.

Mr. SWANSON. I accept that amendment; but here is another thing that ought to be done.

Mr. CLAPP. Let us have it understood that that amendment is agreed to.

The PRESIDENT pro tempore. The Chair will state that there are other amendments in that portion of the bill which have not yet been acted upon. The Senate has not yet reached that point of their consideration.

Mr. POINDEXTER. If the Senator from Virginia will yield, I should like to inquire——

Mr. SWANSON. I will yield when I have made clear my statement.

Mr. POINDEXTER. I merely wish to ask a question.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield.

Mr. SWANSON. I will yield in a moment. Having got rid of the delay of this being operative until the 1st of January, 1913——

Mr. CLAPP. Mr. President, I call the Senator's attention to the fact that we have not yet got rid of that provision, and I desire to call the Chair's attention to the fact.

Mr. SWANSON. I want to offer to amend the amendment, if the Senator will permit me. I refuse to yield any further now, Mr. President.

The PRESIDENT pro tempore. The Senator from Virginia declines to yield.

Mr. HEYBURN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Idaho rises to a parliamentary inquiry, which he will state.

Mr. HEYBURN. One amendment is pending. Another amendment is not in order until the amendment pending is disposed of. That amendment is to amend, in line 1, on page 82, by inserting the words "after January 1, 1913," and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. That is not a committee amendment; and, unless it is offered as an amendment to the amendment, would not now, under the agreement of the Senate, be in order.

Mr. PERKINS. I desire, on the part of the committee, to correct their amendment striking out lines 13 and 14, on page 85. That perfects the committee amendment. It is for the Senate to determine what they will do.

The PRESIDENT pro tempore. The Chair will submit that amendment, although there are other amendments in the previous paragraphs which will have to be returned to, as they have not yet been acted upon.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. GALLINGER. We do not agree to the amendment that the Senator has offered.

The PRESIDENT pro tempore. The Chair so understands.

Mr. SWANSON. Now, to carry out the purpose of the committee, on page 82, line 1, I move to amend the provision, so as to read:

That every contract under this bill hereafter made—

And so forth. That would carry out the purpose of the committee, which was to limit the immediate operation of the eight-hour law to contracts made in pursuance of this bill. I would suggest, on page 82, that it read in this way:

That every contract under this bill hereafter made.

Then strike out lines 13 and 14, on page 85. That would carry out the purpose of the committee, and would limit the immediate operation of the eight-hour law to contracts under this bill.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from California [Mr. PERKINS].

Mr. PERKINS. I have offered the amendment on behalf of the committee.

The PRESIDENT pro tempore. Does the Senator from Virginia offer an amendment?

Mr. SWANSON. No. My amendment would not be in order, as a committee amendment is pending.

The PRESIDENT pro tempore. The amendment proposed by the Senator from California on behalf of the committee will be stated.

The SECRETARY. On page 85 it is proposed to strike out the committee amendment inserting lines 13 and 14, which read as follows:

That this act shall become effective and be in force on and after January 1, 1913.

Mr. GALLINGER. Mr. President, I do not know that I shall oppose striking out those words; but I will appeal to my friend, the Senator from Idaho [Mr. HEYBURN], to let the friends of this provision—which is simply reenacting a law which is on the statute books—amend it as they please. Then the Senator can move to strike out the entire provision. We shall have the yeas and nays on that, and while we shall expect to be voted down we shall at least go on record as being opposed to twice passing a law which we think is a bad law. I think that will be the better procedure.

Mr. HEYBURN. That is true.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from California [Mr. PERKINS], striking out lines 13 and 14.

Mr. POINDEXTER. Mr. President, I think, in voting on this amendment, we ought to take into consideration the fact that if this law is not so amended that it will go into effect at once all contracts that are let under it will be let without any provision as to an eight-hour day, while all similar contracts that are let after the 1st of January, 1913, will be let subject to the requirement of an eight-hour day under the general law; so that we shall have the condition of some contracts for Government work being under an eight-hour day, while some contracts may be under a 12-hour day or a day of any other number of hours.

Mr. GALLINGER. Mr. President——

Mr. POINDEXTER. Just one moment. Let me complete the sentence and then I shall yield.

If this amendment offered on behalf of the committee is not adopted every contract provided for in this bill may be let before the 1st day of January, 1913, and not be limited by the eight-hour day provision at all.

Mr. GALLINGER. Mr. President, if the Senator will permit me, it would be absolutely limited under existing law to eight hours. The only difference would be that it would not apply to subcontractors. That is about all.

Mr. POINDEXTER. I think the Senator from New Hampshire is under a misapprehension in regard to that, because the existing law does not go into effect until the 1st day of January, 1913, and the contracts that are made before that date would not be subject to it.

Mr. GALLINGER. No; we have an eight-hour law on the statute books independently of this eight-hour law. We are just piling eight-hour laws in this country one upon another.

Mr. POINDEXTER. How many are there?

Mr. GALLINGER. This will be the third one, I think.

Mr. POINDEXTER. I think the Senator is mistaken as to that. There is an eight-hour law applying to Government work

done by the Government itself and in the Government navy yards. There was a law passed, which goes into effect on the 1st day of January, 1913, relating to work done by contract. The purpose of this amendment is to extend the operations of the last law to which I have referred to the time of the passage of this act, so as to include the vast amount of work which will be done under this appropriation bill, and to put all the contracts upon the same footing.

Mr. SWANSON. Mr. President, I ask the chairman or some other member of the committee whether the amendment embracing lines 13 and 14 on page 85 has been agreed to?

The PRESIDENT pro tempore. It has not been. The pending question is on the amendment offered by the Senator from California [Mr. PERKINS] to strike out lines 13 and 14 on page 85. That motion was arrested by the debate, which was continuous. The question now is upon the amendment offered by the Senator from California.

The amendment was agreed to.

Mr. SWANSON. Mr. President, on behalf of the committee, I want to offer an amendment to carry out the purposes we had in view. I am requested by the chairman of the committee to offer an amendment to the text on page 82, line 1, after the word "contract," so that it will read:

That every contract authorized by this act, hereafter made, to which the United States * * * is a party.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 82, line 1, after the word "contract," it is proposed to insert the words "authorized by this act," so that if amended it will read:

That every contract authorized by this act, hereafter made, to which the United States, etc.

Mr. CLARKE of Arkansas. Mr. President, I hope that amendment will not be adopted, because it will produce a most anomalous condition. Here is a long act, covering all kinds of contracts, set out on the face of this bill to accomplish the narrow purpose of extending the provisions of that act, or so much of its provisions as apply to a certain character of contracts. If it is the intention to extend the provisions of that act to contracts made under the authority of this act, a line can do that by a mere reference; but it is not necessary to set out the entire act. The whole eight-hour act would become operative, I take it, as to the naval appropriation bill if there were inserted a provision that it shall take effect at the time of the approval of the bill. The method proposed is a clumsy way to do it, and does not accomplish what we are trying to do.

The distinct proposition submitted here is as to whether or not the eight-hour law shall take effect upon the approval of the naval appropriation bill or whether it shall take effect on the 1st of January, 1913. If it is determined by the Senate that it shall take effect at once, then there is no use of emasculating the eight-hour law by assuming that it shall not hereafter apply to any other contracts except such as are made under the authority of this act. The intention of the eight-hour law is that it shall apply to all contracts; but this, being the last expression of the legislative branch of the Government, would limit the operation of the eight-hour law to such contracts as are made under the authority of this act. The provision in this bill is word for word the eight-hour act, and would, by implication, repeal the other one and make this the law henceforth.

The thing to do is to determine whether or not the Senate desires that the eight-hour law shall take effect immediately upon the approval of the naval appropriation bill, or whether it shall take effect on the 1st day of January, 1913; and it would involve only a simple process to determine that fact. If it is the intention to bring all contracts made under the authority of the naval appropriation act under the operation of the eight-hour law before it would take effect ordinarily, which will be on the 1st of January, 1913, a simple sentence would do that; and it would not be necessary to amend the entire eight-hour law, as this amendment will do, and limit its scope to such contracts as are authorized by this act. The provision in this bill is a permanent law, and will take the place of the other.

Mr. CLAPP. Will the Senator from Arkansas allow me to ask him a question?

Mr. CLARKE of Arkansas. I shall be glad to do so.

Mr. CLAPP. I understood the Senator to say that his understanding was that if the language in the bill were changed so that it limited the provision to contracts provided for in this act, because it recited in terms an existing law and made it applicable only to those matters covered by this act, it would repeal the existing law.

Mr. CLARKE of Arkansas. Oh, yes; it will take the place of the other law.

Mr. CLAPP. The Senator can not mean that.

Mr. CLARKE of Arkansas. That is what it says; and I can only know exactly what it means by what it says.

Mr. CLAPP. As amended by the amendment proposed by the Senator from Virginia [Mr. SWANSON], it reads "every contract authorized by this act hereafter made," and so forth. There is a law to-day which provides for the eight-hour day to take effect on the 1st day of January, 1913. Now, the Senate passes a bill to-day relating to specific work, and states in the bill that every contract hereafter made authorized by this bill shall be subject to the general law, reciting the existing law.

Mr. CLARKE of Arkansas. But the Senator is reciting something that nobody has recited.

Mr. CLAPP. Clearly the Senator does not mean that that would operate to repeal that general law which is now on the statute book beyond repealing it pro tanto as to the time it takes effect as to the matters provided for in this bill.

Mr. CLARKE of Arkansas. I do insist on it, and I insist on it very earnestly, because it is a fact. The language of the law is now:

That every contract—

Without any limitation as to this act or any other act—

hereafter made to which the United States, any Territory, or the District of Columbia is a party—

shall be covered by certain provisions which are set out. Now you insert—it does not make any difference on what particular piece of paper you insert them—words of limitation, "that every contract made under the authority of this act," and so forth, and then go on to set out at considerable length the procedure by which it is to be made operative and fix certain penalties. When you do that I do insist, because it is a fact, that you pass a new law. You take up the existing law word for word; you cover the whole subject; and it is a well-recognized canon in the construction of statutes that when the same subject matter is taken up and dealt with comprehensively all laws which are in conflict with it are repealed.

Mr. CLAPP. Will the Senator permit an interruption?

Mr. CLARKE of Arkansas. Gladly.

Mr. CLAPP. I think the mistake comes, if I may use the expression, from the declaration of the Senator that the provision referred to in this bill covers everything covered by the existing law. The existing law applies to all contracts to which the Government is a party direct or through subcontractors. That is the existing law; but now we enact by this bill a law that, as to certain contracts specified in this bill—simply reciting the law again—shall apply at once. I can not think that the Senator means to insist——

Mr. CLARKE of Arkansas. Yes, sir; that is what I do mean to insist upon——

Mr. CLAPP. That in reenacting this law——

Mr. CLARKE of Arkansas. That is exactly what I want you to understand me to mean.

Mr. CLAPP. That in reenacting the existing law as to certain contracts——

Mr. CLARKE of Arkansas. It excludes from it every contract not mentioned.

Mr. CLAPP. It repeals it as to these contracts to which this enactment does not relate.

Mr. CLARKE of Arkansas. That is exactly what I say; that is exactly what I mean; and that is what I want the Senate to understand me as meaning. It does not make any difference because it occupies a place in an appropriation bill. Suppose an independent bill were introduced here to amend the act to provide for an eight-hour law and it should go on and recite that it should only apply to such contracts as were authorized in the naval appropriation bill. It is text law, about which there is no dispute, that thereafter the act amended or the act dealt with would pass out of existence, and the law upon the subject would be covered by the last expression of the legislature on that subject. The effect of the amendment offered by the Senator from Virginia is to limit the character of contracts under the contractual power of the Government covered by the eight-hour law.

Mr. CLAPP. The general law is to take effect immediately as to certain specific contracts.

Mr. CLARKE of Arkansas. If you intend that, then why not simply say that the contracts made under the authority of this act shall be included within the terms of the act, giving the title of it, approved on June 19, 1912, and you have done all that you desire?

Mr. CRAWFORD and Mr. CUMMINS addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Arkansas yield?

Mr. CLARKE of Arkansas. The Senators may settle that matter for themselves. [Laughter.]

Mr. CRAWFORD. I would simply like to know why the necessity exists for putting all this controversy in the bill?

Mr. CLARKE of Arkansas. There is no reason for it on earth that I can see.

Mr. CRAWFORD. Whether it is to be interpreted as the Senator from Arkansas contends or as the Senator from Minnesota contends, it is a repetition, and does, it seems to me, unnecessarily place the present statute in an anomalous condition. Why should that be done? Where does the public interest require that we repeat this statute in this bill when the general law on the subject will go into effect on the 1st day of next January?

Mr. CLARKE of Arkansas. The Senator's question answers itself.

Mr. CRAWFORD. Then why not strike out the provision?

Mr. CUMMINS. Mr. President——

Mr. CLARKE of Arkansas. I yield to the Senator from Iowa.

Mr. CUMMINS. I think I can make a suggestion that will accomplish all that is desired on both sides.

Mr. CLARKE of Arkansas. Very well; I shall be very glad, so far as I am concerned, to have the Senator do so.

Mr. CUMMINS. It is this: If we were to provide that the law approved June 19, 1912, should be in force as to all contracts made under this act from and after its passage, we would cover the matter.

Mr. CLARKE of Arkansas. That is all that is necessary.

Mr. CUMMINS. And all this other matter should be stricken out as tending simply to confuse the situation.

Mr. CLARKE of Arkansas. I agree absolutely with the Senator from Iowa.

Mr. HEYBURN. Mr. President, I think I have a motion pending to strike out this provision.

The PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Virginia [Mr. SWANSON], on behalf of the committee, to insert certain words in the first line on page 82.

Mr. HEYBURN. I do not understand that the committee insist on that amendment.

The PRESIDENT pro tempore. The Chair recognized the Senator from Virginia to offer the amendment because he said that he did so on behalf of the committee.

Mr. HEYBURN. I think, if I am correct, that the Senator from Virginia and those who are cooperating with him withdrew that amendment, and I think they agreed among themselves to that effect. At any rate, I so understood.

Mr. CUMMINS. Mr. President, my suggestion is—and I submit it in deference to those who are in charge of the bill—that we strike out all contained on pages 82, 83, and 84 down to and including line 12, on page 85, and insert the following:

That the provisions of the act of Congress entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," approved June 19, 1912, shall be in force as to all contracts made under this act from and after its passage.

Mr. LODGE. That covers it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Virginia [Mr. SWANSON] on behalf of the committee.

Mr. SWANSON. I think the amendment offered by the Senator from Iowa [Mr. CUMMINS] covers it more accurately and in better terms; and, speaking for myself as a member of the committee, I should be glad to accept his amendment.

Mr. HEYBURN. Then, the Senator from Virginia withdraws his amendment and I have the floor.

The PRESIDENT pro tempore. Does the Senator from Virginia withdraw his amendment?

Mr. SWANSON. I think I have the floor, Mr. President.

Mr. HEYBURN. The Senator from Virginia can not transfer the floor to another Senator for the purpose of offering an amendment.

Mr. SWANSON. I have been holding the floor, and it is taken away from me.

Mr. HEYBURN. I have been holding the floor.

The PRESIDENT pro tempore. Does the Senator from Virginia withdraw the amendment which he offered on behalf of the committee?

Mr. SWANSON. I should like to confer with members of the committee before I agree to do so. [A pause.] On behalf of the committee, as it is a committee amendment, I should like to substitute for my amendment the amendment suggested by the Senator from Iowa [Mr. CUMMINS].

The PRESIDENT pro tempore. On behalf of the committee?

Mr. SWANSON. On behalf of the committee. The members of the committee authorize me to do that. The amendment suggested by the Senator from Iowa carries out the purpose of the committee.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry. The Senator from Virginia had an amendment pending and withdrew it. He can not turn over either the time or the floor to anyone else to offer another amendment. I had risen and had the floor for the purpose of offering an amendment, and I think I am entitled to the floor.

Mr. SWANSON. A parliamentary inquiry, Mr. President. As I understand, the committee has preference in the offering of amendments?

The PRESIDENT pro tempore. Under the order adopted by the Senate in the consideration of the bill the committee amendments were to be first considered. The Chair entertained the amendment offered by the Senator from Virginia only because the Senator said he offered it on behalf of the committee. He now proposes, on behalf of the committee, to modify that amendment by substituting therefor another amendment, which he offers for the committee. So it is still a committee amendment, but the Senator from Idaho has the floor to speak to that amendment if he desires to do so.

Mr. HEYBURN. Well, Mr. President, I have already spoken to the whole provision. It is new doctrine to me, and I have perhaps not kept pace with the parliamentary proceedings.

The PRESIDENT pro tempore. Will the Senator from Idaho indulge the Chair a moment until the amendment in its present shape may be stated to the Senate?

Mr. HEYBURN. Whose amendment is it?

The PRESIDENT pro tempore. The amendment of the committee; otherwise it would not now be entertained.

Mr. HEYBURN. What member of the committee?

The PRESIDENT pro tempore. The Senator from Virginia [Mr. SWANSON], a member of the committee, who says that he speaks for the committee.

Mr. HEYBURN. Is it authorized by the committee?

The PRESIDENT pro tempore. The Senator from Virginia says that he offers the amendment as representing the committee.

Mr. HEYBURN. Mr. President, if I may have the attention of the Chair for a moment, it amounts to this, that, notwithstanding the declaration which I made that I intended to offer an amendment to strike out this provision, a member of the committee—and there are a good many of them in the Senate—offers an amendment. Members of the committee have no preference over any other Senator in offering amendments. An amendment to a committee amendment may be offered by any Member of the Senate. There is no precedence at all in behalf of a member of the committee. I desire to have the action of the Senate upon my motion to strike out the entire provision. If this matter is to be passed around in a play of battledore and shuttlecock from one Member to another, each adopting the other's amendment in order to let them keep possession of the floor, then, of course, there is nothing for any other Senator, except a member of the committee, to do in regard to this bill.

The PRESIDENT pro tempore. The Chair will state to the Senator that after the committee amendments have been acted upon he will certainly have full opportunity and right to offer any amendment he sees proper to offer.

Mr. HEYBURN. Yes; but I wanted action first on the motion to strike out the entire provision.

Mr. GALLINGER. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. If the Senator will pardon the Chair a moment, the Senator from Idaho insists upon his right to a vote upon the motion to strike out. There are two objections to that. One is that the friends of the amendment have a right to perfect it before the motion to strike out is entertained. The second is that it would be necessary, under the order of the Senate, to have the amendments of the committee first acted upon.

Mr. HEYBURN. I fully realize that rule.

Mr. GALLINGER. A parliamentary inquiry, Mr. President. I was about to inquire if there are not certain other amendments in the text of the bill which have not been acted upon?

The PRESIDENT pro tempore. There are.

Mr. GALLINGER. I think they ought first to be acted upon, and then, unquestionably, the committee would have the right to offer the amendment suggested.

The PRESIDENT pro tempore. The Chair has called attention to the fact that certain amendments have not been acted upon.

Mr. GALLINGER. I will ask that the amendments be taken up in order. I think there will be no objection to that course.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the amendments may be taken up in their order, and after that, if it so desires, the committee may offer further amendments.

Mr. GALLINGER. The committee can offer any amendments it chooses.

The PRESIDENT pro tempore. The pending amendment, then, is on page 84, beginning in line 2. The Secretary will state the amendment.

The SECRETARY. On page 84, lines 2, 3, and 4, it is proposed to strike out the words "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," and to insert the words "or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States," so as to make it read:

That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States.

Mr. GALLINGER. That amendment makes this part of the bill exactly conform to the law that was passed June 19, 1912; so there is no objection to it.

The amendment was agreed to.

The next amendment was, on page 84, line 15, after the word "imminent," to insert "and until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal"; in line 19, after the words "due to any," to insert "extraordinary events or conditions of manufacture, or to any"; in line 24, after the words "have been," to strike out "justifiable" and insert "excusable"; in line 25, after the word "this," to strike out "section" and insert "act"; and, on page 85, line 6, after the date, "eighteen hundred and ninety-two," to strike out "or to apply to work done under contracts made prior to the passage of this act" and insert "as modified by the acts of Congress approved February 27, 1906, and June 30, 1906, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act," so as to make the proviso read:

Provided, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent and until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," being chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, as modified by the acts of Congress approved February 27, 1906, and June 30, 1906, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment offered on behalf of the committee, to strike out all of pages 82, 83, and 84, down to and including line 12 on page 85. The Secretary will state the proposed amendment.

The SECRETARY. It is proposed to strike out all of pages 82, 83, and 84, and page 85 down to and including line 12, and insert:

The act entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory or for the District of Columbia, and for other purposes," approved June 19, 1912, shall be in force as to all contracts authorized by this act from and after the passage of this act.

The PRESIDENT pro tempore. The Chair would like to inquire of the Senator from Idaho what is the amendment he proposes, because it might be precluded, and the Chair desires to have it stated. Does the Senator desire to amend the amendment offered by the committee?

Mr. HEYBURN. My attention will now be directed to opposing this amendment. Other amendments having been made, this proposes to strike out everything, including the amendments made, and to insert a new provision which repeals section 3 of the act of June 19, 1912.

Mr. GALLINGER. Mr. President, I make the point of order that these being two distinct propositions they should be dealt with as separate subjects.

The PRESIDENT pro tempore. It was with a view to that matter that the Chair made the inquiry, the Chair's purpose being to say that if the Senator desired to offer any amendment he should do so before the vote was taken.

Mr. GALLINGER. I will ask that the question be first put on striking out.

The PRESIDENT pro tempore. The Senator undoubtedly has a right to that division.

Mr. HEYBURN. Mr. President, that brings the question to the point where I was considering it and proposing to strike out the section. I now move to strike out the paragraph as amended, following the suggestion of the Senator from New Hampshire that the question be divided and that the Senate act upon the motion to strike out the entire matter as amended. If the Senate strikes it out, it will be time enough then to consider the question as to whether we shall offer a substitute for it.

The PRESIDENT pro tempore. The Senator from New Hampshire calls for a division of the question.

Mr. POINDEXTER. Mr. President, a parliamentary inquiry: Does that involve two questions? I do not understand that there is any motion to strike out separate and apart from the motion to insert. The motion is to strike out and insert. I do not understand that the mover desires to strike out unless the words he proposes shall be inserted. One is dependent upon the other.

Mr. HEYBURN. Then I will move to amend the motion so that it will read that the words commencing with line 1, page 82, going down to and including line 12, page 85, shall be stricken out.

The PRESIDENT pro tempore. The pending motion is to strike out the several pages mentioned and to insert the proposed amendment in lieu thereof. Upon that the Senator from New Hampshire asks for a division of the question.

Mr. HEYBURN. But I have asked to amend the amendment.

The PRESIDENT pro tempore. As the Chair understands the amendment offered by the Senator from Idaho, it is practically the same thing; the only difference is that the vote will be taken first on the motion to strike out and afterwards, if the motion to strike out prevails, the question will recur upon the remaining part of the amendment, which is to insert other matter in lieu thereof.

Mr. HEYBURN. It is immaterial to me which way it is approached, so it is accomplished.

The PRESIDENT pro tempore. The Chair was wrong in the statement just made. Rule XVIII provides that a motion to strike out and insert can not be divided.

Mr. SWANSON. The Senator made a motion to strike out and insert. Should not that be voted on prior to a motion simply to strike out, as it is perfecting the text?

It would seem to me that the motion to strike out and insert, which is a motion tending to perfect the text, should be voted on prior to the motion simply to strike out which was submitted by the Senator from Idaho.

Mr. HEYBURN. I moved to amend the motion to strike out and insert.

Mr. SWANSON. But the Senator's motion was a direct motion to strike out the paragraph entirely. My motion, or, rather, that of the Senator from Iowa, was to strike out and insert, which is to substitute the text in that amendment for the original text contained in the bill, which is to perfect the amendment before it is struck out. I have not examined it carefully, but it would seem to me that a motion to strike out and insert should be voted on before a mere motion to strike out.

Mr. LODGE. The Senator from New Hampshire expressed some surprise when I said a motion to strike out and insert could not be divided.

The PRESIDENT pro tempore. Rule XVIII prescribes that it can not be divided.

Mr. LODGE. I want to call his attention to the fact that the rule says that—

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

I do not know what Mr. Frye's ruling may have been, but I know what the rule of the Senate is.

The PRESIDENT pro tempore. The Chair has already recognized the fact that it made an error in stating otherwise in the beginning.

Mr. GALLINGER. If the Senator will read the conclusion of that rule and turn to the precedents of the Senate, I think he will find that a very distinguished presiding officer decided that these were two separate motions:

Pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

I am not particular about it, however, Mr. President. I think the rule is a little vague, and we may as well vote on it as a whole and decide it in that way.

Mr. HEYBURN. It will accomplish the same purpose, but it will take one more vote.

The PRESIDENT pro tempore. The Chair will have the entire rule read to the Senate.

The SECRETARY. Rule XVIII of the standing rules of the Senate is as follows:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

The PRESIDENT pro tempore. It was with that part of the rule in view that the Chair asked the Senator from Idaho what was his purpose, in order that he might not be precluded. The Chair did not know what the Senator intended by his amendment, which was not clearly in the minds of some Senators, as it is in the nature of an amendment to the part proposed to be stricken out.

The Chair will state to the Senator that under its construction of the rule, if the motion to strike out and insert should be rejected, the Senator would still have the right, under the rule, to move separately to strike out.

Mr. HEYBURN. I had that matter in view—as to whether or not, with the motion to strike out and insert adopted, I would have a right to move an amendment until we come into the Senate. That is the difficulty that confronted me.

Mr. CUMMINS. The Senator from Idaho sought to amend the amendment proposed by myself by the suggestion that part of the motion to insert be eliminated and that it remain a motion simply to strike out. I take it, under the ruling of the Chair, that such a motion as that would not be in order.

The PRESIDENT pro tempore. The Chair thinks it would be in conflict with the express provision of the rule, although not put exactly in the same shape.

Mr. CUMMINS. Precisely.

The PRESIDENT pro tempore. The question now is on the motion to strike out and insert, which, under Rule XVIII, is not divisible.

Mr. GALLINGER. I move to amend that by substituting this language for the language that the Senator from Virginia proposes to insert:

That this provision shall become effective and be in force on and after January 1, 1913.

The PRESIDENT pro tempore. The Chair understands that the Senator from New Hampshire offers an amendment to the part which it is proposed to insert.

Mr. GALLINGER. Exactly.

The PRESIDENT pro tempore. The Chair thinks that is in order.

Mr. GALLINGER. Undoubtedly.

Mr. HEYBURN. Mr. President, that is the same amendment which was already pending. A motion is now made to strike out. The amendment which I offered was to the part proposed to be stricken out.

The PRESIDENT pro tempore. The Chair will hold that both the amendments proposed can be entertained as to the matter which it is proposed to strike out, although the Chair believes that has been already adopted.

Mr. HEYBURN. The amendment offered by the Senator from New Hampshire is entirely satisfactory to me. It accomplishes the same purpose I had in view. It is immaterial to me which of the amendments is adopted. I therefore withdraw my amendment.

The PRESIDENT pro tempore. The Secretary will report to the Senate the amendment offered by the Senator from New Hampshire to the language proposed to be inserted.

Mr. GALLINGER. I will send it to the desk, Mr. President.

The SECRETARY. In lieu of the words proposed to be inserted by the Senator from Virginia it is proposed to insert the following words:

That this provision shall become effective and be in force on and after January 1, 1913.

Mr. SWANSON. Mr. President, the effect of the amendment offered by the Senator as an amendment to the amendment of the Senator from Iowa is simply to continue the existing law. If the amendment I have offered, which was prepared by the Senator from Iowa, is voted down, then the amendment of the Senator from New Hampshire will prevail anyway. That is the general law now. This is simply an effort to make the law operative with regard to the contracts made under this bill.

This bill provides for battleships that will be two or three years in course of construction. There was an uncertainty as to whether or not the law made before the 1st of January, 1913, known as the eight-hour law, could be enforced on contracts made prior to that time. To make it clear and to let the new battleships provided in this bill be built under the eight-hour law this provision was put in. Its effect will be to let the eight-hour law continue as it is with regard to all contracts of all kinds until 1913, except as to the provisions of the naval bill. The amendment offered by the Senator from Iowa would make the eight-hour law operative at once as to the contracts and the work to be done under the naval bill.

The amendment offered by the Senator from New Hampshire simply applies the general law that at present exists to the naval bill. If our amendment is voted down—that is, the amendment of the Senator from Iowa—it means that the amendment offered by the Senator from New Hampshire prevails. I think a point of order would lie against it, as it is existing law to-day.

Mr. HEYBURN. It is not existing law, Mr. President, until January 1, 1913.

Mr. LODGE. No point of order would lie.

Mr. HEYBURN. I simply want to correct the impression that it is existing law. It is not existing law.

Mr. SWANSON. It simply declares what is existing law—that the eight-hour law, as far as it affects contracts under this bill, shall be operative on the 1st of January, 1913. That is the present law that has been passed by the House and Senate and signed by the President.

Mr. GALLINGER. Mr. President, I will change my proposed amendment so as to amend the amendment of the Senator from Virginia by striking out "authorized by this act from and after its passage" and inserting "shall become effective and be in force on and after January 1, 1913."

The PRESIDENT pro tempore. The Secretary will report the amendment as offered by the Senator from New Hampshire.

The SECRETARY. It is proposed to amend the part of the amendment of the Senator from Virginia which proposes to insert certain words by striking from the words proposed to be inserted the following:

Authorized by this act from and after its passage—

And inserting in lieu thereof—

shall become effective and be in force on and after January 1, 1913.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from New Hampshire to the amendment offered by the Senator from Virginia.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the adoption of the amendment offered by the Senator from Virginia on behalf of the committee.

Mr. GALLINGER. Mr. President, I desire to make simply a single observation in regard to that. A moment ago the Senator from Washington took issue with me as to the law that was on the statute books before the act of June 19, 1912, was approved, in reference to the eight-hour question. The Senator thought there was not any law that limited labor to eight hours.

Now, I want to read just a paragraph from the act of August 1, 1892:

That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

The fine in this case was not placed upon the individual laborer, as it is in the act of June 19, 1912, but upon the contractor.

In the act of June, 1912, as I recall it, there is a fine of $5 for each employee who is permitted to work over eight hours a day either by the contractor or the subcontractor, while in the act of 1892 there is a fine "not to exceed $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof," that fine running against the contractor.

When the act of June 19, 1912, was under consideration it occurred to me that there was not any necessity for that legislation, and there was not, except as it goes into refinement on certain points, and makes it all the more difficult for contractors who are doing work for the Government to do that work in a comfortable way.

Mr. President, we have the anomaly of this act of August 1, 1892, and on top of that we have the act of June 19, 1912, and in this bill it was seriously contemplated to place on top of both those acts another act, which is identical in phraseology, except as to the period when it becomes operative, so that we

would have had three acts relating to the eight-hour question covering substantially the same ground.

It has seemed to me that in this class of legislation, under influences that are well known—and I do not question their propriety—we were running rather wild, and I do know that we have already legislated in such a way that it is costing the Government 30 or 40 per cent more for the construction of battleships than it would if the contractor or subcontractor had been allowed to do his work for the Government as they are doing their work for private individuals and against which, in my judgment, there never was any sound or proper objection.

Now, as I remarked a moment ago—and I am not going to occupy any time in this discussion, because I think I know what the result will be—when the act of June 19, 1912, was under consideration we had a long discussion, a good-natured discussion. There were wide differences of opinion on the part of Senators, and on my motion the time was extended until January 1, 1913, to give the men who are now taking contracts from the Government a little breathing space to adjust their work to the new conditions; and there did not seem to be any objection to it. But lo and behold, almost before the ink is dry on the statute, on an appropriation bill comes a proposition to repeal that provision of law and to make the act operative at once.

Under the terms of the bill as it came here from the Committee on Naval Affairs it was beyond a question a general provision. It was a repeal of an act that we passed less than one month ago. Now it is proposed—and that is an improvement—to make it applicable only to work upon ships that are provided for in this bill.

I am glad that that concession has been made, but I do not think that this ought to be done. I think the act we passed less than a month ago ought to be allowed to stand as it is, and that in due time—and it will not be very long—it will be determined by experience whether or not it is a good law, and then we can, if need be, take it up for serious consideration later on. But notifying, as we did on the 19th day of June, 1912, the men who are taking contracts from the Government that they were to have this short time in which to adjust their business conditions, we rush in here two weeks afterwards and undertake to pass—and I suppose we will pass it—a bill that practically repeals that provision of that act.

I regret that it is so, Mr. President, but I am content to record my vote against the provision, which I shall have an opportunity to do.

I ask unanimous consent to insert in the RECORD as a part of my remarks the act of August 1, 1892, and the act of June 19, 1912.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The acts referred to are as follows:

An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia.

Be it enacted, etc., That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor, whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor, whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every offense shall upon conviction be punished by a fine not to exceed $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

SEC. 3. The provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Approved, August 1, 1892.

An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

Be it enacted, etc., That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided, such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section 1 of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent, and until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," being chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, as modified by the acts of Congress approved February 27, 1906, and June 30, 1906, or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

SEC. 3. That this act shall become effective and be in force on and after January 1, 1913.

Approved, June 19, 1912.

Mr. HEYBURN. Mr. President, I will not be content with recording my vote against it.

Mr. GALLINGER. The Senator will have to be.

Mr. HEYBURN. No; I do not have to be content. I submit, but I am not content. I do not feel like conceding at this time—before the vote—that protest is useless. I have great confidence in the Senate of the United States. When I am satisfied that a question is right or wrong, I am always ready to give my judgment upon it, based upon my estimate of the Senate of the United States.

I do not see that this amendment improves conditions any. I believe I first interposed an objection to the legislation under consideration here because it repealed the third section of the act passed within 23 or 24 days, and which is not yet a law. It will become a law effective on the 1st of January. It is the promise of a law. Congress could repeal it between now and then if it saw fit, or the Supreme Court may hold, as I think it will hold, that it is absolutely void, that we have no such power as is undertaken to be conferred by this act.

I sincerely hope that some industrious man will work more than eight hours, and that he will be arrested and fined, and that he will appeal to the court for a decision as to whether or not he has any control over a contract for his personal service. I sincerely hope that the court will be called upon, before this act becomes effective, to determine that question.

I also hope that when Congress has gone through the turmoil of the coming election, and when the inclination to deal in sensational legislation may possibly not be so strong, it will come back here and repeal it, because if you would submit it to the working people—I do not mean the men who hold offices in labor organizations, but the people who really work—they would repeal it. It might be well if it could be submitted under the rule of the referendum.

But, Mr. President, I would not like to have it said or thought that I ever so far forgot or was tempted to disregard the right

of the citizen as to accede to such a proposition as that contained here, simply because we are going to add probably three or four or five million dollars to the cost of our battleships for which we are just providing.

Mr. CALLINGER. More than that.

Mr. HEYBURN. Yes; the Senator on my left says more than that. But we are talking about economy and we are cheeseparing, and quibbling, and trifling over these matters under the pretense of economy. We will sit here and vote for a provision that will add 25 or 30 per cent to the cost of these battleships. How does that appeal to Senators who are opposing the building of battleships because they cost money? It is a question of stop and look and listen; and that admonition might well be posted in plain view upon the walls of this Chamber when we have such sensational legislation, legislation that originates in the ingenious minds of those who are engaged in farming labor, making their living off of laboring men without performing any services or giving any equivalent therefor. Some day the laboring men will rise up and rend those barnacles from one end of the country to the other.

Mr. POINDEXTER. Mr. President, I wish to say only one word on account of the apparent difference of opinion between the Senator from New Hampshire and myself to which he has called attention, as to whether we are simply repeating legislation on the same subject. I do not care to go at any length whatever into that question. The Senator from New Hampshire has mastered one great profession, that of medicine, and I must compliment him on having demonstrated from long experience as a legislator that he is a pretty good lawyer also.

A mere glance at the two acts which I hold in my hand, the act of August 1, 1892, and the act of June 19, 1912, shows that they do not cover the same ground. Of course it is perfectly evident that the pending provision does not cover the same ground. Neither one of the provisions does. They relate to different periods of time and simply extend the application of the act of 1912 to a period and to work which otherwise it would not cover.

The act of August 1, 1892, in the language which determines its scope, relates to the public works of the United States and of the District of Columbia. The exact meaning of that, of course, is not definite, but it probably applies to works which are being constructed by the United States and by the District of Columbia, and would not apply to the construction of ships in private shipyards under a contract with the Government of the United States.

That is all I have to say in that connection. Of course it is not necessary here to go into the great question raised by the Senator from Idaho [Mr. HEYBURN] as to the advisability of the regulation by the Government of the hours of labor. That is a legal, constitutional, and moral question, involving wise considerations of public policy. The legality of it, which the Senator, with his independent mind, attacks, I understand, has been long established by the courts.

As to the cost of the construction of battleships by reason of this provision in the law, it is only a short time since when I was talking with an engineer in charge of a great work, upon which a great many laborers were employed, working under the 8-hour law, and he told me that they got more work and better work out of their men under the 8-hour-day provision than they did when they worked 10 hours a day.

Even supposing that it should increase the cost of battleships, the effect of it would be simply to distribute the cost. It would affect the class of people who bear the cost of the battleships and take a part of the burden at least from the laboring men who put their labor into the ships and place that portion of it upon the rest of the community. That would be the effect of it, supposing that it does increase the cost; but I do not think it ought to increase the cost.

The Senator argues upon the basis that the wages of labor upon battleships would be the same for an 8-hour day that they are for a 10-hour day or a 12-hour day, or whatever the present labor day may consist of. If that is the case, of course they get the benefit of the change. If they do 8 hours of work, and it is true as it is asserted by men competent to judge that the 8 hours of work produce a greater result than 10 or 12 hours of work in the long run, there is no loss to anybody and no increase of cost.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee to strike out the several pages indicated and insert the matter which has been read.

The amendment was agreed to.

The next amendment was, on page 85, after line 14, to strike out:

That no part of the appropriations authorized by this act shall be expended for the pay of enlisted men or seamen, not including commissioned and warrant officers, while doing repair work belonging to any recognized trade, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs: *Provided further*, That this provision shall not apply to such ordinary duties as are engaged in by the crew while at sea, except the dismantling and assembling of armament for the purpose of repairs.

Mr. ASHURST. Mr. President, I am opposed to the adoption of this amendment, and I favor this part of the bill as it came from the House. This provision was originally proposed in the House by Mr. MURRAY, of Massachusetts. I ask permission to have read at the desk and incorporated in the RECORD a letter which I have received from the International Association of Machinists, in which very cogent reasons are set forth why this committee amendment should not be adopted.

The PRESIDENT pro tempore. Does the Senator desire to have it read?

Mr. ASHURST. I will ask unanimous consent that it be read.

The PRESIDENT pro tempore. The Secretary will, without objection, read the letter.

The Secretary read as follows:

WASHINGTON, D. C., *June 13, 1912.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In view of the fact that the Naval Affairs Committee of the Senate has decided to strike out the proviso on page 85, lines 15 to 23, inclusive, in the naval appropriation bill, as a representative of organized labor I desire to briefly touch upon a few reasons why this paragraph should remain in the bill and why it deserves your support. The aim of the paragraph is to prevent enlisted men or seamen from being used to encroach upon the sphere of civilian occupations in the repair work on vessels of the Navy at our navy yards.

During the year 1906 the Navy Department adopted the policy of using, as far as possible, enlisted men to do the work of mechanics in repairs on naval vessels, but, with the exception of repairs done on the battleship *Missouri* in October, 1906, this policy was not enforced to any great extent until March, 1911, when it was again tried at some of our principal navy yards. As a result of this policy hundreds of skilled mechanics have been discharged, and the process of elimination is still going on.

Hundreds of letters have been sent to Congressmen and Senators asking them to intercede with the department to have this practice stopped, but the department thus far has been unwilling to relent, their principal plea being economy.

The reasons we have for opposing the use of enlisted men in place of mechanics are as follows:

1. It subjects the civilian employee, who usually has a family to support, to unfair competition.

2. All trades and occupations have a recognized scale of wages which labor insists upon receiving.

3. Organized labor practices what it preaches in that respect, since it does not expect anyone to lower their standard of living while doing its work. It always pays the prevailing union scale of wages.

4. This practice has a tendency to demoralize the Navy, since men do not enlist for the purpose of becoming workmen and compete against their fellow citizens. It is reported that many desertions have accompanied this practice, besides poor repair work being done.

The laboring people have consistently stood against all kinds of unfair competition. Our main reason for opposing oriental labor and convict labor is because it is cheap. They do not have to maintain our standards of living or citizenship because they are outside of the social pressure which forces us to do so.

We have favored the limitation of child labor not only for the welfare of the child, but also because the employers of labor have taken advantage of the defenselessness of the child and its freedom from the responsibility to maintain our social standards which enables it to work cheaply, and have thus driven adult labor from the field.

* * * * * * *

We believe that ship building and ship repairing should be left to civilians, and that the activities of the enlisted man should be confined to such duties as are likely to arise at sea with the environments of the sea.

It is claimed by some that the repairing done by enlisted men is necessary to secure his efficiency when at sea. This reason is, however, not advanced by the Secretary of the Navy in his last annual report (see p. 6 of report) for having the enlisted men do repair work formerly done by mechanics. The only consideration there given is economy. The practice that an enlisted man would get while repairing a vessel at a navy yard would not fit him to do the same things at sea where the facilities of the navy yard are absent, and where only such things could be done as do not require extensive equipment. His practice for emergencies at sea must be on the sea and not in the navy yard.

It is not necessary for every enlisted man, on the one hand, to be proficient as a machinist, carpenter, electrician, boiler maker, etc., and, on the other hand, to have the strategical knowledge possessed by the commander of the fleet, in order to be proficient as a member of the crew. In an article written by Commander Leigh Parner, United States Navy, appearing in the Scientific American December 9, 1911, he speaks of the duties of a gun crew, but no reference is made to their mechanical qualifications.

The paragraph herein referred to I believe is not more drastic than is necessary to correct the evils which have grown up under this new venture of the Navy Department, since it does not prevent the crew from performing any of its ordinary functions or duties. The paragraph simply prevents them from being used as workmen on repairs while vessels are in dock. From our point of view the paragraph could be further strengthened by inserting after the word "battleships," in line 18, page 85, the words "or other vessels," and after the word "battleships," in line 19, the words "or vessels."

If the verbiage is regarded as covering unnecessary ground, which might in some unforeseen way hamper the functions of the Navy, there would be no objection on our part to have such changes made as to make it workable, provided such changes do not destroy its purpose.

While a letter is not the best medium through which to present an argument, I trust that the few suggestions herein briefly made will enable you to understand our point of view, and that you will see the justice of our contention.

I trust that the paragraph above referred to will not be stricken from the bill in the Senate.

Very respectfully, yours,

N. F. ALLPASS,
President District No. 44,
International Association of Machinists.

Mr. LODGE. Mr. President, I wish to say one word in regard to the action of the committee. There is no intention, and never has been any intention, on the part of the department to have any work done by enlisted men which ought properly to be done by the mechanical force employed in the different yards. I have had a great deal of complaint from the great yard at Boston in regard to the use of enlisted men, and I am desirous, if there is anything wrong in that direction, to have it remedied. But this clause as it came from the House is so drastic that it would prevent anything being done on the ship of the most trifling character if it happened to be in a navy yard. It says, "Repair work belonging to any recognized trade." They could not put in an electric lamp, they could not do anything, under the provision as it stands.

It is true that a ship's company to-day is not composed of seamen alone. At least 50 per cent of it is mechanical, and necessarily mechanical, men who have to make repairs while the ship is in foreign ports and when the ship is at sea. It is most essential that those men should be properly trained in caring for the machinery and all the intricate arrangement which they have to care for when the ship is on the high seas and when she is in a foreign port.

Mr. President, it was the view of the committee that this clause as it stood was too extreme and too drastically worded, and they thought the best thing to do was to strike it out and take it into conference and there frame with the House conferees a proper clause which would prevent, if any such action was needed, the undue employment of enlisted men to perform anything which ought to be done by the mechanical force at the yard, and make the law serve the purpose which it is intended to serve in a reasonable way, and not make it impossible to take care of the ship when she happens to be in one of our own navy yards.

Mr. CUMMINS. Mr. President——

Mr. LODGE. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to ask a question of the Senator from Massachusetts in order to discover whether I understand this paragraph or not. There is nothing in the paragraph as it came from the House that would prevent an enlisted man from doing the work suggested by the Senator from Massachusetts, is there?

Mr. LODGE. Does the Senator mean the slight repairs?

Mr. CUMMINS. Yes.

Mr. LODGE. Most certainly there is.

Mr. CUMMINS. I do not so read it. It seems to me that it is simply a prohibition against paying them anything for it.

Mr. LODGE. That is the way of getting at it. It is to deprive the enlisted man of his pay if he does any work. That is the only way of getting at it. It does not mean to pay him for that work; it is to deprive him of the pay which he has under the law.

Mr. CUMMINS. That is what I wanted to know.

Mr. LODGE. He is paid nothing for doing it now.

Mr. CUMMINS. It reads:

That no part of the appropriations authorized by this act shall be expended for the pay of enlisted men or seamen, not including commissioned and warrant officers, while doing repair work belonging to any recognized trade on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs.

Mr. LODGE. It would stop their pay.

Mr. CUMMINS. But the Senator from Massachusetts would not contend that if an enlisted man spent five minutes repairing an electric light the Government would be compelled to deduct from his pay a proportional amount for the five minutes in which he was so engaged?

Mr. LODGE. The mere fact that he performed any work of that sort would stop his pay.

Mr. CUMMINS. I do not believe that is a reasonable construction of the paragraph.

Mr. LODGE. It would stop his pay while doing the repair work. Where does the Senator draw the line?

Mr. CUMMINS. What it means is that if he shall enter into general repair work, instead of work that he was employed to do, then his pay should cease; but I can not believe that it would be construed to cover the little things which every man must do about any sort of structure and which do not require any considerable time or any considerable skill.

Mr. LODGE. Perhaps my illustration was unfortunate. Suppose, for example, it was a question affecting shafts. Accidents happen to shafts on steamships all the time at sea, and they have to be repaired then and there, both on merchant marine and naval ships. Suppose some such ship comes into the navy yard with some repair of that sort. It may take a day. It would be repaired, as a matter of course, when men are at sea or in a foreign port. Their pay would be stopped if they had to do that work—there is not any doubt about it—under that clause.

Mr. CUMMINS. On the contrary, I think the paragraph provides for the very case suggested by the Senator. I read:

Provided further, That this provision shall not apply to such ordinary duties as are engaged in by the crew while at sea, except the dismantling and assembling of armament for the purpose of repairs.

Mr. LODGE. What I refer to are not ordinary duties.

Mr. CUMMINS. I understood the Senator from Massachusetts to say they are things done by seamen ordinarily.

Mr. LODGE. They are not done by seamen; they are done by engineers. In all the cases I referred to the seamen do not do this work at all.

Mr. CUMMINS. Of course, if the paragraph bears the construction put upon it by the Senator from Massachusetts, his criticism is just, but I do not think it bears that construction.

Mr. LODGE. If there is a doubt about it, as there is in the Senator's mind and mine, certainly it ought to be framed so as to leave no doubt on that point. I think it could be arranged in conference with the House conferees, who framed the clause, without any reasonable trouble.

Mr. PERKINS. I ask the Secretary to read the construction placed upon the provision by the Secretary of the Navy.

The PRESIDENT pro tempore. The Secretary will read the paper sent to the desk by the Senator from California.

The Secretary read as follows:

The naval appropriation bill as passed by the House contains a provision, page 71, lines 6 to 14, as stated in the amendment on page 1732 of the CONGRESSIONAL RECORD, reading as follows:

"That no part of the appropriation authorized by this act shall be expended for the pay of enlisted men or seamen, not including commission and warrant officers, while doing repair work belonging to any recognized trade on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs: *Provided further*, That this provision shall not apply to such ordinary duties as are engaged in by the crew while at sea excepting dismantling and assembling armament for the purpose of repairs."

It is inconceivable that the Government can deliberately contemplate depriving itself even in part of the skill and services of its trained enlisted personnel.

The men of the Navy, from the very nature of their calling, are a combination of skilled mechanic and fighting man. The ships upon which these men are serving are intricate mechanical devices—filled with costly machinery that demands constant care and adjustment.

The necessity for battle training and target practice has been recognized; equally imperative is the necessity for the uninterrupted pursuit of mechanical training—the unhampered, unrestricted right, without question or quibble of law, to do the work that falls to the lot of the enlisted carpenter, machinist, boilermaker, or coppersmith.

It is not always possible for the work incident to repair and upkeep of a vessel of the Navy to proceed in an orderly and deliberate fashion—the demands of the service, the honor of the country, frequently call for the exercise of the utmost speed; the concentration of the greatest number of trained men upon the work in hand.

To dock, clean, and paint a ship is as much an evolution as to coal and provision her. The number of men in any community capable of doing this work is limited. The ship has at least 500 men that can be instantly thrown into this important work—trained civilian employees can not be obtained in such numbers on an emergency; thus without the assistance of the ship's crew a vessel may be detained in dock for several days at a time when her presence afloat is most imperative.

I feel convinced that the effects of this legislation will be so pernicious and destructive in its results as to seriously jeopardize the efficiency and readiness of the American Navy.

I urge that the entire amendment be stricken from the bill.

Mr. PERKINS. Mr. President, I wish to say, in addition to the statement just read at the desk, that on the battleship *Kansas* there are 856 enlisted men, and, with the officers and marines, there are about a thousand souls. Of the enlisted men there are detailed to the engine room 256 and 10 officers. A large percentage of them are enlisted as engineers or mechanics. They get from two to three times the pay of the bluejackets, the sailorman. As all Senators understand, there are machines, such as dynamos for the generation of electricity, hoisting engines for hoisting the anchors, and so forth, for sanitary and many other purposes on shipboard. To say that enlisted men shall not repair them seems to me a travesty upon their duty. I hope, therefore, that the amendment will not prevail and that the committee's recommendation will be sustained.

Mr. SWANSON. Mr. President, I have no doubt that there are some difficulties and wrongs at navy yards because of recent rulings by the Secretary of the Navy as to the work done that ought to be corrected. A battleship comes in for repairs and stays at a navy yard for some time. Mechanics are connected with the yard and perhaps have worked there for a long time; but their only means of subsistence is denied them when a great part of the repair work is done by the seamen. To a large extent such a practice is injurious to the force the department keeps at the navy yards. There has been an uncertainty in recent years as to the amount of work that they shall

have; there is no clear line of demarcation as to what work seamen shall do and what work mechanics employed in the navy yards shall do. In recent years there has been uncertainty in that respect.

I agree with the Senator from Massachusetts [Mr. LODGE] that there ought to be some law passed that will, without affecting the efficiency of the Navy and of the enlisted mechanics who go out to sea to take care of a ship and repair it, provide at the same time some line of demarcation as to division of work between the enlisted seamen and the employees in the navy yards. Expert mechanics may have been employed in a navy yard for years. They have given their life to the work. A ship may come in, the repairs on which will require the services of 400 or 500 seamen to do work which has heretofore been done by civilian mechanics. Sometimes the work is given them, while on other occasions it is not. That has produced an uncertainty in employment, which is not only unjust to the mechanics in the navy yard, but it also has a tendency to make a great many good mechanics leave that work and seek other employment. I think there ought to be some legislation to eliminate this trouble.

Mr. PERKINS. Mr. President, I have here on my desk a book containing several hundred pages of the rules and regulations of the Navy Department, defining the duties of enlisted men as well as the duties of the officers. It seems to me that legislation on our part in this respect would nullify those rules and regulations.

Mr. GALLINGER. I will ask the Senator if he has ever known of an instance where a ship coming into port has been largely repaired while she was lying at the dock? Is is not a fact always that such repairs as are made under such circumstances are minor repairs?

Mr. SWANSON. The complaint I hear from employees at the Portsmouth Navy Yard is that extensive repairs of late have frequently been made under such circumstances.

Mr. GALLINGER. Does the Senator from Virginia refer to the Portsmouth, N. H., Navy Yard?

Mr. SWANSON. I refer to Portsmouth, Va., to the Norfolk Navy Yard.

Mr. GALLINGER. I have had some complaint from Portsmouth, N. H., but an investigation developed the fact that it was not worth considering. The most vehement complaints I have had from Portsmouth, N. H., have been that the men who are confined in the naval prison there, mostly for minor offenses, frequently for reenlisting—that is, the great offense——

Mr. SWANSON. We do not have any trouble of that kind in the Norfolk Navy Yard. They are very good and moral men there. Criminal offenses there do not bother us much.

Mr. GALLINGER. But some of them are sent to the naval prison at Portsmouth, N. H. The most vehement protests have been that those men were permitted to go outside and clean up the yard; that they ought not be permitted to do so; that there ought to be given a chance for outside men to do that sort of work. I think that there have been extreme notions in the minds of our labor friends about those things.

I agree with the Senator that there ought to be some provision inserted in this bill, or in some other bill, that would define exactly what can and what can not be done by the enlisted men; and I will join with the Senator in that, because we do not want to do any wrong to men who are outside. On the other hand, we have enlisted men on our ships who are carpenters, machinists, and electricians, and they have a right to be employed. If a ship comes into port with some minor trouble they might well be permitted to make repairs rather than to send out and get two men to come there, for they never send one; they always send a man and a helper, and the man always forgets a tool and sends the helper back for it. It would cost a great deal to do the little repair work that the men on the ship could do.

Mr. SMITH of Georgia. I should like to ask the Senator from New Hampshire are not these men in the employ of the Government when the ship comes into port?

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. They could not do the work unless they were so employed?

Mr. GALLINGER. Of course not.

Mr. SMITH of Georgia. Then, why should they not do it?

Mr. GALLINGER. I think they should; they have to do it at sea.

Mr. MARTINE of New Jersey. Mr. President, as I understand, the laboring organizations are almost a unit in favor of the particular clause which is proposed to be stricken out. With a number of them who came to see me I raised the question that has been advanced by the Senator from Massachusetts [Mr. LODGE]—that it would seem ridiculous that an enlisted man could not adjust a lamp or screw in an electric-light bulb. Their response universally was that that was absurd; that they had not thought of interfering to that degree. They further insisted, as has been suggested, I think, by the Senator from Iowa [Mr. CUMMINS], that this provision should not apply to such ordinary duties as are performed by the crew at sea; that the Government should be amply protected. It is a fact, as I have gathered from other sources, that in very many instances the present practice has worked harm and is a source of unfairness to organized labor. It seems to me that there can be no harm in adopting the provision as it came from the other House. For one I shall vote against striking out the provision.

Mr. GALLINGER. Mr. President, I will only say that I hope the amendment proposed by the committee will prevail, because I do not think we ought to be entirely governed in our legislation by the fact that organized labor wants us to do a certain thing.

Mr. CUMMINS. Mr. President, inasmuch as I made the inquiry of the Senator from Massachusetts [Mr. LODGE], I want to be distinctly understood about my own position. I am in favor of enlisted men doing in port precisely what they do at sea, but I am not in favor of turning them into general constructors of ships or of their making repairs such as could not be done at sea. If they are mechanics at sea they are also mechanics in port, and they should be permitted to do there what they do when the ship is afloat and what they are really hired to do; but I thought, and I still think, that the provision in the bill does not preclude the enlisted men from doing, when the ship is in port, what they are hired to do and what they do when the ship is on a voyage.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee to strike out, on page 85, the provision beginning in line 15 and extending to line 23.

Mr. MARTINE of New Jersey. On that I ask for the yeas and nays, Mr. President.

Mr. REED. Mr. President, if I understood the statement made, I think, by the Senator from Massachusetts [Mr. LODGE], the purpose in striking out this provision is to have it go to conference so that language may be agreed upon which is clearer, which will fully protect the rights of the laboring men, and at the same time preserve a fair condition toward the Government.

Mr. LODGE. That is my purpose.

Mr. REED. And if this is voted out that will be taken care of in conference.

Mr. LODGE. That is my purpose. As I understand, the sole purpose of the committee is to put this provision in proper form.

Mr. REED. I should not like unequivocally to vote this provision out, but with the explanation that the matter will be taken care of in conference and reported back, I will support the amendment.

Mr. JONES. Mr. President, I should like to ask the Senator from Massachusetts, if the committee was not exactly satisfied with this provision, but thought that some such provision ought to be put in, why they did not suggest to the Senate some amendment covering the proposition.

Mr. LODGE. Because they thought it could be done much more expeditiously by arranging it with the committee of the other House which drafted this provision. I think it will only require some slight modification. We could have carried it into conference by striking out one word; but it seemed better to throw the whole question into conference so as to enable the representatives of the other House and of the Senate to agree on the proper language. That is all.

Mr. JONES. The trouble is that by such a procedure most of us are not considered in this matter at all and are not given an opportunity of either rejecting or adopting the proposition one way or the other. If the committee had suggested what they thought was proper language, it seems to me it would have been better. I myself dislike the idea, that seems to be increasing, of simply striking out things and throwing them entirely into conference, leaving them to the consideration of the conference committees, and bringing in propositions as a part of a conference report which we have to take as a whole or reject as a whole.

Mr. LODGE. Mr. President, it is not uncommon, I think, in the case of some single item like this, where the Houses are agreed to have some legislation, to leave the wording to the conferees. There is no intention of changing the purpose of this item. The only thing is to get a wording that both Houses shall consider suitable and proper.

Mr. JONES. Yes; but the action of the committee is to strike it out entirely.

Mr. LODGE. In order to bring it before the conferees; that was the purpose; and it is not an unusual thing about a small

item of this character, especially where the Senate is told, as it is in this case, exactly what is the purpose of the committee.

Mr. JONES. I know it is not unusual, and that is one thing I complain of. I think it is getting to be a little bit too usual. If this were a question of the principle involved, it would be a different matter; but the two Houses do not differ in the desire to make a proper demarcation between the duties of men at sea and men in the navy yards.

The PRESIDENT pro tempore. The question is upon the amendment of the committee to strike out the lines indicated on page 85, lines 15 to 23, inclusive. Upon that question the Senator from New Jersey has asked for the yeas and nays.

Mr. MARTINE of New Jersey. Mr. President, with the permission of the Senate, I will withdraw the request for the yeas and nays, but I will vote against the amendment on a viva voce vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 86, after line 19, to insert:

That there is hereby established a council of national defense, consisting of the President of the United States, who shall be ex officio president of the council, the Secretary of State, who shall preside in the absence of the President, the Secretary of War, the Secretary of the Navy, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Foreign Relations of the Senate, the chairman of the Committee on Military Affairs of the Senate, the chairman of the Committee on Naval Affairs of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the chairman of the Committee on Foreign Affairs of the House of Representatives, the chairman of the Committee on Military Affairs of the House of Representatives, the chairman of the Committee on Naval Affairs of the House of Representatives, the Chief of the General Staff of the Army, an officer of the Navy not below the rank of captain to be designated by the Secretary of the Navy, the president of the Army War College, and the president of the Naval War College.

That the chairmen of the several committees of the Senate and House of Representatives herein named shall act as members of the council until their successors have been selected.

That said council shall report to the President for transmission to Congress a general policy of national defense and such recommendation of measures relating thereto as it shall deem necessary and expedient.

That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That in time of war said council shall meet only upon the call of the President of the United States: *Provided further*, That special meetings may be called by the president of the council: *And provided further*, That the council may summon for consultation at any of its meetings any citizen of the United States, and upon request by the council the Secretary of War and the Secretary of the Navy shall order any officer of the Army, Navy, or Marine Corps to appear before the council for consultation.

That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $20,000, to be available until expended, and to be expended upon vouchers signed by the president of the council: *Provided*, That all necessary expenses of the chairmen of committees of the Senate and of the House of Representatives, when called to attend meetings of said council when Congress is not in session, and the necessary expenses of all persons summoned shall be paid from this appropriation, upon approval by the president of the council.

Mr. REED. Mr. President, that is a matter, I am very sure, on which some of us desire light, and I think it will involve some discussion. It is a very hot afternoon——

Mr. LODGE. To what part of the bill does the Senator refer?

Mr. REED. All that part of the bill which we have now reached, which appears in italics, from near the bottom of page 86, including all of pages 87 and 88. It is a matter upon which I should like some light, and I should not like to pass upon it hastily. I think it will involve some discussion.

Mr. OVERMAN. I think, Mr. President, this provision has not been estimated for.

Mr. LODGE. No; it has not been.

Mr. OVERMAN. Then, I raise the point of order, Mr. President, that, not being estimated for, the amendment is obnoxious to the rule and is new legislation.

Mr. SMITH of Georgia. I have been waiting for the amendment to come up to raise that point. It is also general legislation.

The PRESIDENT pro tempore. The Chair sustains the point of order that the amendment proposes general legislation. The Chair will call the attention of the Senator from Massachusetts to the word "*Provided*," at the bottom of page 85. Possibly, after the action on the preceding amendment, that may be needed. The Chair will inquire if the word "*Provided*" is intended to be retained?

Mr. LODGE. That proviso applies to the terms of the bill and is part of the existing law. That is a provision put in every naval appropriation bill.

The PRESIDENT pro tempore. The Chair referred to the word "*Provided*," at the beginning of the clause on line 24, page 85.

Mr. LODGE. The word "*Provided*" can be taken out and the provision stand as a paragraph by itself.

The PRESIDENT pro tempore. That is all the Chair had reference to.

Mr. LODGE. I beg pardon. I did not understand.

The PRESIDENT pro tempore. Does the Senator offer an amendment to that effect?

Mr. LODGE. I suggest that the word "*Provided*," on page 85, line 24, be stricken from the bill.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair will call the attention of the chairman of the committee to the amendment on page 32, which was passed over. The Secretary will state the amendment.

The SECRETARY. On page 32, after line 22, the committee reported an amendment to insert:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel for the supply of steamships of war, $500,000: *Provided*, That $75,000 of said sum, or so much thereof as may be necessary, may be used for the mining of coal and development work on public lands in Alaska for the purpose of supplying coal for the United States Navy.

Mr. HEYBURN. I offer the amendment which I send to the desk as an amendment to the committee amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 33, after the word "dollars," it is proposed to strike out the proviso, beginning in line 4, down to and including line 8, and to insert:

That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States.

Mr. HEYBURN. Mr. President, the amendment as reported by the committee reads:

Provided, That $75,000 of said sum, or so much thereof as may be necessary, may be used for the mining of coal and development work on public lands in Alaska for the purpose of supplying coal for the United States Navy.

Seventy-five thousand dollars would not put the men in the field and clear the brush off the ground. We do not know where the coal is. We have to find the coal first. We must have some kind of a survey, and if we are going to expend $75,000, let us do it for that purpose and not provide for mining coal under a provision that would be utterly futile.

Mr. PERKINS. The Navy Department reported to the committee that they can use the $75,000 to advantage.

Mr. HEYBURN. We want to know what the advantage is. The first advantage to be gained in Alaska is to find out where the coal is; whether it is suitable, and whether it can be made available.

Mr. PERKINS. Where does the Senator propose to amend the amendment?

Mr. HEYBURN. On page 33, after the word "dollars" in line 4, as I have written out the amendment.

Mr. PERKINS. For how much?

Mr. HEYBURN. The same sum—$75,000.

Mr. ROOT. It is a substitute.

Mr. HEYBURN. I move to strike out and insert. I would say that there is no known coal field——

Mr. PERKINS. As far as I can accept it on the part of the committee, I do so.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Idaho, to strike out and insert in the amendment of the committee, as indicated by the Senator.

Mr. POINDEXTER. Mr. President, I only want to say in regard to that that the amendment to the amendment destroys the entire amendment. I understand it is to strike out the appropriation altogether.

Mr. HEYBURN. No.

Mr. LODGE. No; it changes the wording.

Mr. POINDEXTER. So as to make it, instead of developing it, a proposition——

Mr. HEYBURN. Instead of mining coal with this money, it is proposed to use the money for the purpose of ascertaining first whether there is anything to be mined and second whether it can be mined commercially; and it calls for the necessary reports.

Mr. POINDEXTER. We have been investigating the matter for the last 12 years. There are at least a dozen reports of experts on those mines. There are documents published in the Ballinger investigation going into the minutest details of the coal fields.

Mr. HEYBURN. If the Senator will permit me, it is because of those investigations—and I have sat in committee where that

matter has been investigated for weeks—that I offered the amendment. There is in Alaska no known coal that is available to navigable waters. It involves the matter of transportation. I have had put on the wall a map that shows where the coal fields are, and it is utterly futile to talk about mining coal. This amendment as reported by the committee says the money shall be expended for mining coal. Suppose you mine it back from reach of navigable waters, how will you get it there? We want some definite proposition, and it must necessarily include transportation from the mines to vessels.

Mr. POINDEXTER. How many more reports does the Senator think ought to be made? We have had at least a dozen reports, representing that many investigations.

Mr. HEYBURN. This would be a definite report directed to the purpose to be served. The reports that have been made heretofore have not been directed to this purpose at all.

Mr. POINDEXTER. How is that?

Mr. HEYBURN. The reports that have been made have not been directed to the purpose of ascertaining whether coal was available or not.

Mr. POINDEXTER. Oh, yes; we have had such reports. I have two of them here.

Mr. HEYBURN. I have those reports.

Mr. POINDEXTER. At this late hour I do not propose to discuss the question, but that question has been examined by competent experts and reported upon at length; and, furthermore, there are a great many men who are perfectly familiar with the ground. Take the Bering River coal fields. The character of that coal has been analyzed and reported upon by experts, and anybody who goes there can see it. It is available to navigable water. It is only 23 miles to a safe harbor.

Mr. HEYBURN. How would you get it over the 23 miles?

Mr. POINDEXTER. By railroad.

Mr. HEYBURN. Who would build the railroad?

Mr. POINDEXTER. The Government of the United States.

Mr. HEYBURN. Now we have the Government of the United States mining coal and building a railroad to bring it out for $75,000.

Mr. OVERMAN. I rise to a point of information. What is before the Senate?

The PRESIDENT pro tempore. The question before the Senate is the amendment offered by the Senator from Idaho.

Mr. LODGE. That has been accepted by the committee.

Mr. ROOT. And voted upon.

Mr. LODGE. And voted upon.

Mr. OVERMAN. And voted upon in the affirmative.

Mr. LODGE. The chairman of the committee stated that he had accepted the amendment of the Senator from Idaho, and it was then voted on.

The PRESIDENT pro tempore. The vote was taken, but before——

Mr. LODGE. The vote was not announced.

The PRESIDENT pro tempore. Before the result was announced the Senator from Washington addressed the Chair, which he had a right to do. The question now is upon the amendment as amended with the consent of the committee.

Mr. POINDEXTER. I submit the matter upon the statement I have already made, but I feel that there certainly ought to be an end some time to investigation and the beginning of action.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is, Shall the amendments made as in Committee of the Whole be concurred in?

Mr. JONES. Mr. President, I desire to reserve the amendment on page 75 with regard to employing an advertising agent to secure recruits for the Navy, in order that I may make a point of order against it.

The PRESIDENT pro tempore. With the exception of the amendment indicated, then, without objection, the amendments adopted by the Senate as in Committee of the Whole are concurred in.

The Senator from Washington is now in order to make his point of order upon the particular amendment excepted.

Mr. JONES. I make a point of order against the amendment on page 75, as being new legislation.

Mr. LODGE. Mr. President, I think that is simply carrying out the general purposes of the recruiting service.

The PRESIDENT pro tempore. The Chair would be glad to have the Senator state the proposition in detail.

Mr. LODGE. The paragraph provides for recruiting, and this proviso gives authority to advertise for recruits in a particular way. Of course advertising for recruits has to be done. In fact, there is provision of law for doing it. The authorities now advertise for recruits. That is provided for. This simply provides a particular method, allowing them to advertise in a particular way.

Mr. CLAPP. Mr. President, I think the point of order is well taken. The hour is late, and I do not want to detain the Senate; but I wish to call attention to a condition that formerly existed in regard to advertising for recruits for the Navy.

Some years ago I took an advertisement which I found on a telegraph pole in the city where I live, for the purpose of bringing it to Washington, but I have mislaid it. I think at that time, undoubtedly without the knowledge of the Navy Department, the subordinates engaged in the work of recruiting actually maintained a moving-picture show to which young men had access free of charge, where were exhibited pictures designed to portray in the most alluring manner the life of a sailor, and calculated to lure young men to enlist upon an entirely erroneous supposition as to the real experience in store for them; and I have no doubt this led to a great many of the desertions that occurred in the Navy. Young men were lured to enlistment through these devices, and of course found the real experience entirely different. I do not think the department knew of the practices that were being resorted to, and think they have been largely discontinued. Of course notices of opportunity to enlist have to be given; but I think it well enough to withhold this proposition for advertisement, and believe the point is well taken.

The PRESIDENT pro tempore. The Chair can only judge by the language of the context. The paragraph is:

Transportation and recruiting, Marine Corps: For transportation of troops, and of applicants for enlistment between recruiting stations and recruit depots or posts, including ferriage and transfers en route, or cash in lieu thereof; toilet kits for issue to recruits upon their first enlistment and the expense of the recruiting service, $317,000.

The proviso is:

Provided, That authority is hereby granted to employ the services of an advertising agent in advertising for recruits under such terms and conditions as are most advantageous to the Government.

The Chair is of opinion that that could be held to be not an enlargement of the law only if it were included in the previous provisions of the section. The addition of it, in the opinion of the Chair, is in the nature of general legislation, enlarging that authority. The Chair therefore sustains the point of order.

Mr. MYERS. Mr. President, I offer an amendment to the bill, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add, on page 79, line 3, after the word "battleships," the following:

At least one of which shall be constructed in a navy yard of the United States.

Mr. MYERS. I move the adoption of the amendment.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Montana, which has just been read from the desk.

Mr. LODGE. I think it ought to be stated before that amendment is voted on that that will necessitate a very large increase in the amount of money appropriated for the two battleships.

Mr. GALLINGER. Undoubtedly.

Mr. LODGE. It costs, I think, from a quarter to a third more to build a battleship in a navy yard than to build it in a private establishment.

Mr. GALLINGER. About 40 per cent more in one instance.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Montana.

The amendment was rejected.

The PRESIDENT pro tempore. The question is, Shall the amendments be ordered to be engrossed and the bill to be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. MYERS. Mr. President, I now call up the motion I made this morning to reconsider the vote by which the Senate passed the Indian appropriation bill, House bill 20728.

Before the question is put and a vote taken, I will say that in accordance with the suggestions that were made to me from both sides of the Chamber this morning, I have consulted with the Senator from Minnesota [Mr. CLAPP], the acting chairman of the Committee on Indian Affairs, and I have agreed with him that there are only two amendments that I will ask to have reconsidered.

I ask unanimous consent, instead of putting the motion to a vote, that the vote be reconsidered, solely for the purpose of considering two amendments, one reading:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $400,000.

The other reading:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000, reimbursable in accordance with the provisions if the act of March 1, 1907.

I ask unanimous consent to reconsider the vote by which the bill passed, solely for the purpose of considering those amendments.

Mr. GALLINGER. Mr. President, the bill is not here is it?

The PRESIDENT pro tempore. The Chair understands the bill is still in the possession of the Senate.

Mr. CURTIS. I do not think the amendments should be changed, but I will not object to a reconsideration in order that we may have a vote upon the matter. However, I think it would be a very serious mistake to open up the question and give them the increase they are asking for.

The PRESIDENT pro tempore. The request of the Senator from Montana is that, for the purposes indicated, the Senate shall reconsider the votes by which the amendments were ordered to be engrossed and the bill read the third time and passed. Is there objection? The Chair hears none, and it is so ordered.

THE PANAMA CANAL.

Mr. BRANDEGEE. I move that the Senate now proceed to the consideration of H. R. 21969, being Order of Business No. 771, known as the Panama Canal bill. Then I shall ask to have it temporarily laid aside, in order that the unanimous-consent provided for on the calendar for to-morrow's business may be taken up.

The PRESIDENT pro tempore. The Senator from Connecticut moves that the Senate proceed to the consideration of House bill 21969, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. MYERS. Mr. President, I wish to ask for some information. Under the unanimous-consent agreement, does the consideration of the Lorimer case begin at 12 o'clock to-morrow or after the morning hour?

Mr. BRANDEGEE. I do not care to object, but of course that inquiry is not in order under the motion I have made.

Mr. MYERS. I do not want to interfere with any motion made by the Senator.

Mr. BRANDEGEE. There is a motion pending. As soon as that is acted upon——

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Connecticut.

Mr. SIMMONS. What was the request of the Senator?

Mr. BRANDEGEE. To proceed to the consideration of the Panama Canal bill, which, if agreed to, would make it the unfinished business. Then it will be temporarily laid aside.

Mr. SIMMONS. Mr. President, I object to that.

Mr. BRANDEGEE. It is not debatable.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. SIMMONS. I understand the effect of the Senator's motion is to make it the unfinished business.

Mr. GALLINGER and Mr. LODGE. Let us have the question.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Connecticut that the Senate proceed to the consideration of House bill 21969.

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arizona suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	Jones	Sanders
Bacon	Crane	Lodge	Smith, Ariz.
Bourne	Crawford	Myers	Smith, S. C.
Bradley	Curtis	Nelson	Smoot
Brandegee	Fall	Overman	Stone
Bristow	Gallinger	Page	Townsend
Burnham	Gardner	Penrose	Warren
Burton	Heyburn	Perkins	Works
Catron	Johnson, Me.	Poindexter	
Chamberlain	Johnston, Ala.	Root	

The PRESIDENT pro tempore. On the call of the roll 38 Senators have answered to their names. A quorum of the Senate is not present.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 6, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 5, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the spirit which moved our fathers to the high resolves and deeds of heroism which gave us a Government so wise in its conception, so broad in its construction, so lofty in its purpose that it would guarantee to every citizen life, liberty, and the pursuit of happiness. We thank Thee that under Thy providence we have grown in all that tends to make a nation great, but we realize that with every step of progress, every advance in civilization, comes a greater responsibility.

"Except the Lord build the house, they labor in vain that build it; except the Lord keep the city, the watchman waketh but in vain."

Increase our religious fervor and make us vigilant, wise, pure, and inspire us with a holy patriotism that the genius of our Republic may be fulfilled to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of Wednesday, July 3, 1912, was read and approved.

ENCAMPMENT AND MANEUVERS OF ORGANIZED MILITIA.

The SPEAKER laid before the House House joint resolution 332, appropriating $1,350,000 for encampment and maneuvers of the Organized Militia, with a Senate amendment thereto.

The Senate amendment was read.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the following omnibus pension bills, and move to agree to the conference asked by the Senate, which bills I send to the desk and ask to have the Clerk report the same.

The SPEAKER. The Clerk will report the bills.

The Clerk read as follows:

S. 5623. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6340. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors;

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6978. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bills the titles of which have been reported by the Clerk. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House agree to the conference asked for by the Senate on these various bills.

The question was taken, and the motion was agreed to.

The Chair appointed the following conferees: Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey.

WITHDRAWAL OF PAPERS.

Mr. HARRISON of New York. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House the papers filed with the bill (H. R. 19746) authorizing the Secretary of the Treasury to award a first-class life-saving medal to Joseph Donellen, which bill has been referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest; and

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the

Treasury to carry out certain provisions of the public building acts, and for other purposes," approved March 4, 1909.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4445. An act concerning unrigged vessels.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, announced the approval of bills and joint resolutions of the following titles:

On June 28, 1912:

H. J. Res. 290. Joint resolution proposing an international maritime conference; and

H. R. 22204. An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation in California.

On July 1, 1912:

H. J. Res. 331. Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies; and

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin.

On July 3, 1912:

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves."

OHIO CONSTITUTIONAL CONVENTION (H. DOC. NO. 863).

Mr. COX of Ohio. Mr. Speaker, I ask unanimous consent to have published as a public document a statement relating to the work of the Ohio constitutional convention. I think it is proper to state for the information of the House that since this convention has concluded its work I have had a great many inquiries from Members of the House and the Senate as to the nature of the amendments suggested, and with reference to all of the things that were gone into. I think it would be a very useful public document.

Mr. MANN. Mr. Speaker, as I understand the gentleman's request it is to print as a House document the proposed constitutional amendments submitted by the constitutional convention of Ohio.

Mr. COX of Ohio. I want to be entirely fair with the gentleman, however; that with this is a comprehensive statement made by the president of the convention.

Mr. MANN. That is an official communication?

Mr. COX of Ohio. Yes, sir.

The SPEAKER. The Chair would request the gentleman from Ohio to state his request again so the Chair can put it to the House.

Mr. COX of Ohio. I ask unanimous consent that there might be published as a House document the constitutional amendments adopted by the constitutional convention in the State of Ohio together with a statement made by the president of that convention.

The SPEAKER. The gentleman from Ohio [Mr. COX] asks unanimous consent to print as a public document the amendments adopted by the late constitutional convention of Ohio, also with an official statement from the president of that convention. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CANDLER, indefinitely, on account of important business.

To Mr. LOBECK, for 3 days, on account of illness.

To Mr. GORDE, for 10 days, on account of important business.

EXTENSION OF REMARKS ON FARMERS' NATIONAL COOPERATIVE CREDIT COMMISSION.

Mr. NORRIS. Mr. Speaker, on the 29th of March last I introduced House joint resolution 282, to provide for the appointment of a Farmers' National Cooperative Credit Commission, and on the 29th day of May, at a hearing before the Committee on Agriculture, I made some remarks on that resolution and others pending in the House and the Senate. I ask unanimous consent to extend my remarks in the RECORD by printing the remarks that I made before the Committee on Agriculture.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] asks unanimous consent to extend his remarks in the RECORD on the subject named. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

PRINTING ARTICLE BY PROF. F. W. TAUSSIG ON WOOL AND WOOLENS (H. DOC. NO. 864.)

Mr. McCALL. Mr. Speaker, I have here an article by Prof. F. W. Taussig, senior professor of economics in Harvard University, printed in the American Economic Review, on the report of the Tariff Board on wool and woolens. It is a nonpartisan dissection of the tariff report, and I ask unanimous consent that it be printed as a House document.

The SPEAKER. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent to print as a House document an article from Dr. Taussig, professor of economics in Harvard University, on wool and woolens. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, as I remember the article—I think I have read it—it is not a partisan article or directed from a partisanship side of the question.

Mr. McCALL. Not at all.

Mr. UNDERWOOD. As a matter of fact, he does not agree with either that side of the House or this side of the House, if I remember correctly.

Mr. McCALL. It is a very independent article, and I think a very valuable one; he is a great economic scholar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

AMERICAN REGISTERS FOR SEAGOING VESSELS, ETC.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent for an order that H. R. 16692, a bill to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and the Philippine Islands and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes, may be called up as a matter of privilege, not to interfere with appropriation bills, conference reports, or tariff bills.

Mr. MANN. Mr. Speaker, reserving the right to object——

The SPEAKER. Will the gentleman from Alabama please send the bill up?

Mr. WILSON of Pennsylvania. Mr. Speaker, I will ask the gentleman from Alabama to include in his request——

Mr. UNDERWOOD. I will make the request about the other bill later. I want to get them one at a time.

Mr. MANN. This is a short bill——

The SPEAKER. The Clerk will report the title of the bill, so the House will understand it.

Mr. UNDERWOOD. I will ask the gentleman from Missouri [Mr. ALEXANDER], chairman of the committee, to explain the purpose of the bill.

The SPEAKER. Is not the matter the gentleman sent up the title of the bill?

Mr. UNDERWOOD. No; it is a memorandum I had in my hand. It is not the bill; it is merely a memorandum which I had in my hand; the gentleman from Missouri has the bill.

Mr. ALEXANDER. The request of the gentleman from Alabama [Mr. UNDERWOOD] is that H. R. 16692, known as the freeship bill, may be taken up for consideration under the conditions named by him. It is a bill of four sections. The first section provides that American citizens may purchase ships wherever they can buy them the cheapest, and that they may be registered under the American flag to engage in the foreign trade. The second section provides that all material that enters into the construction or repair or equipment of ships may be entered free of duty, and in that regard somewhat amplifying the present tariff law. This bill has been approved by the Department of Commerce and Labor and has the indorsement of the administration and has been recommended by the Committee on the Merchant Marine and Fisheries for passage.

Mr. MANN. Is this bill unanimously reported from the committee?

Mr. ALEXANDER. No, sir. There are two or three gentlemen of the minority of the committee who have united in a minority report.

Mr. MANN. Have those gentlemen been notified or asked about this proposition of setting the bill down for consideration?

Mr. UNDERWOOD. Mr. Speaker, I would like to say to the gentleman from Illinois [Mr. MANN] that this bill is on the Union Calendar. It is an important bill. It is a bill that would justify a rule, if brought in, for its consideration. I merely desire to obviate the time, and my request makes no limitation on debate. It leaves ample opportunity for fair consideration, because it has got to go into the Committee of the Whole House to be fully debated; and it is only a request that, instead of being compelled to bring in a rule to get the bill before the House, we will bring it up by general order in committee.

Mr. MANN. I will say to the gentleman that it has always been customary that where a request of this sort was submitted to have members on both sides of the committee who are interested informed in regard to the request. What has been done in this case I do not know.

Mr. ALEXANDER. The ranking member of the minority of the committee, the gentleman from Massachusetts [Mr. GREENE], is right here.

Mr. GREENE of Massachusetts. I shall object.

Mr. UNDERWOOD. Then, Mr. Speaker——

RADIO COMMUNICATION.

The SPEAKER. I wish the gentleman would state what the number of the bill is he is about to bring up and on what calendar it is.

Mr. UNDERWOOD. Mr. Speaker, the second bill that I make the request for is on the House Calendar. It is H. R. 15357, a bill to regulate radio communication, and I ask unanimous consent that it may be in order to take this bill up as a matter of privilege any day following to-day, not to interfere with appropriation bills, conference reports, or tariff bills.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to make the bill which he has mentioned privileged on any day after to-day, not to interfere with appropriation bills, tariff bills, or conference reports.

Mr. MANN. Mr. Speaker, reserving the right to object, I will say to the gentleman that I have been in conference all the morning with some of the officials of the Government concerning that bill and have another conference for to-morrow morning already agreed upon concerning the same bill. As I understand, there are a number of conferences going on relating to that bill. I have no doubt within the course of a few days there will be no objection whatever to taking it up for consideration. But this morning I am not willing to have it called up, nor to-morrow, if I can prevent it.

Mr. ALEXANDER. I am not asking that it be called up to-morrow, but I would like to call it up one day next week.

Mr. UNDERWOOD. I will say to the gentleman that we have reached a place in the House, with appropriation bills in the Senate, where it is necessary to agree on some order of business while waiting for conference reports to come back. I think this bill is of sufficient importance to give it the right of way.

Mr. MANN. I agree with the gentleman that some action ought to be taken. A conference in London has been held relating to this matter, which, I think, closed yesterday. I have been endeavoring to obtain information whether that conference agreed upon anything which changed the agreement at the Berlin conference. Nobody on this side of the water yet seems to know. If there has been a change agreed upon in the London conference which ought to be incorporated in this bill, it would not hurt to hold it for a few days until we ascertained whether that is the case or not.

Mr. ALEXANDER. I will say to the gentleman that all the information I have on that subject is through the press of a day or two ago. There was mention made of what had been agreed on. But I will say to the gentleman if he waives his objection that this bill will not be called up until some day next week mutually agreeable to us. I asked Mr. Chamberlain to confer with you that we might come to some understanding about the bill, and I will wait until some day next week until you have had ample opportunity to confer with him.

Mr. MANN. Well, with that understanding, I shall not make any objection. I do not desire to prevent the proper passage of a proper bill——

Mr. ALEXANDER. The administration is very anxious to have something done along this line——

Mr. MANN (continuing). Although I suppose it will be much easier to have a conference with those gentlemen before it is agreed that the bill shall be considered than it will be afterwards.

Mr. RODDENBERY. Mr. Speaker, I reserve the right to object.

Mr. UNDERWOOD. I understand objection has been made.

The SPEAKER. Is there objection? Does the gentleman from Massachusetts [Mr. GREENE] object to the consideration of this bill?

Mr. UNDERWOOD. No; I now understand objection was not made.

Mr. RODDENBERY. Does it rest with the gentleman who seeks to make this bill privileged——

Mr. CANNON. Which bill is it?

The SPEAKER. The bill relating to radio communication.

Mr. RODDENBERY (continuing). To have it considered only subject to the prior right of way by appropriation bills, tariff bills, and conference reports? Could not the gentleman include in his request also a request for the consideration of a bill from the Committee on Immigration and Naturalization—an immigration bill, making it a measure of privilege along with this, which will tend to make it certain that we shall get up this important measure and consider it at this session?

Mr. UNDERWOOD. I have no doubt the bill to which the gentleman refers will be taken up at the proper time. I did not ask for the consideration of tariff bills. I was asking for the consideration of certain bills coming from the Committee on the Merchant Marine and Fisheries. When that request is disposed of there will then be opportunity, if the gentleman who has charge of the Committee on Immigration and Naturalization desires to present his request to the House, to ask that his bill be considered. But I do not desire to make the request in his behalf without his presence here.

Mr. RODDENBERY. Well, Mr. Speaker, until there is some understanding relative to that measure, which I regard as paramount, and compared with which I regard this other proposition as trifling, I shall object until the bill I referred to is treated in the same way.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] objects.

BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. The Chair will announce that this is private-bill day. In order that we may have a perfect understanding of the matter, the Chair will read the rule. It is as follows:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into Committee of the Whole House to consider business on the Private Calendar in the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday except the second and fourth Fridays the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

The Chair will entertain a motion to resolve the House into Committee of the Whole House to consider bills on the Private Calendar.

Mr. MANN. Oh, let us adjourn. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, it is evident that a quorum is not present, and I therefore move that the House stand adjourned.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, July 6, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the resolution (H. J. Res. 173) providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as otter and beam trawling, reported the same with an amendment, accompanied by a report (No. 929), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 25590) to provide soldiers and sailors additional homesteads; to the Committee on the Public Lands.

By Mr. RUSSELL: A bill (H. R. 25591) granting the city of Branson, Mo., authority to construct a dam across White River in Missouri; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25592) authorizing the construction, maintenance, and operation of a dam or dams across the Current River in Ripley, Carter, and Shannon Counties for the purposes of improving navigation and the development of water power; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 25593) authorizing and directing the Secretary of the Interior to terminate the Shawnee Training School, Shawnee, Okla., and to provide reduced allotments to Indians who were allotted lands of no value, and for other purposes; to the Committee on Indian Affairs.

By Mr. HULL: A bill (H. R. 25594) to amend section 3 of an act entitled "An act to protect trade and commerce against

unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.

By Mr. NORRIS: A bill (H. R. 25595) providing for presidential primaries; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BROUSSARD: A bill (H. R. 25596) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 25597) granting a pension to Ellen Pierce; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 25598) granting an increase of pension to Cornelia Bragg; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25599) granting a pension to Edward Lichtenstein; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 25600) granting a pension to Stillman S. Perkins; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 25601) granting an increase of pension to George W. Noah; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25602) granting an increase of pension to Ardell D. Grigsby; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 25603) granting an increase of pension to William Green; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 25604) granting an increase of pension to Elizabeth N. Brand; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 25605) for the relief of the heirs of Earl Pate; to the Committee on Claims.

By Mr. PARRAN: A bill (H. R. 25606) for the relief of Samuel B. Gasaway, alias Peter Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 25607) for the relief of B. W. Gladden; to the Committee on Claims.

Also, a bill (H. R. 25608) for the relief of Mary E. E. Cheseldine, mother of William Amos Cheseldine, deceased; to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 25609) for the relief of John Vankirk; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 25610) granting an increase of pension to Levi G. Courtney; to the Committee on Invalid Pensions.

SENATE.

SATURDAY, *July 6, 1912.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, without whom not a sparrow falleth, Thou knowest how frail we are, Thou remembrest that we are dust. And it is not because we doubt Thy providence, our Father, that we grieve for the loss of a Member of this Congress, but because our hearts are made lonely, and because we are reminded of the uncertainty of all earthly things. In the midst of life we are in death. But naught can shake our trust in Thee, who art our refuge in distress and a very present help in trouble. Be with those, we pray Thee, to whom this sorrow is most sore. Give unto them beauty for ashes and the oil of joy for the spirit of heaviness. In all things uphold us by Thy spirit and comfort us with Thy presence. And unto Thee, our Father, who hast loved us with an everlasting love and hast called us into Thine eternal kingdom in Christ, be glory and praise on earth and in heaven, now and forevermore. Amen.

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of June 12, 1912.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM NEVADA.

Mr. NEWLANDS. Mr. President, I present the credentials of Hon. W. A. MASSEY, of Nevada, who has been appointed by the governor of Nevada to fill the vacancy in the Senate caused by the death of Hon. GEORGE S. NIXON.

The PRESIDENT pro tempore. The credentials will be read.

The Secretary read the credentials of W. A. MASSEY, appointed by the governor of the State of Nevada a Senator from that State to fill until the next meeting of the legislature thereof the vacancy caused by the death of Hon GEORGE S. NIXON June 5, 1912, in the term ending March 3, 1917.

The PRESIDENT pro tempore. The credentials will be placed on file.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore.

S. 4862. An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett tunnel of the Shoshone irrigation project;

S. 5935. An act to fix the terms of the District Court for the Western District of Michigan;

S. 6603. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes;

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site; and

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial signed by D. Miller, president of the Chicago, Burlington & Quincy Railroad Co., and sundry other presidents of various railroads of the country, remonstrating against the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Chicago, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Manufacturers and Shippers' Association, of Rockford, Ill., remonstrating against the proposed discontinuance of the Commerce Court, which was ordered to lie on the table.

He also presented a petition of Local Union No. 997, United Mine Workers of America, of Springfield, Ill., and a petition of Local Union No. 21, United Garment Workers of America, of Chicago, Ill., praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

Mr. PAYNTER presented a petition of sundry citizens of Fayette County, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of sundry citizens of South Pittsburgh, Pa., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of certain amendments to the patent laws, which was referred to the Committee on Patents.

Mr. LODGE presented a petition of Local Branch, Pattern Makers' Association, of Quincy, Mass., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

FORT BERTHOLD INDIAN RESERVATION LANDS.

Mr. CLAPP. I am directed by the Committee on Indian Affairs to report back favorably with amendments the bill (S. 6191) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak. I call the attention of the junior Senator from North Dakota [Mr. GRONNA] to the bill.

Mr. GRONNA. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, to add a new section to the bill, to be known as section 3, as follows:

SEC. 3. That the President of the United States shall appoint a commission, consisting of three persons, to inspect, classify, appraise, and value all of the lands described in section 1 of this act that shall not have been allotted in severalty to said Indians or granted or reserved by the terms of this act, said commission to be constituted as follows: One of the commissioners shall be a person holding tribal relations with said Indians, one a representative of the Interior Department, and one a resident citizen of the State of North Dakota. That within 20 days after their appointment said commissioners shall meet and organize by the election of one of their number as chairman. The said commissioners shall then proceed to personally inspect and classify and appraise, in 160-acre tracts, all of the remaining lands described in section 1 of this act, except sections 16 and sections 36. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timberland; fifth, mineral land, if any. That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of the organization of said commission.

The amendment was agreed to.

The next amendment was, to add a new section to the bill, to be known as section 4, as follows:

SEC. 4. That for the purpose of carrying into effect the provisions of this act the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CULLOM. I wish to inquire whether this bill has gone through the hands of a committee.

The PRESIDENT pro tempore. It has just been reported from the Committee on Indian Affairs, and unanimous consent was given for its consideration.

Mr. CULLOM. It seems to me that it is a very complicated bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 7262) granting a pension to Overman King; to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7263) to provide for the purchase of a site for the erection of a Federal building at Santa Rosa, N. Mex.; to the Committee on Public Buildings and Grounds.

A bill (S. 7264) to indemnify Juan A. Valdez; to the Committee on Post Offices and Post Roads.

A bill (S. 7265) granting a pension to Bertie L. Wade; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRISTOW submitted an amendment proposing to increase the appropriation for the salary of the superintendent of farm and transportation at the United States penitentiary, Leavenworth, Kans., from $900 per annum to $1,500 per annum, intended to be proposed by him to the sundry civil appropriation bill (H. R. 25009), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $1,800 to pay F. H. Wakefield for preparing the history of legislation for the Senate in the first and second sessions of the Sixty-second Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CROW INDIANS OF MONTANA.

Mr. TOWNSEND submitted the following resolution (S. Res. 352), which was read and referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, authorized to place in the hands of the Attorney General such papers, records, and other information in reference to the affairs of the Crow Indians of Montana as will enable the Attorney General to investigate such affairs and to bring such action as may be necessary to protect the interests and secure the rights of said Indians; and the Attorney General is hereby authorized to make such investigation and to bring such action, if any, as the investigation may disclose to be necessary.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

Mr. FLETCHER submitted the following resolution (S. Res. 351) which was read, considered by unanimous consent, and agreed to:

Resolved, That 20,000 additional copies of Senate Document No. 855, Sixty-second Congress, entitled "International Institute of Agriculture," be printed for the use of the Senate document room, and that the notice signed by David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, be included as a part of said document.

GERARD BRANDON, ADMINISTRATOR, V. THE UNITED STATES.

Mr. OVERMAN. I ask to have printed in the RECORD the dissenting opinion of Judge Howry in the case of Gerard Brandon, administrator, against United States.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The opinion is as follows:

Court of Claims of the United States.

CONGRESSIONAL, No. 13855-7.

(Decided May 6, 1912.)

GERARD BRANDON, ADMINISTRATOR, V. THE UNITED STATES—ON MOTION FOR REHEARING.

HOWRY, *Judge*, dissenting:

This cause was regularly transmitted to this court for an investigation and a report of the facts to Congress pursuant to a proper resolution under section 14 of the act of March 3, 1887 (set forth in the margin),[1] commonly known as the Tucker Act. The cause was pending here March 3, 1911, being the time of the approval of the "act to codify, revise, and amend the laws relating to the judiciary." This last act did not go into effect until January 1, 1912, and contained a provision that the Court of Claims should have jurisdiction to hear and determine (that is, enter judgment) the claims of those whose property was taken subsequent to June 1, 1865, under the provisions of a previous act approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," and acts amendatory thereof where the property so taken was sold and the net proceeds placed in the Treasury, any statutes of limitations to the contrary notwithstanding. On the hearing of a montion to dismiss the present cause for want of jurisdiction to make an investigation and report, the majority of the court sustained the motion on the ground that the remedy given in cases of seizure of abandoned and captured property under the original act mentioned was exclusive; and that the proceeds in the Treasury for captured property are yet held in trust for those who brought suit within the jurisdictional period and established their loyalty and ownership by a decree of this court.

Without hearing any proof or making any investigation whatsoever the majority of the court then proceeded to take jurisdiction of the merits of the present case to the extent of drawing inferences not required by law and conclusions of fact not warranted by the terms of the act referring the bill.

That the claim before the court on which the jurisdiction was thus denied (being alleged to be for cotton taken before June 1, 1865, but taken after the passage of the act providing for the proceeds to be placed in the Treasury) could not be refused an investigation appeared for reasons set forth in an opinion by me dissenting from the action refusing jurisdiction to investigate and make report to Congress, and also dissenting from the majority opinion in denying jurisdiction and yet undertaking to report conclusions without considering the testimony and investigating the facts. My opinion shows that—

1. Where jurisdiction is wanting to find the facts under section 14 of the act of March 3, 1887, jurisdiction is also wanting to report conclusions of law as to the nature of the demand under the amendment of June 25, 1910.

2. The Supreme Court has declared that proceeds of captured cotton under the act of 1863 are a trust for the benefit of such as should establish their claim to it, subject to disposition by Congress, and that the act of 1863 did not intend to confiscate cotton seized under it.

3. Ownership of cotton by the Confederate Government requires a conclusion adverse to the claimant.

4. The grant of jurisdiction by section 162 of the Judicial Code over cotton claims originating after June 1, 1865, does not destroy jurisdiction already existing over claims originating before that date.

5. Jurisdiction to find the facts and jurisdiction to render judgment rest upon separate grants of authority by Congress to this court.

6. Jurisdiction to find the facts under section 14 of the Tucker Act is designed generally for demands outside the jurisdiction of this court to render judgment, but is not inconsistent with such jurisdiction.

7. A right to an appropriation after a finding of facts does not necessarily follow from a finding of facts under section 14 of the Tucker Act.

8. Section 14 of the Tucker Act was designed to remedy deficiencies in the Bowman Act in the jurisdiction to find facts for the relief of Congress.

9. Jurisdiction under section 14 of the Tucker Act over claims for net proceeds in the Treasury under the captured and abandoned property acts has been directly sustained by the opinion of this court in Chieves *v.* United States (42 C. Cls., 21) and in numerous findings in other cases governing the present case. The cases examined and stated.

10. The act of 1863, declaring the remedy of the act of 1863 in captured and abandoned property claims to be exclusive, related to the then existing power to adjudicate such claims.

11. The exclusiveness of jurisdiction to adjudicate claims under the act of 1863 does not affect the jurisdiction to find the facts under the Tucker Act, passed in 1887.

12. Section 14 of the Tucker Act is not a repeal of the limitation on adjudication in the act of 1863, but a new and general grant of a different jurisdiction, designed to aid the right of petition and relieve Congress from the investigation of facts in private claims.

[1] SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims, who shall proceed with the same in accordance with the provisions of the act approved Mar. 3, 1883, entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim, or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed, or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy, together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

13. The denial of jurisdiction over claims for proceeds of captured and abandoned property under the act of 1863 is inconsistent with the repeated admission of jurisdiction in other classes of claims for which an exclusive tribunal had been provided before the passage of the Tucker Act in 1887.

14. The judicial code reserves all rights in proceedings pending at its passage, and therefore has no relation to the present case.

15. The test of the power of the court to find the facts is the power granted to either House of Congress to refer the bill.

The new code does not repeal section 14 of the Tucker Act, because there are no words of repeal and none by implication. On the contrary, the section is substantially reenacted in section 151 of the new codified law. Besides, jurisdiction over the cause now under consideration, for the purposes of preserving testimony and reporting the facts to Congress, was retained by section 299 of the new code, which expressly declares that all suits "and proceedings for causes arising or acts done prior to" the time of the taking effect of the new judiciary code "may be commenced and prosecuted within the same time, and with the same effect, as if said repeal or amendments had not been made," and that the new judiciary act "shall not affect any act done or any right accruing or accrued * * * pending at the time of the taking effect" of the new act.

Authorities were cited by the majority to show that the proceeds of captured property now in the Treasury are held in trust for those only who brought suit within the jurisdictional period and established their loyalty and ownership by a decree of the Court of Claims, but that as to all others the title of the United States became absolute. And again, that cotton was a legitimate subject of capture by the national forces.

No one has ever disputed since the Supreme Court passed on the matter that cotton was, from its character, "potentially an auxiliary" of enemy forces and a legitimate subject of capture by national forces. But confiscation of the proceeds of captured cotton was never the intention of Congress in authorizing the seizure of cotton, and the decisions of the Supreme Court have shown that there has been no confiscation of the proceeds of any such property.

Laying aside the case of Ford v. Surget (97 U. S., 594) (cited by the majority) as having nothing to do with the present issue, because that was a suit on the part of the citizen against a Confederate officer for burning the cotton of the citizen, we come to the privileges of all owners of cotton where the proceeds were placed in the Treasury.

In Young v. United States (97 U. S., 62) Chief Justice Waite, speaking for the Supreme Court, said:

"Whoever could bring himself within the terms of the trust might sue the United States and recover, but no one else."

When that opinion was written there was neither a reversal nor an intimation of a reversal of the decisions respecting the effect of a pardon upon the right of any owner to sue for the proceeds of his cotton in the Treasury, except as such an owner's claim and right to recover had become barred by the two years' statute of limitations.

In the case of Armstrong's Foundry (6 Wall., 769) it was held that the general pardon granted relieved the owner from the penalty which such an owner had incurred to the United States. In Ex parte Garland (4 Wall., 380) the Supreme Court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense." In United States v. Padelford (9 Wall., 531, 543) the Supreme Court, by a unanimous opinion, answered the suggestion that the property was captured in fact, if not lawfully; and that the proceeds having been paid into the Treasury the petitioner was without remedy in the Court of Claims, unless proof was made that he gave no aid or comfort to the cause hostile to the United States, by saying:

"The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed. If in other respects the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment, which simply awards to the petitioner what is his own."

In Klein's case (13 Wall., 138) the court, after declaring the intention of Congress and that title to the proceeds of cotton captured and placed in the Treasury was not divested absolutely out of the original owners of the property, said that:

"The property of the original owner is in no case absolutely divested. There is no confiscation."

In Pargoud's case (4 C. Cls. R., 237) the defendants moved to dismiss the case "because it is not stated and set forth in said petition that the claimant has at all times borne true faith and allegiance to the Government of the United States, and that he has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the Government of the United States, as required by the twelfth section of the act of Congress to reorganize the Court of Claims, approved March 3, 1863"; and the court allowed the motion dismissing the case. The Supreme Court reversed that decision (13 Wall., 157), holding that it was unnecessary in a claim in the Court of Claims to prove adhesion or personal pardon for taking part against the United States, as the President's proclamation was unconditional and without reservation.

And in Mrs. Armstrong's case (13 Wall., 154), in alluding to the effect of a previous proclamation granting pardon unconditionally and without reservation, the Supreme Court declared that the proclamation "was a public act of which all courts of the United States are bound to take notice and to which all courts are bound to give effect."

In Hayecraft v. United States (22 Wall., 81) the court analyzed Klein's case, without reversing it, by saying:

"If a suit was commenced within two years, a pardoned enemy could recover as well as a loyal friend. But the commencement of the suit within the prescribed time was a condition precedent to the ultimate relief. The right of recovery was made to depend upon the employment of the remedy provided by the act." (Captured and abandoned property act.)

There are other cases which, like Hayecraft's case, hold that the pardon came too late for owners of cotton to avail themselves of the remedy. These cases all relate to the remedy and the effect of the statute of limitations in bar of the remedy under the act authorizing this court to render a judgment under the abandoned and captured property act.

In Brent v. Bank of Washington (10 Pet., 617) the Supreme Court, in declining to take that case out of an established rule, said that the act of limitations operated only to bar the remedy, not to extinguish the right, citing with approval Bank v. Donnelly (8 Pet., 361). In affirming the rule the court said:

"The legal remedy is barred, but the debt remains as an unextinguished right."

In Townsend v. Jemison (9 How., 407) the Supreme Court explains the difference between statutes whose effect is to vest title to property by adverse possession and those which merely affect the remedy. The court said:

"The rule in the courts of the United States in respect to pleas of limitation has always been that they strictly affect the remedy and not the merits."

An obligation is distinct from the remedy. The obligation to do a thing is derived either from contract or from the act of the parties.

As applied to personal property, where one has had the peaceable, undisturbed, and open possession for the period which under the law would bar an action for its recovery by the real owner, the weight of authority is in favor of the title of the person as against the neglect of a real owner to avail himself of his legal rights. But before this rule can be applied there must be an assertion of ownership on the part of the person who has acquired possession from the real owner. Before time can vest the right the mere possessor of the property can not plead that he has acquired a good title. He must assert ownership before any lapse of time can divest the right of the real owner. As to the proceeds of cotton in the Treasury, the United States have never asserted ownership, but, on the contrary, have disclaimed title by those subsequent acts of Congress which applied to all cotton seized in enemy States, under which the Secretary of the Treasury was directed to pay on proper proofs.

I have submitted the foregoing observations not because they are strictly applicable to the matter of jurisdiction in the present case, but because the majority of the court have undertaken to make a conclusion (under the act of June 25, 1910) of fact. "The jurisdiction of a court can never depend upon the merits of a case brought before it; but upon its right to hear and decide at all." (Basso v. United States, 40 C. Cls. R., 202.)

An exclusive remedy provided for one owner to have an opportunity to obtain a judgment can hardly be said to be any remedy at all for another owner whose claim can not be considered for the purpose of obtaining judgment because of the statute of limitations. The words "exclusive remedy" operate for the benefit of that class whose cotton was taken after June 1, 1865, and the proceeds placed in the Treasury. But even as to such persons that class may waive whatever right the new statute gives to obtain judgment and yet proceed to have an investigation and report to Congress under section 299 of the new code.

The words "exclusive remedy" relate only to jurisdiction for the purpose strictly of taking a judgment. The investigation and report of a claim have never been considered a remedy until on the report an appropriation is provided by Congress. The mere investigation and report is no remedy at all until Congress gives effect to such an investigation as the basis of a remedy which the legislative power alone may provide at will.

Examine the act authorizing an investigation and report and we find that there must be a bill providing for the payment of a claim against the United States, legal or equitable, for a grant, gift, or bounty to any person, and the reference of such a bill to the Court of Claims. It is passing strange that if, according to the majority of the court, petitioner has no right to an investigation and a report because the statute of limitations is in the way of any opportunity on his part to proceed to judgment on a claim, jurisdiction yet exists for the benefit of any person preferring a claim, whether barred by any statute of limitations or not, or for donations and gifts to be inquired into and reported to Congress. The discrimination against the individual with a claim in favor of one without a claim is utterly inconsistent and indefensible.

If this claimant has money in the Treasury he had, according to the Supreme Court, a right to prefer his demand as a proper claim against the Government within the time allowed by law for prosecuting claims. If barred, he yet had a right under section 14 of the Tucker Act to an investigation and a report, because the statute of limitations only affected the time of the right given by law to get into the court for the purpose of taking a judgment. But, according to the several decisions of the Supreme Court, the remedy only has been taken away, but the right of the claim is yet unextinguished.

Universal amnesty without restrictions or qualifications of any kind conferred the right on the disloyal by the proclamation of the President of July 4, 1868, to ask of this court judgment for the proceeds of cotton traced to the Treasury. But at the time of the proclamation of 1868 the right to prosecute had become barred by the statute of limitations for those persons who had been unable up to the time of the proclamation to prove loyalty. Though the proclamation came too late to do the disloyal any good for the purpose of obtaining judgment until Congress should remove the bar, they yet had the constitutional right of petition to Congress for relief. That right was as perfect July 4, 1868, as it is now. It can not be taken away even by the legislative body. Still less can this court, or any other court, take away a right of this character because of the fundamental law.

In Ohio Life Insurance Co. v. De Bolt (16 How., 416) the Supreme Court said that "no one legislature can by their own act disarm their successors of any of the powers or rights of sovereignty confided by the people to the legislative body unless they are authorized to do so by the Constitution." Congress may refuse to send cases to this court for investigation, but can not refuse to receive petitions for relief. But Congress have not repealed the act which authorizes the present investigation, whether the demand be for a claim against the United States for or something else less than a claim.

The authority to investigate and report claims by section 14 of the Tucker Act without reference to any statute of limitation was the result of the decision of the Supreme Court in the case of Ford v. United States (19 C. Cls. R., 519; 116 U. S., 213). When that decision was rendered under the Bowman Act the fourteenth section had no existence. It came into life the next year after the decision in Ford's case was finally made. All that Ford's case did decide was that in 1886 the claim was not within the jurisdiction of this court under the law as it then stood; that is, that it was not within the jurisdiction because of the bar arising from the statute of limitation of six years prescribed by section 1069 of the Revised Statutes. The Supreme Court merely said that it was unreasonable "to suppose that Congress intended to invest one of its branches with authority to suspend a general statute of limitation; that every claim cognizable by the Court of Claims must be determined with reference to the limitation prescribed for claims of the class to which it belongs, unless Congress by statute otherwise

directs." Then the court added that reference (under the law as it then stood) would not itself entitle the claimant to a judgment because of the limitation, and that—

"It is undoubtedly within the power of Congress to place claims referred to the court by the Senate or by the House of Representatives on a better footing than other claims by providing that they may be determined upon their merits without reference to lapse of time or any previous bar by limitation."

Nobody ever claimed that this court could render a judgment by virtue of a Tucker Act reference unless the claim had become the subject of suit within the six years' bar prescribed by the other sections of the act of March 3, 1887. But section 14 of this Tucker Act referring a bill requires the court to investigate and report ultimate facts to Congress in all cases, notwithstanding the bar of the period of limitation.

The only lawful course for the court to take by express command of the law is to make investigation, where the claim can be liquidated, to include any fact bearing upon the question whether the bar of any statute of limitation should be removed. The section providing the jurisdiction interprets itself and can not be destroyed by construction. The fact that the majority have undertaken to support their denial of jurisdiction to investigate and make a report to Congress by a Supreme Court decision wholly without application demonstrates the weakness rather than the strength of the position taken in refusing to examine the merits and report the same to Congress. The interpretation given by them only confuses a practice perfectly plain until this cotton claim came along—a practice which the court, as now constituted, aided to establish as final and entirely uniform until now sought to be changed.

The opinion of the majority undertakes to harmonize the purpose and scope of the Tucker Act by the recent amendment to section 14 which requires the court to make an investigation and report to Congress "together with such conclusions as shall be sufficient to inform Congress of the nature and character of the demand, either as a claim, legal or equitable, or as a gratuity, against the United States." If the claim at bar is a gratuity, the jurisdiction is apparent. If it is a claim of a legal or equitable character, the jurisdiction is also clear. If the United States yet have the proceeds of this owner's cotton, the conclusion must be by the court as a matter of law or of fact or as a mixed question of law and fact is erroneous, because the statute of limitations has not extinguished the right. If the United States hold the proceeds and to that extent have received a benefit, restitution of the proceeds rests with the Government because of the advantage it did receive and which was never designed to be taken permanently from any owner, except as that owner was shown to be a hostile government. Under the amendment relied on the court is constantly stating to Congress that where a private owner's property has been taken a claim now for its value is equitable because of the benefit originally received by the United States. The "harmony" is too inharmonious to be consistent or to be made to rest upon sound reasons.

Summarizing the objections taken to entertaining jurisdiction, it would appear that the refusal to do so has this effect:

(1) It abridges, as far as this court can abridge, the citizen's constitutional right of petition, because there is practically no other method provided for the investigation of claims barred by limitation except under the fourteenth section of the Tucker Act.

(2) It discriminates against claims (where the United States have received a benefit) in favor of gifts, grants, and bounties.

(3) So much does the refusal discriminate in favor of the investigation of bills providing for donations only, the majority omitted to notice that at the last term the court rendered a unanimous opinion in the case of Atlantic Works (46 C. Cls. R., 60), where it appeared that though it was admitted by the Atlantic Works that the matter before the court was an application for a donation, yet the court decided that jurisdiction must be taken if the resolution transmitting the bill was proper. That case is yet before the court to be investigated with the right stated by the court in its opinion to disclose by findings whether the bill had brought to the court an application for a "donation" or for a "claim" against the United States.

(4) It reverses the Chinese case (42 C. Cls. R., 21) and numerous cases since then, thereby breaking down the principle of stare decisis.

(5) It misconstrues Vincent's case (39 C. Cls. R., 456), because in that case it appeared that a claimant had once had his day in court on an alleged claim under an act then being administered, and where the case had been dismissed because jurisdiction under the act was clearly wanting because of the hostility of an Indian tribe; and also because this court said that jurisdiction would attach had the resolution covered the reference of a bill providing for a gift.

(6) It reverses the action taken in Vincent's case by almost immediately investigating and reporting under the Tucker Act dismissed Indian depredation claims to Congress (in this writer's absence) as "claims."

If anything had been said in argument or intimated from any source that the court should take jurisdiction regardless of the law, I could understand why the case of a negro soldier begging for reinstatement in the Army after his alleged misconduct at Brownsville should be mentioned as authority to prove that jurisdiction is not a matter of sympathy or favor, as was said by the Supreme Court in Reid's case (211 U. S., 539). Later, the occasion may be taken by me to say something further about courts sometimes taking jurisdiction when they should not, but for the present the subject need be no further discussed.

MILL EMPLOYEES AT LAWRENCE, MASS. (S. DOC NO. 890).

Mr. SMOOT rose.

Mr. POINDEXTER. I renew the motion which I made to print the report of the Secretary of Commerce and Labor on the Lawrence strike.

Mr. SMOOT. I was just going to call the attention of the Senate to that matter at this particular time. As promised the other day, I have secured an estimate of the cost of printing the usual number of the document. If the document is printed with all of the tables, it will cost $3,229.14. If the report only is printed with the tables eliminated, it will cost $1,084.14.

Mr. BACON. Mr. President, we would like to hear what the Senator is saying.

The PRESIDENT pro tempore. The Chair appeals to Senators to observe order and refrain from audible conversation. The Senator from Washington renews the motion to have the report of the Commissioner of Labor on the Lawrence strike printed. The Senator from Utah is addressing himself to that motion.

Mr. SMOOT. I was saying that if the report is printed in full, including all the tables, the cost of printing the usual number would be $3,229.14. If the report is printed with the tables eliminated, it will cost $1,084.14.

Mr. President, if it is to be printed, if the Senate so desires, and I think it ought to be printed, I believe that the entire report, with the tables and all, should be printed, and under the cost of $3,229.14 there would be printed 2,127 copies. However, the Senator from Washington did not state whether he wants to have the number divided between the Senate and the House. Does the Senator desire to have it printed for the document room or only for the use of the Senate?

Mr. POINDEXTER. I think a sufficient number of copies ought to be printed to supply both the House and the Senate. This is a matter which is of importance and interest, relating to one of the pending tariff bills, and I suppose there will be some demand for copies in the country.

Mr. SMOOT. I would suggest to the Senator that the order be made to print it for the use of the document room of the Senate. Then, if the House desire any additional copies, they can take whatever action they wish in the matter.

Mr. POINDEXTER. That it be printed for the use of the Senate document room?

Mr. SMOOT. Yes. Then it becomes a public document, and the House can take whatever action they desire in the matter.

Mr. POINDEXTER. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington.

There being no objection, the order was agreed to and reduced to writing, as follows:

Ordered, That the letter of the Secretary of Commerce and Labor, transmitting, in answer to the resolution of the Senate of May 7, 1912, a report of the investigation by the Bureau of Labor of the condition of the mill workers in Lawrence, Mass., as bearing upon the strike of the textile workers in that city, be printed as a document.

SENATOR FROM ILLINOIS.

The PRESIDENT pro tempore. The morning business is closed. The unanimous-consent agreement will be read to the Senate.

The Secretary read as follows:

It is agreed by unanimous consent that on Saturday, July 6, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of S. Res. No. 315, declaring that corrupt practices were employed in the election of WILLIAM LORIMER as a Senator from Illinois, and that his election was invalid, and that before adjournment on that legislative day a vote be taken upon said resolution and all amendments to and substitutes therefor.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912.

Mr. DILLINGHAM addressed the Senate (see Senate proceedings of July 9). After having spoken for more than an hour and a half, he said:

I am coming to the question of Mr. Stringer's attitude before that legislature. It is a very interesting question, too. I wish there were more Senators present this afternoon to listen to it, because it throws a flood of light on the situation when Mr. LORIMER became a candidate.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Senator from Washington suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	Heyburn	Root
Bacon	Clarke, Ark.	Johnston, Ala.	Sanders
Bailey	Crane	Jones	Simmons
Borah	Crawford	Kenyon	Smith, Ariz.
Bourne	Cullom	Lorimer	Smith, Mich.
Bradley	Cummins	McCumber	Smith, S. C.
Brandegee	Curtis	Martine, N. J.	Smoot
Bristow	Dillingham	Myers	Swanson
Brown	Fall	Nelson	Thornton
Bryan	Fletcher	Newlands	Townsend
Burnham	Gallinger	Overman	Warren
Burton	Gardner	Page	Wetmore
Catron	Gronna	Perkins	Williams
Chamberlain	Guggenheim	Pomerene	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER].

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present. The Senator from Vermont will proceed.

Mr. DILLINGHAM resumed his speech (see Senate proceedings of July 9). After having spoken in all 2 hours and 40 minutes, he said:

I intended at this time, Mr. President, to take up, in connection with the subject to which I have just referred, the case of Mr. Beckemeyer and two or three other other parties, whose votes are in question in this case, and examine them in the light of the facts which I have already given; but I have now spoken almost three hours, and I understand the Senator from North Dakota [Mr. MCCUMBER] desires to speak on the same question, and that he has an address which perhaps will occupy the remainder of the afternoon. So, if the Senate will permit me, I will be glad to resume my remarks on Monday next and yield now to the Senator from North Dakota, unless there is objection. I will say also, Mr. President, that on Monday I will continue my remarks not only in relation to these parties, but also in reference to what seem to me to be other interesting features of this question.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. MCCUMBER. Mr. President, not of my own volition do I break in on the lucid argument that is being made by the Senator from Vermont [Mr. DILLINGHAM], but the day is warm, and he informed me a short while ago that he would not desire to speak longer this afternoon, but would be pleased if I would take up the rest of the day in a discussion of this subject.

Mr. President, there is no important question that can be considered which does not develop during its discussion some subsidiary question which may become far more important than the principal question. In this case the right of Mr. LORIMER to a seat in the Senate is a most important question, but the question of the right of the Senate to try and retry again and again the right of a Senator to a seat upon substantially the same evidence until by a change in the personnel of the Senate that body may be able to evict him is a far more important question to the country at large than is the right of a single individual Senator to a seat in the Senate. The question whether future contested-election cases in the United States Senate shall be tried upon questions of law and fact and in accordance with well-established legal principles common to the Empire of Great Britain and the United States is more important than the mere question of the right of any single individual to a seat in the United States Senate.

Mr. President, the question whether or not these cases are to be tried upon the evidence and in accordance with the law of the case rather than merely conforming to a public sentiment upon a question wherein the public may have erroneous opinions is far more important than the right of any Senator to a seat in this body.

One of the subsidiary questions in the discussion of this case, which, to my mind, has now become a principal question, is whether or not the Constitution of the United States ought to be so amended that the right of a Member to a seat either in the Senate of the United States or in the House of Representatives should be tried by a tribunal made up of other than Members of the respective bodies themselves.

So, Mr. President, before the Senate proceeds to do what to some seems to be a most joyful act—the execution of one of its own Members—I think it proper to enter upon the permanent records of the Senate, very briefly, my reasons for refusing to be a party to this political murder.

Mr. President, the prosecution of Mr. LORIMER was initiated by the greatest blackmailer and criminal yet unhung, Charles A. White. That prosecution has been continued with a spirit of malice unequaled in American journalism, and the culminating act of this tragedy will, in my judgment, be the most tyrannical that ever was inspired by self-aggrandizement or induced by political fear.

I am slow, Mr. President, to change the Constitution of our country. I am still a believer in both the Constitution and our republican form of government. I believe to-day, when public sentiment is more than ever a creature of the great press and when the creation of a biased and morbid ill sentiment seems to be most profitable to that press, that we need the anchor of our old Constitution to keep our ship of state from drifting into the maelstrom of anarchy.

I am not, however, a standpatter for the Constitution whenever standpattism would interpose itself against rational progress. I know that all progress means change, but I also know that all change does not mean progress. I would change the Constitution whenever the changing conditions of the country indicate the wisdom of such an act. I would change it to correct wrongs, but never to create them or invite them. I honor and respect the Constitution, but do not give it a fetish adoration or worship. Experience has shown that some of its provisions should be changed, and the very first change that ought to be made in that venerable instrument is one which should deprive the Senate and the House of the right to determine their own membership, and that should place that question where it properly belongs, with the courts of the country which try cases on law and fact and in conformity with both law and fact.

Whatever may have been our qualifications to sit as jurors in this case when it was first brought before us, I have no hesitancy in declaring that the Senate is to-day so influenced by partisan and factional prejudice and so hampered by political self-interest as to render its Members, as a body, biased and improper jurors.

Suppose, Mr. President, this case were being tried by a court, and the membership of this body constituted the jury panel, and that the court had listened to some of the speeches that had been made in this case by members of that panel, would the court not be compelled to sustain a challenge for bias against the speech makers? Is not justice thwarted when either prosecuting attorneys or defendant's attorneys sit as jurors to pass judgment upon their own pleas; and is not the very temple of justice desecrated and made a shamble when the life or the honor of a man is to be tried by his prosecutors or defenders; and when, if acquitted, he may be brought up and retried again and again, until by a change in the personnel of the jury there shall be more prosecutors than defenders and his destruction thereby assured?

Mr. President, I have served in the Senate 13 years. During that time there has been one impeachment trial and several contests for seats in this body. These cases have demonstrated to me the impropriety of the Senate sitting in judgment on the right of a claimant to a seat. It has demonstrated to me that a body whose membership is necessarily partisan or factional, and from whose decision there is no appeal, ought never to have been given the right to exercise such extraordinary authority.

My experience has further demonstrated that any man whose position here depends upon his conforming his vote to a popular belief or demand created by the press, without any study of the facts, a popular belief which holds one guilty because he is charged with guilt, is not a fair and unprejudiced juror and ought for that reason not only to be excused, but to be forbidden to act in the matter.

I say this without criticism. But, Mr. President, I find just about as much of the human in this Senate Chamber as I find out of it. If to-day any court in the country were trying this Lorimer case with its knowledge of the position which every Senator occupies with relation to his own constituency, with its knowledge that practically the whole country believes Mr. LORIMER guilty, not through any investigation of the testimony, but because for years the whole teaching of the press has been that official life is corrupt, with its knowledge that by casting a vote out of harmony with this general belief, the Senator's own honesty and integrity would be questioned, while a vote in harmony with this belief would add to his popularity—with this knowledge, I repeat, the court would of its own motion refuse to allow any Senator to sit on a jury in the trial of that case. If not implied prejudice at least a suspected influence of fear on the part of the Senator would justify the ruling.

But, outside of this Lorimer case, have I any authority to justify my conclusion as to our being governed by partisan or factional prejudice? Mr. President, we have been so governed in the trial of past cases and we will be so governed in the trial of this Lorimer case.

Mr. President, but a few years ago a Republican judge was tried before the Senate on impeachment charges brought by the House of Representatives. With the exception of two Republican Members of this body, every vote, as I now remember, on over a dozen charges, was a partisan vote. Every Democrat voted guilty and every Republican, but the two mentioned, voted not guilty. There is no use of our saying that these votes were not influenced by party prejudice, party affiliations, or party bias. No sensible person would believe us if we should so state and we would not believe ourselves.

If we needed any further argument to demonstrate the worse than impropriety of the Senate passing on the right of another Senator to remain a Member of this body, the conduct of the Senate in the trial of the Lorimer case would be most conclusive.

In providing that the two Houses should be judge of the right to seats of their own Members, the Constitution contemplated the calm deliberation of men acting in a judicial capacity and not a political prosecution. How far we have strayed from that purpose we all well know. The famished pack in the wake of the fleeing deer could not be more persistent and, I might almost say, more bloodthirsty than has been this prosecution. To my mind it has not been a trial; it has been a persecution in which the desire for popular approval or fear of popular condemnation in many instances has marred our vision and dulled our sense of exact justice.

I have an abiding conviction, a conviction that has grown and strengthened during the time this case has been before the Senate, and I would feel myself lacking in sincerity and candor if I did not so declare, that the desire to win public approval and the ambition to hold official positions dependent upon that approval is the great, powerful, moving influence that guides the thought continuously toward the political guillotine for Senator LORIMER. The public, without evidence, have convicted, hence the judgment of the Senate must carry out that public sentence. I do not charge a desire to punish, but rather a desire to retain or secure a standing which necessitates a victim for punishment.

As I have read the press of the country, as I have listened to the debates in the Senate, the scene of Parrhasius and the captive comes to my mind—where the great painter binds the captive, an old man, to the torture rack, not through malice, not through fiendishness, but that he might sketch the death agony upon the brow, the last quiver of the dying lips, and thereby achieve an undying fame. He heard not the groans of the victim but only the plaudits of the millions yet to be.

In these addresses we hear again the soliloquy of Parrhasius as with keen, artistic eye he studies each convulsive feature as the poisoned links sink deeper into the quivering flesh:

> Pity thee, so I do;
> I pity the dumb beast at the altar;
> But does the robed priest for his pity falter?
> I'd rack thee though I knew
> A thousand lives were perishing in thine,
> What were ten thousand to a fame like mine?

To prevent a vote being had when it was certain that such a vote would result in acquittal, we have seen Senators stand on the floor and talk away the livelong night. We have heard speeches full of invection and every expression emphasized in a voice of passion. And while the perspiration streamed down the cheek, while the hot blood purpled the temples' veins, while the eyes flashed the fire of an inveterate animosity, we have heard Senators, with a voice like the voice in prayer, solemnly declare that this, the Senate of the United States, is the greatest deliberative body in the world. Mr. President, as I have heard this oft-repeated declaration, after one of these exhibitions of factional frenzy, I have been compelled to look into the face of the speaker to ascertain whether back of the outward expression there was not the inward reflection of a grim and ghastly humor.

Let us view this case in the light of public sentiment. The great mass of the people of the country believe Mr. LORIMER is guilty of procuring his election as Senator by the use of money in bribing members of the legislature. They believe it because their minds have so long been poisoned with the idea of corruption in political life that a charge requires no proof to satisfy them of its truth. A great number of them, who do not know each Senator personally, will, if he votes in Mr. LORIMER'S favor, believe that his vote was so cast because he does not condemn bribery, and that a Senator who votes to convict does so because he does condemn such methods.

The Senator who believes that Mr. LORIMER is not guilty and so votes, by that very act votes a punishment upon himself. He knows that in performing his duty in accordance with the dictates of conscience and demands of honor he will be assaulted by those who condemn without evidence, or who would use any weapon for a political advantage; and it requires some courage to follow his honest convictions. The Senator who votes against Mr. LORIMER knows that he is making himself more popular by so doing; and this requires, at least, no courage.

Mr. President, I have an abiding belief that if this case were tried by a court or a jury, no jury on the face of the earth would, upon the evidence submitted, ever find Mr. LORIMER guilty of the charges. I go further and say that if this case were tried upon the law and this evidence, by a judge unbiased and unafraid, he would dismiss the action for insufficient evidence to go to a jury. He would first declare the law to be that if Mr. LORIMER had cast for him 102 honest votes—untainted votes—his election is valid, unless he was a party to or had knowledge of bribery or attempted bribery in his behalf. He would then hold that there was no sufficient evidence of participation in or knowledge of bribery or attempted bribery to justify the submission of that question to a jury.

I have a great deal of faith in the American jury system. Upon rumor and without evidence, people will generally believe anyone charged with a crime to be guilty, and this is especially true if the one charged is holding an official position.

But place the case once fairly before them, let them understand it, let them hear the evidence, and their verdict will generally ring true. We have had a demonstration of this in the jury trials had in connection with this very case and with the elections of those charged with having received bribes for voting for Mr. LORIMER. The public, who do not know the facts but only the charges made by a man like Charles A. White, may believe that they are true; but when you call in this same public, make them jurors, where they can look into the faces of the witnesses and hear their testimony, where they are more or less acquainted with the character and reputation of the witnesses, they quickly estimate the amount of credence that should be given to the testimony of a self-confessed blackmailer. They quickly arrive at the truth.

This blackmailer charged Leo O'Neil Browne with having bribed him to vote for LORIMER. He was tried for that offense. He was tried by this same public before a court where both sides could be heard and by a jury instructed by the court to try the case on the evidence and not on newspaper charges, and the jury said, "Not guilty." He charged others with the same offense. Others so charged were acquitted. Still others submitted the truth of those charges to the same public when they again became candidates for their old positions, and the public again said, "Not guilty." And so in every case where the public have tried the very charges which the Senate is trying for the second time, they have said that Charles A. White is a blackmailer, a liar, the blackest of criminals; and upon investigation have said that there is no evidence to corroborate his statements.

In the one case we have the verdict of the people when they have not heard the evidence, and that verdict is "guilty." In the second case we have the verdict of the same people when they have heard the evidence, and their verdict is "not guilty."

I have little hesitancy in saying that if all the American people could read the testimony, could hear the arguments, could see the witnesses, the vote of the very people who are now condemning Mr. LORIMER would be almost unanimous in his favor.

The sentiment, however, the belief, is prevalent that Mr. LORIMER is guilty of acts of bribery. The evidence to my mind is that he is not guilty. And while I fully appreciate that no man can stand by his convictions in this case, if those convictions are favorable to Mr. LORIMER, without injuring himself, and while I know that already a vote for Mr. LORIMER has possibly defeated the return of Senators to this Chamber, and while it may affect me as it has affected others, I can only say that whether it injures or not the print of my footsteps toward political success shall never bear the stain of the blood of an innocent man.

Upon both the law and the facts Mr. LORIMER should be acquitted of this charge. He should be acquitted—

First, because, after a long and tedious trial he has been acquitted by the Senate of the United States; and so strong is the sentiment of the world against persecution that even in our Constitution and in the constitution of every State in the Union we declare that no man shall be twice tried for the same offense. This continued persecution to my mind is abhorrent, subversive of every principle of human justice, and destructive of human rights.

That the vote of the Senate in 1910, seating Mr. LORIMER, was the judgment of a body acting in its judicial capacity, and as such, entitled to all the consideration of a final judgment at law, can not be successfully questioned.

The rule was clearly enunciated by Senator Carpenter in the Ransom *v.* Abbott contest in the following words:

> The duty cast upon the Senate by this provision of the Constitution is judicial in character. We may not inquire or consider what party interests demand; whether it would appear impartial to decide against a political friend or whether a decision in his favor would be condemned in political circles. The question to be determined is one of strict right, depending upon legal principles, as settled by former decisions, parliamentary and judicial; and we have no more right than a judge upon the bench to turn away from the law to consider the political or partisan interest involved in the case or to be affected by the decision.

The vote heretofore had on this case, as well as the one which will probably be given to-day, shows how far we have wandered from the principle just enunciated, that the question is to be determined on strict legal principles, and that we have no more right than a judge upon the bench to turn away from the law to consider the political or partisan interests involved, and, I might add, the view of the public, not supported by the evidence.

As a judgment of this tribunal, acting in a judicial capacity, the vote to establish the right of Senator LORIMER to a seat in this body on the 11th day of March, 1911, is a final judgment, and we have neither the legal nor the moral right to unsettle that judgment. The rule of res adjudicata is just as applicable to that judgment as to the judgment of any other judicial tribunal.

I go even further, I think, than a majority of the committee in my conviction that a prosecution involving the question of

the commission of an indictable offense ought on every principle of justice to be tried the same as a criminal prosecution, and that a defendant having once been acquitted should thereafter be forever protected against a second prosecution for the same offense.

But, even assuming that we should not adopt this latter view, and should consider the case as one in which a new trial might be had and the case reopened on the grounds of newly discovered evidence, still by every principle of law and equity we would be estopped from opening up this judgment, first, because the evidence, even if it had been admitted to be true, would be merely cumulative; second, because this cumulative evidence or claim of evidence has been disproved by overwhelming and conclusive testimony.

The newly discovered evidence must be of such character and strength that it is reasonably certain that it would have produced an opposite result if produced at the trial; it must be incontrovertible and conclusive; it must not be merely cumulative or corroborative. No such evidence has been offered as a basis for a new trial.

Second, he should be acquitted, because even though some of his ardent friends—false friends—may have used money to influence some of the criminally inclined in the Legislature of the State of Illinois to vote for him—and I do not admit nor believe a single vote was so influenced—if the number of votes vitiated by bribery, when deducted, still left a majority of honest votes in his favor, and if, also, he was not a party to such acts and had no knowledge of them, and the evidence is conclusive that he was not a party to and had no knowledge or information of such acts. The acts of one or two or three criminally inclined men can not and should not overturn and destroy the calm registered conviction of the honest majority of those voting.

The number of votes cast on the day on which Mr. LORIMER was elected was 202; 102 votes were a majority; Mr. LORIMER received 108. I do not believe that a single one of these 108 were influenced to vote for LORIMER by the use of money; but if, drawing upon our imagination rather than upon the evidence, we conclude that some two or three were so influenced, you would still have 105 untainted votes. And if he received 102 votes uninfluenced by any impure motive and he himself was ignorant of and not a party to any wrong committed by anyone acting in his behalf, then he has been honestly elected, and should retain his seat.

I am not going into the evidence to any extent. It has already been considered for days and weeks and months. I can only give my conclusion when I say that it is my honest and earnest conviction that Mr. LORIMER received more than 102 votes of honest men, honest votes, and neither I nor the Senate has therefore the moral right, though we may have the power, to deprive those 102 or more men of their legislative rights under the constitution of their State.

I shall, however, consider one phase of the testimony, enough to show the unclean hands of those that seek the destruction of Mr. LORIMER.

Charles A. White comes before this Senate and says in effect: "I am the worst character of criminal. I am not even a repentant criminal. For money I would do worse than murder. I would destroy forever the good name of a man, which is dearer than life. I sought to blackmail Mr. LORIMER. I wrote an article charging him with a crime. I was induced to write this article for no other purpose than that of extortion. I offered to suppress that article upon the payment of $75,000. He indignantly spurned my offer. But I was bound to have the money from some source, and so I found a great daily in the city of Chicago that was willing to publish my article and pay me $3,500 if I should agree to bolster it up. And so I sold my soul to hell for that $3,500. I have no regret, no shame, for what I have done. My only regret is that I secured such a small sum for so great a crime."

This man is the instigator of the charge. That he has not been killed is some proof of the patient endurance of the man he sought for cash to destroy.

Again, the evidence shows that there was what was called a jackpot in that legislature, from which funds were distributed to influence legislators on any subject. It is apparent from all the testimony that there were many legislative schemes in which funds were being used. I am morally certain from reading all the evidence that at least some, if not all, of those persons who received money—and I have no doubt but that some of them received money—received such money for votes upon other questions than the election of a Senator.

I am satisfied in my mind that this is true with reference to the bribery of Michael Link, Beckemeyer, and others. I believe Mr. Link received a thousand dollars and $900. He was caught with the goods, and he knew he was caught. He was arrested. He was put through the third degree. And right in connection with this third-degree inquisition I pause to call attention to one of the greatest crimes in our American court system—a crime that has grown up in our cities and often winked at by courts. The process by which evidence is sought in these cases is generally far more reprehensible than the crime sought to be uncovered. It is found from the testimony of Mr. Link that he did receive this money; that he did get it improperly; but that he did not get it for voting for Mr. LORIMER. He had to explain where he got it. He could be prosecuted. He was indicted for perjury, not bribery, and was then told by the prosecuting officers, through days of inquisition and torture, that if he would just say he got the thousand dollars for voting for Mr. LORIMER the case would be dismissed. He denied again and again that he got the money for voting for Mr. LORIMER. It nowhere appears that there was any attempt in all of that third-degree work to ascertain for what purpose he did get it. There were just two pictures presented to him—on the one side, penitentiary, disgrace, separation from family; on the other side, freedom. But freedom must be purchased by implicating LORIMER. He was weak. All criminals are weak; all bribe takers are weak. Were it not for their weaknesses they would not be criminals and bribe takers. And to save himself from the penitentiary he said, "I got it for voting for LORIMER."

Mr. DILLINGHAM. Mr. Link denied it.

Mr. McCUMBER. I am going to modify it. I say he denies it. The action was dismissed and he was a free man. He appeared before this investigating committee. He admitted again that he got the thousand dollars, but again denied that he got it for voting for LORIMER, and he even denied that he told those officers who were putting him through the inquisition that he so received it. He did not tell for what purpose he got it.

In my opinion Mr. Link never got a dollar for voting for LORIMER. His evidence is not only not in support of bribery, but that evidence and all the facts surrounding it establish to my mind that he obtained that thousand dollars from some other source and probably for a vote on some other question. He obtained it in a criminal way, but there is no evidence that a Lorimer fund furnished it.

One thing is clearly established; that is, that a fund called a jack pot had for some years been used in the Illinois Legislature. I do not know which would be the more appropriate name for it, "corruption fund" or "fund to satisfy blackmailers." One of the oldest and probably most vicious means of filching corporations by corrupt men who work themselves into legislatures, deceiving their constituents by their cries of fraud and the rights of the people, is the practice of introducing drastic bills which would work disaster to the business of such corporations and then desisting for a valuable consideration. The legislative journals of many States will show vast numbers of bills having no further purpose.

To meet the requirements of these cases and to silence these blackmailers, corporations whose interests are most liable to be assaulted have been in the habit of raising a defense fund used to answer holdup demands.

In the hearings in this very case this practice is described by Gov. Deneen, and he mentions the companies most liable to be held up and who are called upon to answer in hush money, as gas companies, electric light companies, liquor interests, stockyard companies, elevator companies, railroad companies, street car companies, and Pullman companies.

This practice became so brazen that it was necessary for these interests to meet and band themselves together to resist the holdup. This holdup system was in full sway and power during the session of the Legislature of Illinois of the year 1909.

This, in my opinion, was the fund out of which Link, Beckemeyer, and others received their donations. It is inconceivable to me that men should be bribed to cast votes for a candidate whom they had promised long before to vote for without any inducement. Bribes are used to secure hostile votes, not friendly ones. Out of this jack pot these criminals in the legislature received money; and to save themselves from the penitentiary, under a promise to dismiss indictments, these men were forced to say it was Lorimer money.

And in the face of the fact that after a thorough examination of every company in which Mr. LORIMER had an interest—the report of the committee shows that there was no Lorimer fund—we are asked, as Senators, to ignore the overwhelming testimony in Mr. LORIMER's favor and become a party to this persecution.

If any credence can be given to any testimony, it is quite certain that Mr. Link promised to vote for Mr. LORIMER some time in March, provided a Democrat could not be elected.

Mr. DILLINGHAM. I think the Senator is laboring under a misapprehension. Neither one of those men ever admitted it.

Mr. McCUMBER. Holstlaw, I think, admitted it.

Mr. DILLINGHAM. That is a different case. He was not before the grand jury.

Mr. McCUMBER. The promise was made directly to Mr. LORIMER in the presence of two of Link's neighbors and acquaintances.

If one will read the testimony from page 290 to page 311 he will get something of an understanding of the inquisitory methods adopted in this case for the purpose of securing a so-called confession. This evidence clearly shows that there was an organized conspiracy not to get at the truth of bribery but to force witnesses, in order to save themselves, to declare that money obtained by them was for voting for LORIMER.

In the first instance, Mr. Link was subpœnaed as a witness only, and yet for a week or so one of a force of detectives, having in view but one object, namely, to incriminate LORIMER, practically kept Mr. Link a prisoner, the detective even going to his home and staying four days with him there. One after another of the detective force and prosecuting attorney's force would proceed to weaken him by threats and promises into saying that he got the money for voting for LORIMER.

We first find Mr. Wayman, assistant prosecutor, attempting to get not a confession but a declaration that the money received by Link was for voting for Mr. LORIMER.

Mr. President, I have reduced this testimony to a narrative form for the sake of brevity, as we do when we take appeals from an inferior to a higher court, to reduce the cost of the transcript as much as possible, and to present only the salient parts of the testimony. Reducing this to a narrative form we have the following. Mr. Link said:

> According to my recollection I told him [Wayman] that I voted for Senator LORIMER, and had no excuses to make for it. I denied absolutely that I had been paid for it. I told this to the whole grand jury.

Mr. President, I ask the indulgence of the Senate to go briefly through this testimony, and I know that every Senator must be convinced that so far, at least, as the testimony of Link is concerned it shows a conspiracy not to get at the truth, but to implicate Mr. LORIMER by keeping out that portion of the truth which would free him from suspicion.

> I denied receiving any money for voting for Senator LORIMER. I then left the grand jury room. That was the 5th or 7th of May. I was then put into the custody of an officer. I was not indicted at that time and no complaint of charges was made against me. Mr. O'Keefe was with me most of the time. He was a detective appointed to the State attorney's office. He took charge of me. The first night I went to dinner with him. I remained in his custody and he kept his eye on me like I was a criminal. Another officer was Oake. He would not allow me to telephone to friends and was keeping his eye on me.

Remember this man was not arrested. He had had nothing but a subpœna to appear as a witness and state the truth, and he was kept a prisoner that he might not disclose the whole truth.

> I was not allowed to discuss any matters at all. Other officers were armed and took out their revolvers and laid them on the table so I could see them. I was continually in charge of some officer of the States attorney's office.
>
> I got a subpœna served on me to go to Springfield on my return home Saturday evening. I went to Springfield to answer this subpœna and a detective went home with me from Springfield and stayed with me. This officer went to my house, went home with me and stayed with me, was with me wherever I went. He was with me four days at my home until I insisted upon having him called off. There was no warrant for my arrest at that time, just a subpœna. The officer claimed that it was for my own protection that he was staying with me. I told him positively that I needed no protection, that I could protect myself. He was under orders from a gentleman in Chicago. He gave my wife a present while he was there, a present for his board.
>
> I told Wayman, "If you have a warrant, arrest me; if I am guilty, arrest me; but no more detectives. I shall not submit to detectives any longer."
>
> When I was in a room in a hotel in Chicago a young lawyer came in and asked O'Keefe why he was holding me in custody. The detective threatened that if this lawyer would not get out he would arrest him and take him before the grand jury, something like that. He gave him to understand that he would have to keep away.

This lawyer had perhaps been sent by some friend to learn why this man who was not charged with any offense at that time was being treated as a criminal and held under arrest. It is evident that they did not wish Mr. Link to get away and tell all the truth. They wished to get a portion of the truth, a half truth, just enough truth to make a foundation for a false implication, which is equivalent to a whole lie.

> After I swore to the grand jury that I had never got any money from Browne or anybody else, I was indicted for perjury by the same grand jury.

Remember, it was not for bribery but for perjury, and I will show you why, and you will understand why, as you read the testimony further:

> Q. Was it for perjury for not telling them you had received money for voting for LORIMER?—A. That I had not met Robert Wilson—no money consideration in it at all, but that I had not met Robert Wilson.
>
> After I was indicted I was taken to the State's attorney's office and talked with about my testimony. They kept flaunting the indictment for perjury, putting it in front of my face, showing it to me and speaking to me.
>
> Q. Who did that?—A. The assistant State's attorney and the State's attorney himself.
>
> Mr. Wayman would show it to me and talk to me about losing my home. He told me that if I would go before the grand jury and state that I had received some money from Browne and Robert Wilson that I would be cleared and go home a free man.

Not that he would tell the truth as to how he got it or for what consideration, but that he should admit that he got it from those two men, and by stopping there, the prosecution through the testimony of White, the blackmailer, could then connect these two men with LORIMER:

> I told him that I had told all I knew, and he denied that I had. We kept up the conversation and he said he was a farmer himself in the early days, South. He says: "You come up here and let these Chicago lawyers get hold of you and they will take your farm away from you."

Was he really interested in the man's farm or was he interested in seeing that no attorney should get hold of him and get the full truth out of him?

> That was the line of talk. He told me to rest over night—that was Friday evening—and to come in by 10 o'clock on Saturday morning and make a confession and he would have the perjury charge expunged from the record, and I would go home a free man. That was the sum and substance of the conversation. Had more than an hour's talk at that time. Then I was put in custody again. O'Keefe took me back to Morrison Hotel and stayed with me, stayed all the time. He took out his revolver and put it on the table in my presence. He talked with me about what the State's attorney talked to me about—

Now, mark this:

> He talked with me about what the States's attorney talked to me about—about my going back and telling what the State's attorney wanted me to tell.

Not the truth, but what the State's attorney wanted him to tell, and as you go on further in the evidence you will find that the State's attorney wanted him to tell just so much and no more. He instructed him over and over again not to tell the truth, but only to tell a little of it. If he told only part, the prosecution could by the aid of a man, shown to be capable of committing any crime, connect up the line of testimony and make a prima facie case. If he told the whole truth, it destroyed their case and only implicated some one they were not after.

> He said: "Link, I would not stand by the other fellows; I would stand by Wayman; he is the man to stand by in this matter; make a confession. I don't like to see you get into trouble, and you are going to get into trouble." That was the principal substance of the conversation. He took me to the State's attorney's office the next morning. McGuire, of the McGuire & White Detective Agency, talked with me. He was present nearly every time I met Wayman. McGuire tried to put words into my mouth several times.

Yes, not come and tell the whole truth, but say certain things, and lest he might not say just what he was wanted to say the words are suggested to him, or, as he says, attempted to be put into his mouth.

> He said I should not be friendly to the Browne side and the LORIMER side, etc., it doesn't look well; that don't look well. I told him it was none of his business. I think one of the assistant State's attorneys told me that I had better tell what I knew, or would go to the penitentiary. I do not know whether McGuire said that to me or not, but his conversation ran on that line.
>
> The assistant State's attorney, Mr. Arnold, came to me about 20 minutes before 5 o'clock in the evening and says, "Link, you have got just 20 minutes to save your life."

That is it. Your life or LORIMER's.

> I says, "What do you mean?" He says, "You have got just 20 minutes to go in and tell all you know to save your life." I says, "I have told all I know." He says, "All right, Link, it is your funeral; it is not mine." He goes into the grand jury room and an indictment was returned that evening.

He does not stop there.

> I was told that night that I had been indicted for perjury.

Not bribery.

> Mr. Wayman told me that. Mr. Wayman in talking to me laid more stress on the penitentiary than any of his assistants. He pictured it very strenuously—

Here is your third-degree work and its honesty—

> He pictured it very strenuously between the penitentiary and my home.

Appealing to the dearest sentiment in a man's breast.

> He said, "It will be much better for you to be here with your family than to go to the penitentiary and lose your home."

The family he left—the wife on one side, the penitentiary on the other side. Which would he take? He could purchase his freedom by one little sentence—"I got the money for my vote for LORIMER."

> He pictured what the penitentiary was, etc.—

Think of it—

> that I might lose my home and he put a great deal of stress upon the penitentiary and my home, I being a farmer and away from my home and my family.

Days and nights of torture, with the penitentiary and its iron bars, or the smile of the wife and children and happiness at home. This is the way evidence is sought to put a man out of the Senate of the United States.

Wayman pictured the penitentiary on one side and my home and my wife on the other; that I would lose my home, and that meant that I would lose my wife, too; that if I would go before the grand jury and tell what—

Tell what?—

tell what he wanted me to I could go home a free man and not a perjurer in any manner, shape, or form.

Not if he will tell the truth, not if he will make a clean breast of it, but if he will tell what Wayman wants him to tell, make a connecting link and stop there, without giving the entire truth.

That if I made acknowledgment that I had received $1,000 from Browne; that if I would say that I had received $1,000 from Browne for voting for WILLIAM LORIMER for United States Senator, I could go home—

Then he adds:

that was not true; no, sir.

Q. And that was what the State's attorney wanted you to tell the grand jury, was it not?—A. I presume just two answers, if I would answer when I went before the grand jury; that is all that Mr. Wayman asked me, was these two questions.

Q. Did Mr. Wayman tell you that you had been indicted and that he would take you before the criminal court for trial on that indictment if you didn't go before the grand jury and tell that body what Mr. Wayman wanted you to tell?

Not the truth.

A. Why, certainly; he said I would have to give a bond, and it was a $25,000 bond, and they made it $5,000, I think.

Q. Did Mr. Wayman tell you what he would do if you would go before the grand jury and tell them what he wanted you to tell them?

Not the truth, but what the prosecution wanted.

A. Nol-pros it and have it expunged from the record, so in future years it would not be on the record.

Q. Did you say to Mr. Wayman, "Well, I will go before the grand jury and lie if I have to; but I don't want to"? Did you say that or that in substance?—A. That in substance.

He would tell a lie to save his life and to remain with his family to escape the penitentiary.

I then told the grand jury that I had received $1,000 from Browne and I had received $900 from Robert Wilson; that is what I told the grand jury.

That was sufficient for their purpose, because White had made the other connecting link in his story. They wanted more. They wanted him to say "for voting for LORIMER," but were compelled to be satisfied with that. They had at least kept back the important truth as to the original source of this money payment.

Q. Did you tell the grand jury that you had received that money or any part of it for voting for Senator LORIMER for United States Senator?—A. Positively no.

Q. Just before you went before the grand jury that last time, did Mr. Wayman tell you that if you would go and tell the grand jury what he wanted you to you would keep out of trouble and keep from disgracing your family?—A. Yes, sir. Mr. Wayman took me before Judge McSurely and said: "Mr. Link has made a clean breast of the whole affair." I did not know what he called a "clean breast," but these were his words. I denied making a clean breast of anything except the truth

And you might add just to the extent he was allowed to tell the truth:

Then the indictment was quashed, and I was allowed to go home.

Now, let us follow this up:

The next week I was put in custody of another officer. A subpœna was served on me to go to Springfield. I was then put in the custody of another officer. I wrote to Wayman that I would not submit to it, and told him personally when I went to Chicago, "No more detectives for me," that I was not a criminal and would not stand for it, and told him to recall Mr. O'Keefe, which he did.

At Mr. Wayman's advice—

Here again I ask the attention of the Senate. This is a most important proposition—

At Mr. Wayman's advice I refused to answer questions at Springfield, and at his advice I refused to answer questions.

Why did Mr. Wayman wish him not to answer the questions? Can any Senator give an honest reason? You can nolle pros an indictment, no matter what the criminality may be, if you desire to use the party for a witness; but they did no want the whole answer brought out.

Mr. Wayman knew I had been summoned as a witness there. He told me not to answer, but to stand on the grounds that I might incriminate myself by answering any questions before the grand jury. I told him that I wanted to answer the question my way that were put to me there. He said: "Don't do it, Link, don't do it." He knew that I had been subpœnaed to testify before the grand jury on these matters.

Wayman in effect says to him: Do not go any further than to say you have got the money from these people. If I can not get you to say you got it for voting for Mr. LORIMER, I, at least, do not want you to say for what purpose it was paid you. I want enough to connect it with other testimony, and do not want anything that will destroy that chain of evidence.

Q. What did he tell you as to the subject matter? Did he tell you not to answer the questions of the State's attorney or the grand jury of Sangamon County?—A. The question all hinged upon one answer, "No" or "Yes," to one certain question, and that question was, "Did you receive or were you offered or do you know of anybody being offered any money in Springfield for voting on any question?" That was the question—

He could not get an opportunity to answer that on account of the interpositions, according to his testimony, of Mr. Wayman—

and when I finally got permission from Mr. Wayman, which I answered positively, right straight out, "No." I answered "No." That is all there was about that. He wouldn't let me answer the question at all.

These are other questions. You can give just as much credence to them as you desire. I have given just enough of this testimony to show the conspiracy, the purpose of the prosecution not to get at the real facts, the real source from which the money came, but to prevent a full acknowledgment with a promise, "If you will say that you got it for voting for LORIMER, and so help us make a case against him, we will not prosecute you any further."

Q. Did you ever receive any money or any other thing of value from anybody—Browne, Wilson, or anybody else—on condition, or on the promise or agreement or understanding, directly or indirectly, that you were to vote for WILLIAM LORIMER for United States Senator?—A. I certainly did not.

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson or R. E. Wilson—whatever his name is—or anybody else, or from any source whatever, or did you receive any other thing of value at any time from anybody because you had voted for WILLIAM LORIMER for United States Senator?—A. No, sir.

He had already said that he did receive the money; but in answer to that question he said:

No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for WILLIAM LORIMER for United States Senator, or if you had voted for WILLIAM LORIMER for United States Senator, any consideration of any kind?—A. None whatever. I voted for Mr. LORIMER for the reason that I liked him and that I favored, and my people favored, the things he favored in relation to deep waterways from the Lakes to the Gulf.

The following testimony on cross-examination becomes more or less pertinent. It goes into details as to why he voted for LORIMER. On cross-examination we have this:

Q. Now, after you were indicted for perjury you were given the alternative of going before the grand jury and telling the truth, were you not, or be prosecuted for perjury?—A. I came before the grand jury to clear myself.

He does not answer directly that it was a question of truth, but to clear himself.

Q. And tell them the truth?—A. To clear myself.

He refuses to answer that question directly. He did tell the truth so far as he went, but he knows that he did not tell the whole truth.

Q. What do I understand by "clearing yourself"?—A. Telling them I had received some money.

Q. They (the third-degree methods) were the methods that made you tell the truth—they didn't make you tell a falsehood, did they?—A. They didn't ask me to lie; that is true.

But what did they do? They asked him to tell a little of the truth, and not the whole truth, and that is the worst kind of a lie.

Q. Now, Mr. Link, did you go back before the grand jury?—A. I certainly did, on Saturday morning.

Q. You told the truth and they nolled the indictment for perjury against you, didn't they?—A. Yes, sir; after I had answered those two questions.

He refuses again to say that it was after he had told the truth.

Q. When you went before the grand jury subsequently, you told them you got $1,000 from Browne?—A. I answered two questions—one was that I got $1,000 from Browne, and the other that I got $900 from Wilson.

Mr. President, the method adopted in securing the testimony of Mr. Link is of the same character, and the methods were exactly the same as the methods by which testimony was secured from other witnesses to blacken the character of Mr. LORIMER. Men were indicted for perjury, the jury in one case was impaneled, and those men were brought face to face with the penitentiary. The promise was then made that "if you testify you got the money for voting for LORIMER—not testify where you got it, not go into the details of it—but if you will only make an affidavit before the grand jury to that effect you will be with your family and your home; and if you do not, there is the penitentiary"; and the cowards said, "Yes; we will sacrifice LORIMER for ourselves." Mr. President, I would not convict a dog on testimony obtained in that manner.

I could go over a great deal of the evidence showing exactly the same condition, but I think that I have quoted it sufficiently to show the character of the prosecution, and I wish now to close.

Mr. President, the evidence in the Lorimer case shows that in the legislative assembly of 1900, as in previous legislative years, large sums of money had been raised and paid to legislators to influence legislation; that this fund was raised by liquor companies, electric light, gas, stockyard, elevator, railroad, street railway, Pullman car, and other companies, against whose interest holdup bills were being introduced; that this money so used was called "the jack pot" and paid out to those whose votes or influence had been used; that there was no Lorimer fund in that legislature and no money paid for voting for LORIMER; that a few dishonest legislators, who had undoubtedly received money for their influence or votes out of this jack-pot fund, were indicted for perjury in falsely swearing they had not received any money from certain persons; that through a most dastardly conspiracy and by a most criminal inquisition these men, already criminals, were promised absolute immunity for their crimes if they would commit another crime and say the money was obtained for voting for Mr. LORIMER; that they were bought to cloud the election of Mr. LORIMER to save themselves from the penitentiary for the commission of another offense.

Mr. President, that evidence further shows that Mr. LORIMER was fairly and honestly elected. This is the finding and the conclusion of the large majority of the Committee on Privileges and Elections, who took the testimony, heard the witnesses, and had an opportunity to weigh their testimony; and this is also my own conclusion.

In honor bound to try this case on the evidence, I am equally bound in honor to conform my verdict to my conclusions upon that testimony and in accordance with the findings of honorable Members of this Senate who conducted the investigation.

I am further bound under the law of this case to declare by my vote that Mr. LORIMER, having been once tried and acquitted of this charge, can not by law, and ought not in good morals, be tried again on the same charge.

Mr. President, some time ago I received through the mail a clipping from the Washington Times of June 10, headlined "Going down with LORIMER." I believe this was sent me by a friend who desired to warn me of the danger of casting a vote in accordance with the law and the facts as established by the evidence. Possibly it might have been sent for another purpose. It matters little. This clipping reads:

The issue of Lorimerism was pressed in the recent Iowa and South Dakota primaries, where two United States Senators were asking for indorsement of the Republican voters. KENYON, of Iowa, who was anti-Lorimer, swept everything before him by the greatest primary majority ever given a candidate in that State. GAMBLE, of South Dakota, went down in defeat because he supported LORIMER, although he had represented his constituency fairly well upon other issues.

How many other United States Senators will sign their political death warrants on July 6 next?

And so, Mr. President and Senators, in order to avoid the fate of the one and enjoy the success of the other, I must disobey every mandate of law; I must ignore the testimony; I must vote to place a stigma of disgrace upon the brow of a fellow Senator who I believe to be innocent. I must not only commit an atrocious crime against him, but an equally atrocious crime against my own conscience.

Mr. President, whether in the Senate or out of the Senate, I must live with myself every day of my life, and I decline to keep company with a moral or a political coward.

Mr. SMOOT. Mr. President, I am unaware as to whether there is any other Senator who desires to speak this afternoon. I understand, however, there is no one wishing to speak. If the Senator from Montana [Mr. MYERS] desires to proceed, there is plenty of time for him to do so. If not, I was intending to move that the Senate take a recess.

Mr. MYERS. Mr. President, I had intended to deliver, and do intend to deliver some extemporaneous remarks on this matter, but it is not material to me at what time I deliver them. If the Senator from Vermont [Mr. DILLINGHAM], who is chairman of the investigating committee, would prefer, merely for the sake of continuity, that no further interruptions be made or injected into the course of his argument, I will defer my remarks. I will say frankly that in what few remarks I shall submit to the Senate I do not intend to uphold the right of Mr. LORIMER to a seat in this body; and while I do not expect to advance any arguments of any weight or worth for consideration, yet if the Senator from Vermont, for any reason whatever, would prefer to proceed without interruption——

Mr. DILLINGHAM. I am perfectly willing that the Senator from Montana should go on this afternoon.

Mr. MYERS. Mr. President, if the Senator would prefer that the continuity of his arguments be not further broken into, or if Senators are tired of a long and continuous session and had rather take a recess until Monday morning, I shall have no objection to deferring the making of what few remarks I have to make until Monday. It is immaterial to me. I am willing to submit the matter to the wish of the Senate.

Mr. DILLINGHAM. Mr. President, it makes no difference to me. I have spoken three hours to-day; I am tired; and I do not care to go further at this time. I intend to continue on Monday, and if the Senator from Montana would like to go on now, I have no earthly objection to his doing so.

Mr. SMOOT. And there is plenty of time this afternoon for the Senator from Montana to proceed. If the Senator from Montana does not desire to go on, then I shall move that the Senate take a recess; but if he had just as soon speak this afternoon, I should like very much that he should proceed.

Mr. MYERS. Very well.

Mr. SMOOT. Then, if the Senator from Montana desires to proceed, I shall not now move a recess.

Mr. MYERS. I will submit some remarks at this time, Mr. President.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Montana will proceed.

Mr. MYERS. Mr. President, I will not be able, as are some Senators, to submit a carefully prepared address on this subject. I have not had the time or the opportunity to prepare myself therefor. My remarks will be largely of an extemporaneous nature, an extemporaneous expression of some thoughts that have come to my mind in the last few days in the study, consideration, and investigation that I have at different times given to this matter. My reason for expressing them is that, after having given some thought and consideration to the subject, I deem it to be a matter of much great moment and of such far-reaching importance to the people of the whole country, as well as to the Senator from Illinois [Mr. LORIMER], to the people of the State of Illinois, and to the dignity and honor of the Senate that I believe it to be the duty of every Senator on this floor who has given any especial thought or consideration to the question to express his views to the Senate, in the hope that out of all the discussion of this grave matter there may come some light from some source that may lead to a correct solution of the question at the bar of the Senate.

Further, my reason is that the dignity, the honor, the independence, and the manhood of the Senate are, I believe, just as dear to the hearts of the newer and younger Members of this body as they are to the older and more experienced Members. I do not believe that there can be any Member of the Senate to whom its honor, dignity, honesty, and independence mean more than to the newer and younger Members. I appreciate the distinguished honor of being a Member of this body, but only in so far as this body honors itself and maintains its honor, its dignity, and its independence.

In discussing this subject I wish to say at the outset that I do so absolutely without any personal feeling of ill will toward any person whomsoever. I do so solely from a sense of duty, and I do so with the most profound respect for those Senators who entertain different views from those entertained by me upon the law or the facts in the case, and especially with the greatest respect for those members of the investigating committee who have made a report in favor of Mr. LORIMER and who sustain his right to a seat in the Senate.

I know that all honest men can not think alike. I have been around courts too much not to know that all honest men can not look alike at any disputed question of fact or law. I know how hard it is to get 12 men on a jury to look alike at any disputed question of fact. I know how difficult it is to get members of a court, constituted of more than one judge, to look alike at questions of law. I know too well how many decisions are handed down from courts with majority and minority opinions to feel that everybody should look alike upon this question. I do not expect that, Mr. President, any more than I expect a large body of men to look alike at any other disputed question of law or fact.

I will say further that in what remarks I shall make I shall do so absolutely without any feeling against the subject of this investigation, the Senator from Illinois [Mr. LORIMER]. During my service in the Senate I have had the pleasure of some acquaintance with him, and in what acquaintance with him I have enjoyed I have found him to be a very companionable and pleasant gentleman; modest, unassuming, and congenial; and against him as an individual I have naught to say, nor have I any feeling against him in any relation whatever.

With these few explanatory remarks I will say that even had I not intended to say anything upon this subject I would now, since the address of the Senator from North Dakota [Mr. MCCUMBER], feel almost compelled to say something, because,

while I know the Senator does not so intend, and while he is honest and conscientious in his convictions, the tendency of his remarks is to convey the idea that all of us who vote to unseat Mr. LORIMER are acting from cowardice, because of public opinion, or are pandering to the expression of the public opinion of the country. I say I think that might be construed to be the tendency of his remarks by anyone reading them and not knowing the Senator from North Dakota.

So far as I am concerned, I do not care what the people of my State think about this matter; I do not care what the people of Montana think about my course in this matter; I do not care what the people of the United States think about this matter or about my course regarding it; I do not care what the other Members of the Senate think about this case or about my course regarding it; I intend to decide it, so far as I am concerned, absolutely and solely upon the law and the evidence, as I would any other proposition involving law and facts brought before me for decision. I do not care what public opinion is. Public opinion is not a part of the record in this case, and I intend to stay as near as I can within the record.

The Senator from North Dakota rather complains that public opinion has expressed a sentiment about this case, and that it is an uninformed sentiment. I hardly see why the Senator says that. Why is the public uninformed about this matter? Has it not read the newspaper reports, the testimony, and the proceedings in the case? Did it not have an opportunity of reading them at the former trial of this case? Why anybody should say the public is uninformed is more than I can understand, but I care not what the public opinion about the matter is or whether it is informed or uninformed. It has nothing to do with the trial of this case.

As to the argument of the Senator from North Dakota, while it is an able argument and while I know that it is honest and conscientious, yet it has a strangely familiar sound to me. Where have I so often heard it before? In the criminal courts, from counsel defending men charged with crime. According to them, the prosecuting attorney must be put on trial instead of the defendant; they endeavor to make the jury think it is the prosecuting attorney who is the real criminal and who is on trial instead of the defendant.

The witnesses for the State are all liars and thieves and murderers and scoundrels, and the only honest men are the defendant and the witnesses who appear in his behalf. That seems to be the theory of some who have expressed opinions about this case, that all who have testified against Mr. LORIMER are scoundrels and unworthy of belief, and that all who have testified in his behalf are men of the most unimpeachable veracity and integrity. I would gather from some of the remarks that have been made that we should take this view of the case, the old familiar view in such matters of which we have often heard so much. The theory seems to be that the honest man is the man who takes the money and stays bought; that the honest man is the man who puts corrupt money down in his pocket and says nothing about it, who shields the infamous transaction by silence and, if brought into court and put under oath, can "perjure himself like a gentleman"; but the scoundrel is the man who, having committed a wrong, turns State's evidence and sets the wheels of justice in operation. That is the theory of which we hear so much in the criminal courts to-day.

That is one of the things that has served to bring the administration of criminal jurisprudence in this country into disrepute and make it compare unfavorably with the administration of criminal jurisprudence in Great Britain.

We are told that Lee O'Neil Browne has been a number of times acquitted by juries in this country. That proves nothing. The administration of criminal jurisprudence in this country is an absolute farce. There are more murderers discharged and held guiltless in any one of several States of this Union in a year than in all of Great Britain. The administration of criminal justice in this country has become a hissing and a byword. It has been condemned by the President of the United States for its laxity and failure to promote justice; it has been condemned by the American Bar Association; and it is a common theme of comment that every day men guilty of crime are pronounced not guilty by juries, and walk out of the courthouses of the land, sneering at justice, acquitted of something of which everybody in the community believes them to be guilty.

The fact that Lee O'Neil Browne has been acquitted in criminal proceedings in some cases arising out of this matter has absolutely no weight with me, and should have absolutely no weight with the Senate. That should not be taken into consideration. I believe that this body has sufficient ability, integrity, and independence to decide this case on its merits and of its own accord, following its own methods without taking into consideration what some criminal court may have done somewhere else.

To begin with, this is not a criminal case. Mr. LORIMER must not be proven guilty of anything beyond all reasonable doubt; he must not be proven guilty of anything at all. This proceeding is a civil proceeding; it involves a civil right—the right to hold an office—and the case must be decided by the preponderance of the evidence, and not at all by the rules of criminal procedure. There is no manner of room in this case for the theory of proof of guilt beyond all reasonable doubt. If it were a criminal trial, then if we, as jurors often do, should make up our minds to find a doubt and should go to hunting for a doubt, we might find it; because a juror never started out in the trial of a criminal case to hunt for a doubt that he did not succeed in finding it. But that has nothing to do with the trial of this case.

Having made these few remarks that seem to me to be called for by some of the able arguments that have preceded, I will turn my attention to some thoughts that have suggested themselves to me connected with the law and the facts of the case.

The doctrine of res adjudicata has been suggested in this case by one of the Senators who preceded me in the argument. It has been suggested by counsel for Mr. LORIMER in their brief, and has been suggested by the majority report of the committee.

I see nothing profound or intricate about that suggestion. It seems to me so simple and so plain that I believe any man who carries a license to practice law is warranted in discussing it. If this body, vested with plenary power in matters of this kind by the highest law of the land, the Constitution of the United States, has not the power to grant a new trial in such a proceeding, then it is the only court under the English system of jurisprudence of which I ever heard that has not such power.

Every court in the land, every court under the English system of jurisprudence, which is a court of general jurisdiction and common-law powers and a court of record, having a clerk and a seal, has the power to grant a new trial. I never heard of such a court that did not have the right to grant a new trial, either upon application of any party to the proceedings, or of its own motion. Any such court has the right of its own motion to set aside a judgment and order a new trial for anyone on any ground, and that, I claim, is exactly what has been done in this case.

This body, this court, of its own motion, has set aside and vacated the judgment heretofore entered in this proceeding, and ordered a new trial. The only courts of which I ever heard, under our system of jurisprudence, that have not the power to grant a new trial, are justice of the peace and police courts. Has the Senate of the United States sunk so low in the estimation of some of its Members that it is to be put on a plane with justice of the peace and police courts? They are the only courts of which I know that can not grant a motion of this kind; and in some States even those courts are given such powers by statute. If this body has not of its own motion set aside and vacated the judgment heretofore rendered and entered in this matter and ordered a new trial, I am at a loss to know how it could be done, and I should like to be informed to what procedure it would be necessary to resort in order to bring it about.

We are told by the majority committee report and by counsel for Mr. LORIMER that the Senate should proceed in this case carefully and painstakingly, by analogy comparing it with the proceedings in courts of law. That, I think, is what has been done in this case. I am willing to accept that admonition. In the district courts of my State, courts of general jurisdiction and common-law powers, trial courts of record, as in nearly all of the other States of the Union, if a judgment is rendered, had, and entered upon the trial of an action, any party to the action that is dissatisfied with the judgment may move to set it aside and ask for a new trial. It is true that must be done upon certain statutory grounds, which are enumerated in the statutes of the State. But this body is not hampered by any statutory grounds.

The Constitution of the United States gives this body ample and plenary power in matters of this kind. It gives it the power to judge of and determine the qualifications and election of its own Members. It does not say that after one hearing in a proceeding of this kind there must be allegations of newly discovered evidence, fraud, corruption, mistake, surprise, inadvertence, or deceit. It does not say there must be anything of the kind. It simply gives this body ample and plenary power, unlimited and unrestricted, in such matters.

Yet if we are to be guided by analogy to the practice in courts of law, that course has been pursued in this instance. Allegations were made to this body of newly discovered evidence. Very well, let us take it so and follow the analogy further.

We are now told by some in this body that it develops that there is no newly discovered evidence; that there is no new evidence in the case; and that therefore this proceeding, launched and started in good faith and with full understanding as a new trial of this matter, should be abandoned at this stage of the proceedings and held for naught.

As long as we are talking about analogy, I will ask who ever heard of a new trial being granted in a court of law on allegations of newly discovered evidence, and a new trial being had and the evidence being produced, and then of an attorney for the adverse side getting up and addressing the court and saying to the court, "It develops that there is no new evidence in this case, and the court should take the case from the jury and dismiss it without further proceedings"?

The new trial having been once ordered, the former judgment is vacated, and becomes functus officio. It is dead and can not be revived. It is a new doctrine to me, strange and unheard of, that a new trial may be granted upon allegations of newly discovered evidence, and then that the court at the new trial, after hearing the evidence, may say: "There is no newly discovered evidence. This court has been deceived and imposed upon. This case will not go to the jury the second time. The order granting a new trial is canceled, annulled, and rescinded, and there will be no new trial."

I never before heard of such a doctrine. If there is any analogy to State or Federal practice that can evolve such a doctrine, it is wholly new to me, and something of which I never before heard, and I do not believe it exists.

The new trial of this matter was granted upon allegations of newly discovered evidence. The new trial has been had, the evidence has been submitted, and it is for this body to say whether there is any newly discovered evidence. It is not for anyone else to say. It is for this body alone to say whether or not there is newly discovered evidence. And even if there is no newly discovered evidence, the order for the new trial having been made and the new trial having been granted, the case must be tried, argued, submitted, and decided again upon the evidence that is brought out at this trial, whether it involves any new evidence or not.

There is no such thing known to the law as turning back. There must be another verdict in this case. No analogy that can be suggested, in my opinion, can point to any other conclusion.

But even so, as I say, this body is not confined to the statutory grounds of newly discovered evidence to which State courts are confined in the granting and conduct of new trials. This body has powers of its own that are superior to any other, and can not be governed by the statutory provisions for the government of State or Federal courts.

Much has been cited in the brief of counsel for Mr. LORIMER on the subject of res adjudicata. A number of cases have been cited. But, after a careful study of those cases and the remarks of counsel concerning them, I fail to see anything to sustain the contention of counsel.

The case of Fitch and Bright, in connection with Lane and McCarty, from Indiana, is cited. But in that case Messrs. Fitch and Bright were seated. The Legislature of Indiana afterwards concluded to undo the matter and elect Messrs. Lane and McCarty. When Messrs. Lane and McCarty appeared here they were simply told that there were two duly accredited Senators occupying the seats of the Senators from the State of Indiana. If there is any analogy to this case or any res adjudicata about that, I utterly fail to see it.

In the case of Mr. DU PONT, from Delaware, which is cited by the learned counsel for Mr. LORIMER, Mr. DU PONT's right to a seat in this body was tried and adjudicated. It was adjudicated adversely to him. Afterwards he made an application to this body for a new trial and a rehearing of the proceeding. Meantime, before that could come to a hearing, Mr. Kenney had been elected by the Delaware Legislature and accepted by this body as a Senator from the State of Delaware, and the rights of a third party had intervened. The rights of no third party have intervened in this case, and therefore, to my mind, the du Pont case is not applicable to this proceeding and is no authority in behalf of Mr. LORIMER. Nor do I find any other cases cited that sustain the doctrine of res adjudicata.

Indeed, from a careful perusal of the able brief of the learned counsel for Mr. LORIMER one would be led to the conclusion that the learned counsel had never heard of such a thing as a new trial; that in all of his life he had never heard of the new trial of an action or that such a thing was possible. Only in one instance, on page 88 of that able and interesting brief, are the words "new trial" mentioned. Save for that one might think the able counsel was in total ignorance of the law of new trial.

The proposition which, to my mind, governs this proceeding is absolutely and entirely ignored. I claim that for a new trial new evidence is not necessary, but I claim that, even so, there is new evidence in this case. While the claim is made that there is no new evidence, I claim that in a number of instances there is new evidence, and in one of the most important particulars, I think, there has been new evidence adduced, viz, to show that after visiting Senator John Broderick, Mr. Holstlaw deposited the sum of $2,500 to his own credit in a bank in Chicago.

At the former trial of the matter there was serious dispute as to whether there was any convincing evidence that Mr. Holstlaw had deposited any money in a bank to his credit after visiting Senator Broderick. It was the contention, and it was urged with much plausibility, that somebody had impersonated him in that transaction, and that the deposit slip was not made out by him, but was made out by some false impersonator who had gone there with strange design to injure Mr. Holstlaw and cast some reflection upon him, and to make him the beneficiary, strange to say, of $2,500, which he knew nothing about. The contention in that respect was that his name on the deposit slip was misspelled, and that it must have been made out by somebody other than Mr. Holstlaw—somebody who wanted to confer upon him the strange and mysterious favor of depositing to his credit in a bank the sum of $2,500 without his being aware of it—either to make him a present of that sum or in that wonderful and mysterious way to work some injury to him.

But the retrial of the case has established the fact that that deposit slip was made out by a clerk in the bank, and that Mr. Holstlaw did go there, and that while he did not personally and by his own hand make out the deposit slip, it being made out by an employee of the institution, Mr. Holstlaw did deposit $2,500 there immediately after the conference with Senator Broderick in which he received the sum of $2,500.

That incident is acknowledged now by gentlemen who take the other view of this case. It is acknowledged by the majority report in this case. That which is now acknowledged and conceded on all sides was before a very seriously disputed point, and it was stoutly contended by the defenders of Mr. LORIMER to the last that there was no evidence that Mr. Holstlaw was the man who deposited the $2,500. That is some new evidence, sufficient alone and in itself to authorize another trial of this case, if any ground be necessary.

I will say no more about the doctrine of res adjudicata. From what has been said about it in the committee report and on the floor of the Senate, I hardly believe it is seriously taken or advanced. I hardly believe this body is going to contend that it is the only court under the English system of jurisprudence, except police and justice of the peace courts, which has not the inherent power on its own motion to grant new trials; and I pass along from that subject.

Now, then, as to the facts of this matter. I have heard and read long, entertaining, and learned explanations of why those 53 Democrats in the Illinois Legislature voted for Mr. LORIMER, a Republican. I meet those arguments with the simple declaration that whenever there is a serious contest in a legislature over the election of a United States Senator, and when under those circumstances a Democrat who is a member of that legislature votes for a Republican for United States Senator there is something the matter either with his head or his morals, or both.

Of course I can understand that in some instances which have been cited here, as in the New England States, where we will say there are a hundred members of the legislature, and 70 of them are Republicans and 30 are Democrats, and the 70 Republican members caucus and unanimously agree to support for election or reelection some efficient public servant and greatly beloved man (as I understand was the case with the late lamented Senator Frye, of Maine, upon one occasion), the 30 Democrats, knowing that the 70 Republican votes will elect, anyway, and having no one whom they especially wish to compliment by their vote, may vote for the Republican candidate, knowing he will be elected, anyway, and without their votes. I can understand that sort of reasoning and that sort of conduct. But I say, in a legislature where there is a close and a serious contest and a Democrat votes for any Republican for the position of United States Senator it is a strong presumption, to my mind, that there is something wrong either with his head or his morals or both, and probably both.

Men do not violate trusts of that character with impunity and without some underlying motive. They are not voting for themselves. They are not voting their own convictions. They are voting in a representative capacity. They are acting in a trust capacity for their constituents; their constituents have elected them, and by their votes have said that they want a Democrat elected United States Senator; and when they go to

the legislature and grossly betray that trust, I say it is a strong presumption that there is something wrong; it is sufficient at least to put the public upon guard and to arouse suspicion. They must show me.

Now, as to motives. The entire fight on the other side centers on Charles A. White. If he had put into his pocket the money which he had received and had maintained discreet silence, had said nothing, and had not started this proceeding, I presume he would have been an honest man and would have been honored and esteemed by his associates in crime. But Charles A. White committed what is to criminals and rogues the unpardonable sin of all sins—he turned State's evidence and dragged others into the light of exposure, and to men of that class that is the greatest crime any man can commit, being, in their estimation, even worse than murder. Therefore he is an unbelievable scoundrel, we are told. But I am not ready, offhand and instantly, to accept that view of the matter.

Which is the more reasonable to believe—that Charles A. White, having never received a dollar of money from anybody for or on behalf of Senator LORIMER, having never accepted one dollar of corrupt money in regard to the senatorial election in Illinois, being absolutely clean in regard to this proceeding, would sit down and deliberately and maliciously concoct and make up and weave out of whole cloth this entire proceeding, being in its entirety without a shred of truth or honesty or fact, against an innocent set of men, against Mr. LORIMER, Lee O'Neil Browne, Wilson, and others associated with him; that he would attempt to draw them all down through fabrication and malice to the utmost depths of infamy and degradation—I ask which is the more reasonable theory in this matter, that, or the theory that Charles A. White was paid and accepted money to vote for Mr. LORIMER for United States Senator, and is telling the truth when, as we say, he turned State's evidence about it? Which is the more reasonable theory of the matter; which is the more borne out by the facts and circumstances in the matter?

I say this case does not rest alone upon the testimony of Charles A. White. He is corroborated by the testimony of other direct witnesses. He is corroborated by a thousand facts and circumstances and incidents. He is corroborated by everything in the case which tends to point to the true state of affairs.

To my mind the theory that there is a monstrous conspiracy, that Gov. Deneen and the owners of the Chicago Tribune, the Chicago News, and the Chicago Record-Herald, and State's Attorney Wayman, and Charles A. White, and all these people sat down and put their heads together and deliberately concocted a vile and false conspiracy stranger than anything in the Arabian Nights, Baron Munchausen, or Jules Verne's writings—an utter fabrication, willfully and knowingly, on the part of all these people, each and every one of them—for the sole purpose of destroying an innocent and an honest man, has too much of the romancing, too much of the skyrocketing, too much of the airship appearance about it to commend itself to me.

You either have to believe Charles A. White and those who testified with him, and believe all the facts and circumstances that go to bear out his theory and his testimony, or you have to believe that Mr. Kohlsaat, of Chicago, the proprietors and editors of the Chicago Record, the Chicago Tribune, the Chicago News; that Gov. Deneen, State's Attorney Wayman, the attorney general of Illinois, the prosecuting attorney of Sangamon County, the prosecuting attorney of Cook County, and scores of other officials and well-known men deliberately entered into the most monstrous conspiracy ever known to the history of mankind to wreck a purely innocent and honest man. I can not accept that theory of romancing and aeroplaning and skyrocketing. It does not commend itself to my judgment or reason at all.

This theory, of which I hear much in the committee reports and in the brief of counsel for Mr. LORIMER, as to why these people entered into this monstrous conspiracy—that during a long period of years back Mr. LORIMER upon different occasions had offended the editor of the Chicago Record-Herald, had offended the editor of the Chicago Tribune, had offended State's Attorney Wayman, had offended Gov. Deneen, had offended this man and that man, all because each and every one in turn had asked him to do something that he did not think was right, and that he refused the request, and thereupon each and every one of these men conceived an implacable and immeasurable degree of malice toward Mr. LORIMER and all these years have laid it up for him and carried it against him, and when they found Charles A. White all came together with one accord and said we have found the time, the place, and the man to carry out this nefarious scheme, this monstrous conspiracy, and that they thereupon got together upon that occasion and manufactured all this evidence, is to my mind too much like the Arabian nights. It does not commend itself to me at all.

With all the facts and circumstances, I think, it is more reasonable to believe that Charles A. White and the other witnesses who directly corroborate him about the facts and circumstances and times and places and payments and conditions are telling the truth, some of them reluctantly, some of them voluntarily, but they are telling what actually transpired. Is it reasonable to believe that Charles A. White and those who corroborate him would give their testimony as they did and would consign themselves to infamy and disgrace in the eyes of all men, that they would put themselves in this extremely disagreeable attitude, that they would bring obloquy and oblivion upon themselves if there was not one word of truth in all that they have told? Do innocent men who have done no wrong, who have committed no crime, do those things? Do they bring these consequences and results upon themselves? It is contrary to all the experience and observation and reasoning of mankind.

There are very, very many facts and circumstances and incidents that, to my mind, absolutely bear out the truth of the testimony given by Charles A. White and those who corroborate him. Take this man Wilson, who, it is said, took a part in the nefarious work and engaged in a part of the corruption and bribery. During the former hearing of this case, when evidence was being taken before the investigating committee, this man Wilson fled from the United States, went to Canada, registered at a hotel under an assumed name, and remained there during the entire proceeding.

Is that the way innocent men do? Is that the way honest men do? Is there a single Member of this body who during any court proceeding has ever fled from the United States, gone to Canada, registered at a hotel under an assumed name, and remained there until the proceeding was over, and then returned to this country?

Mr. FLETCHER. Will the Senator yield long enough to allow me to suggest that Wilson did testify in the hearings?

Mr. MYERS. If I am incorrect I am glad to be set right.

Mr. FLETCHER. He testified here in Washington, and his testimony is a part of the record.

Mr. KENYON. But he did go to Canada and register under an assumed name, as stated by the Senator from Montana.

Mr. MYERS. I stand corrected to the extent of his having returned and testified.

Mr. FLETCHER. The question is that the Senator stated that Wilson remained away during the whole proceeding. He did go to Canada but he returned and testified finally before the committee here, and his testimony is a part of the record.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Missouri?

Mr. MYERS. Certainly.

Mr. REED. Can the Senator enlighten us upon the question as to why he ran away in that instance?

Mr. FLETCHER. I have no idea. I only know that he said he was an ill man and he went because of his health. That is not the question at all, to my mind. I know that the Senator from Montana did not want to make a statement that was not accurate, and I took the liberty of correcting it to the extent of stating that Wilson did return here and did testify, and his testimony is a part of the record. Whether he went to Canada or went to Europe is utterly immaterial and does not bear on the question, and why he went does not bear on the point I make.

Mr. REED. Mr. President, just for information, since the Senator is shedding light on the subject, I should like to ask if it was necessary for him to register under an assumed name in order to have his health restored.

Mr. MYERS. I stand corrected to that extent. It seems that I was in part in error and in part correct. This record is so voluminous and there are so many reports and treatises upon it that I have not been able, I will admit, to thoroughly master it all. But I stand corrected gladly to that extent.

I presume if Mr. Wilson was ill, registering in Canada under an assumed name benefited his health very greatly. It seems that doing it restored him to health sufficiently to return to this country and testify. But at any rate, it seems that when the hearing came on he left the country and went to Canada and there registered at a hotel under an assumed name. By that I am reminded that Holy Writ tells us that the wicked flee when no man pursueth. But I believe they generally flee a whole lot faster when somebody is after them. It very much accelerates their flight to have somebody after them. I am reminded, too, of the case of Mr. C. F. Wiehe, who I believe the evidence shows was advised by Mr. Edward Hines to get out

of the State of Illinois because the grand jury was in session. The wicked generally flee when the grand jury is in session. There is nothing that hurries them up like a grand jury.

Are those the ways of honest men? Do those circumstances indicate nothing in this case? What are the bearings of those circumstances, and scores of other circumstances like them? To my mind they all point inevitably to the conclusion that White and those who corroborate him are telling the truth.

I have observed, I think, one tendency in the majority committee report in this case, and that is to admit—in fact it has been admitted by the Senator who preceded me—that money was paid to and received by some of these men in their official capacity as legislators, but to ascribe it to other sources and motives than those charged in this case. It seems to me that is largely the indulgence of surmise. I read in the majority committee report, and it has been admitted here on the floor by the Senator who preceded me, that several different members of the legislature received money, but it is denied that they received it for their votes for Mr. LORIMER. It is contended that they received it for other purposes, and when this witness and that witness and another witness says:

> Yes; I received money from Lee O'Neil Browne or from Wilson, but I did not receive it in consideration of my vote for Mr. LORIMER; I had already promised to vote for Mr. LORIMER, or I would have voted for Mr. LORIMER any way; I do not know why this money was paid to me, but it was not paid to me and not received by me in consideration of my vote for Mr. LORIMER—

Those men are all put down as good men, as honest men who are telling the truth and whose word we must accept.

But see; who comes here now? What have we now? Charles A. White appears on the scene. He testifies that he received money and that it was paid to him by Lee O'Neil Browne, and was paid to him and received by him in consideration of his vote for Mr. LORIMER for United States Senator. Presto, change! Unspeakable scoundrel, miserable wretch, degraded creature—the truth is not in him. He has sunken to the depths of infamy and degradation; he traces this to money used in connection with Mr. LORIMER's election.

I do not see, under the circumstances in this case, why it may not be considered that Charles A. White is telling the truth when he gives his version of these money transactions as well as the others who admit the taking of the money but deny that it was received in consideration of their vote for Mr. LORIMER, when all the facts and circumstances and incidents in the case tend to show that they were all in the same boat and that the money was paid to all for corrupt purposes, and probably for the same corrupt purpose.

In going over the testimony of the record in this case there are circumstances and incidents that it would take days upon days to comment upon, and all of which, to my mind, point unerringly to the guilt of those who were charged with corruption in this case.

Many, many facts and circumstances and incidents there are. They can not possibly all be enumerated in any one argument or any series of arguments; but, taking the record as a whole, from my reading of it, in my opinion, it is reeking with infamy and dripping with corruption and redolent of crime. The whole record shows conclusively to my mind that there was corruption in the air and corruption on the ground at the time of the election of Mr. LORIMER to a seat in this body.

The evidence in this case conclusively stamps such men as Lee O'Neil Browne and Wilson and Edward Hines as men who lend themselves to any scheme of corruption that will further any interest that they have in any matter that may be advanced by any means whatsoever known to the coarse and brutal power of money. Take the record of the proceedings of this case on the day of the election of Mr. LORIMER. The very atmosphere was charged with the knowledge that there was corruption on the ground. It was charged on the floor of the legislature and bandied back and forth. Everybody seemed to know what was going on and how it was going on, and it is too much for human credulity for me to believe that the beneficiary of it all, Mr. LORIMER, was serene and innocent and had no knowledge of what was going on upon that occasion. His associations with Lee O'Neil Browne, both before and since, show him to be in privity with all thereof.

I will read some extracts from some of the proceedings on that day which give some indication of what was seen and known and heard and felt of all men upon that occasion. I quote from an account of the proceeding:

> During the talking which inevitably preceded the ballot, only one roll call being necessary to decide the senatorial issue, although that one consumed over two hours and a half, some ugly charges were made by intimation. They afterwards gave rise to the statement that an investigation of methods by which Mr. LORIMER might have secured Mr. Hopkins's place would be asked for in the United States Senate. This statement was promptly squelched by Mr. Hopkins himself.

> "I am through," said the former Senator. "I shall not contest the election of Mr. LORIMER. I am through with it."
>
> * * * * * * *
>
> "That is not altogether for Senator Hopkins to say," said Col. Frank L. Smith, who accompanied him from the scene of defeat. "It is for the members of the legislature and the Republican voters of Illinois to determine whether they are satisfied with the manner in which Mr. LORIMER secured his election."
>
> In spite of that statement it was admitted that so far as the Hopkins people are concerned, the election of Mr. LORIMER is final, and that no demand will be made by them or for them that the charges hinted at by Democrats themselves on the floor of the house during debate be investigated.

Here is one of the choice expressions used by that alleged Democratic leader, Lee O'Neil Browne, he who led his forces not to victory, but to infamy, that day on the floor of that house. He said:

> You can't cash dreams and you can't cash hopes.
>
> We are told that you can't cash dreams and that you can't cash hopes.

Another member shouted, and he asked:

> What can you cash in this legislature—votes?

Those are samples of the charges that were hurled back and forth.

The infamous leader, Lee O'Neil Browne, felt it necessary to make a speech of about one hour's duration in explanation of his vote. Why is it that when a man does something that is questionable he always wants to make an explanation? If a man is going to do something wrong, I think he had better do it, and say nothing about it; the less that is said about it the better; but Mr. Browne that day felt called upon to make a speech of about an hour's duration in explanation of the remarkable stand that he had taken and of the remarkable vote that he was about to cast. Speaking of Mr. LORIMER he said:

> I could state a thousand reasons why WILLIAM LORIMER now should be the choice of the Democratic party and its members.

A thousand reasons why he should vote for Mr. LORIMER! Yes; I believe him. I believe he had a thousand reasons why he should vote for Mr. LORIMER, and I believe he had every one of those reasons in his pocket, or that he had in his pocket a bank certificate of deposit for them, and on every one of those reasons I believe there was an imprint of an American eagle and the words "In God we trust."

He should have been honest and told what kind of reasons he had. After he had ceased to speak another Democratic member of the legislature arose and said:

> I want to ask you Democrats, Do you expect to tell the whole reason? Every reason that can be given for your votes?
>
> If you do, your people will retire you into that oblivion where you rightfully belong.
>
> * * * * * * *
>
> Representative J. Groves absolved himself from further leadership of Browne, and added fuel to the scorching flames with this declaration, which sent an electric spark through the sweltering assembly: "The gentleman from La Salle said there was a knocking at the Democratic door, summoning us to vote for a Republican for Senator."

Then, he went on to say that there was a knocking at the Democratic door—the knocking of opportunity, but it was the opportunity to put the three gilded balls of the pawnbroker above the door of the Democratic Party of Illinois. This ran on during the entire voting, two hours and a half.

More of it:

> It is said on the other side that there was a knocking on the Democratic door. Yes; there has been much knocking at doors, and there is a new sign on the Democratic door. Before that door there hangs this day, and for many days will hang, as a result of this day the three balls that signify what you mean and what you have done.

The proceedings of that day appeared to be no secret. I think from my investigation of the record and from my reading of the proceedings of that day, that they lacked only one thing to complete the infamy of the State of Illinois.

The thing lacking was that the Stars and Stripes, which float over the statehouse at Springfield, should have been hauled down from the flag mast, and in their place should have been run up the red flag of the auctioneer. That would have capped the climax and would have completed the infamy of that day. That red flag of the auctioneer should have defiantly flaunted there until this very day and until this matter is settled right by this body.

The power of money is the greatest evil in this world; it is the greatest evil with which this country to-day must contend. The Money Trust is the most serious problem that confronts this Government. Beside it all others pale into insignificance. It is productive of more harm, of more misery, of more wretchedness, of more corruption, of more ills than all the other evils of this Government to-day. Its ramifications into every avenue of society and political life are sapping and undermining society and our political existence. It is charged that it influences courts and executive departments and legislatures; but when it works its way into this body by insidious and devious

methods and makes its coarse and brutal power, to the subversion of right and justice, felt in this body, the Senate should say that its influence shall no longer be tolerated here; that this is one place where it shall not enter with its baneful effects to pollute everything with which it comes in contact.

The awakened conscience and sentiment of the American people demand; right and justice demand; the honor, the integrity, the manhood, and independence of this body demand; and I believe that the record, the circumstances, and the evidence in this case demand that we shall take a stand for right and justice and purity of elections to this body by declaring that the title by which Mr. LORIMER holds a seat in the Senate was secured by corrupt means and that it shall be forfeited and set aside.

I thank the Senate, Mr. President, for its kind attention.

DEATH OF REPRESENTATIVE MALBY, OF NEW YORK.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. GEORGE R. MALBY, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions (H. Res. 596), as follows:

IN THE HOUSE OF REPRESENTATIVES,
July 6, 1912.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE R. MALBY, a Representative from the State of New York.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. DILLINGHAM. Mr. President, the Senator from New York [Mr. ROOT] is necessarily absent from the Chamber this afternoon. At his request and in his name, I offer the resolutions which I send to the desk.

The resolutions (S. Res. 353) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE R. MALBY, late a Representative from the State of New York.

Resolved, That a committee of nine Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDENT pro tempore appointed under the second resolution as the committee on the part of the Senate Mr. ROOT, Mr. O'GORMAN, Mr. BURNHAM, Mr. JONES, Mr. OLIVER, Mr. BACON, Mr. BRYAN, Mr. THORNTON, and Mr. MARTINE of New Jersey.

Mr. DILLINGHAM. I now move, as a further mark of respect to the deceased, that the Senate take a recess until Monday morning at 11 o'clock.

The motion was unanimously agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until Monday, July 8, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 6, 1912.*

The House met at 12 o'clock noon

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, once more in the dispensation of Thy providence our hearts are bowed in sorrow and grief. Surely in "the midst of life we are in death." We know not the moment when the summons shall come, but with perfect faith and confidence in Thee who doeth all things well, help us to do the work Thou hast given us to do faithfully, conscientiously; going forward to meet the shadowy future with brave and manly hearts. Comfort us, the bereaved wife and children, in the blessed hope of the immortality of the soul. In the name of Him who said, "I am the resurrection and the life; whosoever liveth and believeth in me shall never die." Amen.

The Journal of the proceedings of yesterday was read and approved.

JOSEPH H. CALL (H. DOC. NO. 865).

Mr. RAKER. Mr. Speaker, I ask unanimous consent to have printed as a House document the address of Joseph H. Call, of Los Angeles, on May 3, 1912, on the Higher Cost of Living and its Relation to Transportation.

Mr. Call was special counsel for the Government for 18 years, and this address is most valuable.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to have printed as a House document an address of Mr. Call, of Los Angeles, Cal., on the Higher Cost of Living. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to ask the gentleman whether this has been submitted to the chairman of the Committee on Printing?

Mr. RAKER. No, sir; it has not.

Mr. MANN. I shall not make an objection, but will make the suggestion to gentlemen who desire to have matters printed as House documents that they ought first to be submitted to the chairman of the Committee on Printing.

Mr. RAKER. I will say to the gentleman that I did not know that had been the practice. If I had known it I would have done so.

Mr. MANN. It has not been the practice to print things of this sort as House documents, but it is coming to be the practice, and I think not a bad practice; but I think, as a rule, they ought to be submitted in advance to the chairman of the Committee on Printing.

Mr. RAKER. I think so; and hereafter I will follow that rule.

The SPEAKER. Is there objection?

There was no objection.

ALABAMA INDIANS OF TEXAS (H. DOC. NO. 866).

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed as a House document a report by Mr. William Loker with reference to the Alabama Indians of Texas, and certain letters from the department with reference to those Indians.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to have printed as a document a report by William Loker and certain letters of the Indian Department relative to the Alabama Indians of Texas. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following concurrent resolution (H. Con. Res. 57):

Resolved by the House of Representatives (the Senate concurring), That the President be, and he is hereby, requested to return to the House of Representatives the bill (H. R. 23515) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6784. An act for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; and

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho.

The message also announced that the Senate had passed with an amendment joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4063) granting to the Washington-Oregon corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4445) concerning unrigged vessels.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker pro tempore signed the same:

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site;

S. 5935. An act to fix the terms of the district court for the western district of Michigan;

S. 6903. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes; and

S. 4862. An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909; and

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 6784. An act for the relief of the Garden City (Kans.) Water Users' Association, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

DEATH OF HON. GEORGE R. MALBY.

Mr. PAYNE. Mr. Speaker, it becomes my sad duty to announce to the House the death of the Hon. GEORGE R. MALBY, one of my colleagues, which occurred in the city of New York yesterday evening. I will state that the funeral of the deceased will take place at his late home at Ogdensburg, on Tuesday, at 2 o'clock. At a future day I shall ask the House to set aside a time that Members may pay tribute to the life, character, and services of the deceased. I now offer the following resolutions, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 596.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE R. MALBY, a Representative from the State of New York.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expense in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER announced the appointment of the following committee:

Mr. FITZGERALD, Mr. DWIGHT, Mr. TAYLOR of Ohio, Mr. SULZER, Mr. MICHAEL E. DRISCOLL, Mr. CAMPBELL, Mr. SMITH of New York, Mr. MOTT, Mr. ROBINSON, Mr. DE FOREST, Mr. PEPPER, Mr. WEDEMEYER, Mr. GREENE of Massachusetts, Mr. SLOAN, and Mr. J. M. C. SMITH.

The SPEAKER. The Clerk will read the additional resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, this House do now adjourn.

The resolution was agreed to; accordingly (at 12 o'clock and 18 minutes p. m.) the House adjourned until Monday, July 8, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., 140), reported the same with amendment, accompanied by a report (No. 930), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5446) relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908, reported the same without amendment, accompanied by a report (No. 931), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes, reported the same without amendment, accompanied by a report (No. 932), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 4012) to authorize the exchange of certain lands with the State of Michigan, reported the same with amendment, accompanied by a report (No. 933), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 4745) to consolidate forest lands in the Paulina (Oreg.) National Forest, reported the same without amendment, accompanied by a report (No. 934), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., reported the same with amendment, accompanied by a report (No. 936), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DANIEL A. DRISCOLL, from the Committee on Pensions, to which was referred the bill (H. R. 20362) granting a pension to Catherine Wise, reported the same with amendment, accompanied by a report (No. 935), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 18521) granting an increase of pension to Henry Minnett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22557) granting a pension to William S. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 25611) to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes; to the Committee on the Public Lands.

By Mr. SHERLEY: A bill (H. R. 25612) to amend an act entitled "An act to allow the bottling of distilled spirits in bond"; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: A bill (H. R. 25613) to increase the limit of cost of the public building at Denver, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. COX of Ohio: A bill (H. R. 25614) to prevent the desecration of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Memorial from the Legislature of the State of New Mexico, calling for the return of the Spanish and American archives relating to New Mexico which are now in the hands of the Librarian of Congress; to the Committee on the Library.

By Mr. LEVY: Memorial from the Legislature of the State of New Mexico, calling for the return of the Spanish and American archives relating to New Mexico which are now in the hands of the Librarian of Congress; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25615) granting a pension to Manerva Hedges; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25616) granting a pension to Emaline Powell; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 25617) granting an increase of pension to Martin V. Strine; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 25618) granting an increase of pension to Nathaniel Burton; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25619) granting an increase of pension to James Flanagan; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 25620) granting an increase of pension to Gustavus Schuetze; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 25621) granting a pension to Sarah C. Kennedy; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 25622) granting a pension to Lester C. Lyke; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of the Brotherhood of Locomotive Engineers of Cleveland, Ohio, favoring passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the Campbell Glass & Paint Co., of St. Louis, Mo., protesting against passage of bill requiring manufacturers' brand on all goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Gaines & Stoke Millinery Co., of St. Louis, Mo., favoring the 1-cent postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of 27 citizens of St. Louis, Mo., protesting against increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

Also, petitions of the Phoenix Automobile Supply Co., the Moon Motor Car Co., the Wisco Supply Co., the St. Louis Pharmaceutical Society, the A. S. Alve Optical Co., and the Alf. W. Pauley Drug & Chemical Co., of St. Louis, Mo., protesting against any change in the present patent laws that might affect price maintenance; to the Committee on Patents.

Also, petition of 40 citizens of St. Louis, Mo., favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Beyer Bros. Drug Co., of St. Louis, Mo., protesting against the passage of the Richardson drug bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT: Petition of the Junior Order of United American Mechanics of Council No. 10, Enterprise Council No. 1, and Eureka Council No. 7, favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CATLIN: Memorial of the Hebrew Veterans of the War with Spain, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the health officers of Wisconsin, at Madison, Wis., favoring passage of Senate bill 1, known as the Owen bill, for establishment of a national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Milwaukee, Wis., favoring passage of House bill 357, for investigation of the business of foreign and domestic fire insurance companies; to the Committee on Interestate and Foreign Commerce.

Also, petition of 1,700 members of the Wisconsin State Medical Society, at Wausau, Wis., favoring passage of Senate bill 1, known as the Owen bill, for a national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Medical Society of Milwaukee County, Wis., favoring by special act the appointment of Dr. A. Ivans Comfort to captain of the Regular Army, etc.; to the Committee on Military Affairs.

Also, memorial of the Pennsylvania Civil Service Reform Association, against passage of clause in House bill 24023, for five-year tenure of office for Government employees; to the Committee on Appropriations.

By Mr. FORNES: Petition of the Brotherhood of Locomotive Engineers of Cleveland, Ohio, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of 4,000 Spanish War veterans, favoring passage of House bill 17470, to pension widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of Joseph H. McGuire, of New York, against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

By Mr. FULLER: Petition of Rockford Manufacturers and Shippers' Association, of Rockford, Ill., favoring the continuance of the Commerce Court, etc.; to the Committee on Appropriations.

Also, petition of the Chicago Association of Commerce, of Chicago, Ill., favoring passage of bill for operation and control of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Memorial of Admiral Reynolds Post, No. 405, Grand Army of the Republic, of Lancaster, Pa., favoring passage of House bill 25193, providing for the perpetuation of Memorial Day; to the Committee on Military Affairs.

By Mr. HOUSTON: Papers to accompany bill (H. R. 4515) for relief of Andrew J. Pugh; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petition of citizens of Jersey City, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LANGHAM: Petition of the Hebrew Veterans of the War with Spain, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the Amalgamated Society of Carpenters and Joiners, of New York, N. Y., and the United Garment Workers of America, favoring passage of the seamen's bill (H. R. 23673); to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Exporter, of New York, favoring passage of Sulzer bill for improving the consular and diplomatic service; to the Committee on Foreign Affairs.

Also, petition of the Committee of Wholesale Grocers, favoring reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the American Thread Co., of New York, relative to tariff; to the Committee on Ways and Means.

Also, petition of the Hebrew Veterans of the War with Spain, of New York, and the Lackawanna Steel Co., of New York, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Order of Railroad Conductors of America, of Memphis, Tenn., protesting against the passage of the employers' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the National Retailers' Coupon Co., of New York, protesting against the passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petition of Benjamin Alterman, of New York City, favoring passage of House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Allied Printing Trades Council of New York, protesting against passage of Senator BOURNE's parcel-post bill increasing postage on third and fourth class mail; to the Committee on the Post Office and Post Roads.

Also, memorial of the National Guard Association of the State of New York, favoring the bill to pay the State National Guards as a part of the United States Army; to the Committee on Military Affairs.

By Mr. MANN: Petition of Assumption of Blessed Virgin Society, No. 122, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of A. H. Hitchcock, of Chicago, Ill., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MONDELL: Petition of 595 members of the First Christian Church of Sheridan, Wyo., for passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. O'SHAUNNESSY: Petition of the Brotherhood of Railroad Trainmen of Valley Falls, R. I., favoring passage of a workmen's compensation law; to the Committee on the Judiciary.

Also, petition of citizens of Newport, R. I., against appointment of a commission, etc., for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. REDFIELD (by request): Petition of the Order of Railway Conductors, Memphis, Tenn., protesting against the passage of the employees' liability and workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the Hebrew Veterans of the War with Spain, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Papers to accompany House bill 5145, authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block 115, in the city of Hot Springs, Ark.; to the Committee on the Public Lands.

Also, papers to accompany House bill 7251, to confer title in fee and to authorize the disposition of certain lots now situated on Hot Springs Reservation, in the State of Arkansas, and for other purposes; to the Committee on the Public Lands.

Also, papers to accompany House bill 24266, to authorize the sale of burnt timber on the public domain; to the Committee on the Public Lands.

Also, petition of the Brotherhood of Railroad Trainmen of Pine Bluff, Ark., against passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. RUCKER of Colorado: Petition of the South Park Ranchmen's Protective Association, of Colorado, protesting against the present methods of the Forestry Bureau; to the Committee on Agriculture.

By Mr. SABATH: Memorial of the Polish Societies of Chicago, Ill., against passage of bill restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Senate and House of Representatives of the State of Illinois, relative to control of the waterways of the lower Mississippi Valley; to the Committee on Rivers and Harbors.

By Mr. SMITH of New York: Petition of the Tuscarora Nation of Indians, of Niagara County, N. Y., relative to leasing their limestone lands; to the Committee on Indian Affairs.

Also, petition of the Hebrew Veterans of the War with Spain, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Memorial of the New York Board of Trade and Transportation, favoring House bill 22589, to provide embassy, legation, and consular buildings for United States representatives in certain foreign countries; to the Committee on Foreign Affairs.

Also, petition of citizens of the United States, favoring passage of the old-age pension bill (H. R. 13114) for deserving men and women who are 65 years of age and upward; to the Committee on Pensions.

Also, petition of the Allied Printing Trades Council of Greater New York, protesting against parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

Also, petitions of the Committee of Wholesale Grocers of New York, favoring a reduction in the tariff on sugar; to the Committee on Ways and Means.

Also, memorial of the Brotherhood of Locomotive Engineers, of Cleveland, Ohio, favoring the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Hebrew Veterans of the War with Spain, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of John T. Nagle, of New York City, favoring passage of House bill 21412; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: Petition of the Military Order of the Loyal Legion of the United States, protesting against passage of bill for appropriation commemorative of the services of the Confederate Navy on the Mississippi and its tributaries during the Civil War; to the Committee on the Library.

Also, petition of the Pennsylvania Civil Service Reform Association, protesting against the five-year tenure of office for employees of the District of Columbia; to the Committee on Appropriations.

Also, petition of the Daughters of Liberty, of Utica, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Stanislaus Society, No. 149, of New York, and the Workmen's Sick and Death Benefit Fund Association, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of members of Grace Church, Waterville, N. Y., and the Women's Auxiliary to the Board of Missions, favoring passage of bill for relief of the natives of Alaska; to the Committee on the Territories.

Also, petition of the trustees of the Humboldt Chamber of Commerce, Eureka, Cal., relative to the Redwood National Park; to the Committee on Agriculture.

By Mr. WHITACRE: Memorial of citizens of Youngstown, Ohio, protesting against the Burton-Littleton bill to appropriate money for the celebration of 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Order of Railway Conductors of America, Division No. 402, Massillon, Ohio, protesting against the workmen's compensation bill; to the Committee on the Judiciary.

SENATE.

MONDAY, *July 8, 1912.*

(*Continuation of legislative day of Saturday, July 6, 1912.*)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

Mr. CURTIS. Mr. President, I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and after a little delay the following Senators answered to their names:

Bacon	Culberson	Johnston, Ala.	Smith, Ariz.
Borah	Cullom	Jones	Smith, Ga.
Bourne	Curtis	Lea	Smith, S. C.
Brandegee	Dillingham	Martine, N. J.	Smoot
Bristow	Fall	Nelson	Stephenson
Brown	Fletcher	Oliver	Sutherland
Bryan	Gallinger	Overman	Swanson
Burnham	Gamble	Page	Thornton
Catron	Gardner	Pepper	Tillman
Chamberlain	Gronna	Perkins	Townsend
Clapp	Guggenheim	Pomerene	Warren
Clark, Wyo.	Heyburn	Root	
Crawford	Johnson, Me.	Simmons	

Mr. THORNTON. I wish to announce the unavoidable absence of my colleague [Mr. FOSTER].

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. DILLINGHAM resumed the speech begun by him on Saturday (see Senate proceedings of July 9). After having spoken for nearly four hours, he said:

Mr. President, I had hoped to finish my remarks to-day, but I have been rather anxious to direct the attention of the Senate to the evidence in the case, and it has taken much more time than I anticipated. I have now been speaking nearly four hours, and I understand that the Senator from Florida [Mr. FLETCHER] is willing to go on this afternoon. With the consent of the Senate, I will be glad to resume to-morrow morning when I will promise to finish. I yield the floor to the Senator from Florida, unless there is objection.

The PRESIDENT pro tempore. The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance

Department for improvement or economy in manufacturing processes or plant.

The message also announced that the House insists upon its amendments to the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines, across the Vancouver Military Reservation, in the State of Washington, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 20984) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho, and it was thereupon signed by the President pro tempore.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912.

Mr. SMITH of Arizona. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arizona suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clarke, Ark.	Kern	Root
Bacon	Crane	Lea	Shively
Bailey	Cullom	Lippitt	Smith, Ariz.
Borah	Cummins	Lorimer	Smith, Mich.
Bourne	Curtis	McCumber	Smith, S. C.
Bradley	Dillingham	Martin, Va.	Smoot
Brandegee	du Pont	Martine, N. J.	Stephenson
Briggs	Fall	Myers	Sutherland
Bristow	Fletcher	Newlands	Swanson
Brown	Gallinger	Oliver	Thornton
Bryan	Gamble	Overman	Tillman
Burnham	Groonna	Page	Williams
Catron	Heyburn	Penrose	Works
Chamberlain	Johnston, Ala.	Perkins	
Clapp	Jones	Pomerene	
Clark, Wyo.	Kenyon	Rayner	

Mr. THORNTON. I again state the unavoidable absence of my colleague [Mr. FOSTER]. I ask that the announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from Florida will proceed.

Mr. FLETCHER. Mr. President, the Senate adopted a resolution June 7, 1911, naming a committee and authorizing, empowering, and directing it to forthwith investigate "Whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices." The committee was "further and specially instructed to inquire fully into and report upon the sources and use of the alleged jack-pot fund, or any other fund, in its relations to and effect, if any, upon the election of WILLIAM LORIMER to the Senate."

Beginning June 20, 1911, the committee examined 186 witnesses, took 8,588 pages of testimony, exclusive of exhibits, and has made report. Minority views have also been submitted, together with the resolution under consideration, declaring the election invalid.

It will be remembered that a similar investigation was conducted, beginning September 22, 1910, and ending December 7, 1910, through a subcommittee, which reported to the full committee December 17, which reported to the Senate December 20, 1910, and the minority views of two members of the committee, respectively, were filed later.

Lengthy discussions were had, and finally a vote was taken March 3, 1911, resulting in the defeat of a resolution condemning the election of Senator LORIMER, practically to the same effect as the one now offered.

The same election is involved now.

The testimony taken by said subcommittee has been substantially repeated in most parts. Much additional testimony has been taken in this second investigation.

The Senate of Illinois on the 17th day of January, 1911, appointed a committee to investigate the election here involved, and on May 17, 1911, that committee made its report, and on May 18, 1911, the Senate of Illinois adopted a resolution declaring that, "based on the report and findings of said committee, the election of WILLIAM LORIMER to a seat in the United States Senate was brought about by bribery and corruption." That resolution, with a copy of said report, and of the evidence taken, were certified to and filed in the United States Senate June 6, 1911, and was referred to the Committee on Privileges and Elections. It is fair to say there was not a full hearing in that instance, and the affidavits of a special agent, pretending to set forth statements made to him, which have been shown to have been untrue, were received as testimony.

BASIS OF REINVESTIGATION.

It was claimed that new eivdence had been discovered since March 3, 1911, or that new and additional evidence existed and could be found. The directions and authority to the special committee were plain and more or less specific.

On February 7, 1911, I submitted some remarks on the case as it then stood, and I shall not review the case as presented by the former record in detail. I shall more particularly consider what the new lines of inquiry developed and what the additional testimony shows.

We have some further light on the situation at Springfield just preceding the election, May 26, 1909, and on political conditions then existing and their influence as an impelling cause in that election.

First. The story of the alleged $100,000 fund was exhaustively searched and we shall need to analyze that.

Second. The alleged jack-pot fund and its handling and all the circumstances surrounding and growing out of it were inquired into, and we must examine that testimony and ascertain what relation, if any, all these may have had to the election in question.

Third. The result of the long struggle at Springfield, in the forty-sixth general assembly, and the final vote for United States Senator, including the action of the Democrats in that matter, we will consider, and we will find, I submit, they are most reasonably accounted for on other than corrupt grounds.

I hold that a careful survey of the evidence, and all the surrounding circumstances, will satisfy the faithful, impartial investigator that conditions, political mainly, and personal and local, not the use of money or other improper means, in respect to the senatorial election, brought about the election of Senator LORIMER. I further hold that the moving, actuating causes which led to the final vote and the result of that contest were free from corrupt practices and methods, so far as Senator LORIMER was concerned, or any one authorized by him, or acting with his knowledge or consent, and so far as bringing about his election was accomplished.

Under like conditions as then and there existed, including the absence of corruption in the Senatorial election, the same result would naturally and logically follow to-day. There was no need to purchase votes, and none in fact were purchased for him. There was no payment of money for or because of votes cast for him. It is absurd to claim, because it is believed to be shown that money was paid to and received by certain members of the legislature, at that session, lasting some six months, during which numerous measures were introduced and considered involving liquor interests, railroad interests, the fish industry, division of judicial circuits, patronage, "jobs," reshaping the laws concerning corporations, grafting propositions of various kinds, that such use of money was connected with and had to do with the election of United States Senator, in the absence of reliable, legal evidence to that effect. It does not follow that every joint act of that legislature was illegal and void.

It is still more absurd to hold that after the election money was paid to members who voted for Senator LORIMER, notwithstanding such members had no reason to expect and no cause to claim remuneration for their votes. If money was used or improper practices were resorted to, Senator LORIMER had no part therein, or knowledge thereof, nor does it appear that anyone furnished any money for use in his election. The use of money or the employment of improper practices were not necessary to nor did they contribute to his election. There can be no warrant for the finding that corrupt practices were employed and money was distributed after the election voluntarily by people who if they had it would have kept it and to people who had and asserted no claim on it, and if they had, were helpless to enforce such claim. If this has ever taken place in the history of the world there is no authentic case recorded. It would be contrary to human nature and at war with all human experience. It would be in irreconcilable conflict with the corrupt character of such men as would participate in such a transaction. Honor among thieves never extended that far wherever it may have obtained.

For instance, Holstlaw says he was ready to vote for Mr. LORIMER, had made up his mind to do so, without any inducement whatever having been offered him; he volunteered to Broderick and to others the assurance that he would do so. He

did so vote; Mr. LORIMER was elected. Does anyone believe, if Broderick had any amount of money to use in purchasing votes for LORIMER, that some time after that election he would have voluntarily sent for Holstlaw and freely paid to him any part of the money? Broderick had no need to either promise or pay Holstlaw anything for his vote. There was some real reason for the payment of that money to Holstlaw by Broderick in no wise connected with the senatorial election. It was Holstlaw's money in Broderick's hands, placed there as his share of the proceeds arising from some legislative action, or it may have been the contribution of the liquor interests to his campaign, in which he carried every "wet" county and lost every "dry" county in his district, although he was supposed to be a "dry" man and candidate. It was not money which Broderick could retain in silence if he liked. It may have had to do with binding Holstlaw to some future action or course. It was not likely the self-imposed price of some past action. It was, then, not paid to him because of or in consideration of his vote for Mr. LORIMER. In that case it would have been simply a donation by one in no wise obligated to make it. It would have been such a generous recognition of a favor as the most exaggerated credulity will not credit Broderick with. It does not appear even that it would have been any great favor to Broderick for Holstlaw to vote for Mr. LORIMER. Broderick was not active for Mr. LORIMER. He was not electioneering for him, participating in meetings, soliciting support, or doing other work in his behalf. He was not connected with the activities of the Lorimer forces, and it does not appear that it was a matter of consequence to him whether Mr. LORIMER was elected or not. He does not seem to have been in any confidential relations with the Lorimer leaders at any time or to have cooperated with the forces making for their triumph. So far as the testimony shows, Broderick was no more a friend and supporter of Mr. LORIMER than Holstlaw was at any time, except that the former had known Mr. LORIMER longer. The morning of the election Broderick told Mr. LORIMER that he "would be with" him when Mr. LORIMER told him, "I think I am going to win to-day." Broderick voted for 20 or 30 Democrats in the course of the balloting, and voted for Mr. LORIMER on the last ballot. He said before that he would vote for Mr. LORIMER for Senator, and his reasons (p. 3910) are given in answer to the question:

What was it that induced you to vote for Mr. LORIMER that day?

Answer. Just friendship; that is all; knowing we had no chance to elect our Democratic candidate. If we had, I would not have voted for Mr. LORIMER. I knew there was no chance whatever to elect Stringer. Now, it was between Hopkins and LORIMER, and it was LORIMER for me.

Holtslaw talked with members of the legislature about voting for Mr. LORIMER (pp. 3018, 3085, 3086) and had said:

If I ever had an opportunity I would vote for him for Senator.

Holtslaw further says he—

did not think very much about what Broderick said about the $2,500, because I intended to vote for him anyway, and that did not have any influence whatever with me. (Pp. 3019, 3085, 3086, 3087, 3116.)

Broderick says:

I do not remember that he told me that night (May 25) that he was going to vote for LORIMER. I did not tell him on that occasion that if he did, there would be $2,500 for him. No such conversation ever occurred. (Pp. 3912, 3938, 3939.)

One very peculiar thing is that while, according to Holtslaw, when he told Broderick he thought Mr. LORIMER would be elected and he was going to vote for him the next day, and Broderick had then said, "You are?" and he said, "Yes, sir," that *then* Broderick said, "If you want to vote that way, there is $2,500 for you"; and while he did not consider that a promise or an agreement, even as to the $2,500, why should there be two payments, aggregating $3,200, one in June and the other in August, if those payments had reference to the vote for Mr. LORIMER? Why should Broderick offer to pay Holtslaw to do what he had voluntarily determined to do? That money had no relation to the election of Senator.

If Broderick had the money, or could get it, he would not have promised it after Holstlaw told him he was going to vote as wanted, and he certainly would never have paid more than the sum promised.

Holtslaw has sworn to numerous contradictory statements regarding these transactions; Broderick persistently denied the payment of any money, and produced witnesses who appear to corroborate his version of what took place in his saloon when Holstlaw called, and the worst that can be claimed is that there is still uncovered truth regarding the matter—still mystery about what the payment of money to Holstlaw by Broderick was for—but we can not find it in consideration of Holstlaw's vote for Mr. LORIMER. Under the evidence it is impossible to conclude that if money was paid to Holstlaw, White, Beckemeyer, Luke, Link, Shephard, Blair, or any other member of the legislature, it was paid with Senator LORIMER's knowledge, consent, or subsequent acquiescence, or that of anyone for him or in his behalf. If such money was paid one can not be convinced from the whole evidence that it was consideration for a vote for Mr. LORIMER or that it had any real connection with the election of United States Senator.

THERE WAS NO CORRUPTION FUND.

Diligent inquiry has been made for many months to show money was distributed to members of the legislature, and search has been prosecuted for evidence to establish a connection between such disbursement and the election of Senator.

More or less persuasive proof was gathered tending to show that White, Beckemeyer, Luke, Link, and Holstlaw participated in disbursements of moneys after the legislature adjourned. Suspicion was cast upon Blair and Sheppard; Browne, Wilson, and Broderick, as distributors, were involved. To connect the transactions in which these men engaged with the election of Senator, exhaustive effort was made to show that a fund of $100,000 was raised and improperly used in accomplishing the election of Senator LORIMER. Such a fund, if raised, was not circulated about Springfield. No evidence could be found tending to show that any money was disbursed during the session of the legislature. There was some talk in a general way of corruption immediately before and after the election of Senator, but no witness could be found who could testify to the actual corrupt use of money at that time. If it could be proven that such a fund was raised, and if, later on, money appeared in the hands of supporters of Senator LORIMER under suspicious circumstances not accounted for, the inference might be drawn that he was elected by improper means which not only reflected upon his honor, as well as upon the Legislature of the State of Illinois, but rendered his election illegal. It became important, therefore, to show the first condition of such inference, to wit, that money had been raised to aid in or bring about his election.

This effort culminated and centered around what is designated as the Hines-Funk conversation, which took place in May, 1909, at the Union League Club in Chicago.

Let me say, before taking up that story, that the committee engaged at the outset competent and industrious counsel, learned in the law and energetic in search of facts, and the testimony of every person we could imagine might have had information concerning such a fund, if it had been raised or ever existed, was taken, and no trace of any such fund could be found anywhere. The conception of it originated with Mr. Funk, who advanced the idea to Mr. Kohlsaat by way of pretending to relate to him a conversation with Mr. Hines, had immediately after the election of Senator in May, 1909.

THE FUNK-HINES CONVERSATION.

That conversation is detailed by Mr. Funk at pages 544 and 545 of the proceedings. He says Mr. Hines, with whom his relations were "casual," not "confidential or intimate," came up to him and said, "Hello; you are just the man I was looking for," or "that I wanted to see. I want to see you a moment"; and after taking a seat on a couch in the lounging room on the main floor of the club Hines said, "Well, we put LORIMER over down at Springfield, but it cost us $100,000 to do it," or "about $100,000." He went on to explain that they had to act quickly when the time came, and did not have time to consult anybody, and he said, "So we put up the money. Now we are seeing some of our friends to get the matter fixed up."

Mr. Funk says he inquired how much he was getting from his different friends, and Mr. Hines said, "Well, we can only go to a few big people; but if about 10 of us would put up $10,000 apiece we would clean it up." Mr. Funk asked him why he came to him, and Mr. Hines said, "Because you are as much interested as anybody in having the right kind of a man in Washington." Mr. Funk then told him "We would have nothing to do with the matter * * * because we are not in that kind of business." Further on Mr. Funk says that "before he got through his talk" Mr. Hines said, "Just send the money to Ed Tilden." That was before Mr. Funk told him he would have nothing to do with it (p. 545). No other names were mentioned (p. 546). Mr. Funk was not surprised at such a statement or request. He regarded Mr. Hines as a "loose talker; a man quite inclined to boast of his achievements, quite disposed to be familiar on short acquaintance, and quite anxious for people to think he was a large factor in large matters" (p. 549). Mr. Hines emphatically denies that any such conversation took place, and he is corroborated by the witnesses Carney, Hall, and Baker, who were present and heard most of the conversation.

Two or three days afterwards (p. 550) Mr. Funk told Mr. McCormick and Mr. Randolph, the president and general counsel, respectively, of the International Harvester Co., of that conversation.

Some time after that, possibly a few months, he told Mr. Kohlsaat of this conversation, in strict confidence (p. 552). Mr. Funk was quite sure that occurred in the fall of 1909 (p. 553), then he fixed it after January, 1910. Mr. Kohlsaat was editor of the Record-Herald, which he became (p. 428) January 1, 1910, and Mr. Kohlsaat fixed the time of the conversation with Funk, in May, 1910, about a year after the Funk-Hines talk (p. 431). This conversation was confidential throughout—Mr. Kohlsaat is a stickler as to his word of honor not to violate a confidence, he says (p. 438). Yet he told the story, Funk's name and all, to three people—Mr. Lawson, Mr. Roosevelt, and his wife (p. 440). He told numerous people the whole story (p. 440), omitting names. He finally construed the confidential limitation to apply only to newspaper publication. The editorial of February 15, 1911, was published (p. 438), in which reference is made to "the $100,000 fund that was raised to pay for LORIMER'S vote."

In the meantime, Mr. Kohlsaat had secretly communicated with Senators who were acting as judges in the case wherein the testimony had been closed and reported, and he had sat almost within hearing of the witnesses who had given that testimony under oath (p. 601), possessing the information imparted by Funk, without troubling to enlighten the committee or advise anyone looking for testimony at the time, except the counsel for the Tribune, who was acting as prosecutor, having assumed and undertaken on his own application to present the evidence, and who sacredly guarded the information and kept it from the committee.

Funk is positive he mentioned no names but Hines and Tilden to Kohlsaat (p. 598), but the latter says others were mentioned, to wit, Sullivan, Conway, and Weyerhaeuser (p. 436). There is direct conflict, it will be observed, between Funk and Kohlsaat on a number of details.

THE SECOND HINES-FUNK CONVERSATION.

Funk says he had a second conversation with Hines. The date he does not remember (p. 557). About 9 o'clock one morning Hines came to his office and "said he did not want me to misunderstand our talk the *other day*." He further says the first conversation was "shortly after the Senator was elected"—May 26, 1909. "And the next conversation was some time *after the Record-Herald editorial*." This was *February 15, 1911*, 21 months after the first conversation; and then he says Hines referred to "our talk of the other day."

Later on he said this conversation took place after he was introduced to Senator LORIMER in Washington in December, 1909 (p. 559). Yet Hines, he says, on or about February 15, 1911, alludes to a conversation which took place May 26, 1909, as "*our talk the other day*." Mr. Hines conclusively shows that he was not in Chicago between February 7 and March 5, 1911. He was in Washington (p. 864). He is corroborated by records. He denies positively that the alleged second conversation with Funk ever took place as Funk claims, or that there ever was any such conversation (pp. 862, 866, 872). It is plain that Funk attempts to support his testimony regarding the interview of May 27, 1909, by saying Hines called on him afterwards and endeavored to impress on his mind there was nothing improper mentioned in that conversation. Although he says Hines called at his place of business in an excited state and referred to "our conversation" of "the other day," he is unable to produce a single witness, any memoranda, or other evidence to sustain that statement, which is flatly denied by Mr. Hines.

Before the Helm committee April 5, 1911, and before the Senate special committee on June 20, 1911, Funk testified this second conversation took place shortly after the publication of the editorial in the Chicago Record-Herald of February 15, 1911, using the language in one instance as "a few days after the publication of the Record-Herald editorial"; in another instance, when the date of that editorial was stated as February 15, 1911, and he is asked, "When would you say that conversation was held?" he said, "I think it was a short time after that."

It developed by Mr. Hines's testimony, supported and confirmed in numerous ways, that he was not in Chicago from February 7, 1911, to March 5, 1911, and he could not have had any such conversation as stated by Funk.

Before the board of directors of the Union League Club on November 13, 1911, and January 2, 1912, Funk repudiated his sworn testimony before the two committees and fixed another and different date for that second conversation.

First, he now, after it had been clearly shown it could not have taken place at the time he had previously given, places it "*a few months*" after the conversation of May 27, 1909. He moved it back 16 months.

Then he has a "distinct recollection" that Hines's visit was a few days after an editorial in the Record-Herald of January 20, 1911.

He has, in his various accounts of this conversation, given the date of its occurrence all the way from a few days after May 27, 1909, through September and October, 1910; then prior to September, 1910; then a few days before or after February 15, 1911; then on or about January 20, 1911. So we have it, with equal positiveness, at about seven dates scattered over a period of little less than two years. That is the testimony upon which you are urged to condemn this election. Mr. Funk gives seven different dates covering a period of a little less than two years for that conversation.

Mr. Funk's memory is unreliable. Mr. Hines has been fortunate in not having to depend on his own memory entirely. His system of keeping records of his movements and his business files have enabled him to substantiate his version, and we are not left to decide between the given recollection of the two men alone. Mr. Hines has shown by evidence we can not disregard that this alleged second conversation did not take place. This was introduced and relied upon by Funk as giving support to his account of the first conversation, and with the support the whole structure falls.

He said he told Mr. Kohlsaat of the two conversations with Mr. Hines shortly after the second, and before the Burrows committee met in Chicago, which was September 8, 1910. The subject came up casually, and was discussed confidentially. On this point it is interesting to note what Mr. Kohlsaat said:

> Mr. KOHLSAAT. I think it was a year ago last May that, on my way to the Chicago Club to lunch one day, I met Mr. Clarence S. Funk, the general manager of the International Harvester Co., on Jackson Boulevard near Wabash Avenue. I had not seen him for some time and we stopped and shook hands, and it was raining slightly, and we stepped into the doorway of the W. W. Kimball Piano Co. I have forgotten just how the conversation started on the Lorimer case, but he used some such expression as that money was used to buy that election; and I said: "How do you know it?" "Well," he says, "I feel very positive it was. I was asked myself for a contribution." I said: "Tell me about it." "Well," he said, "I do not want to get mixed up in this thing at all. I do not want to bring the company into it in any manner, shape, or form, so that I had better not say anything about it." I said: "I won't bring your name into it. You give me the information, and if I use it, I will keep your name absolutely confidential." And under that promise Mr. Funk told me that he had been approached by Edward Hines, who said that they had had a chance the closing days of the legislature to put over Senator LORIMER'S election; that it took $100,000 to do it; that they did not have time to go around and raise the money, so a few of them underwrote it, and they were now around seeing a few people to ask them to partially reimburse them for the money that they had spent to elect LORIMER.
>
> Mr. MARBLE. Did he, in that conversation, say to you that Mr. Hines had mentioned any names of persons interested in that election?
>
> Mr. KOHLSAAT. He told me that Mr. Hines had told him that Edward Tilden was interested in collecting the fund.
>
> Mr. MARBLE. Did he report to you that Mr. Hines had mentioned any other names than Mr. Tilden?
>
> Mr. KOHLSAAT. I do not know whether he said that Mr. Hines had told him some names or not. There were some names used at the time, but I never have given them out, because I do not want to bring anybody into disrepute unless there is some occasion for it.

The other names mentioned were Roger Sullivan, E. S. Conway, and "one of the Weyerhaeusers" (p. 436).

The editorial of February 15, 1911 (p. 438), was based on that conversation.

He told three people the story, giving Funk's name (p. 439), which he had promised not to do. These included Mr. Lawson, of the Daily News, "and it influenced his editorial policy during the entire period of the LORIMER investigation" (p. 440), and Theodore Roosevelt, who was then on his way to the Cheyenne celebration, about August 15 or 17, 1910, and who "stayed in Chicago about an hour and a half"—between trains—and he and Mr. Kohlsaat "took a drive through the parks" (p. 441).

Regarding Mr. Funk, Mr. Kohlsaat said their relations were not confidential or intimate; that he had known Mr. Funk five or six years; met him casually at times (p. 433). "I have not known him intimately. We do not mingle in the same circles in life. He is a much younger man than I. He is connected with a manufacturing company and my work is newspaper work. I go to the Chicago Club and have a great many friends there, and he does not belong to the Chicago Club," testified Mr. Kohlsaat.

He told the Funk story to many other people (p. 444), including Mr. Keeley, of the Tribune (p. 445).

> Senator GAMBLE. And Mr. Keeley, during practically the entire progress of the investigation in Chicago, was there present with the attorney of the Chicago Tribune, and at that time, you say, he had this information, without the name?
>
> Mr. KOHLSAAT. Yes.
>
> Senator KENYON. And many others had?
>
> Mr. KOHLSAAT. Yes.
>
> Senator KENYON. Was it a matter of general talk around Chicago about the time the investigating committee were there?
>
> Mr. KOHLSAAT. I do not think so. I did not hear it discussed.

> Senator GAMBLE. As a member of the committee, I may say that it never came to my knowledge, and never was suggested to me by any member of the committee.
>
> Mr. MARBLE. I think it is not suggested in the old record by any person whatever.
>
> Senator GAMBLE. Not at all.
>
> Mr. HANECY. I know it is not.
>
> Senator LEA. Mr. Keeley had no information that he could have imparted without placing you in an embarrassing position before the committee?
>
> Mr. KOHLSAAT. He could not possibly give it out. It would have been a very great breach to bring the name of my friend in.
>
> Senator JONES. You talked freely, I understood, about this matter, except that you did not disclose the name?
>
> Mr. KOHLSAAT. Yes.
>
> * * * * * * *
>
> Senator GAMBLE. First, I will put it supposing that you were not an editor, and I made such disclosures to you. Are we not in a position, both of us, of protecting criminals? And is there any obligation in morals or in ethics requiring that you should protect me in that, and deny the public information that they ought to have? I will dissociate you from the editorship in that question.
>
> Mr. KOHLSAAT. I do not see how I can dissociate myself from the editorship, because this came to me as the editor of a newspaper.
>
> Senator GAMBLE. Suppose I make the same disclosure to Senator Jones, for instance.
>
> The CHAIRMAN. You did not use that as an editor when you were sitting around the table in the club and giving out the information?
>
> Mr. KOHLSAAT. Let me make it clear on that. I was not bound to any secrecy on the subject matter of the hundred thousand dollars; but I was bound to secrecy as to the name of my informant.

Then, why did he not tell the Burroughs committee about the hundred thousand dollars? That was not a confidential matter.

> If I had been bound to secrecy on the entire information, it would have been absolutely valueless to me as the editor of a newspaper.
>
> The CHAIRMAN. And the information you had was pure hearsay, was it not?
>
> Mr. KOHLSAAT. Mr. Funk told me.
>
> The CHAIRMAN. Yes; it was pure hearsay, as to the fact.
>
> Mr. KOHLSAAT. Absolutely.
>
> The CHAIRMAN. And yet you were sending out that fact, not only to Members of the United States Senate, but around the club, that it was the fact?
>
> Mr. KOHLSAAT. Yes.

What an admission—what a spectacle—going about making the most damaging statements as facts, as matters within his knowledge, when he knew it was only hearsay and that of doubtful character! Messrs. Funk, Kohlsaat, Lawson, and Keeley all had the information Funk claimed to have derived from Hines when the first committee was investigating this matter in Chicago, September, 1910, and none of them furnished it or suggested how it might be had to any member of that committee. This indicates they doubted if there was real foundation for the story, or it is a serious indictment of their good faith.

INFORMATION KEPT SECRET, BUT FOSTERS CONSPIRACY.

After the testimony closed and after the reports were filed and while debate was on, this editorial was published and was followed by correspondence with Senators, as detailed. Referring to this, the record shows (p. 442):

> Senator FLETCHER. You mentioned the amount of the fund, did you, not only that he was asked to contribute $10,000, but the amount of the fund?
>
> Mr. KOHLSAAT. The $100,000?
>
> Senator FLETCHER. Yes.
>
> Mr. KOHLSAAT. Yes, sir.
>
> Senator JOHNSTON. Did you confer with Mr. Funk after hearing from Senator ROOT and Senator LA FOLLETTE as to whether you could disclose the information?
>
> Mr. KOHLSAAT. I telephoned Mr. Funk. That was the question, I think, that this gentleman asked here just a moment ago, about my asking if I had seen Mr. Funk again, and asked for a release. When I received this letter from Senator ROOT—the Senator wrote me a forceful letter—and he said:
>
> "As you have read my speech, you will probably see that I have based a good deal of the reliability on your letter"—
>
> Or words to that effect.
>
> "Now, if you can get your friend to come down here and tell that conversation, it will have a great effect on this case."
>
> At that same time I had telegrams from Senator LA FOLLETTE, who was trying to press me to give up the name of my informant on that editorial, and I sent him wires that I could not, that I was duty bound not to do it.
>
> And I sent for Mr. Funk, telephoned him, and he came over to my office, and I showed him the telegrams and the letters, and I said, "You are the only man in the United States that can settle this question." He said, "Well, I do not see how I can do that. In the first place, it is simply my word against Hines, and it did not come to me as a private individual. It came to me as an officer and employee of this company, and I have no right to bring the company into this sort of publicity, and it would be very injurious to me to do it. If I were the only one concerned, I would not hesitate a second; but I do not feel that I have a right to do the other." I said, "All right, sir; my confidence is still good. I will not give them the names."
>
> And I wrote Senator ROOT to that effect and telegraphed Senator LA FOLLETTE.

Here is a man giving this hearsay secretly, covertly, so it could not be met or answered in any way, to Senators who are passing judgment upon the case—giving it not merely as hearsay, but backing it up with his own assertion that it was true that $100,000 had been raised with which to elect LORIMER.

So we have Mr. Kohlsaat peddling this heresay, supporting it with his personal opinion that Funk had told the truth, and Hines had told him what he said and that was true—violating confidence which he avowed was a thing as sacred as a confession to a priest—withholding it from a committee then in search of the facts and putting it out in a covert way after the committee had made its report, but always when it could not be answered by those concerned, all the while posing as a guide in public morals and defender of the public good. Asked to account for this conduct he replies by boasting of his close relations with Presidents and on some occasion having been the trusted guardian of state secrets of great international importance!

The methods of the assassin of character are here matched with the disposition of the mob. The obsequious regulator of public affairs struts the stage along with the fawning sycophant in the presence of dignitaries. The result was the Tribune broke loose afresh. The News echoed its "editorial policy" in condemnation of the election. The Record-Herald joined in the chase, yelping corruption, pretending to have found a fresh scent, and although the leader, the Tribune, was not approved, it followed and encouraged the pack in the effort to "drive LORIMER out of politics in Illinois."

The Honeythunder press takes up the cry and dins in the ears of the public through the deep bass of the metropolitan journal, the cracked soprano of the less pretentious dailies, and the sharp, rasping tenor of the weekly, all in full cry, bent on the destruction of LORIMER.

The public is told that a dangerous man, a menace to society, pulling down the institutions of the country, is wielding power, and must be suppressed and disposed of.

To be specific, he has purchased a seat in that body which has to do with making laws for the people, and which some have designated the "Rich Man's Club." It is necessary to unseat this impossible man and protect the Government. How did he buy it? From the Legislature of Illinois. The people of Illinois elected to the legislature a lot of bribe takers to represent them. They sold their votes even as was done in the comitia just preceding the downfall of the Roman Republic, and this rich and powerful and wicked man bought or caused to be bought, or is the beneficiary of the purchase of the votes of the representatives of the people of that State.

So persistent and loud and far-reaching was this chorus of calumny that public opinion was manufactured, aroused, and directed to the extent, it is boldly proclaimed by those who began the crusade, that no man dare stand for sober, common justice to LORIMER. They boast that the men whose consciences and judgments required them to square their action with the truth, rather than with the spasm of prejudice and the terror of misguided clamor, have been driven from public life. They brazenly threaten that the popular will which they have created will expel from office every man who dares to act in this matter in accordance with the advice of Wolsey to Cromwell—

> Be just and fear not;
> Let all the end thou aims't at be thy country's,
> Thy God's and Truth's!

Why this poisoning of the public mind—this lashing into a frenzy the thought of the people? The humble, struggling Tribune—with its $10,000,000 of assets—must protect the plain people who are about to be despoiled against this "boss," because forsooth Funk confided to Kohlsaat that Hines told him that $100,000 had been used to elect LORIMER, and having once said the horse was 15 feet high, Funk must stick to it.

Funk did not give the conversation correctly and never expected to hear from it again:

> Mr. HYNES. When you related this matter to Mr. Kohlsaat, did you repose the confidence in him as a personal friend?
>
> Mr. FUNK. Yes.
>
> Mr. HYNES. You do not remember, do you, whether he was editing a newspaper at the time or not?
>
> Mr. FUNK. Why, I think he was.
>
> Mr. HYNES. Was it as an editor or as an individual personal friend that you gave that matter to him?
>
> Mr. FUNK. I talked to him as a friend, not as a newspaper man.
>
> Mr. HYNES. Did you expect him to use it in the press?
>
> Mr. FUNK. No, sir.
>
> Mr. HYNES. Did you expect him to tell it to anybody?
>
> Mr. FUNK. No, sir.
>
> Mr. HYNES. Did not you confine your injunction to him to keep it confidential simply to the suppression of your name?
>
> Mr. FUNK. I regarded the whole matter as confidential.

So you have Funk and Kohlsaat at cross purposes regarding that conversation:

> Mr. HYNES. Both the name of Mr. Hines——
>
> Mr. FUNK. Yes, sir.
>
> Mr. HYNES. And Mr. Tilden—oh, you do not remember mentioning Mr. Tilden's name?

Mr. FUNK. I do not think I did. I regarded the whole communication as confidential.

Mr. HINES. Did you know that he was telling it around in the clubs?

Mr. FUNK. No, sir.

This is Funk telling about that conversation with Kohlsaat, and he does not remember the whole conversation as Mr. Kohlsaat gives it, either:

Mr. HINES. Do you remember how the names of Roger Sullivan and Mr. Conway and Mr. Weyerhaeuser got into conversation between you and Mr. Kohlsaat?

Mr. FUNK. No; I do not. There was not anything to my knowledge that would justify the bringing of those names into conversation, and I do not recall they were brought in. I have read Mr. Kohlsaat's evidence as it appeared in the paper.

Mr. HINES. He says that you brought it in.

Mr. FUNK. I think he has confused me with some one else in that gossip.

Gossip! That is just what it was—gossip. And upon gossip the Senate of the United States proceeds here with a special committee for months and months, at enormous expense, to open up a case once decided by it! And that gossip is in dispute between the men who engaged in it.

Senator GAMBLE. As I understand, you have no recollection of the names of Mr. Sullivan and Mr. Weyerhaeuser and Mr. Conway being mentioned as between you and Mr. Kohlsaat respecting the suggestion or otherwise?

Mr. FUNK. No; I have not. It is my best recollection that those names were not mentioned in my conversation. I think there were some other conversations.

So while Kohlsaat communicates these matters as of his personal knowledge to Senators, and then about the club, and bases his action upon them, Funk says he did not tell to Kohlsaat the things Kohlsaat says he did. Kohlsaat says he mentioned the names of these other men, and Funk absolutely denies it.

It is singular that Messrs. Tilden, Sullivan, and Conway never heard of any money being raised or contributed. If Hines was collecting funds to reimburse them or those who furnished money in the election, was it not peculiar that he stopped with Funk? Hines's talk with Funk terminated pleasantly—why did not he approach these other men or some other man on the subject? He only proposed to have Funk contribute a portion, and he was to see some nine others, according to Funk, and get the remainder. Hines's efforts seem to have ended with Funk. *Not one of the other nine ever heard of the matter.* Yet there was nothing to warn or caution him in what Funk said.

The whole story is absurd. Hines had a bare acquaintance with Funk, and no one can fail to give him credit for having more sense than to solicit a contribution to a corruption fund from him, under the circumstances and conditions as they existed. Funk was as positive that Hines was active down at Springfield as he is about the substance of that conversation, but the fact is Hines had not been in Springfield for three years before or two years after the election of Senator in 1909 (pp. 544, 595).

REPORTS TO FIND THE FUND AND THE RESULT.

It was sought to locate the source of some such fund, and at great expense expert accountants were employed to thoroughly investigate the books of all parties who might have been connected with it if any ever existed.

I need only refer to the report of the experts, as follows:

To further determine the question whether Mr. Hines had been a contributor to or had any part in it, and whether Mr. Tilden had received or disbursed the same, the committee employed the firm of Barrow, Wade, Guthrie & Co., certified public accountants, of New York. Mr. Ritchie, of that firm, made an examination of the accounts of the Edward Hines Lumber Co. and all its subsidiary branches and of the companies controlled by it, including the North Wisconsin Lumber & Manufacturing Co.; Hayward Mercantile Co.; First National Bank, Hayward, Wis.; Mason State Bank, Mason; White River Lumber Co.; Iron River Lumber Co.; Virginia & Rainy Lake Co., covering the period from April 1, 1908, to December 31, 1909, as well as the personal books of Edward Hines for the year ending December 31, 1909, and reported to the committee as follows:

"(a) That there was no evidence of the Edward Hines Lumber Co. or any of its subsidiary or controlled companies having received or disbursed any moneys in connection with the election of Mr. WILLIAM LORIMER, on May 26, 1909, to the United States Senate from the State of Illinois.

"(b) That there was no evidence of Mr. Edward Hines as an individual having received or disbursed any moneys in connection with the aforesaid election.

"In order to ascertain whether or not Mr. Hines might have negotiated a loan from one or other of the banks in Chicago with which he was connected, or with which he had business relations, I visited the following banks and trust companies: Continental National Bank, Hibernian Banking Association, Fort Dearborn National Bank, Northern Trust Co., Corn Exchange National Bank, Metropolitan Trust & Savings Bank.

"At each of these banks I examined their record of notes discounted during the last week in May, 1909, and the first part of June, 1909.

"I am able to report, therefore, that at none of these banks, in the period under review, did Mr. Hines discount any a ds or notes, either as drawer or as indorser."

An examination was also made of the books of Mr. Edward Tilden, and after reciting the method of the same and the theory upon which it was conducted, Mr. Ritchie reported to the committee that—

"There was no evidence that Mr. Tilden had been custodian of the fund alleged to have been raised in connection with the election of Mr. WILLIAM LORIMER to the United States Senate from the State of Illinois. (6233.)"

WILLIAM H. BURGESS—HIS TESTIMONY FALSE.

The Funk story is sought to be reenforced by the testimony of William M. Burgess, a resident of Duluth, who testified to the effect that he boarded a train from Duluth to Virginia City, 73 miles, 10 minutes before it started, about 7.10 o'clock p. m., March 8, 1911, and in the smoking room of the Pullman had a conversation with C. F. Wiehe, the brother-in-law of Edward Hines, and secretary of the Hines Lumber Co., about an hour after the train left Duluth. In this compartment at various times during the trip were Messrs. Johnson, Cusson, F. J. Weyerhaeuser, Harper, and R. Weyerhaeuser, and a gentleman from Canada (pp. 1334 and 1335).

At the time of the conversation he says Wiehe, sitting on the leather seat running crosswise the car, in the corner next to the aisle, and the young Canadian, on the same seat next to the window, and himself, in a chair "crosswise" from Wiehe (p. 1335), 3 or 4 feet away, were in the compartment.

As Mr. John Weyerhaeuser left the compartment, Burgess inquired of Wiehe who he was, and he does not "remember how the conversation drifted over onto LORIMER's election," but Wiehe said that LORIMER had not spent any of his own money for his election, but, he stated, "there was, as he called it, a jack pot raised for Mr. LORIMER's election. I know what I am talking about, because I subscribed $10,000 to it myself" (p. 1336). "He said there was a jack pot of $100,000" (p. 1337). The conversation lasted probably 20 minutes.

At another time, on cross-examination, the witness said "Mr. Weyerhaeuser sat in the corner and Mr. Wiehe next to him"; then came John Weyerhaeuser, and then the Canadian (p. 1350). Johnson sat opposite the Canadian in a chair. Cusson sat forward of Burgess, next the entrance (p. 1351).

Rudolph Weyerhaeuser and Mr. Harper came in "and stood up against the washbowls" (p. 1351) about 10 minutes. Cusson was there about three-quarters of an hour—"followed me [Burgess] in" (p. 1352). John Weyerhaeuser was there when Burgess entered (p. 1354); Johnson was in the corner. Thinks the man from Canada was there also. All left but himself, Wiehe, and the Canadian, John Weyerhaeuser leaving last (p. 1335).

BURGESS CONTRADICTED BY ALL THE WITNESSES.

B. A. Johnson was in the smoking compartment until after Wiehe left (pp. 1523, 1534, and 1543), and he swears positively no such conversation as Burgess testified to occurred while he was there; that nothing was said about the Lorimer election; that the name of Father Greene was not mentioned (p. 1524).

John B. Price, of Seattle, came into the smoker 10 or 15 minutes after leaving Duluth, and there were in the smoker then McGowan, Johnson, and Burgess (p. 1550).

He was there all the while until after Wiehe left, except for a space of a minute or two, when he went into the body of the car to see about his grip (p. 1551), and so forth.

He is equally positive that nothing was said about Father Greene (p. 1553) and nothing was said about the election of Mr. LORIMER (pp. 1553, 1583).

No attempt was made to impeach these disinterested witnesses.

Charles McGowan testified, as did Price and Johnson, and he was in the smoking compartment every minute from Duluth to Virginia City.

S. J. Cusson (pp. 1606, 1607) went into the compartment about 20 minutes after leaving Duluth, and remained in it until Virginia was announced. He says Johnson never left until after Wiehe did, and that nothing was said about the election of LORIMER (pp. 1606, 1607, 1604).

Here are four witnesses, beside Mr. Wiehe, who flatly contradict Burgess. Mr. Wiehe swears he made no contribution to any LORIMER corruption fund (p. 1675), and had no conversation with Burgess in respect to Mr. LORIMER's election (pp. 1643, 1760).

Aside from the improbability of such an occurrence and Mr. Wiehe's emphatic denial, the testimony of the occupants of the smoker leave no room for doubt that the Burgess story is a mendacious fabrication out of the whole cloth.

W. H. COOK—HIS TESTIMONY WORTHLESS.

Burgess and Wirt H. Cook were good friends and joint conspirators. The latter was prompted by personal enmity toward Edward Hines, and his bearing on the witness stand, manner of testifying, and general appearance confirm the only reasonable conclusion that he was desirous of injuring Mr. Hines, and he maliciously invented the telephone conversation which he says took place in his room at the Grand Pacific Hotel, May 26, 1909.

Mr. Hines's account of that conversation is borne out by his records, his relations to the whole matter, all the circumstances

surrounding it, and by the testimony, too, of the others then present, Messrs. Baker, O'Brien, and Wiehe.

No fair-minded, reasonable person can find any place to stand in defense of Cooks' extraordinary illusions about that conversation. It is difficult to see how any extension of charity can relieve him from the guilt of deliberate, willful exaggeration and false swearing.

Funk, Burgess, and Cook, sons of Belial, relied on to establish the corruption fund, have made a miserable, discreditable failure. Each of them stands alone in his specialty. Each, unsupported by any sort of corroboration, testified to conversations which, it so happens, from three to four witnesses in each instance testified never occurred. They undertook to rear structures on the sand of their own imagination or malicious, vindictive falsehood, which crumbled away under the test of truth. What a spectacle in civilized society, that the good name of reputable citizens can be smirched, the reputation of a faithful public official can be well-nigh wrecked, and he financially impoverished, disgrace heaped upon him, the fame of a great State blackened and her people and representatives humiliated by such flimsy, false, and dastardly concocted stories as these three severally related. In each instance there were witnesses present no one of whom corroborated the story given by either Funk, Burgess, or Cook; but, to the contrary, every witness on each occasion contradicted these star performers. There was no such fund raised or contemplated, and therefore there could have been no discussion of it.

What a colossal top was started spinning on that feeble support, and what a deserved and dismal collapse followed its unbalancing!

UNREASONABLE TO ATTACH CORRUPT MOTIVES TO HINES'S ACTIVITIES.

The contention is Edward Hines was sent on a special mission by those looking out for "special interests" to do more than carry a message to LORIMER. The latter already knew the President and leading regular or stand-pat Republicans were favorable to his election. The promoters of privilege, it is claimed, whom Hines represented, were rushing him to Springfield because LORIMER's vote was needed in the Senate—according to the argument made by the Senator from Indiana.

This is not unlike most of the leaps and bounds logic is made to take by those supporting this resolution, and involves violent assumptions frequently resorted to in the effort to make plausible a conclusion reached in advance of the argument.

The Republican majority in the Senate was ample at all times and on every schedule to write the tariff law as it saw fit. There never was a time when the stand-pat Republicans needed Mr. LORIMER's vote. His vote was of greater consequence in the House he was then a Member of than in the Senate. The record will show that the Payne-Aldrich Tariff Act had a larger majority in the Senate than it had in the House on the final vote agreeing to the conference report. There was a margin of only 12 votes in the House. The alleged "special interests," the "powers of privilege," if they needed Mr. LORIMER, needed him most where he was.

Here is the way the record stands on the Payne-Aldrich bill, Sixty-first Congress, first session:

April 9, 1909. Passed House, 217 yeas and 161 nays; 9 did not vote. (CONGRESSIONAL RECORD, p. 1301.)

July 8, 1909. Passed Senate, 45 yeas and 34 nays; 13 did not vote. (CONGRESSIONAL RECORD, p. 4316.)

July 31, 1909. House agrees to conference report, 195 yeas and 183 nays; 10 did not vote. (CONGRESSIONAL RECORD, p. 4755.)

August 5, 1909. Senate agrees to conference report, 47 yeas and 31 nays; 14 did not vote. (CONGRESSIONAL RECORD, p. 4049.)

IF VOTES WERE PURCHASABLE, WHY NOT BUY THEM FOR HOPKINS?

On the other hand, the contention proceeds upon the assumption that Hopkins was not satisfactory to "big business," "special privilege," "preferred interests," and the like. The fallacy of the suggestion that Hopkins was not a regular of the regulars and a standpatter of the standpats is overthrown by his entire past public record. Why should the powers in Washington, if Hines was the representative claimed, on the mission asserted, chosen to carry out their will, concern themselves in the selection of a Senator other than Hopkins? Surely, they could not improve on him. If a simon-pure, regular Republican—regular in all his connections and convictions—was needed, why should not Hopkins, the nominee at the primary, as well as a pronounced and unquestioned high protectionist, be the object of the "interests'" solicitude and assistance?

He filled all demands of the character indicated, and possessed the added strength of being the primary choice and already in the Senate when the legislature met.

If it be said he was not popular with the Democrats, I grant it; indeed, I will say he was most unpopular with them. He was abhorrent to many of them. I will admit this was not the case with Mr. LORIMER.

If by this you mean it would have been difficult to get Democrats to vote for Hopkins, I agree again, but you have proceeded upon the idea that this was a matter of dollars and cents, and if so, sentiment played an insignificant part. In that situation, if votes were to be purchased, why not buy them for Hopkins?

If you say Democrats could have been bought for LORIMER, but not for Hopkins, I reply that my mind does not grasp the premise that only the Democrats in that legislature were vile. I decline to follow you into the position that Democrats were purchasable, but the Republicans were incorruptible.

There were enough Republicans in that legislature to elect Hopkins and have 50 to spare.

If Hines was the boodle carrier and the money changer for the "special interests," bent on the corrupt election of a Senator of the high-protection, stand-pat variety, instead of buying Democrats to vote for LORIMER, his business sagacity stood him in miserable stead, and the judgment of his advisers was weaker than it is reputed to have been, when he overlooked the bargain counter of 7 Republicans needed to elect Hopkins, or 7 Democrats for that matter. Hopkins received 95 votes and only needed 7 more. I will not admit—I can not follow in my mind the reasoning which prompts the inference that Democrats were purchasable, but Republicans were not, any more than I can the suggestion that LORIMER was a good Republican in the estimation of the regulars of that party, but Hopkins was not. Nor can I quite grasp the idea raised that Hines, as special representatives of "special interests," was dispatched to Springfield to corrupt the legislature and bring about LORIMER's election by the use of money, and yet was so derelict in performing that mission as to stop in Chicago, while the legislature, ready to be corrupted, pulled off the election in his absence. Such thoughtless, careless conduct when Hines was known to be within six hours and on his way, and hungry Democrats had waited for months for money bags to appear, scarcely comports with the reputation given them.

What was shrewd, wide-awake Lee O'Neil Browne thinking of? What negligence for Browne and Tippit to deliver the goods—53 Democratic votes—without seeing the money. In all seriousness I ask, What interest could have been subserved by LORIMER's election that would not have been subserved by the election of Hopkins?

What was the occasion for pouring in money to elect LORIMER?

The fact that Democrats voted for LORIMER rather evidences the absence of any purchasing of votes than otherwise.

It was conceded that the Democrats had no prospect or hope of electing a Democrat. Elected to the house were, Republicans 89, Democrats 64; to the senate, Republicans 38, Democrats 13; total, on joint ballot, Republicans 127, Democrats 77. A member of the house died in January and a member of the senate was absent on the ninety-fifth ballot, when 202 were present and voting and Mr. LORIMER received 108 votes. The view of the Democrats was that it was good politics to widen the breach in the Republican ranks, and make choice among Republicans of one with whom many were on terms of personal friendship as against a stalwart, bitter partisan whom the strongest of their number cordially disliked. The result was Democratic gains throughout the State in the elections that followed, thus vindicating their judgment.

INSULT TO MR. LORIMER ADVERTISED TO HIS INJURY.

And so the whole fabric of alleged new evidence tumbles. On it was built the attack of the newspapers, as before stated. On it was based the action of Theodore Roosevelt, a spectacular figure in public life then as now refusing, and publishing to the world his refusal, to sit at dinner given by the Hamilton Club in Chicago with Senator LORIMER, one of its members. Mr. Kohlsaat brought about that by repeating the gossip from Funk to the exemplar of purity in politics and high ideals in Government and good manners in society (p. 477). He could enjoy a luncheon with Booker Washington at the White House, but could not afford to dine in the same room with Mr. LORIMER, a member of the club of which he was a guest. He could not countenance sitting "at meat with publicans and sinners." This insult was grist to the mill of the Tribune, the News, and the Record-Herald, and was published from one end of the country to the other. The headquarters of morality did not know then and has not since taken the trouble to become acquainted with the facts; he depended on the hearsay information furnished by his friend Kohlsaat, setting forth the false allegation that $100,000 had been raised and used to elect Mr. LORIMER. The damning of a respectable citizen, the head of a "beautiful family," as Kohlsaat states, the representative of a State in high office, was a welcome thing if it gave opportunity to attitudinize as the standard of honor and righteousness and the paragon of civic virtue. He is the man aspiring for the highest

honors of the country who, on his flamboyant arrival in Chicago on the 15th of last month, engaged in frantic efforts to nominate himself for a third term, made a speech in which he denounced his opponents on the Republican national committee as "tolerating robbery" and being guilty of "brazen theft," and defined the issue as "a fight between the rank and file plain people and corrupt politicians and thieves." You would have thought there was bound to be enough slaughtering to satisfy the blood lust of the most fiery Democrat, but it turned out there was not enough gore letting to supply the exigencies of a French duel. Some of these traducers and defamers would do well to study Mr. LORIMER's life and strive to approach, as he can, the ideals of Kipling—

If you can talk with crowds and keep your virtue,
If you can walk with kings nor lose the common touch;
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run;
Yours is the earth, and everything that's in it,
And, which is more, you'll be a man, my son.

WILLIAM LORIMER THE MAN.

Who is this wicked man assailed in public print and on platforms as one who profits by the shame and disgrace of a State, as the beneficiary of corruption in its legislature, the conscienceless machine boss, at once the high priest of special privilege and the ruler of the dive keepers, ward heelers, and political parasites? Everyone here knows this picture is libellous.

He is no stranger in Illinois, where he grew to manhood, hampered by a grinding poverty and crushing responsibilities, beginning with his childhood; unable to enjoy a day's attendance in the public schools he toiled early and late, doing what he best could to help provide for a widowed mother and younger children, never faltering in his devotion to them, and always, as he grew to manhood, conducting himself in an upright, honorable manner. He was sober, industrious, moral, and faithful in every undertaking. These qualities became fixed in the man. They were not merely spasmodic, occasional, or emotional. They became habits of life. The practice of truth and honor was not a mere sentiment, but became a rule of conduct. His energy and abilities and character thus formed won for him influence and place in local affairs and then in the broader governmental fields.

They say he is a "boss" and "undesirable." The distinction between a "boss" and a "leader" is sometimes confused. Whether the leader of a "bolt" is a leader of the people or a "boss" in the real sense may give some trouble to determine. The methods of Mr. LORIMER appear to have been that instead of answering in the newspapers the charges and criticisms hurled against him he calls the people together and personally and directly and frankly lays the whole question before them. He openly takes the people into his full and unrestricted confidence. Instead of conniving and conspiring with a selected few job hunters in some dark room and secretly forming plans and schemes to trick and deceive the people, or colluding with a few powerful and influential men who wish to control political affairs in their own way, assuming that they know what is best for the people, so many of whom they hold are too ignorant and so many of whom they regard as too lacking in honor and principle as well as in intelligence and patriotism to be trusted, he spurns such a course and assembles the people en masse and discusses fully the questions involved and submits to them the procedure desired.

WILLIAM LORIMER, THE OFFICIAL.

Since 1894, when he was first elected to Congress, he has moved in and out these premises, attending to his duties in his quiet, unassuming, democratic way. Reelected six times from a normally Democratic district, proving his efficiency, he has taken his cause on every occasion straight to the people of his district, and refused to bow the knee to the domination of influences dictated by violently antagonistic newspapers.

This refusal is unforgivable. The even tenor of his way did not suit powerful forces in his own party, which sought that control in public affairs they could not obtain without making way with him.

Let his open, avowed enemies speak. "The Tribune has always opposed Senator LORIMER" * * * (1897)—its policy has been "to drive WILLIAM LORIMER out of politics in Chicago and Illinois," says, on his oath, Mr. Keeley, its general manager and editor (p. 2053). Mr. Keeley was perfectly frank and unambiguous in his statements to the committee. Mr. Kohlsaat swore he had opposed Mr. LORIMER for 20 years (p. 428). Two days after his election, May 28, 1909, the Tribune said, editorially (p. 1880):

The Illinois Senatorial contest is over, and the result needs no extended discussion. The Tribune can not approve it, but without regard to the personality of the new Senator elect.

* * * * * * *

That he has been elected largely by Democratic votes does not in itself disturb the Tribune.

That seems to be about the only thing that is disturbing certain Members of the Senate. It did not disturb the Tribune the day after the election.

That he has been elected largely by Democratic votes does not in itself disturb the Tribune. The Tribune will usually welcome the support of Democratic votes for Republican candidates, whether voting for Republican Senator or a Republican President. The discontent of this paper relates to the Republican legislators and Republican leaders who have seen fit to ignore the results of a primary that ought fairly and justly to have been held binding.

That was the gravamen of the complaint. There was no charge of corruption, purchase of votes, or selling out of Democrats. The Tribune said the day after the election that the Republicans ought to have stood by the primary choice. That was its criticism.

The forty-sixth general assembly, it may be remarked in this connection, has been exceptionally fertile in mistakes, and it would be well if its members should devote the two remaining days of this demoralized session to the enactment of some of the meritorious measures that have thus far escaped the legislative wastebasket. This suggestion is especially worthy of the prompt consideration of those leaders who have proved their control of the operations of the assembly so conclusively in the election of Mr. LORIMER.

Respecting the new Senator elect, the Tribune hardly will be accused of undue favoritism. It has been aggressive and thoroughgoing in its opposition to him at many points of his career. At the same time it recognizes his many merits. No one questions his ability. In many respects he is an able, efficient Congressman. What the Tribune wishes to see him become is more of a statesman and less of a boss politician.

That is the editorial of the Tribune the day after that election.

Nearly a year passed by before the Tribune's opportunity came, in the shape of the White story, to reassert its old-time enmity.

Mr. Kohlsaat said regarding Mr. LORIMER, "From all I know, as I said before, his home life, his family life, is ideal. He has a beautiful family of children, which he has raised splendidly" (p. 429).

It is somewhat difficult to reconcile this estimate of a man—by his enemies—with a charge that he has purchased a seat in the United States Senate.

It ought to count for something that a man's private life is absolutely clean, his habits in the highest degree commendable, his associations without possible criticism, his truthfulness and honesty unquestioned, his ability recognized, his home brought in close relation with his church affiliations—the type of the God-fearing citizen.

The testimony of political adversaries is illustrated by that of Mr. Lawrence B. Stringer, the Democratic candidate for governor in 1904, and the Democratic primary nominee for United States Senator in 1908, and who was present in Springfield as the Democratic candidate during the contest of 1909, who told this committee—and this man's statement of a fact is conclusive, to my mind—that he had never heard Mr. LORIMER's honesty and integrity as a man questioned, but, on the contrary, had heard it spoken of very highly, and "that when he made a promise you could rely upon it" (p. 2327). I need not refer to the evidence of friends on that point. Now, what I wish to emphasize is: I am not one of those who believe that a man may rob and steal until he arrives at his deathbed and immediately before dissolution profess religion and thereby secure for his soul the same situation as if he had lived a correct life. Nor, on the other hand, do I believe a man who has grown to past middle life developing and building a good character, quickening his sense of honor, intensifying his hatred of wrong, and exalting his hopes for humankind, will turn to bribing legislators or authorizing or consenting to such bribery or accepting or holding what may be produced thereby. To a man whose *character* is sound, whose habits of thought and feeling are well formed, the judgment of the hereafter is of more consequence than any prize the State or Nation can offer. *Character* is said to be "the one indestructible material in destiny's fierce crucible."

I feel convinced that WILLIAM LORIMER would not stoop to the vulgar, disreputable business of purchasing votes, the debauching of a legislature, nor would he permit such a thing in his behalf, nor would he accept the alleged benefits of such corruption, and if, afterwards, it was shown, *or he believed*, an office had come to him tainted, even without his knowledge, by such villainy, he would surrender it the instant that situation arose.

WE CAN NOT CONSIDER WHETHER OUR POSITION IS THE POPULAR ONE.

I realize the view I am compelled to take in this matter is not the popular one, and no one believes more fully in the correctness and soundness of the judgment of all the people than I do, when they know the facts. In this case they could not read and study this testimony of over 8,000 pages. They have been

misinformed by glaring headlines and prejudiced and unenlightened expressions in the newspapers.

I realize that some of these have repeatedly warned Senators that if they voted in favor of Mr. LORIMER holding his seat as a Senator from the Commonwealth of Illinois, to which the legislature of the State, in the regular manner prescribed by law, elected him, they would be retired to private life. Threats have been made of dire consequences, but I apprehend no Senator will be diverted from a conscientious discharge of his duty by methods of that kind. They have gone so far as to claim that a number of Senators have already been defeated by reason of their votes in this case on March 3, 1910, and give names, the fact not stated being some of them have died, others were not candidates, and others were succeeded by new Senators by reason of a change in the party majority in the legislatures of their States, and they forget to mention the numerous changes of like character which have taken place among those who voted *for* the resolution to declare the election invalid.

It would be worse than base to consider such motives as would be prompted by these suggestions. As late as June 10, scarcely a month ago, one of these newspapers published an editorial, mentioned by the Senator from North Dakota [Mr. MCCUMBER] on Saturday, entitled "Going down with LORIMER," and concluded it with "How many other United States Senators will sign their political death warrants on July 6 next?"

The Senator from North Dakota was sent this clipping, showing it had reached his State, and it contained the statement that in the senatorial race in Iowa Senator KENYON, who is against Mr. LORIMER, had won largely over his opponent, who, the inference was, favored Mr. LORIMER, whereas the fact is that opponent, Mr. Young, voted against Mr. LORIMER on the former hearing. They were not on opposite sides of that question at all. The same newspaper published an editorial on the 7th instant, yesterday, entitled "Vale Lorimer," in which this language appears:

It is sincerely to be hoped he will not resign. Nothing would help more in the national task of cleaning the bosses and the cappers out of Congress than to compel one more line-up on this Lorimer issue.

The people have uniformly wabbled right on LORIMER. It's like the business of stealing a nomination for President; they understand enough about it, without all the details, to get right.

If LORIMER resigns, it will add to the difficulty of retiring a large number of Senators whose greatest service to the public could be rendered outside public life. If he sticks, and forces a vote, he will perform the one real service of his nauseous public career. He will be voted out, and that vote will line up, in full view of the community, the bunch of undesirable Senators and mark them for the slaughter that thus far has not missed any Lorimer supporter.

This is intended to threaten and intimidate, and if published concerning a case on trial in an ordinary court would be clearly in contempt of that court.

The reckless character of the statements in this newspaper, the misrepresentations and inveracities it indulges in, is indicated by the editorial in the adjoining column entitled "Stop thief the issue," containing this:

In vain will politicians of both old parties endeavor to excite the people by the old battle cries and interest them in the old issues. The people have been awakened, as from a deep sleep, to a realization of the truth that they have been fighting among themselves over minor issues the while their Government has been filched from them by special privilege and bosses. They have awakened to a realization of the truth that among those who have been stealing control of the Government there are no such issues as tariff and currency and foreign policies, no Republican or Democratic Parties.

* * * * * * *

At Chicago for the first time, and for the only time up to now, the powers that have undermined our system of representative government through adroit manipulation of the party system were forced into the open, and so great was their extremity that they had perforce to abandon their stealth and openly resort to plain, naked theft.

I wonder if the people of this country will take lessons in virtue and morality and patriotism from lawless instructors who would put over them a Diaz or a Castro.

There will be some people impressed, and, unfortunately, misled by such references to this case.

I do not forget that in Persia an individual poses as a god and Americans go all the way there to see him. They are credulous.

Louis XVI claimed that God made him King and he was responsible to no other authority. Public opinion allowed it until there was a collapse of public opinion—then the revolution.

Charlotte and Juan looked out their windows one evening and one half of Paris was butchering the other half—fanaticism.

I prefer the light that guides to the lightning that drives, the one who shows the way to the one who forces the way.

Let reason have sway and let us cling eternally to a correct sense of justice.

Is it possible that we have reached that point when it may be presumed that Senators, acting as judges in a case like this, are to be hampered, shackled, and cowed by the servile fear of the loss of position or of political support if they dare to do their duty?

We have heard much about the recall of judges, but here is the announcement of a doctrine which can only be likened to that humiliating travesty on the forms of judicial administration which would require the submission of the decisions of the judges upon the bench to the crowd on the courthouse steps.

So far as I am concerned, I do not believe sane people will take that position. If I felt it possible to allow considerations of the kind suggested to influence my action in this matter, I could find no cause for alarm concerning political support for the simple reason that the electors of Florida are intellectually of age. When that condition obtains everywhere, free government is beyond danger.

My people know it has been my duty to see and hear the witnesses, and to study and understand this evidence, and they believe I am capable of analyzing it and passing judgment upon it, and they believe I will do that without fear or favor.

They are sufficiently reasonable, furthermore, to grant that a man of ordinary intelligence who has read the testimony, and, especially, if he has also seen and heard the witnesses on the stand, is better qualified to determine what that testimony shows and arrive at the truth than a man, no matter how brilliant and exalted he may be, who has never read it.

I will not dwell on such threats because, of course, any Senator who would place his vote for or against this resolution on his calculation of its effect on his reelection is unworthy to be in a position to cast that vote at all—in this or any other case.

HEARINGS BEFORE COMMITTEE OF ILLINOIS SENATE.

Comment has been made by the Senator from Indiana on the fact that Mr. Hines never gave his version of the conversation with Funk to the Helm committee or elsewhere until he testified before this committee. The fact is Mr. Hines was called before the Helm committee *before* Mr. Funk was and was questioned, and answered, flatly denying that he ever discussed the question of raising money to aid in the election of Senator LORIMER with anyone (pp. 32, 34, and 35).

Afterwards Mr. Kohlsaat and then Mr. Funk were summoned and Mr. Hines expected to be called regarding the conversation which had for the first time been introduced, but the Helm committee did not call him and shortly suspended the hearings because of inability to reach witnesses outside the State. That committee had received the affidavits of a special agent, M. B. Coan, setting forth what certain persons had told him, and it was well to discontinue that sort of testimony, because those parties were brought before this committee and swore that Coan's statements of what they said to him were absolutely false. Findings based on such testimony can not carry weight, and the resolution of the Illinois Senate may be thus explained. Mr. Hines had no opportunity to meet the testimony of Funk before the Helm committee.

Reference has been made to the testimony of Fred E. Sterling, giving conversations with Corcoran and some "general talk" regarding the use of money. He was for Hopkins, and had been told, "Mr. Hopkins appreciates what you have done for him, and if he is elected he will not forget you" (p. 5481).

He did not undertake to run down or make public what he had heard, and contented himself with reporting it to Senator Hopkins. The entire force and effect of his testimony is destroyed by the letter he wrote consequently, a few days after the election, to wit:

THE REGISTER-GAZETTE (ESTABLISHED 1840),
Rockford, Ill., May 28, 1909.

Hon. WILLIAM LORIMER, *Chicago, Ill.*

MY DEAR SENATOR: Please permit me to extend to you my sincere congratulations on the great personal triumph which you won in your election this week to the United States Senate. I believe you will make a great record in the upper branch of Congress and win over to your support many of those who have been against you in the past simply because they do not know you. I am glad I am not in this class. Because of personal obligations which Senator Hopkins placed me under months ago I could not honorably do other than give him my humble and feeble support. Inasmuch as it was impossible for him to win, I am glad the result was as it was, and hope your election will bring about harmony in the party in this State. I shall be glad to contribute my mite toward this end. I beg to inclose an editorial from to-night's Register-Gazette, to which I thought you might be interested. With deepest personal regards and best wishes, I remain,

Very sincerely, F. E. STERLING.

Here is the man referred to and quoted in arguments here as sustaining the claim that there had been a corrupt use of money in the election of a Senator.

MR. LORIMER'S ELECTION APPROVED AT THE TIME.

In this connection, it is worth while to note some of the telegrams and letters sent to Mr. LORIMER at and about the time of his election, directing attention to but not stopping to quote them; their contents and authors are found in the hearings on pages 7554 to 7561, inclusive. The list includes:

Mr. John G. Shedd, president of the Marshall Field Co.;
Lloyd W. Bowers, Solicitor General, Department of Justice;

Joseph W. Fifer, one time governor of Illinois and member of Interstate Commerce Commission;

Charles G. Dawes, president of the Central Trust Co., of Illinois;

Adams A. Goodrich, one time judge and a prominent Democrat in Illinois;

John M. Harlan, son of the late justice of the Supreme Court and one time nominee for mayor of Chicago by the Republican convention;

Charles A. Wightman, treasurer of Evanston Democratic Club;

J. B. Harris and six others, Democrats, of Champaign County;

Francis C. Kelley, head of the Catholic Church Extension Society;

Samuel R. Rohinoff, president and on behalf of the Jewish Political League of Chicago;

Frank D. Shuts, pastor of Court Street Methodist Episcopal Church, Rockford, Ill.; and

Robert S. Iles, of the law firm of Iles & Martin, Chicago, who said:

Your election is a consummation I have devoutly wished, and to find it realized is a personal gratification to me.

Your ability, eminent public service, and integrity entitle you to the honor, and your experience in the practical needs of the Nation and of the relation of Illinois to the Federal Union make you eminently the man of the hour and the most fitting representative Illinois could have at this time and for years to come (p. 7559).

This is a fair sample of the expressions contained in the voluntary letters and telegrams I have only stopped to mention. There were others, from the following:

Theodore Brentano, supreme court judge, Chicago;

John Gibbons, judge of circuit court of Cook County;

Richard S. Tuthill, judge of circuit court of Cook County;

W. N. Gemmill, judge of municipal court of Chicago;

Jesse A. Baldwin, now on the appellate court of Chicago;

M. F. Girten, judge of the municipal court of Chicago; and

William G. Beale, one of the three trustees controlling the Tribune property (p. 7544).

REASON FOR OPPOSITION OF THE NEWSPAPERS.

The question may be asked, Why were certain newspapers so persistent in their bitter attacks? The record shows on that point the following:

Senator FLETCHER. Yesterday you said, Senator LORIMER, that the newspapers—I think you mentioned particularly the Tribune and the Record-Herald and the News—had been for 10 or 15 years endeavoring to drive you out of public life. Can you summarize the reasons for that and tell us why they pursued that course?

Senator LORIMER. The only reason I have been able to assign for it, Senator, is because I never have been much of a newspaper man. The newspapers have always wanted to run the Republican politics of our city and county and State, and I never have consulted the editors of the newspapers to find out whether or not I should do what I wanted to do. The time was when Joseph Medill absolutely controlled the affairs of the Republican Party in Cook County. Mr. Kohlsaat, when he bought the Inter-Ocean, aspired to divide the influence with him; and I got into a quarrel with him—or, rather, got into trouble with him, not into any quarrel—because I would not do the things he wanted to have done in politics.

Senator FLETCHER. Then, do you mean to give us to understand that the real reason of that opposition was that the newspapers could not control or dictate to you?

Senator LORIMER. That was it; yes.

NO MONEY WAS RECEIVED FOR VOTES FOR SENATOR.

The Senator from Indiana in his argument in this case indulged in many broad and general assertions which naturally led to inconsistencies, and by reason of the lack of specifications and detail were calculated to create an erroneous impression on the minds of those not thoroughly familiar with this record. An illustration of such generalization, wanting in accurate confine to the evidence, may be mentioned. He says, "Is it true that four men confessed to taking bribes, two of whom connected the bribe with the election of the Senator?" and answered "Yes." (CONGRESSIONAL RECORD, p. 8423.)

On page 8427 he says, "* * * the four men who testified positively and without equivocation that there was jack-pot money received by them, and two testified with equal positiveness that they were paid money before that time by Senator LORIMER's accredited agent, Lee O'Neil Browne, in consideration of their vote in the senatorial election."

In one statement two of these men only connected the money received by them with the election of Senator; in the next breath *four* of them testified positively they were paid this money in consideration of their votes in the senatorial election. Which is correct? Neither. As will appear from the evidence only *one* man so testified—White—and he was thoroughly discredited.

We find such further expressions as "confessions of guilt came and the evidence of wholesale corruption piled mountain high." Democrats are denounced as "deserting miscreants." It is asserted that "men do not betray party or principle in that way under those circumstances save for *money*."

The circumstances given were: "This condition of things at Washington were such the reforms for which the Democratic Party had fought for 50 years might be defeated by that one vote that was about to be sent from Illinois." I have already shown that the record clearly establishes that it was not a question of one vote or ten.

I challenge any man to show by this testimony or otherwise that any four men or two men ever confessed or stated they were paid money "in consideration of their vote in the senatorial election."

I challenge any man to point out in this entire record where any man except White ever said he was paid any money or other thing of value in consideration of his vote for Mr. LORIMER.

I challenge any man to show by this record or otherwise that one vote from Illinois or elsewhere was needed to put through the Republican program at Washington in 1909, or to prevent the Democrats from accomplishing the reforms they had fought for.

Of course, the averment of the existence of "wholesale corruption" and that the evidence of corruption "piled mountain high" are rash conclusions, which ought to be fully answered by the failure to point out this "mountain-high" evidence.

WHITE CAN NOT BE BELIEVED.

As a matter of fact, there was no confession in any proper sense or correct use of the word. White's story was no confession. Practically a year after the election White conceived the idea of bettering his financial condition by preparing what he called his experience in the legislature, which, to make it yield anything, had to take the form of alleged exposure. He had in mind a plain, everyday, blackmailing scheme. He offered his effusion to Senator LORIMER on that basis. He endeavored to sell it to magazines, but the standing of the author was such no reputable publisher would take it without investigation. He knew of the bitter hostility of the Tribune to Senator LORIMER. At any rate, the suggestion was made to him that a market for his production might be found in that quarter. White knew of the attitude of the Tribune toward Mr. LORIMER. He knew he could never have got one dollar from the Tribune if it had dealt merely with a jack pot and did not connect it with the senatorial election. The story was not worth while unless it involved Senator LORIMER. White voted for him.

White had participated in the legislative jack pot, but unless this jackpot had to do with the election of Senator LORIMER there would be lacking the element of chief value. White was after the value, and he supplied the connecting link so far as his own testimony is concerned, but he, the Tribune, the detectives, the prosecuting officers, with all their threats and terrorizing combined, have not been able to show that any member of the legislature ever in an unguarded moment, or through reward, intimidation, fear, or duress, admitted he voted for Mr. LORIMER because of money paid or promised to him. It is sought to stimulate some reliance on White by claiming his is not an instance of original sin, but of subsequent downfall, which lamentable catastrophe happened when he got into politics. It is immaterial to this inquiry to determine more than that when he devised and sold his story he was steeped in iniquity, his conscience was "seared as with a hot iron," and he continued in that state up to the time he testified before this committee when he swore that he aspired to become a member of the legislature as a reformer and for the purpose of correcting the errors and preventing the crimes in the Illinois Legislature theretofore indulged in, and that he was actuated while a member by that same commendable purpose, to wit, to ferret out and expose corruption whenever and wherever he could find it. Prompted by this high aim, he accepted a bribe, kept the money, said nothing about it for nearly a year, and then told of it for more money. The record is full of evidence showing White's "grafting" propensities, and he was in position on committees and otherwise to share in any legislative jack pot. The only possible excuse for attempting a defense of White must be found in the knowledge that the charges here rest and depend on him. He confessed to numerous false statements and no reliance can be placed on anything he might say.

LEE O'NEIL BROWNE WAS NOT MR. LORIMER'S AGENT.

There is no evidence whatever that Lee O'Neil Browne ever was Mr. LORIMER's "accredited agent" in the sense that he was authorized to represent Mr. LORIMER in any negotiation, transaction, agreement, or arrangement looking to obtaining, procuring, or inducing votes for him.

Mr. LORIMER had no such agent, and all the evidence shows it. Therein the present record is more conclusive than the former,

Mr. LORIMER's own testimony completely demolishes any such suspicion.

Lee O'Neil Browne made no such claim. No witness testified to any such fact or to facts from which that might be reasonably inferred.

Mr. LORIMER positively denied that he had any such agent, "accredited" or otherwise.

It would scarcely be warranted to designate every friend and supporter of a candidate as the "accredited agent" of such candidate. This was the precise relation of Lee O'Neil Browne to Mr. LORIMER after he became a candidate.

ANNUAL JACK POT.

The "mountain-high" evidence simply shows the "wholesale corruption" to have been the plain, vulgar, graft kind, just as had existed for years in every Illinois Legislature. United States Senators are only elected every six years, but this scandal, talk, hold-up conduct, and paying in and receiving money to defeat or to pass bills appears to have been an annual affair.

Mr. Hinman, editor of the Inter Ocean (p. 205), gives that as his opinion and belief, and says "that common report has existed in fairly strong shape and for every legislature that has been in Illinois since I have been there—12 years."

Ex-Gov. Yates said: "The general subject of money being used to influence legislation or to procure the passage of legislation has been talked about" seriously and otherwise for 30 years (p. 220).

Mr. Stringer said:

Oh, I have heard rumors of money being used, perhaps, at times to influence legislation, but I have no concrete information along that line. I think the first time my attention was called to it was in connection with what was known as the Allen bill (p. 2295).

This was in 1897 or 1898.

Gov. Deneen gives the clearest idea and most graphic description of that condition (p. 1120). He says:

They wanted to get rid of me. I do not know that they wanted to send me to the Senate, but I felt sure that they wanted to get rid of me.

Senator KERN. And they were willing to pay that price to get rid of you?

Mr. DENEEN. They were willing to kick me upstairs or kick me downstairs, I think.

Senator JONES. Do you think they were promoting this conference that you referred to?

Mr. DENEEN. That would be purely a matter of inference. I would not want to say as to that. I have no evidence on the matter.

Senator JONES. The leaders of it were those who professed to be your friends, anyway?

Mr. DENEEN. There were leaders there who were very friendly to those interests who were very friendly to putting me out of office, or making me Senator. I do not know the relation between them and the men back of them.

Senator KENYON. Governor, was there any relationship between the interests that were trying to get rid of you and the "jack pot" we have heard about?

Mr. DENEEN. I thought so.

Senator KENYON. You did?

Mr. DENEEN. Yes, sir.

Senator KENYON. At the time of the passage of the local-option measure——

Mr. DENEEN. I do not mean to imply now that I am speaking of Senator LORIMER in this matter.

Senator KENYON. No. At the time of the passage of the local-option measure were the liquor interests very active in Illinois?

Mr. DENEEN. Very.

Senator KENYON. That was while you were governor?

Mr. DENEEN. While I was governor.

Senator KENYON. Was the "jack pot" in evidence at that time?

Mr. DENEEN. I think so. The general impression is that it was.

Senator KENYON. How long has this jack pot existed, to your knowledge?

Mr. DENEEN. Nobody knows exactly except those who participated in it; but the general understanding is that it began in 1897 with some "constructive legislation" with reference to the so-called Allen bill, the Humphrey bill, the gas-consolidation bill, the warehouse bill, and some "constructive legislation" that was passed at that session.

Senator KENYON. Did you regard these same interests that were trying to secure your election to the Senate, or were suggesting your election to the Senate, as contributors to the jack pot?

Mr. DENEEN. I do not know as to that. I could not tell.

Senator KENYON. Of course, you do not know because you did not see it.

Mr. DENEEN. No.

Senator KENYON. But you had a pretty general understanding of the situation there, apparently.

Mr. DENEEN. My information was that they contributed pretty heavily to the funds to defeat me. Whether they gave any to the legislature thereafter I do not know. Whether they expected men to vote from a sense of obligation for large donations at the primaries or elections or whether more substantial inducements were brought to bear I do not know.

Senator KENYON. You say Mr. Lee O'Neil Browne was understood to represent the liquor interests?

Mr. DENEEN. The liquor interests.

Senator KENYON. Was that the general understanding?

Mr. DENEEN. I think it was known everywhere. It was charged in the papers and mentioned during the contest.

Senator KENYON. Was it ever denied by him?

Mr. DENEEN. I never saw any denial. I do not know whether he denied it or not. I think it was generally understood.

The CHAIRMAN. What do you know about the jack pot in 1897, at the time the various bills you have spoken of were pending?

Mr. DENEEN. I was not a member of the legislature in 1897. I had been in the legislature four years before that, and only have such information as is public information as the matter has been charged.

The CHAIRMAN. Give us what you know about it.

Mr. DENEEN. The charge was made at that time that large amounts of money were distributed in the legislature to pass the so-called Allen bill, which would give the city councils in the State power to grant franchises for 50 years to certain public-utility companies.

The CHAIRMAN. By whom was the Allen bill supported?

* * * * * * *

The CHAIRMAN. I do not know whether I interrupted you when you were stating what you knew about the common report as to contributions to the fund of that year.

Mr. DENEEN. What fund? Do you mean 1897?

The CHAIRMAN. Yes.

Mr. DENEEN. I do not know at that time. I mentioned the funds against me in 1908, when I ran.

About the "jack pot," if you care to know, this is the general situation that obtained in our legislature for a number of sessions: The legislature meets in January and adjourns when it chooses. It can remain in session two years if it chooses. It has been the custom for several legislatures to defer the appointment of committees until the session has far advanced. Sometimes, I think, they have deferred it for eight weeks. The constitutions of some States limit the session to eight weeks, but in our State they hardly get organized for eight weeks. Then the bills are introduced, and they range in number from 800 to, I should think, 1,300 bills. They have about 60 committees. The minority agree upon a leader, and the majority elect a speaker, and the minority leader and the speaker arrange for the appointment of these committees and their chairmen. Then the committees meet and begin their work; and the bills that are introduced to regulate corporations—they are all regulated out there—are introduced and receive about the same consideration. They get through one house and get up to the second reading in the second house—the lower house usually, because they are more numerous in number—and the struggle then begins to get those bills to action and to prevent action. At that time the date of adjournment is fixed by joint resolution, and they pass most of the legislation.

For instance, in one of the legislatures that has been in session since I have been governor they passed about 235 or 240 bills. About 20 or 25 of those were passed the second day preceding the adjournment, and all the rest of them were passed in the last two days. When it gets up to the second day preceding adjournment, with a congested calendar, the speaker rules that a bill can not be heard unless it is on special order, and the special order requires a two-thirds vote. The constitutional provision is a majority vote. So that to get a bill up requires 102 votes, and to pass it requires 77 votes; and to prevent a bill getting advancement there are the men who are against it per se, and then all the men who fear that their bills will be ignored when other bills get up that will consume three or four hours. So it is impossible to advance anything without the speaker. Then those bills that are advanced, these "regulators," usually meet their fate on those two days, and as they meet time after time, are introduced, and are referred to the same class of committees, the general suspicion is that they could not bear the test of an exhaustive coroner's inquest. That is the suspicion. Then the general understanding in our State is that the money is paid, and that it accumulates in the hands of several men and is distributed according to the judgment of the men who control.

Senator FLETCHER. Is the "jack pot" opened at that critical moment, or later?

Mr. DENEEN. The general impression, the gossip, is that it is opened a considerable time later.

Senator KERN. It is done cautiously.

The CHAIRMAN. On what principle is it distributed, Governor?

Mr. DENEEN. I do not know.

The CHAIRMAN. Who has the determining power?

Mr. DENEEN. The men who create the fund, who gather the fund, I assume.

The CHAIRMAN. The men who gather the fund—certain leaders?

Mr. DENEEN. That is the general impression—certain leaders; yes.

Senator KENYON. How much of a fund is that supposed to be at a session?

Mr. DENEEN. I never have heard, definitely.

Senator KENYON. You have heard rumors?

Mr. DENEEN. I have heard rumors and other matters, but I have never heard definitely. I do not know.

Senator JONES. Have you heard of those who contributed to the "jack pot" fund?

Mr. DENEEN. Only the general suspicion.

Senator JONES. You have heard the general suspicion?

Mr. DENEEN. Oh, yes; I have heard that.

Senator JONES. Who was it?

Mr. DENEEN. I have heard that the railroads have contributed for years to protect themselves against legislation; that the gas companies or gas company of Chicago, and the electric-light company, and the liquor interests, and the stockyards companies, and the elevator companies, I think, and the Pullman Co., and the street car companies have contributed.

Senator JONES. Has it been charged that those interests have pretty generally contributed to the legislature?

Mr. DENEEN. I would not say as to that. I do not know specifically enough. I know only the general running rumor. I do not know that it is based on facts at all.

The CHAIRMAN. Has the matter ever been investigated by the Legislature of Illinois?

Mr. DENEEN. There was an investigation made during the term of my predecessor, Gov. Yates, about the passage of the so-called Mueller bill that he referred to the other day, affecting Chicago; and the charge was made by Mr. Hinman, of the Inter Ocean, that the street railway companies were contributing money to promote that bill. They had an investigation of the matter at that time, and I think it was referred to the other day by the governor. I read his testimony.

Senator KENYON. Governor, have you ever made an investigation of these conditions yourself?

Mr. DENEEN. No; I have no power to make an investigation, and no facilities.

The testimony in this case, in so far as it touches upon the use of money and develops the dirty and disgraceful, shows the order of things dating back to 1897 has continued in that regard, and this rottenness had no relation to the senatorial

election. It can not be held to invalidate every act of the legislature, especially action not legislative in character.

White is the only man who says he was promised money and paid it for his vote for Senator. White got money for that statement. Holstlaw, Beckemeyer, Luke, Link, Browne, Wilson, Broderick, Shephard, Blair, and every other witness under suspicion swore, when the question was put squarely, each for himself, that he cast his vote for Senator without any valuable consideration promised or paid in that behalf.

HOLSTLAW UNTRUSTWORTHY, AND THE SOURCE OF MONEY PAID HIM AND OTHERS ISSUED.

Holstlaw was indicted in Sangamon County for perjury growing out of his engaging in the sale of a furniture contract for the State, as a member of a legislative committee, for which he was to receive $1,500; and that indictment was dismissed, and he was granted immunity from prosecution when he stated Broderick said to him:

Mr. LORIMER is going to be elected to-morrow; there is $2,500 for you if you want to vote that way (p. 4759).

Holstlaw could not have gotten immunity from prosecution for perjury in connection with the furniture deal without bringing in Broderick and connecting that with the senatorial election. This was about May 9, 1909. The White story was published April 30. Holstlaw stated that he had made up his mind to vote for Mr. LORIMER before that alleged conversation with Broderick, but that was not put in his statement to the State's attorney. The idea was to connect with the senatorial election. This State senator could get off with perjury and boodling, provided he could help out the White story. Holstlaw testified that early in the evening before the election Broderick said to him: "Senator LORIMER will be elected to-morrow. I said, 'I think so, and I am going to vote for him.' He said, 'You are?' I said, 'Yes, sir.' He said, 'If you want to vote that way there is $2,500 for you.'" Broderick was indicted on this charge of Holstlaw, tried in Sangamon County, and acquitted. Broderick did pay Holstlaw not $2,500 only, but $2,500 on June 16, 1909, when he said, according to Holstlaw, "there would be more coming," and $700 on August 28, 1909, when he said "there is that money."

There is something wrong here. Is it believable that Broderick paid Holstlaw $2,500 a month after there was any need to pay him anything, and urged it on him at that? Is it believable that Broderick paid Holstlaw $700 more which he never had promised and Holstlaw had no reason to expect?

Holstlaw had stated repeatedly to members and others he intended to vote for Mr. LORIMER (pp. 3017, 3018, etc.). He swears that what Broderick said to him about the $2,500 "did not have any influence whatever" with him (p. 3019).

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Texas.

Mr. FLETCHER. I do.

Mr. BAILEY. The Senator from Florida has now been speaking for two hours and a quarter and I am satisfied he does not feel like proceeding longer this afternoon. If he does, of course the Senate will be glad to hear him. If he does not, I will ask the Senate to take a recess.

Mr. FLETCHER. We have had a long session, beginning at 11 this morning; it is now a quarter after 5, and if Senators would like to take a recess I am certainly agreeable to that course.

Mr. BAILEY. It is not anything like the tax upon the Senate that it is upon the Senator. I know he has been here since 11 o'clock, and I know an address of 2 hours and 15 minutes under these circumstances is physical exhaustion. It was his own convenience that I was attempting to consult. If he desires to proceed, we shall be glad to hear him; otherwise——

Mr. FLETCHER. I appreciate the Senator's interruption. I would prefer to discontinue my remarks at this time, if agreeable to the Senate, and resume them in the morning.

Mr. BAILEY. Then the Senator gives notice that he will resume the floor to-morrow.

Mr. CULLOM. If the Senator from Florida does not wish to speak further to-day, I will move that the Senate take a recess until 11 o'clock to-morrow.

Mr. BAILEY. Will the Senator withhold that motion for a moment until I can submit an amendment and ask for its appropriate reference? It is morning business.

The PRESIDENT pro tempore. The Chair is not sure that under the unanimous-consent agreement other business can be received.

Mr. BAILEY. I have not examined the agreement. I was under the impression that bills could be introduced or amendments submitted as routine morning business. If I am mistaken about that, of course I will not attempt to violate the agreement.

The PRESIDENT pro tempore. Of course, there is no call for morning business under such a proceeding.

Mr. BAILEY. I thought the Senate never disabled itself from receiving bills, but I withdraw the request.

Mr. CULLOM. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Monday, July 8) the Senate took a recess until Tuesday, July 9, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 8, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, in whom we live and move and have our being, increase our faith and confidence in Thee, quicken our hopes and aspirations, comfort, we beseech Thee, the sorrowing, strengthen the weak, lift up the fallen, forgive the erring. Give light to those who sit in darkness, guide our wandering footsteps and make us faithful servants unto Thee and to our fellow men, that we may hallow Thy name. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, July 6, 1912, was read and approved.

PENSIONS.

The SPEAKER laid before the House the following Senate resolution, which was read:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

RESIGNATION FROM THE CONFERENCE COMMITTEE.

The SPEAKER laid before the House the following communication, which was read:

JUNE 13, 1912.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: I hereby resign my position as a member of the conference committee on the river and harbor bill.

Important business will necessitate my being absent from Washington for some time, and on this account I think it is best to take the above action.

Yours, very sincerely, J. H. DAVIDSON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The gentleman from Wisconsin [Mr. DAVIDSON] was appointed on this conference committee to fill a vacancy caused by the resignation of the gentleman from Massachusetts [Mr. LAWRENCE]. Mr. DAVIDSON now resigns, and the Chair reappoints Mr. LAWRENCE, who has returned to the city.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill (H. R. 24565) with Senate amendments thereto, and disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I hope the gentleman will not make that request until the bill has been printed with the Senate amendments. Let it lie on the Speaker's table for a day or two until the Senate amendments have been printed.

Mr. PADGETT. Will it be printed until some action has been taken or a request has been made?

Mr. MANN. It can be printed by order of the House.

Mr. PADGETT. Mr. Speaker, I withdraw my request, and ask unanimous consent that the naval appropriation bill with Senate amendments thereto be printed to show the Senate amendments.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, is that not necessarily done under the rules of the House?

Mr. PADGETT. Not unless some action is taken.

Mr. MANN. Under the rules it is not done as long as it remains on the Speaker's table.

The SPEAKER. The rule does not provide for printing. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

REWARD FOR IMPROVEMENTS, ORDNANCE DEPARTMENT.

The SPEAKER laid before the House the bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plants, with a Senate amendment thereto.

The Senate amendment was read.

Mr. HAY. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

WASHINGTON-OREGON CORPORATION.

The SPEAKER laid before the House the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington, with House amendments thereto.

Mr. HAY. Mr. Speaker, I will state that the House amendments to the bill just laid before the House by the Speaker have been disagreed to and the Senate has asked for a conference. I move, therefore, that the conference be agreed to and the Chair appoint the conferees on the part of the House.

The motion was agreed to.

The Chair appointed the following conferees: Mr. HAY, Mr. DENT, and Mr. KOPP.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had passed the following resolutions (S. Res. 353):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE R. MALBY, late a Representative from the State of New York.

Resolved, That a committee of nine Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

In compliance with the foregoing resolutions the President pro tempore appointed under the second resolution as the committee on the part of the Senate Mr. ROOT, Mr. O'GORMAN, Mr. BURNHAM, Mr. JONES, Mr. OLIVER, Mr. BACON, Mr. BRYAN, Mr. THORNTON, and Mr. MARTINE of New Jersey.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

IMPEACHMENT OF JUDGE ROBERT W. ARCHBALD.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, I present to the House a privileged report on House resolution 524. It relates to charges made against Judge Robert W. Archbald. The committee has reached a unanimous conclusion. I do not desire, Mr. Speaker, at this time to make any very lengthy statement in regard to this resolution or the report thereon. The report itself is very full. It starts with a statement as to the origin of this proceeding and gives a summary of the findings of facts and conclusions of law and conclusions respecting the conduct of this judge and recommends that the judge be impeached upon 13 separate articles of impeachment which are appended to the report. The committee gave more than a month's study to an investigation of charges against this judge and his conduct. We heard witnesses under oath; we took documentary testimony; we gave the fullest and most careful investigation to the subject; and I believe that the committee reached a correct conclusion in respect to the action that should be had toward this judge. At any rate the committee was of the opinion that this judge should be impeached for the reasons set forth in the report. With the indulgence of the House I shall read the conclusion and recommendations of the committee. The facts and law as found by the committee are set forth in the report, and I desire to call the attention of the House to the conclusions reached by the committee.

Judges "shall hold their offices during good behavior." Thus says the Constitution. The framers of that instrument were desirous of having an independent and incorruptible judiciary, but they never intended to provide that any judge should hold his office upon nonforfeitable life tenure. We sometimes hear it stated that a Federal judge holds his office for life. The most casual examination of the Constitution will convince any one that he holds it during good behavior. Those who formulated the organic law sought to protect the people against the malfeasance and misfeasance of unjust and corrupt judges. Therefore, they wisely limited the tenure of office to "during good behavior" and provided the remedy for misbehavoir to be forfeiture of office and the removal therefrom by impeachment. The conduct of this judge has been exceedingly reprehensible and in marked contrast with the high sense of judicial ethics and probity that generally characterizes the Federal judiciary. Be it said to the credit of the wisdom of our fathers and in behalf of our American institutions that the judges have, as a rule, deported themselves in such manner as to merit and keep the confidence of the people. The public respect for the judicial branch of our Government has almost amounted to reverence. This confidence has been deserved, and let us hope that it will continue to be deserved to the end that an upright and independent judiciary may be maintained for the perpetuation of our Government of law.

Now it might be said, Mr. Speaker, that if the remedy by an impeachment of a corrupt or unjust judge is not adequate, and it has sometimes been so argued in other cases, we know that the people will demand an adequate remedy to get rid of an unfaithful judge. I am of opinion that the remedy of impeachment is adequate and the House of Representatives has, I believe, in every case shown the willingness wherever proper to invoke the remedy of impeachment. Sometimes it has been said that another tribunal has not been as responsive to the public demands where an unjust or unfaithful judge was sought to be gotten rid of, but I believe that certainly now both branches of Congress, the House that inaugurates the impeachment and the Senate that tries it finally, are sufficiently responsive and sufficiently alive to the public necessity for the preservation of and for demonstrating the efficiency of the remedy of impeachment to apply it justly and properly in this case, according to the law and the facts. Of course, if the facts do not warrant the impeachment of this judge, he should not be impeached. Your committee is of the opinion that the facts do warrant his impeachment, and your committee is of the opinion that they can convince the Senate, when the witnesses are examined, that the facts will warrant the conviction of this judge and his removal from office. A judge should be the personification of integrity, of honor, and of uprightness in his daily walk and conversation. He should hold his exalted office and the administration of justice above the sordid desire to accumulate wealth by trading or trafficking with actual or probable litigants in his court. He should be free and unaffected by any bias born of avarice and unhampered by pecuniary or other improper obligations.

Your committee is of opinion that Judge Archbald's sense of moral responsibility has become deadened. He has prostituted his high office for personal profit. He has attempted by various transactions to commercialize his potentiality as judge. He has shown an overweening desire to make gainful bargains with parties having cases before him or likely to have cases before him. To accomplish this purpose he has not hesitated to use his official power and influence. He has degraded his high office and has destroyed the confidence of the public in his judicial integrity. He has forfeited the condition upon which he holds his commission and should be removed from office by impeachment.

Your committee reports herewith the accompanying resolution and articles of impeachment against Judge Robert W. Archbald, and recommends that they be adopted by the House and that they be presented to the Senate with a demand for the conviction and removal from office of said Robert W. Archbald, United States circuit judge designated as a member of the Commerce Court.

Following the report, Mr. Speaker, are the resolution and the articles of impeachment, which are attached to the report.

Now, Mr. Speaker, with this brief statement, which is no more than the conclusion reached by the committee, it has occurred to the committee that perhaps it would be proper to let the report be printed in to-day's RECORD, and that this resolution be called up for consideration to-morrow, and that action be then had. And I therefore, Mr. Speaker, ask that the report of the committee with the accompanying resolution and articles of impeachment be printed in the RECORD; that the same do lie over until to-morrow, and that the same be called up immediately after the reading of the Journal to-morrow for consideration and for the action of the House.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that the report of the Judiciary Committee, together with the resolution and the articles of impeachment, be printed in the CONGRESSIONAL RECORD, and the gentleman notifies the House that to-morrow he will call up the resolution and articles of impeachment.

Mr. MANN. I would ask the gentleman whether the resolution submitted as a part of the report will be printed separately, too.

Mr. CLAYTON. Certainly. It will also be printed separately and be printed in the RECORD as a part of the report, because the House will have to act on the resolution and, therefore, the gentleman from Illinois [Mr. MANN] is right in asking that it be printed separately, just as any other resolution is printed.

The SPEAKER. The understanding, then, is that these papers named by the gentleman from Alabama be printed in the RECORD and that the resolution be printed separately also.

Mr. CLAYTON. That is the understanding.

The SPEAKER. Is there objection?

Mr. MANN. Also print same as the report?

Mr. CLAYTON. Yes; surely.

Mr. NORRIS. The way the Chair put it he would only print the resolution separately.

The SPEAKER. The whole thing ought to be printed separately, like any other resolution.

Mr. CLAYTON. In order to have it perfectly understood, I ask that this report, just as I have presented it—and the Clerk has it there in his hand—containing, according to this print, 52 pages, beginning with the heading—

Robert W. Archbald, judge of the United States Commerce Court—

And winding up, on page 52, with—

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of misdemeanors in office—

Be printed as the report of the committee as usual, and that the resolution itself be separately printed as resolutions are usually printed and that this report be printed in its entirety in the CONGRESSIONAL RECORD.

The SPEAKER. You wish the report printed separately?

Mr. CLAYTON. As a document and also to go into the RECORD.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that this document, containing 52 pages, as he states, be printed in the CONGRESSIONAL RECORD for to-day, and that in addition to that it be printed as a separate document.

Mr. MANN. Mr. Speaker, a privileged report having been made, I take it that the Speaker will refer it to the House Calendar and to be printed.

The SPEAKER. That is exactly what the Chair will do.

Mr. CLAYTON. And in anticipation of that I had those words printed on the report.

The SPEAKER. The Chair orders it printed and referred to the House Calendar. Is there objection to the gentleman's request?

There was no objection.

The following are the documents referred to:

[House Report No. 946, Sixty-second Congress, second session.]

ROBERT W. ARCHBALD, JUDGE OF THE UNITED STATES COMMERCE COURT.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 524:

The Committee on the Judiciary, having had under consideration House resolution 524, make the following report:

The resolution is in the following words:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to inquire into and concerning the official conduct of Hon. Robert W. Archbald, formerly district judge of the United States Court for the Middle District of Pennsylvania, and now a judge of the Commerce Court, touching his conduct in regard to the matters and things mentioned in House resolution No. 511, and especially whether said judge has been guilty of an impeachable offense, and to report to the House the conclusions of the committee in respect thereto, with appropriate recommendation;

And resolved further, That the Committee on the Judiciary shall have power to send for persons and papers, and to subpœna witnesses and to administer oaths to such witnesses; and for the purpose of making this investigation said committee is authorized to sit during the sessions of this House; and the Speaker shall have authority to sign and the Clerk to attest subpœnas for any witness or witnesses.

ORIGIN OF THIS IMPEACHMENT.

This impeachment proceeding had its origin in the resolution adopted by the House of Representatives on April 25, 1912, which is set out in the following message of the President to the House of Representatives on May 3, 1912:

To the House of Representatives:

I am in receipt of a copy of a resolution adopted by the House on April 25, reading as follows:

"*Resolved*, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives a copy of any charges filed against Robert W. Archbald, associate judge of the United States Commerce Court, together with the report of any special attorney or agent appointed by the Department of Justice to investigate such charges, and a copy of any and all affidavits, photographs, and evidence filed in the Department of Justice in relation to said charges, together with a statement of the action of the Department of Justice, if any, taken upon said charges and report."

In reply, I have to state that, in February last, certain charges of improper conduct by the Hon. Robert W. Archbald, formerly district judge of the United States Court for the Middle District of Pennsylvania, and now judge of the Commerce Court, were brought to my attention by Commissioner Meyer of the Interstate Commerce Commission. I transmitted these charges to the Attorney General, by letter dated February 13, instructing him to investigate the matter, confer fully with Commissioner Meyer, and have his agents make as full report upon the subject as might be necessary, and, should the charges be established sufficiently to justify proceeding on them, bring the matter before the Judiciary Committee of the House of Representatives.

The Attorney General has made a careful investigation of the charges, and as a result of that investigation has advised me that, in his opinion, the papers should be transmitted to the Committee on the Judiciary of the House to be used by them as a basis for an investigation into the facts involved in the charges. I have, therefore, directed him to transmit all of the papers to the Committee on the Judiciary; but in my opinion—and I think it will prove in the opinion of the committee—it is not compatible with the public interests to lay all these papers before the House of Representatives until the Committee on the Judiciary shall have sifted them out and determined the extent to which they deem it essential to the thoroughness of their investigation not to make the same public at the present time. But all of the papers are in the hands of the committee and, therefore, within the control of the House.

WM. H. TAFT.

THE WHITE HOUSE, *May 3, 1912.*

INQUIRY INTO THE ALLEGED MISCONDUCT OF JUDGE ARCHBALD.

Your committee began the hearings under House resolution 524 hereinbefore set out on May 7, 1912, and concluded such hearings on June 4, 1912. The testimony was taken by the committee in open session from day to day or from time to time until concluded. At the hearings witnesses were sworn and examined, and Judge Archbald was present in person and was represented by counsel in accordance with his request made of the committee. His counsel was permitted to cross-examine the witnesses.

The testimony taken by the committee is now presented to the House, but on account of its volume it is deemed not advisable to have the same again printed in extenso as a part of this report. A copy of such testimony and of the proceedings had at the hearings in this matter is, however, accessible to each Member of the House.

JUDGE ARCHBALD'S APPOINTMENT.

Robert W. Archbald was appointed in vacation a United States district judge for the middle district of Pennsylvania and was duly commissioned as such judge on the 29th day of March, 1901, as appears from his commission, which is in the following words and figures:

WILLIAM MCKINLEY,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of Robert Wodrow Archbald, of Pennsylvania, I do appoint him United States district judge for the middle district of Pennsylvania, as provided for by act approved March 3, 1901, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said Robert Wodrow Archbald, during his good behavior.

In testimony whereof I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

Given under my hand, at the city of Washington, the 29th day of March, in the year of our Lord 1901, and of the independence of the United States of America the one hundred and twenty-fifth.

[SEAL.] WILLIAM MCKINLEY.

By the President:
JOHN W. GRIGGS, *Attorney General.*

After the vacation and upon the convening of Congress Robert W. Archbald was appointed a United States district judge for the middle district of Pennsylvania and was duly commissioned as such judge on the 17th day of December, 1901,

as appears from his commission, which is in the following words and figures:

THEODORE ROOSEVELT,
PRESIDENT OF THE UNITED STATES OF AMERICA.

To all who shall see these presents, greeting:

Know ye, that, reposing special trust and confidence in the wisdom, uprightness, and learning of Robert W. Archbald, of Pennsylvania, I have nominated, and by and with the advice and consent of the Senate, do appoint him United States district judge for the middle district of Pennsylvania, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said Robert W. Archbald, during his good behavior.

In testimony whereof I have caused these letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

Given under my hand, at the city of Washington, the 17th day of December, in the year of our Lord 1901, and of the independence of the United States of America the one hundred and twenty-fifth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
P. C. KNOX, *Attorney General.*

The said Robert W. Archbald was duly appointed an additional circuit judge of the United States from the third judicial circuit and designated as a judge of the United States Commerce Court, and was confirmed by the Senate and was duly commissioned as such judge on the 31st day of January, 1911, as will appear from his commission, which is in the following words and figures, to wit:

WILLIAM H. TAFT,
PRESIDENT OF THE UNITED STATES.

To all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the wisdom, uprightness, and learning of Robert Wodrow Archbald, of Pennsylvania, I have nominated, and, by and with the advice and consent of the Senate, do appoint him additional circuit judge of the United States from the third judicial circuit, and do authorize and empower him to execute and fulfill the duties of that office according to the Constitution and laws of the said United States, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same of right appertaining, unto him, the said Robert Wodrow Archbald, during his good behavior. Appointed pursuant to the act of June 18, 1910 (36 Stats., 540), and hereby designated to serve for four years in the Commerce Court.

In testimony whereof I have caused these letters to be made patent, and the seal of the Department of Justice to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of January, in the year of our Lord 1911, and of the independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILLIAM H. TAFT.

By the President:
GEORGE W. WICKERSHAM,
Attorney General.

THE FACTS.

The facts found by your committee are substantially as follows:

THE NEGOTIATIONS WITH THE HILLSIDE COAL & IRON CO. RELATIVE TO THE KATYDID CULM DUMP AT MOOSIC, PA.

[See article 1.]

On or about March 31, 1911, Judge Archbald entered into a partnership agreement with one Edward J. Williams, of Scranton, Pa., for the purchase of a certain culm dump known as the Katydid culm dump, located near Moosic, Lackawanna County, Pa., for the purpose of disposing of the said property at a pecuniary profit to themselves.

Most of the coal contained in this culm dump was taken from land known as the Caldwell lot, which is owned in fee simple by the Hillside Coal & Iron Co. The larger portion of the dump now rests on land known as lot 46, which is jointly owned by the Hillside Coal & Iron Co. and the Everhart estate. The entire capital stock of the Hillside Coal & Iron Co. is owned by the Erie Railroad Co. and a number of the managing officers and directors of the railroad company are also managing officers and directors of the coal company. The Katydid dump was formed from the operation of the Katydid colliery by the firm of Robertson & Law, and later by John M. Robertson, who succeeded the firm, which operated the colliery under a verbal agreement to pay the Hillside Coal & Iron Co. certain royalties on all coal mined. It appears that the Everhart estate received certain royalties from the Hillside Coal & Iron Co. for all coal above the size of pea taken from the tract in which the Everhart estate held a one-half undivided interest. The plant was operated from 1887 to 1909, when the breaker and washery were destroyed by fire, and since then the operation has been abandoned by Robertson.

In furtherance of his agreement with Williams, Judge Archbald used his official position as judge of the Commerce Court, on March 31, 1911, and at various other times, by correspondence, personal conferences, and otherwise, to improperly induce and influence the officers of the Hillside Coal & Iron Co. and the Erie Railroad Co. to enter into an agreement with himself and Williams to sell the interest of the Hillside Coal & Iron Co. in the Katydid culm dump for a consideration of $4,500, against the policy and practice of the Erie Railroad Co. and its subsidiary, the Hillside Coal & Iron Co.

Judge Archbald and Williams then secured an option to purchase whatever equity Robertson held in this property for a consideration of $3,500 and entered into negotiations with several parties with a view to the sale of the culm dump at a large profit. One of these parties was the manager of an electric railroad who was then purchasing large quantities of coal consumed in the operation of the road from the Hillside Coal & Iron Co. at the usual market rates. It was claimed that there were certain complications in the title to this property; but however this may be, Judge Archbald considered that the options from the Hillside Coal & Iron Co. and Robertson covered the entire interest in the dump, and so stated in a letter to this prospective purchaser.

After a careful survey a disinterested mining engineer estimates that the Katydid culm dump contains about 90,000 gross tons, of which approximately 46,704 tons are marketable coal. This coal is appraised by the engineer at $47,533.18, subject to an increase of $3,803.40 provided that an increment of small coal can be saved in the process of reclamation. It is further estimated that the operation of this culm dump by the Hillside Coal & Iron Co. would net it approximately $35,000 and that the Erie Railroad Co. would realize a profit in the neighborhood of $35,000 for the transportation of the coal to tidewater, making a total profit to the Erie and its subsidiary of about $70,000.

During the period covering these negotiations with the officers of the Hillside Coal & Iron Co. and the Erie Railroad Co. Judge Archbald was a United States circuit judge, duly assigned to serve in the Commerce Court, and the Erie Railroad Co., a common carrier engaged in interstate commerce, was a party litigant in certain suits then pending in the Commerce Court and known as The Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 38, and The Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 39. In the opinion of your committee Judge Archbald's participation in this transaction, under all the circumstances, was reprehensible and prejudicial to the confidence of the American people in the Federal judiciary.

THE ATTEMPT TO SELL THE STOCK OF THE MARIAN COAL CO. TO THE DELAWARE, LACKAWANNA & WESTERN RAILROAD CO.

[See article 2.]

On October 18, 1910, the Marian Coal Co., which operated a washery at Taylor, Pa., filed a complaint against the Delaware, Lackawanna & Western Railroad Co. and several other railroads before the Interstate Commerce Commission, containing a demand for reparation for damages alleged to have been suffered by the complainant in the amount of $55,238.27, with interest, for overcharges and discrimination in freight rates, and concluding with a prayer that the Interstate Commerce Commission issue an order requiring the defendants to cease various acts alleged to have been committed for the purpose of suppressing the competition of the complainant in the coal market, and establishing just and reasonable rates upon commodities shipped by the complainant from its washery at Taylor, Pa., to all points within the jurisdiction of the commission.

Some time in July or August, 1911, William P. Boland and Christopher G. Boland, who were the controlling stockholders of the Marian Coal Co., employed one George M. Watson, of Scranton, Pa., as an attorney to effect a sale of two-thirds of the stock of the Marian Coal Co. to the Delaware, Lackawanna & Western Railroad Co., and to settle this case which was still pending before the Commerce Commission. The decision of the Interstate Commerce Commission in this case was subject to review by the Commerce Court, and there was at that time pending in the Commerce Court a suit entitled "The Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 38," to which the Delaware, Lackawanna & Western Railroad Co. was a party litigant.

With full knowledge of these facts, Judge Archbald entered into an agreement to assist George M. Watson, for a valuable consideration, to sell the stock of the Marian Coal Co., held by the Bolands, to the Delaware, Lackawanna & Western Railroad Co. and settle the case between the said coal company and the railroad company. In pursuance of this agreement, Judge Archbald, by means of correspondence, personal conferences, and otherwise, persistently attempted to induce the officers of the Delaware, Lackawanna & Western Railroad Co. to enter into an agreement with Watson to settle the case then pending before the Interstate Commerce Commission and purchase the stock of the Marian Coal Co. at a highly exorbitant price.

In all of his correspondence with the officers of the Delaware, Lackawanna & Western Railroad Co. relative to this matter Judge Archbald used the official stationery of the United States Commerce Court, and it is apparent from an examination of the

testimony taken before this committee that he used his influence as a judge of that court to bring about the successful consummation of these negotiations. His persistent activity in said negotiations forces the conclusion that he expected to receive a portion of the fee which the Bolands had agreed to pay Watson in the event that a settlement should be effected, together with a portion of the large amount demanded by Watson of the Delaware, Lackawanna & Western Railroad Co. in excess of the price which the Bolands were willing to accept for their stock in the Marian Coal Co.

THE NEGOTIATIONS WITH THE LEHIGH VALLEY COAL CO. AND THE GIRARD ESTATE RELATIVE TO A CULM DUMP KNOWN AS PACKER NO. 3, NEAR SHENANDOAH, PA.

[See article 3.]

The Lehigh Valley Coal Co., which is owned by the Lehigh Valley Railroad Co., holds a lease on certain coal land located near Shenandoah, Pa., and owned by the Girard estate. This lease was made to run for a period of 15 years, of which about 13 years have elapsed.

On August 11, 1911, and at numerous other times thereafter, Judge Archbald, by means of correspondence and personal interviews, persistently sought to induce, and did induce, the officers of the Lehigh Valley Coal Co. to relinquish the right of that company to operate a certain culm dump, known as Packer No. 3, containing approximately 472,670 gross tons, and located on the land leased from the Girard estate, provided that a very small royalty should be paid the coal company for coal reclaimed from the dump, and provided further that the coal should be shipped over the lines of the Lehigh Valley Railroad. Judge Archbald thereafter applied to the Girard estate for an operating lease on the culm dump, known as Packer No. 3, stating that he had secured the consent of the Lehigh Valley Coal Co. to operate the property if the Girard estate would approve of the arrangement. The judge proposed to pay the Girard estate the same royalties on various sizes of coal which were being paid by the Lehigh Valley Coal Co. under its lease, which was executed about 13 years theretofore, when coal values were materially less than they were at the time Judge Archbald's proposition was submitted. The trustees of the Girard estate promptly declined to grant Judge Archbald the lease on the terms proposed, and the deal has never been consummated.

While these negotiations with the Lehigh Valley Coal Co. were in progress the Lehigh Valley Railroad Co. was a party litigant in two suits pending before the United States Commerce Court, known as The Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 38, and The Lehigh Valley Railroad Co. *v.* The Interstate Commerce Commission, Henry E. Meeker, intervener, No. 49.

If Judge Archbald and his associates could have operated this culm dump at a profit, the Lehigh Valley Coal Co., by reason of its greater facilities for washing and shipping coal, could have operated the property at a larger profit, and it is the conclusion of your committee that the officers of the coal company relinquished the right to operate the said culm dump because of the influence exercised upon them through Judge Archbald's position as a member of the Commerce Court.

THE LOUISVILLE & NASHVILLE RAILROAD CASE.

[See article 4.]

In February, 1911, upon the organization of the Commerce Court, a suit known as The Louisville & Nashville Railroad Co. *v.* The Interstate Commerce Commission, which had theretofore been filed in the United States Circuit Court at Louisville, Ky., was transferred to the United States Commerce Court (Docket No. 4). The case was argued on the 2d and 3d of April, 1911, and submitted to the court for adjudication. On August 22, 1911, Judge Archbald, who afterwards delivered the majority opinion in this case, wrote to Helm Bruce, the attorney for the Louisville & Nashville Railroad Co., at Louisville, Ky., requesting him to confer with one Compton, traffic manager of the Louisville & Nashville Railroad, who had given material testimony before the Interstate Commerce Commission, and to advise the judge whether the witness intended to give an affirmative answer, as appeared from the record, or whether he intended to give a negative answer to a question propounded to him by the chairman of the commission. In pursuance of this request Bruce conferred with Compton and advised the judge that the witness intended to give a negative answer to the question referred to, which the attorney for the railroad contended was shown by the context of the testimony. The receipt of this letter was acknowledged by Judge Archbald on August 26, 1911.

On January 10, 1912, Judge Archbald again wrote to Bruce, calling attention to certain conclusions reached by another member of the court, which, it was claimed, refuted statements and contentions advanced in Bruce's original brief and sustained the action of the Interstate Commerce Commission with respect to certain features of the case. In this letter Judge Archbald asked Bruce whether he would still affirm the position taken in his brief and, if so, upon what theory it could be sustained, assuming that the conclusions of the other member of the court were correct. The judge followed this question with a number of other questions relative to the features of the case which were not then clear to the court. On January 24, 1912, Bruce sent the judge a letter in answer to the questions which had been propounded to him, wherein he argued these special features of the case in behalf of the railroad company at considerable length. His letter was clearly in the nature of a supplemental brief submitted for the purpose of overcoming certain doubts as to the merits of the case of the railroad company which apparently had arisen in the minds of some of the members of the court.

On February 28, 1912, this case was decided by the Commerce Court in favor of the railroad company. Judge Archbald wrote the opinion of the majority, which followed the views expressed by Bruce, and Judge Mack dissented. The attorneys for the Interstate Commerce Commission and the United States were given no opportunity to examine and answer the arguments advanced by the attorney for the Louisville & Nashville Railroad Co. in his communication to Judge Archbald of January 24, 1912, nor were they informed that such correspondence had been had.

In the opinion of your committee, this conduct on the part of Judge Archbald was a misbehavior in office and unfair and unjust to the parties defendant in this case.

NEGOTIATIONS WITH THE PHILADELPHIA & READING COAL & IRON CO. RELATIVE TO THE LINCOLN CULM DUMP NEAR LORBERRY, PA., AND THE WRONGFUL ACCEPTANCE OF A GIFT, REWARD, OR PRESENT FROM FREDERIC WARNKE, OF SCRANTON, PA.

[See article 5.]

In 1904 Frederic Warnke, of Scranton, Pa., purchased a two-thirds interest in an operating lease on some coal land located near Lorberry Junction, Pa., and owned by the Philadelphia & Reading Coal & Iron Co. The entire capital stock of the Philadelphia & Reading Coal & Iron Co. is owned by the Reading Co., which owns the entire capital stock of the Philadelphia & Reading Railway Co., a common carrier engaged in interstate commerce. He put up a number of improvements and operated the culm dump on the property for several years, but owing to the action of the elements his operations were carried on at a loss. Warnke then applied to the Reading Co. for the mining maps of the land covered by his lease. He was informed that the lease under which he claimed had been forfeited two years before its assignment to him, and his application was therefore denied. He then made a proposition to George F. Baer, president of the Philadelphia & Reading Railway Co. and president of the Philadelphia & Reading Coal & Iron Co., to relinquish any claim that he might have in this property under his lease, provided that the Philadelphia & Reading Coal & Iron Co. would grant him an operating lease on another property owned by said corporation at Lorberry, Pa., and known as the Lincoln culm bank.

Mr. Baer referred Warnke's proposition to Mr. W. J. Richards, vice president and general manager of the Philadelphia & Reading Coal & Iron Co., for consideration and action. Richards and Baer thereafter concluded that there was no valid reason why they should make an exception to the general rule of the coal company not to lease its culm banks. Warnke then made several attempts, through attorneys and friends, to have this decision reconsidered, and failing in this he asked Judge Archbald to intercede in his behalf with Richards.

In the latter part of November, 1911, Judge Archbald called upon Mr. Richards at his office in Pottsville, Pa., in pursuance of an appointment made by letter, and attempted to influence Richards to reconsider his refusal to accede to Warnke's proposition. Judge Archbald was informed, however, that the decision of Richards and Baer must be considered final and the judge so advised Warnke.

In December, 1911, Warnke was considering the advisability of purchasing a certain culm fill located near Pittston, Pa., and owned by the Lacoe & Shiffer Coal Co. One John Henry Jones, of Scranton, Pa., advised him that Judge Archbald was familiar with the title to the property and the rights of way of certain railroads over it. In pursuance of this assurance from Jones, Warnke consulted the judge, who advised him that the title was clear. Warnke had but two conversations with Judge Archbald regarding this matter, not exceeding 30 minutes in length altogether, but he at that time stated to Judge Archbald that he would pay the judge $500 for the information which he had received. Shortly thereafter Warnke and several business associates purchased this property for a consideration of $7,500, and in the month of March, 1911, a day or so after Judge

Archbald had called at the office of Warnke and his associates, Warnke drew a promissory note for $500, as president of the coal company which had purchased the fill, and caused the same to be delivered to Judge Archbald. The note was discounted in one of the banks of Scranton, but has not yet matured.

Your committee finds that Judge Archbald was guilty of misbehavior in office in attempting to use his influence as a member of the Commerce Court with the officials of the Philadelphia & Reading Coal & Iron Co. and its allied railroad corporation for the purpose of aiding Warnke to secure a lease on a certain culm bank owned by the coal and iron company, after the managing officers of said company had declined to grant the lease. Thereafter Warnke gave Judge Archbald $500 in the guise of compensation for legal advice rendered, but which, in fact, was in the nature of a reward for favors previously shown in connection with the judge's efforts to bring about the acceptance of Warnke's proposition to the Philadelphia & Reading Coal & Iron Co.

THE NEGOTIATIONS WITH THE LEHIGH VALLEY COAL CO. RELATIVE TO THE EVERHART TRACT AND THE MORRIS AND ESSEX TRACT.

[See article 6.]

Since 1884 the Lehigh Valley Coal Co., which is a subsidiary of the Lehigh Valley Railroad Co., has owned a one-half interest in a certain tract of coal land located near Wilkes-Barre, Pa., which consists of about 800 acres. During the past few years this company has purchased about four-fifths of the remaining one-half interest in this tract. The remaining portion of the tract is leased by the coal company from certain beneficiaries of the Everhart estate. The coal company has been negotiating for several years to purchase the fee to this outstanding portion of the tract, but the owners would not accept the terms offered.

In December, 1911, or January, 1912, Judge Archbald entered into an agreement with one James R. Dainty, of Scranton, Pa., to open negotiations with the Lehigh Valley Coal Co. and the Everhart estate for the purpose of effecting the sale of this property to the coal company, on the understanding that he and Dainty should secure an operating lease on another tract of about 325 acres of coal land owned by the Lehigh Valley Coal Co., and known as the Morris and Essex tract, as a consideration in the nature of a commission for their services.

In furtherance of this agreement Judge Archbald attempted to use his official influence as a member of the Commerce Court, through telephone conversations and personal conferences, to affect the action of the general manager of the Lehigh Valley Coal Co. with respect to the purchase of this property. While these negotiations were in progress the cases of the Lehigh Valley Railroad Co. *v.* The Interstate Commerce Commission and Henry E. Meeker, intervenor, No. 49, and the Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 38, in which the Lehigh Valley Railroad Co. was a party litigant, were pending before the Commerce Court for adjudication. The persistency with which Judge Archbald sought these business favors or property concessions from railroad companies having litigation, or likely to have litigation, before the Commerce Court indicates a well-defined plan to use his official position and influence as a member of such court for financial gain and profit.

THE DISCOUNT OF THE W. W. RISSINGER NOTE.

[See article 7.]

In the fall of 1908 the case of The Old Plymouth Coal Co. *v.* The Equitable Fire & Marine Insurance Co. et al. was pending before the United States district court over which Judge Archbald presided. Mr. W. W. Rissinger, of Scranton, Pa., was the controlling stockholder of the plaintiff company. The case was predicated on certain insurance contracts between the Old Plymouth Coal Co. and the various insurance companies named as parties defendant, and the total damages sought to be recovered amounted to about $30,000. The case was on trial in November, 1908, and after the plaintiff's evidence had been presented the defendant insurance companies demurred to the sufficiency of the evidence and moved for a nonsuit. After extended argument by attorneys for both plaintiff and defendant Judge Archbald overruled the motion and the defendant companies proceeded to introduce their evidence. Before the evidence was all in the attorneys for the insurance companies made a proposition of compromise to the attorneys for the Old Plymouth Coal Co., which was accepted on November 23, 1908. Consent judgments were entered on that day, in which the plaintiff ultimately recovered about $28,000, and the defendant companies were given 15 days in which to satisfy the judgments.

Some time prior to November 28, 1908, Judge Archbald entered into a deal with Rissinger for the purchase of an interest in a gold-mining project in Honduras, which Rissinger was then promoting in Scranton. In order to finance the transaction, it became necessary to raise $2,500, and on November 28, 1908, or five days after the judgments in favor of the Old Plymouth Coal Co. were entered, a promissory note for that amount, to run three months, signed by Rissinger, in favor of and indorsed by Judge Archbald, and Sophia J. Hutchison, Mr. Rissinger's mother-in-law, was presented to the County Savings Bank of Scranton, Pa., for discount. The bank evidently put no reliance upon Judge Archbald's indorsement of the note, but made an extended investigation of Mrs. Hutchison's financial condition, and on December 12, 1908, discounted the note, after first filing a judgment against Mrs. Hutchison in the county court of Lackawanna County, Pa., according to the practice in that State.

Shortly after the consent judgments in favor of the Old Plymouth Coal Co. were entered on November 23, 1908, this note was also presented for discount to Mr. John T. Lenahan, one of the attorneys for Rissinger and the Old Plymouth Coal Co. in the litigation with the insurance companies, but Lenahan refused to discount the note or have the same discounted in a trust company of which he was a director. The note has never been paid, but has been renewed at the expiration of each successive period of three months by Mr. Rissinger, and the discount on the renewals have been paid by him.

The attempt to discount this note, coming but a few days after the Old Plymouth Coal Co. had prevailed in the litigation with the insurance companies, tends strongly to indicate that Judge Archbald had entered into negotiations with Rissinger while such litigation was pending before the United States district court of which he was judge.

But, at all events, the action of Judge Archbald in accepting an interest in this enterprise, under the conditions, constituted misbehavior in office.

THE DISCOUNT OF THE JOHN HENRY JONES NOTE.

[See articles 8 and 9.]

In the fall of the year 1909 the case of John W. Peale *v.* The Marian Coal Co., which involved a considerable sum of money, was pending before the United States district court at Scranton, Pa., over which Judge Archbald presided. The Marian Coal Co. was principally owned and controlled by Christopher G. Boland and William P. Boland, of Scranton, Pa., and this fact was well known to Judge Archbald. In the latter part of November or the early part of December, 1909, for the purpose of raising funds to invest in a timber project in Venezuela, which was being promoted by one John Henry Jones, of Scranton, Pa., Judge Archbald drew and indorsed a promissory note for $500, payable to himself, which note was signed by Jones as promisor.

Judge Archbald thereupon agreed and consented that Edward J. Williams should present this note to Christopher G. Boland and William P. Boland, or either of them, for discount. In pursuance of this agreement or approval of Judge Archbald, Williams did present the note to each of the Bolands for the purpose of having the same discounted, but they refused to grant the discount, on the ground that it would be highly improper for them to do so under the existing circumstances. Williams reported the refusal of the Bolands to discount the note to Judge Archbald, and thereafter took it to the Merchants & Mechanics Bank of Scranton, but this bank also refused to discount the paper.

The note was finally discounted by John Henry Jones in the Providence Bank, a small State bank located in a suburb of Scranton. The president of this bank was one C. H. Von Storch, of Scranton, Pa., an attorney at law, who had prevailed as a party in interest in litigation before Judge Archbald's court within a year prior to the date of the discount of the note. The note was brought to Von Storch by Jones at the suggestion of Judge Archbald. Moreover, Judge Archbald advised Von Storch that he would consider it a great favor if the discount should be granted. The note has never been paid, although the bank has made at least one call for payment, and the discount on each renewal has been paid by John Henry Jones.

It is apparent that Judge Archbald's financial condition at the time the incident occurred was such that his note was not considered good bankable paper, and your committee is forced to the conclusion that he attempted to use his influence as judge to secure the loan from parties litigant before his court, and, failing in this, he did use his influence as such judge to secure the loan through an attorney who was then practicing before his court and who had but a short while before received favorable judgment in a suit adjudicated therein.

THE WRONGFUL ACCEPTANCE OF MONEY ON THE OCCASION OF A PLEASURE TRIP TO EUROPE.

[See articles 10 and 11.]

In the spring of 1910 Judge Archbald allowed one Henry W. Cannon, of New York City, to pay his entire expenses on a pleasure trip to Europe. Mr. Cannon was then, and still is, a stockholder and officer in various interstate railroad corporations, including the Great Northern Railroad, the Lake Erie & Western Railroad Co., the Fort Wayne, Cincinnati & Louisville Railroad Co.; the Pacific Coast Co., which owns the entire stock of the Columbia & Puget Sound Railroad Co.; the Pacific Coast Railroad Co.; and the Pacific Coast Steamship Co., together with various other corporations engaged in the business of mining and shipping coal.

It is claimed that Mr. Cannon is a distant relative of Judge Archbald's wife, but, however this may be, your committee regards it as improper for a judge to thus obligate himself to an officer of numerous corporations likely to become directly or indirectly involved in litigation before his court or before other courts over which he might be called upon to preside from time to time.

On the occasion of this same pleasure trip to Europe one Edward R. W. Searle, clerk of the United States district court at Scranton, Pa., and one J. B. Woodward, of Wilkes-Barre, Pa., jury commissioner of said court, both of whom were appointed by Judge Archbald, raised a subscription fund of money amounting to more than $500, which was presented to Judge Archbald on his departure. This fund was not raised as the result of a bar-association movement, but was composed of contributions of varying amounts from certain attorneys practicing before the United States district court, some of whom had cases then pending before said court for adjudication.

Judge Archbald accepted this fund of money and acknowledged receipt of the same to the contributors whose names were submitted to him at the time that the fund was presented. Your committee regards it as improper and subversive of the confidence of the public in the judiciary for a judge to place himself in this manner under obligations to attorneys practicing before his court.

THE APPOINTMENT OF A RAILROAD ATTORNEY AS JURY COMMISSIONER.

[See article 12.]

On March 29, 1901, Judge Archbald was appointed United States district judge for the middle district of Pennsylvania. On April 9, 1901, under the exercise of authority granted by the act of June 30, 1879 (21 Stat., 43), Judge Archbald appointed one J. B. Woodward, of Wilkes-Barre, Pa., as jury commissioner of the said district court. The said Woodward was then and has since been a general attorney for the Lehigh Valley Railroad Co.

Under the annual appropriation acts, the compensation of jury commissioners is limited to $5 per day, for not more than three days at any one term of court. It is apparent that the compensation attached to this position is so insignificant that the appointment would have no attraction for a railroad attorney except for the power it affords in the selection of juries for the trial of cases in the Federal courts.

Judge Archbald's action in appointing to this position the legal representative of a large railroad corporation which was likely to become directly or indirectly involved in litigation before the United States district court was misbehavior in office, calculated to bring the Federal judiciary into disrepute.

GENERAL MISBEHAVIOR OF JUDGE ARCHBALD.

[See article 13.]

The testimony in the whole case tends to support this general specification. Judge Archbald was appointed a United States district judge for the middle district of Pennsylvania on the 29th day of March, 1901, and held such office until January 31, 1911, on which last-named date he was appointed an additional United States circuit judge, and on the same day was duly designated as one of the judges of the United States Commerce Court, which position he has since held and now holds.

The testimony shows that at different times while Judge Archbald was a judge of the United States district court he sought and obtained credit and in other instances sought to obtain credit from persons who had litigation pending in his said court or who had had litigation pending in his said court.

The testimony shows that after Judge Archbald had been promoted to the position of a United States circuit judge and had been duly designated as one of the judges of the United States Commerce Court, he in connection with different persons sought to obtain options on culm dumps and other coal properties from officers and agents of coal companies which were owned and controlled by railroad companies.

The testimony further shows that in order to influence the officers of the coal companies which were subsidiary to and owned by the railroad companies, Judge Archbald repeatedly sought to influence the officials of the railroads to enter into contracts with his associates for the financial benefit of himself and his said associates. In most instances the contracts were executed in the name of the person associated with the judge in the particular transaction or trade, and the judge's name was not disclosed on the face of the contract. The testimony shows, however, that he was, as a matter of fact, pecuniarily interested in such contracts, and that while his interest was not known to the public it was known to the officials of the railroad companies and of the coal companies, subsidiary corporations thereof. The evidence discloses that while the judge's several associates or partners would locate properties, the judge would take up the matter of the purchase or sale of said properties with the officials of the coal companies and of the railroad companies which, as already stated, in most instances owned and controlled the coal companies. The testimony shows that while these negotiations were being conducted, and agreements were made and sought to be made, the railroad companies with whose officers Judge Archbald was making contracts and agreements and seeking to make contracts and agreements were common carriers engaged in interstate commerce and had litigation pending in the United States Commerce Court.

The testimony shows that such options, contracts, and agreements were sought and obtained and sought to be obtained by Judge Archbald to such an extent that the exposure of the judge's several transactions through the press gave rise to a public scandal.

The testimony fails to disclose any case in which Judge Archbald invested any actual money of his own in any of these several trades or deals, but shows that he used his personal influence as a judge, in consideration of which he received or was to receive his share or interest in the property or his profits in the deal.

Your committee finds that Judge Archbald by his conduct in carrying on traffic in culm dumps and coal properties owned directly or indirectly by railroads, and in using his influence to secure such contracts from coal companies which were owned and controlled by railroad companies as aforesaid, and in using his influence with high officials of said railroads to induce them to permit or direct the said coal companies to enter into contracts with him or his associates which resulted in financial profit to himself and those associated with him, grossly abused the proprieties of his said office of judge, was guilty of misbehavior and of a misdemeanor in office.

THE LAW.

CONSTITUTIONAL PROVISIONS RELATING TO JUDICIAL IMPEACHMENTS.

The provisions of the Constitution of the United States bearing upon the impeachment of judges are as follows:

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment. (Art. I, sec. 2.)

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law. (Art. I, sec. 3.)

The President * * * shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. (Art. II, sec. 2.)

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. (Art. II, sec. 4.)

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. (Art. III, sec. 1.)

The trial of all crimes, except in cases of impeachment, shall be by jury. (Art. III, sec. 2.)

The Senate shall have the sole power to try all impeachments. When sitting for the purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no person shall be convicted without the concurrence of two-thirds of the Members present. (Art. I, sec. 3.)

THE GENERAL NATURE OF IMPEACHMENTS.

The fundamental law of impeachment was stated by Richard Wooddesson, an eminent authority, in his Law Lectures delivered at Oxford in 1777, as follows (vol. 2, pp. 355, 358):

It is certain that magistrates and officers intrusted with the administration of public affairs may abuse their delegated powers to the extensive detriment of the community and at the same time in a manner not properly cognizable before the ordinary tribunals. The influence of such delinquents and the nature of such offenses may not unsuitably engage the authority of the highest court and the wisdom of the sagest assembly. The Commons, therefore, as the grand inquest of the nation, became suitors for penal justice, and they can not consistently, either with their own dignity or with safety to the accused, sue elsewhere but to those who share with them in the legislature.

On this policy is founded the origin of impeachments, which began soon after the constitution assumed its present form (p. 355).

* * * * * * *

Such kind of misdeeds, however, as peculiarly injure the Commonwealth by the abuse of high offices of trust, are most proper—and have been the most usual grounds—for this kind of prosecution (p. 358).

Referring to the function of impeachments, Rawle, in his work on the Constitution (p. 211), says:

The delegation of important trusts affecting the higher interests of society is always from various causes liable to abuse. The fondness frequently felt for the inordinate extension of power, the influence of party and of prejudice, the seductions of foreign states or the baser appetite for alleged gain or emoluments, are sometimes productions of what are not unaptly termed "political offenses" (Federalist, No. 65), which it would be difficult to take cognizance of in the ordinary course of judicial proceeding.

The involutions and varieties of vice are too many and too artful to be anticipated by positive law.

In Story on the Constitution (vol. 1, 5th ed., p. 584) the parliamentary history of impeachments is briefly stated as follows:

800. In examining the parliamentary history of impeachments, it will be found that many offenses, not easily definable by law, and many of a purely political character, have been deemed high crimes and misdemeanors worthy of this extraordinary remedy. Thus lord chancellors and judges and other magistrates have not only been impeached for bribery, and acting grossly contrary to the duties of their office, but for misleading their sovereign by unconstitutional opinions, and for attempts to subvert the fundamental laws, and introduce arbitrary power. So where a lord chancellor has been thought to have put the great seal to an ignominious treaty, a lord admiral to have neglected the safeguard of the sea, an ambassador to have betrayed his trust, a privy councilor to have propounded or supported pernicious and dishonorable measures, or a confidential adviser of his sovereign to have obtained exorbitant grants or incompatible employments—these have been all deemed impeachable offenses. Some of the offenses, indeed, for which persons were impeached in the early ages of British jurisprudence, would now seem harsh and severe; but perhaps they were rendered necessary by existing corruptions, and the importance of suppressing a spirit of favoritism and court intrigue. Thus persons have been impeached for giving bad counsel to the King, advising a prejudicial peace, enticing the King to act against the advice of Parliament, purchasing offices, giving medicine to the King without advice of physicians, preventing other persons from giving counsel to the King except in their presence, and procuring exorbitant personal grants from the King. But others, again, were founded in the most salutary public justice, such as impeachments for malversations and neglects in office, for encouraging pirates, for official oppression, extortions, and deceits, and especially for putting good magistrates out of office and advancing bad. One can not but be struck, in this slight enumeration, with the utter unfitness of the common tribunals of justice to take cognizance of such offenses, and with the entire propriety of confiding the jurisdiction over them to a tribunal capable of understanding and reforming and scrutinizing the polity of the state, and of sufficient dignity to maintain the independence and reputation of worthy public officers.

IMPEACHABLE OFFENSES UNDER THE CONSTITUTION.

The provision in Article II, section 4, of the Constitution of the United States defining impeachable offenses as "treason, bribery, or other high crimes and misdemeanors" was taken from the British parliamentary law, established and prevailing at the time of the formation of our Government. It must, therefore, be interpreted by the light of time-honored parliamentary usage, as contradistinguished from the common municipal law of England.

Our fathers, mindful of the flagrant persecution of the subjects of England in the guise of prosecutions for treason against the Crown, specifically defined the elements of the offense of treason against the United States in Article III, section 3, of our organic law.

The offense of bribery had a fixed status in the parliamentary law as well as the criminal law of England when our Constitution was adopted, and there is little difficulty in determining its nature and extent in the application of the law of impeachments in this country.

In addition to the specific offenses of treason and bribery, all offenses falling within the classification of "high crimes and misdemeanors," which were subjects of impeachment by the British Parliament, were made impeachable offenses under the Constitution of the United States, subject to the limitations prescribed by that instrument.

In a footnote to Fourth Blackstone (p. 5, Lewis's Ed.) Christian says:

The word "crime" has no technical meaning in the law of England. It seems, when it has a reference to positive law, to comprehend those acts which subject the offender to punishment. When the words "high crimes and misdemeanors" are used in prosecutions by impeachment, the words "high crimes" have no definite signification but are used merely to give greater solemnity to the charge.

The term "misdemeanor" has a twofold legal significance. Under the common law it signifies a criminal offense, not amounting to felony, which is punishable by indictment or other special criminal proceeding. As applied to civil officers, in the sense of the lex parliamentaria, it signifies maladministration or misbehavior in office, irrespective of whether such conduct is or is not indictable.

It is well established by the authorities that impeachable offenses under the British constitution and under our Constitution are not limited to statutable crimes and misdemeanors or to offenses indictable under the common law and triable in the courts of ordinary jurisdiction.

In his commentaries on the Constitution John Randolph Tucker defines impeachable offenses as follows (vol. 1, sec. 200):

What are impeachable offenses?

(a) Treason: This is defined by the Constitution.

(b) Bribery: Which needs no special comment. For its definition resort may be had to its meaning in Criminal Procedure.

(c) High crimes and misdemeanors. What is the meaning of these terms? Much controversy has arisen out of this question. Do these words refer only to offenses for which the party may be indicted under the authority of the United States? Do they mean offenses by the common law? Do they include offenses against the laws of the State, or do they mean offenses for which there is no indictment in the ordinary courts of justice? Or do they include maladministration, unconstitutional action of an officer willful or mistaken, or illegal action willful or mistaken?

(d) Up to September 8, 1787, the clause in reference to the impeachable offenses only included treason and bribery. On that day Mr. Mason moved to add the words "or maladministration." Mr. Madison objected to the vagueness of this term, whereupon Mr. Mason withdrew the word "maladministration" and substituted "other high crimes and misdemeanors against the United States," and the clause was then agreed to by a vote of 10 States to 1. As the word "other" is inserted before the words "high crimes and misdemeanors," these last words may be interpreted by the nature of the crimes "treason and bribery." Why should an officer be impeached for treason? Obviously because an officer guilty of treason against the United States would be disqualified personally from being an officer of a government to which he was a traitor. How could a President properly command an Army of the United States when he was engaged in levying war against them or adhering to their enemies? The utter inconsistency of this double position made it a proper offense for the jurisdiction of impeachment. The same objection would apply to any other officer of the United States. To be employed in the service of the United States against which he was levying war or adhering to their enemies was a total personal disqualification.

(e) So in respect to bribery. Bribery corrupts public duty. The difference between treason and bribery is that the first is a crime defined by the Constitution, as to which Congress has no power except to declare its punishment. Bribery is not a constitutional crime, and was not made a crime against the United States by statute until April, 1790. These two cases, therefore, show that the words "high crimes and misdemeanors" can not be confined to crimes created and defined by a statute of the United States; for if Congress had ever failed to have fixed a punishment for the constitutional crime of treason, or had failed to pass an act in reference to the crime of bribery, as it did fail for more than a year after the Constitution went into operation, it would result that no officer would be impeachable for either crime, because Congress had failed to pass the needful statutes defining crime in the case of bribery and prescribing the punishment in the case of treason as well as bribery. It can hardly be supposed that the Constitution intended to make impeachment for these two flagrant crimes depend upon the action of Congress. The conclusion from this would seem to be inevitable that treason and bribery, and other high crimes and misdemeanors, in respect to which Congress had failed to legislate would still be within the jurisdiction of the process of impeachment.

(f) The word "maladministration," which Mr. Mason originally proposed, and which he displaced because of its vagueness for the words "other high crimes and misdemeanors," was intended to embrace all official delinquency or maladministration by an officer of the Government where it was criminal; that is, where the act done was done with willful purpose to violate public duty. There can be no crime in an act where it is done through inadvertence or mistake or from misjudgment. Where it is a willful and purposed violation of duty it is criminal.

(g) This construction is aided by the fact that judges hold their offices during "good behavior." These words do not mean that a judge shall decide rightly, but that he shall decide conscientiously. He is not amenable to impeachment for a wrong decision, else when an inferior judge is reversed he would be impeachable; or, in the Supreme Court, a dissenting judge might be held impeachable because a large majority of the court affirmed the law to be otherwise. But if he decides unconscientiously—if he decides contrary to his honest conviction from corrupt partiality—this can not be good behavior, and he is impeachable. Again, if the judge is drunken on the bench, this is ill behavior, for which he is impeachable. And all of these are generally criminal or misdemeanor, for misdemeanor is a synonym for misbehavior. So, if he omits a judicial duty, as well as when he commits a violation of duty, he is guilty of crime or misdemeanor; for, says Blackstone, "crime or misdemeanor is an act committed or omitted in violation of a public law either forbidding or commanding it."

To confine the impeachable offenses to those which are made crimes or misdemeanors by statute or other specific law would too much constrict the jurisdiction to meet the obvious purpose of the Constitution, which was, by impeachment, to deprive of office those who by any act of omission or commission showed clear and flagrant disqualification to hold it. On the other hand, to hold that all departures from, or failures in, duty, which were not willful, but due to mistake, inadvertence, or misjudgment, and to let in all offenses at common law, which, by the decisions of the Supreme Court, are not within Federal authority at all, would be to extend the jurisdiction by impeachment far beyond what was obviously the purpose and design of its creation. It must be criminal misbehavior—a purposed defiance of official duty—to disqualify the man from holding office or disable him from ever after holding office, which constitute the penalty upon conviction under the impeachment process. The punishment, upon conviction, indicates the character of the crime or misdemeanor for which impeachment is constitutional. If the crime or misdemeanor for which the impeachment is made be not such as to justify the punishment inflicted, we may well conclude it was within the purpose of the Constitution in using the impeachment procedure.

In Cooley's Principles of Constitutional Law it is said (p. 178):

The offenses for which the President or any other officer may be impeached are any such as in the opinion of the House are deserving of punishment under that process. They are not necessarily offenses against the general laws. In the history of England where the like proceeding obtains, the offenses have often been political, and in some cases for gross betrayal of public interests punishment has very justly been inflicted on cabinet officers. It is often found that offenses of a very serious nature by high officers are not offenses against the criminal code, but consist in abuses or betrayals of trust or inexcusable

neglects of duty, which are dangerous and criminal because of the immense interests involved and the greatness of the trust which has not been kept. Such cases must be left to be dealt with on their own facts and judged according to their apparent deserts (p. 178).

In his work on the Constitutional History of the United States, George Ticknor Curtis says (vol. 1, pp. 481–482):

Among the operate functions assigned by the Constitution to the Houses of Congress are those of presenting and trying impeachments. An impeachment, in the report of the committee of detail, was treated as an ordinary judicial proceeding and was placed within the jurisdiction of the Supreme Court. That this was not in all respects a suitable provision will appear from the following considerations: Although an impeachment may involve an inquiry whether a crime against any positive law has been committed, yet it is not necessarily a trial for crime, nor is there any necessity, in the case of crimes committed by public officers, for the institution of any special proceeding for the infliction of the punishment prescribed by the laws, since they, like all other persons, are amenable to the ordinary jurisdiction of the courts of justice in respect of offenses against positive law. The purposes of an impeachment lie wholly beyond the penalties of the statute or the customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that either in the discharge of his office or aside from its functions he has violated a law or committed what is technically denominated a crime. But a cause for removal from office may exist where no offense against positive law has been committed, as where the individual has, from immorality or imbecility or maladministration, become unfit to exercise the office. The rules by which an impeachment is to be determined are therefore peculiar and are not fully embraced by those principles or provisions of law which courts of ordinary jurisdiction are required to administer. (Vol. 1, pp. 481–482.)

In Watson on the Constitution (vol 2, p. 1034, published in 1910) it is said:

A misdemeanor comprehends all indictable offenses which do not amount to a felony, as perjury, battery, libels, conspiracies, attempts and solicitations to commit felonies, etc. These seem to be the definitions of these terms at common law, but it would be strange if a civil officer could be impeached for only such offenses as are embraced within the common-law definition of "other high crimes and misdemeanors." There is a parliamentary definition of the term "misdemeanor," and a modern writer on the Constitution has said: "The term 'high crimes and misdemeanors' has no significance in the common law concerning crimes subject to indictment. It can only be found in the law of Parliament and is the technical term which was used by the Commons at the Bar of the Lords for centuries before the existence of the United States." Synonymous with the term "misdemeanor" are the terms misdeed, misconduct, misbehavior, fault, transgression.

In Story on the Constitution (5th ed., vol. 1, secs. 796, 799) it is said:

Is the silence of the statute book to be deemed conclusive in favor of the party until Congress have made a legislative declaration and enumeration of the offenses which shall be deemed high crimes and misdemeanors? If so, then, as has been truly remarked, the power of impeachment, except as to the two expressed cases, is a complete nullity, and the party is wholly disguishable however enormous may be his corruption and criminality. (Sec. 796.)

Congress has unhesitatingly adopted the conclusion that no previous statute is necessary to authorize an impeachment for any official misconduct; and the rules of proceeding, and the rules of evidence, as well as the principles of decision, have been uniformly regulated by the known doctrines of the common law and parliamentary usage. In the few cases of impeachment which have hitherto been tried, no one of the charges has rested upon any statutable misdemeanors. (Sec. 799.)

Foster, in his work on the Constitution (sec. 93), says:

The term "high crimes and misdemeanors" has no significance in the common law concerning crimes subject to indictment. It can be found only in the law of Parliament and is the technical term which has been used by the Commons at the Bar of the Lords for centuries before the existence of the United States.

* * * * * *

Impeachable offenses are those which were the subject of impeachment by the practice in Parliament before the Declaration of Independence, except in so far as that practice is repugnant to the language of the Constitution and the spirit of American institutions. An examination of the English precedents will show that, although private citizens as well as public officers have been impeached, no article has been presented or sustained which did not charge either misconduct in office or some offense which was injurious to the welfare of the State at large.

In this class of cases, which rest so much in the discretion of the Senate, the writer would be rash who were to attempt to prescribe the limits of its jurisdiction in this respect.

An impeachable offense may consist of treason, bribery, or a breach of official duty by malfeasance or misfeasance, including conduct such as drunkenness, when habitual or in the performance of official duties, gross indecency, and profanity, obscenity, or other language, used in the discharge of an official function, which tends to bring the office into disrepute, or an abuse or reckless exercise of a discretionary power, as well as a breach or omission of an official duty imposed by statute or common law; or a public speech when off duty which encourages insurrection. It does not consist in an error in judgment made in good faith in the decision of a doubtful question of law, except perhaps in the case of a violation of the Constitution.

In the American and English Encyrcopedia of Law, second edition (vol. 15, pp. 1068–1098), it is said:

The Constitution of the United States provides that the President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. If impeachment in England be regarded merely as a mode of trial for the punishment of common-law or statutory crimes, and if the Constitution has adopted it only as a mode of procedure, leaving the crimes to which it is to be applied to be settled by the general rules of criminal law, then, as it is well settled that in regard to the National Government there are no common-law crimes, it would seem necessarily to follow that impeachment can be instituted only for crimes specifically named in the Constitution or for offenses declared to be crimes by Federal statute. This view has been maintained by very eminent authority, but the cases of impeachment that have been brought under the Constitution would seem to give to the remedy a much wider scope than the above rule would indicate. In each of the only two cases of impeachment tried by the Senate in which a conviction resulted the defendant was found guilty of offenses not indictable either at common law or under any Federal statute, and in almost every case brought offenses were charged in the articles of impeachment which were not indictable under any Federal statute, and in several cases they were such as constituted neither a statutory nor a common-law crime. The impeachability of the offenses charged in the articles was in most of the cases not denied. In one case, however, counsel for the defendant insisted that impeachment would not lie for any but an indictable offense; but after exhaustive argument on both sides this defense was practically abandoned. The cases, then, seem to establish that impeachment is not a mere mode of procedure for the punishment of indictable crimes; that the phrase "high crimes and misdemeanors" is to be taken not in its common-law but in its broader parliamentary sense, and is to be interpreted in the light of parliamentary usage; that in this sense it includes not only crimes for which an indictment may be brought, but grave political offenses, corruption, maladministration, or neglect of duty involving moral turpitude, arbitrary and oppressive conduct, and even gross improprieties, by judges and high officers of State, although such offenses be not of a character to render the offender liable to an indictment either at common law or under any statute. Additional weight is added to this interpretation of the Constitution by the opinions of eminent writers on constitutional and parliamentary law and by the fact that some of the most distinguished members of the convention that framed it have thus interpreted it.

It will thus be seen that the common law of crimes and the parliamentary law of impeachments have no direct connection, although the principles of the one may be invoked in the application of the other. They represent two distinct branches in our scheme of jurisprudence and they should be so treated in the consideration of the case which is here presented.

THE TENURE OF FEDERAL JUDGES LIMITED TO "DURING GOOD BEHAVIOR."

The provision in Article III, section 1, of our Constitution that "the judges, both of the Supreme and inferior courts, shall hold their offices during good behavior," which was also borrowed from the English laws, should be considered in pari materia with Article IV, section 2, providing that all civil officers of the United States shall be removed from office upon "impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

Good behavior is thus made the essential condition on which the tenure to the judicial office rests, and any act committed or omitted by the incumbent in violation of this condition necessarily works a forfeiture of the office. The Constitution provides no method whereby a civil officer of the United States can be removed from office save by impeachment. It follows, therefore, that the framers of our Constitution must have intended that Federal judges, who are civil officers, should be removable from office by impeachment for misbehavior, which is the antithesis of good behavior. Otherwise the constitutional provision limiting the tenure of the judicial office to "during good behavior" would be without force and effect.

In his work on the Constitution, Foster says (p. 556):

The Constitution provides that—

"The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior."

This necessarily implies that they may be removed in case of bad behavior. But no means except impeachment is provided for their removal, and judicial misconduct is not indictable by either a statute of the United States or the common law.

In Watson on the Constitution, the proposition is stated as follows (vol. 2, pp. 1036–1037):

A civil officer may so behave in public as to bring disgrace upon himself and shame upon his country, and he may continue to do this until his name would become a national speech, and yet he would not be subject to indictment by any law of the United States, but he certainly could be impeached. What will those who advocate the doctrine that impeachment will not lie except for an offense punishable by statute do with the constitutional provision relative to judges which says, "Judges, both of the Supreme and inferior courts, shall hold their offices during good behavior"? This means that as long as they behave themselves their tenure of office is fixed, and they can not be disturbed. But suppose they cease to behave themselves? When the Constitution says "A judge shall hold his office during good behavior" it means that he shall not hold it when it ceases to be good. Suppose he should refuse to sit upon the bench and discharge the duties which the Constitution and the law enjoin upon him, or should become a notoriously corrupt character, and live a notoriously corrupt and debauched life? He could not be indicted for such conduct, and he could not be removed except by impeachment. Would it be claimed that impeachment would not be the proper remedy in such a case?

IMPEACHMENTS NOT CONFINED TO OFFENSES COMMITTED IN AN OFFICIAL CAPACITY.

It is not essential that an offense should be committed in an official capacity in order that it may come within the purview of the constitutional provisions relating to impeachments.

Black, in his work on Constitutional Law, says (2d ed., pp. 121–122):

Treason and bribery are well-defined crimes. But the phrase "other high crimes and misdemeanors" is so very indefinite that practically it is not susceptible of exact definition or limitation, but the power of impeachment may be brought to bear on any offense against the Constitution or the laws which, in the judgment of the House, is deserving of punishment by this means or is of such a character as to render the party accused unfit to hold and exercise his office. It is, of course, primarily directed against official misconduct. Any gross malversation in office, whether or not it is a punishable offense at law, may be made the ground of an impeachment. But the power of impeachment is not restricted to political crimes alone. The Constitution provides that the party convicted upon impeachment shall still remain liable to trial and punishment according to law. From this it is to be inferred that the commission of any crime which is of a grave nature, though it may have nothing to do with the person's official position, except that it shows a character or motives inconsistent with the due administration of his office, would render him liable to impeachment. It will be perceived that the power to determine what crimes are impeachable rests very much with Congress. For the House, before preferring articles of impeachment, will decide whether the acts or conduct complained of constitute a "high crime or misdemeanor." And the Senate, in trying the case, will also have to consider the same question. If, in the judgment of the Senate, the offense charged is not impeachable, they will acquit; otherwise, upon sufficient proof and the concurrence of the necessary majority, they will convict. And in either case there is no other power which can review or reverse their decision.

In 1862 West H. Humphreys, United States district judge for the district of Tennessee, was impeached on several specifications, one of which was based on his action in making a speech at a public meeting, while off the bench, inciting revolt and rebellion against the Constitution and Government of the United States. The evidence clearly showed that he was in no wise acting in a judicial capacity, yet he was convicted on this charge.

A number of the impeachments of judges of the several States of the Union have been predicated on various acts of debauchery entirely separate from the performance of their official duties.

Any conduct on the part of a judge which reflects on his integrity as a man or his fitness to perform the judicial functions should be sufficient to sustain his impeachment. It would be both absurd and monstrous to hold that an impeachable offense must needs be committed in an official capacity. If such an atrocious doctrine should receive the sanction of the congressional authority, there is no limit to the variety and the viciousness of the offenses which a Federal judge might commit with perfect immunity from effective impeachment.

IMPEACHMENT FOR OFFENSES COMMITTED IN ANOTHER JUDICIAL OFFICE.

Certain of the proposed articles of impeachment against Judge Archbald are based on offenses committed while he held the office of United States district judge for the middle district of Pennsylvania, whereas he now holds the office of circuit judge of the United States for the third judicial circuit, and is assigned to serve for a period of four years in the Commerce Court. In this respect the case here presented seems to be unique in the annals of impeachment proceedings under our Constitution.

By virtue of the provisions of section 609 of the Revised Statutes, which were then in force, Judge Archbald, while holding the office of United States district judge, was duly clothed with authority to sit or preside in the United States circuit court, and he was actually presiding over such circuit court at Scranton, Pa., during the time that some or all of the offenses charged in these articles were committed.

Since his elevation to a circuit judgeship the United States circuit courts have been abolished by the act of March 3, 1911 (36 Stat., 1087), entitled "An act to codify, revise, and amend the laws relating to the judiciary," but the provisions relative to the interchangeability of district and circuit judges remain substantially the same. Section 18 of this act provides that—

Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge or associate justice or Chief Justice shall designate and appoint any circuit judge of the circuit to hold said district court.

Thus it appears that Judge Archbald now holds a civil office, within the meaning of the Constitution, of the same judicial nature as the office held by him at the time of the commission of the offenses charged in the said articles, and that, under the existing law, he may be called upon at any time to perform precisely the same functions that he performed as United States district judge.

In State v. Hill (37 Nebr., 80) the Legislature of Nebraska had impeached certain ex-officers of the State for offenses alleged to have been committed during their respective terms of office. The Supreme Court of Nebraska held that inasmuch as they had ceased to be civil officers of the State they were not subject to impeachment. In the course of the decision the court said (pp. 88–89):

Judge Barnard was impeached in the State of New York during his second term for acts committed in his previous term of office. His plea that he was not liable to impeachment for offenses occurring in the first term was overruled. Precisely the same question was raised in the impeachment proceedings against Judge Hubbel, of Wisconsin, and on the trial of Gov. Butler, of this State, and in each of which the ruling was the same as in the Barnard case. There was good reason for overruling the plea to the jurisdiction in the three cases just mentioned. Each respondent was a civil officer at the time he was impeached and had been such uninterruptedly since the alleged misdemeanors in office were committed. The fact that the offense occurred in the previous term was immaterial. The object of impeachment is to remove a corrupt or unworthy officer. If his term has expired and he is no longer in office, that object is attained and the reason for his impeachment no longer exists. But if the offender is still an officer, he is amenable to impeachment, although the acts charged were committed in his previous term of the same office.

In the cases discussed there was a constructive breach in the tenure of the offices held by the defendants between the time of the commission of the offenses charged and the adoption of the articles of impeachment. Even though the offices held by the defendants at the time of their impeachment had not been the same offices which they held at the time of the commission of the alleged offenses, it might well have been decided, on principle, that impeachment would lie if in fact the prescribed functions of such offices were of the same general nature and susceptible to the same malversations and abuse.

It is indeed anomalous if this Congress is powerless to remove a corrupt or unfit Federal judge from office because his corruption or misdemeanor, however vicious or reprehensible, may have occurred during his tenure in some other judicial office under the Government of the United States prior to his appointment to the particular office from which he is sought to be ousted by impeachment, although he may have held a Federal judgeship continuously from the time of the commission of his offenses. Surely the House of Representatives will not recognize nor the Senate apply such a narrow and technical construction of the constitutional provisions relating to impeachments.

CONCLUSION.

Judges "shall hold their offices during good behavior." Thus says the Constitution. The framers of that instrument were desirous of having an independent and incorruptible judiciary, but they never intended to provide that any judge should hold his office upon nonforfeitable life tenure. Those who formulated the organic law sought to protect the people against the malfeasance and misfeasance of unjust and corrupt judges. Therefore they wisely limited the tenure of office to "during good behavior" and provided the remedy for misbehavior to be forfeiture of office and the removal therefrom by impeachment.

The conduct of this judge has been exceedingly reprehensible and in marked contrast with the high sense of judicial ethics and probity that generally characterizes the Federal judiciary. Be it said to the credit of the wisdom of our fathers and in behalf of our American institutions that the judges have, as a rule, deported themselves in such manner as to merit and keep the confidence of the people. The public respect for the judicial branch of our Government has almost amounted to reverence. This confidence has been deserved, and let us hope that it will continue to be deserved, to the end that an upright and independent judiciary may be maintained for the perpetuation of our government of law.

A judge should be the personification of integrity, of honor, and of uprightness in his daily walk and conversation. He should hold his exalted office and the administration of justice above the sordid desire to accumulate wealth by trading or trafficking with actual or probable litigants in his court. He should be free and unaffected by any bias born of avarice and unhampered by pecuniary or other improper obligations.

Your committee is of opinion that Judge Archbald's sense of moral responsibility has become deadened. He has prostituted his high office for personal profit. He has attempted by various transactions to commercialize his potentiality as judge. He has shown an overweening desire to make gainful bargains with parties having cases before him or likely to have cases before him. To accomplish this purpose he has not hesitated to use his official power and influence. He has degraded his high office and has destroyed the confidence of the public in his judicial integrity. He has forfeited the condition upon which he holds his commission and should be removed from office by impeachment.

RECOMMENDATION.

Your committee reports herewith the accompanying resolution and articles of impeachment against Judge Robert W. Archbald, and recommends that they be adopted by the House and that they be presented to the Senate with a demand for the conviction and removal from office of said Robert W. Archbald, United States circuit judge designated as a member of the Commerce Court:

House resolution 622.

Resolved, That Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, appointed pursuant to the act of June 18, 1910 (U. S. Stat. L., vol. 36, 540), and having duly qualified and having been duly commissioned and designated on the 31st day of January, 1911, to serve for four years in the Commerce Court, be impeached for misbehavior and for high crimes and misdemeanors; and that the evidence heretofore taken by the Committee on the Judiciary under House resolution 524 sustains 13 articles of impeachment which are hereinafter set out; and that said articles be, and they are hereby, adopted by the House of Representatives, and that

the same shall be exhibited to the Senate in the following words and figures, to wit:

Articles of impeachment of the House of Representatives of the United States of America in the name of themselves and of all of the people of the United States of America against Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, appointed pursuant to the act of June 18, 1910 (36 U. S. Stat. L., ch. 321), and having duly qualified and having been duly commissioned and designated on the 21st day of January, 1911, to serve for four years in the Commerce Court:

ARTICLE 1.

That the said Robert W. Archbald, at Scranton, in the State of Pennsylvania, being a United States circuit judge, and having been duly designated as one of the judges of the United States Commerce Court, and being then and there a judge of the said court, on March 31, 1911, entered into an agreement with one Edward J. Williams whereby the said Robert W. Archbald and the said Edward J. Williams agreed to become partners in the purchase of a certain culm dump, commonly known as the Katydid culm dump, near Moosic, Pa., owned by the Hillside Coal & Iron Co., a corporation, and one John M. Robertson, for the purpose of disposing of said property at a profit. That pursuant to said agreement, and in furtherance thereof, the said Robert W. Archbald, on the 31st day of March, 1911, and at divers other times and at different places, did undertake, by correspondence, by personal conferences, and otherwise, to induce and influence, and did induce and influence, the officers of the said Hillside Coal & Iron Co., and of the Erie Railroad Co., a corporation, which owned all of the stock of said coal company, to enter into an agreement with the said Robert W. Archbald and the said Edward J. Williams to sell the interest of the said Hillside Coal & Iron Co. in the Katydid culm dump for a consideration of $4,500. That during the period covering the several negotiations and transactions leading up to the aforesaid agreement the said Robert W. Archbald was a judge of the United States Commerce Court, duly designated and acting as such judge; and at the time aforesaid during the time the aforesaid negotiations were in progress the said Erie Railroad Co. was a common carrier engaged in interstate commerce and was a party litigant in certain suits, to wit, the Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 28, and the Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 29, then pending in the United States Commerce Court; and the said Robert W. Archbald, judge as aforesaid, well knowing these facts, wilfully, unlawfully, and corruptly took advantage of his official position as such judge to induce and influence the officials of the said Erie Railroad Co. and the said Hillside Coal & Iron Co., a subsidiary corporation thereof, to enter into a contract with him and the said Edward J. Williams, as aforesaid, for profit to themselves, and that the said Robert W. Archbald, then and there, through the influence exerted by reason of his position as such judge, wilfully, unlawfully, and corruptly did induce the officers of said Erie Railroad Co. and of the said Hillside Coal & Iron Co. to enter into said contract for the consideration aforesaid.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a high crime and misdemeanor in office.

ARTICLE 2.

That the said Robert W. Archbald, on the 1st day of August, 1911, was a United States circuit judge, and, having been duly designated as one of the judges of the United States Commerce Court, was then and there a judge of said court.

That at the time aforesaid the Marian Coal Co., a corporation, was the owner of a certain culm bank at Taylor, Pa., and was then and there engaged in the business of washing and shipping coal; that prior to that time the said Marian Coal Co. had filed before the Interstate Commerce Commission a complaint against the Delaware, Lackawanna & Western Railroad Co. and five other railroad companies as defendants, charging said defendants with discrimination in rates and with excessive charges for the transportation of coal shipped by the said Marian Coal Co. over their respective lines of road; that all of the said defendant companies were common carriers engaged in interstate commerce. That the decision of the said case by the Interstate Commerce Commission at the instance of either party thereto was subject to review, under the law, by the United States Commerce Court; that one Christopher G. Boland and one William P. Boland were then the principal stockholders of the said Marian Coal Co. and controlled the operation of the same, and they, the said Christopher G. Boland and the said William P. Boland, employed one George M. Watson as an attorney to settle the case then pending as aforesaid in the Interstate Commerce Commission and to sell to the Delaware, Lackawanna & Western Railroad Co. two-thirds of the stock of the said Marian Coal Co.; and at the time aforesaid there was pending in the United States Commerce Court a certain suit entitled The Baltimore & Ohio Railroad Co. et al. *v.* The Interstate Commerce Commission, No. 28, to which suit the said Delaware, Lackawanna & Western Railroad Co. was a party litigant.

That the said Robert W. Archbald, being judge as aforesaid and well knowing these facts, did, then and there, engage, for a consideration, to assist the said George M. Watson to settle the aforesaid case then pending before the Interstate Commerce Commission and to sell to the said Delaware, Lackawanna & Western Railroad Co. the said two-thirds of the stock of the said Marian Coal Co., and in pursuance of said agreement the said Robert W. Archbald, on or about the 10th day of August, 1911, and at divers other times and at different places, did undertake, by correspondence, by personal conference, and otherwise, to induce and influence the officers of the Delaware, Lackawanna & Western Railroad Co. to enter into an agreement with the said George M. Watson for the settlement of the aforesaid case and the sale of said stock of the Marian Coal Co.; and the said Robert W. Archbald thereby wilfully, unlawfully, and corruptly did use his influence as such judge in the attempt to settle said case and to sell said stock of the said Marian Coal Co. to the Delaware, Lackawanna & Western Railroad Co.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a high crime and misdemeanor in office.

ARTICLE 3.

That the said Robert W. Archbald, being a United States circuit judge and a judge of the United States Commerce Court, on or about October 1, 1911, did secure from the Lehigh Valley Coal Co., a corporation, which coal company was then and there owned by the Lehigh Valley Railroad Co., a common carrier engaged in interstate commerce, and which railroad company was at that time a party litigant in certain suits then pending in the United States Commerce Court, to wit, The Baltimore & Ohio Railroad Co. et al. *v.* Interstate Commerce Commission et al., No. 28, and The Lehigh Valley Railroad Co. *v.* Interstate Commerce Commission et al., No. 49, all of which was well known to said Robert W. Archbald, an agreement which permitted said Robert W. Archbald and his associates to lease a culm dump, known as Packer No. 5, near Shenandoah, in the State of Pennsylvania, which said culm dump contained a large amount of coal, to wit, 472,670 tons, and which said culm dump the said Robert W. Archbald and his associates agreed to operate and to ship the product of the same exclusively over the lines of the Lehigh Valley Railroad Co.; and that the said Robert W. Archbald unlawfully and corruptly did use his official position and influence as such judge to secure from the said coal company the said agreement.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a misdemeanor in such office.

ARTICLE 4.

That the said Robert W. Archbald, while holding the office of United States circuit judge and being a member of the United States Commerce Court, was and is guilty of gross and improper conduct, and was and is guilty of a misdemeanor as said circuit judge and as a member of said Commerce Court in manner and form as follows, to wit: Prior to and on the 4th day of April, 1911, there was pending in said United States Commerce Court the suit of Louisville & Nashville Railroad Co. *v.* The Interstate Commerce Commission. Said suit was argued and submitted to said United States Commerce Court on the 4th day of April, 1911; that afterwards, to wit, on the 22d day of August, 1911, while said suit was still pending in said court, and before the same had been decided, the said Robert W. Archbald, as a member of said United States Commerce Court, secretly, wrongfully, and unlawfully did write a letter to the attorney for the said Louisville & Nashville Railroad Co. requesting said attorney to see one of the witnesses who had testified in said suit on behalf of said company and to get his explanation and interpretation of certain testimony that the said witness had given in said suit, and communicate the same to the said Robert W. Archbald, which request was complied with by said attorney; that afterwards, to wit, on the 10th day of January, 1912, while said suit was still pending, and before the same had been decided by said court, the said Robert W. Archbald, as judge of said court, secretly, wrongfully, and unlawfully again did write to the said attorney that other members of said United States Commerce Court had discovered evidence on file in said suit detrimental to the said railroad company and contrary to the statements and contentions made by the said attorney, and then the said Robert W. Archbald, judge of said United States Commerce Court as aforesaid, in said letter requested the said attorney to make to him, the said Robert W. Archbald, an explanation and an answer thereto; and he, the said Robert W. Archbald, as a member of said United States Commerce Court aforesaid, did then and there request and solicit the said attorney for the said railroad company to make and deliver to the said Robert W. Archbald a further argument in support of the contentions of the said attorney so representing the said railroad company, which request was complied with by said attorney, all of which on the part of said Robert W. Archbald was done secretly, wrongfully, and unlawfully, and which was without the knowledge or consent of the said Interstate Commerce Commission or its attorneys.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 5.

That in the year 1904 one Frederick Warnke, of Scranton, Pa., purchased a two-thirds interest in a lease on certain coal lands owned by the Philadelphia & Reading Coal & Iron Co., located near Lorberry Junction, in said State, and put up a number of improvements thereon and operated a culm dump located on said property for several years thereafter; that operations were carried on at a loss; that said Frederick Warnke thereupon applied to the Philadelphia & Reading Coal & Iron Co. for the mining maps of the said land covered by the said lease, and was informed that the least under which he claimed had been forfeited two years before; that he was assured by him, and his application for said maps was therefore denied; that said Frederick Warnke then made a proposition to George F. Baer, president of the Philadelphia & Reading Railroad Co. and president of the Philadelphia & Reading Coal & Iron Co., to relinquish any claim that he might have in this property under the said lease, provided that the Philadelphia & Reading Coal & Iron Co. would give him an operating lease on what was known as the Lincoln culm bank located near Lorberry; that said George F. Baer referred said proposition to one W. J. Richards, vice president and general manager of the Philadelphia & Reading Coal & Iron Co., for consideration and action; that the general policy of the said coal company being adverse to the lease of any of its culm banks, the said George F. Baer and the said W. J. Richards declined to make the lease, and the said Frederick Warnke was so advised; that the said Frederick Warnke then made several attempts, through his attorneys and friends, to have the said George F. Baer and the said W. J. Richards reconsider their decision in the premises, but without avail; that on or about November 1, 1911, the said Frederick Warnke called upon Robert W. Archbald, who was then and now is a United States circuit judge, having been duly designated as one of the judges of the United States Commerce Court, and asked him, the said Robert W. Archbald, to intercede in his behalf with the said W. J. Richards; that on November 24, 1911, the said Robert W. Archbald, judge as aforesaid, pursuant to said request, did write a letter to the said W. J. Richards requesting an appointment with the said W. J. Richards; that several days thereafter the said Robert W. Archbald called at the office of the said W. J. Richards to intercede for the said Frederick Warnke; that the said W. J. Richards then and there informed the said Robert W. Archbald that the decision which he had given to the said Warnke must be considered as final, and the said Archbald then informed the said Warnke that the entire capital stock of the Philadelphia & Reading Coal & Iron Co. is owned by the Reading Co., which also owns the entire capital stock of the Philadelphia & Reading Railroad Co., which last-named company is a common carrier engaged in interstate commerce.

That the said Robert W. Archbald, judge as aforesaid, well knowing all the aforesaid facts, did wrongfully attempt to use his influence as such judge to aid and assist the said Frederick Warnke to secure an operating lease of the said Lincoln culm dump owned by the Philadelphia & Reading Coal & Iron Co., as aforesaid, which lease the officials of the said Philadelphia & Reading Coal & Iron Co. had theretofore refused to grant, which said fact was also well known to the said Robert W. Archbald.

That the said Robert W. Archbald, judge as aforesaid, shortly after the conclusion of his attempted negotiations with the officers of the Philadelphia & Reading Railroad Co. and of the Philadelphia & Reading Coal & Iron Co. aforesaid in behalf of the said Frederick Warnke,

and on or about the 31st day of March, 1912, willfully, unlawfully, and corruptly did accept as a gift, reward, or present from the said Frederick Warnke, tendered in consideration of favors shown him by said judge in his efforts to secure a settlement and agreement with the said railroad company and the said coal company, and for other favors shown by said judge to the said Frederick Warnke, a certain promissory note for $500 executed by the firm of Warnke & Co., of which the said Frederick Warnke was a member.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as a judge and high crimes and misdemeanor in office.

ARTICLE 6.

That the said Robert W. Archbald, being a United States circuit judge and a judge of the United States Commerce Court, on or about the 1st day of December, 1911, did unlawfully, improperly, and corruptly attempt to use his influence as such judge with the Lehigh Valley Coal Co. and the Lehigh Valley Railway Co. to induce the officers of said companies to purchase a certain interest in a tract of coal land containing 800 acres, which interest at said time belonged to certain persons known as the Everhardt heirs.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 7.

That during the months of October and November, A. D. 1908, there was pending in the United States district court, in the city of Scranton, State of Pennsylvania, over which court Robert W. Archbald was then presiding as the duly appointed judge thereof, a suit or action at law wherein the Old Plymouth Coal Co. was plaintiff and the Equitable Fire & Marine Insurance Co. was defendant. That the said coal company was principally owned and entirely controlled by one W. W. Ris1inger, which fact was well known to said Robert W. Archbald; that on or about November 1, 1908, and while said suit was pending, the said Robert W. Archbald and the said W. W. Ris1inger wrongfully and corruptly agreed together to purchase stock in a gold-mining scheme in Honduras, Central America, for the purpose of speculation and profit; that in order to secure the money with which to purchase said stock the said Ris1inger executed his promissory note in the sum of $2,500, payable to Robert W. Archbald and Sophia J. Hutchison, which said note was indorsed then and there by the said Robert W. Archbald for the purpose of having same discounted for cash; that one of the attorneys for said Ris1inger in the trial of said suit was one John T. Lenahan; that on the 23d day of November, 1908, said suit came on for trial before said Robert W. Archbald, judge presiding, and a jury, and after the plaintiff's evidence was presented the defendant insurance company demurred to the sufficiency of such evidence and moved for a nonsuit, and after extended argument by attorneys for both plaintiff and defendant the said Robert W. Archbald ruled against the defendant and in favor of the plaintiff, and thereupon the defendant proceeded to introduce evidence, before the conclusion of which the jury was dismissed and a consent judgment rendered in favor of the plaintiff for $2,500, to be discharged upon the payment of $2,129.63 if paid within 15 days from November 23, 1908, and on the same day judgments were entered in a number of other like suits against different insurance companies, which resulted in the recovery of about $28,000 by the Old Plymouth Coal Co.; that before the expiration of said 15 days the said Ris1inger, with the knowledge and consent of said Robert W. Archbald, presented said note to the said John T. Lenahan for discount, which was refused and which was later discounted by a bank and has never been paid.

All of which acts on the part of the said Robert W. Archbald were improper, unbecoming, and constituted misbehavior in his said office as judge and render him guilty of a misdemeanor.

ARTICLE 8.

That during the summer and fall of the year 1909 there was pending in the United States district court for the middle district of Pennsylvania, in the city of Scranton, over which court the said Robert W. Archbald was then and there presiding as the duly appointed judge thereof, a civil action wherein the Marian Coal Co. was defendant, which action involved a large sum of money, and which defendant coal company was principally owned and controlled by one Christopher G. Boland and one William P. Boland, all of which was well known to said Robert W. Archbald; that during the said suit the said Robert W. Archbald drew a note for $500, payable to himself, and which note was signed by one John Henry Jones and indorsed by the said Robert W. Archbald, and then and there during the pendency of said suit as aforesaid the said Robert W. Archbald wrongfully agreed and suggested that the said note should be presented to the said Christopher G. Boland and the said William P. Boland, or one of them, for the purpose of having the said note discounted, corruptly intending that his name on said note would coerce and induce the said Christopher G. Boland and the said William P. Boland, or one of them, to discount the same because of the said Robert W. Archbald's position as judge, and because the said Bolands were at that time litigants in his said court.

Wherefore the said Robert W. Archbald was and is guilty of gross misconduct in his office as judge, and was and is guilty of a misdemeanor in his said office as judge.

ARTICLE 9.

That the said Robert W. Archbald, of the city of Scranton and State of Pennsylvania, on or about November 1, 1909, being then and there a United States district judge in and for the middle district of Pennsylvania, in the city of Scranton and State aforesaid, did draw a note in his own proper handwriting, payable to himself, in the sum of $500, which said note was signed by one John Henry Jones, which said note the said Robert W. Archbald indorsed for the purpose of securing the sum of $500, and the said Robert W. Archbald, well knowing that his indorsement would not secure money in the usual commercial channels, then and there wrongfully did permit the said John Henry Jones to present said note for discount, at his law office, to one C. H. Von Storch, attorney at law and practitioner in said district court, which said Von Storch, a short time prior thereto, was a party defendant in a suit in the said district court presided over by said Robert W. Archbald, which said suit was decided in favor of the said Von Storch upon a ruling by the said Robert W. Archbald; and when the said note was presented to the said Von Storch *for* discount, as aforesaid, the said Robert W. Archbald wrongfully and improperly used his influence as such judge to induce the said Von Storch to discount same; that the said note was then and there discounted by the said Von Storch, and the same has never been paid, but is still due and owing.

Wherefore the said Robert W. Archbald was and is guilty of gross misconduct in his said office, and was and is guilty of a misdemeanor in his said office as judge.

ARTICLE 10.

That the said Robert W. Archbald, while holding the office of United States district judge, in and for the middle district of the State of Pennsylvania, on or about the 1st day of May, 1910, wrongfully and unlawfully did accept and receive a large sum of money, the exact amount of which is unknown to the House of Representatives, from one Henry W. Cannon; that said money so given by the said Henry W. Cannon and so unlawfully and wrongfully received and accepted by the said Robert W. Archbald, judge as aforesaid, was for the purpose of defraying the expenses of a pleasure trip of the said Robert W. Archbald to Europe; that the said Henry W. Cannon, at the time of the giving of said money and the receipt thereof by the said Robert W. Archbald, was a stockholder and officer in various and divers interstate railway corporations, to wit: A director in the Great Northern Railway, a director in the Lake Erie & Western Railroad Co., and a director in the Fort Wayne, Cincinnati & Louisville Railroad Co.; that the said Henry W. Cannon was president and chairman of the board of directors of the Pacific Coast Co., a corporation which owned the entire capital stock of the Columbia & Puget Sound Railroad Co., the Pacific Coast Railway Co., the Pacific Coast Steamship Co., and various other corporations engaged in the mining of coal and in the development of agricultural and timber land in various parts of the United States; that the acceptance by the said Robert W. Archbald, while holding said office of United States district judge, of said favors from an officer and official of the said corporations, any of which in the due course of business was liable to be interested in litigation pending in the said court over which he presided as such judge, was improper and had a tendency to and did bring his said office of district judge into disrepute.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 11.

That the said Robert W. Archbald, while holding the office of United States district judge in and for the middle district of the State of Pennsylvania, did, on or about the 1st day of May, 1910, wrongfully and unlawfully accept and receive a sum of money in excess of $500, which sum of money was contributed and given to the said Robert W. Archbald by various attorneys who were practitioners in the said court presided over by the said Robert W. Archbald; that said money was raised by subscription and solicitation from said attorneys by two of the officers of said court, to wit, Edward R. W. Searle, clerk of said court, and J. B. Woodward, jury commissioner of said court, both the said Edward R. W. Searle and the said J. B. Woodward having been appointed to the said positions by the said Robert W. Archbald, judge aforesaid.

Wherefore said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 12.

That on the 9th day of April, 1901, and for a long time prior thereto, one J. B. Woodward was a general attorney for the Lehigh Valley Railroad Co., a corporation and common carrier doing a general railroad business; that on said day the said Robert W. Archbald, being then and there a United States district judge in and for the middle district of Pennsylvania, and while acting as such judge, did appoint the said J. B. Woodward as a jury commissioner in and for said judicial district, and the said J. B. Woodward, by virtue of said appointment and with the continued consent and approval of the said Robert W. Archbald, held such office and performed all the duties pertaining thereto during all the time that the said Robert W. Archbald held said office of United States district judge, and that during all of said time the said J. B. Woodward continued to act as a general attorney for the said Lehigh Valley Railroad Co.; all of which was at all times well known to the said Robert W. Archbald.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 13.

That Robert W. Archbald, on the 29th day of March, 1901, was duly appointed United States district judge for the middle district of Pennsylvania and held such office until the 31st day of January, 1911, on which last-named date he was duly appointed a United States circuit judge and designated as a judge of the United States Commerce Court.

That during the time in which the said Robert W. Archbald has acted as such United States district judge and judge of the United States Commerce Court he, the said Robert W. Archbald, at divers times and places, has sought wrongfully to obtain credit from and through certain persons who were interested in the result of suits then pending and suits that had been pending in the court over which he presided as judge of the district court, and in suits pending in the United States Commerce Court, of which the said Robert W. Archbald is a member.

That the said Robert W. Archbald, being United States circuit judge and being then and there a judge of the United States Commerce Court, at Scranton, in the State of Pennsylvania, on the 31st day of March, 1911, and at divers other times and places, did undertake to carry on a general business for speculation and profit in the purchase and sale of culm dumps, coal lands, and other coal properties, and for a valuable consideration to compromise litigation pending before the Interstate Commerce Commission, and in the furtherance of his efforts to compromise such litigation and of his speculations in coal properties, willfully, unlawfully, and corruptly did use his influence as a judge of the said United States Commerce Court to induce the officers of the Erie Railroad Co., the Delaware, Lackawanna & Western Railroad Co., the Lackawanna & Wyoming Valley Railroad Co., and other railroad companies engaged in interstate commerce, respectively, to enter into various and divers contracts and agreements in which he was then and there financially interested with divers persons, to wit, Edward J. Williams, John Henry Jones, Thomas H. Jones, George M. Watson, and others, without disclosing his said interest therein on the face of the contract, but which interest was well known to the officers and agents of said railroad companies.

That the said Robert W. Archbald did not invest any money or other thing of value in consideration of any interest acquired or sought to be acquired by him in securing or in attempting to secure such contracts or agreements or properties as aforesaid, but used his influence as such judge with the contracting parties thereto, and received an interest in said contracts, agreements, and properties in consideration of such influence in aiding and assisting in securing same.

That the said several railroad companies were and are engaged in interstate commerce, and at the time of the execution of the several contracts and agreements aforesaid and of entering into negotiations looking to such agreements had divers suits pending in the United States Commerce Court, and that the conduct and efforts of the said Robert W. Archbald in endeavoring to secure and in securing such con-

tracts and agreements from said railroad companies was continuous and persistent from the said 31st day of March, 1911, to about the 15th day of April, 1912.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of misdemeanors in office.

Mr. CLAYTON. Mr. Speaker, I beg to say, for the benefit of the Members of the House, that a thousand copies of this report, with the accompanying resolution, have been printed by the committee, so that any Member of the House desiring to have a copy of this report, with the accompanying resolution, may have the same by applying to the Committee on the Judiciary at its rooms in the House Office Building.

CHIEF CLERK OF THE HOUSE.

The SPEAKER laid before the House the following communication from the Clerk of the House:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., July 8, 1912.

To the Speaker of the House:

Desiring to be absent from my office for a short period of time, I hereby designate the Chief Clerk of the House, J. C. South, Esq., to sign all papers that may require my official signature, and to do all other acts under the rules and practice of the House to be done by the Clerk of the House.

Respectfully submitted.

SOUTH TRIMBLE,
Clerk of the House.

JURISDICTION OF THE POLICE COURT, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up Senate bill 5271, to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the police court of the District of Columbia shall have jurisdiction, concurrently with the Supreme Court of the District of Columbia, of affrays and the keeping of a bawdy or disorderly house, and any person convicted of such an offense shall be punished by a fine not exceeding $500 or imprisonment not exceeding one year, or both.

SEC. 2. That said police court shall also have concurrent jurisdiction with said supreme court of threats to do bodily harm, and any person convicted of such offense shall be required to give bond to keep the peace for a period not exceeding six months, and in default of bond may be sentenced to imprisonment not exceeding six months.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

AMENDMENT TO SECTION 808, CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

The SPEAKER. The Clerk will report the next bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is the bill H. R. 21712, to amend section 808 of the Code of Law for the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be amended by striking out section 808 and substituting therefor the following:

"SEC. 808. Rape: Whoever has carnal knowledge of a female forcibly and against her will or whoever carnally knows and abuses a female child under the age of 12 years shall be deemed guilty of rape, and shall be imprisoned for not less than 5 nor more than 30 years: *Provided*, That in any case of rape the jury may add to their verdict the words 'with the death penalty,' in which case the punishment shall be death by hanging: *Provided further*, That if the jury fail to agree as to the punishment, the verdict of guilty shall be received and the punishment shall be imprisonment as provided in this section.

"SEC. 808 a. Carnal knowledge: Whoever carnally knows and abuses a female child between the ages of 12 and 16 years of age shall be imprisoned for not less than 1 nor more than 15 years.

SEC. 2. That this act shall take effect upon its passage.

Mr. MANN. Mr. Speaker, as I understand, this bill proposes to lessen the punishment for the crime of rape. The present punishment, where a girl is less than 16 years of age, can not be less than 5 years' imprisonment nor more than 30 years' imprisonment. This bill proposes to leave the punishment the same as to rape committed on a girl under the age of 12, but to lessen the punishment for rape committed on a girl over 12 and under 16. May I ask the gentleman in charge of the bill what reason the District attorney gives for proposing the lessening of the punishment? As I understand, this bill was introduced at the request of the District attorney. I assume there must be some very good reason for it.

Mr. JOHNSON of Kentucky. Where does the gentleman find the lessening of the punishment?

Mr. MANN. The present law provides that the punishment for rape committed against a girl under 16 years of age shall be not less than 5 years' imprisonment nor more than 30 years, unless the jury recommends capital punishment.

Mr. JOHNSON of Kentucky. The gentleman will note in the report, in the proposed new section, section 808a, there is a punishment for simple carnal knowledge of a girl between the ages of 12 and 16; whereas above, under section 808, if it be rape, then the crime will punished as rape. But this is an additional punishment for having carnal knowledge of a girl between 12 and 16 years of age with her consent. Instead of lessening it, the Attorney General endeavored to make the punishment greater.

Mr. MANN. I think the gentleman is correct about that. This makes it rape when the girl is under 16 years of age, whether the offence is committed with or without her consent?

Mr. JOHNSON of Kentucky. Yes.

Mr. NORRIS. Under the present law is there no statute that would make it rape on a girl of that age if she consented?

Mr. JOHNSON of Kentucky. No.

Mr. NORRIS. And this simply adds a new crime in rape?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. I think the gentleman is correct.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT TO SECTION 842, CODE OF LAW, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I now desire to call up the bill (H. R. 21710) to amend section 842 of the Code of Law for the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 842 of the Code of Law for the District of Columbia be amended as follows:

"SEC. 842. False pretenses: Whoever, by any false pretense, with intent to defraud, obtains from any person anything of value, or procures the execution and delivery of any instrument of writing or conveyance of real or personal property, or the signature of any person, as maker, indorser, or guarantor, to or upon any bond, bill, receipt, promissory note, draft, or check, or any other evidence of indebtedness, and whoever fraudulently sells, barters, or disposes of any bond, bill, receipt, promissory note, draft, or check, or other evidence of indebtedness, for value, knowing the same to be worthless, or knowing the signature of the maker, indorser, or guarantor thereof to have been obtained by any false pretenses, shall, if the value of the property or the sum or value of the money or property mentioned or described in the instrument so obtained, procured, sold, bartered, or disposed of is $35 or upward, be imprisoned not less than 1 year nor more than 10 years, or, if less than that sum, shall be fined not more than $200 or imprisoned for not more than 1 year, or both. Any person who obtains any lodging, food, or accommodation at an inn, boarding house, or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at such an inn, boarding house, or lodging house by the use of any false pretense, or who, after obtaining credit or accommodation at such an inn, boarding house, or lodging house, absconds or surreptitiously removes his baggage therefrom without paying for his food, accommodation, or lodging, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of the District of Columbia shall be fined not more than $100 or imprisoned not more than six months, or both, in the discretion of said court."

SEC. 2. That this act shall take effect upon its passage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6191. An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6191. An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.; to the Committee on Indian Affairs.

PASSENGER VEHICLES FOR HIRE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up now the bill (H. R. 22010) to amend the license law approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire.

The bill was read, as follows:

Be it enacted, etc., That paragraph 11 of section 7 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," be, and the same is hereby, amended by adding thereto the following:

"That in the District of Columbia no person, not an employee of a railway or traction company, shall engage in driving or operating any passenger vehicle for hire, whether said vehicle be driven or propelled by an animal or animals, or by any other form of motive power, without first procuring a license from the assessor of the District of Columbia, which license shall not be issued except upon evidence satisfactory to him that the applicant is a person of good moral character.

"Each person licensed under the provisions of this amendment shall pay an annual license tax of $1.

"Application for such license shall be made to said assessor in such form as shall be prescribed by the Commissioners of the District of Columbia, and no such license shall be issued until an investigation of the character of applicant shall have been made by a member of the Metropolitan police force, designated for this purpose by the major and superintendent of police, and a report of such investigation shall have been delivered to the assessor by said major and superintendent of police.

"Each annual license issued under the provisions of this act shall be numbered, and there shall be kept in the Metropolitan police department a record containing the name of each person so licensed, his annual license number, and all matters affecting his qualifications to be licensed hereunder.

"All passenger vehicles operated for hire, except passenger vehicles operated by railway or traction companies, shall carry, in such place as may be designated by the commissioners, a number corresponding with the number of the license issued to the driver or operator thereof, and of such character and dimensions as said commissioners shall prescribe.

"No license issued under the provisions of this act shall be assigned or transferred.

"Every person violating any of the provisions of this amendment shall be punished as provided in paragraph 47 of said section 7. In addition to such penalties, any license issued under the provisions of this amendment may be revoked by the Commissioners of the District of Columbia upon conviction of the licensee, in the proper court, of a violation of any of the provisions of this amendment, or of a violation of any law or regulation governing the maintenance or disposition upon the public streets of public vehicles for hire, or upon conviction of a crime involving moral turpitude; and also if, in the opinion of said commissioners, any licensee hereunder shall become disqualified or unfit to continue to drive or operate a public passenger vehicle for hire, for any cause or reason which might endanger the safety of passengers in the vehicle driven or operated by said licensee, or of the public, said commissioners may require said licensee to show cause why his license should not be revoked, and in such event shall grant a hearing to said licensee, who may be represented by counsel; and if, in the opinion of said commissioners, the public safety requires the revocation of such license they may revoke the same."

With the following amendments:

Page 2, line 2, after the word "a," insert the word "street," and after the word "railway" strike out the words "or traction."

On page 3, line 4, after the word "by," insert the word "street," and after the word "railway" strike out the words "or traction."

Mr. MANN. Mr. Speaker, if I understand this bill, it provides for the licensing of drivers of vehicles for the carrying of passengers for hire and is an amendment to paragraph 11 of the act of 1902.

After going over the matter, I do not feel certain whether this amendment would apply to livery stables and to the keepers of auto establishments or not.

Paragraph 11 of the act of 1902 covers the proprietors or owners of hacks, coaches, omnibuses, carriages, wagons, and other passenger vehicles for hire.

Paragraph 12 of the same act covers proprietors or owners of livery stables.

The act now in existence provides that the driver's license shall have the same number as the vehicle license. That is, the badge now required of the driver must have the same number as the license number of the vehicle. This proposes that the vehicle shall have the same number as the number of the driver.

It is perfectly patent that if this amendment applies to the keepers of automobiles for hire it is not a practicable amendment. Whether it does or not, I do not know. I am not seeking to oppose the bill, but I call attention to that situation.

It is impossible for the same man always to drive an automobile. Here you license the individual and provide that no one else can operate the machine or drive the team except the person who has the license.

Mr. KAHN. When he quits he takes away his number and gives it to another machine if he goes into the employ of somebody else.

Mr. MANN. Suppose he does not quit?

Mr. KAHN. Then he continues with his number.

Mr. MANN. He can not operate the machine all day long.

Mr. KAHN. He can operate it a good part of the day, and I understand that the chauffeurs who run machines do operate them most of the day. But, under this bill, if another man were to come in his place the second man would have to take off the first man's number and put his own number on the machine. I want to ask the chairman of the committee whether, in his judgment, there should not be a clause in this bill to repeal the provision of the license law which provides for certain specific numbers for automobiles and carriages? Is there not a conflict between the general license law, which compels a man to get a number which he carries on his machine during the entire year, as I understand it, and this measure, which compels him to get a number corresponding with the number of the license of the chauffeur?

Mr. JOHNSON of Kentucky. This bill was prepared and sent up to the committee by the chief of police, Maj. Sylvester.

Mr. MANN. I understand it was prepared by the District officials.

Mr. JOHNSON of Kentucky. Yes. The committee went over it, and in going over it we apprehended some conflict between this bill and the law sought to be amended. We finally reached the conclusion, however, that there was no conflict. This bill simply says that no person shall be authorized to drive one of these machines for hire until he has been authorized so to do after an inquiry into his qualifications, and has paid a fee of $1. As drafted down at the District Building, it could have related to motormen of street cars. The bill has been so changed that it does not apply to them.

In the larger cities over the country a great many crimes have been committed by people who took taxicabs or automobiles for the purpose of getting to the place of the crime and getting away from it.

This bill has for its object, as explained to me by the city authorities, the fact that many criminals become chauffeurs and drivers of taxicabs that they may better cooperate with their confederates. If this bill is adopted, then any taxicab company, or anybody else running machines for hire, can not secure a driver for them until he has been approved by the police authorities.

Mr. MANN. As I understand this bill—take the case of a garage keeping automobiles for hire; they will have machines that are numbered.

Mr. JOHNSON of Kentucky. If the gentleman will permit me to interrupt him, I do not believe that there is anything in this bill which interferes with the original law as to privately owned machines.

Mr. MANN. I think there is nothing in the bill that covers privately owned machines; only those kept for hire.

Mr. JOHNSON of Kentucky. Therefore the driver of a taxicab used for hire does not have to have the same number as the taxicab, if this becomes a law. The driver of the taxicab can step out at any time he pleases.

Mr. MANN. As I understand, now the driver of a machine does not have to display his personal number on the machine. The purpose of this bill is to require that there shall be displayed conspicuously on the machine itself, or on the rig, whatever it is, the personal number of the driver, so as to identify in every case the driver of the rig or machine.

Mr. KAHN. When a machine is put into commission in the District of Columbia——

Mr. JOHNSON of Kentucky. Private or public?

Mr. KAHN. Private or public, it is given a number at the license office.

Mr. MANN. I think the public machines are not given a number.

Mr. KAHN. The public machines are all numbered; every taxicab, every public carriage, has a number in the District of Columbia at the present time. All the taxicabs have numbers, and I presume that is provided for under the general license law. Now, would this bill cause a conflict between that law and this in the matter of numbers? And would it not lead to confusion?

Mr. MANN. It would not, but if the gentleman from California is correct, it would cause two numbers to be displayed on the machine. I would like to make this suggestion to the gentleman from Kentucky, without meaning to be hypercritical. Where the gentleman reports a bill of this kind which has been prepared by the District authorities, I suggest that he insert in the report either a letter from the officials or some kind of a statement from them showing the purpose which they seek to accomplish. It would be a matter of great convenience, and in this case the report gives no information.

Mr. JOHNSON of Kentucky. I think I have correctly stated the real demand for this legislation.

Mr. MANN. I quite agree with the gentleman about that, but the question is whether it accomplishes the purpose. If we had a statement from the officials we could tell better about it.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the following committee amendments:

Page 1, line 11, after "a" and "railway," insert the word "street"; in same line strike out "or traction"; in same line, after the word "company," insert a comma.

Page 2, line 24, after the word "by," insert "street"; same line strike out "or traction."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FOURTEENTH STREET NE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills relating to the District of Columbia.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. TAYLOR of Colorado in the chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (H. R. 22648) to authorize the change of the location of Fourteenth Street NE., District of Columbia, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare a new highway plan for Fourteenth Street NE., between Otis and Varnum Streets, and for such change in other streets so far as it may be necessary to connect said streets with the new location of Fourteenth Street, so as to avoid improvements lying in close proximity to said Fourteenth Street as now proposed, if extended, and so that the new location of said street will be in a straight line between the intersections of Otis and Fourteenth Streets and Varnum and Fourteenth Streets, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898, and that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said streets.

SEC. 2. That whenever the owners of the land comprised in that portion of the new location of Fourteenth Street NE. authorized herein, lying south of Randolph Street, shall dedicate the same to the District of Columbia to be used as a public highway, in a manner approved by the Commissioners of the District of Columbia, the said commissioners be, and they are hereby, authorized and directed to vacate and abandon as a public highway all of Fourteenth Street NE. now publicly owned lying between Otis and Randolph Streets, and not included in the new location of Fourteenth Street authorized herein; that part of Perry Street NE. lying between the easterly line of Fourteenth Street as now located and the westerly line of tract of land designated as parcel 146-2 in book of assessment and taxation in the office of the surveyor of the District of Columbia; and that part of Quincy Street NE., lying between the westerly line of Fourteenth Street as now located and the easterly line of the new location of Fourteenth Street authorized herein; and the title to the land contained in said abandoned part of public highway shall revert to the owners of the land abutting thereon.

Mr. KAHN. Mr. Chairman, this bill is recommended by the District Commissioners. It changes the location of Fourteenth Street and straightens it out somewhat. There is a parcel of land used as a Franciscan Monastery in the section of Washington where this street is located, and if this bill be passed it will enable the commissioners to lay out the street in a straight line so as not to interfere with the property of that monastery.

The monastery has been there a long time, and the improvement is desired by the Commissioners of the District and by everybody who lives in that vicinity.

Mr. SISSON. How much will it cost?

Mr. KAHN. There is no cost to the District.

Mr. MANN. Mr. Chairman, there have been at times various propositions before the House authorizing the commissioners to prepare new highway plans in different portions of the District, some of which have been hotly controverted.

Mr. KAHN. Yes.

Mr. MANN. Is there any controversy over this?

Mr. KAHN. None whatever. The people in the vicinity where the changes are to be made all favor it, and there is no opposition to it from any source. No protest has been received in the committee from anyone.

The CHAIRMAN. If there is no further general debate, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read the bill.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

EXTENSION OF UNDERWOOD STREET NW.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (S. 23) to authorize the extension of Underwood Street NW., which I send to the desk and ask to have read.

The Clerk read the bill as follows:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter I of chapter 15 of the Code of Law for the District of Columbia, within six months after the dedication, in accordance with law, of the land necessary to widen Underwood Street from its present western terminus west of Eighth Street west to Seventh Street west, to its full width of 90 feet, as laid down on the permanent system of highways plan, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to extend said Underwood Street from its present western terminus west of Eighth Street west to the Piney Branch Road, with a width of 90 feet, as laid down on the permanent system of highways plan: *Provided*, That if the dedication referred to herein shall have been made prior to the passage of this act, the Commissioners of the District of Columbia are authorized and directed to institute the condemnation provided for herein within six months after the passage of this act: *Provided further*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for, and in respect of, the land to be condemned for said extension, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits, and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. KAHN. Mr. Chairman, this bill is recommended by the commissioners, and there are no protests against it from any source.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. MANN. It is quite possible that under the circumstances the inquiry is not pertinent, and yet I wondered whether the proposed extension of Underwood Street met with the approval of Mr. Bryan? [Laughter.]

Mr. KAHN. I would refer the gentleman to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. MANN. Oh, I do not think the gentleman from Alabama ought to be called upon to state his case. He is in the hands of his managers, and he is not required to make any personal reference to a thing of this sort. He requires no defense from anybody, but I wondered if the bill had met with the approval I speak of. I made the inquiry in good faith. A few days ago I really hoped that there might be a good deal in the extension of Underwood Street. I suppose now it is not important whether Mr. Bryan has approved it or not.

Mr. JOHNSON of Kentucky. Mr. Chairman, I might say to the House that during two Congresses I have sought to defeat the passage of this bill. The street has now been dedicated for its entire length, except a very small portion which will enable those who may hereafter live upon the street or have use for it to get to the railroad station. I have changed my attitude from opposing it to now being in favor of it.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read the bill.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

METROPOLITAN COACH CO.

Mr. JOHNSON of Kentucky. Mr. Chairman, I now call up the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby empowered to regulate and control the character of the vehicles and equipment to be used by the Metropolitan Coach Co. of the District of Columbia and the operation of said vehicles by said company.

SEC. 2. That said commissioners are hereby given authority to issue such permits or licenses for the operation of said vehicles as may be necessary to carry this act into effect, and for cause shown to revoke the same, and further to make, alter, or amend from time to time, reasonable rules, regulations, and orders for the equipment and operation of said vehicles, which rules and regulations and orders when so made shall be valid and binding on the said Metropolitan Coach Co. and upon all persons.

SEC. 3. That said company shall provide and furnish at all times such service and facilities as shall be reasonably safe and adequate; and it shall at all times maintain its vehicles in good and proper repair, neat and clean, free from offensive smoke, noise, and odors, in a sanitary condition, sufficient in number, and reasonably comfortable and convenient. The company shall operate its vehicles over a route or routes approved by the commissioners, or to be approved by them, so as to give expeditious passage to all persons desiring to use the same, and on such time schedule or schedules and for such rates and charges as said commissioners may from time to time fix and determine. The said commissioners shall have power by a rule or rules from time to time to require and compel obedience to the provisions of this section after notice to and opportunity given said company to be heard.

SEC. 4. That said Metropolitan Coach Co. and its officers and employees are hereby required to obey all the provisions of this act and such reasonable rules, regulations, and orders as may be made by said commissioners, and if said company or its officers or employees violate any provision of this act or any of said rules, regulations, or orders made by said commissioners, or permit such violation, said company or each of said officers or employees shall be punished by a fine of not more than $100, and prosecution for each of said violations shall be made on information in the name of the District of Columbia, filed in the police court of the District of Columbia by the corporation counsel or one of his assistants.

SEC. 5. That the provisions of this act shall be effective on and after the 1st day of January, 1912, and, in addition to the penalties in this act provided, the failure of the Metropolitan Coach Co. at any time or times hereafter to comply with the terms hereof shall make it unlawful for it to operate its vehicles over its route, and if said company shall, within a period of 30 days of notice thereof, fail to comply with any of said rules, regulations, or orders, made by said commissioners, its right to operate said vehicles shall terminate without notice, and the commissioners are directed thereupon to prevent the use of the public highways by said company.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this act.

Mr. KAHN. Mr. Chairman, this bill was reported by the gentleman from Ohio [Mr. ANDERSON]. He is not here at the present time to explain it, and therefore I shall endeavor to give the committee an idea of the purpose of the bill. At the present time the Metropolitan Coach Co. is operating a line of busses, beginning at the corner of Sixteenth and U Streets NW., going down Sixteenth Street to Massachusetts Avenue, down Massachusetts Avenue to Fifteenth Street, down Fifteenth Street to K Street, down K Street to Fifteenth Street, and down Fifteenth Street to Pennsylvania Avenue; thence westward along Pennsylvania Avenue to Seventeenth Street, down Seventeenth Street to F Street, and along F Street to Twenty-second Street NW., and return. The vehicles that the company owns are rather old-fashioned and dilapidated looking. The company has been operating at a loss for many years. The section of the company's franchise from Fifteenth Street and Pennsylvania Avenue, out Pennsylvania Avenue to Seventeenth Street, down Seventeenth Street to F, and out F to Twenty-second is pretty well covered now by the street railroads of the city of Washington, and the company finds that that section of its line is altogether unprofitable. The company, through its officers and attorneys, has appeared before the Committee on the District of Columbia and has given assurances that if it can secure a franchise allowing it to go from Sixteenth and U Street down its old route as far as Pennsylvania Avenue and Fifteenth Street it will put on new busses that will run on regular schedule time, and that it will give the people of Sixteenth Street an excellent service.

Sixteenth Street, as you all know, has no street-railroad service at all. The only transportation service it has is this bus line. The chairman of the committee [Mr. JOHNSON of Kentucky] suggests that there is no nearer service on Sixteenth Street than along Fourteenth Street, two blocks to the east—and they are rather long blocks—or along Connecticut Avenue, which is some distance to the west; so that Sixteenth Street really should have a good service. The committee has prepared some amendments to the bill which will allow this company to interchange transfers with the Capital Traction Co. and also with the Washington Railway and Electric Co., so that a passenger using this line will be able to go out F Street to Twenty-second, or even to Georgetown, or will be able to take the New York Avenue line and go easterly out to the District line. The committee favors the bill, and I believe it has the indorsement of the District Commissioners.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. LONGWORTH. When they say they agree to furnish new busses, does that mean really new busses or busses 50 years old?

Mr. KAHN. No; the gentlemen who appeared for the company before the committee said that they felt that here was an opportunity to rehabilitate the line. These men who have invested their money in it have done so in good faith, and it has been operated at a loss steadily. They say they will put additional money in it and furnish new busses, with up-to-date, modern improvements, and will try to give the city of Washington—in fact, will give the city of Washington—a good service along that street.

Mr. LONGWORTH. At what fare?

Mr. KAHN. Six tickets for a quarter or 5 cents for a single fare.

Mr. BUTLER. How many omnibuses have they in operation now?

Mr. KAHN. I think they have two in operation.

Mr. BUTLER. Are they going to increase the number or the size?

Mr. KAHN. It is intended to increase the number.

Mr. BUTLER. And not the size?

Mr. KAHN. I presume they may increase the size, but they certainly intend to put more on the line.

Mr. BUTLER. And patch the roofs.

Mr. SIMS. Mr. Chairman, I want to say a few words in relation to this bill. I heartily approve everything the gentleman from California has said, and I am speaking about this matter simply because I have been watching this line during its experimental stage and I know it is a fact that the line has lost money. It had to try out different sorts of busses and lost a lot of money in doing so; and I think if the gentleman from Ohio knew how hard these people have tried to succeed he would not think for a moment there was anything in the words "new busses," but that new improvements is what is meant.

Mr. LONGWORTH. The gentleman says they are experimental. If they would come down to some used perhaps in the last 20 or 30 years, why——

Mr. MANN. These busses they have now are new, are they not? How old are they?

Mr. KAHN. Three or four years.

Mr. JOHNSON of Kentucky. The management says now it has found one which will work on the streets.

Mr. SIMS. Persons who have lived on Sixteenth Street, as I have, know it is very inconvenient to have to go over two blocks to the west to Connecticut Avenue or over to Fourteenth Street to get to the car lines. Besides, these busses are not as dangerous as a street car. There never ought to be a street car line on Sixteenth Street.

Mr. BUTLER. They can not run over their own shadows.

Mr. SIMS. I do think this line is a proper enterprise, and ought to be encouraged. It is very desirable to have this supplemental bus service in connection with the street car lines, without the danger and noise that follows the installment of street car tracks upon streets not now having them.

Mr. LONGWORTH. I am glad to know that the gentleman believes that there is now some kind of an automobile that is not dangerous.

Mr. SIMS. The automobile itself never was dangerous. It is only the crank who runs it that makes it dangerous.

Mr. MANN. They have to have cranks, or they could not run.

Mr. SIMS. The gentleman from Illinois is "literally correct," as he always is.

Mr. MANN. I would like to make an inquiry of the gentleman from Tennessee [Mr. SIMS] and the gentleman from California [Mr. KAHN]. After all, the question is, What is the economical method of transportation. Is it practicable to carry passengers in the city by this method? Is it practicable to carry passengers in a city in large numbers in any way except upon rails as laid in the streets?

Mr. KAHN. I think, if the gentleman will recall, there is a motor bus line which runs up Fifth Avenue in New York City, and in the city of London practically all——

Mr. MANN. There is no use in citing the city of London, because busses there are being driven out.

Mr. KAHN. The old horse busses are disappearing; they are giving place to motor busses, such as it is proposed to run on this street.

Mr. MANN. They have given place to underground street car lines.

Mr. KAHN. There are a few tube lines, as they call them, but the number of busses along the Strand and Fleet Street is exceedingly large, and a man is kept pretty busy dodging them.

Mr. MANN. It is one part of the question of economy whether they can operate at a profit to themselves. The other question is whether they can operate at a profit to the public. A street car line improves its rails, and cars run upon them, and they have to be obtained by the street car company. The bus line runs upon an asphalt pavement put in at public expense, and it wears out. With the asphalt pavement or other pavement the public has to do the maintenance.

Mr. KAHN. I submit to the gentleman from Illinois that I do not think a motor bus of this kind is near so hard on the streets as those heavy so-called "chump chariots" which are going around showing the visitors to the city the sights at so much per head.

Mr. JOHNSON of Kentucky. It occurs to me, if the gentleman will indulge me a moment, that it should not matter to the Congress whether it is profitable to the owners of the herdic line or not. They are anxious for this bill to pass; and, after it has passed, it gives the commissioners the right to compel them to operate.

Mr. MANN. I hope the gentleman will not think that I have any opposition to the bill. I think anything that will improve the service up there will be good, but I doubt whether it will ever be very satisfactory.

Mr. KAHN. The question in my mind is whether they will be able to do it at the small price they are asking, but they seem to think there is enough business to warrant the experiment, and they are willing to put their money in it.

Mr. MANN. As to the regulations in regard to the transfers between this car line and the street car line——

Mr. KAHN. I dare say the Capital Traction Co. may fight it in the courts, but it is probable an arrangement can be made whereby the transfer facilities will be accorded. The motor bus company has a transfer arrangement with the Connecticut Avenue line.

Mr. SIMS. And with the Washington Electric Co., which was put on by legislation in Congress and which they have always lived up to.

Mr. MANN. The gentleman says it is already provided. I would think that it is not provided for completely, or it would not be here.

Mr. KAHN. It is provided for at the corner of Fifteenth and H Streets NW.

Mr. MANN. The question I asked was whether you could provide in this bill that these companies should give transfers to this company or whether you would have to amend the franchise under which the street car companies operate? I take it those laws are subject to amendment. This, of course, does not purport to be an amendment to the original law.

Mr. KAHN. No.

Mr. MANN. I think we decided in our city that we had the right to require absolutely transfers between any street car lines, within the old city limits anyhow.

Mr. KAHN. As the gentleman from Tennessee [Mr. SIMS] said a moment ago, when this company undertook to change this line from a horse bus line to a motor bus line, the House at that time put a provision in the bill compelling the Washington Electric Co. to interchange transfers at the corner of Fifteenth and H Streets NW. The railroad company accepted the proposition.

Mr. MANN. They always have had transfers there since I have known anything about it.

Mr. KAHN. It was simply done by agreement, as I recall it; never by law. Therefore we put it into the law. The street car company never in any way attempted to get around it.

Mr. SIMS. I do not think the Capital Traction Co. will, either.

Mr. JOHNSON of Kentucky. Mr. Chairman, before the matter is disposed of, I desire to say on the part of the committee that there has never been any objection in the committee to this bill. A large number of pastors of churches in that section have earnestly sought the passage of the bill. I say for the committee that the bill would long ago have been brought up in this House for passage, except for some very objectionable lobbying that was done with the committee concerning the bill. In the beginning there were lobbyists who opposed the passage of the bill and who could give no sufficient reason for their opposition.

In a little while those same lobbyists who had just opposed the bill made miserable the life of nearly every man upon that committee, urging its passage. Why these particular lobbyists changed front we have never been able to discover, but it was a character of lobbying that the committee determined to discourage, and even went so far as to delay the passage of a good bill for the purpose of thus saying to the lobbyists that they must quit that objectionable system of lobbying; that no bill for which they lobbied would ever get through that committee. That character of lobbying ceased several weeks ago, and, in consequence of its cessation, the bill has been called up to-day for passage.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LONGWORTH. I think the gentleman's statement is rather surprising. I assume that this is not a very large company or one that has a very large capital. Its only assets are two large automobiles?

Mr. KAHN. Yes; and the franchise.

Mr. LONGWORTH. Yes; and the franchise.

Mr. JOHNSON of Kentucky. I will say to the gentleman that the company itself has done practically no lobbying in regard to this bill. The lobbying was done by people apparently on the outside—people who made themselves objectionable to practically every member of the committee.

Mr. LONGWORTH. What reasons were advanced for their action?

Mr. JOHNSON of Kentucky. We can only guess at the motives of those who were lobbying against the passage of the bill at the beginning, and we can only guess as to why they changed their attitude from opposing the bill to being in favor of it. Nevertheless, that has been done, and those who were fighting it at first are now its most ardent advocates, without being able to give any reason for their change of heart. They have annoyed the committee to the extent that the committee was disposed at one time to defeat this bill because of objectionable lobbying.

Mr. LONGWORTH. So that now the committee is for the bill, in spite of the opposition?

Mr. JOHNSON of Kentucky. Yes.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule for amendment.

The Clerk read as follows:

SEC. 2. That said commissioners are hereby given authority to issue such permits or licenses for the operation of said vehicles as may be necessary to carry this act into effect, and for cause shown to revoke the same, and further to make, alter, or amend from time to time, reasonable rules, regulations, and orders for the equipment and operation of said vehicles, which rules and regulations and orders when so made shall be valid and binding on the said Metropolitan Coach Co. and upon all persons.

Mr. MANN. Mr. Chairman, I ask that the Clerk correct the spelling of the word "vehicles" in line 3 of page 2.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That said company shall provide and furnish at all times such service and facilities as shall be reasonably safe and adequate; and it shall at all times maintain its vehicles in good and proper repair, neat and clean, free from offensive smoke, noise, and odors, in a sanitary condition, sufficient in number, and reasonably comfortable and convenient. The company shall operate its vehicles over a route or routes approved by the commissioners, or to be approved by them so as to give expeditious passage to all persons desiring to use the same, and on such time schedule or schedules and for such rates and charges as said commissioners may from time to time fix and determine. The said commissioners shall have power by a rule or rules from time to time to require and compel obedience to the provisions of this section after notice to and opportunity given said company to be heard.

The CHAIRMAN. The Clerk will read the committee amendments.

The Clerk read the first committee amendment as follows:

Strike out, page 2, lines 16, 17, and 18, the words "over a route or routes approved by the commissioners, or to be approved by them."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, in striking out in section 3 the language "over a route or routes approved by the commissioners or to be approved by them" is that proposed to be stricken out because the committee intends to cover that itself by amendment?

Mr. KAHN. Yes. The committee has drawn two amendments to cover that.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 2, line 10, insert after the words "such" the word "reasonable."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

On page 2, line 20, strike out the words "and for such rates and charges."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next section of the bill.

The Clerk read as follows:

SEC. 4. That said Metropolitan Coach Co. and its officers and employees are hereby required to obey all the provisions of this act and such reasonable rules, regulations, and orders as may be made by said commissioners, and if said company or its officers or employees violate any provision of this act or any of said rules, regulations, or orders made by said commissioners, or permit such violation, said company or each of said officers or employees shall be punished by a fine of not more than $100, and prosecution for each of said violations shall be made on information in the name of the District of Columbia, filed in the police court of the District of Columbia by the corporation counsel or one of his assistants.

With the following committee amendment:

Insert after section 4 the following:

"SEC. 5. That the vehicles of the Metropolitan Coach Co. shall follow its present route to Fifteenth Street and Pennsylvania Avenue, and shall go thence west to Madison Place, north to H Street, east to Fifteenth Street, and thence to Sixteenth and U Streets, by the route followed coming south; and said company, if it so elects, shall be permitted, in lieu of sending its vehicles west on Pennsylvania Avenue, as above provided, to send them south on Fifteenth Street and east on Pennsylvania Avenue to Eighth Street west, and thence reverse to Sixteenth and U Streets.

"SEC. 6. That said company shall issue to all passengers received by it north of H Street NW., and desiring same, a transfer ticket to the cars of the Capital Traction Co. at the intersection of Fifteenth Street and New York Avenue and Pennsylvania Avenue NW., said transfer ticket to be good for passage on the cars of the Capital Traction Co. going south or west, and the said Capital Traction Co. shall receive and transport on its said cars said passengers on said transfer tickets without the payment of additional fare; and the said Capital Traction Co. shall issue to all its passengers desiring same, on cars going east on Pennsylvania Avenue and north on Fifteenth Street, at said intersection, a transfer ticket to the coaches of the said Metropolitan Coach Co., and the said Metropolitan Coach Co. shall receive and transport on its coaches said passengers on said transfer tickets without the payment of additional fare.

"SEC. 7. That said Metropolitan Coach Co. shall issue to all its passengers desiring same a transfer ticket to the cars of the Washington Railway & Electric Co. at the said intersection of Fifteenth Street, New York Avenue, and Pennsylvania Avenue NW., said transfer ticket to be good for passage on the cars of the said Washington Railway & Electric Co., and the said Washington Railway & Electric Co. shall receive and transport on its said cars said passengers on said transfer tickets without the payment of additional fare; and the said Washington Railway & Electric Co. shall issue to all its passengers desiring same at said intersection a transfer ticket to the coaches of the said Metropolitan Coach Co., and the said Metropolitan Coach Co. shall receive

and transport on its coaches said passengers on said transfer ticket without the payment of additional fare.

"SEC. 8. That any company named herein that fails to comply with the requirements of sections 6 and 7 of this act shall be punished by a fine of not more than $100 for each violation thereof, and prosecutions shall be made as prescribed in section 4 of this act; that the Commissioners of the District of Columbia shall make and enforce the regulations necessary to carry the provisions of these sections into effect."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the provisions of this act shall be effective on and after the 1st day of January, 1912, and, in addition to the penalties in this act provided, the failure of the Metropolitan Coach Co. at any time or times hereafter to comply with the terms hereof shall make it unlawful for it to operate its vehicles over its route, and if said company shall, within a period of 30 days of notice thereof, fail to comply with any of said rules, regulations, or orders, made by said commissioners, its right to operate said vehicles shall terminate without notice, and the commissioners are directed thereupon to prevent the use of the public highways by said company.

With the following committee amendments:

In line 15, page 5, strike out the figure "5" and insert in lieu thereof the figure "9."

In lines 16 and 17, page 5, strike out the words "the 1st day of January, 1912," and insert in lieu thereof the words "six months from the date of its passage."

The amendments were agreed to.

The Clerk read as follows:

SEC. 6. That Congress reserves the right to alter, amend, or repeal this act.

With the following committee amendment:

On page 6, in line 3, strike out the figure "6" and insert in lieu thereof the figure "10."

The committee amendment was agreed to.

Mr. KAHN. I move that the bill as amended be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

BENNING ROAD.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that we take up the bill (H. R. 6083) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908.

The bill was read, as follows:

Be it enacted, etc., That the act of Congress entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908, be, and the same is hereby, amended by striking out section 1 of said act and inserting in lieu thereof the following:

"That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within 90 days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land necessary to widen Benning Road from Fifteenth Street east to Oklahoma Avenue, exclusive of the strip of land 30 feet wide acquired by the Columbia Railway Co. under the provisions of the act of Congress approved June 13, 1898, entitled 'An act to authorize the extension eastwardly of the Columbia Railway.' The width of said Benning Road when widened to be 110 feet between the limits named, including the strip of land 30 feet wide acquired by the said Columbia Railway Co.; *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder: *And provided further*, That the said Columbia Railway Co., its successors or assigns, shall remove its tracks to the center of the street when widened, when required so to do by the Commissioners of the District of Columbia."

Mr. KAHN. Mr. Chairman, a bill practically similar to this has passed the House in the last two or three Congresses. The Benning Road is now one of the main traveled roads of the District. Large number of vehicles use it constantly. From the old White House Station, as they call it, to Oklahoma Avenue the road is quite narrow.

Mr. JOHNSON of Kentucky. It is said to be narrower than the bridge across the river.

Mr. KAHN. As suggested by the gentleman from Kentucky [Mr. JOHNSON], the road is narrower than the bridge across the Eastern Branch. The railroad company which occupies the land immediately to the north of Benning Road was notified when applying for its franchise that in the years to come it would undoubtedly be necessary to widen the road, and the company took the franchise subject to that notice. The railroad company officials are the only people who have shown any disposition to antagonize the passage of this bill.

In certain places it is difficult to cross the railroad tracks from the lands north of the tracks to the road. It is proposed to widen the road to the north and to place the tracks more in the center of the road. In some parts of it there is practically only a narrow driveway alongside the railroad track. The right of way of the railroad is on the extreme northern border of the road, and is fenced off, so that it is exceedingly difficult at times for heavy vehicles to pass one another.

The House has heretofore passed similar legislation, and this is simply another effort to secure the enactment of a law that will enable a very important artery of travel to be widened to a sufficient width.

Mr. TILSON. Who is to pay the expense of the widening under this bill?

Mr. KAHN. The abutting property owners. That is the usual course that is pursued here in the District when a road or street is widened or extended.

Mr. TILSON. Does not the Benning Road proceed for some distance along what is practically a causeway over swampy land?

Mr. KAHN. Not the part provided for in this bill. To the east of Oklahoma Avenue the road goes down a rather sharp grade and then strikes some low land near the Eastern Branch.

Mr. WEEKS. Does the railroad company pay any part of the expense of widening?

Mr. KAHN. I imagine it will have to. It will have some of the benefit. The tracks will have to be moved.

Mr. WEEKS. It would not be necessary to widen the road if the tracks were not there, would it?

Mr. KAHN. It would be necessary to widen the road, because, as I understand it, the tracks are on a private right of way, fenced off from the highway in many places.

Mr. WEEKS. What is the policy which has been pursued in widening roads or streets under such conditions in the District?

Mr. KAHN. When the commissioners determine that a road ought to be widened they apply to Congress for the passage of a law giving them authority to proceed in rem to condemn the necessary property, and the accruing benefits and damages are adjusted between the abutting property owners.

Mr. WEEKS. By the commissioners?

Mr. KAHN. By the commissioners.

Mr. WEEKS. And do they assess some part of that expense upon all interests?

Mr. KAHN. Yes.

Mr. WEEKS. Including the street railway company?

Mr. KAHN. I believe so.

Mr. MANN. The gentleman says "I believe so," but he speaks it in a hopeful way. The street railway company now owns 30 feet of ground upon which its tracks are laid.

Mr. KAHN. Exactly.

Mr. MANN. How do you propose to require the street car company to pay for widening the road when you take their land, unless they be paid for their own land?

Mr. JOHNSON of Kentucky. I will say that there is already a law by which, when this street is widened, it must take up that 30 feet.

Mr. MANN. This bill provides that when the road is widened the street car company shall move its tracks to the middle of the street whenever ordered to do so by the commissioners. Who, then, owns the private property now belonging to the street railway company that is not condemned?

Mr. KAHN. It will have to be condemned.

Mr. MANN. It is not condemned by this bill.

Mr. JOHNSON of Kentucky. I was about to say to the gentleman when interrupted that under existing law the 30-foot strip becomes a part of the street whenever widened.

Mr. MANN. That could be done by the street railway company by their consent, but we can not dedicate it.

Mr. JOHNSON of Kentucky. I think it was a condition precedent to the acquirement of it.

Mr. MANN. I think likely that is covered by the original act. I remember when this original act passed. I remember the discussion that was had in regard to it. That was the bill where my distinguished friend from Tennessee, now sitting in front of me [Mr. SIMS], stopped horse racing in the District of Columbia by placing a rider upon a bill for the opening of a street, prohibiting the maintenance of horse racing, and which nobody thought would ever pass. That bill provided that we would condemn the land for the widening of Benning Street whenever one-half of the property necessary for its widening had been dedicated. Are the people there unwilling to dedicate?

Mr. KAHN. Some are.

Mr. MANN. The majority are.

Mr. JOHNSON of Kentucky. If I understand correctly, no dedication is necessary. If the street were widened on the south side of the road, many houses would have to be interfered with, but it is to be widened on the north side by taking this 30-foot strip which the railroad now uses. Under existing law, whenever the street is widened they must then move their tracks to the center of the street and abandon to public use the 30-foot strip which they now use.

Mr. MANN. I do not understand that this is to take the 30-foot strip owned by the railroad company.

Mr. KAHN. The gentleman from Kentucky says that under the original grant of franchise there was a provision that when it should become necessary to widen Benning Road the street railway company would dedicate this 30-foot strip for that purpose; that that was a condition of the grant.

Mr. MANN. That may all be; I am not referring to that. The original act provided that we would condemn the balance whenever 50 per cent was dedicated. It is a somewhat unusual thing to widen a street to the width of 110 feet. It seems to me wholly unnecessary to have a width that great unless the people want it and show it by some form of dedication.

Mr. KAHN. If the gentleman will recall, that road is the artery by which a great many of the truck farmers come into Washington, and it is also a street over which a great many heavy vehicles pass in order to take the refuse of the city to the crematory.

Mr. MANN. I have been out on the road lots of times, and I think there is no more occasion for a street 110 feet wide there than there is for a street 1,000 feet wide.

Mr. KAHN. The street car line may take 30 feet out of the center of the road, which will not make the street any too wide for the heavy traffic that goes over it.

Mr. MANN. When the street car line is moved to the center of the street, it has no occasion for the use of the 30 feet. Two tracks is all they need, and two tracks do not occupy 30 feet.

Mr. KAHN. No; but two tracks will occupy probably 15 or 17 feet.

Mr. MANN. A little more than that. It means in the end, of course, an enormous expense on the District in paving the street and a very large so-called planting space, which is left entirely unimproved.

Mr. KAHN. Of course, there is a very large traffic over it, and I daresay in the years to come the traffic will grow.

Mr. MANN. The gentleman says a large traffic, but he does not mean a large traffic as compared to the traffic in the gentleman's city or in my city on streets not over half the width.

Mr. KAHN. I want to say frankly to the gentleman that about three months ago the chairman of the subcommittee on streets, Mr. ADAIR, took me over there about 3 o'clock in the afternoon, an hour in the day at which one would expect to see comparatively little traffic, and yet I was surprised to see a great number of heavy vehicles that were passing over that road—a constant procession of them.

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read the bill.

Mr. KAHN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, there are several other bills which the committee would like to take up and have passed at this time, but because of the absence of gentlemen who have them in charge, or who originated them, and at their request I move that the committee do now rise and report the bills with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TAYLOR of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills reported from the Committee on the District of Columbia, and had directed him to report the same back, some with amendments and some without amendments, with a recommendation that the amendments be agreed to, and that the bills as amended do pass.

The SPEAKER. The Clerk will report the first bill.

The Clerk read as follows:

H. R. 22648. To authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

S. 23. To authorize the extension of Underwood Street NW.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

S. 2904. To confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., with amendments.

The amendments were read.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title by adding to the present title the words:

And to provide for transfers between said company and the Capital Traction Co. and the Washington Railway & Electric Co.

The SPEAKER. The question is on agreeing to the amendment to the title.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

H. R. 6083. To amend an act entitled "An act for the widening of Benning Road, and for other purposes, approved May 16, 1908."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. MORGAN] may address the House for 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas objects.

PROCEDURE IN CONTEMPT CASES.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. MANN. If the gentleman will not concede courtesies he will not get them.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. HENRY of Texas) there were—ayes 27, noes none.

Mr. HILL. Mr. Speaker, may I make a suggestion?

The SPEAKER. The Chair will hear the suggestion.

Mr. HILL. Mr. Speaker, it will take a good deal longer to get a call of the House than it would take to give the gentleman from Oklahoma a chance to speak, and I think that we might reach a compromise by which we might do both. To tell the honest truth about it, I will state to the gentleman from Texas I would like to have about 10 or 15 minutes myself.

Mr. HENRY of Texas. I think there will be no trouble about giving the gentleman time under the bill we propose to get up if that will be satisfactory. I believe that the chairman of the Committee on the Judiciary will agree to that.

Mr. MANN. Mr. Speaker, I suggest that a quorum having been ascertained not to be present there is nothing the House can do by unanimous consent or otherwise except to develop a quorum or quit.

The SPEAKER. Really that is true.

Mr. CLAYTON. Mr. Speaker, I think the time asked for by the gentleman from Oklahoma would be accorded to him——

Mr. MANN. The gentleman from Texas, without any explanation, objected right off the bat.

The SPEAKER. The point of order made by the gentleman from Illinois is absolutely good——

Mr. HENRY of Texas. I talked with the gentleman from Oklahoma about the matter.

The SPEAKER. The Doorkeeper will close the doors——

Mr. MANN. The gentleman did not talk to me.

The SPEAKER. The Sergeant at Arms will notify absentees——

Mr. CLAYTON. For myself I would very much like to hear the gentleman from Oklahoma, because I want to know whether he is going to join the third party or be a Democrat or stand pat, and therefore I would like to hear him——

The SPEAKER. And the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adair	Beall, Tex.	Calder	Cravens
Aiken, S. C.	Berger	Callaway	Crumpacker
Alexander	Boehne	Candler	Curley
Ames	Booher	Cantrill	Currier
Anderson, Ohio	Borland	Carter	Curry
Andrus	Bradley	Cary	Dalzell
Anthony	Browning	Catlin	Daugherty
Ashbrook	Bulkley	Claypool	Davidson
Ayres	Burke, Pa.	Conry	Davis, W. Va.
Bates	Burleson	Cox, Ohio	De Forest
Bathrick	Byrnes, S. C.	Crago	Dickson, Miss.

Dies	Haugen	Maher	Sheppard
Doremus	Heald	Martin, S. Dak.	Sherley
Draper	Hedin	Matthews	Sherwood
Driscoll, D. A.	Helm	Mays	Simmons
Driscoll, M. E.	Henry, Conn.	Mondell	Slemp
Dwight	Higgins	Moon, Pa.	Sloan
Dyer	Hinds	Moore, Pa.	Smith, J. M. C.
Ellerbe	Hobson	Moore, Tex.	Smith, Cal.
Estopinal	Hughes, Ga.	Morse, Wis.	Smith, N. Y.
Evans	Hughes, N. J.	Moss, Ind.	Sparkman
Fairchild	Hughes, W. Va.	Mott	Speer
Farr	Humphreys, Miss.	Murray	Stack
Ferris	Jackson	Needham	Steenerson
Finley	Johnson, S. C.	Neeley	Stephens, Nebr.
Fitzgerald	Kindred	Nelson	Stephens, Miss.
Focht	Kinkead, N. J.	Nye	Stevens, Minn.
Fordney	Knowland	Olmsted	Talbott, Md.
Fornes	Konig	O'Shaunessy	Taylor, Ala.
Foss	Kopp	Page	Taylor, Ohio
Gardner, N. J.	Lafean	Palmer	Thayer
Garrett	Langham	Patten, N. Y.	Thomas
George	Langley	Peters	Townsend
Gillett	Lawrence	Plumley	Tuttle
Glass	Legare	Porter	Underhill
Godwin, N. C.	Lindsay	Post	Utter
Goeke	Linthicum	Powers	Vare
Goldfogle	Littlepage	Pujo	Volstead
Gould	Littleton	Randell, Tex.	Vreeland
Graham	Lobeck	Ransdell, La.	Wedemeyer
Gregg, Pa.	Loud	Rees	Wilder
Griest	McCoy	Reyburn	Wilson, N. Y.
Guernsey	McDermott	Riordan	Wood, N. J.
Hamill	McGuire, Okla.	Robinson	Woods, Iowa
Hamilton, Mich.	McHenry	Rothermel	Young, Mich.
Hanna	McKinley	Scully	Young, Tex.
Hardwick	McLaughlin	Sells	
Hardy	McMorran	Shackleford	
Harrison, N. Y.	Macon	Sharp	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. The membership of the House at the present time consists of 390 Members. There are four vacancies. It takes 196 Members to constitute a quorum. There are 197 Members present—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama moves that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

LEAVE OF ABSENCE.

Mr. DAVIS of West Virginia, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. HUMPHREY of Washington, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Fred T. Macomber (H. R. 19193, 61st Cong.), no adverse report having been made thereon.

PROCEDURE IN CONTEMPT CASES.

The SPEAKER. The Chair recognizes the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I offer the resolution which is already at the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 597 (H. Rept. 948).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider the bill (H. R. 22591) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. That there shall be three hours' general debate on said bill and one substitute, and at the expiration of such time the previous question shall be considered as ordered on the bill and said substitute to final passage without any intervening motion except the motion to recommit.

Mr. HENRY of Texas. Mr. Speaker, I demand the previous question on the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided; and there were—ayes 81, noes 37.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 42, answered "present" 8, not voting 200, as follows:

YEAS—140.

Akin, N. Y.	Broussard	Cline	Dixon, Ind.
Allen	Brown	Collier	Donohoe
Ansberry	Buchanan	Connell	Doughton
Austin	Bulkley	Covington	Dupré
Barnhart	Burgess	Cox, Ind.	Edwards
Bartlett	Burke, Wis.	Davenport	Falson
Beall, Tex.	Byrns, Tenn.	Dent	Fergusson
Bell, Ga.	Carlin	Denver	Flood, Va.
Blackmon	Clark, Fla.	Dickinson	Floyd, Ark.
Brantley	Clayton	Difenderfer	Foster
Fowler	Johnson, Ky.	Merriam	Slayden
Francis	Jones	Neeley	Small
Fuller	Kendall	Oldfield	Smith, Tex.
Gallagher	Kennedy	Padgett	Stedman
Garner	Kinkaid, Nebr.	Patton, Pa.	Stephens, Cal.
Godwin, N. C.	Kitchin	Pepper	Stephens, Tex.
Goodwin, Ark.	Konop	Pickett	Stone
Gray	Korbly	Pou	Sulzer
Gregg, Tex.	Lafferty	Pray	Sweet
Gudger	La Follette	Prince	Switzer
Hamilton, W. Va.	Lamb	Rainey	Taggart
Hamlin	Langham	Raker	Talcott, N. Y.
Hardy	Lee, Ga.	Rauch	Taylor, Colo.
Harrison, Miss.	Lee, Pa.	Redfield	Towner
Hartman	Lever	Richardson	Tribble
Hay	Lewis	Roberts, Nev.	Turnbull
Henry, Tex.	Lindbergh	Rodenberg	Underwood
Hensley	Lloyd	Rothermel	Watkins
Holland	McCreary	Rouse	Webb
Houston	McGillicuddy	Ruby	Whitacre
Howard	McKellar	Ruckee, Colo.	White
Hughes, Ga.	Maguire, Nebr.	Russell	Willis
Hull	Martin, Colo.	Sabath	Wilson, Pa.
Jacoway	Moon, Tenn.	Sims	Witherspoon
James	Morgan	Sisson	The Speaker

NAYS—42.

Ainey	Davis, Minn.	Lenroot	Roddenbery
Anderson, Minn.	Dodds	Longworth	Smith, Saml. W.
Barchfeld	Esch	McCall	Sterling
Bartholdt	French	McKenzie	Thistlewood
Bowman	Good	McKinney	Tilson
Burke, S. Dak.	Green, Iowa	Madden	Utter
Butler	Harris	Mann	Warburton
Cannon	Hayes	Miller	Weeks
Cooper	Howell	Murdock	Young, Kans.
Copley	Howland	Norris	
Danforth	Jackson	Payne	

ANSWERED "PRESENT"—8.

Adamson	Campbell	Hill	Rucker, Mo.
Burnett	Faust	Parran	Sulloway

NOT VOTING—200.

Adair	Ellerbe	Kindred	Pujo
Aiken, S. C.	Estopinal	Kinkead, N. J.	Randell, Tex.
Alexander	Evans	Knowland	Ransdell, La.
Ames	Fairchild	Konig	Rees
Anderson, Ohio	Farr	Kopp	Reilly
Andrus	Ferris	Lafean	Reyburn
Anthony	Finley	Langley	Riordan
Ashbrook	Fitzgerald	Lawrence	Roberts, Mass.
Ayres	Focht	Legare	Robinson
Bates	Fordney	Levy	Rothermel
Bathrick	Fornes	Lindsay	Scully
Berger	Foss	Linthicum	Sells
Boehne	Gardner, Mass.	Littlepage	Shackleford
Booher	Gardner, N. J.	Littleton	Sharp
Borland	Garrett	Lobeck	Sheppard
Bradley	George	Loud	Sherley
Browning	Gillett	McCoy	Sherwood
Burke, Pa.	Glass	McDermott	Simmons
Burleson	Goeke	McGuire, Okla.	Slemp
Byrnes, S. C.	Goldfogle	McHenry	Sloan
Calder	Gould	McKinley	Smith, J. M. C.
Callaway	Graham	McLaughlin	Smith, Cal.
Candler	Greene, Mass.	McMorran	Smith, N. Y.
Cantrill	Gregg, Pa.	Macon	Sparkman
Carter	Griest	Maher	Speer
Cary	Guernsey	Martin, S. Dak.	Stack
Catlin	Hamill	Matthews	Stanley
Claypool	Hamilton, Mich.	Mays	Steenerson
Conry	Hammond	Mondell	Stephens, Miss.
Cox, Ohio	Hanna	Moon, Pa.	Stephens, Nebr.
Crago	Hardwick	Moore, Pa.	Stevens, Minn.
Cravens	Harrison, N. Y.	Moore, Tex.	Talbott, Md.
Crumpacker	Haugen	Morse, Wis.	Taylor, Ala.
Cullop	Hawley	Moss, Ind.	Taylor, Ohio
Curley	Hayden	Mott	Thayer
Currier	Heald	Murray	Thomas
Curry	Helm	Needham	Townsend
Dalzell	Helgesen	Nelson	Tuttle
Daugherty	Henry, Conn.	Nye	Underhill
Davidson	Higgins	Olmsted	Vare
Davis, W. Va.	Hinds	O'Shaunessy	Volstead
De Forest	Hobson	Page	Vreeland
Dickson, Miss.	Hughes, N. J.	Palmer	Wedemeyer
Dies	Hughes, W. Va.	Patten, N. Y.	Wilder
Doremus	Humphrey, Wash.	Peters	Wilson, Ill.
Draper	Humphreys, Miss.	Plumley	Wilson, N. Y.
Driscoll, D. A.	Jackson	Porter	Wood, N. J.
Driscoll, M. E.	Johnson, S. C.	Post	Woods, Iowa
Dwight	Kahn	Powers	Young, Mich.
Dyer	Kent	Prouty	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Yea."

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SCULLY with Mr. BROWNING.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. LEGARE with Mr. LOUD.

Mr. SABATH with Mr. PORTER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. YOUNG of Texas with Mr. LAFEAN.
Mr. DIES with Mr. MOORE of Pennsylvania.
Mr. SHARP with Mr. FOSS.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. TUJO with Mr. MCMORRAN.
Mr. GARRETT with Mr. FORDNEY.
Mr. SHEPPARD with Mr. BATES.
Mr. CARTER with Mr. KAHN.
Mr. FINLEY with Mr. CURRIER.
Mr. PALMER with Mr. HILL.
Mr. DANIEL A. DRISCOLL with Mr. FARR.
Mr. LOBECK with Mr. HAUGEN.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. DRAPER with Mr. DAUGHERTY.
Mr. BURNETT with Mr. HELGESEN.
Mr. CLAYPOOL with Mr. FOCHT.
Mr. BORLAND with Mr. DALZELL.
Mr. CANDLER with Mr. MICHAEL E. DRISCOLL.
Mr. BOOHER with Mr. CURRY.
Mr. BOEHNE with Mr. CRUMPACKER.
Mr. BATHRICK with Mr. CRAGO.
Mr. AYRES with Mr. CARY.
Mr. ASHBROOK with Mr. CALDER.
Mr. ANDERSON of Ohio with Mr. BURKE of Pennsylvania.
Mr. ALEXANDER with Mr. ANTHONY.
Mr. AIKEN of South Carolina with Mr. AMES.
Mr. ADAIR with Mr. HINDS.
Mr. STEPHENS of Nebraska with Mr. WOODS of Iowa.
Mr. THAYER with Mr. PORTER.
Mr. STEPHENS of Mississippi with Mr. OLMSTED.
Mr. SMITH of New York with Mr. WILSON of Illinois.
Mr. SHERLEY with Mr. VREELAND.
Mr. POST with Mr. SPEER.
Mr. MOSS of Indiana with Mr. REYBURN.
Mr. LINTHICUM with Mr. NYE.
Mr. MCCOY with Mr. PROUTY.
Mr. LITTLEPAGE with Mr. POWERS.
Mr. COX of Indiana with Mr. GARDNER of New Jersey.
Mr. BOEKE with Mr. HEALD.
Mr. GEORGE with Mr. HAWLEY.
Mr. CULLOP with Mr. GILLETT.
Mr. CURLEY with Mr. GREENE of Massachusetts.
Mr. FIELDS with Mr. LANGLEY.
Mr. PETERS with Mr. J. M. C. SMITH.
Mr. PATTEN of New York with Mr. SIMMONS.
Mr. REILLY with Mr. TAYLOR of Ohio.
Mr. ROBINSON with Mr. YOUNG of Michigan.
Mr. KONIG with Mr. NEEDHAM.
Mr. DAVIS of West Virginia with Mr. GRIEST.
Mr. ELLERBE with Mr. GUERNSEY.
Mr. SHERWOOD with Mr. WEDEMEYER.
Mr. STANLEY with Mr. WOOD of New Jersey.
Mr. MCDERMOTT with Mr. REES.
Mr. EVANS with Mr. HAMILTON of Michigan.
Mr. FERRIS with Mr. HANNA.
Mr. FITZGERALD with Mr. HENRY of Connecticut.
Mr. GOLDFOGLE with Mr. HIGGINS.
Mr. TOWNSEND with Mr. KOPP.
Mr. GRAHAM with Mr. HUGHES of West Virginia.
Mr. WILSON of New York with Mr. LAWRENCE.
Mr. GREGG of Pennsylvania with Mr. HUMPHREY of Washington.
Mr. HARRISON of New York with Mr. KNOWLAND.
Mr. HEFLIN with Mr. MCKINLEY.
Mr. HAYDEN with Mr. MCLAUGHLIN.
Mr. HELM with Mr. MARTIN of South Dakota.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. SHACKLEFORD with Mr. VARE.
Mr. HUGHES of New Jersey with Mr. MATTHEWS.
Mr. JOHNSON of South Carolina with Mr. MONDELL.
Mr. KINDRED with Mr. MOON of Pennsylvania.
Mr. MURRAY with Mr. ROBERTS of Massachusetts.
Mr. KINKEAD of New Jersey with Mr. MOTT.
Mr. PAGE with Mr. SELLS.
Mr. THOMAS with Mr. MCGUIRE of Oklahoma.
Mr. TUTTLE with Mr. DE FOREST.
Mr. MAYS with Mr. CATLIN.
Two weeks from June 28:
Mr. BYRNES of South Carolina with Mr. PLUMLEY.

The SPEAKER. On this vote the yeas are 140, the nays are 42, "present" 8, making 190 Members present, while 196 are necessary to make a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

Mr. UNDERWOOD. Mr. Speaker, a quorum is not present. I think under the rule an automatic call of the House is required.

The SPEAKER. That is exactly what we are doing.

Mr. HENRY of Texas. I think the call is automatic, Mr. Speaker, when a quorum fails to develop.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will send for the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 151, nays 25, answered "present" 15, not voting 199, as follows:

YEAS—151.

Ainey	Dixon, Ind.	Johnson, Ky.	Redfield
Akin, N. Y.	Donohoe	Jones	Rodenberg
Alexander	Doughton	Kendall	Rothermel
Allen	Dupré	Kennedy	Rouse
Ansberry	Edwards	Kinkaid, Nebr.	Rubey
Austin	Falson	Kitchin	Rucker, Colo.
Barchfeld	Ferguson	Konop	Russell
Barnhart	Flood, Va.	Korbly	Sabath
Bartlett	Floyd, Ark.	La Follette	Saunders
Beall, Tex.	Foster	Lamb	Sims
Bell, Ga.	Fowler	Langham	Sisson
Blackmon	Francis	Langley	Slayden
Booher	Fuller	Lee, Ga.	Small
Borland	Gallagher	Lee, Pa.	Smith, Tex.
Bowman	Garner	Lever	Stanley
Brantley	Godwin, N. C.	Lewis	Stedman
Buchanan	Good	McGillicuddy	Stephens, Cal.
Bulkley	Goodwin, Ark.	McKellar	Stephens, Tex.
Burgess	Gould	Maguire, Nebr.	Stone
Burke, Wis.	Gray	Martin, Colo.	Sulzer
Byrnes, S. C.	Gregg, Tex.	Miller	Sweet
Byrns, Tenn.	Gudger	Moon, Tenn.	Switzer
Campbell	Hamilton, W. Va.	Morgan	Taggart
Carlin	Hamlin	Morrison	Talcott, N. Y.
Clark, Fla.	Hardy	Neeley	Taylor, Ala.
Clayton	Harrison, Miss.	Oldfield	Towner
Cline	Hay	Padgett	Tribble
Collier	Hayden	Patton, Pa.	Turnbull
Connell	Hayes	Pepper	Underwood
Copley	Henry, Tex.	Peters	Watkins
Cox, Ind.	Hensley	Pickett	Webb
Cullop	Holland	Pou	Whitacre
Davenport	Houston	Pray	White
Davis, Minn.	Howard	Prince	Willis
Dent	Hughes, Ga.	Prouty	Wilson, Pa.
Denver	Hull	Rainey	Witherspoon
Dickinson	Jacoway	Raker	The Speaker
Difenderfer	James	Ranch	

NAYS—25.

Anderson, Minn.	French	McKenzie	Sterling
Butler	Harris	McKinney	Tilson
Cannon	Howland	Madden	Utter
Cooper	Lenroot	Murdock	Warburton
Danforth	Longworth	Norris	
Dodds	McCall	Reddenbery	
Esch	McCreary	Smith, Saml. W.	

ANSWERED "PRESENT"—15.

Adamson	Green, Iowa	Howell	Parran
Burke, S. Dak.	Greene, Mass.	Jackson	Rucker, Mo.
Burnett	Hawley	Lloyd	Slemp
Fields	Hill	Mann	

NOT VOTING—199.

Adair	Draper	Hobson	Murray
Aiken, S. C.	Driscoll, D. A.	Hughes, N. J.	Needham
Ames	Driscoll, M. E.	Hughes, W. Va.	Nelson
Anderson, Ohio	Dwight	Humphrey, Wash.	Nye
Andrus	Dyer	Humphreys, Miss.	Olmsted
Anthony	Ellerbe	Johnson, S. C.	O'Shaunessy
Ashbrook	Estopinal	Kahn	Page
Ayres	Evans	Kent	Palmer
Bartholdt	Fairchild	Kindred	Patten, N. Y.
Bates	Farr	Kinkead, N. J.	Payne
Bathrick	Ferris	Knowland	Plumley
Beger	Finley	Konig	Porter
Boehne	Fitzgerald	Kopp	Post
Bradley	Focht	Lafean	Powers
Broussard	Fordney	Lafferty	Pujo
Brown	Fornes	Lawrence	Randell, Tex.
Browning	Foss	Legare	Ransdell, La.
Burke, Pa.	Gardner, Mass.	Levy	Rees
Burleson	Gardner, N. J.	Lindbergh	Reilly
Calder	Garrett	Lindsay	Reyburn
Callaway	George	Linthicum	Richardson
Candler	Gillett	Littlepage	Riordan
Cantrill	Glass	Littleton	Roberts, Mass.
Carter	Goeke	Lobeck	Roberts, Nev.
Cary	Goldfogle	Loud	Robinson
Catlin	Graham	McCoy	Scully
Claypool	Gregg, Pa.	McDermott	Sells
Conry	Griest	McGuire, Okla.	Shackleford
Covington	Guernsey	McHenry	Sharp
Cox, Ohio	Hamill	McKinley	Sheppard
Crago	Hamilton, Mich.	McLaughlin	Sherley
Craven	Hammond	McMorran	Sherwood
Crumpacker	Hanna	Macon	Simmons
Curley	Hardwick	Maher	Sloan
Currier	Harrison, N. Y.	Martin, S. Dak.	Smith, J. M. C.
Curry	Hartman	Matthews	Smith, Cal.
Dalzell	Haugen	Mays	Smith, N. Y.
Daugherty	Heald	Mondell	Sparkman
Davidson	Heflin	Moon, Pa.	Speer
Davis, W. Va.	Helgesen	Moore, Pa.	Stack
De Forest	Helm	Moore, Tex.	Steenerson
Dickson, Miss.	Henry, Conn.	Morse, Wis.	Stephens, Miss.
Dies	Higgins	Moss, Ind.	Stephens, Nebr.
Doremus	Hinds	Mott	Stevens, Minn.

Sulloway	Thomas	Vreeland	Wood, N. J.
Talbott, Md.	Townsend	Wedemeyer	Woods, Iowa
Taylor, Colo.	Tuttle	Weeks	Young, Kans.
Taylor, Ohio	Underhill	Wilder	Young, Mich.
Thayer	Vare	Wilson, Ill.	Young, Tex.
Thistlewood	Volstead	Wilson, N. Y.	

The Clerk announced the following additional pairs:
Until further notice:
Mr. CONRY with Mr. BARTHOLDT.
Mr. BROUSSARD with Mr. ANTHONY.
Mr. CANTRILL with Mr. CURRY.
Mr. DOREMUS with Mr. DALZELL.
Mr. HUMPHREYS of Mississippi with Mr. BURKE of South Dakota.
Mr. UNDERHILL with Mr. PLUMLEY.
Mr. HAMMOND with Mr. ROBERTS of Nevada.
Mr. HAMILL with Mr. WOOD of New Jersey.
Mr. RICHARDSON with Mr. SULLOWAY.
Mr. TAYLOR of Colorado with Mr. WEEKS.
Mr. TAYLOR of Alabama with Mr. LAFFERTY.

During the roll call the following occurred:

The SPEAKER pro tempore (Mr. GARNER). The Chair will state that several Members have come to the Chair and have asked him whether they are simply to vote present, or whether they may vote on ordering the previous question. The Chair understands that the question now being voted on is the ordering of the previous question, and gentlemen may vote yea, nay, or present, as they may desire.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Under what rule are we proceeding?

Mr. HENRY of Texas. Mr. Speaker, I understand that the tally clerk has not thus far any record of the yea-and-nay votes. In view of that fact, I ask unanimous consent that the roll call so far be vacated in order that Members may have an opportunity to vote intelligently on this question.

Mr. MANN. I shall have to object to that.

Mr. HENRY of Texas. Of course they can change their votes after the roll call is completed.

Mr. MANN. The whole roll call is without precedent or rule.

The SPEAKER pro tempore. The Clerk will record the Members as they answer.

The SPEAKER resumed the chair.

Mr. MANN. Mr. Speaker, is this call for the purpose of voting on a pending question, or for the purpose of developing the presence or absence of a quorum? In other words, how may I vote?

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that it is not in order to interrupt a roll call.

The SPEAKER. The point of order made by the gentleman from Alabama is well taken.

Mr. MANN. I think it is not well taken, and I should like to be heard on that question.

The SPEAKER. The Chair will state that Members are voting on ordering the previous question.

Mr. MANN. What became of the other roll call, then?

The SPEAKER. There was no quorum here.

Mr. MANN. That does not make any difference. That does not affect the roll call.

The SPEAKER. The previous roll call amounted to nothing, because there was no quorum here.

Mr. MANN. That does not make any difference. The roll is still being called.

The SPEAKER. The Chair has already ruled that this vote is on ordering the previous question. If any gentleman differs with the Chair he has the right of appeal. The Clerk will proceed with the roll call.

At the conclusion of the roll call,

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "Aye."

The SPEAKER. On this vote the ayes are 160, the noes are 27, present 11. A quorum is present. The ayes have it, and the previous question is ordered. The Doorkeeper will open the doors. The gentleman from Texas [Mr. HENRY] has 20 minutes and the gentleman from Pennsylvania [Mr. DALZELL] has 20 minutes.

Mr. MANN. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] does not seem to be present.

The SPEAKER. The Chair will recognize the gentleman from Illinois [Mr. MANN] to control the time on that side.

Mr. MANN. I suggest the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] will be recognized to control the 20 minutes on that side. The gentleman from Texas [Mr. HENRY] is recognized for 20 minutes.

Mr. HENRY of Texas. The resolution now pending provides for the consideration of the contempt bill reported from the Committee on the Judiciary, and the rule provides that immediately upon the adoption of the same there shall be three hours' general debate on the bill and substitute and that at the end of the general debate the previous question shall be considered as ordered and the vote taken upon the bill and the substitute. That is all there is in this rule. The previous question has been ordered, and as soon as the debate of 40 minutes is exhausted and the rule adopted the House will begin consideration of the contempt bill. The proposed bill divides contempts into direct and indirect, and prescribes jury trials in the cases of indirect contempts.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. HENRY of Texas. I yield for a question.

Mr. SLAYDEN. Is there to be another vote before the three hours' debate begins?

Mr. HENRY of Texas. There is to be another vote on the adoption of this resolution.

Mr. CAMPBELL. The next vote will be on the passage of this resolution?

Mr. HENRY of Texas. The next vote will be on the adoption of this special rule or resolution, and if the resolution is adopted then the House will proceed to consider the contempt bill, and will debate it for three hours.

The SPEAKER. The vote on this rule will be taken in 37 minutes from now, provided, of course, that the debate occupies 37 minutes.

Mr. HENRY of Texas. I yield one minute to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. It is my purpose, Mr. Speaker, to speak briefly on the bill itself when it shall be before the House, assuming that it will come before the House. At this time I desire to say, in answer to inquiries made to me by gentlemen on both sides of the Chamber whether it is the desire of the managers of this bill to conclude the hearing upon it and to have a vote upon it to-night, that the Committee on the Judiciary asked some days ago for this special rule bringing this bill in. The committee did not anticipate its coming in to-day, but, speaking for the majority of the committee, we are glad that it is here. It being here, I hope the House will be patient enough to give it full consideration this afternoon and to act upon it to-night. I desire to say that it is the expectation that we will vote on the bill to-night.

Mr. GARNER. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HENRY of Texas. I yield one minute more to the gentleman.

Mr. GARNER. Whether or not the gentleman from Alabama has had the assurance of his side of the House and of the other side of the House, or the gentleman from Illinois, that they are not going to use the entire three hours of debate under the rule?

Mr. CLAYTON. I have not had it in terms, but I may say that from personal conversation with gentlemen on this side and gentlemen on the other side I think the three hours will be consumed in the discussion of the merits of the main proposition when it comes before the House.

Mr. MANN. Will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MANN. Did I understand the gentleman from Alabama to say that he desired to get a vote on the bill to-night?

Mr. CLAYTON. That is my desire.

Mr. MANN. The gentleman knows that that would be very inconvenient to some Members on the Republican side of the House.

Mr. HENRY of Texas. The Republicans have a reception to-night.

Mr. CLAYTON. Mr. Speaker, I did not know that fact; the Republicans have been very self-sacrificing—the Republicans as well as the Democrats have been very constant in attendance at this session.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. HENRY of Texas. I yield one minute more to the gentleman.

Mr. CLAYTON. Mr. Speaker, I did not know that it would interfere with the program contemplated for to-night by our Republican friends. But now, being informed of that fact, I shall not insist upon going on to a vote to-night; but I hope that we may have at least one hour's discussion and consideration before we adjourn. [Applause on the Republican side.]

Mr. LENROOT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this is a very drastic rule that is proposed here. The previous question has been ordered upon it so that it can not be amended. It provides that the House may talk, but it can not act; it is subject to all the charges that ever were made by gentlemen on that side of the House against this side of the House when this side was in control. It says you can talk for three hours, but you can not amend. The purpose of the rule is not merely to keep this side of the House from amending the bill but keeping that side of the House from amending the bill; a bill which does not meet the Democratic platform, which does not meet the Democratic promises in the past, and which they are afraid to throw open for amendment.

You have charged us in the past with Cannonism, with adopting rules which prevented amendment. I have heard Democratic Members of this House time and time again say that they never would vote for a rule which prevented them from offering an amendment or voting for an amendment, and yet you meekly surrender your individual rights and bow your head in shame to the yoke placed upon you by the gentleman from Texas.

You can go back to your homes where you made your campaign in favor of the right of the individual Member to offer an amendment and apologize to the men who voted for you and sent you here believing that you meant what you said.

There are more than 150 bills on the calendar, and you propose to pick out and make special orders these bills which the gentleman from Texas desires to have considered, and propose to have them considered so that nobody can amend them, so that you can not offer an amendment to the bill, so that we can not offer an amendment to the bill, so that everyone here must swallow the pill the way he prepares it. There never was a time in my service in this House of more than 15 years when a rule so drastic as this, or more drastic than this, was ever adopted.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. CLAYTON. Is the gentleman aware of the fact that five of the minority members of the committee have agreed upon a substitute bill for this bill, and that the rule provides that the House may come to a vote on that substitute agreed upon by the five minority members?

Mr. MANN. I am aware of the fact; but we ought to have the same right to offer amendments as any five minority members on the committee. [Applause on the Republican side.] Any individual Member of this House ought to have a chance to offer an amendment upon five new sections of the judicial code, as important sections as can be written into law, and we ought not to be foreclosed because five of us perchance have agreed upon something. I am in favor of the right of the Member to offer an amendment, and of the right of this House to vote upon amendments. [Applause.]

Mr. LENROOT. Mr. Speaker, I yield six minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, as a member of the Committee on the Judiciary, and as one of those Members who favor the bill to which this rule applies, I want to offer my protest against the rule itself. I am in favor of the bill. I think it suits me pretty well. I helped to frame it. I have joined with the majority in the report upon the bill. I would be glad to have the Committee on Rules bring in a rule here which would make this bill in order; but, Mr. Speaker, I want to give to those who oppose the bill the same right and the same privilege that I have always claimed for myself when I was opposed to legislation that was brought in. [Applause.] I have always contended—and I think the membership here will bear me out in the statement that I did so against the leadership on my side of the House—against any rule, particularly on a small bill like this, which, while it is important, is only three pages in length, which would prohibit the right that every man here ought to have to offer any amendment that he sees fit and that the membership generally ought to have the right to vote upon. This rule makes it impossible to propose any amendment to this bill, so that I am at least consistent in claiming that those who are opposed to me, those who are against this bill, ought to have the privilege of offering amendments and of voting upon those amendments. It seems to me that it is wrong for any majority to say, "We have agreed upon a certain bill, upon certain language, and we will not allow anybody in the House to even suggest an amendment." I have seen bills here that I have myself brought in which suited me very well, but on discussion I myself have voted for some amendments that I thought improved the bill. It might occur on this bill if an opportunity to offer amendments were presented; but under this rule no man here may offer an amendment.

The only amendment that can be voted on will be a substitute which the chairman says, and says truly, has been agreed upon by five members of the Committee on the Judiciary. That does not give to the great body of the membership here the right that we ought to insist upon. I have always opposed gag rule in the past, usually, it is true, when I was opposed to the bill to which it applied, but I am opposing a gag rule here and now that the majority are attempting to fasten upon a bill that I favor, a bill that I helped to frame and that I expect to vote for. As far as I know I would not now, unless convinced otherwise, vote in favor of any amendment that may be offered to this bill. As I said, the bill suits me. I believe it is a step in the right direction. I believe we ought to take it. I believe we owe it to the country to pass the bill, but I do not want those who are here, the same as I am, to be deprived of the right to offer an amendment if they see fit.

This bill, as I said, in only a little more than three pages in length. If instead of devoting three hours to general debate we had no general debate, but considered it under the five-minute rule and let every man who saw fit offer an amendment, we would get through with this bill in less than three hours. We can not deceive the country with the proposition that we allowed three hours of debate on a bill. Three hours of talk will not do anything. The way to legislate is to permit men to offer amendments and to vote on amendments. What is the use of debating a bill if you have decided in advance by a rule that it shall not be amended and can not be amended? That is to assume that your bill is perfect, and every man knows that we can not have perfection from human beings. Therefore it seems to me that we ought in the first place to have voted down the previous question, so that the rule might be amended, cutting out that part of it that provides that there shall be no amendment except the substitute, and let it be considered as all legislation ought to be considered, upon the floor of the House, giving to each Member the full right that he ought to have under the Constitution to offer whatever amendments he believed were proper, and to see that those amendments were voted upon.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker, it is gratifying to me—and it should be gratifying to all people who live under our system of jurisprudence, inherited, as it is, from the English-speaking people across the water—that now after many years of endeavor we are arriving at a time when we can place upon the statute books that much deserved and much desired and much merited measure which provides that no man in a criminal or quasi criminal case shall be mulcted and fined, or punished by confinement in jail, without a trial by jury when he shall demand it. [Applause.]

The first bill that I ever introduced into this House, seventeen years ago, when I came here as a new Member, was a bill to give a trial by jury in all cases of indirect contempt in the Federal courts, and which is referred to in the report of the Committee on the Judiciary and a copy of it presented in the hearing before that committee. It is true the committee have improved upon that bill and bills of like character. They have reported a bill which does not take away from the court its right to try violations of its orders or of its decrees, simply in the enforcement of the orders and decrees of the court, such as collecting money from officers of the courts who have it in their possession and will not pay it over; but the committee have gone to the heart of the contention and have reported a bill which, in my opinion, meets the demands of the people and of the country for trial by jury in criminal contempt cases as far as it should go. Now, Mr. Speaker, I have not the time to discuss in detail this proposed measure. I had the honor, when the bill providing for the government of Alaska was being considered, in 1902, to offer and engraft upon that bill this amendment:

> In other cases of contempt the trial shall proceed upon testimony produced as in criminal cases, and the accused shall be entitled to be confronted with the witnesses against him, but such trial shall be by the court, or in the direction of the court, upon application of the accused, a trial by jury may be had as in any criminal case.

I could not force a majority on that side, a Republican majority, to accept anything further, but the people of Alaska, in this last new Territory of ours, have in their law which gave them the right when they are charged with criminal contempt to have a trial by jury. Yet what is granted in frozen Alaska is denied to the people of this great country and the courts of the country. We ought to welcome it, and I do welcome it. It was put in the Democratic platform of 1896 at Chicago and reiterated in the various platforms we have adopted, and reiterated with strength and firmness at Baltimore when we nominated a man who will next year take a seat in the White House. [Applause.]

Mr. Speaker, we ought to be congratulated that the time has come when no man shall be punished and fined, when no man shall be imprisoned in a quasi criminal case except according to the terms of that great instrument wrung by our fathers from a reluctant King and handed down to us through blood and struggle to be preserved as a paladium of the liberties of our people and every English-speaking man. Mr. Speaker, this is the provision of our platform of 1896:

> We denounce arbitrary interference by Federal authority in local affairs as a violation of the Constitution of the United States and a crime against free institutions, and we especially object to government by injunction as a contempt of the laws of the United States and rights of the citizen, become legislators, judges, and executioners, and we approve of the bill passed at the last session of the United States Senate and now pending in the House of Representatives relative to contempts of court, providing for trials by jury in certain cases of contempt.

We have not failed to call attention to these abuses. I have no attack to make upon the courts; I have no attack to make upon judges. They are human, but I would not leave in the hands of any judge the power to be the grand jury, to be the prosecutor, the trier, and the punisher of any man charged with a criminal offense. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. Mr. Speaker, I am in favor of the provisions of this bill. I expect to vote for it. If I had opportunity to offer amendments to it, I do not know that I would offer any; but, Mr. Speaker, I voted against the previous question and shall vote against this resolution, because the resolution cuts off the right to offer any amendment to this bill. And, Mr. Speaker, a greater principle is at stake there than even in the bill itself. It is no answer to say that this is a meritorious bill and therefore a gag rule is proper, for when that is done you have created a precedent which I now prophecy you will carry out in time to come and use these precedents for bad bills as well as good ones. The gentleman from Texas [Mr. HENRY] will shortly conclude this debate, and I am going to ask him to answer two or three questions, which I shall now propound. I shall ask him, as representing the Democratic majority, first, whether he, representing that majority, believes there is more consideration and better consideration of legislation under general debate than under the five-minute rule. If he is honest with himself, and I believe he is, I know he will agree with me when I say there is more real consideration of legislation in this House in one hour under the five-minute rule than there is in one week under general debate. [Applause on the Republican side.] Having answered that question, I want him next to answer this one: Why was not his rule so framed that instead of giving three hours of general debate there should not at least have been given one hour's consideration under the five-minute rule? I want him to answer why this rule is so prepared as to cut off all right of amendment. Have not you sufficient confidence in your own majority to trust your own membership upon that side of the House to support your bill as coming from the committee? If you have, why have not you given these other Members of the House the right to offer amendments under the five-minute rule? [Applause on the Republican side.] Mr. Speaker, I am sorry that the Democratic majority has taken the position that it has with reference to rules of this character. Ever since I have been a Member of this House I have fought against gag rules when the Republicans were in the majority, I have fought against them when the Democrats were in the majority, and I propose to fight against them so long as I remain a Member of the House of Representatives. What has come over the Democratic membership of this House—every one of you? At the last session of Congress you were fighting the very things for which you are voting now.

What excuse have you to go back to your constituents and talk about "Cannonism" and the things that existed during the last Congress and the one before that when you, time after time, are voting for exactly the same kind of rules that brought about a revolution in this House at the last session of Congress?

I noticed, Mr. Speaker, in the press a day or two ago that the distinguished Speaker of the House and the distinguished leader of the majority had communicated with the Democratic nominee for President with reference to legislation pending in the House at the present session, and I have wondered, Mr. Speaker, whether your Democratic nominee for President stands for rules of this character or whether he stands for real deliberation in the great House of Representatives. I hope he does not stand for rules of this character, for I am inclined to think that your candidate for President is just a little better than your party.

I shall not take further time. I have discussed this same question over and over again. I do not expect it to have any effect now, and I am inclined to think that for the present at least we must say of the Democratic majority as was said of old, "Ephraim is joined to his idols. Let him alone." [Applause.]

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] has four minutes remaining and the gentleman from Texas [Mr. HENRY] nine.

Mr. LENROOT. I yield back the balance of my time.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] was kind enough to ask me one or two questions. I want to ask him a question or two. One is whether his nominee is better than his party, and who is his nominee? Is it Taft or Roosevelt?

Mr. LENROOT. I trust the gentleman will use some of his time in answering my questions before propounding questions to me.

Mr. HENRY of Texas. I will do that. Of course, I knew the gentleman was not ready to answer that question.

Mr. Speaker, the simple truth is that for 15 years the American people have asked for legislation restoring the right of trial by jury to American citizens. For 15 years, when a Republican occupied the seat now occupied by the distinguished gentleman from Missouri, and appointed the Rules Committee, we have besought you to give us legislation on this subject. And if your Speaker and his tyrannical Rules Committee, the creatures of his high authority, had given us this bill as now written, we would not have asked for the right to offer a single amendment. Every Democrat would have voted for it without protest, and we would have promptly voted for the previous question in order to give this law to the American people.

Ah, Mr. Speaker, I am distressed at the situation of the gentlemen on the other side. It grieves me to see my distinguished friend from Illinois [Mr. MANN] gag when we administer to him a sugar-coated dose of his own medicine. But since his party has stood in the way of relief of this kind, we have come to the conclusion that the sooner we meet the demand of the American people and write into the statutes this meritorious measure, which has been prepared by the distinguished gentleman from Alabama [Mr. CLAYTON] and his committee, the better it will be for all citizens. Therefore the Committee on Rules has brought in a special rule, giving this House the right to discuss the bill for three hours under general debate. We have accorded to you the right to offer a substitute, which has been prepared and agreed upon by the Republican minority on the committee, and, more than that, after that substitute is voted down, as it should be, because it would destroy and emasculate this meritorious bill, you will have the right under the rule to offer a motion to recommit. Therefore you will have two opportunities to vote for measures that suit you and vote against this measure if you desire.

But gentlemen talk about amendments to the bill and complain that they have not the right to offer amendments, and yet do not propose a single one. Not one is suggested by the gentleman from Nebraska [Mr. NORRIS], not one is suggested by the minority leader. And why? Simply because they know no amendment is necessary in order to make this bill meet the requirements of the American people.

Mr. NORRIS. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Texas [Mr. HENRY] yield to the gentleman from Nebraska [Mr. NORRIS]?

Mr. HENRY of Texas. I yield for a question.

Mr. NORRIS. If there is no amendment that is going to be offered, and the gentleman is not afraid of any amendment, then why does he prohibit by his rule the offering of an amendment?

Mr. HENRY of Texas. You can offer a substitute or you can move to recommit, if you want to do so, and put any amendment on that you desire.

Mr. NORRIS. That recognition would be given to the same men who bring in this substitute, and the gentleman knows it.

Mr. HENRY of Texas. There is no use in doing a foolish thing.

Mr. NORRIS. Then why should we have three hours of general debate if you do not want to do a foolish thing? Why should we do a foolish thing like that when we know we can not have the opportunity that we desire?

Mr. HENRY of Texas. I do not think we ought to have even three minutes of general debate on this bill. It is so meritorious.

Mr. NORRIS. Very well. Then why does the gentleman ask for three hours? Why not have debate under the five-minute rule?

Mr. HENRY of Texas. Mr. Speaker, there is nothing in that proposition; but I thought it well enough to question the gentle-

man from Nebraska for a few minutes, because there are some of us who are in doubt as to his views in the State of Nebraska, and we would like to hear from him.

Mr. NORRIS. Why did not the gentleman provide for that in the rule? I would be glad to tell the gentleman, if I had an opportunity, what my views are in the State of Nebraska; but I would be out of order by this rule.

Mr. HENRY of Texas. If the gentleman is out of order, he has been put out of order by the conditions in Nebraska, and not by this rule.

Mr. NORRIS. I did not understand the gentleman's remark.

Mr. HENRY of Texas. I said if the gentleman is out of order it is not the Committee on Rules that has placed him out of order. It is the conditions in the State of Nebraska.

Mr. NORRIS. That is correct. I accept that statement.

Mr. HENRY of Texas. That is correct and perhaps true.

Mr. NORRIS. But that has not happened yet.

Mr. HENRY of Texas. Gentlemen undertook to criticize the Committee on Rules and talk about it being an arbitrary body and speak of czars and such things. The simple truth is that the Committee on Rules as now constituted is but the humble instrument and agent of the Democratic Party and of the American people in order to get into this body meritorious measures like this, that have been suppressed by Mr. CANNON and those who stood by him during all his administration. We intend to pass this bill as it has been written by the gentleman from Alabama [Mr. CLAYTON] and his colleagues, and restore to the people the right of trial by jury as the founders of this Government intended, and to destroy "government by injunction." And the sooner we get to it the better. When no man can offer an amendment that is tenable, when no one can suggest a change that is sensible, I say the sooner we vote on the proposition the better it is for the people. And when the time comes, after your substitute has been voted down and the roll is called, I expect to see all of the gentlemen on the other side hunt for cover and vote for this bill as it has been reported by the Committee on the Judiciary.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HENRY of Texas. Yes; I yield for a question.

Mr. LENROOT. Will the gentleman answer why he did not permit one hour of debate under the five-minute rule?

Mr. HENRY of Texas. The gentleman has not answered my first question yet. [Laughter.]

Mr. MANN. You have not answered his question, either. [Laughter.]

Mr. LENROOT. I beg to suggest that my question is germane to this rule that is now under consideration.

Mr. HENRY of Texas. And I beg to suggest to the gentleman that my question is "pertinent."

The SPEAKER. The time of the gentleman from Texas has expired. All time has expired. The question is on the adoption of this resolution.

The question was taken, and the resolution was agreed to.

Mr. CLAYTON rose.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is recognized for one hour.

Mr. CLAYTON. How long did the Speaker say?

The SPEAKER. One hour.

Mr. CLAYTON. I thought it was an hour and a half.

The SPEAKER. The Chair is aware of that, but no arrangement has been made.

Mr. MANN. I suggest to the gentleman that he ask unanimous consent to have the time divided.

Mr. CLAYTON. That was why I made the inquiry of the Chair.

The SPEAKER. Under the rule, unless there is an agreement, nobody is entitled to more than an hour.

Mr. CLAYTON. Then, Mr. Speaker, I ask that unanimous consent be given that, of the three hours of general debate to be allowed, one-half of the time be controlled by myself and one-half be controlled by the gentleman from Illinois [Mr. STERLING], and that at the end of three hours the question be taken on a motion to recommit with a substitute offered by the gentleman from Illinois.

Mr. MANN. The rule provides for the offering of the substitute.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that he control one half of the three hours and that the gentleman from Illinois [Mr. STERLING] control the other half. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. CLAYTON] is recognized.

Mr. CLAYTON. Mr. Speaker——

Mr. STERLING. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. STERLING. Has the bill been read?

Mr. CLAYTON. I believe it has not been read.

The SPEAKER. The Clerk will read the bill.

Mr. STERLING. I ask, Mr. Speaker, that the Clerk also read the substitute, following the reading of the bill.

The SPEAKER. If there be no objection, it will be so ordered. The Clerk will read both the bill and the substitute.

Mr. CLAYTON. Mr. Speaker, I assume that the time occupied in reading the bill will not be taken from the three hours' general debate.

The SPEAKER. No; it will not.

The Clerk read the bill (H. R. 22591) as follows:

Be it enacted, etc., That the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended by inserting after section 268 thereof five new sections, to be numbered, respectively, 268 a, 268 b, 268 c, 268 d, and 268 e, reading as follows:

"SEC. 268 a. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law shall be proceeded against for his said contempt as hereinafter provided.

"SEC. 268 b. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however*, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

"In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

"If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them, as the court may direct; but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

"SEC. 268 c. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court or by any justice or any judge of any district court of the United States.

"SEC. 268 d. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 268 a of this act may be punished in conformity to the usages at law and in equity now prevailing.

"SEC. 268 e. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act."

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert:

"That the act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved March 3, 1911, be, and the same is hereby, amended by inserting after section 268 thereof seven new sections, to be numbered, respectively, 268 a, 268 b, 268 c, 268 d, 268 e, 268 f, and 268 g, reading as follows:

"'SEC. 268 a. That contempts of court are divided into two classes, direct contempts and indirect contempts, as hereinafter defined.

"'SEC. 268 b. That contempts committed in the presence of the court or of a judge at chambers are direct contempts. All other contempts are indirect contempts.

"'SEC. 268 c. A person charged with direct contempt of court, if found guilty, shall be punished summarily and judgment thereon shall be entered of record accordingly, which judgment shall contain a statement of the acts constituting the contempt and a statement, if any, of the accused relied on as a defense or made in extenuation of the offense and the sentence of the court in the case.

"'268 d. Any person charged with indirect contempt of court shall be given a written statement of the charge or charges against him specifically setting forth the acts on which the charge of contempt is predicated. Thereupon the accused shall be arraigned and his plea entered of record. If the accused should plead guilty to the charge the court shall enter judgment thereon and impose sentence in the case. If he pleads not guilty the court shall set the case for trial and admit the accused to bail until final determination of the case. The trial shall be by the court, and witnesses called and examined for and against the accused as in criminal cases. If the accused shall be found guilty, judgment shall be entered accordingly and the punishment prescribed. Said punishment may be by fine or imprisonment, or both, in the discretion of the court: *Provided*, That in cases where the fine is payable to the United States the same shall not exceed the sum of $1,000 in any case; and in no case shall the term of imprisonment exceed six months.

"'SEC. 268 e. If any person who has entered a plea of not guilty to a charge of indirect contempt shall make affidavit that the judge before whom the case is set for trial in the first instance is prejudiced against him and that on account of such prejudice he believes he can not have a fair and impartial trial such judge shall designate forthwith some other judge to hear and determine the case.

"'SEC. 268 f. That the evidence taken on the trial of any person accused of indirect contempt shall be preserved by bill of exceptions and any judgment entered in such case may be reviewed on appeal or by writ of error as now provided by law in criminal cases and such judgment may be reversed or modified as justice may require. When an appeal is taken or a writ of error granted, execution of the judgment shall be stayed and the accused shall be admitted to bail in such sum as is fixed by the court.

"'SEC. 268 g. That the provisions of this act shall apply to all proceedings for contempt in all courts of the United States except the Supreme Court: *Provided*, That this act shall not affect any contempt proceedings pending at the time of the passage of this act.'"

Mr. STERLING. Mr. Speaker, I call the attention of gentlemen who have printed copies of the substitute in their hands to the fact that the substitute as read contains a correction which I send to the desk. The word "person," in line 1, on page 2, should be "presence."

The SPEAKER. The Chair understands that that correction has already been made in the bill which was read from the Clerk's desk.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, after conference with my associate on the Judiciary Committee, the gentleman from Illinois [Mr. STERLING], and at the suggestion of several gentlemen on this side, as well as on that side, in view of the lateness of the hour, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 9, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass., reported the same without amendment, accompanied by a report (No. 938), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 7251) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation, in the State of Arkansas, and for other purposes, reported the same without amendment, accompanied by a report (No. 940), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 24266) to authorize the sale of burnt timber on the public domain, reported the same with amendment, accompanied by a report (No. 941), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 5145) authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark., reported the same without amendment, accompanied by a report (No. 942), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (S. 6934) to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation, reported the same with amendment, accompanied by a report (No. 943), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL, from the Committee on Indian Affairs, to which was referred the bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation, reported the same with amendment, accompanied by a report (No. 944), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield, reported the same without amendment, accompanied by a report (No. 937), which said bill and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 21019) to restore Lieut. Cyrus R. Street, retired, to the active list of the Army, reported the same without amendment, accompanied by a report (No. 939), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 25624) providing for the sale of the old post-office property at Providence, R. I., by public auction; to the Committee on Public Buildings and Grounds.

By Mr. PARRAN: A bill (H. R. 25625) providing for an estimate of the cost of construction of an electric railroad from Washington, D. C., to the naval proving grounds, Indian Head, Charles County, Md.; to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 25626) authorizing the city of Montrose, Colo., to purchase certain public lands for public-park purposes; to the Committee on the Public Lands.

By Mr. SIMS: A bill (H. R. 25627) to regulate the issuance of injunctions in suits instituted in court to enjoin, set aside, annul, or suspend orders of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 25628) providing for the lease of the public grazing lands in the arid States and Territories of the United States; to the Committee on the Public Lands.

Also, a bill (H. R. 25629) requiring any citizen of a foreign country who may apply for a copyright registration or for letters patent from the United States for an invention to pay to the United States for such copyright or patent the same amount of fees and be subject to the same laws, rules, and regulations relating to the registration of copyrights and the issuance of letters patent, and relating to the issuance and maintenance of copyrights and letters patent as the government of such foreign country exacts by its laws and regulations from citizens of the United States in such cases; to the Committee on Patents.

Also, a bill (H. R. 25630) to promote competition and to prevent discrimination in trade; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25631) to limit the jurisdiction of the district and circuit courts of the United States; to the Committee on the Judiciary.

By Mr. NEELEY: A bill (H. R. 25632) providing the order of procedure in the district courts of the United States; to the Committee on the Judiciary.

By Mr. FAISON: A bill (H. R. 25633) for the study and prevention of pellagra; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 25634) to promote efficiency in the Government service; to the Committee on Reform in the Civil Service.

By Mr. GREEN of Iowa: A bill (H. R. 25635) providing an appropriation to check the inroads of the Missouri River in Pottawattamie County, Iowa; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY (by request): Joint resolution (H. J. Res. 334) appropriating $25,000 for meeting the expenses of an international congress of the educators of the leading nations of the world; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 25636) for the relief of John Wilson; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 25637) granting a pension to Laura L. Junkin; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 25638) granting an increase of pension to William R. Fitzgerald; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 25639) granting an increase of pension to Lewis V. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25640) granting an increase of pension to Albert Longley; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25641) granting an increase of pension to Milton Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25642) granting an increase of pension to George T. Caltrider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25643) granting an increase of pension to Mrs. L. A. Drennin; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 25644) for the relief of the heirs of Peter Goodman; to the Committee on War Claims.

By Mr. JAMES: A bill (H. R. 25645) for the relief of William A. Kinsolving; to the Committee on War Claims.

Also, a bill (H. R. 25646) for the relief of the estate of James E. Morgan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 25647) for the relief of the estate of Wilson Thompson, deceased; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 25648) authorizing the President to appoint Weldon B. Page a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 25649) for the relief of Fred A. Rogers; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 25650) granting a pension to Thomas F. Arnett; to the Committee on Pensions.

By Mr. McKINNEY: A bill (H. R. 25651) granting an increase of pension to David P. Worrell; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 25652) for the relief of David A. Lindsay; to the Committee on Military Affairs.

By Mr. NEELEY: A bill (H. R. 25653) granting a pension to Alice Whaley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25654) granting an increase of pension to Lewis C. Pound; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25655) granting a pension to Emma C. Devor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25656) granting an increase of pension to Emma Sophia Kipp; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 25657) granting a pension to Elizabeth Gibson; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25658) granting a pension to Elizabeth C. Earhart; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 25659) granting an increase of pension to John Schroeder; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 25660) granting an increase of pension to Nancy J. Gilman; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 25661) granting a pension to George Archibald; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Workmen's Sick and Death Benefit Association of America, Branch No. 71, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also (by request), memorial of St. Casimir's Society, No. 531, of Johnstown, and Sir Bartlomiezir Ajxa Society, No. 484, of Philadelphia, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Memorial of Eventide Council, Daughters of America, of Coshocton, Ohio, against the use of a distinctive religious dress by the Government in Indian schools; to the Committee on Indian Affairs.

Also, petition of the Woman's Auxiliary of the Protestant Episcopal Church in the Diocese of Southern Ohio, favoring legislation which will improve the hygienic and sanitary conditions of the natives of Alaska; to the Committee on the Territories.

By Mr. AYRES: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, at New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BULKLEY: Memorial of citizens of Cleveland, Ohio, against passage of House bill 20741, relative to celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. BURNETT: Petition of H. E. Wills, joint national representative of the Brotherhood of Locomotive Engineers, Order of Railroad Conductors, and of Railway Trainmen, relative to the Federal accident compensation act; to the Committee on the Judiciary.

By Mr. CALDER: Petition of the Architectural League of New York, against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

Also, petition of the Brooklyn League, of Brooklyn, N. Y., favoring appropriation for retention of the National Economy and Efficiency Commission; to the Committee on Appropriations.

Also, petition of the Diamond Workers' Protective Union of America, of Brooklyn, N. Y., favoring passage of seamen's bill (H. R. 23673); to the Committee on the Merchant Marine and Fisheries.

Also, petition of the United Spanish War Veterans, of New York City, favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Daughters of Liberty, of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Department of Health of New York City, favoring passage of Senate bill 4792, relative to Public Health and Marine-Hospital Service collecting descriptive matter relative to hospitals; to the Committee on Interstate and Foreign Commerce.

Also, petition of Towns & James, of Brooklyn, N. Y., against passage of the Richardson bill, relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: Evidence in support of claim of John Wilson, of the State of Florida; to the Committee on War Claims.

Also, petition of Sheet Metal Workers' Local Union No. 135, of Jacksonville, Fla., favoring passage of Clayton injunction bill; to the Committee on the Judiciary.

By Mr. COPLEY: Petition of the Daughters of Liberty of Joliet, Ill., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FAISON: Memorial of the North Carolina Medical Society, of Hendersonville, N. C., favoring appropriation for the study of pellagra; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Petition in support and to accompany House bill 3978, to abolish the Ozark National Forest; to the Committee on the Public Lands.

By Mr. FOCHT: Petition of citizens of Pennsylvania, favoring passage of House bill 13114, pensioning deserving men and women over 60; to the Committee on Pensions.

By Mr. FULLER: Petition of the Packing House Teamsters' and Chauffeurs' Union, Local No. 710, of Chicago, Ill., favoring passage of the Wilson seamen's bill (H. R. 23637); to the Committee on the Merchant Marine and Fisheries.

By Mr. GARNER: Memorial of the Order of Railway Conductors, Guadalupe Division, No. 275, of Yoakum, Tex., favoring passage of the employers' liability act; to the Committee on the Judiciary.

By Mr. HARTMAN: Memorial of Blair Council, No. 15, of Juniata, Pa.; Juniata Council, No. 372; and Altoona Council, No. 152, of Altoona, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of St. Casimirs Society, No. 531, of Johnstown, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the nineteenth congressional district of the State of Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania State Association of the American Institute of Architects, of Pittsburgh, Pa., against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

By Mr. HAYES: Petition of H. C. Bradley, of Madison, Wis., and of H. C. Bradley of Sonora, Cal., for appropriation for improvement of Yosemite Valley; to the Committee on the Public Lands.

Also, petition of J. G. Munson, of San Jose, Cal., against passage of Oldfield bill to change patent laws; to the Committee on Patents.

Also, petition of Silas W. Mack, of Monterey, Cal., favoring passage of Kenyon-Sheppard bill; to the Committee on the Judiciary.

Also, petition of Guy F. Slaughter, of San Francisco, Cal., favoring House bill 718, relative to providing military aviators; to the Committee on Military Affairs.

Also, petition of the Daughters of Liberty of San Francisco, Cal., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill relative to Owen Farrell, Company I, Seventh Regiment Connecticut Volunteer Infantry; to the Committee on Military Affairs.

By Mr. HUGHES of New Jersey: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, at New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of James Scott, of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LA FOLLETTE: Petition of citizens of the State of Washington, favoring passage of the Goeke bill (H. R. 19133), for postal express system; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Petition of the Hebrew Veterans of the War with Spain, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Guard Association of the State of New York, of Albany, N. Y., favoring passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. McCOY: Petition of the Pennsylvania Civil Service Reform Association, protesting against the passage of section 5 of House bill 24023, making a five-year tenure of office for Government employees in the District of Columbia; to the Committee on Appropriations.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Trenton Chamber of Commerce, protesting against the construction of a bridge south of Trenton, as proposed by the Pennsylvania Railroad; to the Committee on Interstate and Foreign Commerce.

By Mr. McGILLICUDDY: Petition of Luke A. Spear and others, favoring passage of bill for creating a postal express; to the Committee on the Post Office and Post Roads.

By Mr. PAYNE: Petition of the First Baptist Church of Scipioville, N. Y., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of the California State Commission of Horticulture, Sacramento, Cal., favoring the passage of the Simmons bill, establishing a Federal quarantine against insect and other pests; to the Committee on Agriculture.

By Mr. SCULLY: Memorial of the Hebrew Veterans of the War with Spain and the Workmen's Sick and Death Benefit Fund of the United States of America, at New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Daughters of Liberty, of Harmony, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Memorial of the Workmen's Sick and Death Benefit Association of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. UTTER: Petition of the Sarsfield Literary Association, of Woonsocket, R. I., and citizens of Warnica, R. I., protesting against the appointment of a commission for the purpose of celebrating 100 years of peace with England; to the Committee on Foreign Affairs.

Also, petition of the Rhode Island Chapter of American Institute of Architects, protesting against the repeal of the Tarsney Act, relative to employing Government architects; to the Committee on Appropriations.

Also, petition of the Union Electric Supply Co., of Providence, R. I., protesting against the passage of the Oldfield bill, for maintaining resale prices; to the Committee on Patents.

By Mr. WEBB: Petition of citizens and the Daughters of Liberty of Jonas Ridge, N. C., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Memorial of the National Guard Association of the State of New York, at Albany, N. Y., favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, memorial of the Hebrew Veterans of the War with Spain and the Workmen's Sick and Death Benefit Fund of the United States of America, at New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *July 9, 1912.*

(Continuation of legislative day of Saturday, July 6, 1912.)

At 11 o'clock a. m., on the expiration of the recess, the Senate reassembled.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Johnston, Ala.	Simmons
Bacon	Crawford	Jones	Smith, Mich.
Bourne	Culberson	Lea	Smith, S. C.
Briggs	Cullom	Lodge	Smoot
Bristow	Curtis	Lorimer	Stephenson
Brown	Dillingham	McCumber	Thornton
Bryan	du Pont	Martin, Va.	Tillman
Burnham	Fletcher	Myers	Townsend
Burton	Gallinger	Overman	Warren
Chamberlain	Gardner	Page	Watson
Clapp	Gronna	Perkins	Wetmore
Clark, Wyo.	Guggenheim	Pomerene	Williams
Clarke, Ark.	Heyburn	Shively	Works

Mr. THORNTON. I wish to announce the unavoidable absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained by important business.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. FLETCHER. Mr. President, without stopping even to summarize the points attempted to be covered by the discussion up to the time of the recess yesterday, I will take up the thought then being presented and continue as rapidly as possible to a conclusion. I realize the tax on the Senate a review of the record in this case imposes, sift the chaff from the grain as much as we may. It has been my hope, inasmuch as it was made my duty to serve on this special committee—and in pursuance of that duty I was present 99½ days out of the 102 spent in examining the witnesses—to save my colleagues time and labor by presenting what seemed to me the material and important matters in as condensed a form as possible and setting forth, as I have done, the pages of the record where the testimony referred to can be found.

When we recessed I was proceeding to trace somewhat further the jack pot; then to consider briefly the conditions, political and otherwise, existing at the time of the election, which would include a consideration of the circumstances under which the Democrats voted for Mr. LORIMER; then the question of res adjudicata, and to finally show that bipartisan combinations are to some extent inevitable in Illinois. I had stated that Holstlaw had said to a number of members of the legislature that he intended to vote for Mr. LORIMER before he had his alleged conversation with Broderick regarding the $2,500.

The amount paid Holstlaw does not correspond with that mentioned, as stated, nor with amounts alleged to have been paid White, Beckemeyer, Luke, and Link, and there was no evidence of activity on the part of Broderick in the senatorial election; and all the circumstances, to say nothing of Broderick's denials, point to these transactions between Broderick and Holstlaw as separate and distinct from the "jack pot" and

also separate from the senatorial election. The significant fact that Holstlaw posed as a "dry" man and yet carried all the "wet" counties and lost all the "dry" counties in his district, taken in connection with Broderick's business and association, would strikingly indicate that the liquor interests were taking care of his campaign expenses. This idea is further supported by the fact that Welch, a Republican saloon keeper at Carlyle, supported Holstlaw in his race for the senate. On any other theory these payments constituted a sheer and voluntary waste of money on Broderick's part.

Mr. JOHNSTON of Alabama. Will the Senator permit me?

Mr. FLETCHER. Certainly.

Mr. JOHNSTON of Alabama. I wish to suggest that Holstlaw also testified that his expenses in that election were $3,500.

Mr. FLETCHER. I am obliged to the Senator for that suggestion. In addition to what I have said, Holstlaw testified that his campaign expenses amounted to about $3,500 when he ran for the senate.

We can understand how Link swore he "considered it campaign money."

That is the testimony of Link. He considered the payment to him at St. Louis as campaign money.

The clear solution of the mystery surrounding Jandus and his cash, De Wolf and his Bible money, Blair and his baseball bills, Wheelan and his borrowing, referred to in the minority views, will be found in the fact that they were each allied with the "wet" side in their respective counties, arrayed against prohibition, and in some, if not all, instances were elected on that issue. The evidence shows local-option measures were before the legislature of 1909. Various other bills calculated to draw forth contributions were introduced, referred, and disposed of.

OTHERS UNDER SUSPICION SITUATED IN SIMILAR WAY.

Lee O'Neil Browne had been for a number of years attorney for the Thirty-ninth District of Liquor Dealers' Association (p. 4039).

Wheelan managed three campaigns for antiprohibition leagues against the prohibitionists (p. 4033).

De Wolf was the "wet" candidate and his opponent the "dry" candidate when he was elected (p. 5394). He was "a wet man on the liquor question," he said, in the forty-sixth general assembly (p. 5395).

Jandus was opposed to local option and was a member of the United Societies for Local Self-Government (pp. 4013, 4024–4025).

Wilson stood on the wet side. There were local option bills before the forty-fifth, forty-sixth, and forty-seventh general assemblies (pp. 3749–3829).

Luke was generally drunk. Link and Beckemeyer were not prohibitionists, neither was White. Beckemeyer voted "wet" on the local option bills in pursuance of instructions from home, he said (pp. 3005–3008).

Holstlaw being a deacon of the church was classed as a "dry" man, but was elected by "wet" counties.

Was this "jack pot" a liquor concoction?

Wilson, with Lee O'Neil Browne, one Traut, and one Hirscheimer were indicted in Sangamon County for conspiracy. "It was something in regard to a fish bill," he says (p. 3887). That indictment was dismissed. Beckemeyer and De Wolf were interested in that fish bill (p. 2877); they were on the committee handling it. Banter Bros., wholesale fish dealers, operating on the Illinois River, were pleased to have the bill defeated and asked Beckemeyer "what was done with all the money that had been collected up and down the river there" (p. 2879). Joe Clark told Beckemeyer "that there was a pot collected among the fishermen on the Illinois River, and that it had been paid, he thought, to Foster, chairman of the committee, and it had never been turned into the general or larger jack pot, and that Foster and Browne were at outs about that" (p. 2879).

Evidently there were fish in the jackpot. Goldfish in alcohol was one form this "corruption" designated as "wholesale" took. There was nothing appertaining to the election of United States Senator about it. In addition to the above was the corporation act which the governor vetoed and which was calculated to yield considerable jack-pot money.

That some money was apportioned out after the legislature adjourned and paid over to certain members of the legislature there is evidence. That this was a common occurrence there is evidence. This record discloses quite clearly defined trails leading toward original sources of such supply in no wise connected with the election of Senator. Tracing it, according to the proofs, only blind alleys, unused paths running into insurmountable obstacles, lead in the direction of the senatorial election.

Shall we follow the plain, blazed, traveled way wherever it may lead, or shall we abandon that and wander about through the underbrush of doubt and uncertainty, hew our own path around the natural obstructions unguided to the point fixed only by suspicion and inference and preconceived notions?

I have pointed out the beaten route to the true origin of the money distributed.

CONDITIONS, POLITICAL AND OTHERWISE, AT THE TIME AND PLACE OF ELECTION.

Senator Isley, a Democrat, voted for Stringer on every ballot, made a speech the day of the election urging Democrats not to vote for a Republican, said he had no distinct knowledge on the subject of corruption in the legislature, never knew anyone who received anything for voting for Senator, and he further swore that "if there was any Democrat in the legislature who would be justified in voting for LORIMER it was George W. Alschuler" (p. 5545); that Hopkins was very bitter and cold toward Democrats; that LORIMER was popular with the Democrats (pp. 5527, 5543). He and Homer E. Shaw sought to organize Democrats against LORIMER and any other Republican (p. 6830). Welborn, Womack, and Shaw voted always for Stringer.

Homer E. Shaw, a Democratic member of the forty-sixth general assembly, said he heard "only such general talk of corruption in the forty-sixth general assembly as has been for the past 50 years in every legislature" (p. 6821). He has been in politics for 25 years. He testified that Hopkins was very unpopular with the Democrats, who were bitter against him (p. 6827); that Mr. LORIMER had a great many friends among the Democrats (p. 6828), growing out of his waterways advocacy. He further testified that "three or four days or a week before the election White told him he was going to vote for BILL LORIMER if he got a chance" (p. 6818). White voluntarily assured Mr. LORIMER he would vote for him some days before the election (p. 7646). This destroys White's story about Browne coming to his room on the night of May 24 proposing to pay money for his vote.

Lawrence B. Stringer, the Democratic nominee for United States Senator, was in Springfield all the while the legislature was in session (p. 2272), and he had no information given him as to any wrongdoing or improper or dishonest attempt to influence the vote of any member in the senatorial election (p. 2295). He further testified that Mr. LORIMER had a great many friends among the Democrats in the general assembly (p. 5527). Here were all these men actively and continuously fighting Mr. LORIMER and the Republicans generally, keeping close watch on every move by those of their own party, as well as of the Republican Party, and they had no information that money was being used or promised in connection with the senatorial election.

There is no ground to question the integrity of Democrats like Tippit, Alschuler, and others who voted for Mr. LORIMER.

There was no chance to elect a Democrat. It is absurd to claim that it was as reasonable to expect Republicans would go to the Democratic candidate as for Democrats to make a choice among Republicans when the Republicans had a majority of 50 on joint ballot.

Members of both the Browne and Tippit factions voted for Mr. LORIMER, as well as both those leaders.

The evidence clearly established a situation relative to the election under consideration which had no dependence whatever on corruption of any kind. This is expressed in the testimony of a number of responsible witnesses heretofore mentioned and indicated further by Mr. Isley and Mr. Tippit. There was no Republican in the State who stood as high with the Democrats as Mr. LORIMER, according to State Senator A. E. Isley, an attorney of Newton, Ill. (p. 5527).

Mr. Thomas Tippit, for six years a member of the Illinois General Assembly, and leader of one of the Democratic factions in the forty-sixth, composed of 26 Democrats, testified: "I could state further that it was my information, has been, and is now, that the election of Mr. LORIMER to the United States Senate was favored by Adlai E. Stevenson, late candidate for governor and former Vice President of these United States, and Mr. Louis Stevenson said to me that he would like the Democrats to vote for Mr. LORIMER because of what he had done for his father in the late election" (p. 4264).

He also testified that, "My understanding is that three-fourths, probably, of the Democratic central committee favored the election of Mr. LORIMER to the United States Senate. I think that is true" (p. 4265).

I apprehend, in view of this testimony, Members of the Senate, particularly those on this side of the Chamber, will not be able to follow the theory advanced by the Senator from Indiana [Mr. KERN] and the Senator from Montana [Mr. MYERS] that something was wrong either with the heads or the morals of the Democrats who voted for LORIMER.

I submit that under these conditions the charge that principles and party were deserted under circumstances which

showed "wholesale bribery had been resorted to in order to bring about that result" is not justified.

Such a contention can only be urged on the basis of Mayor Sapsea's notion in "The Mystery of Edwin Drood," that "proof, sir, must be built up stone by stone. As I say, the end crowns the work. It is not enough that justice should be morally certain; she must be immorally certain, legally, that is."

THE FORMER JUDGMENT PRECLUDES FURTHER ACTION.

This case has been adjudicated; the action taken March 3, 1911, was final and forever settled the question involved, certainly in the absence of new evidence of such a nature that, had it been introduced before, would or might have produced a different result.

This case was passed upon by the Senate of the Sixty-first Congress, the term expiring March 4, 1911. Some 30 changes had taken place in the membership of the Senate by the time the Sixty-second Congress convened. Owing to these changes this case was ordered retried—the alleged grounds being, however, that new evidence had been discovered, which, if presented and considered, would make a different case. Many Senators believed additional and newly discovered evidence existed, and in view of the charges made it would be advisable to make another investigation and ascertain what new facts could be uncovered. This action will likely serve as a precedent—although the Senate treats each case, apparently, from the standpoint of power and might—that is liable to plague us in future. In similar cases the Senate adopted the doctrine of res adjudicata as far back as 1858.

The change of the personnel of the Senate should not prompt a change of decision reached as judges acting in a judicial capacity any more than a change in the individual justices on the bench should of itself give grounds for the rehearing of a cause. Unless a different case is presented involving different facts or additional, material facts not known before, clearly it must be recognized as an unjust interference, wrongfully imposing expense and trouble, to repeatedly bring to the bar a Senator and require him time after time to defend his right to his seat in this body. If, in the Sixty-first Congress, he is tried, and again in the Sixty-second, can he not be in the Sixty-third and Sixty-fourth, and yearly to the end of his term? When is the judgment of the Senate to be conclusive, and forever bar any further proceedings to adjudicate the same question? The authorities uniformly hold that the rule of res adjudicata applies in this case, and is a complete answer to the resolution offered and now pending. The report of the committee sets forth a number of authorities, and I will not elaborate upon them. The Senate has the *power* to force a reexamination of the questions and a new vote by a new Senate on a resolution to the same effect as the one previously voted on, but that is not the same thing as having the legal or moral *right* to do so.

Certainly there is nothing in the present case, although thousands of pages of additional testimony, legal and illegal, relevant and irrelevant, admissible and inadmissible, competent and incompetent, were taken, which makes it stronger against the sitting Member than it was at the last trial. On the contrary, it is a weaker case than it was before, and made so by the testimony of Senator LORIMER and further light on general political conditions and further proof of perfidy on the part of White and the evidence of improper motives, malice, and desperation on the part of enemies of Mr. LORIMER.

I think the former judgment ought not to be disturbed, and that further inquiry is thereby precluded. The precedents directly in point are the leading cases mentioned in the report, which I simply call to the attention of the Senate, in the hope that they will not be ignored when the vote is taken.

The first is the case of Senators Fitch and Bright and Lane and McCarty, of Indiana, in the Thirty-fourth and Thirty-fifth Congresses. (Taft's Senate Election Cases, 164; Buck's Senate Election Cases, 244.)

The doctrine was again applied in the case of Francis W. Sykes and George E. Spencer, decided by the Senate in the Forty-third and Forty-fourth Congresses (Taft's Senate Election Cases, 556; Buck's Senate Election Cases, 611–633), in which the committee used this language in its report:

> The question having been definitely settled, it was considered by the committee that it was not competent to reopen it, and that it must be treated as res adjudicata.

In the du Pont case (1898) the question was squarely presented (Buck's Senate Election Cases, 818–874), and on reference of a memorial to again investigate the case, after holding that the Senate might review its decisions for fraud and for such causes as enable a court in direct proceedings to vacate a judgment, and that the Senate might overrule a legal doctrine pronounced in a former case, the committee said:

> But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

On the application of Senator DU PONT to reopen the case, the committee unanimously decided that there had been an adjudication of it, "and that nothing further remained to be done," and the application was denied. Senator HOAR insisted the doctrine of res adjudicata should be applied in such cases, and although the adjudication had been by a majority of only one, he said the judgment of the Senate was "just as binding in law, in all constitutional vigor and potency, when it was rendered by one majority as when it was unanimous." (CONGRESSIONAL RECORD, vol. 29, pp. 2524, 2555, 1559, 1560.)

If you hold this case has not been finally disposed of it means nothing less than a decision that the Senate may try such a case and decide it once, then, at the same or the next session, or at the next term, after there has been a change in the membership of this body, try it again, and the next session try it again, and so continue until the Senator whose right to his seat is thus brought in question is exhausted by the pecuniary tax, mental and physical strain; broken financially and in health, he is forced to finally allow the trial to go by default or resign. In that way the case is determined and the conclusion is reached, not on the merits at all, but solely by the arbitrary, unjust exercise of power. If that be any sort of justice or any approach to proper practice, I confess my inability to see it. It is rather the Rob Roy plan—

> Let him take who has the power;
> Let him keep who can.

PUBLIC PREJUDICE MANUFACTURED.

We might as well recognize this is a newspaper war on Mr. LORIMER. "Let the people rule," the people being the Tribune, the News, and the Record-Herald, in Chicago. Here, "the people" is one man, who has access to the public through the press, being a front-page feature in all the newspapers; yonder, "the people" is another man who hires and puts in operation his news bureau to promote his own selfish and inordinate ambition. "Down with the boss" they cry, meaning the person making the demand wants all the room there is in which to play the "boss" to the limit himself.

A patriotic, courageous, unshackled, and unbiased press is the greatest beneficent force in modern civilization.

If malicious, tyrannical, or venal it becomes an influence terribly destructive and woefully bad.

This power may be a blessing incalculable, or it may be a curse unbearable. It may tremendously advance the highest good or become an insufferable nuisance.

Mr. Candidate wants an office. Whether it be constable or President, the first thing he must do is to organize a publicity bureau. The size and cost of this corresponds with the importance of the office in some degree, because the larger the office the more people must be impressed with the public and private virtues, the great ability, and other qualifications of Mr. Candidate.

If an opponent is to be got rid of the same method is the latest device. With such a bureau public opinion will be manufactured to order.

Industriously feed the kind of literature experts can prepare to a chain of newspapers extending across the country both ways, including the national weeklies as well as the dailies, and the result will be a public opinion made and sustained, for a time at least, as wanted.

It is easy to make charges so general and by such indirection they can not be disproved.

The specific charges in this case have been met; it is reasonable to exact proof of vague and broad insinuations and assertions before approving them.

We are told to "purge the Senate of LORIMER," who "represents the old régime." "Purge" for what? "The old régime" means what? "Represents" how? Where is the proof? We are given to understand there is a terrible situation here. May we not ask for some evidence of it?

He was elected by Democratic votes you say. Are there not other Republican Senators here who have been assisted by Democratic votes and against whose election no criticism is made on that account? Are there not Democratic Senators here who were elected by Republican votes the validity of whose elections has never been questioned? Can it be fairly claimed that this is such an exceptional case, after all, as to preclude good faith and honesty?

BIPARTISAN ACTION INEVITABLE AND NOT OUR AFFAIR.

Because of the alleged bipartisan action, the evils of "the machine," the "rule of the boss" are painted in frightful colors.

Let me tell you the constitution of Illinois opens the way for bipartisan action and facilitates, if it does not make inevitable, bipartisan combinations. If that be an unmitigated evil, the

constitution of the State, and not WILLIAM LORIMER, is responsible for it. If that be a curse, the fundamental law of the State in its provisions for minority representation chains the political affairs of Illinois to the body of that death. You can not fasten the blame for that condition on any man. For instance, when it comes to elect three representatives from a given county, the electors, under the constitutional provision, are permitted to cast one vote for each of the three candidates or one and a half votes for two of them or three votes for one. That is the provision of the constitution. Can you ever escape bipartisanship arrangements and combinations under such a provision as that in any contest waged on practical political lines?

Illinois will never be free from bipartisan deals and combinations until her constitution is changed. I do not condemn the constitution. I thought it was a very good provision, when I first saw it, but I can see that in practical application it leads to the very thing the newspapers are arrayed against—bipartisan combinations. That is a question with which we have nothing to do. If a Senator be elected as a result of the operations of the law, and that is the real gravamen of the complaint, the Senate can afford no remedy if it would and ought not if it could. The commission of a sovereign State is entitled to some respect here.

SOLEMN STAND ON UNDISPUTED GROUND.

It appeals to a great many people for one to indulge in general indorsement of, and laboriously plead for, civic righteousness, clean politics, good intentions, patriotic, unselfish efforts, as if these were matters rare men would combat or draw in question. You need not raise your hands to high heaven and proclaim vehemently, and even violently, that you are for a good man as against a bad man, an honest man as against a rascal, a sincere man as against a trickster. This may impress some people as entitling the speaker to praise, but thinking people will know such a view ought to exist without argument and as a matter of course. Nor shall I concede that continuous repetition of self-evident, undisputed propositions is evidence of one's superior virtue.

Unless there is proof justifying it, I shall hold no man up as a "horrible example" because it strikes a popular chord to do so.

There is no evidence in this record of WILLIAM LORIMER'S misconduct, unfitness, or disqualification for the position for which the legislature of his State deliberately selected him. There is no evidence in this record that "predatory wealth" named him or has been instrumental in defending him.

I would like for some of those who find apparent relish in assailing him to point out somewhere in the record before us, or outside it, a fact indicative that he is not making in this case his own fight, single handed, and in a manly, frank way.

If he is the representative of "privilege," "special interests," "malefactors of great wealth," "predatory riches," it is extremely remarkable that some evidence of their sympathy and concern has not appeared.

That he is a Republican is scarcely a sufficient answer. I disagree with him absolutely in his views on economic, governmental, and political questions, but if that is to determine our action in this case our Republican friends, if they should adopt the same rule, might easily perpetuate the Republican majority in this body. The legislature may not have been in agreement with him on political questions, and yet it may have done what it conceived to be the best it could in the circumstances, and I do not see that corruption should be presumed.

All the platitudes about the necessity for maintaining the integrity of the Senate, which no one gainsays, all the abuse by the self-constituted censors of public men, all the protestations by the Honeythunders, will not create prejudice, favor, or fear to supplant in my vote the principle of simple justice.

The idea of "justice among the people" must embrace, not exclude, those in public life, must apply to each individual as well as all combined—the component parts as much as the entire body politic. Justice in this case demands the defeat of the resolution and the approval of the report of the committee.

Mr. DILLINGHAM. Mr. President, it is with a feeling of relief that I approach a period in the proceedings of the Senate when the question of the right of the Senator from Illinois [Mr. LORIMER] to his seat shall be determined. On the other hand, it is with a feeling of responsibility which is somewhat oppressive that I approach the discussion of this case, because of the great volume of testimony which has been taken and the multitudinous phases of it which demand examination.

The committee appointed to make the investigation devoted to it a vast amount of time, a vast amount of patience, and presented to the Senate a volume of testimony so large that it is impossible for any Member of this body to read it as a whole, or by use of the digest index to follow or comprehend all the lines of evidence and the subjects which were investigated.

The investigation has been full and complete. The committee employed as counsel Mr. John H. Marble, of this city, and Mr. John J. Healy, of Chicago, the latter having acted as counsel for the Helm committee, so called, a committee appointed by the Senate of the State of Illinois "to investigate alleged acts of bribery and official misconduct of members of the forty-seventh or forty-sixth general assemblies." Counsel were instructed to seek suggestions and secure information from every possible source, and were especially instructed to confer with the owners and managers of the Chicago Tribune, which has been the most aggressive factor in the prosecution against Senator LORIMER. They mingled freely with the representatives of that paper, both in Washington and in Chicago. For the committee I may say that during the entire time devoted to this work no member ever objected to any line of investigation suggested by another member of the committee or by counsel. And I want to add that while members of the committee sharply differ in judgment in reaching conclusions based upon the evidence, nothing has ever occurred to cast a shadow upon their personal relations or to disturb the harmony existing among them in the prosecution of the work. They have acted in perfect harmony, in perfect accord, and with a common purpose to secure the truth.

The committee made a report to the Senate which embodies its findings as to the facts connected with the election of Senator LORIMER. That report was prepared with care; in it references to the record are made, so that anyone may readily turn to the testimony and judge whether the statements are sustained; and the committee asks of the Senate fair consideration of the result of its work.

Two Senators who signed the report—Messrs. GAMBLE of South Dakota and JOHNSTON of Alabama—were members of the Burrows Committee, so called, the subcommittee of the Committee on Privileges and Elections, which made the former investigation. Senator FLETCHER and myself were at that time members of the Committee on Privileges and Elections, but not of the subcommittee. We both joined, however, in the report of that committee that the story of Charles A. White, to the effect that Lee O'Neil Browne bribed him to vote for Mr. LORIMER, was a fabrication and wholly without foundation in fact. The fifth member of this committee joining in this report is the Senator from Washington [Mr. JONES], who was not a member of the subcommittee or of the full committee at the time of the first investigation. As a Senator he then both spoke and voted against Senator LORIMER'S right to a seat in this body, but after hearing all of the evidence taken on this investigation he has been compelled to reverse his judgment, and has joined with the others whom I have mentioned in reporting that in the election of WILLIAM LORIMER they find no corruption.

With the presentation of this report and of such statements as the individual members of the committee may make to the Senate, their duty is done, their responsibility ceases. The responsibility is then transferred to the Senate to receive the facts and to act upon them in accordance with its judgment. I need not say that I am anxious to be of service to those who are not so familiar with the testimony as I may be, and for that reason I purpose to present a story of the circumstances and events leading up to Mr. LORIMER'S election and the charges made against its validity in their logical order.

Mr. President, it is impossible to understand the questions involved without considering the political conditions in the State of Illinois at the time of the election of Senator LORIMER by the legislature of that State on the 26th day of May, 1909. In discussing such conditions I shall have to refer to the political affiliations of a good many gentlemen in public life in Illinois, but in doing so I shall rely wholly upon the evidence taken during the investigation.

POLITICAL CONDITIONS AT TIME OF ELECTION.

The evidence shows that previous to 1904—I go back four years from the election of 1908—there had existed a strong personal and political friendship between Senator LORIMER and Gov. Deneen. They had worked together in many political campaigns; had fought many battles and won many victories. Gov. Deneen was admitted to the bar in 1886, and was made the attorney of the sanitary district of Chicago in 1895 at a salary of $5,000 per year. In 1896, and from thence on to 1904, Mr. Deneen was the State's attorney for Cook County. From his salary and fees collected he amassed a fortune of $300,000. He was warmly supported by Mr. LORIMER for both of these positions; and testified that his reelection to that office in 1900 came through Mr. LORIMER'S strong friendship for him and because he was able to overcome the opposition of his (LORIMER'S) friends to Deneen's nomination. That friendship continued unbroken down to 1904, when Mr. Deneen became an aspirant for the office of governor of Illinois. At that time it

appeared to Mr. LORIMER that Mr. Deneen had deserted him politically and had gone over to what was called "the newspaper crowd" in Chicago in order to secure that support in his new ambition.

It is a conceded fact that for 20 years it has been the policy of the Chicago Tribune—and I am not saying this in criticism of the Tribune nor in approbation of it, for that matter—but for 20 years the policy of that paper has been, according to the testimony of its manager, Mr. James Keeley, to drive Mr. LORIMER out of public life and out of the politics of Illinois. Everyone connected with it——

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. Certainly.

Mr. KERN. It was shown by the evidence that the Chicago Tribune had at practically every election at which Mr. LORIMER was a candidate for Congress supported him.

Mr. DILLINGHAM. It did sometimes, as it supported the Republican ticket, and sometimes it did not; but does the Senator from Indiana deny the statement that I have just made?

Mr. KERN. What statement was that?

Mr. DILLINGHAM. Of Mr. Keeley, as to the policy of the paper.

Mr. KERN. That is, as to the general policy of the paper?

Mr. DILLINGHAM. Yes.

Mr. KERN. I do not deny it, but I was unable all the time to reconcile it with the fact that was conceded all around, as I understood, that while the Chicago Tribune opposed Mr. LORIMER at the primaries, it supported him almost universally at the elections as against the Democratic candidate, with one single exception, and in their editorials advised Republican voters and all the voters of the district to vote for Mr. LORIMER.

Mr. DILLINGHAM. That was undoubtedly true at times; but before I have finished I shall call attention to evidence on that matter, because Mr. Keeley testified, as I have said, that he regarded Mr. LORIMER as a malign influence; that it had been the policy of the Tribune, and of Mr. Medill McCormick, who preceded him as manager of that paper, continuously, persistently, and consistently, to drive Senator LORIMER out of politics in Illinois, and that every effort and influence possible had been employed in furtherance of that purpose.

The editor of the Record-Herald, Mr. Kohlsaat, testified that for 20 years he had been politically opposed to Mr. LORIMER. That paper is owned by Victor F. Lawson, who is also the owner of the Chicago Daily News, so that when we speak of the Chicago press we naturally think of those three great leading daily papers.

ELECTION OF 1904.

As we approach the election of 1904 we find that Mr. Deneen was a candidate for governor and was having the "newspaper support," so called, of Chicago. Gov. Yates was a candidate for reelection. Mr. LORIMER was supporting Mr. Lowden for that office. The now famous Republican State convention of that year extended over a period of four weeks before being able to make a nomination. During its continuance the situation became so acute that it took a recess of 10 days for consultation with the people. Gov. Yates, while unable to secure the nomination, held the balance of power in the convention and could control the nomination. He states in his testimony, in substance, that while he had no agreement with Gov. Deneen, and did not make a proposition to him or receive a promise from him before the act, yet there was an understanding between them that after he had thrown his influence to Gov. Deneen and thus secured his nomination for governor as against Mr. Lowden, he should have the support of Gov. Deneen two years later, in 1906, in a contest which he intended to make against the distinguished senior Senator from Illinois [Mr. CULLOM] for a seat in this body. He testified that he failed to receive that support, and from that day to this he has been the bitter and persistent political enemy of Gov. Deneen. I mention this incident as evidence of one of the conditions which existed when the legislature of 1909 came together.

From 1904 to 1908 Mr. Deneen was governor of the State. The Republican Party in Illinois during those four years was divided. Gov. Deneen was naturally the leader of one faction and Senator LORIMER the leader of the other.

ELECTION OF 1908.

In 1908 Gov. Deneen was a candidate for reelection. Again ex-Gov. Yates loomed up against him as a candidate, and Mr. LORIMER was among Gov. Yates's supporters. The primary system had at that time been inaugurated and all these candidates went before the people. The situation was complicated by the fact that Senator Hopkins was a candidate for reelection to the United States Senate, and with the other candidates—Mr. Foss, Mr. Mason, and Mr. Webster—went before the same primaries as a candidate for that position. In that primary contest Gov. Yates and Mr. LORIMER warmly supported Senator Hopkins and his candidacy. Gov. Deneen also favored the candidacy of Mr. Hopkins; but after the primary election was over it appeared—and the evidence is undisputed—that Mr. Hopkins had failed utterly to return any of the favors which had been rendered to him by the respective candidates for the governorship, and had evidently disappointed both. From that time on there was a coldness toward Mr. Hopkins both on the part of Mr. Yates and Mr. LORIMER, and also on the part of Gov. Deneen.

Mr. REED. Mr. President, will the Senator allow me to ask him a question for information?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. DILLINGHAM. Gladly.

Mr. REED. What were the favors to which the Senator refers that Mr. Hopkins failed to return? What was the character of them?

Mr. DILLINGHAM. Nothing except the warm, hearty, and earnest support they had given him in his candidacy for the senatorship.

Mr. REED. Support for what?

Mr. DILLINGHAM. His candidacy before the primaries.

Mr. REED. No; I mean what support was he to give them—for what office?

Mr. DILLINGHAM. Gov. Yates expected that Senator Hopkins would give him his support for the governorship, and I presume Gov. Deneen also expected the same evidence of friendship on the part of Senator Hopkins; but neither of them got it.

Mr. REED. Was not Gov. Deneen elected that year?

Mr. DILLINGHAM. He was elected that year.

Mr. LODGE. The support expected was for the nomination?

Mr. DILLINGHAM. The support expected was for the nomination at the primaries. I am speaking about the primary election now.

Mr. REED. I thank the Senator. I only wanted a little clearer statement.

Mr. DILLINGHAM. It is evident from the testimony that both the candidates for the governorship that year were not, after the election was over, in a pleasant frame of mind toward Senator Hopkins.

A STARTLING SITUATION IN WHICH GOV. DENEEN FINDS HIMSELF.

When the general election of 1908 had been held and the results known, it was found that President Taft had carried the State of Illinois by a majority of 179,000, while Gov. Deneen had carried it by a majority of only 23,000—179,000 as against 23,000! The situation was further complicated by the fact that our former Vice President, Mr. Stevenson, who that year was the Democratic candidate for governor of Illinois, gave notice that he would institute proceedings to contest the election of Gov. Deneen, founded upon the ground of alleged frauds in the election; so that when the legislature assembled on the 6th day of January, 1909, Gov. Deneen faced not simply the possibility or probability but the absolute certainty of a contest before that body.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. DILLINGHAM. Certainly.

Mr. CRAWFORD. Did Gov. Yates and Mr. LORIMER admit that after Deneen had carried the primaries and secured the nomination they practically bolted and opposed him at the general election so that on that account he ran far behind President Taft?

Mr. DILLINGHAM. I do not recall any evidence in which he admitted that.

Mr. CRAWFORD. Neither of them admitted it?

Mr. DILLINGHAM. No; I recall no such evidence. There were insinuations of that kind.

ORGANIZATION OF THE LEGISLATURE.

Mr. President, it is clear from what I stated before the interruption, that it was absolutely necessary for his political preservation that Gov. Deneen should control the organization of the legislature of 1909, before which this gubernatorial contest would come. In the preceding legislature he and Speaker Shurtleff had become opposed to each other, and the fact is undisputed that the governor felt very bitterly toward Speaker Shurtleff, and that his friends fully sympathized with his attitude in this respect. Before the legislature convened Gov. Deneen had inaugurated a movement to control the organization of the house. He had control of the senate, and to secure to the governor control of the house his friends held meetings in all parts of the State and multiplied candidates for the speakership as against Mr. Shurtleff. On the Monday evening preceding the organization of the legislature on Wednesday, January

6, 1909, the Deneen Republicans held a secret conference and agreed to support Representative King for speaker. The regular Republican caucus had been called for Tuesday, and having learned of the action taken on Monday night, Mr. Shurtleff was angry, undoubtedly angry, and refused to participate in that caucus.

THE GOVERNORSHIP CONTEST DETERMINED THE SPEAKERSHIP.

The Democrats were quick to see the opportunity they desired and equally quick to take advantage of it. Mr. Stevenson's contest for the governorship against Mr. Deneen was the one thing they had in mind, and to secure its success was the one purpose they had in their hearts. Gov. Deneen realized that if Shurtleff was speaker of the house he would have the power to appoint the committee to which would be submitted the question whether Mr. Stevenson or Gov. Deneen was entitled to that office, and the relations then existing between the latter and Mr. Shurtleff were such that he had no reason to expect any favors from him. To make the story brief, I may say that Gov. Deneen frankly admits in his testimony that this contest on his part was a fight for his political life.

As I have said, Mr. Shurtleff did not go into the Republican caucus, but he was a candidate for the speakership on the floor of the house. Eighty-five votes were cast—25 Republicans and 60 Democrats—for Mr. Shurtleff, and he was elected speaker of the house. Every Democratic member, with the exception of two, voted for him.

In his testimony Mr. Shurtleff says:

I think the gubernatorial contest overshadowed everything else.

All the witnesses are agreed, I think, in the opinion that Mr. Shurtleff's election as speaker had nothing to do with the pending senatorial election. At that time no person had been suggested for the Senatorship except those who had been before the primaries. Except as between them, no contest was anticipated. Even those who disliked Senator Hopkins had never dreamed that his election could be prevented except by the choice of one of the gentlemen who had participated in the primaries.

Gov. Deneen says he felt compelled to support Mr. Hopkins for the Senatorship because of the fact that he was the primary nominee, and he (Gov. Deneen) had been leader in the movement to secure the adoption of the primary system of nomination.

Senator LORIMER at that time and for a long time after had no thought that any contest could or would be made against Senator Hopkins. Seventeen members of the house who were cordial supporters of Senator Hopkins voted for Mr. Shurtleff, showing that the question of the Senatorship was not at all involved in the election of a speaker.

Mr. Hopkins testified that his personal friends, and some who had supported him to the end, voted for Mr. Shurtleff; that he regarded the question of the speakership as a controversy between Gov. Deneen and Mr. Shurtleff; that there was no general talk that the Senatorship was involved in the election of Shurtleff; and that none of his friends ever suggested to him the thought that such was the fact.

Speaker Shurtleff says:

I never heard it mentioned in any way whatever.

Many of the prominent Democratic members of the house testified to the same effect—that the election of Speaker Shurtleff was no part of such a plan and as such was never mentioned by anyone.

Thomas Tippit, leader of one faction of the Democrats in the house, testified: "There was no thought of it."

Representative De Wolf (Democrat) testified that he heard no intimation at the time the speaker was elected that the senatorial election was involved.

Mr. Espy (Democrat) testified that the election of speaker had no sort of reference or relation to the senatorial election.

Mr. Donahue, also a Democrat, testified quite at length upon that subject. The following extracts from his testimony clearly express his views:

Mr. HEALY. Did you have any understanding of any sort with reference to the election of Mr. Shurtleff which in any way affected the Democratic membership of that body?

Mr. DONAHUE. No. Mr. Shurtleff stood pretty well throughout the State as being a very fair speaker. He was very popular with the Democrats, and they thought he was the fairest speaker Illinois had had for many years. That was the general impression among the Democrats. It was discussed, and it was said that former speakers, be they Democrats or Republicans, would not recognize the minority at all in any legislation or in any way; but Mr. Shurtleff broke over that rule and gave every member a fair show to get measures through if he could. He did not recognize any politics in so far as general legislation was concerned. That was the feeling among the Democrats throughout the State. There was talk of a contest over the governorship, and the Democrats felt that if Shurtleff was speaker they would probably get a recount of the votes.

In this connection it must be remembered that at that time no Republican was a candidate for the senatorship except Messrs. Hopkins, Foss, Mason, and Webster—those who had been before the primaries. No other names had even been suggested.

Senator LORIMER was not in the city of Springfield between November, 1908, and January 12, 1909, a week after Mr. Shurtleff had been elected speaker. He was in Washington when Congress assembled. Went to his home in Chicago for the holidays, but did not go to Springfield until a week after the speaker had been elected. So far as the evidence in this case shows, his only connection with any movement for the organization of the house of representatives was during the Christmas recess, when he was at home. It appears that during such recess Messrs. Shurtleff and Shanahan, members-elect of the Illinois Legislature, called upon him in Chicago regarding the speakership. They told him that Gov. Deneen had suggested Col. Chiperfield, who was then a member of the governor's military staff, in connection with that position, and stated that Mr. Chiperfield had been twice to Chicago to confer with Mr. Shurtleff in regard to his proposed candidacy. Although Mr. Chiperfield had not been one of his political friends, Mr. LORIMER expressed the opinion that in the interest of party harmony the selection of Mr. Chiperfield for the speakership was a proper course to pursue, and that he would ask his friends to cooperate in securing his election; but as Gov. Deneen subsequently declined to support Mr. Chiperfield, nothing resulted from the conference.

The evidence does not disclose a fact, so far as I can remember, in any way connecting Mr. LORIMER with the organization of the house of representatives.

GOV. DENEEN'S EXTREMITY.

It will be understood, I think, by those who have followed me thus far that Gov. Deneen appreciated his helplessness as he faced the contest with Mr. Stevenson. He realized that unless he controlled the organization of the house in some form a committee might be appointed consisting of men who might oust him from the governorship. No one denies that such a danger stared him in the face. His anxiety was extreme. It was so great that through his political and personal friend and adviser, Roy O. West, he caused a meeting of the Republican State central committee to be called to devise means to induce the Republican members of the house of representatives to support the governor in an effort to have the appointment of the house committees taken away from the speaker. The meeting of that committee was held in Springfield January 12, 1909, and adopted a resolution substantially to that effect, but the members did not back it up with their friends in the house, and it was always referred to as the "paper resolution," because it utterly failed to accomplish the result so ardently hoped for by the governor, and too late he discovered that he had been deserted by those upon whom he thought he had the best right to rely.

I can not conceive of any man elected as chief magistrate of a sovereign State, standing in a more helpless position than that in which Gov. Deneen found himself at that time. He had alienated friends with whom he had affiliated politically for many years in the past. He had alienated Mr. Shurtleff, who as speaker of the house had the power to appoint all committees. He had failed to secure, through the efforts of the State central committee, a modification of the rules of the house so as to take the appointment of committees from the speaker; and he stood alone, confronting a situation fraught with danger and threatening his political downfall.

What did he do? In his extremity he remembered his former friend WILLIAM LORIMER, and though they had not met for several years, he sent Roy O. West to Mr. LORIMER, who had just reached Springfield, to ask if he would object to an interview with him. Mr. LORIMER replied that he would not, and an interview was arranged. Neither one asserts that they had been politically estranged. Mr. LORIMER says that he always believed that Mr. Deneen liked him personally, and would be glad to affiliate with him politically, but had been won away from him by powerful influences. Mr. Deneen took pains to testify that a wrong impression had gone out as to his relations with Mr. LORIMER; that while separated politically they had not been unfriendly, but the fact remains that they had not been in conference and had had no common interests for five or six years.

AN EFFORT TO UNITE THE REPUBLICAN PARTY AND SAVE THE GOVERNORSHIP.

On the 13th day of January, the very day following the meeting of the State central committee, the proposed interview was had between Gov. Deneen and Mr. LORIMER, beginning at 5 o'clock in the afternoon, in the governor's office, and extending until 9 o'clock, and then from 9 o'clock until midnight at the gubernatorial mansion. At that meeting, according to the testimony of Gov. Deneen, they discussed the waterway legislation,

which was a paramount issue in Illinois. They discussed an anticipated decision nullifying the primary law. They discussed their previous political relations. They discussed political conditions generally. They discussed the senatorial situation. They discussed the organization of the house. Mr. LORIMER testified that they talked about the committee that would probably be appointed to investigate Gov. Deneen's title to the governorship, and the organization of the house only to that extent, showing that the discussion of this subject was the leading object in Gov. Deneen's mind when he sought this conference with Senator LORIMER.

The real purpose on Gov. Deneen's part was expressed by Mr. LORIMER when he says that Deneen seemed to be fearful that a committee might be appointed that would turn him out of office regardless of the evidence, and he felt that Speaker Shurtleff was so antagonistic to him that he would do anything to destroy him.

Senator FLETCHER inquired:

That was after Shurtleff had been elected speaker?

Senator LORIMER. That was after Shurtleff had been elected speaker. I never discussed the house organization with him prior to that time and no other committee except that one.

From Gov. Deneen's testimony it further appears, in answer to a question by the Senator from Indiana [Mr. KERN]:

Was the election of Shurtleff discussed by you and Senator LORIMER?

Mr. DENEEN. I do not recollect the details, but I suppose it was.

Senator KERN. You had been opposed to Shurtleff's election?

Mr. DENEEN. I had been opposed to it.

Senator KERN. And he had favored Shurtleff's election, as I understand?

Mr. DENEEN. He had favored it.

Senator KERN. Was there any discussion between you as to the reasons?

Mr. DENEEN. The discussion was regarding the elements of strength that I had relied upon and had not felt that I was supported as well as I had hoped and expected.

He admitted that those who had been supporting him had failed. He was looking for help. They were having a heart-to-heart talk.

Proceeding, Gov. Deneen says:

And he was pointing out the weaknesses of my position, and we were discussing it. It ran along and was a frank talk about conditions. I think my contest was discussed then only in a general way—no details at all. I discussed with him what would be the outcome of this coalition as it affected me, and particularly as to whether I would be ousted from office. That, I think, was mentioned at that time.

Senator KERN. Did he indicate to you that he would be opposed to your being ousted?

Mr. DENEEN. No; he did not give me his views on that subject, nor did I ask him his views. The point was to expedite the hearing and bring it to an end, and, if I was to be ousted, to have it occur at once and get rid of it, and not have it drag along indefinitely and to nobody's advantage.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. DILLINGHAM. Certainly.

Mr. REED. A few moments ago the Senator from Vermont, in discussing Shurtleff's election, said it was not regarded as in any manner inimical to the interests of Senator Hopkins. I understood the Senator to say that and to cite some evidence. I am not so familiar with this record as I had hoped to be, but in that connection it seems to me the man most interested and most likely to know would be Senator Hopkins, and I desire to call attention, with the Senator's kind permission, to the following from the abstract of the hearings, appearing at page 8597.

Mr. DILLINGHAM. What page does the Senator read from?

Mr. REED. Abstract of the record, page 8597.

Mr. DILLINGHAM. I desire to say to the Senator from Missouri that I never have read that abstract.

Mr. REED. It appears in the record proper, as given by a reference here, at pages 312, 313, and 314, and I read the following, beginning on page 312, so that we may have the context:

I heard nothing during the six months of the deadlock about the proposed candidacy of Mr. LORIMER until just a couple of weeks before the close. I knew that LORIMER was there to defeat me, and my understanding was that he would use any instrument that he could to bring about my defeat.

Now, the reference to page 313 is as follows:

Shurtleff did not vote for me at all. He was actively against me.

Now to the point to which I am calling attention, page 314:

The election of Shurtleff could not be otherwise than hostile to my candidacy. I did not know that Shurtleff would be elected until the news was flashed from Washington. I regarded it as a blow to my candidacy. As I understand the election of Shurtleff, there was a deal in the legislature.

It seemed to me that when the Senator was quoting the evidence of others to the effect that the election of Shurtleff had no effect upon the senatorial contest, it would only be right that the Senate, at least, should know that in the opinion of the man most interested, Senator Hopkins, the election of Shurtleff did have a most detrimental effect upon his candidacy.

Mr. DILLINGHAM. Senator Hopkins testified that at that time he had no thought of it, that his friends had no thought of any such thing; and that to which reference is now made was entirely an afterthought, judged only by the result. Senator Hopkins in his testimony makes this perfectly clear.

Probably no man was ever more bitterly opposed than was Senator Hopkins by the Democrats of that body. Everyone appearing before the committee testified to the extreme dislike of the Democrats for Senator Hopkins, for the reason that when he was upon the stump in Illinois he used terms in reference to them which cut them to the quick. In other words, as they expressed it, he was harsh and severe in his denunciation of Democracy and of Democrats. It can not be denied that the entire Democratic body entertained toward Senator Hopkins a feeling of hostility not entertained toward any other person in the State of Illinois.

I will demonstrate as I go along that this desire to defeat him was a matter of growth. I have already indicated that he had alienated the sympathy of Yates and of LORIMER and of Deneen and of others, and that the delay which came later, and which I ask the Senator from Missouri to note when I reach it, gave the opportunity for all these forces to unite to defeat Senator Hopkins. It was this delay, not the election of the speaker by Democratic votes, that resulted in his downfall.

Resuming the discussion and coming back to Gov. Deneen's testimony, in answer to the question of Senator KERN:

Did he indicate to you that he would be opposed to your being ousted?

Mr. DENEEN. No; he did not give me his views on that subject, nor did I ask him his views. The point was to expedite the hearing and bring it to an end, and if I was to be ousted, to have it occur at once and get rid of it, and not have it drag along indefinitely and to nobody's advantage.

Senator KERN. In the course of that five hours' conversation, did he indicate any feeling on his part as to whether he wanted you to be governor of Illinois or wanted to have Stevenson governor?

Mr. DENEEN. No; I did not ask him about that. His conversation was friendly, but we did not discuss that more than that. We did not go into the details. Then we went on to another matter that was of importance to us; that I will state.

Senator KENYON. Before you leave that subject, did you consider Mr. LORIMER a party who would be influential in determining whether or not you would be ousted from office?

Mr. DENEEN. I assumed that he and Mr. Shurtleff would finally settle it.

The result of that meeting, which lasted five hours, was, as Mr. LORIMER expresses it, that there was a sort of semifriendly relationship established, and it was understood that they would meet each other and discuss political affairs in the future.

About that time it appears from the evidence that Gov. Deneen had become very much disappointed in Mr. Hopkins. A meeting was held the next week between Gov. Deneen and Mr. LORIMER, and the governor testifies that that meeting and the next one and all subsequent meetings between them were either by appointment or agreement or suggestion between himself and Senator LORIMER. He is asked the question:

Mr. HANECY. And they were all friendly conferences?

Mr. DENEEN. All of them.

Mr. HANECY. You were considerably annoyed, after the meeting of the State central committee on the 12th, at Senator Hopkins and his friends, for the position they took in that meeting toward you and your measures, were you not?

Mr. DENEEN. Considerably disappointed.

Mr. HANECY. You were more than that, were you not?

Mr. DENEEN. Well, I was disappointed very much. I do not know about being annoyed about it.

On the 18th of January another meeting between the governor and Mr. LORIMER was held, after which the latter returned to Washington.

GOV. DENEEN RESPONSIBLE FOR OBSTRUCTING ELECTION OF SENATOR.

At that time Gov. Deneen determined upon a course of action which changed existing conditions and ultimately resulted in the defeat of Senator Hopkins. He assumed the entire responsibility of preventing or "postponing," as he called it, the election of Senator Hopkins until the question of his own title to the governorship was determined; and, as a matter of fact, that "postponement" extended from January 18 to March 18, a period of two months, during which time all the elements against Hopkins became united and made his election impossible.

January 19 the vote for Senator was taken in the separate Houses, and 15 of Gov. Deneen's political adherents—Republicans—refrained from voting for Mr. Hopkins. The result was no choice. On January 20 the first joint vote in the general assembly was taken, and 13 of Gov. Deneen's adherents withheld their votes from Senator Hopkins, preventing his election on that day. There is no disguising the fact——

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. Certainly.

Mr. KERN. How many Lorimer Republicans withheld their votes?

Mr. DILLINGHAM. I do not remember. I will ask the Senator how many?

Mr. KERN. You have the record here.

Mr. DILLINGHAM. I have not the record. I have an extract from the record.

Mr. KERN. There were more, I will say, of the so-called Lorimer Republicans than there were of the Deneen Republicans who refrained from voting.

Mr. DILLINGHAM. I do not recall that fact. I will not dispute the Senator.

Mr. KERN. But why should the Senator emphasize the fact that certain friends of Gov. Deneen failed to vote for Mr. Hopkins without referring to the fact that other Republican senators and members of the house also refrained from voting for him?

Mr. DILLINGHAM. I will tell the Senator. I will quote from Mr. Deneen's testimony. It will be found on page 1141, if anyone cares to look at it, where he assumes the responsibility for that action. That election, as he calls it, was "postponed" from January 19 to March 18, a period of two months, that his title to the governorship might be tried and established. His testimony is as follows:

Mr. HEALY. Is it true that at any time during the senatorial deadlock you retarded or attempt to retard in any way the election of Senator Hopkins?

Mr. DENEEN. My friends and I postponed the election of Senator Hopkins, or some of them did, rather, until my matter was settled in reference to the contest on March 17 or 18. A number of my friends felt that Senator Hopkins's friends intended to join and put me out of office, not with his approval, and, I think, against his judgment, and it would have been against his advice if consulted. They felt he would have no influence with those men and that they intended to join and put me out.

Further on in his testimony he says:

Some of the more active men felt that the senatorial matter should not be settled until the gubernatorial matter was settled. They were interested to a lot of legislation, and they felt the matters should be settled together, and I think some of them remained out for that reason.

It can not be denied, as I was about to say when interrupted, that Gov. Deneen and his friends were responsible for preventing the election of Senator Hopkins during that long period of two months.

On January 27 another of these friendly conferences between Gov. Deneen and Mr. LORIMER occurred extending from 10 o'clock at night until morning, in which they became friends and reestablished old relations. Mr. LORIMER said:

I thought Gov. Deneen was trying to establish friendly relations with the men I was associated with in Illinois, and I am sure that was my disposition.

At that time they agreed to work together for fair primaries; they discussed the situation in Chicago, where they feared the influence of Mayor Busse and the police force. They discussed the influence of the 7,000 saloons in Chicago; also the mayor's use of the police force of that city, and took into consideration the fact that 40 per cent of the Republican vote of the State was in Cook County; and coming to the question of the senatorship, Mr. Deneen said that if Hopkins should be reelected whatever power and influence went with the office would go to Busse and Campbell and that element of the party in Cook County, and he complained again because the Senator had not rendered him such assistance as he felt he should have rendered; and he said it would be for the best interests of the party that Mr. Hopkins should not be reelected and that he would not help him.

It was also at this meeting that Gov. Deneen complained to Mr. LORIMER of the harsh treatment of Senator Hopkins in not giving him his support, and particularly the lack of support on the part of Mr. Hopkins's friends at the State committee meeting, over the results of which he felt so much chagrin. Gov. Deneen evidently realized the embarrassing situation to which his mistakes had brought him, and he was frank in his acknowledgment.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield further to the Senator from Indiana?

Mr. DILLINGHAM. Certainly.

Mr. KERN. Was there harmony between Gov. Deneen and Senator LORIMER in their testimony as to the events of that evening?

Mr. DILLINGHAM. I think so. I do not understand that they disagreed.

Mr. KERN. Did Gov. Deneen testify to the fact?

Mr. DILLINGHAM. He testified to all these meetings. Does the Senator understand that he denied that statement?

Mr. KERN. No; I am asking the Senator from whom he is quoting.

Mr. DILLINGHAM. I was quoting this from Senator LORIMER's testimony.

Mr. KERN. I understood the Senator to state certain facts and then to draw certain conclusions therefrom. I ask him whether he quotes those facts from the testimony of Senator LORIMER or the testimony of Gov. Deneen.

Mr. DILLINGHAM. I quoted those from the testimony of Senator LORIMER, but I do not understand that they were ever denied. Senator LORIMER said:

At the interview, when he told me positively that he, Gov. Deneen, would try to defeat Senator Hopkins, I then urged him to become a candidate.

Mr. HANECY. You urged Gov. Deneen?

Senator LORIMER. Yes. That was the latter part of January.

Mr. HANECY. What did Gov. Deneen say to your suggestion in that respect?

Senator LORIMER. At the first interview he rather indicated, I thought, that he would like to think about the matter. He did not encourage it.

Mr. HANECY. Did he repel it?

Senator LORIMER. No; I think not.

Mr. REED. I do not like to interrupt the Senator, but may I ask what was the date of the meeting Senator LORIMER was testifying to?

Mr. DILLINGHAM. January 27, as I remember it.

Mr. REED. Does not the Senator recall that that is directly in the teeth of Senator Hopkins's testimony that Senator LORIMER at Willard's Hotel long before that had given him to understand that he was against him?

Mr. DILLINGHAM. Certainly; and I will tell you that circumstance. There is no question about it. Senator LORIMER, after the election of 1908, knew and felt that Senator Hopkins had not supported Gov. Yates, and he resented it. Mr. LORIMER had no expectation of opposing him for it, but when Senator Hopkins sought an interview with him he declined to grant one, and when, afterwards, Senator Hopkins met him here in Washington at the Willard Hotel and attempted to discuss with him what action he would take when the legislature met, Senator LORIMER told him it would not do any good to discuss the matter.

Senator LORIMER testifies that he would have been glad to see Mr. Hopkins defeated, but he had no expectation that any means could be adopted to defeat him, and it did not occur to him until after these interviews with Gov. Deneen that such a thing as that would be possible. That explains the matter about which the Senator inquired.

Mr. REED. I caught it perhaps wrongly. I would not misquote the Senator, but the impression I got from the Senator's remarks was that Senator LORIMER had testified that he had not been in opposition to Senator Hopkins.

Mr. DILLINGHAM. I do not think that I said anything of the kind. I said in the very beginning that Senator Hopkins had gained the distrust or the ill will both of Yates and LORIMER, and in addition, that of Gov. Deneen, because his attitude in the primary election had been such as to disappoint all of them, but not that they had come to the point of deciding to oppose his election. They did not like his action——

Mr. REED. I think that was away in the past.

Mr. DILLINGHAM. Yes; that was in November.

Mr. REED. I may have misunderstood the Senator, and I rose to try to get myself right in this matter. I understood the Senator to state, in effect, that Senator LORIMER had not opposed Senator Hopkins in the early part of his contest for the Senatorship before the legislature, and I wanted to ask the Senator if it was not true that Senator Hopkins had testified to a meeting at the Willard Hotel prior to the election actually coming on in which Senator LORIMER had told Senator Hopkins that he was opposed to him.

Mr. DILLINGHAM. I thought I just told the Senator that Mr. LORIMER told Senator Hopkins that he was opposed to him, and there was no use talking about it.

Mr. REED. I may have misunderstood the Senator.

Mr. DILLINGHAM. I want to remind the Senator that Senator LORIMER testified that even then and for a long time after he had no intention of taking any steps to oppose Mr. Hopkins's election, because he did not suppose it would be possible to defeat him, but in his heart he did not like him and would have been glad to have had some other person elected Senator. I do not think there is any misunderstanding as to Senator LORIMER's position on that point.

Resuming, let me say that good relations between Gov. Deneen and Mr. LORIMER followed that meeting of January 27.

HARMONY RESTORED BETWEEN GOV. DENEEN AND SPEAKER SHURTLEFF.

One of the results which followed is shown in the testimony of Mr. Shurtleff, where he speaks of the committee that was appointed to consider questions involved in the contest between Mr. Stevenson and Gov. Deneen for the governorship. He says:

The committee was appointed upon the 11th day of February—a majority of Republicans—and every Republican appointed by me was a Deneen man, thoroughly a Deneen man. One of Gov. Deneen's close friends, Edward J. Klas, candidate for speaker, was on the committee; Mr. Reynolds, of Rockford, was chairman of the committee. He was one of their candidates for speaker. I appointed no Republican upon that committee who had any affiliations with any of our friends or who had any affiliations except the closest with Gov. Deneen, which practically settled the contest on February 11.

Mr. REED. That seems to be a very frank admission that they packed the jury.

Mr. DILLINGHAM. Senator Jones asked this question:

So, if you packed any committee, you packed that committee in behalf of Gov. Deneen?

Mr. SHURTLEFF. I did.

I do not think there is any dispute between the Senator and myself on that point.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Dakota?

Mr. DILLINGHAM. Certainly.

Mr. CRAWFORD. While we may differ as to what was in the mind of these men, does not the Senator admit that the speaker of the house elected at the time of its organization was hostile to the candidate for the United States Senate who had carried the primaries, and was also hostile to the governor who had been chosen at the election in November?

Mr. DILLINGHAM. I will have to divide that question in answering it. I do not understand that he was opposed to Senator Hopkins. I do not remember what his attitude was.

Mr. CRAWFORD. There is not anything in the record to indicate that Senator Hopkins, the party nominee, had his wish followed in choosing a presiding officer for the house, is there?

Mr. DILLINGHAM. There was no contest about that.

Mr. CRAWFORD. But the speaker who was selected was a loyal and intimate friend of Senator LORIMER.

Mr. DILLINGHAM. He was; there is no question about that.

Mr. CRAWFORD. So that, whether it was designedly brought about or not, the fact remains that the nominee for the Senate, Mr. Hopkins, failed to secure a loyal friend as presiding officer, and Senator LORIMER did secure in that office a personal, loyal friend. That is the fact, is it not?

Mr. DILLINGHAM. I have no doubt that is the fact; but it was not claimed at that time, nor for months after, that it had any reference to Senator LORIMER's candidacy, and as I proceed I will demonstrate that to the Senator.

Mr. CRAWFORD. Well, that is a matter for inference. Is it not also a fact that Gov. Deneen, who, as the Senator says, had his very official life at stake, a contest hanging over him, did not have his choice selected for speaker, and that Mr. LORIMER had his intimate friend in that position, so that they held the destiny of the governor-elect in their hands by securing the reorganization of the house?

Mr. DILLINGHAM. I was trying to demonstrate the fact——

Mr. CRAWFORD. Does the Senator from Vermont differ from me in saying that that is the fact, no matter what was the motive of these men in bringing the situation about?

Mr. DILLINGHAM. I do not undertake to say what Speaker Shurtleff's attitude was on the senatorial question when the legislature opened; I do not recall it. I have the record of the several roll calls in my hand, but it would take some time to examine them. I will do this, and call the Senator's attention to it later.

Mr. REED. May I interrupt the Senator for a further question?

Mr. DILLINGHAM. Yes, for a question; but I do not want to be interrupted in my remarks too frequently because I have a long statement to make, and the question of physical endurance is one to be seriously considered in this weather.

Mr. REED. The question I am asking is in good faith and for light and not to provoke a controversy. The Senator stated that there was an antipathy between Gov. Deneen and Senator LORIMER.

Mr. DILLINGHAM. I did not say that there was an antipathy between the governor and Senator LORIMER.

Mr. REED. Political antipathy?

Mr. DILLINGHAM. No; they had remained friends, but they had separated politically.

Mr. REED. Yes; a political antipathy.

Mr. DILLINGHAM. I did not call it "antipathy."

Mr. REED. Well, whatever name the Senator calls it. He said there was a contest, and that was gotten out of the way, for Shurtleff, who had been bitterly opposed to the governor, appointed a committee solely of his friends. The Senator has simply stated what was the result. What were the considerations? How was that effected? How did it happen that Shurtleff, who had been bitterly opposed to Gov. Deneen, so bitterly that they expected him to pack the committee against the governor, after a conference with these gentlemen turned around and packed the committee for him? There must have been a reason for it.

Mr. DILLINGHAM. If the Senator has patience and will allow me to proceed, I will tell him. I can not stop to explain in advance that which I intend to discuss later on.

Mr. LORIMER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. DILLINGHAM. I yield to the Senator from Illinois.

Mr. LORIMER. To answer the question as to whether or not Speaker Shurtleff ever voted for Senator Hopkins, I will say that the record will show that Speaker Shurtleff testified that Senator Hopkins's friends called on him and asked him to make a statement in writing, which he did, that whoever received the majority of the vote in his senatorial district he would vote for. At that time Senator Hopkins naturally supposed that he would receive a large majority in that district, because that district had been in the congressional district that he represented in Congress for a great many years. Congressman Foss received about two votes to one over Senator Hopkins, and Speaker Shurtleff voted for Mr. Foss, and continued to vote for him from the first ballot until the last ballot, except the time when he voted for me and when he once voted for Gov. Deneen. That is the record.

Mr. CRAWFORD. Mr. President——

Mr. DILLINGHAM. I find from examining the record that down to the fifty-seventh ballot he voted for Mr. Foss.

Mr. CRAWFORD. That would indicate that naturally he would not be the choice of Mr. Hopkins as the speaker of the house of representatives, would it not?

Mr. DILLINGHAM. Coming back to the matter I was discussing when interrupted, Senator LORIMER testified that Gov. Deneen also stated that he would try to defeat Hopkins, and in that connection asked Mr. LORIMER to suggest to Speaker Shurtleff that in the appointment of a committee to visit the charitable institutions of the State he should select only Hopkins men. Their duties as members of such committee would take them away from Springfield for a couple of weeks, tiding over the period of the vote on the senatorship. Mr. LORIMER assumed that this was done, as he conveyed the governor's suggestion to the speaker, who called upon the governor the following day to discuss it.

Concerning their relations afterwards, Senator LORIMER says:

I think I talked with him [Gov. Deneen] every week from that time on until the last week or the second last week of the session of the general assembly; some weeks one interview.

GOVERNORSHIP CONTEST SETTLED.

On March 18, which was two months after the organization of the house, the title to the governorship was settled. In the meantime there had been created a union of forces against Mr. Hopkins. In February there occurred general discussions as to the advisability of bringing forward a compromise candidate. There is no question but that at that time Gov. Deneen, Senator LORIMER, and many others were of the opinion that the contest would result in the election of some person other than those who up to that time had received the votes of the general assembly. In February, after they had discussed the possible candidacy of Gov. Deneen, the latter suggested that they cooperate in putting the election of Senator over until after the 4th of March, when the seat would become vacant and the people insistent that it be filled, thereby creating a condition under which Gov. Deneen could consistently accept the place.

About March 15 Gov. Deneen told Mr. LORIMER that it would be embarrassing to him personally to make arrangements to become a candidate for the Senate, and the latter suggested that he have his friend, Roy O. West, come to Springfield the following week, and that he [LORIMER] would discuss the plan with him. This was done, and plans were made between LORIMER and West to bring about the election of Gov. Deneen, it being agreed that his name would be presented to the legislature on March 24, but on the evening of March 23 Mr. West informed Mr. LORIMER that the governor would not be a candidate.

If Senators will read the testimony of Mr. Alschuler, brother of a former candidate for governor of that State on the Democratic ticket, a man who went to that legislature from Senator Hopkins's home town and home county, elected as a Democrat, and whose sole mission in that body was to defeat Senator

Hopkins's reelection, and who apparently thought of nothing else from the opening of the session to the day of the election——

Mr. KERN. Mr. President——

Mr. DILLINGHAM. Let me finish my sentence. Senators will find that Mr. Alschuler testified that it was expected that Gov. Deneen's name would come before the legislature, and that he immediately saw all the Democrats he could and asked them to support the governor.

Mr. KERN. Did I understand the Senator to say that Alschuler had been the Democratic candidate for governor?

Mr. DILLINGHAM. No. I said his brother—I will ask the Senator to correct me if I am wrong.

Mr. KERN. He had a brother who was a candidate for governor, but in his testimony he expressly exonerated his brother from any complicity in his conduct or in anything he said.

Mr. DILLINGHAM. Exactly. I quite agree with the Senator as to that; Mr. Alschuler has been a member of a subsequent legislature, and is now the Democratic leader of that body.

Mr. KERN. He measured swords with Lee O'Neil Browne.

Mr. DILLINGHAM. He testified that on that occasion the Democrats were ready to throw their strength to Mr. Deneen, if his name had been presented. Senator LORIMER testified that Gov. Deneen said that opposition developed against his candidacy, because his election would make Mr. Oglesby, then the lieutenant governor, governor of the State, and that for some reason or other, not necessary to examine at this time, his elevation to that office would not be agreeable to Mr. Deneen's friends.

As time ran on they attempted to agree upon Mr. Shurtleff as a candidate for the Senate. Mr. LORIMER says in his testimony, speaking of an interview with Gov. Deneen:

I suggested the name of Speaker Shurtleff. We talked about him for quite a while, and that night he said that he thought I ought to become a candidate.

I talked for Shurtleff, and he said he would let me know in about a week; that he would have a talk with his friends in Chicago about that. We had a conference every week for, I think, a period of time running over about three weeks. Finally he told me he had talked with his newspaper friends in Chicago, and named Mr. Noyes, the editor of the Record-Herald, and they were opposed to Mr. Shurtleff's election, and he said: "Why, I can not support him, because I can not afford to break with my friends on account of it."

Gov. Deneen says in his testimony in relation to this matter:

He [LORIMER] suggested Mr. Shurtleff, and I discussed that with him. The point of the thing was this: The discussion was of considerable length. I stated to him that I thought it would be a great misfortune for him, from his standpoint or that of his organization, to elect Mr. Shurtleff, because Mr. Shurtleff did not represent any forces in his organization.

He was a man of very considerable ability and experience, and individually was a very strong man, but he had not any large force back of him. I said he had not any great influence back of him, and that he would not add to it, and it would be a misfortune, I thought, to elect him from his standpoint. He urged it and said that he thought he could be elected; that he had the strength that came from organization there; the Democrats had voted for him there, and they could afford to vote for him as senator, because they had voted for him for speaker, and he argued the matter. I then said to him, "Well, if you have the power to elect Mr. Shurtleff, why do you not elect yourself? You are a power and he is not a power in Illinois politics, except as an individual factor, a man of ability."

Now comes the reason why Mr. LORIMER would not be a candidate when urged by Gov. Deenen, with the assertion that he was a power in the State and could be elected:

He stated that he could not afford to take it, because he had advanced in the House to such a position that he thought he had considerable influence in reference to waterway legislation, and it would take some time to acquire that influence in the Senate, and that the question was ripe for action and he could do more service in the House than in the Senate, as I recall it; and he dismissed it and the subject and went to other matters.

There is the testimony of Gov. Deneen as to the attitude of Mr. LORIMER at that time.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. Certainly.

Mr. KERN. I think it is fair that the Senate should understand whether the Senator is attempting or pretending to quote from the testimony in the record or whether he is giving his own digest and some of his own conclusions. I am unable to find——

Mr. DILLINGHAM. This is a quotation from the testimony of Gov. Deneen, pages 1123 and 1124 of the record.

Mr. REED. From the abstract?

Mr. DILLINGHAM. No; I do not refer to the abstract; no one does that; refer to the record.

CONDITION OF SENATORIAL DEADLOCK AT END OF THREE MONTHS.

We come along in this story to the middle of April, three months after the beginning of the deadlock. During this time Mr. LORIMER never had been a candidate, but had consistently and positively refused to be a candidate. At different times he had urged upon Gov. Deneen the possibility of Mr. Boutell's election. The testimony shows that Mr. Boutell had an interview with the President and went to Chicago to consult with his friends, in the hope that the factions might agree upon him; but he found that was not possible and his candidacy was abandoned. Mr. Lowden was suggested, also Congressman MCKINLEY, Congressman ROSENBERG, A. C. Bartlett, Mr. Calhoun, and possibly others; but Mr. LORIMER testifies that Gov. Deneen found some reason for opposing all who had been mentioned. Roy O. West was anxious to become a candidate and had requested the governor to intercede for him; but in that case Mr. LORIMER was the objector, as he was not favorable to Mr. West's candidacy.

ALL WILLING TO SUPPORT DENEEN.

The committee finds as follows:

These general conditions continued for some considerable time; the situation was discussed in the newspapers and it seemed that no one among those mentioned was developing any strength; several State senators, some of whom were friendly to both Mr. LORIMER and Gov. Deneen, importuned Gov. Deneen to enter the race. And after the situation had been generally discussed for some time in the public press and otherwise, Mr. LORIMER again took up with the governor the question of his becoming a candidate, strongly urged him to enter the field, and assured him that he and his friends would support him. Gov. Deneen testified that the "Senator urged me very strongly to take it," stating that it was a position where "I must expect criticism," but that it was the only opportunity "I would ever have to go to the Senate, because if I did not the party would be organized on other theories and it would be impossible to overcome the difficulties."

Senator Curtis had presented the matter to Gov. Deneen and discussed it with him several times, urging as a reason the harmony which his candidacy would bring to the party, and that it would quiet the disturbances which had existed there for years. Mr. LORIMER also assured him that he would receive all but 15 of the Republican votes in the general assembly and most of the Democrats.

THE GOVERNOR'S ATTITUDE.

Gov. Deneen hesitated. He evidently wanted to become a candidate at that time. But he was the father of the primary law, and felt that it would not do for him to become a candidate against Senator Hopkins, who had been named in the primaries; and his reasons are shown in the testimony of Mr. Lundin, who was formerly a member of the State Senate of Illinois, and afterward a Member of the House of Representatives of the United States. I presume Senators know him. I will read what the committee finds from Mr. Lundin's testimony:

It appears from the testimony of Hon. Frederick Lundin, former member of the Illinois State Senate, and also of Congress, that he had frequent conferences with Gov. Deneen regarding the senatorial situation; that as late as the first week in May—that was nearly four months after the deadlock began—in a conference between them the governor thought it would be a good plan and good politics to make the deadlock secure and not elect a Senator at that time; that the object of the conference at that time was to get four or five Hopkins supporters to agree with others to vote for some one else; that the reason Gov. Deneen wanted this done was that he did not really know whether he wanted the Senatorship or not; that he would like it, but was not just sure that he dared take it; that while he wanted it, he supposed that the newspapers—the Record-Herald, Tribune, and Daily News—would not let him take it.

Mr. Lundin testified that during these conferences Gov. Deneen said that the men with whom he had worked in past years had not done right by him; that if Senator LORIMER's friends and his friends should work together, there would be no question but that they would be the controlling element in the Republican Party in the State; that he thought that Senator LORIMER could afford better than any other man to take the Senatorship; that it would injure him less, and, in fact, he said it might be a good solution of the deadlock to have Mr. LORIMER elected by Democratic votes.

WHY MR. LORIMER CONSENTED TO BECOME A CANDIDATE.

The deadlock, as I have said, had continued almost four months, and there was no immediate prospect of the election of anyone, and it was feared there would be adjournment of the legislature without the election of a Senator from that State. In that crisis it appears that Col. John R. Thompson, Col. Chauncey Dewey, and Col. Copley, all members of the governor's staff and his warm personal and political friends, men who were influential leaders in the Republican Party, became active in their efforts to induce Mr. LORIMER to become a candidate for the Senate. As the deadlock continued and it became apparent that Mr. LORIMER was probably the only person upon whom the different factions could unite, he finally determined to do so.

In addition to those last mentioned, he had the support of Gov. Yates and Speaker Shurtleff, who had been strongly urging him to accept Democratic votes and the election. Many other prominent Republicans were anxious to support him, and he also developed strength among the Democratic members, but it was not until two or three weeks before the election, which occurred May 26, 1909, and it had become perfectly apparent that unless he did become a candidate the legislature would adjourn without an election, that Mr. LORIMER's candidacy began to be seriously considered, and he thinks it was about the 10th or 12th of May when he determined to ascertain whether he could be elected. This substantially accords with the testimony of Gov. Deneen; and, if my recollection serves me correctly, it was on May 14 that the Chicago Tribune first mentioned Mr. LORIMER's name in connection with that office as a candidate.

When Mr. LORIMER began to consider the suggestion that he become a candidate for the Senatorship he went to his friend Mr. Shurtleff and to others to advise with them regarding the propriety and advisability of doing so. Mr. Shurtleff testifies that after talking with Mr. LORIMER he conferred with Mr. Browne as to his attitude in the matter. Mr. LORIMER says he knew that Mr. Browne would support Mr. Shurtleff if he were to become a candidate, and Mr. Shurtleff testifies that Mr. Browne had in fact urged him to become a candidate, and had assured him of the Democratic support in that event. It is equally true that Mr. Browne did not at any time favor the election of Mr. Hopkins, but was earnestly opposed to his election.

In relation to that matter Mr. Shurtleff testifies as follows:

Mr. Browne had been to me two or three different times and proposed to have the Democrats vote for me for United States Senator. He said it was the chance of my life; that I could be United States Senator; that there were a large number of Democrats who would vote for me and wanted to vote for me. I think he came to me two or three different times, telling me that I was making the mistake of my life that I did not let the Democrats vote for me for United States Senator. When the Lorimer movement started it was generally understood that there were two forces that had to be in unison to elect anybody United States Senator outside of A. J. Hopkins. One of these forces was Gov. Deneen and the other was Mr. Browne. Possibly to some of my friends I had said something about Browne's offer to vote for me, and I think they had been very solicitous to have me be a candidate. The suggestion was made that I go to Mr. Browne and ask him to vote for Senator LORIMER, which I did.

There you have the first introduction of this subject to Mr. Lee O'Neil Browne, through Mr. Shurtleff.

Mr. MARBLE. What did Mr. Browne say to you when you asked him to vote for Senator LORIMER?

Mr. SHURTLEFF. Well, he discussed the thing. He said he had voted for me for speaker, and that the Democrats in the district had been very well satisfied with it; that there had been no trouble over that; and that he had thought they could vote for me for Senator, inasmuch as they had voted for me for speaker; but the question of Senator LORIMER was a different proposition. He would have to consider it. He wanted to talk with the men in his district.

Mr. MARBLE. He gave you no answer positively, then, at the time of the first conversation?

Mr. SHURTLEFF. He gave me no answer positively.

Mr. Browne's version of the interview with Mr. Shurtleff is as follows:

Mr. Shurtleff asked me what I thought of WILLIAM LORIMER as a candidate for the position of United States Senator, or asked me whether I could support him—I can not tell you which, but it was something in substance to that effect—and also how many of the Democrats of my crowd, or my faction, so called, I thought would support him. I said to him that I had never given the matter any thought or consideration, that I could not speak for anybody but myself, and that as far as I was concerned I would have to think it over before I could determine or would determine whether I would be willing to vote for him myself or not. As to the others, if I voted for him myself, or concluded to support him, I would have to talk with the newspapers individually in order to ascertain or know anything relative to the matter. He asked me if I would do that, if I would think it over. I told him I would and would give him an answer relative to myself first.

I also said to him at that time, "Why do you not become a candidate yourself, Ed?" He said, "Well, I am not known at Washington at all. I would be a stranger. I would not have the acquaintance there which Senator LORIMER has, and especially if I was sent down there by virtue of any Democratic votes at all, being a stranger I would have no force there as a Senator. Besides, I do not believe I could get enough votes to elect me." I said, "Neither do I." That is the sum and substance of that conversation.

Mr. LORIMER's recollection is as follows:

Senator KERN. Have you any recollection as to what occurred between you and Mr. Browne at that first conference?

Senator LORIMER. No; I do not recall the language. I talked with him about the friends in Chicago that were supporters of Browne, and he knew they were supporters of his, and he knew how friendly they were to me—such men as Cermak, and Sullivan, and Werdell, and Griffin, and John Walsh, and George Hilton—men that I was very well acquainted with, and that were my friends, and had been for a great many years. He said he knew that what I was saying was correct, and finally agreed to support me.

Senator KERN. Did he ever make any inquiry as to whether Roger Sullivan would support you or not?

Senator LORIMER. Yes; since you mention that, Senator, he did. He said this to me: "Now, you and Sullivan are very close personal friends," as we are. Our families are very friendly, and his boy and my boys went to Andover together. The only sport that I follow is sailing, and his boy was a sailor, and had a boat, and my boys always have had boats, and we follow the regattas and we were very intimate, and that was known to everybody. He said, in substance, that there was not room enough for Roger Sullivan and him and that I could not be his friend and Sullivan's friend, too. He said: "I am not going to help a man, even though my friends are anxious to have me help him, and put him into a place where he will have power, and then have that power used for the benefit of my enemy and to destroy me." I said to him that Mr. Sullivan had not indicated that he was going to support me, and I did not think he would help me, and I said: "You can depend upon it that if I am elected Senator, while I will not be unfriendly to Mr. Sullivan on account of your support, I will never do anything that will injure you. I will never do for Mr. Sullivan things through which he can injure you." After considerable talk along that line he said—he is a rather impulsive man: "Well, LORIMER, I will take your word for it, and I will support you;" and that ended the discussion between him and me about Mr. Sullivan.

Senator KERN. He being the Democratic leader, you recognized the importance of having his support?

Senator LORIMER. I recognized the importance of having his support, whether he was the Democrat leader or not, because there is no more influential man in the House of Representatives of Illinois than Mr. Browne; and I really thought he had more influence in the house before he was leader than he had at the time he was leader; I am sure he did.

Senator KERN. His followers, or the men that belonged to his faction, would be inclined to follow him, would they not?

Senator LORIMER. I can not answer as to that. I know that the men that belonged to his faction that were friends of mine would vote for me, if I was a candidate, whether Lee O'Neil Browne was for me or not. I know that from what they have said to me.

Senator KERN. You think you had more influence with them than he had?

Senator LORIMER. No; I think this way about it: If it was a question of their supporting Browne or me, if they had to choose between the two of us, some of them would have voted for Browne and some of them would have voted for me. I am quite sure Emanuel Abrahams would have voted for me as against Browne or anybody else, unless it was a condition of this sort, where, as a Democrat, he was candidate for United States Senator or some office of that kind and Emanuel Abrahams's vote would elect him as a Democrat. In such a case Abrahams would vote for him; but on questions that are not political Abrahams was more friendly to me than he was to Browne. There is not any doubt about that.

On this point Lee O'Neil Browne testified as follows:

I made up my mind to vote for him, providing there would be enough votes, combined Republican and Democratic, to elect him.

I cite this testimony because it appears in evidence that Mr. LORIMER had insisted he would not allow his name to go before the General Assembly of Illinois until assured that he would be elected without a contest. Mr. Browne in his testimony gives his reasons for insisting on that condition. He says:

I made up my mind to vote for him, providing there would be enough votes, combined Republican and Democratic, to elect him; and I never for a moment considered the proposition of myself, a lone Democrat, voting for him, because no such contingency could arise or be possible.

Senator KENYON inquired:

When you made up your mind to vote for him, did you not at the same time make up your mind to get enough Democrats to vote for him so that you could elect him?

Mr. BROWNE. I made up my mind, Senator, to use whatever influence I had with my friends to legitimately influence them to vote for Senator LORIMER, provided it would not hurt them or injure them politically; and I can cite you one instance where I expressly advised one of my followers not to vote for Mr. LORIMER, and he did not do it, because he said it would hurt him at home. I said to him "If that is the case, don't you vote for him, and don't you let anybody persuade you."

Senator JONES. Who was that?

Mr. BROWNE. George Meyers.

Senator JONES. Do you know whether that is the Meyers who testified here?

Mr. BROWNE. That is the Meyers who has been here and testified; yes, sir.

Mr. Browne testified as to what Mr. Shurtleff advised in this regard. Mr. Marble asked him this question:

And what did Mr. Shurtleff say?

Mr. BROWNE. He agreed with me that the contingency that I placed in my answer was a perfectly reasonable one. He agreed to it and said that he would not think of starting a roll call under any other circumstances, and then he suggested that I ascertain how many of the Democrats of my faction would vote for Mr. LORIMER. I told him I would do so, and I suggested to him that I be informed at as early a day as possible about how many of the so-called Tippit faction would support Mr. LORIMER.

Mr. Browne and Mr. Tippit were leaders of the rival factions of the Democratic membership of the house during that entire session.

Mr. Browne testified that at the time he advised Speaker Shurtleff that he would support Mr. LORIMER for the senatorship he made "it a point of honor with both him and Mr. LORIMER that no roll call for Mr. LORIMER should be started until it was an absolutely assured fact that there were votes enough to elect him." Mr. Shurtleff gave this promise for himself, and Mr. Browne then told Mr. Shurtleff that he would exact the same promise from Mr. LORIMER, which he did at their first meeting thereafter, according to the testimony of Mr. Browne. Senator KENYON inquired: "Then when did you exact it from Mr. LORIMER?"

Mr. BROWNE. Just as soon as I had any conversation with him in regard to the matter, which was shortly after I saw Mr. Shurtleff—very shortly, because the conferences relative to that campaign commenced to take place in those rooms very shortly after my telling Mr. Shurtleff what I would do.

We are now at the point where the deadlock had continued for four months, and the legislature would soon adjourn without choosing a United States Senator unless a compromise candidate could be agreed upon.

LORIMER BECOMES A CANDIDATE.

I have examined all the evidence bearing upon political conditions affecting the election of a United States Senator, and down to the 10th or 12th of May, practically four months after the first ballot was taken, and within two weeks of his election,

I can find no instance in which Mr. LORIMER wavered in his refusal to become a candidate. It was not until it became perfectly evident to every observing person that the legislature would take an adjournment without the election of a United States Senator unless he would consent to become a compromise candidate, that he even considered the proposition. No one testified that he had been a candidate, or that he had indicated by word or action up to that point that he would become a candidate. On the contrary, it appears in the evidence over and over again that he had persistently refused to entertain any suggestion of the kind. But when the crisis was reached, and it appeared that Illinois would be represented by only one Senator, he faced a responsibility, and urged by gentlemen from every wing of the Republican Party, he instituted inquiries to ascertain the real situation. He absolutely refused to publicly announce his candidacy, or to permit his name to be presented to the legislature, until he could be assured that his election would follow without a contest. He never intended to go before that legislature as a candidate with any doubt about his election. He did not care enough about it. He had become potential in the House of Representatives in connection with the great project to connect the Lakes and the Gulf by a deep waterway, and was beginning to see the successful accomplishment of that gigantic undertaking to which he had devoted large sums of money and long years of hard work, and he doubted much whether in this body he would possess the same power and influence with which he was loath to part. At that time he understood and believed that Gov. Deneen was supporting him. He was acting under the advice of three members of the governor's military family. He was sending them and others to Gov. Deneen to inquire of him in relation to the matter, and while he had no personal assurance from Gov. Deneen that he was then supporting him, he had been strongly urged by the governor to enter the lists, and from interviews between his supporters and Gov. Deneen and because of the friendship that had been renewed between them during the conferences covering a period of four months, he was led to believe, and did fully believe, that Gov. Deneen would favor his election. He discovered nothing to the contrary until the Sunday night before the Wednesday upon which day the election occurred, when he heard in the city of Chicago that the governor was not for him; he returned at once to Springfield and in response to inquiries among his friends learned that such was the fact.

Now, what were the peculiar and controlling conditions existing at that time in and about the General Assembly of the State of Illinois? Mr. Hopkins had been defeated in the primaries in Cook County and also in his home county of Kane. George W. Alschuler, whom I have already mentioned, a resident of his home city, a Democrat, had been elected to the house, his avowed object in taking the election being to defeat the reelection of Mr. Hopkins to the United States Senate. He had exerted himself days and nights during the entire session to accomplish this purpose. Col. CORLEY, now a Member of Congress from Mr. Hopkins's district, a Republican, was opposed to him. All testified that they did not know a Democrat to whom Mr. Hopkins was not offensive politically. He had carried the primaries by a small plurality, but the testimony shows there was a strong impression existing that he did not intend to abide by the result of the primaries, had he then been defeated. Whether there was any foundation for that impression I do not know, but that was the talk in Springfield. At that time Gov. Deneen was actively opposing Mr. Hopkins, though not openly. Speaker Shurtleff was consistently supporting Mr. Foss and was known to be opposed to Mr. Hopkins. Gov. Yates was opposed to both Hopkins and Deneen.

The feeling of Gov. Yates toward Gov. Deneen had, as before stated, been extreme. When it came to his knowledge that Mr. LORIMER was conferring with Gov. Deneen, offering his support for the Senatorship, he was displeased, and he testifies that he wrote to Mr. LORIMER from Florida, between February 15 and April 8, saying in substance:

I see by the papers that you and your friends have definitely determined to support Gov. Deneen for United States Senator.

You and your friends may have it in your power to do this; but after you have done it, and it is all settled, I want you to do me the favor to call Mr. Deneen aside and tell him that you have one friend who says that he is a liar still, and I am the man.

All this indicates the disruption of Republican Party harmony which was evident everywhere.

The Democrats, as I have said, were the bitter opponents of Mr. Hopkins, and they knew they could not elect their candidate—Mr. Stringer. No one considered that a possibility.

I am coming to the question of Mr. Stringer's attitude and standing as Democratic candidate for the United States Senate, before that legislature. It is an interesting subject, and I wish there were more Senators present in the Chamber to hear it discussed, because it will throw a flood of light on the situation as it existed when Mr. LORIMER consented to become a candidate.

Mr. President, I shall now take up the question of the conditions existing in the legislature of Illinois at the time Mr. LORIMER authorized a canvas to be made to ascertain his strength.

NO HOPE FOR THE DEMOCRATIC CANDIDATE.

I have already called attention to the fact that the Democrats were bitter in their opposition to the reelection of Senator Hopkins. They knew that they could not elect the Democratic candidate designated by their primaries, Mr. Stringer, who is a high-minded, candid man and one of the fairest witnesses I have ever seen upon the stand. On the other hand they lived in fear lest there be brought about a union of forces which might result in Mr. Hopkins's election, and they were willing to do almost anything to prevent such a result. To that end they were willing to vote for some other Republican who might be elected. I suppose that they were governed by the same consideration that has controlled the opposition in many State legislatures under similar circumstances.

I recall the fact that when I was elected to this body for the first time after a sharp contest, more than one-half of the Democrats in the Vermont Legislature—having become convinced that they could not elect their own candidate—voted for me, because as between the two Republicans they preferred me. My colleague [Mr. PAGE] received every Democratic vote at his last election by the Vermont Legislature. My friend, a member of this committee, the Senator from Tennessee [Mr. LEA], received, at his election, a large number of Republican votes, because they preferred him to some other Democrat as a Senator from that State. Such incidents are not unusual among the States of the Union.

REMARKABLE STATEMENT BY DEMOCRATIC CANDIDATE FOR SENATOR.

The conditions in the Illinois Legislature at that time were not only peculiar but most astonishing. Mr. Stringer, in his testimony, tells a sad story of his desertion by the members of his own party in that body. I think I never heard of a condition in political life more pathetic in its nature than that of Mr. Stringer as a candidate of the Democratic Party before the Illinois Legislature. In his testimony he reveals the hopelessness of his cause when he says:

As I have said before, I was not in the confidence of any of those who were managing affairs at that time. I barely had an acquaintance with Mr. Shurtleff, and I had no conversation whatever with him. I do not think I talked with Mr. Browne more than three times during the entire contest, and those conversations were very brief.

This reference was to Mr. Browne, the Democratic leader of the house, and Mr. Stringer testified that during the entire contest he did not have more than three conversations with him.

Senator KERN asked:

Why did you have no conversation with him?

Mr. STRINGER. I did not think that Mr. Browne's theory of the Democratic position was the correct theory.

Senator KERN. What was his theory?

Mr. STRINGER. I judged that his notion was to cast the Democratic vote for some Republican with a view, as I understood it, of disrupting the Republican organization. I could not see, however, where the election of any Republican whoever he was, was going to disrupt the Republican organization, when they were in a deadlock from which they could not extricate themselves except by Democratic assistance.

Senator KERN. Did you ever talk with him about that policy of his?

Mr. STRINGER. No, sir; I never did, Senator. Mr. Browne did not confer with me at any time during the contest. While my relations with him had been friendly, yet I did not feel at liberty to talk with him.

Think of it, Mr. President, he, the primary candidate of the Democratic Party, and Mr. Browne the leader of that party in the house, yet Browne never conferred with him during the entire session, nor did he feel at liberty to seek conferences with Mr. Browne.

Senator KERN. Why not?

Mr. STRINGER. I did not feel that he was looking at the matter of policy as I looked at it.

Senator JONES. You did not try to convert him to your theory?

Mr. STRINGER. No; I did not. Senator, because Mr. Browne is a man of very positive convictions, and if he arrives at certain convictions it is almost useless to endeavor to argue a proposition with him.

Senator JONES. You understood that he had reached definite conclusions in regard to that matter?

Mr. STRINGER. I judged that he had; yes.

Senator KERN. Before the election of Senator LORIMER?

Mr. STRINGER. Yes.

* * * * * * *

Senator GAMBLE. Do you think his views were well known to members of the legislature?

And what I am about to read shows that this was determined as a policy early in the session, early in the history of the deadlock.

Mr. STRINGER. I do not know as to that. I felt this way, Senator, that he was the leader of a large number of Democratic members, that they had a great deal of admiration for him and would do just about as he said. This demoralization in the vote took place along about the middle of February, in which they would give complimentary votes to one another.

Within a month, and it was nearer than that, as I shall show later on. Mr. Stringer says:

This demoralization in the vote took place along about the middle of February, in which they would give complimentary votes to one another and to various Democrats throughout the State, and it seemed to me that he was not desirous of keeping up the party organization. I felt that way about it. Consequently I did not feel at liberty to talk with him, and he did not come to me and talk with me or consult with me. Occasionally I would hear him on the floor suggest to different members: "We will give So-and-so a complimentary vote to-day." He would do that without any consultation with me; and, of course, not giving me his confidence, I did not feel at liberty to go to him.

Is it to be wondered at that he closed his headquarters, as he did, just about a month after that contest began? He had headquarters at the beginning—the candidate of the Democratic Party—yet within a month he closed such headquarters and never reopened them.

Mr. KERN. Did he not remain there until the very last, begging the Democrats to vote for him?

Mr. DILLINGHAM. Three days in a week.

Mr. KERN. Begging them to stand in line?

Mr. DILLINGHAM. Yes; but he had no headquarters.

Mr. KERN. And pointing out certain conditions in Washington?

Mr. DILLINGHAM. He lived 30 miles from Springfield. He held a government office by appointment of Gov. Deneen. His duties were in that city; he went there to attend to them, but he went home nights. He did go to the Democrats and beg them to vote for him, but he never had the hearty support of Lee O'Neil Browne nor any other Democratic leader. Even the representative of the Democratic national committee only went there once, as I remember. Am I right about that?

Mr. KERN. I do not know. He was there more than once; once to prevent reported sales of Democratic votes for Hopkins, and he told them to stand by the nominee.

Mr. DILLINGHAM. I do not recall any other instance when he asked the Democrats to stand by the nominee.

Mr. KERN. He was there frequently during the session.

Mr. DILLINGHAM. Again Mr. Stringer testifies:

I was making an uphill fight for about two months, and I was making a fight substantially all alone; and I was discouraged all along the line. Still, I felt that I could not afford to let go for my own sake, if for no other reason.

The CHAIRMAN. There seemed to your mind to be no cohesive power in the Democratic Party as represented in the legislature?

Mr. STRINGER. No. There is not very much cohesiveness in the Democratic Party in the State of Illinois, as a general proposition.

The situation was one which had been determined, as it seems, from the very beginning of the session. Mr. Stringer says:

I should say, Mr. Healy, that almost from the beginning there was more or less discussion of the question of Democrats going over and voting for some Republican. Personally, I was opposed to any sort of a bipartisan alliance, even looking to the election of a Republican speaker, and I do not know any particular time at which the matter was first brought up. It was discussed generally all during the session.

The truth is that the time had come, it was past the middle of May, when the members of that general assembly were consumed by a desire to go home. A great portion of them were farmers. They receive an annual salary for their services, so that a long session diminishes their revenue. Toward the end of the session it is probable that Mr. LORIMER would have had the support of the Democrats at any time when he would have consented to become a candidate for Senator. Probably the same is true of Mr. Shurtleff. The only question to be determined was whether Mr. LORIMER would receive enough Republican votes. Mr. Stringer discusses the situation in his testimony as follows. Senator GAMBLE makes this inquiry:

I mean the general result. It did not come as a surprise to you?

Mr. STRINGER. No; I could not say that it did. I expected Mr. LORIMER to be elected that week. In fact, I thought he would be elected on the 25th. It was current rumor that he would be elected on the morning of the 25th.

Senator GAMBLE. And that a sufficient number of Democrats would vote for him to "put him over"?

Mr. STRINGER. A sufficient number of Democrats and Republicans. The question still seemed to be whether or not there would be a sufficient number of Republicans. For four or five days it was substantially conceded that there would be about 53 Democrats.

There is the authority of the Democratic candidate that for four or five days it had been conceded that 53 Democrats would vote for him.

Senator GAMBLE. But the question was whether he would have a sufficient number of Republicans?

Mr. STRINGER. Whether he would have a sufficient number of Republicans.

Senator GAMBLE. With the 53 Democrats, to elect him?

Mr. STRINGER. Yes, sir.

Senator GAMBLE. That was the point. That is all.

Senator KENYON came in at that point with this inquiry:

You say it was conceded for four or five days before his election that he would have 53 Democrats?

Mr. STRINGER. That seemed to be the general understanding, Senator; yes.

Senator KENYON. It was not just sprung the day of the election, then?

Mr. STRINGER. Oh, no. I think I heard, four or five days before, that there would be in the neighborhood of 45 or 50 Democrats that would support Mr. LORIMER. I heard that frequently.

He was inquired of further, and in answer to Mr. Hanecy's questions testified as follows:

Mr. HANECY. And I think you said yesterday, and probably again this morning, that it was understood about 10 days or 2 weeks before Mr. LORIMER was elected United States Senator that he could be elected at any time by Democratic votes?

Mr. STRINGER. Yes; that was the general understanding.

Mr. HANECY. And there was no secret about that at all, was there, at any time within two weeks or so before his election?

Mr. STRINGER. Oh, I think it was the general understanding that Mr. LORIMER could possibly get enough Democratic votes to elect him.

And he adds:

I think everybody was expecting it.

I think that a proper understanding of the actual conditions thus described by Mr. Stringer as existing in that body would warrant such a conclusion.

WHAT THE ROLL CALLS DISCLOSE.

How about Mr. Stringer's vote in the general assembly? Bear the fact in mind that during all the time that Mr. Stringer was before that body as the candidate of the people of Illinois of the Democratic faith he never had the serious consideration of his party in that general assembly. On January 20, the first day of the joint session of the two bodies of that legislature, two Democrats dropped away from him on the fifth roll call. On January 21, the second day the joint assembly voted, 20 Democrats dropped away from him.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. Certainly.

Mr. KERN. Is it not true that that was in spite of the fact that during the primary Mr. Stringer had carried every precinct in the State of Illinois and had been unanimously indorsed for the nomination by the Democratic State convention?

Mr. DILLINGHAM. I think so. He was the candidate of the Democratic Party.

Mr. KERN. How do you account, then, for the faithlessness of those men so early in the session?

Mr. DILLINGHAM. I do not account for it. I account simply for the fact which existed in that legislature at that time, at a time when everybody supposed that Mr. Hopkins was going to be elected Senator.

On the 27th, the third day, 16 Democrats went wandering, not loyal to the candidate of the party in that body.

At the end of three weeks—on February 10—Mr. Stringer had only 53 votes of his party, and 23 had been cast for some other person. Take the period from February 10 to March 10—a full month—and his average vote was 41, with 35 wanderers. In the meantime, as I have already said, Mr. Stringer had become discouraged, had closed his headquarters, had taken his keeper away, and went home nights, 30 miles away, only returning to attend to his official duties, and, as my friend from Indiana has suggested, occasionally to beg some Democrat to vote for him.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont further yield to the Senator from Indiana?

Mr. DILLINGHAM. I do.

Mr. KERN. I submit to the Senator from Vermont that it is hardly a fair statement that Mr. Stringer occasionally begged some Democrat to vote for him.

Mr. DILLINGHAM. I shall be very glad to be corrected by the Senator from Indiana.

Mr. KERN. I understand his testimony to be that at the end of the session, while he had closed his headquarters, he was there pointing out conditions at Washington and begging Democrats to remain true to him, and he gave his reasons why he did that.

Mr. DILLINGHAM. I accept the Senator's statement. Perhaps I ought not to have said "occasionally." He was there on certain days of the week. I do not think he was there every day, because he went home nights, 30 miles away. But he was standing there as a candidate and claiming that he ought to have the support of the party. He admitted that he did plead

and that he did argue with individual members of his party, but that, nevertheless, the party never did stand by him through that lengthy period. And yet there is not a word of evidence that, up to that time and down to May 10 or 12, Mr. LORIMER had ever been mentioned, with his consent, as a candidate for the senatorship.

What were the conditions in the legislature when Mr. LORIMER determined to become a candidate? I think that the forty-ninth vote was taken on March 24. On that day Mr. Stringer had 23 votes, and 45 votes were cast for Mr. A. J. Graham, another Democrat. These were some of the many complimentary votes to which Mr. Stringer referred. On the fifty-third ballot Mr. Stringer received 26 votes, and 41 votes were cast for Mr. McGoorty. On the fifty-second ballot he received 22 votes, and 43 votes were cast for H. E. Shaw, another Democrat. On the fifty-fourth ballot Mr. Stringer received 27 votes, and 40 Democratic votes went to E. J. Rainey. On the fifty-sixth ballot he received 23 votes, and there were 35 votes cast for J. J. Mitchell. On the fifty-eighth ballot Mr. Stringer received 28 votes, and 32 votes were cast for J. M. Dailey.

Coming down to March 25—the sixty-first ballot, midway of the period of the deadlock—Mr. Stringer received on that sixty-first ballot 15 votes, while 49 votes were cast for J. T. Murray. On April 8, on the sixty-eighth ballot, he received 21 votes, and 37 votes were cast for P. J. Lucey. On the seventy-sixth ballot, April 27, Mr. Stringer received 21 votes, and 47 votes were cast for William Loeffer. On the eighty-second ballot, on May 6, about a week before Mr. LORIMER concluded to ascertain the situation, Mr. Stringer received 17 votes, and 42 Democratic votes went to George A. Cook.

These figures are eloquent of the fact that the Democratic Party in that general assembly was in just the condition described by Mr. Stringer. There was no hope whatever of his election, and those who should have supported him were idly frittering away their strength casting complimentary votes, and simply waiting for a time when a union could be made which would result in the election of some Republican who was less objectionable to them than Senator Hopkins.

Under the conditions which I have last described, Mr. President, on the 12th of May, or about that time, Mr. LORIMER, as he says, reluctantly consented to become a candidate, provided that enough votes could be brought to light to satisfy him that he could be elected without a contest. He and his friends began to look around to ascertain if that could be done. The testimony of Mr. Shurtleff, of Mr. Browne, of Mr. LORIMER, and of others is that they were inquiring of the different members of the legislature in both houses to learn what could be done; that they met in the speaker's room evenings; that Mr. Browne was there; that Mr. LORIMER came in; that the speaker was there—there is no question about that—and that reports were made about how men stood. Eventually, on the 26th of May, Mr. LORIMER was elected, as everybody knows.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Indiana?

Mr. DILLINGHAM. I do.

Mr. KERN. If it be true that there were this number of Democrats who were willing to vote for Mr. LORIMER all the time—that is, during the last two or three weeks—why was it necessary for Mr. Lee O'Neil Browne t pursue the activities testified to by him? Why should he do that if the Democrats were for LORIMER? Browne testified that he went out; that they held meetings, a dozen conferences in a night, going out to ascertain how certain Democrats were, and coming back and reporting; going backward and forward night after night. My question is, If the Democrats were already for LORIMER before that time, why were those activities of Lee O'Neil Browne necessary at all?

Mr. DILLINGHAM. Mr. President, I was speaking of the general condition existing among the Democrats in that legislature before their attention was directed to Mr. LORIMER, for it had not been directed to him until the time of the announcement. I say the conditions in that legislature, as shown by subsequent events, were such that the Democratic members were ready to go to Mr. LORIMER, and I think they would have gone to Mr. Shurtleff if he had become a candidate. It became necessary, in order to meet the condition laid down by Mr. Browne, that he would not support Mr. LORIMER unless he was satisfied that he could be elected, and to meet the condition laid down by Mr. LORIMER that he would not be a candidate unless he could be assured that he could be elected without a contest on the first ballot—to ascertain these facts.

There is no question about that. Mr. LORIMER says he began to look around to see how many votes he could get; his friends began to look around; and there was a general looking around. When he left the city, at the end of the week before the election, he was satisfied that he would have sufficient votes, and he had no manner of question about that fact until he heard the rumor, when in Chicago, the Sunday night before the election, that Gov. Deneen was not for him. He returned to Springfield to make further inquiries, and he let one vote be taken on the 25th of May without permitting his name to be used. After that vote was declared he was satisfied that Gov. Deneen could not turn his friends away from him, and on May 26 he allowed his name to go before the legislature, and he received the election.

OPINIONS OF PROMINENT DEMOCRATS.

Mr. Homer E. Shaw, a prominent Democrat of the house, is a banker, a man of whom everyone thinks well, and as a legislator a consistent supporter of Mr. Stringer. He did not believe it was good policy for the Democratic Party to break away from its candidate and vote for any Republican. He therefore organized a club for the avowed purpose of holding the Democratic Party together and to secure its united support for the Democratic candidate. He testifies that after two or three days' effort on the part of himself and his associates he found it impossible to hold the Democrats together; that the Chicago Democrats were extremely friendly to Senator LORIMER; that their personal friendship for Mr. LORIMER was stronger than their party fealty and affiliations, and that he knew from the start that Mr. LORIMER was the most formidable candidate who could come before the legislature.

The evidence clearly establishes a situation in the general assembly relative to the election of a United States Senator which had no dependence whatever on corruption of any kind. This conviction was expressed in the testimony of witnesses like Mr. Isley and Mr. Tippit, to the effect that no Republican in the State stood as high in the estimation of the Democratic Party as did Mr. LORIMER. Mr. Isley, an attorney, a Democrat, testifies to that effect, and Mr. Tippit, who was leader of one of the Democratic factions in the legislature, and for six terms a member of the General Assembly of Illinois, said:

> My understanding is that three-fourths, probably, of the Democratic State central committee favored the election of Mr. LORIMER to the United States Senate. I think that is true.

In the State of Illinois bipartisan combinations are common. They grow out of the constitution of Illinois, which provides for a representation of the minority in the legislature. For instance, from every senatorial district three representatives are elected to the house. Every person entitled to the franchise has three votes. The individual may cast all three of his votes for one of the three candidates, or he may cast two votes for one candidate and one for a second candidate; he may divide his votes or mass them, as I have suggested. The result is that if it is a Republican district the Democrats will mass their votes on one man and in that way secure a Democratic representative. Thus they are certain of a minority representation in the legislature. The possibilities of the system naturally bring about bipartisan arrangements between Republicans and Democrats in the various elections. These combinations are common, and you will find multiplied instances of them in every Illinois election, because of the differing conditions in different districts.

MR. LORIMER'S STANDING WITH THE PEOPLE.

Couple the foregoing conditions with the fact that Mr. LORIMER had become a leading figure and justly popular with thinking people in both political parties because of his able and enthusiastic leadership in the colossal scheme to connect the Great Lakes with the Gulf of Mexico by a waterway for ships—a scheme to the accomplishment of which he had devoted years of effort—until, as Gov. Deneen expressed it, he had become a "power" in the political circles of the State. Occupying that exalted position, he refused even to consider becoming a candidate for the Senate until forced to do so if Illinois was to be represented by two Republican Senators from that State in this body.

When Mr. LORIMER entered Congress the Chicago Drainage and Ship Canal was in process of construction. It is one of the most remarkable waterways in the world. When in Chicago last autumn I traveled from Chicago to Lockport on that canal, and was profoundly impressed by what I observed. It has a depth of 26 feet, and I was told by the engineer who accompanied us that, aside from the Panama Canal, it is the largest waterway construction of its kind in the world.

The scheme of extending that canal and using the water of the Great Lakes in connection with others to establish a ship canal to the Mississippi River, and thus connect the commerce of the Lakes with that of the Gulf of Mexico, giving an outlet to the great Mississippi Valley, is one which had been agitated for many years, but had never been seriously undertaken until

the burden was assumed by Mr. LORIMER. Look at his record in connection with this magnificent scheme. As early as the year 1900 Mr. LORIMER induced the trustees of the drainage ship canal to give a banquet to Congress to discuss the deep-waterway proposition and thus give it national standing. On the 16th day of March, 1900, that banquet was given at the Raleigh Hotel in Washington, and was attended by substantially two-thirds of the Senators and Representatives in Congress. The entire evening was given to the discussion of this great project. The present Senator from Ohio [Mr. BURTON], at that time chairman of the Committee on Rivers and Harbors of the House of Representatives, was present and called a special meeting of that committee for the following evening. The following day Mr. LORIMER introduced a joint resolution for the appropriation of $200,000 for surveys from St. Louis to Lockport. That joint resolution was reported favorably by the committee, the survey was made, and the Engineer Corps of the War Department reported to Congress that it was feasible to construct a 14-foot channel at a cost of $31,000,000.

To arouse public sentiment on the matter Mr. LORIMER, at his own expense, constructed a launch in which he journeyed, traveling only by daylight, from Chicago to New Orleans. He stopped at every hamlet, village, town, and city throughout the entire distance. He took on friends at every stopping place, using them as speakers at the next, and then excusing them to take on others, repeating this process the entire distance. He held meetings at every place, large and small, and everywhere organized Lakes to the Gulf deep waterway associations. An organization of the same character among Members of Congress was also perfected by him, of which he became president and Hon. HENRY T. RAINEY became secretary.

In 1906 a great convention was held at St. Louis, consisting of 1,100 delegates, brought together as the result of this work.

In October, 1907, another great convention was held at Memphis, at which were present 3,000 delegates, among them being found 50 Members of Congress and 18 governors of States in the Mississippi Valley and the President of the United States. In 1908 another and a still larger convention was held in Chicago to encourage this great work, and its success was contributed to by the attendance of President Taft and Mr. Bryan.

After the favorable report of the Engineer Corps an appropriation of $5,000,000, to extend the drainage canal to Lake Joliet, was refused, it having been urged in debate in Congress that the Illinois Members were interested in getting money enough to improve the water-power reach of the channel, but that having done that they would have little interest in the waterway to the Gulf; that what they wanted was to develop power to yield to the State of Illinois a revenue of $3,000,000 annually for rentals.

At that stage of the proceedings Mr. LORIMER proposed to Speaker Shurtleff and others the adoption of an amendment to the constitution of Illinois providing for the expenditure of some $20,000,000 in that cause as an evidence of the sincerity and good faith of the people of that State. That amendment was submitted to the people and was carried by an overwhelming majority. Before that was done, however, Senator LORIMER, as the testimony shows, spoke in every part of the State of Illinois, exhibiting maps, charts, surveys, as well as estimates of engineers, advocating the proposition in season and out of season. He formed associations throughout the State, composed alike of Democrats and Republicans, to carry on the work. Nothing of a political nature entered into the movement; it was a question which challenged the attention of all the people of the State; they became interested in it; they approved it and wanted it; and the constitutional amendment was adopted by a majority greater than was ever given by the people of that State for any other measure.

On the 6th day of January, 1909, the very day the legislature which elected Mr. LORIMER to the Senate was organized, he, here in Washington, introduced a bill to provide for obtaining lands and other property necessary for the construction, repair, and preservation of certain public works in the interest of commerce and navigation on St. Marys River, Mich., and an appropriation was made therefor during that session, its purpose being to control the waters coming into the Great Lakes through that river, such control to be utilized in connection with the establishment of the deep waterway between the Great Lakes and the Gulf.

Mr. President, I have called attention to these facts to show the power and influence which Mr. LORIMER had attained in his legislative experience and some of the elements of strength possessed by him at the time of his election, and to account for the general trend of public sentiment in the Legislature of Illinois toward him, thus bringing to view conditions which have never been understood in the Senate of the United States.

ELECTION OF SENATOR LORIMER.

On the 26th day of May, 1909, Mr. LORIMER'S name was allowed to go before the general assembly and he was elected a Senator of the United States from the State of Illinois, receiving 55 Republican and 53 Democratic votes. On the next day the Chicago Tribune published an editorial, from which the following is taken as bearing upon then existing conditions in the legislature:

> The Illinois senatorial contest is over and the result needs no extended discussion. The Tribune can not approve it, but without regard to the personality of the new Senator elect. It does not think the result is right in view of the expressions of the voters at the primary last August. The Tribune has considered that the primary election ought to be held conclusive. It accepted the result of the primary and thereafter supported the candidate whom it had not originally indorsed. For the outcome some of the more ardent friends of the direct-primary law are largely responsible, and it does not alter the situation that some of the best Republicans in the legislature have voted for the newly elected Senator.
>
> That he has been elected largely by Democratic votes does not in itself disturb the Tribune. The Tribune will usually welcome the support of Democratic votes for Republican candidates, whether voting for a Republican Senator or a Republican President. The discontent of this paper relates to the Republican legislators and Republican leaders who have seen fit to ignore the results of a primary that ought fairly and justly to have been held binding.

NO CLAIM OF BRIBERY OR CORRUPTION WAS MADE BY ANYONE—THE ELECTION WAS REGARDED AS THE NATURAL OUTCOME OF A DEADLOCK WHICH HAD COVERED A PERIOD OF FOUR MONTHS.

Having traced the history of the election of Mr. LORIMER to its completion, I need only add that Senator LORIMER appeared in this body, bearing unquestioned credentials, took the oath of office, and served for a whole year.

THE BREAKING OF THE STORM.

On the morning of April 30, 1910, nearly a year after Mr. LORIMER entered the Senate, there appeared in the Chicago Tribune a story purporting to have been written by Charles A. White, which involved two propositions; first, the existence of a condition of corruption in the Illinois Legislature in the form of a jack pot made up of contributions from corporations interested in pending legislation, to be distributed among certain members of the general assembly, the purpose being to control legislation in which such corporations were interested, and having no reference whatever to the senatorial election; secondly, a specific charge that his, White's, vote for Senator LORIMER was the result of a definite agreement entered into by him with Mr. Lee O'Neil Browne on the night of May 24, 1909, that in consideration of $1,000 to be paid him by Browne he would vote for WILLIAM LORIMER.

On the 28th of May, 1910, Senator LORIMER addressed the Senate, denied White's story in every detail, charged a conspiracy against himself, and offered a resolution providing for an investigation of the circumstances connected with his election. The matter was referred to the Committee on Privileges and Elections, which acted through a subcommittee over which the then chairman of the committee, Senator Burrows, presided. The subcommittee made a report stating that after seeing, observing, and hearing Mr. White as a witness and taking into consideration other evidence bearing on the question of the truthfulness or the falsity of the testimony that he gave, it was the opinion of six out of seven of such subcommittee that no credence should be given to his testimony tending to establish bribery. In that report the full committee, with two exceptions, concurred. The case was exhaustively debated in the Senate, and on March 1, 1911, Senator LORIMER'S right to retain his seat in the United States Senate was established.

It will be remembered that the Burrows committee in its report to the Senate stated that if the money paid to Mr. White came from any fund it must have been from a jack-pot fund, but that it had nothing whatever to do with Mr. LORIMER'S election. That committee felt that it had no authority to investigate the character of that fund, and therefore this body was without any of the information which naturally would come from an investigation of that nature.

After Mr. LORIMER'S right to retain his seat in the Senate had been determined it appears that a committee of the Illinois Senate, which has been called the "Helm committee," began its sittings in Springfield, and it compelled the attendance as a witness of Mr. Kohlsaat, of the Chicago Record-Herald, who just previous to that time had published an editorial in which he inquired "Do we know all there is to be known concerning the $100,000 fund that was raised to pay for LORIMER'S votes?" and required him to testify as to the subject matter to which that editorial referred. He utterly refused to impart the source of his information, saying that it had come to him in confidence, and while he had faith in it himself he was not at liberty to disclose it. It resulted in the committee taking a recess for a week in order to give him time to consider. It was very evident that the committee intended to enforce its authority and

to compel Mr. Kohlsaat to testify, and the public press announced that he was facing imprisonment should he continue in contempt of the committee's authority.

FIRST INTIMATION OF ANY CORRUPTION FUND.

As a result of this situation, Clarence S. Funk, general manager of the International Harvester Co., the person from whom he had received that information and whose name up to that time and for more than a year he had concealed, came forward and announced that he was the author of the statement. Mr. Funk appeared before that committee and testified, and this was the very first definite suggestion even that ever came to the public of any specific fund that could have been used to promote the election of Mr. LORIMER, and this was the first intimation the Senate had concerning such a fund.

The testimony given by Mr. Funk before the Helm committee, as reported by that committee to this body, was as follows:

That in the latter part of the month of May, 1909, or the early part of the month of June, 1909, and shortly after the election of WILLIAM LORIMER to the United States Senate, he had a conversation in the city of Chicago with Edward Hines, of the Edward Hines Lumber Co., in which conversation Mr. Hines informed him that, with others, he had succeeded in electing Mr. LORIMER to the United States Senate at a cost to him and the other unnamed persons of about $100,000.

That the money so used had to be raised quickly and without any opportunity to consult persons who might have been willing to contribute to such election, and that he, said Hines, was then engaged in seeing people who might be willing to reimburse and pay back the said sum of $100,000, and that in pursuance of such purpose he sought Mr. Funk with a request that the company of which Mr. Funk was general manager should contribute $10,000 toward the reimbursement of the advancement theretofore made by Mr. Hines and his unknown associates, with the added direction that said contribution should be sent to Edward Tilden, at Chicago.

ACTION OF THE SENATE.

The newspapers teemed with accounts of the testimony given by Mr. Funk before the Helm committee, and on the day following Senator LA FOLLETTE introduced a resolution into this body providing for a new investigation of the case.

The press of the country, as I have said, gave great publicity to Mr. Funk's testimony before the Helm committee, and in support of his resolution Senator LA FOLLETTE made an address occupying parts of several days, exhibiting an interest in this matter which was honorable to himself and to the credit of the body in which he served, showing an earnest desire to go to the very bottom of the question and to ascertain the fundamental facts. In the resolution which he offered he referred to this newly discovered evidence which had appeared through the public press.

Other resolutions were introduced, but the debate in the Senate related more to the question of the composition of the committee than otherwise, and a resolution was adopted which committed the investigation to the committee of which I have the honor to be the chairman.

The ground upon which the case was reopened, as stated by all of the resolutions and by almost every speaker, was that of newly discovered evidence, the story of Mr. Funk being its subject matter, coupled with the request of the Illinois Senate that this body take further action. I was of the opinion that the case ought to be reopened upon the grounds mentioned, that the Senate had authority to reopen the case, whatever one might think of the doctrine of res adjudicata and its application to cases of this character. I had in my mind, and in the few remarks which I then made I cited, the du Pont case, in which the report of the committee was drawn by the late Senator HOAR of Massachusetts. In it he said:

We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or error or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or fact which is involved.

THE PRECISE QUESTIONS TO BE INVESTIGATED.

The resolution which was finally adopted by the Senate contained two specific provisions. The precise question submitted to the committee for investigation was whether in the election of WILLIAM LORIMER as a Senator of the United States from Illinois there were used and employed corrupt methods and practices. The committee was further and specially instructed to inquire fully into and report upon the sources and use of the alleged jack-pot fund, or any other fund, in its relation and effect, if any, upon the election of WILLIAM LORIMER to the Senate.

Under the instructions contained in this resolution this committee spent in taking testimony alone 102 days. The evidence submitted to the Senate covers between eight and nine thousand printed pages; the time consumed in the consideration of this evidence has been so great as to become a burden to those who drew the report. Those who have done the committee the honor to read its report have found there recorded the salient facts of the case, with a reference to the record where evidence bearing upon each question may be found, as well as the opinions of the committee founded thereon. In the views of the minority, also presented to the Senate, further light and suggestion is to be found.

But to aid the Senate in coming to a correct solution of the questions involved I have thought it best to review a little more in detail some of the more essential features of the case and to call attention to some of the more important testimony.

THE JACK POT.

It may be best, in the first instance, to take up this question of the jack pot, which has excited so much interest, and ascertain what the evidence discloses in respect of its existence and its uses.

The Senate will appreciate, I think, the difficulty of securing evidence of the existence of a jack pot; that is, by any direct testimony, because men who contribute to such a corruption fund are loath to testify, and men who have been participants in it will not willingly disclose the facts. The committee has been compelled to receive more or less of hearsay testimony, and to treat it for what it is worth in the light of the surrounding circumstances. When we called as witnesses men whom we supposed might have more knowledge of the subject than others, because of their interest in the question and their efforts to ascertain the truth as to the alleged existence of such a fund, there was a pretty general consensus of opinion among them that for many years such jack pots had been formed in the Illinois Legislature. Many members of that body in 1909 testified that they had never heard the question discussed; others that while it had been discussed, it was in a joking way; that, if a man changed his vote on any question, or if a bill passed or failed to pass, some one would ask, "What was in it?" or make other inquiry of that character; but there were thoughtful witnesses who testified to gossip and common report to the effect that in previous legislatures and in the legislature of 1909 corruption had been practiced either to secure or to retard legislation.

Mr. Hinman, editor of the Chicago Inter Ocean, testified that, while having no personal knowledge on the subject, it was a matter of common report, and that in his opinion and belief, there had been a jack pot in every legislature since he had lived in Illinois, a period of 12 years, and that common report connected the liquor interests with the jack pot.

Mr. Keeley, manager and editor of the Chicago Tribune, testified that he heard charges that there were jack pots; that various bills were "hold-up" bills; that money had been paid or solicited before their passage; that the liquor interests had contributed to it; that it was a matter of common gossip, but not of knowledge, and that, in his experience of 20 years in the newspaper business, it had been common gossip, but apparently incapable of proof.

Mr. Kohlsaat, editor of the Chicago Record-Herald, testified that it was the general impression that a jack pot had been an established institution in the Legislature of Illinois for years, although he had no definite knowledge on the subject.

The speaker of the house, Mr. Shurtleff, in his testimony, states that during his service in the legislature he heard many statements regarding corruption, some of which he thinks were seriously made and others in a jocular way; but, to be more specific, he says that in the spring of 1909 he was invited to a dinner by certain gentlemen from different parts of the country who were connected with railroads at which the subject of railroad legislation was discussed, and a protest made against the nature of bills that were introduced in the legislature, and they sought his cooperation, as speaker in the assembly of 1909, against bills and proposed legislation which they deemed radical. He does not remember the language used, but says that he absorbed the idea that in years back the railroads had felt that they had been blackmailed or compelled to pay tribute, and that the dinner was by way of a declaration of independence from such legislation, and to ask his assistance in the effort they were making to protect themselves against being held up and blackmailed. No particular bill was discussed and no specific instance alleged.

Gov. Deneen had become very much interested in this question of a jack pot, and in one of the political campaigns since Mr. LORIMER's election had made that a topic of discussion in some parts of the State. He testified in substance that there is a general understanding that the jack pots began in 1897 and have continued ever since. Concerning the existence of jack pots he did not profess to have any personal knowledge or to be

able to state any definite facts, but he testified that it is the general understanding in Illinois that money is paid; that it accumulates in the hands of several men; and is distributed according to the judgment of the men who control it.

He further testified that he did not know upon what principle the pot was distributed, but assumed that the men who gather the fund, certain leaders, have the determining power as to how it shall be done. He testified that he had heard that railroads had contributed for years to protect themselves against legislation. He also mentioned gas companies, or the gas company of Chicago; also electric-light companies, the liquor interests, stock-yard companies, and elevator companies; and he thought that the Pullman Co. and the street-car companies have contributed; that such is the general rumor; that he does not know that it is based on facts at all; that he never made an investigation; and that he has no power or facility to do that—and yet that was his judgment, standing in the intimate relation to the legislature compelled by his duties.

Gov. Deneen became more specific in his allegations as the testimony went on, and testified that in the forty-sixth general assembly, that of 1909—the assembly which elected Mr. LORIMER to this body, railroad presidents from different parts of the country asked him to meet them, saying that bills were being presented that went to the length of confiscation of their property, and that under the Federal laws their books were examined to such an extent that they could not do what they were going to be asked to do, even if they wanted to; the implication being that their books, under the Federal law, were so examined that they could not make contributions to the Illinois Legislature, even if they wanted to do it, without discovery; that they were against such practices, except in self-defense, when men held them up at the point of a gun.

The governor testified that he told them that the only way to do would be to call in the leading men, to have them go down to Springfield in such numbers as to overcome the influence of the other men, and that they said they intended to make a stand against the practice, and that they would cease to be held up by them.

Gov. Deneen further testified that, according to the newspapers, they sent a thousand men down there at one time; that they were greatly excited about the matter, and appealed to him for aid. Further testifying, the governor said that the implication was that the railroads had been previously held up and that they took that method of defeating legislation instead of contributing to a jack pot.

From this evidence the committee found that the term "jack pot" as used by the people of Illinois and by the newspapers of that State referred to a supposed fund created by contributions of persons and corporations for the purpose either to secure or defeat pending or proposed legislation; such fund to be corruptly used for one of those purposes and divided, ordinarily, a considerable time after the adjournment of the legislature. So, without having any direct positive proof of the existence of this jack pot and nothing except what could be gathered from the circumstantial evidence adduced, but which satisfies me, personally, as to the existence of specific jack pots, the committee could only report that a general belief existed among many classes of people in Illinois that corruption funds, which had recently come to be known as "jack pots," have been more or less common in connection with the legislature of that State. As I have said before, personally I am fully convinced of that fact from the circumstances which have come to my attention.

THE JACK POT OF 1909.

This brings us to the question of whether there was a jack pot in the legislature of 1909, which elected a United States Senator. This is not only confessed, but it is asserted by men who know. Three members of that legislature have been before investigating committees and before courts—Mr. White, Mr. Link, and Mr. Beckemeyer. Link is dead, but his testimony has been preserved. There is, as has been suggested by my friend the Senator from Indiana [Mr. KERN] in his speech the other day, reason to suspect that a considerable number in addition to those named were participants in this fund, but there is no satisfactory evidence of that fact. In the case of these three men, however, there can be no doubt about it, because of their own confessions and their own actions.

Before we go further let me state who Mr. White is. He is a young man. When he came to the legislature he was 28 years of age. He had been in various employments until he became a street car conductor at O'Fallon, Ill., and the largest wage he had ever received was $65 a month. In the preceding legislature he had been a "legislative representative," as he called himself, of certain labor organizations. He was a young, bright, and energetic fellow; he had made himself popular in labor circles; they had sent him to Springfield in 1907 as their representative to look after legislation there; and he was allowed $6 a day and his expenses, as against $65 a month, which he had received as a conductor.

He spent that session without profit to himself. The evidence all shows that he fell into dissipation and all manner of excesses. He came in contact with men whose influence upon him was such that his mind was filled with the thought of securing money without labor.

At the end of that session he returned to O'Fallon, but was not happy working for $65 a month. He interested himself at once in local politics, and through the influence of his labor organizations he secured an election to the General Assembly of Illinois which convened in January, 1909.

Link and Beckemeyer, whom I have mentioned, were also members of that legislature. Each one of these three received from the jack pot of that year $1,900. How did they receive it? Each one of them received $1,000 from Lee O'Neil Browne; each one of them received $900 from one Robert E. Wilson. The money came from the same source, and must have belonged to a common fund, and the nature of that fund must determine the controversy in this case. If that was an ordinary jack-pot fund that had been raised to control legislation, contributed to by parties who were interested in specific measures, either to retard or to give impulse to the passage of the same, it was the jack-pot fund to which the governor and the speaker referred in their testimony, which, after the close of the session, was divided among those who had been faithful followers of the leaders who had collected such fund. On the other hand, if that fund was raised to elect WILLIAM LORIMER, then the case is altogether a different one; and that is the question to which the attention of the Senate should be directed. And I want to call attention to the fact that nowhere in the record, from beginning to end, can there be found a word of testimony indicating that the fund from which these payments were made, either in its origin or application, had anything to do with the election of WILLIAM LORIMER to the Senate of the United States.

Charles A. White is the only witness who makes the charge that any money was raised or paid to anyone for voting for WILLIAM LORIMER. He says that Lee O'Neil Browne, when he paid him that thousand dollars, paid it to him because he had promised on the night of May 24, 1909, to vote for WILLIAM LORIMER, but even he admits that the $900 that came from Wilson was jack-pot money.

There you have from the chief witness in this case the admission of the existence of a jack pot in that legislature, a legislative jack pot, a corruption fund to control legislation. White admits it, and says the $900 came from that fund.

On the other hand, Link and Beckemeyer admitting that they, like White, got the $1,000 and the $900, both say it had nothing to do with WILLIAM LORIMER, but was all jack-pot money; a fact which I will demonstrate before I complete these remarks. And I want to say to Senators that when they determine this case they will be compelled to do so upon the claim made by White, that on the night of May 24 he was bribed by Lee O'Neil Browne to vote for Mr. LORIMER in consideration of $1,000, to be paid him in consideration of such vote. The case stands or falls upon the truth or falsity of his statement.

When the Senate comes to face the question in the light of all the record contains, it will be forced to determine whether, upon the testimony of Charles A. White, they will blast a fellow Senator's reputation and deprive the State of Illinois of the services of one whom its legislature has elected to this body.

What kind of a man was White? He had drawn in about seven weeks, and had spent his entire salary, mileage, and stationery allowance, amounting to $2,132. He admits that during the session he had communicated to Mr. Browne his embarrassed circumstances; he was a spendthrift; he was given to dissipation; and he says that Browne had said if things worked out all right he thought White would be able to make a little side money out of the session, as he did. He admitted that $900 of it was from that fund, and I will demonstrate that the whole amount, $1,900, was also from that fund.

When and how was this money paid? White was so hard up that he went to Browne before the legislature adjourned in order to get help, and he received $100 from him before he left Springfield.

Then White went to Chicago and received the balance of the thousand dollars, $50 on the evening of June 16, and $850 on the following morning, June 17. Now, what follows? On June 21, four days later, Mr. Browne went to St. Louis, out of the State, and there paid $1,000 each to Beckemeyer and Link. White was not present on this occasion, he having been paid the same amount as the other men who say it was jack-

pot money and that it had nothing to do with the election of Senator LORIMER.

A few weeks later, and on July 15, at the suggestion of Browne and Wilson—when you speak of one you must speak of the other, because they were acting fully in concert—all of these parties, including White, went to St. Louis, and there they were paid $800 apiece by Wilson.

Now, then, if there is any fact in the world that can be firmly established it is that these three men stood upon the same plane; that they were paid precisely the same sums of money by precisely the same persons and at substantially the same time. Link and Beckemeyer not only confess, but assert it was jack-pot money, and White admits that $800 of it was from that fund. It was a common fund and equally divided among these men.

Through whom did it come? I have already said that it came through Lee O'Neil Browne, the leader of the Democratic minority. Who Mr. Browne is will more fully appear as the discussion proceeds.

Now, then, how was this fund raised? Who were its contributors? The committee received little light on that subject. It is not easy to say how men are influenced in a legislature. The corruptionist does not confess his crime. He who receives the corrupt fund does not confess his guilt. But here is a suggestive incident taken from the testimony of Mr. Hull, who was a follower of Gov. Deneen. He is a bright man, a lawyer, and from Chicago. He referred to a bill introduced into the legislature to prevent brewers from having an interest in saloons which dealt in their products. That bill was considered by the committee on licenses and was favorably reported to the legislature—it was a unanimous report. He described how vigorously and earnestly the measure was supported; how the bill was urged on to its second reading in the afternoon of a certain day. It appeared as though it would be rushed to a third reading and to the question of its passage with the greatest possible speed. It received its second reading and went to the calendar. Mr. Hull suspected that the urgent support of the bill would have accomplished its purpose and that the bill would be allowed to die. In the evening he discovered it was not called up for a third reading by those who had previously pushed it so vigorously, so he arranged with the speaker to do so, and himself called it up for a third reading. What was the result? What was the vote on it? The committee, composed of 24 members, had unanimously reported the bill. On the question of its third reading only 2 of the 24 voted in favor of it, while 14 members of the committee voted against it. Eight were absent or not voting.

What was the inference? The inference was that after the bill had reached its second reading, having been pushed to that point with vigor, the matter was "arranged." It is surmised that this bill may have been one of the sources of the jack pot of 1909. That is as far as the committee could go in securing evidence in connection with that measure, but the facts already stated are eloquent in and of themselves; and if corruption existed in connection with liquor legislation, what can be expected in connection with other classes of legislation coming before that body?

White, in his jack-pot story, tells of a trip taken by him upon the Lakes in the following summer with Lee O'Neil Browne and others friends, while he was living a life of dissipation; that Browne stated to him at that time that had it not been for the veto of a certain bill by the governor at the close of that session there would have been $35,000 more paid into the legislative jack pot. He did not know what bill it was. This came to the attention of Mr. Keeley, of the Chicago Tribune, when he first read the White story. He went to Gov. Deneen for counsel. That circumstance was mentioned, and the governor thought he identified it as Senate bill No. 280, known as the "corporation bill," a measure which proposed to revolutionize a policy of Illinois, which had been in existence for 50 years, limiting the powers of corporations to absorb one another. By the terms of this measure any corporation might own stock in another corporation and might organize, as Gov. Deneen expressed it, as a barber shop and proceed to run a railroad. I will have more to say about this in another connection as we proceed. Its only bearing at this point is to indicate one of the ways in which jack pots are supposed to have been created.

WHITE'S STORY IS A FABRICATION.

Charles A. White's present story of having been bribed by the payment of a thousand dollars to vote for Mr. LORIMER is a fabrication to carry out the purposes of a corrupt mind. The evidence is conclusive upon this point.

Why did he invent this story?

His experience as a lobbyist the year before had opened his eyes to what was going on. He was a man of corrupt instincts. As I have said, up to that time he had been a street car conductor at $65 a month; in 1907 a legislative agent at $6 per day and expenses, and during that session he lived at a first-class hotel and fell into habits of extravagance and of dissipation. We have the testimony of William M. Rossell, secretary of the legislative committee of the Chicago Federation of Labor and vice president of No. 208, International Association of Machinists, who had been appointed by Gov. Deneen on a committee to investigate and prepare a bill for the health, comfort, and protection of employees in factories. He testified to a wild scheme that White had suggested to him, to the effect that they secure pictures of members of that legislature under compromising circumstances, give public entertainments about the State, one of them exhibiting the pictures and the other delivering a lecture regarding them, out of which, according to White's plan, they would make a "barrel of money." Whatever importance may be attached to that testimony, it simply indicates the character of White's mind and the direction in which it was running.

He went home and says that he heard one Pratt, a man connected with labor organizations, make a statement, in which he said that he had accepted a bribe of $5,000 and had used it himself, spent it for his own purposes. His justification of the act was that he had disclosed the fact to his associates; there was nothing wrong in taking it; that he had not done it secretly; that he had not been influenced by it, but he was boasting of it to his associates, and it was very evident that that story inspired White.

White was elected to the legislature of 1909, and he admits that he went to Springfield with such a purpose in view. Listen to his own statements:

Mr. WHITE. I did not say I had made the statement that I would accept bribes.

The CHAIRMAN. What was in your mind?

Mr. WHITE. That was in my mind when I did it; yes, sir; that I would.

Think of the character of that man's mind. In his testimony before this committee he attempted to justify boodling upon the ground that when bribes were given they were given by what he called "the interests"—I suppose he refers to corrupt interests—and he justified such action on his part on the ground that the money having come from such sources he had a perfect right to take it, because he could put it into circulation where it would do the common people some good. These are the morals of the man upon whose testimony you must depend if Senator LORIMER is to be turned out of this body.

What was the relation between Mr. Browne and Mr. White? Mr. Browne, as soon as he was elected to the legislature, was a candidate for minority leader. White was a new member with a definite purpose. The senatorship was not a question. There was not a man in Illinois at that time who did not believe that one of the three candidates voted for in the primaries—that is to say, Mr. Hopkins, Mr. Foss, and Mr. Mason—would be elected, and the suggestion of Mr. LORIMER's name was not made until nearly six months after Mr. Browne announced his candidacy and began canvass for the position of minority leader. The acquaintance between Browne and White began on the 20th of November, 1908, when Mr. Browne wrote Mr. White, addressing him as "Dear sir and fellow Democrat," congratulating him upon his election and announcing his candidacy and asking for White's support. In this letter he uses this language.

If I am honored by your support, I can assure you that that support will be appreciated sincerely and that you will find me ever ready to meet you fully along friendship's lines. If elected leader, I will do all in my power to be a leader for the good of the minority and its individual membership. I shall have the best interests and the record of that minority constantly at heart.

Then in a postscript he suggests a meeting at St. Louis at the Southern Hotel, Friday, November 27:

I shall be there at that time, and hope you will make it a point and find it possible to meet me and the others. I believe it to be somewhat important.

On the following day White received a letter from M. S. Link, whom I have mentioned. He had served in a previous legislature. He congratulates Mr. White upon his election to the house of representatives and says:

I think Lee O'Neil Browne, of Ottawa, will be chosen Democratic leader, and a worthy one he will make; and, my friend, I assure you that it is far better to be with the majority than on the outside. Take my advice and be for him.

November 23 Mr. White wrote to Mr. Browne saying that he has received several letters from members who desire to become the leader on the Democratic side, "but have not pledged myself to the support of anyone." The evidence does not show that there was a large number aspiring to that position. Mr. Tippit was a candidate. Mr. White continues:

I am inclined to believe you would make a worthy leader, because I think you have the ability and firmness that such position requires.

I will try and see you at the Southern Hotel, St. Louis, Friday, and have a talk with you.

Between November 23 and December 3, 1908, they held the meeting at St. Louis.

December 23 Browne called his supporters to Chicago for a conference, and he wrote White:

I am especially desirous and anxious to see you at my headquarters and have a talk with you the first thing Monday morning and before the meeting. I believe it to be important to both of us.

December 28 White thought so, too, and he was in Chicago at Mr. Browne's banquet, which was given at the Sherman House to his supporters.

December 31 Mr. Browne wrote to Mr. White urging White to be at the preliminary caucus of his supporters at 3 o'clock p. m., January 5, 1909; and in his letter of January 1 to Mr. White he says:

I hope you will find it possible to be at Springfield early Monday, or, better still, Sunday some time. While we have the other crowd beaten forty ways, as you saw clearly at Chicago on Monday, at the same time we must not let up for a minute. I shall rely on such good, solid friends as yourself and others like you to keep up the good work. All the members will get in Monday, and I would like to have you there and meet them and interview all the new members who are not with me. Try to get there early. My best regards to you, old man. We will win in a walk.

Then, in his postscript he suggested:

P. S. Have you sent for your transportation as yet?

Chicago & Alton, write to president Chicago & Alton Railroad, Railway Exchange Building, Chicago, Ill.

Illinois Central, write John G. Dieman, general counsel, Park Row, Chicago, Ill.

Wabash Railroad Co., write Col. Wells H. Blodgett, general counsel, St. Louis, Mo.

Pullman passes, write Hon. John H. Runnels, general counsel Pullman Parlor Car Co., Pullman Building, Chicago, Ill., for one-half dozen sets Pullman passes, and return, good 60 days.

More later, as soon as lists are made out.

I read these letters simply to show you these two men were being drawn together, Browne as leader and Mr. White as follower. After reaching Chicago White signed a written agreement to support Mr. Browne for minority leader, and he says he did it without objection. The caucus was held and Mr. Browne was nominated, but Mr. Tippit, who had also been a candidate, refused to stand by that action, and he organized a faction of his own containing 26 men, and thereafter during the session Browne and Tippit were leaders of different factions of the Democratic Party.

Mr. White's mental attitude is indicated by the fact that he testifies that the Illinois Southern Railroad Co. sent its attorney to him with a pass, asking him to vote against a certain specific bill—Senate 313—a bill that provided for making findings of fact by juries final, but he says that Browne advocated the bill and, although he had accepted the pass, he voted for it. Mr. White is not a modest man in his demands. Nobody, I think, who has heard him or has read his testimony, will conceive for a moment that he is. We find that early in the session in a letter without date he wrote to Mr. Browne, saying:

I herewith inclose you a list of the committees that I would like to be appointed on.

Here is the list of committees:

(1) Appropriations, (2) corporations, (3) deep waterways, (4) manufactures, (5) mines and mining, (6) penal and reformatory institutions, (7) railroads, (8) insurance, (9) to visit penal and reformatory institutions.

He was a man who did business on his own initiative. During that session Mr. Curran, chairman of the committee on labor, says that Mr. White requested him to hold up the women's 10-hour bill, which White, as a member of that committee, had agreed to have reported favorably; they had considerable discussion over it, and when Mr. Curran refused to hold it up, Mr. White said, "I thought you were a 'good fellow.'" What did he mean by that expression "good fellow"? Mr. Curran thought that he knew what he meant, although White made no explanation at that time; but we find that when White had prepared his story of the jack pot he told his counsel, Mr. Webb, to whom he submitted the manuscript to ascertain if he was making himself criminally liable, that he got $900 as a member of the "good-fellow gang." There is his own interpretation of that term, admitting, as he does, that it came from the jack-pot fund.

Mr. Doyle, who was inspector of boilers on the Wabash Road, went to Springfield to oppose certain provisions of several railroad bills, representing both the employees in certain departments of the railroads and the railroads themselves in that connection. He says that coming across the rotunda of the State House he met Mr. White.

Mr. HANECY. Charles A. White?

Mr. DOYLE. Yes, sir. He said to me, "How is railroad legislation coming on?" I said, "All right." He said, "You fellows are the damnest cheapest bunch I ever saw. How do you expect us fellows to live around here: on wind?" I said, "I do not know. I have not got a dollar to give you or to cite you to where you could get any. I am surprised at you making that statement, elected as you were." Somebody stepped up, and the conversation ended there.

White followed it up the next day, as the following testimony of Mr. Doyle indicates:

It was, if I am correct, the next afternoon. I was on the Democratic side, in the lobby there, and he came along and said, "You fellows had better get busy. You are not out of the woods yet." I said, "We are busy." I did not want to get into any argument with him, and walked away.

Mr. HANECY. You said that when you met Charlie White you said to him you did not have any money and could not give him any, and did not know where he could get it.

Mr. DOYLE. Yes, sir.

Mr. HANECY. Or that in substance?

Mr. DOYLE. Yes, sir.

This is one of the incidents cropping out in evidence, indicating White's corrupt mind and his manner of approaching those representing different interests in that legislature.

Another significant circumstance occurs to me. The session had advanced to May 31. It was after the election of Senator LORIMER, which occurred on May 26. Mr. Browne wrote to Mr. White May 31, 1909:

It has been determined for everybody to be here for roll call on Thursday morning next. We will have to have a full house at that time in order to close up the business of the session and bring about a sine die adjournment. It can not be accomplished without a full attendance. Please be here for Thursday morning roll call.

It struck me as peculiar that the legislature could not adjourn without having a full house, but it occurred to me also that there is evidence in the case—the evidence of Gov. Deneen and others, which I dislike exceedingly to take the time of the Senate to read, but which may indicate why it was necessary to have a full house. He states that a large number of bills—800 to 1,300—are introduced during a session, and that they have about 60 committees to which the bills are referred.

The majority elect a speaker and the minority agree upon a leader. The speaker and the minority leader arrange for the appointment of the committees and their chairmen. Then the committees meet and begin their work. Gov. Deneen says:

The bills that are introduced to regulate corporations—they are all regulated out there—are introduced and receive about the same consideration. They get through one house and get up to the second reading in the second house—the lower house usually, because they are more numerous in number—and the struggle then begins to get those bills to action and to prevent action. At that time the date of adjournment is fixed by joint resolution, and they pass most of the legislation. For instance, in one of the legislatures that has been in session since I have been governor they passed about 235 or 240 bills. About 20 or 25 of those were passed the second day preceding the adjournment, and all the rest of them were passed in the last two days.

There, Mr. President, is the opportunity that has been suggested, when the work can be done. It is at a particular stage in the legislature. When time and circumstances combine to make possible "hold ups" of corporations which are interested in pending legislation and thus secure contributions to the jack-pot fund.

On February 26 I find that Mr. Browne was writing to Mr. White as one of his followers. He says:

The senate reapportionment bill will in all probability be sent across from the senate to the house on Monday next, and will be up for consideration in the house next week. For which reason, in addition to several other reasons, I believe it important that each member should be present on Tuesday morning next.

On March 5 he was writing to him at O'Fallon, saying:

I believe that it is absolutely necessary for you, as well as the rest of our fellows, to be present in the house next Tuesday morning when the session opens. Please be there without fail at that time.

I have read these letters to show that Mr. White was a follower of and on best terms with Mr. Browne, minority leader of that house, and that they sustained close relations.

HOW THE JACK-POT MONEY WAS PAID.

White left there June 5 or 6. June 7 he wrote to Browne.

Before leaving Springfield he had received $100 from Mr. Browne. There is no copy of the letter that he wrote to Mr. Browne after getting away, but he testifies:

At that time I had those offices, as I told you here some time ago, in East St. Louis, and they had practically drained all of my financial resources. I wrote Mr. Browne a letter, I think, asking him for some advice upon the question of my continuing that office and made a request of him that he give me the other money as soon as possible.

That is the unpaid portion coming to him of the thousand dollars that was to be paid to each of these men. He received a letter June 9 from Mr. Browne, which is quite long and full of meaningless expressions; but in it he uses this expression:

I would hardly know what to say to you without seeing you personally. In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you some time within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to and suggest anything that may be appropriate and proper. You know where I stand, old man, and that I will go my length for you. Should you find it necessary to see me before the end of the next two weeks you had better arrange to come to Chicago and meet me there.

Later on in the letter he says:

I want you to feel and realize that I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you at any time.

Mr. REED. What is the date of that letter?

Mr. DILLINGHAM. The date of that letter is June 9.

Four days later Browne wrote to White at the Briggs House, Chicago, saying:

FRIEND CHARLES: Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But, Charlie, I will be in Chicago Tuesday or Wednesday sure (this is under your hat, though, for I do not want to be bothered by every job hunter in Chicago). If you can wait, I'll do my best to see you. I'll be at the Briggs when there.

Three days later, June 16 and 17, White was in Chicago and met Browne at the Briggs House, and in the evening Browne gave him $50 in money and the next morning he paid him $850, which, with the $100 paid him in Springfield, made the thousand dollars which he says he received from Browne; and this was only four days before Browne went to St. Louis and paid the same amount to the other men. It was a common fund which he was dividing. White was simply one of the participants.

Mr. REED. I dislike to interrupt the Senator, but I should like to have him answer another question.

Mr. DILLINGHAM. Certainly.

Mr. REED. Is it conceded that Browne did pay this sum of money—a thousand dollars—to White?

Mr. DILLINGHAM. Absolutely; and he paid a like sum to three or four others; probably more.

Mr. REED. And that was a corruption fund of some kind?

Mr. DILLINGHAM. That is what I think.

Mr. REED. Now, is it not true that Senator LORIMER contributed $10,000 to the defense of this man Browne who, you admit, and who the record clearly shows, had been guilty of corruption?

Mr. DILLINGHAM. He did; and I will explain the circumstance. I will do it very fully and be very glad to do it——

Mr. REED. Very well; I shall be pleased to hear the explanation.

Mr. DILLINGHAM. That question came up at the first meeting between the State's attorney, Mr. Wayman, and the manager of the Chicago Tribune, Mr. James Keeley, before the Tribune bought the story from Charles A. White. At that time Mr. Wayman told Mr. Keeley that White's story was only a 20 per cent story at best, and he also told him that Mr. LORIMER would be obliged to defend any man charged with receiving money because of his vote for him for United States Senator, because the Tribune fight was against Mr. LORIMER and not against the corruption in the Illinois Legislature. I think I would have done the same had I been in Senator LORIMER's place. If the same combination had been working to convict a man, and through that man to charge me wrongfully with having been the beneficiary of corruption, I would spend all my money in an effort to destroy such a conspiracy.

Mr. REED. And to clear a man who had been guilty of corrupting the legislature?

Mr. DILLINGHAM. No, sir; not at all. I do not say anything about Lee O'Neil Browne in connection with legislative corruption.

I am not standing here to defend him. But when an attempt is made to connect that fund with Senator LORIMER's election I stand here to deny the right to do it on the evidence and record in this case. They have failed in the courts of Illinois to do it. Every time the question has been decided, where the principles of law and justice could be applied; where the tryers acted in a judicial capacity upon their convictions and upon knowledge, an acquittal has followed.

Mr. REED. Oh, yes; and also the reelection of Mr. Browne; and the Senator stands here and admits they are guilty of the grossest corruption. I want to say this. I think the Senator did not mean to say that he would in any way under any circumstances have put himself in the position of defending that sort of a man. I can not imagine the Senator doing that.

Mr. DILLINGHAM. If I found that in a case like this men had been paid money corruptly for their action in the legislature, knowing that it had nothing whatever to do with me, and it was attempted by a combination of political enemies to make it appear that it was money that I had furnished or that my friends had furnished for my election, and the issue was to be tried in the court, one man having been charged as the agent through which it was claimed it was done, I would have defended him to the extent of my means and my power. That is just what I mean.

Mr. REED. If the Senator will pardon me, does not the Senator think that it would be more pertinent to defend himself instead of standing to defend, if not a self-confessed, at least a clearly guilty rogue?

Mr. DILLINGHAM. That is just precisely what Senator LORIMER was doing. It was self-defense, and nothing but self-defense.

Returning to the question under discussion, when Mr. White tells about taking that thousand dollars from Lee O'Neil Browne he gives himself away in the statement he makes, and I want the Senate to give attention to the fact. He shows that it was a part of this general corruption fund to control legislation. Continuing his testimony, he says:

During this conversation he said that some of the Chicago members wanted to handle the Chicago end of it, but that he was going to handle it himself.

What is the "Chicago end" of a case of bribery between Browne and White? I wish somebody would tell me.

During this conversation he said that some of the Chicago members wanted to handle the Chicago end of it, but that he was going to handle it himself.

What does it mean? It means the fund from which that thousand dollars came.

He went on to say that a little later on, about the 15th of July, he would be able to give me that much or a little more.

To what did it relate? To the $900 that was paid him on the 15th of July; and that was a part of the same fund that he was receiving at that time.

He told me that he expected to be in St. Louis in a few days and meet these members from southern Illinois and give them their money.

It was all one fund, Mr. President. There were Chicago parties; there were those he was to meet at St. Louis. He had just paid White $1,000. "Next month I will pay you $900 more." It was all one fund. It had nothing to do with LORIMER, and I want Senators to understand, if they are to sit here and vote according to their oath of office and on the evidence in this case and as they would act if sitting in a court of justice, that they have no evidence but the uncorroborated story of Charles A. White upon which to unseat Mr. LORIMER; and he, in this very story, fully admits that he was one of several who was sharing in a fund which had no connection with Mr. LORIMER's election.

White adds:

I requested him to let me know when he was down there, and I told him I would come over and meet him. He did not do it, though.

Of course he did not. There was no occasion to notify White to meet him in St. Louis when Browne went there to make the first distribution to the others, because White, who was hard up and had been importuning him for money, had received his thousand dollars, his first distributive share of the fund, in advance.

He proceeds:

Mr. MARBLE. Was anything else said?

Mr. WHITE. Yes. He said that he ought to have more out of it than the other members.

More out of what? The thousand dollars that he was to pay White for voting for LORIMER? Consider the nonsensical character of such a claim. That he ought to have more out of it than anyone else because he had assumed a greater risk. Of what was he talking? He was talking about this common corruption fund that he was distributing. Such language would not have been employed in regard to a transaction confined to two individuals.

Then Browne added, after having said "that he ought to have more out of it than the other members"—

"You couldn't tell some of the members that." He said that he took a greater chance than some of the members. I think he suggested at that time that the governor had vetoed a bill that there had been $35,000 put up to secure the passage of.

But I am coming to that later.

Charles A. White absolutely admits that the thousand dollars he received was a part of the fund to which reference has been made and which was being distributed in different sections, and not to anything else.

What are the facts? Browne did meet the others on June 21 at St. Louis and paid them a thousand dollars apiece. Wilson did meet them on the 15th of July, as it had been suggested by Browne, and paid them $900 apiece. White was there and was one of them, and never has denied that it was jack-pot money.

What did he mean by "the Chicago end of it"? The Chicago end of what? The evidence does not disclose; we do not know; we can only imagine. Yet Browne was saying that about July he could give him about as much more money. He did give it to White. He admits it and says it was jack-pot money.

This is just exactly what Mr. Keeley, the editor of the Chicago Tribune, understood when he had read that story of White's and was considering the purchase of it. It came into his possession on the 11th day of March, and on the 16th day of March Mr. Keeley sought counsel from his friend, Gov. Deneen, bringing him from Springfield to Chicago in response to his request by telephone for that purpose. Mr. Hanecy asked Mr. Deneen this question:

What, then, was said, except that Keeley told you that he had a story of that kind?

Keeley had not bought the story; he was trying to find out whether the venue of any prosecution for bribery would be in Chicago, in Cook County, or whether it would be elsewhere. The value of that story to him depended almost wholly on whether the case would be tried in Chicago or whether it must be done at Springfield. The Tribune is published in Chicago.

Gov. Deneen testifies regarding his interview with Editor Keeley:

He outlined in a general way the character of it; that money was put in a jack pot; that men were voting and receiving money for it; that they were voting; that they did not know for which ballot they were receiving money; that the leaders would not tell them; that they voted for bills that they supposed had money in them when there was not, and the reverse.

In other words, they followed their leaders in the legislature.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Vermont yield to the Senator from Iowa?

Mr. DILLINGHAM. I do.

Mr. CUMMINS. The Senator believes, I think, that Mr. White was one of Mr. Browne's followers, and that he voted according to Mr. Browne's wishes.

Mr. DILLINGHAM. I will show that later.

Mr. CUMMINS. What was it that made Mr. White one of Mr. Browne's followers?

Mr. DILLINGHAM. That is a story which I will tell before I get through, for I intend to tell the whole story.

Mr. CUMMINS. I understand from what the Senator has just stated that the money that was paid by Mr. Browne to Mr. White was at least one of the considerations for the leadership which Mr. White recognized on the part of Mr. Browne.

Mr. DILLINGHAM. If the Senator will permit me, I will tell him just what my thought is about that and what I think the testimony tends to establish. I think that in the house of representatives of 1909 there was much antagonism between the two factions, the Browne and Tippit factions, but that each became more cohesive as a faction as time went on, until it came at last to a point where each followed, almost without question, the leader in legislative matters.

I do not find from the evidence anything tending to show any corrupt bargain between Mr. Browne and any one of those men, except that one remark of Mr. White's, where he told Browne how hard up he was and he promised that if things worked out all right he thought he would be able to make a little side money out of the session. I think it is just the way Mr. Wayman put it after he talked with these men in the grand-jury room; that they trusted their leaders without a word having been spoken between them, expecting after the legislature was over and everything had passed by that if "there was anything in it," as some of them expressed it, it would be divided fairly.

Mr. CUMMINS. That is the precise point to which I desire to call the attention of the Senate and the Senator from Vermont. Mr. Browne established a leadership. He was unable to maintain it without paying his followers, and he did pay for their implicit obedience to his wishes. Mr. Browne voted for Mr. LORIMER, and because Mr. Browne voted for him Mr. White voted for Mr. LORIMER.

Mr. DILLINGHAM. The evidence does not show that. I am coming to that in a moment, if the Senator will give me time.

Mr. CUMMINS. I was wondering whether the Senator differentiated between the vote Mr. White cast for Mr. LORIMER——

Mr. DILLINGHAM. I say that emphatically and I will make it clear.

Mr. CUMMINS. And the vote that he cast for the other measures following Mr. Browne. I never have been able to see that if he was——

Mr. DILLINGHAM. If the Senator will be patient I think I will demonstrate it to him before I get through.

Mr. CUMMINS. That if he was paid for following Browne, and if in following him he voted for Mr. LORIMER, and if enough men to change the result were like Mr. White in that respect and followed Mr. Browne for money, and following him voted for Mr. LORIMER, I never have been able to see how we could escape the conclusion that the election was secured through improper means.

Mr. DILLINGHAM. If the Senator will sit patiently by——

Mr. CUMMINS. I will.

Mr. DILLINGHAM. And my strength holds out and the weather does not overcome me, I will try to differentiate along the lines the Senator has suggested and tell just how the evidence appears to me. I am trying to help the Senate get at the truth of this matter. While I have met Mr. LORIMER a great many times since this hearing began, I have never spent 30 minutes with him in my life. I hold no brief for him; I hold no brief for the Senate; I stand here as the chairman of a committee; and I am trying to place before the Senate what I believe the truth to be in relation to this matter. I will try to treat it fairly, and when I come to that point I will try to elucidate it, so that the Senator will see at least what my thought is about it.

Mr. President, when interrupted I was speaking of the jack pot and demonstrating that the $1,000 paid White was not paid in consideration that he vote for LORIMER. He admits it over and over again. Note the following:

Senator JONES. Did Mr. Browne ever indicate to you how much he had distributed——

Mr. WHITE. No, sir.

Senator JONES. Out of the jack-pot fund, or to whom he had distributed it except yourself?

Mr. WHITE. No, sir; I stated—he might have stated——

Senator JONES. I do not want what he might have said.

Mr. WHITE. Well, as I remember it, he did state at one time that he had treated all his fellows alike—new members and old—all the fellows alike in that respect.

He had been just to the new men as well as to the old. It was the common fund that he was distributing.

Mr. White admits that he followed Mr. Browne generally. Here is his testimony on that point:

Mr. MARBLE. With whom did you affiliate and work during that session of the legislature?

Mr. WHITE. I was one of the Browne supporters. I recognized Browne as the leader. They had had trouble there in their organization. Mr. Tippit organized a body of men, of 26 or 27, in what was known as the Tippit faction. They withdrew from the leadership of Mr. Browne, and I remained with the leadership of Mr. Browne.

* * * * * * *

Mr. MARBLE. Were you governed in your vote upon any measure by his direction, or advice, or leadership?

Mr. WHITE. Well, not in every instance. I pursued Mr. Browne upon matters I was not thoroughly familiar with. I followed him along those lines somewhat, but then on other questions I did not vote with him.

Mr. MARBLE. How did you determine what your vote should be upon questions where you felt you had no knowledge of your own?

Mr. WHITE. I usually followed and voted with Mr. Browne and the other members from the rank and file of labor. Mr. Morris was the secretary-treasurer of the Illinois State Federation of Labor, and his vote came before mine.

When this combination was formed it was simply, in my judgment, a continuance of the old system, concerning which Gov. Deneen and others testified. Mr. LORIMER's candidacy at that time had not been thought of. Everyone expected that Mr. Hopkins would be elected, or, if not, that Mr. Foss would be elected. They had not at that time begun to consider the possibility of any other candidate, nor to talk about any other candidate; and Mr. LORIMER long after that, three months after that, even when it was urged upon him, was declaring that he did not want the office of Senator, as he preferred to remain in the House; in fact, Mr. LORIMER was never mentioned in connection with the senatorship so that it got into any newspaper until May 14, four months after the organization of that house, when the announcement was made in the Chicago Tribune correspondence that his name was being suggested. He testifies that it was about the 12th of May that he began to tell his friends that, if he could have the nomination without a contest, perhaps he would take it; but during that entire session not a suggestion looking to his election was made, and, however corrupt the legislature may have been, no one dreamed of attaching fraud to Mr. LORIMER's election.

It was not until he had been in the Senate a year that this man White came out with his story. The Tribune publication was based entirely upon White's story, and that having been disproved by his own statements, as well as those of his associates who, like him, received $1,900 from the jack pot, the Senate, as I said before, is left to stand on White's declaration alone that $1,000 was paid to him as bribe money for voting for Mr. LORIMER.

There is the evidence just as it would go to a jury. That man White's mind is so corrupt that he can not think straight. Although he knew that he had voted for Senator LORIMER without corruption, he was fearful that some one might have received something in which he had not shared, and the very day after the election he went to Mr. Curran, the chairman of the committee on labor, with whom he served, and the man whom he had approached corruptly, but unsuccessfully, to ascertain if anything had been paid for Lorimer votes. He explained his inquiry by the remark that he did not want to be "double-crossed." This clearly indicates that he had received nothing for voting for Mr. LORIMER the day before, and he was wondering if others had. In other words, if he had been "double-crossed."

WHITE FULLY INTENDED TO VOTE FOR LORIMER.

Now, let us go a step further. Charles A. White fully intended to vote for Mr. LORIMER. He was advised to do so. He did do so. Mr. John O'Neill, a friend of his and business agent of the Firemen's Association, who represented the Chicago Federation of Labor before the forty-sixth general assembly in 1909, and who became acquainted with White during that time,

testified that in conversation with White, about a week before the election, he expressed the wish that they might break the deadlock because all their legislation was tied up by it. White said he thought it would not last much longer and inquired:

Who do you think will be the man?

To which Mr. O'Neill replied:

I do not know; but, if you ask me, Charlie, as a Democrat, I will tell you what I think. If I was a Democrat and a member of the house, knowing Mr. LORIMER as I do, and from what I hear of Senator Hopkins, I certainly would not hesitate in voting for LORIMER, if there is not any possible chance of electing a Democrat.

White then asked him if he knew Mr. LORIMER very well, and he replied:

I have known him pretty nearly all my life.

White said:

A great many of the boys seem to think the same of him, and I would not be surprised if a great many of them will vote for him—meaning the Democratic members.

For more than a week prior to the election of Mr. LORIMER, and before his alleged interview with Browne, it had been the intention of White to vote for Mr. LORIMER if an opportunity to do so occurred, as is shown by other evidence.

Mr. LORIMER testifies that about 8 or 10 days before he was elected he met White in the house of representatives, and White voluntered the statement that he was going to vote for him. White said to Mr. LORIMER that he understood he was going to be a candidate, and said that if he was he would vote for him. Mr. LORIMER stated, in that connection, that 95 per cent of the street car men in Chicago always voted for him, because of the fact that he had been one of them, and he received the impression that White intended to vote for him for the same reason.

We have further testimony of his purpose which is absolutely convincing. It comes from Homer E. Shaw, a Democrat, a banker at Dement, Ill. Mr. Shaw is a man of sterling character and an estimable citizen. He was chairman of an organization of Democrats in the house, which he originated for the purpose of holding their forces together in sufficient numbers to make impossible the election of Mr. LORIMER. His word can not be doubted. He did not dislike Mr. LORIMER personally. His only objection to his election was that he was of opposite political faith, and Mr. Shaw believed in standing by his own party, and considered it bad political policy not to do so.

He thought—quoting his language—

It was a very bad idea for any Democrat to vote for a Republican for Senator.

The result was that Mr. Shaw organized this committee to work just as diligently as possible to bring the Democrats together and to hold them together and to prevent the election of a Republican. He is a high-minded man, whom any Senator upon this floor would be bound to believe if he heard him testify; and he testified from the attitude of a Democrat who was opposed to the election of Senator LORIMER. What does he say?

He says that three or four days, or possibly a week, before the election of Mr. LORIMER Mr. White made to him the assertion "that he would vote for BILL LORIMER if he got a chance"; and Mr. Shaw says:

I told him that I thought it would be a very unwise thing for him to do, that he was a new man in his district and was undoubtedly well thought of there at the time; and that knowing, as I did, the character of the people in his district I thought it would be a very unwise thing for him to do. He made the remark, in substance, that he did not give a damn what the people thought about it; he was going to do it anyway. I think I told him, to the best of my recollection, that if he did do this and went back to O'Fallon his best friends would not have anything to do with him—would not speak to him.

This conversation was, it clearly appears, prior to May 24, when, White now says, he first heard of the candidacy of Mr. LORIMER, and when he was bribed.

Mr. Lee O'Neil Browne testified that the only conversation worthy of the name which he had with Mr. White relative to the matter of the candidacy of Mr. LORIMER occurred in the lobby of the St. Nicholas Hotel something in the neighborhood of a week before the election, and in this connection Mr. Browne says:

I do not just now recollect how the conversation came up, whether I asked him if he could vote for Senator LORIMER or whether he first broached the subject; but in any event he said to me that he felt very kindly toward Senator LORIMER, felt favorable to his candidacy, and that he was going to vote for him and had told Mr. LORIMER that he was going to do so—had already told him so himself. I do not think he told me where he had told him that. He further said to me, "LORIMER is a good friend of organized labor, or the labor men tell me so, and for that reason I feel very kindly toward him. I understand that he has been a street-car man and came up from a street-car man, and," he said, "I am one, too, and for these reasons I am going to vote for Senator LORIMER."

That it was his intention to vote for Mr. LORIMER is made clear by the first expression given by White after the election, explaining the reasons for his vote in the following letter, which was written before he conceived the idea of extorting money by blackmail. The letter is dated May 29, 1909, three days after the election, and is addressed to Hon. Fred J. Kern, Belleville, Ill.:

SPRINGFIELD, ILL., *May 29, 1909.*

MY DEAR MR. KERN: I received the copy of your paper, the News-Democrat, and read with great interest your editorial relative to the position of the Democratic members of the legislature taken in settling the longest drawn-out senatorial contest ever experienced in the history of the State of Illinois.

It gives me pleasure to know that there are men in public life prominent in the Democratic Party who can work upon a situation of this character with as broad and liberal views as you have expressed yourself through the editorial of your valuable paper.

Further along in the letter he says:

I felt it a public duty, after careful conference with older and more experienced workers in the Democratic ranks, to cast my vote for the Hon. William H. Lorimer for United States Senator.

I will not read the whole letter, which is lengthy. But in conclusion he says:

You may state, if you desire, the substance of my communication to you through your press, that there may be no misunderstanding as to the motive of not only myself but of the 53 loyal Democrats that voted for a Republican for United States Senator.

CHAS. A. WHITE.

WHAT INSPIRED WHITE TO BECOME A BLACKMAILER?

Having shown that all the money this man received came from some source wholly disconnected with the election of Mr. LORIMER; that it was his full intention to vote for WILLIAM LORIMER; that he did vote for him, and that after he had done so he thanked men who approved his course, it behooves us to look about and see why, through what influence, by what combination of circumstances Charles A. White came to conceive the villainous course which he has adopted to rob WILLIAM LORIMER of his reputation and of his place in the Senate and of his standing in the world. The evidence shows that it was born of greed and of avarice, and pursued with a wicked disregard to truth and honor, which stamps him as the lowest of his species.

THE INCEPTION OF WHITE'S STORY.

The legislature adjourned in June. White had a losing business proposition at East St. Louis that he was closing up. He faced the prospect of going back to work on a street railway at $65 a month, after having enjoyed all the pleasures of Springfield, not only for a season, but for two seasons. He had squandered all his money. Within two months after the legislature convened he had received $2,130 as salary, and before the 6th of May he was penniless and was borrowing money. This fact indicates the kind of life he led while in Springfield.

Immediately following the adjournment of the legislature he received from Browne the $1,000 and from Wilson the $900, making $1,900. His receipts during that period of six months were $4,030. Yet when he went up to Chicago in July, or the first of August, and entered upon a course of gross dissipation with Browne and some of his friends, out of that whole amount of money only about $500 remained unexpended. He had spent $3,500 during the winter and early spring, and much of it in ways which were not wise.

During the week spent with Browne and others dissipation of a most reckless character was indulged in. He loaned Mr. Browne $200, and he admits that in that single week he spent the remaining $300. It was "wine, women, and song," as some of the witnesses have expressed it. They took boat trips on the lake; and when at a week's end they returned to Chicago, about the 19th of August, White was obliged to borrow money to pay his hotel bill and get home.

I have before me a letter from one of his companions on the boat trips which indicates the speed at which they had been going:

Hope it will do some good, anyway. I am down at the "grind" again, working like a slave. It's sure h—l after the "music and flowers" we had for a time this summer. But when a thing has got to be done I can always shut my teeth and go to it. It's the only way. It's hell, but that's the price we pay for most of the pleasure of life. I always did, at least. Good-bye, old man, and God bless you.

White had returned physically and morally wrecked. He had squandered his means, was without employment, and having acquired expensive habits, he must invent means to gratify them. Financially, physically, and in spirit he was at the bottom of the hill. In his depression he became desperate and planned great things and how to accomplish them.

In talking with some of the men with whom he had been associating, Mr. Sturmer and Mr. Zentner, he outlined the plan which he had conceived to obtain more money. He said to them at that time, August 19, 1909, that he was going to take a big trip in the fall and winter; that he was going to his home in O'Fallon first, then down to New Orleans, then to Cuba, and up to New York; that he was going to have a big time in New York and then come back home again.

Zentner remarked that he must have a lot of money to spend. White said:

No; I have not a lot of money, but I am going to get it, and I am going to get it without working. * * * That Lorimer crowd and our old pal Browne, too, have got to "come across" good and hard when I say the word, and I am going to say it.

Mr. Zentner then asked him if he had anything on them—that is, any evidence against them. Mr. White replied:

No; I aint. I got the worst of it down there in Springfield, but that makes no difference. I voted for LORIMER, and I am a Democrat, and I can say I got money for voting for LORIMER.

There was the inception of this charge that is embodied in the Tribune story: "I am a Democrat, and I voted for LORIMER, and I can say I got money for voting for LORIMER." White continued: "Do you suppose they can stand for it a moment? I guess they will cough up when I say the word to them." Mr. Zentner said: "God, you would not treat Browne that way, would you?" To which White replied: "I am looking out for White, and, besides, Browne would not have to pay. That bunch behind him would have to, and it would not hurt him."

These men, Zentner and Sturmer, considered this an idle boast. They knew White had not fully emerged from his intoxication, and they looked upon it as the utterance of a man who had not recovered his balance. But it appears, as a matter of fact, that the idea did have foundation in White's mind, and that he saw in the circumstance that he, a Democrat, had voted for a Republican, coupled with the payment to him of $1,900 from the jack pot by Browne, a basis for fabricating the charge that he had been bribed by Browne to vote for Senator LORIMER, because immediately thereafter he began the preparation of his "jack-pot" story. White testified that he commenced to write the story the last of August, or the first of September, and as early as September 7, only three weeks after the conversation wherein he first asserted his purpose, he wrote to Doubleday, Page & Co. to make inquiries as to the manner in which they published articles of that character; and in other letters he informed them of the nature of his manuscript. He also carried on a correspondence with Everybody's Magazine, to which he wrote on the 9th of September, two days after writing Doubleday, Page & Co., and fully informed them of the nature of his manuscript. This correspondence with these companies continued from time to time down to February 11, 1910, at which date he turned over the manuscript to Doubleday, Page & Co. for examination.

While he was engaged in the preparation of this story White on two or three different occasions talked with Katherine A. Woods, the owner of a cigar stand in the Ilimo Hotel, at East St. Louis. He was on friendly terms with Miss Woods, and occasionally took her out to dinner and to the theater, etc. He told her over and over again of this scheme of his, and she undertook to dissuade him.

He told her that he was writing a history of his life and of the Illinois Legislature; that he expected to make a fortune out of it; and that the Lorimer bunch would have to pay him enough money to keep him the rest of his life, and if the Lorimer bunch did not do it, he would make it hot for LORIMER; that he was going to run for Congress; that rich people of Chicago were backing him; that he had spent $3,000 and a lot of time in making the history of his life and of the Illinois Legislature, and that he was going to get it back.

Surely he had that purpose in mind. The only thought the man had was that he must rehabilitate himself financially in some way. Conscience did not oppose inclination, and he entered upon a scheme to secure money, and by blackmail if necessary. Meantime he conceived an additional plan. He wrote a letter to Hon. Roger C. Sullivan, Democratic national committeeman from Illinois. It shows another scheme on the part of White to obtain money. In it he says:

My friends by the score are urging me to enter the race in this congressional district for Congress.

Two of the leading daily newspapers have been urging me to enter the race, and want to begin booming me as a probable candidate.

What is your opinion of the matter?

But the point of the letter is in the following passage:

I realize it will take a large sum of money to put up the right kind of a fight and do not know that much money could be raised here.

I would not consent for the use of my name unless there was the proper assurance of sufficient funds to carry on a stampede campaign.

Mr. Sullivan replied to the letter very politely, but says in closing:

In reference to finances, will say the State committee has no funds whatever to give to any condidates, the treasury being completely exhausted, and I know of no place outside of your district where funds could be secured.

So that scheme for making money failed.

We come down to Thanksgiving time, when he has another interview with Miss Woods, in which White told her—

to watch the Chicago papers, for he was going to make out of the Lorimer bunch enough to live comfortably, and that when he got the trouble started he was going on a trip to Europe and to let them fight it out.

About centennial week, in St. Louis, 1909, White told Miss Woods:

I have got it in for LORIMER, Senator LORIMER and his bunch, and they will have to come across or I will make them pay dearly for it. I have spent $5,000 this session having a good time and looking up the dope on them. I have a friend in Chicago who will back me up and furnish me all the money I want.

Throughout all this, as I have said, he was looking for some chance to get money, but never by honest employment.

It was the one idea in his mind. Very soon after his talk with Miss Woods, having failed to secure from Mr. Sullivan any promise of a large sum of money to conduct his campaign, having failed also in his efforts with Everybody's Magazine and Doubleday, Page & Co., on December 4, 1909, White, pursuant to the same plan and in accordance with his avowed purpose, addressed to Senator LORIMER a letter, which has been published far and wide. I presume it is familiar to every Member of this body.

The letter referred to is as follows:

O'FALLON, ILL., *December 4, 1909.*

Hon. WILLIAM LORIMER,
Washington, D. C.

MY DEAR SIR: I am preparing to place before the people of this country an article I have written giving my true experience as a member of the Illinois Legislature. The article will appear either in book form or will be published in one of the largest magazines in the United States.

I have just completed the manuscript, which contains about 30,000 words, giving in detail my absolutely true experiences as a member of the forty-sixth assembly. As yet I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it.

I have been offered a sum sufficient to value the manuscript at about $2.50 per word.

Believing that you would be more deeply interested in the works and actions of the members of the last session of the Illinois Legislature, owing to the fact that possibly your experience with that general assembly will be one of the questions freely discussed, and assuring you that I have severed all connections with the party leaders, as well as am to be independent in the future in all my political dealings, I am,

Respectfully, yours,

CHAS. A. WHITE.

Note this passage:

I have just completed the manuscript, which contains about 30,000 words, giving in detail my absolutely true experiences as a member of the forty-sixth assembly. As yet I have not closed a deal with any publishing house, but when my terms are acceptable will dispose of it.

I have been offered a sum sufficient to value the manuscript at about $2.50 per word.

There are two lies in that statement. He now admits that he had not finished the manuscript at that time, he admits that he had not received an offer for it at that time. It was an unblushing attempt to blackmail WILLIAM LORIMER, and to extort money from him—to extort $75,000 from him.

He attempts to explain this by saying that he hoped to bring from Mr. LORIMER some admission that he could use against him. Why? Because he admits in his testimony that he had nothing against him. But all the evidence goes to show that it was not to get an admission from Mr. LORIMER. It was to extort money from Mr. LORIMER that he wrote that letter.

Mr. LORIMER with the rare understanding of human nature, which evidently he possesses, judged the man accurately, and in replying to this letter used the following language:

I am in receipt of your letter of December 4, in which you advise me that you have manuscript ready to place with the publishers, treating on your experience as a member of the Illinois Legislature. I would be very glad, indeed, to note your success as an author.

With kindest personal regards, I am,

Yours, very truly,

WM. LORIMER.

Think of that proposition! That man testifies that between the time he conceived that story and the time he attempted to blackmail WILLIAM LORIMER he remained in Chicago, trying to ferret out something that he could work into a story against Lee O'Neil Browne or Mr. LORIMER. He did not find it. He admits before the committee that at the time he undertook to blackmail WILLIAM LORIMER he had received no offer for the manuscript, but that he hoped to receive a reply from Mr. LORIMER that would be of advantage to him.

White says over and over again that he had no evidence of any character against Senator LORIMER, and had no dealings with him. He testified before the first investigating committee that if Senator LORIMER had met his demands and had paid him $75,000 he would have surrendered the manuscript to him then, and thus admitted that it was a blackmailing proposition.

The case against Mr. LORIMER stands on the testimony alone of that blackmailer. There you have a picture of the only man who claims or admits bribery in connection with the election of Mr. LORIMER, and should the Senate adopt the testimony of Charles A. White and deprive Senator LORIMER of his seat in this body, that day will mark the greatest act of injustice, in my judgment, that has ever been recorded in any parallel case.

The Senator from Indiana [Mr. KERN] in his argument the other day, in an effort to find something good to say of Mr.

White, in the kindness of heart which prompts him in everything he does, spoke of the pleasant correspondence that had passed between Lee O'Neil Browne and Mr. White during the months of July, August, and September, 1909, during which time White was secretly concocting his "jack pot story," when, it is true, he was writing Mr. Browne affectionate letters telling him that he was without funds; letters in which White represented himself to be in such dire need that he was unable to get clothes which he had ordered from the tailor; letters in which he appealed to Mr. LORIMER to intercede for him and help him to secure some sort of position in the Government Secret Service, or anything that would place him on his feet again and relieve him from his distressing situation; letters to Mr. Browne of the same character which led to efforts on the part of Mr. LORIMER to get some kind of employment for him. But all these were written while he was concocting the plot, and preparing this story against Lee O'Neil Browne and against Mr. LORIMER.

Were these the letters of a friend? Were they honest? What does he say in his testimony about them? I want the Senate to understand who and what this man White is. I want Senators to note the quality of his character and how easily he substitutes craft for conscience in all his dealings with men.

Note the following examination:

Why did you write the letters to Lee O'Neil Browne and to Senator LORIMER about those jobs?

Mr. WHITE. I thought possibly they would answer them in some way, and possibly make some admission that they were under no obligation to me. Senator LORIMER did that, in a way, by not answering my letter.

Mr. HANECY. That is, you wanted to trap or trick one or both of the parties—Lee O'Neil Browne, your friend, or Senator LORIMER—into some admission that you could use in connection with your story that you afterwards sold to the Chicago Tribune, and that you are now trying to have published. Is that right?

* * * * * * *

Mr. WHITE. Yes; I was writing the letters for the purpose of getting replies that could be used.

Again:

Mr. HANECY. So that you used the subterfuges and the lies included in those letters to trick or trap Lee O'Neil Browne and Senator LORIMER into admissions that they would not have made if it were not for the matters that you stated in your letters. Is that the fact?

Mr. WHITE. Substantially so.

* * * * * * *

Mr. HANECY. So that the statements in the letters that you wrote to Lee O'Neil Browne, asking him to try and get a Federal job or some other job for you, were falsehoods, were they?

Mr. WHITE. Yes, sir; from a——

Mr. HANECY. They were lies, pure and simple, and known to be such by you when you put them into the letters and sent them to Mr. Lee O'Neil Browne and Mr. LORIMER?

Mr. WHITE. Practically so.

* * * * * * *

Mr. HANECY. And when you wrote the letter to Mr. Lee O'Neil Browne and asked for a loan—the letter in which you said that you owed a tailor's bill of $85—that statement was a falsehood, a pure Anglo-Saxon lie, and known to be such by you at the time that you wrote it and sent it to Mr. Browne, was it not?

Mr. WHITE. It was not true; yes.

Mr. HANECY. It was a lie, was it not?

Mr. WHITE. I said it was not true.

Mr. HANECY. Did you need the money at the time that you asked Browne for it?

Mr. WHITE. Why, I do not say that I needed it at that time.

Mr. HANECY. Did you?

Mr. WHITE. I do not remember just exactly what my financial resources were at that time.

Mr. HANECY. You got the money, did you not, that you asked Browne for in that letter?

Mr. WHITE. I got the money.

Mr. HANECY. So that your letter, the statements in which you say now were pure and simple lies for the purpose of tricking or trapping Lee O'Neil Browne, your professed friend, and for whom you professed the greatest friendship, had a double purpose—both to trick Browne into an admission that you could use in the story that you sold to the Tribune, and are now about to publish, and the further purpose of getting money from Browne? Is that right?

Mr. WHITE. I will answer that "yes."

I could go on reading that class of testimony, showing that the letters White wrote to Browne professing friendship and the letters to Mr. LORIMER asking for political aid were all written either for the purpose of getting money, which he did get, or for the purpose of trying to trap them into something that he could use against them, because he admits that he had nothing against Mr. LORIMER. Yet Senators are asked on the uncorroborated testimony of that man, self-confessed perjurer and liar, to say that their fellow Member shall not have a seat in this body!

THE DISPOSITION WHITE MADE OF HIS STORY.

Now, Mr. President, we come to an interesting stage in the history of this case. We have reached the point where Mr. Charles A. White had prepared his story and had failed utterly to secure money either by its sale to Everybody's or Doubleday, Page & Co., or from Senator LORIMER through his attempted blackmail, and where he had failed in any way to accomplish his avowed purpose. The testimony shows that he conferred with labor leaders, among them Mr. Edwin R. Wright, president of the Illinois Federation of Labor and member of employers' liability commission, by appointment of Gov. Deneen, who suggested the Chicago Tribune, and as a result, eventually, White went to the Tribune office in Chicago to dispose of his jack-pot story. Up to that time that story never had been called anything but the "jack-pot" story, and it is so described in the receipt given for it by Mr. Keeley on March 11, 1910.

Why did he go to the Tribune? He was sent there by Mr. Wright, according to the testimony, and he reached the right place. The truth is—there is no denial of it in the evidence anywhere—that the policy of the Tribune for 20 years had been antagonistic to Mr. LORIMER. Mr. Keeley does not disguise the fact that if at any time he could have found anything which he could use to drive Mr. LORIMER out of the politics of Illinois he would have been very glad to do it. He looks upon anything that could be used for that purpose, like the story of White, as merchandise which he has a perfect right to purchase and a perfect right to use.

The salient features of the White story were:

First. That there had been a legislative jack pot from which he had received $900.

Second. That on May 24, 1909, two days before the election of Mr. LORIMER, Lee O'Neil Browne had bribed him to vote for Mr. LORIMER, agreeing to pay him $1,000 therefor.

When Mr. White went to him on that occasion and told him the nature of the manuscript, Keeley would not talk with him about it unless he could see it himself. As he expressed it, he was not going to buy a pig in a poke.

THE TRIBUNE AN ENEMY TO MR. LORIMER.

The attitude of the Tribune toward Mr. LORIMER, and the value of the story to the Tribune, is shown by the fact that they actually paid $3,500 for it. They later paid $700 for what is known as the "Glavis story," where they got the bad end of the bargain and secured nothing, but which they hoped would serve the same end.

They expended in and about this prosecution, to secure the unseating of Senator LORIMER, the further sum of $20,000 in round numbers, making the amount expended by the Tribune up to the time of the reopening of the case in the Senate over $24,000.

It appears that White first went to the Tribune office on the 4th of March. He did not have the manuscript with him, but on the 11th of March he returned with it and submitted it to Mr. Keeley, and Mr. Keeley took it and gave him a receipt, which provided that it should not be used except with Mr. White's consent. Mr. Keeley read the article and observed its general nature. He wanted an adviser, Gov. Deneen, as I have already pointed out, had previous to that time gone over to the "newspaper crowd"—so called—in Chicago, and he had become the close personal friend of Mr. Keeley. Mr. Keeley telephoned him at Springfield that he wanted to see him. Mr. Deneen promptly responded, and went to Chicago on the 16th of March, only five days after this article came into the possession of Mr. Keeley, and a conference was held between them at the La Salle Hotel. The relations which existed between them at that time politically were very close and intimate.

GOV. DENEEN ALSO MR. LORIMER'S POLITICAL ENEMY.

The history of Gov. Deneen, so far as his relations to Mr. LORIMER are concerned, was sketched early in this discussion, and I will only recall the fact that friendly relations having been reestablished between them early in January and Gov. Deneen having strongly urged him to become a candidate, Mr. LORIMER believed that Gov. Deneen was supporting him until the Sunday before the Wednesday upon which he was elected. But it now appears, and Gov. Deneen so testified, that he never had intended to support him, and that he did actively oppose him; that he did what he could to prevent any man voting for him for Senator when he found that his name had been suggested and he was coming prominently before that legislature. Subsequent to that time a further contention had arisen between Gov. Deneen and Senator LORIMER. I have already mentioned Senator LORIMER's efforts to secure the adoption of legislation for the establishment of a deep waterway from the Great Lakes to the Gulf of Mexico and to secure the adoption of the constitutional amendment which authorized the State of Illinois to make an appropriation of $20,000,000 for that purpose. But as soon as that was accomplished a difference of opinion arose between Senator LORIMER and Gov. Deneen as to the manner of the expenditure of that money. Gov. Deneen's testimony, briefly stated, indicates that he wanted to proceed at once without waiting for cooperation on the part of the Federal Government. Senator LORIMER believed that if

the expenditure of that $20,000,000 was begun in Illinois without a corresponding appropriation on the part of the Government the money would be wasted. And he further insisted that faith should be kept with the people, because it was distinctly stated from every platform during the campaign for the adoption of the constitutional amendment providing for the $20,000,000 bonds that not one penny of it would be expended until Federal cooperation and an appropriation had been secured, thus insuring the success of the great undertaking.

Moreover, there was still a greater reason for the position of Mr. LORIMER. It was that the water flowing into that canal from Lake Michigan was completely under the control of the Federal Government, and the State of Illinois could have nothing whatever to do with it. Every ounce of water flowing through there to-day in the drainage canal is by consent of the War Department.

Gov. Deneen proposed legislation which would allow him to build three dams, the first, to cost $5,000,000, to be in operation before the others. That was put in the form of legislation. Mr. LORIMER opposed it. He opposed independent action. He wanted a 14-foot waterway all the way through to the Gulf, something that would be of real advantage to the great central West, as well as the termini, and he urged the fact that the State had no power to divert the water from the lake, and that those operating the canal were using the water subject to a revocable permit. He went so far as to try to compromise with Gov. Deneen upon the proposition, and stated to him before leaving Chicago that he was authorized to say to the members of the general assembly who held the same views that he (LORIMER) held on the subject that if he (Deneen) would agree to a provision that no money except what was necessary for plans and specifications should be expended until the Federal Government made an appropriation and adopted the plan, he would be willing to have the bill passed substantially as it was passed by the senate; that is, providing that the governor should have all the power of appointing the board and be unhampered in any sense of the word in the expenditure of the money. The governor would not agree to that. He wanted to have the bill passed without any strings tied to it. That is the way he expressed it, according to Mr. LORIMER's testimony.

I have called attention to the political enmity of the Chicago Tribune and those who control it and that of Gov. Deneen to Mr. LORIMER, because I purpose, as I proceed with the narration of events, to connect other enemies of Mr. LORIMER with them in a strong combined effort to turn the White story to the disadvantage of Mr. LORIMER and to secure his retirement from the United States Senate, and to this end to bring about the conviction of Lee O'Neil Browne under the charge of having bribed White to vote for Mr. LORIMER for United States Senator.

THE USE TO WHICH WHITE'S STORY WAS TO BE PUT.

Gov. Deneen went to Chicago at that time and consulted with Mr. Keeley about what use to make of the story which had been submitted by Charles A. White and they had their meeting at a hotel. It is a significant fact that the first question Mr. Keeley asked the governor was in which county, Cook or Sangamon, a prosecution against Browne could be had. What good would it be to him unless carried on in Chicago, where it would be of special benefit to the Tribune? He wanted that prosecution in Chicago and nowhere else, and that is the point concerning which he particularly consulted the governor. Mr. Wayman, the State's attorney for Cook County, in his testimony referring to that, says:

> He told me that he had asked Gov. Deneen where the venue lay, and what the governor's answer was I do not remember. He told me that he had had a talk with the governor about the story, its truthfulness, and the venue, and I do not recall the opinion the governor gave him as to where the venue lay.

Now, that was at the interview to which I have referred, wherein Mr. Keeley told Gov. Deneen the character of this story; he told him it was a general exposure of the jack pot, saying that it was a jack pot that was in the control of the leaders, that the men who followed the leaders never got any pay for any specific thing they did in the way of general legislation, but they trusted their leaders and got something in the end.

Now, hurrying over the progress of events, the Tribune employed Mr. Austrian, a prominent attorney in Chicago, who had copies of the White story made, and March 23, two days later, they employed Mr. McGuire, the head of a great detective agency, and began paying his expenses on that date. They put Mr. White under his direction and they furnished Mr. White money on which to live while they were investigating his story.

April 1 Mr. McGuire arranged a meeting between Mr. Wayman, the State's attorney, and Mr. Keeley, at McGuire's office, at which time Mr. Keeley told Mr. Wayman that he had White's jack-pot story; that it would require a prosecution and wanted to know where the venue would lie. Keeley was anxious about the venue. It was his first inquiry of Gov. Deneen, and his first question of Mr. Wayman. To his mind it was not as important that a prosecution should be had, as that it should be had in Cook County. Mr. Wayman told him he would have to see the witness and know details of the story before deciding, and the following morning Mr. Keeley sent to him the manuscript.

The result of that interview must convince every candid mind that the purposes entertained by Mr. Keeley at that time were to build up the Tribune through the exploitation of the White story, and at the same time, if possible, destroy Mr. LORIMER's political influence and deprive him of the possession of his seat in the Senate.

Anyone would naturally think that these patriots, learning from that story that there had been general corruption in the legislature and that jack pots had existed, would have united in a strong movement to convict every guilty man, whether a contributor to or receiver of a corrupt fund. That an effort at least would have been made to punish the offenders and drive them out of public life. Not a thing of that kind was done, and not a man has been prosecuted either in Cook County or Sangamon County for complicity in the jack-pot fund either as contributor or receiver. Not a man who confessed to receiving money from such a fund has ever been brought to trial, but, on the other hand, every man who had anything out of that jack-pot fund has been given full immunity, and all of them, although self-confessed participators, walk the streets to-day perfectly free men.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Missouri?

Mr. DILLINGHAM. I do.

Mr. REED. The Senator suggests that nobody has ever investigated the jack pot. If I recall aright one of the express directions to the Senate committee of which the Senator was chairman was to investigate the jack pot.

Mr. DILLINGHAM. If the Senator had listened a little more carefully he would have understood that I was talking about the Illinois authorities and the Illinois courts, not the Senate.

Mr. REED. I understand that qualification, but the Senator himself, I take it, undertook to investigate the origin of the jack pot. Was he successful in ascertaining it?

Mr. DILLINGHAM. The Senator was not, but had the Senator been a State official of Illinois at that time instead of giving immunity to everyone connected with the jack-pot fund, for the sake of securing evidence against this one man, Lee O'Neil Browne, on another charge, he would have tried to discover some adequate means for dealing properly and effectively with these jack-potters, to whom immunity was granted.

Mr. REED. The purpose of my inquiry was this. If the Senate committee, in the light that was developed by the legislative committee of Illinois, by the grand jury, and by all the numerous investigations to aid the Senate committee, was unable to get at the source of the jack pot, does the Senator think it is exactly fair to criticize the officials of Illinois because they were equally unable to get at the source of the jack pot?

Mr. DILLINGHAM. I think the Senator can judge for himself whether or not it is fair for me to take the position I have. I do not care to enter into that discussion. I take the position that the authorities of Illinois did not attempt it; instead of that they prevented it by asking from the courts immunity for every man who was suspected of getting money from the jack pot and did get it; they did it in an effort to find some kind of testimony that would support Charles A White's story against Lee O'Neil Browne, which they failed to secure. And although the case was tried in the courts of Illinois—twice tried—Lee O'Neil Browne was acquitted of the charge of having bribed White to vote for WILLIAM LORIMER. Whether Browne did so bribe White is the precise question that is now before the Senate. Do not overlook the fact that it has been twice tried before a jury in Illinois, tried in a legally constituted court, and on legal evidence; and that Browne has been acquitted of the charge. Surely this Senate ought to take cognizance of that fact and be governed by it.

Mr. LORIMER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. DILLINGHAM. I yield.

Mr. LORIMER. And does not the record further show that through the efforts of Gov. Deneen and the Chicago Tribune the

attorney general of the State of Illinois tried to prevent the State's attorney of Sangamon County from inquiring into whether or not corruption did occur in the Legislature of Illinois?

Mr. DILLINGHAM. The Senator's mind, as usual, works more rapidly than mine; but I am coming soon to that point.

When Mr. Keeley and Mr. Wayman were discussing the question whether or not there was anything in the White story, it will be seen that it was aimed at Senator LORIMER, not at corruption in the Illinois Legislature. Mr. Wayman testifies:

We went into a discussion of the entire matter. I told Mr. Keeley that I had been through one bribery case and that they were very difficult cases; that I did not want to undertake another one unless it was founded on pretty substantial evidence; that such a case as that would involve a great many people; that it was a very important matter and would have to be gone into very carefully. I told him that the prosecution of the case would call in an array against the prosecution of the resources not only of the men who were implicated in the crime, but the resources of all those who were beneficiaries of the alleged crime; that the political situation here was such—the division in opinion of people in Cook County was such—that it would be impossible to draw a jury to try such a case without having on the jury some partisans of Mr. LORIMER.

Why? Because the prosecution was directed against Mr. LORIMER.

Mr. Wayman further testified:

I called attention to the fact that Mr. LORIMER's partisans, of course, would fight the prosecution; that whether or not he knew of the bribery he would have to fight the case.

And that is the answer to the inquiry made by the Senator from Missouri [Mr. REED] this morning in relation to Mr. LORIMER lending Mr. Browne money. The State's attorney told Mr. Keeley at the outset that would be the logical and natural result of it. How could it be otherwise when the fight was against Mr. LORIMER? Let me read that again—

and I called attention to the fact that Mr. LORIMER's partisans, of course, would fight the prosecution; that, whether or not he knew of the bribery, he would have to fight the case.

I also called his attention to the fact that it would be a very expensive proposition to undertake to investigate. Mr. Keeley said that the Tribune would be willing to pay the expenses of the investigation, that he was going to investigate it, and he was going to print the story. I told him that Cook County was not a pauper and any investigation undertaken by my office would be paid for by Cook County in the usual way.

I am not criticising Mr. Keeley. He was a frank witness. I liked what seemed to me sometimes to be his almost brutal frankness. He did not attempt to dodge the responsibility of the fight that he had inaugurated against Senator LORIMER; he admitted it, and he admitted that he took every means possible to get information that could be used in that direction. When he had finished his testimony I admired the man because of his frankness in stating precisely his purpose, and it was not for me to judge of his motives. When I knew his purpose from his own lips, that was sufficient. From his newspaper standpoint, he wanted a newspaper scoop, as I will show by and by; and he particularly wanted to do all that could be done in any way to carry out his declared purpose to drive Mr. LORIMER out of politics in Chicago and the State of Illinois.

THE STATE'S ATTORNEY'S VALUATION OF WHITE'S STORY.

Mr. Wayman further testified:

I said, further, "You are buying the story and that fact will impair its value worse than any other feature of the entire matter."

That is to say, in a court of law.

Why should not that judgment prevail in the Senate of the United States, as it did prevail in the courts of law in Illinois? Further, Mr. Wayman says:

I arbitrarily fixed percentages on it. I said, "His being an accomplice will discount it some 50 per cent. You buying the story will discount it 30 per cent, and a prosecution with White as a witness will put the State to the test of a 20 per cent witness."

Now, I ask Senators who are wavering in their opinions in regard to this case and who are weighing the testimony of Charles A. White, to accept the judgment of the State's attorney of Cook County, Ill., who knew White, who had studied his story, and who knew the circumstances under which it had been obtained, and who stated that they were embarking upon a prosecution with a 20 per cent witness. Even under such circumstances the Tribune was bound to push its purpose.

Mr. Wayman further testified as follows:

I said, "That being true, a careful investigation must be made. It is an expensive thing, too." He said, "The Tribune will bear the expense of the investigation." I said, "Cook County is not a pauper; not a dollar of private funds has been contributed to the office since I have been there, and I will not make an exception in this case. As soon as I exhaust the appropriation now there I will call on the county board for further appropriation."

Now, mark this:

I said to Mr. Keeley, "You must understand if I take hold of this, I am captain of the ship." He said, "Yes; but I am running a newspaper and I am going to print the news." I said, "Do you often purchase stories?" He replied, "Yes; news is merchandise." I asked him when the story was written. One other thing. I forgot this. I said, "This story coming to me through the Tribune will also affect the credibility of White." I said, "Taking the whole thing, it could not come to the State in a worse situation."

But Mr. Keeley insisted, and the agreement was entered into between the State's attorney and the editor of the Tribune.

Mr. Keeley agreed to all that, but said that the matter was in his hands and he proposed to investigate the story and print it. I told him to send the story to my office, that I would read it, take the matter under consideration, with the express understanding that if I undertook the investigation he would not print anything about it or hint at any thing about it, because if he printed it it would impair the investigation—that it would have to be carried on without any publicity.

He then made the remark, "I am running a newspaper." I said, "Yes; and I am running the State's attorney's office." I said, "If I undertake this investigation I will be willing that you have the exclusive news value of the story." He said, "That is all I want." I said, "I will give you notice of whatever my opinion is, and if I do not prosecute it I will announce that fact to you, and if I do prosecute it I will announce that fact to you before anybody else knows it." That was satisfactory. I think probably there was some other conversation there that I do not recall now.

Mr. MARBLE. What was the conclusion reached?

Mr. WAYMAN. The conclusion reached was that he was to send the story to my office. The following morning the story was sent to my office.

* * * * * * *

Mr. HANECY. You sat down together and after you had talked it over you agreed that you would give him a "scoop," after you had examined into it—that is, you would give him the right to publish it first—and he agreed that he would not publish any part of it until you had investigated it?

Mr. WAYMAN. That is practically a correct statement.

Mr. HANECY. And you kept your agreement with him and did not let anybody else have a "scoop" on the story?

Mr. WAYMAN. That is true.

These are the conditions under which this story went into the hand of the State's attorney. A criminal prosecution was commenced against Lee O'Neil Browne under this bargain between the State's attorney and the manager of the Tribune, that one should be the captain of the ship and prosecution, and that the other should have the "scoop" and use it as a newspaper sensation. The story had not been purchased at the time the bargain was made. Mr. White had been sent, accompanied by detectives and agents of the Tribune, through the State to interview Shephard, Link, Beckemeyer, and Clark, in an attempt to get them to say that they had received money from Wilson at St. Louis on the 15th day of July. In the meantime, the State's attorney had examined the question of venue, and had finally determined upon the one fact that Browne had paid $850 to White in Chicago; that he could bring the prosecution in Cook County, as Mr. Keeley desired.

THE TRIBUNE KNEW WHITE'S CHARACTER.

On the night of April 28, 1910, White was in St. Louis, and in company with two friends spent the time until after midnight in and about the buffet of the Royal Hotel, drinking heavily. Between 1 and 2 o'clock on the morning of April 29, White and these friends appeared at the European Hotel in East St. Louis very drunk and wholly without money. Being refused lodging, White was permitted the use of the telephone and he called up Detective Turner who with Mr. Phillips, a Tribune representative, was at St. Louis. He told Turner he was "broke" and wanted money, and Turner instructed the night clerk to give him accommodations, which the clerk refused to do. White was then permitted to call the Tribune office in Chicago, and held a telephonic conversation with Mr. Hammer, secretary to Manager Keeley, in which he said:

"This is Charles A. White; I am here at East St. Louis, and I am getting the wrong end of the deal, and I am not going to stand for it." That he had two friends with him and could not get a night's lodging; that he was "broke, while Turner is living on the fat of the land with Phillips at St. Louis now. I want some money, and I want it damned quick, or I won't go through for you. You need not think I am a sucker. You tell this hotel man here who I am and my connection with you, and that you will stand for anything I want and will pay for it, or else I will write a denial of the whole damn thing."

Mr. Hammer then requested the clerk, Mr. Ellerhof, to give White lodgings, saying he would pay the bill; but the clerk said he was under instructions from the proprietor of the hotel to give no one accommodations under such circumstances, and positively refused to comply with this request. The Tribune man then asked the clerk to call White back to the telephone, and renewing the conversation with Mr. Hammer, White repeated that he was "broke," and referring to the story which he had submitted to the Tribune said "he would not go through with it. If he did not get settled up by Monday morning he would not go through with it."

There is a picture of this man White less than 24 hours before the Tribune purchased his story. He was drunk. Without money, but boastful and insolently threatening the Tribune people with a denial of the whole story which he had submitted unless he was taken care of and "settled up" with by Monday morning, and this was on Friday.

It can not be denied that the Tribune manager had full knowledge of White's dissolute habits, despicable character, and evident contemptible purpose. Whether the Tribune people were influenced by this threat of White does not appear in the evidence, except by the fact, which is significant, that on the evening of this same 29th day of April, 1910, White had reached Chicago, and his contract of sale to the Tribune was signed and delivered, the consideration therefore being the payment to him of $3,500, of which $1,250 was paid at that time. The controlling influence of his greed and avarice, and the wickedness of his intention is indicated by the fact, as Manager Keeley testified, that in the first instance he demanded $50,000 for his jack-pot story, which offer was spurned as ridiculous. At the time of the signing of the contract White expressed a willingness to take $4,000, and finally, after much parleying $3,500 was agreed upon and the deal was consummated.

When the Tribune managers purchased that story from White they did so with full knowledge of the character of its author; they had been advised by State's Attorney Wayman that, for reasons stated by him, White at best would only be a 20 per cent witness, and yet the Tribune paid $3,500 for this man's uncorroborated story, upon which rests the entire weight of the movement to unseat Senator LORIMER, and in the execution of this plan to unseat Senator LORIMER the alleged bribery of White by Lee O'Neil Browne was the only ground upon which it could be successfully prosecuted. At this time the manager of the Tribune had brought into the movement Gov. Deneen, as already shown, and State's Attorney Wayman, with all the powerful machinery of the legal department of Cook County, was strongly cooperating.

Friday, July 29, 1910, was a very important day in the history of this case. On that day Mr. Wayman called the grand jury to meet in Chicago the following Monday, May 2, and notified Mr. Keeley through his attorney, Alfred Austrian, that the Tribune might go ahead and publish anything it pleased concerning the White story. Austrian lost no time in communicating with Keeley, who was at his farm at Wheaton, and the latter immediately returned to Chicago, went to the Tribune office, where he held a conference with Mr. Austrian and Detective McGuire, after which White was brought in by McGuire, and then and there the contract was entered into for the sale and purchase of the White story.

What was that contract between the Tribune and Charles A. White? It is as follows:

THE CHICAGO TRIBUNE, OFFICE OF PUBLISHER,
Chicago, Ill., April 29, 1910.

TO CHARLES A. WHITE:

You offered to sell to us for publication a story written by you, which story gives your experience while a member of the House of Representatives of Illinois during 1909–10, and giving also certain information as to what transpired by reason of your voting for certain measures, etc., while a member of such house.

We refused to pay you for that story or to print the same unless such story was verified and corroborated by persons selected by the Tribune.

For more than four weeks we, with your cooperation, through different agencies, have caused your story to be fully investigated.

For the sole and exclusive right hereby granted by you to the Tribune Co. to publish this story, or a revision thereof, or excerpts therefrom, in the Chicago Tribune and copyright it either in your name or in that of the Tribune Co., but in which shall be at our election, and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story and in full payment for all your time which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do, the Tribune Co. hereby agrees to pay you $3,250, of which said sum $1,250 shall be paid upon the printing of the said story or the first installment thereof, $1,000 30 days after said first payment, and $1,000 60 days thereafter.

You reserve to yourself all book or other rights to the story other than the exclusive newspaper rights hereinbefore referred to, which belong under the terms hereof to the Tribune Co.

J. KEELEY,
Vice President Tribune Co.

—

CHICAGO, ILL., *April —, 1910.*

To the Chicago Tribune and the Tribune Co.

GENTLEMEN: I have read the above and foregoing and agree to the terms thereof and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do and in such manner as you may direct.

CHARLES A. WHITE.

Note the agreement upon the part of White:

I have read the above and foregoing, and agree to the terms thereof and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do and in such manner as you may direct.

Another peculiar circumstance in connection with this transaction, and one worthy of consideration by the Senate, is the fact that immediately after White entered into and signed the foregoing contract and agreement, before he moved from the Tribune office, he was placed in the custody of an officer of the State's attorney's office; that he willingly submitted to this extraordinary procedure, and remained in the charge of Cook County officers, wholly under their control, for a period of eight months.

During that entire time, sleeping or waking, in court or out of court, Charles A. White never took a step or a breath except in the presence of an officer of Cook County. He testified before the Cook County grand jury; he testified in the first trial of Lee O'Neil Browne; he testified in the second trial of Lee O'Neil Browne in August and early in September, and he testified before the Burrows committee. Then it seemed that the whole work of the prosecution had ended and that he had completed his contract, but, notwithstanding that, Cook County continued to keep Charles A. White in the custody of an officer during October, November, and December, and until after the Burrows committee made its report to the Senate on December 21, 1910. Two days after that report was made to the Senate Cook county released its hold upon White, and during that eight months all of his expenses and the expenses of the officers attending him, amounting to $2,531.15, were paid by the county of Cook. There was some reason for this.

THE MOVEMENT TO UNSEAT MR. LORIMER IS LAUNCHED.

Going back to the evening of Friday, April 29, 1910, following the purchase of the White story, great excitement prevailed in the Tribune office; all the machinery of that immense plant was called into action to insure its publication the following morning, and on Saturday morning, April 30, 1910, the Tribune, under glaring headlines, printed the story, accompanied by an interview with Gov. Deneen. The governor was in Chicago that night, and in view of what has been said in Illinois and in Washington concerning bipartisanship combinations in Illinois politics, it is interesting to note in passing that Gov. Deneen testified that he had attended a political conference that evening with Roger Sullivan, Democratic national committeeman from Illinois, and others, relating to "the proposed apportionment" of the city of Chicago, in order to determine whether the Democrats and Republicans could agree. So that, if bipartisanship has flourished in Illinois politics, it has not been confined exclusively to the Illinois Legislature in the election of Senator LORIMER.

This publication was made, as I have said, in the Tribune on Saturday, April 30. Other papers took the matter up, and were filled with startling announcements. Excitement ran high throughout the State and Nation. Sunday, May 1, was a busy day. Everyone in political life in Chicago who was opposed to Mr. LORIMER was roused to action. When he was elected Senator they feared his increased influence. Now he was attacked and his downfall predicted, and they were ready to renew the old contest against him.

APPEARANCE OF INTERNATIONAL HARVESTER CO.

At this juncture of affairs the International Harvester Co., through it general manager, Clarence S. Funk, makes its appearance as a new element in the combination to drag Mr. LORIMER from his seat in the Senate.

Why did Mr. Funk inject himself into the matter on that day? Why do I say he rushed in? Why did he do so? Let us look at the situation for a moment. For years before Mr. LORIMER's election to the United States Senate the International Harvester Co. had been his political enemy. With his election to the upper House of the Congress he became a more potential power. It was then time to make peace with him. A meeting had taken place on the day following his election, May 27, 1909, at the Union League Club, Chicago, between Mr. Funk, the general manager of the International Harvester Co., and Edward Hines. They disagree as to what occurred on that occasion. Mr. Hines's version is corroborated in every particular. Three witnesses—Hall, Baker, and Carney—who were all present, corroborate Mr. Hines's statement as to the opening portion of the interview.

VERSION OF MR. HINES.

Briefly stated, Mr. Hines says that Mr. Funk approached him and said:

I am very glad to hear that Mr. LORIMER has been elected Senator.

And further said:

I would like very much indeed, at your earliest convenience, if you would arrange to introduce me to Senator LORIMER. I have never met him, and I would like to have you introduce me to him.

And as they were about to separate Mr. Funk further said:

The Senator must have been put to more or less expense in this contest for the senatorship, and he ought not to stand that. The business interests ought to take it off his hands. We would like to contribute to that expense.

Mr. Hines testified:

I said to him that I did not know anything about the matter; but I said, "I will see and let you know."

The evidence shows that Mr. Hines did call upon Mr. LORIMER at his home the following Sunday evening; that he inquired concerning his expenses; was told by Mr. LORIMER that he had incurred no expenses save his railroad fare; and Mr. Hines reported to Mr. Funk that Mr. LORIMER had been to no expense whatever. Mr. Hines testified that his impression was that Mr. Funk approached him in that way for the purpose of "currying favor," as he expressed it, with Senator LORIMER, toward whom he had been opposed, but with whom, now that he had been elevated to the senatorship, he desired to be upon better terms.

That Hines's version of that interview is correct is made evident by the surrounding circumstances. He says that at the time he had his interview with Senator LORIMER he told him that Mr. Funk was very anxious to be introduced to him, and that Mr. LORIMER replied, "Mr. Funk is one of my active enemies, Mr. Hines, and I do not care to meet him particularly." But after some discussion and Mr. Hines's statement that he had promised to present him, Senator LORIMER consented to meet Mr. Funk. The evidence shows that Mr. Hines was unable to see Mr. Funk personally after his talk with Senator LORIMER, because he left Chicago early on the Monday following, but he sent word to him through Mr. Wiehe that there was nothing to that matter—meaning Senator LORIMER's expenses in connection with his election. During that week Mr. Wiehe had occasion to communicate by long distance with Mr. Hines, at Washington, and in the course of the conversation told him that his message did not seem to suit Mr. Funk, who was anxious to meet him in Washington the following Saturday. Mr. Hines could not tell about his movements at that time, and the following Friday, June 4, 1909, he telegraphed to the Edward Hines Lumber Co. at Chicago:

Will try. Have Funk meet me, Chicago, Saturday or Sunday. Could meet him any time. Like to leave here to-day. Answer quick.

What does that telegram mean? It means that Funk desired to see him, and Hines would try to meet him.

Mr. Hines received a telegram in reply, stating:

Funk New York to-day. Leaves this afternoon, Washington. There to-morrow. You can reach him to-day, George Perkins's office, or Judge Gary, 51 Broadway.

This incident is corroborated by the testimony of Mr. Wiehe. Without waiting to meet Mr. Funk in Washington, Mr. Hines left for Chicago that afternoon. He testified that he had no business of a personal nature pending with Mr. Funk, and that he knew of no reason why the latter desired to meet him beyond what was expressed in the message of Mr. Wiehe to the effect that Mr. Funk did not seem satisfied with what he had said to him and wanted to see Mr. Hines personally.

The statement of Mr. Hines is further corroborated by the fact that during the deep-waterways convention which was held in Washington in the fall of 1909, Mr. Funk met him in the New Willard Hotel and was taken by Mr. Hines to a room upstairs and introduced to Mr. LORIMER, as he had then and previously requested.

If the version of Mr. Hines is not true, why was Mr. Funk pursuing him the next week seeking an interview with him? Why did he want to meet him in Washington? As the evidence shows, there was no reason for it and no explanation of it except for the purpose of carrying out his determination to establish, if possible, friendly relations with Senator LORIMER. Months later why was Mr. Funk renewing his request to be introduced to Senator LORIMER, and why did he go with Edward Hines to his apartments in the Willard Hotel for the sole purpose of being presented to Senator LORIMER?

CHANGED CONDITIONS.

But now conditions have changed! A year has elapsed. With the publication of White's jack-pot story and the charge that Senator LORIMER occupied his position in the Senate as the result of bribery in the legislature all the old opposing forces in politics immediately sprung into new life; they all joined in organizing a crusade to drive this man out of the Senate of the United States, and Clarence S. Funk evidently wished to add his contribution to the swelling tide of opposition to Mr. LORIMER.

Immediately after the publication of the White story, being anxious to enter the lists of those planning the downfall of Senator LORIMER, Mr. Funk sought out his intimate friend Mr. H. H. Kohlsaat, of the Record-Herald, who for 20 years had been confessedly bitterly opposed to Mr. LORIMER politically, and to him, under a solemn pledge of secrecy, unfolded his version of the interview had with Edward Hines on May 27, 1909, the day following the election of Senator LORIMER.

VERSION OF MR. FUNK.

Mr. Funk gave to this committee his version of the interview had with Edward Hines on the day after the election of Mr. LORIMER, testifying that Mr. Hines approached him and said: "Hello! you are just the man I was looking for." That Hines seemed to be feeling exuberated, and further said, "Well, we put LORIMER over down at Springfield, but it cost us $100,000 to do it." That he "then went on to explain that they had to act quickly when the time came and did not have any time to consult anybody." And that he further said: "So we put up the money. Now we are seeing some of our friends to get the matter fixed up." That he inquired how much he was getting from different friends, and Hines said, "Well, we can only go to a few big people; but if about 10 of us would put up $10,000 apiece we would clean it up." That he asked Hines why he had come to him, and Hines said, "Because you are as much interested as anybody in having the right kind of a man in Washington." That he replied, "I told him we would not have anything to do with the matter." That he wanted to know why, and he said, "Because we are not in that kind of business."

Mr. Funk said Mr. Hines mentioned Mr. Tilden's name as the man who handled the money.

In doing this Mr. Funk fully intended, without permitting the story to reach any judicial tribunal where its truth or falsity could be determined, to have it used, as it was used, as it has been used from that hour to this, secretly but effectively to bring about the destruction of Senator LORIMER politically. And it was upon Mr. Funk's version of this interview with Edward Hines that the Senate of the United States reopened this case, and that is the sole basis for the claim that a corruption fund was raised and used to secure the election of Senator LORIMER.

MR. KOHLSAAT BECOMES A PARTY TO THE MOVEMENT.

Mr. Kohlsaat is a man of great ability; he has great interests; and he has done great newspaper work in Chicago. He is a charming man to meet. He came into this controversy just as James Keeley did; just as Gov. Deneen did; and just as other men engaged in politics did—to unseat Senator LORIMER. Their whole stock in trade was the jack-pot story of Charles A. White, unless it should appear that a corruption fund had been raised and used corruptly by Edward Hines to aid in the election of WILLIAM LORIMER. As a matter of fact, there was no such fund; there is not a shred of evidence to support the statement that such a fund ever existed. And yet this story of Funk, secretly circulated, which never until now was allowed to reach any tribunal where its truth or falsity could be tested, has, more than any other one element in this case, resulted in the great wave of public sentiment which has demanded Mr. LORIMER as a sacrifice.

This is the story which Mr. Funk told Mr. Kohlsaat at this time, when it became necessary, as he believed, to join this movement to oust Senator LORIMER from his seat; he says he had never told it to any person except Mr. McCormick and Mr. Bancroft, the president and the counsel for the company of which he was general manager. Both of these men say they never mentioned it to any person, and had not even discussed it among themselves, so that is was locked up in the mind of Mr. Funk until he told it to Mr. Kohlsaat, and Mr. Kohlsaat says that he told it to Mr. Keeley, of the Chicago Tribune, and to Mr. Lawson, of the Chicago Daily News, "in confidence," giving to the latter Funk's name.

Now mark the time: Monday morning, May 2, the very day that the grand jury convened in Chicago, the Tribune published an editorial headed, "Was it sawdust?" followed by "Who furnished the dust, to use a colloquialism, to bribe the legislature?" And Mr. Keeley testifies that he personally wrote that editorial and ordered it to be published as the leading editorial in the Chicago Tribune of May 2:

Mr. HANECY. When you published the leading editorial in the Tribune, which you say you wrote yourself——

Mr. KEELEY. Yes, sir.

Mr. HANECY. On the 2d of May—the one headed, "Who furnished the sawdust"—you meant in that editorial Edward Hines, didn't you?

Mr. KEELEY. Yes, sir.

Mr. HANECY. And you wanted the public to understand that you meant Edward Hines, didn't you?

Mr. KEELEY. They could draw that inference; yes, sir.

Mr. HANECY. You wanted them to draw that inference?

Mr. KEELEY. Why, possibly; yes, sir.

Mr. HANECY. Edward Hines is the only one that your paper mentioned as a lumberman or in connection with sawdust in any of the articles in the Tribune, is he not?

Mr. KEELEY. Yes, sir.

Mr. HANECY. Whenever you mentioned anybody as a lumberman or connected with the lumber business or who furnished the sawdust or any similar terms, connecting a prominent citizen with the lumber business, you meant Edward Hines, didn't you?

Mr. KEELEY. Yes, sir.

The manager of that great corporation knew that story, as the editorial shows, because it could not have been based on anything else. He could not have received his information from any other source than that which I have described. Until he told Mr. Kohlsaat, Mr. Funk had told it only to Mr. McCormick and Mr. Bancroft, and they say they had not mentioned it even among themselves.

Mr. Keeley got no response from that, and on the following Sunday, May 8, within six days of the publication of that editorial, he propounded these questions:

Have you any knowledge of a syndicate that underwrote the election of Mr. LORIMER?

Putting it in the very language of Mr. Funk:

Have you any knowledge of this syndicate advancing the money and then, after the election of Senator LORIMER, sending certain members of the syndicate around and assessing corporations and friends of the Senator a certain proportion of the amount used?

Do you know anything about the identity of this syndicate?

How much did you contribute toward any fund for the election of Senator LORIMER?

Did you solicit any funds for the election of Senator LORIMER?

If you have anything further to say on the subject, Mr. Keeley, of the Tribune, will be glad to hear from you to-night.

These questions cover every feature, every phase of Mr. Funk's version of his interview with Edward Hines, which he had communicated to Mr. Kohlsaat "in confidence." Mr. Kohlsaat in turn told it immediately to Keeley and Lawson, thus bringing these strong forces into the combination that was pursuing Mr. LORIMER.

Mr. Hines told the reporter who called upon him in regard to these questions that he would call on Mr. Keeley and refused to talk with the reporter. Mr. Hines did call on Mr. Keeley at that time. He was indignant. Mr. Keeley says:

He repeated the fact that he had a reputation and a standing in the city of Chicago, and that if we printed anything about him that was libelous he would sue us for libel. I told Mr. Hines that whatever was true I would print about him, and he could sue and be hanged, under those circumstances, pointing out the fact that the Tribune Building was worth a million and a half dollars; and if we printed any lies about him or any libelous statements that he could get that building, and doubtless he could use it in the lumber business. I then asked him again if he desired to answer the questions, and he said "No"; and I ended the interview right then and there.

It turns out, however, that Mr. Hines did really answer the questions, and in response to a question of Senator FLETCHER Mr. Keeley says:

He may have said, in a general way, "I have not any answer to these questions. I do not want to answer them. There is nothing in them." Or something of that kind. I do not remember specifically what was said.

Senator JONES inquired:

Mr. Hines said to you that he considered the questions insulting?

Mr. KEELEY. First a joke, and then insulting, and then libelous.

In further substantiation of the fact that this story must have been known to Mr. Keeley at this time, and that it reached him through Mr. Kohlsaat, Mr. Keeley testifies that Mr. Kohlsaat mentioned the names of Hines, Tilden, Conway, and Roger C. Sullivan in connection with that transaction, and Mr. Mr. Keeley directed the questions to be put to Hines and Conway, and his evidence shows that these same questions were carried to Conway as well as to Hines, and that he sent Mr. Austrian to see Roger Sullivan with the same questions. So that there can be no doubt that Mr. Funk was in that combination on that very Sunday before the "sawdust" article was published Monday morning, May 2, the day the grand jury came together.

If I needed any further corroboration, I would cite the fact that on May 10, 1910, the Chicago Daily News published these same questions and answers. On that day a Tribune reporter called Mr. Hines at his home over the phone and asked if the interview published by the News was correct. Hines said he had not read it. The reporter read it to him, and Hines said, "That is correct," and that he had nothing to add to it. On May 11 the Tribune under glaring headlines reproduced the News's interview with Hines.

And yet from that day to this it has been stated that Mr. Hines never denied any of these stories. He never had a chance to deny them in court or in any investigation, because every time any of them told that story it was told "in confidence"; it must not go into court, it must not be heard in an investigation, it must not be made public. He never had a chance to meet it until he met it before this committee, and yet, as late as January, 1911, when this matter was under consideration in this body, Mr. Kohlsaat wrote a letter to the Senator from New York [Mr. ROOT], which appears in the report of the committee, in which he states that he had several times published editorially that $100,000 was raised to buy LORIMER's election without a protest from anyone. How could it be denied? No one knew the basis for such statements. If Edward Hines saw these statements, he had no means of knowing that they referred to him; and consequently, he could make no denial. The first time the name of any man was connected with this alleged fund was when Clarence S. Funk testified before the Helm committee at Springfield in April, 1911—a month after the Senate had determined that Mr. LORIMER's election was valid. Mr. Kohlsaat now becomes a very important figure in this movement against Mr. LORIMER. He was the custodian of that story.

ATTORNEY GENERAL STEAD IS BROUGHT INTO THE COMBINATION.

Another party to this combination enters upon the scene at this time, and that is the attorney general of the State. Senator LORIMER made a suggestion a few moments ago concerning the part he took to smother an investigation of legislative graft in Sangamon County. It must be remembered that the publication of the White story in the Tribune was on the morning of Saturday, April 30; that the publication of the Tribune's "sawdust" editorial, based upon Mr. Funk's story, was on the morning of Monday, May 2; that Funk must have communicated it to Kohlsaat as early as Sunday, May 1, and that Kohlsaat must have communicated it to Keeley on that same day.

On May 2, the same day that the Cook County grand jury met in Chicago, the Sangamon County grand jury met in Springfield. The latter is the county in Illinois in which it was charged all of the offenses had been committed. If there was bribery, it was in Springfield. If there was boodling, it was in Springfield. If there was any violation of the law in the legislature, it was committed in Springfield; and immediately after the publication in the Tribune on Saturday, the State's attorney of Sangamon County announced that he would prosecute all of those cases, and issued subpœnas for the witnesses whose names had been made public.

The attorney general of the State, Mr. Stead, promptly volunteered his assistance to the State's attorney of Sangamon County in prosecutions there. The State's attorney issued subpœnas, and published in the papers the statement that he would proceed. But some potent influence began at once to operate to prevent a prosecution in Sangamon County. Gov. Deneen had been in this movement from the 16th of March, when he had his first consultation with Mr. Keeley. He was with Mr. Keeley the morning of the publication of this story, April 30, and gave an interview which was published in the Tribune. He had returned to his home at Springfield, where the offices of Attorney General Stead are located. I have already said that Mr. Stead came forward promptly on Monday, May 2, and volunteered to support Mr. Burke, the State's attorney, in the prosecution he was to begin in Sangamon County.

Then what happened? Before that week had ended he sent his assistant, Mr. Dempsey, to advise Mr. Burke not to proceed with such investigation before the grand jury of Sangamon County. Why not? About the same time we find the governor going to Mr. Gillespie, an attorney of Springfield, concerning whom I will speak by-and-by, and telling him that he is not sure that the attorney general will prosecute those cases. He advised Mr. Gillespie not to engage in the defense, as there might be a legislative investigation, and he might be employed by the State. He asked him to keep out of the so-called bribe cases.

Now, I repeat that before the end of that week and before a single witness had appeared before the Sangamon County grand jury, Mr. Dempsey, the assistant attorney general, went to Mr. Burke and asked him not to proceed with the investigation in that county. Burke refused to comply with the request, and Mr. Dempsey threatened to invoke the aid of the courts to restrain him from doing so.

The strength of this interference to prevent an investigation of alleged offenses is evidenced by the fact that proceedings were actually begun by the attorney general in the courts of that county to legally restrain the State's attorney from doing his plain duty by investigating through the grand jury the guilt of these parties, whose offense, if committed anywhere, was committed in that county. Mr. Burke was brought in before the court and the attorney general appeared in person against him and urged the court to issue a restraining order to prevent Mr. Burke from proceeding with the investigation. The court decided in favor of Mr. Burke's right to proceed and held that the attorney general had no authority to interfere in proceedings pending before the grand jury. Mr. Burke, therefore, having the authority, proceeded.

But what produced this remarkable change of heart on the part of the attorney general and led him to invoke the aid of the courts in an attempt to stifle the investigation? Could it have been anything but the influence of Gov. Deneen? The answer is easily found in the statement of Mr. Gillespie, whom I have mentioned, and it is a significant element of the conversation that he asked Mr. Gillespie what his relations were with the attorney general, and was informed that they were friendly.

And it is still more significant that immediately after, when Attorney General Stead appeared in court to oppose Burke's investigation, he called Gillespie aside and asked if he had been employed or spoken to by anybody in connection with the defense of any of the cases. He stated to Gillespie that he did not know what his attitude would be, and asked him for the time being not to participate in the defense, and Gillespie said to him that he would not at that time. Thus it would appear that the combination already referred to operating in Cook County, acting through Gov. Deneen, had swerved the attorney general from his laudable purpose to aid State's Attorney Burke to prosecute all the alleged legislative offenses in the county where they were committed, and induced him to become their servant in attempting, through his high office, to block such proceeding.

OBSTRUCTION TO JUSTICE IN SANGAMON COUNTY.

How further did the Chicago combination seek to obstruct the orderly course of procedure in the county where alone the jurisdiction lay to investigate and punish legislative corruption?

Mr. Burke summoned White to appear before his grand jury, but he did not respond to the summons. He also summoned Link, Beckemeyer, and others. What was done? To prevent Mr. White from testifying in Sangamon County, the officers who had custody of him, under the authority and by the direction of Mr. Wayman, the State's attorney of Cook County, took him out of the State of Illinois; they went with him from place to place in Wisconsin, Minnesota, and Michigan. The first direction given by Mr. Wayman was to take White out of town, because he did not want White to be subpœnaed before the Sangamon County grand jury.

As I have already stated, immediately upon the signing of the contract with the Chicago Tribune on April 29, White was put in the custody of Officer Turner; he was taken to the Palmer House, where White had been stopping, and from there to the Grand Pacific Hotel, where they spent the balance of the night, also Friday, Saturday, and Sunday. On May 2, the day the grand jury met in Cook County, White was taken to State's Attorney Wayman's office and put in charge of an officer from that office. He does not remember exactly the places to which the officers took him, but among other places he was taken to the Del Prado Hotel, Hyde Park. Officer Kerr then took him to Milwaukee with one Otis Yarbrough, and the three spent one day at the Plankinton House. Then White, Officer Kerr, and Yarbrough went together to Madison, Wis. They were there for several days, after which they went to Minneapolis, Minn., where the three remained for two or three days. White swears:

I think Mr. Wayman called us in at that time. Mr. Wayman ordered us out of town; that is all I know. He ordered the officer to take me out. If I remember correctly, he called up the room at the hotel, and I answered the phone, and then he ordered Kerr to take us out of town.

Mr. Wayman himself testifies that he gave that order. He was asked:

That was on your direction?

Mr. WAYMAN. Yes. The towns were not selected by me, but the direction was to keep out of the jurisdiction of Sangamon County for awhile, and out of Illinois.

What is true of Mr. White in that connection is true of Mr. Beckemeyer. In order to keep him away from Sangamon County, Mr. Beckemeyer was sent to Indiana and kept there for a week. He rebelled against being kept out of the State, and returning to Chicago told Mr. Wayman that he was not going to dodge in that way, and in spite of Mr. Wayman's wishes voluntarily went to Springfield to testify.

When Mr. Link was summoned before the Sangamon County grand jury at Springfield to testify, Mr. Wayman sent an officer and a lawyer with him to prevent him from testifying there.

This is a very strange thing, Mr. President, in view of the fact that Cook County had no jurisdiction over Mr. Beckemeyer or Mr. Link or anyone connected with the legislative corruption, except Lee O'Neil Browne, and only over him because he paid a part of the $1,000 to White in Cook County. If any offense had been committed by Mr. Beckemeyer or by Mr. Link, it was in Sangamon County, and it was in that county that they should have been prosecuted, and the State's attorney for that county was not only justified in directing an investigation there, but it was his duty to do so.

What was the reason these witnesses were not allowed to go there? Is it not apparent? Charles A. White claimed that Lee O'Neil Browne had bribed him in consideration of a thousand dollars to vote for Mr. LORIMER. If the Cook County authorities could secure a witness who would state that Browne had paid him the same amount, they would claim before the jury in the Browne trial that it was paid for the same purpose. Their plan was to keep these persons in Cook County, in the custody of officers, where they could control their movements and associations, and use them in the prosecution of Browne.

The Cook County authorities did not want these men to testify in any other county. It was not their purpose to have the participants in the legislative jack pot punished. They even granted immunity for that offense to induce these witnesses to testify when the prosecution of Browne for bribery only was pending. Their sole purpose was to sustain the story of Charles A. White. In this they were not successful. These witnesses did testify in the trials where Charles A. White was a witness, but no jury convicted Browne, because neither of these witnesses ever admitted to anybody and neither ever testified that the money he received from Lee O'Neil Browne had any connection with his vote for Mr. LORIMER.

Returning to proceedings in Sangamon County, Link appeared before the Sangamon County grand jury two or three times, and on the advice of State's Attorney Wayman, of Cook County, refused to answer questions propounded to him, on the ground, as Wayman advised, that he might incriminate himself. Though Link wanted to answer the questions, still Wayman said, "Don't do it, Link; don't do it."

Mr. Link testified:

Q. Did he tell you not to answer the questions of the State's attorney or the grand jury of Sangamon County?—A. If the senatorial committee please, the question all hinged upon one answer, "No" or "Yes," to one certain question, and that question was, "Did you receive or were you offered or do you know of anybody being offered any money in Springfield for voting on any question?" That was the question, and when I finally got permission from Mr. Wayman, which I answered positively, right straight out, "No." I answered, "No." That is all there was about that. He wouldn't let me answer the question at all.

In order to induce Mr. Link to testify before the grand jury of Sangamon County the State's attorney of that county went to the court and secured an immunity order in his favor, so that if he should testify he would not incriminate himself, and even under those circumstances we find him there in the custody of an officer and accompanied by a legal adviser sent by the State's attorney of Cook County and at that county's expense.

Let me repeat, the purpose of the combination, as I call it, of all forces mentioned was to secure evidence to sustain White's claim that the $1,000 paid by Browne to White was in pursuance of an agreement with Browne to vote for Senator LORIMER. To this end every instrumentality known to the law and unknown to the law was invoked. The charge has been shown to be unfounded by the courts of Illinois, where it was fully and carefully and ably tried. This is all the more remarkable when it is remembered that in the preparation of the Browne case and in the attempt to secure evidence that would in some way connect fraud with the election of Senator LORIMER methods were adopted and means employed more censurable in their nature than can be conceived by any student of history who has respect for human freedom.

White, Beckemeyer, and Link, and without doubt others, had each received $1,000 from the "jack pot," made up of contributions from corporations in the interest of special legislation. In each instance $1,000 was paid by Browne and $900 by Wilson. In each instance it came from a common fund and must have been for a common purpose. White's claim that he had been bribed to vote for Mr. LORIMER was wholly unsupported. The purpose of this combination was to make it appear that the payments to Beckemeyer and Link were for the same purpose, and so corroborate White's story. But neither Beckemeyer nor Link ever testified to any such thing. The story of Charles A. White was not only unsupported, but was discredited, and Mr. Browne was discharged on a verdict of acquittal of the charge.

METHODS ADOPTED WITH WITNESSES IN COOK COUNTY.

Mr. President, I want to call attention to the way that witnesses were treated in Chicago when called before the grand jury in this attempt to extort from them something that would support White's story of bribery and something that would give color to the statement that the thousand dollars they had each received from Mr. Browne was for the purpose of inducing them to vote for Mr. LORIMER. It appears that all these witnesses went before the grand jury of Cook County and were asked the question whether they were in St. Louis on July 15, 1909. It is true that they had been there and that they had received $900 each from Wilson, but each of them denied being in St. Louis that day. They supposed they would be prosecuted for having received the money. What happened? They were immediately placed under arrest. Let me refer to the testimony of State's Attorney Wayman. He certainly knows why this was done.

This question was put to him by Mr. Marble:

Why did you place these witnesses in custody or under this surveillance?

Mr. WAYMAN. Well, there are different answers applying to the different witnesses. I will take them seriatim. I placed Link in custody because he had committed a crime in my presence. I placed

Beckemeyer in custody because he had committed a crime in my presence. I placed Clark and Shephard in custody believing that they had committed crimes in my presence, and I did so under the authority of the statute of this State.

The CHAIRMAN. To what statute do you refer?

Mr. WAYMAN. Section 342 of the criminal code of this State.

Mr. MARBLE. Were officers kept with these men against the will of the men and against their consent?

Mr. WAYMAN. Yes; officers were kept with Clark, Link, Shephard, and Beckemeyer on the afternoon of the 5th against their will. Of course, they were placed in custody against their will, and they were held in custody involuntarily—all those four—until they were discharged from the custody, etc.

Now, what was the authority under which the arrests were made? The statute reads like this:

Arrests without warrant. 4. An arrest may be made by an officer or by a private person without warrant for a criminal offense committed or attempted in his presence, and by an officer when a criminal offense has in fact been committed and he has reasonable ground for believing that the person to be arrested has committed it.

Mr. President, the construction placed upon that statute by the State's attorney for Cook County is that if he, sitting in the grand-jury room, is of opinion that a witness has committed perjury he can place him under arrest for a crime committed in his presence. What do the lawyers here say to that proposition? If there had been a criminal assault upon the street, of course it could be done; but think of a State's attorney sitting with the grand jury and placing men under arrest the moment he thinks they have sworn falsely, and under the authority of such a statute.

In each of these cases just as soon as the witness had ceased testifying an indictment was filed against him for perjury. These men were placed and kept under arrest; but if arrested on those indictments or arrested under a statute of the State, why were they not committed! Why were they permitted to go to hotels with an officer of and at the expense of Cook County? Why were they permitted to indulge in intoxicants by these same officers, and why were the expenses of drinks charged in the same way? Why were they permitted to do anything and everything of the character indicated before being again brought before the grand jury? Officer Keeley, in whose charge these men were placed, answers these questions. He testified that his instructions from the State's attorney's office were "to take them out and treat them right," which he understood to mean that he was to get them in a condition where they would talk more freely before the grand jury.

Why did they afterward admit their presence at St. Louis and the receipt of $900 each from Wilson? Because it was true and because Robert E. Wilson was called before that grand jury, and could not deny that he had been in St. Louis on that day, because he was registered at a hotel. He told the grand jury he was there and admitted these men were with him, giving some apparently innocent reason for the meeting. Thereupon these men went before the State's attorney and frankly admitted being in St. Louis and receiving $900 each, under conditions of which I will speak a little later. Shephard never confessed that he received any money or anything of that kind, although he admitted being in St. Louis. The same is true of Clark.

WHY LINK VOTED FOR MR. LORIMER.

Remembering that the payments to each of the three men, White, Beckemeyer, and Link, were precisely alike, $1,000 to each from Browne and $900 from Wilson, and that White is the only one who makes any claim that the first payment differed from the second in character or purpose, it is important to know just what influences did operate to induce these men severally to vote for Mr. LORIMER. Let it ever be remembered that Beckemeyer and Link have never been driven to the confession that the money paid them was from any source other than the jack-pot fund of the legislature—and even White admits that his second payment was from that source.

What did, in fact, move these men to vote for Mr. LORIMER?

Take first the case of Mr. Link. As early as March it appears that Mr. Link wanted to vote for Mr. LORIMER.

I read from his testimony:

Q. You were going to vote for him, even though you were a Democrat, by reason of his views on the deep waterway; is that correct?—A. Will you allow me to tell you when I made up my mind to vote for him?

Q. Yes, sir.—A. In March, 1909—provided we could not elect a Democrat.

Q. As early as March?—A. Yes, sir.

Q. Had you voted for any Republican after March?—A. No, sir.

Q. Now, Mr. Link, you heard Mr. LORIMER on the deep-waterway proposition when?—A. You mean prior to the——

Q. To May 26?—A. I heard him and followed him in our county when he came there.

Q. When was that?—A. In the fall of 1908, I think.

Q. 1908. It was by reason of his views on the deep-waterway proposition that you concluded, if the occasion arose, to vote for Mr. LORIMER for United States Senator, was it not?—A. Yes, sir; I was opposed to Illinois going it alone. I wanted the United States Government to give us help.

Q. It was by reason of Mr. LORIMER'S expressions on the deep waterway——A. (Interrupting.) His attitude; yes, sir.

Q. That you concluded you would vote for him for United States Senator?—A. Yes, sir; I thought he was the greatest man in Illinois.

Q. Was there any other fact that impelled you to vote for him?—A. Not any emphatic fact; no, sir.

* * * * * * *

Q. Your county, the largest county in your senatorial district, is Madison County?—A. Yes, sir. It borders on the Mississippi.

Q. And bordering on the Mississippi, it would be affected by this deep waterway?—A. Yes, sir.

Q. You stated to the counsel on the other side on the direct examination that you heard Senator LORIMER speak on the deep waterway; was that in your county or one of the counties in your senatorial district?—A. He spoke three times in the fall of 1908 in Madison County, and had charts with him explaining the plans, etc., and the practicability, and I was deeply interested. I heard him at two places, and I heard him at Granite City and also at Edwardsville.

Link makes further statements, and finally the following testimony was given:

Q. When for the first time did you vote for WILLIAM LORIMER for United States Senator?—A. The 26th of May, I believe.

Q. 1909, sir?—A. Yes, sir.

Q. In other words, the first time you ever voted for Mr. LORIMER for Senator was the day he was elected?—A. Yes, sir.

Q. What, if any, talk did you have with anyone——A. What do you refer to?

Q. ——with respect to voting for Mr. LORIMER for United States Senator prior to May 26, 1909?—A. With Mr. LORIMER himself.

Q. When?—A. Some 10 days prior to his election.

Q. What did he say to you and what did you say to him?—A. I personally promised him my vote.

Q. What else was said?—A. "How do you do," and so forth.

Q. Anything else?—A. Not to my recollection. You have got the substance of the conversation.

* * * * * * *

Q. Did you and Lee O'Neil Browne ever discuss your interview with LORIMER?—A. Yes, sir; to some extent.

Q. When?—A. Some three or four days before LORIMER was elected, to my recollection.

Now we reach his first interview with Lee O'Neil Browne, in which he says:

A. He asked me if—do you want to know what he asked me?

Q. I want the conversation.—A. The conversation was this, to my recollection: He said, "Hello, Mike," and I said, "Hello, Lee." He says, "Come here a minute, Mike, I want to see you," and I said, "All right." He says, "Mike, would you vote for a Republican for the United States Senate?" I says, "Lee, it is according to what Republican you have in view." He says, "How would Mr. LORIMER suit you, Mike?" I had the laugh on him right there, and I said, "Lee, I have got the laugh on you; I beat you to it;" that I promised Mr. LORIMER a week or 10 days ago personally. That is all the conversation that took place.

Mr. Link appeared before the grand jury of Cook County May 5, and testified that he was not in St. Louis July 15, or any other day that summer, to meet Wilson nor anyone else.

Friday, May 6, the indictment was voted against him and it was in process of preparation. Link left the grand jury room and was joined by Mr. Wayman, and a long conversation was held in which Mr. Wayman succeeded admirably in getting at the situation. He said in his testimony:

I called him to one side and said, "Mr. Link, you had better wire for your son to come to Chicago." I was under the impression that he had a son. He said, "Unfortunately, I have no son." I said, "You had better wire for your brother." He said, "No; he can not do me any good in the trouble I am in now." I said, "If there are any of your folks that you want to notify to come up here, and I think they should, we will notify them." He thought the question over—

* * * * * * *

The bond is the thing that is bothering me. If I were down in my home town and county I could get all the bond that was wanted, but I am up here a stranger and I do not know about a bond.

Then Mr. Wayman took the matter up in another light. He said:

"I will tell you what I am going to do with you, Mr. Link. You need not let the bond proposition worry you at all. I have got a plan mapped out for you that I want you to follow. You take my advice on it. I am not going to have this capias served on you at all. I am going to permit you to go back to your home, and I will order the sheriff to hold the capias. When you get down there, you consult the lawyer whom you have known the longest, or your warmest friends, and tell them the exact situation. After you have done that, then you can arrange for your bond and return here next week and give a bond." He said, "Well, that is pretty fair." He then said to me, "What lawyer would you recommend here?"

Mr. Wayman told him he could not recommend a lawyer.

Without stopping to read that testimony I will say that Mr. Wayman did everything in his power to get Link to seek the best advice obtainable and be governed by it.

Telling him that he should tell his lawyer the circumstances, and then be guided by his advice, adding:

Whether or not you should stand trial on this perjury charge and take the chance of going to the penitentiary (for that is the penalty under the statute) in defense of the gang that got you into this conspiracy and are now ditching you, or whether you should tell the truth, purge yourself of this perjury, and help the State of Illinois to retrieve itself from the outrage that you and the other conspirators have heaped upon her." I said, "Tell him or them the truth. That is all I want you to do; and then return here."

They had further conversation which, according to Mr. Wayman's testimony, was as follows. He, Mr. Link, said:

"I want you to understand one thing now. I never was promised any money to vote for LORIMER." I said, "It does not make any difference what you were promised. What I am trying to find out is, why were you at St. Louis on July 15?" He said, "I would like to

tell you, but I don't want to hurt Lee. Lee was pretty kind to me when I was in the legislature." I said, "That is not material to the issue here at all." He finally said, "How do you stand in St. Louis?" I said, "Mr. Link, the situation as I understand it is you have committed no crime in St. Louis. No testimony here shows the commission of a crime in St. Louis." He said, "How do you stand in Sangamon County?" I told him I did not know the State's attorney of Sangamon County, but that the State of Illinois was a big institution."

They had further conversation until it came to the point that Link was assured of full immunity if he would tell the truth.

Mr. Wayman testified that he said to him:

"Why don't you tell the facts?" He said, "I will tell you what I will do. I will tell you the exact facts, with the understanding that if I conclude to stand trial on the perjury charge you will not use it against me."

Mr. Wayman admits that in making his confession Link expressly denies that the payment to him had anything to do with his vote for Mr. LORIMER.

He testifies:

I agreed to that. That was Friday night. Before he left he said, "Well, I want you to understand"—and he repeated this at least half a dozen times—"that I was promised no money to vote for Senator LORIMER," and then, when he agreed to tell the facts, he said that on July 15, at St. Louis, he was there. He told who was there and said that he received $900 from Robert R. Wilson; that prior to that, on a date that he could not fix, he received a thousand dollars from Lee O'Neil Browne in St. Louis, having on each occasion received word to go to St. Louis, but that Lee O'Neil Browne did not tell him what the money was for and he did not know what it was for. He said, "Now I have told you all I know."

Thereupon he was taken before the grand jury and testified as he had stated to Mr. Wayman. Mr. Wayman said:

"Are you going before the grand jury and tell the facts?" He said he was. I at once took him before the grand jury. That was Saturday morning, the 7th. He there testified as he had stated to me. I went at once into court with him before Judge Kersten and nolled the case in open court and Mr. Link left at once for his home in Madison County.

The CHAIRMAN. Mr. Wayman, you stated what he told you about Mr. Browne, that he paid him a thousand dollars, but did not tell what it was for?

Mr. WAYMAN. Yes.

The CHAIRMAN. You did not say anything regarding Mr. Wilson. Did he tell you what Wilson said the $900 was for?

Mr. WAYMAN. No; I do not think he did. My impression is that he just got the money, and that he had no information from any of them as to what it was for, and I remember telling Mr. Link, "It will be a question for the jury as to what it was for."

Mr. Wayman said that he neglected to state one part of the conversation as to his reasons for voting for Mr. LORIMER, and he proceeds as follows:

Mr. WAYMAN. He said that Lee O'Neil Browne met him and asked him to vote for Senator LORIMER; asked him if he could vote for a Republican; that he said, "That will depend on what Republican it is." He said Browne said, "Senator LORIMER." Then he went on and told me, "I said, 'Lee, I beat you to it'; I was considerably puffed up to think I had beaten a smart man like Lee O'Neil Browne to it. Two men came and got me and took me out riding one evening, and asked me to vote for Senator LORIMER"; and I think he said after their talk they had taken him up to call on Senator LORIMER, and he had there promised Senator LORIMER that he would vote for him. That was prior to the time that Lee O'Neil Browne spoke to him, and he said that his reason for his friendliness for Mr. LORIMER was because of Mr. LORIMER's attitude on the deep waterway; that he had heard Mr. LORIMER during the prior summer on two or three different occasions in that district, and had heard Mr. LORIMER before the legislature, in March, I think he said; that his district was a large district on the Mississippi River, and that the reason he voted for Mr. LORIMER was because of Mr. LORIMER's attitude on the deep waterway. He always maintained that the financial transactions subsequent had nothing whatever to do with his vote. That is the general outline of it.

There we have presented the facts given to the State's attorney of Cook County by Link, upon which he received full immunity for his offense and was set at liberty. Nowhere did Link ever tell any different story, but over and over again he stated and insisted that his vote for Mr. LORIMER was free and voluntary, and that the money received by him had no connection whatever with his vote for Mr. LORIMER; State's Attorney Wayman fully understood this and explicitly says so in his testimony; and understanding it he discharged Mr. Link from custody, with an order of immunity in his pocket and promises of further protection in Sangamon County, which he undertook to carry out. And yet, led by the Chicago press, almost every newspaper in the United States has innocently aided in giving circulation to the falsehood that Link confessed that he was paid for voting for Mr. LORIMER.

The testimony on pages 5752, 5753, and 5754 of the Record shows that thereafter Link was on friendly terms with Mr. Wayman, and particularly so in regard to all matters relating to the proceedings in Sangamon County. Link refrained from responding to a subpœna requiring him to appear in Springfield until he consulted Mr. Wayman and was advised by him to go and assured that he would have a lawyer there to meet him, and Mr. Wayman did send an attorney, Mr. Reed, to Springfield to prevent Link from testifying before the grand jury of Sangamon County in the investigation which the State's attorney of that county, Mr. Burke, was attempting to make, and wherein, if anywhere, Link's testimony should have been taken. In all subsequent proceedings Link was governed by Mr. Wayman, and the relations between them were of a cordial and friendly character. Mr. Wayman thought he had done him a great favor in advising him to disclose the truth, and Link was perfectly frank and outspoken in his declaration that he did not receive the thousand dollars in consideration of voting for Mr. LORIMER.

So it was with all these witnesses—they never got beyond that point. Not one of them, save White, ever said, however pressed, that any consideration moved to them by reason of their vote for Senator LORIMER.

WHY DID BECKEMEYER VOTE FOR MR. LORIMER?

To those who have followed the history of this case I suppose the name Beckemeyer is familiar. It is very important that we examine Mr. Beckemeyer's testimony in the light of all the circumstances under which it was given, inasmuch as he is one of the men who is known to have received $1,900 from this common fund which I have before discussed, and one of the witnesses who testified before the Cook County grand jury and at both trials of Lee O'Neil Browne and before both senatorial committees.

Mr. Beckemeyer is comparatively a young man. He is the son of a prosperous banker. He is a lawyer by profession, but without a large practice; he is not a strong man, not a virile man, and under ordinary circumstances not what would be called a bad man. But in the legislature he fell into those currents which have been disclosed in evidence, and was one of the participants in the distribution of the so-called jack-pot fund of 1909. He admits it very frankly.

Mr. Beckemeyer was a follower of Lee O'Neil Browne in that legislature. It will be remembered there were two Democratic factions—one led by Browne, the other by Tippit. Beckemeyer says he followed Browne's leadership generally through that session. He testifies as follows in answer to Mr. Healy:

Was your Democratic colleague from that district a member of the Browne faction?

Mr. BECKEMEYER. No, sir; he was not.

Mr. HEALY. With which faction was he identified?

Mr. BECKEMEYER. He was of the Tippit faction—what is known as the Tippit faction?

Both of these men were Democrats and from the same district.

The reason given by Mr. Beckemeyer for voting for Mr. Browne in the caucus and allying himself with the Browne faction during that session of the legislature was given in his testimony, where he says:

When I went to Springfield that session I really had not made up my mind who I was going to support for minority leader, but when it came to the showdown between Tippit and Browne—I did not know Browne well, but I knew Tippit, and I did not like Tippit personally. That was about the only reason why I went with the Browne faction.

I read the foregoing at this time because yesterday the Senator from Iowa [Mr. CUMMINS] inquired whether it appears in evidence that Browne paid any of his followers anything in consideration of their support of him for the position of minority leader. Nothing in the evidence would warrant such a conclusion, and anything I may have said that could create such an impression must have been misconstrued. Mr. Beckemeyer's testimony shows that he supported Browne for minority leader more because he did not like Tippit than for any other reason.

As time went on these two Democratic factions became more and more opposed to each other, for some reason which it is not altogether easy to understand. In relation to that question Mr. Beckemeyer testified, in answer to a question by Senator KENYON:

Would his request to you to vote for a bill be made to you alone, or in concert with other people, or while you were with other members of the legislature?

Mr. BECKEMEYER. I could tell you about the conditions that we were in there, Senator.

Senator KENYON. That is what I am asking you.

Mr. BECKEMEYER. The Browne faction and the Tippit faction were continually at daggers' points, and there were a great many times when the Browne faction was on one side of a question and the Tippit faction on the other side, and very often on different matters. It was necessary for us to stay absolutely together, and we always did stay together through the whole session—the Browne faction in opposition to the Tippit faction, regardless sometimes of whether we really wanted to vote that way on that particular thing.

Later, explaining the lengths to which he would follow Mr. Browne as a leader, Mr. Beckemeyer testified as follows:

I understood you to say that you would have voted for any bill that he asked you to vote for.

Mr. BECKEMEYER. I would have voted for nearly every bill; I would have done anything that Lee O'Neil Browne wanted us to do, and I think that was the condition of nearly every Browne Democrat—that they would have done anything that Browne wanted; that is, if it was within reason.

Senator KENYON. Would you have voted for Gov. Deneen for Senator if he had asked you to?

Mr. BECKEMEYER. No; I do not think I would, and I do not think that there was any danger of Lee O'Neil Browne asking that at that time.

Senator KENYON. Would you have voted for Senator Hopkins if Browne had asked you to?

Mr. BECKEMEYER. No, sir; I would not.

Senator KENYON. Then, you would not have voted for anyone that he asked you to?

Mr. BECKEMEYER. I would not have voted for anyone he asked me to; no.

It appears from all the testimony of Mr. Beckemeyer that he was opposed to Mr. Hopkins from the beginning. This was true of all Democrats in that body. Beckemeyer was a seatmate of Mr. Alschuler, who represented the Hopkins district in the house of representatives, and says "that George Alschuler never stopped, from the day the legislature conveyed until Mr. LORIMER was elected, hollering for somebody to beat Hopkins." As to his own attitude on that subject, he testified:

Mr. HANECY. And you told George Alschuler and everybody else that you talked with, from very early in the session of the forty-sixth general assembly, that you would vote for anybody to defeat Senator Hopkins, did you not?

Mr. BECKEMEYER. Yes, sir; I said it often.

Mr. HANECY. And you did not care as to the name or individuality of the person who would beat Hopkins, but you would vote for anybody who could beat him?

Mr. BECKEMEYER. Well, I think my decision at that time was really to vote for Ed. Shurtleff.

Mr. HANECY. Ed. Shurtleff was speaker of the house, and a Republican?

Mr. BECKEMEYER. Yes, sir.

Mr. HANECY. And there was very general talk throughout the session of the legislature, among Democrats as well as Republicans, of electing Shurtleff Senator, was there not?

Mr. BECKEMEYER. There was quite a good deal of talk of it; yes, sir.

Mr. HANECY. And it was the general talk for a long time before the election of Mr. LORIMER that Shurtleff could get nearly the entire Democratic vote for Senator?

Mr. BECKEMEYER. I do not know about that. I was told that he could have anything. Practically all of them had voted for him for United States Senator at some time or other. I was told that.

Then the question came:

Mr. HANECY. And that was so from early in the session, was it not; that is, after it appeared that Hopkins could not be elected?

Mr. BECKEMEYER. Yes, sir; I will say that.

Mr. HANECY. There never was any hope on the part of the Democrats, so far as you know, of electing a Democratic Senator, was there?

Mr. BECKEMEYER. No; I think nobody ever dreamed of that.

But it developed that, although he was very much opposed to Mr. Hopkins and believed that he would vote for any other Republican, and do so willingly, in order to defeat his reelection, he could not vote for Gov. Deneen, and when, as the end of the session approached, he really faced the proposition of voting for a Republican, Mr. Beckemeyer wavered. He was not a strong, resolute, independent man, as were some others in that legislature. He had an eye out to his political future; he realized the power of public sentiment; and he did not know how his political supporters at home might feel and he became timid. This question was put to him:

Senator KENYON. Was it at all hard for you to vote for a Republican?

Mr. BECKEMEYER. I did not want to vote for a Republican; no.

Senator KENYON. Did it strike you as at all strange that 53 Democrats should vote for a Republican?

Mr. BECKEMEYER. It did; yes, sir; that is one reason why I protested at that time.

Senator KENYON. Did you think that was to demoralize the Republican Party?

Mr. BECKEMEYER. I will say that was one of the arguments that was generally applied around the statehouse at that time; yes, sir.

Senator KENYON. That was used, was it?

Mr. BECKEMEYER. Yes, sir.

Senator KENYON. And used in the Browne faction?

Mr. BECKEMEYER. Yes.

Senator KENYON. Was that somewhat persuasive with you, Mr. Beckemeyer?

Mr. BECKEMEYER. I can not say as to that. I thought there was some truth in that kind of an argument; that it might do that.

At that point the Senator from Washington [Mr. JONES] intervened and put this inquiry:

It was not very hard for you to vote for a Republican, was it?

Mr. BECKEMEYER. I did vote for one.

Senator JONES. You testified here that you had frequently stated you would vote for any Republican to beat Hopkins.

Mr. BECKEMEYER. I did; yes, sir.

Senator JONES. And you felt that way?

Mr. BECKEMEYER. Yes, sir.

Senator JONES. And you found a good many Democrats in the legislature who felt that way, too, did you not?

Mr. BECKEMEYER. Yes, sir.

Senator JONES. That probably accounted for the vote of a good many of the 53 Democrats?

Mr. BECKEMEYER. I think it did, Senator.

That was his judgment upon the question of what influenced many of the Democrats in that body to vote for Mr. LORIMER.

Mr. Beckemeyer testified that he first heard of the candidacy of Mr. LORIMER about 10 days prior to the election, possibly two weeks, not more than that, and that down to that time he had supported Democratic aspirants for that position, and that he had taken no public position in relation to any change, except that he had said from time to time that he would vote for anyone to defeat Mr. Hopkins.

But, as I said before, when he actually faced the proposition of supporting any particular Republican he was so much of a Democrat that he hesitated to do so. He told a number of people, two or three days before the election of Senator LORIMER, that he was not going to vote for Mr. LORIMER for Senator. He testified as follows:

Mr. HANECY. You told a number of people two or three days before the election of Senator LORIMER that you were not going to vote for Mr. LORIMER for Senator, did you not?

Mr. BECKEMEYER. You say I told several people?

Mr. HANECY. You told that to a number of people two or three days before he was elected.

Mr. BECKEMEYER. I do not remember just how many days before that, but I did say that. When it came to a show-down I said that; yes, sir.

Mr. HANECY. You told Lee O'Neil Browne two or three days before Mr. LORIMER was elected that you were not going to vote for Mr. LORIMER, did you not?

Mr. BECKEMEYER. I did; yes, sir.

Now, it is a fact which never has been denied by anyone that at least three days before he voted for Mr. LORIMER he told Lee O'Neil Browne he would not vote for Mr. LORIMER. In an interview between them Mr. Beckemeyer said he told Browne, "I did not think I could afford to do it; that it would kill anyone at home politically—a Democrat—who did that. He then insisted that it would not, and insisted that it was a proper thing to do politically.

That is the only argument, as the evidence shows, used by Lee O'Neil Browne upon Mr. Beckemeyer—that it was right to do it politically, as the situation then stood. Mr. Healy inquired of Mr. Beckemeyer as follows:

Tell us what he said, Mr. Beckemeyer, if you can remember his language. If you can not, give us the substance of his conversation with you.

Mr. BECKEMEYER. I do not remember what his language was.

Mr. HEALY. Give us the substance of the talk.

Mr. BECKEMEYER. About all I could say about the substance was that I argued for a minute or two that I could not afford to do it, and he argued the other way—that I could afford to do it.

Mr. HEALY. What reason did he assign in favor of his argument?

Mr. BECKEMEYER. I do not remember that he assigned any other reason except that practically all the Democrats were going to vote for Mr. LORIMER.

Mr. HEALY. What was said in reference to that, if anything?

Mr. BECKEMEYER. I told him that that might put a different complexion on my view, if that was the case.

In that statement will be seen the beginning of the process which led Mr. Beckemeyer to vote for Mr. LORIMER. If all the Democrats, or a substantial portion of them, in that body were to vote for him, that was enough to relieve him before his constituents at home, and in his desire to oppose and prevent the reelection of Mr. Hopkins he would be very glad then to vote for Mr. LORIMER. This put an entirely different aspect upon the situation. What follows?

Mr. HEALY. What else did you say?

Mr. BECKEMEYER. I do not remember that I said anything, particularly. I think I asked him who of the Democrats were going to vote for Mr. LORIMER.

Mr. HEALY. What did he say in answer to that question?

Mr. BECKEMEYER. He then produced a list of all of the Democrats that he said were going to vote for Mr. LORIMER.

He showed that list to Mr. Beckemeyer, read off the names, and Mr. Beckemeyer says:

I do not know that I can recall. I think he read off nearly every name that voted for Mr. LORIMER of the Democrats.

Mr. HEALY. About how many was that?

Mr. BECKEMEYER. I believe there were 53 Democrats that voted for Mr. LORIMER. There must have been forty-some-odd representatives.

And that list which was shown to him at that time indicated that substantially forty-odd from the house of representatives would vote for Mr. LORIMER. Then Mr. Healy asked him this question:

Do you remember the names of any of the Democratic members of the legislature who were going to vote for Mr. LORIMER, according to the information then given you by Mr. Browne?

Mr. Beckemeyer replied:

I was rather anxious to know how some of those that I was closely associated with were going to vote. Then I was also anxious to know whether any or a large part of the Tippit faction were going to vote for Mr. LORIMER. According to his list a majority of both factions were going to vote that way.

There it will be seen is an entirely new situation. Lee O'Neil Browne was not representing his faction in that conversation. He was telling him what Democrats were going to vote for Mr. LORIMER, and he gave him the names of those who had been his keenest rivals all during that session.

What does that indicate? That he had been bought? It is ridiculous to say that under those conditions this man had been bought to vote for Mr. LORIMER. He was saying he would not vote for him and was giving valid party reasons for his conclusion, but he was impressed by the statement that nearly all

the other Democrats were going to vote for Mr. LORIMER, and especially that the Tippit followers were to do so.

Does Beckemeyer's conduct indicate that he was controlled by Mr. Browne? Certainly not. What did he do? He went immediately to ascertain what the home sentiment would be. He found that among those names given him by Mr. Browne were Alschuler and Shephard and Luke and Gorman and McCollum from his own district and members of Tippit faction, and Tippit. He said if he could become satisfied that all those people would vote for LORIMER he would be relieved of the home criticism as a Democrat for voting for a Republican and he would be willing to join the others and vote for Mr. LORIMER. So the next day he went and had a consultation with these men and ascertained for himself that they would vote as indicated and he was correspondingly relieved and decided to do the same. Then what did he do?

Here follows an important and controlling incident in connection with Mr. Beckemeyer's action. On May 25, the day before the election came off, he sought and had a consultation with Mr. Holstlaw and Mr. McCollum, Mr. Holstlaw being the senator and Mr. McCollum being the other Democratic representative from his district. These three came to an agreement that they would vote solidly for the same candidate, and that candidate was to be Mr. LORIMER.

On the morning of May 26 Beckemeyer was again fearful of public sentiment among his Democratic supporters at home and wanted to vote for a Democrat.

He was timid and went to the capitol wavering and doubtful, not fully decided for whom he should cast his vote that day. Here is what he says he did:

Mr. HEALY. Did you make any effort or attempt to induce Mr. Holstlaw and Mr. McCollum to change their vote or to change their attitude on the senatorial situation that day?

Mr. BECKEMEYER. I did.

Mr. HEALY. What effort did you make in that respect?

Mr. BECKEMEYER. Mr. McCollum was claiming that I was under obligations to vote for Mr. LORIMER, on the talk we had the day before.

Mr. HEALY. What did he say to you about that?

Mr. BECKEMEYER. He said he was going to hold me to my word when I had said that I was not going to vote for Mr. LORIMER on that morning. I sent Mr. Murray to him, from our town, to try and get Mr. McCollum and Holstlaw to release me on that word, if there was such a word. They were going to stand on it.

Mr. HEALY. And what did Mr. Murray report to you?

Mr. BECKEMEYER. Mr. Murray reported that they told him to go and attend to his own business.

Mr. HEALY. You had had a talk with Mr. McCollum before you sent Mr. Murray to him, had you not?

Mr. BECKEMEYER. Yes. I told Mr. McCollum that morning that I did not think I was going to vote for Mr. LORIMER.

Mr. HEALY. And that was the morning of what day?

Mr. BECKEMEYER. That was immediately before the election of LORIMER, in the morning, probably 9 o'clock or such a matter.

It is just as clear as the noonday sun that when Mr. Beckemeyer that morning went to the State house he had it in his mind not to vote for Mr. LORIMER, not because he did not like him, not because there was any opposition in his heart to Mr. LORIMER, but because he did not as a Democrat want to vote for a Republican, and he was afraid of the criticism that might follow his action at home. He talked to his neighbor, the State's attorney of his county, and sent him to see Senator Holstlaw and Mr. McCollum to ask that he be released from the understanding they had reached the day before that they would join and make the vote from their district a unit for Mr. LORIMER. There is no one thing in the evidence more clearly established than the fact that what I have described is the attitude with which he approached the question of the vote that morning. When Mr. Murray came back and reported that they told him to go about his business, he was left morally bound by the agreement into which he had voluntarily entered with his own friends the day before and concerning which Mr. Browne had absolutely nothing to do, concerning which Mr. Browne had no information whatever. Even when he found that Mr. Holstlaw and Mr. McCollum thought he ought to stand by them, he was still in the same timid, anxious frame of mind.

Then what occurred Mr. Beckemeyer's testimony fully discloses.

Mr. HEALY. After Mr. Murray reported to you, whom, if anyone, did you talk with about the senatorial election?

Mr. BECKEMEYER. Really the only one that I remember that morning before the election was probably George Alschuler.

Mr. HEALY. What was your talk with Mr. Alschuler?

Mr. BECKEMEYER. It was nothing more than that I told him I was not going to vote for Mr. LORIMER. He then began to beg me to vote for him.

Mr. HEALY. What did he say?

Mr. BECKEMEYER. I do not remember anything particularly that he said, except insisting on my staying with the bunch and voting for LORIMER.

He says the time at which he had that talk with Mr. Alschuler was shortly before the house convened that morning, and he does not remember of talking with anyone else.

Mr. HEALY. Did you have a talk with Lee O'Neil Browne that day?

Mr. BECKEMEYER. During the time Mr. Alschuler and myself were discussing the matter Mr. Browne sat right in front of the seats that Mr. Alschuler and I occupied, and Alschuler called Browne's attention to the fact that I was going to quit, and Mr. Browne merely turned around and rather begged or insisted that I stay with the bunch and not quit at this time.

Mr. HEALY. By "the bunch" whom did you understand him to mean?

Mr. BECKEMEYER. I did not understand anything more than the Browne faction. That is about all I could understand about it—to stay with him, rather.

That is the only time shown by the evidence that Mr. Browne did anything to influence his action. Further along in the testimony the following occurs:

Mr. HANECY. You knew the morning that Senator LORIMER was elected that you were going to vote for him, did you not?

Mr. BECKEMEYER. No; I will say that I did not.

Mr. HANECY. You did not know that?

Mr. BECKEMEYER. No, sir.

Mr. HANECY. When did you first know that you would vote for Senator LORIMER before you did vote for him?

Here is the final utterance of Mr. Beckemeyer on that subject:

Mr. BECKEMEYER. I can say that when I first made up my mind definitely to vote for Mr. LORIMER was at the time of my last talk with Mr. Alschuler, just a very few minutes before my name was called on the roll.

But let me again remind the Senate that Mr. Alschuler was not there to favor any particular man for Senator. He is a Democrat, a man of prominence, the present leader of the Democratic Party of the Illinois House of Representatives. He was there to defeat Senator Hopkins, his neighbor, whom he disliked exceedingly, and all the testimony goes to show that during the entire session he spent his best energies in the effort to drive him from the field.

Mr. HANECY. And Mr. Alschuler never held out any inducement to you that you would or could or might get any consideration, or even any favor of any kind, afterwards, because of your vote for Mr. LORIMER, did he?

Mr. BECKEMEYER. No, sir; he did not.

Mr. HANECY. Mr. Alschuler was opposing Senator Hopkins very strenuously, and he was for Senator LORIMER because he thought Senator LORIMER was the man who could beat Mr. Hopkins?

Mr. BECKEMEYER. Yes, sir.

I have presented, I think, a fair summary of all the evidence bearing upon the influences which induced Mr. Beckemeyer to vote for Mr. LORIMER. If he had been bribed to vote for Mr. LORIMER would he have been dallying with that question all through Monday, Tuesday, and Wednesday up to the very hour of the vote? It is absolutely absurd to make such a claim, in view of all the facts disclosed in the testimony. He has insisted from that time to this that there was no previous understanding that he was to vote for Mr. LORIMER. He has insisted from that time to this that the money he received from Lee O'Neil Browne had nothing whatever to do with the question of his voting for Mr. LORIMER. He insisted to the state's attorney of Cook County when he was under indictment and under arrest, and when he was having a heart-to-heart talk with him, that it had nothing to do with his vote. He has insisted that such was not the case from beginning to the end of the controversy.

Mr. Wayman understood it when he had him testify the last time before the grand jury of Cook County, and granted him immunity. Yet it is claimed by those who are prosecuting this case against Senator LORIMER that Beckemeyer is one of the men who confessed to receiving money for voting for him, and that idea has spread until it has affected public sentiment throughout the country. This allegation has been made by the Chicago press and repeated in the public press of the Nation until it is believed by the masses, and on every hand comes the inquiry: How can you say that Mr. LORIMER is not guilty, or his friends are not guilty, when here are four men who have confessed that they got money for voting for him. No man has ever said such a thing, except Charles A. White, and he said it in consideration of $3,500 and his living "on the fat of the land" for nearly a year. It is upon his testimony, and his alone, that the Senate must stand, if it is to stand at all, on the claim that bribery was used to induce the election of WILLIAM LORIMER.

In the debates that were had in this body, when the matter was up before, we heard a great deal about Abrahams being the bellwether—that just as Abrahams voted all the rest voted. That was an expression that was taken up in the speech of a distinguished Member of this body, and carried from one end of the country to the other. Now, what did it mean? It all came out in evidence, and if you turn to page 2922 of the RECORD you will find it. Browne had insisted as a condition precedent that he would not support Mr. LORIMER, unless it became apparent there were enough votes besides his own to insure his election.

Senator LORIMER made precisely the same condition. He insisted that no vote should be taken and that his name should

not be presented to the legislature until assured of a sufficient number of votes to elect him. So, the question was, When should his name go before the legislature. Should it be on the morning of the 25th or on the morning of the 26th of May. When this matter was decided, on the morning of the 26th, Abrahams, being at the head of the alphabetical list, was the first man to vote. Abrahams was known to be for LORIMER, and it was understood by all of Mr. LORIMER's friends that when Abrahams voted for him the time had come when others might do the same. That is all there was to that circumstance. I myself asked Mr. Beckemeyer this question:

There was some question there, was there not, Mr. Beckemeyer, as to when the Democratic vote should be cast for Mr. LORIMER?

Mr. BECKEMEYER. There was; yes, sir.

The CHAIRMAN. And when was that determined?

Mr. BECKEMEYER. I do not know that it was determined, except that morning.

The CHAIRMAN. You understood when Browne made that announcement there that it had been determined that the vote should come that day?

Mr. BECKEMEYER. Yes, sir.

The CHAIRMAN. And that was the significance of the remark to you?

That is, the remark to follow Abrahams.

Mr. BECKEMEYER. Yes, sir.

That is all the significance there is to that.

METHODS PRACTICED ON BECKEMEYER.

It is admitted that Mr. Beckemeyer received $1,900—$1,000 from Browne and $900 from Wilson. Both payments were made in St. Louis, and it is admitted both payments were made from the jack-pot fund. Cook County had no jurisdiction whatever over Mr. Beckemeyer. If he had committed any offense it was in Sangamon County. When he was summoned to testify before the Cook County grand jury after the publication of May 2, he came there as a witness. He could not be indicted in Cook County for any offense that he had committed up to the time he reached there. That is perfectly evident. If he had accepted a bribe to vote for Mr. LORIMER the jurisdiction was in Sangamon County where the offense was alleged to have been committed; but he was called to Chicago for a specific purpose, as all the evidence goes to show. It was to wring from him a confession that such payments were made to him for voting for LORIMER—that is what the combination sought to show—but Beckemeyer has always stoutly denied, both then and up to the present time, that such was the fact.

Beckemeyer went before the Cook County grand jury three times; and it is important to distinguish what occurred on each of those occasions. The first time he remained only a moment or two; and denied meeting Wilson in St. Louis on July 15. That is all that occurred that morning. He was sent from the room, and immediately thereafter placed in the hands of an officer; Mr. Wayman's testimony is that he placed him under arrest because he had committed a crime in his presence. The crime he had committed for which he was summarily arrested was having committed perjury in denying he had been in St. Louis on July 15, 1909. Beckemeyer was placed immediately in custody for what? He was not lodged in jail; he was placed in the hands of an officer who was working in connection with the State's attorney's office, a sympathetic officer, and he was instructed to "treat him right."

The officer testifies that he understood by that remark that he was to cooperate with the State's attorney's office in inducing Beckemeyer to talk. The officer took him to lunch. He did not take him to jail, but he took him to a hotel. Before they reached the hotel they had visited two or three drinking places and indulged freely. Beckemeyer was nervous and anxious and alarmed. Of course he was. He knew he was guilty of accepting jack-pot money, and was in terror of what might follow as a result, and he became weak and cowardly. He craved stimulation, and the officer allowed him to go to saloons, and drank with him, and drank with him freely, but when his friend Welch, who had accompanied him from home, attempted to speak with him, he was not permitted to do so. He was just as thoroughly cut off from the outside world and as completely under the control of that officer as though he had been shut up in a prison cell.

What was the second turn? He had taken luncheon with this officer; he had not been permitted to talk with Welch; he was tormented with his guilty conscience; he had an abnormal craving for drink and had been allowed to have it; and his strength and courage were stimulated by the use of liquor. He returned to the office, and Officer Keeley, who had him in charge, reported to Mr. Arnold, assistant State's attorney:

This fellow is going to talk; he is awful anxious to tell something. So he says, "All right." Then, about 3 o'clock that afternoon, or 3.30, Arnold came out and we were stationed around the door of the grand-jury room. We were told to keep the reporters away from that door or from that room.

What occurred? Mr. Beckemeyer tells in his testimony:

Mr. BECKEMEYER. After sitting around there an hour or two I sent for Mr. Arnold and told him that if he would get Mr. Wayman I would make a complete statement of all I knew about the matter; that I was getting rather tired of keeping it myself.

Mr. HEALY. That was about how long after your talk with Arnold—that is, your second talk?

Mr. BECKEMEYER. It was getting along toward 4 o'clock by that time.

Mr. HEALY. Had anybody talked with you in the meantime and tried to induce you to tell what you knew?

Mr. BECKEMEYER. No, sir.

Mr. HEALY. Had any pressure of any sort been exerted upon you?

Mr. BECKEMEYER. There had not.

Mr. HEALY. Had you in the meantime, between the first talk with Arnold after the noon adjournment and the time when you sent that word to him, imbibed any additional liquor?

Mr. BECKEMEYER. I had not.

Mr. HEALY. What did Arnold say when you sent him that message?

Mr. BECKEMEYER. We immediately went and hunted up Mr. Wayman.

Mr. HEALY. Where did you go, and what happened; what was said, and who was present?

Mr. BECKEMEYER. We discussed——

Mr. HEALY. By "we," whom do you mean?

Mr. BECKEMEYER. Mr. Wayman, Mr. Arnold, and myself.

Mr. HEALY. Was anybody else present?

Mr. BECKEMEYER. Nobody else.

Mr. HEALY. What was your talk?

Mr. BECKEMEYER. I told them that I had about made up my mind to make a complete clean breast of all I knew about the affair; and I asked them then about—I was worried some at that time about the possibility of indictments being found in St. Louis against some of us, and I asked him at that time whether he controlled that situation.

Mr. HEALY. When you say you asked "him," whom do you mean?

Mr. BECKEMEYER. Mr. Wayman; and he and I discussed that feature awhile, as to whether they had jurisdiction of any matter of that kind.

Mr. HEALY. You mean whether they had jurisdiction in St. Louis?

Mr. BECKEMEYER. Yes, sir. Then we discussed whether an immunity order in Cook County would be a bar in Sangamon County.

Mr. HEALY. A bar to what?

Mr. BECKEMEYER. A bar to a prosecution in Sangamon County. After discussing that feature—the statute expressly provides about that—we discussed whether that statute was a valid statute or not; and after discussing that, Mr. Wayman wrote out an immunity order, and I took it and threw it in the wastebasket and gave him a complete statement and told him I did not want the order at all.

That is the first interview with Wayman.

Mr. HEALY. Did the State's attorney, Mr. Wayman, indicate to you at that time that you would not be prosecuted if you appeared before the grand jury and in your testimony implicated yourself, perhaps, in some legislative corruption?

Mr. BECKEMEYER. He did; yes, sir.

Mr. HEALY. And that assurance and promise was given by the State's attorney of Cook County?

Mr. BECKEMEYER. It was; yes, sir.

I call your attention to Mr. Wayman's testimony of what occurred after that promise had been given him. Certainly no one can question that. He says in his testimony:

Beckemeyer began by saying, "I am in a hell of a fix."

Mr. MARBLE. Did you agree with him?

Mr. WAYMAN. I said, "Nobody knows that any better than I do." He said, "I got off the Illinois Central train this morning with the full intention of coming to your office and telling all about this, but my nerve failed me."

He talked about his family. He said, "I thought I could get away from this, but," he said, "the State of Illinois is a damn sight bigger than Beckemeyer, of Carlyle." I said that I was glad that one man recognized that. He said, "I am a lawyer, and I know my rights. I want to know what there is to this business in St. Louis." I said, "If you are a lawyer, you know that whatever you did there, you committed no crime in St. Louis that could be punished in the State of Illinois."

He talked also about Sangamon County. He did not want to be involved in Cook County and Sangamon County both. He said, "Can I rely on you?" I said, "If you have any doubt of me, I will go before the grand jury and state what your situation is in the presence of the 23 grand jurors." I said, "You have committed perjury and you will be indicted." He said, "Is it too late to save myself from that? I have a wife and family at home." I said, "You can tell the truth before the grand jury and purge yourself of the indictment."

Then he wanted Mr. Wayman to write an order of immunity for his part of the transaction if he would testify.

Mr. Wayman asked him what the character of his evidence would be.

He said that he had received the $900 at St. Louis from Wilson, and that prior to that time, the date of which he could not fix, he received a thousand dollars from Lee O'Neil Browne in St. Louis, "but now," he said, "boys, I do not want you to double-cross me."

They had more talk about the immunity.

Mr. Wayman testified:

I said, "We are not in the business of double-crossing anybody, and I will write an order as best I can now." I sat down and tried to write an order that I would offer in court. After I had written it I told him, "This order is not worth anything. As State's attorney I have control of the matter of allowing men to turn State's witnesses, but you can take this order if you want it." He took it and tore it up. He said, "I will take your word."

They had further conversation, and Beckemeyer said:

You fellows have got it on me.

Mr. Wayman further testified:

He said another thing. That was, "After I testified that I was not in St. Louis, and Bob Wilson went in there, I asked him when he came out if he told the grand jurors that I was in St. Louis, and he said, 'Yes,' and I called him an opprobrious name—which I will

not mention here—and he said, 'I will be damned if I stand for the leaders of this gang getting away. I will tell the facts.'

"I walked him into the grand jury room, and he then testified."

The circumstances under which this came about were these: All of the men who had received money from Wilson in St. Louis were going to deny that they were there at the time named; but Wilson had registered at the Southern Hotel in St. Louis and the authorities knew he was there July 15, 1909, and he could but admit it, although he denied paying money to anyone. When Wilson disclosed the fact that they were there Mr. Beckemeyer made the remark to the State's attorney which has been quoted, and was immediately taken into the grand jury room where he told the story on the promise that he should receive immunity from punishment because of any offense that he had committed.

Mr. Wayman further testified:

Before the grand jury he testified he was at St. Louis that day and met Wilson and the other members who were there; that he got $900 from Wilson; that prior to that time he had met Browne—no; that prior to that time he had received a thousand dollars at St. Louis; had got it from the clerk of the hotel; that he received a message the day before he went to St. Louis, on Briggs House stationery, in handwriting that he thought was Browne's, but he was not sure about it, and it was signed in some anonymous way; that he went to St. Louis; that he got a package from the clerk of the hotel, and in the package was a thousand dollars, and he did not know what it was for. That was the substance of his testimony at 3 o'clock in the afternoon of the 5th.

That is the second time he went before the grand jury. He testified afterwards that the reason for making that statement about receiving the money from the clerk was that he did not want Lee O'Neil Browne's name to come into it as having paid him the money, and so he put up the subterfuge, but he admitted receiving the money.

Concerning an interview which followed in the evening in the State's attorney's office, Mr. Wayman stated:

In the evening Mr. Beckemeyer was in my office and he said, "Now, there is one thing I lied about up there again." He said, "I got that money from Browne and not the clerk of the hotel." I said, "Can you fix the date?" He said, "No; but it was after the 12th of June and before July 4."

The CHAIRMAN. That was a thousand dollars?

Mr. WAYMAN. Yes. When he went out of the office I telephoned to the district attorney's office in St. Louis and asked them to go to the Southern Hotel and get the register for June, 1909, and send an officer to my office with it; and on the morning of the 6th the officer appeared with the register, and on June 21 "L. O. Browne, Ottawa," was registered.

June 21 was the time this money was paid to Mr. Beckemeyer, and he was called before the grand jury the third time, the next afternoon, to correct his testimony, to tell the truth and let the whole matter come out.

His third appearance before the grand jury was on Friday, May 6, at 3 o'clock in the afternoon, and the statement that he had received the money from Browne at St. Louis, and not from the hotel clerk, was then made.

That is the last time that Mr. Beckemeyer ever appeared before that grand jury, and that is where the matter was left when he had completed his testimony before that body.

DISREPUTABLE TREATMENT OF BECKEMEYER.

Beckemeyer went out after testifying that afternoon a physical wreck. The man had been torn by the consciousness that he had received $1,900 from the corruption fund known as the jack pot; that his offense had been made public; that he had also been indicted for perjury; that his reputation had been blasted and his career ended. Added to this, his wife was ill in a hospital in East St. Louis and his children were being cared for among relatives. In this condition, still in the custody of an officer, he was taken from the courthouse and was permitted to drink when and as often as he would. The testimony of the officer in charge of Beckemeyer is that "when they left the criminal court building they went immediately to Cunningham's saloon, where they had a drink or two; then to another saloon, where there was more drinking, and then to the Illinois Athletic Club, where they dined, after which they went to the Union Depot, and then back to the Princess Theater. They were there only a short time when Beckemeyer wanted to leave, saying, "I am nervous and I want to get a drink"; they got the drink and returned to the theater, but Beckemeyer was so uneasy he could not remain. The officer said, "Can you not wait until the act is over?" and he said, "No; I can not stand it; I am nervous; I am all broke up." So they went out and returned a third time to the theater, remaining only about five minutes, went out and met Welch and went to the Kaiserhof, where Beckemeyer drank more whisky. The officer then took him to the Grand Pacific Hotel, where they settled down to hard drinking in the cafe. Beckemeyer seemed to have an unusual capacity to take liquor that night, calling for a drink every five minutes. At midnight the officer sent to the Briggs House for Beckemeyer's bag, because he thought it prudent to spend the night at the Grand Pacific.

But what happened? After midnight that officer, in charge of a prisoner and responsible for him, took him to a house of ill-fame, where both spent the balance of the night. That officer of the law from the State's attorney's office took that prisoner, as I say, to a disreputable place, and both of them remained there through the night, Beckemeyer in a gross state of intoxication, and the bills were all charged to Cook County and paid by Cook County. If any Senator is curious to know just what was done with this prisoner by an officer from the State's attorney's office of Cook County while in charge of him, let him read the record from pages 5691 to 5695.

Beckemeyer was a wreck the day before, and he was more of a wreck on the following morning; he was so utterly shattered that he had to have two drinks as soon as he was up to steady himself. According to the testimony of Officer Keeley, Beckemeyer could not remember to what he had testified the day before, and he wanted to see the State's attorney. He was evidently confused, but he was taken to the State's attorney's office, drinking more on the way. Before reaching there the liquor had braced him up, and he appreciated his situation; that he was in the hands of the Philistines. To all previously existing causes for mental anguish there was now added his previous night's experience and the fear that his family would be broken up as a result. What did he do before reaching the State's attorney's office? He begged the officer not to tell where he had spent the night. Is it to be supposed that that could be kept a secret? Not at all.

An interview followed between Mr. Beckemeyer and Mr. Wayman. What occurred at that meeting we know only so far as Mr. Wayman tells it. Mr. Beckemeyer says very little about it. But they both agree about one thing—that at that meeting he made this addition to his statement. He never swore to it before the grand jury. But there, when he knew that he was in the power of the State's attorney's office, an officer of which had taken him when a prisoner to a disreputable house, the knowledge of which incident, should it come to his wife, might wreck his domestic life, he made an additional statement. What was it? Referring to his interview of the day before, he testified:

Mr. HANECY. You said that one reason why you told Wayman what he wanted you to tell him—one of the large factors in that—was that your wife was very sick and at the hospital and you did not want to be indicted while she was in that condition.

Mr. BECKEMEYER. Yes; I did.

Mr. HANECY. That is right, is it?

Mr. BECKEMEYER. Yes.

Mr. HANECY. Your wife was sick, was she?

Mr. BECKEMEYER. Yes.

Mr. HANECY. She was in the hospital?

If that was true at the previous meeting, what was his reason at this meeting, with this new record against him, and the knowledge of it in the possession of the officers of the State's attorney's office? Was ever such an inducement offered a man to go to any length to secure secrecy and immunity?

What did he do? He added nothing to his previous statement except he said that when Mr. Browne handed him the package he remarked, "Here is your Lorimer money." That is what he added to it under those conditions, and he never had made that addition up to that time, either to Mr. Wayman or the grand jury. Let us look at it. Senator JONES asks Mr. Wayman:

But does he convey in his testimony anywhere that he expected to get something for his Lorimer vote when he cast it?

Mr. WAYMAN. No; I do not believe he does. The grand-jury testimony here is as clear on that as my memory.

Going along, concerning that Saturday afternoon's conversation, when Mr. Beckemeyer had been brought in under the conditions I have described, Mr. Wayman quotes Beckemeyer as saying that when Mr. Browne handed Beckemeyer the thousand dollars Browne said to him, "Here is a thousand dollars. Here is your Lorimer money, and we can not make a distribution of the balance until something happens." Mr. Wayman added:

What that was Beckemeyer would not tell or did not know.

The CHAIRMAN. Will you repeat that, please?

I want the clear, discriminating minds of the good lawyers in this body to pass upon the value of this kind of testimony as to a casual conversation had two or three years before, and see how a trained mind like Mr. Wayman's will fail to remember with accuracy what was said. Here is the testimony that he gave:

Here is a thousand dollars. Here is your Lorimer money, and we can not make a distribution of the balance until something happens.

If that means anything, it means he was paying him Lorimer money and there was more Lorimer money to come to him, and he could not pay it to him until something happened.

That is where the matter was left by Mr. Wayman, an experienced, strong man with a well-trained mind. No argument

was had with him about it. I had not quite understood the statement, and I simply said:

Will you repeat that, please?

Mr. WAYMAN. That Browne had said to him when he gave him the thousand dollars, "This is your Lorimer money, or for your vote for LORIMER"——

A new passage comes in there—

"or for your vote for LORIMER," and that the balance of the jack pot or the fund could not be distributed until something else was attended to; and that he had met Browne at Starved Rock—

And so forth.

How are we going to reconcile those two statements coming from a man like Wayman, with a trained mind, professing to testify as to a declaration of a prisoner before him under conditions such as have been described?

In the first statement he made the fund a Lorimer fund. In the second statement he made it a "jack-pot" fund that was going to be divided. We would call that loose testimony if it came from the ordinary witness who is brought into court. It can be interpreted only by what was brought out from this witness at a later time, to which I will call your attention.

Mr. Wayman says Mr. Beckemeyer at that time continued by saying:

That he had met Browne at Starved Rock on a trip he took down the canal prior to June 12, or just after June 12, in which Browne had made an appointment with him, and said, "I will meet you in St. Louis and hand you a package in a few days," or something like that.

A package!

Mr. MARBLE. It was after his grand-jury testimony he made these disclosures?

Mr. WAYMAN. He never made the disclosure before the grand jury that when he received the thousand dollars from Browne that Browne said it was for the Lorimer vote. He disclosed that immediately afterwards to me.

And he disclosed it under the conditions I have stated—when he had been brought into the office by Officer Keeley that morning.

Senator JONES. Did he tell you whether or not he had had an understanding with Browne before the vote that he should receive this money?

Mr. WAYMAN. No. He claimed he had not had an understanding. He claimed that both before the grand jury and to me.

Senator JONES. And he was not expecting it at all?

Mr. WAYMAN. No; but his supposition was that it was sort of understood that whatever there was in anything down there would be distributed, and they relied upon the integrity and honesty of their leader.

All referring to the jack-pot fund.

Let us look a little further and see whether this was Lorimer money or the jack-pot money. What Mr. Beckemeyer really did know was brought out by the fact that on May 2, the day the grand jury convened in Chicago, the Chicago Daily News, wanting to join the rest of the papers in getting information, wired to Mr. Beckemeyer to know if he would testify about certain things, and he answered:

No one ever talked to me about money for voting for LORIMER. I did it of my own free will and accord. I know nothing of a jack pot that was distributed, nor did I ever hear of it. I am willing to testify any place on this matter.

But when inquiry was made of Beckemeyer on the witness stand in relation to that matter, he said that the first part of the telegram was true, *that no one ever did talk to him about money for voting for* Mr. LORIMER; but in relation to the second portion, that he knew nothing of a jack pot, *he said it was a lie*, and he used this language.

The question was:

Mr. HANECY. So that one element in that telegram is true: "I know nothing of a jack pot that was distributed." Is that true?

Mr. BECKEMEYER. That at that time I knew nothing?

Mr. HANECY. You say, "I know nothing of a jack pot that was distributed."

Mr. BECKEMEYER. *No, sir; that is not true, because I did know about it at that time.*

There we have the clear-cut distinction, and there can be no manner of mistake about Mr. Beckemeyer's testimony. There is not a word in the volumes of testimony we have taken to show that he ever confessed to having received money for voting for Senator LORIMER, however much the contrary impression has been spread broadcast through the United States.

Beckemeyer told all and more than he knew and had received immunity. There was nothing now that could be brought against him in the courts. He had secured immunity for his legislative offenses before the last interview, and at that time he got immunity in regard to the deplorable incident of the preceding night when he was out with the officer, so that he went home free and relieved. Whenever his presence was needed after that all the Tribune had to do was to ask him to go to Chicago, and he responded without subpœna to testify or for the purposes of consultation. They have been on good terms since. As a witness Mr. Beckemeyer was as indifferent, as far as the interests of Senator LORIMER were concerned, as any witness I have ever seen on the stand. He had evidently recovered from his anxiety and wanted to tell the truth, and I think, as a matter of fact, he did tell the truth, except as to that one expression extorted by the circumstances of that, to him, dreadful Saturday morning.

WHITE, LINK, AND BECKEMEYER IN COURT.

Having discussed the witnesses who were used to try to bolster up Charles A. White's statement that he was bribed, and to produce some fact that would give color to the statement that he had made, we must look for a few minutes at the result that followed.

Beckemeyer, Link, and White were witnesses in the Browne trial. The one important question in that prosecution was, "Did Browne bribe Charles A. White?" They told all they knew regarding the circumstances which I have examined. The verdict of the jury was that Lee O'Neil Browne did not bribe Charles A. White, and he was discharged from custody. Since that time the Senate has tried the same issue and reached the same conclusion.

Is it any wonder that the jury did not accept the story of Charles A. White, or that a majority of the Senate did not accept it, when it is remembered that he went to the legislature with the avowed purpose of getting something from "the interests," as he termed them; that he is by his own confession participator in a corrupt fund; that he has attempted to turn that fact to his own advantage by falsely connecting it in some way with the election of Senator LORIMER for the purpose of securing, through perjury, a still larger amount of money; that he spent $4,000 in six months in rapid living; that he deliberately concocted a plan to blackmail Senator LORIMER, in which he dismally failed; that he was treacherous to the best friend he had on earth; that he attempted to get money from Roger Sullivan on the plea of running for Congress; and that his "confession," so called, when made, was made to Senator LORIMER's most persistent political opponent, the Chicago Tribune, for a consideration of $3,500, besides which he received full living expenses for the year following?

There was no hope of support for this wicked story except through Link and Beckemeyer, both friendly to Wayman at that time. But they could not help, because the truth is that they knew nothing about any money having been paid to anyone for voting for Senator LORIMER. The matter stands on State's Attorney Wayman's testimony; and Wayman's own estimate of White's story, before the Tribune ever bought that production, was that he would make only a 20 per cent witness. And with White testifying as a 20 per cent witness in the presence of a jury in Illinois, Link and Beckemeyer also being called as witnesses, Lee O'Neil Browne was acquitted of the charge of having bribed White to vote for Mr. LORIMER.

WHITE'S STORY A PURE INVENTION.

But if that were not enough, go back and take White's own story, and see how he lies about the matter in attempting to make the case. In the story that he told to the Chicago Tribune he says:

On the night of Monday, May 24, 1909, after lounging about the lobby of the hotel, possibly having a walk for a little fresh air, in company with two of my friends from O'Fallon, the town in which I reside, my friends and I retired to my room, No. 133, in that historic old hotel, the St. Nicholas.

At the time covered by that description White was on his way from Chicago to Springfield. He had only one of his friends with him, having left the other in Chicago.

He says:

We sat about in the room and conversed about various questions, having an occasional drink served us.

He says the Yarbroughs were with him; that Mr. Browne telephoned him that he would like to see him; that about 30 minutes later Mr. Browne came to his room, spoke to the Yarbrough brothers; that he went to Mr. Browne's room; and there, he says, the bargain was made by which on the following day he was to vote for Mr. LORIMER in consideration of the payment of a thousand dollars; and he says this was the first time he heard of LORIMER as a candidate.

How does this correspond with the testimony of Homer E. Shaw, that reputable Democrat, the chairman of the committee that was organized in the legislature to keep Democrats from voting for Mr. LORIMER, who says that when he went to White, a week before that time, White told him he was going to vote for "BILL LORIMER" if he ever got the chance; and when Mr. Shaw argued the matter with him, and told him how detrimental it would be to his future prospects, and what his friends at home would think of him, White said he "did not care a damn" what his friends thought, he was going to vote for him. And that was a week before the time at which he says he was bought.

How does this correspond with the testimony of Mr. LORIMER? No man has ever dared to say that Mr. LORIMER is not a man of truth. On the contrary, he has an established reputation for veracity. Mr. LORIMER said he had an interview with Mr. White about a week or 10 days before that time, when White assured him he would be glad to vote for him. Mr. Browne also denies the whole interview White claims to have had with him. But White tries to bolster himself up with the statement that the Yarbrough brothers were there and that they saw Browne come in. This is absolutely impossible.

Both Sidney C. Yarbrough and Otis V. Yarbrough were brought before the committee, and both testified that they spent the night of May 24, 1909, in the room with Charles A. White in the St. Nicholas Hotel at Springfield, and were there when Lee O'Neil Browne entered the room and invited White to go to Browne's room, where the alleged interview with Browne was held. The production of these witnesses destroys the story of White. Why? Both claimed to be there. Both tell the same story. If only one was there, then both of these men lied, did they not? Of course they did. One was absent; therefore both did lie about the matter, because they could not be mistaken concerning it.

How do I know one was absent? Why, both the Yarbroughs testify that they went to Springfield from East St. Louis on Monday, May 24, 1909, Sidney being positive that he went up on White's pass on the Illinois Traction, and Otis claiming that he probably went that day and met Sidney in the lobby of the St. Nicholas Hotel that evening about 9 or 10 o'clock.

Now, mark that, that they both went by separate conveyances and that they met about 10 o'clock in Springfield. Also mark that White has them "lounging about the lobby," and "taking a little fresh air" with him at the time they claim to be on their way to Springfield. All the evidence in this case shows that neither one of them had been in East St. Louis that day or that evening. Not only does Browne absolutely deny this story, but the evidence clearly establishes the fact that White and both the Yarbroughs were in Chicago all day Sunday, May 23, and Monday, May 24, 1909. They went up there on the preceding Saturday on one of their periodical sprees. They were there Saturday night; they were there all day Sunday. The testimony shows they visited a disreputable house, and spent that Sunday night in it, and it shows that they were all in Chicago on Monday, and that none of them left that city until 6 o'clock Monday night. Then it was that White and Otis Yarbrough took the 6 o'clock train, which was late, so that they did not reach Springfield until 11 o'clock and 41 minutes that night.

How do these established facts comport with White's story, that he had been lounging with these two friends after dinner that evening in the lobby of the St. Nicholas Hotel, in Springfield, going out and taking a little fresh air, coming in and going to his room with them and then having a few drinks, and of Mr. Browne coming in? The evidence can not be impeached, it can not be disputed, that neither of the Yarbroughs were in Springfield at the time fixed by all of them, and Sidney Yarbrough remained in Chicago and was not in Springfield at all. He did not leave Chicago until after supper on Tuesday night, May 25. There is not a particle of evidence in this case, aside from the corrupt statements of the Yarbroughs and White, that tends to establish the presence in Springfield of these men on the evening of May 24. This tale was invented by White and was incorporated into the jack-pot story for the purpose of sale or blackmail. It was upon that story, its falsity disclosed by circumstances such as I have depicted, that the prosecution of Browne was founded in the courts of Illinois, and he was acquitted; and it was upon White's story that the election of Mr. LORIMER was investigated, and the Senate acquitted him; and now a third trial is had; and it is upon such testimony that Members of this body are asked to say that the bargain with White was made and carried out.

The money received by White, Beckemeyer, and Link during that session was from a source entirely independent of the election of Mr. LORIMER. No witness except Charles A. White has ever claimed to the contrary, and even he admits that substantially one-half of the money he received came from the common jack-pot fund.

His bitterest enemies when testifying before this committee did not attempt to impute any knowledge of corruption to Senator LORIMER. Even Gov. Deneen was most careful, and took pains at the very outset, when discussing the jack pot, to particularly state: "I do not mean to imply now that I am speaking of Senator LORIMER in this matter."

If the right to a seat in this body is to be forfeited at any time when it is claimed that some member of the legislature from which he received his election had been corrupted in some other and separate matter, how many Senators think you would be here sitting in judgment upon the election of Senator LORIMER?

DANIEL W. HOLSTLAW.

The only other man whose testimony need be examined in connection with the claim of bribery in the election of Mr. LORIMER is Daniel W. Holstlaw, who was in no way shown to be connected with the jack pot, but a man who acted in his individual capacity, evidently, in securing for himself whatever advantage a dishonest man may secure when he becomes a member of the General Assembly of Illinois.

Mr. Holstlaw is a Democrat, a banker, a merchant, and a jobber. He is wealthy, he is penurious, and he is covetous—a man who wishes to maintain a good reputation, but whose love for money is such that in securing it the end too often justifies the means.

As a senator he was unwaveringly consistent, in that he voted for Mr. Stringer, I think, 94 times; at all events, substantially on every vote until the last one. But he was weary of the deadlock. He had large business interests to which he desired to return; it was not a small matter with him that the added expense of remaining in Springfield diminished his net income as a senator, inasmuch as he received no more salary if the session was long than if it was short. A month before the election was reached, at a time when the deadlock had continued three months, he went home and talked the situation over with his friends and supporters, among them being Mr. J. J. Bell, a Democrat, and Mr. John Eddings, a Republican, and he told the latter that in order to break the deadlock he would vote for Mr. LORIMER if the opportunity came to do so. At that time he stated to several others that if a Democrat could not be elected he intended to vote for some Republican rather than remain in Springfield very much longer, and added if such an opportunity came he should vote for Mr. LORIMER. His reason for taking that position may perhaps be found in the fact that Mr. J. B. Lewis, a resident of his district, editor of the Marion Democrat, had published an editorial advocating the election of a Republican by Democratic votes to defeat Hopkins. Mr. Lewis was a friend of Mr. Holstlaw and had personally requested him to support Mr. LORIMER if the time came when he could do so, and, coming as it did from a Democratic editor, who was publicly advocating such a solution of the situation, Holstlaw assured Mr. Lewis he would do so. He returned to Springfield with this purpose in his mind, that if in the chain of events it became possible to solve that problem by the election of a Republican he would support Mr. LORIMER. That he intended to do so is also evident from the testimony of Mr. Stringer, for whom Holstlaw had voted on more than 90 different occasions, that for two weeks before Mr. LORIMER's election it had been understood, although Mr. Stringer was the Democratic candidate for the Senatorship, that the Democrats of both houses intended to support Mr. LORIMER. Everybody, Mr. Stringer says, knew that fact.

Nof only that; it is shown by the testimony I have already read from Mr. Beckemeyer that on May 25, the day preceding Mr. LORIMER's election, Holstlaw entered into an understanding with Mr. McCollum and Mr. Beckemeyer, the three representing the same senatorial district, that they would all stand together on that matter and vote for Mr. LORIMER the next day, and though Beckemeyer was wavering on the following morning, Holstlaw and McCollum refused to be moved. There the matter rested. He voted for Mr. LORIMER in pursuance of a purpose formed at least a month before the election, provided the opportunity offered.

A year later the White story was published, and Mr. Burke, State's attorney for Sangamon County, undertook to investigate its charges. He summoned Mr. White, Mr. Beckemeyer, Mr. Link, and others to appear before the grand jury then in session, and when he was thwarted in his efforts by Mr. Wayman, the State's attorney for Cook County, Mr. Burke then turned his attention to other matters and investigated the fish fund, so called. He also heard of a furniture deal in the legislature, in which a contract to furnish the statehouse with chairs and desks was to be given to a certain firm, and that that contract was secured by a promise of a rake-off to certain members of the legislature. In probing this question a letter fell into his hands written by Mr. Holstlaw and addressed to Mr. KNOX, of Chicago, and dated January 12, 1912, saying:

JANUARY 12, 1910.

Mr. KNOX, *Chicago, Ill.*

MY DEAR SIR: It has been arranged that I should see you. Will it be convenient for you to meet me in Springfield Monday evening, say, about 8 o'clock. If so, wire or write me at my home (Iuka, Ill.). Must see you not later than above date.

Yours, respectfully,

D. W. HOLSTLAW.

State's Attorney Burke issued a summons for Mr. Holstlaw, who went direct to Springfield from a religious convention,

held at Baltimore, at which he was a delegate, to appear before the grand jury of Sangamon County. In his testimony he denied having written the letter. He was dismissed from the room and instantly placed under arrest, and an indictment was found against him for perjury in so swearing.

I wish that Senators might have seen Mr. Holstlaw when he testified and heard his description of his state of mind when he found himself under arrest charged with perjury. Fear got hold upon him and his strength deserted him. In his terror his memory was quickened, and he signified a desire to go back and correct his testimony, but met with no encouragement. The officer advised him to retain counsel, telling him he would need counsel, and, Mr. Holstlaw being of that opinion, the officer immediately put him in touch with the firm of Gillespie & Fitzgerald, of Springfield, whose services he retained. That night they arranged for his bail and for an interview with the State's attorney in the morning.

I think I never heard a more pitiful tale of mental anxiety than the testimony of Senator Holstlaw as he spoke of his condition during the long hours of the night that followed. He says in a plaintive way, "Of course, I could not sleep very much." He knew he had the promise of $1,500 from that furniture firm in consideration of his vote as a member of the commission having the authority to award contracts for refurnishing the statehouse. He knew that his corrupt action was to be made public and his agony was increased by the fact that he was liable to criminal prosecution for his offense. When morning came he had reached a determination to secure immunity against prosecution for his offense, and all his energies were directed to accomplish that end. Immunity was what he most desired of all things in the world. Immunity was spelled in capital letters in his mind, and he could think of nothing else. He says the first thing his counsel did that morning was to telephone to the State's attorney that he wanted an interview with him. He did not even wait until the State's attorney was in his office, but telephoned to his home and had Mr. Burke come to the office of Gillespie & Fitzgerald; there they advised the State's attorney that Holstlaw was honestly mistaken, not having remembered, in the first instance, that he had written the letter, and that they thought, in "fairness and justice," he ought to permit Holstlaw to go before the grand jury again and correct his statement and so avoid answering to the indictment. Mr. Burke's reply was that "he would not allow that; that he had the goods on this fellow, and that under no circumstances would he permit him to go before the grand jury unless he told the whole transaction; that is, the substance of it." The question was asked, "Did you tell that to Mr. Holstlaw?" and Mr. Fitzgerald answered "I did."

As I said before, Holstlaw's whole purpose at that time was to secure his own safety. He swears to this over and over again. He was impatient. He could think of only one thing, and that was to avoid prosecution. In accordance with Holstlaw's expressed wish Mr. Fitzgerald arranged with the State's attorney to prepare a statement by Holstlaw to be submitted to the State's attorney, which, if satisfactory, would be the basis for an order of immunity. Before this was prepared Mr. Fitzgerald had another interview with Mr. Burke, with whom he arranged more definitely the terms under which he was to secure that immunity for his client. He testifies:

Mr. HANECY. Was there any talk, before you presented the statement to Mr. Burke, about what Mr. Burke would do under the circumstances if the paper was satisfactory or if it was not satisfactory?

Mr. FITZGERALD. Prior to the time the statement was given to Mr. Burke I understood from him that he would grant immunity to Mr. Holstlaw from any matter that might be testified to before the grand jury and also would nolle the case that was pending.

Immunity "from any matter that might be testified to."

Mr. HANECY. The case that was pending against Holstlaw?

Mr. FITZGERALD. Yes, sir.

Mr. HANECY. Did you understand that from what Mr. Burke had told you or from what somebody else had told you?

Mr. FITZGERALD. From what Mr. Burke had told me.

Mr. HANECY. Then Mr. Burke told you that if Mr. Holstlaw would make and sign a statement of what he knew, Mr. Burke would dismiss the indictment for perjury against him and would have an order of immunity granted by the court there releasing Mr. Holstlaw from any liability to prosecution or any penalties thereafter on account of anything that he might testify to in that statement or in any other place?

Mr. FITZGERALD. No, sir; he did not say if he would sign a statement he would do that. He said that if Mr. Holstlaw would testify to the grand jury fully about any matters that he might have information upon, he would do that, and he asked that Mr. Holstlaw prepare a written statement.

Mr. HANECY. And this was the statement?

Mr. FITZGERALD. Yes, sir.

The statement was prepared by Gillespie and Fitzgerald in the form of questions and answers, and was subsequently submitted to Mr. Burke. The statement covering the furniture transaction was as follows, and according to the testimony of Mr. Fitzgerald it was all that had been required in the agreement made between him and Mr. Burke in order to secure immunity for Holstlaw. That statement to that point I ask to have printed without reading.

The matter referred to is as follows:

STATEMENT OF D. W. HOLSTLAW.

Q. What is you name?—A. D. W. Holstlaw.

Q. What is your age, residence, and occupation?—A. I am 61 years old; residence, Iuka, Ill.; my occupation is banking, farming, and shipper of live stock.

Q. You are a member of the General Assembly of Illinois?—A. Yes, sir.

Q. And senator from the forty-second district, are you?—A. Yes, sir.

Q. I understand that you want to make a statement of your connection with the purchase of furniture for the senate and house assembly rooms as a member of the committee appointed by the legislature for that purpose.—A. I do.

Q. This statement when made is to be submitted to the State's attorney, Sangamon County, as I understand?—A. That is what I understand.

Q. Who constituted the committee?—A. Secretary Rose is chairman and Representative Pierce is secretary, and Senator Pemberton and Representative J. O. S. Clark and myself were a part of the commission.

Q. You may state any conversation you may have had with your associates on the committee or any of them about whether you would get anything out of letting the contract for yourselves.—A. They both of them, Pemberton and Clark, both said that we would get something out of it.

Q. Did you afterwards have any conversation with Mr. Freyer or Mr. Johnson on the same subject; and if so, what was said between you and them on that subject?—A. Mr. Freyer first asked me what I would want. I think that was what he said. I can not hardly recall what he said to me. I do not know what I did say to that, but we never finished talking. But I ought to say—I do not know whether I told him or not; I think he asked me what I would want out of it, and I think I gave him an evasive answer, and I did not want to do anything of that kind; then when he got ready to go out he said, "You go ahead and fix it up with Mr. Johnson. Whatever he does is all right." That is all as I remember that he said.

Q. Did you afterwards agree with Mr. Johnson how much you were to have?—A. Yes.

Q. How much did Mr. Johnson agree to give you?—A. $1,500.

Q. When was it to be paid?—A. After the furniture was received.

Q. Did Mr. Johnson say anything to you on the subject of what he was paying anyone else on the committee; and if so, what did he say?—A. He said that was more than he was paying anybody else, and he said that, if I remember right, he said $1,000 was what he was going to give Clark and Pemberton.

Q. Did you have any talk with either Clark or Pemberton as to how much they were to receive?—A. I did not.

Q. Has anything ever been paid to you?—A. Not a cent.

Q. Now, is there any other fact that you can state in connection with this matter that you now recall without being questioned about it?—A. I do not think of anything else.

Yet immediately following what has already gone into the record there appeared in that statement the following, and it is upon this particular portion of the statement that it is claimed Mr. Holstlaw was guilty of receiving money for having voted for Mr. LORIMER.

I read the section referred to:

Q. You are a Democrat, are you not?—A. Yes, sir.

Q. Did you vote for LORIMER for United States Senator?—A. I did.

Q. Before the voting came off was anything said to you about paying you anything for voting for LORIMER?—A. There was.

Q. Who talked to you on that subject, and what was said?—A. Senator Broderick, of Chicago. He said to me: "Mr. LORIMER is going to be elected to-morrow"—that is, as well as I remember the date—and he said: "There is $2,500 for you if you want to vote that way"; and the next morning I voted for him.

Q. Did you tell Mr. Broderick that you would vote for Mr. LORIMER?—A. I do not know whether I did or not, but I think I did.

How was this brought about? How did this get into that statement, in view of all the evidence which I have just been reviewing in this case? It appears that in the consultation between counsel and client, when all his statements were fully protected by the law, Holtslaw had insistently and persistently stated that he had no knowledge of any legislative corruption other than the furniture deal; and that was true, because it appears from evidence that can not be controverted that long before the evening on which it is claimed he met Broderick and agreed to vote for Mr. LORIMER—a month before—he had promised the editor of the Marion Democrat, Mr. Lewis, to vote for Mr. LORIMER. The following testimony of Mr. Fitzgerald shows that from the very beginning, however alarmed he was at his own situation, Holstlaw had asserted that fact. Listen to this testimony. Senator JOHNSTON questioned Mr. Fitzgerald as follows:

Did you ever hear of Holstlaw receiving any money from Broderick or being offered any until this examination in your office?

Mr. FITZGERALD. No, sir; he had denied that he knew anything about anything else.

Senator JOHNSTON. Denied it to you?

Mr. FITZGERALD. Yes, sir; he had told me before, at the time I talked to Mr. Burke, when he said he would prepare a written statement, that he did not know anything about any legislative corruption other than the furniture transaction.

That being the case, how did this alleged confession get into the Holstlaw statement? The testimony of Mr. Fitzgerald has been quoted. But in answer to Senator FLETCHER Mr. Fitzgerald also testified as follows:

Did you also tell him, after your return to your office to prepare that statement, that it was necessary for that statement to be full and complete and to contain matter that would satisfy Mr. Burke?

Mr. FITZGERALD. I told him what Mr. Burke had stated about it; yes.

Mr. HANECY. So that after the first, second, and third interviews between you and Mr. Burke in relation to Mr. Holstlaw, and after you and Mr. Gillespie, your partner, got together with Mr. Holstlaw to prepare this paper dated May 28, 1910, and down to the time where you asked the last question relating to the furniture deal, on the bottom of the second typewritten page, you did not know of and never heard Senator LORIMER's name used in connection with the matters in any way?

Mr. FITZGERALD. I do not remember whether I had two or three interviews with Mr. Burke before this time, but I had not heard LORIMER's name mentioned in any particular by Mr. Holstlaw in connection with the legislative matters at that time except to deny generally that he knew anything about any legislative corruption.

When examined concerning this incriminating portion of the statement Mr. Gillespie testified as follows, Mr. Hanecy asking him this question:

You knew that Mr. Holstlaw had denied, whenever the question was asked or suggested, or intimation made in connection with it, that there was any bribery or corruption or improper practices connected in any way with the election of United States Senator by the forty-sixth general assembly, did you not?

Mr. GILLESPIE. I knew he had denied it; yes, sir; up to that time.

Up to the point where he was asked if he voted for Mr. LORIMER and he said he did, nothing had been said relating to any corruption aside from the furniture deal.

Mr. Gillespie testified as follows:

Mr. HANECY. Up to that time—that is, the finishing of the questions and answers—down to and including the last line at the bottom of the second page and the answer on the top of the third page of this story, Mr. Holstlaw had denied that there was any other thing or any other matter that he had any knowledge of in the way of corruption or bribery or improper practices in or before or connected with the forty-sixth general assembly, did he not?

Mr. GILLESPIE. I think that is true, Judge.

Mr. HANECY. And he denied he knew anything about any corruption, bribery, or improper practices in the election of a United States Senator, did he not?

Mr. GILLESPIE. Yes, sir.

Mr. HANECY. And you knew your partner, Mr. Fitzgerald, had had three interviews with State's Attorney Burke in relation to the Holstlaw immunity matter and the dismissal of the indictment against him?

Mr. GILLESPIE. I knew he had two up to that time.

Mr. HANECY. He said this forenoon that he had had three.

Mr. GILLESPIE. I do not remember about that. I knew what had been going on in the office anyway.

Mr. HANECY. You knew that Mr. Holstlaw had denied, whenever the question was asked or suggested, or intimation made in connection with it, that there was any bribery or corruption or improper practices connected in any way with the election of United States Senator by the forty-sixth general assembly, did you not?

Mr. GILLESPIE. I knew he had denied it; yes, sir; up to that time.

Again:

Mr. HANECY. So that the first time Senator LORIMER's name was ever connected by Holstlaw or anybody else in your office—you, or your partner, or the State's attorney—with bribery, or corruption, or improper practices in connection with the election of a Senator by the forty-sixth general assembly, was when it developed in your office when you were making this statement?

Mr. GILLESPIE. Yes, sir.

Holstlaw tried to dictate a statement but "appeared to have no capacity to do it, and Mr. Fitzgerald suggested that I ask him questions and examine him." That is Mr. Gillespie's testimony. Judge Hanecy said:

That is, Mr. Holstlaw did not in any way introduce the name of Senator LORIMER in anything that he said in the dictation, did he?

Mr. GILLESPIE. He said so very little—no; he did not do that.

CONDUCT OF HOLSTLAW'S ATTORNEY.

Now, I want to call the attention of the Senate, and I wish this Nation might know it, to the way that matter was inserted in the statement of Senator Holstlaw—the advantage that was taken by Mr. Gillespie when acting as counsel for Holstlaw.

The testimony of Mr. Gillespie himself indicates that he betrayed his client into making a statement which was not true and which he knew was not true; and at the same time he suppressed and kept out of it the statement that Holstlaw had made to him, that he intended to vote for Mr. LORIMER all the time; that the payment of money to him by Broderick was in no way an inducement for such vote; that it was his intention to vote for him in any event, which he also admits over and over again in his testimony. And yet Mr. Gillespie deliberately omitted that statement from the paper which was carried to the State's attorney and on which immunity was granted to his client. All that Mr. Gillespie could say in his testimony in justification of his action is the following:

Mr. GILLESPIE. My recollection is that I asked him if that was all he knew of legislative bribery, and he hesitated for a moment and then said, "No; it is not." And I then asked him to state anything else that he had omitted, and he proceeded then to make further statement about a transaction with Mr. Broderick, and after he had made a statement of what had occurred between him and Mr. Broderick I continued the questions and answers to the end.

Mr. HANECY. That is, just as soon as he got through telling that, you started in to ask questions?

He says that he made it just as Senator Holstlaw told him to make it. If that is true, he made Holstlaw confess that he had been bribed to vote for Senator LORIMER and was paid $2,500 for it, when he had been expressly told to the contrary by his client.

Senator JONES asked this question:

Before that, if you will allow me a moment, does not that statement indicate and almost state in terms that Mr. Holstlaw got $2,500 for voting for Senator LORIMER?

Mr. GILLESPIE. It states that he got $2,500.

Senator JONES. For voting for Senator LORIMER?

Mr. GILLESPIE. I do not remember the exact language.

Senator JONES. Mr. Holstlaw, in his statement, made these answers: "Q. Who talked to you on that subject and what was said?—A. Senator Broderick, of Chicago. He said to me, 'Mr. LORIMER is going to be elected to-morrow'—that is as well as I remember the date—and he said, 'There is $2,500 for you if you want to vote that way,' and the next morning I voted for him."

Now, did he not say to you before he had answered that question that this $2,500 was no consideration for his vote for LORIMER, and that he had decided to vote for him before Broderick said anything about money?

Mr. GILLESPIE. He said he had made up his mind to vote for LORIMER and he thought he might just as well get the money as not.

Senator JONES. He said that he had made up his mind to vote for him and he might just as well get the money?

Mr. GILLESPIE. Yes, sir.

Senator JONES. Did he say to you in that conversation that he told Broderick that he had decided to vote for LORIMER?

Mr. GILLESPIE. I do not think he told me he had said that to Broderick.

Senator JONES. Why did you not put that statement in in that way?

Mr. GILLESPIE. Because he did not answer it that way when the questions were asked him. I asked him questions and he answered them.

Senator JONES. When you heard him answer that way you did not call his attention to his former statement in reference to it?

Mr. GILLESPIE. No; I did not change his statement in one particular.

The CHAIRMAN. And still you understood from what he had previously told you that the payment of that money was not an inducement to vote for LORIMER, but he intended to vote for him in any event?

Mr. GILLESPIE. Yes, sir; he stated he had intended to vote for Mr. LORIMER and he thought he might just as well get the money as not.

Senator JONES. But he gave you the impression that the money was no inducement to him to vote for LORIMER?

Mr. GILLESPIE. Yes; just as I have stated.

Senator JONES. Well, why did you not suggest that that statement go in?

Mr. GILLESPIE. I did not undertake to control his statement in any particular.

Mr. HANECY. If you saw that he was not stating it just as he had stated it to you——

Mr. GILLESPIE. If he could have dictated the statement, we would have permitted him to dictate his own statement. When we found he could not do that, we examined him as I have stated.

Senator JONES. But acting as his attorneys there, you did not deem it of importance to suggest to him that the language he expressed did not correctly state what he had before expressed to you?

Mr. GILLESPIE. No; I did not consider it of any importance.

Think of it! In that paper was a confession, signed by Holstlaw, that he was guilty of a felony, and the counsel he had employed to protect him testifies that he did not consider it of any importance! *Yet that so-called confession in that statement is the only evidence in this case upon which can be predicated any kind of a claim that Holstlaw voted for Senator LORIMER because of improper influences.* He himself has testified repeatedly that he did not do so. Everyone knew for a month before that time he would vote for Mr. LORIMER. It was arranged between him and his associates from his district the day before the election, and before his talk with Broderick is claimed to have been had, that they would vote for Senator LORIMER. He testified to this in the Broderick trial; he so testified before this committee, and he told this to his counsel; yet Mr. Gillespie permitted this "confession" to go into the statement, although he had been informed by Holstlaw as to just what the facts were. Judge Hanecy put this further question:

Mr. HANECY. You knew, did you not, as a lawyer, and you know now, that that language conveys to the reader that there was a bargain between Holstlaw and Broderick—that Holstlaw was to vote for Mr. LORIMER, and that Broderick was to give Holstlaw, for voting for LORIMER, $2,500?

Mr. GILLESPIE. Yes; that is the statement.

Mr. HANECY. You knew that that is what that language would convey to anybody who did not know the fact otherwise, did you not?

Mr. GILLESPIE. Yes; of course.

This occurred at a time when public sentiment had been aroused by the publication of the White story, when investigations of every character were in progress in Chicago and in Springfield. Every man guilty of any kind of wrong-doing feared detection. Every man who could bring any evidence to bear on this question seemed anxious to do it. The public was demanding accusations against LORIMER. Immunity was the one thought filling the mind of Senator Holstlaw, and he was so mentally perturbed that morning that I think the man did not half comprehend what he was doing. Nor do I think he much cared what went into that statement, if by signing it he was sure of securing immunity from prosecution for his offense and of being discharged from arrest.

According to Mr. Gillespie's testimony, Holstlaw mentioned receiving $2,500 from Broderick, and while asserting that it had nothing to do with his vote for LORIMER, he put out that

weak story, that he thought he might as well have the money. In his evidence in the Broderick case—the Broderick case was a prosecution on an indictment against Broderick for bribing Holstlaw to vote for Senator LORIMER—he told precisely the same story that he told before this committee.

Speaking of Broderick, in his testimony he says that on the evening of May 25—

He was standing out in front of the St. Nick, and I happened to step out, and we were talking, and he said, "Senator LORIMER will be elected to-morrow." I said, "I think so, and I am going to vote for him." He said, "You are?" I said, "Yes, sir." He said, "If you want to vote that way, there is $2,500 for you."

Mr. MARBLE. What did you say?

Mr. HOLSTLAW. I did not say a word.

Referring to what he claims Broderick then said, Holstlaw further testified:

I did not think very much about that, because I intended to vote for LORIMER anyway, and that did not have any influence whatever with me—

and in response to the following question:

Mr. MARBLE. You would have voted for Senator LORIMER if John Broderick had not spoken to you the night before?

Mr. HOLSTLAW. I would, most assuredly.

It was a weak story, told doubtless to cover some transaction which has never been revealed. However that may be, it has not a corroborating circumstance in all the volumes of testimony, but is disproved by testimony which is unanswerable.

The so-called "confession" which was incorporated in the statement that went to the State's attorney of Sangamon County was the direct work of Gillespie and Fitzgerald, Holstlaw's attorneys. Gillespie had formerly been assistant to Attorney General Stead. Gov. Deneen had advised Gillespie not to take employment in the defense of any of the bribery cases, as there undoubtedly would be a legislative investigation, in which he might be employed, and had asked upon what terms he was with the attorney general.

Gillespie says:

The substance of the conversation was that there would be litigation growing out of it, and the matter would probably be inquired into by the legislature, and he suggested that I might be employed. In the conversation he asked me what my relations were with the attorney general, and I stated to him that they were friendly.

Further along Mr. Gillespie says:

On the day when Attorney General Stead made the motion in the Sangamon County Circuit Court—

That was the motion which the attorney general made to restrain Burke from investigating the White, Beckemeyer, and Link stories—

I happened to be in court, and he called me aside and asked me if I had had any connection with the defense of any of those cases or had been employed or spoken to by anybody. I stated to him that I had not. He stated to me that he did not know what his attitude would be, and asked me for the time being not to participate in the defense, and I stated to him that I would not at that time.

He held out until the Holstlaw matter came up. He then had a further conversation with the governor. Mr. Gillespie said:

I stated to the governor that Mr. Holstlaw had been indicted for perjury, and Mr. Fitzgerald had been retained to defend him, and that we were going to represent Holstlaw.

Mr. HEALY. What did the governor say about that?

Mr. GILLESPIE. He said that was all right, that he understood the attorney general was not going to participate.

It will be noted that this particular matter in no way connected itself with the jack-pot story, and that Gov. Deneen did not object to the employment of Gillespie and Fitzgerald in this matter, although he had asked them not to accept employment in the other matter. While it is denied by Gillespie that he was employed by the Chicago Tribune in the Holstlaw or any other matter growing out of the corruption, or the alleged corruption, of the legislature, it appears from the testimony of Basil D. Monroe, an attorney at Louisville, Ill., who was judge of Clay County court for eight years, and formerly connected with the attorney general's office, that Gillespie told him that he, Gillespie, got in for the Chicago Tribune through Gov. Deneen. The importance of this testimony——

Mr. BRADLEY. What is that man's name?

Mr. DILLINGHAM. Gillespie.

Mr. BRADLEY. Who is the man who said that?

Mr. DILLINGHAM. Basil D. Monroe, a man who had been eight years the judge of his county. The testimony will be found at page 4749 and other pages following, if the Senator desires to find it. That testimony was:

Mr. HANECY. Did you have a talk with Mr. G. B. Gillespie, of the firm of Gillespie & Fitzgerald, about that time, and after Holstlaw signed that paper that you say you saw in the papers?

Mr. MONROE. Yes; I think I did.

Mr. HANECY. Where was that conversation?

Mr. MONROE. The conversation was in his office.

Mr. HANECY. In Mr. Gillespie's office?

Mr. MONROE. Yes.

Mr. HANECY. In Springfield?

Mr. MONROE. Yes.

Mr. HANECY. When was it with reference to the publication of the story or the day when Holstlaw had appeared before the grand jury of Sangamon County?

Mr. MONROE. I can not give the exact time of it. My recollection is it was just a few days after this statement of Holstlaw had been published in the papers.

Mr. HANECY. The statement of Holstlaw as to——

Mr. MONROE. His confession, in other words, about the deal that he had been into as to the furniture and other bribery charges.

Mr. HANECY. During the forty-sixth general assembly?

Mr. MONROE. Yes, sir.

Mr. HANECY. Who was present at that conversation?

Mr. MONROE. There was nobody there but Mr. Gillespie and myself.

Mr. HANECY. What was that conversation?

Mr. MONROE. The conversation came about by Mr. Gillespie asking me if I was getting any business out of these bribery cases. In answer to that I told him that I was not. I said, "Are you getting any of it?" He said that he was getting into it, or something like that; that was the expression, that he was getting into the business.

Mr. HANECY. Proceed.

Mr. MONROE. I said, "How did you get in?" He said he got in for the Chicago Tribune, through Gov. Deneen. I said, "How did you come to get in that way?" He said that he had taken Mr. Holstlaw's confession, and that was about all that was said about it.

And there is another reputable witness to the same effect—Mr. William H. Dillman, a lawyer and banker, who lives at Louisville, Clay County, Ill. He is a personal and professional friend of Mr. Gillespie, and has employed Gillespie in important litigation. About two weeks after Holstlaw's story was published, Mr. Dillman called upon Mr. Gillespie in his office and his testimony as to what occurred on that occasion is as follows:

Mr. HANECY. Give us the substance of it as nearly as you can.

Mr. DILLMAN. Being friends, he said he had got in on this deal.

Mr. HANECY. What deal were you talking about?

Mr. DILLMAN. He was referring to the scandal that had come out; that he had gotten employment as a lawyer; and that Mr. Holstlaw had made his confession to him.

Mr. HANECY. Did he say anything about who wrote the paper?

Mr. DILLMAN. I do not recall that he did.

Mr. HANECY. What did he say about the person by whom, or the company by whom he was employed?

Mr. DILLMAN. What did he say about that?

Mr. HANECY. Yes.

Mr. DILLMAN. Nothing in particular that I can recall.

Mr. HANECY. What did he say in general, Mr. Dillman?

Mr. DILLMAN. He said he was just employed by this Chicago paper.

Mr. HANECY. The Chicago Tribune?

Mr. DILLMAN. Yes, sir; to get evidence along that line.

* * * * * * *

Mr. HANECY. Was anything said by you or Mr. Gillespie about the story or the paper that was signed by Holstlaw and given to Mr. Burke, the State's attorney, of Sangamon County?

Mr. DILLMAN. I do not recall anything particular about a paper. He just simply remarked that he had gotten Senator Holstlaw to confess, or rather, had advised him to confess.

There we have the situation! It needs no comment! Any person who reads the testimony of Gillespie as to the manner in which that so-called "confession" made its way into that statement which was given to the State's attorney of Sangamon County will grasp the situation. There sat Lawyer Gillespie in conference with his terror-stricken client, who had placed his safety and interests in his keeping, arranging a most vital matter. He had full knowledge that his client, who was making that statement, claimed and had stated to him that he had not been corrupted to vote for Mr. LORIMER, asserting that he had never received money because of that act, and yet that attorney, professing to act for his client, deliberately propounded questions and permitted answers which when placed in that statement constituted a confession of a felony which he knew from Holstlaw's statement to him had no foundation.

And this so-called "confession," produced and incorporated in that statement in that way and under those circumstances, furnishes the only foundation there is for claiming that Holstlaw received money for voting for Senator LORIMER.

It is a remarkable circumstance that almost immediately after the perpetration of this great wrong by Mr. Gillespie his relations to the Chicago Tribune should have been revealed through the witness Monroe and Dillman, reputable citizens of Illinois, both lawyers and both friends——

Mr. LORIMER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. DILLINGHAM. I yield to the Senator from Illinois.

Mr. LORIMER. I merely wish to add right there that Mr. Dillman and Judge Monroe came into my office in the Senate Office Building on the morning of the day that they testified before the committee and pleaded with me to go to you and ask you to excuse them as witnesses, because the testimony that they would give against Mr. Gillespie, who was their warm personal friend, would result in his disbarment in Illinois if they were compelled to make the statement.

Mr. DILLINGHAM. Not only that, but Mr. Gillespie admits that there were publications in some of the newspapers in Illinois to the effect that he represented the Chicago Tribune; and

he mentions, if I remember correctly, the Herald and the Springfield Record.

I have only to say that to permit a "confession" of the character of that introduced by him in Mr. Holstlaw's statement to State's Attorney Burke, in the light of what he himself confesses was said to him by Mr. Holstlaw, was an inexcusable act, and if it be true that he was at that time in the employ of the Chicago Tribune, it is all the more open to condemnation. Yet that "confession," so called, has been used by the Chicago press to blacken Mr. LORIMER's character and to drive him out of public life.

There are some other circumstances in connection with this incident which are worthy of mention. The evidence clearly shows that the sum paid by Broderick to Holstlaw was not $2,500, but that it was $3,200, paid in two installments, but for the same purpose; and I should like to have any man connected with this case, who has heard any part of the testimony, account for that $700 if the $2,500 was paid him for voting for Mr. LORIMER.

All the evidence shows that there was a corrupt deal between Broderick and Holstlaw; but all the evidence goes to show that it was in no way connected with Mr. LORIMER; that it was an independent transaction on the part of Holstlaw and Broderick, just as the $1,500 deal was an independent transaction between Holstlaw and the furniture firm that was to refurnish the Illinois capitol.

Mr. President, I call attention to the fact that while we are discussing these important questions, which the Senate sitting in a judicial capacity must determine, there are, including the presiding officer, the Senator from New Hampshire [Mr. GALLINGER], 10 Senators in their seats. I want this to go into the RECORD.

Continuing, let me say that the $3,200 was paid to Holstlaw by Mr. Broderick for some reason which neither revealed. *It has been determined by the courts of Illinois that it was not paid to Holstlaw for voting for* LORIMER. Let anybody who has heard the evidence account for the difference between $2,500 and $3,200. Mr. Holstlaw had not the nerve, liar that he was and bribe-taker that he was, to allege that it was for his vote for LORIMER. He says over and over again in his testimony that he does not know why it was given to him, and he made the weak, sickly, childish plea that he supposed it was a gift; but he felt some delicacy about it and did not like to mention it to his family.

What object could this man have in shielding LORIMER? None whatever. The evidence clearly shows that the only object in connecting LORIMER's name with this Holstlaw transaction was to satisfy the State's attorney of Sangamon County. The immunity order was secured within a few hours, and for that service this firm charged Mr. Holstlaw $500.

I shall take no further time upon this phase of the case, except to suggest one fact. We wanted to know why that money was paid to Holstlaw by Broderick? Why the latter received it? But all we found upon which to base a judgment was this: Holstlaw posed as what they call a "dry" on the liquor question. His district was composed of four counties. Marion, his home county, and Clay were dry counties, but the estimation in which he was held by his prohibition friends is demonstrated by the fact that he lost both of these counties by a majority of 5,556. He posed as a "dry" and he lived in a dry county, but he lost those counties by a majority of 5,556! In the "wet" counties of Effingham and Clinton the majorities he received were sufficiently large to overcome the loss in the other two counties and elect him to the State senate.

It is admitted by all that the liquor interests in all four counties were Mr. Holstlaw's strong supporters and succeeded in their purpose to send him to the Senate. When pressed to disclose what his election expenses amounted to, Mr. Holstlaw said, "Well, I can not tell." He was soft and sweet and plausible, but he could not tell what his expenses were. We asked him if they were $5,000. He replied, "Well, I do not think they were quite $5,000"; and when we pressed him, suggesting specific amounts, he did not think it was this or that, but when his examination ended the committee had the impression that his election expenses were from $3,000 to $3,500.

I am not attempting to account for the money paid him except, as the Quakers say, it was borne in upon us that he was reimbursed for his election expenses, the money having come through John Broderick, who for 17 or 18 years has been the proprietor of a saloon in Chicago.

As showing the influence of that Chicago combination that united in the undertaking to drive Mr. LORIMER from the Senate, I wish that Senators who are present would look at the Chicago Sunday Tribune containing a picture of Mr. Holstlaw; columns and pages are given up to this matter, a full discussion of the wonderful disclosures that had been made, and with headlines like this:

ONE MORE SAYS HE WAS BRIBED FOR LORIMER. HOLSTLAW CONFESSES HE TOOK $2,500 TO CAST THE VOTE "RIGHT"—

The word "right" being put in quotation marks—

NAMES JOHN BRODERICK.
TRUE BILL ALSO RETURNED FOR PEMBERTON, JOSEPH S. CLARK—

And so forth.

There is the use that was made of the work of Gillespie and Fitzgerald in preparing that statement.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Alabama?

Mr. DILLINGHAM. Gladly.

Mr. JOHNSTON of Alabama. I want to suggest another fact that is significant. Gillespie charged $500 for his valuable services in preparing that confession. He collected only $350 and never called on Holstlaw for the balance. I merely suggest that to the Senator as showing, to my mind at least, that he was receiving pay from some other source.

Mr. DILLINGHAM. And before this committee, Mr. Fitzgerald said that they "did not have sense enough to charge larger fees," and that they ought to have charged $2,500, in consideration of the value of their work.

From an examination of the evidence to which I have called attention it can not be successfully maintained that Beckemeyer, Link, or Holstlaw ever received a dollar for voting for Mr. LORIMER or that they had any knowledge or suspicion that money was paid to any other person for that purpose. The case as made before the Burrows committee rested wholly upon the testimony of Charles A. White, and the case as made before this committee rests wholly upon the testimony of Charles A. White. Unless the payment to him of $1,000 by Lee O'Neil Browne differs in character from the payment of the same amount at practically the same time by Browne to Link and Beckemeyer, there is absolutely nothing on which to base the claim that bribery was used in the election of Senator LORIMER. And I think I have demonstrated beyond all question that the only circumstance upon which can be based any claim that Holstlaw received money because of his vote for Senator LORIMER is the so-called "confession," wholly without foundation and wickedly allowed to go into his statement prepared under the direction of his counsel, Mr. Gillespie, upon which to obtain immunity in the courts of Sangamon County.

NO CORRUPTION FUND WAS RAISED TO AID MR. LORIMER'S ELECTION.

Mr. President, I had intended at this time, having disposed of the old case, to take up the question of the newly discovered evidence upon which the case was reopened and sent to this committee for investigation and to inquire whether there was in fact any fund raised by or through Edward Hines for the purpose of in any way influencing the election of WILLIAM LORIMER to the Senate of the United States. It will take considerable time to do so. The report of the committee upon that subject, which was drafted by myself, seems to me to be a clear and concise statement of the facts, and I ask permission to insert at this point as a part of my remarks the report of the committee bearing upon that subject.

The PRESIDENT pro tempore. Without objection that order will be made.

The matter referred to is as follows:

WAS SUCH A FUND RAISED?

After the most searching inquiry the committee is unable to find any evidence that any sum of money was raised or contributed by Mr. Hines, or through his suggestion, or with his knowledge, to be used corruptly in securing the election of Mr. LORIMER as a Senator of the United States from the State of Illinois, or that Mr. Hines participated in any corrupt practices of any nature in connection with such election, nor can the committee find that any such fund was raised by any person or persons to be so used. The committee goes further and reports that it finds no evidence that any such fund was ever contemplated by Mr. Hines, or suggested to him by any of the gentlemen with whom he conferred before the election of Mr. LORIMER regarding the election of a Senator of the United States from the State of Illinois, and in fact there is no proof that Mr. Hines raised or furnished or spent improperly any money to aid in the election of Mr. LORIMER.

MR. HINES'S INTEREST IN THE ELECTION.

In connection with this finding the committee thought best to incorporate at this point a statement of what the evidence discloses regarding the activities of Mr. Hines in connection with the election of Mr. LORIMER.

While Mr. Hines has had a general acquaintance with Mr. LORIMER covering about 19 years, he has never had any business relations with him, nor has Senator LORIMER been the owner of stock in any corporation in which Mr. Hines has been interested; and although Mr. Hines was a resident of Mr. LORIMER's congressional district about nine years, he never took any interest in the political fortunes of the latter, beyond voting for him, except in the year 1906, when horses and wagons of the Edward Hines Lumber Co. were loaned to the Lorimer committee for a street parade, and Mr. Hines secured the signatures of 25

or 30 business men to a circular which was sent out to voters, showing Mr. LORIMER to be a protectionist, and the value of his work in favor of deep waterways. Mr. Hines does not remember whether he paid for the printing of these circulars or not; but if so, that is the only contribution ever made by him or any of the companies with which he was connected to any campaign fund to aid Mr. LORIMER at any time.

A major portion of the winter and spring of 1909, during which the Legislature of Illinois was in deadlock over the election of a Senator, Mr. Hines spent in Washington, representing the interests of the National Lumber Manufacturers' Association, in connection with the tariff legislation then under consideration. He did not visit Springfield during the senatorial contest, and had not been in that city for at least five years prior to his appearance as a witness before the Helm committee in the spring of 1911.

Mr. Hines apparently had no interest in the senatorial contest, and according to the evidence did nothing in connection therewith until the 1st of February, 1909, when, at the request of Mr. Hibbard, of the firm of Hibbard, Spencer & Bartlett, hardware dealers in Chicago, a codirector with Mr. Hines on the Continental National Bank board, he telegraphed Mr. LORIMER, suggesting the candidacy of Mr. A. C. Bartlett, and followed this telegram by a letter, in which he said:

"Mr. Hibbard came to me this morning about the candidacy of Mr. A. C. Bartlett. * * * I feel it might be good policy to nominate a man of this kind, if you have not committed yourself elsewhere. * * *. Probably you have already committed yourself along other lines."

In response to this, some time prior to the 1st of April, Mr. LORIMER told Mr. Hines that the different factions could not, apparently, unite on Mr. Bartlett.

During the next two months, from February 1 to April 1, 1909, Mr. Hines, as representative of the National Lumber Manufacturers' Association, looking after tariff legislation in Washington, was much occupied and paid no attention to the Illinois situation. In this work he was brought frequently into contact with Senators Aldrich and PENROSE, members of the Senate Committee on Finance, which was then conducting hearings in connection with the tariff schedules.

The legislative deadlock in Illinois naturally became a topic of conversation between them and was discussed first as a matter of political gossip; then as the situation developed, the probability of the deadlock being broken was often discussed. Early in the month of April Senator PENROSE sent for Mr. Hines and asked him if he knew the situation or could find out whether the legislature was liable to adjourn without electing a Senator; Mr. Hines replied that he did not know but would try to find out.

To this end Mr. Hines talked first with Congressmen Boutell and MADDEN, of Chicago, who told him they did not know the real situation, but that probably Congressman LORIMER could give him the information, whereupon he telephoned to Mr. LORIMER, who was in Chicago, and arranged to see him at his office upon his return to Washington; at the interview then had Mr. Hines told Congressman LORIMER that he was not personally interested in the matter, but that Senator PENROSE appeared to be much interested, and had asked him to make inquiries. Mr. LORIMER stated that the situation was indefinite; that he could not then say what it really was; but that he was going to Springfield the following night; would return to Washington in about a week and might then be able to speak with a better knowledge. Mr. Hines reported this conversation to Senator PENROSE.

A week or two later Mr. Hines again talked with Mr. LORIMER, who told him that the situation remained practically unchanged. Mr. Hines then inquired particularly as to the men under consideration, and Mr. LORIMER mentioned Congressmen McKINLEY and Lowden, Judge Grosscup, and Mr. Calhoun. Mr. Hines reported this conversation, as well as what he heard from other sources regarding conditions in Illinois, to Senator PENROSE, as he met him in connection with the tariff matters.

About the last of April Senator PENROSE told Mr. Hines that Senator Aldrich would like to see him and went with him to Senator Aldrich's office, and in a conversation between them the general situation in Illinois, including the election of a Senator, was discussed, during which Mr. Hines stated that in his judgment Senator Hopkins could not be reelected, and he asked Senator Aldrich what the attitude of the President would be with reference to the matter. Senator Aldrich replied that the President was desirous that a Republican Senator should be elected in Illinois, and while he was naturally friendly to Senator Hopkins on account of the fact that the latter had received the primary nomination and perhaps for other reasons, he did not intend to take any active part in influencing the action of the legislature; that his wish was that a Republican should be elected, but that he would take no steps in furtherance of Senator Hopkins's candidacy or that of any other person.

A little later Mr. Hines had another interview with Mr. LORIMER, in which he asked him the direct question whether or not he was a candidate for the senatorship; and the latter replied that he was not, giving as the one important reason his great interest in the deep-waterway proposition which he felt he could best promote by remaining in the House. At that time Mr. LORIMER asked Mr. Hines if he had anyone to recommend for the position, and Mr. Hines suggested Congressman Boutell, which met the approval of Mr. LORIMER; but he could not tell how Mr. Boutell's name would be received. Mr. Hines told Senator PENROSE of this, who, in turn, had a talk with Mr. Boutell. About the same time Mr. Hines had an interview with Senator Aldrich regarding the attitude of the President toward the candidacy of Mr. Boutell, stating that an effort was being made to agree upon him as the successor of Senator Hopkins.

He asked Senator Aldrich if he would see the President, ascertain his attitude and advise him, and Senator Aldrich afterwards in another conversation reported to him that the President would be agreeable to Mr. Boutell's candidacy; that his anxiety was to have a Republican elected, and that he was satisfied with Mr. Boutell's Republicanism and would have no objection to his election. Mr. LORIMER's candidacy was not suggested or discussed at that time. Mr. Hines told Mr. Boutell what he had done, and suggested to him that he see the President. Mr. Boutell did so, and also wrote letters to Chicago to ascertain how his candidacy would be regarded in Illinois; later he went to Chicago and after a careful investigation found that it would be impossible to get the different factions to unite on him; and Mr. Hines told Senator PENROSE of the failure of that undertaking.

As time passed the names of Messrs. Boutell, Lowden, and others mentioned in connection with this election, were in the progress of events eliminated, and Mr. Hines ultimately suggested to Senator PENROSE that Mr. LORIMER might be the man upon whom the different factions could unite, but because Mr. LORIMER had previously informed him that he preferred to remain in the House it was doubtful if he could be induced to enter the contest. Senator PENROSE also learned from other sources that Mr. LORIMER was the only available candidate.

Just previous to the election of Mr. LORIMER by the Legislature of the State of Illinois one or two interviews took place between Senator Aldrich and Mr. Hines regarding the candidacy of Mr. LORIMER and the attitude of the President with respect thereto. Regarding one of these, Senator Aldrich in his testimony says:

"Mr. Hines then told me that it was impossible to agree upon Mr. Boutell, and he thought there was a prospect—he said a very good prospect—of agreeing upon Mr. LORIMER; and he was anxious that I should find out the attitude of the President, the administration, toward Mr. LORIMER's election, and tell him what it would be."

This the committee finds was at Senator Aldrich's committee room, late in the evening; that together they rode to Senator Aldrich's house, where Mr. Hines was left to await the return of Senator Aldrich from the White House, where he went to have a consultation with the President in relation to this matter. Senator Aldrich returned home from this interview about midnight, and in his testimony says:

"I told him that Mr. LORIMER's candidacy would not be objectionable to the President. Then Mr. Hines asked me if I was willing to say that to anyone that he might suggest to inquire of me upon the subject; and I said that I was—that if I were asked in reference to the matter I should say that Mr. LORIMER's candidacy would not be objectionable to the President."

Regarding the time of this interview, Senator Aldrich testifies:

"I know that it was prior to the election, and my impression is that Mr. Hines told me that he was to leave for Chicago either that day or the next day, or some time very near that."

And on this point Senator Aldrich's testimony is as follows:

"Senator KERN. Did you have any conversation with Mr. Hines at all about Gov. Deneen, or the part Gov. Deneen was to take in the contest?

"Senator ALDRICH. I think at this conversation Gov. Deneen's name was mentioned by Mr. Hines; not by me.

* * * * * * * * *

"The CHAIRMAN. What did he say about Deneen?

"Senator ALDRICH. My recollection is that Deneen was an important party to this arrangement, or agreement, upon a candidate, and that Deneen's attitude would be more or less influenced by knowing whether it would be agreeable to the President. That was my general impression with regard to that matter."

Both Senators Aldrich and PENROSE corroborate Mr. Hines in all essential features of his account of what took place leading up to and including his activities in behalf of Senator LORIMER.

Endeavoring to carry out what he understood to be the desire upon the part of Senator Aldrich and the administration, Mr. Hines went from the home of Senator Aldrich to the New Willard Hotel, from whence, sometime after midnight, he called up Congressman LORIMER on long-distance telephone at Springfield and gave him Senator Aldrich's message. Mr. LORIMER expressed some surprise at mention of the President's name, but Mr. Hines repeated the statement, telling him there was no question about it, as he had but then finished talking with Senator Aldrich, after the latter's return from a conference with the President at the White House, and that they would do all they could to assist in his election. Mr. LORIMER asked if Senator Aldrich would send him a telegram to that effect, and Mr. Hines assured him that he himself was authorized to send such a message, and Mr. LORIMER told him to send it. Mr. Hines then asked Congressman LORIMER if he would become a candidate, to which the latter replied:

"At this time I can not say; after I get the telegram I will give the matter consideration."

Mr. Hines accordingly sent the telegram. Senator LORIMER testifies that this was the first word he received from Mr. Hines concerning his candidacy, and Mr. Hines says it was the first time the subject was mentioned between them after the talk in April when Congressman LORIMER told him he would not be a candidate for the senatorship. Senator LORIMER locates the date of this telegram between the 20th and 25th of May, and Mr. Hines puts the date May 23, 1909.

Mr. Hines testifies that matters ran on for a few days, and that Senator Aldrich again sent for him and urged him to go to Springfield and see the governor personally and impress upon his mind the importance to the administration of the election of a Republican, and if Mr. LORIMER could be elected to have him assist in accomplishing it. This was on the morning of May 25, 1909, and Mr. Hines left for Springfield via Chicago that afternoon.

While the committee find some confusion in the testimony on the question whether there were two interviews between Senator Aldrich and Mr. Hines regarding the election of Mr. LORIMER and the mission of Mr. Hines in connection therewith, they are of the opinion that Mr. Hines's memory is the more accurate, and that such was the case; but if, as Senator Aldrich thinks, there was but one interview, it must have been on the night of May 24, 1909, for before leaving Washington the following day, May 25, Mr. Hines sent the following telegrams to Mr. LORIMER, who was at Springfield:

"MAY 25, 1909.

"WILLIAM LORIMER,
"*St. Nicholas Hotel, Springfield, Ill.:*

"Aldrich authorizes governor calling him up telephone. Confirm my message; conference last night; governor requested cooperate bring about result; can bring message to-morrow."

"WASHINGTON, D. C., *May 25.*

"WILLIAM LORIMER,
"*St. Nicholas Hotel, Springfield, Ill.:*

"Leaving for Chicago to-day; can go direct to Springfield. Bring message confirming conference held last night, showing highest authorities want you elected before legislature adjourns. Important Republican Party Illinois politics have strong, experienced man, friendly to powers here, elected immediately; needed here now. Telegraph answer quick, duplicate, care limited train, Harrisburg depot."

In both of which messages, as will be observed, he refers to a conference held the night before.

These conferences between Mr. Hines and Senators Aldrich and PENROSE impressed Mr. Hines with the importance of the matters under discussion as well as the importance of his activities in connection with them. He understood that in the investigations and reports which he made to them he was carrying out their wishes, that in the end they had reached the conclusion that Mr. LORIMER was the only person upon whom the different factions of the legislature could unite, and they were anxious that he should not only consent to become a candidate but that he should use his best efforts to be elected. In these conferences Gov. Deneen's name had been

mentioned as an important factor in the election of a Senator, and Mr. Hines understood, after his last interview with Senator Aldrich at the latter's house, that he was authorized to convey to Mr. LORIMER the wishes of the Senators named, the attitude of the President as to his candidacy, and to urge Gov. Deneen to aid in his election. The telegrams indicate his understanding of the situation and of his mission, and he understood that in carrying this message he was representing the gentlemen with whom he had been in conference, and that he was authorized to refer anyone wishing for further information as to their attitude or that of the President to Senator Aldrich.

Mr. Hines was very much impressed with the importance of his selection as the medium through whom this message was to be carried to Illinois, and he entered with zeal upon the undertaking.

The evidence indicates that Senators Aldrich and PENROSE were the only persons with whom Mr. Hines was working or cooperating in the effort to break the deadlock in the Illinois Legislature by the election of a Republican Senator; that the only real interest he had in the matter was aroused by his frequent interviews with those gentlemen; the evidence also shows that neither he nor they had any candidate whom they specially cared to have elected—any Republican would have been satisfactory, and their purpose was to discover some person upon whom the different factions in the legislature would unite, and to that end they called upon Mr. Hines for assistance. Concerning this, Senator PENROSE in his testimony says:

"If Mr. Hines had been staying at home and attending to his business in Chicago, and the tariff had not been up, and he had never seen me or a lot of people who were interested in politics night and day, I do not imagine he would ever have gotten interested in the senatorial fight."

Mr. Hines left Washington on May 25, 1909, and reached Chicago between 8 and 9 o'clock on the morning of May 26, 1909. It had been his intention to continue the journey to Springfield, in order, as he testified—

"to carry out the request made by Senator Aldrich and see the governor and see other leading Republicans, members of the legislature, to impress upon their minds the importance of trying to unite on some Republican as Senator from Illinois."

But upon reaching Chicago he was met at the station by Mr. Wiehe with a message from Mr. LORIMER to call the latter on the telephone from Chicago instead of continuing his journey to Springfield, as intended. Mr. Hines therefore proceeded at once to the Continental Commercial National Bank and from there put in a long-distance telephone call for Mr. LORIMER at Springfield. While waiting for this connection, he sent from the bank the following telegram:

CHICAGO, *May 26, 1909.*

WILLIAM LORIMER, Esq., *Springfield, Ill.:*

Just arrived; trying to get you telephone; Aldrich, PENROSE, and higher authority, as telephoned you from Washington, want you elected; authorized have governor others call Washington telephone; confirm this; can be there to-night.

EDWARD HINES.

Very soon thereafter Mr. LORIMER called him on the telephone and said:

"I would like to have you immediately call up Gov. Deneen on the long-distance telephone, and emphasize to him as strong as possible what you told me from Washington. * * * When you get through talking with Gov. Deneen, call me up on the telephone and let me know what he says."

Referring to this telephonic conversation with Mr. Hines, Senator LORIMER in his testimony says:

"I told him that the reason I did not want him to go to Springfield was that the governor was not friendly to my candidacy, and that if he came down to deliver the message it would be too late before he arrived, but probably if he delivered the message to him over the long-distance telephone it might have some influence with him. I had not any idea in the world that it would, but I feel when you are in a campaign you ought to do the last thing, and in his case it was the last thing."

Mr. Hines testified that he also called up Gov. Deneen from the bank and said, as he remembers the conversation:

"This is Mr. Edward Hines, at Chicago. I have just come in this morning on the limited train from Washington, and was on my way to Springfield to bring that message to you from Senator Aldrich and the President, urging upon you to do all you possibly can to assist in the election of a Senator at the earliest moment possible. They understand that Congressman LORIMER can be elected if you will assist."

Mr. Hines testified that the governor did not seem to recognize his voice at first, and there was some suggestion of calling Mr. Reynolds, president of the bank, to identify him, but that finally the governor appeared to recognize his voice and said that would be unnecessary, and, continuing his conversation, Mr. Hines said then to him, "How soon can you see Congressman LORIMER?" that the governor replied, "I will see him within 10 minutes;" and then Mr. Hines asked him the following question, "Can we rely on your assistance?" and understood the governor to say, "Yes."

In regard to this Gov. Deneen testified:

Mr. Hines called me up and asked me whether I had received a message from the President—President Taft—in reference to Senator LORIMER. He stated that President Taft had sent a message to me to support Senator LORIMER, and asked me if I had received the message. I told him no. He said: "Well, President Taft has sent the message, and I intended to come down myself. I have just arrived, this morning, in Chicago;" and my best recollection is that he stated that his train was late; had a five-minutes' connection, and the Pennsylvania train had missed connections. But, in any event, he said that he had intended to come, and did not come; could not come; and he said President Taft had sent that message to me, and I would get it. I said: "Did President Taft send that message to me? Did he tell you?" He said, "No." I said, "That is a rather remarkable message to send." He said, "Well, he is to send it through Senator Aldrich." He said, "Of course, the President would not send a message to you on such a matter where it would become a public matter; but Senator Aldrich is to convey the message to you." I said, "Through whom?" He said, "Mr. George Reynolds, of the Continental Commercial Bank, will call up and deliver the message." I said, "Very well."

Gov. Deneen says he did not tell Mr. Hines that he would see Mr. LORIMER within a few minutes, or within 10 minutes, and says there was nothing in regard to calling Mr. Reynolds to identify his voice; that he was not sufficiently acquainted with him to recognize Mr. Hines's voice, and doubted personally whether Mr. Hines was telephoning.

While they differ regarding many things which it is claimed were said during this conversation, which is easily accounted for by the difficulty attending a long distance telephone conversation, they both agree that no reference whatever was made to money matters, and that Mr. Hines said nothing about going to Springfield and taking with him all the money that was necessary to bring about the election of Mr. LORIMER as testified by the witness Cook. Gov. Deneen testified that on May 26, 1909, he did not see or communicate in any way with Mr. LORIMER until after his election, when the latter called upon him about 2 o'clock.

On the contrary, Senator LORIMER testified that Gov. Deneen called him on the telephone on the morning of May 6, 1909, and said:

"That he had talked with Mr. Hines over the telephone, and that Mr. Hines had delivered a message to him to the effect that Senators PENROSE and Aldrich and the President were anxious that I should be elected."

And in answer to the question: "What response did you make," Senator LORIMER testified:

"I thanked him for it. I knew the interview Mr. Hines had had with the governor had had no influence with him."

And Senator LORIMER says in his testimony that the only reason he did not desire Mr. Hines to go to Springfield was because he could not reach there in time, he having concluded to allow his name to be presented that day, and he understood the only assistance Mr. Hines could render was to deliver the message; that the governor made no comment with reference to the message and in this respect testified. Mr. LORIMER testified:

"I thought the governor just delivered a message. I got an impression that the governor either felt that it was his duty to call me up and let me know, or that he had been requested to call me up and let me know, what had occurred."

Senator LORIMER further testified that up to the night of May 25, 1909, he had not been advised that the President or Senators Aldrich or PENROSE had authorized anyone to verify their support or their desire in regard to having a Republican elected. Senator LORIMER further testified that he got the impression from the way Gov. Deneen talked to him over the telephone on the morning of May 26, 1909, that he was—

"just doing what he regarded as a duty, or extending a courtesy to the person he had previously spoken to over the telephone.

"He did not commit himself, and I knew from the way he talked that the message had no influence over the governor."

Senator LORIMER testified to a subsequent conversation with Mr. Hines as follows:

"I talked with him over the telephone—quite a while after that—and told him the governor had told me of the message that he delivered to him. When I say 'quite a little while after that,' I mean it may have been 10 or 15 or 20 minutes."

After his telephonic conversation with Gov. Deneen from the Continental Commercial National Bank, Mr. Hines went to the Grand Pacific Hotel to meet Messrs. Cook and O'Brien upon a purely business matter, which meeting had been arranged by his subordinates, and while in Mr. Cook's room had a second conversation with Mr. LORIMER over the telephone, in which he said in substance:

"I have just talked with the governor, and he said he would see you immediately. The Congressman replied, 'He has already seen me.' I then said, 'Now, if I can do any good I will come down on the afternoon train.' He replied not to come down until he would telephone me. He said, 'If my name goes before the legislature to-day, you could not assist any in time to come here. If you could assist to-morrow, I will let you know late in the afternoon by telephone.'"

At this point the activities of Edward Hines in connection with the election of WILLIAM LORIMER ceased. He did not go to Springfield, and the only person whose action he attempted to influence was Gov. Deneen, and in doing that he simply undertook to deliver what he understood to be the message from Senators Aldrich and PENROSE.

The significant facts brought out by all the testimony upon the question of Mr. Hines's connection with Mr. LORIMER's election are:

(a) That he had no special personal interest in the matter, and did not visit Springfield at any time during the session of the legislature.

(b) That he was not urging the candidacy of any particular person.

(c) That during the two months in which the situation in Illinois was discussed between him and Senators Aldrich and PENROSE the names of several men of reputation and character were considered and dropped, and the name of Mr. LORIMER was not mentioned between them as a candidate until three or four days before his election, and not until after his probable candidacy had been under discussion in Springfield and it was believed there that he would become a candidate. It was practically certain Hopkins could not be elected.

(d) That the only object entertained by Messrs. Aldrich and PENROSE was to have the deadlock broken and a Republican elected.

(e) That to accomplish this Mr. LORIMER was not objectionable as a candidate either to the President or to them, and various names had been tested and it was found that Mr. LORIMER could command more votes than any one considered.

(f) That Mr. Hines was authorized and requested to report these facts to Mr. LORIMER, Gov. Deneen, and other public men, and to refer to both Senators Aldrich and PENROSE as his authority.

(g) That it flattered Mr. Hines to be consulted by Senators Aldrich and PENROSE, and his sense of the importance of the matter was greatly enhanced when he knew that they had been in conference with the President, and that Mr. LORIMER's candidacy would not be objectionable to him, and that to be intrusted with the responsibility of making known their wishes and explaining the attitude of the President to Gov. Deneen and to Mr. LORIMER was a great personal honor.

(h) That he believed when the election followed so closely these events that he had been instrumental in bringing it about and was correspondingly elated.

The only testimony before the committee that in any way connects the name of Edward Tilden with the alleged fund raised to aid in the election of WILLIAM LORIMER is incorporated in the statement reluctantly made by Mr. Funk when he says: "Mr. Hines said, 'Just send the money to Ed. Tilden.'" Not a witness has testified to any fact tending to establish the existence of such a fund or to Mr. Tilden's connection with any such fund. But the committee saw fit to summon Mr. Tilden as a witness, and in his testimony he denied with great emphasis any knowledge of the existence of such a fund, or having any connection with it, and stated that the first time he heard his name mentioned in that respect was when he read in the newspapers an account of Mr. Funk's testimony before the Helm committee at Springfield.

To further determine the question whether Mr. Hines had been a contributor to or had any part in it, and whether Mr. Tilden had

received or disbursed the same, the committee employed the firm of Barrow, Wade, Guthrie & Co., certified public accountants of New York. Mr. Ritchie of that firm made an examination of the accounts of the Edward Hines Lumber Co. and all its subsidiary branches and of the companies controlled by it, including the North Wisconsin Lumber & Manufacturing Co.; Hayward Mercantile Co.; First National Bank, Hayward, Wis.; Mason State Bank, Mason; White River Lumber Co.; Iron River Lumber Co.; Virginia & Rainy Lake Co., covering the period from April 1, 1909, to December 31, 1909, as well as the personal books of Edward Hines for the year ending December 31, 1909, and reported to the committee as follows:

"(a) That there was no evidence of the Edward Hines Lumber Co. or any of its subsidiary or controlled companies having received or disbursed any moneys in connection with the election of Mr. WILLIAM LORIMER, on May 26, 1909, to the United States Senate from the State of Illinois.

"(b) That there was no evidence of Mr. Edward Hines as an individual having received or disbursed any moneys in connection with the aforesaid election.

"In order to ascertain whether or not Mr. Hines might have negotiated a loan from one or other of the banks in Chicago with which he was connected, or with which he had business relations, I visited the following banks and trust companies: Continental National Bank, Hibernian Banking Association, Fort Dearborn National Bank, Northern Trust Co., Corn Exchange National Bank, Metropolitan Trust & Savings Bank.

"At each of these banks I examined their record of notes discounted during the last week in May, 1909, and the first part of June, 1909.

"I am able to report, therefore, that at none of these banks, in the period under review, did Mr. Hines discount any note or notes, either as drawer or as indorser."

An examination was also made of the books of Mr. Edward Tilden, and after reciting the method of the same and the theory upon which it was conducted, Mr. Ritchie reported to the committee that—

"There was no evidence that Mr. Tilden had been custodian of the fund alleged to have been raised in connection with the election of Mr. WILLIAM LORIMER to the United States Senate from the State of Illinois."

THE BURGESS-WIEHE INCIDENT.

The only other incident to which reference is made in the so-called newly discovered evidence tending to show the existence of a fund raised to aid in the election of Mr. LORIMER is that related by William M. Burgess, of Duluth, Minn., who testified that on the evening of March 8, 1911, he boarded the Winnipeg Flyer at Duluth at about 10 minutes past 7 o'clock to go to Virginia, Minn., a run of about two hours; that when he boarded the train he went to the smoking room of the sleeping car, where he remained until he reached his destination; that during that time the compartment was occupied by others as well as himself, among them Mr. C. F. Wiehe, Mr. Johnson, Mr. Cusson, Frederick J. Weyerhaeuser, Rudolph Weyerhaeuser, Mr. Harper, and Mr. McGowan, whom he described as a "young Canadian," and with whom he had some conversation. The testimony of Mr. Burgess indicates that all of these gentlemen were in the compartment "at various times during the trip," and that at some period of the ride, when only the witness, Mr. McGowan, and Mr. Wiehe were present, the conversation between himself and the latter drifted onto the subject of Mr. LORIMER's election, concerning which the witness said:

"I remember making some remark regarding the election of Mr. LORIMER, and Mr. Wiehe asked me what I knew about Mr. LORIMER's election, and I told him my knowledge consisted of information gained from the Duluth News-Tribune and the Duluth Evening Herald and the Chicago Examiner. And he made the remark that I did not know very damn much about it. * * * He said that Mr. LORIMER had not spent any of his own money for his election; but there was, as he called it, a jack pot raised for Mr. LORIMER's election; and he made the remark—this remark he made at the finish of the conversation—he says: 'There was a jack pot raised for Mr. LORIMER's election. I know what I am talking about, because I subscribed $10,000 to it myself.'"

And further:

"Mr. Wiehe said it was impossible to get anything of merit through the Illinois Legislature without the use of money."

Mr. Burgess, Mr. Wiehe, and Mr. McGowan were all absolute strangers to each other; they had never met before; had no introduction at that time, and were ignorant of each other's names. It was not until after reaching the hotel at Virginia that night that Mr. Burgess learned that the gentleman with whom he says he had this conversation was Mr. Wiehe, a brother-in-law of Edward Hines.

* * * * * * *

Mr. Wiehe denies with great positiveness that any such conversation as mentioned by Mr. Burgess was had between them, and denounced him as "an absolute liar when he makes the statement." He further testified that he had no conversation with Mr. Burgess regarding the Lorimer election, or about any jack pot or any other fund to be used in connection with such election, or concerning any contribution by him to such a fund, and that he did not have any specific conversation with Mr. Burgess.

The testimony shows that at the time of the alleged conversation Mr. Burgess sat diagonally across the compartment from Mr. Wiehe and that no conversation could have been had with him which others there would not have heard.

It is admitted that Charles McGowan did not leave the room during that ride; he testified, "I was there all the time" and heard every word that was said by everyone, and testified that nothing was said that he did not hear; he denies with positiveness the entire Burgess story, further testifying that there was no time during the entire trip when he, Mr. Wiehe, and Mr. Burgess were alone in that compartment, and that there was nothing whatever said about Mr. LORIMER's election.

Mr. Cusson testified that he entered the smoking compartment about 20 minutes after the train left Duluth, and remained there until Virginia was reached; that Mr. Burgess, Mr. Johnson, Mr. F. E. Weyerhaeuser, Mr. Wiehe, and one or two or three strangers were in the compartment when he entered; that he sat between Mr. Wiehe and Mr. Weyerhaeuser on the leather couch; that Mr. Wiehe sat on his left and that Mr. Burgess sat in a chair directly to the right of the couch; that Mr. Wiehe remained in the smoking compartment possibly 15 minutes after his entrance, when he was called out by Mr. Hines, and that he did not again return to the compartment that night.

Mr. Cusson remembers that among other topics of conversation was the tariff and Canadian reciprocity, but that nothing was said about the election of Senator LORIMER, and he denies in detail the statements contained in the testimony of Mr. Burgess as to the LORIMER case; that smoking compartment soon after the train left Duluth; that Mr. Wiehe, and not to exceed 2 or 3 feet from Mr. Burgess.

Mr. Johnson, a most intelligent witness, testified that he entered the smoking compartment soon after the train left Duluth; that Mr Wiehe, he thinks, came in after he did; that he remained in the compartment during all the time Mr. Wiehe was there, and followed him when he went out, as he desired to discuss a matter of business with him; that during the time he was in the compartment nothing was said by either Mr. Wiehe or Mr. Burgess with respect to the election of Senator LORIMER, nor about the existence of a jack pot or any fund of $100,000 being raised for the election of Senator LORIMER, or about any other amount of money being raised to aid the election of Senator LORIMER, and that Mr. Wiehe did not say that he had contributed to any such fund; in short, he denied everything to which Mr. Burgess testified.

Mr. Price testified that upon entering the train he carried his grip to his berth and immediately went to the smoking compartment where he remained for perhaps half an hour, when he went out to look after his grip, and was gone just long enough to go to his seat in the other car and return; that he then remained in the smoking compartment until 10 or 15 minutes before the train reached Virginia; that when he went out to look after his grip Mr. Burgess, Mr. Johnson, and Mr. McGowan were in the smoking compartment, and he tells where and how they were sitting. He thinks Mr. Weyerhaeuser was sitting with Mr. Cusson immediately next to him, and that when he returned Mr. Wiehe had taken his seat, and that he was obliged to stand for some time and until Mr. Wiehe was called from the room by Mr. Hines. This is confirmed by Mr. McGowan, who testified that Mr. Wiehe was called out by Mr. Hines.

In his testimony Mr. Price tells of other subjects which were discussed, but says nothing was said by any person present regarding the election of Senator LORIMER, and denies everything that has been testified to by Mr. Burgess as having occurred on that occasion.

Mr. Harper, who was also present and observed those in the compartment, heard no such conversation.

Mr. Wiehe is not a talkative man. He appears rather cautious. It is not reasonable to suppose that he would declare to a stranger who happened to be in the same smoker on a railway train that he had contributed to a corruption fund which had been used in the election of a Senator from his State. He is not a light or foolish man, and the committee is unable to ignore his testimony and that of all the other persons in the smoker, aside from Mr. Burgess, and accept the latter as the only truthful one among them.

* * * * * * *

With the foregoing convincing array of evidence in denial of all the facts contained in Mr. Burgess's testimony, and in view of the improbability that a man of Mr. Wiehe's intelligence and business experience should, in a public place and to an utter stranger, have confessed to having part in an infamous proceeding, this committee can not do otherwise than discard the testimony of Mr. Burgess as proof of any facts alleged.

From the above it clearly appears that Edward Hines never so much as thought of raising a corruption fund to "put LORIMER over." In all that he did he was acting with the leaders of the party in Washington, with the approbation of the President of the United States, to secure the election of a Republican Senator from Illinois, and he was merely performing an errand when he communicated to Mr. LORIMER and to Gov. Deneen their thought in the matter. It is impossible to believe that Mr. Hines could have told Mr. Funk that "we put LORIMER over down at Springfield, but it cost us $100,000 to do it."

WHY THE FUNK STORY WAS NEVER USED WHERE ITS TRUTH COULD BE TESTED.

That brings us back to the Funk story and the uses to which it was put. That story, as I have said, was used as a newspaper asset, to create public sentiment, but never in any legal proceedings where its truth or falsity could be properly determined. Those who listened to the early part of my remarks will remember that I called attention to the fact that the publication of the White story was made on the morning of Saturday, April 30, 1910; that Mr. Funk rushed in with his story to Mr. Kohlsaat as early as Sunday, because on Monday morning, May 2, the Chicago Tribune had the "sawdust" editorial, which clearly showed that Mr. Kohlsaat, who is confessedly the man who conveyed that story to the editor of the Tribune, must have given it to him on that Sunday, the day following the publication of the White story.

Why has that story never been used in any legal proceedings? Simply because its custodians never have dared to submit it to a legal test. They never intended to submit it to a legal test. They never would have submitted it to a legal test had it not been that the Helm committee, a month after the Senate had finished the previous examination, compelled Mr. Kohlsaat to come before it, and insisted that he reveal the source of the information upon which he based the editorial of February 15, containing the inquiry, "Do we know all there is to be known concerning the $100,000 fund that was raised to pay for LORIMER's votes?"

It was a most remarkable situation. What reason does Mr. Funk give for desiring to have it kept secret? Mr. Kohlsaat says it was communicated to him in confidence; he says that he communicated it to the editor of the Tribune in confidence; that he communicated it to the owner of the Daily News in confidence; that he communicated it to Col. Roosevelt in confidence; that he communicated it to Senator ROOT in confidence—everywhere in confidence. What was the reason? Simply because Clarence S. Funk would not permit it to be told publicly

with his name as the authority for the statements it contained. Why would not Clarence S. Funk permit this to be done? In his testimony he says first—

I am afraid that nobody will believe that I am animated by any high moral principles in the matter, even if I can see my way clear to do it, because of my corporation affiliations.

A very good reason.

Secondly, he says:

I explained to him (Mr. Kohlsaat) that it would incur enmities for my company—

He being the general manager of the International Harvester Co.—

which had dealings with a great many other interests; and I feared that if we projected ourselves into the situation it would create hostilities and antagonisms toward the company which would take a long time to heal; and that in my consideration of the matter pro and con I had arrived at the conclusion that my duty to protect my company and my stockholders outweighed any duty I might have as a citizen, and that I was not willing to get into the matter at all.

No one can doubt that statement, coming, as it does, from Mr. Funk; but why was there any necessity for secrecy if it was the truth? He was afraid, as he says, that it would injure the International Harvester Co., and herein lies the true reason why that should be kept secret.

What had been the attitude of the company toward Mr. LORIMER? It is a conceded fact that the harvester company had long antagonized WILLIAM LORIMER and had an earnest desire to defeat him politically. It had been disappointed when he was elected; and Mr. Funk testifies that he saw in his election an increased power given to Mr. LORIMER that might be exercised upon the International Harvester Co.

THE INTERNATIONAL HARVESTER CO. INTERESTED.

Do you understand what the International Harvester Co. is? It is a corporation organized under the laws of New Jersey with a capital of what? One hundred and forty millions of dollars. It is one of the great trusts that have recently been mentioned in the newspapers as subject to prosecution under the provisions of the Sherman act. Its president, when he was before this committee, denied it as a fact, but admitted that the company had been charged with the corruption of legislatures in several States.

That company has a large board of directors—18 in number—divided between the East and the West. But the board of directors is not burdened, because the corporation has a voting trust, consisting of its president, Cyrus H. McCormick, Charles Deering, and George W. Perkins, which trust really controls the policy of the company and represents its entire stock at the annual election of directors.

Mr. Funk, the author of this story, is the general manager of that great trust, and he undoubtedly told the truth when he said that he did not want to draw attention to his company and produce antagonisms that might prove disastrous to its interests. For years that company has been trying to have closed that branch of the Chicago River which runs in front of its works, dividing the plant and separating the works from a great area of land which it owns. If that branch of the river was closed and made nonnavigable, 4 or 5 miles of territory occupied by manufacturing interests of vast importance lying beyond the Harvester plant could not be reached by boats. I do not know how long that contest has continued. I suspect the Senator from Illinois will tell us about it when he comes to address the Senate. But the fact was developed before the committee that the feeling entertained by that company toward Senator LORIMER was one of great opposition, simply because he had, as a Member of the House of Representatives, persistently opposed the closing of that navigable stream.

It is easy to understand why, as soon as Mr. LORIMER had been declared a Senator from the State of Illinois, Mr. Funk should have seen that his favor was to be sought rather than his enmity, and that he should go to Edward Hines—and Edward Hines says he did go to him—with the proposition that LORIMER must have been put to considerable expense and that the International Harvester Co. would be glad to contribute to that expense, and, incidentally, to ask for an introduction to Mr. LORIMER, whom he had never met. It was natural that Mr. Hines should go to LORIMER and ask him as to the amount of his expenses. It was just as natural when the Chicago Tribune, a year later, opened its batteries upon WILLIAM LORIMER and urged that he should be unseated that Mr. Funk should come forward, with all the power of that great corporation behind him, secretly, without bringing to bear upon his corporation the responsibility of his actions, and join the combination to oust Mr. LORIMER from the United States Senate. Did he do it? Did he have any reason to do it? Judge Hynes asked Funk this question:

Mr. HYNES. Did you apprehend that Senator LORIMER would be a more important factor in connection with your issue as to the opening or closing of the stream at Western Avenue, where your plant is, on the Chicago River, if he became a Senator than when he was a Member of the lower House?

Mr. FUNK. Yes; I think he would, naturally.

And he would not say that his interest was not excited with respect to the election of Senator LORIMER.

Mr. Funk further testified:

I had understood Senator LORIMER was the most active man in trying to put the thing through.

That is to deepen and widen the river.

Further, that Senator LORIMER was the most active and forceful opponent of closing the river, and that he was on the opposite side of the Harvester Co. in the controversy; that he had discussed and weighed the forces for and against that proposition, including Senator LORIMER.

There you have disclosed the attitude of Clarence S. Funk.

Now, how did these people come into this controversy and why did they come into it? And why did they want to keep their action secret? These questions interest me. Gov. Deneen, in his testimony, tells about the jack-pot story being brought to him by Mr. Keeley, of the Chicago Tribune. Did it in any way connect the International Harvester Co. with legislation? He said that the chief characteristic of the story was the jack pot; that it mentioned the senatorial election, but did not mention the Senator himself.

But in that story of Charles A. White was the statement that in connection with that jack pot as it existed in the legislature of 1909 he had been told by Browne on several occasions that had it not been for the veto of a certain bill by Gov. Deneen $35,000 more would have been added to the jack pot. Gov. Deneen thought he recognized senate bill 286, the corporation bill, as the one to which this reference was made.

When we come to examine the record it would seem that the Harvester Co. was interested in that bill. It was prepared by a committee composed of distinguished lawyers of Chicago, among whom was Mr. Bancroft, the general counsel for the Harvester Co., who, according to the testimony of President McCormick, would ordinarily, with Mr. Funk, look after the company's legislative matters.

Mr. Bancroft testifies that he was a member of the committee and that he assisted in drafting the bill; but he says, not the provisions that were vetoed, because he thought those provisions were put in by amendment. But in that I think I will be able to show he was mistaken. Let us look at the bill for a moment.

I read from a copy of the bill just as it was introduced into the legislature of Illinois. Section 31, being the disputed section, reads as follows:

Any corporation organized under the laws of this State may purchase, own, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the shares of stock of any other corporation or corporations and may exercise all the rights, powers, and privileges of ownership thereof.

Now, that is just the way that section read when the bill was introduced. It was amended, but the powers given by that section were by the amendment limited rather than extended. The veto message of the governor says:

This section reverses the public policy of the State which has obtained since 1872, and is in my judgment does not provide proper safeguards or define the proper limitations to the power of corporations to own stock in other corporations. It confers larger powers upon corporations in this direction than are granted to them by any other great commercial State in the United States, so far as I have been able to ascertain during the time which I have had for the consideration of the measure.

He did not go into all the merits of the case.

I have been furnished with a copy of the opinion of the attorney general of the State of Illinois which was given to the governor before that veto message was written, and it may be profitable at this time to read extracts from such opinion respecting that measure, the passage of which, had it not been vetoed, might have yielded to the jack-pot fund $35,000.

He calls attention to section 31 and to the powers under it to purchase and hold, and so forth, and says:

Section 31 of senate bill No. 286 not only empowers all corporations for profit, both domestic and foreign, to invest in, purchase, own, sell, and otherwise dispose of the shares in any other corporation or corporations engaged in the manufacture, use, or sale of property, or in the construction or operation of works, but it expressly enables the corporation so investing, in purchasing or owning such shares in other corporations, to exercise all the rights, powers, and privileges incident to such ownership. This means that the corporation so owning such shares in other corporations, whether for investment or for whatever purpose acquired, may vote such shares at stockholders' meetings of such other corporations, and thereby participate in the management of such other corporations; and if a majority of the shares of such other corporations is secured, whether for purposes of investment or other purposes, to elect its directors and dictate its policy, and by acquiring two-thirds of the shares of such other corporation or corporations, it could, under other provisions of this bill, change the name, place of business, number of directors, consolidate with other corporations, or dissolve it or them. With this power, it is not perceived how one corporation could be prevented from bringing any number of other competing corporations under its control and putting them out of business, whether such other corporations be engaged in business of a private nature or in business affected with a public interest.

There is the opinion of the attorney general as to the scope of the authority given under section 31 of that act on which this veto was based.

Further on, in this opinion of the attorney general, he says:

Section 5 of the general incorporation act now in force provides:

"Corporations formed under this act * * * may own, possess, and enjoy so much real and personal estate as shall be necessary for the transaction of their business, and may sell and dispose of the same when not required for the uses of the corporation. * * * *Provided, however*, That all real estate so acquired in satisfaction of any liability or indebtedness, unless the same may be necessary and suitable for the business of such corporation, shall be offered at public auction at least once every year at the door of the courthouse of the county wherein the same be situated, or on the premises so to be sold, after giving notice thereof for at least four consecutive weeks in some newspaper of general circulation published in said county."

* * * * * * *

"*Provided further*, That in case such corporation shall not, within such period of five years, sell such land either at public or private sale, as aforesaid, it shall be the duty of the State's attorney to proceed by information, in the name of the people of the State of Illinois, against such corporation in the circuit court of the county within which such lands so neglected to be sold shall be situated; and such courts shall have jurisdiction to hear and determine the fact and to order the sale of such land or real estate at such time and place, subject to such rules as the court shall establish."

Then he says, speaking of the measure which the governor vetoed:

This bill contains no provision whatever compelling corporations to sell or dispose of real estate which may be acquired by them beyond what is necessary and suitable for the business of such corporation at any time. Much real estate may be acquired by a corporation from time to time in a manner incidental to the transaction of its business—acquired in satisfaction of liabilities or indebtedness. They are authorized by this bill to lease, mortgage, or sell any or all of such real estate at pleasure, out of the State as well as within it, but are not required to offer it or sell or dispose of it at all, and section 5 of the general corporation act above quoted is expressly repealed.

I discover nothing in the bill requiring corporations to sell a foot of the lands acquired during the lives thereof.

There is no authority given by this bill to the attorney general, to State's attorneys, or to any other officer of the State to take any action to compel the sale or disposition of real estate acquired and owned by corporations in this State, domestic or foreign.

To permit corporations to hold real estate in this State in perpetuity is clearly contrary to the public policy of the State. Section 5 of the general incorporation act now in force is a statute against perpetuity. Our general assemblies have from the organization of the Government manifested a clear and decided opposition to permitting corporate bodies to hold lands in perpetuity. The prejudicial effect of holding large bodies of land in perpetuity led to the enactment of the laws of mortmain in Great Britain. The war against perpetuities has been carried on in this country and there has been no relaxation of this policy so well established in this State until the adoption of this bill.

What was the object of that bill, except to allow by law the great, rich trust corporations of Illinois to swallow up smaller corporations, and, by removing those provisions of the present law which compel corporations every five years to sell and dispose of the real estate not required in the management of their business, to enable these powerful "trusts" to acquire unlimited bodies of real estate and hold the same in perpetuity?

I have given the Senate the opinion of the attorney general of the State of Illinois upon that subject. I base all I have to say upon that opinion, never having personally examined the laws of that State.

That bill had been pending in the legislature which elected Mr. LORIMER to this body. White, without naming the bill, had described it so that Gov. Deneen thought he recognized it. The governor disliked to veto the bill, because it would have brought a revenue of a million dollars annually to the State of Illinois, and the officials had counted upon that to meet the expenses of the State. Nevertheless, even at a loss of a million dollars annually in State revenues, he saw fit to veto the measure, because it would have destroyed the policy of the State which had been in existence for nearly forty years, and, as he said in his testimony, would have given power to incorporate a concern for the ostensible purpose of running a barber shop and under that incorporation run a railroad.

I do not know whether or not there was anything connected with the provisions of that bill, or with Mr. Bancroft's part in preparing it, which Mr. Funk thought might attract attention and work to the detriment of his stockholders if they were to become known. He says his motive in hiding his identity as the author of this story was that he wanted to protect his company and his stockholders; that he did not want to create antagonisms or hostilities against his company. But whatever the motive which governed his action, the fact remains that secrecy regarding the authority for the statements it contained has been maintained in every quarter where divulging it could possibly result in an honest investigation of its truth or falsity. It has been used everywhere with the same stealth that an assassin would use a dagger, to bring death to WILLIAM LORIMER's political standing and station. On the other hand, it has never been used where, under the law of the State or Nation, it could be tested as to its weight or value until it came before this committee.

The real purpose of this Chicago combination in the secret use of the Funk story was to create public sentiment, which, acting upon the Senate of the United States, would deprive WILLIAM LORIMER of his seat in this body and would drive him out of politics in the State of Illinois. To this end Mr. Kohlsaat, who says that for 20 years he also has been the political enemy of Mr. LORIMER—although he speaks very kindly and in complimentary terms of his personal character—did that to which I am about to call attention. I say this with sorrow, because of the admiration I have entertained for Mr. Kohlsaat and because of the very agreeable personal relations I have enjoyed with him and the courtesies I have received at his hands. I do not say he was acting corruptly in this matter. He was acting under what I conceive to be a false code of honor, one which he himself describes as being necessary to be observed on the part of newspaper proprietors and conductors—that they must preserve with strictness the source of information that comes to them; otherwise they never would be able to secure news. If you wish to read his justification for this attitude, it can be found on the second or third page of the report of the committee, where his testimony before the Helm committee is given.

I call attention to this because I do not like to appear to be saying unkind things of Mr. Kohlsaat; and yet I must, standing here to-day, tell how this story has been used, no matter upon whom it may reflect.

Mr. Kohlsaat told this Funk story, as he says, in confidence, to James Keeley, manager of the Chicago Tribune, and James Keeley used it the following day in what is known as the "sawdust editorial."

Mr. Kohlsaat immediately communicated the story—also in confidence, always in confidence—to Victor F. Lawson, of the Chicago Daily News, going so far as to reveal to him the name of Mr. Funk as his informant, and Mr. Kohlsaat testified that the information so conveyed to Mr. Lawson thereafter influenced his editorial policy during the entire period of the Lorimer investigation and gave him confidence to be very specific in his editorials in regard to the belief that money was used to buy the election.

This story was always given "in confidence," but in what Mr. Kohlsaat calls "newspaper confidence"—that is to say, the source of the information must not be disclosed. With that limitation the alleged facts may be sown broadcast wherever any desired purpose may be served; they may be published and the most damaging deductions may be drawn if so phrased that an action for libel will not lie.

How could Senator LORIMER protect himself under these circumstances? How could he answer publications of this character or refute base insinuations made day after day without the slightest intimation as to their source?

IT COULD NOT BE SUSTAINED.

Why all this secrecy; all this effort to keep this story out of judicial channels? Funk gives as a reason that it could not be sustained; that it would be "his word against Edward Hines's." He was right in that. The time came when it was imperatively necessary that his story should be substantiated. No one realized it more keenly than he. It was 20 months after his interview with Hines. Mr. Kohlsaat, still protecting Funk and the Harvester company, had on the 15th of February an editorial published in the Record-Herald, in which he made this inquiry: Do we know all there is to be known concerning the $100,000 fund that was raised to pay for LORIMER's votes? To bolster up his own position Funk testifies that Mr. Hines came to him in a state of agitation and said that Funk had misunderstood what Hines had said to him in that interview away back 18 or 20 months before.

Mr. Funk's testimony on this point is:

Mr. FUNK. Mr. Hines arrived at my office one morning shortly after I got there, about 9 o'clock, and he was admitted to my room. He seemed to be considerably agitated, and he immediately began to talk with me about our former conversation.

Mr. MARBLE. What did he say?

Mr. FUNK. I can not repeat it verbatim; but in substance he undertook to refresh my memory as to what our previous conversation had been.

Mr. MARBLE. As nearly as you can, give what he said.

Senator KERN. It is important that we should have the substance of that conversation if you can not remember the exact words.

Mr. FUNK. The substance of it was that he did not want me to misunderstand our talk the other day; that he had not meant to say that any money was used, but that he was only discussing with me in a general way the situation down there; and that he got to thinking about it afterwards and thought that I might not have understood it, and he was back there to clear it up for me.

* * * * * * *

Senator LEA. Did you express dissent?

Mr. FUNK. My recollection is that I told him that I thought I remembered the thing as it was. I disposed of him as quickly as I could, because, as I remember it, we were having a directors' meeting that morning, or a conference of some kind, which was of considerable importance, and they were waiting for me. And I got rid of him and left the room as soon as I could. I do not think he was in the office over three minutes.

Senator LEA. Did you part on friendly terms that day?

Mr. FUNK. Casual terms.

Senator LEA. Was he satisfied with the visit, apparently, when he left?

Mr. FUNK. I did not observe in particular as to whether he was or not. My recollection is that he was not.

Senator LEA. He was not?

Mr. FUNK. That is just an impression. I did not controvert his version of the thing. I heard him, and got out as soon as I could without making any particular comment about it.

Senator LEA. Was his manner calm or excited or agitated?

Mr. FUNK. It was rather agitated.

Edward Hines says that statement is an absolute falsehood; and not only that, but that it was a physical impossibility for him to have been there at that time. The committee considered all of the testimony, and found, by unimpeachable evidence, that Edward Hines was in the city of Washington at the time fixed by Mr. Funk. Every witness introduced (and they were numerous) testified to the fact, and telegrams, telephone receipts, hotel bills and receipts, long-distance and telephone calls, all go to show that for a week prior to the day Funk sets for that interview (and he makes the day definite in connection with the publication of the editorial) and for a month afterwards, Edward Hines never breathed the air of Chicago. He was not there.

Clarence S. Funk's story is false in its inception, and is disproved by facts and circumstances which are firmly established. His attempt to substantiate his version of the meeting with Mr. Hines on May 27, 1909, by trying to bring Edward Hines into his presence to say that he had misunderstood what the latter had said on that occasion falls to the ground.

Passing that incident, we come to a further consideration of Mr. Funk as a witness. When asked before the committee how he knew whom Mr. Hines preferred for United States Senator, he replied:

You would see his name in the paper every few days in connection with activities at Springfield, or hear it as a matter of general talk in the city.

Hear those words in mind—"in connection with activities at Springfield." What for? Helping in the election of WILLIAM LORIMER.

On cross-examination, when his mind was specifically directed to the subject, Mr. Funk testified, among other things, as follows:

Mr. HINES. You spoke, Mr. Funk, of Mr. Hines's activities at Springfield. What did you have reference to there?

Mr. FUNK. Why, it was a matter of common talk that he was very active down there.

Mr. HINES. What did you understand he was doing down there?

Mr. FUNK. Pulling wires for the election of Senator LORIMER.

Mr. HINES. What do you mean by that? What was he doing? How long was he down there in Springfield before the election?

Mr. FUNK. I do not know.

Mr. HINES. How long before the election did you hear that?

Mr. FUNK. I heard it frequently.

* * * * * * *

Mr. HINES. Do you remember anybody who told you that he was down at Springfield active there in pulling wires for Senator LORIMER?

Mr. FUNK. I think that was a matter of common talk.

Mr. HINES. Can you tell me anybody that said it?

Mr. FUNK. I met a great many people that talked about it. I can not recall any particular man that made that particular statement.

These statements must be considered in connection with the fact that Mr. Hines was not in Springfield during the entire session of the legislature. He had not been in Springfield for three years prior to that session, and he did not go there during the session. He did not go to Springfield until two years after the session, when he was summoned to appear before the Helm committee.

There is the second attempt of Clarence S. Funk to bolster up his testimony—his attempt to attack Mr. Hines for his activity. Hines was here in Washington all that time, and never even talked about the senatorial election in Illinois for more than two months after the legislature met and began voting for a United States Senator.

Mr. Hines's judgment that Funk came to him the year before, on purpose to "curry favor" with Mr. LORIMER, is sustained by a multitude of circumstances. At Funk's request Hines went to see Mr. LORIMER to talk the matter over with him. Funk was trying to get in touch with Hines the following week when the latter was in Washington. Mr. Hines introduced Mr. Funk to Mr. LORIMER at Mr. Funk's request, later in the season, when both were in Washington. Mr. Hines's version of the entire matter has been confirmed by the testimony of witnesses or by the production of records. Mr. Funk sinks under the weight of the evidence brought against him; all of his contentions have failed of substantiation.

WHY NOT USED IN LEGAL CHANNELS.

Why was not this Funk story used in legal channels, where it might and should have been presented if true? The grand jury was in session in Chicago from May 2 until May 20. Nothing regarding the origin of a fund from which White could have received bribery money, except the story of the "jack pot," was ever brought to the attention of that grand jury. Think of that for a moment. Think of the importance of it!

White's story was that he had received $1,000 for voting for LORIMER, and in addition he confessed that he had received $900 from a "jack pot," the purpose of which has been described. There was notice of the "jack pot" which could not be ignored by candid men. Moreover, each of the three witnesses told the grand jury that they received $900 each from that same source, and it was not LORIMER money. It can not be denied that "jack-pot" money was shown to exist, yet no attempt was made to trace it. There was no testimony but White's, and that unsustained, of any payment in LORIMER's behalf.

But within the breast of Mr. McCormick, Mr. Bancroft, Mr. Kohlsaat, Mr. Keeley, and Mr. Lawson was knowledge of the story told by Clarence S. Funk, that Mr. Hines had told him of a fund of $100,000 raised for the specific purpose of electing Mr. LORIMER, and they never permitted it to be called to the attention of the grand jury, then in session, although all these gentlemen were vigorously pushing the fight to unseat Mr. LORIMER.

ITS USE IN CREATION OF PUBLIC SENTIMENT.

I wish Senators would look at the issue of the Chicago Sunday Tribune for May 29. See that advertisement, going across the entire seven columns of the paper:

The Chicago Tribune offers $5,000 reward for legal proof of the identity of all the members of the "syndicate" which put up the money for LORIMER's election to the United States Senate.

That states as a fact that money was put up for the election of LORIMER; that there was a "syndicate" which put up the money for that purpose; and offers this reward for evidence that would bring about the conviction of all its members. They were mighty safe in making that offer, were they not?

"Five thousand dollars reward for legal proof of the identity of all the members of the 'syndicate'!"

And that appears right over the professed "confession" of Holstlaw, procured as I have described, with a large picture of Holstlaw, saying of him:

One more says he was bribed for LORIMER.

That is the way public sentiment was created by these gentlemen. And yet these same men had not the courage nor the fairness to carry that story before the grand jury and have it investigated. Why did not Mr. Wayman, the State's attorney for that county, do it? He had notice served upon him every morning at his breakfast table, through the Chicago Tribune, that such a fund had been raised and that its purpose was to "put LORIMER over." The Helm committee, a year afterwards, upon simply an editorial in the Record-Herald saying, "Do we know all there is to be known concerning the $100,000 fund that was raised to pay for LORIMER's votes," summoned Mr. Kohlsaat before it and ordered him to testify; and when he refused he was confronted with the alternative of disclosing his informant or going to jail. It was only when Kohlsaat was going to jail because of his failure to comply with the mandate of that committee that Mr. Funk reluctantly came forward and confessed that he was the man, and told his story to that body.

When he was going to such lengths to get at the bottom of this matter, why did not Mr. Wayman call Mr. Keeley before that grand jury, and bring out through him, at the very commencement, precisely the information disclosed to the Helm committee a year later? He had more data before him daily through the Chicago Tribune than did the Helm committee through the Record-Herald, and it all emanated from the same fountain head—Clarence S. Funk.

No fact ever appeared more clearly in any case than the fact revealed in this investigation that there was a fixed determination on the part of those intrusted with a knowledge of the Funk story to keep it out of all legal channels where its authenticity could be tested, but to use it to poison the public mind, as it has been used, not simply to drive Mr. LORIMER from the Senate, but to drive Senators from this Chamber who have had the courage to stand here and vote according to their convictions, that upon the evidence adduced Mr. LORIMER's election was legal and that he was entitled to his seat in this body. It has been used in an attempt to make cowards of every Member of this body.

Those advertisements were right under the eyes of Mr. Wayman day after day. I go a little further and come to June

2, when they change the form of the advertisement. Now it reads:

FIVE THOUSAND DOLLARS REWARD.

Not over half a dozen men, representing various lines of business, "put up" the money that purchased the votes to elect WILLIAM LORIMER to the United States Senate.

Now, there is a statement of alleged facts that has gone all over the United States.

These men, so the Tribune is told, were the "underwriting syndicate."

After LORIMER was elected, members of the "syndicate" called on other business interests and said substantially as follows:

"We" (naming the various members of the syndicate) "put up the money to elect LORIMER. It had to be done in a hurry and we advanced the cash. We felt that you would be willing to contribute your share, and we think $10,000 (or $5,000) would be the proper amount for you to subscribe."

The Tribune will pay $5,000 for legal proof of the identity of "the syndicate."

There is the Funk story in its entirety. That advertisement contains a direct statement, an allegation as of fact, of every element of Mr. Funk's version of his interview with Mr. Hines. That was published in every issue of the Tribune from June 2 to June 7, the very day that the jury was summoned to try Lee O'Neil Browne on the charge of bribery.

What was the influence of such an advertisement as that upon the thinking people of Chicago, alleging bald facts, educating everyone to such a belief? And yet every one of these men carefully kept any information they had as to the authority upon which that story was predicated from the grand jury of Cook County. Mr. President, I want every Senator in this body to face that proposition when he considers the story of Mr. Funk and attempts to base his action upon it. In all my experience in the trial of causes I never have been connected with a case wherein I found a determination more perfectly conceived and more carefully carried out than the determination of Mr. Kohlsaat, Editor Keeley, and Clarence S. Funk to use that story secretly wherever it would injure Mr. LORIMER and wherever it would injure anyone connected with Mr. LORIMER as his friend or his supporter. Nor have I ever had knowledge of a more determined purpose than theirs to keep this story away from any legal or investigating body that might test it and ascertain its truth or falsity.

Mr. BRADLEY. Mr. President, I wish to make an inquiry of the Senator from Vermont. Was this Funk statement made to the Tribune before the first report in this case?

Mr. DILLINGHAM. Oh, yes.

Mr. BRADLEY. Was it called to the attention of the committee?

Mr. DILLINGHAM. Never in the world. It was carefully kept from the committee. Of course it never came to the committee.

The investigation by the Cook County grand jury began in May. The first trial of Lee O'Neil Browne followed in June; the second trial of Browne in August and September; the Burrows committee sat in September and October, and during that whole time Funk's story was in the possession of the gentlemen I have mentioned, was used by them wherever and whenever it would create public sentiment, but it never was brought before any tribunal of any kind anywhere. Not until a month after the Senate had decided that Mr. LORIMER was entitled to his seat was it disclosed except as indicated, and then to the Helm investigating committee.

I said these advertisements based upon the Funk story were continued in the Tribune up to June 7, when Mr. Browne was placed on trial. I have called attention to the Tribune's attitude and the manner in which these advertisements were displayed and why they attracted attention. I do not charge that they were published with a purpose to control the result of the trial which was coming on. Senators must judge for themselves what the purpose of the Tribune was in keeping such statements of alleged fact before the public eye of Chicago immediately preceding the trial of Browne, which trial was to determine the question whether Browne had in fact bribed White to vote for Mr. LORIMER.

But Funk's story was not permitted to be tested in that trial. Even though it is the only statement that has ever been made in any way suggesting that there was a fund raised for the purpose of electing Senator LORIMER, and even though it was in the possession of the avowed enemies of Mr. LORIMER, they would not allow it to be investigated either before the grand jury that indicted Browne nor in the court wherein he was tried. That is a most significant fact.

COL. ROOSEVELT'S USE OF THE STORY.

Let us go a little further. That trial resulted in a disagreement of the jury. August 4 a second trial of Lee O'Neil Browne was begun, and while that trial was in progress, about the middle of August, Col. Roosevelt visited Chicago on his way to the West. I believe he was on his way to Cheyenne.

During his short visit to Chicago, Mr. Kohlsaat says he took him for an automobile ride through the parks and had him to himself for an hour and a half, during which time he told him Funk's story, in confidence, of course, but gave him Funk's name as his informant as well as Hines's name as the man who made the statement, and Col. Roosevelt proceeded on his way to Cheyenne.

In the month of August the second trial of Lee O'Neil Browne came on and continued until September 9. Col. Roosevelt returned to Chicago on the 8th day of September, where, on the evening of that day he was to be the guest of honor at a banquet given by the Hamilton Club, of which club Senator LORIMER was a member. Col. Roosevelt was met in a neighboring city on the morning of that day by a committee of the club, including its president, to whom he announced that he would not attend the banquet if Senator LORIMER was permitted to be present, and he was so insistent in this demand that the president of the club was compelled to telegraph Senator LORIMER informing him of the situation and withdrawing his invitation for that evening.

It so happened that on this very day the presiding judge in the case against Lee O'Neil Browne was delivering his final instructions to the jury.

All the Chicago newspapers exploited the incident in a most sensational manner, devoting column after column and page after page to that purpose. The wires were crowded with messages to the principal newspapers throughout the United States, giving startling accounts of the incident, and spreading broadcast among all the people this public denunciation of Senator LORIMER by this exalted personage. It may be said in all truth that Col. Roosevelt's refusal to sit at meat with Senator LORIMER on that occasion has done more to excite a strong public sentiment against Senator LORIMER throughout the United States and to create a belief that there was some real fundamental ground for such action than any other one circumstance that could have been used or has been used to accomplish that purpose. One need only examine the newspapers published at that time and note the number of columns devoted to that occurrence, the number of public and influential men who were interviewed concerning it, and what was published editorially in connection with it to understand the profound sensation it produced, not only in Chicago where it occurred but everywhere through the country.

In view of the tremendous influence it has had, we may well inquire the reason for this action. Why could not Col. Roosevelt sit at meat with Senator LORIMER?

The answer is found in a letter addressed by Mr. Kohlsaat to Senator Root of this body, also "in confidence," in which he says:

When Col. Roosevelt was here on his way to Cheyenne I told him of the incident, and it was the prime motive that prompted him to decline to sit at the Hamilton Club banquet with LORIMER.

Mr. Kohlsaat's testimony before this committee shows that it was not due to any personal knowledge upon the part of Col. Roosevelt, nor to any preconceived notions he had of Senator LORIMER's character or of the circumstances of his election, but that it was the Funk story told by Kohlsaat to him on that drive through the parks a month earlier that induced this unwarranted attack upon Senator LORIMER. Referring to Col. Roosevelt, Mr. Kohlsaat testified: "He wrote me a letter subsequently that that was the reason he declined to attend the dinner," and in order to maintain his reputation and preach the cause of righteousness Col. Roosevelt went to that banquet that night, and in his speech made a violent assault upon Senator LORIMER which was published the length and the breadth of the land.

Do not forget that it is the testimony of Mr. Kohlsaat, that the Funk story told by him "in confidence" to Col. Roosevelt, was the basis of and "prime reason" for this unwarranted attack upon Mr. LORIMER. It was used secretly but with deadly effect. Yet in that trial of Lee O'Neil Browne, then drawing to a close, no effort had been made by any of these men who were engaged in strengthening this attack on the validity of Mr. LORIMER's election to have this story, that had so bitterly poisoned Col. Roosevelt's mind, and so madly incensed him against Mr. LORIMER, tested before the jury in that case. And do not forget that the story had never been permitted to come to the ears of Mr. LORIMER, and he was suffering these attacks in entire ignorance of their cause.

I have had brought in the Chicago Record-Herald and the Tribune and the other Chicago papers giving an account of Col. Roosevelt's return, the indignation he felt, and the address

he made, and the interviews of prominent citizens on the subject of his action. Any Senator who is interested and wants to look them over has the privilege of doing so.

STORY WITHHELD FROM FORMER SENATE COMMITTEE.

Remember, now, that that was the 8th day of September. In the meantime this Senate in response to a resolution that was offered by Senator LORIMER himself, had directed the Committee on Privileges and Elections to investigate the regularity and validity of Mr. LORIMER's election. Senator Burrows, then chairman of the committee, appointed a subcommittee to make the investigation, and went to Chicago for that purpose. The committee began its work September 20 and remained in session for three full weeks. The Chicago Tribune appeared and asked to be represented by counsel. It wanted to prosecute the charges of corruption in connection with the election of Senator LORIMER. The committee knew no better means of securing all the facts than to allow those who made the charges to conduct the prosecution. It consented to this arrangement. Mr. Austrian, one of the brightest lawyers in Chicago, appeared for the Chicago Tribune. The Tribune actually conducted the prosecution before the committee. Its attorney, Mr. Austrian, furnished the list of witnesses, and, although in full possession of the Funk story, Manager Keeley, according to his own testimony, having told it to him previously, he failed to name Edward Hines as a witness; he failed to name Mr. Kohlsaat as a witness; he failed to name Mr. Keeley as a witness. Although the hearings of that committee were held just across the street from the Harvester Co.'s office, neither Mr. Funk nor Mr. McCormick nor the attorney for that corporation, Mr. Bancroft, presented themselves with the information now claimed to have been in their possession. Neither the Tribune, the Record-Herald, nor the Daily News, although within five minutes' walk of the committee's meeting place, gave any intimation concerning the Funk story. Its existence was never even hinted at by anyone in the presence of that committee, where it might and should have been investigated, thus saving the enormous cost in time and money of this investigation.

That committee returned here and made its report to the Senate without ever having heard a suggestion of such a story, and the Senate was permitted to go on for two months, to debate this matter and to take action upon it, without any knowledge whatever of this story. Not a member of the Committee on Privileges and Elections had heard a breath of it, and only two Members of the Senate had been informed of it, and they under an obligation of secrecy, which they observed.

REFUSAL TO DISCLOSE IT TO THE SENATE.

If you will turn to page 4 of the committee's report, you will find that January 17, 1911, the very day that the Helm committee was created, Mr. H. H. Kohlsaat wrote a letter to Senator ELIHU ROOT at Washington, in which he says:

MY DEAR SENATOR: I have just received a call from some well-known people here, among them Mr. Walter L. Fisher, asking me if I would not write you and tell you of an incident in the LORIMER senatorial election. My friends thought that if you had this personal knowledge it would be of assistance to you in strengthening your belief that money was used to elect LORIMER. The information was given to me in confidence, and, as a newspaper man, I feel the same obligation to maintain secrecy that a priest does of a confession.

The information conveyed in that letter had been used to poison the public mind everywhere, as I have described. It had been used secretly, whenever and as often as opportunity offered to destroy Mr. LORIMER's reputation and deprive him of his seat in the Senate, as secretly as an assassin would use a dagger or a murderer would use poison. Now, at the last moment, when this body was sitting here as judges in a judicial proceeding, he writes a confidential letter to a leader of this body, to one of the judges, but under a pledge of secrecy, a secrecy as strong as that which would be observed by a priest when he receives a penitent's confession.

The letter continues:

Some time last June I met a friend who is general manager of a Chicago corporation with a capital of over $25,000,000. He said, "I have been intending to call on you for some days to tell you of an incident that occurred right after LORIMER's election a year ago. I had a visit from Edward Hines, the lumberman, and he told me that LORIMER's friends had had the opportunity of electing him to the Senate by putting up $100,000; that they had only a few days before the adjournment of the legislature, and could not take the time to go around and raise the money, so a half dozen of LORIMER's friends underwrote the $100,000 and gave it to the proper agent. LORIMER was elected, and we are now asking some of the corporations to pay in their share. I am taking care of the down-town district, and another man (mentioning his name) has charge of the stockyards. We figure that your share will be $10,000." My friend answered substantially as follows: "I can not give you any money for two reasons: First, we are not in that kind of business; and second, if you have gotten yourselves into a hole why should you expect us to pull you out?"

On the strength of this statement the Record-Herald has explicitly stated several times, editorially, that $100,000 was raised to buy LORIMER's election, and we have never had a protest from anybody on it. The man who gave me this information is absolutely reliable. He had no object in telling me a falsehood, and I believe him thoroughly.

When Col. Roosevelt was here on his way to Cheyenne I told him of the incident, and it was the prime motive that prompted him to decline to sit at the Hamilton Club banquet with LORIMER.

Hoping that this may be of some value to you, believe me,

Yours, sincerely,

H. H. KOHLSAAT.

Referring to Funk's story, Mr. Kohlsaat says:

On the strength of this statement the Record-Herald has explicitly stated several times, editorially, that $100,000 was raised to buy LORIMER's election, and we have never had a protest from anybody on it.

Consider the plausibility of that statement. "We have never had a protest from anybody on it." Why should they have a protest, and from whom? Who could answer to that sort of suggestion?

The story had never been told except where it could injure WILLIAM LORIMER, and then under a pledge of secrecy or completely veiled. Mr. Kohlsaat had told it at a club to Walter L. Fisher, now Secretary of the Interior. He had told it to Manager Keeley. He told it to Victor F. Lawson, his friend, who made it the basis of his editorial policy throughout the entire time. It was known within a small circle of friends, all opposed to Mr. LORIMER, and it was used whenever an opportunity offered to aid in bringing about the downfall of WILLIAM LORIMER; it was used with that object in view and used with an art and with an ability which I have never seen equaled.

Senator ROOT did not make this letter public in the Senate. He replied to it February 11, strongly urging Mr. Kohlsaat to induce his friend who had given him the information upon which his letter was based to disclose his identity. Upon the receipt of Senator ROOT's letter Mr. Kohlsaat sent for Mr. Clarence S. Funk, general manager of the International Harvester Co., the friend to whom he referred in his letter to Senator ROOT as his informant, but whose name he had not revealed, showed him the letter, and told him he was the only man who could settle that question. Mr. Funk, after full consideration, refused to allow his name to be given, and of this Mr. Kohlsaat informed Senator ROOT in the following letter, dated February 15, Chicago, Ill.:

DEAR SENATOR ROOT: Your favor of the 11th at hand. I agree with you my friend's testimony would greatly help at this time, but it would absolutely ruin him to take the stand. He was approached as an officer of the company, not as an individual, and could not come out in the open without the consent of the directors, some of whom are friendly to LORIMER—

I do not know whom—

You can imagine the situation he is, and would be, in

I know some of the forces at work to keep LORIMER in the Senate. If they succeed, God help us; a day of reckoning will surely come to the American people.

The weakness of the anti-Lorimerites is that the Chicago Tribune is back of the fight to unseat LORIMER. That paper is rendering a great service to the people of these United States.

Your speech made a great impression throughout the West. It was a wonderful plea for the right.

Yours, faithfully,

H. H. KOHLSAAT.

To Senator ELIHU ROOT,
Washington, D. C.

On that same day, February 15, 1911, Mr. Kohlsaat published in the Record-Herald an editorial in which the following language was used:

Do we know all there is to be known concerning the $100,000 fund that was raised to pay for LORIMER's votes?

Note the dates. Think of it. February 15, 1911, Kohlsaat writes to Senator ROOT that Mr. Funk will not permit his name to be used, and yet he himself that very day used in the Record-Herald the same old poison, spreading it broadcast throughout the United States, poisoning honest minds and creating sentiment against Senator LORIMER which he was powerless to meet.

That editorial attracted wide attention everywhere. It caused inquiries to be made of Mr. Kohlsaat by Senator LA FOLLETTE and others who wanted to know the truth, who were anxious to ascertain upon what authority such a statement and inquiry was made, and what the facts were with respect to the raising of the alleged fund. Senator LA FOLLETTE telegraphed Mr. Kohlsaat asking for information regarding the allegation of the existence of a fund of $100,000 and received in reply the following telegram:

CHICAGO, *February 21, 1911.*

Senator LA FOLLETTE, *Washington, D. C.:*

If I had all the details of the raising and disposition of the $100,000, would not have asked the editorial question. * * *

Think of it—putting that out in the form of a declaration which everybody would believe, and then telegraphing Senator LA FOLLETTE that if he had the facts he should not have asked the question.

That $100,000 was raised for that purpose I have absolutely no shadow of doubt, BUT CAN NOT PROVE—

Mark the words—

BUT CAN NOT PROVE. We have made the assertion a number of times editorially. The assertion has never been challenged. You are the first person to ask for particulars.

H. H. KOHLSAAT.

Why did they not put that story where it could be proved? All they had to do was to summon Clarence S. Funk and Edward Hines, just as they were summoned before this committee; but they did not do it. Why did they not do it? They were engaged in a grand project to secure the expulsion from this body of WILLIAM LORIMER. They were educating the public mind, and that work was going on not only in the Central West, but it extended to the Pacific and to the Atlantic coasts.

Senator LA FOLLETTE was very anxious to secure information. He was so anxious that he tried to induce Mr. Kohlsaat to come to Washington, and failing to do that, he wired his friend, Charles R. Crane, to see Mr. Kohlsaat and try to induce him to come. Mr. Crane visited Mr. Kohlsaat, exhibited the telegram, and urged him to come. Mr. Kohlsaat repeated to Mr. Crane the story he had written to Senator ROOT, but refused either to visit Washington or to reveal the name of his informant. Immediately thereafter, February 22, 1911, Mr. Kohlsaat sent the following telegram to Senator LA FOLLETTE. I will read only the body of it:

Please ask Senator ROOT to show you my letters of January 17 and February 15. I gave Charles Crane this morning my reasons for not giving names. He agreed with me that it would not be just right or wise to do so.

And that is the newspaper conscience to which he testified before the Helm committee.

Throughout the long debates in the Senate neither of those Senators made public this story.

Action was taken on the 1st of March, 1911, by which Mr. LORIMER was declared to be entitled to his seat. A month later the Helm committee did that which Mr. Wayman should have done a year before. Mr. Kohlsaat was summoned before that committee and the disclosure of the authorship of that story was forced, Mr. Funk being compelled to testify in order to save his friend from jail, and upon his testimony, incorporated in the report of the Helm committee to this body, this Senate took action and the case was reopened.

RESULTS OF INVESTIGATION.

The case was reopened on the ground of newly discovered evidence. That evidence was the Funk story and to whatever it might lead. This committee has given all of the evidence adduced most careful consideration. It has found, in the first place, that Mr. Funk's story of his interview with Mr. Hines is without foundation.

Not only that, all the circumstances of Mr. Hines's life during the entire period of the Senatorial deadlock in the Illinois Legislature were examined, and the committee finds, and states, explicitly, that he had nothing to do with raising a fund of $100,000 or any other fund to be used in connection with the election of WILLIAM LORIMER, and that there is not a particle of evidence, direct or indirect, that such a fund was contemplated by anyone, or that such a fund was needed to aid in his election. There are absolutely no newly discovered facts in this case that are adverse to Senator LORIMER's right to his seat in this body. The so-called newly discovered evidence only serves to strengthen and make clear his right to his seat.

We have opened up a new field of evidence in this case, which I discussed at an early period in these extended remarks. I refer to the political situation existing in the Illinois Legislature at the time Mr. LORIMER was elected. That is all new to the Senate, and it sheds a flood of light upon the occurrences in that body. It shows beyond doubt, when candidly studied, that he was elected by the force of natural conditions existing in the Legislature of Illinois at that time. The old case upon which Mr. LORIMER was adjudged entitled to a place in the Senate has been vastly strengthened by a study of the situation at the time of the deadlock. And in view of this fact and of the further fact that the fund of $100,000 mentioned in Funk's story is a fiction of his mind, and was never dreamed of by another person, the time has come when the Senate of the United States should apply the principle of res adjudicata and refuse further to consider the resolution. I have spoken at great length, and have, I fear, wearied the patience of the Senate, and I shall not further discuss that question. It was ably discussed this morning by the Senator from Florida [Mr. FLETCHER] and will be taken up by the Senator from Washington [Mr. JONES] before the debate closes.

Mr. President, the only apology I have to make for the great length of time which I have occupied in addressing the Senate upon this subject is that I have given a year of work to this investigation. The committee was almost constantly in session for a period of five months; and to take the vast volume of testimony gathered, sift it, digest it, reconcile discrepancies, to determine what parts of it are true and what false, and what portions of it are pertinent to the question to be decided, has been a most laborious and time-consuming undertaking, and to me it will be the happiest moment of the session when discussion ends and the questions involved are determined by the Senate.

As chairman of the committee I have felt compelled to aid any seeker after essential facts brought out in the investigation by placing in the record something like a consecutive statement of the circumstances of Mr. LORIMER's election and of the history of subsequent developments and to bring into the light some of the salient features of the case which may help seekers after truth in this inquiry.

I would not have discussed some phases of this case as earnestly as I have were it not for the fact that I have personally felt the force of the public opinion that has been created by the combined influence of the Chicago press and the effect it has had upon the determination of this question. The criticism which I make, and I think it has good foundation, is, that no opportunity was ever given to either Senator LORIMER or Edward Hines to meet and refute the Funk story, which was in the possession of Editors Keeley, Kohlsaat, and Lawson from the beginning, and which was used by them secretly, but with terrible effect, to arouse public sentiment against Senator LORIMER's right to retain his seat in this body. It was only when the Helm committee compelled it that Funk was revealed as the author of the story. During all the time it had been doing him such deadly injury Senator LORIMER was not afforded an opportunity to meet the secret accusations. This story, used in the manner I have described this afternoon, has led God-fearing, conscientious, honest people throughout the length and breadth of the United States to believe that a corruption fund of $100,000 was raised to elect WILLIAM LORIMER to the United States Senate, and yet the evidence not only fails to support such a contention, but absolutely disproves it. As a result of such underhanded efforts, good people can not understand how men whom they have elected to serve in this body, men who at home stand for that which is right, for that which is manly, for that which is honorable—men who have lived lives which have led people to trust them—they can not understand. I say, how such men can sit here and vote in favor of permitting Senator LORIMER to retain his seat in the Senate.

This feeling has been entertained by some of my stanchest friends in Vermont, and after my vote on the first day of March, 1911, against the resolution declaring that Senator LORIMER was not entitled to his seat, hardly a newspaper in Vermont, however friendly their attitude toward me, personally, could commend my action—they could not understand it—and while they treated me with the greatest possible consideration and with a confidence in my integrity which I never shall forget, I was conscious that they were disappointed. Because of this, and because of my unbounded respect for the opinion of my constituents I have wanted to place in the RECORD, that they may judge of my motives, some of the reasons for the position which I have felt compelled to assume in this case.

If standing for what I believe is right and true and just, for that which in my judgment is established by the evidence, must subject me to criticism, it will cause me the deepest regret, but bound by the solemn obligation of the oath I have taken I can but act upon my judgment and render my decision in accordance with the evidence before me. Sitting as a judge, I am obligated to determine my action, as I have done, upon the merits of the case in the light of all the facts disclosed and upon the evidence as a whole. It is of more importance to me to preserve a good conscience and be at peace with myself than to occupy a seat in this distinguished body.

Because of the position in which I have been placed, and because of my desire to aid the Senate by bringing to its attention the facts in the case as I view them, I must apologize for the time I have occupied, and in closing I wish to express my grateful appreciation of the patience which has been exercised by those of my associates who have done me the honor to listen to my remarks.

Mr. President, without having any knowledge which I can state with authority, I was informed that the other side of this question would proceed with this discussion. The Senator from Tennessee [Mr. LEA] and the Senator from Iowa [Mr. KENYON]

desire to be heard, and I had supposed they would follow the addresses made by the Senator from Florida [Mr. FLETCHER] and myself. I do not see either of them present this afternoon, and I do not know whether there is any Senator here who is ready to proceed with the discussion.

Mr. CULLOM. I ask for a call of the Senate.

The PRESIDENT pro tempore. The Senator from Illinois makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Kenyon	Reed
Borah	Cullom	Lea	Sanders
Bourne	Curtis	Lorimer	Simmons
Bradley	Dillingham	McCumber	Smith, Ariz.
Brandegee	Dixon	Martin, Va.	Smith, Ga.
Bristow	du Pont	Myers	Smith, Md.
Brown	Fletcher	O'Gorman	Smith, S. C.
Bryan	Gallinger	Overman	Smoot
Burton	Gamble	Page	Stephenson
Catron	Gronna	Penrose	Thornton
Clapp	Heyburn	Perkins	Warren
Clark, Wyo.	Johnston, Ala.	Pomerene	Williams
Clarke, Ark.	Jones	Rayner	Works

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The resolution submitted by the Senator from Tennessee [Mr. LEA] is before the Senate. The question is upon agreeing to the resolution.

Mr. BORAH. On that question I ask for a yea-and-nay vote.

The yeas and nays were ordered.

Mr. LORIMER. Mr. President, my understanding of the debate has been that all the members of the committee are going to discuss this question, and I have felt that I should not enter into a discussion of the subject until the members of the committee had finished expressing their views on this investigation. I understand that there are other Senators who intend to devote some time to the question, and I should prefer very much that they would go on. Because I have held that opinion and have been led to that opinion by what I have heard stated in private conversation among Senators, I have not at hand the notes I wish to use in discussing this subject, and I think on a question of such importance common fairness would suggest to the Senate that time should be given under those circumstances for gathering the minutes that I have prepared before we proceed to a vote on the matter.

RECESS.

Mr. SMOOT. Mr. President, I move that the Senate take a recess for 30 minutes.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate take a recess for 30 minutes.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable. The question is on the motion of the Senator from Utah.

Mr. REED. Mr. President, I have been trying to get the attention of the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his motion for the present?

Mr. SMOOT. I withdraw the motion for the present.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. I move that we take a recess until to-morrow morning at 11 o'clock.

Mr. SMOOT. Mr. President, I withdrew my motion for the purpose of a statement to be made by the Senator and not for a motion to be made.

Mr. REED. I do not want to take advantage of the Senator. I was going to move that as an amendment when I tried to attract the attention of the Chair.

The PRESIDENT pro tempore. The Chair observed the Senator standing, but the Senator did not address the Chair.

Mr. REED. I did, but the Chair did not hear me.

The PRESIDENT pro tempore. The Chair did not hear the Senator.

Mr. REED. I would not take advantage of the courtesy of the Senator who made the motion in that form, but if the Senator's motion is before the Senate I will move to amend by making the hour to which the recess shall be taken to-morrow morning at 11 o'clock.

The PRESIDENT pro tempore. The Senator from Missouri moves to amend the motion of the Senator from Utah by providing that the Senate take a recess until 11 o'clock to-morrow morning. The question is on that amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the motion of the Senator from Utah [Mr. SMOOT] that the Senate take a recess for 30 minutes.

The motion was agreed to; and (at 3 o'clock and 21 minutes p. m.) the Senate took a recess for 30 minutes.

At the expiration of the recess (at 3 o'clock and 51 minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 23. An act to authorize the extension of Underwood Street NW.; and

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases.

The message also announced that the House had passed the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co. with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6083. An act to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908;

H. R. 21710. An act to amend section 842 of the Code of Law for the District of Columbia;

H. R. 21712. An act to amend section 808 of the Code of Law for the District of Columbia;

H. R. 22010. An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire; and

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes.

RECESS.

Mr. SMOOT. Evidently no Senator desires to speak this afternoon, and it would be manifestly unfair to compel the Senator from Illinois to proceed. I therefore move that the Senate take a recess until to-morrow at 11 o'clock.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. CURTIS. I move to amend by making it 10 o'clock. This case has been pending many, many weeks, and any Senator who desires to speak has had ample opportunity to prepare himself.

The PRESIDENT pro tempore. The question is not debatable. The Senator from Utah moves that the Senate take a recess until 11 o'clock to-morrow, and the Senator from Kansas moves to amend by making it 10 o'clock. The question is on agreeing to the amendment of the Senator from Kansas. [Putting the question.] The ayes appear to have it.

Mr. BACON. I make the point of order that, under the rule, the longest time is always put first, regardless of the order in which it is proposed. That is the rule.

The PRESIDENT pro tempore. Will the Senator from Georgia point the Chair to that rule?

Mr. BACON. I can do it without the slightest difficulty. It is a general rule of parliamentary law. The longest time is always put first.

The PRESIDENT pro tempore. The Chair assumes that the Senate is acting under the rule of the Senate.

Mr. BACON. There is no rule of the Senate to that effect.

The PRESIDENT pro tempore. The Chair announces the motion to amend as being carried, and the question is on agreeing to the motion of the Senator from Utah as amended.

The motion as amended was agreed to; and (at 3 o'clock and 53 minutes p. m., Tuesday, July 9) the Senate took a recess until Wednesday, July 10, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 9, 1912.*

The House met at 12 o'clock noon.

Prayer was offered by the Rev. A. H. Thompson, of the Waugh Methodist Episcopal Church, as follows:

O Lord God, our heavenly Father, in humble recognition of our dependence upon Thee, we come to Thee this day for help and guidance. Upon these Representatives of this greatest Nation upon the earth rest grave and solemn responsibilities; the issues of the ages perhaps depend upon their decisions here. We pray Thy blessing upon them. Be consciously near to them, guide their deliberations and so direct the decisions of this great body and of the American people that government by the people, of the people, and for the people shall not perish from the earth. Graciously regard the Speaker of this House and each of its Members; bless them in their personal lives. Guard and shield and protect their loved ones, and so guide us all that finally we may be gathered into the home above through Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read.

THE JOURNAL.

Mr. CLAYTON. Mr. Speaker, I desire to call the attention of the House to an error in the proceedings of yesterday. In the RECORD, on page 8716, on the last roll call, on the ordering of the previous question, the Speaker announced that a quorum was present. Evidently the Clerk in making the calculation, as will be seen from that page, reported to the Speaker that 160 had voted in the affirmative, and so forth, whereas a count of the names as recorded shows that 152 only voted in the affirmative and that there was not a quorum present. Of course, Mr. Speaker, as you are aware, on the 26th of July, 1886, Mr. Oates, of Alabama, rising to a question similar and yet the reverse of this, called attention to an error like this, but in that case a quorum had voted, but it had not been properly entered in the RECORD.

The SPEAKER. That was this case turned around.

Mr. CLAYTON. Yes; this case reversed. Therefore I ask unanimous consent that the previous question on this rule be considered now as adopted, and that the House proceed with the three hours' debate as contemplated by the resolution, and that my request that the time be equally divided between myself and the gentleman from Illinois [Mr. STERLING] be agreed to.

Mr. MANN. Mr. Speaker, the Speaker having had his figures given to him erroneously yesterday, and the Speaker having made an erroneous announcement that a quorum was present, when the Journal and the RECORD discloses that a quorum was not present, is it not necessary that all proceedings after that be vacated as void? The House could not act without a quorum when it was disclosed that a quorum was not present until the RECORD showed that a quorum was present.

While the Speaker announced that a quorum was present, that was not the fault of the Speaker, and I do not say it was anybody's fault; it was one of those accidental occurrences which sometimes happen. A quorum was not present.

The SPEAKER. What is the suggestion of the gentleman from Illinois?

Mr. MANN. I think that all proceedings should be vacated and the question recur on the adoption of the previous question.

Mr. CLAYTON. Why not agree to the unanimous consent that I have asked?

Mr. MANN. That is another proposition.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ADAMSON. I want to say that before that is done I want to get myself straight on the RECORD. I am erroneously recorded as having voted "aye" when I voted "present." I would like to correct that before this is vacated.

The SPEAKER. There are several gentlemen who want to correct the RECORD and the Journal in this particular, and that will be attended to after this is disposed of.

Mr. CLAYTON. I asked unanimous consent in regard to this matter—I do not suppose it is necessary to restate my request.

Mr. MANN. It seems to me that the first thing to determine is what is before the House.

The SPEAKER. The Chair has no doubt about the method of procedure; he may be entirely wrong about it, but in his own mind he thinks that the vote on the previous question and all subsequent proceedings must be vacated.

Mr. CLAYTON. Mr. Speaker, I ask that the vote as indicated by the Speaker and all subsequent proceedings be vacated.

The SPEAKER. The gentleman from Alabama asks that the vote and the announcement made by the Speaker and all subsequent proceedings under that head be vacated. Is there objection?

Mr. HENRY of Texas. If that request is granted and the previous question is again ordered, then will there be allowed 40 minutes' debate—20 minutes on each side?

The SPEAKER. That question will be decided when it comes up.

Mr. CANNON. Mr. Speaker, it seems to me that it would be a bad precedent if anybody objected. It seems to me that it is as if it never had been.

Mr. MANN. Mr. Speaker, if my colleague [Mr. CANNON] will permit, I have examined the precedents and found one that is clearly in point. I am not sure, but I think my colleague was the Speaker of the House at the time. The Speaker, in that case, stated that the proceedings subsequent to the vote were undoubtedly void and that, without objection, those proceedings would be vacated. There being no objection, they were vacated. Of course that did not decide whether objection would prevent their being vacated, but as the precedent is already made I see no objection to following it.

The SPEAKER. It is not necessary for the Chair to express an opinion about that, although he has a very clear opinion upon it.

Mr. RODDENBERY. Mr. Speaker, I object.

The SPEAKER. The Chair will entertain a motion to vacate the proceedings.

Mr. CLAYTON. Mr. Speaker, I move that the vote on the last roll call yesterday and the proceedings subsequent thereto be now vacated.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. If that were done, then could there be a correction of the RECORD as it now stands? I desire to correct the RECORD upon my vote. After the proceedings have been vacated, could that correction be made?

The SPEAKER. Before the Chair puts the motion of the gentleman from Alabama [Mr. CLAYTON] if any gentleman desires to correct the RECORD as far as that roll call is concerned the Chair will hear him.

Mr. GARNER. Mr. Speaker, this is evidently going to be a precedent, and it occurred to me, as I think it occurs to others, that the Speaker has himself the power, after his attention has been called to the fact that there was no quorum, to declare all proceedings after the fact that no quorum has been ascertained to be null and void. While the Speaker may not at this time desire to pass upon the question, it seems to me that it ought not to go as a precedent now that a motion is necessary in order to vacate those proceedings.

The SPEAKER. If there is any authority on the subject, the Chair would be glad to hear it. This is the position of the Chair in respect to it. This House can not get into such a tangle that it can not straighten itself out.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me, the first rule of this House and of the Constitution is that the House can not transact business unless a quorum is present. An error was made in announcing that a quorum was present, because of the fact that the tally clerk wrongly added the score. A quorum was not present. Therefore that roll call was void. The roll call itself disclosed that a quorum was not present, and therefore all subsequent proceedings in the day's work would be void until a quorum was found to be present. That must be clear, because the House can not do business unless a quorum is present. It seems to me, therefore, that when the question is raised, and unanimous consent can not be had to correct the error, it is in order for the Chair to declare that a quorum was not present during those proceedings, and therefore they are void, and thus, by the order and direction of the Chair, bring the House back to the point where this roll call was originally entered.

Mr. RODDENBERY. Mr. Speaker, will the gentleman yield for a question?

Mr. UNDERWOOD. It has also been suggested that the mere ascertainment of the fact that a quorum was not present is all that is necessary for the Chair to have in order to vacate the proceedings under the Constitution and the rules of the House.

Mr. RODDENBERY. Does the gentleman think that that position will hold when a question is raised after the Journal has been approved by the Speaker and made of record?

Mr. UNDERWOOD. I understand that the Journal has not been approved.

Mr. GARNER. Mr. Speaker, the Chair has already ascertained as a matter of fact that there was not a quorum present, and when the Chair has ascertained that fact without having it challenged, then there is nothing to be done except to vacate all proceedings, because there was no constitutional quorum in the House. It is not necessary, therefore, that a motion be made to do a thing which the Constitution demands shall be done.

The SPEAKER. The gentleman from Illinois [Mr. MANN] stated awhile ago that he had a precedent on the subject.

Mr. MANN. I have not the precedent before me, Mr. Speaker. I have no doubt that the Speaker has the authority to declare the proceedings vacated. On the other hand, I have no doubt that the House has the authority to do the same thing by motion. That is the proposition now pending. The Journal has been read. This is a matter of correcting the Journal. The Journal has, theoretically, been approved by the Speaker before being read, and whatever action is taken should be in connection with the approval of the Journal. If the proceedings are vacated by a motion, I assume that carries with it that the Journal shall be corrected accordingly, because the matter now comes up upon the approval of the Journal.

Mr. BURKE of South Dakota. Will the gentleman permit a question?

The SPEAKER. If the gentleman from Illinois will suspend, the Chair will read it.

On December 19, 1903, page 80, Congressional Journal:

The Speaker announced that by error a different result had been reported from the actual result on the vote on the motion for the previous

question on the resolution of the House (H. Res. 76) by the gentleman from Pennsylvania [Mr. WANGER].

The Speaker announced that, therefore, all proceedings to the erroneous announcement would fall, and that if there be no objection the Journal will be amended to show the fact.

Mr. MANN. That is the precedent to which I had reference.

Mr. BURKE of South Dakota. The question I desire to ask the gentleman is, Suppose the House declines to vacate and votes down the pending motion?

Mr. MANN. Well, the House has that power. No one can question the right of the House, and while the House might lie in its Journal, and while it frequently has provisions appear in the Journal which are not correct, if the Journal was approved with that statement in it no one could controvert it or vacate it unless by direct proceedings.

Mr. GARNER. Will the gentleman yield? Suppose the House should refuse to adopt the motion made by the gentleman from Alabama [Mr. CLAYTON] and the Journal should show on its face there was not a quorum voting at the time the previous question was ordered and the House approves the Journal? The Journal then showing that there was not a constitutional quorum present, it seems to me any court or any investigating body would have to hold the proceedings null and void.

Mr. MANN. That will stultify the House, and there is nothing anybody can do about it.

Mr. GARNER. And the reason why it is necessary in the very beginning to hold that they are null and void is that the House would not be permitted to stultify itself.

Mr. CANNON. Will the gentleman yield? I suggest the Journal as read shows that a quorum was not present, so the Journal, I take it, ought to be approved as it is.

The SPEAKER. The Journal shows exactly what the RECORD shows.

Mr. CANNON. Then there is no necessity of correcting the Journal, and if the Journal is adopted as it is, then it stands upon the motion for the previous question that the gentleman from Texas made.

Mr. McCALL. Mr. Speaker, it is admitted on all sides that the action taken yesterday as shown by the Journal is a mere nullity. Now, what is the use of the House or the Speaker attempting to vacate a nullity? As the gentleman from Illinois has just said, there is no error in the Journal. We approve the Journal and then the matter stands upon the previous question without declaration from the Speaker or without any action on the part of the House.

The SPEAKER. The Journal shows the fact, except it shows that the Speaker made an erroneous declaration. The way it came about is this: There was great confusion in the House and some of the clerks got the figures wrong and handed up the slip to the Speaker. Of course the Speaker did not count the vote on roll call and the Speaker announced the vote as handed to him.

The Chair is very much inclined to agree that the gentleman from Illinois [Mr. CANNON] and the gentleman from Massachusetts [Mr. McCALL] are right, but the Chair wants that declaration of the Chair changed. The Chair does not see very well how it can be done, either.

Mr. BURNETT. If the gentleman will permit, the Journal shows that the resolution was agreed to by the House——

Mr. GARNER. It was not agreed to; it could not be agreed to in the absence of a quorum.

The SPEAKER. The Journal shows the correct vote, and the RECORD shows the correct vote, and shows that there was no quorum present.

Mr. CLAYTON. Mr. Speaker, the Speaker thinks it is not necessary to have a motion to vacate. I am inclined to the opinion that it is not necessary to have that motion.

The SPEAKER. If the gentleman will withdraw his motion, the Speaker will declare the vote vacated.

Mr. CLAYTON. I offered the motion simply in the interest of regularity. That is the reason I offered this motion, but if it can be accomplished—and that seems to be the consensus of opinion—without a motion, I am willing to take the shorthand method and let the Speaker declare the vote vacated, and I therefore withdraw the motion.

The SPEAKER. The Chair declares the Journal agreed to and the proceedings on that roll call and the subsequent proceedings vacated.

Mr. ADAMSON. Now, Mr. Speaker, I would like to call attention to the fact, although that call of the House, as I understand it, has gone to the discard and the junk pile, that I am erroneously recorded as voting "aye," when I answered "present."

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. CLAYTON. Mr. Speaker, may I ask unanimous consent——

Mr. MANN. Mr. Speaker, I take it that the Journal is to be corrected accordingly?

The SPEAKER. Yes, sir.

Mr. BURKE of South Dakota. There are others who wish to make corrections in the Journal.

Mr. PICKETT. Mr. Speaker, I am recorded on the roll call on page 8716 as "not voting." I was present and voted "aye," and I desire to have the RECORD corrected accordingly.

The SPEAKER. The Journal and RECORD, without objection, will be corrected accordingly.

There was no objection.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to call attention to the fact that there are two roll calls that should be vacated instead of one because of a very unusual practice which obtained yesterday. There were two separate roll calls on the previous question owing to what seemed to me to be an incorrect ruling of the Speaker pro tempore. I call the attention of the Speaker to the fact that 10 or 12 Members voted "aye" on one roll call and voted either "present" or "no" on the other roll call on the same question. The fact is that taking the total of the Members who voted on the two roll calls which, under the ordinary practice of the House, should have been consolidated into a single roll call, a quorum was present. That is what caused the trouble.

I ask that both roll calls be vacated.

The SPEAKER. The Chair will declare both roll calls vacated.

Mr. GARDNER of Massachusetts. I ask that my own name on page 8716, be stricken out of the list of those voting "nay" on the previous question. I did not vote, as I was outside the Chamber when the vote was taken.

The SPEAKER. The change will be made, without objection.

Mr. LANGLEY. Mr. Speaker, on the two first roll calls yesterday I was absent, attending to important departmental business, and I was under the impression that my general pair with the gentleman from Kentucky, Mr. FIELDS, was to be put up in case of a record vote, and so informed the pair clerks. But the gentleman, assuming that I was present, voted. The RECORD therefore shows that he was paired with me and votes at the same time. I ask unanimous consent that the RECORD be corrected so as to show him answering "present." I do this with his concurrence.

Mr. FIELDS. That is correct, Mr. Speaker.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, on page 8716 of the RECORD of July 8 the roll call shows I was absent. I was present and voted "present." I desire to have the RECORD so show.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. FOWLER. Mr. Speaker, on the roll call on page 8716 I am recorded as voting "nay." I was present and voted "aye."

The SPEAKER. Without objection, the correction will be made.

Mr. BURNETT. On the last roll call on page 8716 I am recorded as voting "aye." I was paired with the gentleman from North Dakota, Mr. HELGESEN, and voted "present."

The SPEAKER. Without objection, the correction will be made. [After a pause.] The Chair hears none. Without objection, the Journal will stand approved. The vote is on the previous question on the resolution.

PROCEDURE IN CONTEMPT CASES.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the previous question be considered now as ordered, and the resolution adopted, and that three hours' debate be had upon the bill H. R. 22591, and that one-half of that time be controlled by myself and one-half by the gentleman from Illinois [Mr. STERLING].

Mr. MANN. Mr. Speaker, I think there is no reason why we should not vote on the previous question.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] object?

Mr. CLAYTON. I hope the gentleman will not.

Mr. MANN. We will dispose of it in less time than we will by talking about it.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the vote will be taken on the previous question on the resolution.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was adopted.

Mr. CLAYTON. Now, Mr. Speaker, I prefer the same request that I made last night, and that is that the three hours provided for debate on the bill H. R. 22591 be equally divided between myself and the gentleman from Illinois [Mr. STERLING], I to control one half of the time and he the other half.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent that the three hours be divided equally between himself and the gentleman from Illinois [Mr. STERLING]. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama is recognized.

Mr. CLAYTON. Mr. Speaker, this bill is one of the most important measures that have been presented to the House during the present session of the Congress. It is to be regretted that the House has been somewhat addicted to the bad habit of not giving sufficient time for the consideration of very grave legal propositions. We all know that the custom of the House is to give elaborate consideration to appropriation bills, and this is proper. Sometimes bills, though of minor importance, are discussed and considered from day to day, so that the views of everybody in respect to the particular measures can be well understood. I say that in grave legal propositions the habit of the House has been too much not to accord to matters brought by the law committee before this House, involving grave questions in some instances, a sufficient time. On yesterday, Mr. Speaker, unexpectedly to the Committee on the Judiciary, to the Members on that side and on this side of the House, we were informed that the rule for the consideration of this particular bill would be brought up and considered yesterday and acted on, and that three hours, instead of five as asked for by the committee, would be given for general debate.

Of course, the Committee on the Judiciary, like the judicial branch of our Government, is largely helpless. It is helpless because it can not control any purse strings. There is not an appropriation committee in this House that can not have more consideration in the matter of ample time for debate upon measures brought from it than is accorded to your law committee, and the reason is that there is no power of patronage, there are no favors on the part of that committee to be bestowed upon anybody. It must bring to you a legal proposition; it has no favors to give to anybody, and it can not ask any favors of anybody.

But I did not intend to take up the time of the House on that matter. I come now at once to the consideration of this bill, and necessarily my time for discussion must be brief, for gentlemen on both sides have asked for more time to discuss this bill than has been accorded to me.

Mr. Speaker, the demand for this legislation has been persistent and long continuing. It has been referred to in platform after platform, in campaign after campaign, and in at least one presidential utterance. It is a matter that has attracted the attention of the country for years. It is a matter that has been before the Senate and the House several times in the past. We recall that in 1896 Senator Hill passed a contempt bill through the Senate. It passed there with practical unanimity, regulating the process of contempt and providing for jury trials in certain cases. We remember that when that bill came to this House, then a Republican House, Mr. Ray, chairman of the Committee on the Judiciary at that time, now a Federal judge in the State of New York, reported a substitute for the Hill bill providing for jury trials in certain cases. So that I may say that the judgment of the House, the judgment of the Senate, the judgment of the country, is that jury trials can be had in contempt cases, and, furthermore, that in certain classes of contempt cases jury trials ought to be had.

Now, what has riveted the attention of the Congress and the country upon this matter from time to time has been the abuse of the power to punish for contempt. No man, Mr. Speaker, yields more respect to the courts than I do. It is on account of my respect for the courts, it is on account of my desire to preserve an independent and efficient judiciary, that I favor the regulation of this process to the end that abuses may be eradicated and that the people may not have any just cause to complain against the action of any Federal judge.

I have before me the report to which I have referred, made by Judge Ray on the bill providing for jury trials in certain cases, but I have not the time more than merely to refer to it.

It seems to me if you will read the report made by the Committee on the Judiciary on the pending bill and the views filed by the minority you will see that two questions are presented, first, the power of Congress to regulate proceedings for contempt, and secondly, the policy of regulating proceedings for contempt.

The power of Congress to regulate contempt proceedings has long been settled. In ex parte Robinson (19 Wall.), cited with approval in Bessette v. Conkey (194 U. S., 327), the power of Congress to regulate this process was recognized and proclaimed by the highest court in our land. Let me quote from the latter case:

> The power to punish for contempts is inherent in all courts. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power, but the power has been limited and defined by the act of Congress of March 3, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and power from the Constitution, may, perhaps, be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases.
>
> (1) Where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice.
>
> (2) Where there has been misbehavior of any officer of the courts in his official transaction.
>
> (3) Where there has been disobedience or resistance by an officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts. The law happily prescribes the punishment which the courts can impose for contempts. The seventeenth section of the judiciary act of 1789 (1 Stat. L., 73) declares that the court shall have power to punish of their authority in any cause or hearing before them by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised, and must be held to be a negation of all other modes of punishment. The judgment of the court debarring the petitioner, treated as a punishment for contempt, was therefore unauthorized and void.

And, Mr. Speaker, fundamentally, if there had not been any precedents in support of the contention, these courts which are the creatures of Congress are amenable to the will of Congress. Congress can regulate their processes. It has done so in multiplied instances, and it would be a contradiction of a great principle of natural law, to say nothing of constitutional law, that the creator can not control or regulate his creature. [Applause.]

As to the policy of this measure, I think it must be conceded, for even the President of the United States and the minority in their views have admitted that the process of contempt has been abused; and the minority, following the suggestion of the President, have offered a partial remedy to mitigate that abuse.

The President has suggested that contempt cases be tried before another judge. The minority of this committee suggested that remedy in their substitute. The majority insist that in certain cases the remedy is not trial before another judge or another tribunal but that the remedy is found in trial before a jury in the court having under consideration the contempt matter in the particular case where it involves the liberty of the citizen on a criminal charge.

Much is said in the minority views, and much was said in the hearing about the impropriety or lack of power to give another court jurisdiction of a contempt case; but that argument can not be made against the pending measure, for the reason that there is no pretense in this bill that any other court except the court in which the contempt was committed shall have jurisdiction of the case and try it.

This bill is narrow in its scope. It is narrower than the Hill bill. It is narrower than the law of the State of Kansas in contempt cases. It is narrower than the law of the State of Virginia granting jury trials in certain contempt cases. It is narrower than the law of Colorado in contempt cases, and I believe in some respects even narrower than the law of other States.

I need not go into the difference between the State courts and the Federal courts. We are taught that we have a Government of three coordinate and independent departments; but the Supreme Court has said—and you will find it cited in the report—that the courts of the United States do not have, by their creation, those inherent powers that the courts of the States have or that the English courts have, and the reasons are given in the views expressed by the majority of the committee. I will not undertake to set them out at this time. However, let me make the following quotation from the report which I presented:

> Numerous State cases were cited in argument. They may all be answered as a class. The relation between Congress and Federal courts is not the same as that between State legislature and the State courts. The constitutions of the various States themselves provide for and establish the court, partition the powers of government between the legislative, executive, and judicial departments, prescribing safeguards, and defining their powers in detail; whereas the Federal Constitution has delegated full and complete control of the matter to Congress. Nor should the fact be overlooked that the State decisions on the subject are often based upon precedents of the common law, which is no

part of the Federal system. Thus, in Ex parte McCowan (139 N. Car., 95), that being typical of many such cases relied upon, it was said:

"We are satisfied that at common law the acts and conduct of the petitioner, as set out in the case, constitute a contempt of court, and if the statute does not embrace this case and in terms repeal the common law applicable to it, we would not hesitate to declare the statute in that respect unconstitutional and void for reasons which we will now state."

In Finch v. O'Neill (106 U. S. Rep., 272) it appeared that Congress has taken from the court all power to enforce its judgment, and the act of Congress was upheld by the Supreme Court of the United States. In that case (p. 280) the court said:

"The United States can not enforce the collection of a debt from an unwilling debtor, except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department; for they can exercise no jurisdiction except as the law confers and limits it."

And in Cary v. Curtiss (3 How., 236, 254) the same court said:

"The courts of the United States are all limited in their nature and constitutions, and have not the powers inherent in courts existing by prescription, or by the common law."

This bill amends section 268. I first introduced at this session a bill which was similar to the Hill bill.

Mr. Speaker, the Hill bill proceeded somewhat upon a different line from this bill, but however that may be, this bill proceeds upon the line that in every case which is criminal in its nature the American citizen shall have the inalienable right of trial by jury. That is all this bill seeks to do. Let me repeat, Shall the citizen be deprived of his customary jury trial in a case criminal in its nature and have substituted for the verdict of 12 of his peers the opinion of one judge?

I want to refer as briefly as I may to some objections that were made to the bill that I introduced which followed in some fashion the Hill bill. The first criticism that was made upon that bill and upon the Hill bill, in the hearings had before the committee, was that the bill might be considered as in pari materia section 268 of the judiciary code, formerly section 725 of the Revised Statutes. I think I violate no confidence when I say that that criticism came from the Attorney General of the United States. In framing this bill which is now before the House we met that criticism and obviated it. An examination of this bill will show that section 268 stands independently, and that this bill adds to the law by providing that in cases of a criminal nature, and of a criminal nature only, shall there be a right of trial by jury.

The next objection that was made to it was that it would probably detract from the power of the courts to enforce their decrees of dissolution of combinations denounced by the anti-trust law. I violate no confidence when I say that that was the criticism of the chief legal officer of the present administration, Attorney General Wickersham. We have met that objection by providing in this bill that it shall not apply in any case where the United States is the party complainant. Every man in this House knows that in all proceedings under the Sherman anti-trust law the United States is necessarily, by the terms of the statute, the complainant. So we answered that criticism in this bill.

The next criticism was that it provided for contempt in courts where there were no jurors. We answered that by confining the operation in this bill to the circuit courts, to the courts where there are juries, and we exempt its operation in the courts of appellate jurisdiction. We met that criticism in that way. There has been none that I know of or little, if any, complaint made against abuse of the process of contempt by appellate courts. It has been in the district courts, in the circuit courts, in the courts of first instance, where this abuse has occurred, and this bill limits it in effect to the operation of those courts of the first instance where the abuses have occurred and do now occur.

Another criticism was that the Hill bill covered cases of contempt in which there ought not to be trials by jury—such cases as that in In re Nevitt, One hundred and seventeenth Federal Reporter, page 448, where I believe the facts were that certain county officers were required by the court to levy a tax to pay a judgment. They refused to do it, and they were put in jail, and rightly so, and the court held in that case, and it held in other similar cases of a civil nature, that the man who is imprisoned, that the man who is charged with contempt in such cases, "carries the keys of the prison in his own pocket," and has the power of obtaining his liberty by complying with the civil requirements of the law.

Mr. BUTLER rose.

The SPEAKER pro tempore (Mr. SABATH). Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. BUTLER. Does the gentleman prefer that I should not interrupt him now?

Mr. CLAYTON. I would rather the gentleman would let me finish these criticisms. Now, in all cases under this bill where a trustee is ordered to pay over money—and I need not particularize the cases, for every lawyer in this House can at once with his mind's eye sweep the horizon of legal procedure and recognize the numerous cases where the process of contempt ought to be exercised for the enforcement of a civil remedy, and properly so. This bill does not detract from the power of the court in that particular.

Another criticism was that the bill in the nature of 13578 that I introduced, or in the nature of the Hill bill, would give a jury trial in cases of a violation of the decrees of the courts in patent cases. This bill is free from that criticism, and an eminent patent lawyer appeared before the committee in the hearings and argued with great force and effect against the bill 13578, or against the Hill bill; and this bill was amended so as not to interfere with the proper enforcement of any decree made in a patent case. I have a letter approving this bill signed by Walter F. Rogers, of this city of Washington, president of the association of patent lawyers, which I shall take occasion to print in whole or in part in the RECORD.

I want to call the attention of the House briefly to the fact that section 268 of the judicial code was section 725 of the Revised Statutes and to the act of March 2, 1831. Gentlemen will find it all set out in the report which I had the honor to make to this House on this bill.

As a part of the history of the act of 1831, which followed the Peck impeachment case, wherein Judge Peck put in jail a lawyer for making a newspaper publication criticizing him, I would state that after the failure of the impeachment Mr. Buchanan, chairman of the Committee on the Judiciary of the House, reported the act of 1831 and provided for contempts as now provided in section 268 of the code, and in the second section of that act used the language, a part of which I have just quoted. The purpose of the lawmakers at that time was to take these cases mentioned in the first part of section 268 and let them be subject to summary punishment by the court without the intervention of the jury, and they undertook to make other contempts of court which were criminal in their nature criminal offenses and subject to be proceeded against by information or indictment. The courts have ignored the wisdom of the former Congress in some instances and, instead of keeping on the line of demarcation between the two classes of contempt, the courts of chancery, the courts of the United States sitting in equity, have usurped criminal functions. Let me quote the act of 1831 in full.

Act of March 2, 1831, upon which sections 725, 5399, 5404, 5405, and 5406, Revised Statutes, above quoted, is based, was as follows:

Be it enacted, etc., That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

SEC. 2. *And be it further enacted*, That if any person or persons shall, corruptly, or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer, in any court of the United States, in the discharge of his duty, or shall, corruptly, or by threats or force, obstruct, impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500, or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

Approved, March 2, 1831.

The courts have, under the guise of contempt of court, had men arrested and tried for crimes without the intervention of a jury. That is the reason why this legislation is necessary. This bill is not intended to and does not subtract one iota from the enforcement of any civil remedy or redress that any man has through the chancery court and through its power to punish for contempt, but it says that the chancery court, which was never designed to be a court of criminal jurisdiction, which was never designed to try crimes, shall not be vested with criminal jurisdiction, except that when it does exercise jurisdiction in a criminal case the man charged with crime shall have the Anglo-Saxon, the American right, of being confronted by his accusers, to cross-examine his witnesses, and to be tried by a jury of his peers before his liberty shall be taken from him. [Applause.]

That is all this bill does. Judge Ray in his report on his bill at the second session of the Fifty-fourth Congress providing for jury trials said that it was just and right in certain cases. I need not talk to you about the industrial disputes that have arisen from time to time. I need not tell this House of the abuse of these contempt processes sometimes in cases of that kind. It is known to the country, and, Mr. Speaker, even the President in his criticism, which is cited by the minority here, could not find any objection, I believe, to this bill. Please turn

to the minority views at the bottom of page 9, and you will find the President quoted as follows:

Under such a provision—

Referring to another bill—

a recalcitrant witness who refuses to obey a subpœna may insist upon a jury trial before the court can determine that he received the subpœna.

We do not do that in the pending bill. We leave section 268 of the Judicial Code intact, and that criticism made by the President aimed at another bill has no application to the bill now before the House. Again referring to another bill he says:

A citizen summoned as a juror and refusing to obey the writ when brought into court must be tried by another jury to determine whether he got the summons.

These criticisms were leveled at another bill. They have no application to this bill, for this bill does not provide for a jury trial in such cases.

Again referring to another bill he says:

A suit may be tried in the court of first instance and carried to the court of appeals and sent to the Supreme Court and a judgment and decree entered and an order, and then if the decree involves the defendant's doing anything or not doing anything, and he disobeys it, the plaintiff, who has pursued his remedies in lawful course for years, must, to secure his rights, undergo the uncertainties and delays of a jury trial before he can enjoy that which is his right by the decision of the highest court of the land.

That is a criticism that was leveled at another bill, and this bill does not provide a jury trial in such cases, for it is by its terms limited to cases of contempt which are criminal in their nature.

Mr. STERLING. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. STERLING. Does the gentleman say that his bill would not apply to a case where a witness or juror in violating an order to appear in court committed a crime?

Mr. CLAYTON. I do not think it would.

Mr. STERLING. Where in the bill is there any provision that would exclude cases of that kind?

Mr. CLAYTON. I will make that perfectly plain. The bill provides:

SEC. 268 a. That any person who shall willfully disobey any lawful writ, process, order, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, *if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law* shall be proceeded against for his said contempt as hereinafter provided.

Mr. STERLING. Then it must be applicable to that kind of a case.

Mr. CLAYTON. That is the leaven of the lump.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. LONGWORTH. Suppose a case like this, where there was a strike on a railroad engaged in interstate commerce, and the United States courts should enjoin interference with the free passage of trains, say, in and out of a station?

Mr. CLAYTON. The bill on its face says that in any case where the United States is the complainant it has no application. It is to prevent one party litigant in a civil suit invoking this criminal process of the court to oppress his weaker neighbor.

It does not intend to detract and does not detract one iota from the power, the majesty, and the dignity of the United States. The Government of the United States has under this bill every power, even when it becomes a law, to enforce its judgments and its demands that it has now. This bill is to prevent a man or, say, a corporation, rich and powerful, getting out a blanket injunction at midnight, broad as the canopy of heaven in its terms, and then oppressing the poor, humble laborer. The laboring man has the right to strike, and Judge Ray's report, Mr. Olney's letter in the hearings had before the Judiciary Committee in Judge Ray's time, in the Fifty-fourth Congress, set out distinctly that the laborer has a right to strike to better his condition, for his physical and moral uplift, and President after President has reiterated that right and power on the part of the laboring people. This bill is aimed to prevent these blanket midnight injunctions being issued for the purpose of framing up criminal cases, for the purpose of depriving men of the right of trial by jury, and cases gotten up by corporations sometimes to use this power of or rather to abuse the process of contempt to coerce and to threaten the helpless laboring people who have only the jewels of sweat of honest faces to oppose against the almighty dollar.

Mr. BUTLER. Will the gentleman permit one question?

Mr. CLAYTON. Surely.

Mr. BUTLER. This measure would not apply in the case of which the gentleman speaks unless some criminal offense had been committed.

Mr. CLAYTON. Surely, if I understand the gentleman's question. In no case can he have the right of trial by jury unless—

By doing any act or thing therein or thereby forbidden to be done by him if the act or thing so done by him be of such character as to constitute a criminal offense under any statute of the United States or at common law.

Mr. BUTLER. Then a violation of one of these orders of which the gentleman speaks might be punished in the old way——

Mr. CLAYTON. Yes; and that is the way the fathers intended all crimes should be punished and the fathers intended to give to every man charged with crime the right of trial by jury. It is one of your birthrights, it is one of your rights which the fathers fought for, it is one of the rights worth dying for. [Applause.]

Now, Mr. Speaker, I have consumed more time than I intended. I want to put in the RECORD an eminently respectable article in support of this bill, a letter from Mr. S. S. Gregory, president of the American Bar Association, indorsing and commending this bill. You have heard something already in this campaign, and you will hear it further, about "social justice." You have heard it. You have heard an eminent politician say it, social justice. It is but one way of voicing one part of the demands of a great part of the American people that they shall have legal justice in the courts of our country. [Applause.]

Mr. BUTLER. Mr. Speaker, will the gentleman permit me again?

Mr. CLAYTON. Certainly.

Mr. BUTLER. I learn a good deal by illustration. I have in my mind a question the answer to which may not be helpful to anybody else, but it will be helpful to me if the gentleman will answer it. If one of these injunctions is issued, often as the gentleman has stated, in the nighttime, and the process officer serves it——

Mr. CLAYTON. Will the gentleman please ask his question, as my time is already all farmed out?

Mr. BUTLER. The process server goes with his injunction and peacefully serves it. If everything subsequent to the time of service is peacefully and quietly done and no violence is committed, there is nothing in this law to apply.

Mr. CLAYTON. Not a thing on earth. There is nothing in this bill to frighten the heart of even a timid man. No man on this floor has greater respect, I say more than that, greater reverence for the courts than I have. Whenever I go into a courthouse and in the presence of a judge I feel like I am in no ordinary presence. I want the American people to forever cherish and foster that respect for the judiciary, and it is in that view that this bill is offered. If the regulation of process, if the stopping of abuse by process can be done by congressional enactment, can be secured and practiced in the courts, you will hear very much less talk about the recall of judges, you will hear very much less talk about the recall of judicial decisions. I want to say that if we will make the Federal courts conform to good practice just as we have made the State courts conform, you will build up the confidence of the American people in the great judicial department of our Government. [Applause.]

Take this bill and read it. You will find it relates to good practice. Most of this bill is the best practice pursued to-day in many respects by the best courts of the land. Let this good practice work in this wise reformation so as to prevent the abuse of the judicial process of contempt to the end that the courts of our country may live in the respect and confidence of the American people forever. [Applause.]

Mr. Speaker, I now yield 10 minutes to the gentleman from Arkansas [Mr. FLOYD].

The SPEAKER pro tempore (Mr. SABATH). The gentleman from Arkansas [Mr. FLOYD] is recognized for 10 minutes.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to speak briefly in support of this bill.

The right of trial by jury is a sacred right to every American citizen expressly preserved by the Constitution in all law cases. There is not a man in America who pretends to be imbued with the spirit of our institutions who would stand one moment for the abolishment of the right of trial by jury in cases at law. It is true the right of trial by jury in cases of equity is an innovation in practice in so far as the Federal Government is concerned, but we believe that innovation is justified by existing conditions in the United States, and for that reason the Committee on the Judiciary have brought this bill before the House, and to-day ask that it be approved by the House.

I desire to call your attention briefly to what the bill accomplishes. In the first place, it does not affect any contempts committed in the presence of the court or so near the court as to interfere with its proceedings. The law is left in respect to

that class of contempts exactly as it is now and has existed heretofore. It is also limited to proceedings in the district courts of the United States, which courts have proper machinery for juries. It does not apply to any case in which the United States is a party. So it leaves all the powers that exist in the Government at present undisturbed by its passage. The purpose of this bill is to prevent injustice in certain classes of cases which chiefly grow out of labor disputes, where great and powerful corporations, on the one hand, go into the Federal courts and seek to enforce their decrees and judgments against laboring people.

This bill provides for a trial by jury only in cases where the contempt is committed outside of the presence of the court and the issue to be tried by the jury is a question of fact. When a proceeding for contempt is instituted, when a party is charged with violating the order of the court and being in contempt by reason of acts committed at some place remote and distant from the court, the question of fact as to whether or not that man has violated such order and is guilty of contempt, if the act or thing alleged to have been done amounts to a crime under the laws of the United States, or under the common law, on the demand of the accused it is to be determined by a trial by jury.

That is precisely what this bill contemplates and is all that it accomplishes. It does not put it in the power of the jury to fix the punishment. The fixing of the punishment is left to the determination of the court, and may be either fine or imprisonment, or both, in the discretion of the court. The jury determines the naked question of fact as to the guilt or innocence of the accused.

Where, under the present practice, may injustice be done? I will give you an illustration. An injunction is issued, as has been well said by the gentleman from Alabama [Mr. CLAYTON], of the blanket kind, covering all parties litigant and a great number of other persons. A powerful corporation, with a force of detectives vigilant and active in behalf of their masters, and none too scrupulous in their methods, make a charge against an individual in some remote part of the country, far distant from the court, alleging that he has been guilty of contempt, and the alleged facts upon which such charge is based would constitute a crime either under the statute laws of the United States or under the common laws of England. In such case the accused under the present practice must be tried by the court. But under the provisions of this bill the question of fact as to whether or not this individual is guilty of the acts with which he is charged may be determined by a trial by jury. And that is all there is to it.

It is contended that to provide for a jury trial in such cases is a reflection upon the court. Why? All criminal offenses, including the graver ones, those involving life and liberty under the Constitution, must be tried by a jury. Is it any disrespect to the law court or the judges thereof that jury trials must be preserved? All persons charged with crimes must be tried by jury. Is it any disrespect to the courts to so require? No. It is an advantage and protection to the courts, because judgments that are rendered in conformity with opinions of unbiased jurors, the verdict of 12 men, are more satisfactory to the public, and hence the judgment of the courts based upon such verdicts are more satisfactory to all parties concerned than if they are rendered by the judgment of one man. For exact and unfailing justice I would rather depend on a jury, the unbiased judgment of 12 men, than on the individual opinion of any judge whoever sat in any court in Christendom.

Mr. RICHARDSON. Will the gentleman allow me to interrupt him a moment?

The SPEAKER pro tempore. Does the gentleman from Arkansas yield to the gentleman from Alabama?

Mr. FLOYD of Arkansas. I yield to the gentleman from Alabama.

Mr. RICHARDSON. What is the distinction in the bill as to the term "presence of the court"? How does the bill define that language?

Mr. FLOYD of Arkansas. I will read you that provision.

Mr. RICHARDSON. Give us your definition of it.

Mr. FLOYD of Arkansas. My definition of it would be that the provision would apply to any act committed in the immediate presence of the court or so near the courthouse as to disturb the proceedings of the court. Such contempts are not affected by this bill.

Mr. RICHARDSON. An interpretation of proceedings of that kind by a court is actively or constructively. What do you mean by constructive presence?

Mr. FLOYD of Arkansas. Well, I would construe it to mean in the immediate presence of the court, or so near the court that the acts would create a disturbance of the court or of its proceedings. That is as good a definition as I could give you of the meaning of the provision referred to. But that class of cases is not interfered with in this bill in any way whatsoever.

Now, Mr. Chairman, it is contended in the minority report that this proposed bill is unconstitutional, that its provision for trial by jury violates the Constitution. Upon that question I want to submit a few observations: The inferior courts of the United States are created by Congress. Their jurisdiction is conferred by Congress. It is within the power of Congress to abolish these courts. They exercise no jurisdiction except what the Congress confers upon them, and it is within the power and the jurisdiction of the Congress to regulate their proceedings.

Permit me to submit an extract from the first judiciary act ever adopted after the adoption of the Constitution—the judiciary act of September 24, 1789, section 17:

That all the said courts of the United States shall have power to grant new trials in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; (a) and shall have power to impose and administer all necessary oath or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; (b) and to make and establish all necessary rules for the orderly conducting business in the said courts, provided such rules are not repugnant to the laws of the United States.

In this first judiciary act, passed by the First Congress, composed of the men who, in large part, made the Constitution, Congress interpreted its power under the Constitution, and gave to the courts the right to make any rules and regulations for the administration of their affairs that were not repugnant to the laws of the United States, which means not repugnant to the Constitution and to the acts of Congress. Hence, I contend that we have the constitutional right to regulate in every respect the procedure of those courts of inferior jurisdiction which the Congress has created.

In 1831 Congress undertook to regulate contempts in Federal courts.

Act of March 2, 1831, upon which sections 725, 5390, 5404, 5405, and 5406, Revised Statutes, is based, was as follows:

Be it enacted, etc., That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

SEC. 2. *And be it further enacted*, That if any person or persons shall, corruptly, or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer, in any court of the United States, in the discharge of his duty, or shall, corruptly, or by threats or force, obstruct, impede, or endeavor to obstruct or impede, the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment, and shall, on conviction thereof, be punished by fine not exceeding $500, or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

Approved, March 2, 1831.

Subsequent acts have been passed supplementing the act of 1831, and the constitutionality of these several acts has been upheld by the Supreme Court.

We close this head with the quotation from Ex parte Robinson (19 Wall., 505), cited with approval in the case of Bessette *v.* Conkey (194 U. S., 327), which is so clearly and obviously applicable and conclusive that no comment appears to be necessary:

The power to punish for contempts is inherent in all courts. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power, but the power has been limited and defined by the act of Congress of March 3, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and power from the Constitution, may, perhaps, be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases.

(1) Where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice.

(2) Where there has been misbehavior of any officer of the courts in his official transaction.

(3) Where there has been disobedience or resistance by an officer, party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. The law happily prescribes the punishment which the courts can impose for contempts. The seventeenth section of the judiciary act of 1789 (1 Stat. L., 73), declares that the court shall have power to punish of their authority in any cause or hearing before them by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised, and must be held to be a negation of all other modes of punishment. The judgment of the court debarring the petitioner, treated as a punishment for contempt, was therefore unauthorized and void.

Mr. Speaker, I contend that in this bill we are merely seeking to regulate procedure in cases of contempt by guaranteeing the right of trial by jury in certain cases therein named. In so doing Congress will act within the clear scope of its constitutional authority. It is also just and right and in keeping with sound policy. I hope the bill will pass.

I ask leave, Mr. Speaker, to revise and extend my remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that all gentlemen may have leave to extend their remarks in the RECORD for five legislative days.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] requests that all gentlemen may have leave to extend their remarks in the RECORD for five legislative days.

Mr. MANN. For everybody?

Mr. WILSON of Pennsylvania. For everybody or only for those who speak?

Mr. CLAYTON. I will modify my request and confine it to those who have made remarks.

Mr. MANN. The gentleman had better withhold that request until later.

Mr. CLAYTON. Then I withdraw my request, Mr. Speaker, for the present.

Mr. FLOYD of Arkansas. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD, as I did not get time to get through with them.

Mr. CLAYTON. Nobody objects.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, how much time has been consumed by the proponents of the bill?

The SPEAKER pro tempore. Fifty minutes.

Mr. CLAYTON. Then I will ask the gentleman from Illinois [Mr. STERLING] to consume that much time.

Mr. CANNON. Mr. Speaker, will the gentleman yield to me?

Mr. STERLING. I will.

[Mr. CANNON addressed the House. See Appendix.]

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to extend and revise his remarks on this bill. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I make the same request on this bill.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. CAMPBELL] makes the same request. Is there objection?

Mr. CARLIN. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. CARLIN] makes the same request. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice that a number of gentlemen desire to extend their remarks in the RECORD. I think some of them would prefer to be heard in the House. I ask unanimous consent that the time for debate upon the bill be extended two hours, so as to add one hour to the time controlled by the gentleman from Alabama [Mr. CLAYTON] and one hour to the time controlled by the gentleman from Illinois [Mr. STERLING], without making that a part of the request.

Mr. CLAYTON. I have no objection to that, Mr. Speaker, but I want to make this statement in connection with it before I agree to it. I suppose that means that we come to a vote on this bill to-morrow, does it?

Mr. MANN. To-morrow is Calendar Wednesday. I suppose we will come to a vote on this bill certainly Thursday, right after the reading of the Journal.

Mr. CLAYTON. Mr. Speaker, the criticism was made upon me yesterday that I was at times a little too accommodating; but I have been accommodated so often by the membership of this House, particularly on the other side of the aisle, and I have been impressed so often with the wisdom of the suggestions made by the gentleman from Illinois [Mr. MANN], that I am inclined to concur in his suggestion. I believe in many instances had his suggestions been followed the time of the House would have been economized. I think it is but just to him to say that. In view of the fact that a number of gentlemen on both sides of the House have expressed a desire to speak on the subject, and in view of the fact that I myself made some complaint in the beginning of my remarks against the limited time, and for other reasons, I am disposed to agree to the suggestion made by the minority leader [Mr. MANN] and to concur in the request that this debate be extended for two hours, one hour of that time to be controlled by myself and one hour by the gentleman from Illinois [Mr. STERLING].

I am informed that to-morrow, being Calendar Wednesday, there will be no objection on that side to the taking of the vote on this bill the first thing on Thursday. If I am incorrect about that, I would like the Chair to correct me; or if there is any dissent from it, I would like to hear it now; that on Thursday next, the first thing after the approval of the Journal and any little routine business, we shall vote on the passage of this bill. The gentleman from Illinois [Mr. STERLING] will offer his bill as a substitute for the main proposition, and if that is voted down, which I apprehend it will be largely by the votes of gentlemen on the opposite side of the aisle, then the main proposition will be in order, namely, the passage of this bill; and after the disposition of this contempt bill, then it is my purpose—and I understand it will be in order—for me to get up for further consideration the impeachment matter against Judge Archbald and ask for the action of the House upon it at that time.

Mr. WILSON of Pennsylvania. Why would it not be possible for us to get to a vote on this bill to-night, even with the additional two hours' debate? That would only take us to about 20 minutes before 6.

Mr. MANN. I will say to the gentleman that the request which I made does not interfere with the taking of the vote. That is a matter to be disposed of later; and if there should be no vote to-night, there certainly will be no objection on this side to the procedure suggested by the gentleman from Alabama on Thursday.

Mr. CLAYTON. I may say to the gentleman from Illinois [Mr. MANN], and also for the benefit of my friend from Pennsylvania [Mr. WILSON], that I do not believe two hours from now it will be possible for us to have a quorum here. I am a practical legislator whenever I can legislate at all. I am going to be here and the gentleman from Pennsylvania [Mr. WILSON] is going to be here, just as we are always here, but some gentlemen are away from the House now, as the gentleman may know, upon other business. Perhaps some of them may be engaged in Chautauqua lectures. The gentleman and I always stay here, and so does our other friend, the gentleman from Illinois [Mr. MANN]. We shall be here, as the old saying in the country is, until the cows come home.

Mr. WILSON of Pennsylvania. There is a lot of other legislation that is pressing for consideration, which ought to be considered by this House, so that it can be passed and sent to the Senate. It seems to me we ought to be able to get to a vote on this question. I have no objection to the extension of the time.

Mr. CANNON. May I make a suggestion to the gentleman from Pennsylvania [Mr. WILSON]? It is exceedingly hot weather, and in my judgment better progress will be made if we provide for a vote immediately after the approval of the Journal on Thursday. That will be in the interest both of the conservation of health and of getting a quorum and obtaining results.

Mr. CLAYTON. I agree with the suggestion of the gentleman from Illinois, not for the purpose of avoiding the heat of the afternoon, because I believe it would do us good to stay here and work and sweat instead of going down to a Turkish bath and paying $2. Let us stay here and engage in good, honest work, and a good honest sweat will do us good. I may say to my friend that I see a little suggestion made in the newspaper press that another body wants to get away from here early.

Well, there may be some decrepit old fellows somewhere else that want to get away early, but the time has come now that this Congress ought to stay here until the public business is dispatched. We have not the time next winter to attend to the business properly, and if a man can not stay here in the summer time and attend to the public business he ought to quit Congress and let some one come here who can attend to it. Now, this does not refer to our young friend from Illinois [Mr. CANNON]. [Laughter.] For about 15 years I have seen him here when the House was called to order and when the gavel fell for the last time. I have seen him here at every roll call; and, in fact, sometimes when the Republicans—then in the majority—wanted to keep a quorum here and I did not want to keep a quorum here I was sorry that he was such a close attendant. [Laughter.]

Mr. CANNON. If the gentleman will allow me in his time, I want to thank him for the compliment. I enjoyed the lecture he gave to the Democratic side with 60 majority. The minority will be here. [Laughter.]

Mr. CLAYTON. I was not lecturing the House, because the Members of the House are generally in attendance except a few who are unavoidably absent and a few others who are away on lecturing tours or other private business to the detriment of

the public business, which they are paid to attend to here at Washington.

The SPEAKER pro tempore (Mr. SABATH). The gentleman from Illinois asks unanimous consent that general debate be extended for two hours and the time to be equally divided between the gentleman from Illinois and himself. Is there objection?

There was no objection.

Mr. STERLING. Mr. Speaker, it is very important, in order to cast an intelligent vote on this bill, to know what it contains and what effect it will have on the administration of justice in the courts. If gentlemen have followed what was said to-day by the gentleman from Alabama [Mr. CLAYTON] and what was said yesterday by the gentleman from Georgia [Mr. BARTLETT] there is a very great possibility that they will be misled as to what the real purpose of the bill is.

The gentlemen say that it is to correct abuses in contempt cases. They talk of the vast number of abuses that have been committed by the courts in punishment for contempt for violations of the orders and decrees of the court. None of them so far have referred to a single instance in any court of the United States where the power to punish for contempt has been abused. They do not specify. It would seem better, if they want to carry conviction to the minds of the Members, that they point out at least some instances where the courts and judges have committed abuses in punishment for contempt. They have not done so, and they will not do so. They will not be able to point out anywhere in all the reports of all the Federal courts of the United States any very serious cases where the judges have abused the power to punish for contempt.

Both gentlemen have proceeded from a false premise. They assume that the trial of a contempt case is a trial of a criminal case. Now, that is not true. In no instance is the trial of a contempt case the trial of a criminal case. When they contend that all men charged with crime should be allowed the inalienable right of trial by jury they are contending for that which all men have and which no one would deny to any man.

Mr. CAMPBELL. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. CAMPBELL. The gentleman just stated that in no case could the trial for contempt be construed to be a criminal trial. In the case of a constructive contempt, where the complaint against whom the injunction has been issued is charged with being guilty of malicious trespass, with having destroyed property, does not that raise the question of a criminal offense?

Mr. STERLING. Not at all.

Mr. CAMPBELL. I would like to hear the gentleman discuss the distinction between a case of that sort and a criminal offense.

Mr. STERLING. I will undertake to do so. If a man in a case of that kind commits a crime in violating the order of the court, he can be indicted and tried for the crime itself, and with that the court in the trial of the contempt case has nothing whatever to do.

The only thing in which the court is concerned is the violation of its order. Its duty is to enforce the order and to impose such punishment, and only such punishment, as will result in obedience to the order. That is all the court has to do in the trial and punishment for contempt. The man who committed the contempt, if in so doing he committed a crime, can be punished for the crime only by indictment and trial by jury.

Mr. CAMPBELL. Might I ask if it is not a fact that before the court imposes a fine or a sentence of imprisonment that he will have to find as a matter of fact that the defendent is guilty of the crime?

Mr. STERLING. Not at all.

Mr. CAMPBELL. He will have to find him guilty of the fact.

Mr. STERLING. Not under the law as it stands now.

Mr. CAMPBELL. How does he acquire the right to impose the fine?

Mr. STERLING. He acquires the right to impose the punishment because of the contempt, because the order of the court has been violated, and it is immaterial to the court whether the acts constituting the contempt are such as to constitute a crime or not. He is concerned only in maintaining the authority of the court. The court is bound to enforce the rights of the litigants as he has found them, and to do so may punish for contempt, even though no crime is involved in the commission of the contempt.

Mr. CAMPBELL. Is it not a question of fact as to whether or not the order of injunction has been violated?

Mr. STERLING. Certainly it is; and that is the only question. The bill provides that if in the violation of the court's order the party has committed a crime he is entitled to trial for contempt by jury; and if he has not committed a crime in violating the order he is not entitled to a trial by jury, and yet the court can try and punish him for contempt.

Mr. CANNON. If the gentleman will permit, Mr. Speaker, this bill makes an exception in the event that it is a direct contempt, committed in the presence of or near to the court. A man may take the life of another, or attempt to, and in that case it is a crime; and yet the inalienable right of a trial by jury, so eloquently declaimed by the gentleman from Alabama, avails nothing, provided the contempt be in the presence of the court.

Mr. ALEXANDER. Mr. Speaker, at that point I want to call the gentleman's attention to the fact that the man could not be tried for the assault or the attempt at murder except by jury. He might be tried for contempt in the presence of the court, but he would still be entitled to a trial by jury for the offense.

Mr. STERLING. That is true, and that answers practically all that has been said upon that side of the House in favor of the bill. It answers all arguments put forth about the right of trial by jury where a man has committed a crime. The man is entitled to a trial by jury if he commits a murder or an assault in the presence of the court or elsewhere.

Mr. CANNON. But he can be imprisoned by the court for contempt.

Mr. STERLING. For contempt of court, for disturbing the orderly procedure of the court.

Mr. KENDALL. That is a direct contempt in the presence of the court, and it is not included in this bill at all.

Mr. STERLING. It will apply to other cases just the same.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STERLING. I will yield.

Mr. WILSON of Pennsylvania. Why has it become necessary to provide a trial by jury in cases of assault in violation of the law? Why not leave it entirely to the judgment of the court?

Mr. STERLING. Oh, that has been the law for ages. It was the law of England centuries ago and is the law everywhere in America. It is the law because it is the outgrowth of the wisdom of mankind. We all agree that it is a salutary law. We can not take away nor add to the right or privilege of one charged with crime to be tried by a jury of his peers.

Mr. BARTLETT. It is not a privilege, it is a right.

Mr. KENDALL. A constitutional right.

Mr. STERLING. Nobody is denying the right of trial by jury when one is charged with crime. This bill does not provide for trial by jury when charged with crime. That is already the law. This bill provides for trial by jury when a man is charged with contempt of court. It is not worth while for gentlemen to undertake to inject into this argument the idea that this is giving somebody a right of trial by jury when he is charged with crime. It is not in the bill. That is the law now. It has been the law for centuries, and you are simply begging the proposition when you stand before this House and tell us that a man ought to be entitled to a trial by jury when he commits a crime.

Mr. BUCHANAN. Suppose the judge issues an order which enjoins one from committing acts which are already in violation of the law, and suppose a man does commit violence, is it not a fact that there are cases where the judge has sentenced him for contempt of court in place of giving him the right of trial by jury under the law?

Mr. STERLING. Yes; and he ought to sentence him if he is in contempt.

Mr. BUCHANAN. But he ought to be given a chance to prove whether he is guilty or not.

Mr. STERLING. He is always given the chance to purge himself of contempt, and this bill does not add to his rights in that regard.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman again yield?

Mr. STERLING. Yes.

Mr. WILSON of Pennsylvania. Would not the same reasons that make it salutary to have a trial by jury in cases of assault and in other criminal cases equally apply in cases of contempt?

Mr. STERLING. No; not at all. It involves an entirely different principle. You are striking down the arm of the court, which preserves the rights of the citizen, when you take away his power to punish for contempt. That is why it is not salutary, and I shall come to that later.

Mr. CLAYTON. Does the gentleman mean to say that we take away the power to punish for contempt in this bill?

Mr. STERLING. Yes; that is what I say. I will give my reasons for saying it.

I do not want to yield further for the present; I may later. Before I take up the bill I want to refer to another matter to which the gentleman from Alabama [Mr. CLAYTON] referred. He read from the minority report, in which I quote the letter of the President when he accepted the nomination four years ago. I want to call attention to the absolute error the gentleman made in his comment on that letter. President Taft in his letter spoke with great force against legislation of this kind, and gave as an illustration this:

> Under such a provision a recalcitrant witness who refuses to obey a subpœna may insist on a jury trial before the court can determine that he received the subpœna.

The gentleman says that this bill is not applicable to that kind of a case. Well, it is. Now, I will read the first section of the bill and show that it provides explicitly for just that kind of a case.

> That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, if the act or thing so done by him shall be of such character as to constitute also a criminal offense, etc., shall be proceeded against for said contempt as hereinafter provided.

Now, if a witness is subpœnaed and he assaults the officer who serves the subpœna, he is entitled to a trial by jury for contempt of court under this bill. It expressly applies to that very case.

Mr. KENDALL. How is the man to be punished for failure to obey the subpœna?

Mr. STERLING. He is punished for contempt.

Mr. KENDALL. He is not entitled to trial by jury for that.

Mr. STERLING. He would be under this bill if he committed contempt by assaulting the officer.

Mr. MANN. He can protect himself by hitting an officer.

Mr. McCALL. Would not that give a premium by inducing him to commit a crime by assaulting the officer?

Mr. STERLING. Yes. He would have conferred on him the right of trial by jury.

Mr. McCALL. That is, he will get the right to trial by jury if he resists the officer by assaulting him, whereas if he did not he would not get that right.

Mr. STERLING. That is it, exactly.

Mr. KENDALL. Does the gentleman claim the contempt would consist of the assault upon the officer if the man obeys the subpœna of the court?

Mr. STERLING. The contempt in that case, if he obeys the subpœna, would consist in interfering with an officer and the orderly procedure of the court. Even though he obey the subpœna, he might be in contempt of the court.

Mr. STERLING. Let us see where this bill leads to. The gentleman from Texas yesterday discussed this bill in remarks on the rule. He evidently did not know which bill had been reported. He explained that it classified contempts into direct and indirect contempts. Now, it does not do anything of the kind. The original bill introduced by the gentleman from Alabama did classify contempts into direct and indirect contempts and gave the right of trial by jury in cases of indirect contempts and not where the contempt was direct. That is the kind of a bill the Democratic platform declares for. That platform does not indorse this kind of legislation. It reiterates the platform of 1896, 1904, and 1908 with reference to contempts.

Mr. CLAYTON. Will the gentleman yield?

Mr. STERLING. I yield to the gentleman.

Mr. CLAYTON. Now, I want to say to the gentleman right in this connection when he talks about the Democratic platform, the gentleman will recollect the Hoar-Grosvenor injunction Republican bill; the gentleman will recollect the Ray trial by jury for contempt bill reported to this House by a Republican committee. Now, does the gentleman think that his very, very mild substitute here for the pending bill complies either with the views expressed in the Hoar-Grosvenor or in the Ray bill heretofore approved of by the Republican Party?

Mr. STERLING. I do not see how that affects the question. Those gentlemen had no authority from the Republican Party. That party never approved any of those bills. You can not find a single Republican platform that has favored any such legislation as your anti-injunction bill or your contempt bill. Nor can you find in history where any Republican candidate has indorsed such legislation.

I want to read that plank of the Democratic platform adopted at Baltimore very recently, as follows:

> We repeat our declarations of the platform of 1908 as follows:
> "We reiterate the pledge of our national platform of 1896 and 1904 in favor of the measure which passed the United States Senate in 1895, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt."

This bill is not in compliance with that platform. It does not classify contempts into direct and indirect contempts, giving privilege of trial by jury in indirect contempt. This bill provides that a man is entitled to a trial by jury if he commits a contempt of court, if in the commission thereof he commits a crime. I will agree with the gentleman that the right of trial by jury is a blessed and a sacred privilege, but I can not understand why a man who violates an order of court by committing crime should be entitled to that blessed and sacred privilege when the man who commits the lesser offense, when the man who commits the contempt of court without committing crime, is deprived of that blessed privilege.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. STERLING. I will yield once more.

Mr. WILSON of Pennsylvania. Will the gentleman state as to whether his substitute provides a trial by jury for all of those?

Mr. STERLING. The substitute does not provide for trial by jury in any kind of a case. I will come to that later.

Now, why that distinction in favor of the man who commits crime? Why give him some special privilege? Why give him that inalienable right of trial by jury, when the man who by carelessness or inadvertence violates the order of the court is denied that right?

Mr. CLAYTON. I would like to answer the gentleman.

Mr. STERLING. I will answer it myself, and I will answer it to the satisfaction of the gentleman from Alabama.

Suppose an officer goes out to serve a subpœna or a summons, and the party served commits a crime—commits contempt of court by assaulting the officer. He is entitled to trial by jury under this bill when he is brought before the judge for contempt. Another citizen is served with subpœna or summons to act as a witness or juror, and he simply neglects to appear before court to perform his duty as a juror or to testify in the case on trial. He can be punished summarily by a court under this bill, and is not entitled to a trial by jury. Now, I submit to you, gentlemen, how does that kind of a law comport with your sense of justice and with your ideas of equality between men?

But that is not the worst feature of the classification which they make in this bill. It provides that these trials for contempt shall conform as nearly as may be with practice in criminal cases; that is to say, the same rules of evidence will apply when a man is being prosecuted under this law for contempt as would apply if he were being prosecuted under an indictment for crime. You can not convict a man in this country, either in the Federal or in the State courts, of crime, unless you prove his guilt beyond a reasonable doubt. You must remove from the minds of the jury all reasonable doubt before he can be punished for crime. I agree that that is a salutary law, too. I would not change it in the prosecution of criminal cases at all, but that cloak of safety is not thrown around the man who commits a contempt of court without committing a crime. He may be deprived of his liberty on a different and lesser degree of proof. The less offender, the man who has committed no crime, the man who is simply negligent or who has carelessly violated the order of the court, can be convicted of contempt without proof beyond a reasonable doubt. Thus you give to the graver offender the benefit of all doubt, while as to the lesser offender you convict him on a mere preponderance of evidence. Is that in harmony with our ideas of justice and equality?

Now, there is another provision to which I wish to refer, and one about which the gentleman from Alabama [Mr. CLAYTON] talked with great gusto. Section 268d provides that the provisions of the bill do not apply in cases to which the United States is a party. Advocates of the measure refer to this section with just pride, as if to say: The bill may be bad—very bad—but, thank God, it is not all bad, for here in this section we have made an exception of a very large class of cases, to wit, those to which the United States is a party.

Why this exception? It simply means that they do not want to deprive the courts of their powers to enforce their orders and decrees in cases where the Government is a party. It is the only reason that they can assign for excepting that kind of cases.

Well, if a man is not entitled to a trial by jury when he violates an order of court in a case to which the United States is a party, why should he be entitled to a trial by jury in any other case? They admit, by that exception, that the bill will destroy the efficiency and authority of the courts in that kind of a case, and it answers every argument they offer in favor of the bill. It is simply an admission on their part that their bill is bad, and that they will not undertake to extend it all along the line.

Have they assigned any reason for the distinction? Have they undertaken to tell us why there should be a trial by jury

for the violation of an order of court in one kind of a case and not in another? The rights of litigants in the one are as sacred as in the other. All are equal before the law. That doctrine may seem plain and old-fashioned to some of you, but I get it from the Declaration of Independence and from the Constitution.

This exception serves one good purpose in this argument. It makes it perfectly clear that the Democratic Party wants to make it appear to one part of American citizenship that it seeks to favor it in legislation. They admit that its main application will be in suits arising out of labor disputes. It feels that this is an opportune time to show some partiality toward this great class of American voters. I have a much higher opinion of American wage earners than that. I have a deep-seated faith that of all Americans the laboring man and the farmer are the most bitterly opposed to class legislation. We should not be misled by so-called labor leaders, who sometimes urge upon us legislation of this kind in their zeal to make it appear to their constituents that they are accomplishing something for their benefit. These men—the farmers and laboring men of America—are the very foundation of our civilization, and their fundamental doctrine has been from colonial days to the present hour the equality of all men. I have thought sometimes that if Congress were only as diligent in their duty to prevent class legislation as this great part of American citizenship is in their demand against it we would appear much more respectable before the country.

I believe it is true that in the last 25 years the Democratic Party, each time it has been in power in either branch of Congress, just before a presidential election has passed an unconstitutional income-tax law, an unconstitutional anti-injunction law, and an unconstitutional contempt bill, and this is no exception to the rule. I want to say to you frankly that your hope in this case is that this bill will never reach the Supreme Court until after the coming election. It is simply a matter of political exigency on the part of the Democratic Party to make it appear that they are undertaking to do something for the laboring men of the United States. That is the reason why they bring this bill in here now. That is the reason why the Senate passed the bill in 1895 on this question.

I can not believe that good lawyers on either side of this House will undertake to say that we have a right to take away from the courts the power to punish for contempt. I can not understand, in the face of the decisions and in the common-sense view of the proposition, how one can seriously contend that Congress may take away from the courts any of their judicial powers. Now, what is judicial power? Congress did not confer judicial power on the courts and we can not take it away. The Constitution conferred that power. I will read you the clause in the Constitution which expressly provides where the judicial power shall be placed:

> The judicial power of the United States shall be vested in one supreme court and in such inferior courts as the Congress may from time to time ordain and establish.

That Constitution confers the judicial power on the Supreme Court and on the district courts alike, because that is one of the courts which Congress did in the course of time ordain and establish. We have no right to confer such power, and we have no power to take it away.

Mr. BARTLETT. May I ask the gentleman a question right there?

Mr. STERLING. Yes.

Mr. BARTLETT. Does the gentleman contend that Congress has not the power, in creating the subordinate courts other than the Supreme Court of the United States, to limit their jurisdiction and power and prescribe what power the inferior courts can have, or even abolish all inferior courts if it sees fit?

Mr. STERLING. Well, we will see about that. The trouble with the gentleman is that he does not distinguish between jurisdiction and judicial power. We have got a right to establish and ordain courts and prescribe their jurisdiction. We can say over what territory, persons, property, and subjects their power shall extend. We can say to what class of cases their power shall go. But we can not take away from them any judicial power which the Constitution gave them to decide cases and to enforce their decrees within the jurisdiction which we did give them.

Mr. BARTLETT. I do not want to interfere with the gentleman's argument, but will the gentleman permit me to ask him a question?

Mr. STERLING. Yes.

Mr. BARTLETT. Take the matter of the Commerce Court, for instance, recently investigated, where the question was decided by the Supreme Court of the United States. That is an inferior court, created by Congress, and yet Congress did limit its power and its judicial power, and the Supreme Court held that Congress could do so.

Mr. STERLING. I do not agree with the gentleman on that. Congress limited the jurisdiction of that court. Congress can limit the jurisdiction of any court that it creates; but the Constitution confers judicial power on the courts that we do create. The instant that we create them, the instant that Congress has spoken, then the Constitution clothes them with the power to decide cases that are submitted to them of a judicial character, and to enforce the decrees which they render in those cases. That is judicial power, and that is all that judicial power is.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. WILSON of Pennsylvania. Does not the Constitution also define the cases to which that power shall extend?

Mr. STERLING. It says that power shall extend to all cases at law and in equity.

Mr. WILSON of Pennsylvania. Arising under the Constitution and laws?

Mr. STERLING. Yes.

Mr. WILSON of Pennsylvania. Then, does it not specify further the cases that arise under the Constitution, leaving the remainder to arise under the laws?

Mr. STERLING. What is the difference how they arise, whether under the Constitution, under laws, or under treaties? We could not even interfere with jurisdiction where the Constitution confers jurisdiction. The judicial power is a well-defined power. It is the power to decide cases and to enforce the decisions. That is all it is.

Mr. CLAYTON. I would like to cite two cases that would correct the error under which the gentleman labors.

Mr. STERLING. The gentleman from Alabama may cite cases where Congress has regulated the judicial power, as the opinions state. The Supreme Court has said this: That when a court exercises the judicial power beyond the point necessary to maintain its efficiency and dignity, then Congress can prohibit such exercise of judicial power. That is as far as the Supreme Court has gone. It has said that legislatures and Congress could regulate the judicial power, to the extent that the court could not exercise that power beyond the point necessary to maintain its authority and its dignity. That is all the courts have held on that point, and I think I will be able to read from some decisions that will satisfy every fair-minded man as to just what the law is on that point.

Imagine a court that has the power to decide a case and no power to enforce its decrees. Imagine a court that has the power to enter orders and make decrees, and yet when those orders and decrees are violated—orders and decrees for the preservation of the peace of society, for the protection of life and property and the comfort and welfare of mankind—can not enforce those orders and decrees. Suppose you say to a court, "You may enter an order or a decree, but if that order or decree is violated then another tribunal must intervene to determine whether or not you may punish the violation of that order."

The gentleman from Alabama [Mr. CLAYTON] asked me if I considered that this was taking away from the courts the power to punish for contempt? Yes; it is taking away from the courts the power to punish for contempt, and leaving it in the hands of a jury of laymen, who, although they may rank among the most intelligent and best class of citizens in the country, yet are not qualified to determine, very often, whether or not an intricate order of the court or an injunction or a decree has been violated. It impairs the power of the court by allowing a jury to intervene to determine whether or not a contempt has been committed, and to that extent destroys its efficiency.

Observe, gentlemen, this bill does not provide that the jury shall simply determine the fact as to whether or not a certain act has been committed. An American jury is always qualified to determine the facts in a case, but the judge should determine the law.

It does not stop there. It provides that a jury shall not only determine whether certain acts have been committed but provides that the jury shall determine whether or not these acts are a violation of the order of the court. It involves questions of law to be submitted to the jury, and the court would be absolutely helpless to protect the rights and property of American citizens if he happens to get an adverse jury.

Under this bill prosecution for contempt would be subject to the delays and uncertainties incident to jury trials. This would be true in a measure even in law courts, of which the jury is a component part. Much of the time even these courts have no jury at hand. Under such conditions a jury must be drawn from the whole body of the people of the district, which would result in delay. The bill takes no account of a disagreement of the jury or a failure to reach a verdict, and this would require the impaneling of another jury; and thus it will be

seen that the authority of the court will be greatly weakened by delay and uncertainty and the administration of justice greatly impeded by reason thereof.

It is very clear, however, that this bill is not intended, in its application, for contempt cases in the law courts. It aims at the courts of equity and seeks to impair their judicial power, by the intervention of a jury, to enforce their orders and decrees. This intervention of a jury in courts of equity, to determine questions of law and fact, is an innovation in practice unknown in the whole history of equity jurisprudence, and he who espouses it assumes the burden of showing it is a real reform and not a mere political exigency. Courts of equity have no jury nor the means of securing one. These courts grew up by reason of the very fact that they apply principles of justice and equity to the affairs of men which may be better administered by the chancellor than by a jury. They came as a necessity, to do justice in those cases where the rigid rules of law either wrought or permitted a hardship. This bill proposes to strip these courts of their true character as courts of equity and thus tie the hands of the chancellor in the administration of justice by the introduction of rules of practice which belong only to the courts of law.

It does violence to the experience of the centuries that equity principles are best administered through the conscience of the chancellor. It is inconsistent, indeed it is folly, to confer upon courts of equity the judicial power to try and determine causes in equity and to then intervene between that court and the enforcement of its decrees another tribunal unknown to equity practice.

Mr. MANN. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to his colleague?

Mr. STERLING. I will.

Mr. MANN. If my colleague will yield, I would like to ask him one question about section 1. That section provides that certain contempts shall be tried by a jury when the character of the act is such as to constitute a criminal offense. How and when will that be determined? Here an alleged contempt has been committed. Is the court first to hear the facts and determine whether the offense is a criminal offense, and thereupon abandon proceedings before the judge and turn it over to the jury, or, on the other hand, must every case be first submitted to the jury, and if the jury finds it was not a criminal offense thereupon the court itself determines the offense? In other words, in every case submitted to a jury, if the jury finds that the man is not guilty the judge can proceed to punish the man. [Laughter.]

Mr. STERLING. I will say that I can not answer that question. It is one of the inconsistencies of this bill. The bill makes no provision for determining whether the contempt involves a crime or not. I do not know how the court would proceed. I think the court might proceed just as the gentleman suggests, and might either call a jury, and if the jury finds that no crime was committed, then the court can punish for contempt. Or he might try the case first and decide himself whether a crime was committed, and if he finds that a crime was committed he can try it again and let the jury determine the case. It is a very serious criticism of the bill, and I think the point that the gentleman from Illinois makes is worthy of consideration.

Mr. BERGER. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. BERGER. Does the gentleman from Illinois mean to say that in a case where there has been no crime committed, if there is no criminal contempt, the man may be punished anyway?

Mr. STERLING. Yes; for a contempt without a trial by jury.

Mr. BERGER. Without a trial by jury?

Mr. STERLING. Yes.

Mr. BERGER. Then, Mr. Speaker, this bill is a gold brick. [Laughter.]

Mr. STERLING. I want to say to the gentleman from Wisconsin that it is worse than a gold brick. I do not believe gentlemen will be able to deceive the people of this country by legislation of this kind, passed at this time on the eve of a presidential election, with the hope, the certain hope, that it will not reach the courts for consideration of its constitutionality until after the presidential election.

Mr. LONGWORTH. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. LONGWORTH. I want to ask the gentleman how he interprets the language on page 4, which reads:

> SEC. 268d. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States.

Mr. STERLING. That simply means this: That in a case that is brought in the name of the United States, or is prosecuted in behalf of the United States, where the court would enter an order or a decree and it should be violated, that the man who violates it, the man thus guilty of contempt, is not entitled to a trial by jury. Now, I can not tell the gentleman why they make that distinction except that they want to make it appear to certain classes of American citizens that they are doing something for their benefit alone. If they made it apply to all cases, they would do so much harm and their bill would be so utterly indefensible that it would be condemned by every American citizen. So, although they were willing to do some harm for the benefit of the Democratic campaign, they really do not want to do any more harm than is necessary to meet the exigencies of the political situation. [Laughter on the Republican side.]

Mr. LONGWORTH. Mr. Speaker, the gentleman will recall that I asked the chairman of the committee a short time ago whether this bill would apply in the case of an injunction issued by a United States court to prevent interference with the transmission of mail, and he replied that this bill would not apply in a case of this nature.

Mr. STERLING. That would depend entirely on whether the Government was a party to the suit.

Mr. LONGWORTH. But suppose the United States court issues an injunction to prevent interference with the free transportation of mail, does that not make the United States Government a party?

Mr. STERLING. Assuming that the bill for the injunction was filed by the railroad company that carried the mail, this exception would not apply, because the Government would not be a party to the suit.

Mr. LONGWORTH. The gentleman means that if the railroad company applied for the injunction it would not apply?

Mr. STERLING. Yes; that is correct.

Mr. LONGWORTH. Does the gentleman from Alabama [Mr. CLAYTON] agree to that?

Mr. CLAYTON. Mr. Speaker, except by permission of the gentleman from Illinois I could not undertake to answer the question.

Mr. STERLING. Oh, I will yield briefly to the gentleman.

Mr. CLAYTON. I would like to know whether or not he would want me to give a categorical answer to the proposition?

Mr. STERLING. I do not want the gentleman to take up too much of my time.

Mr. CLAYTON. I will state, what I said in the beginning, that this bill, wherever the Government of the United States is a party to it, does not have any application, and I adhere to that position. But I say that wherever it is a question between private persons, be they corporations or individuals, this bill has application. I do not know how I can make it any plainer than that.

Mr. LONGWORTH. What I am trying to ascertain is when the Government becomes a party.

Mr. CLAYTON. Oh, I will state to the gentleman from Wisconsin that I have not the floor and I could not answer a question which he may desire to put. He seems to have some very acute ideas upon this proposition, and I would like to answer the gentleman if I have the time. In my own time I shall be glad to yield to him.

Mr. STERLING. Mr. Speaker, I am sure that in the case the gentleman from Ohio refers to it would not come within the exception.

Mr. CANNON. In the Debs case the Government did not bring the action.

Mr. STERLING. No; the so-called Debs case was an ex parte proceeding brought by Debs by way of habeas corpus to be discharged from a commitment for contempt.

Mr. MANN. Did the Government not bring the action in that case?

Mr. STERLING. It did.

Mr. MANN. I think the Government filed a suit at Chicago to prevent interference with the mails.

Mr. STERLING. It did; and it was for violation of the injunction in that case that Debs was committed for contempt.

Mr. LONGWORTH. But suppose the railroad had originally made the application for the injunction?

Mr. MANN. Then it would not.

Mr. LONGWORTH. And the courts thereafter granted the injunction.

Mr. MANN. It would not come within the exception in the case of an order where the railroad was the complainant, but where the Government of the United States appeared as the complainant, then this would not affect the existing right to trial before the judge.

Mr. LONGWORTH. What I am trying to get at is this: If the order issues enjoining interference with the free transportation of mail, does that not of itself make the Government a party to the suit?

Mr. MANN. I think not.

Mr. LONGWORTH. No matter by whom it is brought.

Mr. MANN. Not at all. It is not a case where the Government is a party to the suit. It is a case where the suit is to be prosecuted by the Government.

Mr. LONGWORTH. "Brought or prosecuted in the name of or in behalf of."

Mr. MANN. It does not affect a case where the Government is a party defendant.

Mr. STERLING. It does not affect any case where the Government is a party. If the railroad should file the bill, it would not come within this exception.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. MOORE of Pennsylvania. The common people who are forced to go to law have a right to have litigation determined as rapidly as possible, have they not?

Mr. STERLING. Certainly.

Mr. MOORE of Pennsylvania. Is not this a circumlocution bill?

Mr. STERLING. I think this bill would delay the court very seriously, and I will just say a word about that. Of course, the main purpose of the bill is to apply to chancery courts with reference to injunction suits. The advocates of the bill, if there are any outside of the House, care nothing about contempts in law courts. It is contempts in injunction cases or contempts that arise in cases of equity. Now, courts of equity have no jury. Our law and the English law provided for no jury. They have no means of getting a jury. Suppose they should resort to a jury to determine a question of contempt. They devise a plan to get a jury and try the case. The jury may disagree, and then it would go over to another term of court or be very greatly delayed. Or suppose the court should set aside the verdict of the jury and it goes on and on with all those interminable delays of court procedure. All of this time the question of whether or not the court's decree has been violated is held in abeyance, and it would absolutely destroy the effect of the injunction and the orders of the court. Those rights, to protect which the injunction had issued, may be lost forever.

Mr. MOORE of Pennsylvania. What becomes of the poor man forced to go to law who has to pay the lawyers' fees and wait all of that time?

Mr. STERLING. As a matter of fact, the bill could be taken advantage of by the man who has means, the man who could employ able lawyers to mislead juries, and work delays in the court. That is the man who would really obtain advantage by the bill and at the expense of another. The President referred to that in his letter of acceptance four years ago.

Mr. MOORE of Pennsylvania. The gentleman from Alabama [Mr. CLAYTON] referred to the grinding corporations which would crush down the poor workingman without this bill. I want to ask the gentleman whether the poor workingman would not suffer more at the hands of the grinding corporations in the event this bill should become the law?

Mr. STERLING. In my judgment, he would. This legislation might be made an engine for the destruction of human rights.

Mr. MOORE of Pennsylvania. I desire to ask the gentleman one more question. On the fourth page of the bill it is specifically provided that if a conviction follows any action under this bill, then a fine shall be imposed not to exceed $1,000. Suppose the president of the Standard Oil Co. were to violate the provisions of this bill in an action brought against him by a workingman, a member of a labor union. Would that $1,000 limitation fixed by this bill be a punishment sufficient to meet the crime?

Mr. STERLING. The substitute bill which I have offered has the same provision in it. Personally I wish it were not there. I do not believe there ought to be any limitation of punishment for contempt except the wise discretion of the court, which, under the substitute bill, would be subject to review.

Mr. UTTER. Of course this law or any criminal law will not affect a man who intends to be honest. Can the gentleman tell us what advantage this law will give to the man who wants to do an improper thing, if he wants, perhaps, to do a criminal act?

Mr. STERLING. In case he wants to do an improper thing or a criminal act in the violation of the court's order, it will give him the right of trial by jury.

Mr. HARRIS. Might not there be a sad result following from this bill in case of an order, for instance, restraining from interfering with workmen in the case of a strike where there was some violation of the order going to the extent of a crime by some but not an actual assault by others, so some would have the right of trial by jury and others would be punished under the ordinary contempt process?

Mr. STERLING. The gentleman's question illustrates the inconsistency of the bill. Suppose some workman should undertake to interfere with other workmen in the performance of their employment. The man who interferes in violation of a restraining order and commits an assault in so doing is entitled to a trial by jury, while the man who interferes and violates the order of the court by other than criminal means is not entitled to a trial by jury.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. STERLING. I yield to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. I understood from the gentleman's reply to the question of the gentleman from Pennsylvania [Mr. MOORE] that he considers that this bill will give corporations greater power to grind employees than now exists. Now will the gentleman point out the provision in the bill that gives that additional power to corporations?

Mr. STERLING. Well, I will only state to you what I think the gentleman from Pennsylvania meant, and that is that the corporation which violates an injunction and commits a crime in so doing, would be more likely to escape than the poor man, because it can hire able counsel to appear before the jury and defend it. I think that is what he meant.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. STERLING. I yield.

Mr. MOORE of Pennsylvania. I am very glad that the gentlemen from Pennsylvania [Mr. WILSON] put that question. As I read this bill—and I want the gentleman from Illinois [Mr. STERLING] to answer, if he will—it means in a contest between a poor man and a rich man, the game being to play the witnesses as long as possible and to resort to every legal procedure known to skillful lawyers, that under the provisions of this bill the poor man will go down.

Mr. WILSON of Pennsylvania. Is it not true that the court has a larger control under this provision?

Mr. MOORE of Pennsylvania. I think not. Under this bill the contumacious rich man will play the case along by demanding every right the bill affords him.

Mr. CLAYTON. What would be the rights?

Mr. STERLING. Permit me to read the plank in the Republican platform adopted within a few weeks at Chicago to see how it comports with your idea of proper legislation and proper respect for the dignity and the power of the American courts. It says:

The Republican Party reaffirms its intention to uphold at all times the authority and integrity of the courts, both State and Federal, and it will ever insist that their power to enforce their processes and to protect life, liberty, and property shall be preserved inviolate.

How do you like that doctrine, gentlemen? That is a declaration against legislation of this kind. You will find nowhere in the Republican platform any fake promises of sham legislation. That plank sounds good to me. It has the ring of genuineness and sincerity. I want the country to understand if possible—and I hope that every man in this broad land will know where the Republican Party stands in its attitude toward American courts. It says it is opposed to taking away from these courts any of the judicial powers which the Constitution placed with them.

Now, further, the Democrats have a plank in their platform that sounds wonderfully good, too. I want to call their attention to that:

The courts of justice are the bulwarks of our liberties, and we yield to no one in our purpose to maintain their dignity. Our party has given to the bench a long line of distinguished justices who have added to the respect and confidence in which this department must be jealously maintained.

That is true. The last statement is absolutely true. There have been just as able and just as righteous men from the Democratic Party on the bench as from any other party, and I propose now to read to you utterances of one of those same distinguished justices on this very question, and it is the latest utterance of the Supreme Court on the question of contempt. This decision was rendered by Justice Lamar, a distinguished judge, furnished to the country by the Democratic Party, and the case is that of the Bucks Stove & Range Co. against Mr. Gompers and others:

For while it is sparingly to be used, yet the power of courts to punish for contempts is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration, whose judgments and decrees would be only advisory.

If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls "judicial power of the United States" would be a mere mockery.

This power "has been uniformly held to be necessary to the protection of the court from insults and oppression while in the ordinary exercise of its duty, and to enable it to enforce its judgments and orders necessary to the due administration of law and the protection of the rights of citizens." (Bessette v. W. B. Conkey Co., 194 U. S., 335, 48 L. ed., 1004; 24 Sup. Ct. Rep., 665.)

There has been general recognition of the fact that the courts are clothed with this power, and must be authorized to exercise it without referring the issues of fact or law to another tribunal or to a jury in the same tribunal. For, if there was no such authority in the first instance, there would be no power to enforce its orders if they were disregarded in such independent investigation. Without authority to act promptly and independently the courts could not administer public justice or enforce the rights of private litigants. (Bessette v. W. B. Conkey Co., 194 U. S., 337, 48 L. ed., 1005; 24 Sup. Ct. Rep., 665.)

I am justified, gentlemen, after reading that decision in saying to you that these eminent and distinguished judges, furnished to the country by the Democratic Party, will proceed to tear down legislation of this kind just as fast as eminent and distinguished statesmen on the other side of this House build it up. [Applause on the Republican side.]

Mr. BARTLETT. May I ask the gentleman a question, Mr. Speaker?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Georgia?

Mr. STERLING. I yield.

Mr. BARTLETT. And yet the court in that very case did reverse the judgment of the court below in finding a man guilty of contempt in that proceeding, and sent the case back for trial.

Mr. STERLING. Yes; what of it? That does not affect the doctrine laid down by Justice Lamar——

Mr. BARTLETT. No.

Mr. STERLING (continuing). And which is in strict harmony with a long line of decisions in this country and in England.

Mr. BARTLETT. I do not want my friend, the gentleman from Illinois——

Mr. STERLING. The reason I referred to that case was to show to gentlemen on that side the true doctrine as it has been recognized by these distinguished Democratic jurists of whom they boast in their platform, and in whom I, too, feel a patriotic pride.

Mr. BARTLETT. And it is to prevent the repetition of what occurred the other day in the retrial of that case that I want to pass a bill like this.

Mr. STERLING. Then get up a bill to that effect. Do not offer this bill for any such purpose as that, because it does not reach that point at all.

Now, I want to read from a few more cases very briefly. I agree with gentlemen that they can produce cases on the other side which say that Congress has the right to regulate the administration of the power to punish for contempt, and I think you will find in every case to which they refer that Congress can curb the judicial power only when it goes beyond the point where it is necessary to enforce orders and decrees and to preserve the efficiency and the dignity of the court. But gentlemen will not find any cases, in my judgment, at least no well-considered case, that says the legislature of a State or the Congress of the United States can either take away from the courts the power to decide justiciable questions or take away from the courts the power to enforce their decisions in such cases. The views of the minority, signed by the six Republican members of the Committee on the Judiciary, cite a number of cases, some Federal and some State cases, to some of which I call special attention.

This is a decision rendered by Justice Brewer, and he discriminates between the legislative power and the judicial power of the Government. I think some gentlemen are likely to make the error of thinking that this is a Government of delegated powers, relating to the judiciary, but that is not true. It is a Government of delegated powers so far as Congress is concerned. Everything that is not specified in the Constitution was reserved by the States, so far as relates to the legislative power, but not so with the judicial power. The Constitution simply speaks of "the judicial power of the United States"—that means all of the judicial power. It does not designate certain powers that are given to the courts of the United States, but it confers "all judicial power." And by "all judicial power" is meant that power which was recognized in England and America as belonging essentially and inherently in the courts before the Constitution was adopted.

Mr. COOPER. Mr. Speaker, will the gentleman permit an interruption right there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. STERLING. I yield.

Mr. COOPER. Do I understand the gentleman to say that the courts of the United States had, at the time the Constitution of the United States was adopted, all the powers inherent in the courts of England? That is what the gentleman just said.

Mr. STERLING. I did not say it just that way, but I will repeat what I said.

Mr. COOPER. That is the substance of it.

Mr. STERLING. I say that all the judicial power of the United States was reposed by the Constitution in the Supreme Court and in such inferior courts as the Congress might establish, and that by "judicial powers" was meant such power as was recognized in England and America as necessary and inherent in the courts before the adoption of the Constitution.

Mr. COOPER. Now will the gentleman permit me to read just three or four lines?

Mr. STERLING. No; I regret I can not.

Mr. COOPER. It is a question. I want to ask the gentleman to construe this language.

Mr. STERLING. If it is not lengthy I will yield.

Mr. COOPER. It is found in the case of Finck against O'Neil, in the Supreme Court of the United States, volume 106, page 280:

"For," as was said by Mr. Justice Daniel, in Cary v. Curtiss (3 How., 236, 245), "the courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law."

Is not that in exact contradiction of the gentleman's statement?

Mr. STERLING. Not at all.

Mr. COOPER. I mean his statement that the Federal courts have the powers inherent in the courts of England by common law?

Mr. STERLING. Not at all. If the gentleman will read that decision he will find that the court had reference purely to jurisdiction, and not to the judicial power. Up to the time of the adoption of the Constitution the courts of the United States were substantially the same in character and in constitution as the English courts. And, so far as the judicial power went, the Constitution meant it should remain the same and should rest in the courts, as before.

Mr. CLAYTON. I wanted to put in another case in support of the one cited by the gentleman from Wisconsin [Mr. COOPER]. In Cary v. Curtiss (3 How., 236, 254) the same court said:

The courts of the United States are all limited in their nature and constitutions, and have not the powers inherent in courts existing by prescription or by the common law.

Mr. STERLING. This is a decision rendered by Justice Brewer. I want to read from the opinion in Kansas v. Colorado (206 U. S., 31):

In the Constitution are provisions in separate articles for the three great departments of Government—legislative, executive, and judicial. But there is this significant difference in the grants of powers to these departments: The first article, treating of legislative powers, does not make a general grant of legislative power. It reads:

"All legislative powers herein granted shall be vested in a Congress," etc.

On the other hand, in Article III, which treats of the judicial department—and this is important for our present consideration—we find that section 1 heads that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." By this is granted the entire judicial power of the Nation. Section 2, which provides that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States," etc., is not a limitation nor an enumeration. It is a definite declaration, a provision that the judicial power shall extend to—that is, shall include—the several matters particularly mentioned, leaving unrestricted the general grant of the entire judicial power. There may be, of course, limitations on that grant of power, but, if there are any, they must be expressed, for otherwise the general grant would vest in the courts all the judicial power which the new Nation was capable of exercising.

Then it says further:

Speaking generally, it may be observed that the judicial powers of a nation extend to all controversies justiciable in the nature, and the parties to which or the property involved in which may be reached by judicial process, and when the judicial power of the United States was vested in the Supreme and other courts, all the judicial power which the Nation was capable of exercising was vested in those tribunals; and unless there be some limitations expressed in the Constitution it must be held to embrace all controversies of a justiciable nature arising within the territorial limits of the Nation, no matter who may be the parties thereto.

Now, I do not know of any other definition of judicial power under the English law or under the American law except that laid down by Mr. Justice Brewer—that it is the power to decide justiciable questions submitted to it and to enforce its decrees. That is the power that was conferred by the Constitution on the courts, and that, I say, we have not the right to take away. We not only have not the right to take it away, but we have not the right so to curtail it as to destroy the effectiveness of the court in enforcing its decrees.

The Legislature of Virginia passed a law giving one charged with contempt the right of trial by jury, and in that case, known as the Carter case, in Ninety-sixth Virginia, the court says:

Being of opinion that the defendant was guilty of contempt, we shall not attempt any classification of it as a direct or indirect contempt. If it were a direct contempt, then its punishment was without doubt to be ascertained and fixed by the court without the intervention of a jury by the terms of the law.

It is incumbent upon us to consider whether it was within the power of the legislature to deprive the court of jurisdiction to punish it without the intervention of a jury.

In the courts created by the Constitution there is an inherent power of self-defense and self-preservation; that this power can be regulated, but can not be destroyed, or so far diminished as to be rendered ineffectual by legislative enactment; that it is a power necessarily resident in and to be exercised by the court itself, and that the vice of an act which seeks to deprive the court of this inherent power is not cured by providing for its exercise by a jury.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. STERLING. In just a moment. Let us not forget, gentlemen, that this legislation relates to a coordinate branch of this Government, and if we undertake to take from that coordinate branch any of the powers conferred on it by the Constitution, we are going beyond the limits of power prescribed to us by that same Constitution, and anything that tends in that direction is dangerous legislation, and will lead ultimately, if pursued, to anarchy in the United States.

Mr. SAUNDERS. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. SAUNDERS. The gentleman refers to a case that I argued in our Supreme Court and our court drew this distinction, that the court which in that particular case tried that party charged with contempt and inflicted punishment was the court mentioned in our Constitution, and therefore our court held that by virtue of the fact that it was mentioned in the Constitution, was a constitutional court, and had the power which could not be taken away from it, and that that situation does not apply to the inferior courts of the United States.

Mr. STERLING. I will concede that the gentleman's statement of facts is correct simply for the sake of the argument. Is not the district court of the United States a constitutional court?

Mr. SAUNDERS. No; not in the sense in which the Supreme Court in the decision referred to in the Virginia case understands it. It drew the distinction in that case of this character, that our court eo nomine was mentioned in our constitution, and that therefore it made it as compared with the Federal courts not mentioned in the Constitution a constitutional court. That distinction is made in the case the gentleman referred to.

Mr. STERLING. Let us see how tenable that distinction is.

Mr. SAUNDERS. That is the distinction drawn in that case; I do not contend that it is tenable.

Mr. STERLING. The Constitution of the United States says that the judicial power shall be vested in the Supreme Court and in such inferior courts as Congress may ordain and establish. We did not have any Supreme Court until Congress acted. Suppose Congress had not acted as to a Supreme Court; there could never have been any Supreme Court to which this power delegated by the Constitution could attach. It is the same with reference to the district courts and the circuit courts. It does not make any difference what you call them; Congress had to proceed to organize a Supreme Court just as well as inferior courts, which the Constitution says in the same terms and in just as plain language that Congress may establish and ordain as it did the Supreme Court.

It makes no difference whether it is the Supreme Court or the inferior court. When Congress acts this judicial power attaches, and we can not take it away. It must remain there so long as the court exists.

Mr. SAUNDERS. The argument that the gentleman makes as to the sufficiency is exactly the argument that I made, that there was no distinction, but the court overruled the contention and established the distinction between our inferior courts, and stated that because our court eo nomine was mentioned in the Constitution, that therefore it stood on a different basis when you come to legislate with reference to their power of contempt, and they overruled my contention and the contention the gentleman is making. I hold that it is perfectly sound myself.

Mr. STERLING. It is true that the Virginia court held that the legislation could not require a trial of a contempt case by a jury?

Mr. SAUNDERS. As the result of our Constitution.

Mr. STERLING. Yes.

Mr. MANN. Because it was a constitutional court.

Mr. STERLING. Just as our district courts are constitutional courts.

Mr. SAUNDERS. Not at all; they made that specific distinction.

Mr. MANN. But they were not deciding as to our courts.

Mr. SAUNDERS. I cited the Federal authorities allowing Congress to limit the Federal courts, but they held that that did not apply.

Mr. STERLING. The gentleman from Virginia was one of the lawyers in that case, and I undertake to say that the gentleman did not agree as a lawyer with the holding of the court.

Mr. SAUNDERS. I have just so stated. It only shows the refinement that courts will proceed to to sustain their authority.

Mr. STERLING. The gentleman was exactly right in his contention; but I will go further and say that it makes no difference whether it is a constitutional court or not. Think of the very nature of the case. I know of no case where it is held that by reason of the fact that the court is not a constitutional court that it is bound to submit the trial of contempt cases to a jury. Think of the nature of the case! You establish a court and what does it mean? A tribunal that will exercise judicial power. What is judicial power? It is the power to decide cases and enforce the decision. That is all there is to it. If you take away either one of the elements of the power you have no court, you have simply a board of arbitration to pass on a proposition without the power to enforce it. That does not constitute a court.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. COOPER. Here is some language of the Supreme Court in that same case——

Mr. STERLING. Oh, I do not yield for that kind of an interruption.

Mr. COOPER. I simply wanted to ask the gentleman, after I have cited the language of the Supreme Court, how he can reconcile that language with his statement that where a United States court has entered a judgment it then and there has the inherent power to enforce it by execution or otherwise, and that Congress can not prevent such enforcement. That is what the gentleman just said. How does the gentleman reconcile that statement of his with this language of the Supreme Court in the case of Finck *v.* O'Neil (106 U. S., 280):

> The United States can not enforce the collection of a debt from an unwilling debtor except by judicial process. They must bring a suit and obtain a judgment. To reap the fruits of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps——

And that means power, of course.

Mr. STERLING. No; it means jurisdiction.

Mr. COOPER. As here used there is no difference at all.

Mr. STERLING. Oh, if the gentleman is not going to distinguish between jurisdiction and judicial power, I do not want to discuss the question with him at all.

Mr. COOPER. Let me finish the sentence——

> The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department; for they can exercise no jurisdiction——

Mr. STERLING. Yes; that case is cited here in the report of the majority.

Mr. COOPER. To continue——

> For they can exercise no jurisdiction, except as the law confers and limits it.

The gentleman awhile ago gave one definition of the word "jurisdiction" as being the right to exercise authority within certain geographical limits, but, in my judgment, no man who wants to interpret language as it ought to be interpreted can understand that jurisdiction to issue an execution means anything else than authority to issue an execution.

Mr. STERLING. Mr. Speaker, let me say to the gentleman that I am perfectly familiar with the case that he has just cited. It is cited in the majority report, and it has not a single thing to do with the case that I was discussing nor a single thing to do with this bill. It is true that legislatures and Congress provide the means through which the courts may operate and exercise this judicial power. Executions and attachments are simply instruments provided for by legislation through which the court may exercise the power. Suppose the legislature said that a court could not issue an execution or an attachment or a warrant or anything of that kind. Then you have destroyed the court. The legislature has the power to destroy any court which it creates. It has only to repeal the act which created the court. If it does so, the court is destroyed. The legislature might also destroy a court by taking away its judicial power if the court would submit to it. But so long as Congress provides by law for a court and its organization, the Constitution will impart to that court the judicial power to decide and enforce its decisions within the jurisdiction prescribed by Congress. I hope I have made that plain to the gentleman from Wisconsin.

Mr. MANN. Mr. Speaker, will my colleague yield for a question?

Mr. STERLING. Certainly.

Mr. MANN. I am inquiring whether he has considered the proposition that the same act may be punished as a crime and as a contempt at the present time. This bill provides that certain contempts must be tried by a jury if a crime has been committed in connection with them, which requires the ascertainment of the crime—in other words, practically a trial, in a contempt case, of the commission of the crime. Can the man then be tried for the crime?

Mr. STERLING. I would say certainly he could. The court has nothing to do with the punishment for the crime. It is only punishment for contempt with which the court deals in the contempt proceedings.

Mr. MANN. But under this bill the court is required to take that into consideration, because for the punishment of contempt you must first find that the man has committed a crime.

Mr. STERLING. I mean by that this: That the court has nothing to do with reference to trying the man for the crime. It is true under this bill the court must determine whether or not the man has committed a crime, but that is only for the purpose of determining whether the one charged with contempt shall have a trial by jury.

Mr. MANN. How can you find out whether the man has committed a crime without in some way trying him for the crime?

Mr. STERLING. You could not under this bill, but I did not prepare the bill, and I will have to leave the answer of that question to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, will the gentleman permit me to answer it now?

Mr. STERLING. Not now.

Mr. MANN. My question is whether or not, after you have determined that a man has committed a crime, you can then under the Constitution turn around and try him again for the same crime, after having found first the same offense in order to determine that it is a contempt.

Mr. STERLING. I do not think the fact that the court found first that he committed a crime would bar prosecution of the crime by indictment. That does not imply that the court could punish for the crime in the contempt proceedings. The court has nothing to do whatever with the punishment for crime. It is only the court's duty to impose such punishment as will enforce respect for and enforce obedience to its orders. That is why the court punishes for contempt.

Mr. COOPER. Will the gentleman permit another question?

Mr. STERLING. I will yield to one further question.

Mr. COOPER. It is true, I believe, that Congress by statute has adopted the exemption laws of the various States as far as enforcing judgment by execution is concerned. Now, is not that, in effect, the legislative department preventing under certain circumstances the United States district courts from enforcing their judgments, depriving them of the power possessed by common-law courts to enforce their judgments? For instance, we have said a homestead——

Mr. STERLING. Let me submit to the gentleman that does not go to the judicial power of the court.

Mr. COOPER. Why, it goes to the power of the court to enforce its judgment.

Mr. STERLING. It goes to the jurisdiction of the court. The legislature can prescribe the property over which the court shall have jurisdiction, but it does not go to the judicial power of the court. For example, in Illinois the legislature has provided exemptions against execution. One is entitled to a homestead of $1,000 and personal property to the amount of $400, exempt from execution. By doing so the legislature limited the property over which the court should have jurisdiction. It limited the jurisdiction, not the judicial power.

Mr. COOPER. Then the legislative department has the power by statute to prevent a court from enforcing its judgment, and the gentleman from Illinois said that the common-law courts of England had the inherent power to enforce their judgment by execution.

Mr. STERLING. And so have the American courts that power within their jurisdiction. And the gentleman from Wisconsin can not take it away.

Mr. COOPER. But the common law obtained in many of the different States, but the United States district courts have not inherent common-law power. Their power has been limited and regulated frequently by Federal statute ever since these courts were first organized.

Mr. STERLING. Exemption laws do not go to the judicial power of the court at all, but simply go to the question of property over which the court has jurisdiction. It would be more convincing if the gentleman would produce the case.

I want to read now from another decision. The supreme court of Michigan held as follows in Nichols *v.* Judge (130 Mich., 192):

> The question, therefore, is again presented to this court, Have the circuit courts of this State the inherent power to punish for contempts, or are they subject to the control of the legislature? The question is an important one in the administration of the law. If the legislature can determine what acts shall constitute contempts in the circuit courts, it can abolish the power of such courts to punish for the contempts. There is no middle ground; either the courts have the absolute control, under the constitution, over contempt proceedings, or they have only such as the legislature may see fit to confer.

Again, in the State of Ohio is another case in point. In Hale *v.* The State (55 Ohio State Repts.), the court say:

> In this case the inherent power to punish contempts and enforce orders of court by summary proceedings is fully sustained, and it is said of sections 6906 and 6907 of the Revised Statutes, which make certain acts formerly punishable as contempts now punishable by indictment as offenses against public justice, that if it is to be interpreted to take away from a constitutional court its inherent right to punish offenses of this character when they are contempts of court, the statute will be invalidated.

The State of Oklahoma passed a law providing for trial of contempt cases by jury, and the supreme court in that State used this language in Smith *v.* Speed (11 Okla., 95):

> If it now should be found that the judge had no power to enforce his order at all or to punish for contempt, and that the court had no power to punish beyond a fine of $50 and imprisonment not exceeding a longer period than 10 days in the county jail, and that a change of judge may be had and a change of venue from the county, and that a trial by jury may be had to determine whether the recalcitrant party is in contempt at all or not, it will be admitted by the bar, acquainted with the law's delays, that the power to punish for contempt, either direct or indirect, being destroyed in the judge, will be to a great extent destroyed also in the court and rendered valueless.
>
> If the contention now sought for by the plaintiff in error should be sustained, it would go to the extent that the court, in equitable proceedings, after a full hearing and a final determination and judgment upon the merits, is without the power to enforce its judgments by the imposition of a pecuniary penalty or imprisonment, and that in the endeavor to enforce its judgment by proceedings in contempt it would be subject to have its final judgment brought into review in the contempt proceedings upon a change of judge, or of venue, to a completely new jurisdiction and to a trial by jury, in which the merits of the final order, which has been made by the court, in the proceeding, should again be reviewed, including the question whether there was any merit, right, or authority of the court in the equitable proceedings in which the judgment had been rendered or the order made, and the equitable jurisdiction of the district court upon matters finally determined would thus be subject to be again brought in question by another judge in another venture and by a jury, a thing unheard of in the chancery jurisdiction. If such a state of things could be, it could but result in the degradation of courts and to make them truly the subjects of contempt.

It seems to me that there is great wisdom in that language, and that the judge who wrote it had studied and considered the extent to which a law of this kind might lead the country and the people. Now, gentlemen, I shall not take time to further read from decisions; there are many of them all holding the same thing. I think none of them hold to the contrary.

I do want to call attention to the bill which I offer as a substitute for this. The essential difference between the two is this, that the one provides for the trial of contempt cases by jury and the other provides that where the defendant in a contempt case feels that he can not get justice at the hands of the particular judge who issued the order or made the decree he may make application to have some other judge designated to hear the contempt. It does not provide for a trial by jury, it does not provide for a change of venue, it does not provide for a change of tribunal or a change of court, but it simply provides that if a defendant makes affidavit that he can not get a fair trial, then that judge shall call some other judge into that same court to hear and determine the contempt.

Some objection has been raised to our present practice in contempt cases. It has been said that a judge who issues an order or renders a decree ought not to be the judge who decides whether or not the order or the decree has been violated. They give as a reason that the judge might be prejudiced; that he might be partial to the enforcement of his own order or decree.

It is the only criticism that any man, so far as I know, or any litigant anywhere in the United States, has ever raised against the trial of a contempt by the judge who renders the decree that has been violated. He, having rendered the decree or the judgment, might be partial to the enforcement of it and might be led to do injustice to the defendant who is charged with the violation of it. This bill meets that criticism; whether justified or not, it is unfortunate that it exists, and this will dispose of it and allow the defendant to have another judge called in to try the case.

I desire to read what the President said on this question, so as to get it into the RECORD. In his letter of acceptance four years ago he discussed the Democratic platform, which is the same as the platform of this year, relating to contempt and injunctions.

He says:

> DANGEROUS ATTACK ON POWER OF COURTS.
>
> This provision in the [Democratic] platform of 1896 was regarded then as a most dangerous attack upon the power of the courts to enforce their orders and decrees, and it was one of the chief reasons for the defeat of the Democratic Party in that contest, as it ought to have been. The extended operation of such a provision to weaken the power of the courts in the enforcement of their lawful orders can hardly be overstated.
>
> EFFECT OF JURY TRIAL.
>
> Under such a provision a recalcitrant witness who refuses to obey a subpœna may insist on a jury trial before the court can determine that

he received the subpœna. A citizen summoned as a juror and refusing to obey the writ, when brought into court must be tried by another jury to determine whether he got the summons. Such a provision applies not alone to injunctions, but to every order which the court issues against persons. A suit may be tried in the court of first instance and carried to the court of appeals and thence to the Supreme Court, and a judgment and decree entered and an order issued, and then if the decree involves the defendants' doing anything or not doing anything, and he disobeys it, the plaintiff, who has pursued his remedies in lawful course for years, must, to secure his rights, undergo the uncertainties and delays of a jury trial before he can enjoy that which is his right by the decision of the highest court of the land. I say without hesitation that such a change would greatly impair the indispensable power and authority of the courts. In securing to the public the benefits of the new statutes enacted in the present administration the ultimate instrumentality to be resorted to is the courts of the United States. If now their authority is to be weakened in a manner never known in the history of the jurisprudence of England or America, except in the constitution of Oklahoma, how can we expect that such statutes will have efficient enforcement? Those who advocate this intervention of a jury in such cases seem to suppose that this change in some way will inure only to the benefit of the poor workingman. As a matter of fact, the person who will secure chief advantage from it is the wealthy and unscrupulous defendant, able to employ astute and cunning counsel and anxious to avoid justice.

I have been willing, in order to avoid a popular but unfounded impression that a judge, in punishing for contempt of his own order, may be affected by personal feeling, to approve a law which should enable the contemnor upon his application to have another judge sit to hear the charge of contempt, but this, with so many judges as there are available in the Federal courts would not constitute a delay in the enforcement of the process. The character and efficiency of the trial would be the same. It is the nature and the delay of a jury trial in such cases that those who would wish to defy the order of the court would rely upon as a reason for doing so.

MAINTENANCE OF FULL POWER OF COURTS NECESSARY TO AVOID ANARCHY.

The administration of justice lies at the foundation of government. The maintenance of the authority of the courts is essential unless we are prepared to embrace anarchy. Never in the history of the country has there been such an insidious attack upon the judicial system as the proposal to interject a jury trial between all orders of the court made after full hearing and the enforcement of such orders.

It seems to me, gentlemen, that the President of the United States uttered the true and sane doctrine in that letter. I say to you we ought to hesitate before we set aside the advice laid down by that great jurist. He believes that such legislation as this, that would deprive the courts of part of their judicial power, might lead to anarchy in the United States.

What good can come from this legislation? What evils will be remedied and what rights will be more secure? If you can point to nothing it will accomplish in the way of enlightened progress then this bill should be defeated. If our present system of punishing contempts has worked well is it the part of wisdom for Congress, even if it has the power, to change it? Is it wise public policy to do so?

In this day of carping critics we hear much of criticism of our American institutions and especially of our courts. Criticism of some of the courts may be just, but that does not justify a radical change in the method of procedure that will hinder and embarrass our whole judiciary in the administration of justice. If in some instances, yet none have been cited, the judges have abused the power to punish for contempt, is it a wise policy to take from or seriously impair the power of all the judges to administer justice and maintain the dignity and authority of the courts of the land?

It has been urged that this legislation is needed to relieve the courts of the criticism that the judges are biased in their decisions as to whether their own orders have been violated and their authority defied.

They say that whether this criticism be just or not, they should be removed from the possibility of this charge. Even if this amounts to an argument it is not necessary to impair the power of the courts in the performance of their judicial functions to reach that end. If one accused of contempt feels that he can not have a fair trial before the judge "whose authority he has defied," it is not necessary to resort to the slow, uncertain, and cumbersome plan provided by this bill to remedy that evil, if it were possible under the Constitution to do so. The possibility of prejudice on the part of the judge may be eliminated by another plan much surer and more expeditious than this, and a plan that does no violence to the Constitution. Let the accused have the right to have another judge designated to try and determine whether he is guilty of the charge. A judge is qualified to know and understand the force and purpose of a decree and the importance to the litigants and to the people, of having it duly observed. This would avoid all the uncertainties and delays incident to the jury system. It would wholly remove the possibility of the accused being the victim of bias or prejudice and fully answers the charge that judges should be protected from the criticism that prejudice influences their decisions in such cases.

Mr. Speaker, I have offered a substitute for the pending bill. This substitute will answer all criticism, just or unjust, of the present practice, and at the same time leave inviolate the prerogatives of that other and coordinate branch of the Government which has shed glory on the founders of American institutions.

The fundamental distinction between the bill and the substitute is that the former provides a trial by jury in cases where the acts constituting the contempt also constitute a criminal offense, while the substitute provides that in indirect contempts the accused may have another judge to try the contempt.

We believe that it meets every criticism and avoids every evil that may be charged against the present practice.

It divides contempts into two classes, direct and indirect, and gives to each class the usual and natural definition.

It defines direct contempts as those committed in the presence of the court or of a judge at chambers. Under it these contempts shall be punished summarily by the court. No one would change the practice in that regard, and neither of the bills would deprive the court of the power to deal with such contempts in that way. It further provides that the judgment in such case shall be entered of record and that the judgment shall contain a statement of the acts and a statement, if any, of the accused, relied on as a defense or as an extenuation of the offense.

It provides a specific plan of procedure in all cases which charge an indirect contempt of court. The accused may in such case, upon his own affidavit that the judge is prejudiced against him and that on account thereof he believes that he can not have a fair trial, have another judge designated to hear and determine his case.

The bill also provides for a review by the higher courts on appeal or by writ of error.

We repeat that the only charge made against the present practice is that judges who have issued orders or rendered judgments and decrees should not be permitted to pass upon the question as to whether a person has violated such order or decree or has defied or assailed the authority of the court over which that judge presides. It is said that a judge under such circumstances is prone to bias and that his decision might be tainted with prejudice against the accused. This bill eliminates such a possibility, and it does it more effectually than does the bill reported by the majority. Under that bill the judge conducts the trial of the case before the jury, he passes upon the admissibility of the evidence, and delivers the charge to the jury, so that under the system provided by that bill there is still a possibility of the same criticism against him as in the present practice. The accused might still feel that he was the victim of judicial bias.

Such is not the case in the bill offered by the minority. Under its provisions the judge whose decree has been violated or whose authority has been defied is eliminated from the case, and it is submitted to another judge who could have no possible prejudice against the accused, because he has no connection with the case. This bill meets all objection to the present practice without doing violence to the long-established principles of equity which forbid the intervention of a jury in equity proceedings. It accomplishes the desired end without taking away or impairing the judicial power of the court conferred upon it by the Constitution.

Mr. Speaker, in conclusion, this bill offered by the majority is a serious step in the wrong direction. It is an attempt on the part of one branch of the Government to invade the constitutional powers of another branch. As the legislative branch of a great Government we ought to guard with jealous care those prerogatives conferred upon us by the Constitution; we should watch with equal zeal that we do not impair the powers and the usefulness of the other coordinate branches. [Applause on the Republican side.]

Mr. STERLING. I would like to know how much time I have consumed, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has consumed 1 hour and 48 minutes.

Mr. CLAYTON. May I ask the Speaker how much time has been consumed on this side and how much has been consumed by the gentleman from Illinois?

The SPEAKER pro tempore. There have been 50 minutes consumed on the gentleman's side and 1 hour and 48 minutes on the side of the gentleman from Illinois [Mr. STERLING].

Mr. CLAYTON. How much time is there remaining to the gentleman on the opposite side?

The SPEAKER pro tempore. There would be 42 minutes remaining.

Mr. CLAYTON. And I have how much time, Mr. Speaker?

The SPEAKER pro tempore. One hour and 40 minutes.

Mr. CLAYTON. Thank you.

Now, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GREEN] is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Speaker, with all deference to the learning and acumen of the distinguished gentleman from Illinois who has just spoken in opposition to the bill, I shall undertake in the few minutes which are allotted to me to show that he has utterly misconstrued the first provision of the act in question.

The gentleman from Illinois [Mr. STERLING] has stated that if a witness were subpœnaed to appear in court and he simply failed to appear, then under the provisions of this act he could be tried for contempt without a trial by jury; but if he should assault the marshal who served the process upon him he would be entitled to a trial by jury. A close analysis and reading of section 268a shows that this bill provides for nothing of the kind. It says:

SEC. 268a. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, if the act or thing so done by him be of such a character as to constitute also a criminal offense under any statute of the United States or at common law, shall be proceeded against for his said contempt as hereinafter provided.

Now, if a subpœna is served upon any witness or intended witness, the only thing that therein or thereby is commanded is his appearance in court. If he assaults the marshal he does not in any way violate the commands of the subpœna.

He is, of course, subject to contempt of court under general rules, and may be punished therefor without having the provisions of this bill apply to him in any way whatever, but the rule would be just the same if some other person assaulted the marshal instead of the person on whom the subpœna was served. In either case this proposed statute has no application whatever, because there is nothing in the subpœna with reference to his doing any act against the marshal or resisting the process of the court. In fact, that is wholly unnecessary, for any resistance to any process of the court would constitute a contempt.

Mr. STERLING. Does not the gentleman think the assault on the officer serving the subpœna would be resisting the process of the court?

Mr. GREEN of Iowa. Certainly; it would be contempt of court to assault the officer while he was engaged in serving its process.

Mr. CLAYTON. Mr. Speaker, I rise to a question of order. The gentleman from Illinois [Mr. STERLING] did not rise and address the Chair.

Mr. GREEN of Iowa. But as it was not forbidden or referred to in the subpœna, it is not covered by the provisions of this act, and he would be tried by a summary proceeding for the assault. This, as I stated, can be easily seen from the fact that if he eventually came into court in response to the service of the subpœna, he could say that he had obeyed in every particular the order of the court, notwithstanding the fact that he had assaulted the marshal; and if he was to be tried for contempt in relation to the assault upon the marshal he would have to be tried on another charge—not for disobeying any order of court, but because he had obstructed its process by assaulting an officer engaged in serving its writ.

Now, the gentleman from Pennsylvania [Mr. MOORE] has intimated that the act might interfere with the court in its process in getting witnesses before it. Actually it would have no application of that kind whatever. If a witness refused to answer and obey a subpœna, the court could issue a bench warrant and bring the party before it instanter, and he would not be tried under the provisions of this act because such a case is expressly excluded. No criminal act would be done in simply violating the subpœna, and therefore it would not come under the provisions of this statute.

This act is intended to strike at the abuse which is created by endeavoring to punish criminal acts through the courts of equity, without the intervention of trial by jury. It is now too late, of course, to question the authority of courts of equity to issue writs which may forbid the commission of a crime, but I wish to say in this connection that criminal acts are practically the only kind or class which are reached by this statute; that is, the only cases included are where the injunction itself or the order of the court forbids some act which constitutes a crime.

Such being the case, I am in favor of this bill, because I believe in criminal cases being tried by courts which are constituted for the purpose; where the parties charged with having committed some criminal act are tried in the regular and ordinary way instead of being brought before a judge whose orders they are accused of violating. I have the greatest respect for the bench and know that every judge worthy of the name endeavors to act impartially and without bias or prejudice, but judges are human and share in human frailties. It would be only natural when a judge is required to try a case involving an alleged violation of his own orders that his inclination would be, and his rulings tend, in the direction of upholding what he deems the dignity and rightful power of his court. For this reason he might in some instances unwittingly fail to assume and preserve that absolute impartiality which ought to prevail in all court proceedings.

There is, however, an even more important reason for the passage of this bill. Ordinarily the highest and most serious crimes—even murder itself—are tried before a jury. This right and privilege of being so tried is deemed one of the most sacred guaranteed by our Constitution. No reason has been given, and none can be given why this right of trial should be given in one case and not in another. Some intimations have been made that parties violating the orders of the court and so tried might escape punishment if tried by a jury, but this is an attack on the whole jury system, and, if the argument be valid, then juries ought to be abolished entirely and even criminal cases tried through the court alone. If there should be found anyone who was willing to advocate such a proposition, it is hardly to be believed that he would sanction a trial before a judge who was at least indirectly interested in the result. It is urged that delay would be caused by these jury trials and thus the rich be enabled to take advantage of the poor. Those who make this argument forget that the trials referred to in this statute have nothing whatever to do with the parties who are litigating the main case, and that the judgment which has, or may be, rendered therein is not in any way affected thereby. The case does not wait for the proceeding provided for in this bill, nor will it be affected thereby. No one has undertaken to furnish a reason why a wealthy person could take advantage of a poor man under this statute, and, from a long experience on the bench, I say without hesitancy, that such an opportunity could not arise.

It is said also that there is no way of determining whether the alleged contempt is of such a character as to constitute a crime. This difficulty is entirely imaginary. Contempts not committed in the presence of the court must necessarily be brought before the court by some written charge. If the person accused of contempt claims to be entitled to a trial by jury under this act—should it become a law—then the court, from an examination of the charges, will determine whether the act described is of such a character as to constitute a criminal offense.

Mr. Speaker, it has well been said by a great lawyer that the great and special advantage afforded by a jury was that on the trial of matters before it it was able to mitigate the strict letter of the law and apply it according to the circumstances of the case in a manner in which a judge would not feel that he could act, even though he so desired. Thus, no matter by what vituperative or vicious language some scoundrel may give an unprovoked insult, if it is resented by a blow, a judge must say that an assault has been committed, but a jury, as a rule, leaves the offending party to his just deserts if that is what he has received. Scarcely a case arises in which the jury is not influenced by circumstances which the judge can not take into consideration. Sometimes it may be that this influence is wrongfully exerted, and I am inclined to think that our procedure ought to be so reformed as to prevent the pettifogger and the shyster from influencing juries by improper means, and that in our State courts the judges should have such powers that they might correct in the minds of the jurors by appropriate instructions any abuse of the privilege of a counsel when such abuse occurs. But all this pertains merely to whether reforms are needed in our jury system and not to whether a citizen accused of a crime ought to be denied the right to have a trial before a jury simply because the crime of which he is accused also involves an alleged violation of an order of the court. If it should be found that any persons who had thus violated the order were indeed escaping just punishment, then the reforms of which I have spoken will the quicker be brought forward, and in my judgment the consequences of such a failure, if there was any, would be less serious than the deprivation of a citizen's most important right.

It is said by the distinguished gentleman from Illinois [Mr. STERLING] that this act practically takes away the power of the courts to punish for contempt. It seems to me it does nothing of the kind. It simply prescribes the procedure that shall be used in cases of contempt, and the gentleman himself has furnished a sufficient answer when he says that the Congress has no power to regulate the procedure of courts in cases of this kind by the substitute which he has introduced to change the procedure and provide that a change of venue may be taken—something that never before has been granted in any case of this kind, and a proceeding that is utterly unknown at common law in cases of this class.

Mr. STERLING. The gentleman ought to quote me fairly. I said it did not provide for a change of venue, and it does not provide for a change of venue. It simply provides for another

judge to come into the same court. It does not change the venue at all.

Mr. GREEN of Iowa. It makes no difference, so far as the application of the argument goes. It changes the procedure in the case. The very introduction of the substitute implies a claim of the power of Congress to change the procedure—something that the gentleman has denied and insisted could not be done.

I have no time to review the decisions which have been recited by the gentleman from Illinois [Mr. STERLING], but the Oklahoma case, upon which he lays especial stress, is not, in my judgment, entitled to any credit before a body of lawyers. Judging from the extract which the gentleman from Illinois read, that court seems to have thought that if a change of venue was granted in contempt cases and a trial had before another judge the whole merits could be determined upon such trial, and which, in effect, is the statement contained in the opinion. A court that was not aware that in such a proceeding the only thing which could be heard and determined would be the question of whether or not the order had been violated is not entitled to any consideration before this or any other body.

Mr. Speaker, I hope this bill will pass. Instead of enabling the rich to take advantage of the poor, as charged, instead of being a "gold brick" for the workingman, as claimed, it will prevent wealthy corporations from making criminal accusations through a court of equity against laborers and having the accused summarily tried without the intervention of a jury. In the prevailing conditions of our jury practice I recognize there may be some cases tried under this statute if it becomes a law in which justice may not be effected, but there will be no more than in any other class of jury cases. The bill will prevent many abuses, grant protection to the weak, and make all persons equal before the law, which should be the aim of our jurisprudence.

Mr. CLAYTON. Mr. Speaker, I now yield 10 minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, I have followed the argument of the gentleman from Illinois [Mr. STERLING] with a great deal of interest; but he could not have been more unfortunate, than in his reference to the Virginia case of Carter against Commonwealth as an authority for the proposition that the district and circuit courts of the United States, are constitutional courts. I fully agree with him that the courts which are constitutional creations have an authority which can not be reached by legislative action. He seeks to bring the inferior courts of the United States within the operation of that principle. I admit that if this can be done, the present matter of argument between us is concluded.

What is the language of the Constitution of the United States relating to the inferior courts? In this connection I will read it for the purposes of comment.

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

When the case of Carter against the Commonwealth arose in Virginia, a new statute relating to contempts had just been enacted. That statute was practically the one Senator Hill fathered in the Senate of the United States. The authority of the Legislature of Virginia to legislate against the contempt powers of the inferior courts of Virginia rested upon the proposition that those courts, like the inferior courts of the United States, are not of constitutional creation.

The distinction that was drawn by our Supreme Court between the present circuit courts of Virginia, and the circuit courts of the United States in respect of their constitutional character rested upon the difference in the language used by the instruments relating to these respective courts. The Virginia court construed two constitutions. In the first, the following language is found which is in all material respects the language of the Constitution of the United States in Article III, section 1:

> The judicial power shall be vested in a supreme court of appeals, and in such superior courts as the legislature may from time to time ordain and establish.

I take it there is no lawyer on this floor who can draw any distinction in effect between that language, and the language of the organic law of the United States, upon which the gentleman from Illinois relies to show that the inferior Federal courts are of constitutional creation.

Mr. STERLING. Will the gentleman submit to an inquiry?

Mr. SAUNDERS. Certainly.

Mr. STERLING. The gentleman will remember that I took the position that the United States district courts were constitutional courts.

Mr. SAUNDERS. I understand that the gentleman took that position.

Mr. STERLING. If I am right on that point, the gentleman will concede that the Virginia case sustains my position, will he not?

Mr. SAUNDERS. Without reference to the Virginia case I concede that if the courts referred to are constitutional courts, there is no issue between the gentleman and myself; but I intend to satisfy my friend that the language of the Constitution of the United States heretofore cited was in substance construed by the Supreme Court of Virginia, and the conclusion reached was that the subordinate Federal courts are not constitutional courts.

Mr. STERLING. The gentleman will also agree that anything the court may have said about the district courts of the United States in that decision would be pure obiter dicta.

Mr. SAUNDERS. Certainly, but the gentleman cited a case from my State as authority, and I am going to hoist the gentleman with his own petard. The Virginia court decided precisely the contrary proposition from the one advanced by the gentleman from Illinois, that the language used by the Federal Constitution makes the courts to which it refers, constitutional creations.

Mr. CLAYTON. In other words, the gentleman from Illinois quoted the Virginia case as an authority to sustain his contention.

Mr. SAUNDERS. Certainly. Now, as I have said, the language of the constitution of Virginia that was first construed by the Supreme Court, in the Carter case reads as follows:

> The judicial power—
>
> Of Virginia—
>
> shall be vested in a supreme court of appeals and in such superior courts as the legislature may from time to time ordain and establish.

I renew the assertion that the gentleman from Illinois can draw no distinction between the effect of that language, and the language found in the Federal Constitution. What did the Supreme Court hold when it came to interpret that language? It held in terms that the constitution of Virginia then under consideration did not create these subordinate courts, nor clothe them with jurisdiction, but that the courts were established by the legislature; in other words that court when interpreting language to all effects the same as the language of Article III, section 1 of the Constitution of the United States, concluded that the courts created by that constitution were not constitutional courts, but were legislative courts and therefore subject to legislative authority.

A step further.

The second constitution of Virginia construed in the Carter case contained the following language relating to the courts:

> There shall be a supreme court of appeals, district courts, and circuit courts.

I agree with the gentleman from Illinois that in the forum of reason, there is no distinction in effect between that language, and the language, of the prior constitution. Before the supreme court I argued that something more was necessary to make a court a constitutional creation, than the mere mention of its title in the organic act—that this act should afford the court some jurisdiction, and thereby raise it to the dignity of a constitutional court superior to legislative control in the exercise of that jurisdiction. But the court did not agree to that view. Passing on the language that "there shall be a supreme court of appeals, district courts and circuit courts," the court held that the courts referred to, do not derive their existence from the legislature—"that they are called into being by the constitution itself, by the same authority which creates the legislature, and the whole framework of the State government."

So that while the Carter case held that the Legislature of Virginia did not possess the power to control the exercise of the power to punish for contempts by the inferior courts of that State, that conclusion was based upon the fact that the "circuit court" was mentioned eo nomine in the then constitution, and was therefore a constitutional court. Under the antecedent constitution the circuit courts of Virginia were related to the constitution of Virginia, precisely as the circuit courts of the United States are related to the Constitution of the Federal Government. Can anything be plainer, or more manifest than that?

Mr. STERLING. The gentleman did not think that the court was right?

Mr. SAUNDERS. No, I did not, in its last conclusion.

Mr. STERLING. And the gentleman does not now think that the court was right?

Mr. SAUNDERS. No, I do not.

Mr. STERLING. Well, I would rather have the opinion of the gentleman from Virginia [Mr. SAUNDERS] than the decision of the court.

Mr. SAUNDERS. I thank the gentleman for the compliment, but I call his attention to the fact that it was the ruling of the court on the language of the second constitution, and not on that of the first, that was in my judgment erroneous.

Mr. COOPER rose.

The SPEAKER pro tempore. Does the gentleman from Virginia yield to the gentleman from Wisconsin?

Mr. SAUNDERS. I will.

Mr. COOPER. I wished to ask the gentleman from Illinois a question, but I will now ask it of the gentleman from Virginia. Does the gentleman think that so worthy a gentleman as the gentleman from Illinois, who is so earnest in his defense of the courts and the sanctity of the judicial ermine, should presume to say to the gentleman from Virginia that he thought more of his opinion than of the opinion of the court of appellate jurisdiction?

Mr. STERLING. The gentleman from Wisconsin ought to have asked me that question and I would have answered it.

Mr. COOPER. But the gentleman sat down too quick.

Mr. STERLING. If the gentleman from Virginia will allow, I will answer it. The opinion expressed by the gentleman from Virginia is supported by practically all the courts in the United States, State and Federal, and therefore I think it is worth more on that particular point than the decision of the court of Virginia, which was purely obiter dictum. Perhaps if it had been presented directly to the court the decision of the court might have been different.

Mr. SAUNDERS. Permit me to go a step further. Having seen that the Supreme Court of Virginia held that courts mentioned eo nomine in the organic act are constitutional courts, and courts established under legislative act pursuant to authority given by such language as is found in the Federal Constitution, are legislative courts, we will now inquire into the rulings of the Federal courts, on the latter proposition. Looking to these authorities, it is manifest that they are clearly against the contention of the gentleman from Illinois that the subordinate courts of the United States possess inherent powers of contempt beyond the reach of the Congress of the United States.

Before I cite a case of two, let me say to my friend that he has cited some State authorities which refer to the common law. State decisions are often based on precedents of the common law which is no part of the Federal system. Such decisions are not helpful in the determination of the proposition in issue.

If I correctly understood another proposition of the gentleman he made the following statement relating to judicial power, that when jurisdiction is once given to the Federal courts they all possess the authority to enforce that jurisdiction, and that authority under the judicial power, can not be taken away by legislative act. In other words this power of enforcement is inherent and fundamental, and is derived from the organic law. I deny that proposition absolutely. Whenever the inherent powers of a court are mentioned in an English decision, whether a contempt or other power bear in mind that those courts did not have in contemplation any power which could not be reached by legislative authority. There is no court in Great Britain which possesses powers that are beyond the reach of the Parliament of that country.

Hence when you speak of the inherent authority of the courts, if you are citing an English decision, do not forget that this language does not mean in the contemplation of those decisions an authority that is superior to the power of legislative control.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS. Mr. Speaker, can the gentleman from Alabama yield me a few minutes more?

Mr. CLAYTON. Mr. Speaker, I would like very much to, but I warned the gentleman not to be interrupted, and my time is parceled out. I regret exceedingly that I can not do it.

Mr. STERLING. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CLAYTON. Mr. Speaker, this is not to come out of my time.

Mr. STERLING. No; it will come out of my own time. I want to say to the gentleman that I yielded more time to the gentleman and to Members on his side of the House than I devoted to my own purpose. The gentleman from Virginia was courteous to me, and I will give him two minutes out of my time.

Mr. SAUNDERS. Mr. Speaker, I thank the gentleman. I will now refer to certain authorities in this connection. In Finck v. O'Neill (106 U. S., 272) the court said:

> The United States can not enforce the collection of a debt from an unwilling debtor, except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department; for they can exercise no jurisdiction except as the law confers and limits it.

This is a decision of a Federal court, and is full authority for the proposition that the subordinate Federal courts do not possess a paramount inherent power to enforce jurisdiction, but that the power which they exercise is derived from the legislative department.

Again, in Cary v. Curtis (3 How., 236, 254), the court said:

> The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription, or by the common law.

A word further. I wish I had time to discuss these decisions a little more at length, because this question of legislative authority, is an interesting one. One more case, a basic one, will be cited. In ex parte Robinson, the Supreme Court used the following language:

> The power to punish for contempts is inherent in all courts. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power, but the power has been limited and defined by the act of Congress of March 3, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and power from the Constitution, may, perhaps, be a matter of doubt; but that it applies to the circuit and district courts there can be no question.

These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending, or limiting their jurisdiction. The act of 1831 is therefore to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases. This authority is beyond attack.

So that the supreme court of my own State, and the Supreme Court of the United States, concur in the proposition that when the organic law provides that the judicial power shall be vested in such courts, as the legislature shall ordain, and establish, these courts are not constitutional courts, but derive their jurisdiction and authority from the legislative grant.

The SPEAKER pro tempore. The time of the gentleman from Virginia has again expired.

Mr. CLAYTON. Mr. Speaker, I will ask the gentleman from Illinois if he will occupy some of his time.

Mr. STERLING. Mr. Speaker, I think not now. The gentleman has not occupied nearly so much time as I have. The gentleman from Illinois [Mr. MANN] who desires to speak next upon this side is not here at the present time, and I can not use any time now. The gentleman ought not to ask it under the circumstances.

Mr. CLAYTON. The gentleman from Alabama thinks that he ought to ask it. The gentleman has had several speeches more upon this side than has the gentleman from Illinois.

Mr. STERLING. But the gentleman has not occupied nearly as much time.

Mr. CLAYTON. And he asks the gentleman on that side to consume some of his time at this point. It is fair and right. We have just had a speech upon this side.

Mr. CANNON. Mr. Speaker, what is the status in respect to the time?

The SPEAKER pro tempore. The gentleman from Alabama has 81 minutes remaining, and the gentleman from Illinois has 40 minutes remaining.

Mr. STERLING. Mr. Speaker, I must decline to use it now. I can not say that I would not do so to accommodate the gentleman if the next speaker were here, but he is not in the Chamber, and I will have to decline to use the time now.

Mr. CLAYTON. I am very sorry, Mr. Speaker, that the cause of the gentleman is so lacking in advocates that he has no one to espouse it at this time.

Mr. CAMPBELL. Mr. Speaker, it will be impossible in 10 minutes to take up the range of discussion on this bill that has been outlined here to-day. It would be very interesting to comment upon the line of argument that has been indulged in, to discuss the inherent powers and authority of courts with respect to contempts, whether created by Constitution, by prescription, or by statute. I shall confine what I am able to say in the few brief moments I have by referring to the courts that are created by the Congress of the United States, whose proceedings are affected by this bill. We gave these courts their being, we provide them with the machinery with which they operate, we define their jurisdiction, we give them their powers, we tell them what they may or may not do, and we may prescribe how they shall proceed. They have no inherent powers that they derive outside of their creator—the Congress of the United States. This question has been so repeatedly settled that it seems useless to take

up the time of the House on an afternoon when the temperature of the Chamber seems to be in the neighborhood of 102.

Mr. SULZER. Oh, it is far from that; nobody looks cooler than the gentleman does.

Mr. CAMPBELL. Well, I am between the gentleman from Alabama [Mr. CLAYTON] and the gentleman from Illinois [Mr. STERLING], two apparently heated bodies. But to proceed—in the case of Cary against Curtis, in Forty-fourth United States, Third Howard, page 236, the court uses this language:

> The courts of the United States are limited in their nature and constitution and have not the powers inherent in courts existing by prescription or by the common law.

We have created the district courts of the United States. It is the intention of this law to prescribe the manner in which these courts shall proceed in ascertaining the guilt of a party charged with a contempt of the court. This is clearly within our rights under the Constitution. The only question that the Congress has to decide is whether or not this bill is sound public policy; whether or not it is in the furtherance of justice, in the promotion of the common welfare to provide that a man shall not be convicted and punished for a contempt committed out of the presence of the court, without a jury passing on the question of fact involving the guilt or innocence of the accused. I believe the provisions of the bill sound and that they provide for better procedure in contempt cases.

Mr. Speaker, we have already defined what the courts may do regarding a contempt. The act of 1831 limits the powers of United States courts in contempts to three classes of cases:

(1) Where there has been misbehavior of a person in the presence of the courts or so near thereto as to obstruct the administration of justice.

(2) Where there has been misbehavior of any officer of the courts in his official transaction.

(3) Where there has been disobedience or resistance by an officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts. The law happily prescribes the punishment which the courts can impose for contempts. The seventeenth section of the judiciary act of 1789 (1 Stat. L., 73) declares that the court shall have power to punish contempt of their authority in any cause or hearing before them by fine or imprisonment at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised and must be held to be a negation of all other modes of punishment.

I think no one will deny we could have gone further. We were not required to go as far as we did; it was merely a question of policy. It was a question of public policy that appealed to the wisdom of Congress when the act of 1831 was passed, which defined and limited the authority of the court with regard to contempts.

No one, I take it, who has had experience with contempt cases will deny the wisdom of proceeding in a more orderly way to ascertain the guilt or innocence of the accused when one is charged with having violated an order of the court alleging him guilty of a constructive contempt or misbehavior out of the presence of the court. A man has a right under the Constitution of the United States to ask that a question of fact affecting his guilt or innocence of an offense, subjecting him to fine or imprisonment, shall be ascertained by a jury. No one has ever questioned the wisdom of that provision of our fundamental law. It is urged that the courts of the United States, the creation of the Congress, shall be permitted to exercise this authority and ascertain the question of fact, and having ascertained that fact against the accused, may then proceed to impose a fine or imprisonment. And why this extraordinary power?

The answer is made by those who oppose this legislation that such a law as is proposed takes away from the court an inherent power. The courts have no such inherent powers. All the powers they have, I repeat, have been given to them by Congress, and the Congress therefore has the right in its wisdom to prescribe the cases in which an order may be made, the kind of writs that may be issued, the circumstances under which writs or orders may be issued—defining them. Then, having that right, it has the right to prescribe the manner in which a violation of any of the orders of the court may be ascertained. A man charged with an offense subjecting him to fine or imprisonment, whether by complaint or by indictment, is as inherently entitled under the Constitution of the United States to a trial by jury in one case as in the other. The courts have exercised a powerful discretion, not by inherent rights, not by authority of the Constitution or of statutes, but by growth of power exercised by the courts, until they have made some of their processes and the manner in which they have punished for violation of their orders open to criticism. I have never gone to a court at chambers and secured an order without notice against a party to an action that I did not feel that I was getting an advantage. Such a practice was never authorized by the statutes of the United States. It was a growth of exercise of power by the court or judge. It weakens the courts in the exercise of their rightful processes to issue orders without notice and to find those against whom such orders are issued guilty of violating them without the intervention of a jury and imposing punishment by fine or imprisonment. Such exercise of power is against sound public policy and has led to abuse. This law is to correct that abuse. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. CLAYTON. Mr. Speaker, in order to answer the interrogations of a good many gentlemen, I desire to call attention to a statement I made in the beginning of this discussion which some gentlemen present did not hear. I said at that time:

> I am informed that to-morrow being Calendar Wednesday there will be no objection on that side to the taking of the vote on this bill the first thing on Thursday. If I am incorrect about that I would like the Chair to correct me, or if there is any dissent from it I would like to hear it now; that on Thursday next the first thing after the approval of the Journal and any little routine business we shall vote on the passage of this bill. The gentleman from Illinois [Mr. STERLING] will offer his bill as a substitute for the main proposition, and if that is voted down, which I apprehend it will be largely by the votes of gentlemen on the opposite side of the aisle, then the main proposition will be in order, namely, the passage of this bill, and after the disposition of this contempt bill, then it is my purpose, and I understand it will be in order, for me to get up for further consideration the impeachment matter against Judge Archbald, and ask for the action of the House upon it at that time.

I desire to say to the membership present that it is not my purpose to ask for a vote on this bill, but in accordance with this public statement made to the House in the beginning of this discussion I expect the vote to be had on Thursday after the approval of the Journal. This was assented to by the gentleman from Illinois [Mr. MANN].

Now, Mr. Speaker, I hope the gentleman from Illinois [Mr. STERLING] will use a little of his time.

Mr. STERLING. The gentleman from Illinois [Mr. MANN] is not present, so I can not do it.

Mr. CLAYTON. I am sorry that your whole cause depends upon the gentleman from Illinois [Mr. MANN].

Mr. STERLING. There is no need to worry about that.

Mr. CLAYTON. I am not worrying. I am rather felicitating myself that the gentleman's cause is so weak. I now yield 10 minutes to the gentleman from Illinois [Mr. FOWLER].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOWLER] is recognized for 10 minutes.

[Mr. FOWLER addressed the House. See Appendix.]

Mr. CLAYTON. Now, I ask that the gentleman from Illinois [Mr. STERLING] use some of his time.

Mr. STERLING. Mr. Speaker, I yield to my colleague from Illinois [Mr. MANN] such time as he desires.

The SPEAKER pro tempore. How much time does the gentleman yield?

Mr. MANN. As much as I may desire. Article III of the Constitution provides:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

It seems to be conceded by gentlemen who favor the bill that the judicial power vested by the Constitution in the Supreme Court of the United States can not be interfered with by Congress, but it is claimed that because Congress itself by law provides for the district courts of the United States and the courts of appeal therefore Congress has the authority to limit and control their judicial power. It seems to me that all of the courts are upon the same plane, whatever the control of Congress over them may be.

The Supreme Court of the United States, while expressly named in the Constitution, is not created by the Constitution. It is created by an act of Congress. Its membership in number has been changed from time to time by Congress, and it is no more mentioned in the Constitution than are the inferior courts which come within the terms of this provision of the Constitution.

There has been a clear distinction drawn between the constitutional courts of the United States and those which are not constitutional. The constitutional courts are those in which the judges under the Constitution are appointed for life or good behavior. No one denies that the district court judges and the circuit court judges are appointed for life or good behavior.

We have provided for those courts under this article in the Constitution. Those are constitutional courts as much as the Supreme Court.

On the other hand we have created district and Territorial courts, and provided for the tenure of office of the judges and fixed the term at four years. The question long ago arose whether those were constitutional courts, and it was held by the Supreme Court that the Territorial courts which are created by Congress, not under Article III of the Constitution concerning the judiciary, were not constitutional courts. Whether we have a different control over them I do not propose to argue, but by those who concede that the power of Congress over the Supreme Court is limited it must, it seems to me, be also conceded that the same limitation of power, if any exists, applies to the district and circuit courts created under Article III of the Constitution.

Mr. Speaker, it seems to me that the provisions in the bill now before us are not very plain. The first section provides in effect that the law which would be made by its passage shall only apply to contempt cases which also constitute a criminal offense under any statute of the United States or at common law. I asked a while ago how it would be determined in advance whether a criminal offense had been committed. There is an order issued by a court. It is violated. The violation of the order is an act of contempt. How will it be punished? If the acts done by the person who has violated the order constitute a criminal offense, then it must be punished under the terms of this act. If they do not constitute a criminal offense, then the contempt can not be punished under this act, but must be punished in accordance with the practice now in existence. Who can tell in advance whether a crime has been committed? Who undertakes to know in advance whether the contempt shall be punished by the judge, or by an order entered by him after a hearing before him, or by an order following a trial by jury?

But that is not all. How is the jurisdiction under this act invoked? Let us assume that an order has been violated. If the act is to be tried under this provision, then it must first be shown by the return of a proper officer on a lawful process that a crime has been committed, or it must be shown by an information filed by the district attorney that a crime has been committed in connection with the contempt, or it must be upon the affidavit of some credible person. Of course, the return of the officer ordinarily can not determine or state whether a crime has been committed. Nor will the district attorney ordinarily file an information. Some person in behalf of the complainant, if it is an order in behalf of a complainant against defendants, will file an affidavit before the judge alleging that a contempt has been committed. Suppose he asks for a punishment of the contempt under the existing practice and says nothing about a crime having been committed. The judge has the power to proceed and hear the case. Will it be necessary, under this act, for the person brought up for contempt, if he desires to avail himself of the provisions of this act, to prove that he has committed a crime? There is no other way of getting at it. The complainant represents to the court that the defendant, or some other person, has violated an order and hence is in contempt of court. He asks for a punishment of that contempt. If the person desires to avail himself of the privileges of this act, he must prove to the court first that he has committed a crime.

Mr. KENDALL. I want to inquire of the gentleman from Illinois, in whose judgment I have very great confidence, if the character of the contempt is not to be ascertained by the showing made to the court, as described in section 268 B:

> That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting—

By the method suggested by the gentleman from Illinois—

> that there is reasonable ground to believe that such contempt—

What contempt? Contempt involving criminality—

> has been committed—

Then he is to issue his process, and so on.

Mr. MANN. But suppose nobody files that affidavit?

Mr. KENDALL. Suppose the man never is proceeded against in contempt?

Mr. MANN. I know, but you can proceed against a person for contempt under the present practice. How, then, can that person avail himself of his right to trial by jury?

Mr. KENDALL. Simply by demanding a trial by jury if he is proceeded against, if there is criminality involved in the contempt.

Mr. MANN. The gentleman means, then, that if you ask the court to proceed under the existing practice, which seeks to punish simply by the court, that the person proceeded against shall avail himself of the privilege conferred by this act, by showing that he has been guilty of a crime.

Mr. KENDALL. Oh, no.

Mr. MANN. Take the case pointed out. Nobody files an affidavit. Under the provisions of this act the defendant will not file an affidavit. The complainant files an affidavit before the judge under the existing practice, not alleging that a crime has been committed, but alleging that a contempt has been committed, and asking for a rule to show cause why the contempt should not be punished. Now, you represent the man who is brought before the court and you want a trial by jury. How do you get it?

Mr. SULZER. By asking for it.

Mr. MANN. Not at all. You are not entitled to it unless you prove, first, that your man has committed a crime; because this bill expressly provides that if no crime has been committed, then the court shall try the contempt. No trial by jury is authorized. Now, in order to get the man off on contempt you have got to prove that he has committed a crime for which he has been indicted.

Mr. SULZER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SULZER. As I construe this provision in the bill, it gives the respondent the right to a jury trial if he demands it.

Mr. MANN. The gentleman has not examined the bill as carefully as I have.

Mr. SULZER. I have read it very carefully.

Mr. MANN. The bill expressly provides that the trial by jury, as stated by the gentleman from Alabama, is only authorized when the contempt is of such a character as to constitute also a criminal offense. If the contempt does not constitute a criminal offense, then no trial by jury is authorized. Now, a man is brought before the court for contempt. Under the existing provisions and the bill itself, while it does not undertake to govern these contempts, it expressly provides that all other cases of contempt not specifically embraced in the first section of the bill may be punished in conformity to the usages of law and equity now prevailing, and those are not tried by a jury.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CAMPBELL. Would not the complainant be required to set out the facts in his complaint or affidavit upon which he would ask a ruling against the man charged with violating the order of the court?

Mr. MANN. He is required to set out certain facts. He is required to show that a man has committed a contempt, he is required to show that the man has violated the order, but he is not required to show that the man has entered into a conspiracy.

Mr. CAMPBELL. Is he not required to set out the facts constituting the contempt? He could not set out conclusions of law, but he would set out those facts which constitute the contempt, and that would show whether it was criminal or not.

Mr. MANN. I have had practice enough with contempt cases to know that the facts will not disclose anything of the sort.

Mr. CAMPBELL. I have been required to set out facts extensively in these cases, and if that is done, then the judge will determine whether it is criminal or not.

Mr. MANN. The judge determines whether the order has been violated, but he does not determine whether these facts constitute a crime, nor is the complainant or the complaining witness required to disclose that a crime has been committed. The only way the respondent under this bill can avail himself of the provisions of it, unless on the complaint the witness has disclosed that a crime has been committed, is for the respondent himself to prove that a crime has been committed, and when he proves that he is guilty of the crime for which he can be indicted that ousts the jurisdiction of the judge to try him without a jury, and no further proceedings can be had until the proper jurisdiction is conferred by filing the proper papers in accordance with the second section of the bill.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. KENDALL. Will the gentleman contend that if the accused should assert to the court that what was charged against him amounted to the allegation of a crime, that he would not then be entitled to a trial by jury?

Mr. MANN. Certainly.

Mr. KENDALL. That is not the establishment of his guilt. The fact that the crime is charged is not a confession of guilt.

Mr. MANN. Of course if the mere assertion of the lawyer in a case would oust the jurisdiction, there would be no other jurisdiction. I never understood yet that the claim made by somebody—lawyer or otherwise—in court would decide the jurisdiction when jurisdiction depends on facts. This bill

clearly defines the difference between jurisdiction in the one case and the other. You are making a departure here.

The law provides for the power of courts for punishing contempt and you are seeking to provide that in certain cases, and in certain cases only, a trial by jury shall be granted, and you expressly provide that that trial shall not extend to any case that you do not explicitly provide for in this bill.

Mr. CAMPBELL. Must not the jurisdiction be set out in the pleadings in this case as in others; must not the complainant show that the court has jurisdiction?

Mr. MANN. Certainly, if you file a complaint or an affidavit under this bill you have got to do it as I say, by filing the affidavit having the return of an officer, or having information filed by the court. But suppose you do not proceed under this bill, but in accordance with the present practice, as you may, and obtain punishment for contempt. How does the man get a chance to avail himself of the provisions of this bill?

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. I will.

Mr. FOWLER. In ordinary contempt cases now where the contempt is charged if the facts are not set out by some one sufficiently to show on the face whether a contempt has been committed or not—for instance, if John Jones——

Mr. MANN. Oh, there is no doubt about the proposition.

Mr. FOWLER. In the statement of these facts, would they not show of themselves whether a crime had been committed in connection with the contempt under this bill?

Mr. MANN. Not at all.

Mr. FOWLER. I can not see why it would not.

Mr. MANN. Not at all. It is quite unnecessary to charge a crime in charging a violation of an order of court, which amounts to contempt—entirely unnecessary. It would not be done one time in a thousand.

Mr. FOWLER. For instance, a lawyer is charged with having purloined papers which belong to the court. When the matter is brought before the court, the court would make an order for the return of the papers, would it not?

Mr. MANN. Under this bill the lawyer could not be punished except by trial by jury, the gentleman says?

Mr. FOWLER. Then the fact itself would reveal that the purloining of the papers would be criminal in itself, and for that reason he would have a right to trial by jury under this bill.

Mr. MANN. Not at all. You ask to have a lawyer return papers, stating that he has them. That is no sign of criminality. Every lawyer has papers in a case and is subject to an order to return them. He does not return them. There is no crime in refusing to return the papers; not the slightest. He does not return them, and you enter an order on him to show cause why he should not be punished for contempt. Under this bill he could not be punished unless he proves that he has committed a crime. There is absolutely no escape from it. Vote for the bill if you want to. It is a pure political proposition to hunko people.

I yield back the balance of my time.

Mr. STERLING. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] has consumed 19 minutes, so the gentleman has remaining 21 minutes.

Mr. CLAYTON. And how much time have I remaining?

The SPEAKER pro tempore. Fifty-eight minutes.

Mr. CLAYTON. I suppose the gentleman from Illinois will want at least one more speech?

Mr. STERLING. If the gentleman from Alabama has more than one speech, I think he ought to have them made at this time and then close with one speech.

Mr. CLAYTON. We could have a hundred in support of this meritorious measure if I had the time.

I now yield 10 minutes to the gentleman from Pennsylvania [Mr. WILSON], who will speak in behalf of the laboring man referred to by his colleague from Pennsylvania [Mr. MOORE].

Mr. WILSON of Pennsylvania. Mr. Speaker, the only criticism that I have to make of this bill is that it does not go far enough, and yet this bill ought to be considered not by itself alone, but in conjunction with the anti-injunction bill passed by this House some time ago. It is the natural complement of the anti-injunction bill in so far as it applies to cases arising in trades disputes. Under the anti-injunction bill equity courts are prohibited from issuing restraining orders or injunctions to prevent peaceable assembling, recommending, advising, or persuading others by peaceful means to place their patronage where they please, or from personally persuading any person to work or to abstain from work, and so on. It follows that if this bill becomes a law, and I hope it will——

Mr. CLAYTON. It will if the Republican Senate will permit.

Mr. WILSON of Pennsylvania. That the equity courts will still have the power in trades disputes to issue injunctions restraining unlawful assembling. An unlawful assembly is in itself of a criminal nature. The equity court would still have the power to issue injunctions restraining men from persuading others by unpeaceful means not to patronize somebody, which is of a criminal character itself, and so on throughout the different phases of the anti-injunction bill. So that the power to issue injunctions in labor disputes would still exist in those cases where it was alleged that criminal means were being used for the purpose of carrying on any trades dispute. This bill, then, acts as a complement to that bill, and provides that when contempt proceedings arise out of those injunctions and the allegation upon which the contempt proceeding is based sets forth acts that are of a criminal character in themselves, then the party alleged to have committed the criminal acts will have the protection of a trial by jury. My contention is that every citizen of the United States is entitled to that kind of protection. The wageworkers of this country are not asking for any special legislation at the hands of Congress. They are not asking for any immunity from the law that is not granted to others, but they are insisting that they shall have the same rights, the same privileges, and the same protection that is given to other men under the law. There is no other class of our citizens as to whom the writ of injunction is issued in the same manner and for the same purpose as it is against the wageworkers of the country. It is issued en bloc, enjoining men from all kinds of things, and out of these injunctions grow these contempt proceedings.

And when these contempt proceedings come up for consideration, as the practice is to-day, the judge who has issued the restraining order whose order is alleged to have been held in contempt is the man who sits in judgment upon the case and determines whether or not the party shall be held in contempt. Whenever any measure of this character is up for consideration in this House men who are learned in the law and are opposed to the measure invariably inject the assertion that the measure is unconstitutional, and yet there can be no question whatever that in other cases where labor was not particularly affected any more than any other part of our citizens the Congress has limited the jurisdiction of courts, and the courts themselves have sustained the limited jurisdiction. If the contention is made that the judicial power of the United States is conveyed to every court that is created by the Congress of the United States, then when you created the Court of Claims all of the judicial power of the United States would have been conveyed to that Court of Claims when you created it, unless the Congress had the power to limit the jurisdiction or the power of the court it had created. When we created the Commerce Court, unless Congress had the power to limit the power and jurisdiction of the court, all of the judicial power of the United States would have been conveyed to the Commerce Court when you created the Commerce Court, and yet each of those courts have their power limited, limited by the very act which created the courts themselves, and limited, in my judgment, in accordance with the Constitution itself. Article III, section 1, of the Constitution says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Section 2 says:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority, etc.

In the same section, in paragraph 2, it says:

> In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exception and under such regulations as the Congress shall make.

Now, then, the only constitutional power that is completely vested in the Supreme Court or in the courts of the United States is found in the last paragraph in cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party. In those cases the Supreme Court has original jurisdiction.

In all other cases it has such appellate jurisdiction as Congress may give it, and if Congress fails to give it appellate jurisdiction then both the jurisdiction and power of the Supreme Court ends with cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party. Those are the only powers specifically and clearly granted to the Supreme Court by the Constitution, and all other powers exercised by it are either assumed or granted to it by law.

All courts inferior to the Supreme Court are created by Congress and their powers and jurisdiction defined by Congress.

For example, the Commerce Court has its jurisdiction confined to matters of Interstate Commerce, and neither its jurisdiction or power extends beyond that.

The Court of Claims has its power limited to claims against the United States, and neither its jurisdiction or power extend beyond questions of that character. It follows then, as an inevitable sequence, that Congress has the power to prescribe the methods with which United States courts shall proceed in cases of alleged contempt, with the possible exception of those cases in which ambassadors, other public ministers, and consuls, and those in which a State shall be a party.

The proposed law is completely within the constitutional powers of Congress to enact.

It will extend the right of trial by jury to indirect contempt cases where the acts alleged to have been committed are of a criminal character, and removes the suspicion that bias on the part of some judge does injustice to innocent parties.

There is no contention by those in favor of this bill that judges as a rule are biased or unfair; on the other hand, no one will for a moment contend that all judges are absolutely perfect. If that were true, we would need no law. We could then leave the adjudication of all disputes to the perfect man—the judge. But judges, like other people, have their limitations and their imperfections. No man is big enough to contain the sum of human knowledge, and without the sum of that knowledge he can not be the embodiment of all human wisdom.

Hence, the necessity for legislation which will so regulate the exercise of judicial power as to protect the people generally in the exercise of their rights to life, liberty, and the pursuit of happiness.

This bill is a step in that direction.

Mr. SABATH. Mr. Speaker, I yield to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill, reported from the Committee on the Judiciary by my friend from Alabama [Mr. CLAYTON], relating to procedure in contempt cases, is a meritorious measure and commands my favorable support. As a lawyer, no one in this country has greater respect for the dignity, the integrity, and the judicial powers of our courts than myself. However, for many years I have been a firm believer in the necessity of altering the practice and a constant advocate of the expediency of making a definite change in the procedure regarding contempts of court.

Long ago, in the Fifty-fourth Congress, the then senior Senator from the State of New York, the honorable David B. Hill—and there was no better lawyer in this country than that distinguished Senator—after careful consideration and much deliberation introduced a bill in the Senate to divide contempts of court into two classes, namely, direct contempts and indirect contempts. At the request of Senator Hill I introduced at that time the same bill in this House.

Mr. CLAYTON. I may say to the gentleman that Senator Hill and Judge Parker—both eminent lawyers—prepared that bill in cooperation, so Judge Parker has informed me.

Mr. SULZER. Quite so. That is my understanding. That bill provided that direct contempts—that is, contempts committed in the presence of the court—should be punished summarily as at present, and that indirect contempts—that is, contempts not committed in the presence of the court—should be tried by jury. The bill was favorably reported to the Senate in that Congress, carefully considered, and passed without a dissenting vote. It was pigeonholed in the House. For years I did all I could to pass it through this branch of Congress, but never succeeded. I now refer to that record, which speaks for itself, and it is a high tribute to the wisdom and the sagacity of my friend, the late Senator Hill, one of the most eminent legislators and one of the most distinguished Democrats of his time.

It has long been my opinion that the law and the practice regarding contempts of court should be changed and a distinction made between a contempt committed in the presence of the court that disturbs or obstructs the administration of justice and a contempt of court committed beyond the presence of the court—perhaps a hundred miles away or more—that would have no effect, directly or indirectly, whatever upon the due administration of justice. To that end I have introduced and reintroduced the so-called Hill contempt bill in every Congress from that day practically to this, and I declare without fear of successful contradiction that there is not a lawyer of standing who is familiar with the jurisdiction of the Federal courts and the Constitution of the United States who will challenge its constitutionality. So much for that.

The bill now under consideration differs somewhat from the bill formerly introduced and advocated by Senator Hill and myself, but its ultimate effect is the same substantially.

I quote from the report of the Committee on the Judiciary, presented by the gentleman from Alabama [Mr. CLAYTON], as follows:

> Most of the important provisions of the bill are contained in section 268b. Before action by the court, except in the cases excepted from the operation of the bill, there must be presented a formal charge showing reasonable ground; and before the party is put upon trial he must be afforded an opportunity to purge himself of any actual or technical contempt which he may have committed. He can not be arrested until he has opportunity to either purge himself or make answer and has refused to do either. If arrested, or in case the matter can not be disposed of on the return day, he may be required to give bail.
>
> The trial is by the court (1) in case no jury be demanded by the accused, (2) if the contempt be in the presence of the court or so near thereto as to obstruct the administration of justice, or (3) if the contempt be charged to be in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name or on behalf of the United States. In other cases the trial is to be by jury.
>
> Section 268c provides for the preservation of bills of exception, for review upon writ of error, for stay of execution pending proceeding, for review, and for bail in case the accused shall have been sentenced to imprisonment.
>
> Section 268d excepts from the operation of the act contempts in the presence of the court, or so near thereto as to obstruct the administration of justice, and contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, and provides that in the excepted cases, as well as in all other cases not specifically embraced within section 268a, the punishment shall be in conformity to the usages at law and in equity now prevailing.
>
> Section 268e bars proceedings for contempt unless begun within one year from the date of the act complained of, and preserves the right of criminal prosecution, notwithstanding any proceeding and punishment for the contempts covered by the bill. It also excepts from the provisions of the bill any proceedings for contempt pending at the time of its passage.
>
> Thus it is seen that the bill applies and gives a jury trial, with the exception noted, in all proceedings for contempt wherein the acts alleged to have been committed constitute a criminal offense, either under any Federal statute or at common law. The trial where a jury is had is governed (sec. 268b), as near as is practicable, by the practice in criminal cases prosecuted by indictment or upon information.
>
> Before calling further attention to the provisions of the bill now reported it is appropriate to review some of the contentions of those who have opposed every form of legislation whatever on this subject.

OBJECTIONS ANSWERED.

> All the grounds of objection are reducible to two heads:
>
> First. That any legislation whatever materially limiting or curtailing the power of the courts in the trial of contempts is unconstitutional.
>
> Second. That any interference with the full and complete dominion or discretion of the judge in contempt cases tends to disorganization and a weakening of judicial efficiency.
>
> Let us consider first the constitutional objections.
>
> It is said that although the courts inferior to the Supreme Court owe their existence and jurisdiction to congressional action, yet a distinction should be made between the jurisdiction and judicial power, for instance, in the citation, trial, and punishment of a party charged with contempt of court.
>
> The controversy goes back over 60 years. In 1831 Congress passed an act limiting the power of the courts subjectively; that is to say, it lopped off some of the jurisdiction which the court had assumed and exercised—a jurisdiction, or power, if the latter term be preferred, which Congress believed, and by its legislation asserted, was a usurpation. Never, until within a very recent period, was the authority of Congress to do that questioned, either by the courts or by any respectable authority. The particular circumstance or event, instigating the act of 1831, was the punishment by Judge Peck in Missouri, as for a contempt of court, of a party who had criticized one of his decisions in the columns of a newspaper.
>
> The law before the act of 1831 read thus:
>
> "The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority."
>
> The act of 1831 consisted in the addition of a proviso, reading as follows:
>
> "*Provided*, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said court."
>
> The extensive scope of this amendatory statute has been generally overlooked. The Federal courts were assuming and exercising the unlimited and unchecked powers resorted to by common-law courts, of deciding for themselves not only the mode of procedure and degree and amount of punishment, but of selecting for themselves particular acts of alleged misconduct which should be placed in the category of contempts. Congress treated the term "power" as synonymous with "jurisdiction," circumscribed the field of jurisdiction, specified the acts which should constitute contempts, and said that such power or jurisdiction shall not extend beyond these specified acts.
>
> It has been suggested that Congress might have refused to create the inferior courts, or even the Supreme Court, and have thus caused the failure of the Government.
>
> But it is said that when Congress has acted and established a Federal court the common-law and equity powers of the courts immediately flow into these judicial receptacles out of the Constitution. It is only necessary to examine this new doctrine to know to what absurdities it would lead. The common-law courts of England, with the King's bench at their head, in addition to administering statutory law and the common law proper, exercised certain parliamentary powers. In the English system the legislative and judicial departments were, and are, entirely independent of each other. It is true that the courts were bound by acts of Parliament as construed by them, but outside the statutes their powers were as free from limitation as those of Parliament itself. They were the exponents and final arbiters of public policy for the Kingdom.

Though it is often said that the three departments of our Government are separate and independent, which is true in a sense that they must not invade each other's constitutional domain and thus destroy each other, yet it is also true that arbitrary unchecked power does not abide with either of them. As the Supreme Court has well expressed it in Yick Wo v. Hopkins (118 U. S. Rep., 369):

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

To concede that the courts might, even within the limits fixed in the act of 1831, exclusively decide when a contempt has been committed and the amount or degree of punishment, with no power in Congress to set a limit thereto, would be to concede to the courts the power to annul every act of Congress, to paralyze the executive arm, to confiscate all property, and destroy all liberty. Of course few, if any, believe that the courts would ever proceed to such extremes, but it is sufficient to say that, according to our interpretation, the framers of the Constitution took care to safeguard the people against the possibilities of all such calamitous tendencies.

Referring to this bill, and comparing its provisions with the proviso added in 1831, it is seen that the bill only changes the procedure in contempt cases, while, as before stated, that proviso limited the jurisdiction subjectively.

The opposition was represented before the committee by able counsel, and many authorities were cited, few of which, however, in our opinion had any direct bearing on the question from a constitutional point of view. In fact, the power of Congress, as exhibited in the act of 1831, was so generally and uniformly conceded that not a single case has been found which ever questioned or doubted it. A few cases which, though not directly bearing upon the point of constitutionality, yet shed more or less light upon it will now be noticed.

It is argued that Congress can not require a court of equity to try issues of fact by jury. That is unquestionably sound doctrine, and the case of Brown v. Kalamazoo, circuit judge (87 Mich., 274), is sound law. But it is wholly inapplicable here. No one has thus far ever insisted that contempt is of equitable cognisance, or other than what the textbooks designated, namely, a special proceeding, criminal in its nature, not necessarily connected with any particular suit or action pending in the court.

Numerous State cases were cited in argument. They may all be answered as a class. The relation between Congress and Federal courts is not the same as that between State legislature and the State courts. The constitutions of the various States themselves provide for and establish the court, partition the powers of government between the legislative, executive, and judicial departments, prescribing safeguards, and defining their powers in detail; whereas the Federal Constitution has delegated full and complete control of the matter to Congress. Nor should the fact be overlooked that the State decisions on the subject are often based upon precedents of the common law, which is no part of the Federal system. Thus, in Ex parte McCowan (139 N. C., 95), that being typical of many such cases relied upon, it was said:

"We are satisfied that at common law the acts and conduct of the petitioner as set out in the case constitute a contempt of court, and if the statute does not embrace this case and in terms repeal the common law applicable to it, we would not hesitate to declare the statute in that respect unconstitutional and void for reasons which we will now state."

In Finck v. O'Neill (106 U. S. Rep., 272) it appeared that Congress has taken from the court all power to enforce its judgment, and the act of Congress was upheld by the Supreme Court of the United States. In that case (p. 280) the court said:

"The United States can not enforce the collection of a debt from an unwilling debtor except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department, for they can exercise no jurisdiction except as the law confers and limits it."

And in Cary v. Curtiss (3 How., 236, 254) the same court said:

"The courts of the United States are all limited in their nature and constitutions and have not the powers inherent in courts existing by prescription or by the common law."

But in section 720 of the Revised Statutes we have a statute of Congress prohibiting the Federal courts from issuing injunctions in certain cases, and the constitutional validity of that statute was declared in Sharon v. Terry (36 Fed. R., 365). Now, the writ of injunction is the arm of the Federal courts in the exercise of their equitable powers, which it has been urged enjoy complete immunity from congressional action. And here a Federal circuit court sustained an act of Congress which subtracted an important part of equitable jurisdiction. Anyone taking the trouble to examine the judiciary act of 1789, with or without subsequent additions and amendments, will observe that it consists, in large part, of regulations of and limitations upon jurisdiction.

We close this head with the quotation from Ex parte Robinson (19 Wall., 505), cited with approval in the case of Bessette v. Conkey (194 U. S. 327), which is so clearly and obviously applicable and conclusive that no comment appears to be necessary:

"The power to punish for contempts is inherent in all courts. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power, but the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and power from the Constitution, may, perhaps, be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases—

"(1) Where there has been misbehavior of a person in the presence of the courts or so near thereto as to obstruct the administration of justice.

"(2) Where there has been misbehavior of any officer of the courts in his official transaction.

"(3) Where there has been disobedience or resistance by an officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts. The law happily prescribes the punishment which the courts can impose for contempts. The seventeenth section of the judiciary act of 1789 (1 Stat. L., 73) declares that the court shall have power to punish defiance of their authority in any cause or hearing before them by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the power shall be exercised and must be held to be a negation of all other modes of punishment. The judgment of the court debarring the petitioner, treated as a punishment for contempt, was therefore unauthorised and void."

As to the other ground of objection urged—that is, that any interference with the full and complete dominion and discretion of the courts tends to disorganization and to the weakening of judicial authority—judging by the course of previous discussion on this measure, it is not anticipated that the policy of the provision placing a limitation upon the punishment which can be inflicted will be strenuously criticised, and, therefore, we will make no further comment on that.

TRIAL BY JURY.

The feature of the bill against which the most strenuous argument has been directed is that providing for jury trials. But no one has shown that such provision amounts to anything more than a change of procedure. So that the question comes down to this, Has Congress or not the power to prescribe procedure? The courts will still, if this bill passes, have all the substantive power left in their hands by the act of 1831. Not one of the acts there catalogued will have been eliminated. The method of ascertaining the facts in certain cases is changed, but their ascertainment is still under supervision of the court, and ample safeguards are provided against evasions and miscarriages of justice.

A contemnor, from the moment the facts are judicially ascertained, is, by uniform practice, either placed in durance or required to give bail. The result of an adverse judgment is always penal, both in form and effect, though the fine be sometimes turned over to a private litigant.

The manner of disposing of the fine does not alter, in any respect, the form and effect of the procedure or change it from criminal to civil.

SUCH LEGISLATION LONG DEMANDED.

The bill is an evolution from prolonged and varied discussion, by no means limited to a recent date or to the present Congress. Every feature and provision of it has been subjected to attack and defense, but the whole controversy appears to have at length converged upon the issue of whether or not the policy and practice of jury trial in contempt cases shall be admitted in the Federal jurisprudence at all.

That complaints have been made and irritation has arisen out of the trial of persons charged with contempt in the Federal courts is a matter of general and common knowledge. The charge most commonly made is that the courts, under the equity power, have invaded the criminal domain, and under the guise of trials for contempt have really convicted persons of substantive crimes for which, if indicted, they would have had a constitutional right to be tried by jury. It has been the purpose of your committee in this bill to meet this complaint, believing it to be a sound public policy so to adjust the processes of the courts as to disarm any legitimate criticism; and your committee confidently believes that, so far from weakening the power and effectiveness of Federal courts, this bill will remove a cause of just complaint and promote that popular affection and respect which is in the last resolve the true support of every form of governmental activity.

Mr. CLAYTON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, the demand on the Democratic side of this House for time is so great that it is absolutely impossible for the gentleman from Alabama—the chairman of the Committee on the Judiciary—who has charge of this bill, to grant to the different Members on this side who desire to speak in favor of this measure as much time as they desire, and therefore I must be satisfied with the few minutes allotted me, which precludes me from speaking at length on the abuses that now exist and which the pending bill seeks to eliminate.

I am in favor of this bill, Mr. Speaker, but am of the opinion that it is not as broad as it should be. I would desire also to have it include those contempt proceedings that arise from suits or actions wherein the United States is a party, or where suits or actions are brought or prosecuted in the name of or on behalf of the United States. The bill is, however, a step forward in the right direction, and I am of the opinion that it will bring about a great deal of good and put a stop to the injunction abuses.

Mr. Speaker, within three minutes after I was sworn in as a Member of the Sixtieth Congress, namely, on December 2, 1907, I introduced a bill known as H. R. 148, which provided for trial by jury in all contempt proceedings. During the same session—on January 29, 1908—I introduced another bill known as H. R. 15647, which provided:

That any person or persons accused of violating or disobeying any preliminary, interlocutory, or final order of injunction of any nature, not committed in the actual presence of any court or judge, which injunction issued out of or was entered by any court or judge of any court of the United States, shall, before any penalty, fine, or imprisonment is imposed, be entitled to a trial by jury as to the guilt or innocence of such person or persons or for such offense; that is to say, in no case shall a penalty, fine, or imprisonment be imposed in such courts, or by any judge thereof, for any contempt or alleged contempt (except as hereinbefore provided) until an opportunity has been given said person or persons to be heard by jury: *Provided also*, That the judge who has issued said preliminary writ of injunction or any order or rule to show cause why a preliminary writ of injunction or any order in the nature of an injunction shall thereafter be disqualified from hearing or disposing of or from sitting in the trial of the matter so arising.

Mr. Speaker, you will observe that long before the then President of the United States, Hon. Theodore Roosevelt, made William H. Taft President, therefore long before he communicated his view on this subject to this House, I had been advocating and endeavoring to have legislation passed which

would disqualify any judge issuing an injunction from hearing, or disposing of, or from sitting in the trial of the matter arising under the proceedings.

Bills of similar character were introduced by me in both the Sixty-first and Sixty-second Congresses. Every one of the bills introduced by me provided for a trial by jury in contempt proceedings and also provided for a change of venue. In the Sixtieth Congress, as well as in the Sixty-first Congress, Mr. Speaker, I made repeated demands and requests upon the then chairman of the Judiciary Committee for hearings upon my bills, and during those four years I did everything in my power to have the chairman of that committee grant me a hearing, but without avail. I regret exceedingly that the Republican Party, then in power, refused to listen to the demands made for this needful and just legislation. It therefore affords me much pleasure that we to-day, being in the majority, are ready to comply with the demands of the American people and also to know that within a very short time we will pass this bill, which I am sure will eliminate a great many of the abuses in our courts, and a bill for which I have incessantly worked ever since I became a Member of this body.

The main object of this bill is to prevent judges from abusing the injunctive powers of the courts. It will secure to all men when held in contempt a trial by jury—a right given them by the Constitution. Mr. Speaker, there is no other right for which the people the world over have contended with greater zeal than the right of trial by jury in all cases where alleged violations of the law have taken place and where the life, liberty, or property of any citizen has been involved. In this great and glorious country of ours the Constitution of the United States and of the several States guarantees that right. Many bloody wars have been waged; innumerable laws have been enacted; judges have been impeached and deposed in order to maintain that sacred right which has long been recognized as one of the pillars in the structure of human liberty.

This course has been made necessary because experience has demonstrated that judges are human and prone to human errors, and while many of them hear and determine such cases as come before them with conscientious care there are many who do not hesitate to stretch or break the law in their eagerness and desire to promote the interest of those who were instrumental in securing their appointment, and then again there are others who have hopes of additional honors and rewards.

Mr. Speaker, I regret to say that these classes not only exist in the United States courts, but they also exist in some of the State courts. Frequently we hear of judges being nominated and elected by the influences of special interests or political bosses and who will do their bidding by carrying out their wishes and orders. Only a few weeks ago one of the State judges in my county, on a Sunday night, to keep the boss in power, issued at the request of said boss and his attorney an injunction against the county judge, the sheriff, the chief of police, and election commissioners restraining them from the performance of their duties, from carrying out and executing a legal order protecting delegates duly elected under a direct primary law, in the performance of their duty; and because these duly elected and appointed officials did obey the mandate of the county judge by according protection to these duly elected delegates in a convention assembled he not only held all the peace officers, including the county judge, in contempt, but also imposed a fine of $500 upon them. All this was done to please the boss who dictated and forced his nomination. If such a law as we are now considering had been on our statute books and could have been made applicable to injunctions issued by State judges, I doubt if a single Member present believes such shameful procedure would have taken place.

For the reasons I have stated I am heartily in favor of this bill, and my only regret is that is does not apply to all contempts not committed in the presence of the court or judge.

Mr. Speaker, in conclusion I want to say that this is not the first beneficial measure which the Republicans have refused to consider. Invariably when a measure which has a tendency to be of benefit to the people at large is introduced and considered in this House we always find some one on that side of the House interposing an objection. Therefore I was not surprised to-day when my colleague [Mr. STERLING] argued for over an hour and a half endeavoring to show that the bill was unconstitutional. It is the same old story, the same old plea whenever the Republican Party desires to defeat meritorious measures and they have no just or reasonable grounds upon which to attack it.

Mr. Speaker, this bill is not only demanded by the American Federation of Labor and all other organized labor, but it is demanded by every right-thinking and honest man who believes in equal justice to all and special oppression and persecution to none.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. CLAYTON] has 38 minutes and the gentleman from Illinois [Mr. STERLING] 21 minutes.

Mr. CLAYTON. Does the gentleman from Illinois desire to occupy a part of his time now?

Mr. STERLING. If the gentleman has but one more speech, I will consume the balance of my time.

Mr. CLAYTON. I believe, Mr. Speaker, that you said I had 38 minutes?

The SPEAKER. The gentleman from Alabama has 38 minutes and the gentleman from Illinois [Mr. STERLING] 21 minutes.

Mr. CLAYTON. I want to say to the gentleman from Illinois [Mr. STERLING] in all candor, that of the 38 minutes I expect to give to the gentleman from North Carolina [Mr. WEBB] 30 minutes, and I desire to use 8 minutes myself in conclusion. Therefore I ask him to use his time now.

Mr. STERLING. It is consistent with practice, of course, for you on that side to close this debate, but you ought not to have the close in two speeches, but in one speech. However, if the gentleman insists on it, I will not object.

Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] is recognized for 21 minutes.

Mr. MORGAN. Mr. Speaker, during the discussion of this bill or resolution the gentleman from Iowa [Mr. GREEN], among other things, made some remarks concerning a certain decision that had been referred to in the minority report from the Oklahoma Supreme Court. I could not understand distinctly all that the gentleman said, but I heard sufficient to know that the remarks he made were not complimentary to the Supreme Court of Oklahoma. I, of course, recognize the fact that the gentleman from Iowa did not intend any serious reflection on the courts of Oklahoma, and yet I do not like to hear such remarks without in a measure responding to them.

I presume that those who are familiar with the men who have occupied the Territorial supreme bench of Oklahoma, as well as the men who at present constitute the supreme court of our State, would recognize the fact that our courts have been of a very high grade and character, and that our judges, the men who have occupied those positions, have likewise been men eminently competent in every way, honorable men, men of high grade and character. I do not think that it is a very appropriate place here in this House for one to make remarks that reflect upon the courts or the institutions of another State. I think the gentleman from Iowa must have forgotten himself.

However, the decision referred to was a decision which was rendered while Oklahoma was a Territory, and not since statehood. It is true that during the period of our Territorial life we had a most excellent supreme court. Part of it was under a Democratic administration, with Democratic judges, and part of it was under a Republican administration. The judges were appointed by the President of the United States for their fitness and character for the high positions they occupied. But if there is anything wrong about that decision I think I understand the trouble. Those judges who served in Territorial days all came from some of the other States. I recall one that came from Indiana, and one that came from Missouri, and one that came from Nebraska, and another came from Iowa, educated in the schools and in the courts of Iowa—which may explain anything wrong in the decision referred to.

Mr. MORGAN. Mr. Speaker, the bill under consideration proposes to amend the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary." The act referred to is amended by inserting after section 268 five new sections. The propositions in controversy rise largely out of the proposed new sections 268a, 268b, and 268d. That we may have this matter before us clearly, I quote from the bill as follows.

Section 268a provides as follows:

SEC. 268a. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law, shall be proceeded against for his said contempt as hereinafter provided.

Section 268b in part provides as follows:

In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient

number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

Section 268d in full provides:

SEC. 268d. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 268a of this act may be punished in conformity to the usages at law and in equity now prevailing.

These provisions indicate the changes which this bill proposes to make in the procedure in our Federal courts in certain contempt cases. The provisions of the bill apply only to proceedings in contempt when the act complained of be of such a character as to constitute a criminal offense under a statute of the United States or at common law, and in no case shall the provisions of the act apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to cases brought or prosecuted in the name of or on behalf of the United States.

QUESTIONS INVOLVED.

There seems to be two main questions involved in the provisions of this bill.

First. Are the provisions of the bill constitutional?

Second. Is the proposed legislation wise and proper?

I have not examined the authorities carefully with a view to determining the power of Congress to enact the proposed legislation. I have listened to the discussion of the question here to-day. I have concluded from this discussion that the provisions of this bill are constitutional and that the Congress, under the Constitution, may enact this legislation. The able and distinguished gentleman from Illinois [Mr. STERLING] has delivered a most able address in which he stoutly contends that the proposed legislation is not within the power of Congress. The gentleman reasons with great force and clearness, and presents his views in a way that shows that he has given great study and research to the question, and we all recognize that he is honest and conscientious in his conclusions. I can not, however, agree with him that the legislation proposed in this act is unconstitutional, and I believe that if this bill shall become a law the courts will hold that Congress has not exceeded its power.

Believing that Congress has the constitutional power to enact the provisions of this bill, the next question to be considered is the character of the legislation. Is it wise? Is it proper? Will it contribute to the well-being of society? Will it strengthen the fabric of our Government? Will the results flowing from this legislation prove helpful to the people of this country? Or, on the other hand, is this dangerous legislation? Will it prove harmful? Will it weaken popular government? Will it tend to degrade our courts and bring them into disrepute among the people? Will such legislation encourage disorder, violence, and crime?

I have given some thought to these and similar questions. I have great respect for both our Federal and State courts. I believe as a rule our judges are honest, sincere, patriotic public officials. Our courts rank with the best in the world and are worthy the highest respect and confidence. The great respect which our people generally have for our courts is not because of the great power and authority which the law confers upon the courts or the judges. The people respect our judges and have confidence in our courts because as a rule the judges and our courts are entitled to respect and confidence.

After all, public sentiment is the highest law of the land. Our courts can not endure with a continued hostile and adverse public sentiment. Unless supported by public sentiment our courts must go down. Because in the end public sentiment will change precedents, overrule decisions, repeal laws, and amend constitutions.

Our Constitution carefully guards personal liberty and guarantees the right of trial by jury when one's life or liberty is involved. To confer upon judges in indirect contempt cases the power to punish by long imprisonments—by depriving a man of his liberty—would seem to be out of harmony with the provisions of the Constitution, which guarantees jury trial in criminal cases. Of course, we can not have courts unless the judges can preserve order, maintain the dignity of the court, and enforce their decrees. But the provisions of this bill do not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice. The object of this bill is not to destroy or weaken our courts, but to throw around our citizens an additional safeguard for the protection of liberty. This bill does not permit violations of the orders of our courts; it does not excuse such violations, but simply provides that in certain cases a person charged with contempt can not be punished until a jury has passed upon the facts.

I see no danger in such legislation, and I shall vote for the bill. I do not believe such legislation will encourage violence, disorder, or crime. It may be said that this proposed legislation comes before this House in response to the demands of organized labor. This should not prevent its passage. Organized labor is certainly entitled to be heard. It is labor that produces all our wealth. The welfare of our wage earners is the welfare of the Republic. Whatever contributes to the well-being of the men who do the work of the Nation adds to the strength and greatness of the Nation.

Labor organizations are not perfect, and the men who compose such organizations are human beings like the rest of us, and, of course, do not profess perfection. But labor unions have much to their credit for the good which they have accomplished. With organized capital now supreme in the land, labor unions are essential. Such organizations have done much to shorten the hours of labor, increase wages, improve conditions under which labor is performed, and to educate public sentiment to understand the rights of labor. We hear much of the conflict between capital and labor. In a sense there is such a conflict. But in the broadest sense there is no conflict between capital and labor. Employer and employees are interested in the prosperity and welfare of each other. I am for industrial peace. But if occasional conflicts come, let us not dispair. I believe the great body of American workmen are patriotic American citizens, firmly attached to our free institutions, and devoted to the principles of free government. I trust it may always be so. I believe we may contribute to this end by shaping our national legislation so as to recognize any reasonable demand of labor and make those who create the wealth of the Nation feel that their rights and interests are fully recognized and that they reap a reward commensurate with the labor performed.

REGULATION OF INJUNCTIONS.

We have, during this session of Congress, passed a bill which may be regarded as a companion of the measure now under consideration. I refer to H. R. 23635. It relates to the issuing of injunctions by the Federal courts. One of the important provisions of this bill is as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

I voted for the above law, as contained in the bill passed by this House May 14, 1912. In my judgment we should see that such laws are passed that will prevent judges from abusing the power of issuing injunctions and abusing the power to punish for contempt. It has been asserted that judges seldom abuse this power. I believe this is true. But we should, if possible, enact such laws as will prevent any abuse of this power. Such laws, I believe, will tend to increase respect for our courts and judges. Whenever power is lodged in a public official, we should throw around him wise restrictions to prevent, if possible, any abuse or misuse of this power. This, as I understand, is the very object of this proposed legislation relating to contempt and injunction proceedings. And so looking at this proposed legislation, I give the same my support and my vote.

We have in this country about 35,000,000 persons over 10 years of age engaged in gainful occupations. Eleven million of these are on the farm; 7,000,000 are engaged in domestic and personal service, including common laborers; 7,000,000 are engaged in trade and transportation; and 9,000,000 are engaged in manufacturing and mechanical pursuits. It is this army of toilers that gives our country its wealth, its prosperity, its prestige abroad, and its real strength at home. In all our legislation we should keep in view the physical, intellectual, social, and moral uplift of this grand army of workers. Their advancement, their welfare, their happiness should at all times be paramount. Organized labor in numbers, it is true, constitutes but a small per cent of the total number of people engaged in gainful occupations. But all our wage earners reap advantages, benefits, and blessings from battles fought and won by organized labor. My hope is that the great body of our laboring men will continue as they are now—law-abiding, liberty-loving, loyal-

hearted, patriotic American citizens. And so long as I shall be intrusted with legislative power in our National Legislative Assembly I shall vote for all measures which I believe will contribute to the welfare of labor, for I believe this is the best way to add strength to our Nation and insure the prosperity and happiness of all our 90,000,000 of people.

Mr. CLAYTON. Mr. Speaker, I desire now to yield to the distinguished statesman from Iowa, who has introduced a bill seeking to accomplish the purpose that this bill seeks to accomplish. I refer to that gallant young Iowan, Mr. KENDALL. [Applause.]

Mr. KENDALL. Mr. Speaker, I should have been very much more gratified if the distinguished chairman of the Committee on the Judiciary could have found it convenient to give me additional time in lieu of the compliment which he has tendered me, although I am, of course, profoundly grateful for that.

Mr. CLAYTON. If I had had it, it would have been yielded to the gentleman and he would have edified the House. [Applause.]

Mr. KENDALL. I am sure the first half of the gentleman's proposition is correct. In the limited time available to me I want to elaborate somewhat the excellent argument advanced by my esteemed friend from Pennsylvania, Mr. WILSON, when he addressed the House this afternoon.

On the 14th day of last May this House, by a vote of 243 yeas to 31 nays, passed a bill, H. R. 23635, intended to regulate the issuance of injunctions, and I read that measure here because I want to refer to its provisions in connection with the legislation we are now considering:

Be it enacted, etc., That section 263 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows, and that said act be further amended by inserting after section 266 thereof three new sections, to be numbered, respectively, 266a, 266b, and 266c, reading as follows:

"SEC. 263. That no injunction, whether interlocutory or permanent, in cases other than those described in section 266 of this title, shall be issued without previous notice and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the bill of complaint or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed with the date and hour of issuance, shall be forthwith entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

"SEC. 266a. That no restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

"SEC. 266b. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

"SEC. 266c. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be, for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto."

Mr. Speaker, the protest against the abuse of the injunctive process has become national in its character. It is too respectable to be denounced as unreasoning clamor and it is too insistent to be ignored as temporary discontent. Throughout the country there is a confirmed conviction that the equity powers of the Federal judiciary have been employed not exclusively to preserve property from destruction, but frequently to compel the settlement of industrial disputes. [Applause.] In his annual message to Congress, submitted December 3, 1906, the President recognized the situation in the following language:

There must be no hesitation in dealing with disorder. But there must likewise be no such abuse of the injunctive power as is implied in forbidding laboring men to strive for their own betterment in peaceful and lawful ways; nor must the injunction be used merely to aid some big corporation to carry out schemes for its own aggrandisement. It must be remembered that a preliminary injunction in a labor case, if granted without adequate proof—even when authority can be found to support the conclusions of law upon which it is founded—may often settle the dispute between the parties, and therefore if improperly granted may do irreparable wrong.

Again, on January 31, 1908, the same high authority declared in a communication to Congress:

It is all wrong to use the injunction to prevent the entirely proper and legitimate actions of labor organizations in their struggle for industrial betterment, or under the guise of protecting property rights unwarrantably to invade the fundamental rights of the individual. It is futile to concede, as we all do, the right and necessity of organized effort on the part of the wage earners, and yet by injunctive process to forbid peaceable action to accomplish the lawful objects for which they are organized and upon which their success depends.

While the recommendations of the Executive are not, as matter of course, to be adopted by the Congress, they may be accepted in this instance as establishing a widespread dissatisfaction with the practice obtaining in the United States courts. This body, in House bill 23635, which I have just read, undertook to enact legislation to remedy the evils complained of. That measure, if it shall become effective, will make impossible the issuance of injunctions (a) without reasonable notice to all concerned, (b) without including the names of all persons affected, (c) without abundant indemnity against damage that may be sustained, (d) without specific detail of acts and conduct enjoined by the order. These provisions are of general application and encountered but little opposition when they were under discussion in the House. But the concluding section, 266c, relates particularly to the interference of equity courts in labor controversies, and provoked elaborate discussion. It provides that in such disputes no injunction shall issue unless necessary to prevent irreparable injury to property or property rights, and that these rights must be specifically defined by verified application; and it crystallizes into the law the most intelligent opinions of the most authoritative tribunals concerning those things which, in the enlightened judgment of this age, are permissible to be done by workingmen in a labor disagreement. Mr. Speaker, I have the honor to represent on this floor many thousands of wage earners. They are as intelligent, as industrious, as peaceable, as law-abiding as any citizenship beneath the flag. [Applause.] But they do not understand that the obligations of patriotism require them to believe in government by injunction or to surrender the right of trial by jury. [Applause.]

Now, the pending bill is as follows:

Be it enacted, etc., That the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended by inserting after section 268 thereof five new sections, to be numbered, respectively, 268a, 268b, 268c, 268d, and 268e, reading as follows:

"SEC. 268 a. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law, shall be proceeded against for his said contempt as hereinafter provided.

"SEC. 268 b. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however*, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

"In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

"If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them, as the court may direct; but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

"Sec. 266c. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court or by any justice or any judge of any district court of the United States.

"Sec. 268d. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 268a of this act may be punished in conformity to the usages at law and in equity now prevailing.

"Sec. 268e. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act."

This measure, which is designed to regulate the procedure in prosecutions for contempt must be considered as complementary to H. R. 23835, to which I have just referred, controlling the issuance of injunctions. If they are both finally incorporated into our system of law, it will not be possible in the future for the process of injunction to be invoked and abused in labor controversies as it has been in the past. [Applause.] No court then will be authorized to entertain an application for the restraint of men in the adoption of all lawful and peaceable methods to secure a redress of grievances against their employers. They may assemble, they may engage in discussion, they may strike, they may persuade their associates to unite with them, they may refuse to patronize any party to a disagreement, they may provide for strike benefits—in short, they may do any and all things to promote the success of their struggle so long as no statute is violated. [Applause.]

All these rights are guaranteed to workingmen by H. R. 23835, and no equity court may interpose its power to deny them. The bill now under consideration extends the measure of their protection, although by omitting to render all indirect contempts triable by jury it is not as comprehensive as the friends of the reform desire. In some respects, however, it is an improvement over the bill I introduced seeking to effectuate the same purpose, and for that reason it commands my earnest support. It simply provides that if the violation of the injunction be alleged and the act constituting the violation be criminal in its character, then the defendant shall be entitled to trial by a jury of his countrymen. The authorities which have been cited by the eminent lawyer who presides over the committee reporting the bill remove all doubt that Congress possesses the constitutional power to enact this legislation. The remaining question is one of expediency. Is it necessary? Is it wise? Is it approved by high considerations of public policy?

The practice which we seek to correct is of modern development, and the abuse which we hope to remedy is of recent origin. As was said by Judge Henry Clay Caldwell, one of the ablest of the many able jurists produced by my own State:

The modern writ of injunction is used for purposes which bear no more resemblance to the uses of the ancient writ of that name than the milky way bears to the sun. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State. With it the judge not only restrains in punishing the commission of crimes defined by statute, but he proceeds to frame a criminal code of his own as extended as he sees proper, by which various acts in a suit of law and morals are made criminal, such as standing, walking, or marching on the public highway, or talking, speaking, or preaching and other like acts. In proceedings for contempt for an alleged violation of the injunction the judge is the lawmaker, the injured party, the prosecutor, the court, and the jury. It is not surprising that, uniting in himself all these characters, he is commonly able to obtain a conviction.

The conditions described by Judge Caldwell are admitted to exist, and it is to terminate them that this legislation is necessary.

I am sure we were all much diverted by the discussion indulged in by the gentleman from Illinois [Mr. MANN] and by the supposititious case which he conjured up out of his fertile imagination. He advanced the novel notion that no defendant accused of contempt could avail himself of the provisions of this bill unless he first establish his own guilt of a criminal offense. I was surprised that a lawyer of his reputation and a legislator of his experience should submit a proposition so essentially unsound and insist upon it with apparent seriousness. Mr. Speaker, no difficulty whatever will be encountered in the administration of this measure if it shall be enacted into law. Where an injunction has issued and a complaint is presented that the order of the court has been violated, the complaint itself will of necessity disclose the character of the act constituting the alleged contempt.

If it is not criminal in its nature, the court will proceed to adjudicate the issue; if it is criminal in its nature, the defendant will be entitled to trial by jury precisely as if he were indicted for the offense. [Applause.] And this because his liberty is jeopardized in the result of the proceeding. [Applause.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. CLAYTON. Mr. Speaker, I will yield the gentleman two minutes more if he desires it.

Mr. KENDALL. I thank my friend from Alabama. The fundamental principle involved is one of the utmost importance to every citizen. The fathers who established this Government were so devoted to the conviction that no man should be deprived of his liberty, except upon the verdict of his peers after impartial trial, that they anchored that proposition in the Constitution itself when that charter of democracy was ordained. [Applause.] It is not a privilege, as some gentlemen in this debate have designated it; it is a right invaluable and inalienable. [Applause.]

Mr. Speaker, this bill contemplates no assault upon the courts. I have practiced law all my adult years, and when I have finished my labors here I expect to resume my pursuit of that noblest of professions. I allow none of my associates on this floor to surpass me in proper respect for the judiciary, but I do not acknowledge the unquestioning reverence for that institution which some of them appear to experience. It is profitable for us to remember that, after all, a judge is only a lawyer transferred to the bench—no different in temperament or character than before his elevation to the judicial office.

The system under which we have been operating can no longer be successfully defended. [Applause.] A chancellor, appointed for life and responsible to nobody, issues an injunction invading the natural rights of men and then, when a violation is alleged, he appropriates to himself the functions of prosecutor, court, and executioner. [Applause.] This situation is intolerable, and it is to correct it that this legislation is universally demanded. I am gratified that Congress is finally about to respond to the overwhelming sentiment of the country. [Applause.]

Mr. CLAYTON. Mr. Speaker, I now yield 30 minutes to my colleague on the committee, the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, there is a widespread demand among lawyers and laymen throughout the United States for some curbing or limitations upon the power of the Federal court judges who both try and punish for contempt. As to the policy of this bill, I shall not discuss it at great length. As to the constitutionality of it, I want to devote a few minutes, and, of course, I must necessarily abbreviate my argument in order to bring it within the limit of time assigned to me.

In the first place, I want to get into the RECORD a brief synopsis of the bill.

Section 1, 268a, provides that anyone who willfully violates the writ of any district court by doing anything forbidden to be done by him, if the thing constituted also a criminal offense against the United States law or the common law, shall be proceeded against in the following manner, to wit, section 2: When shown by the return of the officer or by the affidavit of some credible person or by information filed by the district attorney that there is reasonable ground to believe that any person has been guilty of contempt, as set forth in section 1, or 268a, any judge sitting may issue a rule to show cause why such person shall not be punished. If upon return or answer the contempt be not sufficiently purged, in the opinion of the court, the court shall direct a trial at a certain time and place, and if the accused fail or refuse to answer he may be compelled by the court to give bond for his appearance and for his submission to final judgment of the court.

In all cases covered by this act, such trial may be by the court, or, upon the demand of the accused, by a jury; and the jury may be impaneled from those in attendance, or the judge at chambers may cause a sufficient number to be selected and summoned, as provided by law, and the jury shall be impaneled as upon a trial for misdemeanor, and the trial shall conform as near as may be to the practice of criminal cases.

If the accused is found guilty, the judge shall prescribe the punishment, either by fine or imprisonment, or both, in his discretion, and the fine shall be paid to the United States or to the party or parties injured, as the court may direct; provided that in no case shall the fine paid to the United States

exceed $1,000, if the accused is a natural person, and the imprisonment shall not exceed six months in jail.

Section 3, or 266c, provides that the evidence taken at this trial may be preserved by bill of exceptions, and any judgment may be reviewed upon writ of error as now provided by law in criminal cases, and upon granting such writ of error execution of judgment shall be stayed, and the accused, if sentenced to imprisonment, shall be admitted to bail in such sum as the court or any justice or any judge of the district court may deem proper.

Section 4, or 268d, provides that this act shall not apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to contempts growing out of the disobedience of any order in any suit brought or prosecuted in the name of or on behalf of the United States.

Section 5, or 268e, makes the statute of limitations in such contempt cases and in all contempt cases one year from the act complained of. Nor shall any such proceeding bar a criminal prosecution for the same act or acts. Nothing in this act shall affect any proceeding for contempt pending at the time of the passage of this act.

Mr. Speaker, it is needless to tell this House that the Judiciary Committee worked long, patiently, and faithfully upon this measure. It is a delicate question, and we realized it. We tried to avoid Scylla and at the same time we did not want to run into Charybdis, and we believe, and sincerely believe, that we have a good bill. It does not go as far as some Members would have it go, because many Members believe in the trial of all indirect contempts by jury. Finally we have evolved this bill, which, to me, seems to be the fairest and subject to least objection, and I am really surprised that my friends on the other side should oppose it at all. Their objection which they urge against it indirectly is that it does not go far enough after all. I believe the time will come when possibly all indirect contempts will be tried by jury, and that this bill may be only a step in that direction.

Having read the bill and its provisions, I want to read an excerpt from the pen of that great judge, Henry Clay Caldwell, who was appointed a Federal judge in 1864 by Abraham Lincoln, and who served as a Federal judge for 30 years:

The modern writ of injunction is used for purposes which bear no more resemblance to the uses of the ancient writ of that name than the milky way bears to the sun. Formerly it was used to conserve the property in dispute between private litigants, but in modern times it has taken the place of the police powers of the State and Nation. It enforces and restrains with equal facility the criminal laws of the State and Nation. * * * In proceedings for contempt for an alleged violation of the injunction the judge is the lawmaker, the injured party, the prosecutor, the judge, and the jury. It is not surprising that uniting in himself all these characters he is commonly able to obtain a conviction. While the penalty which the judge can inflict by direct sentence for a violation of his code is fine or imprisonment, limited only by his discretion, capital punishment may be inflicted by indirection. All that seems to be necessary to this end is to issue a writ to the marshal or sheriff commanding him to prevent a violation of the judge's code, and then the men, with injunction nooses around their necks, may be quickly dispatched if they attempt to march across this injunction deadline. It is said the judge does not punish for a violation of the statutory offense but only for a violation of his order prohibiting the commission of the statutory offense. Such reasoning as this is what Carlyle calls "logical cobwebbery." The web is not strong enough to deprive the smallest insect of its liberty, much less an American citizen * * * A jurisdiction that is not required to stop somewhere will stop nowhere.

Prof. Baird says fish have no maturity, but continue to grow until they die. This curious characteristic of fish is present in a very intensified form in the equitable octopus called injunction, for that has no maturity and never dies, and its jurisdiction grows and extends perpetually and unceasingly.

Mr. BUCHANAN. Mr. Speaker, will the gentleman state what volume and page he is reading from?

Mr. WEBB. I am reading from the American Federationist of 1910, from what purports to be an address by this distinguished jurist, published in that magazine.

I want to address myself now for a few minutes to the proposition that has been so stubbornly fought here this afternoon, that the Congress has the power to limit the judge's power to try and punish for contempts. To begin with, the point has been made that the Congress has no right to deprive a judge of the power to punish for contempt, and in answer I want to say that this bill does not do that. This bill does not deprive the judge of the power to punish for contempt. He has the power to punish disobedience of his orders, provided the defendant is found guilty by a tribunal of 12 men. The bill of the gentleman from Illinois [Mr. STERLING], which he will offer as a substitute, itself is an argument against his own position here this afternoon, because section 2 of his bill provides that if any man accused of contempt of a judge's order shall file a written statement alleging that in his opinion the judge whose order he has violated is biased, right then and there, eo instanti, the tribunal is changed and a new judge is to try the issue of guilt and inflict the punishment.

Now, pray tell me if you have the power to transfer the trial of a contempt case from one judge to another and new judge, tell me why you can not transfer the question of guilt or innocence of the accused to a jury to ascertain whether or not the offense has been committed. It is a question of fact to be determined first by a proper tribunal, and most of these arguments on the other side this afternoon have been an indirect assault upon the entire jury system, the most perfect system ever devised by man up to the present hour to determine controversies between man and man. The star chamber in England tried to abolish it and brought revolution in its effort to do so, but this country's jurisprudence will never decline and our country will always remain strong and great so long as the jury system is preserved inviolate and incorrupt. [Applause.] Now, Mr. Speaker, I want to state here that in the early history of this country this very point was practically raised as to whether or not these inferior courts established by Congress could have their powers limited by Congress. The Constitution does say the judicial power of the United States shall be vested or shall rest in one supreme court and in such inferior courts as Congress shall from time to time establish. I take it that if you run down the decisions from 1799 to the present time you will not find a decision of any court but what says that these inferior courts are absolutely and entirely the creatures of Congress, and surely the power that can create can also limit the power of the creature. Inherent powers! There are no inherent powers in any inferior court. The only power that the district court possesses is that prescribed by Congress—the body that creates it—otherwise we could bring into being a power that would be superior to the creator. The power to punish for contempt, according to my friend's [Mr. STERLING's] own bill, is shown not to be inherent in inferior courts. If such power is inherent, you have no right to provide, as you do in your bill, a limit to the punishment.

If the power to punish were inherent in all inferior courts, there would be no limitation upon such power except the constitutional provision that there shall be no cruel or unusual punishment, and yet my friend from Illinois, good lawyer that he is, provides in his bill that the fine shall not be over $1,000 and the imprisonment be not more than six months. You take away from the court the inherent power, if it have such power, to punish for contempt when you undertake to limit that power. If you can make a limitation of that power to six months' imprisonment, you can make it 30 days; and if you can make it 30 days you can make it 30 minutes, and if you can limit it to 30 minutes you can bring it to nothing and abolish the power altogether. Has every inferior court the power to try a case between man and man or between a State and State? Take the court in New York, the Customs Court, or take the Court of Commerce, and they are inferior courts, but their powers are strictly limited by Congress, which created them.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman from North Carolina to say that the present occupant of the White House, in his letter of acceptance some three or four years ago, conceded the power of Congress to designate another judge to try a contempt case? Then if Congress has the power to designate another judge to pass upon the question of facts in a contempt proceeding, can not Congress with equal propriety and with equal effect provide that a jury shall pass upon the facts as provided for in this bill?

Mr. WEBB. That is the argument I am trying to make, Mr. Speaker, and the first authority I wish to cite in this connection was written in 1799 in the case of Turner against The Bank of North America, and in that case the very argument was made that has been made here this afternoon by gentlemen on the other side, to wit, Mr. Ellsworth——

Mr. STERLING. What page?

Mr. WEBB. Page 9; and you will find it in Fourth Dallas.

It is, then, to be remarked that the judicial power is the grant of the Constitution, and Congress can no more limit than enlarge the constitutional grant.

Then Judge Ellsworth, Chief Justice at that time, interrupted this argument and said:

How far is it meant to carry this argument? Will it be affirmed that in every case to which the judicial power of the United States extends the Federal courts may exercise the jurisdiction, without the intervention of the legislature, to distribute and regulate the power?

Justice Chase said:

The notion has frequently been entertained that the Federal courts derive their judicial power immediately from the Constitution, but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us or to any other court, it still remains at the

legislative disposal. Besides, Congress is not bound, and it would, perhaps, be imprudent, to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant.

That was in 1799, and, gentlemen, from that good hour to this the suggestions of Chief Justice Chase and Judge Ellsworth have been followed.

Mr. STERLING. Will the gentleman yield for a question?

Mr. WEBB. I would like very much to yield to the gentleman from Illinois [Mr. STERLING], but I have only 14 minutes remaining, and I can not discuss this question in that time. If I had the time I would gladly yield to the gentleman.

Mr. STERLING. It is only a question, not a statement.

Mr. WEBB. I would not be discourteous to the gentleman for the world, and he knows that.

Mr. STERLING. I have yielded very generally this afternoon.

Mr. WEBB. The gentleman will remember that I did not ask him a single question or interrupt him once. I understand the gentleman means it was a question of jurisdiction the court passed upon. The question of jurisdiction is a power which inheres in the court. If it has no jurisdiction, it is no court and has no power, and with equal force my friend could argue that we can not deprive an inferior court of jurisdiction, though we create such court.

Now, in The United States against Hudson, page 31, in Seventh Cranch, we find this expression:

> Of all the courts which the United States may, under their general powers, constitute, one only, the Supreme Court, possesses jurisdiction derived immediately from the Constitution, and of which the legislative power can not deprive it. All other courts created by the General Government possess no jurisdiction but what is given them by the power that creates them, and can be vested with none but what the power ceded to the General Government will authorize them to confer. * * * For the power which Congress possess to create courts of inferior jurisdiction necessarily implies the power to limit the jurisdiction of those courts to particular objects; and when a court is created and its operations confined to certain specific objects, with what propriety can it assume to itself a jurisdiction much more extended, in its very nature very indefinite, applicable to a great variety of subjects, varying in every State in the Union, and with regard to which there exists no definite criterion of distribution between the district and circuit courts of the same district?

Now, next we come to Third Howard, on page 245, Cary against Curtis—and I may say that this decision was affirmed in Fink against O'Neil, in One hundred and sixth United States. Says the court:

> Secondly, in the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power and of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degree and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government and to give to the former powers limited by its own discretion merely.
>
> It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they can not go beyond the statute and assert an authority with which they may not be invested by it or which may be clearly denied to them.
>
> * * * The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law.

What can be stronger, gentlemen, than that decision rendered in Third Howard and reaffirmed in One hundred and sixth United States in the case of Fink against O'Neil, at page 280?

Now, here is still another authority to which I wish to call the attention of the Members of the House, found in Forty-ninth United States, or Eighth Howard:

> Courts created by statute can have no jurisdiction but such as the statute confers.

It is absurd, it seems to me, to hold that the creator can create a thing which after it is created becomes bigger and more powerful than its creator. It was never so intended by the founders of the Government, and it is opposed to the genius of our institutions to suppose a thing created can become more powerful than the people who created it. Now, in this decision, Judge Grier, rendering it, says:

> It must be admitted that if the Constitution had ordained or established the inferior courts, and distributed to them their respective powers, they could not be restricted or divested by Congress.

Nobody undertakes to say that we can restrict or divest the power of the Supreme Court of the United States, because that court was created by the Constitution and that is the distinction this judge draws here:

> But as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted, and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence, and it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.
>
> The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, unless it confers powers not enumerated therein.

Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary.

I cite still another authority, Mr. Speaker. It is in Eighteenth Wallace, page 577, and is known as the case of the Sewing Machine Companies. It bears out the decision which I have just read. It is as follows:

> Circuit courts do not derive their judicial power immediately from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the jurisdiction of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction. Courts created by statute can have no jurisdiction in controversies between party and party but such as the statute confers. Congress, it may be conceded, may confer such jurisdiction upon the circuit courts as it may see fit within the scope of the judicial power of the Constitution not vested in the Supreme Court, but as such tribunals are neither created by the Constitution nor is their jurisdiction defined by that instrument, it follows that inasmuch as they are created by an act of Congress it is necessary in every attempt to define their power, to look to that source as the means of accomplishing that end. Federal judicial power, beyond all doubt, has its origin in the Constitution, but the organization of the system and the distribution of the subjects of jurisdiction among such inferior courts as Congress may from time to time ordain and establish, within the scope of the judicial power, always have been and of right must be the work of the Congress.

Now, Mr. Speaker, in Nineteenth Wallace, at pages 510 and 511, we have a contempt case. The syllabus says:

> The act of March 2, 1831, entitled "An act declaratory of the law concerning contempts of court," provides in its first section:
>
> "That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts or so near thereto as to obstruct the administration of justice, the misbehavior of any officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons to any lawful writ, process, order, rule, decree, or command of the said courts."

Mr. CLAYTON. That is Ex parte Robinson?

Mr. WEBB. Yes; that is Ex parte Robinson. Mr. Justice Field, in that case, after stating the facts of the case, delivered the opinion of the court, as follows:

> The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt. But that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been misbehavior of a person in the presence of the courts or so near thereto as to obstruct the administration of justice; second, where there has been misbehavior of any officer of the courts in his official transactions; and, third, where there has been disobedience or resistance by any officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts.

There are three classes of cases. There is no inherent power suggested there, because the Supreme Court says that Congress has the right to limit the power of the courts of this country to punish for contempt to three classes of cases. Now, if Congress can reduce them to three, it can reduce them to one, and if they reduce them to one, Congress can destroy contempt cases altogether, and if Congress destroys them altogether, why can not it say that in certain cases a jury must intervene and determine whether or not the party is guilty before the judge shall inflict punishment?

Mr. STERLING. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WEBB. I regret that I can not. I want to conclude this argument.

But, says the court, the power is limited. What power? The power to punish for contempt. By whom is it limited? Nobody but the lawmaking power can do it, and the court says it can do it in this case, and the power has been limited and defined by act of Congress of March 2, 1831. Justice Field says:

> The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt.

We find in this case in Nineteenth Wallace, 86 United States—

> That we can limit the power over contempt in the circuit and district courts. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in three classes of cases.

This is a direct decision in point, gentlemen of the House, which declares that the Congress has the power to limit the punishment to three classes of cases, and if it has the power to limit the punishment to three classes of cases, we can limit that power to one class of cases, or abolish it altogether. I contend that if Congress desires to take away from the inferior courts all power to punish for contempt it can do it.

Mr. CLAYTON. And Congress has the power to abolish inferior courts?

Mr. WEBB. Yes. We could abolish the circuit courts of the United States, which we have done, and the Commerce Court, the district courts, and all the courts, except the Supreme Court, and therefore it is absurd to argue that while we have the power to destroy we have not the power to regulate the thing we create.

Now, Mr. Speaker, in One hundred and forty-seven United States we find this decision:

> The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court, consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, unless it confers powers not enumerated therein.

Gentlemen, I realize that this presentation has been very imperfect, because I have had to make it very hurriedly. In conclusion I refer again to this great Judge Caldwell, who was on the bench for 39 years, who says, after 39 years' experience as an inferior court judge, first as a district judge and then as a presiding member of the circuit court for 13 years, that the people need not fear the tyrannical power of inferior court judges, because the power and the right rests in the people through their Representatives in Congress to prescribe the bounds and to set the limits to which those courts may go.

My friend from Illinois [Mr. STERLING] and I look at this question from different points of view, but I can not see how any lawyer can read all these authorities, from 1799 to the present, and then contend that the people who create these courts through their Representatives in Congress have no right to provide that before a man shall be convicted of crime by a judge there shall be flung between him and the judge's arbitrary power a jury of 12 men, one of the most sacred institutions in all the world, and especially to the people of the United States, simply to pass upon the facts and say whether he is guilty. If the man is guilty, the judge has all the power he needs to punish, provided it does not exceed six months' imprisonment or a fine of $1,000. [Applause.]

Mr. STERLING. I ask unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. I ask that the gentleman from Illinois include in his request all gentlemen who have spoken on this bill.

Mr. STERLING. I will include them in my request. Mr. Speaker, I ask unanimous consent that all Members who have spoken on this bill be given five legislative days in which to extend their remarks on the bill in the RECORD.

Mr. CLAYTON. I join in that request, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. STERLING] and the gentleman from Alabama [Mr. CLAYTON] ask unanimous consent that all Members who have spoken on this bill shall have five legislative days in which to extend their remarks on the bill. Is there objection?

There was no objection.

Mr. CLAYTON. Mr. Speaker, I believe I have four minutes remaining.

The SPEAKER. That is correct.

Mr. CLAYTON. In that short time I can not hope to answer the many captious objections that have been urged against this bill. I now ask unanimous consent to print as a part of my remarks Report No. 613 on this pending bill.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to extend his remarks by printing Report No. 613 on this bill. Is there objection?

There was no objection.

The report is as follows:

[House Report No. 613, Sixty-second Congress, second session.]

PROCEDURE IN CONTEMPT CASES.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 22591:

The Committee on the Judiciary, having had under consideration H. R. 22591, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, report the same back with the recommendation that the bill do pass.

The bill leaves section 268 of the judial code, formerly section 725 of the Revised Statutes, in full force and inserts five new sections, none of whose provisions conflict with said section 268.

ANALYSIS OF BILL.

By section 268a, in such cases of contempt specified in section 268 as constitute a criminal offense under any statute of the United States or at common law, the proceedings against the accused party shall be "as hereinafter provided"; that is, in the subsequent section of the bill.

Most of the important provisions of the bill are contained in section 268b. Before action by the court, except in the cases excepted from the operation of the bill, there must be presented a formal charge showing reasonable ground; and before the party is put upon trial he must be afforded an opportunity to purge himself of any actual or technical contempt which he may have committed. He can not be arrested until he has opportunity to either purge himself or make answer and has refused to do either. If arrested, or in case the matter can not be disposed of on the return day, he may be required to give bail.

The trial is by the court (1) in case no jury be demanded by the accused, (2) if the contempt be in the presence of the court or so near thereto as to obstruct the administration of justice, or (3) if the contempt be charged to be in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name or on behalf of the United States. In other cases the trial is to be by jury.

Section 268c provides for the preservation of bills of exception, for review upon writ of error, for stay of execution pending proceeding, for review, and for bail in case the accused shall have been sentenced to imprisonment.

Section 268d excepts from the operation of the act contempts in the presence of the court, or so near thereto as to obstruct the administration of justice, and contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, and provides that in the excepted cases, as well as in all other cases not specifically embraced within section 268a, the punishment shall be in conformity to the usages at law and in equity now prevailing.

Section 268e bars proceedings for contempt unless begun within one year from the date of the act complained of, and preserves the right of criminal prosecution, notwithstanding any proceeding and punishment for the contempts covered by the bill. It also excepts from the provisions of the bill any proceedings for contempt pending at the time of its passage.

Thus it is seen that the bill applies and gives a jury trial, with the exception noted, in all proceedings for contempt wherein the acts alleged to have been committed constitute a criminal offense, either under any Federal statute or at common law. The trial where a jury is had is governed (sec. 268b) as near as is practicable by the practice in criminal cases prosecuted by indictment or upon information.

Before calling further attention to the provisions of the bill now reported it is appropriate to review some of the contentions of those who have opposed every form of legislation whatever on this subject.

OBJECTIONS ANSWERED.

All the grounds of objection are reducible to two heads:

First. That any legislation whatever materially limiting or curtailing the power of the courts in the trial of contempts is unconstitutional.

Second. That any interference with the full and complete domination or discretion of the judge in contempt cases tends to disorganization and a weakening of judicial efficiency.

Let us consider first the constitutional objections.

It is said that although the courts inferior to the Supreme Court owe their existence and jurisdiction to congressional action, yet a distinction should be made between the jurisdiction and judicial power, for instance, in the citation, trial, and punishment of a party charged with contempt of court.

The controversy goes back over 60 years. In 1831 Congress passed an act limiting the power of the courts subjectively; that is to say, it lopped off some of the jurisdiction which the court had assumed and exercised—a jurisdiction, or power, if the latter term be preferred, which Congress believed, and by its legislation asserted, was a usurpation. Never, until within a very recent period, was the authority of Congress to do that questioned, either by the courts or by any respectable authority. The particular circumstance or event instigating the act of 1831 was the punishment by Judge Peck in Missouri, as for a contempt of court, of a party who had criticized one of his decisions in the columns of a newspaper.

The law before the act of 1831 read thus:

The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority.

The act of 1831 consisted in the addition of a proviso, reading as follows:

Provided, That such power to punish contempt shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience or resistance by any officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said court.

The extensive scope of this amendatory statute has been generally overlooked. The Federal courts were assuming and exercising the unlimited and unchecked powers resorted to by common-law courts, of deciding for themselves, not only the mode of procedure and degree and amount of punishment, but of selecting for themselves particular acts of alleged misconduct which should be placed in the category of contempts. Congress treated the term "power" as synonymous with "jurisdiction," circumscribed the field of jurisdiction, specified the acts which should constitute contempts, and said that such power or jurisdiction shall not extend beyond these specified acts.

It has been suggested that Congress might have refused to create the inferior courts, or even the Supreme Court, and have thus caused the failure of the Government.

But it is said that when Congress has acted and established a Federal court the common-law and equity powers of the courts immediately flow into these judicial receptacles out of the Constitution. It is only necessary to examine this new doctrine to know to what absurdities it would lead. The common-law courts of England, with the King's bench at their head, in addition to administering statutory law and the common law proper, exercised certain parliamentary powers. In the English system the legislative and judicial departments were, and are, entirely independent of each other. It is true that the courts were bound by acts of Parliament as construed by them, but outside the statutes their powers were as free from limitation as those of Parliament itself. They were the exponents and final arbiters of public policy for the Kingdom.

Though it is often said that the three departments of our Government are separate and independent, which is true in the sense that they must not invade each other's constitutional domain, and thus destroy each other, yet it is also true that arbitrary unchecked power does not abide with either of them. As the Supreme Court has well expressed it, in Yick Wo v. Hopkins (118 U. S. Rep., 369):

When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power.

To concede that the courts might, even with the limits fixed in the act of 1831, exclusively decide when a contempt has been committed, and the amount or degree of punishment, with no power in Congress to set a limit thereto, would be to concede to the courts the power to annul every act of Congress, to paralyze the Executive arm, to confiscate all property, and destroy all liberty. Of course, few, if any, believe that the courts would ever proceed to such extremes, but it is sufficient to say that, according to our interpretation, the framers of the Constitution took care to safeguard the people against the possibilities of all such calamitous tendencies.

Referring to this bill, and comparing its provisions with the proviso added in 1831, it is seen that the bill only changes the procedure in contempt cases, while, as before stated, that proviso limited the jurisdiction subjectively.

The opposition was represented before the committee by able counsel and many authorities were cited, few of which, however, in our opinion, had any direct bearing on the question from a constitutional point of view. In fact, the power of Congress, as exhibited in the act of 1831, was so generally and uniformly conceded that not a single case has been found which ever questioned or doubted it. A few cases which, though not directly bearing upon the point of constitutionality, yet shed more or less light upon it will now be noticed.

It is argued that Congress can not require a court of equity to try issues of fact by jury. That is unquestionably sound doctrine, and the case of Brown v. Kalamazoo, circuit judge (87 Mich., 274), is sound law. But it is wholly inapplicable here. No one has thus far ever insisted that contempt is of equitable cognizance, or other than what the textbooks designated, namely, a special proceeding, criminal in its nature, not necessarily connected with any particular suit or action pending in the court.

Numerous State cases were cited in argument. They may all be answered as a class. The relation between Congress and Federal courts is not the same as that between State legislature and the State courts. The constitutions of the various States themselves provide for and establish the court, partition the powers of government between the legislative, executive, and judicial departments, prescribing safeguards, and defining their powers in detail; whereas the Federal Constitution has delegated full and complete control of the matter to Congress. Nor should the fact be overlooked that the State decisions on the subject are often based upon precedents of the common law, which is no part of the Federal system. Thus, in Ex parte McCowan (139 N. Car., 95), that being typical of many such cases relied upon, it was said:

We are satisfied that at common law the acts and conduct of the petitioner, as set out in the case, constitute a contempt of court, and if the statute does not embrace this case and in terms repeal the common law applicable to it, we would not hesitate to declare the statute in that respect unconstitutional and void for reasons which we will now state.

In Finck v. O'Neill (106 U. S. Rept., 272) it appeared that Congress has taken from the court all power to enforce its judgment, and the act of Congress was upheld by the Supreme Court of the United States. In that case (p. 280) the court said:

The United States can not enforce the collection of a debt from an unwilling debtor, except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department; for they can exercise no jurisdiction except as the law confers and limits it.

And in Cary v. Curtiss (3 How., 236, 254) the same court said:

The courts of the United States are all limited in their nature and constitutions, and have not the powers inherent in courts existing by prescription, or by the common law.

But in section 720 of the Revised Statutes we have a statute of Congress prohibiting the Federal courts from issuing injunctions in certain cases, and the constitutional validity of that statute was declared in Sharon v. Terry (36 Fed. R., 365). Now, the writ of injunction is the arm of the Federal courts in the exercise of their equitable powers, which it has been urged enjoy complete immunity from congressional action. And here a Federal circuit court sustained an act of Congress which subtracted an important part of equitable jurisdiction. Anyone taking the trouble to examine the judiciary act of 1789, with or without subsequent additions and amendments, will observe that it consists, in large part, of regulations of and limitations upon jurisdiction.

We close this head with the quotation from Ex parte Robinson (19 Wall., 505), cited with approval in the case of Bessette v. Conkey (194 U. S., 327), which is so clearly and obviously applicable and conclusive that no comment appears to be necessary:

The power to punish for contempts is inherent in all courts. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power, but the power has been limited and defined by the act of Congress of March 3, 1831. The act, in terms, applies to all courts. Whether it can be held to limit the authority of the Supreme Court, which derives its existence and power from the Constitution, may, perhaps, be a matter of doubt; but that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted. It limits the power of these courts in this respect to three classes of cases.

(1) Where there has been misbehavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice.

(2) Where there has been misbehavior of any officer of the courts in his official transaction.

(3) Where there has been disobedience or resistance by an officer, party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the courts. The law happily prescribes the punishment which the courts can impose for contempts. The seventeenth section of the judiciary act of 1789 (1 Stat. L., 73) declares that the court shall have power to punish of their authority in any cause or hearing before them by fine or imprisonment, at their discretion. The enactment is a limitation upon the manner in which the

power shall be exercised, and must be held to be a negation of all other modes of punishment. The judgment of the court debarring the petitioner, treated as a punishment for contempt, was therefore unauthorized and void.

As to the other ground of objection urged—that is, that any interference with the full and complete dominion and discretion of the courts tends to disorganization and to the weakening of judicial authority—judging by the course of previous discussion on this measure, it is not anticipated that the policy of the provision placing a limitation upon the punishment which can be inflicted will be strenuously criticized, and therefore we will make no further comment on that.

TRIAL BY JURY.

The feature of the bill against which the most strenuous argument has been directed is that providing for jury trials. But no one has shown that such provision amounts to anything more than a change of procedure. So that the question comes down to this: Has Congress, or not, the power to prescribe procedure? The courts will still, if this bill passes, have all the substantive power left in their hands by the act of 1831. Not one of the acts there catalogued will have been eliminated. The method of ascertaining the facts in certain cases is changed, but their ascertainment is still under supervision of the court, and ample safeguards are provided against evasions and miscarriages of justice.

A contemnor, from the moment the facts are judicially ascertained, is, by uniform practice, either placed in durance or required to give bail. The result of an adverse judgment is always penal, both in form and effect, though the fine be sometimes turned over to a private litigant.

The manner of disposing of the fine does not alter in any respect the form and effect of the procedure or change it from criminal to civil.

SUCH LEGISLATION LONG DEMANDED.

The bill is an evolution from prolonged and varied discussion, by no means limited to a recent date or to the present Congress. Every feature and provision of it has been subjected to attack and defense, but the whole controversy appears to have at length converged upon the issue of whether or not the policy and practice of jury trial in contempt cases shall be admitted in the Federal jurisprudence at all.

That complaints have been made and irritation has arisen out of the trial of persons charged with contempt in the Federal courts is a matter of general and common knowledge. The charge most commonly made is that the courts, under the equity power, have invaded the criminal domain, and under the guise of trials for contempt have really convicted persons of substantive crimes for which, if indicted, they would have had a constitutional right to be tried by jury. It has been the purpose of your committee in this bill to meet this complaint, believing it to be a sound public policy so to adjust the processes of the courts as to disarm any legitimate criticism; and your committee confidently believes that, so far from weakening the power and effectiveness of Federal courts, this bill will remove a cause of just complaint and promote that popular affection and respect which is in the last resolve the true support of every form of governmental activity.

ACTS OF CONGRESS RELATING TO CONTEMPTS.

Statutes at Large, volume 1, First Congress, first session, chapter 20:

An act to establish the judicial courts of the United States, approved September 24, 1789.

SEC. 17. *And be it further enacted*, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; (*a*) and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; (*b*) and to make and establish all necessary rules for the orderly conducting of business in the said courts, provided such rules are not repugnant to the laws of the United States. (This section at p. 83; letters in parentheses refer to notes at the bottom of the page.)

Act of March 2, 1831, upon which sections 725, 5399, 5404, 5405, and 5406, Revised Statutes, above quoted, is based, was as follows:

Be it enacted, etc., That the power of the several courts of the United States to issue attachments and inflict summary punishment for contempts of court shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

SEC. 2. *And be it further enacted*, That if any person or persons shall, corruptly or by threats or force, endeavor to influence, intimidate, or impede any juror, witness, or officer, in any court of the United States in the discharge of his duty, or shall, corruptly or by threats or force, obstruct, impede, or endeavor to obstruct or impede the due administration of justice therein, every person or persons so offending shall be liable to prosecution therefor by indictment and shall, on conviction thereof, be punished by fine not exceeding $500 or by imprisonment not exceeding three months, or both, according to the nature and aggravation of the offense.

Approved March 2, 1831.

Section 725, Revised Statutes United States (1878):

SEC. 725. The said courts shall have power to impose and administer all necessary oaths and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any case except the misbehavior of any person in their presence or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of said courts. (Stat. L., vol. 4, p. 487, 21st Cong., 2d sess., chap. 99, "An act declaratory of the law concerning contempts of court," approved Mar. 2, 1831.)

NOTE.—Section 725 of the Revised Statutes is reenacted by section 268 of the Judicial Code, effective January 1, 1912, and section 725 is repealed by section 297 of the same code.

Section 268 of the Judicial Code (1912):

SEC. 268. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts, in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person to any lawful writ, process, order, rule, decree, or command of the said courts. (Rev. Stats., sec. 725, 1878.)

Section 5399, Revised Statutes United States (1878):

SEC. 5399. Every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness, or officer, in any court of the United States, in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice therein, shall be punished by a fine of not more than $500, or by imprisonment not more than three months, or both. (Stat. L., vol. 4, p. 488; act approved Mar. 2, 1831.)

Section 5404, Revised Statutes United States (1878):

SEC. 5404. Every person who corruptly, or by threats or force, or by threatening letters, or any threatening communications, endeavors to influence, intimidate, or impede any grand or petit juror of any court of the United States in the discharge of his duty, or who corruptly, or by threats or force, or by threatening letters, or any threatening communications, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice therein, shall be punishable by a fine of not more than $1,000, or by imprisonment not more than one year, or by both such fine and imprisonment. (Stat. L., chap. 420, vol. 17, p. 378; act of June 10, 1872.)

Section 5405, Revised Statutes United States (1878):

SEC. 5405. Every person who attempts to influence the action or decision of any grand or petit juror upon any issue or matter pending before such juror or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication in print or writing in relation to such issue or matter, without the order previously obtained of the court before which the juror is summoned, shall be punishable by a fine of not more than $1,000 or by imprisonment not more than six months, or by both such fine and imprisonment. (Stat. L., vol. 17, p. 378, chap. 420, act of June 10, 1872.)

Section 5406, Revised Statutes United States (1878):

SEC. 5406. If two or more persons in any State or Territory conspire to deter by force, intimidation, or threat any party or witness in any court of the United States from attending such court or from testifying to any matter pending therein freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror, each of such persons shall be punished by a fine of not less than $500, nor more than $5,000, or by imprisonment with or without hard labor not less than six months nor more than six years, or by both such fine and imprisonment. (Stat. L., vol. 17, p. 13, Apr. 20, 1871.)

NOTE.—Sections 5390, 5404, 5405, and 5406 of the Revised Statutes are repealed by section 341 and reenacted by sections 135, 136, and 137 of the Criminal Code, effective January 1, 1910.

Section 135, Criminal Code (1910):

SEC. 135. Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness in any court of the United States, or before any United States commissioner or officer acting as such commissioner, or any grand or petit juror or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or officer acting as such commissioner, in the discharge of his duty, or who corruptly or by threats or force, or by any threatening letter or threatening communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due administration of justice therein, shall be fined not more than $1,000 or imprisoned not more than one year, or both. (Rev. Stats., secs. 5399, 5404.)

Section 136, Criminal Code (1910):

SEC. 136. If two or more persons conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States, or in any examination before a United States commissioner or officer acting as such commissioner, from attending such court or examination, or from testifying to any matter pending therein, freely, fully, and truthfully, or injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or

FUJI MICRO

property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, each of such persons shall be fined not more than $5,000 or imprisoned not more than six years, or both. (Rev. Stats., sec. 5406.)

Section 137, Criminal Code (1910):

SEC. 137. Whoever shall attempt to influence the action or decision of any grand or petit juror of any court of the United States, upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication, in print or writing, in relation to such issue or matter, shall be fined not more than $1,000 or imprisoned not more than six months, or both. (Rev. Stats., sec. 5405.)

THE BILL.

[H. R. 22501, Sixty-second Congress, second session.]

IN THE HOUSE OF REPRESENTATIVES, *March 29, 1912.*

Mr. CLAYTON introduced the following bill; which was referred to the Committee on the Judiciary and ordered to be printed.

A bill (H. R. 22501) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended by inserting after section 268 thereof five new sections, to be numbered, respectively, 268a, 268b, 268c, 268d, and 268e, reading as follows:

"SEC. 268a. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing any act or thing therein or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law shall be proceeded against for his said contempt as hereinafter provided.

"SEC. 268b. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however*, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

"In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

"If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them, as the court may direct; but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

"SEC. 268c. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court or by any justice or any judge of any district court of the United States.

"SEC. 268d. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 268a of this act may be punished in conformity to the usages at law and in equity now prevailing.

"SEC. 268e. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act."

Mr. CLAYTON. Mr. Speaker, every argument which has been made in support of this bill can be referred to the report above printed. It is argued that Congress can not require a court of equity to try issues of fact by a jury. It is unquestionably a sound doctrine in the case of Brown against Kalamazoo, but that is wholly inapplicable here. No one thus far has ever insisted that contempt is an equitable cognizance, or other than what the textbooks designate it, namely, a special proceeding, criminal in its nature, not necessarily connected with any particular suit or action pending in court.

Numerous State cases were cited in argument. They may all be answered as a class. The relation between Congress and Federal courts is not the same as that between State legislature and the State courts. The constitutions of the various States themselves provide for and establish the court, partition the powers of government between the legislative, executive, and judicial departments, prescribing safeguards, and defining their powers in detail; whereas the Federal Constitution has delegated full and complete control of the matter to Congress. Nor should the fact be overlooked that the State decisions on the subject are often based upon precedents of the common law, which is no part of the Federal system. Thus, in Ex parte McCowan (139 N. Car., 95), that being typical of many such cases relied upon, it was said:

> We are satisfied that at common law the acts and conduct of the petitioner as set out in the case, constitute a contempt of court, and if the statute does not embrace this case and in terms repeal the common law applicable to it, we would not hesitate to declare the statute in that respect unconstitutional and void for reasons which we will now state.

In Finck v. O'Neill (106 U. S. Rep., 272) it appeared that Congress has taken from the court all power to enforce its judgment, and the act of Congress was upheld by the Supreme Court of the United States. In that case (p. 280) the court said:

> The United States can not enforce the collection of a debt from an unwilling debtor, except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any one of these steps, except as it may have been conferred by the legislative department; for they can exercise no jurisdiction except as the law confers and limits it.

I ask the membership of this House to read the report made by the committee in full between this time and the time upon which there will be a vote. [Applause.]

I herewith print the letter of Mr. Rogers, which I have before referred to, in which he expresses the opinion that H. R. 21100, which is the pending bill, with verbal inaccuracies corrected, will in no wise conflict with any rights of any person under our patent laws:

WASHINGTON, D. C., *March 5, 1912.*

Hon. HENRY D. CLAYTON,
House of Representatives, Washington, D. C.

DEAR SIR: With reference to House bill 21100. We have not had time to have a full conference of committee or association, but I have gone over this bill carefully with Mr. William W. Dodge, chairman of our committee, and it is our personal opinion that the bill, as worded, does not conflict with patent interests. We take it that the distinction of the Buck Stove v. Gompers case between private litigation and public prosecution has been observed in this bill. In an action at law in a patent cause remedy is by trespass on the case. Either at law or in equity infringement of a patent is a tort. Any failure to obey the decree of a court is brought to the attention of the court by the complainant, and we are unable to see that any such case could "constitute also a criminal offense under any statute of the United States or at common law."

When this and other matters are more fully discussed if anything should develop requiring any change in this opinion we will at once advise you.

We are, of course, very much interested in the progress of bills H. R. 11380, 11381, and 15926, and are carefully studying all these propositions.

Very truly, yours,

WALTER F. ROGERS.

Mr. Speaker, I now give to the House the letter of Hon. S. S. Gregory, president of the American Bar Association, dated February 2, 1912:

LAW OFFICES OF GREGORY, POPPENHUSEN & MCNAB,
Chicago, February 2, 1912.

Hon. HENRY D. CLAYTON,
House of Representatives, Washington, D. C.

DEAR SIR: I have been recently addressed, as president of the American Bar Association, by the president of an association of manufacturers to see whether I would not use every possible effort to secure from the Judiciary Committee in the House adverse action upon your bill, House No. 13578, to define and punish contempt of court.

As I am quite in sympathy with the general purpose of this, I have replied that, of course, I could not in any way lend any aid in an effort to defeat it. I did say, however, to that gentleman that I saw no reason why it might not be amended so as to secure a jury trial only in cases where the contempt alleged charged conduct punishable by law as criminal at the time it occurred.

It has seemed to me, however, after having given some attention to this matter, that the great injustice of which the defendants in injunctions, particularly in strike cases, have a right to complain is that when prosecuted, as, for instance, for criminal assault, upon a charge of contempt for violating an injunction against interference with an employer's workingmen, they have really been put upon trial for a breach of the peace, essentially a criminal offense, but without trial by jury. It is quite immaterial what the form of procedure is, as it is not the less a criminal prosecution in which, under the Constitution, the defendant is entitled, at least in Federal courts, to trial by jury.

Therefore this has seemed to me to be an evasion of the Constitution, and I am still of that opinion, although perhaps it may be said that the Supreme Court has countenanced the contrary view. It has occurred to me that if, commencing after the word "behalf," line 14, page 3, of your bill, the language were changed so that the balance of section 4 should read as follows, it would really be an improvement: "Such trial shall be by the court, unless the charge is of conduct punishable by law as criminal at the time it was committed, and unless the accused person shall demand a trial by jury. In case of such demand, where the charge is of such criminal conduct, a trial by jury shall be had, as in a criminal case. If the accused shall be convicted, judgment shall be entered accordingly, prescribing the punishment, not in excess, however, of the punishment provided by law for such offense."

I think this would be a desirable form to put the bill in, because there is no particular hardship, I think, nor no great complaint of the method of punishing for contempt in ordinary civil causes where the court in a suit between individuals is enforcing obedience to its orders. Possibly, however, there may have been abuses in this field which have escaped my attention. I have no objection whatever to the bill as it stands, except that it occurs to me it might possibly, if adopted, to some extent limit the power of Federal courts where such limitation is not really necessary. If amended as I have suggested, it would certainly meet the point that has been so often urged against what has been called government by injunction, and I really think such a statute would do more to promote industrial peace than any measure that has been recently proposed.

Yours, truly,

S. S. GREGORY.

I herewith give to the House the letter of Hon. S. S. Gregory, president of the American Bar Association, dated March 23, 1912, approving the bill H. R. 21100, which is the pending bill, with slight verbal inaccuracies corrected:

LAW OFFICES OF GREGORY, POPPENHUSEN, & MCNAB,
Chicago, March 23, 1912.

Hon. HENRY D. CLAYTON,
Chairman Judiciary Committee, House of Representatives, Washington, D. C.

DEAR JUDGE: I duly received your favor of the 11th, with copy of House bill 21100 relating to procedure to punish for contempt in the district courts of the United States. The subject is one of great importance.

I have long felt that the practice obtaining in the Federal courts of enjoining against that which would be virtually criminal conduct, and then upon alleged breach of such an injunction putting persons on trial virtually for crime without a jury, was in effect an evasion of the Federal Constitution.

It seemed to me that this practice, directed, as it was so largely, against the members of labor organizations, was well calculated to make those organizations feel a deep sense of injustice, to stimulate class feeling, and to suggest to a large part of our population doubts of the impartiality of the national courts. This is very much to be deprecated.

Like you, I believe in our judicial system, and am anxious to do everything possible to uphold it in all its integrity and perfection. I heartily agree that the recall of judges by popular vote is entirely inadmissible in our governmental system; but I would say as to the exercise of the power thus to punish criminal conduct without jury what was said by Sidney Breese, one of the great judges of my own State at an early period in our judicial history, referring to the power to punish for constructive contempts:

> "It does not seem to me necessary for the protection of courts in the exercise of their legitimate powers that this one, so liable to abuse, should also be conceded to them. It may be so frequently exercised as to destroy that moral influence which is their best possession, until finally the administration of justice is brought into disrepute. Respect to courts can not be compelled; it is the voluntary tribute of the public to worth, virtue, and intelligence, and whilst they are found upon the judgment seat, so long and no longer will they retain the public confidence.
>
> "If a judge be libeled by the public press he and his assailant should be placed on equal grounds, and their common arbiter should be a jury of the country, and if he has received an injury, ample remuneration will be made. In restricting the power to punish for contempts to the cases specified, more benefits will result than by enlarging it. It is at best an arbitrary power, and should only be exercised on the preventive and not on the vindictive principle." (Stuart v. People, 3 Scam., 395-406.)

I have read your bill carefully, and it seems to me that it is a moderate, just, and expedient measure, and one that ought to be agreed to by all sensible persons.

Of course it may be that should it pass some question might arise in practice which would require to be settled by further legislation. None such now occurs to me, unless there should be a kind of general attempt to enforce the penal code of the United States by suit in equity brought by the Government. This, however, is so remote a contingency that I think it ought to be disregarded.

I may say that while your letter may have been, as you suggest, hurriedly written, I have never seen the general subject treated more intelligently and concisely than it is in your communication.

I sincerely hope that the bill will pass, and if it does, I am satisfied that in its practical operation it will do more to allay the bitterness between capital and labor than any legislation within the power of Congress. It would, I think, also be followed by similar legislation or practice in the several States, and thus have a far-reaching and most salutary effect.

I ought to apologize for not answering your letter more promptly, but ever since its receipt I have been so much crowded with professional engagements, admitting of no delay, that I have been unable to write sooner.

Yours, truly,

S. S. GREGORY.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some remarks on the Taylor system of scientific shop management.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print some remarks on the Taylor system of scientific shop management. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to print as a House document a speech by the Hon. Woodrow Wilson before the Tariff Commission on the 22d day of September, 1882. It is only three pages long and will involve but very little expense.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to print a tariff speech by Gov. Woodrow Wilson delivered at Atlanta.

Mr. CLAYTON. Mr. Speaker, I think the gentleman ought to inform the House what the purport of it is.

Mr. HILL. I will. A tariff commission went around the country holding public hearings, in order to frame a tariff bill, and a meeting of that commission was held at Atlanta, Ga. Gov. Wilson appeared before the committee and, in a prepared address, delivered his views on the tariff question.

Mr. MURDOCK. That was in 1882?

Mr. HILL. Yes. I think the country wants to know what the views of Gov. Wilson were and are to-day, as still confirmed by him.

Mr. CLAYTON. I have no doubt that Gov. Wilson has sounder views and better economic views generally than the gentleman from Connecticut.

Mr. HILL. And it is for that purpose that I want them printed—to improve my education.

Mr. CLAYTON. And therefore, for the purpose of enlightening the gentleman from Connecticut and his constituents as to sound economical views, I shall not interpose an objection.

Mr. RODDENBERY. Mr. Speaker, I am opposed to conducting a national political campaign at the expense of the people of the United States by from time to time publishing the utterances, policies, and desires of sundry candidates in the form of House documents, so that Members of Congress may disseminate them free of charge. I think the various parties should pay their own campaign expenses, including the printing bills and the like of that, and I object.

The SPEAKER. The gentleman from Georgia objects.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvements or economy in manufacturing processes or plant.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 10, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill and resolution were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same with amendment, accompanied by a report (No. 947), which said bill and report were referred to the House Calendar.

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 6735) to authorize the exchange with the Coconino Cattle Co. of lands within the Coconino National Forest, reported the same with amendment, accompanied by a report (No. 948), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SPEER, from the Committee on the Public Lands, to which was referred the bill (S. 2014) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, Grace E. Lewis, and Dolly Neely, reported the same with amendment, accompanied by a report (No. 949), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WICKERSHAM: A bill (H. R. 25662) to amend an act entitled "An act to encourage the development of coal deposits in the Territory of Alaska," approved May 28, 1908, and for other purposes; to the Committee on the Territories.

By Mr. STEPHENS of Texas: A bill (H. R. 25663) conferring upon tribes or bands of Indians the right of nomination of their agent or superintendent, to inspire them to interest

themselves in their own affairs, and for other purposes; to the Committee on Indian Affairs.

By Mr. BARCHFELD: A bill (H. R. 25664) to provide for voluntary admissions to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

By Mr. McKELLAR: A bill (H. R. 25678) to provide for 1-cent postage; to the Committee on the Post Office and Post Roads.

By Mr. WEEKS: Concurrent resolution (H. Con. Res. 58) authorizing Herman Walthauser to make a cast of the head of statue of John Hancock now located in Senate wing of the Capitol; to the Committee on the Library.

By Mr. SULZER: Joint resolution (H. J. Res. 335) to authorize a joint assembly of the national legislative bodies of the nations of the world to be held in the United States, and to extend an invitation to said national legislative bodies; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEALL of Texas: A bill (H. R. 25665) for the relief of James Wailing; to the Committee on Claims.

By Mr. DONOHOE: A bill (H. R. 25666) granting a pension to Michael Arnold; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 25667) granting an increase of pension to Oliver Bronson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25668) granting an increase of pension to Marshall H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25669) granting an increase of pension to Robert M. House; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 25670) granting an increase of pension to William D. Boyd; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25671) for the relief of Nancy Moore; to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 25672) granting a pension to Micah J. Jenkins; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 25673) granting an increase of pension to Mary A. Depuy; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 25674) granting an increase of pension to William T. Edgemon; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 25675) granting an increase of pension to Julia Welch; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 25676) granting an increase of pension to William Booth; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: A bill (H. R. 25677) granting a pension to George F. Flinn; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Kbauken & Stubbekase, New York, N. Y., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of N. H. Mears & Sons, of Mineral City, Ohio, protesting against the passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BEALL of Texas: Petition of citizens of Texas, favoring passage of the old-age pension bill, pensioning deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of citizens of Texas, protesting against the passage of the Owen bill creating a national health bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWMAN: Petitions of the Hebrew Veterans of the Spanish War and Polish Societies of the State of Pennsylvania, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Tom C. Hill, of the State of Pennsylvania, against passage of the Oldfield bill proposing change in the patent laws; to the Committee on Patents.

Also, petition of the Brotherhood of Locomotive Engineers, of Cleveland, Ohio, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Fiftieth Anniversary of the Battle of Gettysburg Commission, at Philadelphia, Pa., favoring passage of Senate bill 6964; to the Committee on Military Affairs.

By Mr. COOPER: Petition of citizens of Janesville, Beloit, Clinton, and Evansville, Wis., protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Memorial of the Rochester Florists' Association, of Rochester, N. Y., against congressional distribution of seeds; to the Committee on Agriculture.

By Mr. DAUGHERTY: Petition of citizens of Carterville, Jasper County, Mo., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: Petition of citizens of Aztec, N. Mex., against passage of the Oldfield bill, protesting change in patent laws; to the Committee on Patents.

By Mr. FORNES: Petition of the National Guard Association of New York State, favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of the Chinese Consolidated Benevolent Association, San Francisco, Cal., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Hebrew Veterans of the War with Spain, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Hebrew Veterans of the War with Spain, of New York City, against the enactment of certain proposed legislation to amend the immigration law; to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of master New York State Grange, of Watertown, N. Y., against passage of House bill 24927, relative to shipment of unweaned calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Imperial Chemical Manufacturing Co., of New York, against passage of the Richardson bill (H. R. 14040), relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Spanish War Veterans of New York City, favoring passage of House bill 17470, for pensions for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of the Committee of Wholesale Grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the department of health of the city of New York, division of hospitals, favoring passage of Senate bill 4792, relative to authorizing Public Health and Marine-Hospital Service to make descriptive matter relative to hospitals, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. HENSLEY: Petition of the Liquor Dealers' Benevolent Association of St. Louis, Mo., against passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HENRY of Connecticut: Memorial of Hartford and Rockville (Conn.) Branch, No. 52, Workingmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of William C. Hoffman and K. C. Greenleaf, of Jersey City, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOBECK: Memorial of the Hebrew Veterans of the War with Spain, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of South Dakota: Petition of the Order of Railway Conductors and Employees of the Dakota Division of the Chicago & North Western Railway Co., against passage of the employers' compensation act; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Chamber of Commerce of Los Angeles, Cal., favoring passage of Senate bill 122, creating a board of river regulation; to the Committee on Rivers and Harbors.

Also, petition of the California Fruit Growers' Association, favoring passage of a national quarantine bill; to the Committee on Agriculture.

Also, memorial of Cooks and Waiters' Union, Local No. 220, of Eureka, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SIMMONS: Petition of the National Guard Association of New York State, favoring passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. SULZER: Petition of the National Guard Association of the State of New York, relative to pay for the Organized Militia; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of National Guard Association of the State of New York, favoring passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. TILSON: Petition of the New Haven Trades Council, of New Haven, Conn., favoring passage of House bill 23673; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: Petition of the Woman's Auxiliary of the Board of Missions of the Protestant Episcopal Church, in favor of the passage of House bill 21773, for the relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the commander and other members of U. B. Pearsall Post, No. 500, Grand Army of the Republic, National Military Home, Kans., protesting against the interstate shipment of intoxicating liquor into States having prohibitory laws; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *July 10, 1912.*

(Continuation of legislative day of Saturday, July 6, 1912.)

At 10 o'clock a. m., on the expiration of the recess, the Senate reassembled.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Kern	Rayner
Borah	Crawford	Lea	Shively
Bradley	Culberson	Lorimer	Smith, S. C.
Brandegee	Cullom	McCumber	Smoot
Bristow	Curtis	Martin, Va.	Stephenson
Brown	Dillingham	Martine, N. J.	Sutherland
Bryan	Fletcher	Nelson	Thornton
Burnham	Gallinger	O'Gorman	Tillman
Burton	Gronna	Overman	Warren
Catron	Johnson, Me.	Page	Works
Chamberlain	Johnston, Ala.	Perkins	
Clapp	Jones	Pomerene	

Mr. TILLMAN. I ask unanimous consent to introduce a resolution and to have it read.

The PRESIDENT pro tempore. The Senator will withhold that for a moment. A quorum has not yet been obtained. Forty-six Senators have answered to their names, not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The Senator from Utah asks that the names of those who have not responded be called. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SMITH of Georgia and Mr. WETMORE answered to their names when called.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I report back House bill 25069, the sundry civil appropriation bill, so that it may be printed as proposed to be amended by the committee.

Mr. SMOOT. I doubt very much whether that is in order under the unanimous-consent agreement. An agreement was made, "That on Saturday, July 6, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of Senate resolution No. 315, declaring that corrupt practices were employed in the election of WILLIAM LORIMER as a Senator from Illinois, and that his election was invalid, and that before adjournment on that legislative day a vote be taken upon said resolution and all amendments to and substitutes therefor."

I understand that unanimous-consent agreements, such as the one above stated, have never been set aside for the introduction of any kind of business.

Mr. WARREN. Will the Senator allow me right there? I wish to say, first, that this is in the nature of a privileged report; second, that I gave notice before the unanimous-consent agreement was made, gave it in the open Senate, gave it as chairman of the Committee on Appropriations, that I could not consent to further unanimous-consent agreements that did not provide for or except business regarding appropriation bills, such as a report like the one I now offer, which would take no time, except to pass it across the table to the printer. Unless I can make this report and have it printed, Senators can not have the opportunity of properly examining this large and very important sundry civil appropriation bill without a very considerable delay. So I do not consider that there is any "unanimous-consent" agreement which ought to shut this out, for I had given notice beforehand that I would not consent to such a proposition.

Mr. President, it is not a large matter nor of great importance, only I am liable to have to answer an urgent call to leave the city at any moment, and I desire that the report may be received and printed, so that the appropriation bill may be taken up at an early day. I believe I am entirely within the agreement, first, because I had given notice that such a report should be excepted, and, second, because the agreement itself does not say that other business shall not be done.

Mr. SMOOT. I believe that always in the past where a unanimous-consent agreement has been reached, it has at least been understood that it would exclude all business in the Senate until that particular business being considered under the unanimous agreement was disposed of. I feel, Mr. President, that this is a matter of enough importance to have a ruling of the Chair upon it, and I shall make the point of order that the report is not in order at this time.

The PRESIDENT pro tempore. The present occupant of the Chair has read the rule with great care, and while he fails to find any absolute inhibition for the consideration of other business, the Chair is of the opinion that the spirit of the rule, at least, would indicate that the Senate did not intend to do any other business until the matter in hand was disposed of.

Yet the Chair finds that there is a wide difference of opinion on the part of Senators on that point, and the Chair has been appealed to to permit various small matters to be presented to the Senate, such as laying down messages from the House of Representatives. The Chair has not felt at liberty to do so until the matter was at least discussed to some extent. In view of the situation, the Chair feels compelled to submit the matter to the Senate for its judgment.

Mr. WARREN. Will the presiding officer, before doing that, rule upon this point: When a Senator, in the due course of his business and under his duties, gives notice that he can not consent to a unanimous-consent agreement, unless it excepts privileged questions, is that any protection or not?

The PRESIDENT pro tempore. The Chair would on that point suggest that, unless the exception had been noted in the agreement itself, the Chair would not feel like ruling that that brought the matter within the exception.

Mr. WARREN. Of course that leaves a Senator powerless. He puts the notice in the RECORD and does not happen to be present when the agreement is made. No one knows better than the Chair that those who have to prepare the appropriation bills can not always be in the Chamber, and if such a notice can not avail it would leave a Senator without the protection that it seems to me is due.

Mr. SMOOT. This notice was given June 8, 1912, and if an exception had occurred to the Senator it seems to me it ought to have been brought to the attention of the Senate before the subject matter of the agreement was reached in the Senate for discussion, and then if the Senate wanted to modify the agreement it could have done so.

Mr. WARREN. I do not understand what the Senator means by that. This is the first notice I have had that my notice, given before the agreement, had not been observed.

Mr. SMOOT. The Senator must have known that it was not included in the unanimous-consent agreement.

Mr. WARREN. There is nothing that will bar out receiving this report in the proper construction of the unanimous-consent agreement, as the Chair has indicated.

Mr. BACON. Mr. President, I should like to suggest to the Senator from Wyoming that if any such rule as he now seeks to secure recognition for would be recognized, it would go still further and a Senator could say, "I give notice that I am not going to consent to any unanimous-consent agreement," and then absent himself, and the Senate could be thereafter precluded from the possibility of making a unanimous-consent agreement because one Senator had given notice that he would not consent, and while he was not present to make good that expression he would have the Senate be governed by a notice of that kind.

Mr. WARREN. If the Senator will allow me, I shall withdraw the request for permission to report the bill. I have no desire to push the consideration of appropriation bills if the Senate does not so desire; but I certainly wish to acquit myself of being one who is delaying the proper business of the Senate and its early adjournment. I withdraw the request.

Mr. BACON. Senators have not any such special necessity for adjournment that they can not proceed in regular order under the terms of a unanimous-consent agreement, which is one of the most important methods of procedure of the Senate. There should not in any manner be any doubt cast upon the fact that the Senate will not only in letter but in spirit always observe a unanimous-consent agreement.

Mr. CLAPP. Mr. President, I can not let the statement of the Senator from Georgia go unchallenged. A notice which a Senator gives and which is entered in the RECORD is just as much notice to the Senate as though it were printed on the calendar; and if one Senator can object to a request for unanimous consent—and of course one Senator can—he clearly has the right to announce that he will not consent to unanimous consent as to a given proposition; and if he is unavoidably absent on committee work or otherwise, he certainly would not be bound by action that was taken against his protest entered in the RECORD.

Mr. MARTIN of Virginia. Mr. President, I merely desire to say a few words to dissent from the proposition laid down by the Senator from Minnesota. Senators can not leave notice with this body as to what they will do. When unanimous consent is asked, unless objection is made from the floor of the Senate by a Senator who is present, he can not leave his vote here to be recorded against it. The Senate can not do business by proxy in that way. I am startled at the suggestion made by the Senator from Minnesota that the business of the Senate may be controlled by absent Senators.

Mr. CLAPP. Mr. President, that proposition of mine does not propose to control the business of the Senate; it simply prevents the Senate, in the necessary absence of a Senator, from controlling his action and binding him by an agreement to which he is not a party and against which he has entered his protest. The making of unanimous-consent agreements is a very peculiar and a very drastic proposition, and the idea that a Senator, who may be properly absent because of sickness or from any other cause, can be bound here by an agreement to which he is not a party, and against which one single protest would prevent its consummation, I for one can not consent to, and never will.

Mr. MARTIN of Virginia. When a Senator is absent whether it be because of sickness or other cause, he can not participate in the business of the Senate.

The PRESIDENT pro tempore. The Chair understands that the Senator from Wyoming has withdrawn the report.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On July 6, 1912:

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia* of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean;

S. 897. An act for the relief of Alfred L. Dutton;

S. 1238. An act for the relief of Herbert Thompson;

S. 1754. An act for the relief of William F. McKim;

S. 3176. An act granting a pension to Elizabeth B. Preston;

S. 5108. An act to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, the southeast quarter of the southwest quarter, of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;

S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On July 9, 1912:

S. 458. An act for the relief of the Turner Hardware Co.;

S. 4445. An act concerning unrigged vessels;

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes;

S. 5287. An act for the relief of Kate Ferrell;

S. 5935. An act to fix terms of the district court for the western district of Michigan;

S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.; and

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

SENATOR FROM ILLINOIS.

Mr. CULLOM. Regular order, Mr. President.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Tennessee [Mr. LEA] is before the Senate.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

The PRESIDENT pro tempore. The question is on agreeing to the resolution, on which the yeas and nays were ordered on yesterday.

Mr. JOHNSTON of Alabama. Mr. President, the consideration of this case has doubtless carried it beyond the stage where the conclusion of any Member of this body can be changed by recounting the statements of witnesses. My own conclusions are embodied in the report of the committee, and I shall not attempt to rehearse, in the debate upon this question, what has been carefully and definitively presented in that report.

I was designated as one of the subcommittee originally selected to hear the charges affecting the seat of WILLIAM LORIMER, and upon the reopening of the case upon the suggestion of new evidence it again became my duty to sit with the committee charged with the hearing of the evidence. These two assignments, together with the time required to consider the evidence and report our conclusions to the Senate, have occupied much of my time for over 160 days, and I can not but feel that I have not discharged the full burden of the duty involved without adding to the formal report of the committee a brief reference to my personal conclusions and my personal impressions of the atmosphere created by the hearings, in addition to the paralyzing conclusiveness of the bare facts.

Mr. President, I shall assume that every Senator who intends to vote to unseat WILLIAM LORIMER is familiar with the printed evidence and has carefully considered the report of the committee selected by the Senate to ascertain the facts. Corruption is often less infamous and uniformly less cruel than injustice, and a judgment of ouster against the Senator from Illinois rendered without a patient and full consideration of the evidence would be opposed to a fundamental maxim of humanity and of Anglo-Saxon liberty—the presumption of innocence.

This proceeding, Mr. President, is a criminal trial in which it is conceded that there is no evidence tending to show complicity on the part of the defendant with the crime charged, and in which those charged with the actual corruption, and whose guilt is necessary to a judgment of ouster, have been discharged after trial by their peers. Even those Senators upon the committee reporting in favor of unseating Senator LORIMER failed to oppose the finding of the majority "that there was nothing in the testimony to show that LORIMER himself had engaged in corrupt practices or that he personally knew of any such corrupt means being employed by others."

Nine thousand pages of evidence failed to discover any basis for the charges against his personal character. On the contrary, the evidence demonstrates a common injustice of the day. The Chicago press assailed LORIMER with such venom that the country was led to believe him a monster unfit to live, much less to sit in the Senate. A rare record of the degree of his personal unpopularity was shown when Col. Theodore Roosevelt, the Rough Rider of gusty politics, yielding to the storm, declined to sit as a guest at the board of a Republican club if LORIMER, a member of the club and a Senator in Congress, holding his

commission from the sovereign people, was to attend. It is unimportant that the premise on which Col. Roosevelt acted—the hearsay evidence of Funk—has been exploded by the testimony, for there is no question of following that prophet of political expediency when Senators are under their oaths.

The essential thing is that LORIMER, the defendant in this case, is conceded by his bitterest opponents to be a man whose personal reputation repudiates, prima facie, any possibility of complicity in the corrupt purchase of a seat in this body. His implacable enemy, the editor of the Chicago Tribune, swore that "LORIMER was more dangerous because of his irreproachable qualities of a personal sort." Mr. Kohlsaat, of the Record-Herald, who, it seems, whispers rumors to judges upon the bench, an inveterate foe, testifies: "His home life, his family life is ideal." The present governor of Illinois testifies to his favorable impression of LORIMER's character; the Republican nominee whom he defeated for the Senate and his Democratic opponent join in statements as to LORIMER which would gratify any man in this Senate. So universal was this testimony as to his integrity, his frankness, his fidelity to his word, that the distinguished Senator from Indiana [Mr. KERN], who opened this debate against him, was led to say:

> My duty here is particularly painful because the man whose right to a seat here is a fellow Senator, a man of pleasing personality, whose private life, as I understand it, has been pure and whose home life is ideal.

These conclusions from the evidence, Mr. President, do not present the weightiest reason for resolving any doubt arising from it in favor of Senator LORIMER. The undisputed narrative of his life, his earliest struggles, and his success, culminating in a seat in this body, furnish a page that will compare favorably with the best American traditions if it is not to be tarnished by a judgment of conviction on this hearing.

Eliminating sentiment and reviewing his homely efforts with that consideration of the facts which bases its conclusion as to character upon experience, we find that the vital facts of LORIMER's life point against a sudden surrender of integrity to ambition. The eldest of six children, he assumed at the age of 10, on the death of his father, a Presbyterian minister, the courageous support of his mother and the education of his brother and sisters. As newsboy, cash boy, common laborer, house painter, and street-car conductor, he maintained the respectability of his family and the dignity of labor. His brave struggle to overcome his lack of education testifies to the universal gentility of intellect. Time was when the patient fulfillment of these duties counted for more than a grudging prima facie certificate of character. It is certain that the people amongst whom he lived found no just ground for discrediting his motives or his integrity, for they elected him six times to represent his district in Congress.

This, Mr. President, is the defendant we are to try. Can any member of this body, in the light of these undisputed facts, approach a consideration of the evidence bearing on the charges without a determination that the presumption of regularity must be affirmatively overcome before the established character of Senator LORIMER is repudiated and blackened by expulsion as the beneficiary of fraud?

It is, moreover, worthy of your consideration that WILLIAM LORIMER, though conceded to be innocent of complicity in any wrongdoing, is now sought to be damned for all time, whereas the agents of the alleged fraud have been exonerated by juries representing the very people whose honor is at stake; and those miserable beings who have confessed to perjury and legislative bribery have been given immunity. The people of Illinois acquit those charged with voting corruptly, the prosecuting attorneys of Illinois release those who confessed to perjury and bribery, and the Senate is now asked to square the jail delivery by crucifying the man who is shown by the overwhelming evidence to have had no knowledge or part in any wrongdoing.

In order to reach this result, Mr. President, the evidence must show that others employed corrupt means without his knowledge or consent, to an extent that resulted in his election by corrupt votes.

On the final vote, when Senator LORIMER was elected, he received 108 votes; Hopkins, 70; and Stringer, 24. The total vote against his election was 94; and it was necessary to show, in order to unseat him, that at least 14 men were corruptly influenced to vote for LORIMER which would have reduced his honest and unassailed vote to 94, the total number received by Hopkins and Stringer. Strange to say, this is exactly the number of votes the minority report alleges to have been thus corrupted.

The chief witness to this fact is White, a man so corrupt, according to his own testimony, as to challenge the thought as to whether he could swear the truth if he tried, and to carry the conviction that he never tried. No voice has been heard, nor even a suggestion from a partisan press, in defense of the character of this debauchee. He is impeached by numerous witnesses for the prosecution, and admitted under oath that his own statements were false in material points, and were plain Anglo-Saxon lies.

The evidence given by Holstlaw, Beckemeyer, and Link is relied on to show that, after the election, money was paid them, and yet each one of them repeatedly swore that he voted for LORIMER without any reward or the hope thereof. But one man, appropriately named White, because his character is so black, is the only man who the record shows to have claimed to do this.

The State was scoured by newspaper men and by detectives paid to secure evidence. Every member of the legislature who exhibited money about that time, and practically every member who voted for LORIMER, including the speaker of the house, was put under suspicion and forced to explain. Out of the mass of testimony thus produced the minority have found, in the face of formidable and creditable testimony at every point, only 14 men, the magic and essential number, out of 108, whom they suggest were corrupted. I say the magic number, because, under the well-established principles controlling the decision of this matter, the corrupt and illegal vote, where the member himself does not know of or engage in the wrong, must be first excluded, and if it appears that a majority of honest legal votes remain he is still entitled to his seat.

Another singular argument appears in this case. LORIMER received on the final ballot the votes of 55 Republicans and 53 Democrats—108. Not a single Republican vote is challenged by the minority. I want the Democrats here to observe that fact—not a single Republican vote is challenged by the minority. Each one of the 14 alleged corrupt voters is a Democrat. Yet wholesale corruption is alleged to have prevailed—a corruption confined to Democrats, a sort of Democratic leprosy, which demonstrates in a startling manner the hitherto unsuspected sanctity and honesty of the Republicans of Illinois. It is inconceivable that if this carnival of corruption existed an agent going the rounds to buy votes would not find one Republican out of 127 in the legislature that would sell his vote.

I am reluctantly constrained to the opinion that certain Senators upon this side of the Chamber, my Democratic colleagues, are disposed to base their conclusions upon this matter upon a general conviction, in contradiction of the theory to which I have just referred, that the Republican Party in Illinois is a reproach upon public morals and that in some way WILLIAM LORIMER, as a prominent Republican in the State, is tarred with the reproach of the general system and should be rebuked. No member of the Senate has more painful personal recollection of the abuses of the Republican Party than I. In its age of youth, if not of its purity, it sent its renegades and scalawags to rule my people, and to further this purpose manufactured a vast black and illiterate electorate in a night. The evil that they did has survived only to the own undoing of their creators. Their national convention trembles at the racial instability of the negro delegate and proud leaders cringe before him. The Senator from Indiana, intent in his loyalty to Democratic traditions and justly suspicious of the good faith of a political organization which persistently breaks faith with the people and ignores its just obligations, has not the reason for crying out against that organization that I have; but that prejudice, Mr. President, confirmed by the general idea that municipal politics of the present day is a menace to political freedom, should not count for a jot or a tittle in considering the question of the regularity and legality of the election of WILLIAM LORIMER.

Some Senators of the minority of the committee in this case seem to have conceived the idea that every Democrat who voted for LORIMER did so corruptly, although the evidence distinctly shows that there were 127 Republicans in the legislature and only 77 Democrats. This conclusion is doubtless based upon the idea that I have suggested—that no honest Democrat could vote for any Republican of Illinois. But it is certain the Democrats were hopeless of electing one of their own party after the vain effort to elect had continued for months. As a matter of fact, the fact that these Democrats, or a majority of them, voted for LORIMER to defeat the nominee of a Republican primary is less a matter of surprise than the vote cast by the Republicans contrary to the recommendation of that primary. Every Democrat on this floor knows that, as between LORIMER and Hopkins, the majority of Democrats, hopeless of success in their own ranks, would have voted for LORIMER. If it be prima facie evidence of corruption when a Democrat under any circumstances votes for a Republican, it would cast suspicion upon every Democrat who, under like circumstances, has obtained Republican votes. A Democratic Senator in this body from the

State of Tennessee, whose seat is uncontested, was elected by the votes of 32 Republicans and 34 Democrats, and he had a majority of 2. I believe, to elect him; and my good friend the junior Senator from Vermont [Mr. PAGE] would be tarred with this suspicion, as he received every Democratic vote in the legislature.

The charges of corruption in the election of WILLIAM LORIMER were examined, exhaustively argued, and acted upon by the Senate in the Sixty-first Congress. The contention that a Member's right to a seat in this body can be tried, judicially determined, and subsequently reopened on the same facts for consideration at a subsequent session of the Senate, when it is hoped that a change in the membership will result differently, is, upon the bare statement of the proposition, a shock to the conscience. The uniform precedents established by the practice of the Senate in such matters sustain the dignity and conclusiveness of its former judgment. It is to the interest of the public business that successive sessions should not be monopolized by the consideration of contests most frequently involving partisan questions. The pending matter demonstrates the wisdom of the rule. It is conceivable that where public indignation has been aroused concerning a Member of this body, whose right to a seat is contested, candidates for the Senate in the various States, who base their appeal upon issues which they fancy will stir the popular pulse rather than upon their character, their intellectual independence, and their record of patient service, might try the contests on the hustings and come into this body committed to reopen and condemn, without having had the opportunity, or of having been under the sworn duty, of reaching a conclusion upon the facts. Retrial under such circumstances would be a disgrace to justice. Mr. President, it would humiliate me, as a Member of this body, if I were forced to the conclusion that the instance that I have just supposed is not altogether remote.

In the case of Fitch and Bright, Senators from Indiana, who were seated by the Senate on hearing the contest, in May, 1858, the case was subsequently reopened by the Senate in 1859, upon the request of the Legislature of Indiana. After consideration, it was solemnly decided by the Senate that the decision made in 1858 established finally and irrevocably their right to seats and that the judgment was final.

The same conclusion was reached by the Senate in the case of Sykes against Spencer, from Alabama; the committee reported in that case that—

> The question on the former trial was whether the courthouse legislature was the lawful legislature; and that having been definitely settled, it was considered by the committee that it was not competent for the committee or the Senate to reopen it, and that it must be treated as res adjudicata—

and no minority report was presented by the committee, though such illustrious Democrats as Saulsbury of Delaware, Merrimon of North Carolina, and Cooper of Tennessee were members of the committee; so also was this followed in the case of Corbin against Butler, from the State of South Carolina.

In the case of Senator DU PONT of Delaware, the Republican majority of the committee reported that he was entitled to his seat in November, 1895. Senators Turpie of Indiana, Pugh of Alabama, Gray of Delaware, and Palmer of Illinois, Democrats, dissented, and their minority report was adopted as the judgment of the Senate by a majority of 1, and DU PONT was denied his seat. The case was reopened by the Senate, and upon consideration the committee reported without a single dissenting voice that the Senate having decided the case, it was final and conclusive. Senator HOAR was chairman of the committee, and Senator Edmunds and all the Democratic and Republican members joined in this report, save one, who withheld his judgment. Senator HOAR said on the floor that "he believed DU PONT had been lawfully elected and he desired him to be seated; but that no newly discovered evidence was found or mistake suggested, and that the case having been decided, nothing remained but to declare it final."

The basest assassin and most hardened criminal can not, after acquittal, be tried again for the same offense in any Anglo-Saxon country in the world. If the right of a Senator to a seat in the Senate can be tried over and over again, it is at the whim of a changing majority. His right is not merely his right to a seat, which may be of small consequence, but it involves his reputation, his honor, and the future peace and happiness of his wife and children, and, more than all, as I have said, the right of a sovereign State to have its chosen representative in this body, however ill fitted he may be to serve.

The Senator from Indiana attempts to defeat the plea of res adjudicata by the argument that it should have been made at the outset against a reopening of the case.

When that matter was before the Senate, the chairman of the committee, Mr. DILLINGHAM, said very wisely:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or errors or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or facts which are involved.

We were agreed that if newly discovered evidence had been found showing that $100,000, or any other sum, had been raised and used to secure the election of Senator LORIMER by Mr. Hines or any other person, he should be unseated, but we could not tell in advance of the investigation whether such were the facts. We were willing to reopen the case for the purpose of giving the widest latitude to prove this alleged fact, but the majority after hearing all the evidence has found that such was not the fact and, accordingly, that the Senate should not recede from its former judgment.

The testimony of Funk is relied on. I shall not burden the Senate with a review of the facts, which, in my opinion, refute Funk's statement beyond defense. Even had it been established beyond dispute that Hines had told him that they had used $100,000 to elect LORIMER, that would not prove the fact that one cent was used in electing LORIMER. The evidence is overwhelming that Hines did not raise or expend any money in connection with securing votes for LORIMER.

For these reasons and upon the evidence it is my solemn conclusion that no new evidence has been adduced showing that the judgment of the Senate rendered at the Sixty-first Congress should be reviewed, and that, upon the whole evidence, the charges of corruption have not been sustained.

I am not induced to this conclusion by any friendship or sympathy for WILLIAM LORIMER. Had it been established to my reasonable satisfaction that a single vote had been corruptly influenced in his favor and to his knowledge or that his majority was due to fraudulent votes, I should unhesitatingly vote to unseat him. Senator LORIMER's political convictions are not mine. My first political battles were spent in the effort to free my State from the baleful influence of his party, and I should be glad to do my part in directing the Nation's attention to so signal a crime as the purchase of a seat in this body by a Republican of long service if the evidence justified it. In my opinion, the evidence fails.

Mr. President, I have heard it whispered around this Chamber that my conclusion is opposed to the conclusion of the majority of the Senate; that the recent campaign for the Republican nomination, in which the leading candidates, neither of whom was or is charged with the sworn duty of reaching a conclusion upon the evidence, vied with each other in decrying LORIMER, and thereby revived the unpopularity of WILLIAM LORIMER; that this has lost his cause, and I have been advised to "drop LORIMER" and save myself.

Mr. President, I entered the Confederate Army in April, 1861, because the State of Alabama had seceded from the Union, and I believed their cause was righteous, and that it was my duty so to do. For four long, bloody years I followed the flag of Dixie; sometimes in defeat and often to victory. I became convinced before the surrender that we could not succeed, because we could not replace the brave men who fell on the field of battle. We were shut out from the world and could only draw recruits from the cradle. The idea never came into my mind that, because we must inevitably fail, I should desert to the enemy. I stood by my colors facing death and defeat until Lee and Johnston surrendered the fragments of glorious armies whose fame will never die. The span of my years may be shortened by the shot stopped by my breast in that failing cause, but, all in all, my keenest satisfaction in the past rests not upon those moments when I swam with the tide, but when I bared my breast, with Ajax, and took the lightning. Mr. President, I refuse to save myself at the sacrifice of my convictions and my honor.

A great deal is being said these days, Mr. President, about the people's rule—about restoring the people to rule, which I had not observed they had lost nor they either, I imagine. I am forced to concede that during the generation of Republican administrations, which are now passing, the interests of the plain people seems not to have been the inspiration of our national legislation. As I have remarked, I have no doubt that the popular impression upon this question is that LORIMER should be unseated, but I do not conceive it to be aiding the restoration of popular government to substitute popular impression for the solemnity of my oath as Senator. The difficulty of inviting direct action of the people upon measures, under our system of Government, is the physical difficulty of presenting the facts fully and fairly, and of securing a general expression from the people, rather than any distrust of their deliberate conclusions. When they know the facts their judgment can be relied on.

Montesquieu, the prophet of the American Constitution, says (Book II, 2)—

> that the people under a republican form of government are extremely well qualified for choosing those whom they are to intrust with part of their authority, but are not capable of conducting an intricate affair; that the great fault in the ancient republics was that the people exercised the right of active resolutions, whereas they were more peculiarly fitted to choose representatives for that function.

Again (Book XI, 6)—

> that democracies are subverted when the people deprive "the senate, the magistrates, the judges of their functions"; and when the people "want to manage everything for themselves—to debate for the senate, to execute for the magistrate, and to decide for the judges."

Clear-cut issues, such as the tariff, the Republican idea of revision downward, extravagance in national affairs, the election of Senators by the people, and other constitutional amendments—these, and yet other matters, are all issues which the people can and should decide, but no man can contend that the people of the United States have absorbed an accurate statement of this investigation from the public press, or that they desire to sit as judges upon this voluminous record, or that if they were to pass judgment, they had opportunity or time to read this mass of evidence.

Mr. President, day before yesterday I sent up to the document room to inquire how many copies of the hearings had been taken out, and I was informed that but 41 had been removed from the document room—not enough to supply half the Members of the Senate; and so far as I am advised not a single copy had been sent to any citizen in private life.

No Senator can evade his responsibility for a consideration of the evidence and an independent conclusion upon the facts; and for the consolation of any Senator whose conviction may tremble before the superstitious suggestion which has been made that every Senator who voted for LORIMER has been defeated for reelection I desire to call attention to the reverse of that suggestion. When I look around the Senate I am unable to find the brilliant Beveridge of Indiana in this Chamber—the first of the so-called anti-Lorimer Senators to "bite the dust." And where is the late vibrant Senator from Nebraska, Mr. Burkett? Where is my good friend Frazier of Tennessee? And how fares it with the worthy and respected Senator from Oregon [Mr. BOURNE], and my good friend the Senator from Nebraska [Mr. BROWN], and the chivalrous PERCY of Mississippi, and that splendid old newspaper man from Iowa, Mr. Young? All these opposed LORIMER on the former hearing.

In this case the Senate is both prosecutor and judge, a dual relation that demands the greater care and hesitancy in resolving the burden of proof for a judgment of conviction. The duties of the prosecutor are done; you now sit as judges. And in that connection it may have occurred to some minds that the present tendency to criticize this body would be in some degree relieved by the expulsion of Mr. LORIMER, that your pride and the dignity of membership in this body would be protected or augmented by the expulsion of a Member enjoying popular disfavor. The merit of the Senate must be inconsiderable if it labors under such a necessity. There is enough and more of Pharisaism in public life. Col. Roosevelt declines to break bread at a public banquet with an American citizen, convicted of no crime and proven guilty of no personal act of moral turpitude, and chosen by the legislature of his State to sit in this body. He has not heretofore been so choice in his table mates. Un-American, undemocratic, and un-Christian charlatanry of this kind produces scoffers, not converts, to the cause of progress and reform. The same gentleman charges a large number of the leaders of his party with being accessories before or after the fact to grand larceny.

There is another fact in this case that should have weight. I do not suppose that as many as 20 Senators have read all the evidence in this case. Seven Senators were assigned as a subcommittee to hear it on the first trial, and a special committee of 8 Senators to hear it on this trial. Of these 15 Senators, composed of 8 Republicans and 7 Democrats, 11 have agreed in their findings in favor of Senator LORIMER and 4 only to the contrary. In the first trial the members of the committee, with the exception of Senator Frazier of Tennessee, were unanimous, and on this trial they stand 5 to 3 for acquittal, and of the 5, one Senator—one of the ablest and truest in this body (the senior Senator from Washington, Mr. JONES)—voted against LORIMER on the first trial and has entirely changed his mind after a patient and impartial hearing of the evidence in a long and protracted sitting.

This is the judgment of the men who have heard the witnesses, observed their aspect and bearing, and were better able to weigh their credibility. I have not the slightest pride of opinion that makes me desire that my conclusion on the facts, or the conclusion of the committee, be sustained by the Senate. I merely suggest that the repudiation of the majority report by the Senate would constitute a substitution by the Senate of the conclusion of Senators who have not heard the witnesses, and who have not been charged with the specific duty of considering it exhaustively, for that of your committee which has proceeded upon the unpleasant duty assigned them with the utmost patience and deliberation, and with that opportunity for weighing the testimony which is regarded as indispensable to a judgment upon the facts by every civilized system of law.

I heard all the evidence in both trials, the last covering about 9,000 pages of printed testimony; observed the witnesses, their demeanor, and manner of testifying; and I was not convinced, or reasonably satisfied, that LORIMER's election was secured by corrupt methods. I know that many people who have neither heard the evidence nor read it believe that LORIMER is guilty. I am sitting under my oath as a judge, and if I knew that every man in the United States believed LORIMER not entitled to his seat, I should decide the case according to my conclusions upon the law and evidence, whatever the result. Should I decide against my judgment and conscience, I would be unworthy to sit in the Senate. I would lose my own self-respect and be unfit to associate with honorable men. For a judge or juror to decide a case in accordance with what he believes would be pleasing or displeasing to the general public would show him unworthy to sit on the bench or the jury. Can any man, however honest and able, who has neither heard nor read the evidence, or who does not know the law applicable to it, be competent to decide such a question? Should any man who has not even read the evidence justly condemn those who have? If so, our entire administration of justice is wrong; our political convictions erroneous, and all functions of government should be left to a vote of the people. Until the people, in the exercise of their plenary power, assume the duty and right to pass upon solemn matters pending before this body it behooves the Senate to give effect to our ancient institutions. Among them is a system of justice which is deaf to popular clamor, entertains no presumption of guilt, and acquits in the absence of a definite and conscientious conviction to the contrary.

The people have not heard the evidence as I have. They have not taken an oath to do impartial justice according to the Constitution and the laws. I have. I can not render judgment upon their convictions, nor can they transfer to themselves my punishment if I violate my own. I would be unworthy of my place, if, for any fears of public retribution or disapproval, or for the sake of securing popular favor, I should disregard the convictions of my judgment and conscience. If every member of the Legislature of Alabama and every citizen of the State should demand that I should yield to the popular clamor for the conviction of anyone, upon their belief about the facts, contrary to my judgment, my convictions, and my oath as a Senator, I should promptly resign my commission and permit them to choose a successor who might be more willing than I to sacrifice his honor and self-respect for a seat in the Senate. I have taken no oath and made no promise to cast my vote according to the edict of the press. I ran before the wind of no popular temporary issue; I rode into this Chamber upon no hobby selected for political effect. I believe that the dignity of a Senator is not consistent with catch-penny platforms, patent issues, or maudlin generalities, and that my presence here is based upon the conviction of my people that upon all public questions my experience, and my record of service in the past, justified them in relying upon me to consider patiently each question in the light of the public welfare and vote my convictions. I am not convinced from the evidence that WILLIAM LORIMER had any knowledge or notice whatever that corrupt means were used to secure his election, or that his election was actually secured by corrupt methods or practices. I shall therefore vote against a judgment of ouster and leave the matter to the people of the State of Illinois, which, through her legislature, formally selected Mr. LORIMER to represent her in this body.

Mr. JONES. Mr. President, in view of the discussion that has been had on this case, thorough and complete as it has been in the Senate, I would not take the time of the Senate to dis-

cuss it at all were it not for the fact that on the former hearing I voted against Mr. LORIMER, and on this hearing I expect to vote to sustain his right to a seat in this body.

I do not think that it is necessary for me to say that my action on the former hearing was based on a conviction made up from the record in that case as to what a Senator ought to do, nor do I think it necessary for me to say that in this case my change of opinion has been forced upon me by reason of the testimony and the record made in this hearing.

I have been impressed as never before with the importance of seeing witnesses on the stand, hearing them testify, and considering their characters as they appeared upon the witness stand in determining the force and effect that shall be given to their evidence, and that has had much to do with my change of opinion with reference to this case.

There seems to be abroad in the land the opinion among the people that a vote for Mr. LORIMER is a vote to sustain bribery and corruption, and that the man who casts it approves bribery and corruption, and that a vote against Mr. LORIMER is a vote against bribery and corruption in elections, and that the man who casts it is the special enemy of such bribery and corruption. I judge this by remarks that I hear and by letters that I receive. I regret that there is such a sentiment throughout the country. It is not true. The men who vote for LORIMER are just as strongly opposed to bribery and corruption as those who vote for him. It is the duty of every Member of the Senate to so vote and so express himself as to show to the country that this Senate is independent, so far as a matter on which it acts as judges is concerned, of political clamor and political passion and prejudice, and that every man here votes his honest conviction based upon the law and the evidence, and to prove to the people of the country that this Senate is worthy of the Senates that have preceded it. We should do all in our power to eradicate the feeling throughout the country of distrust of public officials, of distrust of men in authority and in high place, that seems to influence the masses. It seems to me that this feeling in the country has had more to do with the situation with reference to this case than almost anything else.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. Mr. President, it is my respect, my very high respect, for the Senator from Washington which prompts me to interrupt him at this point. I know that he is thorough and honest and fearless and that his investigation into this case has satisfied him that the course he intends to pursue is the appropriate and proper one, but I must confess to a sense of irritation over the covert and insinuating intimation that has run through every speech that I have listened to in this Chamber on this case since it was reopened, challenging either the honesty or the integrity or the fairness or the courage of those who disagree with the Senator from Washington and his colleagues.

I have read this case through from top to bottom. I know the evidence and have satisfied myself as to the course I ought to pursue, and it is not in obedience to any public clamor. I hold my seat here as highly honorable as the seat of any Member. But if I am convinced, I will say to the Senator from Washington, that around the election of Senator LORIMER there is more bribery and perjury, more dishonor and infamy, than ever surrounded the election of a Senator to this body, it is my duty to say so. Clamor outside or inside of this Chamber has no influence whatever with me, and the rule of men here who arrogate to themselves superiority and control of the deliberations has no terror for me either.

I suggest to the Senator from Washington that it is worth a man's political life in this Chamber if he opposes certain elements who pretend to control our course. I have encountered that spirit from the time I entered here, and, undismayed by it, I propose to do my duty as I have the light to see it. The intimation of lack of courage is false, and I resent it both in the name of my colleagues who have reached a conclusion similar to my own and myself.

Mr. JONES. Mr. President, I was unfortunate in my expression if I gave the Senator just cause to conclude that I was referring to Members of the Senate. I was referring to the state of the public mind outside of the Senate, and I was just going to proceed to say what the Senator from Michigan has said much better than I can say, that however there may be those who may intimate that Members of the Senate will be controlled in their action by anything other than their honest convictions upon this case, I myself do not believe it. I am willing and glad to concede to every Member of this body the same honest conviction, the same conscientious devotion to duty, the same courage to carry out his convictions that I claim for myself. I want the declaration that he has so well made to go to the country that the Senators who are voting to sustain the right of Senator LORIMER to his seat in this body are just as much the enemies of corruption and of bribery as are the Senators who vote to exclude Senator LORIMER from this body. I am glad he made that declaration. I would like every Senator to make it because it is absolutely true, but those outside of this Chamber opposing Senator LORIMER seek to give the opposite impression. This is not fair, it is not just, and those of this body who know it is not true should say so in no uncertain tone.

I desire to say that so far as I am concerned after hearing the testimony in this case, after weighing it from every standpoint possible, after spending days and weeks and months in regard to it, after attending, I think, every day of the hearing except two and hearing practically all of the witnesses, I was convinced that Senator LORIMER's election was not secured by corruption, and being convinced of that fact I can not do other than vote to sustain his right to a seat in this body.

In saying that I want to repeat that I do not impugn the motives or the courage or the honest conviction of any Senator on this floor, and much less the courage and honesty of the Senator from Michigan and his colleague, for whom I have the greatest respect and in whose courage and honesty I have the greatest confidence.

There are many outside this Chamber who seem to think that those of us who do not believe Senator LORIMER's election was secured by corruption should disregard that belief and vote to exclude him. None in this Senate believe that, and they should so declare to the country.

Mr. President, this committee was appointed to investigate the charges of corruption in connection with the election of Senator LORIMER, at the request of the Legislature of the State of Illinois and upon allegations of the existence of new and material evidence that was not brought out on the former investigation. The former judgment of the Senate was not vacated, has not been vacated, and is not now vacated, and was not affected by the action of the Senate in the appointment of this committee, nor was the question of its vacation given any special consideration, although it was stated by some when the resolution to appoint this committee was pending that they would not vote for the resolution except because of the allegations of new evidence.

This committee was appointed, and more than 8,000 pages of testimony have been taken. In my judgment, not a scintilla of competent and credible evidence has been produced showing corruption in the election of Senator LORIMER.

The Senator from Michigan refers to perjury and declarations of corruption, and all that sort of thing, surrounding this case. There is no question but that there is perjury in this case. Perjury? Perjury? Perjury? Yes; but it is perjury on behalf of those and on the part of those who attack the seat of Senator LORIMER. I do not say that there is no perjury on the part of some who have been brought, as it were, to the support of the contention of Senator LORIMER. I think there has been. There is perjury on both sides of this case; but, to my mind, the question is, Was there corruption in the election of Senator LORIMER, and was his election secured by corruption?

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. When I referred particularly to perjury I referred to the testimony of Link, which the Senator from North Dakota [Mr. MCCUMBER] referred to the other day.

Mr. JONES. I will say to the Senator it is my intention to refer to these particular witnesses a little later and give my view of their testimony.

Mr. SMITH of Michigan. They have been referred to. For fear that my statement might seem to be amiss, I simply wanted to say, if the Senator from Washington will permit me, that Mr. Link, before whom the alternative of the penitentiary or his home was held up before his eyes, committed perjury twice—first when he said he was not at St. Louis, and reaffirmed it on his oath when the district attorney told him not to add perjury to his crime. "I am not adding perjury." The district attorney reached down under his chair, took out the register of the hotel, handed it to Link, and said, "Is that your name? Did you write it? Were you there that day?" "Yes." "And why do you say you were not?" "I lied." That is his language, "I lied." He had perjured himself before this dreadful picture was held before his eyes, and it was time to hold this picture before his eyes and at least attempt to deter him from further crime.

I can go through the case and cite instance after instance of perjury. Far be it from my purpose to put this on the shoulders of the Senator from Illinois. I know that he has not perjured himself. If he had risen in his place in this Chamber when the charges were first made against him and made the statement that he made at the close of the last hearing, instead of inviting this investigation I would have accepted his statement as absolutely true. But it passed that point, and the details before us and can not be ignored. The attempt of men who had not been true to cover up their tracks, scurrying from place to place to avoid the officers of the law, shielding themselves behind flimsy privileges, was sufficient to attract my attention, and I have given it very careful study.

The conclusion that I have been forced to reach I reached reluctantly, because 10 years of service with the Senator from Illinois, in which our personal relations were most cordial and pleasant and honorable, admonished me that I ought to have some deep, substantial, solid reason for impugning his title. I think that exists in this testimony and shall govern myself accordingly.

Mr. JONES. Mr. President, I am glad the Senator brought this point up, although I expected to touch on it later. Yes; Link committed perjury, and yet he is one of the witnesses relied upon to show that LORIMER should be excluded. The Senator seems to conclude that because Link denied he was at St. Louis, when in fact he was, is proof that he was bribed to vote for LORIMER. I do not question the fact that Mr. Link had a reason for denying that he was at St. Louis. It was not, however, the fact that he had gotten money for voting for Senator LORIMER. It was the fact that he got money, and he knew it, out of a "jack pot," or fund for retarding or advancing certain legislation in the Legislature of Illinois. He knew he got it at St. Louis. He was afraid he would be arrested for this, and that is the reason he denied being in St. Louis. There is not one line of evidence from the beginning of this case to the end of it that shows that Mr. Link ever received, ever was promised, or ever expected to receive a single dollar for his vote for Senator LORIMER, and the Senator from Michigan can not find one word in the testimony that tends to show that he got that money for voting for LORIMER, except as he may infer it from the statement of White, that he got money for voting for LORIMER and that Link was there when he got his money. Nowhere in all of Link's testimony and in all of his statements to the prosecuting attorney of Cook County does he say that he expected a single dollar. Upon the contrary, he swears repeatedly and states to Wayman, and Wayman swears to it, that Link always contended he was never promised and never received a single cent for voting for WILLIAM LORIMER for Senator. When it is conceded that Link got some money for some other reason, is it fair or just or reasonable to conclude that he got other money for voting for LORIMER when there is no proof to show that he did so?

Mr. SMITH of Michigan. From whom did he get his money?

Mr. JONES. He got his money, if he got any, from Lee O'Neil Browne.

Mr. SMITH of Michigan. The leader of the Lorimer forces in the legislature—the acknowledged leader.

Mr. JONES. No.

Mr. SMITH of Michigan. The beliwether.

Mr. JONES. No.

Mr. SMITH of Michigan. The man whose name was to attract all other Democrats to his support.

Mr. JONES. No. I fear the Senator has not read this testimony.

Mr. SMITH of Michigan. Do not be so sure.

Mr. JONES. When he says he has, I accept his statement.

Mr. SMITH of Michigan. Do not be so sure.

The PRESIDENT pro tempore. Senators should address the Chair before interrupting other Senators on the floor. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Oh, certainly.

Mr. SMITH of Michigan. I guess the Senator from Washington spoke hastily when he said I had not read this testimony.

Mr. JONES. I did not say the Senator had not read it.

Mr. SMITH of Michigan. I am very familiar with the testimony, and I spoke particularly of the perjury charge, because perjury attempts to cover up something wrong.

Mr. JONES. I admit that; and I admit that it was intended to cover up something wrong in this case, but it was not connected with the election of LORIMER, and there is no proof to show that it was connected with the election of LORIMER. Even with a perjury charge pending against or over him and with the promise of immunity and the assurance of immunity if he would connect LORIMER with this money, Link never connected him with it in any way, shape, or form, but continually said that it had nothing to do with his vote for the Senator. That is what he said to the last. If it was for his vote for Senator, why did not he say so? Why should he conceal it when he admitted that he got it improperly? When he admitted getting money at St. Louis from Browne there is no earthly reason why, if it was money for his vote for LORIMER, he should not say so; and when he persistently denies it it is the strongest possible proof that he did not get it for that reason.

I should like to have the Senator—and I will yield to him for that purpose—point out anywhere in the record some testimony that with reasonable directness shows that Link got the money for voting for LORIMER. I do not deny that he got it from Browne, who represented certain interests in the legislature. I want to say that there is just as much, yes, there is more, evidence in this record that the money that was distributed at St. Louis came from other sources than there is that it was in connection with the election of Senator.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. I have gathered the impression from a careful reading of the case that the moment the inquiry into the title of Mr. LORIMER's seat was begun the scurrying among the jack-pot crowd began; and if those two things were not related, why did they all disappear from their homes, gather at out-of-the-way places under suspicious conditions, and then lie about having been there?

Mr. JONES. Mr. President, this scurrying to and fro, and so forth, began when the jack-pot story was published. This story involved the jack pot as well as the senatorial election, and that is what these men would naturally do when they knew that they had gotten money out of that legislature improperly. When this matter was brought out it was brought out under the title of the jack pot. White's story was about and connected with the jack pot, as well as the senatorial election, and they knew very well that this matter would be investigated.

I submit to the Senate—of course, if the Senator draws other conclusions from it I know that he draws them honestly—if it was not the natural thing, the reasonable thing to expect these men to scurry about and deny their presence at St. Louis, and so forth, because of their connection with the jack-pot fund, regardless of any senatorial election. I want to ask whether or not it is fair to disregard their connection with the jack pot in connection with these conferences and in connection with these denials, and to conclude absolutely that Senator LORIMER's election was the cause of it? The Senator from Michigan honestly looks at it that way, while I do not, and I am just as honest in my viewpoint as he.

Mr. SMITH of Michigan. Mr. President, I want to say one word more if I may without intrusion.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. I tried very hard to dissociate the jack pot and all that followed it from the case of Senator LORIMER, and I was unable to do so. I think the jack pot was formed before the senatorial election took place; I think it was formed for other purposes than the election of a Senator; but it was the most convenient whip imaginable for Lee O'Neil Browne to use on the heads and shoulders of members of that unholy band to bring about the election of a Senator, and I connect the two. I do not believe that they can be truthfully separated one from the other. I even go so far as to connect this evil attempt to besmirch the character of Mr. Funk with the circumstances surrounding the election of a Senator, and yesterday a jury sitting in a Chicago court dismissed it——

Mr. JONES. Oh, Mr. President, I do not think——

Mr. SMITH of Michigan (continuing). Because of lack of every element of honesty, although it was intended to blacken the character of a witness who had collaterally come into the Lorimer case.

Mr. JONES. Mr. President, I want to ask the Senator from Michigan if he believes that the fact that proceedings of that character were brought had any effect upon any member of this committee in the consideration of this case?

Mr. SMITH of Michigan. I think it was intended to terrorize a witness who thought he knew something leading up to the bribery in this case.

Mr. JONES. It was brought long after he testified before the committee.

Mr. SMITH of Michigan. I know it was; but it was to blacken his character.

Mr. JONES. Does the Senator think that that had any effect upon the committee or any member of the committee in considering this evidence?

Mr. SMITH of Michigan. It is the case of Henning——

Mr. JONES. Yes.

Mr. SMITH of Michigan. I think it was intended to influence public opinion against Mr. Funk and destroy his testimony against Hines.

Mr. JONES. There is nothing in the record to indicate or show anything of that kind, and I hope the Senator does not think this case influenced them in any way.

Mr. SMITH of Michigan. I have a very high opinion of them; but the committee did not know the character of the Hennings; the committee did not know but that Funk had alienated the affections of Mrs. Henning from her husband—the committee did not know their character—but somebody knew that it was not true, and the facts came out this morning, to the eternal damnation of those who instigated that false charge in order to bring crime upon crime and protect men who were close to the fire.

Mr. JONES. I do not know that I really ought to say to the Senator from Michigan that I gave no attention whatever, and that in my judgment not a single member of the committee give any attention whatever to the case against Mr. Funk. We made no inquiries as to those charges or the character of those making them. I gave no thought to the charges. We ought not to have to say this to him or this Senate. There is nothing in the record about the case to which he refers, and it is absolutely unjust and unfair to Senator LORIMER to connect him with it.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I think the Senator from Washington knows that, so far as I am personally concerned, the fact that the Senator, after the second hearing, changed his views has not in any way lessened my estimation of the Senator from Washington or my confidence in him.

Mr. JONES. I know that.

Mr. CRAWFORD. I have been somewhat puzzled, however, to know how the Senator from Washington reconciled the position that he takes that the jack-pot fund and the payment of the money to Link and others is entirely dissociated from the election of Senator—the Senator may fully cover it in his speech—but I wanted simply to call attention to this situation, which impresses me very strongly.

It seems to be admitted by the Senator from Washington, and was admitted by the Senator from Vermont [Mr. DILLINGHAM], whose discussion of this testimony was certainly judicial and impartial from his standpoint, that the charges of a corrupt use of money by Lee O'Neil Browne and of the corrupt payment of money by Lee O'Neil Browne to these people at St. Louis did actually occur. How does the Senator explain the significant fact that the men who received this money were Democrats who voted for a Republican, Senator LORIMER, and that the man who paid the money assumed to conduct a campaign in behalf of Senator LORIMER in the direction of securing these votes for him? There certainly can be no question about the fact that Lee O'Neil Browne, after his conferences with Mr. LORIMER and with Speaker Shurtleff, started out and undertook to gather together these votes for Mr. LORIMER.

Here is the man who handled this corrupt fund and paid it. These men have never explained where it came from. Link said he would not do it, because it would involve in trouble men whom he did not want to so involve; but the man who got the money from some source and was guilty of these corrupt actions and the men who received the money were the men who were voting for this Senator, and Browne undertook the job of getting them to vote for this Senator.

Mr. JONES. I think I will explain that as I get along a little bit further, although I will say this: I do not take a position with reference to the jack pot quite so broadly as do some of the other members of the committee. I do not believe there is any proof here of the existence of what has been generally known as a corruption fund, or a jack-pot fund, with reference to the Illinois Legislature. I do not believe that it was "reeking" with corruption and bribery, as some assume, and there is no proof that such was the case. I have collected nearly all of the testimony in the record with reference to a jack-pot fund or a corruption fund, which is understood to have been a fund contributed by different interests in the Illinois Legislature for the purpose of distributing it after the legislature had adjourned; and you can not find any testimony throughout this record, other than rumors and gossip and such, as I venture to say, you hear in connection with almost any legislature throughout the country, proving the existence of such a fund. I intended to submit this so-called testimony to the Senate, but I will not take the time to do so. It consists wholly of rumor, gossip, joking remarks, beliefs, and current newspaper reports, as an examination of the record will show. The specific instances referred to during the last 10 or 12 years to show the existence of such a fund really demonstrate to the contrary. There is one instance given with reference to an offer of $200,000 to the speaker of the Illinois Legislature for his influence in connection with a certain bill. That was a specific offer to the speaker of a specific amount, to be paid at that time, if you please, and not to go into a fund to be distributed at the close of the legislature. The only other instance, as I remember, was in connection with a traction bill. That was a charge of an attempt to corrupt the legislature with reference to that particular measure by the bribery of members, and not the contribution to a common fund that was to be distributed afterwards.

I am satisfied from the testimony in this case that there was no general corruption fund in the forty-sixth general assembly. The testimony goes to show that before the meeting of that legislature steps were taken to prevent what were called "hold-up" bills and "regulator" measures, which it was denied had been introduced in previous legislatures. Some of the railroad companies, which had been held up or claimed that they had been held up before, called Gov. Deneen to a meeting before the legislative session began and asked him to cooperate with them in resisting this class of corrupt practices and the introduction of this class of legislation. Speaker Shurtleff also testifies to the fact that, at the invitation of some of the transportation interests, he went to a dinner with them, where they discussed these matters, and asked him to help them to relieve the legislature from such a condition as that. So that when the Forty-sixth General Assembly of the Legislature of the State of Illinois met, it met apparently under different conditions from those under which previous legislatures had met. It met under conditions that the interests that had been contributing, if they had been contributing, to a corruption fund theretofore, had, as I think some one has expressed it, signed a declaration of independence, and they did not intend to be held up any more. There is no proof other than that of the existence of such a fund, and most of the witnesses said that all they ever heard of a corruption fund was from the newspaper reports.

I want to say that if the people of this country are going to accept as conclusive newspaper suggestions of corruption, there is not a legislative body in this country which, according to their reports or suggestions or insinuations, will be free from a corruption fund. There will be no great political gathering throughout the country, if these newspaper suggestions are taken as correct, that will be free from corruption.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. Certainly.

Mr. KERN. Does the Senator from Washington agree with the statement of the Senator from Vermont [Mr. DILLINGHAM], expressed in a colloquy with the Senator from Missouri [Mr. REED] the other day, that Lee O'Neil Browne distributed some kind of a fund at St. Louis to certain boodling members of the legislature in June following the term of the legislature?

Mr. JONES. Oh, yes; I will agree to that.

Mr. KERN. And if the Senator agrees to that, has the Senator's mind come to that conclusion from the evidence in the case?

Mr. JONES. Yes, sir.

Mr. KERN. From what evidence—from the evidence of the men who received the money?

Mr. JONES. Well, upon the suggestions that have been made, some by the Senator from Michigan.

Mr. KERN. From the circumstances of the case as developed by the evidence—is not that true?

Mr. JONES. Certainly.

Mr. KERN. Then, does the Senator from Washington believe that Robert E. Wilson distributed another fund or some other money in St. Louis in July?

Mr. JONES. I do not think he distributed any other fund.

Mr. KERN. Did he distribute money there?

Mr. JONES. Possibly so; but it came from the same fund.

Mr. KERN. Very well. Then, is it not true that that evidence of the distribution of money by Lee O'Neil Browne in June and by Robert E. Wilson in July and the payment by Broderick of money to Holstlaw is entirely new evidence that

was not conceded at all by the friends of Senator LORIMER in the previous investigation?

Mr. JONES. Certainly not. That evidence was all brought out in the other investigation and was all considered by the Senate.

Mr. KERN. But did not the friends of Senator LORIMER here in the former investigation utterly discredit that testimony as to the distribution of money by Lee O'Neil Browne and Robert E. Wilson?

Mr. JONES. I am not here to say what the friends of Senator LORIMER did. I do not know just what relevancy the Senator attaches to that matter at this point. I expected to consider it just a little bit later in connection with the res adjudicata proposition. The Senate, however, passed on all this evidence when it made its decision.

Mr. KERN. I wanted to get the views of the Senator on that question, as to what is and what is not conceded by the majority of the committee.

Mr. JONES. Some of the friends of Senator LORIMER, according to my recollection, admitted the payment of this money, but denied that it was paid in connection with the election. But it is immaterial, so far as I am concerned, what the friends of Senator LORIMER admitted or conceded. I do not recognize that I am here as a friend of Senator LORIMER or as an opponent of Senator LORIMER. I am here to try to reach a correct judgment as one of the judges in this case, upon all of the evidence as I see it and as I view it, and not as some one else looks at it, whether friendly or unfriendly to Mr. LORIMER.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Indiana?

Mr. JONES. Certainly.

Mr. KERN. I will ask the Senator if the Burrows committee, in its report, did not utterly discredit the testimony that sought to fasten upon Lee O'Neil Browne and Robert E. Wilson the distribution of these sums of money in June and July?

Mr. JONES. That may be true.

Mr. KERN. I am asking if it is not true.

Mr. JONES. That may be true, but it has no weight with me in connection with this case. I am not going to decide this case upon the testimony in the Burrows investigation, except as it may have to come in here because some of the witnesses then examined are dead. I am deciding this case upon the testimony in this investigation.

Mr. KERN. I want to ask the Senator whether or not part of the same testimony which fixes upon Lee O'Neil Browne the payment of this money and which fixes upon Broderick the payment of the money does not show that part of the money was paid to Beckemeyer as Lorimer money and whether or not the testimony——

Mr. JONES. No; I can not admit that.

Mr. KERN. Wait a minute.

Mr. JONES. But wait. The Senator has put one question and suggested that the testimony shows that money was paid to Beckemeyer as Lorimer money. I want to say that in my judgment the testimony does not show that a single dollar of the money paid to Beckemeyer was Lorimer money.

Mr. KERN. Did not Mr. Beckemeyer so declare?

Mr. JONES. He did not. After repeated attempts to get Mr. Beckemeyer to testify that he got money for voting for LORIMER he told Wayman that when Browne handed him the money he said it was Lorimer money. That is the testimony, and he denied to the last that he expected or was promised a dollar for his vote for LORIMER.

Mr. KERN. I will ask the Senator whether or not Mr. Holstlaw, whose testimony must be received as true if Broderick's testimony is false, did not explicitly declare that Mr. Broderick told him when he paid him the $2,50 that that was the Lorimer money?

Mr. JONES. He did not.

Mr. KERN. Did he not testify that when he was solicited to vote for LORIMER, after he said he intended to vote for him, whoever solicited him said, "There is $2,500 in it for you"?

Mr. JONES. I think that is the language Holstlaw testified to—that after he had told Broderick he was going to vote for LORIMER Broderick said, "There is $2,500 in it for you."

Mr. KERN. Are we not now discussing the question of whether or not there was Lorimer money there to be paid out? And if Holstlaw told the truth when he testified to that, does not that indicate that there was Lorimer money there to be paid out? And does not——

Mr. JONES. Just wait right there. I want to say to the Senator that I do not believe Holstlaw told the truth when he said Broderick said to him, "There is $2,500 in it for you." I will take up that matter a little bit later.

Mr. KERN. Will the Senator explain why he accepts Holstlaw's testimony as true on the main point and discredits it on this point?

Mr. JONES. I will give my views of Holstlaw's testimony a little later on. You can not find any important witness in this case whom you will not have to discredit on one point if you believe his testimony on some other point, and that is especially true as to those upon whom the case against Mr. LORIMER rests.

Those who are opposed to Senator LORIMER can not sustain their position without discrediting the witnesses upon whom they rely to exclude him from this body. When they say Beckemeyer cast his vote for Lorimer money, they say Beckemeyer lies when he says he did not do it. When they say Link accepted money for his vote for LORIMER, they say Link lies when he says he did not do it. When they contend that Holstlaw voted for LORIMER because of Lorimer money, they say Holstlaw lies, because he swore to the end he did not, and that it had no influence upon his vote. And so it is with all the witnesses, except White, upon whom they rely to exclude Senator LORIMER.

Mr. KERN. I had understood the Senator to say that there was no testimony here, save that of White, connecting Senator LORIMER's election with the distribution of the money. Does the Senator forget the testimony of George W. Meyers, who testifies that Lee O'Neil Browne, who was active in Senator LORIMER's interest, said to him, when soliciting his vote, that there was "plenty of the ready necessary" if he would vote for Mr. LORIMER? Does he consider that as of no value, or does he disregard Mr. Meyers's testimony altogether?

Mr. JONES. I hope the Senator does not think I have overlooked Mr. Meyers's testimony, because I have not. I may say right here that I think, under the circumstances, Mr. Meyers's testimony is very improbable. It does not seem reasonable to me that one member would go to another on the floor of a legislative body, without any caution or secrecy or anything of the sort, and offer him a bribe and go away without asking him to say nothing about it—and that, too, just before the vote was to be taken, nor does it look reasonable that Mr. Meyers would have kept quiet at that time if such a suggestion had been made to him. I do not know what Mr. Browne suggested to Mr. Meyers. I do not believe he made the suggestion Mr. Meyers says he made, because Mr. Meyers himself testifies that at the close of that conversation, when he told Browne he could not vote for LORIMER, Browne suggested to him that he go and see Speaker Shurtleff; and he said he went and saw the speaker, and the speaker asked him if he could not vote for LORIMER, and he said "no." Nothing more.

That was the end of the conversation. There was no suggestion of corrupt influence, no suggestion of money, no suggestion of place or profit, or anything of that sort. Mr. Meyers did not attach any special importance to whatever Browne did suggest. He was not offended; I do not believe he thought any attempt was being made to bribe him, and I do not believe any such suggestion was made.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Indiana?

Mr. JONES. I do.

Mr. KERN. One more question, and I will not disturb the Senator further.

If the Senator believes that Lee O'Neil Browne did distribute the money in June, 1909, then he must believe that Lee O'Neil Browne committed perjury when he testified before the committee that he did not distribute it. That being true, does not the Senator think the testimony of Mr. Meyers, whose character has not been impeached at all, ought to be given equal credence with the testimony of a man who the committee concede has committed perjury?

Mr. JONES. Nobody has impeached the character of any witness in the hearing, except as the witnesses may be contradicted by each other.

Mr. KERN. No; but there has been such testimony adduced before the committee that the majority of the committee are now compelled to admit that Lee O'Neil Browne committed perjury when he testified that he did not distribute money in St. Louis in June, 1909.

Mr. JONES. He is not the only one who has committed perjury in this case.

Mr. KERN. That is true.

Mr. JONES. The case of those against Senator LORIMER is based and buttressed on perjury, and nothing else. White is a perjurer time and again, and the Senator must admit it. Beckemeyer was a perjurer time and again; everyone must admit it. Link was a perjurer, and all must admit it. Holstlaw perjured

himself before the committee time and again, and no one will deny it.

So it is with practically all of these important witnesses. They are not entitled to belief to any extent. Therefore, when men like these were confronted with indictments and threatened with prosecutions for perjury, and they were told, or it was suggested to them, "If you will connect LORIMER with this case, we will dismiss these indictments," it would be expected that every one of them would jump at that bait to save himself.

These are the men upon whose testimony we are to exclude Senator LORIMER from this body. These are the methods pursued to get their testimony. They have confessed to bribery in one form or another. They have admitted perjury, but none have been prosecuted for any of these confessed crimes.

Think of it, Members of the Senate—and I hope the country will consider it when it thinks calmly of this case. Link admits that he got money in connection with corrupt practices in the legislature. He admits perjury. He never has been prosecuted. White admits that he got money in connection with corrupt practices. He says he was bribed to vote for LORIMER. He says he was to get money from the "jack pot" and he says he got it. He never has been prosecuted. He has never even been indicted. Beckemeyer admits that he got money for corrupt practices in connection with the legislature. He admits perjury. He never has been prosecuted. It is claimed that Luke got money for corrupt practices and for bribery, but he was never prosecuted. It is claimed that Shephard got money in the same corrupt way. He goes scot-free. It is claimed that Clark got money corruptly. He never was prosecuted. It is claimed that Holstlaw admits he got money. He admitted it under the pressure of an indictment for perjury and under insinuations and intimations that if he would connect LORIMER with the matter he would get an immunity bath, and he got it. He never has been prosecuted from that day to this, either in connection with the deal in which he admits he was corruptly engaged or in connection with the Lorimer matter or for admitted perjury. No one was prosecuted and brought to trial but Lee O'Neil Browne. All these men went scot-free in order to get evidence against Browne; because it was felt that Browne's conviction insured LORIMER's exclusion from this body. Browne was acquitted by a jury of 12 American citizens sworn to try the case on the law and the evidence. That counts for nothing, however, and, according to some, our jury system is a farce. Really, is it any wonder that a jury, believing in a "square deal," as all Americans do, should refuse to convict a man on the evidence of such men as White and Beckemeyer?

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Indiana?

Mr. JONES. Yes.

Mr. KERN. If the Senator believes that all these men who were in St. Louis in June and July were perjurers, and their testimony before the committee was perjured testimony, utterly unreliable and unworthy of belief, where is the testimony upon which the Senator from Washington and the Senator from Vermont base their asseveration to the Senate that Lee O'Neil Browne did distribute money in June, 1909, and that Robert E. Wilson distributed money? The Senator says the testimony to that effect is false; that it is the testimony of perjurers. Yet two members of the committee come here and state before the Senate that they have no doubt Lee O'Neil Browne did distribute that money.

Mr. JONES. Mr. President, I did not say their testimony in that respect was false and I did not say I had no doubt about it.

Mr. KERN. Oh!

Mr. JONES. I did not say that. I am willing to concede it for the purposes of this case. I will say frankly to the Senate that I have some doubt about it, but I am willing to concede it for the purposes of this case for the reason that, in my judgment, there is no testimony anywhere in this record that connects Senator LORIMER or his election with that transaction. On the contrary, I think it clearly appears throughout the testimony that these men connected Senator LORIMER with it in order to secure immunity from prosecution for their own crimes. There were some of them, whatever else may be said about them, who were brave enough and honest enough not to go so far as to connect Senator LORIMER with it. Beckemeyer and Holstlaw are the only two men aside from White who connect Senator LORIMER with this matter at all; and right here I will point out how I think it happened that Beckemeyer connected LORIMER with it.

On the former hearing of this case I did not attach any importance whatever to the contention that these witnesses had been forced to testify as they did by what are known as "third-degree" methods on the part of the prosecuting attorney of Cook County. I assumed that they were men of ability, men of courage, men of more than ordinary sense and judgment, and that they would not be influenced or browbeaten by any prosecuting attorney. I have changed my mind in that respect. I saw Beckemeyer on the stand—a weak, vacillating, nervous, fearful, easily controlled and easily frightened man—he is the very kind of man that the methods pursued by the prosecuting attorney of Cook County would influence and affect wrongly.

I do not condemn the prosecuting attorney of Cook County. I suppose he did not do any more than any other prosecuting attorney with his ability and energy would have done under the circumstances. He was endeavoring to convict somebody. He was endeavoring to convict Lee O'Neil Browne. I do not question his motives at all. Charges against Lee O'Neil Browne had been brought to his attention in connection with LORIMER's election and he was trying to prove them and convict Browne as the most effective way to discredit LORIMER. He was doing his duty as he saw it.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. I do.

Mr. CRAWFORD. Does the Senator indorse the statement which, as I recall, was practically made by the Senator from North Dakota [Mr. MCCUMBER], that Mr. Wayman practically put words into the mouths of Link and these other witnesses, told them that they must swear to them, and undertook to dictate to them the things they must say in order to secure the immunity that was granted to them? Is there anything in the record that sustains any such charge?

Mr. JONES. I do not know that I would go quite that far, although the record will very nearly sustain such a charge. We do not all view these things alike. We do not all attach the same importance to a suggestion or a statement in the testimony. The Senator from North Dakota may be satisfied in his mind that that is a correct statement. I would hardly go that far myself. But I do say that the prosecuting attorney of Cook County, who is a very forceful man, a very strong man, a man of domineering manner that would affect a man like Beckemeyer in that way, pressed Beckemeyer and Luke and Link very strongly, and, I think, made it plain to them what he wanted and what statements from them would bring them immunity. I do not say he wanted them to lie, but he wanted them to tell what he thought was the truth, and if they said that they would get immunity. That Beckemeyer lied to get immunity, I have no doubt.

Mr. CRAWFORD. Mr. President, it has always seemed to me that that was a very serious charge to make against a prosecuting attorney—that he was going so far to make a case in this matter that he was compelling these men to swear to falsehoods in order to secure immunity, and was practically putting in their mouths the words which he insisted they should utter in order to secure immunity.

I must say that I examined with care the testimony in the former record and in this record with a view to ascertaining whether or not such a charge was well founded. I read Wayman's testimony and all the testimony, and it does seem to me that the charge is without foundation. It seems to me that the utmost the record shows the State's attorney insisted on was that they should tell the truth; not, as the Senator from North Dakota seems to assert, that they should tell only part of the truth and withhold part of it, except as there was involved a conflict of jurisdiction between Sangamon County and Cook County.

I should like to know where the testimony is upon which the charge is made that the State's attorney of Cook County imposed as a condition that these men should testify to falsehoods in order to secure immunity.

Mr. JONES. I do not make that charge myself, and I do not propose to go into the record here with reference to all the testimony in this respect. I want to say, as I said before, Mr. Wayman is a very forceful man and would, no doubt, be considered by a weak man like Beckemeyer as very domineering. I have no doubt that he went after Beckemeyer hard and strong, and Beckemeyer was what we term browbeaten or "third degreed." This is the situation with reference to Beckemeyer. Beckemeyer had denied that he was at St. Louis, as I remember it.

Mr. MCCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. Certainly.

Mr. MCCUMBER. In reply to the suggestion made by the Senator from South Dakota [Mr. CRAWFORD] that he saw

nothing in the testimony that would show any attempt upon the part of the State's attorney to secure less than full evidence, let me ask the Senator from Washington if time and again the State's attorney did not request Mr. Link not to answer certain questions before the grand jury because they would incriminate him?

Mr. JONES. Oh, yes.

Mr. MCCUMBER. And the basis was not because of lack of jurisdiction but because if he went beyond a certain matter it would incriminate him, and that, as a matter of fact, he should not be incriminated any more than he was.

Mr. JONES. There is no question about that. The Senator from South Dakota, I think, concedes that.

Now, as to Beckemeyer, I am going to point out right here why I think Beckemeyer connected LORIMER with this money. Beckemeyer was at St. Louis. He denied that. He was indicted for perjury. That was the point. He was brought up to Chicago. He was taken before the grand jury, and he denied that he was at St. Louis. An indictment was brought against him. Then it was suggested that he could tell something else. He went before the grand jury again, and he told a little bit more. Finally, after he had been before the grand jury about three times, he told the grand jury that he was at St. Louis; that he had received a thousand dollars from Browne and $900 from Wilson. But this did not relieve him. This did not take away the indictment. This was not enough. Apparently the prosecuting attorney did not give him any hope of immunity. He had not gone far enough. He had not yet connected LORIMER with either transaction. His sick wife was held up before him, and the result that would come to him in his family relation in case this indictment was made public and he was prosecuted under it weighed upon his mind.

I am not going to tell the Senate how he was taken to saloons and other houses, how he was taken by the officers and all sorts of influences brought to bear upon him; but he could not get immunity for what he had said thus far. He no doubt had heard and knew that they were trying to convict Browne of bribery, not in connection with corrupt purposes in the legislature, but in connection with the election of LORIMER. He was a lawyer. He knew what was wanted. So he no doubt said to himself: "If I will connect LORIMER with this matter, then I think that will get me release." He then went into Mr. Wayman's office and told Mr. Wayman that when Browne gave him a thousand dollars he said, "This is Lorimer money"; and that secured him immunity. He was permitted to go home immediately. That was what was wanted.

I want to say that from his manner on the stand, and judging of him as the man he appeared to be, and from all the circumstances, I have no doubt in my mind that Beckemeyer connected LORIMER with that thousand dollars for the sole purpose and in the hope of securing immunity, and for no other reason whatever.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. Certainly.

Mr. KERN. Was not that proposition expressly negatived by Mr. Wayman and his assistants in the office?

Mr. JONES. Mr. Wayman testifies that Mr. Beckemeyer did not say at any of the three times he appeared before the grand jury that anything was said about LORIMER when this money was handed to him by Browne, but that he told it to him in his office after he had been before the grand jury three times, and then he let him go home.

Mr. KERN. No; Mr. President, that was not my question. My question is whether or not Mr. Wayman and his assistants did not expressly and explicitly negative the idea that this man had been coerced by any word or promise on their part.

Mr. JONES. Oh, Mr. President, I have a right to form my judgment as to the testimony in this case and the effect of it. It is not denied by Mr. Wayman that what I have said is the truth. Of course, Mr. Wayman would deny that he coerced Mr. Beckemeyer; but I want to say that, taking Mr. Beckemeyer as he is and Mr. Wayman as he is, the circumstances that I have related were the very strongest possible coercion that could be brought upon Beckemeyer.

I do not question the honest judgment of other Senators who do not look at this matter as I do, but I will state my conclusion. From all the evidence and circumstances I am firmly convinced that Beckemeyer connected LORIMER with that thousand dollars simply and solely for the purpose of getting immunity.

Take Link. He was dead before this committee started its investigation, and we had to take the testimony on the other hearing. My recollection is that he first denied he was at St. Louis. Then he was threatened with an indictment. I believe he was not indicted for perjury, but he was threatened with an indictment. The Senator from North Dakota [Mr. MCCUMBER] read the testimony in regard to the matter. But with all the suggestions that were made to him, with all the inducements that were held out to him, he did not connect LORIMER in any way, shape, or form with this money, but he denied it time and again.

From the beginning to the end he denied that anything was said by Browne when he handed him this money in regard to LORIMER. He expressly denied that LORIMER's name was mentioned. If Browne had said to Beckemeyer, "Here is your Lorimer money," would he not very likely have said the same thing to Link? Yet Link denied over and over again, with a threat of perjury held before him, that Browne said anything about LORIMER. Wayman, in his testimony, corroborates Link to the extent of saying that Link contended with him, as well as before the grand jury, that Lorimer money had nothing to do with his vote and that Browne said nothing about LORIMER when he handed the money to him. It is said, and the country believes, that Link confessed to getting money for his vote for LORIMER. This is not true. On the contrary, he swears time and again that he did not get any money for voting for LORIMER, was never promised any, and never expected any.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I do not desire to interrupt the Senator, but I want to get his view. This same man denied, did he not, that he got any money at all?

Mr. JONES. Oh, yes. I have not touched on that, I will say.

Mr. REED. There was some coercion, the Senator claims, brought to bear upon him. He then admitted he did get money.

Now, is it the view of the Senator that that coercion resulted in him telling what was not true, admitting there was coercion, or did the coercion result in nothing more than getting the truth?

Mr. JONES. I am admitting that the coercion got him to tell the truth. I am contending that when he said that, it in no way connected LORIMER with it. I expressed the opinion awhile ago that I had some doubt upon the distribution of the money, but I am willing to admit it for the purposes of this case, and to concede that Link was paid money at St. Louis.

Mr. REED. I am trying simply—not to interrupt the Senator——

Mr. JONES. That is all right. I am not objecting to the interruption.

Mr. REED. It appears that there has been great complaint made by several Senators about harsh methods being used with these gentlemen.

Mr. JONES. If the Senator will permit me, I have not accused the prosecuting attorney of Cook County of using harsh methods. I have simply told the Senate what he did, and from that I make up my mind as to its effect on these men after seeing them on the stand. Other Senators, of course, can make up their own minds from the information they have.

Mr. REED. Those harsh methods or those methods, whether harsh or otherwise, did get this man to admit certain facts which you now concede were the truth, so that the result of the pressure, whatever it was, was not to get a falsehood from him but to get the truth from him. It therefore appears to be admitted that these gentlemen did get money. Now, from what source does the Senator understand that money came?

Mr. JONES. I will come to that a little later on.

Mr. REED. I wish the Senator would discuss it for my benefit.

Mr. JONES. Very well. I will say now, because I am simply trying to bring out the facts and reasons for my conclusion in this case, I believe if money was paid to these men by Browne it came from the liquor interests of the State of Illinois. That is where I believe it came from. It was admitted in the record that Lee O'Neil Browne represented the liquor interests in the legislature. All these men—White, Luke, and so forth—were liquor men. It is shown in this record that the liquor people were active in the forty-sixth general assembly, and they were about the only interests the record shows which were active, especially with reference to legislation. My theory is that Lee O'Neil Browne, as the representative of the liquor interests, had placed in his hand money to do with practically as he saw fit, and that he distributed this money to these men, for what purpose or for what reason I am not going to go into especially, but probably to keep their good will and support in the future. As some of them testify, there was a "bunch of good fellows" in the legislature, and who would be more likely classed as a "bunch of good fellows" than these liquor men?

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. The Senator says that it is his theory mainly that this was liquor money. He, of course, is more familiar with the record than I am. He heard the testimony, and I did not. Is there any evidence whatever in the record that the money was furnished by the liquor men, or is that a mere inference and theory outside of the record?

Mr. JONES. I will say that it is based very much as I see it upon the same theory and upon the same basis that our friends connect Senator LORIMER with this money. I think other Senators may not look at it as I do, but I have almost a conviction, so far as I am concerned, taking all this record into consideration, that that was the source of that money.

Mr. REED. But the Senator says that there is utterly no evidence whatever to connect Senator LORIMER with the furnishing or the expenditure of any money.

Mr. JONES. Except White.

Mr. REED. Now having contended there is no evidence to connect LORIMER with the furnishing of any money, the Senator declares that he believes the money came from the liquor interests upon the same theory that it is claimed LORIMER furnished the money, by which I take it he insists that as there is no evidence in his view that LORIMER furnished the money there is therefore no evidence that the liquor men furnished the money. Consequently he concludes that the liquor men did furnish the money. That does not seem to be a logical position.

Mr. JONES. No; the Senator does not state the position of the Senator from Washington correctly. The Senator simply stated that from the record in this case his theory or opinion is that that is the most probable source of this money. There is no direct evidence in this case. There is no evidence that would be admissible in a court of law showing that the money was furnished by the liquor interests of the State of Illinois. Neither, as I said, is there evidence that would be admissible in a court of law showing that Senator LORIMER raised any of this money. I take it that in a case like this, the proper rule to apply is that if there is any theory inconsistent with the theory that attacks Senator LORIMER's seat upon which these alleged bribery charges can be sustained that theory must be accepted; that is, the presumptions will all be in favor of the sitting Member and his right to a seat in this body; and if my mind is as strongly convinced—and it is more strongly convinced in this case, that the money came from some other source as from the senatorial source, then I must find for the Senator.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I ask the Senator if there was any specific legislation pending in the Illinois Legislature in relation to the liquor interests?

Mr. JONES. There was.

Mr. CRAWFORD. What was it.

Mr. JONES. A local option measure.

Mr. CRAWFORD. Was it voted on at that session?

Mr. JONES. The bill was referred to the committee of the house that had charge of that character of legislation, and the committee reported the bill to the house—my recollection is unanimously—and when it came up for passage a few amendments were put in, and it was defeated.

Mr. CRAWFORD. Was there a roll call?

Mr. JONES. I am not sure, but I think there was a roll call.

Mr. DILLINGHAM. I think I can explain that. It was in the testimony of Mr. Hull.

Mr. JONES. Yes.

Mr. DILLINGHAM. His testimony was that it was a bill that forbade brewers to have any interest in the local saloons. My recollection is that the bill was of this nature; that it forbade the brewers and distillers to have any interest in saloons in any part of the county or in any part of the State, and that bill was reported favorably by the whole committee unanimously. It went up to a second reading and was vigorously urged at the time of the second reading, and it looked as though it was going to pass. It came to a second reading in the afternoon. When evening came and it passed to the third reading nobody had any interest in it.

Mr. CRAWFORD. That was in the house?

Mr. DILLINGHAM. That was in the house. Mr. Hull testified that he then took it up and tried to get the bill to the third reading, and out of the committee of 24 that had reported it favorably 14 voted against it, only 2 for it, and 8 did not vote.

Mr. CRAWFORD. That was in committee?

Mr. DILLINGHAM. No; that was in the house of representatives, showing that of the committee which had reported it favorably 14 of them voted against it when it came to a third reading, 8 did not vote at all, and only 2 voted for it.

Mr. JONES. Browne was really considered as the representative of the liquor interests in the legislature.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. CRAWFORD. I wish to ask a question.

Mr. REED. I beg pardon.

Mr. CRAWFORD. Was this bill considered in the senate?

Mr. DILLINGHAM. I do not think the evidence shows that it was.

Mr. CRAWFORD. Was any temperance legislation considered in the senate?

Mr. DILLINGHAM. I think there was general legislation, but I do not recall any specific legislation. The legislature was very sharply divided between what were called the "wets" and "drys." That was the issue.

Mr. CRAWFORD. It would require some legislation to create that issue, and as to whether any pending bill was there and voted on——

Mr. DILLINGHAM. I do not recall.

Mr. CRAWFORD. The legislation referred to a moment ago by the Senator——

Mr. JONES. I think the bill was pending but I do not think it came to a vote in the Senate. I yield to the Senator from Missouri.

Mr. REED. I understand the Senator's position to be that in his opinion Browne represented the liquor interests and corruptly used money in their behalf. The Senator also concedes, I take it, that Browne represented Senator LORIMER and was his principal champion in the legislature. Does the Senator have any idea that the liquor money was also used so as to assist Mr. Browne to gain control and influence over the votes in the Lorimer election?

Mr. JONES. I do not think so. At least I do not think it necessarily follows, and there is no proof of it at all, nor do I concede that Browne specially represented Senator LORIMER or that he was his special champion.

Mr. REED. The Senator said it was a band of good fellows who were being paid, and Browne was handling the corruption fund as manager for the liquor interests and also for LORIMER. This money was used to make these men good fellows. Browne then made these good fellows vote, or induced them to vote, for Senator LORIMER. Can the Senator draw the line where that money ceased to be potential in favor of LORIMER and where it began to be potential in favor of the liquor business?

Mr. JONES. The Senator has put a great many things in his question that I have not in mind and that I do not concede can be shown by the testimony here. I do not believe that these men expected any money at the close of the legislature. I do not believe that Beckemeyer expected to get any money. I do not think that Link expected to get any money. My idea is——

Mr. REED rose.

Mr. JONES. Of course there is no use for us to argue over my theory because it is just simply a theory. My idea is that Browne representing those people as their attorney, and so on, had the money. They turned it over to him to use as he saw fit. He was under no obligation to turn any of it over to these people and had no agreement with them to turn anything over. They did not know that he had any money. They were not expecting any money. But for reasons probably known only to himself, that I can surmise, he gave them something. He may not have given them anything like the amount he had; he may have given them all of it; I do not know. I am simply giving the Senator my theory, which I think is supported just as much by facts, if not more, than the theory of those who contend that this money was used in connectoin with the election of Senator LORIMER. I can conceive how Mr. Browne might have a fund of money to be used for certain legislation yet not be intrusted with any money to be used in connection with the election of Senator.

Mr. REED. Do I understand the Senator to contend——

Mr. JONES. I expected to get to the matter of Senator LORIMER's title a little bit later on.

Mr. REED. Just one moment and I think I shall not interrupt the Senator again. I have been trying to get his view. Do I understand the Senator to contend now that Browne had this liquor money, given by direction or indirection, and promised none of it to any of these men in the legislature; that they did not expect to receive any of it, but that when the legislature had adjourned he then generously donated them some money? Is that the Senator's theory?

Mr. JONES. I will say that upon the testimony of those who testified against Senator LORIMER here that same question might be asked with reference to them. It is contended here that Holstlaw got money for voting for LORIMER, and yet, according to his testimony, he told the people that he was going to vote for LORIMER before any suggestion of money. On the same theory, Broderick could have kept the money and kept it in his pocket. So, with reference to assuming that this money was senatorial money, these men did not expect anything. They had not been promised anything. They had not talked with anybody to hold out any inducement to them. Therefore, even if it was senatorial money, he could have kept it all.

Mr. REED. But the Senator, Mr. President, is not a Yankee, and therefore he ought not to answer a direct question by shifting the ground to some other place and asking another question, in effect. I want to get really the Senator's viewpoint.

Mr. JONES. Does not the Senator think that he has got my viewpoint in regard to that?

Mr. REED. I wish to know whether the Senator really means to tell us that a lot of scoundrels got together in the legislature——

Mr. JONES. Oh, no; I did not suggest anything of that kind.

Mr. REED. Well, a lot of gentlemen got together.

Mr. JONES. No; I did not suggest anything of that kind. I did not suggest that any of them were getting together in the legislature.

Mr. REED. Well, there were a lot of gentlemen in the legislature.

Mr. JONES. I have no doubt there were. Some seem to think there were not.

Mr. REED. And Browne went down to East St. Louis and then and there divided up some money; and these gentlemen did not know what they were getting it for; there had been no prior arrangement that they should get it, no hint that any money should come to them, and they had become Browne's adherents, friends, and followers without any expectation or hope of reward, and Browne, meeting them down there, simply handed them this gratuity. Does the Senator really think now that that ever happened in the whole course of the world's history?

Mr. JONES. I am inclined to think so.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. POMERENE. I understand the Senator from Washington concedes from the evidence in the record that there was a jack pot.

Mr. JONES. I will say to the Senator that I said a while ago I did not take quite the same view that some of the other members of the committee did with reference to the existence of a jack pot in the legislature, using that term in the sense that it is used throughout the record, in that there was a fund contributed from various sources which it was understood would be distributed at the close of the legislature. I said my judgment was that that condition did not exist in the forty-sixth general assembly, and gave my reasons for it.

Mr. POMERENE. In any event it seems to be the opinion of some of the members of the committee that there was a corruption fund of some sort. I think it can be reasonably inferred from what has been said in the course of this discussion that some of those legislators were corrupted, without now having reference to the purpose of the corruption, and that Mr. Browne——

Mr. JONES. I want to say to the Senator that I will not concede that myself; that is, there is nothing in the record here to show that any member of the legislature aside from White ever expected anything for any action that he took in the legislature.

Mr. POMERENE. I will then assume that it has been conceded by others that there was this corrupt fund, that members of the legislature were in fact corrupted, and that Mr. Browne played a part in this corruption. Now, assuming that to be the fact, as I understand, the Senator was elected on May 26. The legislature adjourned on June 1.

Mr. JONES. On June 4, I think.

Mr. POMERENE. Early in June, in any event.

Mr. JONES. Yes.

Mr. POMERENE. And this fund was distributed partly on June 21 and partly in July. Now, that being the case, is it not just as reasonable to suppose that this money was used for the purpose of corrupt methods in the election of a United States Senator as it is to suppose that it was used with reference to legislative matters?

Mr. JONES. I do not think so. I will tell the Senator why, and I will do it right here. I intended to cover it later on. If there was a fund for the purpose of influencing legislation, it was collected along as the legislature progressed from time to time. The question of Senator LORIMER's candidacy did not become a question before that legislature until about 10 days before the election. He did not definitely decide to be a candidate until, I think, four or five days before his election, and there is no suggestion anywhere which is entitled to any credit that anybody or any agency or any interest contributed to raise a fund or took any interest in the collection of a fund to promote Senator LORIMER's candidacy.

Nobody appeared at the legislature in his behalf; no special interest of any kind in the State of Illinois was represented there urging his election; nor was there any suggestion that they had contributed to his election or to any fund. So it seems to be a far-fetched suggestion to conclude that necessarily, because there may have been a fund in reference to legislation collected during the entire session of the legislature and because Senator LORIMER was elected, a contribution was made from that fund to assist in his election. It was a legislative fund anyway, if there was any fund at all, and I do not believe that the senatorial matter was connected with it in any way, shape, or form, and there is nothing in the record upon which I myself could base a belief in such a proposition as that.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington further yield?

Mr. JONES. Certainly.

Mr. POMERENE. It seems to me the work of the legislature had been completed——

Mr. JONES. Oh, no. The Senator is mistaken in that. Practically all the legislative work of the session was right there at the close, almost like every other legislative body.

Mr. POMERENE. The Senator from Washington did not wait until I had concluded.

Mr. JONES. I beg the Senator's pardon.

Mr. POMERENE. The work of the legislature was completed before there was any distribution of this fund. The Senator from Washington has just stated that there was no interest there represented in the election of Senator. It seems to me as I have read this record—and I have read most of it—that there were certain very powerful interests that were at work.

Mr. JONES. What interests?

Mr. POMERENE. The tariff question was connected with this proposition. A leading lumberman, not to mention the name now——

Mr. JONES. I wish the Senator would mention the name.

Mr. POMERENE. Mr. Hines was there, and took an extremely active interest in this matter.

Mr. JONES. The Senator is mistaken about that. Mr. Hines was not at Springfield at all.

Mr. POMERENE. Possibly that is correct. When I said "there" I meant having some connection with this election.

Mr. JONES. I do not want the Senator to understand me to say that nobody that was connected with the interests was not interested in Senator LORIMER's election. I did not say that. I said there was nobody at Springfield and no interest represented there and no agents of those interests. I am going to take up the Hines matter in a very short time; and possibly right now, if the Senator will allow me.

Mr. POMERENE. I think perhaps the Senator made his statement a little too broad when he said that there were no interests connected with this matter.

Mr. JONES. I wanted to confine it to the legislature and before the legislature.

Mr. POMERENE. But it seems to me that the Senator has not yet made clear why this fund should be distributed with reference to legislative work, rather than with reference to the election of a Senator. I do not mean to say, so far as the discussion has gone, that it had reference to one rather than reference to the other; but it seems to me that it is just as reasonable to suppose, assuming for the sake of the argument that there was a corruption fund, that it was distributed, and that it was distributed by Mr. Browne; but we have the same right to draw the conclusion that it was distributed with reference to the election of a United States Senator as we have to say that it was used with reference to legislative work.

Mr. JONES. I want the Senate to understand that I am not conceding that the testimony shows that there had existed in the Illinois Legislature this so-called corruption and jack-pot fund; I know that there were rumors and gossip and newspaper reports about it, as I have already said; and that is the sole testimony upon which it is based; yet conceding that there was a corruption fund, it has always been contended that that corruption fund was raised in connection with legislative matters, in which certain people or corporations or individuals or associations were interested. Therefore, if the fund was contributed

for that purpose, it would be expected to be handled with reference to legislation, and it would be the reasonable inference that it would be used in that way.

The election of a Senator is certainly distinct from legislative matters. A corporation would be interested in a bill affecting corporation interests, and yet it might not take any interest whatever in the election of a United States Senator and would not be connected in any way, shape, or form with it. So it seems to me that any jack-pot or corruption fund, in the sense usually used in connection with the Illinois Legislature, was and must have been understood to be a fund in connection with legislative matters and not in connection with the senatorial matter. We have no right to assume and there is certainly nothing in the record showing that Senator LORIMER knew anything about such a corruption fund or that those who were promoting his election, other than Lee O'Neil Browne, may have known about it; and yet Lee O'Neil Browne was not supporting Mr. LORIMER because of a special interest in his election, other than for reasons that we shall take up later on, but for the purpose of ending the deadlock, for the purpose of defeating Hopkins, for the purpose of getting rid of this question, he gave him his support; and while it is said here that Lee O'Neil Browne led his followers, the record does not show it; the record does not establish it. We called almost every member of the legislature, especially the Democrats who voted for Senator LORIMER, and they gave good and valid and reasonable reasons for doing so, independent of Browne. So I can very naturally see how they might have had a corruption fund in connection with legislation and yet it have had no connection whatever with the election of a Senator. I do not know whether I have made my view clear in regard to that or not, but there is nothing in the record that I see which impels me toward the conclusion that the legislative jack pot, if there was a legislative jack pot, was connected with the senatorial election in any way whatever.

Mr. POMERENE. Then it seems to be the Senator's opinion that, assuming that there was a corruption fund in the possession of Mr. Browne as trustee, he was such an honest trustee that he would use that fund only for the purpose of corrupting legislative matters and not use it for corruption in other directions.

Mr. JONES. I see no reason why he should use it for corruption purposes in connection with the senatorial election. There was nothing special that Browne hoped to receive out of it, except what any other Democrat might get for voting for Senator LORIMER, which is the reason given by some people that they thought possibly it would be well to have a friend here; they recognized Senator LORIMER's human nature, and that he would probably pay some attention to those who had befriended him, just like every man would pay some attention to those who had helped or assisted him. Some thought it a good thing from a party standpoint, and others wanted to end the contest and get home, and many were personally very friendly to LORIMER, and all were against Hopkins. There is nothing in this record to show that Browne expected to get anything out of the election of a United States Senator, or that any such expectation influenced him in his support of LORIMER, and nothing to warrant him in diverting any legislative fund which he may have had to secure the election of a Senator. He was to gain nothing by it.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT protempore. Does the Senator from Washington yield to the Senator from Vermont?

Mr. JONES. I do.

Mr. DILLINGHAM. I want to make the suggestion that the Senator from Washington has been speaking about an hour and a half, and I observe that he has got through only three pages of his manuscript. The whole time has been taken up with interrogatories on first one question and then on another, and he has had no opportunity whatever to deliver the address which he has prepared and in which he gives his reason for his action. After yielding an hour and thirty minutes to interruptions of that kind, I think that, in fairness to him, he should be permitted to proceed with his speech.

Mr. JONES. Mr. President, I appreciate the friendly interest of the chairman of the committee, but I will say that in these interruptions I have covered a whole lot of my speech further on, which will therefore not have to be taken up, so that the Senate is probably losing no time and I am enjoying the interruptions very much.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I have taken the liberty of asking the Senator from Washington a few questions, and, therefore, am one of the parties guilty of the interruptions.

Mr. JONES. The Senator is not guilty of anything wrong.

Mr. REED. I rather dislike the idea that interruptions are regarded by any Senator as mere interruptions. I have been trying to get the Senator's view for my own benefit. I have to vote on this case, and I have a good deal of respect for the Senator's opinions. He sat on this investigating committee, and he has announced that he intends to vote differently from the way he voted before. Therefore, it seems to me that whatever light he can shed, and is willing to shed, upon these matters will help some of us who more desire to get at the truth than to listen to a very excellent speech.

Mr. JONES. The Senator will give me credit for not objecting to interruptions at all.

Mr. REED. The Senator has been very courteous and very kind; and I desire to get a little more light.

Mr. JONES. I appreciate the suggestion that possibly I have given the Senator some light.

Mr. REED. At least the Senator has elucidated his own opinions; and it is a very different thing for a man sometimes to listen to the opinions of another than to listen to his reasons for the opinions. There is a matter that troubles me some, that I should like to get the Senator's view upon. I will have to take a moment to state it. It seems to be conceded by everybody that Lee O'Neil Browne was the agent of Mr. LORIMER.

Mr. JONES. Mr. President, I do not concede that he was an agent of Mr. LORIMER; I contend that he was a friend of Mr. LORIMER, and was simply doing what he could as one individual member of the legislature to secure Democratic votes for Mr. LORIMER when Mr. LORIMER became a candidate. In the matter of his being an agent in the way of binding Senator LORIMER by a promise or by the distribution of money or anything of that kind, I do not think there is anything that shows that at all. He was no more the agent of Mr. LORIMER than were several other Democratic members there of possibly not quite so much prominence as Mr. Browne, but who interested themselves in Mr. LORIMER's behalf.

Mr. REED. Well, I will try to get language that is unobjectionable. It seems to be conceded that Mr. Browne was very active in securing the election of Mr. LORIMER; it seems to be conceded by the Senator who has the floor that Browne was the agent of the liquor interests; that he had a fund derived from the liquor interests or elsewhere for distribution; and that he did distribute that fund to certain members of the legislature.

Mr. JONES. Well, they all swear that they did not expect anything for voting for LORIMER excepting White, and there is nothing in the record that, to my mind, impels me to believe that they did expect anything for their vote for him.

Mr. REED. Then, can the Senator explain whether he really thinks that money or the expectation of money in the Illinois Legislature influenced the votes of any of those men now charged with corruption or whether he thinks that their votes were simply votes cast in accordance with conscience and principle?

Mr. JONES. That is, you mean in connection with the election of Senator?

Mr. REED. I mean in connection with anything.

Mr. JONES. I will say to the Senator that there is nothing in the record here that shows or even indicates that any of those people except White voted upon any measure hoping to get any compensation or pay for it, and they all swear to the contrary.

Mr. REED. And the Senator's view, then, is that neither money nor the expectation nor hope of money had any influence in tying these men to the fortunes or to the dictation of Mr. Browne?

Mr. JONES. I think not; that is, there is nothing shown in the record to that effect, and there is nothing to show that they were tied to the fortunes or dictation of Browne. They recognized him as the leader of their faction, because he had received a majority vote for minority leader, and that is all.

Mr. REED. Well, the Senator means direct. Does the Senator——

Mr. JONES. Well, I want to say to the Senator——

Mr. REED. Does the Senator mean to say that it is his judgment, after hearing all this evidence, that there has not been some kind of understanding that the men who had adhered to the fortunes and followed the dictation of Mr. Browne would receive compensation?

Mr. JONES. I will say to the Senator that I think this case is to be decided, of course, upon the record, and there is nothing

in the record which, to my mind, indicates that any of these people expected anything for their votes upon any of these measures or that they to any extent followed the dictation of Browne. I might have an opinion, of course, in trying to explain their action in view of what happened after the legislature adjourned, and I might think that possibly they did expect something of that kind, although I have no special reason to think so unless it is with reference to the man Holstlaw. I have a theory—there is no direct evidence to support it—with reference to Holstlaw in connection with his evidence in regard to his campaign, in connection with the source from which he got his money, and in connection with his disposition and the character of the man that he either had an understanding or that he expected in some way to be reimbursed for his campaign expenses. As I have said, there is no real direct evidence to support a theory of that kind.

Mr. REED. I do not want to be importunate about this matter, but I have a very grave reason in my own mind for wanting to get the Senator's real opinion. The Senator, of course, says there is no evidence, and I take it he means direct evidence.

Mr. JONES. Well, neither direct nor really indirect.

Mr. REED. But taking into consideration the fact that these men rallied to the standard of Browne; that they obeyed his will and followed his dictation——

Mr. JONES. Now, Mr. President, I do not think the Senator ought to state it in that way. There is no evidence here that they obeyed Browne's will or his dictation on legislation or other matters either.

Mr. REED. Well, they voted with him.

Mr. JONES. Oh, yes; sometimes and sometimes not.

Mr. REED. And they went to him for advice; they selected him as leader; he became in fact their leader; afterwards they went to St. Louis where this money was divided up, and certain sums of money were indubitably paid to Mr. White by Mr. Browne, as shown by Mr. White's letters. Now, what I am trying to get from the Senator is this: Does he not believe he is warranted in the conclusion from this record that these men expected to get money from or through the hands of Mr. Browne in consideration of their services and friendly offices in the legislature?

Mr. JONES. I will say frankly to the Senator that I do not think so.

Mr. REED. That is the answer I had thought the Senator would make. Then, the Senator thinks that, without any agreement, express or implied, without any understanding whatsoever, Mr. Browne sent for or had these members of the legislature assembled at St. Louis; that he paid them this money or caused it to be paid, and that without any understanding, express or implied, in advance he wrote these letters to Mr. White asking him to meet him, and paid him various sums of money which he has admitted receiving.

Mr. JONES. I have no reason to think otherwise.

Mr. REED. I thank the Senator for his courtesy.

Mr. JONES. I desire to say with reference to the suggestion of the Senator in regard to Mr. Browne being the leader and these people following him, and so on, that I assume that the Legislature of Illinois is very much like other legislative bodies. I have noticed from my service in the Senate and in the other branch of Congress that men usually follow those who have been selected as leaders, and some one is usually selected as a leader by the minority as well as the majority. I have never thought that there was anything wrong about that. I can remember how in the House of Representatives when we came in to vote on a proposition we usually asked how so and so was voting, and then we voted that way; and I have noticed that our Democratic friends in this body usually vote together upon every important proposition, and I see nothing wrong about that.

Mr REED But Mr. President——

Mr. JONES. And I would like to see the Members on this side of the Senate follow that course a little bit more than they do.

Mr. REED. Will the Senator pardon me another question?

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. The Senator says that it is customary to follow leaders and vote as a unit and that that is done in the Senate. Does he know of any instance where in this body or in any other honest legislative body the members have afterwards gone out and cut up a lot of money among themselves?

Mr. JONES. Oh, the Senator does not mean to ask a question like that seriously with the suggestion it implies. Of course the Senator from Washington intimated nothing of that sort.

Mr. REED. No; but I am trying——

Mr. JONES. But there is no reason to assume simply because men got some money after the Illinois Legislature had adjourned that all the members or any considerable number of them or any of them who were in what was known as the Browne faction supported Browne or followed Browne in the hope or expectation of getting money. The Democrats of the House of Representatives of the Illinois Legislature had a very active contest over the minority leadership. Leadership there means something, just as it means something in the National House of Representatives. There were two candidates in the minority for speaker. Browne received a majority of the Democratic votes, and he received practically all the Democratic votes when it came to voting for speaker. After two ballots practically all of them voted for a Republican. After the speaker was elected Browne was recognized as the leader of one faction, just as another gentleman was recognized as the leader of another faction. The members of each faction did not vote together upon all propositions. They frequently divided, but they recognized him as leader, just as all legislative bodies recognize men as leaders. There is nothing in this record to show that the men who followed Browne or took him as their leader did so in the hope or expectation that they would receive anything during the legislature or after the legislature. If we are to infer that because many of the men who followed Browne and voted for Senator LORIMER were corrupt, we could with equal justice draw the same conclusion with reference to other legislative bodies.

Browne's faction was not the only faction that supported Senator LORIMER when it came to a vote. A large number of what was known as the Tippitt faction of the Democratic Party voted for Senator LORIMER. While it is suggested that possibly one or two members of the legislature received pay from Tippitt, I submit that there is no proof in this record to show anything of the kind, and that it is an absolute injustice to a man who was elected six times to the Illinois Legislature and who was honored and respected by all of his neighbors and his people to infer and insinuate that, simply because some poor drunken member of the legislature who had followed Tippitt was flourishing a little money, he got that money from Mr. Tippitt. I think such an inference is unjust, unreasonable, and unfair, and if it is to be followed, then no recognized leader in any legislative body is safe from suspicion and infamous suggestion. Others may not agree with me in regard to that, but that is the way I look at it.

I might just as well now refer to these other members of the legislature and give my reasons for thinking that they did not receive money for voting for Senator LORIMER. This whole case is buttressed about Charles A. White. It is not necessary for me to go through and analyze his testimony. That has already been done most completely by the Senator from Vermont. I simply want to call the attention of the Senate and the attention of the people who are insisting that this was a corrupt election to the fact that it must be determined primarily upon White's testimony. While I will admit that a man without character, a man without any moral conception of what is right and just, while I will admit that a perjurer and a blackmailer—not a man merely charged with blackmailing, but a self-confessed perjurer and a self-confessed blackmailer, a man who confesses that he lied time and again for the purpose of securing something from one of his best friends, a man who is contradicted, whose testimony is impeached time and again in this record, and impeached conclusively upon material propositions—while I will admit that such a man can tell the truth sometimes, I do think that his testimony ought to be scanned very closely; I do think that he ought to be supported by strong and conclusive corroborative evidence before we should believe him and overturn the testimony of a man with a record, with a character, and with a reputation like that of WILLIAM LORIMER, and especially so when not one Senator who heard the testimony on this hearing or the other one contends that WILLIAM LORIMER was personally guilty of improper conduct in connection with his election or that he was cognizant of any such on the part of any of his supporters. I will admit, with the Senator from Indiana [Mr. KERN], that the character, the record, and the reputation of WILLIAM LORIMER should not overturn convincing proof of corrupt practices in connection with his election; but, gentlemen of the Senate, I want to say that I do not believe we ought to overturn a character like that and a reputation like that and repudiate the testimony of such a man upon the testimony of a man like White, unless it is corrobo-

rated so as to prove almost conclusively that White's testimony where it involves Mr. LORIMER is true and correct.

What kind of a man is WILLIAM LORIMER? His personal character is above reproach. He is temperate in his habits, chaste in his conversation, honest in his dealings, and of unquestioned veracity. His word is as good as his bond in private life, in business dealings, and in politics. He is gentle in manner and considerate in action. He is sympathetic, tender, conciliatory, frank but firm in his opinions and convictions. A good neighbor, a faithful friend, a fair foe, a model husband and father with an ideal home life. That is the kind of a man WILLIAM LORIMER is personally. If he differs from other men in Illinois politics, it is in this: He is honest, true, and courageous in politics as in private dealings. His word given is never broken. A promise made is always kept. He never deceives. If he is for you, you have no doubt of it; if he is against you, you know it. Slow in promising, he is faithful in performance. He is true to his friends and followers in defeat, and never forgetful of them in victory. Always ready to help when in his power the humblest citizen regardless of politics. These, with great executive ability, are the elements of his success. Whatever the people may think from the reports they have read, this is the kind of a man WILLIAM LORIMER is—in character, home, business, and politics. If we are to condemn a man like this on the evidence of a man like White unless clearly and conclusively corroborated, then why should the people expect a man to live an honorable and upright life either in his private life, his business dealings, or in his political activities? How can anyone hope to escape the perjurers and blackmailers if an upright life counts for nothing against perjury and avarice?

I will admit that White a few years ago had a good reputation. While he was at work down at St. Louis he received some nice recommendations from his employers, and I have no doubt that those recommendations were given in good faith and were deserved at that time. Here is the way I look at it: The highest wages White had ever received, I think, were about $2 or $2.25 a day. In the forty-fifth general assembly of Illinois he was selected as a representative of the labor interests, and he was paid $6 a day and his expenses. He left his work, went to Springfield, and fell in the way of high living and dissipation and riotous associates. When the legislature was through he had to go back to work at $2 or $2.25 a day, and he found he could not maintain his high living. He saw somewhere that some labor man had obtained $5,000 as a bribe from some interest to induce him to use his influence in its behalf, and he took the money without doing the work for which it was given and used it for himself; he heard also of another labor man who got $20,000 for doing the same thing, and he used the money for his own benefit; and I have no doubt but that he said to himself, "That is a good way to get money; I can not live on this wage of $2 or $2.25 a day, as I have been living; I do not like this kind of life; and I am going to the legislature. I have heard there have been rumors of corruption up there and chances of getting money, and I am going there. I will make some money in that way. I will get better wages than I am getting now and not have this hard work. The pay is $2,000 for a session, and I can get much more on the side."

So, he got himself nominated for the legislature; he was elected, and went to the legislature; and he tells this committee and the country that he went there for the purpose of disclosing and exposing corruption. He went to the legislature; he continued his riotous living; he became worse and worse. The dissipation shown in this record on the part of White is really appalling. He got his $2,000, but it was all used up in two or three months. He made trips to Chicago; took his friends there, and they went to all sorts of disreputable resorts and places, and his money did not last long. If he got money from Browne, it was soon spent. After his return from his trip with Browne in August, it entered his mind and heart that he could extort money from LORIMER, and he told Zentner and Sturmer that he voted for LORIMER and he could say he got money for it and LORIMER would have to put up. Then, apparently, he conceived the idea that he would get money by connecting LORIMER with some part of his ill-gotten money. He must concoct a bribery story, so he says that Browne came to his room in Springfield on the night of May 24 and took him to his (Browne's) room and there entered into a deal with him by which Browne was to pay him money for the election of Senator LORIMER.

Mark you, he says that that was the first time any man had spoken to him in regard to voting for Senator LORIMER—May 24. Is that true? If it is not true his whole story relating to LORIMER is stamped as a pure fabrication. Homer Shaw came before our committee and he impressed me, like he impressed all the other members of the committee, as being one of the most honorable, high-class men who came before the committee. He was a Democrat. He did not vote for LORIMER. He tried to maintain the Democratic organization, and yet he testifies unequivocally in substance that White told him a week or 10 days before that he expected to vote for LORIMER. White denies it. But I do not believe there is a member of our committee who will not say that Shaw must be believed with reference to that proposition. Shaw had no incentive to lie. He did not lie. He told the truth. Senator LORIMER also swears that White told him several days before the election that he would vote for him. So White lied when he said that May 24 was the first time he had been spoken to in regard to the election of Senator LORIMER.

Further, Shaw testifies to White's dejected appearance in the subsequent session of the legislature, and of his telling Shaw that he regretted his vote, and that his people would not have very much to do with him. White denies this, but there can be no doubt in the mind of anyone who saw the two men as to which told the truth. White lied in this also.

Again, with reference to the night of May 24, White, in order to bolster up his story, said that Otis and Sidney Yarbrough were there; that they were in his room when Browne came there. At the former hearing one of these Yarbroughs was not called. I remember that I wondered why he was not called. Both the Yarbroughs were called before this committee. They both testified in support of White's contention that they were in Springfield the night of May 24; that they were in that room when Browne came there; and yet, mark you, the testimony in this record shows, and it shows it conclusively, that one of the Yarbroughs, at any rate, was not in Springfield that night. It shows that White and the two Yarbroughs were in Chicago on Sunday, May 23; that they stayed there that night, and that one of them remained there while White and the other one went to Springfield, arriving there about 11.41 the night of May 24.

I will not go into and analyze the testimony, but I assert, and no member of this committee will contend otherwise, that White perjured himself when he said the two Yarbroughs were in his room in Springfield on the night of May 24, and that the Yarbroughs perjured themselves when they swore they were there. They lied when they said they saw Browne that night, and White lied when he said Browne promised him money for his vote for LORIMER. The minority of the committee have nothing to say in their report or in their speeches about the Yarbroughs. Their perjury was too plain, not only from the contradictory evidence produced, but from their own testimony and their manner on the stand. If White lied in stating that the two Yarbroughs were present, and he did, why should we believe him at all? Can anyone believe him? This is a material part of his story. It is clearly false, and the whole Lorimer story should fall with it. Why did the Yarbroughs swear to it? They were close friends of White. One had been given a place by him. They seemed to be willing to go any length for him. One of them admitted, in the Browne trial in Chicago, of writing a letter saying, in substance, this: "I will go to hell for White, and in his interest," and he was perjuring himself to sustain White's story, because White wanted it corroborated. There is no question but that White's story as to the 24th of May is absolutely false. He had told Shaw and LORIMER before this that he would vote for LORIMER. The Yarbroughs were not in his room that night. Browne did not come to his room and did not promise him a thousand dollars for voting for LORIMER. This story is simply a part of his blackmailing scheme.

White has made no confession in this case. He has simply written a story of corruption in which he was an actor to sell and sold it. Under the claim that he was going to the legislature to expose corruption he got money corruptly, according to his own story. He did not expose the corruption. He used the money. He had a good time. His funds were out. He must raise some money or his good time would end. How could he do it? He conceived the idea, as I said before, that he would make Browne and LORIMER put up. After he and Browne had returned from a trip in August, after the legislature adjourned, he was at the Briggs House in Chicago; he was drinking. He was there with two men, named Zentner and Sturmer, and they testified to this statement on the part of White.

White said that he was going to take a trip in the fall; that he was going down to O'Fallon; he was going down to visit his people, and then go down to New Orleans, then to Cuba, then come up to New York and have a good time. These men suggested to him that he must have considerable money. White said, "No; I have not a lot of money, but I am going to get it, and I am going to get it without working." Then Zentner asked him how he was going to get it. White said,

"That Lorimer crowd, and our old pal Browne, too, have got to come across good and hard when I say the word, and I am going to say it." Sturmer then asked White whether he had anything on them, and White said, "No; I ain't. I got the worst of it down there in Springfield, but that makes no difference. I voted for LORIMER, and I am a Democrat, and I can say I got money for voting for LORIMER. Do you suppose that they can stand for it a moment? I guess they will cough up when I say the word to them."

We are asked to exclude a man from this Chamber upon the testimony of a man of that character, a man who in his drunken condition gave up possibly the inner thoughts of his mind and who said, "I voted for LORIMER; I did not expect anything, but I can say I got money for it, and they will have to cough up." This is corroborated by Zentner in every particular. This was the first conception of the plan to extort money from LORIMER and the beginning of the White story.

Now, what sort of a man is White? James W. Doyle, an honest laboring man, a machinist, of Springfield, was about the legislature representing labor, and he testifies to a conversation with White, as follows:

> He said to me, "How is railroad legislation coming on?" I said, "All right." He said, "You fellows are the damnedest, cheapest bunch I ever saw. How do you expect us fellows to live around here on wind?" I said, "I do not know. I have not got a dollar to give you or to cite you as to where you can get any. I am surprised at your making that statement, elected as you were." Somebody stepped up, and the conversation ended there.

Doyle is not impeached. Doyle is a man of reputation and character. There is no reason in this record why we should conclude that he was stating anything that was not true. It simply illustrates the character of White as demonstrated all the way through this record.

Then Officer O'Keefe, with whom White was placed in Chicago, testified to a conversation he had with White after White had been on the stand in the Browne trial. White stated to O'Keefe, in substance, that he had lied in his testimony.

Officer O'Keefe testifies that White, in substance, admitted that he testified falsely, referring to his testimony in the Browne trial.

> Senator KENYON. That he lied on the witness stand?
> Mr. O'KEEFE. Yes, sir.
> Senator KENYON. At the time he told you he lied on the witness stand you knew another case was coming up—that the jury would discredit?
> Mr. O'KEEFE. Why, the case was still on, sir. This was the first trial when I knew that he lied.
> Senator KENYON. Oh, it was during the first trial?
> Mr. O'KEEFE. Yes, sir.
> Senator KENYON. But the case was complete?
> Mr. O'KEEFE. Yes, sir.
> Senator KENYON. He told you then that he had lied?
> Mr. O'KEEFE. Yes, sir.
> Senator KENYON. That he had lied under oath?
> Mr. O'KEEFE. He was sworn, anyhow; yes, sir.

Then in pursuance of this plan that he had conceived White went to writing a story. He did not call it the Lorimer scandal; he did not call it the Lorimer election; he did not call it the Lorimer bribe. He called it "The jack pot." That was the title of his story. And what did he do? While he was writing his story he wrote a letter to Senator LORIMER, which appears in the record—a pitiful sort of letter—setting forth his bad condition, and asking for some help, a letter that would appeal to any man of the disposition and character of Senator LORIMER, and would appeal to any man who had been favored by the writer. Yet White on the stand said that in that letter he lied. I do not say he lied. He says he lied.

He wanted something from LORIMER he could use against him in his story. He says so. That letter did not bring anything. So he finally concluded that he would make a straight blackmailing proposition to Senator LORIMER, and he wrote and told him that he had written a story of the legislative proceedings of the Illinois General Assembly, and suggested to him that he had been offered $2.50 a word for that story, and that there were about 30,000 words in the story. In other words, he suggested to Senator LORIMER that he ought to put up $75,000 for that story.

White says on the witness stand that his statements in that letter were lies and that he had not received any offer, but he hoped to get something from Senator LORIMER that he would be able to use against him. He did not get it. In the meantime he was also writing to Browne. The record contains letters from White to Browne and from Browne to White—letters from White to Browne telling Browne that he did not know where the next meal would come from; telling Browne that he was in dire distress, asking to borrow some money, and he inclosed a note in one letter for money, which he trusted Browne would send him. Browne sent him some money and gave him some good advice. And yet on the witness stand he testified that his statements in those letters were lies; that they were untrue; that he wrote in that way in the hope that he would get something from his friend Browne that he could use against him. He got money on these misrepresentations, and he used it for his own purposes.

But finding he could not get anything from LORIMER, he wrote to Everybody's and several other magazines, and, getting nothing from them, he says that some one suggested—Mr. Wright—that the Chicago Tribune would buy his story. He went to the Tribune people and made a proposition to them. Asked them what? Keeley, of the Chicago Tribune, says that White asked him $50,000 for his story. White says Keeley is a liar. I do not believe it. I think White lied when he said he did not ask him $50,000. He did ask him $50,000 for that story. Keeley would not pay it.

Finally he came down to $4,000. The Tribune people said they would give him $3,500 for the story if he would agree to corroborate and sustain it, and he agreed to do it. The sale was made. He started out to corroborate his story.

It is very significant as showing White's character that about the 28th or 29th of April, a day or two before this story was to be printed, he threatened not to go through with his story. White had been down in southern Illinois with a man by the name of Turner or Tierney trying to corroborate his story, talking with the different members whom he had implicated. He had gotten away from Turner. Turner was over in St. Louis. White was in East St. Louis with a couple of friends. He had been carousing around and did not have any money. He went to a hotel to get a room. He told the night clerk he had no money, and the night clerk said, "I can not let you have a room; it is contrary to the orders of the proprietor." White asked for the proprietor; but he had gone to bed and he could not get him. So White said, "Call up Turner, over in St. Louis, at the St. James Hotel." The night clerk sent the message and they got Turner. White wanted Turner to "put up" for him; and this is what Mr. Ellerhof says White said:

> Mr. White said that he was down there broke; had no money; that Turner was across the river having a good time, and he was over there broke and could not get any lodging for himself and his friends.
>
> * * * * * * *
>
> Mr. HANECY. Did White say anything to you as to what he would do if the Tribune did not do something for him?
> Mr. ELLERHOF. Yes. He said he would not go through with it. If he did not get settled up by Monday morning he would not go through with it.

Through with what? Through with the story that he had turned over to the Tribune for $3,500 and that he is now trying to sustain and corroborate? If they did not put up money for him, he would not go through with it.

> Mr. HANECY. Did he say anything about wanting money and wanting it damned quick?
> Mr. ELLERHOF. Yes, sir. He said, "I want money and I want it damned quick."

He then had them telephone to Chicago, to the Tribune office, and they got a Mr. Hammer, who was said to be the editor of the Tribune. Mr. Hammer told Mr. Ellerhof to let White have a room, saying the Tribune would settle for it. Ellerhof said he could not do it, because it was against his orders. Then Ellerhof said White started out of the door and said, "I will show you what influence I have got, from the governor down."

This shows that White was ready to "throw down" even the Tribune if he could not get a little money for his expenses there.

Soon after he had written or while he was writing his story he talked to Mr. Webb, his attorney at East St. Louis, and asked him about the matter. He talked to him about the "jack pot." He did not say anything about the election of LORIMER. He did not say anything about having gotten money for that, but talked about the "jack-pot" money. Webb advised White not to publish his story, saying that it would very likely get him in the penitentiary. What did White say?

> Mr. HANECY. What did he say in reply to that?
> Mr. WEBB. He said he did not care; that he had been deceived; he had been promised more money than he had received, and he intended to have what had been promised him; that if he did not he would drag down those involved with him, and they would all go down together.
> Mr. HANECY. What was his language—"I do not care a damn"?
> Mr. WEBB. Yes, sir; he used that term.

I think Mr. Webb impressed the committee as a man of reputation and a man of truth. There is no doubt that White made those statements to him and he was evidently referring to the "jack-pot" or legislative money. If the senatorial election had been connected with it he would surely have said something of it to Webb.

I could take from the record the statements of other witnesses showing White's avaricious nature and his blackmailing character; but it is not necessary. I have given enough to show his character. I have given enough to show the character

of the man and the purpose for which he prepared his story. If it be true that he got money from the "jack-pot" fund, that he understood he would get money from the "jack-pot" fund, it is not unreasonable to conclude that White conceived the idea that he could make money by connecting LORIMER with the matter, and from his statements and actions this conclusion is irresistible.

In my judgment, Shaw's story is correct that White told him 10 days before the election that he expected to vote for LORIMER. I have no doubt that White voted for LORIMER without any expectation or hope at the time of getting any money. I have no doubt that he voted for LORIMER without any promise of any money. I have no doubt that he afterwards conceived the idea that by connecting LORIMER with the matter he could make money out of it, and he did it; and he took his story to the worst enemy Senator LORIMER has in this country and sold his story to them.

I do not charge the Tribune with using the story corruptly; but they were glad to get it. The Tribune's policy had been for years to drive LORIMER out of Illinois politics. It would employ any means to do it. The character of the Tribune's opposition to Senator LORIMER and its desire to get something to use against him are well exemplified in the story Mr. Keeley told on the stand of a man named Glavis coming to him and telling him he knew of some books that would implicate Senator LORIMER while a Member of the House, and saying that if Keeley would pay him $750 he would get those books for him. Keeley paid the $750. No books were secured. He admitted that he had been buncoed, and that the books never were produced. Nobody seemed to know anything about them. The chances are, the probabilities are, the indications are, that Mr. Glavis, simply presuming upon the intense hostility of the Tribune to Senator LORIMER, concocted his story and got from them $750, which they paid with the hope that they would find something they could use against LORIMER.

This is White's story, and he is the only man that says anywhere in this record that he was promised anything for voting for LORIMER or that he hoped to get anything for voting for LORIMER. I do not believe he ever was promised a cent. I do not believe he expected a cent. There is absolutely no corroborative evidence that he got his money for voting for LORIMER. It is so plainly a blackmailing scheme and is so full of perjury that it is entitled to no credit. It is said he confessed. The country believes he confessed. He did not confess. He wanted money. He wrote his story. He sold it. He was never arrested. He was never indicted. He was never prosecuted, and is scot-free to this day.

The country thinks—and those who know better keep on saying—that Beckemeyer, Holstlaw, and Link have confessed to receiving money for their votes for LORIMER, and upon these continued false statements the people have largely formed their opinion of this case. These men have not so confessed. Upon the contrary, every one of them has denied from the beginning to the end that he was promised anything for voting for LORIMER, that he expected anything for voting for him, or that he voted in the expectation or hope of getting anything. Not one of them connects LORIMER with this matter except Beckemeyer, and he does not do it until he is threatened with the penitentiary upon an indictment for perjury; and then he simply goes so far as to say that Browne said when he handed him the thousand dollars that it was "Lorimer money." But he contends after that, and until the very close, and contends now, that he did not hope for, did not expect, and was not promised a single dollar. And Mr. Wayman, the prosecuting attorney of Cook County, who had him indicted, and who talked with him privately and otherwise, says Beckemeyer contended the same thing to him all through his conversations with him.

I have no doubt, as I said awhile ago, that Beckemeyer connected LORIMER in this way only and solely to secure immunity, to be relieved from this indictment. He went before the grand jury three times and never mentioned LORIMER's name. This brought no immunity, and then in a private conversation with Wayman he used LORIMER's name, as above stated, and he was at once released. He simply lied to get immunity.

We hear a good deal about Holstlaw. He was a member of the State senate. In my estimation, even White is a better man and more entitled to our respect and pity than this man Holstlaw. Words can not express my opinion of or contempt for Holstlaw. There is some excuse for White, if you can excuse anybody for such a thing, as swearing falsely, trying to get money corruptly, in order to live high. But there is absolutely no excuse whatever for Holstlaw. He was a man worth from $100,000 to $200,000, respected in his community, of great profession of piety; and yet he is a man always looking out for and trying to get money for nothing. He is avaricious beyond expression. He will take a dollar at any time and from any source and ask no questions, and thinks it all right. He has no perception of immorality in connection with the receipt of money. In a furniture deal he was on a committee to purchase for the State, and suggested to the representative of the furniture people that there "ought to be something in it." He wanted about $2,000. Finally they promised him $1,500. He did not think there was anything wrong about that. On the stand before the investigating committee he said he did not think there was anything wrong about it. He said it did not come out of the State; that the agent of the company simply took it out of his commission, and he thought he might just as well have it as anybody; and he regretted very much that he finally did not get it, and expressed that regret on the stand before this committee.

That is the kind of man Holstlaw is. The prosecuting attorney's office at Springfield found out about this furniture deal. They found a letter that he had written to one of the representatives of the furniture company. When Holstlaw came back from a church convention in Baltimore, to which he was a delegate, he was called before the grand jury and asked if he had written a certain letter, and he said "No." Then he was allowed to go out of the grand jury room, and they indicted him for perjury. They then advised him of his indictment.

As soon as Holstlaw learned of the indictment for perjury he remembered that he had written the letter, and wanted to go back and explain the matter. He requested of Mr. Burke, the prosecuting attorney, possibly through one of the deputy sheriffs, to be allowed to come back before the grand jury and explain. Burke sent word to him that he would not be permitted to come back unless he told all he knew about the Lorimer deal.

My recollection is that the Senator from Vermont [Mr. DILLINGHAM] yesterday gave the impression that LORIMER was not mentioned until the time a statement was being prepared in the office of his attorneys. But he overlooked the testimony of Mr. Holstlaw in which he said that one of the deputy sheriffs came to him and told him that Burke would not let him come back until he told all about the Lorimer deal. That was repeated, and he told that to his attorneys. Then his attorneys talked with Burke, and they brought back the same word.

What about Holstlaw? Is he a brave man? Is he a courageous man? No! He is more cowardly in his nature than White himself; more cowardly than Beckemeyer; more cowardly than Link. Holstlaw was ready to swear to anything in order to get immunity. He passed an almost sleepless night, he says, thinking over this matter. He had also put up a cash ball of $5,000; and I have an idea that the possible loss of that $5,000 worried him more than almost anything else. He was ready to swear to anything the next morning in order to get immunity, and to get back his $5,000.

Then Holstlaw told his attorneys this Lorimer story. First Burke sent word that he would not let him off until he told all about the Lorimer deal. I do not contend that Burke was in any conspiracy in regard to the matter. I think probably Burke had sized up Holstlaw. He knew his connection with corruption in connection with the furniture deal, and he probably thought he would "take a chance" on getting something out of him in connection with LORIMER.

Holstlaw, with his cowardly nature, with his avaricious disposition, was looking for any opportunity to get rid of that indictment. He was willing to say anything, and he knew that connecting LORIMER with corruption would get him immunity. Burke insisted on a written statement. So he told his attorneys who had been recommended to him by the sheriff's or prosecuting attorney's office of the furniture deal, and then that Broderick came to him the day before the election, I believe it was, and said, "We will elect Senator LORIMER to-morrow," and he said, "Yes; I am going to vote for him." Then Broderick said, "There is $2,500 in it for you." He told his attorneys that Broderick's statement had nothing to do with his vote; that he intended to vote for LORIMER anyhow; and that he did not expect anything for his vote. They prepared a statement, and prepared it in the way that they knew would bring immunity to this man. They prepared that statement, not as Holstlaw had given it to them, not as Holstlaw intended, but prepared it so as to make Holstlaw say that Broderick had said he would give him $2,500 if he voted for LORIMER. That was the idea. In other words, that statement was prepared in the way of a direct confession that he had received $2,500 in consideration of his vote for LORIMER.

He read it over, probably, in a hurry. He said himself he did not pay much attention to it. No; he did not care. He wanted to get immunity. He was ready to sign anything that would get it for him. And it is significant that his attorneys

would prepare a statement of that character for their client, a statement that made him confess that he had voted for a United States Senator for a consideration, when he had told them that there was no consideration for his vote; that he had intended to vote for LORIMER before; that he would have voted for him anyhow; and that he did not expect anything for his vote, and that the $2,500 was not paid him for his vote. Notwithstanding he had told his attorneys that, they did not put anything of that kind in this statement. Not only that, they wrote the statement, as I said, in such a way as to make him confess he received $2,500 for his vote. That would be hard to understand if the record did not show by a number of reputable and reliable witnesses that at the very time these men were preparing this statement for Holstlaw, as his attorneys, they were employed by the Chicago Tribune in connection with the White story. Senators, what do you think of such action? What do you think of attorneys acting for their client preparing a statement for him contrary to his statement to them, and acting at the same time for the political opponents of Senator LORIMER, and framing that statement so as to support their contention in regard to his election? What do you think about their preparing a statement for their client to sign making him confess to bribery, when he had told them the contrary? I am not surprised that he signed it. Many a man signs an affidavit prepared by his attorneys. It often does not state exactly what he intended. He does it innocently. Holstlaw did not intend what was put in that statement. He probably paid little attention to it when he signed it. He wanted immunity. He was willing to sign almost anything to get it and the return of his $5,000. Holstlaw swears now, and swore from the beginning, and swore repeatedly, that the statement in that declaration was not correct, and that he had not been promised and he did not expect a single dollar for his vote for LORIMER. What reason was there for him not to tell the truth in regard to this matter before this investigating committee? He was not under indictment then. An order of immunity had been entered in the court. There had been a judgment of the court giving him immunity for the furniture deal and for the Lorimer matter. There was no earthly reason why he should not tell the truth, and, in my judgment, he did tell the truth when he said he did not expect and did not get a dollar for his vote for LORIMER, and his vote for LORIMER was just as honest a vote, so far as any corruption in connection with it was concerned, as the vote of any man in that legislature.

Why, Holstlaw had told his neighbors, days before the election, that he was going to vote for LORIMER; he had told quite a number, and he named quite a number of men whom he told he was going to vote for LORIMER. It was known about the legislature that he expected to vote for LORIMER if he was a candidate. And what reason would there be for his asking for something for his vote, or expecting something for his vote?

But the suggestion comes—and it has already been suggested by some of the Senators—why did Broderick pay him $2,500 if he had not promised to do it? Broderick did not pay Holstlaw $2,500. He paid him $3,200; that is what he paid him, if he paid him anything. He paid him $2,500 at one time and then $700 at another time—$3,200 altogether. No one contends that he got more than $2,500 for voting for LORIMER, and yet he says that when Broderick paid him the $2,500 he said there would be $700 more, or some more soon, showing that it all came from the same source. You can take Holstlaw's story from any angle, and there is nothing in it that supports the theory or the contention that he voted for LORIMER with the hope or expectation, or under a promise, of receiving money. He never had the talk with Broderick that he relates. He may have told him he would vote for LORIMER, but Broderick never told him he would get $2,500 for it. It is incredible that he would do so when he knew Holstlaw was going to vote for LORIMER. He would not do it so openly and boldly as related by Holstlaw, and there is absolutely nothing in the record showing that Broderick was taking any special interest in LORIMER's election or that he expected anything from his election or that he had received any money from any source to assist in LORIMER's election. No; that $3,200 came from some other source, and was paid to Holstlaw for some other reason; what, I do not know.

This committee has been unable to find where that money came from. I have my opinion, based upon certain facts appearing in the record and pointed out by the Senator from Vermont in his remarkably able and exhaustive speech. Holstlaw knew before he entered into his campaign for his election that he would be reimbursed for his expenses, and that was the purpose of the $3,200. This is the character of the men and the character of the testimony upon which it is expected to deny Senator LORIMER his seat. I can not analyze it all. It is easy for anyone to find something in the several thousand pages of the record to sustain any contention he may desire to make. If he simply wants to find something in the record pointing to a given theory, he can find it. I have tried to weight all the evidence from every standpoint, and I concede that other Senators have done the same thing. I am firmly convinced that these men did not get any money for voting for LORIMER.

I am firmly convinced that they did not vote for him in the hope or expectation of getting any money; and, believing that as strongly as I do, I can not vote otherwise than to sustain his right to a seat here.

It is suggested in the minority report that there were other men who got some money for voting for LORIMER, and they mention Representative Wheelan. What is the basis for charging that Wheelan got money for voting for LORIMER? Absolutely nothing, except that he voted for him and that, I think in October of that year, he paid $1,900 for a home, paying $1,000 down, I believe, and giving a mortgage for the balance, and that there were some hundred-dollar bills in this payment. That is all they have got in the record to connect Wheelan with the election of LORIMER corruptly. He voted for him. Several months afterwards he bought him a home. I want to submit, Senators, that if you are going to convict men on testimony like that, there is no man elected to the United States Senate but that somebody can bring something against him, bring up the fact that some man who voted for him had a little money a short time afterwards, and say that he should be excluded from this body.

What did the committee do with reference to Wheelan? Why, we called Wheelan before us. He gave his testimony. He told about the money he had paid for that home. He told about the $100 bills that he had, and told where he got them. What did we do then? We did not stop there. We called the men that he said he got the money from, and inquired of them with reference to their private affairs and their business relations, and had them explain where this money came from. One of these men had been prosecuting attorney of his county, a man of reputation, standing, and ability. He loaned Wheelan some money; $700 I think it was. He told where he got the money and explained all about it. We called the other man, from whom Wheelan got $300, a hard-working man, a stonecutter I think he was. He had saved up a little money. He loaned Wheelan $300. He had three $100 bills. He told how he got them. He said that he had had money in one bank and took it out and put it in another bank, and he had saved up some money in small bills, and he put that in and took it out in $100 bills. But it is contended that Wheelan sold his vote for LORIMER and that these facts prove it. I can not accept such proof as showing corruption, but I find no fault with other Senators who may see in those transactions evidence conclusive of corruption. If they do prove corruption, however, it seems to me it will not be very difficult to show corruption in connection with any election. No man is safe, however innocent he may be.

Then they say Tippit, the other Democratic leader, or, rather, the leader of the other Democratic faction of the legislature, was corrupt. They said he paid money to Blair for his vote for LORIMER, and therefore Tippit's vote is corrupt. Senators, I agree with the contention that the bribe giver is just as corrupt as the bribe taker. I do not know but he is worse, if there is any difference in degree. And if Mr. Tippit was corrupt, if Mr. Tippit did pay this money to Blair for his vote for LORIMER, then his vote was corrupt and should be excluded.

But what is the proof that Tippit furnished Blair money? Poor Blair! I feel sorry for him, wrecked body and mind by drink, a man who had had considerable practice as a lawyer and of good native ability. The testimony shows that while he was in the legislature he was drunk pretty nearly all the time. The poor fellow was drunk, also, when he came before our committee, and he told a rambling, inconsistent story. Yet I am not surprised at that. He could not have told a consistent story in the condition that he was in. The testimony shows that he probably was in Olney on a certain day, and the next day he was up at Centralia, where they had a ball game. Somebody saw him with some money. Tippit says that he did not see Blair in Olney, which was his home. Some one unfriendly to Tippit swears that he did see Tippit and Blair together in Olney; and from this they contend that Tippit bribed Blair, or, rather, paid Blair for his vote for LORIMER. Tippit had been elected six times for 12 years, to the legislature of his State. Nobody attacks his reputation for truth and veracity—a man of high character, of high standing in the community and the Democratic Party. Yet on this testimony they conclude that he paid Blair this money and that he paid it to him for his vote for LORIMER. Blair denies that he accepted money for his vote; that he was ever promised any money for his vote; that he ever got any money for his vote, or that he

ever expected any money for his vote. He tried to explain where the 100 dollar bills came from. He said that he had saved up some at home, that his wife was keeping it, that he went down there before the ball game and got the money, and so on. We can not harmonize the statements in Blair's testimony with each other, but I submit that there is absolutely no proof that is to be regarded and considered as competent proof that shows that Blair received a dollar for his vote for LORIMER, or that it shows that Thomas Tippit ever paid him a dollar or ever promised him a dollar for his vote. So it is with the other members that they suggest must have been corrupt in connection with the election of LORIMER.

My judgment of the testimony in regard to it is that it is just as lacking in force, just as lacking in evidential relevancy, as that with reference to Tippit or Blair or Wheelan. They voted for LORIMER and they afterwards participated in some business transactions, which they explained fully and clearly, and all of which appeared to be perfectly honest and legitimate.

Now, I desire to notice the new testimony, the testimony upon which the Senate ordered a reinvestigation of this case.

First, I think I will say that the political situation, as I look at it—the political situation in Illinois—resulted inevitably in the election of WILLIAM LORIMER as United States Senator. As I look at those conditions I can not see why WILLIAM LORIMER should pay one dollar, even if he was disposed to do so, in order to secure his election. There was no earthly reason why he should do it. All the political conditions pointed to his election when his candidacy was brought up or suggested to the legislature. The Senator from Indiana [Mr. KERN] the other day spoke of the stage setting with reference to the political conditions as surrounding the election of Senator LORIMER, and he said that the Nation was divided into two great political parties differing on the tariff, and that that issue was before the country and being talked about everywhere. He said we were in extra session here trying to revise the tariff downward, and that the people of Illinois were sharply divided on this great question, and that it is inconceivable that so many Democrats would vote for Senator LORIMER—a Republican, a stalwart Republican, a man disagreeing with them upon all the fundamental principles of their party—unless they were corruptly influenced.

Mr. President, that was not the proper setting to give this question. The stage setting should not be in the National Capitol, should not be in national politics, but the stage setting for this senatorial election should be in the State of Illinois, where factional differences rent each party, and especially the Republican Party. Local divisions affected the people more than anything else. They were not looking at the national issues; they were looking at the State situation; they were looking at the State issues, at the State conditions, and we went at great length into these conditions in this hearing, as the record shows. That the Republican Party in Illinois was divided into factions; that the great political leaders of each faction were suspicious of each other; that they were charging each other with deception, with treachery, and all that sort of thing, is clearly shown. One thing, however, stands out prominently throughout this record and throughout the history of Illinois politics, as brought out by the testimony before us, and that is that with all their criminations and recriminations, with all their charges of treachery and violated promises, no suggestion is made that WILLIAM LORIMER has ever been untrue or unfaithful to a friend; that he ever had made a promise that he had not kept; that he ever violated his plighted word. I want to say that when a man can go through the politics in Illinois without some charge of that kind being brought against him it speaks more eloquently than anything that I can say for his truthfulness, manliness, and uprightness not only in his private or personal life but also in his political conduct.

Then they had had a great contest, rather a great agitation, over the deep-waterway proposition. Senator LORIMER had taken a very prominent stand with reference to this matter. He had gone up and down the State talking about the proposition. He had gone down the canal, down the Illinois River, down the Mississippi River, taking some of his colleagues with him in order to create a sentiment in favor of this great proposition. It was one in which Illinois and her people were vitally and specially interested. LORIMER had for years been the leader in the movement, not only in the State but in Congress.

Two divergent opinions were advanced in connection with it as to the best way to accomplish the result desired by all. One indorsed by the governor of the State, which was opposed by LORIMER; the other, indorsed by Senator LORIMER, was opposed by Gov. Deneen. This divided the forces in the legislature, irrespective of party affiliation. The Democratic Party was apparently in the minority, and largely favored LORIMER's idea. The Republicans were divided into political factions, and upon the canal issue. Senator Hopkins had secured the plurality vote in the primaries, but it was charged, apparently with some foundation, that he had not expected to abide by the primaries if it did not go his way, and therefore there were many in the legislature who did not consider the result of the primaries binding on them. He appeared to have no real, earnest, sincere friends in his own party and he was especially unpopular with the Democrats of the State. LORIMER was especially popular with the Democrats and with the members of his own party, regardless of factions.

I have taken from the record some statements made with reference to Senator LORIMER and Senator Hopkins and their relations to the Democrats that I want to submit as showing the political conditions not in the Nation, but in Illinois and at the State legislature. In my judgment, the members of the Illinois Legislature in considering the election of a Senator did not consider very much whether he was for a high tariff or a low tariff; whether he was a standpatter or a progressive. They were influenced almostly solely by local conditions, local differences, and the local effect. Many Republicans wanted to defeat Hopkins, and practically all the Democrats wanted to defeat him. With them it was anything to defeat Hopkins, there being no hope of electing a Democrat. That was the sole proposition with some of them. Thomas Tippit, the leader of one faction, said:

> At one week's end adjournment when I went to my home my wife suggested to me that Mr. Wilson, ex-Democratic State treasurer of Illinois, wanted to see me when I came home.

I want to say Mr. Wilson was the only Democrat elected to a State office in Illinois since the war up to that time. He was elected State treasurer.

> She stepped to the telephone and called him and told him I had come. He said he was indisposed; that he wanted to see me. I went over to his house, which joins my property, and he said, "What I wanted to see you about was this: Can not you Democrats get together and unite on some liberal Republican and beat that man Hopkins?" I said, "Yes; but what will become of us?" He said, "It will not hurt you; it will not hurt you."
>
> Mr. HANECY. When you quoted what you said, "What will become of us?" you touched your breast—you meant yourself?
>
> Mr. TIPPIT. Yes, sir. I meant what would become of us if we voted for a Republican for United States Senator, you understand. He said, "It will not hurt you; you can not elect a Democrat"—which we all knew. After further conversation I said to him, "Whom would you suggest?" "Well," he said, "I would say Shurtleff."
>
> Senator KENYON. Was this before the legislature met?
>
> Mr. TIPPIT. That was probably in February or March; I do not believe it was later than March.
>
> Senator KENYON. Was it after the legislature had met?
>
> Mr. TIPPIT. Oh, yes.
>
> Mr. HANECY. He said it was at the end of a week's session; at a week-end adjournment.
>
> Mr. TIPPIT. Yes; during the deadlock. He said, "I would suggest Shurtleff." I said, "Well, we have talked about that very thing; we have talked about Shurtleff; we do not think we could get enough votes for Mr. Shurtleff." I said, "What do you think of Mr. LORIMER?" I am referring to Mr. Wilson, you understand, who was not a member of the house. He is the first Democrat that has carried Illinois, I think, since the war. He said, "I do not like Mr. LORIMER so well, but anybody to beat Hopkins."

And he advised him to vote for LORIMER.

Now, that is from a prominent Democrat outside of the legislature. He was conferring with the leading Democrats of the legislature, and he gave his opinion as to what was wise for them to do. Anything to beat Hopkins was his advice, and there is no suggestion that he was acting corruptly. Mr. Tippit also stated:

> I could state further that it was my information, has been my information, and is now, that the election of Mr. LORIMER to the United States Senate was favored by Adlai E. Stevenson, late candidate for governor.

And you all remember that Mr. Stevenson was Vice President of the United States, and yet the Senator from Indiana would have us to believe that the bipartisan support given to Senator LORIMER was corrupt and that the support given him by Mr. Stevenson is to be condemned. Is there any Democrat in this Senate who believes that Adlai Stevenson would countenance corruption or a corrupt alliance, or that he was acting corruptly when he urged Democrats to vote for LORIMER? While it is true that many Republicans supported Adlai E. Stevenson for governor, there is nothing in the testimony showing that Mr. LORIMER supported him. They said LORIMER's friends supported him, and that Stevenson got a whole lot of Republican votes. That is true. Was it wrong for Democratic candidates to seek Republican votes? Was it proof of corruption that they got them? It was the natural result of the condition in Illinois. Some of the Republican witnesses said there were Republicans who voted for Stevenson not because they were Lorimer people, not because they liked Stevenson, but because they did not like Deneen; they did not like the Republican State administration. There was State-wide opposition to Gov. Deneen and the State administration regardless of Mr. LORIMER, and

the attempt to hold LORIMER responsible for Deneen's small majority is unjustifiable.

Mr. Tippit said that he was informed that Mr. LORIMER had met with the Democratic committee and agreed to support Stevenson for governor. Mr. LORIMER emphatically denied this. Mr. Tippit said that he had been told this by somebody. He did not know it of his own knowledge, but he had been told that Senator LORIMER met with the Democratic State committee and agreed to support Stevenson; but Mr. LORIMER denies that. He said that he was not present with the committee, made no agreement of the kind, and no member of the committee testified to anything of that character. I think I have a statement from the National Democratic committeeman, showing just the contrary, which I will read a little later on.

Homer E. Shaw also testified as to the Democratic sentiment toward LORIMER. He, as I said, was one of the strongest men, and impressed me as being one of the most reliable men that came before our committee. Senator KERN was asking him as to the various reasons given by the members of the legislature for voting for LORIMER, and he said:

> Mr. SHAW. They gave various reasons, Senator. I do not know that any of them said they were going to vote for Senator LORIMER, but there was a large number of Chicago Democrats who were extremely friendly to LORIMER, and we simply made no headway whatever in talking party politics to them.

Mr. Shaw tried to organize the Democrats of the legislature, and hold them from voting for any Republican. He got about 25, I think it was, to go into his organization; but that was all he could get, because of the personal friendly feeling toward LORIMER.

> Senator KERN. They seemed to have personal friendship for him?
>
> Mr. SHAW. Personal friendship; yes.
>
> Senator KERN. And they based their friendly feeling toward him on that?
>
> Mr. SHAW. Yes.
>
> Senator KERN. When you formed this organization first, was it understood that LORIMER would be a candidate for the Senate?
>
> Mr. SHAW. Yes; I think it was rumored. I think that was the reason this organization was formed.
>
> Senator KERN. You felt that he was the most formidable Republican?
>
> Mr. SHAW. I knew that from the start. I knew that if any Republican could be elected on Democratic votes in the State of Illinois it would be WILLIAM LORIMER.
>
> Senator KERN. You thought he was the one Republican who could probably get more Democratic votes than anyone else?
>
> Mr. SHAW. Yes.
>
> Senator KERN. You say that was your impression from the start. You mean from the beginning of the senatorial——
>
> Mr. SHAW. From the day he was first voted for.

Senator LORIMER got 1 vote, I think, from about the 13th of May.

> Senator KERN. From the day he was first voted for?
>
> Mr. SHAW. Yes. He was voted for a great many days before he was elected, receiving just a few votes.
>
> Senator KERN. And that was what you had to fight more than anything else—to get members of your organization?
>
> Mr. SHAW. That seemed to be the principal trouble.
>
> Senator KERN. The feeling toward LORIMER?
>
> Mr. SHAW. The feeling toward LORIMER; yes. In fact, we made no headway with the Chicago people at all.

Mr. Lantz, a Democratic member of the legislature from Cook County, had a talk with Senator LORIMER possibly two weeks before he was elected, and says, as he recollected it:

> The house had adjourned and Mr. LORIMER called me over and we sat and talked about the general condition of things, and he asked me what I thought about his being a candidate for United States Senator. I said that nothing would please me any better than to see him elected United States Senator. He wanted to know what I thought about the Democratic end of it supporting him, and I said, "Mr. LORIMER, I know that there is a very strong sentiment among the Democrats here that if the opportunity is ever offered to them they will vote for you for Senator. As to the extent of that sentiment I have no definite knowledge, but I know that it is extremely strong in your favor. If you can get votes enough by a combination of Democrats and Republicans, I would advise you to be a candidate."

Mr. Lantz voted for Gov. Deneen on one ballot and was affiliated with the Tippitt faction more than any other.

Democratic Senator Isley, who voted for Mr. Stringer to the end, said:

> Mr. HANECY. That is not what I asked you, Senator. There was no Republican that you knew who stood as high with the Democrats because of the waterway fight Mr. LORIMER had made as Mr. LORIMER?
>
> Mr. ISLEY. That is probably true.

And he goes on to say that Mr. LORIMER had a great many friends among the Democrats in the general assembly, having also stated that the Democrats had more knowledge of Senator LORIMER than any other Republican in the State.

Representative Espy, Democratic representative, said that he liked Senator LORIMER personally, and "I voted my own judgment, which was that I thought I was doing the best thing for the Democratic Party when I voted for Senator LORIMER."

There were some suggestions throughout the record here by some of the witnesses that they advised the Democrats to vote for LORIMER because they thought it would divide the Republican Party, and I submit that from a partisan standpoint that was a valid reason and a good reason, and the events have certainly justified this contention.

Representative Espy also says that while they were calling the roll on the final ballot he went into the speaker's room and Senator LORIMER asked him to vote for him, and "I told him I would, and went back and did it in 10 minutes. They were calling the roll then."

Mr. Browne's reason for supporting Senator LORIMER and the arguments that he used with his colleagues to secure their support—and they are good ones—are found on page 4922. (Vol. 4.) And on page 4925 he states that in all the conferences he had with Senator LORIMER there were no suggestions made as to the kind of arguments he should use with his colleagues.

Mr. Campbell, a Republican representative who voted for Hopkins, said this, as showing the views of some of the Republicans in regard to this matter, and those who were not friendly to Mr. LORIMER:

> Mr. HANECY. You heard it generally talked of by Republicans and Democrats in Springfield before Mr. LORIMER was elected, that Mr. LORIMER was the most popular Republican with Democrats in Springfield or in the State, did you not?
>
> Mr. CAMPBELL. Oh, yes.
>
> Mr. HANECY. That was common talk there, was it not?
>
> Mr. CAMPBELL. Yes.
>
> Mr. HANECY. And that was largely because of Senator LORIMER's campaign in the interest of the deep waterways measure, and because of what they claimed was his pleasing personality in coming in contact with people. Will you not please speak and not nod in answer?
>
> Mr. CAMPBELL. I did not know whether you wanted me to answer that. Yes; I will say yes, sir, to that.
>
> Mr. HANECY. The reporter might not get the nod.
>
> It was the common talk in Springfield, before Senator LORIMER was elected, and all through that session, that Mr. LORIMER could get more votes from the Democratic members than any other Republican in the State, was it not?
>
> Mr. CAMPBELL. Yes, sir.
>
> Mr. HANECY. And those talks and those rumors were in no way coupled or connected, directly or indirectly, with any improper influences, were they?
>
> Mr. CAMPBELL. Not to my knowledge.
>
> Mr. HANECY. It was general talk, early in that session of the legislature and down to within a few weeks before Mr. LORIMER's election, that Mr. LORIMER was not a candidate and did not want the Senatorship, but wanted to remain in the House, was it not?
>
> Mr. CAMPBELL. I do not know whether I heard that or not. Possibly that is true; yes, sir.

I want to call this to the attention of the Senate as a significant circumstance, that from the beginning, when Senator LORIMER was approached by his friends in regard to being a candidate for the Senate, he absolutely refused, and said he did not want to leave the House of Representatives; that he occupied a position there upon the committee having charge of the waterway matters that he did not want to give up. Gov. Deneen himself testifies that he urged Senator LORIMER to be a candidate for the Senate, and that Senator LORIMER said no, he would not be. Senator LORIMER suggested to Deneen that they ought to get together and elect Shurtleff. Deneen said that he thought probably he could do it, but he urged him not to do it. He said, "If you have the power to elect Shurtleff, you have the power to elect yourself, and you ought to use it in a way that would increase your power and influence. You ought to be a candidate yourself." LORIMER told him no, and it was not until about 10 days before the election that Mr. LORIMER consented to be a candidate for the Senate.

I submit that the record shows that Mr. LORIMER was acting in perfect good faith in telling his friends that he did not want to be a candidate, and that he would not be a candidate for the Senate. Senator LORIMER did not consent to be a candidate until it appeared that no other Republican could be elected. Some of the Democrats feared that the Republicans might get together just before adjournment and elect Hopkins. The Democrats were afraid of that; they were afraid the Republicans would elect Hopkins; and hence they wanted to vote for LORIMER. Judge Cantrell, State committeeman from the southern part of the State, a man of high reputation and great influence in his party, not a member of the legislature, was asked by many Democrats for his advice as to voting for LORIMER, and he stated that he did not give his advice as a member of the State committee, but said:

"If I were a member of this general assembly I could tell you what I think I would do. In my judgment, it is good politics to vote for Senator LORIMER, for this reason: It is absolutely impossible to elect a Democrat. They had been in session there all those months, and the people throughout the country were getting tired of their doing nothing, and I said, 'I think it is good politics. Of course, if you could elect Mr. Stringer, you ought to vote for a Democrat.' But it had gotten to the point where they were voting complimentary votes for everybody around and were really making a farce of it on our side, as I thought. I said that, in my judgment, it was good

politics to vote for Mr. LORIMER; and I gave as a reason for it—if that is proper for me to state."

Mr. HANECY. Yes; go on and tell what you said.

Mr. CANTRILL. That at that time there was a breach in the Republican party—I had been somewhat familiar with the Republican conditions in my State for some time and I knew the two factions very well, the Lorimer faction and the Deneen faction, and I knew there was a break, and I said, "It will do more to widen that breach than anything we can do if you can elect LORIMER. It is either LORIMER or Hopkins, and of the two men personally I prefer LORIMER."

He says that he made these statements publicly and that everybody knew his position. My recollection is that he also states that 10 or 15 members of the legislature talked to him in regard to the matter. Mr. Donahue came before the committee. He was one of the strong men who testified and impressed the committee with his integrity, with his devotion to principle, and with his intelligence. He voted for Stringer all the way through, and this is what he said:

Mr. HANECY. You never knew or heard of any money being used to induce anybody to vote for Senator LORIMER, did you, before the Charlie White story that was published in the Tribune?

Mr. DONAHUE. No; I did not.

Mr. HANECY. It was common talk in Springfield at that time that Senator LORIMER was more popular with more Democrats than any other Republican in Illinois, was it not?

Mr. DONAHUE. That was the talk, and I guess that was true to a certain extent.

Mr. HANECY. And that was largely true, not merely because of Senator LORIMER's personality, but because of his activity in the deep-waterway matters, was it not?

Mr. DONAHUE. Well, I do not know now. The reasons, I think, that we assigned for it were that there was a strong feeling against the present administration and LORIMER was never a very ardent supporter of the administration; at least that impression went out. I mean the present State administration.

You will note that they were not thinking about national affairs, about the tariff proposition, or anything of that sort, but it was the State administration; it was the State condition that was influencing the members of the legislature.

That may have made him popular to a certain extent among Democrats.

Mr. HANECY. That is, a great many Democrats were for Shurtleff, because Gov. Deneen was against him?

Mr. DONAHUE. That is right.

Mr. HANECY. And there were a great many Democrats for Senator LORIMER for Senator because Gov. Deneen was against him?

Mr. DONAHUE. That is right; yes. That is the way they were up and down my country. I felt that way to a certain extent myself. I did not believe very much in the present State administration, and of course that feeling was pretty general among the Democrats.

The Democratic national committeeman from Illinois, Mr. Roger Sullivan, came before the committee, and he throws considerable light upon the conditions there. It has been suggested by some that Senator LORIMER and Mr. Sullivan had a sort of a bipartisan alliance under which they worked together for mutual benefit. Mr. Sullivan was asked in regard to that.

Mr. HANECY. Did you tell Mr. Marble—

Mr. Marble was one of the committee's attorneys—

that Mr. LORIMER had more political friends among Democrats in Illinois than any other Republican whom you knew of in the State?

Mr. SULLIVAN. I told him that he had a great many friends among the Democrats, and that he always had affiliated with the Democrats to a great extent, and that he was constantly boring into the Democrats by doing favors and things that would naturally get some of them; and I think I told Mr. Marble that I thought he was a very dangerous man from our point of view.

That suggests a statement contained in an address by one of the Senators—I think by the Senator from Indiana [Mr. KERN]—that Senator LORIMER, by reason of his connection with politics in Illinois, had done a great many favors to Democrats, and that the record shows that he had secured positions for thousands of men, and this is held up against him. Is a man to be condemned for standing by his friends or doing a favor for a man when he comes to him and asks him to do it, whether in office in Cook County or whether as a Member of the House of Representatives? I venture to say that there is not a Senator in this body who, when a man comes and asks him to do something within the range of his official duties, does not do it without asking him his politics; and I venture to say that, if it comes to securing a position in an honest sort of way, an honorable position, there is not a man here who would ask whether the man applying for it is a Democrat or a Republican, unless he had somebody whom he wanted especially to favor in connection with that place. To me, instead of a matter of condemnation it is a matter of commendation that Senator LORIMER has stood by his friends and has stood by those who have helped him; and that in his official life, when men have applied to him for assistance, he has given it without asking whether they were Democrats or Republicans.

Again, Mr. Sullivan said:

I think that possibly in the past he has been able to do more with the Democrats than any other Republican I know of.

Mr. HANECY. And when you say because of favors he did for Democrats, you mean that whenever anybody went to Mr. LORIMER for favors Mr. LORIMER never stopped to ask him whether he was a Republican or a Democrat or a supporter of his or his enemy. That is a fact, is it not?

Mr. SULLIVAN. I do not think he ever stopped because the man was a Democrat. He generally helped them if he could. That is his reputation, anyway.

That may not be a good reputation for a man to have in Indiana, but it is in my State.

Mr. HANECY. It is a fact, is it not, that there is not anybody whom you know of in the State of Illinois who could get more Democratic votes, without regard to the Democratic leaders or the Democratic organization, than Mr. LORIMER?

Mr. SULLIVAN. Any Republican?

Mr. HANECY. Any Republican.

Mr. SULLIVAN. I should say that was so. Now, you know there has been a little sentiment created against Mr. LORIMER, and whether it would be so to-day or not I would not say.

Then pages 4412 and 4413 give Mr. Sullivan's ideas with reference to Republicans supporting Stevenson, and also give a very good idea as to the changing character of Illinois political affiliations, and show that a man might be a friend of Mr. LORIMER one year and working for him, while the next year he might be opposed to him and working for somebody else, and that Republican votes for Stevenson were cast for Stevenson, not because they were friendly to LORIMER, but because they were unfriendly to Deneen. Those who desire to get a pretty fair idea as to political conditions in Illinois can get it by reading Mr. Sullivan's testimony.

Mr. Sullivan also states that he has sufficient knowledge to affirm that no compact or agreement was made by the Democratic executive committee, or with any committee representing them, for Republican support of Stevenson, but they took advantage of the factional differences in the Republican Party to help Stevenson. This answers Tippit's statement to which I have heretofore referred.

George Alschuler was a Democrat, elected from Senator Hopkins's own county. He became a candidate for the legislature largely by reason of his antipathy to Hopkins and his desire to have him beaten for reelection to the Senate. He says this:

It made no difference to me who the man was, whether Mr. LORIMER or any other Republican of standing in the State, because I was there to do what I could to accomplish the defeat of Mr. Hopkins. The first day I went down there I commenced working against him as much as I could. I think it was three or four days previous to his election that Mr. LORIMER became an avowed candidate, although I think Senator McElvain voted for him a week before, gave him a vote, if I am not mistaken.

Bear in mind that George Alschuler was elected unanimously as the leader of the minority of the Democratic members of the legislature in the forty-seventh general assembly, following the election of Senator LORIMER and after he had voted for LORIMER for Senator.

It seems that the Democrats before the legislature was organized had some idea that they, being so much in the minority, might decide to vote for some Republican. Alschuler had that in mind, and he was so much opposed to Hopkins that he wanted to be sure that anything he might do might not tend to result in the election of Hopkins; and it seems that Browne, in seeking to be minority leader, was taking a paper around to every Democrat to sign who wanted to support him. He brought this paper to Alschuler, and Alschuler said:

When it came to signing up I said, "Mr. Browne, I do not believe in this signing up. I am for you and I will vote for you." He said, "There are several here who will not sign up unless you do." I remember very plainly that I said to Browne at that time, "All right; I will sign up under one condition." He wanted to know what that was, and I said under the condition that if the time ever arose that Mr. Hopkins—no; I do not think I put it in that way—that I wanted him to pledge me that he would never be for Hopkins; knowing, as I said before, that there were a number of Republicans who were antagonistic to Hopkins and who would not vote for him. Then I signed up, and from that time on, of course, Mr. Browne and I consulted, off and on, at different times.

That illustrates the intense opposition, especially on the part of the Democrats to Mr. Hopkins, and generally their desire to elect some one other than he, and that they were willing to vote for any Republican in order to defeat Hopkins. Then Alschuler stated that some argument was made that to elect LORIMER would have a tendency to break up the machine in Illinois. I submit that in view of the sentiment throughout the country now against machines that ought to have been considered a very laudable purpose. The cry now is "anything to crush the machine" or "to break the machine," even if a new one must take its place; and one of the purposes of the election of LORIMER, according to Alschuler, was to break up the machine in Illinois.

Senator KERN. Which machine were you referring to?

Mr. ALSCHULER. The Hopkins machine. And with others I used the argument that Hopkins in all his career as Congressman and Senator never had had a kind word to speak of a Democrat; that in his addresses he had vilified them; and that any of them who had heard him speak would bear me out in the statement I made. A great many of them were very anxious to defeat him. They had nearly all heard him deliver speeches. There is such a thing as having decency among

political enemies, but Hopkins was vicious toward the Democratic Party at all times, unreasonably so, and was very unpopular, and I honestly felt——

There he was interrupted by the Senator from Indiana [Mr. KERN] who was very persistent in his inquiry of the Democratic members in regard to Senator LORIMER's attitude on national questions and his adherence to national policies. The answers almost invariably show that they did not consider those things at all; that it was the local and State conditions that moved them. For instance, Senator KERN asked:

Senator KERN. And so far as you knew, they were both strictly loyal Republicans?

Referring to Hopkins and LORIMER—

Mr. ALSCHULER. Yes, sir. It made no difference to me who it was. I was there to try to defeat Hopkins, right from the start.

Senator KERN. Even if you had to vote for a stronger Republican than Hopkins in order to do so?

Mr. ALSCHULER. Yes.

I am not going to take the time to read some additional statements that I have here from Senator Donahue in regard to these matters; but they carry out exactly the same idea that the great result the Democrats wanted to bring about at that session of the legislature, so far as the Senatorship was concerned, knowing that they could not elect their own man, was to beat Hopkins, and they would vote for any Republican to do it.

Right at this point, because I have the memorandum here, I am going to refer to a little matter that I do not think really amounts to anything; yet something was attempted to be made out of it during the hearing, and I think some suggestions regarding it were made by the Senator from Indiana in his speech. That was in regard to the large number of janitors employed in the forty-sixth general assembly. The impression was given that many persons were given positions where they had nothing to do, and that those positions were given to them from improper motives, or something of that sort. A great many questions were asked as we went along during the testimony in regard to those janitors. Some men said, "Oh, yes; there were 150 janitors, and some of them had nothing to do"; and they never saw any of them doing anything, and it seemed to be taken for granted that there was a loose way of filling places that were not necessary. Yet there was one witness who came before the committee who did not take mere gossip and mere suggestion in regard to this matter, and that was Mr. Donahue. Mr. Donahue was asked about this:

Senator KENYON. We have had testimony before us that there were 150 janitors in that session. Is that correct?

Mr. DONAHUE. I do not think it is correct.

Mr. Donahue was asked to give the reasons why he made this answer. He was not speaking carelessly; he was not speaking loosely; he was not speaking from mere rumor or suggestion or newspaper report; but he had actually investigated the matter, and this is what he said of it:

I know there was a statement of that kind made, and I called at the auditor's office to get a report. The auditor is required by the constitution of the State to publish a detailed report of the number of employees during the session of the legislature.

Senator KENYON. Have you that report with you?

Mr. DONAHUE. No; I have not. I looked the matter up and found out that was not true.

Senator KENYON. That was after the testimony given in this committee?

Mr. DONAHUE. I think the committee of seven wrote it up a year ago last summer. They were some reformers that were reforming the State, and I think they made a statement that there were 300 or 400 employees, and I had business down at Springfield, and I called at the auditor's office. I knew he was required to have a list of the employees, and to publish it, because no money can be taken out of the State treasury except by warrant of the State auditor and cashed by the treasurer. You can get the list there. He had a published statement of it, and the other statement was not true.

Senator KENYON. How many janitors were there?

Mr. DONAHUE. If I recollect correctly, if I averaged them all up during the time of the employment, some men were only employed a day and some would be employed probably 4 days, and some 10 days, and I think they averaged probably 50 or 60 all told.

Mr. President, this shows the political conditions in the State of Illinois; it shows that the conditions in the Republican Party pointed toward Senator LORIMER and that the conditions in the Democratic Party pointed almost irresistibly to Senator LORIMER as the only man who could defeat Senator Hopkins. His election was the logical and almost inevitable outcome of the political conditions and the expenditure of a single dollar was wholly unnecessary, even if there had been any inclination to resort to bribery or corruption.

The testimony shows that at one time during the session of the legislature there was a serious proposition made to elect Gov. Deneen, and Senator LORIMER favored it. He was not a candidate; he did not want to be elected; he was ready to elect Gov. Deneen; but Gov. Deneen decided that he would not take the office. Then it was suggested that Shurtleff, having received a large vote for speaker among the Democrats, could probably secure the Democratic support; but it was found that he could not secure enough of the Republican votes to elect him. So it went on through that legislature, until finally, when they were getting near the time of adjournment, when everybody was tired and the Democrats fearful that the Republicans would get together and elect Hopkins, were ready almost to a man to support Senator LORIMER, and a great many of Gov. Deneen's friends, outside of the legislature and in the legislature, voted for Senator LORIMER; and he was elected. "But," it is said, "charges of corruption were made the day of the election and subsequently."

There was some talk, or rather hints, of corruption like you will find in or at the close of every political contest. I do not believe I have ever been familiar with any hard political contest where the defeated candidate or his friends did not charge that corruption was used to defeat him; and not long since the papers were filled with charges that corruption was being used in behalf of candidates for the highest office in the gift of the people. If we are to believe newspaper reports, if we are to take rumors and suggestions as conclusive, if we are to take the statements of those disappointed by defeat or their friends as absolutely true, then we will have to conclude that there is no purity in our political contests and in our political institutions.

If I believed this, I would despair of the Republic. I do not believe it. There were some suggestions made and opinions expressed that men had been corrupted; that members of the legislature had been improperly influenced; and it was suggested—and this was the principal reason given in the record for the suspicion that members voted corruptly—that it could not be explained why 53 Democrats should vote for a Republican except on the theory that there was something wrong about it. That suggestion was made on the floor of the Senate the other day.

I wish the Senator from Montana [Mr. MYERS] were here, because I desire to refer to a suggestion that he made in his address. He said this:

But I say, in a legislature where there is a close and a serious contest and a Democrat votes for any Republican for the position of United States Senator it is a strong presumption, to my mind, that there is something wrong either with his head or his morals, or both, and probably both.

And he goes on further and comments along this same line as follows:

I have heard and read long, entertaining, and learned explanations of why those 53 Democrats in the Illinois Legislature voted for Mr. LORIMER, a Republican.

Mr. MYERS entered the Chamber.

Mr. JONES. I see the Senator from Montana is now present. I am referring to a statement he made in his address the other day in regard to 53 Democrats voting for a Republican, in which he said:

I meet those arguments with the simple declaration that whenever there is a serious contest in a legislature over the election of a United States Senator, and when under those circumstances a Democrat who is a member of that legislature votes for a Republican for United States Senator there is something the matter either with his head or his morals, or both.

I should like to ask the Senator from Montana whether or not he would make the same statement with reference to a large number of Republicans voting for a Democrat?

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. MYERS. I am not now arguing that kind of a case. When we get to that kind of a case I may have something to say about it. But, nevertheless, I will waive that and answer the Senator's question now, and say yes; that in a closely contested election, where a few votes may turn it one way or another, and there is a chance for the Republicans to defeat a Democratic candidate for United States Senator, if the Republican members of the legislature are sincere and honest in their convictions, and vote for a Democratic candidate for United States Senator, when there would be a chance otherwise to defeat him, there is something the matter either with their heads or their morals, probably; generally both.

Mr. JONES. Of course, the Senator from Montana did not intend to reflect upon any Member of this body who has secured his election in this sort of a way and against whom no question has been raised and against whom, in my judgment, no question can be raised or ought to be raised; but it did seem to me that the statement by the Senator from Montana, that the simple fact that 53 Democrats voted for a Republican was proof almost conclusive that they were wrong in their heads and in their morals, was something which the Senator really did not intend to say, because one of the honorable Senators in this body, one of the honorable Senators on this investigating committee, was elected to this body after a contest, a serious contest, by the vote of 32

Republicans and 34 Democrats, and his majority on that ballot was only 2.

Yet, as to that Senator, no man will charge that because he, a Democrat, got those Republican votes they were corrupt or that he was guilty of corruption; and though some people were to charge it on this floor, I would not believe it. I am satisfied that the political conditions in the State of Tennessee when my honored colleague, the Senator from Tennessee, was elected reasonably explain the Republican vote being cast for him, and I will say that for one I am glad they cast it, and I am glad they sent him to this body.

Mr. LEA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. With pleasure.

Mr. LEA. A statement referring to my election having been made, I desire that all the facts in the case be known.

It is true I received 32 Republican votes when I was elected, but the contest that day was between Democrats; and those Republicans who had voted for me had previously, by cooperation with one faction of the Democrats in Tennessee politics growing out of a condition occasioned by the murder of a former Senator, elected 10 members of the two highest courts in Tennessee, a governor, a railroad commissioner, three members of the election commission, and the speaker of the house, and had cast their votes for other Democrats who were candidates for the Senate before they voted for me; and on the ballot on which I was voted for the real contest, as far as the Republicans were concerned, was between two Democrats.

Mr. JONES. The Senator did not need to make that explanation so far as I am concerned. I simply wanted to meet the statement of the Senator from Montana, that the mere fact that 53 Democrats had voted for a Republican was evidence that they were wrong in their heads and in their morals, with the showing that Republicans had voted for a Democrat in proportionately the same number, and no suspicion, even, had arisen of corruption.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. MYERS. The Senator from Washington has not given my full statement on that occasion. I went further and said that it was sufficient to challenge suspicion, and to my mind was a presumption that there was something the matter under such circumstances with the head or the morals of the legislators. I did not say it was a conclusive presumption or that it was proof.

I did not have in mind, however, the instance of the Senator from Tennessee, which the Senator from Washington has referred to. In that case there being no charge of anything being wrong with the morals of those Republican legislators, it is possible that from a political standpoint there was something the matter with their heads. I believe that Republicans generally render the greatest service of their lives to the country when there is nothing the matter with their heads under such circumstances.

Mr. JONES. Of course I understand the Senator from Montana did not have the case of Tennessee in mind when he made the declaration. If he had, I do not think he would have made it at all. It is peculiar, to say the least, that Democrats are believed corrupt when they vote for a Republican, but Republicans are not corrupt when they vote for a Democrat.

In order that I may do no injustice at all, I will read again the exact language the Senator used in his address the other day:

> It is a strong presumption, to my mind, that there is something wrong either with his head or his morals or both, and probably both.

Mr. MYERS. Under such circumstances they have to show me that the election was right.

Mr. JONES. Mr. President, so much for the political conditions in Illinois, which to my mind, as I have said, pointed inevitably to the election of Senator LORIMER by that legislature, and that too without the necessity of the expenditure of a single dollar corruptly. The political situation disclosed in this record, in my judgment, would of itself justify my vote in this case in favor of Senator LORIMER instead of against him as it was before.

Mr. President, I desire to notice for a short while the allegations of new evidence upon which this reinvestigation was ordered by the Senate. It was charged in the Senate that there was some evidence available which was not available when we had the other hearing and when the Senate rendered its verdict. It was alleged that one Clarence S. Funk had stated that Edward Hines had told him that a hundred thousand dollar fund had been raised for the election of Senator LORIMER, and that Mr. Funk was asked that his company contribute to that fund.

This was investigated by the Illinois Legislature. They passed a resolution asking the Senate to reinvestigate this matter. The Senate passed a resolution appointing a committee to do it, and we looked into it. We investigated it thoroughly and fully, and we reached the conclusion that not only had Mr. Hines not made this statement to Mr. Funk, but that even if he had made it to Mr. Funk, there is absolutely no proof in this record that any such fund was raised, or that any such fund was raised by Mr. Hines or contributed to by him, or that any such fund or any part of it was expended by Mr. Hines in assisting in the election of Mr. LORIMER. Now, I am not going into the testimony in detail, but I am going to notice it just in a general way.

Clarence S. Funk says that Mr. Hines made a certain statement. Edward Hines says he did not make it. Now, of course, anyone who believes Mr. Funk, regardless of Mr. Hines, regardless of the witnesses corroborating Mr. Hines, will conclude that the $100,000 fund was raised. But I submit that according to this record Mr. Hines is just as reputable a man in business, in private life, in personal character and standing in his community as Mr. Funk is; and in saying that I do not disparage Mr. Funk's character in any way, shape, or form. Mr. Funk says that he met Mr. Hines in the Union League Club in Chicago, and that Mr. Hines said to him: "You are just the man I am looking for. Several of us raised a hundred thousand dollar fund to elect Mr. LORIMER. I am going out now getting some of our friends to put up to take care of it. We had to act quickly;" and that he thought Mr. Funk or his company should put up about $10,000. That is the substance of what occurred, Mr. Funk says.

Mr. Hines denied this story absolutely, and I want to call the attention of the Senate to the discrepancies that appear in Mr. Funk's story as related by Mr. Kohlsaat and as related by Mr. Funk himself.

Mr. Kohlsaat is the man who brought these matters to the attention of the Illinois Legislature. He had written letters to Members of the Senate while we were considering this proposition. He wrote a letter to the Senator from New York [Mr. ROOT], in which he stated this:

> Sometime last June—

By the way, the testimony shows here that this conversation occurred in May instead of June.

> Some time last June I met a friend who is general manager of a Chicago corporation with a capital of over $25,000,000. He said, "I have been intending to call on you for some days to tell you of an incident that occurred right after LORIMER's election a year ago. I had a visit from Edward Hines, the lumberman, and he told me that LORIMER's friends had had the opportunity of electing him to the Senate by putting up $100,000; that they had only a few days before the adjournment of the legislature and could not take the time to go around and raise the money, so a half dozen of LORIMER's friends—

Now, Mr. Funk in his version of this story of Mr. Hines does not mention any number of men that Mr. Hines had suggested—

> "So a half dozen of LORIMER's friends underwrote the $100,000 and gave it to the proper agent"—

Mr. Funk does not say in his narration of the conversation that Mr. Hines said that they had raised this money and given it to an agent—

> "LORIMER was elected and we are now asking some of the corporations to pay in their share. I am taking care of the down-town district, and another man (mentioning his name) has charge of the stock yards"—

Mr. Funk in his relation of the conversation as stated by Mr. Hines does not say anything about Mr. Hines saying he had taken the down-town district and that another man had taken the stockyard district, mentioning his name—

> "We figure that your share will be $10,000." My friend answered substantially as follows: "I can not give you any money, for two reasons: First, we are not in that kind of business; and, second, if you have gotten yourselves into a hole, why should you expect us to pull you out?"

Yet Mr. Funk says nothing about anything of that sort in his relation of the conversation had with Mr. Hines, although Kohlsaat got his story from Funk. To accept Funk's statements as true is to declare not only Mr. Hines a perjurer, but also Mr. Baker, Mr. Carney, and Mr. Tilden, because Mr. Funk says that Mr. Hines said, "You send this money to Ed Tilden."

Of course if Hines said that to Funk, Hines had had some prior conversation with Tilden, and had some understanding with him about receiving this money. Yet Mr. Tilden swears positively that nothing of the kind had occurred; that he never received any such money, knew nothing of any such fund, and had nothing whatever to do with it, and neither Mr. Hines nor anyone else had ever said anything to him about it.

It is said that Mr. Funk is a man of high character and of great business attainment. So far as the record shows, the same can be truthfully said of Mr. Hines. His character is unimpeached, and his business standing unexcelled. So it is with Baker, Carney, and Tilden. Against Baker and Carney no charges whatever are made in connection with the election of Senator LORIMER. They have no interest in the matter one way or the other, and their testimony is as impartial as testimony could be. The record shows that Carney and Baker were with Hines at the time the alleged conversation took place. They swear they were present and they all substantially corroborate Hines and contradict Funk. Upon what theory or in accordance with what rules of evidence can we say that Funk's uncorroborated word shall be held to outweigh that of Hines, Baker, Carney, and Tilden? You can do it only by wanting to believe Funk and by wanting to disbelieve Hines, Baker, Carney, and Tilden.

That Hines would have the good sense and the cunning to absolutely conceal his activity in the raising and distribution of such a fund, and then have no more caution than to openly and boldly state to a casual acquaintance in a public place that he had done that which would send him to the penitentiary for years, is incredible. It seems to me it is a most significant circumstance that while nobody can trace any of this money to Hines, while nobody can find where he drew out any money for this fund, while nobody can find that he had anything to do, through agency or otherwise, with matters at Springfield, while he was so cunning as to conceal all this, yet it is claimed that he was so incautious and so foolish as to openly and publicly make this statement to a casual acquaintance. It is too incredible for me to believe.

Hines may have thought he had done much to secure Senator LORIMER's election. He was no doubt impressed with what he considered the confidence placed in him by men of power and influence in the Republican Party, and he may have magnified his own efforts and boasted of them. But I am convinced that he never made the statement attributed to him.

It was suggested by the Senator from Indiana [Mr. KERN] that it is a suspicious circumstance that Mr. Hines went to his bank upon his arrival in Chicago on the morning of the election; and it is suggested by inference that he went there to get money to be used in connection with Mr. LORIMER's election.

If Mr. Hines had money at that bank and drew it out, he could draw it out only by check, and there would be a record made of it. The experts of the committee examined the records of the Continental Bank and found no evidence of such a transaction. They examined the books of Edward Hines and of the Edward Hines Lumber Co. and its subsidiary companies and of the banks in which they had deposits. They found no trace of any corrupt fund or corrupt payments.

This would be the only theory upon which Mr. Hines's visit to the bank would be suspicious. We are not told, however, that the experts of the committee examined the accounts of that bank and found no trace of any suspicious transaction. Yet this is a fact; and if Mr. Hines had gone to the bank to secure money for this purpose, that fact would have appeared. If he had drawn out a large sum then or near that time it would have given rise to suspicion, but he did not.

No one except Funk has been found to say that he was approached by Hines and asked to contribute to this fund. Yet Funk's statement of what he claims Hines said to him would indicate that Hines had been seeing others, or expected to see others, and ask them to contribute to this fund. If any other persons had been approached in a similar way they very likely would have said something about it. If Hines openly approached a casual acquaintance like Funk on a matter of this kind, he would have appproached others, and we would have heard more of it; but we are asked to believe that Hines, a friend of LORIMER, went to Funk, an enemy of LORIMER, and openly and brazenly told him that LORIMER's election was bought and asked him to contribute to the corruption fund.

There appears to have been no suggestion that Funk should say nothing about the matter, that he should keep it quiet, or that he should treat the suggestion in confidence. The story is so improbable and so incredible upon its face that it deserves no consideration whatever; and in view of the fact that Hines is corroborated by absolutely disinterested witnesses, as well as by the testimony of those who may be said to have an interest, and yet who are of just as high character as Funk, no credence at all is to be placed in Funk's story.

It is not necessary to notice Hines's version of this conversation. But I submit that his version of the conversation which he testifies took place between him and Funk is entirely reasonable, in no wise improbable, and a very natural one. It is clearly shown that there was a conversation at the Union League Club between Mr. Hines and Mr. Funk on, I think, the 27th day of May. Mr. Hines states that Mr. Funk congratulated him upon the election of Senator LORIMER. This was natural. There was nothing improper about that. He then made the suggestion to Mr. Hines that Mr. LORIMER had no doubt been put to considerable expense. That was a very natural suggestion. There was nothing unreasonable about that, and nothing improper about it. He then suggested that the Senator should not have to bear all of this expense, and that his people would be glad to contribute it.

While I do not believe in contributions by corporations to candidates for office, whether successful or not, there is nothing especially improper in a suggestion after the election that they will bear some of the expense, although I am satisfied that if this suggestion had been made to Mr. LORIMER—as it probably was made, through Mr. Hines—he would not have accepted it. No special complaint seems to be made of great interests openly contributing to the expenses of candidates for nomination to the highest office in the Republic. I think it a shame that it is done, and I hope the time will soon come when public opinion and statute law will not tolerate it.

This did not suggest an unusual course. It was a very natural suggestion. In view of the fact that Mr. Funk and his people had not been very friendly to Senator LORIMER, and in view of the fact that as a Member of the House Mr. LORIMER had opposed some matters in which they were interested, it was natural that Mr. Funk should desire to get on friendly terms with Mr. LORIMER, and he no doubt thought this was a good way to accomplish that result. Personally I have no doubt that this suggestion was made to Mr. Hines by Mr. Funk.

To a certain extent Senator LORIMER corroborates Mr. Hines. He testifies to a conversation, a few days after his election, in which Mr. Hines told him that Funk wanted to meet him. Mr. Hines testifies that Funk said he would like to meet the Senator. Mr. Hines said he told him he would do what he could toward having him meet the Senator, and he testifies to a conversation on the following Sunday, when he mentioned the matter to Senator LORIMER. Senator LORIMER at first did not care to meet Mr. Funk, because he considered him one of his strong enemies; but when Mr. Hines told him of his anxiety to meet him, he said he would do it. Mr. LORIMER says he does not remember whether or not Mr. Hines suggested to him that Mr. Funk might pay some of his expenses, but that if Mr. Hines did suggest anything of this kind he told him that his expenses did not amount to anything; that he neither smoked nor drank, and that all the expense he was put to was for his trips to Springfield and return, which he would have had to incur anyway on account of the controversy over the waterway proposition.

According to all the rules of evidence and according to human experience, Funk's story is unbelievable. There is no truth in it, and it should be given no consideration by this body. What his motives were in giving it out, I do not propose to discuss.

In an attempt to bolster up his story, Funk relates another conversation which he says occurred sometime after this first conversation. He testifies before the committee that after the 15th of February, after an editorial had appeared in one of the Chicago papers charging the raising of a $100,000 fund, Mr. Hines came to his office, greatly agitated, and tried to explain to him that their conversation of a few days before—note it had, in fact, been almost a year before—had been misconstrued, or that Funk had misunderstood it, or something of that sort. Mr. Funk passed it off, and Hines went away.

Before the Senate committee, and before the Helm committee, Mr. Funk said that this second conversation occurred after the appearance of the editorial of February 15, 1911. Mr. Hines, however, came before the committee and proved by his own evidence, by the evidence of his employees, and by the records that he has kept for 20 years that he was not in Chicago from the 15th of February until some time in March, thus showing conclusively that the alleged second conversation could not have occurred as Mr. Funk said it occurred. Then, at another hearing, in another place, when Mr. Funk realized the situation he was in, he changed his testimony and swore that the second conversation occurred in January. He never advised the Senate committee or suggested to it that any such mistake had been made. Yet I have here the record of the testimony taken before the Union League Club, of Chicago, wherein Mr. Funk now says that the second conversation occurred after the appearance of the editorial in January.

Senators, I wonder if any other testimony is being concealed in this case, in order that in case the Senate shall now vote to seat Mr. LORIMER it may be used as the basis of a demand for another investigation?

I call the attention of the Senate to this testimony, which was not suggested to the Senate committee by Mr. Funk, as showing that when the record before our committee had demonstrated the impossibility of the truth of Mr. Funk's story as to this second meeting, at another hearing he testified that it was in January.

Why did not Mr. Funk come before our committee and say that, unless it was for the reason that after Funk had given this further testimony, Mr. Hines also showed conclusively by the records of his office and by the employees of his office that Funk could not be correct in his amended statement, because Hines was not in Chicago within the dates stated by Mr. Funk for the second visit, as fixed by the January editorial.

Mr. LEA. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. Yes.

Mr. LEA. If the Senator will yield to me a minute, I think he unconsciously does Mr. Funk an injustice.

Mr. JONES. I do not want to do that.

Mr. LEA. My recollection of Mr. Funk's testimony is that on the first occasion he stated that he could not testify positively as to the date; that Judge Hynes, Mr. Hines's lawyer, then said that the date of the editorial in the Record-Herald referring to the $100,000 fund was February 15; whereupon Mr. Funk said, "If that editorial was on February 15, the conversation with Mr. Hines was after that."

In point of fact, Judge Hynes was in error. The editorial in the Record-Herald did not appear on February 15; it appeared in January. On page 599 of the record of the investigation Mr. Hynes asked this question:

Mr. HYNES. Now, with respect to the visit you say Hines paid you along about the time of the editorial in the Record-Herald, referring to $100,000, give us the time of that as near as you can recollect it.

Mr. FUNK. I can not fix the time definitely.

Mr. HYNES. Well, the date of the editorial was the 15th of February, 1911. In your testimony before the Helm committee you stated, "Mr. Hines came to my office in a day or two or a short time, it may have been more than a day or two, but a short time after the editorial appeared." Is that your best recollection then?

Mr. FUNK. Yes; that is my recollection then.

Mr. HYNES. Is that your best recollection now?

Mr. FUNK. I am inclined to think I am mistaken about that now. I think it was later than that now, later than a few days after.

Meaning a few days after the editorial referred to. So it was Judge Hynes and not Mr. Funk who fixed the date as February 15.

Mr. JONES. The editorial referring to the $100,000 fund was an editorial of February 15. That editorial was called to Mr. Funk's attention before the Helm committee at Springfield; and it was after that, he said, that this second conversation occurred. I think there was another editorial in January also referring in some way to this matter. So that may account for the difference. But I simply state the fact that at this other hearing Mr. Funk changed his testimony; and then Mr. Hines showed conclusively by his records that such a conversation could not have occurred between the dates then placed and named by Mr. Funk, just as conclusively as he showed it with reference to the editorial of February 15.

That is all I care to say with reference to the testimony of Mr. Funk. I do not say Mr. Funk intentionally misrepresented that conversation. There was some misunderstanding, some misconstruction, of it. Weighing the matter according to the rules of evidence, what do we find? Mr. Hines contradicts Mr. Funk. Mr. Funk has nobody to substantiate his story. Mr. Hines has the testimony of two or three disinterested witnesses who were present, and who verify his version of the conversation.

Therefore I say that from this record, which shows Mr. Funk and Mr. Hines to be men of equal reputation and equal business standing, the Senate can not say, in my judgment, in accordance with the rules of weighing evidence, that it is shown here that Mr. Hines did make this statement. But whether Mr. Hines made it or not, there is not one line of evidence in the record or anywhere else that shows that Mr. Hines contributed a single dollar to a fund for the election of Senator LORIMER, or that he helped to raise or expended a single dollar for that purpose, except as it may have been for telephone or telegraph messages from Washington City, and there is not a word of evidence that any such fund was raised by anyone, to be used in the election of Mr. LORIMER. Mr. Hines was not in Springfield during the session of the legislature, and had not been there for years, and was not there afterwards until the Helm investigation.

As showing the real recklessness with which Mr. Funk testifies, I want to call the attention of the Senate to this testimony given by Mr. Funk. When asked how he knew that Mr. Hines preferred LORIMER for Senator, he said: "Why, you would see his name in the papers every day in connection with activities at Springfield, and hear it as a matter of general talk in the streets." Then Mr. Hynes, the attorney, asked him:

You spoke, Mr. Funk, of Mr. Hines's activities at Springfield. What did you have reference to there?

Mr. FUNK. Why, it was a matter of common talk that he was very active down there.

Mr. HYNES. What did you understand he was doing down there?

Mr. FUNK. Pulling wires for the election of Senator LORIMER.

Mr. HYNES. What do you mean by that? What was he doing? How long was he down there in Springfield before the election?

Mr. FUNK. I do not know.

Mr. HYNES. How long before the election did you hear that?

Mr. FUNK. I heard it frequently.

Mr. HYNES. How long before?

Mr. FUNK. Just about the time the matter came to a head.

Mr. HYNES. How long had he been down there?

Mr. FUNK. I don't know.

Mr. HYNES. How long had you been hearing that?

Mr. FUNK. I do not know how long he had been there.

Mr. HYNES. Give me your recollection.

Mr. FUNK. I have no recollection as to when he was there.

Mr. HYNES. Have you any recollection as to anybody saying that he was in Springfield active about the election of LORIMER?

Mr. FUNK. I have a very distinct recollection that he was down there, and he was very busy there, and also in Washington. That was a matter of common talk.

Mr. HYNES. How long did you understand he was down in Springfield?

Mr. FUNK. I do not know, Senator, anything about the length of time.

Mr. HYNES. Do you remember anybody who told you that he was down at Springfield active there in pulling wires for Senator LORIMER?

Mr. FUNK. I think that was a matter of common talk.

Mr. HYNES. Can you tell me anybody that said it?

Mr. FUNK. I met a great many people that talked about it. I can not recall any particular man that made that particular statement.

Mr. Funk testifies to those things as facts, but the fact is that Mr. Hines was not in Springfield at all during the session of the legislature, had not been there for years, and was not there for a long time after Senator LORIMER's election. Yet Mr. Funk stated that he heard frequently about his activities at Springfield in behalf of Senator LORIMER. He surely did not hear of Hines's activities at Springfield, because he was not there. Does this not discredit his version of his conversation with Hines? Was he not as likely to be mistaken in this as he was of Hines's activities at Springfield?

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES. Certainly.

Mr. GORE. I would like to ask the Senator from Washington if the issue of veracity between Mr. Funk and Mr. Hines was passed on by the Union League Club?

Mr. JONES. I suppose so; but that cuts no figure here.

Mr. GORE. Did they sustain the veracity of Mr. Funk or did they sustain the veracity of Mr. Hines?

Mr. JONES. They probably sustained Mr. Funk on the same ground upon which a great many people outside of that club have sustained Mr. Funk.

Mr. GORE. Mr. President——

Mr. JONES. I can not yield for anything of that kind here.

Mr. GORE. Just one more question. Both those gentlemen were members of that club?

Mr. JONES. Yes.

Mr. GORE. And Mr. Hines was expelled from the club?

Mr. JONES. I do not know. If so, it has no weight with me in this case, and has no place here. Those who did it were not under oath and simply expressed their own individual opinions and prejudices.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I understand the effect of the Senator's argument now to be that Mr. Funk was not telling the truth, because he stated that Hines had been active at Springfield, when in fact Hines was not there, and that from that the Senator draws the inference that Funk is an untrustworthy or forgetful witness.

Mr. JONES. I made the statement that he was rather reckless in his testimony.

Mr. REED. I want to ask the Senator if it is not true that Mr. Hines himself testified that he actively interested himself in the election of Senator LORIMER?

Mr. JONES. No; he did not——

Mr. REED. And that he went to the State of Illinois bearing a message from the President of the United States and from Mr. Aldrich, and that he had conversations with Mr. LORIMER in the State of Illinois concerning his candidacy and urging him to become a candidate?

Mr. JONES. But Senator LORIMER refused.

Mr. REED. And that he further testified that he communicated at Springfield, Ill., with Gov. Deneen with regard to

this subject matter; and if that does not constitute activities at Springfield?

Mr. JONES. Mr. President, of course if the Senator would construe that as "activities at Springfield," I do not question his construction of it; but I want to suggest to him that all that occurred practically on the day of or the day before the election.

Mr. REED. Oh, no.

Mr. JONES. Mr. Hines telephoned and telegraphed Senator LORIMER a day or two before the election, and he arrived in Chicago the morning before the election, and there he telephoned Gov. Deneen. Now, if that constituted activities at Springfield which would justify Mr. Funk in testifying in the way he did, of course the Senator is entitled to that construction of it. I can not so construe it, and I am sure Mr. Funk did not mean it that way.

Mr. REED. If the Senator will pardon me further, I would like to know how the Senator himself construes this testimony.

Mr. JONES. Just a moment. The Senator puts a great many suggestions into one question or statement. He suggested that Mr. Hines was very active in Illinois supporting Senator LORIMER's candidacy, and conferred with him about it, and so on. All that the record shows is that Mr. Hines talked with Senator LORIMER once in April, and suggested that he be a candidate for the Senate, and Senator LORIMER told him that he would not be, that he did not want to be, that he did not want to leave the House, and that that ended it with Mr. Hines. He did not take any further interest in Senator LORIMER's election until two or four days before, when LORIMER's name was mentioned, and he talked with Aldrich and PENROSE, and telephoned and wired LORIMER, as I have already explained. Instead of urging LORIMER, he suggested others for the place. So activity shown by Mr. Hines in behalf of Senator LORIMER at Springfield no more shown by him in Washington than one friend would naturally show for another.

Mr. REED. If it would not interrupt the Senator, and I do not desire to add anything that would be regarded as unpleasant, I would like——

Mr. JONES. The Senator could not do that.

Mr. REED. Not with my personal feeling toward the Senator; I could not do it intentionally. I hold him in the highest regard. But I would like, as the Senator and I differ so widely in regard to this matter, to read now from the record the testimony of Mr. Hines himself on this matter. I think the Senator has overlooked or forgotten a great many statements Mr. Hines made with regard to his activities.

Mr. JONES. I desire to say to the Senator that I have simply summed up my conclusions. I do not intend to go into the details in connection with the testimony of Mr. Hines. They have been gone into pretty fully in the report of the committee. They have been gone into by the Senator from Vermont and by other Senators here, and I have taken up much more time now than I expected, and I do not intend to go into details with respect to Mr. Hines's testimony. I do not intend to attempt to harmonize any apparent inconsistencies that there may be in it. I have summed up my conclusions from the whole testimony and have given them to the Senate. I am convinced that Mr. Hines did not make these statements as Mr. Funk says they were made. I am convinced that Mr. Hines did not do any more in behalf of Senator LORIMER than any other friend would do for a friend in a legitimate way, and probably not nearly so much. There is nothing to show that he contributed a single dollar or helped to raise a fund or to expend a dollar or distribute a fund in aid of Senator LORIMER's election. Those are my firm convictions and conclusions from all the evidence after allowing for all inconsistencies that may appear and any action on Mr. Hines's part that may be construed against him. The Senator can weigh the testimony just as well as I. I can not go into it in detail, and the Senator will hold his concinsions and I can hold mine.

Mr. REED. In view of that, I will not insist on further taking the Senator's time.

Mr. JONES. A witness, Cook, was also called to testify as to the alleged statements by Hines, in order to bolster up Funk's story. Cook's unfriendly feeling toward Hines was plainly shown during the testimony. He seemed to have an intense desire to say something that would reflect upon Hines and show an improper connection with Senator LORIMER's election. It appeared that he was talking about Hines on almost every occasion and at every opportunity. I have no doubt but that many things which he had read had been thought about by him so much and repeated by him so much that he came to believe that they had actually occurred within his own knowledge. I am convinced that he misconstrued statements, innocent in themselves, and then testified to them as construed by him rather than as they were uttered.

Mr. Cook testified as to a conversation with Mr. Hines in the Grand Pacific Hotel in Chicago. He was asked to state the exact language of this conversation as nearly as he could. (Vol. 1, p. 626.)

Mr. COOK. Mr. Hines replied, saying that he was having a hell of a time. He said: "For instance, there is old STEPHENSON. After I went to work and elected him, he goes down to Washington and starts working for free lumber." He says, "What do you think of him, and in the lumber business, too!" "Then," he says, "those southern Democrats," he says: "There is the worst bunch I ever tackled." [Laughter.] Then he says: "You get them all fixed up to-day and to-morrow they flop." [Laughter.] "Then I have to go and fix them all over again." [Laughter.]

Mr. HEALY. Was anything else said, Mr. Cook, on that occasion?

Mr. COOK. Why, Mr. Turrish then asked Mr. Hines how they were getting along in the senatorial doodleck in Illinois. Mr. Hines replied by saying: "I will tell you, confidentially, LORIMER will be the next Senator from this State." He says: "We had Boutell fixed for the Senatorship. He had promised to work to keep the $2 duty, the present duty, on lumber; but when the lumber schedule came out before the Ways and Means Committee, Boutell was working for free lumber." He said, "I immediately took the matter up with Senator Aldrich, and it was decided that I have a talk with LORIMER. I went and saw LORIMER. He will stand pat. He will listen to reason. He will do as he agrees to do." He says, "I have got it all fixed. LORIMER will be the next Senator from Illinois."

Now, Mr. Hines denies this conversation and this version of it by Mr. Cook; but even if he had admitted it, there is nothing especially in this conversation to indicate that Mr. Hines had been interesting himself in the election of a Senator in improper ways, but that he thought he had found a man who could be elected and would vote satisfactorily on the tariff. But we do not have to take the testimony of Mr. Hines alone for this conversation. We can exclude his testimony entirely and take the testimony of a disinterested witness. Mr. Turrish was present at this conversation also, and Mr. Turrish testified in regard to this matter as follows:

Mr. MARBLE. What did he say?

Mr. TURRISH. He did not seem to be very hopeful.

Mr. MARBLE. What did he say? Do you recall what he said?

Mr. TURRISH. The substance of his conversation was that human nature asserted itself in different places when it came to the tariff question.

Now, that is not a very unreasonable statement for a man to make. I do not think there is a Senator here but will indorse that statement as a very good suggestion from Mr. Hines.

That everybody wanted their individual stuff protected, but they wanted their neighbors' on the free list, or words to that effect; and that human nature asserted itself when it came to that. In the course of the conversation I said to Mr. Hines: "Mr. STEPHENSON, being a lumberman, is all right, isn't he?" He said, "No; STEPHENSON is an uncertain quantity."

Now, to that extent, or to a certain extent, that corroborates Mr. Cook, although it does not refer to Mr. STEPHENSON in that connection; and anybody who has ever seen Cook or heard him testify would understand why he stated it in that way.

That he had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question; he was undecided.

Mr. MARBLE. Was there anything further said about Mr. STEPHENSON?

Mr. TURRISH. No; nothing. That was the substance of what was said.

Mr. MARBLE. All right; what next?

Mr. TURRISH. Then there was some reference made to a Member of Congress who had made a very good argument, who understood the situation pretty well, by the name of FORDNEY.

Now, Members of the Senate who know about the contest over the tariff in another branch of this Congress will see in that a very reasonable statement as it refers to Mr. FORDNEY.

Mr. MARBLE. Who made that reference to Mr. FORDNEY?

Mr. TURRISH. I do not remember whether I did—whether I spoke to Mr. Hines about FORDNEY's argument or what I had read in the papers about what he had been saying—or whether Mr. Hines mentioned it.

Mr. MARBLE. Very well. What next?

Mr. TURRISH. That is about all that was said.

Mr. MARBLE. Was there any reference to Congressman LORIMER or Senator LORIMER in that conversation?

Mr. TURRISH. Senator LORIMER's name was mentioned.

Mr. MARBLE. By whom?

Mr. TURRISH. It was mentioned by Mr. Hines; and I do not remember whether he said he was a candidate or whether he would be elected or what. My memory is hazy on what was said about it.

I suggest that if Mr. Hines had said that Mr. LORIMER would be elected, that he had it all fixed, Turrish would have remembered it.

Mr. MARBLE. Did he say a candidate for what?

Mr. TURRISH. For the Senate.

Mr. MARBLE. Is your memory clear that he was mentioned in connection with the Senate?

Mr. TURRISH. His name was mentioned, but I can not just place it in that way. Either that he was a candidate, or, I think, he said he would be a candidate.

Mr. MARBLE. You think he said that he would be a candidate?

Mr. TURRISH. Yes.

Mr. MARBLE. Are you clear that he was mentioned in connection with the Senate at all?

Mr. TURRISH. Yes, sir; I think so. I think that I spoke about the Illinois deadlock at that time, and I think that is how it came up.

That is, Turrish spoke about the Illinois deadlock himself. Then it would be very natural that Mr. Hines might mention those who were spoken of in connection with it.

Mr. MARBLE. Then Mr. Hines told you that?

Mr. TURRISH. Well, in the conversation, as I remember it, Mr. Hines said Mr. LORIMER would be a candidate, or was a candidate, or words to that effect.

Mr. MARBLE. Do you remember any reference to Senator STEPHENSON as "old STEPHENSON" in that conversation?

Mr. TURRISH. No, sir.

Mr. MARBLE. Do you remember any reference to the southern Democrats or their attitude toward the lumber schedule?

Mr. TURRISH. No, sir.

Mr. MARBLE. Would you say that there was no reference to the southern Democrats and their attitude toward the lumber schedule?

Mr. TURRISH. I did not hear any.

Mr. MARBLE. You did not hear any?

Mr. TURRISH. No.

Mr. MARBLE. You did not hear Senator STEPHENSON referred to as "old STEPHENSON"?

Mr. TURRISH. No, sir.

Mr. MARBLE. You are sure of that?

Mr. TURRISH. I am sure.

Mr. MARBLE. Did you hear any reference to Congressman Boutell, of Illinois?

Mr. TURRISH. It seems to me that Congressman Boutell's name was mentioned, but I can not recall in what particular. I think in the course of the conversation his name was mentioned, but I can not recall in what way.

Mr. MARBLE. Do you recall whether or not it was mentioned in connection with the Illinois senatorship?

Mr. TURRISH. I could not tell.

Mr. MARBLE. Do you remember Senator Aldrich's name being mentioned?

Mr. TURRISH. No, sir.

Mr. MARBLE. Would you say that it was not mentioned?

Mr. TURRISH. I did not hear it.

Mr. MARBLE. You will say that you did not hear it?

Mr. TURRISH. I did not hear it.

Mr. Cook then gave an account of a telephone talk that Mr. Hines had from his room in the hotel at Chicago with, as he says, Gov. Deneen. This alleged conversation is so contrary to human experience and human action that it is incredible and would need no contradiction. It is, however, shown to be false in every essential particular and in every suspicious circumstance, and shows to what length Cook would go against Mr. Hines. Mr. Cook says that after he had been in the room four or five minutes the phone rang and he answered it; that the operator asked, "is Mr. Hines there?" to which he said "Yes." The operator then said, "Here is Springfield; here is Gov. Deneen," and that he called Mr. Hines to the phone. He then heard this conversation (p. 628, vol. 1):

Mr. COOK. He said, "Hello, hello, hello, is this you, Governor? Is this Gov. Deneen? How are you this morning, Governor? Now, I just left President Taft and Senator Aldrich in Washington last night They tell me that under no consideration do they want Hopkins returned. Now, LORIMER must be elected. I will be down on the next train, prepared to furnish all the money that is required. Now, don't stop at anything. LORIMER must be elected."

Now, there is the conversation that Cook alleges was had by Mr. Hines in his room over the telephone with Gov. Deneen.

It is significant that when Cook testified before the Helm committee he said that the telephone operator said "Here is the governor," but he is very positive in his testimony before this committee that the operator said "Here is Gov. Deneen."

Mr. Hines shows very conclusively that this talk he had over the telephone from Mr. Cook's room at the hotel was with Senator LORIMER and not with Gov. Deneen.

Mr. Hines had had a talk with Gov. Deneen a short while before this when he arrived in Chicago.

Senator LORIMER had left a message there for him to call him up and not to come on to Springfield. Mr. Hines called up Senator LORIMER and told him of this message, and it was suggested that he talk with Gov. Deneen. He called up Gov. Deneen and told him the message, and the governor said, "All right," or something of that kind. LORIMER had told Hines, "When you talk with Gov. Deneen then call me up and let hear what he says."

Therefore it is clear that, when Mr. Hines telegraphed from Cook's room at the hotel, he was telephoning to Senator LORIMER and not to Gov. Deneen; that Mr. Cook's version of that story is simply made up out of probable suggestions that he saw in newspapers or by reason of the fact that he thought by connecting Gov. Deneen with this conversation it would injure Mr. Hines in some way. Gov. Deneen testified with reference to the interview that he had with Mr. Hines; and his testimony does not corroborate Mr. Cook in any particular whatever. The statement made by Cook that Mr. Hines said, "Meet me at Springfield with all the money that is necessary," is not only incredible, but it is denied by Mr. Hines, and it is denied by Gov. Deneen that anything whatever was said between him and Mr. Hines with reference to Hines coming down with the money that was necessary or with reference to money at all. Mr. LORIMER also testified with reference to his conversation with Mr. Hines, and he denied that anything was said in regard to money. I have no doubt but that Mr. Cook heard Mr. Hines mention the word "governor" in his talk, because Mr. Hines no doubt told Mr. LORIMER that he had talked with Gov. Deneen, and probably Cook heard him say "Gov. Deneen," and connected that with the telephone operator, and so on. This whole conversation alleged by Cook to have taken place in his room is not only incredible, but is it contrary to all human experience, and it is absolutely contradicted and refuted by the testimony of Mr. Hines, of Gov. Deneen, of Senator LORIMER, of Mr. Wiehe, and also of Mr. O'Brien, who was Mr. Cook's friend, who were in the room at the time and heard no conversation of the character testified to by Cook. I submit to the Senate that Cook's story is not entitled to any credit whatever.

In connection with this alleged new testimony I desire to notice some statements made in the speech of the senior Senator from Wisconsin [Mr. LA FOLLETTE], when he urged the appointment of a new committee to investigate the charges against Mr. LORIMER. He had some affidavits, and upon these affidavits he urged the appointment of this committee. It seems that the Helm committee, the committee of the Illinois Legislature, had employed a Mr. Coan as an investigator, and Mr. Coan made affidavits as to what certain persons had told him and would testify to if they were called before the committee.

Mr. President, I had prepared extracts from this testimony, which I intended to read into the RECORD, but I am not going to take the time to do it. I am simply going to say that Senators will probably remember the statements that the Senator from Wisconsin [Mr. LA FOLLETTE] submitted and the affidavits which were made by this man Coan as to statements made by Shelley B. Jones, by Mr. Culver, and by others. The committee called the persons referred to by Mr. Coan, and, without exception, every one of those persons denied absolutely and unqualifiedly the statements made by Coan, which the Senator from Wisconsin submitted to the Senate in behalf of the resolution to appoint this committee. Senators who may be interested in the matter, if they will refer to the testimony of those individuals, will find that they contradict Coan in every essential particular. So impressed was the committee with reference to the unreliability of Coan that not one member of the committee asked that he should be called before the committee. Coan gave the impression that many witnesses had refused to go before the Helm committee because they lived outside of the State of Illinois. When those witnesses were asked whether they were requested to come and testify they said, no; they were not asked to do so. Some of them were asked to sign affidavits, which, when they looked over them, they refused to make. Those affidavits of Coan purported to give conversations that Hines had with those people in regard to Senator LORIMER's election. They are absolutely disproven by the witnesses who appeared before the committee, and it was shown that there seemed to be a concerted attempt on the part of somebody to show in some way that Mr. Hines had made statements with reference to the raising of this hundred-thousand-dollar fund, and that he had raised it or contributed to it, and, as in every other case of this kind, the proof has absolutely failed.

Mr. President, after trying to weigh all the testimony fairly and impartially, I am firmly convinced that Edward Hines did not raise any fund to be used to secure Mr. LORIMER's election and that he did not spend a dollar improperly to bring it about. All that he did to assist Mr. LORIMER was confined to his talks with leading Republicans here in Washington and advising Senator LORIMER of their views and of his talk with Gov. Deneen. All this was done as a friend and is to be commended rather than condemned.

William M. Burgess, a witness before our committee, swears to a conversation he had on a train with Mr. Wiehe in which he alleges that Wiehe said there was a jack pot for the election of Senator LORIMER and that he had contributed $10,000 to it. Wiehe denies unqualifiedly making any such statement. Take his testimony against that of Burgess and consider the improbability of any man in his right mind openly in a smoking compartment of a Pullman car stating that he had contributed $10,000 to a fund to be used in the election of a Senator. It is incredible to me how a fair and unbiased mind can accept such a statement as true. Wiehe's positive denial is supported by the testimony of four or five other witnesses so conclusively that not only does the evidence preponderate against the Burgess story, but it absolutely overwhelms it.

Unless we disregard all the rules for weighing testimony and considering the credibility of witnesses the allegations upon which this reinvestigation was ordered are not substantiated. Competent testimony of their truth is utterly lacking, and if the Senate is to vacate its former judgment in favor of Senator LORIMER's right to a seat in this body it must do it on testimony submitted on the same points brought out and considered when the former judgment was rendered.

I have already considered this evidence and I have already given the reasons why I think that it is not only not as strong as it was before, but that it has been clearly and conclusively shown that the former evidence is so discredited as to make it appear conclusively that corruption was not necessary and was not used or practiced in the election of Senator LORIMER.

At any rate there has been an utter failure to secure any new material evidence proving corruption in the election of Senator LORIMER, and if he is excluded it must be done on evidence adduced or available when the Senate rendered its former judgment.

Senator LORIMER, through his attorney, at the close of the hearing interposed a plea of res adjudicata. It is urged that this plea should have been interposed sooner. In my judgment it was not necessary to interpose it before the committee at all. The proper time to raise this issue was when the committee had made its report and a resolution was introduced attacking Senator LORIMER's right to his seat. He put in this plea as soon as all the evidence was in. This investigation was ordered because of alleged new evidence, and it was not until the hearing was closed that the new evidence was complete. It is suggested that the committee should have raised this question sooner and not taken the testimony that it did take. It was not for the committee to pass upon this question. That is a proposition to be decided by the Senate itself. Senator LORIMER surely loses no rights because the committee did not present this question to the Senate sooner. The plea is made and the Senate must act upon it. It must act as a court, fairly and judicially. The Senate is by the Constitution made the sole "judge of the elections, returns, and qualifications of its own members." In this case no question of policy is involved. We are to pass not upon the advisability of the election of Senator LORIMER, not upon his fitness for the place, but upon the legality of his election. Was his election legal or illegal? That is the question, and it does not require any legal knowledge to tell us that it is question for judicial decision and not a matter of legislation. In acting upon it we act as judges and not as legislators. This is in accordance with reason, law, and precedent. Senator Edmunds, of Vermont, said, in the case of Henry W. Blair, on March 10, 1885:

> The Senate in sitting upon such a question sits as judges. The Constitution says so. We are not defining policies; we are not setting up expediencies; we are not carrying on party warfare; we are sitting as the solemn judges sworn to try and determine the election and qualifications of a gentleman who presents himself to be a member of this body.

Justice Folger, in People against Hall (80 N. Y., 117), said:

> When it is said, on such occasion, to either house of the legislature, "You are to be the judge of the election of the members of your body," there is a specific conferment of this particular power.
>
> * * * * * * *
>
> The power thus given to the houses of the legislature is a judicial power, and each house acts in a judicial capacity when it exerts it.

In People against Mahaney (13 Mich., 481) Justice Cooley; than whom there is no higher authority, said:

> While the constitution has conferred the general judicial power of the State upon the courts and officers specified, there are certain powers of a judicial nature which, by the same instrument, are expressly conferred upon other bodies or officers; and among them is the power to judge of the qualifications, elections, and returns of members of the legislature. The terms employed clearly show that each house, in deciding, acts in a judicial capacity.

When the right of Mr. James Harlan to a seat in this body as a Senator from the State of Iowa was under consideration, Senator Pugh of Ohio said:

> What does our decision amount to. The Constitution does not make our decision upon the question of elections a legislative act. The legislative powers of the Senate are to be exercised coordinately with the House of Representatives, but the power which we exercise in deciding upon the election of a Senator is our power. It is judicial in its character. The Constitution uses the very word that constitutes it a judicial act—"Each house shall be the judge of the elections, returns, and qualifications of its own members"—and our act in deciding upon an election is as completely a judicial act as is the action of the House of Peers in Great Britain when they hear a writ of error to an inferior court.

When this case was heretofore pending in the Senate, Senator CUMMINS said:

> If we are judges, as I believe we are * * * and speaking for myself alone, I intend to be governed by the evidence we have before us and the law as it has been established.

It is useless, however, to multiply authorities upon a proposition that is so plain and self-evident under the language of the Constitution itself—"The Senate is the judge of the elections, returns, and qualifications of its Members"—that any man who reads can understand its import without any legal knowledge; and I am glad to say that during this discussion, at any rate thus far, I have heard no Senator take any different position, but all have taken the position that this is a judicial act and that we act as judges.

Sitting as a court and as judges, we should act without bias, passion, or prejudice, and in accordance with the well-known and well-settled principles of judicial procedure. Such principles have been evolved in the progress of the ages from the experiences of men to insure justice, preserve liberty, and perpetuate good government. To disregard them is reactionary; to follow them is progression. To violate them is tyranny; to adhere to them is liberty. To ignore them is to undermine the safeguards of justice, liberty, law, and government; to respect them is to repel anarchy, preserve liberty, and perpetuate the Republic.

Chancellor Kent, referred to the provision making each House the sole judge of the elections of its Members, says:

> And, as each House acts in these cases in a judicial character—

And I call attention to this not for the purpose of showing that we act as judges, but that we should follow judicial principles and precedents—

> its decisions, like the decisions of any other court of justice, ought to be regulated by known principles of law, and strictly adhered to for the sake of uniformity and certainty.

Justice Cooley also said:

> In determining questions concerning contested seats the House will exercise judicial power, but generally in accordance with a course of practice which has sprung from precedents in similar cases.

It is urged that if the Senate is the only body that can act on this question it can do as it pleases. The Senate has exclusive jurisdiction of this question and it has the power to act to-day one way and to-morrow the other, but has it the right to do so? It is the universal holding of the courts, unless there is an express statutory provision to the contrary, that a judgment becomes final and can not be reopened by the court after the term at which it was rendered unless steps are taken for that purpose before the close of the term.

I desire to call the attention of the Senate to that proposition, that it is a universal holding of the courts that, while they may have the power to do it, they have not the right to open or vacate a judgment after the term at which it was rendered unless steps were taken during that term to reopen it.

In Bronson v. Schulten (104 U. S., 410) Justice Miller said:

> In this country all courts have terms and vacations. The time of the commencement of every term, if there be half a dozen a year, is fixed by statute, and the end of it by the final adjournment of the court for that term. This is the case with regard to all the courts of the United States, and if there be exceptions in the State courts they are unimportant. It is a general rule of the law that all the judgments, decrees, or other orders of the courts, however conclusive in their character, are under the control of the court which pronounces them during the term at which they are rendered or entered of record, and may then be set aside, vacated, modified, or annulled by that court.
>
> But it is a rule equally well established that after the term has ended all final judgments and decrees of the court pass beyond its control unless steps be taken during that term, by motion or otherwise, to set aside, modify, or correct them, and if errors exist they can only be corrected by such proceeding by a writ of error or appeal as may be allowed in a court which, by law, can review the decision.

Now listen:

> So strongly has this principle been upheld by this court—

That is, the United States Supreme Court—

> So strongly has this principle been upheld by this court that, while realizing that there is no court which can review its decisions, it has invariably refused all applications for rehearing made after the adjournment of the court for the term at which the judgment was rendered. And this is placed upon the ground that the case has passed beyond the control of the court.

The Supreme Court of the United States has the power to vacate a judgment after the term at which it is rendered, but it says it has not the right to do so; and that it has uniformly refused so to do.

Shall the Senate sitting as a court, shall we acting as judges, disregard this well-settled rule of judicial action and procedure, sanctioned not only by the highest courts of the various States of the Union, but by the United States Supreme Court itself?

This case went to final judgment after a full hearing and argument. The session closed. No steps were taken to reopen the case, although there were those in the Senate who knew of the alleged facts that might be brought to the attention of the Senate and upon which this reinvestigation was finally ordered. Not only did the session close, but the Sixty-first Congress closed. The Sixty-second Congress is now asked to set aside a judgment solemnly given by the Sixty-first Congress. The membership of the Senate has been greatly changed. One-third of its Members have been elected since that judgment was rendered. We have the power to set aside the judgment already rendered. Will we exercise that power? This involves more than the seat of Senator LORIMER. It means a violation of orderly procedure, a reversal of Senate precedents, and a disre-

gard of the judicial decisions of the highest courts of the country. It furnishes a precedent for party action which may threaten the very life of the Republic. If done, it will be done in the name of progress, but it will be progress back to the days when might made right and justice rested in the strong arm. Such action on our part will set an example that will lead to disrespect for law and undermine the Constitution itself. Acting as a court, sitting as judges, and following universally established judicial procedure, what is our duty upon a plea of res adjudicata?

On March 1, 1911, the following resolution came to a vote in the Senate:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

On the call of the roll this resolution was determined in the negative by a vote of yeas 40, nays 46, and the judgment of the Senate in the Sixty-first Congress was that Senator LORIMER was legally elected to the Senate of the United States by the Legislature of the State of Illinois. This was a final judgment after a full investigation by a court of exclusive jurisdiction. The Sixty-second Congress is now asked to vacate that judgment. According to the law of the courts we have lost the right to take such action, and to do so is to fly in the face of the decisions of all of the courts of Christendom. The doctrine of res adjudicata has been recognized by the Senate itself, and to refuse to act upon it in this case would be to go contrary to the precedents of the Senate.

In the first session of the Thirty-fifth Congress Graham N. Fitch and Jesse D. Bright were declared entitled to their seats as Senators from the State of Indiana. At the second session of the Thirty-fifth Congress a memorial was presented, representing that it was the wish and desire of the State that Lane and McCarty be admitted to the Senate as the legally chosen Senators from the State of Indiana. This was referred to a committee, which submitted a report reviewing the history of the case and of the resolution adopted at the first session, and which said:

The resolution was under consideration in the Senate and fully debated at several subsequent times, and was finally, after the rejection of several proposed amendments, passed by the Senate without amendment or alteration. In the opinion of the committee this resolution (no motion having been made to reconsider it)—

I desire to say right here that of course everybody concedes that there was no motion made to reconsider the decision rendered with reference to WILLIAM LORIMER in the Sixty-first Congress.

In the opinion of the committee this resolution (no motion having been made to reconsider it) finally disposed of all questions presented to the Senate involving the respective rights of the Hon. Graham N. Fitch and the Hon. Jesse D. Bright to their seats in the Senate as Senators from the State of Indiana for the terms stated in the resolution. It appears by the memorial that the Legislature of Indiana, at its recent session in December last, assumed the power of reviving the final decision thus made by the Senate of the United States under its unquestioned and undoubted constitutional authority to "be the judge of the qualifications of its own Members." Under this assumption it also appears by the journals of the senate and house of representatives of the State of Indiana, the Legislature of Indiana, treating the seats of the Senators from that State as vacant, proceeded, subsequently, by a concurrent vote of the senate and house of representatives of the State, to elect the Hon. Henry S. Lane as a Senator of the United States for the State of Indiana, to serve as such until the 4th of March, 1863, and the Hon. William Monroe McCarty as a Senator for the same State, to serve as such until the 4th of March, A. D. 1861. Under this action of the Legislature of Indiana those gentlemen now claim their seats in the Senate of the United States.

It may be conceded that the election would have been valid and the claimants entitled to their seats had the Legislature of Indiana possessed the authority to revise the decision of the Senate of the United States that Messrs. Fitch and Bright had been duly elected Senators from Indiana, the former until the 4th of March, 1861, and the latter until the 4th of March, 1863.

In the opinion of the committee, however, no such authority existed in the Legislature of Indiana. There was no vacancy in the representation of that State in the Senate; and the decision of the Senate, made on the 12th of June 1858, established finally and (in the absence of a motion to reconsider) irreversibly the right of the Hon. Graham N. Fitch as a Senator of the State of Indiana until the 4th of March, 1861, and the right of the Hon. Jesse D. Bright as a Senator from the same State until the 4th of March, A. D. 1863.

The decision was made by an authority having exclusive jurisdiction of the subject, was judicial in its nature, and, being made on a contest in which all the facts and questions of law involving the validity of the election of Messrs. Fitch and Bright, and their respective rights to their seats, were as fully known and presented to the Senate as they are now in the memorial of the Legislature of Indiana, the judgment of the Senate then rendered is final and precludes further inquiry into the subject to which it relates.

A brief was submitted by McCarty and Lane urging that the doctrine of res adjudicata did not apply. After much discussion the following resolution was adopted by a vote of 30 to 15:

Resolved, That the committee be discharged from the further consideration of the memorial of the State of Indiana, and that the resolution of the Senate adopted June 12, 1858, affirming the right of Graham N. Fitch and Jesse D. Bright as Senators elected from the State of Indiana, the former until the 4th day of March, 1861, and the latter until the 4th day of March, 1863, was a final decision of all the premises then in controversy, as conclusive, as well upon the Legislature of Indiana and all persons claiming under its authority, as upon the Senators named in the resolution.

In the first session of the Fifty-fourth Congress the question of the right of HENRY A. DU PONT to a seat in the Senate as a Senator from the State of Delaware was raised, and it was finally decided by a vote of 31 yeas to 30 nays that he was not entitled to his seat. In the second session of the Fifty-fourth Congress a memorial was presented from Mr. DU PONT, alleging that he was justly entitled to his seat and asking that the question of the validity of his election should again be investigated and acted upon. This was referred to the Committee on Privileges and Elections. The committee submitted its report, and held that the doctrine of res adjudicata applied to that case.

The Senator from Montana [Mr. MYERS], in his address the other day, referred to this case and suggested that it was not in point. He suggested that a new Senator had been elected from Delaware, and that the rights of a third party had intervened, and therefore that case was not in point as compared with this case.

The new Senator from Delaware had not been elected when the second memorial was presented to the Senate and referred to the committee, and the committee in its report does not refer to the claims of any other person to a right to a seat in this body. It does not consider any third person in connection with this matter. Its decision is based squarely upon the doctrine of res adjudicata and upon any intervening rights. The committee said:

New Senators have entered the Chamber since the resolution just cited was adopted. Nothing else has changed. The case then stated and acted upon is the case now stated.

In my view the present case is exactly like the du Pont case. I do not consider the alleged new evidence as amounting to anything; and conceding even that the facts as brought out in the former hearing and brought out in this hearing have the same strength and weight—which I do not concede—then the two cases are the same, so far as the doctrine of res adjudicata is concerned. This case, in my view of it, is upon exactly the same basis as the du Pont case:

The simple question is: Whether the Senate, notwithstanding its decision of May 15, 1896, will now admit Mr. DU PONT to a seat?

The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong.

Note that, that the majority of the committee were of the opinion that the decision in the du Pont case originally was wrong, and the decision in that case was rendered by a vote of 31 to 30—only 1 majority.

But the Senate is made by the Constitution the judge of the elections, qualifications, and returns of its Members, and its judgment is just as binding in law, in all constitutional vigor and potency when it is rendered by one majority as when it is unanimous.

It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its Members or by their opinions as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases and which the experience of mankind has found safe and salutary.

In conclusion, the committee said:

But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

It seems to us very important to the preservation of constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country, that we should abide by this principle. There are few greater temptations which affect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

In my judgment, this case is on all fours with the du Pont case. The facts in this case are no stronger against the right of Mr. LORIMER to a seat in the Senate on this investigation than they were on the former investigation. There is no new testimony. Therefore, the same proposition exactly is put up

to the Senate now that was before the Senate in the du Pont case.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Certainly.

Mr. BORAH. Suppose there had been newly discovered evidence?

Mr. JONES. I will say to the Senator that I will touch upon that matter just a little later on.

It is said that the plea of res adjudicata is a technical one, and that the people of the country would not be satisfied to have this case decided upon this theory. It is urged that the people of the country would not understand what is meant by it. It is urged that the people will be puzzled to know why the Senate confirmed the title of Mr. LORIMER to a seat in this body when the answer is given that it was res adjudicata, and it is suggested that they will not be satisfied with such an answer or with such action by the Senate. I have more confidence in the judgment and intelligence of the people of the country than that. They know that when a man has been tried once upon a charge and acquitted that he can not be tried again, and that such a rule is in the interest of justice and not to shield crime. They know that when a matter has been litigated and final judgment rendered in the court of last resort that such a case can not be reopened and that such a rule is founded upon justice, and that such a rule is absolutely necessary to protect the weak from the strong, and they understand that the application of this doctrine rests not so much upon the interest of Mr. LORIMER himself, but that it rests upon the welfare of the country itself.

In the report of the committee on the du Pont case this language is used, and it is well for us to consider it here:

But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

It seems to us very important to the preservation of constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country, that we should abide by this principle. There are few greater temptations which effect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

Senator HOAR, whose honesty, integrity, patriotism, and devotion to the interests of the people will not be questioned, said in connection with the du Pont case:

Although parliamentary proceedings differ in form from those of courts, the great rule on which the safety of all human property and transactions depend, established in courts of justice, ought in substance to control us here.

There has been an application on the part of Mr. DU PONT—whom I respect personally, whom I eagerly desire should have a seat in this body, and who I think ought to have had one on the merits of his case—to reopen that case. No newly discovered evidence is suggested; no fraud or mistake is suggested. The reopening of the case would be merely a reconsideration of a question of constitutional law which this great constitutional court has decided once. That is all he asks, and that is all he would obtain if his prayer for a reopening of the case were granted.

That petition was referred to the Committee on Privileges and Elections, and after a very able and interesting argument in favor of Mr. DU PONT by Mr. Garland, late Attorney General—and it is not necessary to say that any argument that gentleman makes will be able and interesting—the committee unanimously decided this morning that there had been an adjudication by the Senate and that nothing further remained to be done. It was unanimously decided with the exception of one member, who was not prepared to determine what was his duty at the particular time.

Mr. President, I propose to act upon that doctrine. I think it is very important for constitutional government, very important to the dignity and authority of the Senate, very important for the peace of the country that we should stand by these principles.

It is a very unpleasant thing to me that Mr. DU PONT is not to take his seat, and that some one else is to take it. But it would be a very bad thing for every citizen of this country unless the Senate of the United States could act and could be known to act upon great questions where right and righteousness are involved in pursuance of a law other and higher than its own desire.

The question as to the effect of a judgment of the Senate is not a party one and has never been a party one. Democrats and Republicans alike have agreed as to its finality.

Senator Pugh, in discussing a judgment of the Senate, said:

What was the object of all that, if it decided nothing, if the same question can be mooted again and at any future time? I have not said that that decision is absolutely infallible, but I have said that it is an end of that case as to all matters then alleged. If any new causes of disqualification can be shown as to either of the present Senators, that is open; but the judgment is conclusive of all the premises then before the tribunal.

Senator Green said:

Where a question is decided in the affirmative or negative neither side can bring it up again. It is a matter adjudicated; it is a matter settled; there is no power to supervise.

Senator Bayard, of Delaware, said:

It is perfectly immaterial whether the judgment is right or wrong, the rule of finality is founded on the great principle that it is the interest of the Republic that there shall be an end to litigation. There is no other ground upon which it can be sustained. There must be an end to all strife at some time, and courts of justice have adopted it and adhered to it invariably, that a final judgment can not be reheard, but with certain exceptions, one of which the honorable Senator from Vermont has pointed out. You may impeach it on the ground of fraud committed upon the court by the original proceedings—

There can be no contention made here that there has been any fraud committed upon the Senate, unless it be that fraud has been committed in behalf of the Senate, not in behalf of Senator LORIMER, but against Senator LORIMER.

But you can not undertake to reargue it after the term of the court has expired in which the judgment was pronounced, on the ground that the court committed an error in judgment. No such case can be found, and it is on that great principle that there must be an end at some time to decisions in the nature of judicial proceedings. Sir, if I read the Constitution of the United States rightly, the power to judge of the election of its own members, their qualifications, and their returns, is given for the protection of the body, not for the personal rights of the parties. No matter in what mode the question arises in which the body has formally decided that the party is entitled to his seat, the judgment is conclusive unless a motion for reconsideration is made within the rules and orders of the Senate, and it can not afterwards be reversed.

Senator Edmunds, one of the greatest lawyers that ever occupied a seat in this body, said:

This question was fairly debated when the gentlemen on the other side were in a majority in this Chamber. Without a party division, gentlemen on both sides, voting according to the light they had and not dividing upon party lines, settled this identical question. The Senate in sitting upon such a question sits as judges. The Constitution says so. We are not defining policies; we are not setting up expediencies; we are not carrying on party warfare; we are sitting as the solemn judges sworn to try and determine the election and qualification of a gentleman who presents himself to be a Member of this body. We have come to a decision, just as the Supreme Court of the United States sitting 200 feet from us comes to a decision in a great variety of cases where the judges differ—five one way, four another, or whatever it may be, a difference of opinion. The decision of the court is announced. What would become of that court if the next time a similar question came up the whole thing was opened again and the contest was gone over repeatedly from year to year and time to time in order to see which should get in the ascendency upon all questions? Nothing would be settled, and the court would be destroyed, and justice, too, for that matter.

How is it different here? When we have come to a decision, even in a case of doubt, having come to it fairly, not in a time of party heat, or by a party vote, when we, after full deliberation, have come to a decision which carries out confessedly the objects of the Constitution to keep the representation of a State full, should we not stick to it; or are we, every time a similar question comes up about elections, to reverse our decisions, retry them, hold them of no force, and thus keep this body continually in a turmoil over questions of representations in it that come from the States? However doubtful it might have been—it did not seem to me so, to be sure, but however doubtful it might appear to the minds of gentlemen who voted in the minority—it appears to me that, once decided and decided in favor of representation, it would be better to follow that as an established precedent which carries out the objects the Constitution has in view.

Of course, this language was uttered with reference to a case that might be considered a technical one, and decided purely upon questions of law. Yet it coincides with the decisions of the courts, that when a question is settled by the court of final jurisdiction that decision stands.

Every element essential to the doctrine of res adjudicata is present in this case. The Senator from Montana declares that the former judgment of the Senate has been vacated by the action directing a further or new investigation. This is not correct. Senator LORIMER is still a Member of this body. The verdict of the Senate that he was legally elected has not been reversed. The appointment of this committee was not the vacation of that judgment. If it had been Senator LORIMER would not be a Member of this body now and further action by the Senate would be unnecessary. All that was done by the Senate was to appoint a committee without vacating its former judgment to make a further investigation and report to the Senate. The committee has acted, its report is submitted, and now the Senate is considering the question whether or not it will vacate its former judgment and declare Senator LORIMER not entitled to a seat in this body. This is the proper time to interpose the plea of res adjudicata. It is not a technical plea, as I have already said, but it is a substantial right that every party to litigation possesses, not alone in his own interest but in the interest of the Government itself. There should be an end to litigation, and this rule has been in the interest of justice invoked more strongly against the sovereign than against the individual. As a general rule, the State has no right of appeal from a judgment or verdict against it, while the defendant has almost uniformly a right of appeal. In this

case the Senate of the United States stands in the place of the State as complainant. The judgment has been against it and in favor of the individual. There is no appeal to either party, because the Senate is the sole and supreme judge in the case. It can now overrule the plea of res adjudicata only by asserting its supreme power over the question at issue. It can exercise the power of an absolute despotism if a majority of its Members see fit to do it, but in doing it it will violate and trample under foot every principle of legal procedure that the courts respect and that have been found necessary to preserve life, liberty, property, and happiness.

All the elements of res adjudicata are present in this case. A competent tribunal, invested with complete jurisdiction to try the issue, has rendered a final judgment. The parties to the former judgment are the same parties now interested in this controversy. The issues and causes of the action now are precisely the same as they were when the judgment, which is sought to be vacated, was rendered. Under all judicial rules under these circumstances the former judgment is an absolute bar not only as to what was actually litigated but to all matters that might have been litigated under the issues in the case, and the issue in the case was the right of Senator LORIMER to a seat in this body. That involved the determination of every proposition that could be presented on one side or the other of it.

Suppose the judgment which the Senate rendered had been against Senator LORIMER. Is there anyone who would contend that the Sixty-second Congress would give him a rehearing upon any ground that he might allege? I do not think so. If we exclude him now, would we hear him next session or next Congress if he should ask for a rehearing on newly discovered evidence? I venture to say we would not, under any circumstances. Shall we apply one rule to him and another to the Senate? We should not and we can not, except by the arbitrary exercise of the power we possess. Under the doctrine of res adjudicata it is uniformly held by the courts that where the issues are the same the bar of former judgment exists to the points actually decided, and also to all the points and questions which might have been litigated under the issues in the former proceeding. This rule has gone unchallenged for more than half a century, and has the approval of an unbroken line of cases in the highest courts in the land. In the case of Cromwell v. County of Sac (94 U. S., p. 352), the United States Supreme Court says:

> In considering the operation of this judgment it should be borne in mind, as stated by counsel, that there is a difference between the effect of a judgment as a bar or estoppel against the prosecution of a second action upon the same claim or demand and its effect as an estoppel in another action between the same parties upon a different claim or cause of action. In the former case the judgment, if rendered upon the merits, constitutes an absolute bar to a subsequent action. It is a finality as to the claim or demand in controversy, concluding parties and those in privity with them not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which might have been offered for that purpose. Thus, for example, a judgment rendered upon a promissory note is conclusive as to the validity of the instrument and the amount due upon it, although it be subsequently alleged that perfect defenses actually existed of which no proof was offered, such as forgery, want of consideration, or payment. If such defenses were not presented in the action and established by competent evidence, the subsequent allegation of their existence is of no legal consequence. The judgment is as conclusive, so far as future proceedings at law are concerned, as though the defenses never existed. The language, therefore, which is so often used, that a judgment estops not only as to every ground of recovery or defense actually presented in the action, but also as to every ground which might have been presented, is strictly accurate when applied to the demand or claim in controversy. Such demand or claim, having passed into judgment, can not again be brought into litigation between the parties in proceedings at law upon any ground whatever.

The courts go so far as to hold almost uniformly that newly discovered evidence furnishes no ground for avoiding the bar of a former judgment on the same issues and between the same parties or their privies. There are some cases in which verdicts will be set aside and new trials granted for newly discovered evidence, but in such cases there are certain well-defined limitations upon granting such new trial. The granting of a new trial on the ground of newly discovered evidence is cautiously exercised by the courts, and the strictest rules are applied in considering an application on such a ground. The evidence newly discovered must be "of such a character and strength that it is reasonably certain that it would have produced an opposite result if produced at the trial," and must be incontrovertible and conclusive.

Mr. BORAH. Mr. President——

Mr. JONES. I think I will cover the point that the Senator has in mind in a moment. If I do not, interrupt me.

> The evidence must not be merely cumulative or corroborative or merely intended to impeach some of the witnesses in the former trial.

The alleged new evidence upon which the new investigation was ordered is not only not incontrovertible and not conclusive, but it does not to any degree impeach the judgment of the Senate or furnish a basis for impeaching that verdict. Whatever new evidence has been produced that is admissible and relevant is merely cumulative or corroborative, and, in fact, impairs the testimony against Mr. LORIMER and further sustains and confirms the justice of the judgment already rendered by the Senate.

It is another almost universal rule that the alleged newly discovered evidence must have been actually discovered after the time of the former trial, and the party seeking the new trial must excuse his failure to produce the new evidence by showing that he failed to discover it notwithstanding the exercise of due diligence. If the party knows of new evidence at the time of the former trial, such knowledge is a complete bar to the granting of a new trial on this ground.

In this case the alleged new evidence was known to those who had actual charge of what might be called the prosecution which resulted in the verdict of the Senate, and the circumstances of it were actually known to some of the Senators who participated in the rendition of that judgment. Even if such evidence were relevant and conclusive, it is a species of tyranny to vacate our judgment by reason of this evidence. If such a rule is to be followed, no man's seat here is safe. Trial after trial may be had at the instance of the Senate until by changing membership and factional or party tyranny a minority may become a majority and a verdict of exclusion rendered in violation of precedents, law, right, or justice.

Mr. BORAH rose.

Mr. JONES. I think I will get to the point which the Senator has in mind in a moment.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Yes.

Mr. BORAH. What I wanted to say was that the doctrine of res adjudicata never can apply so long as a right to move for a new trial on the ground of newly discovered evidence exists.

So long as the judgment is not final, so long as the right to move for a new trial still exists, so long as the statute provides for a rehearing the principle of res adjudicata does not adhere in the case at all.

Mr. JONES. Certainly. I have stated that. But what I contend now is that the time has passed, under the decision of the Supreme Court of the United States and all the courts of last resort in the country. The Supreme Court of the United States says that it will not reopen a case after the term unless proceedings are taken before the term expires looking toward the reopening; and I take it that in this case the decision was rendered in the Sixty-first Congress, and that if it was intended to reopen it a motion to reconsider, or something of that sort, should have been taken in that session; but that now we are in a new Congress, and, while we have the power, it is, under all legal principles, beyond our right to do it.

Mr. BORAH. Mr. President, in connection with that I want to call attention to a single sentence from the report of Senator Hoar and others in the du Pont case, because, if I understand the doctrine of res adjudicata, this sentence refutes the argument which they have previously presented. It says:

> We do not doubt that the Senate, like other courts, can review its own judgments where new evidence has been discovered.

And so forth.

That is not true with reference to the principle of res adjudicata in courts at all. The doctrine of res adjudicata applies when the judgment becomes final. So long as you have the power to hear newly discovered evidence the principle of res adjudicata does not obtain.

If it be true that you can review it here by reason of newly discovered evidence at any time, then it is never a final judgment. If it be true that it is never a final judgment, the doctrine of res adjudicata does not apply.

Mr. JONES. But I contend that it has passed beyond our right to review it, and that the judgment rendered by the Sixty-first Congress was a final judgment; and as no steps were taken before the expiration of that Congress, it became absolutely conclusive upon the Senate. I thought that I had presented some pretty strong authorities upon that proposition. I do not disagree with the contention of the Senator. My contention is that the right to review this judgment had expired by the expiration of the Sixty-first Congress.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Texas?

Mr. JONES. Certainly.

Mr. BAILEY. Mr. President, I agree largely with what the Senator from Washington has said, but I can not agree that the term of the Senate ever expires. The Senate is a continuing body. If it were a case in the House of Representatives,

then surely the Sixty-third Congress would have no power to review the judgment of the Sixty-second Congress. But this body does not terminate in that way.

The Senator from Washington has made one suggestion which appeals to me very strongly, and that is that the Senate must be able to grant a new trial either way or it can not grant a new trial at all. Suppose the judgment of the Senate had been adverse and the seat of the Senator from Illinois had been vacated, and the governor, in the absence of a legislative session, had appointed his successor; could he, if he had procured new evidence, have come to the Senate and obtained a new trial, and could the Senate have reversed its judgment and put his successor out of the body?

Mr. JONES. I do not think the——

Mr. BAILEY. That is one of the difficulties which undoubtedly must address itself to every Senator when we come to have a reopening, although that I concede ought to have controlled us, if it controlled us at all, when we granted the motion for a rehearing.

Mr. BORAH. Mr. President, of course if there ever comes a time in the Senate when its action shall have become final, so that the Senate has no power to review it, then, whether we call it res adjudicata or simply apply it by the doctrine of analogy, the argument which the Senator is making would be conclusive upon my mind. But I do not understand how it can be said that the judgment of this Senate is ever final with reference to anything which pertains to legislation, or incidental to our power as a legislative body.

We can review it next year or five years from now just as well as we can to-day or within a year.

Mr. BAILEY. No; we can not. We can repeal what we have done, but that is not a review of it. I think the Senator would find it necessary to make that distinction. Of course, what the Senate does is not forever done and may be undone; but the Senate must repeal any order or resolution or vote; it can not reconsider it at any subsequent session.

Mr. BORAH. When I use the word "repeal," of course I mean to do that which amounts to a review of our previous action. We may recall it or set it aside, one way or the other. But it all results in what we would say in court amounts to a review of the action, or it amounts to a repeal or cancellation of the order, or whatever you may call it.

Mr. BAILEY. But the Senate takes no judicial action, except when it comes to judge of the return, election, and qualification of its own Members, and when it sits as a court of impeachment. In all other cases it is purely legislative, and I take it that the rules which apply to courts will generally apply to us in our judicial capacity; and I think that while the Senate would have the power to grant a new trial upon a motion accompanied with an allegation that new and material evidence had been discovered, it ought to be careful even there; and yet I can not escape the difficulty mentioned by the Senator from Washington, and the power to grant a new trial must exist, if it exists at all, in the granting body upon the application of either side.

Mr. BORAH. If the Senate should render a decision here to the effect that a man was not entitled to a seat and should discover that there was fraud in the presentation of it and that he was, as a matter of fact, entitled to the seat, why has it not the power to cancel that action and set it aside?

Mr. BAILEY. For the very sufficient reason that two bodies can not occupy the same place at the same time, and if the Senate vacated that seat, and that seat was filled by the legislative authority of the State or in the recess of the legislature by the governor's appointment, the Senate certainly would have no power to turn the appointee or the man elected from its door. It would be an incurable mistake.

Mr. BORAH. I have no doubt that the Senate would have that exact power. So far as the subsequently elected Senator is concerned, if his predecessor was legally elected, which the reversal of the Senate's former action would establish, then the last man was never elected in contemplation if there was no vacancy. In the case of Gholson against Claiborne the House seated two Members.

Mr. BAILEY. Oh, no; it did not seat them. It declared no election.

Mr. BORAH. I beg pardon; it did seat them.

Mr. BAILEY. It did not.

Mr. BORAH. I beg the Senator's pardon.

Mr. BAILEY. The Senator is mistaken. That was the case of Prentiss and Word against Claiborne and Gholson, and it was decided that there was no election by the casting vote of James K. Polk, who was then the Speaker of the House.

Mr. BORAH. If I am not mistaken—and I have the facts here, and I do not think that I am mistaken—Gholson and Claiborne appeared in the House of Representatives for seats in the House upon this state of facts. The President had called an extra session of Congress. The governor of Mississippi had issued a call for an election, and had confined the call to the term covered by the special session.

Mr. BAILEY. That is true.

Mr. BORAH. Gholson and Claiborne appeared, and they were seated for the special session. Afterwards the other parties who had been elected in the general election appeared, and the House reversed its former decision against the specific plea of res adjudicata, and unseated Gholson and Claiborne, and it also unseated the other two men and declared that there was no election. After these men had participated for one Congress, the House reversed its decision against the specific plea of res adjudicata and unseated them and also seated the other men.

Mr. BAILEY. It did not exactly do that. Of course there is no such proceeding known to our Constitution and laws as an election for a special session. A man is elected to Congress for a full term or for an unexpired term, but there is no such proceeding known as an election for a special session. Claiborne and Gholson, under the call of the governor of Mississippi, were elected to that special session. At the regular election Prentiss and Word were elected, and they appeared at the first regular session of the Congress to take the oath. The question arose on that state of facts, and finally the House decided against Claiborne and Gholson, and also decided against Prentiss and Word. That is largely political, and the decision, as I recall—I have not examined it in 25 years, probably, but the decision as I recall was made by the casting vote of the Speaker of the House, who was James K. Polk, and who, by the way, though roundly denounced for that decision, was afterwards, very shortly afterwards, elected President of the United States.

Mr. BORAH. When Gholson and Claiborne were challenged, after having been in the House for several months, they made this claim—Gholson or Claiborne, one of them—for both:

> I consider this whole case settled and concluded by virtue of the judgment of the House, a judgment founded upon a full knowledge of the law and the facts, a judgment that prevented us from entering upon a canvass that subsequently took place and restrained the majority of our friends from the exercise on this occasion of their elective franchise; a judgment which the House had the express constitutional power to pronounce and which once pronounced can not be reviewed or reversed without injustice to the parties and disparagement to its own dignity.

The question was specifically and clearly raised in that hearing, because their right to the seat had been challenged when they first appeared.

Mr. BAILEY. I think if it was so——

Mr. BORAH. The House heard it and determined that they had a right to a seat. When they appeared the second time they said, "You have determined this once; this same question was adjudicated before; it is final." But the House reversed its decision and unseated them and also unseated the other party.

Mr. BAILEY. Mr. President, if there was any serious controversy as to their right to sit in the special session it had escaped my memory. I do not recall it. I have no doubt the Senator is right about it, because he seems to have recently reviewed the controversy; but the House practically decided that question both ways, and consequently I would not regard the decision in that case as controlling, because it decided that neither Claiborne and Gholson nor Prentiss and Word were entitled to sit for the balance of the term. Obviously one or the other decision is wrong. It is one of those unfortunate political decisions which have too often discredited the proceedings of the other House. I mean historically; I do not mean that that is done now. I am glad to say it is very much less frequent just now than formerly. I am afraid that they have transferred to the Senate of the United States the habit of deciding these questions upon other considerations than the law and the evidence.

Mr. JONES. Mr. President, I desire to suggest to the Senator from Texas that I did not intend to convey the impression that the Senate ends with the Sixty-first Congress. My contention is that it is just exactly like the Supreme Court. The Supreme Court is a continuing body, but it has its regular terms, and it has held that while there is no power to review its decision it will not vacate a judgment after the term expires in which that judgment was rendered unless some steps were taken during that term to vacate it. So I contend that the Senate itself, a continuing body, it is true, has its regular terms, even more clearly defined than the terms of the Supreme Court. At the end of the Sixty-first Congress all bills died. If we had a bill then pending, we would have to reintroduce it in the Sixty-second Congress. In that sense the term ended in which that judgment was rendered, and in analogy with the Supreme Court decision, unless some steps were taken to reopen that

judgment before the Sixty-first Congress expired, I contend that we have no right to attempt to reopen it in this Congress. We have the power to do it; we can decide for Senator LORIMER to-day and reopen the case to-morrow and decide against him to-morrow. If we decided it in his favor in this Congress, in the Sixty-third Congress, before his term expires, we could reopen the case, vacate the judgment, and say that he is not entitled to a seat; but my contention is that we ought not to do that; that, under the decisions of the Supreme Court and following the rules of the Supreme Court, we have no right to do it. This seems to me to be too clear even for argument.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I do.

Mr. BORAH. If the Senator from Washington means to say nothing more than that, as a matter of policy, it is unwise to reopen such cases except upon an extraordinary showing, and that ordinarily the policy of permitting that which has been settled to remain settled, and only in exceptional and extraordinary circumstances should we violate that rule, I would agree with him perfectly; but I utterly reject the doctrine that the principle of res adjudicata applies in this body at all, except where we are created by the Constitution of the United States to be a court. The right to pass upon the title to a seat in this body is merely incidental to our legislative power; the legislative power is paramount to that; and the incidental power takes on the quality of the paramount power and follows the quality of our legislative business.

Mr. BAILEY. If the Senator from Washington will permit me, the Senator from Idaho does not mean to say that our power to judge of the elections, returns, and qualifications of our own Members is a legislative power.

Mr. BORAH. No; I do not mean to say that it is legislative. I say it is a quasi judicial power, but incidental to our existence as a legislative body. Therefore our legislative capacity fixes the quality of this incidental power, and we are no more bound by it than we are bound by legislative action. That is my position.

Mr. BAILEY. Well, if the Senator were to take that view, he would find himself confronted by the incontrovertible proposition that the Senate itself by undertaking to repeal a law passed last year could not do it; it could not undertake to review it; it could not move, Mr. President, that the proceedings upon bill so-and-so be reopened or that a new hearing be granted. You would have to introduce your bill to repeal that law; it would have to go to a committee; and then, if it passed this body, it would have to go to the other body, and it would have to receive the approval of the President before it could become effective. After we lose the right to make a motion for the reconsideration of a matter, there is no proceeding known to this or to any other legislative assembly to undo what has been done except by a repeal.

Mr. BORAH. Precisely; but of course the other House would never have anything to do with the question of proceeding with reference to a title to a seat here. That question is always open to this body to consider, and the body is not bound by its previous action any more than it is bound by its previous action with reference to allowing a claim here.

Mr. BAILEY. But what I was responding to was the Senator's suggestion that this, by any sort of analogy, could be likened to our legislative power. I think this is as distinct from our legislative power as it is from our right to vote upon articles of impeachment. I think, probably, it is more separate and apart from it than our specific right to adopt our own rules. As to electing our officers, I think if we elected an officer, we would have a right at any time to supersede him by the election of another officer. That is not a judicial proceeding; it does not bear any analogy to a judicial proceeding; but I think in a case of this kind we must follow the rules of the court as closely as possible, and I think we could not reopen this matter, except upon the allegation of new and material evidence.

I voted to reopen this case upon that allegation, solemnly made here by resolution adopted by the Senate of the State of Illinois and transmitted to us under the seal of that great State. If they had not alleged new and material evidence, I should not have voted to reopen the case, and I so stated to the Senate at the time. If, however, I had been impressed with the view that, upon the adjournment of the Senate, that was the end of the term, I could not have voted even then to have reopened the case, because as a judge of a court, except in a case where there was a special statute that provided for it in certain cases, I never would at the beginning of the next term of my court hear any disappointed or unsuccessful suitor to move for a new trial. If I had taken the view that the adjournment of the Senate was the end of the term, much as I would have regretted to have differed with everybody in the Senate—for everybody was in favor of the motion just as I was—I still would have voted against it; but I felt that upon the allegation of newly discovered and material evidence the Senate was entitled to reopen that case for the purpose of doing justice to itself, to the State of Illinois, and to the country. That was what moved me to interpose the suggestion I made to the Senator from Washington a moment ago, that the Senate could hardly be considered to have adjourned its term in this sense.

Mr. BORAH and Mr. FLETCHER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Washington yield?

Mr. JONES. I yield to the Senator from Idaho, who, I believe, wishes to reply to the Senator from Texas.

Mr. BORAH. Mr. President, I only want to say a word in answer to the statement of the Senator from Texas. Of course when the Senator from Texas voted to reopen this case he did it precisely the same as a judge would do who made an order for a new trial in a case. That being true, if he had the power to vote for the reopening of the case, it would have the same effect as when the judge granted the new trial. Thereafter the doctrine of res adjudicata passes from the consideration of the tribunal entirely, because the moment the new trial is granted that principle is destroyed. It only applies when the judgment is final and when there is no longer any power to grant a rehearing on the ground of newly discovered evidence. Therefore I do not think the Senator from Texas and myself disagree at all, for when he voted for that he simply exercised the power which a Senator has, and which the Senate as a whole has, to reopen such a case whenever, in the judgment of the Senate——

Mr. BAILEY. And grant a new trial.

Mr. BORAH. Yes; and grant a new trial. Whether we should grant a new trial or not is a matter which appeals to our judgment and our conscience at the time the presentation is made; but that we have the power to do it in 1 week or in 10 weeks or in 10 years thereafter I have not a particle of doubt.

Mr. BAILEY. Oh, no; not 10 years. The term of a Senator is only 6 years, and after that time you would lose your jurisdiction.

Mr. BORAH. Unless we lengthen the term of a Senator, like we are proposing to lengthen the term of the President.

Mr. BAILEY. I hope the Senator will get up that proposed amendment to the Constitution immediately after we dispose of this matter.

Mr. BORAH. I will be glad to see it come up; but I am going to vote against it when it does come up.

Mr. BAILEY. I hate to see the Senator wrong upon that question.

Mr. BORAH. I am erring these days very rapidly. Mr. President, I want to read here a single paragraph from the minority report of Senator Collamer and Senator Trumbull in the Fitch, Bright, Lane, and McCarty case, which has been referred to, because it takes the view that I maintain:

> The power of the Senate to judge of the election and qualification of its own Members is unlimited and abiding—
>
> Whether it be for 6 years or 10 years—
>
> It is not exhausted in any particular case by once adjudicating the same, as the power of reexamination and the correction of error or mistake incident to all judicial tribunals and proceedings remains with the Senate in this respect, as well to do justice to itself as to the States represented or to the persons claiming or holding seats. Such an abiding power must exist to purge the body from intruders; otherwise anyone might retain his seat who had once wrongly procured a decision of the Senate in his favor by fraud or falsehood, or even by papers forged or fabricated.

That position was sustained by Mr. Collamer, by Mr. Trumbull, by Mr. Seward, by Mr. Fessenden, and a number of the most distinguished Members of the Senate at that time. When the second case was presented—I have forgotten now who the claimants were—the doctrine of res adjudicata was repudiated by such men as Allison and Anthony and Blaine——

Mr. BAILEY. Mr. Blaine was not a lawyer.

Mr. BORAH (continuing). And Conkling and Senator Hoar, who was then a member of the Elections Committee, although afterwards he signed the du Pont report. It was repudiated by that class of men who were then in the Senate; and I think that I am not without company and not without authority when I say that the right of the Senate to pass upon this matter is an abiding one, and is not exhausted by once exercising that power.

Senator Collamer opposed the doctrine of res adjudicata, saying:

> I can not regard it as true that a decision made by either House of Congress in relation to a Member's right to a seat is conclusive. The power of the Senate to judge of the elections and qualifications of its Members is not exhausted by once resolving upon the subject. It is an abiding and continuing power. * * * Now, Mr. President, the question is, Has the Senate the right and power and is it their duty, when respectfully applied to, to reexamine their decisions in relation to seats of Senators? I think they have the power. I think they should perform it.

Senator Trumbull, of Illinois, said:

> "But," says the Senator from Ohio, "this is a judicial decision, and the Senate acts in a judicial capacity." He then proceeded to argue at length in answer to this, and contended that the doctrine of res adjudicata did not apply and that no Senator should "shield himself under the plea of res adjudicata."

I desire also to refer to the case of Corbin against Butler, South Carolina, in the Forty-fifth Congress.

On February 13, 1877, David T. Corbin presented his credentials for the term of six years commencing March 4, 1877. March 2, 1877, M. C. Butler presented his credentials for the same term commencing at the same date. The credentials of both parties were sent to the Committee on Privileges and Elections. On November 26, by a vote of the Senate, the committee was discharged from the consideration of the Butler credentials. Upon November 30, upon motion of Senator Thurman, and by a vote of 29 to 28, Butler was sworn in. No motion was made to reconsider, no reservation looking to any further contest. On the 26th of March, 1878, Corbin presented his petition, asking for further inquiry. There was no issue of fact practically in the matter. It was all a question of law as to which one was elected by the legislature of the State. A majority of the Committee on Privileges and Elections reported in favor of seating Senator Corbin. The minority filed its views, raising specifically the question of res adjudicata, saying:

> The petition now before us is a mere, sheer, naked proposition that the Senate at a subsequent session shall revote on the identical question, facts, and issues on which the Senate voted and decided at a former session.

So this question of res adjudicata was specifically before the Senate, discussed, and considered. The matter was finally decided in favor of Butler and as against Corbin by a vote of 25 to 36. So it may be said that this vote of the Senate sustained the plea of res adjudicata.

Among those who voted against the plea of res adjudicata were Senators Allison, Anthony, Blaine, Chandler, Conkling, Edmunds, Hoar, Ingalls, Morrill, Oglesby, and Windom. These are some of the more conspicuous names. It is particularly important to remember that Senator Hoar was a member of the Committee on Privileges and Elections and that he voted against the plea of res adjudicata.

Mr. FLETCHER. May I interrupt the Senator from Washington long enough——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. Yes.

Mr. FLETCHER. To continue a little further, reading from that interesting report by the committee in the case to which the Senator from Idaho has referred. He will find that the committee went on further to say:

> The decision was made by an authority having exclusive jurisdiction of the subject; was judicial in its nature; and, being made on a contest in which all the facts and questions of law involving the validity of the election of Messrs. Fitch and Bright, and their respective rights to their seats, were as fully known and presented to the Senate as they are now in the memorial of the Legislature of Indiana, the judgment of the Senate then rendered is final and precludes further inquiry into the subject to which it relates.

Mr. BORAH. Mr. President, from what is the Senator reading?

Mr. FLETCHER. I am reading from that report.

Mr. BORAH. The Senator is not reading from the report from which I read.

Mr. FLETCHER. I am reading from the report of June 12, 1858, rendered in the Thirty-fifth Congress.

Mr. BORAH. The Senator is reading from the majority report, and I was reading from the minority report.

Mr. FLETCHER. I was reading from the report of the committee.

Mr. BORAH. Well, I said I was reading from the report of Senator Collamer and Senator Trumbull, and I stated who supported them in that minority view. I did not, of course, state that it was a majority report.

Mr. FLETCHER. The suggestion, Mr. President, that this is a legislative or a quasi legislative proceeding, I think is also erroneous on the part of the Senator. The Constitution of the United States vests legislative power in the Congress as an entity, which includes both Houses. This proceeding has nothing to do with the other House; it is confined alone to the Senate; it is a judicial proceeding, as mentioned in the report from which I have read, and as decided in the case of the New York Indians against the United States, in One hundred and seventieth United States Reports, at page 23. In that case the Supreme Court of the United States said of a resolution adopted by the Senate alone:

> It can not be considered as a legislative act, since the power to legislate is vested in the President, Senate, and the House of Representatives.

It not being a legislative act, it is purely a judicial act. I would say further, in connection with the decision once rendered by the Senate in this case, that if that decision had been adverse to the Senator from Illinois and he had been ousted, he could not have appeared here again and insisted upon a reexamination. It would have been absolutely final and conclusive as to him. The very essence and underlying principle of the doctrine of res adjudicata and the doctrine of estoppel is the principle and essence of mutuality. That decision, which is final as to him, must be final as to everybody else. If that decision is final as to him, it is final as to the Senate, because otherwise it could not be mutual.

Mr. BORAH. Mr. President, I want to trespass just a moment to read an excerpt from a decision of the Supreme Court of the United States wherein it says:

> In some cases it is difficult to draw a line that shall show with precision the limitation of powers under our form of government. The executive in acting upon claims for service rendered may be said to exercise, if not in form in substance, judicial power. And so a court, in the use of the function essential to its existence, by the adoption of rules or otherwise, may be said to legislate. A legislature, too, in providing for the payment of claims exercises a power in its nature judicial, but this is coupled with the paramount and remedial power.

So the court holds that, while these bodies may exercise, either as a whole or separately, that which is quasi judicial in its nature, it does not take on the qualities of a judgment as rendered by a court, and that the body may go back and review it. I quote another paragraph from a late decision:

> The nature of the final act determines the nature of the previous inquiry. As the judge is bound to declare the law he must know or discover the facts that establish the law. So when the final act is legislative the decision which induces it can not be judicial in the practical sense, although the questions considered might be the same that would arise in the trial of a case. If a State constitution should provide for a hearing before any law should be passed, and should declare that it should be a judicial proceeding in rem and the decision binding upon all the world, it hardly is to be supposed that the simple device could make the constitutionality of the law res adjudicata, if it subsequently should be drawn in question before a court of the United States. And all that we have said would be equally true if an appeal had been taken to the supreme court of appeals and it had confirmed the rate. Its action in doing so would not have been judicial, although the questions debated by it might have been the same that might come before it as a court, and would have been discussed and passed upon by it in the same way that it would deal with them if they arose afterwards in a case properly so called.

The mere fact that a legislative body exercises at times a final judgment, as in passing upon claims or in passing upon the title to a seat, the mere fact that these incidental powers necessary and indispensable to its existence as a legislative body are in their nature judicial does not give them the character of a judicial procedure such as we know it when it is had in a court of competent jurisdiction. The very object and the purpose of a court are to terminate a case, to have an end to it, to set people at peace, and the very object and the very nature of a legislative body are to have open at all times the question of reviewing its procedure whenever it feels proper to do so.

Mr. JONES. I can not agree with the Senator from Idaho that the Senate is not acting as a court in this matter. The sole issue is, "Was there such corruption in the election of Senator LORIMER as to vitiate his election?" The decision of that question ought to be made entirely on the evidence, and we can not sit other than as judges, and no consideration other than the evidence adduced should weigh in rendering our decision.

When it comes to practical results I imagine the Senator from Idaho and I will not be far apart, as I shall show later on. Of course he, taking the position that this is not really a court or a judicial matter, will not agree with me on my argument based on that proposition. But I have very decided opinions on this question, and I have tried to present them plainly this afternoon. I believe they are fully sustained by authority of the decisions of the courts and by the precedents in the Senate itself.

I have already pointed out that it is the general rule of the courts that no court has a right to vacate its judgment after the expiration of the term at which it was rendered, and that such a rule is adhered to by the Supreme Court of the United States, though there is no power in the Government to overrule this court if it should see fit to take a different course.

In other words, the power of the Supreme Court over its decisions is absolute, just the same as the power of the Senate over its decisions is absolute. The Senate may decide this case to-morrow in favor of LORIMER, and the governor of the State may send a Senator here, and yet the Senate has it in its power—the next Congress, even—to bring up the question and say the man appointed by the governor is not entitled to his

seat and that Senator LORIMER is entitled to it. But I venture to say the Senate would never exercise any such power. It would not have the right to exercise it, although it had the power to do so.

I have already quoted from Bronson v. Schulten (104 U. S., 410), showing the rule followed by the United States Supreme Court in reference to opening a case after the term closed. As I said a moment ago, I use the word "term" in connection with the Senate in the same sense as we use the term "the expiration of the term" as applied to a court. The Supreme Court is a continuing body, just as the Senate is a continuing body, but it has its regular term, like the Senate of the United States has its term.

The Senate of the United States should show proper respect to its own judgment. If it does not, how can it expect others to do so? If it vacates a judgment in one case simply because it has the power to do so, why may it not act that way in other cases? What is to prevent a partisan majority from unseating any Member of the opposite party? Anyone can see the dire condition that such a rule might bring about. The reasons which called for the enforcement of the doctrine of res adjudicata by the courts apply even more strongly to the Senate. In the case of the Northern Pacific Railway Co. v. United States (168 U. S., 49), the court said:

> This general rule is demanded by the very object for which civil courts have been established, which is to secure the peace and repose of society by the settlement of matters capable of a judicial determination. Its enforcement is essential to the maintenance of social order, for the aid of judicial tribunals would not be invoked for the vindication of the rights of person and property if, as between parties and their privies, conclusiveness did not attend the judgments of such tribunals in respect of all matters properly put in issue and actually determined by them.

The enforcement of this rule by the United States Senate is essential to the very stability and perpetuity of our form of government. Under the foregoing rule and principles this Senate would not question the right of Mr. LORIMER to his seat even though new evidence had been produced to impeach him, his right having been determined by the Sixty-first Congress.

Now, I will answer the question the Senator from Idaho presented some time ago, and in answering him I think I will place myself on about the same basis that he takes in this matter, so far as its decision is concerned. In my view of this case it is not necessary to express an opinion as to what the Senate should do in case new evidence was produced showing corruption in the election of Senator LORIMER, because no such evidence has been produced; but I will say for myself that if new and substantial evidence had been discovered, showing conclusively that he had secured his election by corruption, I would not feel bound to follow these principles to the limit, but I would feel that the Senate would be justified in the maintenance of its own integrity and honor in vacating its judgment and denying to Mr. LORIMER a seat in this body.

In making that statement I realize that I am going contrary to what I believe to be the rule laid down by the courts, but if I were convinced beyond a reasonable doubt—I think I would have to be convinced that far upon a rehearing—by the evidence produced that the election was secured by corruption, I think I would vote to exclude the Member in order that the integrity of the Senate might be preserved and in accordance with my belief in fair and honest elections.

Mr. BORAH. How would the Senator, sitting as a judge, get the newly discovered evidence before him if he holds to the doctrine of res adjudicata in reference to a judgment?

Mr. JONES. I think I can explain that by stating that my position is a little different from that of the Senator. I do not understand and I do not believe that the Senate has yet vacated its former judgment. I do not believe that the passage of the resolution appointing the committee was a vacation of that judgment. I did not vote for it with that idea. I voted for it simply for the purpose of reinvestigating the facts, so that they might be properly presented to the Senate, and the Senate then could determine whether it would vacate its judgment. That judgment still stands as the judgment of the Senate, and will so stand until we finally act on the resolution now pending.

Mr. BORAH. What would be the position of a judge sitting upon a bench in reference to a matter which was claimed to have been closed by a final judgment, who should say, "Notwithstanding this matter was closed, notwithstanding the fact that I have no power to review it, I will hear the evidence to see if you have any newly discovered evidence, and if I find that you have I will ignore this doctrine of res adjudicata"?

Mr. JONES. Under the rule which I have read from the courts—I recognize the force of the Senator's suggestion—I am willing to admit the difference between this body and a regularly constituted court, and will lay down the proposition to that extent, differing from the inflexible rule in the court. I recognize the fact that if I am to adhere in accordance with the rule laid down absolutely, then I will not make this exception. But I am willing to make it, and I think I have a right to make it. I do not believe that we have granted a new trial in this case as a court grants a new trial. We simply appointed a committee to go out and investigate and report the facts to the Senate, and then the Senate is to decide whether or not the judgment is to be vacated.

Of course, a new trial in the Senate differs from one in a court. When a court orders a new trial it vacates its judgment. The Senate does not do it. The Senate, after it vacates its judgment, is concluded. It does not go any further. We make the investigation beforehand and present the facts to the Senate, upon which the Senate determines whether or not it will vacate the judgment, and then, it seems to me, is the proper time for the rule of res adjudicata to be applied.

As I said, I am willing to apply it absolutely, except in cases where on a new investigation evidence is produced which shows almost conclusively that the election was corrupt. Then, when the Senate comes to take final action, I would vote in favor of the purity of the election.

This matter is just like almost any other legal proposition. While we are all presumed to know the law, almost all of us look at it in a different way, and none differ so much as to what the law actually is as the lawyers.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I do not want to detain the Senator, but I simply call attention to this thought: The mere fact that in passing upon this case and similar cases the Senate exercises a judicial power, or a quasi-judicial power, does not mean that in exercising that judicial power, or quasi-judicial power, the Senate is bound to follow the rules that courts have adopted for the exercise of the judicial powers vested in them. The Senate can exercise this judicial power, or quasi-judicial power, in any way it sees fit. So that in no sense, except by a rather far-fetched analogy, are these rules that the courts have adopted binding upon the Senate. The Senate has fixed no rule for procedure, except that in the very few cases that have been cited it has declared its attitude, and in those cases there have been minority reports.

So, I fail to see the force of quoting in extenso from the rules of courts when, as the Senate, we simply possess a judicial power that we can exercise in any way we see fit.

Mr. JONES. I have been very unfortunate, Mr. President, if I have not made clear my position in that regard. I have said, time and again, that the Senate has absolute power to do exactly as it pleases with reference to this matter. It is bound by no rule in this respect. It is not even bound by the Constitution. The Constitution leaves its powers absolute and despotic.

As I have said before, we could decide in favor of Senator LORIMER to-day, and we could decide against him to-morrow, and at the next session we could again decide in his favor, and at the following session we could decide against him, and 10 years from now we could pass a resolution declaring that Senator LORIMER was entitled to his seat at a time when we said he was not. But I venture to say we would not do that.

We have absolute power over this matter, and it is simply a question of how we should exercise it. It is simply a question whether we will act in accordance with well-settled rules and principles, or whether we will act arbitrarily according to the whim or opinion of the majority. I have been contending that we should exercise the power in line with the precedents in the Senate itself and in accord with similar rules adopted by the courts, and especially by the Supreme Court of the United States, which is not bound by the action of any other tribunal, whose decisions can not be reviewed by any other tribunal, and which has held that when it has rendered a judgment and the term has expired and no steps are taken to reopen it, it will not do so; that while it has the power, it has not the right to do it. That is all. That is simply my position.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I will yield, though I would like to get along.

Mr. REED. Is not that the very distinction between the courts and the Senate? Of course, the courts have repeatedly refused to inquire into a judgment after the term of court has expired, unless some motion is filed to carry the case over; and invariably the refusal of the court has been upon the single ground that under the law they have no jurisdiction or power after the term has expired.

The Senator has conceded that this body does have the power that is under discussion. When he makes that admission, he admits that the rule adopted by the courts has no potency here. The courts refuse to interfere from lack of power, whereas the Senator concedes that we do possess the power. I think when he concedes that he concedes the entire argument.

To conclude what I started to say, there are a number of States that have changed the law and have provided for review upon petition filed a year after the term has expired. In one State that I have in mind I think the limit is three years. In the States where the law has been so changed that the court does possess the power it is frequently exercised.

So we come back to this: The courts refuse to interfere because of lack of power under the law, and only for that reason. We possessing the power under the law have full right to exercise it if conscience and right demand such exercise.

It seems to me the Senator concedes the whole question when he concedes that we do possess the power.

Mr. JONES. Mr. President, I did not concede that the courts refused to exercise this power because they did not have the power to do it. I contend that the Supreme Court of the United States has the power, but that of its own volition it refuses to exercise it, for the reasons given.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Missouri?

Mr. JONES. I do not believe it is necessary to pursue that phase of the matter, but I yield.

Mr. REED. While the Supreme Court might brutally do a thing, the Supreme Court is bound by the Constitution and the law. The law is so written that if it did exercise the power it would violate the law. Therefore, it does not possess the power, except as it may exercise arbitrary force. When we are speaking of a power we are speaking of a legal power and a legal right. The Supreme Court did not possess it; hence it refused to exercise any other power than a legal power. But here we do have the legal power. That is the distinction.

Mr. JONES. The Supreme Court of the United States has the legal power, Mr. President. There is no constitutional or statutory provision prohibiting the Supreme Court of the United States from opening a judgment after the expiration of the term. But while it has the power to do it, it has refused to do it, not because of legal or constitutional restrictions, but simply because it does not think it is the proper rule to follow.

However, that is not this case. No new evidence has been discovered impeaching Senator LORIMER's title, or showing clearly or at all that his election was secured by corruption. On the contrary, I am absolutely convinced that he was honestly elected and that his right to a seat in this body should not be questioned. For this Senate to vacate the judgment rendered at the preceding Congress is to violate the unbroken precedents of the Senate itself and to invoke the rule of might instead of the rule of right.

I believe it my duty to decide this case as a judge and not as a partisan or a factionalist. I have endeavored to weigh the evidence in its entirety and to reach a verdict in accordance with the law and judicial procedure that has been evolved in the progress of civilization for the purpose of insuring justice to the individual and protection to the State. In saying this I do not intend to suggest even that any of my colleagues are acting differently. I do know, however, that many people in this country would have us act differently. There are great and powerful newspapers who would have me voting against Senator LORIMER regardless of my conviction of his innocence, and they advocate this under the guise of progress and good government. Many seem to think the question has become a public or national one, and a vote on this matter is taken as an evidence of progress or reaction, as an evidence of devotion to the interests of the people or as an evidence of enmity to honest elections, as an evidence of hatred of bribery, or as an evidence of its approval.

There are those in the country who will say that those who vote for Senator LORIMER approve bribery and corrupt election. There are those in the country who will say that a vote cast against Senator LORIMER is a vote cast against corruption and bribery. I know Members of the Senate do not look at the matter in that way. I know Members of the Senate do not look upon those who vote for Senator LORIMER as approving corruption and as approving bribery. I think every Senator ought to make it plain to the people of the country that this case must be decided upon its merits, and that those who vote for or against Senator LORIMER are each just as patriotic and just as devoted to the principle of purity in elections as any others.

There is a spirit of intolerance abroad in the land that is to be deplored. This is not a political question and it ought not to be made one. It ought not to be decided in any factional spirit. It ought not to be decided on impressions or beliefs, but upon conviction based upon the law and the evidence.

Is it possible that when a man is charged with dishonesty and corruption he is to be convicted and condemned because he does not agree with the popular idea upon some political question? Has it come to this, that the people prefer representatives who will subordinate their honest convictions to popular clamor not only upon legislative matters but upon judicial issues as well? Is there any fair man who, if charged with a crime, would like to have the jury pass on his case according to public opinion instead of according to the evidence? Is there a fair, honest man who, serving on a jury and convinced that the man he is trying is innocent, would disregard the law and the evidence and bring in a verdict of guilty because the popular impression is that he is guilty? And yet there are thousands who have not read the testimony, or much less heard it, who can see nothing but corruption in a vote for Mr. LORIMER by those who have seen the witnesses on the stand, heard their testimony, and are convinced of his innocence.

Some say the people have read the evidence. I deny it. The people have read biased, garbled, partisan extracts of the evidence, but there is no paper in the land that has printed all of the evidence or any considerable part of it. Those who have printed the most have printed that part of the evidence which supports their views. Papers favorable to Senator LORIMER have printed that part of the evidence favorable to him. Papers unfriendly to him have printed parts of the evidence that are unfavorable. The papers taking a special interest in the matter are those unfriendly to Senator LORIMER. This is natural. Our enemies are always more active against us than our friends are for us, and when we consider that most of the great daily papers of Chicago are against Senator LORIMER and have in season and out of season presented this case in a biased and unfriendly way, while practically all of the papers outside of Chicago have said but little one way or the other, we can fully understand why the people have honestly obtained the impression that there is no doubt but that his election was secured corruptly. Added to this, the so-called progressive papers have espoused the reactionary spirit of presuming a man guilty until he proves his innocence, and have even gone so far as to disregard and ignore all the principles of justice that have come to us through the ages and propose to decide this question by the rule of might rather than by the rule of right.

Some Democrats believe Senator LORIMER innocent; some believe him guilty. Some Republicans believe him innocent; some Republicans believe him guilty. All progressives know he is guilty. Is it possible that it is progression to assume a man guilty because he is charged by some one with an improper act? That is not my idea of progress. Is it progress to hold a man dishonest and corrupt who does not agree with us? I do not believe in that sort of progress. Is it progress to refuse a man a seat in this body because he does not believe in one political faction or follow certain political dogmas? That may be progress for awhile, but the American people will not adhere to it long. Our people are, on the whole, fair and just. They will not long admire or approve the judge who makes his decision to suit their view and will rather than his honest convictions; and, fully appreciating the public impression regarding this case, I shall cast my vote trusting in the justice and fairness of the people to approve adherence to honest convictions of duty, even though they may not agree with one's judgment. Men are threatened with political oblivion if they do not act in a certain way, and it is peculiar that self-styled progressive newspapers and individuals who are opposed to domination and tyranny in politics seem to exert their utmost to compel men to vote in accordance with their views. This is a confession of the weakness of their cause and would be ridiculous if it were not so serious.

The distinguished Senator from Indiana said that it is suggested that the people are not interested in this question. I have never heard such a suggestion made. The people are interested in this question. They are interested, however, in having it decided justly and honestly. If Senator LORIMER was elected corruptly, they are interested in the verdict accordingly, but, Mr. President, if he did not secure his election by corruption they are even more interested in having us so declare. The people are interested in this question not as a matter of legislation, but they are interested in having the Senate acting within its rights and acting as a court in doing justice to Senator LORIMER according to its honest convictions of the evidence which it has taken and with which it ought to be more familiar than they. The people expect us to do our duty regardless of public clamor and prejudice.

The Senator from Montana said:

I do not care what public opinion is.

Of course, he did not mean it exactly that way. We do care for public opinion. I care for public opinion. I like to please my people by my course here. It is far easier to act in accordance with the opinion of the people than against it, but, like the Senator from Montana, I purpose casting my vote pursuant to my convictions of duty under the law and the evidence as I see it in this case. Some may condemn me for it and applaud him for his vote, and yet he and I vote on exactly the same sense of duty and responsibility.

He says that public opinion "has nothing to do with the trial of this case. Public opinion is not a part of the record in this action."

That is my position exactly.

The enemies of Senator LORIMER, however, the newspapers that have been filling their columns with opinions, editorials, and statements as to what Senators should do here and what the effect will be upon them if they do not vote in a certain way, do not act on this theory. They seem to think that it is their place to create a public sentiment that will dash against the doors of this Senate and overcome the convictions and judgments of its Members and compel them against their will to disregard the evidence, pay no attention to the justice and merits of this case, but to deprive Senator LORIMER of the seat which the solemn verdict of the Senate has confirmed to him.

I do not want to believe that there is a Senator here who will do it; and it would seem important to declare, so that the public may read, that this Senate proposes, no matter what its verdict may be, to cast its verdict not in pursuance of public clamor and public demand, but in pursuance of what it believes to be the law and the evidence and the merits of the case. This has gone so far that strong men, fair-minded men, who desire to do what is right, have given up, as it were, in disgust, and said, "Let us end this matter, put LORIMER out, and close the case." A great newspaper in my State has practically taken this position. A very good friend of mine, running a newspaper in my home town, has said "LORIMER should go on general principles." Has justice fled to brutish beasts? Have we lost all sense of fair play? Have we, as a Nation and as a people, embraced the principles of lynch law? It looks like it. We believe in fair play. We have heard much of the square deal, and the people believe in it. Has Senator LORIMER had a square deal? Is he having a square deal now? When the people of this country come to consider the methods pursued in this case and the tremendous influences that have been brought to compel and coerce the Senate against him, they will revolt at what has been done.

When these charges were made testimony was taken, and the trial was begun in the Senate. While we were sitting as a court and acting as judges the President of the United States attempted to influence some of the judges against Mr. LORIMER and enlisted the powerful influence of an ex-President of the United States against him. I have a great admiration for President Taft. I believe in his ability, his statesmanship, his honesty, his integrity, and his courage. When the people understand him, when they realize what he has accomplished in the line of real progress and for the good of the people, they will appreciate how greatly he has been maligned and misrepresented; but this yielding on his part to popular clamor in this case is one blot on his record that never will be effaced. Letters from men representing powerful newspapers and powerful influences were written to the Members of the Senate in confidence, stating alleged facts of which the writers had no knowledge but which had been given to them in confidence and the truth of which they vouched for. If this is to be tolerated, is there any Member of this Senate who is safe from such insidious attack?

An ex-President of the United States, both loved and trusted by the people as no President in the history of the Republic, was sought out by a bitter enemy of Senator LORIMER, and was told by him of statements made by another enemy of LORIMER, but as a friend of the ex-President Mr. Kohlsaat assured him that statements of which he had no knowledge were true, and on this assurance and while a committee of the Senate was making its investigation the ex-President denounced Mr. LORIMER with the apparent purpose of inflaming public opinion against him. Even though the first Senate committee was in session these alleged facts were not called to its attention. The Senate was allowed to pass judgment. That judgment was in favor of LORIMER, and then and not till then these secret statements were made public and this new investigation had, and these statements upon which the ex-President acted are shown to be untrue and unfounded.

Will the American people stand for a deal like this? Is that the square deal of which we are so boastful? Then, after the Senate had deliberately voted in favor of Senator LORIMER, this whole power was enlisted against him. Allegations of new evidence were made. The evidence which had been brought to the attention of some of the Senators before the former judgment was rendered and which fairness to the Senate and fairness to Senator LORIMER required should have been presented before the verdict was rendered and a new Senate, a Senate one-third of whose membership had been elected since that verdict, was asked to reinvestigate this question. A further investigation was ordered. While it has been pending threats have been made that Senators would be defeated because of their votes. A former President of the United States, as a candidate for nomination to the Presidency, made this question an issue in his campaign, and, with no opportunity for defense, Mr. LORIMER has been held up to scorn and obloquy before partisan audiences, and we in this Chamber are told that unless we deprive him of his seat we will lose our own. Is there a man with real American blood in his veins who with a calm judgment and in the presence of his own conscience will say that this is a square deal?

Mr. President, I have heard the testimony in this case; I have seen the witnesses testify; I have tried to measure and weigh all of the testimony. I am convinced that the testimony does not show that there were any corrupt practices exercised in the election of Senator LORIMER. I am satisfied that his election was the natural outcome and the inevitable outcome of the political situation in Illinois. I am satisfied that the new evidence upon which this Senate was asked to reopen this case has absolutely failed to materialize. I am satisfied that Senator LORIMER holds his seat in this Senate by just as perfect a title as any Member here. My conscience and my judgment coincide with that view. Believing that, I can not vote otherwise. I would not vote otherwise if every man, woman, and child in my State asked me to do it. I want to please them, but I must please my conscience first. If I go to political oblivion in the future by reason of my vote on this case, I will go at peace with my own conscience and with the satisfaction of having done what is just and fair and right as I see it. I would rather retire from this honorable body with the approval of my own conscience and judgment than to retain a place here indefinitely by disregarding my convictions as to my duty. No, Mr. President; I will not seek place and power and honor at the sacrifice of an approving conscience.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SMOOT. The Senate has been in session now for over seven hours.

Mr. BORAH. Will the Senator yield for just a moment?

Mr. SMOOT. Certainly.

Mr. BORAH. I desire to have permission to put into the RECORD, in connection with some remarks I made awhile ago, some excerpts from the CONGRESSIONAL RECORD on this subject which we were discussing.

The PRESIDENT pro tempore. Without objection, consent will be granted.

The matter referred to is as follows:

[From the Congressional Globe, February 11, 1859, pages 957 and 958, part 1, second session Thirty-fifth Congress.]

INDIANA ELECTION QUESTION.

Mr. SEWARD.

* * * * * * *

It is answered to this proposition which I have submitted; that the Senate has already decided the question as to the title of these seats; that the decision is a judicial one; final, absolute, irreversible; and so one which can not admit of reconsideration. This seems to me an extraordinary proposition. I can not conceive upon what ground it can be claimed that any decision which has ever been made by this body is incapable of reconsideration. I can conceive of a mistaken theory of the constitution of the Senate which leads to this extraordinary conclusion. I imagine that Senators coming from a different forum, coming from the bar, coming from courts of justice, and familiar with their proceedings and practices, suppose that when the Senate decides upon a question of elections or of privilege like this it pronounces a judgment and similar to the judgment of a court; and then they invoke the principle that the deliberate judgment of a court from which there is no appeal and which has no power of reconsideration is final. I take issue with the whole of this theory, from beginning to end. It is true the Constitution does say that each House of Congress shall be the judge of the qualifications of its own Members; but it uses the word judge in the sense of considering and determining a legislative question, not in a sense which converts this legislative body into a tribunal or court of justice. It is of the very essence of the constitution of the Senate that it is not in any case judicial except when it sits as a court for the trial of impeachments, and then it is called no longer a Senate, but is called a court, and expressly constituted a court by the organic law. In all other cases it is a legislative body.

The order which has been adopted with regard to this Indiana question is but a resolution, a legislative act, a gathering of the sense of a majority of the Senate, conclusive and final until reconsidered or repealed or abolished or legislated away by another resolution or by another law. Suppose a seat should be granted here, on due consideration of credentials, which should afterwards be ascertained to be forged. Must the guilty incumbent nevertheless retain a place among us and unite in deciding on the interests and policy of this great

Nation? Must he do so, even excluding a legal and true representative of the State misrepresented?

This is the very essence of a legislative body in this country, that it is bound by no precedents, that it is governed by no paramount law except the Constitution of the State or of the United States. Where the Constitution of the United States does not restrain its action, it is at liberty to act upon its discretion, upon its sense of justice, to-day, and to reverse to-morrow what it did to-day, and to reverse 50 years hence what it did 50 years ago. All legislative bodies—the Parliament of England and parliaments everywhere—have always been governed by this principle. Even in those semijudicial transactions, those acts which assume something of a judicial character, affecting personal and individual rights and estates, acts of confiscation and of attainder, in the British Parliament they are perpetually reconsidered; sometimes the next day, even before the sentence of deprivation is executed; sometimes the next year, sometimes 10 years, sometimes 50 years, after they have been executed, and they are reversed at pleasure.

Mr. SEWARD. Mr. President, the constitution of a court is entirely different from the constitution of a legislative body. It is of the very nature of a court of justice that it is directed by laws written and prescribed by a superior power, and to which it must conform its judgment. It must, moreover, proceed upon the evidence or testimony received. It can and must exclude all knowledge of the subject matter of the matter of any case which it examines, except what is submitted to it by parties litigating before it; it must conform to laws and precedents which have been established by itself or by higher tribunals or legislatures. Now, how different is this from the form in which questions are heard, tried, and determined here? We take no testimony; that is to say, we need to take none. We act upon information communicated to us, no matter by whom received, no matter in what way, even on information existing in our own breasts, which we may, if we choose, suppress. We act not necessarily in obedience or conformity to any precedents, but upon our own sense of right, necessity, and expediency with regard to the public welfare. Insomuch as we have no guidance except the Constitution, which is silent in regard to the great mass of matters which come before us, as we have no formal testimony submitted to us, it follows that we may err; that we do often err; and it is because we can and may and must err so often that we are made responsible to the people to answer for the manner in which we discharge our great duty, at the expiration of limited terms of service, that the people may judge whether we decided in all cases rightly, whether we decided wisely, whether we decided justly. But insomuch as we may err so often and must err so often, we also have always a right to review and correct our errors; legislative errors are not corrected by hired tribunals, but only by themselves. We can only correct our errors by reconsidering our judgments ourselves. If we neglect or refuse to do so, the people will dismiss us and call into our places those who can, and, if need be, will, revise all our doings and correct all our errors.

I protest, therefore, sir, in the outset against the doctrine which, by fanciful analogy, transfers from the law books of the courts to this Senate Chamber the principle of res adjudicata. I deny that any decision which the Senate can make, any law which it can pass, is final and is not always and forever a subject of reconsideration.

[From the Appendix to the Congressional Globe, pt. 2, Feb. 14, 1859, pp. 135, 136, 137, 35th Cong., 2d sess.]

INDIANA ELECTION QUESTION.

Mr. FESSENDEN. If the Senator will allow me, I desire merely to ask him a question of law on the point which he is arguing. Suppose the charter of a city gives to the board of common council, or the board of aldermen, as they all do, to decide upon the elections of their own members. Suppose either body, the aldermen or the common council, decides on a certain day that a certain person whose seat is contested is legally elected. On a subsequent day the board reverses that decision by a vote, and decides that he is not legally elected. He files his petition for a mandamus in the court having jurisdiction to compel the council to admit him to a seat. Would the court, in view of those two decisions, feel bound to issue the mandamus without compelling him to show, in addition, that he was actually elected? Would they say that the first decision was binding, that they could not reverse it, and that they would not ask who was elected?

Mr. SEWARD.

* * * * * * *

Why, sir, we have sat here hour after hour, and learned gentlemen of the law discuss the question of the effect of a resolution of the Senate by analogies derived from the practice and proceedings of courts of the common law. We have had analogies between the proceedings of the Senate and the process of mandamus in the State courts, together with parallels between our own resolutions and judgments, final and interlocutory, in the tribunals of other countries. We have had the decision of the Senate, made in the form of resolutions, pronounced by worthy lawyers to be in effect identical with judgments in rem, borrowed from the civil law. Because a judgment of mandamus, or some other final judgment, entered upon a record, instead of an interlocutory order, is, without some provision made for its review, held final in the courts, it is alleged, most illogically, that the resolutions of this body are final and irreversible.

Sir, when you have declared that the Senate has ever made a decision which was final and irrevocable, then you have ascertained one decision of this Senate that was infallible; and the body that has power to make one infallible judgment has the power to make more. So each Senate may anticipate and usurp the functions of its successor. The principle, then, for which our assent is demanded is that the resolutions and orders of this Senate upon the subject of elections are infallible. Gentlemen tell us we must acquiesce out of respect to the Senate; that we must submit, though we think they are wrong; we must not question them.

* * * * * * *

I am claiming only the vindication of the principle for which I contend, namely, that its decisions are always open to review, and that the Senate never pronounces a final judgment upon anything.

RECESS.

Mr. SMOOT. Mr. President, the Senate has now been in session for over seven hours, and I understand that there is no Senator who desires to proceed this afternoon. I therefore move that the Senate take a recess until 10 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 14 minutes p. m., Wednesday, July 10) the Senate took a recess until Thursday, July 11, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 10, 1912.*

The House met at 12 o'clock noon.

Rev. John Compton Ball, of the Metropolitan Baptist Church, Washington, D. C., offered the following prayer:

Our heavenly Father, in the opening moments of this day's proceedings, we stand in reverence before Thee, thanking Thee for past mercies and pleading that Thou wilt continue the same unto us. Let Thy benediction, we pray Thee, rest upon our land and every citizen thereof, and especially do we pray that Thy blessing rest upon this House of Representatives as its Members plan for the present and future betterment of the people.

We pray, O God, that the power of Thy spirit may be with us as a country and that we may ever stand before the nations of the earth as the exponent of the things that are right and pure and good. In the name of Christ our Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

COTTON STATISTICS.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that the Committee on the Census be discharged from the further consideration of the bill (H. R. 19403) authorizing the Director of the Census to collect and publish cotton statistics, with Senate amendments, to the end that I may move that the House disagree to the Senate amendments thereto and ask for a conference.

The SPEAKER. Of course the House understands that this is Calendar Wednesday, but it seems to the Chair that little conference matters like this might be gotten out of the way. The Chair is not ruling upon it, but is making a suggestion.

Mr. MANN. What is the purpose of this, Mr. Speaker?

Mr. HOUSTON. Mr. Speaker, I am asking that the Committee on the Census be discharged from the further consideration of this bill in order that I may move to disagree to the Senate amendments and ask for a conference. I will say that this is quite an urgent matter, in view of the fact that the special agents who go out to gather this information are due to start out on the 1st of August, and it is very necessary that the laws on that subject be codified, which this bill does, that they may know just under what rules they are to collect these statistics.

Mr. MANN. I would suggest to the gentleman that where a bill with Senate amendments is referred to a committee in this way, if he wishes to discharge the committee by unanimous consent, it is only fair to the minority that we have notice of that in advance, so that we may examine the amendments.

Mr. HOUSTON. Mr. Speaker, I will state that this matter was brought before the Committee on the Census, and it was the unanimous view of the committee, both majority and minority, that this course be taken, and the committee recommended it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will ask the gentleman to let it go over for the present, so that we may look into it.

The SPEAKER. The gentleman from Illinois objects.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS.

COTTON STATISTICS.

Mr. HOUSTON. Mr. Speaker, I now renew my request for unanimous consent to discharge the Committee on the Census from the further consideration of the bill (H. R. 19403) authorizing the Director of the Census to collect and publish cotton statistics, with Senate amendments thereto, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER announced the following conferees on the part of the House: Mr. HOUSTON, Mr. SMALL, and Mr. CRUMPACKER.

MRS. C. N. GRAVES—CHANGE OF REFERENCE.

Mr. TURNBULL. Mr. Speaker, I ask unanimous consent to change the reference of the bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., from the Committee on Claims to the Committee on War Claims.

The SPEAKER. Is there objection?

Mr. MANN. What is the bill?

Mr. TURNBULL. It is a private claim. The bill has passed the Senate and was referred to the Committee on Claims in the House, whereas it should have been referred to the Committee on War Claims.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

DEPARTMENT OF LABOR.

The SPEAKER. This is Calendar Wednesday and the call rests with the Committee on Labor. The bill under consideration is H. R. 22913, to create a department of labor.

This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22913, a bill to create a department of labor, with Mr. RUSSELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22913) to create a department of labor.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Pennsylvania. Mr. Chairman, this bill proposes to establish a department of labor and to change the present Department of Commerce and Labor to a department of commerce. It provides a secretary of labor, who shall be a member of the President's Cabinet; three assistant secretaries, a Solicitor of the Department of Justice for the department of labor, a chief clerk, a disbursing clerk, and such other clerks, inspectors, and special agents as may be provided for by Congress. It transfers the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration, the Immigration Service at large, the Bureau of Labor, and the Commissioner of Labor from the Department of Commerce and Labor to the department of labor. It changes the title of the Bureau of Labor to the bureau of labor statistics, and the Commissioner of Labor to the commissioner of labor statistics, and transfers the duties of the Commissioner of Labor to the commissioner of labor statistics, including those imposed by the Erdman Act. It authorizes the collection and publication of statistics relative to the conditions of labor and the products and distribution of the products of the same, and authorizes the secretary of labor to call upon other departments of the Government for such statistical data as they may have wished would be valuable for that purpose. It authorizes the secretary of labor to act as mediator and to appoint commissioners of conciliation in labor disputes, thereby giving the influence of the Government toward industrial peace. It directs the secretary of labor to investigate and report to Congress a plan of coordination of the activities of his office with the activities of the present bureaus, commissions, and departments, in order to harmonize and unify such activities, with a view to further legislation to further define the duties and powers of the department of labor.

Mr. Chairman, for many years there has been a great demand for the establishment of a department of labor in which the great labor interests of the country might be represented in the President's Cabinet. There are in the neighborhood of 30,000,000 of workmen employed in the United States, and notwithstanding that fact, notwithstanding the fact that the great bulk of our people are wageworkers or farmers, there has been no representative of labor in the President's Cabinet up until this time. One of the beneficial features, one of the most important features, there is in this bill is the feature in the section which gives to the secretary of labor the power to act as mediator or to appoint commissions of conciliation in trade disputes. Those who have had experience in trade disputes know that in their early stages when the tension is not great, when both sides to the controversy are in a receptive frame of mind, that some one who has the confidence of both parties, acting as a mediator, would be in a position to bring the contending parties together and thereby avoid industrial disputes to a great extent. It is not to be expected, it can not be hoped, that giving this power to the secretary of labor would entirely avoid industrial disputes, but it would tend to reduce them to the minimum.

When a trade dispute is inaugurated or begun is the time to act as a conciliator or as a mediator. When it goes on until the workmen have reached the point that they consider that the employer is a bloodthirsty oppressor of labor, and the employer has reached the point when he considers that the workmen are anarchists and lawbreakers, then there is little hope or little chance to avoid a settlement of the difficulty until some one of the parties to the contest has been exhausted; but if we reach the controversy before it has reached that stage, then you are in a position to bring the contending parties together and allow them to work out the solution of their own problem. It is not intended to give to the department of labor or the secretary of labor powers of arbitration or in any manner convey to him powers that would be of an arbitrary nature. Personally, I do not believe that compulsory arbitration is possible. With compulsory arbitration, if it were possible, two things might occur, one of which would be that the workmen might be compelled to accept conditions and to work under conditions that they feel to be onerous, that they feel to be unjust, that they do not want to work under yet are compelled to work whether they want to or not, and a condition of that kind is slavery. On the other hand, if it is compulsory arbitration then the employer of labor might be compelled to employ men and continue operations at a loss until his entire property had been swept away. Both conditions are wrong. And in addition to that compulsory arbitration is unfair to the wageworkers. There has been a great deal said throughout the country with regard to compulsory arbitration, and that it ought to be placed in our laws in order to protect the general public. But with compulsory arbitration there is a clean-cut dividing line between profit and loss that protects the employer of labor against any unfair or unjust decision on the part of arbitrators in rendering their decisions.

There is a direct and clean dividing line to guide them in rendering their decision that would protect the employer against any injustice or unfair decision, but with the employee, on the other hand, it is different. There is no distinct dividing line there. The standard of living is a flexible proposition that may be enhanced or lowered and the workman still live. He has no distinct dividing line to protect him, and hence compulsory arbitration entered into under those circumstances would be unfair and unjust to the workingmen, and the only condition under which arbitration can be entered into that would be fair and just to the wageworker is when arbitration has been determined upon and the necessary safeguards have been agreed upon in advance to protect the wageworker in the results of the arbitration.

Mr. HOBSON. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HOBSON. Does this bill contemplate the determination by the bureau of the conditions of arbitration?

Mr. WILSON of Pennsylvania. No.

Mr. HOBSON. Or do not the contending parties have to agree themselves mutually to the arbitration?

Mr. WILSON of Pennsylvania. I am simply stating that this bill does not go so far as to provide for arbitration. It goes to the extent of providing for mediation. It provides for conciliation; it provides for the officer of the Government having that standing which comes with being an officer of the Government and having the influence of the Government behind him, acting as a mediator between the contending parties, acting at the very inception of it before feeling has become strong between the contending parties.

Mr. HOBSON. I was just bringing it up because I did not understand the gentleman to mean that arbitration could not be properly guaranteed for both parties in advance.

Mr. WILSON of Pennsylvania. The only way in which arbitration can be entered into between employer and employee, in which the rights of both parties can be properly protected, is by both parties getting together and agreeing upon the basis upon which arbitration shall be entered into.

Mr. HARDY. Will the gentleman yield just a moment?

Mr. HOBSON. Certainly.

Mr. HARDY. I would like to ask if the gentleman has made somewhat of a complete study of the Canadian system, which seems to be very much on the line of the provisions of this bill—a mere system of persuasion or mediation?

Mr. WILSON of Pennsylvania. This bill does not go so far as the Canadian system goes.

Mr. HARDY. The Canadian system, as I understand it, has one provision that no lockout or strike shall be declared until an effort has been made through the medium of the board of conciliation provided by their law.

Mr. WILSON of Pennsylvania. This law does not provide for keeping workmen at work, either of their own volition or otherwise, pending negotiations. The Canadian law provides that the workmen can not be locked out in a body and the workmen can not strike in a body until after the commissioner has made an investigation.

Mr. HARDY. This law does not so provide?

Mr. WILSON of Pennsylvania. This law does not so provide.

Mr. HARDY. And is not that the main difference between this and the Canadian system?

Mr. WILSON of Pennsylvania. That is the principal difference between the Canadian law, which does not work satisfactorily to the wageworkers, I may say to the gentleman, and the provision in this law providing for mediation and conciliation.

Mr. HARDY. Is the gentleman prepared to give the House the information as to how many disputes have been under consideration by the Canadian commission and how many have been adjusted satisfactorily to both parties?

Mr. WILSON of Pennsylvania. No; I am not in a position to give the gentleman that information.

Mr. HARDY. I just wanted to say that my reading on that subject has led me to the conclusion that that measure in Canada probably has worked with remarkable success, though not perfectly, however, and it may be that the omission of that provision in this bill is a wise one, but it seems to me it is well worth considering.

Mr. WILSON of Pennsylvania. In my judgment, no law should be enacted in the United States that would prohibit the workingmen from ceasing to work either individually or collectively whenever, in their judgment, the conditions were not satisfactory to work under.

Mr. HARDY. I wanted to make this suggestion, that it seems to me it was a little like peace propositions adopted on the resolution of Bryan prohibiting nations from going to war until after an effort at adjustment and arrangement as to peace; that labor and capital both might be benefited by a temporary delay before resort to last measures. That is the only compulsory feature of the Canadian law, and that might be a wise provision in this bill.

Mr. WILSON of Pennsylvania. In my judgment, it would not be a wise measure. I do not believe we should introduce into our laws the idea that any workman, no matter who he is, should be required to labor against his will except for punishment for crime.

Mr. LONGWORTH. Mr. Chairman, does the gentleman yield to me for a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. LONGWORTH. Does this bill come with a unanimous report from the committee?

Mr. WILSON of Pennsylvania. This bill comes with a unanimous report from the Committee on Labor.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. On the question of arbitration, which seems to be referred to only in section 9, it is provided—

That the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes.

And so forth.

The authority given by this paragraph to the secretary of labor goes no further than the employment of commissioners of mediation?

Mr. WILSON of Pennsylvania. That is all. The only power that he has is to act himself as a mediator or to appoint commissioners of conciliation. That is as far as his power goes in an effort to bring the contending parties together and to let them, when brought together in the proper frame of mind, work out the solution of their own problems.

Mr. MOORE of Pennsylvania. If a department like this is to be created I should like to see it made effective, and I should like to see it do some good to those whom it is intended to benefit. I would like to know, therefore, whether in the event the secretary of labor, acting as mediator, determining a question, or arriving at a judgment in some dispute as between employer and employee, would have any power whatever to enforce his judgment?

Mr. WILSON of Pennsylvania. Absolutely none.

Mr. MOORE of Pennsylvania. Then what would be the advantage in having this legislation?

Mr. WILSON of Pennsylvania. The great advantage lies in the fact that you would have a great official of the Government who can go to both parties engaged in the dispute and endeavor to bring them together, just as the Erdman Act operates in interstate commerce at the present time.

Mr. MOORE of Pennsylvania. Suppose the mediators appointed by the secretary should, after hearing both parties or making such investigation as they deemed necessary, report that the employers were wrong, and the employers should then refuse to abide by their judgment?

Mr. WILSON of Pennsylvania. This bill does not provide for any report on the part of the secretary while acting as a mediator, or any report on the part of the commissioners of conciliation. Their sole duties are to endeavor to bring the contending parties together and to allow them, when brought together, to work out the solution of the problem before them.

Mr. MOORE of Pennsylvania. And then leave the whole question to public opinion?

Mr. WILSON of Pennsylvania. Yes; then leave the whole question to public opinion and to the judgment of the contending parties.

Mr. MOORE of Pennsylvania. Then, in the event of the workingmen or employers asking for arbitration or mediation, contending that the judgment is not fair to them, and declaring that they will not abide by it, we get no further under this bill than we were before.

Mr. WILSON of Pennsylvania. This bill provides for the rendering of no judgment whatever in a particular dispute. It provides for a person in authority endeavoring to bring the two parties together, so that they may solve the problem themselves in their own way, using the force of public opinion, as a matter of course, in the effort to adjust the difficulty.

Mr. MOORE of Pennsylvania. Suppose there should be a contractual relation between the employer and the employee? That is to say, an employing bricklayer should have an agreement with the bricklayers employed by him, and there should be a difference of opinion as to the meaning and terms of an agreement or a contract and a dispute should arise over that difference of opinion. Would there be any power vested in the department of labor that would permit the secretary to enforce the terms of the agreement so ascertained?

Mr. WILSON of Pennsylvania. There is nothing in this bill that would permit the department of labor to intervene in a case of that kind, except in a friendly way. Unless the contract itself provided the means of adjustment, the two contending parties would either have to adjust the difference themselves or take it into the courts for adjustment.

Mr. MOORE of Pennsylvania. To the courts?

Mr. WILSON of Pennsylvania. That is the only recourse they have now, and this does not change that.

Mr. MOORE of Pennsylvania. Then the gentleman admits, so far as the creation of this department is concerned, that in matters of dispute between employer and employee the department would simply accentuate the differences?

Mr. WILSON of Pennsylvania. Not at all. It would simply do as the Commissioner of Labor does now, and as the chairman of the Interstate Commerce Commission does now, under the Erdman Act. It would simply give to the secretary of labor the power not only in disputes relative to interstate commerce but in other disputes, to go in and act as a mediator, as a friend of both parties, in an effort to bring the two parties together so that they could solve the problem themselves.

Mr. MOORE of Pennsylvania. That is done now, so far as it is possible to do it, through the Commissioner of Labor?

Mr. WILSON of Pennsylvania. That applies only in interstate commerce, and does not apply in anything else.

Mr. MOORE of Pennsylvania. But in the event of a railroad dispute the Commissioner of Labor would step in, if conditions warranted it, and would offer his services as mediator?

Mr. WILSON of Pennsylvania. That is true in that instance, and that instance only; but under the Erdman Act he has no power to compel either side to accept arbitration or to compel either side to accept his views in connection with the controversy. This does not propose to give to the secretary of this department any power other than to use his friendly offices in an effort to adjust disputes.

Mr. MOORE of Pennsylvania. I am as anxious as the gentleman is, of course, to alleviate the condition of labor and to improve that condition wherever possible; but in view of the fact that the Bureau of Labor now does the work that is provided for in this bill, upon the admission of the gentleman, I am wondering whether the bill goes any further except in the creation of a department and in providing places for those to be employed in the department, and whether it does anything that is not now done by the Bureau of Labor.

Mr. WILSON of Pennsylvania. The bureau has only limited authority. Its authority is limited to cases arising in transportation and interstate commerce. This does not limit the

secretary of the department of labor to any one particular line of commerce or industry, but gives him the authority to exercise his good offices in any case where a trade dispute arises in an effort to bring the contending parties together.

Mr. MOORE of Pennsylvania. The gentleman has made a study of this question. He is aware that there was no department of commerce or of labor, with a seat at the Cabinet table of the Nation, prior to the creation of the present Department of Commerce and Labor in 1903.

Mr. WILSON of Pennsylvania. That is true. There never has been a department of labor the head of which had a seat in the Cabinet. There was a Department of Labor, but the head of that department was a Commissioner of Labor, who did not have a seat in the President's Cabinet. When the present Department of Commerce and Labor was created the Department of Labor was made a Bureau of Labor and made a part of the Department of Commerce and Labor.

Mr. MOORE of Pennsylvania. In one of the subdivisions of the earlier part of the bill, where it is proposed to separate the work of the assistant secretaries, provision is made for the agricultural industry. Does not the gentleman think he would run afoul of the Department of Agriculture in that respect?

Mr. WILSON of Pennsylvania. No. There are in this country in the neighborhood of 5,000,000 agricultural laborers, not farmers in the sense of being owners or lessors of their farms, but laborers who work for wages; and the purpose of this bill is in connection with the 5,000,000 agricultural laborers who work for wages.

Mr. MOORE of Pennsylvania. I think the gentleman will admit that those agricultural laborers have received an incidental benefit, as the farmer himself has received a direct benefit, for many years from the creation and operation of the Department of Agriculture.

Mr. WILSON of Pennsylvania. There is no question in my mind that every citizen in the United States, no matter what position in life he occupies, has received benefit as a result of the creation and conduct of the Department of Agriculture.

Mr. MOORE of Pennsylvania. The gentleman also knows that the Department of Commerce and Labor was created after the Department of Agriculture, and that the purpose of the establishment of the Department of Commerce and Labor was to foster, promote, and encourage the industries and the commerce of the United States; that is to say, the interest of the employer and the interest of the employed not engaged in agricultural industries.

Mr. WILSON of Pennsylvania. Yes; and the principal purpose of it was to promote commerce.

Mr. MOORE of Pennsylvania. Upon which industry depends.

Mr. WILSON of Pennsylvania. No. The reverse is the case; commerce depends upon industry.

Mr. MOORE of Pennsylvania. Each depends upon the other.

Mr. WILSON of Pennsylvania. This proposes to establish a department of labor.

Mr. MOORE of Pennsylvania. I think the gentleman would not utterly withdraw capital from industry, would he?

Mr. WILSON of Pennsylvania. I would not withdraw capital from industry. In fact, I would assist industry as far as I possibly could assist it without injuring other interests.

Mr. MOORE of Pennsylvania. And the gentleman would not withdraw the employer from the employed, but would have them work together, would he not?

Mr. WILSON of Pennsylvania. I think that a lifetime of work in the line of endeavoring to bring employer and employee together for the purpose of making wage contracts satisfactory to both parties, without resorting to the strike—a lifetime of work along that line is a sufficient answer to the gentleman's question.

Mr. MOORE of Pennsylvania. I understand the gentleman's intense interest on that subject, and I have followed it as closely as I could. The Department of Commerce and Labor, however, was created in response to a demand that had existed for nearly 100 years for the recognition of commerce. Those who were in favor of the creation of a department of labor entered into the discussion, which resulted in the creation of the Department of Commerce and Labor.

Mr. WILSON of Pennsylvania. There had been a demand for a department of labor and there had been a demand for a department of commerce prior to the enactment of the law creating the Department of Commerce and Labor, and there was great disappointment in the minds of the wageworkers of this country when, instead of having a department of labor, with a representative of labor in the President's Cabinet, there was this compromise measure providing for a Department of Commerce and Labor.

Mr. MOORE of Pennsylvania. Now, then, I want to ask the gentleman another question. The Department of Commerce and Labor as created in 1903 having been a compromise between those who sought a department of commerce separate from a department of labor and those who sought a department of labor as a separate department, is the gentleman dissatisfied with the Department of Commerce and Labor as it exists to-day so far as results in promoting the industrial and commercial interests of this country are concerned?

Mr. WILSON of Pennsylvania. Mr. Chairman, the purpose and intent and manner in which the Department of Commerce and Labor is constructed make it impossible for that department as constructed to give the same attention and the same care and bring the same experience to the consideration of labor matters that would be the case if the department of labor was constructed as proposed in this bill, and consequently we ask for the establishment of a department of labor.

Mr. MOORE of Pennsylvania. Then the time has come, in the opinion of the gentleman from Pennsylvania [Mr. WILSON] and his committee for a separation of commerce and labor into two parts; that is to say, that commerce shall be looked after by a department of commerce and labor shall have a separate place at the Cabinet table.

Mr. WILSON of Pennsylvania. That is my opinion and the opinion of the committee whose bill I am presenting at this time.

Mr. KENDALL. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. KENDALL. I do not want to encroach on the gentleman's time, but I desire to suggest in response to what was said by the gentleman from Pennsylvania [Mr. MOORE] that at the time the proposition was pending in the Congress for the establishment of a Department of Commerce and Labor, it was suggested by the gentleman from Illinois [Mr. MANN], who wrote the report on the bill establishing that department, that one of the reasons which has been urged why the labor department should not be included in the new department is that there ought to be created a secretary of the labor department with a seat in the Cabinet.

Mr. MANN said:

> Whether this is likely to be done in view of the conservative action in creating new Cabinet officers in the past, it is not for your committee to judge at this time. But it will be as easy to create a secretary of labor if the Department of Labor is, for the present, included in the new department as it would be if the Labor Department is left out by itself. In fact, it seems much more likely that the Labor Department will grow in the scope of its work, and hence be more likely to warrant the creation of a new Cabinet officer to represent labor interests if the proposed action is taken than would be the case if the Labor Department is left as it now is.

So it was contemplated at that time that the contingency would arise in the development of the labor of the country when and where a separate department ought to be established.

Mr. WILSON of Pennsylvania. That seems to be the judgment of the committee that reported the bill at that time, and of the gentleman from Illinois [Mr. MANN], who wrote the report. My judgment is that the time has now come when there should be a separate department of labor, and when there should be a representative of the great labor interests of the country in the President's Cabinet.

Mr. KINDRED. Will the gentleman yield?

Mr. WILSON of Pennsylvania. I will yield to the gentleman from New York.

Mr. KINDRED. I have followed the gentleman's remarks with interest. Do I understand from what he has said that it is quite clear there is no provision in this bill which compels arbitration in labor disputes through statutory agencies and agencies of the courts?

Mr. WILSON of Pennsylvania. There is nothing in this bill that provides for arbitration in any form in labor disputes, except in so far as the Secretary of the department, or the conciliators selected by him, may be able to bring parties to an agreement to submit their dispute to arbitration.

Mr. KINDRED. Which is entirely voluntary.

Mr. WILSON of Pennsylvania. Which is entirely voluntary.

Mr. KINDRED. May I ask the gentleman one more question? To what extent will this bill increase the expense to the Government for carrying out the purposes similar to those which are now being carried out by other departments of the Government?

Mr. WILSON of Pennsylvania. The increased expenditure I have not figured up.

Mr. SULZER. It will be very little more.

Mr. WILSON of Pennsylvania. It provides for a Secretary at $12,000 a year.

Mr. SULZER. And three assistant secretaries and a solicitor.

Mr. KINDRED. The idea is that a great deal more will be accomplished in this direction at a very little more expense.

Mr. SULZER. That is true.

Mr. ESCH. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. ESCH. I notice this bill if enacted would provide machinery for conciliation in labor disputes looking to industrial peace. I would like to know whether this would be supplemental to the Erdman Act in case of railroad disputes, or would it supplant that act?

Mr. WILSON of Pennsylvania. The Erdman Act would still remain in existence, and the powers that are conferred on the Commissioner of Labor relative to the Erdman Act are still retained by the Commissioner of Labor. All of the powers and duties that are now held by the Commissioner of Labor are transferred to the commissioner of labor statistics, which is made a part of the department of labor.

Mr. ESCH. But the Commissioner of Labor under the Erdman Act is only one of the conciliators, the other being the chairman of the Interstate Commerce Commission.

Mr. WILSON of Pennsylvania. Yes; and this bill does not affect that part of it whatever. This bill does not change the Erdman Act. It does not remove any of the powers that are conferred by the Erdman Act. On the contrary, it still retains in the hands of the commissioner of labor statistics the power now held by the Commissioner of Labor.

Mr. ESCH. And would it be possible under this act to have a proceeding under the secretary of labor in a labor dispute occurring on interstate carriers that would be outside of the Erdman Act?

Mr. WILSON of Pennsylvania. That would be possible.

Mr. ESCH. Might not that lead to some conflict?

Mr. WILSON of Pennsylvania. I think not.

Mr. ESCH. The Erdman Act, as the gentleman well knows, worked very successfully.

Mr. WILSON of Pennsylvania. That is true. It has worked very satisfactorily so far, and undoubtedly will continue to work satisfactorily as long as it is in the hands of men who understand how to administer it. It is a great deal a matter of administration, and the success of the provisions of this bill will in a great measure depend upon the administration. There is no question of that in my mind, but it does not seem to me that there is any conflict whatsoever between the provisions of this act and the provisions of the Erdman Act, and the committee, for the purpose of preserving the Erdman Act intact, so that there will be no interference with it whatever, was careful to retain in the hands of the commissioner of labor statistics the power that now rests in the hands of the Commissioner of Labor.

Mr. ESCH. That would be true if the Commissioner of Labor was the sole conciliator under the Erdman Act, but he is not. He is only one of two. Does the bill preserve the power given, for instance, to the chairman of the Interstate Commerce Commission, admitting that the same power is reserved to the Commissioner of Labor?

Mr. WILSON of Pennsylvania. We do not disturb the power in the hands of the Interstate Commerce Commission. We do not disturb that power in any shape or form; but what we do is to transfer that part of the power which rests in the hands of the Commissioner of Labor to the hands of the commissioner of labor statistics. We change the name of the Bureau of Labor to the bureau of labor statistics and change the title of the chief of that bureau to the commissioner of labor statistics. We transfer the powers now held by the Commissioner of Labor to the commissioner of labor statistics, and do not in any manner change the powers conferred by the Erdman Act.

Mr. ESCH. Will it not be necessary to amend the Erdman Act by changing the title of the Commissioner of Labor?

Mr. WILSON of Pennsylvania. No; this does that.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. HOBSON. Mr. Chairman, I am in complete accord with the gentleman's ideas and give my hearty support to this measure, but I am anxious to find out just how far this authority extends in connection with conciliation, whether there is the essence of compulsory arbitration. To make a concrete case, suppose that neither the employer nor the employee requested mediation on behalf of the proposed secretary of labor? Would there be any authority under this act for him to intervene in the interest of the public?

Mr. WILSON of Pennsylvania. There would be authority for him just the same as if either one or both had asked for his interference. The power, however, itself is limited. Even though neither party may ask for his interference, it is his duty and right under this bill to act as a mediator, or, in other words, to go to the contending parties and endeavor to bring them together. Having used all his influence and powers in that direction then his power ends. He has no power to compel either side to accept any decision arrived at by him or to compel them to enter into arbitration to settle these disputes.

I may say to the gentleman that if this bill contained any element of compulsory arbitration or anything which, in my judgment, led to compulsory arbitration I would be opposed to it myself. I am opposed to compulsory arbitration.

Mr. COOPER. May I ask the gentleman a question?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. COOPER. Have not we had in actual practice an illustration of what would be the course of procedure if this bill be enacted into law? I refer to what took place during the great anthracite coal strike and the ensuing trouble when delegations from various parts of the country came to this city and insisted that there was not coal enough in many parts of the Nation to supply the people's needs, and that the Government must take action or the people would resort to force. Thereupon President Roosevelt intervened and appointed a board without any power whatever to render a judgment, but simply authorized by him to hear both sides and make what the board might think would be equitable suggestions, and to do what it could to bring about an amicable adjustment of the difficulty.

Mr. WILSON of Pennsylvania. That was an instance in which the influence of the President of the United States was used for the purpose of getting both parties to the controversy to agree to submit their contentions to a commission, and they further agreed to abide by the decisions of that commission.

Mr. COOPER. It was voluntary on their part, not compulsory at all.

Mr. WILSON of Pennsylvania. It was voluntary on their part. There are from time to time examples in the work under the Erdman Act that practically operates in the same way. It is the means by which the influence of public sentiment may be centered through the secretary of labor for the purpose of bringing the contending parties together.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. TRIBBLE. The Department of Commerce and Labor has such authority and power. What is the reason you can not enlarge upon the power of the department of labor and avoid the establishment of another department and save the expense of the department which you propose?

Mr. WILSON of Pennsylvania. The principal reason is this: That the Department of Commerce and Labor as constituted at the present time would undoubtedly attract the attention of the head of that department to the subject of commerce to the exclusion of the question of labor, and that the head of the department, having his attention focused upon commerce, when he comes to the counsels of the President there is where his sympathies would be and there is where his information would lie, whereas if you have a department of labor, the head of which has his attention centered exclusively upon great labor problems, then when he goes into the President's Cabinet he goes in with the influences surrounding him, with the information in his possession relative to that, and it makes a great difference in his counsels with the President.

Mr. TRIBBLE. Well, if you provide by law what the department should do and hold it down to the rules that should govern that department, I do not see why that would not be sufficient.

Mr. WILSON of Pennsylvania. There is no way in which you can enact by law any method that will guide a man's sentiments except to surround him with a work that will guide his sentiments.

Mr. TRIBBLE. You can put that work on the Commerce and Labor Department.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. MANN. Is the gentleman familiar with the so-called Lee bill?

Mr. WILSON of Pennsylvania. I have read the bill, but I have not given it close study.

Mr. MANN. The Lee bill is reported and is on the Calendar of the House. It proposes to revise the Erdman law and proposes to authorize the appointment of a commissioner of mediation and conciliation and a board of mediation and conciliation. If this bill is passed, would there be any necessity to pass that bill, or if that bill should pass would there be any necessity to pass this bill?

Mr. WILSON of Pennsylvania. In my judgment, if this bill is passed, the scope of conciliation and mediation would be as wide as the country itself, and consequently any other measure dealing solely with conciliation and mediation would not be necessary.

Mr. MANN. Now, may I ask the gentleman further? The Erdman Act refers to labor disputes upon railroads—transpor-

tation companies—and authorizes the Commissioner of Labor, members of the Interstate Commerce Commission or Commerce Court to be authorized to act as mediators. That applies only to railroad labor, to railroad disputes.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. The Lee bill proposes to revise that and proposes to make it applicable to railroad labor and labor engaged in coal mining, where the coal enters into interstate commerce.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. Now, this bill, as I understand it, proposes to make no limitation of labor disputes in which interstate commerce is not involved——

Mr. WILSON of Pennsylvania. There is no dividing line in this bill.

Mr. MANN. In other words, under this bill if there is a strike or a threatened strike between the owners of a local street car company and street car employees wholly within the limits not only of the State, but municipality, the Secretary of Labor is authorized to interfere.

Mr. WILSON of Pennsylvania. He is authorized to act as mediator or appoint commissioners of conciliation if, in his judgment, it is wise or necessary.

Mr. MANN. I know the gentleman has not a very high opinion of those gentlemen in the House who ask what constitutional authority there is for these things.

A MEMBER. Yes; he has.

Mr. MANN. The gentleman said yesterday he did not have, and said it very plainly. I would be glad to ask the gentleman's opinion how far the General Government should go in connection with the manufacturing industries into those industries which are purely local and which involve in no way whatever interstate and foreign commerce?

Mr. WILSON of Pennsylvania. If this bill gave to the Secretary of Labor the power to interfere in any manner so as to compel the acceptance of his opinions or his views by any employer or employee engaged purely in local work, I would not be in favor of it, because of the fact that under those circumstances the power would belong purely to the States. But this does not give to the Secretary any power to say to any man engaged in any kind of work, either interstate or otherwise, that "you must accept these things; you must accept this condition; you must arbitrate; you must settle your dispute." In fact, it only gives him the power to act in a friendly way to bring the parties together. And I know nothing in the Constitution that would prevent any officer of the Government using his friendly offices toward bringing contending parties together in that manner.

Mr. MANN. If the gentleman will permit, I think he and I will agree that the subject of compulsory arbitration is impracticable. Does the gentleman remember the Townsend bill——

Mr. WILSON of Pennsylvania. I do.

Mr. MANN (continuing). Which I think the gentleman was not in favor of?

Mr. WILSON of Pennsylvania. I opposed the attempt to bring it up for consideration.

Mr. MANN. It did not go as far as this case.

Mr. WILSON of Pennsylvania. It went a little further in some respects.

Mr. MANN. No. The Townsend bill attempted to confine itself to disputes which might involve interstate commerce and only authorized the collection of information in making recommendations.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. This would authorize the Secretary to appoint a board of conciliation in a labor dispute of any kind anywhere. Of course, neither one can put their recommendation——

Mr. WILSON of Pennsylvania. This does not provide for making any recommendations of any kind whatever.

Mr. MANN. It does not provide you shall make a recommendation, but, of course, it contemplates making recommendations and permits making recommendations. What else is it for unless it is to make recommendations? How can you get men together unless you recommend something to them? Now, does not the gentleman believe——

Mr. WILSON of Pennsylvania. There is a great deal of difference, if the gentleman will permit, in making recommendations to the parties to the dispute and making recommendations to the public at large relative to how the dispute should be settled. They are entirely different propositions.

Mr. MANN. Does not the gentleman believe it is inevitable that if this provision goes into the law authorizing the Secretary to appoint commissioners of conciliation in labor disputes, that he must then enlarge or extend the law so that those commissioners shall have authority to take evidence?

Mr. WILSON of Pennsylvania. No.

Mr. MANN. I do not know what they will do. If they have not any authority to take evidence, swear witnesses, and take testimony, what else can they do?

Mr. WILSON of Pennsylvania. There is an immense field for them to work in, the one I mentioned when I began my remarks on this subject, and that is the field of getting the two parties to a dispute together before they have reached that point where they are at each other's throat; before they have reached the point, as I said before, where the employer looks upon the employee as an anarchist and a lawbreaker, and the employee looks upon the employer as a bloodthirsty tyrant and oppressor of labor.

If you can get them together before they reach that point, then you can accomplish some good. If you can not get them together before they reach that point, the contention will go on until one or the other of the parties will be exhausted.

Mr. HARDY. Will the gentleman permit an interruption? It is right at that point, it seems to me, that the wisdom of the provision preventing a strike or a lockout for a reasonable time and until after this effort to get together had failed might well be worthy of consideration.

Mr. WILSON of Pennsylvania. I may say to the gentleman I am unalterably opposed to any act of that kind that will restrain workingmen from ceasing their employment whenever in their judgment it is advisable to do so.

Mr. HARDY. Just one moment. It was to that part of the gentleman's former remarks that I wished to make one suggestion. I do not believe we ought to undertake by law to interfere and force the individual to remain at work.

But let us suppose there is an organization that proposes to call a strike and force the individuals to quit work, or, on the other hand, an employers' organization that would want to make a lockout, to close everything; not that the individual laborer should be compelled to work for 1 day, 2 days, or 10 days, but the Canadian system provides that, as an organization, there should be no strike called until after the effort at mediation has been made, not interfering with the individual liberty of the single citizen; but something should be done that would be an effective effort to compose differences, and the question with me is whether your bill will have the effect you intend—that is, to conciliate—if the parties begin by ordering a lockout or a strike and get into the very condition of irritation that you speak of before the effort at conciliation is made.

Mr. WILSON of Pennsylvania. Whether it is right to call a strike, for the rank and file to order a strike, or not is a matter for the workingmen themselves to determine. As to their right to do so I would be opposed to the passage of any measure that would interfere with their rights.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has about six minutes remaining.

Mr. WILSON of Pennsylvania. I reserve the balance of my time.

Mr. SULZER. Mr. Chairman, this bill introduced by me provides for the creation of a department of labor, with a secretary of labor, who shall be a member of the President's Cabinet; three assistant secretaries; a solicitor of the Department of Justice for the department of labor; a chief clerk; a disbursing clerk; and such other clerks, inspectors, and special agents as may be provided for by Congress. It transfers the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration, the Immigration Service at large, the Bureau of Labor, and the Commissioner of Labor from the Department of Commerce to the new department of labor. It changes the title of the Bureau of Labor to the bureau of labor statistics and the Commissioner of Labor to the commissioner of labor statistics, and transfers the duties of the Commissioner of Labor to the commissioner of labor statistics, including those imposed by the Erdman Act.

It further authorizes the collection and publication of statistics relative to the condition of labor and the products and distribution of the products of the same, and directs the secretary of labor to call upon other departments of the Government for such statistical data as they may have which would be valuable for that purpose. It authorizes the secretary of labor to act as mediator and to appoint commissioners of conciliation in labor disputes, thereby lending the influence of the Government toward commercial concord and industrial peace. It directs the secretary of labor to investigate and report to Congress a plan of coordination of the activities of his office with the activities of the present bureaus, commissioners, and departments in order to harmonize and unify such activities, with a

view to additional legislation to further define the duties and powers of the department of labor.

It is a matter of much congratulation to all concerned that this bill is now before the House of Representatives for its consideration. For a long time I have been advocating this measure. It has been pending in Congress for the past 10 years, but never before were the advocates of the bill able to get a favorable report from the committee.

However, the Democrats in this Congress have done their duty to the people, and this bill now comes before the House with a favorable report from the Committee on Labor.

The measure, in my opinion, rises above party lines and superior to partisan considerations to the high plane of pure patriotism. This bill is constructive legislation essentially demanded by the country. Labor is entitled to justice, to consideration, and to recognition. It has recognition in the legislative and the judicial branches of the Government, and it is entitled, in my opinion, to recognition in the executive branch of the Government. I know of no measure before Congress to-day that will be more beneficial to the people and more far-reaching in its practical results, as the years come and go, than this bill of mine to create a department of labor.

This bill to create a department of labor is a meritorious measure, and it should meet with the favorable consideration of the membership of this House regardless of party affiliations or partisan considerations. It is the first attempt ever made to systematically classify labor in an intelligent way, and its enactment into law will evidence a disposition on the part of the Government to see to it that labor gets full recognition, the dignity of having a voice in the councils of state, and the opportunity to have its claims dispassionately discussed. Give labor this boon and the labor question will be reduced to the minimum.

The expense of the maintenance of the department of labor will be practically but little more than that of the maintenance of the various bureaus at the present time. These bureaus will all be in the department of labor. I do not think anyone will take exception to the bill on the ground that it is going to increase the expenses of the Government. A little additional expense in a matter of so much public moment as this will be of small consequence to the taxpayers of this country.

I believe that if this bill were on the statute books to-day it would be a long step toward better social, economic, and commercial conditions; a progressive advance along the avenues of industrial peace; that it will go far to allay jealousy, establish harmony, promote the general welfare, make the employer and the employee better friends; prevent strikes, lockouts, blacklists, boycotts, and business paralysis; and every year save millions and millions of dollars of losses which necessarily result therefrom.

If you will look at the statistics you will be startled to realize the tremendous loss to the people of the country entailed by every strike, be the same big or little. Capital as well as labor favors this new department. During the entire time that the bill has been pending before Congress, a period of 10 years, I have never known of a single agency that opposed this bill or sent an objection to Congress against its enactment.

I speak advisedly when I say that capital as well as labor favors this bill, because they both realize that it will go far to solve what is called "the labor problem" and bring about industrial peace; and any agency that will do that is a boon that should be welcomed by every intelligent citizen and every patriotic legislator.

For years this legislation has been advocated by the wage earners of the country. The bill meets with their approbation, and has the approval of the best thought in the land. It has been indorsed by the ablest thinkers in America; by some of the wisest political economists; by professors in our universities; and by the leading newspapers of the country. The time is therefore ripe, it seems to me, for the creation of this department of labor, with a secretary having a seat in the Cabinet, with all the rights and all the powers conferred by this bill.

Many of you remember that when the measure was before Congress to create the Department of Commerce, this bill, substantially as it is before the House now, was offered as a substitute, and was only lost by a very few votes, as the records of that day will show. There was a demand at that time for the creation of a department of labor in preference to the creation of a department of commerce. That demand has grown more insistent every year since. Looking back over the intervening time, I stand here and say that, in my judgment, the creation of the Department of Commerce was wise legislation, but we would have been wiser in that day if we had also created, as a companion department to the Department of Commerce, this department of labor.

The department of labor was not then created. I am not here to find fault with what was then done, but from that day to this I have been voicing through this bill the demand of the industrial workers of America to give them the same recognition in the executive branch of the Government that we then gave to commerce. They are entitled to it, they ought to have it, and no man who realizes that all that we are, and all that we hope to be, is the result of the creative force of labor, in my judgment will object to the enactment of this bill now; and I indulge the hope, and I speak for 20,000,000 honest toilers in America, when I say that this bill will be a law before this session of Congress adjourns.

I am not in sympathy with those who say it may put a little patronage in the hands of the President. I care nothing about that now, nor have I for the past 10 years. That phase of the question dwindles into insignificance when we consider the beneficent results of putting upon the statute books of our country a great constructive act which will do substantial justice to the people who create all the wealth and go far to inaugurate a long reign of industrial peace.

It seems to me the time is now propitious for the creation of this department of labor. It will bring labor and capital closer together, and one is dependent on the other. They should be friends, not enemies, and walk hand in hand along the paths of mutual prosperity.

If this bill becomes a law, it will go far to prevent serious labor troubles in the future. It will do much to solve existing labor problems, and every friend of industrial peace should aid in its enactment. The employers of labor, as well as the employees themselves, whether they belong to trade-unions or not, are all, so far as I have been able to ascertain—and I am well advised—in accord with the principles of this progressive legislation and heartily approve of this constructive bill.

I am a friend of the toilers, and I shall continue to fight for their just rights and for the enactment of this bill until it becomes a law. It is just and right, and sooner or later it must be the law of this country.

I am not provincial. I stand for the rights of man. I believe in justice to all. I am opposed to special privilege. If I am anything, I am an individualist, and I believe in keeping open the door of opportunity for every individual in all this broad land. That is my democracy, and it is true democracy; and I use the word "democracy" not in its political but in its generic sense. Let us be just to all is a fundamental principle of genuine democracy.

There is nothing narrow minded about me. I am no demagogue. I believe in fair play to all. I am opposed to anything that will estrange employer and employee, or cause a breach between capital and labor, and I am a friend of both. I want to give all an equal chance. I want to do all I can while I live to make the world better and happier and more prosperous.

I believe in the dignity of the toiler, the greatness of labor, and I want to do everything I can in Congress and out of Congress to protect its inherent rights and promote its general welfare for the lasting benefit of all the people. I want labor to have as much standing as capital in the Halls of Congress and at the seat of government. We have a department to represent finance; we have a department to represent war; we have a department to represent diplomacy; we have a department to represent our internal affairs; we have a department to represent commerce; we have a department to represent justice—all supported by the wage earners—and in the name of common sense why should we not have a department to represent industrial peace as exemplified by labor, the most important in its last analysis of them all?

The creation of this department of labor will be a long step in the right direction in the commendable movement for industrial peace; and through its agency, in my judgment, the perplexing problems of labor and capital can be quickly solved in a way that will do substantial justice to all concerned.

In my opinion, all labor wants is a fair show, an equal chance, and a square deal—in Congress and out of Congress. Labor is indefatigable and unselfish, sympathetic and consistent. It does not ask for more than its just rights. We hear much about equality before the law. That is all labor wants. It seeks no special privileges and wants none.

Labor makes no war on vested rights. It does not rail at honestly acquired wealth. It is not antagonistic to legitimate capital. It would close no door to opportunity. It would darken no star of hope. It would not palsy initiation. It would strike no blow to paralyze ambition. Its motto is onward with hope; forward without fear. It stands for the rights of man; for the greatness of the individual; for equality before the law; for concord and peace; for equal rights to all and special privileges to none. Capital and labor must be friends, not

enemies. They should act in harmony, not antipathy. Their interests should be mutual, not antagonistic. In our complex civilization each is essential to the other, and they should walk hand in hand. To prosper they must be at peace, not at war. Each is necessary to the other. Both have their rights and both have their limitations. The inherent rights of labor, to say the least, are as sacred as the vested rights of capital.

Labor makes capital, creates all wealth, and should have equal opportunities and as much consideration, but the trouble seems to be that labor does not receive a fair share of what it produces. It is the duty of the just and sagacious legislator, in the interest of our civilization, to see to it that there is less centralization of wealth and a more equitable distribution of the fruits of toil.

Labor should be represented in every branch of the Government. Labor is not of to-day, or of yesterday, or of to-morrow. It is eternal. Dynasties come and go, governments rise and fall, centuries succeed centuries, but labor creates and goes on forever. Labor is the law of life.

No man, in my opinion, can pay too high a tribute to "labor." It is the creative force of the world, the genius of the brawn of man; the spirit of all progress, and the milestones marking the forward movement of every age. Civilization owes everything to labor—to the constructive toiler of the world. Labor owes very little to civilization. Mother Earth is labor's best friend. From her forests and her fields, from her rocks and her rivers, the toiler has wrought all and brought forth the wonders of mankind.

Tear down your temples and labor will rebuild them; close every avenue of trade and labor will reopen them; destroy your towns and labor will replace them greater and grander than they were; but destroy labor, and famine will stalk the land, and pestilence will decimate the human race. If every laborer in the world should cease work for six months, it would cause the greatest catastrophe that ever befell humanity—a tragedy to the human race impossible to depict and too frightful to contemplate.

I stand now where I always have stood, and where I always will stand—for the rights of the toilers, for justice to the workingmen of our country, whose labor creates all wealth—and I will continue in the future, as I have in the past, to do all in my power to advance their prosperity and to promote their material welfare.

Capital must recognize the rights of labor. Capital should be just. Labor has as much right to organize as capital. The right of a man to labor is inalienable, and the right of a man to quit work is just as undeniable. Neither capital nor labor has the right to take the law in its own hands. If capital does wrong that is no reason why labor should do wrong. Two wrongs never did and never will make a right. In a government such as ours, the reign of law will not give way to the reign of force.

The best advice that the most ardent sympathizer can give labor, organized or otherwise, in its struggle for its just rights, for better conditions, for greater progress, and for a more equitable distribution of its fruits, is obey the law. Labor's only hope is here. The law is the shield of the toiler—the sheet anchor of the wage earner. This is a land of liberty, but it is now, ever was, and always will be, liberty under law.

My friends, that is substantially all now that I want to say. I am familiar with the provisions of this bill. There is nothing in this bill to which legitimate exception can be taken. This bill has been carefully considered by those who are in charge of the legislation. It has been carefully considered by officials of the Government. It is unanimously reported, and, so far as I know, there is not a single objection to it. I hope it will pass the House as unanimously as it comes to the House from the committee, and in order that this bill may pass the House to-day before we adjourn I now ask unanimous consent that all debate on this bill close at 3 o'clock p. m.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. MANN. Notwithstanding the generosity of the gentleman from New York, who has just finished a long speech, I think I shall have to object.

Mr. SULZER. Will the gentleman from Illinois now agree to fix a time to take a vote?

Mr. MANN. Debate may not run as long as 3 o'clock.

Mr. SULZER. Very well, Mr. Chairman, I will take the matter up later with the gentleman from Illinois. I will now be glad to answer the questions of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Has the gentleman withdrawn his request for unanimous consent?

Mr. SULZER. The gentleman from Illinois objected.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from New York [Mr. SULZER] has paid an eloquent tribute to labor. I think that will be admitted on both sides of the House, but the gentleman has not addressed himself very carefully to the details of the bill. That is what I want to ask him about. Some of us had not seen the bill before to-day, and it is only fair that we should have a better understanding with regard to it before we come to a vote. Labor, as the gentleman said, is the creator of all wealth. There can be no dispute about that. Labor has been knocking at the door of Congress for more than a hundred years for recognition at the Cabinet table. There is no dispute about that. Labor did not get that full recognition which it asked for when the Department of Commerce and Labor was created. There can be no dispute about that. But I think the gentleman will agree with me that if the time has come, as the gentleman from Pennsylvania [Mr. WILSON] indicates in his speech it has, when we should separate commerce from labor and create a separate department of labor, we should do it right. I think the gentleman from New York will agree to that.

Mr. SULZER. This bill does that, I will say to my friend.

Mr. MOORE of Pennsylvania. Then I want to ask the gentleman about the bill. Assuming that we want to do what is right in creating this department of labor, let me ask the gentleman if the purpose of the act is anywhere stated in the bill?

Mr. SULZER. It is.

Mr. MOORE of Pennsylvania. Where?

Mr. SULZER. Mr. Chairman, if the gentleman will read the bill, he will find its purposes stated in every section of the bill.

Mr. MOORE of Pennsylvania. I think the gentleman will find that in the bill creating the Department of Agriculture it is provided that the purpose of the department is to promote agriculture. I think in the bill creating the Department of Commerce and Labor the gentleman will find that the purpose of the act is set out to be to foster, promote, and develop commerce and industry.

Mr. SULZER. If the gentleman will read this bill, he will find that it substantially follows all other acts for the creation of departments, and its purpose, as set forth in almost every provision of the bill, is to recognize the rights of labor and promote industrial peace.

Mr. MOORE of Pennsylvania. No; the bill differs essentially from all other bills creating departments in this: One of the first paragraphs provides not only for the creation of a secretary at $12,000 per annum, but for the creation of three assistant secretaries at $5,000 each per annum, whose duties are not defined, except to "supervise" certain information. That is an unusual condition that does not prevail in any other organic law creating a department of which I have knowledge.

Mr. SULZER. The gentleman, I think, is in error about that. At all events, he is too technical. If he will compare this bill with the other acts, he will find that this bill substantially follows the other acts creating the departments.

Mr. MOORE of Pennsylvania. Section 1 of this act simply provides for the creation of an executive department, which shall have a secretary at $12,000 a year. The duties of that secretary are not set forth. Is he to sit there merely as an ornament, as a compliment to labor?

Mr. SULZER. The gentleman is inclined to be supercritical.

Mr. MOORE of Pennsylvania. Not at all.

Mr. SULZER. And his reasoning is very far-fetched. He could say the same about the acts now upon the statute books creating every other department of the Government.

Mr. MOORE of Pennsylvania. No; the duties of those secretaries are defined.

Mr. SULZER. And so they are, as well as they can be, in this bill. Let us not split hairs.

Mr. MOORE of Pennsylvania. Does the gentleman know of any organic act which provides, as section 2 of this act does, for the creation of a first assistant secretary and a second assistant and a third assistant secretary?

Mr. SULZER. Yes.

Mr. MOORE of Pennsylvania. What act?

Mr. SULZER. I think you will find that in the acts creating several departments.

Mr. MOORE of Pennsylvania. Oh, I think there is no provision for the creation of three assistant secretaries. My point is this: If we are to do this thing right in the interest of the common laborer of the land, the man for whom we ought to legislate, the real creator of the wealth of the country, would it not be better to show good faith in this bill, and rather than create expensive offices for those who may be leaders of thought rather than leaders of action, had we not better tell the workingman himself that we are creating this department for his advantage and benefit and that the purpose of it is to foster, promote, and develop and encourage the interests of labor? Do we say that?

Mr. SULZER. Mr. Chairman, in reply let me say to the gentleman that if he is sincere, and I doubt not that he is——

Mr. MOORE of Pennsylvania. I am absolutely sincere in my desire to promote the interests of labor.

Mr. SULZER. Very well. Then he should be willing to take the judgment, so far as this measure is concerned, of the labor leaders of America; and every one of them is in favor of this bill just as it comes from the committee.

Mr. MOORE of Pennsylvania. Is it not true that there is no directive labor clause in this bill, save one which is in section 9, providing for conciliation and mediation, which the gentleman from Pennsylvania [Mr. WILSON] has explained goes no further than to tell this gentleman who sits as secretary over this department that he may bring people together in a friendly way and leave it there, no power, no authority, just to sit there and tell them to get together and do the best they can and leave them to themselves.

Mr. SULZER. My friend, it seems to me, fails to realize that the powers of these various bureaus which will go into this department of labor are all set forth in the various laws creating them. It is not necessary to restate them in this bill.

Mr. MOORE of Pennsylvania. I call to the attention of the gentleman the fact that the purpose is not defined in this bill, and as one who desires to see something substantial accomplished I think it should be set forth, and in good faith.

Mr. SULZER. Mr. Chairman, the bill is not subject to that criticism. I reserve the balance of my time.

Mr. HILL. Mr. Chairman, I represent a district with many labor-union organizations in it. I am for this legislation. I am for it emphatically, and I am for it because I believe it is essential to the welfare of all the working people in Connecticut. I presume this legislation comes under the range of legislation referred to in the letter written by the gentleman from Alabama [Mr. UNDERWOOD] to the new Democratic candidate for the Presidency, in which he states as follows:

> As floor leader of the party in the House of Representatives, I wish to say to you that our action between now and the time of adjournment may affect the campaign, and I hope you will not hesitate to advise me freely as to any matters transpiring in Washington which you may consider essential for the good of the cause. With kindest regards,
>
> I am, very truly, yours, OSCAR UNDERWOOD.

Mr. Chairman, I had supposed that the Senate and House of Representatives were legislating for the people of the United States and not in the interest of any political campaign. I am for this bill for the general good of the United States, and I was exceedingly glad this morning to read in the paper where I saw Mr. Gompers and Mr. Morrison and a number of other gentlemen were at Seagirt consulting with the candidate for the Presidency on the Democratic ticket, and I sincerely hope that they asked him to explain some remarks made by him on this great subject in 1909 in a baccalaureate sermon delivered at Princeton University, contained in the Trenton True American, June 14, 1909. It was delivered on Sunday, the day preceding. The text was from the seventeenth chapter of Luke, tenth verse, which, he says, reads as follows:

> We are unprofitable servants. We have not done that which was our duty to do.

Dr. Wilson treated that subject in this way:

> You know what the usual standard of the employee is in our day. It is to give as little as he may for his wages. Labor is standardized by the trades-union, and this is the standard to which it is made to conform. No one is suffered to do more than the average workman can do. In some trades and handicrafts no one is suffered to do more than the least skillful of his fellows can do within the hours allotted to a day's labor, and no one may work out of hours at all or volunteer anything beyond the minimum.

And, gentlemen on the other side, this is your candidate for the Presidency.

> I need not point out how economically disastrous such a regulation of labor is—

Let me inject: Last night I rose in my place and asked unanimous consent to publish a tariff address of Dr. Wilson, delivered before a tariff commission holding a public hearing for that purpose, held in Atlanta, Ga., in which he aimed to give the official authorities of the United States his views on the tariff. To be sure, that was 30 years old; but he has not changed them since, for he said only a few days ago, or a few weeks ago, in New York that the whole Republican position and platform was "ignorant and preposterous." He appeared in Atlanta as a free trader, and, in my judgment, he is a free trader to-day, and yet a Democrat refused to allow me to publish the remarks of his own candidate for the Presidency on the tariff question. I am giving you now not an opinion 30 years old, but I am giving you a baccalaureate sermon delivered in Princeton three years ago, and it is directly pertinent to this bill.

> I need not point out how economically disastrous such a regulation of labor is.

I commend that to my friend from Pennsylvania [Mr. WILSON] and to my friend from Illinois [Mr. BUCHANAN].

> It is so unprofitable to the employer that in some trades it will presently not be worth his while to attempt anything at all. He had better stop altogether than operate at an inevitable and invariable loss. The labor of America is rapidly becoming unprofitable under its present regulation by those who have determined to reduce it to a minimum.

Now, I do not believe that, gentlemen. I do not believe my friend from Illinois [Mr. BUCHANAN] or my friend from Pennsylvania [Mr. WILSON] are "unprofitable servants" in this country. I know that the men who live in my district, and who are honest, straightforward workingmen, members of labor unions, are as reputable, as high-toned, as responsible, as industrious, and as faithful as any citizen [applause on the Republican side] in it, whether they be lawyers, doctors, presidents of universities, or men working as "unprofitable servants," as he designates, simply because they belong to a trade-union.

Mr. MOORE of Pennsylvania. Do you believe that Mr. Gompers believes that?

Mr. HILL. No; I do not. And I think it was high time for him as a Democrat to go to Seagirt yesterday and try to reach a working compromise with the candidate of his party.

Let me close this up.

> Our economic supremacy may be lost because the country grows more and more full of unprofitable servants.

I am for this bill. I am for doing everything and anything in the way of lifting up, if it needs it, and ennobling labor.

Why, gentlemen, you men from the South do not understand the situation of labor. You are living in the traditions of slavery. Go into the town in which I live, and you will find a working town of working people. We all work. Go to the church which I attend. But for the working people there would be no church there. It is they who contribute, it is they who pay the bills. They are the people that we associate with, one with another, never raising the distinction as to whether a man works or not. You do not live in that kind of a society. But you start your platform with the fundamental doctrine that it is wrong to do anything to encourage such conditions. Let me give it to you. I want you to understand the first plank of your platform in this campaign. It reads as follows:

> We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff taxes except for the purposes of revenue.

Where did you get it from? I hold in my hand a little campaign textbook that I prepared for last year. I will tell you where you got it from—that is, where you got it from the last time.

Mr. FOCHT. That was originally in the Confederate Constitution, was it not?

Mr. HILL. That was the last time. The Constitution of the Confederate States of America, 1861, Article I, just as it is Article I of your platform, section 6, says:

> The Congress shall have the power to lay and collect taxes, duties, imposts, and excises for revenues necessary to pay the debts, provide for the common defense, and carry on the government of the Confederate States, but no bounties shall be granted from the Treasury nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry, and all duties, imposts, and excises shall be uniform throughout the Confederate States.

Now, does your candidate agree to that? No. You have got it in your platform. He did years and years ago, but in reading one of his books this morning I found another expression of opinion, and it is not 30 years old either. It is a new book, splendidly written, as all his works are. Here is what he says about the fundamental theory of the tariff, on page 175 of Woodrow Wilson's "Constitutional Government in the United States: A series of lectures delivered to the students of Columbia University in 1908." He will have to compromise his views. He has intellectual versatility unequaled by any man of whom I know. I should perhaps call it intellectual elasticity. I like to see a man with mental elasticity that will enable him to change his views within two or three years two or three times.

But here is what he says about this first plank of the Democratic platform, on page 175:

The opponents of the tariff of 1824 objected to the tariff system which Congress was so rapidly building up that it went much beyond the simple and quite legitimate object of providing the Federal Government with revenue.

So that if you gentlemen on the other side want to find arguments in behalf of the first plank of your platform go back to John C. Calhoun. If you want to find arguments in opposition to them, go back to Andrew Jackson, because he refused to allow his legislation and his taxation system to be nullified. You have got this whole thing in extenso away back from the beginning of the Government. This first plank lies at the very fundamentals of State rights—that the Government has no right to lay a tax for the encouragement of industry. It can only lay it for the purpose of raising revenue.

Now, here is what Mr. Wilson says——

Mr. MOORE of Pennsylvania. When?

Mr. HILL. Four years ago. He says:

The opponents of the tariff of 1824 objected to the tariff system which Congress was rapidly building up—that it went much beyond the legitimate and constitutional object of providing the Federal Government with revenue in such a way as to stimulate without too much disturbing the natural development of the industries of the country and was unmistakably intended—

Of course it was—

to guide and determine the whole trend of the Nation's economic evolution—

That is what your platform says we have no right to do in this country—

preferring the industries of one section of the country to those of another in its bestowal of protection and encouragement, and so depriving the States as self-governing communities of all free economic choice in the development of their resources.

In other words, the South said then, "We raise cotton. Because we raise cotton, you in Pennsylvania shall not be protected in your industries. Each State must settle that question for itself and the Government has no right to encourage any industry." And the Democratic Party to-day has harked back a hundred and twenty-five years in the first plank of its platform to the doctrine of John C. Calhoun and his predecessors. I read further:

Congress persisted—

Says Mr. Wilson—

in its course. Nullification failed, as even so much as an effectual protest against the power of a Government of which Gen. Jackson was at the head, never so sure he was right as when he was opposed, and a critical matter of lasting importance was decided—

Says Dr. Wilson—

was decided.

Let me read you the platform again. I will read some more of Dr. Wilson in a minute. I just want to read that platform so that you can see the pertinence of the doctor's suggestion.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. Not now. Pretty soon I will. I know that these are not the sentiments of the gentleman from Texas [Mr. GARNER]. I know these are not the sentiments of a large portion of the Democratic Party. But you will find also in Mr. Wilson's writings a statement to this effect, that "It is not possible to compound a successful constitutional government out of antagonisms." Now, I know you do not agree. I know that there were 47 of you that stood for a duty on wool, and that a majority of you stood against it, and that you did back down, and that you did compound legislation at least on antagonisms. You can not do it successfully. You have got to stand out for principle and not for compromise in fundamental governmental action. Let me read you from your own platform again. Mr. Wilson says it was decided—"a matter of lasting importance was decided"—and you have harked back to the old doctrine:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue.

Andrew Jackson discarded the question of right, as he thought, and exercised the power, and "it was decided," as Gov. Wilson said, at this critical time. The Federal Government was conceded the power. You say that it has no power. He says:

The Federal Government was conceded the power to determine the economic opportunities of the States. It was suffered to become a general providence to which each part of the country must look for its chance to make lucrative use of its material resources.

Mr. Chairman, I will go into that matter more fully at some other time. I will now make a part of my remarks the short address delivered by Prof. Woodrow Wilson before the Tariff Board in 1882, showing his views then on the question of the tariff and the distinct announcement of his position as a free trader, opposed to all tariffs except merely for the purpose of raising revenue.

I take it there will be no objection, Mr. Chairman, to my printing as a part of my remarks the short address of Prof. Woodrow Wilson, which I will not trouble the House to read now.

The CHAIRMAN. Does the gentleman ask unanimous consent?

Mr. HILL. I will do it now. It is very short, only three pages long.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks by incorporating the address to which he refers. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. Woodrow Wilson, of Atlanta, said:

"It is not my purpose to represent or advocate any particular interest, but only to say a few words upon the general issues before you on the subject of protection or free trade. This question of the tariff is one which has been under consideration in Congress for ninety-odd years. Early in the century protection was introduced for the purpose of fostering new manufacture in this country. That system was continued down to the time of the war; but since the war it has been upheld professedly for the purpose of raising revenue, and to enable the Government to recover from the indebtedness caused by the war. Free trade, therefore, has been a slumbering question, but it will soon become one of the leading questions in all political discussions, because, now that peace has come, the people of the South will insist upon having the fruits of peace, and not being kept down under the burdens of war.

"As you have already been told, there is a great deal of ignorance and indifference in regard to these questions in the South. The people here have been content to let things remain as they were. Probably this has resulted from the fact that the tariff is an indirect way of placing taxes upon the people, and they do not feel the immediate effects of it. But when the farmers and others begin to investigate these matters, they soon discover that they are, after all, paying these duties for the benefit of a few manufacturing classes. When a farmer discovers that he can buy a jackknife of English manufacture for $1.30, while he has to pay $2 for a knife of American manufacture of the same quality, in order that the American manufacturer of cutlery may compete on equal terms with the British, then he feels that he has a personal interest in these subjects.

"In thinking of this matter of indirect taxation, I am reminded of one of the few playful passages which illumine the utterances of Mr. Gladstone. In introducing his 'budget' in 1861, he referred to direct and indirect taxation, and called them two sisters, the daughters of necessity and invention, one indeed more open and direct than the other, her sister more shy and insinuating; but he said that, as chancellor of the exchequer, he felt bound to pay his addresses to both. We have these two charming sisters in America, but they can not be said to be the daughters of necessity and invention; they are rather the daughters of invention and monopoly. The necessities of our Government are the necessities of the revenue; and it is well known that our Government is not embarrassed from any necessities of revenue; on the contrary, it has an immense surplus. It is undoubtedly a part of true wisdom that the taxes laid by the General Government should be indirect taxes. The province of direct taxation should be left to the States, and in order that the two systems may not clash and overburden the people, it is a part of wise policy that the National Government shall make the most of its taxation indirect.

"No man with his senses about him would recommend perfect freedom of trade in the sense that there should be no duties whatever laid on imports. The only thing that free traders contend for is, that there shall be only so much duty laid as will be necessary to defray the expenses of the Government, reduce the public debt, and leave a small surplus for accumulation. But that surplus should be so small that it will not lead to jobbery and corruption of the worst sort.

"We often hear the question asked by the advocates of protection whether it is a wise and consistent public policy for us to be dependent for supplies upon foreign governments. That was asked in reference to cotton ties. It was said that the cotton tie was manufactured almost wholly in England, and the question was put to the witness, 'Is it a part of wise policy that we should be dependent on England for our cotton ties?' In other words, we fear dependence on foreign manufacturers. Now, gentlemen, what does that mean? There is no danger in time of peace in being dependent on foreign manufacturers, because, if they raise their prices, the inevitable result will be

that Americans will go into the manufacture and undersell them, and their prices must come down again. Therefore we are in no danger in time of peace. So that the argument of the protectionist must be a war argument. Of course, if a war should occur between this country and Great Britain, it would be greatly to the disadvantage of our southern cotton balers to be dependent entirely on the English manufacturer for their cotton ties. So that the protectionist advocates a system which prepares for war, while it has not any consideration for the requirements of the country in time of peace. I ask, is it worth while during 50 years of peace to provide by taxation for one year of war? Is it wise and just to tax the people for a contingency so that millions may be accumulated in the Treasury from the tax on these cotton ties in order that war at some distant period, which no man sees, may be provided for? War will cost a great deal when it comes; let it not be costing us in the meantime.

"Another stronghold of the protectionists is the question of wages. They say, 'How can we compete with the foreigners when the remuneration of labor is so much lower in foreign countries than in our own country?' Well, we can compete with them just as we do in regard to agricultural products. Of course every gentleman knows that our principal agricultural products have no duty imposed upon them. English wheat and other produce may come into our markets free of duty, and there is a freedom of trade in that regard, so far as the farmer is concerned.

"By Commissioner GARLAND:

"Q. Do I understand you to say that there is no duty on wheat?—A. So I understand by looking at the last returns.

"Commissioner GARLAND. Such is not my understanding.

"Commissioner OLIVER. Wheat pays 20 cents a bushel, and the farmers have been asking us to keep that duty on, because they say otherwise it would be imported from Manitoba.

"The WITNESS. Then I was misinformed. But it is a well-known fact that there is a greater disparity in the wages paid for agricultural labor in this country and in England than there is between wages paid in other industries, and although the duties on these agricultural products are lower, our competition with foreigners in this regard is more successful. In other words, we make up for the high price of our wages by the fertility of our land. There is no land in the world that can compare in fertility with the land of the West, and the consequence is, we have an immense advantage in that regard. We have advantages also in other industries, such as in mining and in cotton productions. These are compensations which are provided, and which no human laws can take away.

"There are positive grounds, however, upon which protection can be objected to. It is understood that the protective-tariff policy was adopted in this country in the beginning on the idea advocated by John Stuart Mill and one or two other eminent writers on the subject in England, who said that a new country might with advantage protect its infant industries, provided the tariff which was laid for that purpose was merely a temporary expedient for building up those industries. It was upon that idea that America first established this protective system. What has been the result? These infant industries at first were protected by very small duties, but, instead of growing into manhood and strength, they have gone into weaker decrepitude. They have needed more and more protection as years have gone on, until the climax has been reached at the present time. That ought to overthrow the whole doctrine in itself. But the danger in imposing protective duties is that when the policy is once embarked upon it can not be easily receded from. Protection is nothing more than a bounty, and when we offer bounties to manufacturers they will enter into industries and build up interests, and when at a later day we seek to overthrow this protective tariff we must hurt somebody, and of course there is objection. They will say, 'Thousands of men will be thrown out of employment, and hundreds of people will lose their capital.' This seems very plausible; but I maintain that manufacturers are made better manufacturers whenever they are thrown upon their own resources and left to the natural competition of trade rather than when they are told, 'You shall be held in the lap of the Government, and you need not stand upon your feet.' Such theories discourage skill, because it puts all industries upon an artificial basis. The basis that they rest upon is not that of the skill of the manufacturer; it is because the bounty of the Government is put on his trade which enables him to get more for an inferior article than a foreigner could get for a better article.

"Protection also hinders commerce immensely. The English people do not send as many goods to this country as they would if the duties were not so much, and in that way there is a restriction of commerce, and we are building up manufactories here at the expense of commerce. We are holding ourselves aloof from foreign countries in effect, and saying, 'We are sufficient to ourselves; we wish to trade, not with England, but with each other.' I maintain that it is not only a pernicious system, but a corrupt system.

"By Commissioner GARLAND:

"Q. Are you advocating the repeal of all tariff laws?—A. Of all protective-tariff laws; of establishing a tariff for revenue merely. It seems to me very absurd to maintain that we shall have free trade between different portions of this country, and at the same time shut ourselves out from free communication with other producing countries of the world. If it is necessary to impose restrictive duties on goods brought from abroad, it would seem to me, as a matter of logic, necessary to impose similar restrictions on goods taken from one State of this Union to another. That follows as a necessary consequence; there is no escape from it."

Mr. HARDY. Does not the gentleman realize a very distinct difference between the power of the Government to pass a certain law and the right or the policy of passing it?

Mr. HILL. Oh, I do; and I have just read where your candidate says that the "power" was absolutely conceded at that time and definitely settled.

Mr. HARDY. Will the gentleman permit another question?

Mr. HILL. Certainly.

Mr. HARDY. Has anybody ever denied the power of the Government to pass protective tariffs?

Mr. HILL. Why, yes; the first sentence of your platform adopted at Baltimore denies it right now.

Mr. HARDY. Denies the right of it; but have we not all conceded the effective force of those laws when passed?

Mr. HILL. The gentleman ought to read the platform of his own party. I will read it for him now.

Mr. HARDY. Has any Democrat ever attempted to enjoin the enforcement of any of the tariff laws passed by Congress?

Mr. HILL. Yes, they did; and Andrew Jackson told them that by the Almighty he would hang them on the highest gallows in the country if they did not back down.

Mr. HARDY. The gentleman refers to the nullification proceedings in South Carolina.

Mr. HILL. Yes; that is precisely the thing about which I have been reading to you the language of Dr. Wilson.

Mr. HARDY. But the gentleman realizes that that was decided on the ground that the right to resist the enforcement of a Federal law did not exist in the States.

Mr. HILL. I recognize that, but the gentleman says nobody denies the power of the Government to enforce tariff taxes. Now, let me read to the gentleman, while we are here close together, so that he will never forget it again during this campaign:

We declare it to be a fundamental principle of the Democratic Party——

The gentleman belongs to the Democratic Party, does he not?

Mr. HARDY. I always have.

Mr. HILL. I will read to the gentleman the first plank in his platform.

We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power——

Mr. HARDY. Now, will the gentleman permit me to interrupt him there?

Mr. HILL. Why, certainly.

Mr. HARDY. Under the Constitution they had no right or power, but they violated the Constitution.

Mr. HILL. What are you living under, if not under the Constitution?

Mr. HARDY. But your party has violated it.

Mr. HILL. Are we not living under the Constitution?

Mr. HARDY. Yes; and your party has violated it in passing tariff legislation not for revenue, but for protection.

Mr. HILL. And the people this fall are going to commission us to do it again.

Mr. HARDY. Whenever you announce the purpose of your legislation, if you will entitle your bill for the purpose of protection and not for revenue, your own courts will declare it unconstitutional.

Mr. HILL. The first tariff act that was ever passed in this country, in 1789, an act the effect of which, I think, was misconstrued by Chairman Parker in the Democratic convention, announced its object to be for the purpose of "encouraging the industries of the United States."

Mr. HARDY. And I want to say to the gentleman that if he will show me a law that says its purpose is solely for pro-

tection and not for raising revenue I will show him one that is not constitutional.

Mr. HILL. The gentleman can make that speech in his own time. Mr. Chairman, I rose for the purpose, as our honest Speaker said some weeks ago, to speak for the truth of history. He referred to certain matters that occurred in regard to the tariff act. I refer to statements that have been made since 1900 and brought down to now concerning the Payne tariff bill.

Let me say that on the passage of the Payne tariff bill the gentleman rose from his seat when the bill was about to be passed, came down in front here, and said that the bill was a violation of the pledges of the Republican Party. The Democratic platform says so now, and he said then it would raise the duties 1.71 per cent. I will ask the gentleman from New York [Mr. PAYNE] if I am not right in my figures.

Mr. PAYNE. I do not recollect the exact figures, but I know it was very high.

Mr. HILL. He said that they would raise the Dingley duties 1.71 per cent. Now, no man can take a tariff bill based on specific duties and figure out what the rate will be when it goes into operation, because he does not know what articles will be imported and what the valuation of those articles will be. Therefore that statement made by the now Speaker of the House, while it was honest from his standpoint—as everything he does is honest, whether it is in a Democratic convention or anywhere else [applause]—nevertheless it was a mistake, because it was impossible for him to figure out what the rate would be.

But from that day to this, notwithstanding the mistake, Democratic speakers have gone on and made these statements, and Democratic conventions have gone on and made these statements, and Democratic platforms have gone on and made these statements, all in utter violation of the fact, as most Democratic political statements—I do not refer to Democrats individually, but most Democratic political statements are in utter ignorance of the facts.

Now, we had a Democratic convention a little while ago. The permanent presiding officer was a distinguished honored, and loved Member of this House. He did not have quite as radical a view on this subject as did the temporary presiding officer. He said that the rate of the Payne tariff bill was 47 per cent, and the temporary officer said it was 50 per cent. Now, I am not going to attempt to reconcile the disagreement between two Democrats. It is hard enough to have to reconcile the disagreements between a Republican and a Democrat, but I am going to give you some facts now in regard to that matter.

Mr. FIELDS. Will the gentleman yield?

Mr. HILL. Of course I will.

Mr. FIELDS. Since the gentleman has drifted into a political speech——

Mr. HILL. Unintentionally.

Mr. FIELDS. Without knowing where the attack comes from, may I ask which one of the Republican parties he is affiliated with?

Mr. HILL. Oh, that is absolute nonsense. I am surprised that the gentleman from Kentucky should ask that question. I am a Republican. I will ask him, Are you a Bryan man or a Tammany man?

Mr. FOCHT. Answer; stand up.

Mr. FIELDS. I am a Democrat.

Mr. HILL. Mr. Chairman, at the Democratic convention a few days ago the temporary presiding officer made this statement:

> The average duties under the tariff of 1789 was 8½ per cent; now the average is 50 per cent.

Both were mistakes. There is no record of the average rate of duty under the act of 1789. The first publication, and the only one, is in the American State papers, volume 1, page 140. The first statement is from October 1, 1790, to September 30, 1791, and the average—and this is the important point, showing how easy it is for eminent gentlemen unwittingly to fall into a mistake—the average for the 34 months' receipts was 8.48, and he says that it is 50 now.

Then it was on all imports, free and dutiable. Now his 50 per cent is on dutiable only. Is it fair? He was wrong in both, but was his statement as he intended to have it fair? The first statement published by the Government is for 1791, where the rate on free and dutiable both is given as 22.24 per cent. It is only 20.1 per cent now, instead of being 22.24, as in 1790, on all free and dutiable as shown by the official records of the Government. To-day, after 34 months of operation of the Payne tariff bill, running through the whole of it, from the day of its passage down to the 1st day of June, it is only 20.1 per cent. Two per cent less than it was in 1790, and not 50 per cent, the rate which the judge indicated by his comparison, mistakenly, to be the rate on all importations. Is it fair?

I am not going to waste much more time on it, except this: He says in 1830 the rate was 32 per cent. It was not. It was only 24 on the dutiable and 17 on the free and dutiable. There were only 26 per cent of the importations that came in free. All through that period of time you have what is a fit illustration of your revenue tariff, a tax on everything, practically, with no free list, or very little, if any.

Do you know, gentlemen, that priding yourselves as you do on the legislation of this session, you have passed but one tariff bill in this Congress that complies with your own platform? That is the chemical schedule. On that you scaled the duties on finished products below the protective points, and you put a revenue tax on $47,000,000 of raw materials which had come in free the previous year under the Payne bill and added directly to the cost of every one of them. That is a fit illustration of a revenue tariff bill, and that is the only one you have passed in accordance with your platform.

Judge Parker said that in 1842 the rate was 32 per cent. It was not; it was 24. He said in 1846 it was 25 per cent. It was not; it was 31 per cent. He said in 1857 it was 20 per cent. It was not; it was 22.45 per cent, and the percentage of free importations was only 14.

I desire now to have the Clerk read from page 420 of Senate reports, second session Fifty-third Congress, volume 13, 1894, a note appearing at the foot of the table of receipts from all sources.

The Clerk read as follows:

> NOTE.—In the table of receipts from all sources, published annually in the Finance Report, the column headed "Customs" shows the total annual customs collections from all sources covered by warrant into the Treasury, after deducting expenses of collection. From 1791 to 1850 collectors paid from customs receipts all expenses of their offices and turned the net amount remaining into the Treasury, but from 1850 to the present time they have been compelled by law to turn into the Treasury all amounts collected, while the expenses of their offices are paid by warrants on the Treasury of the United States.

Mr. HILL. Mr. Chairman, I will ask the Clerk to stop right there. When you go back to 1850 it will be seen that you are dealing with a different proposition, as the note states. The collectors prior to that time paid the expenses of collecting the tax and turned in the net amount to the Treasury, whereas now they turn in the whole amount to the Treasury, and the expense of collection is paid by warrants drawn on the Treasury, so that the comparison is not worth a cent. I will ask the Clerk to continue the reading.

The Clerk read as follows:

> The figures in the column of the above table headed "Amounts of duty collected" from 1791 to 1866, inclusive, show the annual amounts of duty collected on merchandise only, without any deductions for expenses of collection, and omitting the collections from tonnage, lighthouses, fines, penalties, forfeitures, etc. (Explanation given by Register of Treasury.)
>
> For these reasons the figures of "Duties collected" prior to 1851 in the above table largely exceed in many cases the amount of receipts from customs as shown in the Finance Report, inasmuch as the expenses of collection were of considerable magnitude during the years when the net receipts only were covered into the Treasury. From 1850 to 1866 the receipts in the table in the Finance Report should exceed the duties collected in the above table by amounts of collections from sources other than duties on merchandise, such as tonnage dues, fines, penalties and forfeitures, hospital dues, etc. Since 1866 the duties collected, as shown by the above table, are taken from the accounts of this office. While these data, showing the duties collected on merchandise from 1791 to present time, are somewhat diverse in character, they are the best attainable.

Mr. HILL. As I say, Mr. Chairman, taking the figures back of that date, and basing a comparison upon them, that comparison is not worth a cent, and when the gentleman from Kentucky [Mr. JAMES] and the gentleman from New York, Judge Parker, stated that the Payne tariff bill showed an average rate of duty of 47 per cent according to Mr. JAMES and 50 per cent according to Judge Parker, and Judge Parker comparing it with the rate on the first tariff bill, which covered both free and dutiable, knowing that his 50 per cent referred only to the dutiable, it will be seen that each of them made a mistake.

They sin not against knowledge but against mistaken information. Perhaps that is a little harsh to say, because they could have had the figures of the Payne tariff bill; and I am going to put in the RECORD to-day the complete figures certified to by the Department of Commerce and Labor of every importation made since the 5th of August, 1909—since the Payne bill was enacted—to the 1st day of June, and in two or three days I will put in the figures up to the 1st day of July. I have not got them now, as they are not ready yet, but they will be, and you will get all of this kind of figures you want in this campaign before you get through, gentlemen on the other side of the House:

Imports of merchandise into the United States, showing percentage thereof free of duty, customs receipts, and average ad valorem rate of duty during the 34 months' operation of the Payne tariff law, Aug. 5, 1909, to May 31, 1912, compared with like results under the entire operations of the Wilson and Dingley tariffs, respectively.

Entire period of—	Imports.			Free.	Customs receipts.	Average ad valorem on—	
	Free	Dutiable.	Total.			Dutiable.	Total imports.
	Millions.	*Millions.*	*Millions.*	*Per cent.*	*Millions.*	*Per cent.*	*Per cent.*
Wilson law:							
35 months[1]	$1,080.4	$1,132.7	$2,213.1	48.8	$485.0	42.8	21.9
Monthly average	33.2	32.4	65.3	.....	14.9	.....	.....
Dingley law:							
144 months[2]	5,428.5	6,821.5	12,250.0	44.3	3,121.8	45.8	25.5
Monthly average	37.7	47.4	85.1	.....	21.7	.....	.....
Payne law:							
34 months[3]	2,301.4	2,192.4	4,493.8	51.2	902.6	41.2	20.1
Monthly average	67.7	64.5	132.2	.....	26.5	.....	.....

[1] Excludes last 4 days of August, 1894, included under McKinley law, and includes July 24-31, 1897, under act of 1897.
[2] Excludes last 5 days of July, 1897, included under Wilson law; excludes Aug. 1-5, 1909, included under Payne law.
[3] Includes Aug. 1-5, 1909, under act of 1897.

NOTE.—A reduction of about $35,000,000 was caused in customs receipts under the McKinley Act, due to reduced imports in the closing months under that act in anticipation of the passage of the Wilson tariff, whose revenues were correspondingly increased. Likewise a reduction of about $45,000,000 was caused in customs receipts under the Dingley Act, due to heavy imports in the closing months under the Wilson law, whose revenues were correspondingly increased.

I will just give a temporary alleviating dose now, and I will go back to the beginning of the Wilson bill, which ran 35 months. The entire dutiable rate of the Wilson bill for 35 months was 42.8 per cent. The whole average for its entire duration was 42.8 per cent on the dutiable articles alone. On the whole bill it was 21.9 per cent. It had a free list of 48.8 per cent. In other words, 48.8 per cent of all the importations under the Wilson tariff law came in free. Now, about the Dingley law. It was in operation 144 months. For that entire period the rate of duty on the dutiable articles was 45.8 per cent, 3 per cent higher than the Wilson bill. The rate on all importations for the entire 144 months was 25.5 per cent. Now you have got the Wilson bill and you have got the Dingley bill—the Dingley bill 25.5, the Wilson bill 21.9. Now, were we faithful to the trust reposed in us by the country? I do not stand here and say that there were no mistakes in the Payne bill. There were, and I was opposed to some of them, but the advantages of that bill, with reference to other matters than mere rates of duty, far outweighed any possible mistakes which were in it. Why? It gave us the customs court, the maximum and minimum system of duties, and, best of all, authorized the tariff board. I will give you the rate of the Payne bill. That bill has been in operation 34 months up to the 1st of June and the average ad valorem for the whole bill for the entire time has been 20.1 per cent. The Wilson bill was 21.9, the Dingley bill was 25.5, and the Payne bill 20.1. Were we faithful to the obligations imposed upon us? The ad valorem on the dutiable list only under the Wilson bill was 42.8; under the Dingley bill, 45.8; under the Payne bill, 41.2. Now, I want to say to you gentlemen when you stand before your constituents, tell them the truth. [Applause on the Republican side.] It will not hurt you; it will not hurt you. If you do tell them the truth, tell them this: Tell them that never in the history of the United States, from 1789 down to now, have there ever been but four years when there was as large a free list—I do not mean aggregate importations, for the country has grown in size, but I mean percentage of all importations—that never in the history of this country from its beginning down to now have there been but four years when the percentage of free importations has been as much as under the Payne tariff bill, and that was when sugar was free under the McKinley bill. [Applause on the Republican side.]

There have been but 14 years since 1820 when the free and dutiable importations put together have had as low a percentage of taxation as they have borne under the Payne tariff law. Now, be honest about it. Tell them these things, make a fair comparison; tell them frankly you do not want protection; tell them you are opposed to all tariffs, as Dr. Wilson said when Commissioner Garland asked him if he was in favor of the abolition of tariffs, and he said, "All protective tariffs." [Applause on the Republican side.] Tell them that. If you believe it, tell them that. If you do not believe it, come out fair and square and say that half of the South today is for a protective tariff, notwithstanding your platforms.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. HILL. Certainly I will yield.

Mr. RUCKER of Colorado. I do not think the gentleman is fair in giving that degree of intelligence to his audience on the Republican side, because he has made this speech to my certain knowledge so many times since I have been in Congress that I do not think he is fair to his Republican colleagues. Now, so far as the speech is concerned as it falls upon Democratic ears it is entirely deaf and has always been——

Mr. HILL. I know that, and always will be; the truth never had any effect upon Democracy.

Mr. RUCKER of Colorado. I thank the gentleman very much as designating me as possibly being one of those who have listened to him attentively. Now, by the way, let me just suggest this. I do not envy the man who is going to try to answer the gentleman from Connecticut [Mr. HILL], because he has traveled all over the earth and back again, but what struck me when he got up first and when he acknowledged he was in favor of the bill——

Mr. HILL. I am.

Mr. RUCKER of Colorado (continuing). He went off and was damning this bill with faint praise in that he spoke about the labor organizations having met the recent Democratic candidate for President.

Mr. HILL. Does the gentleman mean to say that the language of Dr. Wilson, which I read, was "damning the labor organizations with faint praise?"

Mr. RUCKER of Colorado. But the language refers to the labor organizations meeting the nominee for the Presidency. Does not the gentleman know that the labor organizations went before the resolutions committee in Chicago when the convention nominated President Taft, as well as before the resolutions committee at Baltimore?

Mr. HILL. I will just answer the first. I would rather the gentleman would make his speech in his own time. I am for the labor legislation that does the laboring man good, that fills his dinner pail, that makes him a respectable man, and enables him to live like a man and pay his taxes, live in his own cottage, have his day's work for his family, raise his children, and become a good, independent American citizen.

Mr. AKIN of New York. Is that the 1896 dinner pail or the 1912 dinner pail?

The CHAIRMAN. Will the gentleman yield?

Mr. HILL. As soon as I get through with this. There is one other set of figures that I want to refer to. Under the Wilson bill the free list for 34 months was 48.8 per cent, under the Dingley bill 44.8 per cent, and on the 1st day of June it is 51.2 per cent for the entire life of the Payne tariff bill. And I will say to you gentlemen who talk about the cost of living, that during this past year the American people under the Payne tariff law have had a foreign commerce of $4,000,000,000 [applause on the Republican side] with the balance of trade in our favor of $550,000,000. I am told that $1,000,000,000 of foreign products have come into the United States without paying one single cent of duty under the Payne bill during the last fiscal year. You never had a Democratic tariff bill, you never will have under any legislation that is possible for you to frame under the terms of your platform, that will show such a magnificent result as that. And this year, unless the importations of June indicate worse at the end than they did at the beginning of the month, the free list under the Payne tariff bill will be 55 per cent of all the importations. Go home and tell those things to your constituents and William Howard Taft will be elected. [Applause on the Republican side.]

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. HILL. Certainly I will, if I have time.

Mr. BUCHANAN. Just a question. Did not the Republican convention at Chicago declare for a revision of the present tariff law?

Mr. HILL. Certainly it did.

Mr. BUCHANAN. Why did they do so if we have such a splendid and perfect law now?

Mr. HILL. For the correction of some high duties, and in accordance with the findings of a permanent, independent, nonpartisan Tariff Board on every schedule, and I am for it. Are you? I am for correcting mistakes, whether they are Democratic or Republican.

Mr. GARNER. Will the gentleman yield?

Mr. HILL. I yield to my friend from Texas with pleasure.

Mr. GARNER. I realize the gentleman from Connecticut is undoubtedly the ablest man on his side of the House in presenting the paramount issue——

Mr. HILL. Oh, leave that out.

Mr. GARNER. And I want to ask him if this is the opening gun as outlined at the White House by the committee the other night?

Mr. HILL. The gentleman from Texas [Mr. GARNER] is too high-toned a man to ask such a question. If it was true, I would keep silent. It is not true, and I will say there is nothing to it.

Mr. GARNER. Then the gentleman is not taking advantage of the fact to make a tariff speech, other than to connect the two together?

Mr. HILL. Not in the slightest degree. I did not expect to make this informal talk when I came in here. I will tell you exactly how it came about. I was given certain statements last night. I do not like to make a statement unless I verify it. I was told of a certain baccalaureate sermon of Dr. Wilson three years ago. I went to the Library last night and got the Trenton paper, and have been copying from it this morning. I did not know what was up, and I did not expect to make any remarks at all. I came on the floor of the House and found a bill which was up last Wednesday and which I was for then and which I am for now. The whole trouble about the thing is how you are going to reconcile your advocacy of this bill with the views propounded by your candidate.

Mr. GARNER. It appears from the gentleman's argument that he is trying to show that the Democratic platform and the utterances of Dr. Wilson do not coincide and that they are not together upon the subject of the tariff.

Mr. HILL. Of course they are not.

Mr. GARNER. And I wish to ask the gentleman whether Dr. Wilson is stronger than the platform or the platform is stronger than Dr. Wilson.

Mr. HILL. I do not think either one of them is strong enough to win. [Laughter and applause on the Republican side.]

Mr. GARNER. Does the gentleman honestly believe, under present conditions, that his prophecy that William H. Taft will be the next President will come true in next November?

Mr. HILL. I will ask you a question.

Mr. GARNER. Answer mine.

Mr. HILL. Do you not know that for the last six months I have said, and said, and said repeatedly, that your mistake here in this extra session on tariff legislation would force the issue before the American people next fall to be the tariff, the tariff, and nothing but the tariff, and that William Howard Taft would win because the people of this country, no matter how much they love you or distrust you, are a protective-tariff people, and you can not force free trade down their throats? [Applause on the Republican side.]

Mr. GARNER. Now, then, I realize——

Mr. HILL. I believe, as much as I believe I am standing here, what I have said all the way through, that Mr. Taft would not only be nominated, but that he would be elected. [Applause on the Republican side.] Why, I remember——

Mr. GARNER. I ask the gentleman now——

Mr. HILL. I will tell the gentleman something else.

Mr. GARNER. Let me ask the gentleman this question. I asked it of the gentleman a little while ago. There is not a man in this House, whether on the Republican side or on the Democratic side, who does not believe in the mental honesty of the gentleman from Connecticut. I ask the gentleman this honest question: Does he tell this House to-day that he honestly is of the belief that William Howard Taft will be elected President?

Mr. HILL. I do, and I will tell you why. I have been through this experience once before—probably before the gentleman was born. I was a Liberal Republican in 1872. I trusted the promises of Democrats. I voted for Horace Greeley. The New York Tribune had been the political Bible of my father and my family. I was brought up on it, and when Horace Greeley was nominated by the Liberal Republicans and indorsed, as I thought honestly, by your people—I learned better since [laughter]—I thought that he was right, and I stood with him. And we swept this country up to the first Monday in October, and on the first Tuesday in November we were thrashed out of sight. You people stayed at home, and did not vote according to your agreement. You will do it again. Tammany will sell you out. You know it just as well as I do. [Applause on the Republican side.]

Mr. SULZER. They can not do it. [Applause on the Democratic side.]

Mr. HILL. I have seen them do it over and over again. They want New York City, and they are going to have it.

Mr. AKIN of New York. Will not Bill Barnes sell out?

Mr. HILL. Oh, you are beaten. [Applause on the Republican side.]

Mr. AKIN of New York. Where is Bill Barnes? [Laughter.]

Mr. HILL. You will be at home. You need not worry about it.

Mr. AKIN of New York. Well, and you need not worry about that.

Mr. HILL. You are beaten. You were beaten from the day that it appeared in the convention that the hand was the hand of Esau——

Mr. GARNER. Who is going to buy us? That is what I want to know. [Laughter.]

Mr. HILL. From the day that it appeared that the hand was the hand of Esau, but the voice was the voice of Jacob. [Applause on the Republican side.]

Mr. GARNER. You say Tammany is going to sell. Who is going to buy them?

Mr. HILL. I say you stayed at home. You indorsed Horace Greeley. You went back on your pledges, and you did not vote at all, and the regular Republican nominee was elected. I do not care how many third tickets or fourth tickets or fifth tickets you put up. William Howard Taft will be elected President of the United States on the issue of a protective tariff and against Democratic free trade. [Applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolution of the following titles:

On July 5, 1912:

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

On July 8, 1912:

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

On July 6, 1912:

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 20738. An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture.

On July 10, 1912:

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public acts, and for other purposes," approved March 4, 1909.

DEPARTMENT OF LABOR.

The committee resumed its session.

Mr. SULZER. Mr. Chairman, I want to say just a few words. I have some time left. First I will yield to the gentleman from Connecticut [Mr. REILLY].

The CHAIRMAN. The gentleman from Connecticut [Mr. REILLY] is recognized.

Mr. REILLY. Mr. Chairman, I do not attempt to measure swords with my older and more experienced colleague from Connecticut [Mr. HILL] in making a protective tariff speech, but I am impressed by the fact that this afternoon in this House the gentleman is much more confident of the election of William Howard Taft than he was at a recent meeting of Connecticut postmasters. [Laughter and applause on the Democratic side.]

Only this morning—and it seems as if it was rather providential—I received a letter, a part of which I hold in my hand, and in view of the political discussion having developed here, and in view further of the great confidence expressed in the election of the Republican nominee by my colleague, I want to read something that the gentleman from Connecticut said at a recent meeting of Connecticut Republican postmasters along this same line of confidence. I read from the letter in question:

I will retail to you a part of a speech that I heard at the annual banquet of the Connecticut Postmasters' Association, at which I was a guest.

Hon. EBENEZER J. HILL was the speaker, and he prefaced his remarks by asking if there were any reporters in the room, and upon being assured that there were not, he resumed his speech, which he evidently considered of a confidential nature. He began by saying that he was pleased to see all the old familiar faces, but he feared that some of those faces would be missing at the next annual banquet if they did not do better work in the next election than they did in the last.

[Laughter.]

Mr. HILL rose.

Mr. REILLY. I will not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. REILLY (reading):

He said further, "You are all creatures of the present administration, and as such are expected to be in harmony with and part of that administration, and, furthermore, notwithstanding orders and statements to the contrary, you are expected to take off your coats and openly work for the continuation of that administration."

[Laughter and applause on the Democratic side.]

The letter continues:

But the part of his speech which will interest you most is that in which he alluded to you. He said, "Behold the man you have sent to Washington to represent this district. Do you know what he is doing? He is voting with the southern Democrats to destroy the manufacturers of Connecticut."

I deny that absolutely. I voted on tariff measures in this House with the majority of this House, and also with a large minority on the other side of the House who are honest in their convictions. [Applause on the Democratic side.]

I voted for tariff legislation that was promised the people of the country by the Democrats in 1910, after they had been deceived by the promises made by the gentleman from Connecticut [Mr. HILL] and other Republicans in 1908. [Applause on the Democratic side.] I deny that I voted to ruin the manufacturers of Connecticut, and I deny that my southern colleagues have voted to do that either. [Applause on the Democratic side.] I am sick and tired of hearing the gentleman from Connecticut, the know-all of tariff legislation, compared to whom the distinguished gentleman from New York [Mr. PAYNE] is a mere piker; no one knows anything but the gentleman from the fourth district of Connecticut—I say I am sick and tired of hearing him, under the guise of protecting the American workingman, getting up here and feeding them with speeches on the tariff. [Applause on the Democratic side.] I say that the Democracy of this House has redeemed its pledges made in 1910 so far as an adverse Senate and a hostile President would permit them; and if the House legislation had been passed by the Senate and approved by the President the people of this country would have been far better off to-day, far better than they will be in listening to this buncombe every few days, under every pretext, that the gentleman from Connecticut [Mr. HILL] can inject into the discussion of bills in this House. [Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman——

Mr. HILL. Mr. Chairman, I rise to a question of personal privilege. I desire to ask the gentleman from Connecticut [Mr. REILLY] if he states on his honor as a Representative that he has quoted my language correctly.

Mr. REILLY. Mr. Chairman, I will state on my honor as a Representative that this is a bona fide letter, received only to-day from a friend——

Mr. HILL. I ask the gentleman fairly and squarely as a Representative from Connecticut if he is responsible for the correctness of the language which he has read on this floor?

Mr. REILLY. I will ask the gentleman from Connecticut if he denies having said that. [Applause on the Democratic side.]

Mr. HILL. I want to ask the gentleman if he states on his honor as a Representative that the language which he has attributed to me was ever uttered by me; not because somebody tells him so, but will he be responsible for the correctness of it?

Mr. REILLY. I will not believe the language I quoted if the gentleman from Connecticut denies it; but until he does deny it I do believe it.

Mr. HILL. Oh!

Mr. SULZER. Mr. Chairman, I believe I have the floor.

Mr. HILL. Mr. Chairman, I emphatically deny the correctness of the language which has been read here by the gentleman from Connecticut [Mr. REILLY]. I have the right to know whether he knows himself that he has read language that he says he attributes to me.

Now, Mr. Chairman, the reason I deny it. I have kept silent in the past on attacks of this kind. I came into this Hall some time last winter when the gentleman from Connecticut was reading a prepared speech in which he accused me of having prepared a woolen schedule while president of a woolen mill and while my son was treasurer of a woolen mill. He did it deliberately. He might have known that it was false if he had wished to have known it. My son had died three years before that time. I had resigned from the vice presidency of the woolen mill prior to assisting in preparing the Payne tariff bill more than three years before. The gentleman from Connecticut knew it and he suppressed the facts on this floor. I say that statements of that kind coming from any man, Republican or Democrat, are not only not worth the paper they are written on, but they make the man unworthy of any credence whatever, either now or in the future. [Applause on the Republican side.]

Mr. SULZER. I have the floor, Mr. Chairman, and I will yield to the gentleman from Connecticut.

Mr. REILLY. Mr. Chairman, the attempt of the gentleman from Connecticut to sidetrack this present proposition by the introduction of another will not succeed. I want to correct the statement which the gentleman made here a moment ago. He said that I knew that he had resigned as the vice president of that Norwalk company. When I made the remarks in the House some time ago I did know he had resigned as vice president, and I said in that speech that he had resigned as vice president. I said also in that speech that he was still a stockholder and still a director in that company. I said that to him in public and privately, and I repeat it now. I said that he had resigned some time before as vice president, so he can not put that up to me as an accusation of being unfair.

I did not know that his son was dead. If I had, I would not have brought his name into the discussion; but the fact remains that his son had been treasurer of the company. The fact that the gentleman from Connecticut had resigned as vice president I stated on the floor, but he is still a stockholder and a director and the controlling interest in that company to-day, and I have nothing to take back in that speech. He can not sidetrack attention from what I quoted here to-day, and they will stand as true until he denies them.

Mr. HILL. Would the gentleman like to have me deny them now? There is no such company now and there was not when the gentleman made his speech. The stock had already been voted as a free gift to others at that time and the concern was out of existence.

Mr. REILLY. When that speech was made, within a month of making it, the annual report of the company was on file in the town clerk's office in Norwalk, the gentleman's home town. There is where my information came from; there was no hearsay, and the town clerk's records were the source of information. [Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman, this is a hot day. [Laughter.] Let us keep cool. [Laughter.] I say this advisedly because I regret that gentlemen get unduly excited now about a matter which is not before the House and which will no doubt be thoroughly discussed on the stump in the cooler days of the autumn. [Laughter.] In view, however, of what the gentleman from Connecticut [Mr. HILL] has said to befog the issue and to direct attention from the bill which we are now considering to something else which will be considered in due time, I want to say that, in my judgment, the people of our country are tired of hearing the gentleman from Connecticut expatiate on the tariff—threadbare subject to him—and they care nothing about his opinion to-day on that topic, but they do care a great deal about what Gov. Woodrow Wilson will say on the subject when he comes to speak. [Applause on the Democratic side.] The people of the country are waiting to hear the speech which Gov. Woodrow Wilson will make to the committee which will

soon officially notify him of his nomination for President by the Democratic Party. I indulge in no prophecy as I look into the sad faces of the gentlemen on the other side of the aisle and read there what they really think and what they truly know, that just as sure as the sun will rise to-morrow morning Woodrow Wilson will be the next President of the United States. [Loud applause on the Democratic side.]

Mr. FOCHT. Will the gentleman yield?

Mr. SULZER. Is it for a question?

Mr. FOCHT. It is for an observation altogether germane.

Mr. SULZER. Never mind the observation. Ask the question.

Mr. FOCHT. I have here a book sold by the millions giving the speeches of a gentleman from New York named SULZER.

Mr. SULZER. Good. Has the gentleman read that book?

Mr. FOCHT. Read it and was glorified in the reading of it.

Mr. SULZER. Then the gentleman knows more now than he did before he read it. [Laughter and applause.]

Mr. FOCHT. Quite true, but we are informed in that book that the said gentleman has carried a Republican district some 20 or 30 times. Why should he do any hurt to the Republicans upon whom he depends for his majority?

Mr. SULZER. That is fine. I am not hurting the Republicans. I am just telling the truth. If that hurts, make the most of it.

Mr. FOCHT. I know that the whole world might sit at the feet of the gentleman and gather wisdom. Anyone who reads the book could not fail to do so.

Mr. SULZER. My friend is too complimentary. However, I do not want to get into a tariff discussion at this time, because I am too anxious to pass this bill to create a department of labor.

In all seriousness I trust we shall not get awry on extraneous matters, but stick to the subject matter which is before the House, to wit, the bill to create a department of labor. Nay, I hope that from now on until we take a vote on this bill Members will confine themselves to the subject under discussion and not discuss other matters wholly irrelevant. For one I am always glad to hear the gentleman from Connecticut [Mr. HILL], and I was gratified to hear him say that he was heartily in favor of the bill before the House. I do not believe there is a Member present here who is opposed to this bill, and if that be so let us pass the bill and then, so far as I am concerned, I will stay here until the cows come home and listen to Members discuss the tariff.

I know something about the tariff myself. [Laughter.] The tariff subject is a good deal like a fiddle. If you understand it you can play any tune on it, but if you do not understand it you can not play on it at all. The gentleman from Connecticut [Mr. HILL] understands the tariff question, and to-day he is playing his old-time tune on it. He has been playing the same tune on it for many, many years, but wait until you hear Woodrow Wilson, the next President of the United States, who understands the instrument, too, play the tune of the people on it. That is what the country it waiting for. Then you will hear the true response from the voters on election day.

But a truce to the tariff to-day. Let us consider this bill for a department of labor, and let us see if we can not pass it before we adjourn. It is a very important measure. It is a nonpartisan measure. It comes to us with a unanimous report, and I would like to see it pass the House before 4 o'clock by a unanimous vote, and to test the sentiment of the committee in that regard, I now ask, Mr. Chairman, unanimous consent that the House vote upon the bill at 4 o'clock.

SEVERAL MEMBERS. Let us vote now.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to close debate on the pending bill at 4 o'clock.

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from New York is very generous. The debate on this bill was opened by the gentleman from Pennsylvania [Mr. WILSON], and the gentleman from New York [Mr. SULZER] took the floor and made a political speech which had no relation whatever to the bill. He has now made another political speech which has no relation whatever to the bill, and having made two political speeches, he proposes, without any further consideration of the measure at all, to cut off debate. I object.

Mr. SULZER. Mr. Chairman, I am sorry the gentleman objects. I will ask the gentleman from Illinois how much time he desires.

Mr. MANN. I would like to have about two hours myself. I suppose I will not get that.

Mr. SULZER. Let us be fair. How much time does the gentleman really desire?

Mr. MANN. I am not proposing to make any arrangement whatever with the gentleman. I will make this proposition to the gentleman if he is in charge of the bill. I do not know whether or not he is in charge of the bill—I will make this agreement, that as far as I am personally concerned we run the debate on the bill and close at 5 o'clock and vote next Wednesday on the bill the first thing.

Mr. SULZER. Why put off the passage of the bill until a week from to-day? I will agree to close debate at half past 4 or 5 o'clock and vote on the bill to-day. Why wait another week?

Mr. MANN. Well, not because of any reason that affects this side of the House.

Mr. SULZER. Then let us close debate at half past 4 and pass the bill to-day.

Mr. MANN. We may close at half past 4 if we are ready when half past 4 comes.

Mr. SULZER. The gentleman is seeking delay. Is the gentleman opposed to the bill?

Mr. MANN. That is none of the gentleman's business at this time.

Mr. SULZER. I am seeking information.

Mr. MANN. Oh, the gentleman is not seeking information at all. Give us a chance to discuss the bill and he will find out where I stand on it.

Mr. SULZER. The motives of the gentleman are apparent.

Mr. KENDALL. Let us go on with the discussion of the bill.

Mr. SULZER. Mr. Chairman, very well. I reserve the balance of my time. I want to pass the bill to-day if it can be done, and it can be done if there be no filibustering on the other side.

Mr. MANN. Mr. Chairman, this is a bill to create a new executive department of the Government—a department of labor. It provides for a secretary of labor and three assistant secretaries of labor. It provides for a transfer to the new department of labor of the Immigration Service and the present Bureau of the Department of Labor. It adds in no way whatever to the duties to be performed by the existing bureaus of the Government, except in the one particular where it proposes that the secretary of labor shall have the right to interfere in every labor dispute, regardless of whether it involves interstate commerce or not.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I yield.

Mr. GARNER. It occurred to me a while ago, while the gentleman from Pennsylvania was reading the provisions of this bill with reference to providing for offices, whether or not the language in the bill is broad enough to add agents and employees of various characters by appropriation committees without being subject to a point of order. I would like to get the gentleman's opinion on that, because I think his opinion on that subject at this time would be worth something.

Mr. MANN. I have no doubt——

Mr. GARNER. If the Appropriation Committee could add such employees and add such salaries as they would deem proper without a point of order being made against them.

Mr. MANN. I would not like to say you could change the class of the persons employed, so far as the point of order is concerned. The language in this bill is quite similar to language in other laws, and the gentleman knows the ruling has been consistent up to the present session of Congress, since when some Chairmen have been in the chair who have had no familiarity with the rules and precedents and have brought about a conflict of rulings. Heretofore they have been consistent. You could add to employees in a class where it was according to existing law. Some Chairmen have held you could do that and some have held you could not do it. I do not attempt to reconcile the rulings. When the gentleman from Texas asks me what the rulings of the Chair will be on a bill which is not yet a law it is a gambling chance.

Mr. GARNER. I was undertaking to put in the RECORD now the opinion of the gentleman from Illinois, who is looked upon as more or less familiar with the rules of the House. I want to get his opinion as to what the rule ought to be with reference to this bill in adding employees.

Mr. MANN. I am not going to express an opinion on the subject for future quotation. My opinions for or against points of order are too numerous now as printed in the RECORD, and anything I might say now would not add to anything which I have said.

Mr. GARNER. If Congress wants to control the matter, now is the proper time to control it in this bill, and therefore it is necessary to have the information by each Member of Congress as to what power it offers the appropriation bill and what the bill ought to be.

Mr. MANN. This bill authorizes the appointment of such other clerical assistants, besides the chief clerk and disbursing clerk, as may from time to time be authorized by Congress. That authorization is sufficient if carried in an appropriation bill, and also authorizes such number of inspectors and special agents as may be provided for by Congress. Whether that authorizes an appropriation bill to provide for them is a question which is not settled in my own mind.

Mr. Chairman, this bill not only provides for a secretary of labor, but it provides for three assistant secretaries of labor. The distinguished gentleman from New York [Mr. SULZER], who introduced the bill, is now the chairman of the Committee on Foreign Affairs of the House. It is true that the Department of State has three Assistant Secretaries. In my judgment, the Department of State would be more efficient if it had only one Assistant Secretary. The Treasury Department has three Assistant Secretaries. But it has a very large field of work, and work which may properly be divided up among Assistant Secretaries, although, if we may judge from some statements which have been made in the papers recently, the result of having three Assistant Secretaries is that you can not get always the proper action from the real chief, the Secretary.

No other department of the Government has three assistant secretaries. The Department of Agriculture has one Assistant Secretary. The new Department of Commerce and Labor, which we created a few years ago, has one Assistant Secretary, and this House in the last Congress, with the Democratic side of the House voting that way, declined to provide a second assistant secretary for the Department of Commerce and Labor.

Now, there is much more reason for having two Assistant Secretaries in the Department of Commerce and Labor than there is in having two in the new department of labor, because the functions of the Department of Commerce and Labor cover a great many more bureaus and different classes of work than are proposed to be covered by the department of labor. There is absolutely, in my judgment, no justification or excuse for proposing three assistant secretaries in this new department. The Post Office Department has four Assistant Postmasters General, each with a certain class of work to perform, and covering an appropriation now of $250,000,000.

At the proper time I shall offer an amendment to provide that there shall be but one assistant secretary, and in the same connection to provide for the auditing of the accounts of the new department, which is not provided for in this bill and is not covered by any existing law. To that, I suppose, there will be no objection.

Mr. Chairman, there are nine Cabinet officers. We call them "secretaries of departments," except in the case of the Postmaster General and the Attorney General. Those nine Cabinet officers now stand at the head of nine executive departments. I believe they are all considered and classified now as executive departments of the Government. The only provision in the Constitution in regard to the executive departments of the Government is found in section 2 of Article II, where it is provided that the President—

> may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.

And, again, that—

> Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Just what constitutes an executive department or the head of a department has never been fully determined. It is quite certain, however, that the head of such a department shall not necessarily be called into the President's Cabinet nor constitute the head of an executive department within the meaning of the Constitution. The President's Cabinet is not a constitutional office. The President's Cabinet is determined by the President, although now I suppose it is largely determined by the force of custom and possibly influenced to a certain extent by a recent provision in one of the appropriation bills. The President's Cabinet is not created by law. It exists voluntarily and only by force of custom. It has become the custom, however, that when a new department is created and an official at the head of it is called the "secretary of the department" to consider him as a Cabinet officer.

There is nothing, of course, to prevent the President from requesting the head of any other department to attend the meetings of what is called the "Cabinet." This bill, creating a new secretary of labor, should not of itself provide that the secretary should be a member of the Cabinet. There has been a Department of Labor for many years. First, years ago, there was a Commissioner of Labor. Afterwards that was made a Department of Labor, still with a commissioner at the head of it.

Mr. Chairman, only three new additional members of the Cabinet have been provided for more than 100 years. The Departments of State, War, Treasury, Navy, the Attorney General, and the Postmaster General were established during the eighteenth century, and during the first 10 years of the existence of our Government under the present Constitution.

The State Department was the first executive department created, and was established under the title of the "Department of Foreign Affairs" by the act of July 27, 1789, the title of the department being changed to the "Department of State" by act of September 15, 1789.

The Department of War was created by the act of Congress of August 7, 1789. The Department of the Treasury was created by act of September 2, 1789. The salary for an Attorney General, which presumably carried the office, and which I believe was $1,500, was provided for in the act of September 23, 1789, and the office of Attorney General was created in the last section of the act of September 24, 1789. The Attorney General has always been one of the President's family and advisers and known as a Cabinet officer, though he was not always called in at the meetings of the three Secretaries at the beginning of the Government, and although the office of Attorney General was not in terms referred to as an executive office until the act of June 22, 1870, establishing the Department of Justice. A temporary Postmaster General was provided for by the act of September 27, 1789; and by the act of May 8, 1794, a general post office was established at the seat of government, with a Postmaster General in charge. The Postmaster General became undoubtedly the head of one of the executive departments of the Government, but the law did not so refer to him until the act of June 8, 1872, establishing an executive department to be known as the Post Office Department; and although the post office was established, and the Postmaster General, or a person in charge of the post office was provided at the beginning of the Government, the head of the office was not considered a Cabinet officer, nor was the Postmaster General called into consultation in the Cabinet until the administration of Andrew Jackson.

Jackson considered that the Postmaster General was so important in the distribution of offices and jobs that it was considered advisable that the head of that office should meet with the other gentlemen in the Cabinet when it came to the dividing up of the dope.

The act creating the War Department carried with it a provision for control of the Navy. It was originally contemplated that the Navy should be under the control of the War Department; but when war seemed imminent with a European power during the administration of Washington it was finally provided that there should be a Department of the Navy, and that was created by the act of April 30, 1798.

The six departments to which I have referred were all established practically at the commencement of the Government under the existing Constitution. There have been many requests for the creation of new executive departments of the Government in behalf of various interests. Since that time Congress has been very conservative about granting those requests. There are several bills pending now in the two Houses of Congress proposing additional departments of the Government. There is no special interest not already specially provided for, and some which are specially provided for, that do not seek to be specially represented in the President's Cabinet, upon the theory that an interest which has special representation in the Cabinet receives special advantage and special attention. It is quite within the bounds of reason to say that with the increase in number of the members of the Cabinet there comes a decrease in power and influence of the Cabinet itself.

Mr. Chairman, I had charge in this House of the bill creating the last new executive department of the Government, the Department of Commerce and Labor, and I have many times questioned since the enactment of that legislation whether after all it was to the interest of the Government to increase the number of Cabinet officers. I believe the Cabinet in the old days, when there were only six or seven members of it, had far greater influence in shaping the unity of purpose of the country than it has now or than it will have in the future when the number is increased.

It is easy to say that labor ought to have a representative in the Cabinet. It is just as easy to say that the people interested in health matters should have a representative in the Cabinet. It was for many years contended that the immense interests engaged in mines and mining should have a representative in the Cabinet, and it took a long time before the people engaged in the mining industry were willing even to accept a Bureau of Mines and Mining instead of a new executive department of the government of mines, to be represented by

a Cabinet officer. It is undoubtedly true that from the start there was a desire to have some department of the Government which went beyond the mere matter of official control of official governmental activities. The Department of State is necessary in our relations with foreign countries. The Treasury Department is a mere instrument in connection with the collection and expenditure of the revenues of the Government. It relates to governmental activities. The War Department is a matter for control of one of our means of defense and offense. So is the Navy Department.

The Post Office Department results solely from the governmental activities of the Government in handling the postal matters of the country. The Attorney General's Office, or the Department of Justice, relates solely to matters arising out of advice in legal matters, which the Attorney General must give, and the activities which he represents in prosecuting cases or offenses in behalf of the Government.

There was a time when it was desired to increase the activities of the Government, especially in regard to the public domain, and for many years there was advocated a home department. Congress finally created the Department of the Interior, the title to which law is "An act creating a home department," although the words "home department" are not found in the act and the word "Interior" is not found in the title. There was transferred to that department various governmental activities, such as control of the the subject of patents and control more or less of the public domain.

In the course of time that great body of substantial yeomanry of the country known as the agriculturists demanded representation. For many years there existed a national body, voluntary in its character, representing the agriculturists of the country, who proposed a new department or a new bureau or some new governmental agency which would add a new department of agriculture. One of the first things which was done under the administration of President Lincoln, outside of the preparations and activities of war, was the passage of a law providing for a department of agriculture, which was to be presided over and was presided over not by a secretary but by a commission. That was really the first time that the Congress had entirely departed from the theory of having a Cabinet officer carry on purely government functions, and now provides for a new department entirely unrelated to governmental functions of the Government.

The Department of Agriculture, I think, has more than justified its creation. Some one asked a while ago about the expense that this department might reach. I suppose no one can tell what the expense of any department will be in the course of time. My recollection is that the first appropriation in behalf of agriculture was $5,500. When the new department was created it cost $64,000 a year. I forget just what appropriation is carried by the current agricultural bill, but the appropriation for 1912 is nearly $17,000,000. It is quite an increase from the original $5,500 or the $64,000 under the first act creating the department.

In 1889 the Department of Agriculture, which theretofore had been presided over by the Commissioner of Agriculture, was changed so that its head should be a Secretary of Agriculture. Thereupon the Secretary of Agriculture was called into the Cabinet. Congress has never provided that any of its officers should be placed in the Cabinet. But a few years ago when the salaries of the Cabinet officers were raised from $8,000 to $12,000 it was done by a provision upon an appropriation bill providing that the salaries of Cabinet officers should be increased to $12,000. I believe that is the only recognition of what a Cabinet officer is.

Mr. WILSON of Pennsylvania. Will the gentleman permit me?

Mr. MANN. I will yield to the gentleman.

Mr. WILSON of Pennsylvania. In the bill creating the Department of Commerce and Labor, is not the Secretary made a member of the Cabinet?

Mr. MANN. Not at all.

Mr. WILSON of Pennsylvania. I have in my hand a copy of the act, and it reads:

> There shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of other executive departments.

I see that I am in error in the matter. I supposed that it provided for his being a member of the Cabinet.

Mr. MANN. The gentleman, perhaps, confused the act with the report which I made upon it. There is no doubt that it was intended to make him a member of the Cabinet, and that statement was made in the report. Of course there is no doubt but that it is intended to make the Secretary of Labor a member of the Cabinet, and I take it that if the bill becomes a law the President will call the Secretary of the new department into his Cabinet. If there was any place where it could stop I would, perhaps, have no objection to increasing the number one more. But in the end we may make the Cabinet so large that it will no longer be a Cabinet. Even now, with nine members, it has come so that instead of waiting upon the Cabinet meeting and consulting, the President will send more often for the individual heads of the Cabinet and consult concerning the matters relating to their department, and not confine it to sending for the heads of the departments who are Cabinet officers but sending for other officials. There is such a thing as making the family of advisors of the President too large.

Now, what is the reason offered for this bill? We added the Department of Labor to the new Department of Commerce and Labor. Gentlemen say that that department is for commerce. It is no more for commerce than it is for labor. They may say that no laboring man has been Secretary of the new department, and they may equally and truthfully say that nobody who knew anything about commerce—that is, no one who is an expert, has been appointed as the head of that department.

No one knows whom the President will call; the moment you make an office political in character the appointment is more likely to be political in character than it is expert in character. The gentleman who is now at the head of what they call the Bureau of Labor, although the law denominates it as the Department of Labor, remained there for many years. It was not a political appointment, I take it. I think he has the confidence very largely of both labor and capital. In my judgment, it is better for both parties to have some one there who is not put in purely as a political proposition, and who can remain for a time, than it is to appoint a new man the head of a new department every presidential term, and if you can judge by the experience of the last 20 or 30 years, sometimes three or four times during a presidential term.

The gentleman from Pennsylvania [Mr. WILSON] says that one of the purposes of the bill is to permit the secretary of labor to appoint commissioners of mediation or conciliation, whatever they may be termed, in labor disputes. Is it not a wiser proposition to let the head of the department which represents both capital and labor, both commerce and labor, appoint this commission than it is a man who simply represents labor? What greater reason can be given for having the Department of Labor appoint the commissioners of conciliation than there is for having a department representing both commerce and industry appoint the commissioners of conciliation? I am perfectly willing for the passage of any bill into a law which may aid in settling contemplated and existing labor disputes. Organized labor is not always, it seems to me, quite fair on that subject.

A few years ago, while I was chairman of the Committee on Interstate and Foreign Commerce, we reported into the House a bill known as the Townsend bill which proposed to authorize the President in case of labor disputes which might involve interstate commerce to appoint in each case a board—I do not remember the title of it—which might investigate and endeavor to bring the parties together. That had no power to enforce anything. Organized labor was afraid of it. I am not criticizing them for being afraid of it. Perhaps it would have gone too far; I do not know. I do not see, however, but that the present bill in effect goes quite as far or perhaps farther. It does not offend my constitutional sense quite as much, I think, as it would that of some gentlemen on the Democratic side of the aisle to have a serious proposition here that the President of the United States, or one of his executive officers, can interfere in any threatened or existing labor dispute local in character purely which has no relation to any power of the General Government.

Under the terms of the existing bill, while that power would not be exercised because it would be too extreme, they might appoint a commission to investigate a quarrel between a farmer and a single farm hand as to the wages or other conditions under which the labor was to be performed. And it goes from that up. And yet I am not prepared to say that it may not work good. We have had a number of propositions of this sort before. One is this bill; another is another bill, I believe, reported from the Committee on Labor providing for a board of conciliation. I think the gentleman has a bill of that kind on the calendar.

Mr. WILSON of Pennsylvania. Providing for the appointment of an industrial commission.

Mr. MANN. That bill is a bill providing for the appointment of a commission to be called a commission on industrial relations, a commission to be composed of nine persons to be appointed by the President, three of whom shall be employers

of labor and three representatives of organizations of labor. May I ask the gentleman from Pennsylvania whether if the pending bill is passed he desires to have the other bill passed?

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. That is on the theory that one might not become a law?

Mr. WILSON of Pennsylvania. Not only on the theory one might not become a law, but on the additional theory that the industrial commission bill directs an investigation into the entire industrial situation. The bill under consideration does not direct any such investigation, but it gives to the Secretary the power of mediation and conciliation when in his judgment it is wise to exercise it.

Mr. MANN. Well, if you are to have a new department of labor for the purpose, in part, of collecting information, what is the department to do? I will be glad to know. We have had a Department of Labor for years, originally provided that there should be so many clerks and providing specifically for a force to be in the Department of Labor, and for years the department could not find enough to do, unless an accommodating Member of Congress would offer a resolution, which regularly came in once in a while, directing the Labor Department to make an investigation of some special case; otherwise there was no reason for continuing to pay the men, because they would have nothing to do.

Mr. MOORE of Pennsylvania. Has the gentleman given consideration to section 4 of this bill, which includes a number of bureaus of the Government?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. The Bureau of Immigration is included, and all immigration questions appear to be taken over into the proposed department of labor.

Mr. MANN. Well, I do not think it makes any difference whether the Immigration Service is in the Department of Commerce and Labor or whether it is in the department of labor. This is simply to give some excuse for the creation of this department. It will be no more effective and probably less effective in one department than the other.

Mr. MOORE of Pennsylvania. The gentleman, in some of his preceding remarks, intimated it might not be well always to have a specialist at the head of a department——

Mr. MANN. I did not intimate it might not always be well, but intimated it is seldom done.

Mr. MOORE of Pennsylvania. The gentleman perhaps would not favor putting in charge of a Tariff Board, which has to do business for all the people and gather information from all the people, one who is a specialist on the free-trade side of the question or one who is a specialist on the protective side of the question?

Mr. MANN. Of course I was referring to the heads of departments, such as Cabinet officers, who are political appointments.

Mr. MOORE of Pennsylvania. I bring the question of immigration to the notice of the gentleman, with a view to calling his attention to the fact that there is a wide difference of opinion in labor circles whether there should or should not be a continuation of immigration to this country. Certain labor leaders are very much opposed to immigration and are greatly in favor of restriction.

Now, then, if immigration, which was provided for in the Constitution of the United States and which has given substantial basis to the prosperity of the country, is to be put in the hands of those who are diametrically opposed to it, it raises the question whether immigration should be relegated to a department of this kind.

Mr. MANN. Well, I will say to my friend from Pennsylvania that I think so long as I now remember in my service in the Government the head of the Immigration Service has been a labor leader and is now, a very competent and efficient official, and I believe he has the confidence of organized labor as well. Is not that so in the main?

Mr. WILSON of Pennsylvania. He has the confidence of the men who have been selected as officials of labor organizations.

Mr. MANN. I think so.

Mr. MOORE of Pennsylvania. He was himself an official of a labor organization.

Mr. MANN. He was a very efficient, so I am told, official of the labor organization, and I believe he has made a very efficient Commissioner of Immigration.

Mr. MOORE of Pennsylvania. Would the gentleman think it was entirely proper to put at the head of the Bureau of Immigration a man who was an absolute restrictionist?

Mr. MANN. Oh, it is for Congress to determine the restrictions upon which immigrants may come into this country. Of course, I aired my views on that subject in the House here not long ago, briefly. I do not believe myself in the literacy test of immigration.

On the other hand I do believe that if there is some way of discouraging immigration to some extent it might be a wise thing to do—temporarily at least. I do not believe in making the test on a man as to whether he can read or write.

Mr. CONNELL. Does the gentleman believe the establishment of this new bureau would have anything to do with that test? Could they bring it about in any way?

Mr. SULZER. Certainly not.

Mr. MANN. That was the suggestion made by the gentleman from Pennsylvania.

Mr. CONNELL. I wanted it explained; that is all.

Mr. MANN. That is a matter for Congress to determine. There is no doubt that the officials in charge of the Immigration Service, who apply any law that we pass, have quite a degree of latitude in the application of the law. And the same is true of the Customs Service.

Mr. SULZER. Will the gentleman yield for a question? I wish to ask the gentleman from Pennsylvania [Mr. MOORE] if he bases his criticism on the assumption that public officials do not do their duty.

Mr. MOORE of Pennsylvania. Not at all. But I would say that a man placed in control of a Government bureau or in charge of a department of the Government of the United States represents all classes of citizens, whether they are Democrats or Republicans or Prohibitionists, or whether they are aliens, or whether they are native born; and I would not like to see at the head of any department of this Government a man so prejudiced in his views on one side or the other side of a question affecting human rights as to be unable to fairly decide whether a man should come into this country or whether he should be kept out.

Mr. MANN. Mr. Chairman, I have noticed, with a good deal of pleasure, all my life, and I think it is the redeeming feature of popular government, that, as a rule, whatever views a man might express concerning a law or a proposition before he went into office, when he took the oath of office to administer the law as he found it, he attempted to fulfill the duties of his office and to carry out the law regardless of personal predilection or former personal prejudice. [Applause.] I think that is the case. I just as lief, so far as I am concerned, as a rule, take a man who might have been even a labor agitator opposed to immigration and put him in charge of the execution of the law, and I believe he would execute the law as he found it. If we ever reach the time in this country when people generally will not do that, we have reached the end of successful popular government.

Mr. MOORE of Pennsylvania. The gentleman surely would not consider that the labor interests of this country would be satisfied if John Kirby, the president of the National Association of Manufacturers, would be placed at the head of the Department of Labor?

Mr. MANN. They would not be satisfied, because the head of the Bureau of Labor, in addition to enforcing the law, has something to do with formulating the policy of the Government by the report which he makes to Congress. I am not so sure but that Mr. Kirby would be—I do not know what his attitude is—more self-opinionated than the average labor leader, and probably is more opposed to immigration.

Mr. MOORE of Pennsylvania. Has the gentleman observed that in this section 4 no provision is made for that Division of Information which now undertakes to see that incoming aliens are properly distributed throughout the country and places of employment are pointed out to them? I would like to know, if the gentleman can not answer, from the chairman of the Committee on Labor, whether it was intentionally left out.

Mr. MANN. I think the gentleman will find that the language of this bill on that subject is taken from the language of the law creating the Department of Commerce and Labor. I drew the language in the law creating the Department of Labor. The language in the bill reads—

> The Commissioner General of Immigration, the Commissioner of Immigration, and the Bureau of Immigration, and the Immigration Service at large.

Mr. MOORE of Pennsylvania. What does that mean?

Mr. MANN. If that does not cover the whole subject, then I do not know anything.

Mr. MOORE of Pennsylvania. There is a bureau specifically named, for which appropriation is made this year, that is not designated here in section 4.

Mr. MANN. But it is covered by the "Immigration Service at large." I found in preparing the language which went into the act creating the Department of Commerce and Labor things like these: Take, for instance, the Department of Commerce

and Labor, and we passed a law creating that department. We refer to it in the appropriation bills as the Bureau of Labor. I think the chief of it calls himself the Chief of the Bureau of Labor. The act of Congress says the Department of Labor. I sent over in connection with that to the Bureau of Fisheries and asked by what authority they were using the title they were using over there? They could not give me any, although their office had two or three titles in different laws of Congress, and not one of them had the title which the bureau was using. When I prepared that bill I used all titles that affected everything, for the purpose of covering the whole subject.

Mr. MADDEN. I would like to inquire of the gentleman whether section 9, as drawn, proposes to give to the secretary of labor the right to enforce compulsory arbitration?

Mr. MANN. Well, I do not think so. I do not think that section 9 gives the secretary of labor the authority to enforce anything. As I understand the situation, the so-called Erdman Act provided that the Commissioner of Labor and a member of the Interstate Commerce Commission might, under certain circumstances, use their offices to bring about the end of labor disputes. I believe it is fair to this bill to say that I think that board under the Erdman Act has never followed the act itself; that they have always offered their services voluntarily, as is proposed to be done by this bill, and they have sought to bring the parties together, having some authority to do something—not very much—but using that authority not to do the thing that was provided by law, but to excuse themselves from "butting in." Of course, ordinarily in a labor dispute there are a great many men who would like to rush in and help settle it. I sometimes notice that Members of Congress would be quite willing to get in and settle a labor dispute if they thought they could settle it, and sometimes they are listened to. I take it that that section of the bill is simply for the purpose of giving some one an excuse or authority to say to people, "We want to see if we can not get you together." Am I right?

Mr. WILSON of Pennsylvania. That is practically the purpose of that section of the bill. It does not give any authority further than authority to go to the different parties in the contention and endeavor to bring them together. That is all there is in that authority.

Mr. MANN. Of course, necessarily it goes beyond that before it has been working long. If we are to endeavor to settle the labor disputes—and everyone hopes that he can settle them, or prevent them—we will have, in the end, to confer some authority upon people to obtain information; and I quite agree with those people who believe in approaching that subject carefully and by degrees, not stepping beyond where one can plainly see the ground ahead of him. I have no objection to that provision of the bill, except that I think it would be desirable to have it apply only where there was a pretense that interstate commerce was affected.

Mr. Chairman, I had intended to call to the attention of the House more fully the history of the development of the Cabinet and the creation of the offices. I regret to say that the time has been running very rapidly, and I fear I will not have the time. I hold in my hand a book, which every Member of Congress ought to be required to read, entitled "The President's Cabinet," by Henry Barrett Larner; a recent publication which gives a history of the creation of the different departments. The author was kind enough—I am giving a compliment back—to refer in complimentary language to the Member now addressing you in connection with the creation of the Department of Commerce and Labor. [Applause.]

Mr. FOWLER. Is that the reason why every Member of Congress ought to be compelled to read that?

Mr. LONGWORTH. One of them.

Mr. MANN. I will excuse them from reading that part of it, because, like my colleague from Illinois [Mr. FOWLER], I am heard from often enough from the floor without its being required that I be read elsewhere. [Laughter.] Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one more minute remaining. The gentleman has had 50 minutes.

Mr. MANN. Then, I shall reserve the balance of my time.

Mr. WILSON of Pennsylvania. Mr. Chairman, I would like to know if we can not proceed with the reading of the bill now?

The CHAIRMAN. The bill can be read if no one desires to address the committee.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. WILSON] if the terms of section 9 give the secretary of labor the power to appoint conciliators in labor disputes in cases not affected by interstate commerce?

Mr. WILSON of Pennsylvania. Mr. Chairman, it gives the secretary power to exercise his judgment in that respect whether the dispute affects interstate commerce or not. The matter is placed entirely in the hands of the secretary, to use his own judgment as to whether he shall attempt to act as mediator or not, or whether he shall appoint conciliators or not.

Mr. MADDEN. There is no power that can be given to any Federal officer, is there, that would give him jurisdiction over cases that were purely intrastate?

Mr. WILSON of Pennsylvania. So far as giving him power to compel any employer or any employee to accept his opinion or his decision or his viewpoint, no such power is given nor can be given.

Mr. MADDEN. Most of the States of the Union have labor commissioners and a labor board that do take up cases purely within the States, have they not?

Mr. WILSON of Pennsylvania. Some of them have and some of them have not. This, however, does not compel the Secretary to interfere or to offer to act as mediator, but gives him that power, which he can exercise upon his own judgment. It gives him no power to enforce his opinion or decision.

Mr. MADDEN. Of course he could not compel either an employee or an employer to accept any suggestion that he might make?

Mr. WILSON of Pennsylvania. No. There is no power of that character conveyed.

Mr. MADDEN. There might be cases where a question of principle was involved, either on the side of labor or on the side of capital, and neither side would agree to yield as a matter of compulsory arbitration.

Mr. WILSON of Pennsylvania. Under those circumstances they would be as free to act as they are now.

Mr. MADDEN. There is not anything, then, the gentleman from Pennsylvania thinks, that would lead to any compulsory settlement of any labor dispute?

Mr. WILSON of Pennsylvania. Nothing whatever. I may say to the gentleman, as I said in response to a similar question some time ago, that if it gave any power of compulsory arbitration I would be opposed to the bill.

Mr. MADDEN. I will say to the gentleman very frankly that if there is any such intention in the bill I would be opposed to granting any such power.

Mr. WILSON of Pennsylvania. If there was any suspicion in my mind of such a proposition I would be opposed to it.

[Mr. FARR addressed the committee. See Appendix.]

Mr. BUCHANAN. Mr. Chairman, I do not want to take up the time of the House at this late hour to discuss this bill in detail.

This is a bill of great importance, and, in my judgment, it should have been passed without unnecessary delay. One sometimes begins to surmise that there is some influence somewhere which undertakes to defeat measures of this kind, not by opposing them openly but by delay, which may result in their defeat. We had the spectacle here last Wednesday of my colleague [Mr. MANN], leader of the Republican side of the House, calling for a quorum and stopping action at that time. We had the same thing, I believe, during the special session, which would make it apparent to me that if it is not done for the purpose of defeating this bill, it is for the purpose of delay, to defeat some other labor measures that are on the calendar.

On this question of legislation for labor I can not harmonize myself with the idea that there is any distinction between the interest of labor and the interest of honest commercialism.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BUCHANAN. Yes.

Mr. CANNON. There is a majority of 60 on the Democratic side. Something was said about a point of no quorum made a week ago; I am not sure by whom, probably by my colleague [Mr. MANN]. If there was no quorum, that was the fault of the majority. Does not my friend think that while important legislation like this is being considered, it is the privilege, if not the duty, of some Member of the House to insist upon a quorum being present?

Mr. BUCHANAN. I would say it is the duty of every Member to be present when important legislation is being considered.

Mr. FOWLER. There is always important legislation being considered.

Mr. BUCHANAN. I feel it my duty to be here all the time. I felt that when I accepted the responsibility of an election.

Mr. CANNON. Primarily the responsibility rests upon the majority of the House.

Mr. MANN. Of whom there are now 25 present. I will give them a roast in a moment.

Mr. BUCHANAN. It would not be the first one the gentleman has given us.

Mr. MANN. No; nor the first one that was deserved.

Mr. BUCHANAN. I was going to say it was a matter of regret that the question of politics was brought up here, and that the gentleman from Connecticut [Mr. HILL] began it by making a speech for campaign purposes, declaring himself in favor of this measure. Yet he and others who have been in control of this House through the Republican Party for the last 16 years have let this bill lie in the committee without any action at all, at least for the last 10 years. And while I believe that a great many members of the Republican minority are in favor of this bill, and are just as much in earnest in pushing labor legislation as I am, yet there seems to be a cause somewhere which indicates that they want to delay action on labor legislation.

I started to say that I can not harmonize myself with the views of those who make a distinction between the interests of labor and the interests of honest, legitimate business and commercialism of this country. Every interest is concerned in the welfare of labor. Anything that results to the benefit of labor must result to the benefit of the whole people and the business interests of this country. No distinction can be made with regard to these things. If we consider the conditions that exist not only in this country, but throughout the world, we must admit that if there ever was a time when sincere, earnest men, both in public and private life, began to see what is threatening this country, this is the time. We have now in Europe business tied up by strikes. We have strikes here and there in this country, which show the unrest that is existing among the working people.

Bureaus of this kind ought to be able to do something to eliminate whatever it is which is creating that unrest. Possibly if such a bureau had been in existence we would not have had the spectacle that we had here in the investigation of the Lawrence strike, a strike which occurred in one of the most highly protected industries that we have heard so much about, as to the protective tariff which protects labor. Probably a bureau of this kind would throw light on questions of this character and avoid these costly strikes, which cost everybody so much. It is not a question of labor alone. Suppose, for instance, the anthracite-coal strike could have been avoided through some instrumentality of this kind. What would have been the value in dollars and cents? If you do not want to look at the question from a humane point of view, take into consideration the loss of time to the strikers, the excessive prices of coal which the people of this country have had to pay as a consequence of that strike, as well as the prostration of business in other lines.

It is my opinion that it is very rare indeed that a strike affects only local conditions, because the business of this country has become very much concentrated. In the building industry contracting corporations are putting up buildings from one end of the country to the other, and in almost any line of industry you will find that similar conditions exist. Therefore, in my judgment, it is almost impossible for a strike to develop that does not concern the whole country, and certainly every strike goes very much further than the men who are immediately concerned in it. If it is true that strikes do affect the whole business interests of the country, then this question is one which affects all the people of the country, no matter whether they be in business or engaged in professions or are themselves working people. For that reason these subjects are of the most importance. The greatest problems to be solved in this country to-day are found in the industrial world, and if you will do something which will tend to stop these industrial wars, if you will do something to educate the employer and employee to understand that their interests lie together in so far as industrial peace is concerned, you will benefit the whole country. It has been said that labor creates capital, therefore why should labor and capital be antagonistic to each other? Is it not due to some misunderstanding? Is it not due to something wrong which affects the interests of this country? If that is true, is it not worth our while to provide by law for the investigation of these matters, to throw light on the question as to the proper way to settle these things, and maintain peace and prosperity in the industries of the country?

Now, I was interested in having this legislation expedited, for the reason that there are other measures on the calendar which I hope to reach. One is an industrial commission, an important measure from my point of view. Also the eight-hour a day for drudge workers, and a bill to protect the working people against the vicious features of the Taylor system. All these, it seems to me, are worthy of consideration. It seems to me the working masses of the country are worthy of consideration, and it seems to me that an important bill of this character, when there is no apparent opposition to it, ought to be passed without bringing in the arguments that have been brought in, which is evidence to my mind more for the purpose of delay than anything else. Mr. Chairman, I reserve the balance of my time.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to say something on this bill. But first I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, my colleague from Chicago has undertaken to read me a lecture because I made a point of no quorum a year ago. It seems to me that my colleague has considerable nerve and gall. Here is a Democratic majority in the House with 60 majority, and 25 of them are here doing business. Twenty-five! They have the responsibility. There have been three bills, three laws, passed creating new departments of the Government in 114 years. The gentleman says that it involves grave responsibilities, and yet he wants to pass it with a Democratic membership in the House of 25—less than 10 per cent of the membership on the Democratic side of the House. If he wants to place the blame, let him blame his own side of the House. He has no right to criticise me because I asked that on an important measure the Democratic membership of the House attend to the duties for which they are elected and for which they are paid. I am doubly glad this day, on this occasion, to see that my colleague himself happens to be here.

Mr. BUCHANAN. Mr. Chairman, I think when the RECORD is looked over that my attendance will be found to be about as good as that of my colleague. If it is not, I will answer to my constituents in regard to that. I do not have to answer to him. It is a fact that he created a filibuster during the special session for the purpose of delaying the investigation on one of the most vicious systems ever installed in this country. He did it, either consciously or unconsciously, for the purpose of assisting the big employers of this country.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. MOORE of Pennsylvania. I have no objection to the gentleman from Illinois going on. I have the floor, but I am willing to listen to him.

Mr. MANN. Will the gentleman yield to me?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. The statement of the gentleman from Illinois is erroneous. I helped to pass a bill providing for the appointment of a fair commission. The gentleman from Illinois did not desire a fair commission; he wanted a packed commission, of which he would be one of the leading lights.

Mr. MOORE of Pennsylvania. Does the gentleman from Illinois [Mr. BUCHANAN] want time?

Mr. BUCHANAN. No; I have time of my own; I reserved my time, and I am willing to give some to my colleague, if he wants it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I accept for a text the desire of the gentleman from Illinois [Mr. BUCHANAN] that capital and labor shall work together. I am glad such a thought emanated from such a man, because he is a spokesman for organized labor of the country. Labor and capital ought to work together. One of the great difficulties is that they too frequently misunderstand each other because of false teaching on both sides. There is no use to mince words about it. Labor is as easily misled as some manufacturers may be misled. Perhaps it is due to the fact that labor is not always able to see through unprejudiced glasses. There is not a man in this House, Democrat or Republican, that does not wish labor well; but what is the distinction between a laboring man and any other human being? We are all laborers. If we listen to the clarion notes that come so frequently from the other side of the House, we would believe that every one of the majority drawing salaries as Congressmen were laborers. They claim that right, and why not concede it to those who work on this side of the House? Why make this class distinction?

In the days when the gentleman from Illinois was active in the ranks of organized labor of this country, and when the gentleman from Pennsylvania [Mr. WILSON] was delving in the mines, I was in close association with the labor interests of the United States, working with them hand and glove for seven years. I have studied these labor problems, and have wrought and worked with labor to see that its rights were maintained. I have never encouraged a labor leader to draw the line between himself and some one else.

Class distinction is made by those who preach it, not by those who work. The old soldiers of the war of 1861–1865 are not the men to wave the bloody shirt to-day. They are the men who greet each other with earnest and hearty handclasps, because they know now that there were brave men on either side; they are not doing the kicking about the North and the South. Some other men who shout so vociferously come from a younger generation. It is the younger generation that does not know the perils and privations through which the men of 1861–1865

labored and wrought. The men who preach discontent and dissatisfaction to-day, the men who are constantly harping on the "rights of labor," the men who are persistently preaching of the downtrodden, and who always have in their vision the "grinding corporations" are the men who do not remember the difficulties through which honest labor has passed, and they do not recall the days when labor went to the soup houses.

I want labor to have its rights, because I labor and I do not limit my labor by any eight-hour law. I concede eight hours to others, but work beyond that period of time myself, within my own right.

Mr. SULZER. I understand the gentleman from Pennsylvania is in favor of the bill.

Mr. MOORE of Pennsylvania. I am in favor of the bill as it should be amended; yes.

Mr. SULZER. If the gentleman desires to offer any amendments——

Mr. MOORE of Pennsylvania. I will when the time comes; the gentleman does not want to cut off debate now?

Mr. SULZER. I do not want to, but——

Mr. MOORE of Pennsylvania. The gentleman from Illinois has just intimated that the majority vote is with the other side. Yesterday we were told we must act upon a bill limiting the powers of the courts to do justice as between man and man, within three hours. The other day we were told that we must vote upon a measure which determined the rights of workingmen before the courts within a limit of time.

If you want an excuse for cutting off debate upon a bill which creates new offices, which fixes places for men who are to be paid by the workmen of the country, and you want us to do all this in a few moments, without a full and frank discussion, I would like to know it.

I know it is easy for a man to stand in the calcium light of labor and keep constantly preaching the doctrine of labor and pleading its cause, but I notice the men who do that sometimes ride in automobiles and dine at great hotels, and that labor pays for it. There is no use mincing words when we are dealing with a subject that affects the rights of the workingmen. If $3 a day is not enough for workingmen, I am ready to vote him $4, $5, or $6, but I do not want you to be constantly preaching the rights of labor for political purposes nor to obtain partisan victory or advantage.

You are going to create a department of labor. Very well. As I said a moment ago, I am going to join with you if you do it right. If you are going to make this a general labor bill that will be in the interest of all the laboring men, the fellow who pays his dues into a union and who supports the leaders of labor as well as others—if you are going to make this bill in the interest of those who start out at 6 o'clock in the morning and quit at 5 or 6 at night, I am with you—but if you are going to pass a bill that means a sinecure for those who preach labor and do not practice it, then I am not with you on the passage of that kind of a bill. I will talk to the workmen on this line any time the question is raised. I am for labor, Mr. Chairman; I am for the real and genuine labor that works, not for the labor that talks and preaches and goes about upon the street corners ringing its sleeves in hypocritical agony. If you are going to do this for labor, to meet the demands and requirements of honest labor, very well. Then let us have that comity of interest that the gentleman from Illinois referred to a moment ago, when he said that capital and labor should walk hand in hand. That is good, Brother BUCHANAN, of Illinois. Let labor and capital walk hand in hand, and we will have a prosperous country, regardless of Democrats and Republicans.

And while you are creating a Department of Labor, you who have the power to do it and who do it now with a taunt on this side of the House that it has not been done before, let me ask you why, with this thought of capital and labor walking hand in hand, you destroyed the Bureau of Manufactures in the Department of Commerce and Labor when you considered your legislative, executive, and judicial bill two or three weeks ago? That bureau had a purpose. That bureau was to promote, foster, and develop the commerce and trade of the United States, to advance the industries of the United States. You never gave it a fair show, and the other day, in the interest of Democratic economy, you took it out of the Government and said it should not be. If capital and labor are to walk hand in hand, if you are to give an equal chance to the man who employs labor with the man who is employed, if you want him to prosper so that he may pay the better wage that labor demands and earns, then give him "a show for his white alley," too. Why take away the Bureau of Manufactures in the Department of Commerce and Labor that was created to promote, foster, and develop trade, that gives an opportunity for the employment of labor, and then come in and tell us that we were derelict in not providing for labor heretofore? You took away the volume of employment that it would give; you destroyed the influence by which it was proposed to build up the trade and commerce of the country and to give a fair chance to those who are employed to obtain a higher wage. I want a department of labor if it will be effective, but the distinguished gentleman from Pennsylvania [Mr. WILSON], whose long interest in the labor cause is well known by all of us, admitted frankly and squarely upon the floor of the House in the presentation of the bill that there was no power in it to enforce any measure the secretary of labor may recommend. And he said, more than that, that if it should be a question of forcing the employer and the employee to get together to dispense with these industrial troubles that the gentleman from Illinois [Mr. BUCHANAN] so deplores, that he would then be against the bill itself. Well, if we can not have compulsory arbitration, and I am not advocating it, why can not we have a labor bill that means something in the settlement of labor controversies and in the adjustment of those questions which will lead to the goal suggested by the gentleman from Illinois, that labor and capital shall at last walk hand in hand. There is no purpose to the bill in any one of its paragraphs. It proposes simply to create a department of labor. For what purpose? The gentleman from New York [Mr. SULZER] says the purpose is written in every line of the bill. Will you show me the purpose indicated? Purpose No. 1 proposes the creation of a secretary of labor at $12,000 a year; purpose No. 2, the creation of the office of first assistant secretary of labor at $5,000 a year; purpose No. 3, the creation of the office of second assistant secretary of labor, at $5,000 a year; purpose No. 4, the creation of the office of third assistant secretary of labor, at $5,000 a year; purpose No. 5, the appointment of special agents to obtain information, and a solicitor general, at figures indicated in the bill. What is the purpose of the bill? Merely to create these offices? Is it merely to seek out men to occupy these places and to hold them down? Or is it to take hold of labor of the United States in an intelligent way and lead it onward and upward in the manner indicated by the gentleman from Illinois, who would have industrial peace and who would like capital and labor to walk hand in hand? When the proper time comes—and I am not going to talk any longer lest the charge be made that I am endeavoring to delay action on this bill—I shall introduce an amendment stating the purpose of the bill, and when the proper time comes again I shall offer another amendment inquiring why the Division of Information in the Department of Commerce and Labor, which proposes a distribution of the labor of the country, is omitted from the provisions of this bill. I want a labor bill that will be a labor bill that will be of advantage and benefit to the labor of the country. I want a bill that will mean that capital and labor shall walk hand in hand; that the industries of the country shall not be stricken down, but that they shall be encouraged and reared; that the actual wage earners, men and women, will be enabled to earn that stipend which is the reward of honest labor, and that, if possible, through a department like this intelligently directed.

Mr. FOWLER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield.

Mr. FOWLER. Do you know of anything that would more fittingly dignify labor than to create a department of labor?

Mr. MOORE of Pennsylvania. If the gentleman is seeking dignity for labor, I am inclined to think labor would reply it would rather see the wage. It has had enough dignity for a great many years.

Mr. FOWLER. The gentleman does not answer the question.

Mr. MOORE of Pennsylvania. If the purpose of the department is stated, and that purpose is to intelligently protect the labor of the country in order that it may improve its condition and obtain a higher wage, I say, yes.

Mr. FOWLER. If you give it that prominence that this bill proposes to give it, do you not place it then on a nearer equality before the law than it ever has had before?

Mr. MOORE of Pennsylvania. Has not the gentleman been giving labor prominence enough for years? Have the gentleman and his party given even the postal clerks, who labor, the opportunity to obtain that higher wage which was promised in the post office and post roads bill? They held it off until next year. Why not give it now?

Mr. FOWLER. The gentleman has criticized this bill in a way. I am putting a fair question to him. If we pass this bill creating a department of labor, will it not enable labor then to stand upon a higher plane before the law than ever before?

Mr. MOORE of Pennsylvania. That will depend very largely upon whether or not those put in charge of the Labor Department are ornamental or useful.

Mr. FOWLER. Well, it is presumed that the officer will discharge the duties of the office, is it not?

Mr. MOORE of Pennsylvania. If he is properly directed by law.

Mr. FOWLER. Everything else being equal, then will it not give labor a better opportunity to maintain itself before the law than it ever has had heretofore?

Mr. MOORE of Pennsylvania. Not as the law is written, because the law provides for nothing except that certain statistics shall be gathered, which are now gathered by the Bureau of Labor. The secretary has power to invite men to settle their troubles, but if they do not settle them, they can go on troubling themselves just the same.

Mr. FOWLER. Is not that connected with another department of the Government—with that of the Department of Commerce?

Mr. MOORE of Pennsylvania. The gentleman can no more separate labor from commerce, and have one or the other——

Mr. FOWLER. You might just as well say you can not separate agriculture from commerce as to say you can not separate labor from commerce.

Mr. MOORE of Pennsylvania. Agriculture is labor. The Department of Agriculture is already provided for, to improve conditions among the farmers.

Mr. FOWLER. And for the same reason there ought to be a department of labor, in order to give labor that prominence to which it is justly entitled and of which it has been deprived in all the years of the history of America.

Mr. MOORE of Pennsylvania. Will the gentleman read the bill after he finishes his address?

Mr. FOWLER. I have read the bill.

Mr. MOORE of Pennsylvania. Will the gentleman tell me what it proposes to do?

Mr. FOWLER. It proposes to give to labor that prominence it ought to have.

Mr. MOORE of Pennsylvania. In what way?

Mr. FOWLER. By a department of the Government of the United States, and putting a secretary of labor in the Cabinet of the President of the United States.

Mr. MOORE of Pennsylvania. At how much per year?

Mr. FOWLER. It proposes then to give labor that opportunity of having a man at the head of labor to study the interests of labor of this country, and to seek out the best way to give labor an opportunity to be prosperous and happy and decent in this country.

Mr. MOORE of Pennsylvania. No one disputes——

Mr. SULZER. Read!

Mr. MOORE of Pennsylvania. Just one moment. If you are going to do that, I will hold the floor. I do not propose to have "read" rung out on me when I am discussing the question with the gentleman from Illinois.

The gentleman from Illinois [Mr. FOWLER] waxes eloquent on this question. He is as friendly to the black man as he is to the white man; he is a friend of the farmer as well as of the man who works in the mill. But the gentleman from Illinois can not point out to this House wherein this bill indicates the duties that are assigned to the secretary of labor.

I should like also to know, so long as the gentleman from Illinois has raised the question, whether he means to stand upon the term "decency" that he applied a moment ago to one set of laborers as against others who honestly labor? The gentleman from Illinois is so busy that he does not take time to notice a question that may be vital to him in his own district. I assume that he has no desire to raise a question with regard to classes of labor that may be employed in the district in which he lives.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I said a moment ago that if this matter were to be rushed I would occupy all the time I am entitled to occupy. I now say voluntarily that I do not rise for the purpose of delaying the consideration of this bill. I want that to be understood, and I do not care to have suggestions made to the House that that was the purpose for which I rose. I desire to say that in my own right and of my own volition. I am now through until the time comes for offering amendments. I do not desire any more time, and I do not reserve any time.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created an executive department in the Government to be called the department of labor, with a secretary of labor, who shall be the head thereof and a member of the Cabinet, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of $12,000 per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department; and the Department of Commerce and Labor shall hereafter be called the department of commerce, and the secretary thereof shall be called the secretary of commerce, and the act creating the said Department of Commerce and Labor is hereby amended accordingly.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 7, after the word "accordingly," by adding the following: "The purpose of the department of labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment speaks for itself. I do not desire to argue it or to occupy any time in discussing it. The purpose of this bill is not stated anywhere in the bill. I suggest the purpose, which is clearly to elevate and exalt labor.

I ask that this amendment be fairly considered by my friends on the other side. It gives an effective status to the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, I am willing to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, line 7, by inserting after the amendment just adopted, as a new sentence, the following: "The said secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal."

Mr. WILSON of Pennsylvania. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That there shall be in said department three assistant secretaries, to be appointed by the President, by and with the advice and consent of the Senate, to wit:

A first assistant secretary, whose duty it shall be to supervise all matters within the department relating to labor engaged in manufacturing and the transportation industries.

A second assistant secretary, whose duties shall be to supervise all matters within the department relating to labor employed in mining, fisheries, and agricultural industries.

A third assistant secretary, whose duties shall be to supervise all matters within the department relating to labor engaged in building and the mercantile industries.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend by striking out section 2 and inserting in lieu thereof the following:

"That there shall be in said department an assistant secretary of labor, to be appointed by the President, who shall receive a salary of $5,000. He shall perform such duties as shall be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress. The Auditor for the State and Other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of labor, and of all bureaus and offices under his direction, and all accounts relative to all other business within the jurisdiction of the department of labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the secretary of labor."

Mr. MANN. Mr. Chairman, the amendment which I have offered is to take the place of both sections 2 and 3 of the bill, and in addition makes provision for auditing the accounts of the new department and certifying balances to the Treasury—a provision which is not now made in the bill and which is not now in any law.

It is necessary to provide in some way for the auditing of accounts. Various of the departments have auditors, but there is one general auditor called "the Auditor for the State and Other Departments," who audits the accounts of all the departments now except those few like the Treasury, War, and Post Office which have special auditors.

The amendment which I have offered provides for the appointment of an assistant secretary of labor, to be appointed by the President, in lieu of the three assistants provided by the bill, to be appointed by the President by and with the advice of the Senate.

The amendment which I offered carries the provision in section 3 as well, because they might as well all be in together, and it comes in harmoniously. I can see no justification for provid-

ing for three assistant secretaries of labor. The new department will be the smallest department in the Government at the outset. It will be less in size than the State Department is. It will not be one-tenth as large as the Treasury Department, and nothing like as large as the Agricultural Department, or the department of commerce, which will be less, so far as the duties are concerned.

If after its organization it is found necessary to have additional assistant secretaries, it will be time enough then to provide for them. There is no occasion for them, to begin with, in my judgment.

Mr. WILSON of Pennsylvania. Mr. Chairman, in my judgment, there is need for these three assistant secretaries, particularly because of the work mapped out for the department in section 9 of the bill. However, I shall not seriously object to the amendment offered by the gentleman from Illinois [Mr. MANN] because I realize that if the bill passes with one assistant secretary provided for, as the work of the department develops and it is seen that there is necessity for additional secretaries, they can be provided by Congress. So I have no desire to offer any serious opposition to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. COOPER. Will the gentleman permit an interruption?

Mr. WILSON of Pennsylvania. Certainly.

Mr. COOPER. As I understood the amendment of the gentleman from Illinois, it provided for the appointment of the assistant secretary without confirmation by the Senate.

Mr. MANN. That is the case now with the Assistant Secretary of Commerce and Labor.

Mr. COOPER. But the Secretary is appointed by the President with the advice and consent of the Senate.

Mr. WILSON of Pennsylvania. Personally I prefer, and the committee prefer, this section of the bill in its present form; but I have no serious objection to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. RAKER. Mr. Chairman, I should like to ask the gentleman from Illinois what is the purpose of omitting from his amendment the provision that the appointment of the assistant secretary shall be with the advice and consent of the Senate?

Mr. MANN. I am frank to say that I think the Senate, through the confirmation of officers who are not constitutionally required to be confirmed by the Senate, has outgrown the power that it ought to have as compared with the House. When we passed the law providing for the Department of Commerce and Labor provision for confirmation of the assistant secretary by the Senate was left out. I think that the assistant secretaries of the various departments ought not to be political jobs.

Mr. RAKER. The gentleman is undoubtedly right about that.

Mr. MANN. The head of the department is necessarily a political appointment, but the assistant secretary ought to be kept in his office regardless of the political inclinations of the administration. That can not be done as long as he is confirmed by the Senate.

Mr. RAKER. In other words, when the President appoints a competent man to be assistant secretary his appointment will not have to go to the Senate and a question of political expediency be discussed by the Senate.

Mr. MANN. He ought to remain in the position.

Mr. RAKER. And take the oath of office and take hold of the business of that department. I am in favor of this bill. It should be passed by the House. The people generally for many years have desired this legislation. There is a general demand for it. The labor question is one of the great problems of the day. Labor and capital should walk hand in hand and work together. Both should be given fair and equal treatment. This will give labor an equal chance. Place it on a high basis, where it should be put. It will have a Cabinet officer at the councils at the White House with the other great Cabinet departments.

The Democratic platform of 1908 declares:

> That we pledge the Democratic Party to the enactment of a law creating a department of labor, represented by a secretary in the President's Cabinet.

Again, the late Democratic convention held at Baltimore on June 29, 1912, in its platform declares:

> We pledge the Democratic Party to the enactment of a law creating a department of labor, represented separately in the President's Cabinet, in which department shall be included the subject of mines and mining.

These pledges should be carried out. Now is the time to do it. It will be done.

Mr. COOPER. I should like to ask the gentleman from Illinois if he thinks the secretary himself ought to be a political appointment.

Mr. MANN. It is inevitable that the head of the department shall be a political appointee. When the President selects his official household the selection is political.

Mr. COOPER. Does the gentleman think the Postmaster General ought to be a political appointment?

Mr. MANN. I think the Postmaster General ought to be a political appointment. I agree with the gentleman that there ought to be some officer in the Post Office Department who would remain permanently in charge in the main of the conduct of the business, who should not be a political appointment.

Mr. NORRIS. Mr. Chairman, I know that there is a general idea that the Postmaster General or any other Cabinet officer ought to be a political appointee. I have labored under that impression, and when I was trying to devise some bill that I thought would take the Post Office Department, for instance, out of politics, I came up against that very proposition. Everybody seems to say, "Oh, a member of the Cabinet ought to be a political appointee." I myself do not see why. I have never been able to see why the Postmaster General, for instance, or this secretary mentioned here——

Mr. FOWLER. Or the Secretary of Agriculture.

Mr. NORRIS (continuing). Or the Secretary of Agriculture, should be a political appointee. If I had my way, I would still further change the bill, and I would change the law controlling the Post Office Department particularly, so that the Cabinet officers in those instances would not be political appointees. So far as I have been able to determine, there is no legal definition or authorization of the Cabinet. It has grown up without any law. Its members are called the President's advisers, and we in this bill follow along in the same old rut and provide that this new member of the Cabinet shall be a political appointee, when his duties are nonpolitical and ought to be absolutely divorced from politics. It is the same with the Postmaster General. The President does not need to take political advice from a member of his Cabinet if he does not desire to do so. There is no law that makes a member of the Cabinet the President's political adviser. When the country reaches the point where the people fully realize that we should take some of these departments out of politics and make them business corporations or institutions, they will do it by taking the head of the department out of politics. I wish that the Postmaster General could be appointed for a term of 10 years, so that his term would not expire with that of the President, so that he would be divorced entirely from partisan politics and partisan considerations, and would devote his attention and ability to the management of the great Post Office Department, which comes to the homes and firesides of all the people of this land. It ought to be a great business institution, operated entirely and solely upon business principles and business considerations, instead of being, as it is and always has been, the greatest political machine on earth.

Mr. RAKER. Will the gentleman yield right there?

Mr. NORRIS. Yes.

Mr. RAKER. I move to strike out the last word. I want to ask the gentleman a question. In this bill you have a chance to bring about and consummate the very purpose you have in mind by striking out the provisions in section 1 of the bill, in lines 6 and 7, and providing that the President shall appoint the Secretary of Commerce and Labor without the advice and consent of the Senate.

Mr. NORRIS. I am in favor of it.

Mr. MANN. Will the gentleman allow me to make a suggestion? Under the Constitution the heads of the departments must be confirmed by the Senate.

Mr. RAKER. The gentleman from Nebraska was making a presentation of the matter, and I made that suggestion to him.

Mr. NORRIS. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. NORRIS. The Constitution provides that the official—I can not quote the exact language, but I looked it up—that the public officials of the United States must be appointed by the President and that the Congress has the power to designate that these officials can be appointed by the heads of departments. I think, technically speaking, the head of a department, which would be a Cabinet officer, must be confirmed by the Senate under the Constitution. But because they must be confirmed under the Constitution is no more reason why they should not be taken out of politics than it would be with reference to the Supreme Court judge, who must be confirmed by the Senate, and he is understood to be and ought to be and is outside of partisan politics.

Mr. MADDEN. Will the gentleman from Nebraska permit me to ask him a question?

Mr. NORRIS. I have not the floor. The gentleman from California has the floor.

Mr. RAKER. I will yield.

Mr. MADDEN. In order to do what the gentleman from Nebraska suggests, would not you have to take the President and the Senate out of politics?

Mr. NORRIS. I think not. The members of the United States courts are not in politics, and yet the Senate confirms them. The members of the Interstate Commerce Commission are confirmed by the Senate. They are not in politics; they do not represent a political machine. But if you would make the term of office of a Cabinet officer, like the Postmaster General or this officer that you are providing for here, make their term of office 10 years, not to be removed until the expiration of that time except for cause, you would take him out of politics. I think the Senate is patriotic enough so that it would have no disposition to put it back into politics. I do not think the fact that the Senate having the confirmation has anything to do with its being politics.

Mr. MANN. Mr. Chairman, in connection with what has been said by the gentleman from Nebraska, it is interesting to recall that the Post Office Department was not made an executive department of the Government until 1872, and that the Postmaster General, or official in charge of the Post Office, was not called into the Cabinet until, I think, 1827 or 1829, by President Jackson. I do not understand how it is possible to have the President's advisers, called around the Cabinet table to determine political policies of the administration, nonpolitical.

Mr. NORRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. NORRIS. If the gentleman will permit a suggestion, I think it will answer his question. Take the Postmaster General, for instance. I suppose his particular duty is to advise the President in regard to the Post Office Department, its doings and operations, but he does not have to be a politician.

Mr. MANN. No; but I take it the Cabinet as a cabinet goes beyond the advice concerning the particular duties of the department.

Mr. NORRIS. There is no law for that.

Mr. MANN. There is no law for it. From the start, when Washington first asked that matters should be submitted in his absence to the Secretary of State, Secretary of War, and the Secretary of the Treasury—he did not include the Attorney General—up to the present time, the Cabinet, while it is extra legal as far as statute law is concerned and is only recognized in one law, has been considered as the political advisers of the President as well as his business advisers.

Mr. COOPER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER. If Washington considered the Cabinet position purely political, how did he happen to take Hamilton and Jefferson into the Cabinet at one and the same time?

Mr. MANN. I did not say he considered them as purely political offices.

Mr. CONNELL. And why did Cleveland take Gresham into his Cabinet?

Mr. NORRIS. My own theory and my idea is that the President ought to be perfectly free to secure his political advisers anywhere, and there is no intention of circumventing him by any law or rule to get his advisers wherever he may seek them.

But the country's interests, for instance, in the Post Office Department, is to have an efficient service, and it ought to have the best possible service, and if to do that it is necessary to deprive the President—which I do not think would necessarily follow—of a political adviser, it certainly would not interfere with the President's political plans if he did not want to have a Postmaster General advise him, for he could go outside of the Post Office Department and would not be required to ask the Postmaster General for political advice.

Mr. MANN. I think the gentleman from Nebraska and myself in the main agree. It is not necessary for the President to ask advice of these gentlemen. I do not know what the effect would be, although it would be a refreshing change, if any President would really make his Cabinet of political advisers and select men who were competent to give political advice and then would follow it. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last word, not, perhaps, to say anything of importance on the bill, but I am moved to submit an observation or two.

Mr. MOORE of Pennsylvania. Make it two.

Mr. CANNON. Perhaps I will make it three if I have time. There are governments and governments. Ours is a government by the people, or, as some express it, the plain people, and I can prove it by two or three candidates for the Presidency. [Laughter.] We are all tolerably plain. Lincoln said he thought God must have loved the plain people, because he made so many of us. This is a government by majorities. Sovereignty rests in each citizen, but they can not all have their way all the time touching the policy under which the Government shall be conducted. Therefore, we have got to have the election, and the majority says what the policy shall be.

Now, I am quite willing to say as to the mere clerical positions, where the policies of the Government are not affected, I see no necessity for their being politicians. For instance, clerks in the departments, clerks in the post offices, although they might be an asset for activity under conditions just before and at the elections. But when a majority is chargeable it ought to have full power with the responsibility.

The President ought to call about him in his Cabinet men in sympathy with the policies of the majority that made the President, because they helped to establish the policy. Well, you may say the Cabinet need not take an interest in politics. Well, I fancy they should. Even if the President were elected for six years and had Cabinet officers for six years, he would be responsible and they would be responsible with him and ought to be in sympathy with him and the majority that made them. Oh, gentlemen have said about the judges of the Supreme Court and the inferior Federal judges that they constitute a coordinate branch of the Government without being politicians. That is true, but the judges have a life tenure or during good behavior, and the Federal judiciary do not participate in partisan contests.

The President and the Congress are chosen by a majority of the people and should, by administration and legislation in conformity with the policy of the party majority which elected them, perform their function, at the same time preserving all the constitutional and legal rights of all the people. Now, there is one way we could keep the President and the Cabinet officials—and for that matter all legislative officials—out of partisan contests, and that is to select them for life or during good behavior.

That would take them out of politics, and yet you and myself and the people would not assent to it, because from time to time the people become dissatisfied with the policies of one party and try another, and some people desire a change without good reason therefor. Why, the lifetime of a generation is only 36 years. The men who voted in 1896, more than half of them, are dead, and the 5-year-old boys then, from that up to 21, will control the policy of the country for the next four years when they vote in November next. Some of them do not know whether the policies of this party or that party are correct, and it is possible that they will not know until they run up against the buzz saw and get information through experience.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I guess we had better go along and keep house in the same old place and in the same old way, and if you Democrats come into power, if I may be indulged for just one sentence more, in November next, I want you to come into full power [applause on the Democratic side], and then quit playing to the galleries, because with full power there will be full responsibility, and if you do not do well the people will turn you out under the leadership of that Republican Party, as they did in 1896. [Laughter and applause.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. It is a very interesting study to see the various attitudes assumed by gentlemen who believe in one case that we ought not to have any politics mixed with the Government and in the other case that it ought to be all politics. Just now most of the Democrats believe that we ought not to have any politics, and some Republicans agree with them; but I notice when the Democrats reported the legislative bill they provided that all clerks in the departments should go out of politics, or go into politics, because they did not want them to hold office for longer than five years, and that is intended, of course, not to have them out of politics, but to put them into politics. Is that not true? The Republicans have been getting so virtuous on the question of politics lately that if anybody in the party talks about politics he is subject to ostracism, and the Democrats have been preaching the doctrine of political interference in governmental affairs for the last 20 years, and just as soon as they begin to smell an opportunity to get into power they support a bill to put everybody who is in office out of office so that they can reappoint fellows who will go into politics and keep the Democrats in power the rest of their natural lives. [Applause on the Republican side.] We think we ought not to appoint a Postmaster General or a Secretary of the Department of Commerce and Labor who has ever smelled politics anywhere. We think the President of the United States ought not to mix in politics. A good many people believe he has not mixed much in it in the last three or four years. [Laughter and applause on the Republican side.] And they say that a

Cabinet officer, the President's political adviser—if I were President I would appoint some one who knew how to advise me politically. Why, the people of the United States are all in politics. It is one of the greatest honors that a man can have conferred upon him to be recognized as a politician, and it should be. What is a politician and what is politics? Is it not a question of policy? We are all interested in the Government, the Government is ours, and we are the Government, and we ought to put men into office who know something about politics or the policies of the people and who agree with the policies of the people, and I believe that every man below the real managing man in the various departments ought to be out of politics, but that every man who is appointed to that great place and who has the direction of the department over which he is appointed ought not only to know politics, but to engage, to indulge in it, and possibly advise the man who is at the head of the Nation about the politics and policies he ought to pursue.

I get very tired of listening to these Democratic reformers prating on keeping out of politics and then witnessing the spectacle of their reporting bills to put every present incumbent out of office when they think they are going to get in. If they get in after next November, watch them. There will be no apology for politics; every fellow who does not smell like a Democrat will go out of office. I am in favor of their throwing the Republicans out because it makes them better Republicans. I am not in favor of keeping Republicans under a Democratic administration, but I believe in going out on the street and carrying the banner of Republicanism to the people everywhere and showing the iniquity of the Democratic Party wherever they have control of things. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

The question was taken, and the amendment was adopted.

The Clerk read as follows:

SEC. 3. That the salary of each of the assistant secretaries of labor shall be $5,000 per annum, and that there shall be one chief clerk, a disbursing clerk, and such other clerical assistants as may be from time to time authorized by Congress, and such number of inspectors and special agents as may be provided for by Congress.

Mr. WILSON of Pennsylvania. Mr. Chairman, as the subject matter of this section is covered by the amendment just adopted, I move to strike out the entire section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out all of section 3.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner-General of Immigration, the Commissioners of Immigration, the Bureau of Immigration and the Immigration Service at Large, the Bureau of Labor, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Labor shall hereafter be known as the bureau of labor statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the commissioner of labor statistics; and al the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the commissioner of labor statistics.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, line 6, after the words "Bureau of Immigration," by adding "the division of information."

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope the gentleman from Pennsylvania [Mr. WILSON] will accept that amendment, because it does his bill no harm, unless there is some reason for leaving this division out.

Mr. WILSON of Pennsylvania. So far as the committee is concerned they supposed and believed they were taking over to the Bureau of Labor all of the Immigration Service, and so far as I know there is no law creating the division the gentleman has reference to. If the adoption of the amendment gives a legal status to that division which it does not now have, then there might be some doubt as to whether it ought to be accepted or not. If it does not give any more legal status to it than it has now, I have no objection to the amendment.

Mr. MANN. Mr. Chairman, I think there will be no harm done. That is a division that was created, by the way, since the Immigration Service was covered into the Department of Commerce.

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the bureau of labor statistics, under the direction of the secretary of labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same in each of the different industries herein mentioned, and to this end said secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said secretary of labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

Also the following committee amendment was read:

Amend, page 3, line 21, by striking out the word "one" and insert in lieu thereof the word "once."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of the bill whether this contemplates that the bureau of labor statistics shall collect the same information which is collected by the Bureau of the Census?

Mr. WILSON of Pennsylvania. I did not quite catch the gentleman's question.

Mr. MANN. This section requires the commissioner of labor to collect at least once a year—

full and complete statistics of the conditions of labor and the products and distribution of the products of the same in each of the different industries herein mentioned.

I do not know whether any industries are mentioned herein or not. Does this contemplate that the Commissioner of Labor is to collect industrial and labor statistics every year, some of which, at least, are collected twice every 10 years by the Census Bureau? I take it that there was no intention, in the first place, of having a duplication of work?

Mr. WILSON of Pennsylvania. There is no desire for that kind of duplication.

Mr. MANN. I call it to the gentleman's attention, because I believe that under the language of this bill it necessarily requires a duplication of work. Certainly the Bureau of Labor ought to be permitted to obtain from the Census Bureau any information that it can without being required to collect it originally itself. I simply make the suggestion to the gentleman for further consideration in the bill.

Mr. WILSON of Pennsylvania. The power is granted to the secretary to call upon other departments for such information and statistics as they may have in their possession in order to accomplish this purpose.

Mr. MANN. I know; but this section requires the Commissioner of Labor to collect labor statistics.

Mr. WILSON of Pennsylvania. It does not say where he shall collect them, but it states he may collect them from the other departments.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Before I ask the question, I want to make a statement as to what experience I have had in this matter. There is the Bureau of Statistics, statistics gathered by the State Department, statistics gathered in the Agricultural Department. I do not know, and I doubt whether or no the majority of the Members of this House, if they start out to get full information, will know where they can go to get it. But when they get it they will find much duplication.

I believe that if intelligently administered and organized, the employees in the department being efficient, they might well be diminished by one-third. I do not say they will be, and I do not know exactly who can intelligently organize them. But I have read the bill, and I have had a fear that if the employees of this department gathered their information from the other departments, and the other departments, including the Census, published that information we would have other publications duplicating again that which had already been duplicated in some instances before.

Take, for example, the Statistical Abstract, which is of as much use to me perhaps as any other publication. Every once in a while I am jerked up by somebody asking, "Where is your authority?" I answer, "The Statistical Abstract." Then the question arises, "Where is its authority?" Then I have to go wandering about to find out.

I am not antagonizing the bill or seeking to embarrass the gentleman, but am speaking in good faith and suggesting to the gentleman if it may not be well enough to wipe out that matter.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I may say that the committee took into consideration that very phase of the subject. As the bill originally came to the committee what is now section 11 was not in the bill. There was a disposition to add onto the bill certain bureaus and divisions, and so on, which would have made the department very much larger than is proposed by this bill. Now, the committee came to the conclusion that it was a very difficult matter to build up a department under existing circumstances without more or less of duplication, and so they proposed to transfer to this department existing bureaus, with practically the same rights and powers and privileges that those bureaus now have, and then provide:

That the secretary of labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the secretary of labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such department of labor.

That language was placed there for the purpose of avoiding, so far as possible, that duplication.

Mr. CANNON. If the gentleman will allow me, I should think that provision is a wise one; but when I say that, I want to call attention to the fact that, according to my observation, when you once get work started "all the king's horses and all the king's men" can not stop it and get rid of it. It is easy to create places and beget duplication and difficult to get rid of them.

If you call this man "commissioner of statistics"—if that be his title—he has got something to do, and he becomes active. My experience, after 25 years' service upon the Committee on Appropriations, a portion of that time when that committee had all the money bills except the river and harbor bill has been that you do not get rid of offices when you once create them.

The CHAIRMAN. The pro forma amendment of the gentleman from Illinois [Mr. CANNON] will be considered withdrawn.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois [Mr. MANN] and the gentleman from Pennsylvania [Mr. WILSON], if the amendment offered by the gentleman from Illinois and adopted as a substitute to section 2, that section being stricken out, enumerated the different industries which are mentioned in section 2. If that did not reenumerate the different industries, then I call attention to line 24, on page 3, wherein it is required that complete statistics of the different industries therein mentioned shall be compiled. If section 2 be stricken out, where is there any enumeration of industries?

Mr. WILSON of Pennsylvania. There is not now in the bill.

Mr. COOPER. Then the words "different industries" should be stricken out, and there should be inserted after the words "of the" as they appear in line 24, "products," and so forth, "of the manufacturing, transportation, mining, fisheries, agriculture, building, and mercantile industries."

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman is correct in his criticism.

Mr. MANN. If the gentleman will permit, the gathering of statistics relating to the mining industries is now committed to the Bureau of Mines and Mining. The gathering of information relating to the fisheries industries is now committed to the Bureau of Fisheries. The gathering of statistics relating to the agricultural industries is now committed to the Department of Agriculture. The gathering of statistics relating to the transportation industries is now committed to the Interstate Commerce Commission. All of these bureaus or departments of the Government collect complete statistics relating to the industries.

Mr. WILSON of Pennsylvania. The Bureau of Labor to-day is more of a statistical bureau than anything else.

Mr. MANN. As to labor.

Mr. WILSON of Pennsylvania. As to labor.

Mr. COOPER. Will the gentleman permit an inquiry whether the bureaus as now constituted in other departments of the Government are required to give complete statistics of the conditions of labor?

Mr. MANN. No; I think not.

Mr. COOPER. This requires "of the conditions of labor." That is a very important thing.

Mr. MANN. I did not think that the words "the different industries herein mentioned" were a limitation.

Mr. COOPER. The conditions of labor in different industries.

Mr. KENDALL. With relation to the distribution of the products of labor.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to amend, page 3, line 23, by striking out after the word "same" the words "in each of the different industries herein mentioned."

Mr. MANN. That will cover it.

Mr. KENDALL. Without any insertion.

Mr. WILSON of Pennsylvania. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 23, by striking out after the word "same" the words "in each of the different industries herein mentioned."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That there shall be a solicitor of the Department of Justice for the department of labor, whose salary shall be $5,000 per annum.

Mr. MOORE of Pennsylvania. Has the chairman of the committee compared this salary of $5,000 with the salaries of the solicitors in other departments?

Mr. WILSON of Pennsylvania. It is the same as the salaries of solicitors in other departments.

Mr. MOORE of Pennsylvania. Does the Solicitor of the Navy Department receive $5,000?

Mr. WILSON of Pennsylvania. I could not say offhand. I know at the time the matter was under consideration this salary was compared with the others.

Mr. MOORE of Pennsylvania. I am under the impression that it is higher than is paid in other departments.

Mr. WILSON of Pennsylvania. I think not. There was no intention of doing so.

Mr. MOORE of Pennsylvania. If the gentleman feels sure he has not raised the amount, I shall not offer an amendment.

Mr. WILSON of Pennsylvania. I am satisfied it is the same as that provided for other solicitors.

Mr. MOORE of Pennsylvania. Very well.

The Clerk read as follows:

SEC. 9. That the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and that all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of labor, or any business arising therefrom or pertaining thereto, whether of appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of labor.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend page 5, line 23, by inserting after the word "done" the following:

"And the secretary of labor, or through him the mediators or commissioners of conciliation appointed by him, shall report to the President their findings, with conclusions and recommendations thereon."

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not believe this interferes with what is in the mind of the chairman of the committee. He has indicated a number of times in reply to questions that he does not stand for compulsory arbitration and that he will not do so; but there is no good effect to be derived from this paragraph, no benefit to capital or labor, unless some such amendment as this is made.

You have not even instructed the secretary or any one of the mediators or conciliators for whom you provide, to report any finding whatever. I am not asking in this amendment that you even give the secretary power to enforce any judgment that may be arrived at, but I do believe that if we bear the expense of a great department like this and of the machinery that will be attached to it, that the common people, the public, the wage earners all over the land, should know the result of the investigation that may be undertaken. As this paragraph stands, it provides:

SEC. 9. That the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done.

Not a word more, not another thing, no information to the public as to the result of the investigation or the conclusion. The secretary of the department may spend weeks in an endeavor to settle a dispute arising in Chicago; his mediators may go to Boston or Philadelphia and investigate for weeks and months, and that is the end of it; you have no condition that they shall report even to the secretary. Why not let the public know? If you do not care to enforce the decree, why not let us know what the conclusion of the investigators may be? Why not let the public know what they did? We have paid them for that purpose.

Mr. FOSTER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. FOSTER. Under this provision of the bill, does not the gentleman think the commissioners appointed by the head of the department would naturally make a report to him?

Mr. MOORE of Pennsylvania. There is not an obligation in this paragraph, or in this bill, upon the part of the secretary

or anyone appointed by him to tell the public anything about what they do.

Mr. FOSTER. You do not do that when you report to the President, do you?

Mr. MOORE of Pennsylvania. Yes; it becomes public information.

Mr. FOSTER. Not all the reports made to the President are public property.

Mr. MOORE of Pennsylvania. If trouble arises and the secretary appoints conciliators to go and settle the dispute, which will be of advantage to all the people, we ought to know about it. Take such a trouble as occurred at Lawrence.

Mr. FOSTER. Have not they made that report?

Mr. MOORE of Pennsylvania. I do not recall.

Mr. FOSTER. I think they have, and it is in the hands of the printer and will be out soon as a Senate document.

Mr. MOORE of Pennsylvania. If they have done it in the Lawrence case, it is under some existing law. This law which takes over all this business makes no provision for report or publication, and leaves the public in the dark as to what these men do. I am not asking the committee to go to the length that I thought perhaps we might go to enforce a decree.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will now yield to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON. I did not want to ask the gentleman a question; I wanted to speak in my own time.

Mr. MOORE of Pennsylvania. Then I will continue my statement. Here is the Congress of the United States providing for a new department which gives recognition to a vast body of the people at the Cabinet table of the Nation. We are appointing a secretary, at a large salary, and an assistant secretary, giving them authority to appoint investigators to attempt to settle labor disputes, to attempt to conciliate those who are at variance in industrial circles.

Yet we are attaching no string to them whatever. We are telling them to go ahead, if there is an outbreak, if there is an industrial disturbance, and do what they can to settle it; but they need not tell us anything about it. How is Congress to know what effect the work of the department of labor is having? How is the public to know whether it is a good thing or a bad thing? The secretary is to have the power to appoint, ad libitum, inspectors, investigators, mediators, conciliators; pay them whatever wage he sees fit; keep them employed as long as he desires; and then convey no word to Congress or to the people. It seems to me that if you were not desirous of hiding the conclusions of the men who undertake to do this work for the Government, if you desire that some good shall result from the department you undertake to create, you will at least let the public know what the judgment of the Secretary is in regard to the merits of the controversy, and let the public know what the mediators find as the result of their investigation; that you will at least give an opportunity to the public to understand whether the money spent in this manner was properly spent. How do we know how long the men were employed in efforts at conciliation or mediation? How do we know with whom they have dealt, whether they have treated with only one side or with both sides? Give us a chance to learn what they have done. Let their findings see the bright daylight. It seems to me there can be no objection to a provision of this kind. I am not trespassing on the precincts which the chairman of the committee seems to regard as sacred. I have attempted to bring back to the people who created the office the right to know what their servants have done and the right to understand what conclusions they have reached.

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] apparently has an entirely wrong conception of what is sought to be accomplished by section 9 of this bill. It does not propose to give to the secretary of the department of labor any power to arrive at any conclusion of any kind whatever concerning a trade dispute. It does not give to him or to the conciliators any power to arrive at any conclusion or any determination of the facts in the case, and thus it seems to me to be useless to provide that the secretary shall make a report on conclusions that he is not authorized to make to the President of the United States.

The amendment proposed by the gentleman embodies the distinctive difference that there is between the power conveyed by this bill and the power as proposed in the Townsend bill and gives to the secretary of labor the power that he should not have—the power to organize, direct, and concentrate public opinion so as to compel the employer to give conditions he does not want to give or the employee to accept conditions he does not want to accept. Both of them are wrong and should never be incorporated in the laws of the United States. I ask for a vote.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 6, noes 62.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 5 by striking out all of section 9, after the word "done," in line 25, and inserting in lieu thereof the following:

"And all duties performed and all power and authority now possessed and exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of labor."

Mr. MANN. Mr. Chairman, the amendment which I have offered does not, in fact, strike out any provision that is in the bill. The language as it now reads is, "and that all power and authority heretofore possessed and exercised," and so forth, and the amendment I have offered reads, "and all duties performed and all power and authority now possessed or exercised." Of course it might not very well be heretofore exercised, because that might have been changed since, but my amendment adds the words "duties performed" and adds "officer" and "board." When we created the Department of Commerce and Labor, and there was a transfer from other departments to that department, the amendment which I have now offered was agreed to in reference to that. It was very carefully examined and approved by the Comptroller of the Treasury, who has to pass upon accounts, and is more complete in language and more certain to be fully effective than the language included in the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no objection to the amendment presented by the gentleman from Illinois; but, so far as I am able to discern, it is simply a case of tweedle dum and tweedle dee. There is not a snap of a finger's difference——

Mr. MANN. There is no difference in the intention, but it is quite a difference when the matter comes to be construed by a court.

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 11. That the secretary of labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the secretary of labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such department of labor.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, after line 23, insert as new sections:

SECTION —. That a commission is hereby created to be called the commission on industrial relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, not less than two of whom shall be employers of labor and not less than two of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

SEC. —. That the members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of $10 per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

SEC. —. That said commission may report to the Congress its findings and recommendations from time to time, and shall make a final report not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

SEC. —. That the commission shall inquire into the general condition of labor, especially in the principal industries of the United States, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; and into the scope, and methods and resources of existing bureaus of labor and into possible ways of increasing their usefulness. The commission shall seek to discover and to point out the underlying causes of dissatisfaction in the industrial situation.

Mr. WILSON of Pennsylvania. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. MANN. Well, I am willing to be heard on the point of order, Mr. Chairman. This bill creates a department of labor, throws open everything which can go in it into a department of labor. I have offered an amendment to cooperate with the Department of Labor in collecting information and a report to Congress, and I do not think that the gentleman desires to make the point of order when he understands what the amendment is.

Mr. WILSON of Pennsylvania. I understand what the amendment is. The amendment is the industrial commission bill as reported from the Committee on Labor, with the exception of the last section of that bill as reported. That is what the measure is, and if included in this bill it would simply load down the bill with the impossibility of either becoming a law. I do not think I would raise the point of order but for the fact that if we include it in this bill it simply means the death of both of these bills, and I have no desire to have that brought about.

Mr. MANN. I do not think it means the death of either one, and the gentleman has no cause for stating that where he expects to pass two bills separately he can not pass the two bills together. That is queer reasoning to me. The gentleman expects that this bill will become a law. He wants the other bill to become a law. Complaint was made here to-day that the other bill could not be called up.

Now, I have offered the provisions of the other bill as an amendment to this bill. If the gentleman from Pennsylvania [Mr. WILSON] wants to take the responsibility of killing the bill, that is his responsibility and he has the right to assume it, and I know he is not afraid of assuming any responsibility which comes upon him; but it will be his responsibility. I do not think, however, that the amendment is subject to a point of order. In creating a new department of the Government we have a right to put in anything that belongs in that department, and make any amendment which can in any way relate to labor. I have offered an amendment providing for a temporary industrial commission to cooperate with the new department of labor in obtaining information and for the purpose of making recommendations to the President and to Congress for future legislation. Now, is that not germane to a bill to create a department of labor, just as much germane as the Bureau of Labor Statistics is germane, and much more germane to the bill than the Immigration Service is germane? The commission proposes to deal directly with the same question of conciliation in labor disputes that is dealt with by section 9 of the original bill.

Mr. UNDERWOOD. Mr. Chairman, I rise to support the point of order made by the gentleman from Pennsylvania [Mr. WILSON], and I agree with him that both of these bills are of too much importance to jeopardize either of them by attempting to combine the two in one bill. It seems to me that the bill which is offered as an amendment to this bill is not germane to the subject matter of the bill.

The primary purpose of the bill that is pending before the House is to create a department of labor. It is the organization of a new and great department. The bill that is offered as an amendment is to create a temporary commission that deals with the investigations of certain subjects, some of which are germane to a department of labor, but many of which have no relevancy to this bill whatever. It is to go into the broad question of the cost of living, and that investigation will probably be germane in some of its particulars to every department of this Government. Could the Chair hold that on an appropriation bill that was making appropriations for the Department of Commerce and Labor that that amendment would be in order because some of the provisions in it related to the Department of Commerce and Labor? It is true that there are provisions in there that might relate and correlate to this bill, but there are many provisions that do not. This bill is intended solely for the purpose of creating an executive department of the Government. The purpose of that bill is an industrial investigation, and it seems to me clearly one is not germane to the other.

The CHAIRMAN. The Chair has had but little opportunity to investigate this matter and has no precedent at all, but the Chair is of the opinion that this bill offered as an amendment by the gentleman from Illinois [Mr. MANN], while upon the same subject, is an independent bill, for a different purpose, and some of its provisions are inconsistent with the purposes of the original bill. The Chair therefore sustains the point of order.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BUCHANAN. Mr. Chairman, I move that the appeal do lie on the table.

Mr. MANN. Mr. Chairman, I desire to be heard. The bill expressly provides——

Mr. BUCHANAN. Mr. Chairman, is my motion in order?

The CHAIRMAN. There is an appeal pending now from the decision of the Chair.

Mr. BUCHANAN. I move to lay the appeal on the table.

Mr. MANN. I make the point of order that the motion is not allowable in Committee of the Whole.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, section 9 of the bill provides that the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever, in his judgment, the interests of industrial peace may require it to be done; and the provisions of the amendment which I have offered authorizes a commission to inquire into the existing relations between employers and employees, into the effect of industrial conditions on public welfare and the rights and powers of the communities, and so forth, exactly in line with the purpose of the bill in section 9 and certainly germane to a bill creating a department of labor. If the gentleman from Pennsylvania had offered the amendment as a committee amendment, the Chair would have overruled a point of order made by me that it was not germane.

Mr. HOBSON. Mr. Chairman, I make a point of order against the gentleman.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HOBSON. I make the point of order to the statement that the Chair would rule differently as between two different Members.

The CHAIRMAN. The Chair thinks it is an undue reflection upon the Chair. The gentleman, however, will proceed.

Mr. MANN. The Chair knows perfectly well that I was making no reflection upon the Chair. The gentleman from Alabama [Mr. HOBSON] has a peculiar cast of mind, and that is sufficient. [Laughter.]

Mr. HOBSON. Will the gentleman please repeat that? I did not catch it.

Mr. MANN. I said the gentleman had a peculiar cast of mind.

Mr. HOBSON. Oh! [Laughter.]

Mr. MANN. Now, I maintain that if the Chair had held that a committee amendment offered in precisely the same language that I have offered in this was in order, he would have been right. I think the Chair, suddenly called upon to rule upon an amendment of this sort, has been misled in his belief that the amendment is not germane. Any amendment which relates to the subject of labor is germane to a bill to create a department of labor, and any amendment which proposes a new form of activity on the part of the Government relating to labor is germane to a bill creating a department of labor.

No one would claim that if I had proposed an amendment to create a new bureau to deal with labor in some way it would not have been germane. I insist that the amendment which I have offered is germane, and I offered it because—it seeming to have met in words the approval of both sides of the House heretofore—I wanted to give an opportunity to the House really to act upon the amendment, and if that side of the House is sincere—which I doubt—in its advocacy of the measure, it will take a chance to hold it in order and vote it into the bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. CANNON. Mr. Chairman, just a moment. With high respect for the Chair, I agree with my colleague [Mr. MANN] that, as he stated, the Chair ruled hastily. My recollection is, touching the germaneness of an amendment, that the wisdom or unwisdom of the amendment does not determine, if it be touching the same or a similar matter. The province of the

Chair is—whether the amendment is wise or unwise—to let the House dispose of it. To my mind, my colleague from Illinois [Mr. MANN] is right in his contention.

I did not address myself to the point of order because it seemed to me so patent that it was in order that I did not think it was worth while. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 70, noes 29.

So the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That this act shall take effect July 1, 1912, and all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. WILSON of Pennsylvania. Mr. Chairman——

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. A few moments ago, when my colleague from Illinois, Mr. MANN, and myself were in a colloquy, he made a statement which I did not understand at the time.

The CHAIRMAN. The chairman of the Committee on Labor desires to be recognized.

Mr. BUCHANAN. I want only a minute. He made a statement that I desired a packed committee to make the investigation of the Taylor system. I think it is only due to the Committee on Labor, as well as to myself, to state to this House that that statement is absolutely unfounded in fact. I believe the chairman of the Committee on Labor will probably bear me out in the statement that I told him I did not want to be on any of the special investigating committees and that I had enough to do without that.

Such a statement as that made by my colleague from Illinois is untrue, and it seems to me my colleague ought to admit that the statement is not correct, or else he wants to take the position of separating himself from the truth, as he sometimes does in this House. [Laughter.]

I think it is only fair that I should make this statement. I do not know what my colleague cares to do about it, but I claim that his statement is a reflection upon the Committee on Labor. That resolution, which the gentleman filibustered against at the time, provided that the Committee on Labor should make the investigation. Therefore, if it is believed that I favored the making of the investigation by a packed committee, this House ought to make an investigation and find out whether it was so or not.

This report was recommended unanimously by the Labor Committee, and no one apparently objected to it that night except my colleague, the gentleman from Illinois [Mr. MANN].

The investigation was made. I have no criticisms of the investigation, and the matter is past; but I can not let go unchallenged a statement of that kind. If the gentleman wants to make a statement that reflects on me personally, well and good. It does not amount to much anyway, probably, in his view, and I care little about his opinion in regard to it as far as I am concerned; but he should not make such an erroneous statement reflecting on the Labor Committee.

Mr. WILSON of Pennsylvania. I move to amend page 6, line 24, after the word "that," by striking out the words "this act shall take effect July 1, 1912," so that the section will read:

All acts and parts of acts inconsistent with this act are hereby repealed.

Mr. MANN. Mr. Chairman, I suggest to the gentleman that there ought to be a time fixed when this act shall take effect.

Mr. WILSON of Pennsylvania. I am perfectly willing to change the date, and make it October 1.

Mr. MANN. I suggest that instead of making it a definite date the gentleman make it 90 days or 60 days after the passage of the act. There ought to be a certain time fixed, because certain officers exercise authority every day, and they ought to know the day when the transfer is made. If it is to be the day the bill is passed, it will scarcely give time for the transfer.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to modify my amendment so as to strike out the word "July" and insert the word "October." If the bill is going to pass at this session, that will give ample time. If not, then the Senate can correct the time later.

Mr. MANN. That is all right.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 24, strike out "July" and insert "October."

The amendment was agreed to.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 23913) to create a department of labor, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

By unanimous consent Mr. REILLY was given leave to extend his remarks in the RECORD.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

No separate vote was demanded.

The amendments were agreed to.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present. I do not make the point in connection with the passage of the amendments.

The SPEAKER. One hundred and twenty-nine Members present, not a quorum.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. The previous question having been ordered on this bill and amendments to final passage, will this go over until to-morrow as unfinished business, if adjournment is had now?

Mr. MANN. The Speaker ruled recently on a case exactly similar to this that it would go over until the next Calendar Wednesday.

The SPEAKER. It would go over until the next Calendar Wednesday.

Mr. SULZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Speaker, I ask unanimous consent to take a vote on this bill to-morrow immediately after the reading of the Journal.

Mr. MANN. I would not make objection, Mr. Speaker, but as the Chair has already declared that there is no quorum present, of course the House is without power to enter into any such an order.

The SPEAKER. That is true, and there is no quorum present.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania moves a call of the House.

The question was taken, and a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. Members whose names are called will answer "present."

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLAYTON. I desire to make an inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. Did I understand the Chair to say that the vote of Members on this roll call will be "present," or is it on the passage of the bill?

The SPEAKER. It is not on the passage of the bill; the Chair has not put that question yet.

Mr. CLAYTON. I did not understand the remark of the Chair.

The SPEAKER. There was considerable confusion the other day about the vote and the Chair made this statement merely to explain to Members what the situation was, and that they were to merely answer "present."

Mr. CLAYTON. I did not quite catch the remarks of the Speaker at the time, and I wanted to be sure that this was not a vote on the passage of the bill.

The SPEAKER. There was nothing being voted on at the time the point of no quorum was made. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Adair	Ayres	Bradley	Byrnes, S. C.
Ames	Barchfeld	Brantley	Callaway
Anderson, Ohio	Bartholdt	Broussard	Cantrill
Andrus	Bartlett	Brown	Carlin
Ansberry	Bates	Burgess	Carter
Anthony	Blackmon	Burke, Pa.	Cary
Ashbrook	Bochne	Burke, S. Dak.	Catlin

Clark, Fla.	Hamilton, W. Va.	McCreary	Roddenbery
Claypool	Hammond	McGuire, Okla.	Rucker, Mo.
Copley	Hanna	McHenry	Scully
Cox, Ind.	Hardwick	McKenzie	Sells
Cox, Ohio	Harris	McLaughlin	Shackleford
Crago	Harrison, Miss.	McMorran	Sharp
Currier	Harrison, N. Y.	Macon	Sheppard
Dalzell	Hay	Maher	Sherley
Danforth	Heald	Martin, S. Dak.	Simmons
Daugherty	Heflin	Mays	Sisson
Davenport	Helm	Miller	Slayden
Davidson	Henry, Conn.	Mondell	Slemp
Davis, W. Va.	Higgins	Moon, Pa.	Smith, Saml. W.
De Forest	Hinds	Moore, Tex.	Smith, Cal.
Denver	Houston	Morse, Wis.	Smith, N. Y.
Dies	Howard	Murdock	Smith, Tex.
Doremus	Hughes, Ga.	Needham	Stack
Draper	Hughes, N. J.	Nelson	Stanley
Driscoll, D. A.	Hughes, W. Va.	Nye	Steenerson
Driscoll, M. E.	Humphrey, Wash.	Oldfield	Stephens, Nebr.
Dyer	Humphreys, Miss.	Olmsted	Sweet
Ellerbe	Jackson	O'Shaunessy	Talbott, Md.
Estopinal	Johnson, S. C.	Palmer	Taylor, Ala.
Evans	Kahn	Parran	Taylor, Ohio
Fairchild	Kent	Patten, N. Y.	Thayer
Ferris	Kinkead, N. J.	Payne	Thomas
Finley	Knowland	Pepper	Townsend
Fitzgerald	Kopp	Plumley	Turnbull
Focht	Lafean	Porter	Vare
Fordney	Langley	Post	Volstead
Fornes	Lawrence	Pou	Vreeland
Fuller	Lee, Ga.	Powers	Webb
Garrett	Lenzaro	Prince	Wilder
Gillett	Lenroot	Prouty	Wilson, Ill.
Glass	Lever	Pujo	Wood, N. J.
Goeke	Levy	Randell, Tex.	Woods, Iowa
Goldfogle	Lindsay	Ransdell, La.	Young, Kans.
Gould	Littleton	Rauch	Young, Mich.
Graham	Lobeck	Redfield	Young, Tex.
Green, Iowa	Loud	Reyburn	
Guernsey	McCall	Riordan	
Hamilton, Mich.	McCoy	Roberts, Mass.	

The SPEAKER. One hundred and ninety-four Members are present; it lacks two of a quorum. Call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the Sergeant at Arms be directed to bring in absentees.

The SPEAKER. The gentleman from Pennsylvania moves that the Sergeant at Arms be authorized to arrest and bring in absentees.

The question was taken, and the motion was agreed to.

Subsequently—

Mr. WILSON of Pennsylvania. I move that further proceedings under the call be dispensed with.

The SPEAKER. One hundred and ninety-six Members are present, a quorum.

Mr. MANN. The Chair is quite sure this time?

The SPEAKER. The Chair takes what the Clerk says; that is the only guide he has to go by. The gentleman from Pennsylvania moves to dispense with further proceedings under the call.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 159, noes 3.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 9, noes 170.

So the House refused to adjourn.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I ask for a reading of the engrossed bill.

The SPEAKER. The Clerk will read the engrossed bill. The engrossed bill is not at the Clerk's desk.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and

S. 23. An act to authorize the extension of Underwood Street NW.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARTLETT, for two weeks, on account of important business.

To Mr. JACKSON, for one month, on account of serious illness in his family.

RETURN OF BILL H. R. 23515 (H. DOC. NO. 567).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Pensions and ordered printed.

The Clerk read as follows:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of July 3, 1912, I return herewith House bill No. 23515, entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors."

WM. H. TAFT.

THE WHITE HOUSE, *July 10, 1912.*

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House recess until 11 o'clock to-morrow morning.

The SPEAKER. That is one thing the Speaker is forbidden to do; that is, to entertain a motion on Calendar Wednesday to recess.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take a recess until to-morrow morning at 11 o'clock.

Mr. MANN. Mr. Speaker, we made an agreement in the House to do certain things to-morrow, and I object.

The SPEAKER. The rule reads as follows:

It shall not be in order for the Speaker to entertain a motion to recess on any Wednesday, except during the last two weeks of the session.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p. m.) the House adjourned to meet to-morrow, Thursday, July 11, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,'" reported the same without amendment, accompanied by a report (No. 976), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill (H. R. 21524) to correct the military record of Frederick H. Ferris, reported the same without amendment, accompanied by a report (No. 950), which said bill and report were referred to the Private Calendar.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 21315) for the relief of Robert Ross, reported the same with amendment, accompanied by a report (No. 951), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 25636, reported in lieu thereof a resolution (H. Res. 598) referring to the Court of Claims the papers in the case of John Wilson, accompanied by a report (No. 952), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25274, reported in lieu thereof a resolution (H. Res. 599) referring to the Court of Claims the papers in the case of the heirs of John G. Holloway, deceased, accompanied by a report (No. 953), which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill H. R. 25277, reported in lieu thereof a resolution (H. Res. 600) referring to the Court of Claims the papers in the case of Alvis A. Perry, accompanied by a report (No.

954), which said resolution and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 25247, reported in lieu thereof a resolution (H. Res. 601) referring to the Court of Claims the papers in the case of the heirs of Nancy Wilson, deceased, accompanied by a report (No. 955), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25246, reported in lieu thereof a resolution (H. Res. 602) referring to the Court of Claims the papers in the case of Cornelius P. Vankirk, accompanied by a report (No. 956), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25052, reported in lieu thereof a resolution (H. Res. 603) referring to the Court of Claims the papers in the case of the three loyal heirs of Charles M. Butler and Elizabeth Francis Butler, accompanied by a report (No. 957), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24933, reported in lieu thereof a resolution (H. Res. 604) referring to the Court of Claims the papers in the case of Eli A. Helmick, major, United States Army, accompanied by a report (No. 958), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25334, reported in lieu thereof a resolution (H. Res. 605) referring to the Court of Claims the papers in the case of the estate of Martin G. Sprnel, accompanied by a report (No. 959), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24809, reported in lieu thereof a resolution (H. Res. 606) referring to the Court of Claims the papers in the case of Yandell Wood and the estate of J. L. Wood, accompanied by a report (No. 960), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24538, reported in lieu thereof a resolution (H. Res. 607) referring to the Court of Claims the papers in the case of James S. Garrison, accompanied by a report (No. 961), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24773, reported in lieu thereof a resolution (H. Res. 608) referring to the Court of Claims the papers in the case of Eric Bergland, accompanied by a report (No. 962), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24467, reported in lieu thereof a resolution (H. Res. 609) referring to the Court of Claims the papers in the case of the estate of James P. Kennelly, accompanied by a report (No. 963), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24460, reported in lieu thereof a resolution (H. Res. 610) referring to the Court of Claims the papers in the case of the estate of D. T. Hatch, accompanied by a report (No. 964), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 19664, reported in lieu thereof a resolution (H. Res. 611) referring to the Court of Claims the papers in the case of Henry F. Lee, John M. Lee, and the heirs of Nathaniel W. Lee, accompanied by a report (No. 965), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 19691, reported in lieu thereof a resolution (H. Res. 612) referring to the Court of Claims the papers in the case of the heirs of John A. Miller, accompanied by a report (No. 966), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 18168, reported in lieu thereof a resolution (H. Res. 613) referring to the Court of Claims the papers in the case of the estate of Robert M. Crenshaw, accompanied by a report (No. 967), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 14953, reported in lieu thereof a resolution (H. Res. 614) referring to the Court of Claims the papers in the case of the heirs of Horace King, deceased, accompanied by a report (No. 968), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 14762, reported in lieu thereof a resolution (H. Res. 615) referring to the Court of Claims the papers in the case of the estate of J. W. Devors, deceased, accompanied by a report (No. 969), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 10757, reported in lieu thereof a resolution (H. Res. 616) referring to the Court of Claims the papers in the case of William Wells, accompanied by a report (No. 970), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 7432, reported in lieu thereof a resolution (H. Res. 617) referring to the Court of Claims the papers in the case of S. Ellen Boyd, administratrix of the estate of Mary Dean, deceased, accompanied by a report (No. 971), which said resolution and report were referred to the Private Calendar.

Mr. DANFORTH, from the Committee on War Claims, to which was referred the bill (H. R. 18565) for the relief of David C. McGee, reported the same without amendment, accompanied by a report (No. 972), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 23604) for the relief of Frank D. Courtade, reported the same with amendment, accompanied by a report (No. 975), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 23644, reported in lieu thereof a resolution (H. Res. 620) referring to the Court of Claims the papers in the case of Peter Goodman, accompanied by a report (No. 977), which said resolution and report were referred to the Private Calendar.

Mr. MCKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 20339) for the relief of Joseph W. McCall, reported the same without amendment, accompanied by a report (No. 978), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. DANFORTH, from the Committee on War Claims, to which was referred the bill (H. R. 23374) for the relief of Emma P. Barbour, reported the same adversely, accompanied by a report (No. 973), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 12701) for the relief of Margaret Underhill and Mary Clark, reported the same adversely, accompanied by a report (No. 974), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 24589) granting an increase of pension to Peter N. Hardman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21645) granting an increase of pension to Robert Lewis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11100) granting a pension to Peter Reno; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10797) granting a pension to William F. Slack; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14369) granting a pension to Amanda M. Sheeran; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14387) granting a pension to Sophia D. Scholl; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15508) granting a pension to Antony Folee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14388) granting a pension to Edward Aldrich; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25385) granting a pension to Mary E. Sweeney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13380) granting an increase of pension to Joseph D. Beaubien; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25459) granting a pension to Frank Gravina; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINDRED: A bill (H. R. 25679) to provide that petty officers, noncommissioned officers, and enlisted men on the retired list who had creditable Civil War service shall receive the rank or rating of the next higher enlisted grade; to the Committee on Military Affairs.

By Mr. BERGER: A bill (H. R. 25680) to provide for the employment of all willing workers, and for other purposes; to the Committee on Labor.

By Mr. LANGLEY: A bill (H. R. 25681) authorizing the Secretary of War to grant leases or licenses to the highest responsible bidder or bidders for the use of the water power created by the Government dams on Kentucky River; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 25682) to punish violations of the Lord's day in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 25683) to amend House bill 1339; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25684) providing overtime compensation for storekeepers and other customs officers; to the Committee on Ways and Means.

By Mr. MURDOCK: A bill (H. R. 25685) providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate commerce and providing penalties for misbranding; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 25686) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. LAFFERTY: A bill (H. R. 25687) to amend section 1 of the act approved March 26, 1908, providing for repayment of certain commissions, excess payments, and purchase moneys paid under public-land laws; to the Committee on the Public Lands.

By Mr. COOPER (by request): A bill (H. R. 25688) to set aside not less than 1,000 acres of the public land for use by the Order of Owls as camping grounds for its sick members; to the Committee on the Public Lands.

By Mr. MCKELLAR: A bill (H. R. 25689) declaring that persons, firms, or corporations in any manner engaged in interstate-commerce business who shall become engaged or concerned in the fixing of prices of any foodstuffs contrary to the rules of competition shall be guilty of a felony, and providing for their punishment; to the Committee on Agriculture.

By Mr. TRIBBLE: A bill (H. R. 25712) to repeal section 9 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. DICKINSON: Joint resolution (H. J. Res. 336) proposing an amendment to section 1 of Article III of the Constitution of the United States of America; to the Committee on the Judiciary.

By Mr. AKIN of New York: Resolution (H. Res. 618) requesting certain information from the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. FAISON: Resolution (H. Res. 619) to investigate delayed schedules and improper refrigeration of fruit and vegetable trains; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Memorial of the State Legislature of New Mexico, favoring specific duty on wool on the scoured-shrinkage basis; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 25690) granting a pension to Jennie Haas; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25691) authorizing payment to Francis M. Fogarty, clerk of court of appeals, first circuit, Massachusetts; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 25692) to correct the military record of Juan Pais; to the Committee on Military Affairs.

Also, a bill (H. R. 25693) granting a pension to Anna Pearce; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 25694) for the relief of Ben P. Nicholson; to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 25695) granting a pension to Hannah M. Baitey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25696) granting a pension to Edward Younger; to the Committee on Pensions.

Also, a bill (H. R. 25697) granting an increase of pension to Francis M. Bynum; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25698) granting a pension to Diana R. Pierce; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 25699) to correct the military record of George W. Oller; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 25700) granting a pension to Thomas J. Kurtz; to the Committee on Pensions.

Also, a bill (H. R. 25701) granting a pension to Thomas Foreman; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 25702) to remove the charge of desertion from the record of Oliver S. Coffin; to the Committee on Military Affairs.

Also, a bill (H. R. 25703) to remove the charge of desertion from the record of William Walters, alias Joshua Brown; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 25704) granting pensions to Matilda K. Trett and Ira Ambrose Trett; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 25705) granting a pension to W. F. Eaton; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 25706) granting an increase of pension to William E. Davies; to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 25707) for the relief of heirs of Joseph Block, deceased; to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 25708) granting an increase of pension to Irene L. B. Fitch; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 25709) granting an increase of pension to Thomas J. Brewer; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 25710) for the relief of Freda A. Lane; to the Committee on the Public Lands.

Also, a bill (H. R. 25711) for the relief of George W. Lane; to the Committee on the Public Lands.

PETITIONS ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Polish societies of the States of Indiana and Illinois, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of J. E. Helwick and 9 others, of Bolivar, Ohio, against passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Memorial of St. Vincent de Paul Society, of South Bend, Ind., against bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BUCHANAN: Petition of St. Clara's Society, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Liquor Dealers' Protective Association of Illinois against passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. BULKLEY: Memorial of the Woman's Auxiliary of Southern Ohio St. Luke's Branch of the Protestant Episcopal Board of Missions, favoring legislation for the betterment of the natives of Alaska; to the Committee on the Territories.

By Mr. BURNETT: Memorial of the Eugenia Lyon Memorial Branch of the Woman's Auxiliary of Trinity Church, Demopolis, Ala., favoring legislation for the betterment of the natives of Alaska; to the Committee on the Territories.

By Mr. CALDER: Petition of the Brotherhood of Locomotive Engineers of Cleveland, Ohio, favoring passage of workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, petition of Brooklyn Chapter, American Institute of Architects, against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

Also, petition of the Presbyterian Hospital in Philadelphia, Pa., favoring passage of Senate bill 4972, to empower the Public Health and Marine-Hospital Service to collect statistics, etc., relating to hospitals; to the Committee on Interstate and Foreign Commerce.

Also, petition of M. C. Dow, of Cincinnati, Ohio, against passage of the Richardson bill relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brooklyn Club, of Brooklyn, N. Y., favoring passage of House bill 23676, relative to making ocean travel more safe; to the Committee on the Merchant Marine and Fisheries.

By Mr. CATLIN: Memorial of Branch No. 71 of the Workmen's Sick and Death Benefit Society of America, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Liquor Dealers' Benevolent Association of Missouri, against passage of the Kenyon-Webb-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Branch No. 223 of the Workmen's Sick and Death Benefit Fund of the United States of America, York, Pa., against bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Daughters of Liberty, of Pottsville, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Polish Roman Catholic Church of Oswego, N. Y., and the Hebrew Veterans of the War with Spain, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Memorial of the Scottish Rite Bodies, of Helena, Mont., favoring passage of House joint resolution 271, relative to inscriptions, etc., on slabs and tombstones in national cemeteries; to the Committee on Military Affairs.

By Mr. PUJO: Evidence in support of bill for relief of estate of Joseph Block, of St. Landry, La.; to the Committee on War Claims.

By Mr. SULZER: Petition of the Committee of Wholesale Grocers, of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Civil Service Reform Association of Pennsylvania, against five-year tenure of office clause for Government employees in House bill 24023; to the Committee on Appropriations.

By Mr. UNDERHILL: Petition of the National Guard Association of the State of New York, at Albany, N. Y., favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of 4,000 Spanish War veterans of New York City, favoring passage of House bill 17470, for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Petition of Rev. Leonard Mitchell, Woods Hole, Mass., favoring the passage of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Michigan: Papers to accompany House bill 25165, for pension for Charles H. Haring, late of Company K, First Colored Infantry, United States Volunteers; to the Committee on Pensions.

SENATE.

THURSDAY, *July 11, 1912.*

(Continuation of legislative day of Saturday, July 6, 1912.)

At 10 o'clock a. m., on the expiration of the recess, the Senate reassembled.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	Martine, N. J.	Smith, S. C.
Bailey	Fletcher	Myers	Smoot
Bourne	Gallinger	Nelson	Stephenson
Bristow	Gronna	Newlands	Stone
Brown	Guggenheim	Oliver	Sutherland
Bryan	Johnston, Ala.	Overman	Thornton
Chamberlain	Jones	Page	Tillman
Clapp	Kenyon	Perkins	Watson
Crane	Kern	Pomerene	Works
Culberson	Lea	Rayner	
Curtis	Lorimer	Shively	

The PRESIDENT pro tempore. Forty-two Senators have answered to their names—not a quorum. In the absence of objection, the names of Senators not answering on the roll call will be called.

The Secretary called the names of the absent Senators, and Mr. CULLOM answered to his name when called.

Mr. THORNTON. I wish to announce that my colleague [Mr. FOSTER] has been unwell for more than two weeks. He was here yesterday, but as he is not here this morning I imagine that he is not well enough to attend the session.

Mr. BORAH, Mr. CUMMINS, Mr. SIMMONS, Mr. CRAWFORD, and Mr. REED entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The resolution submitted by the Senator from Tennessee [Mr. LEA] is before the Senate for consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOUSTON, Mr. SMALL, and Mr. CHUMPACKER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 23. An act to authorize the extension of Underwood Street NW.;

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvements or economy in manufacturing processes or plant.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. THORNTON. Mr. President, owing to the general interest in this case I deem it my duty to myself and to the people of my State to explain my vote, which was cast on the first trial without explanation.

When the resolution for the new investigation was offered in this body, it was a foregone conclusion, to my mind, that on account of the subtractions from and additions to the Senate since the first trial, a majority of this body was ready to vote for the conviction of LORIMER that day without any new evidence, and so believing, I did not think it fair to him that the case should be reopened, and if I had been given the opportunity to vote against the new investigation I would have done so, but there was no opposition to it.

But when the new trial was ordered I determined that I would decide the question in the light of the new testimony and reverse my first vote if I thought the evidence justified it; and the only comment I have made was that while I reserved my judgment, unless the prosecution made a better showing than it did before, I would vote again as I did then. My position from the beginning has been that in order to justify myself in voting for the expulsion of Mr. LORIMER, it was necessary that I should believe either that a sufficient number of votes to change the result had been corruptly cast in his favor with or without his connivance or knowledge; or that even a single vote had been corruptly cast for him with his connivance or knowledge; and in either case I should have voted against him. But neither proposition was proved to my satisfaction beyond a reasonable doubt or by the preponderance of evidence. I thought then it was extremely probable that bribery was resorted to in that legislature, but it was not at all clear to me that it was done with Lorimer money or to secure LORIMER'S election, and much less clear to me that it prevailed to a sufficient extent to have changed the result of the election, or that

LORIMER had any participation in it directly or through an agent.

And so viewing the evidence, I could not vote otherwise than I did.

Under this new trial I can not say I have read all the voluminous evidence, for that would have been impossible under the circumstances, nor have I read a line of the brief of LORIMER'S attorney sent to me as to all other Senators, but I have carefully read the majority and minority reports and have given close attention to the arguments, though following more particularly those directed against Senator LORIMER than those in his favor.

And I can see no reason to change my former verdict, but think the case against him has been weakened rather than strengthened by the new trial, a conclusion which seems to be shared by the senior Senator from Washington [Mr. JONES], whose personal integrity, independence of thought, and intellectual ability is not questioned by any Member of this body, who voted against LORIMER before, but who this time was a member of the committee that took the testimony, thus giving him every opportunity to form a correct judgment, and this fact, combined with his openness of mind, has forced him to change his former opinion in consequence of the new evidence.

The minority report virtually concedes that the evidence does not show Senator LORIMER'S connection with or guilty knowledge of any corruption in the election and does not show the source of any corruption fund, when it says, at the bottom of page 110, that it is not necessary to do so, because, in their opinion, the facts show that a sufficient number of votes were corrupted; but of course they would have shown a guilty knowledge of LORIMER or traced the source of the corruption fund to him if they could possibly have done so under the evidence, as indeed it would have been their duty to do if they could. I do not claim that it is necessary to show by the testimony of eyewitnesses that Senator LORIMER paid money personally to bribed members of that legislature or to agents to be used in bribing them, for my judgment can be influenced by circumstantial as well as by direct evidence, and I have sometimes in the trial of cases considered that circumstantial outweighed direct evidence.

But I do consider that the evidence against the validity of this election, whether it be direct or circumstantial, must be sufficient to convince my mind beyond a reasonable doubt or at least by a preponderance of testimony that enough votes were bribed to change the result or that LORIMER was contributing to or cognizant of any bribery. I feel justified in assuming from the new evidence what was generally believed before, that a corruption fund, called "the jack pot," had been for many years put up by interested parties to influence the votes of members of the Legislature of Illinois to support or oppose certain measures brought before that body, to be divided at the close of the session, and I think now, as I thought before, that it is highly probable that some of that body were paid from that fund before or after the adjournment; but it is not shown that LORIMER is even remotely connected with the raising or distribution of that fund.

And as it is not proved to my mind beyond a reasonable doubt or by a preponderance of the testimony, either that enough votes were corrupted to change the result or that Senator LORIMER was contributing directly or through an agent to any bribery or was cognizant of any, I can not vote otherwise than I did at first. Much has been said during this discussion about public opinion being in favor of LORIMER'S conviction, and there can be no doubt about the correctness of the statement, and it can not be denied that it takes more moral courage to vote for than against him.

I feel a due respect for the opinion of any large number of the American people, especially on any proposition of general policy that they have had the opportunity of studying, even though I may differ from their conclusion; but that does not apply to a case like this, of which on account of its nature the great body of the people can know nothing or next to nothing of the evidence except what they have gained from newspaper editorials or comments, written by parties who in turn know nothing or next to nothing of the evidence.

It is not unnatural that the sentiment of the people on a question should be more or less influenced by newspapers, and I know that I came to this body with an undefined feeling of prejudice against Mr. LORIMER, due to statements I had read in the public press, a feeling that I tried to suppress, knowing that I must sit as a judge in his case.

A fair general sample of public opinion as to how Senators should vote on the question is found in an anonymous communication addressed to a north Louisiana paper during the early part of 1911, which a friend cut out for me, and which I still have, abusing me for not taking sides against LORIMER, and from which I make the following quotation:

> It is the consensus of opinion that LORIMER was cognizant of the graft and bribery perpetrated in the Illinois Legislature, and the best men on the Democratic side are opposing him, as well as the clean Republicans.

But I was sitting then, as I am sitting now, as a judge in the case, bound by my oath of office to decide it according to the law and the evidence as it appears to me and not according "to the consensus of opinion" or the views of a majority of the American people.

Of course the members of this body who are opposed to Senator LORIMER on this question know that those Senators who will vote for him are fully their equals morally and have quite as much intellectual ability as themselves to analyze the evidence in the case, but outsiders do not know this so well as the Senators themselves.

Last winter I read with much interest and, I hope, with much profit to myself also the recent publication of the venerable and esteemed Senator from Illinois [Mr. CULLOM], entitled "Fifty Years of Public Service," and, among other things, I was particularly struck by this remark:

> It would inure to the advantage of the country if there was a more general disposition on the part of public men to adhere to their own convictions, regardless of what current opinion might be.

It would have been to his political interest if in his vote on the Lorimer case he had not put his precept into practice, for it was his action in that matter that caused his defeat for reelection in the primary of this year.

I was told on the high seas last fall by a very intelligent Republican of Illinois that the enemies of LORIMER in that State were determined to beat Senator CULLOM for that vote regardless of how much money it would cost to do it, and that just as surely as he ran they would beat him.

To the credit of that gentleman I wish to say that he supplemented the statement by adding that, although he had for years trained with the anti-Lorimer side in Illinois politics, he would not lend himself to assist in the defeat of Senator CULLOM, because he voted his honest conviction in that matter.

And his prophecy was true, and the venerable statesman, who had served Illinois with honor and fidelity for 50 years as a member of her legislature, Congressman, governor, and Senator, with never a breath of suspicion against his integrity in all that time, was repudiated by her, because he was true to himself in this Lorimer election case.

Yet, unless I misjudge him, he would rather have received this unmerited blow than have been untrue to his convictions; and I wish to go on record here as saying that in my opinion the State of Illinois dishonored herself by her action in this matter, but not him at whom the blow was aimed, he who had honored her by a half century of honorable public service.

Yes I feel an appreciation for public opinion, being very differently constituted in that respect from the Senator from Montana [Mr. MYERS], who in his anti-Lorimer speech on this floor last Saturday said that he did not care what the people of the United States or the people of Montana or the other Members of the Senate thought about his course in this matter.

I do care what the people of the United States and the people of Louisiana and my brother Senators think of my course in this matter or in any other matter of general interest; and I would wish to have the approbation of all three of these classes if I could receive it without acting contrary to the dictates of my conscience; but, while I prize their approbation, over and beyond that I prize my own self-respect, and that would be forfeited if I now voted for the conviction of Senator LORIMER.

I believed when I voted before that I was voting with the majority and I believe when voting now that I am voting with the minority, but, of course, as the opinion that I was with the majority of the Senate could have no influence on my vote then, so the opinion that I am with the minority can have no influence on my vote now. With one thing I have been greatly struck, and that is that despite all the efforts of his political enemies in Illinois against him, his private and personal character has never been heretofore besmirched nor his word questioned; and, as was beautifully expressed by the Senator from Indiana [Mr. KERN] in the opening speech against him, he is "A man of pleasing personality, whose private life, as I understand, has been pure and whose home life is ideal."

A Member of the House of Representatives of an opposite political faith from Mr. LORIMER, a close friend of mine for practically a lifetime, and himself a man of high integrity as well as ability, said to me when I first took my seat in this body: "I understand that Senator LORIMER'S title to his seat is to be tested on the charge that he obtained it by corrupt

methods. I know, of course, that you will vote on the matter according to your conception of duty, according to the law and the evidence submitted to you, but I wish to say that Mr. LORIMER served eight years in Congress with me, and I have had the best opportunities to discover his character, working together as we did on important committees. I know his public life, and I know his private life both here and in his own home, which I have visited, and it would take the most direct and incontrovertible proof to make me believe he had been guilty of corruption himself or that he would be willing to receive the benefit of corruption."

This is the reputation of the man whom we are now called on to say we think guilty of procuring his election to this body by bribery, for that is exactly what a verdict against him means.

Yet I heard this man, standing on the floor of this Chamber last year, declare to his brother Senators on his honor as a man and as a Senator that he was not guilty of any bribery in the procurement of his election, and had no knowledge in the remotest degree that bribery and corruption were practiced in securing his election, nor did he believe that votes were bought by anybody to secure his election.

The reputation of this man for truth and personal integrity in all his past career entitles his word to credence with me in this particular matter unless the proof to the contrary is evident or the presumption strong.

And in case of doubt I would feel compelled to give the benefit of it to a man of that stamp, who is also a brother Senator, as the law requires me to give it to the meanest and lowest criminal of the land. Feeling as I do about this matter, I can not vote to degrade this man; for if I did, as I told my home people last year, my conscience would give me no peace hereafter.

Mr. LEA. Mr. President, it is a disagreeable duty to attack the right of any man to a seat in this Chamber, and especially is it a disagreeable duty to perform in this case. Speaking for the members of the special committee presenting the minority view, it would have been far pleasanter for them had they been able to join in the majority report exonerating Senator LORIMER. This was impossible upon the record in this case.

Voluminous as this record is it involves but two questions, and they need now but brief discussion. The first is a question of law and the second a question of fact.

The question of law presented is whether the Senate has a right now to consider this case, since, on March 1, 1911, by a vote of 46 to 40, a resolution was adopted declaring the election of Senator LORIMER valid. The second question, one of fact, is whether this record now before the Senate establishes the election of Senator LORIMER to have been obtained by corrupt methods and practices.

Considering the question of law first, the plea of res adjudicata was pleaded after the conclusion of all the testimony and immediately prior to the conclusion of the hearings by the special investigating committee. It presents to the Senate the question of whether the plea of res adjudicata, as known to court practice, can prevent a reconsideration by the Senate of this case upon its merits.

The majority of the committee, after the filing of this plea and briefs in support thereof by the attorneys for Senator LORIMER, took the position that the plea of res adjudicata prevented the Senate now from holding the election of Senator LORIMER as invalid. This position is absolutely inconsistent when considered with the attitude of several of the majority members of the committee when the question of reopening the case was presented to the Senate in May of last year. At that time it was the attitude of several Senators, who subsequently composed a majority of the special committee making this investigation, that not only should the case be reopened, but that the case should be referred again to the Committee on Privileges and Elections, and furthermore, that it would be not only discourteous but a serious reflection upon the members of the Privileges and Elections Committee who had made the previous investigation if the resolution requiring a new investigation was not referred again to the same committee. It is inconceivable that these Senators would have clamored for the right to take jurisdiction of this question if they had known or believed at that time that the Senate, and therefore any committee or subcommittee of the Senate, was without authority to take jurisdiction of the matter. It would have been unfair to the Senate for them to have asked for a jurisdiction which they believed they had neither the power nor the right to exercise. The views of these Senators prevailed, and the resolution calling for a new investigation of this case was referred to the Committee on Privileges and Elections, which promptly reported the resolution, which, when adopted, ordered the second investigation and raised the special committee of eight that made the investigation. This resolution, approved and reported by the Senators who subsequently constituted the majority of this committee, ordered an investigation de novo, not merely an investigation to determine whether there was new and material evidence upon which the former judgment of the Senate might be reversed. Were these Senators asking the Senate to permit them to try a case over which they knew they had no jurisdiction, or did they not believe at that time that they had jurisdiction of this case and that they were competent to try it?

The position of the majority members of the special committee upon the question of law is absolutely inconsistent. They first insist that the Senate's position upon this case is identical with the position of a court that has rendered a final judgment in a case; and, second, after making the analogy between the Senate and a court complete, they quote the uniform rule of courts that a case once finally decided can never be reopened, even where there is newly discovered evidence.

On page 50 of the majority report it says:

> As an application of the principle established by the authorities last referred to, the law is clearly to the effect that newly discovered evidence furnishes no ground for avoiding the bar of a former judgment. Some of the laity may have the impression that a former judgment can be nullified by bringing forth at the second hearing newly discovered evidence, but no law author and no court recognizes any such exception to the doctrine of res adjudicata.

Again the majority of the committee, on the same page, said:

> The authorities make it plain that the Senate is barred by the rule of res adjudicata from reopening and rehearing this case on the ground of newly discovered evidence.

Arguing from this premise, the conclusion of the committee would logically have to be that the Senate, being a court, when it considers the election or qualification of its Members could not reopen a case even upon the ground of newly discovered evidence, and such would seem to be the conclusion drawn by the committee in the majority report, for on page 48 of its report the following is found:

> Your committee therefore concludes that both on principle and by authority the action of the Senate of March 1, 1911, deciding that the election of WILLIAM LORIMER was valid and legal constitutes res adjudicata as against any subsequent attempt to have the Senate decide that the election was invalid and illegal.

After drawing the analogy between the Senate considering the election or qualification of its Members and that of a court, and announcing the sound principle of law governing courts in reconsidering cases that have gone to final judgment, and after drawing a similar conclusion in regard to the Senate based upon this analogy, the majority of the committee then did not have sufficient confidence to apply the principle which it had announced and pursue the logical conclusion which it had drawn from its premises.

On page 54 the committee said:

> Under the principle laid down by the highest judicial tribunals of the land, the Senate of the Sixty-second Congress would not question the right of Mr. LORIMER to his seat, the right to which was determined in the Sixty-first Congress, even though new evidence had been produced to impeach him. This committee, however, would not feel inclined to follow this rule implicitly, and if new and substantial evidence had been discovered, showing clearly that he had secured his election by corruption, we would recommend a reconsideration in order that the honor and integrity of the Senate may be maintained.

This illogical and inconsistent view of the majority means either that the Senate was not properly likened to a court in considering such a plea or the authorities cited by the majority as sustaining the plea of res adjudicata are incorrect and unsound.

The final position of the majority, however, lies between these views, and is that the plea of res ajudicata does not prevent a reopening and reconsideration of the case where there is newly discovered and material evidence which, if true, would warrant a reversal of the former verdict. As soon as the majority concede this much they concede that the case is before the Senate for reconsideration, and the only difference between the majority of the committee and those who take the opposite view is whether the case is before the Senate only to consider newly discovered evidence, or whether the entire case is before the Senate. There can be no doubt that the authorities are uniform in holding that whenever a new trial is granted on whatsoever ground the case is then considered de novo upon its merits, and the tribunal having jurisdiction of the reopened case is not bound to consider only newly discovered evidence.

Even the inconsistent reasoning of the majority, as announced by it, brings this case before the Senate for consideration, and the question it presents is not whether there is newly discovered evidence which is true or false, but whether the whole record of the reopened case discloses that corrupt methods and practices were employed in the election of WILLIAM LORIMER.

The majority of the committee are now facing a condition and not a theory. Theoretically they insist that the case should not now be reopened and be before the Senate for consideration,

but they fail to remember that it was with their vote that the case was ordered unanimously to be reopened, and, having been reopened, it is now before the Senate for consideration. Their action in voting, first, that this resolution should be referred to the Committee on Privileges and Elections to consider whether a second investigation was necessary; second, their votes in the Committee on Privileges and Elections in ordering this resolution reported by the chairman; third, their votes in having this resolution adopted by the Senate and the investigation begun; fourth, their votes and actions, upon the special committee raised by their votes in summoning all the old witnesses as well as the witnesses to new facts show that it was the belief and desire of the majority of this committee at the beginning and during the continuance of this investigation that the entire record should be reopened and all the facts, both old and new, again presented to the Senate for consideration. The action of the majority upon any other hypothesis is untenable and inexplicable. The majority of the committee is now in the position of a court, to use their own analogy, that having ordered a new trial, and after the new trial has been ordered and the evidence upon the new trial presented, is unwilling to pass thereon or to permit the record made on the new trial to be presented to the appellate court.

The views expressed by the minority members of the committee upon the question of res adjudicata can be considered in a dual light. One view is that when an election case has been decided by the Senate that it can be reopened upon new and material evidence being presented; and when reopened the case is before the Senate again upon its merits; and that, as in the case of Spofford and Kellogg, so in this case a resolution was adopted by the Senate of the State of Illinois setting forth new and material evidence; that this resolution, together with the resolution of the Senate was referred to the Committee on Privileges and Elections to report whether a second investigation was proper and necessary, and that the Committee on Privileges and Elections unanimously reported that a second investigation was necessary and proper, and, in accordance with this report, introduced a resolution ordering a second investigation upon the whole case, which was unanimously adopted by the Senate, and that thereupon the entire question involved in this case is before the Senate for consideration. The reasoning in support of such a view necessarily means that unless there was new and material evidence there could be no reopening of the case, as was decided in the case of HENRY A. DU PONT, of Delaware. (Buck's Senate Election Cases, pp. 818–874.) There is also a broader view of this question which has my full approbation, and that is that the Senate is a continuing body and the judicial powers vested in it relative to judging the election and qualifications of its Members are merely incidental and subsidiary to its main powers, which are purely legislative. The Supreme Court of the United States has held that where a body was created, like a railroad or corporation commission, vested with judicial, executive, and legislative powers, and where it exercised judicial powers, but exercised them as incidental to its legislative powers, the plea of res adjudicata could never be invoked.

The Supreme Court, speaking through Mr. Justice Holmes, in the case of Prentiss against The Atlantic Coast Line, said:

> Proceedings legislative in nature are not proceedings in a court within the meaning of Revised Statutes, section 720, no matter what may be the general or dominant character of the body in which they may take place. * * * That question depends not upon the character of the body, but upon the character of the proceedings. * * * The decisions upon them can not be res judicata when a suit is brought. And it does not matter what inquiries may have been made as a preliminary to the legislative act. Most legislation is preceded by hearings and investigations. But the effect of the inquiry, and of the decision upon it, is determined by the nature of the act to which the inquiry and decision lead up. * * * The nature of the final act determines the nature of the previous inquiry. As the judge is bound to declare the law, he must know or discover the facts that establish the law. So when the final act is legislative the decision which induces it can not be judicial in the practical sense, although the questions considered might be the same that would arise in the trial of a case. If a State constitution should provide for a hearing before any law should be passed, and should declare that it should be a judicial proceeding in rem and the decision binding upon all the world, it hardly is to be supposed that the simple device could make the constitutionality of the law res judicata if it subsequently should be drawn in question before a court of the United States.

If the decision be sound that a body expressly vested with judicial as well as legislative powers can not be estopped from further action upon the same subject by the plea of res adjudicata where the judicial powers are exercised as incidental to its legislative powers, then it necessarily follows that where a body like the Senate, whose primary functions are legislative and whose judicial powers are purely incidental to the legislative powers and conferred for the purpose of preserving its legislative powers free from corruption and fraud, as is the case of the judicial powers of the Senate to judge the election and qualifications of its own Members, can not have its deliberations concluded and circumscribed by the technical judicial plea of res adjudicata.

The judicial functions of the Senate in passing upon the election and qualifications of its members are purely incidental and subsidiary to its principal functions, which are legislative. The distinction between the functions of a legislative body and a judicial tribunal is that those of the legislative body are necessarily never final, while those of the judicial tribunal must necessarily be final. It is conceded that the plea of res adjudicata can never be properly invoked in court until there is a final judgment, and as there never can be a final judgment in a legislative body, whose judicial functions are merely incidental to its legislative functions, the plea of res adjudicata can never be properly plead.

The true doctrine is that the Senate should never reopen an election case for the purpose of permitting a changed political complexion to reverse a former verdict, but that the Members of the Senate should never hide behind a technical plea to avoid correcting a former erroneous decision; that an election case is never finally decided until it is decided right upon the fullest and fairest investigation and consideration of all the facts that can possibly be obtained. The reason for such a rule is apparent. If a changed political complexion would justify the reversal of the former verdict, then election cases would be decided, not according to their merits or justice to the parties, but according to the dominant political opinion of the Senate. On the other hand, the reason is equally strong that the Senate should reopen an election case wherever there is new or material evidence or where, on the whole record, from an equitable standpoint, it should reconsider its former verdict either for or against the Member whose seat is contested. According to this view, had Senator LORIMER been deprived of his seat in this body by the vote of March 1, 1911, and had he afterwards been able to present to the Senate uncontradicted evidence that the former judgment of the Senate was wrong, he should, by all rules of equity, be allowed to present that evidence, and upon it he should be entitled to his seat in this body. This reasoning would hold good whether a successor after the first verdict had been elected or appointed to take a seat in this body, for the appointment or election of a successor would necessarily be grounded upon the condition precedent that the election of Senator LORIMER had been invalid, and as soon as that judgment was reversed and the election of Senator LORIMER held valid, there would be no vacancy to be filled either by appointment of the governor or election by the legislature.

Upon either view of the minority, relative to the plea of res adjudicata, it can not be invoked in this case, and this case is now before the Senate upon its merits for consideration.

And the second question, the question of fact—whether corrupt methods and practices were employed—is now presented to the Senate for its determination.

Let us consider the facts now presented to the Senate from the standpoint of the majority's view of the law. On page 54 the majority said:

> This committee, however, would not feel inclined to follow this rule implicitly, and if new and substantial evidence had been discovered showing clearly that he had secured his election by corruption we would recommend a reconsideration in order that the honor and integrity of the Senate may be maintained.

We insist that according to this view we can show that there was new and substantial evidence that the election of Senator LORIMER was obtained by corrupt methods. This record discloses the fact that Edward Hines raised a fund for the purpose of corrupting the legislature in Springfield. This fact was established by the testimony of Clarence Funk and William Burgess, Funk testifying that he was asked by Hines to contribute the sum of $10,000 to a fund of $100,000 that had to be raised to reimburse those who had elected LORIMER, and Burgess testifying that C. F. Wiehe, brother-in-law and confidential representative of Edward Hines, stated in his presence that he, Wiehe, had contributed $10,000—the same amount asked of Funk—toward the election of WILLIAM LORIMER.

Either Hines or Funk committed perjury—Funk solemnly swearing that he was asked to make this contribution by Hines, and Hines denying he ever requested such a contribution from Funk. The two statements are irreconcilable. It is admitted by both that there were no witnesses to the actual conversation that took place on the day at the Union League Club in Chicago that Funk alleged this contribution was requested of him, and on which Hines admits that Funk came to him and asked him to step aside and speak to him for a moment. Therefore the Senate is forced to choose between the testimony of Funk and the testimony of Hines. Funk's testimony was reluctantly given; it was only given in the first instance before the investigation of the Illinois Senate for the purpose of preventing a friend, to whom he had confidentially communicated the infor-

mation, from being imprisoned for contempt. It was given at a long period of time after it occurred and after the first investigation by the Senate had been concluded by the vote of the Senate, thus showing that Funk had no motive or desire to injure either Hines or LORIMER. This record does not disclose any facts which would warrant any member of this committee in believing that there was any motive or self-interest which could have influenced Funk to commit the crime of perjury by manufacturing this story of the request by Hines for the $10,000 contribution to the Lorimer election fund. This story is either true or it is manufactured evidence and Funk has committed willful and deliberate perjury. On the other hand, there is the instinct of self-preservation and the escape from punishment for the crime of bribery which would induce Hines to contradict Funk and to commit perjury. The absence of any interest or motive on the part of Funk and the presence of the strongest incentive in the world—self-preservation—on the part of Hines to commit perjury should be sufficient to convince any fair-minded, unbiased person that Funk's story is true and that Hines's denial is absolutely false. But, in addition to this reason, there are circumstantial evidences which go to brand Hines as a perjurer and unworthy of belief.

It is established that he attempted to influence Cook and O'Brien—two men who heard his telephone conversation from a room in the hotel at Chicago to Springfield on the day on which LORIMER was elected—to leave Chicago and to get out of the jurisdiction of the grand jury of Cook County when it was investigating this case. These reasons, and the additional reasons disclosed by the attitude of Hines on the stand and before the committee during its sessions, warrant the Senate in absolutely accepting the story of Funk and in refusing to believe Hines's denial, even though supported by self-serving declarations to employees and business associates. The story of Burgess, though admitted to be partially contradicted by several people associated with Hines in business and by one Charles P. McGowan, should be accepted as true. There is established no motive or self-interest on the part of Burgess that would prompt him to manufacture the evidence and commit the perjury that his statement would be unless true. On the other hand, Hines's and Wiehe's denials are prompted by the strongest of self-interest.

If they were guilty of raising this corruption fund and of the crime of bribery, it follows as the night follows the day that they would be willing to commit perjury to avoid punishment for the crime of bribery. If Burgess had been planning to manufacture evidence and commit perjury for any purpose, it is inconceivable he would have placed the scene of the occurrence in the smoking room of a car, accessible to all the occupants on the car, rather than to some other place where he could have held the manufactured conversation without the danger of witnesses being present. The fact that Burgess relates that the conversation occurred in the smoking car where the weight of numbers are against him is one of the marks that stamp it as the truth. Again the denial of the statement by Burgess by the employee and business associate witnesses of Hines are of such a character as not to contradict the truth of Burgess's statement, for, according to my recollection of their testimony, not one of them swore that he was in the smoking room from the beginning of the journey of Wiehe on that occasion to the end of it; so that their testimony may be regarded as nothing further than testimony to the effect that they were not present if such statements were made. The only man swearing that he was in the smoking room from the time when Wiehe entered the train to the time he left was poor Charles P. McGowan, whose character was ruined and whose testimony was rendered unworthy of belief by his admissions that he received money from C. F. Wiehe, Hines's brother-in-law, other than his expenses to Washington, where he went to testify. McGowan's guilt and infamy were so brazen that he set them forth in a letter, the authenticity of which is not denied, and which is as follows:

ELORA, ONTARIO, *November 29, 1911.*

A. C. BAILEY, Esq.,
309 Fifth Avenue, Pittsburgh, Pa.

MY DEAR ART: Your very kind letter received some days ago, and I note you say you are all business. For myself, eating, sleeping, and smoking comprise my daily duties at present. A day or so after my return home the Hines people sent me a telegram asking me to meet one of them in Toronto. I presume they wanted some more affidavits or something, so I wired them they had better come to Elora. By God, they would have been shown what forced hospitality was. The old shotgun would have been loaded with a couple of Peters No. 2. I made them come across at that—not all I expected, though—and I had a hell of a time getting it, too. Had to threaten him with all kinds of exposure.

I was sorry I did not see you the afternoon I left, but hope we will meet again in the near future. I do not know just now what my plans will be for next year. Father is talking very seriously of buying a flour mill for my brother and myself. What kind of a miller would I make, do you think?

Let me hear from you as often as you can spare the time to write, and if you are in this vicinity any time, run up; I will always be glad to see you.

Yours, etc.,
CHAS. MCGOWAN.

P. S.—Give my best to your brother.
McG.

The testimony of Funk and Burgess is absolutely true to the best of their recollection, and, being true, it establishes that a corruption fund was raised for the purpose of electing WILLIAM LORIMER to the Senate; and the fact that even an egotist like Hines had sufficient discretion not to embalm the evidence of this crime upon his personal books or those of his company should not have the slightest weight in discrediting this testimony.

The majority elected not to believe Funk. If they had, according to their own statement of the law, this evidence not being in the former record, they would be forced to vote that the election of WILLIAM LORIMER was invalid. They say that it is not probable that Hines, a successful business man, would make this statement to Funk, a casual acquaintance; yet, in its report, the majority elects to believe that Funk, a successful business man, would not hesitate to ask Hines, a casual acquaintance, to let him become an accessory to the crime of corruption by contributing to the campaign expenses of Senator LORIMER. The difference between Funk and Hines upon this record is that Funk would have to lie to commit the crime of perjury, while Hines would have to lie to escape the crime of bribery.

This record also discloses new evidence, in that on this investigation Wayman and Burke, district attorneys for Cook and Sangamon Counties, are called, and enter emphatic denials of any third-degree methods or improper influences being used upon witnesses before the grand juries of those counties that induced those witnesses to make false confessions. Much was made in the argument on the former case of these improper methods having been employed by these district attorneys, although these men had been subject to the jurisdiction of a former investigating committee and had never been called.

In the third place, there is new evidence in this record that makes the deposit of $2,500 by Holstlaw in the State Bank in Chicago, on the day of his visit to John Broderick, a fellow member of the State Senate of Illinois, who, according to Holstlaw, had promised him money if he voted for LORIMER, so clear that not a single member of the committee dares to question the fact that Holstlaw did on that day make a deposit of $2,500 in currency, a fact that was absolutely challenged upon the former argument of this case, it being insisted that the duplicate deposit slip was a forgery.

In the fourth place, the testimony on the former investigation showed that among other members of the legislature going to St. Louis to meet Browne on June 21, 1909, and Wilson on July 15, 1909, was one Henry A. Shephard. The former evidence showed that Shephard visited his bank box upon that day, but that the visit to this bank box was before the visit to Wilson's room. The evidence now establishes that the visit of Shephard to his bank box upon the day of his visit to Wilson in his room at the Southern Hotel, in St. Louis, was after his visit to Wilson, and was made upon the records of the bank owning the vaults in the name of his brother, both his brother and himself having access to the bank box. The issue in this case as to Shephard being whether Shephard received money or not from Wilson, it is of the greatest importance and most material to establish that Shephard visited his bank box immediately after his conference with Wilson, who admittedly distributed money on that day in St. Louis to other members of the Illinois Legislature who had voted for LORIMER. The importance of this testimony is increased when it is recalled that one of the members confessing to having received money from Wilson on that day testified that a $500 bill was given to Shephard, and by the fact that Shephard for some reason, which is now disclosed to be that of escaping detection, made a false entry upon the record of the bank owning the vaults, showing that it was his brother and not he who entered the bank vault upon that occasion.

In the fifth place, the testimony of William C. Blair upon this record establishes him as a member of the legislature who received money for his vote for LORIMER.

According to the testimony of Allan C. Tanner, Blair made a statement to him before the vote for LORIMER relative to it meaning a great deal to him if he voted for Senator LORIMER. According to Blair's own testimony, and out of the mass of contradiction and perjury which he uttered while on the stand, the facts are established that before he voted for LORIMER he was in debt and had no money; that after he voted for LORIMER and after his visit to Thomas Tippit, in July, 1909, the leader of one of the factions who brought his following to LORIMER, a

visit which he denied and which he made every effort to conceal by stating he was in a different place on that day, and which he admitted only after having been confronted with the hotel register showing he was in Olney instead of Mt. Vernon on that day, Blair displayed a large sum of money in currency, varying, according to witnesses, from twelve to fourteen hundred dollars, and admitted by Blair to be between eight hundred and one thousand dollars. Then there is the testimony of Moore that Blair stated to him, in June, 1909, that he would have been very foolish to have voted for Stringer and to let all the Lorimer money get by him and not get his part of it. Blair's testimony may be resolved into the following syllogism:

(a) There is money in it for me if I do a certain act, i. e., vote for LORIMER.
(b) I have no money.
(c) I did the act, i. e., voted for LORIMER.
(d) I now have money.

The conclusion, therefore, is that he obtained the money for doing the act, namely, voting for LORIMER.

These instances might be multiplied in a longer speech, showing that new and material evidence was established in this record, but it is useless, as the majority of this committee apparently fail to give credit to the oath of any man swearing in opposition to the validity of the election of WILLIAM LORIMER.

The instance of their treatment of Holstlaw's testimony is a fair example of their attitude toward all the witnesses. It is acknowledged by the majority of this committee that Holstlaw received money from Broderick. This acknowledgment could not be withheld, for the record shows, by the testimony of the president and other officials of the State Bank, that upon two occasions Holstlaw deposited money in currency in that bank—on one occasion $2,500 and on the other $700—and both of the dates given by these bank officials are the same as the dates on which Holstlaw testified that he made his deposits and on the days that Holstlaw testified he was summoned by Broderick to meet him in Chicago; and one of these deposits was on the day after the date of the letter introduced in evidence from Broderick to Holstlaw asking Holstlaw to meet him (Broderick) in Chicago, although Broderick denied at first, and until confronted by this letter, that he had ever requested Holstlaw to meet him in Chicago for any purpose. But the majority refuse to believe Holstlaw when he said he was promised money by John Broderick before he (Holstlaw) voted for LORIMER, because they say Holstlaw was a bribe taker, although Holstlaw's evidence is corroborated by other evidence. Yet the majority of the committee readily believed Broderick when he said that he did not promise Holstlaw money for voting for LORIMER before Holstlaw voted for LORIMER, although Broderick stands on the same footing as Holstlaw, being, according to the admissions of all, a bribe giver.

Confronted by the fact that Holstlaw received $2,500 in currency on one occassion from John Broderick and $700 on another; that Holstlaw went to Chicago for the purpose of seeing Broderick on both these occasions and in response to Broderick's invitation, although Holstlaw had never visited Broderick before, the majority of the committee was forced into the realm of imagination and compelled to conjecture that Broderick paid Holstlaw these sums of money, not for the purpose which Holstlaw swears they were paid, but for the purpose which even Broderick does not swear they were paid, of corrupting Holstlaw to vote against the local option or temperance measures in the Illinois Legislature.

Why should the majority of the committee refuse to accept Holstlaw's statement that this money was received by him after he voted for LORIMER, knowing he would receive $2,500 if he voted for LORIMER, and instead conjecture and imagine that it was received for Holstlaw's vote upon the liquor question when no one, not even Broderick, suggested that explanation? Why not conjecture or imagine any one of a thousand other possible explanations?

The majority of the committee treats the testimony of White, Beckemeyer, and Link in the same forced and far-fetched way.

It is not seriously questioned by even the majority of this committee that Browne and Wilson, on the occasions of their visits to St. Louis on June 21 and July 15, 1909, respectively, distributed money to the members of the legislature who met them there at their invitation, and that these members of the legislature had voted for LORIMER. Corroborating evidence strengthens the confession of each of the men who confessed to having received money from Browne and Wilson upon these occasions. The majority members of the committee know that the record shows that Wilson left the country under an assumed name while the former investigation was being held in Chicago, and returned to testify before the former committee some two or three months afterwards, when the investigation had been found to be innocuous and harmless; that the record shows that Beckemeyer and Wilson manufactured an antedated letter nearly a year after the visit to St. Louis for the purpose of giving a reasonable excuse for that visit; that this record shows that White was in debt before he visited Browne in Chicago and Wilson in St. Louis, and that thereafter he deposited a large amount of money with a department store in St. Louis. There is evidence, likewise, of Beckemeyer and Link having money in large bills in their possession after their St. Louis visit. Yet the majority of this committee is willing to brush aside these confessions, strengthened by corroborating evidence, and hold LORIMER's election valid, although in so doing they attempt to erase from the statute books all laws relative to bribery, for they make the proof of the crime of bribery impossible. If bribery can not be proved to the satisfaction of the United States Senate by the confession of one of the guilty parties and by corroborating evidence, then it is impossible to prove bribery in the Senate of the United States. Even should both the bribe taker and the bribe giver confess, according to the reasoning of the majority of this committee the evidence would then be doubly untrustworthy and incredible.

In the course of his discussion of the case the Senator from Washington [Mr. JONES] has greatly narrowed the issue of fact between the majority and minority of the committee.

The Senator from Washington admits that Lee O'Neil Browne, Wilson, and Broderick had a corruption fund and that they distributed this fund to certain members of that legislature. To this point the majority views, as expressed by Senator JONES, and the minority views coincide. Senator JONES then insists as his theory that this corruption fund was distributed in payment for votes or support against the local-option measures though there is not a single witness testifying to this effect or a scintilla of evidence in the entire record to support such a theory.

The minority insists that this admitted corruption fund was distributed in payment of votes for LORIMER, and cites witnesses and corroborating evidence to support its contention. The fact that Browne, Wilson, and Broderick contradict these witnesses and the corroborating evidence that this corruption fund was Lorimer money can have no weight, for as soon as Senator JONES admits that Browne, Wilson, and Broderick distributed any corruption fund he brands each of them as a perjurer, as each denies, under oath, such disbursement, and all of their testimony must be viewed and weighed as that of perjurers.

There is no need in discussing at length the entire record in this case from the standpoint of the minority. It can be stated in a few words. Four members of the General Assembly of the State of Illinois who voted for Senator LORIMER have testified that they received money therefor, known as Lorimer money, after they had voted for Senator LORIMER; they testified that they received it from certain men, naming them, at certain places and at certain times, and the record shows that these men confessing to have received this money were at the places named at the time named and met the men named; and the corroborating evidence also shows that they had in their possession thereafter money in large amounts and in large denominations, and that before that time, in some instances, they were without money. The bribe giver being equally guilty with the bribe taker, and these four men confessing—White, Beckemeyer, Link, and Holstlaw—testifying that they received this money from certain other members of the legislature, to wit, Browne, Wilson, and Broderick, then the votes of the bribe givers are to be considered as corrupted with those of the self-confessed bribe takers. This makes a total of seven corrupted votes cast for Senator LORIMER. Without discussing the fact that some of the 108 votes he received changed to him after he had received more than a majority, it is sufficient to say that deducting 7 votes from 108 leaves 101 votes which Senator LORIMER received, or less than a majority, which view of the case renders it unnecessary to discuss the other votes which circumstantial and other evidence establishes were also corrupted.

The minority can summarize or state their conclusions in regard to the corruption of these seven votes in no clearer, more concise, or more forcible language than by quoting the lucid statement on this subject made by the Senator from Washington in the course of his discussion of this case on February 7, 1911, which is as follows, according to page 2065 of volume 46, part 3, of the CONGRESSIONAL RECORD:

The testimony seems to be clear that White had considerable sums of money at the times he testifies to have received it from Browne and Wilson. It is shown that after he received the money in Chicago he took a package to the Grand Leader store at St. Louis and left it there, marking on it "$700" or "$800." Mr. Kirkpatrick, who is entirely disinterested, corroborates White in this particular. It is shown that he paid off a great many bills of varying amounts, made a trip to Tennessee, gave a $50 bill to his mother, one to his father, and other various sums to different persons. After he received the money at St. Louis

he went to Chicago and spent some time carousing with Browne, and Browne himself claims that he took a couple of hundred dollars from his person while he was in a condition not to look after himself and kept it for him.

I have gone into the testimony more than I should, in view of the many exhaustive reviews that have been made of it. I am convinced that White, Link, Beckemeyer, and Holstlaw were corruptly influenced to vote for Mr. LORIMER. I also am convinced that Browne, Wilson, and Broderick corruptly influenced them. The bribe giver is just as criminal, if not more so, as the bribe taker. These seven votes were corrupt votes and should be deducted from the vote cast for Mr. LORIMER. These may not be all the corrupt votes cast; I do not think they are. I believe the evidence shows clearly and definitely other corrupt votes. I also am convinced that the tainting of Browne's vote under the circumstances tainted every vote among his faction that followed him, unless such vote is shown clearly not to be corrupted. Under my view of the law, seven tainted votes are sufficient to invalidate the election, but if more were necessary they could easily be pointed out.

There is certainly no evidence in this new record that contradicts or renders less effective, according to the minority view, this able summary of the evidence upon this subject in the old record.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Vermont?

Mr. LEA. Certainly.

Mr. DILLINGHAM. I do not wish to interrupt the course of the Senator's argument, but in the absence of the Senator from Washington [Mr. JONES] from the Chamber I presume that the Senator will be willing to have it appear here that that Senator in his exhaustive speech yesterday stated substantially what has been read now from his former speech, but that by reason of hearing all the evidence taken before the present committee he had been compelled to change his views on the question and his judgment upon the finding of facts.

Mr. LEA. I am very glad to have the statement made. I did not know that the Senator from Washington was not in the Chamber. He was in the Chamber when I began.

These confessions, made by men under circumstances that ruined their standing in their communities, drove them in exile from political life, and pilloried them in public shame, can not be thrust lightly aside. They bear the earmarks of truth, and would not stand, as they do to-day, uncontradicted, after the fear of punishment has been banished by the expiration of time, unless they were the truth, which can not be destroyed.

The whole record must be considered. It can not be read without convincing the unbiased that there was a wholesale scheme of corruption during the Legislature of Illinois of 1909 that turned about the senatorial election as a pivot, and that the recipient and beneficiary of that corruption was WILLIAM LORIMER.

The one vote of Senator LORIMER in the Senate may not be able to change the legislative course of this Nation, and it may not, from that point of view, be of much importance whether he continues to serve the remainder of the term which he insists is his. But it is of the utmost importance in preserving the integrity and perpetuity of our institutions that an innocent man be not driven in disgrace from this Chamber, or that a guilty man be not permitted to remain here as a monument to the power of money and to the callousness of this Senate to corruption.

In discussing this question it seems impossible for some of the Senators favoring the validity of Senator LORIMER's election to conclude their remarks without a tribute to their own inherent and superb courage and political bravery; without picturing themselves as patriotic heroes and political martyrs.

It is not the desire of the minority to snatch from any Senator the laurels with which he has crowned his own political brow or destroy the impression that he is other than the dauntless hero he has pictured himself to be; but the minority can not permit the issue in this case to be presented as one of courage on one side and cowardice on the other.

It is entirely a question of judgment upon the law and facts presented by the record. On the one hand, it is insisted that the facts do not warrant holding the election of Senator LORIMER invalid, though in so doing such insistence would establish a principle that will prevent the Senate from protecting itself from fraud and corruption. While on the other hand, it is insisted that the facts here presented warrant the decision that the election of Senator LORIMER was invalid if the Senate is ever to be able to protect its purity and preserve its integrity from the corroding influences of fraud and corruption. The Senate must, in this case, establish no unsound precedent that will prevent it from meriting and deserving the confidence that it will enact legislation only by the votes of Senators honestly elected.

Mr. REED. Mr. President, in view of the length of this discussion, the extreme heat of the day, the small number of Senators present, as well as in view of the exhaustive discussion already had, I do not intend to undertake to go into an argument of this case or to do more than to take up a few scattered points, which, it appears to me, have been obscured by statements which have been made by some who have preceded me.

I join with the Senator from Tennessee [Mr. LEA] in protest against all those who have here defended Senator LORIMER's title to a seat, insisting upon picturing themselves as heroes ready to perish in the cause of justice as martyrs who are approaching the stake with the spirit of the old Christians who went with songs of praise upon their lips to death. I insist that none of these gentlemen are warranted in wearing home-manufactured, handmade halos. It appears to me that they possibly might be allowed to indulge in this sort of self-laudation if their very laudation of themselves did not imply that those who see fit to vote against LORIMER are controlled by sordid, selfish, or cowardly motives.

Throughout this discussion the impression has been sought to be made that the great newspapers of the city of Chicago have entered into a foul conspiracy to destroy the rights of the sovereign State of Illinois and to crush an individual, and that every man who votes to exclude LORIMER does so in obedience to that conspiracy rather than in response to the demands of justice and the plain facts of the record. The impression is sought to be made that all who vote against LORIMER are fleeing before the wrath and power of these newspapers. One Senator has gone so far as to read into the RECORD an editorial telling the sad fate of Senators who heretofore have voted for the seating of Senator LORIMER. His evident purpose was to at once picture himself as a man of extraordinary courage and those who differed from him as poltroons without the boldness to perform a sworn duty.

Mr. President, I consider that kind of argument as a reflection upon the honor of those Senators who are going to cast their votes in favor of unseating Senator LORIMER. It is as unjustifiable as would be the charge that all who are going to vote in his favor are acting from corrupt and improper motives. There is as much evidence in the one case as there is in the other; yet I would not by implication, by so much as the shadow of an implication, attribute an improper motive to any Senator who shall see fit to vote for the retention of Senator LORIMER. On the other hand, I do not intend that the innuendo that I and other Senators who intend to vote for the vacation of this seat are impelled by improper motives shall go unanswered or unrebuked.

So far as newspapers are concerned, and so far as their connection with this case is concerned, I have this to say: I have known newspapers upon inaccurate information to begin attacks and to maintain attacks which were wholly unjustifiable; I have known them to act upon suspicion; I have known them to make warfare upon men which was a wrongful and unjust warfare; we all have known such cases. These newspapers are run by human beings who make mistakes; they are controlled by human beings who have the "bodies, parts, and passions" of men. Sometimes they are not run with a true regard for the highest ethics. But, notwithstanding, I say this: That I have never known of great newspapers, edited by great newspaper men, deliberately entering into a conspiracy to fasten a foul crime upon another man and deliberately seeking to suborn perjury in order to destroy the character of any man. If it be true that the editors of these great Chicago papers have entered into such a conspiracy, then the press of that great city is in the hands of arrant knaves and consummate criminals, who ought to be in the penitentiary.

But, sir, I shall require some other proof of their villainy than the evidence that has been produced in this case. On the contrary, so far as this evidence goes, it appears they have done nothing more than to endeavor to bring sworn testimony to the bar of the courts and to the bar of legislative assemblies, and to there lay bare the naked truth for the honest judgment of disinterested tribunals. When a man is driven in his defense to a charge that men of the highest character and standing have deliberately entered into a foul and vicious conspiracy of this kind, it seems to me that the very hardships of the case which drive a man to that sort of plea indicate strongly that he has no just defense.

Mr. President, there are two or three crucial things in this case. One of them is the relation of one Edward Hines to this transaction. I do not mean, sir, that this record shall be slummed over, as it has been, without a word of protest. It was stated here yesterday that Edward Hines was only a friend of Mr. LORIMER and that he did no more than a friend might do in order to secure the election of a friend. That, sir, is in the face of the record; it is in the face of the boastful testimony of Edward Hines himself. He does not pretend that merely as a Republican and as a friend of Senator LORIMER he left Washington and went to assist in his election and that he took the

interest which a common man takes in the election of another. Ah, no; that is not the position of Edward Hines. Let me give you the position of this man. He parades himself as a sort of guardian ad litem for the United States of America, as a man whose business it is to look after legislation, whose guiding hand and whose genius control in the Senate of the United States and in the House of Representatives.

Here is a letter sent out by Mr. Hines, one sentence of which will show the intellectual attitude of this man, and also will throw a little light possibly upon his interest in senatorial elections. It is dated March 17, 1911. It is on the letterhead of the National Lumber and Manufacturers' Association, and at the head is "Edward Hines, president, Chicago, Ill." It is addressed to "the members of the affiliated associations." It is signed by the general manager, and contains this sentence, in speaking of the reciprocity bill and the attempt to pass legislation affecting the tariff upon lumber:

> The agreement which, chiefly because of our efforts, failed to become a law at the last session of Congress, will, of course, be presented at the opening of the extra session, April 4.

Thus these gentlemen proclaim themselves as able to have stopped this important legislation and declare again their intention to control the same character of legislation in the extra session of Congress then about to be convened.

Mr. President, there is a little light here upon the character of Mr. Hines. There are bribe givers and there are bribe takers, who go about like the thief in the night; their ways are silent and their lips are seldom opened; when they do speak it is in parables and by inuendo. There is another class that grow bold in their iniquity, who are proud of their influence and ability to control legislation. This man Hines shows he belongs to the latter class when he puts his name, or the name of his manager, to a paper proclaiming to "the affiliated associations" that they have already controlled the legislation of Congress and boast their ability to further control.

I have spent more time on that than I should; indeed, I think I have spent more time on Edward Hines than this egotistical bribe monger deserves at the hands of this body; but I intend to spend a little more time, not because of the importance of Hines, but because I am replying to the remarks of a Senator who painted Mr. Hines as merely the disinterested friend of Senator LORIMER, working only as a Republican friend and neighbor for his success. It is not thus Hines paints himself.

I call attention, sir, to his testimony. In it Mr. Hines declared, not that he engaged in this matter as a common Republican, a rank-and-file party man, but that he was sent from Washington to Chicago and to Springfield as the envoy extraordinary and minister plenipotentiary of the President of the United States and of Nelson W. Aldrich. Over and over again he tells how the President sent him messages through Mr. Aldrich, and how, on the behest of the President of the United States, he set forth to secure LORIMER's election and to secure it quick, and to get LORIMER here as early as possible.

Now, just a word with reference to the truthfulness of this distinguished gentleman. I think he did talk with Nelson W. Aldrich. I can understand why, out of a consultation between Edward Hines and Nelson W. Aldrich, the scheme for the election of Senator LORIMER should have been brought forth. From that sort of meeting I can imagine there would be that kind of result.

But, sir, the President of the United States has stated in the public press that he did not send Edward Hines. So I take it the first witness we can call against the truth and veracity of Edward Hines, against his pretensions, against his false claims, is the word of William H. Taft himself.

Of course, I am and always have been in political opposition to William H. Taft and his party, and I have but little regard for the political views of William H. Taft. Yet, notwithstanding certificate as to his character oftimes furnished by one Theodore Roosevelt, I still believe William H. Taft to be a man of the highest veracity; and I would require more than Hines's or Roosevelt's statement to the contrary before I would change my opinion.

Let us follow Mr. Hines briefly. He goes from Mr. Aldrich's office to Chicago. What for? Why was this wealthy lumberman in this fight—this man who represented, directly and indirectly, some dozen or more associations of lumbermen? Why was this millionaire lumberman going down into Illinois to interest himself in this election of a Senator? Why was the first place he went to a great bank? Why did he conduct his operations more or less from places where capital was centered? What was his interest? He was not ordinarily in politics. His conduct and his appearance at this time and under these circumstances indicate to my mind that "big money" had become interested, and that cash had been put into the senatorial controversy.

Having given this brief sketch of Mr. Hines's primary connection with this matter, I pass from Hines to another character, Mr. Lee O'Neil Browne.

There is no candid man who gives to Senator LORIMER the credit for that intelligence which we know he possesses, or that political acumen and shrewdness which is attributed to him, who can read this testimony and arrive at any other conclusion than that Senator LORIMER must have known that Mr. Browne was engaged in very peculiar practices.

It was said here that Mr. Browne was not especially intimate with Mr. LORIMER. When I asked or started to ask Senator JONES a question, and used the term, "Browne, the agent or representative of Senator LORIMER," he repudiated my statement at once. He would not accept the term "representative or agent." He said, in effect, that Browne had very little to do with Senator LORIMER.

Upon that question, let us see what the testimony was.

I say that if this were an ordinary civil case, involving property which a man had acquired and taken to himself through the acts of Browne, he could no more repudiate his acts and keep the property than he could do any other impossible and illegal thing. This record proves to a demonstration that Mr. Browne was Mr. LORIMER's confidential agent and friend. No man can accept the benefits and fruits of another's acts and at the same time repudiate the agency of that man.

Let us see whether Browne and LORIMER were intimate. Senator KERN asked Senator LORIMER these questions when he was on the stand, Senator KERN was in his questions quoting from the testimony of Lee O'Neil Browne:

> Senator KERN. I want to ask you something about the activities of Lee O'Neil Browne in your behalf, and the conferences you had with him. I call your attention to Mr. Browne's testimony, on page 4894, where he testified to a promise which he says he exacted from Mr. Shurtleff and yourself concerning the roll call, which I imagine was that there should not be a roll call for you until you had enough votes to elect:
>
> "Senator KENYON. Then, when did you exact it from Mr. LORIMER?
>
> "Mr. BROWNE. Just as soon as I had any conversation with him in regard to the matter, which was shortly after I saw Mr. Shurtleff—very shortly, because the conferences relative to that campaign commenced to take place in those rooms very shortly after my telling Mr. Shurtleff what I would do.
>
> "Senator KENYON. Did you frequently meet Mr. LORIMER there?
>
> "Mr. BROWNE. Oh, yes; every night, and sometimes there would be half a dozen conferences in the night, the same as there are in any campaign.
>
> "The CHAIRMAN. In the speaker's rooms in the hotel?
>
> "Mr. BROWNE. Yes, sir."

A little farther on—and I am omitting, now, part of the testimony, but reading still from Browne's evidence—Senator KERN asks:

> "What would be the purpose of a dozen conferences in one evening; how would that contingency arise?
>
> "Mr. BROWNE. An endeavor to ascertain accurately how some one member or members stood about whom there would be some doubt.
>
> "Senator KERN. Yes. That is to say, when a question would come up about a member, you or some one would go and see the man?
>
> "Mr. BROWNE. Or have some one else go; some one who would see the member.
>
> "Senator KERN. And then you would have another meeting to find out the result of that effort?
>
> "Mr. BROWNE. He would come back and report; yes.
>
> "Senator KERN. You told Mr. LORIMER, during this period, as to just what you were doing toward furthering his canvass?
>
> "Mr. BROWNE. Yes; in a general way.
>
> "Senator KERN. And you went over the list with him?
>
> "Mr. BROWNE. Oh, as I have told you, I probably did frequently, in part. I do not think I ever went over the entire list."

After reading all of that testimony this question was asked Senator LORIMER:

> I want to ask you if that accords with your recollection as to what Mr. Browne and other members were doing?
>
> Senator LORIMER. I should say, substantially, yes.

There, then, is the admission of Senator LORIMER under oath that night after night, not once but a dozen and more times a night, they consorted and consulted together; that they compared notes; that they sent out agents; that they gathered in votes; and that Senator LORIMER was party and privy to all Browne did. Yet Senators have the temerity to stand in this body and say that there is no connection shown between Senator LORIMER and Mr. Browne!

Ah, sir, they can not say that in the face of the admission of Senator LORIMER under oath.

Let us now go a step further. It is admitted here upon all hands that Browne is a bribe giver, a distributor of corruption funds. It is admitted now that he corrupted White. It is admitted that he corrupted or paid money corruptly to some six or seven other men. It is admitted that he was the distributor of the whisky slush fund in that legislature, and possibly of other funds. He stands here before this body, by the admission of every man, a knave, a scoundrel, a bribe giver. Yet,

after all this had been dragged into the public light, after the blazing glare of the sun of publicity had been poured upon it, after the conscience of the American people had been shocked, we do not find Senator LORIMER saying, as a just man would say, "This man has trampled upon the law; this man has dragged my name and honor in the dust; this man is now at the bar of justice; let him suffer for his sins." On the contrary, we find LORIMER contributing $10,000 that this almost self-confessed and certainly guilty wretch should go unwhipped of justice—$10,000 that the lash of the law should not be laid upon him!

Why, sir, there was conspiracy before the act; there was coordination and intellectual cohabitation and ratification after the act. They stood together before the act, they stood together during the act, and, like good friends and fellow soldiers in a bad cause, they stood together in the last act of the drama; and they stand together as friends now.

Let us analyze this a minute. We are told that Senator LORIMER's mind was pure, his heart was stainless, he had not lifted up his hand to do iniquity; that he stood there as an honest man seeking a high and honorable position; that without his knowledge, without his consent, without his privity, a scoundrel proceeded to distribute money corruptly among members of the legislature; that finally all the villainy came to light; that when it did the face of every man was set against Senator LORIMER. That although innocent of any wrong the acts of Browne caused suspicion, distrust, and disgrace to fall upon LORIMER.

What then, sir? If that were true, Browne had been his greatest enemy. In the guise of pretended friendship he had done that which would destroy his good name. He had entered his council chamber ostensibly an honest man and driven the dagger of death into his reputation and good name.

What would an honest man do under such circumstances? Would he go to the rescue of the man who had thus dragged him to obloquy and disgrace? Or would he, upon the other hand, turn upon that man and say, "You are the scoundrel who has brought this upon me and I shall now turn my power to the vindication of the law and I shall purge my own hands by assisting in your punishment"?

LORIMER did not do so. He stayed by his false friend. That fact speaks volumes. Tell me he did this to defend his own name in the courts? Ah, what a pitiable excuse is that! Was it necessary for him to defend this man against the charge of distributing bribes in order to defend himself? On the contrary, what ought he to have done? He should have gone to the authorities of the State and said, "I have been wronged. Here are all the facts. Here is every circumstance in my possession. If you need assistant counsel, I am willing to bring him forward. Let us find out if bribe money was paid and punish the bribe giver and the bribe taker. All I ask is that in fairness you shall find out who the actual wrongdoers were."

But LORIMER did not do that. He went to the completo defense of Browne. He stood with the man who they are now forced to admit is a bribe giver, a distributor of corruption funds.

LORIMER, the injured, innocent, goes to the defense of the man who had injured him.

Mr. President, the two positions can not be reconciled. No amount of logic, no amount of sophistry, will reconcile them.

Let us return to Edward Hines. Edward Hines had a conversation with a man named Funk. He denies Funk's statement. He now says he did not use any money for LORIMER; he did not raise any money for LORIMER; he had nothing to do with raising any money for him. Yet I can take before any jury in the land, that hears the evidence and looks the witnesses in the eyes, the statement of Funk and the statement of Hines, and I can make the statement of Funk an impregnable thing which must be believed, by adding to it the statement of Hines. It frequently happens that in trying to defend against a crime you strengthen the evidence of the State. The position of Mr. Hines is that he never talked about money; that he never thought about money; that he had nothing to do with money; that Mr. LORIMER had used no money; he had not heard money discussed; and yet upon the first talk he had with Mr. Funk money was discussed. Funk, he says, wanted to contribute to LORIMER's campaign fund, and he went from Funk to LORIMER to see how much money LORIMER had expended and how much money ought to be contributed. What was he doing that for if no money had been spent? Why was he inquiring? What business was it of his? How did he come to be thinking about it? Why did he bear that sort of a message? Why did he go to the principal in the case and say, "How much did you spend, and do you need some of it back?"

Why, sir, it is as plain as the noonday that instead of Funk saying to Hines, "How much money did Mr. LORIMER spend? we want to contribute," Hines told Funk that money had been spent, and they wanted Funk to contribute. Why did Hines go to LORIMER, the pure man, the man of spotless life, the man of stainless escutcheon, and ask him if he did not want some money from Funk's concern? The story is unbelievable. It simply amounts to this much in this case: That it is an admission that he was discussing money matters with Funk and with LORIMER. It is unbelievable that Funk came to Hines and volunteered the payment of money. It is only believable that Hines came to Funk for money.

But that is not all, sir. There are two or three telegrams in this case. The most unfortunate thing that ever happens to a man who has a bad case and is trying to bolster it up by false stories is to have something in writing. An old Irish verse runs:

> Billets-doux less dangerous are
> When held unto a burning taper;
> Much may be whispered in the ear
> That is not safe to say on paper.

Let us lay these telegrams down beside Hines's story. Hines says he had a conversation with Funk; that Funk was trying to get to contribute money. It certainly did not make much difference to Funk whether he paid out money, great or small, in this matter. Surely if Funk was once assured that LORIMER had spent no money and did not desire any contribution he would have been content. Yet Mr. Hines, the agent of Mr. LORIMER, then went from Chicago to the city of Washington, and so important did this matter appear to Hines that he made it the subject of a conversation over the long-distance telephone from Washington to Chicago, telling his confidential man, Mr. Wiehe, to be sure to see Mr. Funk and tell him "there was nothing in that matter." Why that ambiguous language? Why was he wanting to communicate with Mr. Funk?

Mr. DILLINGHAM. I think the Senator would like to be corrected. That conversation was in Chicago, before he went to Washington.

Mr. REED. My recollection is that there was a long-distance telephone message in regard to this matter from Washington to Chicago.

Mr. DILLINGHAM. I do not want to interrupt the Senator at all——

Mr. REED. The Senator is at perfect liberty to interrupt me.

Mr. DILLINGHAM. But I know he wishes to be correct. As I remember that incident, it was held before leaving for Washington. Having consulted with Senator LORIMER and finding that he had no campaign expenses, he told Mr. Wiehe to tell Mr. Funk there was nothing in that matter; and afterwards, in a long-distance telephone message from Chicago to Washington, Mr. Hines said that Mr. Funk did not seem to be satisfied with that and wanted to see it, or something of that kind.

Mr. REED. Very well; let us have it that way. He took pains in Chicago to send his agent to Mr. Funk, and it was the subject of a long-distance telephone conversation afterwards. They were assuring Mr. Funk there "was nothing in it." Nothing in what? In the desire to pay money? Is that why it was so important that this message should go back to Mr. Funk? I think not. Then, why was it necessary to have these telegrams passed which are written into the record here?

WASHINGTON, D. C., *June 4, 1909.*

E. H. L. CO., *Chicago:*

Have Funk meet me Chicago Saturday or Sunday. Could meet him any time. Like to leave here to-day. Answer quick.

EDW. HINES.

Put your brain to work on this now and answer the question, those of you who can, Why was that telegram sent; why was Hines wanting to meet Mr. Funk; and why did he want a quick answer? Why, I say, if all Hines wanted to do was to assure Mr. Funk that LORIMER had expended nothing and hence no contribution was desired? Why the telegram asking for a meeting with Funk in Chicago to tell him that there was no necessity to contribute when he had already been told by Wiehe and Wiehe had telephoned the fact to Hines from Chicago to Washington? Does any sane man believe Hines gave the true reason for his anxiety? Here is the second telegram from Hines's concern to him, as follows:

JUNE 4, 1909.

EDWARD HINES,
New Willard Hotel, Washington, D. C.:

Funk New York to-day. Leaves this afternoon, Washington. There to-morrow. You can reach him to-day, George Perkins's office or Judge Gary, 51 Broadway.

E. H. L. CO.

If I remember aright, there was another telegram, or two telegrams. It was not in regard to ordinary business Hines wanted to meet Funk. He was not seeking him for that purpose. It was in regard to this matter, to get the news to him that had already been once conveyed to him, that sad, cruel,

brutal fate had decreed that he could not contribute to LORIMER's campaign fund, because LORIMER did not have any expenses. Does anybody believe that?

I will tell you what those telegrams mean. They mean that Mr. Hines had gone to Mr. Funk and had asked him for this money; that Mr. Funk had indignantly rejected the proposition; that Mr. Hines had told it to him in a somewhat veiled way, and that Hines then became nervous about what Mr. Funk might say, so he sent his agent to Funk to tell him there was nothing in it; to say it was all a mistake; "there was not any money paid out." "I did not really want any money." "I was just in error about it."

After arriving in Washington Hines was still nervous, so he had his long-distance talk with Wiehe at Chicago. He wanted to know from his confidential man, Wiehe, whether he had seen Mr. Funk and given him the assurance that it was all an innocent and idle dream and that there was nothing to it. Hines, even after talking with Wiehe, was not satisfied; he wanted to assure himself by a personal talk with Funk that everything was safe. So he sent a second message to find where in the world Funk was, so he could have a personal interview with him; and then came the second message that Funk was in New York and could come to Washington. Hines was simply trying to cover his tracks.

There is not a man living who can furnish a lucid or reasonable explanation of those telegrams except that they were inspired by fear by a desire to hide the truth and, if possible, remove suspicion and at least insure silence. Beyond doubt Hines hoped to convince Funk that his words should be given an innocent construction, hence the message "there is nothing to it." If Hines could not convince Funk, at least he hoped to induce him to keep still.

Men may be so peculiarly constituted intellectually that they can see these telegrams and facts in some other light. Some brains may conceive that they refer to the music of the spheres, the procession of the equinoxes, or to some declaration of the decalogue, but so far as I am concerned they indicate to me that fear was in the heart of Edward Hines that he had gone too far; that he had made the mistake of expressing a corrupt transaction to an honest man; and hence he wanted to try to convince Mr. Funk there was "nothing to it all."

Now, Mr. President, I am going to discuss just one matter more. There has been a good deal said about White. The declaration is frequently made that this case hangs on White's testimony. It does not. What about Holstlaw's testimony? What about the defense formerly made to Holstlaw's testimony? It is a rule of law that wherever a man by perjury seeks to avoid responsibility the fact that he caused perjury to be committed is a circumstance strongly to be taken against him. It is like flight in the presence of a charge. It is like the destruction of papers, of instruments, of documents of an evidential character; the presumption at once arises against the man who is guilty of the destruction.

On the former hearing Holstlaw testified that Broderick, who had been active in the cause of LORIMER, had said to him that if he voted for LORIMER there was $2,500 in it; that he afterwards went to Broderick's saloon and got the $2,500; that a letter had been written to him telling him to come to Broderick's at that time, and that he went, expecting to receive the money. That is the testimony as it stood before. But Holstlaw could not produce the letter. Accordingly LORIMER put on witness after witness to show that Holstlaw's statement was a fabrication, a lie out of the whole cloth, a piece of black and damned perjury. That was the defense made in the Senate in LORIMER's presence. But in this case at this time the letter is produced, and it demonstrates that Holstlaw told the truth, and told it from the first. Those who testified to the contrary wrote the crime of perjury against their souls, and those who stood in the Senate and argued that Holstlaw gave false evidence, with the knowledge of the facts or without the knowledge, stood upon that perjury either wittingly or unwittingly. I exonerate Senators from any intentional wrong. But LORIMER and his attorneys must have known what Broderick knew. He was in their council and sat with them. Now, it transpires that they are forced to admit that the $2,500 was paid, that the letter was written, and that Holstlaw told the truth. So we need not rest the case on White's testimony; we have White's testimony and also Holstlaw's testimony.

There is another man who received a thousand dollars, and when he received the thousand dollars the statement was made "There is your Lorimer money." Is there anybody now who will say that the case stands or falls with White?

But suppose, sir, it does rest upon White. They tell us he is a black and an infamous character. When did he become a black and an infamous character? Up to the time that he began to come under the influence of Browne he could have proven as good a private character as is admitted for the Senator from Illinois. Nobody said anything against the character of Charles A. White up to that time. I grant that character ought to be taken into consideration in this case. It is not conclusive, but it is always in a man's favor. But, on the other hand, seldom men fill a high office who are not able to prove a good character. Indeed, the very election is a certificate at least that in the public opinion they possess a good character.

But now, Charles A. White, an inexperienced youth, comes down to the Legislature of Illinois, and whom does he meet? He meets Mr. Browne, who afterwards becomes the agent, as I have shown, and representative of Mr. LORIMER. There is no question about that. The first thing Mr. Browne does is to commit those acts which the professional lobbyist, the professional political freebooter, always adopts with the young and the unwary. What does he tell him? "Have you got your transportation yet?" And he gives him a list of attorneys of railroads to whom he can write and get train and Pullman passes, I believe telegraph passes also. Thus he brings this boy up to that form of indirect bribery which is by many regarded as not really corrupt at all. He gives him a taste of that emolument which comes with office, but does not go as the salary of the office or honestly with the office, the perquisites that come from power and the ability to bestow favors.

Thus, poor Charlie White comes under Browne's influence little by little. Little by little Browne begins paying him money. Finally, to use the old Biblical expression, Browne made him "twofold more the child of hell than himself." But that overstates it. This boy did take bribes and was guilty of admitting his guilt. I am going a little over the ground that was covered by others, yet I can not refrain from contrasting the fate of this outcast with the fate of those who took bribes and did not tell it at all or for a long time. These men were put into office by that same machine Mr. LORIMER is credited with controlling, all of them honorable men holding honorable positions. They did not tell. Browne himself, the bribe giver, is still at large and back in office, but the man who did tell is an outcast and his name is anathema and maranatha upon the lips of men.

What is the distinction between the two classes? One of them was impelled by conscience and the cry of outraged nature, and gave the truth to the law, or else impelled by sordid motives gave it. If it was the former, then we ought to draw the mantle of charity and forgiveness over him and give him credit for repentance. If it was the latter, he was only resorting to the vile impulses and to the inordinate and damnable appetite that had been created in his soul by Mr. Browne, the accredited agent of Senator LORIMER. Nobody says White ever took a dishonest dollar in the world until LORIMER's agent got hold of him.

To my mind, instead of condemning poor Charles A. White and heaping upon him all the terms of reproach known to our language we had better reserve a few for the man who destroyed him. I hold it to be true, sir, that between the bribe giver and the bribe taker there is a gulf as wide as separated Dives in perdition from Lazarus reclining upon the bosom of the Master in the celestial court of heaven, and that the bribe giver is a thousand times the baser villain. I will tell you why I say that.

The bribe giver is almost invariably a man in affluent circumstances; he is not driven on by want. He is a man generally of mature age, a man of experience, a man of skill, a man who possesses money, a man who knows the power of money. On the other hand the bribe taker is nearly always a man impecunious, a man whose necessities and whose desires are tempting him. He has to resist both the cry of want and the temptation of gold. He has to fight against necessity unarmed and alone, to stand up against the cupidity that is in his soul, against the tempting gold that is laid before him, and make the fight alone. Generally he is by nature a weak creature. Ordinarily these temptations are laid before a youth, a man whose mind is only half formed and whose character has not yet taken on the stability of age.

And so the seducer comes with his gold. He whispers in his ear that it is all right; that nobody will know it; nobody will find it out; that others take the money; that everybody takes the money; that it is the custom to take the money; until at last the trembling hand is reached out and the bribe touches the palm. And when it does, manhood departs and the soul is destroyed. Hell laughs at such a scene as that. Who is worse—the bribe giver or the bribe taker; the man who coldly destroys a soul by temptation or the creature who yields to temptation?

I say, sir, that if a father is warranted in striking down the creature who shall debauch his daughter, then surely is a man justified in destroying the villain who murders the soul of his son by making him a bribe taker. The real villain in every tragedy of this sort is a bribe giver.

And here is Lee O'Neil Browne covered all over with the leprosy of corruption. He is now plainly branded as a bribe giver. It is admitted that he is loathsome with the sores and ulcers of villainy. But he is still the boon companion and friend of the Senator from Illinois, who puts up $10,000 to defend this wretch against crimes of which he is indubitably guilty, and admitted here to be guilty. Of course, LORIMER says the money was paid to shield himself, but the money was nevertheless paid in Browne's defense.

Mr. President, this is not a criminal trial. This is not a lawsuit. This is an inquisition conducted by this body to determine whether a certain individual should sit here to represent a State. The parties to this transaction, and the only parties whose interest are to be considered, are the sovereign State of Illinois and the people of the United States.

If there was an honest election then is Illinois represented, and so will the people of the United States, under their Constitution be represented, well or ill. If there was not an honest election, then the people of Illinois are not represented, and the man who sits here with a dishonest title is merely an obtruder who has no right in this Chamber. That is the issue, and this body at any time has the right to investigate and inquire into the facts relative to the election.

We are told, sir, that for 30 years a jack pot has been known to exist in the Illinois Legislature; that in the State of Abraham Lincoln and the State of Logan, the State of many illustrious names, for 30 years an organized scheme of corruption has existed. For 30 years they have met there and conspired, and the bribe givers and bribe takers have parted the raiment of the people among them, and upon the vestments of the public they have cast lots. From that body this certificate comes.

If it be true that a body of men gain control of a legislature and are able to dominate its policies, that those men have for their ammunition of war corrupt money and they do control by corrupt means, then no man should be allowed to be sent by such a body here, because he does not represent the conscience of the people, because he does not represent the Commonwealth. He represents in truth nothing more nor less than a crowd of criminal conspirators who have subverted the government.

If all that has been said is true of the Legislature of Illinois, I question whether it would be capable of electing a Senator. But I do not place my argument upon that ground. The corruption here has been traced to men who voted for LORIMER. Taking the evidence in the best sense you can for the defense, for I will use that term, out of a common fund, and that common fund was used to control votes, and the men who submitted to that control took their pay out of that fund after the legislature adjourned. That is all that is necessary to be proven.

Mr. President, to my mind the day has struck in this country when money and corrupt influences are no longer going to be able to send their representatives to the United States Senate. There has been a prevalent impression in this country for some years that a senatorial office can be purchased by the highest bidder. That as a diamond necklace in a sales window may be acquired by the harlot's hire as well as the lady's dower, so can men with money, shamefully acquired, buy a seat in this body.

That day is past in this country. I unhesitatingly say that it ought to be the rule of the Senate that every man who comes here shall be able to show, if his right is challenged, that he comes in response to the will of a sovereign people, unbought, unpolluted, and untarnished. The people of the country are going to demand that. The people of the United States are going to have that. The day is here now when men can not assume to represent the 100,000,000 freemen of this country unless they come with clean hands and with an unspotted title to their office.

Mr. LORIMER obtained the floor.

Mr. THORNTON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Louisiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bristow	Clark, Wyo.	Cullom
Bacon	Brown	Clarke, Ark.	Cummins
Bailey	Burnham	Crane	Curtis
Borah	Burton	Crawford	Dillingham
Briggs	Chamberlain	Culberson	du Pont
Fall	Lea	Rayner	Sutherland
Foster	Lippitt	Reed	Swanson
Gallinger	Lodge	Root	Thornton
Gamble	Lorimer	Sanders	Tillman
Gronna	Martine, N. J.	Shively	Townsend
Guggenheim	Myers	Simmons	Watson
Hitchcock	O'Gorman	Smith, Ariz.	Wetmore
Johnson, Me.	Overman	Smith, Ga.	Williams
Johnston, Ala.	Page	Smith, Md.	Works
Jones	Penrose	Smith, S. C.	
Kenyon	Perkins	Smoot	
Kern	Pomerene	Stephenson	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. LORIMER. Mr. President, I shall not attempt to discuss the question of res adjudicata at any great length, but shall content myself with stating what I believe is the view of the average American citizen.

Before taking up a discussion of the case I desire to give the Senate an insight into the character of the men who organized the conspiracy against me and who are responsible for the continuance of the agitation which has for its object my ruin, politically and financially, and who are the same men who humbugged the Senate into ordering a further investigation into my election through the shameless performance at Springfield, Ill., under the direction of Charles S. Deneen, John J. Healy, and the newspaper trust of Chicago, and which is usually referred to as the investigation by the Helm committee.

When I review the views of the minority members of the committee I shall point out many misstatements of the record and many unwarranted insinuations and inuendos which have the appearance of a deliberate attempt to mislead Senators who, in the performance of their many and arduous duties in this body, may not have had the time to make a careful analysis of the testimony given, and who must, therefore, depend to a large extent upon information furnished by the committee or by its members upon this floor.

It is a fact that the Senate has the power, which is subject to review by no authority under heaven, to deny me a seat in this body on the most trivial pretext or without offering a pretext for such action. I shall show, and it is the solemn fact established by the record in this case, if Senators will be guided by the testimony, that not one single vote was corruptly cast for me.

Senator KERN, in his remarks on this case, used the following language:

> If the Senate was without power to act, and the committee, its creature, was under the law to be sent forth to combat imaginary windmills and be compelled to report, after seven long, weary months of effort, that its work according to law and precedent was a joke, why did not these gentlemen of the majority declare their views of the law and spare the country the expense of the investigation and spare the members of the committee that very arduous and trying experience during the heated and sultry days of last July and August while this investigation was grinding its weary way along? (KERN's speech, pamphlet form, middle of p. 10.)

This is no joke. It is a solemn, serious matter, and if the Senate shall adopt the recommendation submitted with the views of the minority of the committee it will be a travesty on civilized jurisprudence and a mockery of justice; it will be a declaration that the Senate of the United States has decided to follow the red flag and that it has adopted the doctrine of anarchy, the recall of judicial decisions, so recently advocated by the archchampion of the destruction of American institutions. There never was a more solemn or deliberate judgment handed down in any court in Christendom than that rendered by the Senate in the third session of the Sixty-first Congress on the validity of my election.

The Senator from Indiana argues that the doctrine of res adjudicata is a technical defense which does not apply in this case, and that the people would not understand it. (KERN's speech, pamphlet form, last paragraph on p. 10.) The rule of law that a former adjudication is a bar to continued litigation on the same question is understood by the most humble citizen of this country as a guaranty to him against repeated assaults upon his liberty, his property, or his rights.

Mr. President, if the Senate had decided on the 1st day of March, 1911, by a majority vote that I was not entitled to a seat in this body, the result would have been that the Illinois Legislature, then in session, would have elected my successor, and before the term of that Congress expired he would have been here and been sworn in as a Member of this body. Then, suppose that Charles A. White, James Keeley, of the Chicago Tribune, and Gov. Deneen, of Illinois, had submitted affidavits to the Senate that they were parties to a conspiracy, and that there was no truth in the statement made by Charles A. White, does anybody suppose that the Senate would have reopened the case after the testimony in a new hearing had shown that and would have seated LORIMER and turned out a man who had been honestly elected to succeed him by the Legislature of Illinois? If that is to be the rule in this country for the future, then God help the country. I shall not discuss the law features of this case further, Mr. President, than to say that I am entitled to the same protection to which my successor would have been entitled, and that if the former adjudication was a bar to continued assaults upon his title, then it is a bar to continued assaults upon mine. Surely I am entitled to equal protection under the law.

The Senator from Missouri [Mr. REED], who has just taken his seat, made this statement:

> If it be true that the editors of these great Chicago papers have entered into such a conspiracy, then the press of that great city is in the hands of arrant knaves and consummate criminals who ought to be in the penitentiary.

I shall show before I finish this discussion that if we had a law officer in Cook County who would see to it that those who are criminals were prosecuted for violating the law the owners of the Chicago newspapers the Senator had in mind would today be in the penitentiary.

Mr. President, in order that the Senator from Missouri, who evidently knows nothing about the newspaper owners of Chicago, may know something of the character of those men, and in order that the Senate of the United States may know something of the character of all the men back of this conspiracy, I propose to relate a few circumstances and give some information as to conditions in the city of Chicago.

The Chicago Tribune Building is located on school property, belonging to a school fund for the education of the children of the city of Chicago. That property can not be sold. Up to 1895 the leases provided for a revaluation every five years. Victor Lawson, who owns the Daily News and the Chicago Record-Herald, and the owners of the Chicago Tribune got together and decided to loot the school fund. The Tribune sent word to one of the members of the school board that they wanted the revaluation clause stricken from the lease. I happen to know the circumstances, because the man to whom they sent word sent a friend to me to ask what I thought about striking out that clause. I answered him that any man who would vote to strike out the revaluation clause of the lease would live to see the day that the people of Chicago would rise in their might and drive him out of public life. This friend came back and said the member was glad that I held those views; that he intended to oppose taking the revaluation clause out of the lease.

The editor of the Tribune afterwards sent for the man who called on me and told him to go to this member of the school board and tell him that the Tribune would be his friend if he would stand by the Tribune. He sent back word that he could not do it. Then the messenger was sent back to him again with these orders: "Tell him to take his hands off, and if he does not we will drive him out of public life." The member to whom this command was sent thereupon withdrew his opposition and then the revaluation clause was stricken from the leases of the Chicago Tribune and the Daily News.

I want to call the attention of the Senate to the effect of that act upon the school fund of the city of Chicago. I have here a chart showing the corner of Dearborn and Madison Streets. This lot, 120 feet by 144 feet [indicating on chart], is school property leased to the Chicago Tribune.

The Tribune Building stands on ground leased from the board of education. Their lease, secured in the manner peculiar to the newspaper crowd, places a valuation on the ground at $702,706.40, or $45.88 per square foot. They pay 6 per cent on this valuation for rental, which equals $47,562.38 per year, or $2.75 per square foot per year.

The corner lot just across the street [indicating], occupied by the Hartford Building, is assessed for taxation at $946,251, or at the rate of $103 per square foot.

The difference in the value of the two corners is in favor of the Tribune site, but if the Tribune paid at the same rate as the Hartford Building, it would be paying—

A rental of 5 per cent on $1,779,840, which would be	$88,992
Add to this the taxes	29,901
The total which they should pay for the site	118,893
They are paying under their corrupt lease	47,562
They steal annually from the school and tax fund under this lease	71,331

At the present rate of value of the property, the lease would cover a steal by the Tribune Co. in 90 years of $6,500,000.

Let us see something about the value of the Chicago Tribune. When over two years ago I discussed in this Chamber the value of the Tribune I said, to be conservative, I would place it at $3,000,000. Since that time they have refused six and a half million dollars. The editor of the Tribune stated under oath that it has been estimated that it is worth from seven and a half to ten million dollars.

The annual earnings of the Tribune, $800,000, capitalized at 8 per cent, would be $10,000,000. The tax rate, $5.04 on each $100 value, levied on one-third of $10,000,000, would yield $168,000. The Tribune property is assessed at $432,000, which yields $7,257.60, which, deducted from what it should pay, shows a steal of $160,743.40 each year.

As stated in speech of May 28, 1910, the Tribune Co. is levying tribute on the board of education by charging $17,500 per year more rent for quarters in the Tribune Building than the board paid for quarters better suited to its purpose in the building from which the Tribune Co. moved them.

SUMMARY OF TRIBUNE ANNUAL LOOT.

The steal in taxes on the Tribune Co.	$160,743.40
The steal in rent charged the board	17,500.00
The steal on ground rent under corrupt lease	71,331.00
Total annual loot of this company	249,574.40

Let me call your attention to another chart:

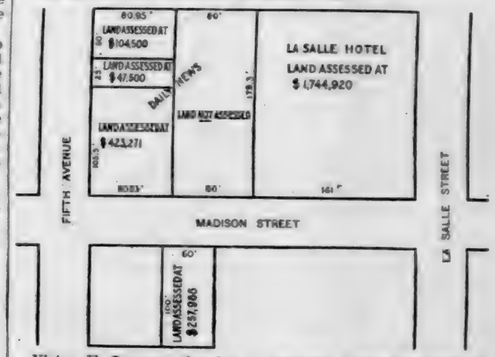

Victor F. Lawson also has a leasehold from the board of education of a very valuable site, just west of the new La Salle Hotel [indicating], on Madison Street. The lot is 80 by 180 feet, and the rental was fixed at $3,000 per front foot, to run 85 years from 1900. The revaluation clause which was written into the lease in the beginning was eliminated by the process which has uniformly marked the dealings of the Chicago plunderbund in school property.

Three thousand dollars multiplied by 80 equals $240,000, the valuation of the property fixed by the Lawson-school board lease, which is at the rate of $16.67 per square foot.

This valuation, with the more valuable franchise produced by striking out the revaluation clause, was coolly and impudently made in the face of a valuation of the property by the Chicago real estate board showing its value in 1895 to be 50 per cent more than the amount fixed in the Lawson lease for a period of 85 years.

I submit a copy of a statement addressed by the valuation committee of the Chicago real estate board to William H. Col-

vin, a citizen of Chicago, concerning the value of school property occupied by the Chicago Daily News Publishing Co.:

Valuation, $360,000.

No. 447.

CHICAGO REAL ESTATE BOARD,
Chicago, April 15, 1895.

WILLIAM H. COLVIN.

DEAR SIR: We, the undersigned members of the valuation committee of the Chicago real estate board, having carefully considered the application made by you for a valuation of the following described property, situated in the County of Cook and State of Illinois, described as follows, to wit:

Description of land—Lot 6, block 55, original town of Chicago, sec. 9, 39, 14; size, 80 by 179.3 feet.

Description of improvements not valued.

We hereby certify that we have personally examined said property; that we have no personal interest in the same; and that, in our judgment, the present value is as follows:

Value of improvements	
Value of ground, forty-five hundred dollars per front foot	$360,000
Total value	360,000

HENRY A. KNOLL,
JOHN B. KNIGHT,
B. A. FESSENDEN,
ROBERT F. WALKER,
Valuation Committee.

The latest real-estate transaction in that neighborhood on which I have been able to secure the figures is a lease just recently made on a piece of property, 60 by 100 feet, directly across the street from the property leased from the school board by Victor Lawson. A graduated, long-term lease was made in this case, in which the average rental for a period similar to the Lawson lease is at the rate of $70.17 per square foot per year, and in addition to this, the lessees will at the expiration of the lease turn over to the lessor valuable improvements which the lessees agree to make.

The value per square foot of the school property leased by Victor F. Lawson is $70.17; the value on which Lawson pays is fixed at $16.67; he cheats the taxpayers on every square foot out of a valuation of $53.50; the property just across the street from the school property yields its owner in rental per square foot every year $3.50; the school-board property leased to Victor F. Lawson, more valuable than the other, will yield to the school children of Chicago per square foot every year $1; which will put in the pocket of Mr. Lawson every year on every foot of school ground he occupies $2.50; and will deprive the school fund every year and place in the pocket of Victor F. Lawson $36,000; adding taxes at the same rate (83 cents per square foot) which Mr. Lawson pays on a piece of adjoining property owned by him, $11,852; making a total annual theft from the school fund and public treasury, which is done under cover of his corrupt lease, $47,852. This robbery, during the life of his lease, would enrich him and those who succeed to his filthy riches, on the basis of present values, $4,067,420.

I am informed that the books of the board of assessors for Cook County show that Victor F. Lawson returns for taxation $124,000 worth of personal property. The rate of $5.19 per $100 of valuation levied upon one-third of $124,000 would yield in taxes $2,145.18, the contribution of this multimillionaire toward the government which protects him and which he in turn robs.

No one familiar with wealth in Chicago will estimate the personal fortune of Victor Lawson below $20,000,000. To be conservative and to allow for overestimates let us say he should be put down at $10,000,000. The rate of $5.19 per $100 of valuation levied on one-third of $10,000,000 would yield in taxes $172,939.83.

Victor Lawson should pay a personal-property tax of $172,939.83. Victor Lawson does pay a personal-property tax of $2,145.18. He filches from the public treasury in this way each year $170,854.65.

The Chicago Daily News is known to be the best newspaper property in the Middle West with a circulation greater than any other two papers in the city combined, making more money than the Tribune. Sure I am that it could not be purchased for $15,000,000.

The net annual income of the Chicago Daily News Publishing Co. is conservatively estimated at $1,000,000, which, capitalized at 5 per cent, would represent a valuation of $20,000,000. In order to be conservative and entirely within reason, let us cut that in two and say that the property is worth $10,000,000, although it is known that it could not be purchased at that price.

In 1911 the rate of taxation in the district in which the Chicago Daily News is located was $5.04 on each $100 of valuation. The value for purposes of taxation is fixed at one-third the actual or real value of the property to be taxed. That rate levied on one-third of $10,000,000 would have yielded in taxes $167,999.98. The board of assessors placed a valuation on the Chicago Daily News for 1911 at $893,105. The rate of $5.04 for each $100 of valuation levied on one-third of $893,105 yielded $15,004.16. It will readily be seen that the difference between what the Chicago Daily News should have paid in taxes and what it did pay in taxes is $151,995.82, which had to be made up by the small and humble taxpayers of our community. This year the board of assessors raised the valuation of most of the property in what is known as the Loop District of Chicago, in which the Chicago Daily News is situated.

I have here an article from the second page of the Chicago Daily News for Wednesday, June 26, 1912, under the headings:

Big firm values rise. Personal-property assessment of most of Loop concerns advance. Total gain is $40,000,000.

It can be seen by a reference to this compilation that the valuation of the Chicago Tribune property remains at the figures $432,000, which it carried in 1911, while the valuation of the Chicago Daily News Co. is fixed at $610,801, or $282,304 less than the previous year, although, as a matter of fact, its value had increased in the meantime.

The rate of $5.04 on each $100 of valuation levied on one-third of $610,801 will yield to the tax fund $10,261.45, which is a reduction of $4,724.71 from the amount it paid last year, made in the face of an increased value of the property and in the face of increased assessment, according to the Daily News itself, on other property in the Loop district. Figured on the same basis on which the man of small or modest means is assessed in that community, it represents a theft from the tax funds on the part of Victor F. Lawson, the owner of the Chicago Daily News, of a sum of $157,738.53 each year, which must be furnished by others who are not fortunate enough to own a powerful and corrupt newspaper through which tax officials can be browbeaten and intimidated. The method by which these daring daylight holdups are conducted is shown in the facts surrounding the taxation of the palatial home of Victor F. Lawson on the Lake Shore Drive, Chicago's most exclusive and aristocratic residence district. I have here a photograph [exhibiting photograph] showing the four-story mansion, said to be constructed from material imported from abroad, and worth, as it stands, not less than $1,000,000. Charles Fay, the managing editor of the Daily News and Lawson's right-hand man, boasts all over Chicago that Victor Lawson's mansion on the Lake Shore Drive is worth $1,500,000. In 1909, while the building was in course of construction, the property was assessed by the board of assessors at $293,185, being the sum of the assessment of $128,185 on the lot alone and $75,000 on the partially constructed building. When the assessment was made in 1910, the building had been finished, and the assessment levied for that year was $128,185 on the lot and $293,000 on the finished building. The rate of taxation for that year in the district in which the residence is located was $4.88 on each $100 of valuation. That rate levied on one-third of $421,185 yielded $6,851.27 in taxes, which, it appears, was paid by Mr. Lawson that year. In 1911 there was a readjustment of the rates of taxation for the city of Chicago, under which the rate for that district was increased to $5.19 on every $100 of valuation. At the increased rate this property should have yielded $7,286.50 in taxes. Imagine, if you can, the consternation and surprise which was occasioned when it was found upon investigation that this magnificent property had been assessed for last year by the board of assessors at $1,000, which yielded the munificent sum of $17.32 in taxes! In order that it could not be said that this is manifestly an error, I have here on exhibit a photographic copy of the receipt issued by the county collector for the payment of these taxes and in which is a description of the property.

Now, let me give you an idea of the power of these men, the control they have over public officials, and the reason for their determination that no man shall hold office anywhere in Illinois except those who are the subservient tools of the trust press of the city of Chicago. When this outrage was uncovered and brought to the attention of the citizens of Chicago, Mr. Lawson and the tax officials owned by him through his paper offered an explanation in the columns of the Daily News, to which was attached the signatures of Walter E. Schmidt, president, and W. H. Weber, secretary, of the board of assessors of Cook County, stating that in 1909 the land and buildings were assessed at $293,185, and that for 1910 the same property was increased to $421,185 through an error and without any notice to the owner.

I have already shown that the assessment on the land was the same for the years 1909 and 1910, and that in 1909 the assessment of the building was placed at $75,000 because it was only partially constructed, and that in 1910 the building had been finished and was assessed at $293,000. On looking over the records in the office of the board of assessors the original estimate of the value of the improvements, made by the architect expert of the board of assessors, was found, and I have here a photographic copy of it [exhibiting photograph]. This shows the value of the completed building, at 50 cents per cubic foot, to be $237,278; the barn, at 20 cents a cubic foot, to be $26,400; and the iron and granite fence is valued at $30,000, the sum of the improvements being $293,678. Down in the left-hand corner in large figures is the sum of $293,000, with the initials of "S. P. Norman, architect expert," immediately below, and below his initials is the initial "K." At the bottom of the sheet appear the letters and figures "O K, 1910, C. H. K.," showing that Charles Krutchkoff, the chief clerk of the board of assessors, approved the assessment of the improvements at $293,000 for the year 1910.

In the statement which Mr. Victor F. Lawson required the president and secretary of the board of assessors to issue it was stated, "No improvements have been made to justify the increase." This statement was made in the face of the fact that had been brought to the attention of these officials by their architect expert and had been approved by the chief clerk of the board of assessors as correct, that a residence had been built on that lot which, at the nominal price of 50 cents per cubic foot, was worth nearly a quarter of a million dollars.

It was further stated by these sworn officials that Mr. Lawson had paid the 1910 assessment "on the condition that the assessment would be reduced by an amount equal to the increase made in 1910 through error." Everybody knows that if Mr. Lawson had a valid claim against the board of assessors of Cook County for overtaxation, his remedy would have been to apply to the courts for an order reimbursing him for the excess paid. Mr. Lawson knew that the assessment of $421,185 did not represent one-half of the value of his residence. He also knew that if he went into court he would have to raise his right hand to his God and state under oath the true value of the property or be liable to the pains and penalties of perjury. So he took a course involving less danger to himself in having the tax officials violate their oaths of office and become liable with him to a term of imprisonment for 12 months in the county jail for their unlawful acts. The laws of Illinois provide:

On or before the 1st day of June in each year, other than the year of the quadrennial assessment, the assessor shall determine the amount, in his opinion, of any change in the value of any tracts or lots of land by reason of any injury to, alteration in, or addition to the improvements thereon since the 1st of April in the preceding year and prior to the 1st of April in the current year, and add to or deduct from the assessment accordingly, setting down the amount of such change in a proper column in the assessment books. The value of lands and improvements shall be separately fixed and shall in any assessment made hereafter be set down in separate columns in said assessor's books. The assessors shall not in any year, except the year of the quadrennial assessment, change the valuation of any real estate or improvements or the division thereof except as above provided in this section: *Provided, however*, That if at any time before judgment or order of sale therefor the said assessors shall discover an error or mistake (other than errors of judgment as to the valuation of any real or personal property) in any assessment of any property belonging to any person or corporation, they shall issue to the person or corporation erroneously assessed a certificate setting forth the nature of such error and the cause or causes which operated to produce the same, which said certificate, when properly indorsed by the majority of the board of review, showing their concurrence therein and not otherwise, may be used in evidence in any court of competent jurisdiction; and when so introduced in evidence such certificate shall become a part of the court record and shall not be removed from the files except on an order of the court. (Sec. 308, ch. 120, Revenue Laws of Illinois.)

If two or more persons conspire either to commit any offense against the State of Illinois, or any county, incorporated city, village, town, or township thereof, or to defraud the State of Illinois, or any county, incorporated city, village, town, or township thereof, in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all parties to such conspiracy shall be liable to a penalty of not less than $100 and not more than $5,000, and to be imprisoned either in the penitentiary or county jail for any period not exceeding two years * * *. (Sec. 46a, ch. 28, Criminal Code of Illinois.)

Did he secure the affidavits? Did he go to the board of review? Did he go into any court of record? No; he went to the assessor's office. He went to the place where were the men whom he owned. Then what was the result? That which was more than $6,800 the previous year—and I have a photograph of the receipt—the next year was $17.32. That was the sum of the taxes on the palatial home of Victor Lawson. Would any man think just by one glance at that photograph [exhibiting photograph] that that property is worth only $1,000? Will Senators observe this mansion on which the tax assessors, in violation of the law, changed the records so as to make the taxes not $7,200, but $17.32?

Now, let us follow them just one step further. The Daily News property is worth no less to-day than it was a year ago. Then it was assessed at $893,105. They report in their own paper this year that it has been reduced nearly $283,000, which will save Victor Lawson in cash, when he pays his taxes next year, $4,700. In other words, when they make him pay taxes on his home they take it off his newspaper, and as he is the sole owner of both properties, by that juggling of figures and manipulation of books he will have a saving this year of $1,400 over last year, even though he paid only $17.32 on his residence.

For a number of years Victor F. Lawson, through his Daily News, before each primary and general election has issued instructions to voters a day or two before elections how they should mark their ballots and for whom they should vote. These instructions are given with an air of disinterestedness and a noisy proclamation that the Daily News is acting in behalf of the people. Among other recommendations previous to the primary of April 9, 1912, a refereuce is found in the issue of April 6 to the candidacy of Charles Krutchkoff and Walter E. Schmidt for nomination as members of the board of assessors for Cook County. Victor F. Lawson gave these instructions in the columns of the Daily News:

Their good services in the assessor's office entitle Charles Krutchkoff and Walter E. Schmidt to the confidence of the Republican voters.

Good services in the assessors office! Victor F. Lawson knew whereof he spoke when he had that recommendation printed in his newspaper. Through the "good services" of these officials he knew that he was confirmed in the possession of $157,738.53 every year they could be kept in office which he should rightfully pay into the public treasury as taxes on the very institution through which he controlled and corrupted these officials.

He also knew that if his Lake Shore residence was assessed at anything like a fair valuation it would go on the assessor's books at not less than $1,000,000 and would, at the rate of $5.19 on the $100 valuation assessed on property in that district, levied on one-third of $1,000,000, yield $17,299.98 instead of $3,514.08 per year, unlawfully secured through his conspiracy with officials of the board of assessors to defraud the people and loot the public treasury. He also knew that these officials were aiding him to withhold from the tax fund $170,854.65 each year that would be paid into the fund on his personal property if Victor Lawson should be assessed as the humble citizen of ordinary means is assessed in Chicago. A total of $342,379.08 in the pocket of Victor Lawson through the "good services" of his trusted officials on the board of assessors. Why should he not recommend them to the dear people, so they might be kept in office to protect his loot and pelf?

VICTOR F. LAWSON.

According to his own estimate a philanthropist and public-spirited citizen whose slogan is "Common decency."

According to the black record on the tax books of Cook County, a hypocrite and a thief.

He cheats the taxpayers each year in dodging taxes on his Daily News $157,738.53. He filches each year on his home $13,785.90. He withholds from the tax funds each year out of what he should pay on his personal property $170,854.65. He will take from the school children and from his much-talked-about "little red schoolhouse" during the life of his corrupt lease, each year, $47,852. With a sanctimonious air and with hypocritical phrases in his newspaper about good citizenship he is corrupting public officials and stealing annually $390,231.08.

Victor F. Lawson, the little red schoolhouse man, the man who preaches morals and virtue and wants to drive corrupt men out of public life!

And what would be the net result of all this? John Wayman is the State's attorney of Cook County, and if he did his duty as he would do if WILLIAM LORIMER was the transgressor, Krutckoff, the chief clerk in the assessor's office, and Victor Lawson would be—and I want the Senator from Missouri [Mr. REED] to hear this—if John Wayman, the State's attorney in the city of Chicago would treat Victor Lawson as he would treat WILLIAM LORIMER if the latter were the transgressor, Victor Lawson and Krutckoff, the chief clerk in the assessor's office, would be in the penitentiary to-day for conspiracy to commit fraud, and so that man should be where the Senator from Missouri suggests, and he would be if we had a State's attorney who was not owned by the trust press of the city of Chicago.

It may be said that this is an indictment against a public official in my own home town. But it is not idle talk. This is not reckless language. The records are here, and I have photographs of them.

But Victor F. Lawson knows that he is not in danger as long as John E. W. Wayman is State's attorney of Cook County. The newspaper trust of Chicago has owned the State's attorney of our county for the past 20 years, and as long as it continues in this ownership they may continue plundering the public treasury indefinitely and with impunity.

These men are not alone in this conspiracy. We have a governor in our great State who had a hand in this from the beginning. But it is not fair to charge men with entering into a conspiracy of this kind unless it can be shown, and shown by

the records, that they are so constituted morally that they are capable of such deeds.

Gov. Deneen was the prosecuting attorney in Cook County from 1896 until 1904. The salary of that office is $7,000 a year; in the full two terms, $56,000. In addition to this he was entitled to $5 for each conviction for a misdemeanor and $20 for each conviction for a felony. The fees should have been turned into the school fund except where they were used to pay for the convictions secured in the office. The law provides that the State's attorney shall render an account annually. Deneen did not render his account until the end of the eight years. At the end of the eight years he notified the school board that all together he had collected in fines and forfeitures $243,775.82, and that he had retained every dollar of it. And how?

When a man was indicted, he was indicted for as many counts as the law would permit; and when he was tried and convicted, the school fund was charged up with a conviction on every count in the indictment. In other words, the counts were 20; the conviction 1; he was entitled to $5, and he took $100.

I will give you a few samples of this, with the numbers of the cases, which can be found in the records of Cook County, in the county clerk's office.

Under general No. 49969 four men jointly indicted pleaded guilty to bookmaking. They were fined for so doing. Charles S. Deneen, in making his report to the county court, had that number appear 80 times in his report of that year and collected $400 for that plea of guilty for four men so jointly indicted. The number should have appeared four times; he should have collected $20—a steal of $380.

Under general No. 49970 six persons were jointly indicted and one had his prosecution abandoned. The others pleaded guilty to bookmaking and were fined. That number appears 100 times in the report of Charles S. Deneen for the year 1897, and he took out of the funds in his hands $500 to pay himself for those five convictions. The number should have been reported five times and collected $25—a steal of $475.

Under general No. 56315 twelve persons pleaded guilty to a conspiracy to throw a concern into the hands of trustees. Deneen, himself, through his assistants, had the case stricken off without judgment ever being entered or punishment inflicted. In his report of the year 1899 that number appears 119 times, and he took out of the funds in his hands $595 to pay himself for that case in which no conviction was had. He should not have taken one dollar in these cases.

Under general No. 56151 several persons were charged with keeping a bucket shop. All of them were let go, but two pleaded guilty, and that number appears in his report 62 times and he collected $310 for those 2 convictions. The number should have been reported only twice and he should have collected $10—a steal of $300.

On these four cases he collected in fees	$1,805
On these four cases he was entitled to	55
On these four cases he robbed the school fund of	1,750

How does this money get into the school fund? The law of our State provides that when a man is convicted of gambling for the first offense he shall be fined, for the second offense he shall be sent to jail, and for the third offense he shall be sent to the penitentiary.

Let me tell you how he worked it. One man was tried on the 2d of April, 1903. The number of his case was 62481. Again, on September 16, 1903, he was tried in case No. 70047. The first time there was a $100 fine. The second time, when he should have gone to jail, there was a $100 fine. Again, on September 22, 1903, he was tried for the same offense, the number of the case being 70379. That time he should have gone to the penitentiary, but again there was a $100 fine. Then there are two other cases against the same individual on two separate occasions, or in all five convictions. After the second conviction he should have served a term in the penitentiary.

Example of two cases against gamblers.

	Plea.	Number.	Fine.	Convictions charged.
Apr. 2, 1903	Nolle	62481	$100	3
Sept. 16, 1903	do	70047	100	12
Sept. 22, 1903	do	70379	100	4
Sept. 20, 1904	do	73958	100	2
Sept. 20, 1904	do	74153	100	2
Apr. 10, 1903	do	66244	100	7
Sept. 16, 1903	do	70084	100	4
Sept. 27, 1903	do	70391	100	4
Sept. 20, 1904	do	73951	100	2
Sept. 20, 1904	do	74160	100	2

This money goes into the school fund, so that in the cases where boys and men are sent to the reformatory at Pontiac and to the penitentiary in Joliet and no costs are paid into court, Mr. Deneen had in his strong box this $500 that belonged to the school fund, and he applied against those convictions as much of each of those $100 fines as was necessary to consume all of the $243,000 at the expiration of his term.

It has been said in our State that the supreme court has passed upon the case, and that the court said he was entitled to the fees. But the question of the fees of Gov. Deneen and his right to retain them has never been questioned in any court in the State of Illinois. No court in the State, no officer in the State, has ever examined into that question, and nobody can truthfully state that under the law he is entitled to that money. If the question is ever taken to the supreme court of my State it will say that he is entitled to $5 for every conviction for a misdemeanor and $20 for a conviction for a felony, and the balance should go to the school fund of Cook County. So that if Gov. Deneen had not padded his reports and had them accepted—and they are now in the vaults of the county clerk's office, never having been examined by anybody except the lawyers who made this investigation for me—and had only his fair share, he would have had less than $40,000 and the school fund would have had more than $200,000.

When will the day come that it will be paid in? I can not tell, and it may never be paid in; but I hope some day the people of my State will come to know the truth. When they do, they will rise up in their might and put a man in the county clerk's office who will go through those records and make Gov. Deneen pay into the school fund $200,000 that he now has, which no more belongs to him than this building belongs to me.

In order that he who runs may read, I present herewith a tabulated statement showing the work of—

THE CHICAGO PLUNDERBUND.

The Tribune—	
Steals out of just tax on capital	$160,743.40
Steals out of overcharge on rent to board of education	17,500.00
Steals out of just payment on ground rent	71,331.00
The Daily News (Victor F. Lawson)—	
Steals out of just tax on capital	157,738.53
Steals out of just tax on his mansion	13,785.90
Steals out of just tax on personal property	170,854.65
Steals out of just payment on ground rent	47,852.00
Total annual loot of Plunderbund	639,805.48
School fund and taxes on school land—	
Robbery by Tribune under corrupt lease	6,500,000.00
Robbery by Daily News under corrupt lease	4,067,420.00
Robbery by Charles S. Deneen, withheld fees	200,000.00
Total of toll levied by Plunderbund on school system of Chicago	10,767,420.00

Ordinarily I should not have taken up the time of the Senate in discussing these men. It is not a part of this case; that is, it is not evidence as to whether or not I am entitled to a seat in this body. As such evidence it is not worth the snap of a finger; but I felt that the Senate should know something about the character of these men and the motives moving Gov. Deneen, Mr. Lawson, and the McCormicks and the Pattersons of the Tribune, so that you might judge whether men of that type would stoop to destroy a man and drive him out of public life as they have tried to drive men whom they never have succeeded in controlling. These men have controlled every important public office in Cook County and every man in Cook County who held an important public office during the last 25 years except only one. Only one man has dared to stand against them, the late Carter H. Harrison. They followed him as relentlessly as they have followed me until men came to look at him and upon him as one of the vilest characters in the city of Chicago, which resulted ultimately in his assassination by an insane man. They have these public officials as servants.

There is Herman H. Kohlsaat, editor of the Record-Herald. I wish I could feel toward all my fellow men and about them as does the Senator from Vermont [Mr. DILLINGHAM] toward H. H. Kohlsaat. He was never more mistaken in a character in his life. The only difference between Kohlsaat and the balance of them is that he does not always own the power that he wields, so we have occasional intermissions between the periods in which he may assassinate public characters.

But we now have H. H. Kohlsaat, manager of the Record-Herald. He once managed the Chicago Inter Ocean. At that time he came to Washington and delivered the delegation of the State of Illinois in the Republican national convention to Benjamin Harrison. The people of my State in a large majority were in favor of Blaine. I went to the convention as a delegate and proceeded to work to secure votes for Blaine, whom I had never seen in my life and who did not know who I was. Because Kohlsaat had delivered us body and soul and found me

working for Blaine, he sent his messenger, a reporter on the paper, to me with this instruction: "Vote for Blaine if you will yourself, but if you do not stop working for him, when we go back home I will drive you out of public life in the State of Illinois."

That was a little over 20 years ago. When we returned he proceeded to carry out his threat. He sent his men into the neighborhood in which I lived, and they went to the grocers, the butchers, the bakers, and the landlords to find out whether LORIMER cheated anybody out of anything. From that day until this he has never failed to grasp every single opportunity afforded him to destroy LORIMER.

It is this combination of men who from the beginning have been behind this prosecution. This combination of men complain only because they can not own LORIMER. Long, long ago could I have been the white-haired boy if I had climbed the steps of the offices of the Newspaper Trust editors and bent my knee at their bidding, become their subservient tool, and helped them to plunder the public treasury in the State of Illinois.

Their power does not stop there. These are the old partners of Victor Lawson, Melville E. Stone, the manager of the Associated Press, and Frank Noyes, of this city, president of the Associated Press, who once managed the Record-Herald in Chicago for Victor Lawson. This combination of trust newspaper editors, working to destroy and controlling absolutely the fountains of information, have sent broadcast to the world distorted statements even more misleading than have been uttered upon the floor of the Senate, and failed to send out the truth when the truth was learned, in order that they might poison the public mind. In Illinois? Oh, no; not in Illinois. In Illinois whenever the question of the integrity of LORIMER has been raised and fought out among the people they have been vanquished; but from Maine to California, where Senators live, they have been creating an impression that the most vile creature God ever placed upon the face of the earth holds by bribery a seat in the Senate.

These men have not only poisoned the fountain of truth but the minds of the people of the country, and even of Senators of the United States, Senators to-day sitting in this body. One Senator just a few days ago asked the question, Have not the people had an opportunity to know? Have they not read it in the columns of the newspapers? Do they not know the facts? Oh, how much is the Senator in error! How much he is in error is attested by his own speech on the floor of the Senate. I call his attention to his own words, and I place no construction upon them. He said:

> I am reminded, too, of the case of Mr. C. F. Wiehe, who I believe the evidence shows was advised by Mr. Edward Hines to get out of the State of Illinois because the grand jury was in session.

Then he said:

> The wicked generally flee when the grand jury is in session. There is nothing that hurries them up like a grand jury.

I do not believe the Senator intended to misstate the record, but it is a fact that there is not one line in the record, there is not one word in the record, there is not one syllable in the record which justifies that statement. There is something in the record in which Mr. Wiehe is connected, telling others to go out of the State, but not of Edward Hines instructing Mr. Wiehe to go out of the State. I charge the Senator with nothing except that he secured his information from a source that was not reliable. If that can be stated about a Senator of the United States, a Member of this body to-day, who thinks he knows enough about the case to make a speech on the subject, what can be the opinion of the people of the country?

That is only a sample. But we have another sample of it here, an utterance of the Senator who took his seat just before I rose. Let me read that to you. He said:

> I call attention, sir, to his testimony—
>
> Referring to Edward Hines—
>
> In it Mr. Hines declared not that he engaged in this matter as a common Republican, a rank-and-file party man, but that he went from Washington—

Now, mark this—

> he went from Washington to Chicago and to Springfield as the envoy extraordinary and minister plenipotentiary of the President of the United States and of Nelson W. Aldrich.

The effort of the men prosecuting this case has been for months to prove that Edward Hines had been in Springfield. But every member of the committee, those of the minority as well as those of the majority, will agree that the testimony in the record or that the testimony given before the committee demonstrated the fact that Edward Hines never was in Springfield during the senatorial election. He had not been there for three years prior nor until two years subsequent, when he was subpœnaed as a witness before the Helm committee.

Oh, how far-reaching is this trust press! Oh, how did it poison the minds of Senators—Senators who did not hear the testimony!

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LORIMER. Very gladly.

Mr. REED. I do not want to interrupt the Senator, but it is a question of the record, and I do it in the kindliest manner. I want the Senator to know my authority for my statement. I am reading a copy of the transcript of the testimony of Mr. Hines, and I will be glad to cite the Senator to the page:

> That was some time in April. He left in a day or two for Springfield. Then Senator Aldrich came to me and told me that President Taft was very anxious to have Congressman LORIMER become a candidate and do all he could to be elected at the earliest date possible; that the tariff bill—so-called Payne-Aldrich tariff bill—was then up in the Senate, and that it was very necessary to have a Senator from Illinois elected at the earliest possible date. He asked me if I would not immediately get into communication with Congressman LORIMER over the long-distance telephone and impress upon his mind that the President was anxious to have him become a candidate and do all he could to be elected.

He then tells about telephoning to the Senator. Then he adds, further on—I am not reading all the testimony—

> I think just a very short time prior to his election Senator Aldrich came to me and stated that the President was very nervous about the situation in Illinois; that he had been notified or had been advised that the legislature would adjourn without electing a United States Senator; that they were very anxious to have a Republican elected from Illinois and wanted me to see Congressman LORIMER and see if he could be elected Senator from the State before the legislature adjourned. They asked me to take the train and go to Springfield and meet him.

A little further on he states:

> Then, as I stated, I telegraphed Congressman LORIMER that I was leaving Washington for Springfield or Chicago. I arrived in Chicago in the morning that he was elected. I got off the train and went over to the bank and telephoned him on the long-distance telephone and told him I was going down to Springfield to see him and to carry the message to him from the President to impress upon those in Springfield that the administration wanted him to be elected United States Senator at the earliest possible moment. He told me I could save time and accomplish the same purpose if I would call up Gov. Deneen on the long-distance telephone and acquaint him with the message I had from the President.

Now, it was from that transcript, together with other evidence, that I made the statement that he did not claim to go as an ordinary citizen, but that he went as a special representative to Chicago, and I believe I did use the term "and Springfield." If there was any inaccuracy in saying "and Springfield" I withdraw it, but I want to disabuse the Senator's mind of the idea that I got this from the newspapers. I think on reading that one would naturally infer that Mr. Hines was just what I said he was.

Mr. LORIMER. That is what they have tried to show during this whole controversy, that Hines went to Springfield, and that when he went there he went with a bag of money. I did not charge the Senator with knowingly misstating the record. Even if the record is as the Senator has stated it, the members of the committee will bear out the statement I made that all the testimony goes to show that Edward Hines was not in Springfield.

But that, Mr. President, is not the worst result of the lies printed by these newspapers. Here I have the testimony of a Senator of the United States, one who sat as a judge on the committee. Here is the testimony of his opinion of LORIMER before he came to the United States Senate. This is from the Register and Leader, of Des Moines, Iowa, in its edition of Sunday morning, April 16, 1911. It quotes Senator KENYON under the headline "Would Oust LORIMER." This was after Senator KENYON was elected. At home, in his own town, on April 15, 1911, at a reception given him by his constituents, in addressing them he spoke as follows:

> I want to take you into my confidence further on one proposition. I have studied to some extent the record in the investigation of Senator LORIMER. It is my conviction that the investigation shows a general scheme of fraud and corruption sufficient to vitiate his election. Nothing is more essential to the perpetuity of our national life than purity in elections. I say to you that I shall vote, if ever given an opportunity—and it is my judgment that the case should be reopened—to oust from the Senate the gentleman who seems to have profited, whether knowingly or not, by such general scheme of fraud and corruption, and if the people of Iowa do not indorse my vote on the subject I will be glad to resign my position and settle down upon my farm.

A Senator elect of the United States, soon to be a Member of the Senate, announces to the people of his State that if given an opportunity he will drive a Senator from the Chamber! He said he had studied the record to some extent. I blame no Senator for holding that opinion if he has not studied the record, but I do say to Senator KENYON that when he thought the case should be reopened, when he was convinced that he should vote to oust the Senator from Illinois, the part of decency at least should have impelled him to keep his already

settled purpose to himself, knowing that he would ultimately occupy the solemn position of a judge.

The Senator from Montana [Mr. MYERS] says that the people are well informed. Was the Senator from Iowa well informed? Nobody will charge Senator KENYON with illiteracy; no man will say that his mind is not keen enough to distinguish right from wrong; but it appears that he has not yet discovered that it was wrong to make that statement before he walked into this Chamber as a Member of the body.

Mr. President, I desire to invite the attention of the Senate to a miserable lie resorted to on the part of these newspaper owners to destroy LORIMER; and, if it is in order, I will ask the Secretary to read an editorial published a few days ago in the Chicago Inter Ocean, which I send to the desk.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read, as requested.

The Secretary read as follows:

[Editorial printed in the Chicago Inter Ocean Saturday, July 6, 1912.]

A STATEMENT.

PROGRESSIVE HEADQUARTERS,
CLUBROOM 6, CONGRESS HOTEL,
Chicago, June 27, 1912.

EDITOR.

DEAR SIR: You will note that since the Republican national convention only one Chicago newspaper—Senator LORIMER'S Inter Ocean—has come out in support of Taft. The inclosed clippings indicate the attitude of the press in this city.

Yours, truly,
MEDILL MCCORMICK.

Because the foregoing communication has been sent out broadcast for the threefold purpose of depreciating the Inter Ocean, President Taft, and Senator LORIMER, we herewith state that the majority of stock in this newspaper is owned and possessed by George W. Hinman, and George W. Hinman alone, and that Senator LORIMER does not now own nad never has owned, directly or indirectly, a single dollar's worth of interest in the Inter Ocean.

We apologize to our readers for dignifying the falsehood in question by this editorial reference, but we take it that some recipients of Medill McCormick's letter might otherwise believe it, not realizing that it came from an alcoholic little cad who haunts sanitariums between debauches and whose pus-fed face for months turned men in disgust from his lunch table and caused them to avoid even the tableware which touched his lips.

The name of a degenerate looks as respectable on paper as that of a gentleman, and therefore we are compelled in this case to treat it, not as it is, but as it appears to be.

Mr. LORIMER. Mr. President, that is a sample of the stories of my ownership of the Chicago Inter-Ocean circulated by the McCormick family. Circulated among whom? Circulated among the very men who are to vote on my case, and for no other purpose than to convey to Senators in this Chamber the impression that the news items and the editorials of that newspaper criticising their public actions were inspired by LORIMER. A Senator sits in this Chamber who years ago was a warm friend of mine, but who of recent years, and especially since he arrived in the Senate, has been as cold toward me as marble. For a year or two I have realized what was running through his mind.

The Inter-Ocean is a stalwart Republican newspaper; it is a constitutional, representative, anti initiative, referendum, and recall Republican newspaper. In the Central West much sentiment has been built up in favor of destroying the institutions of our country, and that paper has opposed not only those socialistic theories of government but the men who advocate them, and has treated them, to some extent, as other newspapers have treated public men; and Members of this body have held the opinion that I was the owner of that paper and that I was trying in season and out of season to destroy their political influence. This is just a sample of it.

Let me say to you, Senators, that if you think you are protected by the friendliness of the editors of the trust press in driving me from this Chamber and that they will in turn aid you in achieving your political ambitions—you may have my name stricken from yonder roll, you may instruct the door tenders that LORIMER may no longer enter here, but you never can change the solemn judgment of the Senate of the Sixty-first Congress in its decision of my right to a seat in this Chamber—but when you have driven me hence and I am forgotten, and the case of LORIMER is no more talked about, oh, beware, the guillotine will be there for you as it is here for me now, whenever you fail to bend your knees to the trust press of this country. It will not stop with LORIMER, but will go on and on until no man dare say that his life is his own. Drive me hence, and in future years take the consequences of putting absolutely in control of this Government the vile, vicious, venal trust press of the country.

The Senator from Indiana [Mr. KERN], in his statement of his views of the case a few days ago, referred to an incident that occurred in Illinois a few years ago, and he used this language:

I want to call attention to an incident related in Gov. Yates's testimony, which I think is really pathetic. I will not take the time to read it. I think I can state the substance of it. I have it here. He testifies that the speaker of the Illinois Legislature, whose name was Miller, who was his personal friend, came to him in 1903 and told him he had been offered a bribe of $200,000 to expedite the passage of the notorious Mueller bill; that on the governor's advice he publicly exposed the offer to the legislature, whereupon the house appointed an investigating committee and put Miller on trial and censured him for offending the dignity of that body. (Kern's speech, pamphlet form, p. 17.)

And he held that up as an offense which should be abhorred and denounced by all decent men; but the driving of Miller from the speaker's chair, persecuting him, and driving him to his grave was the result of the effort of the newspaper trust of Chicago to pass the Mueller bill in the General Assembly of the State of Illinois, granting a perpetual franchise to the street railway companies. The Senator from Indiana probably did not know the truth; he did not know the facts. There was a riot in the house that day; the speaker was driven from his chair, and Gov. Deneen was among the men who led the riot.

Senator KERN, it would be well when, in an attempt by inference to cast additional suspicion on the right of LORIMER to a seat in this body, you make statements affecting the reputation of the Illinois Legislature, to look well to the truth before you state your suspicions.

To give you an idea as to how far these trust-press editors have gone, I shall read a letter that I received a few days ago from a friend in Chicago, referring to a conversation he had with Andrew Lawrence, editor of the Chicago Examiner, the Hearst morning paper of that town:

CHICAGO, ILL., *July 5, 1912.*

Hon. WM. LORIMER,
United States Senator from Illinois, Washington, D. C.

MY DEAR SENATOR: It occurred to me that at this time I should again repeat to you a conversation which was had between Andrew Lawrence, editor of the Chicago Examiner in Chicago, and myself, aboard the Pennsylvania train en route to Washington, just prior to the time when the Senate passed the resolution ordering a reinvestigation of your election. As you will no doubt remember, when I first repeated this conversation to you, you were impressed with the fact that Mr. Lawrence's remarks clearly showed the attitude of the press toward you.

Mr. Lawrence told me that there was absolutely no hope of your retention of your seat in the Senate; that the newspapers were in absolute control, so far as the vote on your case was concerned, and that they would surely have you thrown out of your seat. He said, further, that Senators would be compelled to vote against you regardless of the evidence or merits of the case, because of the fact that their actions would be controlled by the newspapers. He tried especially to impress me with the fact that, although many Senators personally might believe in the integrity of your election and would therefore naturally desire to vote for you, still on account of the control of the newspapers they would not dare to do so.

When I expressed to him my doubt as to the probability of a second investigation of your election being voted by the Senate, he said that the second investigation was already assured, as the newspapers had enough votes to force it through. I can assure you—

And then he goes on to say what the people of Illinois think about this matter. It is signed David L. Frank.

William Hearst's American and Examiner of Chicago, with all the influence of those papers over this land, declared before the resolution was passed to appoint a new committee that it would be passed and that LORIMER would be driven from the Senate of the United States. For what reason? On the merits of the case? Because Senators understood the testimony? No; the papers said because they themselves had the power to make them vote the way they wanted them to vote. Hearst, Lawrence, Lawson, the Pattersons and McCormicks of the Tribune, Herman Kohlsaat, the hired man of Victor Lawson and the editor of the Record-Herald—these are the men who are responsible for the sentiment in this country to-day, and it is with that sort of prosecution this investigation was approached.

Oh, if it be true, as stated in that letter, what man can escape? If it be true, as stated in that letter, of what consequence is it to prove that LORIMER is not here as a result of corrupt methods and practices?

The Senator from Michigan [Mr. SMITH] said the other day that that was not so; that the men in this Chamber would vote on their convictions; but in the last Senate a Senator-elect from a great State approached an outgoing Senator and pleaded with him to vote against LORIMER. The Senator asked, "Have you ever read the record?" He said, "No; I have never read the record, but the public sentiment of my State and your State demands it." That Senator will vote to turn me out.

Another Senator elect was here in this Chamber at that time. He expressed a wish that he might be here to vote on the case in order to turn LORIMER out, and he admitted that he had never read the record.

Mr. President, I think that if the case were properly understood, Senators would not vote to turn me out, or at least, not all of them, because of their fear of the trust press, or because they have read the lies daily published in the trust press of the country for the last two and a quarter years. They have not read the record, but they will vote as their constituents

back home believe they should. I do not blame the constituents for so believing; but I can justly criticize a Senator for not knowing the record. I can justly criticize a Senator for not knowing the record, but not his constituents; I do not blame them for demanding that LORIMER shall be driven out of this body; but I have a right, as a Senator from a sovereign State, with a title to my seat as clear as the title held by any other Senator in this body to have Senators know the record from a careful study of it before they pass judgment in this case.

I have another letter here—and this is the last one I shall read—adding to the statements I have just read about these newspaper editors. This was written by a man who is secretary of the Illinois Tax Reform Association, Maxwell Edgar. Let me tell you before I read the letter who Maxwell Edgar is. The International Harvester people in Chicago, like the Tribune and the other newspapers to which I have referred, were also robbing the public treasury, and Maxwell Edgar organized an association to see to it that tax dodgers should pay their fair share of the taxes. Among the first against whom he started prosecution was the International Harvester Co.; and at the end of a long drawn-out fight, they were compelled to pay into the public treasury of Cook County $500,000 in back taxes and their taxes for the future were raised from $15,000 a year to $75,000 a year. That is the man whose letter I now intend to read as a portion of my remarks:

CHICAGO, *July 1, 1912.*

Hon. WILLIAM LORIMER,
Senate Office Building, Washington, D. C.

DEAR SIR: Replying to your inquiry of the 27th ultimo, relative to the evasion of the payment of capital-stock taxes by certain newspaper corporations of Chicago, the situation in brief is this:

In 1879 the newspapers of Chicago and other corporations induced the legislature to exempt them from the capital-stock tax levied on all other corporations. This was of course unconstitutional and illegal as everyone knew, but no public official had the moral courage to attack it, since the newspapers were among the chief beneficiaries.

In Hobe v. Hanberg (211 Ill., 43) the Supreme Court decided against this exemption and caused the newspapers to repair in the legislature of 1895 for another illegal exemption. This new exemption was allowed to become a law—

Yes; it became a law, he says—

by Gov. Deneen and included six classes of corporations. It would be childish on our part to suppose that tax exemptions worth millions of dollars were given by the governor and the legislature without a valuable consideration.

This unlawful exemption has also been knocked out by the Supreme Court in Consolidated Coal Co. v. Miller (236 Ill., 149), People v. National Box Co. (248 Ill., 141), People v. Lewy Bros. Co. (250 Id., 613), et al.

In spite of these decisions no newspaper of Chicago has ever paid a capital-stock tax. These corporations are above the laws, and it has hitherto proven impossible to enforce the tax laws against them. The Supreme Court has done its full duty and has honestly and fearlessly laid down the law, but as long as the newspaper and other corporations own all the executive officials, from the governor down, they care little for the opinion of the Supreme Court.

The Chicago Daily News, the Tribune, and the Hearst papers are the main beneficiaries of this tax graft. It is doubtful if any other of the Chicago newspapers have any capital-stock value.

The News has a capital stock of $150,000 (par value), is credited with annual profits averaging $700,000—

In that I am informed the gentleman is mistaken to the extent of about $300,000 a year—

and pays taxes on a personal-property assessment—

That was last year—

and pays taxes on a personal-property assessment of $893,105 for 1911. In the so-called Teachers' case Judge Grosscup capitalized the net earnings of the traction companies for taxing purposes at 6 per cent to determine the capital-stock value; but even on a 10 per cent basis this property would be worth $7,000,000, and should be assessed on this amount less its real and personal tangible property. In round figures this property is evading taxes to the amount of $75,000 per annum, and has evaded such taxes pro rata since 1879, and even the supreme court can not prevail against it.

The Tribune Co. is capitalized at $200,000, 200 shares of $1,000 par. Its personal-property assessment of 1911 was $432,000. Its capital-stock value is from $7,500,000 to $10,000,000, and it should be assessed on this basis less its tangible property.

For three years this association has been pushing these tax suits in the courts, but the writs of mandamus of the circuit court and the mandate of the supreme court secured by us are powerless against these powerful organizations of newspapers, who can—

"Who can," he says, and then he says they "do"—

who can and do corrupt legislatures, bulldose public officials, and terrorize judges and courts.

The Chicago Herald Co., with $3,000,000 capital stock, is understood to have no capital stock value over and above its tangible property.

Some light on the capital-stock values of these papers might be had by consulting the "net annual income" reports, under the new corporation-tax law, if the Treasury officials will permit it.

One thing is certain: These newspapers have taken advantage of their power to compel the legislature to grant them unlawful tax exemptions and have successfully coerced the taxing officials of Cook County so that they never have been assessed on their capital stock and have paid taxes only on a part of their tangible property.

In addition, the Tribune and the News have their cheap leases from the school fund, and it is a melancholy fact that on the only occasion when the community of Chicago by a lucky chance fell heir to a piece of so-called unearned increment in the shape of school lands the said increment was juggled away from the community to enrich those newspaper proprietors.

The story of Chicago newspaper greed and graft is a long and involved one and can not be told in a letter, but the above may give you some idea of its main outlines as applied to the tax situation.

Respectfully, yours,
MAXWELL EDGAR, *Secretary.*

There is a letter from a man who has no interest in political parties, and the only interest he takes in public affairs is to see to it that each man pays his just share of the taxes. Maxwell Edgar is his name. He wants the people to know. Therefore he sends the information here, because he knows that no newspaper will publish these facts and he hopes that through the CONGRESSIONAL RECORD the people of the country may come to know and turn on these men and compel them to do as they would insist that others shall do—obey the law.

More public sentiment, more manufactured public sentiment, more spurious public sentiment, manufactured out of whole cloth; unadulterated falsehoods. I read from an address of the President:

I submit to the people of Massachusetts that, with his intimate knowledge of the facts, Mr. Roosevelt's linking my name with LORIMER'S for the purpose of inducing the people of Illinois to vote against me on account of their feeling against Senator LORIMER was not giving me a square deal.

So spoke the President, and then he went on a little further and stated:

The issues arising out of this contest have colored in every way the politics of Illinois and aroused a strong feeling against Senator LORIMER among the Republicans of the State. In Illinois Mr. LORIMER was conducting a campaign of his own, with his own nominees. * * * Any influence he may have given in my favor was not because he liked me, but because he felt more bitter toward Mr. Roosevelt.

It is not the fact. Never have I announced publicly, so that it might go to the ears of the President, my feeling toward him or toward Theodore Roosevelt; and I did not support the President because I was more bitter toward Theodore Roosevelt.

I shall not discuss whether or not I was bitter toward either of them or felt any animosity toward either. The reason I supported the President was because I believe, as he believes, in constitutional and representative government. I believe, as he believes, that the courts of the land and their decisions should not be subject to review by the mob. It was because he wrote on that subject and submitted to the Senate a message the equal of which, in my opinion, never has been written in the history of this country, not even excepting the Federalist papers; it was because he stands for the perpetuity of the institutions of this Government that I chose him as against Theodore Roosevelt. If he had held the same opinions that Col. Roosevelt does I should not have voted for either of them, nor would I lend what little influence I have to either of them.

But when the President took that letter into Massachusetts and read it, unless I have been misinformed, he was misstating the facts in the case. I hope I have been misinformed. Word came to me that the President had been told that if a law providing for a preferential vote on nominations for President were passed by the Legislature of Illinois, and the people of the State had an opportunity to vote on the question, the only delegates he would get out of the 58 would be those that came from the territory where LORIMER'S friends live. The only delegates he did get were from the district in which I was reared and have lived since I was 10 years old.

Why make that statement to the people of Massachusetts? If he did not know the facts and if I have been misinformed, why did the men who told him, or who told me that they informed him, permit him to go into the State of Massachusetts and misstate the condition in Illinois?

It was known to the men from Illinois who were conducting the campaign; and they permitted the President to go over the country creating false sentiment by misstating facts, again drawing down upon the head of LORIMER the wrath of the people of the Nation in order that he might prove to the people that he is more reckless and more unjust than Col. Roosevelt.

I do not believe the fact that LORIMER supported Taft cost Taft one vote in the primary election in Illinois, much less a delegate in the convention. As a rule, Illinois is a Republican State. We are protectionists. We are a manufacturing State, and we are one of the great agricultural States of the Union. The Canadian reciprocity was not acceptable either to the farmers or to the industrial people of our State, and they did not feel kindly to the President on account of it. They voted for Theodore Roosevelt 2 to 1, but it was not a vote for Roosevelt the man, and I will say it was not a vote against President Taft as a man. It was a vote against Canadian reciprocity or free trade in any form. If Roosevelt had not been a candidate, Senator LA FOLLETTE, who received only a few thousand votes, would have carried the State against President Taft.

If the men with whom I am associated in politics in Illinois, who believe in representative and constitutional government and who would vote for the most violent enemy they have in the world to aid in perpetuating this Government, had not voted for the President, he would not have received many more votes in Illinois than he received in the primary in South Dakota.

That is how the sentiment grows. That is how the sentiment is built up. For who will disbelieve the President of the United States? He is here on the ground. The people of the Nation believe that he would not willfully misstate any case, and they are justified in accepting what he says on account of their opinion and their high appreciation of a man of any political party who can attain that high office. So is it any wonder that not only the people of the country, but the people of the world, believe that LORIMER should be driven from the Senate?

I am not going to read the whole letter, but I will ask permission to have it inserted as part of my remarks:

[Personal.]

THE WHITE HOUSE,
Washington, January 6, 1911.

Hon. THEODORE ROOSEVELT,
The Outlook, 287 Fourth Avenue, New York, N. Y.

MY DEAR THEODORE: It comes to me, perhaps without foundation, that you are going to write a strong article on the Lorimer case and publish it in The Outlook. I have been doing everything I could legitimately to have the closest examination made into the Lorimer case. I have read as much of the evidence as I could get at *and am convinced that there was a mess and mass of corruption upon which his election was founded that ought to be stamped* with the disapproval of the Senate. *But I want the movement to oust him to succeed.* I have urged different Senators to read the record carefully, and after a talk with ROOT, and BURTON, and KNUTE NELSON, and CRAWFORD, and some others, I believe we are going to line up a good many of the regular Republicans on the side of what I consider decency and honesty in politics.

It has leaked out that I have been taking some interest in the matter, and I fear that it has not helped the situation generally, because of that strong feeling of clubdom in the Senate and that resentment against outside interference which nobody who is not intimately acquainted with the situation can understand the weight of. I was talking with BORAH this morning. I have consulted a good deal with him on the subject, and he and I agree that it would be unwise either for you or for me to come out now against LORIMER and in favor of his being ousted; that it would enable those who are determined to keep him in, especially, among the Democrats, BAILEY and others, to use an argument against outside interference that would hold a number of Democrats and would deprive us of the strength we should get by a quiet presentation of the full facts on the floor of the Senate, from the Senate itself. ROOT is going to make a speech. *So is* BURTON, and I believe that LODGE will do the same thing. Now, nothing would have stronger weight than speeches from them; whereas, if either you or I came out with an attack it would enable the friends of LORIMER to shift the subject from the tainted character of his seat to the independence of the Senate in acting as the judge of the qualifications of its own Members.

I suggest, therefore, that if you have an article on this subject, you hold it until after the issues are more plainly made by speeches on the floor of the body in which the contest is to be won. *I want to win. So do you.* This is my excuse for writing you.

Sincerely, yours,

WILLIAM H. TAFT.

P. S.—Of course, I may be misinformed as to your purpose in this matter.

Since dictating the above I have had the telephone conversation with you, but I let it go.

As to the desirability of decency and honesty in politics, I agree with the President. But before I vote to settle the question of decency and honesty I will not, as a judge, read merely "all the testimony I can get." I will either read it all, or I will give the benefit of the doubt to the accused.

I challenge no Senator for casting his vote against me in the last Congress. I complain about no Senator, nor have I any ill will or bitterness in my heart toward any Senator who cast his vote against me in the last Congress. But it does seem to me that when I was on trial I should have been tried by the Senate and not by President Taft and ex-President Roosevelt.

A little further along he said:

I have talked with BORAH this morning. He thinks it would be unwise for ex-President Roosevelt to write the letter.

He said:

ROOT is to make a speech. So is BURTON, and I believe that LODGE will do the same.

I had no objection to their making speeches. Senator BURTON knew more about this case before I came to the Senate than any other man in the Senate. I served upon the Committee on Rivers and Harbors in the House with him. Every week I visited Washington during that session of Congress I discussed the Illinois conditions with him, and he knows, because I told him, that Gov. Deneen would not be a candidate; that I would try to induce my friends to join with other men to elect Shurtleff to the United States Senate, and had the Senator from South Dakota [Mr. CRAWFORD] been informed by Members of the Senate who know the facts he never would have stated that LORIMER organized the legislature for the purpose of electing himself to the United States Senate.

I object not to Senator LODGE's vote against me; but surely when a Democrat votes for me for the same reason and for the same consideration that another Democrat votes for Senator LODGE, I am entitled to the same consideration of opinion as to that vote or that class of votes as people give to him. There was a fight in Massachusetts. There were belligerent Republican members of the general assembly. LODGE's friends feared that some of them might vote against him. There were Democrats in that State who believed in Senator LODGE and in the things he stood for. They believed in his ideas concerning the foreign policy of this country, and rather than have another Republican, if it became necessary, enough of them would have voted for him to assure his election to this body.

In the Illinois General Assembly there were 26 Democrats who held the same view toward LORIMER. They knew that LORIMER's ideas of the proper American foreign policy were similar to those of the Senator from Massachusetts, and, if anything, that he would go a little further in the matter of making treaties with foreign governments. Twenty-three of those Democrats voted for me. Two more would have voted for me if we had had a second roll call. One Democrat voted in Massachusetts. That was notice to the belligerent Republicans that the Democrats were not afraid to vote for a Republican who had the courage to stand for what they regarded the historic doctrine of this Government, "no entangling alliance" with any foreign Government upon the face of the earth.

There was no complaint of Senator LODGE or with Senator LODGE. If to-morrow I were a member of the Massachusetts Legislature and a Democrat and he a candidate and his success threatened, though he cast his vote against me, because of what I know of his opinions on our form of government I would cast my vote to retain him in this body.

"ROOT is going to make a speech," said President Taft.

I have no complaint with Senator ROOT's action. I do not criticise him on account of his vote. He had a right to vote that way if in his opinion I was not entitled to a seat in this body.

Senator ROOT, I have only one criticism of your action, and that was when Kohlsaat brought to you the information that they had found the source of the corruption fund, even though you believed I was guilty, even though you believed I should be put out, you should have given me an opportunity to answer the charge. That, I hope, had no influence in making up your opinion; but it was likely to influence any human being.

I should have had an opportunity in the last Congress to answer these charges, and if so I would not be here to-day discussing this subject, taking up the time of Senators, depriving them of the opportunity to go on with the business of the country. I either would have been turned out and the case closed forever or I would have been here with my title to a seat unquestioned.

I will not condemn Senator ROOT even for that action. No man can tell what he will do in a given case until he is put to the test. It may be that I am too harsh when I say that I think he should have given me a hearing, and that the charges should not have been used against me without my knowledge. Surely, I never would have allowed any man to give me information on which I fear I might have based some of my opinion in making up my judgment on the case unless he gave me the privilege of divulging it to the man against whom the charges were alleged.

Mr. Kohlsaat, the man who started the Funk story, said that it was given to him in confidence and he held it as sacred as a Catholic priest would a confession. Then he proceeded to give it to Theodore Roosevelt, to whom he told the name of the man who told the story.

Mr. Roosevelt attended a dinner in Chicago. I will not discuss it except to say that Mr. Roosevelt said that LORIMER was elected by corruption; that a man in whom he had the most implicit confidence told him; and to a large extent the people who believe in Roosevelt believed that story. He said that LORIMER should be turned out of the Senate, and that he intended to do all he could to oust him. *He had never read a line of the record in his life.*

Roosevelt says that he wants to get rid of the bosses; he wants to get rid of men who are corrupting politics. Oh, yes; he wants to get rid of the corrupt men in politics. He does not want them on his side. No; because it is not right to have corrupt men on his side, and especially is that so if the people know it.

I am a little fatigued, and if there be no objection I will ask the Secretary to read the affidavits I send to the desk.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Affidavits of three delegates from Mississippi to the Republican national convention charging an attempt on the part of Charles Banks to buy their votes in the convention for Col. Roosevelt.]

THREE DELEGATES ON OATH CHARGE BRIBE ATTEMPT—NEGRO REPRESENTATIVES OF MISSISSIPPI SWEAR THAT CHARLES BANKS, THE RECENT ROOSEVELT RECRUIT, OFFERED THEM MONEY TO SUPPORT COLONEL.

SHUMPERT'S AFFIDAVIT.

The following is the affidavit of J. W. Shumpert, D. D., presiding elder in the Meridian (Miss.) Methodist Episcopal Church conference and a delegate to the national Republican convention from the first district of Mississippi:

STATE OF ILLINOIS, *city of Chicago, ss:*

On Thursday, June 13, 1912, at the Coliseum, in the city of Chicago, Ill., I was met by Charles Banks, of Mississippi, and a delegate from that State to the national Republican convention, who asked me to call at his house, 2959 Wabash Avenue, Chicago. I went to his house at 5 o'clock the same afternoon, and when I entered his room he asked everybody to leave except me. He began the conversation by asking me if I had ever seen a thousand-dollar bill. I replied that I had not. He then put his hand in his pocket and brought out a big roll of bills. The outside bill was one of the denomination of $1,000. It was the first I had ever seen. The roll of bills was nearly all gold certificates.

He then wanted to know how much I would ask to go with him and support Mr. Roosevelt. I told him that I would not be bought; that I had not come to Chicago to sell myself. He then said that all or a majority of the delegates were going to Roosevelt, who would be nominated, and that Mr. Roosevelt would make him the referee in Mississippi in connection with all the Federal offices. I repeated that I would not be a party to such a transaction and then excused myself. There was no further conversation between us.

Dated this 17th day of June, 1912.

J. M. SHUMPERT,
Presiding Elder Meridian Conference, M. E. Church.

Subscribed and sworn to before me, a notary public, June 17, 1912.

M. BELLE CARNAHAN, *Notary Public.*

Witnesseth:
ANDREW GEDDES.
J. T. MONTGOMERY.

BUCKLEY'S AFFIDAVIT.

The affidavit of A. Buckley, of Enterprise, Miss., and a delegate from the fifth congressional district of Mississippi, follows:

STATE OF ILLINOIS, *County of Cook, City of Chicago, ss:*

A. Buckley, being first duly sworn, makes oath and says that he lives in Enterprise, Miss., in the fifth congressional district, and that he is a delegate to the Republican convention at Chicago, and that he was instructed, both by the congressional convention and by the State convention, for Taft. On Saturday, June 15, 1912, that Dr. S. D. Redman, of Jackson, Miss., at the Coliseum, asked me whether I would go with him for Roosevelt; that he would surely win, and "you want to be on the winning side," and that if I would go for Roosevelt he would make me and Dr. E. E. Howard referees for the fifth congressional district, which means the distribution of patronage, and help me out with $300 or $400. I told him I could not be with him. Then on to-day (Monday) S. D. Redman wanted to know if I was going with him or hold out for Taft, and I told him I could not go with him under any circumstances.

Then, on Friday, June 14, Charles Banks, of Mound Bayou, Miss., who is a delegate at large from Mississippi and who was instructed by the State convention to vote for Taft, told me Mr. Roosevelt would sure win and he did not like the way things were carried on in Mississippi, and if I would go with Roosevelt he would give me $100 cash and $100 on first day of convention and $100 second day of convention. At the same time Mr. Banks pulled out a roll of greenbacks and said: "I have the money and I will give you $100 now." I saw the $100 bill on the outside of the roll. I make this of my own free will, believing in a square deal.

A. BUCKLEY.

Subscribed and sworn to before me, a notary public, this 17th day of June, 1912.

M. BELLE CARNAHAN, *Notary Public.*

Witnesses:
ANDREW GEDDES,
J. T. MONTGOMERY.

DR. SHERROD'S STATEMENT.

Dr. D. W. Sherrod, a practicing physician of Meridian, Miss., last night made the following affidavit. Dr. Sherrod is an alternate from the fifth congressional district of Mississippi to the Chicago convention.

STATE OF ILLINOIS,
County of Cook, City of Chicago, ss:

I, D. W. Sherrod, being duly sworn, do say:

I met Dr. S. D. Redmond, from Jackson, Miss., to-day in front of the Coliseum and he said he knew I had the influence with A. Buckley, the delegate from my district, the fifth, and to bring A. Buckley over to the Roosevelt side, and that he would make Dr. E. E. Howard, A. Buckley, and me, referees of the fifth congressional district and any other consideration I might desire. I said, Mr. Buckley is instructed for President Taft by our congressional and State conventions, and I can't ask him to do this. Mr. Ed Bond, of Canton, Miss., saw me last Sunday, and wanted me to use my influence to bring the Taft delegates over to the Roosevelt side; that they have arranged to get any amount of money necessary, from $700 to $2,000, or any amount required; that Roosevelt's managers had sent for me; and that Mr. DIXON was out, but would be back in a few moments, but I excused myself when I found out what they wanted, as I wanted the delegates who were instructed for President Taft to stay with him.

D. W. SHERROD.

Subscribed and sworn to before me, a notary public in and for Cook county, Ill., this 17th day of June, A. D. 1912.

JOSEPH B. BURTT, *Notary Public.*

Witnesses:
GEORGE H. JEFFERIES,
FRED MORE.
[SEAL.]

Mr. LORIMER. Mr. President, I have two affidavits and a letter of more recent date. It can not be charged that they are used for convention purposes; and, if there be no objection, I will ask the Secretary to read them.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF GEORGIA, *County of Henry, ss:*

On this 27th day of June, 1912, before me, J. A. Fouche, clerk superior court, appeared R. A. Holland, who, after being duly sworn, deposes and says that he was a delegate to the national Republican convention from the State of Georgia; that on the 21st day of June, 1912, while in attendance at said convention in the city of Chicago, he was approached by Dr. L. Brinson at Chicago, Ill., who carried him to the Roosevelt headquarters, where he was met by Senator DIXON, McHarg, and Kincaid. DIXON went out. McHarg introduced Kincaid as a millionaire, who said:

"We are here to represent Mr. Roosevelt; are ready to do business; and whatever you boys want we are ready to give it to you. If you will vote with us to-morrow for the nomination of Mr. Roosevelt, whatever you want I will see that you get it."

I refused to name any amount or to accept one cent from him.

Further this deponent saith not.

R. A. HOLLAND.

Subscribed and sworn to before me this 27th day of June, 1912.

[SEAL.]

J. A. FOUCHE,
Clerk Superior Court.

STATE OF GEORGIA, *County of Meriwether, ss:*

On this 27th day of June, 1912, before me, T. J. Culpepper, deputy clerk superior court, appeared R. H. Butts, who, after being duly sworn, deposes and says he was a delegate to the national Republican convention from the State of Georgia; that on the 19th day of June, 1912, while in attendance at said convention in the city of Chicago, he was sent for by Dr. L. Brinson, and went to his room at Chicago, Ill., who said to him, "We want you to vote with us to-day, to-morrow, and the next day, and if you will there will be $500 in it for you for each day, and if the convention lasts another day there will be another $500 for you." Deponent further says that he spurned the offer and turned and left the room, when he was accosted by Mr. Clark Grier, who said to him, "You are a damnder fool than I thought you were."

Further this deponent saith not.

R. H. BUTTS.

Subscribed and sworn to before me this 27th day of June, 1912.

[SEAL.]

T. J. CULPEPPER,
Deputy Clerk Superior Court.

STATESBORO INDUSTRIAL HIGH SCHOOL
FOR THE TRAINING OF THE COLORED YOUTH,
Statesboro, Bulloch County, Ga., July 4, 1912.

I was a delegate to the Republican national convention from the first district of Georgia, and that I was approached and requested to bolt my instruction and vote for certain proposition with the Roosevelt faction, for which I was offered money.

WM. JAMES.

Mr. LORIMER. Mr. President, I do not introduce those affidavits as proof that I am in any way entitled to a seat in the Senate. They have no bearing at all on this case, and should have no influence on anybody's mind; they should have no controlling influence over any United States Senator; but I merely introduce them so that the people of the country may have an opportunity to observe the hypocrisy which is running rampant throughout this land. The man who will have no political boss around him, the man who would destroy every political corruptionist, has naught on which to base anything that he may say regarding my case one-hundredth part as much as those affidavits tend to show that he would have won a Republican presidential nomination if his friends could have secured it by the corrupt use of money.

RECESS.

Mr. SMOOT. The Senator from Illinois has been speaking now for about three hours in this heated Chamber. He is almost exhausted, and it is impossible for him to conclude his remarks to-day. It is for that reason that I move that the Senate take a recess until 10 o'clock to-morrow morning.

Mr. BAILEY. Make it 11 o'clock. We will get through anyway to-morrow.

Mr. MARTINE of New Jersey. Ten o'clock is too early.

Mr. SMOOT. The only reason for fixing the hour of 10 o'clock is that there are a number of Senators who desire to leave the city to-morrow, and they want to remain here to vote. They are afraid they may not have an opportunity to do so unless an early hour is fixed for meeting to-morrow.

Mr. BACON. I suggest that the hour be fixed to suit the convenience of the Senator from Illinois.

Mr. SMOOT. The Senator from Illinois was perfectly willing that the hour should be at 10 o'clock, but if he desires to change it——

Mr. LORIMER. My preference would be to suit the convenience of Senators who have to leave the city to-morrow.

Mr. SMOOT. Then I move that the Senate take a recess until 10 o'clock to-morrow.

The motion was agreed to; and (at 3 o'clock and 28 minutes p. m., Thursday, July 11) the Senate took a recess until Friday, July 12, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 11, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, above all, through all, and in us all, make us susceptible to Thy holy influence that under the trying weather conditions and untoward circumstances which may arise, we may subdue our passions, control our will, and exercise all patience and forbearance; that we may do our work with credit to ourselves and reflect glory and honor upon our Maker. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

STEAMER "DAMARA."

Mr. POST. Mr. Speaker, I ask that the Speaker lay before the House the bill (S. 7015) to provide American registry for the steamer *Damara*.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table the bill S. 7015, which the Clerk will report.

The Clerk read as follows:

A bill (S. 7015) to provide American registry for the steamer Damara.

The SPEAKER. Is it a Senate bill?

Mr. POST. It is a Senate bill which has passed the Senate, and a like bill has been reported by the Committee on the Merchant Marine and Fisheries of the House.

The SPEAKER. The gentleman from Ohio [Mr. POST] states that this is a Senate bill, and that a bill exactly like it has been reported from the Committee on the Merchant Marine and Fisheries of the House. The Chair makes that statement so that the Members can understand. What motion has the gentleman to make?

Mr. POST. Mr. Speaker, I ask unanimous consent for the present consideration of the bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. MANN. Under the rule, of course, it is laid before the House for consideration and does not require unanimous consent.

The SPEAKER. The bill is laid before the House for consideration.

Mr. MANN. I suppose it will have to be read.

The SPEAKER. The Clerk will report the bill.

Mr. CLAYTON. Mr. Speaker, I suppose this will not displace the bill that was to be considered at this time to-day.

The SPEAKER. Oh, no. The gentleman from Ohio [Mr. POST] is ill, and has been ill, and he wanted to get the matter disposed of.

Mr. CLAYTON. I have no disposition to object.

The SPEAKER. The Chair understands. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 7015) to provide American registry for the steamer Damara.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the steamer Damara, rebuilt at San Francisco, Cal., from the wreck of the British steamer Damara, wrecked in the harbor of San Francisco and abandoned by her owners as a total wreck, to be registered as a vessel of the United States, whenever it shall be shown to the Commissioner of Navigation that the cost of rebuilding said vessel in the United States amounted to three times the actual cost of said wreck and that the vessel is wholly owned by citizens of the United States.

Mr. MANN. Mr. Speaker, I do not desire to consume the time of the House with this bill owing to the other matters that are coming up. Personally, I favor the passage of the bill. I telephoned to the gentleman from Washington [Mr. HUMPHREY] and the gentleman from Massachusetts [Mr. GREENE], who have heretofore objected to unanimous consent for the consideration of the House bill, but forgot to telephone to the gentleman from California [Mr. KAHN], who favors the passage of the bill. As none of them is present, I do not see what I can do except to call the attention of the House to that situation.

The SPEAKER. The question is on the third reading of the bill.

The bill was read a third time.

Mr. MANN. I see the gentleman from Massachusetts [Mr. GREENE] is here, and I would like to call his attention to the fact that the Speaker has placed before the House for consideration, in accordance with the rules of the House, Senate bill 7015, to provide American registry for the steamer *Damara*, being the same as the bill H. R. 22907, now on the House Calendar and pending before the House. If the gentleman desires to be heard on it, doubtless he can be heard now.

Mr. GREENE of Massachusetts. Mr. Speaker, I objected to the bill when it came up for unanimous consent, because I thought there ought to be some consideration of the bill.

The SPEAKER. The Chair will state to the gentleman from Massachusetts that it had passed the stage of objection, and the next thing to do with the bill is to vote on it.

Mr. GREENE of Massachusetts. Very well.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. POST. Mr. Speaker, I move to lay the bill H. R. 22907, of similar import, on the table.

The motion was agreed to.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROCEDURE IN CONTEMPT CASES.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is recognized. The Clerk will report by title the bill in relation to procedure in contempt cases.

The Clerk read as follows:

A bill (H. R. 22591) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. The Chair will state that when the bill was under consideration on Tuesday a substitute was pending under the rule.

Mr. CLAYTON. That is correct. The gentleman from Illinois [Mr. STERLING], my associate on the committee, had a substitute.

The SPEAKER. Does the gentleman from Illinois desire to offer the substitute?

Mr. STERLING. Yes. I think I offered it the other day. I offer a substitute.

The SPEAKER. Has it already been read?

Mr. STERLING. Yes; it has been read.

The SPEAKER. The question is on the adoption of the substitute.

The question was taken, and the substitute was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and twenty-three Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. On this roll call those in favor of passing this bill will answer "yea" and those opposed "nay."

The question was taken; and there were—yeas 234, nays 18, answered "present" 10, not voting 127, as follows:

YEAS—234.

Aiken, S. C.	Collier	Garner	Kinkaid, Nebr.
Ainey	Connell	George	Kitchin
Akin, N. Y.	Conry	Godwin, N. C.	Konig
Alexander	Cooper	Good	Konop
Allen	Copley	Goodwin, Ark.	Korbly
Anderson, Minn.	Covington	Gould	Lafferty
Anderson, Ohio	Cox, Ind.	Gray	La Follette
Ansberry	Cravens	Green, Iowa	Lamb
Austin	Crumpacker	Greene, Mass.	Langley
Ayres	Cullop	Gregg, Pa.	Lawrence
Barchfeld	Curley	Gregg, Tex.	Lee, Ga.
Barnhart	Curry	Gudger	Lee, Pa.
Bartholdt	Davenport	Hamill	Lenroot
Bathrick	Davis, Minn.	Hamilton, W. Va.	Lever
Beall, Tex.	Dent	Hamlin	Levy
Bell, Ga.	Denver	Hammond	Lewis
Berger	Dickinson	Hardy	Linthicum
Blackmon	Dickson, Miss.	Harrison, Miss.	Littlepage
Booher	Difenderfer	Hartman	Lloyd
Borland	Dixon, Ind.	Hawley	Lobeck
Bowman	Donohoe	Hay	Longworth
Brantley	Doughton	Hayden	McDermott
Brown	Driscoll, D. A.	Heflin	McGillicuddy
Buchanan	Dupré	Helgesen	McKellar
Bulkley	Edwards	Henry, Tex.	McKenzie
Burgess	Esch	Hensley	McKinley
Burke, S. Dak.	Estopinal	Hobson	McKinney
Burke, Wis.	Faison	Holland	Maguire, Nebr.
Burleson	Farr	Houston	Martin, Colo.
Burnett	Ferguson	Howard	Matthews
Butler	Fields	Hughes, Ga.	Mays
Byrns, Tenn.	Floyd, Ark.	Hughes, N. J.	Miller
Calder	Foss	Hull	Mondell
Campbell	Foster	Jacoway	Moon, Tenn.
Candler	Fowler	James	Morgan
Carlin	Francis	Johnson, Ky.	Morrison
Catlin	French	Jones	Moss, Ind.
Clark, Fla.	Fuller	Kendall	Mott
Clayton	Gallagher	Kennedy	Murray
Cline	Gardner, Mass.	Kent	Neeley

Norris	Reilly	Smith, J. M. C.	Tuttle
Oldfield	Richardson	Smith, Saml. W.	Underhill
Padgett	Roberts, Mass.	Smith, Tex.	Underwood
Page	Robinson	Speer	Warburton
Parran	Roddenbery	Stanley	Watkins
Patton, Pa.	Rodenberg	Stedman	Webb
Pepper	Rothermel	Stephens, Cal.	Wedemeyer
Peters	Rouse	Stephens, Miss.	Whitacre
Pickett	Rubey	Stone	White
Post	Rucker, Colo.	Sulloway	Willis
Pou	Sabath	Sulzer	Wilson, Ill.
Pray	Saunders	Sweet	Wilson, N. Y.
Prince	Sells	Switzer	Wilson, Pa.
Prouty	Sherwood	Taggart	Witherspoon
Rainey	Sims	Talbott, Md.	Wood, N. J.
Raker	Sisson	Talcott, N. Y.	Woods, Iowa
Ransdell, La.	Slayden	Taylor, Colo.	Young, Kans.
Rauch	Sloan	Tribble	
Redfield	Small	Turnbull	

NAYS—18.

Cannon	Harris	Madden	Tilson
Dalzell	Howell	Mann	Utter
Danforth	Howland	Moore, Pa.	Weeks
Dodds	Lenham	Payne	
Griest	McCreary	Sterling	

ANSWERED "PRESENT"—10.

Adamson	Fairchild	Kahn	Sparkman
Browning	Hill	Rucker, Mo.	
Dwight	Johnson, S. C.	Slemp	

NOT VOTING—127.

Adair	Finley	Kopp	Rees
Ames	Fitzgerald	Lafean	Reyburn
Andrus	Flood, Va.	Legare	Riordan
Anthony	Focht	Lindbergh	Roberts, Nev.
Ashbrook	Fordney	Lindsay	Russell
Bartlett	Fornes	Littleton	Scully
Bates	Gardner, N. J.	Loud	Shackleford
Beshne	Garrett	McCall	Sharp
Bradley	Gillett	McCoy	Sheppard
Broussard	Glass	McGuire, Okla.	Sherley
Burke, Pa.	Goeke	McHenry	Simmons
Byrnes, S. C.	Goldfogle	McLaughlin	Smith, Cal.
Callaway	Graham	McMorran	Smith, N. Y.
Cantrill	Guernsey	Macon	Stack
Carter	Hamilton, Mich.	Maher	Steenerson
Cary	Hanna	Martin, S. Dak.	Stephens, Nebr.
Claypool	Hardwick	Moon, Pa.	Stephens, Tex.
Coz, Ohio	Harrison, N. Y.	Moore, Tex.	Stevens, Minn.
Crago	Haugen	Morse, Wis.	Taylor, Ala.
Currier	Hayes	Murdock	Taylor, Ohio
Daugherty	Heald	Needham	Thayer
Davidson	Helm	Nelson	Thistlewood
Davis, W. Va.	Henry, Conn.	Nye	Thomas
De Forest	Higgins	Olmsted	Towner
Dies	Hinds	O'Shaunessy	Townsend
Doremus	Hughes, W. Va.	Palmer	Vare
Draper	Humphrey, Wash.	Patten, N. Y.	Volstead
Driscoll, M. E.	Humphreys, Miss.	Plumley	Vreeland
Dyer	Jackson	Porter	Wilder
Ellerbe	Kindred	Powers	Young, Mich.
Evans	Kinkead, N. J.	Pujo	Young, Tex.
Ferris	Knowland	Randell, Tex.	

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Nevada.
Mr. CLAYPOOL with Mr. REYBURN.
Mr. YOUNG of Texas with Mr. PORTER.
Mr. TOWNSEND with Mr. MCCALL.
Mr. DAVIS of West Virginia with Mr. OLMSTED.
Mr. STEPHENS of Texas with Mr. MOON of Pennsylvania.
Mr. SMITH of New York with Mr. MARTIN of South Dakota.
Mr. SHERLEY with Mr. MCLAUGHLIN.
Mr. RUSSELL with Mr. MCGUIRE of Oklahoma.
Mr. GOLDFOGLE with Mr. HENRY of Connecticut.
Mr. MOORE of Texas with Mr. HANNA.
Mr. KINDRED with Mr. GUERNSEY.
Mr. HARRISON of New York with Mr. HAMILTON of Michigan.
Mr. FITZGERALD with Mr. FOCHT.
Mr. O'SHAUNESSY with Mr. DE FOREST.
Mr. MCCOY with Mr. KOPP.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. GOEKE with Mr. HEALD.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. PATTEN of New York with Mr. SIMMONS.
Mr. CARTER with Mr. KAHN.
Mr. SHEPPARD with Mr. BATES.
Mr. GARRETT with Mr. FORDNEY.
Mr. PUJO with Mr. MCMORRAN.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. LITTLETON with Mr. DWIGHT.
Mr. LEGARE with Mr. LOUD.
Mr. FINLEY with Mr. CURRIER.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. SCULLY with Mr. BROWNING.
Mr. FLOOD of Virginia with Mr. LAFEAN.
Mr. ELLERBE with Mr. CRAGO.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. GRAHAM with Mr. VARE.
Mr. DIES with Mr. FAIRCHILD.
Mr. BOEHNE with Mr. GARDNER of New Jersey.
Mr. CALLAWAY with Mr. WILDER.
Mr. DAUGHERTY with Mr. DRAPER.
Mr. ADAIR with Mr. HINDS.
Mr. TAYLOR of Alabama with Mr. NEEDHAM.
Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Until August 1:

Mr. COX of Ohio with Mr. ANTHONY.

From June 28 for two weeks:

Mr. BYRNES of South Carolina with Mr. PLUMLEY.

Mr. ADAMSON. Mr. Speaker, I voted aye, but I find that the gentleman from Minnesota, Mr. STEVENS, with whom I am paired, has not voted, and I desire therefore to withdraw my vote and to be recorded present.

Mr. RUCKER of Missouri. Mr. Speaker, did the gentleman from Missouri, Mr. DYER, vote?

The SPEAKER. He did not.

Mr. RUCKER of Missouri. I am paired with my colleague, Mr. DYER, and therefore I desire to withdraw my affirmative vote and to vote present.

Mr. BUTLER. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. BARTLETT, which I always keep faithfully, but the gentleman has instructed me on this vote and therefore I have voted. If the gentleman from Georgia [Mr. BARTLETT] were here he would have voted for this bill, as I do.

Mr. CAMPBELL. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. HARDWICK. He informs me that upon this bill he would vote aye. I therefore will permit my affirmative vote to stand, knowing that the gentleman from Georgia [Mr. HARDWICK] would also have voted in the affirmative if he were here.

The SPEAKER. The Chair will take occasion to state to the House that the Speaker has nothing to do with the pairs. They are private arrangements between Members.

On this vote the yeas are 234, nays 18, present 10. The bill is passed. A quorum is present. The Doorkeeper will open the doors.

LEAVE TO EXTEND REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the contempt bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent that the members of the Committee on the Judiciary may be allowed to extend their remarks on the contempt bill, and also I include in that request such Members as made speeches on the bill, as well as the members of the committee who did not make speeches on the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the members of the Judiciary Committee, as well as all gentlemen who spoke on the contempt bill, be permitted to extend remarks in the RECORD on that bill.

Mr. MANN. For five days.

The SPEAKER. For five legislative days. Is there objection?

There was no objection.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call attention to the concurrent resolution which I send to the Clerk's desk, and ask that it be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution.

Resolved by the House of Representatives (the Senate concurring), That the Clerk be directed, in the enrollment of the bill (H. R. 23515) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors," to strike out the word "of," where it first appears in the fourth line of the title to said bill, and insert in lieu thereof the word "and."

Mr. MANN. Mr. Speaker, I know what this case is. This is the bill we recalled from the President the other day. Has the

signature of the Speaker to the enrolled bill been canceled or has there been any authorization to that effect?

The SPEAKER. The Chair will state that the signature of the Speaker and the signature of the President pro tempore of the Senate have not been canceled on that bill, and the Chair knows of no authorization to do it.

Mr. MANN. My recollection is that in a case of that sort there is a resolution authorizing the cancellation of the signatures and the enrollment.

Mr. RICHARDSON. It is to allow the Clerk to insert the word "and" instead of the word "of."

Mr. MANN. I understand the purpose, but the bill has already been enrolled and that enrollment ought to be canceled, I think.

The SPEAKER. The Chair thinks so, too, and after this resolution is passed the Chair will entertain a motion.

Mr. MANN. I do not know whether it would require a resolution or not.

The SPEAKER. The Chair will ask the gentleman from Illinois if he remembers whether or not the resolution recalling this bill authorized the Speaker and the President pro tempore of the Senate to cancel their signatures?

Mr. MANN. My recollection is that it does not.

Mr. RICHARDSON. It does not.

The SPEAKER. If it does not, it will take a concurrent resolution to do it, in the judgment of the Chair.

Mr. MANN. I think perhaps the gentleman from Alabama had better withhold his resolution until the engrossing clerk can look the matter up.

Mr. RICHARDSON. I will do so, Mr. Speaker.

The SPEAKER. If the old bill stands with the signature of the Speaker and the President pro tempore of the Senate, and the President of the United States does not sign it, and there is nothing done about it, it becomes a law within 10 days.

PHILIPPINE ISLANDS.

Mr. QUEZON. Mr. Speaker, I ask unanimous consent to print in the RECORD the preface of a book on the Philippine Islands, written by Judge Blount.

The SPEAKER. The gentleman from the Philippine Islands asks unanimous consent to print in the RECORD the document to which he refers.

Mr. MANN. How long is it?

Mr. QUEZON. About 2,000 words.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. LAMB. Mr. Speaker, I ask unanimous consent that the reference of the bill H. R. 25689, a bill declaring that persons, firms, or corporations in any manner engaged in the interstate commerce business who shall become engaged or concerned in the fixing of prices of any foodstuffs contrary to the rules of competition shall be guilty of a felony, and providing for their punishment, may be changed from the Committee on Agriculture to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Virginia asks unanimous consent to change the reference of the bill H. R. 25689 from the Committee on Agriculture to the Committee on Interstate and Foreign Commerce.

Mr. CLAYTON. Mr. Speaker, I did not catch the reading of the full title of the bill, but only partially. It seems to me that it ought to go to the Committee on the Judiciary.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk reported the title to the bill.

The SPEAKER. On what ground does the gentleman from Alabama base his claim?

Mr. CLAYTON. It seems to me to be in the nature of an amendment of statutory law.

Mr. LAMB. I examined it pretty carefully this morning, and I thought it ought to go to the Committee on Interstate and Foreign Commerce.

Mr. STERLING. Mr. Speaker, it relates to the Sherman antitrust law that the House has already sent to the Committee on the Judiciary.

The SPEAKER. The gentleman from Alabama objects to the request.

Mr. LAMB. Then, Mr. Speaker, I renew my request to transfer it from the Committee on Agriculture to the Committee on the Judiciary. All I want to do is to get rid of it. [Laughter.]

The SPEAKER. The gentleman from Virginia asks unanimous consent to change the reference of this bill from the Committee on Agriculture to the Committee on the Judiciary. Is there objection?

Mr. SMITH of Texas. Mr. Speaker, I object. I believe that it ought to go to the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. Mr. Speaker, the gentleman from Virginia proposed to have it changed from the Committee on Agriculture to the committee where it belongs, the Committee on Interstate and Foreign Commerce.

The SPEAKER. But the gentleman from Alabama objected.

Mr. LAMB. Very well, Mr. Speaker, I will send it some where else.

Mr. CLAYTON. I am willing for the Speaker to decide the question, now or hereafter, and let it go where he may determine.

The SPEAKER. The Chair will state to the House for its own guidance that sometimes there is a bill that looks like it might be referred to two committees, and in this case and a few other cases it looks as if it might be referred to any one of three committees. The Chair will determine the matter hereafter.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUSSELL, indefinitely, on account of illness.

IMPEACHMENT OF JUDGE ROBERT W. ARCHBALD.

Mr. CLAYTON. Mr. Speaker, I call up for consideration the resolution referred to in the privileged report, No. 946, in the matter of the impeachment of Robert W. Archbald, judge of the United States Commerce Court, and ask that it be read.

The Clerk read as follows:

House resolution 622.

Resolved, That Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, appointed pursuant to the act of June 18, 1910 (U. S. Stat. L., vol. 36, 540), and having duly qualified and having been duly commissioned and designated on the 31st day of January, 1911, to serve for four years in the Commerce Court, be impeached for misbehavior and for high crimes and misdemeanors; and that the evidence heretofore taken by the Committee on the Judiciary under House resolution 524 sustains 13 articles of impeachment which are hereinafter set out; and that said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit:

Articles of impeachment of the House of Representatives of the United States of America in the name of themselves and of all of the people of the United States of America against Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, appointed pursuant to the act of June 18, 1910 (U. S. Stat. L., vol. 36, 540), and having duly qualified and having been duly commissioned and designated on the 31st day of January, 1911, to serve for four years in the Commerce Court:

ARTICLE 1.

That the said Robert W. Archbald, at Scranton, in the State of Pennsylvania, being a United States circuit judge, and having been duly designated as one of the judges of the United States Commerce Court, and being then and there a judge of the said court, on March 31, 1911, entered into an agreement with one Edward J. Williams whereby the said Robert W. Archbald and the said Edward J. Williams agreed to become partners in the purchase of a certain culm dump, commonly known as the Katydid culm dump, near Moosic, Pa., owned by the Hillside Coal & Iron Co., a corporation, and one John M. Robertson, for the purpose of disposing of said property at a profit. That pursuant to said agreement, and in furtherance thereof, the said Robert W. Archbald, on the 31st day of March, 1911, and at divers other times and at different places, did undertake, by correspondence, by personal conferences, and otherwise, to induce and influence, and did induce and influence, the officers of the said Hillside Coal & Iron Co. and of the Erie Railroad Co., a corporation, which owned all of the stock of said coal company, to enter into an agreement with the said Robert W. Archbald and the said Edward J. Williams to sell the interest of the said Hillside Coal & Iron Co. in the Katydid culm dump for a consideration of $4,500. That during the period covering the several negotiations and transactions leading up to the aforesaid agreement the said Robert W. Archbald was a judge of the United States Commerce Court, duly designated and acting as such judge; and at the time aforesaid and during the time the aforesaid negotiations were in progress the said Erie Railroad Co. was a common carrier engaged in interstate commerce and was a party litigant in certain suits, to wit, the Baltimore & Ohio Railroad Co. et al. v. The Interstate Commerce Commission, No. 38, and the Baltimore & Ohio Railroad Co et al. v. The Interstate Commerce Commission, No. 39, then pending in the United States Commerce Court; and the said Robert W. Archbald, judge as aforesaid, well knowing these facts, willfully, unlawfully, and corruptly took advantage of his official position as such judge to induce and influence the officials of the said Erie Railroad Co. and the said Hillside Coal & Iron Co., a subsidiary corporation thereof, to enter into a contract with him and the said Edward J. Williams, as aforesaid, for profit to themselves, and that the said Robert W. Archbald, then and there, through the influence exerted by reason of his position as such judge, willfully, unlawfully, and corruptly did induce the officers of said Erie Railroad Co. and of the said Hillside Coal & Iron Co. to enter into said contract for the consideration aforesaid.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a high crime and misdemeanor in office.

ARTICLE 2.

That the said Robert W. Archbald, on the 1st day of August, 1911, was a United States circuit judge, and, having been duly designated as one of the judges of the United States Commerce Court, was then and there a judge of said court.

That at the time aforesaid the Marian Coal Co., a corporation, was the owner of a certain culm bank at Taylor, Pa., and was then and there engaged in the business of washing and shipping coal; that prior to that time the said Marian Coal Co. had filed before the Interstate Commerce Commission a complaint against the Delaware, Lackawanna & Western Railroad Co. and five other railroad companies as defendants, charging said defendants with discrimination in rates and with excessive charges for the transportation of coal shipped by the said

Marian Coal Co. over their respective lines of road; that all of the said defendant companies were common carriers engaged in interstate commerce. That the decision of the said case by the Interstate Commerce Commission at the instance of either party thereto was subject to a review, under the law, by the United States Commerce Court; that one Christopher G. Boland and one William P. Boland were then the principal stockholders of the said Marian Coal Co. and controlled the sideration and action; that the general policy of the said coal company being adverse to the lease of any of its culm banks, the said George F. Baer and the said W. J. Richards declined to make the lease, and the said Frederick Warnke was so advised; that the said Frederick Warnke then made several attempts, through his attorneys and friends, to have the said George F. Baer and the said W. J. Richards reconsider their decision in the premises, but without avail; that on or about November 1, 1911, the said Frederick Warnke called upon Robert W. Archbald, who was then and now is a United States circuit judge, having been duly designated as one of the judges of the United States Commerce Court, and asked him, the said Robert W. Archbald, to intercede in his behalf with the said W. J. Richards; that on November 24, 1911, the said Robert W. Archbald, judge as aforesaid, pursuant to said request, did write a letter to the said W. J. Richards requesting an appointment with the said W. J. Richards; that several days thereafter the said Robert W. Archbald called at the office of the said W. J. Richards to intercede for the said Frederick Warnke; that the said W. J. Richards then and there informed the said Robert W. Archbald that the decision which he had given to the said Warnke must be considered as final, and the said Archbald so informed the said Warnke; that the entire capital stock of the Philadelphia & Reading Coal & Iron Co. is owned by the Reading Co., which also owns the entire capital stock of the Philadelphia & Reading Railroad Co., which last-named company is a common carrier engaged in interstate commerce.

That the said Robert W. Archbald, judge as aforesaid, well knowing all the aforesaid facts, did wrongfully attempt to use his influence as such judge to aid and assist the said Frederick Warnke to secure an operating lease of the said Lincoln culm dump owned by the Philadelphia & Reading Coal & Iron Co., as aforesaid, which lease the officials of the said Philadelphia & Reading Coal & Iron Co. had therefore refused to grant, which said fact was also well known to the said Robert W. Archbald.

That the said Robert W. Archbald, judge as aforesaid, shortly after the conclusion of his attempted negotiations with the officers of the Philadelphia & Reading Railroad Co. and of the Philadelphia & Reading Coal & Iron Co., aforesaid, in behalf of the said Frederick Warnke, and on or about the 31st day of March, 1912, willfully, unlawfully, and corruptly did accept, as a gift, reward, or present, from the said Frederick Warnke, tendered in consideration of favors shown him by said judge in his efforts to secure a settlement and agreement with the said railroad company and the said coal company, and for other favors shown by said judge to the said Frederick Warnke, a certain promissory note for $500 executed by the firm of Warnke & Co., of which the said Frederick Warnke was a member.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as a judge and high crimes and misdemeanor in office.

ARTICLE 6.

That the said Robert W. Archbald, being a United States circuit judge and a judge of the United States Commerce Court, on or about the 1st day of December, 1911, did unlawfully, improperly, and corruptly attempt to use his influence as such judge with the Lehigh Valley Coal Co. and the Lehigh Valley Railway Co. to induce the officers of said companies to purchase a certain interest in a tract of coal land containing 800 acres, which interest at said time belonged to certain persons known as the Everhardt heirs.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 7.

That during the months of October and November, A. D. 1908, there was pending in the United States district court, in the city of Scranton, State of Pennsylvania, over which court Robert W. Archbald was then presiding as the duly appointed judge thereof, a suit or action at law, wherein the old Plymouth Coal Co. was plaintiff and the Equitable Fire & Marine Insurance Co. was defendant. That the said coal company was principally owned and entirely controlled by one W. W. Ris[illegible], which fact was well known to said Robert W. Archbald; that on or about November 1, 1908, and while said suit was pending, the said Robert W. Archbald and the said W. W. Rissinger wrongfully and corruptly agreed together to purchase stock in a gold-mining scheme in Honduras, Central America, for the purpose of speculation and profit; that in order to secure the money with which to purchase said stock, the said Rissinger executed his promissory note in the sum of $2,500, payable to Robert W. Archbald and Sophia J. Hutchison, which said note was indorsed then and there by the said Robert W. Archbald, for the purpose of having same discounted for cash; that one of the attorneys for said Rissinger in the trial of said suit was one John T. Lenahan; that on the 23d day of November, 1908, said suit came on for trial before said Robert W. Archbald, judge presiding, and a jury, and after the plaintiff's evidence was presented, the defendant insurance company demurred to the sufficiency of said evidence and moved for a nonsuit, and after extended argument by attorneys for both plaintiff and defendant, the said Robert W. Archbald ruled against the defendant and in favor of the plaintiff, and thereupon the defendant proceeded to introduce evidence before the conclusion of which the jury was dismissed and a consent judgment rendered in favor of the plaintiff for $2,500, to be discharged upon the payment of $2,129.63 if paid within 15 days from November 23, 1908, and on the same day judgments were entered in a number of other like suits against different insurance companies, which resulted in the recovery of about $28,000 by the Old Plymouth Coal Co.; that before the expiration of said 15 days the said Rissinger, with the knowledge and consent of said Robert W. Archbald, presented said note to the said John T. Lenahan for discount, which was refused and which was later discounted by a bank and has never been paid.

All of which acts on the part of the said Robert W. Archbald were improper, unbecoming, and constituted misbehavior in his said office as judge, and render him guilty of a misdemeanor.

ARTICLE 8.

That during the summer and fall of the year 1909 there was pending in the United States District Court for the Middle District of Pennsylvania, in the city of Scranton, over which court the said Robert W. Archbald was then and there presiding as the duly appointed judge thereof, a civil action wherein the Marian Coal Co. was defendant, which action involved a large sum of money, and which defendant coal company was principally owned and controlled by one Christopher G.

Boland and one William P. Boland, all of which was well known to said Robert W. Archbald; and while said suit was so pending the said Robert W. Archbald drew a note for $500, payable to himself, and which note was signed by one John Henry Jones and indorsed by the said Robert W. Archbald, and then and there during the pendency of said suit as aforesaid the said Robert W. Archbald wrongfully agreed and consented that the said note should be presented to the said Christopher G. Boland and the said William P. Boland, or one of them, for the purpose of having the said note discounted, corruptly intending that his name on said note would coerce and induce the said Christopher G. Boland and the said William P. Boland, or one of them, to discount the same because of the said Robert W. Archbald's position as judge and because the said Bolands were at that time litigants in his said court.

Wherefore the said Robert W. Archbald was and is guilty of gross misconduct in his office as judge, and was and is guilty of a misdemeanor in his said office as judge.

ARTICLE 9.

That the said Robert W. Archbald, of the city of Scranton and State of Pennsylvania, on or about November 1, 1909, being then and there a United States district judge in and for the middle district of Pennsylvania, in the city of Scranton and State aforesaid, did draw a note in his proper handwriting, payable to himself, in the sum of $500, which said note was signed by one John Henry Jones, which said note the said Robert W. Archbald indorsed for the purpose of securing the sum of $500, and the said Robert W. Archbald, well knowing that his indorsement would not secure money in the usual commercial channels, then and there wrongfully did permit the said John Henry Jones to present said note for discount, at his law office, to one C. H. Von Storch, attorney at law and practitioner in said district court, which said Von Storch, a short time prior thereto, was a party defendant in a suit in the said district court presided over by the said Robert W. Archbald, which said suit was decided in favor of the said Von Storch upon a ruling by the said Robert W. Archbald; and when the said note was presented to the said Von Storch for discount, as aforesaid, the said Robert W. Archbald wrongfully and improperly used his influence as such judge to induce the said Von Storch to discount same; that the said note was then and there discounted by the said Von Storch, and the same has never been paid, but is still due and owing.

Wherefore the said Robert W. Archbald was and is guilty of gross misconduct in his said office, and was and is guilty of a misdemeanor in his said office as judge.

ARTICLE 1.

That the said Robert W. Archbald, while holding the office of United States district judge, in and for the middle district of the State of Pennsylvania, on or about the 1st day of May, 1910, wrongfully and unlawfully did accept and receive a large sum of money, the exact amount of which is unknown to the House of Representatives, from one Henry W. Cannon; that said money so given by the said Henry W. Cannon and so unlawfully and wrongfully received and accepted by the said Robert W. Archbald, judge as aforesaid, was for the purpose of defraying the expenses of a pleasure trip of the said Robert W. Archbald to Europe; that the said Henry W. Cannon, at the time of the giving of said money and the receipt thereof by the said Robert W. Archbald, was a stockholder and officer in various and divers interstate railway corporations, to wit: A director in the Great Northern Railway, a director in the Lake Erie & Western Railroad Co., and a director in the Fort Wayne, Cincinnati & Louisville Railroad Co.; that the said Henry W. Cannon was president and chairman of the board of directors of the Pacific Coast Co., a corporation which owned the entire capital stock of the Columbia & Puget Sound Railroad Co., the Pacific Coast Railway Co., the Pacific Coast Steamship Co., and various other corporations engaged in the mining of coal and in the development of agricultural and timber land in various parts of the United States; that the acceptance by the said Robert W. Archbald, while holding said office of United States district judge, of said favors from an officer and official of the said corporations, any of which in the due course of business was liable to be interested in litigation pending in the said court over which he presided as such judge, was improper and had a tendency to and did bring his said office of district judge into disrepute.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 11.

That the said Robert W. Archbald, while holding the office of United States district judge in and for the middle district of the State of Pennsylvania, did, on or about the 1st day of May, 1910, wrongfully and unlawfully accept and receive a sum of money in excess of $500, which sum of money was contributed and given to the said Robert W. Archbald by various attorneys who were practitioners in the said court presided over by the said Robert W. Archbald; that said money was raised by subscription and solicitation from said attorneys by two of the officers of said court, to wit, Edward R. W. Searle, clerk of said court, and J. B. Woodward, jury commissioner of said court, both the said Edward R. W. Searle and the said J. B. Woodward having been appointed to the said positions by the said Robert W. Archbald, judge aforesaid.

Wherefore said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 12.

That on the 9th day of April 1901, and for a long time prior thereto, one J. B. Woodward was a general attorney for the Lehigh Valley Railroad Co., a corporation and common carrier doing a general railroad business; that on said day the said Robert W. Archbald, being then and there a United States district judge in and for the middle district of Pennsylvania, and while acting as such judge, did appoint the said J. B. Woodward as a jury commissioner in and for said judicial district, and the said J. B. Woodward, by virtue of said appointment and with the continued consent and approval of the said Robert W. Archbald, held such office and performed all the duties pertaining thereto during all the time that the said Robert W. Archbald held said office of United States district judge, and that during all of said time the said J. B. Woodward continued to act as a general attorney for the said Lehigh Valley Railroad Co.; all of which was at all times well known to the said Robert W. Archbald.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 13.

That Robert W. Archbald, on the 29th day of March, 1901, was duly appointed United States district judge for the middle district of Pennsylvania and held such office until the 31st day of January, 1911, on which last named date he was duly appointed a United States circuit judge and designated as a judge of the United States Commerce Court. That during the time in which the said Robert W. Archbald has acted as such United States district judge and judge of the United States Commerce Court he, the said Robert W. Archbald, at divers times and places, has sought wrongfully to obtain credit from and through certain persons who were interested in the result of suits then pending and suits that had been pending in the court over which he presided as judge of the district court, and in suits pending in the United States Commerce Court, of which the said Robert W. Archbald is a member.

That the said Robert W. Archbald, being United States circuit judge and being then and there a judge of the United States Commerce Court, at Scranton, in the State of Pennsylvania, on the 31st day of March, 1911, and at divers other times and places, did undertake to carry on a general business for speculation and profit in the purchase and sale of culm dumps, coal lands, and other coal properties, and for a valuable consideration to compromise litigation pending before the Interstate Commerce Commission, and in the furtherance of his efforts to compromise such litigation and of his speculations in coal properties, willfully, unlawfully, and corruptly did use his influence as a judge of the said United States Commerce Court to induce the officers of the Erie Railroad Co., the Delaware, Lackawanna & Western Railroad Co., the Lackawanna & Wyoming Valley Railroad Co., and other railroad companies engaged in interstate commerce, respectively, to enter into various and divers contracts and agreements in which he was then and there financially interested with divers persons, to wit, Edward J. Williams, John Henry Jones, Thomas H. Jones, George M. Watson, and others, without disclosing his said interest therein on the face of the contract, but which interest was well known to the officers and agents of said railroad companies.

That the said Robert W. Archbald did not invest any money or other thing of value in consideration of any interest acquired or sought to be acquired by him in securing or in attempting to secure such contracts or agreements or properties as aforesaid, but used his influence as such judge with the contracting parties thereto, and received an interest in said contracts, agreements, and properties in consideration of such influence in aiding and assisting in securing same.

That the said several railroad companies were and are engaged in interstate commerce, and at the time of the execution of the several contracts and agreements aforesaid and of entering into negotiations looking to such agreements had divers suits pending in the United States Commerce Court, and that the conduct and efforts of the said Robert W. Archbald in endeavoring to secure and in securing such contracts and agreements from said railroad companies was continuous and persistent from the said 31st day of March, 1911, to about the 15th day of April, 1912.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of misdemeanors in office.

Mr. MANN. Mr. Speaker, when the report was made by the gentleman from Alabama [Mr. CLAYTON], it was stated by him, and properly so, that the resolution would be printed separately as any other resolution. The Clerk has read the resolution from the report. The resolution was not printed separately, through some misunderstanding, probably, on the part of the clerk in charge, and I ask unanimous consent that the resolution may be numbered and printed and reported from the committee as of July 8, 1912, in the ordinary form. It seems to me that that is due to the proper procedure in the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this resolution be printed in the usual form, as in the nature of nunc pro tunc proceeding.

Mr. CLAYTON. Mr. Speaker, the gentleman from Illinois, as I understand it, does not contemplate in that request that this matter shall be postponed for another day?

Mr. MANN. Oh, no. It is a privileged matter, and this would not postpone it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this resolution be printed as the House ordered it to be printed, separately from the report, and that it be numbered properly, as of date July 8, 1912. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. CLAYTON. Mr. Speaker, it is not my purpose—certainly not at this time—to make any argument or any extended remarks upon the subject matter of the impeachment of Judge Archbald. The committee gave this question the most careful and fullest consideration.

Mr. MANN. Mr. Speaker, before the gentleman proceeds with his statement, will he permit me to interrupt him a moment?

Mr. CLAYTON. Certainly.

Mr. MANN. Is the gentleman able to make a guess as to how long it will be before the resolution comes to a vote in the House?

Mr. CLAYTON. Mr. Speaker, I think I can. I am sometimes a pretty good guesser, and I might make a fair guess in this case. It is my purpose to consume at this time a few minutes only, unless I shall be interrupted by questions which I may feel compelled to answer. Then it is my purpose to yield to the gentleman from Illinois, my associate on the committee, Mr. STERLING, to make such statement as he may wish—probably an hour. It may be after that that the gentleman from North Carolina [Mr. WEBB], a member of the committee; then the gentleman from Arkansas [Mr. FLOYD], another member; and then the gentleman from Ohio [Mr. HOWLAND], another member, may want to speak for 5 or 10 minutes each. I think that none of them, except possibly the gentleman from North Carolina [Mr. WEBB], will want to speak over 10 minutes.

Mr. MANN. Mr. Speaker, I think it is desirable that a reasonable statement be made to the House, and I asked the question, because I think, when the resolution comes to a vote, it is due to the dignity of the House that there be a roll call on the resolution.

Mr. CLAYTON. I agree with the gentleman upon that. In a proceeding of this sort I think we ought to have a roll call.

Mr. FARR. Does not the gentleman from Alabama think that we ought to have a quorum present now, to hear the discussion of so important a case as this?

Mr. CLAYTON. Mr. Speaker, if the gentleman stays in the House as long as I have, he will find that even with his eloquent tongue he can not always persuade a quorum to remain here when that quorum understands the question before the House and has pretty well made up their minds as to how they are going to vote. Of course I will feel gratified if there shall remain a full attendance here to listen to what my associates on the committee have to say, but I am sure that whatever may be lacking in the number of this audience will be compensated for by the intelligence of the gentleman from Pennsylvania and others who may be present.

Mr. FARR. Mr. Speaker, the gentleman is very fulsome with his compliments, but I want to ask him fairly, with a man's life at stake, such as is the case now with Judge Archbald before this Congress, if we ought not to have a quorum present?

Mr. CLAYTON. Mr. Speaker, if the gentleman will tell me how to have that quorum present I will be very glad to aid him. It was disclosed by roll call a few minutes ago that there is a quorum present, and I may say to the gentleman that the attendance in the House at this time, I think, averages larger than it has when many other important matters have been discussed.

The important point will be the presence of a quorum when the matter is voted upon. And, lest the gentleman intends by what he has said to let the newspaper press convey a wrong impression, I will say that on the 8th day of this month the report in full and the conclusions of the committee, together with a brief statement by the chairman of the committee, were presented to the House, printed in the RECORD, and every Member of the House who has cared to inform himself on this important matter has all the necessary information from the RECORD, and the gentleman, I believe, ought to get from that report and from what has heretofore been said, all the necessary information, if he has not already obtained it. Now, there has been no disposition on the part of the committee, there has been no disposition on the part of the House to do anything with any indecent haste. The committee gave the amplest time for the examination into the facts and into the law involved in the case. The committee gave ample time for this House to consider this report and this matter before asking the House to act upon it. Seventy-two hours, I believe, or longer, have intervened since this matter was printed and made accessible to every Member of the House, and I think that the House quite well understands the subject.

Now, Mr. Speaker, the conduct of this impeachment proceeding has conformed to the conduct of impeachment proceedings in other cases as near as practicable and has conformed in its details to the precedents in like cases in every essential particular. The evidence taken by the committee was printed, all of it, more than a month ago, and has been accessible to every Member of this House, as the gentleman from Pennsylvania well knows. The committee was clothed by the House with authority to subpœna witnesses and to administer oaths to those witnesses and to examine them. This was done. Every witness that the committee was informed who knew about these various transactions was required to attend the sessions of the committee, was put under oath, and subjected to examination by the committee and to cross-examination by counsel for Judge Archbald. In the very beginning of this investigation, Mr. Speaker, before a witness was examined, the committee agreed to the following, and I now quote from the minutes of the committee:

> That for the present the committee will hold public hearings, under the authority given by House resolution 524, for the purposes of examining the witnesses in regard to the matters and things mentioned in House resolution 511, which involve the conduct of Hon. Robert W. Archbald, and that in these public hearings where witnesses are examined Judge Archbald may be represented by counsel, if he desires, and that after the chairman of the committee shall have conducted the principal examination of witnesses and asked the members of the committee to ask such questions as their judgment may dictate to be proper, then, with the permission of the committee, counsel for Judge Archbald, if Judge Archbald is desirous to have counsel present, may ask such questions of the witnesses as the committee may deem proper to be asked of the witnesses in such investigation.

That was May 8 when that action was had, and the examination of witnesses was begun afterwards.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. CLAYTON. Certainly.

Mr. MOORE of Pennsylvania. The gentleman has read the resolution under which the committee proceeded to make this inquiry?

Mr. CLAYTON. No; the gentleman is mistaken. The resolution under which the committee acted in making the investigation is made part of the report which was read into the RECORD on July 8. What I have just read to the House is a part of the proceedings of the committee, being in its nature an invitation to Judge Archbald to be present at the hearings of the committee, and to have counsel present and to cross-examine the witnesses.

Mr. MOORE of Pennsylvania. That is the very point——

Mr. CLAYTON. That is what I read.

Mr. MOORE of Pennsylvania. I want to have that very point clearly understood at this time.

Mr. CLAYTON. I was proceeding to make it clear, and if the gentleman will indulge me a few minutes more I think I will make it perfectly clear.

Mr. MOORE of Pennsylvania. The point I had in mind, if the gentleman will answer as I am sure he will, is to have it known publicly that thus far the proceedings before the committee have been ex parte; that is to say, but one side has been heard, with the exception that Judge Archbald was invited to be present in person, and he was represented by counsel; but no witnesses were called on behalf of Judge Archbald, nor has any testimony been taken in his behalf or in denial of the charges made.

Mr. CLAYTON. I prefer, Mr. Speaker, with the permission of the gentleman, to state just exactly what occurred. The gentleman, in his statement, which seems to be in the nature of a question, has said some things to which I assent and other things to which I can not give a categorical answer, and therefore I must proceed with my statement and give a full account of what did occur, and I think that will satisfy the gentleman and afford him the information which he desires.

Mr. MOORE of Pennsylvania. I know the gentleman wants to be fair, and I shall be content by asking that in his statement the gentleman from Alabama tell the House and the country whether any witnesses were called in behalf of Judge Archbald?

Mr. CLAYTON. I will answer that in the progress of the statement which I am going to make. I might say right here that the proceedings were ex parte; that no witnesses were subpœnaed on the part of Judge Archbald; and I will state the reason for it, and state it was the customary procedure to follow the line of conduct which the committee pursued.

Mr. MOORE of Pennsylvania. That will be entirely fair. The facts should be known.

Mr. CLAYTON. That is what I was going to do, and I think I can make my statement certainly more satisfactory to myself and perhaps more satisfactory to the House if I be allowed to complete it. I could have made this statement, I think, perfectly luminous within the time I intended to consume, but with these interruptions it may be, Mr. Speaker, that I will have to occupy more time than I intended.

Now, Mr. Speaker, I was proceeding to give the history of this matter, and if I may do so, I will give it to you briefly.

The gentleman from Nebraska [Mr. NORRIS] introduced a resolution calling on the President for papers and information in regard to the conduct of Judge Archbald. In other words, that resolution asked the President, in substance, if he had had the conduct of Judge Archbald investigated, and what was the result of such investigation, and called for any report that may have been made under the order of the President in respect to the conduct of Judge Archbald. That resolution was reported to the House favorably and was adopted here, calling upon the President for that report, and then, following that, resolution No. 524 was introduced, empowering the Committee on the Judiciary to subpœna, and to swear, and to examine witnesses. And after the adoption of that empowering resolution, to which I have referred, the committee did proceed to subpœna and examine witnesses just as has been the custom in cases of this kind heretofore in the like proceedings of the House. There was no departure from the practice of the House and nothing unusual in this case which differentiated it in its method of procedure from other impeachment cases. Now, the gentleman from Pennsylvania, my good friend Mr. MOORE, must know that an impeachment proceeding in the House is in its nature an ex parte proceeding. The gentleman knows that, does he not?

Mr. MOORE of Pennsylvania. I know that. But the country does not always know it, and I thought it fair only to make the statement.

Mr. CLAYTON. I felt sure that the gentleman was too intelligent himself not to know that.

Mr. MOORE of Pennsylvania. I did know it, but I wanted the country to know it.

Mr. CLAYTON. Now, Mr. Speaker, this matter has come before the House in the way which I have told you. Of course, the gentleman from Pennsylvania [Mr. MOORE] knows, and other gentlemen here know, that there are various ways of inaugurating an impeachment trial. A Member can rise on the floor, as was done in the Swayne case and as was done by the gentleman from Wisconsin [Mr. BENNETT] at this session of Congress in the Hanford case, and impeach a judge from the floor and offer the appropriate resolution. But in this case a resolution calling for information from the President in regard to the official conduct of Judge Archbald was the genesis of the impeachment, and following that was the resolution authorizing the committee to make the investigation, and following that authority the committee had its meetings from time to time and examined the witnesses touching the matters affecting the conduct of Judge Archbald.

Now, following the precedent of the Swayne case and perhaps other cases, the committee accorded to Judge Archbald the right to be present and to be represented by counsel. On May 8, before any witness had been examined, the printed proceedings will show that Judge Archbald was present and Hon. A. S. Worthington, his counsel, was present. The chairman at that time said:

The committee will be in order.

And then, further:

At a meeting this morning the committee took a recess until this hour, and, pursuant to the determination of the committee had at that time, the witness, Mr. Williams, will be examined. Before proceeding with the examination of Mr. Williams, however, I will ask the clerk to read the proceedings of the committee had on yesterday.

And I have just quoted that, which was in the nature of an invitation to Judge Archbald to be present and to be represented by counsel, and authorizing the judge and his counsel to cross-examine witnesses if they so desired.

Then the chairman said:

Call Mr. Williams.

Mr. WORTHINGTON. Mr. Chairman, while the witness is coming may I make a statement?

The CHAIRMAN. Mr. Worthington.

Mr. WORTHINGTON. I would like to have the committee advised that Judge Archbald is present, and that he has asked me to appear with him as his counsel, which I do. I would like to state in his behalf that in the investigation that has just been referred to in the papers that have been read by the clerk, Judge Archbald was not given any opportunity, as I understand, to answer or meet any of the charges against him. He retained me this morning to advise him in regard to this matter, and I suggested to him that he ask the opportunity of being represented here, and of being afforded an opportunity, by his counsel, of cross-examining witnesses, if he chose so to do. I communicated with the chairman on the telephone in regard to that, not having time for correspondence, and was advised by the chairman a little while ago that the opportunity asked would be afforded us; and we are here pursuant to that suggestion.

The CHAIRMAN. Perhaps the clerk should have read the minutes of the meeting held this morning respecting a part of the statement which you have just made, and I will ask him to read the minutes of this morning showing that fact.

And here the clerk read that part of the proceedings of the committee which I have read this afternoon, and which was in the nature of an invitation to Judge Archbald to be present and to be represented by counsel, and authorizing him to cross-examine witnesses.

Now, Mr. Chairman, that is the way this investigation was begun, and at each and every meeting of that committee during that entire examination of witnesses Judge Archbald was present in his own proper person, and was represented by Mr. Worthington, one of the ablest lawyers of the bar of the District of Columbia, and he was also represented and had in constant attendance upon the sessions of the committee not only Mr. Worthington, but his son, A. W. Archbald, jr., as counsel; also M. J. Martin as counsel and Samuel B. Price as counsel. And, Mr. Speaker, the testimony taken in this case will show that the witnesses were examined and then cross-examined fully by the counsel for Judge Archbald.

And, more than that, the counsel for Judge Archbald were not restricted in the cross-examination to inquiries of the witnesses about matters which had been brought out on the direct examination. They were frequently allowed, and always allowed when they so desired, to go outside of the matters brought out in the direct examination and to question witnesses on collateral matters favorable to the judge.

The judge was furnished with a transcript daily, made by the stenographers, of the testimony and the proceedings of the committee. It was furnished to him at the Government's expense, for his counsel suggested that to have the stenographer make at the judge's expense from day to day and from time to time a transcript of the testimony of the witnesses would, on account of the volume of that testimony, entail a very heavy expense upon the judge. The committee directed the stenographer to furnish to the judge and his counsel each and every day the typewritten report founded on the stenographic report made of the proceedings of the committee and the examination of the witnesses. The committee did this in order that the judge and his counsel might at each step in the proceedings know what the witnesses said and have an opportunity to cross-examine the witnesses. On several occasions the counsel for the judge suggested to the committee that he would like the committee not to proceed with the conclusion of the examination of a particular witness on that particular day, but to allow the cross-examination of the witness to go over until another day, to suit the convenience of the judge and his counsel, in order to give them an opportunity the better to cross-examine the witnesses. No such request was ever denied by the committee, but was always with alacrity and cheerfulness accorded.

Mr. Speaker, before the conclusion of the examination of the witnesses the chairman of the committee was approached by one of the counsel of Judge Archbald, Mr. Martin, and asked the question in the committee room if the judge would be allowed to testify in his own behalf. The chairman replied to him, in substance, that the judge would be accorded the opportunity to testify if he wished it; that the committee in the Swayne case had given Judge Swayne permission to testify in his own behalf; and that there was no doubt that this committee would grant that same privilege or right to Judge Archbald; but the chairman of the committee said to this counsel, in substance, it would, however, subject Judge Archbald to cross-examination, and that if he made a witness of himself of course he must expect to be cross-examined like any other witness.

These learned lawyers, knowing that the precedent which had been followed in the Swayne case to give the judge an opportunity to speak in his own behalf and having obtained this definite information from the chairman of the committee, made no other suggestion on the subject; and although Judge Archbald was there when the last sentence was pronounced by the last witness in the case, neither he nor his counsel ever asked that he go upon the stand to testify in his own behalf. The committee would not have denied him the right to do so, but when the suggestion was made that the judge would be subjected to cross-examination he was not put upon the stand to tell about these matters.

I have endeavored and the committee have endeavored, so far as we could, to keep this matter from being tried in the newspapers. The committee could not deny a public hearing, did not undertake to do so, and everything about the matter has been public and open to the world except that when we came to consider what our report should be, then, like a petit jury, like a grand jury, like every committee of this House or of any other body, we went into executive session and considered as to what our conclusion should be. Other than that everything has been open.

On June 5 one of the counsel for Judge Archbald, Mr. A. S. Worthington, of this city, addressed to me a letter on behalf of Judge Archbald. And I may say that Mr. Worthington conducted himself before the committee at all times as an able, upright, and conscientious lawyer and gentleman. I knew him before and had the highest respect for him, and those of the committee who did not know him before formed the same opinion of him.

On June 5 Mr. Worthington addressed to me the following letter:

Hon. HENRY D. CLAYTON,
Chairman Judiciary Committee,
House of Representatives, City.

DEAR SIR: On behalf of Judge Archbald and his counsel, Messrs. Martin, Price, and myself, I wish to thank you and the committee of which you are chairman for giving us the privilege of being present during the examination of witnesses in Judge Archbald's case and cross-examining the witnesses.

In view of the fact that the testimony taken in the case covers some 1,400 printed pages, it occurs to us that we might aid the committee in its consideration of the evidence by submitting to the committee a short statement of the testimony on the various charges, with such suggestions in regard thereto as may seem to be pertinent.

If this meets with the approval of the committee we will begin the preparation of such a paper at once and place printed copies of it in the hands of the members of the committee within a very few days.

Very respectfully,

A. S. WORTHINGTON.

The committee waited until this printed brief, argument, paper, or whatever counsel deemed proper to call it, was placed in our hands. We did not go into executive session and reach a conclusion or even to consider as to what our report should be

until we had received that argument in behalf of the judge, and had read and considered it.

In reply to the letter which I have just read I, as chairman of the committee, addressed to Mr. Worthington a letter on June 5, the same day I received his, saying:

I have yours of June 5. I have no doubt that the committee will be very glad to have such a paper as that mentioned in your letter.

On June 12 Mr. Worthington addressed the chairman this letter:

I send herewith, for the use of the committee, 35 copies of a printed memorandum submitted by the counsel for Judge Archbald on his behalf. If there should be any special point or points in the case upon which the committee would like to have a fuller digest or reference to the evidence, we shall be very glad to give the committee further aid in that regard.

Now, I do not understand the gentleman from Pennsylvania [Mr. FARR] to have questioned the propriety of what the committee has done in the matter of proceeding. I do not understand him to have pronounced any criticism on the conduct had by the committee in this case.

Mr. FARR. I certainly have not intended to cast any reflection on the committee. The committee has used the fullest courtesy toward Judge Archbald.

Mr. CLAYTON. Yes; and to everybody interested in his behalf, including the gentleman himself.

Mr. FARR. Yes; I desire to say in every instance.

Mr. CLAYTON. Now, Mr. Speaker, the committee heard these gentlemen and reached the conclusions embodied in the resolution which has just been read; and the facts upon which these articles of impeachment are predicated are stated in a brief form in the report which was printed in the RECORD on day before yesterday. The facts in full upon which this report and resolution are predicated are printed in extenso in the committee hearings, which have been, as I have said, available to every Member of this House for more than a month.

Now, Mr. Speaker, I am sorry that I have had to consume more time than I intended, and I now yield to the gentleman from Illinois [Mr. STERLING]. [Applause.]

Mr. STERLING. Mr. Speaker, it is with a sense of deep responsibility that I undertake to do my part in the presentation of this case to the House. There is no power conferred upon Congress by the Constitution that carries with it graver responsibility than the power of impeachment. There is no power that should be exercised with greater fidelity to duty than that power. When this matter was referred to the Judiciary Committee, I am sure that I entered upon the task of investigation with a fair and open mind. I believe that every member of the Judiciary Committee occupied the same attitude toward Judge Archbald on the one side and the interests of the people on the other.

If I did entertain any feeling, one way or the other, which I am not willing to admit, it was a suspicion that perhaps the rumor and the newspaper articles that had been published with reference to Judge Archbald might have originated with dissatisfied litigants or disappointed lawyers.

Every attorney who has been engaged in the active practice of the law knows that a judge is liable to be criticized unjustly. Defeated parties in lawsuits and lawyers who have been disappointed in the rulings of the court are very liable to say unkind and harsh things about the judge. I may have felt when we approached the hearings in the case that something of that sort might constitute the foundation of the charges that had been made. But as the hearings progressed and as the evidence developed the facts connected with the various charges which are set forth in the resolution, I was impelled to the conviction that Judge Archbald was not a proper person to serve as judge in the Federal courts.

In this case Members of the House, and, if it goes to the Senate, I think, Senators will have no intricate questions of law to determine. We are all familiar with what the Constitution provides with reference to the impeachment of officers of the United States. This body has the sole power of impeachment. The Constitution provides that officers of the United States may be impeached for treason, bribery, and high crimes and misdemeanors. It also provides that Federal judges, judges of those courts provided for in the Constitution, shall be appointed and serve during good behavior.

There may be a question in the minds of some whether some of these charges are tenable, for the reason that the acts constituting the offense were committed before Judge Archbald was appointed to the circuit court and designated as a judge of the United States Commerce Court. But none of them were committed prior to the time that he was appointed United States district judge.

Some of the acts relate back to the time when he was serving on the district bench of the middle district of Pennsylvania. Some of them relate to the time since he was appointed to the circuit bench and designated as a judge of the United States Court of Commerce. The only other question that may arise is whether the offenses in the resolution are impeachable offenses. There was a time when it was a mooted question as to what constituted impeachable offenses.

It was contended, on the one hand, that a judge or other officer could be impeached only for offenses that were indictable, while it was maintained on the other side that many offenses not of an indictable nature were impeachable offenses. I shall not burden the House with reading what I deem to be the well-settled law on that question. I would refer Members who have any question in their minds as to whether or not any or all of these charges in this resolution are impeachable to Hinds' Precedents, where he devotes almost one whole volume to the question of impeachment. In that volume gentlemen will find a discussion of the question of what constitutes impeachable offenses. As recently as the Swayne case, tried only a few years ago, that question was discussed by Judge De Armond, then a Member of the House; by Mr. OLMSTED, now a Member of the House; by Mr. CLAYTON, the present chairman of the Committee on the Judiciary; and by Mr. Perkins, a Member from New York at that time, and I am sure that all will find in that discussion by those gentlemen entirely satisfactory reasons for holding that the charges made against Judge Archbald in this resolution are each and all impeachable cases.

Mr. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. CLAYTON. For the purpose of having the statement of the gentleman complete, I would remind him that Judge Henry W. Palmer, of Pennsylvania, former attorney general of that State, prepared the articles of impeachment in the Swayne case and was the principal manager in the case. He wrote the brief in the case and made several very able arguments. Everything that he said on the subject was a real contribution to the discussion of the law of impeachment.

Mr. STERLING. That is true; and Hinds' Precedents also quotes from the argument of Judge Palmer at that time. In fact, in the discussion in the Swayne case all of the law, I think, is set forth, so that Members who are interested in determining the question for themselves can find the law there in very brief space.

I call the attention of the House to the brief that was prepared by the chairman of the Committee on the Judiciary, which constitutes a part of the report which the committee made to the House. This brief quotes, I think, from all of the prominent writers on constitutional law relating to impeachment. To give the House some idea as to what these writers say, I desire to quote very briefly from that report. Foster, in his work on the Constitution, section 93, among other things, says:

An impeachable offense may consist of treason, bribery, or a breach of official duty by malfeasance or misfeasance, including conduct such as drunkenness, when habitual or in the performance of official duties, gross indecency, and profanity, obscenity, or other language, used in the discharge of an official function, which tends to bring the office into disrepute, or an abuse or reckless exercise of a discretionary power, as well as a breach or omission of an official duty imposed by statute or common law; or a public speech when off duty which encourages insurrection. It does not consist in an error in judgment made in good faith in the decision of a doubtful question of law, except perhaps in the case of a violation of the Constitution.

I think the doctrine as laid down by Foster there and as it is quoted in the report which the committee presents to the House is the doctrine held by practically all of the constitutional writers in this country upon that subject. I will read, however, from one other. I read from the American and English Encyclopedia of Law, volume 15, which has a résumé of all of the law on the subject. Among other things it says:

In one case, however, counsel for the defendant insisted that impeachment would not lie for any but an indictable offense; but after exhaustive argument on both sides this defense was practically abandoned. The cases, then, seem to establish that impeachment is not a mere mode of procedure for the punishment of indictable crimes; that the phrase "high crimes and misdemeanors" is to be taken not in its common-law but in its broader parliamentary sense, and is to be interpreted in the light of parliamentary usage; that in this sense it includes not only crimes for which an indictment may be brought, but grave political offenses, corruption, maladministration, or neglect of duty involving moral turpitude, arbitrary and oppressive conduct, and even gross improprieties, by judges and high officers of State, although such offenses be not of a character to render the offender liable to an indictment either at common law or under any statute. Additional weight is added to this interpretation of the Constitution by the opinions of eminent writers on constitutional and parliamentary law and by the fact that some of the most distinguished members of the convention that framed it have thus interpreted it.

I am sure that I am justified in saying that the House is not limited to indictable offenses when they come to determine whether a judge or other official has committed offenses for which he may be impeached.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. BUTLER. I have read carefully all of the articles presented against this judge. There is no indictable offense charged against the judge, is there?

Mr. STERLING. I think that some of these counts charge indictable offenses. I will not say that they charge indictable offenses under the Federal statute, but I believe if they had been committed by a judge of a State some of them would constitute maladministration in office, for which he could be indicted. The gentleman will remember that if we are limited to indictable offenses under the Federal statutes there would be very few cases for which a judge or other officer could be impeached. There are no common-law offenses against the Federal Government, and all the offenses against the Federal Government that can be punished must come under some Federal statute. Our criminal code covers but few offenses.

Mr. BUTLER. Mr. Speaker, I think in the presentation of the Swayne case it is well settled here, and well agreed by all, that it was not necessary to charge the judge with an indictable offense in order to prefer articles of impeachment against him.

Mr. STERLING. I think that is so well settled that I shall not devote any further time to it. I have said what I have simply to remove from the mind of any Member who had not given the matter consideration, any doubt he might entertain on that subject.

I presume that the important matter and the thing in which the Members of the House are mostly interested in at this time is to know something of the facts which go to constitute the charges which the committee present in this resolution. I assume that no Member wants to vote blindly on the proposition, and that they would like to know at least some of the facts which go to prove the offenses with which we charge him. I shall not undertake to give to the House the facts on which all of these charges are predicated. I shall limit myself to three or four. Other gentlemen, members of the Committee on the Judiciary, are better qualified to state to the House the facts and the evidence of the other charges than I am.

I ask the attention of the House to the first case in article 1 of the resolution. Without reading the resolution I will state briefly the facts charged in that article. At that time Robert W. Archbald was a United States circuit judge.

He was appointed United States district judge in March, 1901, for the middle district of Pennsylvania. He served as district judge from that time until the 31st day of January, 1911, when he was appointed United States circuit judge under the act passed by Congress establishing the United States Commerce Court, and at the same time and in the same commission was designated a judge of the United States Commerce Court. So that at the time of events alleged in article 1 he was an active member of the United States Commerce Court.

In March of last year he and one Edward J. Williams, of Scranton, Pa., entered into an agreement to buy together or in partnership what was known as the Katydid culm dump; that their purpose was to buy it and sell again for profit. It is charged further that the Katydid culm dump belonged to the Hillside Coal & Iron Co., a corporation of the State of Pennsylvania. We charge that the Hillside Coal & Iron Co. was a subsidiary corporation of the Erie Railroad Co. and that that railroad company owned all the stock of the Hillside Coal & Iron Co. Also that at the time this transaction took place the Erie Railroad Co. had pending in the United States Commerce Court two suits involving questions of rates with the United States Commerce Commission; and we charge further in the count that Judge Archbald, as a partner of Williams, undertook to influence the officers and officials of the Hillside Coal & Iron Co. and the Erie Railroad Co. by the fact that he was a judge, to sell to him and Williams this coal dump, and that he succeeded by reason of the fact that he was judge and by reason of the fact that this railroad company had litigation pending in his court in buying this dump from the Erie Railroad Co. or from the Hillside Coal & Iron Co. A coal dump is the refuse——

Mr. FARR. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. FARR. Would the gentleman object to citing the cases in the evidence to prove the statements he has made?

Mr. BUTLER. When he gets beyond this step I presume he will do so.

Mr. STERLING. I am going to do that. Of course I will not undertake to refer to the page in all instances, but I will refer to the material evidence which, in my opinion, proves the charge that is contained in the article.

A coal dump or culm dump is the refuse or waste that has been thrown out in the operation of an anthracite coal mine. They were at one time considered to be pure waste. They are made up of the finer particles of coal that comes from the mine and mixed with that is a certain amount of dirt and slack, and perhaps slate and other refuse that is found in the mine. Of recent years these culm banks have proved of considerable value by reason of the high price of coal and by reason of the fact they have been able to use machinery for the purpose of washing this refuse from the coal and separating the dirt and clay from it, and they have been able to handle the coal in these dumps at a very considerable profit. The Katydid culm dump was formed by the operation of an anthracite coal mine. That coal mine was owned and operated by a firm known as Robertson & Law. Some of the land under which the coal lay was owned by some persons and some by other persons, some by the Erie Railroad or the Hillside Coal & Iron Co., and some by the heirs of the Everhart estate. In March of last year a gentleman by the name of Boland said to this man Williams that he knew where there was a pretty good culm dump that he might buy. This man Williams is an important witness in this case, and a very unwilling witness—one who seems to be decidedly in favor of Judge Archbald—and I will say to the House now that we are not dependent to any great extent upon the testimony of Mr. Williams to sustain the charge contained in the first article. Some of the things he testified to I believe are true, because he testified to them unwillingly for the reason that they were adverse to the interests of Judge Archbald. Other things that he testified to were corroborated by correspondence and perhaps by oral testimony of other witnesses.

Williams went to see this culm dump and ascertained that it belonged to Robertson & Law and the Hillside Coal & Iron Co. Capt. May was the manager of the Hillside Coal & Iron Co. He lived at Scranton. Immediately after Williams's attention had been called to this dump he called upon Judge Archbald and told him he was thinking of buying that dump, and that he wanted a letter of recommendation to Capt. May. He said he knew Capt. May only casually, but he knew that Capt. May was not acquainted with him. He said also that he proposed to Judge Archbald at that time that he would give him a half interest in the profits of this culm dump if he would help him to get it. Judge Archbald did not give him a letter of recommendation, but gave him a letter which indicates on its face, although it does not say it in so many words, that Judge Archbald himself was to be interested in this property if they bought it. I want to call the committee's attention to that letter. It is dated March 31, 1911, and is found on page 8, Serial No. 3, of the hearings.

It is as follows:

> I write to inquire whether your company will dispose of your interest in the Katydid culm dump belonging to the old Robertson & Law operation at Brownsville? And if so, will you kindly put a price upon it.
>
> Yours, very truly,
>
> R. W. ARCHBALD.

Mr. MOORE of Pennsylvania. Was that written on private paper?

Mr. STERLING. I think I am right in saying that it was written on Commerce Court paper. If I am mistaken about that some member of the committee will correct me. I will say now that nearly all the letters which Archbald wrote in reference to nearly all the transactions set out in the resolution were written on the paper of the United States Commerce Court, and I believe this one was.

He gave this letter to this man Williams and he took it personally to Capt. May. Capt. May did not give Williams any encouragement. By his action, and probably by his language, he indicated to Williams that he did not want to have anything to do with the proposition. And it is true, and I think abundantly proven, that at that time it was not the policy of the Erie Railroad Co. to sell any of its coal dumps or sell any of its coal property as coal property.

Williams thereupon went back to see Judge Archbald and told him that May had refused to consider the proposition at all, and indicated to Judge Archbald that May had not treated him very courteously. Archbald said, "I will see Mr. Brownell." Now, Mr. Brownell was general counsel for the Erie Railroad Co., which owned the stock of the Hillside Coal & Iron Co., the owner of this culm dump, or owner of a part interest in it. He said, "I will see Mr. Brownell. I have some cases on my desk here now for that railroad company," and he called Williams's attention to the brief in two cases known as the "lighterage cases" that were then pending in the United States Commerce Court, and evidently, from what Williams says, Judge Archbald then, as a judge of that court, had the briefs and arguments of attorneys in those cases on his desk for his consideration as a judge of the court.

Mr. BUTLER. That fact was proven by Williams?

Mr. STERLING. Yes.

Mr. BUTLER. And he was the unwilling witness of whom the gentleman spoke?

Mr. STERLING. Yes. Williams testified that Archbald said, "I have some cases here now for the Erie Railroad Co.," and he explained to him what these lighterage cases were, and Williams said that he saw the briefs himself on the desk and the judge directed his attention to them. That was only a few days after the 31st day of March, and the matter dragged along for some time. In July Judge Archbald was in New York. I do not think he went there for the sole purpose of seeing Brownell. He had been designated by the Chief Justice to go there and try some cases as circuit judge.

And when he was there he dropped Brownell a note. It seems that Brownell was the only person high in rank connected with the Erie Railroad Co. in New York with whom he was acquainted. He knew Brownell in this way. He, as a member of the Commerce Court, had been sitting in that court on a hearing of some cases in which the Erie Railroad Co. was interested and in which Mr. Brownell appeared as counsel for the railroad company He knew at that time and in that way that Brownell was the general counsel of this company, and, of course, Brownell knew when he got this letter from R. W. Archbald that the latter was the judge of the Commerce Court who had under consideration these cases that he had argued. He wrote a letter to Brownell asking him if he could fix the date when he could call upon him.

Mr. BOWMAN. The gentleman from Pennsylvania [Mr. FARR] has called my attention to the statement that you have just made, that he had just become acquainted with Brownell at that time.

Mr. STERLING. A short time previous to that.

Mr. BOWMAN. I think I am safe in saying they had been acquainted for many years.

Mr. STERLING. The point is, he did know Brownell, and Brownell was the only officer of high rank connected with that railroad company in New York with whom he was acquainted.

Mr. BOWMAN. I can say further that he was well acquainted with most of the principal officials of the Erie Railroad.

Mr. STERLING. I am satisfied that the gentleman is mistaken about that, and, if he will wait a bit, I will show from the evidence that he certainly did not know the vice president of the Erie Railroad Co. at that time.

I think some of these gentlemen themselves testified that they had no personal acquaintance with Archbald prior to that time. Anyway, while he was trying these cases in New York he dropped a letter to Mr. Brownell asking him to fix a time when he could see him. Brownell replied that he could see him on the 4th of August, and Archbald went to Brownell's office at that time. He stated to Brownell briefly that he was there to inquire about the Katydid culm dump, and Brownell said—and Brownell's testimony is all we have of what occurred at that meeting—that he replied to Archbald that he did not know very much about that, and he would have to introduce him to Mr. Richardson, the vice president of the railroad company.

He took him into Mr. Richardson's office and there introduced him to Mr. Richardson, the vice president of the company, and they talked over the matter of the Katydid culm dump at that time. Richardson says he does not remember whether Archbald told him he wanted to buy the culm dump for himself or whether he was there in the interest of some other party, but he knows that Archbald was there at that time to purchase the Katydid culm bank, and he told him that he would take the matter up with Capt. May and let him know a little later.

Now, that was on the 4th day of August. Richardson did take the matter up with Capt. May. He went to Scranton and had some conversation with Capt. May about it, and wrote some letters in connection with it, and a few days later May met Archbald on the streets of Scranton and told him to tell Williams to come up and he would let him have the Katydid culm dump, and Capt. May also told Williams he could have it. He also wrote a letter to Williams, and stated the terms on which he could have it.

If I can find it without too much trouble, I will read that letter to the House. You will find the letter in Serial No. 1 of the hearings, page 26. It reads as follows:

> [Pennsylvania Coal Co. Hillside Coal & Iron Co. New York, Susquehanna & Western Coal Co. Northwestern Mining & Exchange Co. Blossburg Coal Co. Office of the general manager.]
>
> SCRANTON, PA., *August 30, 1911.*
>
> Mr. E. J. WILLIAMS,
> *626 South Blakely Street, Dunmore, Pa.*
>
> DEAR SIR: As stated to you to-day, verbally, I shall recommend the sale of whatever interest the Hillside Coal & Iron Co. has in what is known as the Katydid culm dump, made by Messrs. Robertson & Law in the operation of the Katydid breaker, for $4,500.
>
> In order that it may not be lost sight of, I will mention that any coal above the size of pea coal will be subject to a royalty to the owners of lot 46, upon the surface of which the bank is located.
>
> It is also understood that the bank will not be conveyed to anyone else without the consent of the H. C. & I. Co., and that if the offer is accepted articles of agreement will be drawn to cover the transaction.
>
> Yours, very truly,
>
> W. A. MAY, *General Manager.*

That was signed by W. A. May, general manager, and was written on the 30th day of August, after the 4th day of August, when Archbald had had this conversation with Richardson and Brownell.

Mr. FARR. Mr. Chairman, may I interrupt the gentleman?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. STERLING. Yes.

Mr. FARR. Was the lighterage case determined before or after Judge Archbald's visit to Mr. Brownell?

Mr. STERLING. I would not say with reference to that, but the cases were not determined at the time that Williams reported back to Archbald that May had refused to consider the proposition to sell the Katydid culm dump.

Mr. FARR. Will the gentleman permit me to say that the evidence shows that it was before that?

Mr. STERLING. That may be. I do not know what the evidence discloses as to that.

Mr. FARR. I do not think it is important.

Mr. STERLING. I think it is. They say they proposed to sell this coal dump to Williams for less than what it was worth, but I do not consider that question of importance.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield right there to a question as to the value of that coal dump?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. STERLING. Yes.

Mr. BOWMAN. I know something about the value of that bank, and also about the value of some other banks in that section. It is a very problematical matter, the value of any bank, and, I say, basing my statement on the opinion of Capt. May in comparison with others, that his opinion was that it was of very much less value than that stated by another engineer who was brought there. I believe his opinion is to be depended upon. It is stated here that his opinion might be prejudiced, but I know him very well, and I do not think you could get from him in any case an opinion that he did not think was based on the facts.

Mr. STERLING. Well, that is as far as I care to yield to the gentleman. He can make a further statement in his own time, if he so desires.

Mr. FARR. Mr. Chairman, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FARR. Will the gentleman permit me to inject something here in regard to Mr. Brownell and the consideration of the lighterage cases?

Mr. STERLING. I can not yield for any statement. If the gentleman has any question to ask, I will yield.

Mr. FARR. I will ask the gentleman when were the proceedings in the lighterage cases begun?

Mr. STERLING. They were begun long before this deal was considered by Williams and Archbald, and the briefs were on Judge Archbald's desk on the very day that Williams went to May and on the very day that he returned to see Judge Archbald.

Mr. FARR. Does the gentleman think, after hearing the testimony and after having viewed Mr. Williams, that he had knowledge enough to know what a brief was?

Mr. STERLING. If he did not know, then the very fact of his ignorance as to what a brief is is the most convincing evidence, to my mind, that Judge Archbald then and there said to him just what he says Judge Archbald said—that is, "I have got some cases now on my desk for the Erie Railroad Co." And I believe that Williams was telling the truth then, because he would not have known what they were otherwise.

Mr. FARR. I will ask the gentleman what was the inference he drew from this remark?

Mr. STERLING. The usual inference that would be drawn.

Mr. FARR. Now, when was the case argued?

Mr. STERLING. I do not know when it was argued. I know that the printed brief had been made at the time of this visit by Williams to May. I think all that is material is the evidence which connects Judge Archbald with this transaction at the particular time when these cases were pending in his court.

It makes no difference whether Judge Archbald was influenced in his decisions or not by those transactions with the Hillside Coal & Iron Co. and the officers of the Erie Railroad. His conduct in those transactions with people who had litigations in his court at the time condemns him as a judge, and he ought to be impeached for such impropriety. This question of influencing a judge's mind is one that we can not deter-

mise from direct proof. There is none. We have to draw our conclusions from the circumstances surrounding these transactions, and no judge ought to bring his office into disrepute and into public scandal by dealing in that way with persons who have litigation in his court.

Mr. FARR. The gentleman stated that when Judge Archbald visited Mr Brownell he sought to use his judicial influence in favor of getting this option on the Katydid culm bank when the Erie people had litigation before him.

Mr. STERLING. That is what the charge says.

Mr. FARR. That is what the charge says, but the facts do not sustain that.

Mr. STERLING. The gentleman will have to draw his own conclusions from the record.

Mr. FARR. I think this is a very important matter, and this ought to be cleared up at this time.

Mr. CLAYTON. Let me suggest to the gentleman from Illinois——

Mr. FARR. I think the gentleman from Illinois is capable of taking care of himself.

Mr. CLAYTON. I know he is quite well able, but the gentleman from Illinois [Mr. STERLING] has not observed one fact, and that is that the gentleman from Pennsylvania [Mr. FARR] is not reading from the testimony, but is reading from the brief furnished to the committee which was prepared either by Judge Archbald or by his counsel.

Mr. FARR. Referring to the pages in the record, I want to ask the gentleman when that lighterage case was determined?

Mr. STERLING. I told the gentleman I did not know.

Mr. MANN. Does not the brief show?

Mr. FARR. May I read for the gentleman's benefit——

Mr. STERLING. I can not yield for the gentleman to read.

Mr. FARR. I do not think the gentleman ought to decline on a point so vital as that.

Mr. STERLING. If there is any pertinent question the gentleman wishes to ask, I will answer it if I can.

The SPEAKER pro tempore. The gentleman has declined to yield.

Mr. FARR. The gentleman said he would answer any pertinent question.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. STERLING. I will yield for a question, but not to let the gentleman read.

Mr. FARR. When was this lighterage case determined?

Mr. STERLING. I have said I did not know.

Mr. FARR. When did Judge Archbald visit Brownell?

Mr. STERLING. On August 4, 1911.

Mr. FARR. And the appeal to the Supreme Court was taken June 13, 1911, in that very case.

Mr. STERLING. I can not see the materiality of that. My position is that if had not been appealed to the Supreme Court, but was still in the Commerce Court, and was then and there being considered personally by Judge Archbald at the time he sent Williams to May to buy this dump.

Mr. FOCHT. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. FOCHT. The gentleman, of course, heard the testimony of Mr. Williams throughout?

Mr. STERLING. Yes.

Mr. FOCHT. I also heard considerable of it. Would the gentleman undertake to say that he would be influenced by a man in the mental condition of Mr. Williams in voting on this bill? Does the gentleman think Williams was mentally competent to give any testimony that should influence any intelligent, sane man?

Mr. STERLING. I will say to the gentleman frankly that I do not consider Mr. Williams a very reliable witness.

Mr. FOCHT. Does the gentleman think Williams is sane?

Mr. STERLING. I think he is sane.

Mr. FOCHT. Does the gentleman think Williams is mentally competent?

Mr. STERLING. Yes; I think he is mentally competent.

Mr. FOCHT. Does the gentleman think Williams was sober all the time?

Mr. STERLING. I think he was sober before the committee.

Mr. FOCHT. I do not think so.

Mr. STERLING. That is your opinion. I will say frankly that I do not regard Mr. Williams as a high type of man, but I do say he was the kind of man that Judge Archbald seems to have used as his rounder to hunt up these transactions and was Judge Archbald's associate in that transaction for the Katydid culm. Judge Archbald selected his associates and not the Judiciary Committee, and he was the kind of man, and the only man, the committee could go to to get the facts. We did get some facts from Mr. Williams, as I said, and I think we are justified in relying on everything Mr. Williams testified to that was adverse to Judge Archbald, for the reason that he was an unfriendly witness to the prosecution, if I may call it so, but was a very friendly witness to Judge Archbald.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. STERLING. Yes.

Mr. COOPER. Does the testimony disclose how long Judge Archbald had been acquainted with Mr. Williams prior to these transactions?

Mr. STERLING. I do not think it does, but I think he had known him for many years.

Mr. NORRIS. Oh, yes; long before he went on the Federal bench.

Mr. COOPER. At any rate, for many years.

Mr. NORRIS. Yes.

Mr. COOPER. Had they been intimate?

Mr. STERLING. I think they had had transactions together before—perhaps not as partners, but I think Judge Archbald had assisted Williams in other transactions before. Anyhow, they were thoroughly well acquainted, and had been for a long time.

Mr. COOPER. It occurred to me, on the question of Williams's mental capacity, that if the judge, knowing him for many years, selected him as his agent, engaged in many important business transactions, that he regarded him as mentally competent.

Mr. STERLING. Oh, he was mentally competent. The chairman, Mr. CLAYTON, suggests that the evidence disclosed that Williams testified that he had been a long time acquainted with Judge Archbald.

Mr. CLAYTON. And had been his political supporter long before he had been on the bench.

Mr. COOPER. Then the judge knew him well, and thought him mentally competent?

Mr. CLAYTON. Undoubtedly.

Mr. MANN. I would like to ask the gentleman from Illinois one question.

Mr. STERLING. I yield to my colleague.

Mr. MANN. I notice the resolution says that Mr. Williams and Judge Archbald agreed to become partners. Is there any controversy about that?

Mr. STERLING. There is no testimony to the contrary.

Mr. MANN. If Judge Archbald agreed to go into a partnership with Williams, either without knowing him or knowing him, and Williams was an imbecile, as suggested by the gentleman from Pennsylvania——

Mr. FARR. Which gentleman from Pennsylvania?

Mr. MANN. All three.

Mr. FARR. Oh, no.

Mr. MANN. Well, the gentleman from Pennsylvania, Mr. FOCHT. As I say, if Judge Archbald went into partnership with Williams, either without knowing him or knowing him, and Williams was an imbecile, is not that almost a sufficient reason for removing him from the bench on the ground of imbecility himself?

Mr. FOCHT. He was indiscreet; that is all.

Mr. STERLING. If he was an imbecile, it is no defense to Judge Archbald.

Now, I have read the letter that May wrote to Williams after Archbald had been to New York and seen the general counsel and the vice president of the railroad company. You remember in the letter he says that articles will be drawn up. Judge Archbald and Williams never put a dollar into the transaction. It was not their intention to do so. They were simply buying an option, and they took the chances of selling it at a profit. After they got the letter from May, Williams proceeded to find a purchaser for the culm dump. He first went to a gentleman named Conn, the manager of the Laurel Electric Railroad Co., which railroad company was the most nearly located to this culm dump, except the Erie. He made a deal to sell it for $20,000.

To go back a minute, before Williams and Archbald had succeeded in buying the interest of the Hillside Coal & Iron Co. in this dump, Williams went to Robertson and got an oral agreement to purchase their interest for $3,500, and then after getting the letter he went back to Robertson and he gave a written agreement whereby he was to give him an option on Robertson's interest in the culm dump for $3,500. Then the letter of May to Williams fixes their price on their interest in the dump at $4,500, making a total of $8,000 that they were to pay for the dump. They were to pay for it only in case they sold it; then they were to pay these parties the several sums,

and whatever they sold it for above $8,000 was their profit in the transaction.

He made an agreement with Mr. Conn to sell for the sum of $20,000, subject to approval of title. A little later it turned out that Mr. Conn's lawyers advised him there was some doubt about the title. I think the doubt rose from the fact that the Eberhart heirs were claiming an interest in it, as Mr. Mays suggests in his letter to Mr. Williams, where he says that they have an interest there and the purchaser must pay Eberhart the royalty which comes from the dump the same as the royalty which came from the original mine when the dump was being formed. So Mr. Conn refused to take it. Then Mr. Williams went to Mr. Bradley. Mr. Williams had an agreement with Mr. Bradley to sell it, I think, at 27½ cents per ton—that is, per ton of all the matter that was contained in the dump, amounting, as differently estimated, to from $27,000 to $35,000. As the gentleman indicated a few moments ago, there was some difference of opinion as to the value of this culm dump.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. STERLING. Certainly.

Mr. FARR. Does the gentleman not confound the price in the Bradley case with that of the Conn or Laurel Line case? The Bradley price is $20,000. It did not go through.

Mr. STERLING. It did not go through because the whole thing was exposed before it was closed up.

Mr. FARR. And the price with which Mr. Conn was to pay was not $20,000, but $12,943.60.

Mr. STERLING. No; there is no such evidence as that. If the gentleman will read the testimony, he will find that it was not offered for any such price.

As to the value of the dump, it is immaterial whether Archbald and Williams were getting the culm dump for less than it was worth, for what it was worth, or for more than it was worth. It was their purpose in buying the dump to make money out of it, and when they bought it for $8,000 they thought they got it at a price at which they could make money. The essence of the charge in this article is simply this, that Judge Archbald used his influence as a judge to induce these litigants in his court to sell this dump at that price. He hoped to make a profit. Personally I think the dump was worth a great deal more money than that, and I desire to call the attention of the House to what I consider the most reliable testimony on the subject. There were different estimates. My recollection of the testimony is that the engineers of the Erie Railroad estimated that there were 42,000 tons of pure coal; but, not relying on that, I will call the attention of the House to the testimony of Mr. Rittenhouse, who seemed to be a very fair witness, who very recently measured this dump at the request of Mr. Brown, of the Department of Justice, and who testified before the committee on that point. His testimony begins on page 176 of Serial No. 2, and on the second page of that testimony the acting chairman, Mr. WEBB, at that time said [reads from record]:

I wish you would state the amount of coal of various sizes which you estimate this bank contains, based on your test.

Mr. RITTENHOUSE. Yes; I will give it in percentages.

Then he gives in percentages the coal of chestnut size, pea coal, No. 1 buck, No. 2 buck, and No. 3 buck, making a total of 51.893 per cent of the entire dump as coal made up of those various sizes. He testified that the total culm dump contained 90,000 tons.

Mr. STERLING. That is, 51 per cent of the culm bank was coal.

Mr. RITTENHOUSE. Fifty-one per cent was coal; yes. Forty-eight and one-tenth per cent was waste. Taking the bank as containing 90,000 tons, round numbers—its exact figure is 90,186 tons—but taking it at 90,000 tons, we have the various sizes according to the above percentages.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CLAYTON. Mr. Speaker, does the gentleman want more time?

Mr. STERLING. I would like to have more time.

The SPEAKER. Each gentleman who gets recognition is entitled to an hour in his own right.

Mr. STERLING. Then, Mr. Speaker, I will take the floor in my own right.

The SPEAKER. The gentleman has had an hour in his own right.

Mr. CLAYTON. How much time did I consume?

The SPEAKER. The gentleman has 20 minutes left.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of my colleague may be extended for 25 minutes.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. Is it not a fact that the gentleman from Illinois [Mr. STERLING] has simply used up the balance of the hour that the gentleman from Alabama had?

The SPEAKER. Oh, no; the situation is very simple. Each gentleman who gets recognition is entitled to an hour. The gentleman from Alabama obtained recognition for an hour and he used 40 minutes of his time. Then the gentleman from Illinois was recognized for an hour in his own right. The request of the gentleman from Illinois [Mr. MANN] straightens the matter out.

Mr. CLAYTON. Mr. Speaker, I hope that there will be no objection to that request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. MANN] that his colleague [Mr. STERLING] may have 30 minutes more?

There was no objection.

Mr. STERLING. Taking up the testimony of Mr. Rittenhouse again, he says:

Chestnut and above, 5,477 tons, at $3.25 a ton, average price, $17,800.25.
Pea coal, 937 tons, at $1.78 a ton, $1,667.86.
No. 1 buck, 11,177 tons, at $1.41, makes $15,759.57.
No. 2 buck, 8,904 tons, at $0.70 a ton, $6,232.80.
No. 3 buck, 20,209 tons, at $0.30 a ton, $6,062.70.
Making a total of 46,704 tons, or a value of $47,533.18. If the line price were obtained instead of the 65 per cent basis, then the amount would be increased to some little extent. If what passes through a three thirty-seconds inch mesh and over a one-sixteenth is saved, or 12,678 tons at 30 cents, an increment of $3,803.40 would be added to the above, making a total of $51,336.51.

A little later on in the examination, Mr. WEBB, then chairman, asked him what would be the net profit on this coal on the estimated amount on his estimated price after paying for the washing of it, after preparing it for market there at the bank, and he testified that the net profit would be about $35,000, but that in his opinion the Erie Railroad Co. could handle it and realize that profit. Now, gentlemen, that culm bank was evidently worth, according to this testimony, a great deal more than $8,000; so even if they were willing to give Williams and Archbald a decent and a respectable profit, they could have had a great deal more money for it than the amount for which they sold it. They had a bid from some one of $20,000 in one case and more, I think, in another case within a very short time after this proposition had been made to them, which indicates conclusively that they got this culm bank much below a fair market value.

Mr. BUTLER. Would it annoy the gentleman if I interrupted him there?

Mr. STERLING. I will yield in a moment. But we insist now that no Member ought to be misled by any argument as to the value of this culm dump. I care not, so far as my personal convictions go, whether they were buying it for less or whether they were paying more for it than it was worth, the same offense exists in this case, that Judge Archbald undertook to use his influence as a judge to induce the sale of this property to him and his associate for the purpose of making money, and the question of what it is worth simply goes to the matter of judgment between the parties connected with the transaction. Now I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Appreciating, as I do most thoroughly, the position the gentleman has taken, I will be very much pleased if he will answer me just this one question: Is there any evidence to show any relation of any kind which this Federal judge had with the other persons interested in this culm dump, one-half of the interest was owned by the railroad company? I recall all the gentleman said relative to the Federal judge's association with the company, but did he have any association with the other owners, the owners of one-half of this coal?

Mr. STERLING. I am glad the gentleman asked me that question, for if he had not I would have omitted one element of the testimony in this case which I think is important. Robertson was quite willing to sell. He wanted to sell his interest in the dump, and Williams did not need any influence from any source to get that interest, but it was against the policy of the Erie Railroad Co. and the Hillside Coal & Iron Co. to sell coal properties. They were not willing to sell their interest. They did not want to sell. Hence Williams needed assistance, needed influence from some source greater than himself, to prevail on them to part with the property.

Mr. BUTLER. What is the explanation why Robertson should sell for $3,500?

Mr. STERLING. The interest in this dump was not each a half share. I do not think they claimed a half interest in it. He sold just such interest as he had.

Mr. BUTLER. And it was not fully ascertained, was it?

Mr. STERLING. Not fully ascertained; and the railroad company, I think, claimed it owned a greater interest than Robertson——

Mr. FARR. Was not Mr. Robertson able to purchase an interest of the Hillside Coal & Iron Co. for $2,000 a year previous to that?

Mr. STERLING. There was some evidence that it was offered some time before this for $2,000. That is in the record. It is only within a very recent time that these culm dumps have become valuable.

Mr. FARR. May I ask if the Bradley testimony does not show it could be bought for $20,000?

Mr. STERLING. Yes; and that is a profit of $12,000; and if the gentleman is going to rely on that as an essential part of the proof of guilt in this case, it seems to me a profit of $12,000 to these gentlemen, $6,000 to each of them, without having invested a single cent in the transaction, is fairly good.

Mr. FARR. Will the gentleman permit me to say that he said this dump was worth $50,000 or more?

Mr. STERLING. No.

Mr. FARR. Yes; you did.

Mr. STERLING. I stated what this record states right here, and I say I believe that testimony is reliable, and that puts it at $47,000.

Mr. FARR. That is ridiculous.

Mr. STERLING. To show that Judge Archbald considered he had an interest in this culm dump when they came to sell it Mr. Williams wanted a letter of introduction to Mr. Conn, superintendent of the Laurel Lines, and he wrote this letter on September 20, 1911. It is written on the letterhead of the United States Commerce Court, Washington, and reads as follows:

[R. W. Archbald, judge, United States Commerce Court, Washington.]

SCRANTON, PA., *September 20, 1911.*

MY DEAR MR. CONN: This will introduce Mr. Edward Williams, who is interested with me in the culm dump about which I spoke to you the other day. We have options on it both from the Hillside Coal Co. and from Mr. Robertson, representing Robertson & Law, these options covering the whole interest in the dump. This dump was produced in the operation of the Katydid colliery by Robertson & Law, and extends to the whole of the dump so produced. I have not seen it myself, but as I understand it this dump consists of two dumps a little separate from each other, but all making up one general culm or refuse pile made at that colliery. Mr. Williams will explain further with regard to it if there is anything which you want to know.

Yours, very truly,

R. W. ARCHBALD.

You will note the letter says, "Mr. Edward Williams, who is interested with me."

Now, that transaction failed, as I have said, because Conn's attorney expressed some doubt as to the title.

Then, you will find, according to the record, that a little later May prepares articles of agreement and sends them to Mr. Bradley with a letter, asking him to examine them, submit them to Mr. Williams, and, if Mr. Williams is satisfied, to return the articles, and he will submit them to the company for approval, and if satisfactory, they will sign up.

That was sent to Bradley on one day, and the next day Archbald sees Bradley at the depot and asks him to call that off, that some complications have arisen, and they had better stop the negotiations, and also writes him a letter to the same effect, in which he tells him the transaction will be withdrawn on account of certain complications. No one knows what complications were referred to, excepting there had appeared in the newspapers in the meantime this scandal about Judge Archbald's relations with persons who had litigation in his court. And I think it was concluded by the committee that the reason the transaction was withdrawn was because it had become public.

Mr. FARR. Was the gentleman basing that statement on the evidence of Capt. May?

Mr. STERLING. I stated I concluded from the evidence that it was withdrawn because the scandal had become public. Now, that is my conclusion. There is not anything in the record stating that was why it was withdrawn.

Mr. FARR. Is there not a statement in opposition to that by Capt. May himself?

Mr. STERLING. I think there is, but I do not believe it. No complications had arisen in the meantime at all. The only reason was that the scandal had become public.

I want to call attention briefly to article 2. That charges that Judge Archbald for a consideration joined with George M. Watson, an attorney at Scranton, Pa., to settle certain litigation that was then pending in the Interstate Commerce Commission, and to also sell the stock of a certain washery at Scranton to the Delaware, Lackawanna & Western Railroad Co. The Marian Coal Co. was a corporation operating a washery near Scranton. They had become involved in litigation, and they desired to sell their property. They had also, previous to that time, filed a suit in the Interstate Commerce Commission, claiming a large sum of money from the Delaware, Lackawanna & Western Railroad Co. for overcharges in rates. That litigation, as I have said, was pending in the Interstate Commerce Commission. They desired to settle it with the railroad company and wanted to sell out their washery, or their two-thirds interest in the stock of the corporation, and get out of the business. One day this same Williams came to William Boland, who was the man who had charge of the washery, and said to him, "George Watson can settle your lawsuit and sell your property." William Boland is a brother of Christy Boland, who was a banker and real estate man. Williams talked it over with him also. The conversation resulted in Christy Boland going to see George M. Watson and talking the matter over with him.

Watson said, and Boland also said, that he stated to Watson that he would take $100,000 for their claim in the court and for their two-thirds interest in the stock of the Marian Coal Co. They also talked of the fee they were to pay Watson, and it was agreed that Watson was to have $5,000. Christy Boland said to Watson, "I will go and see my brother, and, if satisfactory to him, I will agree that you shall have $5,000." The Bolands agreed between them that Christy should go back and make a definite arrangement with Watson that they would pay him $5,000 if he would settle that suit and sell the property to the Delaware, Lackawanna & Western Railroad Co. for $100,000.

But they said further to Watson, "We will take less, but you can put the price at $100,000." Watson said he would undertake it. The very next day Christy Boland received a call from Judge Archbald's office by telephone.

He went immediately to the office of Judge Archbald in the Government building. Archbald and Watson were there together. They talked over the arrangement the Bolands had made with Watson. Archbald said to Boland, "Now, I understand you have agreed to pay Watson $5,000?" and Boland said he had. He says, "There ought to be some evidence of that agreement in writing. It would be better now if you would give Mr. Watson an agreement in writing to the effect that he is to have $5,000 for his services in making this settlement and selling this property." Christie went to see his brother and got an agreement to pay $5,000 and took it back and delivered it to Watson.

Now, I conclude, and I believe every member of the committee concludes, from the evidence in this case and the circumstances surrounding the transaction and from events that followed that meeting in the judge's office, that Watson and Judge Archbald had agreed then and there to take it upon themselves to settle this case, and that Judge Archbald was to have a share in the fees. Of course the absolute truth of that is in the bosoms of Watson and Archbald and nowhere else. But I will cite the circumstances surrounding the case, and I believe you will conclude from all the evidence that Judge Archbald, just as ardent, just as earnest, even more eager, apparently, to produce results in this proposed deal with the railroad company than Watson, was, in consideration of such services, to have at least some of the pay that it was agreed should go to Watson.

Within a week—I believe sooner than that—Judge Archbald met Mr. Loomis on the streets of Scranton. Mr. Loomis is the vice president of the Delaware, Lackawanna & Western Railroad Co., and Mr. Reese A. Phillips is the superintendent of the coal-mining department of that company. Mr. Truesdale is the president. Archbald met Loomis on the street and had a talk with him about this matter and told him he ought to settle; that "now is a good time to settle with the Bolands that lawsuit that was pending in the Interstate Commerce Commission" and to buy the controlling interest in the Marian Coal Co.

Now, mark, gentlemen; at that time the Delaware, Lackawanna & Western Railroad Co. had suits pending in the Commerce Court, of which Judge Archbald was one of the judges. This Boland case that had been brought against that railroad company was then pending in the Interstate Commerce Commission. However it was decided, it had not been decided at that time; but whatever the result in the Interstate Commerce Commission, it was almost certain to go to the United States Commerce Court. This railroad company knew it. This railroad company and these officials knew that they had litigation pending at that time in the Commerce Court, and they knew that they would probably very soon have another, the Boland suit for excessive rate charges, in that same court, of which Judge Archbald was a judge.

Judge Archbald, knowing all those facts and circumstances, proceeds ardently and eagerly to see Mr. Loomis, the vice president of the company, and urges the company to settle the case. That is not all. He telephones for Mr. Phillips, the superintendent of the coal mining department of the railroad company, to come to his house. Phillips forgets to come at the appointed time and Archbald calls him up again, and then Phillips goes over to his house and they talk over a settlement of this case and the sale of this stock to that railroad company.

But that is not all. I want to refer you to some of the letters. Before doing that I will state that Loomis, after he had a talk with Archbald, went to the headquarters of the coal mining department of the railroad company, at Scranton, to see Mr. Phillips, who was not there; but he left word for Phillips to take the matter up with Watson. You see, Archbald had told Loomis, when he met him on the street, that Watson had the matter in charge.

In a few days Phillips came back, and the man in charge of the office in his absence told Phillips that Mr. Loomis, the vice president, had left orders there for them to take the matter up with Watson, and Mr. Phillips did so, and then wrote to Loomis.

The report of Phillips was adverse. That is, in his estimate the property was not worth nearly $100,000.

But let me not overlook another fact. This man Watson did not price the property to the railroad company at $100,000. He priced it at $160,000, although the Bolands had told him to price it at $100,000, and told him they would take even less than that.

I want to call attention to another sort of testimony, on which I myself do not rely and on which I do not ask anybody in this House to rely. Christy Boland testified that when he found out that Watson had asked $161,000 for the property he asked Watson why he had priced it at that high sum, and Watson said to him "There are some other gentlemen who will have to be taken care of. I have got to divide this surplus up among four persons." He said, "Who are they?" Watson reluctantly told him, and he said Judge Archbald, Mr. Loomis, Mr. Phillips, and himself. Now, Christy Boland testified that Watson told him that. I believe that Watson told it, but I have not very much faith in the testimony of this man Watson, and I myself do not base any conviction that I have on that fact, and I would not ask any Member of the House to base any conviction on that. It only illustrates the kind of a man Watson is.

Mr. BUTLER. He wanted to divide his crime with some one else.

Mr. STERLING. Although I am sure this man—Christy Boland—was telling the exact truth when he testified to the conversation which he had had with Watson.

Now, let me call your attention to the letter which Judge Archbald wrote. Loomis's home was in New York. Phillips's report to Loomis was adverse, and after they had had some correspondence, which you will find on page 1134 of series 9, Mr. Loomis writes this letter to Judge Archbald:

SEPTEMBER 27, 1911.

MY DEAR JUDGE: As per our recent interview, I instructed our people to call on Attorney Watson in connection with the Boland case, and I find there is little, if any, prospect of our reaching any settlement of this case, owing to the very great difference of opinion as to the merits of Mr. Boland's claims and the value of his properties.

Thanking you, however, for your good efforts in this direction, I am,

Very truly, yours,

———— ————.

That was signed "E. E. Loomis" and addressed to "R. W. Archbald, Scranton, Pa."

Judge Archbald and Watson were not to be put down by that proposition, and so Judge Archbald on September 28 replied to Loomis in this way:

SCRANTON, PA., *September 28, 1911.*

MY DEAR MR. LOOMIS: I am very sorry to have your letter stating that you have not been able to effect a settlement with Mr. Boland. I trust, however, that the matter is still not beyond remedy. And if I thought that it would help to secure an adjustment I would offer my direct services. I have no interest except to try and do away with an unpleasant situation for both parties, and I hope that this still may be possible.

Yours, very truly,

R. W. ARCHBALD.

That was written on paper of the United States Commerce Court.

Now, evidently after Archbald had received the letter of the 27th from Loomis, Watson and Archbald had a conference, because Watson on October 2, 1911, writes this letter to Loomis, in which he says:

OCTOBER 2, 1911.

Mr. E. E. LOOMIS,
Vice President Delaware, Lackawanna & Western Railroad Co.,
90 West Street, New York City.

DEAR SIR: In relation to a matter existing between the Marian Coal Co. and your road and coal department, and also a claim against the traffic department of your road which I have had under consideration here and with which I presume you are more or less familiar, I decided after a conference with your Mr. Phillips, of the coal department, to ask for a meeting with you and the president of your road, Mr. Truesdale, if convenient, at the earliest time you could find your way clear to meet me either in New York or Scranton. If you will kindly advise me either by wire or letter, I will hold myself in readiness to meet you on a few hours' notice.

I am, very truly, yours,

G. M. WATSON.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BUTLER. How much time would the gentleman from Illinois like to have?

Mr. STERLING. I think I could finish in 15 minutes.

Mr. BUTLER. I ask that the gentleman's time be extended 15 minutes.

The SPEAKER. The gentleman from Pennsylvania asks that the time of the gentleman from Illinois be extended 15 minutes, is there objection?

There was no objection.

Mr. STERLING. Mr. Speaker, after these letters were written by Watson and Archbald to Loomis, they succeeded in arranging an interview with the president and vice president of this railroad company. Watson was to meet them at Scranton and lay his proposition before them and state to them the basis of their claim. Watson says in anticipation of that meeting he wired Judge Archbald here at Washington to know when and where he could meet him, and he says that the only purpose he had in coming to Washington was to get certain papers in what was known as the Meeker case, and which had been decided by the Interstate Commerce Commission a short time before. Watson evidently is not telling the truth about that. We know that from the date of a telegram which he sent to Judge Archbald on the 6th. This conference with Truesdale, Loomis, Phillips, and Watson was on the 5th of October at Scranton. I believe that is true because Mr. Loomis produces a letter in which he has a memorandum saying "Met Watson at Scranton, October 5." This telegram which Watson sent to Archbald is dated on the 6th. So that as a matter of fact Watson met these gentleman there as they agreed on and he proceeded to lay his case before them. He did not get any encouragement or any indication that they were going to accept his exorbitant price. Then the next day desiring another conference with his associate in the transaction, Judge Archbald, he sent the telegram. He wanted to come down and tell him what had occurred, and advise with him as to the next step. Anyhow, that is the order of events as we get it from the evidence, and as I believe all the committee understand it.

Now, let us see about this visit of Judge Archbald coming to Washington. I think he testified falsely when he said he came down here to get these papers to have them present at the conference so that he would be fortified in his claim about overcharges for rates. The conference had occurred before that and he wired Judge Archbald the next day, and then on his way down here he wired again asking him to meet him at the Raleigh Hotel.

He came down here, I think getting here on the 7th. When he got to the Raleigh Hotel, Judge Archbald was waiting for him on the outside. They went together up to the rooms of the Commerce Court and talked the matter over there for some time. Mr. Watson says he simply was here to get the papers, which was not true, because he had had the conference the day before. He gives no reason, except this false reason, why he made that hasty trip here to see Archbald. Watson is worthy of belief in those instances where he testified adversely to Judge Archbald, because he is an adverse witness. Evidently from his testimony and his manner he did all that he could in favor of Judge Archbald, and said just as little as he could against him.

With these telegrams and this correspondence fortifying certain things that Mr. Watson said—he is an important witness, although I say frankly that I believe he was not altogether a truthful witness—taking into consideration the fact that Mr. Watson when he got in this deal went to Judge Archbald's office and called Christy Boland in to confer with him about it, Archbald being the man who insisted upon the contract for fees being in writing, and then taking into consideration the fact that he took it up and urgently pursued the settlement and sale day after day and week after week by correspondence and personal interviews with the officers of the railroad company, who then at that time had litigation in his court, who then at that time had litigation before the Interstate Commerce Commission which was almost certain to come to his court, we concluded that Judge Archbald used the influence which accompanies him by virtue of being a judge of that court in which these cases were pending to induce this railroad company to settle this suit and to buy this stock.

Mr. FARR. Did the railroad company buy it?

Mr. STERLING. No; it did not buy it; and it makes no difference whether it bought it or not. That simply proved, not that he did not use his influence, but that his influence was futile. That is all.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. STERLING. Yes.

Mr. BOWMAN. The gentleman has heard all of the testimony. Does he think that this man was the guilty party, using these others or that they were using him? I have a purpose in the question. This man has borne a good reputation and he comes from one of the very best families in that district. I

have always thought well of him, and I have had no time to examine the matter until now. I ask the gentleman's opinion as a lawyer and judge.

Mr. STERLING. My opinion is indicated by the fact that I agree with this report which the committee made in this case. I want to say frankly to the gentleman that it is no more of a task for him to vote Judge Archbald guilty than it is for me. It is no more of a task to the gentleman from Pennsylvania [Mr. FAUST], who represents Judge Archbald as one of his constituents in this House, than it is for me. As I said to him in the beginning, I was impelled by the force of the testimony in this case to find that he ought to be impeached, and I believe that this House would be derelict in its duty if it did not impeach. Bear in mind that even though some of these transactions, or all of them, were transactions that you and I as private citizens or any person as a private citizen could have carried out with perfect propriety, yet, when done by a judge, by a high judge of a high court, who had at the time litigation pending in his court over which he had control and power to decide, even though these things did not influence his judgment, I say to you that it was such impropriety, such an utter disregard for judicial ethics and the duties of the position which he occupies, that he is not fit to be a judge.

Mr. Speaker, there are other counts equally important with these. The gentleman from Arkansas [Mr. FLOYD], and the gentleman from North Carolina [Mr. WEBB], and the gentleman from Ohio [Mr. HOWLAND], and other gentlemen of the committee are better qualified to detail the facts than I am. The thirteenth article, the last one, is a general omnibus count in which we have sought to cover by a general statement all of the facts, all of the charges, contained in the other 12 counts. It is a general statement of all these transactions which extend over the whole history of this man's life since he went on the bench. His desire to mingle with the class of men with whom he did mingle, to take as his associates the rounders of Scranton, who seem to have no fixed business, and who were simply looking here and there for easy money wherever they could find it, take into consideration the fact that he took into partnership with him that class of men and carried on business with them, thus permitting them to use his high office and the influences which go with it for commercial purposes, and you will agree with me that it disqualifies him for the high office which he holds.

Mr. MOORE of Pennsylvania. I desire to ask the gentleman as to the procedure under which the House now acts? The resolution which we are considering is House resolution 524, which provides that the Committee on the Judiciary shall have power to send for witnesses and papers, and so forth. Do I understand——

Mr. MANN. That is not the resolution that we are considering. We passed that a long time ago. That is one of the unfortunate errors of the clerk.

Mr. MOORE of Pennsylvania. I want to know as a layman whether we vote now upon the guilt or innocence of Judge Archbald, or whether we vote to send him to trial.

Mr. STERLING. We do not determine the innocence or guilt of Judge Archbald. We determine whether or not there is a reasonable ground to believe he is guilty of these charges. It requires the degree of proof that justifies an indictment before a grand jury. This is simply a proceeding to determine whether or not Judge Archbald should be committed to trial to determine the question of his innocence or guilt. Whatever this House may do, if it votes to carry this resolution, it does not prove at all that Judge Archbald is guilty. It just says that the House is of the opinion that he ought to be tried, and that the evidence is sufficient to justify such trial.

Mr. BUTLER. In other words, presents him for trial.

Mr. MOORE of Pennsylvania. Then we are in this position, that charges have been made against a member of the judiciary and witnesses against him have been heard by the Committee on the Judiciary and that committee now reports that he ought to be tried for the offenses charged against him.

Mr. STERLING. That is what it amounts to.

Mr. MOORE of Pennsylvania. Then a vote to-day in favor of the resolution now before the House means that we do not determine his guilt or innocence, but merely send him to the Senate for trial.

Mr. STERLING. That is true.

Mr. MOORE of Pennsylvania. And that one side having been heard an opportunity is now given to the judge to be heard, so a defense may be entered if he desires to be so heard?

Mr. STERLING. Yes.

Mr. Speaker, in conclusion permit me to say that the course which Judge Archbald pursued disqualifies him from holding that high office. He has repeatedly used his influence as a judge to induce litigants in his court to enter into business transactions for profit to himself. He has sought to commercialize that power which came to him by virtue of his high office. He has obtained credit and made profits from those who have received favorable consideration in his court and from those who hoped, in pending suits, to obtain favorable consideration at his hands. He has brought the office of judge into disrepute and public scandal. The best safeguard to governmental institutions is a wholesome and well-deserved public confidence in men in high places. If that can not be maintained, then those institutions must fail. No other office is held in such reverence in the public mind as that of the judiciary. It is the fountain source of justice. If it be polluted, it will sooner or later be destroyed. It is made the duty of this House to impeach and the duty of the Senate to convict a judge who has brought disrepute upon the office he holds. There is no other means provided by the Constitution by which the people can be relieved from an unjust or a corrupt judge. The people have no other recourse for relief but through this House. I submit it is our duty to vote this resolution. We do not ask you to measure Judge Archbald by the standard of your highest ideals. Measure him only by the average judge and you will find that he falls far short of the requirement. He seems to have lost a proper sense of the duties and responsibilities of the office which he holds. He has failed to appreciate the proprieties which attach to his position and has brought discredit on and destroyed confidence in himself as a judge.

Mr. CLAYTON. Mr. Speaker, I ask the gentleman from North Carolina [Mr. WEBB] to occupy some time.

Mr. WEBB. Mr. Speaker, some complaint has been made, at least by one Member, that the Judiciary Committee and the House itself have not acted quite fairly toward this judge in that an effort has been made to press and carry through rapidly these proceedings and not give the judge a chance to be heard. In all fairness I want to say that is not a just criticism. The Judiciary Committee for five or six——

Mr. MOORE of Pennsylvania. Mr. Speaker, if the gentleman will allow me—of course I am unable to determine to whom the gentleman refers—I have listened with very great care to everything that has been said up to date and have certainly not heard any Member of the Pennsylvania delegation offer any criticism whatever in regard to the action of the Committee on the Judiciary. We understand that a full and fair hearing of one side of the case was had. There has been no criticism either as to the fairness or courtesy of the Committee on the Judiciary, and I would like to disabuse the gentleman's mind of that thought.

Mr. WEBB. In answer to my friend, Mr. Speaker, I want to say that a part of his statement is not correct. A full and fair opportunity was given to Judge Archbald by our committee to present his side of the case, and, in addition to that, Mr. Speaker, the Committee on the Judiciary examined every friend as a witness that the judge had in these transactions. In fact, in my opinion, every witness that we examined during six long, patient weeks was biased in favor of the judge, except one or two, who were more or less immaterial. We had to go into the camp of the judge's friends to get the testimony in this proceeding, and every person whom we heard who might know something to throw material light upon these charges we subpœnaed regardless of his biased feelings toward the judge. We also gave the judge himself the privilege of being present at all the hearings, with four lawyers, to cross-examine to the fullest extent every witness who was put upon the stand. At the conclusion of the testimony the judge himself was offered the opportunity to go upon the stand and explain, if he saw fit, these transactions and these charges that were made against him, but for some reason best known to himself he declined to go upon the stand in his own behalf and be examined and cross-examined.

I want to say to the House that there never has been, in my opinion, in the history of judicial investigations a fairer and, I might say, a more kindly investigation than this investigation of these charges against this judge. More, we felt sympathy for him. I do myself, and regret that charges have been preferred, and regret that I had to be one of the examiners in the case. We did not enter into the investigation as prosecutors; we went into it as investigators determined not to seek one iota of testimony that was unfair to this judge, but anxious that all the facts, from whatever source they might come, should be put in the record, and that this House might have them and the committee might get the advantage of them. This is what the House instructed us to do, and we have performed our task fairly, impartially, and as fully as possible under all the circumstances.

Mr. KENDALL. Mr Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from North Carolina [Mr. WEBB] yield to the gentleman from Iowa [Mr. KENDALL]?

Mr. WEBB. I do.

Mr. KENDALL. Did the gentleman make the statement to the House that the committee invited Judge Archbald to appear before it and he declined to do so?

Mr. WEBB. Judge Archbald, by courtesy of the committee, did appear before the committee from the first taking of testimony to the last; and at the conclusion of all testimony, which testimony was heard by the judge and the four lawyers representing him, the judge was given an opportunity to become a witness in his own behalf, which invitation he declined. So, I say again there has been absolutely no unfairness toward Judge Archbald. We have tried to take no advantage of this judge in his judicial position, but sought to do him justice at every step in the case. We have gone into the case as investigators and not as prosecutors.

Now, as to the law upon the question, I shall discuss it but briefly. Some one has suggested that there are no crimes punishable under the criminal law alleged in these 13 articles. For my part I believe that is correct. I think the gentleman from Pennsylvania [Mr. BUTLER] asked the question. I doubt very much if you could sustain a criminal indictment under the common law or under the law of the United States against this judge on the charges set out in these articles. But gentlemen well know that that is not necessary in an impeachment trial. It has been held over and over again that it is not necessary to charge an officer with a criminal offense in order to impeach him. Impeachment is in the nature of a political trial and covers all those acts of improper conduct or misdemeanor not covered by the criminal law as well as those offenses denounced by the criminal law. If that were so, if we had to charge a man with a crime punishable under the criminal law of State or Nation, it would be very rare that the Senate of the United States would impeach an officer.

Mr. TRIBBLE. Have you any authority on that question?

Mr. WEBB. I will say to the gentleman that every constitutional writer from Blackstone down to Tucker states that.

Mr. TRIBBLE. Are you going to read from them?

Mr. WEBB. I am not going to take the time to read the authorities fully, but will cite two or three briefly, viz:

Woodlesson in 1777 said:

> It is certain that magistrates and officers intrusted with the administration of public affairs may abuse their delegated powers to the extensive detriment of the community and at the same time in a manner not properly cognizable before the ordinary tribunals. On this policy is founded the origin of impeachments, which began soon after the Constitution assumed its present form (p. 355).

Rawle, in his work on the Constitution, said:

> The fondness frequently felt for the inordinate extension of power, the influence of party and of prejudice, the seductions of foreign States, or the baser appetite for illegitimate emoluments, are sometimes productions of what are not unaptly termed "political offenses" (Federalist, No. 65), which is would be difficult to take cognizance of in the ordinary course of judicial proceeding.
>
> The involutions and varieties of vice are too many and too artful to be anticipated by positive law.

Judge Story says on this subject:

> In examining the parliamentary history of impeachments, it will be found that many offenses not easily definable by law and many of a purely political character have been deemed high crimes and misdemeanors worthy of this extraordinary remedy.

Tucker says:

> These two cases, therefore, show that the words "high crimes and misdemeanors" can not be confined to crimes created and denoted by a statute of the United States.

In a footnote to Fourth Blackstone (p. 5, Lewis's Ed.), Christian says:

> The word "crime" has no technical meaning in the law of England. It seems, when it has a reference to positive law, to comprehend those acts which subject the offender to punishment. When the words "high crimes and misdemeanors" are used in prosecutions by impeachment, the words "high crimes" have no definite signification, but are used merely to give greater solemnity to the charge.

In Cooley's Principles of Constitutional Law it is said (p. 178):

> The offenses for which the President or any other officer may be impeached are any such as in the opinion of the House are deserving of punishment under that process. They are not necessarily offenses against the general laws.

In his work on the Constitutional History of the United States, George Ticknor Curtis says (vol. 1, pp. 481–482):

> But a cause for removal from office may exist where no offense against positive law has been committed, as where the individual has, from immorality or imbecility or maladministration, become unfit to exercise the office. The rules by which an impeachment is to be determined are therefore peculiar and are not fully embraced by those principles or provisions of law which courts of ordinary jurisdiction are required to administer.

In Watson on the Constitution (vol. 2, p. 1034) it is said:

> Congress has unhesitatingly adopted the conclusion that no previous statute is necessary to authorize an impeachment for any official misconduct. In the few cases of impeachment which have hitherto been tried, no one of the charges has rested upon any statutable misdemeanors. An examination of the English precedents will show that, although private citizens as well as public officers have been impeached, no article has been presented or sustained which did not charge either misconduct in office or some offense which was injurious to the welfare of the State at large.

The American and English Encyclopedia of Law says:

> In each of the only two cases of impeachment tried by the Senate in which a conviction resulted the defendant was found guilty of offenses not indictable either at common law or under any Federal statute, and in almost every case brought offenses were charged in the articles of impeachment which were not indictable under any Federal statute and in several cases they were such as constituted neither a statutory nor a common-law crime. The impeachability of the offense charged in the articles was in most of the cases not denied.

Mr. CLAYTON. If the gentleman from North Carolina [Mr. WEBB] will pardon me, the gentleman from Georgia will find, beginning at page 17 of the report No. 946 in this case, printed in the RECORD of July 8, 1912, a comprehensive review of the law on the subject of impeachment, quoting from every commentator on this subject and from other law writers. I think it will give him all the information he desires.

Mr. TRIBBLE. I will ask the chairman of the committee if he agrees with the gentleman from North Carolina [Mr. WEBB] that there was no criminal offense committed by Judge Archbald?

Mr. CLAYTON. I think it is not necessary to determine.

Mr. TRIBBLE. I did not ask you that question; but do you agree with him on that point?

Mr. CLAYTON. I do not, if I understand the question. I think an impeachable offense is such conduct on the part of the judge as to be the antithesis of good behavior.

Mr. TRIBBLE. I agree with you on that proposition, and I expect to vote for the impeachment trial. I want to be sure I am right in so doing, and I want to bring out all the facts.

Mr. CLAYTON. Will the gentleman let me answer his question?

Mr. TRIBBLE. But you are not answering mine.

Mr. CLAYTON. Then I misunderstood you. I think an impeachable offense, on the part of a judge, is bad behavior, for the tenure of the office of a Federal judge is fixed at "during good behavior," and I think the judge need not necessarily be guilty of either a criminal offense by statute or under common law, and there are no common-law offenses against the United States. If he is guilty of such misbehavior as constitutes the antithesis of good behavior, he may be impeached, and if you will read Watson on the Constitution, and all these authorities I have cited, you will find that he and others say that high crimes and misdemeanors mean misbehavior and the like in office. Watson says:

> Synonymous with the term "misdemeanor" are the terms "misdeed," "misconduct," "misbehavior," "fault," "transgression."

Mr. WEBB. Mr. Speaker, I repeat that it is absolutely not necessary that we should allege that a civil officer of the United States has been guilty of a violation of the criminal law before he can be impeached. If we should hold such view, what criminal law do you mean? High crimes and misdemeanors against what sovereignty, what Commonwealth, what nation? In some States public drunkenness would be a misdemeanor, punishable by imprisonment or fine; in other States it would not be. In one State an act might be a crime or a misdemeanor; in another State it might not be so. So you would get into a maze of legal questions from which we could never extricate ourselves if you were to hold that before you could impeach a civil officer of the United States he must be guilty of a crime, punishable by the criminal law of a State or nation. The House and Senate are the sole judges of the sufficiency of impeachment charges, whatever may be the nature of such charges.

Every impeachment trial from the beginning of the Government to the present involved acts on the part of the officer impeached which were not violations of any criminal law, and no man has ever been impeached except upon charges which did not involve a violation of the criminal laws of the country. So that I shall not give further time to the discussion of that phase of the question.

Some gentlemen think that we have alleged in these 13 articles facts which make this judge guilty of a criminal offense, if those facts are proven. But that is not an important consideration with respect to this case so far as the legal side is concerned. What I want to discuss is the charges in three or four of these articles. The report of the committee covers the ground generally and pretty thoroughly. Judge STERLING has argued two or three of the articles carefully and in detail, and I will take up three or four that he has not mentioned.

In the first place, gentlemen of the House, this judge, with his other human frailties, seems to have been consumed as soon as he went on the bench with a desire to make money. To start with, he is insolvent. He has nothing but his salary. The evidence shows that he has a home in Scranton, Pa., but it is

mortgaged to its full value, and therefore he has nothing but the salary which he draws, and he has a large and, I suspect, expensive family. The evidence in this case, if you will read it carefully, convinces any fair-minded man that the judge, through all of his official career, from the time he was put on the district court bench in 1901 until now, has used, not openly and not with that purpose written on his requests, but has used his position from all the evidence and all the facts, as judge both of the district court and of the Commerce Court, in order to drive good bargains and to make money.

It is true that he has not made much. He had many wires set, but he was "flushed" by this investigation just before the money began to come in. These charges were investigated by the Department of Justice last spring, and many of his well-laid schemes were frustrated when he and his associates got wind of the quiet investigation. I say this because the conclusion is irresistible from the testimony that the judge has used his official position as a judge to aid him in his efforts to make money. All through this testimony you will find that every letter that he wrote, trying to make these bargains with the railroads that had at the time cases in his court and which were at his mercy, was always written on the official paper of the United States Commerce Court.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from North Carolina yield to the gentleman from Pennsylvania?

Mr. WEBB. I will yield for a question.

Mr. BOWMAN. I had not seen the evidence until this morning, but I notice the communications run for over eight years. Is not the gentleman satisfied from the evidence that really the judge was imposed upon by these men, rather than that he was using them as his servants?

Mr. WEBB. Now, the gentleman has asked me a frank question, and I am going to answer him frankly. If Judge Archbald can be imposed upon by an old man who came from Wales and has lived in this country for only 20 years, a veritable handmaid and go-between for the judge; if he can be imposed upon by another witness by the name of John Henry Jones, a man of the most meager ability and also from Wales; if the judge can be imposed upon by two such characters as that, he is not fit to sit on the Commerce Court bench.

If my friend had been present at the trial, and had taken a careful look at these two star witnesses, both of them close personal and business associates of the judge, he never would have believed for a moment that these two financial adventurers could have decoyed the judge into any such unbecoming and ugly situations as shown by the evidence.

The contrary is true. The judge used these two handy men, putty in his hand, to do his—I started to say skullduggery work, but I will not use that word exactly—to carry out his schemes by which he expected to make much money for himself by use of his high position.

To illustrate: The gentleman says that these transactions cover eight or nine years. They do. This judge was put upon the district court bench, probably the last appointment which that great man, Mr. McKinley, ever made, in the spring of 1901. It was a recess appointment. Between the time the appointment was made in recess and the following meeting of Congress Mr. McKinley was assassinated and Mr. Roosevelt became President. In December, 1901, Mr. Roosevelt reappointed Judge Archbald.

We have not gone further back than 1908. From 1908 to the present we have shown that he has been acting improperly and violating good judicial ethics by prostituting his official position for personal profit and otherwise.

Remember that the Constitution does not require that we must find this man guilty of crimes and misdemeanors. Our forefathers knew what they were doing when they framed this great instrument, and they used this language:

> The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

The word "misdemeanors" there, as you will find from the authorities, has not the meaning of criminal offense. "Misdemeanor" is none other than misbehavior, misconduct; and for any misbehavior, any misconduct, the House may impeach and the Senate may remove any judge from office, because a little further on in the Constitution, section 1 of Article III says:

> The judges, both of the Supreme and inferior courts, shall hold their offices during *good behavior*.

Good demeanor. And if the Senate and House think this judge's conduct has violated the injunction that he shall hold his office during *good behavior* and good demeanor, then he is removable from office, and should be removed.

I take up now the impeachment Articles VIII and IX. In 1908 a man by the name of Peale sued the Marian Coal Co. in Judge Archbald's court at Scranton, Pa. During the pendency of that case before this particular judge, John Henry Jones and Edward J. Williams called upon the judge to make with him a deal. Now, mark you, Jones and Williams told the judge that they were interested in the purchase of a large tract of timberland down in Venezuela and that it looked like a very good proposition. The judge eventually went into the deal with John Henry Jones and Edward J. Williams, two very ordinary men, who I know Judge Archbald would not permit to go into his house or social terms. I doubt if they ever went into Judge Archbald's house, either socially or otherwise. In December, 1908, he drew a note for his part of the stock in this scheme in Venezuela, a note for $500. Drawing notes by Judge Archbald did not mean at that time—and does not mean at this time—that he could get the money on them, because I assert again that the judge is insolvent, in my opinion, and I formed this opinion from the evidence.

The evidence shows that if you sued him to-day your judgment could not be collected from him in the courts of Pennsylvania.

Mr. KENDALL. How much stock was he to get for this $500 note?

Mr. WEBB. He was to get $500 worth of stock in the scheme, Mr. Williams testified. Jones testified that he made the note as an accommodation for him and as a friendly act. At that time the judge's note was valueless in the common commercial channels. I mean by that that if the judge's note went to any bank whose business it was to loan money the bank would turn it down and would not regard it as good commercial paper.

So on the very day that the note was drawn by Judge Archbald, made payable to himself, signed by John Henry Jones, also an insolvent, and indorsed by Jones and Williams and Judge Archbald, all three being insolvent, they started out to get the money on it. Whom did they go to? Old man E. J. Williams says that he knew the Bolands owned the Marian Coal Co., which was at that time a defendant in Judge Archbald's court. John W. Peale was plaintiff and the Marian Coal Co., owned by the Bolands, was defendant. Williams says that he knew the Bolands were defendants in Judge Archbald's court the day that he went to them to get the money on the note. He says that he never went to the Bolands before in his life to get them to cash or discount a note. At any rate, he went to them knowing they were defendants in Judge Archbald's court. More than that, the very day the note was drawn in the judge's chambers in the Federal Building in Scranton, Pa., old man Williams said to the judge, "I am going to take this note to the Bolands." Mark you, this man Williams, if there ever was a biased witness in favor of a man it was he in favor of Judge Archbald. He said everything upon the stand to shield this judge. Why, the judge paid his expenses here to Washington when he came to testify, supposedly, against the judge.

Mr. FARR. He did that out of the kindness of his heart.

Mr. WEBB. Ah, I do not know whether it was out of the kindness of his heart or not. Williams could have asked the marshal who subpœnaed him to pay his fare. On the very morning after he was subpœnaed we find Williams sitting in the judge's office at his chambers in the Federal building at Scranton, Pa., discussing this investigation, and in less than two hours after that the judge starts to Washington and meets Williams at the depot and buys Williams's ticket to Washington. Is not that right?

Mr. FARR. Will the gentleman permit me to answer?

Mr. WEBB. Certainly.

Mr. FARR. Mr. Williams had no means to get to Washington and Judge Archbald gave him money out of his pocket that he could not afford to give him and paid his fare to Washington.

Mr. WEBB. Old man [illegible]ms is smart. If he had not made that excuse his conduct and the Judge's would have smacked of bribery. He had to make some excuse, and that was it.

Mr. FARR. One of the great troubles in this case is that you gentlemen do not know Judge Archbald and that the personal element can not be recognized and put in this case. If it were, the findings would have been entirely different.

Mr. WEBB. If the gentleman from Pennsylvania had proposed to make himself a witness, we would have heard him patiently as to what he knew of the judge and these transactions. We heard for five weeks the character of the man from the witnesses we had before us, and if the gentleman thought differently he could have come before the committee and given his side of the case. I do not know what manner of man Judge Archbald is, except from the testimony before the committee.

I have absolutely no unkind feeling against him. I do not profess to be any better than anybody else, but I know that if I had been indicted before a high committee of the Congress of the United States and knew that certain witnesses with whom I had been in close relations were coming to testify against me, I would have sacrificed my right arm before I would have bought the witness's railroad ticket on which he was to come to my trial. The judge was in conference with old man Williams and with John Henry Jones on the day after they were subpœnaed to come here; the judge paid old man Williams's fare here; and old man Williams was the most partial witness for the judge you ever heard on the stand. I therefore affirm again what I said in the beginning, that we examined anybody and everybody connected with these charges, and all were the judge's friends.

Getting back to the $500 note which was drawn by Judge Archbald in the judge's chambers in Scranton, Pa., the judge knew that the Bolands were defendants in the suit at that time and old man Williams knew it, too. The judge had made some preliminary orders in the case prior thereto.

Mr. FARR. Does the gentleman say that the judge drew up the note or signed the note?

Mr. WEBB. I assert that the judge drew the note.

Mr. FARR. But he was not the signer.

Mr. WEBB. No; the note was signed by John Henry Jones, payable to Archbald, but the judge drew the note in his own handwriting. After it was drawn the judge indorsed it, and so did Williams, and so did John Henry Jones, and then the note started out on its doubtful course to become discounted.

Mr. FARR. Is there anything in the evidence to indicate that Judge Archbald did that for other than a kindly feeling?

Mr. WEBB. Yes; old man Williams swore that he put $500 into this Venezuelan transaction, hoping it would yield him big returns upon his speculation.

Mr. FARR. Is it not the evidence that it was to pay John Henry Jones's expenses on his trip to England in connection with the Venezuela proposition?

Mr. WEBB. I asserted in the beginning that John Henry Jones said that he signed the note, fixed it up as an accommodation, but it makes no difference what was his object. He was going to use his influence as a judge to get it cashed, because he had no financial standing which would have secured the discount. So we have a note indorsed by three insolvent men upon which they expect to get $500 in cash. Who was the first man the note was carried to? Old man Williams said to the judge, "I am going to take this note to the Bolands." The judge knew that he had the Bolands in his power and old man Williams knew that also. What did the judge say? He said to take it to whomsoever he pleased. That is as far as we can get Williams to go, but he did go that far. He said that the judge said to take it to whomsoever he pleased. Straightway old man Williams went to see C. G. Boland and W. P. Boland on the very day the note was made, because the offices of the Bolands are very close to the judge's office. W. P. Boland said no, that he could not discount the note, because he had a case in the judge's court. His ideas of judicial ethics were higher than the judge's. Although this man Boland had made his living digging coal I assert that he had higher ideas of judicial ethics than did Judge Archbald when the judge permitted this old man Williams, a mere handmaid, a henchman, to go to a defendant in his court and ask him to cash a note which was worthless. It was worthless. This note was made four years ago, and it has never yet been paid. It is now in one of the banks in Scranton, and I will tell you soon how they did get it cashed. I have a right to argue that the judge is insolvent, because there is a note for $500 which has been outstanding for nearly four years, upon which payment has been demanded.

The judge has simply asked to be allowed to renew it, and it has been renewed every three months for four years and has not been paid. Yes; Mr. Boland declined to discount it. Both of the Bolands did. Then where did it go? Williams went to a bank to get it cashed. The bank said no; they did not want the paper, and they would not cash it. That is one reason why I tell you that it was worthless commercial paper. All three of them were insolvent. There is no other possible reason why that note would ever be cashed, except through the influence of this United States judge. Old man Williams took it to a bank, and they turned it down. Then he turns it over to this other star witness, John Henry Jones, the signer of the note. John Henry Jones goes wandering around in Scranton from bank to bank, I presume, and finally he is directed to a man named Von Storch, who happened to be the vice president of the Merchants & Mechanics' Bank, a little bank in the suburbs of Scranton, who had no active connection with the bank, whose law office was probably 2 miles from the bank, and who rarely ever visited the bank. Somehow or other this man John Henry Jones gets mysterious wind of the possibility of getting this man C. H. Von Storch to discount this worthless paper. He called on him at his law office, for he was a lawyer. He presented the note, but Von Storch did not know Jones and Williams, and Jones did not know Von Storch. Von Storch did know Judge Archbald, and I will tell you how and why. He swears that he had had cases in the judge's court; and not only that, just a few months before that he had been a defendant in the judge's court, in a case wherein he was sued for $10,000.

The judge, on a question of law, ruled that Von Storch was not liable, and put the case out of court, and in less than a year, I believe it was, we find this worthless note turning up in the presence of Von Storch, begging to be discounted.

John Henry Jones was asked, "Why did you go to von Storch?" He replied, "I do not know." "Who told you to go there?" "I do not know." Well, he did know. Taking all the circumstances and observing the conduct of the man on the stand, you will conclude that he found out some way or other—most likely from the judge himself—that this man von Storch felt that he was under obligation to the judge, and that he, in payment for past favors and possible future ones as attorney, would be willing to discount this worthless piece of paper signed by Judge Archbald; so John Henry Jones immediately rushes into von Storch's office and presents it for discount. Von Storch picked up the telephone when Jones left his office and called the judge and said to him, "Judge Archbald, I have a note indorsed by you and a man named Williams and a man named Jones. What about it?" The judge replied, "You will do me a great favor if you will cash it." Williams, Jones, and Archbald had never had a piece of paper discounted before in this little bank, had never had an account there before, and von Storch said it was a violation of their custom to discount paper of any kind for men who did not have accounts in their bank. Von Storch felt that he was under obligation to the judge or feared to incur his displeasure by turning down his note. He was a lawyer who appeared in the judge's court, and so he told him that he would discount it. Then von Storch phoned down to the bank to the cashier and told him to cash the note. Von Storch swore that he only did it on account of the judge. Williams went down to get the money, and the cashier of the bank swore he paid the money to E. J. Williams. And ever since, nearly four years, that note has been renewed every three months; and we asked the bank why they did not collect it, and the reply was that it was generally understood in the bank that it would be paid some time. Gentlemen, if you will take the testimony of the witnesses you can not resist the conclusion that the judge had no power in the world to use except his official position to get money on this worthless paper, and he knew it and so used it. Now, there is another transaction—and I am talking too long; I realize that.

SEVERAL MEMBERS. Go ahead.

Mr. WEBB. There is another transaction right in line with this one. That is Article VIII. In 1908 an insurance company was sued by the Old Plymouth Coal Co., which company was owned entirely by one W. W. Rissinger. There were several suits involving $28,000, transferred from the State courts to Judge Archbald's court; and in November, 1908, the cases were ready for trial. Some time during this month—we never could get Rissinger to testify just what time, because he was another very partial witness in favor of the judge—but some time during the month of November, 1908, right while this suit was pending involving the payment of $28,000 to Rissinger who had sued the insurance company, right while that suit was pending in Scranton before Judge Archbald, Rissinger concludes he can make a good deal with and for Judge Archbald. Now, Rissinger is a man of ordinary character; he is not a man whom you would think the judge would take in his family to associate with socially—and I doubt if Rissinger ever called upon the judge's home, certainly not socially. He is a man of ordinary intelligence, but pretty smart and shrewd. He goes down to the judge's office and says, "Judge, I have a fine scheme down in Honduras, Central America. I have some papers which give me an option on both sides of a little river for about a mile, and I am informed that gold can be picked up and mined just as you mine coal in these culm dumps here. Now, if you want to get in on this deal I will let you in." Now, the judge knew Rissinger was plaintiff in these $28,000 suits before his court. Rissinger wanted to testify, because it was material, he thought, and came near testifying, that the very first time he presented the matter to the judge he "bit," because Rissinger wanted to put the transaction after the 23d day of November, because on the 23d day of November the suits were terminated and judgment was entered providing that the whole amount should be paid if it was not paid in 15 days, but only a certain

amount should be paid if it was paid within 15 days. So Rissinger was anxious to put the transaction beyond the date of the final judgment so as to show that the negotiations were not going on during the actual trial of the case. Either Rissinger told something that was not so or the judge was a simpleton and ought not to stay upon the bench. Here is a man of ordinary intelligence going into a judge's office and wanting him to sign a note to get $2,500 in payment for stock in a scheme way off in Honduras, and he says he thinks the judge "bit" the first time the thing was presented to him.

Now, that is what Rissinger says, substantially. He says the judge entered into the scheme, a pure venture, the very first time it was presented to him. The facts are, and you can deduce them from the testimony, that during the pendency of this trial this negotiation was going on with this judge. In the open he is sitting on the bench as an impartial arbiter between Rissinger and the insurance company, while in his private chambers he is secretly making a deal for gold-mining stock with this man Rissinger, a plaintiff in his court. Anyway, on the 28th day of November, 1908, the judge dated a note payable to himself and this man Rissinger's mother-in-law, signed by Rissinger himself, and on the back of it R. W. Archbald's, W. W. Rissinger's, and Sophia J. Hutchinson's names appear as indorsers. Now, they start that note out to have it cashed somewhere or anywhere. There is another piece of insolvent paper. And, by the way, I want to say that Mr. Von Storch testified that the only man whose name he considered in cashing the $500 note was Judge Archbald's, and on his account and nobody's else. During the pendency of this trial we have the judge privately negotiating with the plaintiff in the case in a scheme down in Honduras, Central America. And Rissinger very generously offered him, if he would come in on the deal, to give him one-third, saying: "You make the note to yourself and my mother-in-law, and I will go out and get the $2,500, and you shall have a third of this amount in gold-mine stock." It turned out to be a gold brick. So they fix up the note while the case was pending, and when the case comes on for trial, and after Rissinger's evidence was put up, the insurance company demurred, saying that a case had not been made out, and they had arguments by counsel on both sides, and thereupon the judge promptly ruled that Rissinger, his copartner in the deal, had made out a good case and overruled the demurrer. Thereupon the insurance company introduced some testimony.

Mr. FARR. The insurance case referred to had been decided by the court before the Rissinger note was negotiated. Is not that true?

Mr. WEBB. Is the gentleman going to testify?

Mr. FARR. I am asking a question.

Mr. WEBB. No; it was not. I suppose you are reading from counsel's brief in the case and not from the evidence. There are 2,000 pages of evidence. The evidence shows that Rissinger knew the crux of this charge. He wanted to get this transaction beyond the 22d of November, 1908. But it is certain that the negotiations were going on between Rissinger and the judge days or weeks before the note was dated. The note was dated five days after the judgment was entered. Still, it was pending to a degree, because the judgment provided that unless $2,500 was paid within 15 days, which carried it beyond the 1st of December, then the full amount of the judgments should be paid.

Now, they start out with this note to get cash on it. I do not know how many banks it went to. I know this, that Rissinger himself knew the power of the judge's influence, and after he had tried numerous banks in Scranton, Pa., which declined to take the note, before John T. Lenehan came to Washington—and he came before the 1st of December, 1908, and the note was made the 28th of November, 1908—Rissinger presented the note to Lenehan, who had been his successful counsel in his case, and Lenehan promptly declined to cash it. Finally they ran across a bank in Scranton that, after thoroughly investigating the value of Mrs. Sophia J. Hutchinson's property—and she lived up at Pottsville, 25 miles away—and found it was worth $25,000, discounted the note. But before they did it they took a judgment against Mrs. Hutchinson, showing that they did not rely on the responsibility of Judge Archbald in discounting the note; and that note, too, is still unpaid, signed by a United States judge who now sits upon the Commerce Court of the United States. There his note lies in the Bank of Scranton for $2,500, executed nearly four years ago, and not a dollar of it has ever been paid. Rissinger says that he pays $37.50 interest every quarter on the note, and the judge has his stock in the Honduras venture, although he has never paid a dollar for it, though he drew and signed the note for it himself. Now, these are the salient facts on which these three articles are based.

Just one more. In 1911, I believe it was—the 31st of January—Judge Archbald became a judge of the Commerce Court of the United States.

The Commerce Court, as you gentlemen know, passes upon the rights of the people on the one hand and the railroads and their freight rates and passenger rates on the other. That is where railroad cases are tried; and, my friends, it was not 60 days after the judge became a member of this powerful Commerce Court, which has been overriding the Interstate Commerce Commission so often—it was not 60 days after he was appointed upon that bench before he began to dicker for good deals in coal mines and culm banks with railroad litigants in his court.

One of these dickers and deals was an effort to lease from the Lehigh Railroad Packer No. 3, in Schuylkill County, near Shenandoah. Judge STERLING has spoken of some of these deals, and I shall speak of this one. The Girard estate, about which you gentlemen probably know, is an estate controlled by a board of trustees in Philadelphia, and is now worth something like $30,000,000.

That estate owns vast coal fields in Schuylkill County, Pa., and about 13 years ago, or a little over, the Girard estate leased to the Lehigh Valley Railroad Co. most of its coal land holdings in Schuylkill County. The truth of it is that the railroad company had been mining this property for 30 or 40 years under shorter-term leases from this estate. At one time they renewed the leases every 5 years, but by an act of the Pennsylvania Legislature they subsequently were allowed to be renewed every 15 years. A lease was made by the Girard estate to the Lehigh Valley Railroad Co. or Coal Co. about 13 years ago. In this lease was included culm bank or Packer No. 3, containing 472,000 tons of coal.

Judge Archbald, as you will see from the testimony, has been making deals and dickers for other coal banks and coal pits. This deal was only one among many. Now, in this Packer No. 3 deal he had two parties to reckon with. He had first to get the consent of the Lehigh Valley Railroad Co. The Lehigh Valley Railroad Co. owned the Lehigh Valley Coal Co., and the Lehigh Valley Coal Co. made Packer No. 3 bank. I think Judge STERLING has explained what a culm bank is, and therefore I do not care to go into that. Suffice it to say that these banks are very, very valuable. These culm banks contain small pieces of anthracite coal, and, as you know, the anthracite coal supply in the United States is limited, and consequently these banks are becoming more and more valuable every day.

So, the judge's eye coveted Packer No. 3, containing 472,000 tons of valuable coal. He wanted to get hold of it in some way or other, and he knew that the Lehigh Valley Coal Co. had it leased, and he knew also that the Lehigh Valley Railroad Co. was a party defendant in his court at that very hour in what is known as the Lighterage case and the Joint Rate cases.

And I may say this to my friend who wants to know about the Lighterage case, that the Lighterage case was appealed or taken from the Interstate Commerce Commission to the Commerce Court on the 12th day of April, 1911, and the Commerce Court, in which the judge sat, issued an injunction restraining the Interstate Commerce Commission from putting into effect its orders with reference to these lighterage charges in New York Harbor.

On the 26th day of May, 1911, the Commerce Court adjourned until the following October. In the meantime, to wit, June, 1911, the United States and the Interstate Commerce Commission appealed the Lighterage case to the Supreme Court of the United States purely on the question as to whether or not the Commerce Court had the right and power arbitrarily to upset and restrain the operation of the Interstate Commerce Commission's order.

The case did not go to the Supreme Court on its merits, because, if you will take the stenographer's notes, you will find that during the interegnum a motion was made before Judge Archbald and the rest of the members of the court, some time in October or November, asking that testimony be taken in the case, and all through the proceedings Judge Archbald made suggestions that testimony ought to be taken, that they must hear it on the merits, showing that he understood that the case was still before his court on the merits and had only gone to the Supreme Court on a question of law, and none other.

To show you that the judge was right and that he was not "reckoning without his host," the Supreme Court in the last few months decided that very thing, and it went off on a point of law, or was remanded by the Supreme Court of the United States to the Commerce Court to take testimony and hear the case on its merits, and the case is now pending in the Commerce Court, and the Lehigh Valley Railroad Co. is a party to that suit.

Judge Archbald had been present when the case was heard, and he knew that the Lehigh Co. was intimately and closely interested financially in this lighterage case, which was then pending before his court and numbered 39 on the docket of that

court, entitled "The B. & O. R. R. v. The Interstate Commerce Commission."

Now, while all those things were fresh in the mind of the judge, while he knew that he had this railroad company in his court, he called on their vice president and general manager, one S. V. Warriner, and said: "Mr. Warriner, you have a culm bank out here that I want to lease from your railroad company."

Mark you, my friends, it has never been the policy of railroad companies owning coal lands to give them up or lease them to anybody, because they who are engaged in that kind of business can make more profit out of them, because they are equipped for working them, and because they ship the coal over their own roads, and one-half or one-third of the profit in coal is in the freight rates.

But what do we find? For the first time in the history of the Lehigh Valley Railroad, so far as we know, and certainly for the first time in its dealings with the Girard estate, Mr. Warriner said, "All right, you can have it."

Mr. Warriner knew that his coal company and railroad company were parties defendant in the judge's court in Washington.

Warriner received letters from Judge Archbald, some written in Washington, some in Scranton, but always written on United States Commerce Court paper, a perpetual reminder to every railroad employee and official who received one of those letters that "I am your master, and your road is now a party defendant in my court, and I have the power to decide one way or another in your case."

So Mr. Warriner, without demur, agreed to lease this valuable bank to the judge. The judge stated in his application to the Girard estate that he was going to form a corporation to be called the Jones Coal Co. We find a man by the name of Thomas Hart Jones, who swore that, although these papers were prepared by the judge and presented to the Girard estate with his name signed to them, he never did know what became of this proposition to incorporate the Jones Coal Co. Jones and the other names attached to the application were mere dummies. Neither of them could have secured the consent of the railroad.

Judge Archbald wrote to the Girard estate and to Warriner that they wanted to incorporate with a capital of $25,000, the corporation to be known as the Jones Coal Co. Thomas Hart Jones is sometimes called Thomas "Star" Jones, because he at one time owned a drug store in Scranton, and they called it the "Star" drug store.

The judge made application in his own name, R. W. Archbald, in company with James F. Bell, V. L. Petersen, and T. H. Jones, for this sublease from the Girard estate, and in that application he says:

> We understand that these dumps are now subject to a lease to the Lehigh Valley Coal Co., which expires December 31, 1913, and which possibly will be renewed. But we have the assurance of that company that on certain terms and conditions, which have practically been agreed upon between us, it will be satisfactory to them to have us lease from you to the extent suggested.

Now, the terms were these: Judge Archbald agreed that all the coal taken out of this culm bank—472,000 tons—should be shipped exclusively over the Lehigh Valley Railroad, and that he would give them 2 cents a ton extra royalty. He says, further, in his statement to the Girard estate that "care has been taken to make this such a combination as will insure success."

Mark you, the royalty on this kind of coal has nearly doubled in 13 years, yet the railway company agreed to let this powerful Commerce Court judge have this huge dump at only 2 cents a ton extra royalty above the royalty they agreed to pay 13 years ago.

The judge in his letter says that the names of all the parties interested do not appear in the application. He says one of them, Mr. Howell Harris, is a well-known coal man in Scranton, and Mr. Hulbet, of New York, is associated with the coal men there who are going to take the product, and that Mr. T. M. Farrell, a retail coal dealer of New York City, is going to put up the money, and that care has been exercised in these selections so as to make a combination that will insure success. The judge never puts up money; he puts up influence instead.

In all these transactions you will find that Judge Archbald has never invested one dollar in money. All his investments have been made by reason of his powerful name as a judge of the United States district court and of the Commerce Court.

Now, the Girard estate did not happen to have any case in Judge Archbald's court nor is it engaged in interstate commerce. After some talk with the president of the Lehigh Valley Railroad, the Girard estate very promptly turned the proposition down. My opinion is that the president of the railroad company put it into the ear of Mr. Smith, who is a director of the estate and also a director of the Lehigh Co., that, while the railroad company had agreed to make the lease, they did not care anything about it and had rather not make it, but they could not resist the Archbald proposition, coming from a judge in their case, and therefore agreed to let him have the 472,000 tons of coal, but hoping the Girard estate would not sanction the lease, and so it was killed by the Girard trustees, and the deal did not go through.

Now, if you read the testimony you will find the judge used all his personal and all his official influence with the railroad officials in order to make this unusual deal. Mr. Kirkpatrick, the superintendent of the Girard estate, swore that never before during his 30 years of experience with the estate had the Lehigh Railroad Co. agreed to such a proposition as that, and I tell you that the only reason why they did it in this case—and the judge knew the reason—was that he was a United States judge of the Commerce Court and had in his power the defendant—the Lehigh Valley Railroad Co.—with whom he was contracting.

Now, Mr. Speaker, I have talked much longer than I intended. I thank the Members of the House, and I am obliged to them for their splendid attention on this hot day. [Applause.]

Mr. FARR. Mr. Speaker, I desire to ask the gentleman from North Carolina if he will now answer a question.

Mr. WEBB. Yes.

Mr. FARR. The gentleman made the statement that the Rissinger note was negotiated before the settlement of the insurance case before Judge Archbald.

Mr. WEBB. No; I said negotiations were in progress between Rissinger and Judge Archbald while the case was pending.

Mr. FARR. Was it not dated after the judge had held that Rissinger had made out his case, and if that is so, how could that influence Judge Archbald wrongfully?

Mr. WEBB. Whether it influenced him wrongfully or not, it was bad judicial ethics and gross misconduct for a United States judge to sit on the bench, in a public judicial office, an arbiter between two litigants, and in private during such time to enter into a speculative deal with one of the parties, as he did.

Mr. FARR. The gentleman has said that the Rissinger note was negotiated afterwards.

Mr. WEBB. What does the gentleman call "negotiating"? It was dated the 28th of November, 1908, but the speculative deal and agreements were all made while this case was pending and before the date of the note.

Mr. FARR. The unfortunate thing about this case is that there are numerous little things like that injected into it to create prejudice against Judge Archbald.

Mr. WEBB. Will the gentleman let me ask him a question?

Mr. FARR. Yes.

Mr. WEBB. If the gentleman were a United States judge passing on the rights of plaintiff and defendant in a case involving $25,000, would he during the trial of that case go off into his private chambers and enter into a speculative deal with the plaintiff in the case, letting the plaintiff give him stock in a gold-mine scheme, just for the use of his name on a $2,500 note, when his name on the note did not add a farthing in value to the note, for the judge was insolvent and could not borrow money in the usual channels on his commercial paper?

Mr. FARR. He did not do any such thing.

Mr. WEBB. I charge that he did do it, and the evidence bears out the charge.

Mr. FARR. There is no evidence to prove such a thing.

Mr. WEBB. I heard the 2,000 pages of testimony from beginning to end, and my friend does not know the evidence, because he has not read it. He says he has not. He has only read the partisan brief of the judge's lawyer, and is reading from it now.

Mr. Speaker, the people of the United States are now demanding, as they never demanded before, the strictest official rectitude on the part of their public officials, and especially of their judges. No district or State would elect Judge Archbald to his present position with the testimony against him before them. The judges belong to the people and are their servants, and the people have a right to demand the recall or removal from office of a judge who is guilty of all the acts charged in these 13 articles. His reputation for impartiality is gone and therefore his usefulness as a judge is at an end. Hence we, the Representatives of the people, for them and in their name, demand his removal from office.

Mr. FARR. I have read the evidence and the conclusions of the committee. Judge Archbald is in a most unfortunate position in this case.

Mr. CLAYTON. I agree to that.

Mr. FARR. A most unfortunate position, and he was unfortunate in some of the witnesses. The suggestion that these gentlemen were trying to shield Judge Archbald has some truth in it, but the very fact that they were shielding him added to the suspicion that surrounded this poor judge, and he did not

have an opportunity to show his connection with it. I regret very much that the Judge did not take the witness stand.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. FARR. Certainly.

Mr. NORRIS. The gentleman says that the Judge did not have an opportunity?

Mr. FARR. I will explain that. His attorneys did not put him in the witness chair to testify.

Mr. NORRIS. The committee could not do that.

Mr. FARR. I realize that. If the gentleman will permit me, I have said repeatedly here that this committee was courteous and kind and fair in its investigation of this case.

Mr. ROBINSON. The gentleman stated a moment ago that the statement made that these witnesses were trying to shield Judge Archbald had some truth in it.

Mr. FARR. That is, it had the appearance of it.

Mr. ROBINSON. But the gentleman made the statement that it had some truth in it.

Mr. FARR. Had the appearance of it, because I talked with Judge Archbald's son at that time and he said—

I wish to God that these men would talk frankly before this committee. There is nothing to conceal. My father does not want anything covered up and the more frankly they talk about this the better it will be for him.

Mr. CLAYTON. The first culm contract introduced into this case had the judge concealed, and it was afterwards disclosed that Judge Archbald was the third party.

Mr. FARR. The evidence does not show that Judge Archbald was a party to that concealment. I have known Judge Archbald for many years, and the reputation that he has in my county is as good as that of the best man in that county. He is a poor man to-day. If he were the dishonest, mercenary man that he is charged with being he would have a great deal more to show for it. Ten years was his first term on the common pleas bench. He was reelected to a second term and he served a number of years since in other courts. I regard him as an honest, faithful, and capable judge, unfortunate, it is true, in some of his associations, and these associations made through the kindliness of his heart and his desire to help other people.

Mr. CLAYTON. And to make money.

Mr. FARR. Not a dollar has he made, and the evidence does not indicate where he made one dollar.

Mr. WEBB. Yes; he got $250 from this note.

Mr. FARR. I am going to present Judge Archbald's side of this from a statement his attorney published within a day or two, in which he vigorously denies every one of these charges. Judge Archbald, through his counsel, states that he emphatically denies that in any of the transactions referred to in the report of the Committee on the Judiciary which are embraced in the articles of impeachment which the committee submitted to the House he used or attempted to use his influence as a judge improperly.

Conscious of his own integrity, it never occurred to him in any of the transactions referred to that others might suspect that he was acting otherwise than uprightly.

When the original charges against him were presented to the President and the Attorney General he was given no notice and had no hearing. In the proceedings before the House Judiciary Committee he was permitted to cross-examine witnesses, but it was explicitly stated by the chairman that the proceeding was a hearing and not a trial. In the hearings before the committee the principal charges which had led the President and the Attorney General to take action were shown to be utterly unfounded. Were the evidence was closed what charges the committee might make could not be known to Judge Archbald or his counsel until they were presented to the House.

Judge Archbald therefore will have no opportunity to present his defense until he is summoned before the Senate, and until he has a hearing there he asks that public opinion in his case may be suspended.

Mr. WEBB. May I ask the gentleman what he is reading from? Is it Col. Worthington's statement as counsel?

Mr. FARR. Yes. I believe it to be true that he has not used his influence improperly in any of these cases, and in the case of this poor man Watson who, because of his physical condition, did not make a strong showing before the committee, I think the committee showed a lack of consideration for a broken-down man. Judge Archbald wanted to help him because of his financial condition and the physical weaknesses that had followed a most pathetic bereavement in Mr. Watson's home. It was out of the kindness of his heart, and his hope that he could help the Bolands as well as Mr. Watson, that he tried to bring about a settlement with the Delaware, Lackawanna & Western Co. There is not a bit of evidence that Judge Archbald succeeded in getting any option or interest in any property through his official position. The fact that he used his official letterhead is an indication that he felt that he was acting openly on these questions. It was not necessary for him to use the letterhead to let the people in the community know that he was a member of the Commerce Court.

Mr. NORRIS. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Nebraska?

Mr. FARR. Yes.

Mr. NORRIS. I would like to ask the gentleman, if he is going to explain the Watson deal, to tell the House why Watson came to Washington to see Judge Archbald. If the gentleman wants to make an explanation of Watson's conduct and the Judge's relation to Watson in that deal, why did Watson come to Washington to see Judge Archbald?

Mr. FARR. I do not know the particulars to which the gentleman refers, but I know Watson and I know Judge Archbald, and I know that there was not a thought in Judge Archbald's mind of doing anything improperly, and all he did in the case was to help both the Bolands and Watson.

Mr. NORRIS. Has the gentleman read Watson's testimony, where he stated he came down here to see Judge Archbald to find out what the record was in a certain case pending before the Interstate Commerce Commission that had been appealed to the Commerce Court? Has the gentleman read the telegrams that passed back and forth, the telegram that came from Judge Archbald to him, and has he read the testimony to show that the attorney absolutely from the record was mistaken, and that is a mild word to use, and that his trip down here to see him in regard to that matter is absolutely unexplained to-day from the evidence?

Mr. FARR. I think both of them can explain it.

Mr. NORRIS. I would like to have it explained.

Mr. FARR. To think Judge Archbald was influenced in the matter by a thought of profit or to intimate that men of the reputation and standing of E. E. Loomis, vice president, and R. A. Phillips, a near neighbor of mine, general manager of the mining department of the Delaware, Lackawanna & Western Railroad Co., both high-salaried men, in a deal against the interests of their company is absurd.

Now, I want to refer to a little matter which prejudiced me possibly more than anything else against the views of this committee is the reference to the sum of money raised by a friend of Judge Archbald, knowing he was going to take advantage of an invitation to visit the home of a relative of his wife in a foreign country. The clerk of the court knowing Judge Archbald was poor, feeling that a few extra dollars in his pockets would serve an excellent purpose, took advantage of that to send out to the different attorneys practicing before the court and asking them, without the judge's knowledge, to make contributions for a purse for Judge Archbald, and on the day Judge Archbald was on the boat he handed this purse unexpectedly to him, and the committee makes that an excuse for saying that this was an offense because of Mr. Cannon's corporate connections, saying Mr. Cannon is a remote relative of Mrs. Archbald, whereas the fact is that he is a first cousin of Mrs. Archbald, and so this $500 presentation is brought in and made part of these charges against the judge and one of the facts on which they want him impeached.

I shall continue this statement because I want it in the RECORD:

First. That in a suit brought by John W. Peale against the Marian Coal Co., in which the Bolands were largely interested, Judge Archbald had overruled a demurrer to the complaint filed by the counsel for the Marian Coal Co., because the Bolands had refused to discount a certain note which Judge Archbald had indorsed.

Second. That in the same suit Judge Archbald, at the instigation of the Lackawanna Railroad officials, ordered the Marian Coal Co. to close its testimony in 30 days.

Third. That after Judge Archbald had become a member of the Commerce Court he, at the request of an official of the Lackawanna Railroad Co., induced District Judge Witmer, before whom the case of Peale v. Marian Coal Co. was then pending, to decide that case in favor of Peale.

Fourth. That through Judge Archbald Mr. Seager, one of the counsel of the Lackawanna Railroad Co., was given advance information that the Peale case would be decided against the Marian Coal Co.

All these charges, except the third, related to Judge Archbald's official acts. By the evidence before the Judiciary Committee of the House every one of these charges was so completely disproved that no reference is made to any one of them in the report of the committee or in the articles of impeachment.

The committee, however, has recommended the impeachment of Judge Archbald on 13 other charges, only 2 of which relate to the performance by him of any judicial act, and in neither of the 2 excepted cases is it charged that he acted corruptly.

CULM-DUMP DEALS.

The principal charge by the committee relates to Judge Archbald's connection with the attempted purchase from the Hillside Coal & Iron Co., a subsidiary of the Erie Railroad Co., of its interest in the Katydid culm dump. That Judge Archbald was interested in the proposed purchase is not denied. It is not claimed by the committee, and we assume it will not be claimed by anyone, that the mere fact that a Federal judge is interested in the attempted purchase of property from one who is or may be a litigant in his court is a criminal offense or is even in itself evidence of a corrupt mind.

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Alabama?

Mr. FARR. Not at this time.

Mr. CLAYTON. I would like to know from what the gentleman is reading.

Mr. FARR (continuing reading):

In its report the sole ground upon which the committee relies in reaching its conclusion that in this particular case Judge Archbald acted corruptly is the evidence as to the value of the Katydid culm dump. The committee assumes that the interest of the Hillside Co. in the dump was worth a great deal more than Judge Archbald and his associates were to pay for it.

When, in fact, the interest of that company was offered some years before that for nearly one-half of what Judge Archbald agreed to pay for it, though the fact is that the deal was never consummated.

The statement then quoted the testimony of Capt. May, manager of the Erie Railroad's coal properties, and that of other witnesses to show that Judge Archbald's profit in the Katydid culm bank, had he been able to sell it, would have been comparatively small, about $4,000, and that a portion of that would have belonged to Williams, his partner in the deal. The statement continued:

"Only two other culm bank transactions are referred to by the committee. One of them had no connection whatever with any railroad company. As to the other, there is no evidence of favor asked or favors given and no evidence that the transaction, if it had been carried through, would have been profitable. As to these, as also with respect to the proposed purchase of coal properties from the Lehigh Valley Coal Co., the case against Judge Archbald rests upon the naked proposition that it is an impeachable misdemeanor for a Federal judge to have business transactions with litigants or possible litigants in his court.

"In another article of impeachment it is charged that Judge Archbald 'for a consideration' used his influence to bring about a settlement of litigation which the Bolands, in various forms, were engaged in with the Lackawanna Railroad Co. It is not claimed in the report of the committee that there was any direct evidence tending to prove that for what he did in attempting to bring about this settlement Judge Archbald was to receive compensation or was to be benefited in any way. The committee simply assumes it to be incredible that Judge Archbald would help a friend to settle a litigation or help a lawyer to earn a fee unless he was paid for it. Mr. Watson testified positively before the committee that Judge Archbald was not to receive any part of the compensation which was to come to him (Watson).

"Judge Archbald's participation in the attempted settlement of this litigation was, in fact, due to long friendship for the Bolands and friendship for and a desire to help Mr. Watson, and there is no foundation for the charge that he was to receive any money or anything else of value.

"Another article of impeachment is based upon the charge that Judge Archbald 'agreed and consented' that the $500 note above referred to, indorsed by him, should be presented to the Bolands for discount at a time when they were interested in litigation in his court. When this note was offered for discount, Judge Archbald had had no connection with the case of Peale v. Marian Coal Co., except in overruling a demurrer which had been filed by that company to the complaint, and in appointing an examiner to take the testimony. There is nothing in the evidence to justify the inference that Judge Archbald authorized the note to be presented to the Bolands for discount because they were interested, as stockholders in the Marian Coal Co., in the case in which that company was defendant.

"Judge Archbald's petition was that of an accommodation indorser. The inference of the committee that Judge Archbald received or was to receive the proceeds of this note or any part of such proceeds is not justified by anything in the evidence and is not true in fact.

"In discussing the charge relative to the correspondence by Judge Archbald with the attorney of the Louisville & Nashville Railroad Co., the committee report entirely ignores the fact that the attorney's letter correcting the testimony of a witness in the case was pasted into the record (obviously by Judge Archbald) for all the world to see, and the written opinion afterward rendered by Judge Archbald assumes that the testimony was correct as it originally stood.

"New charges appear in the articles of impeachment which were not developed by the testimony before the committee. For example, it is made the ground of impeachment that Judge Archbald took a trip to Europe at the expense of Mr. Henry W. Cannon, who had large corporate connections. The committee say, 'It is claimed that Mr. Cannon is a distant relative of Judge Archbald's wife.'

"The slightest investigation would have shown that, in fact, Mr. Cannon is Mrs. Archbald's first cousin, and that the occasion and object of the trip was for the purpose of making a visit, at Mr. Cannon's request, at his residence in Florence, Italy."

Mr. Speaker, I desire, without rending it to the House, to add some additional remarks to go in the RECORD, and I desire also to repeat what I said at the beginning, that I regard Judge Archbald as an honest and a good man, his morals of the highest type and his habits the very best, and that in this case he is unfortunate, and I firmly believe that when this matter comes before the Senate and all the hearsay evidence and other evidence that does not properly belong in these hearings is removed, that he will be acquitted of this charge.

MEMORANDUM SUBMITTED ON BEHALF OF JUDGE ARCHBALD.

In order to present more fully Judge Archbald's defense in this case, I desire to submit the following statement made by his attorneys to the Judiciary Committee:

The original charges made by W. P. Boland to the Interstate Commerce Commission, and by Commissioner Meyer transmitted to the President and by him to the Attorney General, were prepared by Mr. A. V. Cockrell, the confidential clerk of the Interstate Commerce Commission, and are found on page 152 of Serial II of the printed record. In substance these charges are:

1. That Judge Archbald sent Williams to Boland to procure the discount of a note for $500, to which Judge Archbald was a party, and that after Boland refused to discount the note Judge Archbald overruled the demurrer in the case of Peale v. The Marian Coal Co. because of such refusal.

2. That the letter of Mr. Seager to the Interstate Commerce Commission (Serial IV, p. 85) was based on advance information of a decision of the court in the Peale case, which was not rendered until some two months later.

3. That Judge Archbald's influence with the Erie Railroad Co. procured the sale to him of the Katydid culm dump, owned by the railroad, at a low figure, whereas it was worth a large sum.

4. That Judge Archbald was about to close the purchase of another culm bank through the influence of Mr. Darling, a railroad attorney.

Boland's motive in seeking the Interstate Commerce Commission was evidently to use his story of railroad oppression to influence the commission (C. G. Boland, Serial IV, p. 86). Mr. Cockrell, of the commission, says (Serial II, p. 154): "Mr. Boland was so full of his 10 years or more fight, I think, as he described it, for his rights, that his narrative took, I should say, and hour or two to tell."

Various members of the commission [Mr. Meyer, Mr. Cockrell, Mr. Clements] heard with great care Mr. Boland's story, and it was that part of it which related to Judge Archbald, a member of the Commerce Court, but did not relate to the suit before the commission, that was noted and transmitted to the President, as Mr. Commissioner Meyer says (Serial II, p. 90), "if for no other reason than that the commission was supposed to be charged with a certain attitude toward the Commerce Court."

When the charges got to the Attorney General, before whom the representative of the commission attended and examined W. P. Boland, there were made by Boland certain additional charges, coupled with the repetition of the complaints of railroad oppression (Serial II, p. 158). These were:

5. That the suit of Peale v. The Marian Coal Co. was started into activity by the making of an order by Judge Archbald upon the coal company to conclude its testimony in 30 days, after the suit had laid idle for 26 months, and that this action was taken because of the bringing of proceedings by the coal company against certain railroad companies before the Interstate Commerce Commission.

6. That the final decision in the Peale case was brought about by Mr. Loomis asking Judge Archbald to ask Judge Witmer to decide the case forthwith against the Marian Coal Co.

7. That Judge Archbald was to participate in the fees or profits to be made by settling the difficulties of the Marian Coal Co. with the Delaware, Lackawanna & Western Railroad Co.

There also was presented to the commission just before this visit to the Attorney General a charge by Boland against Judge Witmer, supported by affidavit, like the other charges. This was not laid before the Attorney General, because "Commissioner Meyer said that that matter had better not be included in his story, that it had no relation whatever on its face to Judge Archbald." (Cockrell, Serial II, p. 175.)

Every one of these seven charges has been proved by the investigation to be untrue, and nearly all of them clearly appear to be absurd. This we proceed to show.

1.—THE FIVE-HUNDRED-DOLLAR NOTE.

This note was dated December 3, 1909, discounted December 13, 1909. It was made by John Henry Jones to the order of R. W. Archbald, indorsed by R. W. Archbald and Edward J. Williams. [Testimony of Cashier Rollin D. Carr, of the Providence Bank, where the note was discounted (Serial II, p. 109); testimony of C. H. Von Storch, president of the bank (Serial II, p. 102); testimony of John Henry Jones (Serial II, p. 119); testimony of Edward J. Williams (Serial I, p. 22; Serial II, p. 41); testimony of C. G. Boland (Serial IV, p. 80, and as to date, p. 90). See also Williams's statement of July 31, 1911, which was prepared in Boland's office, and in which the date of the note is stated to have been December, 1910, a mistake, as all now agree, in the year (Serial I, p. 19).] According to both C. G. Boland and W. P. Boland, the note was presented to both of them at or about the same time, and no other note of a similar character was ever presented to either of them, and the note presented related to the Venezuela deal of Jones (C. G. Boland, Serial IV, p. 80; W. P. Boland, Serial VI, p. 792). There is no escape from the fact that but one note was offered for discount, and that that note was so presented in December, 1909, while the date of the ruling on the demurrer was September 25, 1909 (Serial IV, p. 91)—over two months before the note was made.

There is no evidence whatever to show that Judge Archbald suggested the presentation of this note to either of the Bolands. C. G. Boland never spoke to him about it (Serial IV, p. 93); neither did W. P. Boland (Serial VI, p. 729). Williams says that he suggested to Judge Archbald that he would take it to C. G. Boland, because the latter owed him money, and that Judge Archbald said, "All right, you can take it where you like" (Serial I, p. 9). And at that time C. G. Boland was the president of a bank near Buffalo which occasionally did Scranton business (Serial I, p. 19; Serial V, p. 646).

Jones says Judge Archbald had nothing to do with this (Serial II, p. 150).

The note was an accommodation by Judge Archbald to John Henry Jones. Jones received all the proceeds, used them to pay his expenses to England with reference to the Venezuela proposition (Jones's Serial II, pp. 118 and 120); Jones pays the discount on renewals, and has paid a sum in reduction of the note (Jones's Serial II, p. 124; Carr, Serial II, p. 111). It was Jones who, of his own motion, took the note to Mr. Von Storch, president of the Providence Bank, who finally discounted it, Jones having no knowledge that the Bolands were litigants in Judge Archbald's court (Jones's Serial II, pp. 122, 124).

Williams does not testify before this committee that Judge Archbald ever suggested that this note had any influence on his decision of the Peale case (Serial I, pp. 10, 13, and 14) or that he ever showed any feeling about Boland's refusal to discount it or said or did anything to show that he had been affected by it (Serial I, p. 17). Whatever Williams said on the subject to anyone was—he testifies—his own thought and not based on anything that Judge Archbald said or did (Serial II, p. 38). As a matter of fact, the dates demonstrate that Judge Archbald never could have said or done anything to give anybody any ground for believing that the matter of the note entered into his decision, and whatever Williams may have said about it on any previous occasion—which is not evidence before this committee—must necessarily have come from his own imagination or speculation, he himself not knowing or forgetting that the demurrer was overruled before the note was offered for discount and before it was in existence.

2.—SEAGER'S LETTER OF DECEMBER 6, 1911.

On December 6, 1911, Mr. Seager, who represented the Lackawanna Railroad in the suit of the Marian Coal Co. against it, upon being pressed by the Interstate Commerce Commission to furnish certain statistical tables, gave as an excuse for not doing so that (Serial IV, p. 85) "very soon thereafter we were informed, from a reliable source, that because of the loss of the property of the Marian Coal Co. as a result of litigation with other parties, and because of other relief obtained, Boland did not care to proceed. There is no evidence by anybody that Judge Archbald or anybody connected with him was the

"reliable source" referred to. Mr. Seager (Serial VII, p. 930) has explained that his superior, Mr. W. S. Jenney, general counsel for the Lackawanna Railroad, was his informant, and Mr. Jenney (Serial IX, p. 1165) has explained that his information was derived from newspaper reports of the decree of Judge Witmer in the Peale case, which was entered August 24, 1911; the conversations with his Scranton associate, Mr. D. R. Reese, with reference to that decision conveying the information that at least $16,000 damages was admitted by the Marian Coal Co., and by conversation with Mr. Reynolds, attorney for the Central Railroad Co. of New Jersey, who reported that W. P. Boland had told him of the adverse result in the Peale case. Seager (Serial VII, pp. 960, 972) and Jenney (Serial IX, p. 1175) deny any other knowledge of or connection with the Peale case. The subject might well be dropped here.

It may not inappropriately be added, however, that Boland's present complaint that this letter of Seager's showed foreknowledge of the report of the special examiner filed in the Peale case January 30, 1912 (Serial IV, p. 91), could not have entered his mind until after he had taken offense at the letter, it being on January 6, 1912, that he made his first visit to the Interstate Commerce Commission to state his grievances (Serial II, p. 90). As a matter of fact, the decision of Judge Witmer, rendered August 24, 1911, effectually disposed of the whole case on the merits (Serial VII, p. 969; 190 Fed. Rep., p. 376) by perpetually enjoining the Marian Coal Co. from delivering its coal to anyone except Peale, directing an accounting for all moneys advanced by the plaintiff and for damages suffered by the plaintiff and appointing a master to state the account. This was final as to everything except figures, and its effect upon the Marian Coal Co. may be judged from the statement of W. P. Boland (Serial VI, p. 796).

"Mr. BOLAND. We were served with notice, and the property has been shut down ever since, and practically ruined—a loss of $10,000.

"Mr. WORTHINGTON. That was by this injunction that Judge Witmer granted on the 24th of August?

"Mr. BOLAND. That injunction has destroyed the property of the Marian Coal Co. Preventing the operation of the plant has destroyed the plant.

It is absurd, of course, to suggest that a letter written on December 6 showed foreknowledge of a final decree which had been rendered and published over three months before that date. And even as to the master's report, which was filed long after December 6, there is not a word of evidence in the record tending to prove that Mr. Seager or Mr. Janney knew anything about it till it was filed in court, or indeed till it was brought out in this hearing.

3.—KATYDID DUMP.

The facts taken from the testimony of those people who really knew and who gave accurate details, with the production of papers, dates, etc., are as follows:

(A) NEGOTIATIONS FOR PURCHASE.

Williams's attention was called to this dump by W. P. Boland (testimony W. P. Boland, Serial VI, pp. 755, 770), and Williams got a verbal option from John M. Robertson, the owner of one of the interests, for $3,500. He fixes the date as April 5, 1911, by a memorandum book. (Williams, Serial II, p. 77.)

At W. P. Boland's further suggestion (made for the purpose of getting Judge Archbald into relations with the Erie Railroad Co., Serial VI, p. 755), Williams went to Judge Archbald and got a letter from him to Capt. W. A. May, the superintendent of the Hillside Coal & Iron Co., the owner of what was supposed to be the other interest. This is spoken of as a letter of introduction in many places, but when actually produced (Serial II, p. 83) it is a letter from Judge Archbald to Capt. May, inquiring whether his company will dispose of the dump, and, if so, what the price will be, without mentioning Williams.

This letter Williams evidently took to Capt. May, who thereupon (Serial II, p. 83) gave directions for an investigation and report to him upon the character and size of the dump. Capt. May later, probably in June, 1911, discussed the proposed sale with his superior officer, Mr. Richardson, the vice president of the company, when Mr. Richardson happened to be in Scranton, on which occasion they visited the dump (May, Serial III, pp. 15, 16; Richardson, Serial VIII, p. 1004). At this time Judge Archbald's letter was mentioned to Mr. Richardson as the basis of the negotiations which were to be conducted (May, Serial III, p. 16).

There was no discussion of price between May and Richardson at that time or at any time. (Serial VIII, p. 1006.)

May also says (Serial III, p. 60) that at this time he favored making a sale, and that Mr. Richardson opposed it because of the complications as to the title. Mr. Richardson says, however (Serial VIII, pp. 1003, 1013, and 1027), that Capt. May merely entered into the question and showed him the bank, with a view to taking it up at some future time when the investigation and negotiation would be complete and the question of finally making the sale would come up before Mr. Richardson for determination.

On August 4, 1911, Judge Archbald (who was then in New York holding a circuit court) called upon George F. Brownell, the general counsel of the Erie Railroad Co. and the Hillside Coal & Iron Co., a subsidiary of the railroad company (Brownell, Serial III, p. 106), and stated that he wanted to clear up the title to this property; that he had been in negotiation with Capt. May, "but that no final answer had been received and that he understood the matter had been referred to the New York office. He stated, in substance, and I think in words, that he knew no other officer of the Erie Co. except myself, and so had taken the liberty of calling to ask if I could tell him who in the organization would be the person having the matter in charge (Serial III, p. 107).

Mr. Brownell took Judge Archbald to Mr. Richardson, introduced him, and soon left. Mr. Brownell never had any other communication with Judge Archbald at any other time or place with regard to the matter (p. 107). He had met Judge Archbald in Washington at hearings before the Commerce Court (p. 108). Nor did Mr. Brownell talk with Mr. Richardson about the matter at any other time until these proceedings appeared in the papers. (Serial III, p. 112.)

No complaint of Capt. May was made. "The only conversation was a request for information, not asking for favors, or a discussion of business details at the time I was there." (Serial III, p. 118.)

Mr. Richardson (Serial VIII, p. 1003) recalls Mr. Brownell's part in the interview in the same way, and then says: "The judge opened the matter of business on which he called by stating that he was either interested for himself or other parties in the Katydid culm bank. I told him I had had some conversation with Capt. May in regard to it several months prior to that time; that just what it was I could not recall, but that the next time Mr. May was in New York, or I was in Scranton, I would make it a point to ask him what the situation was, and to see if some determination could not be arrived at."

On August 25, 1911 (Serial IV, p. 6), Richardson talked with May in New York about this and other matters, and according to Richardson told May to "go ahead and see if he could not close it up in some manner" (Serial VIII, p. 1014), and since that time Richardson has had no communication from May about it (Serial VIII, p. 1007).

May proceed to close the matter up by giving what is known as the "May option" of August 30, 1911, agreeing to "recommend" the sale of the Hillside interest, such as it was, for $4,500.

It is important to remember the length of time which these negotiations consumed, in view of the fact that Williams mistakenly crowds the events at some places into two weeks (Serial I, p. 25; Serial II, p. 48), giving the impression that his failure to get a favorable answer from May was followed immediately by threats against May by Judge Archbald, a visit by the latter to Brownell, and an instant giving of the option.

No witness testifies to any threats made to the Erie officials, or anything even approaching it.

Williams' attitude as to these alleged threats is best illustrated by the following quotation from the testimony, referring to the statements made by him to Mr. Wrisley Brown (Serial II, p. 15):

"Mr. WILLIAMS. He [Judge Archbald] said 'I have some cases here for them now.' That is all he said.

"The CHAIRMAN. Did you not tell Mr. Brown, and do you not now say, that you thought that the judge meant that he had a chance to do something for them or against them; for May or for the railroad company, or against May or against the railroad company?

"Mr. WILLIAMS. He did not say so.

"The CHAIRMAN. What was the inference you drew from his remark?

"Mr. WILLIAMS. That would be mine; it would not be his."

The dates are also important for the purpose of comparison with the dates of the so-called Lightersge case. This was begun April 12, 1911, and was argued May 17, 1911, and preliminary injunction granted May 22, 1911, and appeal to the Supreme Court taken June 13, 1911. (Brownell, Serial III, p. 111.) It could hardly have come to Judge Archbald's attention until it was argued, and it was decided long before the visit to Brownell. Seager says that the appeal to the Supreme Court was still pending at the whole time. (Serial VII, pp. 947, 965.)

When the complainant moved for the appointment of an examiner to take testimony, Mr. Esterline for the Government restated, saying (Serial X, p. 1208):

"The case has gone to the Supreme Court of the United States on the old record * * * Maybe not in word of which is disputed * * * and the Supreme Court's decision * * * will dispose of that case. * * * It is the contention of the Government that there is no testimony to be taken, and the decision of the Supreme Court will be final."

Though the examiner was appointed, no testimony has in fact been taken in the eight months which have elapsed (Serial X, p. 1212).

The dates show also how absurd is such an invention—by somebody—as that which appears in Miss Mary Boland's notes, that Williams said, on September 18 and 28, 1911, that Judge Archbald was then preparing a "brief" for the Erie Railroad in the Lightersge case (Serial V, pp. 610, 611).

(B) MIXED STATE OF THE TITLE AS TO KATYDID DUMP.

This best appears from the evidence of Capt. May (Serial III, pp. 10, 49) and of Robertson (Serial III, p. 119). The dump rested on a tract of land known as lot 46, owned one-half by the Hillside Coal & Iron Co. and one-half by a number of people with quite minutely subdivided interests known collectively as the "Everhart estate." The Hillside Co. had a license to mine from the Everharts, contained in a letter (which had been lost), by which it was agreed to pay them 20 cents a ton upon sizes larger than pea coal, and the Hillside had collected on that basis for the Everharts in the past. The Hillside Co. had mined the tract at one time, but most of the dump was produced by Robertson in his operations under the Hillside Co., at certain royalties stated by May (Serial III, pp. 11 and 22). The Everhart license was revocable at any time (Serial II, p. 11). Robertson had succeeded to all the rights of his firm, and had maintained his possession of the dump, taking coal from it from time to time (Robertson, Serial III, pp. 119, 120).

Judge Archbald and Williams had evidently supposed that the Hillside's agreement with the Everharts, their coowners, would permit them to dispose of the Everhart interest as well as their own; but when it appeared that the Hillside would only give a quitclaim, and the title was looked into by the attorneys for the Laurel Line, to whom a resale was proposed (Serial III, p. 74), the Everhart rights were brought up, and not only stopped that sale, but compelled the negotiators to try to purchase that interest through the intervention of Dainty, who was supposed to have influence with them (Williams, Serial II, p. 9).

These efforts, however, to the contrary, evidently stirred the Everharts into activity and they flooded Capt. May and Robertson with notices forbidding them to sell (Serial III, p. 42; Serial II, p. 135; Serial III, p. 173), so that Capt. May, under advice of his attorneys, eventually refused to go on with the sale at all.

These notices were dated April 11, 13, and 19. Capt. May says that he had no knowledge of any investigation by the Government into these transactions until he saw it in the newspaper of April 21, 1912 (Serial III, pp. 168, 170, 187); and there is no evidence to contradict this, so that his reason must be taken to be true.

(C) VALUE OF THE DUMP.

To support the suspicion that undue influence was exerted by Judge Archbald, it is intimated, rather than charged, that he was afforded an opportunity to make a large profit by giving him favorable terms.

The interests of Robertson and the Hillside were not equal, each, as has sometimes been assumed. If they were, Robertson's price made to Williams without Judge Archbald's interference ($3,500) would be a good standard by which to judge the Hillside's price ($4,500). The most accurate way of determining the value of the Hillside interest, however, is that adopted by Capt. May, who takes the Hillside interest at exactly what it was, to wit, a royalty interest, and by multiplying the number of tons in the dump, as estimated by Rittenhouse, the engineer employed both by the Government investigator and by the Laurel Line, and multiplying it by the royalties arrived (Serial III, p. 22) at the figure of $2,752.71. The purchasers, in addition, would have to pay the Everhart royalty of 20 cents per ton for sizes larger than pea coal (May option, Serial I, p. 26). Of this Rittenhouse estimated (Serial II, p. 21) 5,477 tons. The resulting royalty is $1,095.40.

The value of the dump is also shown by the terms of the resale to the Laurel Line. The very careful and detailed estimate of Mr. Rittenhouse, the engineer employed by the Government, showed the total contents of the bank to be 90,186 tons, and applying his percentages of the various sizes of coal down to the smallest size in use we get 46,704 tons of coal of all sizes (Serial II, p. 198), or 41,227 tons, excluding chestnut (Serial II, p. 190).

The survey of the Erie engineers showed 42,500 tons of merchantable coal (May, Serial III, p. 25). These estimates are probably much more accurate than those made by the eye merely of other people. At any rate, they are the estimates upon which the parties acted.

Mr. Conn, for the Laurel Line, agreed to give "a royalty of 27½ cents per gross ton for all coal shipped, with a minimum of 20,000 tons per year, and if you agree to accept this proposition will arrange to pay $10,000 as advanced royalties."

This appears by his letter of November 29, 1911 (Serial III, p. 77), and it is important to note it, as many of the witnesses, by misunderstanding, refer to the price as a flat rate of 27½ cents per ton; that is to say, for every ton of material, whether merchantable coal or waste. Mr. Conn says (Serial III, p. 81) that he based his figures on a total tonnage of 50,000 (the word "thousand" is omitted in the printed report). The Rittenhouse tonnage of 46,704 tons, at 27½ cents a ton, amounts all together to $12,943.60, which is the price Conn was thus in effect to pay for the dump.

The Bradley price of $20,000 was made in April, 1912 (Serial III, p. 148), at a time when the coal strike had caused a great advance in the value of dumps (Serial VI, p. 707; Serial II, p. 54), and as to the Bradley negotiations there is no evidence that Judge Archbald was in any way a party to them.

The Thomas Star Jones option for $25,000 came to nothing as soon as Jones had looked at the bank and estimated the quantity of coal in it. (Serial VIII, p. 979.)

A year or two before this transaction Robertson had proposed to sell the dump to the Du Pont Powder Co. for $10,000, and at that time Capt. May had tentatively agreed to sell the Hillside interest to Robertson (out of which he was to take care of the Everharts) for $2,000. (May, Serial III, pp. 36, 38, 39, and 50; Robertson, Serial III, pp. 120, 121, 122, 138.)

Rittenhouse, however, has a calculation of the large profits which the Erie or Hillside gave up to do this "favor." As to the profits of the railroad on the transportation of the coal, we find that Capt. May, in his capacity as vice president, approved of the purchaser, and proposed to draw further articles of agreement. (Serial I, p. 28.) Accordingly, when he did come to draw the only definite agreement to which he committed himself—the Bradley contract (Serial III, p. 171)—the lessee was obligated to ship over the Erie Railroad, and on failure to do so the agreement was to be revocable.

The profits to the Erie from transfer, etc., of the coal was thus expressly saved to it and drops out of the account. Whatever it amounted to it would still be made.

As to the profits on washing the bank itself to be made by the Hillside, this is all based on conveying of the coal to the Consolidated Washery of the Hillside, which was some distance away. That the committee did not place any confidence in this theory of Mr. Rittenhouse is shown by the fact that when Capt. May undertook to explain why the Consolidated Washery of the Hillside could not handle this bank the chairman admonished him (Serial III, p. 24):

"Mr. May, the Chair does not desire to say how you shall answer any question, but the Chair submits to you that it would be well to omit from the record things that have no bearing upon this inquiry. I leave that to you?"

Whereupon he desisted.

The most important thing, however, is that the Hillside Co. did not own the bank. Robertson owned it, subject to the payment of a royalty to the Hillside; and while he had been wanting to sell to them and had been negotiating to that end for over a year, the bank was not of sufficient value to get as far as the mention of terms. (Serial III, p. 120.) If it was of such enormous value to the Hillside, they could and would unquestionably have bought out Robertson long before.

Rittenhouse figures out "that the Laurel Line paid, or would about represent, a royalty of 30 cents per ton." Hillside was the "flat" rate of 30 cents a ton and that any other operator must lose money.

This absolutely proves that no favor was granted and that the whole matter was treated on a business basis.

Through all Judge Archbald's part in these negotiations there is not the slightest thing which has been connected by competent evidence with him to show that he tried to conceal his interest or deal in any other than an ordinary business way. The letter to Capt. May was in form a direct inquiry by him (Serial II, p. 83), and it was known to six or seven people in the office. (Serial III, pp. 46, 69.) The Conn letter (Serial I, p. 33) was also in Judge Archbald's own name, and in it he stated explicitly that he was interested with Williams in the matter. W. P. Boland says (Serial VI, p. 759) that the agreement drafted with Conn was in Judge Archbald's name only. The talk with Robertson was that Judge Archbald was to have an interest (Serial III, p. 127). Robertson says that everybody concerned knew of it. (Serial III, p. 127.) The Robertson option was in Judge Archbald's handwriting, witnessed by him, and ran in the name of Williams doubtless because Capt. May had first given his option in that form.

The only suggested concealment is in the papers concocted by W. P. Boland as part of the so-called "proofs" which he was getting up. These are the "silent party" paper of September 5, and the absurd veiled reference to a party not named in the letter of Williams to Conn of March 13. Boland admits that he helped to prepare both of these papers (W. P. Boland, Serial VI, pp. 756, 805), although his niece and stenographer remembers with great positiveness, and repeats twice (Mary F. Boland, Serial V, p. 616; Serial VI, p. 632) that both W. P. Boland and C. G. Boland were in Wilkes-Barre on the day the March 13 paper was prepared, and that Williams alone told her what to say in that letter. Boland says (Serial VI, p. 805) that he thinks that Dainty, Williams, and himself "participated in the formation of this letter" of March 13; that the dictation of the letter was the suggestion of all three of them. Williams certainly intends to be understood as saying that Judge Archbald knew nothing of the "silent party" paper (Serial I, pp. 44, 45; Serial II, p. 43, 69), and nowhere contradicts his repeated assertion that Judge Archbald did not ask to be referred to as a "silent party." (Serial I, p. 46; Serial II, pp. 43, 56, 61, 63.) The letter of March 13, W. P. Boland says, was inspired by a desire to see Williams take his profits. (Serial VI, p. 790.) This is a novel motive for his acts. It is much more likely an effort to close the deal in order to get more convincing "proofs," as was also his suggestion of Bradley as a purchaser. (W. P. Boland, Serial VI, p. 760.)

4.—DARLING LETTER.

This was one of the most startling of the original charges. In the Cockrell memorandum of January 6, 1912, Boland is stated to have said that this sale was about to be closed (Serial II, p. 153). The letter from Judge Archbald to Darling was dated August 3, nearly seven months before (Serial III, p. 141).

It appeared that Williams asked Judge Archbald for a letter of introduction to Mr. Darling, an attorney, that Williams might inquire about the purchase of a culm dump. This was evidently instigated by W. P. Boland as part of his trap, for he promptly photographed the letter. Indeed, W. P. Boland admitted before the Attorney General that he put Williams up to getting this letter from Judge Archbald to Darling (Serial III, p. 163).

Williams was immediately informed that the dump was leased to another party, so that there were really no negotiations. No railroad or other litigant had any connection with the Hollenbach Coal Co., which owned the dump (Darling, Serial III, p. 142; Williams, Serial II, p. 30).

5.—THIRTY-DAY ORDER TO CLOSE TESTIMONY IN PEALE CASE.

The most obvious thing about this charge is that it is based on W. P. Boland's interpretation of oral remarks made by Judge Archbald upon the bearing in chambers of the application for the order, easily misunderstood by a layman, and most certainly misunderstood by a man of Mr. Boland's preposseasions (Serial VII, p. 817). A copy of the order (Serial VII, p. 817) shows as follows:

"Now, 27th day of January, A. D. 1911, it is ordered that the hearing before the special examiner in the above-entitled action be continued from 30th day of January, A. D. 1911, to 27th day of February, A. D. 1911, at the city of New York, State of New York and that the defendant resume the taking of testimony on said 27th day of February, 1911, and continue the same until the defendant rests."

No more extensions were asked for (Serial VI, p. 743), although Judge Archbald meanwhile had gone on the Commerce Court bench, and the new judge might have been applied to. The order gave the defendant an indefinite time after February 27 in which to take its testimony and, as a matter of fact, there is no evidence as to when the testimony was closed. W. P. Boland's recollection is indefinite, and he does not assert that they ceased taking testimony after February (Serial VI, p. 787). The docket entries (Serial IV, p. 91) show that an amendment was applied for by the defendant on June 30, 1911, and that the evidence of both plaintiff and defendant, including rebuttal evidence of the plaintiff and surrebuttal of the defendant, were filed July 18, 1911. The case had been pending before the examiner for over 14 months—since November 17, 1910. The Supreme Court equity rules (rule 60) require the testimony in every case to be completed within three months. Mr. Frank E. Donnelly, the attorney for the Marian Coal Co., was not called to give the effect of the order upon the defendant's case, which he would naturally understand better than his client. In fact, Boland's complaint is not so much of the "30-day" order, as of what he alleges was the refusal of Judge Archbald to order the plaintiff to furnish a statement of the customers with whom he dealt, so as to enable Boland to investigate the facts. As brought out by Mr. Sterling in the examination of W. P. Boland (Serial VI, p. 743) and Mr. Graham (Serial VI, p. 733), there was no real application for such an order except so far as appears by the indefinite and easily misled recollection of W. P. Boland himself. There is no record evidence of it. In fact the Bolands did find what they wanted in the books of Peale, Peacock & Kerr (Mr. Graham's examination of W. P. Boland, Serial VI, p. 787).

It is hardly supposed that the granting of this order in the ordinary exercise of judicial discretion is sought to be made into an impeachable offense. Doubtless it has an important bearing on W. P. Boland's actions, because he says it is that which started his real suspicions of Judge Archbald's integrity, and started him on his plan to entrap Judge Archbald. In fact, he says that the $500-note incident would have been forgotten but for this order (Serial VI, pp. 768, 793; Serial VII, p. 816).

6.—JUDGE WITMER'S DECISION IN THE PEALE CASE AND JUDGE ARCHBALD'S CONNECTION WITH IT.

The absurd story heard by W. P. Boland—or believed by him to have been heard—that Mr. Loomis, the vice president of the Lackawanna Railroad, got Judge Archbald to influence Judge Witmer to render this decision was the next act of oppression which actuated W. P. Boland, and he speaks of it in the same connection as his complaint about the "30-day" decision (Serial VI, p. 793; Serial VII, p. 816).

It is sufficient to say of this that neither W. P. Boland (Serial VI, pp. 783, 784, 765) nor C. G. Boland (Serial IV, p. 100) pretends to have any first-hand knowledge, but claim to have derived their story from Watson and Searle. Loomis (Serial IX, p. 1153) denies the story, and no inquiry was made of Watson or Searle, although attention was called to it by counsel for Judge Archbald when Searle was on the stand. (Serial X, p. 1253.) Phillips says that Boland told him that Searle told him that Loomis told Judge Witmer to render the decision. (Serial VII, p. 841.) There is nothing further to discuss with regard to it.

7.—ATTEMPTED SETTLEMENT OF MARIAN COAL CO. LITIGATION.

Judge Archbald had nothing to do with the employment of Watson by the Bolands. They employed him on the recommendation of Williams as a man who had influence with the railroads. The inference is strong that the Bolands believed that Williams had in mind that Watson would interest Judge Archbald, because the whole incident is brought in in connection with Williams's alleged relations with Judge Archbald. (W. P. Boland, Serial VI, p. 734; C. G. Boland, Serial IV, p. 82; Reynolds, Serial V, p. 560.) Watson says that C. G. Boland first came to him about the matter—he does not know why—and that Boland suggested that Watson bring in Judge Archbald. (Serial VII, p. 844).

Whether the Boland motive was to trap Judge Archbald or to profit by the undue influence which they believed he could exert, their story is incongruous with the present assertion that they resented his interference (W. P. Boland, Serial VI, p. 784; C. G. Boland, Serial V, p. 541), though they never actually protested even when (as they allege) they were told that wholesale bribery was to be practiced in their behalf. Still more incongruous is the assertion that Judge Archbald's acts were in the interest of the railroad in order to delay the rate case until the Peale case should put them out of business (W. P. Boland, Serial VI, p. 737), which is evidently inspired by Boland's attorney, Mr. Reynolds. (Reynolds, Serial V, pp. 585, 594.) The Bolands themselves sought Watson and started these negotiations. They negotiated themselves with the railroad company, both before and after. (Serial VII, pp. 937, 938, 943.) The active work of the negotiation occurred in September, after the Peale decision. (Loomis, Serial IX, p. 1134 et seq.) And if designed for delay the negotiation would not have been broken so decisively by the railroads after only one interview with the railroad heads and with no suggestion of any further conference. (Serial IX, p. 1145; Serial X, p. 1188.)

Here again there is nothing but incompetent hearsay evidence that Judge Archbald was to participate in the fees or profits to be made by the settlement of this case. W. P. Boland does not pretend to have talked to Judge Archbald about it on any occasion (Serial VI, p. 729). C. G. Boland only goes so far as to say that he met Watson in Judge

Archbald's office, that Judge Archbald said he would be glad to help in the settlement, and called Loomis on the telephone while C. G. Boland was there, and, further, that Judge Archbald wanted an assurance of a fee of $5,000 to Watson, and that pursuant to this assurance C. G. Boland got a paper from W. P. Boland promising this fee, and gave it to Watson (Serial IV, pp. 82 and 83). All that C. G. Boland had to say about a division, either of the $5,000 fee or of the difference between $100,000 and $160,000 to be divided with Judge Archbald and the officials of the Lackawanna Railroad, he does not pretend to know of his own knowledge, but only by relation from Watson (Serial IV, pp. 96, 97, and 102). Indeed, C. B. Boland does not claim that Watson said that Judge Archbald asked for money, but merely that Watson said, "The judge was certainly an important factor," and "he felt the judge ought to be compensated." Although C. G. Boland talked to Judge Archbald about this settlement (Serial V, p. 541), and had a letter from him as late as November 13 (Serial V, p. 554), and talked to Loomis and Phillips, the officials of the Lackawanna Railroad, who, he says he thought, were to participate in the excess price asked by Watson (Serial V, pp. 537, 538, and 539), he never mentioned the matter to Judge Archbald or Mr. Loomis, and when he spoke of it to Phillips the latter (p. 538) vigorously denied it.

Phillips (Serial VII, p. 842), Watson (Serial VII, p. 901), and Loomis (Serial IX, pp. 1153 and 1157) all emphatically denied this story.

Although the above covers only a very small part of the charge made and the testimony taken on this transaction, it does cover all that could by any possibility be made an impeachable offense. That Judge Archbald interested himself as a mediator between the Marian Coal Co. and the Lackawanna Railroad, whether out of friendliness to the Bolands or to Watson or to the railroad, is not an offense of that character, unless he was either to profit by it or was to use an improper influence to bring it about. There is no evidence of either.

Criticisms upon Watson's testimony, and variation of his dates with the dates fixed by other witnesses, will not create evidence that Judge Archbald exercised any improper influence over the railroad, or attempted to do so, or that Watson asked him to do so, or, indeed, at the time of his Washington visit, asked him to interfere further at all in the case.

The reason for Judge Archbald's interest, in the entire absence of competent evidence of a corrupt motive, is evidently that given by several witnesses, as follows:

C. G. Boland (Serial IV, p. 89): "When I was called over to his office I was led to believe that he was acting as a friend of Mr. Watson and I might say that the judge and myself have been neighbors for more than 40 years. We were friends."

Truesdale (Serial IX, p. 1113): "They were all, I took it, acquaintances and friends of long standing of Judge Archbald's."

Loomis (Serial IX, p. 1142): "Mr. Archbald being a friend of the Bolands and being friendly to us, was simply acting as a mediator to adjust the differences that were existing between our companies."

Jenney (Serial IX, p. 1168) says that on asking Maj. Warren, his associate attorney in Scranton, what Judge Archbald's motive was, he received the answer that Watson was influential in getting the United States court located at Scranton, drew the bill, and expected to be the judge, and that Judge Archbald, having been appointed in his stead, felt kindly toward him and wanted to help him, and was therefore drawn in by Watson.

That Watson raised the price he asked of the Lackawanna Railroad from the figure of $100,000, authorized by the Bolands, to $160,000, without authority, would, if true, affect only his relations with his client and would not tend to prove that Judge Archbald or anybody else was to participate in the excess sum. It is interesting, however, to notice that as early as September 1, 1911, the claim made in behalf of the Marian Coal Co. for reparation against the Lackawanna Railroad was for an average of 43 cents excess rate per ton upon 376,000 tons of coal shipped, amounting to $161,680 (letter of Phillips to Loomis of Sept. 1, 1911, Serial VII, p. 942). This is the sum which figured as Watson's demand. And from the date of this letter it evidently figured in the negotiations long before Watson's interview with Phillips, Loomis, and Truesdale on October 5, 1911. In fact, independently of Watson, the Bolands were seeking a settlement by interviews with Mr. Reese, the Lackawanna's attorney in Scranton. (Reese to Seager, July 21, 1911; Reese to Phillips, July 29, 1911, speaking of interview with W. P. Boland; Reese to Seager, Aug. 11, 1911, Serial VII, pp. 937 and 938.) Boland also continued negotiations after Watson's intervention. (Letter, Reese to Seager, Jan. 12, 1912, speaking of conference with Boland about settlement of all claims, Serial VII, p. 943.) And, as is already noted, C. G. Boland himself interviewed Loomis and Phillips after Watson had dropped out. (Serial V, p. 537.) The manner in which this claim of $161,680 is made up precludes the possibility of its being invented by Watson, as asserted by the Bolands. Although Boland's clerk, Fryor, prepared some figures about freight rates and tonnage to show the coal company's damages and took them to Watson (Serial IV, pp. 50, 72), who returned all his papers to the Bolands (Serial VII, p. 844), and although Judge Archbald evidently had some papers which he returned with the "Dear Christy" letter (Serial V, p. 554), no papers whatever are produced by the Bolands which were used in the Watson negotiations, and their absence is not accounted for. It is highly probable that they showed these very figures.

Nor is there a word of testimony to connect Judge Archbald with Watson's intention to collect an excess of over $60,000 if it existed.

This closes the discussion of all the charges that were preferred against Judge Archbald either in the Cockrell memorandum or the hearing before the Attorney General.

Other charges which have been indicated in the taking of testimony before the committee will next be considered.

8.—RISSINGER NOTE.

As to this note the intimation seems to be that Judge Archbald sat as trial judge in a case in which one Rissinger was interested as plaintiff against insurance companies at a time when he was indorser on Rissinger's note for $2,500.

This is disposed of by the fact that Mr. Reynolds (Serial VI, p. 636) and Mr. Lenahan (Serial VIII, p. 1051) assert that Judge Archbald's rulings could not possibly have been different from what they were. They both participated in the trial and settlement as counsel for the plaintiff.

The record dates also prove that the suit was tried and settled November 23, 1908 (Docket entries, Serial VI, p. 657), and that the note which was in form an accommodation and discounted for Rissinger, the maker, was dated November 23, 1908, and discounted December 12, 1908. (Wallace M. Ruth, cashier of the bank, Serial VI, p. 665).

9.—AS TO THE SUM OF $250 RECEIVED FROM SALE OF GRAVITY FILL.

Here the charge appears to be that Judge Archbald received the sum of $250 for using his influence with railroads in connection with a culm dump known as the Gravity fill.

It is apparent that Judge Archbald really received this money for services in negotiating with Mr. Berry (who represented the owners of the dump), as testified by Berry (Serial VIII, p. 1055). Neither Berry nor his principals, nor any of the other parties to the transaction, had any affiliations with any of the railroads or any parties litigant in Judge Archbald's court. The coal from this dump is all shipped over the "Laurel Line," which is not an interstate line, and can therefore have no cases in the Commerce Court (Serial VI, p. 706). There is nothing improper in this transaction, unless it be an offense on the part of a judge to engage in any business transactions whatever. This is the only money, or profit of any kind, which anybody testifies Judge Archbald actually realized from any transaction.

10.—INTERVIEW WITH RICHARDS ON BEHALF OF WARNKE.

Both Mr. Richards (Serial VI, p. 668) and Mr. Warnke (Serial VI, p. 675), say that the only thing that was done was that Judge Archbald requested Mr. Richards, an official of the Philadelphia & Reading Coal & Iron Co., to give Warnke another hearing on an old controversy, but that this was politely but firmly refused. The matter ended there. Nobody says that Judge Archbald acted in any other capacity than as a friend of Warnke or suggested the granting of any other favor than a rehearing.

11.—SALE OF INTEREST IN EVERHART LAND TO LEHIGH VALLEY COAL CO.

Mr. Warriner testifies (Serial VI, p. 710) that his company, the Lehigh Valley Coal Co., had been buying up the title of the lessors in a certain tract of which the company was lessee, and that the interest owned by a Mrs. Llewellyn, one of the Everhart heirs, was still outstanding, as she would not sell. Judge Archbald said to him that a man named Dainty had influence with Mrs. Llewellyn and could persuade her to sell, and Mr. Warriner thereupon gave to Judge Archbald the price at which they would buy, which was the same proportionate price as they had given to the other interest, saying that they absolutely would pay nothing more. He supposed that Judge Archbald was acting as a friend of the owner, because the people originally came from Scranton, and he heard nothing further from it after that (Serial VI, p. 710, et seq.).

Williams testifies (Serial II, p. 22) that "Judge Archbald had no interest in it"; that he (Williams) introduced Dainty as a friend of the Everharts to Judge Archbald, because he (Williams) "thought" Judge Archbald could get the Lehigh Valley Coal Co. to pay the price Mrs. Llewellyn, one of them, wanted; that Judge Archbald communicated with Mr. Warriner. Further than that he knows nothing.

Evan W. P. Boland says of this transaction (Serial VI, p. 779): "I do not think there was to be a cent divided on the Everhart deal by any of them."

12.—MORRIS & ESSEX TRACT, OWNED BY THE LEHIGH VALLEY COAL CO.

This tract was sought to be leased by Dainty from the Lehigh Valley Coal Co. There is nothing to show that the negotiation got so far as to mention terms. It is linked with the previous transaction (No. 11, above), although not otherwise than that Judge Archbald said to Mr. Warriner, at the time of his interviews about that matter, that Dainty would like to have a lease of this tract. The two matters had no connection in Mr. Warriner's mind (Serial VI, p. 714), and Judge Archbald was not to have any interest in the matter (Serial VI, p. 720).

Mr. Wrisley Brown (Serial X, p. 1291) testifies that Dainty said to him that Judge Archbald had no interest in this Morris & Essex tract.

Williams testifies (Serial II, p. 27) that he knows of this only from Dainty; that he knows of no interest of Judge Archbald in it, and he does not appear to know of any terms.

W. P. Boland knows of this only from Dainty (Serial VI, p. 772), and has a most remarkable story twice repeated (Serial VI, pp. 772 and 779); that it was a reward to Judge Archbald for services to the Lehigh Valley in the "segregation" or "commodity-clause" suit. This, no doubt, refers to the litigation which resulted in the decision of the Supreme Court rendered May 3, 1909, before the Commerce Court was created, in United States v. Delaware & Hudson Co. (213 U. S., 366), a litigation with which Judge Archbald was never connected in any way.

The interest of Judge Archbald in this matter doubtless grew out of the fact that Dainty was to help clear up the Everhart interest in the Katydid culm dump, which, while outstanding, stood in the way of a sale to Mr. Conn (W. P. Boland, Serial VI, p. 774; Williams, Serial II, p. 9).

13.—PACKER NO. 3 DUMP.

As to this the intimation seems to be that Judge Archbald's influence with the Lehigh Valley Railroad was used in an attempt to procure a lease of a valuable culm dump.

Judge Archbald's attention was evidently brought to this dump by the fact that he had been approached about purchasing a neighboring washery known as the "Oxford," and on finding that this was not a good proposition had been drawn off to what seemed a better one near by (Archbald letter to Warriner, Serial X, p. 1229).

This dump was produced by the Lehigh Valley Coal Co. in mining operations under a lease from the Girard estate, which expires December 31, 1913. Notwithstanding it had run several years, the company was making no use of the dump (Serial IX, p. 1059), although they were doing a little toward working an adjoining dump of better quality (Serial IX, pp. 1106 and 1109; Serial X, p. 1231).

One of the dumps applied for the company had tried to work and found too full of ashes. (Serial IX, p. 1106.) The dumps, in fact, were of poor quality (Serial IX, p. 1105), and the company did not make a practice of working their dirt banks. (Serial IX, p. 1109.)

Judge Archbald and his associates apparently secured from Mr. Warriner a tentative agreement that they might get from the Girard estate a lease on this dump, the terms of which arrangement are shown by letter of Judge Archbald to Col. James Archbald (Serial IX, p. 1086), which provided for shipping over the Lehigh Valley Railroad, and for a royalty to the coal company added to the royalty that was to be paid to the Girard estate, and included an arrangement for keeping the stream clear of slush. Mr. Thomas, the president of the company, said that he had never agreed to this and that his consent was necessary. (Serial X, p. 1214.)

Medeira, Hill & Co., of the Oxford washery, had previously obtained Warriner's consent to a lease of this bank to them, but the matter had fallen through. (Serial IX, p. 1109.)

The whole matter fell through because the Girard estate thought such a sublease would interfere with negotiations for a new leasing of the mines operated by the Lehigh Valley, and might deter other applicants which were in sight. (Serial IX, p. 1090.) Doubtless, however, the Lehigh Valley would not have objected to an arrangement which would have done this, as it would have helped them in their application for renewal.

14.—HELM BRUCE CORRESPONDENCE.

The letter of Mr. Helm Bruce relating to the testimony of Mr. Compton, elicited by Judge Archbald, was pasted into the record, evidently put there by Judge Archbald (Serial VIII, pp. 1066, 1079), so that all parties had the benefit of it, whatever it was. As stated by Mr. Bruce, the matter was not important, and the subsequent decision of the case the testimony of Mr. Compton was taken as it originally stood. "A colloquy occurred in the course of Mr. Compton's examination," the opinion says, "in which he seems to have admitted that the rule in the local tariffs referred to, not being limited in terms, might be claimed to have authorized the application of the Mobile combination to Montgomery shipments," which proves that the testimony was not regarded as changed. The same is substantially true with regard to the other inquiries answered by Mr. Bruce. The opinion assumed that there had been departures from the "Cooley adjustment" with respect to commodity rates, and that commodity rates were possibly what the commission, in speaking of these departures, had in mind, and the opinion then proceeded to show that this did not affect the stability of the "Cooley adjustment," it being class and not commodity rates that were involved. With this conclusion reached, the importance of the inquiries disappeared.

15.—WIRE TRUST SENTENCES.

It is submitted that these sentences involved the exercise of judicial discretion, and that nothing appears to indicate that that discretion was not wisely exercised. District Attorney Wise, in conference with the Attorney General, prefigured the result, calling attention to the fact that these Wire Trust pools had been discontinued for some considerable time, and expressing the opinion, in view of this and the doubtful construction of the Sherman law prior to the Standard Oil decision in the Supreme Court, that a jail sentence was not necessary, and not likely by any judge to be imposed. (Serial X, p. 1200.) He also distinctly said that he had not asked for more than a fine in any of the cases (p. 1200), except that of Jackson, on whom the maximum fine of $5,000 in each of the nine cases in which he was indicted was imposed. Nor would he deny that in discussing beforehand in chambers with Judge Archbald and counsel for the other defendants the question of the fine to be imposed on them, $2,000 was all that he had asked (p. 1202). The observations of Judge Archbald, at the time the sentences were imposed, disclose the considerations by which he was moved and justify the result (pp. 1205 and 1208).

16.—PURSE CONTRIBUTED BY MEMBERS OF THE BAR.

This money was not put into Judge Archbald's hands until the steamer was just ready to start, and Judge Archbald had no knowledge of it until that time. (Serial X, pp. 1242 and 1249.) It was intended as spending money to relieve Judge Archbald when called upon to go outside on the occasions of the trip, which was made as the guest of a relative. (Serial X, pp. 1243, 1250.)

However embarrassing it might be to receive the money, it was impossible to refuse it in good taste and without reflecting on the givers. Nobody pretends that any of the gentlemen who contributed to this fund or Judge Archbald himself connected this transaction with any litigation then pending or liable to arise in the future.

THE LAW.

A corrupt decision is of course an impeachable offense.

The charges with regard to the Boland and Rissinger notes are the only ones which even approach to this character, and they are disposed of by the evidence.

An unwise decision will hardly constitute an impeachable offense, and even those who disagree with the penalties inflicted in the Wire Trust cases can not characterize them further than that.

All the other charges, which do not fall utterly on the testimony, relate not at all to corrupt or improper, or unwise, or even erroneous judicial action. Except for the Helm Bruce correspondence, they do not bear any relation to any specified litigation. Even the Litherage case on the statements made by Williams to Mr. Wrisley Brown bears only a remote relation to the Katydid dump; and when he dates are examined it appears that the business transaction which occurred months afterwards could not by any possibility have influenced the decision there. Indeed, nobody claims that it did.

No crime of any grade or under any law is alleged in these other charges, nor do they include any immoral act short of a crime.

Whether, therefore, impeachable offenses be those which have a criminal character, but may have no relation to the office of the person charged, and those which, falling short of positive crime, amount to improper conduct in the exercise of the office (as contended by the managers for the House in the Swayne case), or only acts which are criminal and performed in connection with official duty (as contended for the respondent in that case)—there is no impeachable offense shown here. Aside from the charges just mentioned, the acts of Judge Archbald consist solely of engaging in business dealings with those who were or might be litigants before him. Of course this in itself is not a crime of any grade whatever, and there is no suggestion even arising from the evidence before the committee that in any case such dealings were with an evil intent on the part of Judge Archbald.

It is not deemed necessary, in view of the weakness of the evidence in this case, to enter into any elaborate discussion of the authority as to what constitutes an impeachable offense. It is sufficient now to refer to what was said on this subject in the Swayne case.

The contention for the respondent in that case is shown by the following quotation from the brief of respondent's counsel (S. Doc. No. 194, 58th Cong., 3d sess., p. 393):

"In English and American parliamentary and constitutional law the judicial misconduct which rises to the dignity of a high crime and misdemeanor must consist of judicial acts performed with an evil or wicked intent by a judge while administering justice in a court, either between private persons or between a private person and the government of the State. All personal misconduct of a judge occurring during his tenure of office and not coming within that category must be classed among the offenses for which a judge may be removed by address, a method of removal which the framers of our Federal Constitution refused to embody therein."

And the contention on the other side appears well from the argument and citations of Mr. Manager Clayton for the House. (Id., p. 617.) He cites the following passage from the history of the Constitution of the United States, by George Ticknor Curtis, in volume 2, page 260:

"The purposes of an impeachment lie wholly beyond the penalties of the statute or the customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that either in the discharge of his office or aside from its functions he has violated a law or committed what is technically denominated a crime. But a cause for removal from office may exist when no offense against positive law has been committed, as when the individual has from immorality or imbecility or maladministration become unfit to exercise the office."

He quotes also from Foster on the Constitution (Id., pp. 619, 620), including the following paragraph:

"Some advocates have gone so far as to maintain by a misapplication of a term of the common law that the proceedings on an impeachment are not a trial, but a so-called inquest of office, and that the House and Senate may thus remove an officer for any reason that they approve. That Congress has the power to do so may be admitted, for it is not likely that any court would hold void collaterally a judgment on an impeachment where the Senate had jurisdiction over the person of the condemned. And undoubtedly a court of impeachment has the jurisdiction to determine what constitutes an impeachable offense. But the judgments of the Senate of the United States in the cases of Chase and Peck, as well as those of the State senates in the different cases which have been before them, have established the rule that no officer should be impeached for any act that does not have at least the characteristics of a crime, and public opinion must be irremediably debauched by party spirit before it will sanction any other course.

"Impeachable offenses are those which were the subject of impeachment by the practice in Parliament before the Declaration of Independence, except in so far as that practice is repugnant to the language of the Constitution and the spirit of American institutions. An examination of the English precedents will show that, although private citizens as well as public officers have been impeached, no article has been presented or sustained which did not charge either misconduct in office or some offense which was injurious to the welfare of the State at large.

"In this class of cases, which rests so much in the discretion of the Senate, the writer would be rash who were to attempt to prescribe the limits of its jurisdiction in this respect.

"An impeachable offense may consist of treason, bribery, or a breach of official duty, by malfeasance or misfeasance, including conduct such as drunkenness when habitual or in the performance of official duties, gross indecency, and profanity, obscenity, or other language used in the discharge of an official function which tends to bring the office into disrepute, or an abuse or reckless exercise of a discretionary power as well as a breach or omission of an official duty imposed by statute or common law, or a public speech when off duty which encourages insurrection. It does not consist in an error in judgment made in good faith in the decision of a doubtful question of law, except, perhaps, in the violation of the Constitution."

In the brief of respondent's counsel (Id., p. 396) occurs the following:

"On the other hand an equally untenable attempt has been made to widen unreasonably the jurisdiction of the Senate sitting as a court of impeachment by the claim that, under the general principles of right, it can declare that an impeachable high crime or misdemeanor is one in its nature or consequence subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or without violating a positive law, by the abuse of discretionary powers for improper motives or for an improper purpose."

In all these definitions there is either the element of crime or of breach of official duty. No contention appears ever to have been made that an act not criminal and not official is an impeachable offense. In the case of Judge Archbald nothing approaching any precise definition of impeachable conduct has been shown. To make such relations between a judge and others as appear here impeachable we must assume a law to be in force which makes it a crime for a judge to purchase property from any person or corporation who has, or is likely to have, litigation in his court. There is no such law, and it is hardly conceivable that Congress would enact such a statute to govern future cases.

In conclusion it is respectfully submitted to the committee that its jurisdiction is only to inquire and report to the House whether there is ground for an impeachment of Judge Archbald. If the committee shall find that no such ground exists, it should not, in fairness to Judge Archbald, inquire or report whether as to any of the matters referred to in the evidence he has been indiscreet.

One who is impeached is tried by a court where the rules of evidence govern the investigation of the facts and where he has the right to summon witnesses and to object to hearsay and other incompetent evidence. While this committee has permitted Judge Archbald to be present with his counsel during its hearings and to cross-examine such witnesses as were called by the committee, this has been done as a courtesy (which is greatly appreciated) and not accorded as a right. As suggested by the chairman during the hearings, the proceedings in this case have been in the nature of an inquiry, not a trial. This is eminently proper and in accordance with usage if the question to be determined is solely whether impeachment shall be advised. But if such a proceeding, where only one side is heard, should result in a report to the House that Judge Archbald's conduct has been merely indiscreet or censurable, a great injustice would be done to him, for in such a case there would be no opportunity afforded him to present his defense. It would be the equivalent of an indictment by a grand jury out of court.

R. W. ARCHBALD, JR.,
M. J. MARTIN,
SAMUEL B. PRICE,
A. S. WORTHINGTON,
Attorneys for Judge Archbald.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Let it apply to all gentlemen who have spoken or will speak.

The SPEAKER. The gentleman from Alabama asks to amend the request of the gentleman from Pennsylvania that all gentle-

men who have spoken on this subject have leave to extend their remarks in the RECORD on this subject.

Mr. CLAYTON. Or may hereafter speak.

The SPEAKER. Or may hereafter speak on it.

Mr. MANN. I think we had better first only have it apply to those who have spoken; however, I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HOWLAND. Mr. Speaker, in the history of the judiciary of our country we find very few cases of impeachment of Federal judges. That in and of itself is the highest compliment that could possibly be paid to the integrity of the Federal judiciary. And I shall always do everything in my power to maintain that high standard and keep the judiciary forum free from every suspicion of sinister influence or taint of corruption. When this matter was first referred to the Judiciary Committee I was prejudiced in favor of Judge Archbald, first, because I thought that probably the complaint was the work of disappointed litigants, and, second, because I did not like the motive of influential witnesses who had all too evidently tried to trap the judge, and I hesitated to set in motion the machinery of the Government in an impeachment proceeding, taking the time of this House and the time of the Senate, on biased, malicious, or doubtful testimony. But, Mr. Speaker, as the evidence kept piling up motives became immaterial and facts—bare, bold facts—stared us in the face, and I could not but feel that it was my duty to support this resolution in the committee and report it to the House.

I do not hesitate to say that here to-day we are facing a crisis in the judicial history of this country, and by this resolution we are raising the question here and now whether or not the machinery provided by the fathers in the Constitution of our country is sufficient to meet the issue raised at this time under these counts. If the facts alleged are substantiated and the established machinery for dealing with conditions therein set forth fails, the demand for radical changes in our organic law on this subject will have to be satisfied. Such conditions can not exist and confidence in the integrity of the judiciary be maintained. We owe a responsibility at this time to the people of this country who demand a pure and incorruptible judiciary, and we owe, if you please, a grave responsibility to the judge who is brought before this House. We occupy not the position of petit jurors, but in a certain sense each Member of this House now is sitting as a member of a grand jury, and the only question before us is the question of probable cause, a question of probable guilt, and not a finality.

The proceedings thus far have been ex parte, and every friend of Judge Archbald on this floor owes it to him at this stage of this proceeding to vote in favor of this resolution to-day, in order that he may have a full and free opportunity before the bar of the Senate to prove, if he can—and I trust in good faith and in all sincerity that he can—that he is absolutely innocent of the prima facie case which is made in this resolution.

Mr. Speaker, in my judgment your committee would have been derelict in the premises if, in the face of the testimony presented to that committee, we had failed to bring in this resolution. If it shall ultimately transpire that the evidence which we believe sufficient to warrant us in our action is sufficient to substantiate before the bar of the Senate the accusations which we bring, then under those circumstances Judge Archbald ought not to sit in judgment on the Federal bench. But if he is not guilty, then he will have an opportunity to establish that fact forever to the satisfaction of the entire country.

Mr. Speaker, I shall only call attention to one count in the resolution which seems to me, while it does not charge the judge with a crime under any Federal statute, to be one of the most serious charges brought against the judge, and that is article 12, which reads as follows:

That on the 9th day of April, 1901, and for a long time prior thereto, one J. B. Woodward was a general attorney for the Lehigh Valley Railroad Co., a corporation and common carrier doing a general railroad business; that on said day the said Robert W. Archbald, being then and there a United States district judge in and for the middle district of Pennsylvania, and while acting as such judge, did appoint the said J. B. Woodward as a jury commissioner in and for said judicial district; and the said J. B. Woodward, by virtue of said appointment and with the continued consent and approval of the said Robert W. Archbald, held such office and performed all the duties pertaining thereto during all the time that the said Robert W. Archbald held said office of United States district judge, and that during all of said time the said J. B. Woodward continued to act as a general attorney for the said Lehigh Valley Railroad Co.; all of which was at all times well known to the said Robert W. Archbald.

Mr. BOWMAN. Will the gentleman yield at that point just for a question?

The SPEAKER. Will the gentleman yield?

Mr. HOWLAND. I do not care to yield.

Mr. BOWMAN. Just one minute. Mr. Woodward is a constituent of mine.

Mr. HOWLAND. I yield, inasmuch as he is a constituent of the gentleman from Pennsylvania.

Mr. BOWMAN. Yes; and one of the most honorable gentlemen that resides in that district. He was the State Democratic delegate to the last convention. The difficulty was in that county that we had improper jury commissioners, and by a special request that gentleman was appointed to that office, and no objection was ever made to any juryman upon account of his selection.

Mr. HOWLAND. Mr. Speaker, I am raising no question as to the integrity or character of any man. All we have presented to us are the facts as developed by the testimony. I do not appear here as a prosecutor in any way, shape, or manner; but the fact that the attorney for a railroad company should be appointed by a judge as a jury commissioner to select the jury to try the cases of the railroad company in the judge's court and continues to act as such attorney and commissioner at one and the same time strikes me as the most severe indictment and arraignment of a judge that could possibly be presented. Justice may be blind, but we are not. [Applause.]

Mr. Speaker, I have heretofore on the floor of this House taken strong ground in favor of an independent judiciary, speaking particularly with reference to the recall of judges by popular vote. I speak just as strongly to-day for an independent judiciary as against the sinister influence of private interests. They must not and shall not creep into the court room by the back stairs.

While on the one hand we insist that political influences shall not reach the ear of the judge, we must just as strenuously insist that the ear of the judge shall not be secretly at the service of private interests in the selection of jurors or in any other manner. [Applause.]

Mr. FLOYD of Arkansas. Mr. Speaker, it is not my purpose to detain the House very long. I am anxious that this resolution shall be passed now, and will therefore avail myself of the opportunity of submitting a short statement of some of the more salient facts in the case.

I want to say that I heard every word of this testimony, as detailed by the witnesses, and after reading it as it has been printed in the hearings it is my judgment that the evidence before your Committee on the Judiciary sustains each and all of the 13 specifications or articles of impeachment against Judge Archbald. [Applause.]

Permit me to state briefly the testimony in support of article No. 1, which I regard as one of the most important charges embraced in the resolution.

Judge Robert W. Archbald was appointed a United States district judge for the middle district of Pennsylvania on the 29th day of March, 1901. He continued to serve as a United States district judge until the 31st day of January, 1911, on which date he was duly appointed as an additional United States circuit judge and designated as one of the judges of the United States Commerce Court, and entered at once upon the discharge of his duties as a judge of said United States Commerce Court. Judge Archbald, on or about the 31st day of March, 1911, became interested with one Edward J. Williams in an effort to purchase or secure an option on a certain culm dump, commonly known as the Katydid culm dump, near Moosic, Pa., owned by the Hillside Coal & Iron Co., a corporation, and one John M. Robertson. Previous to this time, however, Edward J. Williams had applied to W. J. May, vice president and general manager of the Hillside Coal & Iron Co., for an option on the said culm dump, and May had refused to consider his application for such option. Edward J. Williams lives at Scranton, Pa., where Judge Archbald also resides. Edward J. Williams is a coal miner and coal operator, but in recent years has been engaged chiefly in buying and selling culm dumps under options secured from the owners thereof.

The evidence discloses that Edward J. Williams is not regarded in and about Scranton, where he has resided for about 20 years, as a man of financial responsibility, reliability, or of high character for truthfulness, and his testimony before your committee is so conflicting and vacillating in its character as to be abundantly convincing that any lack of confidence among his neighbors and fellow townsmen in his veracity is well founded. The evidence, however, discloses that Judge Archbald was well acquainted with Edward J. Williams and had ample opportunity to know his character and standing in said community.

On March 31, 1911, after Edward J. Williams had been refused an option on the Katydid culm dump, Judge Archbald entered into an agreement with the said Edward J. Williams whereby he and Williams agreed to become equal partners in the purchase of the Katydid culm dump with the view and for the purpose of disposing of said property under such option

in such a way as to be of financial profit to themselves. Pursuant to said agreement and understanding, and in furtherance thereof, Judge Archbald, on the date mentioned, addressed a letter to William A. May, vice president and general manager of the Hillside Coal & Iron Co., making an inquiry as to whether or not the said coal company would dispose of its interest in the Katydid culm dump, and if so, upon what terms, which letter was delivered in person by Edward J. Williams to William A. May, who thereupon directed an investigation and estimate to be made of the amount and value of the coal in said culm dump with the view of disposing of the dump to Judge Archbald and his associate, Edward J. Williams.

On or about the 15th day of June, 1911, William A. May brought the matter of the option of this property to the attention of his immediate superior in office, G. A. Richardson, vice president of the Hillside Coal & Iron Co., and also vice president of the Erie Railroad Co., and G. A. Richardson, disapproved of the proposal to sell or otherwise dispose of the property. Edward J. Williams, being fully advised as to the action of G. A. Richardson in refusing to approve or recommend the sale of or the giving of an option on Katydid property, reported the facts to his associate and partner, Judge Archbald, and thereafter, namely, on the 4th day of August, 1911, Judge Archbald, pursuant to an engagement previously made, met in the city of New York George F. Brownell, vice president and general solicitor of the Erie Railroad Co., and requested Mr. Brownell to put him in touch with that department or official of the said Erie Railroad Co. in control of the sale and disposition of the coal property belonging to the railroad company or its subsidiary corporations. And thereupon Mr. Brownell personally introduced Judge Archbald to G. A. Richardson, vice president of said Hillside Coal & Iron Co., and of the Erie Railroad Co., who was in charge of its coal department, and then and there Judge Archbald took up with G. A. Richardson the proposition for the purchase and option of the Katydid culm dump for himself and Edward J. Williams. At this conference G. A. Richardson at the instance of and by the influence of Judge Archbald changed his position and policy in regard to the sale and disposition of this property; and thereafter, on the 29th day of August, 1911, in a personal conference with William A. May, vice president and general manager of the Hillside Coal & Iron Co., directed the said William A. May to reopen negotiations with Judge Archbald and Edward J. Williams for the purchase of said Katydid culm dump; and on the 30th day of August, 1911, the day immediately following this conference, William A. May, in behalf of the Hillside Coal & Iron Co., executed a certain writing or option to Edward J. Williams for the use and benefit of himself and Judge Archbald for the consideration of $4,500, to be paid to the Hillside Coal & Iron Co. for its undivided one-half interest in the property.

At the time of these several transactions and negotiations the Erie Railroad Co. owned all of the stock of the Hillside Coal & Iron Co., and George F. Brownell was then and there vice president and general solicitor of the Erie Railroad Co., and G. A. Richardson was then and there vice president and general manager of the Hillside Coal & Iron Co. and was also a director of and vice president of the Erie Railroad Co. and was the immediate superior in office of the said William A. May. During the period covering the several negotiations mentioned Robert W. Archbald was a judge of the United States Commerce Court, duly designated and acting, and the Erie Railroad Co. was a common carrier engaged in interstate commerce and had divers and sundry suits pending in the United States Commerce Court for hearing and determination, and George F. Brownell was counsel of record in such cases. It is clear to my mind and it was clear to your committee that Judge Archbald well knew these facts and took advantage of his official position as judge of the United States Commerce Court to wrongfully induce and influence the officials of the railroad company to direct the officers of the Hillside Coal & Iron Co., a subsidiary corporation thereof, to enter into a contract with him and his associate, Edward J. Williams, for financial profit to themselves. It is also equally clear that Judge Archbald, through the influence exerted by reason of his position as judge of the United States Commerce Court, willfully and corruptly did induce and cause the officers of the Erie Railroad Co. to permit, direct, and influence the officers of the Hillside Coal & Iron Co. to enter into such contract contrary to the general policy of said company and for a grossly inadequate consideration.

After securing this agreement or option, Judge Archbald having also acquired from one John M. Robertson an option for the purchase of the remainder of Katydid culm dump in the name of his associate and partner, Edward J. Williams, on the 20th day of September, 1911, and at different times thereafter undertook in person to negotiate a sale of said culm dump to the Lackawanna, Wyoming & Valley Railroad Co. through Charles F. Conn, president and general manager of said railroad company, said railroad being an electric railroad engaged in intrastate business, but also in connection with other railroad companies crossing its line was engaged in handling traffic moving in interstate commerce. At the time aforesaid the Lackawanna, Wyoming & Valley Railroad Co. was a patron of the Hillside Coal & Iron Co. in the purchase of large quantities of coal for use in operating its line of railroad; at the time aforesaid an agreement was entered into by and between Charles F. Conn, president, as aforesaid, in behalf of his railroad company, and Judge Archbald and Edward J. Williams for the purchase of all the coal in said Katydid culm dump for 27½ cents per ton for the entire tonnage and material therein, amounting, according to the estimates of the engineers of the Erie Railroad Co. and also of the Lackawanna, Wyoming & Valley Railroad Co., to between 85,000 and 95,000 tons, which agreement was made subject to approval of title to said property by the attorneys of the Lackawanna, Wyoming & Valley Railroad Co., the title to which was not approved by the attorneys of said railroad company, and by reason of their failure to approve title the deal was not consummated. Under the terms of this agreement, based on the estimates of the engineers as aforesaid who examined the property, Judge Archbald and Edward J. Williams would have received under said contract a gross sum of from thirty-five to forty thousand dollars for said coal dump, and would have realized a net profit to themselves of from twenty to twenty-five thousand dollars.

After their failure to consummate the above-described deal with the Lackawanna, Wyoming & Valley Railroad Co., Judge Archbald and Edward J. Williams on or about the 11th day of April, 1912, entered into a contract with one Richard Bradley for the sale of the Katydid culm dump for the consideration of $20,000, which agreement was approved in writing by William A. May, vice president and general manager of the Hillside Coal & Iron Co., and by direction of the said William A. May the attorneys of the Erie Railroad Co. prepared a deed of conveyance conveying all of the rights and title of said coal company in the Katydid culm dump to Edward J. Williams for the use and benefit of himself and of Judge Archbald. This agreement and conveyance was submitted to the several parties in interest for their approval on or about the 11th day of April, 1912, and the matter is still pending, subject to the approval of the superior officers of the Hillside Coal & Iron Co. and of the Erie Railroad Co., and the execution of deeds and conveyances to the property aforesaid.

It is not denied that Judge Archbald was financially interested in each of the foregoing contracts and agreements mentioned and described, but he carefully avoided placing his name in the face of any of such contracts or agreements as one of the contracting parties, so that the fact of his having or owning an interest therein was concealed from the public, but the evidence fully discloses that Judge Archbald's interest in the several contracts and agreements made and sought to be made was well known to the officers and agents of said coal company and of the several railroad companies named.

I wish now to call your attention to another questionable transaction, namely, to the evidence of Judge Archbald's accepting as a gift or present a certain promissory note for $500, or an interest therein. Article No. 5 relates to the matter to which I wish now to direct your attention.

The testimony in regard to this transaction and to circumstances leading up to it is somewhat conflicting, but there is no view of this testimony which does not tend to the discredit of Judge Archbald. Edward J. Williams, the same Williams that was associated with the Judge in Katydid culm dump deals, testifies that about December, 1909, he and one John Henry Jones became partners in an option on 1,000,000 acres of land in Venezuela and that Judge Archbald expressed a desire to become interested in the deal. The testimony shows that on December 3, 1909, John Henry Jones executed a promissory note for $500 payable to Judge R. W. Archbald, due three months after date, and that same was afterwards indorsed by Edward J. Williams and R. W. Archbald and discounted by a bank, Jones receiving the cash thereon. This note has never been paid, but has been renewed from time to time every three months since its execution. According to the testimony of Edward J. Williams, this money was secured by and for Judge Archbald and was paid to Jones in consideration of an interest in the Venezuela deal. John Henry Jones gives a different version of this transaction. According to his testimony this $500 note was executed by him on December 3, 1909, and made payable to Judge Archbald and

was thereupon indorsed by Judge Archbald and afterwards by Edward J. Williams and delivered to him (Jones) and was discounted by a bank, and that he (Jones) received the entire proceeds of the same. He testifies that the note was not executed in consideration of any interest in the Venezuelan land deal, and states that Judge Archbald at no time had any interest in said deal and that the note was simply accommodation paper to enable him to secure a loan of $500 by reason of the judge's indorsement that he could not secure on his own indorsement.

The testimony shows that afterwards, about December, 1911, John Henry Jones obtained knowledge of a culm fill near Scranton, Pa., owned by Lacoe & Shiffer. Jones communicated his knowledge of this culm fill to Frederick Warnke, who desired to purchase same. According to the testimony of John Henry Jones, who held or claimed to hold an option on same, his commission in case a deal was made for this property was fixed at $500. The testimony shows that Jones brought the parties together and introduced them, but took no part further in the negotiations for or the sale of the property. Jones testifies that the deal was made, and the firm of Warnke & Co., of which Frederick Warnke was a member, became the purchasers of the same. Jones further testifies that he demanded his commission of Warnke & Co., and received same in the form of a note for $500. He further testifies that he gave one-half of the amount of this note, or $250, to Judge Archbald as a gift or present in consideration of the favor rendered by him in indorsing for discount the $500 note of date December 3, 1909, already referred to, and that the judge accepted the same as a gift or present. Frederick Warnke gives a different version of this transaction. Warnke testifies that John Henry Jones showed him the property and introduced him to Lacoe & Shiffer, the owners thereof. He also testifies that Jones told him that Judge Archbald knew about the title to the property. He testifies that he made the deal directly with the owners, and was compelled to pay $1,000 more for the property than the price given to him by Jones. Jones had priced the property at $6,500, and the price paid by the firm of Warnke & Co. was $7,500. Warnke testifies that after the purchase was made Jones called on him for a commission of $500, and he refused to pay him any commission, and denied that he was entitled to any commission whatsoever. Warnke testifies that he had on Jones's recommendation consulted Judge Archbald about the title to the property in question, and that he told Jones he intended to make Judge Archbald a present of $500 if the judge would accept it. Warnke testifies that when he called on Judge Archbald to see about the title that the judge seemed to know all about the title and pronounced it good. Warnke testifies that when he first went to Judge Archbald to consult him about the title the judge told him he could not represent him as an attorney, but that he would cheerfully give him any information he possessed in regard to the title, and proceeded to do so to the full satisfaction of Warnke.

The testimony shows that the conversation between Warnke and Judge Archbald in reference to the title lasted for 10 or 15 minutes, and that afterwards he again called on the judge and asked him some further questions relative to title, and that this second conversation lasted about 5 or 10 minutes. Warnke further testifies that after the judge had explained the title to him and assured him that the title was all right, he offered to compensate the judge, and the judge said: "No; you need not do that at all." He then told the judge that if the deal went through he intended to make him a present of $500.

Warnke further testifies that after the deal was made Judge Archbald called at the office of Warnke & Co. to see about the $500 that Frederick Warnke had promised him. Frederick Warnke was not in the office at that time, and on his return to the office his attention was called to Judge Archbald's visit, and he then executed a company note for $500, payable to the individual members of said firm, who in turn indorsed the note and turned it over to Judge Archbald who accepted the same as a present or gift.

In order to get a clearer insight into and a better understanding of the real motive that prompted Frederick Warnke to tender to Judge Archbald such an unusual gift and that influenced the judge to accept it, it will be necessary to consider another matter in which Judge Archbald had rendered or attempted to render Mr. Warnke a service in connection with a controversy between Warnke and the Philadelphia & Reading Railroad Co. by interceding in Mr. Warnke's behalf.

In the year 1904 Frederick Warnke, of Scranton, Pa., purchased a two-thirds interest in a lease on certain coal lands owned by the Philadelphia & Reading Coal & Iron Co. located near Lorberry Junction, in said State, and put up a number of improvements thereon and operated the culm dump on said property for several years. Operations, however, were carried on at a loss, due to the action of the elements. Frederick Warnke then applied to the Philadelphia & Reading Coal & Iron Co. for the mining maps of the land covered by his lease. He was informed that the lease under which he claimed had been forfeited two years before it was assigned to him and his application for said maps was therefore denied. Frederick Warnke then made a proposition to George F. Baer, president of the Philadelphia & Reading Railroad Co. and president of the Philadelphia & Reading Coal & Iron Co., to relinquish any claim that he might have in this property under his said lease, provided the Philadelphia & Reading Coal & Iron Co. would give him an operating lease on what is known as the Lincoln culm bank, located near Lorberry; that George F. Baer referred the matter to one W. J. Richards, vice president and general manager of the Philadelphia & Reading Coal & Iron Co., for consideration and action; that Richards and Baer later concluded that there was no reason why they should make an exception to the general rule of the coal company not to lease any of its culm banks, and Warnke was so advised; that Warnke then made several attempts through his attorneys and friends to have George F. Baer, president of the said railroad company, and Richards, vice president of said coal company, reconsider their decision in the premises, but without avail; that some time during the month of October or November, 1911, Warnke stated his version of the matter to Judge Archbald, who was then and there and now is a United States circuit judge and having been duly designated as one of the judges of the United States Commerce Court, and asked him to intercede in his behalf with the said Richards; that on November 24, 1911, Judge Archbald wrote a letter to Richards, vice president of the coal company, who lives at Pottsville, Pa., requesting an appointment with the said Richards; that several days thereafter Judge Archbald called at the office of the said Richards to discuss with him the proposition of the said Frederick Warnke; that the said Richards then and there informed Judge Archbald that the decision which he had given to the said Warnke must be considered as final, and Judge Archbald so informed Mr. Warnke.

The testimony shows that the entire capital stock of the Philadelphia & Reading Coal & Iron Co. is owned by the Reading Co., which, as a holding company, owns the entire capital stock of the Philadelphia & Reading Railroad Co., which last-named company is a corporation engaged in interstate commerce.

In view of this testimony, it seems clear that Judge Archbald, being then and there a judge of the United States Commerce Court, and well knowing all of the facts, did attempt to use his influence as a member of said court to aid and assist the said Frederick Warnke to secure an operating lease on a certain culm dump owned by the Philadelphia & Reading Coal & Iron Co., which lease the officials of the Philadelphia & Reading Coal & Iron Co. had theretofore refused to grant, which said fact was also well known to Judge Archbald.

The testimony shows that Judge Archbald, shortly after the conclusion of his attempted negotiations with the officers of the Philadelphia & Reading Railroad Co. and of the Philadelphia & Reading Coal & Iron Co. in behalf of Frederick Warnke, and on or about the 31st day of March, 1912, did accept as a gift, reward, or present from Frederick Warnke in consideration of favors shown him by said judge in his efforts to secure a settlement and agreement with the said railroad company and coal company and for other favors shown by the judge to the said Frederick Warnke, a certain promissory note for $500, executed by the firm of Warnke & Co., of which the said Frederick Warnke was a member.

I have given you a brief but, I believe, faithful statement of the evidence in regard to only two of the charges preferred against Judge Archbald. Statements concerning other similar transactions have been given by the gentleman from Alabama, the chairman of the committee [Mr. CLAYTON], the gentleman from Illinois [Mr. STERLING], and the gentleman from North Carolina [Mr. WEBB], and what does the testimony disclose in each case? We find a judge of the United States circuit court, and duly assigned as a member of the United States Commerce Court, interesting himself with individuals in culm dumps and coal properties and then seeking to make trades and settlements, obtain credit, secure contracts and agreements with officers and agents of railroad companies or coal companies owned by railroad companies, which were common carriers engaged in interstate commerce and which had at the time cases pending before the United States Commerce Court. Nor were such transactions occasional or isolated, but they were numerous. The judge's activity in endeavoring to bring about some of these deals was persistent. I here submit an extract from the report of the committee in

support of article 13 of the pending resolution, which sets forth a summary of the evidence in reference to Judge Archbald's general conduct in regard to these several deals and speculations, as follows:

GENERAL MISBEHAVIOR OF JUDGE ARCHBALD.

(See article 13.)

The testimony in the whole case tends to support this general specification. Judge Archbald was appointed a United States district judge for the middle district of Pennsylvania on the 29th day of March, 1901, and held such office until January 31, 1911, on which last-named date he was appointed an additional United States circuit judge and on the same day was duly designated as one of the judges of the United States Commerce Court, which position he has since held and now holds.

The testimony shows that at different times while Judge Archbald was a judge of the United States district court he sought and obtained credit and in other instances sought to obtain credit from persons who had litigation pending in his said court or who had had litigation pending in his said court.

The testimony shows that after Judge Archbald had been promoted to the position of a United States circuit judge and had been duly designated as one of the judges of the United States Commerce Court, he in connection with different persons sought to obtain options on culm dumps and other coal properties from officers and agents of coal companies which were owned and controlled by railroad companies.

The testimony further shows that in order to influence the officers of the coal companies, which were subsidiary to and owned by the railroad companies, Judge Archbald repeatedly sought to influence the officials of the railroads to enter into contracts with his associates for the financial benefit of himself and his said associates. In most instances the contracts were executed in the name of the person associated with the judge in the particular transaction or trade, and the judge's name was not disclosed on the face of the contract. The testimony shows, however, that he was, as a matter of fact, pecuniarily interested in such contracts, and that while his interest was not known to the public it was known to the officials of the railroad companies and of the coal companies, subsidiary corporations thereof. The evidence discloses that while the judge's several associates or partners would locate properties the judge would take up the matter of the purchase or sale of said properties with the officials of the coal companies and of the railroad companies which, as already stated, in most instances owned and controlled the coal companies. The testimony shows that while these negotiations were being conducted, and agreements were made and sought to be made, the railroad companies with whose officers Judge Archbald was making contracts and agreements, and seeking to make contracts and agreements, were common carriers engaged in interstate commerce and had litigation pending in the United States Commerce Court.

The testimony shows that such options, contracts, and agreements were sought and obtained and sought to be obtained by Judge Archbald to such an extent that the exposure of the judge's several transactions through the press gave rise to a public scandal.

The testimony fails to disclose any case in which Judge Archbald invested any actual money of his own in any of these several trades or deals, but shows that he used his personal influence as a judge, in consideration of which he received or was to receive his share or interest in the property or his profits in the deal.

Your committee finds that Judge Archbald by his conduct in carrying on traffic in culm dumps and coal properties owned directly or indirectly by railroads, and in using his influence to secure such contracts from coal companies which were owned and controlled by railroad companies as aforesaid, and in using his influence with high officials of said railroads to induce them to permit or direct the said coal companies to enter into contracts with him or his associates which resulted in financial profit to himself and those associated with him, grossly abused the proprieties of his said office of judge, was guilty of misbehavior and of a misdemeanor in office.

THE LAW.

CONSTITUTIONAL PROVISIONS RELATING TO JUDICIAL IMPEACHMENTS.

The provisions of the Constitution of the United States bearing upon the impeachment of judges are as follows:

"The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment. (Art. I, sec. 2.)

"Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law. (Art. I, sec. 3.)

"The President * * * shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. (Art. II, sec. 2.)

"The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors. (Art. II, sec. 4.)

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office. (Art. III, sec. 1.)

"The trial of all crimes, except in cases of impeachment, shall be by jury." (Art. III, sec. 2.)

Mr. Speaker, in view of the law governing the impeachment of officers of the United States which has already been ably presented and discussed by the chairman [Mr. CLAYTON] and other members of the committee, and to which I do not purpose to advert further than to say I fully agree with them as to the law, and in view of the vast volume of testimony tending to show, and in many instances positively showing, misbehavior and reprehensible conduct on the part of Judge Archbald, I feel it to be the solemn duty of this House to pass the resolution now under consideration.

Mr. MANN. Mr. Speaker, I have not read the record. I did not follow the taking of the testimony by the Committee on the Judiciary, but I have read the report and the resolution which is now pending. If the charges in the resolution are true, then this judge ought to be removed from the bench; and, as those charges are made in this manner, if they be not true, he is entitled to a trial which will acquit him of the charges.

I assume that the Committee on the Judiciary have the evidence before them on which the charges are based. I believe that every judge ought to respect the duties and responsibilities of his office and consider his office as of such a high character as to permit him under no condition to follow the course which is stated to have been followed by this judge, regardless of whether he did it for profit or for personal considerations to other men. No judge has the right to prostitute his office, as is charged to have been done by this judge. [Applause.]

Mr. Speaker, while it is not necessary under the Constitution to have a roll call upon this resolution, it seems to me that, in presenting articles of impeachment to the Senate, the House ought to do it by a yea-and-nay vote; and if no one else does it, at the proper time, while the House is quite full, in order to have a yea-and-nay vote, I shall make a point of no quorum, because that expedites the voting.

Mr. NORRIS. Mr. Speaker, I do not intend at this time to take up the time of the House in discussing this resolution. I am a member of the committee that made the investigation. I believe I have heard all of the evidence presented, and was present at the different hearings to as great an extent as any other member of the Committee on the Judiciary.

I have some ideas and some views that I intended to speak upon this afternoon, but inasmuch as so much time has already been taken in the discussion of the question by various other Members, I shall not detain the House now by attempting to make any remarks.

I want only to say that after a careful and conscientious hearing of all the evidence, and I believe with a full knowledge of the responsibility resting upon the committee in investigating these serious charges and weighing the evidence—sometimes unsatisfactory, and often, in fact in a majority of cases, brought out of witnesses who were unwilling and who showed by their actions that they were extremely friendly to Judge Archbald—I say, after a fair and, I think, honest consideration of all the evidence by all the members of the committee, they have come to the conclusion unanimously that this evidence warrants every charge and every indictment that we have brought before the House for consideration.

I thought I could not let the opportunity pass, having been a member of the committee that brought in the indictment, without saying this much, even though the hour is late, and even though the Members are already weary.

[Mr. LINTHICUM addressed the House. See Appendix.]

Mr. AINEY. Mr. Speaker, I am deeply pained that the proceedings had before this House to-day involve one with whom I have lifelong personal and professional associations and for whom I have high regard.

The committee having the investigation in charge has, with judicial poise and manner, given full and careful consideration to the case, and I can not but commend the members that their report and presentment is freed from evidences of bias or partisanship and that it is based upon their deep sense of responsibility and duty. Nevertheless, the proceedings before this committee were necessarily ex parte, with Judge Archbald's witnesses not present, and where he and his attorneys were permitted only by the courteous sufferance of the committee.

Incomplete and inadequate statements of this ex parte evidence have found their way through the press to the public, and it is only by a trial before the Senate that Judge Archbald can clear away there inferences and insinuations. I am sure that he craves the opportunity to meet and fully answer the presentment of the House this day made, whereby the country may be apprised of his side and explanation, as it has been furnished with the statements against him. Judge Archbald has stood high in all the circles in which he has moved.

In voting to-day I do so upon the ground frequently expressed here in debate, that this vote is not upon the guilt or innocence of the accused, but I cast it in the sympathetic hope and belief that in the tribunal provided by the Constitution, under the fullest investigation which will there be had, his name will be cleared and his fame shine forth as brightly and as unsullied as in the days of yore.

Mr. CLAYTON. Mr. Speaker, some animadversion has been made by some gentleman during this debate—I believe by the gentleman from Pennsylvania [Mr. FOCHT]—on the witness Williams. Whatever else may be said of Williams, I will read some of the documents put in evidence before the committee to show Judge Archbald's business associations with Williams, and inferentially his good opinion of him. The judge held him

out to other people as worthy of trust and confidence. Williams carried the following letter from Judge Archbald to W. A. May:

[United States Commerce Court, Washington.]

SCRANTON, PA., *March 31, 1911.*

W. A. MAY, Esq.,
Superintendent Hillside Coal & Iron Co.

DEAR SIR: I write to inquire whether your company will dispose of your interest in the Katydid culm dump, belonging to the old Robertson & Law operation, at Brownsville; and if so, will you kindly put a price upon it?

Yours, very truly,

R. W. ARCHBALD.

After much hesitation on the part of the Erie Railroad officers and considerable negotiations on the part of Judge Archbald with those officers, May delivered the following letter to Williams on August 30, 1911:

[Pennsylvania Coal Co. Hillside Coal & Iron Co. New York, Susquehanna & Western Coal Co. Northwestern Mining & Exchange Co. Bloomsburg Coal Co. Office of the general manager.]

SCRANTON, PA., *August 30, 1911.*

MR. E. J. WILLIAMS,
and South Sixth Street, Dunmore, Pa.

DEAR SIR: As stated to you to-day, verbally, I shall recommend the sale of whatever interest the Hillside Coal & Iron Co. has in what is known as the Katydid culm dump, made by Messrs. Robertson & Law in the operation of the Katydid breaker, for $4,500.

You should bear in mind that it may not be lost sight of, I will mention that any coal on the site of the culm dump will be subject to a royalty to the owners of the land upon the surface of which the bank is located.

It is also understood that the bank will not be conveyed to anyone else without the consent of the H. C. & I. Co., and that if the offer is accepted, articles of agreement will be drawn to cover the transaction.

Yours, very truly,

W. A. MAY, *General Manager.*

Judge Archbald afterwards drew and witnessed the following contract or option:

This agreement made and concluded the 4th day of September, A. D. 1911, by and between John M. Robertson, of Moosic, Pa., of the one part, and Edward J. Williams, of Scranton, Pa., of the other part, witnesseth:

Whereas the said party of the first part is the owner of that certain culm dump in the vicinity of Moosic, made in the operation of the firm of Robertson & Law of the so-called Katydid mine or colliery; and whereas the said party of the second part is desirous of purchasing the same:

Now this agreement witnesseth that for and in consideration of $1, to him in hand paid, the receipt of which is hereby acknowledged, the said party of the first part hereby grants and conveys unto the said party of the second part, his heirs, executors, administrators, and assigns, the right or option to purchase his interest in and to the said culm dump for the price or sum of $3,500, which said option is to be exercised within 60 days from this date, the terms to be cash within 5 days after the exercise of said option. It is understood that this option is limited to owner and include all the interest of the said party of the first part and of the said late firm of Robertson & Law.

In witness whereof the parties hereto have hereunto set their hands and seals, the day and year aforesaid.

[SEAL.] JNO. M. ROBERTSON.
[SEAL.] E. J. WILLIAMS.
Witness:
R. W. ARCHBALD.

STATE OF PENNSYLVANIA,
County of Lackawanna, ss:

On this 12th day of September, A. D. 1911, personally appeared before me, a notary public in and for said State and county duly commissioned, residing in the city of Scranton, county aforesaid, the above-mentioned E. J. Williams, who, in due form of law, acknowledged the foregoing indenture to be his act and deed and desired the same might be recorded as such.

Witnessed my hand and official seal the day and year aforesaid.

[SEAL.] GEO. W. HENSHICK, JR.,
Notary Public.

My commission expires March 10, 1913.

After these options had been secured Williams executed the following assignment:

Assignment made this 5th day of September, A. D. 1911, by Edward J. Williams, of the borough of Dunmore, county of Lackawanna and State of Pennsylvania, party of the first part, to William F. Boland and a silent party, both of the city of Scranton, county and State above named, parties of the second part. For services rendered or to be rendered in the future by William F. Boland and silent party, whose name for the present is only known to Edward J. Williams, W. F. Boland, John M. Robertson, and Capt. W. A. May, superintendent of the Hillside Coal & Iron Co. It is agreed by said Edward J. Williams, who is the owner of two options covering a culm bank, known as the "Katydid," situate in the vicinity of Moosic, Pa., that he hereby assigns two-thirds of any profits arising from the sale of the above-mentioned property over and above the amounts to be paid John M. Robertson and the Hillside Coal & Iron Co., $3,500 and $4,500, respectively, to be divided equally between William F. Boland and silent party mentioned above, their heirs, successors, or assigns, and this shall be their voucher for same.

[SEAL.] E. J. WILLIAMS.
W. I. PRYOR.

The testimony shows that Judge Archbald was the "silent party" referred to in the assignment.

Afterwards Judge Archbald and Williams attempted to sell at a large profit this option to Mr. Conn, vice president and general manager of the railroad known as the Laurel Line, and Judge Archbald wrote the following letter in furtherance of this attempt:

[R. W. Archbald, judge United States Commerce Court, Washington.]

SCRANTON, PA., *September 20, 1911.*

MY DEAR MR. CONN: This will introduce Mr. Edward Williams, who is interested with me in the culm dump about which I spoke to you the other day. We have options on it both from the Hillside Coal Co. and from Mr. Robertson, representing Robertson & Law, these options covering the whole interest in the dump. This dump was produced in the operation of the Katydid colliery by Robertson & Law, and extends to the whole of the dump so produced. I have not seen it myself, but as I understand it this dump consists of two dumps a little separate from each other, but all making up one general culm or refuse pile made at that colliery. Mr. Williams will explain further with regard to it if there is anything which you want to know.

Yours, very truly,

R. W. ARCHBALD.

For the purpose of making another deal, Judge Archbald wrote the following letter to Thomas Darling, one of the attorneys for the Lehigh Valley Railroad Co.:

UNITED STATES COMMERCE COURT,
Scranton, August 3.

MY DEAR DARLING: This will introduce Mr. Edward Williams, of this city, who wishes to talk with you about the purchase of a culm dump which you control. Mr. Williams is a coal man of experience and is in touch with parties who are able to handle the dump if you are inclined to dispose of it.

Yours, very truly,

R. W. ARCHBALD.

THOMAS DARLING, Esq.

This letter is used for the purpose of showing the esteem in which Judge Archbald held the witness, E. J. Williams.

Mr. Speaker, I was asked by the gentleman from Pennsylvania if witnesses had been subpœnaed to appear before the committee in behalf of Judge Archbald. My answer is no, and that in no impeachment case was such ever done. No grand jury and no body sitting as a grand inquest, as your committee has sat and as this House is now sitting, ever called witnesses for a defendant. The duty of the House when an impeachment charge is brought is to make such thorough and fair examination as may be necessary to convince the impeaching body of the reasonable probability of the guilt of the accused judge or civil officer. I may say, however, that in this case nearly all—indeed every one of the witnesses except one—was the friend of Judge Archbald or friendly to him. Most of the witnesses were his neighbors and associates.

The committee examined every witness that the committee was informed could possibly know anything about the conduct of Judge Archbald in the various transactions involved except one, and that was the judge's friend, one James R. Dainty, whom the committee could not find or could not have served with process, although every diligent effort known to the law was used to subpœna the witness. Undoubtedly this man Dainty absconded to avoid testifying. In fact, nearly all of the witnesses who testified appeared to be so desirous of shielding the judge that it was with the greatest difficulty that the committee was able to develop the facts in the case.

Mr. Speaker, I do not think it necessary to quote at length from the printed testimony taken by the committee, which testimony is now before the House, nor do I deem it necessary to repeat the findings of facts embraced in the report of the committee, which was printed in the RECORD on the 8th instant. However, let me call attention to a few indisputable features of this case. After Judge Archbald became judge of the Commerce Court he evidently became seized with an abnormal and unjudgelike desire to make money by trading through others and himself out of railroads and their subsidiary corporations, which concerns had business or were very likely to have business or litigation in his court. He abused his potentiality as judge to further these trades and placed himself, or sought to place himself, under obligations to these corporate concerns and their officials.

In practically all of his correspondence with these officials of these corporations and their subsidiaries he used the official stationery—that is, the letterheads—of the United States Commerce Court, Washington, D. C., thereby keeping constantly before the minds of these officials the fact that he was a member of the tribunal charged with the duty of passing upon the rights of common carriers engaged in interstate commerce in dealing with shippers of the country and the general public.

He had personal interviews and communications otherwise with these railroad officials at Scranton, in New York, and elsewhere, in which he sought to secure or to promote these trades to make money for himself out of these corporate interests which had litigation in his court or were most likely to have such litigation frequently before him.

On the very day upon which he pronounced mild sentences on numerous violators of the antitrust law, a number of whom were directly or indirectly connected with large railroad interests, he approached the vice president of the Erie Railroad Co. in his offices in New York City in furtherance of his negotiations to purchase a certain coal property from a subsidiary of that railroad with a view to consummating a transaction which would net him a large personal profit.

This incident illustrates the remarkable facility with which the judge used his official position for personal profit. This also illustrates his utter lack of any just appreciation of the

proprieties of his judicial position. It is needless to say that judges ought not to use their official power to promote gainful bargains.

Perhaps, Mr. Speaker, if this judge had been guilty of only one or two of some of the things established against him, there might be generated a doubt in his favor. But the evidence shows that his dealings with the officials of these railroads and their subsidiaries constitute the rule of his conduct rather than the exception and seem to constitute a well-planned system to acquire wealth by means of the influence and power which he wields as a member of the Commerce Court.

In pursuance of his plan to make money out of his various financial adventures, he capitalized his power and influence as judge and never invested so much as one dollar of his own money in any of these enterprises or speculations. This judge thus converted himself into an opportunist and embraced every chance to secure property concessions or business advantages from corporations subject to the jurisdiction of his court.

Mr. Speaker, without dwelling further upon the facts of this case, let me invite the attention of the House to the law of impeachment, as stated in the report of the committee, which I presented to the House on Monday last.

The Constitution provides:

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. (Art. II, sec. 4.)

And the Constitution further provides:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation which shall not be diminished during their continuance in office. (Art. III, sec. 1.)

The trial of all crimes, except in cases of impeachment, shall be by jury. (Art. III, sec. 2.)

Of course, the House knows that under paragraph 6 of section 3 of Article I the Senate has the sole power to try impeachments.

It is the function of the House to indict or charge, and the duty of the Senate to try the cases.

George Ticknor Curtis says, in his Constitutional History of the United States:

Although an impeachment may involve an inquiry whether a crime against any positive law has been committed, yet it is not necessarily a trial for crime, nor is there any necessity, in the case of crimes committed by public officers, for the institution of any special proceeding for the infliction of the punishment prescribed by the laws, since they, like all other persons, are amenable to the ordinary jurisdiction of the courts of justice in respect of offenses against positive law. The purposes of an impeachment lie wholly beyond the penalties of the statute or the customary law. The object of the proceeding is to ascertain whether cause exists for removing a public officer from office. Such a cause may be found in the fact that either in the discharge of his office or aside from its functions he has violated a law or committed what is technically denominated a crime. But a cause for removal from office may exist where no offense against positive law has been committed, as where the individual has, from immorality or imbecility or maladministration, become unfit to exercise the office.

In Watson on the Constitution (vol. 2, p. 1034, published in 1910) it is said:

A misdemeanor comprehends all indictable offenses which do not amount to a felony, as perjury, battery, libels, conspiracies, attempts and solicitations to commit felonies, etc. These seem to be the definitions of these terms at common law, but it would be strange if a civil officer could be impeached for only such offenses as are embraced within the common-law definition of "other high crimes and misdemeanors." There is a parliamentary definition of the term "misdemeanor," and a modern writer on the Constitution has said: "The term 'high crimes and misdemeanors' has no significance in the common law concerning crimes subject to indictment. It can only be found in the law of Parliament and is the technical term which was used by the Commons at the Bar of the Lords for centuries before the existence of the United States." Synonymous with the term "misdemeanor" are the terms "misdeed," "misconduct," "misbehavior," "fault," "transgression."

* * * * * * *

Volume 2, pages 1036–1037:

A civil officer may so behave in public as to bring disgrace upon himself and shame upon his country, and he may continue to do this until his name would become a national stench, and yet he would not be subject to indictment by any law of the United States, but he certainly could be impeached. What will those who advocate the doctrine that impeachment will not lie except for an offense punishable by statute do with the constitutional provision relative to judges, which says, "Judges, both of the supreme and inferior courts, shall hold their offices during good behavior"? This means that as long as they behave themselves their tenure of office is fixed, and they can not be disturbed. But suppose they cease to behave themselves? When the Constitution says "a judge shall hold his office during good behavior," it means that he shall not hold it when he ceases to be good. Suppose he should refuse to sit upon the bench and discharge the duties which the Constitution and the law enjoin upon him, or should become a notoriously corrupt character and live a notoriously corrupt and debauched life? He could not be indicted for such conduct, and he could not be removed except by impeachment. Would it be claimed that impeachment would not be the proper remedy in such a case?

In the American and English Encycopedia of Law, second edition (vol. 15, pp. 1066–1068), it is said:

The cases, then, seem to establish that impeachment is not a mere mode of procedure for the punishment of indictable crimes; that the phrase "high crimes and misdemeanors" is to be taken not in its common-law but in its broader parliamentary sense and is to be interpreted in the light of parliamentary usage; that in this sense it includes not only crimes for which an indictment may be brought but grave political offenses, corruption, maladministration, or neglect of duty involving moral turpitude, arbitrary and oppressive conduct, and even gross improprieties by judges and high officers of state, although such offenses be not of a character to render the offender liable to an indictment either at common law or under any statute.

This view of the law of impeachment is supported by the elementary writers and commentators on our Constitution, by the usage in cases of impeachment, by the opinions of the framers of the Constitution, by contemporaneous construction, and stands uncontradicted by any recognized authority, case, or jurist of note. This view of the law is supported by reason and by principle, as well as by the great weight of authority.

Mr. Speaker, the law is so fully stated in the committee report that I shall not now cite further authorities.

Mr. Speaker, no man who has read the testimony in this case would believe that in the face of such testimony Robert W. Archbald would now be appointed to the office of judge by the President. No man would believe the Senate would now confirm him as judge. No fair-minded man can doubt that he ought to be removed from office. I have an abiding conviction that this House will do its duty, and a firm belief that the Senate will remove from office this judge whose behavior has been bad, and who has forfeited the conditions upon which he holds his high commission of trust, responsibility, and power.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CLAYTON. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 1, answered "present" 10, not voting 155, as follows:

YEAS—223.

Adamson	Driscoll, D. A.	Korbly	Reilly
Aiken, S. C.	Dupré	Lafferty	Richardson
Alney	Edwards	La Follette	Roberts, Mass.
Akin, N. Y.	Esch	Langham	Roberts, Nev.
Alexander	Ferguson	Langley	Robinson
Allen	Fields	Lawrence	Roddenbery
Anderson, Minn.	Floyd, Ark.	Lee, Ga.	Radenberg
Anderson, Ohio	Foss	Lee, Pa.	Rothermel
Ansberry	Foster	Lenroot	Rouse
Austin	Fowler	Lever	Ruhey
Ayres	Francis	Levy	Rucker, Colo.
Barchfeld	French	Lewis	Sabath
Barnhart	Fuller	Lindbergh	Saunders
Bathrick	Gallagher	Linthicum	Sims
Beall, Tex.	Gardner, N. J.	Littlepage	Sisson
Bell, Ga.	Garner	Lloyd	Slayden
Berger	George	Lobeck	Sloan
Blackmon	Godwin, N. C.	McCreary	Smith, J. M. C.
Booher	Good	McGillicuddy	Smith, Saml. W.
Borland	Goodwin, Ark.	McKellar	Smith, N. Y.
Bowman	Gray	McKenzie	Smith, Tex.
Buchanan	Greene, Mass.	McKinney	Speer
Bulkley	Gregg, Pa.	Madden	Stedman
Burke, S. Dak.	Gregg, Tex.	Maguire, Nebr.	Stephens, Miss.
Burleson	Guliver	Maher	Stephens, Tex.
Burnett	Hamilton, W. Va.	Mann	Sterling
Butler	Hamlin	Martin, Colo.	Stevens, Minn.
Byrns, Tenn.	Hammond	Matthews	Stone
Candler	Hardy	Mays	Sulloway
Carlin	Hartman	Miller	Sulzer
Catlin	Haugen	Mondell	Switzer
Clark, Fla.	Hawley	Moon, Tenn.	Taggart
Clayton	Hayden	Moore, Pa.	Talcott, N. Y.
Cline	Hayes	Morgan	Taylor, Colo.
Collier	Heflin	Morrison	Taylor, Ohio
Connell	Helgesen	Moss, Ind.	Thistlewood
Conry	Henry, Tex.	Mott	Tilson
Cooper	Hensley	Murray	Towner
Copley	Hobson	Neeley	Tribble
Covington	Holland	Norris	Turnbull
Cox, Ind.	Houston	Oldfield	Tuttle
Crumpacker	Howard	Padgett	Underhill
Cullop	Howell	Page	Underwood
Curley	Howland	Patton, Pa.	Utter
Curry	Hull	Peters	Watkins
Danforth	Humphrey, Wash.	Pickett	Webb
Davenport	Jacoway	Poe	Wedemeyer
Davis, Minn.	James	Pray	Whitacre
Dent	Johnson, Ky.	Prince	White
Denver	Jones	Prouty	Willis
Dickinson	Kendall	Rainey	Wilson, Ill.
Dickson, Miss.	Kennedy	Raker	Wilson, Pa.
Difenderfer	Kent	Ransdell, La.	Witherspoon
Dixon, Ind.	Kinkaid, Nebr.	Rauch	Woods, Iowa
Dodds	Kitchin	Redfield	Young, Kans.
Doughton	Konop	Rees	

NAY—1.

Farr

ANSWERED "PRESENT"—10.

Browning	Dalzell	Olmsted	Sparkman
Burgess	Dwight	Parran	
Cannon	Johnson, S. C.	Rucker, Mo.	

NOT VOTING—155.

Adair	Ashbrook	Boehne	Brown
Ames	Bartholdt	Bradley	Burke, Pa.
Andrus	Bartlett	Brantley	Burke, Wis.
Anthony	Bates	Broussard	Byrnes, S. C.

Calder	Gillett	Lamb	Riordan
Callaway	Glass	Legare	Russell
Campbell	Goeke	Lindsay	Scully
Cantrill	Goldfogle	Littleton	Sells
Carter	Gould	Longworth	Shackleford
Cary	Graham	Loud	Sharp
Claypool	Green, Iowa	McCall	Sheppard
Cox, Ohio	Griest	McCoy	Sherley
Crago	Guernsey	McDermott	Sherwood
Cravens	Hamill	McGuire, Okla.	Simmons
Currier	Hamilton, Mich.	McHenry	Slemp
Dougherty	Hanna	McKinley	Small
Davidson	Hardwick	McLaughlin	Smith, Cal.
Davis, W. Va.	Harris	McMorran	Stack
De Forest	Harrison, Miss.	Macon	Stanley
Dies	Harrison, N. Y.	Martin, S. Dak.	Steenerson
Donohoe	Hay	Moon, Pa.	Stephens, Cal.
Dorsemus	Heald	Moore, Tex.	Stephens, Nebr.
Draper	Helm	Morse, Wis.	Sweet
Driscoll, M. E.	Henry, Conn.	Murdock	Talbott, Md.
Dyer	Higgins	Needham	Taylor, Ala.
Ellerbe	Hill	Nelson	Thayer
Estopinal	Hinds	Nye	Thomas
Evans	Hughes, Ga.	O'Shaunessy	Townsend
Fairchild	Hughes, N. J.	Palmer	Vare
Faison	Hughes, W. Va.	Patten, N. Y.	Volstead
Ferris	Humphreys, Miss.	Payne	Vreeland
Finley	Jackson	Pepper	Warburton
Fitzgerald	Kahn	Plumley	Weeks
Flood, Va.	Kindred	Porter	Wilder
Foght	Kinkead, N. J.	Post	Wilson, N. Y.
Fordney	Knowland	Powers	Wood, N. J.
Fornes	Konig	Pujo	Young, Mich.
Gardner, Mass.	Kopp	Randell, Tex.	Young, Tex.
Garrett	Lafean	Reyburn	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FAISON with Mr. GUERNSEY.

Mr. HUGHES of Georgia with Mr. HANNA.

Mr. DONOHOE with Mr. CANNON.

Mr. HAY with Mr. MARTIN of South Dakota.

Mr. HARRISON of Mississippi with Mr. DE FOREST.

Mr. KINDRED with Mr. GRIEST.

Until July 15:

Mr. BURGESS with Mr. WEEKS.

From to-day until Monday noon, July 15:

Mr. SMALL with Mr. CALDER.

Mr. BROWNING. Mr. Speaker, I voted "aye." I am paired with the gentleman from New Jersey, Mr. SCULLY. I believe if he were present he would vote aye, but under the circumstances I wish to withdraw my vote and answer present.

The result of the vote was then announced as above recorded.

Mr. CARLIN. Mr. Speaker, by direction of the Committee on the Judiciary, I offer the following resolution in connection with the resolution just passed, and ask for its adoption.

The Clerk read as follows:

House resolution 626.

Resolved, That HENRY D. CLAYTON, of Alabama; EDWIN Y. WEBB, of North Carolina; JOHN C. FLOYD, of Arkansas; JOHN W. DAVIS, of West Virginia; JOHN A. STERLING, of Illinois; PAUL HOWLAND, of Ohio; and GEORGE W. NORRIS, of Nebraska, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said Robert W. Archbald of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by this House; and that the said managers do demand that the Senate take order for the appearance of said Robert W. Archbald to answer said impeachment, and demand his impeachment, conviction, and removal from office.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FLOYD of Arkansas. Mr. Speaker, by direction of the Committee on the Judiciary, I offer the following resolution and move its adoption.

The Clerk read as follows:

House resolution 627.

Resolved, That the managers on the part of the House in the matter of the impeachment of Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, be, and they are hereby, authorized to employ legal, clerical, and other necessary assistants and to incur such expenses as may be necessary in the preparation and conduct of the case, to be paid out of the contingent fund of the House on vouchers approved by the managers, and the managers have power to send for persons and papers.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. CARLIN. Mr. Speaker, by direction of the Committee on the Judiciary, I present the following resolution and ask for its adoption.

The Clerk read as follows:

House resolution 628.

Resolved, That a message be sent to the Senate to inform them that this House has impeached Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, and that the House adopted articles of impeachment against said Robert W. Archbald, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that HENRY D. CLAYTON, of Alabama; EDWIN Y. WEBB, of North Carolina; JOHN C. FLOYD, of Arkansas; JOHN W. DAVIS, of West Virginia; JOHN A. STERLING, of Illinois; PAUL HOWLAND, of Ohio; and GEORGE W. NORRIS, of Nebraska, Members of this House, have been appointed such managers.

Mr. CLAYTON. Mr. Speaker, in the beginning of the resolution, where it recites that the House has impeached Robert W. Archbald, I ask leave to amend by inserting the words "for high crimes and misdemeanors," so that it may follow the customary language.

The SPEAKER. The gentleman from Alabama asks unanimous consent to insert the words "for high crimes and misdemeanors" in the proper place, which the Clerk will report.

The Clerk read as follows:

Amend so as to read:

"*Resolved*, That a message be sent to the Senate to inform them that this House has impeached for high crimes and misdemeanors Robert W. Archbald, circuit judge," etc.

Mr. MANN. Mr. Speaker, I had supposed that these resolutions which were now being offered were in the exact form of the resolutions heretofore agreed to by the House when proceedings in impeachment were had on former occasions. The last resolution it is now proposed to amend.

Mr. CLAYTON. I can explain that, I think, to the satisfaction of the gentleman. I had prepared each one of these resolutions—the first one, that the gentleman from Virginia [Mr. CARLIN] introduced, the one that the gentleman from Arkansas [Mr. FLOYD] introduced—similar to the resolutions in like cases. I had prepared one similar to the last one, but it has been misplaced. So I turned to the record of the Swayne case and had copied the resolution as near as was suitable. In drawing the resolution the words which I ask to insert here were omitted. I hope that is satisfactory to the gentleman.

Mr. MANN. I knew that the gentleman from Alabama would in advance prepare the necessary papers, but I noticed that when the Clerk read this last resolution he read it with some difficulty. So I was satisfied that it was not a typewritten resolution made in advance, and therefore I asked the question.

Mr. CLAYTON. A resolution similar to that, as I said before, had been prepared.

The SPEAKER. Is there objection to inserting the words "for high crimes and misdemeanors" in this resolution at the place suggested? [After a pause.] The Chair hears none, and it is so ordered. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Mr. CLAYTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Friday, July 12, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior, submitting estimate of deficiency in the appropriation for purchase and transportation of Indian supplies for the fiscal year 1912 (H. Doc. No. 870), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 25437) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus, reported the same without amendment, accompanied by a report (No. 980), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, reported the same without amendment, accompanied by a report (No. 982), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 22650)

to replace sections 4214 and 4218 of the Revised Statutes, reported the same with amendment, accompanied by a report (No. 983), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 23351) to amend an act entitled "An act to provide for an enlarged homestead," reported the same with amendment, accompanied by a report (No. 984), which said bill and report were referred to the House Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., reported the same without amendment, accompanied by a report (No. 986), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. AIKEN of South Carolina, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 979), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 25515) for the relief of Joshua H. Hutchinson, reported the same without amendment, accompanied by a report (No. 981), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 5763) for the relief of William K. Harvey, alias William K. Hall, reported the same without amendment, accompanied by a report (No. 985), which said bill and report were referred to the Private Calendar.

Mr. BURKE of Wisconsin, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 25598) granting a pension to Cornelia Bragg, reported the same with amendment, accompanied by a report (No. 987), which said bill and report were referred to the Private Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 19276) authorizing the Secretary of War to convey by deed to D. B. Loveman, or D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, Tenn., a certain strip or parcel of land in Hamilton County, Tenn., reported the same with amendment, accompanied by a report (No. 988), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19618) granting a pension to Edward E. Carrol, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEDMAN: A bill (H. R. 25714) to amend "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes"; to the Committee on Public Buildings and Grounds.

By Mr. HOBSON: A bill (H. R. 25715) providing that officers of the Navy be allowed pay from the dates they take rank; to the Committee on Naval Affairs.

By Mr. LINDBERGH: A bill (H. R. 25716) for the erection of a public building in the city of Little Falls, Minn., for the accommodation of the United States post office and other Government offices; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 25735) providing for patents on reclamation entries; to the Committee on Irrigation of Arid Lands.

By Mr. AKIN of New York: Resolution (H. Res. 621) requesting certain investigations in the Department of Agriculture regarding the meat-inspection law and the efficiency of certain employees in the department; to the Committee on Agriculture.

By Mr. HOBSON: Resolution (H. Res. 623) to make Senate bill 5461 privileged; to the Committee on Rules.

By Mr. FAISON: Resolution (H. Res. 624) to investigate delayed schedules and improper refrigeration of fruit and vegetable trains; to the Committee on Rules.

By Mr. POU: Resolution (H. Res. 625) providing for consideration and vote on House resolution 624; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN of South Carolina: A bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; to the Committee of the Whole House.

By Mr. AUSTIN: A bill (H. R. 25717) granting a pension to James C. Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25718) for the relief of the heirs of Joseph A. Mabry; to the Committee on War Claims.

Also, a bill (H. R. 25719) for the relief of estate of Moses Camak, deceased; to the Committee on War Claims.

By Mr. COPLEY: A bill (H. R. 25720) for the relief of James E. C. Covel; to the Committee on Military Affairs.

By Mr. CURLEY: A bill (H. R. 25721) to remove the charge of desertion against John Gabriel Carlin; to the Committee on Military Affairs.

Also, a bill (H. R. 25722) to remove the charge of desertion against Stephen Brown; to the Committee on Military Affairs.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 25723) granting a pension to Frederick Rattke; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 25724) granting a pension to Oscar Grear; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 25725) granting a pension to Sarah C. Kensley; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 25726) granting a pension to Isaac Dodrill; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 25727) granting a pension to Rufus H. Hickey; to the Committee on Pensions.

Also, a bill (H. R. 25728) granting a pension to Marilla A. Castle; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 25729) granting a pension to Helen F. Hoffman; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 25730) granting an increase of pension to Rose Martin; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 25731) for the relief of James M. Brown; to the Committee on Military Affairs.

By Mr. SMALL: A bill (H. R. 25732) granting a pension to Clayton W. Jones; to the Committee on Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 25733) granting an increase of pension to Lemuel Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25734) granting a pension to William Feaster; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 25736) granting an increase of pension to Mary E. Bullard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25737) granting a pension to John H. Tague; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of A. H. Speer and others, of Horton, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of Joseph Fried and 10 others, of Canal Dover, Ohio, against the passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Association of American Advertisers, New York, N. Y., protesting against the passage of the Richardson bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Papers to accompany bill for pension for Mrs. Catharine Hudson, of St. Louis, Mo., widow of the late John J. Hudson, who had served in the Marine Corps of the United States Navy; to the Committee on Pensions.

Also, memorial of the Workingmen's Sick and Death Benefit Association of America, Branch No. 71, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Slate and Tile Roofers Local No. 1, of the International Association of America, favoring passage of the Clayton injunction limitation bill (H. R. 22635); to the Committee on the Judiciary.

Also, petition of the Brotherhood of Locomotive Engineers, favoring passage of the workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, memorial of the house of delegates of the city of St. Louis, Mo., favoring resolution introduced in the United States Senate asking forfeiture to the United States Government of the Merchants' Bridge across the Mississippi River at St. Louis; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the American Embassy Association, favoring passage of the Sulzer bill (H. R. 22500) for the construction of embassy, legation, and consular buildings, etc.; to the Committee on Foreign Affairs.

By Mr. GRIEST: Memorial of the Aero Club of Pennsylvania, favoring national regulation and control of the navigation of the air by all forms of air craft; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of the Yarmouth Board of Trade, Yarmouth, Me., favoring the passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of first congressional district of the State of Nebraska, favoring passage of bill regulating express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Memorial of the Aero Club of Pennsylvania, favoring regulating control of navigation of the air by all forms of air craft and the issuance of licenses by the Government to competent aviators; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: Papers to accompany House bill 25431, granting an increase of pension to Henry E. Everts; to the Committee on Invalid Pensions.

By Mr. RODENBERG: Memorial of 74 workers of Collinsville, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of the Knights of St. Casimer's Society of Denver, Colo., protesting against the passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Petition of Rowmanian Lodge, No. 117, and Star Lodge, No. 59, Chicago, Ill., protesting against the passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SLOAN: Memorial of citizens of Deshler, Nebr., favoring prohibiting of denominational garb in Indian schools; to the Committee on Indian Affairs.

By Mr. TILSON: Memorial of citizens of Bridgeport, Conn., against passage of the Burton-Littleton bill for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Hebrew Veterans of the War with Spain, protesting against the passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *July 12, 1912.*

(Continuation of legislative day of Saturday, July 6, 1912.)

At 10 o'clock a. m., on the expiration of the recess, the Senate reassembled.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Brown	Culberson	Gamble
Bacon	Bryan	Cullom	Gardner
Bailey	Burnham	Curtis	Gronna
Borah	Burton	Dillingham	Johnston, Ala.
Bourne	Clapp	Dixon	Jones
Bradley	Clarke, Ark.	Fletcher	Lea
Brandegee	Crane	Foster	Lorimer
Bristow	Crawford	Gallinger	McCumber
Martine, N. J.	Perkins	Smith, S. C.	Townsend
Myers	Pomerene	Smoot	Watson
Nelson	Rayner	Stephenson	Wetmore
Overman	Sanders	Sutherland	Works
Page	Simmons	Swanson	
Payntar	Smith, Md.	Thornton	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. LORIMER. Mr. President, at the close of my remarks yesterday I was discussing the attitude of the custodian of all the morals of the country, both public and private, he who would not have contributions from those who possess predatory wealth. The malefactors of great wealth could not contribute to any campaign for his benefit. But I find in an account in this morning's paper that the chairman of the committee in his campaign testified that $1,000,000 was contributed for his campaign in 1904. Of course, that came from the common people, of whom this man is the great champion. No malefactors contributed in that campaign, no trusts, no combinations of great wealth, only the common people, of whom he is the guardian.

In concluding his letter to Col. Roosevelt, President Taft said what I shall read. By the way, may I not state here that this letter was written on the 6th of January, 1911? The record in this case, I am informed, was delivered to the document room on the seventh day of that month, a day after the letter was written, which to my mind would be evidence that any information which the President may have received on this subject was from those who are supporting this prosecution. In concluding his letter to the Colonel he said:

I want to win. So do you.

Win what? Win a contest? What sort of a contest? In the open? A free field and a fair fight? Was the sword and shield handed to me, and was I then notified to defend myself, that a battle was on? Oh, no; there was no opportunity, no knowledge of what was coming, they were going to win, win, win. How? Sneak up like a thief in the dark, strike from behind with a club in the back of the head, and destroy with no opportunity to defend himself. And why, why all this? Why, for fear, said President Taft, that Senator BAILEY with his unbounded logic and his matchless eloquence might plead the dignity of the Senate of the United States.

Oh, Mr. President, was mortal ever more completely surrounded by conspirators and intrigue? The President of the United States, William H. Taft; Theodore Roosevelt, the ex-President of the United States; and the candidate of the Democratic Party for President of the United States, William Jennings Bryan, the trust press of this country, all combined and joining in the conspiracy to misstate the facts, because they could not have known them unless they read the record—*and not one of these men ever read it.* They joined with the trust press of this country to poison the mind of the citizenship of this Union in order that one man might be destroyed to satisfy the malice of the most corrupt set of newspaper owners known to the history of this country.

Mr. President, I do not claim that anything I have said on this subject is evidence of anything. It does not prove that my seat was not corruptly secured, but surely it shows that the men who are prosecuting this case are capable of conspiring to do anything against anybody they want to destroy, even to taking a life. It is because I know these things, and because when the attention of the Senate is called to them they are all beyond any question of doubt proven, not by my word, not by what I say, but in the documents, in the photographs, in the letters, in the affidavits that I have presented in this discussion, and with that I think I have said enough about those who are back of and aiding in this prosecution.

Now, we will come to the Helm committee. Who is the Helm committee? What is the Helm committee? Senators of the State of Illinois, think you? Oh, no. They were creatures of Gov. Deneen and the newspaper trust of Chicago. The Helm Committee. Were they senators, dignified gentlemen, men who had opinions of their own, who acted as their consciences dictated? Oh, no. The Helm committee was Herman Kohlsaat and the Record-Herald, representing Victor Lawson, the Tribune, Gov. Deneen, and John J. Healy. John J. Healy was one of the counsel representing your committee in this case. I do not want to be understood as criticizing the committee for employing Mr. Healy, because if there be a man in Illinois who knows aught about the politics of our State and could

ferret out any corruption John J. Healy is the man. In addition to that he would be inspired with his own personal malice toward LORIMER, because he is one of the most violent and bitter enemies that I have in the State. If the committee failed to produce evidence on which an honest judgment could be rendered recommending the removal of LORIMER from the Senate, he could not be blamed, for surely they had the man that could find the proof if it was to be found. There was every reason in the world for it. He had first of all the ability. He had the motive and the knowledge of the situation in Illinois. His partner was the partner of Gov. Deneen before he was elected governor. He and the governor and Keeley and Kohlsaat met when? On the 17th day of January, when the resolution was adopted appointing the committee to investigate as to whether or not corruption had been practiced in the Illinois Senate? No. In February, the next month? Oh, no. The 1st day of March? Oh, no; not until the Senate of the United States had defeated the resolution declaring that LORIMER was not entitled to his seat in this body. These were the reorganizers of the conspiracy which had been partially dissolved by the action of the Senate declaring my election valid.

They had been defeated; the Senate had spoken; it had put the stamp of approval on LORIMER's certificate of election and something else must be done. "What are we to do?" was the question. "How are we to get LORIMER out? If we could only start another investigation; there has been a change in the Senate; 30 new Members are there. Probably enough of the new men, enough of the new judges, may be influenced to take our view of the case. If we can only have another investigation and try the case over again, we will take our chances on turning LORIMER out."

Then the Helm committee took up the investigation, not of the senators of the Senate of the State of Illinois, not of the members of the General Assembly of the State of Illinois, but whether or not LORIMER was corruptly elected to the United States Senate—a question that had been settled.

How are they going to do it? They must have new evidence; they must have something that has been recently discovered. Then began the shameless hippodrome; the convening of the Helm committee; the calling of Edward Hines and the formality of asking him questions. The first witness of importance, not knowing that Funk was to be called, not knowing that Kohlsaat was to be called, they asked of Hines questions calling for answers which might be impeached by the witnesses which the prosecuting attorney of that committee knew would follow and would tell the Funk story.

Then comes Kohlsaat; oh, this priestly Kohlsaat, as he calls himself; this "honorable man," who never violated a confidence in his life! He appeared before the committee and they asked him about the editorial of the 15th day of February. He said, "Yes; I dictated that editorial and I knew whereof I wrote." "Well, who was your informant?" "Oh"—and here is the beginning of the hippodrome—"I will not tell you; it was given to me in confidence, and, as a newspaper man, I hold the confidence as sacred as would a Catholic priest hold a confession. I would prefer to go to jail rather than tell you." Then the whole country had a view of this most righteous and most loyal man who had received the statement in confidence; and from the testimony that was adduced before the committee they must have concluded that he violated that confidence to not less than 20 or probably more persons, and gave the name of his informant to 3 persons. The country was aroused; they wondered if this loyal man would tell the story; they wondered if he would ever give the name; they were looking on to see whether or not he would go to jail rather than violate the confidence. So the public attention was again called; and then we have it in the testimony that Funk—this "honorable man," as the Senator from Indiana [Mr. KERN] called him—said: "I can stand it no longer; I can no longer see my friends prosecuted, and so I will tell the story; I will go before the Helm committee." He went before the Helm committee; he told the story, and he told it in a different way than he would have told it if he had been permitted to tell it before the investigating committee of this Senate.

Then witnesses were called in from other places. Edward Hines, on the advice of his lawyers, waited in Chicago to go before the Helm committee again and testify as to the Funk story. Did they again call Hines? No. They sent the reporters of the Hearst papers over this country to interview men and ask them if they knew anything about this $100,000 jack pot, and the men interviewed, every individual, said they did not. The reporters returned and made affidavits to the Helm committee that they had invited these men before the committee to testify; that they said they would not come; and because they lived in other States, of course, the Helm committee could not compel their attendance. Their own representative, Mr. Coan, reported that to the committee. These men were called before your investigating committee and every one of them testified that Coan had never asked him to go before the Helm committee, and that he had never refused to go before the Helm committee. Yet, the Hearst representatives, who by that time had come into this conspiracy, made an affidavit to the Helm committee that these men had refused to come into the State of Illinois.

Then they reported to the State senate and stated that they could not secure these important witnesses, and that the only body that could get them was the Senate of the United States. So they passed a resolution calling on the Senate to undertake another investigation because of their inability, after a most strenuous effort, to secure the witnesses who were outside of the State of Illinois.

Was the attention of the people of the country called to this? Oh, yes. Every man all over the country, including myself, said that if there was a corruption fund of $100,000 the country ought to know of it, and the Senate—while I believe they violated a fundamental rule of law of this land in so doing—appointed another committee. Thus have we before us the action not of the Helm committee, but of Gov. Deneen, of the Tribune crowd, of Herman Kohlsaat, of Victor Lawson, of John J. Healy; and, hence, we are here to-day. That is why and how we happen to be discussing this question here this morning, because it was necessary to have some official creature, such as the Helm committee, call on the Senate of the United States to act.

And then the second investigating committee was appointed. I merely want to say, in concluding that statement, that no witness was summoned before the Helm committee, which was appointed on the 17th day of January, until after the 1st day of March, when my case had been disposed of. These conspirators had humbugged this Senate into appointing a committee. With the hope of finding new evidence in their mind? Oh, Senators, no; there was no such thought in their mind; but to try the case on the old testimony, because there were new judges, and they hoped to be able to get a verdict for that reason.

Now, Mr. President, I propose to discuss for just a few moments the views of the minority of the committee and to point out to the Senate the misstatements they have made of the record and the insinuations and innuendoes that were resorted to, in my opinion, with no other purpose than to poison the minds of Members of this body.

Before going into that, however, I want to call attention to their report in which they state that they conclude that Joseph Clark must have received money and therefore was corrupted and that his vote should not be counted for LORIMER.

But before proceeding further with that, I want to state that I heard, after the last investigation, that many Senators were opposed to LORIMER because he did not take the stand in his own behalf. When I testified before the committee, Senator JONES asked me at the conclusion why I had not taken the stand before. If my memory serves me right, I responded that it had been admitted in the prior investigation by the counsel for the Chicago Tribune that they did not expect and would not claim that they would connect LORIMER with any corrupt act, and that I thought it was beneath the dignity of a Senator of the United States to take the stand when any sort of insinuation was made and swear that he was not guilty. But I did make a statement upon this floor, and I have sworn to every word that I stated here, and not one single word has been contradicted.

In this connection I should like to call the attention of the Senator from South Dakota [Mr. CRAWFORD] to a statement that he made. He sent to Gov. Deneen to find out whether LORIMER was lying or not. He asked the governor if Shurtleff had been one of a committee that worked in favor of Senator Hopkins—I stated that he had been, in Senator Hopkins's previous election—and the governor did not answer my statement. The governor said if it were so, it would be news to the people of the State of Illinois. The governor evaded in his answers the important inquiries just as he evaded that one.

My attention is called to the further fact that the Senator from South Dakota asked if Gov. Deneen's friends had aided in defeating Senator Hopkins; and that was because I had stated upon this floor that Gov. Deneen was responsible for the defeat of Senator Hopkins, and that if his friends had voted for Hopkins on the first ballot in the separate houses, or on the first five joint ballots, Senator Hopkins would have been elected. The governor evaded that question, Senator CRAWFORD. But on the stand, under oath, when the question was deliberately put to him, he swore that he and his friends had a conference, and they decided to defer the election of Senator

Hopkins, and that they did defer it until after the governor's contest was settled, which occurred on the 18th day of the following March. That is what he testified to, Senator CRAWFORD. I was taught, from the earliest time I can remember, when I sat beside my mother, that to act a lie was more heinous than to tell one. While he did not deny my statement, he acted in such a way and he framed his response in such a manner as to give the impression to any man who read the telegram that LORIMER had lied when he made that statement upon the floor of the Senate. That can be found in the remarks of the Senator from South Dakota in the RECORD, made on the night he made his famous filibustering all-night speech, talking about everything under the sun except, for a short time, the question that was really at issue in the Senate.

Senators also complain because I did not discuss the record. May I not call the attention of Senators to the fact that there was no investigation open in the Senate, no investigation called for, until I myself introduced a resolution, at least within three days of a month after the charges had been made in the newspapers and after Lee O'Neil Browne had been indicted. Will not Senators recall that from the day I introduced the resolution until the Senate acted I never as much as raised my finger to convince any Senator that any testimony which was given before the committee was not the truth? I concluded when that resolution was introduced that I would sit here and await the deliberate judgment of the Senate and let them decide it without any discussion of the facts from me; and that is why I did not discuss the testimony.

But I feel now that my case is settled. Do what you may, you can not set aside the judgment that is written in the record of this body and can never be stricken out. I believe that because I have a title not only of a certificate presented and accepted, but a title that has been challenged and declared valid by this body, I am now justified in discussing this testimony.

Now, it is stated that Joseph Clark must have received money, and, therefore, his vote was corrupt and should not be counted for LORIMER. I received a letter from John A. Bingham, of Vandalia, Ill., on the second day of June, 1911, and I shall read only the parts that are important. Referring to Joseph Clark, he says:

> At the request of Joseph Clark, I am writing this letter. I have just come from his bedside, where I went at the request of Joe over the phone.
>
> As I told you in Chicago when I last saw you, Joe is not long for this world unless he improves rapidly. He has been confined to his bed for two weeks steadily, and in bed more than half of the time since spring.
>
> Now to the question. To-day's Tribune contains the statement that Senator OWEN yesterday read three affidavits in the Senate made by three citizens of Vandalia that Joseph Clark stated in their presence "that he said he voted for LORIMER on condition of controlling the post-office appointment at that place," and that he, OWEN, did not want them to go into the CONGRESSIONAL RECORD.
>
> Mr. Clark wants you to give him the names of the "Vandalia citizens" who made the affidavits that he may know who they are.
>
> Also copies of the affidavits, if you can get them. Mr. Clark informs me he never made such a statement in the presence of anyone; that he had no promise of any kind from you or anyone for his vote for you, or any other consideration of any kind or character; that he never had a conversation with you for months before the vote was taken, and about six hours afterwards, and then in the presence of a room full of your friends. And he is ready to so state, and in his testimony before the senatorial committee in Chicago did swear to these facts where same can be found.
>
> Now, this part of my letter is confidential. If you want the testimony of Joseph Clark for use on this or any other question, you better serve notice and have it taken soon, as my judgment is Mr. Clark can not live long, and will not unless a change in his condition comes soon.

On the 19th of June the same gentleman sent me the following letter:

> FRIEND LORIMER: On behalf of Joseph B. Clark, of this city, I again write you. June 3d last I wrote you—at Mr. Clark's request—asking you to furnish him the names of the citizens and copies of the three affidavits read by Senator OWEN to the Senate on the day previous, charging that Mr. Clark voted for you in consideration of naming the Vandalia (Ill.) postmaster.
>
> Mr. Clark is in a very dangerous condition at the present, with little hope of his recovery, and wants to know before he dies who these citizens are who made such affidavits.
>
> Can not you gratify the wishes of this poor dying man? He also wants to aid you in any way in his power, and if it is possible that he may have the opportunity to record his affidavit or evidence absolutely denying the facts in those affidavits, he wants it done.
>
> It would relieve his mind greatly to be given the opportunity. Certainly your tormentors are not so calloused as to deny the request of a dying man.

Then I sent him a telegram in which I stated that I had forwarded copies of the affidavits.

Mr. President, it can be seen from those letters that they were not secured for me; that they did not come as a result of any effort that I put forth to bring them here. They are requests from a dying man who wanted to leave a record before he passed to the kingdom come that his traducers lied about him; and he made a dying declaration, and that is what I want especially to call to the attention of the Senate. I will ask permission to have printed in the RECORD all the portions that I will not take up the time of the Senate in reading, and I will only read the vital elements of his dying declaration.

The PRESIDENT pro tempore. Without objection, permission is granted to the Senator from Illinois.

Mr. LORIMER. I read from Joseph Clark's affidavit:

> I am now a sick man, having been confined to my bed for the past 48 days, and may soon be called to the judgment bar of my God.
>
> * * * * * * *
>
> And I desire to state further, as a further explanation, and as I now feel this will be the last opportunity I may have, and want this statement to be a part of my affidavit:
>
> * * * * * * *
>
> I desire to further state, and make it a part of this affidavit, there was no consideration of any kind from Mr. LORIMER or anyone else on his behalf or for him made to me directly or indirectly, or any hope of reward held out to me or anyone for me, that moved me to cast my vote for Senator LORIMER for United States Senator—no promise of post office or anything else—and I did not do this until I was convinced we, as Democrats, could not elect a Democrat; and I want to say further, I consulted with my Democratic friends and was advised by them, if we could not elect a Democrat, to defeat Hopkins at all hazards, and when the opportunity came, and being convinced we could not elect a Democrat and that we could defeat Senator Hopkins, so cast my vote, and these considerations, and these only, moved me and prompted my vote.
>
> * * * * * * *
>
> As matters of this life stand now with me it matters but little to me whether the enemies of Senator LORIMER succeed in ousting him from his seat in the United States Senate or not, or what becomes of the post-office fight in Vandalia, Ill. I feel that I have discharged my duty in both matters and it is for this purpose and that the truth in both matters may be known I have caused this affidavit to be made. I want to add further that this affidavit is made at my own request, and none other.

That is the dying declaration of Joseph Clark. How he received the affidavits I have just stated. No man will ever convince me that any man on his deathbed, knowing as Joseph Clark knew that his days would soon be numbered, would plead with anybody for an opportunity to perjure his soul and sink it into damnation to help a man who had not requested his help.

No, Mr. President, before I believe that I must understand Christian people, and I must understand the Christian doctrine different than it was taught to me. All the suspicion that all the committees or parts of committees might cast upon the vote of any man who had made in the closing moments of his life a statement of that kind would not make me believe that when he was going before his Maker he had perjured his soul.

Joseph Clark in a few days after passed away. So much for the views of the minority with reference to Joseph Clark.

Now, for the insinuation; now for the innuendo. Luke has been referred to as one of the men who received money, and all through the discussion of the Senator from Indiana [Mr. KERN] you will find Luke's name running. He uttered this sentence:

> I do not know that I shall refer to Luke's testimony again—

Now remember, "Luke's testimony again"—

and therefore I will add here that Charles Luke is the man who has since died.

Since when? Since he testified? What other impression can you have, because he states that he will not refer to Luke's testimony again and that Charles Luke is the man who has since died. I read from page 35 of Senator KERN's speech.

Now, what is the evident purpose of making a statement of that kind? I can find no other reason except to smear and slime the record and create suspicion in the minds of Senators that Luke testified and that he did not believe him. He classed him among those, therefore, who had received a bribe.

Now, Senators, what are the facts? The first resolution that was introduced in the Senate was on the 28th day of May, 1910, and I introduced it myself. Before the resolution was introduced Luke had gone to his Maker and he never testified before this committee or any other committee. I challenge here and now in the presence of the men who are to decide this case Senator LEA, Senator KERN, Senator KENYON, the men who signed the minority views, to point out in any part of this record or the previous record or any of the records that Luke ever testified in this case.

Mrs. Luke, the widow of Charles Luke, did testify. She testified in Chicago. She testified before both committees. She was asked if she had seen any money in the possession of her husband. She said she had. She was asked the question how much, or was it $950? She answered that it was. She was asked the character and the denomination of the bills. She said she thought they were $20 bills. She was asked if he received it or if she saw it after he came back from St. Louis after he had received a telegram from Robert E. Wilson. She testified, no; it was before. She was asked if he had been to

St. Louis or Chicago before he received the money. She said, no; he had not.

That is what she testified to before the committee in Chicago in the previous investigation. In this investigation she answered—and she was a poor, weak, sickly woman—that she forgot whether it was before he went to St. Louis or not. But on cross-examination her testimony was read to her on the previous examination, and the question was asked, "Was your memory better then than it is now?" and she said it was. She was asked did she tell the truth at Chicago the first time, and she said she did.

There is the testimony—and the only testimony we have—as to the money that she saw with her husband before he had gone to St. Louis to meet Robert Wilson, and that he had neither been in Chicago nor St. Louis before she saw the $950.

Now, how does that tally with the insinuation of the Senator that Luke testified, and that he would not talk about his testimony any more, the inference being that it was so unbelievable that it was not worth talking about?

Jandus, the man who was in Broderick's saloon the day that Holstlaw called, also it was shown was buying property soon after the election of Senator LORIMER and paying out considerable sums of money, and that he had a large sum of money in his vault at his office. Jandus testified that he bought property in connection with other people; that he made from seven to eight thousand dollars every year; that he was either secretary or attorney, I have forgotten which, of somewhere from 10 to 12 building associations. I have known Jandus since he was a boy. He is an industrious man. Jandus has been in the real-estate business as an active 18-hour-a-day toiler all his life, and he has been buying and selling and trading real estate all his life. And because he joined with other people to buy farm land, that is evidence that he was corrupted! There is no evidence in the record here, there is no statement by anybody, charging Jandus with having been purchased to vote for LORIMER.

Then there is a lot more of what is termed to be circumstantial testimony, that Henry Shephard had a safety-deposit box in the city of St. Louis, and that he was a banker, and because he was a banker he ought to keep his papers in his own vault at home in Jerseyville.

I started out to be a banker when these conspirators started out to destroy me. I have been a poor sort of a banker since. We have a vault in our bank. Inside of that vault I have a little box. Nobody has the combination but my sons and myself. I have papers there. In the same building downstairs in the safety-deposit vault I have a box. The vault we have is good enough and secure enough to defy all the burglars in the world; but I also have a safety-deposit box in the safety-deposit vault downstairs. One of the largest banks in the city of Chicago occupied the space that we occupy now, and they, too, had a safety-deposit box in which to store their valuables.

It is pointed out as a suspicious circumstance that Thomas Tippitt, the leader of the minority Democrats, had a safety-deposit box. The evidence here shows that Thomas Tippitt had had the box since 1902. If you go through the list of the members of the general assembly, the average man in Chicago and in Illinois—not the man of affairs, but the average man—you will find that he has a safety-deposit box. In Chicago we rent them by the hundreds of thousands, and we are not millionaires in that town by the hundreds of thousands. That insinuation is to poison the minds of the Senate and create a suspicion that they rented these boxes to store away the corrupt money which they received as a result of LORIMER's election.

Then De Wolfe and Wheelan and Blair, the latter seen at the ball park with hundred-dollar bills; it was said that one bought a house and paid for it, and the other had money in the Bible at home. That is taken as an evidence that they were corrupted to vote for LORIMER.

Why, Mr. President, if they had called in all the members of the Illinois General Assembly and put them on the stand, I have no doubt that they all would have testified—those who voted for me and those who did not—that at some time, at some place they had money—twenty-dollar bills, fifty-dollar bills, hundred-dollar bills—and it is just as reasonable to assume or to insinuate that the men who testified that they had money who did not vote for LORIMER received it corruptly because they did not vote for LORIMER as to assume that those who had money, who did vote for LORIMER, because they had money were corrupted to vote for LORIMER.

These are all men; they are all of age; they all have families; they all have to work for a living. Will anybody suppose that that was the only time in their history that they had had money? Is it not just as fair to presume that the money they had 10 years ago was money they got on a promise to vote for LORIMER 10 years hence? I believe, if it was necessary to make that argument, Senators who do not seem to care for the facts would have made such a statement. So I will not go into the details as to those members of the general assembly.

Mr. President, as to the four so-called confessors, the four men who are said to have been bribed to vote for LORIMER, the first is Charles A. White. If you have any case here it must stand or fall on the statements of Charles A. White. I am not going into the impeaching testimony of all the witnesses to prove the character of White and the many things that be said and that he threatened to do to extort money from persons; but I am going to call your attention to facts that, if true and not disproven beyond any question of doubt, you may feel that you have a right to disbelieve White, even though everybody here, no matter how he came here, must admit, because it is in the record, that Charles A. White is a perjurer and that he admitted under oath that he was a perjurer.

What are the facts? When Lee O'Neil Browne was on trial in Cook County, what was the charge? He was charged with bribing Charles A. White to vote for WILLIAM LORIMER for United States Senator. He was not charged with paying money, except as he paid a thousand dollars in three payments to Charles A. White for his vote for WILLIAM LORIMER. The State's attorney of Cook County centered all his energy around that statement to prove that Lee O'Neil Browne had bribed Charles A. White to vote for LORIMER. After the first trial they realized that they must prove that. To prove it they put the Yarbroughs on the stand—the two brothers. Let me call your attention to this:

White had testified that Browne called him on the phone in his room between 11 or 12 o'clock, or some such hour, on the night of the 24th of May, and told him that he wanted to come to White's room; that he wanted to talk to him; and that he did go there. When he arrived there it is claimed White was there, Otis Yarbrough was there, and Sidney Yarbrough was there; and that Browne made some jocular remark about three sleeping in a bed. So well did they recall the details that there was no mistake about it. White said that Browne invited him (White) to his room; that he went there; that Browne asked him to vote for LORIMER; and without White asking him anything about what he would get, Browne said, "It will not be any chicken feed either."

The whole case in that trial depended upon whether or not White told the truth. White stated that no other man previous to that moment had asked him to vote for LORIMER; that he had never told a soul that he intended to vote for LORIMER; and that he had never discussed it with anybody on the face of the earth. The only person who ever talked to him about the matter, according to his statement, was Lee O'Neil Browne. Both of the Yarbroughs testified that they were there when Lee O'Neil Browne called.

Now, eliminate White, eliminate Browne—eliminate their testimony altogether—and what do we find? First of all, we find Representative Shaw, a Democrat, a constant supporter of Senator Stringer and chairman of the committee of Democrats organized for the purpose of persuading Democrats not to vote for LORIMER; he did not himself vote for LORIMER; it was his duty, as chairman of the committee, earnestly to work to defeat LORIMER, to talk to every Democrat, and he testified—now mark you—Shaw testified, that he talked to White. He had reason to talk to him; it was his duty to talk to him; and he has reason to remember his talk with him. He says, three or four days or a week before LORIMER was elected White told him that if he got a chance to vote for BILL LORIMER he would vote for him. Shaw tried to persuade him not to do so, but White insisted that he would do so if he got a chance. That was prior to the 24th day of May, about a week before LORIMER was elected.

John O'Neill, a labor leader from Chicago, known personally to White, a friend of White's, testified that he talked with White a week or more before the election of LORIMER, and White told him—now mark you; remember that White said that nobody ever talked to him; that the matter never was mentioned by anybody—but John O'Neill said that he talked with White; and that White told him that he, as a Democrat, would vote for LORIMER; that he was a member of the legislature; and his language was that "a good many of the boys"—meaning the Democrats—"felt the same way about it." On Sunday morning, the 23d of May, in the city of Chicago, he told a street-car motorman named Gloss with whom he had worked in East St. Louis and in O'Fallon that BILL LORIMER was going to be elected, and that he was going to vote for him.

There is no reason why these men should tell falsehoods. Nobody will challenge the statement of Representative Shaw. I think every member of the committee, minority and majority, believed every word that Shaw said; I believe every member of

Now, remember this, that the whole question turned on whether or not White told the truth when he stated that Lee O'Neil Browne was the only man who ever talked with him about voting for LORIMER, and that Lee O'Neil Browne was the only man whom he ever told he was going to vote for LORIMER. The men to whom I have referred stated otherwise. In addition to that, I stated on the stand that Charles White, a week or 10 days before I was elected, walked up to me in the House of Representatives of Illinois and volunteered this statement: "If your name is presented to the general assembly I will cast my vote for you."

But I am an interested party.. I do not ask you to consider my testimony, but I am justified in assuming that you will consider the testimony of men whom no one impeaches and whom no member of the committee doubts.

Now, I go a step further. These three men testified that the Yarroughs—the two of them—were in the room on the night of the 24th of May, when Lee O'Neil Browne called. That is a circumstance through which they expected to prove that White was telling the truth; and it had no other purpose, because they gave no other testimody with reference to that proposition.

Now, what does the record show? The record shows that Sidney Yarbrough was not there, but that he was in the city of Chicago on the night of the 24th of May. I will not go into the details of that. But if any Senator doubts the statement, I will do so, and prove it beyond any question of doubt, as this testimony does, that Sidney Yarbrough was in Chicago, in the motorman's house, in bed, the night of the 24th of May. Does any Senator misunderstand? He was in Chicago, not in Springfield in Charley White's room. He went to Springfield on the night of the 25th on the Illinois Central Railroad, and rode on Charles A. White's pass. That was testified to by the man and the woman in whose home he slept that night. Nobody doubts that. There is not the remotest doubt in the mind of anyone who heard that testimony that Sidney Yarbrough was not in Springfield. The register in the hotel shows that only Otis Yarbrough and Charles A. White registered on that night at the St. Nicholas Hotel.

How do we know that he went on the Illinois Central Railroad? Gloss, who had been Sidney Yarbrough's motorman, testified that he knew Sidney Yarbrough's handwriting. Sidney Yarbrough had to sign the coupon on which he rode to Springfield. Browne's lawyers sent to the railroad office, and there were produced Charles A. White's coupons, 45 or 46 of them—these were coupon passes—bearing on one side the date on which they were used; bearing the name of the person to whom issued on the other side. The 45 or 46 coupons were turned face down, leaving the signatures on the coupons exposed, and Gloss, who had been Yarbrough's motorman, was called to pick out, before he had previously had an opportunity to see them, those coupons which bore the signature of Charles A. White written by Sidney Yarbrough; and he picked them out. I have forgotten how many he picked out, but more than one; and when they were turned up it was found that one of them bore the date of May 25, 1909, used 24 hours after Sidney Yarbrough had sworn that he was in Charley White's room in Springfield when Lee O'Neil Browne called on the night of the 24th of May.

Now, are we to believe White, who swore that Sidney Yarbrough was there? Are we to believe Otis Yarbrough, who swore Sidney Yarbrough was there as circumstantial testimony to prove White was telling the truth? Are we to believe White against Representative Shaw's testimony, John O'Neill's testimony, the testimony of Gloss, who picked out the signature of White that was written by Sidney Yarbrough? Are we to take White's testimony as the truth and consider that these men are perjurers, or will we believe these men whom nobody attempts to impeach?

Now, as to the question of the Senator from Missouri [Mr. REED], why did I loan or contribute—put it in any way you choose; put it in the most offensive terms that you can conjure up; make it carry with it all the suspicion that innuendo and insinuation are capable of—why did I furnish money to aid Lee O'Neil Browne in his defense?

Does it take a man of superhuman intellect to understand? No. I think anybody who wanted to understand could understand without an explanation. What was Lee O'Neil Browne on trial for? Corrupting Charles White? Oh, no. Giving money to Charles White? Oh, no; except as it was a circumstance. He was tried for giving money to Charley White and bribing him to vote for LORIMER. That was the charge. And if it is true, LORIMER has no place in the Senate.

I know that Lee O'Neil Browne never paid out $1 for a vote for LORIMER. I know that the State's attorney and the Tribune and the governor were in a conspiracy to destroy LORIMER's seat or that somebody had not bought it for him, and with the conviction of Browne, that conviction would have been brought here to the Senate as evidence that LORIMER was here by corrupt methods and practices. That is on what they intended to base the prosecution. They thought they had it closed up; they thought it was a closed book; that there was no doubt that Lee O'Neil Browne would be convicted; that he could not escape. All the power of the third degree they knew would be brought to bear by State's Attorney Wayman; all the power of the governor's office would be brought to bear by the governor.

Lee O'Neil Browne was to be convicted. Where? Where the venue lay? Oh, no. He did not bribe White in Chicago. If he bribed him to vote for LORIMER he bribed him in Springfield. Yet they say he paid him money in Chicago. I answer, then, it is stated that they paid him $100 in Springfield, and the venue was in Springfield, Ill., where, if there was a corrupt act, it was performed. But what was the effort of the State's attorney of Chicago, and of the governor of Illinois, and of the attorney general? They were all lawyers. I am not. They knew where the venue was, but they were afraid of the State's attorney at Springfield, Ill. They knew, or at least they thought at that time, that they could not depend upon him to apply the third degree, and Wayman sent White and Beckemeyer out of the State in order that they might not be subpœnaed by the State's attorney of Sangamon County to go there and testify, and on their testimony an indictment be brought and the State's attorney of that county might prosecute Lee O'Neil Browne and take him out of the hands of Wayman and the Tribune.

How far did they go in their effort? They called in the attorney general of the State. They got him to commence proceedings in Sangamon County, in the circuit court, to prohibit the State's attorney of Sangamon County from subpœnaing anybody before the grand jury to testify on matters affecting this case. The circuit court of Sangamon County refused to interfere.

These men were taken out of the State and kept out until when? Until the Record-Herald and the Hearst papers made Burke believe that the newspapers would make a great man of him. He went to Chicago and visited all the newspapers in town. His picture was taken and put in the papers—but I will tell that story a little later on.

But, now, if Lee O'Neil Browne had been convicted in Cook County, no lawyer will believe that he ever would have gone to the penitentiary. At the end of the fight in Illinois, in the appellate court or in the supreme court, or, if not there, here, where all men's liberty is secure—in the Supreme Court of the United States—it would have been decided that the venue was not in Cook County but in Sangamon County; that even if Lee O'Neil Browne was guilty the court had no jurisdiction, and he would have been dismissed. But meanwhile time would have been consumed and the conviction of Browne would have been placed before the Senate and would have been cited as strong proof that LORIMER's seat was purchased and that Lee O'Neil Browne was a party to the purchase.

Does the Senator from Missouri think that any man who has the slightest respect for his own honor would stand by and permit these conspirators, through perjury and without right of law, to send a man to the penitentiary because he was not able to employ counsel on account of his financial condition? It would not only convict him unlawfully, but, in the minds of the people, convict LORIMER of securing a seat here by bribery and corruption.

That is all there is to the White story; there is the evidence, all centered around the night of the 24th of May. If that be true, you have a right to believe it, and I say you have just as much right to believe White as Browne, if you want to. But no man has a right in deciding a case, either as judge or juror, to take the testimony of a self-confessed, time after time, perjurer—a man who would sell his soul for money—against the three other witnesses, Shaw, O'Neill, and Gloss.

Take the testimony of Sidney Yarbrough offered as circumstantial proof—and, standing alone, it is convincing—against the statement of Mr. and Mrs. George Gloss that he was in their home on the night of the 24th day of May. You must believe that all these men, Shaw, O'Neill, and Gloss, and this good woman, Mrs. Gloss, are perjurers and that Charles White tells the truth as against them, if you are to believe there is anything in this case. That is all there is to the case. Settle that question in your own mind and you have settled it all. You do not need to go to Link; you do not need to go to Beckemeyer; you do not need to go to Holstlaw, when you have settled in your mind that Charles White was not telling the truth about that incident; then you must conclude that he was not bribed to vote for LORIMER; that he did not receive any part of the $1,000 to

a week before he voted for me he voluntarily rose from his seat in the house of representatives and pledged me his vote.

Yes; the views of the minority are that in this case there are the confessions of four men that their votes were secured by bribery, and that their confessions are corroborated by strong circumstantial evidence; that four men testified that their votes were secured by bribery. Stop there. That is what they say that the four confessed. Senator KENYON signed that report. Senator LEA signed that report. They signed it in the face of the testimony in the record of Michael Link, corroborated by the State's attorney of Cook County, who was the prosecutor, that he never said that he received a dollar or was promised a dollar or ever got a dollar for casting his vote for WILLIAM LORIMER. Yet there is that statement. It is not insinuation, it is not innuendo, but it is the views of the minority.

But in this case there are confessions by four men that their votes were secured by bribery.

That is what they said; nothing more, nothing less. I have just stated to the Senate that that is in the face of the fact; that the record shows that Link never made any such statement, but always persisted that he voted for LORIMER because he had promised to vote for him a considerable time before he was elected if he would be a candidate, because he liked him and because the people of his district were for LORIMER, and they were for him because they live on the Mississippi River and LORIMER was the champion of the deep waterway from the Lakes to the Gulf, and his constituents were more interested in that than they were in anything else, and that they favored him, and that, therefore, he favored him.

The further fact is shown in this record that only one man, Charley White, testified that he was bribed to vote for LORIMER, and that he received and was promised money to vote for LORIMER. Link denied it in every way that the English language can cover it that he never thought of being rewarded, that he never was rewarded, that he would not have accepted a reward for casting his vote for LORIMER.

Senators, that is the testimony, and the record shows it. I do not ask you to take my view or my opinion of it. Read the record. It tells the truth. Link said—now mark this—Link said that he was put through the third degree. I will not rehearse it all, but he said finally they put the proposition up to him. "Say you got the money and go home to your family; and if you do not you are on the road to the penitentiary." Now, what is Link's testimony? His testimony is that he said, "If I have to lie to save my wife and to keep out of the penitentiary I will lie before the grand jury."

Where did he testify to that? Before the committee? Yes; before the previous committee. Since that time Mike Link has passed away. Was that the only place where he testified? No; he testified in the criminal court in Cook County. He testified to that twice in the jurisdiction of Wayman. If it was not true, Senators, it was perjury, and it was perjury in Cook County, where the venue lay. It was testified to twice in the presence of Wayman that he told Wayman if he must lie to save his wife and his family and to keep out of the penitentiary he would lie.

Was he ever indicted for perjury? No; Wayman never brought him to the bar of justice for perjuring himself, if it was perjury. They never disproved it on the stand. Nobody ever appeared before any committee to contradict it until Michael Link was dead and in his grave, and then they brought the assistant State's attorneys before this committee, after three times during his lifetime he had sworn to it, and then they testified that Michael Link was not telling the truth. If they were looking for perjurers, if they were looking for men guilty of corruption—and what more awful crime is there than perjury—why did they not prosecute Michael Link for testifying that the man who was prosecuting was told, before Link went before the grand jury, "if I must lie to save my wife and my family, and to keep out of the penitentiary, I will do it"?

Suppose we were not trying this case in the newspapers, suppose we were not trying a case by the newspapers, what would we do with such testimony as that of Link? Who would accept it as circumstantial or corroborative proof of anything? Nobody, nowhere. No man who has followed the record can accept it as testimony or evidence even worthy of the slightest consideration in this case.

Another statement. White testified immediately after the adjournment of the legislature June, 1909, that he wrote asking Browne for the balance of his Lorimer money. We have no letter of that kind in the record. I searched the records for a letter of that sort.

time after time that he did not get it for his vote for LORIMER. Whom are we to believe? Will you believe these men only when their testimony will destroy LORIMER and disbelieve them when it tends to aid LORIMER? Is there only one time that we can believe a perjurer, and that time when his testimony aids the newspaper trust in destroying the man they have never controlled and, with God's help, never will control? But while I live and am given the strength, regardless of the action of this Senate, this fight will go on, and on, and on, until all the people of the world will come to know the case.

The five Senators of the committee who reported to you that the testimony taken before them clearly established that my election was valid heard almost every line of testimony. I sat with the committee except on a few days when I was called away on business. I do not condemn the Senators for it, but the record will show that of the minority one Senator was there less than 25 per cent of the time, another Senator not to exceed 50 per cent of the time, another Senator not to exceed 80 per cent of the time. That is what the record shows. And he of the three who has the best record was not actually present in the room more than 50 per cent of the time when witnesses were on the stand.

White's testimony is corroborated by the following facts—

This is in the views of the minority—

(4) By the threats of White to blackmail Browne and LORIMER, which were made in August, 1909—

Mark you, August—

to friends of Browne, and which were doubtless communicated to Browne, and by the thinly veiled threats of exposure by White in a letter to Browne of October 20, 1909, in which he stated, according to his testimony—

I would have the attention of Senators to this—

he knew LORIMER and Browne were under no obligations to him, since he had received his part of the Lorimer and lack-pot money, and the fact that thereafter Browne and Senator LORIMER both tried to secure positions paying satisfactory salaries to White. For if White had had no knowledge that would be injurious to LORIMER or Browne, he could not have blackmailed them successfully, and there would have been no reason to obtain the position that was secured for him by Senator LORIMER, through Lee O'Neil Browne, after these threats, or no reason to try to placate White. On the contrary, innocent men would indignantly have refused to have anything else to do with such a blackmailer.

There is not a scintilla of evidence in this record to prove the insinuation that LORIMER ever tried to placate White. There is not a scintilla of testimony to prove that in August White tried to blackmail LORIMER. I will tell the Senate. It was not necessary to testify, because nobody insinuated anything of that sort while the committee was in session.

Browne came to me after my return from Europe. I landed in New York on the 19th day of October, 1909, after an investigation of the waterways in Europe. I went to my office in Chicago, I think, on the 22d day of October. There I found a letter from White pleading for help, for some sort of a situation. He said he was $500 in debt, and that he wanted me, if I would, to help him to secure a position. I told Browne, who told me this story: "White is poor. He has no employment. The street car company will not take him back. He is a troublesome labor leader. Can you not get him a job?" He never had a place that paid him over $65 or $70 a month. I secured him a job in Cook County, at $75 a month. There was no sign of blackmail, not a word of intimidation. It was a plea to help a man that helped me. When a man who has helped you to climb the ladder in the world asks you for assistance, if you are an honest man, if you are true to yourself, in accordance with the theory of the minority of the committee you will turn that friend down. All right, Senator KENYON, Senator KERN, Senator LEA, you may live up to that rule if you will; but all my life I have tried to make a reputation for never having gone back on or turned down a friend. God willing, I will continue in that course until my death; and if it shall be a sign of vicious habits, bribery, and corruption, I will still go on, and let Him judge, who, after all, shall be the final judge, whether or not it is correct to do unto others as you would have them do by you. By that rule have I lived, and by that rule will I die, if all the world, including the Senate, shall condemn me.

It is evident from the views of the minority, if the statement of the minority be true, that LORIMER was a man of great force, with no equal to be found anywhere in Illinois. They say:

Senator LORIMER's hand was the guiding force in shaping the action of the Legislature of Illinois in 1909, from soon after its organization—

There is not a word, not a syllable in the record which justifies that statement—

and that he was in close consultation with Speaker Shurtleff—

Yes—

and minority leader Lee O'Neil Browne.

To read this one would infer that from the beginning, or soon after the organization of the legislature, LORIMER was guiding the acts of the legislature and that he was in close consultation with the speaker and Lee O'Neil Browne. It naturally carries the impression that LORIMER and Browne were constantly in consultation during the whole winter; but the record shows that LORIMER and Browne were not. There is no evidence even to create the slightest suspicion that Browne and LORIMER were in close consultation until some time in the neighborhood of two weeks before the election. That LORIMER and Shurtleff were in consultation, close consultation, all winter is true. LORIMER was at Springfield every week after the 12th day of January. For what? Take the testimony of the governor of the State. He testified that almost every time he and LORIMER talked they talked about the deep waterway proposition. I testified that I was there every week in the interest of the deep waterway project. The Senator from Indiana pooh-poohs that and passes it over. He says there is nothing in that. Oh, no; there is nothing in LORIMER's interest in the deep waterway; he never had been interested enough in the deep waterway to take him to Springfield; and yet the record shows that LORIMER for three years had attended every session of the legislature in the interest of the deep waterway, first, to have the $20,000,000 constitutional amendment passed, and, after it was passed, to go there, as he went there that year, to make it effective by legislation.

Probably the Senator from Indiana has the idea that all public men devote their time to pulling down people and things and that none of them devote their time to building up. For 17 years I have devoted my time to the deep waterway project, not alone to speak at meetings, not alone to urge other people to join, but to organize, and to pay out of my own pocket the expenses of creating the organization, in 17 years amounting, in round figures, to more than $30,000, of which I hold receipts for more than $20,000—not aided by others, not contributed by others, but out of my own pocket. If a man will spend on an average $2,000 a year out of his own money to create a sentiment in the interest of a great project, out of which he can not hope to receive the slightest reward, is it not at least evidence to justify the statement that I made that I had an interest in the deep waterway project, and that it was important to me? If I had not been compelled to follow for two and a quarter years this awful, bitter, vicious prosecution the deep waterway from the Great Lakes to the Gulf of Mexico, I am sure, would have been legislated for for completion from the Lakes to the Gulf.

I may not be able to aid further in constructing that mighty highway of commerce, but the work has not been in vain; the expenditure of personal funds has not been without reward, because, through the efforts of the Lakes to the Gulf Deep Waterways Association, a sentiment in the country has been created which has caused Congress thus far, before this year's river and harbor bill was passed, to appropriate, and the Government has expended $7,000,000 to regulate and control the Mississippi River, which can be done beyond the slightest question of doubt with the proper appropriations and with the known scientific methods. In that way the Mississippi can be controlled. I may not be here, as I had hoped to be when I began to make an effort in favor of this project, to see the final completion and the deep-draft boats of Lake Michigan traversing the Chicago Drainage Canal down into the Illinois River and off into the Mississippi to the Gulf of Mexico; but the work has been done. The people now realize the feasibility and the importance of it to the commerce, not alone of the Mississippi Valley, but, with the completion of the Panama Canal, to the commerce and industries of the entire country. Whether LORIMER shall ever be heard of again, whether LORIMER shall live to see the final completion, or to have aught more to do with bringing it about, I have faith that the organization that was started will continue the work, and that this proposed great highway of commerce will one day be a highway in fact. When the Senator from Indiana, in the language chosen by himself, attempts to make the Senate believe that that was not of sufficient importance to LORIMER to cause him to go to Springfield and stay there all winter, as he had stayed there many days before for the same reason, he indicates that he does not realize the length and breadth and magnitude and importance of the project, or that that is not his rule of labor.

In the same connection the minority further say:

And that he was in such close consultation with Speaker Shurtleff and minority leader Lee O'Neil Browne as to justify the belief that these men were his agents and to warrant our holding him bound by their actions.

"His agents!" What is an agent? Every lawyer knows what "agent" means. We laymen do not fully appreciate the importance of the word, but you lawyers know what it means. It means somebody authorized to act, somebody selected to speak for LORIMER, to carry out a bargain for LORIMER. That is what lawyers tell me it means. If that be so, then the evident purpose of putting that term into this statement would be to confuse and to create suspicion; but there is no evidence in the testimony which justifies that insinuation.

The agency of these men is so thoroughly established that Senator LORIMER could reap no reward by virtue of their wrongful action without being equally guilty and responsible for their wrongdoing. (Views of the minority, p. 111.)

Not his wrongdoing; not the singular, but the plural; not one, but both. There is not one scintilla of evidence, not the slightest charge in this record that Edward Shurtleff is guilty of wrongdoing. "Their wrongdoing." If there were one mistake, one insinuation, one innuendo in the minority views, I would be willing to say that I believe it was an error in language; but when the record is deliberately misstated, when wrongdoing is pointed to on the part of some man without a line in the record to justify it, then I am compelled to believe that it had no other purpose than to prejudice the judges sitting in this case.

Here is another statement—and oh, Senators, this is a vile insinuation, because it involves a man who is in no way connected with the case:

Mr. Hines went directly to his bank, the Continental Commercial National Bank, and after a conference with the president of the bank—

Listen to this language—

after a conference with the president of the bank, telephoned to Mr. LORIMER, and later telephoned again, to either Mr. LORIMER or some one else—

"Some one else"—mind that—"some one else"—

in Springfield interested in LORIMER's election. * * *

It is at least a remarkable coincidence that the election of Senator LORIMER, which had been doubtful up to that time, followed almost immediately after Hines's visit to his bank and his telephone message to Springfield.

Now, what is the purpose of that? Hines went to the bank, talked with the president, telephoned to Springfield, and LORIMER was elected immediately after that. What is the natural inference? That he went there, talked with the president, arranged for the money, called LORIMER, and later some one else, and then LORIMER was elected after the telephone message. What a vile thing that is. The president of that bank, the largest bank in Chicago, with the largest deposits of any bank in the United States, a man of the highest reputation, who was offered under this administration the position of Secretary of the Treasury and refused it, respected by every man in Chicago, not my friend, but always on the opposite side in politics, and yet it is insinuated that the bank president and Hines talked it over; the money was arranged for; he telephoned to Springfield to LORIMER and somebody else. It does not say who the "somebody else" was, but the testimony shows that the "somebody else" was Gov. Deneen. Gov. Deneen testified that he talked to Mr. Hines over the telephone that morning, and that Mr. Hines delivered a message to him that I asked him to stop off at Chicago and deliver to the governor, because, if he did not deliver it to him there, it would have been too late when he got to Springfield, for I would either be elected or defeated by that time.

Why was not the governor's name used. The expression "somebody else" was more suspicious. They knew the governor was not friendly to me on that day; they knew the governor's testimony in the record; and they knew that if they used his name his testimony would impeach the innuendo; and that is why it is put in that way in the views of the minority. There is no other explanation for it, and you are expected, Senators, to decide this case on that sort of information. You must depend upon these eight men constituting the committee. I know the general opinion of the people of the country is that every Senator and every Member of the House of Representatives examines thoroughly into every question that is brought up for disposal, but service here has demonstrated to me that that is absolutely impossible. We can not know all about everything, and there never was a question submitted to the Senate that involved so many different kinds of propositions and so voluminous a record as this. No man can understand the record unless he has devoted all of his time to an examination of it; and therefore you must depend upon the report of the committee and their statement as to the facts to guide your action and to make up your judgment in this case. If Senators on the committee will misstate the record, will deliberately insinuate what things have occurred that have not occurred, what hope, what chance have you to know the truth in this case?

The Senator from Indiana in his speech said that before he began to discuss the record he must set the stage—

Before introducing the actors in this drama, we should attend to the proper setting of the scenery and the arrangements of the stage.

The stage, as everybody knows, is the realm of fancy, not of fact. He must show the condition in the country; show that we had an election; show that the Republicans had a small majority to pass Republican tariff bills; that the people of the country were all excited, and their eyes were on the Illinois Legislature, wondering whether they would send a protectionist, or at least what sort of man he would be and what sort of views he would have, coming from Illinois. When he got the stage all beautifully set, full of all sorts of scenery, when the observers set their eyes upon it after the curtain was raised, there were so many things to look at that did not affect the case that the audience did not see the act. I would not think of putting the construction that I do on that sort of statement but for the fact that the Senator's remarks are so full of that kind of matter.

Go to Illinois. The Senator said the Democrats wanted a Democrat or they wanted an "insurgent" Republican, because they were for Democratic or the "insurgent" Republican views.

The Senator does not know the Democrats in Illinois, and he does not know their views on the tariff question. There is probably no man in Illinois better acquainted with the people in all parts of the State than I am myself. Surely, no man in my time has ever been so close and so conversant with the Democrats of that State as I have been, and I make this statement, that if you put the question of tariff for revenue only or a protective tariff up to the Democrats in the State of Illinois, the third State in industry in the country, and a great agricultural State—if you put up to the Democrats a question involving nothing except a decision on the part of the Democrats in Illinois, whether they are for a tariff for revenue only or a protective tariff, I venture the statement that the majority of the men that never voted for anything but the Democrat ticket all their lives, down to and including William Jennings Bryan, will vote for a protective tariff. That is Illinois. It may not be the case in other States, but it is in Illinois.

But the main purpose of stating this case as it was stated, the so-called setting the stage, was the fear that somebody might call attention to the fact that one member of the minority, Senator LEA, was elected by Republican votes—32 Republicans and 34 Democrats—while LORIMER was elected by 53 Democrats and 55 Republicans, to try to make a reason for challenging the Illinois Democrats, and to make it impossible to charge that there was anything going on in the country that would impel Republicans to persist in voting for a Republican in Tennessee, when they knew that there was no possibility of electing a Republican, and knew that they could elect a Democrat that had helped them to disrupt the Democratic Party.

That is all there is to it—the setting of the stage—to cover up the LEA Republican votes, to cover up the Tennessee bipartisan combination, to make Senators forget it.

What are the facts in this case? Almost every Democrat that voted for LORIMER was LORIMER's warm, close, personal friend. Almost every Republican that voted for Senator LEA was delivered to him by the leaders of the Republican organization of that State and did not vote for him for reasons of personal friendship, as was the case in my election. That is the record in the case. It can be the only purpose of putting the case in that way.

I quote from Senator KERN's speech:

There is direct evidence to the effect that John Broderick had told Holstlaw, "If you vote for LORIMER, there is $2,500 in it." There is evidence, further, that the $2,500 was Lorimer money.

Senators, there is not one word in the record that justifies this statement. It can not and it will not be shown that "there is evidence, further," that it "was Lorimer money."

What are you going to believe? How are you going to make up your minds? How are you to know how to vote on this question, if this is the statement made by a member of the committee and it is not true?

A little further on, Senator KERN says:

I might observe here that this boy McCann, who was then perhaps 16 years old, and probably 18 years old when he testified—though I am not sure as to that—has been provided for. He has been given a place in the sheriff's office in Sangamon County, Ill., just as Robert E. Wilson, that notorious member who paid out the jack-pot money at St. Louis, was, after his infamy was disclosed, given a lucrative position in the county clerk's office of Cook County, which he now holds. And Senator Jandus, the man who corroborated Broderick's testimony, which testimony is now conceded to be false, has been given a lucrative place in a county office in Cook County, which he now holds.

This is the point:

It is the same method that was proposed, as I shall show later on, by Lee O'Neil Browne with Charles A. White in order to quiet him when he began to show signs of recalcitrancy.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. LORIMER. Certainly.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 2 o'clock this afternoon.

The motion was agreed to; and (at 1 o'clock and 10 minutes p. m.) the Senate took a recess until 2 o'clock p. m.

At 2 o'clock p. m., on the expiration of the recess, the Senate reassembled.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	La Follette	Shively
Bacon	Cullom	Lea	Simmons
Bailey	Cummins	Lippitt	Smith, Ariz.
Borah	Curtis	Lodge	Smith, Ga.
Bourne	Dillingham	Lorimer	Smith, Mich.
Bradley	Dixon	McCumber	Smith, S. C.
Brandegee	Fall	Martine, N. J.	Smoot
Briggs	Fletcher	Nelson	Stephenson
Bristow	Foster	Newlands	Sutherland
Bryan	Gallinger	Oliver	Swanson
Burnham	Gamble	Overman	Thornton
Burton	Gore	Page	Tillman
Catron	Gronna	Paynter	Townsend
Chamberlain	Guggenheim	Penrose	Watson
Clapp	Johnson, Me.	Perkins	Williams
Clark, Wyo.	Johnston, Ala.	Richardson	
Clarke, Ark.	Jones	Root	
Crane	Kenyon	Sanders	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. LORIMER. Mr. President, I wish to thank the Senate for the courtesy of the recess, as I was very much exhausted at the time it was taken and I now feel very much refreshed.

When I suspended my remarks I was just about to discuss a portion of the speech of the Senator from Indiana [Mr. KERN] and to call the attention of the Senate to this further insinuation, and probably—oh, yes; I will say—it is the most vile insinuation that has been made:

I might observe here that this boy McCann, who was then perhaps 16 years old, and probably 18 when he testified—though I am not sure as to that—has been provided for. He has been given a place in the sheriff's office in Sangamon County, Ill., just as Robert E. Wilson, that notorious member who paid out the jack-pot money at St. Louis, was, after his infamy was disclosed, given a lucrative position in the county clerk's office of Cook County, which he now holds. And Senator Jandus, the man who corroborated Broderick's testimony, which testimony is now conceded to be false, has been given a lucrative place in a county office in Cook County, which he now holds. It shows a method in taking care of witnesses here. It is the same method that was proposed, as I shall show later on, by Lee O'Neil Browne with Charles A. White in order to quiet him when he began to show signs of recalcitrancy.

Mr. President, if the above statement means anything in connection with this case, it means that I have been suborning perjury. If that is the intent of the Senator from Indiana, I desire to characterize this statement in the only manner in which it can properly be characterized—a deliberately false statement. Suborning perjury is the insinuation; LORIMER the guilty man.

What are the facts? In the election of 1910 all the county officers—the sheriff, the county treasurer, the clerk of the probate court, the clerk of the criminal court, and the county commissioners—were elected, and every single one of them a Democrat, by all the way from 10,000 to 50,000 Democratic majority. Who were the men occupying the positions in those offices prior to that time? Many of them the best friends that LORIMER had, Republicans, had been employed in those offices all the way from 10 to 20 years. They were turned out almost to a man—I have no complaint as to that—and Democrats who were capable of filling the positions were put in their places. Jandus, a Bohemian, was appointed chief clerk of the probate clerk's office, a place that pays him $3,000 a year. The elected official is a Bohemian, and he wanted a man who was conversant with the law, and so he appointed Jandus chief clerk of the office. Bob Wilson was appointed to the county clerk's office on the recommendation of the Democratic organization of his own ward, and the testimony in this record proves it. Every one of those men was appointed to those offices because Democrats were elected; and they put their men in and put the Republicans out. What does that mean? That the Democrats who were elected to office were Lorimer men? Oh, no. If they were Lorimer men, surely the Lorimer Republicans would have stayed in the offices; but they walked the plank, and they have no complaint to make about it. Paul McCann

lives in Springfield. I did not know he was employed in the sheriff's office of Sangamon County until he was called before the committee.

But that is a deliberate attempt by the Senator from Indiana to convey the impression to the Senate that LORIMER was suborning perjury, getting places for Democrats so as to close their mouths. Without any reference to this case at all, no matter how this case goes—and surely so if it goes in favor of LORIMER—that should be inquired into, because if he is capable of doing an act of that kind, he is not fit to sit in the Senate. I challenge the Senator from Indiana [Mr. KERN] now or at any other time, to-day or to-morrow, to produce any sort of testimony anywhere that will justify that statement. Yet you are asked to form your opinions from the report of the minority and from such statements as to the facts in the case upon the floor of the Senate!

In this connection, let me call your attention to a further misstatement of the record and a further vile insinuation by the Senator from Indiana. Now, mark you, he said:

It is well enough in this connection, Mr. President, in dealing with the credibility of the testimony here to state that when Lee O'Neil Browne testified he gave the committee to understand that the amount of this contribution—

Referring to the money that LORIMER loaned Lee O'Neil Browne—

was in the neighborhood of only about $1,500.

And then:

I am not going to comment on that testimony or the testimony of Senator LORIMER on that subject.

That statement, in effect, is that LORIMER said it was $10,000, or about that, and that Lee O'Neil Browne said it was $1,500, and it does not make any difference which way you take it, one of them was lying about it. He is not going to comment on the credibility of the testimony of men of that sort. That is the impression that it was evidently intended to make on the minds of Senators.

Now, let us see what the record shows with reference to that proposition:

Senator JONES. Did any special friend of Senator LORIMER assist you?
Mr. BROWNE. Not a one, and I did not ask one. In fact, I had not asked aside from that—yes, I did ask one other, Senator, but aside from that and one other I made no request.

Then, he goes on and testifies about the other:

Senator FLETCHER. Were those large amounts or comparatively small?

Referring to the money that he borrowed from others than LORIMER—and this is one particular individual whose name he asked the committee not to compel him to disclose, because it would be of no assistance to the committee. I myself know who the gentleman was.

Mr. BROWNE. I got $1,500 from him—

Referring to this man from whom he borrowed the money—

Senator FLETCHER. And the other amount?
Mr. BROWNE. I could not tell you now, Senator, how much, but a good deal more than that—

Referring to the money that he got from LORIMER—

The CHAIRMAN. From which one did you get $1,500?
Mr. BROWNE. From my friend.
Mr. NAMTH. The amount you say you can not tell is the one you got from Senator LORIMER?
Mr. BROWNE. Yes. I can not tell that amount.

That is the record. He states that he got $1,500 from his friend, and he says the money that he got from LORIMER was a larger amount. He testified to it here; and yet the Senator in his speech on the floor of the Senate a few days ago said that LORIMER testified it was $10,000 that he loaned Browne; that Lee O'Neil Browne said it was $1,500; and that he would not test the credibility of the testimony of either one of those men.

That is the sort of information you get from the minority of this committee. I challenge any one of the minority now and here to refute the statement that I have just made—any one of them—in the presence of the judges who must decide this case. Let us have it if it is the truth; and, if it is not, then let us denounce it as a misstatement of the record and a deliberate attempt to mislead the Senate.

His testimony shows—

Talking about the testimony of LORIMER—and this is also from the speech of the Senator from Indiana—

His testimony shows that by reason of this system of machine politics he was thrown in contact with the most vicious political elements of that city; that the spoils were distributed not only to Republicans, but that official favors were granted to Democrats who would serve him and the interests of his party; that he maintained friendly, and in some cases intimate, relationships, personal as well as political, with such notorious characters as "Hinky Dink" Kenna, the now discredited John Broderick, Manny Abrahams, Cyril Jandus, and many others.

When the Senator made that statement on the floor of the Senate, referring to Kenna and Broderick, he included the statement:

Both of whom are saloon keepers.

Why it was stricken from his speech I can not tell; whether or not it was because he was chasing a ghost at Baltimore and was afraid to go before the saloon keepers of the country as denouncing them because they were saloon keepers I can not tell. He will have to explain that; but the fact is that he did say it, and it is stricken from the speech.

Yes, I have known John Broderick since long before he kept a saloon, and "Hinky Dink" Kenna since we were children, when we played together and when we worked together. Then we nicknamed him "Hinky Dink." That was when Chicago had 2,000,000 less population than it has to-day and when the greatest distance from one city limit to the other was 3 miles, instead of about 30, as it is to-day. Our chums and playmates of those days are engaged in all sorts of business—some saloon keepers, some leading merchants, some leading physicians, some leading lawyers, some judges, some clergymen, some small merchants, some mechanics, some laboring men, and some have fallen from grace—but he who is the most successful meets and greets him who is the least successful in the same cordial way as in the days of yore, ready always to extend a helping hand. No man in our city has reached out and lifted up more fallen and helped them on the road to a better life and prosperity and greater happiness than Michael Kenna.

I should like to call the attention of the Senator from Indiana to the fact that it is written that charity covers a multitude of sins, and to suggest to him when on that great judgment day the recorder shall open the great book of records to set off the bad deeds with the good to see to it that he may have marked up behind his name as many marks for treating "thy neighbor as thyself," and "doing unto others as ye would be done by," as will be found behind the name of this man whom he so much despises, "Hinky Dink" Kenna.

Oh, yes! It is all right to slur. It is all right, by innuendo and insinuation, to denounce. It is easy enough to pull down. But let us all see to it that when the record is made up we have more marks for building up and lifting up than we have for tearing down and destroying. And the Senator from Indiana may profitably learn from Michael Kenna on that question.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Illinois yield to the Senator from Washington?

Mr. LORIMER. Certainly.

Mr. JONES. I will ask the Senator to allow me to suggest that there is not a word or a line in this record reflecting in any way, shape, or form upon this man Kenna, or in any way connecting him with the election of the Senator from Illinois.

Mr. LORIMER. The Senator from Indiana just deliberately went outside of the record to find somebody who was a friend of LORIMER, or had been in his boyhood days, whom he might assail, without reason and without cause. That gives the Senate an idea of the character of the information it has received from the minority of the committee and from Senator KERN in his statement on the floor of the Senate.

He desired to stand by those who had been his friends—

Referring to LORIMER—

in times of stress and storm, and followed them into the current of political wrongdoing.

Now, we have the question brought right up to us—LORIMER charged by this Senator upon the floor of the Senate with political wrongdoing. That is his language. I have added nothing to it; I have taken nothing from it. It is as you will find it in his speech.

Mr. President, I claim to be no different than any other man. I am subject to all the weaknesses of the human family. I expect to be called upon to account for my share of sin in the Kingdom Come. Oh, yes! I am only as other men are; and there is none of us different, except in degree. And so I claim for myself nothing more than I am willing to accord to every living soul on the earth. But here and now I challenge the Senator from Indiana to point out to the Senate anything in this record, anything that he knows, anything that he has ever heard, anything that anybody ever told him, that will point—no! I will not close it there. I will open it wider. It shall be broader than that. Let him point to anything—and let him, though, make good—to any wrongdoing, either in private, in commercial, in financial, or in political life. And if he will do it here and now, Senators, I will not embarrass you with voting on my case. When he has done it, I will walk out of yonder door and never seek to return. Come on, Senator KERN—you who have slimed

and smeared this record all over with suspicion—come here now and make good, and I will keep my word.

[After a pause:]

The Senator saw fit to quote a statement that I made in proof of the statement that he made that I did not understand American ideals, that I had been raised in such a way that I had not been able to learn the human family, and to come to any kind of a sensible conclusion of what American institutions stand for. He asked me some question as to whether the people were not to be consulted. He says, in support of his views, that LORIMER answered—and this is correct:

Oh, yes. That is the way men talk who reach the clouds, you know, when they are making that kind of a speech—that the voters are the men that they are responsible to. Of course they are, but voters are human beings.

I said that. When I said "that is the way men talk who reach the clouds" I had something in mind. I had in mind that the Senator was sitting in front of me and that he was interrogating me. I had in mind that at the first meeting of the committee that I attended, when my counsel asked that the names of the witnesses be submitted to him, Senator KERN protested in an undertone that does not appear in the RECORD. Just think of it, Senator KERN, a United States Senator—not only that, a lawyer—mumbling: "No, no, no; don't give him the names of the witnesses."

Who ever heard of such a proceeding as that—a lawyer doing that? A layman who does not understand the rules of procedure might do that and might be excused for it, but no lawyer can be excused for such an act.

Then I had in mind that he had attended about 80 per cent of the committee meetings, and his name is registered there, and then I had in mind that he was there only about 50 per cent of that 80 per cent of time. Then I had in mind that he had not asked one question during the whole hearing that tended to elicit the truth; that all his inquiry was along the lines of trying to muddle the record. Then I had in mind what this righteous man once stated, or what purports to have been stated by him:

It is a matter of great regret that under the cloak of the secret ballot so many Representatives were able to defy the will of their constituents. The secret ballots made possible not only these betrayals, but all sorts of treachery, double-dealing, and corrupt practices. I believe that thoughtful people will find in the scenes of the last two days additional strong argument in favor of the election of United States Senators by direct vote of the people. I do not care at this time to discuss in detail the causes which contributed to the result. (Indianapolis Star, Jan. 15, 1909, p. 1, col. 7.)

Mr. President, I had that in mind. I had in mind, further, that if the Senator made that statement, I have never heard him denounce it as false. I had in mind, further, that if he made that statement, he never rose in his place in this Chamber and said that it was not the truth. I had in mind, further, that the man whose seat he charges in that language with having been secured by corrupt practices was a candidate for the leadership on the Democratic side of this Chamber. I further have in mind that Senator KERN supported him.

Because he made that charge against his colleague, it makes no impression on me. I never knew a character of his sort who was a good loser; and seldom are they willing to attribute the success of their opponents to anything but unfair dealing. Until it is proven, I will never believe, after reading the views of the minority that he signed, and the statements that he made in his speech on this case, that there is a word of truth in it. I had those things in mind when I sat and looked at the Senator asking these questions—all those things. And I had in mind—oh, yes—that he had never introduced a resolution for an investigation, but has since allowed the blot to remain upon the escutcheon of his State and the title of his colleague. And as he sat there before me with assumed self-righteousness and an expression of "more holy than thou" on his countenance, then was I reminded of the Pharisee in the parable, with his hands reaching to the high heaven in prayer:

God, I thank Thee that I am not as other men are, * * * even as this publican.

That is what I had in mind, Mr. President, when I said: "Yes; men reach to the clouds."

Now, Mr. President, I am not going into the detail of the Funk testimony, but some Senators here seem to have the impression that Mr. Funk is a very much abused man. Some Senators here state that Mr. Funk is a very honorable man and that he would do no wrong, and during the discussion of the question as to whether or not a committee should be appointed to reinvestigate this case, it was stated by a Senator on the floor that there was convincing proof that Edward Hines went to Funk and asked him for $10,000. He asked him he said on the 27th day of May, 1909. But after February 15, 1911, he went to Mr. Funk to ask him to hush it up, to tell him he wanted to talk with him about it, that he was afraid he might have gotten a wrong impression, that he might have thought he was asking him to get money for LORIMER's election. That was the corroborative circumstance; that was the proof; and the Senator said that is the most common way that crooks cover up their tracks. It was convincing and conclusive to him, and he believed the story for that reason.

What does Funk testify to? Funk testified that Hines came to him on the 27th of May, 1909, and said to him: "We put LORIMER over at Springfield. It cost us a hundred thousand dollars, and we had to do it quick, so a few of us put up the money." Now, they had to do it quick; they were in a hurry; the men would not perform until the money was given to them. That must be the natural deduction from Hines's statement, if he made such a statement, and if he was telling the truth. So the money was paid then, before LORIMER was elected, because it was the 27th day of May, 1909, and LORIMER was elected the day previous, and if they had to do it quick and put up the money then, the money was up.

The legislature was in Springfield at that time. LORIMER was elected on the 26th. The legislature adjourned on the 4th day of June, and it was there continuously from the 26th day of May until the 4th day of June. Now, the money was up. LORIMER's election had been paid for. A hundred thousand dollars had been given. A few men had to put it up and had to put it up in a hurry. Then what do we find them trying to prove? That the money was paid to these men, one of them in Chicago on the 18th day of June; the others in St. Louis on the 21st day of June.

Now, let us take the reasonable view of this proposition. If the money was put up before LORIMER was elected, why not pay them then? If they would not vote until they got their money, they must have paid them then. They were all in Springfield all this time—all the members of the legislature. There was a full meeting of both houses every day. Why defer it until the legislature adjourned and take them all the way down to St. Louis, calling them together from all parts of the State, or take them up to Chicago, as White says he was taken, all the way from East St. Louis to get his money? Why not pay them in the most convenient place, where there was the least suspicion? Do those things coincide in the record?

They got the money before LORIMER was elected, and whoever got it kept it for pretty nearly a month before he delivered it. He carried it around with him; he had it in his pocket or in a belt; he had it in a safe-deposit vault; he had it somewhere; but he did not pay until after the legislature adjourned.

Does that harmonize? Does that look right? Do you think if they were demanding their pay that those Democrats who voted for LORIMER, who were insisting upon having their money, or the Republicans who voted for LORIMER and insisted upon having their money before they voted, and Hines and a few other fellows had to put it up, would wait until the legislature adjourned? Would they wait until everybody went home and then be called in from all parts of the State—from long distances—to be paid the money that they might have been paid in the city of Springfield a month prior?

Now, did Edward Hines go to Funk's office as Funk stated about the time, two days, he said, or three days, it may be, he was not sure as to the number of days, but sure it was about two or three days after the editorial was published in the Record-Herald, and it was published on the 15th day of February, 1911. The record shows conclusively that Edward Hines was not in Chicago at or about that time. The record shows conclusively that Hines was in the city of Washington from about the 7th day of February until, as I know, the 4th day of March. Never before was such a lot of corroborative testimony presented anywhere as that which proved that Edward Hines was in Washington. For myself, I would not testify that he was here on the 7th or 8th day of February, but I did testify that he was here on and after the 12th day of February excepting one day, one night, when he was in the city of New York. The reason why I know he was here all that time, I testified, was that on the 12th day of that month Senator BAILEY made the first portion of his speech, and I know that he was here from that day until the 4th day of March. I had been home on account of sickness. When I returned Mr. Hines was going to Rainy Lake or Virginia City to attend a meeting of his board of directors. His wife came and talked with me and told me that Edward was sick; she did not want him to make the trip; she was afraid of it. I talked it over with him and I persuaded him to call off his meeting arranged for the 15th of February.

Then he was going to New York on the 16th day of February or the 15th day of February on a business trip that he testified to. He was very poorly at that time, and I told him that he should not go to New York, that I was afraid if he should go on the night train to New York he was much in danger of having pneumonia. I persuaded him to stay over until the next day. The next day he went to New York at night. He was at my room in the Raleigh Hotel at 11 o'clock talking to me. He took the train at 12 o'clock and went to New York. The next afternoon he called me upon the telephone from New York City and that night at 9 o'clock he walked into my room. That was on the 17th of February, and he appeared here every single day, and he went home with me on the train accompanied by his wife on the 4th day of March, and we arrived in Chicago on the 5th day of March.

But I am telling you only what I know about it myself. I do not ask you to take my word, but to read the record, and see if you can arrive at any other conclusion but that Edward Hines was in Washington except the time that he went to New York, every single night, and that was only one night on the train going to New York.

Now, if this corroboration is to strengthen and buttress and build up Funk's story there is nothing to that. There is no chance to believe it if you take the record. Nobody reading the record would ever arrive at that conclusion.

I said I would not go into details of it, because it has been discussed by the majority of the committee, but I want to call your attention to another fact, and only a portion of it is disclosed by the record. Mr. Funk testified on the stand that the corporation of which he is general manager never made contributions to any campaign, to individuals, or to parties. His statement was that broad; it covered everything. He said that they never gave any money. He was asked if he ever personally made any contribution, and he said, "Oh, yes; sometimes I have given $5, sometimes I have given $25. One time I gave $100, and that man was beaten, and I thought I was a poor guesser and let it go at that."

Now, you have only my statement for this, but I state it to you on my honor as a man and as a Senator, and if you have another investigation I will convince the committee and give the committee the names. This is as true as every word that I uttered here on the 23d day of February, 1911, which I have sworn to since and which is now in the record, and that has been corroborated, much of it, by the testimony of Gov. Deneen.

I met two men, prominent men in politics in Illinois, one a Democrat and the other a Republican. The Democrat I met only a few days ago. I met them both on a train on the Pennsylvania Railroad. We were discussing the Funk testimony. The Republican said, "LORIMER, I could not believe Funk's testimony, and the reason why I can not believe it is because he said that his company or he never contributed to anything or anybody in politics. Well," he said, "I know that is not so because he has contributed several times, and I received the money, for campaign purposes."

The Democrat came down on the train with me. It was before the Democratic convention, and he was on his road to Baltimore. He said, "LORIMER, the reason why I did not believe Funk's story was because he testified that his company or he did not contribute to campaign funds, and it is only a short time ago since I went to him and he gave me a contribution of $5,000 for the campaign of the Democratic Party."

Now, I say that is only a statement from me, and if I am the kind of a man the Senator from Indiana [Mr. KERN] would have you believe me to be, if you think as he thinks, you will not accept my word. But if it be true that Funk did give this money to the Republican and to the Democrat, then he deliberately committed perjury. Why commit perjury? It made no difference whether the International Harvester Co. contributed to Democratic or Republican campaign funds; at least there was nothing criminal about it, and when he was under oath and asked the question you would think that he would at least tell the truth and not perjure his soul when it did not make any difference whether he told it or not. At least that is the opinion that I hold. That is what I think about it.

I sat and listened to Mr. Funk testify, and so without the information that I have I could not say, and I would not have said until this testimony was given, that Mr. Funk was anything but an honorable, straightforward, truthful man. But with this staring me in the face, facts of which I had knowledge myself, I can not be brought to believe that an honorable man would perjure his soul. It does not make any difference as a matter of law, but it makes a difference as a matter of truth, and it will count against him as much as if he could have been sent to the penitentiary for making the false statement.

With that in mind, without any of the other testimony that was produced to prove that Edward Hines was not in Chicago anywhere around the 15th of February, I take Mr. Hines's testimony against Mr. Funk's.

But now, Senators, suppose we take the Funk story in all that it is. He says he gave no money. He said that they were not in that kind of business. No money was paid to Hines. So what we have is the statement of Mr. Funk that Mr. Hines told him that they had to put up a hundred thousand dollars, had to put it up quick, had to put it up before the election, and then LORIMER was elected. That was the deduction, and nobody can make any other logical deduction from that statement.

That is the evidence we have that there was $100,000 put up, and that is all. Nobody has ever said that that money, $100,000, was paid out to anybody for anything in connection with LORIMER's election. Hines testified that he never put up a dollar for LORIMER in his life. LORIMER testified that Hines never did. LORIMER testified that Hines had lived in his district for years and that he thought Mr. Hines would have contributed to his campaign if he had allowed him to do it, but that he did not allow anybody to contribute to his campaign; he paid his own expenses. That is the testimony that is in the record.

Now, Hines, and the record will show it, was no bosom friend of LORIMER. He lived in my district. He called upon me as a Member of Congress to aid in things that I should do as a Member of Congress; for instance, to go to Gulfport, Miss., to view an improvement being made by the Federal Government to determine whether, in my opinion, the Federal Government should take over the improvement or not. Mr. Hines did not own it. He had not a cent's worth of interest in it. I went there; and I did other things in the years that I have known him like that, as a public official, but he never called at my house. His family and my family were not intimate. We were not friends in the sense of the word that we were associates or that we attended the same club or that we had any sort of social intercourse.

I think I would state it truthfully if I said that I have not seen Mr. Hines more than once in one or two years since I have known him.

There is the Funk story, and there is the Hines story. If what Mr. Funk said was true, that Hines did ask him for the money, and he did tell him what Funk says he told him, still there is no evidence that Mr. Hines or anybody else ever collected a dollar or paid it to get votes for LORIMER. In the views of the minority it is insinuated that he went to his bank, and as soon as he talked to the president he telephoned quick to Springfield, and then it was all over. LORIMER was elected.

The auditors for your committee examined the bank account. Does anybody think that you can go to a president of a national bank—now just stop and think of it for a minute—that you can go to a president of a national bank and make arrangements and take out at any time $100,000 without the bank having a record of it, or the president or somebody else connected with the bank making a record of it? When the money goes into a bank there is a record made of it, and every single night the cashier has to account for every dollar that the record shows is in the bank; and if they find an error has been made, then the tellers and the bookkeepers must remain there after hours and work the mistake out. I have seen the boys in our bank work all night to discover an error. The idea that you can go to a bank, grab a hundred thousand dollars out of the vault, and run away with it without making a record will not appeal to anybody who has the slightest idea about banking business.

The record of the bank was examined into by the experts appointed by your committee. They reported that they examined every single account, not only in that bank, but in every bank, that Edward Hines had any business with, and reported that they did not find that he had paid out any money for LORIMER's election. Edward Hines made good with a record for every single dollar that had been drawn out of any bank anywhere in the country with which he had business. He proved every check by a voucher, and every voucher was followed until the experts were satisfied that the money was used for the purpose the voucher indicated.

Now, there is the testimony of Mr. Funk. Let me ask the lawyers here, if a poor criminal that had a record so black that nothing would make it white, or even put a white spot on it, and he was being tried on that kind of testimony—I am now asking the lawyers—should he be convicted on that testimony? Would you consider that sort of testimony, even admitting that it was true? Would you consider it when you were making up your judgment? That is all there is.

Funk did not care as to what he testified. His tongue seemed to be hung in the middle, and it ran at both ends at the same

time. He testified that Edward Hines was at Springfield; that it was common gossip; that the newspapers were full of it; and that he was down there pulling wires to elect LORIMER—not in Chicago or in Washington, but in Springfield—and all the evidence tends to show that Hines was not in Springfield, that he had not been there for three years prior and not until two years later, when he was subpœnaed by the Helm committee.

I am not calling your attention to any sort of feeling that Mr. Funk had against LORIMER. I am not basing this on any feeling that existed between LORIMER and Funk or Funk and LORIMER. My statement is based on nothing but the record, and any Senator who will look into the record will find it just exactly as I have stated it. If that is not so, then I will stop discussing the question for the reason that I am not familiar with the record.

As to Representative Beckemeyer, the Democrat, I am not going into the impeaching testimony in that case, because it has been thoroughly discussed by the members of the committee, except to call the attention of the Senate to the fact that the minority views state that there was nothing in the charge of the third degree. They say that Mr. Burke and Mr. Wayman both testified that there was no third-degree methods employed by either of them. Beckemeyer was brought to Chicago by subpœna, he testifies, when before the grand jury on the first occasion. I think he said there he was not in St. Louis. Then he was taken out of the room and an indictment was found against him for stating that he was not in St. Louis. That is all that they asked him. That is all he stated. I am not a lawyer, so I am going to ask any lawyer present if that was all he was asked and all that he stated, could he be sent to the penitentiary if he had been put on trial? Will any lawyer say that he could? Why, then, was he indicted? He was indicted to intimidate him. After that he was put in the custody of an officer of the State attorney's office, who was told to take him out "and to treat him right." The officer, when he was on the stand, testified that he knew what that meant—to get him drunk. They stopped in a saloon just across the street and they had some drinks. They went to the Hotel Kaiserhof, at Van Buren Street, about a mile from the court, and got something to eat and some beer there. When they returned Beckemeyer went before the grand jury again. He testified that he got a thousand dollars at the Southern Hotel; that he called on the clerk; that the clerk handed him an envelope with a thousand dollars in it, and that he did not know what it was for, but that he took it and went away.

Then, what happened? Officer Keeley took him out again; took him to a club and bought drinks for him there. Then they went to a number of places and bought drinks. They seemed to be drinking all the time. They went to the theater, and he was so drunk he had to go outside because he was sick in the theater. They then went to the Grand Pacific Hotel, and then asked him to go out for the night. He says himself that he was so drunk that after they took him to a house of ill fame, from that time on he did not remember anything until the next morning, when he wanted to go back to the State attorney's office to learn what he had sworn to the day before, and he did. He then testified that he got $1,000 from Lee O'Neil Browne, but he did not claim at that time that anything was said about the thousand dollars being Lorimer money. That was the last time that he was before the grand jury. When he went on the stand he said that Browne gave him the thousand dollars, and said "Here is your Lorimer money."

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Vermont?

Mr. LORIMER. Yes.

Mr. DILLINGHAM. He never testified to that before the grand jury.

Mr. LORIMER. I said when he went on the stand. I meant to say in the trial of Lee O'Neil Browne. I omitted to state that.

Mr. DILLINGHAM. That may have been, but before the grand jury he never testified to that remark.

Mr. LORIMER. He never testified to that remark before the grand jury, but the State's attorney, Mr. Wayman, says that, after he came out of the grand jury, he told him that when Browne handed him the money he said: "Here is your Lorimer money."

Now, I should like to ask the judgment of Senators on this proposition. Lee O'Neil Browne was Beckemeyer's friend. He said so on the stand. Beckemeyer liked Lee O'Neil Browne. LORIMER was nothing to him. He testified on the stand that he did not intend to vote for LORIMER until George Alschuler, his seat mate, pleaded with him, and said to him, "You promised me all winter long that whenever the time came that Hopkins could be beaten, you would vote for the man, no matter whether or not he was a Republican, who could beat him." The substance of what he said to him was, "I want you to keep your word;" and a short time before the roll was called, he said he told George Alschuler that he would vote for LORIMER; and the record will show, if Senators will investigate it, that Beckemeyer voted for LORIMER, not because Browne got him to vote for him, but because George Alschuler, who had devoted the whole session to trying to beat Hopkins, had pledged him to vote for anybody to beat Hopkins; Beckemeyer kept his word with Alschuler; as he testified time and again, everywhere, in court and before committees, in every imaginable way that the question could be put to him, that, when he voted for LORIMER, nobody prior to that time or subsequent to that time had told him that he would get a dollar for voting for LORIMER, and he testified over and over again, everywhere, in the Browne trials and twice before the Senate committee, that he never had any hope of reward for casting his vote for LORIMER or after he had cast that vote.

That is Beckemeyer's testimony. No member of the minority will dispute that; and yet in their report they say there was no third degree. He was taken out by an officer and was "mellowed up," and he came back and testified again. Then, he testified that his friend, Lee O'Neil Browne gave him the money, but he did not testify that it was given to him for his LORIMER vote.

What I want to ask Senators is this: Why should Beckemeyer shield LORIMER and destroy his friend Lee O'Neil Browne? What is the logic of that? Can some Senator point out the logic of that position to me? He testified that Browne gave him the money, and he involved Browne; but he failed to say that when Browne did give it to him, he said, "Here is your Lorimer money," thus protecting a man that he had no association with, that he had no such friendship for as he had for Browne. Why should he protect me? The facts are that the poor, weak man, as he stated, had a sick wife in the hospital. He could drink and go home; he might even accept a bribe and go home; but he felt that if it ever came out that he spent in a house of ill repute the whole liveleng night, and that got to his wife, it might have serious results. If any man who had a good wife at home and children that he loved were guilty of such an act, even though he had been unfaithful to them, and it was held up to him that this information would be taken home to the good wife and that his children would learn of it, oh, what would a weak man do under those conditions? No man could imagine the position that that man was in or his state of mind if he had not at some time been in the same position himself; and so I do not expect Senators to imagine what this man's state of mind was; but, oh, what would your state of mind be if you had been found desecrating your own home, stopping all night in a house of ill fame, and the news were to be taken home to your good wife and your lovely children? That is hard to imagine.

If that, Senators, is not "the third degree," what is it? What is "the third degree"? I do not know the real definition of the term, but the impression I have of it, and the average impression is, that it is doing something to a man to make him talk. And they made Beckemeyer talk. Beckemeyer never told anybody that Browne said, "Here is your Lorimer money." Beckemeyer never testified that Browne said, "Here is your Lorimer money," until they gave him the "third degree." Beckemeyer's testimony was of very little value unless they could connect it with LORIMER's election, because they were not searching out corruption; they were not trying to send men to the penitentiary who had been guilty of corrupting members of the legislature. Oh, no; that was not the campaign they were carrying on; they were carrying on a campaign to destroy LORIMER; and if Lee O'Neil Browne had testified as Beckemeyer testified, or substantially so, and had said, "Yes; I did give Beckemeyer the money, and it was given to me by somebody else to give to Beckemeyer," and that he got his part of it and that this somebody else was the man who was responsible for handing around the money, Lee O'Neil Browne never would have been put on trial. Corruption was not what they were seeking; they wanted to get rid of LORIMER, and any man who would connect LORIMER with the matter, even in the remotest degree, could have immunity. You have not read all this testimony, but you have heard about all the corruption in the Illinois Legislature, about all sorts of things, and the names of men connected with it, but not one single man has been put on trial for a corrupt vote in the legislature except where it involved LORIMER.

When the Browne case was over all these cases were nollied. There has not been a single member of the Illinois General Assembly put on trial for corruptly casting any vote on any

proposition. We have Beckemeyer with "Here's your Lorimer money." That was the final price of immunity, to save himself, though I think not so much from disgrace with the public as from trouble at home. Beckemeyer was willing to do anything that would secure for him immunity. That is all there is in the Beckemeyer story.

Now, for Holstlaw. What happened to Holstlaw? Did they work the third degree on Holstlaw? Let us see what the record shows. Holstlaw was a senator. He had been to Baltimore to a church convention, and on his way home was summoned before the grand jury in Springfield, Ill. The State's attorney took him before the grand jury and inquired of him if he had made an appointment or solicited an appointment at a certain time with a furniture agent of the name of Johnson, and the senator said, "No." The State's attorney said, "That is all"; and took him out of the room. That is the only question Holstlaw was asked; that is all that was inquired into. In 10 minutes Holstlaw was indicted. For what? Will any lawyer say he could have been convicted on an indictment of that kind—for testifying that he had not solicited an appointment not in connection with anything else, not to prove that something else that he had said was false, but, "did you write a letter?" He was indicted within 10 minutes. The sheriff took him into custody.

The sheriff said to him, "You are in a bad box." That is the substance of the statement. I am not attempting to give the exact language—"and you had better get a lawyer." Holstlaw consulted him about a lawyer, and the sheriff recommended the firm of Gillespie & Fitzgerald. Gillespie and Fitzgerald came over to his hotel that night. But I am getting ahead of my story.

Holstlaw sent the sheriff to tell Mr. Burke, the State's attorney, that he wanted to go back before the grand jury and change his testimony; that he had forgotten about writing the letter, but now he remembered that he did write a letter soliciting an appointment, and he wanted to go back and change his testimony on that point. Now, what did the State's attorney say? "Tell him I will not let him come back and change his testimony or go before the grand jury unless he will tell all about the Lorimer deal." There was nothing about the Lorimer deal in connection with the Johnson letter. That referred to a furniture deal—furniture to equip the legislative halls. Holstlaw was one of a committee appointed by the legislature to buy the furniture. He was not taken to Springfield on anything, so far as could be observed from the testimony, except the furniture deal. But when they got him on the letter and the sheriff told him he was in a bad box and that he had better get a lawyer, and Holstlaw asked permission to go back to change his testimony, the State's attorney said, "No; he can not come here unless he tells all about the Lorimer deal." Then he said he did not know anything about any Lorimer deal, and upon the sheriff's advice he got these lawyers.

They came and talked to him that night and asked him to their office the next morning. These were lawyers—real lawyers—men in the active practice every single day; they knew the law; and if they knew anything they knew that Holstlaw could not have been convicted for testifying as to that letter, because it did not mean anything, it did not pretend to be anything, it did not refer to anything.

They were supposed to be his lawyers. If they had been doing their duty to their client under their oath they would have told Mr. Holstlaw, "Well, we are sorry you have been indicted, but the best thing for you to do is to give a bond, then when the State's attorney calls the case, we will try it, because you have not committed any offense against the law, and they can not convict you, and they can not put you in jail on this charge." But did they do that? Oh, no. They took him over into their office, and they led him to believe that he was in a bad boat. They went over and saw the State's attorney. They made three trips over there, seeming to be greatly interested, making strenuous efforts to help Holstlaw out. They had to go three times to the State's attorney's office. Finally they came back and told Holstlaw, "If you will make a statement about the Lorimer deal, we can get you immunity on the indictment." And so Holstlaw sat down and made a statement to the effect that he met John Broderick the night before the election, and Broderick said to him, "We are going to put LORIMER over to-morrow," or something to that effect; that is the substance of it at any rate; and Holstlaw said, "Yes; and I am going to vote for him, too"; and then he said that Broderick said to him, "There is twenty-five hundred dollars for you."

Now, who are these lawyers? I am going to call attention to but one of them—Gillespie. He is the man, he testified, who drew the Holstlaw statement. He is a prominent lawyer in Springfield, and an able man at the law, at least such is his reputation. I do not know anything about him personally. When he was on the stand Judge Hanecy asked him if he was employed by the Tribune, and he said "no." Then the judge asked him this further question:

> And did you not tell Judge Monroe that you were retained by the Chicago Tribune in those matters?
> Mr. GILLESPIE—

This is Holstlaw's attorney—

> No, sir.
> Mr. HANECY. Did you ever tell anybody else that?
> Mr. GILLESPIE. No, sir.

Who is Judge Monroe? Judge Monroe is a prominent lawyer in Springfield, and a man of good reputation. I am not very well acquainted with him, but I know of his reputation. He is a warm, close personal friend of the lawyer Gillespie, and they handle many cases together. There is no animosity between them.

Judge Monroe was put on the stand. Now, let me give you Judge Monroe's testimony:

> Mr. MONROE. The conversation came about by Mr. Gillespie asking me if I was getting any business out of these bribery cases. In answer to that I told him that I was not. I said: "Are you getting any of it?" He said that he was getting into it, or something like that; that was the expression, that he was getting into the business.

Now, mark what Judge Monroe said:

> I said, "How did you get in?" He said he got in for the Chicago Tribune through Gov. Deneen.

This is Holstlaw's lawyer. Judge Monroe said that Gillespie told him he got in for the Chicago Tribune through Gov. Deneen.

> I said, "How did you come to get in that way?" He said—

Now, listen to this—the attorney for the Tribune—

> He said that he had taken Mr. Holstlaw's confession, and that was about all that was said about it.

That was the testimony of his friend Judge Monroe, a man that practiced with him and worked with him, a close, bosom friend of his, when he was put on the stand.

Judge Monroe wrote a letter here that I received last March, a year ago, or I think the latter part of February, stating to me the substance of what I have stated here, and saying that I might show it to Senators if I chose. He said he did not want to have it put in the record, because Gillespie was his friend; but if it would help any to show it to Senators I might use it in that way. He was summoned before the committee. I showed the letter only to one Senator, or probably two, and that was after the vote was taken in my case. That is my recollection of it.

It does not stop there, Senators. You recall that Gillespie testified before your committee that he had never told this to anybody. When he was asked about Judge Monroe, he said:

> No, sir.
> Did you ever tell anybody else that?
> No, sir.

Here is the testimony of W. H. Dillman:

> Mr. DILLMAN. Mr. Gillespie said that he represented a Chicago paper. * * * The Chicago Tribune, the paper that was fighting Mr. LORIMER. * * * He was referring to the scandal that had come out; that he had gotten employment as a lawyer; and that Mr. Holstlaw had made his confession to him. * * * He said he was just employed by this Chicago paper.
> Mr. HANECY. The Chicago Tribune?
> Mr. DILLMAN. Yes, sir; to get evidence along that line.

That is what Mr. Dillman testified.

Who is Mr. Dillman? He is a lawyer and a banker, as far as I know a man of very high reputation, and a warm, close, personal friend of Mr. Gillespie and Mr. Gillespie's client.

And that is not all. The morning before Judge Monroe and Mr. Dillman went on the stand they came into my office in the Senate Office Building and they asked me for God's sake to see the chairman of the committee, Mr. DILLINGHAM, and ask him to excuse them, because if they went on the stand they would have to testify, as they did thereafter testify, that Gillespie was their warm, close, personal friend, and if they should testify, as they would testify if called, proceedings would be instituted against Mr. Gillespie for disbarment, and he would be disbarred. And because they were his warm, close, personal friends they did not want to be put in the position of bringing about the disbarment of Mr. Gillespie. They were both lawyers, and they knew what the consequences would be if Gillespie was ever taken before the Supreme Court on the testimony they would be compelled to give.

Now, Holstlaw did not testify before the grand jury that his statement was correct. He just signed it, when the immunity was given to him for perjury for saying that he had not written a letter to Mr. Johnson. Mr. Holstlaw has testified in season and out of season that when he voted for LORIMER he voted for him without any hope of reward; that he had told his friends and his neighbors, Democrats and Republicans, weeks before

LORIMER was a candidate. It amounted to a statement that before LORIMER was generally talked about as a candidate he had made up his mind that if he ever got an opportunity he was going to vote for LORIMER for United States Senator, and that all the people he talked with, Democrats and Republicans, told him it was the right thing to do, except one Democrat, who told him he thought he would be making a mistake. Now, I do not care whether the Democrat told him he was making a mistake or not, the facts are that the Democrat was urging him not to do it, and he told him he was going to do it. Holstlaw says John Broderick talked with him the night before LORIMER was elected, and he told Broderick he was going to do it. All this testimony is in the record here.

Holstlaw testified, as the record shows, that he went to Gillespie. Gillespie prepared the statement, Holstlaw signed it, and he got immunity after he signed it, and on the stand he swore that he would have done almost anything to go home a free man—anything to go home a free man. He said that when he got the money Broderick handed it to him. He was asked if Broderick told him what the money was for, and he said, "No." He did not say it was Lorimer money; he did not testify that he got it for his vote for LORIMER. He said that Broderick did not tell him anything about it. If you were a juror and trying Broderick, would you have convicted Broderick on that sort of testimony? Knowing all the facts, Holstlaw's lawyer, who knew the law, would have told him that the indictment was not worth the paper it was written on, if he had been acting solely in the interest of Holstlaw, but the fact is that Gillespie was in the employ of the Chicago Tribune at the time that he wrote Holstlaw's statement, that he got his employment from the Chicago Tribune through Gov. Deneen, that he went back and forth three times to the State's attorney's office trying to make Holstlaw think it was a hard thing to get freedom for him, and finally Holstlaw made the statement. No kind of inquiry could make Holstlaw say that he voted for LORIMER because he was promised money; that he voted for LORIMER with the hope of any kind of reward. All the testimony shows that Holstlaw told the people in his own district time and time again, long before LORIMER became a candidate, that if ever he got a chance to vote for him he would, and they agreed, all but one, that it was the right thing to do.

When John Broderick said to him, "We are going to put LORIMER over to-morrow," he told John Broderick, "I think we are." Mark you that statement; this is his sworn testimony. "I think we are, and I am going to vote for him." Broderick had not offered him any money; he had not indicated that he was going to offer him any money. Holstlaw testified that Broderick did not even ask him to vote for LORIMER, but Holstlaw told him that he was going to vote for LORIMER, and Holstlaw said that Broderick said, "There is $2,500 for you."

When you consider Gillespie, when you consider the statement, or the indictment that was not worth the paper it was written on, when you consider that the State's attorney sent word to him that he would not let him correct his testimony unless he came in and told about the LORIMER deal, will you believe that he was not coerced? Will you believe that he did not add those few words because his lawyer wanted it that way and told him that was the only way he could get out of the indictment for perjury? Will you believe that Holstlaw was not third degreed?

The four cases that I have discussed here are the four alleged confessors—the men who, it is claimed, were bought to vote for LORIMER. Not one of them except Charley White testified that he was ever offered anything for his vote for LORIMER. Beckemeyer said he had no idea that he would ever get any reward; that he voted for LORIMER because George Aischuler pleaded with him to so vote; and he did not make up his mind to do so until a few minutes before he did vote. Link said he himself had promised LORIMER; that he was LORIMER's friend; that the people of his district were for LORIMER, and were for him because they thought LORIMER was trying to bring about an improvement of the Mississippi River that would be of more value to Madison County, where he lived, than any other thing or all other things that could be done for the people of that county. He testified he had no hope of reward. He testified that he had no promises. He testified that he never received a dollar for voting for LORIMER. He testified under oath three times that he was compelled to testify that he received money from Browne and Wilson; and that he was threatened, unless he did, that he would be sent to the penitentiary and would lose his wife and home; and that he then told the prosecuting attorney that he would go before the grand jury and lie if he had to, but that he did not want to. He said that the money that he did get, when he testified that he did get money, he got for something else; he did not know what it was; and that he would not have taken money for his vote for LORIMER. That was Michael Link's testimony. It may be misconstrued and misstated, but nothing can change it.

Holstlaw's story I have just told you. Then what have we left? Charles A. White, who received, according to his own testimony, $3,500 from the Tribune for the testimony he gave.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LORIMER. I do.

Mr. SMOOT. The Senator from Illinois has been talking now for five hours. It is a physical impossibility for him to conclude his remarks to-night. I therefore move that the Senate take a recess until 10 o'clock to-morrow morning.

Mr. CURTIS. Mr. President, I move to amend the motion by making it 8 o'clock to-night. ["No!" "No!"]

Mr. MARTINE of New Jersey. What is the motion, Mr. President?

The PRESIDENT pro tempore. The Senator from Utah makes a motion that the Senate take a recess until 10 o'clock to-morrow. The Senator from Kansas moves to amend that the Senate take a recess until 8 o'clock this evening. Does the Senator from Kansas insist on his motion?

Mr. CURTIS. I do.

The PRESIDENT pro tempore. The question is on the motion to amend made by the Senator from Kansas.

The motion to amend was not agreed to.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Utah that the Senate take a recess until 10 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 10 minutes p. m., Friday, July 12) the Senate took a recess until Saturday, July 13, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 12, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Eternal One, in whose infinite wisdom, power, and goodness rests the destiny of men and of nations, make us wise, we beseech Thee, in our generation, that we may live to the full measure of Christian manhood, and thus round out to completeness our character and so fulfill our earthly mission that when the call comes we may be prepared to enter upon the new life fully equipped for the duties which await us there; and Thine shall be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of national good-road building.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on national good-road building. Is there objection? [After a pause.] The Chair hears none.

CHANGE OF REFERENCE.

Mr. MOON of Tennessee. Mr. Speaker, the bill H. R. 19276, with a report thereon, has been referred to the Private Calendar. It is a bill that disposes of public lands and should be on the Union Calendar. I ask unanimous consent to have that change of reference made.

The SPEAKER. If it disposes of public lands, the rule is to send it to the Union Calendar.

Mr. MANN. Mr. Speaker—well, I do not know; this bill provides for the conveyance of a particular tract of land to a particular individual.

The SPEAKER. Of course the Chair does not know what is in the bill.

Mr. MOON of Tennessee. That is true, but this disposes of public lands.

Mr. MANN. Oh, well, it is the disposition of public lands, but there are many bills on the Private Calendar, Mr. Speaker, providing for the disposition of public lands to particular individuals. That is what this bill is. I do not care what calendar it goes on, but I suggest the gentleman ought to consult with the Speaker or whoever assigns these bills before he makes the request for the change, because there are a number of bills on the Private Calendar of the same character.

The SPEAKER. The Chair will ask the gentleman from Tennessee to let the matter stand until the Chair can investigate the matter.

Mr. MOON of Tennessee. Very well.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole——

The SPEAKER. This is pension day.

Mr. POU. I will say, Mr. Speaker, under the rule I understand a motion will be in order for the House to resolve itself into the Committee of the Whole to consider bills on the Private Calendar subject to the right of the Committee on Pensions. I make that motion, and if there is no business on the calendar which the Pensions Committee desires to consider, then that motion I make will be in order.

The SPEAKER. Why, of course, if there is no pension business then the motion is in order.

Mr. BURKE of Wisconsin. Mr. Speaker, there is pension business.

The SPEAKER. There is pension business, the committee notifies the Chair.

Mr. BURKE of Wisconsin. Mr. Speaker, I ask unanimous consent to take up bills reported from the Committee on Invalid Pensions.

The SPEAKER. It is not necessary to ask unanimous consent. The Chair will read clause 6 of Rule XXIV:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only—

That has been disposed of—

it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in the following order: On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion.

Now, the motion is to go into Committee of the Whole House on the state of the Union.

PENSION BILLS.

Mr. BURKE of Wisconsin. Mr. Speaker, I move that the House consider as in Committee of the Whole House on the state of the Union the bill H. R. 25598, being No. 221 on the calendar.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill which he names shall be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I think we had better go into the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois objects.

Mr. BURKE of Wisconsin. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of private pension bills.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of pension bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar, with Mr. RUCKER of Colorado in the chair.

CORNELIA BRAGG.

Mr. BURKE of Wisconsin. Mr. Chairman, I move that the bill (H. R. 25598) granting an increase of pension to Cornelia Bragg be taken up for consideration.

Mr. MANN. I do not know whether that is the first pension bill on the calendar, but I suggest, under the rule, that they be called up in order on the calendar.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin [Mr. BURKE] that, as the Chair understands the rule, they should be called up in order.

Mr. BURKE of Wisconsin. Then I withdraw my motion.

The CHAIRMAN. The Clerk will report the first bill.

CATHERINE WISE.

The first business on the Private Calendar was the bill (H. R. 20362) granting a pension to Catherine Wise.

The Clerk read the bill, as follows:

A bill (H. R. 20362) granting a pension to Catherine Wise.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Wise, widow of John Wise, late of the United States Military Academy Detachment of Field Artillery, and pay her a pension at the rate of $12 per month.

Also the following committee amendment was read:

Amend, page 1, lines 6 and 7, by striking out the words "United States Military Academy" and the word "Field."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I would like to make an inquiry of the committee which reported this bill, as to whether this is to inaugurate a new policy of the Government. This is a bill to pension a widow of a soldier of the Regular Army who is not entitled to a pension under the existing law. I believe it has not been usual to do that. It may be a very desirable thing to do. It might be a very desirable thing for the beneficiary if we would pension the widow of a clerk in one of the departments who had died. Here was a soldier at West Point who never served anywhere else, and finally died, and it is proposed now to pension his widow, although the Pension Office found he did not die from disability incurred in the service.

Is it to be the policy of the Pension Committee to pension the widow of every soldier of the Regular Army who asks for a pension but who is not entitled to it under the general law, and does the committee propose to bring in a special bill in each of those cases? We have a general law governing that subject. We pass a great many private bills for soldiers and widows of soldiers of the Civil War, and I would like to inquire whether it is to become the policy of the Pension Committee to adopt the same plan concerning widows of soldiers of the regular service that Congress has adopted in reference to widows of soldiers of the Civil War? Because, if we are to commence that, it would be much more economical to simply provide by general law that every widow of every soldier of the regular service shall be entitled to a pension. There are no circumstances disclosed in this case which would not be disclosed in almost every other case, unless it be the length of service.

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Chairman, I think I am entitled to a response from the Pension Committee, or somebody representing it, on that subject, if they desire to have this pension bill passed.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that the Chair has not any power to call upon anybody to express their opinion.

Mr. LANGLEY. I think it was due to a misunderstanding as to what committee the bill belonged to.

The CHAIRMAN. Does the gentleman from Alabama [Mr. RICHARDSON] desire to answer the gentleman from Illinois?

Mr. RICHARDSON. I have not heard him. I want to know exactly what bill the clerk has there.

Mr. MANN. I appreciate the fact that the committee has been asleep. I think they were asleep when they reported this bill out.

The CHAIRMAN. I will say to the gentleman from Alabama it does not behoove the Chair to repeat what the gentleman from Illinois [Mr. MANN] has said. The Chair is sorry the gentleman from Alabama did not hear him.

Mr. RICHARDSON. I will confess I was not giving attention to him. I did not think the pension bills had been reached. I thought the invalid pensions were under consideration, and I did not give the gentleman from Illinois the usual attention I give to everything else he says.

Now, I would be very glad to know what objection you have made to the bill H. R. 20362.

Mr. MANN. Mr. Chairman, may I ask the gentleman a question? This bill now pending is one to pension the widow of a soldier of the Regular Army who was not able to bring herself within the general law on that subject. The soldier was in service at West Point, I believe, during his entire service. Now, what I asked was whether it is to be the policy of the Pension Committee, when a Regular Army soldier passes away leaving a widow who is unable to bring herself within the provisions of the law granting her a pension, to report a special bill in such a case.

Mr. RICHARDSON. The gentleman asked the question whether I believed the Pension Committee has that power. I think so.

Mr. MANN. No; the question whether it is the policy of the committee, whether that is to be their policy.

Mr. RICHARDSON. That, I believe, is the policy of the committee. That is the policy. Wherever an injustice is done by a strict enforcement of the law according to technicalities, upon the discovery of that fact the Pension Committee generally recommends relief if the facts and environments and circumstances justify the same. That is the general policy. This case, as the gentleman from Illinois [Mr. MANN] will see

by reading the report, has been very carefully considered and the facts set out.

Mr. MANN. I have read the report, but I can not find any exhaustive consideration of the subject, although, of course, I do not doubt but that the committee has given it consideration.

Mr. RICHARDSON. The gentleman may not be aware of the fact that we have reported bills of this character heretofore. We thought this widow was entitled to a pension of $12.

Mr. MANN. Well, I do not see myself any special circumstances in the case which would differentiate it from any other case of a widow of a soldier of the Regular Army. It may be desirable to grant them all pensions, but if we are to grant them all pensions it ought to be done by general law, and they should not be required to come before Congress in special bills.

Mr. RICHARDSON. Well, the gentleman from Illinois understands the fact that the Committee on Pensions was brought into existence some years since for the reason that the Pension Bureau in its administration of the general law in certain cases had rejected applications for pensions upon technicalities. For instance, it frequently occurred that in cases connected with the Mexican War and other wars a pension could not be granted on application unless the service of the soldier had been of a certain length of time. For instance, unless the soldier had served 60 days in the Mexican War and in the Civil War—which we do not have control of—90 days, and in the Indian wars 30 days, pensions could not be granted under the general law. Now, when it can be shown that the soldier served 25 days or 29 days only, the application would be rejected in the Pension Bureau. But under such conditions the Committee on Pensions had the right to look into that fact and give a pension, notwithstanding the soldier had served not more than 25 or 29 days. Such technicalities were and are disregarded by our Pension Committee.

Mr. MANN. That is all true; but——

Mr. RICHARDSON. There is no general law on the subject at all.

Mr. MANN. The attitude of Congress in the past in relation to soldiers and the widows of soldiers serving in war has been quite a different policy from that with respect to soldiers and widows of soldiers who served in the Regular Army but not in any war. The soldier in this particular case served in no war. He died from old age or from a complication of diseases, probably resulting from old age, but in no way connected with his Army service.

Now, I can understand that if a widow desires a pension it may be desirable to give her a pension. But is it to be the policy of the Committee on Pensions and the policy of Congress to grant a pension upon application to every widow of every Regular Army soldier when the widow can not bring herself within the terms of the existing law? And if not, what is there in this case to plead especially for a pension?

Mr. RICHARDSON. Well, if the gentleman from Illinois will allow me to suggest, this statement about this widow is to the effect that she is the widow of John Wise, who at the age of 22 years enlisted in the detachment of artillery at the United States Military Academy. That is the basis of her claim for a pension and that is set forth in this statement. I can not repeat all of the facts.

Mr. MANN. The gentleman says he thinks this is an exceptional case. Is that it?

Mr. RICHARDSON. Well, I would not say it is an exceptional case. I am disposed to believe that wherever a widow like this brings herself within the purview of the law and fails to get a pension thereunder on the stated facts there set forth, I expect for myself and for the Committee on Pensions that under these circumstances a pension would be recommended. The gentleman can consider that either as a general policy or as a policy affecting specific cases, either way he pleases.

Mr. MANN. Then I understand it is to be the policy of the Committee on Pensions that wherever a soldier or a soldier's widow can not obtain a pension under the general law it is the duty of the committee to report a special pension bill granting a pension to that soldier or to his widow?

Mr. RICHARDSON. No; I did not say that in that exact language.

Mr. MANN. That is practically what the gentleman said.

Mr. RICHARDSON. I say when a widow comes in and brings a fair and reasonable statement of her case and puts it before us, I think it is right and proper that we should grant her application.

Mr. LANGLEY. I have a good many cases in my district where a fair and reasonable statement of the case could be presented, and yet I have never been led to understand that special pensions could be granted in those cases.

Mr. OLMSTED. Mr. Chairman, in this case the War Department records show that this soldier was treated October 21 and 22, 1868, for diarrhea; February 16 to 20, 1871, for rheumatism; February 1 to 7, 1872, for contusion; February 16 to 19, 1872, for dysentery; July 9, 1872, to —, for boil; July 20 to 30, 1875, for incised wound; May 28 and 29 and July 23 to 27, 1878, for intermittent fever; March 29 to April 25, 1880, for contusion of left arm, swinging hammer, received while drilling rocks in line of duty; October 26 to 31, 1880, for lumbago; March 8 to 12, 1887, for contusion, left side, cause, misstep and fall in line of duty, cured. The records show also that "he died September 29, 1910, at Highland Falls, N. Y., from hypostatic pneumonia, three cerebral hemorrhages"; age given as 66 years.

It further appears that the immediate cause of death was uremia and exhaustion following a series of apoplectic seizures, covering a period of two years; that he had on the left side three ribs which had been broken and which had healed, with some deformity, and a large linear dent in the left parietofrontal region; that he had an immense hydrocele, which was tapped several times and finally obliterated by operation; that he was rather peculiar, but whether that was natural or was the result of the injury to his head shown by the scar they could not say, and whether this could have had any connection with the apoplexy could not be stated.

If he had died from any injury received in the service, his widow would have been entitled to a pension under the law. If his death had in any way been of service origin, she would have received a pension; but the medical officers of the Pension Bureau claimed that the death could not be accepted as the result of any disability of record, and that it was not a probable result of his military service; and yet it was certainly a possible result, following all those ailments and difficulties which he had had in the service, as I have stated.

His widow is blind in the right eye and almost blind in the left, and from feebleness of age and chronic rheumatism she is helpless to a degree requiring frequent and periodical aid and attention of another person. She has no income and is dependent on relatives for her support, which they can ill afford.

Mr. RICHARDSON. She is certainly entitled to a pension.

Mr. OLMSTED. It was not shown that the soldier's death from the alleged hypostatic pneumonia as the sequel of apoplectic attacks, nephritis, uremia, arteriosclerosis, and exhaustion was due to any cause arising during his military service; but while it can not positively be shown that all those things resulted from his service, yet it is quite possible that they did, and it seems to me, under all the circumstances of the case, that the committee was justified in finding that this was an exceptional case, taking it out of the general rule, and a case in which this pension might reasonably be allowed.

Mr. RICHARDSON. I think, clearly, under the gentleman's statement about the combination of troubles from which the soldier suffered and met his death, the widow is certainly entitled to this pension.

Mr. OLMSTED. I do not myself see why the widow of a Regular Army soldier should not be pensioned the same as the widow of a volunteer soldier, but I agree with the gentleman from Illinois [Mr. MANN] that, save in very exceptional cases, we ought not to grant it to one unless we do to all; but this seems to me such an exceptional case.

Mr. RICHARDSON. We can not adopt that fixed rule, and there is no necessity for it before that committee, because we must be governed by the specific facts that bear upon the cases, and the facts are different. You might find one widow who had a good income. Ought she to be pensioned like this helpless impoverished widow?

Mr. OLMSTED. I say this is an exceptional case, in which it appears to me that the widow is fairly entitled to this small pension.

Mr. RODDENBERY. Mr. Chairman, I notice that the report of the committee on the second page says:

From the foregoing history of this case your committee believe the soldier's death was caused by his military service. They respectfully recommend the allowance of pension at the rate of $12 per month.

The report also shows that he was retired as a private in 1895, and that so far as the War Department records disclose, while he was treated for divers and sundry diseases or ailments, he was treated for no disease or ailment after March, 1887; so that if the report of the committee is accurate, he was in the service from 1887 to 1895, and there was no record in the War Department of his having been treated for any ill or infirmity during that time. Then he was placed on the retired list, and if he was subject to various diseases in the meantime, in any

manner connected with his service in the Army, the reports and the facts fail to disclose it.

Mr. RICHARDSON. I do not believe I have ever been instrumental in preparing a report that showed more diseases than does this report.

Mr. RODDENBERY. Yes; but the last treatment shown in the records of the War Department was in 1887, 23 years before the man died, and how from that record it can be concluded that he died of diseases that were caused by his military service the report does not disclose and I fail to perceive.

Mr. RICHARDSON. The gentleman has probably overlooked the affidavit of Dr. Blanchard, who says in an affidavit executed June 14, 1911, that the immediate cause of death was uremic exhaustion following a series of apoplectic seizures covering a period of two years. Can not the gentleman connect that with the latter part of the statement made on the first page of the report, which shows that he was treated for diarrhea, rheumatism, contusion, dysentery, boils, incised wounds, intermittent fever, and a contusion of the left arm; can not the gentleman connect that with some of these diseases? Can not he see how these diseases might bring about the death of the soldier?

Mr. RODDENBERY. According to the record these troubles were all 20 years or more prior to the services rendered by the physician.

Mr. RICHARDSON. The gentleman must know that in the case of soldiers where they have some of these diseases they will develop causes of death 25 or 30 years after.

Mr. RODDENBERY. And then, furthermore, this soldier never served in any war.

Mr. RICHARDSON. Did not he join the Army?

Mr. RODDENBERY. Yes; but he never served in any war, according to the report. His entire service was at West Point.

Mr. RICHARDSON. Then it was because he did not happen to be in any battle.

Mr. RODDENBERY. His widow applied for a pension November 14, 1910, under the act of April 19, 1908, which provides a pension for widows whose husbands rendered service in the Civil War. That claim was rejected December 9, 1910, on the ground that the soldier's service was not rendered in the Civil War. Then she applied for a pension April 19, 1911, under the general law, which provides pensions for widows whose husbands died of a cause originating in service in line of duty. That claim was rejected by the Commissioner of Pensions July 18, 1911, on the ground that the soldier's death from the alleged hypostatic pneumonia, as the sequel of apoplectic attacks, nephritis, uremia, arteriosclerosis, and exhaustion was not shown by the record or other evidence to have been due to any cause arising during his military service.

Now, with that record the committee asserts that they conclude that he did die of a disease contracted in the service. I see no evidence on which they base their conclusion.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RICHARDSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk reported the other committee amendments, which were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY BRADFORD CROWNINSHIELD.

The next business on the Private Calendar was the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Bradford Crowninshield, widow of Arent Schuyler Crowninshield, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. MANN. Mr. Chairman, I think it is due to the committee where a bill grants a large pension to have some explanation in regard to it. What reason is there for pensioning Mrs. Crowninshield at the rate of $50 a month? I do not recall that the admiral ever had any very strenuous service. He had a good many battles with other men in the department. He was here during the Spanish War. As I understand, $50 a month is the limit which the Pension Committee will report in any case for a widow's pension. I suppose it is not intended to provide that limit for every person.

Mr. LONGWORTH. Is that the limit? It seems to me that I have known cases where the pension was larger than that.

Mr. MANN. That is the limit which the Pension Committee will report.

Mr. ROBERTS of Massachusetts. We have increased the pension on the floor sometimes.

Mr. MANN. We increased the pension for Mrs. Schley the other day on the floor to $75. It seems to me that the limit of the pension ought to be reserved for special cases.

Mr. BURKE of Wisconsin. Mr. Chairman, I desire to say, on behalf of the Committee on Invalid Pensions, that this bill providing a pension for the widow of Admiral Crowninshield was introduced and passed in the Senate, and has had the careful consideration of our committee. I am rather astonished at the gentleman from Illinois not knowing who Admiral Crowninshield was.

Mr. MANN. Oh, I did not say I did not know who he was. I know very well.

Mr. BURKE of Wisconsin. Then I misunderstood the gentleman. Admiral Crowninshield served in the Civil War, and also during all of the years between that and the Spanish War, and during the Spanish War. His record is first class. His widow is in needy circumstances and she ought to have this small amount of pension. It is in about the same proportion that widows of soldiers and sailors of similar rank receive.

Mr. SULLOWAY. Mr. Chairman, I was not present when the committee reported this bill, but it appears from the report that this officer contracted this disease while he was in the service some years before his discharge and death. The widow was his wife for a good number of years, from 1890 down to the time of his death. The only fault I can find with the proposition is that she is not given enough. If I had been present in the committee at the time, I should have voted for more. I hope the bill will pass.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Bradford Crowninshield, widow of Arent Schuyler Crowninshield, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection, and it was so ordered.

JAMES A. DICKINSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James A. Dickinson, late of Company K, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James Campbell, late of Company C, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph G. Long, late of Capt. Cone's company, First Regiment Florida Mounted Volunteers, Florida war with Seminole Indians, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William S. Smith, late of Company K, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Jackson A. Watkins, late of Company D, Fifth Regiment United States Infantry, and pay him a pension at the rate of $6 per month.

The name of Peter Peterson, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James B. White, late of Company A, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William J. Abrams, late of Troop C, Second Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $6 per month.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 6788. James A. Dickinson.
H. R. 11529. James Campbell.
H. R. 12513. Joseph G. Long.
H. R. 13066. William S. Smith.
H. R. 13616. Jackson A. Watkins.
H. R. 19388. Peter Peterson.
H. R. 22679. James B. White.
H. R. 24257. William J. Abrams.

The CHAIRMAN. If there is no general debate, the Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

The name of James B. White, late of Company A, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

Mr. RICHARDSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 2, line 24, by striking out the words "in lieu of that he is now receiving."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk concluded the reading of the bill.

The CHAIRMAN. Without objection, the bill will be laid aside with a favorable recommendation.

There was no objection, and it was so ordered.

CORNELIA BRAGG.

The next business on the Private Calendar was the bill (H. R. 25598) granting an increase of pension to Cornelia Bragg.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cornelia Bragg, widow of Gen. Edward S. Bragg, late a brigadier general of the United States Army during the late Civil War, and pay her a pension at the rate of $100 per month in lieu of that she is now receiving.

Mr. MANN. Mr. Chairman, I think the gentleman from Wisconsin [Mr. BURKE] ought to make a statement in regard to this bill and in regard to Gen. Bragg.

Mr. BURKE of Wisconsin. Mr. Chairman, some time during this session of Congress the Congress passed a bill providing a pension of $100 per month for Gen. Edward S. Bragg. The bill became a law by the approval of the President on the 19th day of June, and on the 20th of June Gen. Bragg died. Cornelia Bragg was married to Gen. Bragg some few years before the Civil War. She is a war widow. She has lived with him continually from the time of their marriage until his death. She has been a most faithful and devoted wife to the noble old general. She has been his constant aid and companion during all of these years. She is now nearly 83 years of age, feeble, helpless, without any income, without any property excepting the humble home in which she lives. She has at best but a few years more to live, for she will soon follow her noble husband to the grave.

The bill as read provides a pension of $100, but there is a committee amendment reducing that amount to $50 a month. I think the amount is too small, yet it seems to be in accordance with the custom of Congress in providing for the widows of generals of his rank. I do not think it is necessary in this House, in which Gen. Bragg served four different terms with distinction, to say anything further in respect to the bill. He was a friend of the soldier and the enemy of the coffee cooler and camp follower. Although entitled to it, he never during his lifetime asked for a pension. He was granted a pension through the courtesy of Senator Spooner of Wisconsin in 1906, but that was without his knowledge, and he refused to accept it for several months thereafter, but finally did accept it because of his needy circumstances. I think, in view of the honorable record of Gen. Bragg, that no student familiar with the history of the Civil War desires or needs an explanation, and I think in view of the circumstances that the small amount allowed for Cornelia Bragg is well deserved by her. [Applause.]

Mr. SULLOWAY. Mr. Chairman, I hope that amendment will not be adopted. This widow is the widow of a general with whom she lived for all these long years, and it was the practice in the case of those generals who died earlier to give at least $100, and in many cases more was granted. She has arrived at that age when she can survive only a few days, weeks, or months more at the best, and I think it is due to her and to the memory of Gen. Bragg and what he did in that terrible war to give her at least $100 instead of the mere pittance of $50, which will not support her and pay for the nurses and watchers who will be needed while she does live. I hope the amendment will be voted down. [Applause.]

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 1, line 6, by striking out after the word "of" the word "General."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend, line 7, by striking out the words "the United States Army" and inserting in lieu thereof "United States Volunteers."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Amend, line 9, by striking out the words "one hundred" and inserting in lieu thereof the word "fifty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. RODDENBERY. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 19, noes 20.

Mr. RODDENBERY. Mr. Chairman, I make the point of order there is no quorum present.

Mr. SIMS. Ask for tellers.

Mr. RICHARDSON. Mr. Chairman, I ask for tellers on the question.

Mr. RODDENBERY. Mr. Chairman, I withdraw the point of no quorum.

Mr. RICHARDSON. Mr. Chairman, I ask for tellers.

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. RICHARDSON. I want to say here is an evidence of what we are coming to. In the case of Mrs. Schley the committee stood firmly by the action of the Senate committee and refused $150, and the gentleman from Illinois was the man who broke the precedent by giving $75. You see where this is going to now.

The CHAIRMAN. Does the gentleman from Illinois make the point of order that there is no quorum?

Mr. MANN. I did make that point of order.

The CHAIRMAN. Does the gentleman now make the point of order?

Mr. MANN. I made the point of order before.

Mr. RICHARDSON. Can not I ask for tellers on the question?

Mr. MANN. If the Chair has finished his count, I would like to have an announcement of the result.

The CHAIRMAN. The Chair finds there are 94 Members present, not a quorum, and the Clerk will therefore call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Doremus	Kent	Porter
Adamson	Draper	Kindred	Powers
Akin, N. Y.	Driscoll, M. E.	Kinkead, N. J.	Pujo
Ames	Dupré	Knowland	Randell, Tex.
Andrus	Dyer	Konig	Reyburn
Ansberry	Ellerbe	Kopp	Riordan
Anthony	Evans	Lafean	Roberts, Nev.
Ashbrook	Fairchild	Lamb	Russell
Bartholdt	Faison	Legare	Sells
Bartlett	Ferris	Lindbergh	Shackleford
Bates	Fordney	Lindsay	Sharp
Beshne	Fornes	Littleton	Sheppard
Bradley	Francis	Lloyd	Sherley
Brantley	Garrett	Loud	Sherwood
Broussard	Gillett	McCall	Simmons
Brown	Glass	McCoy	Siemp
Burke, Pa.	Goeke	McCreary	Small
Byrnes, S. C.	Gould	McGuire, Okla.	Smith, S. W.
Calder	Graham	McHenry	Smith, Cal.
Callaway	Griest	McLaughlin	Stack
Campbell	Guernsey	McMorran	Stevenson
Cannon	Hamilton, Mich.	Macon	Stephens, Nebr.
Cantrill	Hamilton, W. Va.	Maher	Taylor, Colo.
Carter	Hanna	Martin, S. Dak.	Thayer
Cary	Hardwick	Miller	Thistlewood
Clark, Fla.	Harrison, N. Y.	Mondell	Thomas
Claypool	Heald	Moon, Pa.	Utter
Covington	Heflin	Moore, Pa.	Vare
Cox, Ohio	Helgesen	Moore, Tex.	Volstead
Crago	Helm	Morse	Vreeland
Currier	Henry, Conn.	Murdock	Weeks
Dalzell	Higgins	Needham	Wilder
Daugherty	Hill	Nelson	Wilson, N. Y.
Davidson	Hinds	Nye	Wilson, Pa.
Davis, W. Va.	Holland	O'Shaunessy	Wood, N. J.
De Forest	Hughes, W. Va.	Palmer	Young, Kans.
Dies	Humphreys, Miss.	Patten, N. Y.	Young, Tex.
Donohoe	Jackson	Plumley	

During the roll call,

Mr. CARLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. MARTIN of Colorado). The gentleman will state it.

Mr. CARLIN. I do not know whether the House understands this roll call is to disclose a quorum or whether we are to vote "yea" or "nay" on the bill.

The CHAIRMAN. The purpose of the roll call is to disclose whether or not a quorum is present.

After the roll call,

The SPEAKER resumed the chair, and Mr. RUCKER of Colorado, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, finding itself without a quorum, he had caused the roll to be called, and that 238 Members answered to their names, a quorum.

LEAVE OF ABSENCE.

Mr. DENVER, by unanimous consent, was granted leave of absence for an indefinite period on account of important business.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER designated Mr. LLOYD to preside as Speaker pro tempore for to-morrow, Saturday, July 13, 1912.

CORNELIA BRAGG.

The committee resumed its sitting, with Mr. RUCKER of Colorado in the chair.

Mr. SIMS. Mr. Chairman, I demand a division on the vote. I demand tellers.

The CHAIRMAN. Tellers are demanded.

Mr. RICHARDSON. Mr. Chairman, I ask that the Clerk read the amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

The Clerk read as follows:

Page 1, line 9, strike out the words "one hundred" and insert in lieu thereof the word "fifty."

Mr. LANGLEY. Is that a committee amendment, Mr. Chairman?

Mr. RICHARDSON. I desire, Mr. Chairman, to discuss that amendment for a moment. I wish to say this: I believe that if the Members of the House understand what the amendment is they will vote for it. It is an important matter and has recently been passed upon. It is a good custom if it is honestly and faithfully observed, because it applies to all widows of admirals and generals. I held in my hand the other day some seventy and odd of such bills when the question came up here that the Pension Committee of the Senate had allowed Mrs. Schley, the widow of Admiral Schley, the sum of $50. The Pension Committee of this House that had charge of this bill sustained the Pension Committee of the Senate, but after an earnest speech, full of eloquence and sentiment, as I was told, the Senate overrode its own committee and fixed Mr. Schley's pension at $150. I did not think then and I do not think now it was right, although the suggestion was made to me by the various gentlemen here as chairman of the Pension Committee that we allow an amendment of $75, which the gentleman from Illinois [Mr. MANN] had offered.

I said it was breaking that custom and making a line of demarcation against those widows that was unjust and unfair, and I did not think this House would stand for it. But it did. I predicted it then, that having violated that custom, sacred as I thought it was, that a number of instances would follow where it would be asked by worthy widows of distinguished admirals and generals, "Why could you not give us $100 just as well as you do any of the distinguished widows?"

Mr. SLAYDEN. Will the gentleman from Alabama permit a question?

Mr. RICHARDSON. Why, yes.

Mr. SLAYDEN. Quite a good many of us came into the House after this question was raised, and there is confusion in the minds of a good many Members as to just what this proposition is, and there is so much confusion in the House that many of the Members did not hear the statement of the gentleman from Alabama [Mr. RICHARDSON]. I want to ask him if I have a correct understanding of it.

The CHAIRMAN. The Chair will state that the gentleman from Alabama is out of order. The matter has been settled so far as debate is concerned. If the gentleman from Alabama will ask unanimous consent——

Mr. SLAYDEN. The gentleman from Alabama asked the privilege of speaking.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Was there any order entered by the House closing debate?

Mr. LANGLEY. The demand for tellers makes it necessary to take a vote over again.

Mr. RICHARDSON. I ask unanimous consent to make a statement about the status of this matter.

Mr. KENDALL. I ask unanimous consent that the gentleman from Alabama [Mr. RICHARDSON] may proceed for 10 minutes.

There was no objection.

Mr. SLAYDEN. Now, Mr. Chairman, I was asking the gentleman from Alabama a question, and with his permission I will continue it. Am I correct in the understanding that this was a proposition to grant a pension of $100 a month, and that there is now pending an amendment reducing that pension to $50 a month?

Mr. SIMS. Is it a committee amendment?

Mr. SLAYDEN. Yes; a committee amendment, to make it $50 a month.

Mr. RICHARDSON. Yes; but the trouble is that the gentleman who is in charge of the bill offers to leave it at $100 a month.

Mr. LANGLEY. Mr. Chairman, as a member of that committee, if the gentleman will allow me, let me state that the bill as introduced, if I remember aright, provided for $100 a month.

Mr. RICHARDSON. Yes.

Mr. LANGLEY. And our committee thought it best to follow the usual custom in such cases and fix the amount at $50 a month. This is a committee amendment, reducing the amount provided in the original bill.

Mr. KENDALL. It is a Senate bill?

Mr. RICHARDSON. That is correct, I have no doubt, as stated by the gentleman from Kentucky, and all that I am interested in, Mr. Chairman, is that there shall be justice and uniformity of treatment.

Mr. KENDALL. Is it a Senate bill?

Mr. RICHARDSON. No; a House bill.

Mr. KENDALL. How does it come before the House, then, with a committee amendment reducing it to $50?

Mr. LANGLEY. It came from the Committee on Invalid Pensions, and this is a committee amendment reducing the amount that was provided in the original bill.

Mr. RICHARDSON. Is this a Senate bill?

Mr. LANGLEY. No; this is a House bill.

Mr. GARNER. Mr. Chairman, will the gentleman yield to me for a moment?

The CHAIRMAN. The Chair desires to understand from the gentleman from Alabama to whom he yields.

Mr. RICHARDSON. I yield to the gentleman from Texas [Mr. GARNER.]

Mr. GARNER. Mr. Chairman, the gentleman from Iowa [Mr. KENDALL] asked a very pertinent question; but when the gentleman from Iowa or any other gentleman asks the question, and this bill comes in here with an amendment at $50 a month instead of $100, as originally introduced, if he will refer to the rules of the House and the rules governing the action of the committee he will ascertain, if any bill is introduced and reported back to the House with a change, that the committee amendment must be adopted. In other words, if he should introduce a bill allowing $1,000 a month the committee would report that identical bill with an amendment, say, at $25 a month.

Mr. LANGLEY. That is exactly the case here. This is not an omnibus bill, but an individual bill.

Mr. KENDALL. The committee has reported the bill and recommended that the bill be passed with the rate fixed at $50 a month.

Mr. RICHARDSON. Yes. If we vote on it, we will vote for an amendment which makes it $50 a month for the widow.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. RICHARDSON. Yes; certainly.

Mr. COOPER. This widow is 82 years of age, is she not?

Mr. LANGLEY. She is about that age.

Mr. COOPER. She is 82 years of age past, I am informed by my colleague, Mr. BURKE. The testimony is uncontradicted that she has no income at all. Is that true?

Mr. MANN. That is true.

Mr. RICHARDSON. Yes; that is true, I presume, from the statements made.

Mr. COOPER. And the testimony is that she is the widow of Gen. Bragg, the commander of the Iron Brigade, one of the most justly celebrated brigades in all history. Is not that true?

Mr. RICHARDSON. I have no doubt it is true.

Mr. COOPER. That was the brigade which history declares held Stonewall Jackson's whole division at Gainesville, one of the fiercest battles of the war, for more than an hour, and helped save the Union Army from what seemed certain disaster. The heroism of that brigade on many a blood-stained field won for it an immortality of renown. And yet the poor widow of its heroic commander is to be pensioned at the rate of $50 a month, when every Member of the House knows that no woman of her age, without other income, can live in these times as the widow of a Union veteran ought to live on only $50 a month. She will be obliged to have the attendance of another person, and for this she can not pay; and yet the Government of the United States, the richest Nation the world has ever seen, is quibbling about giving her a pension large enough to maintain her in comfort.

Mr. ANDERSON of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Minnesota?

Mr. COOPER. I yield.

Mr. RICHARDSON. I do not think that is a proper statement.

Mr. ANDERSON of Minnesota. The gentleman's argument would indicate that in his judgment every widow should have at least $50 a month.

Mr. COOPER. That is what I do believe if she is more than 80 years old and without income. This widow is more than 80 years of age and destitute of income.

Mr. LANGLEY. That is what the House has always refused.

Mr. COOPER. I do not care how often or how long the House has refused. It is never too late to do justice to the

widow of a Union soldier. A bad precedent never makes good law. Penurious, ungrateful, pinchbeck, alleged economy does not weigh an atom, in my judgment, against the just claims of the widow of a hero like Gen. Bragg, of the Iron Brigade. [Applause.]

Mr. RICHARDSON. I think that is all true, but——

Mr. COOPER. My attention has only just been called to this. I knew nothing about it until a moment ago, when I inquired of my colleague and of the gentleman from Illinois as to what was before the House. I shall never knowingly vote to give only $50 from the Treasury of the United States to the widow of a private soldier nor to the widow of an officer when, in either case, the widow is more than 80 years of age and practically helpless. [Applause.]

Mr. RICHARDSON. How does the gentleman establish the line of demarcation——

Mr. COOPER. I do not establish any line of demarcation.

Mr. RICHARDSON. I have listened to the gentleman's questions carefully, and I should like to ask him a question.

Mr. COOPER. When a widow of any gallant Union soldier, officer or private, is so aged as to be unable to earn a living, I will vote to pay her enough money out of the United States Treasury to keep her honorably, in comfort and free from care, until she goes to her grave.

Mr. RICHARDSON. Then I will ask the gentleman this question: How will he make a line of demarcation as to the widow of an admiral who has not the reputation, fame, honor, and glory among the people of the Nation that Admiral Schley made in this country for himself? Will the gentleman make a difference in money between them? That is the question I want him to answer.

Mr. COOPER. I will make no line of demarcation.

Mr. RICHARDSON. You are bound to make it.

Mr. COOPER. I am not bound to make it.

Mr. RICHARDSON. You are, when you give the widow of one admiral $150 a month and another $75 or $80, and the records of this Government show that the widows of brave and gallant soldiers who fought for the flag of the Union are by a uniform custom receiving $50. Why do you not increase them? Our committee try to maintain justice and fairness without discrimination between these good women, and for that reason, as chairman of the Pension Committee, when the case of Mrs. Schley came up, and it was proposed to give her $150, our committee stood strongly against it because it was violative of a custom that was right and fair and just to the equally deserving widows of other distinguished men.

Mr. COOPER. I was not aware that the Congress of the United States had heretofore voted only $50 a month to so aged and poor a widow as is the one named in the pending bill.

Mr. ANDERSON of Minnesota. Twelve dollars in some cases.

Mr. COOPER. I was not referring to the general law. I mean that I am not aware of a special act having been passed in such a case which limited the pension to that amount.

Mr. KENDALL. Is it not ordinarily true——

Mr. COOPER. But if that be true, I am in favor of doing what is plainly right now, and of giving to this woman, helpless in her old age and within sight of her grave, enough to support her in comfort, as becomes the widow of a Union soldier, until she shall pass across the dark river.

Mr. RICHARDSON. Regardless——

Mr. COOPER. And the fact that heretofore Congress may not have dealt justly by another aged widow will not suffice to justify us if now we deal unjustly by this one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FULLER. Mr. Chairman, this Congress, at the present session, passed a bill giving to Gen. Bragg himself a pension of $100 a month. That bill became a law on the 19th day of June last, and on the next day Gen. Bragg died, at the age, I think, of over 84 years. He never received any benefit from that act. The proposition now is to give to this old widow the pension that had just been voted by this Congress to Gen. Bragg, and I am surprised that any gentleman on the other side of this House, especially, should oppose any honor that may be shown to Gen. Bragg or his aged widow. There never was a braver soldier; there never was a man deserving more from his country than Gen. Bragg. [Applause.] To that widow, who is now more than 82 years of age, and who is without property and helpless, we are proposing to give the pension that Congress had already voted to the general himself, and from which neither he nor she ever received any benefit.

I hope this amendment will not be adopted, but that this House, with unanimity, may agree to give to this aged widow what she needs for her comfort and support during the few days that she is to remain upon this earth. [Applause.]

Mr. RICHARDSON. Mr. Chairman, I am surprised at the gentleman [Mr. FULLER] who just closed his remarks referring to "this side of the House," the Democratic, on the subject of pensions of this character. That is unfair and unkind. I can say for myself that there would be no hesitancy on my part, and has been none since I have been a Member of the House, to honor the Federal soldiers of the Civil War and their widows.

But this is a different principle. It is a question of justice between these widows of distinguished soldiers. It makes no difference how grand the record of Gen. Bragg was in the Civil War. There is no question about that; but I predicted the other day that if you broke down this custom of granting to this class of widows $50 you would destroy the whole thing, and all these good women would be led to come in and ask for a different and increased pension. Here we have one to-day, and they will come in numbers, trooping along, as they ought to come, if you make a distinction between them. This bill does not come from the Pension Committee, it comes from the Committee on Invalid Pensions; but it is the principle I am contending for, and doing justice among these widows of the old soldiers.

Mr. SIMS. Mr. Chairman, I want to ask the gentleman from Illinois [Mr. FULLER] a question. I understood the gentleman to allege, as a matter of policy, that we ought to give the widow of a soldier the same pension that the soldier himself received while living.

Mr. FULLER. I did not state that as a matter of policy, but in this case I think it is a matter of common justice.

Mr. SIMS. The gentleman thinks that this is an exceptional case?

Mr. FULLER. I do, on account of the age of the widow and the distinguished services of the soldier.

Mr. SIMS. And the gentleman voted for $100 for Gen. Bragg, who had himself and his wife to take care of, and he thought that was amply sufficient.

Mr. FULLER. It was not amply sufficient.

Mr. SIMS. It was all the gentleman voted for.

Mr. FULLER. It was all we could get the House to give.

Mr. SIMS. Does the gentleman think there is any discrimination in regard to the widow when he voted that $100 was enough for both of them, and now the proposition is to give $50 to one?

Mr. FULLER. It was a pittance for both. I never said it was enough for both. It is a little thing for this great Nation to do to give this widow the pension that we voted to Gen. Bragg.

Mr. JONES. Mr. Chairman, I make the point of order that this debate is out of order. The committee was dividing when the point of no quorum was made.

Mr. MANN. Mr. Chairman, I submit that there was no order closing debate, and the universal rule of parliamentary law and the rule in this House is that until debate is closed by order of the House debate is in order until the negative vote is taken on the final vote.

Mr. JONES. I make the point of order, Mr. Chairman.

Mr. SIMS. But, Mr. Chairman, I do not want to be taken off of the floor by any point of order.

Mr. JONES. I make the point of order that debate was closed and the House was dividing.

The CHAIRMAN. The Chair will state to the gentleman from Virginia that the Chair was inclined to agree with the gentleman from Virginia, but he has since been convinced that he was wrong, and as the gentleman from Illinois is usually right, the Chair will overrule the point of order. The gentleman from Tennessee [Mr. SIMS] has the floor.

Mr. SIMS. Mr. Chairman, I want to state that I am not making an objection to this particular pension, but I think the committee should not be overruled without an opportunity to be heard. The bill was reported by the committee of which the gentleman from Illinois [Mr. FULLER] is a member.

Mr. FULLER. But I was not present when the report was made.

Mr. SIMS. I have been on the Committee on Pensions and I have had some experience. Many times it used to occur that amendments were offered on the floor of the House of which the committee had had no opportunity to consider, and an appeal would be made to the sympathy of Members when the committee had had no opportunity to consider it. Now, the Committee on Pensions and the Committee on Invalid Pensions must have general rules, and whenever a bill is reported from that committee and the House thinks it is not sufficiently large, it seems to me that the proper motion would be to recommit the bill and let the committee reconsider its action and give the committee an opportunity to do what it deems wise. I think the gentleman from Alabama is correct. If these widows are allowed different pensions by special acts—if they are granted pensions in excess of the sum allowed by the committee as reported—every one will come in here and ask for an increase of pension by

private act. Besides, under the general law we have always given the soldier himself a greater pension than his widow.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. FULLER. If the bill were recommitted, the probability is that this widow, like her husband, would die before she could have any benefit from the pension.

Mr. SIMS. I do not think the gentleman's committee is subject to a charge that it does not act diligently.

Mr. FULLER. But we are in the closing days of this session.

Mr. SIMS. And where does the gentleman get such encouraging information—that we are in the closing days of this session? [Laughter and applause.]

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, we recently passed a law, general in its nature, providing for an increase in pensions. The highest amount carried under that law for a soldier of three years' or more service in the Army, of old age, was $30 a month for himself and his wife. We have recently passed, without the knowledge of the House, a bill granting a pension of $100 a month to Gen. Bragg. It was news to every Member of the House, I think, that the bill had been passed, except perhaps the gentlemen upon the committee. Gen. Bragg has died. That bill carried $100 a month for the support of himself and his wife. There is a general rule of Congress, of the committees both of the House and the Senate, that they will not grant a pension for more than $50 a month to widows. In the course of my service here I have had numerous applications from widows of generals living in Chicago pointing to the day when Congress passed pensions for widows at the rate of $100 a month and insisting that they were entitled to the same amount.

I prefer to grant larger pensions to widows of soldiers who now get not to exceed $12 a month and give them $20, and less to the widows of soldiers who receive $100. [Applause.] Therefore I shall vote for the amendment to reduce the amount to $50 a month, knowing that if that bill passes the House it has a chance to become a law and the widows will receive that amount of money during their lifetime.

Mr. LANGLEY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of affording myself the opportunity, debate having been exhausted under the rules, to speak briefly on the merits of this bill. I desire to support the amendment reported by the committee, and I am free to admit that I am speaking against my sentiments and in obedience to my judgment. I am a member of the committee that reported the bill. I trust that I am not seriously violating the rule regarding committee proceedings when I say that it was upon my motion that the amount proposed by the bill as originally introduced by the gentleman from Wisconsin [Mr. BURKE] was reduced from $100 to $50 a month. We thought, after discussing the matter fully, that $50 a month was a sufficient amount, and that it was in accordance with the usual custom which has prevailed heretofore in similar cases. The sympathy of every kind-hearted man is naturally appealed to by the statement that has been made here, that Mrs. Bragg is past 81 years of age, and but for the principle involved that fact alone would induce me to vote for the $100 rate. But, Mr. Chairman, I am satisfied that most Members have not been advised fully as to the facts of the case. The evidence before our committee showed that Mrs. Bragg owns a residence valued at $5,000. That would be regarded in the mountains of Kentucky, where I live, as a rather palatial home. It is a finer home than any widow of a Union soldier in my congressional district possesses, so far as I am informed. I can recall the cases of scores of widows of Civil War veterans who live in my district who occupy log cabins that are not worth $25. Some of these widows, who married the soldiers since June 27, 1890, are not receiving any pensions at all. Nearly all of those who are on the rolls receive only $12 a month, and they are old and unable to earn a support, and most of them are in actual need of some of the necessaries of life which this pittance of $12 a month will not procure for them.

I agree with the distinguished gentleman from Illinois [Mr. MANN] that we ought to concern ourselves more with cases where actual poverty and need exist and less with bills granting a rate of pension which to these poor widows would be a magnificent income. I do not believe this House ought to increase the amount over that recommended by the committee. I think the action of the committee was right, and I think the people of the country will approve of it, not because they do not honor the memory of Gen. Bragg, not because they do not appreciate to the fullest the spendid service which he rendered to the country in the hour of its peril, but because they believe that the Congress of the United States should exercise a little more justice, a little more equity, a little more uniformity, than it sometimes does in the distribution of the gratuities that are granted by the Government to its soldiers and their widows. [Applause.]

Mr. SULLOWAY. Mr. Chairman, will the gentleman yield for a question?

Mr. LANGLEY. Certainly.

Mr. SULLOWAY. Mr. Chairman, I am a member of the committee, but I was absent when this matter was brought up.

Mr. LANGLEY. I am sorry the gentleman was not present. He ought to have been.

Mr. SULLOWAY. And so am I—much more so than the gentleman. I want to ask him if this widow has any other property than the home in which she lives?

Mr. LANGLEY. So far as I am advised, she has no cash income.

Mr. SULLOWAY. Does the gentleman know of the widow of a general, who was his wife during the war, with the rank and record of Gen. Bragg, who is not drawing $100 a month at the present time, if she is living? Has not that been the fact for long years? This talk about a custom of paying only $50 a month is of no force and never was a fact. Let the gentleman look at the record, and he will find that some widows were granted $500 a month—yes, all the way from $100 a month to $5,000 a year.

Mr. LANGLEY. My information is that has not been the general practice. If the gentleman has evidence to the contrary, let him submit it.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. LANGLEY) there were—ayes 67, noes 56.

Mr. FOCHT. Mr. Chairman, I ask for tellers.

Mr. KENDALL. Mr. Chairman, I make the point of order it is too late to ask for tellers.

Mr. FOCHT. Mr. Chairman, I ask for tellers.

Mr. LANGLEY. Mr. Chairman, it is too late.

Tellers were ordered.

The committee again divided; and the tellers [Mr. RICHARDSON and Mr. BROWNING] reported that there were—ayes 77, noes 53.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the additional committee amendment.

The Clerk read as follows:

Page 1, lines 9 and 10, strike out the words "in lieu of that she is now receiving."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

Mr. RICHARDSON. Mr. Chairman, I move that the committee do now rise and report the bills favorably with the recommendation that the amendments be agreed to and that the bills as amended do pass.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. If the gentleman will withhold his motion for a second.

Mr. RICHARDSON. Yes.

Mr. MANN. The parliamentary inquiry is, Is it not in order to call up on the calendar those bills removing charges of desertion or bills which have been similarly treated in recent years—bills providing that the pension laws shall be made applicable in certain cases where there are charges of desertion?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that he is advised that in the House the motion was made to go into the Committee of the Whole House on the state of the Union to consider pension bills on the Private Calendar.

Mr. MANN. I understand that is the way the Speaker put the motion, but I believe that is not the way it was made, and it is not the proper motion; but I have no objection.

The CHAIRMAN. The gentleman from Alabama moves that the committee rise and report the bills favorably, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The question was taken, and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration pension bills on the Private Calendar and had directed him to report back to the House the bill H. R. 20362 with amendments, the bill S. 1152 without amendment, the bill H. R. 25713 with amendments, and the bill H. R. 25598 with amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. The Clerk will report the first bill.

CATHERINE WISE.

The Clerk read as follows:

A bill (H. R. 20362) granting a pension to Catherine Wise.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. I desire at the proper time, if this is the proper time, to ask for a separate vote upon the Bragg amendment. I did not hear what this bill is.

The SPEAKER. The bill comes up in its turn.

Mr. COOPER. I did not understand the name of this bill, and I wished to be on the safe side.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY BRADFORD CROWNINSHIELD.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield.

The bill was ordered to be read a third time, was read the third time, and passed.

GRANTING PENSIONS TO CERTAIN SOLDIERS AND SAILORS, ETC.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The amendment was read.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CORNELIA BRAGG.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 25598) granting an increase of pension to Cornelia Bragg.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 6, after the word "of," strike out the word "General."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 7, strike out the words "the United States Army" and insert in lieu thereof the words "United States Volunteers."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 9, strike out the words "one hundred" and insert in lieu thereof the word "fifty."

Mr. COOPER. Mr. Speaker, I ask for a yea-and-nay vote on that amendment, which decreases the amount to $50 a month. First, I ask for a division on that. I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays.

Mr. COOPER. And I make the point of no quorum.

The SPEAKER. The Chair did not hear the last remark.

Mr. COOPER. I make the point of no quorum.

Mr. MANN. Has the vote been ordered taken?

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. COOPER. Now, Mr. Speaker, I make the point of no quorum.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. On the roll call those in favor of the amendment will vote "aye" and those opposed will vote "no."

Mr. RICHARDSON. A parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. In voting on the question of a quorum, if you vote "aye" you vote for the amendment?

The SPEAKER. The vote is on the amendment.

Mr. RICHARDSON. I say it is on the amendment.

The SPEAKER. That is what the Chair stated. On this vote it was not a question of voting "present" only. It is a question of voting "aye" or "no." Those in favor of the amendment will vote "yea" and those opposed will vote "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 125, nays 78, answwered "present" 8, not voting 178, as follows:

YEAS—125.

Adamson	Fields	Jones	Rouse
Aiken, S. C.	Fitzgerald	Kendall	Rubey
Alexander	Flood, Va.	Kennedy	Sabath
Allen	Floyd, Ark.	Kitchin	Sims
Anderson, Minn.	Garner	Korbly	Sisson
Barnhart	George	La Follette	Smith, Tex.
Bathrick	Godwin, N. C.	Langley	Stedman
Beall, Tex.	Goodwin, Ark.	Lee, Ga.	Stephens, Miss.
Bell, Ga.	Gray	Lever	Stephens, Tex.
Blackmon	Green, Iowa	Lindbergh	Sulzer
Booher	Gregg, Pa.	McDermott	Sweet
Borland	Gudger	McKellar	Talbott, Md.
Buchanan	Hamill	McKenzie	Taylor, Ala.
Burke, S. Dak.	Hamlin	Maguire, Nebr.	Taylor, Colo.
Burleson	Hammond	Mann	Tilson
Burnett	Hardy	Martin, Colo.	Towner
Byrns, Tenn.	Harrison, Miss.	Mays	Townsend
Candler	Haugen	Moon, Tenn.	Tribble
Clayton	Hay	Morrison	Turnbull
Collier	Hayden	Moss, Ind.	Tuttle
Cullop	Henry, Tex.	Neeley	Underhill
Curley	Hensley	Oldfield	Underwood
Davenport	Hobson	Padgett	Utter
Dent	Houston	Page	Warburton
Dickinson	Howard	Payne	Watkins
Dixon, Ind.	Howell	Pou	White
Doughton	Hughes, Ga.	Prouty	Wilson, Pa.
Driscoll, D. A.	Hughes, N. J.	Redfield	Witherspoon
Dupré	Hull	Esch	Woods, Iowa
Edwards	Jacoway	Richardson	
Faison	James	Robinson	
Fergusson	Johnson, Ky.	Roddenbery	

NAYS—78.

Ainey	Foss	Lobeck	Smith, J. M. C.
Anderson, Ohio	Fowler	Longworth	Smith, N. Y.
Austin	Francis	McGillicuddy	Speer
Bartholdt	French	McGuire, Okla.	Stephens, Cal.
Bowman	Fuller	McKinley	Sterling
Browning	Gallagher	McKinney	Stevens, Minn.
Bulkley	Gardner, Mass.	Morgan	Stone
Burke, Wis.	Goldfogle	Mott	Sulloway
Catlin	Good	Murray	Switzer
Connell	Greene, Mass.	Olmsted	Taggart
Conry	Hartman	Pickett	Talcott, N. Y.
Cooper	Hawley	Porter	Taylor, Ohio
Copley	Hayes	Post	Thistlewood
Cox, Ind.	Howland	Raker	Wedemeyer
Crumpacker	Konop	Rauch	Whitacre
Danforth	Langham	Reilly	Willis
Dodds	Lee, Pa.	Roberts, Nev.	Wilson, Ill.
Esch	Lenroot	Rucker, Colo.	Young, Mich.
Farr	Linthicum	Scully	
Focht	Littlepage	Sloan	

ANSWERED "PRESENT"—8.

Burgess	Foster	Johnson, S. C.	Parran
Butler	Hill	Kahn	Peters

NOT VOTING—178.

Adair	Difenderfer	Kinkaid, Nebr.	Pray
Akin, N. Y.	Donohoe	Kinkead, N. J.	Prince
Ames	Doremus	Knowland	Pujo
Andrus	Draper	Konig	Ralney
Ansberry	Driscoll, M. E.	Kopp	Randell, Tex.
Anthony	Dwight	Lafean	Ransdell, La.
Ashbrook	Dyer	Lafferty	Reyburn
Ayres	Ellerbe	Lamb	Riordan
Barchfeld	Estopinal	Lawrence	Roberts, Mass.
Bartlett	Evans	Legare	Rodenberg
Bates	Fairchild	Levy	Rothermel
Berger	Ferris	Lewis	Rucker, Mo.
Boehne	Finley	Lindsay	Russell
Bradley	Fordney	Littleton	Saunders
Brantley	Fornes	Lloyd	Sells
Broussard	Gardner, N. J.	Loud	Shackleford
Brown	Garrett	McCall	Sharp
Burke, Pa.	Gillett	McCoy	Sheppard
Byrnes, S. C.	Glass	McCreary	Sherley
Calder	Goeke	McIlenry	Sherwood
Callaway	Gould	McLaughlin	Simmons
Campbell	Graham	McMorran	Slayden
Cannon	Gregg, Tex.	Macon	Slemp
Cantrill	Griest	Madden	Small
Carlin	Guernsey	Maher	Smith, Saml. W.
Carter	Hamilton, Mich.	Martin, S. Dak.	Smith, Cal.
Cary	Hamilton, W. Va.	Matthews	Sparkman
Clark, Fla.	Hanna	Miller	Stack
Claypool	Hardwick	Mondell	Stanley
Cline	Harris	Moon, Pa.	Stevenson
Covington	Harrison, N. Y.	Moore, Pa.	Stephens, Nebr.
Cox, Ohio	Heald	Moore, Tex.	Thayer
Crago	Heflin	Morse, Wis.	Thomas
Cravens	Helgesen	Murdock	Vare
Currier	Helm	Needham	Volstead
Curry	Henry, Conn.	Nelson	Vreeland
Dalzell	Higgins	Norris	Webb
Daugherty	Hinds	Nye	Weeks
Davidson	Holland	O'Shaunessy	Wilder
Davis, Minn.	Hughes, W. Va.	Palmer	Wilson, N.Y.
Davis, W. Va.	Humphrey, Wash.	Patten, N. Y.	Wood, N. J.
De Forest	Humphreys, Miss.	Patton, Pa.	Young, Kans.
Denver	Jackson	Pepper	Young, Tex.
Dickson, Miss.	Kent	Plumley	
Dies	Kindred	Powers	

So the amendment was agreed to.

The Clerk announced the following pairs:
For the session:
Mr. BARTLETT with Mr. BUTLER.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. GLASS with Mr. SLEMP.
Mr. RIORDAN with Mr. ANDRUS.
Mr. FORNES with Mr. BRADLEY.
Until further notice:
Mr. BOEHNE with Mr. CARY.
Mr. BEANTLEY with Mr. DALZELL.
Mr. BROUSSARD with Mr. NYE.
Mr. BROWN with Mr. DAVIS of Minnesota.
Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.
Mr. CANTRILL with Mr. HANNA.
Mr. CARLIN with Mr. HELGESEN.
Mr. MCCOY with Mr. HIGGINS.
Mr. CLARK of Florida with Mr. HENRY of Connecticut.
Mr. COVINGTON with Mr. HUGHES of West Virginia.
Mr. DAVIS of West Virginia with Mr. HUMPHREY of Washington.
Mr. DICKSON of Mississippi with Mr. KENT.
Mr. DIES with Mr. KINKAID of Nebraska.
Mr. DIFFENDERFER with Mr. KNOWLAND.
Mr. DONOHOE with Mr. LAFEAN.
Mr. ESTOPINAL with Mr. LAFFERTY.
Mr. FERRIS with Mr. LAWRENCE.
Mr. GREGG of Texas with Mr. MCCREARY.
Mr. HAMILTON of West Virginia with Mr. MADDEN.
Mr. HEFLIN with Mr. MARTIN of South Dakota.
Mr. HOLLAND with Mr. MATTHEWS.
Mr. KINDRED with Mr. MILLER.
Mr. LAMB with Mr. MONDELL.
Mr. LLOYD with Mr. PRINCE.
Mr. CLINE with Mr. ROBERTS of Massachusetts.
Mr. PEPPER with Mr. RODENBERG.
Mr. RAINEY with Mr. SIMMONS.
Mr. REILLY with Mr. SELLS.
Mr. RUSSELL with Mr. SAMUEL W. SMITH.
Mr. SAUNDERS with Mr. VREELAND.
Mr. SHACKLEFORD with Mr. WOOD of New Jersey.
Mr. SHARP with Mr. YOUNG of Kansas.
Mr. SHERWOOD with Mr. MOON of Pennsylvania.
Mr. SLAYDEN with Mr. MOORE of Pennsylvania.
Mr. STANLEY with Mr. MURDOCK.
Mr. THAYER with Mr. POWERS.
Mr. WEBB with Mr. NEEDHAM.
Mr. WILSON of New York with Mr. PATTON of Pennsylvania.
Mr. YOUNG of Texas with Mr. PRAY.
Mr. AYRES with Mr. BURKE of Pennsylvania.
Mr. ANSBERRY with Mr. AMES.
Mr. ASHBROOK with Mr. BARCHFELD.
Mr. FINLEY with Mr. CURRIER.
Mr. CRAVEN with Mr. REYBURN.
Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Nevada.
Mr. SHERLEY with Mr. MCLAUGHLIN.
Mr. GRAHAM with Mr. VARE.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. ELLERBE with Mr. CRAGO.
Mr. FOSTER with Mr. KOPP.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. LEGARE with Mr. LOUD.
Mr. LITTLETON with Mr. DWIGHT.
Mr. FUJO with Mr. MCMORRAN.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. GARRETT with Mr. FORDNEY.
Mr. CARTER with Mr. KAHN.
Mr. SHEPPARD with Mr. BATES.
Mr. COOKE with Mr. HEALD.
Mr. BUCKER of Colorado with Mr. DYER.
Mr. O'SHAUNESSY with Mr. DE FOREST.
Mr. HARRISON of New York with Mr. HAMILTON of Michigan.
Mr. DOUGHERTY with Mr. DRAPER.
Mr. KINDRED with Mr. GREST.
Mr. PETERS with Mr. MCCALL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. PALMER with Mr. HILL.
Mr. ADAIR with Mr. HINDS.
Mr. PATTEN of New York with Mr. CANNON.
Ending July 15:
Mr. BURGESS with Mr. WEEKS.
Mr. SMALL with Mr. CALDER.
Ending August 1:
Mr. COX of Ohio with Mr. ANTHONY.
Beginning June 28, for two weeks:
Mr. BYRNES of South Carolina with Mr. PLUMLEY.
The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On lines 9 and 10 strike out the words "in lieu of that she is now receiving."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. KENDALL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KENDALL. I rise to suggest that in view of the fact that the amendment has been adopted striking out those words, the title ought to be amended.

The SPEAKER. That will be done after the bill is passed. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Cornelia Bragg."

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Kentucky [Mr. LANGLEY] asks unanimous consent to extend his remarks in the RECORD. On what bill?

Mr. LANGLEY. On this bill.

The SPEAKER. Is there objection?

There was no objection.

On motion of Mr. RICHARDSON, a motion to reconsider the votes whereby the foregoing pension bills were passed was laid on the table.

REMOVAL OF CHARGES OF DESERTION.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar having for their purpose the removal of the charge of desertion.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar removing political disabilities and bills removing the charge of desertion. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of business on the Private Calendar, with Mr. RAKER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering bills to remove political disabilities and charges of desertion. The Clerk will report the first bill.

Mr. HAY. Mr. Chairman, I desire to call attention to the fact that only bills which have for their purpose the removal of charges of desertion are now in order, and they should be called in their order on the calendar.

The CHAIRMAN. Bills to remove charges of desertion and political disabilities are in order.

Mr. HAY. There are no bills on the calendar to remove political disabilities.

Mr. MANN. Who is representing these bills, and which is the first one?

Mr. RUCKER of Colorado. I am representing H. R. 606.

The CHAIRMAN. If there be no objection, the Clerk will report that bill.

Mr. MANN. Does the gentleman from Virginia [Mr. HAY], chairman of the Committee on Military Affairs, have any memorandum from the calendar, or otherwise, to indicate the order of these bills?

Mr. HAY. I made a memorandum for the gentleman from Tennessee [Mr. SIMS]. I marked his calendar, showing which were the bills to remove charges of desertion.

Mr. MANN. I think they ought to be taken in their order.

Mr. HAY. Of course.

Mr. MANN. I ask that they be called in their order.

BARKLEY S. DENISON.

The first business was the bill (H. R. 11627) to correct the military record of Barkley S. Denison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and instructed to correct the military record of Barkley S. Denison, late of Fifty-third Regiment Kentucky Volunteer Infantry, and to grant him an honorable discharge from said regiment: *Provided, however*, That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

Mr. TILSON. Mr. Chairman, the report on this bill gives the facts very fully, and unless there is some request for further explanation I will ask that the amendments be agreed to and

that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "late," in line 5, down to and including the word "regiment," in line 7, and insert in lieu thereof the following:

"A first lieutenant in the Fifty-third Regiment Kentucky Volunteers, so that he shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 6th day of August, 1863."

The amendment was agreed to.

The following amendment was read:

Page 2, line 2, after the word "bounty," insert the word "pension."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN TREFFEISEN.

The next business was the bill (H. R. 606) for the relief of John Treffeisen.

The bill was read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged officers, John Treffeisen, who was captain of Company C, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of October, 1862.

With the following amendment:

Strike out all after the enacting clause and insert: "That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged officers, John Treffeisen, who was captain of Company C, Fifty-sixth Regiment Pennsylvania Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of October, 1862."

Mr. FOSTER. Mr. Chairman, I think we ought to have an explanation of this bill, as the report gives no information whatever.

Mr. MANN. The report in this case is:

The Committee on Military Affairs, to whom was referred the bill (H. R. 606) for the relief of John Treffeisen, having considered the same, report thereon with a recommendation that it do pass with the following amendment in the nature of a substitute.

I have no desire to reflect on the able committee which reported so fully on the subject, but it does seem to me that we ought to know some reason for removing the charge of desertion, or some fact in regard to it.

Mr. RUCKER of Colorado. I will say to the gentleman that the charge was not desertion.

Mr. MANN. Then the bill is not in order under the rule.

Mr. RUCKER of Colorado. It is akin to that, because he was dismissed the service, and it is for the purpose of reinstating him as far as possible. I have conferred for the last two years or more with the War Department concerning this claim.

For 50 years there lay in the archives of the office of the War Department a certificate from a Surgeon General of the Army that accounted for the absence of this man for three days. After his wardrobe had been burned up somewhere between here and Culpeper, on the afternoon of the day that he got permission to come to Washington to get clothing, he walked 8 or 10 miles to this city. He came to the Prescott Hotel and was there taken ill. He had been in battles from day to day for a week before that. He had been living upon roasting ears of corn, and he was taken violently ill before he reached Washington. He went to the Prescott Hotel. He was due to return to his regiment at 7 o'clock that evening. When he returned upon the third day, a battle was in progress, which continued for three or four days afterwards. He was a German. He could not speak the English language very clearly, nor could he understand it very well. He had received a military education in the old country, and his education in that service appealed to the defenders of our country. This was his second enlistment, both times as captain. The colonel of the regiment was mortally wounded during his absence, and the lieutenant colonel of the regiment, with whom he possibly had been at outs, although that is not fully disclosed, was in command. The War Department records show that instead of being absent without leave, the charge that was made against him and upon which he was found guilty was of not reporting his absence. No pen, pencil, nor paper was at his command. He assumed that when he handed the doctor's certificate to the commanding officer that it was in place of and would answer for his report concerning his absence, and so it would have appeared to any of you.

There never was a clearer case of injustice having been done an old soldier, and the War Department agrees in that. This man is only asking now what is his just due. He is 82 years of age. I have been anxiously waiting for this bill to pass before he passes to the other side. He has a large family. His

wife died only a few weeks ago, and therefore she was not able to enjoy the privilege of seeing this justice done him. He has been thought so well of by his comrades that he has been chosen commander of the Grand Army post a number of times since he has been out of the service. He is asking nothing of this Government in the way of a pension. He is asking simply to be relieved from this odium, and if I had the time to read what the War Department says concerning this case and the affidavits that he himself has made Members would understand the cause I plead for. His comrades, when they learned of this, were utterly astonished and surprised that he had been dismissed from the service. The fact was that they were constantly in battle in and around between here and Culpeper, and no time was given, even if he knew that it was necessary, to do any more than to put in this certificate. It is very doubtful from the examination of the war records that the certificate of the Surgeon General was discovered. That reads as follows:

SURGEON GENERAL'S OFFICE,
Washington City, September 8, 1862.

Captain Jno. Treffeisen has been under medical treatment in this city—is this day discharged, & will return to his regt. fit for duty.
MEREDITH CLYMER, *Surgeon Volunteers.*

That was on the 8th, and on the 9th, when he reported there and was asked for this certificate, he turned it over to his commanding officer and supposed that was all he had to do. He was cited to appear before a court-martial soon afterwards, but the evidence is so meager that it is not determined that the certificate of the Surgeon General was ever presented to the board, showing the reason for his absence.

Mr. FOSTER. Will the gentleman yield?

Mr. RUCKER of Colorado. Certainly.

Mr. FOSTER. He was court-martialed for not returning to his command within the time the leave would have expired?

Mr. RUCKER of Colorado. That was the charge made, but he was only found guilty of not reporting in writing his absence. He was court-martialed for not putting in writing the cause of his absence, and yet that cause appeared in the Surgeon General's certificate, and nothing he could have written would have conveyed more information.

Mr. FOSTER. There is a law which says that when a man is not able to return to his command on account of physical inability, that when he files the evidence under the law he now gets an honorable discharge, although he might have been discharged as a deserter.

Mr. RUCKER of Colorado. I am not sure about that.

Mr. FOSTER. This is the situation here. In this case the War Department could not issue to him under the law an honorable discharge for the reason that he was court-martialed and discharged from the service for his inability to return to his command before his leave of absence had expired.

Mr. RUCKER of Colorado. Not quite that way, because the usual order would be to reinstate him, but the regiment having gone out of the service, the war having been over, such order could not be given by the War Department.

Mr. FOSTER. What I am getting at is this, that under the law a soldier has now, if he could show that he had leave of absence for 30 days, say, and failed to return within 30 days, in order to secure a discharge he must file an affidavit showing physical inability to return to that command within the time. If he does so he is granted an honorable discharge, although he is marked on the record as a deserter. But in this case it is because he was court-martialed, and for that reason they would not remove the charge against his record.

Mr. RUCKER of Colorado. Yes; and I want to state furthermore what the War Department said about my bill that I sent down for approval. It says:

With regard to your proposal to introduce a bill for the relief of the said John Treffeisen it should be stated that it is impossible to discharge the officer now because both he and the organization of which he was a member passed out of the military service of the United States and beyond military control more than 40 years ago, and that any change of the records to show a different state of facts with regard to his separation from the service will be a falsification of those records and will be an attempt, if embodied in any bill for relief, to exercise the power of overruling and reversing a valid judgment by statute.

It is easily possible, however, without any alteration of historical records or without attempting to exercise the power to overrule or reverse a valid judgment by statute to confer upon Capt. Treffeisen or any person claiming under him any right, privilege, or benefit to which he or such other person would be entitled if it were a fact that he was honorably discharged from the military service of the United States. Legislation with that end in view is the most that can now be done for the benefit of the officer in question, and in view of the facts shown by the record of his trial it would seem that some measure of the character suggested may well be enacted for his relief. If you take the same view of the matter and desire to introduce a bill for the relief of the officer it is suggested that the following form be adopted.

Then follows the form which is now the substitute for the bill.

Mr. KENDALL. Mr. Chairman, will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. KENDALL. What rights, privileges, or benefits does an honorably discharged officer have as distinguished from an honorably discharged private?

Mr. RUCKER of Colorado. I really do not know. I will say this, that I have an affidavit here from this old man that he never expects to put in an application for a pension. That is not the object that he has in view. It may be possible that he may be entitled to it, for aught I know. I made no examination in regard to that because he has made a disclaimer. All in the world he wants is to have this stain removed from his name.

Mr. KENDALL. This is not a proposition to correct the record or to clarify the record so far as his case is concerned. It is to confer affirmative rights upon him. What are the rights that you are about to confer?

Mr. FOSTER. It exempts him under the civil-service law and also as to the right to homestead.

Mr. KENDALL. It will give him the same standing in the civil service and to make homestead entries that he would have had if he had served through his term and been honorably discharged. Is that the idea?

Mr. MANN. Oh, there is nothing about the civil service that this man would acquire.

Mr. FOSTER. In the case of a discharged soldier the age limit of 45 years does not run.

Mr. MANN. How old is that man?

Mr. RUCKER of Colorado. He is over 80 years of age.

Mr. KENDALL. And he has a large family?

Mr. RUCKER of Colorado. He has a large and a very worthy family.

Mr. KENDALL. Dependent upon him?

Mr. RUCKER of Colorado. Absolutely. There are two or three of his children I think who are school-teachers.

Mr. KENDALL. It would scarcely be suspected that a man 82 years of age would have a very large family dependent upon him.

Mr. RUCKER of Colorado. Some of his children are pretty old citizens, themselves.

Mr. KENDALL. I am not antagonizing the measure at all the gentleman will understand, but I was a little curious to know what the rights, privileges, and benefits contemplated here for an honorably discharged officer were as distinguished from the benefits that accrue to an honorably discharged private.

Mr. RUCKER of Colorado. I will say to the gentleman from Iowa, as I said before, my attention has never been called to that, nor in my judgment is that the purpose that is sought to be accomplished.

Mr. KENDALL. That is the whole purpose of the bill as I understand it. It is to restore him to the rights, privileges, and benefits.

Mr. RUCKER of Colorado. I would say not altogether, if this record was read in the light of the circumstances surrounding the case at the time of his dismissal.

Mr. KENDALL. He was dismissed as the result of a court-martial.

Mr. RUCKER of Colorado. As the result of a court-martial, because he did not make a written report of his absence.

Mr. KENDALL. Was he served with a notice of the sitting of the court-martial?

Mr. RUCKER of Colorado. Yes; and he appeared. He said he was absolutely dumfounded. He had handed in his doctor's certificate and he supposed that that was all that he had to do. At that time the most they had to do was to be upon the fighting line both day and night.

Mr. KENDALL. He told that to the court?

Mr. RUCKER of Colorado. I do not know. The record is meager about that.

Mr. KENDALL. But they seem to have discharged him nevertheless.

Mr. RUCKER of Colorado. Yes; they did.

Mr. KENDALL. I suppose that was during the Civil War and before hostilities had been concluded.

Mr. RUCKER of Colorado. Yes; it was in 1862.

Mr. KENDALL. This man, I take, is a man of very much more than ordinary intelligence. He was a captain commanding a company?

Mr. RUCKER of Colorado. Yes.

Mr. KENDALL. What reason is there for the long delay in these intervening years, without seeking some method of having this difficulty removed?

Mr. RUCKER of Colorado. I do not know. I am inclined to think that possibly one of my predecessors presented a bill upon some occasion some time ago.

Mr. KENDALL. Was it unfavorably reported?

Mr. RUCKER of Colorado. No; it was never unfavorably reported, but it was never acted upon. He has gone along in that slow, easy-going way of his, of course always resting under the belief, possibly, that at some time the Government would remove what he regards as a stain, and anybody, on referring to this record and considering the circumstances of the assembling of the court, seeing the doctor's certificate and the affidavits of the comrades, knowing his gallantry in the service and how profoundly sorry and surprised his comrades were at this action, would never for a moment come to the conclusion that there had been a proper adjustment of his case.

Mr. KENDALL. So surprised that the court-martial had acted as it did?

Mr. RUCKER of Colorado. So surprised that the court-martial had acted as it did. Now, I trust that this bill——

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER of Colorado. Yes, sir.

Mr. MANN. Has this bill been referred to the War Department for a report upon it?

Mr. RUCKER of Colorado. Yes, sir.

Mr. MANN. Will the gentleman have that report read in his time?

Mr. RUCKER of Colorado. The gentleman from Illinois [Mr. MANN] does great injustice to his usual alertness, for the main part has been read.

Mr. MANN. The gentleman knows that these bills have been frequently vetoed, and I think the President, as a rule, has acted upon the recommendation of the War Department when he has vetoed a bill of that sort, and before we pass it I would like to hear what the department has to say upon it, if it is not too long.

The CHAIRMAN. If there is no objection, the Clerk will read the report.

There was no objection.

Mr. RUCKER of Colorado. This is an acknowledgment of the letter I sent to the department.

The Clerk read as follows:

WAR DEPARTMENT.
THE ADJUTANT GENERAL'S OFFICE,
Washington, January 30, 1911.

Hon. A. W. RUCKER,
House of Representatives.

SIR: I am in receipt of your letter of the 28th instant relative to the case of John Treffeisen, who was dismissed from service as a member of the Fifty-sixth Pennsylvania Volunteer Infantry for absence without leave. You state that a recent examination of the records of this office indicates that the officer was unjustly dismissed, and request an opinion relative to the matter in order that you may use the same before the committee when you present a bill for the relief of the officer, which you intend to introduce. With regard to the matter in question I have the honor to inform you as follows:

The court-martial records show that Capt. John Treffeisen, Company C, Fifty-sixth Regiment Pennsylvania Volunteers, was on October 7, 1862, arraigned before a general court-martial and tried on the charge of absence without leave, it being specified that, having obtained leave of absence from his regimental commander on September 4, 1862, to visit the city of Washington to purchase clothing, with the understanding that he was to return by 7 o'clock the same day, he did not join his regiment until the morning of September 10, 1862.

Capt. Treffeisen stated to the court that when he received the pass on September 4 or 5, 1862, it was near noon; that the distance to the city of Washington from the station of his command was 6 or 8 miles, and that, not being well, he required nearly all the afternoon to get there, and it was impossible for him to return at the hour stated; that the next day he was detained in his room on account of sickness until late in the afternoon, when he reported to a medical officer of the Army as being unable to return to his regiment; that the officer took his name and lodging place and visited him at his lodging every day until September 8, when he, the said Capt. Treffeisen, advised the officer that he thought that he was fit for duty and would like to go to his regiment; that he reported to the Surgeon General's office before leaving and received a certificate. That certificate is now on file in this department and reads as follows:

"SURGEON GENERAL'S OFFICE,
"*Washington City, September 8, 1862.*

"Capt. Jno. Treffeisen has been under medical treatment in this city; is this day discharged and will return to his regiment; fit for duty.

"MEREDITH CLYMER, *Surgeon Volunteers.*"

Capt. Treffeisen stated to the court that the certificate quoted above was not received until late in the afternoon of September 8, 1862, and that on the next morning he started for his regiment, which he reached on the following day (the 10th) and reported to the colonel. Upon consideration of the statement referred to above and of another statement to the court made by the commanding officer of the Fifty-sixth Pennsylvania Volunteers to the effect that Capt. Treffeisen was absent from September 4 to September 10, 1862, and that he, the said Treffeisen, had failed to make a written statement concerning his absence, as directed, the court found the said Capt. Treffeisen guilty of the charge of absence without leave during the period mentioned and sentenced him to be dismissed the military service of the United States.

As the sentence of the court was duly confirmed and the officer dishonorably dismissed the service pursuant to the terms thereof, it is beyond the power of the War Department to revoke, modify, or set aside the sentence, it being a well-established principle of law that there can be no revocation or modification of the sentence of a general court-martial that has been lawfully carried into execution, no matter how unjust or unmerited the sentence may be deemed to have been.

It is therefore beyond the power of the War Department to do anything to er in behalf of Capt. Treffeisen in the matter of changing his record or status as an officer dishonorably dismissed the service of the United States.

With regard to your proposal to introduce a bill for the relief of the said Capt. Treffeisen, it should be stated that it is impossible to discharge the officer now, because both he and the organization of which he was a member passed out of the military service of the United States and beyond military control more than 40 years ago, and that any change of the records to show a different state of facts with regard to his separation from the service will be a falsification of those records and will be an attempt, if embodied in any bill for relief, to exercise the power of overruling and reversing a valid judgment by statute.

It is easily possible, however, without any alteration of historical records, or without attempting to exercise the power to overrule or reverse a valid judgment by statute, to confer upon Capt. Treffeisen, or any person claiming under him, any right, privilege, or benefit to which he or such other person would be entitled if it were a fact that he was honorably discharged from the military service of the United States. Legislation with that end in view is the most that can now be done for the benefit of the officer in question, and in view of the facts shown by the record of his trial it would seem that some measure of the character suggested may well be enacted for his relief. If you take the same view of the matter and desire to introduce a bill for the relief of the officer, it is suggested that the following form be adopted:

"A bill for the relief of John Treffeison.

"That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged officers John Treffeisen, who was captain of Company C, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States; and a member of said company and regiment on the 24th day of October, 1862."

Very respectfully,
F. C. AINSWORTH,
The Adjutant General.

Mr. MANN. Then I would like to ask the gentleman again, as I understand the gentleman was asked by the gentleman from Iowa, what are the rights, privileges, or benefits to an honorably discharged officer which this officer would acquire by the passage of this bill? As I understood the gentleman, he says that he does not know.

Mr. RUCKER of Colorado. I want to say to the gentleman from Illinois that I would defer to him more than I would to anybody in this House to answer any question which I did not know myself, but that was not the object I had in the introduction of this bill. To have any benefit that might be derived, but the main object was that it would be a solace to him in his old age and also a help possibly to those of his family who may live after him to have this stain removed, and I believe the record in this case shows that if any one of the gentlemen of this House had been upon that court they never would have found this man guilty. It goes without saying that not a man in this House would have done it, so I believe the court-martial was actuated by some other motive than now appears, and can only be referred to some improper motive and did not warrant the act of dismissal.

Mr. MANN. Mr. Chairman, it is very easy to reflect upon the motives of a court-martial which was held 50 years ago, and I think it quite out of place to do so and that only upon an ex parte hearing on behalf of a man who complains that he was injured by a court-martial. Here is a bill reported to the House, with a substitute for the entire bill, without a line of information in the report, and when we ask what will be accomplished by the bill, it being expressly the purpose of the bill to grant certain rights, privileges, or benefits, the gentleman says he does not know what they are. There is no information about the bill in the report and when it is called up on the floor we can not ascertain what it will accomplish.

Mr. RUCKER of Colorado. I wish the gentleman from Illinois would just let me read an affidavit here from the comrades alive who were members of his company at the time, referring back to the time of these occurrences, as well as the affidavit of Capt. Treffeisen himself and his recognition by the Grand Army of the Republic, and I know he will agree with me that there was a grave miscarriage of justice in this case. I ask the Clerk to read those affidavits.

The Clerk read as follows:

AFFIDAVIT.

STATE OF COLORADO, *Jefferson County, ss:*

I, John Treffeisen, was born in Germany in 1833 and became a naturalized citizen of the United States in 1859. I have resided at Golden, Colo., ever since 1879, and before that in Pittston, Pa., from 1856 to 1878. From Pittston I enlisted on the first call of volunteers made by President Lincoln in April, 1861, for three months' service. After the expiration of that service I was honorably discharged at Harrisburg, Pa., July 29, 1861.

About September, 1861, I commenced to recruit a company for the Fifty-sixth Pennsylvania Volunteer Infantry, and was mustered in as captain of Company C January 18, 1862, under Col. Meredith, Lieut. Col. Hoffman, and Maj. Smith.

Early in the spring of 1862 the regiment was ordered to Washington, and from there became part of Gen. McDowell's Corps, King's Division, Doubleday's Brigade, and later on became a part of Gen. Pope's command. In the retreat from Culpeper the regiment took part in all battles and skirmishes, including the second battle of Bull Run.

In coming near Washington I asked for leave of absence for a day to get me some clothing, as all our baggage fell into the hands of the enemy near Manassas and were burned.

Col. Meredith was wounded in our first engagement in our retreat from Culpeper, so Lieut. Col. Hoffman was in command at the time I asked for leave. Lieut. Col. Hoffman promised me a horse so that I could get back in time, but failed to do so, and the pass had to be countersigned by the brigade commander, which took almost until noon, so I walked to Washington, about 10 miles.

On coming near Washington I was taken sick as the result of our great retreat from Culpeper, when we had to eat whatever we found. (Green corn tasted good then.) I stopped at the Prescott House that night, and could not return before the expiration of my pass. In the morning a doctor from some hospital visited the hotel, as there were several officers sick there, I did not ascertain their names or that of their regiments. I made myself known to the doctor, and he ordered me to stay a few days for rest, but I told him that I would be reported as being absent without leave, and he told me that he would fix it all right. So on the third day he brought me a certificate, explaining the cause of my absence. The following morning I got back to the regiment and reported myself to Lieut. Col. Hoffman. I produced my doctor's certificate, but the colonel did not accept or even look at it, but accused me of staying away purposely, using these words: "I know all about it." So the charge was preferred, "Absence without leave."

In connection with the charge of "absence without leave," the charge of disobedience for not making a report of my absence when asked by the acting adjutant, Healey, in the evening of the day of my return. Our army was continuously under marching orders in Maryland. The engagement at South Mountain and the Battle of Antietam were in progress, and so, under the circumstances, it was then neglected. Neither the adjutant nor Col. Hoffman ever said anything more about it, and I did not understand that besides a verbal report it was necessary to make a written report. I did not realize what it meant for not making my report in writing until it was brought up before the court, and then I was surprised and could not make amends for it any more.

I was always thinking that my verbal report would be so stated in the regimental report on that day I returned. This of course made the case worse, and in my astonishment did not make much of a defense. Whether Col. Hoffman had any ill feeling toward me I could not say, as he had always been very friendly toward me; although in an engagement a few days before the second Bull Run the regiment flag was lost, as the color sergeant skedaddled during the evening and a few more of my company, amongst them my first lieutenant then acting as adjutant that day. In retreating from the field of battle, the regiment was somewhat broken up, as it was dark. Picket line was drawn up and they opened fire on us. That night I gathered about 250 men from the regiment. Next morning I found the balance of the regiment about a mile in the rear from where we camped that night. I mentioned this incident, which might have caused some ill feeling toward me. (I would not say that it had.)

The etiquette of military law was not so strictly observed among us Volunteers. We were all citizens of the United States alike, keeping discipline as near as we could.

As I am nearing fourscore years and am on the end of my journey, would like so much to have the stain removed.

JOHN TREFFEISEN.

Personally appeared before me John Treffeisen, who is known to me to be the identical person whose signature is subscribed to the above statement.

Sworn and subscribed to before me this 4th day of February, A. D. 1911.

BENJAMIN F. SNYDER, *Notary Public.*
[SEAL.]
My commission expires December 9, 1914.

Know all men by these presents:

That we, the undersigned members of Company C, Fifty-sixth Regiment Infantry of Pennsylvania Volunteers, and others of the same regiment, remember of the dismissal by court-martial of Capt. John Treffeisen, charges of absence without leave. It was rather a surprise to the whole company and regiment for so small an offense as absence of only three days on account of sickness, proven by the doctor's certificate, when, in fact, we were all played out on our retreat under Gen. Pope from Culpeper to Washington, having some severe battles and other skirmishes and being very short on rations—green corn was our daily ration. And we further testify that Capt. Treffeisen was always on hand when duty called him.

CHARLES MORROW,
90 Mill Street, Pittston, Pa.
MICHAEL LUTZ,
Private Company C, Fifty-sixth Pennsylvania Volunteers,
933 Taylor Avenue, Scranton, Pa.
SIMON WERTS,
Private Company I, Fifty-sixth Regiment Pennsylvania Volunteers,
70 Rendel Street, Pittston, Pa.
ELECER (his x mark) CAREY,
Private Company C, Fifty-sixth Regiment Pennsylvania Volunteers,
196 Johnson Street, Pittston, Pa.

STATE OF PENNSYLVANIA,
County of Luzerne, ss:

On this 6th day of April, A. D. 1911, before me, the subscriber, Lewis Smith, an alderman in and for said county, personally appeared Charles Morrow, of 90 Mill Street, of the city of Pittston, Pa., and being duly sworn according to law, deposeth and saith that the foregoing statements regarding Capt. Treffeisen are true in every particular, and he further said that he has personal knowledge of the facts stated therein.

CHARLES MORROW,
[SEAL.]
Late Second Lieutenant Company I,
Fifty-sixth Regiment Pennsylvania Volunteers.

Sworn and subscribed to before me the day and year aforesaid.
LEWIS SMITH, *Alderman.*
[SEAL.]

HEADQUARTERS T. H. DODD POST, NO. 3, G. A. R.,
DEPARTMENT OF COLORADO AND WYOMING,
Golden, Colo.

Know all men by these presents:

That the undersigned, the commander and adjutant of T. H. Dodd Post, Grand Army of the Republic, Department of Colorado and Wyoming, do hereby certify as follows:

That John Treffeisen, late a first lieutenant in Company G, Eighth Pennsylvania Infantry, and captain Company C, Fifty-sixth Pennsylvania Infantry, in the War of the Rebellion, that he was discharged therefrom as first lieutenant, Eighth Pennsylvania Infantry, on account of expiration of term of service. He has been a resident of the

city of Golden for the past 32 years; that on the 16th day of July, 1904, he was mustered into the above-mentioned G. A. R. post, and ever since last mentioned date he has been and is now a member of same in good standing; that on the 10th day of December, 1908, he was unanimously elected commander of said post and served one term as such commander.

Witness our hands and the seal of said post at Golden, Colo., this 27th day of March, A. D. 1911.

[SEAL.]

JAMES B. STANLEY,
Post Commander.
BEN F. SNYDER,
Post Adjutant.

Mr. RUCKER of Colorado. I now ask for a vote, and I want to see the face of the man who votes against this bill. Furthermore, I want to say that I want to see justice done to these old soldiers. You young men can never appreciate the trials, sufferings, hardships, and privations to which they were subjected, but the time is now ripe and the occasion is here for the registration of your temperaments in such matters.

Mr. MANN. I have no objection to the gentleman reading an affidavit, but as far as I am concerned, while that may be the best evidence that can be produced, I have very little confidence in an affidavit prepared by some interested person concerning facts which occurred 50 years ago. The Members of this House would not agree upon what occurred here 15 minutes ago, yet you undertake to say that after the tribunal which heard the case 50 years ago passed upon the facts which were presented, and the accused was there in person, that they did not know what they were doing, and you find it out now from an affidavit which some interested person prepares and gets people to sign to tell them they remember so-and-so.

Mr. RUCKER of Colorado. I ask, Mr. Chairman, that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. If there is no further general debate, the Clerk will report the bill for amendment.

The bill was read.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend by striking out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11 and insert the following as a substitute for the bill:

"That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged officers, John Treffelsen, who was captain of Company C, Fifty-sixth Regiment Pennsylvania Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of October, 1862."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the bill as amended will be laid aside with a favorable recommendation.

There was no objection.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 121. Joint resolution authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion; to the Committee on Appropriations.

HERMAN HAUPT.

The next business on the Private Calendar was the bill (H. R. 20013) for the proper recognition of services rendered by Herman Haupt during the Civil War.

Mr. SIMS. Mr. Chairman, that is not one of the bills marked by Chairman HAY. The next one marked is Calendar No. 127.

The CHAIRMAN. That is on the calendar regularly, and is in order to be taken up first.

Mr. MANN. Neither one is in order.

Mr. SIMS. The Chairman of the committee [Mr. HAY] marked the calendar and left it with me and asked me to call attention to it.

Mr. SLAYDEN. I do not know anything about what bills have been collected on the calendar for consideration. It may have been an entirely proper procedure.

Mr. MANN. I will say to the gentleman from Texas [Mr. SLAYDEN] that the only bills which can be called up now are bills removing the charges of desertion or bills to that effect. This bill has nothing to do with the subject.

Mr. SLAYDEN. That has been my understanding, Mr. Chairman, and I would like to ask the gentleman if he does not frankly think——

The CHAIRMAN. Just a moment. The Chair understands this bill is not under the order of the House. It is not for the purpose of relieving desertion.

Mr. SLAYDEN. No; it is nothing of that kind.

The CHAIRMAN. We will mark that bill.

Mr. SLAYDEN. If the rule is to confine the committee to the consideration of the bills removing the charge of desertion, or providing some fellow shall have a pension, whether he deserves it or not, that does not come under that class.

Mr. SIMS. Mr. Chairman, the gentleman from Virginia [Mr. HAY] just left the calendar marked.

The CHAIRMAN. I will ask the gentleman from Tennessee [Mr. SIMS] if this is one of the bills that it is desired to bring up.

Mr. SIMS. It is Calendar No. 127, which is one marked by the gentleman from Virginia [Mr. HAY].

Mr. SLAYDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SLAYDEN. Has there been an order or a rule that only bills should be considered that undertake to relieve men from charges affecting their military record?

The CHAIRMAN. That is the order of the committee.

Mr. SLAYDEN. Now, this is a bill that ought to be passed, I think; but it is not in that category.

Mr. MANN. I do not think it ought to be passed, even though it is not in that category.

Mr. FOWLER. It says, "To correct the military record."

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. SIMS] on this bill if he insists it shall be taken up.

Mr. SIMS. I make no insistence about it. I will say it was marked by Chairman HAY as a proper bill to be considered today. I have no interest in it.

The CHAIRMAN. The Clerk will proceed with the reading of the bill, and then we can consider whether it is a proper one to be taken up in the committee or not.

The Clerk read the bill, as follows:

An act (S. 4778) to correct the military record of John T. Haines.

Be it enacted, etc., That John T. Haines, deceased, who was a captain in the Eleventh Regiment United States Cavalry, and who was nominated by the President for appointment as major of Cavalry to rank from the 3d day of March, 1911, said nomination being confirmed by the Senate after the death of said Haines, which occurred after his nomination, shall hereafter be held and considered to have become a major of Cavalry in the service of the United States on the 3d day of March, 1911, and to have held that office until the date of his death; and the President is hereby authorized to issue a commission as major of Cavalry in the name of John T. Haines with rank to date from March 3, 1911.

Mr. MANN. Mr. Chairman, I make the point of order that it is a bill that can not be called up under the rules.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will report the next bill.

JOHN J. TROXELL.

The Clerk read as follows:

A bill (H. R. 5135) to correct the military record of John J. Troxell.

Be it enacted, etc., That the order dismissing Lieut. John J. Troxell, Fifty-second Regiment Ohio Infantry Volunteers, from the United States service be, and the same is hereby, revoked and set aside, and the Secretary of War is hereby authorized and directed to cause such revocation to be entered in the military record of said Lieut. John J. Troxell and to issue to him an honorable discharge, to date from the 23d day of October, 1863.

Mr. WILLIS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. We have not got to that point yet. If there is no general debate desired, the Clerk will read the bill for amendment.

Mr. MANN. I think the gentleman from Ohio [Mr. WILLIS] ought to give a little explanation of this bill. From reading the report it does not seem to me there has been a very strong case made.

Mr. WILLIS. Does the gentleman mean as to facts involved or the form of the bill?

Mr. MANN. As I understand, the gentleman proposes to offer an amendment to put the bill in the usual form?

Mr. WILLIS. Yes.

Mr. MANN. I would like just a brief statement. I do not wish to detain the committee.

Mr. WILLIS. Mr. Chairman, the report the committee has made on this bill is a very fair statement of the facts in the case. They are substantially as follows, as I recollect them. I have gone over the evidence with care, as I am sure the committee did. Now, the facts are simply these: Lieut. John J. Troxell was acting quartermaster on or about September 1, 1863, at the time when the division of the Army to which he belonged was nearing Elktown, Tenn.

At the crossing of Elk River, near Elktown, Tenn., it appears that a wagon train became hopelessly stalled in going up a steep bank, as described here in one of the affidavits, namely, the affidavit by Col. Holmes, who commanded the regiment, and, as the colonel rather jocosely put it, the mule team "seemed to lose their sense of loyalty." At all events, the wagon train was stalled. The road was narrow and the progress of the army was blocked.

Just at this time the general in command of that division—Gen. McCook—came up. I presume the Members know somewhat of the record of "the Fighting McCooks." Gen. Dan. McCook was one of them, and far be it from my purpose to say anything derogatory of his splendid record as a soldier, but his best and most intimate friends admitted that at times he would fly into an ungovernable and unreasonable passion and accuse everybody of various offenses when they got into trouble. When he came up there and tried to get this mule team "into a sense of loyalty" and found he was not successful he immediately began to curse the lieutenant and abused him roundly as is stated in the record here.

The attack was so severe that when it was repeated a little later Lieut. Troxell tendered his resignation as an officer of the Army at the suggestion of Gen. McCook, and had every reason to believe that his resignation was accepted, since it was asked for by Gen. McCook.

Some time later—I believe in the year 1896, or somewhere along there—when Troxell sought to secure a pension he found in the records of the War Department, upon his application, that his resignation had not been accepted, and that Gen. McCook had made charges against him, charges that were not presented to Lieut. Troxell at all, charges to the effect that he was guilty of drunkenness, and that he was drunk upon the occasion when the wagon train was stalled and when the difficulty with Gen. McCook occurred.

It is shown by abundance of testimony, by the testimony of Col. Holmes, in command of the regiment, the testimony of Maj. Blackburn, the testimony of a large number of his comrades—I have all the affidavits before me here—that Lieut. Troxell was not drunk, and had not been drunk, and was not a drinking man at all, and that there was no such charge against him at the time that he was drunk or had been drinking. That charge seems to have been a sort of afterthought. At all events his resignation was not accepted, and it was recommended by Gen. McCook in a spirit of rage that he be dismissed the service. That action was had.

Subsequently when this question came up in 1896—I was right in regard to the date—a bill for the relief of Troxell was introduced by Congressman Bromwell, of Cincinnati, Ohio, in whose district Lieut. Troxell at that time resided. Mr. Bromwell had some correspondence with the department, and the letters are set forth here in the report, which in part is as follows:

[House report, Fifty-seventh Congress, first session.]

The Committee on Military Affairs have considered the bill (H. R. 2206) to correct the military record of John J. Troxell, referred to them, and report as follows:

John J. Troxell, now 73 years of age and a resident of Cincinnati, Ohio, was enrolled as a private of Company H, Fifty-second Regiment Ohio Volunteer Infantry, in May, 1862. Col. Daniel McCook being colonel of said regiment, and was on the 23d day of May, 1862, appointed by said McCook quartermaster sergeant of said regiment and was afterwards promoted first lieutenant and regimental quartermaster on the 20th day of November, 1862, which position he filled until October, 1863.

On or about September 1, 1863, at the crossing of Elk River near Elktown, Tenn., one of the teams in Troxell's charge as quartermaster became stalled by reason of the mules getting stuck in the mud in ascending the bank and for a while interfered with the passage of the troops. Although this was no fault of Troxell's, Col. McCook, who was then commanding the brigade, came up, fell into a great passion, and cursed and abused Troxell outrageously. Lieut. Troxell protested against this treatment. A few days after, when the regiment had reached Stevenson, Ala., McCook sent for Troxell and again cursed and abused him to such an extent that Troxell, in self-respect, stated that he would be compelled to tender his resignation. Col. McCook ordered him to hand it in at once, which he did. After handing in his resignation to McCook the latter ordered him to leave the regiment immediately and sent an officer to Troxell's quarters to take possession of his effects, not allowing him to take any of his books or papers and refusing to give him any receipt therefor. Troxell, in pursuance of McCook's orders, started toward Nashville, Tenn., but was stopped by an officer belonging to the headquarters of Gen. Morgan, of the Union Army, who, after hearing Troxell's explanation, ordered him to return to McCook, stating that McCook had no authority to order him away until the resignation had been accepted. He accordingly went back and again reported to Col. McCook. The latter became furious and stated that he would see who was the superior officer. McCook again ordered Troxell out of camp, and the latter having again reported to headquarters and explained the situation was passed through the lines and returned to Cincinnati.

Troxell assumed that his resignation had been accepted and that he had received an honorable discharge, and knew nothing to the contrary until September 10, 1896, when, in response to an inquiry to Col. Ainsworth, he discovered for the first time that instead of his resignation having been accepted as he supposed Col. McCook had preferred charges against him and caused him to be dishonorably discharged on the ground of drunkenness. Nothing was said to him at any time of any such charge, and as a matter of fact, he had never been drunk while in the service, and a number of affidavits of comrades, some of whom are still living and men of high reputation and standing, verify his statement that he was never known to be under the influence of liquor during the entire time that he was in the service. These affidavits are set out in full as exhibits attached to this report.

Lieut. Troxell having, in 1896, applied for a pension was for the first time made aware of the condition of his record by its rejection by the Commissioner of Pensions on the ground of his having been dishonorably discharged on a charge of drunkenness. Troxell immediately communicated all the circumstances to his Representative in Congress, and the latter wrote to Col. Ainsworth for an official statement of the record in the case. This was furnished November 15, 1897, and is as follows:

RECORD AND PENSION OFFICE,
WAR DEPARTMENT,
Washington City, November 15, 1897.

Hon. J. H. BROMWELL, M. C.,
Cincinnati, Ohio.

SIR: Referring to your letter of the 12th instant, received to-day, in which you request to be advised whether or not John J. Troxell, formerly first lieutenant and quartermaster, Fifty-second Ohio Infantry Volunteers, was tried by court-martial prior to his dismissal from service, I am directed by the Secretary of War to inform you that it is shown by the official records that the tender of resignation of John J. Troxell, first lieutenant and regimental quartermaster, Fifty-second Ohio Infantry Volunteers, was forwarded by the commanding officer of the Fourteenth Army Corps to the headquarters of the Department of the Cumberland October 22, 1863, with the recommendation that he be dismissed the service, and that he was dismissed the service in orders from the headquarters of that department, dated October 23, 1863. It does not appear from the records that he was tried by court-martial previous to his dismissal from service.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army,
Chief Record and Pension Office.

On this report from Col. Ainsworth, showing that there was no record of any court-martial in the case and that Troxell had been dismissed the service in orders from the headquarters of the department of the Fourteenth Army Corps, dated October 23, 1863, Troxell's Representative, Mr. Bromwell, of Ohio, addressed a communication to the Judge Advocate General of the Army on the 2d of December, 1897, of which the following is a copy:

WASHINGTON, D. C., *December 2, 1897.*

Brig. Gen. G. N. LIEBER,
Judge Advocate General, Washington, D. C.

MY DEAR GENERAL: I wish to know whether on or about October 22, 1863, there was any regulation of the Army which permitted the summary dismissal from the service of an officer (first lieutenant) by a department commander without trial by court-martial, and will be obliged to you if you will furnish me that information.

My particular object in desiring this information is to enable me to decide whether it will be proper for me to introduce a bill for the relief of such officer. The certificate of Col. Ainsworth is the particular case referred to, shows that said officer tendered his resignation, which was forwarded to the department headquarters by the commanding officer of the Army corps to which he belonged, with the recommendation that he be dismissed the service and that he was dismissed the service by orders from headquarters dated the next day. Col. Ainsworth says "It does not appear from the record that he was tried by court-martial previous to his dismissal from the service."

By furnishing the above information you will greatly oblige,

Yours, truly,

J. H. BROMWELL, M. C.,
Second District, Ohio.

To this Gen. Lieber replies as follows:

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, December 4, 1897.

Hon. J. H. BROMWELL, M. C.,
House of Representatives, Washington, D. C.

SIR: Replying to your letter of December 2, 1897, I have the honor to say that there was no law or regulation specifically authorizing department commanders, during the War of the Rebellion, to dismiss commissioned officers without trial by court-martial, but such dismissals were made, sometimes unconditionally and sometimes subject to approval of higher authority, and I believe that the War Department has uniformly held that it is not within its power now to change the record or the status of persons so dismissed.

By section 17, act of July 17, 1862 (12 Stats., 590), the President was authorized and requested to dismiss any officer for any cause which, in his judgment, rendered him unsuitable for or whose dismission would promote the public service.

Very respectfully,

G. NORMAN LIEBER,
Judge Advocate General.

In this report it is shown to be a somewhat doubtful question whether an officer has the right to have a subordinate officer dismissed from the service without any sort of trial or court-martial.

I call the attention of the committee to the fact that this bill received the foregoing favorable report in the first session of the Fifty-seventh Congress. The report of the present committee, which is here set forth, is very largely a copy of that original report, and properly so. I call attention especially to the last paragraph of the committee report, where it is stated:

It would seem, therefore, that without any authority of law, on charges which had never been presented to Troxell for answer, and without any opportunity for defense against the charge of drunkenness, a dishonorable dismissal had been substituted for the resignation which he had tendered and had every reason to believe had been accepted. With one exception (that of Maj. C. H. Blackburn), all of the comrades who file affidavits herewith submitted are still living and recall distinctly the incidents in connection with Troxell leaving the Army. It may be added that they are also of good character and entirely reliable. Troxell took the first opportunity after learning of the error in his record to bring the matter to the attention of Congress by bills introduced in the Fifty-sixth and Fifty-seventh Congresses, but owing to the pressure of other matters before the committee these bills were not passed or considered until the present time.

The committee, in view of all the evidence before them, feel satisfied that Troxell's dismissal was without authority of law, that he has been treated very unjustly, and that his record should be corrected as provided for in the bill.

And this report is adopted by the present committee. I do not know whether I have covered the matter about which the gentleman from Illinois desired information.

Mr. RODDENBERY. I should like to offer an amendment.

The CHAIRMAN. We have not yet reached that stage. If there be no further general debate, the Clerk will read the bill under the five-minute rule.

The Clerk read the bill with the following committee amendment:

Amend, by adding after the word "sixty-three," in line 10, the following: "*Provided, however*, That no pay or back pension or other emoluments shall accrue to said Troxell by reason of the passage of this act."

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment as a substitute for the entire bill. This meets the objections that were raised before as to the form of the bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following

"That in the administration of the pension laws and the laws governing the soldiers' home for disabled volunteer soldiers, or any branch thereof, John J. Troxell shall hereafter be held and considered to have been honorably discharged from military service of the United States as lieutenant of Company H, Fifty-second Regiment Ohio Volunteer Infantry, on the 23d day of October, 1863: *Provided*, That no pension shall accrue prior to the passage of this act."

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "prior," add the words "or subsequent."

Mr. RODDENBERY. Mr. Chairman, the object of this amendment is not to interfere with the reinstatement of this soldier so that his military record may go down in history correctly, as contended by gentlemen who are sponsors for the bill. It is perhaps unfortunate that in time of war high temper may manifest itself and that a soldier under those circumstances may be summarily dismissed or in some way his record not clearly appear. To that extent the corrections of these records often commend themselves to the good judgment of the House.

The proviso in the substitute of the gentleman is that in the straightening out of the record of this soldier no back pension shall accrue to him by reason of the passage of the act. The amendment I propose adds that "no subsequent" pension shall accrue to him by the passage of this act. If the gentleman simply seeks to give to this man Troxell a correct military status, the amendment I offer does not interfere with it.

If, however, the gentleman, under the guise of correcting his military record, is laying the foundation to get for him in the future a pension, then the amendment I propose will, of course, be objectionable to him. If it is solely and only to do military justice—to correct the result of an imprudent act of 40 years ago and give to this soldier a correct record—my amendment will not in any manner interfere; but I repeat again that the purpose of my amendment is to allow the correction of the military record of the soldier and at the same time provide that in the future no pension shall inure or accrue to him. I think it is proper in this case, because, so far as the report shows, he was in the Army only about a year. He was associated with the grub-dispensing department most of the time. There is no evidence that he sustained any hardships, and the report shows that the first time he encountered any actual service it arose by high water, when the mules got stuck in the mud. The soldier at once flew into a fit of anger, cussed out the whole machine, and flung up the job. He ought not to draw a pension for that public service.

Mr. WILLIS. If there is any reason why the record should be corrected, if as a matter of fact John J. Troxell was unfairly dismissed from the service, this House should so determine. There is no reason at all, in my judgment, why he should not be allowed to get a pension in the future.

Mr. SLAYDEN. Mr. Chairman, I want to ask the gentleman from Ohio if he knows of a single instance in his experience in this House where a bill that carried on its face a declaration that it was intended to correct the military record, and usually supported by argument that it was to remove the stain for the benefit of the children, was not really designed to secure a pension?

Mr. WILLIS. I can not answer the gentleman's question, because his experience has been so much more extensive than mine; but he must concede that, so far as this proposition is concerned, I have been perfectly frank.

Mr. SLAYDEN. While the gentleman's frankness was not necessary to enlighten the House I commend him for it. A man who undertakes to get mules that are stuck in the mud in crossing a stream out of a situation is better entitled to a pension than many who are getting it. [Laughter.]

Mr. MANN. Mr. Chairman, the bill as originally introduced in the House provided that the order dismissing this man from the service be, and the same is hereby, revoked and set aside. When this bill came up on the Private Calendar some days ago and that calendar was being called by unanimous consent the bill went over on objection. I objected to the consideration of it, because I do not think it is the province of Congress 50 years after an order is entered to pass a law revoking and setting aside the order. It would be a good deal like passing a law providing that the sun did not rise this morning. You can not change the fact. You may pass bills from now until doomsday on this subject and the fact still remains that an order was entered. Now the gentleman offers a proper proposition to the House, that in the administration of the pension laws this man shall be entitled to the benefits of the pension laws without attempting to falsify history. As that is the purpose of the bill I hope that his substitute may prevail without inserting the amendment offered by my friend from Georgia, which would render it valueless to pass it.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was lost.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Ohio.

The question was taken, and the substitute was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

FREDERICK H. FERRIS.

The next business on the Private Calendar was the bill (H. R. 21524) to correct the military record of Frederick H. Ferris.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Frederick H. Ferris shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Seventy-fourth Regiment United States Colored Infantry on the 28th day of February, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be laid aside with a favorable recommendation.

JOSEPH W. M'CALL.

The next business on the Private Calendar was the bill (H. R. 20339) for the relief of Joseph W. McCall.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of laws conferring rights, privileges, and benefits upon officers of the Volunteer Army in the Civil War, Joseph W. McCall shall hereafter be held and considered to have been in the military service of the United States as assistant surgeon of the Second Regiment West Tennessee Volunteer Cavalry (subsequently known as the Seventh Regiment Tennessee Volunteer Cavalry) from the 15th day of September, 1862, to the 15th day of October, 1862, and as assistant surgeon of the same regiment (Seventh Regiment Tennessee Volunteer Cavalry) from the 1st day of March, 1864, to the 15th day of March, 1864, and to have been honorably discharged from said service on the date hereinbefore last named: *Provided*, That no pay or other allowances shall become due or payable by reason of the passage of this act.

Mr. MANN. Mr. Chairman, I make the point of order that this bill is not in order at this time.

Mr. SIMS. Mr. Chairman, the bill may not be, strictly speaking, in order under the rules by which bills are in order to-day, but I hope the gentleman from Illinois will not make the point. Dr. McCall is 80 years old or over, and this is only a slight amendment to his record, and no pay or allowance follows. He is the father-in-law of the clerk to the Committee on Appropriations, Mr. James C. Courts. He is a very strong Republican, and his son is mayor of the city of Huntington, who was also a soldier in the Spanish War. While I am a Democrat and these people are Republicans, they are all honorable people, and I hope no mere technical objection will be made against the consideration of this bill.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

This bill proposes to allow this man service for 30 days at one time and 14 days at another. Perhaps it is 15 days. It says from the 1st of the month to the 15th of the month. I will leave the lawyers to wrestle out whether that means 14 or 15 days. But what good will it accomplish? The man has an honorable discharge from the service, the report says, although it says that he was never mustered into the service. What does this accomplish?

Mr. SIMS. He actually served from the 15th of September to the 15th of October, in fact

The CHAIRMAN. Does the Chair understand that the man has an honorable discharge?

Mr. SIMS. Yes.

Mr. MANN. Mr. Chairman, I withdraw the point of order that I made.

The CHAIRMAN. Yes; but from the former rulings of the Chair we must treat all alike. It seems to me that the Chair himself ought to pass on these bills.

Mr. SIMS. This is not a bill to remove a charge of desertion per se.

The CHAIRMAN. If there is no objection, the gentleman from Tennessee may proceed.

Mr. SIMS. I will ask unanimous consent that I may proceed with the explanation of the bill and have it considered.

The CHAIRMAN. Very well.

Mr. MANN. What would be accomplished by the bill?

Mr. SIMS. Nothing, except to show that the doctor did serve one and a half months more than is shown by the record. The fact is that he served 1 month and 15 days longer than the military record shows.

Mr. MANN. What good does that do?

Mr. SIMS. I do not know, only that the old gentleman wants his record to be correct. The proof is ample that he did this service.

Mr. MANN. As a matter of fact, he was not mustered in during that time, so that the bill will not show it as it is.

Mr. SIMS. The bill says to appear as though it was.

Mr. LANGLEY. He actually performed the service?

Mr. SIMS. He actually served this month and a half.

Mr. BUTLER. He did serve the time?

Mr. SIMS. Yes.

Mr. BUTLER. And this is simply to make that service appear on the record?

Mr. SIMS. Yes.

Mr. BUTLER. And make up this record and make it complete?

Mr. SIMS. Yes. He does not get a cent out of it and does not ask for a cent.

Mr. MANN. Oh, this bill passes because of the statement which the gentleman made, which has no relation to politics. [Laughter.]

Mr. BUTLER. And also because the gentleman from Tennessee is a Democrat.

Mr. SIMS. And that he is the father-in-law of the clerk of the Committee on Appropriations, who is nearly the whole House of Representatives.

Mr. MADDEN. And the gentleman from Tennessee might add that the clerk also comes from Tennessee. [Laughter.]

Mr. SIMS. Of course.

Mr. LANGLEY. Oh, the gentleman always takes care of Tennessee.

Mr. SIMS. I suppose that is a matter of general presumption and assumption.

The CHAIRMAN. If there is no further general debate, the Clerk will read the bill under the five-minute rule.

The Clerk read the bill.

The bill was ordered to be laid aside with a favorable recommendation.

WILLIAM K. HARVEY.

The next business was the bill (H. R. 5763) for the relief of William K. Harvey, alias William K. Hall.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William K. Harvey, also known as William K. Hall, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company B, Seventh Regiment California Volunteer Infantry, on the 18th day of August, 1898: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Chairman, as I recall, this bill is to remove the charge of desertion growing out of the Spanish War.

Mr. KAHN. It is.

Mr. MANN. I think we ought to have some explanation of it.

Mr. KAHN. Mr. Chairman, William K. Harvey enlisted in the Seventh California Volunteer Infantry Regiment on the 11th of May, 1898, at the Presidio in San Francisco. He enlisted for the purpose of going to the front to fight for his country. As a matter of fact, he learned that his regiment would not be ordered to the front. The regiment had been given orders two or three times to go to the front, and then the orders were revoked. When he finally learned that the regiment would not go to the front, on the 18th of August, 1898, he left the regiment and immediately applied under the name of William K. Hall for enlistment in the First Regiment Colorado Volunteer Infantry, in order that he might go to the front and fight.

Mr. MADDEN. What became of that regiment?

Mr. KAHN. That regiment went to the Philippine Islands, and this man served in all the skirmishes and battles in which that regiment participated. He was mustered out of the service with that regiment and received an honorable discharge.

Mr. MADDEN. Under what name?

Mr. KAHN. Under the name of William K. Hall. There is evidence to show that William K. Hall and William K. Harvey are one and the same person. The War Department says that the bill in its present form does not mutilate the records of the department, and they have no objection to its passage in that form. I ask now that the bill be read for amendment.

The bill was read.

Mr. KAHN. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. Without objection, that will be the order.

There was no objection.

Mr. SIMS. Mr. Chairman, I believe that completes the number of bills for the Committee on Military Affairs.

ROBERT ROSS.

Mr. FIELDS. Mr. Chairman, Speaker CLARK was mistaken awhile ago about the nature of the bill to which I called attention. He was under the impression it was a Senate bill.

The CHAIRMAN. What is the number?

Mr. FIELDS. Calendar 183, House bill 21315.

The CHAIRMAN. Is it the gentleman's contention that the bill comes under the order of the House to consider those bills?

Mr. FIELDS. It is my contention that it is of the same nature of the bills that have been passed here, and it should be acted upon at the present time.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 21315) for the relief of Robert Ross.

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to remove the charge of desertion now appearing in the military record of Robert Ross, late of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, and to issue to him an honorable discharge from the Army of the United States.

Mr. FIELDS. Mr. Chairman, the bill has been amended by the committee, and I ask to have the amendment read, which is in the nature of a substitute.

Mr. SLAYDEN. Mr. Chairman, before we begin the reading of the bill under the five-minute rule, we would like to have an explanation and have some general debate on the bill.

Mr. FIELDS. Mr. Chairman, this is a bill for the relief of Robert Ross, who enlisted on the 1st day of August, 1861, and the records show was mustered into the service on October 31, 1861; that he was with his command from that time until the 31st of May, 1862, when he was captured at Chickahominy, was confined in Richmond, Va., on the same day, sent to Salisbury, N. C., June 3, 1862, paroled September 13, 1862, and returned to his company October 10, 1862. He received a severe wound in the Battle of Fredericksburg, Va., on December 12 to 13, 1862, by shell contusion of the shoulder, and was admitted to a general hospital at Washington, D. C., on December 18, 1862. And he is charged by the records with having deserted therefrom on December 28, 1862, 10 days after he was admitted to the hospital. The proof in this case, Mr. Chairman, shows that this man was taken from the hospital by his brother. The proof shows that he was unconscious until a day or two before his brother appeared at the hospital and took him to his home in Allegheny County, Pa., and the proof shows to the satisfaction of your committee that this soldier was not able to return to the service during the war, and it shows further——

Mr. SLAYDEN. In that connection, Mr. Chairman, may I ask the gentleman a question? Did this man take any steps while he was in that weakened physical condition to communicate with the authorities and submit certificates from physicians and others that he was in a physical condition that made it impossible for him to return?

Mr. FIELDS. The proof does not disclose that fact.

Mr. SLAYDEN. Did he make any effort to collect any pay for his services during that time?

Mr. FIELDS. He makes the statement he did not know it was his duty to report and he was in a very bad condition, and, as we all know, it is easy for a sick man to overlook a point which may seem to him a point of small concern at the time, but which may be very vital to the case as it now stands. But the proof shows that he was never able to return to his command, and the proof further shows that he is to-day a cripple and unable to support himself as the result of the wound received in the Battle of Fredericksburg.

Mr. MANN. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. MANN. As I recall this bill, the man was captured and imprisoned for a time and afterwards went back into the Union service and was wounded and sent to a hospital at Washington.

Mr. FIELDS. Yes, sir.

Mr. MANN. His brother came here and took him home?

Mr. FIELDS. Yes, sir; and the proof shows he was not able to return to the service, and the proof further shows that for three or four years after the close of the war he was an invalid.

Mr. MANN. I will say to the gentleman that this bill is the only one strictly under the rule and the most meritorious one in the bunch.

Mr. SLAYDEN. How could his brother remove him from a hospital in Washington without the consent of the authorities?

Mr. MANN. They had the consent.

Mr. SLAYDEN. Then the military record ought to show that.

Mr. MANN. Let me say to the gentleman, I went over to Montauk Point and got my brother away from the camp after the Spanish War. I had some experience with the Army officers. For instance, they had issued him a new suit of clothing which he never had worn at all. They ordered that taken away from him and burned for fear that it might communicate yellow fever coming from Cuba, but he came out of the camp wearing the suit that he had worn all through Cuba, by consent of the Army officers. And there were a number of other specimens of the same kind. I am not at all surprised that they let this soldier out of the hospital without making a memorandum of it.

Mr. SLAYDEN. It is to be presumed that in 40 years' time they have advanced a little in intelligence.

Mr. FIELDS. I want to say, Mr. Chairman, that he did get out of the hospital, and as to how he got out that is none of our business; but he got out. And his brother did what I would have done under the circumstances. If my brother were wounded and in a hospital and I felt I could do more for him at my home, I would go to the hospital and remove him to my home if I could. I contend, sirs, that his brother did a patriotic act and that this man who went on the battlefield and offered his life as a sacrifice that the Union might not be dissolved should not be refused a pension in his old age. The proof shows he is not able, by reason of this wound, to support himself. The proof shows also, and to my own knowledge it is a fact, that he is crippled in the left shoulder and is not able to work.

Mr. BUTLER. Will the gentleman permit me to ask him a question?

Mr. FIELDS. Yes.

Mr. BUTLER. This soldier, I understood the gentleman to say, never returned to the service after he received this wound?

Mr. FIELDS. That is what the proof shows.

Mr. MANN. After he had been in prison.

Mr. BUTLER. After he had been discharged from the Confederate prison?

Mr. FIELDS. After he was removed from the hospital at Washington.

Mr. KENDALL. This soldier, after his release from the prison, went back to his command.

Mr. BUTLER. I want to know something. The soldier was removed from the Washington hospital and conveyed by his brother to Allegheny, Pa.?

Mr. KENDALL. That is not to be considered against him.

Mr. BUTLER. That is not to be considered against him, of course. Can the gentleman tell me why there was this long delay? The soldier must have known when he returned to the service he would be charged with desertion.

Mr. FIELDS. I am glad the gentleman brought that point up. I heard the same question asked to-day. We all know how difficult it is to get through a very great number of claims in one session of Congress, and we all know that there have been many claims of this character. This man had his claim in the hands of my predecessor, and it is my opinion that he has had it in the hands of every Representative from my district since he has been a citizen of the district, which has been since a few years subsequent to the Civil War.

Mr. BUTLER. That is long enough. That ought not to be charged to the soldier.

Mr. SLAYDEN. I want to be recognized for a moment. Mr. Chairman, I know nothing about the service of this soldier and nothing about the merits of the case. The record is not a very clear or very strong one; but I do want to take issue with one statement that the gentleman made. It is no business of this House to know how the man got out of the hospital. It is the business of this House to try to protect the Public Treasury by keeping the record straight.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. FIELDS. The gentleman has misunderstood me.

Mr. SLAYDEN. Oh, the gentleman said that. I could not misunderstand that.

Mr. FIELDS. I meant to say that in the proof that was furnished it was not our business or the business of the claimant. That is what I had in mind. If they let him out, it was his business to go.

Mr. SLAYDEN. But the record shows that he deserted from the hospital, and the gentleman says it is no business of Congress to know how he got out.

Mr. FIELDS. Well, his brother came and took him out. What I had in mind was the fact that he was taken away, and it was not our business to question how he was taken away, because the proof shows that he left the hospital.

Mr. SLAYDEN. Well, I want to make it clear, Mr. Chairman, that, in my judgment, it is the business of the Congress and of the House to know the facts in all these cases. We are asked to open the doors of the Treasury to unnumbered thousands of people charged with the military crime of desertion. As a matter of fact, this man had had considerable experience in the Army. He knew the nature of the offense of desertion. He must have known that it was his duty, if he was sick and in the hospital, to remain there unless removed with the permission of the authorities, and he must have known that he should have reported from time to time, and that he should have returned to the Army for discharge if unable to continue in the service, or to have resumed his service in the Army if able.

The gentleman makes another statement in his speech that, perhaps, explains why it is so easy to pass these bills, I may say, almost regardless of their merits. The gentleman says: "Those of us who come from pension districts know these difficulties." I have never noticed that gentlemen from pension districts have had difficulty in getting their claims through. If such a Member will only ascertain from the Commissioner of Pensions that this Government has paid out more than $4,200,000,000 since 1865 for pensions, and that now, nearly 50 years after the war closed, we are in the way of paying out approximately $200,000,000 a year more, almost entirely in consequence of the Civil War, he will be compelled, I think, to reach the conclusion that there are no great obstacles to getting pensions. And when one wants to have a record made straight; when one wants to know whether a man has been removed from the hospital by fraud; when one wants to know whether a charge of desertion against a soldier is well or ill founded, he ought to be able to get that proof somewhere. That is all there is in this case.

Mr. LANGLEY. Mr. Chairman, the gentleman from Texas [Mr. SLAYDEN] referred, and I thought rather facetiously, to "gentlemen who represent pension districts." I want to say to the gentleman that I represent a pension district, and that my activity in pension matters is influenced largely by that fact. But I do not think I would take the extreme and adverse position that some gentlemen of this body take against remedial legislation for the old soldiers unjustly charged with desertion, even if there was not a veteran in my district.

Mr. Chairman, I am in favor of this bill. The case stated by the gentleman from Kentucky [Mr. FIELDS] is a strong one, and it is on "all fours" with many cases in my district. He has simply been a little more fortunate than I have been, presumably because he is a member of the committee and has succeeded in getting this bill before the House. I have been trying for six years, but without success, to get the Committee on Military Affairs to report a bill granting relief to an old soldier in my district who served over two years and a half. During this long service he was engaged in many battles. He reenlisted as a veteran volunteer, then went home on furlough, was taken sick, and could not get back to his command, nor could he get word back to his command explaining why he did not return, and as a result he was charged with desertion, and that charge still stands.

Many gentlemen do not seem to understand the conditions which surrounded soldiers in the border States like Kentucky. Oftentimes they were cut off from their commands, and it was utterly impossible for them to return, and to undertake to do so meant the sacrifice of their lives.

I have no doubt that many of them did not realize that unless they reported the cause of their absence they would be charged with desertion. I want to say to the gentleman from Texas that, so far as I am concerned, I think the committee is wrong and is doing a great injustice to many old soldiers by failing to act favorably upon these bills. Some gentlemen excuse it upon the ground that the general law on the subject affords them relief; but this is not the case. This law is narrow, and when applied to many cases that I know of is utterly ridiculous. For example, it requires that a soldier charged with desertion must not only show that he was prevented from returning to his command by reason of disability, but that such disability was contracted in the service and line of duty. But in many cases—

in fact, I think in the majority of cases—especially where men were permitted to go home on furlough or leave of absence, the disability which prevented their return was not contracted in the service and line of duty, but originated after they started home or after they got home. A case like this does not come within the provisions of the general law, and yet the charge of desertion in such a case is just as unfounded and as unjust as if the disability did originate in line of duty. I know of a case where a soldier was prevented from returning to his command because he was a prisoner of war, and yet the general law does not provide relief in such a case as that. These instances serve to illustrate the truth of my statement—that the present law upon the subject is narrow, unjust, and, as applied to some cases, ridiculous.

There is a splendid field open to the committee of which my friend from Texas is a member to provide relief by special legislation in many meritorious cases which the general law does not reach. I am sorry that the gentleman from Texas takes the extreme view that he does of these cases, and I wish he felt a little more liberally inclined toward the old soldiers. I do not wish to inject politics into this discussion or into the discussion of any private measure of this kind, but I venture to say that the gentleman is not doing his party any good by taking this stand; nor do I think his colleagues from the South are helping their cause any by taking a like attitude which, in the main, they have done. I undertake to say that the South is deprived to-day of the honor of having a nominee for the Presidency in the person of the honored Speaker of this House because that distinguished gentleman has dared to champion more liberal pension legislation for the soldiers of the Union. But for that fact I believe that the Hon. CHAMP CLARK would be to-day the Democratic nominee for the Presidency, and might have been the next President of the United States. I do not see how any man could sit at the Baltimore convention, as I did, and listen to the roll calls and note the way in which States like Texas, Georgia, Alabama, and the Carolinas scurried away from the opportunity which was afforded them of choosing a southern man for President, nor analyze that vote, without reaching the same conclusion; and, while Bryanism had its share in the result, I still believe that the prime cause of the defeat of my distinguished friend from Missouri was as I have just stated it, and I believe the soldiers of the country know it, too. [Applause.]

The CHAIRMAN. If there is no further general debate the Clerk will report the bill for amendment under the five minute rule.

The bill was read.

With the following committee amendment:

Amend, page 1, by striking out all after the enacting clause and inserting as a substitute, the following:

"That in the administration of the pension laws Robert Ross, now a resident of Ryan, Ky., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, on the 28th day of December, 1862, and that a certificate of honorable discharge from the United States Army be issued to him: *Provided*, That no pension, emoluments, or allowances of any description shall accrue by reason of this act prior to date of approval thereof."

The amendment was agreed to.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

Mr. SIMS. Mr. Chairman, I move that the Committee do now rise and report the several bills to the House, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the Private Calendar, reported that that committee had had under consideration sundry House bills, and had directed him to report the same back to the House, some with and some without amendments, and with the recommendation that the amendments be agreed to and that the bills do pass.

BILLS PASSED.

The bill (H. R. 11627) to correct the military record of Barkley S. Denison was read, the amendments reported from the Committee of the Whole agreed to, and the bill as amended ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 606) for the relief of John Treffeisen was read, the amendment reported from the Committee of the Whole agreed to, and the bill as amended ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 5135) to correct the military record of John J. Troxell was read, the amendments agreed to, and the bill as amended ordered to be engrossed and read a third time, read the third time, and passed.

Mr. WILLIS. I move to amend the title so that it will read: "A bill for the relief of John J. Troxell."

The amendment to the title was agreed to.

The bill (H. R. 21524) to correct the military record of Frederick H. Ferris was ordered to be engrossed and read a third time, read the third time, and passed.

Mr. MANN. The title of this bill is erroneous. It should be "A bill for the relief of Frederick H. Ferris."

The SPEAKER. If there be no objection, the title will be so amended.

There was no objection.

The bill (H. R. 20339) for the relief of Joseph W. McCall was ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 5763) for the relief of William K. Harvey was ordered to be engrossed and read a third time, read the third time, and passed.

The bill (H. R. 21315) for the relief of Robert Ross was read, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from Illinois makes the point that no quorum is present. It is perfectly evident to the Chair that no quorum is present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Saturday, July 13, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ESTOPINAL, from the Committee on Naval Affairs, to which was referred the bill (S. 2001) to provide for the award of congressional medals of honor to officers and enlisted men of the naval service and officers and enlisted men of the Revenue Marine, and for other purposes, reported the same without amendment, accompanied by a report (No. 991), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SWEET, from the Committee on Military Affairs, to which was referred the bill (S. 6926) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas, reported the same without amendment, accompanied by a report (No. 989), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 25707, reported in lieu thereof a resolution (H. Res. 629) referring to the Court of Claims the papers in the case of Joseph Block, deceased, accompanied by a report (No. 990), which said resolution and report were referred to the Private Calendar.

Mr. BROWNING, from the Committee on Naval Affairs, to which was referred the bill (H. R. 25428) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart, reported the same without amendment, accompanied by a report (No. 992), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 25122) granting a pension to Charles E. Sleeper, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reserva-

tion, and for other purposes; to the Committee on the Public Lands.

By Mr. BURNETT: A bill (H. R. 25739) restricting the method of disposition of public land in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 25740) granting jurisdiction to the Supreme Court of the District of Columbia to quiet the title to lands in certain cases; to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909; to the Committee on Ways and Means.

By Mr. HOBSON: A bill (H. R. 25742) for the erection of a monument to the memory of Commodore Oliver Hazard Perry; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 25743) granting a pension to Josephine E. Miller; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 25744) granting an increase of pension to Luman A. Fowler; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 25745) granting an increase of pension to Harriet L. Bidwell; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25746) granting a pension to Martha Chambers; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 25747) granting an increase of pension to Mary Clark; to the Committee on Pensions.

By Mr. REDFIELD: A bill (H. R. 25748) for the relief of Robert Rogers and Augustus Mackenzie; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FITZGERALD: Memorial of the State Federation of Pennsylvania Women, favoring the appropriation for the pier at the Philadelphia immigrant station, Gloucester, N. J.; to the Committee on Immigration and Naturalization.

Also, memorial of the board of officers of the Order of Independent Americans of the State Council and the Immigration Restriction League, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Manufacturers' Association of New York, favoring passage of the vocational education bill; to the Committee on Agriculture.

Also, memorial of the Manila Merchants' Association, against restricting in any respect the sale of the Philippine friar lands; to the Committee on Insular Affairs.

Also, memorial of the Board of Trade of Paterson, N. J.; the board of directors of the Buffalo Chamber of Commerce; and the Jacksonville Board of Trade, of Jacksonville, Fla., against the curtailment of the appropriation for the Consular and Diplomatic Service, etc.; to the Committee on Appropriations.

Also, memorial of the Jacksonville Board of Trade, of Jacksonville, Fla., and the Board of Trade of the city of Newark, N. J., favoring appropriation to continue the Efficiency Commission; to the Committee on Appropriations.

Also, memorial of the Trenton Chamber of Commerce, against passage of Senate bill 5455, placing a bridge across the Delaware River south of Trenton, N. J.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, compelling all goods to be marked with manufacturer's name; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of the first and seventh congressional districts of Brooklyn and of Bay Ridge, Brooklyn, N. Y., against appropriation for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Workmen's Sick and Death Benefit Fund of the United States of America and the Lithuanian Alliance of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the National Association of Piano Merchants of America, protesting against passage of any legislation prohibiting price maintenance; to the Committee on Patents.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, protesting against the passage of any parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of St. Joseph Society, No. 20, Washington, N. J., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Daughters of Liberty of Long Branch, N. J., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: Petition of the Order of Railway Conductors, Division No. 275, Yoakum, Tex., favoring passage of the employers' liability act; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of citizens of East Youngstown, Ohio, against appropriation for celebrating 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Massillon, Ohio, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *July 13, 1912.*

(Continuation of legislative day of Saturday, July 6, 1912.)

At 10 o'clock a. m., on the expiration of the recess, the Senate reassembled.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lorimer	Smith, Md.
Bacon	Cullom	McCumber	Smith, Mich.
Bailey	Curtis	Martin, Va.	Smith, S. C.
Bourne	Dillingham	Martine, N. J.	Smoot
Brandegee	Gallinger	Myers	Stephenson
Briggs	Gamble	Nelson	Stone
Brown	Gardner	Oliver	Sutherland
Bryan	Grosvenor	Overman	Swanson
Burnham	Johnson, Me.	Page	Thornton
Burton	Johnston, Ala.	Perkins	Tillman
Chamberlain	Jones	Pomerene	Townsend
Clapp	Kenyon	Rayner	Watson
Clarke, Ark.	Kern	Sanders	Wetmore
Crane	Lea	Shively	Works
Crawford	Lippitt	Simmons	

Mr. THORNTON. If the senior Senator from Louisiana [Mr. FOSTER] has not responded to his name, I will simply state that he is absent on account of indisposition and consequently is not able to attend the session this morning.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. LORIMER. Mr. President, when I concluded my remarks last evening I was discussing the testimony of Holstlaw, and I stated that Link, Beckemeyer, and Holstlaw had always testified everywhere, in court and before the two committees appointed by the Senate to investigate the charges in this case, that they had never been promised or had any hope of any reward for casting their votes for me. But in order that there may be no doubt in the mind of any Senator as to whether or not I placed the correct construction on their testimony I will read it. This is the question by Judge Hanecy to Michael Link:

Q. Did you ever receive any money from Lee O'Neil Browne, Bob Wilson, or R. E. Wilson, whatever his name is, or anybody else, or from any source whatever, or did you receive any other thing of value at any time from anybody because you had voted for WILLIAM LORIMER for United States Senator?—A. No, sir.

Q. Was there ever any consideration moving to you, or to anybody for you, or for your benefit, in any place, from any source whatever, with the understanding that you were to vote for WILLIAM LORIMER for United States Senator, or if you had voted for WILLIAM LORIMER for United States Senator, any consideration of any kind?—A. None whatever.

Q. Did you vote for WILLIAM LORIMER for United States Senator for any other reason than that you liked him, and that you favored and that your people favored the things he favored in relation to the deep waterway from the Lakes to the Gulf?—A. That is why I voted for him.

That is the testimony of Michael Link. He is the man who has been heralded all over this country as one of the men who confessed that he was bribed to vote for LORIMER; and that impression has been sent out over this country by Senators who, had they been interested in establishing the truth, could have known that Michael Link testified in effect to this statement

that appears in this record, twice in the Browne trial and once before the Burrows committee.

At no time and at no place did Michael Link ever testify that he ever received one dollar for his vote for LORIMER. Yet it has been charged for two and a half years, and has been repeated, parrotlike, on this floor, that he confessed that he was bribed to vote for LORIMER.

Let me say further that I challenge any of the minority of the committee to refute the sworn testimony of Michael Link. You are here now, and I appeal to you to refute it now if you can.

Now, the general impression is that Beckemeyer testified that he was bribed by Browne to vote for LORIMER. The average person in the country holds the opinion that Beckemeyer was approached by Browne and was bribed to vote for LORIMER. I think the testimony will show that Beckemeyer and Browne did talk about LORIMER's candidacy, but Beckemeyer testified that it was not Browne who persuaded him to vote for LORIMER, but that it was George Alschuler, Senator Hopkins's neighbor, a Democrat from Aurora, who went to the general assembly for no purpose other than to try to defeat Senator Hopkins.

Let me go just a step further. How did George Alschuler happen to go to the general assembly? I think it well for Senators to know the history of his candidacy and the reason for it.

Congressman COPLEY, now a Member of the other body, lives in Hopkins's town, Aurora. There had been a feud for a long time between the two men. Alschuler and COPLEY were personal friends. COPLEY went to Alschuler before the Democratic primaries time after time and pleaded with him to become a candidate for the general assembly for no other purpose than to defeat Hopkins if he could do it or to help in the defeat of Senator Hopkins if he could.

I do not think that appears in the record, but that is the truth. After much persuasion on the part of Congressman COPLEY, George Alschuler went to the legislature, and it is shown by the testimony in this record that George Alschuler devoted all of his time to persuading and pledging members of the legislature, Democrats, that at any time when it was possible to defeat Hopkins they would do so.

Luke was one of the men who was opposed to Hopkins, just as George Alschuler was. He was just as bitter toward Hopkins as George Alschuler was. Those men worked all the session constantly among the Democrats creating a sentiment through which if the time ever arrived Democrats would cast their vote for any man to beat Senator Hopkins. So George Alschuler, according to Beckemeyer's testimony, just before he cast his vote pleaded with Beckemeyer to keep his pledge that had been previously given to vote for a Republican whenever an opportunity presented itself to beat Senator Hopkins for United States Senator.

I am going to read Beckemeyer's testimony. Beckemeyer is the man who said that Lee O'Neil Browne gave him a thousand dollars and said, "Here is your Lorimer money." That is all there is in this testimony that in the slightest degree could create any suspicion of any kind that Beckemeyer ever testified that he was bribed to vote for LORIMER. I make this statement with reference to Beckemeyer based on what the record shows. This is a question to Beckemeyer:

Mr. HANECY. You knew the morning that Senator LORIMER was elected that you were going to vote for him, did you not?

That is the morning LORIMER was elected.

Mr. BECKEMEYER. No; I will say that I did not.
Mr. HANECY. You did not know that?
Mr. BECKEMEYER. No, sir.
Mr. HANECY. When did you first know that you would vote for Senator LORIMER before you did vote for him?
Mr. BECKEMEYER. I can say that when I first made up my mind definitely to vote for Mr. LORIMER was at the time of my last talk with Mr. Alschuler, just a very few minutes before my name was called on the roll.

Will some member of the minority of that committee refute this statement? If you can, do it now, so that Senators may know who tells the truth concerning this record. Let us not have discussion over it after a while. The minority members are here in the Chamber; let them refute it now if they can.

Mr. BECKEMEYER. Our exact conversation I do not know, Mr. Hanecy, but he was rather, in a begging way, persuading me to stick and vote for LORIMER, as I had intimated before I would. I was wanting to quit then and not vote for him.

It is Alschuler he is talking about, who had pledged him during the winter to vote for anybody, Democrat or Republican, to beat Hopkins.

Now listen to this:

Mr. HANECY. You told Mr. Alschuler early in the session of the forty-sixth general assembly that you were going to vote for anybody to beat Hopkins, did you not?
Mr. BECKEMEYER. I think I did; yes, sir. I did.

Can language be plainer than that? Can anybody misunderstand that ordinary English?

Mr. HANECY. Mr. Alschuler was very much opposed to the reelection of Senator Hopkins, was he not?
Mr. BECKEMEYER. He certainly was very bitter against Hopkins.
Mr. HANECY. And that was a personal as well as a political feeling that existed, growing out of their close proximity to each other in their native town?
Mr. BECKEMEYER. It was a very bitter personal affair, as I understood from Mr. Alschuler.

Not Lee O'Neil Browne. He testified on the stand before this committee—and he never changed his testimony on that question—that he had not determined until they almost reached his name upon the roll call to vote for LORIMER, and then only after George Alschuler had persuaded him to do so.

Now, as to whether or not he was bribed, whether or not a pledge or a promise was made to him before he cast his vote for LORIMER:

Mr. HANECY. That was an investigation, as I distinguished it from a trial. [To the witness.] Mr. Beckemeyer, up to the time that you say you got the $1,000 from Lee O'Neil Browne, did Lee O'Neil Browne or anyone else, directly or indirectly, offer you or promise to pay you any money or other thing of value if you would vote for Senator LORIMER, or give you anything if Senator LORIMER was elected?

And here is Beckemeyer's answer:

No, sir.

Nobody had promised him anything, either before or after LORIMER was elected, for his vote for LORIMER. I repeat, this is Beckemeyer's testimony, and nobody who knows will claim that Beckemeyer was endeavoring to aid LORIMER in his testimony.

Mr. HANECY. Did Lee O'Neil Browne, at any time or at any place, before Senator LORIMER was elected on the 26th day of May, 1909, ever tell you that he or anybody else would give you any money or other thing of value afterwards, if you did vote for Senator LORIMER?
Mr. BECKEMEYER. No, sir.
Mr. HANECY. You did vote for Senator LORIMER for United States Senator, did you not?
Mr. BECKEMEYER. Yes, sir.
Mr. HANECY. Did you vote for him because of any promise, agreement, or understanding, directly or indirectly, from anybody or from any source, that you would receive anything of value for voting for him, or after you had voted for him?
Mr. BECKEMEYER. No, sir.

Now, here comes your jack-pot insinuation.

Mr. HANECY. Were you willing to vote for Senator LORIMER for United States Senator without regard to any money or compensation or other thing of value being given to you by anybody?
Mr. BECKEMEYER. I did do it; yes, sir.

He was willing to so vote. He answered the question, "I did do it; yes, sir." It is as plain as the noonday sun that when Beckemeyer testified he testified that he did not have in his mind any thought of any sort that would lead him to believe or to think or to hope or to suspect that anybody at any time would give him anything for his vote for LORIMER. That is the testimony of Beckemeyer, the man who was debauched into desecrating his home in order that he might be driven to say—what? When before the grand jury three times he would not testify that Lee O'Neil Browne gave him a thousand dollars for his Lorimer vote, but when he left the grand jury for the third time somebody put it into his mouth and he testified to it in the trial of Lee O'Neil Browne that Browne said to him, "Here is your Lorimer money." Here is his testimony; but Beckemeyer, who is willing to say anything to save himself and his home, said that Browne added to it, "Here is your Lorimer money." Nobody will ever make me believe that to be true, and especially will they not make me believe it to be true as long as that testimony of Beckemeyer that I have just read to you remains undisputed and unrefuted in the record in this case:

I did do it; yes, sir.
Mr. HANECY. What is that?
Mr. BECKEMEYER. I did do it; yes, sir.
Mr. HANECY. Were you willing to do it all the time?
Mr. BECKEMEYER. Yes, sir.
Mr. HANECY. Was there anything in the way of money or compensation or anything of value moving to you, or anybody else for you, that was held out to you or promised to you, or indicated to you in any way, by Browne—

Not only Browne—

or anybody else—

The limit was off; did anybody indicate to him—

or from any other source, to induce you in any degree—

Not to positively settle the question with him, but in any degree—

or from any other source, to induce you in any degree to vote for WILLIAM LORIMER for United States Senator on the 26th day of May, 1909?
Mr. BECKEMEYER. No, sir.

Did you know how completely this man had testified?

Mr. HANECY. Did you know, or did you think, or did you believe, or had you any indication that if you did vote for Senator LORIMER for United States Senator that you were to be paid anything of value afterwards, or that anybody else was to receive anything for you, or on account of your vote for Senator LORIMER?
Mr. BECKEMEYER. No, sir.

It was never in his mind in the remotest degree at any time, either before or after, that he would be rewarded for his vote

for LORIMER, or that he wanted reward, or that he expected that he might be rewarded. It was far from his mind that he would be bribed or was being bribed when George Alschuler, who gave up the whole winter trying to defeat Hopkins, persuaded him to vote, as he had promised, for LORIMER.

Mr. BAILEY. Was George Alschuler the Alschuler who was once the Democratic nominee for governor of Illinois?

Mr. LORIMER. No; George Alschuler is the brother of Samuel Alschuler, who was the candidate of the Democratic Party for governor of Illinois in the campaign of 1900.

Now, for Mr. Holstlaw's testimony, as it appears in the record:

Did you, at any time during that session, declare to anyone that you were willing to vote for a Republican for United States Senator?

Mr. HOLSTLAW. I did not; not until late. Very late I did. I declared to some of my friends at home that I intended to vote for some Republican if we could not elect a Democrat.

Mr. MARBLE. How long before the time of the actual election was that; do you know?

Mr. HOLSTLAW. I think probably four weeks—three or four weeks at least.

This is Holstlaw—

Mr. MARBLE. To whom did you make that declaration? First, just what was the declaration? Did you say what Republican you would vote for?

Mr. HOLSTLAW. I think I first said that I would vote for some Republican rather than stay there very much longer; and finally I think I said that if I ever had an opportunity I would vote for Senator LORIMER.

Mr. MARBLE. You think you said all of that down home?

Mr. HOLSTLAW. I think I did; yes, sir.

Mr. MARBLE. To whom did you make the first statement that you were willing to vote for a Republican?

Mr. HOLSTLAW. I think the first statement I made was to J. B. Lewis, editor of the Democrat, in Salem.

Mr. MARBLE. And to whom else?

Mr. HOLSTLAW. I think I told Mr. Bell.

Mr. MARBLE. Who is Mr. Bell?

Mr. HOLSTLAW. Mr. Bell is a merchant in Salem.

Mr. MARBLE. Do you know his initials?

Mr. HOLSTLAW. J. J. Bell.

Mr. MARBLE. Anyone else?

Mr. HOLSTLAW. I told some of my friends at home, but I do not remember whom I did tell.

Mr. MARBLE. Do you recall who it was that you told that you would vote for Senator LORIMER if you got the opportunity?

Mr. HOLSTLAW. I told Mr. Lewis that I would.

Mr. MARBLE. Anyone else?

Mr. HOLSTLAW. I am not positive, but I believe I told Mr. Eddings—John Eddings, of our place. I think I did.

Mr. MARBLE. Of Iuka?

Mr. HOLSTLAW. Yes, sir; and I also told Capt. Schofield that I intended to vote for some Republican if we could not elect a Democrat.

Mr. MARBLE. You do not remember mentioning Senator LORIMER'S name?

Mr. HOLSTLAW. I do not think I did at that time.

Mr. MARBLE. Were these Democrats in your district to whom you talked?

Mr. HOLSTLAW. Yes, sir; all Democrats except one.

Mr. MARBLE. Who was the one?

Mr. HOLSTLAW. Mr. Eddings.

Mr. MARBLE. Did they concur in your view of the situation as to what you should do?

Mr. HOLSTLAW. They all did except Capt. Schofield.

* * * * * * *

Mr. MARBLE. Did you have any conversation with Mr. Broderick?

Mr. HOLSTLAW. I did not.

Mr. MARBLE. You did vote for Senator LORIMER?

Mr. HOLSTLAW. I did.

I think perhaps I am not reading the testimony as fully as I should, for I am of the opinion that Mr. Holstlaw must have meant at this time to convey the impression that he did not talk to Mr. Broderick at the time he was then discussing.

Did you have any conversation with Mr. Broderick?

This was when he was making up his mind to vote for a Republican, and this is what he said:

I did not.

His mind was already made up to vote for a Republican. He so testified.

Mr. MARBLE. Had you voted for a Republican before that?

Mr. HOLSTLAW. I had not.

Mr. MARBLE. Did you believe what Senator Broderick told you when he told it to you?

Mr. HOLSTLAW. In regard to what?

Mr. MARBLE. In regard to the $2,500.

This is all from Mr. Marble's examination.

Mr. HOLSTLAW. I did not think very much about that, because I intended to vote for LORIMER anyway.

He never talked with Broderick when he was making up his mind. He made up his mind before he spoke to Broderick or Broderick spoke to him. When Broderick said "there is $2,500 for you," as Holstlaw testifies and as Broderick denies, Holstlaw said he did not think very much about it—

Because I intended to vote for LORIMER anyway, and that did not have any influence whatever with me.

He testifies that it did not have any influence whatever with him; that he had intended to vote for LORIMER anyway.

Now, listen to this statement:

Mr. MARBLE. You would have voted for Senator LORIMER if John Broderick had not spoken to you the night before?

The night of the 25th is the day he said Broderick told him there would be $2,500 for him, and Mr. Marble asked him the question:

You would have voted for Senator LORIMER if John Broderick had not spoken to you the night before?

And he answered:

I would, most assuredly.

This is the third alleged confessor; this is the man who it is charged was bribed to vote for LORIMER. Can anbody believe that if he had not been put through the third degree he ever would have stated that Broderick said to him, after he told Broderick that he was going to vote for LORIMER, and before Broderick asked him, according to his own testimony, to do so, that "there is $2,500 for you."

Have you ever stopped to think of the fallacy of the situation? Link, Beckemeyer, Holstlaw—two of them with their minds made up weeks before that—were going to vote for LORIMER, telling everybody with whom they conversed upon the subject, freely and openly, that they intended to vote for LORIMER; and that after they had made up their minds, after they had told everybody what they were going to do, according to their own sworn testimony, that somebody was going to come along some time afterwards and give $1,000 to Link and Beckemeyer and $2,500 to Holstlaw? What sort of economy is that? What sort of logic is that? Will anybody think that men who will give bribes, men who are boodlers, men who are in legislatures for the money they can make out of it, will give the money away when they are in possession of it and when there is no obligation of any kind on their part to give it away—that they will give it voluntarily to men who voted on the subject as freely as the best friends I had in the Illinois Legislature? Can you work out that logic? Can you yourselves believe it? Not for a moment.

Now, what is the testimony of Gillespie, the man who drew the Holstlaw statement. Let us see what he claims Holstlaw said as to whether or not he was bribed to vote for LORIMER. The chairman to Mr. Gillespie:

And still you understood from what he had previously told you that the payment of that money was not an inducement to vote for LORIMER, but he intended to vote for him in any event.

Now, that question is plain enough. Anybody could understand it. And here is Mr. Gillespie's answer:

Yes, sir. He stated he had intended to vote for Mr. LORIMER, and he thought he might just as well get the money as not.

Senator JONES. But he gave you the impression that the money was no inducement to him to vote for LORIMER.

Mr. GILLESPIE. Yes; just as I have stated.

Senator JONES. Well, why did you not suggest that that statement go in?

Meaning that the statement go into Holstlaw's so-called confession. It was not in the so-called confession.

Mr. GILLESPIE. I did not undertake to control his statement in any particular.

He did not undertake to control his statement in any particular, but this is the way Mr. Gillespie testifies that the statement was made up. He said he talked it all over with Holstlaw, and that then he drew the statement; that when he had talked it all over with him, and Holstlaw had made that statement to him, then he drew it himself and Holstlaw signed it. His answer is "I did not undertake to control his statement," when the only statement that Holstlaw made was the one that was drawn up by Gillespie—this man who was the attorney for the Tribune when he accepted employment from Holstlaw whose interests were opposed to the interest of the Tribune crowd who wished to establish corruption on the part of those voting for LORIMER.

Mr. HANECY. If you saw that he was not stating it just as he had stated it to you——

There is an interruption.

Mr. GILLESPIE. If he could have dictated the statement we would have permitted him to dictate his own statement.

When we found he could not do that, we examined him, as I have stated.

So it was on the examination that Holstlaw stated that he was going to vote for LORIMER anyhow.

Senator JONES. But, acting as his attorneys there, you did not deem it of importance to suggest to him that the language he had expressed did not correctly state what he had before expressed to you.

Mr. GILLESPIE. No; I did not consider it of any importance.

Holstlaw's interest was not an important matter to Gillespie, because Gillespie was employed by the Tribune to cooperate with the sheriff's office and the State attorney's office to apply the third degree to Holstlaw, and if he had put what Holstlaw said into the statement it would not have been as valuable to his employers—the Tribune—as he drew it.

This is heralded as a prosecution on the part of the people and for the people to banish corruption, but the very fountains of justice were corrupted, and lawyers of previous good reputation

were employed as decoys to secure statements from an unsuspecting client that he had committed the crime of bribery and who at the same time arranged for immunity for perjury or any other crime committed by the person making the statement just so long as he would swear to something which might point to corruption in my election.

Does that look as though there was no conspiracy? I am not giving you my views, Senators; I am not stating to you what I think about it, but I am reading it from the cold type in the record, from these witnesses themselves, the men on whom they rely to remove LORIMER from this Chamber. Were they prosecuted afterwards? Did anything happen to any of them afterwards? Was anybody sought out for corruption in the legislature and prosecuted afterwards? No; but "swear that you got money to vote for LORIMER, and it matters not what else you have done, you are as free as the air to go and go forever without any punishment for any crime that you yourself say you have committed."

Did the Tribune try to prosecute anybody for crime? Oh, no. Did Wayman prosecute Beckemeyer? Did he prosecute Link? He tried to convict the man who White testified had bribed him, and if Wayman had convicted Browne, then the Tribune would have brought proceedings in the Senate to oust LORIMER from his seat on the ground that his election was corruptly secured by a man then on his way to the penitentiary.

If I had not myself, a month after this story was out, introduced the resolution for an investigation, there never would have been one, after Lee O'Neil Browne was acquitted, brought to this body by anybody representing the Tribune. It was not until after the Senate had sent to the committee a resolution I had introduced, asking for an investigation, not until the Senate was under way and the Tribune thought they would lose ground if they did not come here and say something, that they sent their handy man, Albert Barnes, the president of the Uplift Municipal Voters' League, consisting of about 10 men in the State of Illinois, under the domination of the Tribune, to make a statement that he himself swore he got from the Tribune, and that he, himself, did not have the facts to substantiate the affidavit that he made and sent to this body.

Of course this has no earmarks of conspiracy. This looks just like the people rising up in their might, determined that corruption shall no longer influence the election of United States Senators; only the people. Oh, if all the people in this land could know the story as it is written in this book they would drive that band of hypocrites out of the country, and the day will come when the people will know the truth. If God spares me years and strength they will know it from one end of the land to the other.

I have said about all I am going to say about these four witnesses, but what I have said, what I have read, was from the record, and I challenge anybody to point out by the record that I have not stated the truth without anything added to it or anything taken from it.

I can understand how people can be led astray. This is not the only attempt to drive a Senator from this Chamber by a conspiracy. It is not the only attempt to drive a Senator from this Chamber through a conspiracy who sits in this Chamber now. And as they started it it was very much more a complete case against a Senator than any testimony which has been given by Charles White in this case, and surely it would have confused Senators if the truth finally had not been brought forth.

I refer to Senator PERCY, of Mississippi. Do you know the history of his case? He voted against me. I am not his champion, nor have I the slightest feeling in the world against him, because I believe that he voted his convictions on the misinformation which he had at that time and on which he based judgment. I would not have a man in this body, if I controlled it, who would not vote his convictions, but I would have him know the facts before voting on an important question like this.

Senator PERCY was a candidate for United States Senator before the Mississippi Legislature. A senator, a member of that body, named Bilbo, stated before a grand jury that a man named Dulaney came to him and asked him to help elect Senator PERCY. He said if he would help him and vote the way he wanted him to vote, he would give him a thousand dollars, and would pay it to him in installments, $500 before and $500 after the election. Bilbo claimed that he received $150, the first payment, and that he took it over to his room and put it in the sweatband of his hat. Then he went to the Democratic caucus, and when he got there Dulaney asked him to vote for some person other than PERCY, who received 2 votes, and he said that he did so. He said the next day Mr. Dulaney gave him a package of money and said, "Here is $150." He said he counted it and found only $145. He went to the caucus again, and again the next day Dulaney gave him $50, and he said he took all the money and put it in his pocketbook and kept it there.

Then they caucused again. Senator PERCY was nominated, and after the nomination he was elected. Bilbo said that after PERCY was elected he went to Dulaney's room and he got $300 more. That was $645 in all. He testified that he was a friend of Gov. Vardaman and that he wanted to help Gov. Vardaman.

If he had wanted to help Gov. Vardaman, when he got the first $150 and went to the caucus, it was his place to rise in the caucus with the $150 in his hand. He said he was only doing it as a detective to catch these corruptionists. He should have risen in the caucus and said, "Here is $150 I got from Dulaney to help elect PERCY. He wants me to vote for Mr. So-and-So and I am not going to do it. I am going to find out what is going on here. PERCY's friends are trying to corrupt the legislature."

Did he do that? Oh, no; he did not do it. He did do, he says, what Dulaney asked him to do. Then he went to him again and got the other $150, and they had the next session of the caucus. Did he rise and say, "Now, I have $295 here"? No; he sat there with $295 in his pocket, he says.

Then they had another caucus. When he went back to that caucus he had the extra $50 in his pocket. That made $345, and he said he voted as Dulaney asked him to do. He did not rise and say "I have got $345 here that I got from Dulaney to help elect PERCY." No; he just voted, and he permitted the caucus to nominate Senator PERCY.

The legislature met the next day. According to his testimony he still had the $345 in his pocket. He, with $345 of corrupt money in his possession, allowed that legislature, without a protest from him, to elect Senator PERCY, when he might have risen in the legislature, handed the money to the speaker or laid it down on the desk, and said: "There is the money that I received to vote for PERCY. I am not going to vote for him. You had better have an investigation of this matter before we elect anybody to the United States Senate and see if they have not attempted to corrupt other members of this general assembly besides myself." Did he do that? No.

PERCY was elected. Then Bilbo said he went further. When he had caught this man for bribery three times, when he could have stopped PERCY's election, he said that he went back to Dulaney again and got $300 more, when it was all over and he had not helped; that is to say, he had not voted for PERCY. That made $645 that he collected. He said he took $145 and put it in his pocketbook, took the balance home and gave it to his wife and asked her to keep it for him and for her to be sure not to allow any change of the bills, because he wanted to use the identical bills that he had received.

Then he went before the grand jury. The foreman of the grand jury testified in the Dulaney case that Bilbo swore that the money which he produced before the grand jury were the identical bills that he got from Dulaney and with which Dulaney either did or tried to corrupt him. Dulaney was indicted. The foreman of the grand jury turned the bills over to the sheriff, and the sheriff took the numbers of them, took a description of them, so there could be no doubt when this money was presented in the trial of the case that the sheriff was producing the same identical bills that Bilbo produced before the grand jury and on which Dulaney was indicted.

Then came the trial. You say people will not do wrong. Do you say people will not do wrong, that they will not try to get even with their enemies by destroying them forever and ever? But what was the result of the trial? The money was brought in, and it was laid down on the table, and on investigation it was found that some of the bills Bilbo said he had received from Dulaney were not made, were not printed, were not in circulation until after the date when he swore he received the money from Dulaney. The modesty of Senator PERCY prevented him from telling that story to the United States Senate, but that is the fact. That is what the record in the case shows.

Now, suppose that had not been discovered. That was the turning point in the case. Suppose they had not discovered that these bills were made after he swore he received them; Dulany would have been sent to the penitentiary—I believe he would. Then they would have come here to the United States Senate and asked for an investigation. They would have brought the money with them.

I am reminded by the Senator from Texas [Mr. BAILEY] what I had forgotten, that the only reason why they investigated these bills was because some of them happened to be very new bills—brand-new bills—and that attracted the attention of somebody, and they made the investigation, and they discovered it. If they had been carried around in the pockets of some people, perspiring for two or three days or a week, that would not have been discovered. But supposing they had not dis-

covered it, Dulany would likely have gone to the penitentiary. They would have been here asking for an investigation. They would have presented a transcript of the record of his trial and conviction, and probably the proper paper from the warden of the penitentiary to show that he was there. They would have brought the bills with them. They would have laid them down before you: "There is the money. He did not take it because he wanted money. He took it because he wanted to purify politics in Mississippi. He wanted to catch the corruptionists."

How would Senator PERCY have answered? What would he have said? "Here is the money. Look at it. That is what I got." What could you have done? What could I have done with such testimony as that? Yet because the few bills happened to be new and it was a suspicious circumstance; somebody investigated it and they found that they were made after Bilbo said he received them, and that ended the case, and that is why there was no contest brought before the Senate to unseat Senator PERCY.

That I state without any official authority, but what they were trying to do was to destroy PERCY.

Now, how does that work out? They thought they would beat PERCY in the caucus, and they were defeated. PERCY was here. He had his enemies in Mississippi just as I have mine in Illinois. They were determined to find some way to destroy him, and they concocted that scheme after he was here and got the man indicted. They thought they would send him to the penitentiary just as the Tribune thought they would send Lee O'Neil Browne to the penitentiary. When they got him there they would have been here just as the Tribune would have been here if Lee O'Neil Browne had been sent to the penitentiary; and the Tribune never would have been here if I had not introduced the resolution myself for an investigation into this matter, because Lee O'Neil Browne was not convicted, and they had no testimony to present in this case except the testimony of White, and if they could not make the White testimony stick, then what was the use of coming to the Senate of the United States? If they could not make it stick back there in Chicago, where they control all the newspapers, where the public sentiment was so strong against LORIMER—if they could not stick 12 men there that would convict Lee O'Neil Browne, why should they come here?

The Senator from Indiana [Mr. KERN] suggested in a very, very veiled way that it would be impossible on account of the bipartisan system to convict any politician in Chicago, the inference naturally being that the crowd that ran with LORIMER controlled the jury system.

But the facts, Senators, are these, that the best men in Chicago are on our bench, about 30 in all, judge of the county court, judges of the circuit court, judges of the superior court. The jury commissioners, the men who select the names of those who are going into the box, the men who control the drawing of jurors, are three men who are appointed by the judges.

When the inference is to be drawn from an insinuation made that the jurors were corrupt and that because on account of the bipartisan condition in Chicago it is impossible to convict a politician, it amounts to a statement that the judges on the bench in our county are not honest men, but that they are corrupt. That is where it works its way to.

With this testimony that they would have had in the case of Senatory PERCY, the money in hand, White comes here. He said he got the money; he said he got $1,900; he said he spent it all in debauchery, in getting drunk, in riotous living. He brought no money here; but he said that he went into the legislature to find out who was corrupting the legislature, to take the money, and to expose the corruption. When does he expose it? After all that money is gone; after he is broke; after nobody will give him employment, except that which he refused, that I secured for him.

Then he started out to get money. How much? Seventy-five thousand dollars. He did not get that from LORIMER. Then he went to the Chicago Tribune. Fifty thousand dollars was what he then wanted. They all swear that he got $3,500. Look at the difference in the testimony—Bilbo, with the money in his hand, and it was discovered that he was a conspirator trying to destroy the life and the reputation of one of Mississippi's best citizens. Compare it with the man who gets paid for swearing to a falsehood that he had received a thousand dollars to vote for LORIMER.

Do you think, will you say, that we have not disproven what White said? I think the record will show that it has been disproven. He hung his whole story on the statement that nobody had ever talked to him about LORIMER's candidacy. He claims he never said to anybody he would vote for LORIMER until he told it to Lee O'Neil Browne, when Browne, he said, bribed him. We have not got the bills, disproving the claim as they had in the Percy case, but we have got the testimony of Representative Shaw, the man who led the fight against LORIMER among the Democrats; who, everybody admits, was a truthful witness; who had a reason to talk to White about it; and he testified that he talked to White and pleaded with him not to vote for LORIMER, but White said, "If I ever get a chance I am going to vote for BILL LORIMER." He told John O'Neil a week before LORIMER was elected—and I do not think anybody will dispute or question John O'Neil's testimony—that he was going to vote for LORIMER; he told a motorman that he had worked with, whom he met in Chicago, and whom he invited to come down to the Briggs House on Sunday morning of the 23d of May, on the day before he said that he met and talked with Browne in his room, and he told him he was going to vote for LORIMER. There you are!

I said that White told me 10 days or a week before I was elected that he intended to vote for me, and he himself volunteered the statement. Suppose you say that I have a motive for perjuring myself—nobody has ever questioned my word until this day—but did not White have a motive for perjuring himself? He had $3,500 for his perjury. You say I have a seat in the Senate. While I regard it as the greatest honor that the people can confer upon one of their citizens to give him a seat in this Chamber, I doubt if I appreciated it or do now appreciate it any more than White appreciated money, no matter where or how he got it. So, then, the motives, if you want to put it that way, are equal. Charles A. White swore on the stand that he was a liar and a perjurer; I at least did not do that; and my word should be as potent with Senators as is the word of a man who on the stand swears under oath that he is a perjurer.

Oh, it is an easy matter to destroy a man. How easily Senator PERCY would have been destroyed; and he is not the only man who has enemies in his State, either; he is not the only man who sits in this body against whom false charges have been brought.

I have looked over the CONGRESSIONAL RECORD, and will call the attention of the Senate to an instance of what people will do in this world. Those who favor turning LORIMER out seem to think that everything that White said that would injure LORIMER must be the truth; that, of course, there was no reason for him telling anything but the truth; and therefore his statements were true. But we have evidence that another Senator was maligned. Why? I do not know; I have not been able to ascertain; but the RECORD shows the sworn charges, and the subsequent history is evidence that he was maligned.

If Senator CRAWFORD is in the smoking room, I wish a page would invite him to come into the Chamber.

[After a pause Mr. CRAWFORD entered the Chamber.]

Mr. LORIMER. While you were absent, Senator CRAWFORD, I called the attention of the Senate to the effort on the part of the enemies of Senator PERCY, of Mississippi, to destroy him by trying to send a man to the penitentiary for trying to bribe a member of the Mississippi Legislature to aid in electing Senator PERCY, and how, with the evidence they had on hand, if he had not been able to refute it, they would have absolutely destroyed him. I said there was another Senator in the United States Senate—as showing that all men are not free from conspiracies—who had a conspiracy, as this record would indicate to me, concocted in his State to destroy him, and I wanted to have you in the Chamber when I read the affidavit; and as I read it I should like to have you think of this foul effort to destroy you and compare it with the testimony in this case on the part of White to destroy LORIMER, and see if you can find any sort of analogy in these affidavits by these men who, as they stated, were, first of all, willing to do anything in the world to get money, and then, to get more, willing to do anything else. Here is the affidavit:

COUNTY OF BEADLE, *State of South Dakota, ss:*

Thomas H. Thompson, being first duly sworn, on his oath deposes and says: I am 23 years of age, having been born June 21, 1882; was clerking for my father, Thomas Thompson, in a men's clothing store in this city (Huron).

In the fall of 1903 Julian Blount, who is a stenographer for Crawford & Taylor, lawyers, in Huron, S. Dak., came to me and asked me if I did not wish to go with him and take up a claim—

Referring to Government lands—

I asked him, "Where?" and he replied, "In Walworth County." He told me I could make $100 for my right and have all my expenses paid; that if I took the claim Mr. CON I. CRAWFORD would pay the expenses and give me the $100 when I made proof. He said that Harry Lampe and Floyd Valentine had taken a claim under the same conditions before.

I told him I had not used my right, and that I would go. We—Valentine, Lampe, and Blount—started for the land some time in the early part of November, 1903. We went to Bangor, where Blount and myself filed on land. We drove out to CRAWFORD's ranch before filing on the land and looked it over. Mr. CON I. CRAWFORD's brother met us at Java, I think, and drove us out to the land. We then went to Bangor to the courthouse and made the filing. I do not know before

whom we filed nor do I remember the description of the land. Couple of months later we made another trip from Huron to the land and stayed overnight. Valentine, Lampe, and Blount, and myself went on this second trip. Mr. CON I. CRAWFORD accompanied us from Huron to the ranch and paid our expenses and railroad fare on this trip.

The improvements on the land I filed on consisted of a shack 8 by 8 feet, 6 feet high. I do not know who built the shack.

The next trip I made was in the fall of 1904. The three young men named above went with me on this trip, or, rather, the three young men went the day before I did. I was sick and did not leave until the day following, and when I got to Aberdeen Julian Blount met me and said there was nothing to do and that I could go back home. I did not see Mr. CRAWFORD on this trip. Mr. CRAWFORD paid my expenses on this trip also.

Several months after I filed Julian Blount came to my house and gave me a check for $50. This check was made out by Mr. CRAWFORD.

About a year ago—I can not recollect the day—Harry Lampe came in the store and said, "Let us go up to CRAWFORD's office and get the balance of our money." I went with him, and, as I understood it, Mr. CRAWFORD said we were not to prove up on the land and that I should sign a relinquishment. I remember signing a paper at that time or what I supposed was a relinquishment. Mr. CRAWFORD was busy at the time and did not say much else about the land. He paid me the balance of the money on the deal, $50, in the form of a check, signed by the firm name of Crawford & Taylor.

I have not been up to the land since, nor has Mr. CRAWFORD talked to me about it since I received the money. The land I slept on and on which I filed is about 2 miles from his ranch house. I do not know whether it is in his pasture or not. My only idea in filing on the land was to make $100. I had no intention of making my home on the land or of giving up the business I was engaged in in Huron.

THOS. H. THOMPSON.

Sworn and subscribed to before me this 26th day of February, 1906, in room 53 of Kent's Depot Hotel, Huron, S. Dak.

M. D. MCENIRY,
Special Agent General Land Office.

That purports to be an affidavit, a sworn affidavit, stating that this man violated the law. If true, he would have been indicted and probably would be now in the penitentiary. Is it true? All the circumstances surrounding it deny the truth of that affidavit. A grand-jury investigation was had in that neighborhood. The jurors were selected from the people in that community. If my memory serves me right, it was a Federal grand jury. If my memory serves me right, the district attorney, or somebody that was trying to prosecute, was piqued because he did not succeed. The grand jury called in the witnesses and they testified; and the grand jury returned a "no bill," and they cleansed the skirts of this Senator from the charge of corruption.

But take the affidavit there, naked, as it stands, without knowing more of it than just the reading of it, and what would be your natural conclusion? That there must be something in it; that there must be some foundation for it, or no man would charge it, because it would be perjury, and he might be sent to the penitentiary if he should be convicted of perjury. But a jury of the best men of the community investigated this charge, and they said there was nothing in it.

Has Charles White made any kind of a statement before your committee stronger than that affidavit? I think not. And yet you are to turn a man out of his seat on testimony no stronger than the testimony that would have destroyed that Senator, and he would not have been here if a jury of his peers had believed that he was capable of that act.

"They have conspired against a man for nothing," LORIMER says. "Nobody would do such a vile thing as he claims," you answer. You have the record of Senator PERCY's case. You have that affidavit, and you have the judgment of a jury of disinterested men that stamps it untrue. And yet Senator CRAWFORD would turn me out of this body on the testimony of a man who, according to the evidence we have, is more foul than he who made that affidavit.

I will not believe, on the sworn statement of a man who swears he was corrupted and knew he entered into a corrupt deal, that the testimony of that sort of a man is as good as the testimony of any man whose word, whose reputation for truth and for veracity has never been challenged, much less successfully attacked. And so they might, as the Senator from Indiana says, stack "mountain high" affidavits like that they have in the record against Senator CRAWFORD, but in the face of the results they will never make me believe that he corrupted a man to make a few dollars or to get land that did not and could not honestly under the law belong to him.

I do not ask for the Senator's vote. I am not pleading with the Senator for his vote. But I am asking him if, in all reason, with that awful experience that he had, similar to this that I am having, excepting only that all the press of the land was not trying to destroy him—with that experience, does he not think he ought to weigh carefully, thoughtfully, meditate long and often, before he votes to destroy his fellow man on testimony like that?

Why, Senator, if you had lived in my city, if for 25 years you had refused to bend your knee to the trust press of the town, if they had searched your record from the cradle until the moment you entered this Chamber to try to find just one act, no matter how trivial, on which they could base a slander through which they might destroy you, and in the end a creature like this man White, a man who would sell his soul for money, had made that affidavit in Chicago, the circumstances being the same, oh, how they would have jumped for it. Oh, how they would have grasped it. And controlling the State's attorney as they did John Wayman, controlling the most powerful law officer of the State as they controlled John Wayman, what happened to Lee O'Neil Browne would have happened to you. They would have gotten more perjury, as they did in this case. They would have indicted you, as they indicted Lee O'Neil Browne. That you would have been discharged on the trial of the case I have not the slightest doubt. But your reputation would have been assailed; and where the people did not know you they would have thought of you as they think of me—that I am the vilest, foulest creature on the earth—because they have been misinformed.

Yes, Senator CRAWFORD, that is what would have happened to you; and as far as they could they would have destroyed you. They never would have finally succeeded any more than they succeeded in convicting Lee O'Neil Browne of buying White's vote for LORIMER. But you would have had these awful assaults, and I do not know whether you could have lived under them or not. I hope you would have had the courage, and I hope you would have been fortified with the truth and the knowledge that it was known to you at least, and to your God, that you were not guilty and never had been guilty, in which case a clear conscience would have given you the strength to go on and on and on, and fight the battle of a man to clear your name from such foul—oh, such foul, foul persecution.

No, Senator CRAWFORD; vote as you did before; have your name recorded among those that vote to drive me hence, and I shall not believe then that you are that kind of a man. But surely, surely having gone through what you have gone through I am entitled, at least from you, to a fair consideration of the evidence. If anything, it ought to be in your mind that I am entitled to the benefit of the doubt instead of charging me, as you did in your speech last year, with being capable of organizing the Illinois Legislature for "dark-lantern purposes."

Senator, there was nothing in the record to justify that statement. But "dark-lantern purposes" was passed from mouth to mouth all over the land. It was taken from your speech, and thousands upon thousands of people got the impression that LORIMER was a man that went out in the dark of the night with a mask on his face, a gun in one hand, and a dark lantern in the other, despoiling the people of their property and of their rights, and that because he was that sort of a character he had debauched a legislature and bought a seat in this body. And, of course, if it be true, he should be driven from this body—not by a divided vote, but by the vote of every Senator occupying a seat in this Chamber.

I wish now to call the attention of Senators to what actually has been going on for the last two and a half years in this case. I want to call your attention to things that you have never thought of, and surely have you never thought of them in connection one with the other.

Charles A. White made the affidavit. You have his story. When I spoke in this Chamber on the 28th day of May, 1910, there was no evidence anywhere that Charles White was paid for his testimony. Nobody knew except those who were prosecuting this case that Charles White had ever received one dollar. But I knew the situation in Chicago. I knew my enemies. I knew that there was nothing under the sun to which they would not resort to destroy me; and I knew that Charles White was paid for his lies, and I stated it from yonder desk in this Chamber.

Then in the trial of the case the evidence came out that Charles White had been paid $3,500, and the contract was secured from him on the stand. Probably I should not say this, because it is not in the record, but it is no fault of mine that it is not in the record. I do not believe that the contract produced by Charles A. White was the original contract. I was informed that a man named Semmes saw the original contract, and that the original contract provided that Charles A. White was to get so much money for his testimony down, and at the end of the trial, if Lee O'Neil Browne was convicted and sent to the penitentiary, he was to get the balance of it. Then after a consultation they discovered if that ever was shown they could all be sent to the penitentiary for conspiracy, and they withdrew the contract and drew up the one that was presented to the committee. Semmes was a street car man. We have looked high and low all over the country for him. We have not

been able to find him. Whether that statement is true or not I can not tell, but true it is we have tried to get Semmes to find out whether or not it was a true statement.

White gave the affidavit. White swore against Browne twice. White swore in the investigation twice.

Then what came next? They had not put Browne in the penitentiary, and they had not driven LORIMER from this Chamber. The evidence they had had never connected LORIMER with anything unlawful nor with any wrongdoing. So, to prove that LORIMER really was a corrupt man and that he was capable of doing things of this sort, they organized another conspiracy. We have never had an opportunity to go very far into this, but we have enough to show the conspiracy.

Keeley, of the Tribune, testified on the stand that a man named Glavis came to him and told him he could get books, papers, or records that would show that LORIMER, when a Member of Congress, was acting corruptly, and if he was acting as they said, he should be in the penitentiary.

They gave the man $750. Mr. Keeley said so. Mr. Keeley said it was to procure the records that would prove the charge. It went on I do not know how long, but finally Glavis, for some reason or another, did not make good. Members of the committee were charitable enough to say that they thought Mr. Keeley had been fooled—buncoed, so to speak. That is what Mr. Keeley said, and the members of the committee were charitable enough—and I do not blame them for it, because they do not know these men. But let that stand on the testimony.

I have no doubt that there was a scheme to work up some such evidence as they worked up with White for which they had already paid $750, and in which Mr. Keeley said if they got it they were going to lay it before this investigating committee, I think he said, for what it was worth, and subsequently put it in the hands of the district attorney in Washington. Why in the hands of the district attorney in Washington? Why, unless to furnish an excuse to the United States district attorney here to indict LORIMER and to try to put him in the penitentiary? They were not satisfied with destroying him, driving him from this honorable body, trying to ruin him financially. That is not enough. He shall go to the penitentiary if we can get perjury enough to send him there. That is the plain, unvarnished truth, sustained, every suggestion, by the record.

Then what next? Things to their mind were not looking quite right. Evidence probably was not strong enough to cause the committee to report against LORIMER. So it had to be bolstered up. They had to get somebody to make it stronger, and whom did they get? A member of the Illinois Legislature? No. Anybody who ever had known anything about this case? No. They hired W. J. Burns, who calls himself "the great detective." W. J. Burns, who aided in putting a venerable United States Senator in his grave on testimony that the President of the United States now believes not to have been true. Keeley hired Burns to go to Canada, where young Mr. McGowan lived. Mr. McGowan is a young man, a citizen of Ontario, Canada, who was called to impeach the testimony of one Burgess, who gave a fantastic account of a conversation which he alleged took place in a smoking compartment in a railway train and in which C. F. Wiehe, of the Hines Lumber Co., was represented as boasting that he contributed $10,000 to a fund to elect LORIMER. McGowan testified that he was in the compartment at the time and that no such conversation occurred as that detailed by Burgess.

Burns said he went there to bring McGowan back to the United States, to talk to his father and get him to persuade the son to come back here to the United States and go before the committee and swear that he had committed perjury in his previous testimony before the committee.

Burns said he went to Toronto, and he called up McGowan's father, and he asked him if he was the senior McGowan, and the senior McGowan answered yes. "Well," he said, "this is Burns." He inquired "What Burns?" "Why, W. J. Burns." "Oh, you are Burns, the great detective?" "Yes." "What do you want?" "I want you to come over to Toronto." "What for?" "Why, your boy was guilty of perjury in the United States. He is a young man, too young a man to have a sin of that sort registered permanently against him." I am not giving you his exact language, but I state it on my honor that I am giving you the substance. He said, "I want him to come to the United States to go before the committee and tell them he lied and cleanse his soul." The old gentleman and he had a few more words and they rang off.

Now, just think of it! Going to the father to ask the son to come beyond the border to testify that he was a perjurer, which testimony would make him surely, if it could have been substantiated, a subject for the penitentiary. It mattered not whether he lived in the United States or in Canada had he given the testimony, for he might have been taken under our treaty from home, brought here, and prosecuted and sent to the penitentiary.

Who will believe that Burns went over there for any such purpose? Who that has a son would have urged him to make way quick for the penitentiary? What father would do that? But his father did not believe that his son was a perjurer, and he told "the great detective" that he would not come to Toronto.

Do you think Burns wanted the young man to come to the United States? Why, no; not at all. What they wanted to do was to scare the life out of the young man, give him to understand that if he did come, if he got over here, that finally he would land in the penitentiary.

Then what happened? The fake dictograph story never would have been discovered. Nobody would have understood it. He wanted to frighten the McGowan family to keep the boy at home, and he would come here with his two detectives and his stenographer who operated the dictograph for him. They would all have sworn, as they did, that McGowan had told them in the room in Toronto, where McGowan went to meet them as friends, that he had committed perjury before the committee, that what he said was a lie, that he got $1,500 for it, that he tried to get more, but that that was pretty good.

Two detectives swore to that, and to corroborate it they put on the stand the Burns stenographer, who, sitting in the other room, claimed he had taken shorthand notes when the McGowan conversation was alleged to have taken place. The receiver was hung under a table in this room, and the enunciator was over in that room [indicating]. Here is where McGowan and the other two men were sitting [indicating]. The detectives swores to a story. Naturally they corroborated each other. Then Sheridan, the Burns stenographer, went on the stand and read his notes, and he swore to them as being the original and identical notes which he had taken on that occasion; and, as he read them, they corroborated the statements of the two detectives.

It later developed that by chance—no, I will not say by chance; I believe the hand of God directed it—Blumenberg, the official reporter of the Senate, had talked for two or three moments with Sheridan on the morning of the day that Sheridan testified. Blumenberg had the impression, in common with almost everyone else, that the dictograph was a mechanical sound recorder. Much to his surprise he learned from Sheridan that the dictograph was merely a telephonic device, and that the conversation coming over the wire was listened to by the operator in the other room, who was supposed to take it down in shorthand. Finding that in the last analysis the device depended for its success upon the shorthand writer at the end of the wire—Sheridan in this case—he asked Sheridan what his experience had been. He learned from Sheridan that he was but 19 years of age; that he had been writing shorthand but two years; that he was not sure he could write 75 words a minute, when ordinarily a conversation among three men under the circumstances testified to would run from 175 to 200 words per minute.

When the Sheridan boy was on the stand—and he was only a boy—he testified to the conditions under which he took the alleged notes, which Blumenberg, after his years of experience, knew precluded all possibility of making an accurate report, even if the machine worked perfectly and the man at the other end of the wire was an expert shorthand reporter.

Briefly stated, the conditions were these: Sheridan used a headpiece such as telephone operators at a switchboard wear. This apparatus was defective, and he used his left hand to hold it to his ear. With his disengaged right hand he said he put down the conversation in his notebook, and to prevent the book moving on the table he weighted it down with a Bible. His explanation of how he turned the pages of his notebook upon which rested the Bible, while both hands were otherwise engaged, was not satisfactory, and he was asked to give a demonstration of his method before the committee. At his very first attempt to turn the page he tore it in two.

Everybody knows that Blumenberg is one of the best stenographers in the country. All the expert shorthand witnesses on the stand said so; some of them, I think, said he was without a peer; but at any rate he is one of the best stenographers in the world. Blumenberg said he himself could not do what Sheridan had sworn he had done. He could not understand how a boy, who had had only two years' experience with shorthand, who was about 19 years of age, could do things that a man who had had the experience Blumenberg has had was incapable of doing.

So Blumenberg stood behind Sheridan when the latter was on the stand, and he examined Sheridan's notes as the latter read them. When Blumenberg was examined by the committee

he swore that Sheridan's notes resembled a child's copy book, and that unless Sheridan had had a great deal of time to make those notes, which Blumenberg characterized as having been drawn, Sheridan could not possibly have written them as he claimed he did; that nobody could do it. Blumenberg swore that in his opinion, after 30 years devoted to shorthand writing, Sheridan's notes were a fake, were fabricated for the purpose, and were not original notes.

Sheridan swore that there was much talk among McGowan and Kerr and Bailey, the latter two detectives; that it was on a great many subjects, but that he, Sheridan, disregarded all that was said except that which pertained to the Lorimer case; that he took only such parts of the conversation as applied to the Lorimer case. He had the book in his hand and he read from it, and he said: "These are the notes I took at the time."

Then congressional stenographers, in addition to Blumenberg and a professional shorthand writer in business for himself in Washington, were put on the stand. They fully corroborated Blumenberg's professional judgment, and swore that it was impossible for Sheridan to have done what he claimed to have done.

The committee asked Sheridan if he was willing to undergo a test. He said he was. So the committee arranged for a test. They put the receiver in one room and the enunciator in the other, and the committee and those carrying on the conversation sat with the official stenographers in another room. In one case Mr. Pierce, the clerk of Senator DILLINGHAM's committee, conversed with Kerr and Bailey, the two detectives, and Sheridan in the other room was supposed to take down the conversation. He was to do in the other room just what he said he had done in Toronto, because he could do it so easily, so absolutely perfect, in copy-book style.

In the second test Mr. Ward, the clerk of the committee of which I have the honor to be chairman, with these two detectives, in the presence of the committee and of the stenographers who were employed by the committee, held a conversation, and Sheridan, in the other room, was again supposed to report the same conversation over the dictagraph. Sheridan could take, he claimed, anything he wanted to take, eliminate any part and put in any part, and not leave any sign that he had eliminated anything or that he was confused in any sense of the word. In other words, he could write it so that there would be no evidence in the notes of false starts or of striking out shorthand characters and inserting others, as men use a word and withdraw it and employ another.

Every stenographer who testified said it was absolutely impossible to select particular parts of a conversation and report them, because the stenographer could not tell, when the first words were uttered, what the conclusion of the sentence would be; that he had to take the first words of a sentence in order to report the whole sentence if it should turn out that the sentence related to the matter he was supposed to report; that if the stenographer did wait and when he heard that which assured him the three men were talking on the subject he was supposed to report, he could not go back and take the first words, because if he did he would lose all that followed. That is what the expert shorthand witnesses before the committee testified to.

After the test was made the result was printed. This paper [exhibiting] gives the result. Now, you will observe that the full columns contain the conversation had in the committee room as reported by the official reporter, and the other columns contain what Sheridan got of the same conversation. That is the record of the test of the dictograph stenographer, who never was confused in taking notes, and who takes notes under any and all conditions! There it is for Senators to look at, and from it for Senators to decide whether or not Sheridan was capable of doing what he says he did in Toronto.

Briefly stated, the result of the first test is that Sheridan failed absolutely to report the "strange voice." He did not record the words or convey the meaning of a single sentence spoken by Mr. Pierce. Sheridan gathered only 32 out of the 482 words spoken by Mr. Pierce on the Lorimer case. Yet the Chicago Tribune calls this a "triumph" for the forger of the Toronto notes! As a matter of fact, it proved conclusively that Sheridan's Toronto notes were a forgery!

The result of the second test was that Mr. Ward, the strange voice, spoke 770 words on matters pertaining to the Lorimer case, and of these Sheridan recorded only 56 words which conveyed the meaning expressed by the speaker. In both tests Sheridan recorded about 5 per cent of what was said by the unknown strange voice.

That is the man who could take up and leave off and go back and begin in the middle, or start at the end of any sentence and report it correctly! There could not be any mistake about him!

It seems hardly necessary to add, after this demonstration, that not a single expert witness was called to contradict Blumenberg and the other shorthand writers who so completely sustained him in his professional opinion as to the factitious character of the Sheridan notes.

Now let me quote to you from the report of the majority of the committee their conclusion with respect to Sheridan after witnessing both tests. They say:

> A dictograph had been secreted in a room to which Mr. McGowan had been invited by Messrs. Bailey and Kerr, from which a wire with a telephonic receiver attached led to an adjoining room where one Sheridan, another employee of the Burns Agency, was stationed to take down in shorthand any conversation which might be had in the other room relative to the Lorimer case. This young man, James E. Sheridan, afterwards appeared as a witness before this committee, with his original shorthand notes claimed to have been taken on that occasion, which he read into the record. Doubt was expressed as to his ability to hear and write under the conditions described, and a test of his ability to do so was made by order of the committee. Mr. Sheridan and Mr. Bailey were permitted to make all the arrangements for the same, so as to reproduce as nearly as possible the conditions under which the work was done in Toronto. They used the same instruments and expressed themselves as satisfied with conditions, but the results were so disastrous to the claims made by Mr. Sheridan in his testimony as to satisfy the committee that no dependence whatever can be placed upon his testimony.

No dependence whatever can be placed upon Sheridan's testimony, say the committee. The minority of the committee in their report are wise enough and discreet enough not to mention the Sheridan incident. So we have no defense of "the great detective's" story, nobody explaining away this failure of Sheridan to make the same sort of record before the committee that he swore he made in Toronto.

Now, what does the Senator from Indiana [Mr. KERN] say in his remarks about McGowan? Why, he said that it was so sure and conclusive that McGowan was a perjurer that he did not need any more testimony; he would not sit and listen to the detectives; there was no use of doing it; he was convinced.

Well, of course, I am not a mind reader, and I do not know what was running through the Senator's mind, but every Senator has a right to guess, and I guess that the Senator knew that he would not dare to defend that record on the floor of the Senate, and he passed it in that way.

I will insert in my remarks at this point the result of the tests in parallel columns.

The matter is as follows:

FIRST TEST.

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER.	WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION.
Mr. PIERCE. How long have you two gentlemen been around the city?	
Mr. BAILEY. Why, about two weeks, I think, I have been here.	
Mr. PIERCE. Have you been around here as long as that, Mr. Kerr?	
Mr. KERR. I believe I have been here for pretty nearly three weeks.	
Mr. PIERCE. Three weeks. You have seen quite a bit of the sights around here?	
Mr. BAILEY. Why, we have not taken in many sights; at least, I have not. I have not been anywhere, very much, since I have been here.	
Mr. PIERCE. Of course you have been up around the Capitol, more or less?	
Mr. BAILEY. Yes; I have been around the Capitol.	
Mr. PIERCE. Been around the Senate Office Building? Have you heard any of the hearings around?	

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Mr. BAILEY. No. I was in the Supreme Court, I think, one day—only one day.

Mr. PIERCE. You have not been around the Lorimer hearing, or the Interstate Commission hearing at all?

Mr. BAILEY. Only as a witness around the Lorimer hearing.

Mr. PIERCE. You were not in there yesterday afternoon, either of you gentlemen?

Mr. KERR. I believe I was in there yesterday morning.

Mr. PIERCE. You did not hear the testimony yesterday afternoon of the young lady witness? I believe that you were connected with that, Mr. Bailey.

Mr. BAILEY. Yes; but I did not hear any of it.

Mr. PIERCE. You did not hear any of it?

Mr. BAILEY. No; I didn't hear any of the evidence at all in regard to that.

Mr. PIERCE. She made a very interesting witness, and some points that she brought out were very closely followed by all of the spectators. You both have been witnesses there, then, haven't you?

Mr. BAILEY. Yes; I was a witness there; I was on, I think, for two days, or probably a little more than two days.

Mr. PIERCE. You are a detective, Mr. Bailey?

Mr. BAILEY. Why, I call myself an investigator. Some people call me a detective.

Mr. PIERCE. Mr. Kerr was there as a witness with you wasn't he?

Mr. BAILEY. Yes, Mr. Kerr.

Mr. PIERCE. He followed right on after you, as (if) I remember correctly?

Mr. BAILEY. Yes; Mr. Kerr followed me on the witness stand, I think, if I remember rightly; yes.

Mr. PIERCE. You were on for more than one day?

Mr. KERR. No; I was only on one time. I believe that it was the understanding, however, that I should go on again; but I have not been advised definitely as to whether or not I will go on again.

Mr. PIERCE. That is, you are still retained here, are you?

Mr. KERR. I believe I am; but I am very anxious to get away.

Mr. PIERCE. Of course you are collecting your three-dollar fee, aren't you, along every day?

Mr. KERR. I have not been advised to that effect.

Mr. PIERCE. It is rather hard work, all right.

Mr. KERR. I certainly would prefer other employment, if I can call this employment. It is very hard to fill in the time.

Mr. PIERCE. You are anxious to get back, too, I suppose, Mr. Bailey?

Mr. BAILEY. Yes; I am very anxious to get back. I have several matters that should be taken up. I should have been away from here—well, a week or more ago, at least—to take up a very important matter.

Mr. PIERCE. You are both anxious to get away?

Mr. KERR. I know I am.

Mr. PIERCE. How long is this conversation supposed to be carried along? Can you tell me, Mr. Bailey?

Mr. BAILEY. No; I can't tell you the exact length of time, Mr.——

Mr. PIERCE. Do you know, Mr. Kerr?

Mr. KERR. Why, if we are to be governed by the actual time that the conversation took place in Toronto, I believe that the interesting part, or the part which pertains to the case, covered a period of about 20 minutes to a half an hour.

Mr. PIERCE. Twenty minutes to a half an hour?

Mr. KERR. Yes.

Mr. PIERCE. We will carry on the conversation that length of time, I suppose.

Mr. KERR. Why, I have not been instructed by any person as to the length of time that the conversation will go on here. I will say that we were in the room, though, about an hour and a half.

Mr. PIERCE. This testimony which Sheridan took—was that supposed to cover that length of time?

Mr. KERR. Why, Mr. Sheridan took very little of the total conversation that occurred in the room. The only conversation that he took was evidence that had to do with this case—that is, that was considered as incriminating evidence, as I understand.

Mr. PIERCE. As you understand?

Mr. KERR. Yes, sir.

Mr. PIERCE. You say you have been around the city quite a bit, Mr. Bailey, since you have been here?

Mr. BAILEY. Well, I have not taken in many of the sights. I have been to the Capitol, and over to the Howard Institute one day; but outside of that I have not taken in anything.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

Strange VOICE. You were not in yesterday afternoon, were you?

Mr. KERR. I was in yesterday morning.

Mr. BAILEY. I did not hear any of the evidence regarding that.

Strange VOICE. ———.

Strange VOICE. Made a very interesting witness—— (Break.)

Mr. BAILEY. (Break.) Two days and possibly a little more than two days.

Mr. BAILEY. Mr. Kerr followed me on the witness stand, if I remember.

Mr. KERR. I was only on one time. It was the understanding, however, that I should go on again, but I have not been advised as yet whether I will go on again. (Break.) I am very anxious to get away.

Mr. KERR. I have not been advised to that effect.

Mr. KERR. (Break.) Governed by the actual time the conversation took place in Toronto, I believe the interesting part, but the part which pertains to this case covers a period of about 20 minutes to a half hour. (Break.) I should say we were in the room about an hour and a half.

Mr. KERR. Mr. Sheridan took very little of the (break) conversation that occurred in the room. The only conversation he took was the evidence that had to do with this case—that is, incriminating evidence, as I understand it.

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Mr. PIERCE. Of course, it has been rather cold for sightseeing?

Mr. BAILEY. Not only that; I have been expecting to be called at any time before the committee, and I have been down here at the Senate House every day, practically all day.

Mr. PIERCE. Mr. Bailey has been along—Mr. Kerr has been along with you, I suppose?

Mr. BAILEY. Yes; we usually have been together since we have been in Washington. We spent most of the time together.

Mr. PIERCE. There is quite a bit to see in the city. You have had plenty of time to get around.

Mr. BAILEY. Well, I have seen most of the sights here on previous occasions. I have been here a number of times, and spent more or less time in Washington.

Mr. PIERCE. So that you are not very much interested?

Mr. BAILEY. No; I am interested, but at the same time it is not like a person that has never seen these things.

Mr. PIERCE. I really myself have not had time to get around at all, as much as I would like to.

Mr. KERR. I would like very much to go through the Treasury Department. I imagine that would be a very, very interesting trip.

Mr. PIERCE. Yes; I should think that it would.

Mr. KERR. I have been through the National Museum of Art over here, and the State capitol. Those are about the only two places that I have been, with the exception of the theaters, of course.

Mr. PIERCE. You did not mean the State capitol, did you, Mr. Kerr? You meant the National Capitol?

Mr. KERR. Yes; I meant the National Capitol.

Mr. PIERCE. You said "the State capitol," I believe.

Mr. KERR. Yes. No; I was wrong there. I meant the National Capitol.

Mr. PIERCE. Of course the correction will not be needed. You say that you have been more or less interested in the Lorimer case for some time, Mr. Bailey—three years?

Mr. BAILEY. Well, through my investigation, yes; since I have been working on this investigation, of course, I was more or less interested in it.

Mr. PIERCE. And the papers, of course, have been full of it; and you followed it through them only?

Mr. BAILEY. Well, I have not followed it very closely, but I have read some of it, of course. I have not really followed it closely, though; in fact, I followed it very little until I took this matter up with regard to McGowan.

Mr. PIERCE. I have noticed the Chicago papers have been all full of the case, so I didn't know but you had followed it through that.

Mr. BAILEY. Well, you see, I spend very little time in Chicago. I am out around in other cities most of my time. I may get in Chicago over night and leave in the morning for some other place, or the next day, and I spend very little time in Chicago.

Mr. KERR. Mr. Cornelius suggests talking on the Columbus affair down there. I don't know whether it would be advisable to go on with that or would the committee desire us talking on that?

Mr. PIERCE. I don't suppose that they really would.

Mr. KERR. Probably not.

Mr. PIERCE. Mr. Kerr, you are on from Detroit, are you not?

Mr. KERR. Yes; I am in Detroit pretty much, although I am out of the city a lot. Detroit is my home. My residence is there.

Mr. PIERCE. And you came on here for this one case alone—that is, the Lorimer case?

Mr. KERR. Yes; I came over here from Toronto.

Mr. PIERCE. Have you been interested in the case before?

Mr. KERR. No.

Mr. PIERCE. From reading it in the papers, I mean?

Mr. KERR. What is that?

Mr. PIERCE. Reading it in the papers, I mean.

Mr. KERR. Oh, I have read considerable of it in the papers; yes.

Mr. PIERCE. In the Detroit papers or in the Chicago papers?

Mr. KERR. Oh, Detroit papers, or papers that I would get wherever I was, you know; mostly, though, in Detroit papers.

Mr. PIERCE. Are they as interested in the case as the Chicago papers?

Mr. KERR. What is that?

Mr. PIERCE. Are they as interested in the case as the Chicago papers?

Mr. KERR. Oh, no; there is very little in the Detroit papers on this case. They don't seem to pay much attention to the cases, although I read considerable in the Detroit papers of Mr.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

Mr. BAILEY. During my investigation, yes. (Break.) I have been working on this investigation more or less. (Break.)

Mr. BAILEY. I have not followed it very closely. (Break.) I have not really followed it closely, though. (Break.) Took this matter up in regard to McGowan.

Mr. BAILEY. You see, I spend very little time in Chicago. I am (break) I may go into Chicago over night and leave Chicago. (Break.)

STRANGE VOICE. Have you been in the case before?

Mr. KERR. In the papers; yes.

STRANGE VOICE. Detroit papers?

Mr. KERR. Detroit papers, or papers I look at wherever—mostly all Detroit papers.

STRANGE VOICE. (Break.) Chicago papers.

Mr. KERR. Oh, no; there is very little in the Detroit papers on this case. They don't seem to pay much attention to this case.

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Carnegie's testimony in Washington. I don't know whether it was before the same committee or not, but——

Mr. PIERCE. I don't believe that was before the same committee.

Mr. KERR. I don't know. I don't think it was, however. I was very much amused when I read an article in the Detroit paper stating that Mr. Carnegie got a check, or something, for his time, and was going to have it framed.

Mr. PIERCE. What is that again? I didn't understand that.

Mr. KERR. Why, if I remember the article rightly, Mr. Carnegie got a check or a voucher for his fee as a witness, and I believe the article stated that he was not going to have it cashed, but was going to keep it as a sort of souvenir.

Mr. PIERCE. Preserve it, I suppose?

Mr. KERR. Preserve it; yes.

Mr. PIERCE. Have it framed?

Mr. KERR. I believe that he was going to have it framed; yes.

Mr. PIERCE. You fellows, when you go back, ought to get your money framed.

Mr. BAILEY. Yes; we ought to. That's right. I haven't heard anything about getting any yet.

Mr. PIERCE. I believe that you have your expenses, don't you? You are witnesses in the case.

Mr. BAILEY. I don't know much about that. I don't remember ever collecting any witness fees or any expenses for anything that I testified on anywhere.

Mr. KERR. This is the first time I ever appeared before a committee, or the first time that I ever was involved either as a witness or had any charges put before me. I never had any court experience at all.

Mr. PIERCE. It must be very trying all right.

Mr. KERR. Oh, I was a little nervous when I first went on the stand, but after I was on there a short time I believe I was composed.

Mr. PIERCE. In following this Lorimer case, you say the papers all over the country have been more or less filled with the account of the hearings. You say, Bailey, that you never remember reading of it before you were employed by your agency?

Mr. BAILEY. Oh, yes; I have read some of the testimony at different times, but I never followed it closely, you know.

Mr. PIERCE. Not closely at all?

Mr. BAILEY. No; not until after I took up this case, you know; this investigation. Then, of course, I followed it more or less closely; but there were times when I was on that investigation that I could not very well take it up. I don't think they had very much of it in the Regina or Moosejaw papers or any of those places. I don't think they had anything, in fact.

Mr. PIERCE. But, of course, through your interest in the case, after you were employed by these parties that were interested in it, you followed it pretty closely, didn't you?

Mr. BAILEY. Well, I suppose you would call it closely. I read considerable of it when I was around where I could get papers, you know, that had much of it in.

Mr. KERR. But you did not read any of it when you were up in Canada, eh?

Mr. BAILEY. No; I don't think it treated upon it very much in the Canadian papers. I don't remember seeing any of it at all in the Canadian papers.

Mr. KERR. What was your impression of the case?

Mr. BAILEY. Oh, I didn't have much of an impression of it; I didn't form any opinion about it at all. I was not familiar with it enough for that, Harry.

Mr. PIERCE. You say you did not form any opinion at all?

Mr. BAILEY. I have not formed any opinion in regard to the outcome of the case or anything like that. That is what I thought Mr. Kerr meant by his question there.

Mr. KERR. No; I just wanted to know what your opinion was on it. I probably should not have asked that question—about the only thing I could think of at the time.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

Mr. KERR. I was a little nervous when I first went on the stand, but after I was on a short time (break) composed.

STRANGE VOICE. (Break.) Lorimer case. The papers all over the country.

Mr. BAILEY. I read some of the testimony at different times, but I never followed it closely (break) not till after (break) of course I followed it more or less closely (break) then I could not very well follow it. I don't think they had very much in the Regina or Moosejoint papers.

Mr. BAILEY. I suppose you would call it closely.

Mr. KERR. What was your impression on the case?

Mr. BAILEY. I did not have much of an impression. (Break.) I was not familiar with it enough, Harry (break) regard to the outcome of the case.

Mr. KERR. I just wanted to know what wour opinion on it was. (Break.)

SECOND TEST.

WHAT WAS SAID AS REPORTED BY OFFICIAL REPORTER.

Mr. WARD. To begin with, I want to get the opinion of you if this is a case of forced hospitality?

Mr. BAILEY. If this is a case of forced hospitality?

Mr. WARD. Yes.

Mr. BAILEY. Well, I don't know. It looks a little bit like that to me.

Mr. WARD. What has been your connection with this case other than Mr. McGowan?

Mr. BAILEY. Why, I have made the investigation on Mr. McGowan. That is about the extent of my work on this case.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION.

STRANGE VOICE. What has been your connection with this case other than McGowan?

Mr. BAILEY. Oh, I have been making an investigation with McGowan (break) has been about the extent of my work on this case.

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Mr. WARD. Well, now, to begin with, I want to ask both of you gentlemen if it has occurred to you that it is a long time between drinks?

Mr. KERR. Yes. I suggest that we have a bottle of Budweiser.

Mr. BAILEY. Well, I second the motion.

Mr. WARD. What was that banquet in Detroit?

Mr. BAILEY. Oh, there are so many banquets around the New Year's, you know, that I couldn't remember just any particular banquet that took place there.

Mr. WARD. Was that on New Year's eve?

Mr. BAILEY. Well, on acount of New Year's coming on Sunday, the conditions of the law there in regard to selling liquor, some held it on Saturday and some on Sunday; different places held it on different occasions, you see.

Mr. WARD. Who is the mayor up there now?

Mr. KERR. Billy Thompson.

Mr. WARD. Who is the police magistrate?

Mr. KERR. Frank Crowell.

Mr. WARD. Is there any talk up there on general politics?

Mr. KERR. Is there any talk on general politics?

Mr. WARD. Yes; presidential politics.

Mr. KERR. Oh, there naturally would be.

Mr. WARD. What is the sentiment up in that country for Col. Roosevelt?

Mr. KERR. Why, I believe Roosevelt has a pretty good following up there.

Mr. WARD. Considerable advertising?

Mr. KERR. I don't know of any advertising.

Mr. WARD. Have the papers said anything about him?

Mr. KERR. Oh, there is more or less in the newspapers regarding the candidates on the Republican ticket, or whatever you want to call it. I believe Mr. Taft is very strong up there. I don't follow politics very closely, although I should judge that I am in the prosecuting attorney's office two or three times a week. My attorney is in that building and is assistant prosecuting attorney.

Mr. WARD. Who is the prosecutor now?

Mr. KERR. Mr. Shepard—Hugh Shepard.

Mr. BAILEY. Where are you from?

Mr. WARD. Chicago.

Mr. BAILEY. Oh, you live in Chicago, do you?

Mr. WARD. Yes.

Mr. BAILEY. That is a pretty nice city, isn't it?

Mr. WARD. Yes; it is quite a large city.

Mr. BAILEY. Have you been living there very long?

Mr. WARD. Yes; four or five years.

Mr. BAILEY. You like it better than your previous place of abode, do you?

Mr. WARD. Oh, yes; yes.

Mr. BAILEY. It is funny I never met you around Chicago, sir.

Mr. WARD. Well, I am pretty busy most of the time, on the way from Chicago to Washington and back again. I generally have been with the Senator on his trips back and forth, and of course while this investigation has been going on I have been connected with that more or less all the time.

Mr. BAILEY. Well, I meet so many people around Chicago that I remember an awful lot of faces around there after seeing them a time or two, you know. Anyway, I am pretty good at remembering faces.

Mr. KERR. You could pretty nearly make your home here, couldn't you, Mr. ——, I have forgotten your name.

Mr. WARD. My name is Ward.

Mr. KERR. Mr. Ward?

Mr. WARD. Yes. No; I could not—not if I had my own way about it.

Mr. KERR. Well, I mean you are here so much.

Mr. WARD. Oh, I am here a great deal of the time; yes. I spend my time entirely between here and Chicago.

Mr. KERR. Do you like this?

Mr. WARD. Oh, very much, as a city. It is a beautiful place, and all that; but there is not enough going on here, as a rule, to interest a person who has lived in a large city.

Mr. KERR. I see.

Mr. WARD. And particularly a person who has been connected for the last two years, as I have, with every phase of this investigation, both here and in Chicago and in Springfield. I happened to be with the Senator at the time. That is, I was his secretary at the time that he was elected to the Senate.

Mr. KERR. I see.

Mr. BAILEY. Was not this matter taken up in Chicago at one time?

Mr. WARD. In some of its phases; yes. What have you reference to particularly?

Mr. BAILEY. To the Lorimer investigation.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

STRANGE VOICE. (Break.) It has occurred to you it is a long time between drinks.

STRANGE VOICE. (Break.) With this investigation, both here and in Chicago and at Springfield.

Mr. BAILEY. Was not this matter taken up in Chicago at one time?

STRANGE VOICE. (Break.) Yes.

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Mr. WARD. Yes; yes; it has been taken up there on two different occasions, as I remember; first, in October, or late in the fall of 1910, and then again this committee went out there this summer and sat there for a number of weeks taking testimony there in Chicago.

Mr. BAILEY. Well, I have reference to the October session, I guess, when Mr. McGowan and I came back from the West.

Mr. WARD. Oh, yes.

Mr. BAILEY. I think, if I remember rightly, they were in session there at that time.

Mr. KERR. Did you come back in October?

Mr. BAILEY. Yes; in October.

Mr. WARD. What time in October?

Mr. BAILEY. Oh, I forget; somewhere around about the 18th, 19th, or 20th. I think, if I remember rightly, I was in Milwaukee on the 18th. I seem to remember that very distinctly.

Mr. WARD. The 18th of October?

Mr. KERR. Have you got a match?

Mr. BAILEY. No; I have not got a match just now.

Mr. KERR. Do you care for a cigar?

Mr. BAILEY. Yes; I will take a cigar. Is it a good one?

Mr. KERR. Not this one.

Mr. WARD. At that meeting in the King Edward Hotel, how many rounds of drinks did you fellows have?

Mr. BAILEY. Well, it is pretty hard to say. Neither of us are very heavy drinkers, you know.

Mr. WARD. Do you recollect how long the discussion ran on the McGowan matter?

Mr. BAILEY. Oh, I could not recall. We talked, I think, for about an hour and a half in that room that first time Mr. McGowan came up there; but the LORIMER matter was not discussed, you know, only a certain limited time.

Mr. WARD. Did it occur to you at that time that it was rather cold weather?

Mr. BAILEY. Very cold. We had the windows closed. I know that the room was closed up very tight, and I think we had the transoms closed, if I remember rightly.

Mr. WARD. How cold does it get there at that time of year; do you know?

Mr. BAILEY. Well, I heard them say it was 12 or 14 below.

Mr. WARD. Oh, it gets that cold in Chicago. It was 16 or 17 in Chicago, as I recollect it, and about 12 or 14 below here in Washington, even.

Mr. KERR. I believe on the Sunday it was 8 or 9 below zero.

Mr. WARD. Was that the Sunday you were in the room up there?

Mr. KERR. Yes; we were in a room that Sunday, but we went down to the Walker House with Mac for luncheon, and I remember we walked down, and I remember distinctly that I thought my ears were frozen on the way down. It was awful cold, and there was an awful sharp wind off the lake, and we took that route down; that is, we did not go down King Street; we went down—I believe we took the street down that the Walker House is on. I don't just recall that street.

Mr. WARD. How far is the King Edward Hotel from the lake?

Mr. KERR. Oh, it is three or four squares; maybe it is five or six, but not any more, I don't think. It is pretty close to the lake.

Mr. BAILEY. Were you ever in Toronto?

Mr. WARD. No. Now, on that occasion when you were all together and going down to the lake, did you stop on the way to get any drinks or anything to eat?

Mr. KERR. Not on a Sunday. We went to the Walker House and had a luncheon; no.

Mr. WARD. Is Toronto a "dry" town?

Mr. KERR. Well, I always was under the impression that all Canadian towns were pretty "dry" for this reason: that the law provides over there for all hotels and bars to close their sample rooms or barrooms at, I think, 11 o'clock week nights and 7 o'clock on Saturday night, and all day Sunday. Now, I never can recall an instance where there have been any prosecutions, you know, or read any articles, or where you could ever get a drink in Canada on a Sunday, unless you got it in a high-grade or first-class hotel in your own room.

Mr. WARD. I always understood that—that the Province of Ontario was very strict in laws of that kind, in what you might call in this country the "blue laws"; but that was what set me to wondering, when the testimony came out in this case down here, that there were drinks in the hotel on that Sunday night; I didn't suppose that they could be gotten.

Mr. KERR. Oh, yes; you can get a drink; I think, at some time about 2 o'clock in the morning, isn't it, that you can't get any? Then you can get it at 6 o'clock. I remember that now. They have a kind of a subbar, as I understand it, that they

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

Mr. BAILEY. To the LORIMER investigation?

STRANGE VOICE. Yes; it has been taken up on two different occasions; first, in the fall of 1910 (break), taking testimony in Chicago.

Mr. BAILEY. I have reference to the October session.

STRANGE VOICE. I say, if I remember right, they were in session there at that time.

Mr. KERR. Did you come back in October?

STRANGE VOICE. Yes; in October.

Mr. BAILEY. (Break.) I think, if I remember rightly, I was in Milwaukee on the 18th.

STRANGE VOICE. Eighteenth of October?

STRANGE VOICE. (Break.) In the King Edward Hotel. (Break.)

Mr. BAILEY. (Break.) Pretty hard to say; neither of us are pretty heavy drinkers.

Mr. KERR. We went down to the Walker House with Mac for luncheon, and I remember distinctly I thought my ears were frozen on the way down (break), and we took that (break) I believe we took (break) that the Walker House is on.

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

serve from to the rooms, but I believe the other is served from the bar. While I am not sure about it, I believe——

Mr. BAILEY. Well, we had no difficulty in getting a drink in our room at any time, without it was after 2, or something, very late in the morning or early in the morning, whichever you would call it.

Mr. WARD. Do the drug stores sell it up there?

Mr. BAILEY. I never got any at the drug store. They may do it. I know they do in lots of places—for medicinal purposes, though, I think, as a rule.

Mr. WARD. I know of a little town in Illinois that had local option, and I think they started up about 20 drug stores in a town of 2,000 people. It was a common saying around there that everybody in town sold it, and every institution sold it except the post office.

Mr. BAILEY. Well, that may be a fact. I don't know anything about that.

Mr. WARD. Did you work on the McNamara case?

Mr. BAILEY. Yes; I worked on the McNamara case to some extent; not to any——

Mr. WARD. Out on the coast—any features of it out on the coast?

Mr. BAILEY. I never went on the coast on the McNamara case at all; no. I went to Milwaukee and made the investigation up there for the Milwaukee Fuel Co, when that explosion took place up there.

Mr. WARD. You travel around a good deal, don't you?

Mr. BAILEY. Yes; I travel around a great deal.

Mr. WARD. On the road a great deal?

Mr. BAILEY. A great deal.

Mr. WARD. That was true in the last year, the early part of the year, was it?

Mr. BAILEY. Why, I travel around a great deal all of the time. Of course I can't recall whether I was traveling around just at the first of the year or not, but I travel around a great deal at all times. I don't spend very much time in one place, without the operation is a lengthy operation, a drawn-out operation.

Mr. WARD. I suppose in your travels around you probably run on little incidents in connection with the McNamara case, and probably in connection with your Columbus case, or whatever that was, and you pick up information generally, don't you, wherever you go around the country, and even when you are on those trips you pick up things connected with this investigation?

Mr. BAILEY. Oh, anything that I would pick up connected with any investigation I would report it to our office, you know. That would be natural. We don't overlook any bets, if we can help it, you know, in our line.

Mr. WARD. Yes; I guess not. The conversation seems to be flagging.

Mr. BAILEY. Yes; I don't know what seems to be the trouble. I can't find much to talk about.

Mr. KERR. You were on the Columbus case, weren't you—that is, didn't you spend a long time on that Columbus case?

Mr. BAILEY. Yes; I think I was on the Columbus case probably three or four months; I don't know just how long. I think I took it up some time in May, and worked on it until about the middle of July—something like that. It might have been longer. I think we went—I think we went to Columbus and testified later than that. The operation was really over as far as getting the evidence.

Mr. WARD. What time was that?

Mr. BAILEY. That was in—the operation, I think, terminated in July. Then I think we went to testify some time in September. It was the latter part of August, I think, when Diegle was tried there.

Mr. WARD. What year was that?

Mr. BAILEY. That was 1911.

Mr. WARD. Did you carry that work along in connection with your work on this case?

Mr. BAILEY. Oh, no.

Mr. WARD. When did you go to Toronto?

Mr. BAILEY. Well, I left Detroit for Toronto, I think, on the—on the 2d of January, 1912, if I recall rightly.

Mr. WARD. Now, then, I want to ask you a question about that meeting there in the hotel that night. I do not want to encroach on the prerogatives of the committee in asking these questions, and I do not intend any discourtesy to them in doing it, but there is a feature of it that I would like to know about, and that is, if you gentlemen had anything there in the way of refreshments in the room at that time?

Mr. BAILEY. At what time?

Mr. WARD. At the time this conversation took place.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

STRANGE VOICE. Pick up things in connection with this investigation.

Mr. BAILEY. That would be natural.

STRANGE VOICE. Did you carry that work along in connection with the work in this case?

Mr. BAILEY. No.

STRANGE VOICE. When did you go to Toronto?

Mr. BAILEY. (Break.) I went to Detroit. (Break.)

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Mr. BAILEY. Oh, yes; we had a bottle of beer there, I think—Budweiser, I think. Mac and I generally drank Budweiser if we could get it.

Mr. KERR. I believe we had two bottles each.

Mr. BAILEY. Well, that may have been so, Harry.

Mr. WARD. What was that story you related up there that evening, Mr. Kerr? Do you recollect what it was about?

Mr. KERR. Oh, I related a couple of stories. I related a story that pertained to George B. Cox, of Cincinnati. Do you want me to tell it to you?

Mr. WARD. Why, no; I don't believe I care. I just want to know if it had any bearing on this case, or if it had any connection with this case in any way.

Mr. KERR. No; it had no connection with it, but I was always a great admirer of Mr. Cox, for this reason, that I understood that—that is, they told me when I went to Cincinnati that he worked himself up from a bartender.

Mr. BAILEY. Well, I don't think we want to go into that, discuss that thing, because we want to talk here and not discuss that thing at any length. I don't think we want to do that.

Mr. WARD. Well, that is all right. I don't care to know about it.

Mr. KERR. Well, anyway, it was only told in the form of a story. There was really no object in telling the story.

Mr. WARD. Did you have in mind, at the time this conversation was going on, that you gentlemen would go out that evening around the town?

Mr. BAILEY. I don't remember whether we did or not. We may have. I don't recall that just now at this time. We may have. Charlie generally wanted to take a run around, and I generally fell in line with him.

Mr. KERR. I did not personally care about going out, because I don't go out on excursions of that kind. I have only been married a little over two years.

Mr. BAILEY. Well, I have been married considerably longer than that. Of course business sometimes calls you in ways that you wouldn't go otherwise, don't you know. [After a pause.] Well, we were discussing the LORIMER case. Do you think it will last very much longer?

Mr. WARD. Oh, I can't tell. I don't have any means of knowing how long it would last.

Mr. BAILEY. It has been going on now for some 9 or 10 months, has it not?

Mr. WARD. The present investigation has been going on since last June.

Mr. BAILEY. And have you been on the case ever since that, Mr.——

Mr. WARD. Even before that. I was, as I stated before—I was connected with the Senator when he was elected to the United States Senate, and came down here as his secretary, and have been with him constantly ever since; and, of course, I was with him when the first investigation was had, in the fall of the year 1910, when Senator Burrows was chairman of the committee, and that case was debated in the Senate last spring; and I believe it was either on the 1st or 2d day of March, 1911, that the committee took a vote on a resolution submitted by Senator Beveridge in the Senate declaring that Senator LORIMER had not been legally elected to his seat. The result of that vote was 46 nays and 40 yeas, by which Senator LORIMER was seated. Following that session——

Mr. BAILEY. You are going a little too rapidly. I can't quite understand you there, sir.

Mr. WARD. Well, following that session of that Congress a resolution was introduced in the present Congress, the first session, by Senator LA FOLLETTE, in which he raised the question that new evidence had been——

Mr. BAILEY. Pardon me just a moment. You are talking so fast that I can't hardly get a word that you are talking about. You just go along as though you were reading a book.

Mr. WARD. No; I am not reading a book.

Mr. BAILEY. Well, you are——

Mr. WARD. I am just stating about this case in answer to your question. You asked me how long——

Mr. BAILEY. Oh, I didn't want you to go in it quite so far.

Mr. WARD. I did not want to detain the committee here, and that is the reason I was just skimming over——

Mr. BAILEY. You surely will not, if you go along at that rate; you won't detain the committee.

Mr. KERR. Pardon me, Mr. Ward. Mr. Burrows was a Michigan man, wasn't he?

Mr. WARD. Yes; he lived in Kalamazoo, Mich.

Mr. KERR. Oh, yes.

Mr. WARD. And he has been Senator from Michigan for a great number of years. I think he has been in public life for about 33 years, as I recollect. He started in the Civil War.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

Mr. BAILEY. We were discussing the LORIMER case. Do you think it will last much longer?

STRANGE VOICE. No; I can't tell.

Mr. BAILEY. It has been going on now for some 9 or 10 months, hasn't it?

STRANGE VOICE. (Break.) Ever since last June.

STRANGE VOICE. In the fall of the year of 1910, when Senator (break) was chairman of the committee (break). I believe it was on the 2d of March (break) declaring that Senator LORIMER had not been legally elected to his seat (break). Senator LORIMER was (break) following that action of Congress a resolution was introduced (break) by Senator LA FOLLETTE, in which he (break).

WHAT WAS SAID AS REPORTED BY THE OFFICIAL REPORTER—continued.

Mr. BAILEY. It is pretty hard to stop this gentleman. He wants to do all the talking, doesn't he? I don't know why he wants to rattle along that way. We can't understand that rapid conversation.

Mr. KERR. How do you spell his name—B-u-r-r-o-w-s?

Mr. WARD. Yes; that is correct.

Mr. KERR. He has no connection with the Burroughs Adding Machine Co. in Detroit?

Mr. WARD. No; the names are spelled in an entirely different manner. I don't know whether he has any connection with them or not.

Mr. BAILEY. Do you know the Burroughs Adding Machine people?

Mr. WARD. No; I do not. I probably——

Mr. BAILEY. They have a big plant in Detroit, you know.

Mr. WARD. I probably know an agent of the company, but I don't know any of them.

Mr. BAILEY. They are quite a large concern. They build these adding machines, you know.

Mr. WARD. Yes. Who is connected with them?

Mr. BAILEY. Mr. Lauver, for one. I know him very well.

Mr. WARD. Whom?

Mr. BAILEY. Mr. Lauver—L-a-u-v-e-r.

Mr. KERR. I know a couple of the heads of that concern who were, rather, in the mechanical department. One is now. Let me see. I think a gentleman by the name of Bannard.

WHAT SHERIDAN REPORTED OF THE SAME CONVERSATION—continued.

Mr. LORIMER. As I have said, the William J. Burns Detective Agency had been employed for six weeks by the Senate committee on this same phase of the case, and though paid a large amount by the Senate, had not produced any results. The committee, at the suggestion of its counsel, thereupon terminated its employment. Subsequently the Burns agency was employed by the Chicago Tribune and the International Harvester Co. on the same job. Thus Burns and every employee of his had a double incentive—to relieve himself from the odium of his own complete failure and to meet the demands of his new employers, the arch enemies of LORIMER.

Sheridan and the forged notes were the result. What was staged to be a dramatic climax conclusion of the hearings before the committee collapsed into an anticlimax and laid bare the methods of the prosecution.

Now, where do we come? Charles A. White, bought by the Tribune; nobody denies that. Glavis got $750 to get something to be given to the committee on which to create an impression that LORIMER was corrupting officials in the departments in Washington, and, if it was so, he ought to be in the penitentiary. That would convince Senators that he was not fit to be in the Senate; and that would be so if it were true. After they got through turning him out here then they would start him on the road for Leavenworth, which is the nearest place of the kind to the town in which I live.

Then they did not have enough. So the Tribune bought William J. Burns's Detective Agency to commit perjury. What I have shown you here is the proof of it; nobody will doubt it. While bought to perjure his soul, Glavis bought to perjure his soul, but he did not have nerve enough to go through with it. Then, when they found that Glavis would not go through, what did they do? They had him indicted here in Washington. Of course, after they got him indicted they could say that Glavis was the crook; they could swear to anything that they wanted, and they would have sworn to anything; in other words, they had him indicted to make him shut his mouth, to make him hold his tongue. All that we know about the Glavis case is what I have stated to you, that he did get $750 to try to produce something to help destroy LORIMER with the Senators of the United States and ultimately to land him in the penitentiary.

Burns was employed by the attorneys of the committee. He sent his men out after McGowan and they were with him for many weeks, I have forgotten how many. Burns was employed by the attorneys of the committee at the suggestion of the Chicago Tribune. After he had been out for about six weeks the committee met in Chicago to examine into what Burns reported, and they concluded that he had nothing, and so they discharged him.

After the committee had discharged him Mr. Funk, of the International Harvester Co., and the Chicago Tribune, and Bancroft, of the International Harvester Co., told the Burns Detective Agency to go ahead. So all these conspirators are shown by the testimony to have been working together, not getting people who had sinned and repented to come in and cleanse their souls and purge the country of corruption, but to get others to commit perjury for them. The men they bought and paid were the men that produced perjury. Will anybody believe when these men had gone on the stand and the evidence showed that they had perjured themselves that the Tribune crowd and the International Harvester crowd did not know that they were going to perjure themselves when they bought them and when they paid for them?

Senators, let me ask you this question: If the press of the country had not misled you so much on the testimony in this case, if you knew it as I have stated it to you here since I have been discussing the case, if your minds were not made up because of that misinformation before the committee reported, if you believe what I state, would you turn a Senator out of the Senate on that sort of testimony? Let us have a case without any newspaper trust prosecuting it, without any International Harvester Trust prosecuting it, brought here on its merits, with no public sentiment created by false statements in the press, with no people back home demanding blood, would you then turn out a Senator—I do not care who he may be—on that sort of testimony? I believe if you knew this record, if you had studied the record, as it is impossible for you to do, because I know what the duties of a Senator are; I know that we do not all know all about what is going on, but that we must follow in this body as we follow in the world throughout our lives men in whom we have confidence, and that is what you do here—if you had the information in your minds, as Senator JONES now has it in his mind—and nobody will say that Senator JONES has changed his mind for any reason other than that he is now convinced that he was wrong a year ago—if you only had this testimony in your minds as he has it in his mind, Senators would rise in their places and state that they have had enough of this talk, that there is other business in which the country is interested, that they do not believe this foul perjurer—White—and that they want to settle the case and have done with it. That is the frame of mind Senators would be in if they knew this testimony.

So, Senators, if you drive me hence, I will never charge you with anything except voting upon a case on which you did not have sufficient information to make up a correct judgment.

I want, however, to call your attention—I had no idea of discussing it, but if I had had this information I would have discussed it yesterday—to a telegram which just comes to the Chamber. I did not even know that the sender still lived. He was a member of the legislature of our State years ago. This is not testimony. At the best it is only hearsay, and we do not even know that the man whose name appears as signed to it is the person who really sent it, but I believe that it comes from Walter B. Sayler, once a member of the Illinois General Assembly, a then successful lawyer in the city of Chicago. He wires as follows:

(Telegram.)

CARTHAGE, MO., *July 13.*

Hon. WILLIAM LORIMER,
United States Senate, Washington, D. C.:

Sometime since H. H. Kohlsaat sent a man from Chicago to Carthage, Mo., who wanted me to make an affidavit against you charging you with influencing legislation by the use of money. This shows the extent to which he will go to injure your reputation, as there were no grounds for me to make such an affidavit.

WALTER B. SAYLER.

Mr. Sayler was a repatable man and always had a good reputation in Chicago. This is not evidence, but I offer it to the Senate for what it is worth.

I want now just for a moment to address myself to the other side of the Chamber—to the Democratic side of the Chamber. I do not want you to answer the question, but I want you to consider it.

I have lived for about 40 years among the people among whom I reside now. Since I was 10 years of age I have lived with those people, Democrats in a very large majority. Those who live there and own homes, who have charge of business affairs, who are the professional men and the clergymen and the mechanics and the laborers in that community were the boys of my boyhood. I never quarreled with my neighbors any more than I quarrel with my chums, any more than I have quarreled with Members of Congress in either branch since I have been here. So, I was not quarreling with my Democratic neighbors because they were Democrats. I was brought up among them. Their fortunes were my fortunes, and my fortune was theirs. I have been a Republican all these years ever since I cast my first vote in 1884. My surroundings were overwhelmingly Democratic, but I made up my mind to cast my lot with the Republican Party because, after what I had read and what I had been able to glean of the history of my country, I decided that that party could probably manage most successfully this great Government under which we live.

Since I was 24 years of age, in a lesser or a greater degree, I have been taking an active part in the affairs of my party, aiding in all the campaigns, both local and national, discussing the issues in every campaign, talking about the principles of the party as I understood them, pleading with the people to vote the Republican ticket because, in my opinion, it was to the best interests of every citizen of this country to do so.

Our campaigns were heated, while Republican victories were few in that community; but never in all my experience on the platform have I ever uttered one word of denunciation of the party that I was opposing or of the candidates of the party to which I was opposed. I have always held the opinion that if a party was good enough to manage the affairs of this Government there were reasons enough to present to the people on which they might be convinced without slandering or villifying the other party or its candidates. In season and out of season, when Democrats came to me and asked for favors of any sort, large or small, I never asked them what party ticket they voted, and I never in my life, as Senator KERN stated in his speech—which will not be justified by anything in the record—got a job in a public office for any Democrat because he would serve me.

I have had sense enough to know, I have had experience enough to know, and I have that knowledge now of the human family, that what you may do to-day for an individual may not count to-morrow; it may not count the next day; it may never count; but I have always justified my act to myself on the ground that I was helping a fellow man, and if I wanted his help at some time in the future and did not get it he, not I, was the loser. So it has been; so it will be while the world endures. Every good act has its own compensation, whether the recipient appreciates it or not, and while he might himself have been ungrateful I have the pleasure and the gratification and the knowledge that I have reached out the hand to a fellow man and aided him when he needed aid and when he could not get it elsewhere. Oh, I never asked him whether he was a Democrat or a Republican; it was enough for me to know that he was a man, that he needed help, and I could help him; and if it happened, as it has happened, and if it be true that I have on account of the position that I have been in, whether it was fortunate or unfortunate, helped here and there and elsewhere the friends of my boyhood, my neighbors, and the friends of my neighbors who were in need of my help, and they were Democrats—and there are Democrats by the thousand that I have helped—does that not show that Democrats had valid reasons to support me rather than prove that their votes were secured through corrupt methods and practices?

Will any man with an ounce of sense believe that a man who has that sort of record, as it appears in this record, must resort to bribery and corruption to secure the support of the friends of his boyhood, his playmates, his playfellows, those whom he has helped, and those with whom he has worked? Should it be charged that because they represent the Democratic Party and because I am a Republican that, at the end of a long drawn out deadlock, with the knowledge from the beginning to the end that there was no chance of any kind for a Democrat—should it be charged that I, or somebody for me, must have bought those friends to vote for me in order to secure a seat in this body? I doubt if the people of the country would lay that charge at the door of any citizen under similar circumstances if they were conversant with the history and knowledge of the life I have lived as shown by the record in this case.

And so you gentlemen, many of you who live in States from which a Republican does not now and probably for many years will not come to this body, who know nothing about the politics of our community, even though you do not understand it, it is as I have told it to you, though you can not even conceive of such a condition.

Then may I not invite your attention to the great State of Tennessee that recently elected [LUKE LEA] a Senator to this body. By what? Bribery and corruption? Oh, no; I do not charge that; I do not suspect it; but by 32 Republican and 34 Democratic votes. For what reason? Because of Republican friends of the days of his boyhood, Republican friends who have gone shoulder to shoulder through the world for 40 years with him in all the trials and tribulations of life, friends whom he has helped and who have helped him? Oh, no. Republicans, honest men, just as honest as the 53 Democrats who voted for me, voted for him on account of a political condition in his State, different from the condition in my State, but yet a political condition without any chance in the world of electing a Republican. Nobody could hope for that. Democrats there would not vote for a Republican because the Democrats were in the majority. Each man might not have the man he wanted, but because they were in the majority, they were determined he must be a Democrat, and they would have been there until today if they could not have agreed upon a Democrat. Republican leaders, honest men, thought that was the best solution of the situation for the Republican Party—not the Democratic Party, but the best solution of the situation in Tennessee for the Republican Party—as Democrats have sworn they thought it was the best solution of the situation for Democrats in Illinois who were of the minority party there.

Because of that situation, on the recommendation of the leaders of the Republican Party, they voted for Senator LEA. What the detail is I do not know, and it is not of any consequence, any more than it is of any consequence in my case. The fact remains that those were the conditions in the two States; and the result is here as you observe it.

Are Democrats the only corrupt people on the face of the earth? Are they the only people that can be bribed and corrupted? I will not believe it. Nobody will ever make me think that. I know the heads of families in my neighborhood; I know the men who built up our community; I know their families. Two out of every three of them are Democrats; and I know them better, and more of them, probably, than any Democrat in public life in the State of Illinois. And because of what I know of the Democrats in my community, I will not believe that Democrats are the only people that are susceptible to bribery and can be corrupted. Nor will I believe the statement of any man that the Republicans of Tennessee—32 of them, as great a number in proportion as voted for me in Illinois—were corrupted. I believe, Senator LEA, you occupy your seat here with as clean a title as any man that ever sat in this body; but not by your party vote, any more than I occupy my seat by the strict Republican vote of the State of Illinois.

Democratic Senators, unless you are convinced from this record that Democrats were bought to vote for me—and there is no charge that Republicans were corrupted—you ought not to vote to turn me out. I want no answer; but I think what I have suggested to you is worthy of consideration.

I want you to know now that I am not pleading for votes. I would not have the vote of a man that believes I came here corruptly. I do not want your votes unless you believe that my election is as clean and was as clean, and my certificate is as pure, as that of any man that ever sat in this body.

It has been suggested that "the interests" want LORIMER here; that the "the interests" wanted LORIMER elected. Everybody knows what is meant by "the interests." I will not name the corporations. But the evidence in this case, Senators, shows that one of the largest so-called "interests" in the country has left no stone unturned to turn me out. The International Harvester Co. has even gone so far as to continue the Burns Detective Agency in an investigation of this case for the purpose of turning LORIMER out.

I never did anything to the International Harvester Co. I never in my life did them an injury. I never lifted a finger against them. The only thing I ever did was to do my duty as a Member of Congress and prevent them from closing up a navigable stream in the city of Chicago that would serve a territory about 6 miles long on either side of the river, which some day in the future will be one of the largest industrial centers in the world. I was not doing anything against the

International Harvester Co. I was keeping open for navigation a highway of commerce that has been used ever since Marquette and Joliet traversed the Desplaines Valley, and in parts is now navigable for ships drawing 12 feet of water. They wanted it closed. I, as a Member of Congress, felt that it was my duty to keep it open. Since long before the McCormicks were members of the International Harvester Co. this contest has been going on, but without malice on my part. At any time, in my capacity as a Member of Congress, I would have served them if it had been to the interest of the industries in my community. But I could not sit as a Member of Congress and see destroyed forever a section of the great city from which I come, which some day will be the center of commerce, the center of industry of the world.

That is a broad statement, and Senators probably think a rash statement. But consider the Central West and the Mississippi Valley in connection with the position Chicago occupies, and you can not fail to understand what the future of that great city is to be. I was to destroy one of the best portions of the town or have the ill will of men who should not have viewed the matter in that way. They have more money than they will ever spend—millions piled upon millions. The interest on their income they never can consume. Yet their greed for more prompted them to try to shut out their neighbors from the same advantages that they still would have had if their neighbors had been shut out. And, in addition to that, they themselves own the only artery of commerce which could have served that community in the future—a railroad which they own and control and which parallels the waterway they would close.

That is not reason enough for men to turn in with the enemies of another man to aid in destroying him. It did not seem to me that men could stoop so low. But that is all that I have ever offended them in. Whether or not they are bitterly opposed to me the record will tell. And so I say that if there is evidence here that "the interests" were taking a hand, the largest "interest" in the country, or one of them, was taking a hand on the other side.

But there is one question that I want to put to Senators on this proposition of electing LORIMER with the money of "the interests." Who was the candidate against me? Who was the candidate that LORIMER beat? LORIMER beat Hopkins. The day before LORIMER was elected Hopkins had 95 votes. All he needed in order to have a majority of the General Assembly, or of the members that were alive at that time, was seven more. That is all. Only seven more. When LORIMER started out he did not have a vote—not a vote. He had friends in the legislature, but no votes—nobody voting for him.

Did "the interests" want to get LORIMER into this body? Let us see. There is reason in all things; there should be logic in everything; or, at least, logic can be applied to everything, regardless of the results.

Fifty-three Democrats voted for LORIMER. Were they bought? Senator KERN, in the first part of his speech, intimates that they were. A little further on he says he does not think they were all bought. But the impression is general over the country that 53 Democrats would not have voted for a Republican unless they were bought. Then, if they were bought, they were corrupt; they were cattle; they were not fit to sit in a legislature.

Hopkins needed seven. LORIMER required 53. Will you tell me that "the interests" were going to spend enough money to buy 53 corrupt men, when they could just as easily have elected Senator Hopkins by buying seven of these alleged corrupt Democrats? Do you mean to say that if they were there for money, if money was the all-powerful influence, if money brought about the result, they could not have been purchased for Hopkins?

Ah, no! Men that can be bought can be bought for anything or for anybody, in my opinion. I have had no experience in it, but I would not trust anywhere a man that could be bought for anything.

If they could have bought seven, why not buy them? What about Hopkins? What about LORIMER? If LORIMER had been owned body and soul by every "interest" in the city of New York on Wall Street, could he have been under any conditions a stronger protectionist than Hopkins? In any way in the world could he have been described as a more conservative man than Hopkins? Hopkins always voted with the Republican Party. He believed in the principles of the party. He was a sound-money Republican. He was a protectionist of the stalwart kind. He was an anti-injunctionist. He was for constitutional and representative government, and against the initiative and referendum, and the recall of judges. On the fundamentals of this Government, Hopkins and I stand together. We may both be wrong, but there is no difference in opinion.

If that be true, if I do not differ from Hopkins on those questions, Hopkins was known to be an able man, a good lawyer, with long congressional experience, able to defend himself against men on the floor, in every way equipped for service in this Chamber or any other legislative body. If Hopkins and I think alike, believe alike, and vote alike on governmental questions, he with more ability, a well-educated man, will anybody who knows the facts believe that the interests bought 53 votes for LORIMER when they could have bought 7 votes and had in the Senate Hopkins, who believes on all important public questions just as LORIMER believes? Oh, no. That fallacy will fall of its own weight when people know the truth, when people know what Hopkins and LORIMER stand for.

Much has been said in this debate; many beautiful things for which a Senator should be grateful and he must feel glad that men felt they were justified in making the statements—much has been said that LORIMER has lived a pure private life.

I hope the record will show in the closing days that their statements have been justified. But every man who lives a pure private life, as far as the weaknesses of humankind will permit, has his own reward. Every correct act and every good deed have their own compensation. I ask nothing from Senators on that account; it is no part of this case, and I hope it will not influence any Senator in making up his judgment. Much has been said of an ideal home life. Oh, yes; ideal. When I return to my home, one glance into the beautiful faces, one kiss from each and caresses from all, is compensation enough for the trials and the efforts of a lifetime. They will not feel that they are disgraced with me if I am turned from this Chamber. It will draw them closer about me; they will love me the more; they will form a hollow square around me and defend me against the world. In them am I not blessed beyond my merits? Such blessings are not always bestowed upon men; and in all this strife and in all these trials and tribulations—in the last two years when they have been fiercer and more ferocious than ever before—with all this, surrounded by them I am the happiest of men living under God's sun. Oh, yes; I have been abundantly rewarded, and I ask nothing because of them or because of the ideal home life.

It has been said by Senators that the worst enemies of LORIMER have not impeached his integrity; that they have not challenged his honesty. They have said, and it is in the record, that his word is as good as his bond; that he never turned on a friend; that he has always been consistent, right or wrong. I ask nothing for that except the consideration on the part of Senators of that statement when they are making up their judgment to pass on this case, when they are deciding as to whether or not they can believe LORIMER, whether they will believe LORIMER or Charles A. White; and this whole case is centered around the question as to whether or not White told the truth when he stated that Lee O'Neill Browne bribed him to vote for LORIMER on the 24th day of May, 1909, and that never until that time did he speak of it to another soul and never did he state to another person that he would vote for LORIMER. All I ask is that you consider that in connection with the record of 40 years for truth and veracity, not on my statement, but on the statement of my enemies as printed in the record. I ask that consideration. Will you believe the professed bribe taker, the man who admits that he has time after time lied and perjured his soul, or will you believe the three other men—Shaw, O'Neil, and Gloss—and use in connection with that consideration my word?

Much has been said about LORIMER's resignation. The question comes every day, Will LORIMER resign? When I introduced the resolution over two years ago inviting the Senate to investigate as to whether or not I was corruptly elected to the Senate by the General Assembly of Illinois, I had no more knowledge of the facts, no more information than any other Senator, except as I knew the conditions under which my election was secured; and I did not believe that my Democratic friends could be bought, and I did not believe that they would take money to vote for me; and I so stated upon the floor of the Senate. If I had found when the testimony was written that one man had been bribed, Charles A. White himself, not enough to reduce the majority to a minority, but one bribed vote, the first day thereafter I would have walked into this Senate and laid my resignation before this body.

But I know the history of this case. I know the history of my State. I know the history of the people who have followed me, lo, nigh unto death, for 25 years. I know the record. As God is my judge, and some day I must be judged by Him, I know that no man cast a corrupt vote for LORIMER.

Resign in the face of that knowledge? Resign in the face of that conviction? Why? Because they say the Senate has been canvassed and, right or wrong, enough votes have been secured to turn LORIMER out.

Resign when and why? Because defeat stares you in the face? Oh, such an argument; run from defeat which stares you in the face. What sort of a man is he who will do an act like that? If the men who built this country and made it what it is, had run when they saw defeat staring them in the face, we would have had no history to boast of; we would have no Stars and Stripes to pray for and to praise. We would have no country. He who is so cowardly as to run because defeat stares him in the face surely has no place in this body. This is not a Chamber for cowards. It was not built on fear or cowardice. No man who will run because defeat stares him in the face or because there is danger ahead is fit to occupy a seat in this body.

Oh, Senators, you may vote to turn me out. If every vote in the Senate had been canvassed and been declared against me, I am still, while I have strength and am alive, going to continue to try to make a character and reputation of never having been a coward.

Oh, no, no, no, I will not resign. If I go from this body it will be because more Senators vote in favor of that resolution than against it. My exit will not be from fear. My exit will not be because I am a coward. It will be because of the crime of the Senate of these United States.

I am ready.

Mr. LEA. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Tennessee suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Lippitt	Root
Bacon	Cummins	Lodge	Sanders
Bailey	Curtis	Lorimer	Shively
Borah	Dillingham	McCumber	Simmons
Bourne	Dixon	Martin, Va.	Smith, Ariz.
Bradley	Fall	Martine, N. J.	Smith, Ga.
Brandegee	Fletcher	Myers	Smith, Md.
Briggs	Foster	Nelson	Smith, S. C.
Bristow	Gallinger	Newlands	Smoot
Brown	Gamble	O'Gorman	Stephenson
Bryan	Gore	Oliver	Stone
Burnham	Gronna	Overman	Sutherland
Burton	Guggenheim	Page	Swanson
Catron	Hitchcock	Payntor	Thornton
Chamberlain	Johnson, Me.	Penrose	Tillman
Clapp	Johnston, Ala.	Perkins	Townsend
Clark, Wyo.	Jones	Poindexter	Watson
Clarke, Ark.	Kenyon	Pomerene	Wetmore
Crane	Kern	Rayner	Williams
Crawford	La Follette	Reed	Works
Culberson	Lea	Richardson	

The PRESIDENT pro tempore. Eighty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. DIXON. Mr. President, I hesitate about detaining the Senate even for one minute, but on Thursday of this week, while I was absent from the Chamber, the Senator from Illinois [Mr. LORIMER] in the course of his remarks had read from the clerks' desk an affidavit, or paper purporting to be an affidavit, in which my name was mentioned. As a matter of common decency, as a matter of truth, that may go into this record before the vote is taken, I must make the statement which I now make.

The Senator from Illinois—I quote from the RECORD of Thursday—said:

> Mr. President, I do not introduce those affidavits as proof that I am in any way entitled to a seat in the Senate. They have no bearing on this case at all, and should have no influence on anybody's mind; they should have no controlling influence over any United States Senator; but I merely introduce them that the people of the country may have an opportunity to observe the hypocrisy that is running rampant through this country.

I do not have the full remarks of the Senator from Illinois, but, quoting from a New York paper, printed the morning after, I read:

> It was here that LORIMER declared his sole purpose in introducing the affidavit was to reveal hypocrisy. "They prove," he shouted, "that Col. Roosevelt would have been nominated for the Presidency at Chicago if his friends could have obtained it for him by corruption."

Here is the affidavit read at the request of the Senator from Illinois, which he stated had been made by a negro delegate from the State of Georgia, so the Senator informed me, to the Chicago convention, and handed to him, so he told me, by a negro who was an alternate delegate from Georgia. Here is the statement as presented by the Senator from Illinois:

> STATE OF GEORGIA, *County of Henry, ss:*
>
> On this 27th day of June, 1912, before me, J. A. Fouche, clerk superior court, appeared R. A. Holland, who, after being duly sworn, deposes and says that he was elected a delegate to the National Republican convention from the State of Georgia; that on the 21st day of June, 1912, while in attendance at said convention in the city of Chicago, he was approached by Dr. L. Brinson, at Chicago, Ill., who carried him to the Roosevelt headquarters, where he was met by Senator DIXON, McHarg, and Kincaid. DIXON went out. McHarg introduced Kincaid as a millionaire, who said: "We are to represent Mr. Roosevelt—are ready to do business, and whatever you boys want we are ready to give it to you; if you will vote for us to-morrow for the nomination of Mr. Roosevelt, whatever you want I will see that you get it." I refused to name any amount or to accept one cent from him.
>
> Further this deponent saith not.
>
> R. A. HOLLAND.
>
> Subscribed and sworn to before me this 27th day of June, 1912.
>
> J. A. FOUCHE,
> *Clerk Superior Court.*

I now say to the Senate as a United States Senator and on my honor as a man that the whole statement contained in this so-called affidavit is a malicious and a deliberate falsehood. I know no such man by the name of Holland, the so-called colored delegate. I never heard of any man by the name of "Kincaid." No such man was ever directly or indirectly connected with the Roosevelt headquarters at Chicago. No such colored delegate ever came to the Roosevelt headquarters. No man by the name of Kincaid, to my knowledge, ever came into the Roosevelt headquarters. I never knew or heard of "Dr. L. Brinson."

No such thing took place at "Roosevelt headquarters at Chicago." No agent or friend of Col. Roosevelt ever authorized, sanctioned, or tolerated any such thing as is set forth in this so-called affidavit.

Whatever may have been the consideration for the execution of this affidavit by this negro from Georgia or the motive of the Senator from Illinois in introducing it into the record at this time I do not know.

Undoubtedly the motive behind its introduction into this debate was to try and poison men's minds and to strike blindly at Theodore Roosevelt, whom the Senator from Illinois says is his enemy. Whatever the motive, I now say to you that the whole statement is a malicious, a deliberate, and a premeditated falsehood.

The PRESIDENT pro tempore. The question is on the resolution of the Senator from Tennessee [Mr. LEA], upon which the yeas and nays have been ordered.

Mr. REED. I ask that the resolution may be read.

Mr. TILLMAN. Mr. President, I desire to make a statement before the vote is taken.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. TILLMAN. I am too weak to read it. I will ask the Secretary to read it.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. TILLMAN. Mr. President, I desire to explain the reasons which will control my action on this vote. I was unwilling to expel Mr. LORIMER from the Senate when this matter came up the first time, because there was no direct evidence showing that he knew of the bribery or had advised or connived at it. Our laws recognize the righteousness of giving the man accused the benefit of the doubt, if there be any doubt, and I did not think it right to send Mr. LORIMER from the Senate disgraced when there was strong doubt as to his guilt. I myself have been the object of so much newspaper persecution and false accusation I did not like to expel him when I found that the Chicago Tribune was the principal prosecutor in the case. I find nothing in the so-called "newly discovered evidence" to justify a change in my attitude, and I shall give him the benefit of the doubt and vote against the resolution.

When it was first proposed to reopen the Lorimer case upon the plea of newly discovered evidence, although I was not in the Senate at the time, I favored the idea, desiring the fullest exposé of the corruption, if any existed. But the more I think about it, the more convinced I am that each succeeding Senate ought not to have the power to exercise the right to reopen cases that have already been tried by their predecessors. There ought to be some time when a case will be settled once for all. I have changed my mind and come to believe that the Constitution ought to be interpreted to mean that the Senate to which a man is elected "shall be the judge of the elections, returns, and qualifications of its own Members." Otherwise a man's title to his seat here will always be in jeopardy, and if it is worth while Senators may be driven by public clamor and newspapers to persecute rather than prosecute a Senator. The changing currents in our political life are sometimes so rapid and violent that there is danger in giving way to them, and I say this believing religiously in the right of the people to govern themselves, and having faith that ultimately they will right all wrongs of which we now complain.

That there is corruption at Springfield, I have no doubt whatever. That there is corruption at Chicago, I have no doubt whatever. No large city has ever escaped the "boodlers" that

naturally spring up where millions of men are assembled together and the strong are led to prey upon the weak; and in any State where there is a large city under our scheme of government there may be expected corrupt politics. The only exception, if it be an exception, is in Massachusetts. I never have believed that Boston exercised the corrupting influence upon the Massachusetts Legislature that New York City does on New York, or Philadelphia does on Pennsylvania; and I attribute New England's exemption from corruption in politics to the large size of the State Legislatures. It is much easier by use of money or other corrupt instrumentalities to debauch a small legislature than a large one; and then, too, our "Yankee" friends, while they always seem willing and anxious, under the forms of the law, to put their hands in other men's pockets, are always very careful to guard their own. The corporations in New England I have sometimes thought controlled the legislatures enough to send their attorneys here, but in my 18 years of service I do not believe there has ever, in my time, been a Senator from New England who was corrupt.

I know that my vote in this case before has given great umbrage to a large number of my constituents in South Carolina, because the newspapers there have a fellow feeling for the great Chicago dailies, and have howled about LORIMER's corruption until they believe him to be corrupt, and the people knowing nothing about the record and the evidence in the case have imbibed the same idea.

Two men are now canvassing the State for my seat and the primary comes off on the 27th of August; but if I knew my vote would cause my defeat, I would still cast it in his favor. Since I was stricken with paralysis, 30 months ago, I have thought often and seriously about death and the hereafter. That I am here at all is in some respects a miracle, and I know I must go hence and meet the Great Judge face to face very soon. Knowing that, I can not do otherwise than vote as my conscience dictates, and I believe this man is innocent of the charges brought against him.

If he be driven from the Senate, as seems probable now, I hope he will consecrate his life and great talents—for we all recognize what a phenomenal orator he is—to the purification of politics in his native city and the uplift of his fellow citizens in Illinois to the realization of their duty and their danger. But whether he is expelled or not, he ought to do this, and I believe if he does bravely fight for a purer and better government in Illinois, God will strengthen his arm and he will return to the Senate vindicated by the people of that great State. I know, for I have been all over it, that there are many millions of the native American stock there, men as high and patriotic as those in any other State, and they ought to assert their manhood and prove their patriotism.

The PRESIDENT pro tempore. The resolution upon which the Senate is about to vote will be read from the desk.

The SECRETARY. Senate resolution 315, by Mr. LEA:

> *Resolved*, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

The PRESIDENT pro tempore. Senators who are in favor of the resolution will, when their names are called, answer "yea" and those opposed will answer "nay." The roll will be called.

The Secretary proceeded to call the roll.

Mr. JOHNSTON of Alabama (when Mr. BANKHEAD's name was called). My colleague [Mr. BANKHEAD] is necessarily absent. He is paired with the Senator from West Virginia [Mr. CHILTON]. If my colleague were present, he would vote "nay"; the Senator from West Virginia would vote "yea."

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is absent, indisposed. He has a general pair, I understand, with the senior Senator from Texas [Mr. CULBERSON]. If my colleague were present and voting, he would vote "nay."

The PRESIDENT pro tempore (when Mr. GALLINGER's name was called). The occupant of the chair is paired with the Senator from Arkansas [Mr. DAVIS]. He transfers that pair to the Senator from Idaho [Mr. HEYBURN], and votes "nay." The Chair has been requested by the Senator from Idaho to state that if he had the privilege of voting, he would vote "nay," and that the Senator from Arkansas would vote "yea." The Senator from Idaho is detained from the Senate by serious illness, and he requested that this statement be made.

Mr. GAMBLE (when his name was called). Mr. President, during my recent absence from the city a pair was arranged between the senior Senator from Oklahoma [Mr. OWEN] and myself. I do not regard it as binding in this particular case. I am, however, anxious to protect him, and I transfer that pair to the junior Senator from Wyoming [Mr. WARREN] and vote. I vote "nay."

Mr. MYERS (when his name was called). During his absence from the Senate I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I am, however, authorized to state that, if the Senator from Connecticut were present, he would vote on this question in the same way that I shall vote. I am therefore released from my pair with him on this question and shall vote. I vote "yea."

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate. If present, he would vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] has been called from the city by serious illness in his family.

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT], who has not voted, I withdraw my vote.

Mr. MCCUMBER. It is perhaps proper for me to state that I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I have a letter from that Senator relieving me from that pair. I, however, would not have considered the pair as binding in a case of this kind.

The roll call resulted—yeas 55, nays 28, as follows:

YEAS—55

Ashurst	Cummins	Martin, Va.	Shively
Bacon	Curtis	Martine, N. J.	Simmons
Borah	Dixon	Myers	Smith, Ariz.
Bourne	Fall	Nelson	Smith, Ga.
Briggs	Gardner	Newlands	Smith, Mich.
Bristow	Gore	O'Gorman	Smith, S. C.
Brown	Gronna	Overman	Stone
Bryan	Hitchcock	Page	Sutherland
Burton	Johnson, Me.	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	Kern	Rayner	Watson
Clarke, Ark.	La Follette	Reed	Williams
Crawford	Lea	Root	Works
Cullom	Lodge	Sanders	

NAYS—28.

Bailey	Dillingham	Jones	Richardson
Bradley	Fletcher	Lippitt	Smith, Md.
Brandegee	Foster	McCumber	Smoot
Burnham	Gallinger	Oliver	Stephenson
Catron	Gamble	Paynter	Thornton
Clark, Wyo.	Guggenheim	Penrose	Tillman
Crane	Johnston, Ala.	Perkins	Wetmore

NOT VOTING—11.

Bankhead	Davis	Lorimer	Percy
Chilton	du Pont	McLean	Warren
Culberson	Heyburn	Owen	

The PRESIDENT pro tempore. On the resolution submitted by the Senator from Tennessee [Mr. LEA] the yeas are 55 and the nays are 28. The resolution is agreed to.

SENATOR FROM NEVADA.

Mr. NEWLANDS. Mr. President, I rise to a question of privilege. The Hon. W. A. MASSEY, recently appointed by the governor of Nevada to fill the vacancy in the Senate created by the death of the late Senator NIXON, is present and desires to take the oath of office.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk and take the oath of office.

Mr. MASSEY was escorted to the desk by Mr. NEWLANDS, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MANUFACTURE OF COTTON GOODS (H. DOC. NO. 872).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent J. M. Hause containing the result of his investigation of the English methods of dyeing, finishing, and marketing of cotton goods, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

S. 23. An act to authorize the extension of Underwood Street NW.;

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases;

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvements or economy in manufacturing processes or plant; and

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho.

PETITIONS AND MEMORIALS.

Mr. CRANE presented the petition of Rev. F. W. Hazen, of Falmouth, Mass., and the petition of Rev. H. L. Kilborn, of Kingsborn, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SANDERS presented a petition of the National Anti-Third Term League, praying for the enactment of legislation submitting to the legislatures of the States a joint resolution prohibiting the election to the office of President or Vice President of the same person for more than two terms of four years each and eight years in all, and remonstrating against the proposed single term of six years, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of members of the Lithuanian Societies of Wilkes-Barre, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Patents, to which was referred the bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton; to insert certain claims in said letters patent dated May 9, 1899, reported it without amendment and submitted a report (No. 905) thereon.

He also, from the same committee, to which was referred the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, reported it without amendment and submitted a report (No. 906) thereon.

Mr. ROOT, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 35) providing for a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War, reported it with amendments and submitted a report (No. 908) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 5262) to correct the military record of Capt. Sylvester G. Parker, reported it with amendments and submitted a report (No. 909) thereon.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service, reported it with amendments and submitted a report (No. 910) thereon.

Mr. SANDERS, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 1168. A bill for the relief of Christopher C. McCamment (Rept. No. 911); and

S. 1169. A bill for the relief of John Vankirk (Rept. No. 912).

Mr. SUTHERLAND. I submit the report of the Commission to Investigate the Title of the United States to Lands in the District of Columbia. I ask that the report (No. 907) be printed and that it be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, reported it with amendments and submitted a report (No. 913) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (H. R. 7672) for the relief of Mary J. Manning, reported it without amendment and submitted a report (No. 914) thereon.

He also, from the same committee, to which was referred the bill (S. 259) for the relief of the First National Bank of Cottonwood, Idaho, reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RAYNER:

A bill (S. 7266) for the relief of Mary E. E. Cheseldine (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 7267) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart; to the Committee on Naval Affairs.

A bill (S. 7268) for the relief of the estate of Thomas Loker, deceased; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 7269) for the relief of the Mobile Marine Dock Co.; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 7270) granting an increase of pension to George W. Jones;

A bill (S. 7271) granting an increase of pension to William White; and

A bill (S. 7272) granting an increase of pension to Joseph Troyer; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 7273) opening certain lands in the Colorado River Indian Reservation in Arizona to settlement under the provisions of the Carey Act; to the Committee on Indian Affairs.

By Mr. SANDERS:

A bill (S. 7274) to amend an act entitled "An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases," approved August 8, 1890; to the Committee on Interstate Commerce.

By Mr. BOURNE:

A bill (S. 7275) for the relief of Mary J. McLaughlin; to the Committee on Military Affairs.

A bill (S. 7276) granting an increase of pension to Martha Dye (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7277) for the relief of the estate of George Lloyd Raley; to the Committee on Claims.

A bill (S. 7278) providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions; to the Committee on Naval Affairs.

By Mr. PENROSE:

A bill (S. 7279) granting an increase of pension to Henry M. Palm; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAILEY submitted an amendment proposing to appropriate $25,000 to construct and maintain a fish-cultural station in Uvalde County, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STEPHENSON submitted an amendment authorizing the Secretary of the Treasury to adjust the accounts of the clerks of the United States courts for the western district of Wisconsin, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to lie on the table and be printed.

DONATION OF CANNON.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

ESTATE OF WILLARD WARNER, DECEASED.

Mr. SANDERS submitted the following resolution (S. Res. 354), which was read and referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to the estate of Willard Warner, deceased, formerly a Senator from the State of Alabama, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to June 24, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

THE "TITANIC" DISASTER.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 355), which was read and referred to the Committee on Printing:

Resolved, That 500 additional copies of Senate Document No. 726, Sixty-second Congress, second session, be printed for the use of the Senate folding room.

ADA ANDREWS.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 356), which was read and referred to the Committee on Printing:

Resolved, That 18,000 additional copies of Senate Document No. 806, Sixty-second Congress, second session, be printed for the use of the Senate folding room.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7015) to provide American registry for the steamer *Damara*.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 606. An act for the relief of John Treffeisen;

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 11627. An act to correct the military record of Barkley S. Denison;

H. R. 20339. An act for the relief of Joseph W. McCall;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 21315. An act for the relief of Robert Ross;

H. R. 21524. An act for the relief of Frederick H. Ferris;

H. R. 22501. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 25508. An act granting a pension to Cornelia Bragg; and

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following resolution (H. Res. 628):

Resolved, That a message be sent to the Senate to inform them that this House has impeached, for high crimes and misdemeanors, Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, and that the House adopted articles of impeachment against said Robert W. Archbald, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that HENRY D. CLAYTON, of Alabama; EDWIN Y. WEBB, of North Carolina; JOHN C. FLOYD, of Arkansas; JOHN W. DAVIS, of West Virginia; JOHN A. STERLING, of Illinois; PAUL HOWLAND, of Ohio; and GEORGE W. NORRIS, of Nebraska, Members of this House, have been appointed such managers.

IMPEACHMENT OF ROBERT W. ARCHBALD.

Mr. BACON. Mr. President, I now submit to the Senate an order, which I ask the Senate to make, and for which I ask present consideration.

The PRESIDENT pro tempore (Mr. GALLINGER). The Senator from Georgia submits an order, for which he asks present consideration. The order will be read.

The Secretary read as follows:

Ordered, That the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, agreeably to the notice communicated to the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the order? The Chair hears none, and, without objection, the order is agreed to.

THE PANAMA CANAL.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of House bill 21969, known as the Panama Canal bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut. The bill will be stated by its title.

Mr. McCUMBER, Mr. SIMMONS, and Mr. REED addressed the Chair.

The PRESIDENT pro tempore. The Chair will suggest that the motion is not debatable.

Mr. McCUMBER. I rise to a parliamentary question, as to whether or not that motion makes the Panama Canal bill the unfinished business.

The PRESIDENT pro tempore. It will if the motion is agreed to.

Mr. McCUMBER. Mr. President, I object.

The PRESIDENT pro tempore. The Senator from North Dakota can not object. The question is upon the motion.

Mr. REED. I ask for a roll call on the motion.

Mr. SIMMONS. Mr. President, I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. SIMMONS. Is it in order to move to substitute another bill for the bill named by the Senator from Connecticut?

The PRESIDENT pro tempore. It is not under the rules of the Senate.

Mr. SIMMONS. Mr. President, it is my desire to substitute for the bill moved by the Senator from Connecticut, the wool tariff bill; and so I hope the motion to take up the Panama Canal bill will be voted down.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Connecticut [Mr. BRANDEGEE] that the Senate proceed to the consideration of House bill 21969, known as the Panama Canal bill.

Mr. SIMMONS. I ask for the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I therefore withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. FOSTER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent. I therefore withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. On this question the pair holds good. Therefore I refrain from voting. If at liberty to vote, I should vote "nay."

Mr. BROWN (after having voted in the affirmative and when Mr. OWEN's name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. He is absent from the Senate Chamber, and I therefore withdraw my vote.

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I am paired with the junior Senator from Arkansas [Mr. DAVIS], and therefore withdraw my vote.

Mr. BAILEY. I did not answer to my name when it was called because I was not certain whether the Senator from Montana [Mr. DIXON], with whom I have a pair, was in the Chamber. I desire now to inquire whether or not he has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BAILEY. Then, I withhold my vote.

Mr. JOHNSTON of Alabama. My colleague [Mr. BANKHEAD] is necessarily absent. He is paired with the Senator from Idaho [Mr. HEYBURN].

Mr. BRADLEY (after having voted in the affirmative). I voted without observing the absence of the Senator from Maryland [Mr. RAYNER], with whom I have a pair. I therefore withdraw my vote.

Mr. CLARK of Wyoming. I desire to announce the necessary absence of my colleague [Mr. WARREN] because of serious illness in his family. He has a general pair with the Senator from Louisiana [Mr. FOSTER].

Mr. MYERS. I rise to inquire if the Senator from Florida [Mr. FLETCHER] is recorded as having voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. MYERS. Then, I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Florida [Mr. FLETCHER] and will vote. I vote "nay."

Mr. WATSON. I desire to announce that my colleague [Mr. CHILTON] is absent from the Chamber on account of personal illness. He is, however, paired with the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 40, nays 34, as follows:

YEAS—40.

Borah	Crane	Kenyon	Richardson
Bourne	Crawford	La Follette	Root
Brandegee	Cummins	Lippitt	Sanders
Briggs	Dillingham	Lodge	Smith, Mich.
Bristow	Fall	Nelson	Smoot
Burnham	Gallinger	Oliver	Stephenson
Burton	Gamble	Page	Sutherland
Catron	Gronna	Penrose	Townsend
Clapp	Guggenheim	Perkins	Wetmore
Clark, Wyo.	Jones	Poindexter	Works

NAYS—34.

Ashurst	Johnston, Ala.	Overman	Smith, S. C.
Bacon	Kern	Paynter	Stone
Bryan	Lea	Pomerene	Swanson
Chamberlain	McCumber	Reed	Thornton
Clarke, Ark.	Martin, Va.	Shively	Tillman
Gardner	Martine, N. J.	Simmons	Watson
Gore	Myers	Smith, Ariz.	Williams
Hitchcock	Newlands	Smith, Ga.	
Johnson, Me.	O'Gorman	Smith, Md.	

NOT VOTING—20.

Bailey	Culberson	du Pont	McLean
Bankhead	Cullom	Fletcher	Owen
Bradley	Curtis	Foster	Percy
Brown	Davis	Heyburn	Rayner
Chilton	Dixon	Massey	Warren

So Mr. BRANDEGEE's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21669) to provide for the opening, maintenance, protection and operation of the Panama Canal, and the sanitation and government of the Canal Zone, which had been reported from the Committee on Interoceanic Canals with amendments.

Mr. BRANDEGEE. Mr. President, I had intended to ask that the bill be read this afternoon and then laid aside, but I find quite a disposition among Senators to hold an executive session, which is said to be necessary, and therefore I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and that order is made.

Mr. BRANDEGEE. I ask unanimous consent to have inserted in the RECORD, without reading, a communication from the Secretary of State transmitting a résumé of a note received from the British Government in relation to the Panama Canal tolls.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The communication is as follows:

DEPARTMENT OF STATE,
Washington, July 12, 1912.

The Hon. FRANK B. BRANDEGEE,
Chairman Committee on Interoceanic Canals,
United States Senate.

SIR: I have the honor to bring to the knowledge of your committee the fact that a communication dated the 8th instant, just received from the British chargé d'affaires, indicates that the attention of the British Government having been called to various proposals from time to time made for the relieving of American shipping from the payment of tolls on vessels passing through the Panama Canal, that Government has studied carefully those proposals and the arguments in support of them, with a view to the bearing thereon of the provisions of the treaty between the United States and Great Britain of November 18, 1901. The communication sums up the proposals mentioned as (1) one to exempt all American shipping from tolls, (2) one to refund to all American ships tolls which they might pay, (3) one to exempt from the payment of tolls American ships engaged in the coastwise trade, and (4) one to repay to the last-named class of American ships tolls which they might pay.

The communication indicates it to be the opinion of His Britannic Majesty's Government that to exempt all American shipping from the payment of tolls would involve an infraction of the treaty, and indicates further the opinion that there would be no difference in principle between charging tolls only thereafter to refund them and remitting such tolls altogether. The opinion is expressed that the method of charging but refunding tolls, while perhaps complying with the letter of the treaty, would still contravene its spirit. The communication admits that there is nothing in the Hay-Pauncefote treaty to prevent the United States from subsidizing its shipping, but claims that there is a great distinction between a general subsidy either to shipping at large or to shipping engaged in any given trade and a subsidy calculated particularly with reference to the amount of use of the canal by the subsidized lines or vessels. Such a subsidy, if granted, would not, in the opinion of His Britannic Majesty's Government, be in accordance with the obligations of the treaty.

With respect to the proposal that exemption shall be given to vessels engaged in the coastwise trade, the communication states that it may be that no objection could be taken if the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for American vessels, would be benefited by this exemption; but that it appears to His Britannic Majesty's Government that it would be impossible to frame regulations which would prevent the exemption from resulting in a preference to American shipping and consequently in an infraction of the treaty. I have the honor to be, sir,

Your obedient servant,

P. C. KNOX.

Mr. BACON subsequently said: While the Senator from Connecticut [Mr. BRANDEGEE] is on the floor I should like to make an inquiry of him. There was so much noise at the time that I really could not hear anything that was said. I desire to know what was the paper that the Senator had put in the RECORD.

Mr. BRANDEGEE. The document I asked to have printed in the RECORD was a communication from the Secretary of State giving the views of the State Department as to the contentions of the British foreign office concerning the right of the American Government to exempt its vessels from tolls in the Panama Canal. I thought it would be convenient for Senators to have it in the RECORD, and I therefore asked to have it inserted in the RECORD.

Mr. BACON. I may be mistaken, Mr. President, but I do not think that is the usual way in which the Senate is informed as to the attitude of foreign nations upon diplomatic questions which may arise.

Mr. BRANDEGEE. I do not think it is, Mr. President, and it was not so intended. The communication was addressed by the Secretary of State to the chairman of the Committee on Interoceanic Canals for the information of the committee. I thought it might also interest other Senators, and therefore I asked that it be inserted in the RECORD.

Mr. BACON. I think this is a matter of some little importance. I can very well understand that the Secretary of State might make an informal communication to the committee in order to give it information which might be of service to it in its deliberations on the question as to what it would recommend to the Senate. But it seems to me the communication of that information to the Senate is an altogether different matter. I do not think it ought to come to the Senate by indirection. It seems to me that while it might be free from criticism if it were limited to a communication to a committee, it would not be free from criticism if it were a communication intended to reach the Senate. This method does bring to the Senate and puts the Senate upon official notice of a very grave matter, a grave international matter, which it seems to me should come to the Senate in another way.

Mr. BRANDEGEE. Of course, the Secretary of State is not responsible for the way in which this matter has come to the Senate.

Mr. BACON. I understand that.

Mr. BRANDEGEE. I did not offer it to the Senate because the Secretary had requested me to do so. I asked that it might be printed in the RECORD because the committee to which it was sent had already reported the bill, and I thought the information contained in the correspondence would be of some interest to the Senate. Therefore I asked unanimous consent that it be inserted in the RECORD, as I have understood that communications from the departments concerning all matters of legislation are almost daily inserted in the RECORD.

If any Senator objects to its being printed in the RECORD, I have done what I thought was my duty; and it will go out on a single objection if it is not proper.

Mr. BACON. I am not going to object; but I was unwilling that the matter should pass in that way and grow into what might be considered a precedent for the future as to the manner in which the Senate should be informed of grave international matters. I disclaim any purpose to criticize the Secretary, because the Senator himself says the Secretary did not send the matter to the committee for the purpose of its being submitted to the Senate.

Therefore I am not criticizing the Secretary in the matter. But I think the practice, if it should be followed hereafter, would be a very objectionable one. For that reason I wanted to voice this much of a criticism, if such it may be termed, of bringing to the attention of the Senate a matter of very grave international importance except in the most formal way that the Constitution contemplates such matters shall be brought to the attention of the Senate.

Mr. SIMMONS. Mr. President, having been a member of the Committee on Interoceanic Canals ever since I came to the Senate, I desire to make an inquiry of the chairman of that committee with reference to his purpose as to taking up the canal bill for actual discussion by the Senate. Is it his purpose to press the matter on Monday, or to defer it to a later date?

Mr. BRANDEGEE. Owing to the fact that it is now in the position of the unfinished business, I suppose it will automatically come up each day, two hours after the convening of the Senate. If any Senator is then ready to proceed with it, it will be held there, unless it is displaced by appropriation bills or other privileged matter.

Mr. SIMMONS. Then it is the purpose of the Senator to ask the Senate to proceed to its actual consideration on Monday?

Mr. BRANDEGEE. Yes; that is my purpose, unless it is displaced. The bill should be read. I think there will be no great hurry about its final disposition; but I think we ought at least to start with it. I think very early in the reading of the bill there will be discovered something that will furnish all the debate necessary to occupy whatever time the Senate has to devote to it.

Mr. SIMMONS. I had hoped that the Senator would not desire to press the canal bill on Monday and Tuesday, but that we might take the wool bill at that time and dispose of it.

SEVERAL SENATORS. Oh, no.

ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," which were to strike out all after the enacting clause and insert:

That conveyances of inherited allotments by full-blood Indian heirs members of the Five Civilized Tribes in Oklahoma made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior; and to amend the title so as to read: "An act relating to inherited estates in the Five Civilized Tribes in Oklahoma."

Mr. GORE. I move that the Senate concur in the substitute amendment of the House of Representatives, with certain amendments, which I shall offer. I send one to the desk.

The PRESIDENT pro tempore. The Senator from Oklahoma moves that the Senate concur in the amendment of the House of Representatives, with certain amendments which he offers. The Secretary will state the first proposed amendment to the amendment of the House of Representatives.

The SECRETARY. At the end of the House amendment, after the words "Secretary of the Interior," it is proposed to insert the following:

Provided, That no conveyance of any interest by a full-blood heir of inherited allotted lands heretofore or hereafter made shall be valid unless approved by the county court of the county where the deceased allottee was a resident at the time of his death.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oklahoma to the amendment of the House of Representatives.

Mr. SMOOT. Is this a House bill that is now being considered?

The PRESIDENT pro tempore. It is a Senate bill with a House amendment.

Mr. SMOOT. Does the Senator move to accept the House amendment?

Mr. GORE. With certain amendments.

The PRESIDENT pro tempore. He moves to accept the amendment of the House of Representatives with an amendment, which is in order.

Mr. SMOOT. I will ask the Senator if there is any report upon the proposed amendment from the Secretary of the Interior?

Mr. GORE. Mr. President, the bill previously passed the Senate and was amended in the House. Now I am offering an amendment providing that conveyances of claims of deceased Indians by full-blood heirs shall be approved by the county court of the county in which the deceased allottee lived.

Mr. SMOOT. Mr. President, if there is no special hurry for the passage of the bill, I believe that it should go to conference.

Mr. GORE. I should like to say to the Senator that I expect to leave the city to-morrow afternoon and may not return during the session. I will also suggest that the amendment I propose makes the pending bill conform with the existing law, and makes it correspond with what the existing law was supposed to be with reference to these particular claims when the bill was passed, May 27, 1908.

The bill was construed originally by the Secretary of the Interior to mean what the pending bill undertakes to make it mean. Subsequently the Attorney General placed a different construction on the act of May 27, 1908, from that placed upon it by the Secretary of the Interior. The United States District Court for the Eastern District of Oklahoma, however, construed the act of May 27, 1908, to mean what the pending bill undertakes to make it mean, but for commercial purposes it is desired to clarify the situation.

Mr. SMOOT. I should like to ask the Senator if the amendment has ever been submitted to the Secretary of the Interior for a report?

Mr. GORE. I am not able to answer the question, and I really do not know whether the bill as it originally passed the Senate contained this provision, as it was introduced by my colleague and not by myself.

Mr. SMOOT. It does seem to me that the approval ought to be by the Secretary of the Interior rather than a county court. The Senator can have it referred to a committee, and the committee will report it out anyhow.

Mr. GORE. I think if I make a brief statement the Senator will not object.

The act of May 27, 1908, provided that conveyances by full-blood heirs of allotted lands which belonged to deceased Indians should be approved by the county courts of the counties in which they were situated. The Secretary of the Interior construed that act to apply where the death occurred prior to the passage of the act as well as where the death occurred subsequent to the passage of the act. That is the law now. Where the death occurred subsequent to the passage of the act of May 27, 1908, those conveyances are approved under existing law by the county courts.

The Attorney General afterwards construed the act of May 27, 1908, to apply only to conveyances of land where the death occurred subsequent to the act of May 28, 1908. The United States Court for the Eastern District of Oklahoma, as I have suggested, has construed the law of May 27, 1908, to apply in both instances, where the death occurred prior to the act of May 27, 1908, as well as where the death occurred subsequent to the act of May 27, 1908. There is simply that confusion. All conveyances of land where death occurred subsequent to that date are now approved by existing law by the county courts of the several counties.

This amendment is intended to make it uniform with reference to deaths that occurred prior to the act as well as those that occurred subsequently.

Mr. SMOOT. Just a question, Mr. President. If the amendment is accepted by the Senate, will the matter go back to the House?

Mr. GORE. Yes.

The PRESIDENT pro tempore. The amendment as amended will go back to the House, unquestionably.

Mr. SMOOT. This is a very, very dangerous way of legislating.

Mr. LODGE. I do not think it is a wise way to legislate on any bill. The Senate has passed the bill and the House has amended it, and it is now proposed that we, without consideration, without understanding the purport of it, in a complicated matter, shall amend the amendment and send it back to the House. It seems to me it ought to take the regular course.

Mr. CLARK of Wyoming. I should like to ask the Senator from Oklahoma whether or not this bill, as proposed to be amended by the Senator from Oklahoma, if it should become a law, would affect any proceedings or suits now pending?

Mr. GORE. It would have the effect of removing the cloud from certain titles, resulting from the decision of the Attorney General, that the act of May 27, 1908, did not apply to deaths preceding that date. It has confused and clouded titles in the State, and for that reason it is extremely desirable that the cloud should be removed. This bill conforms to the construction placed on the act by the Secretary of the Interior. It conforms to the construction placed upon the act by the United States court for the eastern district.

Mr. SMOOT. It seems to me the matter is of enough importance at least to go to conference, and I certainly must object to its present consideration.

The PRESIDENT pro tempore. The Chair is of the opinion that an objection would not lie. The Chair desires to state that while there is no direct rule of the Senate governing the motion made by the Senator, Jefferson's Manual covers it:

A motion to amend an amendment from the other House takes precedence of a motion to agree or disagree.

The Chair therefore entertains the motion of the Senator from Oklahoma.

Mr. BAILEY. I did not quite understand the ruling of the Chair. If I understood it aright, I think it is not now the accepted rule of parliamentary law. Will the Chair be good enough to again state the ruling?

The PRESIDENT pro tempore. The Chair ruled that the motion of the Senator from Oklahoma was in order.

Mr. BAILEY. I think it is in order; but I understood the Chair to say that a motion to concur with an amendment takes precedence of a motion to concur.

The PRESIDENT pro tempore. That is what Jefferson's Manual says.

Mr. BAILEY. That rule has been long since abandoned, and the rule everywhere practically now is that a motion to concur, removing all the differences between the two Houses, takes precedence of a motion to concur with an amendment, because the latter may introduce a still more violent difference than the former one.

Mr. SMOOT. Then a motion to refer to a committee would be in order?

Mr. GORE. It would have to be sent to conference.

The PRESIDENT pro tempore. Yes. A motion for a conference would be a proper motion. The Senator from Oklahoma, however, has made a motion which the Chair feels constrained to entertain.

Mr. GORE. I should like to say to the Senator from Utah that the bill as amended by the House does not require these conveyances to be approved either by the Secretary of the Interior or the county court. I can not get my consent to suffer a measure of that sort to pass. I think they ought to be approved either by the Secretary or by the county court. They are now under existing law approved by the county court.

The act originally intended that all these conveyances should be approved by the county court, but owing to the construction to which I have referred, a different policy has been instituted, and it is simply to harmonize and make uniform the practice that this amendment is offered.

Mr. SMOOT. I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDENT pro tempore. The Chair will entertain the motion. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to; and the President pro tempore appointed Mr. CLAPP, Mr. GAMBLE, and Mr. STONE conferees on the part of the Senate.

ALIEN AND SEDITION LAWS (S. DOC. NO. 673).

Mr. BAILEY. I ask unanimous consent that this book containing the "Debates in the House of Delegates of Virginia, in December, 1798, on resolutions before the House, on the acts of Congress, called the 'Alien and Sedition Laws,'" shall be printed as a public document.

This book includes, in addition to the debates in the Virginia House of Delegates, what are known as the Kentucky and Virginia resolutions, and also the responses made by the several States to those resolutions.

I will say, Mr. President, that the book will never again be printed by any publishing house. The demand for it would not justify that, and I doubt that it will be very widely read, even if printed as a public document, because the disposition in this day is to go no further back than the last issue of the muckraking magazines; but there are a few of us who still delight in this kind of literature, and in order to have this book reprinted I am willing to furnish to the Printing Office my individual copy, which I found 10 or 15 years ago in a second-hand bookstore.

The PRESIDENT pro tempore. Without objection, the book will be printed as a public document.

SUPPLY BILLS.

Mr. WILLIAMS. Mr. President, some weeks ago the Senator from Massachusetts [Mr. LODGE] and the Senator from Wyoming [Mr. WARREN] and I fell into a sort of debate about the constitutional right of the House of Representatives to originate money bills—supply bills. At that time I got the permission of the Senate to insert in the RECORD, later on, references to certain occurrences and comments upon them by me. I agreed at the time not to put the matter in the RECORD without previously giving notice. I now want to notify the Senator from Massachusetts and the Senator from Wyoming that upon Monday or Tuesday next, one or the other, I will have the matter to which I refer inserted in the RECORD.

Mr. LODGE. I am very glad the Senator is going to print it.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On July 10, 1912:

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

S. 6946. An act authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site.

S. 4180. An act for the relief of Alessandro Comba.

On July 12, 1912:

S. 6636. An act to authorize the President of the United States to appoint Robert H. Peck a captain in the Army.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. PERKINS, Mr. LODGE, and Mr. TILLMAN conferees on the part of the Senate.

STATISTICS OF COTTON.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LA FOLLETTE. I move that the Senate insist upon its amendments and consent to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. LA FOLLETTE, Mr. GUGGENHEIM, and Mr. BAILEY conferees on the part of the Senate.

DRAINAGE OF LANDS IN OKLAHOMA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes, which were to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Oklahoma upon the allotments of certain Absentee Shawnee and Citizen Pottawatomie allottees in Little River drainage district, in Pottawatomie County, Okla., and upon the allotments of certain Sac and Fox allottees in Deep Fork drainage districts, in Lincoln County, Okla.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed $15 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds the said allottees may have in the United States Treasury, in the discretion of the Secretary of the Interior.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor.

That the Secretary of the Interior is hereby authorized to approve the assessments upon all other restricted allotments located within any proposed drainage district located and made under the laws of the State of Oklahoma.

That in the event any allottees shall receive a patent in fee to an allotment of land in any lawfully constituted drainage district within the State of Oklahoma, before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided, shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect, and to amend the title so as to read:

An act to provide for the payment of drainage assessments on Indian lands in Oklahoma.

Mr. GORE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 6083. An act to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908;

H. R. 21710. An act to amend section 842 of the Code of Law for the District of Columbia;

H. R. 21712. An act to amend section 808 of the Code of Law for the District of Columbia;

H. R. 22010. An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire;

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE. in the District of Columbia, and for other purposes;

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 606. An act for the relief of John Treffeisen;

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 11627. An act to correct the military record of Barkley S. Denison;

H. R. 20339. An act for the relief of Joseph W. McCall;

H. R. 21315. An act for the relief of Robert Ross; and

H. R. 21524. An act for the relief of Frederick H. Ferris.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 25598. An act granting a pension to Cornelia Bragg;

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the

Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 22591. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 25 minutes spent in executive session the doors were reopened; and (at 3 o'clock and 20 minutes p. m., Saturday, July 13) the Senate adjourned until Monday, July 15, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 13, 1912.

CHIEF OF THE BUREAU OF INSULAR AFFAIRS.

Under the provisions of an act of Congress approved June 25, 1906, I nominate Col. Frank McIntyre, United States Army, assistant to the Chief of the Bureau of Insular Affairs of the War Department, to be chief of said bureau, with the rank of brigadier general, for a period of four years from the date of his appointment, unless sooner relieved, vice Brig. Gen. Clarence R. Edwards, chief of said bureau, to be appointed brigadier general, United States Army.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Maj. Guy Carleton, Cavalry, unassigned, to be lieutenant colonel from June 30, 1912, vice Lieut. Col. John H. Gardner, Cavalry, unassigned, retired from active service June 29, 1912.

Capt. Matthew C. Butler, jr., Seventh Cavalry, to be major from June 30, 1912, vice Maj. Grote Hutcheson, Sixth Cavalry, detached.

COAST ARTILLERY CORPS.

Second Lieut. Virginius E. Clark, Coast Artillery Corps, to be first lieutenant from May 30, 1912, vice First Lieut. Sanderford Jarman, detached from his proper command.

Second Lieut. Thomas I. Steere, Coast Artillery Corps, to be first lieutenant from June 2, 1912, vice First Lieut. John W. McKie, promoted.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from December 20, 1911.

Shepler Ward FitzGerald, of the District of Columbia.
Alden George Strong, of Pennsylvania.

INFANTRY ARM.

Harold Hancock Taintor, of New York, now serving as second lieutenant in the Philippine Scouts, to be second lieutenant of Infantry, with rank from April 24, 1912.

MEDICAL CORPS.

First Lieut. Luther Raymond Poust, Medical Reserve Corps, to be first lieutenant in the Medical Corps, with rank from July 8, 1912, vice Capt. George H. Crabtree, promoted.

Under the provisions of an act of Congress approved July 3, 1912, I nominate Lloyd Le Roy Krebs, late captain, Medical Corps, United States Army, to be a major of the Medical Corps on the retired list of the Army, with rank from July 3, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 3, 1912.

Robert Burns, jr., of Missouri.
Charles Dewey Center, of Illinois.
Sanders Lewis Christian, of Louisiana.
William Ruston Davidson, of Indiana.
John Clinton Dodds, of Michigan.
Ernest Nesbitt Dolman, of Michigan.
William Augustus Downes, of New York.
Meyer Milton Eckert, of New York.
William Edward Fitch, of New York.
William Fuller, of Illinois.
Charles Lewis Gandy, of New Jersey.
Preston Manasseh Hickey, of Michigan.
William Hilliard Honor, of Michigan.
Harry Neal Kerns, of California.
George Price Lingenfelter, of Colorado.
George Edward Potter, of Michigan.
Charles David Ricker, of Virginia.
James Harry Ullrich, of Maryland.
Homer Samuel Warren, of Illinois.
Frederic Newhall Wilson, of New York.
Simon Jonathan Young, of Indiana.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Robert L. Russell to be a captain in the Navy from the 1st day of July, 1912, to fill a vacancy.

Herbert J. Hruser, a citizen of Idaho, to be an assistant paymaster in the Navy from the 1st day of July, 1912, to fill a vacancy.

Commander Robert E. Coontz to be a captain in the Navy from the 1st day of July, 1912, to fill a vacancy.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Raymond De L. Hasbrouck,
Benjamin B. McCormick,
Edward S. Kellogg,
David V. H. Allen, and
Frank H. Clark.

Lieut. Commander Walter S. Crosley, an additional number in grade, to be commander in the Navy from the 1st day of July, 1912, with the officer next above him.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

William K. Riddle, and
William N. Jeffers.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

Richard S. Galloway,
Samuel L. Henderson,
Carl C. Krakow,
Louis J. Gulliver, and
Richard B. Coffman.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

Charles S. Keller, and
Louis C. Scheibla.

Asst. Surg. George A. Riker to be a passed assistant surgeon in the Navy from the 14th day of April, 1912, upon the completion of three years' service as an assistant surgeon.

Charles A. E. King, a citizen of New York, to be a second lieutenant in the Marine Corps from the 12th day of July, 1912, to fill a vacancy.

The following-named midshipmen to be ensigns in the Navy from the 8th day of June, 1912, in accordance with the provisions of an act of Congress approved March 7, 1912:

Ralph S. Wentworth, and
Raymond G. Payne.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Edward H. Campbell, and
Henry B. Price.

The following-named midshipmen to be ensigns in the Navy from the 8th day of June, 1912, in accordance with the provisions of an act of Congress approved March 7, 1912:

Harold E. Saunders,
Garland Fulton,
Ralph S. Parr,
Samuel J. Zeigler, jr.,
Shirley A. Wilson,
Charles H. McMorris,
Ernest M. Pace, jr.,
John A. Byers,
Virgil C. Griffin, jr.,
Henry M. Kieffer,
William A. Corley,
Benjamin Perlman,
Howard H. Good,
Carroll B. Byrne,
Ernest G. Small,
Carleton H. Wright,
Donald Boyden,
Stanley P. Tracht,
Robertson J. Weeks,
Roscoe L. Martin,
Herman E. Fischer,
Marc W. Larimer,
Willard E. Cheadle,
Edward P. Nickinson,
Thomas L. Gatch,
Harry G. Patrick,
James A. Saunders,
John H. Culin,
Alfred E. Montgomery,
Andrew C. Bennett,
Fred K. Elder,

Eugene P. A. Simpson,
Edward O. McDonnell,
Oliver W. Bagby,
Lawrence P. Bischoff,
James C. Clark,
James C. Monfort,
Robert D. Moore,
Carl C. Gilliland,
Robert D. Brown,
George L. Woodruff,
Mahlon S. Tisdale,
Schuyler Mills,
Edmund A. Crenshaw,
James L. King,
Lawrence K. Forde,
William D. Taylor,
Davis De Treville,
Homer C. Wick,
John P. Dalton,
Robert A. Lavender,
Louis P. Wenzell,
Robert S. Haggart,
Richard E. Byrd, jr.,
Raymond E. Kerr,
Philip Van H. Weems,
George H. Fort
Lunsford L. Hunter,
Forrest U. Lake,
Ray H. Wakeman,
Robert R. Thompson
Elliott Buckmaster,
Nelson W. Hibbs,
Walter S. De Lany,
Emery P. Eldredge,
Albert B. Sanborn,
Ellis M. Zacharias,
Clarence Gulbranson,
Wentworth H. Osgood,
Donald F. Patterson,
Harold B. Grow,
Donald W. Hamilton,
Herbert G. Gates, jr.,
Hester Hoogewerff,
John H. Paige,
Louis E. Denfeld,
Ralph W. Holt,
George W. D. Dashiell,
Harold Dodd,
Whitley Perkins,
Warren A. Shaw,
Robert A. Hall,
Guy C. Hitchcock,
Anton B. Anderson,
William S. Hogg, jr.,
Beriah M. Thompson,
John L. Fox,
Earl R. Morrissey,
Stephen B. Robinson,
William G. Greenman,
Harold H. Little,
Horatio J. Peirce,
Hamilton Harlow,
Hugh C. Fraser,
James L. Abbot,
Thales S. Boyd,
James A. Crutchfield,
Daniel E. Barbey,
Raymond V. Hannon,
George W. Whiteside,
Charles P. Mason,
John J. Brown,
Grady B. Whitehead,
Carl K. Martin,
Campbell D. Edgar,
Harry P. Curley,
Walter S. Haas,
John P. Bowden,
Dewitt C. Ramsey,
Baylis F. Poe,
Emory W. Coil
Nathan B. Chase,
George W. La Mountain,
Alexander W. Loder,
Harold W. Scofield,
Carroll M. Hall,
Rodes H. Hawkins,
Roscoe E. Schuirmann,
Charles K. Osborne,
Abraham C. Ten Eyck,
Ingram C. Sowell,
Francis E. M. Whiting,
Charles A. Lockwood, jr.,
John K. Richards, jr.,
William H. Burtis,
Stanley G. Womble,
Hans Ertz,
Paul S. Theiss,
Aaron S. Merrill,
John Wilbur,
Charles S. Alden,
Robert E. P. Elmer,
Charles F. Greene,
Hervey A. Ward,
George S. Gillespie,
Garnet Hulings,
Hubert V. La Bombard,
Charles W. McNair,
Edward H. McKitterick,
Otto M. Forster,
Laurence R. Brown, and
Lloyd H. Lewis.

Asst. Surg. Alfred J. Toulon to be a passed assistant surgeon in the Navy from the 11th day of April, 1911, upon the completion of service as an assistant surgeon of three years, plus service during suspension from promotion after failure at examination, and to correct the date from which he takes rank as previously confirmed.

Asst. Surg. Chandler W. Smith to be a passed assistant surgeon in the Navy from the 3d day of October, 1911, upon the completion of service as an assistant surgeon of three years, plus service during suspension from promotion after failure at examination, and to correct the date from which he takes rank as previously confirmed.

Asst. Surg. John B. Pollard to be a passed assistant surgeon in the Navy from the 14th day of April, 1912, upon the completion of service as an assistant surgeon of three years, plus service during suspension from promotion after failure at examination, and to correct the date from which he takes rank as previously confirmed.

Machinist Jarrard E. Jones to be a chief machinist in the Navy from the 27th day of December, 1911, upon the completion of six years' service as a machinist.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. William Edward Wyatt Hall to be captain in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1910, to fill the vacancy created June 19, 1912, by the retirement of Capt. John Ernest Reinburg.

UNITED STATES CIRCUIT JUDGE.

Frederic Dodge, of Massachusetts, to be United States circuit judge for the first judicial circuit, vice William Schofield, deceased.

UNITED STATES ATTORNEYS.

D. Lawrence Groner, of Virginia, to be United States attorney for the eastern district of Virginia, vice Lunsford L. Lewis, resigned.

Oliver D. Street, of Alabama, to be United States attorney, northern district of Alabama. (A reappointment, his term expiring Jan. 14, 1912.)

UNITED STATES MARSHAL.

Aaron M. Storer, of Mississippi, to be United States marshal, northern district of Mississippi. (A reappointment, his term having expired.)

RECEIVER OF PUBLIC MONEYS.

Thomas V. McAllister, of Mississippi, to be receiver of public moneys at Jackson, Miss., his term having expired May 21, 1912. (Reappointment.)

PENSION AGENT.

Joab N. Patterson, of New Hampshire, to be pension agent at Concord, N. H., his term having expired April 28, 1912. (Reappointment.)

POSTMASTERS.

ALABAMA.

Buckner L. Garber to be postmaster at Demopolis, Ala., in place of Lee Woodruff, removed.

Walter W. Harkins to be postmaster at Fayette, Ala., in place of Walter W. Harkins. Incumbent's commission expired January 13, 1912.

Thomas J. Kennamer to be postmaster at Ensley, Ala., in place of John X. Thomas, removed.

John H. McEntry to be postmaster at Bessemer, Ala., in place of George R. Lewis, removed.

ARKANSAS.

Edward I. Stevens to be postmaster at Nashville, Ark., in place of Edgar E. Hudspeth, resigned.

CALIFORNIA.

Frank J. Grillo to be postmaster at Angels Camp, Cal., in place of Frank J. Grillo. Incumbent's commission expired May 26, 1912.

Hugo J. Schumann to be postmaster at Soledad, Cal. Office became presidential July 1, 1912.

COLORADO.

John A. Murphy to be postmaster at Las Animas, Colo., in place of Francis M. Tague, deceased.

Wesley W. Parshall to be postmaster at Durango, Colo., in place of Wesley W. Parshall. Incumbent's commission expired May 26, 1912.

FLORIDA.

Alexander G. Fell to be postmaster at Pensacola, Fla., in place of Rix M. Robinson. Incumbent's commission expired March 31, 1912.

GEORGIA.

Mary E. Hinton to be postmaster at Woodbury, Ga., in place of Mary E. Hinton. Incumbent's commission expired February 27, 1912.

Mattie Mitchell to be postmaster at Acworth, Ga., in place of Mattie Mitchell. Incumbent's commission expired February 27, 1912.

IDAHO.

Blanche S. Rowe to be postmaster at Burke, Idaho, in place of Fred F. Evans. Incumbent's commission expired December 13, 1910.

ILLINOIS.

Louis Wolfram to be postmaster at Des Plaines, Ill., in place of Benjamin Wendling, removed.

INDIANA.

Thompson Turner to be postmaster at Walkerton, Ind., in place of Thompson Turner. Incumbent's commission expired January 27, 1912.

IOWA.

John M. Wormley to be postmaster at Kingsley, Iowa, in place of John M. Wormley. Incumbent's commission expired January 10, 1910.

KANSAS.

Henry S. Mueller to be postmaster at Sedgwick, Kans., in place of Henry S. Mueller. Incumbent's commission expired May 22, 1912.

KENTUCKY.

W. A. Coffey to be postmaster at Columbia, Ky., in place of James N. Coffey. Incumbent's commission expired March 24, 1912.

John B. Harvey to be postmaster at Madisonville, Ky., in place of Virgil L. Bacon. Incumbent's commission expired February 7, 1911.

Robert L. Jones to be postmaster at Morganfield, Ky., in place of Lizzie Vaupel. Incumbent's commission expired March 31, 1912.

William L. Kimbrough to be postmaster at Guthrie, Ky., in place of William C. Balee. Incumbent's commission expired May 15, 1912.

Lewis M. Lebus to be postmaster at Cynthiana, Ky., in place of George M. Dickey. Incumbent's commission expired March 10, 1912.

Edwin B. Linney to be postmaster at Danville, Ky., in place of Edwin B. Linney. Incumbent's commission expired February 7, 1911.

Charles W. Parrish to be postmaster at Midway, Ky., in place of Samuel L. Gatrell. Incumbent's commission expired May 15, 1912.

Frank W. Stith to be postmaster at Falmouth, Ky., in place of James M. Wilson, resigned.

Charles F. Troutman to be postmaster at Shepherdsville, Ky., in place of Charles F. Troutman. Incumbent's commission expired May 15, 1912.

MAINE.

John W. Mathews to be postmaster at Berwick, Me., in place of Lewis C. Flagg, resigned.

MASSACHUSETTS.

Fred A. Hanaford to be postmaster at South Lancaster, Mass., in place of Fred A. Hanaford. Incumbent's commission expired February 27, 1912.

George L. Minott to be postmaster at Gardner, Mass., in place of George L. Minott. Incumbent's commission expired January 20, 1912.

Charlotte L. Parker to be postmaster at Osterville, Mass. Office became presidential July 1, 1912.

MISSISSIPPI.

H. C. Turley to be postmaster at Natchez, Miss., in place of Seaborn McDowell. Incumbent's commission expired December 11, 1911.

NEBRASKA.

Jules Haumont to be postmaster at Broken Bow, Nebr., in place of Jules Haumont. Incumbent's commission expired May 14, 1912.

NEVADA.

T. W. O'Connor to be postmaster at Virginia City, Nev., in place of Amelia E. Roth, resigned.

NEW JERSEY.

Richard F. Treweeke to be postmaster at Butler, N. J., in place of Richard F. Treweeke. Incumbent's commission expired February 27, 1912.

NEW YORK.

Alfred Cox to be postmaster at Hawthorne, N. Y. Office became presidential July 1, 1912.

Edward J. Monroe to be postmaster at Croghan, N. Y., in place of William Mattson, resigned.

William B. Le Roy to be postmaster at Cohoes, N. Y., in place of William B. Le Roy. Incumbent's commission expired February 15, 1911.

OHIO.

Oscar O. Gale, to be postmaster at Eaton, Ohio, in place of Charles E. Albright, resigned.

Richard Gilson to be postmaster at Steubenville, Ohio, in place of Alexander Sweeney, deceased.

Owen Livingston to be postmaster at Richwood, Ohio, in place of Charles H. Huffman, not commissioned.

Charles A. Schumacher to be postmaster at Dresden, Ohio, in place of Lee L. Cassady. Incumbent's commission expired May 22, 1912.

OKLAHOMA.

Walter I. Reneau to be postmaster at Tulsa, Okla., in place of Walter I. Reneau. Incumbent's commission expired February 10, 1912.

PENNSYLVANIA.

Charles E. B. Hunter to be postmaster at Union City, Pa., in place of Delos A. Wright. Incumbent's commission expired May 23, 1912.

William B. Palmer to be postmaster at Clifton Heights, Pa., in place of William B. Palmer. Incumbent's commission expired February 3, 1909.

SOUTH DAKOTA.

J. M. Miller to be postmaster at Colome, S. Dak., in place of Henry D. Lehmberg, resigned.

TENNESSEE.

Norwell L. Scobey to be postmaster at Newbern, Tenn., in place of Norwell L. Scobey. Incumbent's commission expired January 31, 1912.

TEXAS.

F. C. Allen to be postmaster at Bonham, Tex., in place of Harry R. Gray, not commissioned.

Clinton J. Farrell to be postmaster at Vernon, Tex., in place of Clinton J. Farrell. Incumbent's commission expired April 28, 1912.

VIRGINIA.

Cecil R. Grabill to be postmaster at New Market, Va., in place of Charles W. Wickes. Incumbent's commission expired May 13, 1912.

WEST VIRGINIA.

Isaiah Stephens to be postmaster at McMechen, W. Va., in place of Isaiah Stephens. Incumbent's commission expired May 22, 1912.

WISCONSIN.

Jerome C. Capron to be postmaster at Menasha, Wis., in place of George W. Dodge. Incumbent's commission expired January 27, 1912.

Wardlaw A. Clapp to be postmaster at Wauwatosa, Wis., in place of William H. Landolt, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 13, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Carl Herbert Abel to be third lieutenant.

COLLECTOR OF INTERNAL REVENUE.

David F. Bailey to be collector of internal revenue for the sixth district of Virginia.

SOLICITOR GENERAL OF THE UNITED STATES.

William Marshall Bullitt to be Solicitor General of the United States.

REGISTERS OF THE LAND OFFICE.

George D. Orner to be register of the land office at Woodward, Okla.

George H. Charlton to be register of the land office at Durango, Colo.

RECEIVER OF PUBLIC MONEYS.

Frank M. Foote to be receiver of public moneys at Evanston, Wyo.

JUDGE OF THE CIRCUIT COURT OF HAWAII.

Lyle A. Dickey to be judge of the Circuit Court of the Fifth Circuit of the Territory of Hawaii.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Edward S. Moses to be a lieutenant.
Ensign Edward S. Moses to be a lieutenant (junior grade).
Ensign William C. L. Stiles to be a lieutenant (junior grade).
Ensign James J. Manning to be a lieutenant (junior grade).
Ensign William O. Wallace to be a lieutenant (junior grade).
Ensign Ellis Lando to be a lieutenant (junior grade).
Commander Volney O. Chase to be a captain.
The following-named ensigns to be lieutenants (junior grade):
Clarence N. Hinkamp,
Leslie E. Bratton,
Ralph R. Stewart,
Ralph C. Parker,
Henry C. Gearing, jr.,
George W. Simpson,
Charles F. Pousland,
Charles C. Windsor,
Edmund D. Almy,
Robert F. Gross,
Seymour E. Holliday,
Emanuel A. Lofquist,
Elmer W. Tod,
Homer H. Norton,
John F. Cox,
George N. Barker,
Newton L. Nichols, and
Patrick N. L. Bellinger.

POSTMASTERS.

ALASKA.

Philip J. Hickey, jr., Seward.

FLORIDA.

Alexander G. Fell, Pensacola.
Elbert A. Froscher, Marathon.

GEORGIA.

Marcus S. Baker, jr., Savannah.
Edgar R. Gunn, Oxford.

KENTUCKY.

Edwin B. Linney, Danville.
Charles W. Parrish, Midway.
Charles F. Troutman, Shepherdsville.

LOUISIANA.

J. Ernest Breda, Natchitoches.

MICHIGAN.

A. Edgar West, Upton Works.

MISSOURI.

Alexander T. Boothe, Peirce City (late Pierce City).
Charles L. Farrar, Macon
Charles L. Gray, Carterville.
Albert F. Huggins, Shelbina.
David B. Ormiston, Linneus.
John J. Sleight, Montgomery City.
Rachael A. Smith, Deepwater.
W. H. P. Walkenhorst, Concordia.

NEW JERSEY.

William E. Bedle, Keyport.
Harry E. Frey, Stewartsville.
Andrew Mercer, Lodi.

NEW YORK.

Byron Clearwater, Highland.
William R. Crawford, Warsaw.
Charles D. Randles, Ogdensburg.
Wilfred A. Robbins, Mexico.
Frank W. Smith, Freeville.
Mary A. Wilson, Sacket Harbor.
Wilbur H. Wolcott, Crown Point.

OHIO.

Clifford N. Quirk, Chardon.
Charles A. Ward, Marietta.

OKLAHOMA.

George C. Barber, Prague.
David C. Blossom, Atoka.
C. S. Cannady, Madill.
Joel E. Cunningham, Konawa.
Emma Dale, Roff.
Marion Henderson, Pauls Valley.
John W. Randall, Blackwell.
Robert L. Sample, Maysville.
George Stowell, McLoud.
Squire J. Thompson, Wellston.

OREGON.

Mabel Miller, Jacksonville.

PENNSYLVANIA.

James M. Bell, Chicora.
William H. D. Godshall, Lansdale.
Robert R. Groetzinger, Leetsdale.
Charles E. B. Hunter, Union City.
Alfred Edward Lewis, West Middlesex.
Anne D. Moore, Avondale.
William B. Palmer, Clifton Heights.
Louis F. Senn, Brackenridge.
Freeman C. Wilcox, New Albany.

WASHINGTON.

C. J. Casad, Twisp.
William L. Oliver, Rockford.

WITHDRAWAL.

Executive nomination withdrawn July 13, 1912.

POSTMASTER.

Charles W. Wickes to be postmaster at New Market, Va.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, our heavenly Father, be graciously near to us and imbue us plenteously with heavenly gifts, that our minds may be illumined, our hearts mellowed; that the rectitude of our behavior may be in consonance with Thy will; that the opportunities which loom large for the betterment of conditions in the individual, the home, the State, the Nation, may be accentuated to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM COMMITTEES.

Mr. UNDERWOOD. Mr. Speaker, I send to the desk and ask to have read a communication to the Speaker of the House.

The Clerk read as follows:

JULY 12, 1912.

Hon. CHAMP CLARK,
Speaker House of Representatives.

DEAR MR. SPEAKER: I hereby tender to the House of Representatives, through you, my resignation as a member of the Committee on Agriculture and as a member of the Committee on Public Lands.

Very truly, yours, JACK BEALL.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

ELECTIONS TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON THE JUDICIARY.

Mr. UNDERWOOD. Mr. Speaker, I move the election of Hon. JACK BEALL, of Texas, to fill the vacancy on the Committee on the Judiciary caused by the resignation of Hon. ROBERT L. HENRY, of Texas.

The SPEAKER pro tempore. The question is on agreeing to the motion.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I now move the election of Hon. JAMES YOUNG, of Texas, to the Committee on Agriculture to fill the vacancy created by the resignation of Mr. BEALL, of Texas.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I also move the election of Hon. H. M. JACOWAY, of Arkansas, to the Committee on Agriculture to fill the vacancy created by the death of the gentleman from Louisiana, Mr. WICKLIFFE.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Alabama.

The motion was agreed to.

CORRECTION IN ENROLLMENT OF PENSION BILL.

Mr. RICHARDSON. Mr. Speaker, I present the following concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 59.

Resolved by the House of Representatives (the Senate concurring), That the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the enrolled bill (H. R. 23515) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors," be rescinded; that the Clerk be directed to re-enroll said bill; and that in the re-enrollment of said bill the Clerk be, and he is hereby, authorized and directed to amend the title of said bill by striking out the word "of" where it first appears in the fourth line thereof and insert in lieu thereof the word "and."

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

EUGENE PRINCE.

Mr. SABATH. Mr. Speaker, I move to take from the Speaker's table House joint resolution 220, to grant American citizenship to Eugene Prince, with a Senate amendment thereto, and to agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

SALE OF FUTURES IN COTTON.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 620 (H. Rept. 997).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 56, "A bill to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between the States and Territories and foreign nations."

That there shall be two hours' general debate on said bill, after which the bill shall be read for debate and amendment under the five-minute rule, and at the end of one hour's consideration a vote shall be had upon the bill and all pending amendments.

Mr. POU. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the passage of the resolution.

Mr. MANN. Mr. Speaker, I was not listening when the resolution was read.

The SPEAKER pro tempore. Without objection, the Clerk will report the resolution.

Mr. MANN. I would just as lief have the gentleman from North Carolina state what it is.

Mr. NORRIS. I would ask that the Clerk read the resolution again.

The SPEAKER pro tempore. Without objection the Clerk will report the resolution; several Members did not hear it.

The resolution was again reported.

Mr. MANN. I suppose 20 minutes' debate will be on a side if anybody desires to be heard.

The SPEAKER pro tempore. Yes.

Mr. POU. Mr. Speaker, this resolution brings before the House what is known as the Beall bill, making it unlawful to use certain instrumentalities of interstate commerce in gambling in cotton. I am informed that H. R. 56 is practically the same as the Scott bill, which was passed by a former House of Representatives. It will be observed that the rule does not cut off amendment, and also allows reasonable opportunity for discussion on this floor.

Mr. DUPRÉ. Will the gentleman yield?

Mr. POU. I do.

Mr. DUPRÉ. May I ask why the Rules Committee, when it brought in this rule, did not take into consideration the fact that the Committee on Agriculture reported a bill by Mr. LEVER, of South Carolina, prohibiting similar transactions in other agricultural products—wheat, corn, and oats?

Mr. POU. Why, the Committee on Rules did take into consideration that fact, and for that very reason framed this rule so that the Beall bill will be open to amendment. Now, Mr. Speaker, I do not care to consume further time in the discussion of this rule, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from North Carolina reserves the balance of his time.

Mr. FITZGERALD. Mr. Speaker, I desire some time in opposition to the rule.

Mr. MANN. Mr. Speaker, I will not take the floor, but I will ask that the gentleman from Wisconsin [Mr. LENROOT] be recognized.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 20 minutes.

Mr. LENROOT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to the adoption of the rule. In the first place, it provides for the consideration of a bill which purports to do certain things that the Supreme Court has held in quite a recent case that Congress has no power to do; and, in the second place, while the rule purports to afford opportunity for amendment, gentlemen who are interested in passing this bill, and who have been interested in preparing the rule, are fully aware of the fact that it effectively prevents this bill being considered for amendment. I might, Mr. Speaker, be challenged for making this statement, if in the past the House did not have an opportunity to demonstrate the impossibility of considering under the five-minute rule a bill considered under an identical rule from the Committee on Rules.

This rule purports to be manifestly fair. It is very unfair and unjust to those opposed to the bill. It provides that there shall be two hours of general debate and that the bill shall then be considered under the five-minute rule for amendment, and that at the end of one hour the previous question shall be considered as ordered upon the bill and all pending amendments. A similar bill was reported two years ago last month to this House under an identical rule, and by the simple process of various gentlemen offering amendments to the first paragraph of the bill and consuming one hour's time in discussing those amendments, the House never got beyond the first paragraph. The first paragraph of the bill amounts to nothing. It is not a vital part of the bill. It is not a part of the bill Members wish to discuss or to amend. There is no opportunity at that point to suggest that this bill be so enlarged in its scope as to include operations in wheat, grain, and other matters which are included in the so-called Lever bill.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. Does the gentleman undertake to convey the idea that the friends of the bill are going to enter into a conspiracy to try to amend the first section of the bill to prevent the reaching of the other sections?

Mr. FITZGERALD. No; I am not.

Mr. GARNER. Then if the first section amounts to nothing, who is going to offer the numerous amendments to take up the hour—the friends of the bill?

Mr. FITZGERALD. The gentleman will have his doubts cleared on that point when the bill is read for consideration. The gentleman was present two years ago, if my recollection is accurate, when the bill was considered; I was not here because I was ill at home.

The friends of the bill and the enemies of the bill in disguise occupied the time under the five-minute rule in perfunctory discussions of immaterial amendments, so that the Clerk never read beyond the first paragraph. I believe that the friends of the bill do not wish it read beyond the first paragraph. They do not wish to have submitted to this House an amendment to include in this bill the same restrictions upon wheat, corn, and other products contained in the Lever bill. I have no intimation that the Committee on Rules intends to bring in a rule for the consideration of that bill.

If the legislation proposed here relative to speculative contracts in cotton be proper, it should be applied to all other commodities which are dealt with in the same way. There can be

no excuse to legislate especially for the benefit of, or for the protection of, or for the injury of, the class of persons engaged in these speculative future contracts in one line of commodities and permit those doing business in the same way and the same manner as to a number of other commodities to be foot free to continue their methods. If their methods be improper, they should be stopped.

Mr. BURLESON. Will the gentleman submit to an interruption?

Mr. FITZGERALD. I will.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. LENROOT. Mr. Speaker, I yield five minutes more to the gentleman from New York.

Mr. BURLESON. You say the same conditions obtain in the exchanges dealing in other farm products that exist with reference to cotton?

Mr. FITZGERALD. I am not sufficiently familiar with either class of exchanges to know. I am speaking of the legislation reported by the same committee affecting all of these commodities, and I assume the condition must have been similar in order to have induced the reporting of this bill.

Mr. BURLESON. Now, if, as a matter of fact, the conditions are entirely dissimilar, will the gentleman contend the same legislation could be directed against grain speculation as against cotton speculation?

Mr. FITZGERALD. Undoubtedly.

Mr. BURLESON. Notwithstanding the conditions are entirely different?

Mr. FITZGERALD. If it be improper to deal in contracts for future delivery of cotton upon exchanges, it is improper, illegal, and unrighteous to deal in future contracts for the delivery or for the purchase or sale of wheat and corn. There can be no distinction drawn whatever between dealings in one commodity in a certain way and similar dealings in other commodities. If these gentlemen profess to be anxious to stop what, in their opinion, is a great wrong, why should they limit their activities, why should they restrict this legislation to cotton? Why should they not, at least, give the House an opportunity to pass upon the question as to whether they would not include similar dealings in these other commodities?

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. I know the gentleman from New York [Mr. FITZGERALD] is as familiar as anyone in this House with the necessities or the exigencies for certain legislation; and it must occur to the gentleman from New York that if there should be as large a percentage in opposition to the grain proposition as there is as to cotton, that we would likely not get a bill through including both of them. Whereas if we take them up one at a time we can put them through, and we could not put them through with the two in; and I imagine that is the reason the gentleman wants to put grain on the list.

Mr. FITZGERALD. I know this, that two years ago in June, approaching the election, some gentleman interested in this cotton bill had a special rule brought into the House and it passed the House, but nothing further was done. It slumbered along without any special effort to have the bill taken up.

Now, when we are approaching, within a few months another election, the same gentlemen have brought in another rule to consider this bill at this time, knowing that there is no possible chance for its enactment into law before election.

Mr. HENRY of Texas. If the gentleman will yield a minute, I want to set him right. If he will read the platform adopted at Baltimore, he will find it declares in favor of this legislation we are now providing for.

Mr. FITZGERALD. Mr. Chairman, I doubt that.

Mr. HENRY of Texas. Oh, no.

Mr. FITZGERALD. One moment. We can discuss that at another time, because the Democratic platform could not have declared in favor of legislation which, as clearly as it is possible to declare, the United States Supreme Court says Congress has no power to enact.

Mr. HENRY of Texas. It has declared for it in specific terms.

Mr. FITZGERALD. If it refers to this particular bill, it is one of those things that slipped into the platform in the dark hours, when it was considered without knowledge of the convention.

Mr. HENRY of Texas. Then the gentleman ought to withdraw his opposition to this bill.

Mr. FITZGERALD. I decline to withdraw my opposition to the bill. The gentleman can make his own statement in his own time. I believe it is unwise legislation and improper legislation. I believe that the Congress has no power to enact it. A declaration in a platform adopted at Baltimore or anywhere else will not control my action in a legislative capacity when I believe, as I do believe, on the subject of such legislation that it is beyond the power of Congress. I doubt, however, that anything in the Democratic platform can be construed as an indorsement of this particular bill.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. POU. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I am requested by my colleague, Mr. LAMB, who is unavoidably absent from the House, to make a statement for him as to his attitude on that bill. That statement, which is very brief, I will now read:

"The Democratic Party in its platform at Baltimore having declared in favor of antioption legislation in relation to cotton and grain dealings, it becomes my duty as a loyal Democrat to support this measure, notwithstanding I have made a minority report in opposition to the same. I shall therefore yield my individual judgment to the combined wisdom of the Democratic Party, as set forth in its platform, and vote for the bill."

Mr. POU. Mr. Speaker, as the debate seems to be exhausted on both sides, I will call for a vote.

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. LENROOT] wish to dispose of his time?

Mr. LENROOT. Does not the gentleman from North Carolina [Mr. POU] wish to use further time?

Mr. POU. I do not know that we can, unless there is a desire for further debate on that side.

Mr. LENROOT. Mr. Speaker, it is somewhat refreshing to hear a Member on the Democratic side of this House assault, as he has just done, a rule reported by the Democratic majority as a rule that does not afford this House an opportunity fully and adequately to consider a bill pending in the House. Permit me to say, however, that the argument made by the gentleman from New York [Mr. FITZGERALD] would have, I think, greater weight in this House if it were not for the fact that the gentleman himself has voted in this session of Congress for rule after rule that did not permit the House to offer any amendment at all.

Now, Mr. Speaker, I am in sympathy with the purposes and objects——

Mr. FITZGERALD. Will the gentleman from Wisconsin enumerate some of these rules prohibiting the offering of any amendment?

Mr. LENROOT. Yes. The other day there was one prohibiting the offering of amendments, except a motion to recommit with a substitute.

Mr. FITZGERALD. What bill?

Mr. LENROOT. The contempt bill.

Mr. FITZGERALD. I will say to the gentleman that I did not vote for that. The gentleman is mistaken. I did not vote for it. Perhaps the gentleman can name another.

Mr. LENROOT. If I have misquoted the gentleman, I withdraw that statement.

Mr. FITZGERALD. The gentleman should not make that sort of a statement concerning me. I have been criticized enough for things that I have done without having the gentleman from Wisconsin attempt to criticize me for things I have not done.

Mr. LENROOT. Yes; but I want to ask the gentleman—because I have no desire to place him in any false light—if he also voted against the resolution bringing in the injunction bill, which was a rule similar to that?

Mr. FITZGERALD. I think I voted for that. And let me say to the gentleman from Wisconsin I would have voted for the contempt rule if I had been present.

Mr. LENROOT. I am glad, Mr. Speaker, to find, after all, that I was not mistaken in my first statement. But even if I had been mistaken, in so far as the gentleman from New York [Mr. FITZGERALD] is concerned, it would be entirely excusable, because upon these gag rules that have been brought in from time to time the vote on the Democratic side was so nearly unanimous in favor of them that one had every reason to believe and to think that the gentleman from New York was included in that vast majority that voted for such rules as only a short year ago the Democratic majority, then the minority, was opposing.

But, Mr. Speaker, this rule does afford some opportunity for amendment, and it is so much better than we have reason to expect from the Democratic majority lately that I am disposed to accept and vote for the rule myself.

It is true, Mr. Speaker, that this opportunity for amendment, with one hour's consideration under the five-minute rule, relates to a bill that primarily concerns the Southern States. I

hope, Mr. Speaker, that as time goes on the Democratic majority may be broad enough to permit opportunity to amend bills that affect the Northern States as well as the general welfare of the entire country.

I am disposed to vote for this rule, because although it is a small concession in the public interest, it is some concession, and we ought to be grateful for it. As time goes on I hope that we may have opportunity to amend important bills that are brought before the House.

Let me say for the information of the House that the Committee on Rules has acted upon certain other bills, and that they propose to give reasonable opportunity to offer amendments. I hope that this repentance on the part of the Democratic majority is not manifest because an election is approaching. I hope that that attitude will be evident upon their part at the next session of Congress after the November election as well as now, but I fear that that will not be the case.

I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, under the provisions of the rule, this bill will be up for amendment for one hour. It is quite probable that section 3 will not be reached for amendment within that time. I call the attention of the House to the danger and absurdity of the rule which forbids an amendment to every part of the bill, and which puts the House in the attitude of doing something that nobody wants to do. On page 4, begining in line 19 of this bill, it reads:

> And in any prosecution under the provisions of section 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act.

Of course what was intended was—

> The proof of failure—

But gentlemen will be called upon to vote upon the passage of a bill which provides that the proof or the failure either one shall be considered prima facie evidence against the man. Whether you do or do not, you are damned. [Applause on the Republican side.]

Mr. POU. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I had hoped that the gentleman from Wisconsin [Mr. LENROOT] was about to join me in protesting against this rule. He has been so vociferous in denouncing special rules brought into the House that when an obvious defect in a rule was pointed out to him I assumed that he would unhesitatingly enlist in my cause. It appears from the statement of the gentleman from Wisconsin, however, that he is not so much interested in the substance of the rule as he is in its form. It is immaterial to him whether opportunity be given to the Members of the House really to offer amendments to a bill, so long as the rule in its form pretends to give Members that opportunity; and in view of this attitude of the gentleman from Wisconsin I have no doubt that hereafter the Committee on Rules will be able so to frame special rules for the consideration of measures that, although they will give him no privilege and no right of amendment, still he will be satisfied, because he may be able to pretend that he is obtaining some such privileges and rights.

I suppose that some of the constituents of the gentleman from Wisconsin [Mr. LENROOT] are interested in corn, wheat, and oats. They have some interest in legislation designed to prevent the so-called gambling in those commodities. If the gentleman opposed this rule and marshaled his forces in opposition to it, it might be possible to have this bill considered in such a way that the provisions desired by his constituents might be included within the bill before its passage through the House; but since he is about to support the rule, because in form it apparently makes possible the offering of these amendments, while everyone knows it really will not permit the offering of them, he is, in effect, preventing any attempt being made to include in this bill wheat, corn, and oats, as provided in the Lever bill.

The gentleman says that this rule is designed to help one section of the country as against the other.

Why not join with us, who would be pleased to include provisions in the bill making it apply equally to commodities raised in all parts of the country by perfecting the bill so as to include oats, corn, wheat, and so forth?

Mr. HOBSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOBSON. I desire to ask the gentleman if he would favor a bill that included all of the commodities, or, to put it in another form, does he favor a similar bill for corn, wheat, oats, and the commodities he enumerates?

Mr. FITZGERALD. I do not; because, as I have stated, under the decision of the United States Supreme Court, Congress has no power to enact this legislation.

Mr. BURLESON. In what case?

Mr. FITZGERALD. In the case of Ware & Leland against the State of Alabama, Two hundred and ninth United States, where, in the State of Alabama, a tax was levied on certain brokers in cotton. They resisted the tax on the ground that they were engaged in interstate commerce. The United States Supreme Court upheld the Supreme Court of the State of Alabama in holding that such contracts were not interstate commerce, but purely State transactions, and could be controlled by any State in the United States. In view of that decision, which is the law of the land, I am unable to find authority for Congress to enact this legislation.

Mr. RUBEY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RUBEY. If the bill were constitutional, would the gentleman be in favor of it?

Mr. FITZGERALD. If the gentleman can prepare a bill which is constitutional and which is designed to eliminate what are considered certain abuses connected with transactions in futures, I certainly would support it; but I do not believe that this bill is designed to accomplish that purpose.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I have only a few suggestions that I wish to make. The first is that the purpose and effect of the bill is simply to promote honesty. No legitimate transaction of broker or merchant will be interfered with. On the contrary such legitimate transactions will be facilitated. The second is that the nature of the instrumentalities invoked is interstate, and therefore clearly within the jurisdiction of the United States, and this act, like similar acts dealing with interstate commerce, is clearly constitutional. The next is that such a measure prohibiting gambling in the interest of plain honesty and facilitating real contracts and the observance of real contracts has merits and is entitled to the support of all good men, whether it embraces one commodity, another commodity, or all commodities.

Mr. NORRIS. Will the gentleman yield?

Mr. HOBSON. Yes.

Mr. NORRIS. I concur in the statement which the gentleman has made, but I want to call attention to the fact that this is a rule that we are debating, and not the merits of the bill.

Mr. HOBSON. I am coming to that. The limitations under the five-minute rule are very reasonable, and create no prejudice against other commodities. This is really one of the fairest rules reported to the House for many years, fairer than any similar rule ever reported by a Republican committee within my memory. The next suggestion or point I was going to make is that cotton is special; if we were going to take up the whole question we ought to take it up with cotton alone and then with the other commodities.

Mr. DUPRÉ. Why?

Mr. HOBSON. I will explain that to the gentleman and the gentleman from Nebraska. Cotton is the monopoly production of the United States alone. Of course I do not mean absolutely, but the bulk of the cotton of the world is produced, and must continue to be produced, in the United States.

Mr. NORRIS. I agree with the gentleman, if he will allow me to interrupt him.

Mr. HOBSON. If the gentleman will permit me, he must realize that I have not the time to answer another question. Now, as a Nation we export yearly $500,000,000 worth of this staple. We have exported food products; but the export of food products is dwindling. The day is fast approaching when America will have to import food products. Cotton, though, will remain continually and perpetually, as far as we can see, to the end of time, the one great permanent export of America. This is the commodity, above all commodities, in which America is interested, and especially interested in seeing that the economic laws should be allowed to have their way. The gambling in cotton futures interferes with the working of economic laws and entails heavy losses not only upon the cotton States but upon the whole Nation. If these economic laws hold as the years go on, as the population of the world multiplies, and prosperity of men multiplies, and the demand for cotton increases in proportion, it means the steady balance of trade ever increasing on the side of the United States.

Every patriotic American citizen ought to be a bull, if he can conscientiously be one, on the cotton market, and this body ought to welcome, like the German legislative body welcomes anything that legitimately increases the price of potash—so every legislator here ought to welcome anything that will legiti-

matsly increase the price of cotton. It is now and will then become more and more a fundamental factor in promoting the prosperity of the whole Nation. Thus cotton merits individual and special consideration at the hands of this House. I do not agree with the gentleman from New York that we ought not to invoke on this side of the House the support that comes from our platform. It would come with poor grace for any Democrat, it comes with particularly poor grace from the gentleman from New York [Mr. FITZGERALD], to begin to criticize our platform or a section of it, superficially declaring it unconstitutional before it is even cold from the convention. This bill carries out a plank of that platform—a plank that is regularly and legitimately in that platform, and therefore binding on Democrats.

Mr. LENROOT. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Two minutes.

Mr. LENROOT. Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, can the gentleman from North Carolina give me any time?

Mr. POU. Unfortunately, Mr. Speaker, my time is all parceled out.

Mr. NORRIS. Mr. Speaker, of course I can not say what I would like to in two minutes' time. I agree with a great deal of what the gentleman from Alabama [Mr. HOBSON] has said, but I want to call the attention of the House to the fact that this is the rule and not the bill that we are first called to vote upon. This rule provides that this bill shall be considered under the five-minute rule for one hour. That is a little better than as if the rule did not give any consideration to the bill under the five-minute rule. There is no reason, however, why the bill should not be considered clear through under the five-minute rule, without regard to limitation of time. It may not take an hour. We ought to consider it so that any Member may have an opportunity to offer an amendment to any part of the bill, that we may consider every section of it. As has been well pointed out, if this rule is adopted it is possible for gentlemen to consume the whole hour on the first section or first two or three sections of the bill, and thus absolutely cut off amendments to the balance of the bill. I am not speaking as an enemy of the bill, but rather as the friend of it. I am not opposing it, but I would like to give every man here an opportunity to offer an amendment to any part of the bill; and in a short bill like this, containing only seven pages, there is no reason why it should not be done. Common fairness would dictate that it ought to be done. It seems to me that the Committee on Rules is at fault when it puts this limitation of one hour in the rule. Why not let us consider it under the five-minute rule clear through to the end of the bill, and thus give a fair opportunity to everybody to offer any amendment that he may see fit? It will not delay the legislation. It is only a method of consideration that ought to be given to every bill unless there is some reason why we should not give that consideration. If this body were going to adjourn to-day without date, there would be some reason for this kind of a rule, but there is no reason why we should not go clear through the bill. Of course, it may not be done; but why should we make it possible for Members to prohibit the offering of an amendment to anything except the first part of the bill?

Mr. POU. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules.

Mr. HENRY of Texas. Mr. Speaker several matters this morning have pleased me very much, and one of those things is that my friend from New York [Mr. FITZGERALD] has begun the study of constitutional law. He is opposed to the passage of this bill because he finds it to be unconstitutional. I do not remember to have seen him very often bring a law book into the House, but if he will study the law books a little further he will find that this measure is constitutional. If Congress can pass a law prohibiting the transmission of lottery tickets from one State to another as interstate commerce and break up lotteries and kindred transactions, it certainly has the power to prohibit the making of contracts which impede interstate commerce. Mr. Speaker, it grieves me to see the gentleman oppose his party in this matter, and I hope that he will yet change his attitude, for I think we can convince him that the bill is strictly within the limits of the Constitution. Indeed, it is identically the same bill that practically every Member of this House voted for when it passed as the Scott bill. Nearly all of you gentlemen on the other side voted for this bill in identically the same language which is contained in the measure to-day.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. I have not much time, but yield for a question.

Mr. DUPRÉ. I would like to ask the chairman of the committee why his committee saw fit to bring in this one bill when he had knowledge, or should have had, that a similar measure with regard to other agricultural products had been favorably reported from the Committee on Agriculture? The gentleman is now invoking the Democratic platform in support of this bill, when a similar measure in respect to other agricultural products has been overlooked.

Mr. HENRY of Texas. We may bring in that bill very speedily and give the gentleman an abundance of time to consider it.

Mr. Speaker, I want to read just a few lines from a paper in which the Democratic creed is printed, as it always prints Democratic doctrine, the Commoner.

Mr. MANN. Made by the Commoner, not printed. [Laughter.]

Mr. HENRY of Texas. Well, I accept the amendment. This is from the Democratic platform adopted in the recent convention at Baltimore, and I commend it to the consideration of the gentleman from New York and am sure he must have overlooked or forgotten it. I appeal to all Democrats to begin now to carry out the pledges of the party as made at that convention and we will have the confidence of the American people from one ocean to the other.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HENRY of Texas. I really have not the time, but go ahead.

Mr. FITZGERALD. Would the gentleman vote for a bill which is insisted by some carries out the provisions of a platform which bill in the gentleman's opinion was unconstitutional?

Mr. HENRY of Texas. No; I would not.

Mr. FITZGERALD. Has the gentleman any right to criticize me for opposing a bill which in my opinion, though I may not conform to the gentleman, does not come within the power of the Congress under the decisions of the United States courts?

Mr. HENRY of Texas. Let me ask the gentleman this question: Conceding that this bill is constitutional, then would the gentleman from New York support it?

Mr. FITZGERALD. Well, I can not conceive that; that is assuming an impossibility, because if it should be constitutional it would be in an entirely different category. The gentleman is asking me to assume an act that we have no power to do.

Mr. HENRY of Texas. Well, I can not yield further. It is apparent there is scant opportunity for the gentleman and myself to get together on this proposition. Now I will read the Democratic creed and commend it to gentlemen on this side of the House and to gentlemen on the other side if they wish to get on the proper side of the question:

We believe in encouraging the development of a modern system of agriculture by a systematic effort to improve the conditions of trade in farm products, so as to benefit both the consumers and producers *and as an efficient means to this end we favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges or others.*

Mr. Speaker, there is the expressed pledge of the Democratic Party, inserted not by inadvertence, but deliberately with the intention of being redeemed by the representatives of the American people, and we intend to do it to-day by the passage of this bill. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired; all time has expired. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

Be it enacted, etc., That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word "person" shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make

or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is, at the time, legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of section 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oath shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section 2 of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 nor less than $500, or shall be imprisoned not more than five years nor less than one year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

SEC. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

The SPEAKER pro tempore. Is there any understanding as to how the time shall be divided? If there is no objection the gentleman from Texas [Mr. BEALL] will be recognized for one hour in favor of the bill and the gentleman from Iowa [Mr. HAUGEN] will be recognized for one hour in opposition to the bill. [After a pause.] The Chair hears no objection.

[Mr. BEALL of Texas addressed the House. See Appendix.]

Mr. BEALL of Texas. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. RUBEY). Does the gentleman from Iowa [Mr. HAUGEN] desire to consume any more time on his side?

Mr. HAUGEN. I yield 10 minutes to the gentleman from New York [Mr. REDFIELD].

The SPEAKER pro tempore. The gentleman from New York [Mr. REDFIELD] is recognized for 10 minutes.

Mr. REDFIELD. Mr. Speaker, even if this bill, up to the close of section 5, were, in my judgment, everything that is to be desired, I could not vote for it or for any bill, no matter for what purpose designed, that carried with it so extraordinary a clause as section 6 contains. It seems to me, whatever it be founded upon, that it creates a situation that is peculiar and astonishing. The language of section 6, when it is read with care, carries with it, I am sure, such a conclusion as to make it seem that this section could hardly have been intended to be taken seriously.

If this thing be supposed to be a poem or a work of the imagination, then section 6 has a place in it. But for sober-minded and thoughtful men to attempt to enact into law, no matter upon what precedent, such language as section 6 contains, is, to my mind, so amusing as to prove it to be impracticable and not to be taken seriously. For it says, among other things, that every letter, writing, or other publication containing matter "tending to induce" or promote the making of such contracts as are described in section 2 is unmailable; and then it proceeds to provide penalties for the crime of mailing and penalties for him who takes out of the mails that which is unmailable. It does not provide any means for finding out what a letter contains in order to make it unmailable. If a letter is written containing the fearful and new crime which may be entitled "tendency to inducement" created in this bill, and the act be found out, it is made a crime punishable by fine and imprisonment. Is it to be the duty of the postmaster to examine letters mailed in order to see whether this crime of "tendency to inducement" really exists?

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. REDFIELD. I can not yield.

Mr. BEALL of Texas. I will give the gentleman two minutes if he will yield.

Mr. REDFIELD. Very well.

Mr. BEALL of Texas. The gentleman criticizes section 6, does he not?

Mr. REDFIELD. Yes.

Mr. BEALL of Texas. That is modeled exactly after the antilottery section of the statutes which was enacted some years ago.

Mr. REDFIELD. I am interested to hear that. But, no matter what it is modeled after, it is absurd, because it creates a situation which is simply impossible. A letter containing this "tendency to inducement" is not to be mailed. Who is to find out whether it contains that inducement before it is mailed? It is impossible to find that out.

Mr. BEALL of Texas. Will the gentleman yield for another question?

The SPEAKER pro tempore. Does the gentleman from New York yield?

Mr. REDFIELD. I regret I can not yield further. Furthermore, what is it that is meant by "tends to induce"? Does the young man, when he writes a letter to a young lady and signs himself "Yours, sincerely," tend to induce her to accept an offer of matrimony? Does it tend to induce her to take him as hers, sincerely? What is the crime of "tendency to inducement," which is made subject to a maximum fine of $5,000 or five years' imprisonment and to a minimum fine of $500 and one year's imprisonment, or both, to the writer and to the person who innocently receives a letter in which this crime of "tendency to inducement" is committed? Suppose, for example, that this has been a law for six months. In perfect good faith, a man writes to his counsel or a friend in the business and suggests that this law be tested in the courts, and, in order to be tested in the courts, recommends that a case under this law be brought. Then, in so doing, he may commit a crime for which he may be fined $5,000 and subjected to five years' imprisonment, and the man who gets the letter may be fined $5,000 and be subjected to five years' imprisonment, and all for the tendency of inducement, which is not defined, nor is any person given authority to state what the crime of tendency to inducement is.

The whole thing is so vague that, if it be conceded that the purpose of the bill and its language is in every other respect wise and right and sound, this whole matter of the unmailability of articles under seal, protected by law from examina-

tion before mailing, is so absurd, and the whole indefiniteness of the tendency to inducement is so plain, that it is too drastic a power to put into the hands of a postmaster or a postmaster general.

I think that really, no matter what it is founded upon, a bill containing this language in section 6, and also the language in section 7, based upon it, is therefore made both laughable and unworkable and wrong in principle and calculated to bring perfectly innocent parties who may merely get letters or pamphlets through the mail into the position of committing a criminal act, which is absurd. [Applause.]

Mr. HAUGEN. I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. BEALL of Texas. Mr. Speaker, I should like to ask the gentleman from New York [Mr. REDFIELD] to use the two minutes that I gave him.

Mr. CANDLER. Mr. Speaker, I desire to detain the House but a short time with what I have to say in reference to this bill, because I believe that it is thoroughly understood, and the gentleman from Texas [Mr. BEALL], who has already addressed the House, has in a very forcible, succinct, and pointed way discussed the specific sections of the bill and demonstrated their effect. As was stated by him, this bill is intended only to forbid and prohibit gambling in cotton futures. There is no desire on the part of anybody and there is no provision in this bill which prevents honest dealing in cotton. If a man wants to buy a hundred bales of cotton, to be delivered to him at a specific and definite time in the future, he can buy the product itself under this bill and demand it, and it can be delivered to him, and he can pay for it and get possession of his property. The bill is simply intended to prevent the gambling to which the people of this country are opposed and which ought to be prohibited, not only in reference to this product, but any other product of any kind or description.

As was stated a moment ago, section 6 is modeled after the lottery statute, which has been sustained by the courts of the country and is to-day the law of the land in reference to matters of that character, and it is invoked in this bill because of the fact that experience has shown that it can be enforced and that it is in accordance with the provisions of the Constitution which permit its enactment and enforcement.

So far as the demand for this legislation is concerned, the people who are more directly interested in this great product than anybody else, the producers themselves, have for years come to this Congress and asked for this legislation, and so far as I know or believe there is a universal demand on their part for the enactment of this law. They are perfectly willing that their product should be sold in the market for what it is actually worth, and they are willing to have it go into the markets of the world and to secure the price which the demand for it will fix; but they are opposed, and every honest man ought to be opposed, to having their products dealt in in a gambling way so that the value may be fixed by fictitious, unlawful, gambling transactions, when there is no intention or purpose on the part of the purchaser to accept the cotton or on the part of the seller to deliver the cotton, but it is simply bought and sold on the exchanges with a view of settling upon the basis of margins.

As the rules of the cotton exchanges are fixed to-day, if a man demands the cotton itself, any character of cotton can be delivered without regard to the classification, and a small amount is kept on hand for the purpose of meeting such demands, with no idea or view of delivering any grade which may be demanded or purchased at any time, but simply cotton of any character, description, or order. These transactions affect the price of the product detrimentally to the producer, detrimentally to the man who brings it upon the market by his own effort and energy. Hence he does not have the opportunity to secure the real value, but the price is fixed by these fictitious and gambling transactions.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CANDLER. Certainly.

Mr. MADDEN. Is the combination of cotton growers in the South understood to be a combination to raise prices or to lower prices?

Mr. CANDLER. They are no combination at all. They simply want an opportunity to sell their product upon the markets for its value as may be fixed by the demand for it, at a price which may be fixed in accordance with that demand—nothing more and nothing less.

When they can secure its actual value they are content, and they do not want that value affected by these transactions, which should be unlawful and that are merely engaged in in a speculative or gambling way. This bill forbids dealing in futures, which it ought to prohibit in the interest of honesty and fair dealing with the producers of this great product. I was on the subcommittee that reported this bill to the full Agricultural Committee, and we gave it careful consideration, after extensive hearings, and it comes to this House with the approval of the Agricultural Committee, which also gave it serious consideration; and it ought to pass this House, and I hope and believe it will pass by a large majority. [Applause.]

Mr. BEALL of Texas. Mr. Speaker, I now yield five minutes to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Speaker, I am in favor of this bill, but I was in hopes that there might be some result from several meetings by Representatives of this House and the Senate when we agreed upon an amalgamated bill covering the grain products as well as the cotton. For some reason, I do not know what—and I am not charging any ulterior motive in regard to it—these bills have been separated and the cotton bill, which in my judgment is less defensible from the standpoint of gambling than the grain bill, has been brought in here first. I am assured that when this other bill is presented it will have the same votes that this bill received. I thoroughly hope that there is no deception in this matter because I have been put on record with reference to this grain bill. I was appointed as one of the Members of the House, and my friend over here at my left as another Member, to canvass Congress with reference to whether these two bills should be at the same time considered, and whether they would receive the same votes.

I want to say, gentlemen, that cotton grows up from the seed to its blossom, but I do not believe you have any more complaint to make against the gamblers than we grain men have. The gamblers sell your cotton before it blossoms. The gamblers sell our grain before the seeder has gone over the soil. It does not even crop out of the earth in the way of a spear, and hence it is just as necessary to legislate against the gambler in the grain as it is to legislate against the gambler in the cotton. There can not be any difference. If one is right the other is right; if one is wrong the other is wrong. Therefore I say here to-day, and I want to serve notice on you gentlemen who are voting for this bill, that we have agreed among ourselves—because we got everybody here we could find—that these two bills should come here amalgamated. But it appears that they have been separated, and I shall demand a vote from every one that votes for the cotton bill to vote for the grain bill when it comes before the House. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it is not my purpose to attempt, within the brief time at my disposal, a general discussion of the merits or demerits of speculating in futures in cotton. In my opinion there are abuses connected with the present methods that should be eliminated. I am also of the opinion that if such transactions were entirely prohibited the producer of cotton would suffer as grievously as anybody else from such legislation. The legality of such transactions which gentlemen condemn has been upheld by the highest court in this land, in the case of the Chicago Board of Trade v. Christy (198 U. S., 236).

In that case the Supreme Court of the United States had under consideration the question of the legality of the transactions upon the board of trade. The direct question was stated by the court as follows:

> It is said that the plaintiff itself keeps the greatest of bucket shops, in the sense of an Illinois statute of June 6, 1887—that is, places wherein is permitted the pretended buying and selling of grain, etc., without any intention of receiving and paying for the property so bought or of delivering the property so sold.

Mr. Justice Holmes said:

> It appears that in no less than three-quarters of the transactions in the grain pit there is no physical handing over of any grain, but that there is a settlement, either by the direct method, so called, or by what is known as "ringing up." The direct method consists simply in setting off contracts to buy wheat of a certain amount at a certain time against contracts to sell a like amount at the same time and paying the difference of price in cash at the end of the business day. The ring settlement is reached by a comparison of books among the clerks of the members buying and selling in the pit and picking out a series of transactions which begins and ends with dealings which can be set against each other by eliminating those between, as if A has sold to B 5,000 bushels of May wheat, and B has sold the same amount to C, and C to D, and D to A. Substituting D for B by novation, A's sale can be set against his on simply paying the difference in price.

And the legality of direct settlements, ring settlements, and hedging was asserted.

> The sales in the pits are not pretended, but, as we have said, are meant and supposed to be binding. A set off is in legal effect a delivery. We speak only of the contracts made in the pits, because in them the members are principals. * * * The proportion of the dealing in the pit which are settled in this way throws no light on the question of the proportion of serious dealings for legitimate business purposes to those which may be classed as wagers, or pretended contracts. No more does

> the fact that the contracts thus disposed of call for many times the total receipts of grain in Chicago. The fact that they can be and are set off sufficiently explains the possibility, which is no more wonderful than the enormous disproportion between the currency of the country and contracts for the payment of money, many of which in like manner are set off in clearing houses without anyone dreaming that they are not paid, and for the rest of which the same money suffices in succession, the less being needed the more rapid the circulation.

The court also said:

> This court has upheld sales of stock for future delivery and the substitution of parties provided for by the rules of the Chicago Stock Exchange. (Clews v. Jamieson, 182 U. S., 461.)

Some gentlemen have attempted to criticize me for my position on the pending bill because the Democratic platform adopted at Baltimore contains a provision favoring legislation which would prohibit, if I recall the language correctly, "pernicious gambling in farm products." I am in entire accord with that provision of the Democratic platform.

Mr. RUCKER of Colorado. Does it use the word "pernicious"?

Mr. FITZGERALD. My recollection of the language is that it is "pernicious gambling." I repeat that I am in accord with that provision of the platform, and I shall cheerfully support legislation designed to accomplish such a result. I did not recall the exact wording of the platform when it was mentioned by the gentleman from Texas [Mr. HENRY]. I was quite certain it had not approved this particular bill. The declaration in the platform does not mean, Mr. Speaker, that every bill proposing to accomplish certain results, no matter where the bill originates, no matter who favors it, is legislation which a party man is compelled to support because of such a provision as that contained in the Baltimore platform. I deny that this bill does or can accomplish what the platform favors. Legislation to carry out the pledges of the party will receive my support. I regard party platforms as binding, but I do not agree that this bill carries out the platform pledge or is wise legislation. I know that nobody interested in making the platform desired to coerce men to support a bill which in their honest judgment, based on an opinion of the United States Supreme Court, is beyond the power of Congress to enact. This bill would not stop pernicious gambling in cotton options, but it would completely eliminate important and necessary and proper and legitimate transactions, which are essential for the proper marketing of the cotton crop of the country.

The gentleman from Texas [Mr. HENRY] in his statement a while ago seemed to be somewhat amused at the fact that I had any opinion as to the constitutionality of any proposed legislation; he commented with some surprise upon the fact that I finally had carried into the House a law book. He stated that he had never known me on any other occasion to bring a law book into this body. Mr. Speaker, my experience and observation has been that if many of the so-called constitutional lawyers in this House carried around fewer law books and better and more thoroughly understood a few cases decided by the United States Supreme Court, they would much better comprehend the powers of Congress in many respects. I shall indulge myself in the belief that I am able to understand at least one decision of the Supreme Court of the United States which applies to this bill—a decision which in my opinion points out clearly that Congress has no power to enact this legislation.

Section 2 of the bill provides:

> SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations.

The section then provides generally for violation of its provisions. That the authors of the bill themselves had very grave doubt as to their ability to make the sending of such a message a crime is evident from the fact that they believed it essential to insert the language:

> And the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations.

The only power that Congress has to make the sending of such messages a crime is the fact that it is interstate commerce. That is why the law affecting the lottery case was upheld, namely, that the transmission of the lottery ticket itself constituted commerce, and Congress could control it. The United States Supreme Court in the case of Ware & Leland v. Mobile County (209 U. S.) had this case before it.

Mr. RUCKER of Colorado. What is the date of it?

Mr. FITZGERALD. October, 1907. The State of Alabama had enacted a law which provided that each person engaged in the business of buying and selling futures for speculation or on commission, either for themselves or for other persons, and each place of business commonly known as cotton exchanges or stock exchanges, and sometimes called bucket shops in towns and cities of 20,000 inhabitants or more, should pay a license fee of $500. The State and county had levied this license tax upon the plaintiffs in error in two cases; they resisted the enforcement of the tax upon the ground that they were engaged in interstate and foreign commerce. The case was submitted upon an agreed statement of facts, from which it appeared that the plaintiffs in error were brokers, with offices in Mobile, Ala., and with branch offices in New Orleans, Chicago, and New York. They were engaged in the ordinary business of a broker—of accepting orders for the purchase and sale of cotton and grain, telegraphing these messages from one State to another, and settling, either upon the closing out of the transactions, or, in very few instances, as it appeared upon the deliveries of the commodities agreed to be purchased or sold. The contention of the plaintiffs in error was that they were engaged in interstate commerce, and that the State had no power to levy a tax upon them or upon the business in which they were engaged. The Supreme Court, after setting out the statement of facts, said:

> The sole question here presented is whether the statute in question is an attempt to regulate interstate commerce, for if the plaintiffs in error are shown by the foregoing agreed facts to be engaged in interstate commerce, then the statute is void, as an attempt by a State to regulate the commerce which the Constitution of the United States places within the exclusive control of Federal authority.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. FITZGERALD. Mr. Speaker, the court then refers to the case of Leloup v. Mobile (127 U. S., 640), where telegraph companies were held to be engaged in interstate commerce. Reference is also made to the case of Paul against Virginia, in which the question as to whether insurance policies are interstate commerce was determined, and to the case of Hooper v. California (155 U. S.), in which it is pointed out that a contract of insurance is not an instrumentality of commerce, but a mere incident of commercial intercourse. It is also shown that—

> If the power to regulate interstate commerce applied to all the incidents to which said commerce might give rise and to all contracts which might be made in the course of its transaction, that power would embrace the entire sphere of mercantile activity in any way connected with trade between the States, and would exclude State control over many contracts purely domestic in their nature.

With the permission of the House I shall insert the complete opinion as part of my remarks.

Mr. ALEXANDER. Will the gentleman yield for a question?

Section 2——

Mr. FITZGERALD. I wish the gentleman would permit me to finish discussing this case and then I shall yield. And then the court comes to the facts in the case at bar:

> But how stands the present case—

Said the court—

> upon the facts stipulated? The appellants are brokers who take orders and transmit them to other States for the purchase and sale of grain or cotton upon speculation. They are in no just sense common carriers of messages as are the telegraph companies. For that part of the transactions, merely speculative and followed by no actual delivery, it can not be fairly contended that such contracts are the subject of interstate commerce, and concerning such of the contracts for purchases for future delivery as result in actual delivery of the grain or cotton, the stipulated facts show that when the orders transmitted are received in the foreign State the property is bought in that State and there held for the purchaser. The transaction was thus closed by a contract completed and executed in the foreign State, although the orders were received from another State. When the delivery was upon a contract of sale made by the broker the seller was at liberty to acquire the cotton in the market where the delivery was required or elsewhere. He did not contract to ship it from one State to the place of delivery in another State. And though it is stipulated that shipments were made from Alabama to the foreign State in some instances, that was not because of any contractual obligation so to do. In neither class of contracts—for sale or purchase—was there necessarily any movement of commodities in interstate traffic, because of the contracts made by the brokers.
>
> These contracts are not, therefore, the subjects of interstate commerce any more than in the insurance cases, where the policies are ordered and delivered in another State than that of the residence and office of the company. The delivery, when one was made, was not because of any contract obliging an interstate shipment, and the fact that the purchaser might thereafter transmit the subject matter of purchase by means of interstate carriage did not make the contracts as made and executed the subjects of interstate commerce.
>
> We are of the opinion that the Supreme Court of Alabama correctly held that the transactions of the plaintiffs in error were not interstate commerce, and the judgments in both cases are affirmed.

The very contracts themselves are not interstate commerce. Upon what theory, then, can the Congress prohibit the sending

of a message by telegraph or by telephone or in any other way affecting contracts which are domestic in themselves unless declared illegal in the States and which affect transactions which have been held are not transactions in interstate commerce? It seems to me clear, Mr. Speaker, that the Congress has not the power to enact this legislation. Even if this bill did not do what I believe it will do—go far beyond what it is desired should be accomplished by eliminating whatever improper practices may exist in connection with dealing in cotton futures—I should not be able to support it in view of the case to which I have referred. Here is a case which is as clearly applicable to this bill, and the court differentiates the cases which the gentlemen rely upon in order to support this bill. Whether the purpose be to accomplish desirable results or to carry out declarations in party platforms, no Member of this House can possibly support a bill which clearly is beyond the power which Congress has under the Constitution. Now I yield to the gentleman from Missouri.

Mr. ALEXANDER. I desire to call the gentleman's attention to section 2.

Mr. FITZGERALD. That is the only section I have discussed.

Mr. ALEXANDER (reading)—

That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received—

Now, if I understand it, nearly every State in the Union has a statute declaring that kind of a contract to be absolutely void and the supreme courts of the different States have uniformly held that class of contracts to be void, and so with reference to the following:

Or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton.

Now, the statutes of the different States say that class of contract is void and the decisions of the supreme courts of the States say that class of contracts is void.

Mr. FITZGERALD. Oh, no; the decisions of the United States Supreme Court do not say that.

Mr. ALEXANDER. I say the courts of the several States have declared that class of contracts were void. I do not think you can find an exception to it. Now, as I understand it, all this bill does is to say that telegraph, telephone, wireless telegraph, or cable, and all kinds of communication——

Mr. FITZGERALD. Does the gentleman wish to ask a question?

Mr. ALEXANDER. That these agencies of interstate commerce shall not be used——

Mr. FITZGERALD. I do not think the gentleman should make a speech in my five minutes.

Mr. ALEXANDER. I understand the gentleman differentiated——

Mr. FITZGERALD. I know, but I do not think the gentleman should consume the whole of my time. Let him take his time to express his own views. I should prefer to express mine in my own time.

Mr. HAUGEN. I yield the gentleman from New York another five minutes.

Mr. FITZGERALD. If the gentleman wishes to ask a question I will yield.

Mr. ALEXANDER. I can not ask a question unless I form the premise for the question first.

Mr. FITZGERALD. Then I decline to yield to the gentleman.

Mr. ALEXANDER. I concede the decision, but I say it has absolutely nothing to do with this case.

Mr. FITZGERALD. That is the gentleman's opinion.

Mr. ALEXANDER. And that is the reason I was laying the basis for asking a question.

Mr. FITZGERALD. The gentleman did not attempt to ask a question, but the gentleman attempted to argue the question from his standpoint, and after he had advanced his argument, I assume, would ask if I agreed or disagreed with him.

I will try to state my view of this matter. The gentleman does not agree with it. He apparently will not be converted to my views, and I shall not be converted to his view. I simply ask the privilege of stating my own views. I will answer a question, however, if the gentleman desires to ask one.

Mr. ALEXANDER. Does not the bill, then, simply come to do this, to say that the telegraph and telephone and wireless-telegraph companies and other interstate agencies shall not be used, including the Post Office Department, to carry or disseminate knowledge with reference to these contracts alleged to be illegal? Is not that all?

Mr. FITZGERALD. I think not. This attempts to prohibit the sending of certain messages, and the only ground upon which Congress can do that is that these messages are interstate commerce. I do not think the gentleman will differ with me on that proposition, and that the contract itself, after being made in writing, as was done in the Ware & Leland case, has been held by the court not to be interstate commerce.

I am unable to see how the message being sent for the purpose of making a contract, or the making of a contract itself, by telegraph can be held to be interstate commerce. I do not think there is any question about it whatever. In the case to which I have referred is the following in the agreed statement of facts upon which it was decided:

No actual delivery of cotton or grain was ever made on any such contract except in a few instances when such delivery was made when the contracts were executed, to wit, in New York, N. Y., or New Orleans, La., or Chicago, Ill.

Of course when gentlemen assert a power in the Congress to enact certain legislation they should be able, Mr. Speaker, to sustain their contention by citing decisive authority. I know that men who are anxious to enact this legislation are sincere in their efforts to eliminate certain abuses. In my opinion, some of them are mistaken in the belief that certain features of these transactions are abuses. For many years men have been led to believe that their failure to obtain larger returns for cotton which they produce is due entirely to transactions upon certain cotton exchanges.

From a somewhat extended and as careful an investigation as it has been possible for me to make, the exchanges are an important and valuable instrumentality for making stable and certain the prices of commodities traded in through their members. The existence of the exchanges is of value to the producer as well as to the consumer. Their place is well fixed by economic writers and students. It would be futile to deny that abuses have existed in connection with them. I believe that they have existed. I am informed that legitimate efforts have been made to eliminate the abuses. Whatever can be done by legislation should be done. From careful study and from information furnished me by men competent to judge I am convinced that this bill, even if within the power of Congress to enact, will not give the relief desired. In the time allowed to discuss the bill it is not possible to go exhaustively into the various phases of the subject. I have merely sought an opportunity to refer briefly to the reasons which make it impossible for me to support the bill, which I hope will never be enacted into law.

Mr. Speaker, I ask unanimous consent to extend in the way indicated my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. Justice Day delivered the opinion of the court.

These cases were submitted together and are in all respects similar, and involve the constitutional validity of subdivision 40 of an act of the Legislature of Alabama imposing license taxes, "to better provide for the revenue of the State," general acts, 1903, page 207, which reads as follows:

"For each person engaged in the business of buying and selling futures for speculation or on commission, either for themselves or for other persons, and each place of business commonly known as cotton exchanges, or stock exchanges, and sometimes called 'bucket shops,' in towns and cities of 20,000 inhabitants or more, $500; in all other towns and cities, $250; but this shall not be held to legalize any contract which would otherwise be invalid."

In case No. 173 the action was brought by Mobile County for the recovery of the defendants' license tax for the year 1903, for engaging in the business of buying and selling futures on commission for other persons in the city of Mobile. The other case (No. 174) was an action by the State. Plaintiffs recovered in the circuit court and both judgments were affirmed by the Supreme Court. (146 Ala., 163.)

The cases were submitted upon an agreed statement of the facts as follows:

"During the whole of the year 1903 defendants had an office in the city of Mobile, in the county of Mobile and State of Alabama; they also had offices in the city of New York in the State of New York, and in the city of New Orleans in the State of Louisiana, and in the city of Chicago in the State of Illinois, each of which offices was connected by private telegraph wires with said Mobile office.

"Said Mobile, Ala., office was in charge of their agent, one Robbins, and was engaged in the business of buying and selling cotton for future delivery, on commission, for the public generally and for special customers, said business being conducted in the following way and in no other way: They would undertake, through their agent, to buy or sell a cotton future contract for a customer in the cotton exchange in New York or in New Orleans, as he might select, he making at the time a deposit of money with them as a margin to protect them against loss in making such transaction for him. When the customer gave the order to Ware & Leland, either for a sale or a purchase of a future contract, it was not usual for anything to be said between them about an actual delivery of the cotton, but when the transaction was commenced by a purchase or sale of the cotton Ware & Leland would immediately furnish to the customer a memorandum thereof, partly written and partly printed, upon which the following stipulations were printed: 'On all marginal business we reserve the right to close transactions without further notice when margins are about exhausted and to settle contracts in accordance with the rules and customs of the exchange on which the order is placed, it being understood and agreed in all trades that actual delivery is contemplated,' and 'All purchases

and sales made by us for you are made in accordance with and subject to the rules, regulations, and customs of the exchange on which the order is placed, and the rules, regulations, and requirements of the board of managers of said exchange, and all amendments that may be made thereto.' Such agent would thereupon transmit such order by their private telegraph line to the defendants' office in the city without the State of Alabama selected for such transaction; that such order would be thereupon executed by defendants by the purchase or sale, as directed, of a future cotton contract for such customer in the cotton exchange of the city to which such order was sent, and subject to the rules and regulations of such cotton exchange, which rules and regulations may be introduced in evidence by defendants in this cause; that said contract would be held by defendants for such customer until he ordered the same closed out, when they would sell or buy another cotton contract against it as might be necessary to cover the same or close it out, or receive or deliver the cotton on said contract. If a profit was made on the transaction, defendants remitted the same to its agent in Mobile, who paid it over to the customer; if a loss was made, it was taken by the agent out of the customer's margin, or, if that was insufficient therefor, the customer was called on for the balance. Said business was done on a commission paid defendants by the customers.

"No actual delivery of cotton or grain was ever made on any such contracts, except in a few instances, when such deliveries were made where the contracts were executed, to wit, in New York, N. Y., or in New Orleans, La., or Chicago, Ill. When any such delivery of cotton was made to defendants for the customer on a purchase by him, it was held by the defendants for account of the customer at the place of delivery, either in New York, N. Y., or in New Orleans, La., until ordered sold by the customer, and was then sold by them there for the account of the customer, and the proceeds accounted for by them to such customer. When they made delivery of cotton on a sale of futures made by them for a customer, the cotton was shipped by the customer for whom such sale was made from Alabama to the place of sale and there delivered through defendants to the buyer.

"A similar future grain business was done by defendants at their said office in Mobile, Ala., for customers through their office in Chicago, in the State of Illinois, said orders being executed on the Chicago (Ill.) Board of Trade, and subject to its rules and regulations, which contemplated and provided for the actual receipt or delivery of grain bought or sold thereon, such delivery to be made in Chicago, Ill.

"During the whole of the year 1903 said city of Mobile, Ala., was a city of more than 20,000 inhabitants.

"Defendant paid to plaintiff a license tax of $100 for doing such business in said city for the year 1903, which payment was made prior to the 4th day of March, 1903; they have not paid any further license tax to plaintiff for doing such business in said year."

Upon the trial of the action, in addition to the foregoing agreed facts, the counsel for the plaintiff admitted that the rules and regulations of the New York Cotton Exchange, New Orleans Cotton Exchange, and Chicago Board of Trade, respectively, provided "that contracts executed therein should be in writing; and also provided that in every cotton or grain contract for future delivery executed and entered into in said exchange or board of trade it should be stipulated, agreed, and understood that an actual receipt and delivery of the cotton or grain was to be had, and that said contracts were transferable and assignable."

The sole question here presented is whether the statute in question is an attempt to regulate interstate commerce, for if the plaintiffs in error are shown by the foregoing agreed facts to be engaged in interstate commerce, then the statute is void, as an attempt by a State to regulate the commerce which the Constitution of the United States places within the exclusive control of Federal authority.

Interstate commerce must be such as takes places between States as differentiated from commerce wholly within a State. It must have reference to interstate trade or dealing, and if the regulation is not such, and comprehends only commerce which is internal, the State may legislate concerning it. In each case the recurring question is, On which side of the line does the commerce under investigation fall?

It is unnecessary to review the former decisions of this court, as that has been done in very recent cases, such as the Lottery case (188 U. S., 321), where it was held that the transportation of lottery tickets was interstate commerce and as such subject to regulation by act of Congress. In that case the Federal act prohibiting the transmission of lottery tickets was sustained because of the actual carriage in interstate traffic of the tickets themselves; and in concluding the opinion of the majority of the court Mr. Justice Harlan said (p. 363):

"The whole subject is too important and the questions suggested by its consideration are too difficult of solution to justify any attempt to lay down a rule for determining in advance the validity of every statute that may be enacted under the commerce clause. We decide nothing more in the present case than that lottery tickets are subjects of traffic among those who choose to sell or buy them; that the carriage of such tickets by independent carriers from one State to another is therefore interstate commerce; that under its power to regulate commerce among the several States Congress, subject to the limitations imposed by the Constitution upon the exercise of the powers granted, has plenary authority over such commerce and may prohibit the carriage of such tickets from State to State; and that legislation to that end and of that character is not inconsistent with any limitation or restriction imposed upon the exercise of the powers granted to Congress."

And in Leloup v. Mobile (127 U. S., 640) it was held that a telegraph company, whose business is the transmission of messages from one State to another, invested with the powers and privileges conferred by Congress, could not be compelled to pay a license tax by the State. And in Pensacola Telegraph Co. v. Western Union Telegraph Co. it was held that interstate telegraphic communications, conducted by companies organized for that purpose, was commerce within the regulating power of Congress. The Pensacola case was affirmed in Telegraph Co. v. Texas (105 U. S., 460), in which case Mr. Chief Justice Waite, speaking for the court, said (p. 464): "A telegraph company occupies the same relation to commerce as a carrier of messages that a railroad company does as a carrier of goods."

While the general principles applied in these cases are not to be denied, there is a class of cases which hold that contracts between citizens of different States are not the subjects of interstate commerce simply because they are negotiated between citizens of different States or by the agent of a company in another State where the contract itself is to be completed and carried out wholly within the borders of a State, although such contracts incidentally affect interstate trade.

As in the cases involving insurance policies, it has been held that issuing them in one State and sending them to another, to be there delivered to the insured upon payment of premium, is not a transaction of interstate commerce. Paul v. Virginia (8 Wall., 168), Hooper v. California (155 U. S., 648), New York Life Insurance Co. v. Cravens (178 U. S., 389).

In Paul v. Virginia Mr. Justice Field, delivering the opinion of the court, said (p. 183):

"Issuing a policy of insurance is not a transaction of commerce. The policies are simple contracts of indemnity against loss by fire, entered into between the corporations and the assured for a consideration paid by the latter. These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market as something having an existence and value independent to the parties to them. They are not commodities to be shipped or forwarded from one State to another and then put up for sale. They are like other personal contracts between parties which are completed by their signature and the transfer of the consideration. Such contracts are not interstate transactions, though the parties may be domiciled in different States. The policies do not take effect—are not executed contracts—until delivered by the agent in Virginia. They are, then, local transactions and are governed by the local law. They do not constitute a part of the commerce between the States any more than a contract for the purchase and sale of goods in Virginia by a citizen of New York whilst in Virginia would constitute a portion of such commerce."

In Hooper v. California (155 U. S., 648) it was said:

"If the power to regulate interstate commerce applied to all the incidents to which said commerce might give rise and to all contracts which might be made in the course of its transaction, that power would embrace the entire sphere of mercantile activity in any way connected with trade between the States and would exclude State control over many contracts purely domestic in their nature. The business of insurance is not commerce. The contract of insurance is not an instrumentality of commerce. The making of such a contract is a mere incident of commercial intercourse, and in this respect there is no difference whatever between insurance against fire and insurance against 'the perils of the sea.'"

These cases are not in conflict with those in which it is held that the negotiation of sales of goods in a State by a person employed to solicit for them in another State, the goods to be shipped from the one State to the other, is interstate commerce. Robbins v. Shelby County Taxing District (120 U. S., 489); similar cases are Rearick v. Pennsylvania (203 U. S., 507) and Caldwell v. North Carolina (187 U. S., 622). In these cases goods in a foreign State are sold upon orders for the purpose of bringing them to the State which undertakes to tax them, and the transactions are held to be interstate commerce because the subject matter of the dealing is goods to be shipped in interstate commerce—to be carried between States and delivered from vendor to purchaser by means of interstate carriage.

But how stands the present case upon the facts stipulated? The appellants are brokers who take orders and transmit them to other States for the purchase and sale of grain or cotton upon speculation. They are, in no just sense, common carriers of messages, as are the telegraph companies. For that part of the transactions, merely speculative and followed by no actual delivery, it can not be fairly contended that such contracts are the subject of interstate commerce; and concerning such of the contracts for purchases for future delivery as result in actual delivery of the grain or cotton, the stipulated facts show that when the orders transmitted are received in the foreign State the property is bought in that State and there held for the purchaser.

The transaction was thus closed by a contract completed and executed in the foreign State, although the orders were received from another State. When the delivery was upon a contract of sale made by the broker, the seller was at liberty to acquire the cotton in the market where the delivery was required or elsewhere. He did not contract to ship it from one State to the place of delivery in another State. And though it is stipulated that shipments were made from Alabama to the foreign State in some instances, that was not because of any contractual obligation so to do. In neither class of contracts, for sale or purchase, was there necessarily any movement of commodities in interstate traffic, because of the contracts made by the brokers.

These contracts are not, therefore, the subjects of interstate commerce, any more than in the insurance cases, where the policies are ordered and delivered in another State than that of the residence and office of the company. The delivery, when one was made, was not because of any contract obliging an interstate shipment, and the fact that the purchaser might thereafter transmit the subject matter of purchase by means of interstate carriage did not make the contracts as made and executed the subjects of interstate commerce.

We are of the opinion that the Supreme Court of Alabama correctly held that the transactions of the plaintiffs in error were not interstate commerce, and the judgments in both cases are affirmed.

Mr. BEALL of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, I shall only discuss the legality or constitutionality of this bill. The vital part of this measure is contained in the following section, viz:

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

When the Constitution of the United States was framed every State in the Union under the Articles of Confederation had the right to prohibit the importation or entrance across its borders of anything in the world it pleased. Now, when these States possessing these sovereign powers came together in constitutional convention the question of interstate commerce bothered them greatly. They had to surrender that power which they

formerly had to somebody, and finally they did surrender it. and they surrendered it in the Constitution to the Congress of the United States in these words:

The Congress shall have power to regulate commerce with foreign nations and among the several States and with Indian tribes.

Over and over again the Supreme Court of the United States has held that that clause in the Constitution gives this body, or, rather, Congress, plenary and absolute power and control over not only the commerce itself but over all the instrumentalities of interstate commerce.

Mr. MANN. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. MANN. How about the insurance case and the transfer of insurance policies from one State to another?

Mr. WEBB. You can, under the Constitution, prohibit the transportation of the insurance policy itself. The court says the making of the contract is not interstate commerce, but Congress can prohibit the transportation of the policy. In the lottery case it was held we could prohibit the transmission of a little bit of card with a few words printed thereon. The Congress has the power to prohibit the transmission in the mails and in interstate commerce of that little card on which the contract was printed. It is the physical thing which we prohibit and control in interstate commerce. Now, as I say, when these States yielded up this power they reposed it in Congress not only to control the commerce that goes through interstate channels, but to control the instrumentalities of such commerce. Now, I never wanted to believe the power of Congress under the Constitution was that broad and plenary, but any gentleman who will read decisions of the Supreme Court from the beginning of the Government to the present must come to the conclusion that the only and the sole power to regulate all objects of interstate commerce and instrumentalities of commerce resides in the Congress of the United States. We have exercised that power pretty freely recently.

The lottery case is one in point. We exercise that power in prohibiting the shipment of whisky through the mails in the United States; we exercised it in prohibiting the shipment of dead birds when killed in violation of the law of the State from which the birds are shipped. There is nothing wrong with the birds. They are good and wholesome, and all that, but we prohibit the shipment of them because they were killed in violation of the law of some State. We prohibit the importation of English sparrows. We do not allow a vessel leaving the ports of the United States to carry loose hay. We passed a few years ago a bill prohibiting the shipment in interstate commerce of certain jewelry misbranded, and with certain words upon it. And I do not know of a case where the courts have held that Congress has not this plenary power over commerce and the instrumentalities of commerce. It has been held over and over again that the States can not under the present Constitution hamper or in any way regulate commerce which is interstate.

Now, if that is the law, and I take it that it is, as a case in point I will refer to Pensacola Telegraph Co. v. Western Union Telegraph Co. (96 U. S., p. 1):

The powers conferred upon Congress to regulate commerce with foreign nations and among the several States, and to establish post offices and post roads, are not confined to the instrumentalities of commerce, or of the postal service known or in use when the Constitution was adopted, but keep pace with the progress of the country, and adapt themselves to the new developments of time and circumstances.

That quotation is from the syllabus, and in the opinion itself the court say:

The powers thus granted are not confined to the instrumentalities of commerce, or of the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country, and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate, at all times and under all circumstances.

No one can doubt that the Congress controls the telegraphs, the telephones, and railroads of this country, if those telegraphs, telephones, and railroads are interstate and do an interstate business. This section 2 of the bill prohibits a telegraph company or one of its agents from transmitting an unlawful proposal on its wires.

We do not declare that the message is commerce. We say what this interstate instrumentality shall do and shall not do, and in this section 2 of the bill we provide that it shall not transmit over its wires this contract which the Congress declares is in the nature of a gambling contract. Therefore, if they want to continue interstate business they are prohibited from sending over their wires this kind of a message.

In One hundred and fifth United States, page 460, you will find it expressly held—

In respect to its foreign and interstate business a telegraph company is, as an instrument of commerce, subject to the regulating power of Congress.

I do not know whether my friend from New York heard that or not. Chief Justice Waite, in writing the opinion, said:

In Pensacola Telegraph Co. v. Western Union Telegraph Co. (96 U. S., 1) this court held that the telegraph was an instrument of commerce, and that telegraph companies were subject to the regulating power of Congress in respect to their foreign and interstate commerce.

Mr. FITZGERALD. I called attention to the case in which the court said that if telegraph companies were engaged in interstate commerce that was true, but the plaintiff in error in the case to which I referred was not so engaged.

Mr. WEBB. Section 2 of this bill does regulate the conduct of telegraph companies, and if Congress wanted to, we could provide by law that no interstate telegraph company should send a message on its wires signed by a particular individual.

Mr. FITZGERALD. That might come in conflict with the provision that guarantees equal protection to all persons.

Mr. WEBB. No; the Congress has absolute control over these interstate facilities.

Mr. FITZGERALD. They can not discriminate against individuals in that way.

Mr. WEBB. I say, again, this section 2 simply regulates the conduct of interstate telegraph and telephone companies, and Congress has the power to say to them what they shall transmit and what they shall not transmit. According to my view of it, this has been decided in substance many times by the Supreme Court of the United States.

Mr. MANN. Mr. Speaker, will the gentleman yield for one question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WEBB. Yes, sir.

Mr. MANN. Does the gentleman think that Congress has the power to require a telegraph company to furnish a service for nothing? In other words, does he think Congress has the power to require that a telegraph company shall take an affidavit without charging for it?

Mr. WEBB. Well, I have not considered that.

Mr. MANN. Swearing a man without charging for it?

Mr. WEBB. I doubt that. Of course that is not a material question.

Mr. MANN. That is just as important as any other question in this bill.

Mr. WEBB. Not at all. That is incidental to the main feature of this bill.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from North Carolina yield to the gentleman from Indiana?

Mr. WEBB. I do.

Mr. CULLOP. As I understand, it is the gentleman's contention that Congress has the right to pass a law making it a crime for a telegraph company to transmit from State to State any message that it defines to be a crime. Would it not, then, be the proper way to meet this whole question by simply affixing a penalty making it a penal offense for telegraph and telephone companies, and also to make it unlawful to transmit in the mails, either messages or contracts to be made between citizens of different States for future delivery of products grown in one State to be transported to another State?

Mr. WEBB. Oh, no. I think a man ought to have the right to buy for future delivery when he actually intends to have the product delivered, and this bill does not interfere with that right.

Mr. CULLOP. I do not mean the future delivery, but to deal in options, in other words.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. I would like to have just two minutes more in which to answer this question.

Mr. BEALL of Texas. Mr. Speaker, I yield two minutes additional to the gentleman.

Mr. WEBB. In answering this question, I think we ought to reserve the right to a man to buy for future delivery and not for the purpose of gambling and speculation. That is the only kind of a transaction that this bill denounces as an offense, and provides that the telegraph lines can not transmit that kind of a speculative, gambling contract.

Mr. CULLOP. Now, if Congress simply passes a law defining that act to be a crime, and penalizing both the sender of the message and the company which carries or transmits it, will not that solve this whole problem?

Mr. WEBB. Well, I think that sections 1 and 2 of the bill do that very thing.

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. SISSON] is recognized for 10 minutes.

Mr. SISSON. Mr. Speaker, the case read by the gentleman from New York settled only the one question as to whether a cotton firm doing business and having an office in the State of Alabama, and having its principal office in the city of Mobile and branch offices in New York and New Orleans, was subject to a State tax. The privilege tax levied against men engaged in cotton business of that character was $500 in a city of the size of Mobile, and in smaller cities the privilege tax was less. Now, the courts simply held that because they sent messages in reference to cotton from the city of Mobile to New Orleans and New York that did not cause that concern to cease to be under the control of the laws of the State of Alabama and subject to taxation by the State of Alabama.

Now, this bill does not in any way seek to affect the legality of a contract made under the laws of New York with respect to the rules of the cotton exchange. It is not necessary for the purposes of this discussion to talk to this House about the contract itself, because the courts have held that on their faces these contracts are legal, because under the rules of the exchange a party buying cotton on exchange can demand the spot cotton. But it is an evasion of a statute in the State of New York. It is an evasion of the laws of that State, because it is admitted by all parties that many of these transactions are not transactions in substance. And, in fact, the proof before the Committee on Agriculture shows that when we had a 7,000,000-bale crop of cotton over 56,000,000 bales of so-called cotton were sold on the cotton exchange, and when we have a ten or eleven million bale crop over 100,000,000 bales are sold on the exchange in the city of New York, showing that the greater amount of these transactions, where three or four million bales are sold actually, were transactions where no actual delivery was ever contemplated.

And it will be admitted by every lawyer here that these contracts are contracts which are controlled entirely by the State of New York; but when the cotton exchange assumes the right to use the instrument of interstate commerce, when they use one of the avenues of communication established by the United States Government, it is absurd, to my mind, for anyone to contend on this floor that this Congress has not the right to regulate what shall be transmitted through and by that means. If the Congress has the right to establish means of communication, it has the absolute right to control it and determine what shall go through the mail, and that was decided in the Lottery case which has been referred to so often during this debate.

It is equally true that one can not establish interstate communication and put himself within the jurisdiction of Congress, that Congress has the right to regulate that means of interstate communication because States have no right to do so, and the right to regulate it is absolutely in Congress. And because a man does business in a State which has its location within the boundaries of the State, doing business under a State charter and under control of the laws of that State, because he seeks to use the means of interstate communication, does not mean that Congress can not regulate the manner in which he shall use the means of interstate communication. That is all there is in the case referred to by the gentleman from New York.

This bill does not interfere with the legitimate contract. I could get on the train, go to the city of New York, and there buy or sell cotton futures, and I would violate no law if this bill should become a law. But the very moment I buy cotton futures by telegram, or the very moment I use means of interstate communication, I then become guilty of a violation of this act—then and then only.

Mr. MADDEN. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. MADDEN. Suppose I went to the telegraph office and telegraphed to a broker in New Orleans to buy me a thousand bales of cotton, to make that contract, and did not say anything else in the telegram about where it was or when it was to be delivered. Would that be a legal contract?

Mr. SISSON. I do not see how the gentleman could buy cotton if he did not tell how or when it was to be delivered.

Mr. MADDEN. I was supposing that case.

Mr. SISSON. If you buy cotton to be delivered on a certain day, specifying the time and the character of the cotton, you might get your order filled, but you could not buy a thousand bales of cotton without specifying when.

Mr. MADDEN. Why not?

Mr. SISSON. You would have to state what month you wanted the cotton bought, or else the broker would not handle it.

Mr. MADDEN. Suppose I simply asked him to buy me a thousand bales.

Mr. SISSON. He would not buy it at all unless you told him what month, because the price would vary in accordance with the various months. He might go down and buy spot cotton.

Mr. MADDEN. That is what my telegram would mean, I suppose.

Mr. SISSON. Well, that would not violate this statute.

Mr. MADDEN. Suppose I refused to take the cotton?

Mr. SISSON. If you contemplated and intended at the time to take the cotton, if you bought the cotton in good faith, if you were worth it, the broker could compel you to take it.

Mr. MADDEN. Or pay the difference in the price.

Mr. SISSON. The broker could tender you the cotton, and if you did not take it he could dispose of it and sue you for the difference.

Mr. MADDEN. In the arrangement of the brokers their contract contemplates the purchase of the cotton.

Mr. SISSON. Oh, I am not talking about the rules of the exchange. They provide that there shall be a margin, and then they turn it over to the exchange, and when a loss occurs they turn the margin over to the party entitled to it under the rules of the exchange.

Mr. MADDEN. But suppose the gentleman and I were both brokers; that I was a broker for the man that wanted to buy and the gentleman was a broker for the man that wanted to sell. Would a contract between us brokers have any legal force?

Mr. SISSON. It would.

Mr. MADDEN. Would it not be considered interstate commerce?

Mr. SISSON. A contract, if sent from the District of Columbia to a broker in New York, and the New York broker accepts the contract, it becomes a New York contract. But the means established to make the contract would be interstate means of communication over which Congress would have control. That is the point involved in this bill, and that is all that is involved in the bill.

Mr. MADDEN. So persons in one State could not buy commodities from persons in another State at all under the construction the gentleman puts on it?

Mr. SISSON. Not at all; you could always buy commodities, but you could not gamble in them; you could not go and buy or sell something that did not exist.

The gentleman is not as familiar with the cotton business as he is with the grain business, and I am less familiar with the grain business than with the cotton business. I do know something about the cotton business, because I am engaged entirely in that. Under the rules of the New York Cotton Exchange if you buy a thousand bales of cotton from me on exchange basis middling, for November delivery, and 10 days before the date of delivery you notify me, under the rules of the exchange, that you want the spot cotton, I tell you that I am going to deliver you the meanest grade of cotton, and you say, "Mr. SISSON, I bought basis middling; I bought cotton that was merchantable; I endeavored to buy cotton that I could use in my factory." I reply that I do not care anything about that, and you go and consult your lawyer. He will tell you that under the rules of the exchange I have the right to deliver you the meanest grade of cotton; cotton you can not handle. What is the result? You are compelled to settle in margins with me or I will unload on you a lot of cotton that you do not want.

Mr. MADDEN. Is there not a standard fixed?

Mr. SISSON. There is a standard fixed, basis middling, and there is an arbitrary rule that where you deliver a man cotton below middling you have the right to deliver him the cotton at so many points off, and if it is above middling cotton it is so many points on; but the man who has bought the cotton has nothing on earth to say as to what shall be delivered to him. You can buy shoes and demand that they be delivered to you, and so in every business of that kind. You can buy clothing of a certain character and demand that clothing, but when you buy cotton, under the rules of the New York and New Orleans exchanges, the man who sells the cotton can determine for you what you shall take, and that is the wicked means of manipulation in the stock market.

Mr. MADDEN. Is there not any standard of inspection?

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. BEALL of Texas. Mr. Speaker, I yield the gentleman two minutes more.

Mr. SISSON. If you go to deliver spots there is a standard for grading the cotton.

Mr. MADDEN. How many grades of cotton are there?

Mr. SISSON. Twenty-eight.

Mr. BURLESON. There are 9 standard grades and in all about 28 grades.

Mr. MADDEN. Can not a man buy any grade of cotton that he desires?

Mr. SISSON. He can buy any grade of cotton he desires; but under the rules of the New York Exchange the man who sells has the right to deliver either one of the 28 grades, or he can deliver him a portion of the cotton which would fall under all of the grades. For example, if there are 28 grades, he could deliver one twenty-eighth of one grade and one twenty-eighth of another grade, and so on until the whole contract is filled.

Mr. MADDEN. I assumed that when a man undertook to purchase cotton of a certain grade he could do it and have it delivered to him.

Mr. SISSON. And the gentleman did that because the grain exchanges in Chicago made that provision; but the cotton exchanges of New York, Liverpool, and New Orleans do not do that, and that is why it is that every factory engaged in manufacturing cotton and every man who produces cotton wants Congress to relieve them from this iniquitous situation where cotton can be put up or down at the will of the cotton manipulator.

Mr. MADDEN. Then I do not blame them if that is the case.

Mr. SISSON. That is the case, and if I had the time I would show you how it is that it is utterly within their power to put cotton up or down, 15 or 20 or 30 or 40 points at any time they desire to do it, and there is no power on earth to prevent them from doing it if they agree among themselves.

Mr. MADDEN. I supposed the different grades of cotton were sold at different prices.

Mr. SISSON. There is an arbitrary rule that provides that all cotton shall be sold on basis middling.

Mr. MADDEN. What does that mean?

Mr. SISSON. That is a certain grade of cotton, and from that one grade they fix a price arbitrarily on all grades above or below it. For example, we will take the first grade. I do not know whether that is in accordance with the rule exactly, but we will take 100 bales of cotton at basis middling, and 50 bales of that is below middling. The whole middling cotton will be arbitrarily fixed in that contract at a certain price, but I could only demand of you under that arbitrary rule the amount that the 50 bales were worth less than what middling cotton was worth. In other words, there is an arbitrary rule that fixes the number of points on or off.

Mr. RUBEY. Mr. Speaker, the measure now under consideration meets with my approval. There can be only one valid objection to it, and that is that it does not go far enough. Its provisions should be so extended and enlarged as to include grain and all agricultural products. I shall take but a few moments of the time of the House on the discussion of this question, but in that time I want to refer briefly to the history of this kind of legislation in this body.

Since the opening of this Congress there have been introduced some 25 or 30 bills the purpose of each of which is to prevent dealing in futures in farm products. Of these bills, 4 or 5 seek to prevent dealing in cotton alone, while the rest of them, 20 or 25, are broader in their scope and include, besides cotton, grain and other farm products. The very fact that four-fifths of the bills introduced upon this subject relate to all farm products is sufficient evidence, to my mind, to prove conclusively that a very large majority of the Members of this body, who favor this sort of legislation, desire to extend the provisions of such legislation in the broadest possible way so as to prevent gambling in all farm products.

The Committee on Agriculture, to which all of these bills were referred for consideration, appointed a subcommittee to examine carefully into the matter and to consider the best means of securing the desired legislation. The subcommittee made a very careful investigation. It held extensive hearings; representatives of the exchanges from all parts of the country appeared before the committee, as well as others representing the agricultural interests. At the conclusion of its deliberations it reported back to the full committee two bills, one of which is the cotton bill before you to-day, and the other is the grain bill, covering the products—wheat, corn, and oats. On the same day, and practically at the same time, both of these bills were reported favorably by the Committee on Agriculture. The gentleman from Texas [Mr. BEALL] was instructed to make a report on the cotton bill, while I was directed to report the grain bill. These two companion bills have been on the calendar of the House now for over two months.

I regret exceedingly that the Committee on Rules, when it brought in to-day the rule to permit us to vote on the cotton bill, did not at the same time report a rule permitting us to vote on the grain bill. These bills should both be considered and passed. It is a mistake to take up one and not the other, and I hope that before this bill is disposed of it will be amended by inserting grain and other agricultural products. If this is done, we will then have an opportunity to vote in accordance with the platform to which my friend from Texas [Mr. HENRY] has referred this afternoon.

For the information of the House, and especially the Democratic Members of it, I will read the following extract taken from the platform adopted at Baltimore:

> We believe in encouraging the development of a modern system of agriculture and a systematic effort to improve the conditions of trade in farm products so as to benefit both the consumers and producers. And as an efficient means to this end we favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges or others.

This is the first opportunity we have had to put into force the provisions of this particular plank of our platform. The whole country demands that we extend the provisions of this measure to include all agricultural products. When we come to consider this bill under the five-minute rule, it is my intention to offer an amendment providing that this legislation shall apply not only to cotton, but also to grain and all farm products. When that is done, I hope that no Member, especially on the Democratic side of the House, will attempt to defeat my amendment by interposing a point of order against it. I doubt very much whether a point of order would be sustained against the introduction of this sort of an amendment; at the same time, I sincerely hope that no Member of the House will seek in this technical manner to prevent this legislation.

The purpose of these two measures—the cotton bill and the grain bill—is to prevent as far as possible what is popularly known as gambling in futures so far as the transactions relate to these commodities. To that end it is made unlawful to use telegraph or telephone lines, cable, or the mails for the transmission of messages and communications purporting to contract for the purchase or sale of these products for future delivery when the actual transfer of the products is not intended by either party. There is nothing in either of these bills that will prevent or hinder the legitimate buying and selling of cotton, grain, or any other product, nothing that will prevent the buying and selling for future delivery, and nothing that will prevent the farmer from contracting or actually selling his product even before it is matured and harvested. These bills do not seek in any way to prohibit or interfere with legitimate transactions in the buying or selling of farm products. They do seek, however, to compel dealing in the actual commodity itself.

By the passage of these measures Congress will prohibit the selling by any person of a commodity which he does not possess, has not contracted to acquire, does not expect to possess, and therefore never intends to deliver. It will prevent the purchase by any person of a commodity which he never expects to receive. It is not believed that the enactment of this legislation will interfere with legitimate transactions on the exchanges. All these bills seek to do is to confine buying and selling to the actual commodity bought and sold, to prevent illegitimate speculation and the creation of fictitious values, to guard the innocent public against the sharp practices of the trained speculator, and to prevent the violent fluctuations in the prices of the necessities of life by eliminating the purely gambling transactions in them.

For many, many years legislation of this character has been before the Congress of the United States. It has been opposed by the exchanges and the moneyed interests of the country; it has been advocated by the toiling millions who by the sweat of honest labor have produced the very products in which these exchanges seek to traffic. We are told that the exchange is but a great market place, where the buyer and the seller meet. I have visited a great many market places, but I have yet the first one to see wherein there was not an actual transfer of the commodities bought and sold. If the exchanges will conform to this rule and see to it that the cotton and grain bought and sold is received and delivered, then the legislation here sought to be enacted will not affect them.

The farmers of this country want a stable market for their product, one based upon the great law of supply and demand. They are unalterably opposed to the fruits of their honest toil being made the basis of exchange manipulations whereby prices are raised and lowered at will to suit the whims of the speculator and satiate his greed for gain.

In conclusion, Mr. Speaker, let me again express the hope that the pending measure may be amended so as to include grain and all farm products, and in that form passed by this House.

Do this and you will at once redeem to the fullest extent the pledge so recently made at Baltimore, and at the same time forever put an end to the pernicious practice of gambling in the necessaries of life—the foodstuff and the clothing of the people of this great Nation.

Mr. HAUGEN. Mr. Chairman, how much time have I taken?

The SPEAKER pro tempore. The gentleman has 17 minutes remaining.

Mr. HAUGEN. I yield 10 minutes of that time to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, I have listened with considerable interest to the remarks of my friend from New York [Mr. FITZGERALD]. I am not able to go quite as far as he or to put quite the same construction and give the same effect that he did to the decisions which he read. If it be conceded that the simple making of a contract for the purchase of a bale of cotton is not interstate commerce, nevertheless the shipment of that bale of cotton from one State to another would be interstate commerce, and the sending of a telegraph message, whether upon that subject or any other, from a point in one State to a point in another is interstate commerce. I had the honor to try the case in which that point was first decided in the Supreme Court of the United States in the first opinion ever written and handed down in that court by the late Chief Justice Fuller. I do not know that it has ever been decided that the mere talking across a State line through a telephone is interstate commerce. That point will have to be decided if this bill shall become a law. But while it may be conceded that Congress has the right and the power to regulate the sending of messages by telegraph or mail, and possibly by telephone, there are nevertheless some objections to this bill in its present form to which I wish to call attention. Here is a bill which creates a number of new statutory offenses.

It bristles with fines and imprisonments, and yet is so drawn as to be, to my mind, in many particulars vague and dangerous and possibly to do more harm to legitimate commerce than it would do good in the direction in which it is intended. On the very first page it is declared that certain words shall mean certain things, "unless the same be inconsistent with the context," which gives at once rise for great differences of opinion and construction in many particulars. That it shall mean certain things, "unless inconsistent with the context." That opens the door for doubt and difficulty. I notice again that while Congress has undoubtedly authority in the District of Columbia, this does not refer to or attempt to prohibit the making of such contracts in the District of Columbia or the sending of messages or the delivery of messages within the District of Columbia, not coming from or going to any other State or Territory. Under this bill as now drawn a cotton exchange, with all its alleged gambling features could be conducted right here in this city.

Then, again, on the second page, line 15, it is declared:

> Words importing the singular number may be applied to or mean several persons or things.

If you do not put the right construction on them, you may go to the penitentiary for "several things." Now, cotton is a word importing a singular number, yet under the provisions of this act it may mean several things. I do not know whether it would mean corn or wheat or other things, but it may mean several persons or things.

Mr. MANN. Will the gentleman yield?

Mr. OLMSTED. Certainly.

Mr. MANN. "Cotton" is singular, and "cotton" in the trade is a well-known term in the trade.

Mr. OLMSTED. It may be manufactured articles commonly known as "cotton" or "cottons."

Mr. ROBINSON. The gentleman does not assume that the word "cotton" could be construed to embrace corn and wheat?

Mr. OLMSTED. I do not know how it may be construed as used in this bill. It says it may be construed to mean "several things."

Mr. ROBINSON. The plural of cotton could not be anything but cotton.

Mr. OLMSTED. This says:

> Words importing the singular number may be applied to or mean several persons or things.

Now, what things that means I do not know.

In the second section it makes it unlawful for any person to send or cause to be sent any message. "Messages" applies to messages within a Territory or within a State, as well as to messages from one State or Territory to another. And Congress has no power over messages sent from one point in a State to another point in the same State. It then says:

> The transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations.

And further:

> And the sending or causing to be sent of each such message shall constitute a separate offense.

Strictly interpreted, that section would refer to messages over which Congress has no power or control.

In the third section it is provided that—

> Any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit—

Setting forth a whole lot of things about his intentions, and where he got it, and what he is going to do with it.

This bill applies to telephone companies. A message is not ordinarily delivered to a telephone company except as it is delivered by the voice into the receiver and transmitted by the voice of the sender over the wire. A telephone operator can not regulate and is not supposed to hear what is talked into the telephone in the telephone booth, and yet the operator and the company is liable to fine and imprisonment under this act unless they require an affidavit. The result would be that the telephone company would have, in order to live strictly up to the terms of this act, to require an affidavit from every person using the telephone for long-distance messages from one State into another.

> Any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit—

Which shall last for six months the next ensuing.

So that I suppose the telephone company could make itself safe by requiring an affidavit every six months from every person using a telephone.

And here is in line 21, on page 4, the glaring error, typographical perhaps, although it is in here, which was referred to by the gentleman from Illinois [Mr. MANN], which makes a person subject to fine and imprisonment if he shall prove or fail to make an affidavit. In either event he is caught. Like the old hunter's trap, it catches them coming or going.

Now, in section 6, it provides:

> That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts.

I suppose the report of the Agricultural Department showing a bumper crop or a small crop of cotton might be construed into a publication issued to induce a person to buy or sell cotton.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. OLMSTED. Certainly.

Mr. COOPER. I have not heard the discussion of the gentleman from Pennsylvania. Has he already discussed section 7?

Mr. OLMSTED. I have not yet reached that.

Mr. COOPER. As I read it—and I would like to have the gentleman's interpretation—that gives the Postmaster General unlimited discretion to stop the mail.

Mr. OLMSTED. It certainly does. It gives him discretion to stop your mail or mine or any other mail.

Mr. COOPER. And at the top of page 7 it says:

> And all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

Suppose it is an envelope that is not marked and they suspect it contains unlawful material. How is it going to be returned to the sender unless the letter is opened?

Mr. OLMSTED. It would certainly be opened.

Then here is this provision in section 6: That if any letter, writing, or other publication is sent through the mails, or—

> If any person shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or aiding in the circulation and disposition thereof, the person mailing or receiving it shall be fined not more than $5,000 nor less than $500, or shall be imprisoned not more than five years nor less than one year, or both.

If he would even take that letter from the mails for the purpose of disposing of it by chucking it in the wastebasket, he would be subject to fine or imprisonment, or both.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OLMSTED. I would like to have one minute more.

Mr. HAUGEN. Mr. Speaker, I yield one minute more to the gentleman.

Mr. OLMSTED. I want to call attention to section 1, to which the gentleman from Wisconsin has already called attention, and point out the danger of such a provision in an act of Congress—the danger to all of us, the danger to commerce.

Then in the eighth paragraph there is another provision—

> That in any proceeding under this act all persons may be required to testify and to produce books and papers—

Not only relating to this transaction, but to other transactions. It affords a wonderful scope of inquiry into other people's business, even though they may never have bought a pound of cotton.

Mr. Speaker, it is apparent that there are many provisions in this bill that ought to be amended before the bill is enacted into law. I regret that under the special rule just adopted opportunity is not given to make such amendments as ought to be made to the bill in order that it may accomplish the purposes which its friends desire to accomplish without at the same time doing more harm in other directions than good in the direction that its friends intend.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOWLER] is recognized for five minutes.

Mr. FOWLER. Mr. Speaker, the bill now under consideration makes it unlawful for any person to send or cause to be sent over the wires by telephone or telegraph or by wireless telegraph, or through the United States mails, or by any other means, any message for the purpose of making or offering to make any contract for the future delivery of cotton without intending at the time in good faith that such cotton shall actually be delivered. It provides a penalty by fine or imprisonment, or both fine and imprisonment, in the discretion of the court. It further provides that the sending or offering to send such message is an interference with the commerce between the States and Territories and foreign nations. It provides rules and regulations for sending messages for the real sale for future delivery of cotton and prescribes appropriate penalties for the violation thereof. The object of the bill is to suppress the pernicious practice, now so common, of making contracts for the future delivery of cotton wherein no cotton is ever intended to be delivered.

The bill as it comes before the House seeks to suppress gambling in cotton only. The pernicious speculation in other farm products is just as harmful to the best interest of the farmer, and its baneful influence is equally corrupting to the public morals and ought to be prohibited by law the same as the practice now tolerated in cotton. I therefore give notice now, Mr. Speaker, that when this bill comes up for consideration under the five-minute rule I will offer an amendment to make the bill broad enough to include all farm products by striking out the word "cotton" wherever it occurs in the bill and inserting in lieu thereof the words "agricultural products." This amendment, if adopted, will give an opportunity to punish all men who engage in speculating in futures which pertain to agricultural products. I can see no reason why Congress should limit the powers of this bill to only one farm product when it is generally known that the same practice is going on in other products of the farm, which is equally sinful and equally harmful and depressing to the best interests of the people and equally demoralizing to the good name and honor of this Republic.

For this reason, Mr. Speaker, I give notice now of my intentions so that the members of the Agricultural Committee and the Members of the House may have ample time to consider the effects of my proposed amendment upon the pending bill. I take it as a matter of course that the author of the bill and the honorable committee which reported the bill with a favorable recommendation were then and still are prompted by a high sense of duty to the American people and a sincere desire to suppress gambling in "futures." If I am correct in my conclusions, then there remains but one thing which I will be required to do in order that my amendment may receive a favorable consideration by this House, and that is whether such gambling is now going on in other products of the farm and whether the contracts relative thereto are being made by means of messages sent through the United States mails and by wire or by wireless. By way of interlude, permit me to say that such practice has been for a long time, and still is now, going on in every State of the Union, and is so common that it does not require proof. The House will, I have no doubt, take judicial notice of such baneful conduct, thereby releasing me from the necessity of making proof; and when you seek to curb and prohibit gambling in one of the agricultural products your fairness and sense of duty to the people whom you represent will, I know, compel you to make this bill broad enough to include all other agricultural products.

Mr. Speaker, I now turn to the consideration of the bill on its merits. I have been giving close attention to the speeches of gentlemen who oppose the bill, but I am much gratified to see no one opposing it because of its merits. I presume that there will be no opposition to it on this ground. But there are some gentlemen who have served in this body for many years and by reason of their long service have become great constitutional lawyers. They are perfectly familiar with all the powers of that sacred instrument and never fail to defend it whenever it is assailed by bills for the enactment of laws not authorized by the Constitution. Those gentlemen are here to-day and are urging with much force the unconstitutionality of this bill. I have been listening with much interest to the speeches of two of these gentlemen, the distinguished gentleman [Mr. FITZGERALD] of New York and the distinguished gentleman [Mr. OLMSTED] of Pennsylvania.

Mr. OLMSTED. I beg the gentleman's pardon, I did not say that it was unconstitutional.

Mr. ROBINSON. He did not say that.

Mr. FOWLER. I did not understand the gentleman to use the word "unconstitutional," but I gathered from the body of his argument that he considered the bill subject to such criticism.

The authority under which this bill is drawn relates to section 8 of Article I of the Constitution, which confers on Congress the power "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The friends of this bill contend that ample authority is given in this clause of the Constitution for the enactment of this measure. The power to "regulate" commerce with foreign nations and to regulate it among the several States ought to be strong and powerful enough to keep commerce clean and to prohibit demoralizing practices connected therewith. If unwholesome articles of food are offered for transportation from one State to another or to a foreign nation, Congress, under this clause, ought to have the power to pass laws for regulating such practice because of its effect upon the health and life of the people. Upon the same reasoning, if the stream of interstate commerce is polluted by immoral conduct, Congress ought to have the power and does in my opinion have the power to "regulate" such commerce to the extent of prohibiting such immoral conduct in the interest of public morals. The word "regulate" as used in the Constitution concerning interstate commerce does not mean power for partial regulation but it means power for a complete regulation, carrying with it the power to regulate the moral and wholesome effect upon the public as well as the power to regulate the physical transportation of commodities. To give any other construction would seriously cripple the power of Congress over such commerce and leave the citizen to the mercy of spoliation and intrigue.

Were California in the throes of bubonic plague, and were the germs thereof transmitted by means of fleas carried by ground squirrels infesting the State in large numbers, and to get rid of the squirrels suppose that she proposed to ship them out over the various States of the Union and turn them loose instead of killing them, who would doubt the power of Congress to prohibit the same? Or who will contend that Congress could not prohibit Chicago from shipping diseased pork, infested by the deadly trichina, to other States or to other nations, under this clause to "regulate" commerce among the States and with other nations?

The Constitution is an instrument of enumeration of powers and not an instrument of definition of powers. The means of commerce are rapidly changing, and therefore no narrow construction of the term "regulate" would be either expedient or justifiable. At the time when the Constitution was written the commerce was carried on largely between the States by wagons drawn by animal power, or on water by means of flatboats or sailboats, but now we have outgrown these slow methods. Commerce is commerce, regardless of the means by which it is carried on, and the constitutional power to regulate it will always remain the same, whether it be conducted on land by animal power, or propelled on rail by steam and electric power, or whether by water in flatboats and sailboats or by steamships, or whether through the clouds by means of airships, or by some unknown method. The power, therefore, to regulate commerce among the States and with foreign nations is a living, vitalizing, progressive power, ready to be applied to the unknown means which may become necessary and expedient for the good of mankind as well as to the known means of to-day.

To regulate that which affects public morals is the highest duty of the State, because the State can rise no higher in the scale of national life than the sum total of its public morals. I therefore turn my attention to the consideration of some of the things which Congress has done for the good of our public morals under this clause of the Constitution. On the 2d day of May, 1895, Congress passed an act entitled "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States." The violation of this act was made criminal and punished by fine or imprisonment, or both, in the discretion of the court, for the first offense, and by imprisonment alone for any subsequent offense. In February, 1899, in Dallas County, Tex., C. F. Champion, W. F. Champion, and Charles B. Park were indicted for a conspiracy to violate

this act. One of the defendants, Champion, was arrested in Chicago and sued out a writ of habeas corpus, upon the theory that this act was unconstitutional. It is known as the Lottery case, and is found in One hundred and eighty-eighth United States, page 321. Justice Harlan delivered the opinion of the court. It involved directly the power of Congress, under the clause of the Constitution, to "regulate" commerce among the States and with foreign nations, to prohibit the commerce itself, instead of regulating it and permitting it o continue. In his opinion upholding this statute, Justice Harlan said:

We have said that the carrying from State to State of lottery tickets constitutes interstate commerce, and that the regulation of such commerce is within the power of Congress under the Constitution. Are we prepared to say that a provision which is in effect a prohibition of the carriage of such article from State to State is not a fit or appropriate mode for the regulation of that particular kind of commerce? If lottery traffic carried on through interstate commerce is a matter of which Congress may take cognizance and over which its powers may be exerted, can it be possible that it must tolerate the traffic and simply regulate the manner in which it may be carried on? Or may not Congress, for the protection of the people of all the States, and under the power to regulate interstate commerce, devise such means within the scope of the Constitution and not prohibited by it as will drive that traffic out of commerce among the States? If a State in considering legislation for the suppression of lotteries within its own limits may properly take into view the evils that inhere in the raising of money in that mode, why may not Congress, invested with the power to regulate commerce among the several States, provide that such commerce shall not be polluted by the carrying of lottery tickets from one State to another? What provision in that instrument can be regarded as limiting the exercise of the power granted? What clause can be cited which in any degree countenances the suggestion that one may of right carry or cause to be carried from one State to another that which will harm the public morals?

The object of this statute was not intended to regulate the sale of lottery tickets, but it was intended to prohibit the sale entirely. It drove out of the United States every lottery then in existence and has resulted in the absolute prohibition of the traffic. The wisdom of the law rests on the sound discretion of the State to protect its citizens against immoral conduct which penetrates every quarter of the country. No one would doubt the power of Congress under this clause to prohibit the transportation from one State to another of poisonous reptiles such as rattlesnakes, and vicious wild beasts, such as tigers, and turning them loose in large quantities to pray upon the lives and property of the people. And yet the danger to life and property from such traffic is not to be compared with the danger to public morals which results from the traffic in such debasing and demoralizing business as lotteries and gambling in "futures."

In the case of Phalen v. Virginia (8 How., 163, 168) the Supreme Court, after declaring that among the most important duties of Government was that of suppression of nuisances which are injurious to public health and public morals, said: "Experience has shown that the common forms of gambling are comparatively innocuous when placed in contrast with the widespread pestilence of lotteries. The former are confined to a few persons, but the latter infests the whole community; it enters every dwelling; it reaches every class; it preys upon the hard earnings of the poor; it plunders the ignorant and the simple." The ravages of the old-time lottery upon the purse of the individual and upon the morals of the public as compared with the enormous ravages which are going on to-day on the exchanges and boards of trade in every State of the Union are in size what the child is to the parent or the penny is to the eagle. If the lottery was so immoral that it became necessary to prohibit it in order to protect the public morals, then all the more is it necessary to prohibit gambling in futures for the same reasons.

Congress has by law excluded intoxicating liquor from commerce with the Indian tribes, and has excluded obscene literature from foreign commerce. We have seen that Congress has prohibited lottery tickets from being sent from one State to another. All of this has been done under the power of the Constitution giving Congress the right to regulate interstate commerce. In each of these three instances the power to regulate interstate commerce has been construed to mean a right to prohibit such commerce in these three articles entirely. This is done under the sovereign police power of the Republic over interstate trade in order to protect the public from the dreadful and demoralizing influences of the dangerous and immoral traffic in interstate commerce.

If Congress can prohibit the interstate traffic in lottery tickets, why has it not the power to prohibit interstate messages by wire or otherwise for the sale of cotton which is not intended to be delivered, but which is primarily intended to be gambling? If Congress can prohibit the sale of intoxicating liquors with the Indian tribes, because when under its influence the Indian is more dangerous and more bloodthirsty, why can it not prohibit the making or offering to make contracts by wire or otherwise for the future delivery of cotton or any other article of commerce, whereas, in fact, no delivery is contemplated, but the only thing sought is gambling in futures? If Congress can prohibit interstate commerce in obscene literature because of its immoral effect upon the public, why can it not prohibit gambling on stock exchanges for the same reason? If the police power of the Republic over interstate trade rests in Congress alone, and if it fails or refuses to prohibit such immoral traffic, when and how will the people get relief? The power does not belong to the several States, but rests now in the hands of Congress, for it was lodged there on the adoption of the Constitution, and has so been construed by the Supreme Court of the United States repeatedly in construing statutes of various States which were broad enough to deal with interstate commerce.

Are interstate messages by wire or interstate wireless messages such traffic as fall under the meaning of interstate commerce? If so, then Congress has a right to regulate them, or it has the right to prohibit them entirely if the good of the public demands it. Let us examine a few decisions of the Supreme Court of the United States upon the question and see whether such messages are interstate commerce. In the case of Pensacola v. Western Union Telegraph Co. (96 U. S., 9) it was held that telegraphic communications from one State to another by companies organized for that purpose is interstate commerce and falls within the legislative jurisdiction of Congress. In the case of Telegraph Co. v. Texas (105 U. S., 460) this decision was reviewed by Chief Justice White and reaffirmed. In the opinion he used these words:

> Telegraph companies occupy the same relation to commerce as a carrier of messages as a railroad company does as a carrier of goods.

In the case of Leloup v. Mobile (127 U. S., p. 640) it was held that a telegraph company with lines extending from one State to another, and whose business was to transmit interstate messages, could not be compelled to pay a license tax sought to be collected by a State, on the ground that the business of the company was interstate commerce and, therefore, without the jurisdiction of the State. These cases put at rest the question as to whether such messages are interstate commerce. Congress has the undoubted right to regulate such traffic, and in the light of the lottery case Congress has the plenary power to prohibit such traffic whenever it sinks to such a low level as to become highly obnoxious to the public morals. If the electric wires or wireless messages should become the instruments through which gambling contracts are entered into on stock exchanges and boards of trade, by means of which interstate commerce in any article of trade is tainted with the foul stench of bribery and gambling, Congress has not only the legislative power to regulate such traffic by prohibiting it entirely, but, as the keeper of the police power of interstate trade, it owes a duty to the people of this country which it will never discharge until it exercises that power by enacting a drastic law prohibiting such traffic entirely. The power to regulate commerce carries with it the power to keep commerce clean and free from corrupting and demoralizing influences.

The Olympic games were instituted among the Greeks for the purpose of developing the physical manhood of the youth in order that he might be the better prepared to defend his country against invasions by the foreign enemy. One of these games was called the Marathon run. It was the extreme test of physical endurance. It is said that the youth who carried the glad tidings of the victory of the Battle of Marathon died with the immortal message on his lips. That was a battle between the well-trained Athenians and the Persian hosts, who outnumbered the Athenians more than 10 to 1; but Athens was fighting for existence as a people and as a nation, while the Persians were fighting for spoils and for revenge. Athens won. Our greatest enemy is not without, threatening to invade our shores, but it is camped within, with well-trained soldiers in every city, hamlet, and town, organized for the purpose of spoils only, and employing means the most demoralizing and destructive to the best interests of our Republic. It is within our power to disarm this mighty enemy by passing this law with my proposed amendment. Will we do our duty now, while the task is easy, or will we wait until the enemy has grown so strong that it will require skillful training in Olympics? Will we wait until it requires the Marathon run in order to have

even a chance of winning? Perish the thought that any are here who are recreant to trust and to duty. Let us hope that the most ultra to the passage of this measure will be for it in the final analysis.

Mr. Speaker, the pernicious practice in America of gambling in farm products ought to be stopped. It has brought about more destruction and more financial ruin to helpless individuals than anything I know of which has been tolerated interstate, unless it is the sale and interstate traffic of intoxicating liquors. It is one of the greatest, if not the greatest, species of gambling in the world. While I was a member of the Illinois State Senate I had an occasion to introduce a bill for the purpose of prohibiting gambling in futures in the farm products in my State. I knew but little about the workings of the board of trade in Chicago, and in order to be more familiar with the business and the methods of conducting the same I quit my office and camped in Chicago for a month and went on the board of trade actively in a small way. I was not there long until I learned one lesson by heart. It almost broke my heart to learn it, for it cost me some good hard-earned cash. Here is the lesson: After you have put up your money and lost several times and won but a few times you get over the scare and dread and become seized with an insatiable desire to win back the money which you have lost, and the more you lose the greater is the desire to remain until you have won at least what you have lost. That becomes your controlling thought and desire. It is worse than your appetite for smoking, or any other bad habit, I am told by those who have been in the business for years. While there I met many men from Indiana and other States, who told a sad story, among which I recall the story told me by an Indiana farmer, who had been on the board for 10 years. He went to Chicago with a lot of fine cattle to compete in the fat-cattle show which is annually held in that city. While there he sold his cattle for a fine price, and the commission merchant told him of the great opportunity to make money on the board of trade. He was flush with money and bit at the bait. He lost and won, but lost more times and in bigger sums than he won. He stayed with the game until he had lost all his cattle money. Then he went home on borrowed money. The next year he took another fine lot of cattle to the fat-cattle show and bucked the game again with like results. He had a good farm, and he was told that if he would sell his farm and move to Chicago and study the game from a scientific standpoint he could win all the money he had lost and much more. He sold his farm and all his personal property, moved to Chicago, remained on the board of trade until he lost all he had, and when I met him he was working by the day on the streets; but still seized with that everlasting desire to win back his lost money, he was dividing his wages with these gamblers who had robbed him of thousands of dollars and reduced him to poverty and want. Many men from the country told me like stories, a bunch of whom were reduced to daily labor, but who were pooling their meager allowances in order to be able to buy a thousand or two bushels of wheat, still hanging on the hopeless thread of good luck and filled with the determination to stay until the tide turned in their favor. You are led on by your commission man, who always holds out to you that all you have to do in order to be a good winner is to stay with the game until you have learned it well. Hordes of men from every State in the Union are kept there the year round by such flattering inducements, and daily haunt the board of trade until they are reduced to poverty and grief, often resulting in suicide. I knew one man who met with a big slump in the market and lost largely; he was seized with a fit of self-destruction, and, on going to the drawer where he kept his razor, he reflected, locked the drawer, and threw the key out of the window.

The Chicago Board of Trade is the greatest Monte Carlo in the world, where more people are held up and annually robbed in open daylight than any other city in the world, without question and without restraint. How long will the patient people tolerate these polluting, stifling dens of stench? How long will Congress delay relief to public morals? Let us stimulate our moral sensibilities to the point of action by taking a dose of public opinion upon this question. Let us gird ourselves like a strong man to run a race and make one united and determined effort to place upon the statute books before this session of Congress adjourns a law strong enough to break up these dens of sin and hell. [Applause.]

Mr. AINEY. Mr. Speaker, the support and advancement of the great agricultural interests of the country have been one of the announced purposes of the National Government, and in the carrying out of which the Department of Agriculture was established and occasional laws enacted.

Several measures have been proposed at this Congress, some of which have already received the sanction of this House, which, if placed upon the statute books, will violate this established policy and make futile the departmental advice and assistance given to the cane-sugar planter of Louisiana, the sugar-beet raiser of Colorado, and the dairyman of the Nation, and, perforce, seriously cripple, if not destroy, the industries which they represent.

I am unalterably opposed to such a departure from our fundamental position, and my votes as a Member of this House have been and will continue to be cast against such destructive legislation.

I can not but view with anxiety the attacks which the oleomargarine manufacturers and dealers and their allies, the beef interests, are making against the dairy industry of this country, which, if successful, must result in the loss of the dairy cow, with her product of milk, cheese, and butter, now contributing so largely to the healthful food supply of the city and country.

I desire, therefore, to speak particularly concerning the dairy industry of the land, an industry which ultimately affects the entire citizenship of the Nation and which touches with equal force the economic, social, and political realms of our national well-being, and in opposition to those measures which I believe if enacted into law would work national injury.

IMPORTANCE OF DAIRY INDUSTRY.

According to the advance reports from the Bureau of Census (May 6, 1912), there were 1,620,766,000 pounds of butter produced during the census year 1909, valued at $405,000,000, of which 996,000,000 pounds were produced on farms and the balance in cooperative and other factories.

Of these totals, Pennsylvania produced 91,642,000 pounds, valued at $25,282,000, of which 61,158,000 was farm made, while the balance was produced in cooperative and other factories.

According to the census of 1900, the milk produced in the United States was 7,266,392,674 gallons, of which 2,134,915,342 were sold.

For the census year 1909 the cheese production amounted to approximately 320,000,000 pounds, valued at about $44,500,000.

In 1909 there were 21,720,000 milch cows, valued at $702,945,000. These, taken in connection with the vast acreage, buildings, and equipment employed, designate this industry as second to none in importance.

I am pleased to be able to state that the district which I have the honor to represent contributes largely to the Nation's requirements of milk, cheese, and butter. The amount and value of butter and cheese produced during the year 1909 in the four counties constituting the fourteenth congressional district of Pennsylvania are as follows:

Amount and value of butter and cheese produced in the fourteenth congressional district of Pennsylvania in 1909.

County.	Pounds produced.	Value.
Butter:		
Bradford	2,334,156	$635,266
Susquehanna	1,020,576	278,449
Wayne	1,078,675	295,401
Wyoming	532,647	140,908
Cheese:		
Bradford	56,025	11,544
Susquehanna	42,759	5,172
Wayne	2,321	163
Wyoming	650	81

UNFAIR COMPETITION.

Any competition, no matter how honest or otherwise legitimate, calculated to depopulate the farms or drive the farmer into other lines of activity, would result in great national loss. When, therefore, this Congress is asked to pass measures subjecting butter, the most important dairy product of the farm, to unequal and unfair competition at the hands of a so-called cheaper substitute, and to confer upon that substitute by law the right to clothe itself in the well-known garb and habiliments of butter, I propose to object and to proclaim it a departure from the Government's avowed policy of helpfulness to agriculture, and violative of the first principles of common honesty, and fraught with danger.

When it is proposed to permit the manufacturer of oleomargarine not only to color his product in imitation of butter, but to mix with it a sufficient quantity of genuine butter to impart the real butter taste and appearance, all barriers are destroyed. Man's elemental senses, given him for the purpose of protection and discrimination, are of no avail against such deceit, for neither sight, smell, nor taste will distinguish the real from the spurious.

Inherently and by long-established custom the most obvious distinguishing characteristic of butter is its color. It is, so to speak, its trade-mark and designation; prescriptively it is entitled by all equitable considerations to maintain this right against all comers.

The natural color of oleomargarine, so far as an artificial product may be said to have a natural color, is white—not absolutely pure white, but relatively, as the eye passes judgment. So said Mr. John F. Jelke, a prominent oleomargarine manufacturer (Hearings, 1911, p. 88).

Here is a clearly defined basis for distinction which both custom and nature has established and which readily aids the purchaser in his selection, whereby fair competition is assured to producers, and which affords the broadest margin of protection to the consumer.

It is demanded that this clearly defined boundary line be obliterated by law and a merely prohibited fiat be substituted making it an offense to ship and sell oleomargarine other than in marked, sealed, and designated packages.

In surveying, a natural and permanent object on the ground is accepted as establishing a better basis for a boundary line than an imaginary line designated and supported by course and distance. Yellow is the natural visible boundary mark of butter; to obliterate this line by law and substitute a mere legislative prohibition is as unsafe as it would prove unsatisfactory and unwise.

It is generally admitted that oleomargarine has been a most successful and persistent violator of existing laws, 90 per cent of its sales being illegal, as disclosed at the hearings before the Committee on Agriculture. It paid into Pennsylvania nearly $500,000 in fines before it learned respect for that State's law. It is now urged that by removing the 10-cent tax on colored oleomargarine the incentive to fraudulently avoid the tax would be gone and violations would cease. It is hard to conceive that these same violators would take higher ethical grounds when the opportunity and incentive for gain still remained to fraudulently sell colored oleomargarine for butter. Will it be argued that the man who would defraud the Government in order to gain 10 cents would not defraud the consumer in order to reap the same profit?

OLEOMARGARINE DEFINED.

Oleomargarine is a term legislatively adopted to designate heterogeneous mixtures of varying constituents, and with no standard as to quality, composition, purity, or method in manufacture. Included in this definition is "oleomargarine as heretofore known," and all mixtures with itself, including the whole scale of fats from "lard" to intestinal fat and offal fat."

In actual manufacture, as in the legislative definition, there is this same range. This definition of oleomargarine as enacted in the Grout bill is substantially followed in other and proposed measures, and is as follows:

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, annotto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made calculated or intended to be sold as butter or for butter.

In the hearings of 1912 (p. 146) appears a colloquy with Mr. Jelke:

Mr. HAWLEY. I would like to ask Mr. J. F. Jelke, of Cincinnati, Ohio. You heard the gentleman quote the formula for making oleomargarine yesterday, I think it was. Do you agree with the formula he quoted there?

Mr. JELKE. I didn't hear him read them, but there is no man can really fix the formula. There are thirty-odd different patents in the Patent Office and 42 different manufacturers in this country, each making it in a different way.

Mr. HAWLEY. Are those fairly typical?

Mr. JELKE. I didn't hear them. I say there isn't another factory making oleomargarine the way we do in our factory, and I am not going to tell you how we do it.

Mr. George L. McKay, secretary American Association of Creamery Manufacturers, representing 400,000 farmers, in his testimony before the committee (p. 81), quoted from the book "Modern Packing House," edited by the late F. W. Wilder, formerly general superintendent of Swift & Co. and Schwartzchild & Sulzberger Co., published in 1905, as to some of the element going to make up different grades of oleo oil:

COMPOSITION OF OLEO OILS.

Neutral, or No. 1, oleo oil is made from the following:

Gaul fat, ruffle fat, gaul piece of gut end, briskets trimmed from the bed pickings, crotch trimming from the bed pickings, paunch trimmings, pluck trimmings, reed trimmings, heart casing fats.

No. 2, or second grade oils:

Gut ends—small fat, chipped fat, which is taken off the middle guts; machine fat, which is taken off round gut by the fatting machines; heart trimmings, pluck trimmings, miscellaneous bed pickings of the second grade, kidney fat, clean trimmings from cattle, which are being cut up for canning or sausage, skimmings from scrap vat of No. 1 oil.

No. 3, or third-grade oil:

Head fat, fat trimmed from cattle heads when checking, plucked sweetbread trimming, liver trimmings, bladder trimmings, fat from chilled beef tongues when they are trimmed, miscellaneous fats from other departments which are kept clean, the first washings from the oleo press cloths before soda has been used, scrap-vat skimmings from the second-grade oil.

These may be technically clean and possibly wholesome, and so may be rats in China, but they offend against the sensibilities of the average American stomach.

The same authority gives us the average formula used by manufacturers, together with costs for three grades of oleomargarine:

Formula for and cost of high-grade oleomargarine.

Material and quantities.	Cost per pound.	Total cost.
526 pounds No. 1 oleo oil	$0.0825	$43.39
475 pounds No. 1 neutral lard	.08125	38.59
50 gallons 30 per cent cream	.42	20.24
300 pounds creamery butter	.28	84.00
Labor and package	.01	15.00
Salt and color	.00	1.00
Total		214.00

This formula will yield 1,500 pounds of oleomargarine; therefore the cost per pound is $0.1426.

Formula for and cost of medium-grade oleomargarine.

Material and quantities.	Cost per pound.	Total cost.
525 pounds No. 1 oleo oil	$0.0875	$45.99
475 pounds No. 1 neutral lard	.08125	38.59
40 gallons 30 per cent cream	.42	40.32
Labor and package	.01	12.00
Salt and color	.00	1.00
Total		137.00

This formula will yield 1,200 pounds of oleomargarine. Therefore the cost is $0.1142 per pound.

Formula for and cost of low-grade oleomargarine.

Material and quantities.	Cost per pound.	Total cost.
350 pounds No. 2 oleo oil	$0.08	$28.00
250 pounds cottonseed oil	.04	10.00
450 pounds neutral lard	.08125	36.56
60 gallons 2½ per cent milk, at 12 cents per gallon		7.20
Labor and package		12.00
Salt and color		1.00
Total		94.74

This formula will yield 1,200 pounds of oleomargarine. Therefore, the cost of producing and packing for shipment will be $0.0789 per pound.

From the above it will be seen that the extra prime, yellow cottonseed oil, known as butter oil, is not used in the best grades of oleomargarine. This agreed with what Mr. Jelke stated before the Agricultural Committee, that they did not use cotton-seed oil in their best grades of oleomargarine, as it injured the flavor. Consequently, he said the best grades of oleomargarine were white or light in color.

So far as I have been able to ascertain the oleomargarine manufacturers have entered no denial before the Committee on Agriculture as to the substantial accuracy of these statements concerning oleo oils or the use of these oils in the manufacture of oleomargarine.

The chemists certification of good character as to the wholesome and nutritive quality of oleomargarine will hardly be accepted by the public until it is known as to which of the oleomargarines, varying as they do in the nature of their constituents, it applies.

BUTTER SHOULD NOT BE AN INGREDIENT.

Large amounts of butter are bought by certain oleomargarine dealers and mixed with fat products and sold. Dr. Wiley's views on this subject, briefly stated, appear on page 80 of the 1912 hearings of the Committee on Agriculture, as follows:

I would be heartily in favor of refusing the privilege of mixing any kind of a dairy product with oleomargarine. I do not believe it should be churned or mixed with milk, cream, or butter in any way. The only purpose in doing this is to deceive the people in regard to its taste. If oleomargarine were offered to the people as a pure product, without any suspicion of a butter flavor or taste, the difficulty of controlling it would be considerably lessened.

OLEOMARGARINE LAWS.

Nearly every country of Europe and almost all the States of the Union have passed laws regulating its manufacture and sale, and in several of them mixing of butter with oleomargarine is prohibited except in some instances a percentage of butter fat acquired in the churning in milk or cream is allowed.

Germany, Belgium, France, Denmark, Britain, Norway, and Sweden prohibit the mixing with butter. All of the above and several others have laws prohibiting the manufacture or sale of oleomargarine where butter is manufactured or sold.

Denmark, France, Italy, and Russia prohibit the yellow color. Belgium, Denmark, Germany, Portugal, and Sweden require the addition of sesame oil or other designated ingredient to make oleomargarine more readily recognized when offered for sale.

France, the birthplace of oleomargarine, compels the printing of the ingredients and formula on the wrapper.

POOR MAN'S BUTTER.

If the designation of "poor man's butter," which the oleomargarine people have sometimes applied to their product, is to be treated seriously and dignified as a statement of fact or an argument, and if for the moment it be conceded that the poor man is really urging "colored as distinguished from uncolored oleomargarine and freed from the payment of tax" on the ground of his poverty, because it is butter's equal in nutritive and wholesome qualities, it then follows that this so-called poor man is entitled to get what he wants. Why should this wholesome and cheap product, the equal of butter, be permitted to be adulterated or mixed with its more costly but no better competition, whereby the cost to the poor man is materially enhanced. Dr. Wiley's opinion, which I have elsewhere quoted, and the laws of several European nations is the solution as well as answer.

COST OF BUTTER PRODUCTION.

Prof. Oscar Erf, of Ohio, has carefully analyzed the present cost of butter production, and by comparison shows that that cost has doubled in the last 20 years, averaging in 1910, $108.75 per cow, whereas in 1889 it was only $43 per cow. So that notwithstanding the increased costs to consumer—a considerable portion going to middlemen—the profit to the farmer is not such as to make the dairying business attractive nor cause it to increase to meet the increase of population.

In 1909 there were 21,720,000 milch cows and in 1912, 20,000,000, a loss of over a million in three years.

WEAKNESS OF THE GROUT LAW.

The existing law regulating oleomargarine has many excellent features. It went into effect July 1, 1902, but it has been followed by the most persistent violations on the part of oleomargarine manufacturers, dealers, or retailers. It provides a tax of one-fourth of a cent per pound on uncolored and 10 cents per pound on "artificially" colored oleomargarine.

Notwithstanding the large increase in production and sale, the report of the Treasury Department shows a decrease of 75 per cent in the revenue collected and an increase in fraudulent sales of nearly 100 per cent.

The failure of the law is attributable to three principal causes:

First. It attempted to abolish the color line between butter and oleomargarine and substitute a 10-cent tax on colored oleomargarine.

Second. In its enforcement the revenue officers had not the authority which was granted under other revenue acts to visit, at all times, places where oleomargarine was manufactured and sold.

Third. The wording of the provisions in the law exempting oleomargarine from 10-cent tax when "free from artificial coloration."

When the law permitted oleomargarine to be colored in imitation of butter by the payment of a 10-cent tax, it destroyed the color line, the natural and proper distinguishing mark between itself and butter, and it opened the door to fraud both upon the Government and consumer, for it was colored and sold extensively without the payment of the tax and for butter.

The designation in the act of "artificial" coloring matter was unfortunate; it met the existing conditions, but it failed to take into consideration the ingenuity of the oleomargarine people, with the result that they now produce oleomargarine in imitation of butter without the use of artificial coloring matter by the addition of certain beef fats, June butter, or some highly colored oils which have now become among its common ingredients.

It is interesting to note how the Wisconsin statute, which prohibits artificial coloration of oleomargarine, has thus been avoided. (Hearings, p. 71.)

CONGRESSMAN NELSON QUESTIONS MR. JELKE.

Mr. NELSON. Does not your firm sell uncolored oleomargarine in Wisconsin, and is it not sold notwithstanding that prohibition?

Mr. JELKE. We sell oleomargarine there without artificial coloration.

Mr. NELSON. And you actually sell butter-colored oleomargarine in Wisconsin notwithstanding there is prohibition of coloration in imitation of butter?

Mr. JELKE. No; you miss the whole distinction.

Mr. NELSON. I want to see how you do it.

Mr. JELKE. I want to tell you, and the Supreme Court of Wisconsin has made that very distinction. For a market like Wisconsin we make oleomargarine absolutely free from artificial coloration, but of highly colored oils, and the Supreme Court of Wisconsin has said that where the color comes from essential ingredients it is not in the power of the State to prohibit or stop it.

Mr. NELSON. You actually sell uncolored oleomargarine in the States where they prohibit coloration?

Mr. JELKE. When you say "uncolored," it is colored, but it has no artificial coloration. Remember that distinction.

Mr. LEVER. Do not you put any color in it?

Mr. JELKE. No artificial color in it, but the essential oils out of which it is produced have high color, and it still has color.

CONCLUSION.

Butter as a food product established a place in the early dawn of civilization when history spun but a single thread. It has graced the board of king and peasant, of rich and poor, of high and low, through countless ages.

When Jehovah met the Patriarch Abraham near the oaks of Mamre and through the instrumentality of the three messengers brought the words of hope to his aged heart and perpetuity to his race, it was no menial offering with which he supplied his regal visitants, for he gave them meat and bread, and, as sang Deborah, the prophetess in another age, he set before them "butter in a lordly dish."

The American dairyman believes the consumer of butter to be his natural and proper defender. For years he has passed judgment upon the product of the dairy by the use of his faculties—sight, smell, and taste. In all the ages these have been the commonly accepted and satisfactory tests.

It is now proposed to destroy the value of these tests by permitting the distinguishing characteristics of butter which responds to them to be counterfeited by a cheaper and inferior product, leaving not a single differentiating mark between them. To take away the distinctive mark in the product and substitute for that mark a printed mark on the wrapper is neither good legislation nor good judgment.

In the interest of the consumer of oleomargarine the law should be changed, requiring the formula to be printed upon the wrapper. The method of manufacture and composition should be standardized and perhaps graded. The visible yellow color line should be maintained between butter and oleomargarine, and the question should receive serious consideration as to whether butter should be permitted to be mixed with oleomargarine.

If I mistake not, it was Artemus Ward who expressed great liking for hash, because it was a simple food, and then he always knew what he was eating. It may be that there are those who enjoy the simplicity and purity of oleomargarine.

There is a remote possibility that some of the ardent advocates may be consistent enough to eat it as well as speak for it. In any event, I commend them to the discriminating words, which may lead to real knowledge, as recorded in the Book of Isaiah:

Butter and honey shall he eat when he knoweth to refuse the evil and choose the good.

Mr. BEALL of Texas. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

[Mr. SIMS addressed the House. See Appendix.]

The SPEAKER pro tempore. Will the gentleman from Alabama please suspend in order that the House may receive a message from the Senate?

Mr. CLAYTON. Mr. Speaker, owing to the lateness of the hour, I can not hope to make any very extended remarks on this bill. The pending measure shall have my support, because I believe it to be in accord with both the wishes and interests of the great agricultural constituency that I have the honor to represent on this floor. I shall support it for the additional reason that the convention of the Democratic Party, the party to which I owe allegiance, in its recent convention adopted a plank in favor of it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, agreeably to the notice communicated to the Senate.

Mr. CLAYTON. Mr. Speaker, may I be permitted to make an observation in regard to the message which has just been received from the Senate?

The SPEAKER pro tempore. Without objection, the gentleman will be recognized for that purpose.

Mr. CLAYTON. Mr. Speaker, it is now nearly 3 o'clock, and the managers of the House did not anticipate the action of the Senate to-day. I have been over to the Senate this morning to ascertain when probably the Senate would receive a message

from the House upon which this order is predicated, but I was unable to get any information as to when the Senate would receive the message. Probably at this time, although I do not know, the Senate has adjourned or is in executive session, and therefore I wish it to be stated in the RECORD that it is the purpose on the part of the managers of the House to take the articles of impeachment against Judge Archbald over to the Senate on Monday.

Mr. MANN. If the gentleman will permit, the gentleman from Alabama understands that this is merely a formal communication from the Senate.

Mr. CLAYTON. I so understand. I may say, Mr. Speaker, that the managers on the part of the House, or I as one of the managers, in the endeavor to get early consideration of these articles of impeachment, have had the cooperation of the gentleman from Illinois and am indebted to him for that cooperation.

SALE OF FUTURES IN COTTON.

Mr. Speaker, as I was saying, another reason that will constrain me to support this bill is that the party to which I owe fealty—the Democratic Party—at its recent convention in Baltimore, in which convention I was a delegate at large from the State of Alabama, adopted a plank covering this matter of the gambling in agricultural products.

I want to quote the platform which bears on this subject:

We believe in encouraging the development of the modern system of agriculture and systematic improvement of conditions of trade in farm products so as to benefit both the consumers and the producers, and as an efficient means to this end we favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges or others.

And again, Mr. Speaker, the bill shall have my support, because the great Committee on Agriculture in this House, composed, I believe, of 20 members—originally it had 21 members, but I believe there are only 20 surviving members—with but two exceptions, agreed upon a report in behalf of this bill. For the information of Members I will read the report:

The Committee on Agriculture, having had under consideration H. R. 56, a bill to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, submits the following report:

Section 1 of this bill defines the word "message" and the word "person," and provides that words importing the plural number, whenever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or means several persons or things.

Section 2 makes it unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale of cotton without intending that such cotton shall be actually delivered and received, and provides penalties for violation.

Section 3 makes it the duty of any person sending any message relating to a contract for the future delivery of cotton to furnish to the person transmitting such message an affidavit to the effect that the message does not relate to the character of contracts described in section 2, and provides penalties for any false statement that may be made in such affidavit. This section also provides that proof of failure to make any affidavit required in the act shall be prima facie evidence that the message or messages related to a contract prohibited by section 2 of the act, and that proof of failure to deliver or receive the cotton called for in any contract for future delivery shall be prima facie evidence that there was no intention to deliver or receive said cotton when said contract was made.

Section 4 authorizes and requires any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages described in the act may be tendered to administer any oath required to be made under the provisions of the act, such oath to have like effect and force as if administered by officers having a seal.

Section 5 makes it unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property, or knowingly to allow such property to be used, for the transmission of any message relating to such contracts as are described in section 2 of the act and imposes a penalty for violation.

Section 6 declares every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts and carries the usual penalties for violation.

Section 7 authorizes the Postmaster General to instruct the postmasters in the post offices at which any matter described in section 6 as nonmailable matter arrives as to the disposition to be made of such matter and is modeled after the fraud-order section of the existing law.

Section 8 provides that in any proceeding under this act all persons may be required to testify and to produce books and papers, but no person shall be prosecuted and subjected to any penalty or punishment whatever on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever. This action conforms to the immunity clause of the Elkins Act.

The purpose of the bill is to restrict, so far as may be, those transactions on the cotton exchanges of the country which are recognized as dealing only with the fluctuations in the price of cotton and which do not involve the actual transfer of the commodity. It does not seek to prohibit or to interfere with a single legitimate transaction in cotton. It is recognized as one of the world's greatest articles of commerce. Millions of our own people are engaged in its production, and other millions, here and elsewhere, are employed in its manufacture and in the distribution of cotton and cotton products. The demand for cotton is world-wide, and commerce in it is a necessity. Any attempt to restrict or hamper the course of legitimate commerce in cotton would be injurious to the producers and distributors, as well as the consumers of cotton products.

It is not believed by this committee that any injurious effects upon legitimate dealing in cotton will follow the enactment of this measure into law. In so far as the present system of trading in cotton is dependent upon future trading, if it is at all, when actual delivery is not made, a readjustment may be necessary, but such readjustment can be made with advantage to the cotton trade. In effecting the purpose of eliminating gambling in cotton this bill closes the mails and the interstate agencies of communication against those seeking to use them for purely speculative purposes. It is not believed that any serious constitutional objection can be made against its provisions, and it is expected to prevent a form of speculation that is morally wrong and economically hurtful.

The committee therefore recommend that the bill be passed.

Now, Mr. Speaker, I may say in my own behalf that I have been constantly engaged, as Members of this House know, during this session of Congress in trying to work out legislation involving a number of important legal questions. For instance, the anti-injunction bill, which has passed the House; jury trials in certain contempt cases, which the House has passed; and later in the impeachment proceedings against Judge Archbald, which the House has voted upon and has ordered articles of impeachment to be sent to the Senate. These are some of the important matters which have engaged my time and attention.

I have not, Mr. Speaker, had the opportunity to examine all the authorities so as to make a legal argument on this bill. I observe that on the committee that reported the bill are the names of several eminent lawyers, among them the gentleman from Texas, Mr. BEALL, whose name the bill bears; also the gentleman from Kentucky, Mr. STANLEY, and my colleague, Mr. HEFLIN, whose opinion I value most highly, and quite a number of other lawyers and a number of farmers and business men on the committee who want this legislation. This bill shall have my hearty support and my vote for the reasons I have given. [Applause.]

Mr. BEALL of Texas. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker, in addition to the arguments already made in behalf of the bill by the gentlemen who have preceded me, there are one or two things that I wish to state. The bill will not affect any direct buying or selling of cotton where the commodity is transferred immediately. It will not affect any legitimate speculation where the parties buying expect to receive the cotton and where the parties selling expect to deliver the cotton immediately or at a future time. The committee was besieged by the growers of cotton, stating that certain conditions had grown up in the marketing of cotton that were very embarrassing to them and had cost them a great deal of money. It was alleged before the committee, and, I believe, not disproved by those opposed to the bill, that the exchange is no place for the cotton manufacturer to go to get cotton with which to manufacture his goods, for if he buys cotton on the exchange, any kind of cotton of a very large number of grades may be delivered on that contract, and his machinery is only prepared to handle cotton within a limited number of grades.

But there is another thing stated in evidence. It was specifically questioned and directly answered that the cotton exchanges of the country could not live without what are known as the gambling features of the exchange—that the contracts by persons who wish to buy for speculative purposes, having no intention whatever to receive any cotton, or who wish to sell for speculative purposes, having no intention to deliver any cotton, were necessary to the life of the exchange. They said specifically, in answer to a definite question, that this influx of new blood or new money was absolutely necessary to the continuance of the exchange.

We do not object to the legitimate hedging upon the exchange, but we do object to the maintenance in this country of an institution which says that it can not exist without gambling, and that it can not exist unless there are brought to it continually a stream of people who must lose their money and get out in order to make place for another stream of people to come in and be treated in the same way. This bill proposes to render it impossible for those people who are thus being deprived of their money in gambling transactions to be longer deprived of it. It is the policy of the Government, and has been for a long period, that no gambling should be fostered or tolerated under the law, and many laws have been enacted for the purpose of preventing gambling. The only thing this bill does is to make it impossible for these cotton exchanges to longer be places of gambling. Every legitimate purpose that they can serve and do serve, they can continue, and if, under their present organization, they can not continue to subsist without the gambling features it is no argument that they should be allowed to continue. The argu-

ment is that they ought to be compelled to change their organization so that they can continue without the gambling end of their business.

For these reasons, in addition to those already alleged by gentlemen preceding me, I believe the bill ought to pass as a first measure in the general step to prevent illegitimate transactions in all farm products.

Mr. BEALL of Texas. Mr. Chairman, I want now to ask unanimous consent that all gentlemen who have spoken or may speak on this bill be given permission to extend their remarks in the RECORD for five legislative days.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. At this time I shall object.

Mr. BEALL of Texas. Mr. Speaker, I yield now five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, more than 20 years ago the Hon. William H. Hatch, a sturdy Democrat from Missouri, introduced the first bill having for its purpose the elimination of the evil of gambling in farm products. In that bill Mr. Hatch attempted to define options and futures and to impose a tax upon every contract for the sale on exchanges of farm products for future delivery. Afterwards Mr. Hatch was supplemented in his attempt to strike at this great gambling evil by the efforts of Senator George of Mississippi and Senator Washburn of Minnesota, who drafted a bill dealing with this subject along the same lines, eliminating, however, the tax feature and fixing penalties for transactions for future sale of cotton or of other farm products where there was no intention on the part of seller or buyer to deliver or to receive. Since that time innumerable bills have been introduced striking at this practice. The sentiment against this great evil throughout the country even at that time was overwhelming, especially among the farming, spinning, and milling interests, and year by year the opposition to these hurtful practices has become more intense. During the Fifty-ninth Congress a bill dealing with this subject matter was prepared along entirely different lines and was by its author introduced.

Discouraged by the failures of Messrs. Hatch and George and Washburn for years but little effort was made to push this legislation, but when the Hon. Charles F. Scott, of Kansas, was appointed chairman of the Committee on Agriculture, those who favored striking at this evil made a serious effort to secure some action by the Congress. At the request of the author of the bill last alluded to, which as originally drawn applied only to cotton, Chairman Scott took same and made it by appropriate terms apply to all farm products, and introduced it as his bill. This bill, with all other bills directed against the evil, was referred by the Committee on Agriculture to a subcommittee, consisting of Mr. Scott, as chairman, and four of the ablest lawyers on the Committee on Agriculture, Mr. BEALL of Texas, Mr. HAWLEY of Oregon, Mr. PLUMLEY of Vermont, and Mr. LEVER of South Carolina.

This subcommittee, using the Scott bill as a basis for its action, brought great energy and industry to bear in the preparation of the bill, which was rearranged and in some parts rewritten, but retaining every essential provision of the bill as originally drawn, and was subsequently introduced by the chairman of the committee, and became known as the Scott bill.

The subcommittee, however, improved it in many particulars. This bill now being considered is identical in terms with the Scott bill, but it is now known as the Beall bill, which was explained to the House so ably this morning by the gentleman from Texas, my colleague [Mr. BEALL].

Mr. Speaker, I want to direct attention to the fact that this bill strikes at only one character of transaction, and none other. It strikes at "contracts for the purchase or sale for future delivery of cotton without intending such cotton shall be actually delivered or received." Every court in this country, whether Federal or State, which has passed upon a transaction of that kind has declared it to be an illegal contract, a gambling transaction, and absolutely null and void. Now, who will say such transactions should not be prohibited; no man here will arise in his place and say they should be permitted. There has been some discussion as to the constitutionality of this bill. This bill denies the use of certain instrumentalities of interstate commerce to those who want to make these illegal contracts. The gentleman from Pennsylvania [Mr. OLMSTED], who appeared in the first case that was argued before the Supreme Court of the United States when the same principle upon which this bill is founded was passed upon, has just stated to you in no uncertain language that in his opinion that feature of this bill is constitutional.

Mr. Speaker, I want to state to the House that this bill was written following weeks of laborious study in the Supreme Court Library, and after it was thus carefully prepared it was submitted to the best constitutional lawyer in the United States Senate, who consented to examine it with a view of passing on the question of whether it violated any provision of our organic law. He carefully investigated every section of the bill, and after the expiration of the three months he returned the bill to the man who prepared it, saying: "Introduce it in the House and, to show my confidence in the constitutionality of your bill, I will introduce it in the Senate." It was then the bill was introduced in the House, and Senator CULBERSON introduced it in the Senate. There is absolutely no question about the constitutionality of the bill.

Now, Mr. Speaker, I desire to refer to what the gentleman from Oregon [Mr. HAWLEY] said a moment ago about the character of transactions aimed at by this bill. There are certain great exchanges in this country where these transactions for the sale of cotton for future delivery—where there is no intent to deliver on the part of the seller and no intent to receive on the part of the buyer—takes place, and, during the hearings before the Committee on Agriculture, members of one of those exchanges admitted that the operations of that exchange could not continue if transactions of that character were stricken down or eliminated. In other words——

Mr. DUPRÉ. May I ask the gentleman to what exchange he refers?

Mr. BURLESON. I will state to the gentleman that I do not allude to the New Orleans Exchange.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BEALL of Texas. I yield the gentleman four minutes additional.

Mr. BURLESON. In other words, Mr. Speaker, the admission was made not only by the members of that exchange, but by the officers of that exchange that these admittedly gambling transactions were essential for the continued existence of that exchange. Now, unfortunately, that exchange—the New York Exchange—because of a change in the transportation conditions of this country which took place about 1880 when the use of the through bill of lading was first introduced, reached the point where a loss of a dollar and a half a bale was sustained upon every bale of cotton that was stopped in the city of New York. And, Mr. Speaker, a moment's reflection will show anyone the reason for this. What would it avail the spinner in New England or elsewhere to stop his cotton in the city of New York when by a through bill of lading he could get the cotton from the South delivered at the doors of the mill itself? To stop cotton in New York City meant a loss for handling, which amounts to $1.50 per bale, and I give the figures of an officer of the New York exchange.

By reason of these changed transportation conditions this exchange was compelled, in order to bring to the city of New York cotton, to use as a reserve, for the fulfillment of its future contracts, to adopt the indefensible and uncommercial system of arbitrarily fixing differences of value between the various grades of cotton, during the month of November, without reference to the commercial values of the grades of cotton that existed then or thereafter. Why were the members of this exchange compelled to do this? They were forced to do this in order that they might overcome this loss of a dollar and a half a bale on cotton stopped there for reserve purposes.

Mr. Speaker, as a result of this condition the Commissioner of Corporations, who made a comprehensive report upon the cotton exchanges of this country, a report which is really the last word on the subject, says in that report that this exchange adopted a practice of uniformly overvaluing the grade of cotton that is in least demand by consumers of cotton in order that the exchange might attract that character of cotton to their reserve in New York, which cotton is largely used for tender upon contracts if, perchance, delivery should be demanded. What is the inevitable effect of this practice? This cotton that is in least demand is assembled there and used as a tender upon their contracts, and whenever they will, by tendering such cotton, they can hammer the price of this great product down below its real value to the great detriment and injury of those who produce it.

Mr. Speaker, there are two rules of this New York exchange under which the principal injuries to the cotton grower are wrought.

First, the rule which enables the revision committee to arbitrarily fix values early in the season, without reference to the differences in values fixed by commercial usage under the law of supply and demand, and under which rule they are tempted to overvalue that grade of cotton in least demand so as to overcome this loss of $1.50 a bale sustained as a result of the use of the through bill of lading. And, Mr. Speaker, I fear they are compelled to adhere to this rule in order to continue the existence of their exchange. I desire to be fair, and I would not be candid if I did not state that I believe the New York Exchange would change this rule if it could, but when it changes it and adopts the commercial system of fixing differences then, in my opinion, the days of the exchange will be numbered, for New York City has, in my opinion, ceased to be a spot-cotton market.

Second, the rule of the exchange under which the seller is given the option of delivery or settling his contract in accordance with the differences which have been fixed by the revision committee, and if he decides to deliver the actual cotton under the rules of the exchange he may deliver any or all of about 30 different grades of cotton, including tinges, stains, and some claim unspinable cotton of as low grade as that commonly known as "dog tail."

Any intelligent person can readily see that one operating under these rules may, if he has the capital, manipulate the price of futures at his own sweet will. The price of spot cotton is largely controlled by the price of futures, if not absolutely so. Many prominent members of the exchange pretend that they favor the adoption of the Government standard of cotton classification, and to so amend the rules as to require tender on contracts to be made of cotton composed of these grades. If this was done and the fixed difference system abandoned then it is my belief the ability of the exchange to manipulate the price of futures, thus controlling the market price of spot cotton and thereby working such great wrong and injury to the cotton grower, would be largely removed.

But, Mr. Speaker, in my opinion, notwithstanding the protestations of many of its members, this the New York exchange will never do until it is forced to do so by law.

Mr. Speaker, during the first hearings on this bill before the Committee on Agriculture the New York exchange was represented by its ablest exponents and defenders. Mr. Samuel T. Hubbard, its former president, was there. Mr. Arthur R. Marsh, its then vice president, afterwards president, was there. Mr. George W. Neville, its present president, was there; and Mr. Luispold Mandelbaum, who is the shrewdest of all its apologists, was there to speak in its behalf. Mr. W. B. Thompson, its president, and others were there to speak for the New Orleans Cotton Exchange.

Everyone knows that within the limited time allowed us under the rule under which we are operating at this time that it is impossible to fairly discuss this bill, but we did have time before the Agricultural Committee to discuss it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to extend my remarks by embodying an argument I made before the Committee on Agriculture in 1910 in support of the Scott bill and my cross-examination of Mr. Marsh before that committee.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ARGUMENT OF HON. ALBERT S. BURLESON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS.

The committee met, pursuant to the taking of recess, at 2 o'clock p. m., the chairman presiding.

The CHAIRMAN. Mr. BURLESON, we will now hear from you.

Mr. BURLESON. Mr. Chairman and gentlemen of the committee, I hardly feel that I am addressing this committee in my representative capacity. I am myself a producer of cotton and have been asked by the representatives of the farmers' organizations engaged in the production of cotton to present their views with reference to these bills now before you for consideration. In view of these facts I feel that no different rule should apply in the matter of my being sworn, and I ask that I be sworn as others who have appeared before you.

(The witness was sworn by the chairman.)

Mr. BURLESON. In the outset, gentlemen, I desire to say that it is my purpose to be brief in the discussion of the issues which I think have been made before this committee, and above all things I am determined, and it is possible to do so, to avoid dodging or befogging these issues by indulging in a mere multiplicity of words.

Before I proceed to the main discussion I want to say, in answer to the suggestion made by one gentleman representing the exchange, Mr. Mandelbaum, that I am sure that I am not acting under coercion in my advocacy of this legislation. Long before I received a letter on this subject I had started upon an investigation for myself with a view of reaching a conclusion, if possible, whether the practices of the so-called cotton exchanges were hurtful or beneficial to the cotton trade. After prosecuting this investigation for some time I reached a satisfactory conclusion in my own mind, and my colleague Mr. BEALL will bear me out that a number of years ago, before any action had been taken by the Texas Legislature in this matter, I met with him and one or two others in the city of Dallas for the purpose of taking such preliminary steps as would result in legislation to drive the wire houses, the representatives of the cotton exchanges, from the State of Texas.

The CHAIRMAN. The warehouses?

Mr. BURLESON. No; the wire houses.

The CHAIRMAN. Explain what that term means.

Mr. BURLESON. The wire houses, if I may so term them, are branch exchanges, are places—not called bucket shops—but places where representatives of members or firms on the cotton exchanges keep boards for the purpose of quoting prices thereon, noting conditions of the crop, and giving notices of sales or purchases on the exchanges, such information being received on a telegraph wire carried to such place for this purpose.

Mr. LEVER. And giving information to customers.

Mr. BURLESON. And giving general information relating to the cotton crop to those who buy or sell future contracts on the main exchange, through the particular wire house. As I say, I reached a satisfactory conclusion in my own mind about the hurtful result of such transactions, and I then introduced a bill which I thought would correct the evil. And right here, Mr. Chairman, I want to say that if I am mistaken about it, if the practices and rules and regulations and business transacted on the New York Exchange and the New Orleans Exchange are not hurtful to the producer and the consumer of cotton and to the cotton trade, there is nobody more anxious to ascertain that fact than I am, and for that reason—and it will not disconcert me in the slightest—I invite any member of the committee, any representative of the cotton exchanges, to propound queries to me at any time during the progress of my discussion. If the query relates to a transaction or a phase of the business with which I am not familiar, I will promptly say so, but if I can elucidate the subject matter of the query by my answer, or by telling what I believe or think about it, I will gladly do so.

Above all things, I do not want to do anything that is going to be hurtful to the cotton trade. The welfare of my people—I represent a cotton constituency—the welfare of my State, yes, of my section of the country—is so thoroughly identified with cotton, the production of cotton, the sale of cotton, and the manufacture of cotton, that if a blow were struck it we would be the greatest sufferers, and for that reason I desire to move in this legislation with the utmost caution and to avoid making a mistake, if possible to do so. Above all, I do not want to do any injustice or wrong to the people who are identified with or interested in cotton exchanges, especially those who think they are serving a useful purpose; and I want to be absolutely fair in every statement that I make and in every conclusion based upon what I believe are the facts that have been established before you.

Mr. Chairman, I gladly say—I cheerfully bear witness to the fact that, in my belief, for 10 years after the organization of the New York Cotton Exchange it served a most beneficial purpose to the cotton trade throughout the world. I believe it was a cotton exchange in the true sense of the word; that it discharged every one of the beneficial functions of an exchange. As a matter of fact, New York at that time was the second great spot-cotton market of the world. Spinners' agents, mill treasurers, exporters' agents were there for the purpose of buying cotton, the actual cotton, in New York City, and many were connected with the exchange. Manufacturers of cotton went there during that period to get their supplies, and then—and I want to absolve the members of the exchange from responsibility for it, because I would not be candid if I did not say so—I believe through no fault of theirs, a condition developed which makes it impossible for New York City to be a spot market for cotton. By the development of a commercial utility it became possible for cotton to be shipped direct from the section where it was produced to the door of the cotton mill cheaper than if it was stopped at New York.

The through bill of lading, undoubtedly—and this fact can not be questioned—when its use became thoroughly perfected and was adopted by the trade, brought about a condition which precipitated an immediate decadence of New York City as a spot-cotton market. What authority have I for this assertion, Mr. Chairman? Out of the lips of the ablest spokesman for the exchange—and I mean no disparagement to the other gentlemen when I say this, for Mr. Marsh, who has been a professor in one of our leading universities, has been the ablest exponent and defender of the exchanges in this country—we have it that a loss of a dollar and a half a bale is sustained upon every bale of cotton that is stopped in New York. Of course, gentlemen,

you know even if the improvident southern producer could not and would not take advantage of that situation, the shrewd, smart Yankee cotton spinner, the shrewdest man who lives upon this earth, would promptly take advantage of it, and he did, and the decline immediately commenced, and New York is no longer a spot-cotton market of any importance.

Now, gentlemen, I want to support the statements of fact, which I will utilize before you, by some character of satisfactory testimony. Ordinarily I am going to take it from the lips of these defenders of the exchanges themselves. Before I conclude I intend to make these spokesmen of the exchanges my witnesses and with their admissions drive the conviction home to the mind of every member of this committee, who keeps an open mind, that the New York Cotton Exchange has developed into just what Mr. Parker, the greatest southern spinner, has called it, a curse to the cotton trade.

Now, let us see whether New York has ceased to be a spot market. I am going to read from the report of Mr. Herbert Knox Smith, and with reference to this publication, gentlemen, I want to state in the outset that I accept literally every statement of fact which is found in this report. I do not agree with all of Commissioner Smith's conclusions; in fact, in one very important matter I am in thorough accord with the view taken by Mr. Marsh, which I will discuss later on, but wherever the report of the Bureau of Corporations states a fact I accept it, because there is no motive on the part of this Government official to lie; there is no reason why he should embody in this report untruths. He is not swayed by self-interest; he is without local bias or prejudice; he does not live in a cotton-spinning section, he does not live in a cotton-producing section, he is a native of and lives in Pennsylvania; and, furthermore, I know the man. He is an official of ability and integrity, and every statement of fact he has made in this report he believes to be a fact. Now, has New York fallen into a condition of decadence as a spot-cotton market? The statement made by Mr. Marsh about the loss of $1.50 on every bale going there would show you it had if I did not produce figures to further substantiate the fact. But let me show you the statistics bearing on the proposition. In order to be perfectly fair to the exchange, I will take figures for periods of 10 years apart and then give the average for the 10 years.

In 1870–71 the total sales of spot cotton at New York in proportion to the total crop were 16.9 per cent. Nearly 17 per cent of the whole cotton crop was marketed in New York City. The development of the through bill of lading took place about 1879. I was curious to know exactly when the general use of the through bill of lading took place, and I addressed a communication to the secretary of the Interstate Commerce Commission, who is one of the best posted men in matters of transportation in this country, with a view of ascertaining the history of its development. He replied that it came into free use in 1885, developing from along about 1880. Now, let us see its immediate effect in New York as a spot market. In 1880–81 the spot sales of cotton in New York had fallen off to 4.8 per cent of the crop; in 1890–91 to 1.1 per cent of the total crop; in 1900–1901 to nine-tenths of 1 per cent of the crop; and for 1906–7, the last crop before Mr. Smith's report, nine-tenths of 1 per cent of the crop—the same as 1900–1901. You naturally ask why. Mr. Chairman, there it is going to remain. New York City, as long as this cotton exchange exists, will always have spot cotton come there just about in that proportion to the main crop. Why? Because it is necessary for the exchange to have a certain reserve in New York in order to meet demands for tender upon its contracts, and by long experience through course of business they have reached a knowledge upon the subject, concluding that it takes about nine-tenths of 1 per cent of the crop in order to meet this situation.

Now, as I have said, in order to be absolutely fair I want to give the average of spot sales of cotton in New York for the 10-year periods; this I read from Commissioner Smith's excellent report:

Average for period—	Total spot sales in New York.	Total crop.	Per cent New York spot sales to total crop.
	Bales.	*Bales.*	
1870–71 to 1879–80 (10 years)	434,965	4,357,032	8.3
1880–81 to 1889–90 (10 years)	221,719	6,406,982	3.4
1890–91 to 1899–1900 (10 years)	159,467	8,973,794	1.8
1900–1901 to 1906–7 (7 years)	145,873	11,178,921	1.3

Considering these statistics, if they are based on truth, can anyone doubt that New York has ceased to be a spot cotton market?

But, Mr. Chairman, these figures show that a small lot of cotton does still go to New York. In order to get this cotton to New York it must be brought there by some one—it will not go there of itself; it will not be brought there if it is going to occasion the buyer a constant loss. Everybody is struggling for money. I do not acquit the producers of cotton of a desire to accumulate money any more than I hold up against these exchange gentlemen the desire to accumulate it. Everybody wants to make money, nobody wants to lose money. This cotton is not going to New York at a loss of a dollar and a half a bale, hence it will not reach there unless some artificial condition is created or brought into existence that will draw it there without this loss, and this has been done, and I will tell you in a moment what that artificial condition is. Now, suppose some member of this committee will say, "Well, BURLESON is mistaken about this proposition. The fact that they lose a dollar and a half on each bale would not keep cotton from going to New York, and as to these statistics that Mr. Herbert Knox Smith embodied in his report, these gentlemen, representing the exchanges, have denounced his conclusions as 'a befuddlement of ideas,' and his statement of the facts." I do not remember exactly what was the expression with reference to the facts, but they were thoroughly discredited. Suppose there is some committeeman in that frame of mind; if so, will you accept an emphatic statement by a member of the exchange upon the proposition? When the producers and the consumers come here practically united in a demand that this great incubus be lifted from them, and when they offer you admissions out of the mouths of the members of the exchange, do you propose to reject it? I do not believe you will.

Let me give you an admission deliberately made by one of their own people. But before I give to you his statement let us see who he is? Is he an obscure member, some little insignificant scalper with a desk in another member's office, who plies his avocation upon the floor of the exchange day by day, scalping out a miserable existence through the practice of his knowledge of the rules of the exchange? Oh, no; I do not offer you the testimony of that kind of a member of the New York Exchange. I bring before you the greatest spot cotton dealer to-day in the United States, if not in the world, a man whose firm has been and is represented upon the revision committee, and it is the revision committee, gentlemen, that wields the power that controls the organization, that shapes the action of the members of the New York Cotton Exchange, as I will show you later on. I will bring you the admissions of an exchange member, represented on the revision committee, he or his firm, year after year, and I will read you his own letter, giving his views about New York as a spot market [reading]:

PHILADELPHIA, *June 20, 1905.*

Mr. ATWOOD VIOLETT,
New York City.

DEAR ATWOOD: I have been intending to write you regarding your circular concerning the certification of cotton in the South, so that it would be a good delivery there against contracts made on the New York Cotton Exchange.

You understand there are two factions in the New York Cotton Exchange, one faction contending that the present system of fixing differences is uneconomical, uncommercial, indefensible, who have expressed the fear that if it was not changed the people of the United States, those people who are really vitally interested in the cotton trade, would ultimately wipe the exchange out of existence. [Continuing reading:]

I agree with your opinion in the matter thoroughly, and if you ever take the matter up again—

Evidently some matter had been taken up before the exchange on a former occasion and had been defeated, I suppose, through the power of the organization, which is possible, as I shall show you later. [Continuing reading:]

If you agree with me, I would go a step further and ask the New York Exchange to change their differences between grades, if necessary, semimonthly or monthly, depending upon the value of the respective grades of cotton.

Now, Mr. Chairman, this comes not from a spinner who wants the contract changed so as to serve his selfish ends. This is not from a spinner, and I regret that whenever anything has been read during these hearings from a spinner, or when the representative of the American Cotton Manufacturers' Association came before you to protest against the practices of exchanges, an effort has been made to leave the impression: "Oh, you can't accept what he wants, because he is controlled entirely by selfishness." Gentlemen, this man from whom I read is not controlled by selfishness, at least not from the standpoint of a spinner. I do not mean he has no selfishness in him. We all have selfishness in us. I believe that even these gentlemen are in a measure selfish. But he is one of the great cotton merchants who have been so graphically and so favorably described in the presence of this committee.

Mr. NEVILLE. Won't you add "ably"?

Mr. BURLESON. Yes; I do it most cheerfully, because I admit now that every word that can possibly be said in defense of the New York Exchange, its duies, its regulations, and its practices, has been most ably presented by the gentlemen selected by the New York Exchange to appear before this committee for that purpose. [Continuing to read]:

To avoid any effort at local manipulation of these differences it could be arranged upon the average of the differences between grades at five or six of the prominent cotton markets in the South.

My reason for the above is that the efforts of the New York Cotton Exchange for the past five or six years have been to see how poor a contract they could make in New York.

Mr. Mandelbaum says it has attained perfection, that it is without a blemish, there is nothing he would change. Mr. Neville says there is only one slight difference he would make, and he wanted a change so that the spinnable value of cotton should be considered in fixing differences between grades. If I do not forget it—and I hope I will not—I want to say a word about that when I reach that phase of the question. But here is a man who has been represented on the revision committee, as I say, for years, and one of the largest spot buyers in the world. He says:

My reason for the above is that the efforts of the New York Cotton Exchange for the past five years have been to see how poor a contract they could make in New York, and not how good a one or even fair, and I think the time has come when the New York contract should be made a better one than either Liverpool or New Orleans, for with proper differences and the certificate system there is no reason why it should not be. A vital reason for this change comes from the fact that I do not think there is any reason existing why New York should not be a cotton market for the sale of actual cotton.

You know actual cotton is spot cotton. [Continuing reading:]

It has the most perfect coastwise connections with southern ports and very reasonable rates of freight; it has frequent and cheap freight; connections with all the cotton-consuming centers of the world; it is within a night's ride of all the mills in the Middle States and New England, whose consumption is 2,000,000 bales cotton per year, if not more; it has the cheapest storage in America.

GEO. H. MCFADDEN.

But you will say, "He does not say in his letter that New York is no longer a spot market." I will read further in a moment, but in passing I want to ask, Is there a cotton producer in America, is there a cotton spinner in America or elsewhere who could voice before this committee a severer condemnation of the New York Cotton Exchange than has been made in this letter by George H. McFadden?

Mr. NEVILLE. What is the date of that letter?

Mr. BURLESON. June 20, 1905. I will read you exactly what Mr. McFadden said two years later, when Commissioner Smith was making his investigation of the exchange:

Mr. McFadden (the author of this letter), when asked in November, 1907, whether he cared to comment upon his letter said:

"Simply that since that time I have changed my mind regarding the situation. New features and new interests coming into the cotton market, and the development of the manipulations in the different positions and months, make it impossible for New York to be what I once hoped it would. Also, the freight situation, which has remained unchanged, has not operated to the benefit of New York as against New England and other spinning districts."

Now, there you have it. First, there is a loss of $1.50 a bale on each bale of cotton which is stopped in New York, which makes it impossible for it to become or continue a spot-cotton market. Second, the actual statistics—and, by the way, did I tell you the sources of these statistics I read to you a moment ago from Mr. Smith's report? I believe I neglected to do that. In order that Commissioner Smith may not be put in the attitude of going out and cooking up statistics against these exchanges I will say that the figures for the commercial crop are from the Government census publication, and the figures showing spot sales in New York are—but I will read from the report:

An idea of the shrinkage in spot sales since 1870 may be obtained from the following table—

That is, the table I read the statistics from a moment ago—

Compiled from figures furnished by the New York Cotton Exchange.

Their own figures. Now, can the conclusion be escaped that New York has ceased to be a spot market?

Now, Mr. Chairman, not only will I demonstrate that New York has ceased to be a spot market, but I want to show you that it has ceased to perform every function of a legitimate exchange. What are the functions of a legitimate exchange? From the day of Adam Smith, who was referred to so glibly here by the distinguished gentlemen speaking for the exchanges, to the last man who has written upon the subject of economics, it is agreed that the primary function of an exchange is to bring the buyer and the seller, the producer and the consumer, together. That is fundamental. It is to bring them together.

Before I proceed further I will read an excerpt from an article published in the Atlanta Constitution in 1907, which has just been called to my attention by Mr. BEALL, in which it is said:

The New York market, which, as a regular market for spot cotton, was doomed early in the eighties of the last century, found a new reason for being in the immense development of the theory and practice of hedging transactions in cotton goods.

Mr. LEVER. Who said that?

Mr. BURLESON. Mr. Marsh.

Mr. SIMS. The gentleman who testified before the committee?

Mr. BURLESON. Mr. Arthur R. Marsh, the vice president of the cotton exchange. But I will proceed.

The second important function of an exchange is that it may enable the producer and consumer to market the product at the least expense. The third function of an exchange is to aid in the speedy distribution of the product with which it attempts to deal. I do not think there can be any division of opinion that those are the important functions of an exchange.

Mr. Chairman, I believe I can show you that the New York Cotton Exchange has ceased to perform a single one of these functions.

First. Does the consumer, the buyer, go to the cotton exchange in New York in order to get his cotton supply? Who are the sellers? The producers, the farmers. Who are the buyers of raw cotton? The spinners. Now, if the producer does not go there to sell, if the spinner does not go there to buy, if it can be conclusively demonstrated that they do not go there for those purposes, will you not be forced then to the conclusion that, in so far as that function of an exchange is concerned, the New York Cotton Exchange signally fails? You heard Mr. Parker when he told you that spinners required even-running grades of cotton. He read before you the resolutions that had been adopted by the Cotton Spinners' Association, of which he is the president. I read you yesterday, and I will read it again now, if you want to hear it, what Theophilus Parsons said on this subject. Who is Theophilus Parsons? No antagonism can be aroused in my breast against the consumers of cotton. I am a producer of cotton myself. My entire fortune, nearly, is invested in cotton-producing lands. I realize, and every intelligent farmer realizes, that the value of our cotton depends upon the demand for this cotton for consumption. Who consumes it? As I have said, the spinners, Theophilus Parsons, a man who has been engaged in the spinning business for decades, honored by those with whom he has been associated for years by being elevated to the presidency of the greatest organization of cotton consumers in the world, as has been said by Mr. Neville, expressed himself about his ability to go there for cotton and what he would get if he went there.

You heard me read from Mr. MacColl, the president—I never can distinguish between the two manufacturing associations, the northern and the southern.

Mr. NEVILLE. He is the former president of the National Association of Cotton Manufacturers.

Mr. BURLESON. He is the former president of the National Association of Cotton Manufacturers, the northern organization, and you have heard his statement with reference to the proposition as to whether or not they go to the New York Cotton Exchange for the purpose of doing any sort of business. Gentlemen, it is common sense. If you were inclined to believe that Mr. Parker would come here and willfully misrepresent the facts, do you not know that it is stated time and time again in this report that even-running grades of cotton are required by spinners, generally a half grade above or below a specified grade? It is admitted that if you go to the New York Exchange and purchase a future contract and demand delivery on that contract, you will get or may receive 28 different grades of cotton under the same contract if they see fit to give them to you. Gentlemen, don't you know it is human nature that if I have a contract to deliver to you certain property, and I have the option, as the seller, to deliver to you, and I do not want you to call on me for delivery, that I will tender the very character of stuff you do not want to receive, in order to make you run away from the contract? That is human nature. It is conclusively shown in Commissioner Smith's report that these future contracts for the delivery of cotton are formulated, so framed, that a delivery of 28 different grades can be made if delivery is demanded. Every spinner would flee from such a delivery as he would from a pesthouse, a leprosarium.

This legislation has been under discussion for some time. Don't you know that if there could have been found in the United States a spinner who had gone to the New York Cotton Exchange and demanded a delivery for the purpose of using the cotton in his mill he would be here to tell you of it? The

buyer, then, does not go there—to the New York Exchange or New York—for his cotton; and I might end the discussion right there because if the buyer, the consumer of cotton, will not go there there would be no necessity for the producer to carry his cotton there for sale. But out of the lips of Mr. Marsh we have it that the producer, if he carried his cotton there, would lose $1.50 on each bale, and of course he will not carry it there.

Furthermore—and on this proposition there can be no mistake—Mr. Marsh in his testimony used the language that the New York Cotton Exchange is not a medium through which cotton is either bought or sold. Why? That is literally true; he meant literally what he said. They do not deal in cotton on the New York Cotton Exchange; they deal in cotton-future contracts. And right on that point I want to read you an interview some friend in New York City clipped out of the New York Commercial and mailed me on December 7. It is an interview by Mr. T. Ashley Blythe, a director of the National Cotton Manufacturers' Association. He gave out the following statement:

The commissioner's report—

Speaking of the Commissioner Smith report on the cotton exchange—

covers the situation in most respects, but unfortunately does not go far enough. He does not show clearly the unfortunate position that the legitimate spinner or consumer is placed in by the gambling methods of the New York Cotton Exchange.

It is a well-known fact that no legitimate cotton spinner in the world can spin cotton yarn out of cotton futures. The commissioner does not state what is known to every well-posted cotton spinner—that the cotton exchange of New York sells you cotton on a middling basis, and when the money is put up and the cotton demanded, gives you for every 100 bales probably not more than 5 or 10 bales of any particular grade. In other words, and to be as brief as possible, the cotton exchange of New York, as it is now operated, is not only clearly in restraint of trade, but, further than this, obtains money under false pretenses.

Theophilus Parsons, the head of the greatest cotton consumers' organization in the world, gave you his opinion about the danger of consumers going there to purchase. Mr. Parker, the president of the American Cotton Manufacturers' Association, the southern organization, tells you they do not go there. Mr. MacColl, who was the president of the National Association of Cotton Spinners, tells you that thousands and thousands of them never buy futures and that the exchange has been used to a very limited extent. And here is Mr. Blythe, a present director in that great northern association of spinners, expressing his views on the subject. Now, gentlemen, can there be any question about it that, in so far as bringing the producer of cotton and the consumer of cotton together, the New York Cotton Exchange does not perform that legitimate and primarily most important function of an exchange.

Now, does the cotton exchange perform the second function of an exchange? I do not want to forget anything. I certainly do not want to evade any phase of this question, and I repeat again, if any member of the committee or any other gentleman here wants to ask any question about this phase of the question before I proceed, I invite him to do it, because if I am in error I want to know it.

Mr. COCKS. I would like to have you explain what became of all this cotton that has been in New York. You say the spinner does not go there to buy it. Where does it go? The same cotton does not stay there from year end to year end, does it?

Mr. BURLESON. Some of it stays there year in and year out.

Mr. HAUGEN. How much of it?

Mr. COCKS. That is it. How much do you suppose?

Mr. BURLESON. These gentlemen are in a position to tell. I will show you this; I will show you, from one of the certificates from their warehouses, that they certificate more cotton in a year than was brought there, showing conclusively that some of it must have been brought over from the year before. You ask me what becomes of it. Did you not hear Mr. Parker when he stated that when the future contracts were selling so extremely low in New York he thought surely he could go there and accept delivery at a profit; and he went there to one of the great speculators on the exchange, formerly a member of the exchange, a man whom I heard deliver an address in Philadelphia a few years ago? I went over there myself to deliver an address to the cotton spinners, at their invitation, and just before I delivered my address, or just after, I forget which, Mr. Theodore H. Price delivered an address in which he spoke of the New York stock. He said——

Mr. MANDELBAUM. I would like to ask Mr. BURLESON one question, and that is, you have laid great stress on the fact that it costs a dollar and a half to bring cotton to New York?

Mr. BURLESON. Yes, sir; so Mr. Marsh has said.

Mr. MANDELBAUM. I believe Mr. Neill, one of the parties you represent, has stated that it cost them the first month alone, in Galveston, $1.

Mr. BURLESON. I am neither defending nor explaining conditions in Galveston, Tex. I am explaining the effect of a statement of fact made here by the vice president of the cotton exchange which shows the impossibility, from a commercial standpoint, of spot cotton reaching New York. I do not feel called upon to discuss Mr. Neill's statement about storage charges; it is extraneous matter, and I do not want to encumber the record with it.

Mr. MANDELBAUM. I know; but I do. I want to know whether my question is not a question of fact.

Mr. BURLESON. It may be; I do not doubt it. It is immaterial.

Mr. MANDELBAUM. A question of fact that has been brought out at this hearing?

Mr. BURLESON. I do not doubt it, as far as that is concerned.

Mr. MANDELBAUM. That is all.

Mr. BURLESON. I take no issue with you about it.

Mr. MANDELBAUM. Do you not know it is so, that it has been brought out?

Mr. BURLESON. Mr. Mandelbaum, I do not know it, nor do I for the purposes of this argument care.

Mr. MANDELBAUM. You do not know it?

Mr. BURLESON. No.

Mr. MANDELBAUM. You do not know, in other words, what has been going on or what Mr. Neville has been testifying?

Mr. BURLESON. I will accept his statement; I will let it go at that.

Mr. MANDELBAUM. Let it go at that.

Mr. BEALL. Regardless of that, it is a fact that spot cotton does go to Galveston in large quantities.

Mr. BURLESON. Undoubtedly; it is a great cotton market.

Mr. MANDELBAUM. Is it not a fact that three-fourths, or practically seven-eighths, of the cotton that goes to Galveston goes only through Galveston?

Mr. BURLESON. That may be true; it is also a great export market.

Mr. MANDELBAUM. Do you realize that there is nearly as much cotton that goes to the port of New York as goes to Galveston?

Mr. BURLESON. Oh, no; the facts don't show that.

Mr. MANDELBAUM. We will show you.

Mr. BURLESON. I have your own figures upon that proposition.

Mr. MANDELBAUM. Never mind.

Mr. BURLESON. Since the question has been raised, I believe it was; but you gentlemen are in the trade; you should know more about that than I do.

Mr. NEVILLE. We will answer you, Mr. BURLESON.

Mr. BURLESON. I say there is more than 2,000,000 bales of cotton that goes to and through Galveston each year.

Mr. NEVILLE. We will give you the whole thing when you get through.

Mr. BURLESON. I will read——

Mr. MANDELBAUM. One million three hundred and fifty-two thousand bales went last year through New York.

Mr. BURLESON. I doubt that, but I will read what Commissioner Smith said in——

Mr. MANDELBAUM. I do not care about Commissioner Smith; I am talking about the facts in the matter.

Mr. MCLAUGHLIN. I would like to hear what Commissioner Smith says.

Mr. BURLESON. I will read the figures given in his report.

The CHAIRMAN. To whom does he credit those figures?

Mr. BURLESON. To the New York Cotton Exchange. On page 249 you will find that. Suppose cotton does go through New York for export. Let us admit for the purpose of this argument it goes through there for purposes of export; admit that 2,000,000 or 2,500,000 bales go through there for export. Does that make it a spot-cotton market?

Mr. MANDELBAUM. Just as much as Galveston, when you say that seven-eighths of the crop goes through Galveston without being handled there; just as much.

Mr. BURLESON. On page 249 of this report are given the New York spot sales, "for export," "for consumption," "on speculation," and the total. I will take the last year we have here, 1906–7: For export, 18,464 bales—I really hesitate to read it, because it is incredible—for consumption 99,801 bales. Two years ago I was reading from Shepperson's Cotton Facts, or Latham Alexander's Statistics, that for a particular year there was only, I think, 23,000 bales of spot cotton that reached New York during the year, and dear old Shepperson, who has been in the cotton business a long, long time (he is the exchange's principal statistician), nearly had a spasm when he read my deductions from these figures; and he rushed into the columns of the New York Journal of Commerce making a defense of New York as a spot market, and he was ably supplemented in this effort by Henry Hentz & Co., and even the Evening Chron-

icle took a whirl at me on the proposition, saying I was either wittingly or unwittingly falsifying the records in order to show that New York had ceased to be a spot market, and yet George H. McFadden, the greatest spot merchant in the United States—and these gentlemen can not deny it—a member of the New York Exchange, admits it has ceased to be a spot cotton market, and that he has abandoned hope of its ever again being a spot market.

Mr. MANDELBAUM. What page did you read those figures off?

Mr. BURLESON. Two hundred and forty-nine, volume 1.

Mr. SIMS. May I ask you a question right there? It was read yesterday by Mr. Neville in reply to a question from something, I don't know what he read from, that the deliveries and redeliveries of cotton in New York on the cotton exchange for a year were about 500,000.

Mr. NEVILLE. Five hundred and six thousand.

Mr. SIMS. And his deduction was that about two-thirds was the cotton that was bought and sold during that current year.

Mr. NEVILLE. We have the spot sales right here.

Mr. SIMS. Now, Mr. BURLESON, if the whole 500,000 bales had been bought and sold on the cotton exchange that year, if they would equal one-twentieth of the cotton crop of that year, I would like to ask if one-twentieth can possibly fix the price of the nineteen-twentieths?

Mr. BURLESON. Certainly it should not.

Mr. HUBBARD. Is Bartlett, Tex., in your district?

Mr. BURLESON. Yes; and it is quite a cotton market.

Mr. HUBBARD. Do you know a gentleman there by the name of W. B. Cox?

Mr. BURLESON. Yes; I know him.

Mr. HUBBARD. Will you be kind enough to write to him and ask him how much cotton he shipped to me this last year?

Mr. BURLESON. Why should I do that? I do not doubt he shipped you cotton, but for the purposes of this discussion, we have the statistics of the exchange itself. If we can not take the statistics of the exchange, if these gentlemen are not willing to stand by their own figures compiled by their own statistician, promulgated in their own defense, we can have no basis for fair discussion, and this controversy would be interminable. Now, Mr. Chairman, I am perfectly willing to answer any questions hereafter propounded, but I want them to be short, because my time is flying.

Mr. MARSH. May I make one simple suggestion, that Mr. BURLESON give the figures for the spot sales in New York and then the figures for the spot sales in Galveston?

Mr. BURLESON. I think I have that right here in this speech of mine—a very comprehensive document, by the way.

I will read, though I believe it does not give spot sales:

In 1906, as I have shown, the entire receipts at New York amounted to 6,575 bales, and in 1907 the receipts reached a total of 23,108 bales. For the same year (1907), the receipts at Galveston amounted to 3,891,695 bales; at New Orleans to 2,290,971 bales. At the end of that season Galveston had 30,820 bales on hand and at New Orleans there remained on hand 31,964 bales.

Now, let's see what stock remained on hand at the end of the same season in New York—169,975 bales. Its receipts during the three years preceding in the aggregate were less than 65,000. Thus, you see, we have the proof of the truth of the charge made by Mr. Price and many others that this low-grade cotton has been accumulated and held in New York for several years for purposes of tender on contracts for futures.

But, gentlemen, for the purposes of this discussion, understand me, suppose I admit that Galveston is not a spot market at all; Galveston is not under discussion here; why should we divert attention from the real issues involved before this committee by weaving in a thread of irrelevant matter to cover up, confuse the real woof and warp of matters in controversy? Why should we do it?

Mr. COCKS. I will tell you one reason why, because I would like to know where in the world there is a spot market?

Mr. BURLESON. There are innumerable spot markets.

Mr. COCKS. All right. If it is not in New York, I would like to know where it is. I am all mixed up on this.

Mr. BURLESON. I will say to the gentleman from New York that Houston, Galveston, New Orleans, Savannah, Memphis, Taylor, Waco, and Greenville are great spot-cotton markets, where men are to be found day by day, week by week, and month by month acting for spinners who want real cotton, buying cotton in even-running grades for purposes of legitimate consumption.

Mr. COCKS. What I would like to know is how does the cotton get from these spot markets you have mentioned to the spinner in New England, for instance; is it shipped there to him?

Mr. BURLESON. Mr. Cocks, it is bought either by the merchant or some spinner's agent in 100 or 500 bale lots when it is needed, assorted into even-running grades, and that is sent by through bill to the mill.

Mr. NEVILLE. Mr. Cocks, for fear you get a false impression of that, I would like to ask Mr. Burleson if the farmers sell it to the agents in even-running lots?

Mr. BURLESON. Certainly not. I sell my cotton frequently in what is termed, colloquially——

Mr. NEVILLE. Hog-round?

Mr. BURLESON. Hog-round. I sell it hog-round. For instance, I have a number of bales of cotton that is very bad, low grade; it was the last pickings; it was the last cotton that was scraped together in the ginnery, before it was put through the gin, and finally ripened into a bale, and I make the entire lot of cotton sell this low stuff. I make the good sell the bad, and the man who buys it culls it, selecting that desired by spinners, and the remainder is what is called "overs." The low grades are left over, and it is these overs, as I will show you by admission of the exchange, or the representative of the exchange, which, as a result of the action of the revision committee of the New York Cotton Exchange, finds its ways to the warehouses of the New York Cotton Exchange and acts as a thermometer or a standard by which the value of the product of the farmer, yet unsold, is frequently if not constantly measured.

Mr. MARSH. May I ask a question at that point? I should like to ask Mr. Burleson whether he has been encouraged by the New York Cotton Exchange to produce and pick a low grade of cotton?

Mr. BURLESON. Oh, no; I have not been encouraged to do that, but I will say this, and Mr. Marsh can not escape the conclusion, and every man here will know it is true—that on a big plantation there is not that care exercised about protecting the cotton from trash. You must remember that in white cotton it is trash alone that either lowers or raises the grade, and when I know, and when it is known by every practical farmer in the South, that some one will take this low-grade cotton, that you can force them to take it, and that they take it because of the fact that they know it has been overvalued in New York and can be disposed of, I will show you this cotton is overvalued in New York so that no one can possibly get away from admitting it—that these low grades of cotton or undesirable grades have been constantly overvalued, that it will find its way to New York. Undoubtedly if that opportunity of disposing of this cotton was done away with, was eliminated, the farmer would be more careful in the gathering and treatment of his crop so as to protect it from leaves and trash.

Mr. HOWELL. You state that the mills buy even lots of cotton?

Mr. BURLESON. Yes. Cotton of even running grades.

Mr. HOWELL. And yet there must be a large part of the crop that is inferior cotton?

Mr. BURLESON. No; not a large part, Mr. Howell. It has been estimated at less than 10 per cent.

Mr. NEVILLE. You referred just now to the overs being low-grade cotton.

Mr. BURLESON. Oh, no; overs may be either of themselves, a very low grade of cotton or it may be that in a year where the cotton crop is of a very high grade—the overs may be extremely high-grade cotton. And in a year like that, instead of overvaluing the low grades of cotton the New York Cotton Exchange, because this very high-grade cotton is the least desirable cotton, from the standpoint of the spinner, have overvalued the high grades, and I will show you that stated emphatically in Commissioner Smith's report.

Mr. NEVILLE. One more question on the subject of overs.

Mr. BURLESON. Yes, sir.

Mr. NEVILLE. Does it ever happen that a buyer in your territory, in buying your run of cotton, hog-round, could happen to have overs running from strict low middling to good middling? I am only asking because I want to get the record straight; these are not antagonistic questions.

Mr. BURLESON. Permit me to assure you in advance that I always regard you as friendly, and you could not ask a question that would arouse antagonism on my part. I want to answer your question in the utmost candor. Mr. Chairman, as incredible as it may sound, for I have been in the cotton-producing business all my life, from the time I was 18 years old, when I commenced to look after and manage my own farm, I have been producing cotton, and I pledge you my honor I can not tell one grade of cotton from another, hence I can not answer Mr. Neville's question.

Mr. NEVILLE. That is all.

Mr. BURLESON. You must have cotton right before you in order to class it, and then you must be able to keep in mind the difference in grade. That is one of the reasons prompting me to introduce my bill a few years ago to bring about a uniform standardization of cotton. I did it in order that the farmers and producers might be able to secure a standard to show the different grades of cotton.

Mr. MANDELBAUM. Were you not indorsed by the New York Cotton Exchange, and were not your standards approved?

Mr. BURLESON. No; I do not think they have yet been approved.

Mr. MANDELBAUM. Were you not indorsed, and were you not told it would receive the full approval of the exchange?

Mr. BURLESON. I believe that is true; but, as I said before—and I am not saying it just to hear the sound of my own voice; I never was more honest in a statement in my life—I sincerely believe if these gentlemen could conduct a proper exchange in New York they would do it. I have no feeling of antagonism in my heart toward them. I told you just now that geographic conditions, conditions of trade, are such that it is utterly impossible to maintain a cotton exchange in New York, and these gentlemen must recognize that fact. I am not criticizing them harshly; they can not help themselves; and I make that statement believing sincerely in its truthfulness. I do not know whether I have answered the gentleman from New York about how it ultimately reaches the spinner. It is bought by such men as Weld, Neville & Co., McFadden & Co.——

Mr. NEVILLE. And thousands of other parties.

Mr. BURLESON. No; not thousands, but numbers of others. Sometimes they buy it hog-round, as I have described, and sometimes they have their men to buy it in large lots from merchants. They assemble it and make the selection of grades desired. They make the assortment, responding to the demands of the spinner, and then ship it to him direct.

Mr. JOHNSON. You were diverted from what you were about to say about Mr. Parker going to New York to buy cotton. I would like to know if Mr. Parker got any cotton.

Mr. BURLESON. Yes; to return to our muttons, we all recollect about Mr. Parker saying that a few years ago he thought the prices of future contracts in New York were so much lower than spots that he could surely go there and get cotton at a profit that he could use. He said, "I went up there, and I went to Mr. Theodore Price." Theodore Price at that time was conducting a bull or bear raid, I do not know which—and in this connection I will say candidly that I believe I understand the economic effects of certain of the rules of the New York Cotton Exchange, which I am going to discuss, but there are transactions that take place on the exchange with which I am not familiar. I do not pretend to be familiar with them. I can not explain how their rules can be evaded; how this "scalping" process takes place; how "turns" are made; how they "hammer the price down"; how they create or bring about "rings." I do not pretend to be familiar with those. But I know that at the time I speak of Mr. Parker said Mr. Theodore Price had accepted delivery on contract of a large amount of certificated cotton. He was conducting some sort of a transaction on the exchange and had accepted delivery of a large amount of the New York stock. Now, gentlemen, you remember how Mr. Theophilus Parsons described this cotton. What did Mr. Parker say about it? "I went there, and Mr. Price was anxious, of course, to get rid of this cotton in order to effect his corner, or squeeze, or whatever it was." He had taken the small quantum of cotton in New York at that time, and still demanded of these—I will not say gamblers—these merchants, that they come forward and comply with their contracts. Mr. Parker wanted cotton, and looked into some of this Mr. Price had on hand. He opened up some of it, and what did he find? I will not attempt to describe it, but leave it to your recollection as to what Mr. Parker said of it. I will not attempt to quote him, but we all know he said it was useless to him. And I suffered another diversion, Mr. Chairman, when I started to tell you what Mr. Price said in his Philadelphia address about the New York exchange stock of cotton. I will in this connection read what he said. [Reading:]

There is no limitation in New York upon the delivery of cotton, with a staple so short that it is almost unspinnable. In fact, in my opinion, there is in the New York stock at present a considerable quantity of cotton that approaches dangerously near, so far as its staple is concerned, to what are ordinarily described as "linters." This is cotton which has remained in New York for an indefinite period.

* * * * * * *

They sell what they do not have in the hope that delivery of it may not be demanded, and to make sure that it will not be demanded the process of rendering the stuff that was to be delivered less and less desirable, year by year, has continued until to-day there are in New York some 20,000 or 30,000 bales of cotton which I think have been there from three to four years, and some of it longer, and which no one can be induced to buy except for the purpose of redelivering it as a means of depressing the market.

Mr. MANDELBAUM. Mr. BURLESON has talked about the geographic position of New York.

Mr. BURLESON. Yes, sir.

Mr. MANDELBAUM. On that point I want to ask the question again, how it was possible that if the geographic position is so against New York 1,352,000 bales of cotton should go through it in one year?

Mr. BURLESON. Well, I should like very much to be sure of your premise before I answer. If 1,350,000 bales of cotton did go through New York for export purposes, that would not make it a spot-cotton market.

Mr. MANDELBAUM. Your conclusion about the geographic position was incorrect.

Mr. BURLESON. Oh, no; the geographic position alluded to is with reference to the section where the cotton is produced, and I think every member of this committee understands what I meant by that. I think I have shown that the consumer of cotton does not go to New York for his stock, nor the producer to sell. That is one function of an exchange that the New York Cotton Exchange does not meet. I do not think any man can possibly gainsay that proposition. Now, let us go a step farther. Does the New York exchange perform the second important function of an exchange? Does it aid in the marketing of the crops at the lowest expense to producer and consumer?

Mr. HAUGEN. I infer from what you say Mr. Parker said that the cotton carried in New York, in the warehouses of New York exchange, is of very inferior quality—poor quality cotton?

Mr. BURLESON. Mr. HAUGEN, I will give you a clean-cut answer to that query with which these gentlemen will not take issue. The New York stock depends on the general character of the cotton crop. If the general character of the cotton crop is low—I mean low in grade—and the revision committee of the exchange has overvalued the low grades, then the cotton which finds its way to the exchange for certification is low-grade stuff; but if the general character of the crop is of high grade, then the revision committee will overvalue the higher grades of cotton, and instead of being low-grade stuff seeking certification by the exchange, it is the very highest grades of cotton; it is the character of the cotton crop which determines what kind of cotton finds its way to New York. I will put it to you in a word—as was said by Mr. Marsh, the cotton brought to New York is that grade being least freely bought by the spinner.

Mr. HAUGEN. But my inquiry is as to the quality of cotton. I want to know if you contradict the statement made by Mr. Marsh. He says the quality of cotton is good; that is, it comes up to a certain grade. Do you agree with Mr. Marsh as to that statement, the quality of cotton held in the warehouses in New York and sold to the warehouses of New York?

Mr. BURLESON. As I said, Mr. HAUGEN, it depends on the general character of the crop.

Mr. HAUGEN. I do not think you answer my question as to the quality now of the cotton.

Mr. NEVILLE. If you will let me put a word in right there, I think you will make this clear to Mr. BURLESON. Say, if the spinning quality of the cotton in New York is the same.

Mr. HAUGEN. It is not necessary to have spinning quality if it has quality.

Mr. MANDELBAUM. The gentleman's question is whether the cotton furnished if of the correct grade.

Mr. BURLESON. I will answer your question as best I can. I have never seen any of this cotton myself. But if I had to pass on its quality, I would rather accept the testimony of men who spin cotton, like Theophilus Parsons, like Mr. Parker, like Mr. Blythe, or Mr. McCall, than the testimony of men who speculate in cotton. You heard, also, what Mr. Price said on this subject.

Mr. HAUGEN. Then do you except to the statement made by Mr. Marsh that the quality of the cotton is good, and the same quality of cotton is handed out that is received? My question is, Is the cotton dumped on the New York market of that quality? He says that the quality was good, up to a certain standard—I do not remember the term used. Do you except to that statement?

Mr. BURLESON. I do not deny that the character of cotton certificated there is the character of cotton that they turn out, as you put it; but I do deny——

Mr. HAUGEN. Your contention is that they manipulate the price of it?

Mr. BURLESON. Not only that, but as to its quality, permit me to read to you——

Mr. HAUGEN. I do nt want to take up your time. I do not question your statement about the price. I simply wanted to know as to the quality of cotton that is being delivered at the exchange in New York.

Mr. NEVILLE. If Mr. BURLESON will pardon me, I introduced yesterday, before this committee as a witness, a gentleman who is now in the employment of the Agricultural Department, making the standard types that Mr. BURLESON offered the resolution for a year ago. That gentleman testified as an expert and under oath of allegiance to the United States, in the honest

discharge of his duties, that he had classed the cotton referred to—some of the cotton referred to—in the New York stock, and that it was all merchantable and spinable cotton called for in the trade certificate.

Mr. HAUGEN. Now, what I want to know is if Mr. BURLESON excepts that statement.

Mr. BURLESON. No. I do not.

Mr. HAUGEN. As a fact?

Mr. BURLESON. No; I do not believe this cotton is desired by spinners.

Mr. HAUGEN. That is what I wanted to know.

Mr. BURLESON. I will read from Mr. Marsh himself on that point:

The reserve (actual cotton) of the New York Cotton Exchange must always be taken from those kinds of cotton which for the time being spinners are not buying freely, and which consequently holders of cotton in the South are willing to part with at a concession for the sake of getting their money out of them.

Mr. HOWELL. Then, I think my question comes in.

Mr. BURLESON. Permit me to finish my answer to Mr. HAUGEN. What is the quality of cotton? Mr. Marsh says it is cotton the spinners are not buying freely—in other words, cotton they do not want. What character of cotton is it? I will now read from a report by the chairman of one of the important committees of the New York Cotton Exchange. Are you willing to accept declarations made in his report? You ought to be willing to accept his admissions. What did he say [reads]:

The cotton world is demanding that we must represent the real trading basis, the spot prices, for spinners' cotton, not prices based on overs, low grades, and speculations.

Now you will remember I asked Mr. Marsh the question: "Mr. Marsh, what is it that fixes the price of future contracts?" He says, "It is an offer to sell on the part of one man and the acceptance of this offer by another that fixes the price of the future contract." "What are those prices based on?" "They are based upon the cotton that is in the warehouses of the New York Cotton Exchange tenderable on these contracts. This is true, because a man bids with the expectation of paying for that which he is going to receive." "What is he going to receive?" "He is going to receive the quality of cotton that is in the warehouse." "What is in the warehouse?" "Low grades, or cotton not being bought by spinners, and overs." You can not get away from it.

Mr. COCKS. Yes; but you said sometimes it was very high-grade cotton.

Mr. BURLESON. Oh, yes. Now, wait a minute.

Mr. COCKS. I am confused. I am getting a little mixed about this.

Mr. BURLESON. And yet there is no reason why you should be. I tried to make it as plain as I could. When the trade does not want high-grade cotton, when there is a great superabundance of high grades, then the accumulation in the New York Cotton Exchange is of the very high grades, because those are the characters of grades that the spinners are not buying freely.

Mr. COCKS. Then would not that raise the price?

Mr. BURLESON. Raise the market price?

Mr. COCKS. Yes; deliverable on contract?

Mr. BURLESON. On the contrary, the fact that these grades are not wanted, but at the same time are overvalued, makes a man run away from it. They can not sell them, hence the price of futures is depressed.

Mr. COCKS. Yes; but it ought to make the price higher of the poor cotton.

Mr. BURLESON. Oh, not at all; because those grades are overvalued and——

Mr. COCKS. If I have a carload of horses to sell and the valuation is based on the best horse in the car, of course a low-priced horse is going to bring what I consider an over-high price.

Mr. BURLESON. Yes; but when they overvalue the high grades, and you do not want them and they have them, and you know——

Mr. COCKS. Yes; but even so, if my other horse is going to be delivered, that low-priced horse, at the price of the high one——

Mr. BURLESON. You must remember that this is a basis contract. You do not get all high grades of cotton; it is a basis contract. That is where the difficulty comes in of understanding it.

Mr. HAWLEY. You read an extract there from some remarks of Mr. Marsh a moment ago, and I did not hear your conclusion. Did you deduce from his remarks that he admitted that the cotton in the warehouses in New York was not merchantable or spinable?

Mr. BURLESON. It was the character of cotton that the spinners are buying least freely; that is, the cotton that is the least desired by them at the particular time.

Mr. HAWLEY. I wanted to know whether you thought that was an admission on his part that the cotton there was not what you call spinable?

Mr. BURLESON. When it is a low-grade crop, when the character of the crop is low grade, it undoubtedly is.

Mr. MANDELBAUM. Mr. Chairman, the only thing that puzzles me in the explanation of Mr. BURLESON is this, that he spoke that we are dealing in nothing but phantom and spook cotton, and I do not understand, therefore, what the cotton has, according to his opinion, to do with the whole matter. [Laughter.]

Mr. BURLESON. If Mr. Mandelbaum will contain his soul in patience, I will shortly discuss that phase of the matter. I will show him how much of this cotton is spook or phantom cotton and how much of it is actual cotton. But I wanted to show, if I could, and I think I have—that the New York stock, whether high or low grade, is always undesirable. I am anxious to proceed to the next branch of this discussion, because I want to agree with Mr. Marsh. I want to show that as to the second function of an exchange the New York Cotton Exchange fails to meet the test. That is, does it aid in marketing the cotton crop at the least expense to the producer and consumer?

Mr. LEVER. Before you leave this point, I think if you will just explain this proposition you will make it clear to these gentlemen what you have been driving at, and I think you have not made it clear. Whenever there is a very high grade of cotton raised during the course of the year the New York Cotton Exchange overvalues the high grades?

Mr. BURLESON. That is what I have said as plainly as I could state it.

Mr. LEVER. If there is a large crop of low grades, they overvalue the low grades?

Mr. BURLESON. I have so stated.

Mr. LEVER. For the purpose of drawing those grades into the stocks of New York, for the purpose of delivering upon future contracts, for the purpose of depressing the prices of future contracts; is that true?

Mr. BURLESON. I will not say that is the purpose of it. That is the inevitable effect. If it is not wanted, a grade, whether high or low, if tendered on contract, depresses the price of futures.

Mr. LEVER. Is that the effect?

Mr. BURLESON. That is undoubtedly the effect of it; and just one more assertion. I do not know how I can make it plainer than I have already made it by reading Mr. Marsh's statement about it.

Mr. COCKS. I understand Mr. Marsh's statement exactly, I think, but the point I do not understand is, How does overvaluing the high-grade cotton depress the spot market or the price to the producer? That is what I can not see.

Mr. BURLESON. I have not reached in my discussion the effect of the price of futures on spots, but I promise to submit data bearing thereon which will be to your complete satisfaction. The point now is the character of the New York stock, and I could not make my meaning plainer if I were to state it a thousand times. Mr. Marsh expresses it exactly in his statement. With a wonderful facility for conveying the thought in his mind, he expressed it exactly, and much better than I could, when he said:

The reserve of actual cotton in New York must always be derived from those kinds of cotton which for the time being spinners are not buying freely, and which consequently holders of cotton in the South are willing to part with at a concession.

That is, the men who grow the cotton, whether it is high or low grade cotton, which at the particular time is not being sought by the spinner, are willing to get rid of it at a concession in order to dispose of it.

Mr. COCKS. Is not that true in regard to everything? If I go into Kansas City with a carload of heavy hogs, and there happens to be an overplus of heavy hogs on the market, I may have to carry those particular hogs over until the next day.

Mr. BURLESON. That is all right, but suppose it was within some one's power to use the price offered or given you for this undesirable load of hogs as a standard to measure the value of the desirable hogs that were being brought there by other people; would not that be unfair?

Mr. COCKS. Sure.

Mr. BURLESON. Would it not be unjust?

Mr. COCKS. And on the other hand, suppose the high-priced load of hogs was used as a standard to value the hogs of everybody else. [Laughter.]

Mr. BURLESON. But suppose that those hogs must be disposed of——

Mr. COCKS. Oh, never mind; they are good hogs and they will keep. [Laughter.]

Mr. SIMS. I think there is a misunderstanding of what you are getting at.

Mr. BURLESON. There is absolutely no misunderstanding on my part.

Mr. SIMS. The cotton exchange, as I understand, puts a value on that high-grade cotton at a time in excess of what you could sell the cotton for in market if delivered to you on the contract?

Mr. BURLESON. That is it.

Mr. SIMS. And therefore, instead of taking the delivery and selling out the cotton——

Mr. BURLESON. They run away from it.

Mr. COCKS. I understand that, but I do not see how that depresses the price to the man who brings a bale of cotton in that very day. It looks to me like he must be getting a big price for his cotton if it is based on the low-grade cotton.

Mr. ELLERBE. Is it true or is it not true—I must confess I have not seen a published statement in some months, but is it not true—that approximately a year ago there was in the neighborhood of 35,000 or 40,000 bales of cotton in New York that was considered unspinnable, and that that cotton, according to all newspaper reports, was used to depress prices?

Mr. BURLESON. Of course I have no knowledge of that. I read what Mr. Price said about it.

Mr. ELLERBE. Is it not true that two months ago, taking the grades of cotton from the top to the bottom, there was a very small percentage of cotton in the warehouses of New York that was middling or above?

Mr. BURLESON. I have no knowledge about that. I have not seen it.

Mr. ELLERBE. Is it or not true that there are a great many mills in this country that can not spin cotton below strict low middling?

Mr. BURLESON. I have no personal knowledge on that proposition. When I reach that phase of the question in my discussion, I have a certificate of the New York warehouses of the New York Cotton Exchange which I will submit to this committee, which shows exactly the character of the cotton that it had in its warehouses at that time.

The CHAIRMAN. Allow me to suggest that it is growing late, and we want to finish the hearings on this branch of the subject this evening, and I think you had better proceed with your argument, Mr. BURLESON.

Mr. BURLESON. Let us see whether the New York Cotton Exchange performs this function of an exchange by marketing this cotton at the least expense. It has been brought out in this testimony that the commission is $7.50 for each 100 bales for the buyer and $7.50 for the seller, or $15 on every 100 bales of sales that take place on the New York Cotton Exchange. That is an admitted fact. Now, these gentlemen who operate the New York Cotton Exchange maintain elaborate establishments in New York. They have typewriters and stenographers and elaborately furnished offices, and the New York Cotton Exchange itself is a palatial structure, and it costs some money to operate that. Many members operate private telegraph lines to warehouses and local agents throughout the country. These expenses, added to commissions which amount to $7,500,000, must amount to a vast sum. Is this all? By no means. It takes a vast amount of money to finance future transactions—not based on actual cotton, it is true—I have shown that the actual cotton does not go to New York—nevertheless, the burden of all this expense rests on the actual crop.

Consider for a moment the money required for future transactions. If $2 per bale is required by way of margin on each transaction of 100 bales, the buyer and seller between them put up $400. It is a simple matter of caculation to arrive at the result showing that first and last on 50,000,000 bales of cotton $100,000,000 would be required in margins from the seller and a like amount from the buyer. Of course these vast sums are not all required at one and the same time, but when it is used someone pays interest thereon. Now, if a fluctuation in price takes place, a further margin is required; for every 20 points an additional dollar per bale must be put up. And if a violent fluctuation occurs and a change of as much as 100 points is made in the market price, it would represent on the year's transaction one-quarter of a billion dollars. I would not have you believe for a moment that any such sum of money or credit is called in use at one time, but during the cotton season covering the full year this vast sum in the aggregate may be required, and if so, some one pays tribute therefor in the way of interest. What in the way of additional burden does this place on the actual crop? It staggers one who attempts to make the calculation. Upon whom does the burden of that rest? Where does it fall? Mr. BRALL repeatedly during the hearings asked the question, "Where does it rest; where does it rest?" I do not agree with the statement contained in Commissioner Smith's report that it rests upon the speculator. Not a bit of it. Mr. Chairman, there is no peculiarity hedging around cotton which exempts it from the operations of the ordinary laws of trade. If I have a horse that I want to sell, and I propose to sell through a broker and that broker is going to charge me 5 per cent for his services, and I wanted to realize $95 for my horse I would just add $5 to my price and sell my hose for $100. The man who bought it would of course bear the burden of the broker's commission.

Mr. COCKS. He might make you split the commission. [Laughter.]

Mr. BURLESON. He would if he was as smart as the people on Long Island. You may reverse the proposition. If a man wants to buy a horse and he is going to buy through a broker and he has got $100, he goes to his broker and says, "I want to buy a horse and I have $100," and the broker replies, "I will charge $5 to buy a horse for you. I know all about horses. I am a good judge of horses, and I will do the best I can for you." The man says, "Here is my $100. Go out and buy the horse." The broker takes the $100, deducts from it his 5 per cent, goes out and buys for his customer a horse that costs $95. There is no escaping the proposition that the burden of this broker's commission rests on the buyer or seller. Mr. Marsh laid down the correct rule. It is a rule of trade that is as old as the hills. No modern development can possibly change it or enable anyone to evade it. On a declining market the seller bears the burden and on an advancing market the consumer bears the burden. In principle I agree with Mr. Marsh exactly, but I do not exactly agree with him when he says that finally on a rising market the ultimate consumer in Canton, in Manchuria, or in the jungles of Africa, wherever cotton goods are bought, bears this burden. Now, in one state of the case that may be true, because it is human nature for the original buyer—consumer—of the cotton goods to unshoulder this burden, if he can, and if the price continues to advance he does unshoulder it on the ultimate consumer. But suppose the price fluctuates just at the time he is ready to dispose of his goods and a decline takes place, then, as has been stated here, there is in a measure a parity between the cost of raw cotton and the cost of cloth, and if the price fluctuates before he sells his goods, and begins to decline, then the original consumer, the spinner, is unable to unload the burden on the ultimate consumer, and he must bear it himself. Consider for a moment this stupendous burden. Can you conceive of a more uneconomical situation? A product of 5,000,000 of people, consumed by a few thousand spinners here and a few thousand spinners abroad; can anyone offer a reason why the cost of marketing their crop should be increased by these stupendous charges? Can any man question the proposition that at the least, under these conditions, under the admissions made by Mr. Marsh himself, this crop is not marketed at the least expense to the producer and the consumer? So you see the cotton exchanges fail to perform the second important function of the legitimate exchange.

Now, let us see whether the cotton crop is distributed expeditiously throughout the world by the aid of these exchanges. That is the third important and necessary function of an exchange. I have shown you that they have signally failed in performing the first two functions of an exchange. Now, let us see whether they fulfill the third function of an exchange—to aid in expeditiously distributing this crop throughout the world wherever it is needed. I say they do not. I have only to cite the testimony of Mr. Hubbard this morning in response to a question asked by Mr. HEFLIN, "Do you know of cotton being shipped back?" Now, catch exactly what the function is. The third function of a cotton exchange is to expeditiously distribute the cotton to those who are going to consume it, to distribute the raw material to those who are going to use it—to the mills. And yet Mr. Hubbard said that the conditions on the New York Cotton Exchange had been such that he had known, or had heard, and admitted it to be a fact, that cotton grown in America, after it had reached the coasts of Great Britain or Europe, en route to the consumer, had been, for the purposes of gambling pure and simple, in order to meet the demands of speculation by cotton merchants, turned in its course and found its way back across the ocean to be tendered on future contracts at the New York Cotton Exchange. Is that the only ground upon which I can base an assertion that those exchanges do not aid in expeditiously distributing the cotton crop? By no means. Did you not hear Mr. Parker, did you not hear Mr. Mandelbaum, did you not hear Mr. Neville say

that when these violent fluctuations take place on the New York Cotton Exchange and prices go down, cotton farmers stop selling? No sales occur while fluctuations are taking place. The farmer lives in hope that the price will advance, and instead of disposing of his crop expeditiously, in order that it may find its way into the ordinary channels of trade to those who are going to consume it, he holds it. Thus these exchanges obstruct commerce, obstruct and interfere with the distribution of the cotton crop rather than assist it. Now, is there a man here who will question that? Can any fair-minded man question it?

Now, gentlemen, let me move on to what I regard as the most indefensible feature connected with this whole business. The New York Cotton Exchange, during the period of its usefulness, operated under a rule of fixing differences between grades, so that such differences were measured by the commercial difference in the values between the grades. The law of supply and demand measured what that difference in value should be. Now understand, gentlemen, we have reached the period in the history of the world where the consumption of cotton is in excess of production by probably 1,000,000 bales. There is no question about this. The suggestion has been made about the spinner not taking cotton, that the producers might become the victims of the spinners who might not buy. Yet if they should cease to take cotton, if they did not buy the product to keep the spindles moving in Manchester, for instance, there would be riots in the streets of that city within 60 days.

Mr. COCKS. Even though they were manufacturing cotton at a loss?

Mr. BURLESON. Well, Mr. Cocks, I have never yet found any business where a man, either in law or in morals, is entitled to an insurance that he will make a profit.

Mr. COCKS. Except under the tariff. [Laughter.]

Mr. BURLESON. It is claimed by some that they do not always make it, even if high.

Mr. COCKS. I can not quite get your point. As I understand, you would try to make me believe that the cotton spinner is going to buy this cotton anyhow, whether he is going to make a profit or not, because there would be a riot if he did not. That is the point I do not see.

Mr. BURLESON. I do not say that he has to buy cotton anyhow. He can not buy it unless the producer sells it. If the producer burned his cotton, of course the spinner could not buy it. But, Mr. Cocks, it is a law of economics that when one man has something he wants to sell and another man has a use for that something and wants to buy it, it is natural that they should get together, and I have no fear that the cotton grower and the cotton spinner will fail to get together. When the New York Cotton Exchange started upon its career under its rules it fixed the difference between the grades of cotton in accordance with the values as determined by the law of supply and demand. During the first 10 years of its existence the New York exchange fixed these differences just as they are now fixed in Liverpool, and just as they have always been fixed in New Orleans. Then the period arrived when New York commenced to decline as a spot market. As you know, it is impossible to operate the exchange without having some cotton there to be used for purposes of tender on contracts. If cotton will not go there at a loss, they must create a condition that will bring it there. How did they do it? Why, it was a serious problem confronting these gentlemen, how they were going to get the necessary cotton to come there. Now, who is my authority for that? Mr. Marsh. He says:

> One of the most serious problems of the cotton exchange has been and is to so frame these contracts that a sufficient supply of actual cotton will readily come to New York to insure the maintenance of the reserve.

How can they get the necessary cotton to come there? He tells you now that the cotton that comes there is the cotton that is not being freely bought by the spinners.

Mr. MARSH. At the time.

Mr. BURLESON. At the time. Oh, yes; at the time. Now, gentlemen, I will tell you how they do get the necessary cotton there, and this is the secret of the adoption of the fixed difference plan, their fixed difference system. The exchange would not have it if it could exist without it. They would prefer, if it were possible, to adopt some other system; but the only way they can get the cotton there for this necessary reserve is by an arbitrary overvaluation of certain grades. This action draws these grades to their reserves. Do they overvalue it? Let us see. By reference to the chart opposite page 160 in volume 1 of this report—and you gentlemen will have this before you when you come to the consideration of this bill—it will be seen that for several years past the New York differences for low middling and good ordinary cotton have as a rule been much too narrow. In other words, these grades were overvalued relatively to middling. What is the effect of overvaluing them? The grades thus overvalued seek the place where they command the best price. Understand, Mr. Chairman, that these grades are not being bought freely by the spinners. Why is it that in a crop year where it is a low-grade crop they overvalue the lower grades and if the crop is a high-grade crop they overvalue the higher grades? Why is it they overvalue the grades that the spinners are not buying freely? I will show you why. I read from page 291:

> At the same time there can be no doubt, in view of statements obtained in the course of the investigation, that large operators, in the New York market particularly, were able years ago, when the commercial differences were applicable on future contracts or when revisions were made monthly, to manipulate prices on a rather extensive scale. This raises the question whether this manipulation may not have been due in large degree to the narrowness of the New York spot market. As shown elsewhere (see p. 247), transactions in spot cotton in New York at that time had already decreased very sharply from the totals of earlier years. Furthermore, the range of grades principally received in the New York market had narrowed greatly, that market in the main receiving only the surplus or temporarily undesirable grades. It is obviously easier to manipulate the prices of such grades than of those which are in active demand, since in the case of the latter any important change in price ordinarily will be vigorously contested as the result of free competition.

For instance, they could not easily manipulate the grades that the spinners wanted. They could not overvalue the grades that the spinners wanted, because the spinners would say, "We want these grades, and we will contest the matter with you." They overestimate the value of those grades that the spinners do not want. In a low-grade crop the lowest grades are least in demand; in a highest-grade crop ordinarily the highest grades are being bought less freely.

Now, directly on that point, go back to page 253:

> For the high grades the differences on the New York Cotton Exchange have been more nearly in line with commercial differences. Nevertheless, in the high-grade crop year of 1903–4 the difference at New York for good middling was, for a considerable period, materially greater than the commercial differences existing at New Orleans, thus overvaluing that grade.

Good middling is one of the higher grades and hence in 1904, a high-grade crop year, it was overvalued——

Mr. COCKS. How did the overvaluing of these low grades that the spinners did not want hurt the producer?

Mr. BURLESON. Because they sell a basis contract, and it pulls down the price of the futures.

Mr. COCKS. That is a future for that stock?

Mr. BURLESON. Yes.

Mr. COCKS. And yet you say it is overvalued; and yet the cotton would be overvalued, the spot cotton?

Mr. BURLESON. The seller would not have to deliver to you a single bale of that. As a matter of fact, the buyer bids less because of this overvalued cotton. The seller could deliver any of the different sorts of grades on this contract, but of course will deliver such grades as will prove most profitable to him.

Mr. COCKS. But that would be quoting the future that day in New York, upon which would be based the pay at Houston, we will say, for spot cotton?

Mr. BURLESON. Yes.

Mr. COCKS. Would not that be a little bit higher than usual, then?

Mr. BURLESON. Because of the fact that certain grades are overvalued, if a man was going to buy one of these future contracts, it is natural that he would bid lower for it because he would probably have to take these grades at a price higher than their commercial value. Every contract on the New York Cotton Exchange is of that character. They do not sell a contract for a particular grade of cotton; they sell a basis contract upon which at present 28 different grades are deliverable.

Mr. LAMB. Before my friend finishes his earnest speech along this line, I want to say that this committee, and I am a member of it, is deeply interested in this question, and if we look at it purely from an economic and business standpoint, as he has been arguing it so well here, I claim that this Congress has no right in this matter to pass this bill. On the other hand, if the New York Exchange is engaged in a gambling enterprise, and this is a moral question, such as the question in regard to the Louisiana lottery was, then we have some right. I would like to hear the gentleman on that point.

Mr. BURLESON. I want to be perfectly candid with the committee on that point. I will not say that the moral phase of this matter does not appeal to me, but I have not considered these moral phases in arriving at my conclusions, nor do I make them the basis for my earnest insistence for the adoption of this measure. It is true, gentlemen, that the Federal Government passed a law that destroyed the Louisiana lottery, denying it the use of the telegraph and the telephone and the mails, solely because of its demoralizing effect on the people. It is true there is no one here who will say that there ever was a suicide that resulted because

of the existence of the Louisiana lottery; there never was a bankruptcy brought about by the existence of that institution; there never was an embezzlement or a defalcation or a betrayal of trust by reason of the purchase of a dollar ticket in order to secure a chance for the capital prize in the New Orleans lottery. It is true we can not say that with reference to the New Orleans Cotton Exchange.

Mr. BEALL. You mean the New York Cotton Exchange?

Mr. BURLESON. Well, the New Orleans Cotton Exchange or the New York Cotton Exchange, either; it makes no difference to me, because I am against them both. You can not say that with references to these exchanges. But that phase of this matter has not controlled me in the least in the conclusions I have reached on my earnest insistence that this bill should become a law. I am opposed to these future-trading exchanges, because I believe they have become an incubus on the cotton trade. They are a great burden on the spinners and the producers of cotton in this country, who have a right to look to the Federal Government for relief after having done everything possible to relieve themselves. Their practices interfere with the freedom of trade between the cotton producer and consumer, obstructs and hinders trade between the cotton-producing States and cotton consumers, domestic and foreign. Mr. Chairman, we have passed laws in the Southern States driving the representatives of these exchanges from their confines; in every State with the exception of two. This action has, in a measure, curtailed their hurtful operations, but we have not been able to interfere with the interstate traffic in these future contracts. The Senate bill strikes at that evil. When the propaganda was inaugurated in the South against these exchanges, a seat on the New York Cotton Exchange was worth about $23,000, or in the neighborhood of that sum. As we passed laws excluding them from the States, thus diminishing the supply of "lambs," year by year the value of a seat on this exchange depreciated in value until the year 1908, and I have not looked into it since then, but I did look into it then, getting the information that a seat had gone down to $10,000. Mr. Chairman, I deplore the moral degradation caused by these exchanges; I regret the crimes and suicides traceable to speculation thereon, but for the purposes of this discussion what I object to is the uneconomical practices of this exchange and the resulting obstructions and interferences with commerce; and to think that these exchanges have the hardihood to contend that they are necessary because of the assistance they render the cotton trade. But I desire to return to a discussion of the fixed-difference system, the crux of this whole controversy. The fixing of the differences in September amounts to but little.

The CHAIRMAN. Before you start on that fixed-difference proposition, let me make this suggestion, which I think will come in properly in connection with that discussion.

Mr. BURLESON. Yes, sir.

The CHAIRMAN. That one of the features of this whole controversy which I am sure interests every member of the committee, is the contention on the part of the representatives of the exchange that elimination of the exchange would harass and hamper the whole cotton trade to the detriment of the producer, to the detriment of the merchant, and to the detriment of the spinner, for the reason that it would compel all of them to transact their business on wider margins and that it would force out of the trade the small man who would not command great capital. Before you close, I hope you will touch on that point.

Mr. BURLESON. I will, Mr. Chairman, before I conclude. But let me show you what the fixing of the differences under the rule of the New York Exchange involves. In November, before it is possible for human wisdom to forecast the character of the crop——

The CHAIRMAN. In September, you mean?

Mr. BURLESON. No; the September fixing amounts to very little.

Mr. BEALL. Is it not a fact that in many instances, even since the September fixing was adopted, there is no action taken?

Mr. BURLESON. Frequently it happens that there is no action taken at the September meeting, sometimes only to reaffirm the action taken at the last November meeting. They will not deny that. This practically means the fixing of the differences in value between these grades of cotton only once during the year. Now, gentlemen, is such a thing possible, considered either economically or from a standpoint of justice and fairness? How can these men making up the revision committee determine the character of the crop yet to be matured and gathered? Even if it were possible to eliminate selfishness on the part of the individual member entirely from consideration, how can this committee know whether the crop is to be of low or high grade, whether there are to be a small per cent of the higher grades or a large per cent? And these factors determine the value of the different grades. How can they tell what these differences in the value between the grades will be? They can not forecast the weather. And right on that point—I will return to a discussion of this—I want to tell you of a conversation I had with Col. John H. Inman, who in his time was the greatest spot-cotton merchant in the world. On one occasion I met him, and in conversation the topic arose as to the real cause of gambling in cotton. I said "You have devoted your life to the cotton trade, and I want you to tell me this. Here are four textile fiber—silk, flax, wool, and cotton—out of which the raiment of the world is manufactured. Why is it that those who want to speculate select cotton, and cotton alone, for that purpose?" He replied, "Mr. BURLESON, it is easy of explanation; there are more elements of doubt and uncertainty entering into the making and marketing of a cotton crop than of any other crop in the world." He further said "Speculation thrives upon uncertainty, and for that reason speculators have seized upon cotton as the product with which they will gamble." Do you not see how convincing and satisfying this explanation is? And yet I have lived to see the time when Mr. Mandelbaum and Mr. Marsh come here and assert that there are more uncertainties, more different conditions, environing the wool trade and the manufacture of wool than the cotton trade. Gentlemen, just in a word I want to say to you, and I speak from an experience of twenty-odd years, cotton is a most uncertain crop to plant and the most difficult in the world to grow. In the first place it is dependent upon a proper season to bring up the seed after it is planted. If you do not get a proper season, and then plant at the proper time, the uncertainties of the weather are against you. Your seed may lie dormant in the earth and never come to the period of germination.

Mr. BEALL. Just as it did in my county this year.

Mr. BURLESON. Just as it did this year in Ellis County, the greatest cotton-producing county in the world. They produce more cotton in Mr. BEALL's home county than in any other in the world; and yet Mr. BEALL will tell you that the conditions were such this year that the cotton did not properly germinate in that county and from a practical standpoint did not germinate at all. That is not the only uncertainty the cotton planter must contend against. Cotton, to be successfully grown, must be planted during the early part of the year. There is the uncertainty of the effects of inclement weather. It is the tenderest plant in the world, as Mr. Neville knows and as these gentlemen know; the lightest frost destroys it. It is more tender than any pot plant grown in hothouse.

Mr. NEVILLE. And it is likewise the toughest plant in the world.

Mr. BURLESON. In a certain way, yes; when it reaches a certain stage of growth it is capable of great resistance, especially to heat.

Mr. NEVILLE. Yes.

Mr. BURLESON. I repeat, it is the tenderest plant in the world, and the most difficult to secure a proper stand. Are these the only uncertainties? Oh, no. After you have germinated your seed, escaped the frost, and secured your stand, gentlemen, I assert, and without fear of successful contradiction, as I speak from a storehouse of sore experience, there are more creeping, crawling, flying, boring insects that prey upon cotton than upon any other plant ever tended by man. Now, after the uncertainties of weather, after all these insects are combated, after the Mexican boll weevil has preyed upon it, is it possible that you are going to deliver the producer of cotton over to the tender mercies of the worst pests of all, the bull and the bear? [Laughter.]

Mr. HEFLIN. The chairman asked you if the New York Cotton Exchange, or the speculative features of it, were abolished, would it not injure the three or four different classes of people that deal in cotton—the producer, the spinner, and the mill man, and so forth?

Mr. BURLESON. I will come to that.

Mr. HEFLIN. Do you think that if the speculative features of the exchange should be abolished we would have spot cotton exchanges all over the South?

Mr. BURLESON. Undoubtedly. There are no dealings in futures on the cotton exchange at Bremen, and that is one of the greatest, most helpful exchanges in the world. Only one exchange in the cotton section deals in futures. And why this solicitude upon the part of these gentlemen from New York about the welfare of the cotton producer? The farmer is the man who produces and furnishes the cotton for everybody, and Mr. Neal, who spoke for all the farmers' organizations the other day, challenged the production of one resolution adopted by

them which does not appeal for this legislation. But, gentlemen, this is a mere shaking of the bush. Let me go back to the fixed differences of the New York exchange.

Mr. MANDELBAUM. Before you leave that subject, I would like to ask you one question.

Mr. BURLESON. Yes.

Mr. MANDELBAUM. One is in regard to the fixing in November of these differences.

Mr. BURLESON. Yes.

Mr. MANDELBAUM. That is about the time that you and your farmer friends agree that the cotton has been gathered, fixed, and sold.

Mr. BURLESON. Oh, no. We do not so agree.

Mr. MANDELBAUM. Do you think it is possible on the 13th of November to form any opinion as to the character of the crop?

Mr. BURLESON. Not with any degree of certainty.

Mr. MANDELBAUM. I understood you to say so.

Mr. BURLESON. Oh, no. I said you could not tell. That is the burden of my——

Mr. MANDELBAUM. I said that you said that you could not tell.

Mr. BURLESON. That is what I say; you can not tell.

Mr. MANDELBAUM. You deny that the crop on the 13th of November could be ascertained to any degree of certainty as to the character?

Mr. BURLESON. I think not.

Mr. MANDELBAUM. Now, you said something about the riots in Manchester I would like to know whether you would hold the New York Cotton Exchange responsible for the riots in Manchester?

Mr. BURLESON. Oh, no: I do not hold it responsible for anything it does not do. All I am trying to hold it for is what it actually does, and God knows if I can put upon its shoulders responsibility for that I will be satisfied——

Mr. MANDELBAUM. But why do you expect those riots in Manchester?

Mr. BURLESON. Oh, you say "riots?" I thought you said rise—in prices. [Great laughter.]

Mr. MANDELBAUM. Yes, riots. Why do you expect them in Manchester?

The CHAIRMAN. Pardon me; I do not think it is necessary to go into that. I can explain that in one minute to Mr. Mandelbaum—because I speak his language and Mr. BURLESON does not—that Mr. BURLESON's reference to the bread riots in Manchester was simply his rhetorical expression of his opinion that if they did not keep the spindles going in Manchester there would be riots.

Mr. MANDELBAUM. There is another thing I want to get at, why he expects those riots; why he thinks cotton is so high. That is the basis of those riots, or would be the basis of those riots.

Mr. BURLESON. The chairman says we are not to discuss it. Now, back to the fixed differences.

Mr. HEFLIN. Mr. Chairman, I rise to a parliamentary inquiry. Is Mr. BURLESON making the closing argument in these hearings, and is it the fact that any interruptions and statements of fact must come in while he is speaking now?

Mr. BURLESON. I am perfectly willing to be interrupted.

The CHAIRMAN. Yes; but I think if we are going to bring these matters to a close to-night we will have to let Mr. BURLESON go ahead and finish his statement. He has said he was willing to be interrupted, but I think we had better let him finish without further interruption.

Mr. HEFLIN. My question is whether when he gets through anybody else may make any speech?

The CHAIRMAN. No speech. If there is anything that any gentleman wants to submit he will have that opportunity; but I hope Mr. BURLESON will proceed with as little interruption as possible.

Mr. BURLESON. Now, Mr. Chairman, there is a limitation upon human wisdom. The wisest man makes mistakes. Even when self-interest is not involved, even when you eliminate entirely the element of self, we are liable to mistakes. Do you think it is right; do you think it is commercial in November to attempt to forecast the character of this important crop and fix the difference between grades? It is the only commercial body in the world, the New York Cotton Exchange—save the coffee exchange—that attempts this impossible task——

Mr. NEVILLE. And the —— exchange.

Mr. BURLESON (continuing). Which attempt, arbitrarily, by the action of a committee of 17 members, to annul the law of supply and demand. That is what it means. Not only do they assume the ability, in November, before the character of the crop can be forecast, to determine the character that the crop is going to ultimately develop into, but to also determine and fix the differences between the grades without knowledge of the proportion these grades will bear to the whole crop. When you consider the fact that New York's is the greatest cotton exchange in the world, as was said by Mr. Mandelbaum, when you consider the volume of transactions taking place on this exchange, so stupendous as compared to transactions taking place elsewhere that they exert a controlling influence on the trade; when these differences are fixed by this exchange out of line with their real commercial value, the value determined by the law of supply and demand, what a vehicle for wrong it becomes; what a great injury, Mr. Chairman and gentlemen of the committee, through this instrumentality is done to the 5,000,000 helpless people who are engaged in the production of this staple. What a great wrong can be done to those who consume this cotton, and upon whose prosperity those who produce it must at last depend. And when they come before you practically wringing their hands—the consumers—and tell you that this uneconomical rule, this uncommercial rule of the New York Cotton Exchange, works to their hurt, will you not give ear to them?

A further suggestion, Mr. Chairman, and I proceed upon the assumption that the 17 members of the exchange on the revision committee are going to do the very best they can. I am not going to impugn the honesty of these men; not at all. But, gentlemen, when you consider the fact that the men who have the power to fix these differences are the large operators upon this exchange, when you consider that they are the men who are going to make or lose by virtue of the character of differences that are fixed, how exceedingly dangerous this rule becomes; how indefensible it becomes. Again, gentlemen, suppose, as a matter of fact, that on this committee of 17 there should find their way, year after year, the men who are large spot buyers in the South; suppose, through the great influence which they exert upon the membership of the exchange, it should become possible for these large buyers of spot cotton to control that revision committee, not only does it then become a vehicle through which great wrong can be done, but it becomes a vehicle through which disaster itself may be brought to the entire cotton trade. Now, let us see just for a minute.

Mr. COCKS. What would be the result of having these differences fixed by an impartial body?

Mr. BURLESON. You mean just arbitrarily fixed, as they now fix them?

Mr. COCKS. Yes.

Mr. BURLESON. It would be uneconomical, uncommercial, and indefensible.

Mr. COCKS. I mean arbitrarily fixed in January, say.

Mr. BURLESON. That is utterly impossible. I say this because the seed for the crop will not then be in the ground. It is utterly impossible for any tribunal. Why, we have not had a prophet on earth since the days of sacred history.

Mr. COCKS. When would be the time to have them fixed?

Mr. BURLESON. Let them be fixed by the law of supply and demand, changing from time to time as values change.

Mr. LEVER. Each day?

Mr. BURLESON. Yes; let them be fixed each day.

Mr. COCKS. By whom?

Mr. BURLESON. As the merchant offers his price or as the spinner offers his price for these products of the farmer, and an acceptance is given by him, thus fixing these values.

Mr. COCKS. Then, as I understand that you emphasize so much fixed differences, why not eliminate any differences as arbitrary? That is what you want to do.

Mr. BURLESON. They should be eliminated, so far as they are sought to be fixed arbitrarily. This power should not be vested in this revision committee or in any other committee upon earth. Now, to resume. I was about to show you who goes on this revision committee, how it is made up, but before I get to the question of who goes on this committee I want to say this: We have heard here a great deal about the action of the revision committee of 1906. I used that year myself in a speech that I made on the floor of the House, and Commissioner Smith used it because it was an abnormal year and it accentuated the situation; it made it stand up, so that the ordinary layman could understand the resulting wrongs and injustices. That is the only reason we have used that year. We do not use it because it is the only year when these differences have been fixed out of line with their commercial value. Not at all. It is a frequent occurrence. I read from page 238 of the report of the Commissioner of Corporations:

> These revisions of November, 1903, and November, 1906, and particularly the latter, are, in the opinion of some members of the cotton trade, only exaggerated instances of a more or less general policy on the part of revision committees of the New York Cotton Exchange to systematically manipulate differences in their own interests.

Now, I am not going to say that this is the case. It is not necessary for me to say that, although I will say, God spare us

from being year after year subjected to the temptation of benefiting ourselves, where the opportunity is absolutely placed in our hands, where we are given the power to benefit ourselves, at the expense of our fellows. God deliver me from such temptation. I will not make this accusation, but suppose the large buyers of spot cotton, members of the exchange, could shape the action of the revision committee. What opportunities this would afford! Does it occur? (Continuing to read from pp. 238 and 239 of the Smith report:)

The essence of this contention is that a clique of spot-cotton merchants in New York have for years controlled the revision committees of the exchange, and have through them established improper differences for the express purpose of reaping illegitimate gains. A member of the New York Cotton Exchange said in this connection:

"The money that has been made, particularly by 10 or a dozen firms, in this market in the past 10 years in consequence of these conditions has been very large, and in individual cases it has been extremely large."

This charge that spot-cotton merchants in the New York market have controlled revision committees of the exchange and have systematically established improper differences with the particular object of reaping illegitimate profits is almost impossible to prove, even if true. Owing to the very wide discretion allowed members of the revision committee—

What is that discretion? "Is there a standard by which you are governed, if you are fixing these differences?" I asked the leading member of this committee. "No standard." Absolutely no standard or rule to guide these men in this all-important work which they undertake. (Continues reading:)

Owing to the very wide discretion allowed members of the revision committee and the variety of factors that its members may take into consideration, it is virtually impossible to prove that members of any revision committee have deliberately abused their trust, even though circumstances may point very strongly to such a conclusion.

I suggested a moment ago. Suppose the great injury to the trade which could be wrought if the great firms dealing in spot cotton throughout the South could find their way upon this committee. If they have, what a vehicle of wrong and injustice it is possible for them to make of it. Let us see who gets on this committee. (Continues reading from the Smith report:)

It is a fact that the revision committees of the New York Cotton Exchange have for several years been selected from a limited group of members of the exchange, and mainly from so-called spot-cotton interests. For six years, beginning with 1901, nine such firms were constantly represented on the revision committee, and four other such firms had been so represented for five years.

For six years nine of the great spot-cotton firms dealing with spot cotton in the South have controlled (because 9 is a majority of 17) the action of this committee which fixes the differences in value between the grades of the product of five millions of people. I am going to embody in my remarks the list showing who they are. I will now read only three: George H. McFadden & Bro., S. M. Weld & Co., and Hubbard Bros. & Co. They are the three that lead the band. What can they do? They can so fix these differences as to shape the market price of the entire crop. I do not say these gentlemen do it; but, should they have such power? Why, gentlemen, talk about the poor little speculator about whom there has been so much talk before this committee, and, as you will recall, Mr Marsh particularly discussed him, he is harmless compared with these others. Sometimes I fear we are not getting at the real vitals of this danger. Mr. Marsh spoke of the subsidiary broker, the little chap who scalps around day by day for the purpose of making a living, probably impecunious, with very little capital. What do they care for him? Nothing at all. It is the opportunity afforded these stronger men; it is the danger and menace of these great firms which fix the price of all cotton at last, under the operation of this rule; the price they pay to the producer for his product, and in the end the price that they will grind out of the spinner which concerns us. Now, am I mistaken about that?

Mr. COCKS. Do you not think they have let the price get up a little high lately?

Mr. BURLESON. Yes; and, gentlemen, I want to say to you in that connection, that when we inaugurated the campaign against the wire houses throughout the South, having long before destroyed the bucket shop, one of the stock arguments used against their suppression was that if we drove the wire houses from the South we would largely eliminate from the market the bull element (which is naturally found in the cotton section) and in consequence we would never have high prices again. As suggested by the gentleman from New York [Mr. Cocks] the price has been a little high lately—in fact, higher at one time in my opinion than is justified even by the fact that the crop is more than 2,000,000 bales short. The advance in price is largely attributable to the short supply, but not wholly, and I am just as much opposed to the manipulation of prices when it operates against the consumer as I am when it operates against the producer. I oppose the gambler putting up the price, and likewise oppose his putting it down. By the way, during these hearings we have heard the bucket shop roundly denounced. I want to say here, with full recollection of the fact that I am under oath, that so far as the bucket shop is concerned it does, in my opinion, infinitely less harm than the operations of the great exchanges. Now, why? I can tell it to you in a breath. The men who operate in the little bucket shops put up their money; one wins and the other loses; the man who wins is the beneficiary; the man who loses is the sole sufferer, the only man affected by the transaction; nobody else is hurt.

But when these great spot operators go upon the floor of the exchange and milk the exchange—"milk the exchange"—now, gentlemen, I am not going to say what that means—they are the ones, gentlemen, who do the serious hurt to the producer and the consumer of cotton, these members of the exchange, within whose power it has been given, by reason of the fact that they know the character of cotton that is in the warehouses, by reason of the fact that they are engaged in the spot business and probably control the major portion of the certificated cotton in the exchange warehouses, these men who can go upon this exchange, and, when they see fit to do it, "hammer the prices down"; they are the men whose actions bring serious hurt. These injuries, as compared with those coming from the bucket shop, would be like comparing the misery, woe, and misfortune that comes from Monte Carlo, where they say there is an average of a suicide a month, to the effects coming from a couple of little pickaninnies shooting craps for pennies in a back alley.

Now I want to read a little further from Commissioner Smith's report. I do not want anyone to ask me what certain of these terms or expressions mean, because, as I told you, I understand the effect of the exchange rules, these uneconomical rules, upon the cotton trade as affecting both the producer and the consumer—I think I understand that—but there are certain phrases used in transactions which take place upon this great mart where merchants are engaged in business with which I am not familiar and which I can not elucidate for you if you ask questions about them.

Mr. MANDELBAUM. I think I have some questions that had better come in before you read that.

Mr. BURLESON. I am perfectly willing to be interrupted.

Mr. MANDELBAUM. I want to ask only one question, and I have to frame it a little, because I want to ask you only one question.

Mr. BURLESON. All right.

Mr. MANDELBAUM. You stated at first that the cotton exchange dealt only in spook and phantom cotton.

Mr. BURLESON. I will tell you what I will do——

Mr. MANDELBAUM. Wait, and let me ask my question, and then you answer it.

Mr. BURLESON. All right, if I can.

Mr. MANDELBAUM. After that you stated about the great wrong that is brought about in cotton or in the fixing of grades or valuing of grades. Of course, the spook and phantom grades are not interested in that; and, in fact, in accordance with your own conclusion, nobody is, because you stated that neither the producer nor the consumer trades on the New York Cotton Exchange. Now, if that be the case, they certainly do not pay the charges, either the one or the other, because neither of them trades there.

Mr. BURLESON. Mr. Mandelbaum——

Mr. MANDELBAUM. Wait a minute; there is something else in this. Then comes the question of the revision committee made by a lot of spot men. Now, I ask you in all fairness, by whom should they be made unless by the men who are familiar with the cotton? Do you want them made by the speculator or the gambler?

Mr. BURLESON. Oh, no.

Mr. MANDELBAUM. Then by whom do you want them made?

Mr. BURLESON. I am trying to show here that the way you make them——

Mr. MANDELBAUM. No; you said that the biggest spot dealers in the country make those differences. I will nail you down exactly to what you said.

Mr. BURLESON. Well, I stick to that statement.

Mr. MANDELBAUM. I nail you to it. Now, who should make the differences—the speculators and the gamblers?

Mr. BURLESON. That is not what I call them, but what you call them.

Mr. MANDELBAUM. The speculators and gamblers? Who under heaven should make them?

Mr. BURLESON. I can answer you in a word. I think they should be made in accordance with the law of supply and demand.

Mr. MANDELBAUM. By whom?

Mr. BURLESON. There are a dozen different ways they might be reached.

Mr. MANDELBAUM. By the gambler and speculator, or by whom?

Mr. BURLESON. By the way, since Mr. Mandelbaum has alluded to the gambler, I want to direct the attention of these gentlemen to the fact that the bill introduced by the chairman of this committee deals alone with the transaction where the seller does not expect to deliver and the buyer does not expect to receive. A transaction denounced by the Supreme Court as a gambling transaction

Mr. MANDELBAUM. This is no answer to my question. You can go to that after you answer that question. Your oratory must stop somewhere. [Laughter.]

Mr. HEFLIN. Mr. Chairman, Mr. Mandelbaum said "Who in hell" should make these differences.

Mr. MANDELBAUM. I did not say "Who in hell."

Mr. NEVILLE. He said "Who under heaven." [Great laughter.]

Mr. HEFLIN. Oh, I beg your pardon.

Mr. MANDELBAUM. I said who under heaven should make them.

The CHAIRMAN. This is a serious matter, gentlemen.

Mr. HAUGEN. Have you any remedy to suggest?

Mr. BURLESON. Pass the Scott bill; it will remedy the evil.

Mr. HAUGEN. That has nothing to do with the revision.

Mr. BURLESON. Why?

Mr. HAUGEN. I understand this bill does away with the whole business, the whole transaction?

Mr. BURLESON. Oh, no. It is directed against only one character of transaction.

Mr. HAUGEN. Oh, yes, it does.

Mr. BURLESON. Well, if the New York Cotton Exchange people say that by the elimination of transactions which the Supreme Court of the United States has repeatedly held were gambling transactions their business will be destroyed, then I say it ought to be destroyed. I direct attention to the fact that the provisions of the Scott bill define one character of transaction, and is directed exclusively against such, "where the seller does not expect to deliver and where the buyer does not expect to receive." If no such transactions take place upon the cotton exchange in New York, then it can not be hurt. And I will get to the phantom cotton in a minute, if I am ever permitted to proceed.

And, in passing, I desire to say that the only way to fix these differences is to permit the law of supply and demand to fix them.

Mr. MANDELBAUM. Through whom?

Mr. BURLESON. For instance, it might be ascertained what the price of spot cotton was in half a dozen different markets, the real spot cotton markets in the South, and average them. That is one way it could be done. Or it could be done (and the only reason why the New York exchange can not do this is because they can not exist if they adopt the plan) by fixing differences day by day based on their spot sales, as they do in Liverpool. They can't do this because of a lack of spot sales.

Mr. HAUGEN. Or in New Orleans?

Mr. BURLESON. Yes; as they do in New Orleans.

Mr. MANDELBAUM. I want to state right here that the prices of the revision committee in the last few years have been exactly fixed by the ruling price of the markets of the South and that the exchange has thriven under that system.

Mr. BURLESON. "When the devil was sick, the devil a monk would be; when the devil was well, a devil of a monk was he." [Laughter.]

Mr. MANDELBAUM. Would you have them quote the prices of all grades of cotton?

Mr. BURLESON. I desire to discuss that in a few minutes and show you what grades of cotton are actually quoted in the spot market. I will do so before I conclude, but I would like to get along now. There are a number of matters I want to direct attention to, and if I am in error I want it pointed out.

Mr. COCKS. That seems to me one of the very important things, and I do not quite get it in my mind yet what it would be if we eliminate this fixed difference, how it could be provided for.

Mr. BURLESON. Fix them at what they actually are in the cotton markets as they are fixed by the law of supply and demand.

Mr. COCKS. Fix it each day?

Mr. BURLESON. Yes; each day as at Liverpool and New Orleans.

Mr. COCKS. It would not be fair to fix it for a week or a month?

Mr. BURLESON. Who can anticipate market conditions that far ahead?

Mr. COCKS. You can average it, and cotton runs about such grades, and it seems to me you could do that. It is all Dutch to me, of course.

Mr. BURLESON. I understand that, Mr. Cocks.

The CHAIRMAN. I hope the gentlemen of the committee will allow Mr. BURLESON to proceed.

Mr. BURLESON. This part of Commissioner Smith's report has some bearing on the matter of differences, and I was about to read it when interrupted. I read from page 261 of the report:

In addition to the charge that the fixed-difference system of the New York Cotton Exchange has tended to attract mainly the surplus grades of cotton to that market, the further complaint is made that this stock has been used by large operators in connection with the fixed-difference system to systematically hammer the New York contract price. It has already been shown that the effect of differences which overvalue certain grades of cotton when delivered on contract is to depress the contract price. A striking illustration of this occurred in the New York market in November, 1906. It is charged that such sacrifices of contracts as took place at that time has occurred again and again on a smaller scale in the New York market as a result of improper difference in connection with an undesirable stock of deliverable cotton. The argument is that because the New York contract differences frequently overvalue certain grades, and because deliveries of cotton are usually so mixed as to be undesirable to the receiver, holders of contracts, even though they were aware of these conditions at the time they bought such contracts, nevertheless, when the date of delivery actually arrives, are unwilling to take up the cotton, but instead "run from notices": that is, sell out their contracts when they receive notice of delivery from the seller.

The charge here outlined is substantially that large spot houses on the New York Cotton Exchange have taken advantage of the general character of the New York stock and of the artificial differences established by the New York Cotton Exchange to "milk" the market by tendering undesirable deliveries at false differences, thus inducing the buyers of such contracts to sell them out at a sacrifice. In this case it is alleged these same spot interests have purchased these contracts at the decline, thus making a profitable turn. It is alleged that spot merchants in the New York market have thus been able to keep in their possession a stock of cotton and to use it over and over again as a very effective weapon for clubbing the New York contract market.

Now, is that true? If that is true, will anyone say it is not a grievous wrong? Do I offer it as my ipse dixit? Why, no; I offer it as defined by Mr. Smith in this report. But suppose my friend here says he will not accept that?

Mr. MANDELBAUM. I do not want to say that, but I say, Did you yourself not find some fault with some of his conclusions?

Mr. BURLESON. I find fault with his conclusions. I agree with Mr. Marsh that the burden of marketing the crop does not fall on the speculator, but is borne by the producer and the consumer. I agree with Mr. Marsh on that, and not with Mr. Smith. I accord to Mr. Smith honesty in the conclusion that he reached, but I do not agree with him; just as Mr. Mandelbaum and I do not agree about many things. It is the viewpoint. But suppose there is somebody here who says, "Well, I will not take this disinterested Government official; I decline to accept his statement." Then let me read you this:

In this connection one of the largest spot merchants in the New York market, who is also a member of the exchange, said——

Mr. MANDELBAUM. Who said?

Mr. BURLESON. Who is the member? Gentlemen, that is one of the mysteries I am unable to fathom. I receive letters from the members of the exchange denouncing the nefarious practices that they say exist there, and yet they are unwilling to come forward and speak before this committee. I could have explained about the yellow paper, but I will not, because I am not authorized to do so.

Mr. MCLAUGHLIN. But it is evidently somebody that Mr. Smith thinks worthy of being quoted.

Mr. BURLESON. Yes; and who, Mr. Smith says, is a large spot dealer and a member of the exchange.

Mr. MCLAUGHLIN. Or he would not have quoted him.

Mr. BURLESON. I so understand it.

Mr. MCLAUGHLIN. Let us see what he says.

Mr. BURLESON. Unless Mr. Smith is a liar, he is a large spot dealer and a member of the exchange. Are you not willing to take out of the mouths of these people themselves what they say about it; when the spinners themselves come here pleading that they be relieved of this great burden that has been placed upon them? He says:

In this connection one of the largest spot merchants in the New York market, who is also a member of the exchange, said: "There is no question but that there is a large amount of that (i. e., inferior cotton) here. These men who get control of a lot of contracts and want to weaken the market—that is, the spot brokers."

That is, the spot brokers want to weaken the market; these large spot dealers, nine of them, on the revision committee, who want to weaken the market before they buy—ought such power to rest with men who are buying the product of a helpless people, to weaken the market price and then buy? I want some man with a conscience to answer that question. Should this be permitted? Hear the further reading from this member of the exchange:

These men, who get control of a lot of contracts and want to weaken the market—that is, the spot brokers—do not want to handle and finance actual cotton. They will throw a lot of this stuff over which they have got to transfer to a different month or themselves finance it. This has been acting as a club, and I think it is one of the worst features of the exchange. A combination will get together a lot of this

low-grade cotton, and before notice day there would be a high market and they would throw it right on the market, and of course it would force the market down—sometimes a half a cent.

Q. And then they take back their contracts?—A. Yes; and very often at a lower price and thereby make what is called a "turn." They might have sold short and they throw this low cotton on the market and lower the price a half a cent and then buy it in again.

Q. Has that been an extensive practice?—A. Right along.

Q. So that the same cotton has been sold again in this way a great many times?—A. Without question.

The CHAIRMAN. Let me interrupt you there to make a suggestion.

Mr. BURLESON. With pleasure.

The CHAIRMAN. I think the committee is quite willing to agree to a proposition which nobody would deny, that with fixed differences which did not represent actual commercial relations between grades, manipulation might be possible under which the market could be unfairly depressed or advanced.

Mr. BURLESON. It is undeniably true.

The CHAIRMAN. And the emphasis which you have laid upon the proposition I think might perhaps fairly warrant the conclusion that if this one wrong practice could be remedied, you might have no objection to the exchange?

Mr. BURLESON. Oh, no; there are many others.

The CHAIRMAN. And I think before you close it would a good idea for you to bring up other reasons, if you have any other reasons.

Mr. BURLESON. I have. I think this is the most indefensible practice of the exchange under their rules. And I contend it can not correct it; that is the point I make. The New York Exchange can not abandon this system of fixed differences, because if it did it could not draw cotton to New York upon which to bank as a reserve; it must have a certain amount of actual cotton in New York or it can not operate. It can not draw this cotton there if it abandons its practice of overvaluing certain grades. That is the point that I make, and it can not be gotten away from.

Mr. BEALL. Bearing on the question of this quotation that Mr. BURLESON has just read, I notice that it is in the form of question and answer. This statement must have been made in some investigation.

Mr. BURLESON. Yes, sir; in an investigation by Mr. Herbert Knox Smith, and he put the questions and answers in this report so that you could get exactly at the meaning of the member of the exchange who was speaking.

The CHAIRMAN. Were the witnesses under oath?

Mr. BURLESON. I do not know whether they were or not; but they are a lot of reputable merchants who, when the suggestion was made that there might be transactions through the exchange where there was no expectation of delivery or receipt of the actual cotton, became much offended. Now I will proceed to other matters, although I have not exhausted this subject of fixed differences.

Mr. LEVER. I would like you, before you get away from that point, to answer this question: Why is it necessary to keep a reserve of cotton in New York?

Mr. BURLESON. Because they are bound to have a certain amount of cotton there to tender on these future contracts if the cotton should be demanded. And now, right on that point, how many bales on contracts are demanded? I want to be perfectly fair to the exchange about it; I want to take what they say about it themselves. On page 264 we find table No. 23, which is headed "Total tenders of cotton on contract in New York and contract deliveries in New Orleans, crop years 1892-93 to 1906-7." These are the last data that I have on the subject at hand. This was in the year 1906-7, the year that we raised the 14,000,000-bale crop, the big crop; and when Mr. Neville was before you the question was asked how many bales were annually delivered on contract, and he said about 500,000. That does not mean 500,000 bales of cotton. Oh, no! I read from page 264 of the Smith report:

It may be noted that these large tenders of cotton at New York unquestionably mean that a considerable amount of cotton was retendered again and again, since for several years the total tenders at New York have greatly exceeded the total amount of cotton certificated by the inspection bureau of the New York Cotton Exchange.

Now, out of their own establishment comes this information, and surely they can not be heard to deny it.

Mr. MANDELBAUM. Can you not include New Orleans, too?

Mr. BURLESON. New Orleans is pitiful.

Mr. MANDELBAUM. That is a spot market. I want you to read that, too.

Mr. BURLESON. The New Orleans spot market is one thing, and the New Orleans Cotton Exchange, dealing in future contracts, is quite another. I hold no brief for the defense of the New Orleans Cotton Exchange. If it can not exist under the operation of the Scott bill, let it go out of business, and I hope it will.

Now, how many bales are handled on the New York Cotton Exchange on these contracts? That is an interesting question. We have had some difficulty in getting these figures. I want to show you, and I think I can, to your satisfaction, approximately how many there were.

Mr. BEALL. This number that you have read is the number tendered, not the number delivered?

Mr. BURLESON. No, sir.

Mr. BEALL. Then, although the same bale might be delivered over and over, this is the total number tendered.

Mr. MANDELBAUM. Delivered.

Mr. BEALL. Well, is it?

Mr. MANDELBAUM. Yes.

Mr. BEALL. It does not mean actual delivery.

Mr. BURLESON. I will read this which is handed to me by Mr. BEALL, which is particularly appropos:

It should be emphasized that the figures given for the New York Exchange are not necessarily actual deliveries of cotton on contract but the total of notices of delivery; in other words, the total does not mean that there was an actual transfer of ownership of cotton to the extent of the figures given.

Mr. MANDELBAUM. That is absolutely wrong. I will state that under oath.

Mr. BURLESON. I am perfectly willing to take it as Mr. Mandelbaum wants it.

The CHAIRMAN. There is no controversy over the proposition that an enormously greater number of bales are dealt in than are actually delivered. There is no question about that.

Mr. MANDELBAUM. Yes.

Mr. BURLESON. There is no question about that. We have had Mr. Hubbard, Mr. Neville, Mr. Mandelbaum, and Mr. Marsh before the committee, and we have struggled to find out how many bales are bought and sold, and I want to say in that connection that every future transaction on the New York Exchange exercises its influence ultimately upon the market price of cotton. I lay down that proposition and do not think it can be refuted. The particular influence exerted by an isolated transaction may be imperceptible, but ultimately this transaction enters into an aggregate which finally either depresses the price or raises it. There can be no question about that. The question is how many of these transactions take place.

Mr. COCKS. What would be the objection to that from an economic point of view?

Mr. BURLESON. It does not make any difference whether we object to it or not. It is a law of trade.

Mr. COCKS. Whom does it hurt? That is what I mean.

Mr. BURLESON. If, under the rules and operations of the principal exchange, where these future contracts are dealt in, it exercises a depressing influence upon the market price of spot cotton it hurts the producer. If it has the reverse result it hurts the spinner. Speaking for the producer, I want to say that he does not desire an abnormal price, an unnatural price, or an artificial price for his cotton. All he wants is the price fixed by the legitimate law of supply and demand.

Mr. MANDELBAUM. One question, Mr. BURLESON. According to your explanation that you have given us, we depress the price if we deliver cotton and we do something wrong when we do not deliver it. Now, will you kindly point out what we should do?

Mr. BURLESON. Abandon your present practices.

Mr. BEALL. Turn from the evil of your ways.

Mr. BURLESON. Yes; turn from the evil of your ways. But, Mr. Chairman, we are trying to get at how many bales of this spook cotton are annually bought and sold. I want to distinguish between the phantom cotton and the bales tendered on contracts, and I will approximately arrive at the truth. Of course, it rests with these gentlemen alone to tell us the real facts. They say they can not do it. Consequently, we must enter upon a process of reasoning and get at the facts as best we can. We knew these annual sales until they adopted the fixed-difference system in 1897, but since then we do not know; but when that practice was adopted, undoubtedly, as admitted by everybody, it greatly stimulated speculation in cotton. Now, how many bales were bought and sold the last year of which we have the record? But I will not take the last year. The last year was not satisfactory to them, and that was the reason they adopted the fixed-difference system; consequently, it is not fair to take the last year. I am going to take the year before the last, and use figures the exchange itself has furnished.

Mr. SIMS. By "the last year" you mean——

Mr. BURLESON. The last year before the New York Exchange adopted the fixed-difference system, in 1896. In 1896 there was a total crop of 7,140,000 bales. That year, according to their own admissions, they sold, for future delivery on the New York Cotton Exchange, 56,469,000 bales, with a crop of 7,140,000. The total crop in 1906, speaking in round numbers, was practically doubled, or 14,000,000 bales. Remember that the adop-

tion of the fixed-difference system greatly stimulated speculation. At the lowest, allowing for no increase of speculation, we have 100,000,000 bales of future contracts bought and sold on the exchange for that year. Am I not fairly justified in this estimate? Mr. Marsh was asked what was an ordinary day's transactions on the exchange. He said 350,000 bales.

Mr. BEALL. He said, in answer to Mr. LEVER's question, that that would be a normal day's transactions.

Mr. BURLESON. Three hundred and fifty thousand bales in one day. What would be an active day, he was asked. He said 1,000,000 bales would be an active day. Now, gentlemen, are we justified in this estimate? Are we not moderate when we fix its annual sales and purchases at 100,000,000 bales? Knock off 10,000,000 and say it is 90,000,000 bales.

Mr. SIMS. May I ask you a question there right on that line?

Mr. BURLESON. Yes.

Mr. SIMS. I want to ask you if, upon the average, the entire certificated stock in New York is not sold, in and out, every day of the year?

Mr. BURLESON. Yes; it usually has about 130,000 bales in its warehouses—an ordinary day's sales is about 350,000 bales.

The CHAIRMAN. Let me suggest again that that is not the controverted point, and let us not spend any more time on it. It is 5 o'clock already. How soon can you complete your speech?

Mr. BURLESON. I have no set speech.

Mr. MANDELBAUM. I thought you were only going to speak for 30 minutes.

Mr. HAUGEN. You stated that we had difficulty in finding out the number of bales bought and sold on the New York Cotton Exchange. I think that you want to be fair. They were very candid in giving that information.

Mr. BURLESON. Yes; I said they could not give the aggregate. I did not understand either one of them to give an aggregate. If he did, I beg his pardon.

Mr. HAUGEN. His statement was corroborated by the statement of Mr. LEVER.

Mr. BURLESON. I am accepting his statement as to a normal day's trade, and I have based my calculation on it.

Mr. HAUGEN. I rather inferred from what you said that this information had been furnished reluctantly.

Mr. BURLESON. I say we have had some difficulty in getting at the annual sales. We have not gotten it at all. They have not given it to us. I will not assign any reason for their failure to do so. Now, how many bales of cotton were hedged during the year? How many is it possible for them to have hedged? Let us take the 90,000,000 bales of futures, how many of this number was it possible for them to have hedged? We spun in this country about 6,000,000 bales of cotton. We all know, Mr. McCALL says that thousands of spinners do not hedge at all. But for argument's sake, take every single bale that was used here, and eliminate the Liverpool Exchange and eliminate the New Orleans Exchange, and say that it was all hedged in New York, this whole 6,000,000 bales that was consumed here in the United States, that would give us only 12,000,000 bales hedged, 6,000,000 bales bought and 6,000,000 bales sold. Now take the 12,000,000 bales of hedges from 90,000,000 bales of futures dealt in and it leaves 78,000,000 bales of phantom cotton dealt in. Now, can this conclusion be escaped? If so, I would like the error to be pointed out by some one right now.

Mr. McLAUGHLIN. Without expressing an opinion, suppose it was to be conceded that a very large part of the transactions on that exchange were speculations, that they were dealing in phantom cotton, that their transactions were merely a bet as to what quotations would be at a future day, just as we might bet on what the temperature would be on the 1st day of next July. What do you say to the proposition that the cotton exchange is necessary and does good as a protection to the producer and to the consumer of cotton, because the prices prevailing do bear some relation to the actual value as it might be determined by the supply and demand, and is practically the only means that the producer has of learning the prices and that he would be at the mercy of the spinner, and so on, if there were no such system; that the cotton exchange really serves a good purpose? Suppose it to be conceded that all you speak of is true, what do you say as to the good that is claimed for it?

Mr. BURLESON. The only justification that they claim for it themselves is the protection it affords as a place for hedging, and I contend that according to their own figures, with the fluctuations that constantly take place and the wide margins that exist between the price of futures and the price of spots, that it really affords no hedge.

The CHAIRMAN. It appears that you will not be able to answer that question to-night.

Mr. BURLESON. It will take quite an elaborate discussion to do that; but there is one other phase that I would like to present, and then I will stop.

Mr. MANDELBAUM. One question about that phantom cotton. Suppose I sell a horse to Mr. LEVER, and he sells it to the next gentleman, and the next gentleman sells it to the chairman, and the chairman sells it to Mr. Cocks. Are four of those horses phantom horses? [Laughter.]

Mr. BURLESON. No; and I would not so claim.

Mr. NEIL. The committee has given the other side a good deal of time on this proposition, and, if it is not trespassing upon the committee too much, I would ask that Mr. BURLESON have time to-morrow to conclude his speech.

Mr. BURLESON. I realize, Mr. Chairman, that the date set for hearing the representatives of the grain exchanges is to-morrow, but I want to discuss the hedging facilities of the New York Cotton Exchange, and I do not believe I can do it at this late hour with fairness to the committee or myself.

The CHAIRMAN. I believe the committee would like to have Mr. BURLESON answer the question which has just been asked him. It is very true that we have heard the gentlemen representing the cotton exchange for the last five or six days, but it is only fair to state that the time has been pretty evenly divided, because they were engaged in answering questions which the members of the committee asked for the purpose of eliciting information, so that I think the time has been fairly divided, so far as that is concerned. But that is not the question. What the committee desires is to get information, no matter from whom it comes, and if there is not objection, I think it might be understood that Mr. BURLESON will have some time to-morrow morning.

Mr. BURLESON. If you will give me 20 minutes without interruption, I can finish what I have to present.

The CHAIRMAN. Suppose we have it understood that he shall have 30 minutes in the morning to conclude his remarks, and at the conclusion of his remarks there are a few questions that I desire to ask Mr. Marsh or some other gentleman, and perhaps other members of the committee will have questions they would like to ask, so that on the whole we will extend this hearing for an hour, and take that much time off the time of the grain men to-morrow morning.

Mr. BURLESON. Will you permit me to present one further matter at this time? It will take only a few minutes to do so.

Mr. Mandelbaum asked about phantom horses, and did it hurt anybody? Let us see whether such transactions hurt anybody. What are the effects of these transactions? Have I not read of the effects of manipulation by large spot buyers, members of the cotton exchange, who are also members of the revision committee? Have I not shown that they can hammer prices of futures down? If I have, then we are face to face with the question, Does the price of futures control the price of spots, or does the price of spots control the futures? as these gentlemen have so very earnestly contended here. I can show you in Commissioner Smith's report where the statement is made that the prices of spots, if not controlled by futures, are largely influenced. This report says on this subject:

A fact of great importance in this discussion is that the prices paid by cotton merchants for a large part of the cotton crop are based directly upon the future quotations of some cotton exchange. It is imperative that this be kept clearly in mind. Such merchants send their buying agents directly to the large plantations, or to the small country towns where cotton is brought in from farms in wagonloads of a few bales each. Instead of instructing these agents to pay a flat price for cotton, such merchants usually direct them to make their purchases within a certain number of points "on" or "off" (above or below) some cotton-exchange quotations of futures. These points on or off are known as "limits."

I am not going to ask you to accept this statement. You heard Mr. Parker say that instruction coming from New York merchants, large spot operators, to buy spot cotton was usually to buy it, so many points on or off futures. I will not ask you to accept his statement. You heard Mr. Lathrop, in reply to a question, state that frequently orders came to him, "buy spot cotton, so many points on or off futures." I will not ask you to take his testimony. I think, however, I have the right to ask your acceptance of the testimony I now offer. One of the ablest and most earnest defenders of the New York exchange, who was in the thick of the fray at the time of the Hatch and the George bills, was the firm Latham, Alexander & Co. Mr. Latham and Mr. Alexander are both dead, but the firm is still conducted.

Mr. NEVILLE. No; it is not.

Mr. BURLESON. Well, if it is not conducted, there is some member of your exchange operating under their name.

The CHAIRMAN. That is an immaterial matter.

Mr. BURLESON. It is immaterial, for I hold in my hand a pamphlet defending the New York Exchange, which was mailed from one end of this country to the other last year, containing a discussion of this matter and prepared by Latham, Alexander & Co. This was issued and bears date March 16, 1908.

Mr. SIMS. Mr. Latham has only recently died.

Mr. BURLESON. I do not know when he died, but he was a member of the exchange at the time this statement was issued. He was put forward to attack these bills, and when speeches were made two years ago attacking the exchanges the first document received by Members of Congress in defense of the New York Cotton Exchange was issued by Latham, Alexander & Co. I read from this defense of the exchange by one of its members:

If there were other exchanges throughout the United States dealing in cotton for future delivery, they would have to look to the controlling market, which is New York, for quotations.

That shows, first, just what I have contended all the time, that the New Orleans Cotton Exchange is completely overshadowed by the colossal New York affair, that it merely trails along in the wake of the New York concern. Now, let us see what else he says:

The price of cotton contracts—

Not spot cotton—but the price of cotton contracts, futures—in New York oftentimes controls the price of cotton in the whole world, because this city is presumed to know more about the supply than any other, and our operations and dealings are therefore generally followed.

There you have it—the price of futures oftentimes controls the price of spot cotton throughout the world.

The issue is fairly raised, and bearing on it Mr. Parker tells you that futures exercise a controlling influence on spot, that merchants in the South buy spots so many points on or off futures. Mr. Latham says that that is frequently the practice. Commissioner Smith, in his report, says that futures exercise a psychological influence over—does not control absolutely but exercises great influence over—the price of spot cotton, and last we have Latham, Alexander & Co. in this defense of the New York Cotton Exchange, admitting that futures control the price of spots and not spots the price of futures.

Now, gentlemen, I am going to testify myself. Not once, no; twice, but many times has this happened. I sell cotton in Waco, Tex., where I believe Mr. Neville has an agent. That is my market place. I do not sell it myself. The man who manages the plantation and is associated with me sells it. I have stood by his shoulder dozens of times and heard him ask the cotton buyer over the phone, "What will you give for cotton this morning?" The answer would be, "I can not make you an offer, because I have not heard from New York."

Mr. COCKS. Would not they make any price?

Mr. BURLESON. Oh, yes; but he knew that we are not fools; that we wanted approximately what the cotton was worth.

Mr. MANDELBAUM. You wanted what the cotton was worth?

Mr. BURLESON. Yes; we wanted the highest price we could get.

Mr. MANDELBAUM. You did not want to sell it for nothing?

Mr. COCKS. It seems to me that would apply to everything on earth.

Mr. BURLESON. Then you admit, you concede the proposition that futures control the price of spots?

Mr. MANDELBAUM. So far as you are concerned; yes. You would not sell before you got that quotation.

Mr. COCKS. That is evidently true, so far as you are concerned.

Mr. BURLESON. Not once, not twice, but hundreds of times has that happened, and my practice is not different from others. The cotton buyers would say, "We can not give you the price, because we have not heard from the market": and then when this information would come, we would frequently be told "If you had called us up yesterday, we could have given you so many points more than we can this morning, because the market has declined to that extent."

Mr. COCKS. Would not that have been a stand-off, then? What is the difference? If you had sold yesterday, somebody else would have been out.

Mr. BURLESON. It sometimes was a stand-off to the extent of $2 a bale to me—$2 less, because futures in New York had declined.

Mr. COCKS. But if you had sold yesterday, you would have made $2 a bale.

Mr. HOWELL. What is to hinder you from taking out contracts with the actual consumer—the mill?

Mr. BURLESON. The trade conditions do not permit it.

Mr. HOWELL. Upon the actual demand?

Mr. BURLESON. The bulk of the cotton crop is made by small producers. There are very, very few men who make 100 bales of cotton, and mill owners buy in 100 or 500 bale lots. My colleague, Mr. BEALL, represents, as I said a moment ago, the largest cotton-producing county in the world. I should like Mr. BEALL to state approximately what per cent of farmers in his county make 100 bales of cotton.

Mr. BEALL. I should say not over 5 per cent; perhaps not more than 2 per cent.

Mr. HOWELL. You failed to state, when you said that you wanted to hear the price of cotton in New York, at Waco, that it was the price of futures.

Mr. BURLESON. Of course, that cotton buyer had instructions to buy within certain limits—so many points off or on the future price.

Mr. MANDELBAUM. You wanted to sell, did you not, and you would not sell until you got that price?

Mr. BURLESON. I wanted to sell and I wanted to get the best price I could. I must confess my profound astonishment when I heard even an attempt at denial of the proposition, not that futures absolutely controlled spots (because they do not), but that they exercise a controlling influence over the price of spots; and no candid, fair-minded man ought to deny it.

Mr. BEALL. On what was that bid on your cotton based?

Mr. BURLESON. It was based upon the price of future contracts in New York. There is no doubt about it that large spot dealers in New York and elsewhere send out instructions. I am able to state it. I have seen such instructions time and time again—instructions to buy cotton at so many points on or off futures.

Mr. COCKS. Suppose we admit that; I understand that. That is simple and plain. What I can not understand is how you are hurt any. Suppose spots are the basis, how are you hurt?

Mr. BURLESON. Under the operation of the rules of the New York Cotton Exchange one large operator on the exchange can depress the price of futures. I think I have shown it here. If I have not shown that, then I do not think that any proposition is susceptible of demonstration. I have shown it by Commissioner Smith's report, by spinners, by cotton merchants, and by the confessions of the members of the exchange.

Mr. COCKS. Probably you have, but my mental capacity has not been able to grasp it thoroughly. It seems to me you are only on all fours with the man who has a carload of cattle and he calls up on the telephone and wants to know what the market is, and he ships to Kansas City and the market has dropped 2 or 3 cents while the cattle are on the way, and he loses that much. What is the difference?

Mr. BURLESON. One is operating in the actual cattle, and the price is offered for actual cattle by the man who is going to buy these cattle from him. In the other case the man who is selling the cotton is compelled to take a price for his spot cotton, for his actual cotton, that is influenced by the price of a future contract which has been fixed in New York, which has been manipulated, which may have been hammered down by the very man offering to buy the spot cotton.

Mr. COCKS. The shipper of the cattle believes that the price of his cattle is fixed by the beef trust.

Mr. BURLESON. Oh, well. I think there is no analogy between the two cases.

Mr. COCKS. I wanted to know what you think would happen if you had not a cotton exchange?

Mr. BURLESON. Then prices would be regulated by the law of supply and demand.

Mr. COCKS. Why does not the law of supply and demand regulate it now?

Mr. BURLESON. Because of these unnatural conditions which are brought about under the rules of the cotton exchanges dealing in futures.

Mr. COCKS. Why does not the same thing happen in regard to cattle?

Mr. BURLESON. Because they have no exchange on which cattle can be gambled in, as they gamble in cotton.

Mr. COCKS. But the trust affects that in the same way. Would it not be possible for the same thing to exist in the cotton market?

Mr. BURLESON. There is a different economic principle involved there, entirely. With the permission of the chairman, I will now suspend until to-morrow morning.

(At 5.30 o'clock p. m., the committee adjourned until to-morrow, Friday, February 18, 1910, at 10.30 o'clock a. m.)

COMMITTEE ON AGRICULTURE,
Friday, February 18, 1910.

The committee met at 10.30 o'clock a. m., Hon. Charles F. Scott (chairman) presiding.

The CHAIRMAN. It was the expectation of the committee to take up this morning that phase of the pending bills relating particularly to the grain exchanges, and it is still our expectation to do that before the morning expires. But Representative Burleson, of Texas, who was addressing the committee yesterday, was unable to finish within the time allowed and it was agreed, before adjournment on yesterday, that he should proceed this morning for 30 minutes, and in order that he may have all of that time in which to present the matters which he regards of importance, the Chair will ask that he be not interrupted until he has concluded his statement. I will ask Mr. Burleson to proceed. He is to be called down in 30 minutes.

TESTIMONY OF HON. A. S. BURLESON—CONTINUED.

Mr. BURLESON. Mr. Chairman and gentlemen of the committee, it is my purpose to confine myself this morning, in the main, to a discussion of two phases of the question now before you. First, as to the necessity for the existence of these exchanges for hedging purposes; second, what will be the result upon the cotton trade if we eliminate the speculative feature from these exchanges. But before I enter upon a discussion of those two questions, just for a minute or two, I want to answer one or two questions that were asked me yesterday, which, by reason of interruptions and diversions, I did not answer. One question was asked by the gentleman from Iowa Mr. HAUGEN, and it was with reference to whether cotton carried in the reserve stock at New York was spinable or useable cotton, and if so, when one purchased that cotton where was the serious hurt to him?

Now, gentlemen, just in a word that can be answered. It has been shown here that during the entire period of the crop season of 1906 and 1907, and at frequent intervals since that time, there has been a lack of parity between the price of future contracts and spot cotton amounting sometimes from 80 to 196 points. This means from $4 to $10 a bale less for futures on the New York Cotton Exchange than the market price for spot cotton in the South. Now, if it were practicable for spinners of the East to go to New York and secure the actual cotton on these contracts wouldn't they jump at the chance to save that $4 to $10 a bale and, in addition, the freight charge from the South, which they could do if by going there they could get the cotton they want? Why, you know they would. And yet they do not do it because it is unsafe and dangerous for them to attempt an acceptance of the cotton tenderable on contract. Take the case of Representative Lovering, who recently died, who, with his brother, spun 200,000 bales a year; think a moment what a saving it would have been to him if he could have gone to New York and bought his cotton through the New York Cotton Exchange; by saving $4 a bale his savings would reach $800,000 or more each year, an amount probably greater than his entire profits for the year. I think this answers the question of the gentleman from Iowa. Representative Cocks of New York also said that he could not understand why, if there was an overvaluation of the high grades deliverable on the future contract, and the prices of spots were being influenced by reason of that overvaluation of the high grades, it would not be beneficial to the people of the South or the producers of cotton rather than hurtful to them. It should be kept in mind that the grades overvalued are deliverable by the seller, and the buyer if he accepts delivery must take these grades on the basis of their overvaluation.

Now, gentlemen, I can illustrate the effect of this. I went by Woodward & Lothrop's this morning and bought some cotton goods. A spinner is controlled in the character of cotton he buys by the use he intends to put it to; by the character of cotton goods he intends to manufacture. I hold in my hand two samples of cotton goods made from the very lowest grades of cotton, one worth 4 cents a yard, the other, I think, worth about 10 or 12 cents a yard [exhibiting pieces of cloth]. These goods are made from the low grades of cotton; the spinners who make this character of stuff do not want the higher grades of cotton. It would be a useless expense to them to purchase the higher grades and use them. Now, suppose a spinner wanted low-grade cotton and the high grades of cotton had been overvalued by the revision committee of the New York Cotton Exchange, and he demanded delivery on a future contract—and, as Mr. Parker says, and as other spinners have said to you, the seller has the option and always gives you what you do not want—and they should give to this spinner who uses a low grade of cotton for the purpose of making this cheap cloth—they can manufacture a suit of clothes out of such cotton for a dollar and a half, an entire suit of clothes—and they tender to this spinner who manufactures this sort of material, the highest grade of cotton, which costs from $8 to $10 a bale more than the cotton which enters into the manufacture of this cheap cloth, he would promptly refuse to accept delivery and sell his contract at a loss. Can not you see how dangerous it would be for him to go to the exchange for the purpose of acquiring his stock of cotton, because if he acquired high-grade cotton to manufacture into this character of stuff he would suffer a great loss. If he accepts delivery, it might cost him $10 a bale more than he would pay if he bought the kind of cotton suitable for his purpose, and consequently he runs away from the notice of delivery; he promptly sells out his contract.

Keep in mind at all times this proposition, that one can not buy a future contract and expect to receive delivery of a particular grade of cotton. The contract sold is a basis contract, and the seller may deliver 15 or 20 or even 28 different grades of cotton on it, and one may expect an excess of the particular grades he can not use and does not want. A spinner who manufactures this cloth [exhibiting same], a fine grade of cotton cloth, could not use the grade of cotton used to make this cheap cloth. An entire suit of clothes out of this cheap cloth can be bought for $1.50, whereas the cloth (8 yards) for a woman's suit from this material would cost $16.

Mr. MANDELBAUM. Do you think you could make a suit out of that cloth for $1.50?

Mr. BURLESON. I bought a coat and pair of trousers for $1.50, in order to use while fishing, and they were made of this cheap material. Now, suppose a spinner who manufactures this kind of goods, the finest cotton cloth [exhibiting piece of goods to committee], bought a future contract and there should happen to be a cotton crop that was low in grade for the year, and he should go to the New York Cotton Exchange and demand delivery under his contract and should be tendered and receive the kind of cotton that goes into the manufacture of this cheapest of cotton goods [exhibiting cloth to committee], can not you see that it would be as worthless to him as wheat and straw? It would represent, especially if it were overvalued, as it always is when the crop is of low grade, as I showed you on yesterday, nearly a total loss to him. Thus you see that the tender of high grades may be ruinous to one spinner and the tender of low grades ruinous to another.

Yesterday Mr. Mandelbaum propounded a query to me. When I was discussing "spook" cotton, he asked, "If A sells a horse to B, and B sells the same horse to C, and C to D and D to E and E to F, would four of these horses be 'spook' horses?" Do you recall that when Mr. Marsh was addressing the committee he said the intricacies of the transactions upon the New York Exchange were such that it was difficult for the lay mind to comprehend them? I realize that the complexities of these exchange transactions might confuse some people, but I did not think they were such that even Mr. Mandelbaum would fail to comprehend them. Mr. Chairman, the horse illustration is not the character of transaction that takes place on the New York Cotton Exchange; they do not there sell a hundred bales of cotton to A and A to B and so on; they sell a future contract for the delivery of cotton, a different proposition altogether, a contract, and a basis contract at that, for the delivery of cotton. Now, I will also use a horse illustration of the exchange type.

Suppose a man who had a horse to sell heard that there was a horse exchange in the town and should carry his horse to the exchange to dispose of him. Arriving there he finds that on this exchange they are not selling horses, but future contracts for the delivery of horses, and that these transactions were going to control the price he was to receive for his horse. Suppose he should see a future contract for the delivery of a horse sold for a given price, then another future contract for a horse at a lower price, and then another at a higher price, and somebody standing by, a member of the exchange, should say to him as these contracts were being sold and bought, "Now, the price of your horse has gone down; now it has gone up." And if you asked why, should answer, "Because these sale contracts for the delivery of horses that are taking place, actual contracts, where there is an expectation that delivery will take place, indicate the market value of your horse, in fact will control the price you are to receive for him." When he saw these transactions going on and on and on would it be surprising if he finally asked, "Where are all these horses? I don't see any horses that are being traded in under these contracts; where are the horses? I have seen dozens of sales, I have seen hundreds of contracts for horses sold, but I have not seen a horse." Would you blame him if he reached the conclusion that they were phantom horses that were being dealt in? Why, of course, you would not. Neither would you blame him if he objected to having the market price of his horse influenced or controlled by these transactions.

My friend Mr. Mandelbaum has become so involved in the complexities of the situation that he loses sight of the real transactions which take place on the cotton exchange. Keep in mind the fact that it is future contracts for the delivery of cotton that are being bought and sold on this exchange and not real cotton that is there being bought and sold. Remember, also, that these future contracts for the delivery of cotton are controlled by the law of supply and demand, just exactly as cotton is controlled by the law of supply and demand. If there

is an excess of offers of the future contracts for the delivery of cotton, the price of contracts or futures goes down; if there is a scarcity of offers of contracts, then the price of futures goes up. By an excess of offers to sell contracts a combination may force a decline in futures at its will.

I address myself now to the hedging proposition. Mr. Chairman, the chief defense made, or the principal justification for the continued existence of the New York Cotton Exchange, is that it affords a protection to the spinner or a protection to the cotton merchant who sells the spinner his raw material when goods are being sold in advance of their manufacture by the spinner.

Now, what is it that makes a safe hedge? It has been made plain to you that where violent fluctuation takes place in the price of futures and the parity between the price of futures and the price of spots is not maintained, that when the margin becomes too wide, an attempt at hedging becomes an added risk rather than a protection. For a future contract to be a protection as a hedge there must be maintained a certain parity, a uniform parity, between the price of futures and the price of spots. Now, is this parity being maintained, or has it been for years, so as to afford a safe hedge? Let me read from Commissioner Smith's report, page 155, Volume I:

From the table it will be seen that in the period from 1880 to 1888, during which the commercial-difference principle was employed by the New York Cotton Exchange, fluctuations in the margin between the price of spot cotton and the price of futures were confined to moderate limits. It was reasonably safe, then, during that period, for the merchant or spinner to go to the New York Cotton Exchange for the purpose of buying a contract hedge to relieve himself of the risk.

Now, it was about this time that the through bill of lading came into use, and the exchange changed its practice of fixing differences, and what happened? I read further from the report:

In 1888 the New York Cotton Exchange, as already stated, abandoned its policy of frequent revisions and provided that its revision committee should meet only nine times a year (or monthly from September to April and again in June).

That was once a month during the active cotton season. Now, note the immediate effect of that change upon the price of contracts. I read further from Commissioner Smith's report:

It is worth noting that this change was almost immediately accompanied by a marked disturbance of the parity between the spot and the contract price.

They were making revisions of differences during that time once a month, nine times during the season, and conditions were growing worse. Finally New York ceased to be a spot-cotton market, and in 1897 the exchange abandoned the practice of fixing these differences once a month during the active cotton season and entered upon the policy of fixing the differences once a year. When first organized and until 1888 differences in value between grades were, by the rules of the exchange, fixed daily—kept in line with commercial differences—and the parity between the price of futures and spots was closely maintained. In 1888 the exchange changed its rules and differences were fixed once a month, being at such times brought in line with the commercial differences. This change brought about a marked disturbance of the parity between spots and futures. This practice continued until 1897, when again the exchange changed its rules and entered upon the policy of fixing differences practically only once a year, and that, too, at a time when the character of the crop could not possibly be known. The result could not be other than it is—the parity between the prices of future and spots has, for commercial purposes, been completely destroyed.

Speaking of this last change, Commissioner Smith in his report had this to say:

In the same year, 1897, the New York Cotton Exchange abandoned monthly meetings and provided that it should meet only twice a year, namely, in September and November, and this system has been in force ever since. This change has been followed by a very marked change in the relationship between the spot and the contract price. Since that period what has been the common result, or the continuous result, if I may so express it, of this system of fixed differences?

I will read you further from this report:

From September, 1899, down to the present time, however, the margin has, on the whole, been very much greater than in earlier years, and, what is far more important, it has fluctuated with much greater violence.

If this margin was maintained at a parity, even if it was slightly out of line with the commercial value of cotton—spot cotton in the South—merchants and spinners could take that into account, make allowance for it and protect themselves; but, gentlemen, when cotton fluctuates in this wise—I read from their own statistics for 1907:

Taking each month as I call them, from the time deliveries for that month were dealt in until the close of that month, the price fluctuated as follows: For September, from 11.18 cents per pound to 8.58. Remember, now, that this price is for the same grade of cotton. For October, from 11.30 cents to 8.69 cents per pound; November, from 11.70 to 8.85; December, 11.30 to 8.90; January, 11.31 to 8.99; February, 11.40 to 9.06; March, 11.48 to 9.02; and then throughout the year, for July the highest being 13 cents and the lowest 9.35 cents per pound. Thus you see that these prices are either manipulated or the unrestrained speculation keeps the market price shifting round like a howling dervish.

Frequently since then, during certain months, futures have fluctuated violently, as much as 3 cents within a very short period. Recently the price of future contracts has fluctuated as much as 3 cents a pound in the month, and nearly always there is a fluctuation of from 2 to 3 cents in any future month for the delivery of cotton. When these violent fluctuations take place, pray tell me what becomes of this margin of safety which affords protection to merchant and spinner? Where is it found? As a matter of fact it is often so wide there is frequently such a variance between the price of future contracts and the price of spots that no merchant and no spinner can, with safety, rely upon it as a hedge. It has ceased to be a protection either to the merchant or to the spinner, as was asserted here by Mr. Parker, and has, as a matter of fact, become an additional menace and danger. Now, let us see what Commissioner Smith says on that point. Page 157, speaking of this irregularity in the margin, he says: "This means that merchants using the market for hedging purposes have been more or less constantly subjected to a very serious risk."

What is the purpose of hedging? The purpose of hedging is to avoid risk, to escape the dangers occasioned by fluctuation in the price of cotton. And, by the way, I will say here that, in my deliberate judgment, these dangers, these fluctuations in prices are directly attributable to the operations of these exchanges. They bring about the very condition which makes it necessary for the merchant and the spinner to fly to them in a vain effort to protect themselves by hedging. A careful reading of this report will drive conviction home to the mind of any candid man that fluctuations in the price of futures are directly attributable to the "subsidiary element" operating on the New York Cotton Exchange; that it is these violent fluctuations of from 2 to 3 cents a pound in the price of futures in each and every month that makes it necessary for the cotton spinner and the cotton merchant to seek protection for themselves against it. Eliminate this danger by prohibiting these gambling contracts—and that is the sole purpose of the Scott bill—and you make it impossible for these violent fluctuations to be brought about. I did not read all that Commissioner Smith said on this subject.

Whereas, as so frequently emphasized, the purpose of hedging is to reduce or eliminate risk. It means, too, that the calculations of speculators as to the movements of the contract price itself have been rendered more difficult and risks consequently increased.

Thus it is made plain that instead of hedging facilities being afforded, the New York Cotton Exchange or any other exchange, where the margin between the price of future contracts and the price of spots is constantly disturbed and becomes so wide as to destroy the parity between them, instead of affording relief to the spinner or affording a safeguard for the merchant by eliminating risk, really increases such risk. Now, right on that point I want to read this morning excerpts from letters by spinners to show the views held by them on the protection afforded by a hedge on these exchanges.

I first submit a statement by Mr. A. W. Emery, of the Evansville Cotton Manufacturing Co., of Indiana:

I believe the bill which you have introduced is just and right, and, so far as our observation has been, we consider the matter of dealing in futures in cotton to be detrimental to the manufacturer in every respect, as it is a form of gambling which misrepresents facts and is harmful to anyone who is in any way connected with such doubtful methods of business.

Evidently this spinner would not attempt a hedge. I next read from Mr. T. L. Wainwright, president of the Stonewall Cotton Mills of Mississippi:

Now, touching the future business, will say that I have frequently had occasion to buy so-called futures or future-contract cotton to cover actual future sales of cotton goods, but I am very sorry to have to say that we have always come out, with very few minor exceptions, with either the hot end of the poker or short end of the string in our hands. The methods of the New York Cotton Exchange are an outrage on the public. They do not afford the protection that is expected and held out. * * *

Again:

It is argued that if our American exchanges are suppressed or closed up that we transfer the market quotations, or I should say prices, to Liverpool. This I deny.

Now, down to the real practical facts, which will be attested by every sensible cotton-mill manager. The trouble is we and many others have recently and heretofore many times sold large quantities of cotton goods at profitable prices and have bought the spot cotton or futures as a hedge; then the gamblers get into the deal and depress the cotton markets from 1 to 3 or 4 cents per pound; then down goes cotton goods, the purchasers cancel their orders and leave the cotton mills with the high-price future or spot cotton on their hands and their orders for the goods all canceled. We are in this fix to-day, and with a loss from this very cause on our hands that will amount to many thousands of dollars. I have gone through this experience before. The dethroned cotton kings, and many others of their stripe and class, are absolutely to blame for these terrible conditions. So, I must repeat, from a common-sense and practical experience of a third of a century, I am unalterably opposed to the bucket shop; and, secondly, to the swindling and unjust methods followed by the New York cotton

exchanges; and, thirdly, to the general practice of the so-called cotton exchanges as relates to future cotton transactions. If the whole future business were swept off the map of cotton business, I believe everybody would be far better off.

He says further that the bill under consideration covers his views and ideas exactly

Now, one from Mr. E. S. Hobbs, of the Aurora Cotton Mills, of Illinois.

In the 24 years' operation of these mills, during which time I have been connected with the active management, we have not made use of the future markets as a means of protection against unforeseen fluctuations. We are opposed to the cotton exchanges as now conducted, because they serve no legitimate purposes of commerce. The statement that they do seems plausible to the unthinking mind, but really has no foundation in fact. The producer and consumer of cotton want stability of prices; the speculators and gamblers want rapid and violent fluctuations, and use all sorts of means, honorable and otherwise, to produce them. The inevitable result is that the honest producer and consumer are defrauded.

I have many such letters, but will content myself with submitting only one more. It is from Thomas Henry & Sons, of Philadelphia, Pa. In no uncertain terms do they speak:

We think if the present cotton exchanges could be wiped out of existence the people or concerns engaged in legitimate business of cotton manufacturing would be far better off in every particular than they are at present.

Owing to the enormous rises and falls that have taken place in the cotton market quotations for the past few years it is almost impossible to do business on a legitimate basis; but if, as above stated, the exchanges were out of existence, and the old rule made to apply—that is, to make the price of cotton according to the legitimate demand and supply—it would result to the mutual advantage of the producer and the consumer, meaning the cotton-mill man as well, and the ultimate extinction of the gambling element who use the cotton market as a dummy for their gain.

Again they say:

We sincerely trust you will be able to have laws passed through both Houses to overcome the gross evils of the present cotton market which have existed for the past 10 years, and thereby receive the everlasting gratitude of the law-abiding people who have millions of dollars invested in the manufacture of cotton fabrics.

In a letter from the same, of another date, they have this to say:

We as manufacturers to-day can not use anything in grade lower than good middling in our class of manufacture, and we question seriously whether at this moment there are 700 bales of good cotton in New York market.

Our weekly consumption of cotton is, on the average, 100 bales of strict good middling.

In our opinion, as we believe we stated in our last letter, we feel if there is any law existing permitting trading and selling future contracts (on paper), it should be wiped out for the benefit of the country at large.

You will note that this mill takes no grade of cotton lower than good middling, and that their weekly consumption calls, on an average, for 100 bales of strict good middling cotton.

I hold in my hand one of the warehouse certificates of exchange, which I submit:

New York Cotton Exchange.

Grades of cotton in New York warehouses on September 30, 1907, inspected, classed certificated, and grade guaranteed by the New York Cotton Exchange (with differences on or off middling).

Grade.	Cents.	Number of bales.	Middling.
Fair	1.75	.....	On.
Strict middling fair	1.50	.....	On.
Middling fair	1.29	.....	On.
Barely middling fair	1.00	7	On.
Strict good middling	.75	15	On.
Fully good middling	.62	1	On.
Good middling	.50	20	On.
Barely good middling	.37	23	On.
Strict middling	.25	116	On.
Middling	Basis.	375	
Strict low middling	.30	2,212	Off.
Fully low middling	.65	8,857	Off.
Low middling	1.00	23,782	Off.
Barely low middling	1.25	30,848	Off.
Strict good ordinary	1.50	27,554	Off.
Fully good ordinary	1.75	9,318	Off.
Good ordinary	2.00	6,772	Off.
Strict good middling tinged	.35	45	On.
Good middling tinged	{Value of mid.}	146	
Strict middling tinged	.20	386	Off.
Middling tinged	.30	2,026	Off.
Strict low middling tinged	1.00	8,476	Off.
Low middling tinged	1.50	8,967	Off.
Strict good ordinary tinged	2.00	2,193	Off.
Fully middling stained	1.00	2,261	Off.
Middling stained	1.25	2,028	Off.
Barely middling stained	1.75	477	Off.
Strict low middling stained	2.25	1,012	Off.
Fully low middling stained	2.62	26	Off.
Low middling stained	3.00	544	Off.
Total	.....	138,484	

There can be no revision until November 20, 1907.

GEORGE BRENDECKE,
Chairman Warehouse and Delivery Committee.

Suppose Henry & Sons had bought future contracts and accepted delivery of every bale of cotton in the stock at that time—the entire 138,484 bales—they would not have gotten sufficient strict good middling and up (22 bales) to keep their mill in operation for two days. They would have secured in all this lot of cotton only 43 bales which they could use. What folly! How dangerous it would be for them to attempt to secure their stock of raw material through this exchange.

These spinners all agree that instead of the New York Cotton Exchange being a place of refuge for them against fluctuation in the price of cotton it has become an additional menace to their business.

Now, I will go on. Yesterday the gentleman from New York asked where one could go to ascertain the difference between grades. I then replied, to spot-cotton markets in the South. In order to further answer Mr. Cocks's question I want to read what the president of the New York Cotton Exchange said about the revision of 1906 and where he suggested we go to ascertain these differences. On page 164 of the report I find this statement made by the president of the exchange: "Probably the best markets to be governed by in the actual differences are Houston and Galveston," because they are the great spot-cotton markets. The other day Mr. Neville introduced Mr. Barbot to prove that there are what is known as quarter grades, clearly distinguishable from others. He spoke also of tinges and stains, his purpose being to show that it was necessary to have this wide range of 28 grades deliverable upon future contracts. I hold in my hands the Galveston News. I want to show that so far as the cotton trade is concerned these microscopic grades are never considered. You must always keep in mind the fact that when those who consume cotton want actual cotton they go or send to the spot markets in the South for it. There the cotton is bought, assembled, and assorted as to grades, and for the purposes of the trade there are only about 7 grades of cotton considered. These other barely definable grades only serve to aid manipulation and stimulate speculation.

In Galveston, Tex., the trade requires quotations of prices for low ordinary, ordinary, good ordinary, low middling, middling, good middling, and middling fair, 7 grades; the same in Houston, the same in New Orleans, the same wherever actual cotton is dealt in; even the New York quotations that are telegraphed down to the spot markets reflect only information with reference to the value of these 7 grades. This is shown by the News, the leading paper in the leading spot market, and yet the contention is made that 28 different grades should be deliverable upon future contracts, when the spot market takes no account of more than 7, and it is the spot market at last where the spinner goes to get his cotton. The wide range of grade deliveries are useful only for purposes of manipulation and serve as an additional means of depressing or inflating prices. Now, one other phase of the question and I will conclude. What will be the result if the Scott bill is enacted into law and these purely speculative transactions are eliminated? Will it result in the destruction of the exchanges, and if so, what will follow? I will say that if a condition has developed on the New York Cotton Exchange that makes it necessary to continue transactions, 90 per cent of which are pure gambling, in order that it may exist, then it ought to be our desire to bring about a change regardless of what the consequences might be.

Mr. Chairman, I do not subscribe to the proposition that if this bill is passed the field of speculative operation will be transferred to Liverpool and the producer placed at the mercy of the English spinner. Representative HARDWICK will, before this hearing is concluded, present several amendments to the Scott bill, having for their purpose the making it impossible for the Liverpool exchange to be made the basis of these operations. If gambling in cotton was prevented in this country, would the Liverpool exchange continue to deal in futures? I have from the lips of the oldest living member of the New York Cotton Exchange, made to me in the presence of William C. Lovering—and I made this statement during the lifetime of Mr. Lovering, and did not wait until his death—Mr. Walter T. Miller, one of the men who organized the exchange, helped construct its present building, when I put the direct question to him as to what would be the effect upon the Liverpool exchange if we eliminated these speculative transactions upon the New York Cotton Exchange, this reply:

Mr. BURLESON, it would be compelled to at once abandon the practice of dealing in such contracts, because the principal source of their patronage is from this country.

Destroy this gambling and I believe the cotton exchanges of this country would at once become, like the exchange at Bremen, an exchange where spot cotton is dealt in. I do not believe any serious trade disturbance would result, regardless of the effect this bill, if law, might have on the two big exchanges.

I would not be candid, however, if I did not express my belief that there would be necessary some readjustment of trade conditions. There would be. But the intelligent producers and consumers of this country will readily devise a new system to meet the situation. Already it is in progress. The construction of a system of warehouses throughout the South has been inaugurated, where cotton can be stored and where spinners can come in direct contact, not with the producer himself, because he would not be there, but they would come in contact with the middleman. This system will not eliminate the middleman; it would not eliminate Mr. Neville as a spot merchant, not at all; it will eliminate Mr. Neville in a way as a speculator—I would not say gambler; it will eliminate Mr. Hubbard as such a speculator. These gentlemen could have their agents at the places where warehouses are located representing them, the spinning interests would be represented, and the producers' interests would also be represented, all interests represented, all there to find the cotton they need in lots of even-running grades, just as they desire it, without all this stupendous burden of expense. I do not believe and can not see one single reason why cotton should under this system be bought or sold under a wider margin by those who aid in marketing the crop. It was suggested three years ago by Mr. James R. MacColl, the president of the New England Spinners' Association, that—

The New York Cotton Exchange has become so useless to us that we must devise for ourselves a place where we can go and have spot cotton find its way there and supply our needs.

He suggested that in an address to the spinners themselves. Acting upon that, the intelligent producers of the South, for a number of years, have been erecting these warehouses and they are nearly prepared to meet the situation which will be presented if this bill should become a law.

Mr. LEVER. How many in the South do you happen to know?

Mr. BURLESON. I believe it has been stated that there are some two thousand cotton warehouses there now. In this connection I will state that Mr. Haines, the secretary of the Galveston Chamber of Commerce, recently told me that capital could be readily enlisted to erect the necessary warehouses at Galveston to meet the demand, not only of Texas, but of the entire cotton territory tributary to that city, affording warehouse facilities, so that the cotton finding its way into those warehouses could readily find its way across the ocean, if needed for export purposes, or around to New England spinners, if needed by them, or the southern spinners. You need have no apprehension or fear that there is going to be any serious disturbance, any irremediable injury to the cotton trade, if this bill is enacted into law. And, gentlemen, one word more; whether this is so or not, who will be the sufferers if disturbance is occasioned, who will be the only sufferers? The producers upon the one hand and the spinners upon the other. They stand here, so far as this record is concerned, united in the expression of a desire that the Scott bill be passed and this great incubus be removed. If they are willing to take the risk and stand here to say to you that they are willing to take the risk, why should there be a single conscientious man upon this committee who would hesitate to act?

Mr. LEVER. Mr. Burleson, do you think there is any danger of the formation of a great cotton trust throughout the country which would control the price of cotton and put the farmer at the mercy of the trust?

Mr. BURLESON. The suggestion—pardon me, if I indulge in strong language—the suggestion is absurd, for the reason that the American spinner is not the only consumer of American cotton; he has an active competitor upon the European Continent, an active competitor in Great Britain; no combination that could be entered into could possibly control the situation.

Mr. LEVER. You think the suggestion is radical?

Mr. BURLESON. It is ridiculous.

CROSS-EXAMINATION OF MR. ARTHUR R. MARSH, VICE PRESIDENT OF NEW YORK EXCHANGE, BY MR. BURLESON.

Mr. BURLESON. Do you operate on the New York Exchange as an individual or as a member of a firm?

Mr. MARSH. As an individual.

Mr. BURLESON. How many years have you been a member of the exchange?

Mr. MARSH. I think I was elected in 1901, but I have not kept it as an anniversary.

Mr. BURLESON. What office do you now hold on the exchange?

Mr. MARSH. Vice president.

Mr. BURLESON. What other offices have you held?

Mr. MARSH. I have been a member of the board of managers and an occasional member of this or that committee of the exchange.

Mr. BURLESON. Numbers of committees?

Mr. MARSH. Yes.

Mr. BURLESON. The other day, Mr. Marsh, in response to a question by Mr. BEALL of Texas (when he asked you to distinguish between the conditions which surround the cotton trade which make it necessary to have an exchange for the sale of future contracts for cotton, and the conditions which surround the cotton goods trade, which in value represent about three times the value of the raw product, for which there is no exchange), if I understood you, you stated that the multitude of merchants, retail and wholesale, engaged in disposing of cotton goods enabled the trade to distribute any losses which might be sustained among so many or over so large an area that it was not necessary to have an exchange, but that it was necessary to have an exchange for the sale of raw cotton in order to maintain intact, or protect as far as possible, the volume of capital necessary for the prosecution of the business?

Mr. MARSH. I think that is a very accurate statement of what I said, sir.

Mr. BURLESON. There are fewer people engaged in the manufacture of wool than cotton, fewer people engaged in growing wool than cotton. It takes approximately $500,000,000 to handle the world's wool crop. Differentiate for this committee, if you can, why it is that it is necessary to have an exchange for cotton and not for wool.

Mr. MARSH. Before proceeding to speak of the wool I should like to call attention to one point which I did not make in the statement Mr. Burleson quoted from me. I said that the immense number of small merchants who handled dry goods enabled the risk to be distributed to such an extent as not to fall unbearably upon any one of them. I ought to have added to that statement the further statement that the retailers and wholesalers of dry goods work on a margin of profit so large as compared with the profit which handlers of raw cotton work on that a decline in the value of the goods which they have on hand may be very considerable before those goods get down to their cost.

Mr. BURLESON. Well, considering that additional element, please, in a few words, if you can, differentiate between the conditions which environ wool and make it unnecessary to have an exchange for the sale of future contracts for wool.

Mr. MARSH. That statement which I have just made was preliminary to a statement I desire to make with regard to wool. I have never been in the wool business myself, but a member of my family was in the wool business for a number of years, in Boston, which is now the chief wool market in this country, and I become tolerably familiar with the conditions of conducting that trade.

In the first place, in the wool trade, owing to these possibilities of loss, due to having no opportunity to hedge, the margins are kept very much wider than they are in cotton. A wool merchant expects to get, tries to get, at least 20 per cent. A cotton merchant expects to get from one-half to three-quarters of 1 per cent. But, Mr. Chairman, in spite of the wool merchant aiming to get this very much larger margin between what he pays for his wool and what he sells it to the manufacturer for, the wool business is one of the most speculative and one of the most dangerous forms of modern merchandizing.

Any wool merchant in Boston will tell you that the wool firms there go through extraordinary vicissitudes of profits and losses——

Mr. BURLESON. You evidently mistook the purpose of my question. I want you to tell this committee, if you can, the difference in conditions which environ the wool trade—I don't care whether those engaged in it lose more money or not; that is a subsequent matter—tell, if you can, the difference in conditions which environ the wool trade which make it unnecessary to have an exchange.

Mr. MARSH. The wool trade would have an exchange in a minute if it could. There is not a wool merchant in Boston——

The CHAIRMAN. Well, can you tell us in a word why it can not?

Mr. MARSH. The first and chief reason why it is impossible is that the determination of the value of a pile of wool in a warehouse is purely and simply a matter of guesswork. Wool is handled almost entirely in the grease. The value of the wool, however, is its value after it is scoured. Now, there are the most extraordinary divergencies of opinion between the most expert buyers as to the scoured value of any given pile of wool. It is a business which is more largely guesswork than any business probably in the world.

Now, when you come to taking a contract for future delivery, this element of guesswork, of uncertainty, as to the real economic value of each particular lot which is to be delivered introduces problems and perplexities which have so far proved

insuperable. There was, as you know, undoubtedly, an attempt some years ago to establish a wool exchange in New York. It was never possible—never proved possible—to work out any rules for the delivery of wool on contracts which were dependable and which worked out in practice in a manner economically sound.

Another difficulty that arises in connection with wool, but along the same line, is that, although the total amount of wool produced is very large, there is a very extraordinary difference in the characters of wool that are produced, and the valuation of these extraordinarily different characters of wool has proved beyond the powers of any set of wool merchants who have ever put their brains to the matter.

In this connection, however, I should like to call your attention to the fact that there formerly was, and I supposed until I heard a positive statement to the contrary still was, trading in contracts for what are known as wool tops in Antwerp. That one specific——

Mr. BURLESON. I beg your pardon; I was not asking you whether there was an exchange at Antwerp or about a rumor of one at Antwerp. I again direct your attention to my request for conditions which environ the wool trade which you think makes it unnecessary to have an exchange, in the fewest words, please.

Mr. MARSH. Well, in the fewest words possible, the conditions that make it impossible, or so far make it impossible, are the incalculability of the particular lots of wool that have to be dealt with.

Mr. BURLESON. Now, Mr. Marsh, am I to understand by that answer that the principal reason why the trade requires no wool exchange is that there is a much larger number of grades of wool than there is of cotton?

Mr. MARSH. Yes; I am sure of it.

Mr. BURLESON. And you think the extreme doubt about the quality of wool that there is another reason why you can not have a wool exchange?

Mr. MARSH. I did not say the extreme doubt about the quality of wool. I said the extreme doubt as to the value of each particular lot of wool.

Mr. BURLESON. All right. Would not doubt as to the value of each particular lot of wool make for speculation rather than diminish the chances for it and, in fact, afford an additional reason why you should have a wool exchange, from your viewpoint, rather than a reason why you should not have one?

Mr. MARSH. Mr. BURLESON, I do not think the reason for the exchange is the opportunity it offers for speculation.

Mr. BURLESON. No, but to eliminate the risk; but I will ask you this question: Was not the principal reason for failure to establish the wool exchange in New York because the existing exchanges furnished sufficient facilities to anyone who wanted to speculate or gamble, and that the wool exchange did not receive the patronage necessary to keep it going?

Mr. MARSH. I have not been so informed. My information has been that the trouble with the wool exchange was the impossibility of making rules and regulations of a general character to apply to a commodity so incalculable in its varieties as wool.

Mr. BURLESON. You know Mr. J. R. McColl?

Mr. MARSH. Yes, sir.

Mr. BURLESON. He was at one time the president of the National Association of Cotton Manufacturers?

Mr. MARSH. Yes.

Mr. BURLESON. You are not in accord with the view expressed by Mr. McColl when he said, speaking as to the necessity for a cotton exchange:

Why should it be so, if the wool crop of the world, amounting in value to $500,000,000 annually, as well as the silk and linen crop, are marketed successfully without trading in futures. This system does not influence or move the crop, and it certainly affords great opportunity for speculation, which is injurious to legitimate industry. The speculator claims to foresee coming conditions. Unfortunately, this is not his chief business. It is to create temporary artificial conditions by selling quantities of cotton that he does not own or buying cotton he does not intend to accept delivery of. In the long run it must, of course, be admitted that supply and demand regulate price, but in the intermediate artificial fluctuations the speculator makes his money and the grower and manufacturer are apt to suffer disaster.

You do not agree with those views at all, although Mr. McColl is the president of a number of cotton mills and has been a manufacturer of cotton for many years.

Mr. MARSH. My first answer to that would be, Mr. BURLESON, that there is no commodity handled in the United States in which there is more constant speculation than there is in wool. The speculation in proportion to the amount of wool handled is, in my opinion, fully as great as the speculation in cotton.

Mr. BURLESON. And yet it is not necessary to have a wool exchange to hedge the risks.

Mr. MARSH. There is no exchange.

Mr. BURLESON. You said yesterday, in response to a question asked by Mr. Scott, that it was unsafe for the spinner and unwise for the spinner to go to the New York Cotton Exchange.

Mr. MARSH. Did I use those words, sir?

Mr. BURLESON. I think you did.

Mr. MARSH. Did I say unsafe?

Mr. BURLESON. I think so.

Mr. MARSH. Unsafe and unwise? I should be very glad to have the matter looked up.

Mr. BURLESON. Well, did you use the word "unwise"?

Mr. MARSH. I do not remember using the word "unwise." My recollection is that I said the contract for future delivery of cotton in New York was a cotton merchant's contract; was not designed for the use of spinners.

Mr. BURLESON. And that it was unsafe and unwise?

Mr. MARSH. I don't think I said that, sir.

Mr. BURLESON. Well, do you say it is unsafe and unwise or do you not—for him to go there?

Mr. MARSH. In determining safety and wisdom I am not particularly an expert.

Mr. BURLESON. Well, I will put it to you this way, then, if you can not readily answer the question: Does the spinner go there?

Mr. MARSH. I think he does.

Mr. BURLESON. Would you be surprised to know that Mr. McColl, of whom I spoke, in testifying before this committee has said:

My opinion is that the spinners of this country have used the future market to a very small extent. Lately they have been forced to use it more, but they have not used it to any large extent in years gone by. There are thousands and thousands of manufacturers who have never bought a bale of futures.

Is that statement, entertaining the view that you have just——

Mr. MARSH. I think that statement is absolutely correct. I think the spinners of this country until a few years ago were of the opinion that the course for them to pursue was, as one of them stated to Mr. Hubbard and me, in a rather excited argument we had at Washington, to take a merchant's view of the situation and buy their cotton when they thought it was cheap, or sell their goods when they thought the price of the goods was high, and if they had bought their cotton when it was cheap, carry it until they sold their goods; or if they had sold their goods when they thought cotton was high, to keep short of cotton until they had a chance to buy the cotton at a lower price. It is a rather interesting commentary upon this spinner's attitude that his mill has during the last year practically gone bankrupt, that this spinner himself has been turned out of his job as treasurer of the mill, and that the Bishop of Massachusetts, who was a large stockholder in the mill, has preached a sermon against speculation.

Mr. BURLESON. Who was the spinner you speak of?

Mr. MARSH. I will not mention his name.

Mr. BURLESON. This statement made by Mr. McColl was rather a broad statement and embraced the use of futures for hedging purposes or any other purpose. I am asking you if it is not a fact that for many, many years the New England spinners especially have been extremely hostile to the New York Cotton Exchange upon the ground that its practices were inimical to their interests or the interests of the trade?

Mr. MARSH. The older generation of spinners in New England was unquestionably hostile to the New York Cotton Exchange or any cotton exchange, but the new generation of New England spinners who are just getting into the field are, so far as I know, unanimously of the opinion that they could not conduct their business without the aid of the exchanges. And the reason for that, Mr. Chairman, if Mr. BURLESON cares to have it, I will give.

Mr. BURLESON. Yes; I would like to have any reason you can give, if you can put it in a few words.

Mr. MARSH. I can, sir. The older mill treasurers of New England began with small mills and gradually built them up to large mills. When their mills were small they had no trouble in going to the banks and borrowing money enough to buy the cotton, which was comparatively small in amount, to run their mills. As their mills grew and these older treasurers remained in the saddle, the banks insensibly enlarged their accommodations to these treasurers, and so until the end of the career of these successful old treasurers they had no trouble in getting the money from the banks to buy the cotton which they needed. But now, sir, younger men are taking the place of these old treasurers, and the banks are beginning to ask questions. They say, "It was all right for us to lend money enough to buy 100,000 bales of cotton to Mr. Thomas Jefferson Coolidge, who

was a seasoned veteran, who had grown up in this business, who had made an enormous amount of money for his mill, and we could trust him; but how about this young man who has got to come in and take his place? Are we willing to lend eight or ten million dollars to this young man on his judgment as to when is the right time to buy cotton? This young man has not been through the mill. We can not trust his judgment."

And the consequence is, sir, that as these younger spinners come along they are abandoning, and abandoning, perforce, the manner of conducting the business of those older spinners, and now you will find younger spinners in New England conducting their spinning to a large extent in the way in which the English spinner conducts his business. He hedges his sales of goods by buying some cotton; or if he buys cotton at a time when he thinks the quality he desires is most easily obtainable he sells or hedges against it.

Mr. BURLESON. Then in a nutshell you say the reason for this change is that the moneyed class in New England had a confidence in the old spinners that they have not in the younger ones, and here the bankers force the latter to hedge? If that is so, no man would be better advised of it than the president of the New York Cotton Exchange, would he? If this change in sentiment had taken place, or this viewpoint has changed, on the part of the New England spinner, there would be no person who would be better informed about it than the president of the New York Cotton Exchange?

Mr. MARSH. The president of the New York Cotton Exchange never lived in New England, and I have lived there.

Mr. BURLESON. But is it not his duty to keep posted, Mr. Marsh, and haven't you said that one of the great advantages of this exchange was the facilities and opportunities its membership had for keeping right up with the trade, for gathering all kinds of information from all sources with reference to the trade? Would you say, then, that you would expect ignorance upon the part of the president of the exchange with reference to this change of sentiment on the part of the New England spinner?

Mr. MARSH. I should not expect anything.

Mr. BURLESON. Let me read you something that was said by the president of the New York Cotton Exchange, addressing the New England spinners [reading]:

The hostile attitude taken by the spinners of New England at the formation of our exchange and which has continued with more or less intensity during the past 36 years—

It was organized in 1871, and 36 years would bring it down to 1907, would it not? I haven't the date, but I take it from that that it must have been in 1906 or 1907 when this address was made [continuing reading]—

was, and is, to my mind, a mistaken policy, which the spinners of England and Continental Europe have avoided by their daily intercourse with merchants from all portions of the world.

If this change of attitude has taken place, Mr. Hubbard, who made that address, was not aware of it, was he, unless he was making a very loose statement or a false statement?

Mr. MARSH. I don't know what Mr. Hubbard was aware of.

Mr. BURLESON. Well, if he made that statement, was he mistaken about it?

Mr. MARSH. A tendency had already set up which he did not call attention to in that statement, unquestionably.

Mr. BURLESON. And it has ripened in the last two years into a complete change, you would think?

Mr. MARSH. So far as the younger spinners are concerned.

Mr. BURLESON. There is about as much cotton manufactured in the South as in New England. The president of the American (Southern) Cotton Spinners' Association was here, Mr. Parker. Do its members patronize the New York Cotton Exchange to any extent?

Mr. MARSH. Mr. Parker?

Mr. BURLESON. No; I didn't say Mr. Parker. I said the southern cotton spinners.

Mr. MARSH. Mr. Parker is one of the best customers of the New York Cotton Exchange.

Mr. BURLESON. I didn't say Mr. Parker. I said the southern spinners.

Mr. MARSH. The southern spinners certainly use the facilities to a large extent.

Mr. BURLESON. Did you grasp the meaning of that resolution they adopted when they said the conditions on the New York Exchange made it unsafe to attempt to hedge there? How do you explain that if that is true? Can it be explained, Mr. Marsh?

Mr. MARSH. It can be explained; yes.

Mr. BURLESON. How do you explain it if it is true?

Mr. MARSH. I explain it as the case of certain gentlemen wishing to force certain other gentlemen to do something they want to have them do and using severe language to that end.

Mr. BURLESON. Then you take issue with the sincerity of statement embodied in that resolution, do you?

Mr. MARSH. I certainly do.

Mr. BURLESON. What is it that fixes the price of a future contract on the New York Exchange?

Mr. MARSH. A member of the exchange ready to buy and another member ready to sell at that price.

Mr. BURLESON. It is the fact that an offer is made and accepted which fixes the price of futures?

Mr. MARSH. Yes.

Mr. BURLESON. Now, what is the basis which controls the fixing of a price by the seller? In other words, upon what is the price to sell based?

Mr. MARSH. In the case of a merchant hedging it is based on what he has paid for his cotton in the South.

Mr. BURLESON. As a matter of fact, you maintain a reserve in New York City of cotton to be delivered or tendered on contracts?

Mr. MARSH. We do not maintain a reserve. There is, under the natural operation of our by-laws and rules, a reserve there.

Mr. BURLESON. We will get to that in a minute. I want to know if there is a reserve there?

Mr. MARSH. There is a reserve there; yes.

Mr. BURLESON. As a matter of fact, is not the price of future contract based upon what is in that reserve, and does not a knowledge of what is in that reserve control and fix the price of the future contract?

Mr. MARSH. No, sir.

Mr. BURLESON. You know Mr. J. F. Maury? [After a pause.] I mean Mr. James F. Maury. He is a member of your exchange.

Mr. MARSH. Then I know him.

Mr. BURLESON. A sufficiently important member of your exchange to have been continued for a number of years as chairman of one of the important committees of the exchange.

Mr. MARSH. He is the treasurer of the exchange.

Mr. BURLESON. The present treasurer?

Mr. MARSH. Yes.

Mr. BURLESON. What do you think of this statement coming from Mr. Maury?—

The present price of our futures represents the value of the kind and grades of cotton which the buyer expects to get if he calls for delivery.

Is that true or was he mistaken about that?

Mr. MARSH. In one sense of the word it is true, and in another sense of the word it is not true. It is, of course, true that the character of cotton likely to be delivered in New York in its relation to middling cotton will have an effect on the price of futures relative to the prevailing price for middling cotton.

Mr. BURLESON. Then you accept that statement of Mr. Maury as true?

Mr. MARSH. Absolutely and completely? No, sir.

Mr. BURLESON. You do not?

Mr. MARSH. No.

Mr. BURLESON. Now, then, see if the chairman of your committee, Mr. Maury, has not stated the whole truth in that particular; see if you agree on this part of his statement:

He expects low grades and mixed lots, and so forth.

That is the man to whom cotton is tendered under the contract. He expects low grades and mixed lots.

Mr. MARSH. When?

Mr. BURLESON. When the cotton is tendered to him under the future contracts that are made on the New York exchange.

Mr. MARSH. There are no such grades in the stock in the port of New York at the present time, and so he can not possibly expect it.

Mr. BURLESON. Then, what do you think about this statement (I read from Mr. Maury's report):

If you go to any great southern market, as Memphis, New Orleans, Galveston, etc., you will see large lots of cotton of the various spinners' grades inspected and classed out in even-running lines of single grades, ready for purchase by spinners or exporters. We used to see these in New York years ago, but we do not now—it does not pay to send them here.

Mr MacColl, president of the National Association of Cotton Manufacturers, in his recent address on April 24, advises establishing a cotton exchange in New England, especially for spot cotton, to bring the planter and spinner nearer together, and to have fixed standards of grade and sworn classers. We have all these and a working system tested by years, but it is tied down to a small number of bales of mixed lots brought to New York, because they are hard to handle elsewhere.

The speculative business will come here, too, because here are the largest number of buyers and sellers, and our future prices will then be based upon spinners' cotton, as they can not be said to be now.

The cotton world is demanding of us that we must represent the real trading basis, the spot prices for spinners' cotton, not prices based on "overs," low grades, and speculation.

That is the statement made by Mr. Maury in this report which he made to the New York Cotton Exchange, "that your prices for future cotton were based on overs, low grades, and speculation, and not on spot cotton." Is that true or false? That can be answered yes or no. You understand the question, do you not?

Mr. MARSH. I don't think I do.

Mr. BURLESON. I will repeat it in order that you may understand its full meaning, because I want you to answer it, whether it is true or not. This is the report to the exchange made by Mr. Maury, and he makes this statement.

Mr. MARSH. Will you permit me to ask there what that report is. You say a report made by Mr. Maury?

Mr. BURLESON. As chairman of your classification committee, I believe you call it, which was made July 10, 1907, before the New York Exchange. It was by a committee of the New York Exchange, the "Committee on Licensing Warehouses," of which Mr. Maury was chairman. I will read it again, because I want you to understand it, and I want you to say whether it is a false statement or not. There are certain facts connected with this business upon which you are entitled to draw your conclusions, and I want to agree with you, if I can, on the facts, and you may draw your conclusions and I will draw mine from the same facts. I want to ask you now this question. I will read this again:

The cotton world is demanding of us that we must represent the real trading basis, the spot prices for spinners' cotton, not prices based on "overs," low grades, and speculation.

Now, Mr. Marsh, I want to know whether or not this statement made by Mr. Maury and four or five or six others—how many exchange members are there on that committee? It was signed by all the membership of the committee. Is it true?

Mr. MENDELBAUM. Mr. Chairman——

The CHAIRMAN. I think Mr. Marsh is entirely competent to take care of himself.

Mr. MENDELBAUM. He has stated that he was chairman of the committee on licensing warehouses, and if Mr. BURLESON would read exactly what was said there he would see that he was chairman of the committee dealing with the proposition to deal with southern warehouses.

The CHAIRMAN. I will repeat that I think Mr. Marsh is capable of taking care of himself, and I prefer to have it left with him.

Mr. MARSH. I answer that question, Mr. BURLESON, by saying that Mr. Maury was absolutely correct in saying that the world expected the New York Cotton Exchange—will you read just what that is?

Mr. BURLESON. I agree to that part of it. I agree that that is what the world is demanding of your cotton exchange. That is not the part I am after. "Spot prices for spinners' cotton, not prices based on overs, low grades, and speculation." Now, I ask you the question, Are your prices based on overs, low grades, and speculation?

Mr. MARSH. I reply that they are not, and never have been.

Mr. BURLESON. Then the statement made by Mr. Maury to that effect is not true?

Mr. MARSH. He does not say that they are.

Mr. BURLESON. What does he say, if he does not say that; what is the purport of his statement, Mr. Marsh?

Mr. MARSH. You have the statement before you.

Mr. BURLESON. I certainly have, and I have read it, and I so understand it. If he does not say that they are based on overs, low grades, and speculation, what does he say that they are based on?

Mr. MARSH. I can not see from the statement that he says they are based on anything.

Mr. BURLESON. Are you content with that answer to that question?

Mr. MARSH. I think the answer is a good answer to the question.

Mr. BURLESON. All right.

The CHAIRMAN. Let me ask you one question there. Would it be a fair inference from the statement Mr. BURLESON has read that in the judgment of Mr. Maury the prices are based on overs, low grades, and speculation?

Mr. MARSH. It would be a fair inference. If I might have an opportunity to explain——

Mr. BURLESON. I will give you an opportunity later.

Mr. MARSH. May I suggest that I am in the hands of the chairman, and not asking the privilege of the gentleman from Texas? I await the ruling of the chairman.

The CHAIRMAN. I think it would be fair to let the gentleman explain the circumstances.

Mr. MARSH. Mr. Maury is a member of the New York Cotton Exchange. He has not been in the active cotton business for many years. He is a man whom we all greatly esteem, and whose position as a member of the New York Cotton Exchange commands the highest respect on the part of his fellow members. But he has not been in the active cotton business for many years. If I may venture to say so, he is somewhat of a theorist, and he has conceived a certain opinion as to the necessity of the cotton exchange extending its license warehouse system to Southern States, and in arguing for that position he has rather taken up the current talk about the stock of cotton in the port of New York, which he is not himself handling, and which he has not handled for many years. Therefore that answers that.

Mr. BURLESON. All right. If you repudiate Mr. Maury and his committee, I ask if you know Mr. James T. Milne?

Mr. MARSH. Yes; I think I do know who he is

Mr. BURLESON. Is he a member of the New York Cotton Exchange? There are only 450 of them.

Mr. MARSH. I think not. I was not sure, but I think not. He is an unimportant person.

Mr. BURLESON. Unimportant, but has he been a member of the New York Cotton Exchange?

Mr. MARSH. That I can not answer. Does anybody here know whether Mr. Milne has been a member?

Mr. MENDLEBAUM. Yes, sir; he is.

Mr. BURLESON. All right. What do you think of a man who is a member of the New York Cotton Exchange, or has been a member of the New York Cotton Exchange, saying this? He was a member at the time that this statement was made:

Referring to yours of the 14th, asking my views as to the particular difference between grades, I am not now in touch with the business sufficiently to form an opinion. My contention is that cottons which have no standing or class in primary markets are not entitled to recognition or listing by the New York Cotton Exchange. The fact that they are listed and an arbitrary value fixed, and that a buyer of contracts must accept them at the value fixed by the exchange, a value that can not be obtained anywhere else in the world, is in my judgment a standing disgrace reflecting on the integrity or intelligence of every influential member. Whatever may be said regarding past operation of exchange business is proof that the system has given satisfaction? It is true nevertheless that the public is awakening to the fact that "heads, I win; tails, you lose" means that the profit all the time goes to one side, and is not, as it first strikes the ear, a fair deal to both.

Now, I want to know if there is any truth in that statement, made by a man who was a member of the exchange at the time it was made.

Mr. MARSH. It does not seem to me that there is any truth in it. It never has seemed so to me.

Mr. BURLESON. You said, in response to a question asked by Mr. SIMS the other day, in a hypothetical case that he put to you, attempting to show that the price of futures was affected by combination, that it was a pipe dream, or some other expression—I believe you said it was a "fish story." Now, Mr. Marsh, let me read you this, referring to a slump in cotton:

Look as critically as we may, we can find no germane weakness that would account for the sudden collapse of the market. We must look to some outside agency. It is easily found. The slump was the result of a premeditated attack and persistent onslaught by a party of New York operators, backed by ample capital and prestige in speculation.

Mr. MARSH. I should say that was a fish story, too.

Mr. BURLESON. You would say that it was not true, then, would you? That is what I want to know. When you say "a fish story," do you mean that it is not true?

Mr. NEVILLE. Might I ask whom he is quoting from?

Mr. BURLESON. You will have it in a minute. What do you think of this? Is this also a "fish story"?

If we believed that the present prices were the result of natural and legitimate causes, we would advise our friends to accept these prices and turn their cotton into money without delay. But we do not believe that the present prices are natural or legitimate. The brief experience we have had with the market this season before speculation interfered showed that consumers were willing to pay the prevailing prices and producers were willing to accept them. If business had been permitted to run its natural course, probably the increased volume of receipts would have gradually lowered prices. This would have been a natural and acceptable result. But when an outside element that knows nothing about cotton and has no interest therein except as a medium for gambling profits arbitrarily, interferes between the producer and consumer and undertakes to fix prices by sheer force of money and manipulation, we believe in suspending the rules and striking with the weapon at hand.

Mr. BURLESON (continuing). What would you say about an opinion expressed by that man about the ability of a combination to go in and drive prices up and force prices down?

Mr. MARSH. I should think he was sore.

Mr. BURLESON. Would you think it was true or false?

Mr. MARSH. I should think again that it was a "fish story."

Mr. BURLESON. What do you mean by that? Somebody may not know what you mean by that. I do not know myself; I do not know whether you mean to say that it is a false statement or not.

Mr. MARSH. An intentionally false statement?

Mr. BURLESON. I don't care whether you say it is intentionally false or not.

Mr. MARSH. I think on the face of it it is false, as a matter of fact.

Mr. BURLESON. That was a statement made on September 16, 1907, by the president of the New Orleans Cotton Exchange, W. B. Thompson. Is he a member of the New York Cotton Exchange also?

Mr. MARSH. He is not.

Mr. BURLESON. Has he ever been?

Mr. MARSH. Not to my knowledge.

Mr. BURLESON. You say, Mr. Marsh, that statement is a "fish story." Now, let me ask you this: What is the standard by which you fix differences between the various grades of cotton in the New York Cotton Exchange? That is, the standard used by your revision committee. The committee consists of 17 members, I believe.

Mr. MARSH. Yes.

Mr. BURLESON. What is the standard they use?

Mr. MARSH. I explained to the committee this morning that the revision committee of the New York Cotton Exchange as it now does its work endeavors to arrive at a fair and reasonable valuation of the different grades of cotton as compared with middling, taking into account its information as to the probable quantities of those grades in the crop——

Mr. BURLESON. Right there, is there any rule of the New York Cotton Exchange that requires them to do that?

Mr. MARSH. There is not.

Mr. BURLESON. Is there any rule of the New York Cotton Exchange which prescribes a standard to guide them in fixing the difference in value of the grades?

Mr. MARSH. There is not, sir.

Mr. BURLESON. Is it not a fact that they invariably overvalue the grades of cotton that are least in demand?

Mr. MARSH. How is that?

Mr. BURLESON. Does not the revision committee in the New York Cotton Exchange fix the values of grades not in demand higher than they should be?

Mr. MARSH. The commissioner of corporations in his last volume charges the New York——

Mr. BURLESON. I beg your pardon; I am not asking you about the report of the commissioner of corporations of New York. I am asking you as a matter of fact—well, I will get at it in another way. Is it not a fact, Mr. Marsh, that New York has ceased to be a spot market for cotton?

Mr. MARSH. Well, there are several hundred thousand bales of spot cotton dealt in in New York every year.

Mr. BURLESON. I will ask you if the number of bales of spot brought to New York is not brought there by reason of an artificial condition created by your exchange?

Mr. MARSH. I do not think they are brought there by an artificial condition. They are brought there because you can get more for them there than in some other market.

Mr. BURLESON. Is not the fact that you can get more for them there than in any other market purely an artificial condition?

Mr. MARSH. Cotton always goes where you can get the highest price for it. That is not artificial.

Mr. BURLESON. Exactly——

Mr. MARSH. If it goes to the spinner——

Mr. BURLESON. No, no; that is the very point I am trying to get at, Mr. Marsh. Is it not a fact that if it goes to New York at all to find a market that is because of an artificial condition?

Mr. MARSH. Well, sir, New York is alive and doing business, and cotton goes there. That may be artificial, or it may not; I can not answer that question.

Mr. BURLESON. Is not that one of the serious problems confronting the New York Cotton Exchange, as to how to bring cotton there, how to make cotton come there?

Mr. MARSH. It is unquestionably one of the problems we have to deal with.

Mr. BURLESON. And is it not a fact that the revision committee for years has overvalued the cotton least desirable or least in demand—overvalued it, understand—in order to draw it there?

Mr. MARSH. No, sir.

Mr. BURLESON. You say it is not?

Mr. MARSH. It is not.

Mr. BURLESON. You wrote a letter to the Atlanta Constitution, did you not, Mr. Marsh, in April, 1907? I referred to it in a speech I delivered in the House, and it is embodied in the Smith report. Of course I am not asking you to accept this report or any fact in it, but I am going to ask you about this letter. Did you write a letter?

Mr. MARSH. My impression is that I wrote two or three letters.

Mr. BURLESON. On April 26, 1907?

Mr. MARSH. I think I wrote one to the Constitution.

Mr. BURLESON. Did you not, in this letter, state that it cost somebody one dollar and a half for every bale of cotton stopped off in New York?

Mr. MARSH. Certainly.

Mr. BURLESON. And that cotton sought by the consumers, the spinners, would not come there because the spinners could outbid those who wanted it to come there?

Mr. MARSH. Will you read exactly what I said?

Mr. BURLESON. Well, I want to know if that is substantially correct.

Mr. MARSH. No, that is not substantially correct.

Mr. BURLESON (reading)—

Years ago, in the early days of the New York Cotton Exchange, New York was a market in which large quantities of all kinds of cotton were regularly carried in stock and offered for sale to spinners precisely like stocks of dry goods and other commodities which are now even carried and sold by the New York merchants. This is no longer the case, as it was discovered some 20 years ago by New England spot brokers that they could buy cotton in the South and sell it to New England spinners at practically the same price the New York merchants had to pay for their cotton delivered in New York. In other words, these New England brokers see that every bale of cotton that comes to New York and is carried in warehouses is subject to an expense of $1.50 which is not incurred if the same cotton is shipped direct from the South to the spinner. By saving this $1.50 per bale the New England broker was able to steadily undersell the New York cotton merchant and speedily capture all the old-time business in spot cotton which formerly New York controlled. Spinners ceased to come to New York in search of cotton for their mills, and the result was that the New York market was no longer able to carry at all times the considerable stock of all kinds of cotton it formerly did. * * *

Now, as has been pointed out above, every bale of cotton that comes to New York regularly costs somebody $1.50 to cover New York expenses; evidently, then, it is never possible for any character of cotton which spinners are buying freely throughout the South to come to New York at all. The mere saving of $1.50 per bale enables the spinner always to outbid New York for such cotton as he is buying freely.

Did I misquote you?

Mr. MARSH. You did, sir.

Mr. BURLESON. In what respect?

Mr. MARSH. Because you left out the phrase, "The spinners were buying freely throughout the South."

Mr. BURLESON. No; was not that what I said, that New York could not get the character of cotton that the spinners were buying? That is neither here nor there. It will not stop there, unless it costs somebody $1.50, will it?

Mr. MARSH. That is true.

Mr. BURLESON. If it does not come there somebody loses $1.50 on it, because he could get $1.50 more for it if the spinners were buying it freely in the South, more than the New York parties could pay. Is not that true?

Mr. MARSH. Yes.

Mr. BURLESON. Now I will ask you if you did not use this expression in that same address:

One of the most serious problems of the New York Cotton Exchange has been and is to frame its contracts so that a sufficient supply of actual cotton will regularly come to New York to insure the maintenance of this reserve.

Mr. MARSH. Undoubtedly.

Mr. BURLESON. Now, then, in order to get cotton to New York, you must overvalue the grades that are not being used by the spinners or demanded by the spinners freely to the extent of that $1.50, must you not?

Mr. MARSH. No, sir.

Mr. BURLESON. Then, how do you get it there, and what makes it come there?

Mr. MARSH. Any grade of cotton correctly valued which spinners do not happen to be buying freely at a given moment and which the holders desire to sell will come to New York.

Mr. BURLESON. Will come to New York if it is going to lose somebody $1.50 to get it there?

Mr. MARSH. Certainly.

Mr. BURLESON. Cost him $1.50 more than he could get it by shipping it straight to the spinner, or south for export purposes?

Mr. MARSH. But the statement there is that the spinner is not buying that kind of cotton freely. That is the statement you have got before you, sir.

Mr. BURLESON. Is that what is termed "overs"?

Mr. MARSH. I don't know what are termed "overs."

Mr. BURLESON. Well, if there is a lot of cotton in the South and the spinners are buying freely, and there are certain grades that are not being taken by the spinners, and they leave it over and do not buy it, is not that what Mr. Maury meant in his report when he said overs?

Mr. MARSH. I don't know.

Mr. BURLESON. Well, is that what you mean by overs; is that an expression that is used on the cotton exchange?

Mr. MARSH. It is an expression that is used by cotton merchants, and the meaning of it is this: If a spot-cotton merchant has contracted to deliver to a spinner a hundred or a thousand bales of even-running cotton, an even grade, and in order to get that he has to buy from the producer 200 or 500 or 2,000 bales of all kinds of cotton, then what is bought beyond the hundred or the thousand bales of even-running cotton is called overs.

Mr. BURLESON. That which the spinners do not desire, then——

Mr. MARSH. That which the spot merchant has not contracted at the moment to deliver——

Mr. BURLESON. Has not been able to dispose of?

Mr. MARSH. Has not disposed of.

Mr. BURLESON. Is what is called overs?

Mr. MARSH. What the spot merchant has not disposed of.

Mr. BURLESON. Is that what you meant when you said, then, that cotton that was not in demand freely by spinners would find its way to New York?

Mr. MARSH. That is a part of it; yes.

Mr. BURLESON. What is the other part?

Mr. MARSH. Cotton comes to New York which is not overs.

Mr. BURLESON. Now, what is it?

Mr. MARSH. Spot merchants buy the cotton in the South and ship it to New York.

Mr. BURLESON. At a loss of $1.50 a bale?

Mr. MARSH. Certainly not.

Mr. BURLESON. For the purpose of certificating in the New York Cotton Exchange?

Mr. MARSH. And for delivering it on contracts.

Mr. BURLESON. For the purpose of certificating it for the New York Cotton Exchange?

Mr. MARSH. It must be certificated to deliver.

Mr. BURLESON. To be delivered on the New York Cotton Exchange?

Mr. MARSH. Yes.

Mr. BURLESON. On contracts for future delivery?

Mr. MARSH. Certainly.

Mr. BURLESON. Now, I want to ask you if you do not think there is extreme danger in permitting a committee of active members of the exchange to fix the difference in value between grades, in the month of November, to obtain until the following September?

Mr. MARSH. I do not approve, myself, of that method of arriving at the valuation of different grades of cotton.

Mr. BURLESON. Why don't you approve of it?

Mr. MARSH. Because I think the different grades of cotton ought to be valued on the basis of their value to the spinner.

Mr. BURLESON. Their value to the spinner is fixed by the demand of the spinner for that particular grade of cotton, is it not?

Mr. MARSH. What is that?

Mr. BURLESON. Their value to the spinner is fixed by the demand of the spinner for that particular grade; the law of supply and demand would fix the value of it, so far as the spinner was concerned; and its value would depend upon the number of bales of a particular grade and the number of spinners who wanted that grade of cotton?

Mr. MARSH. The value to the spinner is determined by what he gets out of a given grade in the shape of yarns and goods, as against what he gets out of middling.

Mr. BURLESON. You mean, you would determine it as to its spinning value, as against the value determined by commercial conditions?

Mr. MARSH. What do you mean by "commercial conditions"?

Mr. BURLESON. The amount of a particular grade, for instance, and the demand on the part of the spinners for cotton of that particular grade.

Mr. MARSH. I would fix it upon the basis of what it is worth to the spinner.

Mr. BURLESON. How many members of the exchange agree in that view?

Mr. MARSH. I never counted them.

Mr. BURLESON. As a matter of fact, there is a faction on the New York Cotton Exchange who do not concur in the view that this system in vogue is the best system of fixing differences in values of grade, is there not?

Mr. MARSH. A faction?

Mr. BURLESON. Yes.

Mr. MARSH. I do not know of any such faction on the New York Cotton Exchange.

Mr. BURLESON. Is there any division of opinion as to whether——

Mr. MARSH. Undoubtedly; there are great diversities of opinion.

Mr. BURLESON. Well, what proportion of the members of the exchange approve of the present plan for fixing the differences in value of grades?

Mr. MARSH. At the present time?

Mr. BURLESON. Yes.

Mr. MARSH. There is no way on earth of our telling that.

Mr. BURLESON. Well, take the last time you had a test of the proposition?

Mr. MARSH. We have never had a test of the proposition since it was originally adopted by a two-thirds majority.

Mr. BURLESON. Is it not a fact that the majority of the New York Cotton Exchange are now in favor, or were a couple of years ago, of changing your present rule for fixing differences between grades?

Mr. MARSH. We had no vote upon it. I have no earthly way of telling whether a majority are or are not in favor of it.

Mr. BURLESON. I will ask you if the suggestion was not made that instead of fixing differences in September and November, that one more month for fixing the differences should be added?

Mr. MARSH. Yes; that suggestion was made.

Mr. BURLESON. Was it voted upon?

Mr. MARSH. It was voted upon.

Mr. BURLESON. How was the vote?

Mr. MARSH. The vote was a tie.

Mr. BURLESON. Was not the vote on that proposition 163 in favor of the change and 123 against it, it being lost because it failed to receive two-thirds vote in its favor?

Mr. MARSH. Those are not the figures that I have in my mind.

Mr. BURLESON. The New York Journal of Commerce and Commercial Bulletin is in favor with you exchange people, is it not?

Mr. MARSH. I don't see what that has to do with it.

Mr. BURLESON. I want to get at the truth, as to whether or not they would misrepresent the New York Cotton Exchange to its prejudice.

Mr. MARSH. Well, this was a matter of history. My impression is that the chairman of this committee has the exact figures of the vote on this occasion. I heard, before I left New York, that the chairman of this committee requested that the figures of that vote should be reported to him, and if that is correct—if I am correct in that—there is no use in discussing the question, because it is a matter of fact that may be determined.

The CHAIRMAN. It may be among my papers, but I have not seen it.

Mr. NEVILLE. I have those figures here.

Mr. BURLESON. Was not that the vote, as I have given it?

Mr. MARSH. Mr. Neville said his impression was that the vote was 100 to 100, and that was my impression. But I do not attempt to carry in my memory the exact figures of all the votes which are taken on the New York Cotton Exchange.

Mr. NEVILLE. Here you are [handing witness a memorandum].

Mr. MARSH (reading). "One hundred yeas and 100 nays."

Mr. BURLESON. When was that vote taken?

Mr. MARSH. The 13th of November, 1907.

Mr. BURLESON. I referred to the vote on the 25th of January, 1907. At that time was not the proposition voted upon and was it not published in the newspapers the next morning? I refer to the vote on the 25th of January, 1907. Was there not a vote upon that proposition; was there not a vote on the elimination of certain of the quarter grades?

Mr. NEVILLE. Will you pardon my suggestion? You have read the vote. Would you mind reading what they voted on? Perhaps that would give us some light on the subject we are discussing. I think there was something else that you had in mind that was voted upon.

Mr. BURLESON. I have this data here. I clipped it from the New York paper myself. [Reading from the New York Journal of Commerce and Commercial Bulletin, January 25, 1907:]

The New York Cotton Exchange yesterday adopted by ballot the amendment proposed by the manager to its by-laws, which makes strict low middling stained the lowest grade of cotton deliverable under exchange contracts. The change will take effect in January, 1908. An amendment was also adopted eliminating all the quarter grades.

The proposed amendment changing the dates of meetings of the revision committee from the second Wednesday in September and the third Wednesday in November to the third Wednesday in September,

November, and February was not carried, considerable opposition having developed to this feature by Wall Street and spot houses, as shown by the following circular, which all members found in their mail yesterday morning:

"We, the undersigned, are of the opinion, after giving the subject considerable consideration, that it would not be advisable to have another revision of differences between grades of cotton commencing February, 1908, as it would have an unsettling effect on the market by restricting transactions during December and January. Operators would do very little during that period, pending the uncertainty of February revision, particularly Europeans, who at times do a large business. The importers and jobbers in coffee have no fear of further revision, as the coffee exchange abolished the rule for fixing differences after it adopted the present differences between grades.

"A vote by ballot will be taken at our exchange to-morrow, Wednesday, January 23, between 11 a. m. and 2 p. m.

"We hope you will be present. If you can not, proxy can be used, which will be furnished by Henry Hentz & Co., or some of the signers of this.

"HENRY HENTZ & CO.	HENRY CLEWS & CO.
"STEPHEN M. WELD & CO.	C. R. GUEST & CO.
"FERNIE, WILSON & CO.	W. R. CRAIG & CO.
"T. M. ROBINSON & CO.	C. E. RICH & CO.
"WILLIAM RAY & CO.	LATHAM, ALEXANDER & CO.
"HOPKINS, DWIGHT & CO.	SIBOP, GRUENER & CO."
"SHEARSON, HAMMILL & CO.	

The vote on the first two amendments was overwhelmingly in favor, but the figures on the revision amendments were 163 in favor and 123 against it, it being lost because it failed to receive a two-thirds vote in its favor.

Mr. MARSH. I had forgotten that any vote was taken at that time on the proposition to increase the number of revision dates. The occasion which I had in my mind was the 13th of November, 1907, when a vote was taken on the proposition to make the number of revision dates three instead of two, and on the 13th of November, 1907, the vote was yeas 100, nays 100, which shows a very considerable change in sentiment from the vote which Mr. BURLESON reads.

Mr. BURLESON. What is the date of that?

Mr. MARSH. November 13, 1907.

Mr. BURLESON. This was January, 1907. Is it or is it not a fact that vote took place?

Mr. MARSH. I don't remember it myself, sir. I presume it did, from the fact that you have a report from a reputable paper that it did take place.

Mr. BURLESON. I will ask you what influences the members; is there any pressure brought to bear upon the members to vote a particular way upon this amendment?

Mr. MARSH. Not in the least.

Mr. BURLESON. Is there a vestige of truth in this, or is it a "fish story":

"The people who believe in reforming the New York contract have the votes," said one prominent member, "but the old machine has the organization." There has been a great awakening among the members, but at the same time the people with business to give out to other members usually get what they want, and the machine may win again, although it is to be remembered that the last annual election was not a victory for the revision of November, 1906.

Is there any truth in that statement, taken from the same newspaper?

Mr. MARSH. Not a vestige of truth.

Mr. BURLESON. No such influences are brought to bear by members of the exchange who deal in large volumes of cotton or who deal in large transactions on the cotton exchange, on those brokers who have a vote upon the proposition, suggesting that they will not give them their business unless they vote in a particular way?

Mr. MARSH. Not a vestige or iota of truth in it.

Mr. BURLESON. I am glad to hear you say so. [Reading further:]

It should not be overlooked, however, that a few very strong and influential firms, especially if they have representatives on the revision committee, may, in one way or another, create a sentiment that must necessarily influence the committee in their action. For instance, a large spot-cotton firm, which also operates extensively in futures, might through its extensive brokerage payments easily influence some members of the exchange serving on the revision committee who were favored with its patronage. Indeed, it is alleged that precisely this thing has happened in New York, and moreover that such large operators have thus been able to influence the election of boards of managers and through them the appointment of revision committees.

What would you say, that that was true or false?

Mr. MARSH. I should say that that was an admirable illustration of what I said this morning to the effect that the report of the Commissioner of Corporations is so lacking in sound and exact knowledge of the facts and in sound and discriminating deductions from the facts that it carries no intellectual authority with any thinking member of the New York Cotton Exchange.

Mr. BURLESON. Now, one more question, and I will be through. You have heard the description of the condition or a state of facts read by me from Mr. Thompson. I want to ask you this question: Can such a condition of the market for futures in New York as charged by Mr. Thompson be brought about by the use of money or independent of current conditions as to supply and demand?

Mr. MARSH. It absolutely can not be brought about.

Mr. SIMS. Then Mr. Thompson's statement is not true?

Mr. MARSH. It is not true.

Mr. BURLESON. Not only not true as a fact but impossible of performance?

Mr. MARSH. Yes.

Mr. MENDELBAUM. You may have heard the statement of Senator Smith of South Carolina who came here and made what I considered a stump speech, in which he claimed that all the members of the New York Cotton Exchange stand together to rob the outsider, and then consider the line of questions propounded by Mr. Burleson, who tries to show the different factions that exist on the New York Cotton Exchange, can they happen at the same time or would that be possible?

Mr. MARSH. Of course Senator Smith's statement was made without exact knowledge of the facts, and he certainly would not have made it if he had been acquainted with the facts first-hand.

Mr. BURLESON. Bearing directly upon what Mr. Mendelbaum said, you know Mr. Scales?

Mr. MARSH. Yes.

Mr. BURLESON. He was at one time a member of the exchange, was he not?

Mr. MARSH. I don't think so. I don't think he was.

Mr. HUBBARD. I think he was one of them.

Mr. NEVILLE. I don't know.

Mr. MARSH. He is not now.

Mr. HUBBARD. E. G. Scales was a member.

Mr. NEVILLE. Is that the letter the chairman read from the rostrum?

Mr. BURLESON. No; this is another one. [Reading:]

The cotton exchange is a good thing for the producer if their rules are fair, but as it stands to-day it would be best to put them out of existence, as they have their rules so that they can get the country in and then skin them.

Mr. MARSH. Is Mr. Scales the country?

Mr. NEVILLE. Mr. Chairman, I am no lawyer, but we are trying to get a record before this committee in proper shape and personal allusions without the appearance of the witness to be cross-examined is something that you have studiously avoided up to now, and I consider that in all fairness the admission of such letters as that in the testimony is contrary to the policy that you adopted when you started this investigation.

The CHAIRMAN. As I understand it, Mr. BURLESON only used that expression as a postulate for a question. If there is any other present it does not appear.

Mr. NEVILLE. I move it be stricken out, because if Mr. Scales had that view he ought to be here for cross-examination.

Mr. BURLESON. In view of that I will read the entire letter. [Reading:]

THE WALDORF-ASTORIA,
New York, February 14, 1910.

Hon. A. S. BURLESON,
Washington, D. C.

DEAR SIR: The inclosed copy of a letter I wrote explains itself. If you can force the New York Cotton Exchange to change its rules so that the spinner can buy a certain grade of cotton on the exchange and get what he buys at once instead of something else, you will have done the whole South the greatest service you could possibly do.

While the New York future contracts sentimentally regulate the price of cotton in the South, that contract is so unfair to those who buy it, by forcing them to accept something that they don't want, that it is a menace to legitimate trade and has the effect of keeping prices unnaturally low. If changed as I suggest, it will advance the price of spot cotton and then cotton buyers and spinners will have a hedge contract closely related to spot cotton. I live in Dallas, am familiar with the future markets, and experience has shown me that the change I suggest is what is needed. The cotton exchange is a good thing for the producer if their rules are fair, but as it stands to-day it would be best to put them out of existence, as they have their rules so that they can get the country in and then skin them. If I could talk with you personally, I could give you some valuable pointers. I am a planter and raise on my Texas farms about 1,000 bales of cotton each year. I want the exchange, if run on a fair basis; otherwise want it closed up.

Judge RUFUS HARDY, Senators GORE, CULBERSON, and BAILEY all know me personally.

H. L. SCALES,
Care of Waldorf Hotel.

I never saw him.

Mr. NEVILLE. That is another Mr. Scales altogether. I don't think he has ever been a member of our exchange. Mr. Hubbard tells me he thinks Mr. E. G. Scales was a member. I move that that letter be struck from the record. If he has such an interest in the matter as he says he has he would be here to-day and not writing a letter.

The CHAIRMAN. I can hardly recognize your right to make a motion.

LEAVE OF ABSENCE.

Mr. J. M. C. SMITH, by unanimous consent, was granted leave of absence indefinitely, on account of important business.

SALE OF FUTURES IN COTTON.

The SPEAKER pro tempore. The Clerk will read the bill under the five-minute rule.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Has the general debate closed?

The SPEAKER pro tempore. Yes, sir.

Mr. MANN. Mr. Speaker, it seems to me there ought to be a little larger membership in the House to consider the bill, and I therefore make the point that there is no quorum present.

ADJOURNMENT.

Mr. BEALL of Texas. Mr. Speaker, it is apparent there is no quorum present, and therefore I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned until Monday, July 15, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce and Labor, transmitting a report by Commercial Agent Ralph M. Odell, containing result of his investigations of the trade in cotton goods in Turkey (H. Doc. No. 871), was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McGILLICUDDY, from the Committee on the Judiciary, to which was referred the bill (H. R. 20194) to provide payment of rewards for information as to violation of antitrust act of 1890, and amendments thereto, and of the various interstate-commerce acts, and for other purposes, reported the same with amendment, accompanied by a report (No. 993), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25073) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa, reported the same with amendment, accompanied by a report (No. 994), which said bill and report were referred to the House Calendar.

Mr. LEWIS, from the Committee on Military Affairs, to which was referred the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War and to authorize its partial use as a museum of historic relics, reported the same without amendment, accompanied by a report (No. 995), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River, reported the same without amendment, accompanied by a report (No. 996), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 25749) to provide a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. AYRES: A bill (H. R. 25750) making an appropriation for the deepening of the channel known as the Bronx River, to reduce the velocity of the tides in said river and its connecting channels, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BORLAND: A bill (H. R. 25751) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBINSON: A bill (H. R. 25752) to amend sections 2380 and 2381, Revised Statutes of the United States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ESTOPINAL: A bill (H. R. 25753) for the relief of Georgeanna A. Brannan, dependent mother of John Douglas Malone; to the Committee on Claims.

By Mr. GOEKE: A bill (H. R. 25754) to remove the charge of desertion from the record of Jeremiah Swissheim; to the Committee on Military Affairs.

By Mr. HARTMAN: A bill (H. R. 25755) granting a pension to Ann M. Hammer; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 25756) for the relief of John Davis; to the Committee on Naval Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 25757) granting a pension to Edward C. McDowell; to the Committee on Pensions.

Also, a bill (H. R. 25758) granting an increase of pension to Marmaduke N. Jeffreys; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 25759) for the relief of Leander Parker; to the Committee on Military Affairs.

Also, a bill (H. R. 25760) granting an increase of pension to John W. Pettee; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Karl C. White and 7 others, of Hebron, Ohio, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. ESCH: Memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Grand Lodge Free and Accepted Masons, of Milwaukee, Wis., favoring adoption of joint resolution 291, relative to insignia on tombstones in national cemeteries; to the Committee on Military Affairs.

By Mr. ESTOPINAL: Papers to accompany bill for the relief of Georgianna A. Brannan, dependent mother of John D. Malone; to the Committee on Claims.

By Mr. HARTMAN: Petition of the Brotherhood of Railroad Trainmen, United Lodge, No. 174, of Altoona, Pa., favoring passage of the workmen's compensation bill (H. R. 20487); to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SABATH: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America and Tow sw Wojcrecka Bi M. S. T. Society, No. 64, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Richmond Chamber of Commerce, of Richmond, Va., favoring a revision of our currency system; to the Committee on Banking and Currency.

By Mr. TILSON: Petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. UNDERHILL: Memorial of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

SENATE.

MONDAY, *July 15, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, July 6, 1912, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COTTON GOODS IN TURKEY (H. DOC. NO. 871).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Ralph M. Odell, containing the result of his investigations of the trade in cotton goods in Turkey, which,

with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 239) to grant American citizenship to Eugene Prince.

The message further announced that the House had passed a concurrent resolution (No. 59) providing that the action of the Vice President and President of the Senate and Speaker of the House of Representatives in signing the enrolled bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors be rescinded, and that the Clerk be directed to reenroll the bill, and that in the reenrollment he be authorized to amend the title, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the President pro tempore:

S. 4913. An act to provide for the payment of drainage assessments on Indian lands in Oklahoma; and

S. 7013. An act to provide American registry for the steamer *Damara*.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of the congregation of New Castle Church, of New Castle; Rose Hill Sunday School, of Rose Hill; and of the Elsmere Sunday School, of Wilmington, in the State of Delaware; and of the congregations of the Janes Methodist Episcopal Church, of Germantown; of the Zoar Methodist Episcopal Church, of Philadelphia; and of the Trinity Methodist Episcopal Church of Germantown, of Philadelphia, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial signed by the presidents of 26 railroads, remonstrating against the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

Mr. CULLOM presented petitions of the Manufacturers and Shippers' Association of Rockford; of Local Union No. 4, International Steel and Copper Plate Printers' Union of North America, of Chicago; of Typographical Union No. 215, of Decatur; and of Local Lodge No. 575, International Boiler Makers and Iron-Ship Builders and Helpers of America, of Villa Grove, all in the State of Illinois, praying for the passage of the so-called injunction-limitation bill, which were referred to the Committee on the Judiciary.

He also presented a petition of the Trades and Labor Assembly of Belleville, Ill., praying for the enactment of legislation providing for the better protection of American seamen, which was referred to the Committee on Commerce.

He also presented the petition of W. B. Lloyd, secretary of the Illinois State Horticultural Society, of Kinmundy, Ill., praying for the enactment of legislation to establish a standard barrel and standard grades for apples when packed in barrels, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Alton, Ill., remonstrating against the enactment of legislation prohibiting the fixing of resale prices on patented goods, which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Chicago, Ill., remonstrating against the enactment of legislation to increase the postal rates on printed matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Association of Commerce, of Chicago, Ill., remonstrating against the repeal of the law providing for competition among architects for all Federal buildings, which was referred to the Committee on Appropriations.

Mr. SMITH of Michigan presented a petition of sundry citizens of Wallace, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials signed by 1,280 citizens of Detroit, Mich., and memorials signed by 1,012 citizens of Michigan, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. ASHURST. I present a resolution adopted by the Coconino Cattle Raisers' Association of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Resolved, That this association is opposed to the changing of the lines of the forest reserve of the Coconino and Tusayan Forest Reservations as now established by the Department of Agriculture, and petition our Senators and Congressmen to use all honorable means to prevent the lines of said reservations being changed; that we favor the lease law of the Government domain, now pending in Congress, and strongly protest against any changes of the lines of the reservations mentioned until said law is passed.

Mr. SANDERS. On Saturday last I presented a memorial of the Anti-Third Term League, with the request that it be printed, but it was not understood at the time. I wish again to present the memorial now with that request.

The PRESIDENT pro tempore. That it be printed in the RECORD?

Mr. SANDERS. That it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

MEMORIAL OF THE NATIONAL ANTI-THIRD TERM LEAGUE.

(By its president, Henry W. Blair.)

WASHINGTON, D. C.

To the Congress of the United States:

Respectfully represents your petitioner, president of the National Anti-Third Term League, of Washington, D. C.

Believing that the framers of the Constitution acted wisely in providing after long and careful deliberation that the term of the President should be for the period of four years, and that the unwritten law which prohibits any person to hold that office a third term should be made a part of the written Constitution, and also believing that there should be no other change therein touching the presidential term, I do respectfully petition that during the present session you will submit to the States for their action a joint resolution proposing to amend Article II of the Constitution, so as to provide that—

"No person who has held the office of President for two terms, or for any part of two terms, whether consecutive or otherwise, shall thereafter be eligible to be chosen to the office of President or Vice President."

Permit me to respectfully ask attention to the following considerations:

1. It should be in the power of the people to secure the services of a good President for two terms or not exceeding eight years in all.

2. There is danger that the Executive power would become too formidable to the other departments of the Government and to the liberties of the people if concentrated in even the most able and patriotic hands for more than two terms. Thus in time the best President may become the most dangerous to the public welfare, for we must never forget that it has been the great struggle of the ages to rescue liberty from the grasp of Executive power.

3. The hope of one reelection will stimulate the President to the wisest and most patriotic endeavor during his first term, whether really safe and fit for the office or otherwise.

4. During his first term the policies and measures and the official organization of administration will naturally be so fashioned that it will be difficult for even an unpatriotic Executive essentially to change them during a second term.

5. Frequent elections, or the power to recall or reelect officials, are essential to the preservation of our institutions. Impeachment is no practicable means of removing bad high officials, and the people ought not to be compelled to endure the burdens and perils of an incompetent or dangerous Chief Magistrate or of a party or policy which they disapprove for more than a single term of not exceeding four years.

6. Too frequent elections are burdensome to the people and produce weariness and indifference in the exercise of the primary duties of sovereignty. At the same time it must be remembered that public order and business stability can only be preserved by elections of such frequency as will secure the immediate removal of bad officials and the repeal of unwise laws.

7. It is difficult and often impossible to formulate and enact into law a wise administrative policy in a single term of four years, while two terms are ample for that purpose; on the other hand, six years of uncontrolled exercise of irresponsible Executive power by a bad, an obstinate, or an incompetent man might be more dangerous than even three terms of four years each, held subject to recall or reelection.

8. There is no precedent, no test of experience in State or Nation for the restriction of the Executive to a single term, long or short, except in the constitution of the Confederate States, which would favor a shorter rather than a longer term.

It is said that eminent statesmen of the Southern Confederacy attributed its fall largely to the six-year term of its Executive, owing to the belief that it could not survive two years more of the measures and policies of the President.

Washington, Jefferson, Jackson, Lincoln, McKinley, Roosevelt, and other Presidents are on record in solemn disapproval of more than two terms, either "in form or substance," for themselves or any other person, and such was the expressed personal judgment and preference of President Grant, who yielded his own to others.

9. A third term initiates revolution in our form of government, leading directly through anarchy to monarchy and despotism. The war of 1861 was waged to divide our country into but two sections, both republics. The third term will insure the utter dissolution of the Union and interminable war before order is restored under a monarch or czar.

There is no evidence that the single term of more than four years would be any better, for the increase of consolidated Executive power would be far greater, proportionately, than the increased length of the

term, and in practical experience might prove more harmful than many terms subject to recall every four years.

10. We hold the pledge to a single term, with no specification as to its length, which might be for a year or for life, to be an evasion of the most serious problem in statesmanship involved in the pending presidential election, to wit: Shall we now initiate a revolution in our form of government?

In fact, we already have a powerful monarchist party, which should be so named, based upon a thoroughly organized aristocratic plutocracy, well educated and trained for the last 30 years in all the tastes, forms, and sentiments of foreign countries, seeking titles and social connections abroad rather than at home, until now, both male and female, they are Europeans rather than Americans, and, as a class, with the hope that in the new order of things which they strive for they may have the status of a recognized nobility, they are threatening the peace, if not the existence of the Republic, by their vigorous support, financial, social, and otherwise, of a turbulent aspirant for a third presidential term, which, like the Napoleonic precedents of the first and second empires, is the sure forerunner of an avowed monarchy, unless indeed he, with his avowed worshipers, should prefer to found a theocracy.

Like Absolom, and every other historic demagogue from the dawn of time, he plays his part as a specialist in righteousness, and the only real hope of the people.

And with the monarchists are the most powerful and dangerous monopolies of this or any country.

It is a combination of the present demagogue, the aristocrat, the plutocrat, and the coming despot against our republican form of government. If they take the third term, they will capture the citadel. Then—

"Of what avail
Are plow and sail
If freedom fail?"

Remember 1776 and 1861.

11. The people of this country will ratify no amendment to the Constitution which lengthens by 1 inch the already dangerously "far-flung" executive power; and to attempt it or to risk it by a change of uncertain effect, like the single term, whether long or short, or by a plain first step in revolution like the third term will be to throw away a golden opportunity to render forever impossible the constant recurrence of these desperate attempts of mad ambition to change our Republic into a monarchy, a despotism, or worse. The War of the Revolution was fought to found this Nation and the Civil War to preserve it.

Why throw away the fruits of both?

For these reasons I believe that the term of four years, fixed by the fathers and working well in practice for a century and a quarter, with limitation of eligibility to not exceeding eight years, is the best which can be adopted. And your petitioner will ever pray.

HENRY W. BLAIR,
President of the National Anti-Third Term League,
Colorado Building, Washington, D. C.

THE NATIONAL ANTI-THIRD TERM LEAGUE.

[From the CONGRESSIONAL RECORD of June 3, 1912.]

Mr. GALLINGER. On the 16th of May last I presented a petition from ex-Senator Henry W. Blair, president of the Anti-Third Term League, which was printed in the RECORD at my request. I have a brief paper from ex-Senator Blair somewhat explanatory of that petition, and I make the same request—that it may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to was ordered to lie on the table and to be printed in the RECORD as follows:

"We have organized the National Anti-Third Term League because we believe the integrity of our form of government and the preservation of our free institutions are seriously threatened by the proposed candidacy of Mr. Roosevelt for a third term.

"To be sure, he is the only person in the country who could possibly be such a candidate at the present time, for he is the only one who has had a second term. But our special opposition is not to him as a man or on account of the principles or want of principles which he may represent, but to the third term itself.

"We protest against the indorsement of the third term, which is implied by the election of delegates pledged to vote for him as a candidate in the national convention.

"We protest that his name ought not be considered at all in that convention, because he is the third term itself.

"We do not believe that the Republican Party in any State designs to disregard the unwritten law which prohibits either the 'form or the substance' of the third term of the Presidency to any man, just the same 'form and substance' of a third term as that which Mr. Roosevelt renounced and denounced in the most solemn manner.

"We propose to help him redeem that pledge."

This is just what we are and mean.

THE NATIONAL ANTI-THIRD TERM LEAGUE,
HENRY W. BLAIR, *President.*

Organized May 6, 1912.
Headquarters: Rooms 808–809 Colorado Building.

PLATFORM.

No third term, either "in form or substance," for any man as President of the United States.

INDORSERS.

On the 4th of March next I shall have served three and a half years, and these three and a half years constitute my first term.

The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination.

THEODORE ROOSEVELT.

(After his election to the Presidency November, 1904.)

Three years afterwards he said he had not changed and should not change.

Roosevelt is not eligible, and has no moral or legal right to be a candidate at all. He can not be President again for he has had two terms. He has said so himself. There are millions of Republicans who will never vote for him as President again. It is against the unwritten law, which is the strongest of all laws. No candidate or faction or convention can, and the people never will, repeal it. Roosevelt is impossible. George Washington or Abraham Lincoln if now running for President would be defeated. I certainly for one would vote against both, and I am among the most conservative and hidebound of Republicans. I helped to organize the party and have fought for it through thick and thin, both in war and in peace. A third term is revolution. It leads first to anarchy and then to monarchy and slavery, straight to the disfranchisement of both races and the practical resslavement of the colored man.

It is the first step that costs. Revolutions never go backward.

The third term makes the United States first a Mexico and then a Russia.

But there will be no third term. Mark that.

Mr. GALLINGER presented a petition of Typographical Union No. 152, of Manchester, N. H., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 6408) for the relief of Margaret McQuade, reported it with an amendment and submitted a report (No. 919) thereon.

Mr. BRADLEY, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

H. R. 15594. An act for the relief of the heirs of those killed by the explosion at Fort Lafayette, February 19, 1903 (Rept. No. 917); and

H. R. 22863. An act for the relief of H. C. Owens (Rept. No. 918).

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 24699) extending the time for the repayment of certain war-revenue taxes erroneously collected, reported it without amendment.

Mr. CUMMINS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson, at Monticello, Va., reported it without amendment.

Mr. CLAPP, from the Committee on Interstate Commerce, to which was referred the bill (S. 7274) to amend an act entitled "An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases," approved August 8, 1890, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS, TENN.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably, with an amendment, the bill (H. R. 17239) to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of section 1 the following proviso:

Provided further, That the said Arkansas & Memphis Railway Bridge & Terminal Co. shall not be required to construct the approaches to said bridge necessary to adapt the same as a highway for trolley cars, vehicles, travelers on foot, and other like traffic, until there shall be paid, or payment thereof secured to its satisfaction, the sum of $50,000 by parties locally interested in such highway feature of said bridge.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

IMMIGRATION STATION AT BALTIMORE, MD.

Mr. LODGE. From the Committee on Immigration, I report back favorably, without amendment, the bill (H. R. 20601) to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof, and I ask for its present consideration, as it is important that the measure should be passed now.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations, I report back, with sundry amendments, the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, and I submit a report (No. 915) thereon.

I wish to give notice I will endeavor to call up the bill early to-morrow, and that there will be printed copies of the bill and report at the desk within an hour or two. I hope Senators will give it such attention as they wish, so that we may proceed with the bill to-morrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

AMERICAN STEAMER "DOROTHY."

Mr. OVERMAN. From the Committee on Claims I report back favorably with amendments the bill (H. R. 22111) for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy*, and I ask unanimous consent for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 9, to strike out the words "for the eastern district of Virginia, the district in which said collision occurred" and insert "in the district in which suit shall be filed by the United States to recover damages and losses by said collision"; on page 2, line 1, to strike out the words "any suits brought" and in lieu to insert "the whole controversy"; on page 2, line 4, before the word "against," to insert the words "either for or"; and to strike out all of section 2 and renumber section 3 to stand as section 2, so as to make the bill read:

Be it enacted, etc., That the claim of the Delaware Transportation Co., owner of the American steamer Dorothy, injured in collision with the United States steam collier Sterling in Chesapeake Bay on December 3, 1911, for and on account of the damage to said steamship Dorothy by reason of said collision, may be submitted to the United States court in the district in which suit shall be filed by the United States to recover damages and losses by said collision, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same rights of appeal.

SEC. 2. That should damages be found to be due the said Delaware Transportation Co., as owner of said steamship Dorothy, the amount of the final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That said suit shall be brought and commenced within four months from the date of the passage of this act

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. OVERMAN. I report back adversely from the same committee the bill (S. 5221) for the relief of the Delaware Transportation Co., owner of American steamer *Dorothy*, and I move that it be indefinitely postponed.

The motion was agreed to.

OBSERVANCE OF MEMORIAL DAY.

Mr. DU PONT. From the Committee on Military Affairs I report back the joint resolution (H. J. Res. 321) relative to the observance of Memorial Day, and I submit a report (No. 916) thereon, which I ask may be read.

The PRESIDENT pro tempore. Without objection, the report will be read.

The Secretary read the report, as follows:

[Senate Report No. 916. Sixty-second Congress, second session.]

OBSERVANCE OF MEMORIAL DAY.

Mr. DU PONT, from the Committee on Military Affairs, submitted the following report, to accompany H. J. Res. 321.

The Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 321) relative to observance of Memorial Day, having considered the same, reports that, so far as all military posts and stations are concerned, paragraph 449 of the Army Regulations already provides for a much more elaborate and fitting observance of Memorial Day than is provided for by the terms of the joint resolution.

In view of the fact that this joint resolution applies also to all Government establishments under the control of the Navy, as well as to customhouses, quarantine stations, post offices, Indian schools, and other departments of the Government, it is suggested that the resolution be also considered by other committees of the Senate.

Attention is directed to the letter of the Assistant Secretary of War, hereto appended:

WAR DEPARTMENT,
Washington, July 6, 1912.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: Replying to your communication of the 3d instant inclosing a copy of House joint resolution 321, in relation to observance of Memorial Day (passed by the House of Representatives July 1, 1912), and requesting to be furnished with any information relative to the measure in the possession of the War Department, I have the honor to inform you that we have nothing on file with reference to this resolution.

I will state, however, that Memorial Day is observed throughout the military service in accordance with paragraph 449, Army Regulations, which is based on joint resolution No. 6, February 23, 1887 (24 Stat. L., 644). This paragraph reads as follows:

"449. On Memorial Day, May 30, at all Army posts and stations, the national flag will be displayed at half staff from sunrise till midday, and immediately before noon the band or field music will play some appropriate air, and the national salute of 21 guns will be fired at 12 m. at all posts and stations provided with artillery. At the conclusion of this memorial tribute, at noon, the flag will be hoisted to the top of the staff and will remain there until sunset. When hoisted to the top of the staff the flag will be saluted by playing one or more patriotic airs.

"In this way fitting testimonial of respect for the heroic dead and honor to their patriotic devotion will be appropriately rendered."

This seems to provide for a more elaborate testimonial than would the joint resolution now before your committee.

The proposed resolution provides for lowering the flag to half-staff from 12 m. to 12.05 p. m., while the present Army Regulations lowers it from sunrise to 12 m., fires the national salute, plays appropriate airs, etc.

Very respectfully,
ROBERT SHAW OLIVER,
Assistant Secretary of War.

The PRESIDENT pro tempore. What is the Senator's request concerning the joint resolution?

Mr. DU PONT. Other committees would have control of different parts of the joint resolution as it relates to three or four departments of the Government—the Navy Department, the Interior Department, the Post Office Department, the Quarantine Service, and so forth.

The PRESIDENT pro tempore. Will the Senator suggest to what committee or committees the joint resolution ought to go?

Mr. DU PONT. I would suggest that it first be referred to the Committee on Finance. I will state that so far as the Committee on Military Affairs is concerned it is entirely unnecessary, as the existing Army Regulations provide for much more elaborate observance of Memorial Day than the joint resolution calls for.

The PRESIDENT pro tempore. The Senator from Delaware asks that the Committee on Military Affairs be relieved from the further consideration of the joint resolution. Is there objection? The Chair hears none. Without objection, the joint resolution will lie on the table for the present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7280) granting an increase of pension to Clara V. King; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7281) granting an increase of pension to Henry H. Woodward (with accompanying paper); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 7282) granting an increase of pension to Carrie Hitchcock (with accompanying paper); and

A bill (S. 7283) granting a pension to Sarah A. Mitchell (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7284) granting an increase of pension to Emanuel Sandusky (with accompanying papers);

A bill (S. 7285) granting an increase of pension to Harvey Key (with accompanying papers); and

(By request): A bill (S. 7286) granting a pension to Mary K. Munos; to the Committee on Pensions.

A bill (S. 7287) for the relief of the estate of William Claunch, deceased; to the Committee on Claims.

By Mr. FOSTER:

A bill (S. 7288) to authorize the transfer of First Lieut. Sydney Smith from the retired to the active list of the Army; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 7289) authorizing the War Department to test upon ships a device for hoisting and lowering lifeboats at sea; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 7290) repealing the act approved March 3, 1911, being "An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz."; to the Committee on Indian Affairs.

A bill (S. 7291) for the relief of the heirs of John W. Johnson (with accompanying paper); to the Committee on Public Lands.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SWANSON submitted an amendment proposing to appropriate $80,000 for additional equipment and supplies at the Geological Survey photolithographic plant, etc., intended to be

proposed by him to the sundry civil appropriation bill (H. R. 25069), which was ordered to lie on the table and to be printed.

Mr. CATRON submitted an amendment relative to surveys and resurveys of public lands, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was ordered to lie on the table and to be printed.

Mr. CLARK of Wyoming (for Mr. GUGGENHEIM) submitted an amendment authorizing the Commissioners of the District of Columbia to strike from the plan of permanent construction of highways for the District of Columbia Crittenden Street NW., etc., intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE PANAMA CANAL.

Mr. PERCY submitted two amendments intended to be proposed by him to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, which were ordered to lie on the table and to be printed.

OMNIBUS CLAIMS BILL.

Mr. BACON submitted two amendments intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which were ordered to be printed and, with the accompanying papers, ordered to lie on the table.

Mr. MARTINE of New Jersey (for Mr. O'GORMAN) submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

He also (for Mr. O'GORMAN) submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

IMPROVEMENT OF THE HUDSON RIVER.

Mr. BURTON submitted the following resolution (S. Res. 358), which was read and referred to the Committee on Printing:

Resolved, That there be printed 300 copies of House of Representatives Document No. 719, Sixty-first Congress, second session, together with Senate resolution No. 323, Sixty-second Congress, second session, and the response of Hon. Henry L. Stimson, Secretary of War, thereto and inclosures transmitted therewith.

REPORT OF THE NATIONAL MONETARY COMMISSION.

Mr. BURTON submitted the following resolution (S. Res. 359), which was read and referred to the Committee on Printing:

Resolved, That there be printed 1,000 copies of Senate Document No. 243, being the final report of the National Monetary Commission.

SUPPLY BILLS (S. DOC. NO. 872).

Mr. WILLIAMS. Mr. President, I gave notice upon Saturday last that I would present, under leave previously granted by the Senate, a certain paper holding, in my opinion, the constitutional right of the House of Representatives to originate supply bills. I now present it for publication in the RECORD.

The PRESIDENT pro tempore. The Senator from Mississippi desires to have it printed in the RECORD?

Mr. WILLIAMS. In the RECORD.

The PRESIDENT pro tempore. And also as a public document?

Mr. WILLIAMS. I have not had unanimous consent for the latter purpose yet, but I will ask now for unanimous consent to print it as a Senate document.

Mr. SMOOT. I did not hear the Senator's statement as to what the report is.

Mr. WILLIAMS. Some three, four, or five weeks ago, I do not remember how long, the Senator from Massachusetts [Mr. LODGE], the Senator from Wyoming [Mr. WARREN], and I had some little joint debate upon the floor about the constitutional right of the House of Representatives to originate supply bills, the contention on my side being that it was derived from the Constitution and upon the other that it was a mere practice, and was not derived from the Constitution.

I announced at that time that I did not have the books about me to go into it fully, but that, with the permission of the Senate, I would later put in the RECORD a statement of my views as to the authority. It was then agreed between the Senator from Wyoming and the Senator from Massachusetts and me that when I got ready to do that I would give them some notice. I gave the notice last Saturday, saying that I would present it to-day. I have already the permission of the Senate to insert it in the RECORD. I am asking now, if there be no objection, to have it printed as a Senate document.

Mr. SMOOT. I have no objection to the article going into the RECORD, but I wish to ask the Senator this question: Is there anything in the report outside of what was then said on the floor of the Senate?

Mr. LODGE. Oh, yes.

Mr. SMOOT. Has the Senator added anything to what was said in the Senate?

Mr. WILLIAMS. Yes; it is all new.

Mr. LODGE. The purpose was to bring in some new matter and show the authority.

Mr. SMOOT. I asked the question because I was going to object to any document being printed if it was only a speech made by a Senator in this body.

Mr. LODGE. It is not a speech at all.

Mr. WILLIAMS. I withdraw the request.

Mr. SMOOT. I will say to the Senator from Mississippi that if it is outside of a speech that was delivered here, I have not any objection.

Mr. WILLIAMS. I will tell the Senator what it is. It can hardly be called even that. It is a citation of various authorities, a number of the Federalist that was written by Mr. Hamilton, then a speech made by Mr. Madison in the Virginia convention when it was adopting the Constitution, and then a part of a speech of Mr. Iredell, of North Carolina, in the North Carolina convention, who had been a delegate to the national convention. These various matters are connected together by explanatory comments in my hand.

Mr. SMOOT. I have no objection.

Mr. WILLIAMS. It is all new.

The PRESIDENT pro tempore. There being no objection, the paper will be printed in the RECORD and also as a Senate document.

The paper referred to is as follows:

[Senate Document No. 872, Sixty-second Congress, second session.]

THE SUPPLY BILLS.

Article by Hon. JOHN SHARP WILLIAMS concerning the constitutional power of the House of Representatives to originate supply bills.

Presented by Mr. WILLIAMS July 15, 1912. Ordered to be printed.

[From Elliot's Proceedings.]

Among the resolutions offered by Mr. Edmund Randolph to the convention May 29, 1787, I find the following:

"*Resolved, That each branch ought to possess the right of originating acts;* that the National Legislature ought to be empowered to enjoy the legislative right vested in Congress by the Confederation, and, moreover, to legislate in all cases to which the separate States are incompetent or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several States contravening, in the opinion of the National Legislature, the Articles of Union or any treaty subsisting under the authority of the Union; *and to call forth the force of the Union against any member of the Union failing to fulfill its duty under the articles thereof.*"

From Mr. Charles Pinckney's Draft of a Federal Government I quote the following:

"All *money* bills of every kind shall originate in the House of Delegates, and shall not be altered by the Senate." (Italics mine.)

Thursday, July 5, 1787. "The committee to whom were referred the eighth resolution reported from the Committee of the Whole House, and so much of the seventh as hath not been decided on," submitted a report, from which I quote the following:

"That all bills for raising or appropriating *money*, and for fixing the salaries of the officers of the Government of the United States, shall originate in the first branch of the Legislature and shall not be altered or amended by the second branch." (Italics mine.)

On the question as to whether this clause should stand as a part of the report, it passed in the affirmative.

On Monday, July 16, 1787, the question being taken on the whole of the report from the grand committee as amended, it passed in the affirmative. From the report, as passed, I quote the following:

"*Resolved*, That all bills for raising or appropriating *money* and for fixing the salaries of the officers of the Government of the United States shall originate in the first branch of the Legislature of the United States, and shall not be altered or amended by the second branch." (Italics mine.)

From the resolutions of the convention, referred on the 23d and 26th of July to a committee of detail (Messrs. Rutledge, Randolph, Gorham, Ellsworth, and Wilson) for the purpose of reporting a constitution, I quote the following:

"X. *Resolved*, That all bills for raising or appropriating *money* and for fixing the salaries of the officers of the Government of the United States shall originate in the first branch of the Legislature of the United States, and shall not be altered or amended by the second branch." (Italics again mine.)

From the draft of the constitution, reported by the committee of five, August 6, 1787, I quote as follows:

"SEC. 5. All bills for raising or appropriating *money* and for fixing the salaries of the officers of the Government shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the Public Treasury but in pursuance of appropriations that shall originate in the House of Representatives." (Italics again mine.)

On Monday, August 13, 1787, it was moved by Mr. Randolph, and seconded, to amend the fifth section of the fourth article to read as follows, namely:

"All bills for *raising money for the purposes of revenue, or for appropriating the same*, shall originate in the House of Representatives and shall not be altered by the Senate," etc.

NOTE.—Here it is raising money for the purposes of revenue—distinction between raising money and raising *revenue*.

The question was taken on the first clause of this amendment, which passed in the negative.

On Wednesday, August 15, 1787, it was moved and seconded to amend the twelfth section of the sixth article as follows:

"Each House shall possess the right of originating all bills, except bills *for raising money for the purposes of revenue, or for appropriating the same*, and for fixing the salaries of the officers of the Government, which shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as in other cases."

It was moved and seconded to postpone the consideration of the last amendment, which was passed in the affirmative.

Yeas—New Hampshire, Massachusetts, Virginia, North Carolina, South Carolina, Georgia, 6. Nays: Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, 5

NOTE.—The small States in the negative.

On Saturday, September 8, 1787, it was moved and seconded to amend the third clause of the report, entered on the Journal of the 5th instant, to read as follows, instead of the twelfth section, sixth article:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills. No money shall be drawn from the Treasury but in consequence of appropriations by law."

Which passed in the affirmative.

No discussion. Evidently nobody thought that it made a difference from previous drafts. Why? Because the phrase "raising revenue" was equivalent to the phrase "raising money and appropriating the same."

Ayes—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, 8. Nays: Delaware, Maryland, 2.

This time only the two smallest States vote nay. They still sticking for their branch of the National Legislature, the Senate, to have right to originate.

It was moved and seconded to appoint a committee of five "*to revise the style of and arrange*" the articles agreed to by the House, which passed in the affirmative.

NOTE.—What I have italicized in the foregoing sentence.

September 12, 1787. From a revised draft of the Constitution, reported September 12, 1787, by the committee of *revision of style*, I quote the following from section 7:

"All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills."

As reported by the committee appointed on September 8, *to revise the style*. No discussion.

Seems still evident that to "*raise revenue*" meant to raise *money and appropriate it*.

[From Yates's Minutes.]

On Tuesday, July 3, 1787, the *grand committee* met. From a motion of Dr. Franklin, which, after some modification, was agreed to and made the basis of a report to the committee, I quote the following:

"That bills for raising or appropriating money and for fixing salaries of the officers of the Government of the United States shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the Public Treasury but in pursuance of appropriations to be originated in the first branch."

This is the history of the clause up to its report by the committee on revision and style and arrangement and its adoption by the convention. Meager but to my mind conclusive.

In the consideration of the adoption of the Constitution by the several States in their conventions, I find nothing in the discussions in Massachusetts, Connecticut, New Hampshire, New York, Pennsylvania, or Maryland, which is significant, unless it be because the absence of discussion shows that they notice no variance between the provisions of the Constitution and the several provisions of the several States requiring money or supply bills to originate in the lower houses. When I come to the proceedings of the State of Virginia, however, I find that Mr. Madison, in his argument in advocacy of the adoption of the constitution of the Virginia convention, uses the following language:

"Mr. Chairman, the criticism made by the honorable member is that there is an ambiguity in the words and that it is not clearly ascertained where the origination of *money bills* may take place. *I suppose the first part of the clause is sufficiently expressed to exclude all doubts.* The gentlemen who composed the convention divided in opinion concerning the *utility of confining this to any particular branch.* Whatever it may be in Great Britain, there is sufficient difference between us and them to render it inapplicable to this country. It has always appeared to me to be a matter of no great consequence whether the Senate had a right of *originating* or *proposing* amendments to money bills or not. To withhold it from them would create disagreeable disputes. Some American constitutions make no difference. Virginia and South Carolina are, I think, the only States where this power is restrained. In Massachusetts and other States the power of proposing amendments is vested, unquestionably, in their senates. No inconvenience has resulted from it. On the contrary, with respect to South Carolina, this clause is continually a source of disputes. When a bill comes from the other house the senate entirely rejects it, and this causes contentions. When you send a bill to the senate without the power of making any alteration you force them to reject the bill altogether, when it would be necessary and advantageous that it should pass.

"The power of proposing alterations removes this inconvenience and does not appear to me at all objectionable. I should have no objection to their having a right of originating such bills. * * * There is no landmark or constitutional provision in Great Britain which prohibits the House of Lords from intermeddling with *money bills*, but the House of Commons have established this rule. Let the Lords insist on their having a right to originate them, as they possess great property, as well as the Commons, and are taxed like them. The House of Commons object to their claim, *lest they should too lavishly make grants to the Crown* and increase the taxes. * * * When a bill is sent with proposed amendments to the House of Representatives, if they find the alterations defective they are not conclusive. *The House of Representatives are the judges of their propriety, and the recommendation of the Senate is nothing.*"

Mr. Madison here uses the words "money bills" as synonymous with "bills to raise revenue." Power to originate important, lest upper house be "too lavish in their grants." Says House of Representatives are "the judges of the propriety of money bills, and the recommendation of the Senate is nothing."

Mr. Grayson, arguing upon the other side, made use of the following language:

"The Senate could strike out every word of the bill except the word 'wherein' or any other introductory word, and might substitute new words of their own."

Friday, July 25, 1788. In the North Carolina convention I find that Mr. Iredell, arguing in favor of the adoption of the Constitution, urged this clause specially, on the ground that the "House of Representatives would be more numerous than the Senate"; that "they will represent the immediate interests of the people," etc., showing that Mr. Iredell regarded the phrase "money bills" as synonymous with the phrase "bills to raise revenue." I find further on that Mr. Iredell, in another speech to the same convention, identifies the right given to the House of Representatives with that already enjoyed by the House of Commons in Great Britain, as is shown by the following quotation of his language:

"Yet the Commons have generally been able to carry everything before them. The circumstance of their representing the great body of the people alone gives them great weight. This weight has great authority added to it by their possessing the right (a right given to the people's representatives in Congress) of *exclusively originating money bills.*"

Note the significance of the parentheses above. To continue:

"The authority over money will do everything. A Government can not be supported without money. *Our Representatives may at any time compel the Senate to agree to a reasonable measure by withholding supplies till the measure is consented to.* There was a great debate in the convention whether the Senate should have an equal power of originating money bills. It was strongly insisted by some that it should, but at length a majority thought it unadvisable, and the clause was passed as it now stands. I know not whether it be that our representatives had a great share in establishing this excellent regulation, and, in my opinion, they deserve the public thanks for it."

And still later, in reenforcing the same contention, he uses the following language:

"It is contended by that gentleman that the addition of the power of making treaties to the other powers will make the Senate dangerous; that they would be even dangerous to the representatives of the people. The gentleman has not proved this in theory. Whence will he adduce an example to prove it? What passes in England directly disproves his assertion. In that country the representatives of the people are chosen under undue influence, frequently by direct bribery and corruption. They are elected for seven years and many of the members hold offices under the Crown—some during pleasure, others for life. They are also not a genuine representation of the people, but from a change of circumstances a mere shadow of it. Yet, under these disadvantages, they *having the sole power of originating money bills*, it has been found that the power of the King and lords is much less considerable than theirs. The high prerogatives of the king and the great power and wealth of the lords have been more than once mentioned in the course of the debates. If, under such circumstances, such representatives—mere shadows of representatives—by having the power of the purse and the sacred name of the people to rely upon, are an overmatch for the King and lords, who have such great hereditary qualifications, we may safely conclude that our own Representatives, who will be a genuine representation of the people and having *equally the right of originating money bills*, will at least be a match for the Senate, possessing qualifications so inferior to those of the House of Lords in England."

In the House of Representatives, March 2, 1797, Mr. Nichols said:

"*The power of this House to control appropriations has been settled.* It was indeed an absurdity to call a body a legislature and at the same time deny them a control over the public purse. *If it were not so, where would be the use of going through the forms of that House with a money bill?* The Executive might as well draw upon the Treasury at once for whatever sum he might stand in need of. A doctrine like this would be scouted even in despotic countries."

Note, when he says "that House," he means the House of Representatives, referring back with his relative to his first sentence.

In The Federalist, that great book whose articles were written by Hamilton, Madison, and Jay, in No. 57 of The Federalist, published in the New York Packet on Friday, February 22, 1788, I find language which I shall quote at large, a part of which I have put in italics, as an easy way of bringing it to the attention of the reader. This article, in my opinion, judging by the style of it, was written by Alexander Hamilton. It is more interesting than Jay's style and less diffuse than Mr. Madison's. Next to Mr. Madison himself, Mr. Hamilton perhaps knew better what the Constitutional Convention intended than almost any other one man.

Although in some of the editions of The Federalist this number is attributed to Mr. Madison and in some others to Mr. Hamilton, in a majority of the sources of information, as far as I had time to run it down, the number is attributed to Mr. Madison, but in my opinion, as I said above, the better authority is that Hamilton wrote it and the style is that of Alexander Hamilton.

I quote from the article as follows:

"These considerations appear to afford ample security on this subject and ought alone to satisfy all the doubts and fears which have been indulged with regard to it. Admitting, however, that they should all be insufficient to subdue the unjust policy of the smaller States or their predominant influence in the councils of the Senate a constitutional and infallible resource still remains with the larger States by which they will be able at all times to accomplish their just purposes. *The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse*, that powerful instrument by which we behold in the history of the British constitution an infant and humble representation of the people gradually enlarging the sphere of its activity and importance and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the Government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.

"But will not the House of Representatives be as much interested as the Senate in maintaining the Government in its proper functions, and will they not, therefore, be unwilling to stake its existence or its reputation on the pliancy of the Senate? Or if such a trial of firmness between the two branches were hazarded, would not the one be as likely first to yield as the other? These questions will create no difficulty with those who reflect that in all cases the smaller the number and the more permanent and conspicuous the station of men in power the stronger must be the interest which they will individually feel in whatever concerns the Government. Those who represent the dignity of their country in the eyes of other nations will be particularly sensible to every prospect of public danger or of a dishonorable stagnation in public affairs. To those causes we are to ascribe the continual triumph of the British House of Commons over the other branches of the Government whenever the engine of a money bill has been employed. An absolute inflexibility on the side of the latter, although it could not have failed to involve every department of the State in the general confusion, has neither been apprehended nor experienced. The utmost degree of firmness that can be displayed by the Federal Senate or President will not be more than equal to a resistance in which they will be supported by constitutional and patriotic principles."

You will note that his language is that the "House of Representatives can not only refuse, but *they alone can propose* the supplies requisite for the support of the Government." He adds, "They, in a word, hold the purse," etc. This demonstrates beyond challenge that in the mind of Mr. Hamilton the phrase "bills to raise revenue" was synonymous with the old English phrase "supply bills," or what we call in American phraseology now "general appropriation bills," as contradistinguished from "special appropriation bills"; that is to say, appropriations for the Army and Navy, executive, legislative, and judicial departments.

Gentlemen have contended that while the practice of the Government was in accordance with my contention, that practice was not founded upon any constitutional warrant. I place against their opinion the opinions of Madison and of Hamilton and of Iredell and of Nicholls (all, if I mistake not, members of the Constitutional Convention), but above all, I place the fact that when the committee on the revision of style reported the present phraseology that it excited no remark and no discussion, which is self-evident proof of the fact that in the opinion of the members of the Constitutional Convention it was a mere change of style or expression and not a change of substance, and that what was meant in their minds by the phrase "bills to raise revenue" was the same thing as is meant by the phrase "bills to raise money and to appropriate the same," or by the phrase "money bills," or by the phrase "supply bills," all of which in their minds at that time were synonymous.

Mr. Madison, than whom no man was better acquainted with the Constitution, in the Virginia convention, constantly uses the words "money bills" and "supply bills" when talking about this clause and the power given the House by it.

Mr. Hamilton uses the words "supplies requisite for the support of the Government."

The confusion of those who in subsequent generations have raised this question—and it is to be remembered that nobody in the generation of the framers of the Constitution did raise it or did try to make the distinction—grows out of their not understanding that a "bill to raise revenue" means a bill to raise revenue *for the supply of the executive branch of the Government.* There are two sorts of bills for raising revenue for the Government, or, as the English called it, "for carrying on His Majesty's Government." One was by appropriating money already in the Treasury. In this case the money had been raised, but it had not been made *Government revenue*, and could not be made "revenue" to be disbursed by the executive branch until the legislative branch had appropriated it. Where there was no money in the Treasury, then the money had to be "raised" through a bill to appropriate money and a bill to levy taxes, but it did not become "revenue" for the purpose of disbursement by the executive branch solely with the passage of the bill to levy taxes, nor solely with the passage of a bill to issue bonds, but there was needful yet to appropriate the money. The further act necessary to make it revenue for the disbursement of the executive branch was an appropriation. There is no such thing as a "bill to raise revenue" by merely levying a tax in the technical sense in which that phrase was used in the Constitution. There is no such thing as having the legislative branch put money at the disposal of the executive branch except by not only *raising* the money but by *appropriating* the same, and raising money and appropriating the same, both taken together, constitute "raising revenue" for the Government.

Even "*money in* the Treasury" is not a Government "*revenue*" until rendered disbursable by an appropriation of the money *out* of the Treasury.

If there were a billion of dollars in the Treasury, it would not be revenue for carrying on the Government—revenue of the Government, revenue in a governmental or constitutional sense—until it had been appropriated. And as the House alone can originate a bill "to raise revenue," it alone can originate a bill to transmute *money* in the Treasury into *revenue*.

Revenue—Government revenue—is money in the Treasury rendered available to the Executive for expenditure for "carrying on the Government" by an appropriation.

The Senator from Massachusetts [Mr. LODGE] says that "not a week passes that we do not originate appropriation bills in the Senate"; that we originate them on claims, on public buildings, etc. I had never contended and do not now contend that the power of the House to originate goes beyond origination of general "supply bills" for the carrying on of the Government or, as it was called in England, carrying on His Majesty's or the Queen's Government what were called in England and by Hamilton, Madison, and their contemporaries "money bills." As to special appropriations for many purposes, even the House of Commons in England never claimed exclusive power over them. The Senator adds: "There is, in my opinion, nothing in the Constitution that can be twisted into any such limitation"; that is—a limitation of the power to originate "supply bills" in the House. In this the Senator differs from Mr. Hamilton; he differs from Mr. Madison; he differs from the first Congress that ever met; and he differs, in my opinion, because he has not truly understood the meaning of the phrase "to raise revenue." To raise revenue for what? Why, evidently for disbursement by the Government. To be disbursed by whom? Why, evidently by the Executive. To be appropriated by whom? Evidently by the legislative. Not a dollar in the Treasury can become *revenue* for carrying on the Government except after two things have been done: First, having the *money* placed there, and as long as it is there without an appropriation by Congress it is not *revenue*, it is merely *money*, because the Constitution provides that no money shall be taken out of the Treasury except in pursuance of an act of Congress; secondly, after being put at the disposal of the Executive for expenditure by appropriation out of the Treasury, then and then only has the money changed its character and become revenue—i. e., money for Executive disbursement by direction of law. As long as it is in the Treasury without appropriation it is inert, dead, and can not be used; it is not governmental revenue, it is not at the behest of the Executive for disbursement. A "bill to raise revenue" is a bill to turn money into an active instrumentality for carrying on the Government.

In 1871 the House adopted a resolution taking exception to a Senate bill which repealed the income tax. The Senate asserted the right to originate bills repealing a tax. Roscoe Conkling, as a Senate conferee, contended for the right. The House conferees refused to assent to the position of the Senate, and pointed out that not only "the right to originate tax and tariff bills, but also appropriation bills" was "conceded to the House of Representatives without dispute until the year 1832, when the right of repealing duties was unsuccessfully asserted by the Senate, and again in 1833 the same thing was attempted, but without success."

You will note that the Senate never until then even asserted any right over general appropriation bills. The resolution recommended by the House conferees was adopted by the House after debate.

Senator HOAR quotes Mr. Webster, who certainly was a very fine constitutional lawyer, as saying: "Whatever the Senate might think, the House is the sole constitutional judge of the extent, meaning, and scope of that constitutional provision," to wit, the constitutional provision to originate "revenue bills." Senator HOAR adds: "Mr. Webster was clearly right."

A very clear discussion of this will be found on page 161 of Mr. McCall's "The Business of Congress." Mr. McCall adds: "In practice the general appropriation bills are now in a sense treated as money bills, and their formation, as well as the formation of those relating to taxation, is given over to the House." I admit that the House has sometimes been lax in this assertion of its right, but whenever the matter has been narrowed down to a crisis and discussed the House has always maintained its right and the Senate has always acquiesced in it. It is idleness to say that this assertion and maintenance and this acquiescence would have taken place without constitutional authority.

Senator HOAR well said: "By a practice as old as the Government itself the constitutional prerogative of the House has been held to apply to all the general appropriation bills."

Reference is directed here to an article entitled "Conduct of business in Congress," published in the North American Review, CXXVII, page 113.

In this connection it is pertinent to inquire that, if I be not right about all this, why is it that the letter from the Secretary of the Treasury transmitting estimates for appropriations for the fiscal year is invariably sent to the House and not to the Senate? Why is it not sent to the Senate in the first place, or why not at the same time? Why not addressed to Congress or both Houses? It is sent to the House immediately after the House convenes and is referred to the House Committee on Appropriations. This has been the uniform custom ever since the first Congress met.

Prof. Woodrow Wilson says that the Constitution is silent as to the origination of bills appropriating money. This statement is not correct. The statement begs the question. What are "bills for raising revenue" except bills to make money mobile as a governmental instrumentality—as revenue. Every supply bill is a money bill. Every money bill is a bill to raise revenue. The "revenue" is not "raised" until the appropriation of the money is directed. Raised for what? With us, "to carry on the Government"; in England, "to carry on His Majesty's Government." Who pays out the money to carry on the Government? Why, the Executive, of course. Who raises or provides or supplies the money for the Executive to pay out or to disburse? Why, the legislative branch, equally of course. Who pays your salary or mine? Why, the Executive. And how? By an order upon the Treasury. And in consequence of what? In consequence of an appropriation bill, rendering inert, dead money active, live, Government revenue. You and I are paid by a warrant on the Treasury. We can not pay our own salaries directly to ourselves. How is the Executive warranted to give the warrant? Why, by an act of Congress, of course. What is this act? Why, it is a bill to raise supplies—to raise revenue for carrying on the Government. The revenue is not raised for Executive capacity to pay out and therefore not raised as governmental revenue, as an instrumentality in the disbursement whereof the Government is carried on until appropriated by Congress and the purpose of the appropriation designated in an act of Congress. How is revenue raised? I answer, in two ways. What are they? If the money be already in the exchequer or the Treasury here, it is raised for a designated purpose by its appropriation, and if there be no money in the Treasury, then it is raised by levying a tax and at the same time or afterwards appropriating the proceeds of it—by tax bills and appropriation bills.

Much of the confusion has grown out of forgetting that in the early history of the country tax bills and appropriation bills, the conjoint purpose of the two being to raise Government revenue, were provided for in the same act. The Ways and Means Committee of the House levied a tax and at the same time appropriated the tax in one act, which constituted a budget. Later on, when the magnitude of our governmental machinery began to assert itself, the work was divided. Tax bills were left to the Committee on Ways and Means and bills appropriating the proceeds of taxes were left to a new committee, called the Committee on Appropriations. It was not until after this division of labor occurred that any confusion in public thought ever occurred.

Levying a tax and appropriating the money thus raised are two parts of the same act, the object of both of which is to "raise revenue" for carrying on the Government. If you appropriate when there is no money in the Treasury, the Government will not have any revenue. If you levy and collect a tax, but do not appropriate, the Government will still have no revenue. In one and the same bill, or else in two different bills, you must do the two things, which are parts of the same act—first, put money in the Treasury; second, turn the money into Government revenue by appropriating it.

Henry Jones Ford, in his book The Cost of Our National Government (p. 11) says, very properly: "It is a fundamental principle of constitutional government that appropriations are made and expenditures are controlled by the representatives of the people." He adds that "the process of budget making starts with the transmission of a letter from the Secretary of the Treasury to the Speaker of the House of Representatives, giving estimates of appropriations required for the public service," and "congressional action on the estimates thus transferred begins in the House of Representatives." (See ibid., p. 14.)

This is a significant recognition of the principle by the practice of the executive department. In fact, throughout our whole history the

House has asserted, the Executive has practiced, and the Senate has acquiesced by practice in the general principle—a principle and practice founded on the real and historic meaning of the phrase "bills to raise revenue"—a meaning contemporaneous with the Constitution.

I quote from the same author, page 23: "We began our National Government with a firm and precise principle of budget control; namely, that the House of Representatives held the purse strings. It was the expectation of the framers of the Constitution that the immediate Representatives of the people would control the budget and fix expenditures."

In No. 57 of the Federalist, support was given to this position.

I call the reader's attention to CONGRESSIONAL RECORD, volume 16, part 2, page 940, et seq. being the record of the Forty-eighth Congress, second session. Representative HAMMOND (p. 952), in his reply to what I have called attention to, confuses special appropriations, which are not supply bills, with general appropriations, which are and have always been so treated, both in England and here; and here, as Senator HOAR says, "even from the very origin of the Government."

Mr. HAMMOND likewise confuses the phrase "raising revenue" and the phrase "raising money." Before the Committee on Style changed the verbiage proposed in the constitutional convention, it read: "Bills to raise money and make appropriation of the same." The language "bills to raise revenue" was substituted, and, as far as I can find out, without debate or opposition of any description, showing that the men who had voted for the former phraseology thought that the latter means the same thing; that is, that a "bill to raise revenue" involved the idea of "raising money and appropriating the same."

Raising money or putting money into the Treasury is one thing. Making out of money Government revenue is another thing. The money is raised, or collected, or gotten when, by operation of a tax bill, it is covered into the Treasury, but it does not thereupon become revenue. The executive, which alone disburses revenue, can't even touch it. If there were $500,000,000 in the Treasury, no branch of the executive could touch it until the legislative branch had made it revenue by an appropriation bill. The process of raising revenue is not completed until by appropriation it has been made available for carrying on the Government.

In England the means of taxation and the appropriation of money raised by taxes were both carried in the same bill, and such a bill was always indifferently called "a supply bill," "a bill to raise revenue," "a money bill." The committee of the whole of the House of Commons, when moved for that purpose, was called the committee on ways and means, hence the name for our House standing Committee on Ways and Means, which in our early history had jurisdiction over both these parts of the same transaction, to wit, tax bills to put money into the Treasury and appropriation bills directing the use of the money raised by the taxing power; that is, making of the inert money in the Treasury Government revenue to be disbursed by the executive—making it by law available for executive disbursement.

At first, as I have already said, even with us, bills generally did both at the same time, but gradually we found need for two committees in the House acting separately, and out of this grew much of the confusion, which has resulted in the failure to make the distinction between "raising *money*" and "raising *revenue*," the distinction between money lying inert in the Treasury and money made active and mobile as a governmental revenue. Governmental revenue is money in the Treasury appropriated and placed at the disposal of the executive for carrying on the Government with more or less or sometimes no specific and detailed direction for its expenditure. The point is that it is not Government revenue until the executive can use it.

In Delaware, Maryland, Massachusetts, and New Hampshire, at the time of the adoption of the Constitution, all money bills had to originate in the lower house, and the senate or upper house could amend.

In the colonial constitution of Massachusetts the exact language of the Federal Constitution is used, to wit: That the senate "may propose or concur with amendments."

Blackstone defined "money bills" to be "all bills by which money is directed to be raised." Now, mark that language—"money is directed to be raised"; that is, directed to be made alive; directed to cease to be inert; directed to be lifted into the capacity of carrying on the Government.

The House of Lords, in 1702, 1708, 1719, 1733, and 1736, disputed, as the United States Senate seems to be beginning to dispute here, the power of the House of Commons to originate appropriation bills, and tried, as gentlemen are beginning to try here, to confuse the power of originating tax bills with the power to raise revenue. The Commons always contended that the tax bills and the appropriation bills were part and parcel of the same thing. That contention of the representatives of the people which was successfully carried to a consummation in Great Britain must be carried to the same successful consummation here, or else there is danger of the cessation of all popular control of legislation.

If you will read the proceedings of the Constitutional Convention at Philadelphia very carefully, you will find that the whole argument there was whether the Senate should or should not have *the right to amend*. There never was one moment spent in discussion as to whether the House should or should not have *the right to originate*. As distinguished a man as George Washington took a very broad position in favor of giving the Senate the right to amend, or, as the Constitution expresses it, to propose and concur in amendments.

In 1856 Mr. Seward, of New York, said: "We make a revenue bill but once in 10 or 12 years, and these appropriation bills are, in fact, what were intended, I suppose, by the framers of the Constitution as bills for revenue." (See CONGRESSIONAL RECORD, vol. 16, pt. 2, p. 954.) He added: "The practice for these 70 years had been that all appropriations of this character" (and by that he means general appropriation bills, "have originated in the House." He further adds: "The statutes have been that the Senate has never originated an appropriation bill" (meaning, of course, a general supply bill), "but has always conceded to the House their origination, and the House of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and has always exercised that right itself." Then, further, he adds, significantly: "The spirit of the Constitution as ascertained from the British constitution and the extemporaneous debates and from the practice for 70 years is stronger than the letter of the Constitution."

Our Constitution provides that no money shall be taken out of the Treasury except in pursuance of law appropriating it. From this it follows, even if the history of the particular language "bills to raise revenue" did not demonstrate it, that money is not revenue wherewith to carry on the Government until its expenditure is directed by law—that is, until it is appropriated. No Government "revenue" has been "raised" until after appropriation, because it can not until then be used by the Executive, who alone can ever use it for carrying on the Government.

Mr. Hammond, who has made out the strongest case ever made against what I am contending for, again confuses the source of revenue with revenue. A tax bill is a source of revenue. Hence the proceeds of a tax bill are not revenue until rendered available for expenditure by an appropriation. The phrase "No money shall be drawn from the Treasury but in consequence of appropriations made by law" is absolutely of the same meaning as if it had been written "No money in the Treasury shall be available to the Executive for disbursement as Government revenue but in consequence of appropriations made by law."

Hammond, by a slip of the tongue, which gives him away, uses the phrase "the revenue of the King"—a perfectly accurate expression. Money in the exchequer in England is not revenue at all until it becomes by appropriation "the revenue of the King," so that the King's Government can pay it out, with or without specific direction. Nor does money in our Treasury become revenue of the king, or revenue of the Executive, or revenue for carrying on the Government, or, in any governmental sense, revenue at all, until it has become in the same way, to wit, by appropriation, the revenue of the Executive. It is the Executive alone in either Government which can disburse money.

In New Jersey, South Carolina, and Virginia, at the time of the Constitution, all money bills must originate in the house of representatives of the State, and could not be even amended in the upper house.

For further study of this question, turn to First Congressional Annals (vol. 1, pp. 592, 593, and 597, and pp. 603, 605, and 617). Turn to the Twenty-second Congressional Debates (Vol. CIV, pt. 1, pp. 1152, 1155, and 522), and Forty-first Congressional Debates (3d sess., Appendix, p. 265), both of which are quoted in note 1 of Hinds' Precedents (vol. 2, p. 951).

In April, 1872, Mr. Dawes, of Massachusetts, reported a resolution citing what occurred in the House on June 25, 1789, during the First Congress, and says: "Madison, Livermore, Gerry, Lawrence, and Tucker contended that the sole right of originating money bills belonged to the House—this was an appropriation bill—but that this clause coerced all appropriation bills, because an appropriation bill was an appropriation of the money raised by the revenue powers of the Government and therefore was included; and since that time, as we all know, the appropriation bills of the Government and general supply bills have originated uniformly in the House of Representatives, with perhaps a single exception, which I will note later, and which failed to pass." (See Hinds' Precedents, vol. 2, p. 958, where they are set forth.)

The J. Proctor Knott House resolution on February 2, 1871, had no reference to a general appropriation bill. It concerned a bill to "purchase lots adjoining the new building for Bureau of Printing and Engraving." It was in no sense a supply bill. I cite this, because it has been frequently quoted on the other side. But even here the utmost that can be contended is that the House never acted upon the resolution. (See Hinds' Precedents, vol. 2, pp. 971 and 972 top; the views of the minority, ibid., pp. 972, 973.)

Mr. Garfield's language. (CONGRESSIONAL RECORD, vol. 16, pt. 2, p. 954.) Proceedings of the House quoted by Hammond right afterwards prove that Garfield was right about what happened in the House, and the proceedings there do not admit of the explanation attempted to be made by Hammond. The distinction was made in what the House did between general appropriation bills, or supply bills, on the one hand, and special appropriation bills on the other.

If the reader will turn to Webster's Dictionary of 1840 and Worcester's Dictionary of 1846, both of them American, he will find that they bear out exactly the opposite contention to that in behalf of which Hammond quotes them, and that in both cases they confine the meaning of the word "revenue" to "income for public use" and "income for the payment of national expenses."

In no event can money in the Treasury become "income for public use"—that is, be available for the Executive for use—or become available for "the payment of national expenses," except by force of appropriation. These phrases are right, and money not made available by appropriation "for public use" or "for the payment of national expenses" is not Government revenue. It is simply money lying inert in the Treasury. It belongs to the people, of course, but it can not be constitutionally used by "the Government."

Mr. President, if the Senate can constitutionally originate general appropriation bills when money is in the Treasury, then it can do the same thing when there is no money in the Treasury, and thus this body, representing the States and not the people—representing chiefly the smaller States—could force either Federal insolvency—not to be thought of—or else could force the House to levy new or additional taxes and thus force the House to originate tax bills. The two things hang together. If this Senate could originate general supply bills, then it could commit the Government to a course of expenditure that would coerce the House not only into originating but passing tax bills.

As Seward well says, speaking of the long practice under which the House always insisted upon and the Senate always conceded the right of the House to originate general appropriation bills:

"This (practice) could not have been accidental; it was therefore designed. The design and purpose were those of the contemporaries of the Constitution itself. It evinces their understanding of the subject, which was that bills of a general nature for appropriating the public money or for laying of taxes or burdens on the people, direct or indirect in their operation, belonged to the province of the House of Representatives." (See CONGRESSIONAL RECORD, vol. 16, pt. 2, p. 950.)

He added:

"If this power be confined to the one and not to the other—that is, to the levying of taxes to get money but not to its expenditure—then the right is useless, because we change revenue laws so seldom."

This criticism of Seward's is correct, although it was made in view of what occurred later and not of what was in the minds of the framers of the Constitution. I believe it is not too much to say that, in the minds of the framers of the Constitution, a bill to raise revenue was a budget; that is, a bill levying taxes and at the same time appropriating the proceeds of the levy, because such was the contemporaneous practice.

Mr. Bumner, of Massachusetts, said that he regarded the Senate origination of general appropriation bills as "a departure from the spirit of the Constitution." (Ibid.)

Mr. Hinds, in his incomparable work, in a note at the bottom of page 973, volume 2, concerning the question of the right of the House to originate general appropriation or supply bills, says: "But while there has been a dispute as to the theory, there has been no deviation from the practice that the general appropriation bills originate in the House of Representatives." He expressly uses this phrase as contradistinguished from special bills appropriating for single, specific purposes.

It is well to remember in this connection the Hurd resolution of January 12, 1885, which was laid on the table in the House. The fact

that it was laid upon the table has been quoted very frequently, but the resolution was directed at Senate bill 398 (The Blair educational bill). It was not a supply bill, but a bill of specific appropriation, not a bill for carrying on the Government any more than a bill making appropriation for a public building would be a bill for carrying on the Government.

WHITE RIVER DAM, ARK.

Mr. CLARKE of Arkansas. Some days since the House returned to the Senate a disagreement upon the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., and asked for a conference and named the conferees. I wish to move that the Senate agree to the conference asked by the House.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark. The Senator from Arkansas moves that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. NELSON, Mr. BOURNE, and Mr. MARTIN of Virginia conferees on the part of the Senate.

ANNIE R. SCHLEY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4568) granting an increase of pension to Annie R. Schley, which was on page 1, line 8, before the word "dollars," to strike out "one hundred and fifty" and insert "seventy-five."

Mr. McCUMBER. I move that the Senate disagree to the amendment of the House and ask a conference upon the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BURNHAM, Mr. SMOOT, and Mr. GORE conferees on the part of the Senate.

IMPEACHMENT OF ROBERT W. ARCHBALD.

At 12 o'clock and 15 minutes p. m. the managers of the impeachment, on the part of the House of Representatives, of Judge Robert W. Archbald appeared below the bar of the Senate, and the Assistant Doorkeeper (C. A. Loeffler) announced their presence as follows:

I have the honor to announce the managers on the part of the House of Representatives to conduct the proceedings in the impeachment of Robert W. Archbald, judge of the circuit court and designated a judge of the Commerce Court of the United States.

The PRESIDENT pro tempore (Mr. GALLINGER). The managers on the part of the House will be received, and the Sergeant at Arms will assign them their seats. The managers were thereupon escorted by the Sergeant at Arms (D. M. Ransdell) to the seats assigned to them in the area in front of the chair.

Mr. Manager CLAYTON. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against Robert W. Archbald, a circuit judge of the United States and designated a judge of the Commerce Court of the United States. The House adopted the following resolution, which I will read to the Senate:

House resolution 626.

THE CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
July 11, 1912.

Resolved, That HENRY D. CLAYTON, of Alabama; EDWIN Y. WEBB, of North Carolina; JOHN C. FLOYD, of Arkansas; JOHN W. DAVIS, of West Virginia; JOHN A. STERLING, of Illinois; PAUL HOWLAND, of Ohio; and GEORGE W. NORRIS, of Nebraska, Members of this House, be, and they are hereby, appointed managers to conduct the impeachment against Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court; that said managers are hereby instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to impeach the said Robert W. Archbald of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against said judge which have been agreed upon by this House; and that the said managers do demand that the Senate take order for the appearance of said Robert W. Archbald to answer said impeachment and demand his impeachment, conviction, and removal from office.

CHAMP CLARK,
Speaker of the House of Representatives.

Attest:

SOUTH TRIMBLE,
Clerk.

By J. C. SOUTH,
Chief Clerk.

Mr. President and Senators, the articles of impeachment are as follows——

Mr. LODGE. Mr. President, before the presentation by the managers on the part of the House of the articles of impeachment, section 2 of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials requires that the Sergeant at Arms shall make proclamation as therein prescribed.

The PRESIDENT pro tempore. The Sergeant at Arms will make proclamation.

The Sergeant at Arms (D. M. Ransdell) made proclamation as follows:

"Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against Robert W. Archbald, circuit judge of the United States and designated a judge of the United States Commerce Court."

The PRESIDENT pro tempore. The articles of impeachment may now be presented.

Mr. Manager CLAYTON. Mr. President, the articles of impeachment, which have been adopted by the House of Representatives and which the managers on the part of the House have been directed to present to the Senate, are in the words and figures following:

[Sixty-second Congress, second session.]

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
July 11, 1912.

Resolved, That Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, appointed pursuant to the act of June 18, 1910 (U. S. Stat. L., vol. 36, 540), and having duly qualified and having been duly commissioned and designated on the 31st day of January, 1911, to serve for four years in the Commerce Court, be impeached for misbehavior and for high crimes and misdemeanors; and that the evidence heretofore taken by the Committee on the Judiciary, under House resolution 524 sustains 13 articles of impeachment which are hereinafter set out; and that said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit:

Articles of impeachment of the House of Representatives of the United States of America (in the name of themselves and of all of the people of the United States of America against Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, appointed pursuant to the act of June 18, 1910 (U. S. Stat. L., vol. 36, 540), and having duly qualified and having been duly commissioned and designated on the 31st day of January, 1911, to serve for four years in the Commerce Court:

ARTICLE 1.

That the said Robert W. Archbald, at Scranton, in the State of Pennsylvania, being a United States circuit judge, and having been duly designated as one of the judges of the United States Commerce Court, and being then and there a judge of the said court, on March 31, 1911, entered into an agreement with one Edward J. Williams whereby the said Robert W. Archbald and the said Edward J. Williams agreed to become partners in the purchase of a certain culm dump, commonly known as the Katydid culm dump, near Moosic, Pa., owned by the Hillside Coal & Iron Co., a corporation, and one John M. Robertson, for the purpose of disposing of said property at a profit. That pursuant to said agreement, and in furtherance thereof, the said Robert W. Archbald, on the 31st day of March, 1911, and at divers other times and at different places, did undertake by correspondence, by personal conferences, and otherwise, to induce and influence, and did induce and influence, the officers of the said Hillside Coal & Iron Co., and of the Erie Railroad Co., a corporation, which owned all of the stock of said coal company, to enter into an agreement with the said Robert W. Archbald and the said Edward J. Williams to sell the interest of the said Hillside Coal & Iron Co., in the Katydid culm dump for a consideration of $4,500. That during the period covering the several negotiations and transactions leading up to the aforesaid agreement the said Robert W. Archbald was a judge of the United States Commerce Court, duly designated and acting as such judge; and at the time aforesaid and during the time the aforesaid negotiations were in progress the said Erie Railroad Co. was a common carrier engaged in interstate commerce and was a party litigant in certain suits, to wit, the Baltimore & Ohio Railroad Co. et al. v. The Interstate Commerce Commission, No. 38, and the Baltimore & Ohio Railroad Co. et al. v. The Interstate Commerce Commission, No. 29, then pending in the United States Commerce Court; and the said Robert W. Archbald, judge as aforesaid, well knowing these facts, willfully, unlawfully, and corruptly took advantage of his official position as such judge to induce and influence the officials of the said Erie Railroad Co. and the said Hillside Coal & Iron Co., a subsidiary corporation thereof, to enter into a contract with him and the said Edward J. Williams, as aforesaid, for profit to themselves, and that the said Robert W. Archbald, then and there, through the influence exerted by reason of his position as such judge, willfully, unlawfully, and corruptly did induce the officers of said Erie Railroad Co. and of the said Hillside Coal & Iron Co. to enter into said contract for the consideration aforesaid.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a high crime and misdemeanor in office.

ARTICLE 2.

That the said Robert W. Archbald, on the 1st day of August, 1911, was a United States circuit judge, and, having been duly designated as one of the judges of the United States Commerce Court, was then and there a judge of said court.

That at the time aforesaid the Marian Coal Co., a corporation, was the owner of a certain culm bank at Taylor, Pa., and was then and there engaged in the business of washing and shipping coal; that prior to that time the said Marian Coal Co. had filed before the Interstate Commerce Commission a complaint against the Delaware, Lackawanna

& Western Railroad Co. and five other railroad companies as defendants, charging said defendants with discrimination in rates and with excessive charges for the transportation of coal shipped by the said Marian Coal Co. over their respective lines of road; that all of the said defendant companies were common carriers engaged in interstate commerce. That the decision of the said case by the Interstate Commerce Commission at the instance of either party thereto was subject to a review, under the law, by the United States Commerce Court; that one Christopher G. Boland and one William P. Boland were then the principal stockholders of the said Marian Coal Co. and controlled the operation of the same, and they, the said Christopher G. Boland and the said William P. Boland, employed one George M. Watson as an attorney to settle the case then pending as aforesaid in the Interstate Commerce Commission and to sell to the Delaware, Lackawanna & Western Railroad Co. two-thirds of the stock of the said Marian Coal Co.; and at the time aforesaid there was pending in the United States Commerce Court a certain suit entitled "The Baltimore & Ohio Railroad Co. et al., v. The Interstate Commerce Commission, No. 38," to which suit the said Delaware, Lackawanna & Western Railroad Co. was a party litigant.

That the said Robert W. Archbald, being judge as aforesaid and well knowing these facts, did then and there engage for a consideration to assist the said George M. Watson to settle the aforesaid case then pending before the Interstate Commerce Commission and to sell to the said Delaware, Lackawanna & Western Railroad Co. the said two-thirds of the stock of the said Marian Coal Co., and in pursuance of said engagement the said Robert W. Archbald, on or about the 10th day of August, 1911, and at divers other times and at different places, did undertake, by correspondence, by personal conferences, and otherwise, to induce and influence the officers of the Delaware, Lackawanna & Western Railroad Co. to enter into an agreement with the said George M. Watson for the settlement of the aforesaid case and the sale of said stock of the Marian Coal Co.; and the said Robert W. Archbald thereby willfully, unlawfully, and corruptly did use his influence as such judge in the attempt to settle said case and to sell said stock of the said Marian Coal Co. to the Delaware, Lackawanna & Western Railroad Co.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a high crime and misdemeanor in office.

ARTICLE 3.

That the said Robert W. Archbald, being a United States circuit judge and a judge of the United States Commerce Court, on or about October 1, 1911, did secure from the Lehigh Valley Coal Co., a corporation, which coal company was then and there owned by the Lehigh Valley Railroad Co., a common carrier engaged in interstate commerce, and which railroad company was at that time a party litigant in certain suits then pending in the United States Commerce Court, to wit, The Baltimore & Ohio Railroad Co. et al. v. Interstate Commerce Commission et al., No. 38, and The Lehigh Valley Railroad Co. v. Interstate Commerce Commission et al., No. 40, all of which was well known to said Robert W. Archbald, an agreement which permitted said Robert W. Archbald and his associates to lease a culm dump, known as Parker No. 3, near Shenandoah, in the State of Pennsylvania, which said culm dump contained a large amount of coal, to wit, 472,670 tons, and which said culm dump the said Robert W. Archbald and his associates agreed to operate and to ship the product of the same exclusively over the lines of the Lehigh Valley Railroad Co.; and that the said Robert W. Archbald unlawfully and corruptly did use his official position and influence as such judge to secure from the said coal company the said agreement.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of a misdemeanor in such office.

ARTICLE 4.

That the said Robert W. Archbald, while holding the office of United States circuit judge and being a member of the United States Commerce Court, was and is guilty of gross and improper conduct, and was and is guilty of a misdemeanor as said circuit judge and as a member of said Commerce Court in manner and form as follows, to wit: Prior to and on the 4th day of April, 1911, there was pending in said United States Commerce Court the suit of Louisville & Nashville Railroad Co. v. The Interstate Commerce Commission. Said suit was argued and submitted to said United States Commerce Court on the 4th day of April, 1911; that afterwards, to wit, on the 22d day of August, 1911, while said suit was still pending in said court, and before the same had been decided, the said Robert W. Archbald, as a member of said United States Commerce Court, secretly, wrongfully, and unlawfully did write a letter to the attorney for the said Louisville & Nashville Railroad Co. requesting said attorney to see one of the witnesses who had testified in said suit on behalf of said company and to get his explanation and interpretation of certain testimony that the said witness had given in said suit, and communicate the same to the said Robert W. Archbald, which request was complied with by said attorney; that afterwards, to wit, on the 10th day of January, 1912, while said suit was still pending, and before the same had been decided by said court, the said Robert W. Archbald, as judge of said court, secretly, wrongfully, and unlawfully again did write to the said attorney that other members of said United States Commerce Court had discovered evidence on file in said suit detrimental to the said railroad company and contrary to the statements and contentions made by the said attorney, and the said Robert W. Archbald, judge of said United States Commerce Court as aforesaid, in said letter requested the said attorney to make to him, the said Robert W. Archbald, an explanation and an answer thereto; and he, the said Robert W. Archbald, as a member of said United States Commerce Court aforesaid, did then and there request and solicit the said attorney for the said railroad company to make and deliver to the said Robert W. Archbald a further argument in support of the contentions of the said attorney so representing the said railroad company, which request was complied with by said attorney, all of which on the part of said Robert W. Archbald was done secretly, wrongfully, and unlawfully, and which was without the knowledge or consent of the said Interstate Commerce Commission or its attorneys.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 5.

That in the year 1904 one Frederick Warnke, of Scranton, Pa., purchased a two-thirds interest in a lease on certain coal lands owned by the Philadelphia & Reading Coal & Iron Co., located near Lorberry Junction, in said State, and put up a number of improvements thereon and operated a culm dump located on said property for several years thereafter; that operations were carried on at a loss; that said Frederick Warnke thereupon applied to the Philadelphia & Reading Coal & Iron Co. for the mining maps of the said land covered by the said lease, and was informed that the lease under which he claimed had been forfeited two years before it was assigned to him, and his application for said maps was therefore denied; that said Frederick Warnke then made a proposition to George F. Baer, president of the Philadelphia & Reading Railroad Co. and president of the Philadelphia & Reading Coal & Iron Co., to relinquish any claim that he might have in this property under the said lease provided that the Philadelphia & Reading Coal & Iron Co. would give him an operating lease on what was known as the Lincoln culm bank, located near Lorberry; that said George F. Baer referred said proposition to one W. J. Richards, vice president and general manager of the Philadelphia & Reading Coal & Iron Co., for consideration and action; that, the general policy of the said coal company being adverse to the lease of any of its culm banks, the said George F. Baer and the said W. J. Richards declined to make the lease, and the said Frederick Warnke was so advised; that the said Frederick Warnke then made several attempts, through his attorneys and friends, to have the said George F. Baer and the said W. J. Richards reconsider their decision in the premises, but without avail; that on or about November 1, 1911, the said Frederick Warnke called upon Robert W. Archbald, who was then and now is a United States circuit judge, having been duly designated as one of the judges of the United States Commerce Court, and asked him, the said Robert W. Archbald, to intercede in his behalf with the said W. J. Richards; that on November 24, 1911, the said Robert W. Archbald, judge as aforesaid, pursuant to said request, did write a letter to the said W. J. Richards requesting an appointment with the said W. J. Richards; that several days thereafter the said Robert W. Archbald called at the office of the said W. J. Richards to intercede for the said Frederick Warnke; that the said W. J. Richards then and there informed the said Robert W. Archbald that the decision which he had given to the said Warnke must be considered as final, and the said Archbald so informed the said Warnke; that the entire capital stock of the Philadelphia & Reading Coal & Iron Co. is owned by the Reading Co., which also owns the entire capital stock of the Philadelphia & Reading Railroad Co., which last-named company is a common carrier engaged in interstate business.

That the said Robert W. Archbald, judge as aforesaid, well knowing all the aforesaid facts, did wrongfully attempt to use his influence as such judge to aid and assist the said Frederick Warnke to secure an operating lease of the said Lincoln culm dump owned by the Philadelphia & Reading Coal & Iron Co., as aforesaid, which lease the officials of the said Philadelphia & Reading Coal & Iron Co. had theretofore refused to grant, which said fact was also well known to the said Robert W. Archbald.

That the said Robert W. Archbald, judge as aforesaid, shortly after the conclusion of his attempted negotiations with the officers of the Philadelphia & Reading Railroad Co. and of the Philadelphia & Reading Coal & Iron Co., aforesaid, in behalf of the said Frederick Warnke, and on or about the 31st day of March, 1912, willfully, unlawfully, and corruptly did accept, as a gift, reward, or present, from the said Frederick Warnke, tendered in consideration of favors shown him by said judge in his efforts to secure a settlement and agreement with the said railroad company and the said coal company, and for other favors shown by said judge to the said Frederick Warnke, a certain promissory note for $500 executed by the firm of Warnke & Co., of which the said Frederick Warnke was a member.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as a judge and high crimes and misdemeanor in office.

ARTICLE 6.

That the said Robert W. Archbald, being a United States circuit judge and a judge of the United States Commerce Court, on or about the 1st day of December, 1911, did unlawfully, improperly, and corruptly attempt to use his influence as such judge with the Lehigh Valley Coal Co. and the Lehigh Valley Railway Co. to induce the officers of said companies to purchase a certain interest in a tract of coal land containing 800 acres, which interest at said time belonged to certain persons known as the Everhardt heirs.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 7.

That during the months of October and November, A. D. 1908, there was pending in the United States district court, in the city of Scranton, State of Pennsylvania, over which court Robert W. Archbald was then presiding as the duly appointed judge thereof, a suit or action at law, wherein the old Plymouth Coal Co. was plaintiff and the Equitable Fire & Marine Insurance Co. was defendant. That the said coal company was principally owned and entirely controlled by one W. W. Ris\inger, which fact was well known to said Robert W. Archbald; that on or about November 1, 1908, and while said suit was pending, the said Robert W. Archbald and the said W. W. Ris\inger wrongfully and corruptly agreed together to purchase stock in a gold mining scheme in Honduras, Central America, for the purpose of speculation and profit; that in order to secure the money with which to purchase said stock, the said Ris\inger executed his promissory note in the sum of $2,500, payable to Robert W. Archbald and Sophia J. Hutchison, which said note was indorsed then and there by the said Robert W. Archbald, for the purpose of having same discounted for cash; that one John T. Lenahan, one of the attorneys for said Ris\inger in the trial of said suit was one John T. Lenahan; that on the 23d day of November, 1908, said suit came on for trial before said Robert W. Archbald, judge presiding, and a jury, and after the plaintiff's evidence was presented the defendant insurance company demurred to the sufficiency of said evidence and moved for a nonsuit, and after extended argument by attorneys for both plaintiff and defendant, the said Robert W. Archbald ruled against the defendant and in favor of the plaintiff, and thereupon the defendant proceeded to introduce evidence before the conclusion of which the jury was dismissed and a consent judgment rendered in favor of the plaintiff for $2,500, to be discharged upon the payment of $2,129.63 if paid within 15 days from November 23, 1908, and on the same day judgments were entered in a number of other like suits against different insurance companies, which resulted in the recovery of about $28,000 by the Old Plymouth Coal Co.; that before the expiration of said 15 days the said Ris\inger, with the knowledge and consent of said Robert W. Archbald, presented said note to the said John T. Lenahan for discount, which was refused and which was later discounted by a bank and has never been paid.

All of which acts on the part of the said Robert W. Archbald were improper, unbecoming, and constituted misbehavior in his said office as judge, and render him guilty of a misdemeanor.

ARTICLE 8.

That during the summer and fall of the year 1909 there was pending in the United States District Court for the Middle District of Pennsylvania, in the city of Scranton, over which court the said Robert W. Archbald was then and there presiding as the duly appointed judge thereof, a civil action wherein the Marian Coal Co. was defendant, which action involved a large sum of money, and which defendant coal company was principally owned and controlled by one Christopher G. Boland and one William P. Boland, all of which was well known to said Robert W. Archbald; and while said suit was so pending the said Robert W. Archbald drew a note for $500, payable to himself, and which note was signed by one John Henry Jones and indorsed by the said Robert W. Archbald, and then and there during the pendency of said suit as aforesaid the said Robert W. Archbald wrongfully agreed and consented that the said note should be presented to the said Christopher G. Boland and the said William P. Boland, or one of them, for the purpose of having the said note discounted, corruptly intending that his name on said note would coerce and induce the said Christopher G. Boland and the said William P. Boland, or one of them, to discount the same because of the said Robert W. Archbald's position as judge and because the said Bolands were at that time litigants in his said court.

Wherefore the said Robert W. Archbald was and is guilty of gross misconduct in his office as judge, and was and is guilty of a misdemeanor in his said office as judge.

ARTICLE 9.

That the said Robert W. Archbald, of the city of Scranton and State of Pennsylvania, on or about November 1, 1909, being then and there a United States district judge in and for the middle district of Pennsylvania, in the city of Scranton and State aforesaid, did draw a note in his own proper handwriting, payable to himself, in the sum of $500, which said note was signed by one John Henry Jones, which said note the said Robert W. Archbald indorsed for the purpose of securing the sum of $500, and the said Robert W. Archbald, well knowing that his indorsement would not secure money in the usual commercial channels, then and there wrongfully did permit the said John Henry Jones to present said note for discount, at his law office, to one C. H. Von Storch, attorney at law and practitioner in said district court, which said Von Storch, a short time prior thereto, was a party defendant in a suit in the said district court presided over by the said Robert W. Archbald, which said suit was decided in favor of the said Von Storch upon a ruling by the said Robert W. Archbald; and when the said note was presented to the said Von Storch for discount, as aforesaid, the said Robert W. Archbald wrongfully and improperly used his influence as such judge to induce the said Von Storch to discount same; that the said note was then and there discounted by the said Von Storch, and the same has never been paid but is still due and owing.

Wherefore the said Robert W. Archbald was and is guilty of gross misconduct in his said office, and was and is guilty of a misdemeanor in his said office as judge.

ARTICLE 10.

That the said Robert W. Archbald, while holding the office of United States district judge, in and for the middle district of the State of Pennsylvania, on or about the 1st day of May, 1910, wrongfully and unlawfully did accept and receive a large sum of money, the exact amount of which is unknown to the House of Representatives, from one Henry W. Cannon; that said money so given by the said Henry W. Cannon and so unlawfully and wrongfully received and accepted by the said Robert W. Archbald, judge as aforesaid, was for the purpose of defraying the expenses of a pleasure trip of the said Robert W. Archbald to Europe; that the said Henry W. Cannon, at the time of the giving of said money and the receipt thereof by the said Robert W. Archbald, was a stockholder and officer in various and diverse interstate railway corporations, to wit: A director in the Great Northern Railway, a director in the Lake Erie & Western Railroad Co., and a director in the Fort Wayne, Cincinnati & Louisville Railroad Co.; that the said Henry W. Cannon was president and chairman of the board of directors of the Pacific Coast Co., a corporation which owned the entire capital stock of the Columbia & Puget Sound Railroad Co., the Pacific Coast Railway Co., the Pacific Coast Steamship Co., and various other corporations engaged in the mining of coal and in the development of agricultural and timber land in various parts of the United States; that the acceptance by the said Robert W. Archbald, while holding said office of United States district judge, of said favors from an officer and official of the said corporations, any of which in the due course of business was liable to be interested in litigation pending in the said court over which he presided as such judge, was improper and had a tendency to and did bring his said office of district judge into disrepute.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office ,and was and is guilty of a misdemeanor.

ARTICLE 11.

That the said Robert W. Archbald, while holding the office of United States district judge in and for the middle district of the State of Pennsylvania, did, on or about the 1st day of May, 1910, wrongfully and unlawfully accept and receive a sum of money in excess of $500, which sum of money was contributed and given to the said Robert W. Archbald by various attorneys who were practitioners in the said court presided over by the said Robert W. Archbald; that said money was raised by subscription and solicitation from said attorneys by two of the officers of said court, to wit, Edward R. W. Searle, clerk of said court, and J. B. Woodward, jury commissioner of said court, both the said Edward R. W. Searle and the said J. B. Woodward having been appointed to the said positions by the said Robert W. Archbald, judge aforesaid.

Wherefore said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 12.

That on the 9th day of April, 1901, and for a long time prior thereto, one J. B. Woodward was a general attorney for the Lehigh Valley Railroad Co., a corporation and common carrier doing a general railroad business; that on said day the said Robert W. Archbald, being then and there a United States district judge in and for the middle district of Pennsylvania, and while acting as such judge, did appoint the said J. B. Woodward as a jury commissioner in and for said judicial district, and the said J. B. Woodward, by virtue of said appointment and with the continued consent and approval of the said Robert W. Archbald, held such office and performed all the duties pertaining thereto during all the time that the said Robert W. Archbald held said office of United States district judge, and that during all of said time the said J. B. Woodward continued to act as a general attorney for the said Lehigh Valley Railroad Co.; all of which was at all times well known to the said Robert W. Archbald.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior in office, and was and is guilty of a misdemeanor.

ARTICLE 13.

That Robert W. Archbald, on the 29th day of March, 1901, was duly appointed United States district judge for the middle district of Pennsylvania and held such office until the 31st day of January, 1911, on which last-named date he was duly appointed a United States circuit judge and designated as a judge of the United States Commerce Court.

That during the time in which the said Robert W. Archbald has acted as such United States district judge and judge of the United States Commerce Court he, the said Robert W. Archbald, at divers times and places, has sought wrongfully to obtain credit from and through certain persons who were interested in the result of suits then pending and suits that had been pending in the court over which he presided as judge of the district court, and in suits pending in the United States Commerce Court, of which the said Robert W. Archbald is a member.

That the said Robert W. Archbald, being United States circuit judge and being then and there a judge of the United States Commerce Court, at Scranton, in the State of Pennsylvania, on the 31st day of March, 1911, and at divers other times and places, did undertake to carry on a general business for speculation and profit in the purchase and sale of culm dumps, coal lands, and other coal properties, and for a valuable consideration to compromise litigation pending before the Interstate Commerce Commission, and in the furtherance of his efforts to compromise such litigation and of his speculations in coal properties, willfully, unlawfully, and corruptly did use his influence as a judge of the said United States Commerce Court to induce the officers of the Erie Railroad Co., the Delaware, Lackawanna & Western Railroad Co., the Lackawanna & Wyoming Valley Railroad Co., and other railroad companies engaged in interstate commerce, respectively, to enter into various and divers contracts and agreements in which he was then and there financially interested with divers persons, to wit, Edward J. Williams, John Henry Jones, Thomas H. Jones, George M. Watson, and others, without disclosing his said interest therein and the fact of the contract, but which interest was well known to the officers and agents of said railroad companies.

That the said Robert W. Archbald did not invest any money or other thing of value in consideration of any interest acquired or sought to be acquired by him in securing or in attempting to secure such contracts or agreements or properties as aforesaid, but used his influence as such judge with the contracting parties thereto, and received an interest in said contracts, agreements, and properties in consideration of such influence in aiding and assisting in securing same.

That the said several railroad companies were and are engaged in interstate commerce, and at the time of the execution of the several contracts and agreements aforesaid and of entering into negotiations looking to such agreements had divers suits pending in the United States Commerce Court, and that the conduct and efforts of the said Robert W. Archbald in endeavoring to secure and in securing such contracts and agreements from said railroad companies was continuous and persistent from the said 31st day of March, 1911, to about the 15th day of April, 1912.

Wherefore the said Robert W. Archbald was and is guilty of misbehavior as such judge and of misdemeanors in office.

CHAMP CLARK,
Speaker of the House of Representatives.

Attest:

SOUTH TRIMBLE, *Clerk,*
By J. C. SOUTH, *Chief Clerk.*

And, Mr. President, the House of Representatives by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles of accusation or impeachment against the said Robert W. Archbald, a circuit judge of the United States and designated as a judge of the United States Commerce Court, and also of replying to his answers which he shall make unto the articles preferred against him, and of offering proof to the same and every part thereof, and to all and every other article of accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Robert W. Archbald may be put to answer the high crimes and misdemeanors in office which have been charged against him in the articles which have been exhibited to the Senate, and that such proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

Mr. President, the managers on the part of the House of Representatives, in pursuance of the action of the House of Representatives by the adoption of the resolutions and articles of impeachment, which have just been read to the Senate, do now demand that the Senate take order for the appearance of said Robert W. Archbald to answer said impeachment, and do now demand his impeachment, conviction, and removal from office.

The articles of impeachment were handed to the Secretary of the Senate.

The PRESIDENT pro tempore. Mr. Chairman and gentlemen of the committee of the House of Representatives, the Chair begs to assure you that the Senate will take order in the matter of the impeachment of Judge Archbald and communicate its action to the House of Representatives.

Mr. Manager CLAYTON. Mr. President, in behalf of the House of Representatives the managers of the House beg to thank the Presiding Officer and the Senate for the courtesy extended to the managers upon the part of the House of Representatives.

The managers thereupon withdrew from the Chamber.

Mr. CLARK of Wyoming. Mr. President, I offer the following resolution, for which I ask immediate consideration.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 360) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the message of the House of Representatives relating to the impeachment of Robert W. Archbald be referred to a select committee to consist of five Senators to be appointed by the President pro tempore.

The PRESIDENT pro tempore. The Chair announces the following as the committee: The Senator from Wyoming [Mr. CLARK], the Senator from Minnesota [Mr. NELSON], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Georgia [Mr. BACON], and the Senator from Texas [Mr. CULBERSON].

Mr. SUTHERLAND. Mr. President, I submit the following order, for which I ask immediate consideration.

The PRESIDENT pro tempore. The order will be read.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That the articles of impeachment presented against Robert W. Archbald be printed for the use of the Senate. (S. Doc. No. 874.)

Mr. LODGE. Mr. President, under the provisions for the conduct of impeachment trials it is necessary, I understand, that we should arrange for taking up these articles to-morrow at 1 o'clock. We have no choice in the matter whatever. I did not catch in either of the resolutions any provision for that.

Mr. BACON. I would say in reply to the suggestion of the Senator that the resolution offered by the Senator from Wyoming is an exact copy of the resolution which under similar circumstances was offered in the case of the impeachment of Judge Swayne, and while the specification is not made in the resolution to which the Senator from Massachusetts has alluded the action of the committee did embrace the particular matters the Senator has in mind, and I presume that that would be the action of the committee in this case. In other words, while the reading of the resolution is one which relates simply to the reference of the articles of impeachment, that committee did on the former occasion go forward and make preparation in the way of the presentation of the orders, and so forth, which were necessary to prepare for the trial, in arranging for the oath to be administered to Senators and the necessary orders to bring the matter at issue after the proper notice had been served upon the officer who is charged with high crimes and misdemeanors.

I thought it proper to mention to the Senator from Wyoming, who had shown me before he offered it the resolution which he had prepared, and both he and I concurred in the opinion that the resolution having been identical in the former case and having been acted on by the Senate, it would be better probably to follow the precedent in that instance.

Mr. LODGE. I do not question at all the propriety of the resolution appointing the committee. I have not, of course, the record before me showing what was done previously, and as to the action taken before in regard to what is required under the rule, that we shall act not later than 1 o'clock on the following day.

Mr. BACON. This does not in any manner interfere with what the rule contemplates.

Mr. SUTHERLAND. The record in the Swayne case shows that a resolution similar to that presented by the Senator from Wyoming was submitted to the Senate and was adopted prior to the submission of the articles of impeachment.

Mr. BAILEY. Mr. President, if the Senator will permit me, the whole confusion arises out of the fact that this has not been the procedure heretofore. Heretofore the committee of the House came and notified the Senate that they would prepare articles of impeachment, and subsequently did come to exhibit the articles. The Senator from Georgia is exactly right, because when the Senate does convene to-morrow at 1 o'clock for this purpose the committee will have such order ready as the Senate ought to make.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. If the Senator will permit me, the resolution presented by the Senator from Wyoming was presented with a full knowledge of the difference between this case and the Swayne case. The Senator from Wyoming can not see where it creates any difficulty whatever.

Mr. BAILEY. None at all.

Mr. CLARK of Wyoming. The resolution, in the judgment of the Senator from Wyoming, is proper at any stage of the proceedings until the Senate acts upon the resolution of the House.

Mr. BAILEY. If the Senator will permit me, if some such resolution as the Senator from Wyoming has introduced had not been introduced and adopted, we would meet here at 1 o'clock to-morrow and nobody would be prepared for properly taking the procedure indicated in the rule.

Mr. CLARK of Wyoming. That is the position of the Senator from Wyoming.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Certainly.

Mr. CUMMINS. I desire a rereading of the resolution. I recognize the propriety of some one preparing the necessary order or resolution, but I did not gather from the resolution that such was the purpose or function of the committee.

The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution, as follows:

Resolved, That the message of the House of Representatives relating to the impeachment of Robert W. Archbald be referred to a select committee, to consist of five Senators to be appointed by the President pro tempore.

Mr. CUMMINS. It seems to me that the articles of impeachment under that resolution would go to the committee with neither direction for a report nor any order as to this procedure.

Mr. CLARK of Wyoming. No; if the Senator will allow me, the resolution refers not at all to the articles of impeachment. The resolution refers to the message that came from the House on Saturday last.

Mr. CUMMINS. That will obviate the objection I had in mind, because I do not believe the Senate has any power to commit the articles of impeachment to any committee.

Mr. CLARK of Wyoming. Of course not.

Mr. LODGE. Mr. President, I now desire to call attention to the point I made before, that after the presentation of the articles of impeachment, which is what has happened, on the Swayne case, the Senate first made the order which has just been made on the motion of the Senate from Utah to print the articles of impeachment for the use of the Senate. They then made an order "that at 2 o'clock this afternoon the Senate will proceed." It seems that under the rule we ought to make an order as to when we shall proceed, which must be not later than 1 o'clock to-morrow.

Mr. BAILEY. In the absence of making any order, we would proceed under the rule at 1 o'clock.

Mr. LODGE. The Senate would proceed automatically at 1 o'clock.

Mr. BAILEY. Certainly.

Mr. LODGE. It seems to me it would be rather better to proceed by agreement.

Mr. SUTHERLAND. Mr. President, with all due deference to the suggestion made by the Senator from Texas, it does seem to me that the appointment of this committee is absolutely unnecessary. When the committee was appointed in the Swayne case it was, as I have already stated, at an entirely different stage of the proceeding.

Mr. BACON. This is a very important matter and I hope the Senator will speak loud enough for us to hear what he says.

Mr. SUTHERLAND. Very well. The message which is referred to this committee, as I understand the statement made by the Senator from Wyoming, is that which was received by the Senate on Saturday. Now, that message was disposed of upon the motion of the Senator from Georgia. We adopted an order which reads:

That the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, agreeably to the notice communicated to the Senate.

So the Senate has taken action upon that message. Nothing remains for the committee to do. The articles of impeachment, in pursuance of the order adopted by the Senate on Saturday, have been exhibited to the Senate, and they are now before the Senate for consideration. Article III——

Mr. BAILEY. No; not until we take the oath of office.

Mr. SUTHERLAND. Certainly; we must take the oath of office before we proceed.

Article III of the rules relating to the trial of impeachment cases provides that—

Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afte. noon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, etc.

Mr. WORKS. Mr. President——

Mr. SUTHERLAND. In just a moment. When the articles of impeachment have been presented, and they have been presented to-day, nothing remains for the Senate to do except to proceed to the consideration of those articles on the following day at 1 o'clock, unless an order is adopted to the contrary.

So there is absolutely nothing for this committee to consider. The rules prescribe exactly what the Senate shall do. It seems to me that the proper course is either to adjourn, under the rule, which will authorize us automatically to meet again at 1 o'clock to-morrow for the purpose of considering these articles or to adopt an order that that course be taken. I have prepared an order to that effect, and at the proper time I will offer it.

I now yield to the Senator from California.

Mr. WORKS. Under the Constitution when the Senate comes to act upon this matter it must act as a court. The Senate has no power to take action with respect to any matter material to the question presented by the impeachment. Therefore these proceedings on the part of the Senate seem to me to be idle. There is no power to act until the Senate convenes as a court and its members are sworn. Then such action may be taken as is necessary.

Mr. SUTHERLAND. That occurs to-morrow.

Mr. WORKS. Of course that occurs to-morrow. No action is necessary on the part of the Senate until to-morrow.

Mr. SUTHERLAND. If the Senator will permit me to call attention to the language of Rule III, it provides, as I have already stated, "that upon the following day, at 1 o'clock in the afternoon, the Senate shall meet for the purpose," and so forth, and then the rule proceeds:

Before proceeding to the consideration of the articles of impeachment the Presiding Officer shall administer the oath hereinafter provided to the Members of the Senate then present and to the other Members of the Senate as they shall appear, whose duty it shall be to take the same.

So, as I understand it, to-morrow at 1 o'clock before the Senate proceeds to the consideration of the articles of impeachment, it is the duty of the Presiding Officer to administer the oath of office. That having been done the Senate is constituted a court for the trial of this impeachment case.

Mr. WORKS. And it has no power to act as a court until then.

Mr. SUTHERLAND. It has no power to act as a court until that time.

Mr. WORKS. Certainly not.

Mr. SUTHERLAND. I offer the following order, and ask for its immediate consideration.

Mr. BACON. Before that is done, I hope the Senator will permit me——

Mr. LODGE. Let it be read.

Mr. SUTHERLAND. Will the Senator permit it to be read?

Mr. BACON. Very well.

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Ordered, That at 1 o'clock p. m. July 16, 1912, the Senate will proceed to the consideration of the articles of impeachment of Robert W. Archbald, a United States circuit judge and a member of the Commerce Court, presented by the House of Representatives this day.

Mr. BAILEY. That is an exact transcript of the rule now.

Mr. BACON. It is probably proper that I should make some statement as to the circumstances under which I offered the order which was adopted by the Senate on Saturday.

The Senator from Texas has correctly stated the fact that the order of procedure adopted by the House in this instance is not exactly as it was in the case of the impeachment of Judge Swayne. In that case there was a method pursued under which the committee appointed on the part of the House appeared and announced the fact to the Senate that it appeared in obedience to the order of the House, and the House had ordered an impeachment, and at a future time would exhibit articles of impeachment. In this instance, there has been delay on account of monopoly of the time of the Senate in the consideration of the election case of Mr. Lorimer. The House determined that they would refrain from that formality, and that they would send notice to the Senate of the fact that the impeachment had been ordered and a resolution had been adopted to that effect, which resolution was communicated by the Clerk of the House.

It was the desire of the managers, if practicable, to present those articles on Saturday afternoon. They did not know, however, at what time the Senate would finish the consideration of the case of Mr. Lorimer, as that could not be anticipated with certainty. The House desired that it should be notified as promptly as possible that the Senate was ready to receive the managers appointed by the House for the purpose of conducting the impeachment trial. Therefore it was at the request of the board of managers that I offered the resolution, their intention being, if time permitted, to appear immediately on Saturday afternoon. That accounts for the variation of the method which was pursued in the case of the impeachment of Judge Swayne so far as the preliminary steps were concerned.

As to the order taken—I am speaking of the resolution offered this morning by the Senator from Wyoming [Mr. CLARK]—I do not know whether an order identical in terms was adopted in prior cases of impeachment, but I am quite familiar with and I recollect very distinctly what was done in the adoption of that resolution in the case of the impeachment of Judge Swayne. The purpose of the resolution was in that case, and I presume it is in this case, to appoint a committee who should suggest the steps in the procedure, the orders to be taken, and so forth. It is manifestly necessary that there should be somebody charged with that responsibility in order that the various steps to be taken may be anticipated and provided for.

So far as the membership of that committee is concerned, I am sure that I reflect the sentiments and feelings of the other Members by saying that I am perfectly willing that that duty shall be conferred upon other Senators, but it must be conferred on somebody. It is not proper, it is not conducive to regular and orderly procedure that the question of what papers shall be presented and the question of what particular methods shall be pursued shall be left to the irregular and unconcerted action of different Senators.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. WORKS. Does not the Senator from Georgia think that this committee should be appointed after the Senate becomes the court and has this matter within its jurisdiction?

Mr. BACON. I think not, for the reason that this committee will not exercise any function except the function of taking the necessary steps to see that the proper procedure is inaugurated.

Mr. WORKS. Well, the committee could take no action that would be binding upon the court as such when it was organized.

Mr. BACON. Of course not. The committee could not summon Judge Archbald; the committee could not do anything except suggest to the Senate what it ought to do.

Mr. BAILEY. If the Senator will permit me, one of the very things it ought to do would be to have the subpœna ready.

Mr. BACON. Of course it can simply prepare things, but it can do nothing by its own authority; it can do nothing except suggest and prepare for the Senate. Then it is for the Senate to say whether or not it will approve of the suggestion.

Mr. WORKS. It seems to me that that is just as much a function of the court as any other duty that it has to perform—to prepare for the trial of the case after it becomes a court.

Mr. BAILEY. How often does the district attorney prepare an order in advance and bring it into court?

Mr. WORKS. But the district attorney in this case is not the Senate; it is the House of Representatives.

Mr. BACON. There is no authority for this committee except to suggest. Everything that is done must be done by the Senate. This committee can do nothing but consider what is, in its opinion, a proper thing to be suggested to the Senate. When suggested to the Senate, it is for the Senate to approve of the suggestion or to disapprove of it and take further action

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. I call the attention of the Senator from Georgia to the fact that the rules which have already been adopted are quite specific as to the steps that are to be taken. The form of summons to be issued to the respondent is particularly prescribed by the rules. The procedure, as it seems to me, is perfectly plain and simple. Besides that, this committee is not appointed to do any of the things about which the Senator from Georgia has spoken. This committee has been created and has had referred to it the message of the House of Representatives, of which the Senate has already disposed. The committee has no other function under the order which has been adopted.

Mr. BACON. That is——

Mr. BAILEY. If the Senator will permit me further, as I understand, at 1 o'clock to-morrow the Members of the Senate are sworn. Then the Senate is organized as a court of impeachment; directions are given for the summoning of this respondent; the summons is issued directing him to appear at a certain time; and the procedure thereafter is laid down with a great deal of particularity in the rules.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. CLARK of Wyoming. I want to relieve the situation a little. For some reason—I do not know why—there seems to be

a desire on the part of some of the Senators to depart from the course that was pursued in the last impeachment trial. Of course, in presenting the resolution, the mover of the resolution had no object in view whatever except to expedite the matter and to proceed in the ordinary way as we have done before. It seems to me that we shall immediately fall into difficulties if we proceed as a court and have all these matters of ordinary routine coming up for action of the entire court, or the entire Senate, when they might well be prepared and sifted out by a committee. Inasmuch as there seems to be a misunderstanding, Mr. President, I move that the vote by which the committee was appointed be reconsidered.

Mr. BAILEY. I hope the Senator will not do that, because——

Mr. BACON. Mr. President, if the Senator will pardon me, I have not yielded the floor.

Mr. BAILEY. I beg the Senator's pardon.

Mr. BACON. No; go ahead.

Mr. BAILEY. Mr. President, we shall meet here to-morrow with absolutely no procedure properly mapped out. No Senator will take it upon himself to do it. Consequently we shall have to appoint somebody to-morrow to do what this committee would have ready for our hands to-morrow at 1 o'clock.

Mr. President, the procedure indicated here is not only that in the Swayne case, but it is the same as in all the other impeachments; it is the same as that pursued in the impeachment of the President and of the Secretary of War, those differing, as the Swayne case did, in the fact that here there was no antecedent notice of the House that it had adopted and would subsequently exhibit articles of impeachment.

It seems to me that to-morrow when we meet, articles of impeachment already having been exhibited, Senators will be sworn, as the Constitution requires we must be, and we must then not only give notice to the respondent to appear and defend himself, but our rules, if I am not mistaken, require a copy of those articles of impeachment to be presented to the accused. Who will have them ready unless there is a committee? The rule provides that such things shall be done, but it does not provide who shall do them.

Mr. LODGE and Mr. ROOT addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Georgia yield?

Mr. BACON. Mr. President, I have not yielded the floor.

Mr. BAILEY. If the Senators will pardon me a moment, I shall hear them both. I will first hear the Senator from Massachusetts.

Mr. BACON. I want to suggest to the Senator from Texas that I have never yielded the floor. The Senator from Utah [Mr. SUTHERLAND] interrupted me——

Mr. BAILEY. I beg the Senator's pardon.

Mr. LODGE. I suggest to the Senator from Texas that we wait until the Senator from Georgia has concluded, and then we shall have an opportunity to go on.

Mr. BAILEY. Yes.

Mr. BACON. I yield the floor altogether, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the fact that the Senator from Georgia [Mr. BACON] had the floor.

Mr. BAILEY. I must respectfully submit that the Chair is mistaken, because the Chair recognized, as I understood, the Senator from Wyoming [Mr. CLARK] to move a reconsideration of the vote by which this committee was appointed; and I took the floor upon that motion.

The PRESIDENT pro tempore. The Senator from Texas is mistaken as to that. The Chair did not take any action on the motion of the Senator from Wyoming.

Mr. BAILEY. The Chair had not stated it, but the Senator from Wyoming had submitted that motion.

The PRESIDENT pro tempore. That is correct.

Mr. BAILEY. But that is immaterial, as I understand. The Senator from Georgia, of course, and every other Senator will have time to present his views. Now I will hear what the Senator from Massachusetts has to say.

Mr. LODGE. I was only going to suggest to the Senator that I have looked back over these cases, and I find in every instance that the committee appointed by the Senate was appointed to have referred to them the message of the House of Representatives announcing that they were about to send a committee such as we have had here from the House to-day. No such committee was ever appointed after the articles of impeachment were exhibited.

Mr. BAILEY. I have not examined as to that, Mr. President.

Mr. LODGE. It was the same in the Andrew Johnson case, which I have before me.

Mr. BAILEY. In the case of Andrew Johnson they first adopted these rules which are now the Senate rules; but when Johnson was impeached there were no rules.

Mr. LODGE. That is true. That committee reported the rules under which the Senate proceeded, and those rules are now part of our regular rules.

Mr. BAILEY. Well, Mr. President, I am not so sure that the Senate sitting as a Senate can go beyond the time when the Senate resolves itself into a court, and some of these things must be done after the Senate resolves itself into a court; for instance, the subpœna and notice.

The Senator from California [Mr. WORKS] was not exactly fortunate in replying to the suggestion I made that the court often invites the district attorney to prepare an order. If it is permissible for a court to say to a district attorney or to counsel of a suitor, "Prepare your order and bring it here"—of course, it is a nullity until the court approves it and enters it upon the record, but if that is permissible in the case of a district attorney, certainly it is still more permissible for the Senate, when sitting as a court, to receive from its committee such suggestions as that committee may think wise and proper to make. Now I will hear the Senator from New York [Mr. ROOT].

Mr. ROOT. Mr. President, I rise for the purpose of suggesting to the Senator from Texas a consideration which seems to me to arise upon the face of the rules; and that is, whether this whole subject is not disposed of by the rules to be placed in the hands and under the authority of the Presiding Officer. Rule V provides:

> The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

And Rule VII provides:

> The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for.

It seems to me that those rules intended to put in the power of the Presiding Officer the authority, and to impose upon him the duty, of doing substantially what the Senator from Texas is looking to a committee to do; and that the Presiding Officer can, of course, call to his assistance the very Senators named in the resolution or any other Members of the Senate to advise with him regarding what he shall do under this authority.

Mr. BAILEY. That is all true, Mr. President, and if it had been a question of whether or not the committee should be appointed I would not have regarded that as vital; but the committee has been appointed, and it seems to me that it can not possibly do any harm. It may facilitate the disposition of that business and will do so. I have no doubt that the committee will have the writ ready, and, while the writ itself is a mere matter of form, the articles of impeachment must be put in shape to be transmitted by the presiding officer to the accused. That requires some attention.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. The Senator from California.

Mr. WORKS. I suppose "the presiding officer" referred to in the rule read by the Senator from New York means the presiding officer of the court, and not the Presiding Officer of the Senate?

Mr. BAILEY. That is undoubtedly true.

Mr. BACON. Mr. President, just to show how widely mistaken Senators are as to the effect of this resolution, if the same effect is to be given to it as was given to it on the former occasion, I am going to ask the attention of Senators to what was done under that form of resolution in the Swayne case. That resolution was offered by Mr. Platt, a Senator from Connecticut, who was then chairman of the Judiciary Committee. Under that resolution—and I hope I may have the attention of Senators, because I think what I am about to say and what I am about to read will throw some light upon this matter—under that resolution a committee was appointed consisting of Messrs. Platt, of Connecticut, CLARK of Wyoming, Fairbanks, BACON, and Pettus. That was a resolution identical in terms with the present resolution. The present resolution has been copied from it, the only variation being in the name of the officer against whom articles of impeachment are presented. Under that resolution the committee then appointed was, by the general regulation of the Senate, charged with the preparation of such orders as it was deemed necessary the Senate should adopt in the process of trial. Some of the orders were adopted before the court was convened and others after the court was convened. In each instance, of course, they were orders which were subject entirely to the approval and confirmation of the Senate.

Mr. Platt, of Connecticut, in a subsequent part of the proceedings, was selected as the presiding officer, upon motion of Mr. Spooner, then Senator from Wisconsin, after the then President pro tempore had signified his desire that some other Senator should be substituted for him. Up to the time that Mr. Platt was selected, he offered every order that was offered in the Senate under which the proceeding was subsequently had. The committee met regularly for the purpose of considering what was necessary to be done, so that the proceedings should be orderly, properly, and most expeditiously conducted. When that committee had considered what orders were necessary, and agreed upon them, in each instance the order was handed to some member of the committee and it was by him presented to the Senate. The Senate then passed upon the question whether it approved of the order which was thus suggested by the committee.

Now I am going to read some of these orders, to show the manner in which this proceeding was had.

The Senator from Utah suggests that as the resolution relates only to the message which came from the House, the office of the committee ended with the receipt of that message, and there was nothing further to be done. But of course this resolution is to be considered in the same way that the former resolution was considered. That was the construction put upon it by the Senate; that was the action taken under it by the Senate; and the Senate was in that way served.

If Senators have the book before them, they will find that after the adoption of the resolution on page 4, Mr. Platt, the chairman of the committee—of course this was after the message had come from the House—made this favorable report:

> Whereas the House of Representatives, on the 14th day of December, 1904, by five of its Members—
>
> Naming them—
>
> at the bar of the Senate impeached Charles Swayne, judge of the District Court of the United States for the Northern District of Florida, of high crimes and misdemeanors in office, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said Charles Swayne to answer the said impeachment: Therefore—

This was an order presented by the committee. It simply illustrates the work of the committee:

> *Ordered*, That the Senate will, according to its standing rule and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.
>
> *Ordered*, That the Secretary acquaint the House of Representatives therewith.

That is one of the orders taken on the suggestion of this committee.

Mr. SUTHERLAND rose.

Mr. BACON. I yielded to the Senator before and lost the floor by it. I hope the Senator will let me go on now.

Mr. SUTHERLAND. I wanted to ask the Senator a question.

Mr. BACON. I will answer it when I get through, if the Senator will permit me to continue.

Mr. SUTHERLAND. The question will lose its point by that time.

Mr. BACON. I think not.

Subsequently Senator Platt submitted another order, which had been considered and agreed upon by the committee, and will be found on the same page:

> *Ordered*, That the Secretary inform the House of Representatives that the Senate is ready to receive the managers,

And so forth.

That order is similar to the one we adopted on Saturday.

Then, on page 6, another order was entered by Mr. Platt. It was the work of the committee, and he was speaking for the committee:

> *Resolved*, That the expenses incident to the impeachment trial of Charles Swayne, judge for the northern district of Florida, be paid from the contingent fund of the Senate upon vouchers approved by the Sergeant at Arms.

I am going to read some of these to show Senators the nature of the work the committee did, and which, I presume, either this committee or some other committee is to do unless it is going to leave it for Senators indiscriminately, one to offer one and another to offer another, without any concerted action, thereby leading to a great deal of unnecessary confusion and delay in the proceeding.

On page 10 will be found another order presented by Mr. Platt and adopted by the Senate:

> *Ordered*, That the articles of impeachment presented this day by the House of Representatives be printed for the use of the Senate.

The Senator from Utah has already offered a similar order. It is all right. There is no trouble about that.

On page 11 appears the following:

> *Ordered*, That at 2 o'clock this afternoon the Senate will proceed to the consideration of the articles of impeachment of Charles Swayne, judge of the United States District Court for the Northern District of Florida, presented this day.

Then, on the same page, appears the resolution adopted upon the motion of the Senator from Wisconsin, Mr. Spooner, which made Mr. Platt the presiding officer. Thereafter, it will be found, practically all the orders were presented by Mr. Fairbanks, who was a member of the committee and was selected by the committee as its mouthpiece to present the various orders. I will read some of them to show the things which constantly occur in the progress of the trial which make it necessary that there shall be some person or some committee charged with the preparation of the orders which are necessary and proper for the orderly procedure of the Senate in an impeachment trial.

On page 14 there is an order presented by Mr. Fairbanks. These are very simple orders, but it is necessary that they should be carefully prepared and presented and that one Senator should not get up and offer an order, and another Senator get up and offer another one, and a third another, and in that way have confusion. It is as necessary to have a committee to give proper attention and care to the preparation of these orders as it is to have committees for any other purpose in order to put matters in shape for the action of the Senate. The committee does not act for the Senate. It has no authority. It can only present matters for the action of the Senate.

On page 14 there is an order which was prepared by the committee and presented by Mr. Fairbanks, a member of the committee:

> *Ordered*, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against Charles Swayne, judge of the United States District Court for the Northern District of Florida, and is ready to receive the managers on the part of the House at its bar.

That is a very simple order; but it is necessary that it should be prepared by somebody and that it should be prepared in such a way as to obviate the confusion which would arise from having half a dozen Senators presenting different orders at the same time, all having the same purpose in view.

Then, on page 15, there is another order prepared by the committee and presented by Mr. Fairbanks:

> *Ordered*, That a summons be issued, as required by the Rules of Procedure and Practice in the Senate when sitting for the trial of impeachment of Charles Swayne, returnable on Friday, the 27th day of the present month, at 1 o'clock in the afternoon.

On the same page there is another order presented by Mr. Fairbanks:

> *Ordered*, That the Senate, sitting for the trial of impeachment of Charles Swayne, adjourn until Friday, the 27th instant, at 1 o'clock in the afternoon.

And so, clear through that trial, there were orders which the Senate had to act upon, and the care and responsibility for the preparation which had to be intrusted to some person or some committee.

So the Senator from Utah is entirely mistaken when he says that so far as concerns the interpretation given to a similar resolution on a former occasion the duties of the committee are ended when the articles of impeachment are presented. The duties of the committee were continued throughout in the Swayne case. While in that case it is true that the chairman of the committee, Mr. Platt, was taken from the floor and put in the chair, he continued as the chairman of the committee, though he did not thereafter present any orders in person. But he had regular meetings of the committee every day. As matters developed and some action was necessary the committee was gathered together; and when it had framed an order some Senator—Mr. Fairbanks, usually—was given the order, and it was presented and explained to the Senate.

I think in most instances, if not in all, the Senate agreed to the orders. But there was no obligation on the Senate to agree to the orders unless it approved them. They were very largely matters of formality. But it is necessary, in the interest of orderly procedure, that these formalities should be properly cared for and prepared.

I do not know whether the Senator from Utah now desires to ask me a question or not. If he does, I shall be glad to respond to him.

Mr. SUTHERLAND. The question I had in mind to ask the Senator a moment ago, when he was reading the report of the committee——

Mr. STONE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Missouri will state his parliamentary inquiry.

Mr. STONE. I wish to ask the Chair what is the pending question.

The PRESIDENT pro tempore. The question before the Senate is the motion made by the Senator from Wyoming to reconsider the vote whereby the appointment of a committee was ordered by the Senate.

Mr. STONE. That motion was made at a time when the Senator from Wyoming did not have the floor to make it.

Mr. BACON. I will yield to the Senator to let him make it as soon as I get through.

Mr. STONE. It seems to me we are wasting a great deal of time in useless discussion. I call for the regular order.

The PRESIDENT pro tempore. The Chair will rule that the proceeding is under the regular order.

Mr. SUTHERLAND. The question I was about to ask the Senator from Georgia related to the report which was made by the committee in the Swayne case. That report concludes with a proposed order—

That the Senate will, according to its standing rule and orders in such cases provided, take proper order thereon (upon the presentation of the articles of impeachment), of which due notice shall be given to the House of Representatives.

The question I wish to submit to the Senator is this: Has not the Senate already reached in this case the point that was reached in the Swayne case by the report of the committee? We have passed beyond the point of the necessity of appointing a committee, such as was provided for in the Swayne case. Is not that true?

Mr. BACON. If that is the Senator's question, I will reply to it. It was put in that way—in the shape of a report—although it embraced an order.

If that had been the final work of the committee, the suggestion of the Senator undoubtedly would be very pertinent and conclusive. But the fact is, as I have stated, that the committee did not end its work there, but continued to act during the entire trial.

I am perfectly willing to have this resolution reconsidered—in fact, I rather prefer it—and I hope some other gentleman will be appointed on the committee. But somebody will have to be on a committee.

Mr. LODGE. They did not again act as a committee in the Swayne case.

Mr. SUTHERLAND. Will the Senator yield to me a little further?

Mr. BACON. Yes.

Mr. SUTHERLAND. I call the attention of the Senator from Georgia to the fact that there is nothing in the record which he has read which indicates in any way that the committee acted upon anything.

Mr. BACON. I will state as a fact that it did.

Mr. SUTHERLAND. Let the Senator, if he will, wait until I am through. A committee would act by making a report to the Senate. There is nothing in the record to show that the committee made any report or did anything. It is true that Mr. Fairbanks, who happened to be also a member of the committee, made certain motions; but any Member of the Senate could have done that. Does the Senator from Georgia think that because we appoint a committee that precludes other Members of the Senate from making these motions and proposing these orders?

Mr. BACON. Not by any means.

Mr. SUTHERLAND. The functions of the committee, as clearly indicated by the report in the Swayne case, ended when they presented the report which the Senator has read, on page 4. There is nothing to indicate that the committee had any power to do anything after that time.

Now we have reached that point. These articles of impeachment are before the Senate. The only thing which is proposed by the resolution offered by the Senator from Wyoming is to refer this message, which the Senate has already disposed of, to the committee.

It has absolutely no further duty to perform.

Mr. BAILEY rose.

Mr. BACON. Mr. President, I will yield to the Senator in a moment.

The Senator from Utah says there is nothing in the record to indicate that the committee continued to act. I say there is this in the record to show that the committee continued to act—the fact that every order, I think, without exception, which was thereafter presented during that trial, was presented by a member of the committee.

Mr. SUTHERLAND. By common consent.

Mr. BACON. Why, of course. It was the recognized function of the committee in that trial, and it did act in that way. I state as a fact—and the Senator from Wyoming, who was a member of the committee, will recall it as a fact—that the committee continued throughout that trial in the consideration of such orders as were required for the orderly conduct of the trial. When they conferred and agreed upon an order, it was thereafter presented, I think in almost every instance, after Mr. Platt took the chair, by Mr. Fairbanks; and I state as a fact—the Senator says there is nothing in the record to show it—that under that resolution the committee did act under the chairmanship of Mr. O. H. Platt during that entire time; and if I recollect aright, every order which was presented in that proceeding was an order which was considered by the committee and presented by a member of the committee.

Now, I want to repeat, if I am not fatiguing my friend, the Senator from Texas, by keeping him waiting for me to conclude——

Mr. BAILEY. Not at all.

Mr. BACON. I wish to repeat that, so far as the duties of that committee are concerned, I have no desire to be on it. I am one of the busy Members of the Senate, having more work than I can conveniently do, and I am perfectly willing that the Senator from Utah shall be made a committee sole. I am satisfied he would do it all right by himself; but it is necessary that somebody should do it.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. I do. I yield the floor.

Mr. BAILEY. Mr. President, I wish to make a suggestion which comes to me in considering what the Senator from New York [Mr. ROOT] said when he expressed the opinion that the rules themselves take care of this matter. Let us see if the rules do. For instance, Rule VIII requires:

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided a writ of summons shall issue to the accused, reciting said articles and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate—

And so forth.

Now, nobody believes that the Presiding Officer is authorized to fix that day or to fix that place under the rule. Therefore it would be necessary that the Senate itself fix the time and place when and where the accused should appear to answer.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. Certainly.

Mr. CUMMINS. The rule itself provides that the Senate must fix a day.

Mr. BACON. The Senate.

Mr. BAILEY. I understand; and I was just saying that the Presiding Officer could not fix that day.

Mr. LODGE. The rule requires the Senate to do it.

Mr. CUMMINS. The rule provides that the writ shall notify him to appear at a time and place to be fixed by the Senate.

Mr. BAILEY. That is what I said. The Senator merely emphasizes what I was saying.

Plainly the rule does not take care of it as the Senator from New York supposed it did, but when that committee would come back into the Senate it would consider the date upon which the accused should appear and make his answer. The committee would report a resolution fixing the day and, of course, fixing the Senate Chamber as the place. The Senate must adopt that resolution, but it ought to be first considered by a committee. What Senator would think to go around among the Senators and consult with them as to the most convenient day?

Again, Mr. President, the very statement which the Chair has made to the managers on the part of the House requires further action. The Chair's statement was that the Senate would take order and notify the House. Now, that notification to the House must be given. It is not sufficient to say that our rules say that we must be ready at 1 o'clock to-morrow, because the House is not charged with judicial notice of our rule. The managers of the House would not come here at 1 o'clock or at any other hour until, in response to the statement made by the Presiding Officer, they should be notified of the hour and the day on which the Senate would be ready to receive them.

Therefore it becomes not only appropriate but necessary that some committee should consider that question, both with reference to its convenience and with reference to the time it will take to bring the accused to the bar of the Senate in order that the Senate may act advisedly when it acts at all.

I first rose to protest against the undoing of a thing that I did not think very important, but the recitation by the Senator from Georgia of what was necessary has impressed me, and the more I think of it the more I am convinced that the committee not only would not be harmful, but that it would be immensely useful to the Senate.

Mr. LODGE. I note the hour of 2 o'clock has arrived. I was going to ask——

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BAILEY. I suggest that the bill be laid aside temporarily.

Mr. BRANDEGEE. The Senator from Massachusetts [Mr. LODGE] gave notice at the last session of the Senate that he would call up the seal bill to-day, which is a very important measure. He was prevented from doing so by the matter which has been before the Senate. If the Senator will indulge me for a minute, I ask unanimous consent that the article which I send to the Clerk's desk, entitled "Relation of the Panama Canal to the Traffic and Rates of American Railroads," by Prof. Emory R. Johnson, the special commissioner appointed by the President to investigate that matter, may be printed as a Senate document (S. Doc. No. 875) and that 500 extra copies may be printed for the use of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. BRANDEGEE. Now, I ask unanimous consent that House bill 21969, which is the unfinished business, as reported, with the amendments recommended by the Senate committee, may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and it is so ordered.

The bill as reported is as follows:

[In the Senate of the United States, Calendar No. 771, Sixty-second Congress, second session, H. R. 21969.]

May 24, 1912, read twice and referred to the Committee on Interoceanic Canals.

June 12, 1912, reported by Mr. BRANDEGEE, with amendments.

[Omit the part between heavy brackets and insert the part printed in italics.]

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the zone of land and land under water of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, [excepting and] excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November eighteenth, nineteen hundred and three, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and [Falmenco] *Flamenco*, and any lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, shall be known and designated as the Canal Zone, and the canal now being costructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized, [to acquire] by treaty with the Republic of Panama, *to acquire* any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and [may, in like manner,] *to* exchange any land or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until [Congress shall otherwise provide] *the courts provided for in this act shall be established.*

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

SEC. 4. That when [in the judgment of the President] the construction of the Panama Canal shall be [sufficiently advanced toward completion] *completed so as* to render *unnecessary* the further services of the Isthmian Canal Commission [unnecessary] *as now constituted* the President is authorized [by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, and protection of the Canal] *to reduce the membership of the commission to three, one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized, one experienced in the work of sanitation in the Tropics, and one a civilian. The president of said commission shall receive a salary of ten thousand dollars per annum, and the other members each shall receive a salary of nine thousand dollars per annum. Said commissioners shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office until their successors shall be appointed and qualified. Until otherwise provided by law, the President, through such commission, shall provide for the government of the Canal Zone and the completion and operation of the canal.* Any of the persons appointed or employed [as aforesaid] *under the provisions of this act* may be persons in the military, *naval*, or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. [The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of ten thousand dollars a year.] All other persons necessary for the completion, care, management, maintenance, sanitation, and operation of the Panama Canal shall be appointed by the [President, or by his authority] *commission*, removable at [his] *its* pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may, by [appropriation act or other] law, regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than twenty-five per centum the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided, That no tolls, when prescribed as above, shall be changed, except six months' notice thereof shall have been given by the President by proclamation.* No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. When based upon net registered tonnage for ships of commerce the tolls shall not exceed one dollar and twenty-five cents per net registered ton, nor be less [, other than for vessels of the United States and its citizens,] than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article nineteen of the convention between the United States and the Republic of Panama, entered into November eighteenth, nineteen hundred and three. *No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken and used by the United States in time of war or other public emergency, in the discretion of the President, upon payment to the owners of the fair actual value at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time*

of the taking between the United States and the owners then the same shall be determined by two disinterested appraisers, one to be appointed by each of the said parties, they at the same time selecting a third, who shall act in said appraisement in case the two fail to agree; and the decision of any two of the appraisers shall be final and conclusive: Provided, however, That under regulations prescribed by the President a vessel paying toll going through the canal in ballast shall, on its return trip through the canal laden with cargo, be entitled to receive a rebate of fifty per centum of the tolls just previously paid going through in the opposite direction without cargo. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of one dollar and twenty-five cents per net registered ton as nearly as the same may be determined, nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal. The toll for each passenger shall not be more than one dollar and fifty cents. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from alleged injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the [governor of the Panama Canal] *Isthmian Canal Commission.* The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid [off] without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid out of any moneys appropriated or allotted for canal operation.

[The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and may revise and modify such method at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require. And after such method shall be provided by the President, the provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen hundred and eight, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.]

The provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen hundred and eight, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine, shall apply to the determination and adjustment of all claims arising out of personal injuries to employees occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal, or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not; and such claims as shall be allowed under such provisions shall be paid out of moneys appropriated for that purpose, or out of the funds of the Panama Railroad Company if said company was responsible for said injury, as the case may require.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided,* That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. *The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States.* The President is also authorized to establish, maintain, and operate, *through the Panama Railroad Company or otherwise,* dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for [our official] vessels [,] *of the Government of the United States* and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received [in the ordinary course of business] from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

SEC. 7. That the [governor of the Panama Canal] *Isthmian Canal Commission* shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. [Unless in this act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law.] The [President] *Isthmian Canal Commission* is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases [of every character] in which the principal sum claimed does not exceed three hundred dollars, and all criminal cases wherein the [fine] *punishment* that [can] *may* be imposed [could] *shall* not exceed [twenty-five] *a fine of one hundred* dollars, or imprisonment [could] not [exceed] *exceeding* thirty days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate [, and all other matters and proceedings which are now within the jurisdiction of the present district judge or the courts]. Such magistrates shall also hold preliminary investigations in charges of felony *and offenses under section ten of this act,* and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the [governor of the Panama Canal] *Isthmian Canal Commission* for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by [appropriation act or other] law prescribe the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, *providing for the allowance and prosecution of* appeals therefrom to the district court, and the disposition, treatment, and pardon of [misdemeanor] convicts shall be established by order of the President. The [governor of the Panama Canal] *Isthmian Canal Commission* shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases, *of offenses arising under section ten of this act,* and [of] all causes in equity and admiralty and all cases at law involving principal sums exceeding three hundred dollars and [of] all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district judge shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, or the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said court. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the Government, and to advise the [governor of the Panama Canal] *Isthmian Canal Commission* on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, [or] *and* until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, who shall receive a salary to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of five thousand dollars per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the supreme court of the Canal Zone, shall cease to exist. The President may continue the supreme court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds one thousand dollars [or which involves the title or possession of real estate exceeding in value the sum of one thousand dollars], to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction, subject to the rights of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the [governor of the Canal Zone] *Isthmian Canal Commission* shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the [magistrate's court] *District Court* of the [subdivision in which the violation occurred] *Canal Zone* shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding ten thousand dollars or by imprisonment not exceeding [ten] *twenty* years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

[SEC. 11. That section five of the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

["From and after the first day of July, nineteen hundred and fourteen, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."]

[Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.]

SEC. 11. That no ship owned, chartered, operated, or controlled by a railroad company, or in which any railroad company has any interest whatsoever (by stock ownership or otherwise, either directly or indirectly, through any holding company, or by stockholders or directors in common, or in any other manner), shall be permitted to enter or pass through the Panama Canal if engaged in the coastwise trade between ports of the United States. That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries; said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade between ports of the United States and intermediate foreign ports: Provided, That this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company, except those engaged in said transoceanic trade, nor shall any coastwise trade be done by any such ship unless on a voyage to or from such

transoceanic ports, and not to those of Canada, Mexico, or any Central or South American port: Provided further, That no such railroad owned or controlled ship shall pass through the canal unless at least fifty per centum of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

That section six of [said] *the* act to regulate commerce, *approved February fourth, eighteen hundred and eighty-seven*, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June eighteenth, nineteen hundred and ten:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, *where the public, in the judgment of the commission, will be benefited by such connection*, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought or from which it is taken by the water carrier and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section fifteen of the act to regulate commerce, as amended June eighteenth, nineteen hundred and ten, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the [governor of the Panama Canal] *Isthmian Canal Commission* shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

SEC. 14. That this act shall be known as, and referred to as, the Panama Canal Act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved.

Passed the House of Representatives May 23, 1912.

Attest:

SOUTH TRIMBLE, *Clerk*.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. STONE. Does the Senator from Connecticut mean to request that it be laid aside for the day?

Mr. BRANDEGEE. I ask that it be just temporarily laid aside, to retain its place on the calendar as the unfinished business.

Mr. STONE. Is it the expectation of the Senator to call it up again during this day?

Mr. BRANDEGEE. I shall be very glad to call it up again during the day, if the opportunity presents itself, and to have the bill read. All I have asked is that it be temporarily laid aside, which is the usual request in such cases.

Mr. STONE. I know it is the usual request, but I am asking the Senator to make a statement as to his purpose, whether he intends by that request to lay the unfinished business aside for the day.

Mr. BRANDEGEE. Not if I can get it up again; but I will state that there are several appropriation bills to come in, and of course if they do they will have the right of way.

The PRESIDENT pro tempore. Is there objection to the motion of the Senator from Connecticut?

Mr. BRANDEGEE. I will say to the Senator that I intend not only to call it up again to-day at the earliest possible moment, but on every other day I intend to call it up when I can get it up under the rules of the Senate.

Mr. STONE. I will object to laying it aside.

The PRESIDENT pro tempore. The Senator from Missouri objects.

Mr. BRANDEGEE. I am perfectly willing to go ahead with the bill, and only asked to have it laid aside informally that a measure which is of great importance might be considered.

CONSTITUTIONAL RIGHT OF SENATE.

Mr. BAILEY. Mr. President, I submit what I consider a privileged resolution. I ask that it be read and lie on the table, and if I find an opportunity I will submit some observations on it to the Senate to-morrow.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 357) was read as follows:

Whereas the Constitution of the United States makes the Senate the sole judge of the elections, returns and qualifications of its members; and

Whereas every Senator is required by his oath of office to decide all such cases according to the law and the testimony before him: Therefore be it

Resolved, That any attempt on the part of the President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate violates the spirit, if not the letter, of the Constitution, invades the rights of the Senate, and ought to be severely condemned.

Mr. BAILEY. I ask that the resolution may lie on the table.

The PRESIDENT pro tempore. The resolution will lie on the table and be printed.

Mr. CUMMINS and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. I do. I will say that I will yield to any Senator for morning business.

(Certain routine business was transacted, which appears under its proper headings.)

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. Prior to the last legislative day a motion was entered by me for the recall of a bill from the House of Representatives, and I also gave notice of an intention to move

to reconsider the vote by which the Senate refused to agree to the amendments of the House and requested a conference. I ask the Chair to lay the matter before the Senate.

The PRESIDENT pro tempore. The message of the House will be laid before the Senate.

The Secretary read as follows:

In the House of Representatives, July 8, 1912:

Resolved, That the Clerk be directed to return to the Senate, in compliance with its request, Senate bill 6084, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move to reconsider the vote by which the Senate disagreed to the amendments of the House and requested a conference.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	McCumber	Smith, Ariz.
Bacon	Cullom	Martin, Va.	Smith, Ga.
Borah	Cummins	Martine, N. J.	Smith, Md.
Bourne	Dillingham	Massey	Smith, Mich.
Bradley	Dixon	Myers	Smith, S. C.
Brandegee	Fall	Nelson	Smoot
Bristow	Fletcher	Newlands	Stephenson
Bryan	Gallinger	Oliver	Stone
Burnham	Gamble	Overman	Sutherland
Burton	Gronna	Page	Swanson
Catron	Hitchcock	Percy	Thornton
Chamberlain	Johnson, Me.	Perkins	Tillman
Clapp	Johnston, Ala.	Pomerene	Townsend
Clark, Wyo.	Jones	Reed	Warren
Clarke, Ark.	Kenyon	Sanders	Wetmore
Crane	Lippitt	Shively	Williams
Crawford	Lodge	Simmons	Works

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER] on account of sickness. I will let this announcement stand for the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Senate by important business.

The PRESIDENT pro tempore. Sixty-eight Senators have answered to their names. A quorum of the Senate is present.

The Chair lays before the Senate a concurrent resolution from the House of Representatives and calls the attention of the Senator from North Dakota to it.

The Secretary read the concurrent resolution of the House (No. 59), as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the enrolled bill (H. R. 23315) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors," be rescinded; that the Clerk be directed to reenroll said bill; and that, in the reenrollment of said bill, the Clerk be, and he is hereby, authorized and directed to amend the title of said bill by striking out the word "of" where it first appears in the fourth line thereof and insert in lieu thereof the word "and."

Mr. McCUMBER. I ask that the Senate agree to the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. STONE. Mr. President, I demand the regular order.

Mr. McCUMBER. I have not yet yielded the floor. We had another matter before the Senate when the call for a quorum was made.

Mr. STONE. The regular order is demanded.

The PRESIDENT pro tempore. It is the regular order. It is a message from the House which, under the rules, the Chair is compelled to lay before the Senate at any time.

Mr. McCUMBER. I move that the Senate reconsider the vote by which it disagreed to the amendments of the House to Senate bill 6084 and requested a conference with the House and the conferees were appointed.

Mr. STONE. I object, and demand the regular order.

The PRESIDENT pro tempore. It is the regular order.

Mr. STONE. I beg the Chair's pardon; I make the point of order that laying the message of the House before the Senate is one thing and proceeding to legislate upon that message is another thing.

The PRESIDENT pro tempore. The Chair is of opinion that any motion relating to the message from the House must be in order, either to recede or concur.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. It will be disposed of in a moment. The Senator from North Dakota moves that the action of the Senate disagreeing to the amendments of the House and sending the bill and amendments to conference be reconsidered.

Mr. STONE. Mr. President, I insist that the ruling of the Chair is not correct.

The PRESIDENT pro tempore. The Chair will be very glad to hear any Senator on that matter.

Mr. BACON. Mr. President, I simply want to suggest that the point made by the Senator from Missouri must necessarily be a good one. The question suggested by the motion made by the Senator from North Dakota is a debatable question, and if the ruling of the Chair is correct any proceeding could be interrupted under the privileged feature, or rather the obligatory feature, which requires the Chair to lay a message from the House of Representatives before the Senate. If that followed then any proceeding could thereafter be interrupted and a debate of interminable length injected into it.

The PRESIDENT pro tempore. For the instruction of the Chair will the Senator suggest when this matter can properly come before the Senate again?

Mr. BACON. I presume it can come at any time when it would be in order to take up any business.

Mr. STONE. At any time?

Mr. BACON. At any time when a motion is in order to take up something else. It is in order now for the Senator from North Dakota to move to take it up, but if he does and the motion prevails it displaces the regular order and becomes then the unfinished business. There is no question about that whatever. It is always in order to be moved, and it is always within the power of the Senate to say no; but it is not a privileged matter as is the laying of a message from the House before the Senate. It is privileged that the Senate shall be informed promptly of any communication which comes from the House, but the action the Senate will take upon it when it will proceed to discuss that communication is another matter. It rests exactly as any other matter. It rests in the power of the Senate to consider it as it sees proper upon a motion so made.

Mr. McCUMBER. Mr. President, let me explain it to the Senator from Georgia and then I do not think he will make any further objection to this proceeding.

Mr. BACON. I am not objecting.

Mr. McCUMBER. The matter is one in which the House amended a Senate bill for pensions by striking out two names. Not having the information before me at the time, I moved to disagree to the House amendment and to have a committee of conference appointed. I ascertained afterwards that the two names stricken out were stricken out because of the death of two parties, and therefore there is nothing really to go to conference upon. Then I gave notice of a motion to reconsider the vote by which the amendments were disagreed to, and also moved to request the House to return the bill to the Senate. The only object of this motion is to reconsider the vote and to agree to the amendments of the House.

Mr. BACON. Mr. President——

Mr. McCUMBER. In just a moment. When the matter comes over from the House it comes here as a message from the House as a message comes from the President, or a message from any proper source, and the message then as it comes is subject to the action of the Senate immediately when it is laid before the Senate. It may lie on the table or the Senate may at that time refer it to a proper committee or do what is the proper thing with reference to the message.

We have taken much more time in the discussion of it than it would have taken to dispose of it. It seems to me that we are hardly justified in further delaying the matter.

Mr. BACON. I wish to say to the Senator that I have not objected to it and I do not object to it. The Senator from Missouri objected to it. The only object I had was to maintain what I consider to be the correct parliamentary procedure. I was unwilling that a precedent should be established under which, when a message comes from the House, its consideration could then be proceeded with as a matter of privilege. I do not think that is the rule. Yet that would be the rule if the fact that a message was laid before the Senate, which of course it is the duty of the Chair to lay before the Senate, carries with it the privilege of immediate consideration. That is a very serious matter, and one that I do not think the rules will support in any way. It was solely in the interest of what I consider to be correct parliamentary procedure that I had anything to say and not because I have any objection to its consideration. I have none.

Mr. McCUMBER. I am ready for the ruling of the Chair.

The PRESIDENT pro tempore. The Chair would suggest that it has been the universal practice of the Senate to act upon a message of this kind, and yet if there is objection the Chair will permit the matter to go over until another time. Does the Senator from Missouri enter the objection?

Mr. STONE. I made the objection.

The PRESIDENT pro tempore. Then the matter will go over for the present. The unfinished business is before the Senate.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask that the bill may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill.

Mr. BRANDEGEE. Mr. President, ordinarily I should now ask that the bill be read for committee amendments, but I have been informed that the Senator from Ohio [Mr. BURTON] desires to submit some remarks upon certain features of the bill and would prefer to do so at this point before the bill is taken up for committee amendments. I will ask the Senator if I understand his position correctly?

Mr. BURTON. The Senator is correct.

Mr. BRANDEGEE. Then, Mr. President, I will defer any remarks I may have to make until later.

Mr. BURTON obtained the floor.

Mr. SANDERS. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. Yes.

Mr. SANDERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Tennessee suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Martin, Va.	Smith, Ga.
Bacon	Cullom	Martine, N. J.	Smith, Md.
Bailey	Cummins	Massey	Smith, S. C.
Borah	Dillon	Myers	Smoot
Bourne	du Pont	Newlands	Stephenson
Bradley	Fall	Oliver	Stone
Brandegee	Fletcher	Overman	Sutherland
Bristow	Gallinger	Page	Thornton
Bryan	Gamble	Percy	Townsend
Burton	Gardner	Perkins	Warren
Catron	Gronna	Pomerene	Wetmore
Chamberlain	Hitchcock	Reed	Williams
Clapp	Johnson, Me.	Root	Works
Clark, Wyo.	Johnston, Ala.	Sanders	
Clarke, Ark.	Jones	Simmons	
Crane	Kenyon	Smith, Ariz.	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. BURTON. Mr. President, I suppose there will be no vote this afternoon upon any of the amendments proposed by the committee, and I take this occasion to call to the attention of the Senate two provisions, one in the bill as it came from the House, and another, even more objectionable as it seems to me, among the amendments proposed by the Senate committee.

The first paragraph to which I wish to direct attention is contained in the bill as it passed the House, and is found on page 6, lines 13 and 14 of section 5:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

The second paragraph is the proposed amendment suggested by the Senate committee, beginning at the bottom of page 6:

No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken and used by the United States in time of war or other public emergency, in the discretion of the President, upon payment to the owners of the fair actual value at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners then the same shall be determined by two disinterested appraisers, one to be appointed by each of the said parties, they at the same time selecting a third, who shall act in said appraisement in case the two fail to agree; and the decision of any two of the appraisers shall be final and conclusive.

In brief, the first paragraph contained in the House bill exempts from tolls vessels that are engaged in the coastwise trade. The second paragraph, the suggested Senate amendment, exempts, on certain conditions, vessels of American register engaged in the foreign trade.

There are several reasons why these paragraphs should not be adopted, but to-day I wish to give my attention to the objection from an international standpoint.

It is a time for us to show a scrupulous regard for the observance of treaty relations. This country has become too large, its trade relations too wide, and its future growth and prosperity depend too much upon friendly relations with other countries to allow us to pursue any selfish or narrow policy. In recent years the growth of our commerce, particularly of our exports, has been a marvel to the commercial world. Our future largely depends upon the continuing increase of this commerce. Nothing will insure its increase more certainly than the respect and friendliness of other nations.

If there is one policy toward which the uniform course of the United States may be said to point, it is that of neutralization and equal terms for the use of all waterways, natural or artificial.

This traditional policy was prompted in earlier days by the large extent of our shipping. Even before the Revolutionary War the Colonies shipped very considerable quantities of exports to the Mediterranean and also to the north of Europe. Since that date we have advocated the same principles because of the importance of our export trade. The absence of outlying possessions exercised a similar influence. This traditional policy has been fostered, more than for all other reasons, because of a liberal and progressive spirit actuated by a desire for amicable relations with all nations.

Our country was one of the most active in protesting against the sound dues imposed by the Government of Denmark, although ships had to pass from the North Sea to the Baltic Sea within cannon shot of shore, and these channels were furnished by the Danish Government with aids to navigation, such as suitable lights and buoys. In the year 1857 for a financial consideration we purchased exemption from those dues.

We insisted upon the continued neutralization of the Strait of Magellan. Mr. Evarts, our Secretary of State, in a letter dated January 18, 1879, said on this subject:

The Government of the United States will not tolerate exclusive claims by any nation whatsoever to the Strait of Magellan, and will hold responsible any Government that undertakes, no matter on what pretext, to lay any impost or check on United States commerce through this strait.

The triumphs of our Navy under Decatur, Bainbridge, and others against the Barbary pirates in the Mediterranean Sea, inured not alone to our benefit, but to the safety of the commerce of the whole civilized world.

We secured by treaty stipulations the equal use of the St. Lawrence River through Canadian territory. To-day we grant and receive equal privileges in canals near to the Canadian border.

Pursuant to this general policy, the tenor of our diplomatic negotiations and legislation has been toward a neutral canal across the Isthmus, through which the boats of all nations might pass on equal terms.

In the latter part of his life a medal was suggested for Henry Clay, and as one of the inscriptions upon it he insisted upon having engraved the words "Panama Instructions." These instructions were given to Messrs. Anderson and Sargent, in 1826. In these he wrote:

If a canal across the Isthmus be opened so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe, upon the payment of a just compensation or reasonable tolls.

This was the first declaration by a Secretary of State, other official, or Congress in regard to the proposed Panama Canal. Since that time this first declaration has been confirmed by American statesmen of all political parties—Whig, Democratic, and Republican—with substantial unanimity. The principle has been enunciated by presidential messages, by instructions from Secretaries of State, and by resolutions of the House and Senate and of Congress. The message of President Roosevelt, in submitting the treaty with Panama, expressly states this policy.

I will read a few of these.

On the 3d day of March, 1835, the United States Senate unanimously adopted a resolution as follows:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central America and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

So much for the action of the Senate.

Four years later, in 1839, the House of Representatives, by unanimous vote, adopted a resolution much the same as that of the Senate, requesting the President—

to consider the expediency of opening or continuing negotiations with the Governments of other nations, and particularly with those of the territorial jurisdiction of which comprehends the Isthmus of Panama, and to which the United States have accredited ministers or agents, for the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus, and of securing forever, by suitable treaty stipulations, the free and equal right of navigating such canal by all nations.

On the conclusion of the treaty with New Granada in 1846 President Polk submitted the treaty to the Senate with a message, in which he said:

In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty neither the Government of New Granada nor that of the United States has a narrow or exclusive view. The ultimate object, as presented by the Senate of the United States in their resolution (March 3, 1835) to which I have already referred, is to secure to all nations the free and equal right of passage over the Isthmus. * * * The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

President Taylor in his message to Congress December 4, 1849, said:

* * * All States entering into such a treaty will enjoy the right of passage through the canal on payment of the same tolls. The work, if constructed under these guaranties, will become a bond of peace instead of a subject of contention and strife between the nations of the earth. Should the great maritime States of Europe consent to this arrangement—and we have no reason to suppose that a proposition so fair and honorable will be opposed by any—the energies of their people and ours will cooperate in promoting the success of the enterprise. * * * Should such a work be constructed under the common protection of all nations for equal benefits to all it would be neither just nor expedient that any great maritime State should command the communication. The territory through which the canal may be opened ought to be freed from the claims of any foreign power. No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway which ought to be dedicated to the common uses of mankind.

It may be said that these expressions were used at a time when it was contemplated that the canal would be constructed by private capital, and that in view of the fact that the Government has undertaken this work a different status is created, but the very language of the Hay-Pauncefote treaty of 1901 and the later treaty with Panama negatives this contention. It was clearly the intent of both treaties to continue the policy which had been enunciated in former years.

In this connection, reading chronologically, I wish to quote certain instructions from Secretaries of State. Mr. Secretary Fish, during the administration of President Grant, wrote:

* * * A Darien canal should not be regarded as hostile to a Suez Canal. They will be not so much rivals as joint contributors to the increase of the commerce of the world, and thus mutually advance each other's interests. * * *

We shall * * * be glad of any movement which shall result in the early decision of the question of the most practicable route and the early commencement and speedy completion of an interoceanic communication which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations, without advantage to one over another of those who guarantee its assured neutrality.

Secretary of State Blaine's instructions to Mr. Lowell:

* * * Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees and will by public proclamation declare at the proper time in conjunction with the Republic on whose soil the canal may be located that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations.

President Cleveland, in his message of 1885, his first message to Congress, said:

* * * Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit—a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. * * *

* * * These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

I read from Secretary of State Olney's memorandum, 1896:

* * * That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike. * * *

Then, in speaking of the Clayton-Bulwer treaty, he said:

* * * Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely estopped from denying that the treaty is in full force and vigor.

President Roosevelt, in submitting the treaty, said:

It specifically provides—

I quote this for the special reason that it shows that no distinction in the measure of control or in the neutrality or equality of opportunity was contemplated when it was decided that this canal should be built by the United States.

* * * It specifically provides that the United States alone shall do the work of building and assume the responsibility of safeguarding the canal, and shall regulate its neutral use by all nations on terms of equality without the guaranty of interference of any outside nation from any quarter. * * *

Again he says, on January 4, 1904, in a special message:

* * * Under the Hay-Pauncefote treaty, it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumes the position of guarantor of the canal and of its peaceful use by all the world.

In a note by Secretary Hay on January 5, 1904, he states:

* * * The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations, in accordance with our traditional policy.

That, I believe, is in Article I.

Article V guarantees neutrality.

Article VI engages to invite every State to enter into stipulations concerning the construction and maintenance of the canal for the benefit of mankind, on equal terms to all.

Before reading the provision in the Hay-Pauncefote treaty, I think it desirable to trace the history of a controversy commencing in the year 1888 between the United States and Great Britain relating to canals in Canada.

By the treaty of 1854, known as the reciprocity treaty, which was abrogated or terminated in 1866, equal privilege was granted to the citizens of the United States and the citizens of Canada in the boundary waters and canals to the north of us. The right was given to Canada to navigate Lake Michigan on the same terms as those afforded to our shipping. In 1871 a provision was inserted with reference to these canals. As everyone will recognize, it is very desirable for the shipping of both countries to sail along the Great Lakes and Canadian waters without let or hindrance. There was inserted in the treaty of 1871 the following article:

ART. XXVII. The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

It will be noted that this is not an absolute agreement. It starts out by saying:

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals.

It is not, then, a positive agreement that they should be open on equal terms to both. I refer to this as a matter of extreme importance, because it shows the basis of our contention in this particular case.

The Canadian Government imposed certain restrictions and discriminations, to wit: That while the tolls through the Welland Canal should be 20 cents per ton on west-bound freight, the tolls on east-bound freight, while the same, should be subject to a rebate of 18 cents, leaving the net tolls only 2 cents, if the boat went as far as Montreal; and that if on the course, say from Duluth, Chicago, or any other city, cargoes should be unloaded and loaded again, if that unloading and loading should be on Canadian territory the same rebate of 18 cents a ton should be granted. This gave a preference to the port of Montreal as compared with the ports of the United States on the Atlantic seaboard or on Lake Ontario.

On this subject President Cleveland, in a message of August 23, 1888, said:

I desire also to call the attention of the Congress to another subject involving such wrongs and unfair treatment to our citizens as, in my opinion, require prompt action.

The navigation of the Great Lakes and the immense business and carrying trade growing out of the same have been treated broadly and liberally by the United States Government and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens.

The canals and other public works built and maintained by the Government along the line of the Lakes are made free to all.

In contrast to this condition and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By Article XXVII of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation—

I take it that it would be no violation of the treaty if the tolls were the same—

but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals

should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers, as well as vessel owners, were to enjoy the equality promised.

And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own is to fulfill a promise with the shadow of performance.

I recommend that such legislative action be taken as will give Canadian vessels navigating our canals, and their cargoes, precisely the advantages granted to our vessels and cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

The course which I have outlined and the recommendations made relate to the honor and dignity of our country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations. If we invite our people to rely upon arrangements made for their benefit abroad, we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately; and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

At a later time, in the following month, President Cleveland communicated to Congress certain documents and referred to the breach of the engagement contained in the treaty of 1871, whereby Great Britain promised to the United States equality in the matter of such canal transportation.

President Harrison several times commented on this subject. In a message under date of February 23, 1892, he says:

In the matter of canal tolls our treaty rights were flagrantly disregarded.

In speaking of the discriminations practiced, he says in a message of June 20, 1892:

The report of Mr. Partridge, the Solicitor of the Department of State, which accompanies the letter of the Secretary of State, states these discriminations very clearly. That these orders as to canal tolls and rebates are in direct violation of Article XXVII of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both without favor upon grain carried through to Montreal or transshipped at a Canadian port to Montreal. The treaty runs:

"To secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concessions on the part of this Government made in the same article of the treaty, and which have been faithfully kept.

It is a matter of regret that the Canadian Government has not responded promptly to our request for the removal of these discriminating tolls.

In another message, of July 1, 1892, he says:

There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of the Canadian regulation.

This question was taken up in Congress, and the House and Senate by a unanimous vote authorized the President to issue a proclamation to take steps in retaliation. In pursuance of this act, which was passed July 26, 1892, President Harrison, on the 18th of August, 1892, issued the following proclamation:

And whereas the Government of the Dominion of Canada imposes a toll amounting to about 20 cents per ton on all freight passing through the Welland Canal in transit to a port of the United States, and also a further toll on all vessels of the United States and on all passengers in transit to a port of the United States, all of which tolls are without rebate; and

Whereas the Government of the Dominion of Canada, in accordance with an order in council of April 4, 1892, refunds 18 cents per ton of the 20-cent toll at the Welland Canal on wheat, Indian corn, peas, barley, rye, oats, flaxseed, and buckwheat, upon condition that they are originally shipped for and carried to Montreal or some port east of Montreal for export, and that if transshipped at an intermediate point such transshipment is made within the Dominion of Canada, but allows no such nor any other rebate on said products when shipped to a port of the United States or when carried to Montreal for export if transshipped within the United States; and

Whereas the Government of the Dominion of Canada by said system of rebate and otherwise discriminates against the citizens of the United States in the use of said Welland Canal, in violation of the provisions of article 27 of the treaty of Washington concluded May 8, 1871; and

Whereas said Welland Canal is connected with the navigation of the Great Lakes, and I am satisfied that the passage through it of cargoes in transit to ports of the United States is made difficult and burdensome by said discriminating system of rebate and otherwise and is reciprocally unjust and unreasonable:

Now, therefore, I, Benjamin Harrison, President of the United States of America, by virtue of the power to that end conferred upon me by said act of Congress approved July 26, 1892, do hereby direct that from and after September 1, 1892, until further notice a toll of 20 cents per ton be levied, collected, and paid on all freight of whatever kind or description passing through the St. Marys Falls Canal in transit to any port of the Dominion of Canada, whether carried in vessels of the United States or of other nations; and to that extent I do hereby suspend from and after said date the right of free passage through said St. Marys Falls Canal of any and all cargoes or portions of cargoes in transit to Canadian ports.

This proclamation, reenforced, I take it, by diplomatic negotiations, led to an entire revocation of the regulations of the Canadian Government by order in council, so that equal privileges were afforded to the ships and the commerce of both nations. President Harrison refers to that fact in his annual message of 1892. President Cleveland alludes to it also in his message early in December, 1893.

Here was a clear enunciation of our policy on this subject. Here was asserted an interpretation of a treaty in which the language was—

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals.

When the Hay-Pauncefote treaty of 1900 was framed the word "entire" was inserted before "equality." Instead of simply "equality," as here, this adjective was inserted so as to make it read "entire equality." There is no doubt but that those who framed the treaty, after a lapse of about nine years, had clearly in mind this controversy concerning the Welland Canal and the waterways of Canada.

Now, the question for the Senate is, Can we afford to make our policy as changeable as the figures of a kaleidoscope whenever it happens to suit our own interests? When we have throughout our entire history proclaimed to the world a line of policy which means neutrality and equality, can we sanction any measure which favors equality when it helps us and utterly ignore and disregard it when it may not prove to be for our interest?

Indeed, this very question of discrimination in favor of domestic commerce was brought before the Senate when the Hay-Pauncefote treaty was under discussion. It was proposed to strike out article 3 and substitute the following:

The United States reserves the right in the regulation and management of the canal to discriminate in respect of charges for traffic in favor of vessels of its own citizens engaged in the coastwise trade.

The proposition was placed squarely before the Senate, when this treaty providing for entire equality was under consideration, by this proposed amendment, to the effect that the United States would reserve the right "to discriminate in respect of charges for traffic in favor of vessels of its own citizens engaged in the coastwise trade."

Mr. SHIVELY. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. Was that substitute offered in the Senate?

Mr. BURTON. It was offered in the Senate. It is found in the executive document to which I referred.

Mr. SHIVELY. And it was voted down?

Mr. BURTON. The record of it appears on page 15 of Senate Document 85, Fifty-seventh Congress, first session. It was an amendment proposed by Senator Hard, of California, and was determined in the negative—yeas 27, nays 43.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. BURTON. Certainly.

Mr. CRAWFORD. The question which has occurred to me is whether this is equality. The United States is spending perhaps in the neighborhood of $500,000,000. The other nations of the earth are not spending a penny. We are taking the responsibility of building fortifications there, of policing it, and of maintaining a government. Is it equality as far as the relation between the United States and other governments is concerned for us to be so philanthropic and sentimental that we are going to pay out all that money for the benefit of all the other nations of the earth and allow them to have absolutely as much privilege there as we have ourselves? It seems to me that it is more than equality; that it is a discrimination against ourselves.

Mr. BURTON. The answer to that suggestion is that after the method of construction was determined, after it was understood and even known that it was to be built by the United States at its expense instead of by private enterprise, precisely the same rules were applied to it as would have been applied in case it had been constructed by private capital. That very subject was under consideration and thoroughly understood when President Roosevelt sent in his message in 1904.

Mr. CRAWFORD. If that rule is to prevail all the way through, what right have we to build fortifications down there?

Mr. BURTON. That right was secured.

Mr. CRAWFORD. Not in the Hay-Pauncefote treaty?

Mr. BURTON. The right to fortify was forbidden by the Clayton-Bulwer treaty, and was under long discussion at that time. It rests, if it exists at all, in the right, I take it, to police and protect the canal. The general right and custody over it is secured by the Hay-Pauncefote treaty. I have not the clause before me just at this time.

Mr. McCUMBER. Mr. President, I wish to suggest to the Senator from Ohio that the question asked by the Senator from South Dakota was fully answered by Senator Davis in his report upon the original Hay-Pauncefote treaty—the question as to whether our investing the money and having the control would justify us in allowing our own vessels to go through free. He took the position squarely that our investment was the matter of an investment for our own benefit, that we were presumed to get a benefit from the use of the canal and from the tolls, and that would not justify us to make a different arrangement or agreement other than that which we entered into in the treaty, namely, that the vessels of all nations should be treated exactly the same, putting it on the same footing, exactly as if it was a private enterprise.

Mr. TOWNSEND. Does the Senator from Ohio concede that the United States may send its warships through the canal free?

Mr. BURTON. I do not see how it can, unless special regulations apply to warships. That question, however, does not assume importance because the United States, the owner of the warships, would pay the tolls to itself, the owner of the canal. That is a very different question, however, from ships that are engaged in commerce in competition with other nations. As far as this discussion is concerned, I do not regard the question relating to warships as really having any bearing. That would be a question not of equality but of neutrality.

Mr. TOWNSEND. Will the Senator please tell me what he means by neutrality as applied to this canal as distinguished from equality? I should like to have the Senator's definition.

Mr. BURTON. Neutrality requires that all ships shall have the same rights to pass through—warships and commercial ships—that no one nation, the one constructing it or any other, should have any advantage in that regard. Equality requires that the tolls and burdens shall be the same; that the terms of use shall be the same for all.

Mr. TOWNSEND. The Senator suggested a moment ago that when this treaty was before the Senate the proposition to favor our coastwise trade was voted down. Does the Senator contend that the argument was made then that it would be a violation of the treaty, or, rather, was it included and understood?

Mr. BURTON. Clearly it must have been discussed.

Mr. TOWNSEND. It was discussed in the Senate at that time, and my understanding from the reading of it was that many, at least, of those opposed to the amendment insisted that the terms of the treaty provided that the United States could care for the coastwise trade that was not participated in by a foreign country, and no right was taken from the foreign country either before or after the treaty was made, as far as participating in the coastwise trade was concerned.

Mr. BURTON. I think it would be difficult for the Senator from Michigan to find any such argument advanced at that time. A fact that throws light on the question is this: Two bills were introduced, one by the Senator from Maine, Mr. Frye, and the other by the Senator from Massachusetts [Mr. LODGE], providing for a repayment to boats engaged in the domestic trade of the amount of tolls that were collected, taking it for granted that the tolls must be paid under the treaty, and endeavoring in that indirect way to secure an equivalent rebate to the domestic coastwise trade.

Mr. TOWNSEND. I did not quite catch one of the questions of the Senator from South Dakota [Mr. CRAWFORD]. He may have asked the question, but it occurred to me when the Senator was discussing it that there is another question which was considered in regard to this treaty, namely, that of fortifications, and that also was voted down, was it not?

Mr BURTON. I am not aware that that subject was brought to a vote at that time.

Mr. TOWNSEND. I am very certain that it was discussed, and there was a vote had and the proposition to fortify the canal was defeated by a vote 27 ayes, 44 nays. Yet the Senator from Ohio will not contend now that under the treaty the United States can not fortify the canal?

Mr. BURTON. We may fortify the canal, as I said, on the theory that the United States is the guardian to protect it, on the theory of protecting it against attack and enforcing its equitable use.

I do not believe we have any right to fortify it for the purpose of exacting tolls from foreign ships for our own benefit.

Mr. TOWNSEND. There is one point more. The Senator has been discussing very intelligently, and I am greatly interested in his discussion, the matter of our Canadian treaty, the one of 1854 and the later one of 1871. The treaty mentioned in terms the United States and Canada. No other nation or nations could participate in those canals, but the whole subject matter of the treaty applies to the two nations, not to the world in general, as the Panama Canal does.

Mr. BURTON. But the Senator from Michigan will recognize——

Mr. TOWNSEND. If the Senator will permit me, he suggests that we laid down and established a policy at that time which we can not depart from now. Our contract in express terms at that time was in relation to trade for the use of those waterways by the two signatory powers. It was an equal arrangement between the two powers in express terms and included no others. The United States could not insist on less than the exact letter of the treaty covering the only subject matter that they had under consideration.

Mr. BRISTOW. Mr. President——

Mr. BURTON. The Senator from Michigan, however, will concede that an agreement which is general in its application to all nations without limit is just as binding as an agreement between two nations. The question is, Was there an agreement or not? In the other case there was one involving two nations. In this case there is one involving all nations.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. BURTON. Certainly.

Mr. BRISTOW. I would suggest to the Senator that in the treaty which was made in regard to the Canadian canal there was a consideration that the Canadians should use our canals and we should use theirs. The conditions under which this commerce is to be carried on are entirely different from those with Canada. It seems to me that it is not at all a parallel case.

Mr. BURTON. You can not, Mr. President, in international agreements weigh carefully the adequacy of the consideration. But there was a consideration in this case, and that was the surrender of the advantages secured to Great Britain by the Clayton-Bulwer treaty, which we had considerable difficulty in removing from our path.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. CUMMINS. I suggest to the Senator from Ohio what is a very grave question, I think, in this whole matter. I should like to know from the Senator from Ohio what advantages were secured by the abrogation of the Clayton-Bulwer treaty—what there was in that treaty regarded as a serious obstacle that had to be removed?

Mr. BURTON. The right to equal participation which they asserted. In a moment I will read from that treaty.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. Certainly.

Mr. McCUMBER. I was going to suggest to the Senator from Ohio that not only was there an agreement under the Clayton-Bulwer treaty that each nation would have the same right with reference to a Panama Canal, but Great Britain had obtained from Nicaragua a right to construct a canal of her own volition across the Isthmus. The United States had an equal right from Colombia to construct a canal, and Great Britain under this treaty relinquished her right to construct a canal without the consent of the United States across the Nicaraguan route, while the United States obtained the right to construct it and to prohibit Great Britain from doing likewise.

Mr. BURTON. I am much obliged to the Senator from North Dakota for the suggestion. It gives the general idea of the treaty:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal—

Right there in terms—

That neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof; or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain

take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

That is, I take it, the main point. The sentiment of this country, as the Senator from Iowa [Mr. CUMMINS] will recollect, was for a canal owned and controlled absolutely by the United States. A resolution was introduced here in the latter part of the session of 1898–1899 providing for a commission to recommend to Congress plans for the construction of a canal under the ownership and control of the United States. Our policy pointed in that direction.

Mr. CUMMINS. Mr. President——

Mr. BURTON. And, if the Senator will allow me, for a time those commissioners refused to negotiate with the French Panama Canal Co. because that company was unwilling to convey a title giving to the United States exclusive ownership and control.

Mr. CUMMINS. The Senator from Ohio has said that all the provisions of the treaty from which he has just read contemplate a canal built and maintained by private owners or through private enterprise. Is it the view of the Senator from Ohio that if the Clayton-Bulwer treaty had remained in force the Government of the United States could not have built for itself and operated for itself a canal across the Isthmus of Panama?

Mr. BURTON. The treaty reads:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

So far as Panama is concerned, I regard that question as rather academic for the reason that at the time it was the general expectation that the canal would be constructed along the Nicaraguan route.

Mr. CUMMINS. I realize that, Mr. President, but I wanted to get the Senator's idea of the consideration which we really received. The Senator says, and I will accept it for the purpose of this debate, that the United States could not have built a canal, either across the Isthmus of Nicaragua or the Isthmus of Panama, without the consent of Great Britain, and in order to get it we abrogated that treaty and made the treaty of 1901. Is that the view of the Senator?

Mr. BURTON. It is a little more than the consent. It is an absolute agreement not to build it:

Neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

It is a prohibition against building it in the first instance and a prohibition against getting control by foreign capital.

Mr. CUMMINS. But the Senator from Ohio, of course, recognizes that the Clayton-Bulwer treaty was not made to prevent the building of a canal.

Mr. BURTON. It was made with the idea that both should have equality——

Mr. CUMMINS. Precisely. But it was not made with the idea that neither country would build the canal. It was made with the idea that somebody would build the canal, and each country agreed that it would not undertake to become the manager—would not undertake to have exclusive control of it so built; but I did not know, and I asked for information, that it was ever claimed that this was a prohibition forever upon the United States against the building of a canal, either through Central or South America.

Mr. BURTON. Certainly it sounds very much like that. The understanding at that time no doubt was that if either country built the canal they would have exclusive control over it. Such exclusive control is denied by this article.

Now, Mr. President, I wish to call attention also to another manifestation of our diplomatic——

Mr. BACON. Will the Senator from Ohio permit me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. BACON. On the subject which the Senator from Iowa raises, in reading article 1, the Senator will see that however narrow the language may be as to the location of the canal, the contract, the undertaking never to fortify any part of that country, extends to any part of Central America, and if the Clayton-Bulwer treaty were still in force we would certainly be precluded from any right to fortify the present canal.

Mr. ROOT. May I suggest to the Senator from Georgia that it goes a little further than fortifying? It is:

That neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify——

Mr. BACON. Or colonize.

Mr. ROOT (reading)—

or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

The dominion which we have found necessary for the construction of the canal was excluded.

Mr. BACON. That you neither exercise the dominion military or civil, or ever fortify any part of it, even though it may not be along the Nicaragua River and Managua Lake.

Mr. CUMMINS. In response to the suggestion of the Senator from Georgia I beg to say that the United States did not acquire in the Hay-Pauncefote treaty any right to fortify the canal or any part of it.

Mr. BACON. No; but we did get a release from an obligation not to do it.

Mr. CUMMINS. While I believe it is wise to fortify it, I have never been able to find a justification for it, save in the general principles of government.

I have never been able to find that authority which seemed to move the Other House and the Senate when the policy of fortification was entered upon. I am in favor of fortification simply because I am in favor of the United States holding its own and being able to defend its own against all comers, and I suppose fortification is necessary to preserve the very neutrality of which the Senator from Ohio has spoken.

Mr. BACON. With the permission of the Senator from Ohio, I should like to ask the Senator from Iowa if he also is as indifferent to the necessity——

Mr. SMITH of Georgia. We can not hear the Senator over here, and we want to hear him.

Mr. BACON. I was inquiring of the Senator from Iowa, he having announced his indifference to the right to fortify this canal, whether he was equally indifferent to the exercise of the right of dominion over the Canal Zone, a right which we could not exercise if the Clayton-Bulwer treaty were in force.

Mr. CUMMINS. I am inclined to agree with the Senator from Georgia about that. I did not ask my question on the assumption that there was no consideration in the abrogation of the Clayton-Bulwer treaty, but I wanted the Senator from Ohio to state precisely what that consideration was, in order to ascertain whether it bears any relation whatsoever to the matter under discussion, namely, the right of equality in tolls.

Mr. BURTON. That is, whether there was any consideration?

Mr. CUMMINS. Whether there was such a situation under the Clayton-Bulwer treaty as required the United States to agree with Great Britain that the United States should charge no more for the ships of other countries than for her own. I only wanted to make that clear.

Mr. BACON. With the permission of the Senator from Ohio, I will say that I do not think the Senator from Iowa correctly states the question. As I understand the question suggested by the Senator from Iowa, it is this: Whether there were any such existing conditions as would require that we should grant equality of use of the canal to all nations? I do not think that is the question.

Mr. CUMMINS. But——

Mr. BACON. Pardon me a moment. As I understand the question, it is this: Whether there were at the time certain restraints upon us by reason of our contract through the Clayton-Bulwer treaty as were of so grave a character as to make it a matter of importance that we should be relieved from them, and whether, in securing that relief, we did enter, or did not enter, into a certain contract—not whether the conditions required us to enter into it, but whether we deemed the advantage which we were to gain of sufficient importance to enter into that contract, and did enter into it. That is the question.

Mr. CUMMINS. Mr. President, I asked the Senator from Ohio to state what there was in the Clayton-Bulwer treaty that made it necessary from the viewpoint of the United States to abrogate it in order that we might build that canal? He stated the objection, and it has been reiterated by the Senator from New York [Mr. ROOT] and by the Senator from Georgia [Mr. BACON], and I think everybody realizes it. I only wanted that obstacle to be clearly defined in order that we might see its relation, if it has any, to the present controversy.

I have not made up my mind with regard to the proper interpretation of this treaty, but I hope the Senator from Ohio will not take it for granted that we did agree with Great Britain that her ships should pass through this canal upon the same terms imposed upon the ships of the United States. That is the very question to be decided, for, if we did, we must keep to our word and perform religiously the obligation we have undertaken; but the question with me is—and I suggest it to the Senator from Ohio—whether the words "all nations" embrace the United States, or whether they embrace only the other nations of the world in whose behalf we were making an agreement with Great Britain.

Mr. BURTON. First, on the Clayton-Bulwer treaty, the question is asked, Was there enough gained by its abrogation to create a consideration? To repeat what I have already said, that treaty in its very first article declared that—

neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

In constructing the canal contemplated in 1901 it was our desire to exercise exclusive control over the canal, to build it and to operate it ourselves. So that clause was in the way.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. BURTON. Yes.

Mr. BRISTOW. Was not the abrogation of that provision necessary in order that the canal might be constructed?

Mr. BURTON. In order that it should be constructed at all?

Mr. BRISTOW. Constructed by the United States Government. Without that it could not have been constructed?

Mr. BURTON. No; it could not have been constructed in that way.

Mr. BRISTOW. It could not have been constructed at all by the United States. So that treaty had to be abrogated in order that the canal might be constructed. It does not seem to me that that can operate as a reason why we must give other nations the same privileges that we ourselves exercise in regard to our own property.

Mr. BURTON. It was a question whether the canal should be constructed by private enterprise or by this Government. For reasons which were accepted as sufficient by Congress at the time—and I recall very well that the question was much discussed whether it should be constructed by a private corporation or by the Government—it was deemed most advisable for the United States Government to do it. Certain private corporations had undertaken it; they had been incorporated, and then had failed to do anything. More or less scandal had been associated with their acts. We were anxious to construct the canal, and we virtually said "after all these failures the Federal Government, with its power and resources, will now enter upon this work." At the very outset we were met by a treaty provision—

That neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal.

The resolution which was made a part of the river and harbor appropriation bill of March 3, 1899, was rendered absolutely futile. We could not go ahead as that resolution contemplated and build the canal ourselves with that treaty provision directly in the way. The question as to whether it was wise for the Government to build or leave it to private enterprise was entirely foreclosed by the action of Congress—

Agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof—

That also had to be removed—

or occupy, or fortify, or colonize, or assume, or exercise any domain over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America—

That too, had to be eliminated if we were to exercise control over the canal after it was constructed—

nor will either make use of any protection, which either affords or may afford, or any alliance, which either has or may have, to or with any State or people for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same.

I think really the best answer to this question is to read the treaty itself. It was full of troublesome conditions.

Furthermore, it is not altogether a question as to whether or not there was a consideration. Rather it is a question of the solemn faith of this Government. Did we agree to do this? We did agree; and having before us for consideration a treaty in which the word "equality" occurred, we inserted and agreed to the word "entire," as still further emphasizing the idea of "equality."

Mr. BRISTOW. Mr. President, I hope the Senator from Ohio will not overlook the suggestion of the Senator from Iowa, that there is a difference of opinion as to whether such an agreement was made, so far as our commerce and that of England or of other nations is concerned.

Mr. BURTON. That is, whether it applies to us at all or merely refers to other countries?

Mr. BRISTOW. There are many who contend that the language means that we agreed that the canal should be neutral between all nations—it is our own property—and that the term "all nations" includes the nations of the world, but does not include ourselves, because we are dealing, not with a canal that is owned by a third party, but with a canal which we ourselves own and have as a nation constructed. The theory is advanced by a great many that it was a pledge that this property of ours should be neutral and not be used so as to embarrass one nation as against another.

Mr. BURTON. The Senator, I presume, refers to the provision in the Hay-Pauncefote treaty. I think it would be a very strange construction, if I may be permitted to suggest, that such a general expression as "all nations" includes every nation except the United States, even though the United States should have been the constructor of the canal.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. BURTON. I should like to answer the question of the Senator from Kansas [Mr. BRISTOW] before yielding to any further interruption. Article 1 of the treaty reads:

ARTICLE I. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Now comes section 1 of article 3, which reads:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules—

Which are very much like those pertaining to the Suez Canal—

on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. BURTON. Yes.

Mr. CRAWFORD. The Senator from Ohio would not contend that that language would include the United States in case of a war in which the United States was itself engaged, would he?

Mr. BURTON. Well, I think it would, unless it is held that treaties are suspended by war.

Mr. CRAWFORD. Then, if that be true, we should carry that exclusive construction through the entire treaty, and we would not have the right to revictual one of our own ships of war in that canal, if the United States is included in the broad terms used here, "vessels of war of a belligerent." That language might include the vessels of war belonging to the United States in time of war.

Mr. BURTON. Mr. President, of course it is a collateral question, which anyone would hesitate to answer, as to what would happen in case of a war in which the United States was engaged. War ships of the contending nation would no doubt hesitate very much about going there; they would feel that in some mysterious way they would suffer injury by passing through that canal. But, according to its terms, it is put on the same plane with the Suez Canal, with no discrimination in favor of the United States. The question of what would happen in time of war may be discussed, but the result would probably be that ships of any contending nation would keep away and ours would pass through. In the midst of war laws are silent, and the right to go through might be denied under the emergency; but, according to its terms, it seems to me the treaty is made to apply alike to the warships of all countries, including our own.

Mr. CRAWFORD. We have said over and over again, not privately, but publicly and everywhere, that the real purpose of building this canal was to increase the efficiency of our fleet in time of war and to add to it mobility and usefulness. Now, if we are to be so careful that we are to make no use of this canal that all other nations are not to enjoy with entire equality, as the Senator says, it seems to me we have built it under a great misapprehension.

Mr. BURTON. It is thought by some that the canal was built merely as a warlike enterprise; that was the motive of many; but I look at it merely as a great commercial enterprise for promoting the commerce of the world; and while vessels of another nation at war with us theoretically would have the right to go through the canal, practically they would not do so. That is about what would happen.

Mr. WILLIAMS. Mr. President, if the Senator from Ohio will pardon me a moment, it is a general principle of international law, is it not, that when war breaks out between two countries all existing treaties are thereby abrogated?

Mr. BURTON. Yes; inter arma silent leges.

Mr. WILLIAMS. If war broke out between the United States and France, let us say, of course the treaty, so far as France was concerned, or so far as it protected France, would be abrogated and put to an end, and her war vessels could not pass through the canal; but the war vessels of other countries at peace with both of us would still be protected by the treaty.

Mr. BURTON. I am inclined to think the Senator from Mississippi is correct in his statement in regard to that.

Mr. McCUMBER and Mr. ROOT addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Ohio yield?

Mr. BURTON. I yield to the Senator from North Dakota, who was first on his feet.

Mr. McCUMBER. May I suggest to the Senator that the report of the majority when this treaty was before the Senate conceded that the intent and purpose was that it should cover our coastwise trade and should bind the Government of the United States, as well as that of Great Britain, in the matter of tolls? The minority of the committee conceded that that was the proper construction, and no one in the Senate during the entire debate ever claimed, as I remember, that the United States was not considered as included in the expression "all nations."

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. Yes.

Mr. ROOT. Mr. President, on the subject which the Senator from Mississippi [Mr. WILLIAMS] has mentioned as to the effect of war putting an end to rights under treaties, of course, there has been a great deal of discussion about that; but I do not think there is any doubt whatever that so far as promissory treaties go—that is, treaties which rest in contract as to the future—the contract is abrogated by war.

Mr. WILLIAMS. By the existence of war.

Mr. ROOT. During the war—while treaties which are in the nature of executed conveyances may stand and their title may not be disturbed. Any treaty which undertakes that something shall be done or shall not be done in the future by one country in respect of another, is either suspended by war or terminated forever by war. So that no nation claiming the benefit of this executory provision could continue to claim it after a state of war between that nation and the United States existed.

Mr. BURTON. In other words, they could not claim the right to go through the canal in case of war with the United States.

Mr. ROOT. No; war abrogates the right.

Mr. BURTON. That is a question, Mr. President, which I had not considered in this connection; but——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. BURTON. Yes.

Mr. BRISTOW. I want to call the attention of the Senator to the language of the treaty. Section 1, of article 3, is in exactly the language the Senator has just read, only I want to read a little more, and I invite his attention to the words used:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

Exactly the same language is used in relation to commercial vessels as to war vessels. If upon the declaration of war between the United States and any other country the United States is relieved as a matter of general international law from the provisions of the treaty, why is the word "war" put in there? The fact that this language is identical as to vessels of war and of commerce certainly makes it refer to other nations. We agree that it shall be neutral as to other nations. If the treaty is abrogated by the declaration of war anyway, then the provision is of no use there so far as war vessels are concerned. Why is the same language used as to vessels of commerce and of war? It can not, according to the Senator's own construction, refer to our own war vessels. Then, how can it refer to our own commercial vessels?

Mr. ROOT. They are not our own.

Mr. WILLIAMS. Mr. President, if the Senator from Ohio will pardon me a moment, the Senator from Kansas seems to proceed along the line of thought that vessels of war do not exist during times of peace. This provides for vessels of war. The Senator seems also to lose sight of the fact that the United States might be at war with one power of the earth and not with any other nation at that time. During war not only could the vessels of war of the party with whom we are at war not pass through the canal, but her vessels of commerce could not pass through, because during the war this promise between the two parties ceases to exist; the treaties between the two parties are at an end during the war; but meanwhile there would be vessels of war, and plenty of them, belonging to other nations that would be protected, notwithstanding the war between the United States and France, let us say, or, if the United States and Great Britain were at war, certainly during that war, if we had the power on the canal, we would have the war right to prevent, not only the war vessels of Great Britain, but the commercial vessels of Great Britain, from going through the canal, though meanwhile the other nations at peace with us would still be protected by the treaty in its every line. There are a hundred treaty obligations toward alleus that cease the moment they become alien enemies and war is going on.

Mr. BRISTOW. Does the Senator contend that during a time of war the United States would have to pay toll on its war vessels going through the canal?

Mr. BURTON. Oh, I do not think that has any special bearing upon this controversy. I presume that the condition of war would suspend all rules and regulations as regards that question.

Mr. BRISTOW. In regard to the canal?

Mr. BURTON. Yes; so far as war vessels are concerned.

Mr. BRISTOW. In regard to all nations or merely in regard to our own Nation?

Mr. BURTON. In regard to our own Nation, all regulations would be suspended practically by war.

Mr. BRISTOW. Then, if the Senator's construction is correct, and we would not be required when we were at war with other nations to pay tolls on our own war vessels that might go through the canal, that is clearly a discrimination as against the war vessels of other nations with whom we are not engaged in war.

Mr. BURTON. The trouble with the question of the Senator from Kansas is this: He puts a condition of war, exceptional in all international law, a condition during which all rules are suspended, on the same footing with the general question of commerce, applicable under well-understood rules everywhere and under all circumstances.

Mr. BRISTOW. If the Senator will pardon me, if all the rules would be abrogated in case of war, the abrogation would apply to commercial ships as well as to warships, because commercial ships are included in the same paragraph; and if the Senator's application of the language is correct, then we would not be bound to collect tolls from our own vessels in time of war, while we could collect tolls from vessels of other countries.

Mr. BURTON. I am inclined to think that in case of war we would not be hesitating long on a little question like tolls for going through the canal. It does not seem to me that that has any very considerable bearing on the question before us.

Mr. ROOT. Mr. President, if I may make a suggestion regarding the question asked by the Senator from Kansas, the Senator from Kansas has used the term "our own vessels" indiscriminately as applied to two quite distinct classes. A country owns its war vessels; they belong to the Government. The country that owns a canal can not pay toll on its own war vessels, because it pays toll to itself; but when you speak of commercial vessels, the Government does not own them. We say they are our vessels. They are American vessels, or they are British vessels, or they are German vessels, not because they belong to the United States or to Great Britain or to Germany, but because they belong to citizens of those countries, and they have the ascribed nationality of those countries. The owners of those vessels can pay toll to the owner of the canal though that owner be their own country. In that case there is a real change of title to the money which is paid in the way of tolls; and, so far as all those vessels go which are not the property of the owner of the canal, the language of this clause would seem to require that vessels belonging to a man who is an American citizen and vessels belonging to a man who is a British subject should be put upon an entire equality. The support of this provision of the bill must rest upon limiting by construction the general language of this clause, and for the construction which imposes that limitation some affirmative justification would seem to be required.

Mr. BRISTOW. The Senator, then, concedes that, if the United States Government owns commercial vessels of its own, they could pass through the canal without the payment of tolls?

Mr. ROOT. It would simply be a matter of bookkeeping, because the United States Government as the owner of a vessel would be paying to the United States Government as the owner of the canal. It would not be a payment. It makes no difference whether you take up your dollar bill from one place and put it in another or take it from one agency and put it in the hands of another agent, it would not be a payment. No one can pay anything to himself.

Mr. BRISTOW. That was my understanding. I beg the pardon of the Senator from Ohio for taking so much time, but I want to read paragraph 2.

Mr. BURTON. From what page of the canal hearings is the Senator reading?

Mr. BRISTOW. From page 267 of Senate Document No. 191:

The canal shall never be blockaded—

Mr. TOWNSEND. Mr. President, may I ask a question before the Senator leaves the other point?

Mr. BRISTOW. Yes.

Mr. TOWNSEND. I was interested in what the Senator from New York [Mr. ROOT] stated, that the United States could not pay anything to itself, and I should like to ask him, if the United States should put on a fleet of commercial vessels to engage in our coastwise trade, would Great Britain consider that we had complied with the terms of the treaty as interpreted by the Senator from New York?

Mr. ROOT. Mr. President, I can not say what would satisfy Great Britain; I am not representing Great Britain.

Mr. BRISTOW. Mr. President, I was very much interested in the interpretation of the Senator from New York. While I do not agree with him as to the term "all nations," including our own nation as well as other nations, I am glad that he concedes that we would not be expected to collect tolls from ships which the United States Government individually owns. I desire now to read paragraph 2 of section 1, article 3:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Now, it is a fact, which the Senator well knows, that we are constructing at the termini of this canal the most powerful fortifications the United States Government will own. Guns have been contracted for to be placed on the Pacific side that, so I am told, have a range of more than 20 miles.

Now, if the language of the treaty is to be construed so technically, what right have we to blockade that canal? What are the guns for? They are not to be used by a police force.

Mr. BURTON. That, I think, comes up in another connection rather than here. I understand there has recently been some discussion on that subject. Certainly there was some discussion a year or two ago as to our right to fortify the canal.

But, not to pass entirely from that point, I take it the ground for it is the general police regulation and right of protection over the canal.

Mr. President, in closing I wish to call attention to a negotiation by Mr. Secretary Hay, which is probably the latest expression of our policy in cases like this. It is in regard to the open door in China.

Three nations—the French, the English, the German—had spheres of influence there; territorial concessions of unequal size. Russia and Japan also, by their propinquity, had great influence over the Chinese Empire, and, especially with Russia, the matter of railroad ownership was involved in the question. In a note sent by him on the 6th day of September, 1899, to the Governments of Great Britain, Germany, and Russia; on November 17, 1899, to the Government of Italy; and on December 26, 1899, to the Government of China, he referred to activities of those powers in obtaining "spheres of influence" in China by leases and agreements among themselves and with China. Secretary Hay requested a formal assurance from each power within its "sphere of influence" that—

Third. That it will levy no higher harbor dues on vessels of another nationality, and no higher railroad charges over lines built, controlled, or operated within its "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to its own nationals transported over equal distances.

That was our request of those nations in the year 1899, although they had fleets and armies there and large spheres of influence and large investments in railway building and along other lines.

The proposal of Secretary Hay met with a favorable reception by the powers addressed, and replies were received from each expressing a willingness to adhere to the declaration, providing the same action were taken by the other powers. When all the replies were received Secretary Hay, on March 20, 1900, addressed a circular note to our ambassadors, instructing them to convey to the ministers of foreign affairs of the Governments concerned the sincere gratification of the President at the successful termination of these negotiations.

This instance is directly applicable to this question. The demand acceded to by those nations was that the foothold they were gaining in the Flowery Kingdom, advantages secured by years and years of diplomacy and in some cases by war, the advantages gained by large investment, were to be afforded to our citizens, the people of the United States, in the same manner in which they were enjoyed by Russia or by England or by France or any other country.

Mr. President, I submit that in the light of such a demand as that and in the face of such a policy it is inconsistent for us to seek to exempt our constwise traffic or our foreign traffic from the burden of tolls on the Panama Canal.

Mr. BACON. Before the Senator from Ohio takes his seat, and right in connection with the discussion as to whether or not the United States is bound by this treaty as are other nations, I want to call attention to a certain provision which I think very clearly recognizes the fact that it is so bound.

Mr. BURTON. I shall be glad to hear it.

Mr. BACON. There are six rules laid down to be observed by the nations. The question is whether the United States is one of those nations to be thus bound. The language of the first of the rules is the one which has been commented upon, and is in these words:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Then follow five other rules. Now, the question is whether those rules were intended to apply to the United States, not only the one I have read, but all the other five, as well as to all other nations.

I wish to call attention to one of the other provisions of this treaty which seems to recognize very distinctly that the United States were to be bound by these rules, and that is found by the second article which precedes the rules. That article is in this language:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Mr. President, if the purpose was not to have the United States bound by the six rules, that language would have been entirely unnecessary. It would have been sufficient to say:

And the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal.

In fact, I could go further and say that the entire part of the clause could have been omitted, because if the United States Government is not bound by six rules, there is no reason to specify certain rights that she would have the power to enjoy, which might be considered to be in conflict with those rules. It would not be necessary to make any qualification whatever. In that case it would have been an indirect recognition that they were not bound by the rules. But the qualification made in the second article is an express recognition of it. It says:

And that subject to the provisions of the present treaty.

What are the provisions of the present treaty? They are found in article 3. There are only three articles as to the construction, management, and operation of the canal. Article 4 is as to change of territorial sovereignty and the fifth article is as to ratification.

So when the treaty speaks of "subject to the provisions of the present treaty" it can refer only to the provisions found in article 3, which lay down rules—the six rules—and if they were not subject to it then it was not necessary to say that the enjoyment of all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal should be subject to the provisions of the present treaty unless the provisions of the present treaty apply to the United States.

It seems to me, Mr. President, so far from its being true that the language would imply that it did not include the United States as found in the provisions of the six rules, that here in the second article is an express recognition of the fact that the United States are subject to the six rules, and that certain rights may be enjoyed by them subject to that obligation.

Mr. BURTON. I thank the Senator from Georgia for his suggestion. I have already embodied in my remarks the language of that section, and have called attention especially to the words "subject to the provisions of the present treaty."

Mr. BACON. I beg the Senator's pardon; I did not hear him.

Mr. BURTON. But the Senator from Georgia has elaborated the matter much more clearly than I did.

Mr. CRAWFORD. Mr. President, before the Senator from Ohio passes from this subject I should like to ask him if he has considered the fact that other nations could not be prejudiced, and would have no substantial right to complain, if the United States permitted vessels engaged in the coastwise trade to go through the canal without charge of toll. The coastwise trade is one enjoyed exclusively by American ships, and can not be engaged in by any foreign vessels. So that so far as any substantial infringement of the treaty is concerned, there would be none.

Mr. BURTON. What seems to me to be a conclusive answer to that proposition is this: An agreement is an agreement; and it does not lie in the mouth of any country to say: "Oh, well, this will not hurt you. We will put our own interpretation upon this treaty."

But I do not think the Senator's conclusion is altogether correct. In our contention in 1890-91 we maintained that the provision relating to reciprocal use of Canadian canals in the treaty with Great Britain was not merely for the benefit of our shipping, but that it was for the protection of the rights of our citizens as well, and to prevent discrimination and disadvantages in trade. It did not refer merely to the sailing of ships, but in a broad sense covered our national interests.

Now, let us see whether or not free tolls for coastwise ships would create any disadvantage to foreign nations. This is a matter to which I refer with some unwillingness, because it sounds as if I were taking a position rather to the disadvantage of our own country. Nevertheless, it is well to state the facts.

Suppose there were a demand in San Francisco for an article for which there were two competing sources of supply; one in New York or on the Atlantic seaboard and the other in Hamburg or Liverpool. Would not removing the tolls on coastwise ships, in violation of this treaty, inure to the disadvantage of the nation which had the competing supply?

There is another case to which I may refer, viz: Certain classes of freight may be readily transshipped and will not necessarily be carried to destination in the ships in which originally loaded. Porto Rico is within the operation of our navigation laws. Suppose a cargo should be shipped from Liverpool or Bremen to San Juan, P. R., in a foreign bottom, and then should be unloaded, and loaded into a domestic ship. Suppose, instead of continuing in a boat that must pay tolls, it should go into a boat which, under the provisions of this bill, would pay no tolls. Would that be in accordance with the letter and spirit of this treaty? Would it not be a violation of it?

It is well, while we are on that subject, to remember that there is a Canadian Atlantic coast and a Canadian Pacific coast. The commerce between the Atlantic and the Pacific is largely a competing one. Under this provision the ships of the United States would be free from tolls and those of Canada would be subject to the payment of tolls.

As I said, I state these things with some hesitancy, because they point out certain disadvantages to our trade. But it is well that we should frankly discuss this matter in all its aspects and give the facts in regard to them. I still adhere, however, to what I said first: That it is our duty to observe a treaty in its entirety, and not to seek to evade it by saying, "Oh, well, it will not hurt you; we have certain privileges here."

Mr. SMOOT. Mr. President, before the Senator takes his seat I should like to ask him a question. The Senator says an agreement is an agreement and should be strictly lived up to. I should like to ask the Senator whether we have an agreement with England that American ships shall not be discriminated against when passing through the Suez Canal?

Mr. BURTON. Yes; the same agreement which is contained in this treaty in regard to Panama.

Mr. SMOOT. Does the Senator consider that the payment by England of a subsidy to English vessels going through the Suez Canal is a discrimination against America?

Mr. BURTON. The difficulty about that statement is that, except as to mail steamers, it is not true.

Mr. SMOOT. I also wish to ask the Senator whether he believes that if the American Government should pay a subsidy to American ships that would be a discrimination against foreign governments?

Mr. BURTON. No; because that is a matter of general policy. The Peninsular & Oriental Steamship Co. receives payment for carrying the mails. Its ships go through the Suez Canal. There is one rival company, I believe, which also receives payment. It is not a subsidy in the sense in which the word is used in this country. It is not true that the Government of Great Britain pays to any ship a rebate of the tolls through the Suez Canal. If it happens that the mail pay amounts to about the same as the tolls it is merely a matter of coincidence.

Mr. SMOOT. But it always happens that way.

Mr. BURTON. Every country pays for the transportation of its mails.

Mr. SMOOT. Where a subsidy is granted to an English ship for carrying the mail, it applies not only to the mail but to the merchandise carried by the ship, although it may be specifically stated to be for the mail only.

Mr. BURTON. It is not a subsidy. It is payment for a service, just as carrying freight or passengers is paid for. It may be called a subsidy.

Mr. SMOOT. The Senator may not call it a subsidy, but it seems to me it amounts to the same thing. But what I want to ask the Senator is this: Suppose this Government should decide to pay a ship subsidy to American vessels passing through the Panama Canal. Would the Senator say that was a violation of the treaty between England and America?

Mr. BURTON. Not in the letter; but I should be very doubtful whether it was not really a violation. It would depend upon whether it was a subsidy granted for building up trade, or whether it just about equaled the toll. It would depend upon a variety of circumstances.

Mr. WILLIAMS. If I may ask the Senator from Ohio a question there, would it not also depend upon whether it was a general bounty or subsidy, on the one hand, or whether, on the other hand, it was a special bounty or subsidy confined entirely to ships going through the Panama Canal?

Mr. BURTON. That would be an important question. I suppose a country desiring to promote its trade in some particular direction could agree to pay a subsidy that way and not in other ways without violating treaty stipulations such as this. For instance, if we desired to pay a subsidy to boats going to South America and none to boats going to Europe, we could do it. If we desired to pay a subsidy to boats going through this canal to the Pacific coast of South America, we could do so. That, however, is an altogether different question from this.

I especially desire that there shall be no misunderstanding in regard to the question raised by the Senator from Utah. There is no English regulation providing for a rebate to English vessels equal to the tolls charged for passing through the Suez Canal. Three countries, however, do pursue the policy of granting a subsidy which is practically the equivalent of the canal tolls or charges. Those countries are Austria-Hungary, Russia, and Sweden.

Mr. SMITH of Georgia. Before the Senator takes his seat, let me ask him a question. With reference to the Panama Canal, would not this really be the determining factor—if the subsidy was honestly intended as a subsidy to the vessel——

Mr. BURTON. That is, for building up trade.

Mr. SMITH of Georgia. It would not be repugnant to the treaty? But if it was intended merely as a subterfuge, the real object being to return the tolls through the Panama Canal, it would violate the provisions of the treaty.

Mr. BURTON. The Senator from Georgia states in an excellent form the distinction between the two propositions.

Mr. ROOT obtained the floor.

Mr. BRISTOW. Mr. President, before the Senator from Ohio takes his seat, I want to suggest that his remarks, as to Canadian commerce and the coastwise commerce of the United States, may be misunderstood. The Canadian vessels that are engaged in Canadian commerce can not handle the coastwise commerce of our own country—that is, a Canadian vessel can not take a cargo at New York and land it at San Francisco. It can take it and land it at a Canadian Pacific port.

Mr. BURTON. Yes.

Mr. BRISTOW. But not if that cargo was destined for an American living in the United States.

Mr. BURTON. I thought I made that clear. I said there was an Atlantic coast in Canada, and a Pacific coast in Canada as well.

Mr. BRISTOW. But they are not competitors in any sense.

Mr. BURTON. However, freight can be shipped by railroad from one country to the other. Take the Puget Sound region, which is only a short distance from Vancouver. The same is true with reference to Portland and Halifax. It seems to me that would constitute a violation of the purpose of the treaty.

Mr. McCUMBER. Let me ask the Senator a question. Suppose a shipload of lumber was to be taken by an American vessel from Seattle to New York, and another shipload of lumber was to be taken by a Canadian vessel from Victoria to New York, would it not be a discrimination against the Canadian vessel if it could not compete for the New York trade by reason of not having the same toll through the canal as the American vessel?

Mr. BURTON. Of course the boat from Vancouver or Victoria could land its cargo at New York as well as the one from Seattle, as it would be going from one country to the other. In the case of the cargo from Seattle, no tolls would be charged under this bill, while on the cargo from Victoria or Vancouver tolls would be charged.

Mr. BRISTOW. The language of the treaty is that all nations shall be treated alike. The Canadian vessel can not take a cargo of lumber from Seattle to New York.

Mr. McCUMBER. I did not say "Seattle"; I said "Victoria."

Mr. BRISTOW. It can take a cargo from a Canadian port to New York, but that is not the same shipment. It is an entirely different shipment.

Mr. BURTON. It is not the same route, but it involves exactly what such a treaty as this would be calculated to guard against—a disadvantage to one country and an advantage to another.

Mr. BRISTOW. I think that is a very great straining of language in the interest of the foreigner as against the people of our own country. That is the way it seems to me.

Mr. BURTON. In giving treaties an interpretation it is always well for us to be frank and fair. I am willing to take any aspersion that may be involved on that score; for, if anything, we should lean backward when we come to our relations with foreign countries.

Mr. BRISTOW. Let me inquire what the Senator thinks of the fortification of the canal as it relates to the language of this treaty. Does he think we leaned over backward when we established the fortifications there?

Mr. BURTON. The Senator from Kansas knows that the Senator from Ohio made a motion here to strike out the provision for the fortification of the canal. I do not believe in that; so I am inclined to think the Senator had better call some other witness in regard to the fortification of the canal.

Mr. ROOT. Mr. President, some weeks ago I stated to the Senate that, in my opinion, the provision of this bill exempting American ships from tolls which were to be imposed upon the ships of other countries—that is to say, exempting ships owned by American citizens from tolls which were to be imposed upon ships owned by the citizens and subjects of other countries—was a violation of this treaty, known as the Hay-Pauncefote treaty; and I said that at a future time I would give my reasons to the Senate.

Since that time the Senate has been advised of a formal communication from the Government of Great Britain, the other party to the Hay-Pauncefote treaty, to the Government of the United States, questioning the right of the United States to make that kind of discrimination.

I feel very reluctant to make an argument regarding the rights of the United States under the treaty which have already come into diplomatic discussion. I feel the more reluctant because the view I entertain would require me to argue against the position which the Government of the United States may be bound to take if the opinion of the Senate should agree with the opinion of the House and this provision should be enacted into law.

It appears quite certain to me, sir, that if we enact the provision which is now before us, making the discrimination against which Great Britain protests, as the other party to this international agreement, the question raised will be one for arbitration under our existing treaty with Great Britain. It will present the simplest, most unquestionable case for the submission to an impartial tribunal of the contending claims of the two parties to the contract. We could not refuse to arbitrate the question. Great Britain could not refuse to arbitrate it. It is the kind of question which our treaty of arbitration expressly requires to be arbitrated, and it is a question which ought to be arbitrated.

Instead of arguing the question I shall content myself with suggesting to the Senate that any legislation which may be enacted ought to be framed with a view to the fact that this is a matter about which we can not finally decide. If the judgment of the Senate shall be in favor of the policy of discrimination—and mine is not; I think it is wholly unjustifiable and unnecessary—nevertheless we should exercise our power of legislation with a view to the fact that the question of our right to legislate in such a way as to discriminate is one which may be decided against us by the international tribunal to which we are bound to submit it.

Mr. BACON. Will the Senator permit me to hand him here one paragraph of that treaty, which is pertinent in connection with what he says? The Senator probably is a little modest about reading it, because of the fact that he made the treaty.

Mr. ROOT. Yes; I made the treaty, but it was a treaty which was really drafted and carried far toward its conclusion by Mr. Hay. It followed the form of a treaty made years before between France and Great Britain, and is the settled form of arbitration treaties, which far outnumber all other kinds of treaties that there are in the world.

Mr. BACON. There are 25 of them, as I understand, that we have with other nations.

Mr. ROOT. We have 25.

Mr. BACON. In the same language.

Mr. ROOT. In the same language.

The article which the Senator from Georgia is good enough to call attention to is as follows:

> Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899.

Mr. MARTIN of Virginia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Virginia?

Mr. ROOT. Certainly.

Mr. MARTIN of Virginia. I should like to ask the Senator from New York what procedure is available, if any, in the United States to abrogate this provision in the treaty?

Mr. ROOT. Does the Senator mean this provision in the arbitration treaty?

Mr. MARTIN of Virginia. No; the provision in the Hay-Pauncefote treaty, which is under discussion—the subject matter of the Senator's present argument.

Mr. ROOT. I know of none. I know of no provision under which this treaty can be abrogated, for it already has been in a great measure executed. I know of no course which we could follow which would not involve us in repudiating the obligations which we have assumed while accepting the benefits for which those obligations were made.

Mr. MARTIN of Virginia. I will say to the Senator from New York that my remark was not originated by any present desire to abrogate the treaty. My understanding of the law or regulation in respect to the matter was exactly as he has stated it, but I desired to have an expression from him as to whether or not there was any way by which this treaty could be abrogated in these respects. There has been a good deal of talk in the Senate as to taking steps with a view to the abrogation of this treaty.

Mr. ROOT. Mr. President, there is a doctrine under which treaties may some time be abrogated, what is called the doctrine of sic stantibus rebus; that is, when in the lapse of time the conditions under which a treaty was made have so completely changed that it is no longer reasonable that its provisions shall be deemed to be binding. The change of conditions may receive effect through an abrogation of the treaty. But no such conditions exist here. By means of making this treaty we secured a release from Great Britain of her copartnership rights in an isthmian canal, and we have proceeded to take what is equivalent to sovereignty over the Canal Zone. We have proceeded to construct, or in a great measure to construct, a canal over which we exercise rights as a sovereign; and without abandoning the canal and abandoning all we have acquired already, which would require the assent both of Great Britain and of Panama, we could not retire from the obligations we have contracted there.

Now, Mr. President, having in view the fact that if we legislate upon this subject we legislate regarding a right which a court to whose judgment we must bow may decide that we have not, though we believe in the policy of this bill, we should frame our legislation with reference to the possibility of such a judgment. We should frame our legislation so as to facilitate such a judgment. We can not do less than that consistently with our oft-repeated declarations in favor of the principle of arbitration and consistently with the requirements of good faith under the treaty.

What would be the situation, sir, if this law were enacted as it now stands and if the question raised between Great Britain and the United States were to be submitted to arbitration and the arbitral tribunal were to decide that the effect of this clause was to put all nations on an equality, including the United States? What would be the effect if the arbitral tribunal were to decide that we are precluded by the terms of the treaty from discriminating between British merchant vessels and American merchant vessels in passing through the canal? That decision, sir, may come one or two or five or ten years hence. Controversies between two great nations are not readily and swiftly disposed of. It is a long and cumbersome proceeding, and with many counsel, declaiming knowledge, perhaps, with long discus-

sions and deliberations; a considerable number of years may be looked to at all events before a conclusion is reached.

If under the law we now pass we have been imposing tolls upon British ships, and French ships, and German ships, and imposing no tolls upon American ships, what must be the judgment if it is against us? Not that we proceed to impose tolls upon American ships. That opportunity will be forever gone; the ships will have passed and will be gone; but that we refund the tolls that have been imposed upon the British and French and German ships, and all the great income of the canal, no one can tell how many millions would have to be taken out of the Treasury of the United States and paid over to these foreign ship owners, if the decision is against us. No one can tell what a vast burden of debt we will be piling up against the Treasury of the United States if we pass this law as it is framed here.

I submit to the Senate that the most careful consideration should be given, not only to the question whether the Senate will commit itself to this construction of the treaty, not only whether the Senate believes in the policy of this proposed legislation, but to framing the legislation in such a way that we may comply with our honorable obligations in seeking and submitting to a decision by an arbitral tribunal upon this disputed construction, and in such a way that if the judgment be against us we may not be subject to ruinous demands upon the Treasury.

Mr. STONE. Mr. President, I should like to make a suggestion to the Senator. Evidently this is very important legislation, and the contingencies may be great in many ways. The British Government protests informally, at least, so far as we have it here, against the enactment of this legislation. I assume that in due time the British Government will make more extended representations to our State Department. Congress ought to have the benefit of the views of that Government before we pass upon this matter finally.

After listening to the very able addresses of the Senator from New York and the Senator from Ohio, it occurs to me to inquire of the Senator from New York if he does not think it will be the part of wisdom if we should postpone this particular legislation until the next session of Congress, when we can have in the meantime an opportunity for acquiring greater information respecting it and be prepared to pass upon it with greater deliberation.

Mr. ROOT. Mr. President, so far as this particular provision goes I think it is very desirable. I am told, however, that a large part of the bill is quite pressing, to enable the officers in charge of the completion of the canal to make the arrangements necessary for opening the canal. Of course, it would not do for us to have the canal finished and be unable to open it. We must have legislation under which the proper disposition and arrangements can be made for the opening of the canal and operating it.

Mr. STONE. When will it be opened?

Mr. ROOT. I understand that the canal will be practically completed during the next year, 1913. The commerce of the world has to adjust itself beforehand to a new facility of that kind; that is, ship owners must know what they are going to expect in order to make their arrangements long beforehand for using the canal. A ship owner does not get up in the morning and casually determine to send a ship by way of Suez or by way of Panama. He makes his arrangements and his contracts for freight, and merchants make their contracts for the purchase and the sale of commodities with reference to the opportunities for transportation. I am told that there is pressing need for legislation along that line.

As to this particular question it may well be deferred. I think it ought to have fuller consideration than we can give to it now in the heat of the summer and with everybody tired and in a condition where he is unwilling to do any work that can be avoided. I do not think that the Senate is in a condition to really give the kind of consideration that this measure ought to have.

Mr. BACON. Mr. President, with the permission of the Senator before he takes his seat, of course the Senator recognizes that there can be no decision by a court until there is an issue between parties, and the arbitration court is no exception to that general rule. The question I desire to ask the opinion of the Senator on is whether there is any legislation which we can adopt short of something which takes a position in regard to the matter of tolls on which an issue may be joined which can present to the court something for it to decide.

I ask the Senator if he can think of any legislation that we could enact which would form such an issue or present such an issue as would enable the arbitration court to take jurisdiction of it and decide it? If so, I myself would very much favor legislation which would accomplish that end without a provision such as is embodied in this bill, because, as pointed out by the Senator from New York, for us to adopt a provision in this bill which will let American vessels through this canal free and charge tolls to the vessels of all other nations may involve us in a very large indebtedness upon a judgment by the arbitration court that it was an illegal regulation and in violation of the treaty. Therefore, I think it highly important if we desire to make this issue that, if possible, we frame some legislation upon which an issue can be joined and upon which issue the court of arbitration can pass.

I have not myself given any consideration to it. I should like very much to have the judgment of the Senator from New York, who has had experience in these diplomatic matters and also in the practice before the courts of arbitration at The Hague, whether there is any legislation, or, in the absence of legislation, whether by any other governmental act, we can submit it by a treaty. I do not now recall whether the terms of The Hague convention are sufficiently broad to permit of a suppositious or a fictitious case to be made in the absence of any direct issue, which will make such an issue as will justify the court of arbitration to take jurisdiction of it and pass upon it. If so, I think that is the direction which should be given to it.

Mr. ROOT. Mr. President, I think there is nothing to prevent an immediate reference. The rules which govern nations in submitting questions to arbitration are not technical. That could not be, because different nations of the earth all have different rules, and all that is necessary is that there should be a difference.

Now, that difference may be created by the assertion of a right on the part of one country and the denial of that right on the part of the other, without waiting for the country that asserts the right to exercise it or attempt to exercise it. In other words, the question may be submitted to arbitration just as if a suit were brought for an injunction to restrain a violation of right. I should say that no legislation and no action was necessary beyond an assertion by the Government of the United States of the right to discriminate in tolls.

Mr. BACON. I will suggest to the Senator that sometimes we have had statutes passed which were expressions of public policy aside from the usual prescribing of rules of action and conduct. I think we had one once with regard to the monetary question. Possibly it might be sufficient to engraft upon this bill the assertion of the contention on the part of the United States of a right to so discriminate without in fact proceeding to enact a law making a discrimination.

Mr. ROOT. Mr. President, following the line of thought suggested by the Senator from Georgia, it has occurred to me that possibly we might make some arrangement for some modus under which the tolls of American vessels could be paid and the ultimate disposition of the amount paid be made to depend upon the decision of the arbitral tribunal, so that if the decision is in favor of the right of the United States to make a discrimination those tolls could go to the shipowners, while if the decision is against us we should keep them, and would not have to refund all of the foreign tolls we had been collecting in the meantime. That merely occurs to me on the spur of the moment. I should like to think about it a little more, and I think we all ought to think about it.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. Yes.

Mr. CUMMINS. Does the Senator from New York have any idea with regard to the annual tolls which will probably be received from the foreign shipping through the canal? I ask that question because I believe it to be true that if we have a controversy with Great Britain upon this subject it must eventually be decided in a court of arbitration; but I do not think we ought to be appalled by some vague, imaginary amount that we might be required to refund. I suppose that the measure of damages would be no greater, at any rate, than the restoration of the tolls exacted from foreign shipping. If you will exclude domestic shipping—that is, American shipping—from consideration, I think no one would claim that the probable receipt of tolls in the next five years would be more than $25,000,000. I do not think it would be nearly that much; but even if we were to make a mistake in the interpretation of this treaty and be compelled at the end of five years to restore the money that we had improperly exacted of foreign shipping, it would not be a very serious matter. I think we will find from the estimates as we go along that the amount of tolls that will be exacted from foreign shipping in the next five years will be very much less than $25,000,000, and probably not more than $15,000,000, and if there is no other way to raise the question save by the assertion of our rights in this way, we could well afford to refund the tolls rather than to forego for

all time the rights which some people claim the United States has in regard to this matter. As I have said before, I have not made up my mind about it. I am strongly disposed, however, to assert the American right if it can be fairly done from the language and the spirit of the treaty.

Mr. WILLIAMS. Mr. President, I think the analogy resorted to by the Senator from Georgia [Mr. BACON] does not apply in international affairs. It is true that you can not have a decision of a court to settle conflicting rights between individuals until there has been an issue joined, but nations can make up a case, and, by consent, refer it to arbitration. They need not wait until the issue has been made.

As to the point raised by the Senator from Iowa [Mr. CUMMINS], that we might lose the point itself, it seems to me that that can be very easily arranged in the bill. You can add in this bill a provision fixing the tolls for the ships of all nations and providing that the coastwise ships of the United States shall go through the canal free, with a proviso that, pending the hearing and settlement of the controversy now going on between Great Britain and the United States to determine our rights to pass the foregoing clause, equal tolls shall be collected from American coastwise vessels, which shall be kept in a separate fund, to be refunded when the decision is made, if it is made in favor of our right to discriminate, and to be kept in case the decision is against us.

I think almost anybody could draw up that clause very easily. It would obviate the trouble suggested by the Senator from New York, and would also obviate the trouble upon the other side suggested by the Senator from Iowa. Meanwhile the two Governments, of course, can easily agree to submit the matter to arbitration as an academic question, as a hypothetical question, simply because one asserts the right and the other denies it. They need not wait for anything further.

Mr. LIPPITT. Mr. President, I wish to suggest that the proposition originally advanced by the Senator from New York [Mr. ROOT] and renewed by the Senator from Mississippi [Mr. WILLIAMS] of forming a fund to be returned to the owners of our vessels in case a decision be made in our favor, would scarcely be a commercial arrangement that would be very satisfactory to the country, because the sale of goods and merchandise carried through the canal depends very largely upon the rate of freight that is charged for their transportation. No steamship line, pending such an arrangement, would dare to charge any rate of freight other than such as would be sufficient to pay a profit in case the decision went against us. The result, therefore, of such a fund would be simply to pay to the steamship lines an additional profit over what the ordinary transportation of the freight would bring, for it would be impossible for them to distribute, it seems to me, that freight through all their customers, and their customers in turn redistribute it to their customers so that the ultimate benefit would perhaps go to the purchaser of a yard of cloth in the Andes Mountains.

Mr. WILLIAMS. Mr. President, in answer in a general way to what the Senator from Rhode Island has just said, I will say that, of course, the shippers, as well as the shipowners, would know of the existence of this provision, and they would probably base their contracts upon a rebate to be paid to them finally in case a rebate were made at all.

Mr. LIPPITT. I think, Mr. President, that would form one of the greatest international gambles in which the world has ever indulged.

Mr. WILLIAMS. That may be; and a great deal of business that looks toward some contingency in the future not to be accurately prophesied is a good deal of a gamble. There is no doubt about that.

Mr. ROOT. A considerable part, Mr. President, of the business that is done under our customs tariff involves similar questions. People buy goods when the question of the duty is uncertain, and a great amount of litigation is going on all the time; but they get along with it, and there is an allowance made for it in the prices charged the purchaser.

HOUR OF MEETING TO-MORROW.

Mr. BRANDEGEE. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXTRACTS FROM SENATE JOURNAL IN IMPEACHMENT CASES (S. DOC. NO. 676).

Mr. SMOOT. I move that the Senate adjourn.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah withhold his motion?

Mr. SMOOT. I withhold the motion.

Mr. CLARK of Wyoming. I have in my hand a book which was published by the Senate in 1904, being Extracts from the Journal of the Senate of the United States of America in Cases of Impeachment. This is a very valuable compilation and contains probably all the precedents on the subject that the Senate would care to have. There are but six copies of it left. I ask that it be printed as a Senate document, and that there be included in that document such parts of the Swayne impeachment trial as would be useful and applicable.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The order as agreed to was reduced to writing, as follows:

Ordered, That extracts from the Journals of the Senate containing the record of impeachment trials in the cases of William Blount, John Pickering, Samuel Chase, James H. Peck, West H. Humphreys, Andrew Johnson, William W. Belknap, and Charles Swayne be printed as a Senate document.

LEGISLATIVE APPROPRIATION BILL.

Mr. WARREN. Mr. President, the Senator from Louisiana [Mr. FOSTER], who was appointed one of the conferees on the part of the Senate on the legislative, executive, and judicial appropriation bill (H. R. 24023), has been compelled to leave the city and will be absent during the consideration by the conference committee of that measure. He has requested that the member next in order on the subcommittee of the Committee on Appropriations be designated to serve in his place. I therefore ask unanimous consent that the Senator from North Carolina [Mr. OVERMAN] be appointed to serve as one of the conferees on the part of the Senate on that bill in place of the Senator from Louisiana [Mr. FOSTER].

The PRESIDENT pro tempore. Without objection, that order will be made.

PARCEL POST.

Mr. SIMMONS. I ask unanimous consent to have printed in the RECORD an article written by Mr. P. V. De Graw, Fourth Assistant Postmaster General, to the Charlotte Observer, a newspaper published in my State, with reference to the parcel-post proposition now pending before the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from North Carolina? The Chair hears none, and it is so ordered.

The article referred to is as follows:

SENATOR BOURNE'S PARCEL-POST PLAN—VIEWS OF FOURTH ASSISTANT POSTMASTER GENERAL DE GRAW—APPROVED BY TAFT—PROPOSED LAW PROVIDES FOR BUT THREE INSTEAD OF FOUR CLASSIFICATIONS.

The editor of The Observer having requested Hon. P. V. De Graw, Fourth Assistant Postmaster General, to outline from his viewpoint the proposed parcel-post legislation and its probable effect, Mr. De Graw has complied as follows:

While my specialty is that of rural mails, to which branch of the service in connection with the proposed establishment of parcel post my particular energies have been more directly devoted, I will endeavor to comply concisely with your general inquiry.

The parcel-post plan now before the Senate Committee on Post Offices and Post Roads, known as "the Bourne scheme," has the indorsement of the President and the Postmaster General. In fact, the measure has been compiled by Senator BOURNE after careful personal research into all branches of the postal service. This has been accomplished through a series of conferences with the heads of bureaus of the Post Office Department, who are necessarily experts in their respective lines. I do not hesitate in the circumstances to emphasize what the Postmaster General has already stated, namely, that the department believes parcel post is inevitable, and that being the case no more just and equitable measure than the so-called Bourne scheme can be devised at this time.

The measure divides the country into six zones, determining each by latitude and longitude, and changes qualifications and postage charges. It is believed it will solve in a very simple way what has heretofore been regarded as a most trying and complicated problem.

If the proposed new law is enacted, the classification of mail and postage rates so that instead of four classes, as heretofore, there will be but three classes, is considered a most important feature.

The first and second classes are to remain as now. The first-class mail is to be paid for by stamps attached. The second-class mail is to be paid for in money. Third-class mail would include all mailable matter not embraced in the first two classes. The parcel post already in existence in this country, limited to a 4-pound package, costing 1 cent an ounce to transport, would be changed and the limit raised to 11 pounds.

The cost of transportation will be regulated by distance as well as weight. The country is divided into six zones, the first zone including all territory lying within a mean radial distance of 50 miles from a central point. The sixth zone includes all territory lying outside of a radius of 2,000 miles from the central point. Each State and Territory is divided into units of 30 minutes square.

The rate of transportation was based upon figures showing the actual cost of carrying a pound package of fourth-class matter various distances from 50 to 2,000 miles.

The cost varies from 6 cents for the first pound and 2 cents for each additional pound in the sixth zone.

It has been charged that I did not seem to realize that a parcel-post delivery would be a hard blow to country merchants and would only benefit the department stores of the cities. I do not realize any such thing. Of course there are two sides to every question, which may affect different communities in different ways.

It will undoubtedly be recalled that when it was proposed to establish rural delivery certain sections of the country rose en masse and denounced it in terms most bitter. What was the result? Appreciation in land values by millions of dollars and the bringing of country life, from my viewpoint, far in advance of that of the city dweller.

In order that I may be thoroughly understood I wish to give it as my firm conviction that the establishment of package or parcel post, not to exceed a cost of 15 cents for a package of 11 pounds, 5 cents for the first pound and 1 cent for each additional pound, will greatly benefit the patrons on rural-delivery routes as well as the merchants located in the villages or towns whence rural delivery starts. By way of illustration it may be interesting to cite a personal experience during the past summer:

I was called to Dubuque, Iowa, to address the Commercial Club, a body of bright men, all of whom were opposed to parcel post of any description. Being urged to explain to them the attitude of the Post Office Department on the subject, I instanced the fact that, as they knew, the town of Waterloo lay but 100 miles west of their own city; that in Dubuque 13 or 14 rural-delivery carriers started to the country every morning carrying, perhaps, from 5 to 30 pounds of mail each. Any one of the merchants in Dubuque desiring to send a package to a patron on any of the routes starting from that city would have to confine its weight to 4 pounds and pay 16 cents a pound, or 64 cents on the parcel, a rate which is practically prohibitive. Under the proposed parcel-post or rural-delivery routes, should the Congress follow the recommendation of the department, the rate on the same package would be 15 cents, and, besides that great difference, the weight might be extended to 11 pounds for 15 cents, or 5 cents for the first pound and 1 cent for each additional pound to the limit of weight, an arrangement which it is proposed to confine strictly to bona fide patrons of rural routes and to local city delivery.

After submitting the proposition as I construed it, I queried my audience as to whether in their opinion, under the conditions outlined, any merchants located in Waterloo could compete with those of Dubuque successfully, considering that under present conditions the 4-pound package above referred to would cost 64 cents from Waterloo to Dubuque rural patrons, and a package of 11 pounds $1.76. Under the most favorable circumstances, assuming that the Congress may—and I believe it is only a matter of time until they will have to do so—inaugurate a general system of parcel post by mail, reduce the rate on packages from 16 cents to 12 cents a pound, and raise the weight limit from 4 pounds to 11 pounds, the package of 11 pounds from Waterloo would cost $1.32. Therefore, any way you please to view the matter, the merchant in Dubuque would have so much margin on freight that the merchant 100 miles away could not compete. Every man in the house agreed with me that that argument was conclusive, and that if the Congress should adopt it there would be no opposition to parcel post on rural delivery routes in that community.

Since submitting the argument cited the Post Office Department actually recommended that packages of 11 pounds be carried on rural routes and in cities having city delivery for 5 cents for the first pound and 1 cent for each additional pound, or 15 cents for 11 pounds.

Of course, I can not attempt to predict the action of Congress, but the theory upon which my recommendation for this year has been based leaves me no room for doubt that if the recommendation is followed the parcel post on rural delivery routes will be a great advantage to the persons living in the country, and I sincerely believe will not only hold those who are there, but add greatly to the population in every section of our great and glorious country.

In my judgment, all the arguments which are based upon the assumption that the country merchant by the installation of parcel post would be driven out of business are absolutely without foundation.

As to the inadequacy of present postal facilities to handle the increased business resulting from a rural parcel-post system, which has been suggested, all I can say is that a large and healthy growth of the postal service is considered desirable and that as necessity arises facilities will improve to meet conditions.

P. V. DE GRAW.

Mr. SMOOT. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 16, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 15, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, O God, our heavenly Father, that back of the vast universe of which we are a part, back of our joys and sorrows, our hopes and aspirations, and all the issues of life, are Thine infinite wisdom, power, and goodness. Yet Thou hast dignified Thy children with the gift of choice and holdest them responsible for their acts. Hence the seeds we sow today will be the harvest of the morrow. Help us, therefore, to sow good seed, that our harvest may be the fruits of joy and peace and righteousness, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, July 13, 1912, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4913) to enable the Indians allotted lands in severalty within the boundaries of Little River drainage district No. 1, in Pottawatomie County, Okla., to cooperate with the officials of said State in the protection of their lands from overflow, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes"; asked a conference with the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. GAMBLE, Mr. CLAPP, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LA FOLLETTE, Mr. GUGGENHEIM, and Mr. BAILEY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. LODGE, and Mr. TILLMAN as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4913. An act to provide for the payment of drainage assessments on Indian lands in Oklahoma;

S. 7015. An act to provide American registry for the steamer *Damara*; and

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 220. Joint resolution to grant American citizenship to Eugene Prince.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 20684. An act providing for the sale of the Lemhi school and agency plant and lands on the former Lemhi Reservation, in the State of Idaho; and

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvements or economy in manufacturing processes or plant.

EXEMPTION OF CIGARS FROM TAXATION.

Mr. PETERS, from the Committee on Ways and Means, reported, without amendment, the bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States as amended by section 32 of the act of August 5, 1909, which was read a first and a second time and, with the accompanying report (No. 1000), ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend in the RECORD after to-day's proceedings my statement and remarks in regard to the duty of a person who has given pledges and promises to the people before election and the duty to carry out those preelection promises.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I make a similar request for unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. MANN] also makes a request for unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

EXCHANGE OF SCHOOL LANDS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 19344) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I think I shall have to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The bill will be stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 20501. An act to authorize the Secretary of Commerce and Labor to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20347) to authorize the Dixie Power Co. to construct a dam across White River at or near Cotter, Ark., disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BOURNE, and Mr. MARTIN of Virginia as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4568) granting an increase of pension to Annie R. Schley, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. SMOOT, and Mr. GORE as the conferees on the part of the Senate.

CONFLICT BETWEEN PLACER AND LODE LOCATORS OF PHOSPHATE LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8883) providing for adjustment of conflict between placer and lode locators of phosphate lands.

The bill was read.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The bill will be stricken from the calendar.

DISPOSITION OF SURPLUS AND UNALLOTTED LANDS IN STANDING ROCK INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 109) to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

The title of the bill was read.

Mr. BURKE of South Dakota. Mr. Speaker, this bill was read on a former occasion.

The SPEAKER. Is there objection?

Mr. FOSTER. I reserve the right to object.

Mr. FINLEY. Mr. Speaker, I reserve the right to object.

Mr. BURKE of South Dakota. This bill was read, I say, on a former occasion in the House. It has been on the calendar for a number of unanimous-consent days and has gone over for one reason or another. The last time it went over because I was away. Unless somebody demands the reading of the bill now, I see no reason for taking up the time of the House in reading it, it having been read on a former occasion.

The SPEAKER. As a matter of fact the second time is just the same as the first time as regards the reading of the bill. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent to waive the reading of this bill because it has been read once before. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I desire to say that I have had some matters and statements in reference to this bill that came into my possession some time ago, and I have waited four or five weeks, hoping that possibly the gentleman from South Dakota might be able to show that these statements were incorrect. I have had no word to that effect up to this time.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BURKE of South Dakota. I wish to say, Mr. Speaker, that there was a delegation of Indians who came on to Washington and presented the document to which the gentleman from Illinois [Mr. FOSTER] refers. They appeared on two different occasions before the Committee on Indian Affairs. The committee, after hearing their protest, reported a substitute, which is now before the House. And I want to say to the gentleman from Illinois [Mr. FOSTER] that practically every objection made that is at all important has been met in the substitute bill which has been reported; and I will state further that the leading member of the Indian delegation told me that their opposition to the bill was based largely because they had not received any of the proceeds from the sale of a portion of this reservation that was authorized to be disposed of under a former act of Congress. This substitute bill provides that they may be paid $40 per capita from the money in the Treasury to their credit, which is exactly the amount that they are asking.

And I would call the gentleman's attention to the fact that this bill has now been upon the Unanimous Consent Calendar for a number of weeks, and I am sure the gentleman has not had anything subsequent to the protest which was presented before the bill was considered by the committee, and at the time the bill was considered. I want to say that the Committee on Indian Affairs at a full meeting carefully considered the entire matter, and particularly the objections of the Indians, and unanimously reported this substitute bill; and I can say to the gentleman from Illinois and to the House that it is my honest and candid judgment and belief that it ought to pass, from the standpoint of the Indians alone, to say nothing of other conditions; and I believe if the Indians were present here at this time they would withdraw any objection that they made to the passage of the bill in the form in which it passed the Senate.

Mr. FINLEY. Will the gentleman yield?

Mr. BURKE of South Dakota. Certainly.

Mr. FINLEY. Will the gentleman state briefly the purpose of the bill?

Mr. BURKE of South Dakota. I will say to the gentleman that the purpose of the bill is to dispose of the unallotted lands in the Standing Rock Reservation.

The original treaty, by which the Standing Rock Reservation was created, provided that the Indians should be allotted a greater area per capita than has ever been allotted to any other tribe of Indians in the country. The heads of families received 640 acres each; the wives 320 acres each; an unmarried Indian, 18 years of age or over, 320 acres; and each child 160 acres. All of the Indians have received their allotments, and there are about two hundred thousand and some odd acres of unallotted land scattered all over the reservation. This bill proposes to sell these unallotted lands and to deposit the proceeds in the Treasury to the credit of the tribe.

Mr. FINLEY. No appropriation will be called for?

Mr. BURKE of South Dakota. Only an appropriation necessary to pay for sections 16 and 36, which go to the State of South Dakota.

Mr. FOSTER. I will state that this bill provides for an appropriation of $180,000.

Mr. BURKE of South Dakota. Yes; to pay for sections 16 and 36, and that is a question that has been disposed of by Congress on a number of occasions on similar bills, and is simply carrying out the solemn obligation of the United States.

Mr. FINLEY. There being this question of the appropriation of $180,000, why can not this matter go over?

Mr. BURKE of South Dakota. I think it has been before the House now so long that it ought to be passed at this session. There is a demand for it on the part of everybody.

Mr. FINLEY. Was this bill introduced in the last Congress?

Mr. BURKE of South Dakota. My recollection is that it was introduced in the Senate. I am not quite clear that it was, but I think it passed the Senate, but I am not certain.

Mr. FINLEY. What is the value of these lands which are proposed to be sold?

Mr. BURKE of South Dakota. The value is estimated by one of the appraisers who appraised a portion of the reservation heretofore disposed of at not to exceed $2.50 an acre, but this bill provides that all lands taken within the period of three months shall be disposed of at $6 an acre.

Mr. FINLEY. Is not that a very low price for land?

Mr. BURKE of South Dakota. It is a very high price for lands of this character, which are semiarid and not desirable for agriculture. They are classified mostly as grazing lands; and I call the attention of the gentleman to the fact that this bill proposes to dispose of the remainder of the lands after nearly 2,000,000 acres have been allotted. The Indian knows the best land just as well as the white man does. Consequently these lands, you may say, are rejected lands

Mr. FOSTER. Mr. Speaker, I think a bill of this importance where there seems to be some conflict in reference to the matter, ought to come up in the usual way, and not on the Unanimous Consent Calendar, and I therefore object to the consideration of it.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar. The clerk will report the next bill.

RADIO COMMUNICATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 6412) to regulate radio communication.

Mr. ALEXANDER. Mr. Speaker, as that bill will be considered under a special rule, I think I will ask unanimous consent that it may go over without prejudice.

Mr. MURRAY. May I inquire of the gentleman to what rule the gentleman refers?

Mr. ALEXANDER. I think there will be a rule from the Committee on Rules under which certain bills from the Committee on the Merchant Marine and Fisheris will be considered, and this is one of them.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed without prejudice.

Mr. MANN. Reserving the right to object, Mr. Speaker, I understand that the gentleman from Missouri is likely to offer some amendments to this bill when it is presented for consideration.

Mr. ALEXANDER. Yes.

Mr. MANN. Has the gentleman those amendments formulated?

Mr. ALEXANDER. Yes.

Mr. MANN. Would the gentleman be willing to put them in the RECORD so that Members may know what they are?

Mr. ALEXANDER. I would not object to doing that. Mr. Speaker, I ask unanimous consent to place the amendments which I propose to offer to the bill in the RECORD for the information of Members.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none. The gentleman from Missouri also asks unanimous consent to print in the RECORD the amendments to the bill for the information of the House. Is there objection?

There was no objection.

The following amendments will be offered to Senate bill 6412, "An act to regulate radio communication," by the Committee on the Merchant Marine and Fisheries:

SECTION 1. Amend section 1, page 1, by striking out the words "receipt or" in line 8.

SEC. 2. Amend section 2, page 3, by inserting, after the word "States" in line 5, the words "or of Porto Rico," and by inserting, after the word "States" in line 6, the words "or Territory," and by inserting, after the word "States" in line 7, "or of Porto Rico."

SEC. 3. Amend section 3 of the bill as follows: Strike out the words, in lines 8 and 9, "Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States"; also, in line 14 insert, after "them," the following: "or who shall fail to enforce obedience thereto by any unlicensed person while serving under his supervision." Also, in lines 15 and 16, substitute for "upon conviction shall" the words "may"; and strike out "and" at the end of line 16. Also, in lines 17 and 18, substitute "for a period to be fixed by the Secretary of Commerce and Labor not exceeding one year" for the words "the name shall not be renewed for a period of one year from and after the date of his conviction of any such failure." Also, in line 20, after "charge," insert "or in supervision."

On page 6, in line 14, add at the end of regulation first the following: "Every ship station, except as hereinafter provided, and every coast station open to general public service shall be prepared to use 2 sending wave lengths, 1 of 300 meters and 1 of 600 meters, as required by the international convention in force."

On page 7, line 10, substitute the following for the fifth regulation: "Every station on shipboard shall be prepared to send distress calls on the normal wave length designated by the international convention in force, except the vessels of small tonnage unable to have plants insuring that wave length."

On page 10, lines 13 and 14, strike out the words "at the date of passage of this act."

On page 10, line 17, at end of fifteenth regulation, change the period to a colon and add: "*Provided*, That the owner or operator of a station of the character mentioned in this regulation shall not be liable for a violation of the requirements of the third or fourth regulations to the penalties of $100 or $25, respectively, provided in this section, unless the person maintaining or operating such station shall have been notified in writing that the said transmitter has been found upon tests conducted by the Government to be so adjusted as to violate the said third and fourth regulations, and opportunity has been given to said owner or operator to adjust said transmitter in conformity with said regulations."

On page 12 strike out lines 23, 24, 25, and on page 13 strike out lines 1 and 2, and insert the following in lieu thereof: "No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station except to the person or persons to whom the same may be directed or to another station employed to forward such message to its destination, unless legally required so to do by the court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than $250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court."

On page 13, line 7, after the word "dollars," insert the words "to be imposed by the Secretary of Commerce and Labor."

On page 13, lines 9 and 10, strike out the words "which shall be deemed a misdemeanor."

On page 13, line 16, strike out the words "which shall be deemed a misdemeanor," and in line 17 strike out "may" and insert "shall," and after the word "suspended" add "or revoked."

On page 15, lines 7 and 8, strike out the words "or in any district in which the offender may be found."

On page 15, after line 12, insert as a new section:

"SEC. 10. This act shall not apply to the Philippine Islands."

On page 15, line 13, change "Section 10" to "Section 11."

On page 15, line 14, change "90 days" to "4 months."

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ADAMSON, for 10 days, on account of illness in his family.

To Mr. KONIG, for one week, on account of sickness.

To Mr. MCGUIRE of Oklahoma, for three weeks, on account of important business.

To Mr. HUGHES of Georgia, for three days, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. WHITE, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of James L. Dalzell, H. R. 18775, Sixty-second Congress, second session, an adverse report having been made thereon in the Senate Committee on Pensions.

SALE OF LANDS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22647) providing for the sale and entry of certain lands in the State of Oklahoma, and for other purposes.

The Clerk read the bill as follows:

Be it enacted, etc., That the following-described tracts of land within the State of Oklahoma, to wit, the southeast quarter and the south half of the northeast quarter of section 30, the east half of section 31, and section 32, all in township 19 north of range 13 west of the Indian meridian; and the west half of section 5 and the northeast quarter of section 5, and section 6, all in township 18 north of range 13 west of the Indian meridian; and also any other tract or tracts of land within what was formerly the Cheyenne and Arapaho Indian Reservation which heretofore may have been reserved for agency or school purposes which, in the judgment of the Secretary of the Interior, are no longer needed or necessary for the purpose for which said tract or tracts were originally reserved; and said lands shall be opened to entry and settlement and the proceeds thereof disposed of under the conditions, terms, and provisions prescribed in the act approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes."

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman in charge of the bill a question. I observe by the report that the Secretary of the Interior says that they need these lands if this school is to be continued at this place. Now, this bill provides for selling a certain portion of these lands. Can the gentleman inform the House whether there is still sufficient land left for all the purposes of the Government?

Mr. MORGAN. I think about 800 acres.

Mr. FOSTER. What is being done with the land?

Mr. MORGAN. The Government leases the lands to parties wherever it can.

Mr. FOSTER. What is the object in wanting to sell these lands?

Mr. MORGAN. In the first place, it is the policy of the Government to dispose of surplus lands for homes wherever it can. These lands will be disposed of in 80-acre tracts. It is a drawback to the country, because these lands are not taxable. They should be sold so as to make them taxable. These men who lease these lands do not occupy them to make homes. Their homes are outside the reservation.

Mr. FOSTER. The rental that is received from these lands goes into the National Treasury.

Mr. MORGAN. I understand not; I understand the Secretary of the Interior uses it for the education of the children.

Mr. FOSTER. As I understand, if the Government sells this land, it will be necessary to appropriate that much more money for the support of these Indian schools.

Mr. MORGAN. No; as the lands were reserved for the education of the children, the funds will be used for the same purpose. The interest on this fund will be more than the rental amounts to.

Mr. FOSTER. Does not the gentleman think that next year there will be an Oklahoma delegation coming here for a larger appropriation for this school as the result of the cutting down of the revenues derived from these lands?

Mr. MORGAN. I can not tell the exact amount of revenue that comes from the 3,000 acres, but there is only a portion of it leased. It is very small. The income would be much greater from the interest on the proceeds than what the Government is getting now. I think the income derived from it now is very little.

Mr. FOSTER. What is the land worth?

Mr. MORGAN. I suppose it would sell for from $10 to $30 an acre.

Mr. FOSTER. Would not the land rent for more than 4 per cent on $10 or $30 an acre?

Mr. MORGAN. It is not all leased; it is in pasturage and not in a high state of cultivation. I could not say how much is in cultivation, but my understanding is that only a small portion of it. At present the Government and the Indians are getting only a limited income from it, a negligible quantity.

Mr. FOSTER. How much are they getting?

Mr. MORGAN. Mr. Speaker, to be frank, I do not know how many acres are in cultivation, and I can not give the gentleman any information. I would not want to mislead him. I am giving an impression. I know in passing around this reservation, just looking over it, I would not think that one-fourth of it was in cultivation.

Mr. FOSTER. This land is increasing in value, is it?

Mr. MORGAN. I would state that this county has been settled for 15 to 18 years. There is a railroad which runs close to these lands. My judgment is that these lands now will sell for practically their full value for land that is not improved. It is a well-settled county, and there is a railroad within a reasonable distance. I think the land would sell for practically all it is worth, or all that it would be worth in a number of years.

Mr. FOSTER. This land is suitable for farming?

Mr. MORGAN. Yes.

Mr. FOSTER. I do not believe it ought to be the policy of the Government, while continuing this Indian school at this point, to sell these lands. Whatever revenue is derived goes to the use of the school. It occurs to me that the Government might just as well keep this tract of land.

Mr. MORGAN. Mr. Speaker, I hope the gentleman will not object. I think he ought to take into consideration the fact that as long as these lands are untaxed they are a burden to the white people who support the schools, who support the local government. In other words, in order to make a little money for the Indians and the Government of the United States you are putting an additional tax on the farmers and other taxpayers of that country. I do not think it is good policy for the Government to hold lands for speculation at the expense of the taxpayers, who have a hard enough time to develop and make that new country.

Mr. FOSTER. I will say to the gentleman that if they tax all these 3,800 acres of land at the valuation the gentleman puts upon it I judge that failure to get the money would not impoverish the State of Oklahoma nor make it rich if she received it.

Mr. MORGAN. Yes; but in that community there are white children who must be educated. Somebody must pay that money. The National Government does not do that. Those people who live out there in that country have a hard enough time getting along and establishing the elements of society. You are doing an injury by holding these lands from settlement and occupation. You are doing an injury to the white people.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. BURKE of South Dakota. It is my judgment that this bill ought to pass and that the amendment of the Committee ought to be disagreed to.

Mr. FOSTER. I will say to the gentleman from South Dakota frankly that if there is any possibility of that the objection will be made immediately.

Mr. BURKE of South Dakota. Just one moment. I think when the gentleman understands the bill he will probably take a different view of it.

Mr. FOSTER. I would state to the gentleman that I notice by the report of the Secretary of the Interior he says:

> The Indian Office has received from the superintendent of the cantonment school a report, from which and from other information in the Indian Office it appears that the lands described have been and are now being used for school and agency purposes. The superintendent says he knows of no reason for selling any part of the reservation at this time unless it should be decided to discontinue the cantonment agency and school.

Mr. BURKE of South Dakota. I took it for granted that there was no longer any use for the lands.

Mr. FOSTER. Are they not continuing the school there?

Mr. BURKE of South Dakota. The gentleman from Oklahoma, perhaps, can give us that information.

Mr. MORGAN. They continue the school, but there are 800 acres left for the use of the Indian schools. I would be willing to have this bill amended so as to leave it entirely to the discretion of the Secretary of the Interior to open those lands when he thinks they are not any longer needed.

Mr. FOSTER. Let me ask the gentleman this question: Would he be willing to incorporate an amendment in this bill providing for the discontinuance of this school at this place?

Mr. MORGAN. No, certainly not; because I think the Indians need that school there, but I would be willing to add an amendment to this effect:

> *Provided*, That these lands should not be disposed of under this law until the Secretary of the Interior shall determine that the same are no longer needed for Indian school or agency purposes.

I would be willing to add an amendment of that kind. Then the matter could go on for one or two or three years, or until the Secretary of the Interior concluded that they were not any longer necessary for that purpose. It would be at his option and discretion. I would be willing to add that amendment.

Mr. FOSTER. This Congress, in the Indian appropriation bill, passed an appropriation for the support of this school, did it not?

Mr. MORGAN. It did.

Mr. FOSTER. And the gentleman from Oklahoma was here advocating the appropriation which the committee allowed for the support of this school.

Mr. MORGAN. Well, it was contained in the general appropriation bill for that purpose.

Mr. FOSTER. And there was no objection upon the gentleman's part to the appropriation of this money for the support of this school and no thought of removing it from that particular place?

Mr. MORGAN. No, sir; I did not want to do any injustice to the Indians.

Mr. FOSTER. Does not the gentleman really think it is an injustice to those Indians at this particular time to sell this particular land now instead of letting the proceeds or whatever money there may be now remain on the chance that in Oklahoma there will be an increase in the value of this land, and in a few years it will be worth much more than it is now?

Mr. MORGAN. I am willing to agree to offer this amendment: That this land shall not be disposed of until the Secretary of the Interior shall determine that it is no longer necessary and can be of no further advantage for Indian school purposes.

Mr. FOSTER. It is my judgment, as long as the Government maintains the school at that particular place, with 243 Indians at this particular time——

Mr. MORGAN. No; only 60.

Mr. FOSTER. I may have read the report wrong.

Mr. MORGAN. I think that only shows there are only 60 pupils.

Mr. FOSTER. I see there are 243 Indians within the jurisdiction of the agency.

Mr. MORGAN. All of which do not attend the school; there are only 60 who attend the school.

Mr. MILLER. May I ask the gentleman this question: Providing this tract of 3,000 acres will be placed upon the market, then how much land remains for the use of the school?

Mr. MORGAN. Eight hundred acres, which is ample.

Mr. MILLER. There are about 3,000 acres to be placed upon the market.

Mr. MORGAN. Yes; about 3,000 acres.

Mr. MILLER. And it is contemplated to still reserve 800 acres in the future?

Mr. MORGAN. Yes, sir.

Mr. MILLER. Can the gentleman give any idea of the possible use to which this school can put the 800 acres? Would not 160 acres be ample?

Mr. MORGAN. I think 160 acres would be ample, but I did not want to crowd it down too closely.

Mr. MILLER. If the gentleman will permit, I would like to suggest to the gentleman from Illinois, because he is interested in this subject, speaking for one member of the Committee on Indian Affairs, who has during the last two or three years been taking some special interest in the schools in the Indian country and the education of the Indian children, I think I can say without hesitation that large land areas in connection with schools are an absolute farce.

I do not believe that the welfare of the school and the welfare of the Indians or the welfare of any department of the Government is served by retaining a large acreage dealing with any school. It is apparent why. We had in contemplation at the time when we set apart these tracts of land the idea of instructing them in agriculture. Now, when you come to instruct 200 or 300 Indians in agriculture extending over an acreage of 3,000 or 4,000 acres, you have lost your idea of intensive farming and instruction in agriculture, and you can only carry it on successfully where the area is probably not

more than two sections or a section, or 160 acres even. There is no possible use to which this school could put 800 acres of land, let alone nearly 4,000.

Mr. FOSTER. The gentleman may be right on the general proposition, so far as educating the Indian is concerned, but it has occurred to me while we are keeping up a school and agency at this particular place we ought not to sell off this land, and it does not cost the National Government to keep this land.

Mr. MILLER. One further thought and that is that I do not agree with the gentleman from Oklahoma that the proceeds should be placed to the credit of this Indian school. Now, why? It certainly is not good policy to give to any school or collection of schools a source of income independent from the Federal Treasury and from the Government.

Mr. FOSTER. I think the gentleman is right on that point.

Mr. MILLER. We should never do that in any case. I think the funds ought to go into the United States Treasury.

Mr. FOSTER. I think the gentleman is exactly right. I believe that it is but fair and right that the Government should keep these lands, and if there is any benefit to come on account of the increased price in that great and enterprising State of Oklahoma, and it is likely to come within the next few years, is there not some friend of the National Government here, some time in the history of Congress, who would be willing to see that the National Government's interest be looked after?

Mr. RUCKER of Colorado. I do not believe the gentleman from Illinois [Mr. FOSTER] understands the amendment proposed by the gentleman from Oklahoma [Mr. MORGAN], which obviates all of the argument which the gentleman from Illinois has made against this, and that is to the effect of leaving the matter in the hands of the Secretary of the Interior, and that when it becomes desirable to abandon this proposition, then the land shall be sold. I understand that is the amendment, and I do not believe that the gentleman from Illinois understands it.

Mr. FOSTER. I understand it all right.

Mr. RUCKER of Colorado. It does look to me like 800 acres is a great big tract of land, and it is bigger than we have for colleges for the education of these people.

Mr. FOSTER. Does not the gentleman see the possibility in the near future that Congress may be called upon to set apart some land and possibly go down there after this land has been sold and buy it back for the purpose of starting an experimental school where we may teach the Indians how to farm?

Mr. RUCKER of Colorado. That may be so if there is an increase in the Indian population, but statistics show there is a decrease from year to year.

Mr. MORGAN. I hope the gentleman will not make any objection. The proceeds from the sale of this land is to go to the benefit of the Indians. It is to draw interest. The land will probably sell at an average of $20 an acre, and the interest from the sale of these lands will bring as great an income—I think a much greater income—than will come from renting the lands, as they have them now. I do not think the gentleman ought to insist on the white people down there paying an extra tax every year. I do not think the gentleman ought to insist on the white people suffering in order that the Government may enter into the real-estate business and in the course of 10 or 15 years get a little more for this land.

Mr. FOSTER. I do not believe the gentleman believes for one minute the United States Government has mistreated Oklahoma in the matter of these schools. The gentleman knows that each year the National Government is called upon to appropriate out of the Indian funds certain sums of money as advance payment in order to go down there and pay the Indians in Oklahoma. The gentleman will realize that that is some benefit to the people of Oklahoma.

Mr. BURKE of South Dakota. It is the Indians' own money.

Mr. FOSTER. That may be true; but if you will take it out of the Treasury continually they will be coming up here after awhile asking that the Government take care of these Indians.

Mr. MORGAN. I do not believe that.

Mr. FOSTER. It may not happen, however, during your time or mine.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. I take it the gentleman from Illinois [Mr. FOSTER] has examined this report?

Mr. FOSTER. Yes; I have read it.

Mr. STEPHENS of Texas. The Secretary makes this statement in regard to this bill, which is made a part of the report on this:

Although, as before mentioned, it would appear that the act of June 17, 1910, confers sufficient authority upon the department to open to entry the lands in question when they shall be no longer required, yet if the bill may be amended in such manner as to enable the Secretary to sell the lands and devote the proceeds to a proper purpose when in the future occasion for such action shall fully appear, it would have no objection to its passage as so amended.

Now, that language recommends and proposes the very amendment suggested here and is as follows:

In order to reach this result I would recommend that the bill be amended by striking out all after the word "purposes," in the thirteenth line on the first page, and inserting in lieu thereof:

"and which are no longer necessary for school or agency purposes, may be opened to entry and settlement and disposed of in accordance with the provisions of the act approved June 17, 1910, entitled 'An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes,' or, in his discretion, may be sold by the Secretary of the Interior, under such rules and procedure as he may prescribe, and the proceeds thereof shall be available for expenditure for the benefit of the Cheyenne and Arapaho Indians for their schooling or education, or for the maintenance and improvement of any schools established for them: *Provided*, That the lands described, or any part thereof, shall not be so disposed of until the Secretary of the Interior, in the exercise of his judgment and discretion, shall determine that said lands are no longer required for school, agency, or other purposes."

That is the language suggested by the department, and with that language in the bill the department would have no objection to it. Let me call the gentleman's attention to the fact that there are but a few of these Indians. Of the Arapaho Tribe there are 243, and of the Cheyenne 513. There are 175 children in this school, and I think 800 acres of land for school purposes for a school of 175 children is not necessary, and that if the bill should become a law they would need but a few acres, and even if it was an industrial school you would not need over 100 acres. You would not find that in any State in the Union. Why should it be held back, with no taxes being paid, and preventing the settlement of that country?

Is the gentleman aware of the fact that this country is filled with people who have no homes? Why should we give 175 Indian children 800 acres of land when there are thousands of homeless people all over this country? This is very valuable agricultural land and should be covered with homestead settlers instead of lying idle, as it is now.

Mr. FOSTER. They are renting this land, are they not?

Mr. MORGAN. The Government can not rent the land to any advantage unless a man can take 160 acres and go on the tract. They can only rent it to some man who wants a little surplus land—a man who is living in the surrounding community. Now, if a man could go in there and establish a home and rent this farm he might do that successfully, but you can not manage it successfully otherwise. It is only the man who can go in there and farm this land.

Mr. FOSTER. The Indians are opposed to this, are they not?

Mr. MORGAN. I will say to the gentleman that the Indians originally filed a protest, but they have changed their minds since then.

Mr. FOSTER. There is nothing in the report to indicate that.

Mr. MORGAN. That is true; but the Indians have come here and investigated the matter and are willing now that the land shall be sold.

Mr. MANN. If the gentleman will permit, I understand the report says with reference to the Secretary of the Interior, that he now has authority to sell this land. Has the gentleman a letter from the Secretary of the Interior in which he says he was mistaken about that?

Mr. FOSTER. Does he state that he has authority to sell the land?

Mr. MANN. He stated that in a letter, and later he stated that he was in error when he made that statement.

Mr. MORGAN. On June 10, 1910, Congress passed an act opening another school reservation, and in that act it was provided that the Secretary of the Interior might sell and dispose of any other surplus land. That act of June 10, 1910, provided that the Secretary of the Interior might sell surplus land, but the act provided that it must be done within six months. Consequently, the Secretary of the Interior could not act upon this, because the six months have elapsed.

Mr. McGUIRE of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. McGUIRE of Oklahoma. I will state to the gentleman from Illinois [Mr. FOSTER] that at one time this was in my district and I am quite familiar with the conditions there. Now, when the tract of 4,000 acres was reserved, land in that country was regarded as valuable only for grazing purposes. It finally developed, in the course of the upbuilding of the country, that it is more valuable for farming purposes than for grazing. Subsequently, in opening the Indian reservations, it has been the policy of the Government and of Congress all along not to reserve a large quantity of the land for school purposes, but only one section or two sections.

Now, take the Pawnee Indian Reservation. On that reservation only one section was reserved for school purposes, where there are nearly 300 children. On the Sac and Fox Indian Reservation one section is reserved, where there are something more than 200 children. So that the policy of the Government has been entirely reversed since the authorities saw their mistake. This land ought to have been sold long since.

Now, here are 4,000 acres of land in a county where they need the taxes from every foot of land that will produce revenue. If the gentleman realizes that one-third or more of all the real estate and land in Oklahoma is nontaxable he can form some conception of the condition that confronts us. That is so by reason of its being Indian land.

Mr. FOSTER. I would suggest to the gentleman that he does not mean all that. The gentleman did not take into consideration the vast sums of money that the Government is spending in the State of Oklahoma. Does not the State of Oklahoma get some benefit out of all that?

Mr. McGUIRE of Oklahoma. What does the gentleman mean by "vast sums of money" spent by the Government in Oklahoma?

Mr. FOSTER. Well, I may say that the gentleman from Oklahoma, who was here during the consideration of the Indian appropriation bill, looked particularly after those matters, so that the Government should make ample appropriations down there for all the purposes that could be thought of for the benefit of the Indians.

Mr. McGUIRE of Oklahoma. The gentleman does not quite understand.

Mr. FOSTER. I suggest to the gentleman that if the vast number of employees of the Government that are kept in Oklahoma are of no benefit to Oklahoma, if their presence there is worth nothing to Oklahoma, why does the gentleman who so ably represents that part of Oklahoma on this floor look after all these matters so carefully, to see that they go into the State of Oklahoma?

Mr. McGUIRE of Oklahoma. If the gentleman will permit, Oklahoma would be exceedingly glad if every Federal officer was eliminated from the State. There is very little compensation in the few dollars paid to the officers in charge of the local Indian governments when compared with the loss of taxes from one-third of the land in the State which is nontaxable by reason of the fact that it consists of allotted Indian lands. We get a very little, but it would be worth far more to the State of Oklahoma if the Indian business could be eliminated entirely and we could have the benefit of the tax upon the one-third of the State now nontaxable. And I say to the gentleman again that if he withdraws his objection and this bill is permitted to go through it is only in line with the well-established policy of Congress and of the Government recently with respect to the quantity of land set apart for these schools. Not only that, but it would be an advantage in every particular, and there is not one reason known to the people on the ground who are familiar with all the facts why the bill should not pass. I hope the gentleman will withdraw his objection.

Mr. RUCKER of Colorado. How large is this school district in which the 800 acres are reserved?

Mr. McGUIRE of Oklahoma. I understand what the gentleman desires to know. There is nothing in the district that is taxable except personal property. The gentleman realizes what that means.

Mr. RUCKER of Colorado. For school purposes?

Mr. McGUIRE of Oklahoma. For school purposes.

Mr. RUCKER of Colorado. Nothing but personal property?

Mr. McGUIRE of Oklahoma. Nothing but personal property.

Mr. RUCKER of Colorado. That is, under the law of Oklahoma.

Mr. McGUIRE of Oklahoma. And the school district must of necessity be four or five times as large as it ought to be, and the children have to go to school five or six miles, where they ought to have to walk only a mile and a half or two miles.

Mr. RUCKER of Colorado. I think the gentleman does not understand my question. You have a certain school district there. This 800 acres is within that school district. How much more burden is it upon those who pay taxes for school purposes, who send their children to school, by reason of this 800 acres being withdrawn from taxation?

Mr. McGUIRE of Oklahoma. Four thousand acres.

Mr. RUCKER of Colorado. I thought it was 800 acres.

Mr. McGUIRE of Oklahoma. He must reserve 800 acres, but 4,000 acres are nontaxable.

Mr. RUCKER of Colorado. Is it an additional burden upon the taxpayers for school purposes within that school district?

Mr. McGUIRE of Oklahoma. It is

Mr. RUCKER of Colorado. How much?

Mr. McGUIRE of Oklahoma. It is very hard to tell, but I should say if this land could be taxed the people would probably be relieved to the extent of 80 per cent.

Mr. RUCKER of Colorado. If that was all that would be a very important reason why I should favor the bill.

Mr. McGUIRE of Oklahoma. I think the gentleman is quite right about that.

Mr. GARNER. If the gentleman from Oklahoma will accept the suggestion, if this is all there is as to the merits of the legislation, evidently gentlemen have about all the information necessary to determine whether they are going to give unanimous consent.

Mr. McGUIRE of Oklahoma. I think so.

Mr. MORGAN. I hope the unanimous consent will be given.

Mr. FOSTER. I think this bill had better go over for the present.

Mr. MORGAN. I hope the gentleman will let the bill go through.

Mr. FOSTER. I do not think I am willing this morning to let it pass. I shall object, unless the gentleman wants to let the bill go over.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FOSTER. I object, if the gentleman does not want to let it go over.

The SPEAKER. The gentleman from Illinois objects. The bill is stricken from the calendar, and the Clerk will call the next bill.

RENOVATED OR ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24828) to amend the law relative to the manufacture and sale of process or renovated or adulterated butter.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. BUTLER. I reserve the right to object.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to pass the bill without prejudice. Is there objection?

Mr. ANDERSON of Minnesota. Mr. Speaker, this bill has been on the calendar for three or four Mondays. It keeps everybody here who is interested in it, and it seems to me that it should be disposed of to-day. Unless it is disposed of to-day, I shall object.

Mr. KINKAID of Nebraska. As soon as we find and determine upon certain amendments that are objected to and which will go out, and can agree on its going out, and other objections that will be removed, then we will call the bill up.

Mr. BUTLER. I shall always object unless there is a sufficient report made on the bill. There is nothing in the report now to give any information.

The SPEAKER. Is there objection to the request made by the gentleman from Nebraska, that the bill be passed without prejudice?

Mr. MANN. Reserving the right to object, I would like to state that this bill purports to amend section 4 of the act of August 2, 1886, as amended by the act of May 9, 1902, and it does not do anything of the kind. I hope the gentleman will look up the matter and see what he is trying to amend and have the bill state what it intends to do. It does not amend what is stated in the bill.

The SPEAKER. Is there objection?

Mr. BUTLER. Reserving the right to object, will the gentleman from Nebraska say that there will be a report made on the bill, from which we can learn the purpose of the bill?

Mr. KINKAID of Nebraska. We will give the gentleman from Pennsylvania and all the membership of the House a very full report before it comes up again.

The SPEAKER. Is there objection to passing the bill without prejudice? [After a pause.] The Chair hears none.

FORT NIOBRARA MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22690) to subject the lands of the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that that bill be temporarily passed over on the calendar, without prejudice, for a short time.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to pass this bill temporarily without prejudice. Is there objection?

Mr. FITZGERALD. What does the gentleman mean by "temporarily"?

Mr. KINKAID of Nebraska. So that it may be called up later to-day if we can get ready; otherwise not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PATENT TO ENTRYMEN FOR HOMESTEADS ON RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was S. 5545, an act providing for the issuing of patent to entrymen for homesteads upon reclamation projects.

Mr. MONDELL. Mr. Speaker, to save the reading of the bill, I desire to say that, understanding there will be objection made to the bill in its present form and that there would not be objection, possibly, to the bill in an amended form of a substitute, I ask unanimous consent that the substitute may be read in lieu of the bill.

Mr. RAKER. To that I reserve the right to object.

Mr. MANN. I reserve the right to object to the bill unless we can have an understanding with reference to it. My understanding is that everybody concedes that a portion of the Senate bill is unworkable and impracticable.

Mr. TAYLOR of Colorado. If the gentleman will permit me. The Committee on Irrigation of Arid Lands has authorized me to offer a substitute for the bill. I assume that all the committee are in favor of it except, possibly, the gentleman from California.

Mr. RAKER. Mr. Speaker, I want to say that the committee have not had under consideration this substitute the gentleman refers to, and have never considered it; and it being a matter of so vast importance, turning over all the legislation for 50 years, I think the committee at least ought to have an opportunity to consider the proposed substitute or amendment.

Mr. MANN. If the gentleman will permit, this is a Senate bill, proposing to grant patents on irrigation projects. I think no one is opposed to the principles of the bill. Am I right about that?

Mr. RAKER. No; I think the gentleman is not right about it.

Mr. MANN. I had supposed that no one was opposed to the principle of the bill. It is admitted that certain provisions of the Senate bill are not workable, and the suggestion now is to strike out all after the enacting clause and insert provisions that have been suggested, so that the matter will go to conference, where the provisions that go into the law can be worked out and made perfectly workable.

Mr. FITZGERALD. In what shape is the substitute to be inserted after the enacting clause?

Mr. MONDELL. It is before the House.

Mr. FITZGERALD. Has it been reported?

Mr. MANN. It has not.

Mr. FITZGERALD. It is difficult enough to keep track of bills that have been reported from a committee, without being expected to keep track of thirty thousand odd bills introduced into the House.

Mr. MANN. It is not necessary to keep track of bills that have not been reported here. The principle involved in both is the same, and is covered in the Senate bill, which has been on the Unanimous Consent Calendar for some time.

Mr. FITZGERALD. Let me suggest that if the Committee on the Irrigation of Arid Lands would report a bill containing legislation in the shape in which it believes it should be, then Members who have some interest in the legislation might examine it and such a bill might be substituted; but it is not fair to take some bill that no one has ever read and to ask unanimous consent that it be substituted for a Senate bill, not for the purpose of having it enacted into law in the shape in which it passes the House, but of having it perfected in conference, where very few Members ever know what goes on.

Mr. MANN. Mr. Speaker, I appreciate the objection that the gentleman makes, and yet the principle in the Senate bill is one that is sought to be enacted into law in every case. The provisions of the Senate bill are intended to provide that on irrigation projects after a certain length of time, and certain work having been done, a patent shall issue, although the Government has not been paid the full cost of the proportionate share of the irrigation project, and that the patent shall be issued to the entryman subject to the lien of the Government. The Senate bill thereupon further provided in reference to enforcing the lien, and provided in a way that nobody on God's green earth could read and tell what it meant.

Mr. RAKER. Mr. Speaker, if such a bill has been reported by the committee, ought not the matter to go back to the Committee on Irrigation of Arid Lands, in order that they may have an opportunity to report and that the matter may go over?

Mr. MANN. Oh, I have no objection. I am not raising any question about that. I asked to have it passed over. I objected to the form of the Senate bill because, in my judgment, if enacted it would not accomplish the purpose for which it was intended, and in place of giving the entryman protection and credit it would not have amounted to anything at all. I have no objection to granting to an entryman a patent after a certain length of time, which secures to him some credit in dealing with other people, subject to the lien of the Government. I take it that the interest of the Government is, first, to permit the entryman to go upon the land, and second, to secure to the Government the proportion of payment due the Government for the construction of the irrigation project.

Mr. RAKER. Has the gentleman considered, in connection with that, other features in regard to this bill that are different from any legislation that has ever been enacted? Has he considered the question of the State taxes, involving the municipal tax, and what shall become of the land if they are not paid? Has he considered the question of the jurisdiction of the circuit and district courts of the United States in regard to foreclosures or the right of redemptioners in regard to this bill? Has he considered the other proposition in regard to creating new officers, practically new land officers, in these 32 land districts, which give that agent the same power as the Commissioner of the General Land Office now has, as well as the register and receiver, and many other important matters in regard to the bill? If the Senate bill did not make those plain and specific, how is the House to know whether or not the substitute is plain and specific when the committee has not had an opportunity to even consider it?

Mr. MANN. I have no criticism of the gentleman if he asks to have the bill go over. I would say to the gentleman that I considered all of those things. I am not on the committee. I considered other things as well which he has not enumerated, because no one could tell from the bill as it passed the Senate what effect it would have. I was not willing that it should pass in that form, but I am quite willing that the gentlemen who are interested have their attention called to it in order that they may prepare a bill which clearly does conserve the rights of the General Government and grants the patent.

Mr. RAKER. I want to call the gentleman's attention to the further fact that the bill provides that immediately upon default the title passes that moment into the Government, and then down further in the bill it provides that if the debtor does so-and-so some one else does so-and-so, the title goes back again. So you have the title shifting here like a shuttlecock and no one will be able ever to tell where the title actually is.

Mr. MANN. That is one of the objections to the form of the Senate bill; the gentleman and I both discovered that.

Mr. MONDELL. But it does not apply to the bill proposed to be substituted for the Senate bill, however, I will say to the gentleman from California.

Mr. RAKER. I do not believe that a matter of this importance ought to be adopted as a substitute or as an amendment in the House without any consideration by the appropriate committee having jurisdiction of such legislation.

Mr. MONDELL. Does the gentleman propose to object to the consideration of the measure.

Mr. TAYLOR of Colorado. I want to say, in answer to the gentleman, that the committee have considered and thrashed out the bill and the subject of the various forms of forfeiture and benefits to be obtained by the homestead entryman under these 32 reclamation projects very exhaustively. The whole subject has been gone over very fully, and that is the reason it was put on the Unanimous Consent Calendar.

Mr. SMITH of Texas. If the gentleman will permit me, I want to call attention to the fact for the benefit of the gentleman from New York [Mr. FITZGERALD] that the Committee on Irrigation of Arid Lands has considered this Senate bill very thoroughly and reported it with certain amendments, some objection having been made to certain provisions by the members of the committee, and most of them informally have agreed to accept the substitute that was prepared by Mr. MONDELL. It is not like the case of a Senate bill coming over here and without any consideration by the committee accepting a substitute offered on the floor of the House.

Mr. FITZGERALD. The gentleman's statement shows the necessity of some care in the consideration of this bill. The committee reported a Senate bill with certain proposed amendments and then their attention having been called to certain alleged defects in the bill they had some gentleman prepare what they now call a substitute perfecting the bill, but not in such shape as may be desired by other Members of the House who might be interested in this legislation, and now ask that what they call this perfected substitute be passed by unanimous consent.

Mr. SMITH of Texas. The committee has passed the substitute.

Mr. FITZGERALD. But some other Members besides members of the committee are interested in legislation that passes through this House. Some persons other than those representing those desiring to get these lands wish to have an opportunity at least to examine the legislation that is to be enacted into law.

Mr. RAKER. Mr. Speaker, I want to say this in response to what the gentleman from Colorado said——

Mr. TAYLOR of Colorado. I had not finished my statement. I will state—what everyone knows—the committee have been having a hard time to secure a quorum lately. For several meetings we have been without a quorum. I do not know whether the gentleman from California has been there all the time or not——

Mr. RAKER. I want to call the gentleman's attention to the fact that I have been there every meeting except one meeting, when I was away on important business.

Mr. TAYLOR of Colorado. Was the gentleman there last Saturday?

Mr. RAKER. I was.

Mr. TAYLOR of Colorado. You know we did not have a quorum, and if we had we expected this matter to be one of the subjects of consideration, and not being able to get a quorum we have been considering this matter, not only among the members of the committee, but with the author of the bill in the Senate and with gentlemen on the opposite side of the Chamber and with the minority leader also, and the only thing that is in dispute is in the phraseology and modus operandi of the forfeiture. In the substitute we believe it is more intelligible and workable. That is merely a side issue and incidental. That is all there is to it, and it improves the measure, and we feel that this is of great importance to thousands and thousands of homeseekers under these 32 reclamation projects, who are now absolutely held up by the gills. Some of them will not be able to get title within 20 years. They have no basis of credit by which they can even go to town and buy a sack of flour. By this bill they will be able to get title and the Government will be protected by a lien in full, and it will be of great benefit to all the 15 Western States and all the reclamation projects, and I hope no gentleman will object to the measure.

Mr. RAKER. In regard to that matter I want to call the attention of the gentleman from Colorado to the fact when the national irrigation law was passed it was the intention that each man should have a homestead, that he should not barter or sell it, but that he should have the water right to but 160 acres of land or the farm unit under that reclamation project. Now, the very fundamental principle under which that act passed this act repeals, and permits a disposition of the land.

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Not right now, until I get through.

Mr. LAFFERTY. Well, when the gentleman gets through I can get time in my own right, and I will try to return the courtesy.

Mr. RAKER. If it will make any difference I will yield to the gentleman now; this is the first time I have had an opportunity to say a word.

Mr. LAFFERTY. I decline to accept the floor at this time.

Mr. RAKER. Under the Government's lease it might be sold, and anyone owning a dozen other tracts might bid in that tract, that he might mortgage it before the payments had been made, and that would then put it in the hands of an individual holder under the project. Thereby, by this method, instead of reserving the homes, one man under the project might be the owner of all the homes under that project by virtue of this operation of law, and therefore control the dam, control the works and water conditions, and thereby freeze out the other 49 per cent under this project. That will be the result of this bill if carried out.

Mr. SMITH of Texas. Could not that be done in regard to private lands, and could not that be done with entrymen who have complied with the law under the present law?

Mr. RAKER. It could not be done under the present law.

Mr. SMITH of Texas. This bill would leave the situation just as it is to-day?

Mr. RAKER. No; for this reason: That you are getting the bounty of the Government to build these reclamation projects, with an understanding that you go there and build your home and you live there; that you will improve the country; and under the policy of this act no man should have any more than 160 acres and the water right, or a lesser unit if directed by the reclamation project. Now, what have we come to? I admit under the general law one man can buy as much land with his money as will enable him to monopolize the community, and this reclamation bill was to prevent that very thing. Now, as it is, before the Government has completed its project, with $9,000,000 invested, we pass a bill by which the Government may foreclose those men; Tom, Dick, and Harry may buy it; and one man may become the owner of 51 per cent of all the land and all the water right under this project, and thereby squeeze out the balance of those homesteaders who went there for the purpose of making their homes. Is that the object and purpose of the reclamation act or the homestead act?

I want to call your attention, Mr. Speaker, to the further fact——

Mr. MONDELL. I do not believe it will be possible for the House to secure unanimous consent for the consideration of this bill, and I therefore object to its further consideration.

The SPEAKER. The bill will be stricken from the calendar, and the Clerk will report the next one.

PATENTS TO SEMINOLE ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The bill was read.

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection?

There was no objection.

DAMS ACROSS DUCK RIVER, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn.

Mr. RAINEY. Mr. Speaker, I make an objection to the bill.

Mr. AUSTIN. Mr. Speaker, I hope the gentleman from Illinois will withhold his objection until the gentleman from Tennessee [Mr. PADGETT] has an opportunity to be heard. I ask that the bill be passed without prejudice.

Mr. COOPER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

DAM ACROSS MISSISSIPPI RIVER BETWEEN IOWA AND ILLINOIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23284) to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill.

Mr. RAINEY. Mr. Speaker, I object, in order to save the reading of the bill.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] objects, and the bill will be stricken from the calendar.

Mr. MANN. Mr. Speaker, there are a number of these bills on the calendar, and——

Mr. RAINEY. I expect to object to all of them.

Mr. MANN. The gentleman just permitted one to be passed without prejudice.

Mr. RAINEY. That was because the gentleman from Tennessee [Mr. PADGETT] was not present. However, I expect to object to it.

Mr. PEPPER. Mr. Speaker, I ask that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] has already objected to the consideration of it.

DAM ACROSS OSAGE RIVER, MILLER COUNTY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24067) providing for the construction, erection, maintenance, and operation of a dam across the Osage River, in Miller County, Mo., for the purposes of improving navigation and the development of water power.

The bill was read.

The SPEAKER. Is there objection?

Mr. RAINEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] objects, and the bill is stricken from the calendar.

DAM ACROSS CLINCH RIVER, ANDERSON COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23571) authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River, in Anderson County, State of Tennessee.

The bill was read.

The SPEAKER. Is there objection?

Mr. RAINEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] objects, and the bill is stricken from the calendar.

Mr. AUSTIN. Mr. Speaker, will the gentleman from Illinois [Mr. RAINEY] give us the reason why he objects to these local bills?

The SPEAKER. The gentleman from Illinois objects.

DAM ACROSS KOOTENAI RIVER, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24196) to authorize the construction of a dam across the Kootenai River, in the State of Montana.

The bill was read.

The SPEAKER. Is their objection?

Mr. RAINEY. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] objects, and the bill is stricken from the calendar.

DAMS ACROSS CLINCH AND POWELL RIVERS, ANDERSON COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24028) authorizing and permitting the Tennessee Hydro Electric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee.

The bill was read.

The SPEAKER. Is there objection?

Mr. RAINEY. I object, because the Government has as yet adopted no fixed policy with reference to water powers in our navigable rivers. All these reports are very meager and insufficient. There is no question about the rapid formation of a water-power trust, and for these reasons and many others I object.

Mr. AUSTIN. Mr. Speaker, if the gentleman will give me three minutes' time I think I can satisfy him that this is an exceptionally meritorious bill. It proposes to establish a water power where Congress has already authorized a survey for the improvement of the river. It means the improvement of an important river at private expense.

Mr. RAINEY. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] objects.

Mr. AUSTIN. I will say to the gentleman from Illinois that he will never get a bill through by unanimous consent as long as I am in Congress if he persists in maintaining this attitude of objecting to purely local bills.

The SPEAKER. All this is out of order. The gentleman from Illinois [Mr. RAINEY] objects, and the bill is stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;* and

H. R. 17239. An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 59.

Resolved by the House of Representatives (the Senate concurring), That the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the enrolled bill (H. R. 23515) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors," be rescinded; that the Clerk be directed to reenroll said bill; and that in the reenrollment of said bill the Clerk be, and he is hereby, authorized and directed to amend the title of said bill by striking out the word "of" where it first appears in the fourth line thereof and insert in lieu thereof the word "and."

INVESTIGATION OF CERTAIN COAL COMPANIES, TWO HARBORS, MINN.

The next business on the Calendar for Unanimous Consent was the House resolution 577 to investigate certain coal companies doing business in Two Harbors, Minn.

The resolution was read, as follows:

House resolution 577.

Resolved, That the Commissioner of Corporations be, and hereby is, authorized and directed to make an investigation of the facts touching the handling and selling of coal at the city of Two Harbors, Minn., in accordance with the powers and authority granted to said commissioner by section 6 of an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and the acts amendatory thereof and supplemental thereto, to determine whether the said city of Two Harbors was and is prevented from purchasing coal in wholesale quantities by an agreement, understanding, or conspiracy by and between companies, persons, or partnerships engaged in the coal business and in interstate commerce, and to determine whether any of said companies, persons, or partnerships have committed acts in restraint of trade or otherwise contrary to law in connection with the matters herein referred to.

Mr. MANN. Mr. Speaker, reserving the right to object, does the gentleman from Minnesota [Mr. MILLER] desire to have this bill disposed of?

Mr. MILLER. I desire to have it disposed of favorably and passed by the Congress.

Mr. MANN. Does the gentleman desire to have it disposed of adversely?

Mr. MILLER. I do not.

Mr. MANN. I think the gentleman had better ask to have it go over.

Mr. MILLER. I can not see any possible reason why the gentleman should find it necessary to object. I had very nearly completed a brief statement of the facts in this case two weeks ago when the urgency of legislation necessitated the amputation of my remarks. [Laughter.] I think the gentleman from Illinois [Mr. MANN] ought to be willing to let this go through, even if there has not been a complete elucidation of all details.

Mr. MANN. I know what the facts are; I appreciate the difficulties surrounding the case; but it seems to me, I will say to the gentleman, that it goes beyond the intended scope of the Bureau of Corporations, and at this time, with my present information, I shall be constrained to object.

Mr. MILLER. Will the gentleman give me about two minutes to explain it?

Mr. MANN. So far as I am concerned, I have never cut off anybody in my life from opportunity to discuss legislation. I will reserve the right to object.

Mr. MILLER. Without going into a detailed discussion of this measure, I wish to call the gentleman's attention and the attention of the Members of the House to certain striking facts. Of late we have become exercised over the high cost of living, and complaint is heard all over the country. Statesmen and laymen offer many suggestions to relieve the distress. Here is a concrete case. The city of Two Harbors, Minn., consists of about 6,000 people, and three-fourths of the men are laboring men employed on the great docks or on the railroads. It is an industrious, enterprising, progressive city. Its government is under a home-rule charter prepared and adopted by its people in accordance with the laws of the State. The city council, responding to the wishes of the people and zealous to promote the welfare of the citizenship generally, aimed to reduce the high cost of living. In that climate, naturally rigorous during a considerable part of the year, fuel is one of the largest items in the family expenditures. Accordingly the city council took appropriate steps to purchase coal in wholesale quantities and sell to the citizen consumers at prices greatly reduced from the prevailing retail prices.

They advertised for bids, and many companies submitted bids. The bid of one company was accepted, and there was a part performance of the contract under that bid. Thereafter the company said it could not furnish any more coal, and all of the other companies said likewise. Now, that may have been for either one of two reasons, either of which calls for the passage of this resolution. It may be they thought there was not due authority in the city council under its charter to engage in this enterprise. If that is true, the city ought to know it, so that it may adopt such provisions as will give a local community of this character authority to carry on such a work. They have the legal authority under the statute to adopt such provisions as the citizenship of the community may desire. They do not know why the coal companies refused to furnish this coal. No reason was given. The companies simply said deliberately that they would not supply the coal. It may be that these coal companies entered into an unholy alliance or conspiracy by which they each and all agreed that they would not sell any coal to this community for the community to sell at retail to its citizens.

If that is the reason, the city ought to know it, the world ought to know it, and appropriate action ought to be taken by the community and by the Government. I understand one reason urged by the gentleman from Illinois for objecting to this bill is that he thinks it is not proper for the Commissioner of Corporations to investigate this which he, with perhaps a good measure of truth, thinks is a somewhat local affair, but I want to call the gentleman's attention to the fact that it is more than local. It is both local and national. If this is to be passed over in silence and all other acts of a similar kind are likewise to be passed over, then the door is closed to all municipalities that desire to solve the problem of the high cost of living. If a community can not enter into a purchase of commodities in wholesale quantities and sell to its citizens in Two Harbors, Minn., it can not do so in any other place. It is time now to say whether a community's efforts in this direction are to be palsied and brought to naught by a conspiracy among concerns enjoying governmental protection and engaged in interstate

business. I for one think that where there is such a splendid opportunity for an investigation as exists here, where all of the companies are large concerns engaged in a distinctly interstate commerce, there should be an investigation by the Commissioner of Corporations and a result secured.

I have in my hand the act establishing the Department of Commerce and Labor, which act I read before I drafted the resolution that is now up for consideration. I should like to read a sentence or two in a paragraph on page 3 of the act, which reads:

The said Commissioner—

Of Corporations—

shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers subject—

To an act which is specified.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. MILLER. Yes.

Mr. FITZGERALD. Why did they not present this matter to the Federal grand jury?

Mr. MILLER. I can not say why they did not, but I can state a reason why I would not—because the Federal grand jury would not be naturally competent to make an investigation of this character, because they are not equipped as lawyers, and are not equipped with the methods for carrying on an investigation. It seems to me it is distinctly the business of the Commissioner of Corporations to investigate exactly such a subject as this.

Mr. FITZGERALD. The resolution introduced by the gentleman from Minnesota says:

And to determine whether any of said companies, persons, or partnerships have committed acts in restraint of trade or otherwise contrary to law in connection with the matters herein referred to.

I do not think that is a part of the duty devolved upon the Commissioner of Corporations.

Mr. MILLER. I will ask the gentleman from New York if it is not a duty that the Commissioner of Corporations has at least been assuming to perform during the past three or four years? Have we not had report after report coming to this body from the Commissioner of Corporations in which he does exactly such things?

Mr. FITZGERALD. I want to call attention to the fact that the gentleman ought to put in here a provision that the report shall be submitted to Congress, because under the act creating the Department of Commerce and Labor the gentleman might not get the information that was gathered.

Mr. MILLER. I would have no objection to an amendment making that change; all we want to know is the facts.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MILLER. I will.

Mr. LINTHICUM. As I understand the gentleman, a number of bids were submitted?

Mr. MILLER. Five or seven.

Mr. LINTHICUM. And one of the bids was accepted?

Mr. MILLER. It was.

Mr. LINTHICUM. And then that company refused to furnish the coal?

Mr. MILLER. It supplied five carloads and then refused to supply any more, and each and all of the companies then said they would not supply any.

Mr. LINTHICUM. Could not these facts be had and this thing be tested under a suit for breach of contract?

Mr. MILLER. I am not certain about that. It would be an unsatisfactory and fragmentary method, it seems to me. This goes into the larger question, whether a community of that kind has the right to enter into that sort of a contract and carry it on, and whether interstate commerce corporations shall obey the law.

Mr. LINTHICUM. I wanted to make the suggestion to the gentleman.

Mr. MILLER. It may be that that would be one method of procedure, but this seems to me to be the better and more methodical way. The reason that I selected the Commissioner of Corporations is because he can do it without any expense to the Government. It is work that the commissioner and his associates are already engaged in; they are acquainted with the method and the procedure and know how to go about it. They can do it without expense; it is within their line of work, and it is carrying out the duties which they were originally constituted to perform, and I think the public welfare will be benefited by it.

Mr. LINTHICUM. Does the gentleman know whether they refused to carry out the contract because they contend that the city charter did not give them the power to make such a contract? Is the Commissioner of Corporations to go into the question whether they did have such a power? I think the gentleman ought to find out all these facts before he comes here with this proposition.

Mr. MILLER. What we desire to know is whether they gave it as a reason for not furnishing the coal that the power was not in the city charter.

Mr. LINTHICUM. Would it not be best first to investigate whether they had the power?

Mr. MILLER. That might be one way, but this appeared to me as being the most direct and the most likely to produce beneficial results.

Mr. LINTHICUM. I want the gentleman to understand that I am in favor of the investigation, but I think he first ought to lay the proper foundation for the investigation.

Mr. MILLER. Mr. Speaker, corporations engaged in interstate traffic here refuse to perform work for which they naturally exist and are constituted under circumstances that imply an illegal combination and conspiracy. I think it is highly desirable that the Commissioner of Corporations should investigate the facts and report. Now, one word more. As I understand the situation just now and the feelings that peculiarly agitate gentlemen on the other side of the aisle, it is desired by them to save this great Nation in many ways. One of the ways is to reduce the high cost of living. They have given us an exhibition of unity and harmony almost unparalleled in one respect. It seems to me that it is now time to give an exhibition of good, conscientious performance of a declared purpose. Here is an opportunity to show whether they desire to do or whether they simply intend to talk. There does not exist anywhere in the country, as far as I know, a place, big or little, where actual performance can be indulged in to better advantage than this to which I have called attention. On the one side a community of laboring people; on the other coal barons. Which side will you take? If flagrant acts like this can go unpunished and unchecked, no wonder the price of coal is raised by the coal barons with a contemptuous glance at the American public. I will say to the gentlemen on that side of the aisle, as well as to the gentleman from Illinois, that I have petitions from hundreds of cities and villages, signed by many thousands of citizens, asking that this investigation should be had by the Government. They are interested in the case, and they know if the investigation is made by the Government it will be authentic, it will be thorough, it will be honest, and when the result is attained the people of the entire country will both know it and accept it. A grand jury up in Lake County, where this city is located, might attempt an investigation, arrive at a result, indict the parties thereto perchance, and the parties be tried, be convicted, but nobody out of the confines of that particular region would know much of anything about it. Of course I am assuming in that statement that somebody is guilty and who lives in that county.

Mr. GARNER. Is the gentleman trying to whip us on this side of the aisle with the hope that the tail of the lash may reach the gentleman from Illinois? [Laughter.]

Mr. MILLER. I was talking over to that side, hoping that some of it might reach gentlemen on this side of the aisle in case any of it is needed here.

Mr. LINTHICUM. The gentleman says that he was talking to this side of the aisle. Has a gentleman on this side of the aisle said one word against his proposition?

What I want to say is this: Suppose we do go into this investigation and that investigation finds all these facts which the gentleman fears to exist, yet you have not then decided that these men have not the right to insist upon the performance of that contract, because the charter has not been construed by the courts of the gentleman's State. The courts of the gentleman's State should construe the charter and ascertain if they have the power to make a contract of that kind, and if they have, then go into the investigation, and this side of the House will sustain the gentleman.

Mr. MILLER. Mr. Speaker, does not the gentleman think that if that was the reason these companies refused to furnish the coal after they had submitted bids, it is exceedingly strange and remarkable they did not whisper that as the objection when they sent in their refusal to supply the coal?

Mr. LINTHICUM. I rather agree with the gentleman, but I think he should go at it in the right way.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the gentleman from Minnesota [Mr. MILLER] to the fact that apparently his object is not to secure results so much as it is to advertise either the locality therein or the persons whom he believes to be guilty of crime. No one outside of his own State went so far as to reflect to the extent that the gentleman him-

self did upon the mental capacity of the citizens of his State who would constitute the grand jury to whom this matter should be referred. He speaks of a petty, insignificant grand jury, selected from the most desirable citizens from his own State, as lacking in mental caliber to make the character of the investigation needed. If some other gentleman were to make such reflection upon the citizens of his State he would be highly indignant. I presume the House is justified in accepting the gentleman's estimate of the mental caliber of his own constituents and be unwilling to have this matter submitted to a grand jury. But I wish to call his attention to another matter. He speaks about the value of one little demonstration in the interest of bringing about conditions that would reduce the high cost of living. Under the act creating the Bureau of Corporations, the Bureau of Corporations, under the direction of the President and the Secretary of Commerce and Labor, has complete authority to make this investigation at this time. The administration is of the political party of which the gentleman is a member. What is the trouble between the gentleman and the administration? If this terrible condition exists, it is not necessary to come to the House and secure the passage of a resolution compelling this investigation. If the facts justify it, the investigation should be made without occupying our attention or compelling us to devote any time to the matter whatever. It seems to me the gentleman should put his own house in order before he attempts to criticize this side of the House. It must be that the conditions are such that they do not appeal to the administration as requiring any such investigation. If they do, somebody must be very derelict in his duty in waiting the action of Congress directing the investigation which the gentleman so eloquently pictures as essential.

In view of the gentleman's statement that the people of this community are so incompetent, so lacking in mental caliber, that the grand juries there are unfit to act as the grand inquest to ascertain in the ordinary processes of our Government whether crimes have been committed, I might be inclined to favor some outside assistance in the matter, but I should not care to live in a community in which it is universally conceded that the mental caliber of its citizens is so low and deficient that the grand-jury system is an absolute failure.

Mr. MILLER. Mr. Speaker, if the gentleman desires an answer to his question, I shall be very glad to answer it. I shall not attempt a complete answer to all that he has said, but I will state that he undoubtedly in this instance, as at other times, for a purpose congenial to his own soul, has indulged in a sarcastic assumption of facts which he assumed that I gave and which I did not give, and which I never entertained. I take delight in the sarcasm in which the gentleman indulged, but he ought to start on fair premises.

Mr. FITZGERALD. The gentleman made the statement in answer to my question that the grand jury in that community did not have the mental caliber to make the investigation.

Mr. MILLER. Oh, the gentleman knows just as well as he knows that he stands there, that I meant that that grand jury, or any other grand jury, is not composed of lawyers or skilled investigators, men who by their training and experience are in a position to take hold of an investigation like this, as compared with men who are in the Bureau of Corporations. I will say further, if the gentleman wants an answer to his remarks, that irrespective of whatever reflection may be cast upon constituencies elsewhere in this Nation, thank God they one and all and wherever found lower head and shoulders above that which the gentleman represents.

Mr. FITZGERALD. Oh, the gentleman knows nothing about them; he has never been there. I will call the gentleman's attention to some facts which will help out. Congress appropriates very large sums of money to enable the Attorney General to pay special assistants and to secure all the technical and skilled aid he requires in conducting these investigations, and if the gentleman were in touch with the department he would have no difficulty in getting these investigations made.

Mr. LENROOT. Mr. Speaker——

Mr. BERGER. Mr. Speaker, is not the real reason for this resolution——

The SPEAKER pro tempore (Mr. MARTIN of Colorado). To which gentleman from Wisconsin does the gentleman yield, the gentleman from Wisconsin [Mr. LENROOT] or the gentleman from Milwaukee?

Mr. MILLER. I yield to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. While I feel highly honored to represent Milwaukee, Milwaukee is not a State.

Mr. MANN. It is in a State.

Mr. BERGER. It is in a State. Is not the real reason for the enactment of this resolution the fact that the real culprits may live outside of the State of Minnesota; that they may live in Chicago or in Pennsylvania or in New York, even? I mean that the grand jury of Lake County, Minn., would not have any jurisdiction, and is not that the real reason for requesting the legislation?

Mr. MILLER. That is the exact reason and one I was going to give to the gentleman from New York when interrupted just now.

Mr. FITZGERALD. The gentleman is mistaken as to that. Under the law the Commissioner of Corporations has authority without the passage of any legislation.

Mr. MILLER. I think possibly that is true, but I wish to impress upon the gentleman the fact that the grand jury would not have authority to call witnesses for the purpose of investigation outside of the State, and nearly all the witnesses—practically all—would be outside of the State—some in Pennsylvania, some in Ohio, and some in New York, as far as I know.

Mr. FITZGERALD. The Federal grand jury would have ample authority.

Mr. MILLER. The Federal grand jury would have no authority to subpœna witnesses outside of the State of Minnesota. The gentleman is mistaken about that.

Mr. GARNER. I want to suggest to my friend from Minnesota——

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. MILLER. I promised to yield to the gentleman from Wisconsin [Mr. LENROOT], and then I will be pleased to yield to the gentleman from Texas.

The SPEAKER pro tempore. The Chair will permit the gentleman from Minnesota to choose to whom he will yield.

Mr. LENROOT. Mr. Speaker, just a word with reference to the suggestion of the gentleman from New York that this matter should be left to the grand jury in the State of Minnesota.

Mr. FITZGERALD. I made no such statement.

Mr. LENROOT. I understood that was the statement.

Mr. FITZGERALD. I did not say that; I had in mind the Federal grand jury, or to have the Commissioner of Corporations, under the power conferred upon him by the organic act, make the investigations without any resolution by Congress. He has that power.

Mr. LENROOT. With reference to the suggestion that it be laid before the Federal grand jury, I want to say to him by the same process of reasoning the gentleman would have opposed any investigation of the Sugar Trust, of the Steel Trust, and of the Money Trust, because it is not a local question in the State of Minnesota. I have a large number——

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that the Sugar Trust was prosecuted and investigated by the Federal grand jury in the State of New York, and convictions and collections were made through the instrumentality of the district attorney's office there and not through the Bureau of Corporations.

Mr. LENROOT. So the gentleman, then, assumes that, so far as this question is concerned, which after all is a determination of the facts whether there is an illegal combination, submission to a grand jury would not bring any beneficial results, so far as substantial relief is concerned. Now, I want to say it is not a local question involving the city of Two Harbors alone. I have a large number of requests from the State of Wisconsin for the passage of this resolution. I had intended earlier in the session to introduce a resolution providing for a general investigation of the coal situation, but I became satisfied that if this resolution could be adopted, broadened perhaps somewhat, it would give that full investigation that the entire Northwest is demanding, and I want to say to the gentleman from New York, with reference to the suggestion that we should not come before this House and ask for this investigation, that the Committee on Interstate Commerce, controlled by his own party, favorably recommended this to the House.

Mr. FITZGERALD. The gentleman is assuming something that is not correct. I offered no objection, but asked the gentleman from Minnesota a simple question and he indulged in such reflections upon the people who composed the grand jury that I replied.

I am perfectly willing, so far as I am concerned, to have these people investigated in any manner possible. I asked, first, why the grand jury did not make the investigation, and, second, if it was desirable it be made by the Bureau of Corporations, why the gentleman did not exert his influence with this administration to have the investigation without any recourse to a Democratic House.

Mr. LENROOT. It was the feeling upon my part that the most which could be said for the gentleman's remarks was that he was damning this resolution with very faint praise.

Mr. GARNER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GARNER. Are we proceeding under request for unanimous consent; and if so, does not the Speaker think we have gotten about all the information we need concerning this bill, so that the question can be put?

The SPEAKER pro tempore. The Chair thinks the gentleman from Texas is right on both propositions stated by him, and the Chair would ask whether there is any objection to the present consideration of the bill.

Mr. MANN. Reserving the right to object——

The SPEAKER pro tempore. The Chair understood before coming to the chair that the gentleman stated that right, and the Chair thought it was about time he should exercise it.

Mr. MANN. Mr. Speaker, I still reserve the right to object.

I think it is sometimes unfortunate that I happen to occupy a position known as minority leader in the House, because there are certain functions which I attempt to perform in the House entirely apart from the position of minority leader, and sometimes it is probably embarrassing to my party to have me do some things which I do of my own volition and without regard to leadership. One of those times is unanimous-consent day.

Mr. Speaker, I thoroughly believe, although I may be mistaken, that the State of Minnesota is quite able to handle this question. Here is a town that has trouble about purchasing coal. Thereupon it wants the General Government to investigate, or, at least, the gentleman from Minnesota [Mr. MILLER] has introduced a resolution to that effect. Of course, that is all he could do. Active and bright as he is, he has sized up the situation and is endeavoring to pursue the remedy which he can pursue, because he has not control whatever over what the State of Minnesota may do. He is a Representative here, and not there. If the State of Minnesota desires to control these corporations, it has power to do so. It has power to shut them out of the State on terms which it may lay down. I doubt very much if it is the duty of Congress, whenever a local municipality has some local dispute with some one, to pass a resolution directing the Commissioner of Corporations to make an investigation. If this resolution should pass, I doubt not in the course of a year I would be called upon to introduce and urge the passage of not less than 50 resolutions, because if you can have an investigation made at somebody else's expense, you will always have an investigation made, whether one is required or not. Therefore, for the present, I shall object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PATENTS TO ENTRYMEN UPON RECLAMATION PROJECTS.

Mr. FRENCH. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. FRENCH. To ask unanimous consent to return to Calendar No. 284, an act (S. 5545) providing for the issuing of patents to entrymen for homesteads upon reclamation projects, for the purpose of giving an opportunity for the objection to be withdrawn in order that I might ask unanimous consent for the bill to be passed without prejudice. I understand those who made the objection are willing to let this course be pursued and have no desire to have it stricken from the calendar. It is for that reason that I make the request on a matter which is of such vital interest to the West.

The SPEAKER pro tempore. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to return to the bill S. 5545, for the purpose of permitting objection to be withdrawn. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask if this is the first time this bill has been placed on the Unanimous Consent Calendar, or if it has been put on there twice?

Mr. HAYDEN. This is the first time it has been put on the calendar.

Mr. MANN. I doubt very much the propriety, when objection is made and a bill is stricken off the calendar at one time, of later in the day asking unanimous consent that it may be passed without prejudice.

Mr. MONDELL. Well, Mr. Speaker, I trust the gentleman will not object under these circumstances.

Mr. MANN. Well, I shall not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, I objected to the consideration of the bill because I did not believe it was possible to secure its consideration at this time. But I am interested in the bill, as other Members from the West are, and with the understanding that the request will be made that the bill be passed over without prejudice, I withdraw my objection.

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] withdraws his objection.

Mr. FRENCH. Then, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent that the consideration of the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SALE OF CERTAIN LANDS, COLVILLE INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby granted and conveyed, for public park purposes, to the town of Okanogan, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All that portion of lot 8 of section 17, township 23 north, range 26 east, of the Willamette meridian, containing 47.35 acres.

SEC. 2. That the said conveyance shall be made of the said lands to the said town by the Secretary of the Interior upon the payment by the said town for the said lands, or such portion thereof as it may select, of such sum as may be fixed by the appraisement hereafter to be made under the act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," approved March 22, 1906, and patent issued to the said town for the said lands selected, to have and to hold for public park purposes, subject to the existing laws and regulations concerning public parks, and that the grant hereby made shall not include any lands which at the date of the issuance of patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the said town shall not have the right to sell or convey the lands herein granted, or any parts thereof, or to devote the same to any other purpose than as hereinbefore described, and that if the said lands shall not be used as public parks the same, or such parts thereof not so used, shall revert to the United States: *And provided further*, That the lands conveyed to the town of Okanogan, as authorized herein, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I notice that section 1 of this bill, a Senate bill, expressly grants and conveys the land in question. That is always held to constitute a conveyance of the title, without patent. Section 2 contemplates the issuance of a patent by the Secretary of the Interior. I would ask the gentleman from Washington whether he has taken into consideration the fact that the two sections apparently conflict?

Mr. LA FOLLETTE. Mr. Speaker, when this bill passed the Senate I presume the gentleman who introduced it there overlooked the fact that this condition existed. We have prepared an amendment to cover it, if the House is willing to accept it.

Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to inquire if this is irrigable land?

Mr. LA FOLLETTE. No. It is land at the edge of the reservation. The town is in a narrow valley on the Okanogan River, and the reservation goes down to the river on one side. As I understand, this land is not irrigable, and the fact that it has never been taken as an allotment is proof of that fact. It is simply a piece of land that lies level enough for park purposes, but, as I understand, it is gravelly and rocky and is not fit for agricultural purposes. It would have been allotted if it were agricultural land. That is certain.

Mr. FOSTER. I will call the attention of the gentleman to the letter of the Secretary of the Interior to the Chairman of the Committee on Indian Affairs in the Senate, in which he says:

Reports from field officers of the Indian Service indicate that this lot is not actually occupied or used by the Indians of the reservation, but that until the allotment work is nearer completion it is impossible to determine whether it will be needed for allotments. It may be added, however, that a report from Special Allotting Agent Hunt, dated December 7, 1911, indicates that there will not be any considerable amount of desirable agricultural land remaining after allotments are completed. He says that there will be about 2,500 Indians to allot and that as a large part of the reservation is unfit for either agricultural or grazing purposes there will be great difficulty to find a sufficient amount of cultivable land for allotments.

Mr. MANN. Go ahead to the next paragraph.

Mr. FOSTER. The Secretary writes further:

The lot is said to be valueless for agricultural purposes without water to irrigate it, which may be applied by pumping from the Okanogan

River, on which the lot borders. Irrigable land in that locality is valued at from $200 to $300 per acre, and any Indian who may wish to take the lot as his allotment should be permitted to do so.

Now, if this land can be irrigated, as the Secretary says, by pumping from the Okanogan River, and if it is true that irrigated land is worth from $200 to $300 per acre, it seems to me we are giving away the land of these Indians that may be very valuable some time.

Mr. LA FOLLETTE. In answer to that I will say to the gentleman that you can irrigate a rock pile if you have the water. Whether or not it would be expedient to do so would be a question. They could pump water onto this land even if it is rocky and gravelly. I have been told that this land is not good agricultural land. As I understand it, that report was made a couple of years ago?

Mr. FOSTER. This report was made February 23, 1912.

Mr. LA FOLLETTE. When was the inspection made, though?

Mr. FOSTER. In May, 1911.

Mr. LA FOLLETTE. That is right.

Mr. FOSTER. What I would like to know is whether this land can be irrigated, as stated by the Secretary of the Interior.

Mr. LA FOLLETTE. I do not doubt that it could be irrigated, but whether it would be profitable to irrigate it I very much doubt.

Mr. FOSTER. If it can be irrigated, as suggested by the Secretary of the Interior, by pumping from this river, and if the land is worth $200 or $300 an acre——

Mr. LA FOLLETTE. The Secretary does not state that, does he?

Mr. FOSTER. It seems to me I read it here in the report somewhere.

Mr. MANN. Irrigable land is worth that.

Mr. FOSTER. He says that irrigable land in that locality is worth $200 to $300 an acre, and that any Indian who desires to take this land as his allotment should be permitted to do so.

Mr. LA FOLLETTE. You will find further on where they have agreed to this.

Mr. FOSTER. I do not know about that. I have not noticed it. It seems to me we ought to have some information on that subject. If that is true, it does not seem to me that we ought to give up this land and take it away from the Indians. The Indian ought to have some right to his property.

Mr. BUTLER. Is there not to be an appraisement?

Mr. MANN. It is provided that the land shall be paid for.

Mr. FOSTER. But paid for in its present condition, which is not worth much.

Mr. MANN. I looked this matter up. I do not speak with any degree of authority, but I was told that this land was valueless for any purpose except a park or an Indian encampment, or something of that sort.

Mr. FOSTER. What does the gentleman think of the statement of the Secretary of the Interior that it could be irrigated in the way suggested? Is it possible to do that?

Mr. MANN. I do not think it is possible to irrigate the land practically.

Mr. FOSTER. That is the gentleman's opinion?

Mr. MANN. Yes. I do not think it is possible to irrigate it practically.

Mr. FOSTER. I will accept the gentleman's word for it. I have no objection.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. LA FOLLETTE. I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Washington asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. LA FOLLETTE. I have an amendment to section 1.

The amendment was read, as follows:

Amend, in line 3, after the word "that," by striking out the words "there is hereby granted and conveyed" and inserting in lieu thereof the words "the Secretary of the Interior is hereby authorized and directed to convey."

The amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, strike out lines 17, 18, and 19 and all of line 20 down to the word "further."

Mr. MANN. Mr. Speaker, I ask the Clerk to read the language which the amendment proposes to strike out.

The Clerk read as follows:

That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further,*

Mr. MANN. Mr. Speaker, this bill proposes to authorize the conveyance of land to this town for park purposes. The Senate bill contains a provision reserving to the United States oil, coal, and other mineral deposits. I see no reason for striking that language out of the bill. I do not see why we should not retain any coal, oil, or other mineral deposits in this land, which is intended only for park purposes. If there be any deposits there, they never could be utilized. The town could not dispose of them. The town can only use the land for park purposes. When we grant the title for park purposes, we ought to retain the control of any minerals that are in the land under the surface.

The SPEAKER. The question is on the committee amendment.

The question being taken, the committee amendment was rejected.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. LA FOLLETTE, a motion to reconsider the last vote was laid on the table.

CONSOLIDATION OF COPYRIGHT ACTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23568) to amend section 55 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 55 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been published, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section 16 of this act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided for in the case of all registrations made after this act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

Mr. MANN. Mr. Speaker, reserving the right to object, I can not, from an examination made somewhat casually of the bill, see any objection to its passage; but I notice in the report where it states what the bill does I find that it is not quite correctly stated. I would like to inquire of the gentleman if he will state what the bill does do. Can the gentleman tell what new language, new as to the existing law, is inserted in the bill?

Mr. OLDFIELD. Yes; beginning at line 1, page 2, I will read the new part:

Name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been published.

Mr. MANN. Is not that now in the existing law?

Mr. OLDFIELD. No; it is not. This is merely to make the certificate of the copyright state the facts essential for one to know without going to the copyright office to get the facts.

Mr. MANN. The language the gentleman read is not included in the report as made.

Mr. OLDFIELD. I intended that it should be.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will read the first amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "published" and insert the words "reproduced in copies for sale or publicly distributed."

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 17, after the word "out," insert the words "in each case."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

PENSION TO WIDOWS AND MINOR CHILDREN OF SPANISH AND PHILIPPINE INSURRECTION SOLDIERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow or minor children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in the case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall not have married said officer or enlisted man after he shall have passed the age of 50 years: *And provided further*, That the beneficiaries under this act shall include the widows and orphans of acting assistant surgeons, contract doctors, dentists, veterinary surgeons, and officers and enlisted men in the United States Revenue-Cutter Service on vessels temporarily under the control of the War or Navy Departments: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have a statement in relation to the bill by the gentleman in charge of it. I have not finished reading the report, and I want to know the reason for the legislation.

Mr. RICHARDSON. The purpose of the legislation is, as the gentleman will see from the report, to equalize the widows of the Spanish soldiers with widows of the Civil War, Mexican War, and Indians wars. The purpose of this bill is to place the widows of the Spanish War with the widows in all other wars that our Government took part in.

Mr. SLAYDEN. Is not this more liberal legislation and more prompt than was accorded to the widows of the soldiers of the Civil War?

Mr. RICHARDSON. It is not any more liberal, but it does give them the benefit of the pension a little bit earlier.

Mr. SLAYDEN. How much earlier?

Mr. RICHARDSON. Perhaps 12 or 15 years earlier than was accorded to the widows of the Civil War.

1. I am informed by the Commissioner of Pensions that in the consideration of claims filed on account of service during the War with Spain and the Philippine insurrection, April 21, 1898, has been accepted as the date of commencement of the War with Spain, and July 4, 1902, as the date of termination of the Philippine insurrection.

2. In a publication issued some years ago it was estimated that the number of United States troops engaged in the Spanish War was 312,523, and that the number engaged in the Philippine insurrection was 140,038. No data, however, is obtainable showing the number of individuals engaged in the two services, as this department has no definite information as to the number of persons who were in the service during the Spanish War who reenlisted and were in the service during the Philippine insurrection.

3. The number of claims filed by widows and dependents based upon service during the Spanish War and the Philippine insurrection is 14,614; and the number of widows and dependents who have been granted pensions on account of such service, 7,122. The number of widows on the roll on account of the service above named, on June 30, 1911, was 1,217 and the number of minor children 326. The number of widows' claims which have been rejected is 4,705. In the number rejected there are no doubt included many claims which have been rejected the second or third time, upon the submission of additional evidence; so that the actual number of rejections would be somewhat less than that given.

Mr. SLAYDEN. Has the gentleman had an estimate made of how much the annual charge on the Treasury will be as a consequence of this legislation?

Mr. RICHARDSON. Yes; it was made because of an application by letter to the Secretary of the Interior Department on my own part. It has been made as accurately and as near as it could be made by application to the Superintendent of Pensions in the Interior Department. An elaborate letter was written upon the subject and careful estimates were made. They are not accurate as a matter of course. The number of widows of Spanish-American soldiers that had already been pensioned were taken into the account. I think it about as accurate as can be made under existing circumstances. No estimate of such expenses can be ascertained accurately.

Mr. SLAYDEN. What was that estimate, approximately?

Mr. RICHARDSON. If the gentleman will read the report on page 3 he will find that the matter is fully set forth; just what was said to the committee and to myself as chairman.

Mr. AUSTIN. It is in paragraph 4.

Mr. RICHARDSON. For full information, I refer to that part of the Secretary's letter that gives information on this subject.

Mr. SLAYDEN. I have just seen it. Mr. Speaker, I see that it is estimated that it will cost about $2,500,000 a year.

Mr. RICHARDSON. But the gentleman does not mean to say that the first year it will cost that. It may cost more. I can not make any more accurate statement than is included in that report. It is impossible. I think the report sets forth the facts upholding the merits of the case.

Mr. SLAYDEN. I regret to have to admit, Mr. Speaker, that I have not read the report. I did not know that there was any such bill on the calendar. My impression is that this Government has gone about as far and been about as liberal in the matter of pensions as it ought to go. I have been a Member of this House for about 15 years, and I have seen this legislation go almost unopposed, and I dare say that it is utterly futile to make an effort to prevent the enactment of legislation that has organized voters behind it.

Mr. RICHARDSON. I do not think that is properly said in this case at all. As for myself, no "organization" from the South or from my own State or my own home has used any influence to control me in this matter.

Mr. RUCKER of Colorado. Mr. Speaker, I object to the gentleman's statement in that respect.

The SPEAKER. To whom does the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I am sorry I have to differ with the gentleman from Colorado, but I repeat that in my judgment there are organizations of voters behind this measure. Since it was called up I remember myself having received communications from camps of Spanish War veterans in Colorado urging this legislation.

Mr. RUCKER of Colorado. I am not surprised at that at all, because we are very much interested in this legislation.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. Speaker, I want to say to the gentleman from Texas [Mr. SLAYDEN] that of course there are some organizations behind this bill. That must always be the case.

Mr. SLAYDEN. That has been denied and objected to.

Mr. GARDNER of Massachusetts. I am speaking as a man who voted against the Sherwood pension bill and who holds the views of the gentleman from Texas with regard to that measure. I do not, however, think that this particular bill comes into the same class. I voted against the Sherwood bill, and everybody knows that I come from a part of the country which is full of Union soldiers. Yet I say that this particular bill seems to me to be perfectly just and very proper legislation. There are organizations behind it to a certain extent. There are some organizations of Spanish War veterans who have petitioned for it. In my district no organization of Spanish War veterans, with the exception of a single one, has so much as called my attention to the existence of the bill. One organization in a very informal way, through some of its members, brought this question to my notice without in the least demanding my support for it. I appeal to the gentleman from Texas, with whom I agreed in the matter of the Sherwood and

Sulloway bills, to reopen his mind and see whether this bill is subject to the same criticisms which might be made in the case of those measures.

Mr. RICHARDSON. Mr. Speaker, I can add to what the gentleman from Massachusetts has said. I have not received the scratch of a pen from any one organization of the Spanish War soldiers in the South or in my own State or district. I would not blame them at all for being interested in having their widows provided for.

Mr. KINKAID of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. Certainly, with pleasure.

Mr. KINKAID of Nebraska. I wish to know if the gentleman thinks it is a tenable objection to the merits of a bill that some organization, though it be composed of soldiers of the Civil or Spanish-American War, or any other war, have asked for the enactment of the bill?

Mr. RICHARDSON. As for myself, I think the soldiers of the Spanish-American War or their widows have the right to apply in behalf of their interests to me or any other member of the Pension Committee. All other interests are tolerated in the same way.

Mr. KINKAID of Nebraska. I voted for the Sherwood bill and for the Sulloway bill, and I am proud that it was in conformity to the recommendations of my constituency. Whom do we represent upon the floor of the American Congress but the people, and who are these soldiers but the people? [Applause.]

Mr. SLAYDEN. Mr. Speaker, what has been said absolutely bears out the accuracy of my statement that there were organizations of voters behind this legislation. Now, of course, these people have the right under the law, at least it is not forbidden, to organize for any kind of a measure they please, but it occurs to me that the laws we now have with reference to pensions are abundantly liberal. The Spanish-American War was not a great war. A large number of our troops took the hazard of watermelons in Georgia and Florida, fought the malaria and mosquitoes, but very few Spaniards. I do not know how true it is, but I was told some time ago that within less than four years after the Spanish-American War an enormous percentage, very much more than a majority, of the regimental organization of volunteers had applied for pensions, 80 per cent, I think it was, in one regiment, on account of their health having been ruined by the struggles and hardships of that war. Now it appears, from a hasty reading of this report and from the communication from the Secretary of the Interior to the gentleman from Alabama, that the number of claims filed by widows and dependents, based upon service during the Spanish War and the Philippine insurrection, is 14,614. That letter was written June 1 of this year, and the number of widows and dependents who have been granted pensions on account of such service was 7,122.

The number of widows' claims that have been rejected is 4,705. Now, I presume that it was found the claims of those widows were not covered by the law, and as the Treasury could stand an invasion or two it was thought proper to enact legislation that would throw wide the doors and give access to it of those whose claims had been rejected as being undeserving. The Spanish-American War yielded comparatively little in heroics, but paid the most marvelous dividends in politics and in magazine articles of any war in the history of this country. The greatest evil of that war was not from the actual shock of battle but from the consequences of it. It has led us into all kinds of adventures of a political nature in which it is not helpful or profitable for this country to be engaged. It has created and foisted upon the public a type of hero who does not commend himself to me because of his patriotism, his love of his country, or his great skill in military matters. I do not believe that the bill should pass. I believe we could well afford to stop, and I believe that in spite of these organizations a great majority of the people of this country would sustain us if we did for a long time no more than has already been done in the way of granting pensions. But I recognize the utter futility of the effort. I realize from the applause that greeted the remarks of my friend from Nebraska [Mr. KINKAID] that the pension propaganda is still popular.

Mr. COOPER. Mr. Speaker, I am somewhat surprised that the gentleman from Texas should urge as a reason that this bill should not pass that there are organizations of voters behind it.

Mr. SLAYDEN. Mr. Speaker, I object to the present consideration of the bill.

The SPEAKER. The gentleman from Texas objects to the present consideration of this bill.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice. Mr. CRAGO is very much interested in it, and I reluctantly took this case up during his absence, and I should be very glad if the House would pass over the bill without prejudice.

Mr. BUTLER. Mr. Speaker, I supplement the request made by the gentleman. My colleague is unavoidably absent, and I know it would be a favor to him if this could go over without prejudice for two weeks.

The SPEAKER. If the gentleman from Texas will withdraw his objection and let the gentleman make his request——

Mr. SLAYDEN. I am willing to have that done.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill be passed without prejudice. Is there objection?

Mr. RUCKER of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER of Colorado. I want to object to the request of the gentleman from Alabama. He puts it upon the ground of the absence of Mr. CRAGO——

Mr. RICHARDSON. I did that because he is the author of the bill.

The SPEAKER. The gentleman from Texas withdraws his objection and the gentleman from Alabama asks unanimous consent that this bill be passed without prejudice. Is there objection to the unanimous-consent request?

Mr. RUCKER of Colorado. Well, Mr. Speaker, I do not think there is any more ripe time, even though my friend from Pennsylvania [Mr. CRAGO] is not here——

Mr. SLAYDEN. Mr. Speaker, I renew my objection.

The SPEAKER. The gentleman from Texas renews his objection to the present consideration of this bill.

Mr. RUCKER of Colorado. Then when does it come up again?

The SPEAKER. It goes off of this calendar and can be put back on it once more and come up two weeks from to-day, if we ever reach it.

Mr. RICHARDSON. As I understand, if the objection of the gentleman from Texas [Mr. SLAYDEN] is withdrawn, it comes up on the next Unanimous Consent Calendar.

The SPEAKER. Here is the situation. The gentleman from Texas [Mr. SLAYDEN] objects. The gentleman from Alabama [Mr. RICHARDSON] asks him to withdraw his objection in order that he might ask that this bill be passed without prejudice, and the gentleman from Texas withdraws his objection. The gentleman from Alabama made his request, and then the gentleman from Colorado [Mr. RUCKER] made some remarks, and the gentleman from Texas [Mr. SLAYDEN] objected again. Then he withdrew his objection on the condition that you get it postponed.

Mr. RICHARDSON. I certainly did, and I have not——

The SPEAKER. Does the gentleman from Texas [Mr. SLAYDEN] withdraw it for that purpose?

Mr. SLAYDEN. I withdraw it.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill be passed without prejudice. Is there objection?

Mr. RUCKER of Colorado. Mr. Speaker, I withdraw my objection under protest.

The SPEAKER. It does not make any difference how you withdraw it, so that you withdraw it. There is no objection, and the bill is passed without prejudice. The Clerk will report the next bill.

Mr. RICHARDSON. Mr. Speaker, I desire to call the Chair's attention to a Senate pension bill and a request for a conference. The Clerk has the bill there and will read it, if necessary.

The SPEAKER. After we get through with the Unanimous Consent Calendar the Chair will recognize the gentleman from Alabama.

Mr. RICHARDSON. I thought that, being on my feet, I could get unanimous consent.

The SPEAKER. We can not interfere with the Unanimous Consent Calendar. The Clerk will report the next bill.

ASSIGNMENT OF DESERT-LAND ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 5446) relating to partial assignment of desert-land entries within reclamation projects made since March 28, 1908.

The Clerk read the bill, as follows:

Be it enacted, etc., That a desert-land entry within the exterior limits of a Government reclamation project may be assigned in whole or in part under the act of March 28, 1908 (35 Stat. L., 52), and the benefits and limitations of the act of June 27, 1906 (34 Stat. L., 520), shall apply to such desert-land entryman and his assignees: *Provided*, That all such assignments shall conform to and be in accordance with farm units to be established by the Secretary of the Interior upon the application of the desert-land entryman. All such assignments heretofore made in good faith may be recognized under this act.

The SPEAKER. Is there objection to consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask a question in regard to the bill, which appears to be a meritorious one, and ask what is meant by the words:

All such assignments heretofore made in good faith may be recognized under this act?

Mr. RAKER. The object and purpose is that there are some of these assignments that have been made by the original entrymen, and the departments have held they were not valid under the act as it existed. They have investigated, though, and find those which they have investigated were in good faith and they believe the balance are in good faith, and the departments ask this legislation that they may investigate assignments already made, and, if right, the assignee will get his title clear, and the whole entry will stand as originally filed, without going back to the Government and making a new fight.

Mr. MANN. Now, here are some claims. We pass a law. Then it says:

All such assignments heretofore made in good faith may be recognized under this act.

Does it mean they may be recognized under this act? Somebody must decide, and, if so, who?

Mr. RAKER. The Secretary of the Interior.

Mr. MANN. It does not say so here.

Mr. RAKER. Those matters are up to the office, coming from the Department of the Interior. They are sent through the local land office to the department. After investigation he determines whether they shall be recognized, and, if in good faith, of course he has the discretion to recognize them. It was not intended to make it compulsory on him to recognize them, but we wanted to give him full opportunity for full investigation. That is the object.

Mr. MANN. He would still have all that provided the assignments were made in good faith. I am aware that this language is language prepared by the Department of the Interior. I do not know that I shall live long enough, and, doubtless, if I do, I shall not be in Congress long enough for the Interior Department to find some one who is capable of drawing bills and put that person on that job.

Mr. RUCKER of Colorado. It is to be hoped so.

Mr. MANN. I am saying this for the benefit of the Secretary of the Interior, who, by the way, has failed in recent months to sign communications to Congress. Every communication we receive from the office of the Secretary of the Interior, or almost every one, is signed by the First Assistant Secretary. The Department of the Interior is the only department of the Government that deliberately permits the head of the office or department in communicating to Congress to escape the responsibility and put that responsibility upon a subordinate. I am saying this, I say, for the benefit of the Secretary, who is my warm personal friend, and in the hope that, so long as he occupies the position of head of the department, he will have somebody do the work and then be willing to accept the responsibility of communicating the result of that work to Congress. I do not blame him for not accepting the responsibility for these various bills, the drafts of which they send to us, because I am very sure I would not want to accept the responsibility myself. There ought to be somebody there, however, who is capable of drawing bills and who will draw bills and let the Secretary communicate them to Congress when asked by committees to do so.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, I have listened to the gentleman from California [Mr. RAKER] and the gentleman from Illinois [Mr. MANN], and I have been convinced that it is not just to the Secretary of the Interior, or to anybody connected with the department, to have a further discretion if, on investigation, it is found that the assignments have been made in good faith. I think the gentleman from California ought to amend his bill and strike out the word "may" and say "shall." Otherwise in a great department it is a premium on blackmail, it seems to me. That is to say, attorneys, claim agents, and perhaps unworthy people connected with the land service, if such there be, although I trust there are not, would thereby find an opportunity to obtain an undue advantage. "Lead us not into temptation" is, I think, the strongest petition in the Lord's Prayer. I trust the gentleman from California will agree to strike out the word "may" and put in "shall."

Mr. RAKER. Mr. Speaker, personally that would appeal very much to me and, I am satisfied, to the House; but it seems as though in deference to the great Department of the Interior, after they have made their examination, they should have some discretion.

Mr. CANNON. Well, after all, there is a discretion in determining whether it is in good faith. That ought to end it, if they find it is in good faith. I have a high respect for all the departments, and then I have some respect for myself.

Mr. RAKER. If it will expedite the passage of this bill I will ask to have the word "may" changed to "shall."

Mr. CANNON. I confess it will.

Mr. RAKER. Then I will guarantee that I will make the motion.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. Did the gentleman from Illinois [Mr. CANNON] offer an amendment?

Mr. CANNON. No. The gentleman from California [Mr. RAKER] gave notice that he would offer an amendment.

Mr. RAKER. I move, Mr. Speaker, that the word "may," in line 4, page 2, be stricken out and the word "shall" substituted therefor.

The SPEAKER. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, by striking out, in line 4, the word "may" and insert in lieu thereof the word "shall."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CONSOLIDATION OF LANDS IN PAULINA NATIONAL FOREST, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 4745) to consolidate certain forest lands in the Paulina (Oreg.) National Forest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Paulina (Oreg.) National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Paulina (Oreg.) National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Paulina (Oreg.) National Forest.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman to make a brief statement in regard to the bill. Will the gentleman from Oregon [Mr. HAWLEY] state just what this bill accomplishes? I have seen the Senate report, I think, but the House report has not yet been printed.

Mr. HAWLEY. The bill proposes to exchange some privately owned lands in the Paulina National Forest for some lands now owned by the Government in equal areas. Many years ago, before the forest reservation was created, the Government made a land grant through this section of the country, and when the forest was created, of course, the privately owned lands did not become a part of the national forest, although included within its exterior boundaries.

In the southern portion of this section of the country, where the lands lie which are proposed to be exchanged, there is a light soil, known in that country as a "pummy" soil, which does not produce timber. A small scrub pine tree will grow there, a few feet in height, but of no value; but on the higher portions of the tract yellow pine grows of a very excellent quality and considerable size. The company which owns certain sections through this national forest desire to exchange their pine lands in the north for the comparatively level "pummy" lands in the south, and they desire to irrigate these lands. Under the water law of Oregon they had until a certain time, some time in the spring of this year, to make certain improvements; but while this bill was pending the State engineer of Oregon gave them an extension of time until the end of this Congress to see whether Congress would authorize the exchange or not. If the bill is passed, then they will irrigate only the lower portion and consolidate their lands. If not, they will have to irrigate the alternate sections all through the tract.

Mr. MANN. If the gentleman will permit, this bill has been before the Committee on the Public Lands for quite a while. Is the report upon it a unanimous one?

Mr. HAWLEY. I know of no objection to it.

Mr. RAKER. I will state in this connection that the Committee on the Public Lands made a very thorough investigation and a full report upon the matter, and heard the Department of Agriculture and the Forest Service, and went into the matter very carefully, and had public hearings. A full and complete report has been made by the committee.

Mr. MANN. Which report has not yet been printed.

Mr. RAKER. I want to call the attention of the gentleman——

Mr. MANN. I wanted to know whether it was a unanimous report.

Mr. RAKER. It was a unanimous report, and a proof of it was sent to me to correct. I sent it back the day after it was sent to me, and since I found this morning that it was not here I have been using every effort to get it.

Mr. MANN. I can tell the gentleman why he has not got it.

Mr. RAKER. I think I understand the reason why.

Mr. MANN. There were some plates put into it, and they had to send the plates out to be prepared.

Mr. HAWLEY. The report of the committee is unanimous.

Mr. MANN. I sent over and got the Senate report, and got the information which I have in that way.

Mr. RAKER. The committee believe it is a just and proper bill and that it ought to pass.

Mr. MANN. The department is in favor of it?

Mr. RAKER. Yes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HAWLEY. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

WATER SUPPLY OF COLORADO SPRINGS AND MANITOU, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

The bill was read, as follows:

Be it enacted, etc., That the public lands within the Pike National Forest, situated in the counties of El Paso and Teller, Colo., hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the city of Colorado Springs, a municipal corporation of the State of Colorado, to wit:

Lot 3, the southeast quarter of the southwest quarter and the south half of the southeast quarter of section 7; the southwest quarter of the northwest quarter of section 8; the northwest quarter of the northwest quarter, the south half of the southwest quarter, the west half of the southeast quarter, and the northeast quarter of the southeast quarter of section 17; lots 2, 3, and 4, the northeast quarter, the east half of the northwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section 18; lots 2, 3, and 4, the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, and the west half of the southeast quarter of section 19; the northwest quarter of the northwest quarter of section 20; lots 1, 2, 3, and 4, the west half of the northeast quarter, the east half of the northwest quarter, and the east half of the southwest quarter of section 30; lot 1, the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section 31, in township 13 south, range 68 west of the sixth principal meridian.

Lot 6 of section 4; lots 1, 2, 3, and 4, the south half of the northeast quarter, and the northeast quarter of the southeast quarter of section 9; the south half of the northeast quarter, the south half of the northwest quarter, the southwest quarter, and the north half of the southeast quarter of section 10; the south half of the southeast quarter, and the northeast quarter of the southeast quarter of section 14; the north half of the northwest quarter, and the southeast quarter of the southeast quarter of section 15; lot 2, the northeast quarter of the northeast quarter, the south half of the southeast quarter, and the northwest quarter of the southeast quarter of section 22; the east half of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, and the south half of section 23; the north half of the north half, the southwest quarter of the northwest quarter, the southwest quarter, the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section 26; the north half of the northeast quarter, the southwest quarter of the northeast quarter, and the south half of section 27, in township 14 south, range 68 west of the sixth principal meridian.

The southeast quarter of the southwest quarter of section 10; the south half of the northeast quarter, the southwest quarter of the southwest quarter, the east half of the southwest quarter, and the southeast quarter of section 13; the northeast quarter of the southwest quarter, and the southeast quarter of the southeast quarter of section 14; the west half of the northeast quarter, and the north half of the southwest quarter of section 15; the west half of the northeast quarter, the southeast quarter of the southeast quarter, and the south half of the southeast quarter of section 21; the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southwest quarter, the south half of the northwest quarter of the southwest quarter, and the southeast quarter of section 22; all of sections 23 and 24; the northeast quarter, the east half of the northwest quarter, and the south half of section 25; the west half of the northeast quarter, the northwest quarter, and the south half of section 26; all of section 27; the north half of the northeast quarter, the west half and the south half of the southeast quarter of section 35; the north half of the northeast quarter, and the west half of section 36, in township 13 south, range 69 west of the sixth principal meridian.

The west half (or lots 3 and 4, the south half of the northwest quarter, and the southwest quarter) of section 1; and the north half of the northeast quarter (or lots 1 and 2) of section 2, in township 14 south, range 69 west of the sixth principal meridian, containing 10,131.23 acres, more or less.

SEC. 2. That the public lands within the Pike National Forest, situated in the counties of El Paso and Teller, Colo., hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the town of Manitou, a municipal corporation of the State of Colorado:

Lot 4, the southeast quarter of the southwest quarter, and the south half of the southeast quarter of section 31; the south half of the southwest quarter, the south half of the southeast quarter, and the northeast quarter of the southeast quarter of section 32; the south half of the northeast quarter, the north half of the southwest quarter, and the east half of the southeast quarter of section 33; all of section 34; the west half of section 35, in township 13 south, range 68 west of the sixth principal meridian.

Lots 3 and 4, the south half of the northwest quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 2; all (including lots 1, 2, 3, and 4) of section 3; lot 5, the north half (including lots 1, 2, 3, and 4), and the east half of the southeast quarter of section 4; lots 1, 2, 3, 4, 5, 6, and 7, the south half of the northeast quarter, the south half of the northwest quarter, and the north half of the southwest quarter of section 5; lots 1, 2, 3, 4, 5, 6, 7, and 8, the south half of the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southeast quarter, and the north half of the southeast quarter of section 6; lots 1, 2, 3, and 4 of section 7; the north half of the northeast quarter of section 10, in township 14 south, range 68 west of the sixth principal meridian.

The east half (or lots 1 and 2, the south half of the northeast quarter, and the southeast quarter) of section 1; and all that part of the northeast quarter of section 12 lying north of the north line of the Pikes Peak Military Reservation, in township 14 south, range 69 west of the sixth principal meridian, containing 4,712 acres, more or less.

SEC. 3. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture in cooperation with the city of Colorado Springs and the town of Manitou for the purpose of storing and conserving the water supply, protecting them from pollution, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city and town shall each have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the lands reserved for them, respectively, for the storage and conveying of water, and the construction and maintenance thereon of reservoirs, pipes, mains, conduits, and other like improvements.

SEC. 4. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States.

SEC. 5. That this act shall be subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States or of the State of Colorado.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I understand this proposes to grant certain land for water-supply purposes.

Mr. TAYLOR of Colorado. The lands in the Pike National Forest are reserved from all forms of entry and location and set aside as a municipal water-supply reserve.

Mr. MANN. The gentleman is technically correct, and for that reason I wish to ask him whether he would object to an amendment reserving the right to alter, amend, or repeal the act.

Mr. TAYLOR of Colorado. I have no objection to that.

Mr. MANN. So that the Government may really retain control.

Mr. TAYLOR of Colorado. I have no objection to that whatever.

Mr. MANN. Then I have no objection to the bill.

Mr. FOSTER. Let me ask the gentleman from Illinois if he does not think that the provision should be put in that the Government incurs no liability thereby.

Mr. MANN. No; I do not think that is necessary.

Mr. FOSTER. We have seen when we have changed the law the Government has incurred liability in regard to the undertaking.

Mr. MANN. I have no objection to such a provision, but that is not usual.

Mr. FOSTER. The gentleman from Illinois, I think, has put that in several bills.

Mr. MANN. Yes; I put it in the dam bill and I believe in the general bridge bill, but this proposition is to grant the use of certain lands for water-supply purposes. The Department of

the Interior recommended that there be reserved out of the grant any land which could be used for power purposes, but the committee did not put that provision in the bill, and there may be good reason for not putting it in. I can see objections to it. If the cities create the power by construction of dams, they might properly utilize that power and the Government would have nothing to do with it. On the other hand, we do not convey the title of the land by the bill. If Congress should want to make any change in regard to this at any time there would be difficulty and dispute about the power of Congress to do it. I have no doubt that under any ordinary conditions the land will always be used by the municipalities for water purposes. I do not believe the Government would incur any liability, although I do not say so.

Mr. FOSTER. I do not, either.

Mr. MANN. But, on the other hand, here are two municipalities and we are entitled to treat them a little more leniently than we would corporations organized for profit. These municipalities exist only as a matter of common good, and if they are proposing to expend some money to create a reservoir, complete dams, laying water-supply pipes, and perhaps having to do it through the borrowing of money, I really think that if we change it so as to interfere with that we ought to take into consideration the possibility of paying them damages, they not being a private corporation.

Mr. FOSTER. The gentleman will recollect that this matter came up in the consideration of the bill paying for the bridge across Weymouth Back River, where the Government ordered a draw put in.

Mr. MANN. Yes; but there was no question there but that we had the power to do it without liability.

Mr. FOSTER. The fact is the provision of law did not say that we incurred no liability, and then the claim was made that we ought to pay.

Mr. MANN. No; but I will say that the bridge at that place was ordered removed under a provision in the river and harbor act of 1899, which has been applied in a number of cases and has been sustained by the court wherever it has been tested, and it has been tested a number of times. The courts have held without liability at all on the part of the Government it can order these bridges removed and reconstructed and incur no liability.

Mr. FOSTER. I realize that, and yet the gentleman will recall that in that case the Government did pay several thousand dollars.

Mr. MANN. Yes; and I think they ought to have paid more. That was a matter of equity and fair dealing and not a matter of liability.

Mr. FOSTER. Some of these cases may come back with a claim of equity asking the Government to pay it where the Government reserves the right to alter, amend, or repeal the law.

Mr. MANN. I presume that if these municipalities carry out their plans they will have to do it with borrowed money, and it is very likely that doing it with borrowed money they will have to give as security the work that is produced by the aid of the money. Now, these cities, Colorado Springs, Colorado City, and Manitou——

Mr. TAYLOR of Colorado. Yes; three cities.

Mr. MANN. The grant runs to two, but it covers three. I have been there a good many times, and I suppose almost every other Member has. There is every reason in the world why they should be given the right to have this water supply that is on the north side of Pikes Peak, as I understand.

Mr. TAYLOR of Colorado. Yes.

Mr. FOSTER. Just let me state this to my colleague. When it comes to borrowing money, if it is necessary to complete the waterworks or extend it. I do not think the fact that this provision is in the bill will affect their ability to borrow money.

Mr. MANN. It might affect it quite a good deal.

Mr. FOSTER. I do not think so. Bonds are issued by municipalities, and I do not see how it can affect them.

Mr. MANN. I do not know under what system they issue bonds, but they are sometimes issued against the plants, where they have water plants. Whether that be the case here or not, I do not know.

Mr. ROBINSON. Mr. Speaker, the Committee on Public Lands gave this measure very careful attention, and the suggestions made by the gentleman from Illinois [Mr. FOSTER] were all very carefully considered by the committee. Supplementing what has been said by the gentleman from Illinois [Mr. MANN] and the gentleman from Colorado [Mr. TAYLOR], I desire to state that this bill contemplates the highest use, in my opinion, for which these lands are capable of being used. The cities of Manitou and Colorado Springs are great health resorts and are visited annually by many thousands of citizens from all parts of the United States and of the world. It is necessary that some provision be made for the protection of their water supply, and after many months of consideration of the subject matter the committee decided that the provisions of the bill were the very least that ought to be granted to these two cities. I desire to suggest to the gentleman that, having considered those subjects very carefully, no amendment should be made to the bill which would embarrass the carrying out of the purpose for which the bill is to be passed, and I believe that the amendments he suggests might do that. I would urge no objection to the amendment suggested by the gentleman from Illinois [Mr. MANN] as to the reservation of the right to alter, amend, or repeal.

Mr. FOSTER. I think my colleague takes the position that the right to alter, amend, or repeal being reserved to the Government, if it ever becomes necessary for the Government in the exercise of that right to alter, amend, or repeal, that the National Government ought not to be called on to pay out any money.

Mr. ROBINSON. Oh, there is nothing of that kind contemplated. There is nothing of that kind possible under the bill, under a fair construction, and in my judgment under a legal construction of the bill. The entire liability on the part of the Government is the right of the Government to participate through its forest officers in the policing of the reservation, and we want that, we think that is necessary, and to say that the Government shall assume no liability might cause it to be held by the courts that the Government could not even do that, and we want that done.

Mr. FOSTER. I want to say that I am not opposed to this bill. I believe in the object of the bill, in the protection of the water supply for those cities. I do suggest to the gentleman that the National Government ought to have its rights protected as well.

Mr. ROBINSON. I am suggesting to the gentleman that the rights of the Government are protected in so far as the right to alter, amend, or repeal the bill is concerned. That amendment should be adopted for this reason: The time may come when the National Government may want to use some small portion of this land for different purposes, and when that small portion of land is not necessary for the purposes of this bill, and in that event it might become necessary to have an amendment of that sort adopted.

Mr. FOSTER. The gentleman, in that case, does not think there ought to be any liability on the part of the Government?

Mr. ROBINSON. I have stated repeatedly that I do not think there is any liability on the part of the Government, and if the gentleman will read the bill I do not believe he will contend there is any liability further than the one to help police it through its forest officers.

Mr. FOSTER. Oh, I have read the bill and I understand it.

Mr. MANN. Mr. Speaker, the gentleman from Arkansas I think does not catch the point that my colleague makes when he speaks of liability of the Government. He means liability by reason of alteration of law. The question is whether, having the right to alter, amend, or repeal, if you do alter or amend the law it affects the rights of the municipalities, and if you have damaged them any, whether you have to pay them.

Mr. ROBINSON. I do not think the Government ought to put itself in a position where it could not be required under some circumstances to recognize the rights of the cities. I do not believe that amendment is proper and I do not believe the gentleman should press it.

Mr. TAYLOR of Colorado. Mr. Speaker, if the gentleman will permit, I may say that this bill was carefully considered by both the Secretary of the Interior, the Secretary of Agriculture, and also the forest reserve people, in conjunction with the mayor and city attorney of Colorado Springs, and they jointly prepared this language and recommend it as the agreed-upon measure of the two departments for the protection from pollution of the water of those two cities. I want to call attention to a portion of my report upon this bill as follows:

The city of Colorado Springs owns its water-supply system and has expended several million dollars in perfecting its municipal plant. The city has a population of about 30,000. The city of Colorado City, though a separate municipality, adjoins Colorado Springs and is virtually a part of it, has a population of 6,000, and gets its water from the Colorado Springs water-supply system. The town of Manitou has a population of about 2,000. The addition of the adjacent population which secures its water supply from the city of Colorado Springs and Manitou aggregates a population of about 50,000, which is increasing very rapidly. Colorado Springs and Manitou, as everyone knows, are situated at the foot of Pikes Peak. They are among the most noted resort places of the world. There are approximately 100,000 tourists visit those cities every season, and large numbers of them spread over the sides of Pikes Peak and camp out on the small streams, springs, and reservoirs which supply those cities with water.

The cities have no possible way of securing water except from the southerly, easterly, and northerly slopes of Pikes Peak.

The snowfall and precipitation in that territory are necessarily limited, and as those cities increase in population the problem of securing a pure-water supply is not only important but is becoming very serious. In fact, it has become imperatively necessary for the continued growth of those cities and the health of the inhabitants that their available water supply be conserved and protected from pollution. There is no possible way of preserving the water from contamination and pollution and maintaining its purity excepting by some systematic regulations of the use and occupation of the land from which the waters are derived.

While the cities do not desire to exclude the public from the slopes of Pikes Peak, nevertheless the health of from 50,000 to 100,000 people is of very much greater importance than the unrestricted liberties of campers in that territory. It was shown that the people exercise little or no restrictions whatever in their habits upon the streams and reservoirs of the water that is diverted direct from them through pipes to the cities and necessarily pollutes the water more or less, and it is absolutely imperative that the cities be given the right to join with the forest-reserve officials in policing and guarding and regulating the use of the lands described in this bill, which are now within the forest reserve and situated on the northern slope of Pikes Peak. The forest-reserve officers are not sufficient and do not and can not under existing regulations protect the water supply of those cities.

On his trip West last summer the attention of the President of the United States was called to this situation by the Chamber of Commerce of Colorado Springs and the officials and city authorities and public-spirited citizens, and the President promised to give the matter his careful consideration.

The mayor of Colorado Springs and other public officials have been before your committee and have had a full hearing. While there was opposition to the original bill, H. R. 23434, of the Sixty-first Congress, and H. R. ——, Sixty-second Congress, which provided for the conveyance of the land direct to the city, and there was some opposition to the present bill as recommended by the Interior Department and Agriculture Department, yet after section 5 of the bill was added, fully disavowing the intention of injuring or affecting in any way the legal rights of anyone, there was little or no opposition to the bill in its present form.

The bill grants no lands whatever to either Colorado Springs or Manitou, and grants no water right whatever. In fact, the Government does not own any water rights and could not grant any. There is no property of the United States Government of any kind granted by this bill. It merely authorizes the forest reserve officials, in conjunction with the cities, to adopt such regulations as may be necessary to prevent the pollution and preserve the purity of the waters used by those three cities.

The lands referred to in this bill have been carefully examined by the Forest Service officials and it is a matter of general knowledge that the lands are of comparatively no value whatever for agricultural or mineral or any other purpose, as it consists of the steep, rocky north slope of Pikes Peak; and it was very positively shown by the hearings that neither the Government nor the public would suffer any inconvenience or loss by the withdrawal of those lands from entry.

There would be very much more reason and justice in allowing the city of Colorado Springs and town of Manitou to secure title to the lands referred to in this bill than there was for the act of Congress of February 28, 1911 (36 Stat., 959), "authorizing the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply." Colorado Springs and Manitou have been endeavoring for two years to secure the passage of a similar bill to the Seattle one and upon identically the same terms. But owing to the opposition of the Forest Service and one or two private interests, and owing to the city being compelled to make extensive improvements to its water-supply system, the city authorities are practically forced to consent to the enactment of the present bill.

It is believed by your committee that Congress can not consistently refuse to authorize the cooperation of the Forest Service officials with the municipalities in the suitable guarding and protection of the public lands which contain the source of their water supply; that the precedent which would thereby be established would be meritorious and highly commendable in aiding municipalities in the protection of their water supply from contamination and pollution. It is believed that there can be no higher or more commendable use of Government land—especially the kind of land referred to in this case—than to supply pure water for the inhabitants of the cities and towns. A city that has no other source of water supply can not consent to or permit people under any pretense to make deposits of offal or contaminating matters in its water supply. The consideration of pure water far outweighs any other consideration that may be presented concerning the lands referred to herein. If this bill be enacted into law, these municipalities will have such control, under the supervision of the Secretary of Agriculture and the Forest Service, over the watershed of the north slope of Pikes Peak as will enable them to establish such rules and regulations as will insure the purity of their water supply. It will be in their interest to make these regulations as liberal to their visitors who wish to go upon these watersheds as water conditions will permit.

When it is considered that the Government conveys no property whatever, that no vested rights whatever are affected by this bill, and the meritorious objects of the measure are appreciated, no fair-minded or reasonable people can justly oppose an act by Congress which will give these municipalities such control over their water supply as is shown to be necessary to preserve the health of their inhabitants.

The Secretary of the Interior has submitted to the committee a supplemental report, which is attached hereto. The committee does not deem it either wise or necessary to adopt this suggestion of the Secretary, because, while the city is not engaged in the generation of power, nevertheless the city does own its own water plant, and if the increase of its reservoirs or the additional expenditures which the city contemplates in further conserving the waters belonging to it should generate any additional power it is deemed that these cities that have expended large amounts of the inhabitants' money are entitled to the benefits of any power they may create, and it is deemed that that provision would not only be unjust and unfair to those cities, but would materially interfere with the improvements and use of their municipal system, and probably interfere with their placing of the bonds necessary for the city to make the improvements contemplated for the growth of the city.

Mr. FOSTER. I think it is a very commendable thing.

Mr. TAYLOR of Colorado. The city of Colorado Springs owns land on the south and east slopes of Pikes Peak, and I have been earnestly trying for two years to get a bill reported allowing the city the same kind of a title that we gave the city of Seattle to protect her water supply, to protect the water on the north slope. But owing to the opposition of the Agricultural Department and the Forest Service and some private interests I have been unable to secure a favorable recommendation for such a bill. This bill simply provides that under the supervision of the Agricultural Department the city officials can do certain things—they can police this land and protect the city's water supply from pollution. People camp all over that slope of the peak, and they almost of necessity contaminate the water of those small streams more or less.

Mr. FOSTER. I am not opposed to the bill.

Mr. TAYLOR of Colorado. But the gentleman is very seriously opposing the bill when he asks this House to adopt such an amendment as he suggests.

Mr. FOSTER. The amendment I propose is only for the protection of the National Government.

Mr. ROBINSON. Suppose these cities interested should construct expensive reservoirs?

Mr. TAYLOR of Colorado. And spend over a million dollars, as they must do.

Mr. ROBINSON. And suppose they spent from a million to five million dollars in the construction of the reservoir, and the Government should, for some reasons which appeared manifestly necessary, repeal this act, would the gentleman from Illinois or any other fair-minded man insist that they should have the right to repeal without responding in any sense to those cities for the enormous expenditure in which they have been involved?

Mr. FOSTER. That is a hypothetical case I do not propose to answer.

Mr. ROBINSON. If the gentleman will state a hypothetical case which will support the amendment which he suggests as necessary to protect the Government, I would like to hear it.

Mr. FOSTER. I will say it is a good plan in passing these bills that in the future the interest of the Government may be protected. Men come here and very frequently ask the Government to make concessions and give away property and all that, and yet it is done because our constituents ask us to do it——

Mr. ROBINSON. If the gentleman will permit——

Mr. FOSTER. And for good purposes, too. I am not complaining of this at all, but at the same time it seems to me that the National Government ought to be protected in its rights.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for a moment?

Mr. FOSTER. Certainly.

Mr. MONDELL. Will the gentleman from Illinois allow us to consider the bill and then present the amendment or amendments he may desire?

Mr. FOSTER. I have no objection at all; not in the least.

Mr. MONDELL. Very well.

Mr. FOSTER. Do not understand me as being opposed to the protection of the water supply of any portion of this country. This came up as a suggestion of my colleague from Illinois [Mr. MANN].

The SPEAKER. Is there objection?

Mr. FOSTER. None at all.

The SPEAKER. The Chair hears no objection. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out lines 15, 16, and 17, on page 7, and insert in lieu thereof the following:

"for in section 50 of the act entitled 'An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909 (35 Stat. L., 1098), as amended by the act of Congress approved June 25, 1910 (36 Stat. L., 857).'"

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by adding as a new section the following:

The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding as a new section the following:

"The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. FOSTER. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add to the amendment the following:

"And the United States shall incur no liability by the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested."

Mr. TAYLOR of Colorado. Mr. Speaker, what is the question before the House?

The SPEAKER. The question before the House is the amendment offered by the gentleman from Illinois [Mr. FOSTER].

Mr. TAYLOR of Colorado. Mr. Speaker, I hope that amendment will not be adopted. There is no reason or justice in adding an additional burden by inserting a revocation clause that you never have before put in a bill, so far as I know, since I have been in Congress. It seems to me when this is a measure of absolute necessity to protect the health and lives of 60,000 people, and when they have to spend over a million dollars in the betterment of their waterworks systems along the north slope of Pikes Peak, they should not be handicapped in such a way that they could not sell the bonds or know what kind of a temporary right they are getting. I am confident the citizens of those municipalities would rather have no law at all than to have it so that they can not invest their money with safety. I have no objection to the usual reservation clause that we place in the statutes every day. While I think it is unnecessary and really ought not be put in, I will accept the amendment of the gentleman from Illinois [Mr. MANN]. But the amendment to the amendment is utterly unwarranted. I feel it renders the bill comparatively worthless. I want these cities to either get something plain and definite or nothing at all. I can not agree to a provision that would always be a cloud upon their rights and probably lead to litigation and loss of vast property rights. I hope the amendment to the amendment will be voted down.

Mr. FOSTER. Mr. Speaker, I am not personally particular as to whether the House adopts this amendment or not. I offer it as a safeguard in these bills to the National Government. We are here legislating not only for Illinois, Colorado, Massachusetts, Ohio, and the rest of the States, but we are supposed to be legislating for the United States, for the National Government. And it seems to me that the placing of such an amendment as this does not affect the ability of the city of Colorado Springs nor of Manitou nor of Colorado City to borrow whatever money may be necessary for the construction of this reservoir, the laying of the mains and pipes, and so forth. I do not know whether there will ever be any liability on this or not. I hope not. But I do suggest that in a matter of this kind, if it becomes necessary for the National Government to alter, amend, or repeal this law, the people should not be asked to pay for something that might occur out in the State of Colorado or Illinois, or any other State. I believe the rights of the people are paramount to any particular municipality or locality. And so I have offered this amendment, which is not an unusual one, as stated by my colleague from Illinois [Mr. MANN], who suggested this amendment be placed upon another bill, where they were expending possibly more than $1,000,000 for the development of a water power. And I think many men here in this House to-day voted very readily for that amendment offered by the gentleman from Illinois at that time.

I did not hear any man say that he would not take the right granted by the National Government; but I think overwhelmingly this House, and probably the gentleman from Colorado [Mr. TAYLOR]—although I do not know—voted for it. There was not much opposition to an amendment of this kind when it was offered upon this floor during the last session of Congress. Now, when we are here offering to protect the rights of the National Government and provide that the National Government shall not be liable for any amendment, alteration, or repeal of this law, gentlemen throw up their hands in horror and say: "Are you going to say to these people that the Government shall not be liable if we ask them to amend this bill or appeal it in some way?" I believe these people will be willing—and I am sure they ought to be willing—to take this land, and I want them to have it. But I want them to have it with the proper regulation and with the proper protection to the National Government.

Mr. TAYLOR of Colorado. Let me suggest that Congress has for 50 years been granting lands unconditionally to cities and towns for municipal purposes. Why should you now for the first time try to inflict these harsh restrictions on these two cities?

Mr. FOSTER. The National Government has in the past been giving away many, many valuable rights and many, many valuable acres of land and water-power sites, more than they ever will give away in the future.

Mr. TAYLOR of Colorado. Yes; Congress has been exceeding liberal in giving away the public property to private corporations. But these are municipal corporations that own their waterworks systems. They are vastly different from private corporations.

Mr. FOSTER. But Congress will not do it in the future.

Mr. TAYLOR of Colorado. It will continue to grant the property and power to the cities necessary for the protection of their water supply. There can be no higher use of public land than that. The gentleman is evidently trying to kill the bill.

Mr. FOSTER. There is no objection to the city policing this land and having control of it. I want them to have it to protect their water supply. But at the same time I want to keep in mind the interest of the National Government in these matters, so that we may not in years to come—the National Government will not be compelled to pay thousands of dollars because we do not protect it now.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. STEPHENS of Texas. Does not the gentleman think that in engrafting his amendment upon this bill he would make it harder than it would otherwise be for the people of Colorado Springs and Manitou to sell their bonds?

Mr. FOSTER. Well, does not the gentleman from Texas think that a city of 30,000 inhabitants and a town of 2,000 inhabitants, with all the millions of property they own, ought to be able to borrow money even under such a restriction as that on this bill? If they are not able, I will declare they are different from what I think the people of Colorado are. I think the people of Colorado and the people of those cities are enterprising citizens, and I have a good opinion of their ability.

Mr. TAYLOR of Colorado. Why should you want to handicap them with lawsuits and uncertainty?

Mr. FOSTER. I am not seeking to handicap them in the least.

Mr. TAYLOR of Colorado. Why does the gentleman for the first time in his official career favor the engrafting of such an amendment on a bill?

Mr. FOSTER. I will say to the gentleman that I have voted for such amendments as this heretofore.

Mr. TAYLOR of Colorado. This is the first time I have ever heard of it since I have been a Member of Congress. That kind of a restrictive provision in this law would be nothing less than an outrage upon those cities for all time to come. There is no necessity or justification for it.

Mr. FOSTER. It should go on a bill of this kind the same as on any other kind. I think this amendment will not work hardship on the people of Colorado. I have a very good opinion of those people.

Mr. MONDELL. Mr. Speaker, I do not think the gentleman from Illinois [Mr. FOSTER] understands the character of the legislation, otherwise he would not have offered his amendment.

Under the act of 1905 the cities of Colorado Springs and Manitou could secure many of the rights granted in this bill in absolute perpetuity. That act gives them the right to lay their pipes, erect dams, develop water power, and do all those things that they will do under this bill except that the bill goes further and provides for a general reservation of the watershed. But if the cities proceed under the act of 1905 their rights would be fixed for all time.

Now, it has been deemed wise to grant those same rights with the provision that Congress may at any time alter, amend, or repeal. It is not at all probable that Congress will ever alter or amend in a way that would be confiscatory of the cities' investment, but it is altogether possible that that might be done, and it might occur that it would be in the public interest in a larger public sense than that of these cities for Congress, under its reserved authority and power, to pass an act that would be confiscatory of the property created under this law. Surely the gentleman from Illinois [Mr. FOSTER] would not suggest that under those circumstances we should take from the cities a right to a reasonable recompense for the loss that might occur under those circumstances. As the matter stands, a revocable permit—revocable at the will of Congress—is not likely to be repealed in a way greatly to injure the cities; and yet Congress proposes, and wisely I think, to reserve the right to repeal in a way that might be absolutely confiscatory of the created property, and in doing that, of course, the property would become valuable to the Government for some other use, and we should not say that under those circumstances it should not pay.

Mr. STEPHENS of Texas. Is it not a fact that under the law to which the gentleman has referred, and under the general doctrine of riparian rights and prior appropriation of water, these cities have the right to use this water?

Mr. MONDELL. Yes; but particularly under the act I have referred to, because it was an act passed to cover just such cases, giving rights in perpetuity to municipalities.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman again yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Is it not also a fact that the only thing this bill would accomplish is to permit these people, by using the northern slope of Pikes Peak, to get the water from the snow melting from this peak, and that it only gives them the right to prevent the water from being polluted before it reaches the main?

Mr. MONDELL. That is all it does—prevents pollution and enables the cities to acquire necessary rights.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. MADDEN. Mr. Speaker, I would like a minute or two in order to ask the gentleman a question.

The SPEAKER. Request is made that the time of the gentleman from Wyoming be extended two minutes. Is there objection?

There was no objection.

Mr. MADDEN. I want to know whether the Government of the United States does not own all the land described in this bill?

Mr. MONDELL. Yes.

Mr. MADDEN. It has dedicated it to the two cities of Colorado Springs and Manitou?

Mr. MONDELL. Yes.

Mr. MADDEN. And the gentleman favors the dedication of this land to the cities without any protection whatever, so that if at some future time the Government of the United States should find itself in a position where it ought to repeal or amend or modify the bill, it should recompense the people to whom it had dedicated the land for any investment that they may have made on Government property? Is that it?

Mr. MONDELL. The gentleman has fallen into a curious error and therefore makes a curious misstatement.

Mr. MADDEN. I am asking the gentleman a question.

Mr. MONDELL. He says I am objecting to the Government protecting itself. Not at all. The Government has nothing to protect itself in further than it has protected itself by the amendment offered by the gentleman from Illinois [Mr. MANN]. What I am objecting to is the proposition that the bill shall be so amended that the cities shall have no protection, although the Government may confiscate all their property. That is all there is to it. Of course, if the gentleman thinks the Government should hold land from use by its citizens or not allow them to use it, or, if it does allow them to use it, provide that it shall be under conditions that are impossible—if that is the gentleman's notion of a proper Government policy, he wants to get a fairer and more accurate notion of the Government. We have a law under which the city could secure all these rights in perpetuity, and we are now giving them the lands under a permit revocable at the will of Congress, but we say that if Congress repeals the permit in a way to confiscate or injure the property it certainly will do it with the idea of using that property itself in some other way, and therefore it ought to pay for it.

Mr. MADDEN. The gentleman concedes that the property belongs to the Government, does he not?

Mr. MONDELL. Nothing belongs to the Government but the land.

Mr. MADDEN. Well, the land.

Mr. MONDELL. The improvements that will be placed upon it will belong to the people of Colorado Springs and Manitou.

Mr. MADDEN. These people who want to make these improvements understand that they can not make them unless the Government of the United States concedes to them the right to use this property.

Mr. MONDELL. And I assume that the gentleman would not have the people of the West placed in such a position that they could not improve their country except under a permit that could be revoked the day after, thereby confiscating all the improvements they had made.

Mr. MADDEN. Most people in other sections of the country improve property which they buy.

Mr. MONDELL. These people were perfectly willing to buy this land, and wanted to buy it, but the Government did not want to sell it.

Mr. MADDEN. The Government has the right to refuse to sell it, and it has the right to impose conditions.

The SPEAKER. The time of the gentleman has again expired. The question is on the amendment of the gentleman from Illinois [Mr. FOSTER] to the amendment of the gentleman from Illinois [Mr. MANN].

The amendment of Mr. FOSTER to the amendment was rejected.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PARK LAND, BOULDER AND CANON CITY, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19339) granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted and conveyed to the following-named municipal corporations in the State of Colorado for public-park purposes, and for the use and benefit of the respective cities, the following-described land, or so much thereof as said cities may desire, to wit:

To the city of Canon City, county of Fremont, section 10, township 19 south, range 71 west of the sixth principal meridian, containing 640 acres, more or less.

To the city of Boulder, county of Boulder, the east half of the southeast quarter of section 11; west half of section 13; east half of the northeast quarter, east half of the southeast quarter, and southwest quarter of the southeast quarter of section 14; east half of section 23; northwest quarter and the west half of the southwest quarter and the northeast quarter of the southwest quarter of section 24; all in township 1 south, range 71 west of the sixth principal meridian.

Provided, That this act shall be subject to all the conditions and the same provisions as are contained in section 2 of an act entitled "An act granting public lands to certain cities and towns in the State of Colorado for public-park purposes," approved June 7, 1910 (36 U. S. Stats., 459).

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I call the attention of the gentleman to the fact that this bill starts out as a direct grant, which, as I remarked with reference to another bill to-day, is a conveyance, and requires no patent. The latter part of the bill then proposes that a patent shall be issued, by reference to another law. Has the gentleman any objection to changing the first part?

Mr. TAYLOR of Colorado. No; I have no objection to making the same change that you made in the other bill. I will simply say to the gentleman from Illinois that this act follows the identical language of the act of 1910, by which these other towns got their park land.

Mr. MANN. I am aware of that.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, do I understand that this land is to be conveyed only for park purposes?

Mr. TAYLOR of Colorado. That is what the bill says.

Mr. MANN. That is not what it says, and that is why I asked the question. It says, "For park purposes and for the use and benefit of the respective cities."

Mr. TAYLOR of Colorado. I am willing to strike out the word "and," if that is the question. That is all they want it for. You can strike out the word "and" and the comma.

Mr. MANN. Yes; so as to make it "for park purposes" Of course the department recommended the provision be inserted reserving the oil and mineral rights. Is the gentleman willing to accept the same sort of amendment that went into the last bill?

Mr. TAYLOR of Colorado. Yes.

Mr. FOSTER. And is the gentleman willing to accept the same amendment that I offered to the amendment of the gentleman from Illinois?

Mr. TAYLOR of Colorado. No; I would not want to accept that amendment.

Mr. FOSTER. Then I will object.

Mr. MANN. I will say that I do not think there is the same objection to inserting the amendment offered by my colleague in this bill that there was in the other bill.

Mr. TAYLOR of Colorado. I do not think there is, except there is no expenditure here.

The SPEAKER. Does the gentleman from Illinois [Mr. FOSTER] withdraw his objection?

Mr. FOSTER. Yes; I will reserve the right to object.

Mr. TAYLOR of Colorado. I would like to ask the gentleman from Illinois if he is going hereafter to insert this provision in all the bills or is he simply making an example of me?

Mr. FOSTER. Oh, no; I have the kindest feeling for the gentleman and the great State of Colorado; but I have some consideration for the people whom I represent.

Mr. MANN. I can say to the gentleman from Colorado that if both my colleague and myself did not have the kindest regard for the gentleman from Colorado we would not have let the bill which has just passed go through which gave the city of Colorado Springs and Manitou a large amount of land to be policed and watched for fire at the Government expense.

Mr. TAYLOR of Colorado. I do not think so. I do not object to this amendment. There is no expenditure of money about this. It is a barren piece of ground and has lain there for 40 years, waste land.

Mr. FOSTER. But you can not tell what it will be worth 40 years from now.

Mr. TAYLOR of Colorado. I have no objection to the amendment going in.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, in line 3, page 1, by striking out the words "there is hereby granted and conveyed" and insert in lieu thereof the words "the Secretary of the Interior is hereby authorized to convey."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "there is hereby granted and conveyed" and insert in lieu thereof the words "the Secretary of the Interior is hereby authorized to convey."

The amendment was agreed to.

Mr. MANN. Now Mr. Speaker, I move to strike out, in line 5, the comma and the word "and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, strike out the comma after the word "purposes" and the word "and" immediately following.

The amendment was agreed to.

Mr. MANN. I move to amend by adding a new section, "Section 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. FOSTER. And, Mr. Speaker, I move to amend the amendment by adding the following: "And the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested."

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amendment as amended.

Mr. MANN. Mr. Speaker, a part of this land has been covered by patents.

Mr. TAYLOR of Colorado. There is a clause here which reserves all that.

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman if there is any provision in this bill by which if the land is not used for park purposes it shall revert to the Government.

Mr. TAYLOR of Colorado. Yes; that provision is in the bill. The gentleman will see it in the report on page 3:

And that if the said lands shall not be used as public parks the same or such parts thereof not so used shall revert to the United States.

Mr. COOPER. Is the gentleman reading from the report?

Mr. MANN. That is in section 2 of the act referred to in the proviso. This is made subject to the provisions of that law.

Mr. MONDELL. Mr. Speaker, I understand that an amendment has been offered by the gentleman from Colorado reserving the right to alter, amend, or repeal this law, and that a supplementary amendment has been offered by the gentleman from Illinois [Mr. FOSTER], providing that the United States shall not be liable under this act. I desire to call the attention of the House to the fact that this is a sale of land at $1.25 an acre. We are selling these town lands at $1.25 an acre. It is to be their land after it is purchased. It is an outright sale of land for park purposes, rocky, broken, mountainous land, of no value for anything but park purposes; but out of an abundance of caution we reserve to the United States all the coal and oil that may be under the land, and the right to enter for the purpose of extracting these minerals from the land.

It does seem to me that when we sell land and charge for it it is scarcely fair or reasonable or equitable to reserve the right to alter or amend or, in other words, to take back the bargain. Either the Government ought to sell these lands to these towns or it ought not to. The reservation in itself is in my opinion ridiculous, but it is in the other bill. It was insisted upon, and it went in because the people responsible for the legislation could not help themselves. They either had to accept it or not get the legislation, which is often the case, and now it is proposed to burden these other reservations with more reservations. I doubt if any city or town anywhere would care to buy public land at the ordinary public-land price of one dollar and a quarter an acre with a reservation to the Government of all the mineral in the land, and then have a string attached to the patent under which the Government can jerk it back any time, confiscate all of the improvements on the land, and double clinch and copper rivet the thing by a provision that if that is done the Government shall not be responsible for its nefarious acts. I do not believe the gentlemen really intended to do that.

Mr. MADDEN. Does the gentleman think that the Government ever acts nefariously?

Mr. MONDELL. I do not believe the gentlemen really intended that these amendments shall apply to this sort of a transfer of property. I doubt whether either of the gentlemen realizes the conditions of this sale, for it is a straight-out sale of land for one dollar and a quarter an acre.

Mr. MANN. The gentleman may except me from that. I have a memorandum of the whole thing right here.

Mr. MONDELL. I can not understand why the gentleman from Illinois [Mr. MANN], now for the first time in the history of the Government, proposes to put such a provision into a bill providing for a sale and transfer of real estate by the Government, rocky, broken, comparatively worthless mountain land, to municipalities, not to individuals or grasping corporations, but to some good people who have associated themselves together in a municipal corporation and who desire to beautify the surrounding territory.

We charge them one dollar and a quarter an acre. That of itself is not a very reasonable proceeding on the part of a great Government under the circumstances. We reserve all sorts of minerals that are not present out of excess of caution. We charge all that we charge anybody if we did not reserve the minerals. It is now proposed that the city shall buy, if they do buy, with the understanding that day after to-morrow we could take it all back and not repay the dollar and a quarter for the land, not reimburse them for any improvements they may have placed upon it; and in order to fix it so that there will be no getting away from it, the gentleman from Illinois proposes to put in the bond to exact the pound of flesh and the blood that flows with it. I can not believe that the gentlemen really want that sort of an amendment adopted.

Mr. MANN. Mr. Speaker, this bill proposes to grant to the city of Boulder 1,200 acres of land for park purposes. The city of Boulder is not a very large city. It has heretofore acquired at one time from the Government for park purposes 139 acres, at another time 1,601 acres, at another time 1,524 acres. One would suppose that the city of Boulder was well supplied with land for park purposes, when it has in the neighborhood of more than 3,000 acres for that purpose, not quite an acre to a man, but at least more than an acre to 10 men. A portion of the land that is now proposed to be conveyed at $1.25 an acre has heretofore been reserved by the Government for power purposes. The gentleman from Wyoming, who does not believe the Government ought to have any control over power purposes, did not mention that fact. This land is already reserved by the Government under an act of Congress for power purposes, and the gentleman proposes to take it out of the hands of the Government for power purposes. My amendment proposes to leave the control of it in the hands of the Government for power purposes. The well-known animosity of the gentleman from Wyoming against any control of the Government over the Government lands in the Western States does not need further comment.

Mr. MONDELL. There is no animosity on the part of the gentleman from Wyoming against the people of a municipality developing water power and using it.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. TAYLOR of Colorado. Mr. Speaker, I merely want to state that the city of Boulder is the seat of the State university. It is one of the prettiest cities in the West. The residents of the city and the State generally are trying to make it one of the most attractive and important educational centers of this country. This park will be an additional feature and will materially add to the scenic attractiveness of the city. This mountain to which you refer is simply a kind of amphitheater around the city which is covered by a growth of pinon, or, rather, scrubby pine trees. If this land was worth anything, it would have been taken in private ownership 30 years ago. The city simply wants this tract of mountain side to prevent anybody acquiring it and removing these trees, and thus disfiguring the background and surroundings of the city. The gentleman is mistaken about this park for the city of Boulder having a water-power reservation. That is in the Canon City park bill. That is in a canyon off from Canon City. The land is worthless for any other purpose. The authorities are building a road to it by convict labor and beautifying it as a drive and an outing place.

Mr. MANN. What mistake did I make about the city of Boulder? I read from the report on this bill that the city of Boulder had acquired for park purposes the amount of land to which I have referred.

Mr. TAYLOR of Colorado. Certainly; but, as I was stating, the power site is not in the proposed Boulder park, but it is in the Canon City park.

Mr. MANN. It is in this bill.

Mr. TAYLOR of Colorado. Oh, yes; but the Government's rights are all reserved in the bill. The mayor and city council of Boulder filed with the committee a memorial in support of this bill, which in part reads as follows:

Your memorialists, the mayor and city council of said city of Boulder, respectfully represent that the lands hereinbelow described are in the mountains or foothills west of and near to our city and adjoin the lands heretofore granted to our city by the act of Congress of February 28, 1899, and are of almost no value except for the sparse growth of native trees thereon.

They are necessary to round out and complete the lands that ought to be included in the park lands of the city and to prevent, so far as possible, the beauty of the foothills within sight of the city being spoiled by the destruction of the timber thereon; that much of the native timber formerly growing on the lands herein asked for has been cut off in the early years of settlement of said county, and that only a small proportion thereof now remains, chiefly small pine and spruce trees and entirely unfit for lumber or building purposes; that this small remainder is being constantly diminished by trespassers for firewood and by careless setting out of fires; that it will be an advantage to the inhabitants of this city and of this county that said remaining trees be, if possible, protected and preserved; that if the Government will grant said lands to our city for the preservation of said remaining trees, our city will take pleasure and exercise its best endeavors in caring for and preserving the trees now remaining on said lands, and will plant and encourage the planting of other trees thereon; that said lands are near to and of easy access from our State university and contain no mines or minerals or any mining claims of any known value; that said lands have been open to settlement under the land laws of the United States for more than 50 years, but that no one up to this date has filed on or claims any of said lands.

We therefore respectfully request you, if in harmony with your duties as officers of the Government, to present and, if practicable, to secure the passage of a bill granting to the city of Boulder, in the State of Colorado, the lands herein described for park purposes and for the preservation of the native trees on said lands.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN] as amended by the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 32, noes 1.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF CERTAIN LANDS WITH THE STATE OF MICHIGAN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4012) to authorize the exchange of certain lands with the State of Michigan.

The Clerk read as follows:

A bill (H. R. 4012) to authorize the exchange of certain lands with the State of Michigan.

Be it enacted, etc., That, upon the request of the Secretary of Agriculture, the Secretary of the Interior shall accept on behalf of the United States the relinquishment or conveyance to the United States, by or from the State of Michigan, of any lands covered by its unperfected claims under the land laws of the United States, or of any lands owned or controlled by the State of Michigan which the said State of Michigan is willing to relinquish or convey to the United States, and which, in the opinion of the Secretary of Agriculture, should be included in, or made a part of, or set aside as and for a national forest in said State; and upon such acceptance the lands so relinquished or conveyed shall immediately, and by force of this act alone, be reserved and set aside as national forest lands, and is hereby made subject to all the laws affecting other national forests.

SEC. 2. That the State of Michigan is hereby authorized to select, in lieu of any lands relinquished or conveyed to the United States under the foregoing provisions of this act, other lands of equal area and approximately equal value from any part of the unappropriated public lands in said State, including lands within a national forest and lands withdrawn from entry without other special reservation. A description of the lands selected, together with a description of the lands relinquished or conveyed, or intended to be relinquished or conveyed under this act, shall be filed with the Secretary of Agriculture: *Provided*, That the question as to whether any lands intended to be relinquished or conveyed under the provisions of this act are approximately equal in value to the lands selected and whether the mutual exchange of said lands would be beneficial to the public interests subserved by the national forests in the State of Michigan shall be determined by the Secretary of Agriculture.

SEC. 3. That upon the certification of the Secretary of the Interior by the Secretary of Agriculture that the lands selected and the lands relinquished or conveyed are of equal value, and that the exchange of said lands would be beneficial to the administration of the national forests in the State of Michigan, the Secretary of the Interior shall determine, in accordance with the rules and regulations to be prescribed by him, whether the lands selected by the State are unappropriated lands, and if so found he shall issue a patent for said selected lands to the State of Michigan: *Provided*, That no deed or other instrument of conveyance shall be accepted by the United States until the Attorney General of the United States shall certify that a good and sufficient title to such lands is vested in the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand that this bill is to permit the State of Michigan and the Government to exchange lands in their forest reservations so that the State may have a forest reserve in a compact body and the Government in the same manner.

Mr. YOUNG of Michigan. That is correct.

Mr. MANN. Now, the original bill provided for the relinquishment by the State of its unperfected claims under the land laws of the United States or of any lands controlled by the State. The committee proposes to strike out by amendment the unperfected claims, and so forth, and leave in the words "relinquishment or." Is there any land which the State can relinquish to which it has a perfect title? If it owns land, it conveys by conveyance, does it not?

Mr. YOUNG of Michigan. Mr. Speaker, there is no land in the State of Michigan to which those words would apply.

Mr. MANN. Then I suppose there is no objection to striking them out.

Mr. YOUNG of Michigan. There will be no objection to striking them out. I will say to the gentleman that this bill, in its original form, was framed in the Department of Agriculture. It was then submitted to the Secretary of the Interior, who made certain criticisms upon it. It was then resubmitted to the Secretary of Agriculture, with the criticisms of the Secretary of the Interior, and to these criticisms the Secretary of Agriculture agreed and expressed a willingness that the changes should be made, and it was the intention of the Committee on Public Lands to make the amendments in the act as suggested by the Secretary of the Interior, but through inadvertence it left in the words "relinquishment or" or "relinquished or" in a good many places in the bill, and if no objection is made to the consideration of the bill it is my purpose, when the time comes, to ask that those words be stricken out.

Mr. MANN. Now, then, one more question, or, maybe, two: Section 2 of the bill proposes that before the selections made by the State are carried into effect by conveyance from the Government the Secretary of Agriculture must approve the selection.

Mr. YOUNG of Michigan. Absolutely.

Mr. MANN. But it reads:

That the State of Michigan is hereby authorized to select in lieu of any lands relinquished or conveyed.

Ought it not to be that the State of Michigan is authorized to make application to select?

Mr. YOUNG of Michigan. Of course, the selection would not be valid until it was agreed to on the part of the authorities of the United States, as provided for in section 1.

Mr. MANN. That is one of the criticisms the Secretary of the Interior makes of this bill, and it occurred to me possibly if the State of Michigan should file a selection of a particular part of land and it was not approved there might be a cloud upon the title to that land.

Mr. YOUNG of Michigan. I have no objection to the suggestion of the gentleman.

Mr. MONDELL. If the gentleman from Illinois will notice, the word "shall," in line 4, page 1, is stricken out and the word "may" inserted.

Mr. MANN. I do not think that makes a particle of difference.

Mr. MONDELL. It makes a very great deal of difference.

Mr. MANN. Not from the standpoint of a lawyer, it does not.

Mr. MONDELL. It simply provides that the Secretary may accept. He is not required to accept anything.

Mr. MANN. I think he is. When the Secretary of Agriculture makes certification the Secretary of the Interior has nothing further to do except to make patent under section 3 of the bill. I do not think it makes any difference at all. "May" means "shall" under ordinary circumstances, and I do not thinks it makes any difference here.

Mr. YOUNG of Michigan. I have not any objection to the amendment the gentleman suggests.

Mr. MANN. The gentleman understands that I do not object to the consideration of his bill in any event. I was going to suggest that there should be inserted in line 9, before the word "select," page 2, the words "make application to," and in line 15, the words "so applied for."

Mr. MONDELL. Where is that?

Mr. MANN. To read:

A description of the land so applied for shall be filed with the Secretary of Agriculture.

Instead of a description of the land selected.

Mr. YOUNG of Michigan. I have no objection to that.

Mr. MANN. I will be frank and say that I do not know whether it makes any change, but I notice the department made

that objection as though it did amount to something coming from the Interior Department, and as it was not intended to have a selection amount to anything until it was approved by the Secretary of Agriculture, I do not see what objection there could be to the change.

Mr. MONDELL. As a matter of fact, there is no objection to the change except an objection that the change proposed is not uniform with the language generally used relative to State selections and in all general selections of that sort. I do not know as there is any objection to changing the language, but the word "selected" is generally used. The State selects and the Secretary of the Interior confirms the selection.

Mr. MANN. But it is not purely a matter of discretion on his part, like it is here with the Secretary of Agriculture. Where the State selects lieu lands for base lands, if it selects under ordinary conditions, the Secretary is bound to use the patent.

Mr. MONDELL. There are conditions in every case, as the gentleman knows. They may not be the same character of conditions, but there are always conditions.

Mr. MANN. But this is made on the recommendation or certification of the Secretary of Agriculture. Does the gentleman himself feel perfectly clear under such circumstances that if the State should file a notice of selection which was not approved by the Secretary of Agriculture that that would leave the title to that piece of property perfectly clear?

Mr. MONDELL. I do not think it would. I have no objection to the amendment.

Mr. MANN. The gentleman from Wyoming [Mr. MONDELL] is my authority upon questions relating to public lands, where the Western States are not trying to set off and get everything themselves. If he thinks that makes no difference, I will take his opinion in preference to the opinion of the Interior Department.

Mr. MONDELL. I am inclined to think the language used is more nearly in harmony with the language ordinarily used in cases of this kind than the language suggested, and I do not believe there would be any difficulty about it, although I do not believe there would be any objection to our accepting the amendment proposed.

Mr. MANN. I am calling it to the attention of the gentleman. The Secretary of the Interior did not make the matter very plain. He says:

The first sentence of section 2 would imply a right in the State to select. The provisos to section 2 and section 3 seem to make this right subject to the approval of the Department of Agriculture. If this is intended it is suggested that after the word "to" in line 8, page 2, there be inserted the words "apply to."

Inserting the words "apply to" would not make sense, so far as that is concerned, and yet the purpose the Secretary had in making his report I have been trying to carry out in the language proposed.

Mr. MONDELL. The State selection in itself attaches no right whatever to the land, would not in this case, and does not in any case; and the act goes on to say that the State is authorized to select—that is, to give a description of the lands they desire in lieu of the lands relinquished under the foregoing provisions of this act. That is to give the description of the land they desire in lieu of lands relinquished under the foregoing provisions of this act. One of the provisions of this act is that they are lands which in the opinion of the Secretary of Agriculture should be included in or made a part of or set aside as a national forest.

Mr. MANN. That is not the lands selected. That is the lands conveyed to the Government.

Mr. MONDELL. I understand.

Mr. MANN. That is not the same proposition at all. The State does not select the lands for the Government. The State selects the lands now owned by the Government.

Mr. MONDELL. I understand it does and the Government need not make the exchange unless it sees fit to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of Michigan. Mr. Speaker, this bill is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan [Mr. YOUNG] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 4, strike out the word "shall" and insert in lieu thereof the word "may."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, lines 7 and 8, strike out the words "covered by its unperfected claims under the land laws of the United States, or of any lands."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 1, line 8, strike out the words "or controlled."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 6, strike out the words "is hereby made" and insert the word "be."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, lines 13 and 14, strike out the words "and lands withdrawn from entry without other special reservation."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, lines 14 and 15, insert, after the word "States," in line 14, the words "by said conveyance."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. Mr. Speaker, I now move to strike out the words "relinquishment or," in line 5, page 1, and the words "relinquish or" and "relinquished or" wherever they appear in the bill.

The SPEAKER. It would be best to take them up separately. The Clerk will read the first one.

The Clerk read as follows:

Page 1, line 5, strike out the words "relinquishment or."

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. The next one is on line 10.

The Clerk read as follows:

Page 1, line 10, strike out the words "relinquish or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. The next one is on line 4 of page 2.

The Clerk read as follows:

Page 2, line 4, strike out the words "relinquished or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. The next amendment is on page 2, line 9, to strike out the words "relinquished or."

The Clerk read as follows:

Page 2, line 9, strike out the words "relinquished or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. The next is on line 16.

The Clerk read as follows:

Page 2, line 16, strike out the words "relinquished or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. The next is on lines 16 and 17.

The Clerk read as follows:

Page 2, lines 16 and 17, strike out the words "relinquished or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. The next is on line 19.

The Clerk read as follows:

Page 2, line 19, strike out the words "relinquished or."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. YOUNG of Michigan. Mr. Speaker, on page 3, line 3, I move to strike out the words "relinquished or."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, strike out the words "relinquished or."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I think the word "of," in line 1, page 3, ought to be "to." It should be on certification "to" the Secretary of the Interior, instead "of" the Secretary of the Interior, by the Secretary of Agriculture.

Mr. YOUNG of Michigan. That is true. Let the gentleman offer the amendment.

Mr. MANN. On page 3, line 1, I move to strike out the word "of" and insert the word "to" where it first occurs.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 1, strike out the word "of" where it first occurs and insert the word "to."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LAND TO SALT LAKE CITY, UTAH, FOR RESERVOIR PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to grant to Salt Lake City, Utah, under the provisions of section 4 of the act of February 1, 1905 (33 Stats., 628), a right of way on and over section 34, township 2 south, range 3 east, and sections 2 and 3, township 3 south, range 3 east, in Big Cottonwood Canyon, within the Wasatch National Forest, Salt Lake City land district, Utah, which lands have heretofore been reserved for reservoir purposes under and by virtue of the act of October 2, 1888 (35 Stats., 608).

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I should like an explanation of the bill.

Mr. ROBINSON. Mr. Speaker, the bill is designed to grant to the city of Salt Lake, Utah, under the provisions of existing law, a right of way over section 34, township 2 south, range 3 east, and sections 2 and 3, township 3 south, range 3 east, in Big Cottonwood Canyon, within the Wasatch National Forest, Salt Lake City land district, Utah, which lands have heretofore been reserved for reservoir purposes under and by virtue of the act of October 2, 1888. The city of Salt Lake finds it necessary to secure a right of way for waterworks over these lands, and this bill grants that right of way. If any further explanation is desired by the gentleman, I shall be glad to make it.

Mr. FINLEY. Mr. Speaker, my recollection is that bills of this character have been strenuously objected to by the gentleman from Illinois [Mr. MANN], but from the explanation given I can see no objection to the bill myself.

Mr. MANN. I never have objected to a bill of this character since I have been on earth.

Mr. FINLEY. The gentleman has not been on earth recently, then.

Mr. MANN. I have, but the gentleman has not.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend page 2, line 3, by striking out the word "thirty" and inserting the word "twenty." The citation is erroneous.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "thirty" and insert the word "twenty."

Mr. MANN. It is not necessary to cite the statute, but when you do cite it you ought to get nearer than within 10 volumes of it.

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

EXTENSION OF CERTAIN HOMESTEAD RIGHTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140).

The bill was read, as follows:

Be it enacted, etc., That section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), be, and the same is hereby, amended by adding thereto the following:

Provided, That any settler upon lands theretofore designated by the Secretary of the Interior as subject to the provisions of sections 1 to 5 of the enlarged-homestead acts of February 19, 1909 (35 Stat. L., p. 639), and June 17, 1910 (36 Stat. L., p. 531), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his homestead: *And provided further*, That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged-homestead acts of February 19, 1909, and June 17, 1910, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the enlarged-homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder: *And provided further*, That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened.

The SPEAKER. Is there objection?

Mr. FINLEY. Reserving the right to object——

Mr. MANN. Reserving the right to object, I should like to know whether I understand this bill. Four men have each taken up 160 acres, surrounding another 160 acres. As I understand the bill, it is intended to let any one of those four men mark the boundaries on that 160 acres and thereby secure a preference right.

Mr. MONDELL. Yes.

Mr. MANN. Which one of the four is entitled to the preference?

Mr. MONDELL. The one who first exercises it.

Mr. MANN. Under what right?

Mr. MONDELL. Under the general rule of priority which prevails in all of the land laws of the United States.

Mr. MANN. Where that right prevails it prevails because it is conferred by statute.

Mr. MONDELL. Not in all cases, by any manner of means.

Mr. MANN. There is no priority unless it is given by statute.

Mr. MONDELL. The gentleman does not mean that. Two homestead settlers under the law as it now stands may go on the same piece of land at approximately the same time, and the question of priority of settlement is the question always. In a thousand land cases that arises under the law, as it did in the Oklahoma rush cases.

Mr. MANN. That is what the law provides—that the one who gets there first and stays there is entitled to it.

Mr. MONDELL. That is what this provides; this is an extension of the priority right.

Mr. MANN. I am not going to object to the bill, I will say to the gentleman, for that reason.

Mr. MONDELL. It is not an objection.

Mr. MANN. It would be to anyone who wanted to provide in advance against litigation, for as sure as the sun rises tomorrow there will be trouble over this.

Mr. MONDELL. There can not be over this more than over the general provision to which this is a proviso.

Mr. MANN. It is not a proviso to anything of the sort; there is no preference given now to these people.

Mr. MONDELL. Not to this class.

Mr. MANN. So it is not an amendment to any proviso; it is a proposition to enact a new law which, it seems to me, possibly unobjectionable, gives to the man who is there a preference right to take the land adjoining what he already has. It gives each one of the four a preference right to take a particular tract of land.

Mr. MONDELL. It gives the man who does the thing required to establish his right the priority.

Mr. MANN. It gives the man who shall plainly mark the exterior boundaries the preference.

Mr. MONDELL. It gives it to the man who first marks it.

Mr. MANN. No; it does not say so and it does not mean so; the man who first marked it might withdraw his mark. It does not mean him, it means any one of the four who marks it. It will require one of those peculiar opinions in the Interior Department which the gentleman blames the department for making, but which in this case they will be compelled to make, not because of their lack of understanding, but because of our lack of understanding.

Mr. MONDELL. I must frankly acknowledge that this is a Senate act drawn by the department. The gentleman from Wyoming is constantly getting himself into trouble by mildly criticising bills drawn by the department. Some people have been unkind enough to suggest that the gentleman from Wyoming is never satisfied with the phraseology of acts drawn by the department. In order to avoid that I am frank to say that I amend the department bills as little as I possibly can and have them understandable.

Mr. MANN. If that is the reason the gentleman takes that position I will give him some little information. The language which I have referred to is in the first proviso in the bill, and the department, in reporting upon the bill, says:

Before giving consideration to the questions propounded in your letter I wish to state that the third and last proviso to the bill as it passed the Senate was not upon the bill as it was reported upon by this department to the Senate Committee on Public Lands.

Mr. MONDELL. We struck that proviso out.

Mr. MANN. The gentleman is right. I thought it referred to the first proviso.

Mr. MONDELL. That is the one that we have stricken out. The bill came to us from the Senate, and it was not very clear to some gentlemen on the Public Lands Committee, so the chairman wrote a letter to the department, in order that we might have their construction of it before we passed it, and the letter from which the gentleman reads construes the act in advance to a certain extent.

Mr. MANN. Yes; and expressly says in the report that nobody knows who would have the preference right in the case I have suggested. They do not make it quite so clear as I do.

Mr. MONDELL. We did not so interpret it.

Mr. MANN. It is there, nevertheless.

Mr. FINLEY. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. FINLEY. How much land will be affected by the passage of this bill?

Mr. MONDELL. It is difficult to say how much. It is simply a modification of the law that has been on the statute books for many years giving the settler who goes on the public domain a preference right for three months in which to locate his claim in the land office.

Mr. FINLEY. The gentleman says a preference right for three months. Does the gentleman think it is necessary to give the settler three months?

Mr. MONDELL. That has been held to be necessary ever since we had the homestead law.

Mr. FINLEY. But the gentleman proposes to change it now?

Mr. MONDELL. No; we simply extend it to this class of settlers.

Mr. FINLEY. Does not the gentleman think that a bill of this character involving the public domain should come up and be considered in the House on a call of committees?

Mr. MONDELL. I have never heard anyone in the committee or out of it or on the floor doubt the wisdom of the legislation. The propriety of it is apparent to anybody. It simply brings under the general law this additional class of homestead entrymen. The provision is one so well understood and the propriety of giving this class of settlers the right that all others have is so clear that I do not think anyone has objection to it.

Mr. FINLEY. Does not the gentleman think that all homesteaders should have the same rights?

Mr. MONDELL. That is what this law is for. It is to give this new class of homesteaders the same rights which all other homesteaders have, so that if a man goes and settles on a piece of public land he shall have 90 days within which to file his claim in the local land office, so that some one else who does not go upon the land and put improvements upon it may not be able to go to the land office and file a claim in advance of him.

Mr. FINLEY. The gentleman thinks the homesteader should have the right to settle on a piece of land without taking the preliminary steps to homestead?

Mr. MONDELL. That is the fundamental principle of the homestead law. It has been in the homestead law from the beginning. As a matter of fact, it was the origin of the homestead law. Originally settlers went upon the land, picked out the piece they wanted and put their families there, and then went off to the land office. The settler does not want somebody to make an entry on the land while his family is there and he is on the way to the land office. Some other man might have a swifter horse than he.

Mr. FINLEY. When was this bill first introduced, in this Congress or the last Congress?

Mr. MONDELL. This bill was introduced some time ago.

Mr. FINLEY. This is the first Congress that the bill has ever been introduced in?

Mr. MONDELL. It could not have been introduced in the last Congress because we have only provided for this class of homesteaders in this Congress.

Mr. FINLEY. Mr. Speaker, I think this bill ought to be considered in the regular way, on a call of committees, and I object.

Mr. CANNON. Mr. Speaker, will the gentleman from South Carolina withhold his objection for a moment? I just want to ask a question. This enlarged homestead law largely applies to the sand lands in western Nebraska and elsewhere?

Mr. MONDELL. It applies to lands that are so poor that nobody will take them under the ordinary homestead law.

Mr. CANNON. Does the gentleman know whether the Representative from Nebraska, Mr. KINKAID, approves of this legislation?

Mr. MONDELL. The enlarged homestead does not apply to Nebraska at all, because there is a still larger homestead which applies to that State.

Mr. Speaker, I hope the gentleman from South Carolina will not object to allowing the matter to go over without prejudice, if he has any question in his mind at all.

Mr. FINLEY. I have no objection to that.

The SPEAKER. The gentleman from South Carolina withdraws his objection, and the gentleman from Wyoming asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. MONDELL. Mr. Speaker, the gentleman from South Carolina withdraws his objection entirely——

The SPEAKER. But the gentleman from South Carolina withdraws his objection on a condition.

Mr. MONDELL. Very well; I accept that.

Mr. FINLEY. Otherwise I object.

The SPEAKER. The gentleman from Wyoming, on account of the situation, asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection, and it was so ordered.

HOMESTEADERS ON UINTAH INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 6934) to provide an extension of time for the submission of proof by homesteaders on the Uintah Indian Reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year, and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension, and no more.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice that this allows anybody who has made a homestead entry prior to the date of the passage of the bill to obtain an extension. Is not this a little unusual to make the bill as broad as that?

Mr. HOWELL. Mr. Speaker, I think the bill follows the language of bills of this character that have been passed during this session of Congress. The intention of the bill is to relieve those homesteaders on the Uintah Reservation whose time of making proof is about to mature during the next few months.

Most of the homesteads on this reservation were taken up at the time it was opened for settlement in 1905. These lands were then subject to entry only under the homestead laws with the proviso that the entryman was required at the time of making final proof to pay $1.25 per acre. The preferential right to make a homestead entry was determined by a system of drawing. There was a rush to acquire lands in the beginning, and a great many people found it much more difficult to redeem the soil and bring it under successful cultivation than they expected.

Mr. MANN. If I remember correctly, when this was opened up we provided the land should be paid for all at once.

Mr. HOWELL. All at once, $1.25 an acre.

Mr. MANN. And this money is now coming due?

Mr. HOWELL. The homesteaders who first made entries will be required to make final proof some time this fall.

Mr. MANN. Of course this is to authorize an extension, and anyone who took a homestead entry to-day would authorize an extension probably five years from now.

Mr. HOWELL. That point was considered by the committee, and, inasmuch as the homesteader is required to pay 5 per cent interest on the deferred payment, it was thought that no one would be injured even if some of the later settlers should avail themselves of this provision.

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object I desire to interrogate the gentleman for a moment. When this bill was considered in committee I suggested to the gentleman I thought it ought to be amended, and I want to call his attention to the provision in the last Indian appropriation act, which refers to the settlers upon the Uintah Indian Reservation. That provision is very short and reads as follows:

That any person who prior to March 1, 1909, made homestead entry for land in the Uintah Indian Reservation, in the State of Utah, under the act of May 27, 1902, and acts supplementary thereto, and who has not abandoned the same, may make commutation proof therefor, provided such person has fully complied with the provisions of the homestead laws as to improvements and has maintained an actual bona fide residence upon the land for a period of not less than eight months and upon payment thereof of $1.25 per acre: *Provided further*, That nothing contained herein shall affect any valid adverse claim initiated prior to the passage of this act.

Now, does not the gentleman think that if we pass this bill it ought to conform to that act? Otherwise you are going to have three different laws affecting the homesteaders upon the Uintah Reservation. I apprehend that the persons you are desirous of relieving are those settlers who went in there at the time of the drawing, at the time of the rush, and not the settlers who may go in there to-morrow, because under this bill anyone who makes an entry up to the time the law is approved by the President is granted a special privilege, seven years after that time, of still having two years to pay for his land. Does not the gentleman think it would be better, inasmuch as we have already passed one act—special legislation—authorizing these entrymen to acquire title to their land upon a residence of eight months, whereas the law requires 14, that we ought to limit this act to settlers who filed prior to March, 1909?

Mr. HOWELL. I will say to the gentleman from South Dakota that, under the existing law, lands in the late Uintah Reservation can be acquired without homesteading. The Secretary of the Interior is authorized to appraise the land and dispose of it to the highest eligible bidder at or above the appraised value. The restriction as to disposing of the lands by homesteads continued for only five years after the lands were thrown open to settlement. In view of this provision for selling the land the paragraph mentioned was inserted in the Indian appropriation bill relaxing the conditions of the homestead law to the entryman.

Mr. BURKE of South Dakota. I will ask the gentleman if any lands that have not been disposed of in the Uintah Indian Reservation are now subject to homestead entry?

Mr. HOWELL. Undoubtedly they are. They are also subject to sale under the system of appraisement. After five years, if I remember the law aright, lands not then entered under the provisions of the homestead laws were subject to disposal by the Secretary of the Interior.

Mr. BURKE of South Dakota. It is more as to a question of precedent that I raised the question than to suggest an amendment in this particular case. You are legislating, so far as the Uintah Reservation is concerned, and saying that a man who makes a homestead entry now shall have a privilege which does not exist under the homestead laws, and it is a question of whether or not it is not a bad precedent.

Mr. HOWELL. Of course, this is primarily to relieve the situation of these first hardy settlers, who have battled against obstacles in making homes in that section of the country and whose final proof must be made during the next year or two. From the time these lands became subject to sale by the Secretary of the Interior I hardly believe that but few persons would apply to make a homestead entry. Since 1910 the lands can be purchased at practically the same value as exacted of the homesteader, and for that reason but few, if any, homesteads have been made recently.

Mr. BURKE of South Dakota. Does the gentleman think there have been, as a matter of fact, any homestead entries made since March, 1909?

Mr. HOWELL. I think very few, if any.

Mr. STEPHENS of Texas. Will the gentleman inform us what the climatic conditions are in Utah which make a necessity for extension at this time?

Mr. HOWELL. The Uintah Indian Reservation is an arid region. It is impossible to grow crops there without irrigation. Most of the streams are in deep canyons, and it has required an immense amount of labor and capital to bring the water out and render it available for irrigation. The settlers in that country have devoted themselves to the establishment of homes and the construction of irrigation systems by which to reclaim the country. When irrigated this section is very fertile and is being developed successfully, but it is comparatively unproductive without irrigation. You can not insure the growth of any valuable crop without it.

Mr. STEPHENS of Texas. Is it true that on some of the new lands it is easier to raise crops than on old lands?

Mr. HOWELL. I think that new land would require more water in the first place in order to properly irrigate it than later when the land became thoroughly saturated with water. I think this relief is very much deserved, and anyone who will go through that country and see the obstacles which the settlers have to contend with would freely and cheerfully extend the help asked. It is not at the expense of anyone. It simply means in this new country, where money is scarce and the homesteader is hard up for means, he is able to borrow from the Indian fund at 5 per cent interest, which does no injury.

Mr. STEPHENS of Texas. About how many families would be affected?

Mr. HOWELL. About 1,800. There have been some 2,300 applications made in the Land Office——

Mr. STEPHENS of Texas. I think the bill should become a law. We have frequently granted extensions of time in different parts of the country for the same reason, and I think this bill should pass.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Utah asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, insert a new section, as follows:
"SEC. 2. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

Mr. RAKER. Mr. Speaker, I do not want to take the full five minutes on this matter, but I would like to ask the gentleman from Utah what is the purpose of this amendment? It seems to me if you are giving all these people the right of extending their time a year, and paying 5 per cent interest, you ought not to cut that out by this amendment and leave them all standing as they now stand.

Mr. BURKE of South Dakota. Mr. Speaker, the amendment was offered by me in the committee for this purpose: If a man is in default and a contest is brought against his entry, it is not the purpose of this legislation to dispose of that case.

Mr. RAKER. Why not?

Mr. BURKE of South Dakota. Well, I do not think we ought to do it.

Mr. RAKER. If he is in default on the payment, you are extending the time to these other people, and rightfully; and if somebody has slipped in in the night and caused him a contest, it seems to me we ought to give him the same right as anybody else.

Mr. BURKE of South Dakota. There are a great many things that would justify a contest. A contest might be based on the theory of compliance with the law, a matter of residence, and so forth.

Mr. RAKER. As far as payments are concerned this bill would not affect their other rights, but if a man has not paid up——

Mr. BURKE of South Dakota. It is practically an extension of the time within which he may make proof.

Mr. MONDELL. Let me suggest to the gentleman from California that in some cases persons might have paid their relinquishments and made entries, and if this provision was not in the bill the original entryman could go in there and demand his.

Mr. RAKER. That would not be anything wrong.

Mr. BURKE of South Dakota. In all these bills granting extensions and relief to settlers that provision has usually been incorporated as a part of the law.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, insert as a new section the following:
"SEC. 2. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HOWELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INVESTIGATION INTO THE HIGH PRICE OF ANTHRACITE COAL.

The next business on the Calendar for Unanimous Consent was House resolution 578, directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer.

The resolution was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make this suggestion to the gentleman from Pennsylvania [Mr. DIFENDERFER]: First, whether the resolution ought not simply to direct the Secretary of Commerce and Labor to make the investigation, leaving it to him to determine whether all or a part of it should be made through the Bureau of Labor or the Bureau of Corporations; second, whether the gentleman knows whether the Interstate Commerce Commission is now making an investigation of railroad rates on anthracite coal, which, if made, ought to be utilized in connection with any investigation like this, instead of doing it originally again.

Mr. DIFENDERFER. I think the gentleman is perhaps right in that. This resolution was introduced before we had any information on that subject.

Mr. MANN. I ask the gentleman whether he will not ask unanimous consent to pass over this resolution without prejudice until he can ascertain as to that matter? There will be plenty of opportunity for the passage of the resolution before the adjournment of Congress.

Mr. DIFENDERFER. The gentleman means it can come up in two weeks?

Mr. MANN. Yes; it can come up in two weeks, if we are in session at that time, and I am afraid we shall be.

Mr. DIFENDERFER. I am very anxious to have the matter brought up at this session, and I would be very much pleased to incorporate any amendment that the gentleman might suggest.

Mr. MANN. I have not the amendment, and I am not certain just what the amendment should be. I asked the question of the gentleman so that he might understand that it would be advisable to amend his resolution in that regard.

Mr. SABATH. Does not one department, as a rule, secure the information from the other, so if one department initiates such an investigation the other department to which the resolution was referred would inquire of that first department and obtain such information as it had secured by making the investigation?

Mr. MANN. I do not think, as a rule, the department making the investigation would go to the Interstate Commerce Commission for information, although I would not say they would not; but I am inclined to think that in making this investigation gentlemen will remember this: The Commissioner of Corporations has much greater power in making investigations than has the Commissioner of Labor. The Commissioner of Labor is certainly the person to make the investigation of labor costs, but when you want to go further and investigate these corporations you might need the power that the Commissioner of Corporations has, and I apprehend that an investigation of this sort, if it is to be of any value, ought to be very thorough.

Mr. DIFENDERFER. I will suggest to the gentleman from Illinois that Mr. Charles P. Neill assisted in drawing up this resolution.

Mr. MANN. I have no doubt of that. I have never heard of one of these resolutions coming in without proper previous consultation with a department. But probably this did not occur to the Commissioner of Labor.

Mr. DIFENDERFER. I will accede to the gentleman's wish, Mr. Speaker, and ask that the resolution be passed over without prejudice.

The SPEAKER. The gentleman from Pennsylvania [Mr. DIFENDERFER] asks unanimous consent that the consideration of the resolution be passed without prejudice. Without objection, it will be so ordered.

There was no objection.

Mr. MANN. Mr. Speaker, we have had a very hot day, and——

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Tuesday, July 16, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, requesting an increase in the appropriation for the Butler and Winder Buildings at Washington, D. C. (H. Doc. No. 873), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PETERS, from the Committee on Ways and Means, to which was referred the bill (H. R. 12813) to refund duties collected on parts and accessories of lace-making and other machines imported prior to January 1, 1911, reported the same with amendment, accompanied by a report (No. 998), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HUGHES of New Jersey, from the Committee on Ways and Means, to which was referred the bill (H. R. 22199) to establish a subport of entry and delivery at Port Bolivar, in the State of Texas, reported the same with amendment, accompanied by a report (No. 999), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Pennsylvania, from the Committee on Labor, to which was referred the bill (H. R. 25305) to regulate the method of directing the work of Government employees, reported the same without amendment, accompanied by a report (No. 1001), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERHILL: A bill (H. R. 25761) defining wine, imitation and carbonated wines; for preventing adulteration, misbranding, and imitation of wines; for imposing a tax upon and regulating the sale of artificial wines; for regulating interstate traffic and foreign trade therein, and for other purposes; to the Committee on Ways and Means.

By Mr. BROUSSARD: A bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 25763) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on the Judiciary.

By Mr. KINKAID of Nebraska: A bill (H. R. 25764) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry; to the Committee on the Public Lands.

By Mr. LEVY: A bill (H. R. 25765) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, by placing certain articles on the free list; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Resolution (H. Res. 631) to print 30,000 copies of Senate Document No. 722, entitled "Equal Suffrage in Colorado"; to the Committee on Printing.

By Mr. BULKLEY: Joint resolution (H. J. Res. 337) requesting the President to cause an investigation of the Patent Office, and make a report with recommendations to Congress; to the Committee on Patents.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 25766) granting an increase of pension to Mary Daniels; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 25767) granting a pension to Sanford P. Cutler; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 25768) for the relief of Mrs. R. E. Lucas; to the Committee on War Claims.

Also, a bill (H. R. 25769) for the relief of heirs of Charlton Hines; to the Committee on War Claims.

Also, a bill (H. R. 25770) for the relief of the heirs of H. C. Mehrtens, deceased; to the Committee on War Claims.

By Mr. GOULD: A bill (H. R. 25771) for the relief of James M. McKenney; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 25772) for the relief of the heirs of Bernhard Strauss; to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 25773) granting a pension to Charles McHugh; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 25774) granting an honorable discharge to Francis Tomlinson; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 25775) granting an increase of pension to William A. Barnes; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 25776) for the relief of Sarah Ann Slaven; to the Committee on War Claims.

Also, a bill (H. R. 25777) for the relief of the heirs of Samuel Griffin, deceased; to the Committee on War Claims.

By Mr. STEPHENS of California: A bill (H. R. 25778) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Tow Rycewy aw Kazirmina Kroll Society, No. 344, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of the American Embassy Association of New York City, favoring passage of House bill 22589, for improvement of consular and diplomatic building; to the Committee on Foreign Affairs.

Also, petition of R. Reiser and 5 other merchants of Tuscarawas, Ohio, protesting against the enactment of proposed parcel-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Petitions of the Chas. F. Luehrmann Hardwood Lumber Co. and the Antrim Lumber Co., of St. Louis, Mo., that the same privilege be given the shipper to go to court to correct mistakes as is given the carrier; to the Committee on the Judiciary.

Also, petition of the Antikamnia Chemical Co., of St. Louis, Mo., against the Wright bill, imposing a tax upon the production, etc., of habit-forming drugs; to the Committee on Ways and Means.

Also, petition of the Workingmen's Sick and Death Benefit Society, Branch No. 71, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DIFENDERFER: Petition of the Daughters of Liberty of Pennsylvania, and of Wyndmoor Council, No. 770, Order of Independent Americans, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Women's Auxiliary of the Church of the Messiah of Gwynedd, Pa., favoring passage of bill for medical and sanitary relief of the natives of Alaska; to the Committee on the Territories.

By Mr. FOCHT: Petition of citizens of Pennsylvania, favoring passage of the Berger old-age pension bill, pensioning deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. FORNES: Petition of the Brotherhood of Locomotive Engineers, favoring passage of workmen's liability act; to the Committee on the Judiciary.

By Mr. GOLDFOGLE: Memorial of citizens of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the committee of Wholesale Grocers of New York City, favoring reduction of tax on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill proposing change in patent laws; to the Committee on Patents.

By Mr. LEE of Pennsylvania: Petition of citizens of Glen Carbon, Mich., against passage of Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. MAGUIRE of Nebraska: Petition of citizens of the first congressional district of the State of Nebraska, against passage of a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of the Chicago Association of Commerce, against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

By Mr. RAKER: Memorial of the California Club, of California, favoring passage of bill giving the right of franchise to every native-born American woman of the United States, irrespective of the nationality of her husband; to the Committee on the Judiciary.

By Mr. REILLY: Petition of the National Association of Piano Merchants of America, protesting against any legislation affecting price maintenance; to the Committee on Patents.

By Mr. SABATH: Memorial of Holy Mother of Lazaja B. Society, No. 179, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *July 16, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed, without amendment, the bill (S. 4745) to consolidate certain forest lands in the Paulina (Oreg.) National Forest.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes;

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation; and

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 17239) to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River.

The message also announced that the House insists upon its amendment to the bill (S. 4568) granting an increase of pension to Annie R. Schley, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. GUDGER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, disagreed to by the Senate, agrees to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBINSON, Mr. TAYLOR of Colorado, and Mr. MONDELL managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan;

H. R. 19639. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes;

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.; and

H. R. 23568. An act to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

PETITIONS AND MEMORIALS.

Mr. OLIVER presented a memorial of sundry citizens of South Pittsburgh, Pa., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of members of the Washington County Medical Society, of Pennsylvania, praying for the establishment of a national department of public health, which was ordered to lie on the table.

He also presented a memorial of members of the Lithuanian Societies, of Wilkes-Barre, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. CULLOM presented a petition of members of the Cort Club, of Chicago, Ill., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Christian Endeavor Society of the First Presbyterian Church, of Champaign, Ill., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of Local Union No. 453, Brass and Aluminum Molders, of Hartford; of Local Union No. 11, International Association of Steam, Hot Water, and Power Pipe Fitters and Helpers, of New Haven; of the Central Labor Union of Bridgeport; of Local Union No. 127, United Brotherhood of Carpenters and Joiners, of Derby; of the Central Labor Union of Stamford; of Local Union No. 15, United Hatters of North America, of South Norwalk; of Local Union No. 216, United Brotherhood of Carpenters and Joiners, of Torrington; of the International Molders' Local Union, of Ansonia; of Local Union No. 298, International Molders' Union, of Waterbury; of Local Union No. 30, International Association of Machinists, of Bridgeport; of Local Union No. 282, Cigarmakers' International Union of America, of Bridgeport; and of sundry citizens of Bridgeport, all in the State of Connecticut, praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

He also presented a memorial of members of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., and a memorial of members of Judith Lodge, No. 33, of Hartford, Conn., remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which was ordered to lie on the table.

He also presented resolutions adopted at the Forty-first California Fruit Growers' Convention, held at Santa Barbara, Cal., favoring the enactment of legislation providing for the establishment of a national quarantine against insect pests, which were referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Michigan presented memorials of T. B. Taylor and 67 other citizens of Elwell, of D. Van Kamp and 101 other citizens of Allegan County, of Fred C. Ranchholy and 72 other citizens of Richland Township, of William Tanis and 69 other citizens of Ottawa County, of H. C. Spinchove and 84 other citizens of the eighth congressional district, of B. C. Hubbard and 195 other citizens of Holland, of A. H. Lowry and 89 other citizens of St. Louis, of Joseph E. Craver and 138 other citizens of Ithaca, of J. H. Ter Avest and 67 other citizens of Coopersville, of Titus Van Haitsma and 82 other citizens of the fifth congressional district, of John J. Slag and 125 other citizens of Ottawa County, of Dix H. Beeson and 64 other citizens of Berrien County, of O. P. Gordon and 63 other citizens of Allegan County, of George Robinson and 63 other citizens of Allegan County, of Guy W. Rouse and 180 other citizens of Kent County, of Charles E. Watson and 95 other citizens of Breckenridge, and of H. Coomer and 85 other citizens of Shepard, all in the State of Michigan, remonstrating against any reduction of the duty on sugar, which were referred to the Committee on Finance.

Mr. SHIVELY presented petitions of Local Union No. 5, National Brotherhood of Operative Potters, of Evansville, and of sundry citizens of Marion County, all in the State of Indiana, praying for the passage of the so-called injunction-limitation bill, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to and the bills were postponed indefinitely.

S. 5359. A bill providing for the recognition by the United States Government for the men who served as locomotive engineers during the late Civil War (Rept. No. 922);

S. 1380. A bill to authorize the location of a branch home for disabled volunteer soldiers, sailors, and marines in the State of Florida (Rept. No. 923); and

S. 3108. A bill for the relief of George W. Philpott (Rept. No. 924).

Mr. CLAPP. From the Committee on Pacific Islands and Porto Rico, I report back favorably, without amendment, the bill (H. R. 18041) granting franchises for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii, and I submit a report (No. 925) thereon. I desire to state that it has been impossible to get the committee to meet upon this bill, and the clerk advises me that the favorable report is made upon a poll of the committee.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. CLAPP. I ask that Order of Business 472, being the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the Island of Hawaii, Territory of Hawaii, be taken from the calendar and rereferred to the Committee on Pacific Islands and Porto Rico.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1562) for the relief of William Walters, alias Joshua Brown, reported it with an amendment and submitted a report (No. 926) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war, reported it with amendments.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (H. R. 4113) for the relief of Robert E. Burke, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 3150) for the relief of John W. Cupp, reported adversely thereon, and the bill was postponed indefinitely.

Mr. POMERENE, from the Committee on Pensions, to which was referred the bill (H. R. 25598) granting a pension to Cornelia Bragg, reported it with an amendment and submitted a report (No. 927) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported it with amendments and submitted a report (No. 928) thereon.

JOHN C. SCHOLTZ.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (S. J. Res. 119) authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point John C. Scholtz, a citizen of Venezuela, and I submit a report (No. 921) thereon. I ask for the present consideration of the joint resolution.

The PRESIDENT pro tempore. It will be read for the information of the Senate.

The Secretary read the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I shall not object to the present consideration of this measure, but I shall object to any further unanimous consent being given for the consideration of a bill this morning.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GIBBES LYKES.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably with an amendment in the nature of a substitute the bill (S. 6176) for the relief of Gibbes Lykes, and I submit a report (No. 920) thereon.

Mr. TILLMAN. I ask for the immediate consideration of the bill just reported by the Senator from Delaware.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Gibbes Lykes, late a second lieutenant of Cavalry in the United States Army, to be a second lieutenant of Cavalry in the United States Army, to take

rank at the foot of the list of second lieutenants of Cavalry: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE:

A bill (S. 7292) granting to the Ozark Power and Water Co. authority to construct a dam across White River, Mo. (with accompanying paper); to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 7293) authorizing the Secretary of the Interior to pay and to distribute the balance now in the Treasury to the credit of the Alsea and other Indians on the Siletz Reservation; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 7294) to amend sections 2380 and 2381, Revised Statutes of the United States; to the Committee on Public Lands; and

A bill (S. 7295) to authorize agricultural entries on surplus coal lands in Indian reservations.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Public Lands.

Mr. CLAPP. I suggest that the bill should go to the Committee on Indian Affairs.

The PRESIDENT pro tempore. Does the Senator so move?

Mr. CLAPP. Yes.

The PRESIDENT pro tempore. The Senator from Minnesota moves that the bill be referred to the Committee on Indian Affairs.

The motion was agreed to.

By Mr. SMOOT:

A bill (S. 7296) granting a pension to Elizabeth Garland; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 7297) for the purchase of a site and the erection thereon of a public building at Mineral Point, Wis.; and

A bill (S. 7298) for the purchase of a site and the erection thereon of a public building at Rhinelander, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER:

A bill (S. 7299) to correct the military record of Harrison H. Hollowell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7300) granting a pension to Mary A. Moorhead; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 7301) for the relief of Richard H. Grey; to the Committee on Claims.

By Mr. MYERS:

A bill (S. 7302) to place certain ex-acting assistant surgeons of the United States Army on the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 7303) granting a pension to Emily Wilkie; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7304) granting an increase of pension to George N. Townsend (with accompanying paper); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7305) granting a pension to Bertie L. Wade; to the Committee on Pensions.

A bill (S. 7306) for the relief of Crestino Romero; and

A bill (S. 7307) for the relief of Manuel S. Salazar; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 7308) granting an increase of pension to Jennie C. Marks (with accompanying papers);

A bill (S. 7309) granting an increase of pension to Joseph Dunn (with accompanying papers);

A bill (S. 7310) granting an increase of pension to Alice P. B. Kenyon (with accompanying papers);

A bill (S. 7311) granting an increase of pension to Josephine M. Perry (with accompanying papers);

A bill (S. 7312) granting an increase of pension to Margaret E. Goff (with accompanying paper);

A bill (S. 7313) granting an increase of pension to Oscar B. Viberts (with accompanying papers); and

A bill (S. 7314) granting an increase of pension to Thomas McKenna (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho; to the Committee on Commerce.

A bill (S. 7316) relating to proof by certain homestead entrymen; to the Committee on Public Lands.

PATENT LAWS.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (S. 6273) to codify, revise, and amend the laws relating to patents, which was referred to the Committee on Patents and ordered to be printed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. WORKS submitted an amendment intended to be proposed by him to the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, which was referred to the Committee on Claims and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CATRON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. SWANSON submitted an amendment proposing to appropriate $80,000 for additional equipment and supplies for the Geological Survey photolithographic plant, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Printing and ordered to be printed.

Mr. FALL submitted an amendment relative to surveying the public lands, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

MAXIMUM SHIP FOR NAVY.

Mr. TILLMAN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 361) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs be, and it is hereby, instructed to investigate and report to the Senate what is the maximum size of ship, whether battleship or cruiser; the maximum thickness of armor that such ship can safely carry; the maximum size of gun; the maximum speed; and the maximum desirable radius of action of such vessel that can safely be built so as to navigate the ocean and enter the first-class harbors of the world; how much draft can such vessel carry in order to enter the existing dry docks in this country for repairs and safely pass through the Panama Canal, the object being to find out from authentic and reliable official sources the maximum size and maximum draft, the maximum armament, and the maximum thickness of armor to make the very best battleship or cruiser that the world has ever seen or will ever see; to have this country own the greatest marine engine of war ever constructed or ever to be constructed under known conditions; and to report whether one such overpowering vessel would not in its judgment be better for this country to build than to continue by increasing taxation to spend the millions and millions of dollars now in prospect in the race for naval supremacy. Let such vessel be named the "Terror" and become the peacemaker of the world. Let us find out just how far we can go with any degree of safety and go there at once. Let us leave some money in the Treasury for other more necessary and useful expenditures, such as good roads, controlling the floods in the Mississippi, draining swamp land in the South, and irrigating the arid land in the West.

LOYALTY OF CIVIL WAR CLAIMANTS.

Mr. JOHNSTON of Alabama. Mr. President, I ask to have printed in the RECORD so much of a decision of the Court of Claims as defines the jurisdiction of the court conferred by the fourteenth section of the Tucker Act; also the proclamation of amnesty of December 25, 1868, by the President of the United States, and the two decisions of the Supreme Court of the United States reported in the case of Armstrong *v.* The United States and Pargoud *v.* United States in Thirteenth Wallace, at pages 155 and 156, in order to bring before the Senate the question whether the rule adopted by the Committee on Claims of the Senate, namely, "To allow no claim whatever wherein there is any question as to the loyalty of the claimant as determined by the court," and in the enforcement of which rule the committee has excluded from the bill H. R. 19115, and other bills of the same nature, the names of all such claimants for payment in accordance with findings of the Court of Claims, made and reported by said court in pursuance to section 14 of the Tucker Act, is not an avoidance by that committee of the provisions of that section as construed by the Court of Claims in said decision, and a denial of the constitutional rights of such claimants as restored and reestablished by said proclamation, subsequently recognized and confirmed by the Supreme Court of the United States in said decisions.

The following is from the opinion of the Court of Claims in the case of Dowdy, Ex., *v.* The United States (26 Ct. of Cls., p. 223):

This (the fourteenth) section of the Tucker Act is not an amendment of the Bowman Act, and the jurisdiction conferred by the one is an independent and distinct thing from the jurisdiction conferred by the other. * * *

Under the Tucker Act any bill may be referred, "except for a pension," and there is no other restriction upon the jurisdiction of the court. A claim for the destruction of property by the Army, a claim for the occupation of real estate at the seat of war, a claim barred by a law of Congress, and a claim for quartermaster's stores, where the owner has given aid and comfort to the rebellion, are all within the jurisdiction of the court for the purpose of investigating and reporting the facts, if properly referred under the fourteenth section.

The proclamation of the President of December 25, 1868 (15 Stat., 711), is as follows:

Whereas the President of the United States has heretofore set forth several proclamations, offering amnesty and pardon to persons who have been or were concerned in the late rebellion against the lawful authorities of the Government of the United States, which proclamations were severally issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 20th day of May, 1865, on the 7th day of September, 1867, and on the 4th day of July in the present year; and

Whereas the authority of the Federal Government having been reestablished in all the States and Territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as at the dates of said several proclamations were deemed necessary and proper may now be wisely and justly relinquished, and that a universal amnesty and pardon for participation in said rebellion, extended to all who have borne any part therein, will tend to secure permanent peace, order, and prosperity throughout the land and to renew and fully restore confidence and fraternal feeling among the whole people and their respect for and attachment to the National Government designed by its patriotic founders for the general good:

Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States, do hereby proclaim and declare, unconditionally and without reservation to all and to every person who directly or indirectly participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late Civil War, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof.

In testimony whereof I have signed these presents with my hand and have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington the 25th day of December, 1868, and of the independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:
F. W. SEWARD,
Acting Secretary of State.

The opinion of the court in the said case of Armstrong *v.* The United States is as follows:

The abandoned and captured property act provides for the restoration of the proceeds of property on proof that the claimant has never given any aid or comfort to the present rebellion. The Court of Claims seems to have thought that going South with her slaves was evidence that she did give aid or comfort to the rebellion. On this point it is not now necessary that we express an opinion; for the President of the United States on the 25th of December, 1868, issued a proclamation, reciting that "a universal amnesty and pardon for participation in said rebellion, extended to all who have borne any part therein, will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the National Government, designed by its patriotic founders for the general good"; and granting "unconditionally, and without reservation, to all and every person who directly or indirectly participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late Civil War, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof."

We have recently held, in the case of the United States *v.* Klein, that pardon granted upon condition blots out the offense if proof is made of compliance with the condition; and that the person so pardoned is entitled to the restoration of the proceeds of captured and abandoned property if suits be brought within "two years after the suppression of the rebellion." The proclamation of the 25th of December granted pardon unconditionally and without reservation. This was a public act of which all courts of the United States are bound to take notice, and to which all courts are bound to give effect. The claim of the petitioner was preferred within two years. The Court of Claims therefore erred in not giving the petitioner the benefit of the proclamation.

Its judgment must be reversed with directions to proceed in conformity with this opinion.

The opinion of the court in the said case of Pargoud *v.* The United States is as follows:

We have recently decided in the case of Armstrong *v.* The United States that the President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated, directly or indirectly, in the late rebellion, relieved claimants of captured and abandoned property from proof of adhesion to the United States during the late Civil War. It was unnecessary, therefore, to prove such adhesion or personal pardon for taking part in the rebellion against the United States.

The judgment of the Court of Claims dismissing the petition is reversed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on July 16, 1912, approved and signed the following act:

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases.

COLVILLE INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes, which was, on page 1, line 3, to strike out "there is hereby granted and conveyed" and insert "the Secretary of the Interior is hereby authorized and directed to convey."

Mr. PAGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ASSIGNMENTS OF DESERT-LAND ENTRIES.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5446) relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908, which was, on page 2, line 3, to strike out "may" and insert "shall."

Mr. JONES. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

UINTAH INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6934) to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation, which was, on page 2, after line 5, to insert:

SEC. 2. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LAND AT SALT LAKE CITY, UTAH.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7002) to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes, which was, on page 2, line 3, to strike out "Thirty-fifth" and insert "Twenty-fifth."

Mr. SMOOT. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 4012. An act to authorize the exchange of certain lands with the State of Michigan;

H. R. 19339. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes; and

H. R. 23293. An act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

H. R. 23568. An act to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, was read twice by its title and referred to the Committee on Patents.

PENSIONS AND INCREASE OF PENSIONS.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson at Monticello, Va.

The PRESIDENT pro tempore. Will the Senator from Iowa kindly permit the Chair to call attention to the message from the House that was laid before the Senate yesterday? The Senator from North Dakota [Mr. MCCUMBER] desires to make a motion concerning it.

Mr. CUMMINS. Very well.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
July 8, 1912.

Resolved, That the Clerk be directed to return to the Senate, in compliance with its request, Senate bill 6084, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move to reconsider the vote by which the Senate disagreed to the amendments of the House and requested a conference.

The motion to reconsider was agreed to.

Mr. McCUMBER. I now move that the Senate concur in the House amendments.

The motion was agreed to.

Mr. STONE. Mr. President, I make the point that there is no quorum.

The PRESIDENT pro tempore. The Senator from Missouri raises the point that there is no quorum present, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Jones	Paynter
Bacon	Cummins	Kenyon	Perkins
Bailey	Dillingham	Lodge	Pomerene
Bradley	du Pont	McCumber	Simmons
Brandegee	Fall	McLean	Smith, Ga.
Bristow	Fletcher	Martin, Va.	Stephenson
Bryan	Gallinger	Martine, N. J.	Stone
Chamberlain	Gamble	Massey	Thornton
Clapp	Gronna	Myers	Tillman
Clark, Wyo.	Guggenheim	Newlands	Townsend
Clarke, Ark.	Heyburn	O'Gorman	Warren
Crane	Hitchcock	Oliver	Wetmore
Crawford	Johnson, Me.	Overman	Works
Culberson	Johnston, Ala.	Page	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER], and I ask that this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. ASHURST. Mr. President, on the 27th of last June I gave notice, at the time I introduced Senate bill No. 7204, that on this morning, immediately after the morning business, I would submit a few remarks in reference to that bill. I now simply desire to inquire has morning business closed.

The PRESIDENT pro tempore. Morning business has closed, but the Senator from Iowa [Mr. CUMMINS] was recognized. He has asked for the consideration of Senate joint resolution No. 92. Will the Senator from Arizona yield to the Senator from Iowa for that purpose?

Mr. ASHURST. Very cheerfully.

PURCHASE OF MONTICELLO.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson at Monticello, Va.

Mr. CLAPP. Mr. President, I do not object to the consideration of this joint resolution, but I shall feel constrained to object to any further request of this character, in view of the appropriation bills now before the Senate.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, as follows:

Whereas the Declaration of Independence was a new light and gospel to the downtrodden of the world; and

Whereas through the genius, splendid patriotism, and teachings of Thomas Jefferson, America was started on a career that has brought untold blessings to this country; and believing it most fitting and proper that the home of Thomas Jefferson at Monticello should be the property of the great Nation and country he loved and served so well: Therefore be it

Resolved, etc., That the President of the Senate of the United States be, and is hereby, instructed to appoint a committee of five Members of this body, to cooperate with a similar committee to be appointed by the House of Representatives, to inquire into the wisdom and ascertain the price of acquiring said home as the property of the United States, that it may be preserved for all time in its entirety for the American people.

Mr. BAILEY. I suggest to the Senator from Iowa that where the joint resolution reads "the price of acquiring said home" that it should read "the cost of acquiring," and so forth.

Mr. CUMMINS. I think that is a wise suggestion, and I am quite willing to accept it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. HEYBURN. I ask that the joint resolution go over, Mr. President.

The PRESIDENT pro tempore. The Senator from Idaho objects.

Mr. CUMMINS. May I suggest to the Senator from Idaho that the joint resolution itself provides only for the appointment of five Senators and five Members of the other House as a committee. I think the Senator must possibly found his objection upon the preamble, which the committee should have stricken and intended to strike out; and I shall be very glad to offer an amendment striking out the preamble.

Mr. HEYBURN. The Senator from Iowa has exactly stated my objection. The statement contained in a preamble very often attempts to interpret legislation. A man might be perfectly willing to vote for a joint resolution, but he might not be willing to subscribe to a doctrine stated in the nature of a preamble.

Mr. BAILEY. Well, vote against it.

Mr. HEYBURN. But if the preamble is stricken out, my objection would be withdrawn. I do not subscribe to the preamble.

Mr. BAILEY. The Senator from Idaho does not commit himself to it by withholding the objection and allowing the Senate to vote on the joint resolution. The Senator could vote against it, and I have no doubt would do so, if he objects to any part of the joint resolution.

Mr. HEYBURN. I would not want to be placed in the position of voting against the joint resolution.

Mr. BAILEY. The Senator's statement is in the RECORD, and there would be no trouble about it.

Mr. CUMMINS. If the Senator from Texas will allow me a moment. The part of the preamble that ought not to be there is the part that commits Congress to the purchase of the estate. That is the very thing to be hereafter determined. Therefore I believe it to be very wise to allow the preamble to be stricken out.

Mr. BAILEY. Very well.

Mr. HEYBURN. I ask for the reading of the entire joint resolution.

The PRESIDENT pro tempore. The joint resolution will again be read.

The Secretary again read the joint resolution.

Mr. HEYBURN. Mr. President, I was right in my first impression. It is the preamble that I object to. It recites statements that I do not concur in—that is to say, I would not responsibly concede that Thomas Jefferson wrote the Declaration of Independence or that he was in any way responsible for it. He was merely the secretary of a committee that prepared it.

Mr. BAILEY. He was the chairman of the committee, and it is in his own handwriting.

Mr. HEYBURN. Well, I have many things, perhaps with not so much merit, that are in my clerk's handwriting, and yet I would not like to see them attributed to the wisdom of my clerk. We all know the history of the Declaration of Independence. I have a large share of admiration for Thomas Jefferson for what he really did, but I do not think it is necessary to build up any fiction about it. I presume I have had access, and have given study to everything that has been available to any other Member of this body, and I would not detract a word from him; neither would I deify him because of something that he did not do.

I know that he has been set up as the patron saint, when he is convenient, for a great political party, and that whenever they desire to use something on the authority of ancient records, they bring out Thomas Jefferson. He is about as well bronzed and moss covered as any other statesman who could be found. I would not stand here——

Mr. BACON. Mr. President——

Mr. HEYBURN. Just a moment. I would not stand here and detract in the slightest degree from him, first, out of consideration for the feelings of my friends—and I regard every man in the body as my friend whether he regards me as such or not—but I do not desire to be carried away upon the wings of sentiment. I do not desire to enter into a discussion of the merits of Thomas Jefferson. I only protest at this time against stating as an established fact that he is the author of the Government of the United States. He took no part in framing or in making the Government of the United States. He was not even on this continent when the Government of the United States was organized and framed; and, if history is correct, he was not in sympathy at all——

Mr. O'GORMAN. Mr. President——

Mr. HEYBURN. I will yield in a moment. I am not physically able to enter into a controversy this morning.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I should like very much to yield, but I am not physically able to enter into a controversy. I am, however, able to record my views, and then let them stand for such treatment as Senators may see fit to give them now or later. I merely want to state my views against a declaration on the part of the Senate, which will doubtless be unanimous if it is made at all, that Thomas Jefferson was the founder of this Government or that he was the author of the Constitution of the United States or that he was the author of the Declaration of Independence. There are too many interlineations in the hand of good old Benjamin Franklin in that document to be overlooked. It was the result of the conference of a number of men.

Mr. BACON. If the Senator will permit me——

Mr. HEYBURN. Just a moment. I would gladly yield, and would even be pleased to enter into a conservative——

Mr. ASHURST. Mr. President——

Mr. HEYBURN. Now, I would say, if Senators who are seeking to interrupt will pardon me, that I am not physically able this morning to enter into any discussion. It is as much as I can do to state my reasons for asking that the matter go over. At another day, when the question comes up, if it ever does, and I am feeling equal to it, I would be very pleased to discuss this question, but at this time I am merely trying to state for the RECORD the reasons why I interpose this objection, which is well within my rights.

The Senator from Texas [Mr. BAILEY] has given notice that this morning he is going to discuss just such rights as I am undertaking to exercise now. I never welcomed the discussion of a question with more hearty accord than I do that which is to be undertaken by the Senator from Texas this morning. It is one that I have lived with and have grieved over for weeks and years.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho object to the present consideration of the joint resolution?

Mr. HEYBURN. Mr. President, I was doing more; I was, with the ordinary privilege of a Senator, stating my objection. I am not going to discuss it at length, but I would ask the permission of the Senate to finish my remarks.

The PRESIDENT pro tempore. The Senator from Idaho objects to the present consideration of the joint resolution.

Mr. BACON. Mr. President, does the Senator from Idaho object to a word being said on the subject? I merely want to say one word.

Mr. HEYBURN. I can not understand——

Mr. BACON. I do not propose to engage the Senator in any discussion.

Mr. HEYBURN. Now, if the Senator will be just as patient as he can——

Mr. ASHURST. Mr. President——

Mr. HEYBURN. Unless the Chair takes me off the floor, I shall object to being taken off by another Senator.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. HEYBURN. I will not yield, unless the Chair takes me off the floor.

Mr. ASHURST. The Senator from Idaho has not the floor; he does not hold it except through the courtesy of the Senator from Arizona. I yielded to the Senator from Iowa [Mr. CUMMINS] with the understanding that the matter which he desired to present would lead to no discussion, and he yielded to the Senator from Idaho, but I very cheerfully yield to the distinguished Senator from Idaho.

Mr. HEYBURN. I do not desire to occupy the floor under any such conditions. The joint resolution came up, and the question was whether or not there was objection, and I raised the objection. I am not on the floor by the grace of any other Senator; I am here by the courtesy of the Presiding Officer, with the right of the Senate always to direct the course of the Presiding Officer, and without any intention of going at length into the question. I desire that there shall be no mistake to be gathered from the RECORD hereafter as to the nature of my objection. I am glad to have had the opportunity to have been able to recenter the Senate just as this question came up; and I am confining myself merely to stating the grounds of my objection in order that I may not be charged with churlishness or sectionalism or partisanship. You can charge a good bit of it—the last part of it—to partisanship, because I am a partisan politician, but I never feel called on to apologize for that. I think the man who does feel called on to apologize for it should apologize for being in public life at all.

Now, Mr. President, that is the extent of my objection. I asked that the joint resolution go over, in order that I might state those reasons. Having stated them, I will now withdraw my objection and let the Senate do as it pleases with the matter.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. CULBERSON. Mr. President, I have no objection to the consideration of the joint resolution, of course, but I call the attention of the Senator from Iowa to the fact that while this is a joint resolution, it proposes to appoint a committee of the Senate alone. I make this inquiry——

Mr. CUMMINS. Mr. President, it is not my resolution; it is a resolution reported by the Committee on the Library, and I do not feel authorized to change it in that respect.

Mr. MARTINE of New Jersey. I offered that joint resolution, Mr. President, and I am willing to change it in any way that may be necessary to make it effective. I regret that the distinguished Senator from Idaho can not indorse the preamble. God knows I can not see anything in the preamble that should harm the Senate or any individual; and I am vain enough to believe, in view of the unfortunate physical condition of the Senator from Idaho, that if he would just gushingly and willingly vote for that preamble it would restore him to better health. I have no purpose of infusing or injecting any politics into it at all.

Mr. HEYBURN. I was unable to understand the remarks of the Senator in connection with my name, because——

Mr. MARTINE of New Jersey. I thought I spoke loud enough. The Senator referred to the fact that he was not feeling well, and I simply said that I believed anyone voting for the joint resolution, with the sentiments embodied in the preamble, would advance his well-being.

I had no thought in introducing the joint resolution with reference to Democracy. I merely took into consideration the fact that Thomas Jefferson was the author of the Declaration of Independence and that he is believed to be by the masses of the people of the United States one of its great sons. I am quite anxious to do him honor and at the same time give the people the benefit of his home as a shrine.

Mr. CUMMINS. Mr. President, I feel we are violating the arrangement under which I asked for the consent, and I therefore withdraw it rather than to provoke any further discussion.

DESERT-LAND ENTRIES.

Mr. ASHURST. Mr. President, a sense of duty and propriety as well impel me to be very brief, and I shall be, in submitting the few remarks that I shall make. I ask the Secretary to read for the information of the Senate the bill (S. 7204) to exempt from cancellation and provide for patenting of desert-land entries reclaimed by dry-farming process.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read the bill, as follows:

Be it enacted, etc., That no desert-land entry heretofore made under the public-land laws, for lands, shall be canceled or in any wise impaired because of any failure on the part of the entryman to make any annual or final proof falling due upon any such entry prior to December 31, 1913: *Provided, however*, That patent shall be permitted to issue to any desert-land entry when the proofs disclose that the land embraced within such entry has fairly and in good faith been reclaimed to agricultural or horticultural crops by the dry-farming process.

Mr. ASHURST. Mr. President, it will be observed that this bill, if enacted into a law, will enable those settlers who have made desert entries to procure patent when they shall have in good faith reclaimed to agricultural or horticultural crops the land embraced within their entry.

There exists no substantial reason why this bill should not become a law. The object of the law authorizing desert entries is the reclamation of the land. For all practical purposes it should be of no concern as to the particular manner in which lands are reclaimed, so long as they actually be reclaimed. It is unfair to subject the desert entryman to a Procrustean bed of fixity, and in effect to tell him, as the present law does, that, no matter what success he may achieve, no matter how bountiful be the crops he may grow upon his land by dry-farming or other process, he may obtain title by reclaiming the lands by irrigation only.

The character of the land always varies, and the home builder should be afforded every reasonable opportunity to have the advantage of the variations. Some tracts of land are susceptible of reclamation by irrigation only, and of course the reverse is true respecting different lands.

Irrigation was practiced by the early people on the banks of the Nile, the Tigris, and the Euphrates. Irrigation was also practiced by the aborigines of South America before and at the time of the Spanish conquests.

Numerous places in Arizona bear indisputable evidence of the fact that the skillful engineers of ancient Arizona watered its fertile fields from concrete-lined aqueducts and giant irrigation dams centuries before Montezuma ascended the throne of the Aztecs.

But irrigation in the present age upon the North American Continent dates from the settlement on the Jordan River in Utah by those heroic pioneers, the Mormons.

The early irrigation enterprises consisted of damming the rivers and streams, conveying their waters by ditches and laterals, and distributing it over the land. This method gave rise to water rights and vested interests in the use of the water. In the old and established communities such rights have become very valuable. Later storage dams were constructed, and irrigation in some places has become more and more complex and expensive.

The Government is now, with eminent success, reclaiming vast tracts by constructing immense projects, and the lands under cultivation have become extremely valuable and the field for irrigation greatly enlarged.

It will thus be observed that irrigation is the most ancient and the most feasible method of reclaiming land, but it is not the exclusive method, for many tracts of land may be reclaimed by dry farming only.

Dry farming may be defined to mean the conservation and economical use in farming of a scant rainfall which is variable in point of time.

DRY FARMING.

The production of crops without irrigation in regions having a limited rainfall is called arid or dry farming. As a rule, where dry farming is practiced the annual rainfall ranges from about 8 to 20 inches. There are vast semiarid areas in the West which can not be brought under irrigation, and this method of farming is an attempt to utilize some of these lands for other agricultural purposes than mere grazing.

Farming without irrigation was practiced in numerous localities by the early settlers, and while in many cases these efforts were successful in many more they were failures. They demonstrated, however, that under certain conditions dry-land agriculture may be successfully practiced. The experience gained during the last 30 or 40 years and the results of the recent work in this connection carried on by several experiment stations and other agencies indicate that by means of special methods of cultivation, requiring in some instances special tools and implements, and by the use of drought-resistant crops and varieties arid farming may be placed on a much safer basis than heretofore. The fact should not be disregarded, however, that under semiarid conditions without irrigation crop failures are bound to be much more frequent than in regions of adequate rainfall, and it is generally conceded that in order to establish a permanent home on the dry lands of the western plains provision should be made for the irrigation of a small area on which vegetable food for the family and forage for the stock may be grown with certainty every year to tide over the seasons of possible failures on the unirrigated portion of the farm. (Farmers' Bulletin 262, p. 15.)

Last September I attended the agricultural and horticultural fair held in Willcox, in Cochise County, Ariz., where were exhibited products that were raised by dry farming in the Sulphur Springs Valley, and the exhibits there were sufficient to convince the most skeptical that dry farming may be made a success in that valley.

I ask permission at this point to incorporate into the RECORD as a part of my remarks an article by Prof. R. H. Forbes, who has for the past 12 years been superintendent of the agricultural experiment station at the University of Arizona.

The article referred to is as follows:

DRY FARMING IN SULPHUR SPRINGS VALLEY.

The first essential step in dry farming operations is to plow the ground deeply in order that the soil surface may be made receptive to rainfall. In many localities it is necessary for best results to subsoil to a depth of as much as 30 inches in order to break up the hard layer of soil often to be found beneath the surface in this region. With the soil thus prepared, the rainfall will sink rapidly to a depth of from a few inches to a few feet, according to its amount.

The second important thing is to prevent the evaporation of this rainfall after it has been received into the soil. This is accomplished by cultivating the surface of dry-farmed fields after each rain. The mulch of pulverized soil thus maintained on the field acts as a protecting blanket, which prevents the moisture from the deeper inches or feet of soil from evaporating at the surface.

A third important matter is the selection of crops which are especially suitable to our climatic conditions and to dry-farming methods of agriculture. There are many crop plants, such as milo, maize, kafir corn, sorghum, native varieties of maize and beans, together with such vegetable crops as melons and squashes, which do well under our climatic conditions. These crops, at the proper time of year, are planted down to soil moisture and then covered deeply with the surface mulch. The young plants will come up through a surprising depth of this mulch—as much as 6 or 8 inches in the case of corn—and if the ground water supply is sufficient, and especially if the summer rains are favorable, a crop thus started may be brought to maturity.

Looking to the future of dry farming in Sulphur Springs Valley, it might be well to call attention to the fact that the French in North Africa are at present growing crops of corn, wheat, the vine, grasses, sorghum, and olives on lands receiving from 10 to 16 inches of rainfall per annum. The French employ thorough cultural methods and are especially skillful in the choice of varieties of crop plants suited to semiarid conditions. Recent crop statistics from Algeria state that the average yield of wheat thus grown is 10 bushels per acre; of wine, 1,000 gallons; and of corn, 8 bushels per acre.

Mr. President, I ask unanimous consent that I may include in the RECORD, as an appendix and as a part of my remarks, a few data on dry farming prepared by the head of the dry-farming bureau of the Brazilian Government at Rio Janeiro; also a communication on this same subject addressed to me by Mr. Malcolm A. Fraser, secretary of the Chamber of Commerce of Prescott, Ariz. I ask permission further at this point to include in the RECORD as a part of my remarks, as an appendix thereto, a portion of the report, No. 413, made by the House Committee on Public Lands relating to the three-year homestead law.

The PRESIDENT pro tempore. Without objection, the matter referred to will be inserted as an appendix.

Mr. ASHURST. Mr. President, I have now said all I wish to say directly upon this bill, but with the kind permission of the Senate, I desire to submit some observations upon the present policy obtaining in Washington, which unfortunately has been adopted respecting the pioneers, producers, and home builders of the West; in other words, I embrace this opportunity not only to protest against some of the harsh, narrow, and in many instances unfair ways in which the land laws have been enforced, but to do my full duty toward pointing out that Congress has been remiss in enacting progressive laws necessary to keep abreast with the times.

Mr. President, much of the trouble has arisen because the departments are trying to execute these harsh laws as they find them. It is the duty of the Secretary of the Interior to enforce the law as he finds it written. It would be grossly unjust to lay upon the honorable Secretary of the Interior or the Forestry Department all the blame, or even a large part of the blame, for the evil results flowing from the present reactionary policy that is being pursued toward the West. The blame lies upon Congress, and any relief to be obtained must be obtained by legislation instead of by administration. I am, however, wholly and totally at variance with the present practice which, to my astonishment, I find exists here and permits the head of a department to give his opinion as to what should or what should not be the law. Departments when called upon for reports and for facts should state facts, not conclusions.

Congress should not permit the mere ipse dixit of a department to defeat wholesome laws.

It is the duty of the National Legislature to make the laws, and the House of Representatives with over 400 Members, and the Senate with 96 Senators, representing every State, are presumed to be and, in fact, are more thoroughly conversant with the needs and requirements of the country than any departmental clerk, bureau chief, or department in Washington. And I believe the relief, if any is to come, must be obtained not through the departments, but through that coordinate branch of the Government to which is delegated by the Constitution the power of making laws—the Congress.

Mr. James Bryce, the British ambassador, profound student of political and national economics, eminent publisher and author of that monumental work, The American Commonwealth, published first in 1888, in a certain chapter of his great book spoke of the temper of the West as follows:

Western America is one of the most interesting subjects of study the modern world has seen. There has been nothing in the past resembling its growth and probably there will be nothing in the future. A vast territory, wonderfully rich in natural resources of many kinds; a temperate and healthy climate * * * a soil generally and in many places marvelously fertile; in some regions mountains full of minerals, in others trackless forests where every tree is over 200 feet high; and the whole of this virtually unoccupied territory thrown open to a vigorous race, with all the appliances and contrivances of modern science at its command—these are phenomena absolutely without precedent in history and which can not recur elsewhere, because our planet contains no such other favored tract of country. * * *

The details of this development and the statistics that illustrate it have been too often set forth to need restatement here. It is of the character and the temper of the people who have conducted it that I wish to speak, a matter which has received less attention, but is essential to a just conception of the Americans of to-day. For the West is the most American part of America; that is to say, the part where those features which distinguish America from Europe come out in the strongest relief. What Europe is to Asia, what England is to the rest of Europe, what America is to England, that the Western States are to the Atlantic States. * * * It is the most enterprising and unsettled Americans that come West; and when they have left their old haunts, broken their old ties, resigned the comfort and pleasure of their former homes, they are resolved to obtain the wealth and success for which they have come. They throw themselves into the work with a feverish yet sustained intensity. They rise early, they work all day, they have few pleasures, few opportunities for relaxation. All the passionate eagerness, all the strenuous effort of the Westerners is directed toward the material development of the country. To open the greatest number of mines and extract the greatest quantity of ore, to scatter cattle over a thousand hills, to turn the flower-spangled prairies into wheat fields, to cover the sunny slopes of the Southwest with vines and olives—this is the end and aim of their lives. * * * The passion is so absorbing and so covers the horizon of public as well as private life that it ceases to be selfish, it takes from its very vastness a tinge of ideality. To have an immense production of exchangeable commodities, to force from nature the most she can be made to yield and send it East and West by the cheapest routes to the dearest markets, making one's city a center of trade and raising the price of its real estate—this, which might not have seemed a glorious consummation to Isaiah or Plato, is preached by western newspapers as a kind of religion. It is not really, or at least it is not wholly, sordid. These people are intoxicated by the majestic scale of the nature in which their lot is cast, enormous mineral deposits, boundless prairies, forests which * * * will supply timber to the United States for centuries; a soil which, with the rudest cultivation, yields the most abundant crops, a populous continent for their market.

But now, in 1912, all is changed. That the temper of the people of the West is still the same is quite true. They are still the same brave, resolute, virtuous, liberty-loving, and God-obeying people. The western climate still possesses its salubrity, and the western soil is yet fertile. The mountains and canyons are, as in the days of '49, rich in minerals, but a policy of retrogression and stagnation has been adopted at this Capitol, a policy which declares that money—metals—are of more value to mankind hidden away in the earth than they are when circulating in the channels of trade; a policy which declares that Government land is "wasted" when the settler goes out upon the almost measureless immensity of the desert and by the sweat of his face and by incessant toil causes two orange trees to grow where one giant cactus grew before; a policy so reactionary that in effect it declares that iron is of more utility hidden in the earth than when used for structural purposes or for rails over which to transport the commerce of the Nation; a policy so reactionary that it withdraws all coal and oil lands from entry, thereby allowing the Government to become an accessory before the fact in assisting the Coal Trust and the Oil Trust to retain their crushing and devastating monopoly; a policy so reactionary that in effect it declares that lead and tin, copper, manganese, and other metals are more valuable to the family of men if kept securely in the vaults where primordial chaos locked them than if brought by sturdy miners to earth's surface and used in constructing the mechanical contrivances and ingenious electrical appliances which civilization now demands; a policy which in effect declares that native grasses are "conserved" when permitted to dissipate their nutrition in earth and in air, but are "wasted" when eaten by cattle whose flesh gives food and whose hide furnishes leather for man's use, or by sheep whose flesh gives food and whose wool gives warmth to mankind.

It is proper at this juncture to inquire what are the injustices that are being committed by these policies now in vogue in Washington, and it is pertinent further to inquire what are these abuses?

The recent very able and exhaustive debate, especially the speech of the distinguished Senator from Idaho [Mr. BORAH], upon the three-year homestead law, relieves me from the necessity of pointing out at length or in any great detail the iniquity of the "red tape" and "house that Jack built" methods of the department, against which I now inveigh.

The distinguished Senator from Montana, Mr. Carter, a statesman of vast experience, whose memory the West honors, speaking in the Senate on the 30th of January, 1907, and pointing out the hardships to which these departmental rulings subjected the settlers, said inter alia respecting the difficulties which attended the homesteader in attempting to secure title to the land embraced within his entry:

In actual practice the register and receiver of the local land office deliver to the claimant a final receipt on submission of the required proof and the payment of the statutory fees. The land thereupon becomes subject to taxation and the receipt is held by the State courts sufficient evidence of legal title to sustain an action of ejectment. The final receipt, held by the courts and always regarded heretofore as the equivalent of the patent, soon to follow from Washington, is accepted joyously by the man through whose patience, industry, and self-sacrifice it has been won. The family is now secure in its well-earned home, and the future looks brighter and better. The credit formerly withheld will now be extended to enable the struggling toiler to buy a few cattle or other needed stock to make the farm more profitable and the labor less exacting. The good wife and children may now hope to enjoy a few of the long-deferred comforts of life so much needed in and about their humble home.

The accumulated capital of years of patient endeavor is made available to meet any pressing needs of long standing. The sod roof on the log cabin will soon give way to shingles, and the oldest boy or girl may go away to school. But now, under the order of the honorable Secretary of the Interior, all is changed. The claimant and his two witnesses are now a trio suspected of perjury, and under that suspicion they must rest until some special agent finds time to relieve them at the expense of the Federal Government. When the relief may come no one can tell. That it will be tardy experience demonstrates, for the pernicious practice has been indulged to a considerable extent for some time. In certain cases, I am informed, the poor settlers have been held in painful suspense for years after final proof, either awaiting arrival of the special agent or waiting to hear from his report. Just picture to yourself the settler and his family on the lonely prairie or in the mountain glen. For years he has toiled and struggled to maintain himself and those dependent upon him. On the average he has been in debt every day of that time and, his credit being poor, the interest rate has been high. The land, fairly earned, is his only capital. In support of his right to a patent he produces proof sufficient to sustain a conviction of murder in the first degree. In the face of all this his right under the law is denied him, and he is sent home from the land office, with his witnesses, suspected of felony and commanded to await the coming of a special agent or an officer of the Interior Department to clear up the suspicion.

Waiving denial of the title their toil has fairly won, who can measure the pain these suspected men are doomed to suffer through the "chastity of honor which feels a stain like a wound?" An implied charge of perjury has been fixed where a badge of honor should have been attached. To all this the torture of suspense is added, for the discredited homesteader has a long period of anxious waiting in store for him. He can not stock the farm, because he has no basis of credit. He dare not make additional improvements, because the special agent may report against him or the land be lost on a technicality. He can only wait, and I understand that some have now been waiting for four years or more. The pathetic victims of this iniquitous policy could not appeal in vain for sympathy to the bowels of a brute.

We are tardy in demanding to know what overwhelming public necessity cries out for the immolation of so many thousands of innocent victims on the altar of suspicion. The Congress and the country should know. Congress does not intend that its laws shall be executed in a spirit of cruelty or wrath, and the American people, inherently fair and just, need only be informed in order that the potent force of enlightened public opinion may be extended to stay the hand of injustice and oppression.

Mr. President, virtue and patriotism are not confined to congresses and to cabinets. There is not in all this world, nor in the broad extended wings of imagination a subject of thought more ennobling, or a subject of speech more inspiring, than the man who follows the plow, or the man who wields the miner's pick in the hope of achieving fortune, not from tariff exactions or special favors but from the bounty of nature.

The pioneer does not seek wealth or power by hasty ways or fraudulent means, but he patiently waits and resolutely works through dull delays of slow and laborious but sure advancement. The homesteader, in a vast majority of cases, is a man of family; he realizes that the family, not the individual, is the basic constituent element of a country's strength. With a conscience as clear as a cube of sunshine, after a day of useful labor, he finds that sleep which "knits up the raveled sleeve of care" and is, therefore, again at work before the aurora gilds the morning. He is the strength of the State. "He constitutes the State." He bears up against untold difficulties and labors for a subsistence for himself and his family with an industry and a gameness which prove him to be the possessor of the choicest gifts that are bestowed upon the children of men, for he shows by his silent but all-conquering courage that he is of the haughtiest and most aspiring of mankind. The pioneer sometimes lacks that wealth of speech which is heard in the fever of the forum, but "every word he utters weighs a ton, because there is a man behind it." He is familiar with his country's history—with the eye of faith he sees her glorious destiny. He is familiar with the rocks, with seasons that bring variety; familiar with the trees and with the soil.

Mr. President, throughout the land orators, philosophers, poets, authors, and many who sit in academic chairs, are advising the people "to get back to the soil." Nearly every publication contains an article giving wholesome advice as to "how to keep the boys on the farm," and, indeed, it can not be doubted that this advice is timely. The "back to the soil" movement is one of the worthiest movements of the day. History has shown that in troublous times those who have come from the soil have been foremost in defending liberty, for the spirit of the soil is the spirit of freedom, of justice, of purity, and of incarnate honesty.

Permit me at this point to quote those splendid lines recently written by Miss Katharine Turney entitled the "Song of the Soil:"

I am the Mother of men that toil,
The ancient Mother of all—the soil.
The strength that ye boast ye have drawn from my breast,
'Tis to my arms that ye creep when ye go for your rest;
The man to his Mother full tribute shall bring,
Then hush ye and harken the song that I sing.

I hold in my great heart the seed and root,
I give to my children the blossom and fruit;
In my veins lie the silver, the copper, the gold;
I bleed, yea I bleed, yet I nothing withhold;
I smile when thy blade rends my bosom in twain,
And cover my wounds with a mantle of grain.

I give ye the bread that ye lift to your lips,
I feed your proud mills and your far-sailing ships;
I am loved of the sun and the wind and the rain;
Then hush ye, my children, no longer complain;
To each shall be given the guerdon of toil,
For I am the Mother of Men—the soil.

The stubborn fact, however, is that while all these deep thinkers, sweet singers, powerful orators, and persuasive authors have been advising the people to "get next to the soil" a policy has been pursued in Washington which almost precludes the possibility of getting next to the soil, a policy which, to say the least, renders the life of the homesteader and home builder in the West one of isolation, a policy which requires the overcoming of so many almost insurmountable difficulties that even the boldest and most resolute men and women are shaken when contemplating the difficulties they must encounter before they may receive a patent for this soil, of which we talk so much but really cultivate so little.

Let us, therefore, do our part. The delays incident to acquiring patent to a desert-land entry or a mining claim are interminable. This should not be. Let the Government proceed upon up-to-date business principles and discard the methods that savor so much of Jarndyce versus Jarndyce.

If any great business house—Marshall Field & Co., for example—should attempt for one year to do business according to governmental methods, bankruptcy and ruin would follow that firm. Is this Government to become known as "Uncle Sam,

the irresolute"? What a sickening pity to reflect that this Government loses or wastes $1,000,000 every day through indecision and circumlocution!

We hear very much about the necessity of conserving our natural resources, and, indeed, he "would be fit for treasons, stratagems, and spoils" who would have the Nation waste its natural resources. The conservation of our forests should indeed be given attention, and he who would ruthlessly and wastefully or needlessly lay low one of the green-plumed monarchs of the forest would be "baser than a bondman"; but the policy of conservation of resources should not go so far as to preclude their honest and necessary use by the people. The policy of precluding the people from taking dead timber from the forests unless the settler runs the gauntlet of the departmental methods of taking out permits is a fruitful source of annoyance to the homesteaders and pioneers; and I do not forget that the bold barons who wrung from King John at Runnymede in 1215 the great charter of English liberty took care to see to it that the forests should be preserved for the use of all the people instead of the use of the aristocracy, and they used the following significant language in articles 47 and 48 of the Magna Charta:

> 47. All forests that have been made forests in our time shall forthwith be deforested; and the same shall be done with the water banks that have been fenced in by us in our time.
>
> 48. All evil customs concerning forests, warrens, foresters and warreners, sheriffs and their officers, water banks and their keepers shall forthwith be inquired into in each county.

I have always been in favor of the protection of the forests, and I am ready now to vote to appropriate such sums of money as are necessary to protect the forests from fire, but reproach is being brought upon conservation by the wholesale and unnecessary withdrawals from settlement and sale of public lands.

Under the present policy, while we may be conserving some of the Nation's resources, we are wasting the people. We are conserving trees, but wasting men. We should not conserve land for itself, nor a tree just because it is a tree, but because the land and tree are useful to man. The end to be achieved in conservation is not the land itself, for itself, but the prevention of unlawful waste in order that man may use the things conserved. We are all aware that there is a Nation-wide rise in the cost of living. While I believe the high protective tariff to be the pregnant parent of the present high cost of living, there are other contributing causes, and one of the chief contributing causes is the fact that the Congress has not enacted laws that give encouragement to those who are engaged in agriculture. There exists in this Nation to-day an unhealthy and unwise economic situation. There are many crowded cities where the condition of the poorer classes of the people is so pitiable that their lives are one fierce struggle for bread. The era of great cities is at hand, and something must be done, and speedily done, to bring relief. Surely to assist in advancing a remedy is a cause worthy of our close attention and our ardent support.

If the people of this Nation be encouraged and be given every legitimate and practicable opportunity for getting next to the soil, we will soon discover that millions of unplowed acres in Arizona, Washington, California, Idaho, Nevada, Oregon, New Mexico, Colorado, Montana, and Wyoming will some day be turned into farms and fields of waving grain and thus afford an opportunity for the absorption of some of the congested situations in our great cities. If home building be encouraged, thousands of our citizens to whom life is now nothing but one ceaseless, remorseless grind for the barest necessaries of life will have an opportunity to enjoy some of the blessings of independence and to get from under the landlordism of another.

I desire at this juncture to read a short article from a Canadian paper, the Calgary Albertan, which I have just clipped and which states that the Dominion immigration agent is very sanguine in his belief that the immigration from the United States for this year will reach 170,000 persons. The article referred to is as follows:

> On the same day that the Dominion immigration agent was giving reasons for his belief that the immigration from the United States for the year would reach 170,000, which is much greater than in any previous year, representatives of the most promising States in the Union were making arrangements for a convention to arrange some sort of plan to prevent the migration to our western Provinces.
>
> American settlers will continue to desire to come here under present conditions. They are attracted by our cheap and fertile lands. They are not the kind of people who will permit any person in authority or not in authority to tell them where they are to go and where they are to stay.
>
> The campaign will have no effect other than to advertise the worth and charm and attraction of western Canada among the people who are most desirable as prospective Canadians. Every word that these gentlemen say about the exodus is a word said in favor of the place to which the migration is tending. There is a reason for the exodus. Western Canada is giving an excellent bargain to incoming settlers. The visitor is wise who takes advantage of it.

I ask Senators to observe especially these significant words: "American settlers will continue to desire to come here," to Canada. "They are attracted by our cheap and fertile lands."

Mr. President, the Dominion may boast of its cheap lands, but in many portions of the great State of Arizona, which I have the honor in part to represent, the land is so fertile that if it were not for the prohibitively high freight rates we could ship Arizona soil into Canada for fertilizing purposes. If you be seeking fertile land, turn your attention to our own great States in the West, where citrous fruits fill the air with the fragrance of their blooms even in winter—

> Where the olives grow;
> The land where the fragrant winds blow
> Blue bubbles of grapes down a vineyard row.

If this Congress should pass the bill I have already introduced, which provides for opening the Colorado River Indian Reservation to public settlement, and should this Government then go further and lend its assistance to the construction of an irrigation project there, or if the State of Arizona should, as it probably will, under the Carey Act, construct an irrigation project there, such action would open to settlement 150,000 acres of the richest soil on which the sun ever shone, a soil so fertile that the wildest hyperbole becomes impotent and prosaic in attempting to describe it.

In my judgment, it is not the fertility of the soil that is attracting our Americans to Canada; but there is another line in this clipping which gives the reason why western Canada is attracting our Americans, and I will read that line, which is as follows:

> There is a reason for the exodus. Western Canada is giving excellent bargains to incoming settlers.

Thus we find the situation to be that western Canada, with land by no means possessing the fertility of our land, is being settled because excellent bargains are offered to the people, but there is still another significant line in this clipping which I desire to read and which is the real reason why there is stagnation in the western part of the United States but prosperity and vigor in the western part of Canada. This clipping, speaking of the kind of people who are going into Canada, says:

> They are not the kind of people who will permit any person in authority or not in authority to tell them where they are to go and where they are to stay.

That is true. The frontiersman, the pioneer, the true American will not for a moment permit a beaurocrat or a doctrinaire sitting at a desk in Washington or elsewhere to tell him where to go and where not to go, and rather than submit to this unjust, un-American harassment and vexation he will resign his citizenship under the banner of the Stars and Stripes and seek a more congenial environment under the Union Jack. To the true American the lands within the State are the lands of his father's house; he will break through red tape; he will be impatient when syllabub instead of statesmanship is applied to public questions.

Let us therefore manfully face the situation as it is; let us cease blaming those who are not responsible. Congress alone is responsible. If these departments and bureaus are circumlocution offices Congress is to blame.

Mr. SMITH of Arizona. Will my colleague pardon an interruption?

Mr. ASHURST. Very cheerfully.

Mr. SMITH of Arizona. I do not think that the animadversion cast on Congress in the matter of which my colleague now speaks is entirely due to Congress itself. In quite a long experience in the other House I found the practice growing up that Congress instead of getting the facts from the departments when necessary and legislating in the light of them began to legislate through bureaus, until it has become the custom of the Senate to-day in the committees on which I am serving to ask the advice of the departments. The first question which comes from the chairman of a committee here when a bill comes up is, What has the department advised about this measure? If instead of this course we had been getting only the facts from the department itself, and then Congress had used its judgment in these matters, we would have avoided much that my colleague now very justly criticizes. The sooner we break up the practice and let it be a Government of laws by congressional enactment instead of through the advice of a bureau of the Government, the better it will be not only for us but for the balance of the United States. That Congress is rapidly surrendering its legitimate function to the executive branch of the Government is a lamentable fact, and if persisted in will in yet a short time prove the most dangerous, as it is the most insidious, assault on the guaranties contained in the Federal Constitution limiting within their proper scope the three great powers of government.

Mr. ASHURST. I thank my distinguished colleague. I am very glad to have what he has stated here made as a contribution to my address, because I regard his interruption as the most meritorious part thereof.

Mr. President, if no public business may be transacted in the departments except through endless sinuosities and the unwinding of tangled red tape Congress alone is to blame. I have sufficient faith in the integrity and patriotism of the Secretary of the Interior and the forestry officials to believe that they will scrupulously administer any law we may enact.

With Congress and with Congress alone lies the power, the authority, and the jurisdiction to remedy the situation by enacting fair, reasonable, practical, progressive laws. And then, but not until then, will we reach to a counterpart of the days depicted by Lord Macaulay's balanced lines:

> Then none was for a party,
> Then all were for the State;
> Then the great man helped the poor,
> And the poor man loved the great;
> Then lands were fairly portioned;
> Then spoils were fairly sold;
> The Romans were like brothers
> In the brave days of old.

I thank the Senate for its attention.

APPENDIX A.

PRESCOTT, ARIZ., *June 24, 1912.*

Hon. HENRY F. ASHURST,
United States Senator from Arizona, Washington, D. C.

DEAR SENATOR ASHURST: Northern Arizona contains upward of 1,000 dry farmers who, in spite of limited experience, have been able to make a living in this department of the agricultural industry.

Dr. Cooke, who is now head of the dry farming bureau of the Brazilian Government, at Rio de Janeiro, was the first expert to look over the possibilities of this county. His report in a facsimile letter is attached hereunto.

Dr. W. E. Taylor, one of the world's foremost experts on the subject of soil culture, visited Prescott at my request last October. I took him over such parts of our county as must be farmed dry, owing to lack of auxiliary water, and showed him crops which had then been harvested by farmers in different sections of the county. He pronounced the quality of these products equal to the best he had ever seen, and marveled at the depth and richness of the soil.

Since the visits of these two men, great interest has been manifested in dry farming in northern Arizona. I speak particularly of Yavapai County, because my experience lies within its borders, but I am informed that Coconino, Navajo, and Apache Counties contain great areas of land as fertile and with equally deep soils as Yavapai. In Coconino County potatoes raised by scientific farming, without irrigation, can not be surpassed in the world. In the other counties mentioned fine corn, Milo maize, Kaffir corn, sorgum, and potato crops are raised yearly.

Most of the grains and cereals raised by dry-farming methods in northern Arizona are fed to stock, and the market price of these commodities is high. Farmers get 2 cents a pound for corn, Milo maize, and potatoes.

At the rate entries are being made nearly all available acreages in Lonesome, Big Chino, Williamson, Thompson, and Peeples Valleys will be filed upon within the next 10 years.

Of these valleys the most promising is the Big Chino, 50 per cent of which is owned by the Santa Fe Railroad. It is probable, however, that in this valley the chief watersheds will be utilized as dam sites, and, if so, 70,000 acres will ultimately go under irrigation. Along the main line of the Santa Fe dry farming is practiced successfully from Seligman east to the New Mexican line.

Rainfall in northern Arizona, I would say, averages about 18 inches for the last 20 years, and as dry farming is successfully carried on in parts of Wyoming and Idaho with 5 inches less of rainfall, experts agree that our chances are better. Certainly our soils are not inferior to those of any other dry-farming section in the United States; we have enough warm weather to mature crops, and water is available nearly everywhere for domestic and stock purposes. Wells have been dug in Lonesome and Big Chino Valleys and water obtained at from depths of 35 to 400 feet, and I have yet to hear of a case where water has not been found. In the Big Chino Valley several settlers, whom we have located near the valley, state within the last six months that they have found water at depths of from 14 to 60 feet, and along the Big Chino wash, where there seems to be an underflow, it is probable fodder crops can be irrigated on limited acreages.

At the Fifth International Dry Farming Congress, held in Colorado Springs last October, this county had 30 exhibits of root crops, cereals, and deciduous fruits, all raised without irrigation. We entered 26 exhibits and took 24 prizes out of the 26, this being the banner show for any country in the world besides Colorado. Had we exhibited for all Arizona, instead of Yavapai County, as we propose to do this year, I firmly believe we would have beaten Oklahoma and Colorado. The exhibits were collected within 10 days, and no opportunity was given for careful selection. The whole collection was made within a radius of 25 miles of Prescott. This showing was commented upon by the Colorado papers and by the agricultural periodicals of the country.

Very respectfully, yours,

MALCOLM A. FRASER,
Secretary Prescott Chamber of Commerce.

APPENDIX B.

Replying to your favor of recent date, will say that the history of dry farming in Yavapai County, Ariz., covers a period of barely 10 years, although the Indians in the northern counties successfully raised crops of Hopi corn and other drought-resisting cereals for centuries.

Dry farming received its greatest impetus after April, 1911, when Dr. V. T. Cooke, then the State Director of Dry Farming for Wyoming, visited the principal dry-farming areas in Yavapai County—more than 250,000 acres—under the auspices of the Prescott Chamber of Commerce. The following is taken from his report, written for that organization on April 10:

"No doubt exists in my mind to-day, after my visit in Yavapai County, and, taking into consideration information as to precipitation and general climatic conditions which I have gathered, but what so-called 'dry farming' can successfully be carried on with certain varieties of crops, provided the farmer will realize the importance of properly preparing his soil and using seed adapted to your particular conditions.

"Prior to leaving Cheyenne, Wyo., where for the past five years I have acted as State director of dry farming, I gathered weather data from the United States observer.

"I was agreeably surprised to note that you have here more precipitation than I had been led to believe; more, in fact, than was the case in my Wyoming experience.

"Yavapai County soils are extremely fertile; they are easier to work and more susceptible to the retention of moisture than those soils of Wyoming upon which I have achieved notable successes.

"During my several journeys from Prescott to outlying valleys I saw large areas which I am confident will raise paying crops of alfalfa, winter wheat, winter rye, spring barley, oats, and wheat, emmer (commonly called spelts), stock beets, potatoes, corn, sorghum, Milo maize, Kafir corn, and possibly winter barley, brome grass, and slender wheat grass.

"With these crops properly grown and cultivated and with summer tillage to conserve one year's moisture to another, thus obtaining two years' moisture for one maximum crop, and with proper rotation, I am confident some crop can be raised each year on Yavapai County dry farms.

"Invariably, whether under irrigation or by dry-farming methods, I can not too much emphasize the use of seed raised by natural precipitation."

V. T. COOKE,
State Director of Dry Farming for Wyoming.

Following Dr. Cooke's visit many entries on Government land adjacent to Prescott and in the contiguous valleys of Yavapai County were made, and by the end of June, 1911, the figures for the fiscal year aggregated 50,000 acres which had been filed upon under the homestead and desert acts, either of which in the State of Arizona permits the settler 320 acres of land.

Encouraged by the influx of farmers from all parts of the Union, the Prescott Chamber of Commerce, in July, completed plans for the establishment of an experimental dry-farming station just north of the city; here, on 110 acres, which represents nearly every soil existent in the dry-farming areas of the county, Prof. A. M. McOmie, of the University of Arizona, is personally directing a course of experiments with many of the crops mentioned. A brief résumé of the status of dry farming in Yavapai County may be of interest to the prospective settler:

E. W. Stephens, in Ferguson Valley, has matured a crop of corn on 80 acres of land which has had no irrigation; this crop has netted him not less than 50 bushels to the acre; it was planted late in June, after the soil had been plowed but 7 inches deep; on the same ranch 30 acres of small white beans were planted at the same time on an upland field, and, although somewhat injured by insufficient rains during August, this crop nets its owner $55 per acre.

C. A. Carter, on 40 acres of his farm in Kirkland Valley, estimates the yield at over 50 bushels; he expects to win the prize for the State of Arizona with this corn at the coming fair at Phoenix.

James Davis, in Ferguson Valley, has just harvested a crop of corn that goes over 60 bushels. This field was badly torn by hail in August, which resulted in cutting the blades seemingly to ribbons; this was the only damage done, however, and in many parts of his acreage the corn stood 15 feet high; in an adjacent field milo maize did equally well.

Davis bought his farm of 320 acres in 1909 for $1,000; it had been given up as an agricultural factor by its previous owner who had expended over $2,000 in improvements; since his occupancy Davis has made a good living for his family; has made a good crop each season, and has upwards of 300 hogs to reward his industry and perseverance.

Walter Atkin, farming on dry land about 2 miles south of Prescott, has just taken 70 bushels of Silverhull buckwheat from a field of 2 acres, this being the first dry-farm crop of buckwheat raised in Yavapai County. This buckwheat received the gold award at the International Dry Farm Congress, Colorado Springs, last October. Mr. Atkin's potatoes raised in a near-by field without irrigation, took the blue ribbon at the 1910 State fair.

We have said that dry farming is in its infancy in Yavapai County; but we believe that the above statements, which can be borne out by corroboration at first hand, are impressive and will command the serious attention of industrious, thrifty farmers, which is the only class we wish to draw to this section.

Over 100,000 acres of exceedingly fertile lands adapted to dry farming are now available for entry in this county.

Very truly, yours,

PRESCOTT CHAMBER OF COMMERCE.

APPENDIX C.

During the last half century there have been granted to railroads approximately 115,500,000 acres of the public land, while during the same period there have been in round numbers 900,000 homestead entries gone to final patent, which have taken substantially 125,000,000 acres of the public domain. During the past 35 years, since the enactment of the stone and timber law and the desert-land law, there have been patented under the former act about 13,000,000 acres and under the latter about 6,000,000 acres, and during the past 40 years, under the timber-culture laws there were patented about 10,000,000 acres. There have been in the neighborhood of 500,000 acres patented as coal lands and also some other dispositions of the public domain in smaller amounts in various ways.

While there remains in the United States, exclusive of Alaska, approximately 317,500,000 acres of the public domain, and exclusive of about 190,000,000 acres in forest reserves, the fact is that all of these various entrymen made during the past 50 years have had the choice of the public domain and have very naturally selected the most fertile and productive land and the land most easily cleared and cultivated.

Those 900,000 homesteaders and the entries of thousand of preemption claimants, desert land, and stone and timber entrymen, as well as the railroads themselves, have culled over the lands of the Western States until to-day there only remain the lands that have been during all of these years and up to the present passed over many times and rejected as unfit for cultivation and not worth the effort required for their reclamation. The result is that at the present time our home seekers are not only becoming more and more reluctant to take the remaining isolated tracts of land, but the stringency of the rulings of the Department of the Interior and the construction placed upon the existing laws are, in the judgment of your committee, seriously retarding the development of the West. This statement is conclusively borne out by the very rapidly decreasing number of original entries.

In his annual report for the year 1911, the Commissioner of the General Land Office, at page 6, says:

"The total area of public and Indian land originally entered during the fiscal year ended June 30, 1911, is 17,639,099.54 acres, a decrease of 8,752,169.55 acres as compared with the area entered during the year 1910."

This statement brings home to us very forcibly, indeed, the fact that during the past year the number of original entrymen, intending settlers upon the public domain, has fallen off 33⅓ per cent. That vividly discloses the startling fact that 55,000 home seekers and home builders that would naturally and have formerly gone out to select and settle

upon our public lands have gone elsewhere during the past year. And when the records show that during that year 125,000 good American citizens—the farmers and backbone and sinew of this country—have gone to Canada, and not only expatriated themselves personally, which is by far the most serious loss, but have taken with them at the least estimate $125,000,000, the loss to this country can scarcely be estimated.

The PRESIDENT pro tempore. The Chair will ask the Senator from Arizona what disposition he desires to have made of the bill. Will the Senator have it referred?

Mr. ASHURST. I ask that the bill be referred to the Committee on Public Lands.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Public Lands.

CONSTITUTIONAL RIGHT OF THE SENATE.

Mr. BAILEY. Mr. President, I ask the Chair to lay before the Senate the resolution which I submitted yesterday.

The PRESIDENT pro tempore. The Chair lays the resolution before the Senate. It will be read.

The Secretary read Senate resolution 357, submitted yesterday by Mr. BAILEY, as follows:

Whereas the Constitution of the United States makes the Senate the sole judge of the elections, returns, and qualifications of its Members; and

Whereas every Senator is required by his oath of office to decide all such cases according to the law and the testimony before him: Therefore be it

Resolved, That any attempt on the part of the President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate violates the spirit, if not the letter, of the Constitution, invades the rights of the Senate, and ought to be severely condemned.

Mr. BAILEY. Mr. President, executive interference in a contest involving the right to a seat in this body is so manifestly improper that it must always seem—to me, at least—very improbable; and I would not have introduced this resolution if the information on which it is based had come to me in such a way as to permit any reasonable doubt of its correctness. There is, however, no reasonable doubt about the facts in this case; indeed, there is no possible doubt about them, because the President himself has stated them in the most public and formal manner. On the 25th of last April he delivered an address in the city of Boston, and as a part of that address he read a letter which he had written to ex-President Roosevelt under date of January 6, 1911. That letter recites certain efforts made by the President to control the vote of Senators on a question which the Constitution has wisely confided to the exclusive judgment of the Senate, and which every Senator is bound by his honor and by his oath to decide according to the law and the testimony before him. In order that the Senate may know from the President's own words the extent to which he proceeded in this matter, I will ask the Secretary to read the letter which I send to his desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

It comes to me, perhaps without foundation, that you are going to write a strong article on the Lorimer case and publish it in The Outlook. I have been doing everything I could legitimately to have the closest examination made into the Lorimer case. I have read as much of the evidence as I could get at, and I am convinced that there was a mess and mass of corruption upon which his election was founded that ought to be stamped with the disapproval of the Senate. But I want the movement to oust him to succeed. I have urged different Senators to read the record carefully; and after a talk with ROOT, and BURTON, and KNUTE NELSON, and CRAWFORD, and some others I believe we are going to line up a good many of the regular Republicans on the side of what I consider decency and honesty in politics.

It has leaked out that I have been taking some interest in the matter, and I fear that it has not helped the situation generally because of that strong feeling of clubdom in the Senate and that resentment against outside interference which nobody who is not intimately acquainted with the situation can understand the weight of. I was talking with BORAH this morning. I have consulted a good deal with him on the subject, and he and I agree that it would be unwise either for you or for me to come out now against Lorimer and in favor of his being ousted; that it would enable those who are determined to keep him in, especially, among the Democrats, BAILEY and others, to use an argument against outside interference that would hold a number of Democrats and would deprive me of the strength we should get by a quiet presentation of the full facts on the floor of the Senate from the Senate itself. ROOT is going to make a speech; so is BURTON, and I believe that LODGE will do the same thing. Now, nothing would have stronger weight than speeches from them, whereas if either you or I came out with an attack it would enable the friends of Lorimer to shift the subject from the tainted character of his seat to the independence of the Senate in acting as a judge of the qualifications of its own Members.

I suggest, therefore, that if you have an article on this subject you hold it until after the issues are more plainly made by speeches on the floor of the body in which the contest is to be won. I want to win. So do you. This is my excuse for writing you.

Sincerely, yours,

WILLIAM H. TAFT.

Hon. THEODORE ROOSEVELT,
The Outlook, 287 Fourth Avenue, New York, N. Y.

P. S.—Of course I may be misinformed as to your purpose in this matter. Since dictating the above I have had the telephone conversation with you, but I let it go.

Mr. BAILEY. The speech which includes that letter was made a public document by the Senate on the 29th day of April. It happened that I was not in Washington at that time, having gone to Texas upon a brief errand, and I knew nothing about it for some time afterwards. But even when I learned about it, I refrained from calling the attention of the Senate to it, because the matter to which it related was still pending here, and I thought that the Lorimer case ought to be decided without reference to any other question. I also thought that the President's intervention ought to be judged without reference to the Lorimer case, and under this conviction I postponed all comment on the matter until after that case has been finally disposed of by the Senate.

I do not think it necessary to detain the Senate with any elaborate argument in support of this resolution, because it and its preamble declare such self-evident truths that no Senator, I think, will venture to deny them. On many questions, the President can properly communicate his opinions to the Senate, and on some questions, such as appointments to office and the negotiation of treaties, I think he can properly exchange opinions with individual Senators; but he has no right to obtrude his opinion upon the Senate or upon Senators with respect to any question affecting the membership of this body, and it is essential to the orderly administration of this Government that he shall not be permitted to do so.

Remembering that the Senate is the sole judge of the elections, returns, and qualifications of its own Members, let us dispassionately examine the President's letter and see how far he has attempted to invade our constitutional privilege on that subject. I first invite your attention to this sentence:

I have urged different Senators to read the record carefully, and after a talk with ROOT and BURTON and KNUTE NELSON and CRAWFORD, and some others, I believe we are going to line up a good many of the regular Republicans on the side of what I consider decency and honesty in politics.

"I have urged different Senators to read the record carefully," says the President. In God's name, has the Senate of the United States fallen to a point of such unspeakable degradation that the President of the United States must summon its Members to the White House and urge them to read the record carefully in a case which they must decide upon their oath and upon their honor?

If the President had gone no further than to urge "different Senators to read the record carefully," he would, perhaps, have been guilty of no more than an impropriety, and I would not have deemed it of sufficient importance to have brought it before the Senate. But the President, according to his own statement, did not content himself with merely urging "different Senators to read the record carefully," for he declares in that same sentence that—

after a talk with ROOT and BURTON and KNUTE NELSON and CRAWFORD, and some others, I believe we are going to line up a good many of the regular Republicans on the side of what I consider decency and honesty in politics.

What right had the President of the United States to "line up" Republicans, regular or irregular, upon the question of an election to this body? The right of a Senator to his seat ought to be determined upon the law and the evidence, and no political exigency can justify the application of any other rule. That ought never to be made a party question, and in this particular case it had absolutely no connection with party politics. But, sir, even if this had been a case in which it was proper for "regular Republicans" to be lined up, it was absolutely improper for the President of the United States to line them up.

For what was the President striving to "line up" these "regular Republicans"? Was it for a decision of that case upon the law and the evidence? No, sir. If the President had said that "I believe we are going to line up a good many of the regular Republicans" to decide that case according to the law and the evidence, there would have been good reason to complain at him for having said anything; but there could have been no just complaint against what he had said; but he did not say that, and although it was the sworn duty of every Senator to decide that case according to the election, the returns, and the qualifications of the Illinois Senator, the President proposed a wholly different test. His plan was to "line up" regular Republican Senators on the side of what "he considered decency and honesty in politics." I doubt if the President would be so willing now as he was aforetime to try a man on such an indictment, because his recent experience must have taught him how easy it is for a man's enemies to make a general charge of political dishonesty and how difficult it is for a man's friends to refute it, even when it is utterly unfounded. If we could believe what many "irregular" Republicans are saying about the

President, he is not so stanch an advocate of "decency and honesty in politics" now as he was 18 months ago.

But I will not adopt or repeat the bitter things which his enemies say against the President. I am willing to believe that he is still an advocate of "decency and honesty in politics" as he understands them. He is not, however, more earnestly in favor of decency and honesty in politics than I am; and he has done no more, according to his ability to promote them, than I have. But as I understand my duty, when I come to determine the right of a Senator to a seat in this body, I am compelled to try the question upon a more definite basis, and unless the record shows that he was elected by bribery or corruption, I am bound by my oath of office to recognize his right to represent the State which has given him her commission. As a citizen of Illinois, or as a member of her legislature, it would have been my right, and it would have been my duty, to have voted against Senator Lorimer if I believed him an exponent of indecent and dishonest politics; but that right belonged, and that duty rested, with others and not with us. The question of fitness, of decency, and of honesty, is left by the Constitution of this country to those who choose our Senators, and we have no right to reject their choice unless he lacks the qualifications of age, residence, or citizenship, or unless his election was procured through bribery and corruption.

Not only was the President of the United States guilty of a meddlesome interference with a matter which belonged entirely to the Senate, and concerning which he had no duty to perform; but, sir, even if the Constitution had authorized him to advise us on that question, he had not qualified himself to give us intelligent advice. He did not know the facts. He had never read a line of the official testimony.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. The Senator from Texas is in error as to that proposition.

Mr. BAILEY. The Senator from Texas is not in error.

Mr. BORAH. The Senator from Texas is in error as to the President not having the evidence, because the President did have the evidence. A number of Senators here in the Senate had the evidence.

Mr. BAILEY. All Senators had the brief of the attorney for the Chicago Tribune, but all Senators did not have a copy of the evidence. The printed evidence was not delivered to the Senate document room until the 7th of January, while the President's letter to the ex-President is dated January 6.

Mr. BORAH. No; I beg the Senator's pardon. They had the evidence; they had the evidence which was printed by the committee.

Mr. BAILEY. For the committee's use.

Mr. BORAH. For the committee's use. But it was distributed here among Senators and was the same evidence as afterwards was printed for the Senate. I had it myself; the Senator from South Dakota [Mr. CRAWFORD] had it; we all had that evidence before the holidays. I spent the entire holidays in going through the testimony, and there are plenty of Senators here in the Chamber who had the evidence at that date.

Mr. BAILEY. The Senator was one of the few Senators who procured a copy of the evidence; but there was not a sufficient number printed before the holiday adjournment to have supplied each Senator with a copy.

Mr. BORAH. But, Mr. President——

Mr. BAILEY. I happened to be a member of that committee, and I know that when it came to act upon the case the committee desired to have, and it was necessary that it should have, the evidence taken by the subcommittee made available for its examination. That evidence was printed by the subcommittee for the use of the full committee, and if any Senator obtained a copy of it he obtained it from the committee or from some member of it.

Mr. BORAH. Mr. President, the evidence was printed by the committee and for the committee; but when the question was raised here upon the floor of the Senate as to whether or not it was available, the then Senator from Michigan, Mr. BURROWS, stated that it would be available to the extent of a certain number of copies, and the Senator from Michigan went direct and brought copies into the Senate Chamber and handed a copy to me personally, as he did to other Senators.

Mr. BAILEY. That confirms my statement that if any Senator had a copy of it he obtained one of the committee copies.

Mr. BORAH. Well, Mr. President, I apprehend that the committee copy was a correct copy, because upon that copy the Senator from Texas and his associates filed their report. We had all the evidence that the Senator from Texas had when he filed his report.

Mr. BAILEY. Mr. President, the interruption of the Senator from Idaho makes it proper for me to say that I have not intended to criticize him because the President had mentioned his name in this letter. I had not expected to refer to him in this connection; but since he has put me under that necessity, I feel that I ought to say, in justice to him, that I knew when I took the floor that he was one of the first, outside of the committee itself, to read the evidence. But the fact that the Senator from Idaho had read the evidence in full does not prove that the President had done so. What does the President himself say on that point? In his letter to the ex-President he says:

I have read as much of the evidence as I could get at—

I do not see how that statement can be construed otherwise than as an admission that the President had not read all of the testimony, and therefore it is plain, to my mind, that he had not, up to that time at least, seen a copy of the printed evidence. If the Senator from Idaho had been called upon to state his knowledge of the case after he had obtained and read a copy of the printed evidence, would he have said that he had "read as much of the evidence as he could get at"? Would he not have said that he had read the entire evidence? Would any man who read it all have said that he had "read as much of the evidence as he could get at"?

But the fact that the President does not claim to have read all the evidence is not the only circumstance which justifies me in saying that he was not prepared to advise the Senate on that matter, even if it had been his privilege to do so. In his Boston speech—the same speech in which he read his letter to the ex-President, and almost immediately after he had finished reading that letter—the President thus expresses himself:

I hope that my strong expressions of opinion in this letter, formed without hearing argument, may work no unfair prejudice in a cause that remains undecided.

As a lawyer at the bar and as a judge upon the bench the President of the United States had learned that even after hearing all the evidence the argument is often essential to a sound conclusion. So deeply embedded is this thought in our judicial proceedings that learned judges must often listen to stupid lawyers argue questions which they do not comprehend; because the arguments are deemed so important that it is considered better that a superior judge shall waste some time listening to an inferior lawyer than it is that he shall be deprived of the benefit of an argument from lawyers who can illuminate the question. The President realizes that an opinion formed without hearing the argument can not be relied on with full confidence, and he meant to concede that fact, or else his statement that he had formed his opinion "without hearing argument" is destitute of any meaning.

Can the Senate believe that the President was qualified to advise us about the Lorimer case when he had only read a part of the evidence and none of the arguments? Is that the way we should try a man in this country for his life or for his good name, which is dearer than his life? Was it just, was it fair, was it manly for the President of the United States, with at best but a partial knowledge of the evidence and with no knowledge of the arguments, to summon his partisans to the White House and encourage their attacks upon a Member of this body?

Yesterday, Mr. President, we witnessed a solemn and impressive ceremony in this Chamber—happily one of the few of its kind which have occurred in our history. We heard articles of impeachment exhibited against a circuit judge of the United States. Would any Senator here feel it consistent with his oath of office and with his duty as a judge in that impeachment trial to answer the President's summons and hear the President tell him whether or not he ought to vote for the conviction or for the acquittal of Judge Archbald? And yet he would have a better right to do that than he had to do the other. He appointed Judge Archbald to the bench, and it is natural that if the judge has been guilty of such misconduct as shows him unfit for that high office the President must earnestly desire to see the country relieved from the consequences of his own mistake. On the other hand, it is equally natural that if he believes Judge Archbald to be an upright judge and an honest man he would earnestly desire to see his character and his reputation vindicated. But in the choice of a United States Senator the President is under no responsibility, and having no voice in any man's election to the Senate, he should have no influence over any man's ejection from it. As well, sir, might the President of the United States send his messenger to the Supreme Court room and, summoning its honorable justices to his presence, tell them how to decide a lawsuit pending there as

for him to call Senators to the White House and tell them how they should vote upon the question of a Senator's right to a seat in this body.

Was the President conscious that his course, to put it mildly, was irregular? I think he was. He must have been, or else he would not have spoken in that letter about it having "leaked out" that he "had been taking some interest in the matter."

Oh, what an expression to come from a President to an ex-President of this Republic! If the President of the United States was doing what he believed it was his duty to do, or what he had a right to do, there was no necessity of attempting to conceal it, and if there had been no attempt to conceal it, he would have never said that a knowledge of it had "leaked out." A President ought never to do anything which "leaks out." It may happen, of course, in the administration of justice or in our international relations, that it would not be compatible with the public interest for the President to announce his purposes or his negotiations; but the President of the United States should never do anything with respect to the Senate or its Members where a knowledge of what he had done might "leak out."

After telling the ex-President that it had "leaked out" that he had been "taking some interest in the matter," the President adds:

And I fear that it has not helped the situation generally, because of that strong feeling of clubdom in the Senate, and that resentment against outside interference which nobody who is not intimately acquainted with the situation can understand the weight of.

Here is the old slander which has been made to do service for many years. For a quarter of a century the vicious have taught the ignorant to believe that the Senate of the United States is a mere club. Sometimes they call it a "millionaires' club," and in order to aggravate the prejudice against this body, they describe as millionaires Senators who are not worth the tenth of a million dollars. The President moderates the offensiveness of his reference to the Senate as a club by omitting the "millionaires," but he still does this body, and he does the sovereign States which it represents, the gross injustice of speaking of it as imbued with the narrow spirit of a club, and he puts its resentment against outside interference as second to the "strong feeling of clubdom." What answer will the Senate make to such a reproach upon it?

If the President had only declared that the Senate would resent outside interference with its functions, he would have paid you a tribute which your predecessors of other days deserved, and to which I hope you will establish your claim when we come to vote upon this resolution; but no man who entertains a proper respect for this body will tell his dearest friend that it is moved upon questions touching the integrity of its members by a "strong feeling of clubdom." I hold no brief to defend the Senate, and I am not in harmony with the opinions which dominate it to-day, but I bear cheerful witness to the fact that it is high above the poor opinion which the President expresses of it.

By a large majority the Senate decided the very case to which the President's letter related differently from what I think it ought to have been decided, and contrary, as I firmly believe, to the law and the testimony concerning it. But Senators whose character and patriotism do credit to the Senate and the country were governed in their votes upon that question more by what they believed was "a larger view" of it than by the law and the testimony. I feel sure that they were wrong in casting their votes upon such a consideration, but I know that some of them, right or wrong, were absolutely honest in what they did and acted for what they believed to be the highest welfare of the country.

Mr. President, no personal or party feeling ought to actuate the Senate in repelling an encroachment upon its privileges, and I am averse to introducing such topics into this discussion; but I do not see how I can ignore that sentence in which the President refers to me by name and to my party associates by designation. To leave that part of his letter without some comment might impress those who may now read, or who may hereafter read, this debate with the idea that what the President has said about us was either so true that we could not deny it, or else that we did not regard it as serious enough to call for an answer. With that idea in my mind I am constrained to take the President to task for what he said about me and about the Democrats of the Senate. I particularly invite your attention to this sentence:

I agree that it would be unwise for either you or for me to come out against Lorimer and in favor of his being ousted; that it would enable those who are determined to keep him in, especially among the Democrats, BAILEY and others, to use an argument against outside interference that would hold a number of Democrats.

In naming me as one of those who were determined to keep Mr. Lorimer in the Senate I think the President was seeking to flatter an ancient grudge which the ex-President holds against me. But if that was not his purpose and he intended to imply that I desired to keep the Senator from Illinois in this body without regard to the law and the evidence, then he slandered me, and he deliberately slandered me; because no man knows better than he does that I discharge my duties here with absolute fidelity to my judgment and to my conscience. I do not enjoy a high degree of popularity among my associates because my unfortunate habit of bitter speech has often left a wound where I ought not to have left even a sting. I challenge error wherever I happen to find it, but I do not always challenge it with words or in a manner calculated to promote good feeling, and I have provoked more or less hostility in that way. But without regard to their personal good will or their personal ill will toward me, there is no Senator in this Chamber who thinks or who will dare to say that my course in the Senate is ever influenced by any unworthy motive. Some of them say that I am too severely technical and that I sometimes sacrifice substantial justice by adhering too rigidly to the letter of the law. They may be right, but I can not accept that philosophy. I can no more believe that there is a justice higher than the law than I can believe that there is a law higher than the Constitution. I know, of course, and I know it as well as any living man, that no law has ever been devised which will work out exact justice in every case; but I am certain that it is better for all the people that an occasional injustice shall be done than that the shifting and imperfect judgment of the individuals who try each case shall be substituted for those well-established rules which have been developed and matured by the wisdom of successive ages. I was trained in a school of politics which taught that it is the highest duty of every legislator to religiously obey the Constitution in making laws and that it is no less the duty of every man charged with the execution of those laws to execute them precisely as they were written. I know that a different view prevails in this day even among some Democrats, and I am willing to concede that they are as honest as I am, but I am sure that they have fallen into a grievous error and that sooner or later they must renounce that opinion. A distinguished Democrat quoted to me last Saturday morning the old Roman maxim that "the safety of the State is the supreme law," and I answered him, as I have answered others in the Senate before this, that the party to which I belong adopted in its infancy the wiser maxim that "the supremacy of the law is the safety of the State."

But, Mr. President, the reflection on me, if any reflection was intended by the President, is not so grave as the reflection upon my party associates. He pays me the compliment—though I doubt if he so intended it—of saying that I would denounce all "outside interference," and I am now justifying his opinion in that respect. But when he intimates that my Democratic colleagues would disregard the law and the evidence, would disregard even that "larger view" upon which some of them felt themselves compelled to decide the Lorimer case, and would be controlled by their resentment against his misconduct, he writes them down as lower even than those "regular Republicans" whom he was hoping to "line up." He knows some of these Democratic Senators as well as any Republican President ought to know them, but he knows less about them than I had supposed if he does not know them well enough to understand that they will resent his unwarranted interference with the privileges of the Senate in a proper way and not permit it to control their votes upon a different question.

Mr. President, I have now discharged what has been to me an unpleasant duty. It has been unpleasant because my personal relations with the President of the United States have been of the most delightful nature, and I would not lightly interrupt our friendship; but if he were my brother I would vote to censure him whenever he crosses the line which separates the executive and the legislative departments of this Government. Whether the Senate agrees with me or not means more to it than it does to me, for I am soon to retire from public life; and while I do not regret the 22 years which I have spent in Congress, I am waiting with impatient eagerness for the 4th day of next March to come, so that I shall be released from my duties and my obligations here. But while I will not be a Senator after that, I will know then, as well as I know now, that the future of my country depends in a large degree upon this assembly, and it is my fervent prayer that the Senate of the United States shall show itself worthy of its great power by exercising it on all occasions with firmness, dignity, and wisdom.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair calls attention to the fact that at that hour the unfinished business would ordinarily be laid before the Senate, and also that under the rule of the Senate the matter of the impeachment of Judge Archbald is to be considered.

The Chair will take the liberty of laying the unfinished business before the Senate first, with a view of having it laid aside temporarily. It will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDENT pro tempore (Mr. GALLINGER). The hour of 1 o'clock has arrived, and, in accordance with the rule, the legislative business will be suspended and the Senate will proceed upon the impeachment of Robert W. Archbald.

On yesterday the Senator from Utah [Mr. SUTHERLAND] offered a resolution which in a moment of confusion the Chair supposed had been agreed to, but which the RECORD does not show was agreed to; and laboring under a misapprehension the Chair recognized the Senator from Wyoming to make a motion. The Chair will now lay the resolution of the Senator from Utah before the Senate. It will be read.

The Secretary read the order submitted yesterday by Mr. SUTHERLAND, as follows:

Ordered, That at 1 o'clock p. m., July 16, 1912, the Senate will proceed to the consideration of the articles of impeachment of Robert W. Archbald, a United States circuit judge and a member of the Commerce Court, presented by the House of Representatives this day.

Mr. CULBERSON. Mr. President, I suggest that there is no necessity for the adoption of that resolution in view of Rule III of our impeachment proceedings, and that the resolution is, in fact, out of order.

Mr. SUTHERLAND. Mr. President, my purpose in offering the resolution yesterday was that a formal record might be made by which the House of Representatives would have notice. The rule to which the Senator from Texas calls attention does provide that the day following the presentation of the articles of impeachment, at 1 o'clock, the Senate shall proceed to the consideration of the impeachment case. That hour has arrived, and I see no purpose to be served by adopting the resolution at this time, and, with the consent of the Senate, I will withdraw it.

The PRESIDENT pro tempore. The resolution is withdrawn.

The Senator from Wyoming [Mr. CLARK] entered a motion to reconsider the vote of the Senate on yesterday appointing a committee of five Senators.

Mr. CLARK of Wyoming. I understood the announcement to be made by the Chair that we had now entered upon the execution of the impeachment rule, which provides that at 1 o'clock we shall sit as a court of impeachment. Under that rule it occurs to me that the motion as a legislative act would not properly have place at this time. I give notice, however, that as soon as we go into legislative session I shall urge the adoption of that motion.

Mr. CULBERSON. I call attention to the latter part of Rule III, and suggest that the Senate proceed to the execution of the rule.

Mr. CLARKE of Arkansas. Mr. President, I think it is perfectly evident that Rule III was adopted with reference to meeting at 12 o'clock. As the Senate assembled to-day at 11 o'clock, it is altogether probable that the hour of 1 as understood in the rule had passed at 12, it being evidently the intention that the impeachment proceedings should be taken up one hour after the assembling of the Senate.

I therefore ask that the matter be laid aside, having passed the time fixed, until the Senator from Texas [Mr. BAILEY] shall have concluded his remarks. I ask unanimous consent that that modification of the existing order be made.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent——

Mr. BAILEY. I thank the Senator from Arkansas, but I would not be willing to interfere with this proceeding.

Mr. CUMMINS. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Iowa rises to a point of order, which he will state.

Mr. CUMMINS. It is that under the rule of the Senate there is nothing in order at the present time save the administration of the oath to Senators who are present.

Mr. LODGE. Nothing else.

The PRESIDENT pro tempore. The point of order is sustained. The oath will be administered to the Presiding Officer by such person as may be designated by the Senate.

Mr. CLARK of Wyoming. I suggest that the oath be administered to the Presiding Officer by the senior Senator in the Chamber, the Senator from Illinois [Mr. CULLOM].

The PRESIDENT pro tempore. The Chair did not understand the remark of the Senator from Wyoming.

Mr. NELSON. The rule prescribes that before proceeding to the consideration of the articles of impeachment the Presiding Officer shall administer the oath to Senators. The Senator from New Hampshire is now the Presiding Officer of the Senate. It is his duty to administer the oath.

Mr. CLARK of Wyoming. My motion was directed to the point of the administration of the oath to the Senator from New Hampshire as Presiding Officer.

The PRESIDENT pro tempore. The Chair is of the opinion that the oath should first be administered to the Presiding Officer.

Mr. SMOOT. I should like to ask the Chair if it is in order for any Senator to move that any particular Senator shall administer the oath.

The PRESIDENT pro tempore. The Chair would prefer not to take the liberty of ruling on that, preferring that the Senate itself should act.

Mr. STONE. As a matter of privilege I ask unanimous consent that the oldest Senator in service in this body administer the oath.

Mr. SMOOT. I was going to make a motion that the Senator from Illinois [Mr. CULLOM] administer the oath to the Presiding Officer.

The PRESIDENT pro tempore. Without objection that order will be made, and the Senator from Illinois [Mr. CULLOM] will administer the oath.

Mr. CULLOM advanced to the Vice President's desk and administered the oath to Mr. GALLINGER as Presiding Officer, as follows:

You do solemnly swear that in all things appertaining to the trial of the impeachment of Robert W. Archbald, additional circuit judge of the United States, from the third judicial circuit, designated a judge of the Commerce Court, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

The PRESIDING OFFICER (Mr. GALLINGER). Without objection, the Chair will suggest that the Secretary will call the roll, calling 10 Senators at a time, and that as their names are called the Senators advance to the desk to have the oath of office administered to them.

Mr. O'GORMAN. Mr. President, would it not be permissible for each Member to rise in his place and, with uplifted hand, be sworn at the same time by the Presiding Officer?

Mr. LODGE. If I may say so, this is the method heretofore pursued.

The Secretary called the names of Messrs. ASHURST, BACON, BAILEY, BANKHEAD, BORAH, BOURNE, BRADLEY, BRANDEGEE, BRIGGS, and BRISTOW; and these Senators, with the exception of Mr. BANKHEAD, advanced to the Vice President's desk, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. BROWN, BRYAN, BURNHAM, BURTON, CATRON, CHAMBERLAIN, CHILTON, CLAPP, CLARK of Wyoming, and CLARKE of Arkansas; and these Senators, with the exception of Mr. BROWN, Mr. CHAMBERLAIN, and Mr. CHILTON, appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. CRANE, CRAWFORD, CULBERSON, CULLOM, CUMMINS, CURTIS, DAVIS, DILLINGHAM, DIXON, and DU PONT; and these Senators, with the exception of Messrs. CURTIS, DAVIS, DIXON, and DU PONT, appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. FALL, FLETCHER, FOSTER, GAMBLE, GARDNER, GORE, GRONNA, GUGGENHEIM, and HEYBURN; and these Senators, with the exception of Mr. FOSTER and Mr. GORE, appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. HITCHCOCK, JOHNSON of Maine, JOHNSTON of Alabama, JONES, KENYON, KERN, LA FOLLETTE, LEA, LIPPITT, and LODGE; and these Senators, with the exception of Mr. KERN and Mr. LEA, appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. McCUMBER, McLEAN, MARTIN of Virginia, MARTINE of New Jersey, MASSEY, MYERS, NELSON, and NEWLANDS; and these Senators appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. O'GORMAN, OLIVER, OVERMAN, OWEN, PAGE, PAYNTER, PENROSE, PERCY, PERKINS, POINDEXTER, POMERENE, and RAYNER; and these Senators with the exception of Messrs. OWEN, PENROSE, POINDEXTER, and RAYNER, appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. REED, RICHARDSON, ROOT, SANDERS, SHIVELY, SIMMONS, SMITH of Arizona, SMITH of Georgia, SMITH of Maryland, SMITH of Michigan, SMITH of

South Carolina, and SMOOT; and these Senators, with the exception of Mr. RICHARDSON, appeared, and the oath was administered to them by the President pro tempore.

The Secretary called the names of Messrs. STEPHENSON, STONE, SUTHERLAND, SWANSON, THORNTON, TILLMAN, TOWNSEND, WARREN, WATSON, WETMORE, WILLIAMS, and WORKS; and these Senators, with the exception of Mr. WATSON and Mr. WETMORE, appeared, and the oath was administered to them by the President pro tempore.

The PRESIDING OFFICER. If there be no objection, the Chair will suggest that the names of the absentees be now called.

Mr. LODGE. I was about to make that suggestion in order that the record might be complete.

The Secretary read the names of the absent Senators, as follows:

Messrs. BANKHEAD, BROWN, CHAMBERLAIN, CHILTON, CURTIS, DAVIS, DIXON, DU PONT, FOSTER, GORE, KERN, LEA, OWEN, PENROSE, POINDEXTER, RAYNER, RICHARDSON, WATSON, and WETMORE.

The PRESIDING OFFICER. Senators now present whose names have been called and who have not heretofore been sworn will present themselves and take the oath.

Mr. CHAMBERLAIN and Mr. WETMORE advanced to the Vice President's desk and the oath was administered to them by the President pro tempore.

The PRESIDING OFFICER. Senators, the Senate is now sitting for the trial of the impeachment of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, designated a judge of the United States Commerce Court.

Mr. CLARK of Wyoming. I send to the desk an order for which I ask immediate consideration.

The PRESIDING OFFICER. The order will be read.

The Secretary read as follows:

Ordered, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against Robert W. Archbald, United States circuit judge, and is ready to receive the managers on the part of the House at its bar.

The PRESIDING OFFICER. If there be no objection, the order will be now considered. The question is on its adoption. [Putting the question.] The order is agreed to. The Secretary will so inform the House of Representatives.

Mr. BACON. Mr. President, I should like to call attention to Rule XXIII. I wish to suggest that in former cases the inconvenience of calling the roll in each instance has been avoided simply by having the order passed by unanimous consent rather than by putting it as a motion, as is ordinarily done. I would suggest that in this instance the vote just taken be either reconsidered or set aside as not having been properly had, and that the question be submitted by the Chair for unanimous consent in order that the record may thus appear.

The PRESIDING OFFICER. Upon reflection the Chair agrees with the Senator from Georgia, and will ask that that procedure be had. The Chair will ask, Is there objection to agreeing to the order? The Chair hears none, and it is agreed to by unanimous consent.

Mr. SMOOT. I ask the Senator from Georgia whether he thinks that that is the rule? I do, for this reason. Rule XXIII provides that:

XXIII. All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of Rule VII.

Rule VII provides that:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the presiding officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment and all forms during the trial not otherwise specially provided for. And the presiding officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision.

The query arose in my mind whether it would be necessary to secure unanimous consent unless a vote was questioned by a Senator.

Mr. BACON. No, Mr. President, I think the Senator, I say respectfully, is not correct in that view. The rule is positive that upon all orders and decisions the vote shall be taken by yeas and nays except as provided in Rule VII. This is not one of the classes of questions provided for in Rule VII. It is not of that class at all, and manifestly it is one where, in the absence of unanimous consent, it would require that there should be a roll call. During the course of the trial questions must be decided. There are questions about which there will be no division, and if it is done by unanimous consent it complies with the intention of the rule, which is that wherever there is a division of the Senate upon any order or decision other than matters prescribed in Rule VII there shall be a record vote, and without debate.

Mr. HEYBURN. Mr. President, I am under the impression that the rule of unanimous consent does not apply during an impeachment trial at all. The rule provides that the Chair shall decide. It provides the manner of an exception to the decision of the Chair. That is the whole story. The Chair is not required to inquire whether or not unanimous consent is given. The Chair rules primarily under the rule, and unless some objection is interposed in the manner provided by the rules the ruling of the Chair is final.

So I think that during the trial of an impeachment case in the United States Senate the rule of unanimous consent has nowhere an application.

Mr. LODGE. I am about to make a motion that the Senate, sitting as a court of impeachment, take a recess until 3 o'clock in order to give the managers on the part of the House time to assemble and appear here. Before making the motion, however, I call attention to the fact that the Senate sitting as a court, when it takes a recess, brings the Senate back into legislative session where it was. I now make the motion that the Senate, sitting as a court of impeachment, take a recess until 3 o'clock.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate, sitting for the trial of impeachment of Robert W. Archbald, take a recess until the hour of 3 o'clock.

The motion was agreed to; and (at 1 o'clock and 45 minutes p. m.) the Senate, sitting as a court of impeachment, took a recess until 3 o'clock p. m.

EXPENSES OF IMPEACHMENT TRIAL.

The PRESIDENT pro tempore. The Senate is now in legislative session.

Mr. WARREN. Mr. President——

Mr. CLARK of Wyoming. I desire to present legislative business, of which I gave notice this morning.

Mr. WARREN. Then, I will ask to present what I now have. I present a joint resolution, which I ask may be read twice by its title and referred to the Committee on Appropriations.

The joint resolution (S. J. Res. 122) providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald was read twice by its title and referred to the Committee on Appropriations.

Mr. WARREN subsequently said: From the Committee on Appropriations I report back favorably, without amendment, the joint resolution (S. J. Res. 122) providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Secretary will read the joint resolution for the information of the Senate.

The Secretary read the joint resolution, as follows:

Resolved, etc., That there be appropriated from any money in the Treasury not otherwise appropriated the sum of $10,000, or so much thereof as may be necessary, to defray the expenses of the Senate in the impeachment trial of Robert W. Archbald.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BACON. I should like to inquire of the Senator from Wyoming if he thinks the amount provided for in the joint resolution is adequate for the purpose.

Mr. WARREN. The expenses of the last impeachment trial only amounted to about $7,000, and this joint resolution is so framed as to use whatever may be necessary. If more funds are needed, another joint resolution can follow.

Mr. BACON. I did not know what was the actual cost of the other impeachment trial, but I knew that the resolution then offered provided for an appropriation of about $40,000.

Mr. WARREN. It provided for $40,000, but only a little over $7,000 were used.

Mr. BACON. Yes; I understand that there was only about $7,000 of it used.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. WARREN. Mr. President, I now ask that the sundry civil appropriation bill be taken up, which is House bill 25069.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the Senate proceed to the consideration of the bill named by him.

Mr. SIMMONS. Mr. President, I object.

Mr. WARREN. May I ask the Senator from North Carolina why he objects to the consideration of the bill?

Mr. SIMMONS. Because I desire to make a motion to take up the wool bill.

Mr. WARREN. Well, Mr. President, then I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. SIMMONS. Regular order, Mr. President.

Mr. WARREN. This is the regular order.

Mr. SIMMONS. That is a matter for the Chair to decide.

The PRESIDENT pro tempore. The Chair decides very promptly that the motion made by the Senator from Wyoming is in order. The question is on that motion.

Mr. SIMMONS. I suggest the absence of a quorum.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. BACON. The Senator from North Carolina suggests the absence of a quorum, and I shall not therefore proceed.

The PRESIDENT pro tempore. The Chair did not hear the suggestion. The Senator from North Carolina having suggested the absence of a quorum, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	La Follette	Pomerene
Bacon	Culberson	Lodge	Sanders
Bourne	Cummins	McCumber	Shively
Bradley	du Pont	McLean	Smith, Ariz.
Brandegee	Fall	Martin, Va.	Smith, Ga.
Briggs	Fletcher	Martine, N. J.	Smith, Md.
Bristow	Gallinger	Massey	Smoot
Bryan	Gamble	Myers	Stephenson
Burnham	Gronna	Nelson	Sutherland
Burton	Guggenheim	Newlands	Swanson
Chamberlain	Heyburn	O'Gorman	Tillman
Clapp	Hitchcock	Overman	Warren
Clark, Wyo.	Johnston, Ala.	Page	Wetmore
Clarke, Ark.	Jones	Percy	Williams
Crane	Kenyon	Perkins	Works

Mr. JONES. I desire to state that my collegue [Mr. POINDEXTER] is detained from the Chamber on important business.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present. The Senator from Wyoming [Mr. WARREN] moves that the Senate proceed to the consideration——

Mr. BACON. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BACON. If the motion made by the Senator from Wyoming prevails, the unfinished business is displaced and the bill moved by the Senator from Wyoming becomes the unfinished business in lieu thereof. Am I correct in that?

Mr. BRANDEGEE. Mr. President, I should like to have the Senator from Georgia repeat what he said, as I did not quite understand it.

Mr. BACON. The Senator from Wyoming [Mr. WARREN] moved to proceed to the consideration of the sundry civil appropriation bill. The Senator from North Carolina [Mr. SIMMONS] called for the regular order, which would be the resumption of the consideration of the Panama Canal bill. The question was raised whether the motion of the Senator from Wyoming was or was not in order, and I understood the Chair to say, before the roll was called for the purpose of ascertaining whether a quorum was present, that it would be in order. I then rose to a parliamentary inquiry, to ascertain if the Senate upon a majority vote should sustain the motion of the Senator from Wyoming, whether the unfinished business would not thereby be displaced and no longer be the regular order, and by that vote the appropriation bill would itself become the regular order, the unfinished business.

The PRESIDENT pro tempore. The Chair will frankly state, in response to the parliamentary inquiry of the Senator from Georgia, that when the Chair ruled he had forgotten the fact that the unfinished business had been temporarily laid aside. The Chair is of the opinion that a demand for the regular order would take the Senate back to the consideration of the unfinished business.

Mr. BACON. Undoubtedly.

Mr. BAILEY. A parliamentary inquiry, Mr. President. I wonder if the Chair could tell me exactly what becomes of my resolution under this condition?

The PRESIDENT pro tempore. The Chair is of the opinion that if the Senator should ask unanimous consent to continue the discussion of the resolution it would be quite in order; in fact——

Mr. BAILEY. I have some other things that it would please me to say; but if the Senate would be good enough to adopt the resolution I would be willing to take the resolution and spare the Senate the speech.

The PRESIDENT pro tempore. The regular order having been demanded, the Senate will resume consideration of the unfinished business.

Mr. CLARK of Wyoming. I ask unanimous consent that the Senator from Texas be allowed to continue his remarks.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Wyoming? The Chair hears none. The Senator from Texas is recognized.

Mr. BAILEY. Mr. President, I will testify my appreciation of the Senate's kindness by occupying as little of its time as will enable me to conclude what I feel I ought to say.

Mr. BRANDEGEE. Mr. President, will the Senator from Texas allow me to interrupt him for a parliamentary inquiry?

Mr. BAILEY. Certainly.

The PRESIDENT pro tempore. The Senator from Connecticut will state his parliamentary inquiry.

Mr. BRANDEGEE. I desire to know whether or not the motion made by the Senator from Wyoming was put to the Senate?

The PRESIDENT pro tempore. It was not put to the Senate; at any rate——

Mr. BRANDEGEE. And I further desire to inquire whether the Panama Canal bill still remains the unfinished business?

The PRESIDENT pro tempore. It does still remain the unfinished business. Had the motion of the Senator from Wyoming been put to the Senate and agreed to, it would have displaced the unfinished business beyond question.

Mr. WARREN. I did not intend to displace the regular unfinished business when I made the motion. It has been generally understood here that when the unfinished business was laid aside temporarily, it was laid aside for the day, unless called up again, and I made the motion in deference to that custom.

I may say, however, that if the Senate expects to proceed orderly with its business, it seems to me there will have to be a time allowed for the appropriation bills in order to get them to conference. Our conferences this year on appropriation bills have been and will doubtless continue to be extended and laborious, and it seems to me that I shall have to, so far as I can, if not at this time, then very soon, undertake to dispince any and all things possible in order to get the appropriation bills through, because the Government must be provided with funds, and it is running now under a temporary resolution which lasts but a few days.

CONSTITUTIONAL RIGHT OF THE SENATE.

Mr. BORAH. Mr. President, I want to say a few words. I do not, however, want to take the time of the Senator, if he has not concluded his remarks.

I should not feel called upon to say anything in regard to this resolution if I did not feel that to remain silent would be in some sense to shirk a part of the responsibility for this letter. I am not willing, therefore——

Mr. BAILEY. Mr. President, will the Senator permit me a suggestion?

Mr. BORAH. Certainly.

Mr. BAILEY. I want to say that I did not intend to mention the Senator's name, if I had done so—and the Senator observed that in reading the letter I omitted that part—I intended, before the Senator interrupted me the first time, to say that while the President admitted he had never read this evidence that was not true of all the Senators, and I happen to know it was not true of the Senator from Idaho. I happen to know that the Senator from Idaho had one of the copies of the testimony prepared by the subcommittee for the consideration of the full committee. I hope the Senator understands that my personal relations with him are such that it would be impossible for me to believe that he had committed himself to the decision of a question before he knew anything about the law or the facts involved.

Mr. BORAH. Mr. President, on the 21st day of December, 1910, the Committee on Privileges and Elections filed with the Senate its report upon the matter of the title to his seat of Mr. Lorimer from Illinois. When that report came in some discussion followed as to the time necessary for the consideration of the evidence and the time which had been given in its consideration. While I do not propose to trespass upon the time of the Senate to read from the record of that days' proceedings, I ask leave to insert in the RECORD a portion of the CONGRESSIONAL RECORD of December 21, 1910, pages 552, 553, and 554.

The PRESIDENT pro tempore. Without objection, leave will be granted as requested.

The matter referred to is as follows:

Mr. BEVERIDGE. * * * On last Friday night I received a notice that the full committee would meet on Saturday at 10 o'clock. The committee did meet on that date, and a report of the subcommittee

to the full committee was presented, together with the statement of the Senator from Tennessee [Mr. Frazier], to which the chairman of the committee has just alluded, which I am sorry is not presented with the report and other matters just laid before the Senate. But, I take it, this could not be done under the telegram the chairman has read.

Mr. President, when the committee met at 10 o'clock last Saturday the testimony was laid before all the members of the committee. That was on Saturday morning. Speaking for myself, it was the first time I had seen the testimony. I understood also that there were briefs more or less voluminous, neither of which I had seen.

After the report of the subcommittee was read and other statements, including that of Senator Frazier, were submitted, a motion was made that the report of the subcommittee should be adopted by the full committee. I was not able to assent to that proposition at that time for the reason that I had not read the testimony and had had no opportunity of doing so.

For that reason I asked that the matter might go over until after the holidays so that this testimony might be examined. The committee would not agree to that.

Then I asked for a week in which to examine the testimony and briefs. The committee, in its wisdom, of which I make no criticism whatever, would not agree to that. Finally, upon the withdrawal of the motion to adopt the report then presented by the subcommittee on last Saturday, the full committee adjourned on motion to meet and finally dispose of the matter on yesterday morning, thus giving the members of the committee who had had no opportunity to examine the testimony and the briefs until Tuesday morning to make such examination before making up their minds.

This seemed to me to be too short a time. It amounted to one-half of a working day; that is, Monday forenoon; or, if you include Sunday, one day and a half. The Senate itself can judge of that. Here is the testimony. It is a volume of 748 pages, closely printed. Here are the precedents involved, or some of them—a large volume. Here are the briefs—one of them nearly 200 pages long.

I immediately took the testimony away with me, and finally, on Saturday afternoon, got a copy of the brief in behalf of Senator Lorimer. But I was not able to get the brief which I understood had been printed on the other side until Monday morning.

On Sunday I entered into the investigation, so as to inform myself whether I could intelligently, one way or the other, concur or dissent from the report.

On Sunday it was quite impossible to examine with any kind of care even this brief, which is over 190 pages in length; it was impossible to examine the testimony in that brief time, so at the committee meeting on yesterday, when the motion was made to adopt the conclusion of the subcommittee and authorize the chairman to draw the report which has just been filed, I was not able to vote in favor of it, but, on the contrary, was impelled to vote against it, because, using all possible diligence, I had not been able, not only not to master, but even carefully to investigate the testimony, the briefs, or the precedents.

For this reason, Mr. President, I am not able either to concur with or dissent from the report of the majority of the committee, and shall not be able to determine whether I shall do so until I have given to these matters—the testimony, the arguments, and the precedents—such investigation and study as satisfies my mind one way or the other—such study as so serious a matter requires.

I thought it necessary to state this to the Senate so that the Senate might know why I can not concur or dissent. I therefore reserve the right, as I did in committee, to take such action as my judgment compels when I have had an opportunity to investigate these matters—which I trust I have shown to the Senate has not existed heretofore so far as I am concerned. I reserve the right, as I did in committee, either to concur or dissent or file a minority report.

Mr. President, I have served on this committee, I think, for about 12 years, and I recognize the gravity and seriousness of a case like this, not only as it affects the Senator whose name is in question, but as it affects a State and the Senate itself. There ought to be no delay on the one hand nor any inconsiderate haste on the other hand. We are about to adjourn. We shall reconvene immediately after the Christmas holidays. That will give to any Senator who desires diligently to examine the matter time to do so and to arrive at his conclusions. That having been done, Mr. President, I think all Senators will agree, without exception, that the case should be expedited and concluded.

I therefore ask unanimous consent that at an appropriate time, quite early after the reconvening of the Senate after the holiday recess—say Monday, January 9—the report of the committee just given to the Senate and laid on the table subject to call, together with any reports which may be made in the premises, shall be taken up for consideration and made the special order, to be continued from day to day until Saturday, the 14th of January, unless sooner disposed of, at which time, before adjournment on that day, the report of the committee and all questions arising thereunder and any other reports that may be filed, together with any resolution that may be offered up to that time, shall be voted on and finally disposed of.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do.

Mr. GALLINGER. As I understand the matter, this is a privileged question, which can be called up at any time and discussed by the Senate. I am not willing that it shall be put in such attitude that it will displace the unfinished business, which is now the matter before the Senate, but of course the consideration of a question of this kind will not be opposed whenever the chairman of the committee feels that it is his duty to call it up.

Mr. BEVERIDGE. Mr. President, I understand that, and, as I tried to state, the reason for the request for unanimous consent was that a definite period might be fixed. I thought we might thus best expedite the matter, which, I take it, everybody desires to have disposed of. I assume that a definite period—if this is too long a time, reduce it—would answer the ends of the reasonable disposition, not only of this business, but of the other business of the Senate.

Of course it lies on the table, subject to the call not only of the chairman of the committee but also of any other Senator—the Senator can make it broader than that—but if that should be the case, and it be called up one day, discussed, and then go over for a week, the discussion might go on to the end of the session without arriving at any conclusion. Of course I merely want the sense of the Senate upon it. Whatever the Senate decides will be the law of the case.

Mr. BURROWS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I have made my request for unanimous consent, and I yield to the Senator.

Mr. BURROWS. Mr. President, I gather from the remarks of the Senator from Indiana that he desires to reserve the right to file minority views if he should conclude so to do.

Mr. BEVERIDGE. I reserve the right to either concur, dissent, or file a minority report, or anything else dictated by the study of the testimony, briefs, and precedents.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that he may be allowed to file his views on the report just made. Is there objection?

Mr. BURROWS. There is no objection to that, I understand.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from Indiana has that permission.

Mr. BURROWS. Mr. President, I desire to say further that I think the Senator from Indiana must have misunderstood the resolution passed by the Senate and my request that the report of the committee lie on the table.

Mr. BEVERIDGE. No; I understood that.

Mr. BURROWS. The very object of that was to give to every Member of the Senate the opportunity to examine the testimony and the report. In that way we fully meet the criticism of the Senator from Indiana that there has been undue haste in the matter——

Mr. BEVERIDGE. I expressly stated that I made no criticism at all. I merely stated the facts as to why I can not now concur or dissent from the majority report.

Mr. BURROWS. In order to give time to examine the report and the testimony, I have asked that the report lie on the table and the testimony printed in sufficient quantity to supply the Senate. There is no occasion for fixing a date for the consideration of the report.

As has been well said by the Senator from New Hampshire, this is a privileged report and can be called up at any time.

Mr. BEVERIDGE. Mr. President, I expressly state that I make no criticism on the committee or any member thereof. I am familiar with the proprieties. I have stated merely the facts. The Senate can see for itself that it was not an excuse, but an explanation as to why I myself am not ready to express any opinion upon this case, either concurring with or dissenting from the majority report. There [exhibiting] is the volume of testimony—748 pages closely printed; here [exhibiting] is one of the briefs—nearly 200 pages long; there [exhibiting] is another; and here [exhibiting] is an abstract. The time given——

Mr. BAILEY. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. I do.

Mr. BAILEY. Of course the Senator might have been otherwise engaged, but a very elaborate brief for the petitioners in this case was sent to me, and I assume was sent to every member of the committee, and probably to every Member of the Senate, something like two months ago, or certainly more than a month ago.

Mr. BEVERIDGE. As I have said in my remarks, to interrupt the Senator right there, I never saw nor heard of these briefs until the meeting of the committee on Saturday last. On Saturday afternoon I succeeded in getting the brief of Mr. Hanecy, but was unable to get the other briefs—I was informed at that time that they were in existence—until Monday morning, when I did get them, and I never saw the testimony until last Saturday morning at committee meeting.

The Senate itself can judge whether or not I am unreasonable in saying that, even working on Sunday, which would allow a day and a half before the final meeting of the committee, there was sufficient time to go through a volume of 748 pages, a brief of 190 and some odd pages, and another brief of I do not know how many pages, to say nothing of the precedents.

At least, Mr. President, working with some diligence, I could not do it. I state that not in criticism of anybody else, but as a reason why I am not able to act this morning, and I made the same statement in the committee yesterday morning.

Now, as to the other point of the Senator from Michigan, Mr. Burrows. I am not urging haste. Not being able, for the reasons given, thoroughly to familiarize myself with the case—and, I repeat, the Senate can judge for itself whether a day and a half, including working on Sunday, is enough to go through all of these volumes and all the authorities cited—it seems to me that the holidays would afford enough time. And if the holidays do afford enough time, we should then proceed to consider and conclude the case without unreasonable delay. That is the only request I made.

Mr. BURROWS. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Yes.

Mr. BURROWS. Does the Senator know of any criticism of him because he did not feel able to concur or dissent at that meeting of the committee?

Mr. BEVERIDGE. Well, no; except the one the Senator implied. He did not mean it, but he implied one when he stated a moment ago that, in the first place, I complained of haste and now I wanted to make haste. I am trying to show that the Senator is in error, and he will see it himself.

I said, as the Senator will remember, when I asked that opportunity to investigate the record of the case be given those of us who were not members of the subcommittee, that the time during the holidays would be sufficient. The committee would not agree to that. Then I asked for only one week. The committee would not agree to that.

I do not desire, on account of my not having gone through 748 pages of testimony and the briefs and precedents in a day and a half, including Sunday, to delay this matter. It struck me—and it is a matter I have thought of since I have been sitting here in my seat—that it would serve the ends of justice, the convenience of Senators, and the settlement of the whole great question involved if, a reasonable time having been given to all Senators to examine the testimony and the arguments, that a specific time then be fixed for taking up and determining the report of the committee, any other reports that may be filed, and any resolutions that may be based upon them.

If the 9th of January is too early to take the matter up, I would change the dates in my request for unanimous consent so that it would be taken up on Monday, the 16th, and continue until Saturday, the 21st, unless we can dispose of it earlier than that. That would give one week.

Mr. BORAH. This discloses, Mr. President, that upon that day the evidence was subject to the call of those Members of the Senate who desired to call for it; that while it had not been published by the Senate, there had been a print of it by the committee, and that print was subject to the call of Members of the Senate.

Mr. BAILEY. Mr. President, whatever the records may show in that regard, that is not correct. The committee had no authority to print the testimony for the use of the Senate until the Senate ordered it printed. The committee had authority to print only for the use of its own members; and no part of the testimony had been printed except for the use of its members. I distinctly recall that I procured at least one and probably two copies of it for some of my friends in the Senate who wanted to read it during the holidays.

Mr. BORAH. The point which I was pressing was not the technical proposition as to whether or not the print had been made under the control of the committee for the Senate; but the fact was that the evidence was in such shape that it could be had by Members of the Senate to read, and that that was a condition which had existed for some days, and that briefs on the subject had been upon the tables of Senators for weeks and weeks prior to that time.

The Senator from Texas stated upon that day, when the Senator from Indiana was asking for time:

> Of course the Senator might have been otherwise engaged, but a very elaborate brief for the petitioners in this case was sent to me, and I assume was sent to every member of the committee, and probably to every Member of the Senate, something like two months ago, or certainly more than a month ago.

The matter which I desire to have the RECORD disclose is that those who were discussing this matter with the President or anyone else upon the 6th day of January, 1911, had had the testimony for nearly a month and had had the briefs for a month and a half or two months.

One further matter:

In this letter the President refers to the fact that apparently there was a disposition to let the matter go by default. Perhaps that was an unfortunate expression upon the part of the President. Yet the history of the situation at that time discloses that that was an expression which might very properly come from almost anyone engaged in a discussion of the matter.

Mr. BAILEY. Permit me to call the Senator's attention to the fact that this statement of the President about going by default was not made in the letter written in 1911; it was made in his speech on the 25th day of last April. It is part of the speech, and not part of the letter.

Mr. BORAH. Whether the expression appeared in the letter or in the speech, the facts which I am about to narrate to the Senate would, I think, justify its use.

On the Friday prior to the 21st day of December, 1910, the subcommittee of the Committee on Privileges and Elections made its report to the general committee. The Senator from Indiana, Mr. Beveridge, asked for an extension of time to read and discuss the testimony. That was denied to him by the committee. He again asked for an extension of time, as he says in his statement here, and again the committee thought it proper to refuse the extension of time.

It is a notorious fact, Mr. President, known to all who are familiar with the condition of affairs at that time, that notwithstanding the report of the subcommittee did not come to the general committee until the 18th day of December, and notwithstanding the general committee did not report until the 21st day of December, and that in two or three days we were to adjourn for the holidays, there was an urgent disposition to dispose of that matter prior to the holidays.

Mr. BAILEY. Mr. President, will the Senator permit me to interrupt him there?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I do.

Mr. BAILEY. Instead of there being an urgent disposition on the part of the committee to dispose of it, there was an urgent insistence on the part of somebody that the committee should make its report before the holidays.

While I am on my feet, I want to say that it is not true that the committee denied Senator Beveridge any time that he wanted. It is true that the committee, when ready to make its own report, was not willing to delay it in order that Senator Beveridge might have his dissenting opinion ready to file with the opinion of the committee. But it did not deny him any opportunity that he wanted to examine the record.

Mr. BORAH. Mr. President, Mr. Beveridge says in his statement:

> On last Friday night I received a notice that the full committee would meet on Saturday at 10 o'clock. The committee did meet on that date and a report of the subcommittee to the full committee was presented, together with the statement of the Senator from Tennessee [Mr. Frazier], to which the chairman of the committee has just alluded, which I am sorry is not presented with the report and other matters just laid before the Senate. But, I take it, this could not be done under the telegram the chairman has read.
>
> Mr. President, when the committee met at 10 o'clock last Saturday the testimony was laid before all the members of the committee. That was on Saturday morning. Speaking for myself, it was the first time I had seen the testimony. I understood also that there were briefs, more or less voluminous, neither of which I had seen.
>
> After the report of the subcommittee was read, and other statements, including that of Senator Frazier, were submitted, a motion was made that the report of the subcommittee should be adopted by the full committee.

Now, it is but fair to say, it seems to me, that if this matter was in such a condition and the record was so that the full committee could pass upon it within the time which it undertook to pass upon it, whatever other criticism may be lodged against the President for the letter it should not be said that he did not have an opportunity to examine the facts some 30 days thereafter. The subcommittee made its report upon a certain morning, and upon the same morning voted to send its report out of the committee into the Senate.

Mr. BAILEY. Mr. President, will the Senator permit me to interrupt him there?

Mr. BORAH. Certainly.

Mr. BAILEY. If the Senator wants to indulge in that kind of a reflection upon the committee, I am more than ready to meet it. I want to tell him now that no matter what Senator Beveridge said, it is not true that every member of the full committee had not been furnished that evidence before the subcommittee met. I do not know whether it is in that record or not. If it is not, it ought to have been suggested, when Senator Beveridge made that statement, that if he had never examined that record until that morning it was his own fault, because as soon as the subcommittee had concluded its labors it put its report into print and furnished it to the full committee.

Mr. BORAH. Mr. President, I am not reflecting upon the committee. I assume that when the committee signed that report they had had ample time to examine the 800 pages of testimony.

Mr. BAILEY. What was the purpose of the Senator in saying that they came and at once made the report if he did not mean to imply that they made the report without consideration?

Mr. BORAH. It was this. My object and purpose in making the statement was that if this committee, upon evidence which it had before it and the record which was before it, could pass upon it on the 21st day of December, the President, on the same record, could be fully informed on the 7th day of January.

Mr. BAILEY. But the President said he had read only such parts of the evidence as he could get at, making it plain that he had not read what the committee had.

Mr. BORAH. No; it does not make it plain that he had not read what the committee had. It makes it plain that he had read what the record discloses. Whether that should be regarded as a full and complete showing or not might be a subject of discussion, but he had the same record and he had the opportunity to have the same record, and there is no proof that he did not have what the committee had when it signed its report on the 21st day of December.

Now, Mr. President, a number of Senators here know it to be true that this record was taken by them during the holidays and examined upon their part and thoroughly analyzed, and when we convened after the holidays they had fully studied, considered, and digested the evidence and the law and made up their mind in regard to this record. It was a matter which was being discussed here and there, and was much more familiar in a way than it was to Senators a month thereafter, because they had thoroughly studied it during the time they had nothing else to do except to consider it.

This is what leads me, however, to say what I am saying. I learned that Col. Roosevelt was to write this article. I did not think it was a wise or a proper thing to do, and I went to the President and told the President that, in my judgment, it was not a wise thing to do to have the matter discussed in that way; neither was it a fair proposition; that this was a matter which ought to be settled by the Senators themselves. I have no doubt, in fact I know, that it was upon my suggestion that the President wrote and asked that that article be not published. It was not, in my opinion, upon his initiative, but having learned it in a way that I could not doubt, I felt that Col. Roosevelt ought not to take that course, and that the discussion ought not to proceed along that line. Now, I never saw the letter after it was written until it was published at Boston.

Let me say another thing. The Senator seems to think that wherein the President says that he—the Senator from Texas—was determined to keep Senator Lorimer in the Senate is a reflection upon the Senator from Texas. It might seem so upon the face of the letter, but I happen to know, and I want to say to the Senator from Texas in public, that that was not the construction which the President put upon that language.

The Senator from Texas at that time had signed this report. He had made known to the world that he believed that this man was innocent of these charges and that his title was good. Everyone who knows the character and disposition of the Sena-

tor from Texas knows that when he takes a position back of it always is his determination, and it was in that view that the President of the United States used that language in that letter. I would not say so from the construction of the letter had I not been in the discussion with him and known precisely what he meant. I do not myself consider it to be a reflection upon the Senator to have it said that in so grave a matter and so important a matter, after he had made up his mind and announced it to the world, he would put forth his best efforts to carry his convictions to a successful result; and that is the fair construction which is to be placed upon the letter.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I yield.

Mr. BAILEY. Mr. President, the Senator from Idaho makes it plain to the Senate that he had discussed with the President of the United States the letter, and therefore he knows what was in the President's mind. I am glad to know that the President did not intend what I thought the letter fairly implied, and upon the statement of the Senator from Idaho I want to withdraw what I said about the President on that point. I shall take leave, unless it is denied me by the Senate, to omit that from my remarks.

Mr. BORAH. Mr. President, I am not at liberty, I presume, to go into the details of what was said in the conversation at that time, although I presume I might do so in view of the fact of the publication of the letter. But I will say, in a general way, that no part of that conversation could have been construed into a reflection upon the Senator from Texas. It would have been a reflection of the most unfortunate kind had not the exact position which the Senator from Texas had taken in that matter been known. But that was thoroughly known. No one who knows the Senator from Texas ever doubts what his attitude will be toward a question after he once announces his position.

I think, Mr. President, I shall not go into a discussion of another feature of this matter. I doubt if the circumstances would justify it. But I have felt constrained to say this much for the reason that I could not sit silent and permit the entire responsibility for this matter to rest upon the President. I have no doubt in my own mind that the letter was written by reason of the suggestion which I myself made. The exact language of the letter or the references therein made, of course, I knew nothing about until after the letter came out, but I felt then—and I have no doubt that that was the proper view of it—that the matter should have been decided just as the President, in the latter part of the letter, said it should be decided, by the record and the result of discussion in the Senate.

Strange as it may seem to the Senator from Texas, the object of the President in writing this letter was to bring about that situation in so far as he could. I did not know of anyone at that time who could reach to the ex-President so well as the President, and therefore I went to the President upon that proposition.

It might be said further, Mr. President, as a reflection upon myself, that I had no business at the White House discussing a matter upon which I was to pass as I was to do in that matter. But, Mr. President, I had, as I said, taken the testimony and read it during the holidays. I made up my mind as to what the record disclosed and as to what it proved. I had no doubt as to the justice of my position, and having concluded myself, after a thorough investigation, I felt that there was only one thing that ought to be done—that the title should be declared void, but that it should be done under such conditions that it could be said that the Senator from Illinois had been given a fair hearing.

As to what ought to happen, as to what the judgment ought to be, as to what our conclusion should be when we finally came to it, I had no doubt after reading the evidence, and I have never had any doubt since.

Mr. McCUMBER. This resolution, Mr. President, ought not to pass in the form in which it is written. A resolution declaring the attitude of the Senate under circumstances of the kind mentioned in this instrument it seems to me to be quite proper at this time.

Mr. President, I am a friend of the President of the United States, both a personal and a political friend, a friend before the convention and a friend after the convention. I would have done him no injustice before, nor would I stand idly by and see an injustice done him at the present time.

I have never been in the habit of deifying anything human or assuming that any man was not capable of making a mistake. I think a President of the United States does make a mistake whenever he attempts to influence votes one way or the other upon a question of the right of a Senator to a seat in this body. I believe equally the ex-President or any other man who, knowing that a case is before the Senate, every Member of which is sworn to do his duty as he sees it, is never justified in attempting to influence that Senator any more than he would be justified in attempting to influence a judge upon the bench.

I further believe that the great press of the country when it threatens the seat of any Senator who has the courage of his convictions is guilty of a more gross wrong than either the President or any other individual. In making such a threat against any Senator for the purpose of compelling him to surrender his convictions to their particular wishes the press commits an offense against the Senator, against the accused, and against the country.

But, Mr. President, I do believe that we are justified at this time in saying to the world that the Senate has confidence in its own integrity; that it has confidence in its own desire to do what is right; that it has confidence in its own purpose to make the laws for the Government in accordance with the dictates of its own conscience and its best judgment. That is the function of the Senate of the United States.

Mr. BORAH. Mr. President——

Mr. McCUMBER. And when any President, I do not care for what purpose, steps in and seeks to control the Senate in the manner that is indicated here—and I will use the words of the resolution—"that any attempt on the part of any President of the United States to exercise the powers and influence of his great office" for the purpose of controlling that which is wholly within the jurisdiction of the Senate of the United States, ought in appropriate words of the Senate to be checked. We know that that has been the custom of the Executive for the last 10 years, and the press of the country has justified the Executive in exercising a greater power over legislation and other matters before Congress than was ever contemplated by the framers of the Constitution.

The Senate of the United States has been on the pillory for 10 years, and anyone who did not follow the advice of the President of five, six, and seven years ago was subject to execution. I believe that the Senate ought to reassert itself; that it ought to have the courage to assert its exclusive functions, and not to be controlled by the Executive; and the Executive ought to understand the constitutional limits of his authority as written in the Constitution of the United States; and that each of the great departments of this Government ought to proceed and be secured in the performance of its own particular duty without influence or force being brought upon it by any other department of the Government.

I therefore, Mr. President, am going to ask, because I am perfectly willing to vote for a proper resolution, that an amendment be made which will add, after the word "Senate," these words:

Or any other matter within the exclusive jurisdiction of the Senate.

I think the President has just as much right to use his influence in reference to the right of a Senator to a seat in the Senate of the United States as he has to use his influence in a matter of confirmation of one of his appointees, and no more. In either case we act as judges upon the evidence submitted, and justice should be blind to everything but the evidence.

Mr. BORAH. Or upon the reciprocity question.

Mr. McCUMBER. Just one moment. I would move to strike out the latter part of the resolution, which reads "and ought to be severely condemned." I do not think under the history of this country for the last 10 years we ought to condemn severely that which has grown into a sort of custom and which through the influence of the press of the country has come to be regarded by the people of the country as a proper function of the Executive; but I believe with that stricken out and making the resolution the mere declaration of a principle that will clearly indicate our position it might then properly pass.

Mr. BORAH. Mr. President, it is never very difficult for a man to declare that he believes himself to be honest. I doubt very much if it will add particularly to the dignity of the Senate throughout the country if we ourselves declare that we still think we are honest and that we have capacity to legislate. Just as sure as we proceed we will proceed along the lines upon which we have been proceeding for the last quarter of a century, and that is that the executive department and the legislative department will be constantly cooperating and dealing with one another in reference to legislation in all matters which concern either department.

If we would cease doing it and operate upon our own responsibility alone it would be much better notice to the country than to continue to violate the rule and once in a while pass a resolution that we think we can get along by ourselves.

Mr. BAILEY. Mr. President, I shall detain the Senate but a moment.

The Senator from Idaho seemed impressed with the view that what I have said about the President's unwarranted interference in the late contest from Illinois necessarily involved some reflection upon the Senators whose names he mentioned in that letter.

I avoided any comment upon those Senators for two reasons. First, although I had not discussed it with him, I felt sure that the Senator from Idaho had examined that testimony before he ever expressed his opinion about that case.

My acquaintance with the other Senators whose names the President felt at liberty to mention is not such as to warrant me speaking for them, but I am sure that they must have known something about the evidence before they pledged the President to make a speech upon the case. Therefore, I was willing to assume that they, like the Senator from Idaho, had procured one of the few available volumes of that evidence. I know—and I learned that within an hour—that the Senator from Iowa [Mr. CUMMINS] had one of them, but he did not find it possible to obtain it before he left the city of Washington, and he taxed the good offices of the Senator from Idaho to send it to him. But I did not think it proper to assume that those Senators had not made up their minds. The only criticism against them which I think the record warrants is that they permitted the President to talk with them upon a matter of that kind.

I agree that we have fallen into the evil habit of conferring with the President upon all matters and taking, I will not say instruction, because that would be offensive, but taking his advice upon those matters which relate to us alone.

I hope the time will come again, and maybe it will come again, when we will go back to the rule which prevailed with some, at least, under Madison's administration. I would not vouch for the accuracy of it, but it is related that on one occasion Madison sent for John Randolph, of Roanoke, to come to the White House, and when Randolph reached there Madison began to ply him with an argument upon some matter pending in the House of Representatives, of which Randolph was then a Member. Randolph drew himself up and in that shrill voice for which he was peculiar he said: "Mr. President, the Constitution of the United States makes the Executive and the Congress separate, and damn me if I do not intend to keep them separate as far as I am concerned."

I do not think there was any profanity, I do not think there was even any impiety, in Randolph's emphatic refusal to hear the President further. Madison had no right to attempt to influence a man whom the Constitution, through the preference of the people, had assigned to a different department of the Government.

I hope to see another time when every President who undertakes to talk with a Senator or a Representative upon those matters which the Senators and Representatives ought to decide for themselves will get an answer like that which Randolph made to Madison.

But what I was complaining about in this particular connection was that the President had not read the record. The Senator from Idaho seems to think that the President's expression does not admit of that construction. But the Senator from Idaho must know that if the President had read all there was in the case (and if he had that published volume he would have read all that there was in the case) he would have said that he had read "as much of evidence as he could get at." The very expression which he uses makes it manifest that he had not read the testimony. But, Mr. President, the statement made by the Senator from Idaho, though intended as an exoneration of the President, makes his attitude more pitiful, if possible, still, because, although they were trying to dissuade the ex-President from formulating and printing his assault upon the Illinois Senator, they hardly dealt candidly with him.

I will not say they; I will say the President did not deal with him in perfect candor. He led the ex-President to believe not that it would be an improper thing, as the Senator from Idaho admits it would have been, for the ex-President to try to create a public sentiment which would force the judgment of the Senate, but the President of the United States attempts to impress the ex-President of the United States that the way he was laying down the rule was the best way to play the game, not for justice, not for fairness, not for the dignity either of the President or the Senate, but to win.

That is what the President undertakes to impress upon the mind of the ex-President, and I regret to say—yet I ought not to regret it because I know that nothing else could happen—that when a President of the United States begins to do what he can not openly do, he will find himself enmeshed in just such toils.

Now, Mr. President, I do not believe that these other Senators sought the President as the Senator from Idaho did. The Senator from Idaho sought him with a very laudable purpose. I concede that the Senator from Idaho felt that the publication which the ex-President intended to make was not only hurtful to what he believed was the justice of the cause, but he believed that it was unfair for a man of the ex-President's great reputation to throw the weight of his popularity against the defendant in the Senate. That was a high view to take of it, and I can well not only excuse but I can commend the Senator from Idaho for going to the President to enlist his good offices to prevent that wrong. But he went to him not as the President of the United States, he went to him as the one man whose request would be most potential with the ex-President; in other words, if I may be permitted to interpret the feeling of the Senator from Idaho, it was that if there had been a Senator here more potential with the ex-President than the President he would have gone to that Senator. If there had been a citizen of his acquaintance with whom he felt at liberty to speak on such a subject he would have gone to that citizen.

This resolution does not touch that. Whatever I may think about the matter, I carefully refrained from translating my own opinion on this particular case into the resolution. This resolution does not deny the President as a member of his party the right and even the opportunity to confer with his partisans upon a party question. We leave all that aside. That is the reason why I hope the Senator from North Dakota [Mr. McCUMBER] will not press his amendment.

There is a line which we must recognize, a line at which the President confers with his partisans, not as the President but as their fellow partisan, and I doubt if it would be possible to administer this Government under party responsibility if we denied the Members of the President's party the opportunity to counsel with him not with respect to what we do as Senators but what we would do as Republicans or Democrats, as the case might be.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. BAILEY. Certainly.

Mr. McCUMBER. I think the Senator from Texas did not clearly hear the amendment which I offered. The amendment dealt with those questions which were exclusively within the jurisdiction of the Senate. The question, for instance, of the trial of an impeachment is exclusively a question for the Senate. The question as to whether or not we confirm an appointment is exclusively within the jurisdiction of the Senate. The question of legislation upon which the Executive advises and upon which he can advise generally, and upon which the other branch must act, is not exclusively within the jurisdiction of the Senate. I think the Senator will agree that my amendment is proper.

Mr. BAILEY. I did not hear the word "exclusive."

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDING OFFICER (Mr. GALLINGER). The hour of 3 o'clock having arrived, the Senate will resume the trial of the impeachment of Judge Robert W. Archbald.

At 3 o'clock and 1 minute p. m. the managers of the impeachment on the part of the House of Representatives appeared at the bar, and their presence was announced by the Sergeant at Arms.

The PRESIDING OFFICER. The Sergeant at Arms will conduct the managers to the seats provided for them within the bar of the Senate.

The managers were conducted to the seats assigned them within the space in front of the Secretary's desk.

The PRESIDING OFFICER. Gentlemen managers, the Senate is now organized for the trial of the impeachment of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, designated a judge of the Commerce Court.

Mr. Manager CLAYTON rose and said: Mr. President, we, as managers on the part of the House of Representatives, are directed by the House of Representatives to appear at the bar of the Senate, which we now do, and demand that process be issued to Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, designated a judge of the Commerce Court, and that he be required to answer at the bar of the Senate the said articles of impeachment.

Mr. CLARK of Wyoming. Mr. President, I offer the order which I send to the desk, and I ask for its immediate consideration.

FUJI MICRO SAFETY

The PRESIDING OFFICER. The Senator from Wyoming offers an order and asks for its immediate consideration. The order will be read for the information of the court.

The Secretary read as follows:

Ordered, That a summons be issued, as required by the rules of procedure and practice in the Senate when sitting for the trial of the impeachment of Robert W. Archbald, returnable on Monday, the 22d day of the present month, at 12.30 o'clock in the afternoon.

Mr. BACON. Mr. President, I do not know how far it is proper for me to offer an amendment to this order, but it seems to me the time is rather far. I move to substitute Friday of this week for Monday next. It is simply for an appearance.

Mr. CLARK of Wyoming. But, I remind the Senator from Georgia, in the previous case four clear days were allowed, and fixing the date for appearance in this case on Friday would allow only two days; but, of course, the earliest practicable date would be preferable.

The PRESIDING OFFICER. Does the Senator from Georgia move an amendment to the order?

Mr. BACON. I will suggest that possibly the managers on the part of the House might desire to be heard on that question.

The PRESIDING OFFICER. The Chair will be pleased to have any statement from the managers concerning the matter.

Mr. Manager CLAYTON. Mr. President, I am directed by the managers to say that, in their opinion, the notice ought to be issued at an earlier day than that specified in the order which has been suggested, for the reason that when Judge Archbald is served with the process, he then may request a reasonable time to make his answer to the articles of impeachment. There is no reason why this order requiring him to answer at the bar of the Senate should not be forthwith issued. That is the opinion and the suggestion respectfully submitted, on the part of the managers, that this order requiring him to appear here be issued to take effect at an earlier day than that indicated in the order suggested by the Senator from Wyoming.

Mr. CLARK of Wyoming. Mr. President, I ask unanimous consent that the order may be changed to "Friday" instead of "Monday."

The PRESIDING OFFICER. The Senator from Wyoming has the right to modify the order; and the order will be stated as modified.

The SECRETARY. As modified the order reads as follows:

Ordered, That a summons be issued, as required by the rules of procedure and practice in the Senate when sitting for the trial of the impeachment of Robert W. Archbald, returnable on Friday, the 19th day of the present month, at 12.30 o'clock in the afternoon.

The PRESIDING OFFICER. Is there objection to the order as read? The Chair hears no objection, and the order is agreed to unanimously.

Mr. Manager CLAYTON (at 3 o'clock and 5 minutes p. m.). Mr. President, I beg to say on behalf of the managers on the part of the House of Representatives that they will await the further pleasure of the Senate.

The managers on the part of the House of Representatives thereupon retired from the Chamber.

Mr. CLARK of Wyoming. I offer the following order, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The Secretary will read the order.

The Secretary read as follows:

Ordered, That the Senate, sitting for the trial of impeachment of Robert W. Archbald, adjourn until Friday, the 19th instant, at 1 o'clock in the afternoon.

Mr. CUMMINS. Mr. President, I have no objection whatever to this order, but I beg to call the attention of the Chair and of the Senator from Wyoming to the following rule:

IX. At 12.30 o'clock afternoon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following:

* * * * * * *

X. The person impeached shall then be called to appear and answer the articles of impeachment against him.

It would seem to me, therefore, that the court of impeachment must, in any event, reconvene at 12.30 o'clock upon the day required for the appearance.

Mr. CLARK of Wyoming. I desire that that modification be made.

The PRESIDING OFFICER. If there be no objection, the order will be made to conform to Rule IX, making the hour of meeting 12.30 o'clock, and the order will be agreed to as modified.

The order having been agreed to, the Senate, sitting for the trial of the impeachment, stands adjourned until 12.30 o'clock p. m. on Friday, the 19th instant. The Senate will resume its legislative session.

CONSTITUTIONAL RIGHT OF SENATE.

The Senate resumed the consideration of Senate resolution 357 submitted yesterday by Mr. BAILEY.

Mr. BAILEY. Mr. President, I accept the first amendment suggested by the Senator from North Dakota [Mr. McCUMBER], and rather than to have any differences amongst those who believe some action is appropriate, I will accept the latter amendment also; but before I do it I want to say that I fully understand the old controversy about the right of the Senate to censure the President, a controversy that raged about the person and history of Andrew Jackson. The resolution of censure was finally expunged; but this, I will say, does not condemn this President or any President by name. It really condemns a practice. It declares a certain practice unconstitutional and condemns it. If I had drawn the resolution to expressly condemn President Taft I would have omitted that, knowing the opinions of some leading Senators upon that subject, and I would myself have doubted the wisdom of it. I drew this resolution in the hope that every Senator in this body could support it, and in that hope I will accept both amendments.

Mr. BACON. Mr. President, I desire to suggest to the Senator from Texas that striking out the last words would necessitate the insertion of the word "and" before the word "invades."

Mr. BAILEY. The Senator is exactly right about that. Of course, that would be necessary to make it properly express the idea. First, Mr. President, I will strike out, beginning with the word "and," after the word "Senate," in line 6, down to and including the word "condemned," in line 7, and insert between the word "Constitution" and the word "invades" the word "and." The Senator from North Dakota has an amendment.

The PRESIDENT pro tempore. The modification suggested by the Senator from Texas will be stated. Will the Senator from North Dakota withhold his amendment?

Mr. McCUMBER. I withhold it, Mr. President.

The SECRETARY. It is proposed to strike out at the end of the resolution the words "and ought to be severely condemned," and after the word "Constitution," in line 6, and before the word "invades," to insert the word "and"; so that if amended——

Mr. BAILEY. Now, in order that the matter may be entirely before the Senate, I hope the Senator from North Dakota will propose his amendment.

Mr. McCUMBER. The Secretary has the amendment at the desk, and I ask him to read it.

The SECRETARY. After the word "Senate," in line 5, it is proposed to insert "or any other matter within the exclusive jurisdiction of the Senate"; so that, if the amendments are agreed to, the resolution will read:

Resolved, That any attempt on the part of the President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate, or any other matter within the exclusive jurisdiction of the Senate, violates the spirit, if not the letter, of the Constitution, and invades the rights of the Senate.

Mr. HEYBURN. Mr. President, I would suggest the substitution of the words "would violate" for the word "violates" to avoid the implied charge that these things have been perpetrated. I think, if you are going to declare a principle, it should be impersonal, and if you will declare that these things would violate a certain rule, it will rid it of the charge that it is directed against some act that has been performed.

Mr. BAILEY. Mr. President, I want to be as obliging as possible, but I fear we will have nothing of the resolution left. I want to be frank with the Senator. If this had never been done, I would regard this whole proceeding as unnecessary. The fact that it has been done is the only excuse, or the only reason rather—for it is not an excuse—for adopting any resolution on the subject.

Mr. HEYBURN. Mr. President, I would deprecate the doing of the acts set forth in this resolution, but I also deprecate the idea of one coordinate branch of the Government condemning by a specific resolution another.

Mr. BAILEY. We have eliminated that part——

Mr. HEYBURN. Yes; but if you will substitute the words "would violate" for the present expression "violates" it would carry the spirit forward. I entertain rather positive views in regard to the propriety of a President of the United States doing certain things, but I also condemn in my mind the propriety of a coordinate branch of the Government irresponsibly condemning another coordinate branch.

Mr. BAILEY. Will the Senator permit me?

Mr. HEYBURN. In a moment. If this was crystallized into a responsible act of the branch of the Government authorized

under the Constitution to make charges, then it would be what I term a "responsible act," but this is the mere utterance of an opinion. I now yield to the Senator.

Mr. BAILEY. Mr. President, what I care most for is the assertion of the principle; and while I have felt provoked by this particular circumstance to propose an assertion of the principle, I can understand that Republican Senators who are supporting the President do not want to appear to condemn him. To avoid that, and in the hope that we still can all agree to assert the principle, I will accept the amendment the Senator from Idaho proposes, so that it may read "would violate."

Mr. HEYBURN. I ask the Secretary now to read the resolution as it will then appear.

The SECRETARY. In line 5, it is proposed to strike out the word "violates" and in lieu thereof to insert the words "would violate," so that if amended the resolution will read:

Resolved, That any attempt on the part of the President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate, or any other matter within the exclusive jurisdiction of the Senate, would violate the spirit, if not the letter, of the Constitution and invade the rights of the Senate.

Mr. BAILEY. Now, Mr. President, in order to make the resolution conform to that amendment, I will ask to strike out the article "the" before the word "President" and insert the article "a," so as to make it read "That any attempt on the part of a President of the United States," and so forth.

The PRESIDENT pro tempore. The Chair will put the question upon the amendment submitted now by the Senator from Texas to perfect the resolution, which amendment will be stated.

The SECRETARY. Before the word "President," in line 1, it is proposed to strike out the article "the" and to insert the article "a."

Mr. SMITH of Michigan. Mr. President, the resolution of the Senator from Texas, if it could be separated from the argument that has accompanied it and the circumstances which surround it——

Mr. BAILEY. Strike out the argument, then, and adopt the resolution.

Mr. SMITH of Michigan. I wish some of it might be stricken out; and, upon reflection, perhaps some of it may be stricken out. However, that will not deter me from saying that, if it were not for the contemporaneous construction of the purposes proposed and the fact that it has followed so close upon the heels of a controverted question, which has occupied the attention of the Senate for weeks and months, I think it might not be so entirely inappropriate, but before I cast my vote I want it known that in the performance of my duty, as a Senator or in either branch of Congress, I have never been influenced by the President of the United States in any way, shape, or manner.

I read all the testimony in the Lorimer case before the President wrote this letter to Col. Roosevelt, and I had no difficulty whatever in obtaining my copy of the testimony. I simply asked for it and received it. I spent the Christmas holidays last year reading it.

Mr. BAILEY. Whom did you ask for it?

Mr. SMITH of Michigan. I asked the then chairman of the committee, Senator Burrows.

Mr. BAILEY. Well, you got a committee copy. That is what I have said.

Mr. SMITH of Michigan. He sent it to me here on the floor and I read it carefully. I am not going to say by my vote on this resolution that the President of the United States did not have it, and that he did not have as much information on this case as other men had, and possibly more.

A careful reading of the letter to Col. Roosevelt does not disclose that President Taft was attempting to influence Senators in their vote. The language in the letter to Col. Roosevelt is that he asked certain Senators to read the testimony. Is that an offense? I know of no impropriety in such a course.

I believe that the Senator from Texas aims at a very worthy end, and if it were his farewell to his associates here it would be entirely worthy of him, but I do not propose to be put in the position of criticising the President of the United States for anything he has attempted to do with Senators in the settlement of the Lorimer case, and if my voting "yea" on this resolution would be regarded as a personal rebuke I should hesitate a long time before I so voted.

I do not believe the President of the United States could influence the men he has mentioned by name in that letter. I do not believe he could influence the Senator from Ohio [Mr. BURTON], although he is his friend. Every man in this Chamber knows that the Senator from Ohio is an honest man and that he decides public questions for himself. Neither do I believe that he could influence the Senator from New York [Mr. ROOT]. I am certain he did not influence the Senator from Massachusetts [Mr. LODGE], because, as I recollect it, the Senator from Massachusetts did not speak at all on the case. The Senator from Idaho [Mr. BORAH] was not called to the White House in this matter; he went there of his own volition. What for? For the purpose of influencing the President of the United States to write a letter to Col. Roosevelt; and he succeeded in his mission, as the record shows. He did not go there at the President's request; and I think it is a far cry to say that the course of the President of the United States determined the conduct of Senators in a matter of such importance. For my own part, I am unwilling to thus stigmatize his motive, which I believe to have been praiseworthy. He has not undertaken to influence me, and I do not believe he has ever undertaken to influence the Senator from Texas——

Mr. BAILEY. And nobody else has.

Mr. SMITH of Michigan. Nobody has any influence with the Senator from Texas [laughter]; nobody tries to have, because all know that he is well informed and of such sturdy stock that he does his own thinking; and as a humble Senator on this side of the Chamber no one values his public service more highly than I do, but for us to formally sit here all day considering the desirability of building a new constitutional fence of pasteboard around the White House and ourselves fixing limitations within which the President may appropriately walk, is little less than grotesque and purely voluntary.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as modified by the Senator from Texas.

Mr. CUMMINS. Mr. President, I ask for the reading of the resolution as it has been amended.

The PRESIDENT pro tempore. The resolution will be read as modified by the Senator from Texas.

The Secretary read the resolution as modified as follows:

Resolved, That any attempt on the part of a President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate, or any other matter within the exclusive jurisdiction of the Senate, would violate the spirit, if not the letter, of the Constitution and invade the rights of the Senate.

Mr. CUMMINS. Mr. President, the resolution as originally offered by the Senator from Texas was entirely clear; it was incapable of being misunderstood; and I would have voted for it very heartily. I am not so sure with respect to the resolution as it has been amended. It was not long ago that I had occasion to call the attention of the Senate to the invasion which the Executives had been making upon the legislative branch of the Government now for 10 years or more. I pointed out then what seems to me to be the greatest danger of the future, namely, the subordination of the will of the individual legislator to the will of the Executive.

I do not believe that the President of the United States ought to attempt to influence, through his office and his vast power, any Member of the Senate or any Member of the House of Representatives with regard to any duty that he may be called upon to perform. If I may rank impropriety, it is in my judgment a greater impropriety to use the power of his office to induce men in Congress to vote for or vote against a bill which will affect the welfare of ninety millions of people than it is to attempt to influence the judgment of Senators or Members of the House of Representatives with regard to the title of either a Senator or a Member of the House to his seat in Congress.

I recognize that the President has a high function to perform in advising and in recommending legislation through appropriate and honest and open channels, anticipated by the Constitution and provided by the forefathers; but I shall never assent to the new idea, so generally adopted in these days, that it is the party duty of Members of Congress to follow the wishes of the President of the United States because he is the party leader. As for myself, I hold it to be my duty to express my convictions in every vote I cast, free from either the coercion or the influence, not of the President, but of the power of the President.

This resolution, as now sought to be amended, practically says to the country that while we repudiate the effort of a President to use the power of his office to control a vote when the question is concerning the seat of a particular Member or concerning any other subject of which we have exclusive jurisdiction, it is entirely proper for the President to use this power, to use the office which he holds, in order to influence legislation and to direct the course of affairs in that way.

I can not vote for a resolution which makes a discrimination of that kind. I would have been glad to have voted for it in its original form, because it did not involve the influence which it will now involve if passed.

Mr. BAILEY. Will the Senator from Iowa permit me?

Mr. CUMMINS. Certainly.

Mr. BAILEY. I thoroughly agree with the Senator from Iowa that the resolution as drawn ought to have been voted upon without amendment, and it was drawn with reference to that particular question because that is the only question upon which we have the President's word that he has been intervening. Consequently I thought it proper to confine it to that. But I also felt that if it was possible to have a unanimous vote of the Senate asserting that the President ought not to meddle with matters like this it might produce a wholesome effect.

I wish to say to the Senator—I have already said I would not allow any President of my own party or of any other party to undertake to influence my vote on any question—that I do not think this resolution by condemning the other implies that we would not condemn that. The only thing is that this resolution was drawn to fit a particular case. If you can find anything in the record where the President has written a letter saying he was trying to influence Senators on a particular bill I will include that, too.

Mr. CUMMINS. I do not know of any such letter.

Mr. BAILEY. On the ex-President's desk, perhaps, you could find one.

Mr. CUMMINS. But if an oft-repeated statement, repeated during the course of years, is to be accepted, we know that not only the present President of the United States, but the former President of the United States, and possibly some before him, have attempted to secure legislation, not through the ordinary channels of recommendation, but through personal solicitation, and under such circumstances as indicated the withdrawal of favor if the representations were not accepted.

I do not want to criticize either the Chief Executive at this time or the former President, or any President. I do not concur with the suggestion that we have no right to talk with the President of the United States about legislation. I think we have, but there is a vast difference between consulting with him with respect to any duty we have to perform, and recognizing that the power of his office is being exerted upon us in order to accomplish results which he may believe to be wise.

This resolution refers to the power of his office; not to his views as a man, but the power of the office which is overwhelmingly great; and, so far as I am concerned, I intend to do what I can in the future to reestablish the independence and the dignity of the legislative branch of the Government and to restrain the power and the influence of the Executive within proper bounds. It is only because I understood from the Senator from North Dakota that he had offered the amendment which has been accepted by the Senator from Texas, in order that it might be clear that such proceedings as confirmations of nominations and the like were included within this reprimand, and that all other conduct of the Congress or of the Senate might be excluded and thereby we would not condemn the power of the office exercised in order to secure legislation that I have made the observations I have made.

Mr. BAILEY. Mr. President, I wish to say to the Senator from Iowa that I myself do not think it offends against either the letter or the spirit of the Constitution for the President to confer with an individual Senator about an appointment. When the Constitution authorizes the President to make appointments by and with the advice and consent of the Senate, I think the advice might as well be taken in advance of the appointment as not. Of course the consent must be to the appointment, but he makes the appointment by and with the advice and consent of the Senate, and I think there it is permissible. I do not believe, however, it is permissible at any time for him to seek to influence the action of a Senator on any question through the power and influence of his office. I agree with the Senator there.

Mr. CUMMINS. The Senator from Texas and I concur entirely about it. I believe there should be the utmost liberty and freedom of intercourse between the legislative and the executive branches of the Government, but what I mean is this: That no President who values the Constitution of this country or the institutions established under the Constitution can come to the Senate and say to a Senator: "If you do not vote for this measure or that measure you will no longer be recognized as a member of this party." What I mean to say is that a President shall not suggest that if a Senator does not pursue this course or that course, then the favors of the appointing power shall be withheld from him. Those are the things I have in mind, and there are many others of similar character that might easily be enumerated.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. May I ask the Senator whether he knows of any cases of that kind?

Mr. CUMMINS. I think the Senator from Michigan had better not insist on an answer to that inquiry.

Mr. SMITH of Michigan. I would be very glad to have the answer.

Mr. CUMMINS. Well, then, if the Senator from Michigan wants the answer, I say there have been such instances. I hope that for the harmony of the party to which we both belong he will allow the specific circumstances to remain unmentioned and to be forgotten as rapidly as the human memory can operate.

But to return to this resolution, I really hope that the Senator from North Dakota in his efforts to modify the resolution will not exclude from it those things which I am sure he believes to be just as sacred from improper Executive influence as the subjects which are specifically enumerated.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. This discussion has taken a wide range with reference to the relationship of the executive to the legislative department. The powers under the Constitution of each department are well understood and the duties are pretty well defined, and it is a question of fact before the American public as to whether the executive department has been encroaching upon the legislative department or whether the legislative department has been encroaching upon the executive department.

Before we take this vote I should like, if it will not interrupt the Senator, to read a statement upon this subject. It is from a ripe scholar, a profound student of American institutions, and now an acknowledged leader in public affairs.

Mr. BAILEY. Is he now a candidate for anything?

Mr. BORAH. I am not reading it with a view of discussing the candidacy of the party, but as the view of one who has deeply reflected upon this subject.

Mr. CUMMINS. Will the Senator from Idaho name the title of the book from which he reads? I shall then be able to determine whether I ought to yield or not.

Mr. BORAH. Will not the Senator yield until he knows?

Mr. CUMMINS. I think the Senator from Idaho had better gratify my curiosity in that respect.

Mr. BORAH. I wish to read from Congressional Government, by Dr. Wilson.

Mr. CUMMINS. I yield.

Mr. BORAH. Dr. Wilson says:

> Independently of experience, however, it might reasonably have been expected that the prerogatives of the President would have been one of the most effectual restraints upon the power of Congress. He was constituted one of the three great coordinate branches of the Government; his functions were made of the highest dignity; his privileges many and substantial—so great, indeed, that it has pleased the fancy of some writers to parade them as exceeding those of the British Crown—and there can be little doubt that, had the presidential chair always been filled by men of commanding character, of acknowledged ability, and of thorough political training, it would have continued to be a seat of the highest authority and consideration, the true center of the Federal structure, the real throne of administration, and the frequent source of policies. Washington and his Cabinet commanded the ear of Congress and gave shape to its deliberations; Adams, though often crossed and thwarted, gave character to the Government; and Jefferson as President, no less than as Secretary of State, was the real leader of his party. But the prestige of the presidential office has declined with the character of the Presidents. And the character of the Presidents has declined as the perfection of selfish party tactics has advanced.
>
> It was inevitable that it should be so. After independence of choice on the part of the presidential electors had given place to the choice of presidential candidates by party conventions—
>
> "Tell it not in Gath; publish it not in the streets of Askelon,"
>
> it became absolutely necessary in the eyes of politicians, and more and more necessary as time went on, to make expediency and availability the only rules of selection.
>
> As each party, when in convention assembled, spoke only those opinions which seemed to have received the sanction of the general voice, carefully suppressing in its "platform" all unpopular political tenets, and scrupulously omitting mention of every doctrine that might be looked upon as characteristic and as part of a peculiar and original program, so, when the presidential candidate came to be chosen it was recognized as imperatively necessary that he should have as short a political record as possible, and that he should wear a clean and irreproachable insignificance. "Gentlemen," said a distinguished American public man, "I would make an excellent President, but a very poor candidate." A decisive career which gives a man a well-understood place in public estimation constitutes a positive disability for the presidency; because candidacy must precede election, and the shoals of candidacy can be passed only by a light boat which carries little freight and can be turned readily about to suit the intricacies of the passage.
>
> I am disposed to think, however, that the decline in the character of the Presidents is not the cause, but only the accompanying manifestation, of the declining prestige of the presidential office. That high office has fallen from its first estate of dignity because its power has waned; and its power has waned because the power of Congress has become predominant. The early Presidents were, as I have said, men of such a stamp that they would under any circumstances have made their influence felt; but their opportunities were exceptional. What with quarreling and fighting with England, buying Louisiana and Florida, building dikes to keep out the flood of the French Revolution, and extricating the country from ceaseless broils with the South American Republics, the Government was, as has been pointed out, constantly busy, during the first quarter century of its existence, with the adjustment of foreign relations; and with foreign relations, of course, the Presidents had everything to do, since theirs was the office of negotiation.
>
> Moreover, as regards home policy also those times were not like ours. Congress was somewhat awkward in exercising its untried powers, and its machinery was new, and without that fine adjustment which has since made it perfect of its kind. Not having as yet learned the art of governing itself to the best advantage, and being without that facility of legislation which it afterwards acquired, the Legislature was glad to get guidance and suggestions of policy from the Executive.
>
> But this state of things did not last long. Congress was very quick and apt in learning what it could do and in getting into thoroughly good trim to do it. At very early divided itself into standing committees which it equipped with very comprehensive and thoroughgoing privileges of legislative initiative and control, and set itself through these to administer the Government. Congress is (to adopt Mr. Bagehot's description of Parliament) "nothing less than a big meeting of more or less idle people."

[Laughter.]

Mr. BACON. When was that? [Laughter.] Not now, I am sure.

Mr. BORAH (reading)—

> "In proportion as you give it power, it will inquire into everything, settle everything, meddle in everything."

[Laughter.]

> In an ordinary despotism the powers of the despot are limited by his bodily capacity and by the calls of pleasure; he is but one man; there are but 12 hours in his day, and he is not disposed to employ more than a small part in dull business; he keeps the rest for the court or the harem or for society." But Congress "is a despot who has unlimited time, who has unlimited vanity, who has—or believes he has—unlimited comprehension, whose pleasure is in action, whose life is work." Accordingly, it has entered more and more into the details of administration, until it has virtually taken into its own hands all the substantial powers of government. It does not domineer over the President himself, but it makes the Secretaries its humble servants. The world it would hesitate, upon occasion, to deal directly with the Chief Magistrate himself, but it has few calls to do so, because our latter-day Presidents live by proxy; they are the Executive in theory, but the Secretaries are the Executive in fact.

Mr. HEYBURN. What is the page of that book?

Mr. BORAH. Mr. President, it seems to me we ought to go a little slow in this matter, in view of what may occur in the next few months.

Mr. BACON. Mr. President, I want to say that I hope some of the views expressed there will be entertained by the author after the 4th of March.

Mr. BORAH. I have no doubt they will all be entertained, because every one knows that Dr. Wilson has well-settled views and convictions.

Mr. HEYBURN. Of what kind?

Mr. BORAH. But for fear that we may be called upon to retrace our steps after the Senator from Texas, to the great regret of all of us, shall have left the Senate, we ought to go slowly. I invite your attention to the views of your leader.

Mr. CUMMINS. Mr. President, I have been delighted to hear this extract from the writings of the distinguished candidate of the Democratic Party for President. I assume, however, that he believes that after the 4th of next March the ancient dignity of the presidential office will be restored. I think, however, that inasmuch as he is in favor of the recall of everything, he will be much inclined to recall his estimate of the relative power of the President and of Congress.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. O'GORMAN. Did I understand the Senator from Iowa to say that Gov. Wilson has declared himself in favor of the recall of everything?

Mr. CUMMINS. I really meant the recall of all Republican Presidents. I did not intend to speak inaccurately.

Mr. O'GORMAN. I do not think the Senator from Iowa would misrepresent to the country Gov. Wilson's attitude. He has been very accurate in stating his views on certain national problems. He has indicated the policies that he favors and those to which he is not committed. It would of course be an injustice to him to state, as I understood the Senator to remark a moment since, that he favors the recall in all things, because that would be an inaccurate statement to make.

Mr. CUMMINS. Mr. President, I hope the Senator from New York will not take so seriously a suggestion of that sort. I do not remember precisely what Dr. Wilson holds in that regard, but I had in mind his desire for a general readjustment in public affairs.

But to return to the resolution from which we have drifted far: If the resolution referred only to the proper influence of the President in the matters which are mentioned here, I would have no objection to it. But the resolution names that influence which ought not to be exercised by the President under any circumstances or upon any subject. I know very well that he ought to exercise an influence. His recommendations ought to have great weight. His very position entitles him to great consideration. But the power that is mentioned in the resolution is a power that he can not properly exercise upon Senators in the performance of their duties. Therefore it seems to me we ought not to select certain things that come within the jurisdiction of the Senate and say that as to them the President ought not to interfere or meddle, leaving the inference that as to all others he may justly and properly exercise this unwarranted power.

Mr. BURTON. Mr. President, if this resolution were offered under other circumstances or at another time there would be nothing objectionable in it. It states a principle which is universally accepted. It censures the exercise of the powers and influence of the presidential office for the purpose of controlling the vote of any Senator. That seems to imply some degree of compulsion, of undue influence, as by the bribery of patronage.

But how can we disabuse our minds of the idea that this is the aftermath of a controversy relating to a seat in this body which was decisively settled last Saturday? How can we separate this discussion, with its utterances, from alleged acts of the President of the United States during the pendency of the Lorimer case? From this standpoint it seems to me the resolution is altogether objectionable.

I must go rather further than some have gone in this discussion. The relation between the President and Congress is not such as to prohibit him from the freest consultation with any Senator or Representative. He has absolute liberty to offer his advice and suggestions. No impenetrable wall is built up between the Executive and Congress. The hands of the President are not fettered, nor is his tongue tied so that he can not express his opinions, even with earnestness, to any Member of this body or to any Member of the House. And I ask those who are promoting this resolution whether they would have commended the course of the President of the United States if he had kept silent, in view of the great interest and widespread agitation which prevailed relating to the Lorimer case?

The newspapers were discussing it. They were full of paragraphs in regard to it. We were receiving advice from numerous fellow citizens concerning it. An impression prevailed in the country that Mr. Lorimer's selection by the Legislature of Illinois was tainted by corruption. In a way not only was the Legislature of Illinois on trial, but the Senate of the United States. Serious reflections upon our methods of electing Senators were uttered throughout the country.

In view of the mention of my own name in this controversy, I wish right here to say just a word. I think I may speak with entire propriety of a conversation with the President of the United States. He simply asked that I should carefully read the record in the case. There was no urging——

Mr. BAILEY. Did he ask the Senator to make a speech?

Mr. BURTON. I myself stated that I would make a speech after I had read the record in the case. Possibly he may have asked me—I say this in order to be entirely accurate—to make a speech in case I came to a conclusion in regard to it. However, I do not at this moment recall his having made that request.

The request was made some time before the holidays. It is idle to claim here that the President had not the opportunity to obtain knowledge of the case. On the 21st day of December the record of testimony was completely made up. The number of pages was stated by Mr. Beveridge on that day in the discussion on the floor of the Senate. By going to the room of Senator Burrows Members of this body who desired it could obtain a complete copy of the record before the holidays commenced.

It seems to me, Mr. President, the course of our Chief Magistrate was that of the leader of his party.

Mr. BAILEY. Is this a party question?

Mr. BURTON. It is decidedly a party question. No party could allow a Senator to occupy a seat in this body if that seat was obtained by bribery and fraud without a reflection against it, not merely in this body, but from the Atlantic to the Pacific.

The party has the responsibility to purge itself of corruption in elections in any legislative body controlled by it. The President is not alone Chief Magistrate. He is the head of his party. He is the first citizen of the Republic.

Mr. BAILEY. Which head of it now?

Mr. BURTON. I hardly know what the Senator from Texas has in mind, and I think I will not take time to answer that question.

The President's advice is eagerly sought. He is in a position to understand the currents of public opinion. He is peculiarly able to determine what is right, and if he fails to use the great powers of his office he is failing in his duty.

I know it is an ungracious task in any way to speak in the least degree critically of a legislative body, but, Mr. President, this Senate or any other Senate or any House is strong or weak, efficient or inefficient, just in proportion as it meets the great issues of the day. We must concede that many legislative bodies have not proven equal to the great occasions which have confronted them. At such times the Executive looms large.

The Executive has often been a commanding figure and exceeded the normal boundary of his power when Congress cooperated with him. Abraham Lincoln made the remark that he thought it very likely that the Constitution would be subjected to some most severe strains for a time. In that great emergency he often assumed powers which belonged to Congress.

Mr. BAILEY. Mr. President——

Mr. BURTON. I am not contending for a minute that he did in violation of the Constitution.

Mr. BAILEY. Would the Senator——

Mr. BURTON. But at this time and at all times the people of the United States will commend a strong and a forceful Executive.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. BAILEY. I want to be certain that I do not misunderstand the Senator. I understood the Senator to say that in such a time the Executive ought to assume the powers of Congress.

Mr. BURTON. I did not say that. I expressly qualified what I said by stating that I did not believe in any violation of the Constitution, but that at times, as in the case of Lincoln, he went beyond the ordinary constitutional powers of the President.

Mr. BAILEY. We have charged that, but your party have been denying it all the time.

Mr. BURTON. Well, I admit it, and I glory in it. He had to meet the emergencies of the times, and he met them courageously. Your party, or at least a portion of it, commends President Lincoln, who oftentimes went to the very verge of his constitutional prerogatives. Your party, or at least a portion of it, commends Andrew Jackson, who also went to the very verge.

Mr. BAILEY. Will the Senator be good enough to specify a single instance in which Mr. Cleveland went even, as he calls it, to the very verge?

Mr. BURTON. Oh, well, there was the matter of appointments. He paid little attention at times to Congress.

Mr. BAILEY. He had a right to pay no attention to it. To be accurate, that was not going to the verge. He had a right to pay no attention to Congress except to its confirmation of appointments. That does not even strain the Constitution. Will the Senator——

Mr. BURTON. I want to say to the Senator from Texas that I am going into no enumeration of them.

Mr. BAILEY. There is nothing of that kind to be enumerated.

Mr. BURTON. The Senator knows that President Cleveland oftentimes regarded it as incumbent upon him to go ahead, and he exercised certain powers without much regard for the action of Congress.

Mr. BAILEY. So that——

Mr. BURTON. This resolution will, under the circumstances, cast a reflection upon the President.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Here on Saturday we disposed of a case involving a seat in this body. There have been rumors concerning the activity of the President in connection with it.

Mr. O'GORMAN. Mr. President——

Mr. BURTON. I maintain that he not only did no more than his duty, but he would have been wanting if he had not taken any interest in that case.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New York?

Mr. BURTON. I believe the Senator from Texas first had the floor to interrupt me.

Mr. BAILEY. Mr. President, I only wanted to say that when the Senator rises in his place and says a President of the United States has gone to the very verge of violating the Constitution he ought to be able to specify it. I was not a partisan of Mr. Cleveland within the party; in fact, I was a very young man in the House then and the very first one to break with him in the House of Representatives; but I do not believe any man ever occupied that great office who more religiously respected the Constitution of this Republic than Grover Cleveland did. I do not believe the Senator has a right in this place or elsewhere to treat a violation of the Constitution as a matter to be lightly regarded, and I think the Senator ought to be able to specify some case.

Mr. BURTON. The Senator knows very well that President Cleveland regarded it as incumbent upon him to take action in cases in which action is not usually taken except by authority of Congress. If I might repeat a private conversation of his I could state his opinion with reference to the relation between Congress and the President. I prefer not to do so, however. It was made on the very last day of his second term in a conversation with his successor.

Mr. BAILEY. Any association with the Senator from Ohio would beget that kind of opinion in the mind of any man judged by the way he expresses himself here.

Mr. BURTON. I yield to the Senator from New York.

Mr. O'GORMAN. Mr. President, I did not care to interrupt the Senator from Ohio, but having in mind the same thought that was moving the Senator from Texas it does seem to me that when a member of this body makes such a serious statement reflecting upon the conduct of a President of the United States the Senator making the statement should be able to indicate the incident which justifies the statement made here.

Mr. BURTON. What does the Senator from New York say in regard to marching troops into Chicago and his action at the time of the railroad strike?

Mr. O'GORMAN. Is that the incident upon which the Senator from Ohio bases his charge that Grover Cleveland acted in defiance of the Constitution?

Mr. BURTON. I am simply asking the question.

Mr. O'GORMAN. It is the Senator from New York who is asking a question. If that is your justification for the statement reflecting upon the life and character of Grover Cleveland, I leave it to the judgment of the country as to whether the Senator has any justification for the assertion.

Mr. BURTON. I asked the Senator from New York a question, and I should like to have him answer it. I meant no reflection on Grover Cleveland. I expressly disclaimed anything of that kind. His strength as an Executive I admire.

Mr. O'GORMAN. And yet you have declared that as President he acted in disregard of constitutional limitations.

Mr. BURTON. He went to the very verge, I said.

Mr. O'GORMAN. You have indicated the only instance that justified that opinion.

Mr. BURTON. His general reputation for an extreme degree of independence as an Executive justified me, I think, in making the statement. I think both the Senator from New York and the Senator from Texas have been unduly aroused because of the statement I made, which meant no reflection whatever on the character of a Chief Magistrate for whom, although he belonged to another party, I had the greatest admiration.

Mr. TOWNSEND. Mr. President, I am in sympathy with that constitutional provision which creates three separate and distinct departments of government—the legislative, executive, and judicial—and a Senate resolution commending that provision is always in order. But what object is to be obtained by this resolution? As I understand it, it is a protest by a majority of the Senate against coercion on the part of the Executive. It is equivalent to an admission on the part of Senators that they have been improperly influenced by the President and a demand that he shall cease such influence. They object to being coerced. The situation of Senators is quite like that of the bribe taker when he complains of the bribe giver. I can not understand how we can in sincerity and reason pass such a resolution as this, for we will thereby admit that we have been subject or are subject to improper Executive influence. If we are falling short of our full duty and full responsibility, it is certainly our own fault. One familiar with recent events must smile when he listens to complaints of Executive interference with a Congressman's duties. These complaints would indicate that the President was coercing Senators and Representatives into obeying his orders and forcing them to yield up their wills to his. But if we are to believe the newspaper reports national legislators are not waiting for presidential nominees to be elected in order to offer their services, but they are going to these nominees to find out what kind of legislation the candidates want in order that their desires may be fulfilled. It is not a case of yielding, but of voluntary surrender.

I submit, Mr. President, that we might better pass a resolution rededicating ourselves to our sworn duty. There can be no coercion if there is no one to coerce. Let the Senate, without fear or favor, perform its full duty and presidential influence will be ineffectual.

I am in hearty sympathy with the principle of noninterference by one department of government with another, but this resolution will not accomplish that condition. I think the letter from President Taft to Col. Roosevelt was an unwise and a foolish one to write, but I see nothing in it, nor has anything been produced which proves that improper influence was exerted by the President upon any Senator. Indeed, every Senator mentioned in that letter and every one who has spoken on this subject to-day has denied that the President attempted to influence him in the Lorimer matter, and certainly some of these Senators will not be accused of having so testified because of their friendship for the President. It seems to me as though we are asked to fire blank cartridges at an imaginary object. If any Senators know that they have been improperly influenced by the President let them first resolve to reform themselves before attempting to reform the Executive. The constitutional provision will not be strengthened by adopting the pending measure. I may not properly understand the true nature and object of this resolution, but it seems to me to be an attempt to shift responsibility for wrongdoing, if there be wrongdoing, from the Senate to the President. Presented as it is at this peculiar and particular time it is not accompanied with that presumption of disinterested good faith which should command support, and I shall therefore feel it to be my duty to vote against it.

Mr. CRAWFORD. Mr. President, if no stronger specific reasons can be presented for this resolution than those brought out in connection with the names of certain Members of the Senate in relation to speeches they may have made or conversation they may have had with President Taft in relation to the Lorimer matter, then it seems to me the resolution has very little indeed to justify it.

Others have mentioned what occurred between them and the President in relation to this testimony. My name happened to be connected with the letter, and I simply take the opportunity to say that, as others did, I procured a copy of the testimony from some member of the committee, from whom I can not now name, because I do not remember who it was; but I had a copy of the testimony before the holiday recess, and I remained in Washington during the holidays. I was here some two weeks, and had nothing else to do except to read that testimony, and I did so during that interval. I had read it and in a measure reread it, and made notes upon it, and had blocked out a speech I intended to make to the Senate analyzing it. After all that had been done incidentally I happened to be at the White House, and as a part of a general conversation on other matters the President expressed the wish that I might examine that testimony and take a keen interest in the case, because he thought it one of very great importance.

Now, do incidents of that kind justify a resolution like this, a resolution which implies that the Senate has become so helpless that it must put upon record something to apprise the country that it protests against being controlled by the President of the United States in casting its votes in this body? It seems to me we humiliate ourselves when we place upon the record here language of that kind.

Mr. McCUMBER. Mr. President, may I ask the Senator one question?

Mr. CRAWFORD. Certainly.

Mr. McCUMBER. How did it happen that the request to read the testimony was made only of those Senators who had a conviction on one side of the question?

Mr. CRAWFORD. I know nothing about that. I do not know anything as to how it came about with reference to other Senators, except as they have mentioned it here. I am simply stating how it occurred so far as I am concerned.

And, Mr. President, has it come to this, that when we go to the White House, when we are engaged in incidental conversation with the President of the United States, there must be a padlock on his mouth and a padlock on ours with reference to all public questions that are being considered in the legislative department?

I hope the relations between the legislative department of the Government and the Chief Executive may never be so stilted and so environed and so hedged about that we do not dare even to enter into a conversation with him freely and unrestrainedly about matters that may be pending here for fear we are placing ourselves under undue influence that may not only affect our votes in a general way by perhaps securing information that may be of assistance to us, but which may control our votes.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. CRAWFORD. Certainly.

Mr. BACON. Would the Senator consider it a proper thing for the President of the United States to consult with a Senator as to what verdict he shall give upon the impeachment case we are about to enter upon the trial of?

Mr. CRAWFORD. I do not.

Mr. BACON. You do not think it would be proper?

Mr. CRAWFORD. I do not—to influence the verdict of a Senator in this case.

Mr. BACON. Very well. Is there any more serious impropriety involved in that than there would be in trying to influence a Senator as to what his vote should be in determining the right of a Senator to a seat in this body?

Mr. CRAWFORD. I do not understand, if the Senator will permit me, that the President of the United States undertook to influence any Member of the Senate in his judgment or in his conclusion.

Mr. BACON. I am not taking issue with the Senator upon that and I am not speaking of this concrete case, but I am making that inquiry of the Senator in view of the statement which just fell from his lips that there was no impropriety in the President talking with a Senator and trying to influence him about anything that pertained to his duties in this Chamber. That was practically what the Senator said.

Mr. CRAWFORD. Oh, no.

Mr. BACON. It was with a view to that that I asked the question about the impeachment trial.

Mr. CRAWFORD. I made no statement about the President seeking to influence Senators as to any conclusion. I granted that if the President should undertake to use his great power and patronage by holding a temptation of reward if votes were favorable before a Member of the Senate in order to secure that vote or to hold before him the punishment that might follow by refusing to recognize him in matters of that kind would be an offense; and if we have any offense of that kind to which we may address ourselves here, let us address ourselves to it. But no charge of that kind is laid at the door of the President. During the short time I have been in Washington I have never seen any evidence, so far as my personal experience goes, that any such influence as that has been exercised. I am not a special friend of the President; just now I am at a considerable distance from him politically; but fairness compels me to say that I have never observed in the slightest degree a disposition to exercise influence of that kind over Members of this body.

Mr. BACON. I want to say to the Senator, Mr. President, that my inquiry was not addressed as to what this particular President has done, but was addressed to the general statement which the Senator made as to what would be proper for a President of the United States to do in trying to influence a Senator as to his duties here—any President, not this President.

Mr. CRAWFORD. The Senator misunderstood me if he drew the conclusion that I was justifying any improper influence of any sort upon the part of the President on Members of the Senate; but I do say that general, free discussion, such as may occur between two citizens of this Republic anywhere in relation to public questions, is not an improper attempt to influence when they occur between the President of the United States and a Member of the Senate of the United States. If they are proper elsewhere, they are proper between these officials.

Mr. BACON. Mr. President, replying to the statement just made by the Senator, I want to ask him to consider if that would be proper in the case of an impeachment trial?

Mr. CRAWFORD. That is a different thing entirely.

Mr. BACON. Why so?

Mr. CRAWFORD. I am referring to open public questions that are in the forum for discussion; and I am referring to a discussion that would be proper, and admittedly proper, between a Senator and a private citizen. I say if proper between a Senator and a private citizen, the same discussion would be proper between the President and a Member of this body.

Mr. BACON. Even if it related to an impeachment trial?

Mr. CRAWFORD. I did not say that it would be proper for the Senator to go out and talk with John Doe on the street, discussing the weight of the testimony being heard here in an impeachment proceeding. If it would be, it would be just as proper if he conducted the conversation with the President of the United States.

Mr. BACON. I voted, as the Senator from South Dakota knows, against Mr. Lorimer's right to a seat, so that what I say can not be personal to that controversy; but I want the Senator, if he can do so, to differentiate between the gravity of the case of a Senator's right to his seat to be determined by the Members of the Senate, and the right of a judge to his office, to be determined by the Senate. What makes one any more sacred than the other?

Mr. CRAWFORD. I am not differentiating in saying that, so far as the language of this conversation was concerned, there was no attempt in it, so far as it came within my experience, to use any influence whatever.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. CRAWFORD. I do.

Mr. HITCHCOCK. I ask whether the Senator approves the language of the President in the letter which has been read here, to the effect that he thought he was going to succeed in lining up the regular Republican Senators to oust Lorimer?

Mr. CRAWFORD. I do not. I knew nothing about that until I saw it in the letter.

Mr. BACON. That is the letter which was supposed to be considered in connection with it.

Mr. CRAWFORD. I am not discussing that part of it. I am simply discussing, so long as my name was connected with it, that particular feature of it, that part which was within my own experience; that is all.

Mr. HITCHCOCK. This is the very gravamen of the case; it is the very center, as I consider it, of this whole case, that the President was engaged in "lining up" Members of the Senate who were to vote upon that important trial. Suppose he used that language in connection with this impeachment proceeding, suppose he had published a letter that he was engaged in lining up the Senators to vote one way or another on the impeachment proceeding, would not that be an evident invasion of the rights of the Senate?

Mr. CRAWFORD. I have not undertaken to discuss the proprieties of this letter in any way, manner, shape, or form. I am simply discussing what occurred so far as it came within my knowledge between the President and myself as a Member of the Senate.

Mr. HITCHCOCK. Yes; but I ask the Senator, does not the letter reveal and demonstrate what it was that the President was actually doing? It is his own admission as to what he was doing.

Mr. CRAWFORD. I think the Senator from Nebraska perhaps construes it as going further than I do; but I do not entirely justify such a letter.

Mr. President, I did not rise to indulge in any extended remarks in regard to this resolution. There is a jealousy, and there always has been jealousy, between the legislative and the executive departments. There is a jealousy between the legislative and the judicial departments. It is well that it is so; it is intended that it should be so, in order that each of these departments might be a check upon the other; but I dare say there is more truth than there is error in what has been read here this afternoon from the textbook written by the distinguished candidate of the Democratic Party for the Presidency—that it has probably been more often true that the legislative department has sought to trench upon the functions of the executive department than the Executive, in these later years, since Andrew Jackson's time, has undertaken to trench upon the legislative.

Mr. McCUMBER. Mr. President, I am ready to vote for any resolution that shall reassert the ancient independence of the Senate of the United States as against Executive usurpation of its functions or its rights. I am willing to vote for a resolution of that character that is entirely distinct and does not connect itself in any way with the Lorimer case. I asked for the amendment of the resolution offered by the Senator from Texas because I could see the danger of a misconstruction of the resolution if we applied it to cases other than those which were exclusively within the jurisdiction of the United States Senate. The word "improper" is not used; the words "improper powers and influence" are not used, but "the powers and influence of his great office."

The President has a right to recommend legislation, and I do not wish a resolution which shall say to me that I can not go to the President and receive his advice and instruction and information that he may have upon matter which he recommends or anything that he believes ought to be made a part of our legislation; but I can see a wide gulf between that and the recommendation or advice of the President upon a question of the right of a Senator to his seat in the Senate of the United States or upon the question of an impeachment trial. I can go to the President, and the President has a right to send for me, to influence me upon legislation which he thinks ought to be enacted; but he has no right, in my opinion, to suggest in any way, shape, or form what his conviction is upon a case like the trial of the right of a Senator to his seat in the United States Senate.

That is a judicial right, and I ought not to be influenced by his opinion. If he has evidence to give in any way, that evidence should come before the Senate and should be digested by the Senate; but the advice of the President should not be received. I am free to say that I think the President went a little outside of his functions as an Executive if he was exercising his influence in any way to line up Republicans on one side or the other; and I would not be his honest friend if I failed to say so.

But, Mr. President, we know that the wishes of the Executive do influence Senators. We saw its effect last year; we felt its effect in the preceding administration in its influence upon legislation far more than during the last administration. I should like to see the Senate more independent in that matter than it has been, and yet, at the same time, I would not advocate a resolution which should say that I can not go to the President, because by reason of his great office he may influence me upon legislation which he has a right to recommend to me in his annual messages.

I felt, therefore, that I should request that this resolution be so worded that it should relate only to those things which are exclusively within the jurisdiction of the Senate and in which the Senate acts more in a judicial than in a legislative capacity. So, Mr. President, I think that the amendment ought to go in; but if anything is to be changed, the word "exclusively" might go out, though I should prefer that it should remain in the resolution.

Mr. JONES. Mr. President, a few days ago, in an address I delivered in the Senate on the Lorimer case, I criticized the President for his action in connection with it. That criticism was based entirely upon the letter which the Senator from Texas has read and upon the statements made therein. It looks to me, however, as if that letter stated the matter possibly a little bit stronger than was actually the case, because those who have referred here to-day to their conversations with the President, it seems to me, have stated nothing that was improper on the part of the President. I think it is but fair that I should say that while I am not honored by being mentioned in the letter the Senator has read, I was spoken to by the President with reference to the matter; but the extent of that was simply this: As the Senator from South Dakota has stated with reference to his interview with the President, I was visiting the President in regard to some other matters, and when I got ready to leave the President asked me if I was considering the Lorimer case.

I told him yes, and he simply made the request that I should look into it very carefully, without asking me for my views or expressing his views, or anything of the sort. Now, I do not believe that that was improper, but it did seem to me——

Mr. BAILEY. What business was it of his whether you looked into it or not?

Mr. JONES. Well, I suppose he was simply interested as any citizen is interested in a matter of that importance.

Mr. BAILEY. Suppose you try that on a judge; suppose, as a citizen interested in a case in his court, you go and tell him that he ought to look into it, and see what will happen. He will put you in jail.

Mr. JONES. The President did not say that I ought to look into it; he said he hoped that I would do so; and that was the extent of it. I do not think there was anything wrong about that. There was no suggestion——

Mr. BAILEY. If the Senator will permit me, the President explains in this letter exactly why he was soliciting Senators. He says, "I want to win."

Mr. JONES. I condemn the President for that letter absolutely; I am simply relating this as merely a statement of what occurred between the President and myself, which, if it had gone no further, I do not really consider would have been improper. I did condemn the President the other day upon the statements made in that letter, which indicate that he went much further with others possibly than he did with me.

Mr. BAILEY. But the Senator said a moment ago that the President merely did it as any other good citizen, and I suggested that if the Senator tried the same experiment on a judge, the judge would not regard that as advice tendered by a good citizen; the judge would regard that as a contempt of his court, especially if you were to follow the suggestion with a statement, such as the President made, and tell the judge you wanted to win that case. The President was not asking the Senator to examine it out of a mere general, indefinite interest in it; he was asking the Senator to examine it because he wanted to win that case, although he was not a party to the record, and had absolutely no right to intervene.

Mr. JONES. As I have said before, in my conversation with the President there was nothing of the kind indicated in the letter here. Of course, if there had been anything of that kind said, I think I should have resented it at once; but I did not consider the suggestion that the President made, so far as it went with me, as anything improper, and I do not think so yet; but the statement in the letter of the President indicates, of course, that he went much further with others.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. I should like to ask the Senator from Washington if he knew, either by anything that was said by the President or otherwise, whether the President was for or against Mr. Lorimer at that time?

Mr. JONES. I did not. The President did not indicate to me what his views were or as to whether he had any views.

Mr. WORKS. And the Senator had no knowledge from any other source?

Mr. JONES. I did not.

Mr. WORKS. According to the statement of the President himself, he was trying to "line up" Senators, and they, in their innocence, were not aware of it.

Mr. BAILEY. But he did line up all with whom he talked, his way.

Mr. JONES. I desire to suggest that possibly the President may have gone farther with some than he did with me, because I have stated all that occurred with reference to my conversation with him in regard to this matter.

I desire simply to say further, Mr. President, that when this resolution was first presented I felt like voting for it; in fact, I said to some Members of the Senate that I expected to vote for it; but, on reflection, I am inclined to think that the best course for the Senate and for Senators to take is to show by their action that they do not propose to be influenced by attempts of the Executive to influence them in any of these matters; that it will not impress the country with our opposition to Executive interference by simply passing a resolution condemning the President for trying to influence us; but, if by our action as Senators and as a Senate we show to the country that we are not influenced by Executive interference, there will not be very much Executive interference or attempts at interference upon the part of the Executive.

Mr. BAILEY. Will the Senator permit me to say that it is not enough for a man to show by his conduct that he is not improperly influenced? He owes it to his self-respect to say that he resents every effort to improperly influence him. Our courts would fall into universal contempt if our judges would allow men to come to their chambers in an effort to influence their judgments without regard to the law or the evidence, and then throw their cloaks about them and say, "I did not send the man to jail, although he insulted me and offered me a bribe; but I showed him that I was above it." That is not sufficient.

Mr. JONES. I desire to say to the Senator from Texas that if I had thought the President of the United States had tried to influence me either for or against Senator Lorimer, I would have resented it; but I did not then, and I do not now, consider that he tried to do so, unless possibly the matter is viewed in connection with the letter which the Senator has read, because, as I have stated to the Senator from California, I did not know what the views of the President were in regard to the case and he did not indicate them to me one way or the other. He did not ask me for my views or anything of the sort, but simply, as I was going out, suggested that I look into the matter very carefully.

I will say, in line with some suggestion, I think, made by the Senator from Idaho, that there was an impression at the time the committee made its report—the report being very nearly unanimous—that the Senate might pass upon the matter without any particular discussion. I remember hearing it said that it was the usual custom of the Senate in election cases of this kind, where the report was unanimous, as a matter of course to accept the report, and while this report was not unanimous, it was so nearly so that some suggested that it might pass in the same way. I am not so sure but that possibly the President had heard something of that sort, and that he probably thought it was a matter of so much importance that the Senate ought not to pass upon it in that way.

While, of course, he ought to assume that we would do our duty, yet I did not consider it improper for the President, in an important matter of that kind, simply to express the hope that we look into the matter very carefully.

Mr. BAILEY. Well, the Senator's excuse for the President makes it apparent that the President was trying to influence the action of the Senate in a matter committed exclusively to the Senate.

Mr. JONES. I did not say that the President was acting from those motives. I say, while that is possibly the reason he made the suggestion to me——

Mr. BAILEY. He said so in his speech.

Mr. JONES. As I have said, I condemned the President in my speech the other day because of the statement made in that letter, and I have no excuse for the President acting along the line suggested in that letter.

Mr. BAILEY. Does the Senator believe that the Senate of the United States, with this letter of the President before it in the most formal way, because the President not only used it in a public speech, but the Senate itself has made that speech a public document—yet with all of this in its archives showing that the President not only sent for Senators and tried to talk to Senators about this matter, but that he also wrote a letter in which he said he was trying to "line up" Senators; that he "wanted to win"; and that he was afraid the Senate would not do its duty with reference to the report—with that kind of information a part of the records of the Senate, does the Senator think the Senate of the United States can preserve the respect of the people and pass it sub silentio?

Mr. JONES. As I have stated, I should vote for the resolution as originally introduced by the Senator from Texas, but as modified I am not inclined to support it.

Mr. BAILEY. I think the Senator is right, because we have nowhere in our records, whatever we may have floating through the air and in our minds as rumors, any proof that the President has ever attempted to interfere with the functions of the Senate except in this particular case, and I am absolutely certain we ought to confine it to this particular case.

But I yielded because I thought it was so vital that the Senate declare its resentment against Executive influence that I yielded in the hope that we might get a practically unanimous vote. However, I want to say to the Republican stalwarts or the Republican regulars, as the President calls them, that if they are not willing to do that, then we will see if we can not pass the resolution as originally introduced.

Mr. JONES. Mr. President, as I said before, I would much rather vote for the resolution as originally proposed than with the amendments which have been suggested. I am firmly of the opinion that really the best way for us to assert ourselves in this matter is to show not only as individual Senators, but as a Senate, that we are not going to allow Executive interference, rather than by passing resolutions and then going on just as we have been doing in the past.

Mr. WORKS. Mr. President, I am in favor of the pending resolution because it declares a correct and vital principle. It does not matter very much to me whether it reflects upon somebody or not, because if it does so it can only reflect upon the President, because he has violated that principle.

Senators whose names have been mentioned in connection with this matter say unqualifiedly that they have not been influenced; that they did not even realize that the President was attempting to influence their action; but the President must be judged by what he himself has said. His letter shows exactly what his purpose was. He says in so many words that he was attempting to line up the Senators, the Members of this body, against Mr. Lorimer, and that he was attempting by that means to win.

Now why should we hesitate with respect to this matter in passing this resolution because it may reflect upon the President when we consider what he himself has said with respect to it? This is an extreme case just because it was not ordinary legislation. It was a matter which was within the exclusive jurisdiction of the Senate, a matter over which the President had no control, with which he had no right to deal in any way whatever.

Therefore when we reach that point in the administration of the affairs of this Government where the President of the United States openly confesses that he has attempted to influence the Senate of the United States with respect to a vital matter of that kind, I think it is about time the Senate should take action if it does amount to a rebuke of the President of the United States.

Mr. CUMMINS. I move to amend the resolution by striking out the words "within the exclusive jurisdiction of the Senate" and inserting "relating solely to the duties of Senators."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to strike out the words "within the exclusive jurisdiction of the Senate," and in lieu thereof to insert "relating solely to the duties of Senators."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the question.] The Chair is in doubt. The Chair will again put the question.

Mr. BAILEY. Let the amendment be again reported.

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. It is proposed to strike out the words "within the exclusive jurisdiction of the Senate" and in lieu thereof to insert "relating solely to the duties of Senators," so that if amended the resolution will read:

Resolved, That any attempt on the part of a President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate or any other matter relating solely to the duties of Senators would violate the spirit, if not the letter, of the Constitution, and invade the rights of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of the Senator from Texas as amended. [Putting the question.] The Chair is in doubt.

Mr. BURTON. Let us have the yeas and nays.

Mr. TOWNSEND. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. WETMORE]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. MARTINE of New Jersey (when the name of Mr. CURTIS was called). I have been requested to announce that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the Chamber. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. PAYNTER (when his name was called). Owing to a general pair which I have with the Senator from Colorado [Mr. GUGGENHEIM], I withhold my vote. If he were present, I would vote "yea."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is absent from the city and is paired with the Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is unavoidably absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present he would vote "nay."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN]. If I were at liberty, I should vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the Senator from Oklahoma [Mr. GORE] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is detained from the city. I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were here and I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I see he is not present, and I therefore withhold my vote. Were I at liberty I would vote "nay."

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER] and therefore withhold my vote.

Mr. HITCHCOCK. I desire to announce that my colleague [Mr. BROWN] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. MARTIN of Virginia. The Senator from West Virginia [Mr. WATSON] is paired with the Senator from New Jersey [Mr. BRIGGS]. If the Senator from West Virginia were present, he would vote "yea."

Mr. BAILEY. Notwithstanding my pair with the Senator from Montana [Mr. DIXON], I have voted; and I desire the RECORD to show that I did that in accordance with an understanding with him on this particular question.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber. If he were present I do not know how he would vote on this question.

Mr. OLIVER. The Senator from Rhode Island [Mr. LIPPITT] is unavoidably detained from the Chamber. If he were present and at liberty to vote he would vote "nay." He is paired with the senior Senator from Tennessee [Mr. LEA.]

The result was announced—yeas 35, nays 23, as follows:

YEAS—35.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Gallinger	O'Gorman	Smith, Md.
Bailey	Gardner	Overman	Smith, S. C.
Bourne	Hitchcock	Percy	Stone
Bryan	Johnson, Me.	Pomerene	Swanson
Chamberlain	Johnston, Ala.	Reed	Thornton
Clapp	McCumber	Shively	Tillman
Culberson	Martin, Va.	Simmons	Works
Fall	Martine, N. J.	Smith, Ariz.	

NAYS—23.

Borah	Crawford	McLean	Root
Brandegee	Cummins	Massey	Smith, Mich.
Bristow	du Pont	Nelson	Smoot
Burnham	Gronna	Oliver	Sutherland
Burton	Jones	Page	Townsend
Catron	Kenyon	Perkins	

NOT VOTING—36.

Bankhead	Curtis	Kern	Poindexter
Bradley	Davis	La Follette	Rayner
Briggs	Dillingham	Lea	Richardson
Brown	Dixon	Lippitt	Sanders
Chilton	Foster	Lodge	Stephenson
Clark, Wyo.	Gamble	Myers	Warren
Clarke, Ark.	Gore	Owen	Watson
Crane	Guggenheim	Paynter	Wetmore
Cullom	Heyburn	Penrose	Williams

So Mr. BAILEY's resolution as amended was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I wish to give notice that I shall ask the Senate to take up House bill 25069, the sundry civil appropriation bill, immediately after the routine business in the morning.

IMPEACHMENT OF ROBERT W. ARCHBALD.

Mr. CLARK of Wyoming. Mr. President, yesterday, in what seemed to be the orderly course of procedure, I introduced a resolution providing for the appointment of a special committee to which should be referred the message and resolution from the House of Representatives in regard to the impeachment proceedings. There was no debate upon the subject at the time; it went through evidently without consideration; but afterwards a difference of opinion developed in the Chamber, some thinking that a committee of that sort was entirely unnecessary and others believing that the time of appointment was inopportune. Therefore, in order that the matter may be before the Senate again, I move a reconsideration of the vote by which the resolution was carried.

Mr. SMITH of Georgia. Mr. President, Senators perhaps are not familiar with the necessity for such a committee, or yesterday did not fully realize the questions that will come up from time to time as we go on that ought to be looked after and planned and resolutions drawn. It would be a great economy of time if this committee should be left in existence. I hope the Senate will retain it.

Mr. ROOT. Mr. President, I wish to join in the hope that the committee may be allowed to stand as originally ordered by the Senate.

The PRESIDENT pro tempore. The question is on the motion to reconsider the vote by which the Senate yesterday adopted the resolution submitted by the Senator from Wyoming [Mr. CLARK].

The motion to reconsider was not agreed to.

TARIFF DUTIES ON WOOL.

Mr. SIMMONS. Mr. President, I desire to give notice that to-morrow after the routine morning business, if I can get recognition from the Chair, I shall move to take up House bill 22195, to reduce the duties on wool and manufactures of wool.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 17, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 16, 1912.

UNITED STATES MARSHAL.

Secundino Romero, of New Mexico, to be United States marshal for the district of New Mexico, under the provisions of section 13 of the act approved June 20, 1910. Mr. Romero's nomination is to succeed Creighton M. Foraker, resigned.

POSTMASTERS.

CONNECTICUT.

Henry L. Porter to be postmaster at Berlin, Conn. Office became presidential July 1, 1912.

GEORGIA.

J. W. Adams to be postmaster at Moultrie, Ga., in place of Hugh M. Pierce. Incumbent's commission expired February 27, 1912.

C. L. Bennett to be postmaster at Eastman, Ga., in place of Henry C. Newman. Incumbent's commission expired January 30, 1911.

Young A. Williams to be postmaster at Greenville, Ga., in place of Pearl Williams, deceased.

MISSOURI.

Jacob W. Schempp to be postmaster at Appleton City, Mo., in place of William E. Burns. Incumbent's commission expired January 13, 1912.

E. S. Wilson to be postmaster at Mexico, Mo., in place of George H. Kunkel. Incumbent's commission expired March 20, 1912.

VIRGINIA.

D. H. Lewis to be postmaster at Chincoteague Island, Va., in place of John W. Field, deceased.

Arthur M. Stimson to be postmaster at Hot Springs, Va., in place of Arthur M. Stimson. Incumbent's commission expired June 29, 1910.

Albert L. Taylor to be postmaster at Parksley, Va. Office became presidential October 1, 1911.

WYOMING.

Icy S. Green to be postmaster at Moorcroft, Wyo. Office became presidential July 1, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 16, 1912.

UNITED STATES DISTRICT JUDGE.

J. Whitaker Thompson to be United States district judge for the eastern district of Pennsylvania.

MEMBERS OF THE BOARD OF CHARITIES OF THE DISTRICT OF COLUMBIA.

John Joy Edson to be a member of the Board of Charities.
George M. Kober to be a member of the Board of Charities.

PENSION AGENT.

Joab N. Patterson to be pension agent at Concord, N. H.

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Anthony J. Lanza to be passed assistant surgeon.
Asst. Surg. Robert Olesen to be passed assistant surgeon.

MEMBERS OF THE EXECUTIVE COUNCIL OF PORTO RICO.

Martin Travieso, jr.
Jose C. Barbosa.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY.

First Lieut. Emery T. Smith to be first lieutenant.

INFANTRY.

First Lieut. Charles T. Smart to be first lieutenant.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. George F. Chase to be brigadier general.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Ernest Chester McCulloch.
Robert Henry Duenner.

CORPS OF ENGINEERS.

To be second lieutenants.

Cadet Howard Sharp Bennion.
Cadet Rudolph Charles Kuldell.
Cadet Roscoe Campbell Crawford.
Cadet Earl Grady Paules.
Cadet Bradford Grethen Chynoweth.
Cadet Milo Pitcher Fox.

CAVALRY ARM.

Cadet William Henry Walmsley Youngs.
Cadet Byron Quinby Jones.
Cadet Robert McGowan Littlejohn.
Cadet Harry Albert Flint.
Cadet Pearl Lee Thomas.
Cadet Sidney Vincent Bingham.
Cadet Otto Emil Schultz.
Cadet Isaac Spalding.
Cadet Henry Lytton Flynn.
Cadet Robert Fee Hyatt.
Cadet Harold Marvin Rayner.
Cadet Stephen Marston Walmsley.
Cadet John Traylor McLane.
Cadet George McClellan Chase.
Cadet James Sylvester Mooney.
Cadet Henry William Harms.
Cadet John Earl Lewis.
Cadet John Duncan Kelly.
Cadet Thorne Deuel, jr.
Cadet William Nalle.
Cadet Gustav Jacob Gonser.

FIELD ARTILLERY ARM.

Cadet Russell Lamonte Maxwell.
Cadet Charles Janvrin Browne.
Cadet John Nathaniel Hauser.
Cadet Karl Chris Greenwald.
Cadet Richard Emmanuel Anderson.
Cadet James Albert Gillespie.
Cadet Wesley Moter Bailey.

COAST ARTILLERY CORPS.

Cadet Lee Otis Wright.
Cadet Lewis Andrews Nickerson.
Cadet Philip Ries Faymonville.
Cadet William Coffin Harrison.
Cadet John Shirley Wood.
Cadet Robert Henry Lee.
Cadet David McLean Crawford.
Cadet Oscar James Gatchell.
Cadet Cris Miles Burlingame.
Cadet Raymond Vincent Cramer.
Cadet Sidney Parker Spalding.
Cadet Leonard Lovering Barrett.
Cadet Stephen Harrison MacGregor.
Cadet James Kirk.
Cadet Robert Nall Bodine.
Cadet James Harve Johnson.
Cadet John Henry Lindt.
Cadet Bird Spencer Du Bois.
Cadet Cyril Augustine Phelan.

INFANTRY ARM.

Cadet Thomas Jay Hayes.
Cadet d'Alary Fechét.
Cadet William Hale Wilbur.
Cadet Edgar Staley Gorrell.
Cadet Basil Duke Edwards.
Cadet Davenport Johnson.
Cadet Wade Hampton Haislip.
Cadet William Dean.
Cadet Walter Melville Robertson.
Cadet Harry James Malony.
Cadet John Hartwell Hinemon, jr.
Cadet Charles Nathaniel Sawyer.
Cadet Gilbert Richard Cook.
Cadet Max Weston Sullivan.
Cadet Franklin Cummings Sibert.
Cadet Archibald Vincent Arnold.
Cadet John Nicholas Smith, jr.
Cadet William Gaulbert Weaver.
Cadet Stephen J. Chamberlin.
Cadet William Horace Hobson.
Cadet Walter Glenn Kilner.
Cadet Raymond Oscar Barton.
Cadet Houston Latimer Whiteside.
Cadet Walton Harris Walker.
Cadet Millard Fillmore Harmon, jr.
Cadet Edward Chamberlin Rose.
Cadet Albert Eger Brown.
Cadet Ralph Cadot Holliday.
Cadet Robert Emmett Patterson.
Cadet Adrian Kenneth Polhemus.
Cadet Carl Peterson Dick.
Cadet Charles Chisholm Drake.
Cadet George LeRoy Brown, jr.
Cadet Earl Barlow Hochwalt.
Cadet William Joseph Morrissey.
Cadet Robert Theodore Snow.
Cadet Henry Charles McLean.
Cadet Joseph Edmund McDonald.
Cadet Frank Victor Schneider.

Cadet Frank Joseph Riley.
Cadet Benjamin Franklin Delamater, jr.
Cadet Theodore Willis Martin.

PROMOTIONS IN THE ARMY.

CHAPLAIN.

Chaplain Herbert S. Smith to be chaplain with the rank of captain.

MEDICAL CORPS.

To be captains.

First Lieut. Henry C. Coburn, jr.
First Lieut. Arnold D. Tuttle.
First Lieut. John B. H. Waring.
First Lieut. William R. Dear.
First Lieut. Charles E. Doerr.
First Lieut. Daniel P. Card.
First Lieut. Ralph H. Goldthwaite.
First Lieut. Frederick S. Wright.
First Lieut. Daniel W. Harmon.
First Lieut. James C. Magee.
First Lieut. Corydon G. Snow.
First Lieut. Norman L. McDiarmid.
First Lieut. Clarence A. Treuholtz.
First Lieut. Eben C. Hill.
First Lieut. George H. McLellan.
First Lieut. Alexander D. Parce.
First Lieut. James A. Wilson.
First Lieut. Armin Mueller.
First Lieut. Morrison C. Stayer.
First Lieut. Robert W. Kerr.
First Lieut. Lee R. Dunbar.
First Lieut. Leon C. Garcia.
First Lieut. William S. Shields.
First Lieut. Addison D. Davis.
First Lieut. William H. Smith.
First Lieut. Clarence E. Fronk.
First Lieut. George D. Heath, jr.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Robert E. Coontz to be a captain.

The following-named lieutenant commanders to be commanders:

Raymond De L. Hasbrouck,
Benjamin B. McCormick,
Edward S. Kellogg,
David V. H. Allen, and
Frank H. Clark.

Lieut. Commander Walter S. Crosley, an additional number in grade, to be commander.

The following-named lieutenants to be lieutenant commanders:

William K. Riddle, and
William N. Jeffers.

The following-named ensigns to be lieutenants (junior grade):

Richard S. Galloway,
Samuel L. Henderson,
Carl C. Krakow,
Louis J. Gulliver,
Richard B. Coffman,
Charles S. Keller, and
Louis C. Scheibla.

Asst. Surg. George A. Riker to be a passed assistant surgeon.

Charles A. E. King, a citizen of New York, to be a second lieutenant in the Marine Corps.

Commander Robert L. Russell to be a captain.

Herbert J. Hauser to be an assistant paymaster.

The following-named midshipmen to be ensigns:

Ralph S. Wentworth, and
Raymond G. Payne.

The following-named lieutenant commanders to be commanders:

Edward H. Campbell, and
Henry B. Price.

The following-named midshipmen to be ensigns:

Harold E. Saunders,
Garland Fulton,
Ralph S. Parr,
Samuel J. Zeigler, jr.,
Shirley A. Wilson,
Charles H. McMorris,
Ernest M. Pace, jr.,
John A. Byers,
Virgil C. Griffin, jr.,
Henry M. Kieffer,
William A. Corley,
Benjamin Perlman,
Howard H. Good,
Carroll B. Byrne,
Ernest G. Small,
Carleton H. Wright,
Donald Boyden,
Stanley P. Tracht,
Robertson J. Weeks,
Roscoe L. Martin,
Herman E. Fischer,
Marc W. Larimer,
Willard E. Cheadle,
Edward P. Nickinson,
Thomas L. Gatch,
Harry G. Patrick,
James A. Saunders,
John H. Culin,
Alfred E. Montgomery,
Andrew C. Bennett,
Fred K. Elder,
Eugene P. A. Simpson,
Edward O. McDonnell,
Oliver W. Bagby,
Lawrence P. Bischoff,
James C. Clark,
James C. Montfort,
Robert D. Moore,
Carl C. Gilliland,
Robert D. Brown,
George L. Woodruff,
Mahlon S. Tisdale,
Schuyler Mills,
Edmund A. Crenshaw,
James L. King,
Lawrence K. Forde,
William D. Taylor,
Davis De Treville,
Homer C. Wick,
John P. Dalton,
Robert A. Lavender,
Louis P. Wenzell,
Robert S. Haggart,
Richard E. Byrd, jr.,
Raymond E. Kerr,
Philip Van H. Weems,
George H. Fort,
Lunsford L. Hunter,
Forrest U. Lake,
Ray H. Wakeman,
Robert R. Thompson,
Elliott Buckmaster,
Nelson W. Hibbs,
Walter S. De Lany,
Emory P. Eldredge,
Albert B. Sanborn,
Ellis M. Zacharias,
Clarence Gulbranson,
Wentworth H. Osgood,
Donald F. Patterson,
Harold B. Grow,
Donald W. Hamilton,
Herbert G. Gates, jr.,
Hiester Hoogewerff,
John H. Falge,
Louis E. Denfeld,
Ralph W. Holt,
George W. D. Dashiell,
Harold Dodd,
Whitley Perkins,
Warren A. Shaw,
Robert A. Hall,
Guy C. Hitchcock,
Anton B. Anderson,
William S. Hogg, jr.,
Beriah M. Thompson,
John L. Fox,
Earl R. Morrissey,
Stephen B. Robinson,
William G. Greenman,
Harold H. Little,
Horatio J. Peirce,
Hamilton Harlow,
Hugh C. Fraser,
James L. Abbot,
Thales S. Boyd,
James A. Crutchfield,
Daniel E. Barbey,
Raymond V. Hannon,

George W. Whiteside,
Charles P. Mason,
John J. Brown,
Grady B. Whitehead,
Carl K. Martin,
Campbell D. Edgar,
Harry P. Curley,
Walter S. Haas,
John P. Bowden,
Dewitt C. Ramsey,
Baylis F. Poe,
Emory W. Coil,
Nathan B. Chase,
George W. La Mountain,
Alexander W. Loder,
Harold W. Scofield,
Carroll M. Hall,
Rodes H. Hawkins,
Roscoe E. Schuirmann,
Charles K. Osborne,
Abraham C. Ten Eyck,
Ingram C. Sowell,
Francis E. M. Whiting,
Charles A. Lockwood, jr.,
John K. Richards, jr.,
William H. Burtis,
Stanley G. Womble,
Hans Ertz,
Paul S. Theiss,
Aaron S. Merrill,
John Wilbur,
Charles S. Alden,
Robert E. P. Elmer,
Charles F. Greene,
Hervey A. Ward,
George S. Gillespie,
Garnet Hulings,
Hubert V. La Bombard,
Charles W. McNair,
Edward H. McKitterick,
Otto M. Foster,
Laurence R. Brown, and
Lloyd H. Lewis.

Asst. Surg. Alfred J. Toulon to be a passed assistant surgeon.

Asst. Surg. Chandler W. Smith to be a passed assistant surgeon.

Asst. Surg. John B. Pollard to be a passed assistant surgeon.

Machinist Jarrard E. Jones to be a chief machinist.

POSTMASTERS.

ALABAMA.

Belvins S. Perdue, Greenville.

CALIFORNIA.

H. C. Hollenbeck, Soldiers Home.
Samuel F. Jenkins, Richmond.
W. D. Pennycook, Vallejo.

ILLINOIS.

H. B. Chaffin, Clay City.
David Herriott, Morgan Park.

INDIANA.

Joseph W. Morrow, Charlestown.
George E. Spake, Monroeville.

IOWA.

Lawrence J. Finn, Bonaparte.

MARYLAND.

Samuel S. Yingling, Reisterstown.

MICHIGAN.

Lee R. Wallace, Port Austin.

MISSISSIPPI.

George A. McCuen, Brookville.

NEBRASKA.

Joseph A. Storch, Fullerton.
John A. Wood, Ewing.

NEW HAMPSHIRE.

Waldo C. Varney, Alton.

NORTH DAKOTA.

John W. Doles, Stanley.

OHIO.

Oscar O. Gale, Eaton.
Richard Gilson, Steubenville.

SOUTH DAKOTA.

George W. Bowker, Ashton.
Fred C. Bowles, Dell Rapids.
Robert E. Rogers, Faith.

TEXAS.

Thomas S. Hunter, Celina.

WEST VIRGINIA.

Claude Shinn Randall, Shinnston.

WITHDRAWAL.

Executive nomination withdrawn July 16, 1912.

POSTMASTER.

William E. Burns to be postmaster at Appleton City, Mo.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 16, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, the Father of men, through whom Thou hast poured wisdom, knowledge, strength, and purity in the ages, making the world bright with Thy presence; make us one with Thee in intent and purpose, that we may apply our knowledge unto wisdom, our strength unto purity, and thus reflect in our personality the likeness of our Maker. "Beloved, now are we the sons of God, and it doth not yet appear what we shall be: but we know that, when He shall appear, we shall be like Him; for we shall see Him as He is." For thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 0084) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that Mr. OVERMAN had been appointed a conferee on the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, in place of Mr. FOSTER, excused.

The message also announced that the Senate had passed the following order:

Ordered, That the Secretary notify the House of Representatives that the Senate is now organized for the trial of articles of impeachment against Robert W. Archbald, United States circuit judge, and is ready to receive the managers on the part of the House at its bar.

COMMERCIAL STATISTICS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to incorporate therein an address by Mr. Oscar L. Austin, Chief of the Bureau of Statistics, containing certain valuable and nonpartisan statistics of the Government with reference to our commercial development.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD.

Mr. ROBINSON. I did not hear the gentleman's statement as to what it related to.

Mr. MOORE of Pennsylvania. I desire to incorporate as a part of my remarks an address made by the Chief of the Bureau of Statistics, bringing certain valuable and nonpartisan commercial statistics down to date.

Mr. ROBINSON. I have no objection.

Mr. FINLEY. What is the length of the matter which the gentleman desires to print?

Mr. MOORE of Pennsylvania. It will take about three pages of the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection?

There was no objection.

TRAVELERS' BAGGAGE.

Mr. PETERS, from the Committee on Ways and Means, reported the bill (H. R. 24926) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was read a first and second time, referred to the Committee of the Whole House on

the state of the Union, and, with the accompanying report (No. 1005) ordered to be printed.

ARKANSAS & MEMPHIS RAILWAY BRIDGE.

The SPEAKER laid before the House the bill (H. R. 17239) to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River, with a Senate amendment thereto.

The Senate amendment was read.

Mr. McKELLAR. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. MANN. Mr. Speaker, I wish the gentleman would explain the effect of the amendment and the reason for it.

Mr. McKELLAR. This is a bridge bill for a bridge across the Mississippi River at Memphis. The House passed the bill some time in March and it went to the Senate. Since that time, I have been informed, there has been a virtual agreement between the city of Memphis and the county of Crittenden, on the other side of the river, in the State of Arkansas, and the railroad company which is to build the bridge, in reference to the approaches, by which agreement the local authorities are to contribute $50,000 for the building of the approaches to the bridge. It is practically an agreed matter between the local authorities, and I hope the House will concur in the Senate amendment.

Mr. ROBINSON. Does the bill give the public the right to use the bridge?

Mr. McKELLAR. Does the gentleman mean a free bridge?

Mr. ROBINSON. Yes.

Mr. McKELLAR. Oh, no; it is not a free bridge.

Mr. ROBINSON. In addition to contributing the $50,000, the public is required to pay tolls?

Mr. McKELLAR. Yes; it is to be a toll bridge.

Mr. ROBINSON. What is the reason, if the public is required to contribute to the construction, that the terminal company is permitted to charge tolls?

Mr. McKELLAR. As I understand it, the railroad company desires to build a railroad bridge, and it will cost $400,000 or $500,000 additional to make it a general-traffic bridge. Naturally, the company does not care to build a general-traffic bridge. On the other hand, it will be of the greatest advantage to the city of Memphis and the people of Arkansas as well, especially to Crittenden County, to have a general-traffic bridge.

The railroad company is willing to build a general-traffic bridge, but it objects to building the long approach which is necessary on the Arkansas side. As a matter of fact, as the gentleman from Arkansas [Mr. ROBINSON] is probably familiar with the situation, on the Arkansas side there is a good deal of low ground, and it is over this that the fight has been for quite a while, as the gentleman from Arkansas [Mr. ROBINSON] undoubtedly has seen in the Memphis papers. The city of Memphis has agreed to bear a large portion of the $50,000 additional expense that the local authorities are to contribute in order to get a general-traffic bridge. It is largely a question of local importance and convenience.

Mr. ROBINSON. Can the gentleman state whether the county of Crittenden has taken any official action in reference to the matter, or has the agreement been reached by parties purporting to represent the county?

Mr. McKELLAR. Senator CLARKE had a letter from the county judge of Crittenden County saying that it will be satisfactory as the best they could get. Of course, I would greatly prefer that we should have a free bridge and approaches built free; but, as a matter of fact, this seems to be the best we can do under the circumstances, and we think that a general-traffic bridge at this time will be of great benefit, both to the city of Memphis and to the other side of the river, and I am anxious that the bill should pass.

Perhaps the bridge company should pay for the approaches just as provided in the House bill; but it must be admitted that the purpose of the company was simply to build a railroad bridge, and that a railroad bridge merely will be of the greatest value to both Tennessee and Arkansas. And, of course, if we can get, in addition to the railroad bridge, a general-traffic bridge it will be of vastly more importance and benefit to us. After the House bill was passed not only requiring the railroad company to build a separate general-traffic compartment to the bridge at an additional expense of several hundred thousand dollars, but also requiring it to build the long approach on the Arkansas side, the railroad people gave notice that they would not build any bridge at all. So since that time the House bill has simply been lying in the Senate awaiting developments. Recently Mayor E. H. Crump, Mr. C. P. J. Mooney, Mr. T. K. Riddick, Mr. L. P. Berry, Judge Allen Hughes, Judge Frank Smith, Judge Thompson, Mr. Louis Barton, Mr. Lem Banks, and other public-spirited citizens of both Memphis and Crittenden County got together with the representatives of the railroad company—Gen. Luke Wright, Mr. L. P. Miles, Mr. B. L. Mallory, and Mr. Tinsman—and agreed substantially to what is now contained in the bill as amended. All of these gentlemen deserve the greatest credit for their work, and if the bridge is built, as I believe it will be now, it will be due most largely to their splendid efforts. All the Memphis newspapers, too, have given powerful and effective aid to the project. The amendment was drawn by Senator CLARKE of Arkansas, and the Senate passed the bill with this amendment. After consulting with Senator CLARKE I am convinced that the bill can not pass the Senate in any other form and that a conference committee could do no good. I feel sure that the bill as amended will now meet the approval of both the railroad company and those who want the general-traffic bridge, as every material difference has been adjusted, and therefore I hope the House will agree to the amendment.

Mr. SIMS. Mr. Speaker, this bill was reported originally to the House from the Committee on Interstate and Foreign Commerce and was supposed to meet all the requirements of railroad traffic and highway traffic, if there might be any. There was a report by the Secretary of War that it would not interfere with navigation. The bill has not been referred back to the Committee on Interstate and Foreign Commerce, and so Members have not examined it; but it seems to be a local matter in which the people of Crittenden County are interested, and I see no reason why the Committee on Interstate and Foreign Commerce would object to agreeing to the Senate amendment if it meets with the approval of the people who will have to put up the money.

Mr. ROBINSON. Mr. Speaker, Crittenden County is not situated within the district which I represent, but I am now informed that Senator CLARKE, of the State of Arkansas, who has the bill in charge in the Senate, has agreed to the amendment.

Mr. McKELLAR. I will say to the gentleman that Senator CLARKE, from the State of Arkansas, prepared and offered the amendment which was passed in the Senate.

Mr. ROBINSON. Mr. Speaker, I have no objection whatever under those circumstances.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ANNA R. SCHLEY.

The SPEAKER laid before the House the bill (S. 4568) granting an increase of pension to Anna R. Schley, with a House amendment disagreed to by the Senate.

Mr. RICHARDSON. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey.

COAL MINING IN WYOMING.

The SPEAKER laid before the House Senate joint resolution 100, authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming, with a House amendment disagreed to by the Senate.

Mr. ROBINSON. Mr. Speaker, I move to further insist upon the House amendment and agree to the conference asked for by the Senate.

Mr. MANN. Mr. Speaker, as I understand, this resolution as it came from the Senate provided that the Secretary of the Interior should have general authority to permit coal mining and the leasing of coal mines. The House amendment, as I recall it, restricted that to a particular case. Am I not right about that?

Mr. ROBINSON. The Interior Department suggested that the legislation should be general.

Mr. MANN. As I understand, the House agreed to the proposition to apply it to a particular case for the reason stated. I shall not object to its going to conference, and I hope there is no disposition on the part of the House conferees to extend that position and make it general.

Mr. ROBINSON. Mr. Speaker, I find on looking at the bill that my recollection is correct. The Senate declined to report a bill of a general character and confined the measure to the Owl Creek Coal Co. The House amended the Senate resolution but did not adopt the suggestion of the Interior Department.

Mr. MANN. Then I was mistaken in it.

The SPEAKER. The question is on agreeing to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. ROBINSON, Mr. TAYLOR of Colorado, and Mr. MONDELL.

ALLOTTEES, FIVE CIVILIZED TRIBES, OKLAHOMA.

The SPEAKER laid before the House the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," with House amendment thereto disagreed to by the Senate.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House agree to the conference asked for by the Senate.

Mr. MANN. Mr. Speaker, I wish the gentleman from Texas would tell us some of the differences.

Mr. STEPHENS of Texas. Mr. Speaker, I will state that this was a Senate bill. We had a similar House bill pending before the committee. We adopted the House bill. The bill was introduced by Mr. DAVENPORT, the gentleman from Oklahoma, and I will ask that he explain the matter.

Mr. DAVENPORT. Mr. Speaker, the bill has for its purpose the clearing up of the question down there between the Federal and State courts on the one side and the United States Attorney General's office on the other. The act of May 27, 1908, provided that where full-blood Indians inherited lands from deceased allottees the county court, the probate court of the county, having jurisdiction of the estate, should approve the conveyance made by the full blood before it should become valid. The Federal court in Oklahoma and the State court passing upon the question held that if the allottee died before May 27, 1908, and the conveyance was made subsequent to that time, the conveyance was valid, if approved by the county court. The Attorney General of the United States took a different position, and this bill is intended to correct that and clarify the matter so that the titles will be clear.

Mr. MANN. If the gentleman will permit, I remember the bill well. My understanding was the gentleman in charge of the bill at the time the change was made by the House stated it was agreeable to them and to the Senators who were interested in it. Why does it come back to the House with this disagreement to the House amendment as it was passed by unanimous consent with a change that was made and agreed to here?

Mr. STEPHENS of Texas. I can not understand, but the Senate refused to agree to the amendment and asked for a conference.

Mr. DAVENPORT. I was in the Senate at the time and Senator SMOOT suggested that it go to conference and the amendment be presented there.

Mr. MANN. And for the purpose of putting in a new proposition. We understood here and had the right to understand, as so stated by the gentleman, that if the House agreed to the form it was in the Senate was going to agree to it.

Mr. DAVENPORT. I will say to the gentleman I was not on the floor of the House at the time the bill passed and I do not know what the understanding was at the time, but I do know that the amendment offered is an amendment to conform in substance to the act of May 27, 1908, and it ought to be carried in the bill because there should be some authority to approve the conveyances. As it stands it does not require anybody to approve the conveyances and there should be a provision in the bill requiring some court to approve the conveyances before they become valid.

The SPEAKER. The gentleman from Texas moves that the House insist on its amendment and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. STEPHENS of Texas, Mr. GUDGER, and Mr. BURKE of South Dakota.

SALE OF FUTURES IN COTTON.

The SPEAKER. The unfinished business is the bill (H. R. 56) which is being considered under the five-minute rule. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

Be it enacted, etc., That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word "person" shall mean any person, partnership, joint stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

Mr. DUPRÉ. Mr. Speaker, I move to strike out the last word. This is another of the nostrums that legislative quack doctors in and out of this Chamber are seeking to administer to the people from time to time. It is heralded here as a great boon and benefaction to the cotton grower of the South. I venture to predict if by any mischance it should become a law it will prove a worse blow to the cotton industry than even the boll weevil which has devastated our country. One of the cotton exchanges which is sought to be destroyed by this bill is located in my home city. I say the New Orleans Cotton Exchange has been the best friend that the southern farmer has had, and if you destroy it by this bill you make of King Cotton the vassal of Liverpool. That institution, Mr. Speaker, is an honestly conducted institution. It is a legitimate institution. Its methods have been scrutinized by Government authorities and its contracts and general operations have been approved by the present Commissioner of Corporations, Herbert Knox Smith, and I submit to attempt to destroy it by this legislation is a serious mistake. We are told that we should support this bill in the interest of morality and because of a party platform. Well, under the circumstances, with pseudo morality and blanket party platforms on the one side and the Constitution of the United States on the other I choose to take my stand with the Constitution. This bill is distinctly in the teeth of the Constitution. Any man who has read the case of Leland and Ware in Two hundred and ninth United States, decided less than five years ago, must come to the conclusion that it is violative of the fundamental law.

The object of the legislation is pernicious, the bill itself is unconstitutional, and I shall certainly vote against it. And in this connection I ask to read the following excerpt from a telegram received to-day by me:

The cotton producers have had enough adversity to contend with without being assassinated at the hands of their alleged political friends. I want the farmers—the ones who make the cotton, not the ones who make the speeches—to be fully advised of the economic significance of this legislation in order that they may fix responsibility should calamity unhappily befall.

Mr. BURLESON. Whom is the telegram from?

Mr. DUPRÉ. It is from W. B. Thompson, with whom you are well acquainted.

Mr. BEALL of Texas. Of the New Orleans Cotton Exchange?

Mr. DUPRÉ. Formerly president of the New Orleans Cotton Exchange; yes.

I herewith insert the telegram of Mr. Thompson, to which I have referred heretofore in part. The telegram is as follows:

Hon. H. GARLAND DUPRÉ,
Washington, D. C.:

The Beall anticotton futures bill, if enacted, will strike southern prosperity the severest blow it has sustained in many years. It is admitted that some regulation of future trading is needed, but the bill in question is drastic and destructive. To informed or open minds it has been demonstrated that the proposed legislation would prevent American merchants from hedging their spot purchases and sales, and would destroy the American contract exchanges. The inevitable results of such conclusion would be, first, to deprive the cotton producer of the multitude of small competitive markets and buyers which now purchase crop, and in consequence summarily lower the price of cotton; and, secondly, to place the price-making power unreservedly in the hands of a combination of foreign buyers and spinners, who would unquestionably fix it low. I have no interest in the matter except as a citizen of the cotton-producing country who wants to see the commodity bring the highest legitimate price. I have made an earnest study of this question, and I can, with some claim to authority and with the support of absolute conviction, warn the advocates of this bill that if they make it a law they will legislate directly against the price of cotton, and consequently against the welfare of the South. The cotton producers have had enough adversity to contend with without being assassinated by the hands of their alleged political friends. I want the farmers—the ones who make the cotton, not the ones who make the speeches—to be fully advised of the economic significance of this legislation in order that they may fix responsibility should calamity unhappily befall.

W. B. THOMPSON.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes.

Mr. HEFLIN. Mr. Speaker, I have listened with interest, as I always do, to my friend the able Member from Louisiana [Mr. DUPRÉ]. I do not agree with what he has said. The exchange may be good for some of his constituents—those who operate it. The cotton exchanges as operated to-day are very injurious to the cotton producers that I represent, injurious to every cotton producer in the United States.

This bill is in the interest of fair play. It is for the purpose of requiring cotton exchanges to perform their rightful

and legitimate functions in the cotton world. What is the purpose of the cotton exchange, or should be the function of the exchange? It should benefit the producer of cotton. It should help to sell and distribute the cotton crop. Does it do that now? No. Mr. Speaker, as conducted to-day it utterly fails to do that. It deals in a fictitious stuff called cotton, and sells that stuff in unlimited quantities and real cotton is injured by these sales, because real cotton is not required to settle the contracts. They use the word "cotton" in their contracts, but they do not deliver cotton on their contracts. They have no cotton. They do not want any cotton, for it does not require cotton to do the kind of business that they do.

Mr. Speaker, I characterized once before this dealing in cotton as a "dummy performance." A gentleman illustrated to me what he meant by a "dummy saloon." He said, "They sell whisky on Sunday, but in order to sell a drink of whisky they must serve a sandwich with each drink, a sandwich composed of two slices of bread with one piece of red meat in the middle. The bartender discovered that instead of having to go to the baker and butcher for bread and meat he could have some wooden sandwiches painted like brown bread with a red slice painted like meat in the middle; and on Sunday he would put the sandwich on the table when a man would order a drink. In this way these wooden sandwiches were served over and over to thousands of men."

That is the way they do on the cotton exchange. They keep the same old dog-tail cotton and serve it with contracts on which they expect a settlement in money and not in cotton. The man who bought the dummy cotton contract on the exchange did not want the stuff sold him any more than the fellow who bought the whisky wanted the dummy sandwich. They put this exchange cotton back and serve it to you, and to you, and thousands of others. They settle the difference in dollars and dimes. No cotton is demanded, and the farmer is outraged and outlawed by this awful practice. The Scripture tells us that if you sow the wind you will reap the whirlwind. I wish to say that the cotton exchange sells the wind and the cotton farmer reaps the whirlwind. [Applause.] Mr. Speaker, this open and notorious gambling in cotton is the greatest evil that the cotton producers have to contend with. [Applause.]

Mr. DICKSON of Mississippi. Mr. Speaker, I shall support this bill for more reasons than one. I have some acquaintance with the cotton business. I have been all my life a cotton producer. I have been a compress man. I have partly owned, I presume, one of the largest ginneries east of the Mississippi River. I have bought and sold cotton for domestic and foreign accounts, and, also, I have climbed that tree of knowledge which so many have climbed, and I have done some apple eating long ago.

If there is any good in those unbridled institutions—the so-called exchanges and bucket shops—it remains for me to discover it. I have before me some figures here that are somewhat astounding. I find that the city of New Orleans some few years ago—the nearest I could get, because as you know, they no longer publish daily the number of bales sold, either spot or future—received 2,296,971 bales of cotton. At the end of the season it had left only 31,96. bales. The city or port of Galveston received 3,891,695 bales and had 30,820 on hand at the close of the season; the city of Savannah 1,668,633 bales, and it had left only 8,596 bales.

It remains for me to recite a problem for mathematical calculation that I would like to have solved by some Member of this House. The same year the port of New York received 23,108 bales. It sold 90,000,000, and at the end of the season it had left over 169,975 bales—receiving 23,298 and having left over 169,975 bales.

There is no planter, no farmer, who objects to any institution—not a so-called exchange, but one of legitimate purpose and action—for the exchange of cotton. It is for that purpose that they are presumably in existence. If I have a thousand bales and you have the money, you being a spinner and I being a producer, it is perfectly legitimate for you by wire or any other means (which this bill does not prevent) to negotiate a transaction through a broker or in any other way to accomplish the end desired.

But how is it with the usual practice—of some of these institutions, at least? There is no intent or purpose attached to the supposed negotiation when made. As long as Mr. Jones could stand up and say, "I buy," and Mr. Brown could muster his forces and say, "I sell," there stood the producer and the manufacturer confounded in mind, confused, knowing not what the result might be, knowing that in some cotton exchanges, and especially the latter one referred to a moment ago, the transactions carried on were in no sense bona fide, but represented only that instinct of gambling which so largely prevails in the human race. I say "gambling" with no invidious reference to anyone who, consciously or unconsciously, is doing this great injustice to the people who raise this great staple, but, nevertheless, my friends, it is nothing but gambling.

In some of the institutions mentioned the vast volume of cotton received and the small amounts remaining at the close of the season but indicate the sincerity that prevails; and the millions of bales by them or through them as a medium disposed of lend to a great degree the sentiment of approval in the transactions which are consummated through them as a means of bringing the consumer and the producer together for the exchange of cotton and not wind. [Applause.]

It was once said by a distinguished friend of mine in my native county that you could not spin wind. There are men on the cotton exchange to-day, I doubt not, who have never seen one bale of cotton unless it was some first bales shipped from somewhere—a premium bale, the first gathered for the season—who would not know a package of that staple if they met it in the road. Yet these meet around the ring in this exchange, and one says, "I bet that such and such a month will bear a middling price of so much." The other accepts the challenge and bets that it will not be worth that much. That is called one selling and one buying. Upon this is predicated largely, in the cotton world, the price of that great staple for that day.

Thus these speculators by themselves are dominated by a sole opinion obedient to the gambling instinct which in them lies, and whichever can marshal the strongest force of siders and abettors dominates the market in put and call regardless of the existence of the material substance itself. During these transactions not one fiber more or less is brought into existence or is destroyed in earth, yet we see as a result the property which belongs to others emasculated in price and the hardships resultant from these transactions brought to the homes, the firesides, the schools of this land which educate and erect the standards of civilization in the youth of the land, and poverty and woe is the heritage of him who in the sweat of his brow produced these commodities and he must bend beneath the burden which the heartlessness of these transactions heaps upon his shoulders, requiring him, Atlaslike, to bear the onus of America's commercial world to a great extent.

I am likewise in sympathy with our brethren North and West engaged in the grain business, who are made the victims of avarice and are held beneath the heels of those whose greed for gain and gold admits no conscience into the temple of their souls nor sympathy for those who toil that they may reap. I shall vote with my brethren of the West when their bill, identical with the one which is pending, bearing the name of my friend BEALL of Texas, is presented, and with voice and influence will, to the extent of my ability, promote the accomplishment of all that their measure demands and needs.

To give an illustration of the unsettled and unsettling conditions attaching to these fictitious market values by gambling made, I recall in 1894 or 1895, in the month of January or February, July cotton about the ring sold and fluctuated from 17.55, then 13.02—$20 a bale in a single month. But when July came cotton sold at 10.18, a difference of $37.50 a bale. Yet the hand and wand of no magician had snatched from existence one single bale nor with a magic of mystery had taken from existence and being one fiber of cotton. In the six or seven months' speculation they had taken from him who toils and exchanged the locus of the value thereof to the pocket of him who, in Scriptural language, "toils not, neither does he spin."

This commodity did not belong to them—neither to him who sold nor to him who bought. It belonged to him who produced it and on which he predicated his hopes for physical existence, for the education and maintenance of family and fireside. Can there be justification therefor? I think not.

Thus this cotton, this dog-tail, this spook cotton, raised on Kirk Alloway farm, stands ever as a menace to the true merit of that staple which alike shelters the bodies of mankind and adorns the human race.

When our friend says on the exchange to the other, "I will sell," and the other says, "I will buy," what substance is there to put up, either to be bought or sold? It is a barter of opinion, pure and simple. It is a bet against time and tide, wind and weather, by those who, like the child of fortune, homeless and wandering, floating upon the face of circumstance, aimlessly drifts on the sea of luck. The world is no gainer, whichever wins; the world receives no increment of value as the result of the transaction with him who has lost.

But, on the other hand, the spinner, by a large majority, objects to this modus operandi; there is no basis for his calculations. He knows not to-day what to-morrow will bring forth, though the quantity of cotton in existence may be approximately certainly known. The farmer knows equally as little and consequently is the sufferer, for in the hazard and risk of these processes of gambling the spinner buys with a margin to secure

the risk of a probable loss, and the farmer stands that subtraction from the sum of his efforts through that year.

If these fictitious transactions did not exist and the media for their promotion included not the assistance of the great mail and other facilities for the transmission of information and the abolition by force of law of all transactions that carried not with them the intent to fulfill, the spinner would receive that which he needs to spin and weave—not money—and the farmer would transfer for a legitimate price, placed upon the basis of supply and demand, and receive recompense for his labor without sustaining the speculative world in fiction and fancy as he leans upon his hoe, which, phantom like, follows him from furrow to home, guards him through the night with haunt and dread that poverty result, and from the transactions about these rings of delusion will drive his progeny from school, the sheriff to his door, and himself to an earlier grave.

I have no objection to a legitimate exchange where cotton can be exchanged from producer to consumer. I would not thwart one transaction or effort upon the part of these institutions where honesty of intent and purpose lie behind every transaction, for it is not necessary in the legitimate exchange of commodities between men that either must suffer. Frequently it is beneficial, and oftener than not in the transactions of trade both parties thereto are beneficiaries. He who has the command of the commodity indeed needs the consumer's money. The consumer has the money, but needs the cotton, the wheat, the grain, the rye, and getting it his mills roll on, his business flourishes; he has profited, as has the man "who leans upon the hoe" and gazes upon the ground.

In a hearing before the Agricultural Committee a few years ago, and I quote this from some remarks submitted by Judge SIMS of Tennessee, in whose good judgment I have great confidence, and whose integrity all men recognize, in a colloquy with Mr. MACCOLL, then the president of the New England Spinners' Association, asked the following question:

Mr. SIMS. I would like to have you define what you mean by the term "speculation."

Mr. MACCOLL. I think that it is very well understood that there is a large number of people connected with the speculation in cotton, raising and depressing the price.

Mr. SIMS. Professional operators?

Mr. MACCOLL. Yes.

Then again, he says:

Mr. MACCOLL. My opinion is that the spinners of this country have used the future market to a very small extent. Lately they have been forced to use it more, but they have not used it to any large extent in years gone by.

Further, and I call strictly your attention to this:

Mr. MACCOLL. There are thousands and thousands of manufacturers who have never bought a bale of futures.

Mr. SIMS. Is it not a fact that the speculators are divided into bulls and bears and that the effect of their operations is nil?

Mr. MACCOLL. If there is no evil in it, it is not worth while for us to waste time about it. We think it has been a tremendous evil in the last three or four years.

Thus, Mr. Speaker, with the president of the great association of spinners of America, with the great mass of thousands multiplied of producers of cotton opposing the fiction in the trade, opposing gambling in the fleecy products of the fields of the South, what else is left for us to do? With only those about the cities, adorned by the towering palaces of America's wealthier classes, clamoring for the continued existence of these life-stealing and heart-breaking institutions in nefarious business engaged, I say there is not contained here anything which in good conscience would prevent my casting my ballot in favor of this measure.

This bill seeks to destroy no cotton exchange, it seeks to interfere with no legitimate transaction where the integrity of intent and purpose are unquestionable for the delivery of the commodity bought and the commodity sold, but it aims to strike down that burden which tends to destroy the value of the world's greatest fiber product. Sixty-six and four-tenths per cent of the cotton of the world is raised in America. The balance is scattered in almost all civilized lands. British India, with the assistance of the imperial treasury of England, raises only 14.9 per cent of the remainder. Egypt, under the domination of Great Britain, produces 6.5. Russia, stretching from Persia to the Arctic, from the city of St. Peter to the Peaceful Sea, produces only 3.1; Brazil, 2.2; and all other lands 2.6 per cent. And yet we, holding a monopoly by reason of conditions climatic, latitudinal, and the peculiar consistency of our soils, propose to permit the destruction of the value of this great commodity, whose tiny fiber binds in indissoluble union the commerce of this country with that of all nations of earth, and the value of which, whatever it may be proclaimed, is written in every language the globe about expressive of value.

Therefore I, for one, Mr. Chairman, am opposed to my Government, directly or by indirection, affording any aid or comfort to those who would strike it down by act of law or the deed of the lawless, and I am opposed to seeing any function of our Government being made a medium of aid and comfort to those who destroy the intrinsic value of that commodity to express the worth of which I could name the entire budget of the Nation almost and write it in letters that would be expressive of a billion dollars. [Applause.]

Mr. RUBEY. Mr. Speaker, I move that all debate on this paragraph close in five minutes.

Mr. FOSTER. Make it close now.

Mr. RUBEY. Then, Mr. Speaker, I will move that the debate on this paragraph close now.

Mr. MANN. Mr. Speaker, I would like to speak to a proposition in this paragraph.

Mr. RUBEY. I will make it five minutes.

The SPEAKER. The gentleman from Missouri [Mr. RUBEY] moves that all debate on this paragraph close in five minutes.

The motion was agreed to.

Mr. MANN. The definition provided in the first section of the bill for the word "message," that it shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication, covers a very wide latitude, and certainly it would cover the mail. Section 3 of the bill provides:

That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit that he is the owner of such cotton, and that he has the intention to deliver such cotton.

Under these two provisions of the bill, if a man wants to write a letter proposing to deliver cotton to an actual purchaser in the future, he must file an affidavit with the clerk of the post office, or some one connected with the post office, before the letter can be transmitted.

If he wants to talk across the State line by word of mouth he must furnish an affidavit to the person that he is talking with. How could absurdity run wilder than that? Every provision in the bill is of a similar character. If this bill should ever become a law, regardless of the merits of the proposition, under the form of the bill what it will accomplish will be to prevent legitimate business, while it will still permit to a large extent the real gambling.

I have had this bill analyzed by one of the ablest men in the country connected with exchanges.

Mr. FOWLER. What is his name?

Mr. MANN. And I say upon my own responsibility, after a careful consideration of the bill, that the bill as drawn, in my judgment, will inure rather to the detriment of legitimate business than to the destruction of the gambling business which the gentlemen desire to see.

The SPEAKER. The gentleman from Louisiana withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

Mr. RUBEY. Mr. Speaker, I desire to offer the following amendment.

The Clerk read as follows:

Amend by striking out all of section 2 and inserting in lieu thereof the following—

Mr. FOSTER. Mr. Speaker, the gentleman from Missouri is offering a substitute for this section, and I desire to offer an amendment to the text.

The SPEAKER. Let the substitute be reported, so that we may know what it is.

The Clerk proceeded with the reading of the amendment as follows:

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton, grain, or other farm product without intending that such cotton, grain, or other farm product shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto or any party for whom or in whose behalf such contract is made or acquires the right or privilege to demand in the future the acceptance or delivery of cotton, grain, or other farm product without specifying the grade to be delivered, and being thereby obligated to accept or to deliver such cotton, grain, or other farm product of the grades and quantities specified in said contract, and a settlement of a contract by the payment of a margin shall

constitute prima facie evidence of a violation of this section; and the transmission of any message relating to any such transaction is hereby declared to be an unlawful interference with commerce among the States, Territories, insular possessions, District of Columbia, and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment; and the sending or causing to be sent of such message shall constitute a separate offense.

Mr. MANN. Mr. Speaker, I make a point of order against the amendment offered by the gentleman from Missouri.

The SPEAKER. Does the gentleman from Illinois wish to argue his point of order before the gentleman from Illinois [Mr. FOSTER] offers his amendment?

Mr. MANN. I am willing to argue it any time so that I do not lose my right.

The SPEAKER. The gentleman will not lose his right. The Chair would rather have the whole thing before him at once.

Mr. MANN. If the point of order is made against the substitute it is not possible to offer any other amendment until the point of order is disposed of.

The SPEAKER. The gentleman will state his point of order.

Mr. MANN. My point of order is that the amendment is not germane to section 2 of the bill and is not germane to the bill itself. The present rule is that an amendment must be germane to the bill.

The SPEAKER. From what is the gentleman reading?

Mr. MANN. I am going to read first from Jefferson's Manual, page 240 of the House Manual. Jefferson's Manual says:

Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.

That was the old rule. Paragraph 7 of Rule XVI, page 384 of the manual, says:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The provision of the bill is, first, the title relates to commerce. The bill all through relates to the transmission of messages relating to cotton. Section 2 of the bill specifically provides that it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale of future delivery of cotton without intent that such cotton shall be actually delivered or received.

The amendment by way of a substitute offered by the gentleman from Missouri [Mr. RUBEY] proposes to make the section read "cotton, grain, or other agricultural products," and the question is, Where the bill describes a particular thing, whether it is germane to add to that a general class of objects? There are many precedents on the subject. Page 385 of the Manual says:

In determining whether or not an amendment be germane, certain principles are established.

(a) One individual proposition may not be amended by another individual proposition even though the two belong to the same class. Thus, the following are not germane: To a bill proposing the admission of one Territory into the Union, an amendment for admission of another Territory (V. 5529); to a bill for the relief of one individual an amendment proposing similar relief for another (V. 5826–5829); to a resolution providing a special order for one bill, an amendment to include another bill (V. 5834–5836); to a provision for extermination of the cotton-boll weevil, an amendment including the gypsy moth (V. 5832); to a provision for a clerk for one committee, an amendment for a clerk to another committee (V. 5833).

(b) A specific subject may not be amended by a provision general in nature, even when of the class of the specific subject (V. 5843–5846). Thus, the following are not germane: To a bill for the admission of one Territory into the Union, an amendment providing for the admission of several other Territories (V. 5837); to a bill relating to all corporations engaged in interstate commerce, an amendment relating to all corporations (V. 5842); to a bill modifying an existing law as to one specific particular, an amendment relating to the terms of the law rather than those of the bill (V. 5806–5808).

(c) A general subject may be amended by specific propositions of the same class. Thus, the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory (V. 5838); to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities (V. 5840); to a resolution embodying two distinct phases of international relationship, an amendment embodying a third (V. 5839). But to a resolution authorizing a class of employees in the service of the House, an amendment providing for the employment of a specified individual was held not to be germane (V. 5848–5849).

(d) Two subjects are not necessarily germane because they are related. Thus, the following have been held not to be germane: To a proposition relating to the terms of Senators, an amendment changing the manner of their election (V. 5882); to a bill relating to commerce between the States, an amendment relating to commerce within the several States (V. 5841); to a proposition to relieve destitute citizens of the United States in Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality (V. 5897); to a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the Executive on that subject (V. 5891); to a bill granting a right of way to a railroad, an amendment providing for the purchase of the railroad by the Government (V. 5887); to a provision for the erection of a building for a mint, an amendment to change the coinage laws (V. 5884).

There are various propositions stated in the Manual. If this were a bill in reference to cotton, wheat, corn, and oats, it would be admissible as germane to offer an amendment including some other object; because where you provide for a general class or a variety of classes you may add one more, but this bill is directed singly and solely to the subject of cotton, and being directed singly and solely to that one subject, an amendment proposing one other subject is not germane under the rules, and an amendment proposing a class of other subjects is not germane under the rules, as I have cited the precedents.

The amendment offered by the gentleman from Missouri proposes to add one other class and then proposes to add a general variety of classes, making it inimical to the rulings in both particulars.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. On which side of the question is the gentleman from New York?

Mr. FITZGERALD. I am on the other side. I wish to speak in behalf of this amendment being in order under the rule.

Mr. MANN. I will reserve my point of order if anybody desires me to.

Mr. FITZGERALD. I wish to discuss the point of order.

Mr. MANN. The gentleman can do both, as far as I am concerned.

Mr. FITZGERALD. I contend that the amendment offered by the gentleman from Missouri is in order under the rule.

The gentleman from Illinois has referred to a number of decisions which I do not question, but which do not apply to the particular case now before the House. Many of them refer to amendments which were offered to paragraphs in appropriation bills, when it was held that as to a particular paragraph in an appropriation bill specifically restricted to a certain matter, an amendment to broaden the scope of that paragraph was not in order.

This is a bill "to prohibit interference with commerce among the States and Territories and among foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States, Territories, and foreign nations." That defines the purpose of this bill, to prohibit interference with commerce among the States by prohibiting the transmission of certain classes of messages; and the classes of messages to be prohibited are the messages that will, under the terms of the bill, interfere with commerce among the States.

In considering and determining whether an amendment be in order to a bill of this character, the primary purpose of the bill must be taken into account. What is the purpose of this bill? It is to prohibit interference with commerce among the States and Territories by prohibiting certain classes of messages. Authority exists for the proposition that I assert, that that being the primary purpose of this bill amendments to carry out that purpose are germane to the bill and in order. I have an authority that is as clear and as applicable to this bill as it is possible to be. I refer to section 5909, page 483, Volume V, Hinds' Precedents:

5909. To a bill providing for an interoceanic canal, specifying a certain route, an amendment providing for another route was held to be germane. On January 9, 1902, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 3110) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans when Mr. Richard W. Parker, of New Jersey, proposed an amendment providing for a canal across the Isthmus of Panama.

Mr. OSCAR W. UNDERWOOD, of Alabama, made the point of order that the amendment was not germane, because, while the bill provided for a canal at Nicaragua only, the amendment provided also for a canal at another place. After debate, the Chairman said:

"The subject matter of this bill—the enterprise upon which the House has entered—is, in the language of the bill—

"'To construct a canal to connect the waters of the Atlantic and Pacific Oceans.'

"The Chair is of the opinion that that is the purpose of the legislation sought; that the question of location is wholly a subordinate one; and that it is perfectly competent for Congress to reject one location and to adopt another. For instance, suppose it was a question of the building of a house for the purpose of storing the records of the Government, and a bill was introduced to locate it on a certain square in this city. Can anybody doubt that the proposition might be amended so as to locate it upon another square?"

The subject matter of the pending bill is to prohibit interference with interstate commerce, and the House has the right to reject one class of messages prohibited and to prescribe another, or to add to or subtract from the class of messages recommended by the committee. In the language of the decision the purpose of the bill is to prohibit interference with commerce, and the character of the messages sent is wholly subordinate. It is more effectively to prevent the interference with interstate commerce than is set out in the bill that the amendment of the gentleman from Missouri is offered.

I desire to call attention to another decision. I refer to section 5919, page 487, Volume V, Hinds' Precedents:

5919. An amendment on the subject of renovated butter was held to be germane to a bill relating to "oleomargarine and other imitation dairy products." On February 11, 1902, the Committee of the Whole House on the state of the Union were considering the bill (H. R. 9206) to make oleomargarine and other imitation dairy products subject to the laws of the State or Territory into which they are transported and to change the tax on oleomargarine, when Mr. Henry D. Allen, of Kentucky, proposed the following amendment:

"Sec. 4. That the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made from time to time and at such times as he may deem necessary, of all factories and storehouses where butter is renovated; and all butter renovated at such places shall be carefully inspected in the same manner and to the same extent and purpose that meat products are now inspected. The quantity and quality of butter renovated shall be reported monthly. All renovated butter shall be designated as such by marks, brands, and labels, and the words "renovated butter" shall be printed on all packages thereof, in such manner as may be prescribed by the Secretary of Agriculture, and shall be sold only as renovated butter. Any person violating the provisions of this section shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than $50 nor more than $500 and imprisoned not less than one month nor more than six months.

"The Secretary of Agriculture shall make all needful sanitary and other rules and regulations for carrying this section into effect, and no renovated butter shall be shipped or transported from one State to another or to foreign countries unless inspected as provided in this section."

Mr. James A. Tawney, of Minnesota, made a point of order that the amendment was not germane.

After debate, the Chairman said:

"The Chair is of the opinion that it is germane, although it is questionable as to whether the jurisdiction is obtained over the proposition without any taxation being connected with it. But the question being one of imitation butter, the Chair is of opinion that this section is germane."

The SPEAKER. The Chair would ask the gentleman from New York a question respecting the decision rendered by Judge Lacey, of Iowa, to which the gentleman from New York has just referred. Was not the reason he came to make that ruling that the bill purported to treat of oleomargarine and other imitations of butter products, and under that phraseology "other imitations of butter products" did he not render that decision respecting renovated butter?

Mr. FITZGERALD. Well, I am not sufficient of a farmer to know exactly, but I believe I understand that renovated butter is not exactly an imitation but a product.

Mr. ROBINSON. The gentleman limits his farming operations to cotton.

The SPEAKER. The Chair would ask the gentleman from New York whether or not Mr. Chairman Lacey did not make renovated butter germane because the language of the bill itself says "oleomargarine and other imitations."

Mr. FITZGERALD. I think he was following the authority to which I have called attention, where the bill proposed to construct a canal to connect the Atlantic and Pacific Oceans, which was before the House.

The SPEAKER. The Chair will ask the gentleman from New York as to that. What was the subject matter of that decision which Gen. Grosvenor rendered? Was it in regard to building the canal from the Atlantic to the Pacific or the place where it was to be built?

Mr. FITZGERALD. Well, he held, as I have called the attention of the Chair to the fact, that the primary purpose was building a canal to connect the two oceans, and that the location was subordinate. The primary purpose of this bill is to prohibit the interference with interstate commerce and——

The SPEAKER. The Chair would like to ask the gentleman a question right there. Is not the title of this bill itself contradictory and misleading?

Mr. FITZGERALD. No; I am about to call the attention of the Chair to another important fact. The bill before the House is H. R. 56. Now, I call the attention of the Chair to the bill H. R. 18323, the title of which is "a bill to prohibit"—and if the Speaker will read the title of the bill he has in hand he will find that there is absolutely no difference—

A bill to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

The title is identical with the title of the bill which the Speaker has in his hand and which is pending in the House, and the purpose of that bill—18323—is to prohibit interference with commerce among the States and Territories, and the subordinate purpose, as set forth in the bill, is to prevent messages being sent which affect certain contracts for the purchase or sale for future delivery of wheat, corn, or oats. It is clear, the two bills coming from the one committee, that the primary purpose of both bills is to prohibit or prevent interference with commerce between the States, and that the commodities affected are subordinate to the primary purpose of the bill, or rather, the two bills considered by the same committee and reported from the same committee purporting to accomplish the same purpose.

Mr. CANNON. Will the gentleman allow me?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. CANNON. Which bill is under consideration at this time?

Mr. FITZGERALD. House bill 56.

Mr. CANNON. Is that the one about cotton?

Mr. FITZGERALD. Yes.

Mr. CANNON. Then there is one on the calendar, or before the committee, about corn, wheat, and oats?.

Mr. FITZGERALD. Yes.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MADDEN. If the purpose of the bill is as stated by the gentleman from New York [Mr. FITZGERALD], how does the Committee on Agriculture get the jurisdiction of it?

Mr. FITZGERALD. That is not material, for the reason that as it is a general bill, the committee having reported it the question of jurisdiction can not be raised. The gentleman knows as well as I do the jurisdiction of the committee under the rules.

Mr. MANN. Will the gentleman yield in that connection?

Mr. FITZGERALD. Yes.

Mr. MANN. The bill was referred to the Committee on Agriculture by the Speaker in both cases. If the Speaker had considered that the main subject was interstate commerce, would he not have referred the bill to the proper committee, considering it was relating to agricultural products——

Mr. FITZGERALD. I think the Speaker did what any other occupant of the chair would have done. For a number of years identical bills have been introduced in this House, and under the régime of the friends of the gentleman from Illinois, for one reason or another, I have never been able to determine just what, they were sent to the Committee on Agriculture, and under the well-established practice of the House that having been done, and not challenged and not objected to, and that

committee having considered and reported the bills in the ordinary course of events, the following Speaker would naturally, there having been no change of the rules, send the bill to the same committee. I believe any other course would have subjected the Speaker to criticism

Mr. MANN. Nobody is criticizing the Speaker. He referred the bill correctly. The principal subject is not commerce. The principal subject is transactions as to agricultural products.

Mr. FITZGERALD. Mr. Speaker, that is the argument I made the other day, to the effect that these messages did not constitute interstate commerce, and I did not know at that time that the gentleman had assented to my position. Of course, if my contention be correct, as it now seems the gentleman from Illinois agrees, this bill is not constitutional.

Mr. MANN. We are both opposed to the bill.

Mr. FITZGERALD. The Speaker sent these bills to the Committee on Agriculture, I assume—I have not asked why or conferred with him—because for a number of years similar bills have been introduced in the House and have been sent to that committee, hearings have been held by that committee, and members of that committee were supposed to be more familiar with the subject than the members of the committee over which the gentleman formerly presided.

Mr. LEVER. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. LEVER. I desire to call the gentleman's attention to the fact that the oleomargarine act, placing a tax on oleomargarine—a bill proposing to raise revenue—which, by right, ought to have gone to the Ways and Means Committee, went to the Committee on Agriculture.

Mr. MANN. The gentleman holds that the object of the bill was to raise revenue?

Mr. FITZGERALD. We have to recognize that certain bills have to go to certain committees because of reasons over which the Speaker has no control. Nobody pretends to question the propriety of the reference, and it does not help out the question as to whether this amendment is in order or not. The primary purpose of this bill being to prohibit acts which it is contended are in interference with commerce between the States, and the same committee having reported two bills with the identical title, one covering a matter that is now before the House and the other covering the commodities to be affected by the amendment now pending in the House, it seems to me there can be no question whatever. The amendment must be germane to this bill.

Mr. LONGWORTH. Just a word in that connection. I would like to call the Speaker's attention to the statement of the committee as to the purpose of this bill.

The SPEAKER. Does the gentleman refer to H. R. 56?

Mr. LONGWORTH. H. R. 56. The only statement in the report as to the purpose of the bill is this statement, which I will read to the Chair:

> The purpose of the bill is to restrict, so far as may be, those transactions on the cotton exchanges of the country which are recognized as dealing only with the fluctuations in the price of cotton and which do not involve the actual transfer of the commodity.

That is the statement of the committee itself with regard to the purpose of the bill.

Mr. MANN. One word, Mr. Speaker. We had a question very similar to this in the House only a few days ago, when the bill providing for the creation of the department of labor was under consideration in Committee of the Whole last Wednesday. I then offered an amendment to that bill, providing for the appointment of a commission to study subjects provided for in the bill itself in cooperation with the department of labor. The gentleman from Alabama [Mr. UNDERWOOD] made the point of order that the amendment which I offered was not germane to the bill. While I thought the Chair was erroneous, the Chair held that although the two matters related to the same subject, yet the amendment providing for the appointment of a commission was not germane to a bill providing for the creation of the department of labor, and ruled the amendment out of order.

I will not take the time of the Speaker to discuss the cases cited by the gentleman from New York [Mr. FITZGERALD]. They are all referred to in the manual in connection with the cases which he cited; and the cases which he cited, in my judgment, have no relation to the subject now under consideration.

Mr. RUCKER of Colorado. Mr. Speaker, just one word. I have heard a great deal of lore upon precedents in this House concerning this matter. Now, this is a subject sui generis. The question here is not whether it is a product of the soil so much as it is a question of gambling in the future products of the soil. Therefore——

The SPEAKER. Is that the question or not?

Mr. RUCKER of Colorado. I think that is absolutely the question. Both bills here aim at the same proposition.

The SPEAKER. The Chair knows that; but the House at the present time has nothing to do with that second bill that the gentleman from New York cited.

Mr. RUCKER of Colorado. Well, I want to say in regard to that, Mr. Speaker, the illustration that has been given here concerning whether it was a bill in behalf of one man, and therefore an amendment would be in order in behalf of another, does not apply in this case at all, because this is a subject relating to the question of a production of the soil, and cotton is one and grain is another. There surely can be no question between us that there should be any disrelation between the two.

Mr. FITZGERALD. Mr. Speaker, I wish to add one observation, if I may. If the bill H. R. 18323 were pending, which covers wheat and oats and corn, and an amendment were offered to insert the word "cotton," no man in this House would seriously contend that that amendment was subject to a point of order because not germane.

The SPEAKER. No; he would not if he had ever read the decisions. He would not contend it for half a second. It would undoubtedly be competent to offer to that bill that the gentleman refers to an amendment to insert the word "cotton."

Mr. FITZGERALD. Then, Mr. Speaker, it would be very extraordinary if one bill is germane to the subject matter of another and that one in turn not germane to the bill germane to it.

Mr. MANN. Mr. Speaker——

The SPEAKER. The Chair is ready to rule, and does not want to hear any more arguments about it. [Laughter.] The Chair did not mean to be discourteous at all. If the Chair chose to do so, he could find precedents in the action of eminent Speakers whereby he could submit this question to the House and dodge it. Mr. Speaker Blaine, one of the greatest men who ever occupied the Speaker's chair [applause], did that on more than one occasion [laughter], and the Chair has one of the precedents right here before him now. But the Chair is not going to do anything of the sort. The Chair had two or three hours' notice that this question would probably be raised, and the Chair went to work and examined all the precedents, and they all run one way. It does not make any difference what the Chair wants about this bill or what anybody else wants. The only thing for the Speaker to do is either to follow the precedents or to upset them and make a new one. With the merits of the bill he has absolutely nothing to do in ruling on the point of order.

The parliamentary situation is this: The gentleman from Missouri [Mr. RUBEY] offers a substitute for section 2 of the bill, by which substitute he proposes to add wheat, corn, and so forth, to the bill. The proposition, whether brought in as an amendment or in a motion to recommit, which is the same thing precisely, must be germane.

Now, it has been held, with reference to the last suggestion made by the gentleman from New York [Mr. FITZGERALD] that if the other bill—that is, the one treating of futures in wheat, corn, and several other subjects—were pending here, which is general in its character, then we could add to it by way of amendment the item of cotton. There is no question whatever about that, if we pay any attention to the precedents. It has been held, for instance, that if a bill were pending to admit one Territory into the Union as a State we could not add another as an amendment; that situation would be identical with the present situation; but when the proposition was turned around, and there was a bill that proposed to bring more than one Territory into the Union as States, then we could add another Territory to that bunch. All of the decisions run in the same direction. Right or wrong, that is the substance of all the decisions, and there are many of them.

Now, let us apply these precedents to the case before us. What is the subject matter of the section to which the gentleman from Missouri [Mr. RUBEY] is offering an amendment by way of substitute? And what is the subject matter of this bill? The Chair expresses his own opinion, independent of this report, that the only thing talked about or treated in this bill is the question of dealing in cotton futures. The committee must have known what it was up to, or thought it did, when it presented this report. Here is a paragraph from the report:

> The purpose of the bill is to restrict, so far as may be, those transactions on the cotton exchanges of the country which are recognized as dealing only with the fluctuations in the price of cotton and which do not involve the actual transfer of the commodity. It does not seek to prohibit or to interfere with a single legitimate transaction in cotton.

And so forth.

The precedent that comes nearest to supporting the contention of the gentleman from New York [Mr. FITZGERALD] is one about renovated butter. The title of the bill under consideration then was in reference to "oleomargarine and other imitation dairy products." Evidently the distinguished gentleman from Iowa, Mr. Lacey, who happened to be in the chair at that time, let this amendment about renovated butter come in under the words "imitation of dairy products," because I know enough about butter—and most of the Members of this House do, especially those from the rural districts—to know that renovated butter is essentially an imitation of butter.

The decision which Gen. Grosvenor rendered about the canals was a correct decision, and if I had been in the chair I would have decided the same way myself. The question then under consideration was building a canal to connect the waters of the Atlantic and the Pacific, and the fact that the original bill referred to the Nicaragua route and the amendments proposing the Panama route were mere incidents.

In one case Mr. Speaker CANNON rendered a decision which is in point here. There was a proposition pending in the House to appropriate money to get rid of the boll weevil, and the gentleman from Massachusetts [Mr. GILLETT] offered an amendment to appropriate money to get rid of the gypsy moth. Speaker CANNON ruled that one proposition had nothing to do with the other.

The matter in controversy here is cotton and cotton futures, and nothing else, and the point of order made by the gentleman from Illinois [Mr. MANN] is sustained.

Mr. FOWLER. Mr. Speaker, I offer the following amendment to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Amend the bill by striking out the word "cotton" wherever it occurs in section 2 of the bill and substitute the words "agricultural products."

Mr. MANN. I make a point of order against the amendment.

The SPEAKER. The point of order is sustained.

Mr. FITZGERALD. Mr. Speaker, I move to strike out the word "cotton" where it occurs in line 20, line 25, and line 1 on page 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Amend by striking out the word "cotton" where it occurs on page 2, lines 20 and 25, and also on line 1, page 3.

Mr. FITZGERALD. Mr. Speaker, there was sufficient room for difference of opinion on the point of order raised to make me acquiesce in whatever decision the Chair made. The Speaker said that it would be easy to find authorities leading one way or the other. I do not find fault with the Chair for deciding the question in the manner in which he did in view of the authorities. But if this House desires to make this bill apply to wheat and corn and oats and other farm products, it can do so without violating the rules of the House and without asking the Speaker to make a ruling which would be in defiance of his honest judgment.

The adoption of the amendment which I offer will take from this section the word "cotton," and that being out of the section it would not be possible to hold that this section would apply only to cotton. It would then be in order to insert in proper places the words "cotton, wheat, corn, or oats."

Mr. RUCKER of Colorado rose.

Mr. FITZGERALD. I can not yield, for I have only five minutes. It is a perfectly proper and legitimate procedure. It will enable this House under its rules, which I have always contemplated were sufficiently liberal to enable the House to do what it wishes if it knows what it wishes and knows how to do it, to do what apparently is the desire of the great majority of the Members of the House. If this amendment be adopted, I shall offer an amendment to insert "wheat, corn, oats, cotton, and other farm products," and I shall test the sincerity of the Members of the House in this manner by giving them an opportunity to record themselves on this amendment as a preliminary step under the rules of the House so to broaden this bill that it will cover other commodities and similar transactions, which are just as offensive to morals and just as detrimental to business as the same transactions are claimed to be with reference to cotton.

Now, Mr. Speaker, it is not necessary to strain the rules; it is not necessary to make rulings that can not be justified under the precedents to do what is desired. It is easy to accomplish legitimately what I assume the House desires.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HENRY of Texas. If the Committee on Rules would bring in a rule making in order the consideration of the bill with reference to wheat, corn, oats, and so forth, would the gentleman from New York help us to put the bill through?

Mr. FITZGERALD. Does the gentleman mean if I would vote for the bill?

Mr. HENRY of Texas. Yes.

Mr. FITZGERALD. I could not vote for it honestly. I do not intend to deceive anybody about my position on these two bills. They cover the same transactions in different commodities. Why the committee segregated cotton from the other products I do not know. Why the committee did not include them all in one bill I do not know. The people in the section from which I come are affected as much by one as the other. They have exchanges of a similar character upon which all of these commodities are dealt in, and it seems to me that gentlemen should not attempt to single out one class as victims of this legislation and let the others go free. I wish to eliminate the abuse in these transactions wherever they may be, but I do not wish to destroy legitimate business. As I have heretofore given my reasons for believing the bills in contravention of the Constitution, I can not vote for either one.

Mr. HEFLIN. Mr. Speaker, I was about to say a moment ago that the hearings before the Committee on Agriculture disclosed the fact that neither the president of the New York Exchange nor the president of the New Orleans Exchange knew how many bales of cotton were actually handled on these exchanges in a single year. We asked these gentlemen, "Do you know how many bales of cotton are delivered on contracts made on your exchanges in one year?" and they answered that they did not. We asked them, "Do you know what percentage of the contracts made on your exchange in a year is fulfilled?" "I do not," came the answer from both exchanges. Then Mr. BEALL said, "Is there any way to get at that?" "I know of no way," said Mr. Nevill, of New York, "except showing our books, and I would not do that."

So, Mr. Speaker, the House has some idea now of what kind of a skin game the cotton producer is up against. The gentleman from Mississippi [Mr. DICKSON] has shown you that the New York Exchange in one year, in 1895 or 1896, when they were required to keep a record, received 23,000 bales, sold 90,000,000 bales, and had 169,000 bales left out of a crop of 10,000,000 bales. [Laughter and applause.]

I can not account for that cotton miracle except upon the reverse of the process employed by the bees in packing honey in the bee gum of old man Thornton in my district. He said, "I had a five-gallon bee gum and we robbed it the other day and got seven gallons of honey and two and a half gallons of honeycomb." Flue Busbee said, "Uncle Jake, you just said that it was a five-gallon gum," and he replied, "By gosh, bees are the out-packinest things you ever seen in this world." [Laughter.]

So, Mr. Speaker, we have these slick-fingered artists of the exchange treating us to a genuine cotton miracle. Nobody but an exchange member could sell 90,000,000 bales of cotton out of a 10,000,000 crop. [Laughter and applause.] It takes the cotton producer of the South 12 months to make a cotton crop of 12,000,000 bales, but these gentlemen on the exchange can, in a few nights with a few chalk marks, make 500,000,000 bales. [Applause.] We have this mysterious and miraculous cotton in competition with actual cotton. One of the gentlemen in the hearings, Mr. Patteson, of Memphis, said that he dealt in manufactured feed stuff. When asked to whom he sold he said to everybody, from the man who wants 1 bushel to the man who wants 50 carloads. I then asked him who fixed the price of his produce, and he answered that he fixed the price himself. And yet gentlemen say, Who will fix the price for the cotton producer if the exchange does not? The cotton producer is denied now the right to say anything about what the price of his cotton shall be. If you take his cotton out of competition with this fictitious stuff, he will have a voice like the wool-grower has in fixing the price of wool, he will have a voice like the hay grower has in fixing the price of hay. As I have said here before, hay and wool have no exchange to fix the price of hay and wool. Why should the cotton producers of the South be compelled to submit to the evils of a gambling exchange? All that I ask at the hands of this House, and I ask it in the name of the cotton producers themselves, is an open market, where real cotton is bought and sold and real cotton is delivered on contracts. [Applause.]

Mr. HARDY. Mr. Speaker, I oppose the amendment offered by the gentleman from New York [Mr. FITZGERALD] if on no other ground than on the old ground that we should beware of the Greeks bearing gifts. We know the purpose of the gentleman is ultimately to succeed in defeating this legislation by one means or another. I favor the bill, and my reasons for favoring it are broad and deep. All legitimate producers are always

and equally entitled to the regard and esteem of the people; the care and consideration of Congress. The fruit grower, the cotton grower, the grain grower produce something and add to the wealth and welfare of the world. The manufacturer, no less than the grain grower or the cotton grower, is a producer, because he also adds to the value of the product and to the wealth and welfare of the world. Transportation agencies are no less producers than diggers of the soil, because they bring to the consumers the products of labor. The merchant is a producer also, because he aids in the distribution of products, a very essential element of their value. The physician is a producer, because he gives strength and health to the toiler. The teacher is a producer, because he trains the mind and body of his brother toiler. The writer is a producer, because he gives mental pabulum for the enjoyment and the mental and moral upbuilding of the human race. The player in the theater is a producer, because he adds to the sum total of the human possessions and enjoyments. So the lawyer, honestly aiding in administering the laws of the country and preserving and protecting the rights of property and of life, is a producer and helps secure the happiness of the whole human race. All these and many others forming the whole body of useful citizenship are entitled to equal consideration and esteem, but there are those who live who are in the class of leeches, who fasten themselves on the body politic and grow fat by sucking the life blood of their victim. They toil not, neither do they spin; yet Solomon, in all his glory, was not arrayed like one of these. They are those who reap where they have not sown, who gather where they have not strewn. If a man must gamble, adding thereby nothing to the sum total of human life or possessions, he had best betake himself to the game of poker. It is fair and even, if played between gentlemen. It is bad enough, but its evil is limited and confined to few. Next to that in objectionable features, perhaps, is horse racing, and that would not be so bad were it not for the throw-offs and the put-up jobs. The Louisiana lottery had its place in the history of our country. It was fair in one respect, in that there was only a certain percentage taken out to pay expenses and large profits. Every ticket holder was given a fair and equal chance to draw a lucky number in the distribution of the prizes left over after the company had taken out its unearned but great percentage of the moneys paid in. We have by law stopped almost all forms of professed gambling—big and small. We have forbidden them at least to be flaunted in the public face.

But this cotton-future gambling is a shell game, pure and simple; it is a bald, barefaced skinning of the whole people.

There is neither justification nor excuse nor mitigation for it, and its place in the economy of this country is that of the gambler who does not give his victim a chance for his life. But being a business in which the constituents of some Members, and worthy Members of this body, are engaged, it finds defenders in this body as any other business would if the welfare of a number of our constituents were involved in it. But if there were no constituents of any Member of this House whose business was substantially the making of a livelihood and growing rich out of this calling, there would be no opposition to this bill to-day. Take away the great cities where stock gambling is rampant—New York, New Orleans, Chicago, St. Louis, and places where men live and thrive upon the losses and desolation wrought by the gambler in the futures of cotton, grain, and other products—I say take away the influences that arise from the industry and there would be absolutely no opposition to this measure. This industry never planted a seed, never spun a thread, never laid a brick, never added a grain to the health, wealth, or welfare of mankind. It is a leech, a vampire, and ought to be killed.

The SPEAKER. The time of the gentleman has expired.

Mr. RUBEY. Mr. Speaker, I move that all debate on this amendment close in five minutes.

The SPEAKER. The gentleman from Missouri moves that all debate on this amendment close in five minutes.

Mr. FOSTER. I move to amend it by making it on this section.

The SPEAKER. The gentleman from Illinois moves as an amendment to the motion of the gentleman from Missouri that all debate on this section close in five minutes.

Mr. HARDY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. That will be done in a moment. The question is on the motion of the gentleman from Illinois.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Speaker, I move to amend by making debate close in 30 minutes.

The SPEAKER. The question is upon the amendment offered by the gentleman from Illinois——

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I would like to inquire whether debate is not already closed on this amendment?

The SPEAKER. Under the rule it is closed if anybody objects to an extension of time.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. How much time is left?

The SPEAKER. There are 29 minutes left.

Mr. MANN. Mr. Speaker, I move to amend the amendment of the gentleman from Missouri by moving that all debate close in 29 minutes.

Mr. FITZGERALD. It will take a quorum to do that.

The SPEAKER. The gentleman from Illinois offers an amendment to the motion of the gentleman from Missouri that all debate on this section close in 29 minutes.

Mr. FOSTER. Mr. Speaker, I think that the gentleman from Missouri made a motion to close debate upon this amendment, and my motion was that all debate on this section close in five minutes, and the amendment which the gentleman from Illinois offers now is not in order to that amendment.

Mr. MANN. The gentleman from Missouri [Mr. RUBEY] offered a motion that all debate upon the pending amendment close in five minutes; thereupon my colleague moved to amend by making all debate upon the section close in five minutes. That was adopted, but the motion has not been put yet upon the motion of the gentleman from Missouri as amended, and that is still subject to amendment.

Mr. FITZGERALD. Mr. Speaker, I offer to amend the amendment of the gentleman from Illinois by striking out "29" and inserting "immediately."

Mr. MANN. Mr. Speaker, I make the point of order against that that it is an amendment in the third degree.

The SPEAKER. The situation about it is that the gentleman from Missouri [Mr. RUBEY] moved that all debate on the amendment offered by the gentleman from New York close in five minutes. Then the gentleman from Illinois [Mr. FOSTER] offered to amend that by moving that all debate on the section close in five minutes, and that was agreed to.

Mr. MANN. That amendment was.

The SPEAKER. That leaves the amendment of the gentleman from Missouri as amended by the amendment.

Mr. FITZGERALD. That was a motion, not an amendment.

The SPEAKER. The gentleman is right about that—that was a motion. The gentleman from New York is technically correct. That left the motion of the gentleman from Missouri as amended by the amendment of the gentleman from Illinois [Mr. FOSTER] undecided.

Mr. FITZGERALD. Now, the gentleman offered an amendment to that motion, and I offer an amendment to his amendment, which is in the second degree.

Mr. MANN. Certainly not.

Mr. FITZGERALD. The pending motion is the motion as amended.

The SPEAKER. The pending motion is the motion of the gentleman from Missouri [Mr. RUBEY] as amended by the motion of the gentleman from Illinois [Mr. FOSTER], and the gentleman from Illinois [Mr. MANN] offers an amendment to that to close debate in 29 minutes. That is pending. Then the gentleman from New York [Mr. FITZGERALD] moves to strike out "twenty-nine" and insert "immediately," and the vote is on that proposition.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BEALL of Texas. Division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 57.

The SPEAKER. The amendment offered by the gentleman from New York [Mr. FITZGERALD] is rejected.

Mr. FITZGERALD. Oh, no. I move to amend by striking out "twenty-nine" and inserting "ten" minutes. I call the attention of the House to the fact——

Mr. MANN. I make the point of order that the motion is not debatable. The gentleman ought not to violate the rules.

Mr. FITZGERALD. I will not. I ask unanimous consent for one minute.

Mr. FOWLER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. My point of order is that there has been more than two speeches on this motion.

The SPEAKER. Why, there is nobody trying to make a speech on this motion, unless the gentleman from New York [Mr. FITZGERALD] gets unanimous consent.

Mr. FOWLER. Mr. Speaker, the motion that is before the House now deals with the question of debate upon the amendment, and there has been more than two speeches made upon that amendment.

The SPEAKER. That is true.

Mr. FOWLER. And I make the point of order that the time has expired for debate on that amendment.

The SPEAKER. The time would have expired, and the Chair would have so ruled if the point had been made and the gentleman from Missouri had not offered his motion.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is the time now being consumed being taken out of the hour?

The SPEAKER. It is not. That ruling may be wrong, but the Chair is going to stick to it to-day anyway. [Applause.]

The question is on the motion of the gentleman from New York [Mr. FITZGERALD] to insert "10 minutes" instead of "29 minutes" for the closing of the debate on this section.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for one minute.

Mr. MANN. Mr. Speaker, if the gentleman gets that consent will that time be taken out?

The SPEAKER. It will.

Mr. MANN. If the gentleman will give consent for the same amount of time to the gentleman in charge of the bill——

Mr. FITZGERALD. I have no objection to that.

Mr. MANN. I ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] have five minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] and the gentleman from Texas [Mr. BEALL], in charge of the bill, have each five minutes.

Mr. FOSTER. I object.

Mr. FINLEY. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent for one minute. Is there objection?

Mr. RUCKER of Colorado. I object.

The SPEAKER. The gentleman from Colorado objects. The question is on the 10-minute proposition.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FOSTER. Division, Mr. Speaker.

The House divided, and there were—ayes 44, noes 64.

So the motion was rejected.

Mr. FOSTER. I move to amend by making it 15 minutes.

Mr. MANN. Mr. Speaker, I make a point of order that that motion is a dilatory motion.

Mr. FOSTER. Oh, no.

The SPEAKER. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] moves to close debate on this question in 15 minutes.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for one minute on the motion.

Mr. MANN. He can get it after we close debate.

Mr. FINLEY. Mr. Speaker, I object.

Mr. MADDEN. I object, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] objects. The question is on agreeing to the motion to close the debate in 15 minutes.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FOSTER. Mr. Speaker, I ask for a division. We are going to have a quorum here.

The House divided; and there were—ayes 46, noes 71.

So the motion was lost.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. RUBEY], as amended by the motion of the gentleman from Illinois [Mr. FOSTER], to close debate on this section in five minutes.

Mr. MANN. Mr. Speaker, the motion that is pending is an amendment offered by me to close debate in 29 minutes.

The SPEAKER. That is true. The vote will be taken on the motion of the gentleman from Illinois [Mr. MANN], to close debate on this section in 29 minutes.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. How long will that 29 minutes take beyond all the time allowed for debate on this bill in the House?

Mr. FLOYD of Arkansas. Will it not consume all of the time?

The SPEAKER. It will consume all of the time.

IMPEACHMENT OF JUDGE ROBERT W. ARCHBALD.

Mr. CLAYTON. Mr. Speaker, I desire to make a privileged report.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] is recognized.

Mr. CLAYTON. It is necessary, Mr. Speaker, to make this statement.

Mr. MANN. Mr. Speaker, the gentleman from Alabama [Mr. CLAYTON] ought to have opportunity to make a report, although we are acting under a rule.

Mr. CLAYTON. I was going to say, Mr. Speaker, that before many minutes shall elapse the Senate will require the presence of the managers on the part of the House before that body, and therefore I desire to make a brief report to the House at this juncture.

Mr. Speaker, as one of the managers, and in behalf of all the managers on the part of the House of the impeachment proceedings, I beg to report to the House that the articles of impeachment prepared by the House of Representatives and preferred against Robert W. Archbald, a United States circuit judge and designated as a judge of the Commerce Court of the United States, have been exhibited and read to the Senate; that the Presiding Officer of that body stated to the managers that the Senate would take order in the premises, and that due notice of the same would be given to the House of Representatives.

SALE OF FUTURES IN COTTON.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN] to close debate on this section in 29 minutes.

The question was taken, and the amendment offered by Mr. MANN was agreed to.

Mr. ROBINSON. Mr. Speaker, I move to strike out the last word.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the pending amendment. All debate on the pending amendment is exhausted under the rule, and the first question to be determined is that amendment, before other amendments can be offered.

Mr. MANN. Mr. Speaker, the pending proposition is the motion offered by the gentleman from Missouri [Mr. RUBEY] as amended by the amendment which was just adopted.

Mr. ROBINSON. I move, Mr. Speaker, to strike out the last word.

The SPEAKER. The Chair can not understand what the gentleman from Illinois [Mr. MANN] says.

Mr. MANN. The motion of the gentleman from Missouri [Mr. RUBEY] to close debate on the section, as amended a moment ago, has not been put to the House. The Speaker put only the amendment which I offered.

The SPEAKER. The Chair's recollection is different. The question is on the motion of the gentleman from Missouri as amended by the amendment of the gentleman from Illinois, Mr. FOSTER, as amended by the amendment of the gentleman from Illinois, Mr. MANN.

The question was taken, and the motion of Mr. RUBEY as amended was agreed to.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] is recognized.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the pending amendment. All debate is exhausted.

The SPEAKER. The gentleman from New York is correct.

Mr. MANN. Mr. Speaker, I make a point of order that the House has control over the time. The House by a vote has decided that the debate on this section shall end in 29 minutes.

The SPEAKER. That is true, but that has nothing in the world to do with the voting on these amendments.

Mr. FITZGERALD. Yes. Otherwise no other amendment could be offered.

The SPEAKER. The vote is on the amendment offered by the gentleman from New York.

Mr. CLAYTON. Mr. Speaker, there is a message from the Senate that the House ought to receive at this time.

The SPEAKER. Gentlemen will suspend to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following order:

Ordered, That the Secretary notify the House of Representatives that the Senate, sitting as a court of impeachment, take a recess until 3 o'clock post meridian.

SALE OF FUTURES IN COTTON.

The House resumed consideration of the bill (H. R. 56) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

The SPEAKER. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Page 2, line 20, strike out the word "cotton" where it twice occurs in that line. Strike out the word "cotton," in line 25, page 2. Strike out the word "cotton," in line 1, page 3.

Mr. MANN. Mr. Speaker, I make the point of order that the amendment is three amendments and debate can be had upon all three.

Mr. FITZGERALD. It is too late to make that point. I offered this as one amendment. The gentleman can have a division on the vote, but not for debate.

The SPEAKER. It is too late to raise that point now. The question is on the amendment.

Mr. MANN. I ask for a division of the amendment.

The SPEAKER. The gentleman has a right to divide the amendment. The Clerk will report the first substantive proposition.

The Clerk read as follows:

Page 2, line 20, strike out the word "cotton" where it twice occurs in that line.

Mr. MANN. I ask for a division of the amendment.

The SPEAKER. That is exactly what the Chair has ordered.

Mr. MANN. I know; but it is not what the Clerk has reported.

The SPEAKER. The Clerk will report the amendment to strike out the word "cotton" where it first occurs.

The Clerk read as follows:

Page 2, line 20, strike out the word "cotton" at the beginning of the line.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 8, noes 87.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors and the Sergeant at Arms will notify absentees. Those in favor of striking out the word "cotton" at the beginning of the line read by the Clerk will vote "aye," those opposed will vote "no," and the Clerk will call the roll.

The question was taken, and there were—yeas 18, nays 209, answered "present" 11, not voting 151, as follows:

YEAS—18.

Buchanan	Dalzell	Olmsted	Whitacre
Bulkley	Dupré	Payne	Wilson, N. Y.
Calder	Estopinal	Peters	Young, Kans.
Connell	Fitzgerald	Redfield	
Conry	Greene, Mass.	Rucker, Colo.	

NAYS—209.

Aiken, S. C.	Finley	Lafferty	Roberts, Mass.
Ainey	Flood, Va.	La Follette	Roberts, Nev.
Alexander	Floyd, Ark.	Langham	Robinson
Anderson, Minn.	Foss	Lawrence	Roddenbery
Anderson, Ohio	Fowler	Lee, Ga.	Rothermel
Austin	Francis	Lee, Pa.	Rouse
Bartlett	French	Lenroot	Ruby
Barnhart	Fuller	Lever	Russell
Bathrick	Gallagher	Lewis	Saburh
Beall, Tex.	Gardner, Mass.	Lindbergh	Sims
Bell, Ga.	Garner	Linthicum	Sisson
Berger	George	Littlepage	Slayden
Bin[illegible]	Godwin, N. C.	Lloyd	Sloan
Booher	Good	Lobeck	Small
Borland	Goodwin, Ark.	Longworth	Smith, Saml. W.
Bowman	Gould	McCreary	Smith, N. Y.
Brown	Gray	McGillicuddy	Smith, Tex.
Burgess	Green, Iowa	McKellar	Speer
Burke, S. Dak.	Gregg, Pa.	McKinney	Stanley
Burke, Wis.	Gregg, Tex.	McLaughlin	Stedman
Burleson	Guiger	Madden	Steenerson
Burnett	Hamill	Maguire, Nebr.	Stephens, Cal.
Byrns, S. C.	Hamlin	Martin, Colo.	Stephens, Miss.
Byrns, Tenn.	Hammond	Matthews	Stephens, Nebr.
Candler	Hardy	Mays	Stephens, Tex.
Cannon	Harris	Miller	Sterling
Carlin	Harrison, Miss.	Mondell	Stone
Catlin	Hartman	Moore, Pa.	Sulloway
Clark, Fla.	Haugen	Morgan	Sweet
Clayton	Hawley	Morrison	Switzer
Cline	Hayden	Moss, Ind.	Taggart
Cooper	Heald	Mott	Talcott, N. Y.
Copley	Heflin	Murray	Taylor, Ala.
Cox, Ind.	Helgesen	Neeley	Taylor, Ohio
Cullop	Henry, Tex.	Norris	Thayer
Curry	Hensley	Nye	Thistlewood
Danforth	Hobson	Oldfield	Tilson
Davis, Minn.	Houston	O'Shaunessy	Towner
Davis, W. Va.	Howard	Padgett	Tribble
Dent	Howland	Page	Turnbull
Dickinson	Hull	Pepper	Utter
Dickson, Miss.	Humphrey, Wash.	Pickett	Volstead
Difenderfer	Jacoway	Post	Warburton
Dixon, Ind.	James	Pou	Watkins
Donohoe	Johnson, Ky.	Pray	Webb
Doughton	Kendall	Prince	Wedemeyer
Driscoll, D. A.	Kennedy	Prouty	White
Edwards	Kent	Rainey	Willis
Esch	Kinkaid, Nebr.	Raker	Wilson, Pa.
Evans	Kitchin	Rauch	Witherspoon
Faison	Knowland	Rees	
Farr	Konop	Reilly	
Ferguson	Lafean	Richardson	

ANSWERED "PRESENT"—11.

Browning	Foster	McMorran	Sparkman
Butler	Gillett	Mann	Stevens, Minn.
Fields	Kahn	Needham	

NOT VOTING—151.

Adair	Dodds	Jackson	Pujo
Adamson	Doremus	Johnson, S. C.	Randell, Tex.
Akin, N. Y.	Draper	Jones	Ransdell, La.
Allen	Driscoll, M. E.	Kindred	Reyburn
Ames	Dwight	Kinkead, N. J.	Riordan
Andrus	Dyer	Konig	Rodenberg
Anseberry	Ellerbe	Kopp	Rucker, Mo.
Anthony	Fairchild	Korbly	Saunders
Ashbrook	Ferris	Lamb	Scully
Ayres	Focht	Langley	Sells
Bartholdt	Fordney	Legare	Shackleford
Bartlett	Forness	Levy	Sharp
Bates	Gardner, N. J.	Lindsay	Sheppard
Boehne	Garrett	Littleton	Sherley
Bradley	Glass	Loud	Sherwood
Brantley	Goeke	McCall	Simmons
Broussard	Goldfogle	McCoy	Slemp
Burke, Pa.	Graham	McDermott	Smith, J. M. C.
Callaway	Griest	McGuire, Okla.	Smith, Cal.
Campbell	Guernsey	McHenry	Stack
Cantrill	Hamilton, Mich.	McKenzie	Sulzer
Carter	Hamilton, W. Va.	McKinley	Talbott, Md.
Cary	Hanna	Macon	Taylor, Colo.
Claypool	Hardwick	Maher	Thomas
Collier	Harrison, N. Y	Martin, S. Dak.	Townsend
Covington	Hay	Moon, Pa.	Tuttle
Cox, Ohio	Hayes	Moon, Tenn.	Underhill
Crago	Helm	Moore, Tex.	Underwood
Cravens	Henry, Conn.	Morse, Wis.	Vare
Crumpacker	Higgins	Murdock	Vreeland
Curley	Hill	Nelson	Weeks
Currier	Hinds	Palmer	Wilder
Daugherty	Holland	Parran	Wilson, Ill.
Davenport	Howell	Patten, N. Y.	Wood, N. J.
Davidson	Hughes, Ga.	Patton, Pa.	Woods, Iowa
De Forest	Hughes, N. J.	Plumley	Young, Mich.
Denver	Hughes, W. Va.	Porter	Young, Tex.
Dies	Humphreys, Miss.	Powers	

So the amendment was rejected.

The following pairs were announced:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. YOUNG of Texas with Mr. WILSON of Illinois.

Mr. ADAIR with Mr. AMES.

Mr. ALLEN with Mr. BARTHOLDT.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. ASHBROOK with Mr. CRUMPACKER.

Mr. AYRES with Mr. CURRIER.

Mr. BRANTLEY with Mr. DE FOREST.

Mr. CLAYPOOL with Mr. DODDS.

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. CURLEY with Mr. DRAPER.

Mr. DAUGHERTY with Mr. FOCHT.

Mr. DIES with Mr. GARDNER of New Jersey.

Mr. FERRIS with Mr. GUERNSEY.

Mr. GOLDFOGLE with Mr. HAYES.

Mr. HAMILTON of West Virginia with Mr. HENRY of Connecticut.

Mr. HAY with Mr. HOWELL.

Mr. HELM with Mr. JACKSON.

Mr. HOLLAND with Mr. MCGUIRE of Oklahoma.

Mr. HUGHES of New Jersey with Mr. MCCALL.

Mr. HUGHES of Georgia with Mr. MCKENZIE.

Mr. JOHNSON of Kentucky with Mr. MCKINLEY.

Mr. JONES with Mr. MARTIN of South Dakota.

Mr. KONIG with Mr. MURDOCK.

Mr. KORBLY with Mr. PATTON of Pennsylvania.

Mr. FOSTER with Mr. KOPP.

Mr. MCDERMOTT with Mr. POWERS.

Mr. MOON of Tennessee with Mr. PORTER.

Mr. PATTEN of New York with Mr. REYBURN.

Mr. SAUNDERS with Mr. RODENBERG.

Mr. SHARP with Mr. SELLS.

Mr. SHERLEY with Mr. SIMMONS.

Mr. SULZER with Mr. J. M. C. SMITH.

Mr. THOMAS with Mr. VREELAND.

Mr. TOWNSEND with Mr. WEEKS.

Mr. TUTTLE with Mr. YOUNG of Michigan.

Mr. AYRES with Mr. WILDER.

Mr. SCULLY with Mr. BROWNING.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FIELDS with Mr. LANGLEY.

Mr. BOEHNE with Mr. CARY.

Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.

Mr. CANTRILL with Mr. HANNA.

Mr. MCCOY with Mr. HIGGINS.

Mr. COVINGTON with Mr. HUGHES of West Virginia.

Mr. SHACKLEFORD with Mr. WOOD of New Jersey.

Mr. SHERWOOD with Mr. MOON of Pennsylvania.

Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Nevada.

Mr. GRAHAM with Mr. VARE.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. ELLERBE with Mr. CRAGO.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. LEGARE with Mr. LOUD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. PUJO with Mr. MCMORRAN.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. CARTER with Mr. KAHN.

Mr. SHEPPARD with Mr. BATES.

Mr. GOEKE with Mr. HEALD.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. HARRISON of New York with Mr. HAMILTON of Michigan.

Mr. KINDRED with Mr. GRIEST.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PALMER with Mr. HILL.

Mr. ADAIR with Mr. HINDS.

Until August 1:

Mr. COX of Ohio with Mr. ANTHONY.

Commencing to-day and until further notice:

Mr. GARRETT with Mr. FORDNEY.

Mr. BROWNING. Mr. Speaker, did the gentleman from New Jersey, Mr. SCULLY, vote?

The SPEAKER. He did not.

Mr. BROWNING. I have a pair with the gentleman, and I wish to withdraw my vote of "no" and answer "present."

The name of Mr. BROWNING was called, and he answered "Present," as above recorded.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I desire to withdraw my vote of "no" and be recorded as "present."

The Clerk called the name of Mr. MANN, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "cotton" where it occurs the second time in the line.

The question was taken, and the amendment was lost.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 2, line 25, strike out the word "cotton."

The question was taken, and the amendment was lost.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 1, strike out the word "cotton."

The question was taken, and the amendment was lost.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How much time remains now under the rules?

The SPEAKER. Twenty-nine minutes.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I have made a memorandum of analysis of H. R. 18323, which is identical with the bill under consideration, except that the present bill relates to cotton and the other bill relates to grain. I wish to call the attention of the House for a moment to some of the provisions in the bill H. R. 18323.

First. Section 2 of the bill creates two broad offenses; first, sending any message offering to make or enter into a contract for the purchase or sale for future delivery of wheat, corn, and oats without intending that such wheat, corn, or oats shall be actually delivered or received; second, offering to make or enter into a contract whereby any party acquires the right or privilege to demand in future acceptance or delivery of wheat, corn, or oats without being thereby obligated to accept or deliver such wheat, corn, or oats. The latter describes accurately the "put and call" trading. It is at the present time practiced on few of the leading grain exchanges, and nowhere is it a prominent feature of the business. The Chicago Board of Trade has absolutely forbidden it on this exchange, and other exchanges have done likewise. We have, however, on this exchange a system of trading in indemnities, which system is lawful under the statutes of this State and is necessary to the safe handling of grain products. This form of trading, however, would be absolutely condemned by this bill. Let me illustrate this: Suppose A, in Chicago, at the close to-day has offered 1,000,000 bushels of wheat to B, at Liverpool, at $1 per bushel; he will not get an acceptance of his offer by cable until the following morning. If B, however, does accept A's offer the contract is made whereby A is obligated to sell and deliver 1,000,000 bushels of wheat to B at $1 per bushel. To safeguard himself against the contingency that B may accept his offer by the following morning and that the price of wheat has risen to $1.02, or higher, per bushel, A will purchase from some trader an option for 1,000,000 bushels of wheat. If B rejects A's offer, A loses his insurance premium. If he accepts it and the price in the meantime has risen higher than the indemnity price, A calls upon the seller of the indemnity to deliver him the wheat.

Under the second clause of section 2 this form of trading, which is so absolutely essential to the merchandising of grain, will be absolutely forbidden, and the person who practices it is liable to imprisonment for doing a thing prompted by common business prudence.

Second. The first offense described in section 2 has to do with the ordinary and regular system of future trading as practiced upon the leading exchanges. As the section reads now it would have no effect whatever, because every trade made upon any legitimate exchange contemplates the actual delivery of the commodity. This section accurately describes a transaction in a bucket shop, where delivery is never contemplated or possible, but not to future trading upon the exchanges. What the framer of this bill is driving at is to compel every man who buys or sells grain for future delivery to keep his contract open until the time for delivery comes, and to prevent the system of "set-off" which, in the case of the Chicago Board of Trade *v.* Christie (198 U. S., 236; 49 Law ed., 1031), was held to constitute a delivery as then carried on under the rules existing on the Chicago Board of Trade. The inquiry becomes pertinent here whether any statute should compel a man to hold a contract open beyond a time when he finds that his judgment was wrong, and that the maintenance of the contract will involve him in further loss.

Another of the many objections which can be urged against this provision of section 2 arises under the following state of facts, which happens not once but thousands and thousands of times during the course of a year: Suppose A, a grain dealer in Decatur, Ill., is purchasing grain freely from the farmers; the only way he can safely buy all the grain that is offered to him is by hedging each purchase on the Chicago Board of Trade as fast as he takes the grain into the elevator; in other words, every 5,000 bushels he buys from the farmer he immediately sells 5,000 bushels for future delivery on the Chicago Board of Trade. Within a month or so, however, he finds that because of some local condition he can get a better price for that cash grain in New Orleans than he can in Chicago, and being an enterprising and prudent business man, he ships the grain to New Orleans and sells it there. When he sells it in New Orleans he will buy back his hedge on the Chicago Board of Trade.

Now, section 2 of this bill, in connection with the last few lines of section 3 which provide that the failure to deliver or receive the grain shall be prima facie evidence that there was no intention to deliver or receive such grain when the contract was made, would render the grain dealer at Decatur liable to a penitentiary sentence for adopting this course. I mean by this that the mere fact that he did not actually deliver the grain in Chicago, would be prima facie evidence whereby the case would go to the jury for their determination as to his original intent. Is your judgment is it right and just that a business man should be exposed to the verdict of a jury composed largely of men who are absolutely ignorant of the grain business because he had adopted this prudent method of conducting his business?

Let me give another illustration of the absurdity of the proposed bill. Here is a miller who has purchased 100,000 bushels of wheat at $1 per bushel to grind into flour. The illustration is equally pertinent to the case of a feeder of live stock who has purchased several hundred thousand bushels of corn to fatten cattle. The miller concludes that the price of wheat is going to decline which will cause the price of flour which is made from the wheat to decline; moreover, the cattle dealer sees a declining market for cattle; neither desires to speculate and therefore they hedge the amount of wheat or corn they have on hand upon some produce exchange. Now, it is perfectly evident that the miller can not deliver wheat on that contract, nor can the live-stock feeder deliver corn; what they do is to ship the finished product to market and when they have merchandised such finished product they buy in their hedge. Under the operation of this proposed bill, both the miller and the live-stock feeder would be in the shadow of the penitentiary.

There are illustrations almost without number whereby this bill can be shown to interfere with the most legitimate forms of commerce without reaching those particular forms of speculative trading which in the minds of its framer were considered

undesirable. It does not touch the man who stands in the pit and buys and sells for his own account, because over those transactions the Federal Government would have no control. It is not admitted for a moment that the position of this man is in any degree less legitimate or less necessary than the man outside of the exchange, but it is a fact that a large part of the transactions on the exchanges for the account of persons away from the exchange and who used the telegraph, telephone, and mails to execute their trade are the most legitimate hedging transactions, which Members of Congress generally admit to be perfectly legitimate; and yet this bill seeks, if not to prevent such transactions, at least to fetter them so that they could not be commercially carried on.

There are so many features of this proposed bill which, in matter of form, are easily seen to be not simply unwise, but absolutely futile to effect the objects sought by the proposer, that anyone familiar with the business could take up hours in pointing out its defects. I have said enough, I trust, to indicate a few of the features which are objectionable. Under the bill as now drafted a legitimate exchange could live, although the difficulties would be almost insuperable; but is it necessary, in order to eradicate some few minor defects in the system of future trading, to destroy the whole institution?

ANTICOTTON-FUTURES BILL.

Mr. ROBINSON. Mr. Speaker, this measure, designed to prohibit interstate communications relative to cotton futures, should be amended so as to include other agricultural products. I am in favor of the bill, but would like to see its terms applicable to all agricultural products. A part compliance with the promises of a platform pledge differs from a total breach of it only in degree. The Democratic platform adopted at Baltimore touching upon this subject is as follows:

We believe in encouraging the development of a modern system of agriculture by a systematic effort to improve the conditions of trade in farm products so as to benefit both the consumers and producers, and as an efficient means to this end we favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges or others.

It is clear that the platform is directed against dealings in futures in all agricultural products, and that to limit the reform to one product is but a partial compliance. I understand that the reason given by those in charge of the legislation for not embracing all agricultural products in the bill is that such a course might combine opposition to the measure from all the stock exchanges and occasion the defeat of this bill. The argument is not sound. The application of the principle to one agricultural product alone, in my judgment, can not be justified. Those who favor the legislation touching grain and other agricultural products might be induced to oppose the bill for the very reason that it does not embrace the products in which they are most directly concerned. To embrace all agricultural products in one bill would concentrate the support of all the friends of such legislation and force a direct issue that can not be avoided.

During the last Congress we passed almost unanimously through this House a bill very similar to the one under consideration. The fact that its provisions were limited to cotton and that it did not apply to other agricultural products was used at the other end of the Capitol to prevent its consideration and passage there.

The pledge in the Democratic platform will be only partially fulfilled by the passage of this bill. Unless I am assured that it is the purpose of those in charge of the legislation to secure the speedy consideration of the Rubey bill or some other measure including other agricultural products, I shall, if the opportunity can be secured, vote to amend this bill so as to make it respond to the Baltimore platform. In all probability the parliamentary situation will prevent this. I hope the House will insist on considering the bill by Mr. RUBEY, of Missouri, relating to futures in grain.

Mr. Speaker, while I should like very much to see this legislation comply fully with the terms of the Democratic platform and relate to all agricultural products, still I realize the parliamentary situation, and I am in favor of the bill in the form in which we are now considering it, unless an opportunity is afforded of amending the bill, as I have heretofore stated. I desire to call the attention of the member of the committee in charge of the bill to one feature of it which is not satisfactory, and that is that the affidavit which a person desiring to send messages relating to the purchase and sale of cotton intended for future delivery is permitted to file under the provisions of the bill relates solely to messages being sent or to be sent. I desire to suggest to the gentleman in charge of the bill and to others interested whether it be not necessary and advisable to adopt an amendment which will require the statement in the affidavit that the messages that have heretofore been sent—that is, the messages sent before the affidavit was made—have not violated the provisions of this legislation and did not come within the prohibited messages. In other words, on page 4 of the bill, in line 6, after the word "stating," insert the following words:

That no message relating to any such contract, or offers to contract, as are described in section 2 of this act, has been sent, or caused to be sent, by this affiant, and.

Unless some such amendment be adopted the making of the affidavit may afford a certain means of evasion. To illustrate: A speculator has the bona fide intention at the time he makes the affidavit of complying with its provisions. He does not intend, when he makes the affidavit, to send any message during the next six months relating to a contract for futures. After he makes the affidavit he changes his intention and does in fact send such a message. He is indicted. Would that constitute a false statement in the affidavit? Probably not, because the affidavit could only express the intention of the affiant at the time he was sworn, and his obligation might be regarded as a mere promise and not as a statement of fact. In order to prevent the sending of prohibited messages after the making of the affidavit, subsequent affidavits should embrace the declaration that no prohibited messages have been sent.

This suggestion is submitted in a sincere desire to improve the bill and to make its provisions effective. It is, of course, desirable to relieve persons engaged in legitimate transactions from the obligation of making an affidavit every time they send an interstate message relating to the purchase or sale of the commodities which come within the provisions of the legislation. The affidavit that no such messages will be sent is inadequate. It should also contain the statement of fact that no such messages have been sent. In order to make the affidavit enforceable it should relate to past or present acts and not to future acts alone, which, to say the least, will be difficult of enforcement.

Commencing on line 14 is found the provision:

Any person who knowingly shall make false statements in any affidavit provided for in this act shall be punishable—

And so forth.

Would it constitute a false statement if the person desiring to send messages relating to the purchase or sale of commodities in good faith, intending at the time of the making of the affidavit not to violate his promise, should subsequently alter his plans and send messages that are prohibited? This question can be obviated by inserting, after the word "stating," in line 6, page 4, the following words:

That no message relating to any such contract or offers to contract, as are described in section 2 of this act, has been sent or caused to be sent by this affiant, and.

It is questionable whether or not you can make this promise—and an affidavit that one will not do a thing is nothing more than a promise—whether you can make this promise that one will not send such messages, enforceable under this bill. If we want to relieve those who are engaged in legitimate transactions of inconvenience, it will be necessary to adopt this amendment or some similar amendment; otherwise I do not think the affidavit will accomplish any valuable purpose. I suggest that to the consideration of the gentlemen who are in charge of the bill, and if it be deemed desirable I will offer that amendment in the event opportunity is afforded, which, under the parliamentary status, I can see is quite doubtful.

Mr. MANN. Will the gentleman yield for a question concerning affidavits?

Mr. ROBINSON. Certainly.

Mr. MANN. Does the gentleman think it is within the power of Congress to require an agent of the telegraph company to take an affidavit without charge?

Mr. ROBINSON. I think it is exceedingly doubtful whether Congress or any other legislative body can require any person or agent to perform any service for nothing.

Mr. MANN. And yet it is required under this bill.

Mr. ROBINSON. I observe that.

Mr. MANN. It says he is required to do it; that is all it says. He administers the oath.

Mr. ROBINSON. I am heartily in sympathy with the purpose of this legislation. I believe it is directed against a great evil, but I do think if the affidavit is to be of any value it should be amended so that if the affiant makes a false statement he can be punished for that false statement. If he says he will not send and has no intention at the time he makes that statement of sending prohibited messages you certainly can not punish him for changing his intention after that. That is as clear a statement of the proposition as I can make.

Federal legislation directed against dealings in futures in agricultural products has been a subject of discussion for

almost a quarter of a century. In the past it has been proposed to invoke the taxing power of the Government to prevent it. In the legislation now under consideration the alleged evil is sought to be abolished through the exercise of the power of Congress to regulate interstate and foreign commerce. I am not unmindful of the objections which have been urged against legislation of this character. The principal objections urged are that the bill is unconstitutional, that it is not enforceable, and that it will needlessly interfere with legitimate business.

THE LEGISLATION IS CONSTITUTIONAL.

The objection that the bill is unconstitutional does not seem to me to be sustained. The power must exist either in the States, in the exercise of their police powers, or in the Government, in the exercise of its power to control interstate and foreign commerce, to regulate these transactions. If it be conceded, as suggested by the gentleman from New York [Mr. FITZGERALD], that under the decision of the Supreme Court in Chicago Board of Trade *v.* Christy (198 U. S., 236), Ware & Leland *v.* Mobile County (209 U. S., 405), Clews *v.* Jamieson (182 U. S., 461), Leloup *v.* Port of Mobile (127 U. S., 640), it is competent for the State, in the exercise of its police powers, to forbid contracts for the sale of futures, and that such statutes are not in derogation of the power of Congress over interstate and foreign commerce, it still does not preclude, in my judgment, the conclusion that Congress has the power, under the commerce clause, to deal with agencies of interstate communication—the mails, telegraph and telephone lines—and to prevent the transmission of messages relating to such forbidden contracts. I have some doubt as to the constitutionality of the bill, but I shall cheerfully support it and leave the courts to determine that issue.

It is true that no accurate and complete definition of interstate commerce has been made by the courts. They have dealt with the question from the standpoint of the issues involved in the many cases which have been considered. The trend of all the authorities is that the Federal power over interstate commerce is plenary, and that it extends to the means and agencies of interstate commerce. The Lottery case and subsequent decisions upholding it, while not conclusive of the constitutionality of the bill, are strongly in favor of it.

The sole question involved in the case cited by the gentleman from New York [Mr. FITZGERALD], Ware & Leland *v.* Mobile County (209 U. S., 405), was whether the statute of Alabama levying a license on persons buying and selling futures for speculation or on commission was an attempt to regulate interstate commerce. The court indicated that while brokers were not common carriers, telegraph companies are. The most that can be said concerning this case is that it holds that the contracts themselves are not interstate commerce. We need not declare that the messages forbidden are commerce. We have plenary power over interstate telegraph and telephone lines as instrumentalities of commerce and can forbid them from transmitting messages of an objectionable character. The Supreme Court has held that the telegraph is an instrument of commerce and that telegraph companies are subject to the regulation of Congress. Why should not the same rule apply to interstate telephone lines?

THE MERITS OF THE MEASURE.

The plank in the Baltimore platform declaring for the suppression of the pernicious practice of gambling in agricultural products by organized exchanges or others is to be heartily approved. While the complete compliance with that platform demands that all agricultural products be embraced, still I shall support this bill even though it relates only to cotton. Let me assign briefly some reasons which impel me to support this legislation.

First, the transactions sought to be suppressed have no relation to legitimate business. There is no effort to interfere with the purchase or sale of any commodity for any purpose. The bill does not prevent speculation in actual cotton. If it becomes a law, cotton can still be bought and sold for every purpose for which it may now be bought and sold. The only requirement is that the transactions shall be bona fide sales and purchases and relate only to the actual commodity.

Second. It is immaterial whether the net result of future transactions has been to increase or depress the price of cotton. The governing consideration is that dealings in futures have no legitimate place in modern trade and exert a baneful influence on commerce. Careful students of the subject generally seem to agree to the conclusion that transactions in futures bear a relationship to the price of the actual commodity. The sale of enormous quantities of fictitious cotton may "break the market" and cause a decline in prices, while the purchase at another time of large quantities of futures may cause a rise in price. The fluctuations thus produced are not occasioned by natural causes. Consequently power is acquired by those who dominate the "market" to amass enormous fortunes by simply buying or selling what they do not own and what, in fact, does not exist.

Third. The argument that the exchanges will suffer or be compelled to radically reform their methods does not convince me that the legislation is bad. I can not believe that to suppress the transactions aimed at in this bill will do more to the exchanges than to restore them to sound and legitimate business control; but if it be true that the measure will prove far-reaching in this regard, I will still support it, and that without hesitation. If exchanges are to be nurseries for gamblers, they must go. Dealings in futures have all the elements of a game of chance, and have come to be designated as gambling by many who pursue them.

Fourth. They are also a means of oppressing the poor. This results both directly and indirectly. Directly when the man of meager means, in the hope of getting rich quick, dissipates his possessions and his earnings in the great vortex of speculation. Indirectly when he who toils in the field observes the product of his labor manipulated by those who sit in rug-spread offices and gamble in the products of his toil.

The demand for this legislation comes primarily from the workers—the farmers and the spinners. Opposition comes only from the exchanges. My voice and my vote are with the workers.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. Mr. Speaker, this bill has some very extraordinary provisions, one of which is that a man who seeks to enter into business transactions for the purchase of cotton is required to say in advance that the transaction is a legitimate and legal one. I do not believe that the Congress of the United States ought to be engaged in any attempt to force anybody to swear in advance that he is going to enter upon a legal transaction. The transaction itself ought to speak for its legality. How can anyone tell whether a transaction is to be legal or not in advance? It seems to me that a man ought to have the right to send a telegram to some other man in the United States and try to buy or offer to sell any kind of commodity, and that he ought not to be required to state when he sends that telegram that he intends to carry out the purpose for which the telegram is sent. Why, we would not be able to transact any kind of business if this policy were pursued in all the business relations in the country. It might just as well be said that a man could not offer to buy a house and lot, and that he could not send a telegram in reference to the purchase of a house and lot unless he stated in advance that what he proposed to do was legitimate and legal. To prosecute a man for failing to make an affidavit that he proposed to enter upon a legitimate business transaction it seems to me to be not a function of the Government of the United States, and I am inclined to believe that Congress could be engaged in a better business than trying to regulate the conduct of the legitimate affairs of the country in any such way as this bill proposes. If a man has sold a million bushels of grain, as my colleague said, to Liverpool, he would not under this bill be allowed to hedge against the rise of the price of that grain between the day it was shipped and the day it was received in Liverpool, and the price might be decidedly different on the day the ship arrived at Liverpool from the price of the grain on the day it began its journey. If this bill is passed we are regulating the exchanges of the United States, preventing those exchanges from making quotations and transacting business, and we are leaving the whole regulation of the commodity and its price to the exchanges of the world outside of America where we have no jurisdiction over them.

I think the people who are interested in raising and selling cotton, if this bill should become a law, would find themselves very much worse off than they are now. I do not believe that the cotton raisers would refuse to enter into combinations to hold their cotton for a higher price. There is nothing in this bill to prevent that. If there is an intention to prevent combinations of any kind to regulate the price, it ought to apply to the cotton raiser just as well as to the cotton buyer or the cotton seller.

Mr. BURLESON. I would like to ask the gentleman a question.

Mr. MADDEN. Certainly.

Mr. BURLESON. I would like to ask the gentleman if he thinks a conspiracy or combination can be entered into between 5,000,000 people and be made effective?

Mr. MADDEN. I do not understand that there are 5,000,000 people engaged in the raising of cotton.

Mr. BURLESON. There are more than 5,000,000 people engaged in the cultivation of cotton.

Mr. MADDEN. The people who control cotton in the South, or wherever it is grown, have organizations through which they assemble their cotton in warehouses and hold it for a time when they are assured that they can sell it for a higher price than they could sell it for if it was not so held.

Mr. BURLESON. And I want to assure the gentleman that never has one of those organizations or combinations proven effective.

Mr. FOSTER rose.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER. Mr. Speaker, I believe that the people generally should and desire to encourage legitimate business of every kind. I see no objection to any man who owns and desires to sell a million bushels of corn or a thousand bales of cotton to be delivered some time in the future at a certain price. I see no objection to a man who desires to buy a million bushels of grain or a thousand bales of cotton or any commodity and having it delivered at a future time, but I do not believe it is encouraging the legitimate business of the country to go onto the board of trade and put up your money and bet whether cotton will go up 2 cents a pound or down 2 cents a pound in the next three months. I do not believe that it encourages the grain raisers of this country and I do not believe that it helps the consumer of bread in this country for men to go on the board of trade in Chicago, New York, or any other city and bet their money that grain will go up or down, as the case may be, in the next 30 days. These men have no intention of delivering the property, but really bet as to what the price will be. And so I think that this bill which is under consideration at this time permits legitimate transaction in the buying and selling of cotton, but will have a good effect in stopping gambling on boards of trade.

But I would like to see this bill go further and include other farm products, so that there might not be that gambling in those commodities, too. You take the traders in the city, those who speculate on the board of trade, and they can not always speculate among themselves, because if they do it is only trading dollars. They must reach out into the country and gather in what they call the "lambs" and shear them and get a crop of "wool" to replenish the treasury of each and every one of them. And so we see all over this country encouragement coming from these traders, holding out great inducements and issuing market letters as to what the market is likely to do. If he is trading on the board of trade, if he is what is called a "bull," he is always saying that the price in 30 days is going to be higher, and the proper thing to do to make money is to buy wheat or some other commodity, as the case may be. If he is a bear, he believes the price will go down.

I do not know, but I suppose between the bulls and bears on the board of trade there is about as much money made on one side as there is on the other. Sometimes I have thought that the bulls would "bull" the price for a little while, and then they would get what they could from the bears, and the lambs would think the prices were going up and they could make a lot of money, and they would put up their cash and the price would go down, and the "lambs" out in the country would get "sheared."

So let us have honest, legitimate trading. Let us encourage honest trading, but let us stop the gambling in cotton, wheat, oats, or any other farm product. [Applause.]

Mr. SIMS. Mr. Speaker, the object and purpose of the bill now under consideration is to mitigate and minimize the evils growing out of what is commonly called and known as dealing in "cotton futures."

It is claimed by the opponents of the bill that the dealing in cotton for future delivery is a legitimate and necessary business, and that to prevent the buying and selling of cotton for future delivery will be an irreparable injury to both the producer and manufacturer of cotton. As thus stated, I am wholly in accord with the position of the apponents of this bill I will not if I know it support any bill that has for its object and purpose the prevention of sales and purchases of cotton for future delivery. I think speculation by way of buying and selling any product, whether agricultural or manufactured, whether for immediate consumption or for the purpose of holding the product for a time, hoping thereby to make a profit by an advance in price, is entirely legitimate and a benefit to producer and consumer alike.

The cotton crop of the United States matures and is gathered almost entirely during the months of September, October, and November, while it takes the whole 12 months of the year to manufacture the cotton thus harvested in 3 months. If it was wholly unprofitable for anyone to buy cotton except the manufacturer, he would have the cotton producer at his mercy.

Cotton, as a farm product, differs from almost all other crops grown on the farm. It is the only great crop produced that has no consumptive farm value. Cotton, without going through some form of manufacture, which the grower can not, as a rule, give it, can not be used by the grower for any purpose whatever. Corn, wheat, rye, oats, hay, and many other farm products can be used by the grower profitably on the farm where such articles are produced, without going through any stage of manufacture whatever, but cotton, without passing through some form of manufacture, which the farmer is not prepared to give it, can not be used for any purpose by the producer.

The great market effect of this condition with respect to cotton must not be overlooked. By reason of this fact the entire crop of cotton is a weight upon the money supply of the country, as every bale must be sold in order that the producer may realize any benefit from it whatever.

This is not the case with wheat, rye, oats, corn, or hay. While I have not examined the statistics and can not, of course, claim absolute accuracy, I am confident that if cotton is excluded at least 50 per cent of all other farm products can be consumed profitably without going through any stage of manufacture that is not or can not be furnished by the producer. Therefore it must follow that cotton is twice as sensitive to market conditions, both natural and artificial, as are the other products of the farm.

The corn grown and used by the farmer on his farm is never in any sense an actual weight upon the market. He does not have to sell it in order to utilize its value to him. This is true with all products of the farm which are consumed in whole or in part without passing through any stage of manufacture. But if a farmer grows only one bale of cotton on a 500-acre farm, he must sell it in order to realize any benefit from it. Cotton thus having no home farm consumptive uses is wholly an article of active trade and commerce and is thus necessarily affected by supply and demand, interest rates, insurance, commissions, and trade charges to an extent exceeding that of any of the other great crops of the country by at least 100 per cent. Therefore the cotton producer must necessarily be much more a victim to the evils of market manipulation of his crop than is possible for the growers of the other great staple crops of this country. While this is true, I do not want to be understood as being opposed to any legislation looking to the eradication of the evils of future dealing in any and all farm products. I am only pointing out to the House why I think it is more imperative to pass legislation of this kind with reference to cotton as a separate and distinct measure. I shall join in like efforts as to grain and other farm products.

Mr. Speaker, as I have said before, I have no objection to the buying of cotton to be delivered in the future. I think it ought to be encouraged. I am neither a cotton grower nor spinner; but I find myself passing by a farm and see 10 bales of cotton on that farm. I ask the owner, "Are you going to sell that cotton?" He tells me no. Says he does not need the money, and that he is going to hold his cotton for six months; that he believes it will be worth more money then than at the time I offer to purchase. That farmer by his action becomes an investor and holds his cotton off the market at a time when it might aid in depressing the price. He is a benefactor to all other farmers who are not able to hold their cotton, and who are thus benefited by the action of their brother producer, although this farmer by holding his cotton may at the end be the six months have to sell for less than he could have realized by selling to me.

Now, suppose this farmer instead of holding his cotton had dumped it on the market at that time; he would have aided to that extent the declining prices then prevailing, and by so doing he would have injured every other farmer in the United States who was compelled to sell his cotton. But this farmer, being out of debt and having money ahead, can sell his 10 bales of spot cotton and buy 10 bales for six months' future delivery on a market in part depressed by his inaction, and possibly make a profit out of his deal for himself on his futures. But his unfortunate brother farmers who could not hold were injured by him, but can not in any way share in the advance in futures, as they are not, as a rule, able to thus speculate even if so inclined. But the opponents of this bill advise all farmers to sell their actual farm-grown cotton, and thus depress the market for both spots and futures, and instead of holding farm-grown cotton buy Wall Street cotton and hold it.

Mr. Speaker, it is this Wall Street cotton that this bill is inimical to, and it will in no wise affect adversely the farm-grown cotton.

Now, Mr. Speaker, let us suppose that the farmer I have mentioned sells his 10 bales of cotton to me. I am neither producer nor manufacturer. I am a speculator pure and simple. I think cotton will advance, and, so believing, I buy this cotton

and pay the farmer $500 for it. I receive it, place it in storage, and hold it six months. What is the market effect of my action? I take 10 bales of cotton that would have been sold on the market out of the channels of trade, and thus make the supply of actual spot cotton pressing for sale less to that extent. The logical effect on the spot-cotton market is beneficial, and not only to the extent of the value of the 10 bales thus removed from sale, but upon every bale in all markets of the world. So I, although simply a speculator, have been a benefactor to every seller of spot cotton the world over. And at the end of the six months I may sell the 10 bales for a profit exceeding the interest on the money invested and be benefited by this pure speculative transaction. This was real, legitimate speculation and consisted in buying real, farm-grown cotton and holding it off the market at a time when the natural and unavoidable conditions were such that millions of bales of cotton were being pressed for sale in excess of the demand of the spinners or their ability to purchase. This bill will not prevent nor is it intended to prevent any such speculation.

Now, let us take the other side of the question. The Wall Street cotton grower says: "Do not buy that 10 bales of farm-grown cotton; you will have to pay $500 for it and be out of the use of that $500 for six months. But, instead, buy 10 bales of Wall Street cotton for six months' future delivery from me and I will only require you to put up as margin $2 per bale, or only $20 on the 10 bales instead of the $500 you will have to pay the farmer for his farm-grown cotton, and you will have $480 left of the $500 which you can invest in any other way that you desire; but if you desire, for the $500 you will have to pay for the 10 bales to the farmer, I will sell you 250 bales of Wall Street cotton for six months' future delivery." The Wall Street advocate goes on to argue with me that he will never call on me for anything more than the $500 unless cotton for future delivery should decline to an amount exceeding the $500, or exceeding $2 per bale, and even if it should I am told I will be called on for only $2 more per bale, and in no conceivable circumstances will I ever be called on to put up the $50 per bale I have to pay the farmer. The Wall Street cotton producer explains to me that if spot cotton goes up in six months so that I will make a profit on my $500 investment, being on only 10 bales, that my profits on 250 bales of futures will be twenty-five times as great. He further explains to me that if the market goes against me on my future deal that I can always sell out and stop my losses; that if I held spot cotton that it could not be used by anyone but a manufacturer; that if my 10 bales of farm-grown cotton begins to decline that I can not sell it at all, but will have to hold it until the manufacturers of spot cotton use up their supplies on hand. But that if I will buy his Wall Street grown cotton for future delivery, that inasmuch as his cotton is never used by spinners or manufacturers—in fact is never used at all for any purpose that farm-grown cotton can be used—that this Wall Street cotton can be sold at any time on five minutes' notice by telegraph or telephone or by any other means of communication; that it does not have to be inspected, weighed, or sampled; that in fact nothing has to be done that would have to be done if farm-grown cotton was being dealt in.

Mr. Speaker, the speculative spirit, get-rich-quick spirit, or, to be plain and candid and to use a term we all understand, the gambling spirit, seems to be inherent in all of us, and nine times out of ten the real speculator in actual farm products, by such arguments as I have detailed above, can be changed into a "gambler" in farm products, or rather a gambler in the name of farm products.

Mr. Speaker, if the evil of gambling in the name of farm products was confined to the individuals who gamble, barring the moral effects upon the public, we as a legislative body might excuse ourselves from any effort to prevent it. But if the evil effects of this character of transaction reaches out and takes in hundreds of thousands, yea millions, of producing farmers who are in no way parties to these transactions, I deem it our highest duty to exert our utmost efforts within constitutional limitations to abate the evil or to destroy it, root and branch, if we can do so. Therefore the next step, to proceed in logical order, is to ascertain whether or not the selling of cotton for future delivery, as conducted on the cotton exchanges in New York and New Orleans, is beneficial or injurious to the producers and manufacturers of cotton in this country.

It is impossible to sell more cotton for future delivery than is purchased for future delivery. Such a statement needs no demonstration; it is axiomatic. So, if these transactions were natural and conditions were equal and no law of economics violated, the effect of each sale would be neutralized by the effect of the purchase which made the sale possible. If these pretended contracts were intended to be executed by actual receipt and delivery of the cotton specified under terms and conditions equally fair and just to both seller and purchaser, their effect on the market would be nill. The future market, on the face of it, is always exactly balanced as the purchases and sales are and must be exactly equal in pounds, bales, and prices.

If delivery of each and every bale was actually intended and actually followed, it would make no sort of difference how often the same contract was transferred from one party to another, it could not and would not have any unnatural effect on the market any more than for a stock raiser in April to make a written contract to sell to a packer 100 head of beef steers to be delivered in the following December. This contract might be passed from one party to another a thousand times during that period of time and it would have no greater effect than if the same cattle had been sold and delivered a thousand times. Nor will a warehouse receipt for 1,000 bales of cotton have any unnatural effect on the cotton market if transferred a hundred times by way of sale and delivery, simply because the purchaser can look at the warehouse receipt and from it see just what kind of cotton is covered by the receipt, how many bales middling and weight of each, how many bales above middling and weight of each, how many bales below middling and weight of each. The warehouse receipt is simply an evidence of title to existing property. The contract is to deliver by the seller to the buyer 100 bales of cotton in the future, and although the cotton had not been planted, if both parties intended in good faith to execute the contract, and if, in fact, execution of such contract was the rule and not the rarest kind of an exception, no unnatural or injurious effects would follow. Mr. Speaker, if all contracts for future services or future deliveries of property were as often violated, or, to state it in another way, were as rarely executed as are contracts for future delivery of cotton made on the cotton exchanges, commerce and trade would be destroyed.

It is true that the margin of $2 per bale put up by buyer and seller of futures is forfeited and retained as damages to anyone who refuses to increase his margin when called on to do so; but if all kinds of contracts in business were as often broken as are those in cotton futures the claims for damages resulting therefrom would not so far compensate for such breaches of contracts as to permit the necessary business relations of commerce to continue.

Mr. Speaker, these contracts for cotton futures are made on the basis of middling cotton, so far as quality is concerned, and a bale is arbitrarily fixed at 500 pounds. A minimum contract is for 100 bales, or 50,000 pounds, and is made subject to the seller's option, who can deliver to the holder of the contract in month of delivery 50,000 pounds of middling cotton or any other kind of cotton other than middling deliverable on contracts on the exchange where the contract is made. There are now about 20 grades of cotton, as I now recall the facts, that are deliverable on contracts in the New York Cotton Exchange, so that the seller can deliver to the buyer the whole number of bales of any one kind of cotton deliverable under his contract, or he can deliver some of all grades deliverable. All the seller is compelled to do is to deliver 100 bales of cotton subject to delivery under his contract.

But if the cotton is above middling the seller does not have to deliver 50,000 pounds, but only enough pounds to equal in value 50,000 pounds of middling cotton. He may also deliver the whole 100 bales of cotton grading below middling, but in doing so he must deliver more than 50,000 pounds. He must deliver enough of this lower grade to be equal in value to 50,000 pounds of middling cotton. It would seem, in all fairness to the purchaser of one of these contracts, that he should get the actual market value of his 50,000 pounds of middling cotton at the time of the delivery provided for in the contract where other than middling is delivered, so that he would at least have as much cotton in market value as his contract called for in specific terms, so that the buyer could sell the cotton at least for as much as he was forced to give for it under the terms of the contract. But, Mr. Speaker, under the rules of the New York cotton exchange this is not the case.

Under the seller's option privilege he naturally will always deliver the grades of cotton least desirable to hold and in least demand at the time of delivery. Instead of determining the actual market value of the grades delivered other than middling, under the rules of the New York Exchange, the seller is permitted to deliver at a price fixed by a committee of the exchange, it may be 6, 8, or 10 months prior to the date when the actual delivery has to be made. This is called the system of fixed differences. If the differences were made by the com-

mittee in accordance with actual market conditions existing at the time the committee acted these variations may not remain the same for one month. If the revision committee fixed these differences in the month of September and a great tropical storm, as is often the case, visits the Gulf States, it will cause so great a damage to the quality of the cotton in the fields as to cause a much larger per cent of the crop to run below middling than was the case when the differences were fixed as to cause a wide decline in all grades below the contract grade by reason of the great increase of low-grade cotton. In such a case the seller would naturally deliver the lower grades, as he could get them at a lower price compared to middling than is provided in his contract, so that if the buyer should on the day of delivery sell this low-grade cotton he would suffer a loss. Naturally those who want farm-grown cotton for manufacturing purposes will steer clear of any such market as the New York Cotton Exchange provides. The rules of the New York Cotton Exchange makes that market attractive to any and all kinds of overvalued grades of cotton for purposes of delivery on contracts.

The small cash margin required to be put up by buyers and sellers of cotton on the New York and New Orleans exchanges for future delivery is conclusive proof that actual delivery is not expected. If middling cotton for a month, six months ahead of month of sale is as low as 10 cents per pound, the value of a 500-pound bale would be $50, and $2 cash margin would be only 4 per cent of the value of the cotton. That 4 per cent cash margin is the only guaranty the member of the cotton exchange who buys or sells the cotton has that the seller will deliver or that the purchaser will accept the delivery and pay for the cotton except the solvency of the parties to the transaction. Anybody, by mail, telegraph, or otherwise, under ordinary conditions can trade in futures by putting up the cash margin required, without any reference to his solvency. It is the rule if the market for the month dealt in is going down the purchaser is called on to increase his margin by putting up more cash. This call is usually made before his margin is exhausted, and if the purchaser does not increase his cash margin the member of the exchange who executed the order will sell out the contract before the cash margin is entirely exhausted, and the new purchaser takes the place of the one who was sold out on account of failure to respond in cash margin when called to do so.

Now, Mr. Speaker, it is not an unusual thing for the price of cotton futures to fluctuate as much as a dollar a bale in one hour's time. In fact, on the opening of the exchange at 10 a. m. the price of futures often opens a dollar higher or lower per bale than they closed the day before. Now, would any safe, conservative banker loan money on actual cotton within 4 per cent of its cash value, with the borrower 500 or 1,000 miles away, and depend on the borrower protecting the bank by telegraph or telephone in case of violent fluctuations in the price of spot cotton? This is exactly what the member of the exchange does for the dealer in cotton futures.

It is clear that if any man who was buying cotton from a man whose solvency he did know and had to rely on a deposit in money in some bank to guarantee the actual delivery of the spot cotton six months ahead of the date of the contract he would require a much larger deposit in cash than $2 per bale. It must be clear to anyone that from the fact that the contract for future delivery of cotton is wholly at the option of the seller, and naturally operates to his advantage, that it is just as certain and as inevitable that these contracts are to the disadvantage of the purchasers of cotton for future delivery who want actual farm-grown cotton for purposes of manufacture.

Mr. Speaker, however we may view these contracts for future delivery of cotton under the existing rules of the New York and New Orleans exchanges, the conclusion is forced upon us that at least 90 per cent of all who sell these contracts have no purpose or desire to deliver actual cotton, even as per the advantageous terms of the New York contract; and it is equally clear that even a greater percentage of all persons who buy those contracts for future delivery of cotton have no purpose or desire to accept delivery of actual cotton as provided for in their contracts. Therefore it must follow that at least 90 per cent of all sales and purchases of cotton for future delivery in these exchanges are not made with any expectation or desire that actual cotton will be delivered and accepted in execution of said contracts. The hope and purpose of both parties to these trades is that the fluctuations in the price of futures will be in his direction, and that he may buy in or sell out his contract so as to make a profit before the month arrives in which the contract could be complied with by the terms of same.

The purchaser's expectation is to make a profit by getting the money put up as a margin by the seller, and a seller expects to make money by getting the margin, or part of it, put up by the purchaser. He has no thought of acquiring actual cotton and delivering it on his contract, but only hopes that the quotations for the future month he has dealt in will so decline as to enable him to buy in his contract for less than he sold it, and thus make a profit, which is paid out of the cash margin put up by the unfortunate purchaser. No wealth is created nor was any expected to be created. Such dealings are on all fours with the card table—the money of the players changes hands during the game and some players will have more money than they commenced with, but others will have exactly that much less.

Future dealings settled by the margin money put up are nothing more than gambling transactions as between the parties to them, but as to the growers and manufacturers of cotton they are much worse than the gaming table. The card gambler never injures anyone not a party to the game, but the cotton-future gambler affects adversely thousands and millions of cotton growers who are not parties to these future contracts.

The cotton exchanges open at 10 o'clock in the morning. Ten o'clock in the morning at New York means 9 o'clock in much the greater part of the cotton-growing belt of the United States. The moment the first price is made in futures in New York it is flashed over the wires to every spot-cotton dealer in the United States, and these quotations continue to be sent out every few minutes during the day; that is, until 3 o'clock p. m., when the exchanges close. If futures open firm and higher, purchasers of spot cotton are active in making purchases of farmers or anyone else who has actual cotton to sell. If the quotations for futures are considerably higher, the purchaser of spots may and often does advance the price he is paying for actual cotton.

But, on the other hand, if futures open lower and dull the purchaser of spots reduces his prices and is indifferent as to buying even at the reduced prices. As a rule cotton is delivered at country shipping points in the forenoon and usually sold before 1 o'clock p. m., and the market for spots is controlled absolutely by the sales of futures, as no spot quotations are posted by the cotton exchanges until 2 o'clock p. m., after the future market has been open for four hours and only one hour before the closing of the exchanges.

So, Mr. Speaker, it must be plain to anyone who makes an investigation of this subject that while the cotton-future gambler in his dealing has his eyes only on the cash stakes put up in the name of margins, his gambling in the name of cotton does have a very material effect on the prices of actual spot cotton in the hands of the grower or the manufacturer.

If no one but the professional cotton gamblers would patronize those exchanges they would largely cease to exist, but on account of the inherent disposition of man to speculate and gamble there seems to be an inexhaustible supply of men who think they can make money in future dealing and thus get rich quick and spend the rest of their days in easy living, so that a large crop of "lambs" are thus produced for fleecing by the professionals. These lambs are the innocent cause of all the evils growing out of future dealings in farm products.

At times when there are prospects of a short crop the facts are exaggerated, as crop-damage stories nearly always are, and these lambs begin to buy cotton futures from the professionals in New York and New Orleans. Nobody but a professional will sell to them. A lamb, and especially one in the South, never sells cotton futures. He always buys. He lives where he hears the tales of woe from the farmers morning, noon, and night. When he goes to make his purchases he never purchases only a few bales so as he can margin his trade heavily. He never thinks that futures can go down between the time of his purchase and the month of delivery. He usually thinks he knows all about cotton because he lives in the South, and he thinks these New York people, who have no knowledge of the crop conditions, with which he is familiar, are at a great disadvantage in dealing with him—a real, genuine cotton expert. So he goes in heavily and buys all he has the money to margin. He reasons there is no use in making two bites of a cherry. He will get rich in his first plunge and in a single trade. After the crop of lambs are sufficiently large on the bull side, the professionals in Wall Street, who like good country mutton, decide it is time to "make a killing." So some fine morning a big professional who has been selling cotton right along to these "sure-thing" lambs gets up and offers to sell 10,000 bales in any month. He has been in the public prints before—he is a Theodore Price or a Dan Sully. No other professional wants it. No bid is offered. This bit of market gossip is flashed over the wires to ever cotton broker and dealer and bucket shop in the land.

The effect is electrical. Futures begin to decline rapidly, margins are called, and the lambs become panicky, and orders

burn up the wires to sell cotton futures at the market, down goes the price, and when it has sufficiently declined the professionals sell back to the poor deluded lambs the contracts they had purchased from them, and thus scoop in all the margin money the poor little bulls had put up, and then immediately the market steadies, and the professionals, having made "their killing," retire with no cotton or cotton contracts to bother them, but in possession of all the money put up as margins for cotton they sold, that was never intended to be delivered when sold. The crop-damage reports may have been real, and may get worse, but it did not prevent the manipulation of the market by the professionals, to the loss and ruin of new, inexperienced men, with a little money in hand, who think they can make many hundred per cent by dealing in cotton futures. Almost hundreds of cases have occurred where young men of good family and good character have been so crazed with the idea of getting rich quick that they have used funds not their own, and have become criminals and involved honored and respected families in financial ruin in order to save a son from a felon's cell. All laws are made for the protection of society, and it seems to me that it is our duty to protect the young men of our country from such temptation by refusing the use of the mails and the facilities of interstate commerce in aid of gambling transactions in farm products, which is so injurious to the producer and so demoralizing to the young men of our land and no benefit to any legitimate industry entitled to the equal protection of the laws.

Mr. OLMSTED. Mr. Speaker, is all the debate in favor of the bill?

The SPEAKER. The Chair did not pay much attention to that, as to whether gentlemen were in favor of the bill or against it.

Mr. OLMSTED. Everybody who has spoken seems to be in favor of the bill. I am opposed to it.

The SPEAKER. The Chair will recognize the gentleman for two minutes.

Mr. OLMSTED. That is rather short.

The SPEAKER. That is all the time there is left.

Mr. OLMSTED. Then I will yield my time.

Mr. HEFLIN rose.

The SPEAKER. There are only two minutes remaining. The Chair will recognize the gentleman from Alabama [Mr. HEFLIN] for two minutes.

Mr. HEFLIN. Mr. Speaker, It is really refreshing to those of us who come from the cotton belt, that section that produces two-thirds of the cotton of the world, to hear these gentlemen protest against our efforts to regulate the cotton exchanges, because they say that such regulation will injure the people that we represent.

The farmers of the cotton belt are almost unanimous in their demand for this legislation; but as I listened to the speeches made by the gentlemen who come from the exchange centers I was uneasy lest they convince some of you that these exchanges were instituted purely and wholly, singly and solely, for the benefit of the cotton producers. [Laughter and applause.] The cotton producer simply wants cotton used to fill contracts that name cotton. Men handling contracts that name cotton must call on the man who has real cotton to fill cotton contracts. Is there anything unfair about that? The exchange must become a real cotton exchange, where real buyers and real sellers transact legitimate business. Then the law of supply and demand will govern, as it should, an open, legitimate, and competitive market. That is all we want, gentlemen; and in closing this debate I ask you to vote for this meritorious measure. [Applause.]

Mr. BEALL of Texas. Mr. Speaker, I ask unanimous consent to correct two typographical errors in the bill: First, on page 4, line 21, to substitute the word "of" in place of the word "or."

The SPEAKER. The Clerk will report the request.

The Clerk read as follows:

Page 4, line 21, substitute the word "of" in place of the word "or."

Mr. SABATH. Mr. Speaker, have we reached section 4?

Mr. MANN. No; we are making a request for unanimous consent.

The SPEAKER. The gentleman from Texas asks unanimous consent to make the typographical correction which has been stated. Is there objection?

Mr. FITZGERALD. Reserving the right to object, I wish to ask the gentleman a question. Under the operation of the rule under which this bill is being considered it is impossible even for the friends of the bill to perfect it without unanimous consent. Is not that true?

Mr. BEALL of Texas. Unfortunately it is true, because the gentleman from New York [Mr. FITZGERALD] consumed a very considerable part of the time.

Mr. FITZGERALD. I consumed 10 minutes.

The SPEAKER. If there be no objection, this amendment will be agreed to.

There was no objection.

Mr. BEALL of Texas. Then, on page 6, in line 16, I ask unanimous consent to strike out the word "my" and insert the word "by."

The SPEAKER. The Clerk will report the request.

The Clerk read as follows:

Page 6, line 16, strike out "my" and insert "by."

Mr. MANN. Mr. Speaker, there are two prints of this bill. I should like to inquire where this is in the print of the bill which I have.

Mr. BEALL of Texas. Near the end of section 6. "Or at which it is caused to be delivered my mail," should be "by mail." I am not sure that the mistake occurs in the original bill, but it does occur in the printed copy.

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman from Texas if the word "in," in line 19, page 6, ought not to be stricken out and the word "is" inserted. That is a typographical error, is it not?

Mr. MANN. What is the language? There are two prints of the bill.

Mr. COOPER. It reads:

That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States——

The SPEAKER. The Chair has not yet submitted the previous request. If there be no objection, the word "my" will be changed to the word "by" in the place suggested by the gentleman from Texas [Mr. BEALL].

There was no objection.

Mr. FITZGERALD. Mr. Speaker, is debate ended on this bill?

The SPEAKER. Debate is ended; yes.

Mr. FITZGERALD. I ask for the regular order.

The SPEAKER. The regular order is on the engrossment and third reading of this bill.

Mr. BEALL of Texas. I ask unanimous consent that the word "in" be stricken out and the word "is" substituted at the commencement of section 7.

The SPEAKER. Is there objection?

There was no objection.

Mr. COOPER. In line 19, page 6, there is a typographical error—"in" for "is."

Mr. FITZGERALD. I shall not agree that it is a typographical error. I object. It is manifest that we can not properly consider this bill to-day.

The SPEAKER. Does the gentleman from New York object?

Mr. FITZGERALD. I object.

Mr. ROBINSON. Mr. Speaker, I desire to submit a request that I be permitted to offer an amendment, of which I have heretofore spoken.

The SPEAKER. The Clerk will first report the amendment offered by the gentleman from Arkansas [Mr. ROBINSON].

The Clerk read as follows:

Insert on page 4, line 6, after the word——

Mr. MANN. I object to the reading of the amendment, and call for the regular order.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to offer an amendment. I did not know that the time had expired.

Mr. BURLESON. We would like to know what the amendment is.

Mr. MANN. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the engrossment and third reading of the bill.

The question was taken, and the bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. FITZGERALD and Mr. MANN) there were—95 ayes and 25 noes.

So the bill was passed.

On motion of Mr. BEALL of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. BOOHER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers

in the case of John S. Swanke, invalid-pension case, Sixtieth Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. DICKSON of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks on the cotton bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on the cotton bill. Is there objection?

There was no objection.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the cotton bill may have five legislative days in which to extend their remarks.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that all gentlemen who have spoken on the bill may have five legislative days in which to extend their remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following order:

Ordered, That the Senate, sitting for the trial of impeachment of Robert W. Archbald, adjourn until Friday, the 19th instant, at 12.30 o'clock in the afternoon.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station, an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof.

INTERNAL-REVENUE ACT RELATING TO MANUFACTURE OF CIGARS.

Mr. PETERS. Mr. Speaker, I ask unanimous consent that the House consider the bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, I make the point of order that the bill can not be read in the House. The gentleman should make a motion to go into Committee of the Whole House on the state of the Union.

The SPEAKER. The point of order is well taken.

Mr. PETERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25741) amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909.

The question was taken, and the motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The Clerk began the reading of the bill.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill.

Mr. MANN. Mr. Chairman, this is a very short bill, and I think it ought to be read.

The CHAIRMAN. Objection is heard and the Clerk will proceed.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909, be, and the same is hereby, amended to read as follows:

"SEC. 3392. All cigars weighing more than three pounds per 1,000 shall be packed in boxes not before used for that purpose containing, respectively, 5, 10, 12, 13, 25, 50, 100, 200, 250, or 500 cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than $1,000, and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: *Provided further*, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him and sells or removes for consumption or use in packages or parcels containing 3, 8, 10, 15, 20, 50, or 100 cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the customhouse before they are withdrawn therefrom."

Mr. PETERS. Mr. Chairman, the provision of this act which is new is contained on page 2 of the bill, in lines 14 to 22, inclusive, and reads as follows:

Provided further, That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon, such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe.

Mr. Chairman, it has been the custom since cigars were first made in this country that the operatives should be allowed a certain number of cigars for their own use. Up until last September they have been allowed to take from the tobacco which they have given them to roll the cigars a certain amount to experiment with, to find out just the manner in which the cigars should be rolled which they were to make. They have also determined by smoking the tobacco whether it is of a proper strength and quality to use in the grade of cigars they were to make. The inexperienced employees were also taught how to roll cigars from this tobacco. The cigars allowed the operatives were not put in stamped boxes and no tax was paid upon them.

It has grown up as a custom that the factories will allow their operatives to take out a certain number of cigars—about three each day and six on Saturdays. This was permitted because in certain factories there were rules prohibiting smoking, either for hygienic reasons or because women and children were employed there. The use of "smokers" had been the universal custom from the time the industry started until last September, when the Treasury Department made a ruling that no "smokers" should be allowed. There was a ruling made September 1, 1911, and a later one on September 15, and one on December 30 of the same year—printed in the hearings—all having the same object in view, to curtail the use of "smokers." Immediately the operatives began to feel that they had been deprived of what custom had given them, which they had come to regard as a part of their daily wage. Therefore bills were introduced by several Members having in view extending to the operatives by statute the privilege which had been enjoyed by them all along under the practice of the Internal Revenue Department up to last year.

Your Committee on Ways and Means gave an exhaustive hearing to the subject, and there appeared before it the representatives of the employees from many of our cities, and some of the manufacturers. Among those who addressed the committee were Mr. Henry Abrahams, president of the Massachusetts Central Labor Union, of Boston, Mass., Mr. Thomas F. Tracy, second vice president of the Cigar Maker's International Union of Boston, Mass., and representatives of the cigar makers of New York, Florida, and Connecticut. It was agreed upon by all parties, by both the manufacturers and the employees, that this custom was so well established that both parties desired to see it continued. The only point which was made against it was made by the Commissioner of Internal Revenue, who objected to it because of the fear that continuing this exemption would enable a certain amount of tobacco to be taken out without paying a duty upon it; but after carefully considering the evidence your committee felt justified in reporting the bill which we now have before us. It was felt that the privilege had been in existence so long that its legal recognition was no more than fair to men and to the manufacturers, and there was no reason to suppose that it would be abused by men of such high integrity as are found among those engaged in the manufacture of cigars.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman explain what the provision beginning on line 22, page 2, relating to cigarettes and the method of packing them has to do with the legitimatizing of the custom of employees having an allowance of 21 cigars a week?

Mr. PETERS. That is in the law at the present time and there is no change made in the section to which the gentleman refers by this bill. The only change made is embodied in the provision commencing "*Provided further*," on line 14, and ending with the word "prescribe," on line 22. The provisions to which the gentleman refers are in the present law.

Mr. MOORE of Pennsylvania. The only change contemplated by the committee in the bill is the legitimatizing of the custom of making this allowance of cigars to the employee?

Mr. PETERS. That is exactly it.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. TILSON. May I ask a general question? In this hearing before the committee in which the gentleman says both the manufacturers and the employees were represented, did they arrive at an agreement and is this bill presented here to-day satisfactory to both the manufacturers and the employees?

Mr. PETERS. The provisions of this bill met the demands of both the manufacturers and the employees as presented to the committee. This particular bill was not up for consideration at the time of the hearing. It became necessary to draw a new bill and meet some objections made to the bills which the committee was then considering, and I drew this bill and introduced it for the committee.

Mr. TILSON. But the provision changing the law was agreed upon?

Mr. PETERS. That provision meets the wishes of both parties.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. PETERS. Certainly.

Mr. CANNON. How many employees are there in the United States making cigars?

Mr. PETERS. I was coming to that in a minute. In the year 1909, which is the most recent year for which the statistics are available, there were on an average 139,578 employees in the United States in the cigar factories. This does not include clerks or salaried persons.

Mr. CANNON. If I understand this bill, it would allow each employee to have 21 cigars a week, where the tobacco was imported or where any kind of a tax was paid upon it, free of the tax. Is that right?

Mr. PETERS. For personal consumption and experimental purposes.

Mr. CANNON. Now, has the gentleman taken into consideration the question of allowing all clerks in dry goods houses, all employees who make up goods into clothing—in other words, have this law extended so that everybody might be accommodated and freed from the tax who is engaged in the handling or making up of various products?

Mr. PETERS. It is only the intention of the committee by this bill to legalize what has been the recognized custom of the cigar trade for many years, and they have not gone beyond that.

Mr. CANNON. If it be a good custom, and I am not expressing any opinion about it; but if it is good for 135,000 employees who make up tobacco, why is it not good for 5,000,000 or 10,000,000 employees that they should also be relieved of the burden for consuming that which they handle? What I want to get at, without expressing any opinion, is, did the committee consider the proposition that I have referred to of extending similar privileges to everybody who is engaged in any kind of industry?

Mr. PETERS. The committee certainly did not consider the question of extending the privileges of this act beyond those people who have already had this advantage.

Mr. CANNON. Why not? Is the act vicious; is the act bad in principle?

Mr. PETERS. The reason why we should not do it is that we are merely legalizing a custom which already exists. We are not making any new exemptions from taxation and not extending the exemption.

Mr. CANNON. A custom is legal itself if it be a good custom under common-law definition; then why is it necessary for this legislation if it be a custom?

Mr. PETERS. If the gentleman would be so good as to read the three rulings of the Treasury Department, made last September and December, to which I have referred, he will see that it is necessary to legalize this custom if it is to be continued.

Mr. CANNON. A custom if it is a good custom is the law, and if it is no longer a custom there is no necessity for this legislation. Is not that it?

Mr. PETERS. It was a custom until the rulings of the Treasury Department forbade it.

Mr. CANNON. Well, why not extend its advantages and have the burdens of taxation taken off of all the people equally?

Mr. PETERS. I have just explained why it makes legal a custom which has been in existence for 100 years or more. I will submit at this point a summary statement giving certain statistical facts in regard to the number of people employed in the manufacture of cigars and the revenue duties collected thereon.

The returns for the year 1909—most recent year available—show:

Average number of employees in cigar factories, wage earners only—does not include clerks or salaried people—139,578.

Of whom there were:

Men over 16 years of age, 69,392.

Women over 16 years of age, 66,338.

Children under 16 years, 3,848.

The internal-revenue tax on 1,000 cigars is $3.

The average cigar maker produces approximately 30,000 cigars annually, thus producing a revenue of $90. If he consumed 21 cigars a week, or 1,092 a year, the revenue would be decreased by a little over $3.

Estimating that 80 per cent of men over 16 smoke, they would consume in a year about 60,000,000 cigars.

On which there would be a revenue tax of 66,000 times $3 uncollected, or $180,000.

The maximum total loss is, then, $180,000.

Total internal-revenue tax on tobacco, 1911, $67,005,950.56.

Of which there was collected on cigars alone, $22,673,008.31.

These figures show the extremely trifling amount which these exemptions would affect in regard to the total amount of revenue received, and when we come to consider that 21 cigars a week has been allowed to those in the trade ever since the inception of the industry, you will see that the total amount of revenue which would be lost by this act would be inconsiderable indeed.

Mr. JAMES. There is no loss of revenue, because there has never been any revenue collected heretofore.

Mr. PETERS. The gentleman is entirely correct.

Mr. WHITE. May I ask the gentleman a question?

Mr. PETERS. Certainly.

Mr. WHITE. Does the gentleman include stogies in the use of the word "cigars"?

Mr. PETERS. I suppose they are included in the revenue department as cigars.

Mr. WHITE. They are not specifically referred to in cigars, and I desired to know whether they were included in the gentleman's statistics.

Mr. PETERS. I suppose so. I obtained these statistics from the Census Bureau. They have not yet been printed, and details are not, therefore, available.

Mr. SPARKMAN. I suppose, of course, the necessity for this legislation grows out of the recent ruling of the Commissioner of Internal Revenue?

Mr. PETERS. There were three rulings made in 1911 in the closing months, which took away from the operatives the privilege of smokers which heretofore existed, which made some action necessary.

Mr. SPARKMAN. All the other Commissioners of Internal Revenue from the beginning of the Government down to the present time made no such ruling; in other words, had recognized that practice?

Mr. PETERS. It was universally recognized until the recent ruling was made.

Mr. SPARKMAN. And the sole purpose of the present bill is to legalize the custom that has grown up under that practice for a good many years—a century, as you say?

Mr. PETERS. The sole purpose is to legalize the custom which had been recognized since the commencement of the trade.

Mr. SPARKMAN. I would like to make the suggestion that I think your bill is simply more conservative than the custom that has grown up in the factories where the clear Habana cigars are made. I think the operatives there have been accustomed to take as much as 25 cigars a week. You provide for 21?

Mr. PETERS. We have done so. The custom has itself much to commend it. It gives an opportunity for the inexperienced to try their hand at preparing cigars. It gives an opportunity for the manufacturer to have his tobacco tested by his operatives and to find the exact value of that tobacco for the purpose which he wishes to make of it, and, in addition, this custom has become so general that the attempt to abolish it has brought forth strong objections and considerable hardship on the part of the men employed in this business.

Mr. BOWMAN. Will the gentleman yield?

The CHAIRMAN (Mr. BYRNS of Tennessee). Will the gentleman from Massachusetts yield to the gentleman from Pennsylvania?

Mr. PETERS. With pleasure.

Mr. BOWMAN. I see in the report of the committee, in the last paragraph of the letter signed by Commissioner Cabell, the following statement:

The only method by which a manufacturer may safely supply his employees with "smokers" is to pursue the course adopted by some of the large manufacturers, who for years have supplied their cigar makers and other employees with "smokers" from packages that have been marked, branded, and stamped in accordance with the law and regulations.

Does not the gentleman think it is better to have that practice followed by all the manufacturers?

Mr. PETERS. The manufacturer will not do that. We prefer to legalize the old custom.

Mr. BOWMAN. Does not the gentleman think that if they open it up in this manner it will be open to further abuse?

Mr. PETERS. The committee does not think so. The custom had been in use for years, and there was not brought to the committee any instance of an attempt to defraud the Government. The committee has full confidence in the intentions of the manufacturers and operatives, and I am sure if the gentleman had been at the hearings he would have seen from the representatives of the operatives who were there that no advantage would be taken of the provisions of this bill.

Mr. Chairman, in its effort to reestablish this custom your committee report the bill and hope for speedy and favorable action by the House.

I reserve the balance of my time.

Mr. PAYNE rose.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] is recognized.

Mr. PAYNE. Mr. Speaker, it is true this bill has received the approval of the manufacturers, although disapproved by some of them who prefer to do their business in a straight, legal way, according to the present law. Of course, the cigar makers are in favor of it, because it furnishes them cheaper cigars to smoke, and some manufacturers are in favor of it because it saves the tax on cigars, and they are able to mix up in some way the tax on the cigars and the wages of the employees and get a little benefit out of it. And for that reason both of them are in favor of the bill.

The practice was prohibited by the old law, because they thought it was necessary in framing the old law to provide some safety for the high revenue that was exacted upon manufactured cigars. The manufacturers were charged with the amount of tobacco and with the probable number of cigars it would make, and that was one check which the Commissioner of Internal Revenue had upon them, and one means that he had to exact the full tax.

The tobacco goes into the manufacture of cigars, as you all know, and the cigars can not come out of the factory unless they are put up into boxes, and the internal-revenue authorities close the boxes so they can not be opened without breaking the tax stamp that is pasted upon the box.

Now, this practice of free cigars for employees grew up in contravention of the law. The men would take tobacco and make it up into cigars and smoke them while they were doing their work. Probably no great amount of tobacco was consumed in this way. The proprietors and manufacturers allowed it to be done, and the cigar makers, of course, were anxious to have the practice continued. But, like all such practices, it got a little over the borders of moderation, and they began to take home with them the cigars on which no revenue tax had been paid. The practice increased and the number of cigars taken out increased from time to time until the practice became a serious drag on the revenue, the commissioner said $1,000,000 per year.

It was on account of this fact that the Commissioner of Internal Revenue, if I remember the hearings correctly, about two years ago, decided to enforce the law.

Mr. SPARKMAN. It was last year, in September.

Mr. PAYNE. Since that time he has enforced the law, and has required that no cigars should go out of the factory. If I remember correctly the evidence taken by the committee some time ago, it was to the effect that no cigars should be used in the factory and smoked unless the internal revenue was paid according to law. That was very strict.

When that regulation was put into effect, of course there was a mattering of discontent, and finally it grew to such importance that the workmen and employees appeared before the Committee on Ways and Means during the present year and, as my friend says, a number of bills were introduced to relieve this situation. The committee had the Commissioner of Internal Revenue appear before them, and he was examined fully upon this subject. He was asked if the revenue could be protected if legislation of this sort were enacted. He said he thought that if permission were given to exempt from the payment of the tax only such cigars as were smoked upon the premises by the employees it would not make any great inroad upon the revenue, and in his opinion it would be sane legislation. I do not know whether he said just that, but, adopting the language of the day, I will include that word "sane."

This arrangement was made, of giving 3 cigars a day to each employee, or 21 during the week. He said that if these employees were allowed to take the cigars from the premises without their being packed in boxes and stamped and the revenue paid upon them, you might just as well take the revenue tax off of cigars and tax something else in order to raise revenue. He put it in one sentence as strongly as that. Perhaps that was a little stronger than he meant it to be. But at any rate, he said it would result in a great loss of revenue if that practice were legalized.

That is the reason I am opposed to this bill in its present form. I do not object to allowing the makers of cigars to use such tobacco as is given them by their employers on the premises, but I do object to having the cigars made from it taken away, because that opens the door to temptation to those employees and to fraud on the revenue. I am afraid that if the employees are allowed to get the cigars out of the shop they will not always be inclined to use them for their own personal use. There will probably be people outside who will be tempted to buy the cigars of them. Of course the United States Government can not follow these employees beyond the doors of the factory to see whether the cigars are used in that way or not. The espionage by the Government authorities is in the factory. Beyond that they have no control over the revenue, and it is not safe to let the cigars go out in a wholesale manner.

I do not know whether the gentleman's calculations are correct or not as to the number of employees and the number of cigars that are to be used. I do not know whether the employees would use all the 21 cigars allowed in a week or not. I know that a calculation was made in the committee, and the number ascertained was enormous, and the amount of revenue was much larger than $185,000, as we calculated it then. I have not looked at it since. I have not had the report of the hearings, but I recall it was much larger than $185,000.

Now, why not amend this bill, and confine it to cigars used upon the premises by these employees, and not allow them to take any out, and not endanger the revenue? Why should you endanger the revenue against the protest of the Commissioner of Internal Revenue, who has the collection of the revenue under his jurisdiction? I think a very simple amendment to this bill would guard against that, and then, as far as I am concerned, I should not have any objection to its passage, although I believe, going away back to the foundation, that we ought not to make any exemption, and we ought not to allow anybody any special privilege in regard to these things. I am against special privileges, whether to rich people or poor people, whether to the laboring man or the capitalist. I do not believe in special privileges to anybody. I hear a great many people talk glibly about special privileges, and then see them go and vote to give special privileges to a special class.

I know that in the manufacture of beer in breweries employees are allowed to drink all the beer they can drink on the premises, but they are not allowed to take it out in bottles or in cans and drink it somewhere else, or peddle it out to other people to drink.

Bear in mind that the only safeguard the Government has is, in the first place, in weighing in the tobacco into the factory; then, after that is done, to see that the proper amount of cigars come out of the factory and pay the tax. If you allow them to come out in any way except in boxes properly stamped, you run the risk of losing the revenue and of giving some one free cigars, as against all the other citizens of the United States. Confine it to the employees in the cigar factory, and do not go outside of that.

I do not care to talk longer upon this, Mr. Chairman, because I have said, perhaps, all I want to say, and because I understand the gentleman from Wisconsin wishes to make an hour's speech.

Mr. SPARKMAN. I should like to ask if the Government does not require 1,000 cigars out of 25 pounds of tobacco?

Mr. PAYNE. Yes; that is the minimum. They require that as a minimum, and if they make any more cigars than that, they can not go out of the factory unless they pay a tax on them by putting them in boxes and paying for the stamps.

Mr. SPARKMAN. The gentleman has admitted that this practice has been going on for a great many years.

Mr. PAYNE. It has grown into a practice.

Mr. SPARKMAN. How will the Government lose by legalizing a practice that has been going on? In other words, how will it lose that which it has never been collecting?

Mr. PAYNE. It was because the revenue was diminishing on these things, and the commissioner found he was not collecting the proper amount of revenue, that he called attention to the law and the strictness of it, and enforced it.

Mr. SPARKMAN. I read the hearings very carefully, and I do not recall that the commissioner found that he was losing or that the practice was growing to any extent at all.

Mr. PAYNE. You will remember that his experience was such under that old practice that he protested most vehemently against changing the law and allowing them to take the cigars out of the factory.

Mr. SPARKMAN. Right or wrong, this present commissioner did that which his predecessors never did. He did it, not because the practice was growing, but because he thought it ought to be stopped.

Mr. PAYNE. There is no question but that he was right on the law, and right in the interest of collecting revenue, and his attention was called to it for that purpose.

Mr. COOPER. It is true, I believe, that this practice of smoking three cigars a day or taking them out is a very old custom; but does not the gentleman from New York think that the language of the pending bill is sufficient to prevent any abuse? It provides, in line 15, page 2—

That each employee of a manufacturer of cigars shall be permitted to use, for personal consumption and for experimental purposes, not to exceed 21 cigars per week without the manufacturer of cigars being required to pack the same in boxes or to stamp or pay any internal-revenue tax thereon.

Now follows the language to which I wish to direct the gentleman's attention:

Such exemption to be allowed under such rules and regulations as the Secretary of the Treasury may prescribe.

Would not that language, which confers plenary powers on the Secretary of the Treasury to pass rules and requirements to be observed by these employees, suffice to prevent abuse?

Mr. PAYNE. I do not think so, for this reason: If my friend from Wisconsin will allow me to make a personal example, I think if he was administering it that he would let the cigars go off the premises, and if I was administering it I would not allow them to go off. I want to call the gentleman's attention to this suggestion: Suppose, in line 16, after the word "use," we insert the words "on the premises of the manufacturer," so that it will read "that each employee of the manufacturer of cigars shall be permitted to use on the premises of the manufacturer for personal consumption and for experimental purposes," and so forth.

Mr. COOPER. But I can see how an employee might want to take home a cigar to smoke after supper, the same as does the man who has ample money to pay for cigars. It strikes me that there is no great hardship coming to the Government of the United States, nor to anybody else, by permitting the employee to take the cigar home and smoke it.

Mr. PAYNE. The officials of the revenue department do not agree with the gentleman on that.

Mr. COOPER. The internal-revenue official thinks that there will be a loss of revenue. But if the internal-revenue officials and the Secretary of the Treasury get together and formulate rules and regulations so that an employee can not take out more than three cigars, I do not see how it could make any difference to the revenue whether they are smoked on the premises or taken home and smoked. Under proper rules and regulations the interests of the Government will not be injuriously affected.

Mr. PETERS. I wish to call the attention of the gentleman from New York to the fact that the rules in certain factories prohibit smoking on the premises for hygienic reasons, and it would be impossible to provide that they must be smoked on the premises.

Mr. PAYNE. That makes the privilege all the worse. If the proprietors want it done, they could arrange a room for the smoking of the cigars. There is no hardship in that, and I do not think that we ought to injure the revenue every time some one comes along and says that it would be more pleasant to have it done thus and so. I think that it is conceding a good deal to concede what has been done already.

Mr. COOPER. The gentleman from New York speaks about injuring the revenue. Is it not a fact that from the beginning the receipts from the tax on tobacco have increased constantly?

Mr. PAYNE. Oh, certainly.

Mr. COOPER. And yet this practice has been going on.

Mr. PAYNE. The consumption has increased; there is no doubt about that. The legitimate consumption in the factory has increased and also the carrying away of cigars has increased, and still the revenue is increased, because the consumption has increased. We are a country of generous smokers. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman, I have the very highest regard for the opinion of the gentleman from New York [Mr. PAYNE] in reference to the revenue. I am inclined to believe that the custom which has prevailed for many years in the cigar manufacturing business might well continue to prevail, although it is a pure case of special privilege to a few and a direct subsidy to the employees. If the gentlemen on the other side of the aisle can overcome their consciences without hesitation after just passing a platform against special privileges, then passing a bill almost immediately to provide a special privilege and grant a subsidy, I am not going to stand in the way.

Mr. PAYNE. Has the gentleman overlooked the fact that passing the platform and passing the bill had a connection, each one of them, with votes and voters? I do not mean to say that any gentleman was influenced by any such consideration, but it does have a direct bearing on both.

Mr. FITZGERALD. No consideration at all but the public welfare.

Mr. JAMES. Is that what inspired the gentlemen on the Ways and Means Committee to support the bill, the gentleman from Connecticut [Mr. HILL] and others?

Mr. PAYNE. The gentleman from Kentucky is entitled to his own judgment in individual cases.

Mr. REILLY. Mr. Chairman, I am strongly in favor of this bill, which embodies the salient features of several bills that have been introduced, one of which I had the honor of presenting. The principal point in the bill and the one in which the cigar makers and manufacturers are interested is that which exempts from the revenue tax 21 cigars a week for each employee for his own use, consumption, or experimental purposes.

The arguments presented against the bill by the department are not good and will not stand up against strict scrutiny as to facts or motives. While the object of the department may be to secure all the revenue possible, the fact that until the great Tobacco Trust had secured control of so many factories no effort had been made to collect the tax on the "smokes," so called, might lead one to suspect that the trust factories were entirely in harmony with the rule to enforce the tax in the belief that it would put an end to the practice and save to trust uses a small quantity of tobacco used in making the free smokes—in other words, another phase of trust avarice.

For more than 100 years, or since the beginning of the cigar-making industry, cigar makers have been permitted to make, in their own time, and without charge for stock, cigars for their own use and consumption. These have been commonly known as "smokers." The stock used generally has been the tobacco that is not fit to be used in cigars that are offered for sale, or, in others words, the tobacco has been damaged stock. The cigar manufacturer has never objected to this custom, which has really become an unwritten law in the business, but a comparatively recent ruling of the Commissioner of Internal Revenue has made it obligatory on the part of the manufacturer to pay for all "smokers" made by the cigar makers. This drastic ruling has caused great dissatisfaction. The manufacturers are opposed to it as well as the men. The men look upon it as a right, established by long custom, and they will not be deprived of it. In my opinion, the ruling is uncalled for, and the men, believing that an established privilege is being denied them, will still continue to have their "smokes," and this implies no dishonesty on the part of the men.

The Government is not out a dollar by this custom, for the tobacco used by them would not be manufactured into cigars upon which the tax would be paid. This bill provides that a very reasonable number, namely, 3 a day, or not to exceed 21 per week, be allowed each employee. This provision as to the number has the approval of manufacturers and cigar makers alike. My bill was introduced by me at the request of several large cigar manufacturers in my district, and as this bill embodies the main feature of mine and the only one of interest to the cigar makers and manufacturers I give it my hearty approval.

As most clearly proving the justice of this measure I desire to quote from the statement made before the Ways and Means Committee by President G. W. Perkins, of the Cigar Makers' International Union. Among other things Mr. Perkins said:

The cigar maker, in order to become proficient in the making of cigars so as to get the best possible results and to produce cigars that would smoke properly and give proper satisfaction, cut of necessity had to test them by actual smoking of his own work. Tobacco is perhaps the most peculiar in its nature of any plant grown. It has to be handled properly by the cigar maker in order to give the best results. The cigar maker can better judge the manner in which to make cigars properly by personally smoking one, and in doing so is helping not only the customer but the manufacturer as well. Tobacco is one of the hardest things in the world to correctly judge. Almost any other commodity can be judged by the test of seeing, feeling, and tasting, while tobacco has to be seen, felt, tasted, and smoked before a correct judg-

ment can be reached. Thousands of manufacturers located everywhere experience great difficulty in correctly judging tobacco. They have asked the cigar maker to roll it, smoke it, and pass judgment on the quality of the tobacco. This is particularly true in the smaller shops. Thousands of times that thing has been asked of me. These two facts—that is, the testing of the workmanship and the tobacco by actual smoking at the request of the manufacturer—inaugurated the so-called smoker privilege, which has existed in our country for about 100 years. We did not start it. This privilege grew out of a commercial necessity, which exists to-day to a greater extent, if anything, than it ever did in the past. The few smokes the cigar makers get are of greater benefit to the consumer and to the manufacturer than to the cigar maker.

This is the best evidence of putting in the bill the "experimental purposes" provision and shows the benefit of the proposed measure to the manufacturer and consumer.

That there will be no abuse of this exemption is assured by the character of the average cigar maker. I quote from the testimony of Mr. Sol. Sontheimer, of Hartford, Conn., an experienced and reputable cigar maker, on this point:

At no time in my experience—and I have worked as a cigar maker for 35 years at the bench—can I recall a single internal-revenue commissioner that has so construed the law that would practically deprive us of a custom that has been in existence for something like 100 years. We cigar makers that work at the bench have a sense of propriety. Particularly is this true in teaching and telling our colleagues what we presume to be the fair conduct in relation to their employer's property, because we are aware of the fact that to abuse that privilege might possibly lead up to a point where grave complications might arise and we be denied those privileges. For that reason, to teach amongst the craft that particular point upon which I am trying to lay stress, that we cultivate the idea of honesty in the removal of this product, as a result of which the commissioner claims the Government loses a large amount of revenue.

I have a number of letters from different manufacturers in New England. I am working for one that employs something in the neighborhood of 100 cigar makers, and he, like all other manufacturers that I have come in contact with in New England, favors some legislation along this line, such as the Reilly bill.

There is every reason in justice why this bill should pass; there is no good reason yet shown why it should not; and I feel confident this wise and very moderate provision will soon be on the statute books.

Mr. MANN. I would be willing to confess that if there were no voters and no other persons involved I would not be in favor of the bill, because there would be no occasion for its passage.

Mr. Chairman, I would like now to make an inquiry. A few moments ago the gentleman from Wisconsin [Mr. BENDER] desired to address the House upon some subject, where he was entitled to speak in Committee of the Whole House on the state of the Union when considering a revenue bill. I understand that my friend from Texas [Mr. HENRY] prevailed upon the gentleman from Wisconsin to withhold his address this afternoon. I promised at the very first opportunity to get the gentleman from Wisconsin an opportunity to address the House. I did that in my capacity as floor leader upon this side of the House representing in that respect to a certain extent the gentleman from Wisconsin.

Mr. SABATH. And his party?

Mr. BERGER. No; not his party.

Mr. FITZGERALD. I did not understand that the gentleman from Illinois contended for an instant that he represented the party that caucuses in the person of the gentleman from Wisconsin.

Mr. MANN. I do not attend the caucuses of the party; although the gentleman from Wisconsin and myself, as nominal heads of parties in the House, frequently confer. [Laughter.]

Mr. FITZGERALD. And conspire against us.

Mr. MANN. Mr. Speaker, I wish to make an inquiry of the gentleman from Texas as to what his purpose is when we get into the House, for the balance of the afternoon, after the House finishes this bill?

Mr. HENRY of Texas. Mr. Chairman, I will state that I had one or two special rules that I would like to present, but only one in particular that I shall insist upon, and that is a resolution broadening the powers of the Committee on the Merchant Marine and Fisheries in regard to the investigation of the Shipping Trust.

Mr. MANN. To that I have no objection, but I do not think it would be fair to the House to bring up at this time rules in reference to other matters.

Mr. HENRY of Texas. I shall withhold all other special rules this afternoon.

Mr. MANN. May I inquire further whether there will be any objection after we get back into the House this afternoon to at that time granting an hour to the gentleman from Wisconsin, to be consumed on Thursday next?

Mr. HENRY of Texas. None in the world. I have assured the gentleman from Wisconsin that I would be glad to have him get the hour next Thursday, and there will be no difficulty about it.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

The Clerk proceeded with the reading of the bill.

Mr. PAYNE (interrupting the reading). Mr. Chairman, I ask unanimous consent that the second reading of the bill be dispensed with and that we now proceed to amend it.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the second reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 16, after the word "use," insert the words "on the premises of the manufacturer."

Mr. PAYNE. Mr. Chairman, I do not care to say anything further on that amendment.

Mr. FITZGERALD. Would not the effect of this amendment be to practically defeat the purpose of the bill?

Mr. PAYNE. Not at all. It reverts to the original practice in the shops, which has grown into an abuse.

Mr. FITZGERALD. Have they not now adopted regulations that prevent the smoking on the premises in many instances?

Mr. PAYNE. They had not at the time of the hearings.

Mr. LONGWORTH. Oh, I think so. I think there are a number of factories that do not permit smoking on the premises; more than 50 per cent, as I remember.

Mr. PETERS. Mr. Chairman, this amendment would nullify the purposes of the bill. According to the testimony of the witnesses before the committee, in many factories no smoking is permitted at the present time, on account of the welfare of the employees. Women are employed as well as men, and hygienic conditions have rendered it necessary in the modern factories to prevent smoking, and this amendment, if adopted, would do away in great part with the benefits of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of the bill as a new section the following:

"It shall be unlawful after the passage of this act to issue or give away with any cigars or cigarettes offered for sale any trading stamps or premium. Anyone violating this section shall be fined for each and every offense not more than $1,000 or by imprisonment not more than six months, or both."

Mr. PETERS. Mr. Chairman, I make the point of order on the amendment. I will reserve the point of order if the gentleman wishes to speak on it.

Mr. SABATH. Mr. Chairman, in the last 10 years the Tobacco Trust through its foster child, the United Cigar Stores Co., by the adoption of a scheme which is, in fact, nothing more or less than doing business under false representation, has, as no doubt you are aware, driven out of business in all the large centers the majority of the independent and small cigar manufacturers and dealers. Not that they manufacture better cigars or sell them at a lower price, but because through a certain misleading method which they have adopted, known as the "profit-sharing" plan, they have led the public to believe that they are giving them part of their profits by issuing to each customer with each and every purchase certain coupons and certificates which will entitle them, after they accumulate a large number, to a very valuable present or premium, while, in fact, Mr. Chairman, the value of these coupons and certificates is very small, and frequently, after such misled customer has smoked himself nearly to death, he will receive an article which is of no value to him. But inasmuch as the large percentage of the American people insist on being humbugged and fooled the scheme has enabled the United Cigar Stores Co. to so intrench itself that the independent honest dealer or dealers have no chance to compete against this giant monopoly.

In my own city I have seen hundreds of old and crippled men and feeble women who formerly secured a livelihood by engaging in the business of selling tobacco and cigars driven out of business by the unfair and unjust competition of this vicious monopoly.

To-day the independent dealers of this country are at the mercy of this combination, as it is impossible for them to compete with this trust, as they, the small independent dealers, living in the vicinity of their places of business, conduct their business honestly and do not and could not afford to practice tricks and deceit upon the community, as the unscrupulous trust managers do, who care not what they do as long as they secure business, and can show an increase of business to the board of directors.

The amendment that I have offered will, I believe, in a great measure, if adopted, put a stop upon this method of doing business and will give the independent dealers a chance and an opportunity to exist, as it will put them on equal terms with the trust, believing that the independent dealers and small cigar manufacurers can compete with the United Cigar Co. and can give the people better cigars, better tobacco for the same price that the United Cigar Stores can. My reason in believing this is based on the fact that in the majority of instances the trust has rented the most prominent corners, for which it is obliged to pay tremendously high rents, and pays its officers extremely high salaries, thereby being under heavy expense, where, on the other hand, the independent small cigar dealer or manufacturer is not obliged to do so and can do business on a smaller margin. Not having to pay these enormous rents and high salaries, it is plainly evident that it is not necessary for him to make as great a profit and enables him to give a better article at the same price, as the trust must sell a poorer grade with which to give their "profit-sharing" coupons and certificates, and to provide for large dividends.

I feel confident that if these trust-owned stores would be deprived of this special advantage, be prevented in continuing these misleading offers, and be obliged to do business on the same basis, that within a very short space of time all those who have been obliged to give up their places of business would again return and be in a position to earn a fair living for themselves and those dependent upon them. By accepting my amendment we will eliminate a great deal and put a stop to the abuses on the part of the great Tobacco Trust. I hope that the gentleman from Massachusetts will not press his point of order, hoping that he will recognize and appreciate the fairness of my amendment.

Mr. LONGWORTH. Will the gentleman yield for a question? I did not hear very well the gentleman's amendment when read. Does his amendment include coupons?

Mr. SABATH. That is what I meant—trading stamps and coupons.

Mr. LONGWORTH. I mean the coupon that is placed inside the package as well as the coupon or the trading stamp that is handed outside the package.

Mr. SABATH. I do not know whether that hurriedly drawn amendment provides for coupons, but that was my intention.

Mr. LONGWORTH. The gentleman knows there are two different ways of working this thing. One is by a coupon which is placed inside the package and the other is by a trading stamp which is handed to the purchaser at the time of his purchase.

Mr. SABATH. I believe my amendment would cover both of those cases.

Mr. LONGWORTH. The gentleman intends to cover both cases?

Mr. SABATH. I do; that is my intention.

Mr. PETERS. Mr. Chairman, there is a bill before the House at this Congress containing the provisions of the amendment offered by my colleague from Illinois. I am obliged to insist upon my point of order, as I fear that the amendment offered by the gentleman from Illinois would, if it were accepted and put in the bill, seriously jeopardize its passage at this time, and I have too much at heart the granting of this relief to the employees of the cigar factories to take any chances of defeating the bill by adding this amendment.

Mr. SABATH. Well, the gentleman has not stated his point of order on which he relies.

Mr. PETERS. My point of order is that it is not germane to the bill.

Mr. SABATH. I think it is germane to the bill. It adds simply another provision to the bill.

The CHAIRMAN. The Chair holds that the amendment offered by the gentleman from Illinois is not germane to the bill, and therefore sustains the point of order made by the gentleman from Massachusetts.

Mr. PETERS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24741, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PETERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PETERS. Mr. Speaker, inasmuch as several gentlemen have asked to extend remarks, I ask unanimous consent that remarks on this subject may be extended in the RECORD if submitted within five legislative days.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I do not know whether I ought to allow this to be done or not. I am not in favor of electioneering in the CONGRESSIONAL RECORD. However, out of good nature, I will not object.

The SPEAKER. The request is that all Members shall have the right to publish remarks in the RECORD for five legislative days.

Mr. MANN. Mr. Speaker, I shall have to object.

INVESTIGATION OF SHIP LINES, ETC.

Mr. HENRY of Texas. Mr. Speaker, I offer a privileged resolution (H. Res. 587) from the Committee on Rules.

The SPEAKER. The gentleman from Texas [Mr. HENRY] offers a privileged resolution (H. Res. 587), which the Clerk will report.

The Clerk read as follows:

House resolution 587 (H. Rept. 1010).

Resolved, That the Committee on the Merchant Marine and Fisheries be, and is hereby, empowered and directed to make a complete and thorough investigation of the methods and practices of the various ship lines, both domestic and foreign, engaged in carrying our over-sea or foreign commerce and in the coastwise and inland commerce, and the connection between such ship lines and railroads and other common carriers, and between such lines and forwarding, ferry, towing, dock, warehouse, lighterage, or other terminal companies or firms or transportation agencies, and to investigate whether any such ship lines have formed any agreements, understandings, working arrangements, conferences, pools, or other combinations among one another, or with railroads or other common carriers, or with any of the companies, firms, or transportation agencies referred to in this section, for the purpose of fixing rates and tariffs, or of giving and receiving rebates, special rates, or other special privileges or advantages, or for the purpose of pooling or dividing their earnings, losses, or traffic, or for the purpose of preventing or destroying competition; also to investigate as to what methods, if any, are used by such ship lines, foreign or domestic, and railroads and other common carriers, or of any of the companies, firms, or other transportation agencies referred to in this section, to prevent the publication of their methods, rates, and practices in the United States; also to investigate and report to what extent and in what manner any foreign nation has subsidized or may own any vessels engaged in our foreign commerce; also to investigate and report to what extent any vessel lines and companies, or any of the companies, firms, or transportation agencies referred to in this section, engaged in our foreign or coastwise or inland commerce, are owned or controlled by railway companies, by other ship lines or companies, or by any of the companies, firms, or transportation agencies referred to in this section, or by the same interests and persons owning or controlling railroad companies, ship lines, or other common carriers, or any of the companies, firms, or transportation agencies referred to in this section; and said committee shall further investigate whether the conduct or methods or practices of said foreign steamship lines are in contravention of our commercial treaties or in violation of our laws, and what effect said methods and practices have on the commerce and freight rates of the United States; and shall further investigate what effect such combinations, agreements, understandings, working arrangements, and practices of railroads and our coastwise and inland shipping lines, or of railroads and such shipping lines and any of the companies, firms, or transportation agencies referred to in this section, or of railroads and over-sea shipping lines, whether domestic or foreign, if any are found to exist, have on the commerce and freight rates of the United States, and whether the same are in violation of the laws of the United States.

SEC. 2. That said committee shall report to the House all the facts disclosed by said investigation and what legislation, if any, it deems advisable in relation thereto.

SEC. 3. That said committee, or any subcommittee thereof, is hereby empowered to sit and act during the sessions or recess of Congress at such place or places as may be found necessary and to require the attendance of witnesses, the production of books, papers, rates, tariffs, and other documents, by subpœna or otherwise, to swear such witnesses and take their testimony orally or in writing.

SEC. 4. That said committee is hereby authorized to employ such counsel and experts and clerical and other assistance as shall be necessary to perform its duties hereunder.

SEC. 5. That the Speaker shall have authority to issue subpœnas for witnesses, upon the request of the committee, during the recess of Congress in the same manner as during the sessions of Congress.

Mr. HENRY of Texas. Mr. Speaker, I suppose gentlemen do not desire any explanation, inasmuch as the resolution is plain and speaks for itself. Still, if any Member is not satisfied with it, I will be glad to explain it.

Mr. MANN. I think it would be well to explain it generally.

Mr. HENRY of Texas. I will state in general terms that this is simply amendatory of resolution No. 425, and broadens that resolution to the extent that it takes into consideration certain wharf, dock, warehouse, and lighterage companies in order that the Committee on the Merchant Marine and Fisheries may investigate their affairs in connection with other matters that the House directed them to investigate under H. Res. 425. It broadens that resolution to that effect and that only. That is all there is to the resolution. I will be glad to answer any question about it.

Mr. ROBINSON. The former resolution related only to the shipping itself?

Mr. HENRY of Texas. Yes.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. The gentleman from Georgia is recognized.

Mr. RODDENBERY. Mr. Speaker, this resolution calls for an investigation which is something in the nature of a commission, to make inquiry and report. We have the Immigration Commission, which was appointed some five years ago, designated to make an investigation and report on needed immigration legislation, spending about a million dollars of the public money. They have investigated and reported, and the committee of the House, as well as of the Senate itself, has acted on the report of the commission in part, and has now reported to this body a bill carrying into effect some of the recommendations of the report of that committee or commission. About June 1 I introduced a resolution, which was referred to the Committee on Rules, asking them to report out a special rule calling for the consideration at this session of the immigration bill. And before going into further commissions and investigations, I would like to inquire of the gentleman what investigation the Committee on Rules has made touching the resolution introduced by myself as well as by the gentleman from Alabama [Mr. BURNETT], who reported the bill, looking to the bringing in of a special rule, for consideration before the House of the bill for further restricting alien immigration as reported by the committee?

Mr. HENRY of Texas. Mr. Speaker, of course the gentleman will understand that this resolution relates to the shipping-trust investigation which has already been ordered. In regard to the bill to which the gentleman refers and the special rule, I will say that the Committee on Rules is giving very careful consideration to his rule, as they always do to anything coming from the gentleman from Georgia. And we will be sure to deliberate most carefully about it, and the bill will have every consideration to which it is entitled, coming as it does from the gentleman from Georgia.

Mr. RODDENBERY. Does the gentleman think that the consideration will be so long that it will not get out at this session of Congress?

Mr. HENRY of Texas. I would not like to make any prophecy in regard to that matter. It is an important matter and certainly will be carefully considered.

Mr. RODDENBERY. Has the committee reached any conclusion that they will bring in a special report for the consideration of that bill?

Mr. HENRY of Texas. I will state that several conclusions have been arrived at by different members of the committee, and the chairman of the committee is endeavoring to bring the members together. As soon as we can assemble a quorum of the committee, the bill, as I have said, shall be thoughtfully considered.

Mr. RODDENBERY. None having been taken——

Mr. HENRY of Texas. I will state that I shall not be unmindful of the views of the gentleman from Georgia when we take up the bill.

Mr. RODDENBERY. I appreciate the great consideration the gentleman in the future will give and the views he has expressed as to that resolution, but I want to earnestly suggest to the gentleman that after the Government has spent nearly $1,000,000 in getting a report through the commission, and after a committee of the House has reported the bill, before we extend further commissions and investigations we ought to give the public some legislation on this very important question.

I am not disposed to interpose any objection to this measure, but I merely wanted to bring it to the attention of the distinguished chairman of the Committee on Rules and let the House understand, if it is true, that the gentleman's committee would probably bring out a rule for the consideration of this immigration bill.

Mr. HENRY of Texas. Mr. Speaker, I am glad to have this public declaration on the part of the gentleman from Georgia in order that public acknowledgment may be made and his views shall not be overlooked or forgotten.

Mr. RODDENBERY. Of course, if the gentleman in any exigency should lose his equipoise and find himself in deep darkness, and should desire some enlightment, and my committee duties and other official Representative duties do not prevent and my social duties do not interfere, I should be glad to appear before the committee in perfect solemnity of heart and with all the dignity that should attach to a United States Congressman and proceed to enlighten the committee. [Laughter.]

Mr. HENRY of Texas. I wish to say, Mr. Speaker, that the committee has never forgotten for a moment that the gentleman from Georgia is the very first Member for whom we should send when we get into any difficulty and need enlightenment.

Mr. RODDENBERY. I lament that the gentleman has not proceeded far enough to discover that he needed that enlightenment and information heretofore. [Laughter.]

Mr. HENRY of Texas. I observe it now. Mr. Speaker, I call for a vote on the resolution.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that on Thursday next the gentleman from Wisconsin [Mr. BENSER] be permitted to address the House for one hour immediately after the reading of the Journal.

Mr. HENRY of Texas. Mr. Speaker, I hope that request will be granted.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that on next Thursday, immediately after the reading of the Journal, the gentleman from Wisconsin [Mr. BENSER] shall be permitted to address the House for one hour. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6176. An act for the relief of Gibbes Leykes;

S. J. Res. 119. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point John C. Scholtz, a citizen of Venezuela; and

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald.

Mr. MANN. Mr. Speaker, I desire to suggest the absence of a quorum.

Mr. HENRY of Texas. I hope the gentleman will withhold for a moment.

Mr. MANN. Mr. Speaker, I will withdraw my point of order as to the absence of a quorum.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill with Senate amendments of the following title was taken from the Speaker's table and referred to the Committee on the District of Columbia:

H. R. 20840. To provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

LEAVE TO PRINT.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that there be printed in the RECORD an address by Dr. Hannis Taylor, former minister to Spain, on the subject of the American Commonwealth and Its Relation to the East and West. I will state that it is a very short address, but a very valuable one, on present conditions, and so forth.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to print in the RECORD an address by Dr. Hannis Taylor. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I remember the other day that the distinguished gentleman from Georgia gave notice that he would hereafter object to any request for unanimous consent to extend remarks in the RECORD for the purpose of injecting political material. I rise to ask if this is a political matter?

Mr. HENRY of Texas. I will say to the gentleman that it is not. It is a very scholarly discussion of the subject.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. REILLY. Mr. Speaker, I ask unanimous consent to extend remarks on the bill H. R. 25741, the smokers' bill, just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. OLMSTED. Mr. Speaker, I desire to print in the RECORD an address delivered by William D. Guthrie before the Pennsylvania Bar Association at its annual meeting at Cape May, June 25, 1912, on the subject of Constitutional Morality.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent to print in the RECORD a speech by Mr. Guthrie on Constitutional Morality. Is there objection?

Mr. ROBINSON. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Pennsylvania if this speech is of a political nature? The title of the speech seems to be somewhat obscure.

Mr. JAMES. Has that anything to do with the views of the Bull Moose candidate for President? [Laughter.]

Mr. OLMSTED. I will state that I have not read it through; but, so far as I have read it, it contains no politics. It does, however, make some references to criticisms which have been made of decisions of the Supreme Court.

Mr. MANN. The decisions of the Supreme Court of the United States are considered to be political on the other side of the Hall.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the bill H. R. 25741.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 17, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REDFIELD, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 21721) granting pensions to Volunteer Army nurses of the Civil War, reported the same without amendment, accompanied by a report (No. 1006), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 22002), supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., reported the same with amendment, accompanied by a report (No. 1008), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, reported the same without amendment, accompanied by a report (No. 1009), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LEVY, from the Committee on Claims, to which was referred the bill (H. R. 5769) for the relief of Frank Klein, reported the same with amendment, accompanied by a report (No. 1002), which said bill and report were referred to the Private Calendar.

Mr. FRANCIS, from the Committee on Claims, to which was referred the bill (H. R. 13016) for the relief of the West Kentucky Coal Co., reported the same without amendment, accompanied by a report (No. 1003), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 20385) to reimburse Charles S. Jackson, reported the same without amendment, accompanied by a report (No. 1004), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 25779) creating a Panama Canal trade commission, and to enable the commercial, agricultural, and industrial interests of the United States to derive advantages from the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. STERLING: A bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. BELL of Georgia: A bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. RAINEY: A bill (H. R. 25782) to establish in the Department of Agriculture a bureau of farm power; to the Committee on Agriculture.

By Mr. TILSON: A bill (H. R. 25783) authorizing the admission of ex-soldiers and ex-sailors of the War with Spain to the Temporary Home for ex-Union Soldiers and Sailors in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STANLEY: Resolution (H. Res. 632) appropriating $1,000 for an investigation to ascertain whether there have been violations of the antitrust and other acts by the United States Steel Corporation and other corporations; to the Committee on Accounts.

By Mr. RUBEY: Resolution (H. Res. 633) providing for the consideration of H. R. 18323; to the Committee on Rules.

By Mr. RODDENBERY: Joint resolution (H. J. Res. 338) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 339) authorizing and directing the Secretary of State to confer with Great Britain and other nations with a view to their participation in the cost of construction and maintenance of the Panama Canal and the neutralization thereof; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 25784) to correct the military record of Cleveland W. Goff; to the Committee on Military Affairs.

By Mr. FRANCIS: A bill (H. R. 25785) granting a pension to Margaret A. Trimmer; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 25786) granting an increase of pension to Arthur J. Martin; to the Committee on Pensions.

By Mr. HEFLIN: A bill (H. R. 25787) for the relief of Fannie Hoffman; to the Committee on War Claims.

Also, a bill (H. R. 25788) for the relief of Fannie Hoffman; to the Committee on War Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 25789) for the relief of William M. Grosvenor; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25790) for the relief of Melvin W. Sheppard; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 25791) granting a pension to Sarah E. Couch; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 25792) for the relief of William A. Steward; to the Committee on Military Affairs.

Also, a bill (H. R. 25793) granting a pension to George F. Parker; to the Committee on Pensions.

Also, a bill (H. R. 25794) granting a pension to Matthew Flynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25795) granting a pension to Ella McGuigan; to the Committee on Pensions.

Also, a bill (H. R. 25796) granting a pension to John Henry Allen; to the Committee on Pensions.

Also, a bill (H. R. 25797) granting a pension to J. C. Shimer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25798) granting an increase of pension to Eliza A. Rittenhouse; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25799) granting an increase of pension to George A. Bates; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 25800) granting a pension to Catherine Patterson; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 25801) granting an extension of letters patent to Charles H. Matteson; to the Committee on Patents.

By Mr. WEDEMEYER: A bill (H. R. 25802) granting a pension to Alice S. Carey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of A. B. Klar and 15 others, of Canal Dover, Ohio, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Memorial of the National Anti-Third Term League against election to office of President or Vice President of the same person for more than two terms and

proposed single term of six years; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DIFENDERFER: Memorial of the Order of Independent Americans of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DONOHOE: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DYER: Petition of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Central Council of Social Agencies, of St. Louis, Mo., favoring passage of Senate bill 1, providing a bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Antikamnia Chemical Co., of St. Louis, Mo., against passage of the Wright bill, a bill imposing a tax upon the production, etc., of habit-forming drugs; to the Committee on Ways and Means.

Also, petition of the Schmetzer Arms Co., of Kansas City, Mo., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, petition of the Charles F. Luehrmann Hardwood Lumber Co., of St. Louis, Mo., relative to shippers having the same opportunity to go to court to correct mistakes as the carriers; to the Committee on the Judiciary.

Also, petition of the American Embassy Association, favoring passage of House bill 22589, for legation and consular buildings; to the Committee on Foreign Affairs.

Also, petition of Mary F. Manis, of St. Louis, Mo., favoring passage of the Roddenbery-Simmons antiprize-fight bill so amended as to prohibit films of prize fights being sent from one State to another; to the Committee on Patents.

Also, petition of the Liquor Dealers' Benevolent Association of St. Louis, Mo., against passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Wagner Electric Manufacturing Co., of St. Louis, Mo., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. HUGHES of New Jersey: Petition of the American Truth Society, of Paterson, N. J., against passage of bill to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

By Mr. KINKEAD of New Jersey: Petition of citizens of New Jersey, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of the National Shorthand Reporters' Association, favoring civil-service laws affecting court reporters; to the Committee on the Judiciary.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

By Mr. MAGUIRE of Nebraska: Petition of citizens of the first district of Nebraska, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMORRAN: Petition of citizens of the State of Michigan, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the American Embassy Association, favoring passage of House bill 22589, for improvement of foreign service; to the Committee on Foreign Affairs.

Also, petition of the Shorthand Club, of New York, against passage of the Slemp bill (H. R. 4096) to provide reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. SABATH: Memorial of the First Bersorssien Congregation and Congregation Anehir Odessa, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Shorthand Club, of New York, against passage of the Slemp bill (H. R. 4096) to provide official shorthand reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of the National Association of Piano Merchants of America, against passage of the Oldfield bill, proposing change in the patent laws; to the Committee on Patents.

By Mr. YOUNG of Texas: Petition of citizens of Gilmer and adjacent territory in Texas, favoring preservation of the old Smithsonian weather records; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *July 17, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Smith, Ariz.
Bacon	Fletcher	Massey	Smith, Ga.
Borah	Gallinger	Myers	Smith, S. C.
Brandegee	Gardner	O'Gorman	Smoot
Bristow	Gronna	Overman	Stone
Bryan	Heyburn	Page	Sutherland
Burnham	Hitchcock	Payntor	Swanson
Burton	Johnson, Me.	Percy	Thornton
Chamberlain	Johnston, Ala.	Perkins	Tillman
Clapp	Jones	Pomerene	Warren
Clark, Wyo.	Kenyon	Reed	Wetmore
Crawford	McCumber	Root	Williams
Culberson	McLean	Shively	Works
Cummins	Martin, Va.	Simmons	

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER] on account of illness. I make this announcement for the day.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 56. An act to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations;

H. R. 22913. An act to create a department of labor; and

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation in the town of Okanogan, State of Washington, for public-park purposes;

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield;

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest;

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 6084. An act granting pensions and increase of pensions to certain soldiers of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation;

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes;

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station an additional sum in accomplishing such exchange, or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 220. A joint resolution to grant American citizenship to Eugene Prince.

RECLAMATION OF WET LANDS (S. DOC. NO. 877).

Mr. WILLIAMS. Mr. President, I hold in my hand a document on the subject of the reclamation of wet lands in the United States, being resolutions of the National Drainage Congress in convention at New Orleans, April 10 to 13, 1912, with an address of M. O. Leighton, Chief Hydrographer, United States Geological Survey, on the national aspect of drainage.

I ask unanimous consent that it may be published as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi?

Mr. HEYBURN. We on this side could not hear the statement the Senator made.

Mr. WILLIAMS. Let the statement be read from the desk.

The SECRETARY. Resolutions of the National Drainage Congress, in convention at New Orleans, April 10 to 13, 1912——

Mr. HEYBURN. I have no objection.

The PRESIDENT pro tempore. Without objection, the paper will be printed as a Senate document.

REPORTS OF COMMITTEES.

Mr. MARTINE of New Jersey, from the Committee on Claims, to which was referred the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley, reported it without amendment and submitted a report (No. 929) thereon.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 6172) to regulate the method of directing the work of Government employees, reported it with amendments and submitted a report (No. 930) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 3228) to correct the military record of Job Metts, submitted an adverse report (No. 931) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 7071) to establish an agricultural plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas, reported it without amendment.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (H. R. 12375) authorizing Daniel W. Abbott to make homestead entry, reported it without amendment and submitted a report (No. 933) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 1154) for the relief of F. W. Theodore Schroeter, reported it with an amendment and submitted a report (No. 934) thereon.

He also, from the same committee, to which was referred the bill (H. R. 20873) for the relief of J. M. H. Mellon, administrator, James A. Mellon, Thomas D. Mellon, Mrs. E. L. Siverd, J. M. H. Mellon, Bessie Blue, Mrs. Simpson, Annie Turley, C. B. Eyler, Luella C. Pearce, John McCracken, A. J. Mellon, J. J. Martin, Eugene Richmond, Springdale Methodist Episcopal Church, Heidekamp Mirror Co., James P. Confer, jr., W. P. Bigley, W. J. Bole, and S. A. Moyer, all of Allegheny County, Pa., reported it without amendment and submitted a report (No. 935) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 6033. A bill for the relief of the sufferers of the *Maine* (Rept. No. 936); and

S. 3658. A bill for the relief of J. N. Whittaker (Rept. No. 937).

Mr. ROOT, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amount due, if any, and to press them for payment, reported it with an amendment and submitted a report (No. 938) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich. (Rept. No. 939);

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building (Rept. No. 940); and

H. R. 24598. An act for the relief of Jesus Silva, jr. (Rept. No. 941).

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest, reported it without amendment and submitted a report (No. 942) thereon.

PROTECTION OF NURSERY STOCK.

Mr. CHAMBERLAIN. From the Committee on Agriculture and Forestry I report back favorably, with an amendment in the nature of a substitute, the bill (S. 4468) to regulate the importation and interstate transportation of nursery stock; to enable the Secretary of Agriculture to appoint a Federal Horticultural Commission, and to define the powers of this commission in establishing and maintaining quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, and I submit a report (No. 932) thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

Mr. SMOOT. I should like to ask if it is a very long bill. It is the desire to go on with the sundry civil appropriation bill this morning.

Mr. CHAMBERLAIN. The bill is a little long, but it is a measure of the greatest urgency. It is for the purpose of preventing the importation into this country of infested nursery stock and fruit. It is desired by the California people at this time, because they are threatened with what is known as the Mediterranean fly. That is a fruit pest which operates on fruit very much as the boll weevil operates on cotton in the South. The larvæ of the pest are in the fruit itself, and develop into a very destructive pest when they once become prevalent. Owing to the urgency of the situation, the people out there are very anxious to have something done.

Mr. SMOOT. It is a Senate bill?

Mr. CHAMBERLAIN. It is a Senate bill, but a favorable report has been made on a similar bill in the House of Representatives, and it is pending there now.

Mr. SMOOT. I shall not object to the consideration of this bill, but I shall object to any further unanimous consent being given for the consideration of a bill when reported this morning.

The PRESIDENT pro tempore. The bill will be read, if there be no objection.

The SECRETARY. The amendment of the committee is to strike out all after the enacting clause and insert:

That it shall be unlawful for any person to import or offer for entry into the United States any nursery stock unless and until a permit shall have been issued therefor by the Secretary of Agriculture, under such conditions and regulations as the said Secretary of Agriculture may prescribe, and unless such nursery stock shall be accompanied by a certificate of inspection, in manner and form as required by the Secretary of Agriculture, of the proper official of the country from which the importation is made, to the effect that the stock has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests: *Provided*, That the Secretary of Agriculture shall issue the permit for any particular importation of nursery stock when the conditions and regulations as prescribed in this act shall have been complied with: *Provided further*, That nursery stock may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe: *And provided further*, That nursery stock imported from countries where no official system of inspection for such stock is maintained may be admitted upon such conditions and under such regulations as the Secretary of Agriculture may prescribe.

SEC. 2. That it shall be the duty of the Secretary of the Treasury promptly to notify the Secretary of Agriculture of the arrival of any nursery stock at port of entry; that the person receiving such stock at port of entry shall, immediately upon entry and before such stock is delivered for shipment or removed from the port of entry, advise the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or the District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, of the name and address of the consignee, the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown. That no person shall ship or offer for shipment from one State or Territory or District of the United States into any other State or Territory or District, any nursery stock imported into the United States without notifying the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, immediately upon the delivery of the said stock for shipment, of the name and address of the consignee, of the nature and quantity of stock it is proposed to ship, and the country and locality where the same was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States.

SEC. 3. That no person shall import or offer for entry into the United States any nursery stock unless the case, box, package, crate, bale, or bundle thereof shall be plainly and correctly marked to show the general nature and quantity of the contents, the country and locality where the same was grown, the name and address of the shipper, owner, or person shipping or forwarding the same, and the name and address of the consignee.

SEC. 4. That no person shall ship or deliver for shipment from one State or Territory or District of the United States into any other State or Territory or District any such imported nursery stock the case, box, package, crate, bale, or bundle whereof is not plainly marked so as to show the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where such stock

was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States.

SEC. 5. That whenever the Secretary of Agriculture shall determine that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section 6 of this act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests, he shall promulgate his determination, specifying the class of plants and plant products the importation of which shall be restricted and the country and locality where they are grown, and thereafter, and until such promulgation is withdrawn, such plants and plant products imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of the foregoing sections of this act: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section 6 of this act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests he shall, after due notice, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

SEC. 6. That for the purpose of this act the term "nursery stock" shall include all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

SEC. 7. That whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease or of any injurious insect, new to or not theretofore widely prevalent or distributed within and throughout the United States, the Secretary of Agriculture shall determine that it is necessary to forbid the importation into the United States of any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products from a country or locality where such disease or insect infestation exists, he shall promulgate such determination, specifying the country and locality and the class of nursery stock or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products which, in his opinion, should be excluded. Following the promulgation of such determination by the Secretary of Agriculture, and until the withdrawal of the said promulgation by him, the importation of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the said promulgation from the country and locality therein named, regardless of the use for which the same is intended, is hereby prohibited; and until the withdrawal of the said promulgation by the Secretary of Agriculture, and notwithstanding that such class of nursery stock, or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products be accompanied by a certificate of inspection from the country of importation, no person shall import or offer for entry into the United States from any country or locality specified in such promulgation any of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products named therein, regardless of the use for which the same is intended: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to forbid the importation into the United States of the articles named in this section he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That the quarantine provisions of this section, as applying to the white-pine blister rust, potato wart, and the Mediterranean fruit fly, shall become and be effective upon the passage of this act.

SEC. 8. That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine the fact that a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States, exists in such State or Territory or District; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine except as hereinafter provided. That it shall be unlawful to move or allow to be moved any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District; and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

SEC. 9. That the Secretary of Agriculture shall make and promulgate such rules and regulations as may be necessary for carrying out the purposes of this act.

SEC. 10. That any person who shall violate any of the provisions of this act, or of the rules or regulations herein provided for, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court: *Provided*, That no common carrier shall be deemed to have violated the provisions of any of the foregoing sections of this act on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants or plant products as such from one State, Territory, or District of the United States into or through any other State, Territory, or District; and it shall be the duty of the United States attorneys diligently to prosecute any violations of this act which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means.

SEC. 11. That the word "person" as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 12. That for the purpose of carrying out the provisions of this act there shall be appointed by the Secretary of Agriculture from existing bureaus and offices in the Department of Agriculture, including the Bureau of Entomology, the Bureau of Plant Industry, and the Forest Service, a Federal horticultural board consisting of five members, of whom not more than two shall be appointed from any one bureau or office, and who shall serve without additional compensation.

SEC. 13. That there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, to be expended as the Secretary of Agriculture may direct, for the purposes and objects of this act, the sum of $25,000, which appropriation shall become immediately available.

SEC. 14. That this act shall become and be effective from and after the 1st day of October, 1912, except as herein otherwise provided.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SUTHERLAND. I should like to hear the first part of section 10 again read.

Mr. GRONNA. Mr. President, I do not intend to object to the bill; but I desire to ask those who are most interested in it, especially the Senator from California, if it should not be amended?

The PRESIDENT pro tempore. The Senator from Utah has asked that the first part of section 10 be again read.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. The Senator from North Dakota will be recognized when that has been done.

Mr. GRONNA. I do not understand that unanimous consent has been given for the consideration of the bill.

The PRESIDENT pro tempore. It has not; and the Chair has asked whether there is objection to its present consideration?

Mr. WARREN. Mr. President, I wish to reserve the privilege of objecting if the bill is going to lead to debate. I do not think we have time to discuss it. I would be glad if it could be considered without debate, if it is worthy of it.

Mr. SUTHERLAND. I should like to have the part of the bill indicated by me again read.

The PRESIDENT pro tempore. The Senator from Utah asks for the rereading of the first part of section 10. The Secretary will read as requested.

The Secretary read as follows:

SEC. 10. That any person who shall violate any of the provisions of this act, or of the rules or regulations herein provided for, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Mr. SUTHERLAND. That is sufficient, Mr. President. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. CHAMBERLAIN subsequently said: I desire to have the bill that was reported by me from the Committee on Agriculture and Forestry a few moments ago referred back to the committee. We may be able to make some amendments that will meet the objections of Senators.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on Agriculture and Forestry.

INCITEMENT OF INSURRECTION IN CUBA AND MEXICO.

Mr. SMITH of Michigan. From the Committee on Foreign Relations I desire to report back with amendments Senate resolution 335 authorizing the Committee on Foreign Relations to investigate whether any interests in the United States have been or are now engaged in inciting rebellion in Cuba and Mexico, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Michigan to the fact that the resolution authorizes an expenditure of money. Is it intended that it shall be taken from the contingent fund?

Mr. SMITH of Michigan. Yes.

The PRESIDENT pro tempore. The Senate will act upon the amendments reported by the Senator from Michigan and then the resolution will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate. The amendments will be stated.

The SECRETARY. After the word "associations" insert the word "or." After the word "corporations" strike out "or other interests in" and insert "domiciled in or owing allegiance to," and in line 7, to strike out "and" and insert "or," and in line 15, after the word "sit," to insert "wherever necessary," so as to make the resolution read:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, or corporations, domiciled in or owing allegiance to the United States have heretofore been or are now engaged in fomenting, inciting, encouraging, or financing rebellion, insurrection, or other flagrant disorder in Cuba or Mexico against the lawful, organized Governments of those countries.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The amendments were agreed to.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GARDNER:

A bill (S. 7317) to provide increased quarantine facilities at the port of Portland, Me.; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 7320) granting an increase of pension to Israel Wood (with accompanying papers); and

A bill (S. 7321) granting an increase of pension to Luther Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 7322) for the relief of the estate of Oliver D. Greene; and

A bill (S. 7323) for the relief of Bernard G. Dingler and others, lately laborers employed by the United States military authorities under the Quartermaster's Department at San Francisco, Cal.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 7324) granting a pension to Adam Lang; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7325) for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue (with accompanying paper);

A bill (S. 7326) for the extension of Maryland Avenue east of Fifteenth Street to M Street NE.; and

A bill (S. 7327) for the extension of Eighteenth Street east from Benning Road to K Street north; to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25060).

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $39,000 for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate $13,000 for installing mechanical stokers and otherwise improving the boiler plant at Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

H. R. 56. An act to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 22913. An act to create a department of labor was read twice by its title and referred to the Committee on Education and Labor.

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States as amended by section 32 of the act of August 5, 1909, was read twice by its title and referred to the Committee on Finance.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 25060) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SIMMONS. Mr. President, is it in order to move a substitute for that motion?

The PRESIDENT pro tempore. It is not in order under the rules of the Senate.

Mr. SIMMONS. Then I ask for the yeas and nays on the motion.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the sundry civil appropriation bill, and, on that motion, the Senator from North Carolina demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WETMORE (when his name was called). I desire to ask whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WETMORE. I have a general pair with that Senator, and, in his absence, withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the negative). As my pair, the Senator from Delaware [Mr. DU PONT] has not voted, I withdraw my vote.

Mr. BAILEY. I again announce my pair with the Senator from Montana [Mr. DIXON], and therefore withhold my vote. I further desire the RECORD to show that this announcement is to stand until the Senator from Montana finds it possible to return to the Senate.

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND], and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. HEYBURN. Then I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. BURNHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. As he has not voted, I withdraw my vote.

Mr. WETMORE. I have already announced my pair with the senior Senator from Arkansas [Mr. CLARKE], but I transfer that pair to the Senator from New Mexico [Mr. CATRON], and will vote. I vote "yea."

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER], and therefore withhold my vote.

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. CHAMBERLAIN. I desire to announce for the day that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN].

Mr. SMITH of South Carolina (after having voted in the negative). When my name was called I inadvertently voted. I am paired with the junior Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Oklahoma [Mr. GORE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. BRIGGS (after having voted in the affirmative). I desire to inquire if the senior Senator from West Virginia [Mr. WATSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia, but I will transfer that pair to the Senator from New Mexico [Mr. FALL] and allow my vote to stand.

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Borah	Crawford	Lippitt	Root
Bourne	Cummins	Lodge	Smith, Mich.
Brandegee	Dillingham	McCumber	Smoot
Briggs	Gallinger	McLean	Stephenson
Bristow	Gronna	Massey	Sutherland
Burton	Guggenheim	Nelson	Warren
Clapp	Heyburn	Oliver	Wetmore
Clark, Wyo.	Jones	Page	Works
Crane	Kenyon	Perkins	

NAYS—28.

Ashurst	Johnson, Me.	Overman	Smith, Ariz.
Bacon	Johnston, Ala.	Paynter	Smith, Ga.
Bryan	Martin, Va.	Percy	Smith, S. C.
Chamberlain	Martine, N. J.	Pomerene	Stone
Fletcher	Myers	Reed	Swanson
Gardner	Newlands	Shively	Thornton
Hitchcock	O'Gorman	Simmons	Tillman

NOT VOTING—31.

Bailey	Culberson	Camblo	Rayner
Bankhead	Cullom	Gore	Richardson
Bradley	Curtis	Kern	Sanders
Brown	Davis	La Follette	Smith, Md.
Burnham	Dixon	Lea	Townsend
Catron	du Pont	Owen	Watson
Chilton	Fall	Penrose	Williams
Clarke, Ark.	Foster	Poindexter	

So Mr. WARREN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. STONE. Mr. President, I desire to ask a parliamentary question.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. I wish to inquire whether the action of the Senate in taking up the appropriation bill at this stage will have the effect of displacing the unfinished business that would come up at 1 o'clock?

Mr. WARREN. It will not.

The PRESIDENT pro tempore. In the opinion of the Chair, it does not interfere with the unfinished business, which will come up automatically at 1 o'clock under the rule.

Mr. WARREN. I ask unanimous consent that the formal first reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

Mr. CUMMINS and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. The Chair will state the request. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered. Is there objection?

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects.

Mr. WARREN. The Secretary, then, may proceed with the reading of the bill.

Mr. LODGE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LODGE. As the bill will be read formally now, it will not have to be read again for amendments?

The PRESIDENT pro tempore. The Chair would concur in that view.

Mr. BACON. We on this side could not hear the colloquy, Mr. President.

Mr. SIMMONS. We could not understand what was said.

Mr. LODGE. I said that if the bill was read formally it would not have to be read again for amendments.

The PRESIDENT pro tempore. It would not.

Mr. LODGE. There is no question about that.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. HEYBURN. Mr. President, I do not understand that this is one of the readings required, so that it may be dispensed with or any other action may be taken in regard to it. The third reading of the bill comes after the bill goes into the Senate, and not as in Committee of the Whole. It has been read twice in the Senate, and it is entirely within the province of the Senate——

Mr. LODGE. My point was that having the bill read formally does not delay it.

Mr. HEYBURN. Not at all. I merely want the RECORD to show that we are not acting under a misconception as to the reading of the bill.

PURCHASE OF MONTICELLO.

Mr. CUMMINS. I rise to ask unanimous consent for the present consideration of Senate joint resolution 92, which was before the Senate yesterday morning.

Mr. WARREN. Mr. President, the Senator is not going about it in just the right way to ask the unanimous consent of the Senate to displace the appropriation bill. He should first ask me to yield. So far as I am concerned, if the joint resolution will only take a moment or two and no debate will be involved, if I have the privilege of doing so, I will yield for the purpose of its consideration.

Mr. CUMMINS. It will take no time, I am sure.

Mr. LODGE. What is the joint resolution?

Mr. CUMMINS. Just a moment. I intend to offer a concurrent resolution to take the place of the joint resolution, which will remove every objection that has been or could be suggested to it, I think. It is a resolution which provides for the appointment of five Senators and, if the House of Representatives concur, five Members of the House to inquire as to the wisdom and the cost of acquiring for the United States the home of Thomas Jefferson.

The only objection made yesterday morning was that the preamble seemed to commit Congress to the very purpose for which the inquiry is sought. In the concurrent resolution which I shall submit I have omitted the preamble entirely, and if it is agreed to I shall move to indefinitely postpone the joint resolution.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. I can not yield unless the matter can be disposed of without any extended debate, because it is only a short time until another matter will come up.

Mr. CUMMINS. I assure the Senator from Wyoming that if it leads to any considerable debate I will do just as I did yesterday morning—withdraw it, because I do not intend that it shall interfere with the progress of the appropriation bill.

Mr. LODGE. Mr. President, I was not here yesterday when this matter came up, but it seems to me that it will necessarily involve some discussion, for it is apparently a scheme to take the property of somebody who does not want to sell it, as I understand. I should like to know a little more about it than I know now before I enter upon the scheme.

Mr. CUMMINS. Senators sit here and see resolutions of this sort—resolutions of inquiry—pass daily. Of course, if there is objection to-day, that is the end of it for the present.

Mr. LODGE. I do not object.

Mr. CUMMINS. But, if there is objection now, I intend to press it to a conclusion at some other time.

Mr. LODGE. I do not object, but there will necessarily be some debate.

Mr. CUMMINS. Oh, a great deal of debate if the committee was called upon to report either way, but no debate, it seems to me, based simply upon the appointment of a committee to inform the Senate and the House. There is no objection, I believe, Mr. President.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. Reserving the right to object, if the concurrent resolution leads to debate, I do not object.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution indicated by the Senator from Iowa, which will be read by title.

The SECRETARY. A joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson, at Monticello, Va.

Mr. CUMMINS. I offer the concurrent resolution which I send to the desk.

The Secretary read the concurrent resolution (S. Con. Res. 24), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate be, and is hereby, authorized to appoint a committee of five Members of the Senate to act in cooperation with a similar committee to be appointed by the Speaker of the House of Representatives, to inquire into the wisdom and ascertain the cost of acquiring Monticello, the home of Thomas Jefferson, as the property of the United States, that it may be preserved for all time in its entirety for the American people.

The concurrent resolution was considered by unanimous consent and agreed to.

Mr. CUMMINS. I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read to the end of line 6, on page 4.

Mr. REED. Are there two different copies of the bill? I have been trying to follow the reading by the Clerk, but my copy does not seem to correspond with the one he has.

The PRESIDENT pro tempore. The Clerk has been directed to read the bill in full.

The reading of the bill was resumed and continued to line 18, page 52.

Mr. CLAPP. Mr. President, will the Senator in charge of the pending appropriation bill yield to me for a moment?

Mr. WARREN. For what purpose?

Mr. CLAPP. Some days ago unanimous consent was given, at the suggestion of the Senator from Montana [Mr. MYERS], that the Indian appropriation bill might again be considered as to two items. It will take but a moment.

Mr. WARREN. It is in the nature of the completion of an appropriation bill, is it not?

Mr. CLAPP. It is to complete the Indian appropriation bill.

Mr. WARREN. If it will lead to no debate, Mr. President, I shall be glad to dispose of that measure in the order of business, and I yield for that purpose.

The PRESIDENT pro tempore. Without objection, the Senator from Minnesota will be recognized for the purpose stated by him.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Calling attention to page 29 of the Indian appropriation bill (H. R. 20728), I will state that, in line 5, the Senate struck out the committee amendment inserting the word "four" in place of the word "two" and inserted "two hundred and fifty." I ask to reconsider the vote by which the amendment of the Senate was agreed to.

The PRESIDENT pro tempore. The Senator from Minnesota moves to reconsider the vote by which the Senate amended the bill in the manner he has indicated. The Secretary will state the amendment.

The SECRETARY. On page 29, line 5, before the word "hundred," the Senate rejected the amendment proposed by the Committee on Indian Affairs to strike out "two" and to insert "four," and, after the word "hundred," the Senate inserted "and fifty," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $250,000.

Mr. CLAPP. That was the action of the Senate. I move to reconsider the vote by which that amendment was adopted.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. CLAPP. Now, Mr. President, I move that the amendment reported by the committee be adopted, substituting the word "four" for the word "two," in line 5, on page 29, and striking out the words "and fifty."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CLAPP. On the same page, in lines 16 and 17, the Senate disagreed to the committee amendment inserting the words "and fifty." I move to reconsider the vote by which those words were stricken out.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, in line 16, after the word "hundred," an amendment was agreed to striking out the words "and fifty."

Mr. CLAPP. I move to reconsider the vote by which the amendment was rejected.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Minnesota.

The motion was agreed to.

Mr. CLAPP. I now move that the amendment reported by the committee inserting the words "and fifty," after the word "hundred," in line 16, be agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 29, line 16, after the words "one hundred," insert the words "and fifty," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000, etc.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CLAPP. That is all I have to offer.

Mr. GAMBLE. Mr. President, there was a committee amendment on page 6 in regard to an appropriation of $75,000 to take care of the accounting and disposition of claims of licensed traders and other bona fide claimants. It was stricken out on a point of order made by the senior Senator from Kansas. I discussed the matter with the Senator before he left the city. He is now out of town. With his consent, I intended to offer an amendment to modify it in the amount proposed to be appropriated.

My attention has just been called to the unanimous-consent agreement for the reconsideration of this bill. I supposed it had been reconsidered generally, and I intended to offer that amendment. I simply make this suggestion to put my position right with the senior Senator from Kansas, and shall not offer the amendment, because I consider that to do so would be a violation of the unanimous-consent agreement.

Mr. CLAPP. The amendment ought to have been adopted, and were it not for the unanimous-consent agreement I would have a number of amendments of my own which I would offer.

Mr. GAMBLE. I think it is of the utmost importance, and it ought to have been agreed to.

The PRESIDENT pro tempore. Does the Senator now desire action on the bill?

Mr. CLAPP. I move the passage of the bill as amended.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. MYERS. Mr. President, I wish to thank the Senate very sincerely for its very great courtesy in reconsidering the vote on the Indian appropriation bill in behalf of matters pertaining to Montana. I assure the Senate that its courtesy is very greatly appreciated by the Senators from Montana.

COTTON STATISTICS.

Mr. LA FOLLETTE. I submit a conference report on House bill 19403, with an accompanying statement.

The PRESIDENT pro tempore. The Senator from Wisconsin presents a report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
S. GUGGENHEIM,
Managers on the part of the Senate.

W. C. HOUSTON,
JOHN H. SMALL,
E. D. CRUMPACKER,
Managers on the part of the House.

The PRESIDENT pro tempore. Does the Senator from Wisconsin desire to have the statement printed in connection with the report?

Mr. LA FOLLETTE. I do.

The PRESIDENT pro tempore. That order is made.

The statement is as follows:

STATEMENT.

The managers on the part of the Senate at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton submit the

following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report: The House bill provided for the collection of certain statistics monthly; the Senate amended the bill to provide for the collection of the statistics quarterly. The conferees on the part of the Senate agreed to recede from these amendments and agree to the bill in the form in which it passed the House.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
S. GUGGENHEIM,
Managers on the part of the Senate.

Mr. BACON. I am not familiar with this matter. My colleague, I know, is very much interested, and so is the Senator from South Carolina [Mr. SMITH], and as neither of them is present, I do not know if the matter has been submitted to their judgment or not. I was simply about to suggest that we await their presence before taking final action.

Mr. LA FOLLETTE. I am very confident, Mr. President, that the amendments which were incorporated in the bill in the Senate did not and would not have the support of the Senators named by the Senator from Georgia, and that the bill as now agreed to, striking out those amendments, would meet their approval. However, if the Senator desires——

Mr. BACON. I have every confidence in the opinion of the Senator, but unless——

Mr. LA FOLLETTE. The change in the bill is simply this: The bill as passed by the House provided that certain cotton statistics should be made and published monthly. The Senate amended the bill by providing instead that the statistics should be published quarterly. The House conferees objected to the amendment adopted by the Senate on the ground that it was not so favorable to the cotton growers as it would be to have the statistics printed monthly. That reasoning appealed to the conferees on the part of the Senate, and they receded and agreed to the contention of the House.

Mr. BACON. I have no doubt of the statement of the Senator that the recommendations of the conferees will be acceptable to my colleague and the Senator from South Carolina and others who are interested in the same subject, who have given it attention and consideration. I see that my colleague has just entered the Chamber, and I will ask that the matter be submitted to him. It was on the question of agreeing to the conference report which the Senator from Wisconsin has just submitted and which I suggested should be allowed to remain without action until my colleague and the Senator from South Carolina were present.

Mr. SMITH of Georgia. Upon what subject?

Mr. LA FOLLETTE. Upon the subject of cotton statistics. The Senate conferees receded from the amendments adopted in the Senate and agreed to the bill as passed by the House.

Mr. SMITH of Georgia. That is thoroughly agreeable to me.

Mr. LA FOLLETTE. I was very certain it would be.

Mr. BACON. Then I withdraw any objection.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The conference report was agreed to.

Mr. LA FOLLETTE. I ask that the conference report lie on the table and be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25096) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill, beginning at line 19, on page 52, and continued to the end of line 20, on page 73.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, at the time I moved that the Senate should proceed to the consideration of this bill I stated that it was not my intention, if I could do so without losing its place as the unfinished business, to have it interfere with appropriation bills and other privileged matters. Therefore I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects.

Mr. BRANDEGEE. If any Senator desires to discuss the bill at present, of course I will yield the floor myself.

The PRESIDENT pro tempore. The consideration of the unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. Mr. President, I desire to say something in regard to this question of tolls in the Panama Canal, which was taken up the other afternoon and discussed here somewhat.

(At this point Mr. LODGE yielded for the transaction of certain routine business, which appears under its appropriate headings.)

Mr. LODGE. I yield to all morning business. No morning business seems to have been done to-day, and so I yield to all there is to do now.

Mr. WARREN. Mr. President, I wish to give notice that I will ask to-morrow, immediately upon the close of the routine morning business, to take up for further consideration the sundry civil appropriation bill.

Mr. SIMMONS. Mr. President, I believe that appropriation bills and bills to raise revenue are of equal——

Mr. LODGE. Mr. President, how did I lose the floor?

The PRESIDENT pro tempore. The Senator from Massachusetts has not lost the floor.

Mr. SIMMONS. The Senator had yielded to me. He yielded to everybody else.

Mr. LODGE. I thought the Senator had taken the floor in his own right.

Mr. SIMMONS. I understood that the Senator yielded to me.

Mr. LODGE. I do, with pleasure.

Mr. SIMMONS. I started to say, Mr. President, that I believe bills to appropriate public moneys and bills to raise revenue are of equal dignity under the rules of the Senate. I wish to give notice that to-morrow, immediately after the routine morning business, I shall move to take up what is known as the wool bill, and the President pro tempore having decided to recognize the Senator from Wyoming to take up the appropriation bill as against me to take up the wool bill to-day, I trust that he will extend to me the same favor of preference on to-morrow.

Mr. WARREN. Mr. President, in reply to the Senator from North Carolina, I beg to differ with the Senator in this: It is true that under our rules, in the same paragraph, after mentioning appropriation bills, revenue bills are mentioned. Thus revenue bills are mentioned as second to appropriation bills. The Government must authorize the wherewith to conduct business, just as a moment ago it was decided that an appropriation must be provided for before a certain matter could be put in motion or seriously considered.

Therefore I shall not concede that revenue bills stand on exactly the same footing as do the appropriation bills.

Mr. SIMMONS. Mr. President, by the same token, in view of the fact that there can be no money to appropriate until there are taxes levied to collect moneys, I should think that a bill to raise revenue ought to have priority over a bill to appropriate the revenue so raised.

Mr. BRANDEGEE. Mr. President, the regular order.

Mr. WARREN. Unfortunately, the measure the Senator has in charge is not to raise revenue, but to reduce revenue.

Mr. BRANDEGEE. I ask for the regular order.

Mr. SIMMONS. Unfortunately, the Senator's proposition is not a proposition to raise money.

The PRESIDENT pro tempore. The regular order is demanded. The Senator from Massachusetts is entitled to the floor.

Mr. LODGE. Mr. President, some time ago I started to say something in regard to the question of tolls charged on vessels passing through the Panama Canal, which was under discussion here the other afternoon when I was unfortunately absent. I now renew the attempt. The question of canal tolls has arisen in connection with representations made by the Government of Great Britain in regard to our rights in fixing tolls. It so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London and should properly be called the Lansdowne-Choate treaty. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate it so happened that I had charge of it and reported it to the Senate.

The second Hay-Pauncefote treaty, as Senators will remember, embodied in substance the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept those amendments and then the second treaty was made embodying in principle all for which the Senate had contended.

When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation put upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase "all nations." But I see very plainly, Mr. President——

Mr. BACON. Will the Senator permit me before he passes from that point?

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. BACON. I happened to be here at that time myself and also to be on the Foreign Relations Committee with the Senator. I want to ask the Senator if he can recall that either in the committee or in the Senate there was at any time an assertion of the opinion of Senators that that was the construction of the treaty. Does the Senator recall that that ever was asserted?

Mr. LODGE. You mean that we should have the right to determine the tolls?

Mr. BACON. Yes.

Mr. LODGE. I do not recall now that the question was ever raised.

Mr. BACON. I do not think it was.

Mr. SMITH of Georgia. On page 16, if the Senator will allow me, of pamphlet 85——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the junior Senator from Georgia?

Mr. LODGE. I yield to the Senator from Georgia. What pamphlet is it?

Mr. SMITH of Georgia. It is Document No. 85 of the Fifty-seventh Congress. This was a motion offered apparently in the Senate in connection with the treaty of December 13, 1900, which, after being amended by the Senate, I understand was not approved by Great Britain. On page 16 it seems that this amendment was offered:

> The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

I find that the Senate even rejected this, voting yeas 27, nays 43. I wanted to ask the Senator——

Mr. LODGE. That refers to the first treaty.

Mr. SMITH of Georgia. Yes.

Mr. BACON. That I had in mind, of course. If I recollect aright it was Senator Bard's amendment. I will not stop to explain it now, but my vote in favor of it was not on the ground that I favored free ships. But in view of the Senator's statement that he reported the bill, which was a fact, and indicating his familiarity with it, I wanted to ask him what his then construction of it was, whether he could recall that in the process of the making of that treaty, either while it was in committee or in the Senate, it was ever asserted by anyone as the proper construction of that treaty.

Mr. LODGE. I do not remember that any construction either one way or the other was asserted.

Mr. BACON. I do not either. I quite agree with the Senator in that regard, and it was for that reason that I asked the question.

Mr. LODGE. I mentioned merely my own impression, which was that it left the fixing of tolls to us, but it is very clear to anyone on the simple reading of the clause that the interpretation is open to doubt. I think on the face of the words either view can fairly be taken. Such being the case, Mr. President, I do not wish anything done by which this Government could ever be exposed to the suggestion even of not acting in good faith under a treaty. I think we should be most punctilious, even if there is nothing more than a doubt about a word, in carrying out the treaty strictly to its letter.

It is, of course, also true, as the Senator from New York [Mr. ROOT] pointed out, that if we should undertake simply to make our ships free, we should raise a question which would then, under our treaties of arbitration, necessarily go to The Hague.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Oregon?

Mr. LODGE. I do.

Mr. CHAMBERLAIN. Is the Senator addressing himself now to the treatment of our vessels engaged in foreign commerce, or do his remarks apply, and are they intended to apply, to the coastwise trade?

Mr. LODGE. I mean all American vessels. For the purposes of this treaty, it does not make any difference what trade they are engaged in.

Mr. CHAMBERLAIN. Whether in the coastwise or the foreign trade?

Mr. LODGE. Not the slightest, I think.

Mr. SMITH of Georgia. I call the Senator's attention——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to say, Mr. President, that in calling the Senator's attention to this matter I do it because I really want the benefit of his discussion and his opinion. I find in One hundred and ninety-fifth United States, page 332, in the case of Olsen *v.* Smith, the Supreme Court of the United States seemed to recognize an entire difference between our coastwise vessels and vessels engaged in foreign business, and they held that even under the Clayton-Bulwer treaty to give special privileges to a coastwise vessel was not violative of our agreements with Great Britain, as the coastwise trade was limited to American vessels, and for that reason a concession to them could not violate the right of any English vessel. It would seem that if that opinion is sound we would have no embarrassment about extending special privileges to coastwise vessels, and that they would occupy a position entirely different from our vessels engaged in foreign trade. I only wanted to call the Senator's attention to that opinion.

Mr. LODGE. I am very glad the Senator has done so.

Mr. SMITH of Georgia. If the Senator will permit me, I will say just one word more. I do not wish to discuss this subject at all elaborately, and I will detain him only a moment.

This last treaty especially emphasizes the preservation of our neutrality agreement with England under article 8 of the Clayton-Bulwer treaty, and asserts in substance that it is not intended to interfere with the general principles therein enunciated. In article 8 it is stated that the canal shall be open to citizens and subjects of the United States and Great Britain on equal terms——

Mr. LODGE. Where does the existing treaty refer to the Clayton-Bulwer treaty?

Mr. ROOT. In the preamble.

Mr. LODGE. Oh, in the preamble. Yes; I remember that.

Mr. SMITH of Georgia. In the preamble.

Mr. LODGE. But, Mr. President, in my opinion, for the purposes of this treaty, there is no distinction to be drawn between American vessels engaged in coastwise traffic and American vessels engaged in foreign trade. There is no such distinction in the treaty. It says "the vessels of all nations."

Of course, the decision in the United States Supreme Court does not bind Great Britain and would not prevent this question from going to The Hague. Under our treaties of arbitration, in my judgment, nothing could prevent this question from going to The Hague, if we live up to the existing treaties of arbitration which we have with 26 other powers. If it goes to The Hague, I think we may take it as decided now. It is not likely that the United States would ever get a favorable decision from that tribunal on a question where the interests of Europe are on one side and those of the United States on the other. But, Mr. President——

Mr. SMITH of Georgia. Is it not very clear——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I do.

Mr. SMITH of Georgia. Is it not almost beyond doubt that the United States would lose?

Mr. LODGE. Unquestionably. Therefore, Mr. President, in the first place, I desire to observe the treaty. If there is any doubt about it, I desire to observe it in the most punctilious manner. In the second place, if we put in free ships we are simply running ourselves into a prejudged award, which may take the form of refunding all other payments made by other nations or compel large payments by ourselves.

But the English note, as I understand it, which was submitted to us, goes a step further. It undertakes to suggest that we can not, if we choose, pay the tolls of our own vessels, because if we pay the tolls of the American vessels it amounts to giving them free passage. Of course, paying the tolls would cost the United States nothing, no more than if the passage was made free; it amounts to giving them free passage through the canal.

This proposition I regard, Mr. President, as a totally different thing from the question of the right of giving free passage to our own vessels, and I for one will never admit that any foreign power has the right to say what we shall give to our

shipping or our railroads or anything or anybody we please, if we choose to give it. That is a domestic question for us and for nobody else to settle. If we saw fit in that way to give American vessels the benefit of the canal which we have built and paid for, we have a clear right to do it, and we violate no treaty injunction by doing it.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I do.

Mr. CRAWFORD. I ask the Senator if that does not violate the maxim that you can not do indirectly what you are prohibited from doing directly?

Mr. LODGE. Because, Mr. President, the proposition is that all ships shall pay the same tolls. Now, if the American ships pay the same tolls, nobody can go behind that and ask where the money came from.

Let me call attention to certain facts in that connection.

Through the Suez Canal pass, of course, the vessels of the Peninsular & Oriental Steamship Co., a great British company, which carries on a vast traffic with India and the East. The canal tolls paid by this great British line in 1907 aggregated £333,000. The subsidies aggregated £332,784.

For 1910 the tolls were £357,000 and the subsidies £297,000.

The North German Lloyd, which passes through the Suez Canal, was paid a Government subsidy of $1,385,000, which substantially paid all the Suez Canal tolls of the great German Fleet passing back and forth through that canal.

The French subsidies to the three French lines amounted to $1,145,000. "In some instances"—I am quoting now from the report of the Commissioner of Navigation—"the nations make direct appropriations for the payment of the tolls by their vessels in the Suez Canal." For instance, "the Russian budget in 1900 carried an item of 650,000 rubles ($334,750) to pay the tolls of the merchant steamships of the Russian Volunteer Fleet."

Austria pays all the tolls of her vessels passing through the Suez Canal, and other countries—Sweden and Japan among them—pay a large proportion of the tolls of their vessels.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. I yield.

Mr. CRAWFORD. Were these tolls paid in express terms as tolls?

Mr. LODGE. They were paid in the case of Austria and Russia in express terms as tolls. The appropriations were made for tolls. I merely want to show what is done in the case of the Suez Canal.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Yes.

Mr. CLAPP. It was stated here the other day with reference to England, at least, that these payments were in the nature of rebates, as subsidies for carrying the mail, I think. When the Senator says it is an appropriation for tolls, is he advised as to whether there is any consideration for the tolls moving the Government to the appropriation of the tolls, or is it a direct effort to simply relieve the ships of the burden of the tolls?

Mr. LODGE. It is an appropriation to relieve the ships. If the Senator desires, as it is all here in the report of the Commissioner of Navigation, I will read it. It is done specifically.

> In some instances the appropriation is made in terms to pay the Suez tolls, as the Russian budget in 1900 carried an item of 650,000 rubles ($334,750) to pay the tolls of the merchant steamships of the Russian Volunteer Fleet. In 1909 the tonnage of that company was 130,200 net tons, so the Government grant was equal to $2.57 per net ton. At that time the Suez Canal dues were at the following rates: Seven francs seventy-five centimes ($1.50) per net ton on ships with cargo and 5 francs 25 centimes ($1.01) on ships in ballast. At the same time a charge of 10 francs ($1.93) was made on adult passengers, while children between 3 and 12 years old were charged at half rates, and no charge was imposed on children under 3 years. The Russian Government, accordingly, provided for the payment of canal charges not only on the tonnage of the ship, but also on the men, women, and children carried on board.

Mr. CLAPP. Yes; but does the report in this case disclose the purpose?

Mr. LODGE. It discloses that appropriations are made for tolls. They are made exactly and in precise words for tolls; they are adjusted so as to pay them precisely, not only on the tonnage, but on the passenger.

Mr. CLAPP. Yes; that is true; but does it exclude any other idea? Is the information before the Senate——

Mr. LODGE. Absolutely excluding any other idea.

Mr. CLAPP. That is what I wanted to get at.

Mr. LODGE. There are no services whatever rendered by the ships to their governments in return.

Mr. REED and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and, if so, to whom?

Mr. LODGE. I yield to the Senator from Missouri.

Mr. REED. I noticed the language the Senator from Massachusetts read contained the words "the Russian volunteer fleet." Does the Senator understand that that is some fleet which is attached to the war vessels of the Russian Government and subject to be called upon?

Mr. LODGE. The Russian Government may have some right of calling on them in time of war, as we have of calling on the American steamship line.

Mr. REED. The inquiry was brought about by the thought that possibly there might be some circumstance of that kind which would enable the Russian Government to claim that this was a special benefit paid for by them in consideration of the service of this fleet, or its liability to service, in time of war; and I thought perhaps the Senator could enlighten me upon that point.

Mr. LODGE. I think not, Mr. President; I think it is specific. It is as clearly stated as possible. The Commissioner of Navigation says, to begin with:

> About 25 per cent of the Suez Canal tolls on foreign merchant vessels are now paid in one form or another from the treasuries of the nations whose flags those vessels fly, respectively.

Mr. BRANDEGEE and Mr. STONE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and to whom?

Mr. LODGE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The Senator from Massachusetts will not claim, will he, nor does the Commissioner of Navigation claim, that any part of such mail subsidies or bounties as may be appropriated or paid by the British Government, is for the specific purpose of reimbursing their vessels for the tolls paid for passing through the Suez Canal?

Mr. LODGE. I did not say it was. I said that, as a matter of fact, they did it, but I did not say they did it specifically for that purpose.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. STONE. The Senator from Massachusetts has stated that the Russian Government, for example—and I think he possibly named one or two others—paid tolls out of the treasury of the nation exacted on vessels of Russian register passing through the Suez Canal. The inquiry I make is to this effect: Whether the Senator can tell the Senate if the tolls paid in the first instance, presumably by the owners of the vessels passing through the Suez Canal, are covered into the Russian treasury, and whether, if that be true, the Government of Russia merely refunds that money to such vessels?

Mr. LODGE. The Russian Government does not own the Suez Canal. Those are for outright payments. I do not think Russia is even a stockholder.

Mr. STONE. It has no interest whatever in it.

Mr. LODGE. I do not think it has. I can not tell accurately. The principal stockholder is Great Britain, of course.

Mr. STONE. I am aware of that fact.

Mr. LODGE. And I think the remainder of the stock is distributed very widely among smaller stockholders.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly.

Mr. JONES. I merely wish to state that my recollection is that, either in the same report from which the Senator has read or in a later report, the Commissioner of Navigation states that the Spanish Government is now preparing to take care of the tolls that steamship lines being established to go through the Panama Canal will be required to pay.

Mr. LODGE. That must be in a later report. I do not think it is here. I am obliged to the Senator for the suggestion.

Mr. JONES. I know there is a suggestion of that kind in one of the reports of the Commissioner of Navigation.

Mr. LODGE. Now, let me call attention to some details in order to show that there is no misapprehension about it—that it is not attempted to do it under another form. Take Austria. Austria provides an annual subsidy of 4,700,000 crowns for the Austrian Lloyd Steamship Co., but it contains another article, which is given here in German, which says that the company is also to receive for the passage of the Suez Canal on lines 9, 10, and 11, an amount equal to the tolls paid. The Commissioner of Navigation says:

> Of course this means that the Austrian treasury, besides the subsidies, will pay annually the tolls on the following Austrian merchant voyages through the Suez Canal.
>
> * * * * * * *

> In the case of Sweden, the Swedish royal foreign office on May 26, 1908, advised the American minister at Stockholm:
>
> "The maritime navigation company (Svenska Ostasiatiska Kompaniet) receives from the State, for the years 1907–1911, a subvention of 1,850,000 crowns to insure a regular service between Sweden and the ports of the extreme Orient. This subvention has been calculated in a manner to represent the amount of the tolls paid by the ships of the company for passing the Suez Canal."

Mr. President, I do not bring out these facts for the purpose of advocating subsidies or anything of that character; I bring them out to show that in the Suez Canal, where there is precisely the same provision, beginning in the concession to De Lesseps in 1854, for equality of tolls among all nations, it has never been considered for a moment a breach of that agreement for any nation to pay the tolls of its own vessels going through the canal, if it sees fit to do so.

How could it be otherwise? The Austrian-Lloyd steamships go through the Suez Canal and pay the tolls. Is Great Britain to stand up and say, "We can not permit those tolls to be paid by the Austrian Government; those vessels are having an undue privilege"? Austria would say to England or to any other power which for one moment attempted to do that, "What we give our vessels or what arrangements we make with our steamship companies or with any domestic institution is our affair. If the money is received for the toll, you have no right to go behind it and ask where the money came from."

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Dakota?

Mr. LODGE. Yes.

Mr. CRAWFORD. If we concede that it would be a violation of the treaty for Austria or the United States or any other government to make provision by which its vessels engaged in a local business within its own territory could go through such canal free, does it not follow that a provision of that kind in a treaty, recognized everywhere as the highest form of law and the most sacred form of obligation, could not be overridden by some municipal regulation, call it domestic, if you please, but which, in effect, rendered nugatory the provision of the treaty?

Mr. LODGE. Mr. President, I confess it is difficult for me to comprehend that such an attitude should be taken. We will assume, for the purposes of argument, that we have agreed that the same tolls shall be charged to vessels of the United States as to all other vessels. When vessels of other countries begin to go through the canal and we learn that Austria appropriates money for the tolls for her vessels, have we a right to turn around to Austria and say, "You must not do that; it is an evasion of the terms of the treaty, because you are paying the tolls of your vessels"? Those are not the terms of the treaty. The terms of the treaty are that the tolls collected from all vessels shall be the same.

Mr. NELSON and Mr. CHAMBERLAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield, and, if so, to whom?

Mr. LODGE. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Massachusetts to the fact that the subsidies, to which the Senator has referred as being granted by foreign nations, relate only to particular lines that are carrying the mails or to cases where it is sought to establish a line between different points, while the larger share of the commerce is carried on in what are called "tramp" vessels, which are never subsidized.

I want to call the Senator's attention further to the fact, that in our coastwise trade American ships have an absolute monopoly. I can not travel from one port to another on the Atlantic coast or anywhere else in this country except in an American ship. If I travel in any other, I or the ship would have to pay a fine of $200. They have a complete monopoly of the whole trade. They not only have a monopoly of the merchandise they carry from port to port, which is all right enough; but, if I am stranded in one of the coast towns on the Atlantic coast, and want to go to another port along the coast, if no American ship is available and I happen to take a foreign ship which chances to be at hand, there is a fine of $200 imposed on the ship; and, of course, the ship will not stand it, but the man who has to travel in that way will have to pay the fine. In view of all those privileges, to give all these vessels the free privilege of the Panama Canal, built by the funds of the American people, seems to me utterly unfair and unjust. We are simply adding another burden, another bonus, another privilege to American shipping. The only statutory monopoly we have in this country is the coastwise trade; and this proposition is to add to the power of that monopoly, and nothing else.

Mr. LODGE. Mr. President, the Senator entirely misapprehends the point I am endeavoring to make. I am not arguing in favor of advantages to the American coastwise traffic or even to the few American vessels engaged in foreign business, which have no protection whatever. The point I am trying to make is, that I do not think any foreign government has the right to come in here and dictate to us whether we shall or shall not, if we so choose, pay the tolls on American vessels. They have the right to protest if we make our vessels free; but when they go beyond that and try to say what we shall do in the matter of domestic legislation, I, for one, would like to enter my protest against it.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Mexico?

Mr. LODGE. I do.

Mr. FALL. Merely to make a suggestion to the Senator from Massachusetts. Suppose you should read into the Hay-Pauncefote treaty with reference to tolls the following language:

> The tolls or dues shall be collected, without any exceptional favor, from all vessels in like circumstances.

Then, would the Senator entertain the same objection which he is now discussing with reference to our right to evade, if not to violate, the treaty?

Mr. LODGE. Mr. President, of course if the language of the treaty were other than it is we should have a different interpretation. I am dealing with the language of the treaty as it is.

Mr. FALL. I am dealing with the proposition of law that, in construing a statute which is ambiguous, you can consider other statutes in connection with it upon the same subject.

Mr. President, there is something more than merely the strict wording of the Hay-Pauncefote treaty, it seems to me, to be considered here. For instance, there is the Panama treaty, under which we have constructed the Panama Canal; and back of that Panama treaty the ratification and sale by Panama to the United States Government for $40,000,000 of the concession under which the French undertook to construct the canal, which concession was ratified by Panama in its grant to the United States of the right to build the canal.

If the Senator will permit me, if he will examine article 8 of the treaty of the United States with Panama, of 1903, he will find that by that article—

> The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Co. and the Panama Railroad Co. as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the isthmus of Panama and authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions—

That is, the rights, privileges, properties, and concessions of the New Panama Canal Co.—

> as well as the Panama Railroad and all the shares or part of the shares of that company.

And public lands, which were not necessary to the construction of the canal which had been granted by Colombia by the concession referred to and here ratified, were to be the property of the Republic of Panama.

In that same treaty not only is the transfer and the original concession, constituting the basis of our title to this property, ratified by terms, but also the Hay-Pauncefote treaty is referred to and ratified.

In the original concession, for which we paid $40,000,000 and which is the basis of our title—and I might mention incidentally, because of the failure of Colombia to ratify a treaty which would give the United States the power to acquire that canal property, which it did not have under the concession itself—because of that failure it is understood that the rebellion in Panama ensued, and Panama did what Colombia refused to do—allow this concession to be transferred to a foreign Government.

Under the original concession, article 14 of the concession for the building of the Panama Canal provides distinctly as to the tolls to be collected:

> That they shall collect these dues, without any exceptional favor, from all vessels in like circumstances.

We bought this and paid for it, and then took a deed from Panama ratifying this concession in these words, and also ratifying the Hay-Pauncefote treaty. It seems to me that, considering them altogether, there is no question about not only the lack of right in the United States to adopt these tolls but that it would be an evasion of the strict terms, which should be read into the Hay-Pauncefote treaty, for us to do by indirection what we can not do directly.

Mr. LODGE. Mr. President, I was on the committee which had charge of the Panama treaty to which the Senator refers, and gave some attention to it at the time. So I am not unfamiliar with its provisions. It does not seem to me to alter the case. The point I am making is not whether I think or do not think we ought to make the canal free; it is not whether, on the merits of the case, we should remit the tolls or give American ships money to pay the tolls; that is a question to be

decided on its merits. My proposition is simply this: That I deny wholly the right of any outside power to come here and tell us what arrangements we shall make with our own shipping. They may protest against exemption from all tolls; I grant that, although the clause in the treaty is doubtful; and that they may fairly take us before The Hague court; but if we are to admit that a foreign Government can say to us what arrangements we shall make with our own shipping, it seems to me there is absolutely no limit to the domestic questions which may be carried before The Hague court for decision, and no limit to the power foreign Governments may exercise over us.

Mr. BACON. Will the Senator permit me there?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. If there were a reference to The Hague, it would not be as to what we would be permitted to do in the regulation of our own shipping or in the exaction of tolls from it, but it would be a question as to what would be the resulting right to other nations if we did certain things in favor of our own shipping. That, I think, would be the question.

Mr. LODGE. Exactly.

Mr. BACON. And not the question as to whether we had a right to make any particular provision as to our own shipping. The question would be the consequential right which flows to them.

Mr. LODGE. Out of this, of course, grows the inevitable inference that if foreign nations can prevent our paying the tolls of our vessels, if we see fit to pay them, what is there to prevent us saying to them when we fix the tolls, "You have no right to pay the tolls of your vessels going through the canal. That is not putting them on an equality; that is an exceptional favor that you would grant to this Austrian line or this Russian line or this English line." Suppose we should say to Great Britain, if they were to send great ships through the Panama Canal such as ply between Liverpool and New York, "You made a free gift of the *Mauretania* and the *Lusitania* to the Cunard Co.; you made them a loan of £4,000,000 to build those ships, and then you gave them a subsidy that pays the interest on it"; and suppose we should undertake to say, "You must not do that; we can not have vessels going through the canal under those conditions"; why, Mr. President, no nation would tolerate such treatment for a moment. Our power to fix the tolls does not give us the power to go behind and inquire who is paying the tolls. Of course it does not; and I say if we have not the power to go behind the actual payment and cross-question Austria and England and the other powers as to how the tolls on their ships are paid, they have not the right to come in here and ask who is paying the tolls on our ships. That is what I resent.

I am not prepared to say it is a good thing for us to make the canal free to our ships or that they should not pay tolls. I had hoped the canal might be of some benefit to our shipping; but I have come pretty well to the conclusion that it is not the intention of this Government ever to help American shipping; in fact, it is now apparently expected that we should throw the coastwise shipping open to all the world. No other nation admits everybody in their coastwise trade; but, however that may be, I do protest against the doctrine that what we do to our shipping in regard to tolls or anything else is a matter for a foreign government to regulate.

Mr. PERCY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. I do.

Mr. PERCY. I understood the Senator made the statement that no other country throws open its coastwise trade to foreign countries. Is he not mistaken about that in regard to England? Is not the coastwise trade of England thrown open to vessels of the world?

Mr. LODGE. I do not think so; I think they have restrictions in favor of English vessels.

Mr. PERCY. That is my impression in regard to it.

Mr. LODGE. Certainly there are coastwise restrictions in the case of every other country except England, and England restricts by light dues and port dues and rules of Lloyds, which amount to the same thing.

Mr. BACON. Does the Senator mean, in the case of England, the coastwise trade between England and the various parts of the empire?

Mr. LODGE. Oh, no; I simply mean the coastwise trade of Great Britain and Ireland.

Mr. BACON. That is a very small matter in point of territory.

Mr. LODGE. Oh, that coastwise trade of Great Britain and Ireland is very large, indeed.

Mr. BACON. I say in point of territory it is very restricted.

Mr. LODGE. In that respect; yes.

Mr. BACON. Of course, if you include the whole British Empire, that would be very vast.

Mr. LODGE. I did not mean to include the colonies of England in her coastwise trade.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. REED. If it be true, as maintained by some, that if this Government were to pay subsidies to our ships passing through the canal equal to the tolls collected and that foreign governments could object to that as a discrimination, or, rather, as a violation of the terms of this treaty, would it not follow for this reason that this Government would then be in a more unfortunate condition with reference to the canal it built than any other nation? Other nations do pay subsidies to their ships, and would it not permit the other nations to pay subsidies to their ships and deny us the right they would exercise?

Mr. LODGE. Absolutely. I agree with that statement.

Mr. REED. I say that because I am inclined to concur with the Senator in his analysis of this legal question, although I am very far from being convinced that we ought to pay any subsidy.

Mr. LODGE. That is another question.

Mr. REED. Yea.

Mr. LODGE. It is not a question which I am attempting to discuss now. But I wanted to draw the distinction between the question of making our ships free through the canal, which I believe is open to question under the treaty and therefore should not be attempted, and the right of this Government, if it chooses, to grant to its ships the amount of the tolls. As to the second question, I can not see that any foreign government has the right to enter into it at all. It is for us to determine, and if we determine it is not wise to do it, very well; but if we determine that it is wise to do it, I hold it is nobody's business but our own.

Mr. REED. The Senator will pardon me a further word. It seems to me a good deal would depend upon the form in which it was done. If in a bill fixing tolls we were to provide that in the event of American vessels going through the canal there should be remitted to them the amount of the tolls, it would present one question; but if we were to provide what tolls should be charged and then if we were to provide in a separate bill that there should be paid to all American vessels carrying freight going through the canal certain sums, and if those sums happened to be the same as the tolls, it seems to me it would be very difficult for any foreign government to raise the question.

But if in the same bill, manifestly for the purpose of remitting the tolls, we were to provide for an absolute remission, it seems to me it would be a different question. I do not know whether I make myself plain.

Mr. LODGE. Certainly.

Mr. REED. I think a great deal depends upon the form in which it is put, and in my humble capacity I state it without committing myself to that doctrine.

Mr. LODGE. I think the question lies as the Senator stated it before; that to attempt otherwise would be to admit that they had a control over the canal that we did not exercise.

Now, of course, this grows out of a very simple thing. This whole excitement has arisen out of the fact that there is one country, and only one country, in the world which is situated in regard to the canal just as we are, and that is Canada. England is not worrying over her own merchant marine. Her great merchant marine is not going to be affected by whether our ships go through free or whether they pay tolls. The trouble is the Canadian voyage. If our ships should have an advantage the Canadian business would probably come in American vessels to American ports, and then by American railroads in bond back to Canada. The Canadians do not like that, and they would rather not pay a subsidy to equalize it, if that should happen. That is the cause of all this.

I am not finding any fault with them. I do not find fault that they should look after their own. I wish we did it a little better.

But I desired to make protest against this attempt to go beyond the question of our right to fix tolls equal for ourselves as well as for everybody else, which is a question that concerns others, and our right to pay tolls for our own vessels, which is a domestic question and does not concern anybody but ourselves, and in that I wish to protest against any foreign interference.

Mr. HITCHCOCK. I did not quite clearly understand the Senator. When he speaks of our own vessels, does he refer only to vessels engaged in the coastwise trade?

Mr. LODGE. I refer to all American vessels, no matter what they are engaged in. They are all alike.

Mr. HITCHCOCK. Does he refer to vessels engaged in the international trade in competition with others?

Mr. LODGE. All American bottoms. The American coastwise trade is well taken care of now.

Mr. HITCHCOCK. Does the Senator think that the United States has any greater right to grant free passage to vessels in our coastwise trade than it has to American vessels in the international trade?

Mr. LODGE. Before the Senator came in I stated that I did not see any distinction that could be drawn.

Mr. McCUMBER. Before the Senator from Massachusetts takes his seat I should like to ascertain if I understand him correctly as holding the proposition that no nation can interfere with the internal arrangements of another nation with reference to its own shipping, and whether he concedes that under the Hay-Pauncefote treaty Great Britain could remit to British ships the amount of the tolls that would be collected under the proposed treaty?

Mr. LODGE. Unquestionably. Great Britain can pay the tolls on every ton of British or Canadian tonnage that goes through our canal.

Mr. McCUMBER. Directly?

Mr. LODGE. I mean that the tolls, of course, would have to be paid into the treasury of the canal.

Mr. McCUMBER. But remitted?

Mr. LODGE. Remitted.

Mr. McCUMBER. If that is true, then any party to this contract can evade its purpose.

Mr. HITCHCOCK. I want to draw the distinction——

Mr. LODGE. One moment. I do not think so. Our promise is of equal tolls. We do not promise as to who shall pay those tolls or where they shall come from, or whether one nation shall help its shipping and another not. We simply say the tolls shall all be equal.

Mr. HITCHCOCK. I wish to call attention to the fact that while we obligated ourselves in the treaty to charge equal tolls to all countries, neither Great Britain nor any other country is under any obligation of that sort, and would not, therefore, be bound to any such obligation. How can the Senator——

Mr. LODGE. Great Britain has nothing to do with the tolls we charge.

Mr. HITCHCOCK. No. Yet the Senator stated that in his opinion Great Britain could pay the tolls on her vessels through the canal and therefore we could pay the tolls on our vessels.

Mr. LODGE. Certainly.

Mr. HITCHCOCK. Now, as a matter of fact that is not true, because Great Britain has entered into no obligation not to do so, whereas we have entered, as is claimed by Great Britain, into such an obligation.

Mr. LODGE. That is exactly what I deny. I deny that we agreed not to pay the tolls on our vessels if we saw fit.

Mr. HITCHCOCK. The Senator may deny that, but we have agreed not to charge any other tolls to foreign vessels than we do to our own.

Mr. LODGE. Then we come precisely to the position stated by the Senator from Missouri a few moments ago, that we have a more contracted right in our own canal than any other nation on earth.

Mr. HITCHCOCK. But the Senator realizes that the consideration which Great Britain gave for the new treaty was the abandonment of the Clayton-Bulwer treaty. That is the only consideration she gave. She gave no promise as to what she would do with her own shipping or what she would do with the Panama Canal tolls.

Mr. LODGE. Nobody did.

Mr. HITCHCOCK. We, however, in order to get rid of the Clayton-Bulwer treaty, did make a stipulation as to tolls, and Great Britain claims that, on her interpretation of that promise, we can not discriminate. It does not seem to me that we are in the same position that a foreign country is——

Mr. LODGE. I do not think we do discriminate.

Mr. HITCHCOCK. Because we have made a promise, and the other has made none.

Mr. LODGE. I do not think they are bound, and I do not think we are bound.

Mr. HITCHCOCK. But the Senator must see there is a difference, a distinction. We have made a promise, and they have made none.

Mr. LODGE. We have made a promise that all tolls shall be equal to all nations; that is all.

Mr. HITCHCOCK. But Great Britain has made no such promise.

Mr. LODGE. That is all we promised.

Mr. HITCHCOCK. My point is that Great Britain is not bound as we are bound. On any theory——

Mr. LODGE. Great Britain, of course, has not made a promise, because the canal is not hers.

Mr. HITCHCOCK. Yes; and probably it is not in point to say that Great Britain might refund the money——

Mr. LODGE. What I say is that we do not violate that promise if we pay our own tolls.

Mr. HITCHCOCK. The Senator will perceive that is a question which will have to be settled at The Hague.

Mr. LODGE. I do not agree to that at all. It is a domestic question.

Mr. HITCHCOCK. Does the Senator deny——

Mr. LODGE. If we were to declare that no American vessels should pay any tolls, then I grant you it would be a question as to the interpretation of the treaty to go to The Hague. I do not think the other is. I think the other is a domestic question, not within the purview of the treaty at all.

Mr. HITCHCOCK. But suppose, instead of saying that American vessels should pay no tolls, we pay them; that we shall say American vessels shall pay the same tolls as vessels of other countries, and then we will refund the money. Would we not be doing indirectly exactly what we have agreed not to do directly?

Mr. LODGE. Of course we should be subsidizing our vessels to that extent.

Mr. HITCHCOCK. Would we not be refunding the very money that we had collected?

Mr. LODGE. Certainly.

Mr. HITCHCOCK. And, certainly, we would be doing indirectly what we have agreed not to do directly.

Mr. LODGE. Of course we should be doing it.

Mr. McCUMBER. I do not see that the Senators are making any headway.

The PRESIDENT pro tempore. The Senator from North Dakota has the floor.

Mr. McCUMBER. Mr. President, the committee has reported to this body a bill which relieves coastwise vessels from the payment of tolls. The question first to be decided, therefore, is whether or not under the Hay-Pauncefote treaty and the agreement we made with Panama we have any moral or legal right to so discriminate. That is to be determined before we begin to consider the proposition of whether or not we can in some way evade it.

If the subject of the Panama Canal had no history whatever, Mr. President, prior to the Hay-Pauncefote treaty—if that instrument were the first declaration with reference to the American policy of an Atlantic and Pacific canal—I could not understand how anyone could construe paragraph 1 of article 3 in any way that would not include the United States in its provisions:

This paragraph reads:

> 1. The canal shall be free and open, in time of war as in time of peace, to vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

The phrase "of all nations on terms of entire equality" can not on any logical theory be construed to mean all nations but the United States.

If it is difficult for me to comprehend how any such strange construction could be placed upon the instrument itself, without a history, that difficulty becomes insurmountable when we take into consideration the declared policy of this Government during the long years of diplomatic correspondence, the many treaties, the consistent declarations of this Government through its executive and its legislative departments, the debates in Congress on the very subject of whether the word "all" included this Government, the effort to so amend that treaty so that the United States would be at liberty to discriminate in favor of its coastwise trade—when we consider all of these there is left no room for the slightest doubt, not only of the understanding of this country but of the understanding of the entire world, as to the proper construction of this paragraph.

DECLARED POLICY OF THE UNITED STATES.

I purpose to go back into the history of the events leading up to the adoption of the Hay-Pauncefote treaty with a view of presenting to the Senate the historical American attitude with reference to any canal that might be constructed by any State or any people connecting the oceans at the Isthmus of Darien. I will not, however, take up the time of the Senate in the details of the incidental questions—the colonizations of the new world which made the subject of an isthmian canal a living question, or any of the subordinate questions which incidentally involved the discussion of that subject.

As early as March 3, 1835, a resolution passed the Senate in the following words:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the Governments of other nations, and particularly with the Governments of Central American and New Granada, for the purpose of effectually protecting, by suitable treaty stipulations with them, such individuals or companies as may undertake to open a communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever, by such stipulations, the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established to compensate the capitalists who may engage in such undertaking and complete the work.

This is one of our early declarations that any canal that might be established should be established on terms of absolute equality to all vessels of the world.

This keynote, "the free and equal right to all nations," is a phrase that has been reiterated again and again in all our diplomatic correspondence concerning an isthmian canal.

Following this and on the 12th day of December, 1846, a treaty of amity, navigation, and commerce was drawn up and signed by the representatives of the United States and New Granada, now Colombia. The thirty-fifth article of this agreement provides:

And this equality of favors (relating to the equal treatment of American commerce with that of Granadan commerce) shall be made to extend to the passengers, correspondence, and merchandise of the United States in their transit across the said territory from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of product, manufacture, or merchandise of lawful commerce belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the Government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadan citizens.

I want to call attention to the words of President Polk in presenting this treaty. In his reference to it in his message to Congress he says:

In entering into the mutual guaranties proposed by the thirty-fifth article of the treaty, neither the Government of New Granada nor that of the United States has any narrow or exclusive views. The ultimate object, as presented by the Senate of the United States in their resolution to which I have already referred, is to secure to all nations the free and equal right of passage over the isthmus. If the United States, as the chief of the American nations, should first become a party to this guaranty, it can not be doubted—indeed, it is confidently expected by the Government of New Granada—that similar guaranties will be given to that Republic by Great Britain and France. Should the proposition thus tendered be rejected, we may deprive the United States of the just influence which its acceptance might secure to them, and confer the glory and benefits of being first among the nations in concluding such an arrangement upon the Government either of Great Britain or France. That either of these Governments would embrace the offer can not well be doubted, because there does not appear to be any other effectual means of securing to all nations the advantages of this important passage but the guaranty of great commercial powers that the isthmus shall be neutral territory. The interests of the world at stake are so important that the security of this passage between the two oceans can not be suffered to depend upon the wars and revolutions which may arise among different nations.

In a letter written to the Secretary of State, Mr. Clayton, on September 25, 1849, by our minister to France, he quotes an interview he had with Lord Palmerston. In the discussion of this question, in which he undoubtedly acted under the authority of his Government and represented its views, he stated:

That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality for all.

That is the ancient declaration of this country, and it is a declaration that has followed our policy all the way through down to and including the adoption of the Hay-Pauncefote treaty.

Again, he says:

That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.

That while they aimed at no exclusive privilege for themselves, they could never consent to see so important a communication fall under the exclusive control of any other commercial power.

Following this, in 1849, the Secretary of State, Mr. Clayton, in a letter to Mr. Lawrence, again defines the attitude of the United States toward Great Britain on the subject of the canal. In this letter our Secretary of State approaches Great Britain for the purpose of securing a canal through Nicaragua under the joint protection of both Governments.

He says:

If, however, the British Government shall reject these overtures on our part, and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by way of the port and river of San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independently of her aid and despite her opposition or hostility.

The Secretary then cited a treaty which had been obtained for this Government by Mr. Hels from the Nicaraguan Government, using that as a club to compel Great Britain to enter into the agreement which she afterwards entered into in the Clayton-Bulwer instrument.

Senator Davis, in commenting upon this incident, states as follows—and certainly we never have had a Senator who was a more thorough scholar or historian than Senator Davis:

This paper was submitted to the British Government. It was an explicit and peremptory demand for an agreement that would give to Nicaragua the freedom of exit to the sea through the San Juan River for a ship canal that should be open to all nations on equal terms and protected by an agreement of perfect neutrality.

In the origin of our claim to the right of way for our people and our products, armies, mails, and other property through a canal which our citizens had contracted with Nicaragua to build, we offered to make it neutral ground, and denied to our Government the exclusive right to use and control it.

We went further and, with a treaty in our hands in which Nicaragua had granted us exclusive rights and powers for building and owning a canal, we refused to ratify it, but laid it before Great Britain as an argument to induce that Government to withdraw her protectorate over the Mosquito Indians, who then claimed to hold the mouth of the San Juan de Nicaragua in lawful and independent sovereignty under the protection of Great Britain.

So, Mr. President, we were not only the moving spirit in securing the Clayton-Bulwer treaty, establishing therein a declaration of neutrality and the free use of any ship canal, but previous to that time we had declared that we would enter into no agreement, nor would we adopt any policy, that would give us independently or in connection with any other country an exclusive control of a canal.

Following this, again, in 1857 Lord Napier suggested the plan of a joint protectorate of any transoceanic canal through the Isthmus of Darien by Great Britain, France, and the United States. Mr. Cass, replying to that suggestion, stated:

It is important that they (the canals) should be kept free from the danger of interruption by the Governments through whose territories they pass or by hostile operation of other countries engaged in war.

While the rights of sovereignty of the local Governments must always be respected, other rights also have arisen in the progress of events involving interests of great magnitude to the commercial world and demanding its careful attention, and, if need be, its efficient protection.

In view of these interests and after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations, under pledges of free transit to all desiring it, it can not be permitted that these Governments should exercise over them (the canals) arbitrary and unlimited control, and close them or embarrass them without reference to the wants of commerce or the intercourse of the world.

Equally disastrous would it be to leave them at the mercy of every nation which, in time of war, might find it advantageous, for hostile purposes, to take possession of them and either restrain their use or suspend it altogether.

Further commenting on this subject, Senator Davis in his report says:

Thus the United States in the beginning, before the Clayton-Bulwer treaty, took the same ground that is reached in the convention of February, 1900, for the universal decree of the neutral, free, and innocent use of the canal as a world's highway, where war should not exist and where the honor of all nations would be a safer protection than fortresses for its security. From that day to this these wise forecasts have been fulfilled and Europe has adopted, in the convention of Constantinople, the same great safeguard for the canal that was projected by Mr. Cass in 1857.

After the Clayton-Bulwer treaty had been adopted misunderstandings arose between this country and Great Britain as to its construction and intendment. It was claimed on the part of the United States that this treaty superseded any claim of sovereignty by Great Britain over the Mosquito Indians in that section of the country at the mouth of the San Juan River, in which an English colony was located, and that it established the complete sovereignty of Nicaragua over all this territory. Great Britain refused her assent to this construction. Neither party, however, ever claimed any misunderstanding as to the intent of both Governments to maintain a neutral canal, as free to the use of the world as though nature had made the passageway.

Lest either nation might assume to annul the Clayton-Bulwer treaty, each one took the precaution to enter into new agreements with Nicaragua, which bound that State to insure the free use of any canal she might either authorize to be built or should herself construct in her territory. Neither of them attempted to secure any special privileges.

On February 11, 1860, a treaty was drawn up between Great Britain and the Republic of Nicaragua providing for an isthmian canal. In this agreement the British Government agrees to extend her protection to all such routes of communication as may be constructed and to guarantee the neutrality and innocent use of the same. And on the other side the Nicaraguan Government agreed as follows:

No hire or other charges or tolls shall be imposed on the conveyance or transit of the persons or property of subjects of Great Britain or of subjects or citizens of any other country across the said routes of communication than are or may be imposed on the persons and property of citizens of Nicaragua.

Great Britain has never claimed or demanded exclusive control for her own vessels, but in all her treaty stipulations with either Nicaragua or any other Government in that vicinity she has insisted that the world should have exactly the same opportunities that she herself might enjoy.

Then the United States did not wish to be behind Great Britain, and a few years thereafter, and on the 21st day of June, 1867, the United States entered into an agreement with Nicaragua in almost the same words. Article 14 of this treaty provides:

The Republic of Nicaragua hereby grants to the United States and to their citizens and property the right of transit between the Atlantic and Pacific Oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and the respective citizens.

Article 15 of this treaty provides:

No tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua.

Remember that the South American nations have rights here as well as Great Britain and the United States. They must necessarily have more or less of a coastwise trade. This treaty related to the authority of the citizens of the United States in the construction of a canal.

In agreeing to the Hay-Pauncefote treaty it was the purpose of the United States to place itself exactly in the same position it would have been in had the canal been constructed by France, by Nicaragua, or any other Central American State. We claimed no special privileges because the money represented our investment. It was believed that the tolls charged and the charges derived specially by the United States would compensate us for the investment.

Senator Davis, in his report on the Hay-Pauncefote treaty, declared its purposes in concise language and asserted boldly that the United States was to obtain no other privileges than those granted to the nations of all the world.

He states:

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war, and always open, on terms of impartial equality, to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe, and the United States alone. Whatever canal is built in the Isthmus of Darien will be, ultimately, made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations, without discrimination.

To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built.

But the location of the canal belongs to other governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.

It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations, it would not be creditable to our country to accept them.

On the question of the canal being built with our own money, and any special rights to be derived from that fact, Senator Davis says:

I especially call the attention of those Senators who insist that by reason of our investment we should claim some special privilege to the report upon which the Senate acted when they ratified the Hay-Pauncefote treaty:

That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment.

In time of war, as in times of peace, the commerce of the world will pass through its portals in perfect security, enriching all the nations, and we of the English-speaking peoples will either forget that this grand work has ever cost us a day of bitterness, or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works for the good of mankind.

Now, I call the attention of Senators to the first annual message of President Cleveland. In this message, speaking on the same subject, he says:

Whatever highway may be constructed across the territory dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for assault or a prize for warlike ambition.

Senator Morgan made a minority report, and although he differed with the majority upon the question of the point of location, that eminent scholar and historian agreed entirely with the report of the majority when he said:

The treaty under consideration is for the avowed purpose of removing any objection (that may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, without impairing the general principle of neutralization established in Article VIII of that convention.

That general principle, as it is modified or specially defined in this treaty, is all that is left of the Clayton-Bulwer treaty, as now being in continuing force.

Again he says:

Then this convention, in Article II, proceeds to define and formulate into an agreement, intended to be world-wide in its operation, "the general principle of neutralization" established in Article VIII of the Clayton-Bulwer treaty, on the basis of the treaty of Constantinople of October, 1888, relating to the Suez Canal.

Nothing is given to the United States in Article II of the convention now under consideration, nor is anything denied to us that is not given or denied to all other nations.

Now, what is this article 8 of the Clayton-Bulwer treaty which we have practically adopted and declared to be the principle upon which the United States should proceed in the construction of this canal? It is as follows:

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but, also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

We guaranteed under that article not only that we would not discriminate or allow such discrimination between Great Britain and the United States, but that the same treatment should be accorded to every other foreign nation as would be accorded to those two, and thus specifically brought ourselves within the provision of "all" nations of the world.

Mr. President, is it possible, in the light of all these discussions, in the light of the history of the case, in the light of these reports, and in the light of the open discussion on the floor of the Senate, when no man on the floor of the Senate, during all of the time this Hay-Pauncefote treaty was before this body, was ever bold enough to claim that the treaty was open to the construction that the word "all" did not include the United States, that any man can now state that the United States is not included in the stipulations of the treaty? If we so intended, was it not our moral duty, a duty we owe to our own national honor and to every other nation of the world, to make that declaration clear and explicit?

We not only failed to make such claim, but by a vote of 43 to 27 we declared against any such policy. We met the question that was presented to us in the consideration of that treaty fairly and squarely. Let us see. While the matter was under consideration, Senator Bard offered the following amendment:

Strike out all of Article III and substitute the following: "Article III. The United States reserves the right in the regulation and management of the canal to discriminate in respect to the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade."

The Senate had the opportunity to declare then and there whether the United States, as a party to this solemn obligation, would insist on those rights or whether it would renounce them, and by a vote of 43 to 27 the Senate of the United States, the only body in conjunction with Great Britain that could

make the law, renounced that claim forever; and it is too late for us now to come in and claim that we can evade it by any character of a subterfuge. In the face of this can we honorably claim that there was a secret understanding?

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. Certainly.

Mr. BACON. If the Senator will permit me, I think he could state it a little stronger than he did when he used the word "renounced." We were then engaged in the making of a new treaty with Great Britain, and, of course, if Great Britain would have agreed to that arrangement it would have been a legitimate contract and covenant between the two. What the Senate of the United States then did was to decline even to make that demand upon Great Britain. We declined to say that we would contend for that. We not only by that action in fact recognized that there was an obligation of that kind under the Clayton-Bulwer treaty, but we declined to contend that that should be surrendered by Great Britain and that a new contract should be made, to which they would not have agreed.

I wish to say, if the Senator will pardon me a moment, in this connection, as I am one of those recorded as voting in favor of the Bard amendment, that my idea at that time was not that any part of the merchant marine of the United States should have free transportation or free right of passage through the canal, but I was standing simply upon the ground that I thought the United States should have the right to control whatever tolls were imposed and discriminate in favor of our own citizens if we saw fit to do so. I do not wish myself to be considered as being committed by that vote to the principle of free passage for American ships in the canal.

Mr. McCUMBER. I think the vote was clearly a declaration of our intent and purpose not to demand free tolls for our own coastwise trade. That is all that I am citing it for.

Mr. BACON. That would be true; and further than that, not to discriminate, that even if we charged tolls we would charge no greater tolls for the ships of foreign countries than for the ships of our own country.

Mr. McCUMBER. Certainly.

Mr. President, in the face of this can we honorably claim that there was a secret understanding or a secret purpose in our minds to claim a construction directly opposed to what we had declared in our vote should not be our policy? If so, we were neither honest with ourselves nor with the world.

Touching the consideration of this treaty, the benefits to be derived by the United States, and the right surrendered by Great Britain—and a right surrendered is always an important consideration—Senator Davis says:

Great Britain consents to remain under the prohibitions of article 1 of the Clayton-Bulwer treaty, namely, that she shall not have authority to construct or control a canal, and consents that the United States shall be released from that obligation.

Clearly, Mr. President, does this not carry such a valuable consideration, such an important consideration, that we would be in honor and in duty bound to recognize its obligatory force? Before this Hay-Pauncefote treaty was entered into Great Britain already had a treaty with Nicaragua and, I think, another with Costa Rica, granting her or her citizens the right to construct a canal. If the United States had said to Great Britain, when we construct a canal with our money we will grant free tolls to our coastwise trade, but will not allow you to have free tolls for your coastwise trade on the eastern and western shores of Canada, I think Great Britain would have hesitated a long time before she would have surrendered her right to construct a canal in conjunction with Canada or in conjunction with any of the Central American Republics if she had desired so to do. She was interested not in dollars and cents as a measurement of coastwise trade to the same extent that we are, and in the same degree, but she was interested in the same manner that we were interested in having the same charges of tolls for her Canadian coastwise vessels placed upon an equality with ours.

Senator Davis continued:

If this convention is ratified Great Britain could not negotiate with Costa Rica or Nicaragua or any other American State for any right to build, own, control, manage, regulate, or protect a canal to connect the oceans, while the United States is left free to enter upon and conclude such negotiations.

Mr. President, having secured the surrender by Great Britain of all of her treaty rights now and hereafter to either construct or be a party to or own or control any highway across the Isthmus, upon the consideration directly that we would treat the vessels of all countries exactly the same without the slightest discrimination, I say that we are in honor bound to stand by our agreement.

It has been suggested here, Mr. President, that neither Great Britain nor any other country could engage in our coastwise trade and therefore they would necessarily have no interest. But a vessel from Vancouver can engage in coastwise trade; a vessel from Victoria can engage in coastwise trade. A vessel loaded with lumber from Victoria can be taken to New York. A vessel from Seattle can take its cargo of lumber to New York. We by disregarding this treaty and allowing our own coastwise vessels to go free through the canal give a preferential right to our coastwise trade, not as against the coastwise trade of any other country, but as against any foreign competing vessel entering our ports.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I yield to the Senator.

Mr. BRISTOW. I desire to correct the Senator in the statement that a vessel carrying lumber from Vancouver to New York would be coastwise trade. It is not so designated in our legislation.

Mr. McCUMBER. I did not say so.

Mr. BRISTOW. I understood the Senator to say it.

Mr. McCUMBER. No; I did not. I said that while a vessel from Victoria to New York would not be coastwise trade, a vessel from Seattle to New York would be coastwise trade, and allowing one free tolls you allow the coastwise trade a preference over the other foreign vessels, and to that extent you disregard the stipulations of your treaty.

Mr. BRISTOW. The Senator simply misstated it. He said it would be coastwise trade. He did not mean it, I understand.

Mr. McCUMBER. I do not think I said it.

Mr. President, an attempt has been sought here in an argument to establish the fact that we have authority to do indirectly that which we can not do directly. I think the Senator from New York [Mr. O'GORMAN] is anxious to take the floor, and I will not take up that subject this afternoon; but I do desire to discuss it at some time in the future before this measure is disposed of.

Mr. O'GORMAN obtained the floor.

Mr. HITCHCOCK. If the Senator from New York will allow me, I think this is a matter of such importance that we ought to have a quorum, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lodge	Shively
Borah	Dillingham	McCumber	Simmons
Bourne	du Pont	Martin, Va.	Smith, Ariz.
Bradley	Fall	Martine, N. J.	Smith, Ga.
Brandegee	Fletcher	Massey	Smith, S. C.
Briggs	Gallinger	O'Gorman	Smoot
Bristow	Gamble	Oliver	Stephenson
Bryan	Gronna	Overman	Stone
Burnham	Heyburn	Page	Sutherland
Catron	Hitchcock	Paynter	Swanson
Chamberlain	Johnson, Me.	Percy	Thornton
Clapp	Johnston, Ala.	Perkins	Townsend
Clark, Wyo.	Jones	Pomerene	Warren
Crane	Kenyon	Reed	Wetmore
Crawford	La Follette	Root	Williams
Cullom	Lippitt	Sanders	Works

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on this roll call and was absent on the other roll calls of the day because he is unavoidably detained from the city.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from New York.

Mr. O'GORMAN. Mr. President, I do not share in the doubt which seems to prevail among certain Members of the Senate as to the true construction that should be placed upon the language of the Hay-Pauncefote treaty. In my opinion there is not a line in that treaty that should prevent the United States from exempting American ships from the payment of tolls while going through the Panama Canal. If the contrary view should prevail, the American people would be much surprised that so little regard for American rights was manifested at the time of the adoption of the Hay-Pauncefote treaty, because if the view alluded to be the correct one, it must follow that while the United States has expended $400,000,000 of American money in the construction of this canal, its citizens must be denied the rights that are enjoyed by the subjects of Great Britain and of every other foreign power, although the only Government under this treaty that has assumed a specific burden is the Government constructing the canal—the Government of the United States. England assumes no burden under this treaty; the other nations of the world that may come in and make use of the canal assume no specific burdens beyond the payment

of the tolls and the agreement looking to the neutralization of the canal itself.

There is nothing in this treaty that can prevent England from remitting every cent of tolls paid by English ships going through the canal; there is nothing in the treaty to prevent any foreign power from remitting by subsidy or otherwise, or reimbursing by subsidy or otherwise, every dollar expended by its subjects by way of tolls. Under the construction placed upon this treaty by Senators who have spoken the only power in all the world that is hampered and shackled in its duty to its own citizenship is the one country that has expended $400,000,000 in the construction of this vast enterprise. If the view suggested by the Senator from North Dakota [Mr. McCUMBER] be a correct one, the American people may well exclaim that their rights were neglected when the Hay-Pauncefote treaty was adopted, because there can be no question in any legal mind that every foreign power may do with respect to its own shipping passing through the Panama Canal what it is said America can not do with respect to American shipping; but I do not believe that that construction urged by the Senator who has just taken his seat is a true or a correct one.

Copious extracts from textbooks on international law and chapters from the history of diplomatic relations in America may be interesting but they are not always illuminating. This treaty must find its construction in the language employed within the four corners of the treaty; and I assert, with every confidence, that under the treaty the United States may do as it will with respect to the shipping of this country. Let me call your attention to the language:

ARTICLE I. The high contracting parties [England and the United States] agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

This is generally spoken of as the Clayton-Bulwer treaty.

In order that historical facts may be remembered, I might pause at this point to remind the Senator from North Dakota [Mr. McCUMBER] that England has no moral right or justification in her present attitude. If it were conceded that she has some claim, some technical right to interpose this objection, it comes with a poor grace from a nation that from time to time has professed the greatest regard for the United States. England, as I have already stated, has not contributed a penny to this gigantic enterprise. In a period of political timidity the people of these United States, faithless for the time being to the Monroe doctrine, hesitated about projecting and carrying out this enterprise until Great Britain gave its approval. Ten or more years before 1850 the United States by treaty relations with the Central American States, and particularly with the then Republic of New Grenada, procured the necessary permission to construct a canal. England, hearing of it, insisted upon being a party to the enterprise. Under the belief that England would supply the funds, would furnish the money necessary, the Clayton-Bulwer treaty of 1850 was signed; but that England repeatedly violated the provisions of that treaty can not be seriously disputed by any student of the diplomatic history of England and of the United States during the past 60 years.

The Clayton-Bulwer treaty for years was regarded as obsolete; it had been violated by England and ignored by the United States. That was the position in 1901, 51 years afterwards, when negotiations were commenced which resulted in the Hay-Pauncefote treaty. The Clayton-Bulwer treaty and the subsequent negotiations, covering a period of some years, were based upon the notion that the canal was to be built on alien soil; and in all the negotiations alluded to by the Senator from North Dakota there was never a suggestion, until 1901, that the Panama Canal would be constructed by the United States on territory of the United States. As an American, I can not but express my regret that the Government at that time so signally failed in a rigid observance of the Monroe doctrine as to permit Great Britain or any other foreign power to say, in substance, "The United States of America, with its then 80,000,000 people, can not construct an enterprise of great and vast importance on its own territory at its own expense without securing the approval of Great Britain."

To resume the language of the treaty:

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

That language I have just read is free from doubt. It says, in substance, that the Government of the United States will possess and enjoy all the rights of ownership, except as indicated in the treaty—subject only to the provisions of the present treaty—the United States will enjoy exclusive control and power over the canal.

Now we proceed to article 3:

The United States adopts—

I call your attention to the use of the word "adopts"—

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal; that is to say—

This is one of the rules adopted by the United States by virtue of the express command of the treaty—

the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

The United States adopts the rules; the United States makes the rules, and then the treaty proceeds to say that—

The canal shall be free and open to the vessels of commerce and of war of all the nations observing these rules,

indicating at once, as it is clear to my mind, a distinction between the government that makes the rules and the government that observes the rules. To repeat:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation—

That is, one of the nations observing the rules—

or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

I do not see room for doubt as to the construction that should be placed upon so much of article 3 as I have already read. In substance, it provides that the United States will adopt certain rules, and that there shall be equality observed among the nations observing those rules which have been prescribed by the United States.

If we were to concede that the United States was placed on an absolute equality with other nations, it would even then follow that this treaty would not be violated by the United States extending to our coastwise vessels exemption from tolls, because the language is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects.

The words "so that there shall be no discrimination" necessarily qualify the preceding words "on terms of entire equality"; and the paramount thought is that there will be no discrimination practiced among those nations observing the rules which are laid down by the United States.

There can not be discrimination unless there is an interference with competition; there can never be discrimination where there is not now and where there has not been competition. There is no competition between American vessels engaged in the coastwise trade and foreign vessels, and therefore, in that aspect alone, there would be no violation of the treaty, even though generally the views of the Senator were correct. But if the vital proposition that I advance to you should not be correct—and that proposition, to be clear, is that the nations referred to in subdivision 1 of article 3 do not embrace the United States, because they are confined to the nations observing the rules which the United States have prescribed—if you are to give this a strict reading and a narrow and unreasonable interpretation, every time an American man of war passes through our canal you would have to pay a toll, because the language is:

The canal shall be free and open to the vessels of commerce and of war of all nations.

Who will claim that it was necessary for the United States publicly to declare that our canal would be open to our own vessels of war? And yet, unless you draw a distinction between the United States and all the other nations, you must say that there was some reason for the United States declaring that her own vessels of war could use her own canal. That is a preposterous suggestion which can not find lodgment in any mind in this body.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Wyoming?

Mr. WARREN. Will it disturb the Senator if I ask him a question?

Mr. O'GORMAN. Not at all.

Mr. WARREN. I am much interested in the remarks of the Senator from New York, and they are along the line of my own thought. I want to ask him what would be the worst that could happen if we were wrong and should enact the legislation proposed and the matter should go to The Hague? Would it not be at the utmost simply to return the money we had collected?

Mr. O'GORMAN. That would, in my judgment, be the extreme penalty; but I do not believe Great Britain would ever attempt to make this the subject of inquiry by The Hague court, because she would be without moral support, and she would be giving the lie to her professions of sincerity and good will of a century.

Mr. WARREN. I agree with the Senator, but in legislation as in business it is always best to look at both sides and to know what the relations might be and what the alternatives. It seems to me that the worst that could happen would be, after collecting the tolls and enjoying for a time the use of the money, to find that we might be compelled to return all or some portion of it; and that would be the extreme penalty.

Mr. O'GORMAN. And that would bring its compensation, because it would inevitably lead to the denunciation of this treaty and its abrogation.

Mr. WARREN. And an entire settlement as to all questions.

Mr. O'GORMAN. Certainly.

Mr. WARREN. Yes. It strikes me that that is the natural working out of the problem.

Mr. O'GORMAN. Now, will Senators let me call their attention to another circumstance?

Mr. LODGE. Will the Senator allow me to interrupt him on another point—the matter of warships? I said nothing about it while I was speaking. The Senator from New York says very justly that the provision is as to ships of commerce and war. We must pay the toll on our own warship going through the canal.

Mr. O'GORMAN. If this narrow, unfounded, and unreasonable interpretation is to prevail.

Mr. LODGE. If that is to apply. But if we pay the toll on our own warship, the money goes into our own Treasury and the warship goes through free, practically, does it not?

Mr. O'GORMAN. That would be the effect.

Mr. LODGE. I mean that is the effect. The warship goes through free. Why is it not indirectly a violation of the treaty and of good faith to let our warship go through free? That is only a point which I thought worth considering.

Mr. O'GORMAN. The second paragraph of subdivision 1 of article 3 reads as follows:

> The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

Now, if the view advanced by the Senator from North Dakota be true, this is a prohibition on the conduct of the United States. The United States can never blockade its own canal. This canal, upon which we have expended almost half a billion dollars, is to be kept open even as a means of transit for the war vessels of an enemy bent upon doing destruction upon our coasts. Who is there in the Senate who will assert that under this treaty we are not at liberty, for our own defense and in protection of our own citizens, to blockade that canal whenever the public welfare demands it? That is a right reserved to us, but enjoyed by no other nation; and that must follow if my previous proposition be a correct one—that the nations spoken of in subdivision 1 of article 3 do not embrace the United States.

As I have pointed out, the right of absolute ownership is recognized in the United States by this treaty, subject only to such rules as the United States adopts under the language of the treaty, and then the treaty as to neutralization is enforceable against all nations observing the rules prescribed by the United States.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Connecticut?

Mr. O'GORMAN. Certainly.

Mr. BRANDEGEE. The Senator from New York read the first two lines of the second paragraph of article 3 of the treaty, but did not read the following, to wit:

> The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

The first two lines, which the Senator did read, provide that "the canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it." If the United States is not subject to these rules, why was it thought necessary, in the language I have read, to specifically exempt the United States from a prohibition against policing the canal?

Mr. O'GORMAN. I can not imagine that it will be claimed that that is an exclusive right, and in my judgment it is quite consistent with the general right of ownership and control asserted by the United States.

Mr. BRANDEGEE. If the United States is not governed by these rules, it would have the right to blockade the canal, would it not?

Mr. O'GORMAN. I have asserted that, and I would be surprised to hear a Senator in this body declare that in the face of an enemy the United States was powerless to shut out war vessels bent upon doing destruction to our commerce and our people.

Mr. BRANDEGEE. The right to blockade does not apply simply where we are at war with somebody else. This provision here is that the canal shall be free and open to the ships of all nations observing the rules. I understand the Senator claims that we are not one of the nations which are to observe any of these rules.

Mr. O'GORMAN. We make the rules, and we insist upon uniformity in their observance by the nations making use of our canal.

Mr. BRANDEGEE. But is it the Senator's position that we make these rules and enforce them against all other nations and that we alone are at liberty to violate them?

Mr. O'GORMAN. No; we do not violate them. We are not bound by the language of the treaty to observe the rules now referred to. That duty rests upon the other nations. We make the rules. The other nations observe them and thus are permitted to use our canal. That is the precise language of the treaty. We build the canal and permit the nations of the world to use it on certain terms which they must respect.

Mr. BRANDEGEE. The Senator does not think we ourselves are bound to observe any of the rules?

Mr. O'GORMAN. No further than our obligations go. One of the rules is that we will work no discrimination among these foreign nations. We must observe that requirement, and in return for that the foreign nation making use of our canal will pay the reasonable toll charges and will subscribe to the doctrine of the neutralization of the canal. But we are untrammeled in all our rights except where specific restraint is placed upon us, and the only restraint in substance is that we shall work no discrimination among the nations of the earth in allowing their vessels to use our canal. When we put all foreign nations on the same basis as regards tolls, we do all that can reasonably be required of us. Under the view contended for on the floor this morning England's rights in the Panama Canal are superior to ours, although England has not contributed a dollar to the enterprise.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. O'GORMAN. Certainly.

Mr. CHAMBERLAIN. I think that is exactly the position which was taken by the Senator from Massachusetts [Mr. LODGE], if I understood him correctly, because he stated when he reported the treaty to the Senate that he did not understand that "all nations" included the United States.

Mr. O'GORMAN. He distinctly stated that if he had understood that that interpretation was possible he would never have reported this treaty. As chairman of the Committee on Foreign Relations he reported the treaty and believed that the United States might do as Congress saw fit with respect to our own citizens.

Mr. CHAMBERLAIN. So he did. And now, if I understand him correctly, notwithstanding the fact that that was his view at the time the treaty was reported, he yet favors the abandonment of our rights, and in solving the doubt that ought to be solved in favor of the United States he solves it in favor of Great Britain, so that this matter may go to The Hague with the impression given it by the Senate that we have solved the doubt against our own people.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Vermont?

Mr. O'GORMAN. Certainly.

Mr. PAGE. I well remember the brief discussion I had with the Senator from New York [Mr. O'GORMAN] before our committee in regard to this matter; and I think I was quite persistent in asking him why, if we meant "all other nations," we did not put in the word "other" and make ourselves understood.

But, it seems to me, there is another fact that should be considered in connection with what the Senator from Oregon has just said; that is, that we discussed this whole proposition in 1901, when the treaty was before the Senate. I observe that the senior Senator from Georgia at that time moved, as I have it here, to strike from the preamble the words "without impairing the general principle of neutralization," and so forth, and also to strike out all of sections 3 and 4.

But the point I wish to raise, and especially to call the attention of the Senator from New York to, is that at the time the amendment was being considered Mr. Bard—who, I think,

was then a Senator from California—moved to strike out article 3 and substitute the following:

> ART. III. The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

This amendment, after discussion before the Senate at that time, was voted down by a vote of 43 to 27. In the discussion, if I remember correctly, it appeared that if we had not done this we could not have made the treaty with Great Britain at that time.

Mr. O'GORMAN. Is it not possible, as stated by the Senator from Massachusetts, that the reason that change was not made was because he and his associates believed that the United States, the owner of the canal, the Nation that prescribed the rules for others to follow, was not bound by the terms she imposed upon others, except in so far that she would work no discrimination among foreign nations with respect to the use of the canal?

Mr. PAGE. Mr. President, if I may be allowed to reply, that may be correct. But it seems to me we are foreclosed when it is shown by the RECORD that after a long debate, and after having this matter brought up and discussed at that time as it is being discussed now, we abandoned our position by a vote of almost two to one—43 to 27.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Connecticut?

Mr. O'GORMAN. Certainly.

Mr. BRANDEGEE. I do not desire to intrude upon the Senator's time, for I know he is in a hurry. But I intended, at the close of the speech of the Senator from North Dakota [Mr. MCCUMBER], to call the attention of the senior Senator from Georgia to page 4 of the views of the minority in the House report on the House bill, where the following is stated:

> With further reference to the Bard amendment, we have been granted authority to quote from a letter recently written by Senator Bard, in the course of which he states:
>
> "When my amendment was under consideration it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

He states there that "it was generally conceded by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line."

Mr. O'GORMAN. That is in accord with the recollection of the Senator from Massachusetts.

Mr. BRANDEGEE. I wanted to ask the Senator from Georgia how it accorded with his recollection of what was generally conceded among Senators, if he recalls.

Mr. BACON. Mr. President, I am very glad to respond definitely to the Senator; but my recollection is very much in accord with what has been stated by the Senator from Massachusetts as his—that there was really little or no expression upon the subject. I have no recollection of any such general consensus of opinion, and I am very frank to say that I myself have never been of that opinion. I was not then, and I am not now.

Mr. O'GORMAN. Which opinion?

Mr. BACON. That under the general terms of the treaty that right would exist without the adoption of the Bard amendment.

Mr. O'GORMAN. The Senator thinks it would?

Mr. BACON. I think it would not. I repeat that I do not recall that there was much said on the sbject, and in that respect the recollection of the Senator from Massachusetts agrees with mine.

My own recollection of my mental attitude is simply this: I myself voted for the Bard amendment, not because I had ever been in favor of the free passage of ships through the canal, but because at that time, when we were making a treaty, when we were fixing terms which, if agreed to, would be binding upon both parties, I was of the opinion that if we could do so it would be to our interest to make the best terms we could, which would leave us as free as practicable to manage the canal according to our own judgment and our preferences as to favor to our own ships or foreign ships.

I think the Senator will find there were other amendments for which I voted, though I have not had an opportunity to look the matter over carefully. My general recollection is, however, that there was one which gave the right of fortification and defense, as to which I was also of the same mind, believing that if we could get an agreement with Great Britain to that effect it was to our interest to secure to ourselves as perfect and as complete control of the canal in all particulars as was practicable or possible.

Therefore I voted on that side, not with a view to the free passage of our own ships through the canal, but with the view that if we saw fit to discriminate in favor of them in any degree we should be at liberty to do so—in other words, that we should be free to do as we thought best thereafter.

I always have recognized, however, or at least I always have been of the opinion since then, and was at that time, that the intent and understanding of the treaty was that we did not secure what I attempted to secure by voting for those two amendments. There may be others. I have not had the opportunity to look into the matter of late, but I recollect those two amendments.

Mr. WORKS and Mr. BURTON addressed the Chair.

Mr. O'GORMAN. I yield to the Senator from California.

Mr. WORKS. The Senator from Connecticut has anticipated what I was about to say by reading from the records a statement made by Senator Bard with respect to his amendment and the reason why it was voted down.

I simply wish to say that I have in my hand the original letter of Senator Bard making that statement—that the reason for voting down his amendment was that it was generally regarded by the Senate as unnecessary, and that that construction should be placed upon the treaty irrespective of any amendment of that kind.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. O'GORMAN. Yes.

Mr. CLAPP. In answer to the suggestions of the Senator from Vermont [Mr. PAGE], I will say that I think it was quite generally understood then that the reason for voting down the proposition to authorize the fortification in express terms was that under the treaty we had the right to fortify without that particular provision. I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting in some instances that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow, I believe, both with reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

Mr. O'GORMAN. That the provisions were unnecessary?

Mr. CLAPP. Yes; that they were unnecessary.

Mr. O'GORMAN. In that connection, Mr. President, I wish to observe that if the views advanced by the senior Senator from Ohio yesterday be correct with respect to the construction of this treaty, then you declare that whatever may be the emergency, the United States can not fortify the canal; and no matter how great may be the menace from an enemy, we must permit the enemy to use our canal to aid in working havoc upon our coasts and upon our people.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Ohio?

Mr. O'GORMAN. I do.

Mr. BURTON. I have not my remarks before me; but if the Senator from New York will do me the honor to read them carefully, he will find that no such inference as that could be derived from them.

Mr. O'GORMAN. I understood that the Senator from Ohio and my own colleague declared, either yesterday or the day before, that we could not exempt our own shipowners from paying tolls through the canal without violating this treaty; and I take issue on that proposition.

Mr. BURTON. I stated that both in regard to the coastwise and the foreign trade. I am confident in that opinion. But as regards fortifying the canal, I made a statement that is quite the contrary of that ascribed to me by the Senator.

Mr. O'GORMAN. I am asserting my view and my opinion that if it be conceded that the remission of tolls to our shipowners works a violation of this treaty, then it must follow that we can not fortify the canal.

Mr. BURTON. Then, as I understand, the statement of the Senator from New York is based on an inference that the assertion of equality of tolls and the denial of the right to remit the tolls necessarily carries with it the inference that there can be no policing of the canal, no protection of it, and that in time of war we are helpless against the ships of an enemy.

Mr. O'GORMAN. I have spoken in vain if I have not made it clear to Senators that my proposition is that under the treaty the United States is in exclusive control of and power over the canal, subject only to the granting to foreign nations of the right to make use of it for the purposes of transit without discrimination as among themselves; and that therefore this rule,

which relates to the nations observing these terms, does not embrace the United States. The United States prescribes, creates, and establishes the rule; and the treaty itself makes a manifest distinction between the creator of the rule and those who under its express terms are required to observe it.

Mr. BURTON. Mr. President, I was unfortunately absent until a few moments ago, and I did not hear all the remarks of the Senator from New York. What I expressly desire to understand, however, is his view on this subject: Does a rule against discrimination in favor of our own domestic shipping, and our foreign shipping as well, by implication prevent us from fortifying the canal or exercising preference for our own ships in time of war?

Mr. O'GORMAN. Yes; because if the Senator's view is to prevail it must follow that the inhibition placed upon the various nations embraces and is applicable to the United States. If that narrow view be adopted, it will follow that even as to the United States the canal can never be blockaded. There is no affirmative declaration of the right of the Nation or any nation to fortify it, and it must be found in the general right residing in the United States to exercise all powers of ownership and dominion, except in the one respect to which I have called the attention of the Senator.

Mr. BURTON. I must maintain that there is an absolutely vital distinction between the two, based on the difference between a state of peace and a state of war, between commercial ships and warships.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. O'GORMAN. I do.

Mr. LODGE. In connection with the matter of fortification, the original treaty, the first Hay-Pauncefote treaty, contained, in article 2, section 7, a provision that—

No fortifications shall be erected commanding the canal or the waters adjacent.

That was left out of the second treaty, and purposely left out. The first treaty also included the amendment put in by the committee and agreed to by the Senate:

It is agreed, however, that none of the immediate foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

I know that the omission of the prohibition of fortifications in the second treaty was considered all sufficient.

Mr. CUMMINS. Mr. President, I was absent from the Chamber a moment ago, and therefore it may be that without my knowledge the Senator from New York has referred to what I am about to suggest. I do it to emphasize what he has already said.

If these rules are applicable to the United States—that is, if the phrase "all nations" embraces the United States—then I suggest that rule 3 is also mandatory upon us.

Mr. O'GORMAN. That would follow.

Mr. CUMMINS. It provides:

Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary.

I should like to ask the Senator from Ohio, or any other Senator who takes his view of the case, whether, in the event of a war in which the United States is one of the belligerents, it would be a violation of this treaty if one of our ships should take on supplies in or about the canal?

Mr. BURTON. Mr. President, I answer the question most emphatically "no," because a state of war suspends treaties. There are certain rights that are secured by treaties which, if not abrogated, are at least suspended by a condition of war.

Mr. CUMMINS. Why, Mr. President, it is a state of war that is provided for in the treaty.

Mr. LODGE. Surely the Senator from Ohio does not mean to suggest that if we have a war with Japan or Germany that suspends a treaty between us and Great Britain.

Mr. BURTON. No; I thought that was clearly understood—that it is a treaty with the country with which we are at war.

Mr. LODGE. I do not understand that the Senator from suspends a treaty between us and Great Britain.

Mr. CUMMINS. If the United States were at war with any country, under the terms of this treaty, if we observed it according to the rule laid down by the Senator from Ohio, we would be a belligerent, and we would no more be permitted to supply our ships in the Canal Zone than would the ships of the other belligerent.

I also call the attention of the Senator from New York to the further provision:

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

If the United States is within the phrase "all nations," then that provision would apply upon us in the event of a war between us and any other country in the world. I simply mention this because I think the conclusions of the Senator from New York are absolutely unanswerable.

Mr. HEYBURN. I should like to make an inquiry of the Senator from Iowa. Can it be possible that any construction could be placed upon the treaty that would prevent us from disembarking troops on our own territory between the two ends of the canal or loading or unloading munitions of war upon our territory on the land?

Mr. CUMMINS. If the phrase "all nations" includes the United States, then in the event of a war between the United States and any other country we would be denied those privileges and those rights in the canal, according to the terms of the treaty.

Mr. HEYBURN. Suppose a war existed between the United States and some nation that was not a party to the treaty.

Mr. CUMMINS. Under the terms of the treaty, as interpreted by the Senator from Ohio, that would make no difference whatsoever.

Mr. HEYBURN. Is there not some basis for interpreting the treaty so that it would not include our Government within the term "all nations"?

Mr. CUMMINS. I think it is a conclusive reason for not interpreting the treaty in that way.

Mr. O'GORMAN. Mr. President, to resume, there were six rules laid down in the Hay-Pauncefote treaty which were to be observed by all foreign nations. Free and uninterrupted use of the canal for the purposes of commerce and of war constitutes the first paragraph which I have read. Your attention has been called to the substance of one or two of the other paragraphs; but it must be clear if any one of these rules is applicable all the six rules are applicable; and with respect to the question as to whether they are applicable to the United States, as has been very aptly pointed out by the Senator from Iowa, under the third rule the United States could not revictual its vessels or supply its vessels with stores in its own canal—the most extraordinary proposition I think that has ever been advanced in this body.

Under the fourth rule the United States, in its own canal, could not embark or disembark troops. I insist that under the language of this treaty it was never understood or expected that any of these restrictions or inhibitions would apply to the United States. The people of this country never believed that they were expending a vast amount of money to construct a canal in the regulation of which we were impotent without the consent of Great Britain.

The junior Senator from Georgia [Mr. SMITH] during the day called attention to the fact that in the preamble of the treaty some reference is made to article 8 of the Clayton-Bulwer treaty of 1850. If you refer to article 8 of the Clayton-Bulwer treaty you will find that it has little or no application. If it has any application at all, it is confined to the words recited in the preamble of the Hay-Pauncefote treaty, which speak of the observance of the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty.

That everything in article 8 can not be invoked now is apparent from the circumstance that in the Clayton-Bulwer treaty by article 8 it was contemplated that England as well as the United States would guarantee the neutralization of the canal, which canal, by the by, as I have already stated, was to be built through foreign territory. Under the Hay-Pauncefote treaty England assumes no responsibilities respecting the protection of the neutralization of the canal. All those responsibilities were assumed by the United States, and the canal is being constructed on United States territory. The comments made by the junior Senator from Georgia, therefore, should not be permitted to interfere with the force of the suggestions I have made as to the true construction and interpretation that should be placed upon the Hay-Pauncefote treaty.

Now, it may not be proper to go beyond the purely legal aspects of this problem, and up to the present I have endeavored to confine myself to a legal consideration of the import and the meaning of the words employed. Yet there are other considerations of importance, though perhaps not bearing at all upon the question of the true interpretation. Free tolls in the canal is the doctrine of the Democratic Party of the United States. We believe that free tolls make for cheap food and for ultimate benefit to the consumer. We want through that canal the highest and best development of competition. We are against the railroad organizations of this country placing their hands upon that canal and making it a part of their corporate assets. We believe the canal is but an extension of our national highway. Although we have spent, as I have

said, upward of $400,000,000 in the construction of that canal, we have spent much more than $400,000,000 in the development of the waterways of this country during the past 50 years. We have not been taxed as citizens of the United States for making use of the increased facilities of our national highways. Unless there is some reason for abandoning that policy we should permit American citizens, the owners of American ships, to make use of this extension of our coast line without subjecting them to a tax which would be entirely inconsistent with the policy of the Government in the past.

It may well have excited some surprise that Great Britain, with all her professions of friendship for this country, would seek to control and restrict our efforts on a plea which can not be invoked against herself, because, as I have said, under the treaty, which reflects no credit upon the treaty-making branch of our Government, England assumes no obligation whatever. There is no mutuality of obligation. She can subsidize every British vessel going through the canal, and yet under this treaty we could not complain if England did that. We could not complain if any other foreign nation did that. Spain has already legislated to reimburse Spanish ships for the tolls they may pay going through our canal. We can not complain. Those countries have the right to do that. But is it possible that the right possessed by every other nation on earth with respect to our canal is denied to our own citizens by a composition or convention called a treaty not remarkable for its precision of expression or for respect for the Monroe doctrine, that great principle upon which our institutions have prospered?

One might suppose that Great Britain in taking this extraordinary, unreasonable, unfriendly attitude must have been moved by some sinister purpose or impulse. I do not believe Great Britain is much concerned as to whether we allow American ships to go through the canal without the payment of toll or not. I believe, however, that the railroads of Canada and the railroads of the United States have been enabled to secure the cooperation of the British foreign office to embarrass this Government in the attempt we are now making for wholesome legislation to keep railroad-controlled ships off the canal that competition may live and thrive and that this national enterprise shall not be handed over to the railroad organizations of the United States.

The railroad corporations have been incorporated for railroad purposes; and they have destroyed competition wherever they have been permitted to secure control of competing water transportation facilities.

Reference was made to-day to the declarations of ex-President Cleveland and other Executives. They have all been unanimous in the thought that the building of a great canal connecting the two oceans would make for competition, wholesome competition, in transportation. To secure that great end, in my judgment, it is necessary to resort to what may seem drastic legislation, but which I believe is the only cure of an evil great in its importance and in its possibilities for injury to the American people.

Mr. President, with respect to the immediate proposition before us, I entertain no doubt that as a matter of governmental policy we should exempt from the payment of tolls all American shipping going through the canal. I am confident that such action by the American Congress would not violate the language and can not violate the spirit of the treaty that has been invoked against us.

Mr. BACON. Before the Senator takes his seat I should like to ask him a question, with his permission. I am asking it for information. The Senator is on the committee, and doubtless has given this matter serious consideration. I am not on it, and I have not had the opportunity to have the information which the committee has doubtless secured and which has not yet fully developed in this discussion.

The Senator has alluded to the importance of this proposed provision in the law as it will affect the question of the power and ability of the railroad companies to control this water transportation. The question which I ask the Senator, not arguendo but for information, is whether a provision giving generally to all American ships the right to free passage through the canal is essential in order to prevent a monopoly by the railroad companies or whether that end will be accomplished by simply prohibiting railroad-owned ships from doing so?

I am frank to say to the Senator that I am fully in sympathy with the desire to prevent railroad companies, through the ownership of ships going through the canal, from monopolizing that route of commerce. If it be true that in order to defeat that it is necessary that all American ships have the right of free passage, it is certainly a very strong argument in favor of it. Therefore I desire to know from the Senator whether that is essential or whether the end will be accomplished by prohibiting railroad-owned ships from going through.

Mr. O'GORMAN. Mr. President, I believe that both things are essential. It was the judgment of some of the committee that considered this problem that monopoly might be prevented by extending the jurisdiction of the Interstate Commerce Commission over water transportation, and that the matter might be controlled by regulation as the Interstate Commerce Commission now attempts to regulate railroad rates and traffic.

Two of the most experienced members of that commission testified before our committee that as a result of their observation and study of railroad regulation the only certain method of preventing a monopoly by the railroads was to prohibit a road from having any interest, direct or indirect, in water transportation in any part of the United States; and my study has confirmed the wisdom of that view. As an instance, every foot of railroad in the United States east of the city of New York is now controlled by one corporation. Years ago it was made up of numerous small companies. They were absorbed from time to time until the entire system covering every foot of railroad track in New England is now under the control of one corporation. The one competing condition with the railroads of New England was water transportation by Long Island Sound, by boats running to New Haven, Bridgeport, New London, Providence, and Boston.

There are 37 boats doing an extensive business in Long Island Sound, supposedly competing with the New England railway system, known as the New York & New Haven Railroad. Of the 37 boats, 35 are owned and controlled by the railroad and 1 or 2 independent boats are attempting to survive under a cutting competition, which in a short time will drive them out of business.

The city of Bridgeport is one of the most important cities in New England—a great manufacturing city. The tracks of the New Haven Railroad run through that city about half a mile back from the water front. Every pound of merchandise going in and out of that city must go either by the tracks of the New Haven road or by boat to or from Bridgeport. The city of Bridgeport does not own one foot of frontage on the Sound—every foot of it is owned by the railroad. You must patronize that one railroad whether you travel by rail or by boat; and I believe it is the only place in the United States, and perhaps the only time in the history of traffic conditions in the United States, where the charge by water is as great as that by land. It is known to every student of economics that the cost of water transportation is much cheaper than is that of transportation by rail; but with the tremendous business done along Long Island Sound by the boats owned by this railroad, they exact and compel and receive from the consumer the same rate by boat that they get by rail.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. O'GORMAN. Certainly.

Mr. CHAMBERLAIN. I desire to ask the Senator from New York if it is not a fact that it developed before his committee that practically the same condition which he has so ably discussed as existing in New England exists on the Pacific coast, and that the transcontinental lines not only fix the transcontinental rates, but that they control the boats running between points along the northwest coast and the Isthmus of Panama?

Mr. O'GORMAN. It is a common condition all over this country; and it is for that reason, I believe, that the judgment expressed by the two members of the Interstate Commerce Commission, Mr. Lane and Judge Prouty, should prevail. They declare, as the result of years of observation and experience, that the only wholesome legislation Congress can now enact in respect to this matter is to prohibit railroad-controlled boats using the Panama Canal or the waterways of the country.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Missouri?

Mr. O'GORMAN. Certainly.

Mr. REED. Could the Senator tell us what proportion of the coastwise trade is now carried in boats that are controlled by railroad companies?

Mr. O'GORMAN. My impression is that a very considerable quantity of the coastwise trade, surely a majority of it, is now controlled by the railroads of the country; but if the legislation of which I speak is enacted, that condition will cease.

Mr. REED. One further question. Could the Senator tell us to what extent the coastwise trade is now controlled by one management, so that it may be said to what extent it approaches a monopoly of management or a combination of management?

Mr. O'GORMAN. I have a strong belief on the subject, Mr. President, but I have no exact information available. My

belief is that the railroads have an injurious influence upon water transportation because of their control of it to-day, and that the sooner a change is made divorcing rail transportation from water transportation, the better it will be for the people of the country, and perhaps for those interested in such industries. I am not opposed to railroads. They have contributed much to the growth of our country. I shall never fail to defend them when they are right, but I am unalterably opposed to the creation of monopolies.

Mr. REED. One further question, with the indulgence of the Senator. The Senator's view, I take it, is that railroad-controlled boats should not be permitted to use the Panama Canal on the same terms that other boats are permitted to use it, or that they should be perhaps excluded altogether?

Mr. O'GORMAN. That they should be entirely excluded.

Mr. REED. Would it not be necessary to add to that provision a further provision that no vessels controlled by any company that is engaged in any combination to control rates shall also be excluded?

Mr. O'GORMAN. The proposed legislation might well be improved by the suggestion made by the Senator from Missouri.

Mr. PERCY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Mississippi?

Mr. O'GORMAN. I do.

Mr. PERCY. I understood the Senator from New York to say that he thought the only method of preventing a monopoly of shipping through the canal by the railroads was by prohibiting railroad-owned vessels from going through the canal. I should like to ask him if he does not think that railroad monopoly would be absolutely prevented, and much better shipping facilities be given, by amending the coastwise navigation laws to the extent of permitting vessels of all nations to carry passengers and freight from a port or ports on the Atlantic coast to a port or ports on the Pacific coast through the Panama Canal. I will call the Senator's attention to the fact that in quoting the statement of the Interstate Commerce Commission he said it was their opinion that the only method of preventing railroad monopoly was by prohibiting railroad-owned vessels from operating through the canal. In reply to the question which I have propounded to the Senator, the Interstate Commerce Commissioners said that unquestionably that provision would absolutely prevent any monopoly by the railroads. I would like to ask the Senator's opinion on that question.

Mr. O'GORMAN. If, upon reflection, I could be persuaded that it would be as effective a means as the one I propose to make monopoly impossible, I would give it the same hearty support that I am urging in behalf of my own proposition.

Mr. BACON. Mr. President, I shall not ask the Senator to reply now to the question I am about to ask, if for any reason he desires to desist from further remarks, but it is a matter of very grave importance to those of us who are not on the committee and who have not had an opportunity to obtain the information that has been given to the committee to get definite suggestion and opinion upon this particular subject. The question that has been discussed this afternoon is as to the policy, to say nothing of the power, of the United States in permitting all vessels engaged in the coastwise trade to pass free of toll through the canal. The Senator from New York has very ably discussed that question, and we have all been very much entertained and enlightened with the views expressed by him; but in the latter part of the remarks of the learned Senator he went on to apply the matter of the free passage of the coastwise American ships through the canal as one additional argument, through the application of which the monopoly of the railroads would be defeated. What I want to get from the Senator—I repeat I will not insist upon an answer now, but I hope during the debate we shall have a discussion of the question—is this: We will all concede, for the purpose of this branch of the argument, that in order to break up the monopoly of the railroads railroad-owned ships should not be allowed to go through the canal. Eliminating that feature from consideration now, the question upon which I desire to have information, and which I hope will be fully discussed, is, Does the free passage of coastwise American ships, other than railroad-owned ships, through the canal have any connection with the question of the monopoly of the trade by the railroads?

Mr. O'GORMAN. It is an additional assurance of free competition and of cheap goods. If, for instance, American coastwise boats are permitted to go through the canal without paying toll, it will become necessary for the railroads competing with the canal to reduce their rates proportionately to meet the price at which goods carried by such bottoms through the canal will reach the consumer. They are not necessarily associated, but both contribute to the one most desirable end of promoting the welfare of the ultimate consumer, and not to allow our conduct to be governed or controlled by regard for class or special interests.

Mr. BACON. I understand that argument, of course. It very naturally appears to be so, that the free passage of American coastwise ships through the canal, if there is competition between them, will necessarily reduce rates. Recognizing that, I come back to the question—because that is the important question, whether or not—I concede it may tend to reduce railroad rates, because they have to come in competition with ships passing through the canal; but to come back to the question, Does it affect the question of monopoly by the railroads? I am asking, I repeat, not as a matter of argument, but for the purpose of getting the views of the distinguished and learned Senator.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. O'GORMAN. Yes.

Mr. BORAH. I am a member of the Committee on Interoceanic Canals, but there is a good deal as a member of the committee that I have not been able to settle in my own mind, and one proposition about which I would like to ask the opinion of the Senator, if he desires to give it or has an opinion upon it, is, What will be the effect of denying to our railroads the right to own ships when we are face to face with the proposition that the Canadian railroads will own ships and utilize them through this canal?

Mr. O'GORMAN. Unquestionably it would affect the railroad-owned ships of the world. If we deny the right to our own railroads to control ships, the same rule and policy would apply to Canadian railroad-owned ships or to English railroad-owned ships.

Mr. BORAH. As a general proposition that is true; but we would be in a most difficult position to make a practical application of and to execute it, would we not?

Mr. O'GORMAN. At any time a foreign railroad-owned ship appeared for the purpose of passing through the canal, the United States officers there could make their own inquiry and investigation, and if they were satisfied that the ship about to enter the canal was controlled by a railroad company, directly or indirectly, they would prevent the ship from passing through. Of course, the statute might be evaded; but——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Kansas?

Mr. O'GORMAN. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to suggest, if the Senator will permit me, that ships owned by the Canadian railways can not engage in the coastwise trade of the United States unless they are ships of American register; if ships of American register, they would sail from American ports; and the Canadian railroads having termini in the United States are subject to the supervision of the Interstate Commerce Commission and would come under the same rules and the same statutes as would the American railroads.

Mr. BORAH. Mr. President, just a word. I should like to suggest to the Senator from Kansas, who is very familiar with this proposition, suppose we do deny the right of the railroads to own ships, we will at some time or other, I presume, have to put them under the regulation and control of the Interstate Commerce Commission, or some other commission, or else they will have a monopoly of their own and a combination of their own. They will have to be supervised and regulated and controlled at some time or other in their traffic and in their rates, the same as we regulate the railroads, will they not?

Mr. BRISTOW. Well, if a monopoly be organized by the steamships that ply between the Atlantic and the Pacific coasts of the United States through the canal, it ought to be dealt with the same as any other monopoly of transportation, and I am perfectly willing, so far as I am concerned, for any provision to go into this bill that will look to the prevention of such monopoly and the maintenance of competition on the sea between the carriers by sea; but, because such a thing might be, it can not be a justification for permitting a monopoly that now exists to continue, a monopoly between the railroads and the steamship lines which are owned by them and which are presumed to compete with them.

Mr. BORAH. That is quite true; I am in accord with what the Senator says as to preventing a monopoly which now exists to continue; but it will not be very effective if we simply transfer the seat of power from one organization to another.

Mr. BRISTOW. I thoroughly agree with the Senator as to that, and shall be glad to join with him or any other Senator in endeavoring to anticipate such a possible combination, which is very much more difficult, I will say, by sea than by land, because, if I am not intruding upon the time of the Senator from

New York, the sea is open. Any company can charter a vessel—they need not necessarily have great wealth—and can use the water, because the water is the open highway; but no company, unless it be backed by tremendous wealth, can conduct a transcontinental railway or use such a railway in the carrying of commerce.

The railway is by its very nature a monopoly, while the sea is open. All one has to do is to purchase or hire a ship and put it on the water to seek commerce wherever it is to be found. So that a monopoly by sea is very much more difficult to organize and maintain, but it is not impossible, and the Senator from Idaho can be no more desirous than am I to provide against that contingency, if it appears to be a danger.

Mr. BORAH. It is not only not impossible, but it is entirely probable that it will happen. I do not see how the fact that the highway is open would be of very much avail against a combination which could drive others off the highway, whatever its width or latitude might be, by reason of the rates which they would fix until they did drive the others off the sea.

Mr. BRISTOW. That is——

Mr. O'GORMAN. I might say there is no doubt that to-day there is something of a monopoly in water transportation. There is a monopoly that embraces most of the ocean steamship lines, that embraces a large part of our coastwise traffic, and in time it will have to be corrected. But we can not work a cure of all the evils at one time or in one bill. If we succeed in accomplishing what we are trying to do with this legislation we will be making some progress, and our efforts will be effective when we take up the problem suggested by the junior Senator from Idaho [Mr. BORAH]. I now yield to the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I wish to ask for information, and I want to ask the question of the Senator from New York, because in addition to being a member of this committee and an able Senator he has been an able judge.

It is clear to my mind that under the provisions of this treaty we have no right to make any discrimination by charges against the vessels of any other nation. It is also clear to my mind that whether this treaty be an unfortunate one or not—and I agree with the Senator from New York that it was unfortunate and that our own interests as a nation were neglected when it was entered into—we must still construe it within the four corners of the instrument itself.

But I am not clear upon this point, and upon it I desire information. It is whether or not the exemption of our coastwise vessels would be a discrimination.

Now, I find, if the Senator from New York will pardon me, a case which has been referred to previously, but not any part of it was read. It is to be found in One hundred and ninety-fifth United States and is the decision of the Supreme Court in the case of Olsen against Smith. In this case American vessels in the coastwise trade were exempted from certain pilotage charges imposed by the State of Texas.

The case went up on several points, but only one of them affects the particular matter we are now discussing, and although this is the decision of the United States Supreme Court and, of course, is not internationally binding, it seems to me a great deal of regard might be paid to the principle announced in this decision.

Now, the language of the court is this:

> Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher"—

This is the language of the treaty—

> no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

That is the language of the treaty. Now, here is the language of the court proceeding with it:

> Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

Now, if this national principle of law be internationally sound, and even if under this treaty we can make no discrimination, the question which suggests itself to my mind is whether the exemption of coastwise vessels would be a discrimination; whether it could be a discrimination against foreign vessels of any sort, because foreign vessels of no kind can engage in the coastwise trade. Upon that point I should like to have the opinion of the Senator from New York.

Mr. O'GORMAN. I did state some time since, and I now repeat, a principle in harmony with the decision of the Supreme Court in the case of Olsen *v.* Smith in One hundred and ninety-fifth United States. There can not be discrimination unless there is an interference with competition, and there can be no competition between a foreign ship and a local ship engaged in the coastwise trade. Therefore, on principle as well as on authority, the proposition made by the Senator from Mississippi seems to be well sustained and should dispose of all doubt with respect to the provision affecting coastwise trade.

APPENDIX A.

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE 1.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE 2.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE 3.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE 4.

The contracting parties will use whatever influence they respectively exercise with any state, states, or governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE 5.

The contracting parties further engage that, when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE 6.

The contracting parties in this convention engage to invite every state with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other states may share in the honor and advantage of having contributed to a work of such general interest

and importance of the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE 7.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any state through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall, moreover, have made preparations and expended time, money, and trouble on the faith of such contract, it is merely agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking, it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE 8.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE 9.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington the 19th day of April, A. D. 1850.

JOHN M. CLAYTON. [L. S.]
HENRY LYTTON BULWER. [L. S.]

APPENDIX B.

HAY-PAUNCEFOTE TREATY OF 1901.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America,

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of April 19, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

Mr. WILLIAMS. I desire to say, in justice to the Senator from New York, because I did not want to keep him any longer on his feet than necessary, that my main object in asking him to yield—I had heard his speech—was in order to have the exact language of the Supreme Court go to the country in the speech he is making.

Mr. McCUMBER. Mr. President, the hour is late, and I shall not resume any debate on this question. But I want to answer very briefly one of the arguments that was made, not so much by the Senator from New York as in a colloquy between the Senator from New York and the Senator from Iowa, as to whether or not under the treaty stipulation we would have the right to land and revictual our men-of-war, and so forth, in the canal.

I do not think that question has been fairly and squarely met and answered. If my construction of this treaty is right, if the construction is correct which was placed upon it by the Members of the Senate when they adopted it, and which was voiced in every argument that was uttered, then there is but one answer, "No; that can not be done."

There was one piece of mother earth, the canal and its zone, which should be free from war. It was neither a place where war could be conducted, nor a place where munitions of war could be landed, nor a place where the belligerents of either side, whether the United States or any other country, could take any part in a conflict. It was intended to be a zone of peace, which should be acknowledged by all the world as sacred ground.

I claim here that if we are not correct, then the theory stated by the Senator from New York, if I understood him correctly, is the proper one, viz, that if a German railway owned a ship we could discriminate against that ship because it was a railway-owned ship, and we could discriminate against a Canadian ship because it was a railway-owned ship.

If the construction as claimed by the Senator from New York is correct, then, if we should apply the same regulation to all railroad-owned ships, we undoubtedly would have that authority. But I ask, candidly, if any Senator believes that under the provisions of this treaty we could say to Great Britain or Germany or any other country: "If you have a ship that is owned by one of your railways we can discriminate against it

and treat it differently than we would any other ship owned by a citizen of your country"? I do not believe it.

We ought to consider this treaty just as it is, Mr. President, and keep within its four corners in determining what it says. But in construing it, if it is open to doubt, we have a right to consider all of its history and all its surroundings at the time of its adoption, while keeping within the limits of its provision.

Let me ask Senators this question, after reading one section of the treaty:

The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it.

Does that apply to the United States? Does it mean that no acts of war can be committed within it except by the United States? Does it mean that it shall not be blockaded except by the United States? Or is the United States included in the inhibition? And if the United States is included within the inhibition of that section, it must be included also in every other section. That it is is clearly evident from what follows. Let me read it, then, including what follows:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

If the United States would have that authority anyway, if the United States would have unlimited authority over the canal as its own property, why was it necessary, after declaring that no acts of war or of hostility should be committed within it and that it should not be blockaded, to insert a provision, in order to take the United States especially without that restriction, that the United States should have liberty to do certain things that were consistent and proper and naturally followed ownership?

All of the argument that I have heard has been an argument against the propriety of ever having adopted a treaty of this character. That may have been proper argument at the time; but we did adopt the treaty, and we adopted it to get rid of another treaty which held us within certain limitations.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield, Mr. President.

Mr. CUMMINS. Inasmuch as I take it the Senator from North Dakota is now really replying to suggestions of my own, I beg to submit to him this consideration: Undoubtedly the provision just read by the Senator from North Dakota does apply to or govern the United States, because it refers to a condition of the canal itself. It is a provision about the thing itself. It applies to the United States in just the same way as though it had been provided so that the locks in the canal should be not less than 110 feet wide. Of course, if such a provision had been put into the treaty, it would have bound everybody connected with it, because it controls the thing itself.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. McCUMBER. I do.

Mr. FALL. In line with what the Senator has suggested in reference to the necessity for the abrogation of the Clayton-Bulwer treaty by the Hay-Pauncefote treaty, I wish to suggest to him that at the time of the adoption of the Clayton-Bulwer treaty Great Britain was directly interested in Central America and near the Isthmus of Panama by the ownership of British Honduras and the Mosquito Coast, and at that time the United States had absolutely no interest there whatsoever; and even yet Great Britain retains a certain sovereignty over a portion of the Mosquito Coast.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Iowa if he believes this provision was intended to apply to the United States as well as to foreign countries:

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

Is it the Senator's claim that the other provision which I read did include the United States, but this provision does not include it?

Mr. CUMMINS. In my opinion the provision just read by the Senator from North Dakota does not apply to the United States.

Mr. McCUMBER. Then, Mr. President, when the Hay-Pauncefote treaty was signed does the Senator think, after reading the arguments and the diplomatic correspondence, that it was the intention of the two countries entering into that agreement that the United States should have the advantage of using it for war purposes, for blockading it against other countries, having her munitions of war there, and using it as a base for war supplies; and does the Senator believe that any other country which was interested in that canal would have signed an agreement that it was denied even the right to either blockade or the right to commit any acts of hostility within 3 marine leagues of the mouth of the canal at either end, and at the same time that the other belligerents should be allowed to use it for hostile purposes, without any ability to protect itself, and that such other country should even go to the extent of binding itself not to take any steps against it?

Mr. CUMMINS. I answer that by saying that undoubtedly other nations were willing to so agree. Undoubtedly Great Britain did so agree. The United States bought this tract of land 10 miles wide and paid for it with its own money. It was to build the canal. I can not believe it was in thought then that the United States should have no right whatsoever in this canal not enjoyed by all the other nations of the world.

Mr. BORAH. Mr. President——

Mr. McCUMBER. In just one moment. The Senator differs entirely with Senator Davis when he presented the report and with his argument when he declared most emphatically that that was our contention; that we claimed no other or further right than that which was necessary to protect the canal itself; the fact of our investment of the money expended there was to be paid back to us in the tolls which should be charged and in the other benefits that we should derive from it was our recompense for the outlay, and that outside of those tolls and outside of those benefits we were to be placed exactly in the position of every other country in the world. That was the contention of Senator Davis when he presented the report. That was the argument that was made in support of the new treaty which should supersede the old one. I was in the Senate at that time and I do not remember of any Senator ever disagreeing with him upon that proposition.

Mr. CUMMINS. I have no other information than is contained in the language of the treaty itself. If the purpose of the United States in executing this treaty was as just suggested by the Senator from North Dakota, that purpose was very inaptly and inefficiently expressed.

Mr. REED. Mr. President——

Mr. McCUMBER. There is where we finally land. Instead of giving the fair construction which these words demand we fall back, in our argument every time, upon the proposition that we ought not to have made such an agreement. But, Mr. President, we did make such an agreement, and the agreement is as clearly expressed as the English language can make it.

Mr. CUMMINS. Mr. President, I can convince the Senator from North Dakota in a very little time that the treaty does not make the provision which he has just recited as being the views of the then Senator from Minnesota, Mr. Davis; but I will defer that until another day, when I shall hope to discuss somewhat historically the treaty before us.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield to the Senator.

Mr. REED. I wish to ask the Senator this question: He states that he was a Member of the Senate when this treaty was adopted, and, as I understand him, maintains that the provisions of the treaty with reference to a maintenance of the neutrality of the canal binds this Government the same as all other governments. I want to ask him if at the time he voted for the treaty he contemplated this possible situation: A Japanese fleet at the western end of the canal aiming to pass through the canal and bombard New York? Did he contemplate the idea that we were building a highway through which they should pass to our principal city, and did he think at the time he voted for the treaty that we would be obliged to allow that fleet to pass through our canal unmolested, not to touch it or attempt to stop it until it was 3 marine leagues from the eastern end of the canal?

Mr. CUMMINS rose.

Mr. REED. I am addressing my question to the Senator from North Dakota.

Mr. CUMMINS. I want to supplement the question of the Senator from Missouri——

Mr. REED. Certainly.

Mr. CUMMINS. With the further suggestion that under the treaty, if it applies, we would be compelled to allow the supposed Japanese fleet to have 24 hours' start of any ship of our own that we might pass through the canal.

Mr. REED. And to victual and recoal on the way. Did the Senator from North Dakota contemplate a situation of that kind, and did the Senate of the United States contemplate it?

Mr. McCUMBER. Mr. President, when the treaty was adopted we had before us the rules and regulations concerning

the Suez Canal. We adopted and embodied in the treaty practically the same rules. We adopted so far as they applied here the same rules with reference to the passage of ships through this canal. The Suez Canal is to-day held sacred by all nations against any acts of war. No acts of war are allowed within 3 leagues. If any war vessel passes through that canal, it must not delay, it must not revictual, or do anything on its voyage to help itself or injure its enemy; and it makes no difference though Great Britain holds the control of the canal and its stock; it binds her warships the same as it binds other warships in the matter of revictualing or committing any act of violence within a certain zone. That which has operated so successfully in the Old World will operate equally successfully on this side of the world.

I had not the least fear then and I have no fear now that the Japanese Government would violate the terms of this agreement, though made with another Government. If she did violate it, then, of course, we would be justified in protecting ourselves in times of war to meet whatever exigencies might arise and by whatever means that might be necessary.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I do.

Mr. SMITH of Georgia. If the Senator will allow me a moment before he takes his seat. I heard a part of the Senator's speech in connection with what he was just saying. Did the Senator call the attention of the Senate to the fact that when the treaty was here in 1900 a provision was added by the Senate covering this subject, and the treaty was rejected by Great Britain and came back with just that one provision left in?

Mr. McCUMBER. Yes.

Mr. SMITH of Georgia. The Senator discussed that?

Mr. McCUMBER. I had not discussed it, but I recall it very well.

Mr. SMITH of Georgia. That is found on page 9.

Mr. BRANDEGEE. I ask unanimous consent that the treaties which are found in the hearings conducted by the Panama Canal Committee on the Isthmus, as shown on pages 264 to 274 of the book which I send to the desk, may be printed in the RECORD. These are the treaties about which the discussion centers, and I think that the public would be interested in seeing what they are.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Connecticut? The Chair hears none.

The matter referred to is as follows:

GREAT BRITAIN—INTEROCEANIC SHIP CANAL.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR FACILITATING AND PROTECTING THE CONSTRUCTION OF A SHIP CANAL BETWEEN THE ATLANTIC AND PACIFIC OCEANS, AND FOR OTHER PURPOSES.

[Concluded Apr. 19, 1850; ratification advised by the Senate May 22, 1850; ratified by the President May 23, 1850; ratified by Her Britannic Majesty June 11, 1850; ratifications exchanged July 4, 1850; proclaimed July 5, 1850.]

By the President of the United States of America—A proclamation.

Whereas a convention between the United States of America and Her Britannic Majesty, for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific Oceans, and for other purposes, was concluded and signed at Washington on the 19th day of April last, which convention is, word for word, as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HER BRITANNIC MAJESTY.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans, by the way of the River San Juan de Nicaragua, and either or both of the Lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean; the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will erect nor maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has or may have, to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ART. II. Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ART. III. In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ART. IV. The contracting parties will use whatever influence they respectively exercise, with any State, States, or Governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ART. V. The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ART. VI. The contracting parties in this convention engage to invite every State, with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ART. VII. 1. Being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object; and the said persons or company shall, moreover, have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim, over every other person, persons, or company, to the protection of the Governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ART. VIII. The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America; and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which

is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ART. IX. The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done at Washington, the 19th day of April, A. D. 1850.

[L. S.] JOHN M. CLAYTON.
[L. S.] HENRY LYTTON BULWER.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the 4th instant, by John M. Clayton, Secretary of State of the United States, and the Right Hon. Sir Henry Lytton Bulwer, envoy extraordinary and minister plenipotentiary of Her Britannic Majesty, on the part of their respective Governments:

Now, therefore, be it known that I, Zachary Taylor, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 5th day of July, in the year of our Lord 1850 and of the independence of the United States the seventy-fifth.

[L. S.] Z. TAYLOR.

By the President:
J. M. CLAYTON, *Secretary of State.*

GREAT BRITAIN—INTEROCEANIC CANAL.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN TO FACILITATE THE CONSTRUCTION OF A SHIP CANAL.

[Signed at Washington, November 18, 1901; ratification advised by the Senate, December 16, 1901; ratified by the President, December 26, 1901; ratified by Great Britain, January 20, 1902; ratifications exchanged at Washington, February 21, 1902; proclaimed, February 22, 1902.]

By the President of the United States of America—A proclamation.

Whereas a convention between the United States of America and the United Kingdom of Great Britain and Ireland, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, was concluded and signed by their respective plenipotentiaries at the city of Washington on the 18th day of November, 1901, the original of which convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, King and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, King and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to The United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ART. II. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. III. The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. IV. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ART. V. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, A. D. 1901.

[SEAL.] JOHN HAY.
[SEAL.] PAUNCEFOTE.

And whereas the said convention has been duly ratified on both parts, and the ratification of the two Governments were exchanged in the city of Washington on the 21st day of February, 1902:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of February, A. D. 1902, and of the independence of the United States the one hundred and twenty-sixth.

[SEAL.] THEODORE ROOSEVELT.

By the President:
JOHN HAY, *Secretary of State.*

PANAMA—SHIP CANAL.

CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF PANAMA FOR THE CONSTRUCTION OF A SHIP CANAL TO CONNECT THE WATERS OF THE ATLANTIC AND PACIFIC OCEANS.

[Signed at Washington, November 18, 1903; ratification advised by the Senate, February 23, 1904; ratified by the President, February 25, 1904; ratified by Panama, December 2, 1903; ratifications exchanged at Washington, February 26, 1904; proclaimed, February 26, 1904.]

By the President of the United States of America—A proclamation.

Whereas a convention between the United States of America and the Republic of Panama to insure the construction of a ship canal across the isthmus of Panama to connect the Atlantic and Pacific Oceans was concluded and signed by their respective plenipotentiaries at Washington on the 18th day of November, 1903, the original of which convention, being in the English language, is word for word as follows:

ISTHMIAN CANAL CONVENTION.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, thereunto specially empowered by said Government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. The United States guarantees and will maintain the independence of the Republic of Panama.

ART. II. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article I which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

ART. IV. As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the

rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water or water power or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

ART. V. The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ART. VI. The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States, in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ART. VII. The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights, or other properties necessary and convenient for the construction, maintenance, operation, and protection of the canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States, may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal and railroad. All such works of sanitation, collection, and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominee, shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of 50 years, and upon the expiration of said term of 50 years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon, respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States, the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ART. VIII. The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Co. and the Panama Railroad Co. as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ART. IX. The United States agrees that the ports at either entrance of the canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected customhouse tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation, and protection of the main canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal and for other works pertaining to the canal.

ART. X. The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the railways and auxiliary works, tugs and other vessels employed in the service of the canal, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the canal and railroad and auxiliary works.

ART. XI. The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ART. XII. The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ART. XIII. The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation, and protection of the canal and auxiliary works, and all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone, and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ART. XIV. As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ART. XV. The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of the death, absence, or incapacity of a commissioner or umpire, or of his omitting, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

ART. XVI. The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention, and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies, or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention, and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies, and misdemeanors within said zone and auxiliary lands.

ART. XVII. The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ART. XVIII. The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ART. XIX. The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ART. XX. If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ART. XXI. The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ART. XXII. The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Co. and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Co., or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property

reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of 99 years of the concessions granted to or held by the above-mentioned party and companies, and all right, title, and interest which it now has or may hereafter have in and to the lands, canal, works, property, and rights held by the said companies under said concessions or otherwise and acquired or to be acquired by the United States from or through the New Panama Canal Co., including any property and rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Co., the Panama Railroad Co., and the New Panama Canal Co.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama, and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Co. shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ART. XXIII. If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of States, so as to merge her sovereignty or independence in such Government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ART. XXV. For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ART. XXVI. This convention, when signed by the plenipotentiaries of the contracting parties, shall be ratified by the respective Governments, and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the city of Washington the 18th day of November, in the year of our Lord 1903.

JOHN HAY. [SEAL.]
P. BUNAU VARILLA. [SEAL.]

And whereas the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the city of Washington on the 26th day of February, 1904:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the city of Washington this 26th day of February, in the year of our Lord 1904 and of the independence of the United States the one hundred and twenty-eighth.

[SEAL.]
THEODORE ROOSEVELT.

By the President:
JOHN HAY, *Secretary of State.*

Mr. BRANDEGEE. I move that the Senate adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 18, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 17, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, upon the profound faith, hope, and love personified in Thy son Jesus Christ, who dignified and made sacred honest toil as the carpenter's son, spake as never man spake, lived like a king and died like a God, burst the bars of the tomb and exemplified the life and immortality of the soul, taught us the way, the truth, and the life, we base the longings, hopes, and aspirations of all that make life dear. And we most fervently pray that we may follow in our daily life His sublime example and prove ourselves worthy sons of our God and our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLARA DOUGHERTY, ETC.—DUPLICATE ENGROSSED BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 634.

Resolved, That the Clerk be directed to request the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 14; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of the Union Station, in said District; the original having been lost or mislaid.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

RADIO COMMUNICATION ON CERTAIN OCEAN STEAMERS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the conference report on the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, be taken up and agreed to.

The SPEAKER. Of course everybody knows that this is Calendar Wednesday, and ordinarily the Chair would not entertain this proposition; but the Chair takes it that all the rules of the House are to be construed by the rules of common sense. The session is approximating its close, and these matters have to be considered. If there be no objection, this matter will be taken up now, and the Clerk will report it.

Mr. ALEXANDER. I ask that the statement be read in lieu of the conference report.

The SPEAKER. If there be no objection, the statement will be read in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT (1007).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"That section 1 of an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, be amended so that it will read as follows:

"'SECTION 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night.

"'An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

"'The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

"'That the provisions of this section shall not apply to steamers plying between ports or places less than 200 miles apart.'

"'SEC. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean cargo steamers shall take effect on and after July 1, 1913: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified

and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.'"

And the House agree to the same.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
W. E. HUMPHREY,
Managers on the part of the House.

WILLIAM ALDEN SMITH,
THEO. E. BURTON,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, submit the following written statement explaining the effect of the action agreed on:

The conferees recommend that the Senate recede from its disagreement to the House amendment to the Senate bill 3815, and that the two Houses agree thereto with the following amendments:

As amended by the House, section 1 applies to steamers of the United States and of foreign countries licensed to carry 50 or more persons, including passengers or crew or both, the amendment makes the bill apply not only to vessels "licensed" to carry 50 or more persons, but to vessels "carrying 50 or more persons" as well.

The bill as amended by the House provides that steamers shall be equipped with an efficient apparatus for radio communication capable of transmitting and receiving messages over a distance of at least 100 miles, day or night, "under all conditions of atmospheric disturbance when it is safe for the operator to work the set."

The conferees agree that the language quoted may be stricken out of the bill wherever it appears.

The conferees agree that the following language shall be added at the end of section 1: "and efficient communication between the operator in the radio room and the bridge shall be maintained at all times."

The House amendment is further amended by providing that the section shall not apply to steamers plying between "places," as well as ports 200 miles apart.

Section 2 is amended by adding the following proviso:

Provided, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining constant wireless watch so far as required for the safety of life.

Respectfully submitted.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
W. E. HUMPHREY,
Conferees on the part of the House.

Mr. FOSTER. Mr. Speaker, will the gentleman from Missouri [Mr. ALEXANDER] explain to the House the reasons for changing the language in reference to providing for efficient communication over a distance of at least 100 miles, day or night, under all conditions of atmospheric disturbance, and so forth? As I understand, the bill that passed the House provided that that should be done. Now that provision is stricken out.

Mr. ALEXANDER. The bill as it passed the House had this clause in it: That steamers "shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of 100 miles, day or night, under all conditions of atmospheric disturbance, when it is safe for the operator to work the set."

Now, the language "under all conditions of atmospheric disturbance when it is safe for the operator to work the set" was stricken out on suggestion of the Senate conferees. After the bill passed the House I was advised that the language was so restrictive that there was only one concern in the United States that could probably furnish the apparatus, and it was to avoid such a result—that we might throw this industry into the hands of one company—that the conferees agreed that this language should be stricken out.

Mr. FOSTER. I appreciate the gentleman's idea of not wanting to give a monopoly to any one company. The question in my mind was whether striking out the language and putting in the other weakened the requirement.

Mr. MANN. Would not the language if left in be almost impossible to enforce in a criminal statute as a matter of certainty?

Mr. ALEXANDER. Yes; and we wanted to avoid any possible monopoly. We do provide that the apparatus shall be efficient to send messages 100 miles day or night, and we thought that was description enough to insure efficient apparatus.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River; and

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uinta Indian Reservation;

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes;

S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 4745. An act to consolidate certain forest lands in the Paulina (Oreg.) National Forest; and

S. 338. An act authorizing the sale of certain lands in the Colville Indian Reservation in the town of Okanogan, State of Washington, for public-park purposes.

SENATE BILL AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6176. An act for the relief of Gibbes Lykes; to the Committee on Military Affairs.

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald; to the Committee on Appropriations.

S. J. Res. 119. Joint resolution authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point John C. Scholtz, a citizen of Venezuela; to the Committee on Military Affairs.

DEPARTMENT OF LABOR.

The SPEAKER. To-day is Calendar Wednesday, and the unfinished business is the bill (H. R. 22913) to create a department of labor. The situation is this: After the motion for the engrossment and third reading of the bill was put, the gentleman from Illinois demanded the reading of the engrossed bill.

Mr. MANN. Mr. Speaker, I withdraw my demand for the reading of the engrossed bill.

The SPEAKER. The gentleman from Illinois withdraws his demand for the reading of the engrossed bill, and the question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to take up the bill H. R. 21094, a bill to create a commission on industrial relations.

The SPEAKER. The gentleman from Pennsylvania moves to take up the bill H. R. 21094, of which the Clerk will read the title.

The Clerk read as follows:

H. R. 21094. A bill to create a commission on industrial relations.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from New York [Mr. SULZER] will take the chair. [Applause.]

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SULZER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21094, and the Clerk will read the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, this bill proposes to create a commission of nine persons, three of whom shall be employers of labor, three of whom shall be representatives of organized labor, and three from the citizenship at large, for the purpose of investigating industrial relationship existing between employer and employees throughout the country.

There has been a considerable spirit of unrest, not only in this country but all over the world, during the past two or three years. Out of that state of unrest has grown innumerable strikes and threats of strikes. Strikes between labor and capital are like wars between nations. They bring suffering, privation, hardships of every kind and character to those who are engaged in the disputes as well as to the community at large. Men do not engage in strikes purely for the amusement it brings them. Nor do they engage in strikes for what they consider frivolous reasons. Men who have gone through strikes know the hardships that are ahead of them, and consequently are not prone to engage in industrial contests unless they believe they have very important and serious grievances to correct which can not be corrected by other methods.

It follows, then, that with the large number of industrial disputes we have had in recent times growing out of this spirit of unrest that there must be in the minds of wageworkers in our country a feeling that injustice is being done them in some respects and under some circumstances and conditions.

The purpose of this measure is to provide a commission composed of equal numbers of wageworkers and employers, with a balance of disinterested parties, to conduct an investigation into the conditions which have created this spirit of unrest, and to report their findings from time to time to Congress so that it may legislate upon the subject if it deems it necessary or advisable so to do.

The bill provides an appropriation of a sum not to exceed $500,000 for the purpose of carrying on the work for three years' time, the commission expiring by limitation of the bill at the end of a period of three years. When the proper time arrives the committee will offer an amendment to that portion of the bill which it had previously amended, being section 5 as proposed, changing it to read as follows:

That the sum of $100,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913: *Provided*, That no portion of this money shall be paid except upon the order of said commission, signed by the chairman thereof.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. FOSTER. The gentleman states that the committee proposes to offer an amendment appropriating $100,000 instead of $500,000. Is the gentleman of the opinion that this is all that will be required to make the investigation, or will the commission come back to Congress asking for another appropriation?

Mr. WILSON of Pennsylvania. Mr. Chairman, in my judgment it will require more than $100,000 to conduct this investigation, and the purpose of this amendment is to make the appropriation of $100,000 now for the fiscal year ending June 30, 1913. Thereafter the appropriations will depend upon the judgment of the Committee on Appropriations and the House for the two fiscal years following that time.

Mr. FOSTER. Is it the intention of the gentleman from Pennsylvania or the committee, in providing for this commission, that they shall visit any other countries besides the United States?

Mr. WILSON of Pennsylvania. The bill itself provides for an investigation into the methods of collective bargaining, and into any methods which have been tried in any State or any foreign country.

Mr. FOSTER. I notice that.

Mr. WILSON of Pennsylvania. And also—

For maintaining mutually satisfactory relations between employees and employers.

To the extent that it may be necessary to determine or examine into the methods that have been tried, the methods of collective bargaining which have been tried in foreign countries, the authority would be granted to proceed to foreign countries to make that investigation.

Mr. SABATH. Is it not a fact that the bill gives the commission that power in section 2, in lines 18, 19, and 20—

And to authorize its members or its employees to travel in or outside the United States on the business of the commission.

Mr. WILSON of Pennsylvania. That is correct.

Mr. FOSTER. It also provides:

The commission is authorized as a whole, or by subcommittees of the commission duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to compel testimony, etc.

In inquiring into the methods which have been tried in any State or foreign country for maintaining mutually satisfactory relations between employees and employers, and in providing that they may sit anywhere in the United States and "inquire into" these conditions, does the gentleman think the commission would have the right to visit foreign countries for that purpose?

Mr. WILSON of Pennsylvania. The right to sit at any place and investigate carries with it the right to send for persons and papers. As a matter of fact, they could not send for persons and papers in a foreign country. They would have to depend upon the courtesies of the people of foreign countries for such information as they might be able to secure.

The commission, as was proposed in the original bill, was to be composed of two employees and two employers and five disinterested parties, making a commission of nine in that way. The committee, believing that it would facilitate the business of the commission to enable it to subdivide properly, proposed to change that and make the component parts of the commission three employers, three employees, and three disinterested parties, so that the commission might readily subdivide itself into three subcommittees and have a representative of each of those elements upon the subcommittee.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. COOPER. Will not the gentleman from Illinois [Mr. FOSTER] inquire whether this commission will be authorized to hold hearings in Europe?

Mr. FOSTER. The commission is empowered to inquire into certain methods in relation to employers and employees in foreign countries. What I was getting at was whether under that provision the commission has the right to visit foreign countries.

Mr. COOPER. The gentleman will observe in lines 9 and 10, on page 2, that they are limited, so far as their sittings and public hearings are concerned, to the United States.

Mr. FOSTER. I read that to the gentleman from Pennsylvania first and then asked about the other.

Mr. COOPER. It says they inquire into——

Mr. FOSTER. I do not understand it gives them that right.

Mr. COOPER. Suppose they go to Europe.

Mr. WILSON of Pennsylvania. If the gentleman will read lines 18, 19, and 20, on page 2, he will see that authority is given by the bill to members and the employees of the commission to travel in or outside of the United States on the business of the commission; and on page 3 it is provided that it may investigate into methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers, so that the authority is given to travel in foreign countries. As a matter of fact, they could not send for persons and papers, but they would have to depend entirely upon the courtesy of those in foreign countries for such information as they might be able to gather there; but they are given permission to travel in those countries, so far as the courtesies of those countries will permit them to investigate.

Mr. FOSTER. Let me ask the gentleman this further question. I know from long experience in the mining industry the gentleman has a great deal of information concerning that great industry. Does the gentleman think that industry, which is important in this country—as this commission is to take up all the industrial conditions of the United States, does the gentleman think that this commission can give the necessary attention to the different problems connected with this industry?

Mr. WILSON of Pennsylvania. The problem itself is an enormous problem, as everyone knows who has investigated the situation. It is a problem which reaches out into every walk of life. There is no situation in life that is not more or less affected by the industrial conditions and situation, so that the commission has an enormous task before it; but being in a position of dividing itself into subcommissions of three or even less

if it so desires, each one of those subcommissions, having some of the component parts of the commission within itself, would be able to do as much on that line as three commissions ordinarily would do and then be able to bring the combined intelligence of all nine members of the commission to a solution of the problem involved after the information had been collected. Now, so far as the mining industry is concerned, which is a very large industry. At the present time, however, a great portion of that industry is being handled industrially through collective bargains. Very recently the anthracite region was included in the collective bargain arrangement, so that there is, I should judge, about 70 per cent of the mining operations in Pennsylvania—which produces half the coal produced in the United States—about 70 per cent of the mining operations in Pennsylvania that are covered by the collective bargain arrangement. The only portions that are not covered by the collective bargain arrangement are the Irwin field, the coke region, the Somerset County field of Pennsylvania. Those are the only ones not covered.

All of Ohio, Indiana, Illinois, Iowa, Missouri, Kansas, Arkansas, Oklahoma, and all coal mines in Texas—lignite is not covered by it—Montana, Wyoming are covered by the collective-bargain arrangement, and part of West Virginia, part of Kentucky, part of Tennessee are not covered by the collective-bargain arrangement, so that the investigation of the problem, so far as the coal mining is concerned in the United States, the problem of collective bargaining, would not be a very large problem for investigation for a commission of this kind, a great bulk of the field being covered by mutual arrangement between employer and employees, in which collective bargaining is entered into; but the method by which these collective bargains are made, the extent to which they go, the effect which they have upon the industrial situation in the coal fields and the effect that industrial situation has upon the entire industrial situation would be matters within the scope of an investigation of this commission.

Mr. FOSTER. Well, is it the gentleman's opinion that this commission, composed of these Members, who are enabled under the provisions of this bill to divide themselves into subcommittees, will be able to go out and make as complete an investigation of this great industry of coal mining in all its different phases—not only coal mining, but quarrying and precious-metal mining and all matters connected with it—as they would under a commission which would give them jurisdiction only of this industry?

Mr. WILSON of Pennsylvania. As a matter of course, the more limited the field in which the commission operates the more fully the work of that commission can be done.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. WILSON of Pennsylvania. Yes.

Mr. COOPER. Why does the gentleman provide for dividing this committee into subcommittees? It strikes me a subcommittee of three employers in a certain field might render a report that would be unsatisfactory, just as a subcommittee of employees in a certain field might do.

Mr. WILSON of Pennsylvania. It provides for a division into subcommittees of three. As the bill originally came to the committee it provided a commission composed of two employers, and two employees, and five disinterested parties. Now, it occurred to the committee that there being cause for this committee to appoint subcommittees, that it would be advisable to increase the number of employers and employees and reduce the number of disinterested parties, so that they would be equal, and it proposes an amendment making a commission composed of three employers, three employees, and three disinterested parties, so that if the commission when organized desires to divide itself into a committee of three there could be on that commission a representative of the employers, a representative of the employees, and a representative of the public at large.

Mr. COOPER. Yes; but if the gentleman will permit this suggestion, this law ought to be mandatory if those are to be subcommittees, that each subcommittee shall contain one member of each of these classes. Otherwise you may have three employers, or three employees, or three of the other class as a subcommittee sometimes.

Mr. WILSON of Pennsylvania. I do not think that is within the possibilities with a commission composed as this commission is composed. And in addition to that, there may be instances, and undoubtedly will be, where a certain line of information is sought by the commission, where only one member of the commission would be necessary to go after that line of information.

Mr. COOPER. I was speaking simply of the matter of the public hearings in the United States. If a subcommittee is to have a public hearing, it ought not to be a subcommittee composed of three of one class.

Mr. WILSON of Pennsylvania. Oh, that is true.

Mr. COOPER. And the law ought to be mandatory that it shall not consist of three of one class. But there is nothing in the bill as now presented which would prevent public hearings in the United States being held by a subcommittee composed of three of one class.

Mr. WILSON of Pennsylvania. No; but it is not likely that a committee would be composed in that way.

Mr. COOPER. It is not likely, but it might occur.

Mr. WILSON of Pennsylvania. It is practically impossible. It certainly is not probable that any subcommittee of this commission would be sent out to investigate any phase of the situation that would be composed entirely of one of the elements mentioned.

Mr. COOPER. But a subcommittee might be sent, and it is contemplated it shall be practically at the outset a subcommittee of three men, and it might be sent to investigate one of the most important subjects which they could consider under this bill, and yet the law leaves it so that two of one class with one of another might be on the subcommittee and one class be entirely unrepresented.

Mr. WILSON of Pennsylvania. That is absolutely true, so far as this bill is concerned.

Mr. COOPER. The law ought not to be drawn in that form. The law ought to be mandatory so as to preclude the possibility of a failure of each of those classes to be represented on each of those subcommittees which in the United States could hold a public hearing for the purpose of submitting evidence to the Congress of the United States. One of the subcommittees hearing this testimony would submit to the other six men its report. The other six men would not have seen the witnesses, and the confrontation of witnesses is of supreme importance always in determining the weight to be given to their testimony. Therefore, I think this law should be amended so as to require by mandatory provision that any subcommittee holding a public hearing in the United States under this law shall have on that subcommittee a representative of each class provided for in the law.

Mr. WILSON of Pennsylvania. The only objection I would have to a proposition of that kind would be that it would prevent the commission from dividing itself into more than three. It prevents the sending of one or two of the members of the commission into some locality to secure certain lines of information that might not be affected by the fact that one or the other of the elements of the commission were not at the hearing.

Mr. MOORE of Pennsylvania. Will the gentleman yield, Mr. Chairman?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WILSON] yield to his colleague [Mr. MOORE]?

Mr. WILSON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does the Bureau of Labor, as at present constituted, have its duties so defined as to cover the purposes stated in section 4?

Mr. WILSON of Pennsylvania. I think not.

Mr. MOORE of Pennsylvania. The gentleman thinks the bureau is not sufficient to meet the purpose of this bill?

Mr. WILSON of Pennsylvania. No. The bureau as at present defined is practically a statistical bureau. This does not propose to any great extent to deal with statistics, or in other words, it is not the primary purpose of this commission to collect statistics. The purpose of this commission is to get at the underlying causes of the discontent that exists throughout the country and which exists in other countries at the present time; to get at the underlying reasons for that discontent; and to investigate the methods by which employees and employers deal with each other, with a view to determining whether those methods have anything to do with that spirit of discontent; and, further, to endeavor to discover whether or not there is some better method of handling the relationship between the employer and the employee than those that exist at the present time.

Mr. MOORE of Pennsylvania. The purpose of my inquiry is to ascertain whether by this bill we are getting at any more direct method of improving labor conditions than already exists. The gentleman knows we have a Bureau of Labor, which he says does not cover the purposes set out in this bill. But the other day we considered a bill creating a department of labor and passed it this morning, and it was passed with a view to alleviating labor conditions. That bill creates certain offices in addition to those already constituted in the Bureau of Labor and the Department of Commerce and Labor. The question is whether by the passage of this bill we are not adding to the red tape of the Government and multiplying offices to such an extent that instead of helping labor we interfere with its progress.

Mr. WILSON of Pennsylvania. In my judgment you are getting away from the red tape. You are getting this proposition of the relationship between employer and employee placed in the hands of nine men whose sole duty it is to investigate that problem, and thereby get away from the red tape of a department and meet actual conditions.

Mr. MOORE of Pennsylvania. But in the passage of this bill, if the department of labor bill also is enacted into law, you will have created three separate agencies in the interest of labor for doing substantially the same thing.

Mr. WILSON of Pennsylvania. Not the same thing, but doing different phases of the work—different parts of the work—and, by the way, I may add right here at this point that the fact of the matter is that labor, which is the basis of all the wealth of the country, the means by which the wealth of the country is made available for use, has not received the attention at the hands of Congress that other interests have received. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman does not have to argue that labor is the creator of all wealth. That is conceded by every one who thinks upon the subject at all. Labor does receive consideration at the hands of Congress. The conditions of labor, unquestionably, have been improved during recent years. Some gentlemen differ as to whether the improvement is due solely to the influence of labor organizations or whether it is due to other agencies; but we will concede that labor organizations do help to improve the wage standard and the conditions of living.

Some of us assert, however, that there are other considerations that also improve the conditions of labor. I would not have labor confused with regard to its rights. We have been laboring here for several weeks on bills that are termed "labor bills." If the average laboring man grasps the situation, very well; but it seems to me that we, as legislators, ought to make the course of labor as easy as possible, and we ought to pile up the least possible red tape for the confusion of labor.

Now, if the Bureau of Labor does not represent labor we ought to know that. We have a Bureau of Labor now at work. It has been investigating the conditions of labor for years and years. The gentleman has proposed a department of labor bill, which the House passed this morning. That makes a new agency through which labor is to be represented in all general affairs. Now, the purposes of the Bureau of Labor, apparently, are understood, and the purposes set forth in the bill creating the department of labor are understood, and labor does get its recognition. The gentleman now comes forward with a bill and proposes a commission which shall also do the work, apparently, that has been assigned to the Bureau of Labor and to the department of labor. If there is a new purpose in it, that is what I am trying to have the gentleman explain.

Mr. WILSON of Pennsylvania. I have already stated that there is a new purpose in it, and I have stated that purpose as clearly as I can, and if the gentleman does not understand the purpose of this commission the fault lies either with my expression of that purpose or with the gentleman's misunderstanding of my language.

Mr. MOORE of Pennsylvania. There can be no personal differences between the gentleman and myself, of course, because the gentleman is extremely intelligent upon this question of labor and of the rights of labor. Now, may I ask the gentleman this: Will this industrial commission, if created, have the power to put into effect any of the findings that may result from its work?

Mr. WILSON of Pennsylvania. It will have no power to put any findings into effect. It will have the power to report to Congress what its conclusions are; and then, having reported to Congress what its conclusions are, Congress will determine whether or not it will take any action upon the matter.

Mr. MOORE of Pennsylvania. Then, as in the case of the department of labor, the result of the work of the industrial commission will be to publish its views upon the investigations it has made.

Mr. WILSON of Pennsylvania. The work of the commission itself will be to investigate those things that are specifically provided for in the measure. Having investigated them, then it will report to Congress its conclusions upon those investigations. It will then depend upon Congress to take such action as Congress may deem wise in the premises.

Mr. MOORE of Pennsylvania. Then the industrial commission, as proposed, is merely to investigate and report its conclusions upon labor conditions.

Mr. WILSON of Pennsylvania. That is the purpose of it, to investigate into the relationship existing between employer and employee, and the effect that that relationship has upon the spirit of unrest which now exists and has existed for some time among the wageworkers; what the effect of that relationship has upon industry in general and upon the community at large, and the best things that can be devised by the employer and the employee to bring them into a relationship that is for the best interests of the community at large.

Mr. MOORE of Pennsylvania. Then effect can be given to the recommendations of the commission only by act of Congress?

Mr. WILSON of Pennsylvania. That is all. We do not propose to give any legislative power to the commission.

Mr. HOWARD. And can not.

Mr. WILSON of Pennsylvania. There is no power in Congress, in my judgment, to give any legislative power to a commission.

Mr. MOORE of Pennsylvania. Referring to the first section of the bill, which was the subject of the interrogation of the gentleman from Wisconsin [Mr. COOPER], I should like to ask the gentleman from Pennsylvania if he can tell about how many workmen in the United States are organized into labor organizations?

Mr. WILSON of Pennsylvania. Approximately 3,000,000.

Mr. MOORE of Pennsylvania. What is the total number of wage earners in the United States?

Mr. WILSON of Pennsylvania. The toal number of wage earners in the United States is somewhere between 20,000,000 and 25,000,000, I should judge, at the present time.

Mr. MOORE of Pennsylvania. I have heard it estimated at 30,000,000.

Mr. WILSON of Pennsylvania. Thirty million would include not only wageworkers but farmers.

Mr. MOORE of Pennsylvania. Of course, I include agricultural laborers as wage earners. The gentleman from Wisconsin [Mr. COOPER] inquired as to the number of the members of the commission and also as to the possibility of a subdivision of the commission being prejudiced on one side or the other, holding meetings without the knowledge or presence of the entire commission. As the bill reads, it proposes that the commissioners shall be nine in number, three of whom shall be employers of labor, three of whom shall be representatives of labor organizations——

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. The inference is, of course, that they are to be employees.

Mr. WILSON of Pennsylvania. Yes——

Mr. MOORE of Pennsylvania. May we have it understood that that designation is general; that the expression "representatives of labor organizations" does not exclude those who are employees?

Mr. WILSON of Pennsylvania. "Representatives of organized labor," in the sense in which the expression is used, means that there shall be three men who are connected with trades-union movements, who are members of trades-unions, who are employees or the representatives of employees, just the same as an employer may either be the owner or the representative of the owner of a property. So this provides for representation on that commission from the organized expression of the wageworkers of the country.

Mr. MOORE of Pennsylvania. Carried out literally, it would mean that three members of the commission shall be actual employers of labor?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. And three members in addition should be members of labor organizations?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. That leaves three still to be appointed, and those three could be wage earners, representing the great mass of wage earners who are not organized in labor unions.

Mr. WILSON of Pennsylvania. They will be, directly or indirectly, employers or employees; there can be no getting away from that. They may be professional men or employers or employees directly. But, either directly or indirectly, every person in the country is an employer or an employee.

Mr. MOORE of Pennsylvania. There are a number of labor organizations, and one or two of them represent the greater number of those who are organized. Suppose a dozen labor organizations should clamor for representation on this proportion of three members of the commission. Does the gentleman think that the bill would prejudice the rights of the representative of the minor labor organizations applying for that place?

Mr. WILSON of Pennsylvania. Oh, that is a matter entirely within the judgment of the President and the Senate as to who are best qualified to carry on the work.

Mr. MOORE of Pennsylvania. One more question and I will not trouble the gentleman further. This bill proposes to spend $500,000 for the purpose of this industrial commission?

Mr. WILSON of Pennsylvania. Yes; but there is a committee amendment which proposes to strike out $500,000 for the three years and making $100,000 for the fiscal year ending June 30, 1913.

Mr. MOORE of Pennsylvania. This bill will create a permanent commission?

Mr. WILSON of Pennsylvania. No; it creates a commission whose term expires by limitation at the end of three years.

Mr. MOORE of Pennsylvania. And it is proposed to spend $500,000 in the investigation which it will make.

Mr. WILSON of Pennsylvania. It will require in the neighborhood of $500,000 to make the investigation as it should be made. It may not take that amount. Hence we propose to amend by making it $100,000 for the coming year, and then leave the matter for further appropriation by Congress, if it shall determine to do so.

Mr. MOORE of Pennsylvania. That would be in addition to what Congress will spend for the Department of Commerce and Labor and for the Bureau of Labor?

Mr. WILSON of Pennsylvania. Oh, yes; and it will be in addition to what we spend for the Army and the Navy and the State Department.

Mr. FITZGERALD. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. FITZGERALD. Upon what does the gentleman base his opinion that it will require $500,000 to make the investigation?

Mr. WILSON of Pennsylvania. Because the subject matter is one of the greatest that has ever been investigated by any commission.

Mr. FITZGERALD. That may be; but it does not explain the basis upon which the gentleman makes the estimate.

Mr. WILSON of Pennsylvania. The immigration commission, as I understand it——

Mr. FITZGERALD. That money was wasted.

Mr. WILSON of Pennsylvania. Cost more than $500,000.

Mr. FITZGERALD. Yes; over $700,000, and not a thing of value resulted from the investigation. So far nothing of value has resulted from the Monetary Commission. I hazard the prediction that if you spend $500,000 on this commission the greater part of it will be wasted.

Mr. WILSON of Pennsylvania. The subject matter is one in which everyone is interested.

Mr. FITZGERALD. True.

Mr. WILSON of Pennsylvania. And a complete investigation will place us where we can deal with the matter better than we can at the present time.

Mr. FITZGERALD. Will the gentleman point out any power that Congress has to legislate on the matters?

Mr. WILSON of Pennsylvania. Congress has not the power to legislate on all the matters.

Mr. FITZGERALD. Then why investigate? If Congress has no power, why investigate?

Mr. WILSON of Pennsylvania. Even if Congress had no power to legislate—and in many instances it has—there are many things in which this Government has been making and will continue to make investigations of value, for the information received can be made available for legislation by the various States, if not by the Federal Government. There are a number of things in which legislation can be made effective by the Federal Government—those relating to interstate commerce.

Mr. FITZGERALD. That is what I ask the gentleman to point out.

Mr. WILSON of Pennsylvania. The things affecting Federal employees and the things along that line are thoroughly within the scope of the Federal Government, and then the information which has been secured, if of value at all, will be available for every State in the Union in the enactment of its legislation.

Mr. COOPER. The gentleman has just mentioned as a fact something which I think is not covered by the bill. That is what I want to ask him about. There is no provision in this bill requiring the commission to report anything but its findings and recommendations. There is no requirement here that the testimony shall be published and submitted to Congress.

Mr. WILSON of Pennsylvania. There is no such requirement. If Congress desires that, it can at any time provide for it.

Mr. COOPER. I think that is of the utmost importance. The reports of the British commission and of various other commissions on industrial conditions, of our Monetary Commission on finance and currency, are of very great importance because accompanied by the testimony upon which their reports are based. My own judgment is that this law ought to require the printing of the testimony and its submission to the Congress.

Mr. WILSON of Pennsylvania. I have no objection to that if Congress wants to undertake the printing of the testimony as it is procured from time to time.

Mr. COOPER. It certainly ought to be printed.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. AYRES. I would like to ask the gentleman what, aside from the possible publishing of the testimony taken, this commission could do practically that is not already done by voluntary commissions like the National Civic Federation?

Mr. WILSON of Pennsylvania. Oh, the scope of the National Civic Federation is not large enough. Its authority is not sufficient to enable it to go into this subject matter in a systematic way.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. I yield to the gentleman from Ohio.

Mr. LONGWORTH. In the event that the bill to create a department of labor becomes a law at this session of Congress, does not the gentleman think the duties given in this bill to the Secretary of Commerce and Labor should be given to the secretary of labor? I refer to the duties prescribed in line 10 on page 1.

Mr. WILSON of Pennsylvania. I think so; yes.

Mr. LONGWORTH. Ought not the bill to provide for that?

Mr. WILSON of Pennsylvania. If the department of labor were now in existence, it should; but if we pass this with the Department of Commerce and Labor stricken out and the department of labor inserted, then, so far as the House is concerned, it would be dealing with a department that does not exist.

Mr. LONGWORTH. Yes; but it could provide for the contingency that in the event there was a secretary of labor those duties could fall upon him.

Mr. WILSON of Pennsylvania. That could be done, but it would be a very easy matter to remedy in the event the department of labor is created before the passage of this act.

Mr. LONGWORTH. But it would take additional legislation.

Mr. WILSON of Pennsylvania. Undoubtedly it would. It is not a very important matter, however, it seems to me.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HOBSON. I desire to ask a question bearing on the scope of the investigation. Much of the unrest that prevails in labor circles is due to the conditions—the actual physical conditions—of labor, particularly those bearing upon sanitation and the danger and exposure to life and limb. For a long time I have been hoping that the question of the loss of life and the injury to employees would be investigated.

I believe the investigation would bring results that are simply appalling. I want to ask the gentleman if under section 4 this commission would have authority to include in the scope of its investigation the conditions of sanitation, the exposure to life and limb, and the arrangement for compensation of employees?

Mr. WILSON of Pennsylvania. Only in so far as those are incident to the unrest now existing. I want to say to the gentleman that in my judgment he is in error when he assumes that the low wages and the insanitary conditions and matters of that kind are the fundamental causes for a spirit of unrest. As a matter of fact, you find less unrest in those industries where the iron hand of the employer is used for the purpose of keeping the workman in low wages and in poor condition in order to keep them in subjection. The spirit of unrest does not get the opportunity to grow, and there is where there is more danger to our institutions than there is where higher pay exists and there is more unrest.

Mr. HOBSON. I will say to the gentleman I am in thorough accord with him that a condition of acceptance and acquiescence sometimes indicates a subjection that is most unhappy for the employee and for the community and for the people. In this country adequate provision has not been made thus far to protect the health and life and limb of the employee. An investigation of great value could be made that would not require much of the time of this commission, carried on in conjunction with the regular hearings.

A few additional questions asked would bring out the provisions that have been made and the lack of provision for preserving the health, life, and limb; and that additional information would be invaluable to this Congress and to all students of the problems of labor conditions——

Mr. WILSON of Pennsylvania. I quite agree with the gentleman.

Mr. HOBSON. But I think it possibly well to have an amendment in order that it may not be excluded by an interpretation of authority. I believe the authority is perhaps in section 4, which provides for an inquiry into the general conditions of labor and the principal industries; but I would suggest, if the gentleman has no objection, where it speaks of the effect of

industrial conditions on public welfare, and so forth, after the word "therewith," an amendment should be made adding, "to inquire into the conditions of sanitation and exposure of life and limb and the arrangement for compensation."

Mr. WILSON of Pennsylvania. Well, so far as I am concerned, I see no objection to the amendment; but I can not speak for the committee.

Mr. MANN. Is the gentleman from Alabama familiar with the report of the commission recently appointed and recently reporting on the subject of compensation paid?

Mr. HOBSON. I know that part of the question of compensation is under investigation, but that is not an essential part, and I would be willing to leave that out if the gentleman thinks it is superfluous.

Mr. MANN. It seems to me, as we appointed a commission and they made a report and it is likely a bill will be passed when prepared—I hope there will be no excuse against that bill that we are now to make another investigation.

Mr. HOBSON. I will suggest to the gentleman that I will withdraw that part of my suggested amendment, leaving it simply when they are in their hearings that they shall have authority to call on witnesses to state what provisions have been made to protect the health and life and limb of the employees. When we reach that point I will offer that amendment.

Mr. WILSON of Pennsylvania. Personally, I have no objection.

Mr. FOWLER. I understand the gentleman claims that the provisions of the bill are broad enough to go into the question of unrest. And, now, does the gentleman regard it as being broad enough to go into the causes of that unrest?

Mr. WILSON of Pennsylvania. That is what it is proposed to investigate, the causes of the unrest; that is the purpose of the commission; that is the primary purpose, to go into the causes of the state of unrest and find out, if possible, if there is any way by which the relationship between the employer and the employee can be brought to such a position that that spirit of unrest will not find the same kind of expression as it has found, and yet the welfare of both be protected and the welfare of the community at large be protected at the same time.

Mr. FOWLER. Does the gentleman regard the bill as being broad enough to take in the question of blacklisting?

Mr. WILSON of Pennsylvania. Oh, yes; I think so.

Mr. FOWLER. The gentleman thinks he will have no trouble with that question without any amendment?

Mr. WILSON of Pennsylvania. I do not think it will require any amendment. The commission will have power to investigate blacklisting as it affects the industrial situation.

Mr. SMALL. May I interrupt the gentleman?

Mr. WILSON of Pennsylvania. Certainly; I yield.

Mr. SMALL. The gentleman in his report on this bill uses this language:

> That there is widespread unrest among the wage workers of this country is apparent from the large number of trade disputes which have lately occurred or have lately been imminent.

The gentleman in his remarks has also referred to widespread dissatisfaction. Now, in response to the gentleman from Alabama [Mr. HOBSON] the gentleman commented somewhat upon the causes of this unrest, and I would like to have the gentleman from his viewpoint state not only the causes but what is the desire on the part of labor as a remedy for this alleged dissatisfaction and unrest; to what extent higher wages are desired; to what extent the question of sanitation is desired; and in so far as the gentleman may summarize with the matter, to state what the remedies are, if afforded, that will allay this dissatisfaction and unrest to which the gentleman referred?

Mr. WILSON of Pennsylvania. Mr. Chairman, it is exactly the purpose of this commission to find out the causes of this unrest and to discover a remedy if possible.

Mr. SMALL. Mr. Chairman, if the gentleman will permit me. I would suggest that it is rather an anomalous condition to inquire into causes of which we are ignorant and asking a remedy for those causes, the remedies for which are unknown. And I think it would be enlightening in this discussion if in voting on this bill to create this commission on industrial relations, we could have some concise explanation of the alleged causes for this alleged unrest and dissatisfaction and all the remedies which it is sought to be provided in order to allay them.

Mr. WILSON of Pennsylvania. Mr. Chairman, there are many causes for the spirit of unrest. There is no one thing that is responsible, and it is the most difficult thing imaginable for any man to undertake to determine without a thorough investigation just the proportion of effect that one cause has and the proportion of effect that another cause has. The causes are so numerous, and there are some things that are considered causes that may not be causes and other things that may be causes that are not considered causes, that in the judgment of this committee it is deemed advisable to appoint a commission to investigate the entire subject matter, and after having determined what the causes are we will then be in a better position to determine the remedy that should be applied.

Mr. SMALL. May I interrupt the gentleman once more?

Mr. WILSON of Pennsylvania. Certainly.

Mr. SMALL. I had supposed that the chief causes of dissatisfaction, where they existed, were the low wages and the conditions of environment of labor at the place or in the industry in which it was engaged, but the gentleman awhile ago stated, as I understood him, that where labor receives its lowest wage—where it was under the iron hand of the employer—that there was less dissatisfaction and less disposition to assert their rights; and, on the contrary, I understood him to state that where wages were highest and conditions were best there was a greater condition of unrest and dissatisfaction. And I would like him to explain a little fuller the meaning of that statement which he made.

Mr. WILSON of Pennsylvania. That statement is based upon human nature. We are all of us like Oliver Twist in that we are continually anxious to have more, and the man who is on the lower rung, who is working for the lowest wages, as a rule, is in such a position physically and mentally that he is not able to struggle for more as can the man who has raised a little higher than the other has.

And the man who is the mudsill, as we may say, is not physically or mentally in a position to struggle, as is the man who is better fed, better clothed, better read, for better conditions and shorter hours. So the actual facts are that in the great iron and steel industry, where the wages are low, and in many other of those industries where the wages are low, you do not find the same sort of unrest that you do in the higher skilled industries where the wages are higher than they are in the iron and steel industry, and where the men have greater ambition and greater desire for a betterment of their conditions than the ones who are lower paid. That is all there is to it. Simply a trait in human character that is found everywhere.

Mr. SMALL. Would it not be entirely consistent, then, if we are to appoint a committee to inquire into a condition that we do not know and the remedies for which we do not know? Would it not be consistent to enlarge this bill so as to include in it all ranks of life? Let us broaden it so as to include all the dissatisfied among all our population, whether employer or employee or idlers.

Mr. WILSON of Pennsylvania. If the problem was a problem that seriously affected the State, then there would be wisdom in the gentleman's proposition, but the problems that this is proposed to deal with does seriously affect the State. It is a problem that affects the entire country—the problem of the relationship of our industries between employer and employee—and hence the desire to investigate into those conditions.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WILSON] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have time in which to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Pennsylvania be extended until he concludes his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. NYE. Mr. Chairman, I was going to see if I could suggest a little help to the gentleman from Pennsylvania in answering the former question of the gentleman from North Carolina [Mr. SMALL] in reference to the purpose of this bill. If the gentleman will permit me just two or three minutes—two minutes, perhaps—I want to give my idea of this whole subject: That information is the first essential to all advance in civilization; that communication between man and man is the path of civilization; that much of our trouble and unrest and discontent comes from the fact that man does not know his fellow man, and that the basic purpose of this bill in investigating in this country and in the world will have a marked tendency, and must have, to bring man closer to man, to establish a greater bond of humanity, and to deal with the vital industrial problems of this age. They are not only industrial, but they are also social, and they are political.

I am very happy to support this bill. I would like to see the workingmen's compensation bill passed first, but as I can not do that—it is hung up for some reason—let us pass this one now. I want both of them.

Mr. CANNON. Which is the bigger horse of the two?

Mr. MANN. Let us hear the gentleman's opinion.

Mr. NYE. I do not want to make a speech. I do not want to trespass upon the gentleman's time, but I will make a speech on the general questions of the day at any time.

Mr. WILSON of Pennsylvania. Mr. Speaker, I have no desire to go further into the purposes and intents of this bill. In my judgment it will do considerable good. I have no idea that it will solve all the problems existing between employer and employee. Those I scarcely hope to see solved in my time; but I do believe that it will have a tendency toward the solution of those problems. It will have the tendency of bringing the employer and the employee together on common ground. My experience has been that when you are able to get the employer and the employee together on common ground, realizing that while their interests are not identical, they are mutual in seeing to it that the largest amount of production is secured with the least possible expenditure of labor, and that their interests diverge only when it comes to the point of determining the share that shall go to each in the common production—when, I say, you can get them together with that kind of a spirit—you have done considerable toward the solution of the problem. And this bill, if enacted into law, will tend to show the employer and the employee alike the necessity of getting together and thrashing out their differences over the table instead of in the industrial battlefield of strikes. [Applause.]

Mr. COOPER. Mr. Chairman, will the gentleman permit me just one question there at the end?

Mr. WILSON of Pennsylvania. Yes.

Mr. COOPER. It does seem to me, Mr. Chairman, to be of vital importance that the testimony which is taken by this commission or by any of its subcommittees at the public hearings in the United States shall be returned with the reports of the commission for the consideration of Congress.

Now, let me call the gentleman's attention to the language of this bill. The third section provides:

> That said commission may report to the Congress its findings and recommendations from time to time.

Suppose there shall be a minority report and a majority report, what will Congress know concerning the facts upon which these reports are based unless it has also a record of the testimony?

Mr. WILSON of Pennsylvania. I may say to the gentleman that I have no objection to any amendment that authorizes the publication of the hearings. I have no objection whatever to that.

Mr. COOPER. The last sentence in section 4 of the bill, page 3, is this:

> The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Suppose there is a majority report and a minority report. The House will know nothing about the testimony upon which this disagreement occurs. What decision can Congress render? What action can it take when confronted simply by a majority report and a minority report, both based upon evidence which Congress has not seen?

Mr. FITZGERALD. What provision is there in this bill for any minority report? The provision that the commission shall report its conclusions does not make very much room for a minority report.

Mr. COOPER. Has the gentleman from New York served in Congress so long and never heard of a majority and of a minority recommendation by different members of the same committee? This bill provides that the committee shall submit its findings and recommendations. The gentleman from New York anticipates perfect unanimity.

Mr. FITZGERALD. I should hope there would be.

Mr. COOPER. But there may not be.

Mr. FITZGERALD. No; there may not be.

Mr. COOPER. For instance, take the Ballinger investigation. When that was first proposed the resolution provided that there should be hearings before the committee or any subcommittee. The resolution was so drawn that these hearings might have been in secret. Then an amendment was carried to make all hearings public. Thereupon there were no subcommittee hearings, but hearings only by the full committee.

Mr. FITZGERALD. I scarcely think the gentleman's statement is parallel because there has been no suggestion here that there should be any secret hearings.

Mr. COOPER. No; but I am only stating what occurs sometimes when such proceedings are not properly guarded. In the Ballinger investigation the whole committee heard each witness. Not only that, but the committee kept a record of the testimony, and that was printed and made available for Congress. But there was a majority and a minority report. Without a record of the evidence, what would Congress have known about the facts as presented by the witnesses, the majority of the committee of investigation having submitted a report with findings of fact and recommendations and a minority having done likewise?

Mr. FOSTER. Is it not usual that the evidence taken by these committees is printed, and that if the printing is not provided for in the bill Congress afterwards authorizes the printing of the testimony?

Mr. COOPER. There should be no delay in submitting the testimony to Congress. There is no reason why it can not be printed and submitted with each report. The committee will have the evidence and consider it for some time before making their report. The evidence could all be printed and accompany the report of the committee when that is presented.

Under the ordinary rule of statutory construction—that the mention of one thing is the exclusion of another—the committee would have a right to say that as by this bill they are expressly authorized to report their findings and recommendations, that therefore they are not authorized to report anything else. Certainly they ought to be required to submit the testimony with their report.

Mr. FOSTER. I fully agree with the gentleman that that ought to be done.

Mr. COOPER. Of course it ought to be done, and the law ought to be mandatory and be made so now.

Mr. FOSTER. I suppose that would be done.

Mr. COOPER. The testimony will make a record of surpassing importance for the consideration not only of the people of this day but of future generations.

Mr. MOORE of Pennsylvania. Mr. Chairman, of what value would that printed testimony be if the cause of unrest was due to some concrete proposition—that is to say, a question as to the raising or lowering of wages?

Mr. COOPER. The testimony would be before the committee and then submitted to the House, as to what are the wages, what are the different grades of workmen? What does each receive? What are the surroundings? Are there proper sanitary arrangements? Are wages paid weekly, semimonthly, or monthly? Do they make collective bargaining in that particular industry? All of these facts and a thousand others would be not only before the committee, but before the House, and they most assuredly ought to be before the body which is to judge upon the merits of the recommendations made by the commission. I sincerely hope that the gentleman from Pennsylvania [Mr. WILSON] will consent to an amendment instructing the committee to report the testimony with its report.

Mr. WILSON of Pennsylvania. As I said before, I have no personal objection to an amendment which will make it clear. The judgment of the committee was that that power existed anyway under the bill, but I have no objection to an amendment which will make it clear.

Mr. FOSTER. Does not the gentleman think this testimony ought to be reported from time to time? Of course at the end of the term of the commission the testimony would be available, but it ought to be published from time to time, because they are authorized to report from time to time.

Mr. COOPER. I think so, most assuredly. I shall support the bill with great pleasure, because I deem its enactment into law to be of the utmost importance.

The questions to be considered by the commission go to the very fundamentals of society to-day. There is unrest here, and there is unrest in free-trade England, a fact demonstrating that the tariff question is not the only one involved. No; the tariff question does not cover it. There is unrest everywhere in the industrial world. We have been merely skimming the surface in our attempts to find a remedy. No question can be satisfactorily solved until the truth is known to those who are called upon to solve it. What are the facts and all of the facts that constitute the great industrial problems? These must be made known that we may do industrial justice. Therefore, of course, the testimony ought to be printed. One of the greatest curatives of evils—political, social, or industrial—is publicity. This testimony ought to be promptly published, and be as open as the day. Public opinion will correct evils and allay the unrest when the facts are made known, and they ought to be made known as soon as they are found.

Mr. MANN. Mr. Chairman, with reference to the question of printing, I beg to suggest that there is no provision in the bill authorizing the commission to have printing done. It is quite necessary for any body of nine men who consider any testimony or information presented to it to have the power to have that printing done as it goes along. I had proposed to offer an amendment to the amendment in the bill on page 2. The amendment to the bill reads:

> And to rent such offices, to purchase such books, stationery, and other supplies as may be necessary to carry out the purposes for which such commission is created.

I had proposed to offer an amendment by inserting these words "and to have such printing and binding done," so that it would read:

> And to rent such offices, to purchase such books, stationery, and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which such commission is created.

I consider that that is quite necessary unless it should be understood as authorized by the bill without that, and I fear it would not be so understood.

Mr. FOSTER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FOSTER. Would the amendment which the gentleman proposes authorize them to report the testimony from day to day?

Mr. MANN. In a moment I will reach that.

Mr. WILSON of Pennsylvania. If the gentleman will pardon me, I want to say that I believe that authority ought to be given to the commission to print, but we supposed that we were giving that authority when we provided that it should have authority to rent offices, purchase books, stationery, supplies, and so forth, to carry out its purposes.

Mr. MANN. The purchase of supplies, I fear, would not be held to be authority to have printing and binding done.

Mr. WILSON of Pennsylvania. I think the gentleman is correct.

Mr. MANN. I do not regard it material one way or the other whether a commission of this sort which takes testimony reports that testimony to Congress or not, because if the testimony is in print the usual custom for years in Congress has been to pass a resolution for the printing of a certain number of copies. That would be required in any case, because if they were required to report the testimony to Congress and it was ordered printed, it would only carry what we call the usual number, which does not amount to as much as one copy for each Member.

Mr. KENDALL. What amount is that?

Mr. MANN. Fourteen hundred copies—300 copies for the use of the House, a number for the Senate, a number for the executive departments, a number for the depositaries of the Government. We had an example of this with reference to the Industrial Commission, the Monetary Commission, and the Immigration Commission, and various other commissions on this subject. The Industrial Commission a few years ago took—I forget how many volumes of testimony, but it was quite a library.

Mr. FOSTER. Nineteen volumes.

Mr. MANN. The Monetary Commission has published a large library, and the immigration report is quite a library. The gentleman from Wisconsin truly states that Congress and the world would not be satisfied with merely having before it conclusions reached by a commission. What they want in addition is the evidence taken by that commission. I take it that this commission will do very much the same thing that the Monetary Commission did. It will have some one investigate the subject of legislation and the relations between capital and labor in New Zealand, for instance, and write a full and complete report on that subject for the use of the commission. The same would be probably true of other countries of the world. I do not understand from this bill that the intention is that which seems to be understood by some gentlemen of the House, that the purpose of the commission is to settle or report conclusions upon everything growing out of the relations between capital and labor in the various industries.

I think the origin of this proposition is somewhat like this: There have been many efforts made, not only in this country but in other parts of the world, to reach some method of trying to avoid strikes and lockouts. In some places there is compulsory arbitration, and in some places there is no control over the subject whatever, and no one undertakes to interfere in the dispute between the employer and the employee. The consensus of opinion of the civilized world is that if there be any method which can be reached by which the employer and the employee may be brought together and thus prevent a lockout or a strike, some such method ought to be pursued. In our country I believe no one at present would be in favor of compulsory arbitration.

We had pending before the Committee on Interstate and Foreign Commerce a bill which was reported to this House at two different Congresses, originally prepared, I think, by Charles Francis Adams, proposing that the President of the United States might appoint arbitrators—though I do not remember that the term was arbitrators, and I think it was not—in case of a dispute or threatened dispute between the employer and the employee.

That bill went through the committee and was reported to the House once while I was chairman of the committee, and once before I was chairman of the committee the purpose being in reporting it—and that was the understanding—that the bill would not be called up for passage, but that it was done to try to concentrate the attention of the country on the subject, to see whether everybody would agree upon some method of trying to avoid these industrial disputes or strikes and lockouts. Of course there is no way of avoiding disputes. Organized labor at that time and organized capital, I think, were both opposed to that bill, each being afraid that the other was in favor of it. That has been the trouble in the past. Capital, employers, have favored some proposition and labor would be opposed to it, because they thought there was something hidden in it, and if labor proposed something capital was opposed to it because it thought some undue advantage might be taken of it.

If I understand the purpose of this bill, it is that this commission after searching the world will endeavor to see whether capital and labor can agree on some method by which somebody is officially authorized to butt in in case of a strike or lockout, or threatened strike or lockout, and see if there is any way of bringing the people together by mediation or by agreement.

Mr. WILSON of Pennsylvania. Or if there is any other way that is better.

Mr. MANN. I think the gentleman from Pennsylvania and I and everybody else will agree that there is no other way of doing it. No one in this House would favor compulsory arbitration, and the majority of the House are not in favor of letting go on forever the disputes between the employer and the employee, with no effort to prevent their terminating in a strike or lockout, with riot and bloodshed. If a commission can be appointed which can suggest to Congress conclusions or an opinion which will warrant Congress in drawing conclusions which will authorize somebody to tender their good offices or in any way seek to bring together the employer and the employee and see if there is a common ground upon which they can stand, certainly that commission will have accomplished a great purpose.

Mr. Chairman, I think we have the time, although I hope there will be some other labor bills called up and passed to-day, to listen for a time to the gentleman from Minnesota, Mr. NYE. I am very anxious to have the gentleman address the House on this general subject, and I hope he will be recognized for that purpose. [Applause.]

Mr. NYE. Mr. Chairman and gentlemen of the committee, it is very kind of the gentleman from Illinois [Mr. MANN] and of you to permit general observations at this time, not altogether germane, perhaps, to this bill, but in a way related to it. I have not often asked the attention of the House, and it is quite possible that I shall not in the future even at all. I am in grave doubt whether my services in the House will be long continued. If they are not, of course it will be a great detriment to the country. [Applause.] But whether I retire early or late, I shall ever prize my membership in this House. The friendship and kindly personal relations I have with Members on both sides of the House will be always gratefully remembered.

I had in mind to make some general observations to-day upon the subject of progress. They are not in any sense personal. I am not going to undertake to advise any man that he shall vote for this man or that man, for this party or that party, but I desire to touch upon some fundamentals which in my mind are to be considered in connection with this great subject of progress. The wise man of old said, "Where there is no vision the people perish." Progress, to my mind, is the recognition of truth and fidelity to truth. It is the vision and obedience to the vision. Civilization has advanced because of great leadership.

Nations of the past have gone down because they forsook the teachings of their great leaders. Inspiration is the light of history. Here and there along the centuries some great self-denying teacher and martyr has illumined the pathway of his fellow men. Moses, who chose rather to suffer affliction with his people than enjoy the luxury of an Egyptian court, was a leader and lawgiver, and to be such he must communicate with the source of all intelligence, of all law, and of all truth, and he must stay in the mountain until he was so imbued with the truth that he could come down and give the law on tables of stone to a benighted, restless, and discontented race. Progress is essentially the work of the individual, and I notice the first and most important thing is self-denial. Man progresses as he learns to overcome, and his individual victory over self is a prophecy of social advancement and of collective progress. I walk past the humble statue of Benjamin Franklin on Pennsylvania Avenue every morning, and I see on the four plain sides of the pedestal four words, "Printer, Patriot, Philanthropist Philosopher," and it has occurred to me that the foundation of the man's greatness was the printer—the useful man, the man who had learned a calling which was useful and industrial. This usefulness and thoroughness in a trade furnished the foundation of his illustrious life and achievements.

It was because of Franklin the printer, Franklin the boy of hardship and poverty, who wrought out of his own mind and soul the possibilities of greatness, that he was able as a philosopher to coax the lightning from the clouds, to make possible a Morse, an Edison, a Marconi, and finally a revolution of the whole industrial world by electrical processes. It was Franklin the printer who was the great man. It was Franklin the boy of poverty who was the potential philosopher and patriot. This man who stood by the cradle of the new-born Republic was Franklin the printer. I read in his autobiography the other day of the privations of his childhood, how little he had to eat, but he said, "I got so I could see that man does not live by bread alone, and out of the very poverty of my daily rations I learned that I had a clear head and a healthy body." Alas, the wealth of the rich men to-day as a rule is their poverty, if they could only see it, and the wealth of the poor man may be his poverty. The great men have come up out of tribulation and trials, and God is ever teaching us that great souls and great characters are above their environment; make their own environment.

We have had a Washington with his wealth and a Lincoln with his poverty to teach us that virtue is neither in wealth or poverty, but is in the individual character, and that alone. We are ever learning these things, and to my mind, without a hint of anything that might be deemed sectarian, I take it to be fundamental that the Great Teacher of the world wrought at the carpenter's bench and was obedient to His parents and to the law of His land, and that after His life of toil He had to go through the wilderness of temptation and then, and not till then, He could "return to Jerusalem in the power of the spirit." The great work did not begin till mighty victories over self had been won. Great men and great characters have their foundation in daily toil, daily labors, and the sacredness of daily duty; where the hand and brain work together achievement and character result. Workingmen are, as a rule, the inventors—men of vision. What gave them that vision? They wrought it out by self-denial and toil and much daily drudgery. Obedience to duty, faith in God, and patience with their fellow men gave them clearness of vision. With such vision Isaiah beheld a world without war in which the weapons of brutality and blood were to be transmuted into implements of peace and industry. This world he saw was the real world, the true world; and the Great Revelator Himself when He beheld the new heaven and the new earth saw the real heaven and the real earth.

We see the counterfeit because we are counterfeit. "What I am I see," is an old proverb and a true one. Lincoln had a vision far-reaching, and the more I study our history and our condition socially, industrially, and politically the more I can see it was an unerring vision. He wrought it out of toil and labor, industry and patience. Coming out of the wilderness of obscurity, of pain and poverty, loving all mankind, with reverence for the highest in the universe and patience for the lowest, this man was finally given the vision. Out of much tribulation it came, and what was it? It was a vision, a reflection of the Great Teacher's vision of eighteen hundred years before, that a house divided against itself could not stand. It meant more than the slavery question. In union he saw national life and immortality; in division he saw death and decay.

It meant that an industrial house divided against itself can not stand. It meant that a social house divided against itself can not stand. It meant that a political house divided against itself can not stand. It meant that in that one word "union" lies all essential progress and all essential happiness. It was a true vision.

Wendell Phillips had a vision. The young man in his humble law office in Boston one day hears an outcry upon the street. He looks out to see an old man dragged by the mob, and at that moment Wendell Phillips, the real Wendell Phillips, the true Wendell Phillips, was born; not the Phillips who might have gone to the Senate, not the Phillips who might have adorned his profession, but Phillips the free, brave, courageous, noble man who devoted the rest of his life to the cause of human freedom, and in the forum of public opinion made slavery a crime. He was not popular. He stemmed the tides of popular ridicule and derision. And he worked and wrought, amid hisses, sneers, and jeers, until he and a few of his brave band had planted the true seed of freedom in the American heart and public opinion made possible a free and united people. Phillips was a self-denying prophet and stood for real progress. Some one said if he had his life to live over again—I do not know who he was—he would be a reformer. If he would be a reformer, however, he must not be an officeseeker. I do not know but it is easier for a camel to go through the needle's eye than for a man who is asking office to be a reformer or to be a real advocate of sound progress. [Applause.]

There is too much flimflam, too much hypocrisy, and too much mask on both sides of the House. Men are not free. They are the toys of every wind and wave upon the turbulent political sea, watching and figuring for votes. Beware of the reformer who is a candidate for office, no matter who he is! Phillips did not run for office. He was not popular. He knew human majorities were not infallible, but that right is invincible in the end. Not until a man is ready to leave all for the truth, like the disciples who left their nets by the sea to follow the Master, is he any good as a reformer or an advocate of real progress. It took a divine genius to sweep the money changers from the temple and make His Father's house a house of prayer instead of a den of thieves, and it takes the divine in us to do that now. Man must be before he can do. Society can not be renovated by men who are not themselves renovated.

Now, I do not want to be misunderstood. I believe that the progressive movement in this country and in the world is, at heart, right. It is a political expression of a law of discontent which is essentially progressive; but there is much on the surface of it that is pretentious and emanates from the politician rather than the patriot. At heart I believe it to be right. The great law of heaven is the law of progress, but it is as silent and as noiseless as the melting of the night into the day. It is a growth. "First the blade, then the ear, and then the full corn in the ear."

But we come to times in the history of the world when there is necessarily great transition periods, just as the bud blossoms into the rose all in a moment. So in political history and in industrial history the growth is evidenced at times by transition periods. So we are to-day in a period of great transition and great change, and at the heart of it this change is right. At the center of it the leaven that is working is the leaven not alone of discontent, but the leaven of true advancement. But it does not come by profession; it does not come by noise; it is not spectacular. The label or brand the man may wear is not always reliable. "By their fruits ye shall know them."

The old Romans thought nothing short of an earthquake could ever disturb the great Roman palace, and yet the tiny weeds of an Italian summer insinuated their roots between the great blocks and rent the palace into a heap of ruins. The great forces of the universe are silent. They are as silent as they are mighty, and the law of progress, which is a law of God, is not accelerated by words but by lives and deeds of righteousness. Lincoln's vision was for the ages, for eternity. It was the brother man; it was love. And I want to take the bold ground, and I believe that within a generation after I have uttered the words it will be recognized within this great legislative body, that love is the foundation and the heart and the source of all real government for the people. And in spite of all remedies and all nostrums that may be advocated, we will never reach the true remedy until man shall invoke in the halls of National and State legislation the golden rule as his guide for legislation and conduct. [Applause.] Call it Utopian, call it a dream, call it what you will. The world has moved obedient to the dreams of great men heretofore and may do so yet.

When God does not give us the direct vision to see without dreams, He lets us see by dreams sometimes. He gave Solomon his mighty vision by a dream when a child, and when He appeared to him and asked him what He should give him he answered, not wealth, not power, not length of days, but clearness of vision to discern between good and evil, between right and wrong.

We would have less selfishness in leadership to-day if men would be governed by such visions. We are living in times of industrial unrest. I am in favor of this bill and in favor of this commission. It is all right. As I intimated on the floor a few minutes ago, communication is the pathway of civilization; information is the first step toward advancement. Man must know his fellow man. This is the first essential to real progress. But I tell you we will never reach the true secret until we recognize that the individual man must do the work within himself. Why, we have become blind; we are unable to-day to discriminate between wealth that comes from thrift and industry and virtue and all the qualities of great manhood, and wealth that is predatory and that comes from wrong and greed and crime. We do not seem to be able to discern between the two. We can not discern between combinations for economy and combinations for monopoly. We have failed to discern between right and wrong, and we are to-day in the midst of confusion.

I have thought it proper and have felt moved to say what I have said to-day because I believe that no Government for the people can very long endure unless we recognize the golden rule. I made a few remarks here once on law and lawbreakers, and when I got through a good friend of mine in the House, who, I guess, thought it was impracticable, as most people do, said,

"Why, you would found the Government on the decalogue." I said, "Yes; I would found it on the decalogue and on the Sermon on the Mount. I would found it on eternal righteousness." And I am willing to-day to lay down all personal and political ambition I have to follow the true leader in this country, whoever he may be, who is willing to face martyrdom and personal defeat that the Government may be permanently established on the Ten Commandments and the Sermon on the Mount. [Applause.]

You may boast as much as you will, and you may prate on this floor as much as you will about this theory and that theory, this party and that party, this leader and that leader, and yet away down at the heart of the American people they are asking for greater unselfishness. They are asking for human kindness and the bread of brotherhood.

I have not agreed with the leadership of organized labor on one or two bills here—important bills. I never can, as I view it now, stand for them. I believe they are based on coercive policies that are detrimental and injurious to the permanent welfare of labor, as well as subversive of good feeling between man and man. But I do believe that along the lines of the workingmen's compensation bill, and this bill, and other bills, such as those for shortening the hours of labor and the betterment of labor conditions and the recognition of greater value in labor, lies the true path of legislation; and I feel confident that out of legislation of this character will yet come better conditions, but with them will come that deeper law, written in the hearts of men, a law which forever says, "As ye would that men should do to you, do ye even so to them"—the golden rule.

I know that it is very popular to flatter the people. I have all faith and confidence in the people. But as I view history, the leverage of human advancement has been leadership largely. Lincoln had great and supreme confidence in the people, and yet with his vision, reaching far into the future and involving supposedly at that time his defeat, when he had that vision he appealed to whom? The people of the western prairies, to the men who broke the prairies and felled the forests and built the highways, the pioneers of the West.

And, thank God, there was found to be, in that great, plain mass of the people, a balance of good sense and patriotism which led them to give Lincoln the verdict. It is true they sent Douglas to the Senate then, but two years later they sent Lincoln to the White House and to immortal fame. The political destiny of the New World hung at that moment on the great, common, practical, useful people of the western prairies of Illinois. [Applause.]

But, mind you, it took the fire of an inspired soul to arouse the latent wisdom and patriotism of that great people. It took a man so closely united to his fellow men that what he said went to their hearts. This means the progress of a race and the progress of a world; that is what has given us the work of a Moses, a Paul, a Socrates, and the great men of history—the fact that they could appeal and did appeal to that which was best in their fellow men, and they found a response.

So, I say, that in our last resort we must depend upon the people. But I do not care anything about the cheap talk of the people being invincible. "Vox populi, vox Dei" is not true unless it be a godlike people who speak.

The advance of civilization has been the advance of the people as a whole, but it is by individual advancement that the whole advances. "Work out your own salvation" is the law. Our hope is with the people. Our strength as a Nation is in them. It is not in the Washingtons and the Lincolns and the great men. The mountain peaks rise above the common level, but the common level is of the same stuff. So there is in the common heart love and reverence for the Washingtons and Lincolns. That is what gives strength to this Republic—something of the Washington and Lincoln in us all. The meanest man is born to greatness. It is latent but is there. Society may be moved and governed by passion, and, for this reason, must be restrained by constitutions and laws. These are voluntary and necessary restraints which we all need and without which human governments fail. Stability is essential to progress. But leadership is a great lever of progress; not so much, perhaps, as in former times, because intelligence is more generally disseminated, but nevertheless the leader has his important work in our day and country.

There are three great obstacles to human progress—prejudice, greed, and cowardice. I do not know but you might resolve them all into one, and that is ignorance.

All progress finds its obstacle in ignorance. The crowning, sublime, and divine glory of the greatest Teacher who ever trod this earth of ours was that, nailed to the cross, crowned with thorns, and ready to yield his last mortal breath, He said, "Father, forgive them, for they know not what they do." But if we were to subdivide this general cause which is ignorance and be specific, I should say that prejudice, greed, and cowardice are the great obstacles to progress. Prejudice! Why, we have to unlearn most of that we think we know in this world before we can start right. Our very learning is ignorance. There is an arrogance and a conceit in the learning of our day which does not tally with the condition of the mind of the child. The Great Teacher said, "Except ye become as little children, ye shall in no wise enter the kingdom of heaven"—that is to say, truth, the kingdom of real knowledge, the kingdom of real understanding. Humility is the path to greatness. Lincoln understood it, and the great martyrs who have gone to the stake and died for their fellow men knew that not in arrogance, not in conceit, but in humility was to be found the basis of great character and great manhood. The most learned are often the most ignorant and the last to enter the real kingdom.

We are prejudiced in a thousand ways. We do not know our fellow men. The Great Teacher ate with publicans and sinners that he might pour upon them the light of his healing gospel and lift them to a higher plane. We do not enter the shops and toil with the men at the forge and mill or help to bear their burdens. We have little concern for their suffering and their discouragements.

I rode on an elevated train in the city of New York one hot day a year ago, and I saw the little children sleeping out on the fire escapes, because they were almost dying of heat. I said to myself, I ought not to ask to have a dollar in the bank while such suffering exists among my fellow men.

Inasmuch as ye have done it unto one of the least of these ye have done it unto me.

We are absorbed in the means of living—the tools and outward appliances of life—more than the life itself. The very wealth of the country thus becomes its poverty. We can never get back of that wonderful parable that I cited once here on this floor, of the man whose ground brought forth so plentifully. Some one came to the Great Teacher and said:

Speak to my brother that he divide the inheritance.

But the Master said:

Who made me a divider of the inheritance?

One trouble with all our contention is that, after all, it is a contention for material things. It is a contention of the rich and it is a contention of the poor for the material things, for the meat that perishes and not for the bread of life by which the soul gains access to its eternal God.

Well, the Teacher said, "Who made me a divider over you?" "Beware of covetousness, for a man's life consisteth not in the abundance of the things he possesseth." Then he gave the parable of the rich man whose ground brought forth plentifully. He was an egotist. He had put God out of the universe. He said to his great lordly self, "Where shall I bestow all my fruits?" His barns were not large enough, and he said, "I will tear down my barns and build greater, and there will I bestow my fruits, and then I will say to my soul, take thine ease, eat, drink, and be merry, and so forth, for thou hast much goods laid up for many days." He was laying it up, you see, for himself for future days. To say this man was conceited hardly expresses it. "My ground, my fruit, and my barns. I will store up these fruits for my own future if others starve." Alas, he could not bring down a ray of sun nor a drop of dew or rain; he could not stay the early frost; he had not got it in his heart even probably to sufficiently pay the poor toilers who had helped to fill his barns in the midday sun. Thank God, his wealth was his poverty, and the poor man, who worked for less no doubt than he deserved, to fill this man's barns was the richer man of the two. He had a larger soul and faced the future with more hope than this human hog whose greed and avarice had brought him to such miserable poverty of soul. [Applause.]

And what was the judgment? "Thou fool, this day will I require thy soul of thee." Then, whose are these goods? In other words, as I interpret the parable, "Thou fool, I will have thy soul"; I will have kindness to thy fellow man; I will have love for thy fellow man; otherwise thou must die, because all thou hast to show for the years thou hast spent here is the ability to eat and drink. Thou art a fool, and thy soul shall be required of thee.

It is a lesson for the Nation. We have built here upon the foundation of wealth, and God will tear it down unless men are mindful that love is the soul of this great Republic of ours. [Applause.]

The *Titanic* was a monument to speed and luxury. It went down with all its precious freight, but those on board a ship passing a few days later saw one of the women from the steer-

age in the icy embrace of death holding up in her frozen arms the dead child she had sheltered to the last. One lesson of love is worth all the *Titanics* and all the warships you can build while a nation lives. [Applause.] One hero helping the mother and child, the aged and the crippled, into the lifeboat, and then going bravely and unselfishly down to death is worth all the mountains of our material wealth and all the millions God has given us in these days of plenty and prosperity. [Applause.] A monument to speed and luxury! I remember when I thumbed an old schoolbook as a little boy in a country school—and I never had an opportunity to get much further—I wrote some copy, or tried to write, but I think I must have written it mighty poor or but a few times, because I can not write any now—I wrote the proverb, "The more haste the less speed." Speed! We are confusing speed with progress. The more haste the less speed. Be content to work as God works. Then progress will be wholesome, sane, and sure. We worship human leaders. We must have a human idol, but the best of these idols fall shattered at our feet. We are learning not to enshrine our heroes till after they are dead. It is not safe to enshrine a hero until he is dead. While human leadership is essential, and the more unselfish the man the greater the leadership, yet we are learning that our destiny and the destiny of this great Republic do not depend on any particular leader. Thank God for it. Why, they quarreled in the olden time, in Paul's time, about leaders. These were of Paul and these were of Apollos.

And Paul rebuked it. He said, Paul may plant and Apollos water; but God giveth the increase. Do not forget that. The newly created wealth, the wealth born to-day, the wealth from soil and mine and sea is God's and God's alone, for the earth and the fullness thereof are His. There never was such fullness in any other land in the history of mankind as there is in this. There never was such a land of plenty, such a land where all true industry might find a just reward, if we but believed and had faith in our ability to so order it; a land of prosperity beyond the dreams of man. What is the trouble?

Years ago they wrote into the Declaration of Independence something about the inalienable rights to life, liberty, and the pursuit of happiness, and the Nation in its history has had its parallel really of those different stages. First, life. The Nation was born, born in revolution. Second, liberty. It was liberty that came out of thick darkness of civil conflict, from 1861 to 1865—life and liberty of a nation.

It was not until we had stricken off the manacles from the slave and emerged from the thick darkness of that mighty struggle that we began to think and study this third principle or stage of progress, the pursuit of happiness; and we are only now on the eve of that great era in which man is learning, thank God, slowly but nevertheless surely, that the pursuit of happiness is not the pursuit of wealth. It is the pursuit of an untroubled and unselfish and loving state of the human soul in which man is willing that his neighbor shall share in the prosperity and the bounties of God, in which he shares. That is the pursuit of happiness. Even now it begins to dawn anew on this Republic, and inspite of strife—party strife, industrial the common man, and will yet leaven all humanity. Our problem since the war has been the problem of production, but the pursuit of happiness now bids us stop and inquire whether distribution is right and just, whether we should not readjust our industrial system upon the basis of greater justice to the man who is down. [Applause.]

That is the question that concerns us all.

Mr. Chairman, I have spoken wholly offhand and somewhat disconnectedly, and I am very grateful for the patient attention of the House. I may ask to revise these remarks. Possibly I may have conveyed some erroneous impressions in what I have said; but I say this in conclusion, Utopian as it may seem, impractical and dreamy as it may seem, that this Nation was founded not alone on the idea of liberty, but the possibility of the individual soul, the infinite possibility of the individual. That is where the everlasting greatness of the great Teacher appears in the light of history, in that He realized the possibility of the individual soul, and in no land under God's blue sky, in no age, has civilization reached a better vision than we have in this country. Strife, social strife—the leaven of righteousness is working in imperfect, sadly imperfect yet, but the hope of the ages. In spite of all the unrest and turbulence upon the surface, at the center the Master speaks, and as the Master was called when the ship was in the storm to still the tempest, so all that is needed for good government here and now, whoever is President, for real and permanent prosperity, is the spirit of the Master which is forever saying, Do unto others as ye would that they should do unto you. [Applause.] Peace be still.

The verdict of the world has always been wrong. Cowardice has been in high places. Pilate sat on the throne, with truth manacled and in chains before him, and a good, loyal, clear-visioned wife saw the danger and warned him. But no; Pilate did just what you and I do when we stop to count votes back in the district that we come from. He consulted the people. He worshiped numerical majorities, forgetting that one with God is a majority. He could not distinguish between that which is heaven born and potential—the inner soul of the people—and the passion and hate of the ignorant, and the world's humiliation and disgrace followed, because a coward sat on the bench, a coward who feared the people. Yes; he feared the people. He feared that which was worst in the people, not that which was best, but nevertheless he feared that in the people which was more at the surface, and the world's great Teacher went to the cross.

The world's verdict has always been wrong. I expect that in this House I am practically through, but I tell you one thing, that the brave and fearless men on either side this Chamber who follow the lamp of conscience without counting votes at home are the hope of all progressive legislation, whether the administration be Republican or Democratic. [Applause.] Only the man who will stand, if right demands it, against that which seems to be popular, and true as the needle to the pole follow duty's path, deserves a name in history. Better have one day here and speak the truth that God has given you than dwell here half a century to be the toy of every shifting and momentary passion of men. [Applause.]

The world's verdict has been wrong in every age. No great pioneer of truth has been received in his day. They have endured chains and dungeons, persecutions and, finally, death in defense of the truth, because the people of their day were not up to the leadership of the day. It will be so, but not always, I hope, for I have the feeling that here there will be such a universal predominance of good fellowship and brotherhood as to render it impossible that a great man shall be denied in his day. But the world's verdicts have been wrong.

I read somewhere the other day among some old papers that I fished out in my library a poem, which I wish I had, and if I had known I was going to speak to-day I would have brought it here. It is about the world's real victors. They are, after all, the vanquished. The world gave them no crown. He pictured the real hero as the man who meets defeat for the right. He "Sang the hymn of the conquered, who fell in the battle of life, the hymn of the wounded, who died overwhelmed in the strife."

It was written by a man by the name of Story; I think he was the son of Judge Story. He was an artist. He pays a tribute to the obscure hero, the man who is not dying and selling his soul for a little fame or wealth for to-day but who stands heroically in the path of duty, trusting God and his own better nature for his reward. [Applause.] I close with his last lines, worthy of more than a passing thought in these times of ours:

I stand on the field of defeat,
In the shadow, with those who are fallen and wounded and dying, and there
Chant a requiem low, place my hand on their pain-knotted brows, breathe a prayer.
Hold the hand that is helpless, and whisper, "They only the victory win,
Who have fought the good fight, and have vanquished the demon that tempts us within;
Who have held to their faith unseduced by the prize that the world holds on high;
Who have dared for a high cause to suffer, resist, fight—if need be, to die."
Speak, History! Who are Life's victors? Unroll thy long annals, and say,
Are they those whom the world called the victors—who won the success of a day?
The martyrs, or Nero? The Spartans who fell at Thermopylæ's tryst,
Or the Persians and Xerxes? His judges or Socrates? Pilate or Christ?

[Loud applause.]

[Mr. KINKEAD of New Jersey addressed the committee. See Appendix.]

The CHAIRMAN. The gentleman from New Jersey [Mr. KINKEAD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request to extend his remarks in the RECORD?

There was no objection.

Mr. NYE. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

There was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may be allowed to extend my remarks in the RECORD.

There was no objection.

Mr. HUGHES of New Jersey. I ask unanimous consent to extend my remarks in the RECORD on the subject of the bill now before the committee.

There was no objection.

Mr. MANN. The gentleman from Pennsylvania [Mr. OLMSTED] would like permission to extend his remarks in the RECORD.

There was no objection.

Mr. SABATH. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

[Mr. SMALL addressed the committee. See Appendix.]

Mr. MOORE of Pennsylvania. Mr. Chairman, if I thought the creation of this industrial commission would be of advantage to a single laborer in the United States, apart from those who will be employed upon the commission, I would gladly vote for this bill; but as I view it, in the light of legislation already enacted and in view of the existence of a Bureau of Labor and the passage of a bill creating a Department of Labor, both of which are to do the work that this commission is now called upon to do, I regard the measure as expensive and unnecessary. I agree with the argument of the gentleman from North Carolina [Mr. SMALL], who has gone into this question thoroughly and from the viewpoint of a careful legislator and representative of the people. It is said that a commission of this kind will be able to give to the country information with regard to the causes of unrest. We know what the causes of unrest are. Every one of us has a sort of instinct that we understand what are the causes of unrest. The manufacturer knows, and the laborer and the farmer knows. What everyone interested wants to know is how a remedy may be provided for the causes of unrest that already exist. No remedy is suggested by the creation of this commission. The men to be appointed upon it shall have it in their power to send for books and papers, put witnesses on the stand, and, instead of allaying the unrest, foment it. The country has had enough investigations. The Democratic Party has deemed it wise to use the money of the people of the United States in a series of investigations into all sorts of questions. Now, upon the presumption that it is in the interest of labor, it is proposed to take $500,000 of labor's money and spend it to obtain information that the country already possesses. I asked the gentleman from Pennsylvania [Mr. WILSON] awhile ago whether the commission would have any power, after it learned the causes of unrest, to enforce any recommendation it might make, and he answered "No," as he answered "No" with respect to the Department of Labor which was under discussion the other day. What, then, is the purpose of this commission? What good can it do? It will send for books and papers, and it will put witnesses upon the stand, and it will halt men who are doing business, it will call up the men in the mills and the men who are earning their wage and take their time telling of their troubles, which are now very generally understood.

Conditions in this country now, by reason of the various investigations already underway, are such that the business man is unable to tell just how to do business—and let me tell you I speak in the interest of the wage earner in the country, whether organized or unorganized, when I speak in behalf of the business man.

Labor is the creator of all wealth. That is true, but labor can create wealth in a shack, in a swamp, if labor wants to remain there. My estimate of labor is that it wants to get away from its separate environment and obtain some of the other benefits that come from association in life, and association means a combination of effort which ultimately leads to some one, labor leader or manufacturer, becoming the head of the concern. Now, then, if labor is to be profitably employed, business must have a show; the manufacturer must have a chance to give employment to labor, or the laborer, if he cares to leave his position as a laborer, may himself become an employer and give an opportunity to earn wages to those who desire the opportunity.

If we are to deal with this bill solely upon the ground that it might help us bring together the employer and the employee, let us see where this industrial commission leads. It is to have no power except to investigate and disturb existing conditions. It is to investigate and inquire into such labor troubles as exist. Is it to stop a strike that is causing unrest and taking the wage-earning power away from the workingman and stopping the wheels of industry? No; it has no such power; it is simply to tell of the unrest that results from such a condition. And, pray, what good is that to the man who wants the wage to pay for his daily bread? The gentleman from Pennsylvania [Mr. WILSON] says that after all this is a question of human nature. Then how are you going to regulate it by law or by a commission? A strike is on. The employee contends that he has been unfairly treated by the superintendent of the employer. Where does this commission serve to bring together those who differ as to the treatment of the hands by the superintendent of the mill? The commission hears that a strike is on; it visits the locality at the expense of the laboring man; it sits there in dignity and sends for witnesses, has the books and papers presented, spends the time and money of the Government, to make its inquiry. Does it stop the strike; does it improve the conditions in the mill of which the workmen complain? Or let us take another case.

The men say that a wage of $2.50 is not sufficient and they want $3 a day. They strike to obtain the higher wage. Has this commission any power to enable them to obtain that higher wage? Will it give any assistance to those who are striving to better their financial condition? Why, the commission will simply tell what the world is full well advised upon. It does not have any power to change the wage conditions. The employer contends that he is paying all that the business will enable him to pay, and the employee says that the business is able to pay more than the wage that is paid. What are you going to do about it? Now, pray tell me wherein the industrial commission, costing the people $500,000, will benefit either the employer or the employee to the extent of a single cent or will add in any particular to the bringing of those two elements together. I said if I thought this bill would benefit labor I would vote for it, but as I see it now it means only the creation of another commission that will add to rather than allay the unrest that prevails.

Mr. DONOHOE. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. DONOHOE. I was going to ask my friend and colleague whether he considers organized labor is working a benefit or an injury to the cause of labor.

Mr. MOORE of Pennsylvania. I consider organized labor a decided benefit to the labor of the country.

Mr. DONOHOE. What is the attitude of organized labor toward this measure?

Mr. MOORE of Pennsylvania. The attitude of organized labor, as explained by the gentleman from Pennsylvania [Mr. WILSON], is favorable to this measure, and I have asked the gentleman from Pennsylvania [Mr. WILSON] how many men are organized in this country out of the 30,000,000 wage earners, and the gentleman answers, what is the fact, that the total number of organized wage earners out of the 30,000,000 is 3,000,000.

Mr. DONOHOE. As those 3,000,000 are well versed in labor matters and doing good work in its cause, would not a measure advocated by them be beneficial to all labor?

Mr. MOORE of Pennsylvania. I will answer the gentleman by asking whether he is in favor of the creation of this commission by putting only the organized-labor men on and leaving the 27,000,000 other wage earners, including the farmers of the country, out of consideration?

Mr. DONOHOE. I believe that all labor is in favor of this measure.

Mr. MOORE of Pennsylvania. The gentleman understands that all labor whatsoever is in favor of this measure, and I am glad to have the gentleman come in under that standard.

It is not necessary to prolong a statement of this kind. Industrial commissions are not new in this country. We had an industrial commission created by the act of 1898, 14 years ago, that went over this country taking testimony, sending for persons, books, and papers, to find out the conditions that prevailed in regard to labor, agriculture, and immigration. We had as a result of their work 19 very profuse volumes of statistics, which no one, including the laboring men of this country, has ever read. We have had a commission on immigration and have spent a great deal of the money of the people endeavoring to find out whether we can improve the immigration conditions that prevail in the United States. Nearly a million of dollars was spent by that commission, with the result that we are now receiving volumes of testimony, statistics, and figures, upward of 40 in number, which, perhaps, will never be read by any individual in the United States save the proof reader. The question is whether labor is benefited by investigations and inquiries of this kind. If the real purpose of the gentlemen on the other side, particularly of my distinguished friend from Pennsylvania [Mr. WILSON], who so well represents organized labor upon this floor, is to bring the employer and employee together, it can be done better by some other measure than that which means from the time of the passage of this bill that inquisitors are again to go into the industrial establishments of the country and possibly widen the breach between capital and labor. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask for the reading of the bill.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. SLAYDEN. Mr. Chairman, I shall not abuse the patience of the House very long. Unfortunately I was out during a part of the time that my friend from New Jersey, Mr. KINKEAD, was making his impassioned appeal for his carnivorous constituency in New Jersey.

Mr. MANN. Will the gentleman be willing to yield, stating how much time he desires, in order that a request may be submitted to close debate on the bill? How much time does the gentleman want?

Mr. SLAYDEN. Not over three or four minutes, anyhow.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that all general debate on this bill close at the conclusion of the remarks of the gentleman from Texas [Mr. SLAYDEN]—not later than 10 minutes.

Mr. SLAYDEN. I shall not consume 10 minutes; but you can put it in that way if you so desire.

Mr. WILSON of Pennsylvania. Five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent that general debate on this bill be closed at the expiration of the time of the gentleman from Texas [Mr. SLAYDEN]. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I heard just enough of the remarks of the gentleman from New Jersey to indicate that in an effort, earnest, honest, and commendable, to secure relief for his constituents from the high cost of living he has suggested that one of the important and principal products of that section of the country from which I come, that portion which I partly represent, shall be thrown open to the unrestricted competition of the world.

Now, Mr. Chairman, that seems to me an unfair application of the tariff laws and of the principle of assessing a customs tax. I stand for a reduction of all tariff laws to the lowest possible figure consistent with the raising of an adequate revenue for the support of an economically administered Government. But I am not willing that the people whom I represent should have their interests stricken down in behalf of any other section of the country.

Mr. CURLEY. Will the gentleman yield?

Mr. SLAYDEN. I have only five minutes. Wait until I get through, and if I have any more time I will yield to you. I am not willing that we should have to make the entire sacrifice in order to lower the cost of living. The people who produce cattle are just as important in this country as any other. The fact that there is a great trust, or a number of great trusts, known as the "Beef Trusts," which dominate this trade, is taken advantage of to try to create a prejudice against the cattle growers themselves. God knows the cattle growers would like to be exempt from the exactions of the Beef Trusts, and if the gentleman from New Jersey [Mr. KINKEAD] or any other Member can suggest any feasible and quick method of exterminating these trusts I will give him my word I will immediately enlist under his banner for that crusade.

Mr. KINKEAD of New Jersey. Mr. Chairman, may I ask my friend how much revenue the United States Government derives from the importation of beef?

Mr. SLAYDEN. Not a great deal, I suppose.

Mr. KINKEAD of New Jersey. Not a dollar, Mr. Chairman.

Mr. SLAYDEN. Not a great deal.

Mr. Chairman, the gentleman read some figures from some publication, I believe, of the Department of Agriculture, to show that there was no scarcity of beef cattle in this country.

Mr. KINKEAD of New Jersey. Oh, no, Mr. Chairman, if the gentleman will allow me. My statement proved that something like 574,000,000 pounds of beef and 1,053,000,000 pounds of pork were exported from this country abroad, and my conclusion would have been, if I had been permitted to conclude, that the way to abolish the Beef Trust, assuming that it is acting in good faith with the Department of Justice to-day, I having been assured by Mr. Wickersham that before the 1st day of August the trusts will submit to him a plan resolving themselves into their constituent companies—I say to my friend from Texas that if they are "on the level" in this thing, if they are square—and I am going to assume that they are square until I have more than a mere suspicion in my soul to the contrary—I will say to him that if this dissolution occurs, then the only way on earth to put down to his people and to my people beefsteaks at an honest and a reasonable figure is to take the duty off of every pound of beef that comes into this country, whether from Mexico, or Canada, or Argentina, or Australia.

Mr. SLAYDEN. Mr. Chairman, I suppose that is the conclusion that the gentleman did not get a chance to make in his own speech. [Laughter.]

Mr. KINKEAD of New Jersey. Well, I yielded to the gentleman.

Mr. SLAYDEN. And I yielded to the gentleman, too.

I repeat, Mr. Chairman, that the people whom I represent ought not to be made the victims of the wide and violent hostility toward the trusts. Again I say to the gentleman that I am ready to do all that I can in cooperation with him and others in the suppression of the trusts.

Mr. KINKEAD of New Jersey. If the gentleman will permit me, Mr. Chairman, I stated to him, and I thought he understood me, and said it as loudly as my poor lungs would allow, that I was glad that in Fort Worth on the 18th day of May they sold cattle for 9¼ or 9½ cents a pound. I am glad of that, very glad of that; and they can continue to sell their cattle at 9½ cents a pound, and I hope that that is a fair return on their investment. But I say to my friend from Texas—and I believe he will bear me out in this, representing, as he does, a cattle-raising community—that if he finds that the farmers are able to raise the cattle that they sell for 9½ cents a pound for 5 or 6 cents a pound, they occupy the same position toward the American consumer, the same unjust, indefensible position, that I claim the Beef Trust occupies to-day. We are content to give them an honest profit on their production, and glad to see them get it; but I do not think that the gentleman from Texas or any other man in this House, representing a cattle-raising community, should ask that they receive an unjust price for the cattle which they raise, an unfair price, and a dishonest price.

Mr. SLAYDEN. Mr. Chairman, I do not think——

Mr. LONGWORTH. Mr. Chairman, I trust that the gentleman from Texas will be able to give a categorical answer to that question. [Laughter.]

Mr. SLAYDEN. I do not think that the cattle raisers of Texas have ever received, or expect to receive, an unfair price in the markets. They are compelled to sell the bulk of their cattle to the trusts. The gentleman from New Jersey [Mr. KINKEAD] says the trusts have the power to fix the price that they pay to the cattle raiser. I contend that if they have the power that they are alleged to have, they will never fix a price that is too liberal.

I believe that the high price obtained for cattle from the ranges is due to the scarcity of cattle. I am assured of that fact by gentlemen who are engaged in the business, by men who live in the vicinity where the cattle are raised, and by gentlemen who are only interested in the prosperity of their neighbors, that there is now a scarcity of cattle on the plains of Texas and New Mexico and Colorado.

What the supply may be in other sections of the country I do not know. I am not myself a producer of cattle, but I do know that, taking it one year with another, good seasons and bad seasons, taking it on the average, the cattle producers have not had an unfair profit, have not had a too liberal return for their investment.

Mr. KINKEAD of New Jersey. Will the gentleman yield at that point?

Mr. SLAYDEN. Yes.

Mr. KINKEAD of New Jersey. In the month of May there was exported from the harbor of New York 25,000,000 pounds of beef. Now, I say to the gentleman that I believe there is a scarcity of cattle in Texas, Colorado, and Montana, due to conditions of which he and I are aware. They are no longer able to range their cattle on land that belongs to the Government.

Mr. SLAYDEN. Unfenced and free.

Mr. KINKEAD of New Jersey. Unfenced and free, as the gentleman rightly says; and he knows that the cost of feeding cattle is greater to-day than it ever was before. But I will say to my friend that the condition that confronts his people and the people of Colorado and Montana is the direct result of the operations of the Beef Trust, that he and I know controls the price in the market.

Mr. SLAYDEN. I think the gentleman is, to some extent, mistaken. The fact that we no longer have a free range accounts for the increased cost of producing cattle.

Mr. WILSON of Pennsylvania. I should like to ask the Chairman if those five minutes are not about up.

Mr. SLAYDEN. Just one sentence, Mr. Chairman. I want to set my friend from New Jersey right in one particular. The cost of raising cattle has enormously increased. The trust is not responsible for the fact that these Western States have settled up and that land is higher, and that the interest on the investment is greater. It is because people have gone in there. They raise too many people in New Jersey, and they have gone out west.

Mr. KINKEAD of New Jersey. There can not be too many people raised in New Jersey, because they are a blessing to the rest of the world wherever they go; but I agree with the gentleman as to his other proposition in the main.

Mr. WILSON of Pennsylvania. I call for the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created to be called the Commission on Industrial Relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, not less than two of whom shall be employers of labor and not less than two of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

The following committee amendment was read:

Page 1, line 6, after the word "States," insert the words "by and with the advice and consent of the Senate."

The amendment was agreed to.

The following committee amendment was read:

Page 1, line 7, strike out the word "two" and insert in lieu thereof the word "three."

Mr. CANNON. Mr. Chairman, I want to be heard a moment touching that amendment. I am inclined to think that the bill as introduced was to be preferred, rather than the bill as proposed to be amended by this amendment. It is as follows:

Said commission shall be composed of nine persons to be appointed by the President of the United States, not less than two of whom—

Is the original bill—

shall be employers of labor, and not less than two of whom shall be representatives of organized labor.

As proposed to be amended the bill provides that not less than three of them shall be employers of labor, and not less than three of them representatives of organized labor. That leaves three others for the President to appoint not employers and not of organized labor. Who he would appoint I do not know. But after all is said and done, 3,000,000 people in organized labor and less than 1,000,000 employers, making 4,000,000 out of 95,000,000, are to be represented by the six men in these two classes of three each if the committee amendment is agreed to. Organized labor and employers represent only 4,000,000 people out of 95,000,000. There are many laborers besides those in organized labor, American citizens, people in all kinds of production. Now, certainly they have some right to representation. I do not see that 4,000,000 people ought to have two-thirds of the membership of this commission. Therefore, it seems to me that the bill had better stand as it was originally introduced. After all is said and done, no man lives to himself. I have always stood indorsing organized labor. I have always said that if I lived in the sweat of my face, under existing conditions I would agree with my fellows in making a contract. Perhaps an equally advantageous contract could not be made if they would go singly. I doubt if it could be made with profit and safety and justice through the single individual, as he would go to make his contract alone.

But after all, labor that is not organized labor, labor on the farm, labor in clerical positions, labor in jobbing houses, labor in retail establishments, labor everywhere is just as honorable as if it were organized and entitled to just as much right to be represented on this commission as others have.

Every man has the right as long as he obeys the law to do what he pleases. A good many of us would be in a bad fix if we did not have that right. A man has the right to be a bear if he wants to be as long as he obeys the law.

Now, I doubt the wisdom of taxing 95,000,000 people for this commission unless it will perform a real service. I sometimes think we are running commission mad. I recollect the other industrial commission which resulted in the publication of 19 volumes, and there is a wonderful lot of essays in the 19 volumes. I have examined it. I doubt if I call up, however, one by one the gentlemen of this House and ask them to state truthfully—I doubt if there is a majority in this House that knows that there was any commission of that kind; and I doubt if there is a small minority that ever read any considerable portion of that report. It is a wonderfully able report.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of his colleague be extended five minutes. Is there objection?

There was no objection.

Mr. CANNON. If this commission is to be a useful commission it should represent fairly well the American people. Now, I have no complaint against the three commissioners of employers, in the event that this commission is adopted, and three from the organized labor; they would probably be wise men. I have never occupied any time in this House attacking the employers, a million of them. They serve a useful purpose. Under the changed conditions of production there have got to be employers, and they are really employees of those they employ. We are all employees in the broad sense. We are employees of the whole people. The lawyers are the employees of their clients, and so on. At the same time employers are employees. Now, I am not going to call them Gradgrinds. I am not going to abuse them for organizing trusts unless they are found guilty. I believe in the Sherman Antitrust Act, and I believe in the enforcement of the law against trusts. I voted for the Sherman Antitrust Act and stand ready to vote for apt and proper amendments to it. But let us have a commission one less employer and one less of organized labor, as the gentleman who introduced this bill, Mr. HUGHES, proposed when he introduced it. That will give four, and it will give six for the 90,000,000 people who are not in a technical sense employers and are not in organized labor.

Therefore, for one, I shall not vote for this committee amendment.

So far as the employees are concerned, the best expression of the employees' desires and sentiments and wishes is found where those employed associate themselves together in the form of an organization or trades-union. If the employees are to be represented on that commission, then the representatives should come from that best expression of the employees, organized labor. Hence I believe that this should be amended to be three instead of two.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. CANNON) there were 81 ayes and 11 noes.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 1, line 8, strike out the word "two" and insert in lieu thereof the word "three."

Mr. WILSON of Pennsylvania. Mr. Chairman, there are two distinct reasons why this was made three members all round. There are three recognized elements in society so far as it affects industries in the different lines. The employee, the employer, and the public at large. Now, it is fit, if a commission is to be appointed to investigate the industrial situation, that each of these elements should be equally represented on that commission.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read section 2.

The Clerk read section 2, as follows:

SEC. 2. That the members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of $10 per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

The Clerk read the following committee amendment:

After the word "created," in line 15, page 2, insert "and to rent such offices, to purchase such books, stationery, and other supplies as may be necessary to carry out the purposes for which such commission is created."

Mr. MANN. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 16, after the word "supplies," insert a comma and the following: "and to have such printing and binding done."

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no objection to that amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. COOPER. Does that amendment proposed by the gentleman from Illinois cover printing of testimony? It is to cover such printing as may be necessary for the purposes of the commission, but the commission is not authorized to have the printing of the testimony done.

Mr. WILSON of Pennsylvania. In my judgment it would cover the entire printing of the hearings.

Mr. MANN. I have no doubt it would.

Mr. WILSON of Pennsylvania. It is the language used when committees are authorized to have printing and binding done.

Mr. COOPER. I did not know but that it was worded so that it would not permit the testimony to be printed.

Mr. CANNON. Mr. Chairman, this is a pretty broad authority that this commission is given, to investigate in the United States or anywhere in the world. With that statement I desire to call attention to the committee amendment:

And to rent such offices, to purchase such books, stationery, and other supplies, as may be necessary to carry out the purposes for which such commission is created.

It will have authority to rent offices in Washington, offices in New York, offices in San Francisco, offices in London, or elsewhere. It is a pretty broad provision. It is true that there are only $300,000, as I understand it, that are to be appropriated for the first year, but $500,000 is contemplated before the work is finished, and if this commission carries on as broad an investigation as they are authorized to do, $500,000 will be but a drop in the bucket. I would be glad to know whether or not it is contemplated to have offices in foreign countries. However, I suppose no gentleman could answer that question because we do not know who will be on the commission. Is it supposed to be probable or possible that offices in foreign countries will be rented?

Mr. WILSON of Pennsylvania. Mr. Chairman, it is not contemplated that offices shall be secured in foreign countries. It is contemplated that offices might be secured in the city of Washington, and also that there might possibly arise occasions, when it is necessary to have hearings elsewhere than in the District of Columbia, where it would be necessary to rent rooms in which to hold hearings. Beyond that there was nothing contemplated.

Mr. CANNON. But my friend and myself both before this commission performs may be with the angels. Nobody can say what this commission will do. I call attention to the fact that it can rent offices anywhere, and it is expressly authorized so to do. I call attention to the query of whether it is not wise to limit the power to rent offices.

The CHAIRMAN. The question is on the adoption of the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 19, strike out the words "or outside."

Mr. SMALL. Mr. Chairman, the language of the bill is as follows:

And to authorize its members or its employees to travel in or outside the United States on the business of the commission.

The amendment that I offer is to strike out the words "or outside," which will simply authorize members or employees to travel in the United States. The purpose of the amendment is this: If they send members or employees into foreign countries, it will of necessity be for the purpose of obtaining information. They will have no authority to compel the attendance of witnesses, nor will any purpose be subserved by sending members or employees to other countries except to get such information as has already been collated and published in such countries, and all such information already obtained in other countries will be accessible to this commission by correspondence or by application or in some other way. I think this bill ought not to contain any provision which will give color to any junket trip on the part of its members or employees, unless some essential and necessary benefit can be secured by it. It will involve large expense, encroach upon the appropriation which is made for the use of this commission, and I think the words "or outside" ought to be stricken out, so that the commission, so far as traveling is concerned, will be limited to the United States, leaving still open to them the opportunity of obtaining such information as is accessible in other countries, which can be obtained in other ways, instead of sending its members or employees to such countries.

Mr. WILSON of Pennsylvania. Mr. Chairman, it seems to me that to strike out the words proposed to be stricken out would cripple to a considerable extent the commission and the work which it is proposed to have it undertake. All of the information that is available or that might be available in foreign countries is not available in such form as that it can be reached through correspondence. If you strike that provision from the bill, then neither a member of the commission nor any of its employees can be sent into any foreign country for the purpose of getting information which might be valuable for us in arriving at a determination of the best methods of handling our industrial situation. We ought to have the very best that the world affords, and in order that we may have the best that the world affords this commission or such of its members as it may deem necessary or its employees ought to have the privilege of going to other countries to investigate the industrial situation as they find it there, with a view of securing the best that may be secured, and with the further purpose of avoiding mistakes which other countries may have made. I hope the amendment will not be agreed to.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That said commission may report to the Congress its findings and recommendations from time to time, and shall make a final report not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 23, after the words "later than," strike out "three years" and insert "one year."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment contemplates closing up the work of the commission within one year. The chairman of the committee, the gentleman from Pennsylvania [Mr. WILSON], has indicated that he intends to ask for only $100,000 in order to do the work during the first year. My contention is that the work of the commission can very well be completed within one year and we ought to save the remaining $400,000 of the people's money.

Mr. WILSON of Pennsylvania. Mr. Chairman, in my judgment, the work proposed by this bill could not be accomplished and completed within one year; in fact, it will hurry any commission to complete the work in three years and complete it properly. I hope that the amendment will not be adopted.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 23, page 2, by inserting, after the word "report," the following: "And said final report shall be accompanied by the testimony taken and the proceedings had by the commission or any subcommittee thereof.

Mr. RAKER. Mr. Chairman, I want to call the attention of the chairman of the committee to the fact that the purpose of this is to avoid any question, and that all the testimony had by the commission, as well as any subcommittee of the commission, should be made a part of the official report, so that Congress and those interested may have the full testimony, so as to judge themselves as to the conclusions reported, and I believe it will have a good effect to give the commission authority to have all this testimony printed, and that the proceedings should accompany the final report. That is what the proposition is.

Mr. WILSON of Pennsylvania. Mr. Chairman, it seems to me that any amendment such as that instead of making it obligatory upon the commission to submit the hearings with its report if it becomes obligatory upon the commission to print the hearings that is all that should be asked. There is no necessity for its accompanying the report. As a matter of fact, it would be very much more valuable if the hearings were printed from time to time, and made available as printed, instead of waiting until the report was made.

Mr. RAKER. That is the very purpose of the amendment—to have it appear at some place that all the testimony and proceedings had should be printed, and when the final report is made in the meantime all the testimony may be had, so that anyone might go over the report and the conclusions and determine whether or not they have been properly drawn from the testimony.

Mr. WILSON of Pennsylvania. I hope the amendment in the form in which it is presented will not be agreed to, and that later on an amendment may be agreed to that will authorize the printing of the hearings from time to time.

Mr. COOPER. Mr. Chairman, I will detain the committee but a moment. Permit me to suggest an amendment to the gentleman from Pennsylvania which I think will meet with his approval, or rather two amendments. In line 22, page 2, after the word "recommendations," insert the words "and submit the testimony taken," so that the sentence will read: "That said commission may report to the Congress its findings and recommendations and submit the testimony taken from time to time."

And in line 23, after the word "report," add the words "accompanied by the testimony not previously submitted," so that there will be definite times fixed when the commission must report the testimony, otherwise you will have nothing requiring the testimony to be reported. These amendments are in accordance with my suggestions early in the debate.

Mr. WILSON of Pennsylvania. Mr. Chairman, I think the amendment suggested by the gentleman from Wisconsin very much more acceptable than the one offered by the gentleman from California.

Mr. RAKER. Mr. Chairman, I would accept the amendment; it is simply in different language, but it is intended to cover the same thing. I have no objection to the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment in lieu of the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Line 22, page 2, after the word "recommendations," insert the words "and submit the testimony taken."

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Chairman, I offer another amendment to follow the next line.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 23, on page 2, after the word "report," insert the words "accompanied by the testimony not previously submitted."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the commission shall inquire into the general condition of labor, especially in the principal industries of the United States, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; and into the scope, and methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness. The commission shall seek to discover and to point out the underlying causes of dissatisfaction in the industrial situation.

The CHAIRMAN. The Clerk will report the committee amendments to page 3 of the bill.

The Clerk read as follows:

Page 3, line 7, strike out the comma after the word "labor" and the word "especially" immediately following the comma.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 20, strike out the word "and" at the end of the line.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 21, strike out the word "and" following the word "scope."

The amendment was agreed to.

The Clerk read as follows:

Page 3, lines 23 and 24, strike out the words "And to point out."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 25, insert the following after the word "situation": "And report its conclusions thereon."

The amendment was agreed to.

Mr. SMALL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 8, amend by adding after the words "United States" the words "including agriculture."

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CURLEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, line 20, by inserting after the word "negotiations" the words "and compulsory methods.

Mr. CURLEY. Mr. Chairman, in presenting this amendment providing for investigation of compulsory methods of settling labor disputes, as set forth in H. R. 21004, being a bill to create a commission on industrial relations, I desire to say that the methods of settling strikes and labor disputes by peaceful and conciliatory mediation and negotiation have not proven the success that it was generally hoped for. We have had some very severe strikes in our own State of Massachusetts, where, probably, there is in operation to-day one of the most successful boards of arbitration and conciliation that is to be found anywhere in the entire country. We have a strike situation at New Bedford, in Massachusetts, where 14,000 operatives went on a strike on Monday last against conditions obtaining in the textile industries. The State board of conciliation and arbitration endeavored by every lawful and peaceful method to avoid that labor dispute.

And what is true of Massachusetts is likewise true of nearly every other section of the country. I realize that the majority of leading labor leaders are opposed to the proposition of compulsory settlement of labor disputes and that many of the leading capitalists are likewise opposed to the settlement of disputes by compulsory methods. But, Mr. Chairman, the facts remain that after bad blood has been engendered in consequence of a labor dispute and they strike, the participants are not ones who are likely to lie down together and settle their differences. And if one insists on his right to refrain from being a party to the settlement of those differences, then the State itself should have sufficient power to insist on a reasonable and equitable adjustment that they must accept.

From 1881 to 1905 there were 36,757 strikes in the United States of America. From 1881 to 1900, 330,500 employees were thrown out of employment by strikes or lockouts. Now, then, Mr. Chairman, as to what it represents to the State, as well as to invested capital, it has been proven that voluntary conciliation and arbitration between disputants—the employer and employee—have been an absolute failure.

Now, if this commission proposes to expend a sum of money to investigate this proposition, I believe they should go to the root of it and consider the feasibility of recommending and investigating the question of compulsory arbitration.

One of the best works written upon this particular proposition is written by Henry Demorest Lloyd, who deals with the situation in New Zealand, a country without strikes, although a very small country. But, nevertheless, it is a country in which it was necessary to adopt legislation providing for the compulsory settlement of disputes in consequence of a water-front strike.

The following is a list of some of the strikes in this country:

Massachusetts railroad strike, 1834: Riots, militia called out to suppress the disturbance.

Philadelphia weavers, 1842: Very disorderly.

Philadelphia brickmakers, 1843: Much rioting and destruction of property.

Great railroad strike, 1877: Rioting and burning, troops overpowered by mobs, 12 men killed at Baltimore and many more at Pittsburgh, millions of property destroyed.

Gould railroad strike, 1886: Violence and destruction.

New York street car strike, 1889: Riotous conduct, one striker shot.

Buffalo strike, 1892: Riots, troops, bloodshed, entire State militia called out.

Homestead strike, 1892: Riots, Pinkerton's battle, many lives lost; much property destroyed, 40 nonunion men poisoned at their meals.

Coal Creek Valley miners' strike, Tennessee, 1892: Fighting and burning, State troops called out.

Silk workers' strike, Paterson, N. J., 1894: Rioting and mob violence.

Great coal miners' strike in 11 States and 1 Territory, 1894: Whole counties terrorized, strikers intrenched in open insurrection, much property destroyed, troops powerless to preserve order, shooting, eviction, dynamite assassination, kidnaping, torture, pitched battles, many lives lost.

Chicago strike, 1894: Mobs, riots, troops, loss of life and property.

Brooklyn street car strike, 1895: Rioting and destruction.

Philadelphia street car strike, 1895: Some disturbance and destruction.

Justice demands that this incessant warfare between capital and labor cease, since its continuance is more destructive to society than the individuals involved.

The right to compulsorily arbitrate existing differences is evidenced in our courts every day where civil and criminal cases are heard and the machinery of the law constantly invoked to enforce the degrees of our courts.

It is contended by those who oppose compulsory arbitration of industrial disputes that the findings of a board of conciliation and arbitration with the power to enforce its findings might prove a severe hardship to one or the other of the interested parties despite the fact capital and labor would enjoy equal representation upon the board, whereas neither is represented specifically at court, yet the mandates of the tribunal are respected and obeyed.

When nations differ to-day it is customary to submit for adjudication the question involved to The Hague tribunal rather than indulge in strife; then where is the justice or logic in permitting differences between employer and employee to be settled in the primitive and abhorrent method which now obtains?

In 15 years, from 1881 to 1896, the Commissioner of Labor estimated that the wage loss through strikes and lockouts was $51,814,000 and the employers' losses $30,701,000.

Consider the sufferings and hardships entailed by this huge loss, realize that conditions are not growing more Utopian, and appreciate the necessity and value of this amendment.

The spirit of the times is for cooperation, and the necessity for labor and capital to be upon most friendly terms must be apparent to every man.

Labor is necessary to capital, and capital is necessary to labor; and the law should have the right in the interest of society, when one is treating the other unjustly, to establish the line of demarcation.

The failure of voluntary arbitration in the United States is attested by the fact that between 1881 and 1905 but one and sixtenths of 1 per cent of labor disputes were settled by this method.

The primary purpose of the New Zealand conciliation and arbitration act was to promote industrial peace by the substitution of orderly hearings by impartial State tribunals rather than by the violent and brutal methods common to strikes and lockouts.

Since the adoption of compulsory arbitration in New Zealand there have been no strikes, sweatshops have been abolished, wages increased, and peace, happiness, and prosperity general in the country.

It has been demonstrated that victory by either side is not proof that the side which loses in a strike was wrong or that the side which won was right, but that capital has rights, as has labor, which must be conserved for the good of all.

The custom now common of discharging men in anticipation of their intention to organize or seek redress upon any proposition has been prevented by the New Zealand act, which grants the aggrieved parties the right within six weeks after the strike or lockout to appeal to the court, get full consideration and redress, and the court can stop the strike which it was denied the chance to prevent.

Thus, compulsion assures peace and liberty, freedom to work, to contract, and to live happily in the enjoyment of the fruits of honest capital and honest industry.

The Massachusetts State Board of Arbitration in 1896 settled 16 out of 29 cases, and if they possessed compulsory powers they would have unquestionably settled every case presented.

The primary purpose of government is the promotion of peace and happiness, and the righting of any economic wrong by peaceful methods should be within the power of the Government.

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman from Massachusetts [Mr. CURLEY] and I can not agree on the idea of compulsory arbitration. Many of us, in fact most of us, are perfectly willing that compulsion should be used, provided that it is used on the other fellow and that we are the beneficiaries of it.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to close debate on this section and all pending amendments thereto.

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman can not take me off the floor by a motion to close debate in that way.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] will continue.

Mr. WILSON of Pennsylvania. I simply want to call attention to the fact that this section provides for the investigation of all methods, including compulsory arbitration, so that the gentleman's amendment is unnecessary.

Mr. CURLEY. Where is that contained?

Mr. WILSON of Pennsylvania. That is in this language:

> Into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Massachusetts [Mr. CURLEY].

The question was taken, and the amendment was rejected.

Mr. ESCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Add, at the end of section 4, the following:
> "And furnish such information and suggest such laws as may be made a basis for uniform legislation by the various States of the Union in order to harmonize conflicting interests and to be equitable to the laborer, the employer, the producer, and the consumer."

Mr. ESCH. Mr. Chairman, when State legislatures are asked to pass laws in the interest of labor, liberalizing trade conditions, objection is at once raised that such legislation would handicap the manufacturers of that State to such an extent that it would injure their business and give it to manufacturers of an adjoining State. The argument is always made that the equality of competitive conditions would thereby be destroyed. The only way to obviate that would be by uniform legislation in the States. I believe that this commission, for which we are appropriating so much money, should give to the country the utmost that it possibly can. We ought to get the most out of it that we possibly can. This amendment is not new matter. It is taken verbatim from the act of June 18, 1898, which created the Industrial Commission.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. ESCH. Yes.

Mr. MANN. Is there any other case where Congress has appointed a commission to formulate laws to be passed by the respective States?

Mr. ESCH. This is only a suggestion.

Mr. MANN. Have we ever before appointed a commission to suggest laws to be passed by the different States?

Mr. ESCH. I know of no other instance except the act creating the Industrial Commission, and it seems to me great good would be accomplished if this amendment were incorporated in the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, it is practically impossible for any report of any Federal commission to be foisted upon any State as a basis for State legislation. The State exercises its own judgment.

I move, Mr. Chairman, that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILSON] moves that all debate on this section and pending amendments thereto be now closed.

Mr. RODDENBERY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RODDENBERY. The point of order is that the gentleman from Pennsylvania, out of the time of the gentleman who offered an amendment, can not rise and obtain the floor and discuss the amendment, and then submit a motion to close debate and have it considered.

The CHAIRMAN. The Chair recognized the gentleman from Pennsylvania.

Mr. RODDENBERY. I hope I can be recognized.

The CHAIRMAN. After this amendment is disposed of the gentleman can be recognized.

Mr. RODDENBERY. Is not the motion to close debate?

The CHAIRMAN. After this amendment is disposed of the motion to close debate will be in order.

Mr. HUGHES of New Jersey. No; only to close debate on this paragraph and all amendments thereto.

Mr. CANNON. This amendment ought to be disposed of before that.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that it is not in order to present the motion of the gentleman from Pennsylvania to close debate at the same time that the committee is going on to vote on a pending amendment. I ask recognition for the purpose of offering an amendment.

Mr. WILSON of Pennsylvania. May I ask how many amendments are expected to be proposed?

Mr. RODDENBERY. I have one amendment.

Mr. HOBSON. I have an amendment which I am willing to submit without discussion.

The CHAIRMAN. The Chair agreed to recognize the gentleman from Georgia [Mr. RODDENBERY] to offer his amendment after the disposition of the amendment offered by the gentleman from Wisconsin [Mr. ESCH]. The question now is on the amendment offered by the gentleman from Wisconsin.

Mr. FOSTER. There is a motion pending offered by the gentleman from Pennsylvania [Mr. WILSON] to close debate on this amendment and all amendments to this section.

Mr. MANN. I call the attention of the Chair to the rule of the House, paragraph 6 of Rule XXIII:

> The committee may, by the vote of a majority of the Members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. WILSON] to close all debate on this section——

Mr. HUGHES of New Jersey. And all amendments thereto.

The CHAIRMAN. And all amendments thereto.

The question being taken, on a division (demanded by Mr. RODDENBERY) there were—ayes 56, noes 14.

Mr. RODDENBERY. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and six Members, a quorum of the committee. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The question being taken, the amendment was rejected.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which the chairman of the Committee on Labor accepts.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

> On page 3, in line 12, after the semicolon following the word "therewith," add the following:
> "Into the conditions of sanitation and safety of employees, and the provisions for protecting the life, limbs, and health of the employees."

The amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend section 4, page 3, by inserting after the word "employees," in line 12, the following:
> "To inquire into the effect on employer and employee of the importation and immigration of pauper labor from foreign countries, and especially the extent and effect of such importation and immigration since the report of the late immigration commission."

Mr. RODDENBERY. Mr. Chairman——

The CHAIRMAN. No debate is in order.

Mr. RODDENBERY. I desire to submit a request.

Mr. MANN. I make the point of order that the gentleman has not offered his amendment at a place where there is any such word in the line. The Clerk read it—

> after the word "employees," in line 12.

There is no such word in line 12.

The CHAIRMAN. There is no word "employee" in line 12.

Mr. RODDENBERY. It should be line 10.

The CHAIRMAN. The gentleman from Georgia says it should be line 10 instead of line 12.

Mr. RODDENBERY. Mr. Chairman, I desire to address myself to the subject of this amendment for five minutes, and I ask unanimous consent for that opportunity.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. WILSON of Pennsylvania and other Members. Regular order!

The CHAIRMAN. Objection is made.

Mr. HARDWICK. Who made the objection?

The CHAIRMAN. Several Members called for the regular order.

Mr. HARDWICK. No one stood up and objected.

The CHAIRMAN. The Chair will again submit the request. The gentleman from Georgia [Mr. RODDENBERY] asks unanimous consent to address the committee for five minutes. Is there objection?

Mr. WILSON of Pennsylvania. I demand the regular order.

The CHAIRMAN. The gentleman from Pennsylvania objects. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

> Page 4, add a new section, section 5, as follows:
> "SEC. 5. That a sum sufficient to carry out the provisions of this act, not to exceed $500,000, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated."

Mr. WILSON of Pennsylvania. Mr. Chairman, by direction of the committee, I offer the following substitute for the committee amendment.

The Clerk read as follows:

> SEC. 5. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913: *Provided*, That no portion of this money shall be paid except upon the order of said commission signed by the chairman thereof.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment to the substitute.

The Clerk read as follows:

> Add to the substitute: "*Provided*, That no person employed hereunder by the commission shall be paid compensation at a rate in excess of $3,000 per annum."

Mr. WILSON of Pennsylvania. I have no objection to that.

The amendment to the substitute was agreed to.

The CHAIRMAN. The question now is on the adoption of the substitute as amended.

The substitute as amended was agreed to.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill with the several amendments to the House, with the recommendation that the amendments be agreed to, and that the bill do pass.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. SULZER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21094) to create a commission on industrial relations, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

Mr. RODDENBERY. Mr. Speaker, I demand a separate vote on each amendment.

Mr. HEFLIN. I make the point of order, Mr. Speaker, that the Chair submitted the question if there was a separate vote demanded on any amendment and none was made, and that the Chair was about to put the question in gross. The gentleman from Georgia is too late.

The SPEAKER. Oh, no.

Mr. RODDENBERY. I withdraw the demand, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. RODDENBERY. Mr. Speaker, I offer the following motion to recommit with instructions.

Mr. FOSTER. Mr. Speaker, I would like to know if the gentleman from Georgia is opposed to the bill.

The SPEAKER. Is the gentleman from Georgia opposed to the bill?

Mr. RODDENBERY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it necessary to be opposed to the bill in order to submit a motion to recommit?

The SPEAKER. It is necessary for the Speaker to ascertain in order to give preference to some person who is opposed to it, provided there is any such person in the House.

Mr. RODDENBERY. Until such question arises, is it in order for a Member offering a motion to recommit to be called upon to state his position?

The SPEAKER. It is the duty of the Speaker to ask any person offering a motion to recommit if he is opposed to the bill.

Mr. RODDENBERY. The rules of the House, Mr. Speaker, require me to reverse my attitude on the bill; and I am opposed to it.

The SPEAKER. The Clerk will read the motion to recommit.

The Clerk read as follows:

> Mr. RODDENBERY moves to recommit the bill to the committee with instructions that it report back forthwith the following amendment:
> "Amend, section 4, page 3, by inserting after the word "employees," in line 10, the following: 'to inquire into the effect on employer and employee of the importation and immigration of pauper labor from foreign countries, and especially the extent and effect of such importation and immigration since the report of the late Immigration Commission.'"

Mr. MANN. Mr. Speaker, I make the point of order that the motion is not in order in that it proposes an amendment that is not germane to the bill. There is nothing in the bill in reference to pauper labor or immigration, and it introduces an entirely new proposition.

The SPEAKER. The Chair thinks that the motion to recommit is in order. Section 4 is very comprehensive.

The question is on the motion to recommit with instructions.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question now is on passing the bill as amended.

The question was taken, and the bill as amended was passed.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. HOUSTON rose.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to call up H. R. 18787.

The SPEAKER. The Chair has recognized the gentleman from Tennessee.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to submit a conference report on the bill H. R. 19403, for printing under the rule.

Mr. MANN. Mr. Speaker, I think that had better go over until to-morrow.

Mr. HOUSTON. Mr. Speaker, I want to offer it only that it may be printed.

Mr. MANN. Let the gentleman from Tennessee wait until the gentleman from Pennsylvania calls up his other bill.

The SPEAKER. The gentleman from Illinois objects.

Mr. HOBSON. Mr. Speaker, I move that the House do now adjourn.

Mr. WATKINS. Mr. Speaker, we have already had three days taken up by the Committee on Labor, and other matter is being crowded out. I make the point of order that there is no quorum present.

The SPEAKER. The Speaker must rule according to the rules of the House. The gentleman from Pennsylvania is recognized.

Mr. WILSON of Pennsylvania. Mr. Speaker, I call up the bill H. R. 18787——

Mr. WATKINS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. If the gentleman from Louisiana will wait until the gentleman from Pennsylvania states what he desires, the Chair will take up the question raised by the gentleman from Louisiana.

Mr. WILSON of Pennsylvania. Mr. Speaker, I call up the bill H. R. 18787, relating to the limitation of the hours of daily service of laborers and mechanics upon a public work of the United States and of the District of Columbia, and so forth.

The SPEAKER. The gentleman from Louisiana makes the point of order that there is no quorum present.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. If this bill is required to be considered in Committee of the Whole, would the calling of it up in the House at this time give consideration of it on next Wednesday?

The SPEAKER. It would not. The Chair looked up that very point with reference to what might have been raised as a point of order here to-day, and he might as well state his own conclusion now as at any other time. If the bill should get into the Committee of the Whole, and then the committee rise, even having been in session only half a minute, and report it back to the House, it would then be the unfinished business.

Mr. WILSON of Pennsylvania. Then, Mr. Speaker, I ask that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

Mr. HEFLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. I think there is a quorum present. The friends of labor will vote that motion down.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken.

Mr. WILSON of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays.

Mr. WILSON of Pennsylvania. Mr. Speaker, I will withdraw that demand and ask for a division.

The SPEAKER. The question is on the motion to adjourn, and the gentleman from Pennsylvania demands a division.

The House divided, and there were—ayes 78, noes 61.

Mr. WILSON of Pennsylvania. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays. Those who favor ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-three gentlemen have risen, a sufficient number, and the yeas and nays are ordered. The question is on the motion to adjourn, and the Clerk will call the roll.

Mr. MANN. And the friends of labor will vote "no."

The question was taken; and there were—yeas 20, nays 175, answered "present" 9, not voting 185, as follows:

YEAS—20.

Alexander	Claypool	Hammond	Richardson
Broussard	Cravens	Heflin	Saunders
Burnett	Davenport	McCreary	Stephens, Miss.
Cannon	Davis, W. Va.	Moore, Pa.	Turnbull
Clark, Fla.	Dent	Page	Watkins

NAYS—175.

Aiken, S. C.	Dyer	James	Rothermel
Ainey	Edwards	Johnson, Ky.	Rouse
Allen	Esch	Kendall	Rubey
Anderson, Minn.	Evans	Kent	Rucker, Colo.
Anderson, Ohio	Faison	Kinkaid, Nebr.	Russell
Ashbrook	Farr	Kinkead, N. J.	Sabath
Austin	Fergusson	Konop	Sells
Barnhart	Fitzgerald	Korbly	Sims
Bathrick	Floyd, Ark.	Langham	Slayden
Beall, Tex.	Foss	Lee, Pa.	Small
Bell, Ga.	Fowler	Levy	Smith, N. Y.
Berger	Francis	Lindbergh	Speer
Booher	French	Littlepage	Stanley
Borland	Gallagher	Lobeck	Stedman
Bowman	Gardner, Mass.	Longworth	Stephens, Cal.
Brantley	George	McDermott	Stephens, Tex
Brown	Glass	McGillicuddy	Sterling
Buchanan	Godwin, N. C.	McKellar	Stone
Bulkley	Goldfogle	McKinney	Sulloway
Burgess	Good	Madden	Sulzer
Burke, Wis.	Goodwin, Ark.	Maguire, Nebr.	Sweet
Byrns, Tenn.	Gould	Maher	Switzer
Calder	Gray	Martin, Colo.	Talcott, N. Y.
Candler	Gregg, Pa.	Matthews	Taylor, Colo.
Carlin	Gregg, Tex.	Mays	Thayer
Carter	Gudger	Morgan	Towner
Clayton	Hamlin	Morrison	Townsend
Cline	Hardy	Moss, Ind.	Tribble
Connell	Harrison, N. Y.	Neeley	Tuttle
Conry	Haugen	Norris	Underhill
Cooper	Hawley	Nye	Utter
Covington	Hayden	Oldfield	Volstead
Cox, Ind.	Hayes	O'Shaunessy	Webb
Cullop	Heald	Padgett	Wedemeyer
Curley	Helgesen	Pepper	Weeks
Curry	Henry, Conn.	Pickett	Whitacre
Danforth	Hensley	Porter	White
Davis, Minn.	Hobson	Post	Willis
Dickson, Miss.	Holland	Raker	Wilson, N. Y.
Difenderfer	Houston	Rauch	Wilson, Pa.
Dixon, Ind.	Howard	Reilly	Woods, Iowa
Donohoe	Hughes, N. J.	Robinson	Young, Kans.
Doughton	Hull	Rodenberg	Young, Tex.
Driscoll, D. A.	Jacoway	Rodenberg	

ANSWERED "PRESENT"—9.

Browning	Gillett	McMorran	Peters
Fields	Hardwick	Mann	Riordan
Foster			

NOT VOTING—185.

Adair	Ferris	La Follette	Rainey
Adamson	Finley	Lamb	Randell, Tex.
Akin, N. Y.	Flood, Va.	Langley	Randell, La.
Ames	Focht	Lawrence	Redfield
Andrus	Fordney	Lee, Ga.	Rees
Ansberry	Fornes	Legare	Reyburn
Anthony	Fuller	Lenroot	Roberts, Mass.
Ayres	Gardner, N. J.	Lever	Roberts, Nev.
Barchfeld	Garner	Lewis	Rucker, Mo.
Bartholdt	Garrett	Lindsay	Scully
Bartlett	Goeke	Linthicum	Shackleford
Bates	Graham	Littleton	Sharp
Blackmon	Green, Iowa	Lloyd	Sheppard
Boehne	Greene, Mass.	Loud	Sherley
Bradley	Griest	McCall	Sherwood
Burke, Pa.	Guernsey	McCoy	Simmons
Burke, S. Dak.	Hamill	McGuire, Okla.	Sisson
Burleson	Hamilton, Mich.	McHenry	Slemp
Butler	Hamilton, W. Va.	McKenzie	Sloan
Byrnes, S. C.	Hanna	McKinley	Smith, J. M. C.
Callaway	Harris	McLaughlin	Smith, Saml. W.
Campbell	Harrison, Miss.	Macon	Smith, Cal.
Cantrill	Hartman	Martin, S. Dak.	Smith, Tex.
Cary	Hay	Miller	Sparkman
Catlin	Helm	Mondell	Stack
Collier	Henry, Tex.	Moon, Pa.	Steenerson
Copley	Higgins	Moon, Tenn.	Stephens, Nebr.
Cox, Ohio	Hill	Moore, Tex.	Stevens, Minn.
Crago	Hinds	Morse, Wis.	Taggart
Crumpacker	Howell	Mott	Talbott, Md.
Currier	Howland	Murdock	Taylor, Ala.
Dalzell	Hughes, Ga.	Murray	Taylor, Ohio
Daugherty	Hughes, W. Va.	Needham	Thistlewood
Davidson	Humphrey, Wash.	Nelson	Thomas
De Forest	Humphreys, Miss.	Olmsted	Tilson
Denver	Jackson	Palmer	Underwood
Dickinson	Johnson, S. C.	Parran	Vare
Dies	Jones	Patten, N. Y.	Vreeland
Dodds	Kahn	Patton, Pa.	Warburton
Doremus	Kennedy	Payne	Wilder
Draper	Kindred	Plumley	Wilson, Ill.
Driscoll, M. E.	Kitchin	Pou	Witherspoon
Dupré	Knowland	Powers	Wood, N. J.
Dwight	Konig	Pray	Young, Mich.
Ellerbe	Kopp	Prince	
Estopinal	Lafean	Prouty	
Fairchild	Lafferty	Pujo	

So the motion to adjourn was not agreed to.

The Clerk announced the following pairs:

For the balance of the day:

Mr. BLACKMON with Mr. HUMPHREY of Washington.

Ending August 1:

Mr. COX of Ohio with Mr. ANTHONY.

Until further notice:

Mr. AYRES with Mr. BARCHFELD.

Mr. BURLESON with Mr. BARTHOLDT.

Mr. BYRNES of South Carolina with Mr. BURKE of South Dakota.

Mr. FINLEY with Mr. CURRIER.

Mr. DOUGHERTY with Mr. CATLIN.

Mr. DENVER with Mr. COPLEY.

Mr. DICKINSON with Mr. DALZELL.

Mr. DOREMUS with Mr. DE FOREST.

Mr. DUPRÉ with Mr. DODDS.

Mr. ESTOPINAL with Mr. FAIRCHILD.

Mr. GARNER with Mr. FOCHT.

Mr. GRAHAM with Mr. FULLER.

Mr. HAMILL with Mr. GREENE of Massachusetts.

Mr. HARRISON of Mississippi with Mr. HAMILTON of Michigan.

Mr. HELM with Mr. HARTMAN.

Mr. HENRY of Texas with Mr. HOWLAND.

Mr. KITCHIN with Mr. KENNEDY.

Mr. LAMB with Mr. KNOWLAND.

Mr. LEE of Georgia with Mr. LAFEAN.

Mr. LEVER with Mr. LAWRENCE.

Mr. LEWIS with Mr. MCGUIRE of Oklahoma.

Mr. LINTHICUM with Mr. MCKENZIE.

Mr. LLOYD with Mr. MCKINLEY.

Mr. MURRAY with Mr. MCLAUGHLIN.

Mr. POU with Mr. MARTIN of South Dakota.

Mr. RAINEY with Mr. MONDELL.

Mr. RANSDELL of Louisiana with Mr. MOTT.

Mr. REDFIELD with Mr. MURDOCK.

Mr. SHACKLEFORD with Mr. NEEDHAM.

Mr. SISSON with Mr. OLMSTED.

Mr. SMITH of Texas with Mr. PATTON of Pennsylvania.

Mr. STACK with Mr. PLUMLEY.

Mr. STEPHENS of Nebraska with Mr. PRAY.

Mr. TAGGART with Mr. ROBERTS of Massachusetts.

Mr. TAYLOR of Alabama with Mr. J. M. C. SMITH.

Mr. WITHERSPOON with Mr. TAYLOR of Ohio.

Mr. JONES with Mr. PAYNE.

Mr. WOOD of New Jersey with Mr. HUGHES of Georgia.

Mr. UNDERHILL with Mr. WILDER.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. YOUNG of Texas with Mr. WILSON of Illinois.

Mr. PETERS with Mr. MCCALL.

Mr. FLOOD of Virginia with Mr. DRAPER.

Mr. FOSTER with Mr. KOPP.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. DIES with Mr. GARDNER of New Jersey.

Mr. FERRIS with Mr. GUERNSEY.

Mr. HAMILTON of West Virginia with Mr. HENRY of Connecticut.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. PATTEN of New York with Mr. REYBURN.

Mr. SHARP with Mr. SELLS.

Mr. SHERLEY with Mr. SIMMONS.

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. BOEHNE with Mr. HOWELL.

Mr. SHERWOOD with Mr. MOON of Pennsylvania.

Mr. MCCOY with Mr. HIGGINS.

Mr. CANTRILL with Mr. HANNA.

Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.

Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Nevada.

Mr. ELLERBE with Mr. CRAGO.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. LEGARE with Mr. LOUD.

Mr. LITTLETON with Mr. DWIGHT.

Mr. PUJO with Mr. MCMORRAN.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. CARTER with Mr. KAHN.

Mr. SHEPPARD with Mr. BATES.

Mr. GARRETT with Mr. FORDNEY.

Mr. ADAIR with Mr. HINDS.

Mr. PALMER with Mr. HILL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. KINDRED with Mr. GRIEST.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. THOMAS with Mr. VREELAND.

For the session:

Mr. SLAYDEN with Mr. TILSON.

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. BARTLETT with Mr. BUTLER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. UNDERWOOD with Mr. MANN.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. SISSON. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. SISSON. I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall?

Mr. SISSON. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote of "no" and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

LIMITATION OF DAILY SERVICE OF LABORERS AND MECHANICS.

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to call up the bill H. R. 18787.

The SPEAKER. The House resolves itself automatically into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18787, and the gentleman from Alabama [Mr. CLAYTON] will take the chair.

Mr. CLAYTON took the chair amid applause.

The CHAIRMAN. The House is now in the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 18787, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

Mr. WILSON of Pennsylvania. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CLAYTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FLOOD of Virginia, by unanimous consent, was granted leave of absence for four days, on account of important business.

ADJOURNMENT.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until Thursday, July 18, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 25714) to amend "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," reported the same without amendment, accompanied by a report (No. 1015), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6283) increasing the cost of erecting a public building at Olympia, Wash., reported the same without amendment, accompanied by a report (No. 1017), which said bill and report were referred to the Committee of the Whole House in the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 25624) providing for the sale of the old post-office property at Providence, R. I., by public auction, reported the same without amendment, accompanied by a report (No. 1016), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 25751) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, reported the same with amendment, accompanied by a report

(No. 1012), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 1838) to amend section 96 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1013), which said bill and report were referred to the House Calendar.

Mr. HOUSTON, from the Committee on the Judiciary, to which was referred the bill (H. R. 25520) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1014), which said bill and report were referred to the House Calendar.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1018), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 24739) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, reported the same with amendment, accompanied by a report (No. 1011), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H R. 13283) granting a pension to Catherine Hudson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15108) granting a pension to Lizzie M. O'Sullivan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16764) granting a pension to Niels Pederson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17818) granting a pension to John E. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18180) granting a pension to James B. Mulford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22384) granting a pension to Mary B. Guillow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLACKMON: A bill (H. R. 25803) to define and punish perjury in oaths used in the land offices of the United States of America; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25804) to suspend the levying and collection of taxes or duties upon cattle, swine, and sheep, and beef, mutton, lamb, pork, and other meats intended for use as human food; to the Committee on Ways and Means.

By Mr. HOWARD: A bill (H. R. 25805) to promote the efficiency of the Marine Band; to the Committee on Naval Affairs.

By Mr. LEVY: A bill (H. R. 25806) to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: A bill (H. R. 25807) granting certain lands to the city of Grand Junction, Colo.; to the Committee on the Public Lands.

By Mr. DORLAND: A bill (H. R. 25808) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. MATTHEWS: A bill (H. R. 25809) to prevent the desecration of the flag of the United States of America, and prohibit the display of foreign flags and the red flag, except in subordination to the same; to the Committee on the Judiciary.

By Mr. PETERS: A bill (H. R. 25810) authorizing the War Department to test upon ships a device for hoisting and lowering lifeboats at sea; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 25821) to amend an act entitled "An act to set apart a certain tract of land in the State of California as forest reservations," approved October 1, 1890, by changing the north and west boundaries of said tract and excluding therefrom certain lands, and to attach and include a part of said excluded lands in the Stanislaus National Forest and a part thereof in the Sierra National Forest; to the Committee on the Public Lands.

By Mr. CRAVENS: Resolution (H. Res. 635) providing for two additional clerks to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. SMITH of New York: Resolution (H. Res. 636) amending the rules of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DORLAND: A bill (H. R. 25811) to refund to Ryley-Wilson Grocer Co. penalty collected on corporation tax; to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 25812) granting an increase of pension to Elizabeth Lane; to the Committee on Invalid Pensions.

By Mr. COOPER (by request): A bill (H. R. 25813) for the relief of Bishop T. Raymond; to the Committee on Claims.

Also, a bill (H. R. 25814) granting a pension to Elizabeth Cumming; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 25815) granting a pension to Louvisa McClure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25816) granting a pension to Mrs. Charles H. Crist; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 25817) granting a pension claim to Robert M. McCormick; to the Committee on Claims.

By Mr. MATTHEWS: A bill (H. R. 25818) for the relief of Patrick H. McGee; to the Committee on Military Affairs.

By Mr. NEELEY: A bill (H. R. 25819) for the relief of the estate of Levi Fellers, deceased; to the Committee on War Claims.

By Mr. PATTON of Pennsylvania: A bill (H. R. 25820) granting an increase of pension to William M. McIntosh; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 25822) granting a pension to Elizabeth F. Brubaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25823) granting an increase of pension to Sarah R. Stutler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Polish Society No. 565, State of Indiana, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Memorial of the Chamber of Commerce of Cleveland, Ohio, favoring appropriation for the Department of State for an increase in the efficiency of the Bureau of Trade Relations; to the Committee on Appropriations.

Also, petition of C. B. Feasel and 13 others, of Dalton, Ohio, against passage of a parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Shorthand Club of New York, against passage of the Slemp bill relative to court reporters; to the Committee on the Judiciary.

By Mr. BUTLER: Petition of Horace C. Hanbow, of Philadelphia, Pa., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of Brookhaven Grange, No. 1173, Patrons of Husbandry, of Wallingford, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Council, No. 953, Order Independent Americans, of Marshallton, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CATLIN: Memorial of the United Garment Workers of America, Local Union No. 67, of St. Louis, Mo., favoring passage of House bill 23673, known as the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the board of directors of the Merchants' Exchange of St. Louis, Mo., favoring passage of Senate bill 6810, known as the Pomerene Senate substitute bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of St. Louis, Mo., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLINE: Papers to accompany bill granting an increase of pension to Elizabeth Lane; to the Committee on Invalid Pensions.

By Mr. DYER: Memorial of the Board of Directors of the Merchants' Exchange of St. Louis, Mo., favoring passage of Senate bill 6810, known as the Pomerene Senate substitute bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Washington Chamber of Commerce, concerning legislation for the District of Columbia; to the Committee on the District of Columbia.

By Mr. KINKEAD of New Jersey: Petition of William C. Meehan, of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Papers to accompany House bill 24193; to the Committee on the Public Lands.

By Mr. SABATH: Memorial of Odessa Unter Varin, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Memorial of the Chamber of Commerce of Cleveland, Ohio, favoring the continuance of the Bureau of Trade Relations in the Department of State and asking an appropriation therefor; to the Committee on Appropriations.

SENATE.

THURSDAY, *July 18, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 21094) to create a Commission on Industrial Relations, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 774, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station in said District, the original having been lost or mislaid. (H. Res. 634.)

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore (Mr. GALLINGER) presented a resolution adopted by the Wholesale Grass Seed Dealers' Association Convention, held at Chicago, Ill., June 25, 1912, favoring the enactment of legislation to prohibit the admission of certain adulterated seeds and seeds unfit for seeding purposes without the proposed Senate amendment to section 4, which was ordered to lie on the table.

Mr. PERKINS. I present a large number of petitions in the forms of telegrams signed by 800 members of the Chamber of Commerce of San Francisco and other representative citizens of California, praying that legislation as to tolls on American vessels passing through the Panama Canal shall be such as to insure free competition, and remonstrating against any action which would limit an American vessel, irrespective of ownership, in the amount of coastwise cargo she can carry when engaged in transoceanic trade, and declaring dangerous and unjust the concluding provision of paragraph 1, section 11, of the canal bill, which reads as follows:

That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

I move that the petitions lie on the table.

The motion was agreed to.

Mr. SMITH of Arizona. I present resolutions adopted by members of the Mohave County Medical Society, of Arizona, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

KINGMAN, ARIZ., *May 30, 1912.*

To Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.:

At a meeting of the Mohave County Medical Society, held on May 28, 1912, the following resolutions were adopted and are respectfully submitted:

Whereas Senate bill No. 1, known as the Owen bill, is soon to be voted upon; and

Whereas a very large proportion of the deaths throughout the country are due to preventable causes, a condition that is a disgrace to modern civilization, and needs corrective measures; a country's most valuable asset is the health of its citizens, and its most important product is its children; therefore does it behoove us to see that the health of our citizens is maintained and our children given their rightful energies by means of sanitary conditions;

Whereas it has been fully demonstrated that preventive medicine has made it possible to save lives by organized and coherent efforts, such as the world has witnessed in Cuba and the Panama Canal Zone, without which organization such efforts would have been futile. We believe that this stands as an example of what could be expected within our borders, by limiting preventable diseases if the efforts of our physicians were directed by proper organization such as the Owen bill contemplates;

Whereas our Government has appropriated vast sums of money for curtailing diseases among horses, cattle, hogs, and plants, and no adequate sum for the conservation of the health of its citizens; and

Whereas the opponents of the Owen bill have claimed that the intent of the measure is to make a "medical trust" which will preclude a citizen from employing a medical advisor of choice; we refute this argument of the patent medicine vendors and of those sects professing to heal, who have no knowledge of sanitary conditions, and will not report contagious diseases as set forth in our health laws. And inasmuch as the object of this bill is to prevent disease and is of a strictly sanitary nature, without any reference whatever to the treatment of disease, it is evident that their argument is selfish, and purely mercenary without any idea of public welfare: Therefore be it

Resolved, That the Mohave County Medical Society petition the honorable Senators for the State of Arizona to give the Owen bill their most hearty support.

W. H. BUCHER, M. D., *President.*
A. M. COWIE, M. D., *Secretary.*

Mr. FLETCHER presented a petition of members of the Wholesale Grocers' Association of Jacksonville, Fla., praying for the passage of the so-called weight or measure branding bill, which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of Columbian Division, No. 519, Brotherhood of Locomotive Engineers, of Chicago, Ill., and a petition of the Illinois State Legislative Board, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry employees of the National Printing & Publishing Co., of Chicago, Ill., remonstrating against the enactment of legislation to increase the postal rates on printed matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented resolutions adopted by members of the Aero Club of Pennsylvania, favoring the enactment of legislation for the regulation and control of the navigation of the air by all forms of air craft and for the issuance of licenses under governmental supervision, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Record Publishing Co., of Derry, N. H., and a memorial of the Inquirer Job Printing Co., of Cincinnati, Ohio, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Illinois Manufacturers' Association, remonstrating against the enactment of legislation to define and punish contempt of court, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank under certain conditions, reported it without amendment and submitted a report (No. 944) thereon.

He also, from the same committee, to which was referred the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes,

reported it with amendments and submitted a report (No. 945) thereon.

Mr. HEYBURN. In regard to the last bill reported by the Senator from California [Mr. WORKS], I would not like to have it appear that it is a unanimous report. I may file a report on behalf of those members of the committee who do not agree to the bill.

Mr. SMOOT, from the Committee on Printing, to which was referred S. Res. No. 356, submitted by Mr. SMITH of Michigan on the 13th instant, providing for the printing of 18,000 additional copies of Senate Document No. 806, Sixty-second Congress, second session, reported it with an amendment.

Mr. MARTIN of Virginia, from the Committee on Claims, to which was referred the bill (H. R. 4512) for the relief of Mary Beal, reported it without amendment and submitted a report (No. 946) thereon.

He also, from the Committee on Commerce, to which was referred the bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw, reported it with an amendment and submitted a report (No. 947) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 7252) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 21963) to make Fort Covington, N. Y., a subport of entry, reported it without amendment and submitted a report (No. 948) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes, reported it without amendment and submitted a report (No. 949) thereon.

IMMIGRATION STATION AT HAMPTON ROADS, VA.

Mr. LODGE. From the Committee on Immigration I report back favorably with amendments the bill (S. 7130) to provide for the establishment of an immigration station at Hampton Roads, in the State of Virginia, and the erection of a public building on a site to be selected for said station. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CULBERSON. I did not hear the amount appropriated.

The PRESIDENT pro tempore. Two hundred and fifty thousand dollars.

Mr. SWANSON. It will be covered by the immigrant fund.

Mr. LODGE. It is the same amount that was used for the establishment of an immigrant station at Baltimore and at New Orleans. There is no doubt that we need this station at Hampton Roads. The bill should be amended to remove it from the immigrant fund, because that no longer exists.

Mr. OVERMAN. I am not going to object to the consideration of the bill, but did I understand that the money is to be paid out of the immigrant fund?

Mr. LODGE. The immigrant fund was abolished some years ago.

Mr. OVERMAN. That is what I understood.

Mr. LODGE. It is to be paid out of any money in the Treasury not otherwise appropriated.

Mr. OVERMAN. I understand that the immigrant fund is now covered into the Treasury.

Mr. LODGE. It is now covered into the Treasury.

Mr. WARREN. Reserving the right to object if the bill leads to any debate, I will consent to its consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, in line 10, after the word "appropriated," to insert the words "out of any money in the Treasury not otherwise appropriated"; in line 11 to strike out the words "which sum shall be paid from the immigrant fund" and insert "and"; and after the word "sum," in line 12, to strike out the word "to" and insert "shall," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish an immigration station at Hampton Roads, in the State of Virginia, and to cause to be erected, on a site to be selected, a public building to temporarily accommodate and care for immigrants arriving at said place.

SEC. 2. That the sum of $250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of said building, and said sum shall include purchase of land and dock room necessary for said station and building, heating and ventilating apparatus, elevators, and approaches.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IRRIGATION DITCH IN HAWAII.

Mr. CLAPP. Some weeks ago the Committee on Pacific Islands and Porto Rico reported the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii. The bill was brought up for passage and read. It was objected to in its then form by the junior Senator from the State of Washington [Mr. POINDEXTER] and the junior Senator from Kansas [Mr. BRISTOW]. The bill has been referred back to the committee and the objections of the Senator from Washington and the Senator from Kansas have been considered and met.

I report the bill back with an amendment and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 9, line 9, after the word "revenues," to insert the words "in connection with all other revenues of the company."

Mr. STONE. What does the bill accomplish?

Mr. CLAPP. It is a bill to authorize an irrigation project in Hawaii, Territory of Hawaii. The bill was reported and brought up for consideration and read, and the Senator from Washington and the Senator from Kansas objected to the form of it. It was referred back to the committee. Their objections were considered and met by the amendment which has been offered.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE "TITANIC" DISASTER.

Mr. SMOOT. From the Committee on Printing I report back Senate resolution 355, submitted by the Senator from Michigan [Mr. SMITH] on the 13th instant, with an amendment to strike out all after the resolving clause and insert a substitute. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was to strike out all after the resolving clause and insert:

That 500 additional copies of Senate Document No. 726, Sixty-second Congress, second session, Hearings on the Titanic Disaster, be printed for the use of the Senate folding room.

The amendment was agreed to.

The resolution as amended was agreed to.

PUBLIC BUILDING AT FORT FAIRFIELD, ME.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 6596) to provide for the purchase of a site and the erection of a public building thereon in the town of Fort Fairfield, in the State of Maine (S. Rept. 943), and I ask unanimous consent for its immediate consideration.

Mr. WARREN. Mr. President, I do not think we ought to transact all our business in the morning hour. I shall not object to the consideration of this bill, but I will feel constrained to object to the continuous passage of bills in the morning hour.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and customhouse, in the town of Fort Fairfield, county of Aroostook, State of Maine, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of $60,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 7328) granting an increase of pension to Charlotte R. Wynne (with accompanying paper); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7329) for the relief of Job S. Beals; to the Committee on Claims.

A bill (S. 7330) for the relief of James Boyle, alias James Black; to the Committee on Military Affairs.

A bill (S. 7331) granting a pension to James Murphy; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 7332) granting a pension to R. H. Catlett (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 7333) granting an increase of pension to George W. Cook; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7334) for the relief of Elijah Watts (with accompanying paper); to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 7335) for the relief of James D. Butler (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $10,000 for additional cost of the post-office building at Albany, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted an amendment providing that all persons employed in or under the Bureau of Lighthouses upon work relating to the establishment of changes in aids to navigation shall have had at least three years' actual service afloat in the handling and piloting of vessels, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

He also submitted an amendment providing that retired officers of the Navy shall be eligible for appointment as lighthouse inspectors, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

Mr. POMERENE. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask to have printed and lie on the table, and for the information of the Senate I ask that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed, to lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. POMERENE to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913.

On page 101, after line 5, insert the following:

"PENSION BUREAU.

"Three hundred thousand dollars, or so much thereof as may be necessary to employ, temporarily, extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled 'An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico,' approved May 11, 1912, at salaries not to exceed $1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however*, That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or, by reason of said employment alone, be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for."

Mr. SHIVELY. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask to have printed, printed in the RECORD, and that it lie on the table.

There being no objection, the amendment was ordered to be printed, to lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SHIVELY to the bill (H. R. 25069) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, viz:

On page 98, after line 5, insert the following:

"*Provided*, That no allowance or disallowance heretofore made shall preclude an officer or enlisted man of the United States or Volunteer Army, or his next of kin or personal representative, from applying for and receiving any pay and allowances which may be due him under a decision of the Supreme Court of the United States or under a decision of the Court of Claims where no appeal is taken therefrom: *And provided further*, That in the settlement of claims for pay and allowances on account of services of commissioned officers in the volunteers or militia during the Civil War the accounting officers of the Treasury shall credit as service in the Army of the United States within the meaning of the Army pay laws all service rendered from date of enrollment to date of muster as of the grade stated opposite the officer's name on the muster rolls: *And provided further*, That in cases where such officer was duly promoted and appointed to fill a vacancy due to a casualty of the service at any time during the Civil War his pay shall be held to commence from the date his predecessor's pay ceased, provided it be shown by the records or other satisfactory evidence that service was rendered by such officer for which no payment has been made, or that service was rendered in a higher grade than paid for, and that such officer was present with his command during the time for which pay is claimed, or, if absent, that such absence was caused by disability or capture by the enemy; all payments made as of any lower grade to be deducted, and all laws in conflict herewith are hereby repealed."

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 23349) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—JOSEPHUS EWING.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying S. 5297, Sixty-second Congress, second session, granting an increase of pension to Josephus Ewing, be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—GEORGE MILLHOLLAND.

On motion of Mr. SHIVELY, it was

Ordered, That the papers accompanying the bill granting an increase of pension to George Millholland, S. 538, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—EMMA D. M'MANUS.

On motion of Mr. SHIVELY, it was

Ordered, That the papers accompanying the bill granting an increase of pension to Emma D. McManus, S. 3078, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

METROPOLITAN COACH CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of vehicles of the Metropolitan Coach Co.

Mr. JONES. I move that the Senate disagree to the amendments of the House of Representatives, ask a conference with the House on the disagreeing votes, and the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. JONES, Mr. KENYON, and Mr. PAYNTER conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore. Is there further morning business?

Mr. SIMMONS and Mr. WARREN addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. SIMMONS. I ask that the Senate proceed——

The PRESIDENT pro tempore. The morning business has not yet closed.

Mr. SIMMONS. I thought the Chair announced that the morning business was concluded.

The PRESIDENT pro tempore. Are there concurrent or other resolutions?

[Mr. MARTIN of Virginia submitted a report from the Committee on Claims and one from the Committee on Commerce, which appear under their appropriate heading.]

The PRESIDENT pro tempore. Is there further morning business?

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. If not, the morning business is closed.

Mr. SIMMONS. Mr. President——

Mr. WARREN. I move to take up House bill 25069, the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent to proceed to the consideration of House bill 25069, the sundry civil appropriation bill. Is there objection?

Mr. SIMMONS. Mr. President, I object.

Mr. WARREN. I move, then, that the bill be taken up.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Chair will state the motion. The Senator from Wyoming moves that the Senate proceed to the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. SIMMONS. On that I ask for the yeas and nays. I wish to call up the wool bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I do not see that Senator in the Chamber, and I therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I do not know how he would vote. If he were present I would vote "yea."

Mr. THORNTON (when Mr. FOSTER's name was called). I wish to announce the absence of my colleague [Mr. FOSTER] on account of illness. He is paired with the Senator from Wyoming [Mr. WARREN]. I make this announcement for the day.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him in the Chamber. I will therefore withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and will therefore not vote.

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY], and will vote. I vote "nay."

The roll call was concluded.

Mr. LIPPITT. I have a pair with the senior Senator from Tennessee [Mr. LEA]. If he were here and I were at liberty to vote, I should vote "yea."

Mr. WETMORE (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I voted inadvertently, not noticing his absence, and therefore I will withdraw my vote.

Mr. CULLOM. I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from New York [Mr. ROOT], and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the Senator from Massachusetts [Mr. CRANE], and will vote. I vote "yea."

Mr. BRADLEY. I desire to transfer my pair with the Senator from Maryland [Mr. RAYNER] to the senior Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. BRANDEGEE (after having voted in the affirmative). When I voted I did not notice the absence from the floor of the junior Senator from New York [Mr. O'GORMAN]. I am paired with that Senator, and therefore withdraw my vote.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. As he has not voted, I withhold my vote.

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I desire this announcement to stand for the day.

Mr. CHAMBERLAIN. I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

The result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Borah	Cummins	La Follette	Smith, Mich.
Bourne	Dillingham	Lodge	Smoot
Bradley	du Pont	McCumber	Stephenson
Bristow	Fall	McLean	Sutherland
Burton	Gallinger	Massey	Townsend
Catron	Gamble	Nelson	Warren
Clapp	Gronna	Oliver	Works
Clark, Wyo.	Guggenheim	Page	
Crawford	Heyburn	Perkins	
Cullom	Kenyon	Poindexter	

NAYS—27.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Percy	Swanson
Chamberlain	Martin, Va.	Pomerene	Thornton
Culberson	Martine, N. J.	Reed	Tillman
Fletcher	Myers	Simmons	Williams
Gardner	Newlands	Smith, Ariz.	

NOT VOTING—30.

Bailey	Crane	Lea	Sanders
Bankhead	Curtis	Lippitt	Shively
Brandegee	Davis	O'Gorman	Smith, Md.
Briggs	Dixon	Owen	Smith, S. C.
Brown	Foster	Penrose	Watson
Burnham	Gore	Rayner	Wetmore
Chilton	Jones	Richardson	
Clarke, Ark.	Kern	Root	

So Mr. WARREN's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WARREN. Mr. President, if I have kept a right account, the reading of the bill on yesterday proceeded to the top of page 74. I inquire if that is correct?

The PRESIDENT pro tempore. The Chair is so informed. The Secretary will resume the reading of the bill at that point.

Mr. WARREN. Mr. President, this bill contains 200 pages and carries appropriations aggregating $115,000,000, or about that amount. I now ask unanimous consent that the Senate proceed with the consideration of the remainder of the bill without the formal reading and that the amendments of the committee may be considered as we proceed.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the further formal reading of the bill may be dispensed with.

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects. The Secretary will resume the reading of the bill at the point reached on yesterday.

The Secretary resumed the reading of the bill, beginning with line 1, page 74, and continued down to the end of line 16, on page 91.

Mr. REED. I have been trying to follow the reading of the bill, but it is so rapid and so informal that I can not understand it well enough to follow the text. I should like to inquire where the clerk is reading.

The PRESIDENT pro tempore. The clerk has reached page 91, line 17, the Chair is informed.

Mr. REED. I should like to have the bill read so that I can follow the reading.

The reading of the bill was resumed and continued to line 21, on page 106, the last paragraph read proposing to appropriate $20,000 for the opening of Indian reservations.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEYBURN. At what stage will an amendment be appropriate to the portion of the bill just read?

The PRESIDENT pro tempore. The Chair would suggest that after the reading of the bill has been completed, the reading proceeding for the purpose of information to the Senate, that presumably the committee amendments will first be considered, and then amendments from the floor will be in order.

Mr. HEYBURN. As in Committee of the Whole?

The PRESIDENT pro tempore. As in Committee of the Whole.

Mr. HEYBURN. I merely wanted the RECORD at this point to show that the inquiry was made and answered by the Chair.

Mr. REED. Mr. President, the Chair states that presumably the committee amendments will first be considered. Does the Chair mean to say by that that there has been any agreement or arrangement to that effect?

The PRESIDENT pro tempore. Not so far as the Chair is concerned. The Chair simply states what is the usual custom of the Senate.

Mr. REED. My reason for the inquiry was the remark of the Senator that he was making the inquiry now in order that there might be a record; and I would not want to have it go by common consent that that is to be the method. I think it may become important in the consideration of this bill whether we are to proceed that way or not.

The PRESIDENT pro tempore. The Chair will state to the Senator that no agreement has been made nor has any suggestion been made to the Chair.

Mr. REED. So, it is clear.

Mr. HEYBURN. It may be proper for me to state that I made the inquiry in view of the fact that the chairman of the committee renewed his request this morning with reference to the consideration of committee amendments and asked for unanimous consent; and I thought it right that this proceeding should contain some record of the fact that we were proceeding under that order or rule of business.

The PRESIDENT pro tempore. The reading will continue.

The Secretary resumed the reading of the bill, and read to page 121, line 5.

Mr. STONE. Mr. President, I make the point that there is no quorum.

The PRESIDENT pro tempore. The Senator from Missouri makes the point that there is no quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Shively
Bacon	Cummins	McLean	Smith, Mich.
Borah	Dillingham	Martin, Va.	Smoot
Bourne	du Pont	Martine, N. J.	Stephenson
Bradley	Fall	Massey	Sutherland
Brandegee	Fletcher	Nelson	Swanson
Briggs	Gallinger	Newlands	Thornton
Bryan	Gamble	Overman	Tillman
Burnham	Gronna	Page	Townsend
Catron	Heyburn	Percy	Warren
Clapp	Johnston, Ala.	Perkins	Wetmore
Clark, Wyo.	Jones	Poindexter	Works
Crane	Kenyon	Pomerene	
Crawford	La Follette	Root	
Culberson	Lodge	Sanders	

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is unavoidably absent from the Chamber, and that he is paired with the junior Senator from Tennessee [Mr. SANDERS]. I wish this statement to stand for the day.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill, at page 121, line 6, and read to page 161, line 11.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business be temporarily laid aside that the pending appropriation bill may be proceeded with.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. SIMMONS. Mr. President, I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects, and the unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, a day or two ago in the discussion of this bill the senior Senator from New York [Mr. ROOT] in giving his views as to the construction of the treaty and the consequences involved in a possible award of The Hague tribunal against the construction advocated by the junior Senator from New York [Mr. O'GORMAN], stated that if the decision of The Hague tribunal should be against the contention that we could exempt our domestic coastwise shipping from tolls then we would be under obligation to repay to the foreign ships from which we had collected it all the tolls collected during the time between the opening of the canal and the decision. The question was raised, I think, by the Senator from South Dakota [Mr. CRAWFORD] as to the possible amount of those tolls. There was no definite information in the testimony at that time about it, although the special commissioner appointed by the President in relation to matters concerning the Panama Canal had estimated that in round numbers in 1915 the total annual tonnage through the canal would be something like 10,250,000 tons. Of course at a dollar a ton, which has been the rate that has been most talked about as being a fair rate, that would be a collection of ten and a quarter million dollars in tolls from vessels passing through the canal in that year.

In view of the fact that there was no more definite estimate than that, and from that statement of Prof. Johnson it was not clear what portion of the total tonnage estimated would be domestic or port to port, sometimes called coastwise tonnage, and what proportion of that tonnage would come from the vessels of foreign nations, I asked him to give me the figures separately, and I send——

Mr. FLETCHER. Mr. President——

Mr. BRANDEGEE. Will the Senator excuse me just a moment? I send to the desk and ask that the Secretary may read the inclosed letter just received from him and also the table which he has prepared, after the Senator from Florida has asked the question that he desires to ask.

Mr. FLETCHER. I wish to ask the Senator in this connection what is the estimate as to the cost of maintenance of the canal. I understand the tolls to be estimated at something like ten million and a quarter a year. Outside of any question of interest on the money invested there. I should like to inquire what estimate there is as to the actual expense of maintenance.

Mr. BRANDEGEE. I will give the Senator those figures as soon as this letter has been read.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Secretary read as follows:

ISTHMIAN CANAL COMMISSION,
Washington Office, July 17, 1912.

Senator FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: I inclose a memorandum separating into three divisions the estimated tonnage of shipping that will use the Panama Canal in 1915, 1920, and 1925. The tonnage for each year is divided into (1) American shipping employed through the canal in the coastwise trade, (2) American shipping employed in carrying through the canal foreign commmerce of the United States, and (3) foreign shipping using the canal to carry the foreign commerce of the United States and the commerce of foreign countries with each other.

It will be seen from the memorandum that about four-fifths of the tonnage of the ships using the Panama Canal will be under foreign flags.

Very truly, yours, EMORY R. JOHNSON.

Classification of estimated shipping using the Panama Canal in 1915, 1920, and 1925.

	1915	1920	1925
Coast-to-coast American shipping	1,000,000	1,414,000	2,000,000
American shipping carrying foreign commerce of the United States	715,000	905,000	1,150,000
Foreign shipping carrying commerce of the United States and foreign countries	8,785,000	11,025,000	13,850,000
Total	10,500,000	13,344,000	17,000,000

Mr. STONE. Mr. President, I should like to ask the Senator from Connecticut if he is advised upon what authentic data the author of this letter predicates that table. Is it a mere estimate, a mere guess, or has he something tangible upon which to make the estimate?

Mr. BRANDEGEE. I think that is a very pertinent inquiry, Mr. President. The fact is that this gentleman, who is especially competent as an investigator along these lines as a political economist and expert on trade conditions, occupies a chair in the University of Pennsylvania. He is the same Dr. Johnson who was employed by the Canal Commission some years ago, who investigated the same matters contained in his present report and who brought them down to 1909, perhaps. I think that was the date. It may have been 1905. At any rate the President appointed him to carry on his work and bring it down to date.

I do not think that the estimates are mere guesses. Of course they are estimates of conditions that have not yet arisen, and of course are not pretended to be anything more than his conclusions from all the evidence that he could get access to. He has made——

Mr. STONE. If the Senator will pardon me——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Certainly.

Mr. STONE. Does Dr. Johnson undertake to inform the chairman of the committee as to the sources of information upon which he predicates this table?

Mr. BRANDEGEE. When the Senator asked his last question I was about to say that his estimates are based upon exhaustive investigations both here and in the commercial centers and seaports of the world as to the actual movements of vessels during long periods of time in the past and as to the present use of the Suez Canal. All the facts and figures that can be shown with regard to the amount of business the Suez Canal had when it was first opened, the percentage of the ocean-borne commerce that was done by steam vessels as compared with that done by sailing vessels, the increase from year to year of the tonnage through the canal and the comparison of that tonnage with the tonnage through all the other canals of the world, the rates of toll charged when the Suez Canal was opened and the estimates and expectations that were held by experts at that time as to what that traffic would develop—all those things have been methodically compiled. The entire report has not yet been completed or printed. It was designed, in my opinion, not so much for the use of Congress—because at that time I do not think it was expected that Congress would attempt to fix the tolls—but it was designed, I assume, for the

use of the President or the commission to which Congress was expected to delegate the duty of fixing the tolls.

So I say the entire completed work of the professor is not available for Congress at present, but realizing that the discussion would necessitate the results of his investigation upon certain features of his report, he has taken the liberty to publish in advance of his entire report certain chapters of his report, which will later be made to Congress or the President, I do not remember which. Those have been forwarded to me and have been heretofore printed as a Senate document and laid upon the desk of every Senator and are in the document room. Anyone who reads either or both of them will see that the investigation has been exceedingly thorough. But like every other matter that is not yet determined into actuality it is simply his best judgment upon his investigations. Of course, no more importance will attach to it than to the investigation of any other skilled scholar having all the knowledge available upon the subject.

In answer to the inquiry of the Senator from Florida [Mr. FLETCHER], I read now from page 10 of the minority views of the Committee on Interstate and Foreign Commerce in the House, which cites the majority report. It states not as a citation, but in reference to it, as follows:

> The careful and detailed estimates of Col. Goethals show that the total annual cost of the operation and maintenance of the canal, including the cost of sanitation and civil government, will not exceed $4,000,000, and that it is hoped to realize a profit from the sale of supplies, etc., to bring this down to $3,500,000. (See committee hearings, pp. 410, 411, 415, and 417.)

Of course, those are the House hearings.

> Analyzing the figures of Prof. Johnson, we find that a toll of $1 per net register ton would bring in a total annual revenue during the first year, exclusive of passenger tolls, of $10,500,000. Subtracting the interstate-commerce traffic (American coastwise), which Prof. Johnson estimates at 1,160,000 tons, we would still have an annual revenue of $9,340,000, more than double the operating expenses, with the tonnage annually increasing.

Does that answer the question of the Senator from Florida?

Mr. FLETCHER. That answers the question, Mr. President. I did not know but that the Senator might have some other figures than these. I read this report, but I did not know but that the Senator's investigation might have caused him to reach a different conclusion as to these estimates.

Mr. BRANDEGEE. No, Mr. President. The testimony of Col. Goethals both on the Isthmus before the Committee on Interoceanic Canals and before the same committee here was to that effect. I simply read it from that document because I found it more accessible than the other. I could not take it from the other without hunting through the index.

Mr. HITCHCOCK. Those figures do not include the cost of military occupation, I assume.

Mr. BRANDEGEE. Oh, no; it says simply the cost of operating the locks, putting vessels through, and the cost of the necessary sanitation on that portion of the zone which will need to be sanitated.

Mr. HITCHCOCK. I understand that it does include the cost of civil government there.

Mr. BRANDEGEE. Oh, yes.

Mr. HITCHCOCK. But not military.

Mr. BRANDEGEE. The cost of civil government of course will be very light after the locks of the canal are in operation, unless it should be the policy of Congress to induce immigration into the zone and try to settle it up. The opinion of the War Department and of Col. Goethals and, I think, of a majority of the Senate committee was that it would be the wisest policy not to attempt to settle up that zone, which was acquired primarily for canal purposes, but to denude it so far as possible of settlers; and that then there would be less danger from disease, less danger from public enemies, and less cost to the Government to operate. But that is a separate question. I do not care, unless the Senator wants me to do so, to enter upon the discussion of that feature of it at this time.

Mr. CUMMINS and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. I yield to the Senator from Missouri. I did not see that the Senator from Iowa had risen.

Mr. STONE. Oh, no; let the Senator from Iowa proceed.

Mr. BRANDEGEE. Then I will yield to the Senator from Iowa.

Mr. CUMMINS. I was called from the Chamber and just a moment ago returned as the Senator from Connecticut was stating the probable revenue. I only want to ask whether the revenue is estimated on the basis of $1 for a net registered ton?

Mr. BRANDEGEE. Yes. I will state for the information of the Senator that I was reading an extract from the views of the minority of the committee in the House, and it was based, as the Senator says, upon the assumed arbitrary unit of $1 per net registered ton.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Certainly.

Mr. STONE. Did I understand the Senator from Connecticut in his last statement to quote from some estimate that the revenue to be derived from the canal the first year would approximate $10,000,000?

Mr. BRANDEGEE. Yes, Mr. President; that was the statement contained in the minority report of the House committee based upon the statement of Prof. Johnson, to whom I have referred. It was that, in his opinion, in 1915, the first year of the opening and operation of the canal, there would be—I see the exact figure is 10,500,000 net registered tons of domestic and foreign commerce going through the canal; and if we collect a toll of $1 per net registered ton it would equal ten and a half million dollars as the total amount of receipts from tolls on vessels passing through the canal.

Mr. STONE. Is not that higher in 1915 than the estimate given in the statement accompanying the letter which the Senator just had read from the Clerk's desk?

Mr. BRANDEGEE. I could not tell the Senator. He can ask the Secretary to read the statement of Prof. Johnson again.

Mr. STONE. I looked at it a moment ago.

Mr. BRANDEGEE. The statement I sent to the desk is dated as of to-day. The other statement was made several weeks, if not months, ago, and it may be that Prof. Johnson has modified his view since then.

Mr. STONE. Somewhat; not very much.

I wish to call attention to this fact: If the estimates made by Dr. Johnson are reliable, then what I am about to call attention to is a fact. We have had some discussion here, particularly from the Senator from New York [Mr. ROOT], who led off in it—and I think his view was concurred in by others—that if free tolls so-called should be admitted to American vessels passing through the canal, and the question raised by that should be referred to The Hague court and decided against us, we would have to refund to vessels of other countries passing through the canal in the interval between the opening and the decision of the court whatever had been collected. There was a question raised before the Senate as to the probable amount that would have to be refunded, if refunded at all. I think the Senator from Iowa [Mr. CUMMINS] suggested that it would exceed $15,000,000 or $20,000,000.

Mr. CUMMINS. I said $15,000,000 to $25,000,000.

Mr. STONE. Between $15,000,000 and $25,000,000. The Senator from New York insisted that a hearing of this importance between these two great nations and a controversy of this character before that court would probably require 5 to 10 years in its consideration before the decision should be reached. Now, if Prof. Johnson's estimate is correct, it will be much more than that and much more than the amount suggested by the Senator from Iowa. It is important to know, therefore, something about the accuracy of this estimate in that view of the case.

Mr. CUMMINS. Mr. President——

Mr. STONE. Just a moment, if the Senator pleases. I took the table a moment ago and attempted to strike an average between the extremes; that is to say, an average between the estimated revenue to be received in 1915 and the estimated revenue to be received in 1925, covering a period of 10 years, and the average, as I make it (I am certainly approximately correct), would be $10,200,000 annually. If it would require five years to dispose of this arbitration before the court at The Hague tolls would have been collected amounting to $51,000,000. I suppose from that ought to be deducted the amount contained in the table, as the amount that would be collected from American vessels going through, with the tolls imposed upon them as upon foreign vessels, but that is comparatively small, as stated by Dr. Johnson. The amount we would have to refund at the end of five years, if that estimate is correct, would be in the neighborhood of $45,000,000.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. In making the estimate I did not give full reliance to the estimate of Dr. Johnson. I think he is rather sanguine with regard to the volume of business that will pass through the canal in the next five years. I also, as the Senator from Missouri will remember, said that controversy, if it goes to The Hague, to which I do not agree, should be settled within from three to five years, and that therefore, in my opinion, the

extreme amount we would be called upon to pay would be more than $25,000,000.

Of course it is a mere estimate. Nobody can tell what volume of business will pass through this canal, as I will endeavor to show when I come to consider the question of tolls. It depends entirely upon the action of our competitors as to what business will pass through the canal.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BRANDEGEE. Certainly.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. I desire to present and move the adoption of the conference report on the river and harbor bill, and if it is necessary to make a request in connection with it, I ask that the unfinished business be temporarily laid aside.

Mr. LODGE. That is not necessary.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Senator from Minnesota presents a conference report, which will be read by the Secretary.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 28, 35, 93, 105, 106, 107, 156, 183, 184, 185, 186, 188.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 9, 10, 15, 16, 17, 18, 19, 20, 23, 25, 26, 27, 29, 31, 32, 33, 34, 36, 38, 40, 42, 43, 45, 46, 47, 48, 53, 54, 55, 56, 58, 59, 62, 63, 64, 65, 67, 68, 69, 70, 71, 73, 74, 77, 79, 81, 82, 83, 84, 87, 88, 89, 90, 92, 94, 95, 98, 108, 109, 110, 111, 112, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 154, 155, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 181, 187; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Pollock Rip Channel through the shoals lying near the entrance to Nantucket Sound, Mass., in accordance with the report submitted in House Document No. 536, Sixty-second Congress, second session, $125,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "five hundred thousand dollars" and insert in lieu thereof the words "three hundred thousand dollars"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In the proposed amendment strike out all after the words "five thousand dollars"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "five hundred thousand" and insert in lieu there of the words "three hundred thousand"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the proviso contained in the proposed amendment insert the following: "*Provided*, That the land required for making said cut-offs, or easements therein, shall be furnished free of cost to the United States, and the United States shall be released from all claims for damages arising from the proposed diversion of the stream"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Improving Elk and Little Elk Rivers, Md.: Completing improvement in accordance with the report submitted in House Document No. 770, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $4,040"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That the provisions of section 11 of the river and harbor act of March 3, 1899, are hereby made applicable to the Potomac and Anacostia Rivers, and hereafter harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided; and all laws or parts of laws inconsistent with this proviso are hereby repealed: *Provided further*, That hereafter the officer in local charge of the improvement shall have authority, with approval of the Chief of Engineers, United States Army, when no public building is available, to rent suitable offices, to be paid for pro rata from the appropriations for works in his charge: *And provided further*, That the proviso in the act of June 3, 1896, entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' under the item 'Improving Potomac River, Washington, D. C.' is hereby repealed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", printed in House Document No. 589, Sixty-second Congress, second session, and the foregoing appropriation shall be devoted to that purpose; for the improvement and maintenance of said inland waterway, $100,000; in all, $600,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "six months from the date of the approval of this act," and insert in lieu thereof the words "one year from February 27, 1912"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That the provision in the river and harbor act approved March 3, 1905 (33 Stat., p. 1128), granting Louis M. Tisdale the right and authority to construct and operate a channel through Mobile Bay, and to construct and maintain wharves, piers, anchorage and turning basins, and other similar structures in said bay, is hereby revived and reenacted: *Provided*, That the said provision is hereby so amended as to vest in the South Mobile Terminal Co., its successors and assigns, all the rights, privileges, and authority thereby granted to the said Louis M. Tisdale, subject to all the terms and conditions of said act, upon full and complete assignment and transfer of all such rights, privileges, and authority of said Tisdale to the said South Mobile Terminal Co.: *Provided also*, That the said provision is hereby further amended so as to extend the time for completing the work therein authorized for a period of five years from the approval of this act: *And provided also*, That the right to alter, amend, or repeal this act, in so far as it relates to this franchise, is hereby expressly reserved"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", of which amount $120,000 may be applied to the purchase or construction of a suitable dredging plant: *Provided*, That the U. S. dredge Barnard may be transferred back to the improvement from which it was transferred by act approved February 27, 1911, and the balance remaining on hand of the $60,000 authorized by the act of February 27, 1911, to be expended for the repair and modification of the U. S. dredge Barnard, may be expended for the purchase or construction of the dredging plant herein authorized"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The Secretary of War may appoint a board of three engineer officers whose duty it shall be to examine and report upon the following harbors and channels in Texas, at or near Galveston, to wit: Galveston Harbor and Channel, Texas City Harbor and Channel, Port Bolivar Harbor and Port Bolivar Channel leading thereto, all with a view to securing a depth of 35 feet"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of

the language stricken out insert the following: "And the said board shall also report whether the waters lying between Harbor Island and the mainland may be exempted from the operation of the laws relating to navigable waterways of the United States"; and the Senate agree to the same.

Amendments numbered 49, 50, 51, 52: That the House recede from its disagreement to the amendments of the Senate numbered 49, 50, 51, 52, and agree to the same with an amendment as follows: In lieu of all the words contained in this paragraph, after the words "heretofore authorized," insert the following: ", and for an accurate instrumental survey of the river as recommended in the Annual Report of the Chief of Engineers for 1911, $425,000; continuing improvement and for maintenance by open channel work, $15,000; in all, $440,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the language of the proposed amendment insert the following: "For improving the Arkansas River, in Arkansas: For protecting the north bank thereof, in the bend in front of the Crawford County Levee, south of Van Buren, in sections 8, 9, and 10 in township 8 north, range 30 west, which shall be considered extraordinary emergency work, $30,000. This appropriation shall be expended as soon as practicable in accordance with plans to be prepared by the Chief of Engineers of the War Department"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Ohio River: For the raising and strengthening of the levees in the city of Cairo, Ill., on the Ohio and Mississippi Rivers, and in the Cairo drainage district, which shall be considered extraordinary emergency work, $250,000: *Provided*, That the city of Cairo shall expend, or cause to be expended, the same amount for the same purpose"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "For the raising and strengthening of the levees in the city of Mound City, Ill., on the Ohio River, which shall be considered extraordinary emergency work, $20,000 on the condition that the city of Mound City shall furnish an equal amount for the same purpose"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the language proposed insert the word "three"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That in view of the existing emergency $4,000,000 of the money hereby appropriated is set apart for the repair and construction of levees"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The traveling expenses of the civilian members of the Mississippi River Commission, and of the Assistant Engineer of the Board of Engineers for Rivers and Harbors, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said commission, and of said board"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "Bayou Sara" and insert in lieu thereof the words "Baton Rouge, La., and between Beasle, Lake County, Tenn., and Memphis, Tenn.," and strike out the words "twenty thousand" and insert in lieu thereof the words "thirty thousand"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "eighty-five" and insert in lieu thereof the word "twenty-five"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Stockton Harbor, San Joaquin River, Cal., by dredging McLeod Lake and Fremont Channel, with a view to securing a permanent channel depth of 9 feet, in accordance with the report submitted in House Document No. 581, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $11,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Tillamook Bay and Bar, Oreg.: For maintenance, $5,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "eight" and insert in lieu thereof the word "seven"; and after the word "dollars," in the next line, add the following: "And the Secretary of War shall submit a report whether any saving can be effected, and, if so, how much, by a more rapid prosecution of this improvement"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, upon vouchers approved by the former chairman of the National Waterways Commission, from any moneys in the Treasury not otherwise appropriated, the sum of $4,000, or so much thereof as may be necessary, for the expenses of the National Waterways Commission necessarily incurred for clerical and stenographic services in publishing hearings (S. Doc. No. 274) and completing the final report (S. Doc. No. 469); and the books, maps, charts, and other material relating to waterways remaining in possession of the National Waterways Commission shall be turned over to the Engineer School, Washington Barracks, D. C., under the direction of the chairman of the Committee on Commerce of the Senate and the chairman of the Committee on Rivers and Harbors of the House of Representatives; and all similar material relating to railways shall be turned over to the Interstate Commerce Commission"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "SEC. 7. Unless otherwise expressed, the channel depths referred to in this act shall be understood to signify the depth at mean low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels; and the channel widths specified shall be understood to admit of such increase in width at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats." And transfer the paragraph to page 62, immediately after section 6; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Before the word "Whenever," in line 1 of the proposed amendment, insert "SEC. 8." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 9." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 10." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the language proposed insert on page 60, in line 17, after the word "survey," the following: " : *Provided further*, That the Chief of Engineers may, at his discretion, increase to not to exceed nine the number of engineer officers constituting said board: *And provided further*, That a majority of said board shall be of rank not less than lieutenant colonel"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 11." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "SEC. 12. In order to make possible the economical future development of water power the Secretary of War, upon recommendation of the Chief of Engineers, is hereby authorized, in his discretion, to provide in the permanent parts of any dam authorized at any time by Congress for the improvement of navigation such foundations, sluices, and other works, as may be considered desirable for the future development of its water power." And transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Buffalo Harbor, N. Y., with a view to increasing the width of the entrance of the inner harbor to 400 feet by removing the Government south pier at the mouth of Buffalo River; also with a view to increasing the width of Black Rock Harbor and the entrances thereto," and transfer the same to page 45, preceding line 1; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In line 1 of this amendment, after the word "River," insert the word "Connecticut," and transfer said amendment to page 44, after line 24; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with the following amendment: In line 2 of said amendment, after the word "thereof," insert a period and strike out the balance of the amendment; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Salmon River, N. Y., at and below Fort Covington"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That a preliminary investigation be made to determine whether a system of impounding reservoirs at the headwaters of the Allegheny, Monongahela, and Ohio Rivers and their tributaries is needed and practicable to provide sufficient water during dry seasons to operate the present and proposed system of locks and dams in these rivers, and to what extent the Federal Government, on the basis of their benefit to navigation, is justified in cooperating with local communities which may be interested in the construction of such reservoirs primarily for the purpose of flood prevention, and the feasibility of operating such reservoirs for the double purpose of flood prevention and improving navigation; and that this investigation be conducted by a board of three engineer officers, to be designated by the Chief of Engineers, United States Army; and that the results of this investigation be reported to Congress, with such additions as may be made thereto by the said Chief of Engineers, not later than December 7, 1912; and that for this purpose the sum of $5,000, or so much thereof as may be needed, be, and the same is hereby, appropriated"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", and inland waterway between Charleston and McClellanville by way of Alligator Creek and Sewee Bay"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the language proposed insert: "Escambia and Conecuh Rivers, Ala. and Fla., from River Falls to the mouth in the Gulf of Mexico"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Black River, Ark., near Buttermilk Bank, with a view of protecting the bank in the interests of navigation"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Little"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Padilla Bay, Skagit County, Washington, with a view of ascertaining the desirability of modifying or relocating the navigable channels in said bay"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Channel connecting Admiralty Inlet with Crockett Lake, Washington"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 13." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

KNUTE NELSON,
JONATHAN BOURNE,
F. M. SIMMONS,
Managers on the part of the Senate.

M. SPARKMAN,
JOSEPH E. RANSDELL,
GEORGE P. LAWRENCE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. NELSON. Mr. President, I desire merely to make a brief statement. The river and harbor bill when it came here from the other House carried a cash appropriation of $24,062,520.50, and provided for continuing contracts to the amount of $2,200,000, or an aggregate in cash and continuing contracts of $26,262,520.50. The Senate added to the bill by amendment $8,054,010 and struck out $233,000 of the amount proposed by the House. So the net increase made by the Senate in the bill was $7,821,010. The total of the bill as it went into conference was $34,083,530.50. The net reductions effected by the conferees amount to $824,160. Therefore the bill in its present form, as agreed to by the conferees, carries $33,259,370.50, instead of $34,083,530.50, which it carried as it came to the conferees; in other words, the net reduction effected by the conferees was $824,160.

I will say that in all the important amendments of the Senate no reductions were made; it was only in a few isolated cases that reductions were made. Wherever reductions were made in the appropriations for harbors Senators interested were consulted, and no changes were made without their consent. I therefore move the adoption of the report.

Mr. SIMMONS. Mr. President, I merely desire to ask the chairman of the Committee on Commerce if he has the figures showing the Senate increases after deducting the emergency appropriations for the Mississippi River?

Mr. NELSON. I will say that the bill as it came over from the other House carried three and a half million dollars for

the improvement of the Mississippi River; the Senate added to that two and a half million dollars, so that the bill carries $6,000,000 for the improvement of the Mississippi River. If it had not been for that large appropriation for the Mississippi River arising out of the peculiar flood conditions existing this year in the Mississippi Valley, the bill would have been much more moderate in amount. Ordinarily in later years river and harbor bills have carried from three to four million dollars for the Mississippi River. This year the bill carries in round numbers $6,000,000 for the improvement of that river. An appropriation of a million and a half dollars was made some three months or more ago in a joint resolution, and that sum will be deducted from the $6,000,000 appropriated in the bill.

Mr. NEWLANDS. Mr. President, I should like to call the attention of the Senator from Minnesota to amendment numbered 106 to the river and harbor bill, an amendment which passed the Senate, as follows:

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the use or control of the waters of the country, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report.

I ask the Senator from Minnesota what disposition was made of that Senate amendment?

Mr. NELSON. The disposition made of it was that the House conferees refused to agree to it. The bill was in conference for over two months. The first meeting of the conferees was held on the 18th day of May, and we only finished the consideration of the bill yesterday. Amendment No. 106 was the last amendment which troubled the committee of conference. I can say to the Senator from Nevada that the Senate conferees did their utmost to retain the amendment in the bill. We struggled along with it as best we could, but finally found that the House conferees would not yield on that point. Although we proposed to reduce the appropriation from $100,000 to $50,000, they refused to yield; and we felt, after all the struggle, that we could not afford to delay the bill any longer. As a matter of fact, in the interest of public business and in the interest of the improvements to rivers and harbors which are now going on, this bill ought to have been passed before the 1st of July; and I think the effect of its delay will probably cause the Government, in one way or another, more damage in amount than was saved by the eight hundred and odd thousand dollars which the bill was reduced in conference.

I sympathize with the Senator from Nevada in his amendment, and I assure him that the Senate conferees did all that they could well do to retain the amendment in the bill.

Mr. NEWLANDS. Mr. President, I am satisfied that the Senate conferees made every effort to retain this amendment, which received the approval of the entire Committee on Commerce of the Senate. I ask the Senator from Minnesota whether the objection was to the amount of the appropriation or to the object sought to be attained by the amendment?

Mr. NELSON. The objection was not at all to the amount, for when we offered to reduce the amount from $100,000 to $50,000 it did not seem to make any difference. The objection was to the substance of the amendment.

There were three objections. First, it was contended that a part of the provisions of the amendment were already in the existing law, and, second, that a part of it was already contained in certain provisions in other portions of the bill. The most serious objection to the amendment, however, was to that portion of it which required a reexamination and reinvestigation of all existing projects. That was the one thing, perhaps, more than anything else, to which objection was raised.

Mr. NEWLANDS. Mr. President, while I am entirely satisfied with the efforts of the Senate conferees to secure the acceptance of the Senate amendment, I greatly regret that the opportunity has been lost of putting upon the statute books the most effective amendment that has probably been introduced in years in a river and harbor bill; an amendment that is intended to promote economy and efficiency; that is intended to give the Engineer Corps of the Army the power to plan a system of connected and related waterways of the country, just as full and comprehensive in its character as are the plans of our railways; an amendment which was intended to rescue the river improvements of the country from the spoils system which has so long prevailed—a system which we have entirely done away with, so far as public offices and public patronage are concerned, but which still remains to afflict us in matters relating to public works, enterprises relating to public buildings, and the rivers and harbors of our country.

This is a question which has been before the American people for many years. It has been urged persistently by river and harbor congresses, by waterway associations, in political conventions, and has found form in our national platforms.

I am amazed that the House of Representatives has failed to respond, not only to the public opinion upon this question, but to the express declarations of the platforms of both political parties. The Republican platform of four years ago pledged that party to carry out the declarations of Mr. Roosevelt regarding the waterways, and this was a prominent feature of his recommendations. The Democratic platform was even more explicit, for it called for large and comprehensive work in the development of our waterways through the organization of a board of experts authorized by law, with the aid of an ample fund, insuring continuous work and providing for the coordination of the various scientific services of the Government and the cooperation of the Nation with the States in this work.

The only opposition to this policy that has manifested itself anywhere is manifested in Congress itself. We have had hard work making progress with it in the Senate; but we have made a steady advance, as was demonstrated by the adoption by the Senate of this amendment. So far as the House of Representatives is concerned, however, it remains still attached to the system of spoliation—the system of pothole appropriations, controlled by the Representatives of various districts, through which they secure nomination and office; a system which is cynically regardless of the ultimate purposes to be obtained, the development of a system of waterways fitted for transportation, and not a system of waterways designed to secure the expenditure of public moneys in the interest of men seeking office.

Mr. President, the Senator from Minnesota says that the question of the amount was not the objection, for when the Senate conferees proposed to reduce the amount from $100,000 to $50,000 it seemed to make no difference; so that we have the purpose of this amendment opposed in this conference.

What are the facts with reference to the Engineer Corps? Many of us have been disposed to criticise the Engineer Corps for lack of initiative. We have complained that it never yet has presented a full and comprehensive plan to Congress for a system of waterways. I shared in that complaint and in that criticism, until finally my attention was called by a prominent officer of the Engineer Corps to the fact that in almost every river and harbor bill the Engineer Corps of the Army has been expressly forbidden by the terms of the river and harbor bill itself to report upon anything except the matter submitted to them by the bill, so that the Engineer Corps of the Army was itself in chains, imposed by Congress in aid of the spoils system that has so long prevailed. Finally a year ago the Chief of Engineers of the Army concluded to act outside of the mere matters submitted to him in previous bills by Congress, and he ventured the suggestion in the mildest of terms—a suggestion which I shall incorporate in the RECORD—that if Congress desired a plan for a related system of waterways, the Corps of Engineers was ready to furnish it; and he indulged in an argument in its favor. It was upon that suggestion that I framed this amendment. It received the careful consideration of the Senator from Ohio [Mr. BURTON] and the Senator from Oregon [Mr. BOURNE], was improved in its general form and character, passed the committee, and was inserted in the bill.

Now, we find that the suggestion of the Engineer Corps of the Army is rejected and that the Engineer Corps of the Army is still in chains. In what contrast has our action been with reference to the great question of irrigation and the great question of the development of the Panama Canal. Upon the question of irrigation we passed a short act of 8 or 10 sections, absolutely giving the Secretary of the Interior the power, upon the approval of any project, to perfect the plans and go on with the work, the only limitation being that no expenditures and no contracts should be made unless the moneys for their payment were in the irrigation fund. You know how that work has progressed since 1902, steadily and continuously and outside of the spoils system, with substantial and satisfactory results achieved within a space of 9 or 10 years.

Then, when we came to the Panama Canal we planned big there; we authorized large expenditures and gave the Engineer Corps of the Army practically a free hand. We are now approaching the completion of that great enterprise. Yet we have expended upon the rivers of this country a sum much larger

than has been expended upon both irrigation works and the Panama Canal without any substantial results in the betterment of our waterways as instrumentalities of transportation. They have been largely thus far the means through which money has been drawn from the Treasury to be expended in the various districts of public men. That perhaps is too severe a statement, for I realize that under the able leadership and direction of the Senator from Ohio, as chairman of the Committee on Rivers and Harbors of the House of Representatives, improvements have been made in the methods of administration; improvements have been made by the creation of Army boards authorized to pass in judgment upon the various projects that were presented, and, finally, a kind of public opinion has been created in Congress to prevent the passage of any bill relating to a project which has not received the approval of the Engineer Corps and of the various boards; but the struggle to accomplish what has been accomplished was a hard one, and now, when we are about to get what public opinion demands and what our party platforms demand, we are defeated by the action of the Representatives of the people.

The responsibility for this does not rest upon the country at large or upon public opinion; it does not rest upon the Executive of the Nation, either Mr. Roosevelt or Mr. Taft, both of whom have made recommendations in this direction; it does not rest upon the Secretary of War, whose judgment coincides with action of this kind; it does not rest upon the Engineer Corps of the Army; it rests upon Congress. This is one of the things so constantly occurring that are impairing the confidence of the people in their own Representatives and inducing them to consider seriously the direct assumption, through the initiative, the referendum, and the recall, of the powers of government.

Mr. President, I wish to enter my protest against the action of this conference committee, and at the same time to express my appreciation to the chairman of the committee, the Senator from Minnesota, and his Senate associates for the determined stand which they made for this amendment.

I now ask unanimous consent to insert in the RECORD the statement to which I have referred of the Chief of Engineers of the Army, taken from his annual report of 1911.

The PRESIDING OFFICER. In the absence of objection permission is granted.

The statement referred to is as follows:

Under existing law reexaminations of existing projects are made by the Board of Engineers for Rivers and Harbors in compliance with resolutions by either the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives; but these reexaminations are subject to the limitation that no enlargement of the scope of the project can be considered, so that desirable extensions of projects can not be recommended. It is believed that a similar provision of law authorizing the Chief of Engineers to cause a reexamination of projects, at least those not heretofore passed upon by the Board of Engineers for Rivers and Harbors, would be in the public interest. Projects reported under the provisions of section 4 of the river and harbor act of March 3, 1899, as unworthy of further improvement by the United States or considered by the Chief of Engineers as in need of revision could in this way be fully investigated, local interests could be heard, and formal report thereon made for the consideration of Congress. It would seem advisable in connection with any such reexamination to grant authority to consider and report upon any modifications in the nature of enlargements in scope of projects believed to be desirable, when such modifications are recommended by district officers or otherwise brought to the attention of the department.

If desired by Congress, for its consideration in providing for new works, reports could be submitted by the Board of Engineers for Rivers and Harbors and the Chief of Engineers upon the relative importance of the various improvements recommended as worthy of being undertaken by the United States, the order in which the works should be taken up, and the rapidity with which they should be completed, upon methods of standardization by which the waterways of the country could be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, or even report upon a systematic scheme of such improvement embracing all waterways, whether heretofore examined and reported upon or not.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. NELSON. I ask that the statement which I send to the desk may be printed in the RECORD immediately following the adoption of the conference report.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The statement referred to is as follows:

Statement of result of conference on rivers and harbors bill.

Cash appropriations in House bill		$24,062,520.50
Contracts authorized		2,200,000.00
Total of bill as it came from House		26,262,520.50
Total of Senate amendments added	$8,084,010.00	
Reductions made in House items by Senate	233,000.00	
Net increase by Senate		7,621,010.00
As bill came to conference		34,083,530.50

Senate amendments in which reductions were made.

	House bill.	Amount to which increased in Senate.	Amount to which reduced by conferees.	Amount of reduction.
Pollock Rip Channel, Mass. (No. 2)	New.	$250,000	$125,000	$125,000
Jamaica Bay, N. Y. (No. 8)	New.	500,000	300,000	200,000
Delaware River, Pa., N. J., Del. (No. 13)	$1,000,000	1,500,000	1,300,000	200,000
Elk River, Md. (No. 21)	New.	8,200	4,040	4,160
Waterway, Norfolk to Beaufort (No. 26)	500,000	700,000	600,000	100,000
Anastasia Island, Fla. (No. 34)	New.	15,000	Cut out.	15,000
St. Marys River, Mich. (No. 65)	200,000	400,000	300,000	100,000
Columbia River at The Dalles (No. 91)	600,000	800,000	700,000	100,000
Valdez, Alaska (No. 93)	New.	55,000	Cut out.	55,000
Report on continuing-contract system, etc. (No. 106)	New.	100,000	Cut out.	100,000
Total				999,160

Items increased by conferees.

	House bill.	Senate bill.	Amount increased to by conferees.	Amount of increase.
Examination Mississippi River (Senate amendment) (No. 76)	New.	$20,000	$30,000	$10,000
Trinity River, Tex. (No. 52)	$435,000	455,000	440,000	5,000
Total				15,000

House items reduced by Senate and restored by conferees.

	House bill.	Senate bill.	In conference.	Amount restored.
Connecticut River above Hartford (No. 6)	$25,000	Struck out.	$25,000	$25,000
Winyah Bay, S. C. (No. 28)	62,000	$12,000	62,000	50,000
Trinity River, Tex. (No. 52)	435,000	355,000	440,000	85,000
Passaic River, N. J. (No. 12)	5,000	Struck out.	5,000	5,000
Total				160,000

House items reduced by Senate and not restored.

	House bill.	Senate bill.	Amount of reduction.
Youghiogheny River, Pa. (No. 18)	$75,000	Struck out.	$75,000
Broad Creek River, Del. (No. 19)	17,520	$14,520	3,000
Total			78,000

Bill as it came to conference		$34,083,520.50
Reduction by conferees	$999,160.00	
Additions by conferees	175,000.00	
Net reduction		824,160.00
Amount of bill as reported by conferees		33,259,370.50

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Has the Senator from Connecticut yielded the floor?

Mr. BRANDEGEE. I did not intend to yield the floor, but I will say to the Senator from Michigan, if he desires to speak now and it suits his convenience to do so, I will be glad to yield to him.

Mr. TOWNSEND. I do not care to interrupt the Senator.

Mr. BRANDEGEE. It will be no interruption. If it is more convenient for the Senator to make his remarks now, I am perfectly willing to yield the floor.

Mr. TOWNSEND. I do not care particularly to speak at this time. I will inquire about how much time the Senator expects to occupy?

Mr. BRANDEGEE. I have no set remarks; I have a few scattered remarks to make, but I can make them just as well later if it will accommodate the Senator.

Mr. TOWNSEND. I would just as lief the Senator would proceed.

Mr. BRANDEGEE. Very well. Mr. President, it is difficult to discuss in one speech a bill of this kind in its entirety. It contains so many different subjects of great importance that it seems to me it should not be discussed in all its different features at one time. I think it tends to distract the attention of those who want to understand each particular proposition clearly before they make up their minds to vote for it; and, as soon as such general speeches as Senators care to make upon the bill have been concluded, I think the better and more orderly way would be to ask that the bill be read for amendment, and, perhaps, that the committee amendments should be first considered. The bill has been read in its entirety, the formal reading of the bill having been completed, and it is printed in the RECORD, and I think very shortly the time will arrive when I shall ask the Senate to proceed to its consideration for amendment.

One of the first questions that then will come up upon which I anticipate a difference of opinion will be whether the canal when completed shall be administered by a single officer, in the nature of a governor of the canal or of the Canal Zone, or whether that management and operation and responsibility shall be delegated to a commission. There were differences of opinion in the committee about that, the majority of the Senate committee favoring a commission of three, while I think the House committee was nearly unanimous for a single administrator.

Then comes, I think, in section 5 of the bill, the question of tolls. Mr. President, of course to those who want to bestow the right of free passage through the canal upon American ships, either those engaged exclusively in the coastwise trade or also those engaged in the foreign trade, the question involved in the treaties is essential. While I have views about the treaties, those views do not enter into the determination of the question with me, because I do not want to confer free passage upon American ships of any kind. I have never had that in mind, and I think the Canal Commission has never had it in mind, as will appear in the testimony of Col. Goethals given before various committees, both on the Isthmus and here in Washington. They have always based their estimates of the receipts of the canal upon the theory that we were to charge every vessel that went through there what was stated under the treaty to be a just and reasonable price for the work done. So that while I have views about the treaties, they are merely academic questions with me, so far as my vote is concerned.

I take the view of this canal that it is a great undertaking of an international character, the Clayton-Bulwer treaty providing that it should be the joint project of Great Britain and the United States and the Hay-Pauncefote treaty eliminating Great Britain as a joint partner in the enterprise and giving us exclusive jurisdiction of the control and operation of the canal. I regard it—it being, of course, admittedly the greatest work of human hands in any age of the world's history—as having, so to speak, moved the Straits of Magellan approximately 4,000 miles to the northward.

It seems to me that the saving to the coastwise, the port-to-port, trade of this country, conducted by American vessels, to which by this expenditure of $400,000,000, together with its maintenance and armament and defense forever, the canal has been dedicated, a saving of 8,000 miles of travel and all the expense of fuel and maintenance and pay of crew involved in that shortening of time, is a sufficient favor to have been conferred by the General Government upon this particular interest, which already has the additional favor of an absolute monopoly in the coastwise trade.

I for one, while I have the utmost charity of feeling toward any other view, toward any person who differs with me about it, do not consider that because I happen to think it is fairer that each vessel, whether owned by an American or a foreigner, which avails itself of this great advantage which it had never had before, and, availing itself of it, pays to the Government of the United States a sum such as some commission or the President or the proper person shall fix to reimburse, to a certain extent at least, the Government or help to pay the interest upon this tremendous sum of money of the people raised by taxes upon the property of all the people—I have never thought that I entertained any unpatriotic view because I favored the collection of that small, reasonable sum from these ships, which already have this exclusive market and this great favor conferred upon them. Because the Government of Great Britain takes the same view that I have always held and which the commission has held and which I think prevailed until, I will not say this propaganda but this demand arose from those who own ships and those boards of trade and chambers of commerce throughout the country which are naturally influenced in favor of free passage—because I have taken that view and Great Britain takes that view later on in the construction of the treaty I do not think there is anything unpatriotic about trying to make the ships for which this is to a large extent a special favor, for their benefit, pay their own way instead of asking the American people—everybody—to whom it may be no special benefit, to be taxed for them, whereas in my opinion it is a special benefit to the class I have mentioned.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. Certainly.

Mr. CHAMBERLAIN. I desire to submit to the Senator whether or not the argument he is now making for charging tolls on vessels engaged in the coastwise trade would not be equally applicable to vessels plying the Mississippi River, passing through the locks of that river, or to the traffic up and down the Columbia River or the Sacramento River or through the Great Lakes, where the Government maintains systems of canals and locks? Now, the moneys which have been appropriated from time to time by the Congress of the United States for the construction of these locks and dams and for the improvement of these rivers, and the improvement of harbors as well, is in the nature of a general tax taken from the people of the whole country, and the traffic that goes through the canal between ports on the Atlantic and ports on the Pacific is just as much interstate traffic as the traffic which goes up and down the Mississippi River or any other of these streams through the canals and locks constructed by the Government.

I should like to ask the Senator from Connecticut, if the reasoning which he is now urging upon the Senate is to apply, inasmuch as the people are taxed for the construction of the Panama Canal, would it not reverse what has been the policy of this Government for a hundred years to compel a charge to be levied upon vessels passing through the rivers and harbors of the country?

Mr. BRANDEGEE. Mr. President, that is the claim of those who believe in free passage for our American coastwise vessels. In my judgment it is not well founded, but I will say to the Senators interested in this matter that I think there is almost nothing new to be said on this subject. If Senators care to inform themselves about the claims of both sides, and if they will take the CONGRESSIONAL RECORD of this session and look at the House debates, commencing at page 7219, I think they will find there is almost nothing new left to be said on the subject.

I certainly do not propose to take the time of the Senate to rehearse all the views which are already upon record, contained in the reports of the House committee, the majority and the minority reports; contained in the testimony before the House Committee on Interstate and Foreign Commerce and in the testimony before the Committee on Interoceanic Canals of the Senate on the House bill which we are now considering, and in the volume of testimony taken by the Committee on Interoceanic Canals at Ancon, in the Canal Zone, on October 28, 1911, known as Senate Document No. 191.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. Certainly.

Mr. WORKS. The Senator from Connecticut has made a statement of the advantage that would accrue to American ships by reason of the shortening of the distance resulting from the construction of the canal. That advantage would accrue also to foreign ships to the same extent?

Mr. BRANDEGEE. To whatever extent they use the canal.

Mr. WORKS. Then no advantage is given American ships over foreign ships in that respect?

Mr. BRANDEGEE. I do not think so. I think it is given to all the ships that find it an advantage to go that way rather than through the Suez Canal.

As I said before, it has been my opinion until this session—and it is still my opinion, and was before this session, and I think the opinion of most people whom I have heard talk about it—that all vessels ought to be charged. The object of this legislation was to open the canal, start it running, charge all vessels alike, so much per ton, and after a few years, basing action upon the experience of what will then have been the past, and what is now the prognostication for the future, have some firm facts under our feet upon which to stand and base our future course.

Mr. CUMMINS and Mr. CHAMBERLAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield, and to which Senator?

Mr. BRANDEGEE. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I yield to the Senator from Iowa.

Mr. CUMMINS. In view of the question put to the Senator from Connecticut by the Senator from Oregon, I should like to ask him a further question. Suppose the Government of the United States were to yield, as I think it ought to yield, to a very urgent demand for the construction of a railroad in Alaska, from one of the ports to the interior coal fields. It would be built from taxes collected from the people of the United States.

Does the Senator from Oregon think that if we were to do that we ought to transport the freight over it without charge; and if he does not, what is the difference between charging for freight over a governmental railway and charging for freight over a governmental canal?

Mr. CHAMBERLAIN. Does the Senator from Iowa ask me that question?

Mr. CUMMINS. I really propounded it to the Senator from Oregon through the Senator from Connecticut.

Mr. BRANDEGEE. I pass it along.

Mr. CHAMBERLAIN. I simply say there is this great difference, Mr. President, between the two situations as put by the Senator from Iowa.

The waterways of this country, or many of them, are maintained for the purpose of regulating the rates by rail. There are waterways improved in this country at the expenditure of vast sums by the Government which are practically not used, but ready to be used whenever it becomes necessary to utilize them for the purpose of regulating freight rates.

Now, so it is with the Panama Canal. My opinion is if vessels engaged in the coastwise trade are permitted to go through the canal free of tolls the immediate effect will be the reduction of freight by the transcontinental railways and the regulation of freight rates by the transcontinental companies, while the construction of a railroad in Alaska would have no such effect. That would be the construction of a great public improvement principally for the development of a particular section of the country, as I understand, while on the Isthmus the construction of the Panama Canal is for the purpose largely of regulating transcontinental rates on freight.

Mr. BRANDEGEE. The hearings before the committee are filled with the views and claims of all parties to this controversy, and not only both sides of this controversy, but all that could be learned from everybody who desired to appear on all the other controverted features of the bill.

I am glad to say this sort of debate we are having now in my opinion simply illustrates the almost hopelessness of trying to get anywhere on a single proposition when we are confronted with a bill involving a dozen different propositions. Of course if Senators have read this record, as the committee has heard the testimony, they have made up their minds about it. What I am saying I am not saying with any idea of trying to make any Senator come to my opinion about any of these things, but I thought it was my duty to state very briefly and informally the convictions I have come to, without attempting to convert anybody. But the minute I try to make a statement of my position in regard to tolls—and then I was coming to other things—I am asked a series of questions which would take me over the whole field.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. Certainly.

Mr. CHAMBERLAIN. I have read the reports to which the Senator a while ago called attention, and I have been particularly edified by his industrious efforts to reach out and ascertain the truth of this whole discussion; and I commend the efforts of the Senator both then and now.

But from the Senator's argument now, Mr. President, it seems to me he places this largely upon the same basis that Col. Goethals does. If I read his testimony correctly he thinks the Panama Canal ought to be a paying proposition, and not only ought it to pay for the actual expense of maintenance, but in the end it ought to realize enough to reimburse the Government for the amount actually expended in its construction.

I do not believe, Mr. President, that that is the understanding of the people of this country, any more than that some system of tolls ought to be charged on other highways for the purpose of reimbursing the Government for the amount of money expended in that construction.

I ask the Senator now if it is his idea that tolls ought to be placed at such a figure, both on American shipping, whether coastwise or not, and on other commerce, as would be sufficient to reimburse the Government for the amount of moneys expended in construction, as well as the moneys paid out for maintenance.

Mr. BRANDEGEE. No, Mr. President; it is not. I will reply to the Senator's several questions if I can recollect them; but before I do that I want to ask unanimous consent to put into the CONGRESSIONAL RECORD at this point the suggestions and recommendations made by Col. Goethals to the committee on the Isthmus, which appear in the hearings, beginning on page 2 and going down to the bottom of page 5, as marked.

Mr. BACON. Mr. President, I would suggest that while the Senator need not take time to read the matter in detail, he might state the substance of it, so that we may have the benefit of it in the course of the discussion.

Mr. BRANDEGEE. There is so much of this testimony that, of course, I hate to cumber the RECORD with it, or to bore other Senators by rehearsing it; but the Senator from North Dakota [Mr. MCCUMBER] has asked that the Secretary read this recommendation of Col. Goethals. Probably that will take no longer time than it would take me to pick out what I consider the essential parts of it. Therefore I will send it to the desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SUGGESTIONS AND RECOMMENDATIONS.

The estimated date for the completion of the canal was based on the report of the International Board of Engineers, submitted in 1906, and was fixed at January 1, 1915. In the meantime the work advanced more rapidly than had been anticipated, and it became apparent that it would be possible to pass vessels through the canal at least a year earlier than this date. Becoming aware of this contingency and realizing the necessity for commerce to adjust itself to the new conditions, the shipping interests of the world raised the question of canal tolls in July, 1910, and urged an early settlement. Attention was called to the fact that at least 18 months' notice of the rates should be given in order that steps might be taken in time to change routings that would follow if the canal were used. If rates are such as to warrant the adoption of the new route, commerce will adjust itself to its utilization as soon as possible; if not, the old channels will continue to be followed. Inquiry not only confirmed this statement, but developed the fact that the organization of new companies for use of the canal was contemplated, provided the established rates should be sufficiently attractive. It was developed also that two years' advance notice was desired in order to permit the building of the necessary ships.

It is of course desirable to put the canal in use as early as possible, not only to secure a financial return, but also to have everything in good running order, so as to insure the passage of the fleets of the world for which Congress has made provision, without confusion or delay.

To determine, then, the approximate date when the canal would be ready for use and to report what steps, if any, should be taken to expedite the work, a board was convened, composed of those charged with the work in progress and contemplated. Based upon the report of this board, announcement was made that all the concrete in the locks at Gatun would be laid by June 1, 1912, and in the locks on the Pacific side by October 1, 1912; that, assuming the gates were completed by June 1, 1913, as stipulated by the contract, the locks would be ready for use on this date if the operating machinery were installed; that the work on the spillway at Gatun would be completed to the elevation of 50 feet by April 1, 1912, and the entire dam would be finished by the close of the dry season of 1912–13; that the excavation through Culebra Cut would be completed by July 1, 1913, if no more material due to slides had to be removed than was estimated at that time; and that the exterior channels would be sufficiently advanced to pass the shipping that would use the canal.

It was desirable, therefore, that legislation should be provided without delay for the establishment of tolls, and should be sufficiently flexible to permit of ready change should conditions arise to warrant it. After the enactment of the necessary legislation, and before fixing the rate, data should be prepared showing the amount of traffic that might be expected, upon which to base the rate, and rules for measuring ships should be formulated so as to determine the charges to be made for various vessels.

A year has elapsed since the report upon which the statements heretofore made were based, and though an increase due to slides was made in the estimated amount of material to be removed from the Culebra Cut, this increase gives no grounds for changing the date; moreover, after the completion of the locks dredges can be passed into the cut, and the remaining material can be removed more economically and to better advantage. Though the division engineer can not complete all the concrete work on the Gatun Locks by the time first estimated, and now fixes the date as January 1, 1913, this will not interfere with the erection of the gates (the concrete needed for this purpose being practically in place) nor cause any delay to the work as a whole. Progress made in the construction of the dam confirms the promise of its completion. The division engineer adheres to the date heretofore announced for completing the locks on the Pacific side. The erection of the gates has not progressed as contemplated by the contract, but the shop work is well advanced, and by increasing the erecting force there should be no delay on this account.

The assistant chief engineer has taken all steps necessary to insure the delivery and erection of the operating machinery and lighthouses and anticipates completing them on time. The contract recently made for the emergency dams calls for completion of the last one by June 15, 1913.

The need for legislation looking toward the fixing of tolls is therefore urgent. Time can be saved in making public announcement of the rates to be charged by compiling, in advance of legislative action, the data of the amount of traffic that will probably use the canal and the formulation of rules by which the tonnage of ships is to be determined. Steps to this end have been taken.

Another matter needing attention is the organization of the operation of the canal and for the government of the Canal Zone. These

two are intimately connected. Existing law provides for the construction of the canal; also for the exercise of the military, civil, and judicial powers necessary for the government of the Canal Zone during a period which has already elapsed.

As the work nears completion it is intended to concentrate the construction until what remains will be in immediate charge of the directing office, thereby reducing the costs and, as far as possible, the overhead charges. It is believed that a more satisfactory operating force can be secured by the selection of suitable men from the present organization. There has been considerable criticism because of the high wage scale that exists, but this is due to the fact that it was difficult to obtain men when the work started on account of the bad reputation of the country and also because of the temporary character of the work. Complaints are made constantly because the salaries are disproportionate to responsibilities and because of the lack of uniformity in the percentage of excess over the wage scale for similar labor in the States. After the inauguration of the scale it was not considered advisable to make any reduction, and rearrangements were made from time to time as necessities required, but inequalities still exist. Conditions are different now; the Chief Sanitary Officer declares the death rate of the zone to be "much lower than that for most parts of the United States," and the general health of about 9,000 white Americans in the zone to be "fully as good as it was in the United States"; also, continuance in employment can be assured. It is believed that a lower wage scale can be put into effect for operating the canal and that the necessary force can be secured from the men who will remain in the service during the next year or two. This is an important consideration, since it is essential that the cost of operation shall be reduced to a minimum consistent with efficiency. With the operating organization provided for, steps can be taken to adopt a salary and wage scale, after which there can be created from the construction force one for operation without delay or confusion.

The total outlay for maintaining the canal will be for wages of the force engaged in its operation, the expense of engineering work connected therewith, and the cost of sanitation and civil administration. It is difficult to foresee the uses to which the land in the zone may be put. There are, all told, within the limits of the zone 436 square miles, of which about 73 square miles are in private ownership and 363 square miles owned by the Government (i. e., either by the commission or the Panama Railroad Co.); of the latter, 96 square miles are occupied by the canal. A large part of the Government land will be required for military and naval purposes, and it is not unlikely that additional lands will be required by other departments of the Government. The position of the Republic of Panama and its two cities with respect to the zone makes it necessary in the interest of harmony that the Spanish laws now in force shall obtain. The rules and regulations for the government of the zone made effective subsequent to the Fifty-eighth Congress should be approved and changes should be authorized to meet new conditions as they arise.

Under existing law lands may be leased for a period not exceeding 25 years, with the understanding that the cost of all improvements shall be reimbursed to the lessee in case the lands are needed for other purposes. It is generally the rule that land taken for governmental purposes is never sufficient and must always be extended, and from experience gained in the prices agreed upon for lands taken for canal purposes the improvements are always expensive. For the most part the configuration of the ground is not suitable for extensive farming; material obstacles tend to hinder agricultural development; a perpetual title can not be assured, and the Spanish system of taxation must be continued to avoid friction on account of unfair competition with the Panamans. The inducements offered are not likely to attract Americans. Other occupants are not desirable. The town sites already established are populated by laborers, a class which should be repatriated after work can no longer be given them, and the growth of such towns should be discouraged. The greater the amount of land leased and the number of town sites established and occupied, the greater will be the cost of sanitation and civil government. For several years to come at least it is believed that the best policy will be to keep all Government lands for Government purposes. Whatever military force is located on the Isthmus will be charged with its own sanitation. The reservation of all lands for governmental use would result, therefore, in minimum costs for these two items.

The Canal Zone occupies a unique position among the outlying possessions of the United States, and on this account requires special treatment. The construction of the canal is the original purpose for which it was obtained, and to this purpose everything within the zone is made subordinate. In the same way, after its completion, everything must be subordinated to the operation of the canal. Assuming that the canal is being built for the benefit of the commerce of the world, it nevertheless is a military asset to the United States, and conditions may arise in which the military necessities of the Nation will become paramount. It is essential, therefore, that an entity should be established or created and so organized that any contingency can be promptly met as soon as it rises. In other words, while during certain periods the operation of the canal is for commercial purposes, entirely separate and distinct from the military, there are times when the military necessities must predominate.

Every known precaution has been taken to insure the safety of the locks. Accidents to locks have in nearly every case resulted from misunderstood signals in the engine room. To avoid any possibility of accident which might render the canal useless the authorities should assume charge of all vessels during their transit of the locks; under such conditions any damage that may result to the vessels should be assumed by the Government, and legislation looking to this end is necessary.

The revenues of the canal should go to pay not only the operating expenses, but to repay the capital invested. Every legitimate means for increasing the revenue should therefore be adopted. The Government should have coal and fuel oil on hand for its own vessels, and these commodities should be sold to shipping using the canal. These should be supplied at an established rate and purchased after advertisement. The existing commissary, manufacturing plant, and laundry should be continued for the benefit of Government forces and to furnish supplies and service to shipping. A wireless telegraph station should be established for commercial as well as military purposes. The canal authorities should be authorized to sell tools and appliances needed by ships and to make repairs as may be necessary while ships are in the vicinity of the canal. A dry dock should be built with dimensions conforming to the locks. Both the dry dock and machine shops would be available for use by the Navy. If this policy is to be adopted, early legislation is needed in order that the construction necessary to make it effective may be undertaken without delay.

Mr. BRANDEGEE. Now, Mr. President, recurring to the inquiry of the Senator from Oregon as to why the Panama Canal should not be treated in the same way and subject to the same general governmental policy that our internal waterways and coastways and harbors are treated by the Government, it seems to me that there is no analogy whatever between those two matters. Some people say that the Panama Canal should be considered as simply a continuation of our coast; that it is a strip of water connecting our Atlantic coast with our Pacific coast. Of course that is not so. It is a strip of water connecting the Atlantic Ocean with the Pacific Ocean, just as the Straits of Magellan now connect the two oceans, removed 4,000 miles nearer American soil, but still 2,000 miles removed from American soil. We have built no canal in our own country or in our own sovereignty. We have a treaty which permits us to build and operate the canal in a foreign country, and while we have the sole right to the possession, and exclusive possession and operation of it, the Government of Panama retains the sovereignty of it.

The language of the treaty is peculiar. We can do everything in relation to canal purposes that we could if we had the sovereignty, but Panama retains the sovereignty. We have built a canal on foreign shores, and to say that simply because it is a great canal and is of advantage to our ships that want to go from our Pacific coast to our Atlantic coast, and vice versa, therefore it should be treated as one of our internal waterways, it seems to me is not in point at all.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. HITCHCOCK. Is not the Senator mistaken in saying that Panama retains the strip of land through which the canal runs?

Mr. BRANDEGEE. I do not think I am.

Mr. HITCHCOCK. I understand that Panama gave up the sovereignty of the strip in which the canal passes.

Mr. BRANDEGEE. No; I think the Senator is mistaken, if he understood it that way. The treaty itself will speak about that, however. It is right here, and I will look it up as soon as I take my seat.

Mr. HITCHCOCK. For a few miles on either side of the canal Panama cedes the sovereignty to the United States.

Mr. BRANDEGEE. I think not.

Mr. HITCHCOCK. That was exactly the issue between Colombia and the United States. We demanded of Colombia that she should give up the sovereignty of this strip and upon that point her statesmen declared that they lacked the power to yield the sovereignty, and therefore could not enter into the treaty with the United States.

Mr. BRANDEGEE. That is just what I claim, that Panama took the same position and retained the sovereignty.

Mr. HITCHCOCK. On the other hand, Panama being a little Republic created for the purpose very promptly ceded the sovereignty to the United States.

Mr. BRANDEGEE. I will put in the provision of the treaty as soon as I take my seat and let the treaty speak for itself. As for that matter, I am perfectly certain that Panama retained its sovereignty and we have a right to do everything that we need to do there in the construction of a canal. However that may be, it is not material.

Mr. PAGE. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Vermont.

Mr. PAGE. I should like to ask the Senator from Connecticut, in this connection, if the exact language of the treaty is not that while we have all the rights of sovereignty, so far as this particular strip of land is concerned, we do not have the sovereignty in the respect named in the treaty.

Mr. BRANDEGEE. I would not say that that was the exact language of the treaty, but that is the exact substance of it, as I recall it. I thought myself, when I looked at it, that it was rather a peculiar provision, but we got the substance of what we wanted, and we were willing to defer to the patriotic sentiment that that Government would naturally have about yielding to a foreign power the sovereignty within its own territorial limits.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. I do.

Mr. CHAMBERLAIN. I call the attention of the Senator to the treaty between the United States and the Republic of Panama, article 2, which provides:

ART. II. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land

under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant.

As I understand it, that is the only exception.

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

I think you will find that Col. Goethals, either in the statement that was just read or in the testimony before one or other of the committees, spoke about the disposition of the soil.

Mr. PAGE. May I interrupt the Senator there?

Mr. BRANDEGEE. I will say to the Senator that I assume he is reading from the CONGRESSIONAL RECORD.

Mr. CHAMBERLAIN. Yes.

Mr. BRANDEGEE. I am reading from the convention between the United States and the Republic of Panama for the construction of a ship canal to connect the waters of the Atlantic and Pacific Oceans, signed at Washington November 18, 1903, and I read from article 3, as published on page 269 of the Senate committee hearing on the Canal Zone, as follows:

ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Mr. HITCHCOCK. That is it.

Mr. CHAMBERLAIN. It seems to me that those two provisions not only cede this strip to the Government of the United States, but that Panama absolutely surrenders to the Government of the United States jurisdiction and sovereignty over the strip.

Mr. BRANDEGEE. It does not seem so to me at all. It seems to me as though Panama granted to the United States the rights, so far as the construction of the canal are concerned, which the United States would have if it were sovereign, but it does not say it is sovereign.

But, as I said, I do not want to be drawn into these side passages, because that is of no consequence whatever, in my opinion; it has no relevancy to the question which the Senator from Oregon propounded to me. I am trying to differentiate——

Mr. CHAMBERLAIN. If the Senator will pardon me——

Mr. BRANDEGEE. I yield to the Senator.

Mr. CHAMBERLAIN. I think it is important here, because the Senator has insisted that there was no parallel between waterways in our own country and the construction of the Panama Canal, and I have insisted that the waterways in our country are within our own boundary and that the construction of the Panama Canal is through land which practically belongs to the United States and over which Panama has ceded jurisdiction.

Mr. BRANDEGEE. As I view it, Mr. President, we simply have a right to build a canal and maintain it there under the treaty, just as a railroad when it has condemned land. I suppose if we abandon that canal and fail to maintain a canal there the United States would never claim that the 10-mile strip is a part of this territory or its possessions.

To be sure they own land there in fee, but they acquired it by treaty. I say, however that may be, the fact remains that this canal is built through a strip of land 2,000 miles removed from continental United States on the Isthmus of Panama below Central America, between Central and South America, and it seems to me to be a wild stretch of the imagination to say that when it was to a large extent constructed for military and naval purposes, in addition to commercial purposes, it should be treated on the basis of the declared policy of the Government as to the administration of its internal waterways and coast harbors.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. I do.

Mr. BRISTOW. Speaking of the possible abandonment on the Isthmus of the strip which we now own and control, is it not a fact that we have acquired practically all the real estate on, or we make provision in this bill to acquire all the real estate in, this strip from private holders and make it a part of our own possessions—Government land?

Mr. BRANDEGEE. I am listening to the Senator.

Mr. BRISTOW. Have we not done that?

Mr. BRANDEGEE. I did not know the Senator had concluded. Certainly, Mr. President, we acquired it. It is a complicated matter. It has all been gone into before the committee. When we took over the French company and made the treaty with the Government of Panama, we acquired various properties and rights which the old company had, and we have some rights under other treaties now.

I wish to call attention of the Senator from Kansas to the fact that the mere possession or ownership of the fee of land by this Government or by one of its citizens in a foreign country does not give this Government or its citizens any sovereignty.

It holds it subject to the country where it is located. The fact that our Government may own a thousand acres of land within the Republic of Panama and adjoining the central line of the canal does not of itself give us any governmental rights there. The only rights we have there are those which we acquire by the treaty.

Mr. BRISTOW. But we do not own this land in a foreign country subject to the sovereignty of that foreign country. It is subject to our own sovereignty.

Mr. BRANDEGEE. The Senator knows very well—and I say with all due respect to him, one of his grievances is that while our citizens in Colon own pretty much all the city, it is all subject to the taxing laws of the Government of Panama, and our people owning the land there, being in the minority, are subjected to the local tax laws and pay for all the public improvements there in the city of Colon. So agitated was the Senator, if I may say so without violating the confidence that he imparted to me, he would like to see the treaty amended so that we could exchange with the Panaman Government certain lands for which we have no particular use and they could cede to us these lands which would be of use to us by allowing our people to govern themselves there.

Mr. BRISTOW. Yes; I am free to say that one of my objections to the treaty was that we permitted a foreign government to have a municipal dominion within our own territory. I think it was a very grave mistake.

But, again, the Senator suggested that this was a strip of land 2,000 miles from our country, and that it was acquired for certain purposes. The Hawaiian Islands are 2,000 miles from our shore and still we are expending money there improving harbors, and so forth. It seems to me that there is practically no difference in the relationship of the Panama Canal Zone and the Hawaiian Islands or Porto Rico, as far as sovereignty goes.

Mr. BRANDEGEE. The question of the sovereignty, as I said before, I regard as immaterial. Now, as to the views of Prof. Johnson upon this question of——

Mr. REED. Before we leave that question, if it will not disturb the Senator——

Mr. BRANDEGEE. Not at all.

Mr. REED. I want to call attention to the fact that there are two separate provisions contained in this treaty with reference to the rights of the United States. I think by paralleling them we will get a clearer view of what was intended with reference to the question of sovereignty. Article 2 contains the language——

Mr. BRANDEGEE. What page is the Senator reading from?

Mr. REED. I am reading from page 269 of Senate Document 191, Sixty-second Congress, second session. Article 2 contains the following language:

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

Then follows a description more in detail.

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals.

Then follows more description:

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, etc.

Now, that is a grant of property; that is a property grant.

Mr. BRANDEGEE. No; it grants the use, occupation, and control of the property.

Mr. REED. Yes; but that use, occupation, and control is a property right, a property grant. It is such a grant as could be made and would be made by a sovereign to some person or

government with relation to property, the sovereignty of which still remains in the grantor. If we stopped there the contention of the Senator from Connecticut would be fully sustained by the text of the treaty.

But now we come to article 3, a separate article, dealing with a separate question. We have already dealt with the question of property, a property question, the right to take, the right to improve, the right to condemn, the right to acquire property interests, and to utilize the property rights. We pass over that now, all of it being contained in article 2, to article 3, and we find that we are dealing with a different subject matter, and what is that subject matter?

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II.

I go back a moment. It grants—

All the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Now, article 2 deals with property rights and article 3, it seems to me, deals with sovereignty rights; and when the Government of Panama grants to the United States all such rights and powers as it would have if it were the sovereign, that language means no more and no less than if it would say, "We hereby grant to you the full right of sovereignty." That is made plainer by the language which follows:

To the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Mr. President, if the Government of Panama grants to the United States all of the powers the United States would have if sovereign, that in itself makes the United States sovereign, but when it follows that and excludes itself from any acts of sovereignty, it must be true, it seems to me, that as the sovereignty is always vested somewhere, in some government, if the Government of Panama makes a grant which excludes it from the exercise of any sovereignty, then that does not leave this strip of ground without any sovereignty; it must be somewhere; and as sovereignty is abdicated by the Government of Panama and in favor of the Government of the United States, there can be no question, in my opinion, but that we are the undisputed sovereign of that tract of land.

You can not conceive of a piece of ground occupied by human beings upon which there is a civilization without having a sovereignty, and as the Government of Panama has excluded itself from sovereignty by these words and has granted all of the rights to this Government that it would possess if it were a sovereign, this Government becomes ipso facto the sovereign.

Mr. BRANDEGEE. Mr. President, I totally disagree with the Senator from Missouri in that matter. I will put in the RECORD later, as soon as I can find it, a letter written by President Taft, who was then Secretary of War, to one of the canal authorities in relation to this very question of the construction of the treaty, giving the view entertained by him. It is all in the hearings here. This question was discussed before the committee on the zone. If I recall the President's words, they were that Panama retains simply the titular sovereignty; that we have the actual rights of sovereignty, the right to govern it, and so forth, but they retain the titular sovereignty. That is my view of it.

Mr. REED. In other words, the Senator, I take it, would liken it to a deed to a piece of property in which the naked title was retained in trust by somebody else, but you never can find a deed of that kind which retains even the naked title that contains the language of entire repudiation of any right on the part of the trustee. You can not find such a deed that has in it language to the entire exclusion of any rights on the part of the trustee.

I am sure the Senator knows that we are simply trying to get at this as it is. I think it is a fundamental question in discussing this case. I have great respect for any opinion that the President may have given at the time of these negotiations. But these matters are always settled by the language of the instrument itself, and I do not know how you can have a repudiation of all acts and powers of sovereignty and at the same time retain sovereignty. I do not know how you can do it.

Mr. BRANDEGEE. As I said before, Mr. President, of course I do not expect to change the Senator's opinion, and I have no quarrel with him about it. I am willing he should retain that view of it.

Mr. REED. I am trying to change the Senator's view.

Mr. BRANDEGEE. When I quoted the President's view I did not do it with any idea of having Senators think I wanted them to defer to the opinion of that distinguished lawyer, if they had a contrary opinion, but simply in passing to state that that question had been considered, and when he was Secretary of War he had taken that view and so written to the commission.

From my point of view I can not conceive that there is any signification whatever in the language of article 3, in which the Republic of Panama grants to the United States all the rights, power, and authority within the zone which the United States would possess and exercise if it were the sovereign of the territory, unless it were not the sovereign. But be that as it may, the Senator from Missouri says this is the fundamental question in the whole matter. I do not agree with him on that, either.

Mr. REED. I said a fundamental question.

Mr. BRANDEGEE. Very well; I do not consider it so. I am trying to get away from it, because I do not consider it so. I simply say that I do not think the canal ever was thought to be upon the basis of dredging out a harbor or dredging out a river in the promotion of our interstate commerce; but I have considered the canal to be in no respect different from the Straits of Magellan, except that it was to move those straits nearer to the United States and except that in order to pass through those straits we had to use mechanical devices. That is all the difference that I think exists. I think if we had gone down to the Straits of Magellan and put in machinery there, if it had been necessary, to connect the Atlantic and Pacific Oceans, there would then be no parallel between that operation and the administration of our internal waterways. I am simply saying that is my view of it. So I, from the beginning, have been in favor and still am in favor of making that canal as free of access to every vessel in the world as it may be. I am in favor of treating it as a great arm of the sea. I am in favor of giving it its broadest international significance, of administering it in a way not only to promote the commerce of the whole world and to induce more frequent coming to both our coasts by not only our own commerce but the commerce of the whole world, but to administer it in a way, so far as possible, to secure the good will of the whole world and to avoid any international complications or animosities. I think that will be done if we shall proceed as I have indicated.

The senior Senator from Missouri [Mr. STONE] has indicated that even the views of Prof. Johnson are not entitled to great weight, who has devoted years and years to the investigation of this subject and has availed himself of all the information that is on file anywhere of all the tolls and counts and the passages of vessels between particular ports, the frequency of their voyages and their destinations, and the proportion of cargo carried hither and thither, who has availed himself of everything that is in the libraries and the archives of the bodies of commerce of the world. It must be admitted that his conclusions are not infallible. The Senator from Missouri evidently does not give them great weight. I do not know how much weight to give them. At the best they are the scientific guessings of a man who has devoted his best efforts to analyzing all the evidence available as his prophecy for the future.

I say I would open this canal upon the same terms to all the vessels of the world. I would allow the President or some commission appointed by him to run it. I would give them the authority to fix the tolls.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. I do.

Mr. CUMMINS. May I interrupt the Senator from Connecticut to make a brief statement?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. Something that I said a few moments ago might be used as a basis for the impression that I question the correctness of Prof. Johnson's statement.

Mr. BRANDEGEE. I referred to the Senator from Missouri [Mr. STONE].

Mr. CUMMINS. I understand that. I have the very highest regard for Prof. Johnson's opinions in this matter. I believe he is better qualified to express an opinion with regard to the volume of traffic that may pass through the Panama Canal than is any Senator, because he has given so much more study to the subject; but the error into which we may fall if we accept his view implicitly is this: His view does not take into account the adjustment of tolls at varying rates as against our competitors. For instance, suppose the Suez Canal should cut its rates in half, that would make a great difference in Prof.

Johnson's estimate; suppose the transcontinental railways should reduce their rates by half, that would make a very great difference in the amount of traffic passing through the canal. I call this to the attention of the Senate now, because we ought to consider carefully what Prof. Johnson said. I, for one, believe that we shall have to adjust our rates on the business in which we compete with the Suez Canal according to rates maintained by the Suez Canal. I believe we shall have to adjust our rates on business destined to our western coast in order to allow competition with our transcontinental railroads. I believe we shall have to adjust our rates on business destined to the western coast of South America according to the cost of doing business around Cape Horn. Therefore, the factors taken by Prof. Johnson in his investigation and upon which he gave his estimates, valuable as they are, must necessarily be variable factors if we attempt to meet the competition of the rest of the world in fixing rates through the Panama Canal.

I feared that something I said a few moments ago might lead the Senate to believe that I did not give proper credit to Prof. Johnson's deductions. I want to be clearly understood about that, because I think that he has as intelligent and learned a view as anyone whose statement upon the subject I have ever read.

Mr. BRANDEGEE. Mr. President, I agree to a great deal of what the Senator from Iowa has said. What I was saying was not intended to be any criticism upon him or upon the senior Senator from Missouri nor any intimation as to their good faith or as to their opinion of Prof. Johnson; I was simply endeavoring to show that, no matter how much a man may have investigated this subject or how well qualified he may be to form an opinion now, it is at best a scientific guess and the estimate of a great many variable and complicated things which may happen in the future.

I want to call the attention of Senators to the fact that Prof. Johnson's testimony upon all these questions is to be found in the Senate committee hearings, beginning a little before page 25 and running along after that point. He discusses these questions, of course simply giving his best judgment. Col. Goethals is in favor, and I am in favor, whether rightly or wrongly, of what he believes to be the wisest course. Possibly it may turn out to be the wrong course, but it is a safe course, it seems to me, to say nothing about free passage to anybody at present and authorize the President or a commission or somebody that can have the benefit of this testimony and then of their own studies to fix the tolls on all vessels that go through the Panama Canal, and run the canal a year and see what happens, ascertain whether the canal receipts are such as would indicate that the rate is low enough to attract business from our competitor, the Suez Canal, and with authority to raise and lower rates within definite limits, allowing them some discretion so as to adjust the rates along the lines of a sliding scale as the immediate needs might demonstrate was proper.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I do.

PROPOSED VOTE ON WOOL, SUGAR, AND EXCISE BILLS.

Mr. SIMMONS. Mr. President, I have asked the Senator from Connecticut to yield to me only for a moment in order that I may make a request.

I realize fully the embarrassment and inconvenience of the present situation in the Senate, and I am anxious, if possible, to reach some agreement by which that situation may be relieved. I desire to ask Senators on the other side of the Chamber if it is not possible for us to enter into an agreement providing for a vote upon the wool bill, the sugar bill, and the excise bill at some early day?

Mr. SMOOT. Mr. President, I am positive there is no disposition on the part of Senators on this side of the Chamber to delay a vote upon those bills; and I ask unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate shall proceed to the consideration of the bill (H. R. 22195) to reduce duties on wool and manufactures of wool, and that before adjournment on that day we shall vote upon any amendment that may then be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

I should also like to give notice that I shall follow this request by asking unanimous consent for a vote on what are known as the sugar bill and the excise bill.

Mr. SIMMONS. I suggest to the Senator from Utah whether he had not better insert in the agreement the word "calendar," so as to read "on that calendar day"?

Mr. SMOOT. Of course I am perfectly willing to insert "calendar day" in the motion, although "that day" means the calendar day.

Mr. SIMMONS. I think it would probably be better to say "calendar day."

Mr. SMOOT. I will accept the suggestion and make it read "calendar day."

The PRESIDENT pro tempore. The suggested unanimous-consent agreement will be stated from the desk.

The Secretary read as follows:

"It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may then be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition."

The PRESIDENT pro tempore. Is there objection?

Mr. McCUMBER. Mr. President, I desire to ask the Senator from Utah [Mr. SMOOT] if he would have any objection to fixing an hour certain at which the vote might be had on the bill on that day?

Mr. SMOOT. There was some objection to fixing an hour to vote, and I thought it better to leave it merely the calendar day rather than to fix an hour.

Mr. McCUMBER. I think many Senators would like to know what time of the day the bill will be voted on in order that they may be certain to be present at the time; and I ask the Senator from Utah if he would have any objection to providing that the vote shall be taken on or before 6 o'clock on that day?

Mr. SMOOT. I am afraid there would be objection to that request. So far as I am personally concerned, I would not object, but I am positive there would be objection to fixing an hour.

Mr. WARREN. Mr. President, I should like to have the proposed unanimous-consent agreement again read. I did not hear it.

The PRESIDENT pro tempore. The proposed unanimous-consent agreement will again be read at the request of the Senator from Wyoming.

The Secretary again read the proposed unanimous-consent agreement.

The PRESIDENT pro tempore. Is there objection?

Mr. REED. Mr. President, I understand that if we give unanimous consent to this proposition it is upon the understanding that unanimous consent of a similar character will be given with reference to the sugar bill and the excise bill?

Mr. SMOOT. That is the understanding.

Mr. HEYBURN. And the cotton bill?

Mr. SMOOT. That has not been received by the Senate as yet.

Mr. HEYBURN. Yes; but when it comes in.

Mr. REED. With that understanding I do not object.

The PRESIDENT pro tempore. Is there objection?

Mr. HEYBURN. Mr. President, it might be well for us——

Mr. SIMMONS. Mr. President, pardon me, but to avoid any trouble about that, would it not be well to unite all of these bills in one request?

Mr. SMOOT. I am perfectly willing now to present the other requests for unanimous consent and ask that they be read.

Mr. HEYBURN. I merely want to make a suggestion, to avoid leaving the matter to subsequent construction. While it is true the cotton bill is not yet over here, there is tacit understanding that when it comes over it will be subject to the same action.

Mr. SMITH of Michigan. Mr. President, the suggestion of the Senator from Utah, which will necessarily precipitate the tariff bills into this body at a time when they can not be very thoroughly discussed, must be for the purpose of enabling the appropriation bills to be considered without further delay and to the end that we may have an early adjournment?

Mr. SMOOT. I sincerely hope and trust, Mr. President, that that will be the result.

Mr. SMITH of Michigan. I hope that that will be the result. If these bills are not to be gotten out of the way on that theory, they ought to be thoroughly discussed.

Mr. SMOOT. Then I offer the order which I send to the desk providing that a vote be taken upon all three of the bills and ask that it be read.

The PRESIDENT pro tempore. The Senator from Utah, then, withdraws the first request for unanimous consent for the time being?

Mr. SMOOT. Yes; I withdraw my original request for unanimous consent.

The PRESIDENT pro tempore. The Senator from Utah now offers a request for unanimous consent, which will be stated.

The Secretary read as follows:

"It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

"And, further, it is agreed by unanimous consent that on Saturday, July 27, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21213) to amend an act entitled 'An act to provide revenue, equalize duties,' etc. (known as the sugar bill), and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

"And, further, it is agreed by unanimous consent that on Friday, July 26, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition."

The PRESIDENT pro tempore. Is there objection to the request?

Mr. STONE. I desire to ask a question. If unanimous consent is given to enter that order, I should like to know whether it would preclude the right of a Senator, if he so desired, during the consideration of the so-called sugar bill on Friday to offer the excise bill as an amendment? I ask that because the agreement proposes that the following day, Saturday, shall be set apart for the consideration of the excise bill.

Mr. SMOOT. Mr. President, did the Senator ask for a ruling of the Chair, or did he ask what the opinion of Senators may be upon that?

Mr. STONE. Well, I will ask what the opinion of the Senator is upon it?

Mr. SMOOT. Mr. President, my opinion is that under the unanimous-consent agreement an amendment proposing to attach the excise bill to the sugar bill on Friday would be out of order.

Mr. STONE. Well, I should like a ruling of the Chair in answer to the parliamentary inquiry.

The PRESIDENT pro tempore. The Chair will not undertake to decide a parliamentary question in advance, but the Chair will venture to express the opinion that if unanimous consent is given to consider a certain well-recognized bill, a motion to substitute a bill on an entirely different subject would not be in order.

Mr. STONE. I did not say to substitute; I said to offer it as an amendment.

The PRESIDENT pro tempore. That would be an amendment in the nature of a substitute.

Mr. STONE. Oh, no.

Mr. BAILEY. It would be offered as an addition.

The PRESIDENT pro tempore. An addition; the Chair begs pardon.

Mr. BACON. I desire to suggest that it would not be within the province of the Chair to make a ruling at this time.

The PRESIDENT pro tempore. The Senator is right.

Mr. BACON. That is an impossibility.

The PRESIDENT pro tempore. The Chair would like to suggest——

Mr. BACON. The only thing the Chair can do now is to indicate what his opinion may be, and from that may be drawn a conclusion as to what his ruling will be; but certainly the Chair can not now make a ruling.

The PRESIDENT pro tempore. The Senator from Georgia is right. It was a mere suggestion upon the part of the Chair.

Mr. BACON. And I desire to say furthermore in regard to the matter while opinions are being expressed that, although no ruling can now be made, certainly under the rules of the Senate there is no limitation to the power of amendment, except so far as general parliamentary law may be invoked that a matter is not germane or otherwise pertinent to the particular subject in hand; but the question of the unanimous consent can not affect that parliamentary situation.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. If the Senator will permit the Chair a moment, the Chair was laboring under a misapprehension. The Chair understood the Senator from Missouri to suggest that the excise bill would be moved as a substitute for the sugar bill. Of course, the Chair can not make a ruling until the motion is actually made.

Mr. BACON. And so far as the question of its being an amendment or a substitute is concerned, a substitute is only an amendment; it is one form of amendment.

The PRESIDENT pro tempore. The Chair understands that.

Mr. BACON. When adopted, it takes the place of the original proposition and becomes the original proposition. It is a radical amendment; that is the difference between it and a partial amendment; but, none the less, it is an amendment and has all the incidents, features, rights, privileges, and possibilities of an amendment.

The PRESIDENT pro tempore. The Chair so understands.

Mr. HEYBURN, Mr. LODGE, and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. STONE. I desire, Mr. President, to be perfectly frank about it——

Mr. LODGE. Mr. President, I thought I was recognized.

The PRESIDENT pro tempore. The Senator from Idaho first addressed the Chair and was recognized.

Mr. HEYBURN. I rise to suggest that if we fix a date certain to vote upon the excise bill, it ought not to be in order to bring it up at an earlier time, either in the nature of an amendment or as a substitute. It would not be strictly in accordance with the spirit of the unanimous-consent agreement to do that. I make that suggestion so that the question ought not to arise.

Mr. LODGE. Mr. President, I was about to make the same suggestion as that just made by the Senator from Idaho. If we had only a unanimous-consent agreement providing for a vote on the wool bill and the sugar bill, of course it would be open to any Senator to move the excise bill as an amendment to either bill; but when we make a third unanimous-consent agreement to consider that particular bill, if that bill is then moved as an amendment to one of the previous bills, we nullify the third unanimous-consent agreement of the Senate.

Mr. JONES. Mr. President, I desire, in connection with the request made by the Senator from Utah [Mr. SMOOT], to couple with it a request that on Monday, July 29, after the routine morning business, the Senate proceed with the consideration of the bill providing for a Territorial government for Alaska, and to conclude the consideration of that bill on that day; otherwise, I shall object to the unanimous-consent agreement.

Mr. WARREN and others. Do not do that.

Mr. JONES. Unless some disposition is made of the bill providing for a Territorial government for Alaska, I shall have to object.

Mr. SMITH of Michigan and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. SMOOT. Allow me to suggest to the Senator from Washington——

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. SMITH of Michigan. Mr. President, I am as anxious as is the Senator from Washington to dispose of the Alaska civil government bill. It is on the calendar, and I propose to bring it up at the earliest opportunity. I think, however, that, in the interest of that bill, unanimous consent as requested ought to be granted. I believe that if we get these controverted points out of the way and can go to the calendar, the Alaska bill will receive earlier consideration than it otherwise would, and I am very anxious indeed that the bill shall be considered.

Mr. WARREN. Mr. President, I want to ask my colleague from Washington [Mr. JONES] to consider this: I am as anxious as he is to get the matter of which he speaks under consideration; but there will be any amount of time for that and all other matters on the calendar before it would be possible to compose the differences of the two Houses on the several pending appropriation bills now in conference and yet to go to conference. If you delay the appropriation bills, you must understand that you can count on not less than 30 days from the time you pass the appropriation bill that is now before us—we must remain in session that length of time—before there is any possibility of finally arriving at the time when all the appropriation bills may pass and secure the signature of the President. I shall join the Senator in endeavoring to secure consideration at a later time for the bill to which he has referred; but I do not believe it is best to load too heavily the present proposition, which already covers three important matters.

Mr. JONES. Mr. President, I desire to say that I know the Senator from Michigan [Mr. SMITH] is very anxious to have the Alaska government bill considered, and that he is using every effort to have that measure brought to a vote by the Senate. I have been here long enough, however, to know how these matters go and to know that when we get the tariff bills, which are generally recognized as very important matters, out of the way, some other matters which are very important locally, but not very important generally, are likely to fall by the wayside. I am going to insist, so far as I am concerned, that the Senate take action upon the Alaska bill; but, with the assurances I have from various Senators now with reference to the matter, I will not embarrass the request for unanimous consent with the suggestion I made a moment ago, and so I withdraw the objection.

The PRESIDENT pro tempore. Is there objection?

Mr. STONE. Mr. President, I want to state frankly that it was my intention, if no one else did it, inasmuch as the sugar bill is to be taken up in advance of the excise bill, to offer the last-named bill as an amendment to the sugar bill. I had supposed that under the terms of the agreement as drawn any amendment would be in order; but, to put it beyond question, I submitted the inquiry I made. The Chair, so far as the Chair went, intimated that the ruling would be against the right to offer the excise bill under the proposed unanimous-consent agreement as an amendment to the sugar bill, and Senators upon the other side——

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. Certainly.

Mr. SIMMONS. I did not understand the Chair to make that intimation. I understood the Chair to hold that a substitute would not be in order.

Mr. STONE. Nevertheless——

The PRESIDENT pro tempore. If the present occupant of the Chair shall be presiding at that time, he will consider the matter when it is presented to him; but at present he would not feel like making any definite ruling.

Mr. STONE. I understand that; but, so far as the Chair went, it was along the line I have suggested, and three or four leading Senators on the other side have stated that the amendment suggested would not be in order under the agreement.

Mr. President, I am perfectly willing and anxious to have the first request for unanimous consent relating to the woolen bill agreed to; I am perfectly willing and anxious to have the order relating to the sugar bill and the excise bill agreed to; but I do not feel disposed to allow an advanced consideration of the sugar bill and have it voted down, as it probably will be by the majority on the other side, and then be confronted with the argument that there was no Treasury need, no financial requirement of the Government, for the passage of the excise bill. My contention is that, if the sugar bill as it came from the other House should be adopted, the loss of revenue growing out of that should be supplemented by the excise bill and would put those of us who are in favor of the passage of these bills at a disadvantage if they should be taken in the order named.

Now I will ask the Senator from Utah if he is willing to agree to either one of two propositions—to place the excise bill in advance of the sugar bill, or, secondly, to have it understood that the excise bill may, if desired, be offered as an amendment to the sugar bill?

Mr. SMOOT. Mr. President, I think the logical way to consider the bills is to consider the sugar bill first. If that is defeated, and the present rates on sugar are maintained, I think myself there will be no necessity for the passage of the excise bill. But to reverse them I think would be absolutely wrong.

I want to be frank with the Senator from Missouri, and to say that the understanding I have is that the bills shall be voted upon just as the order has been presented. I would not ask that they be voted upon as a matter of unanimous consent unless they are voted upon just as they have been presented. Nor do I think it would be proper, under the proposed unanimous-consent agreement, for the Senator to offer the excise bill as an amendment to the sugar bill, for the reason that in the proposed unanimous-consent agreement we agree to vote upon that particular proposition on the day following.

Mr. STONE. Mr. President, I am going to ask the Senator from Utah to consent to this suggestion, for I do not wish to object. I am as anxious as I can be to have these measures taken up and disposed of. But I want it done in a way that I think is fair to those of us who support the measures, and I think they ought not to be presented in a way that puts us at a disadvantage.

I suggest to the Senator that this request be left unacted upon and pending until to-morrow morning, so that we may have some consultation in regard to it.

Mr. SMOOT. Of course, if the Senator desires to object, I have no——

Mr. STONE. I am asking the Senator to consent to that course.

Mr. SIMMONS. Mr. President, I hope the Senator from Utah will adopt that course. I was just going to suggest it when the Senator from Missouri rose.

Mr. SMOOT. Then, Mr. President, I will withdraw the request.

The PRESIDENT pro tempore. The Senator from Utah withdraws the request for unanimous consent.

Mr. CLAPP subsequently said:

As I came into the Senate there was some talk of a unanimous-consent agreement. When the Payne-Aldrich tariff bill was passed in 1909, a corporation-tax amendment was brought in here which in terms exempts the trusts and combinations from the payment of the tax, which is purely an excise tax for the privilege of being a corporation.

I shall feel constrained to object to any unanimous-consent agreement that is so framed that at some point an amendment can not be offered to the Payne-Aldrich tariff bill, repealing the exemption of the trusts and combinations from the corporation tax.

Mr. LODGE. Every one of the bills mentioned in the proposed unanimous-consent agreement is in that position.

Mr. CLAPP. I thought so until I heard the question of the Senator from Missouri as to whether or not the excise bill could be put in as an amendment to the sugar bill.

Mr. LODGE. That question related to a specific bill, as to which there was another unanimous consent.

Mr. CLAPP. That is all right. I understood the suggestion of the Senator from Missouri was that this agreement might be so framed that only the bills as they now stand could be voted upon.

Mr. LODGE. Oh, no.

Mr. CLAPP. And I want to give notice that the unanimous-consent agreement must be so framed that——

Mr. BACON. Mr. President, there is a good deal of conversation on the floor; and while the Senator generally speaks in a loud tone, he turned in the opposite direction, and I did not catch the exact point of his remarks.

Mr. LODGE. It is all over.

Mr. CLAPP. It is all over; but I will state it again, if the Senator desires.

When I came into the Senate I heard the Senator from Missouri discussing a proposed unanimous-consent agreement as though the agreement would preclude an amendment to the sugar bill. It occurred to me that the agreement was being so framed that perhaps it would preclude amendments generally to the bills as they now stand. I therefore gave notice that I could not consent to the agreement unless it permitted an amendment repealing the exemption of the trusts from the payment of the corporation tax incorporated in the Payne-Aldrich bill three years ago.

Mr. SIMMONS. Mr. President, I should like now to inquire from Senators on the other side of the Chamber——

Mr. BRANDEGEE. Mr. President, have I the floor?

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I yield for a parliamentary inquiry.

Mr. SIMMONS. I wish to make a request.

Mr. BRANDEGEE. I yield for that purpose.

Mr. SIMMONS. I now wish to inquire of the Senators on the other side of the Chamber if it will be possible to enter into a unanimous-consent agreement to vote upon the wool bill?

Mr. SMOOT. I think, Mr. President, the only proper course is to do what we started to do—to vote upon all the tariff bills. I would not feel like saying to the Senator that we could vote upon the wool bill independently. I should very much prefer to leave the matter open, as requested, for further consideration.

RADIO COMMUNICATION.

Mr. SMITH of Michigan submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3315) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, having met, after full and free confer-

ence have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"That section 1 of an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, be amended so that it will read as follows:

"'SECTION 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night.

"'An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

"'The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of $100.

"'That the provisions of this section shall not apply to steamers plying between ports or places less than 200 miles apart.'

"'SEC. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean cargo steamers shall take effect on and after July 1, 1913: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.'"

And the House agree to the same.

WILLIAM ALDEN SMITH,
THEO. E. BURTON,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

JOSHUA W. ALEXANDER,
RUFUS HARDY,
W. E. HUMPHREY,
Managers on the part of the House.

The report was agreed to.

LAND IN CITY OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Muder, owner of the south 17.10 west front by the full depth thereof of lot No. 14, all of said property in square No. 774, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District (H. Res. 634); and there being no objection, the request was ordered to be complied with.

CORBETT TUNNEL, WYOMING—VETO MESSAGE (S. DOC. NO. 878).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

For the reasons stated in the letter of July 12 of the Secretary of the Interior, which accompanies this message, I return without approval Senate bill 4862, entitled "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project."

I do this because I think this legislation is of retroactive character and imposes on certain of the reclamation settlers an additional burden over and above the contract price of the work done, increasing that price by a double payment of part of what was due under the contract from the reclamation fund to the principal contractors. At the time when the work was begun and continued there was no law which relieved the subcontractor or the material man from the necessity of looking after the collection of what the contractor owed him, or which imposed on the Government or the reclamation authorities the duty of seeing to it that the money paid under the principal contract was used by the principal contractor to pay his subcontractors or material men. To require that this additional amount should now be included in the assessment upon the lands is by law to increase a contract burden by a change of the character of the liability after it has been assumed and fixed. This is retroactive and is legislation in its nature unjust to the reclamation settlers.

WM. H. TAFT.

THE WHITE HOUSE, *July 18, 1912.*

The PRESIDENT pro tempore. The question is, Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. MYERS. Mr. President, I ask unanimous consent that the President's message and the accompanying document be printed and lie on the table, subject to be called up by me at a later day.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the President's message and the accompanying document be printed and lie on the table. Is there objection? The Chair hears none.

HOUSE BILL REFFRED.

H. R. 21094. An act to create a commission on industrial relations was read twice by its title and referred to the Committee on Education and Labor.

ANNIE R. SCHLEY.

Mr. McCUMBER. Mr. President, on Monday, the 15th instant, conferees were appointed by the Chair on the bill (S. 4568) granting an increase of pension to Annie R. Schley. One of the conferees was the Senator from Oklahoma [Mr. GORE]. The Senator from Oklahoma left the city the day after, I think, and will not be back for some time. Therefore I ask that the senior Senator from Indiana [Mr. SHIVELY] be appointed to fill his place.

The PRESIDENT pro tempore. Without objection, that order will be made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I wish to give notice that I shall ask the Senate to proceed with the consideration of the sundry civil appropriation bill to-morrow, immediately after the routine morning business.

VOTES ON EXCISE, WOOL, AND SUGAR BILLS.

Mr. SIMMONS. Mr. President, I desire to inquire of the Senator from Utah if he would not consent to change the order in the unanimous-consent proposition he submitted a little while ago, so as to allow a vote upon the excise measure before the sugar bill.

Mr. SMOOT. After consultation with a number of Senators interested in this proposition, I find there is no objection to that program, and therefore I offer the order I send to the desk.

The PRESIDENT pro tempore. The Senator from Utah submits an order, which will be read.

The Secretary read as follows:

"It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

"And, further, it is agreed by unanimous consent that on Friday, July 26, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

"And, further, it is agreed by unanimous consent that on Saturday, July 27, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21213) to amend an act entitled 'An act to provide revenue, equalize duties,' etc. (known as the sugar bill), and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition."

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. Mr. President, with the assurance given me with respect to my request in connection with the bill I then mentioned, I shall not object.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I wish to call the attention of the Senate very briefly——

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. Certainly.

Mr. BACON. I did not make the point of order because I realized that the unanimous-consent agreement was a matter in which we are all very much interested, but I do wish to give notice that hereafter I shall ask for the observance of the rule that no Senator shall interrupt the Senator on the floor by another matter.

Mr. LODGE. I ask the Senator from Connecticut to yield to me for a moment.

Mr. BRANDEGEE. I yield to the Senator from Massachusetts.

Mr. LODGE. Without detaining the Senate to read it, I send to the Secretary's desk an extract from the report of the Liverpool Shipowners' Association in regard to Suez Canal tolls, which I should like to have printed in the RECORD; and, also, two or three extracts from one of the London newspapers on the same subject.

The PRESIDENT pro tempore. Without objection, the order will be made.

The matter is as follows:

LIVERPOOL SHIPOWNERS' ASSOCIATION AND SUEZ TOLLS.

The Liverpool Steamship Owners' Association is the largest shipping organization in the world. Its membership includes the owners of 4,174,403 tons of British steamships, or over 22 per cent of all the steam tonnage under the British flag.

The report of the association of its last annual meeting, February 1, 1912, contains the following:

"Suez Canal: The following resolution was adopted unanimously at the Imperial conference:

"'This conference is of opinion that the dues levied upon shipping for using the Suez Canal constitute a heavy charge and tend to retard the trade within the empire and with other countries, and invites the Government of the United Kingdom to continue to use their influence for the purpose of obtaining a substantial reduction of the present charges.'"

Mr. McKinnon Wood, in supporting the resolution, expressed the entire sympathy of the British Government with the views expressed by Mr. Fisher on behalf of Australia in moving the resolution, and assured the conference that the British Government would never allow its interests as shareholders to deter it for one moment from pressing for such reductions in the dues as were at all possible. He further pointed out that as the representation of the British Government on the board of the Suez Canal Co. was only about one-tenth, the most the Government could do was to exercise its influence in bringing about the reduction in the dues so urgently needed.

In view of the position taken up by the Government, the association, continuing the practice it has followed for a number of years in its annual reports, gives the following summary of the Suez Canal figures to date:

Great Britain received in dividends on its shareholding in the canal company during last year £1,129,260. Great Britain has now received upward of £17,000,000, as against its original investment, 35 years ago, of £4,000,000. This extraordinary return from the capital invested has been obtained from dues which exceed by 100 per cent the cost of working the canal. These dues are as to 60 per cent collected from British ships, and therefore, although the whole of the £1,000,000 received yearly by this country is treated as dividend, it is in fact derived as to 60 per cent from a most onerous tax levied on our trade with the East.

The trade are unwilling payers of this onerous tax and, as Mr. McKinnon Wood has made it clear that the British Government are unwilling receivers, the association would submit that the time has now come when means should be found, and without waiting for the conversion of the other shareholders, by which at least £600,000 of the dividends unwillingly received by the British Government should be applied in the general relief of the British trades suffering from the tax.

[From the London Morning Post, January 2–3, 1912.]

The Committee on Foreign Commerce of the House of Representatives has been to Panama to inspect the progress made on the canal and to determine the tolls to be paid by ships passing through it. The committee has just returned, and its members are agreed that tolls should range between 2s. and 4s. per ton for vessels flying foreign flags, but that a preference should be accorded to the American mercantile marine. The majority, it is said, go so far as to advocate the free use of the canal to American vessels engaged in the coastwise trade.

This second proposal, of course, does not really concern other countries, since the coasting trade of the United States is already restricted to native shipping. But foreign nations, and especially Great Britain, will be directly affected by any system of tolls so arranged as to give a preference to American vessels engaged in foreign traffic.

EQUAL TREATMENT FOR ALL.

Sir Owen Philipps, whose name is prominently before the public as the head of the largest shipping combination in the world, said: "I hope that the American Nation may see their way to make the passage across the Panama Isthmus as free as the ocean, and so lead to the canal doing the maximum amount of good to the trade of the world. But if they should decide to fix the tolls, as mentioned in your paragraph, at something between 2s. and 4s. a ton it is of the utmost importance to British shipping that the vessels of all nations should be treated exactly alike. As regards American ships trading exclusively between United States ports on the Atlantic and the ports of that country on the Pacific—trade which is exclusively confined to steamers built in the United States—British vessels would not be adversely affected if in this case only United States ships were allowed to pass through the canal free of dues.

"The present cost of running American ships is undoubtedly very considerably more than the cost of running British ships. But I do not think that is any argument to justify exceptional treatment being accorded to United States vessels going through the Panama Canal except those in the coasting trade, as it is quite possible a few years hence the position may be entirely reversed."

NO EFFECT ON BRITISH SHIPPING.

"A proposal of this sort raises the whole question of treaty relationship," remarked another authority on shipping matters. "There are certain people in America who think it is absolutely impossible for such a preference to be given, more particularly because of the pledges which the United States Government gave when she intimated her intention to construct the canal. But after all is said and done, from the point of view of foreign shipping, I think it is a relatively small matter. It sounds, perhaps, as though the preferential treatment would do a great deal for American shipping, but, as a matter of fact, it will do very little. Practically all the United States shipping is nowadays engaged in the coastwise business, and whether under this legal monopoly they are able to carry goods from New York and San Francisco a little cheaper doesn't matter to us in the least. Any reduction of the canal dues will enable the shippers to compete with the transcontinental railways of the United States. That, I believe, is the point of the whole thing."

Mr. BRANDEGEE. At the same time, I ask unanimous consent to insert in the RECORD the letter I send to the desk, with the accompanying resolution, which has to do with the question of allowing vessels in which a railroad may have any interest to go through the canal.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

COTTON GOODS EXPORT ASSOCIATION OF NEW YORK,
July 17, 1912.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

SENATOR: I have the honor to hand you herewith copy of resolution passed by the board of directors of the Cotton Goods Export Association of New York, in relation to H. R. 21969, Calendar No. 771, an act to provide for the operation, etc., of the Panama Canal, and ask your attention to it.

Very respectfully,

HOWARD AYRES, *Secretary.*

Copy of resolution passed by the board of directors of the Cotton Goods Export Association of New York, July 17, 1912.

Whereas it is of the utmost importance to merchants and manufacturers of the United States doing business with oriental countries to have suitable and adequate freight accommodation for merchandise exported and imported; and

Whereas the opening of the Panama Canal should provide means for increasing the shipping facilities of a growing trade: Therefore be it

Resolved, That the use of that waterway should be as free of restrictions as possible; that such a restriction as is made in lines 12 to 16, inclusive, beginning at the word "*Provided*," of section 11 of the Senate draft of H. R. 21969, Calendar No. 771, is so destructive of opportunity for freight employment of vessels coming under the other provisions of the section and the whole bill as to prohibit the building and operation of vessels for that route and trade; that all necessary protection against abuse of the privileges of the canal by such vessels is given by other parts of the bill and other laws; that the Senate of the United States be requested, in the interest of the merchants and manufacturers of the United States trading with the Orient, to strike out of the bill section 11, lines 12 to 16, the words: "*Provided further*, That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports."

Mr. BRANDEGEE. Mr. President, as I was saying some time ago, in view of these contending theories, in view of these differences of opinion about the treaties, in view of the fact that we can have no positive knowledge in advance of what is going to happen in the canal after it is open for business and business has gone on for a year or two, it seems to me the most sensible thing to do, the thing that certainly we could make no mistake about and never could be blamed for doing, would be to open the canal to all vessels that want to go through it and charge them all a just and reasonable price for the service we render to them in putting them through.

After operating the canal a year or two years and figuring up the amount of tolls received from the vessels, with some experience as to whether or not we might have to reduce the

tolls to get the business as against our competitor, the Suez Canal, we would be in a better position to judge as to whether it was necessary to attempt to give—even if we could do so under the treaties—free tolls to American shipping or free tolls to American vessels engaged in the foreign trade, which, if we can give free tolls, need the free tolls and the help much more than the domestic shipping, which already has a monopoly of the market, secure from competition with foreigners, and is fairly prosperous at the present time.

If it were left to me to decide, I would not even inquire into the ownership of a vessel that appeared in the Atlantic or the Pacific Ocean and asked for passage through the canal any more than I would inquire into the ownership of a vessel that appeared in the harbor of New York. I would say, in relation to vessels in which a railroad might have some interest, "I will not pass a law to absolutely debar every vessel in the country in which a railroad may be interested, with which it competes, from going through an American canal on which we have spent $400,000,000 any more than I would debar the railroad-owned steamships that may be upon the high seas from coming into an American port."

To say that no steamship in which a railroad has any interest shall go through the canal would put every steamboat that is owned or held by a corporation at the absolute mercy of any railroad that wanted to go into the market and buy 10 shares of the stock of the company. Any railroad that had a grievance against a competing steamship line could go into the market and buy a small interest in it. Railroad ownership of 1 share would be enough, under section 11 of the House bill, to absolutely debar the vessels of that line from the use of the canal.

Mr. BRISTOW. Mr. President——

Mr. BACON. Mr. President, there is so much conversation in the Hall that I am sure it must be annoying to the Senator who is addressing the Senate. It is very difficult for us to hear him.

The PRESIDENT pro tempore. The Senator from Georgia makes the point of order that there is so much confusion in the Senator Chamber that it is difficult for the Senator from Connecticut to be heard. The Chair sustains the point of order, and requests Senators to preserve order.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Certainly.

Mr. BRISTOW. I desire to suggest to the Senator that I think he misreads the House bill. He has a copy of it there. I should like to call his attention to the fact that the bill as it passed the House does not have the effect he suggests, but the amendment inserted by the Senate committee does have that effect. The House bill did not do so, because the penalty in the House bill was on the railroads that bought the shares of steamship stock, not on the steamship lines.

Mr. BRANDEGEE. Very well. But in either case, Mr. President, I would not for a year or two inquire into the ownership of vessels that went through. I assume that the American Congress would not want, if it could, to debar all vessels in which its own railroads might be interested from going through the canal, while at the same time allowing the railroad-owned vessels of foreign powers to go through the canal.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut further yield to the Senator from Kansas?

Mr. BRANDEGEE. I yield.

Mr. BRISTOW. The provision of the bill forbids only the railroad-owned ships that compete with the roads from going through the canal. How could an English railroad-owned steamship compete with the railroad that owned it in traffic through the canal?

Mr. BRANDEGEE. I do not know. But I say if an American railroad has some interest in a steamship line or a steamboat, with which it may compete under the language of this bill—and any railroad that owns a steamboat line may compete with it if it wants to transfer the operations of its steamboat line so as to make it compete—I say if that is so, why should we adopt a policy which would result in letting the foreign railroad-owned steamboats into the canal while keeping out our own?

I call attention to the statement of Dr. Johnson before the Senate committee. I will read briefly and rapidly some of his views.

Dr. Johnson said, on page 26 of the Senate committee hearings:

> The canal will perform two functions—one of aiding of commerce and the other of aiding our Navy and our military establishment. The canal, it seems to me, may properly be required to carry itself as a commercial highway. Our expenses at the canal per annum will be $4,000,000 for the operation and maintenance of the canal and the government of the zone. The interest on our investment will be eleven and a quarter millions more, making fifteen and a quarter million dollars for operation and interest. The military establishment on the Isthmus will cost nearly as much more, apparently. I do not think the canal revenues should be required to meet the military expenditure of perhaps $14,000,000 to $15,000,000 per annum. But the expenses for maintaining the canal as a commercial route, including the interest on the investment, may properly be derived from the canal tolls.

Senator BRISTOW. Why would you charge the interest on the investment in the construction of this canal any more than you would on the investment in the improvement of rivers and harbors to commerce?

Dr. JOHNSON. The Panama Canal is a world highway; and certainly the use of that world highway by the shipping of other people than those of the United States should be charged for in proportion to the service rendered by the canal. When we come to American shipping, there are two general problems involved. The canal will be the most expensive work that we have ever put through. The time has come, in my judgment, when we can not wisely continue indefinitely to finance such great public works as the Panama Canal out of the general budget, if revenues can be secured without limiting the usefulness of such a public work and without burdening the commerce that is benefited.

As I said in my introductory remarks, I do not believe a toll of 5 or 6 per cent of the freight rate will be burdensome, or that it will restrict the use of the canal. It will be wise to adopt and adhere to business principles in our canal-toll policy.

Senator BRISTOW. Now, as far as the use of the canal by foreign countries in handling their own commerce with foreign countries is concerned, it seems to me that there is no argument against charging a toll. They ought to pay for the use of this highway which we with our money have constructed, and they ought to pay us a fair rate for its use. Then, as I understand, the question as to whether or not any rate shall be charged for American commerce depends upon whether we feel justified in spending as much money as we have without levying some toll or contribution on the commerce—our own commerce that passed through the canal; and, necessarily, if we thought that we should levy some charge in order that the commerce might bear some of this burden, the amount of the charge which would be justified would be a subject for consideration, would it not?

Dr. JOHNSON. Yes. Of course, you are now considering this as a purely national question, and not with reference to any international questions that may be involved.

Senator BRISTOW. Yes. You suggested that the President should be authorized to fix the tolls. Why should they not be fixed by law?

Dr. JOHNSON. The tolls should be fixed and should be changed from time to time, with reference to traffic and revenue, and should be dealt with administratively rather than by formal statute. The canal should be so operated as to be of maximum service to the commerce of the United States and the trade of the world, and the administration of it should not unnecessarily be hampered by rigid statutes. It will be better, if Congress deems it wise to do so, to give the Executive latitude in the operation and management of the canal.

Now, as to the question of interest in steamboats by railroads with which they do or may compete, on page 31 Senator BRISTOW asked:

> Senator BRISTOW. Your last remark in your formal statement was that the Congress should not undertake to regulate the kind of vessels that should use the canal, or the relation between the vessels that use the canal and the railroads, or modify in any way the interstate-commerce law. Why did you make that statement? Because you do not believe it ought to be done or——
>
> Dr. JOHNSON. The first consideration, I think, is that of not endangering the enactment of the canal bill.
>
> Senator BRISTOW. Suppose it might endanger it not to put that in, as to the relationship between the steamship and railroad companies?
>
> Dr. JOHNSON. In that case I should hope Congress would remain in session until it had wisely worked out an act amending the interstate-commerce law.
>
> Senator BRISTOW. There are some who believe, you know, that the question as to the relations of the steamships that use the canal with the railroads is just as vital as the tolls or any other feature of the canal legislation.
>
> Dr. JOHNSON. I think they are extremely important. I believe that a careful investigation should be made as to the actual relation of steamship companies to each other and to the railroads, and the situation found to exist should be carefully dealt with by law. I am doubtful if Congress now possesses the necessary information, but I believe it has set machinery at work to secure the information. It is my thought that the regulation of carriers by water should be as carefully worked out as the regulation of carriers by land; but that is such a large and complicated question that it would seem wiser not to tie up the canal bill until that question can be solved.
>
> Senator BRISTOW. But the canal bill must deal with that question, in the opinion of a great many, and it is just as essential to deal with that as it is to deal with any other phase of commerce by way of the canal, and it appears to me that this is the opportune and proper time rather than to defer it. You might just as well defer any other important matter relating to the canal.
>
> Dr. JOHNSON. I know, Senator, there are those that share that feeling, but I think Congress is now ready to act upon the government of the zone; upon authorizing the President to fix the tolls and to mold the canal-construction force into an operating force. Congress has the information on those problems, but on the question of amending the interstate-commerce law and providing for the regulation of carriage by water, I doubt whether Congress has, or will have at this session, the requisite data.
>
> Senator BRISTOW. By the regulation of carriers by water you mean one to another?
>
> Dr. JOHNSON. And to the railroads?
>
> Senator BRISTOW. Yes; that is a question of opinion whether we have sufficient information for that now——
>
> Senator JONES. It is a question of principle or policy rather than regulation.
>
> Senator BRISTOW. I think it is both a question of policy and opinion.
>
> Senator PAGE. Would it not seem likely that the combination of these different matters in one bill would necessarily defer the passage of the rate bill and zone government?
>
> Dr. JOHNSON. That, I think, is a fact, Senator PAGE, and that is the chief reason why I raised the question. I wish to urge upon the committee the necessity for action upon the canal bill at this session

and not to endanger this bill by endeavoring to solve what all must admit is a highly controversial question.

Senator JONES. But it is a very important question in connection with the charging of tolls, is it not?

Dr. JOHNSON. I do not think it is, Senator JONES. I think it is rather a question of policy as regards the regulation of rail and water carriers. You have to decide whether to attempt forcibly to separate the ownership of rail and water lines or to permit the railroad-owned lines to use the canal under Government regulation.

There are those who believe that prohibiting railroad companies from owning and operating steamship lines will be followed by active competition among numerous coastwise carriers and that the facilities resulting will be larger than they will be if the railroads are permitted to own steamships and run them through the canal. On the other hand, there are those who point out the fact that on the Pacific coast at the present time most of the lines are under railroad control, that a large part of the lines on the Atlantic seaboard are under railroad control, and that the policy of prohibiting the railroads from owning ships using the canal may result in the canal being used to but slight extent for traffic between our seaboards. The choice is between a policy of regulation and a policy of prohibition. The situation is further complicated by the fact that the water frontage at terminals is largely controlled by the railroads, and it would be difficult for independent lines to come in and get a footing. It is a big and complicated question. I think we all appreciate that, and I hope Congress will face it fairly and squarely, but I do hope that Congress will not try to solve that question before it enacts the canal bill.

Senator BRISTOW. Why do you think a railroad company wants to own a steamship line that competes with it?

Dr. JOHNSON. It does not want to own a line that competes with it.

Senator BRISTOW. Well, they do! do they not?

Dr. JOHNSON. They own lines that complement their services.

Senator BRISTOW. Do they not own lines that compete with them?

Dr. JOHNSON. You doubtless have in mind the Old Colony Steamboat Co. and the Pacific Mail and lines of that kind. I do not think the New Haven road owns and runs the Old Colony Line as a competing line; nor do I suppose the Southern Pacific owns the Pacific Mail to run it as a competing line. In general, the railroads have extended their services into the ocean and on the lakes both to control competition and to develop more complete transportation facilities. That policy has enabled them to control transportation rates by water, to a large extent, as well as by rail, and it unquestionably calls for legislation. Whether it calls for legislation to compel separate ownership of the two carriers or not is a question upon which I do not wish to express a final opinion at the present time.

Senator BRISTOW. Do you think that a railroad company should be permitted to own a steamship line that competes with itself?

Dr. JOHNSON. I do not think that any steamship line that competes with a railroad company is owned by a railroad company. Common ownership of rail and water lines eliminates competition.

Senator BRISTOW. Suppose, as a matter of fact, it was demonstrated that it did own such a line that was competing with itself; do you think the Government ought to permit that?

Dr. JOHNSON. I should permit it and regulate it.

Senator BRISTOW. Why would you permit a railroad to purchase or establish a steamship line competing with itself for traffic?

Dr. JOHNSON. As I said before, I do not think there is such a situation.

Senator BRISTOW. That would be a question of fact. I think it could be demonstrated that such conditions do acutally exist, but I will not go into the question of determining the fact, but assume that the fact does exist; if it does not exist, of course, then, the question falls; but if it does, why would you permit it to own a steamship line that competes with itself and then regulate its operation? What would be the object of it?

Dr. JOHNSON. To secure maximum transportation facilities for the public, which, of course, must also be the object of legislation. Congress will have to determine whether the prohibition of the common ownership of rail and water lines will result in more efficient and more extensive transportation facilities than can be secured by the permission of the common ownership of rail and water lines and the regulation of them by public authority.

Senator BRISTOW. Do you think that competition in transportation is desirable?

Dr. JOHNSON. Regulated competition, I think, is desirable.

Senator BRISTOW. Do you think it is possible for a man to compete with himself for the same traffic?

Dr. JOHNSON. I do not think a man does compete with himself for the same traffic.

Senator BRISTOW. Of course, he does not, but you said you would permit him to compete with himself and then regulate him in that competition.

Dr. JOHNSON. I would permit the railroads to own water lines and subject both the rail and water lines to the same regulation. I come to that conclusion, Senator, because I believe that there is very little real competition in rates among steamship lines. We have all come to agree that where there are several railroads serving the same section, it is necessary to regulate their charges and, to some extent, their services. We recognize that they have the power to introduce a large degree of monopoly into their rate making. I think practically the same situation exists among several steamship lines running between common termini. The facts are well enough known now to enable one to say that practically all the steamship lines operating under those conditions—several lines between common termini—are members of conferences; that their rates are common and subject to agreement, and that, while monopoly has not been so completely established between carriers by water as between carriers by rail, monopoly conditions are increasing among carriers by water. Such being the fact, it would seem wise to provide for the regulation of regular steamship lines upon the same principles as have been found effective in the regulation of rail carriers.

I agree that this question of rates charged by steamship lines in interstate and foreign commerce by these common carriers ought to be put under the jurisdiction of the Interstate Commerce Commission. I think the time is coming when it will be just as necessary to do that as it has been to put the railroads under that jurisdiction. But I say for a year or two, until Congress can get more information than it now has, I would open the canal to everybody who will pay the price of going through it; and if at any time any abuse occurs by reason of the ownership or interest of any railroad in any steamship line I would put those steamship lines immediately under the jurisdiction of the Interstate Commerce Commission, with authority to fix just and reasonable rates and authority to order that any practice or abuse which was improper or against the interests of the public should cease forthwith. If the Interstate Commerce Commission has been able to be of any use in regulating what is a monopoly a great deal more absolute, the railroads, I think it will be of equal efficiency with the steamboats. I can see no inherent impossibility or even difficulty in a commission determining from adequate investigation, with sufficient help and statistics before it, what would be a just and reasonable rate on either package or cargo freight from the city of New York via the canal to San Francisco than there is in determining what would be a just and reasonable rate per carload or otherwise upon a train running from New York to Chicago.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Yes.

Mr. BRISTOW. The Senator will admit that Commissioners Lane and Prouty do not agree with him in that view.

Mr. BRANDEGEE. Later on I think I will insert in the RECORD the testimony of Commissioners Prouty and Lane in relation to this subject, and if any Senator will say to me that he is willing to cast his vote on this question on his deductions from that testimony I shall have no quarrel with him about his vote. I will simply say that in substance neither one of them would say that he would advise any member of the committee or of Congress to vote for section 11 of the House bill, to the restoration of which the Senator from Kansas has dedicated himself, in the Senate, if it is possible to do so. Judge Prouty stated perfectly frankly and decisively that, so far as the ownership of steamboats on the Lakes by the New York Central, the Western Transit Co.'s boats, or the steamboats on Long Island Sound owned by the New England Navigation Co., which in turn is owned by the New York, New Haven & Hartford Railroad Co., he would not advocate the dismemberment of that railroad ownership from that steamship ownership, and thought that both the shippers and the receivers of freight were better served now than they would be under separate ownership. He did say that if it was to be done over again he would not let that concentrated condition and joint ownership come about, but as it existed he thought more damage would be done in the attempt to dissolve it and taking the chance of what might be substituted in the place of it. I agree with him on that. That, however, I do not think will be a serious matter of contention here. There is no demand at all comparable with the opposition in New England to this legislation which would divorce the Sound steamboats from the New York, New Haven & Hartford Railroad Co.

The question here in the canal bill, which will be controverted and upon which there is a fair difference of opinion, is whether it is necessary now to say that no railroad which has an interest in a steamboat line with which it may compete shall be allowed to send its vessels through the Panama Canal. Whether we shall say that, or whether we shall allow them all to go through now, either with or without supervision and regulation by the Interstate Commerce Commission, and the minute any bad practice or ill effect is felt bring them under the control of the Interstate Commerce Commission.

I say in all these matters I think it is wiser to open the canal with the greatest freedom. I do not believe that one party, whether it be an ocean line steamship company or a railroad, transcontinental or otherwise, will put steamboats on that canal without others doing the same thing. For my part I regard the Southern Pacific, with its ownership of the Pacific Mail, practically as a double-track railroad. The parallel is by water. Farther south the freights naturally separate themselves into such classes of freight as prefer the all-rail route, and the bulkier kinds of freight that prefer the cheaper water route. As far as I am concerned, I should think it would be perfectly safe to let all the transcontinental railroads build their own parallel steamship lines, and then with joint rail and water lines compete system by system with each other and with the freight steamship companies of the world.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. With pleasure.

Mr. REED. Apropos of what the Senator has just said, does the Senator think that they now compete with each other in fact?

Mr. BRANDEGEE. That who compete?

Mr. REED. The railroads.

Mr. BRANDEGEE. No; I think that Government regulation is probably to a large extent inconsistent with competition.

Mr. REED. If the railroads do not compete as railroads, does the Senator think that with road-built boat lines they would then compete as railroads and as boat lines any more than they do now?

Mr. BRANDEGEE. I am not sure that they would, but the situation would be no worse. I think if they were regulated by the Interstate Commerce Commission no injury could flow from it, if the rate was just and reasonable.

Mr. REED. I was directing my interrogatory to the remark of the Senator that he thought we ought to allow them all to use the canal and all compete. If they do not compete as railroads why would they compete as railroads and as boat lines all combined under the same ownership that the railroads now hold by?

Mr. BRANDEGEE. I suppose there is some competition among them, of course, now, and would be, according to the better service and the class of boats that were put on, and so forth; but, of course, if they were placed under the control of the Interstate Commerce Commission they would compete within very narrow limits. If there was a maximum rate beyond which they could not charge or a minimum rate below which they were not allowed to cut rates in competition, the competition would be, as it is among the railroads now, within very narrow limits.

Mr. REED. The Senator speaks of competition. Is it not a fact that for all practical purposes to-day these transcontinental roads only compete in the sense that each of them tries to get all the business it can at the same price charged by the others? There is no real competition in prices or rates.

Mr. BRANDEGEE. I think perhaps the Senator is more familiar with that matter than I am. He is a western man and I am an eastern man, and I have had very little knowledge of the transcontinental railroads; but I assume it makes very little difference to a shipper in New York, whether it is to Chicago or to San Francisco, which route he ships by over the rails. If the time is equal the charge is about the same.

Mr. REED. As far as I am concerned, if the Senator will allow me just a word, I am not willing to strike down the principle of competition and to substitute for it the principle of regulation.

Mr. BRANDEGEE. Did the Senator ask me a question?

Mr. REED. No; I was rather making my remark supplementary or explanatory of my question. I say I am not willing to strike down the principle of competition and substitute for it the principle of regulation. Certainly on land we can go much further with the proposition of regulation than we have gone up to this time. If we are to substitute regulation for competition, then it is perfectly patent we must get at a basis where the actual investment of all the transportation companies has to be ascertained and the fair value of their physical property determined, and the regulation must be upon a basis which starts from that fixed point.

To my mind the regulation of the Interstate Commerce Commission up to this date—and I speak with due respect for that commission—has been a lamentable failure. It has helped to reduce certain evils, but it has gone far from the eradication of those evils. I have little respect for that kind of regulation which after extending for 10 or 15 years still permits a condition where goods can be shipped across the continent and then back half way, or nearly half way, across the continent in the opposite direction cheaper than they can be shipped directly to the intermediate point. That kind of regulation is not the kind I am looking for in this bill or in any other.

Mr. BRANDEGEE. As I was saying, Mr. President, my idea is, in brief, to open this canal with as little restriction as possible, the effect of which we may not foresee; and Congress being in session every year twice a year, generally, and sometimes all the year, if any abuse appears there after a year or two years' demonstrated experience, I think Congress can be relied upon to correct it.

Mr. President, I have said a great deal more than I thought I would say and occupied more time than I intended, but I have been interrupted somewhat.

While we were down on the canal taking testimony there was a bill prepared which I had printed for the use of the committee and which I send to the desk and ask unanimous consent that it may be inserted in the RECORD. It is a bill which was drawn by the law officer of the Panama Canal Commission and represents his views of the shortest and most concise measure that could be put into operation with the fewest complications of any. I simply insert it for what it is worth to anybody in this matter.

The PRESIDENT pro tempore. Without objection, that order will be made.

The bill referred to is as follows:

A bill to provide for the government of the Canal Zone, the construction and operation of the Panama Canal, and for other purposes.

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated the 18th day of November, 1903, but including all islands within said described zone and in addition thereto the group of islands in the Bay of Panama named Naos, Perico, Culebra, and Flamenco, and any lands and waters outside of said limits above described which are now necessary or convenient, or from time to time may become necessary or convenient, for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said enterprise, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal to be constructed thereon shall be known and designated as the Panama Canal.

SEC. 2. That, subject to the provisions of this act, all the military, civil, and judicial powers of the United States in the Canal Zone are hereby vested in the President of the United States, including the power to make all laws, rules, or regulations necessary for the government of the Canal Zone, and for the construction, maintenance, and operation of the Panama Canal, as well as all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act.

The power and authority hereby conferred upon the President may be exercised by him through such person or persons as he may designate from time to time, and in such manner as he may direct, for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion, and for the construction, maintenance, and operation of the Panama Canal. All orders and regulations with respect to the government of the Canal Zone heretofore made by the President, or pursuant to his directions and authority, are ratified and confirmed, without prejudice to the power of the President to revoke or amend the same in accordance with the authority granted to him by this act. And the President in his discretion may create and organize a civil and political establishment for the government of the Canal Zone, with power to sue and be sued, and with such other governmental powers as to him may seem necessary and convenient to carry out the purposes of this act; and he may alter, reorganize, abolish, or re-create any such establishment when in his judgment it is necessary to do so.

SEC. 3. That, for the purposes described in this act, the President is authorized to detail, appoint, or employ, or cause to be detailed, appointed, or employed, such person or persons as he may deem necessary from time to time, with such duties, powers, jurisdiction, and official designations as to him may seem proper, and to dismiss or provide for the dismissal of such person or persons; and the compensation of each and all of such persons shall be fixed by the President or by his authority from time to time. Any of the persons appointed and employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of the salary that may be provided for them under the provisions of this act.

Authority is hereby given to the President, and those acting for him, for the procurement, use, and maintenance of each and everything necessary for the complete construction, maintenance, and operation of the Panama Canal.

SEC. 4. That from and after such time as the President may designate the powers and authority heretofore conferred upon the Isthmian Canal Commission shall be exercised by such person or persons as may be appointed, detailed, or designated by the President in accordance with the provisions of this act; and thereafter the Isthmian Canal Commission shall cease to exist.

SEC. 5. That the President is hereby authorized to prescribe charges or tolls for the use of the Panama Canal and to alter and change such charges from time to time. The charges, other than passenger tolls, for the use of the canal may be based upon registered tonnage, displacement tonnage, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed $1.50 per net ton, nor be less than 50 cents per net ton, vessels of the United States and vessels of the Republic of Panama excepted. Nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of Article XIX of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge.

SEC. 6. That the President shall provide a method for the determination and adjustment of all claims on account of damages resulting from the injury or destruction of vessels or other property when being handled by the United States, its agents, officers, or employees, in passing through any of the canal locks, and such compensation when found to be due shall be paid out of any moneys appropriated or allotted for the maintenance and operation of the canal. In case of disagreement between the Government authorities and the owners of the property so damaged or destroyed in respect to the validity of the claim or the extent of the same, the claimants may institute suit in the circuit court of the Canal Zone against the Canal Zone Government, and the issues shall be determined therein as in ordinary civil cases; and if a judgment in favor of the claimants is rendered therein, the amount due the claimants thereunder shall be paid to them as herein provided for in the settlement of claims, and no execution shall issue on such judgment.

SEC. 7. That the President is further authorized to establish, maintain, and operate dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary appurtenances and facilities for the purpose of providing coal and other materials, labor, repairs, and supplies to and other needs of passing vessels, in accordance with appropriations made from time to time by Congress, as a part of the

maintenance and operation of the said canal; and the moneys received in the ordinary course from the conduct of such business may be extended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, and monthly reports of such receipts and expenditures shall be made to the President by the person or persons in charge, and annual reports shall be made to the Congress.

SEC. 8. That the judicial power in the Canal Zone shall be vested in one circuit court and such inferior courts as the President may constitute. The judge of the circuit court shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of four years and until his successor is appointed and qualified, unless sooner removed by the President. He shall receive a salary of per annum and such other allowances as may be given to officials of his class on the zone. In the event of the absence or incapacity to act of the judge so appointed, a judge pro tempore may be appointed by the President, who shall receive such compensation for his services as the President may prescribe. No person holding a judicial office shall at the same time have executive or legislative power.

The records of existing courts and all causes and proceedings pending therein at the time of the approval of this act, except as herein otherwise provided, shall be transferred to and continued in the new courts herein provided for and authorized, at such time and in such manner as may be provided by order of the President. For the purpose only of enabling the existing supreme court of the Canal Zone to determine finally any causes and proceedings which may be pending therein when this act takes effect, the President may continue the said court in existence and retain the judges thereof in office for such time as may seem to him necessary.

The circuit court of appeals of the fifth circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the circuit court of the Canal Zone, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court, in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States is involved and a right thereunder denied; and in cases in which the value in controversy exceeds $1,000, or in which the title or possession of real estate exceeding in value the sum of $1,000, to be ascertained by the oath of either party or by other competent evidence, is involved or brought in question, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction may be exercised by said circuit court of appeals on appeal or writ of error in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 9. That in all criminal prosecutions in the Canal Zone, involving capital punishment or imprisonment for life, the accused shall enjoy the right of trial by an impartial jury.

SEC. 10. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama, with respect to the Canal Zone, shall extend to and be considered in force in the Canal Zone, and for such purposes, and such purposes only, the Canal Zone shall be considered and treated as an organized territory of the United States.

SEC. 11. That this act shall be known and referred to as the Panama Canal act.

Mr. BRANDEGEE. Now I yield the floor.

Mr. TOWNSEND. Mr. President, I realize that the Senate has been in session a long time and Senators are undoubtedly weary. I would not ordinarily attempt to make a speech at such a time, but this is a question of considerable importance and other matters are pressing hard upon us. I take it that this bill will be laid aside to-night until appropriation measures have been disposed of, and this is my excuse for inflicting myself upon you at this late hour.

It is unnecessary at this time to discuss at length the wisdom or unwisdom of constructing the Panama Canal. No enterprise has ever been undertaken by the United States which has received such universal approval as has the proposition to fulfill Columbus's dream of sailing directly from the Occident to the Orient. Some few may question the means which were employed in securing the right and opportunity for this country to construct this waterway, but no one denies the wisdom or the patriotism of its construction.

The physical canal is practically an accomplished fact. The seemingly almost insuperable obstacles of nature have been overcome; the lofty heads of the Cordilleras which for ages towered above two oceans have, by the mighty hand of American enterprise, been brought low. Uninhabitable marshes and unoccupied valleys and hills have been made the beds of deep lakes which will float the largest ships of the sea. The mosquito breeding, fever-infected zone which afforded a grave to thousands of employees of the French Canal Co. has been made one of the most healthful places on the globe. Indeed, the heretofore impossible has been accomplished, and this country and the world are now contemplating the near-by day when this stupendous work shall be dedicated to the practical uses for which it was constructed.

The canal has been dug through American territory acquired from a foreign country for the very purposes to which it has been applied. Due to treaty relations with Great Britain it was necessary for the United States to do more than acquire the right of way from the Republic of Panama. Said treaty relations were entered into in 1850. They dealt with the possibility of canal construction across the Isthmus by private enterprise and provided for united protection of any canal which might be built. The treaty prohibited fortification by either signatory power and denied to each country the right to secure any special benefits not enjoyed by the other. All attempts at canal construction having failed, it was proposed in 1900 that the United States should undertake the enterprise. It was to do the work, pay all the expense, both of construction and of operation and maintenance. It is possible that the United States could have dug and operated the canal under the Clayton-Bulwer treaty if it had been willing unselfishly to have assumed all responsibility, to pay all bills, and then give Great Britain and all other countries demanding the same privileges the right to use the waterway on the same terms as the United States used it; but under that treaty the United States could not fortify property which would cost it $400,000,000; it could not grant any special privileges to its own people. The provisions of the treaty of 1850 rendered canal construction by the United States unwise and impracticable, hence the necessity for abrogating that treaty and the making of a new one.

In 1901 the Hay-Pauncefote treaty was entered into and in express terms it superseded the Clayton-Bulwer treaty of 1850, and now, the work of construction being about completed, we have reached the point where a permanent government for the zone and for the operation and maintenance of the canal is an imperative and immediately pressing duty. From the time the United States acquired from the French company the Panama Railroad property and from Panama the 10-mile strip upon which the canal has been constructed the government of that strip and the operation of the enterprise have been controlled by a military form of government under the direction of the President. It seems to be the general opinion of Senators that we should now relieve the President from supreme responsibility and establish by congressional action a formal and complete government, and while I consent to this opinion, I have serious doubts as to the wisdom of changing governmental conditions on the Isthmus until the canal has been put in successful operation by those who have made its construction possible and who know from actual experience what kind of government is suited to existing conditions and what methods of operation are best calculated to its success.

Your committee has given much attention to this subject and has with patient interest listened to men who professed to know much about it, and many of them did know about it, and some of them were more concerned about their own interests than they were about the construction and operation of a canal in the interest of our country.

As to the question of whether the government which we shall establish shall be administered through a governor or a commission of three members the committee was divided; a majority, however, having decided for a commission, it has been so reported. Personally, I am greatly in favor of a single head of canal government. I realize that several men have exerted great influence on the Canal Zone, and I sympathize with those Senators who wish to provide places for these useful men, and under any form of government some of them would be found indispensable and would be retained; but the canal was not undertaken for the purpose of giving men jobs nor for retaining them in positions if their services were no longer needed.

If one lesson has been taught in the canal work which has been more indelibly impressed upon the country than any other, it has been that a commission composed of many members with equal authority is most detrimental to economy, progress, and efficiency. This has been and is a big work, but it is staged in a small area. It is wisely proposed to confine, at least for the present, the canal strip to canal purposes exclusively, and our governmental activities will be limited to the operation of the canal and to the government of those people necessary to its operation. When the canal is completed we will not need a high-priced governor to look after the health conditions of the zone and another high-priced governor to look after civil conditions and still another high-priced governor to look after the operation of the canal and secure its protection. One man such as Col. Goethals should, under the President, be held responsible for all officers on the zone. He would engage such other assistance as would be needful, and there would be no petty jealousies or bickerings, no divided responsibilities. Not until Col. Goethals was given practical control was the greatest progress made and the greatest achievements accomplished, and I am not now pleading for Col. Goethals. When the canal is in operation any one of several men who have rendered great and distinguished service at the Isthmus would be competent and satisfactory to act as governor of this great work. Any one of them would wisely guard the sanitary conditions, the commercial interests, the fortifications, and the canal operations; and he would do it through proper men who would be responsible to him, and for the performance of which duties the United

States Government would hold him responsible. In this regard I prefer the provision of the House bill to the Senate amendment.

This Government had two objects in view when it undertook to construct the Panama Canal. One was to benefit commerce, the other was to provide for the national defense, and no rational man supposes that it did not have in contemplation an especial benefit to American commerce, an especial aid to American defense. Great Britain will never claim that we entered upon the construction of this great work on American territory uninspired by a purpose to improve our purse and strengthen our arm. We build the canal; we pay the cost; we protect it against injury; we preserve its neutrality; we secure its sanitation; and we have promised to treat all nations equally, fairly, and equitably. It is evident to me that the nation which undertakes to do these things is exempted from the term "all nations," and we are clearly entitled to charge such tolls upon the foreign tonnage using the canal as we may determine, subject only to the proviso that they are just and equitable, and that no discriminations are permitted.

It is insisted by some distinguished lawyers that the Hay-Pauncefote treaty forbids us to impose tolls upon foreign canal shipping if we permit our coastwise boats to pass through the canal free, but it seems to me there can be no good reason, and I say this respectfully, for at least none has been shown to me, for such belief. Certain it is that no foreign boat can now engage in our coastwise trade—in our interstate commerce—nor could they do so when this treaty was made, and if we now permit our American boats engaged in our coastwise trade and with which no foreign boat is allowed under existing law to compete to pass without charge through the canal, are we discriminating against English or German or other foreign tonnage when we impose tolls upon it? How is the foreigner affected by this alleged discrimination? We are not changing his relations to the American, for we are in this particular case dealing with commerce with which the former has not now nor will he have after the completion of the canal anything to do. This is a purely local matter, and unaffected so far as the foreigner is concerned by the canal. If all of our transcontinental commerce now carried by the railroads was transferred to water carriers through the canal without tolls, would any foreign boat be denied any advantage which it now enjoys, or which it could enjoy through the canal under the existing law as to coastwise traffic, which law it is not proposed to change?

I listened the other day with a great deal of interest to the Senator from Ohio [Mr. BURTON] in his discussion of this proposition, and it seemed to me that either he had a misunderstanding of the conditions or else I was ignorant in reference to them. He contended that the Hay-Pauncefote treaty under which we are now operating forbade the favoring of American commerce using the canal, because of the obligation imposed upon the United States to preserve its neutrality, and in answering my question as to what he meant by "neutrality," I fear, as I have said, that he did not have in mind the conditions at the Isthmus as they existed in 1850, when the Clayton-Bulwer treaty was made, and in 1901, when the last treaty was entered into.

It is needless to discuss in detail the circumstances which in 1850 revived the old desire for a canal. It is sufficient that such a desire was strongly revived at that time. The year before the United States had made a contract with Nicaragua whereby the latter granted to an American company the right to construct a canal via the San Juan River and Lake Nicaragua between the two oceans. It should be borne in mind that Great Britain was not favorable to this contract. She claimed an interest in and protectorate over the Mosquito Coast, and insisted that she had rights in Costa Rica and Nicaragua. The United States did not admit these British claims, but nevertheless she had to consider them, and they were influential in causing the Clayton-Bulwer treaty of 1850. The possibility of a canal built by private capital through alleged British territory was being considered. Another company was contemplating a waterway via Panama. Under these conditions it was finally agreed that neither Great Britain nor the United States should take or hold or enjoy any benefits in any canal built by private enterprise which the other did not have. Understand that the then pending proposition of a Nicaragua canal was not for one to be built by Great Britain or by the United States, and all the provisions contained in the Clayton-Bulwer treaty prohibiting the fortification, not of a canal which either country owned but fortifications in the vicinity of the canal, must be taken into consideration in order to determine exactly what the relations were between the United States and England at the time of the making of the treaty of 1850.

The very fact that there was a prohibition in that treaty against fortification by either country of a canal built by private capital shows conclusively to me that the United States was influenced somewhat by the Monroe doctrine, then more in dispute than now. We were insisting that the rights of Great Britain in Central America, in Nicaragua, on the Mosquito coast, and in Costa Rica were at least questionable; we were insisting that England had no right to claim authority there, but she was anxious to preserve her alleged rights in Central America. In 1901 no such conditions existed. The Monroe doctrine was unquestioned, and Great Britain laid no claim to property in Central America. She laid no claim to any right at the Isthmus, where the Nicaragua Canal was to have been built or where the Panama Canal is now being built. Therefore the term "neutralization," as used in the Clayton-Bulwer treaty, to which the Hay-Pauncefote treaty refers in express terms, applied to war conditions, to conditions upon which the canal could be used by belligerents. Its meaning then was limited, but has been somewhat enlarged, not, however, so as to include conditions of isthmian commerce, except as the same are guaranteed against hostile attack in time of war, and the terms "equality" and "equity" apply to its use in times of peace, to commerce unembarrassed by any conditions of war.

The canal can not be used at this time, I repeat, under authority or permission of the United States by belligerents, either as a rendezvous, a base of supplies, or place of safety. In matters of warfare the canal is to be neutral, and the United States has engaged to keep it so. The treaty of 1901 refers to the general principle of neutrality as established in article 8 of the treaty of 1850, and to that treaty and the circumstances and conditions which caused its creation and surrounded its making must we go for an interpretation of neutrality as used in the Hay-Pauncefote agreement.

In order to understand it, we have to consider the conditions in 1850 and in 1901. But it has seemed to me that the question whether we are included in the term "all nations," when we apply the treaty to our coastwise trade, has been settled by the Supreme Court.

A case reported in the One hundred and ninety-fifth United States, that of Olsen against Smith, is directly in point. That was a case growing out of the pilotage laws enacted by the State of Texas. It appears that Texas had a law which permitted United States boats, and especially boats that were owned in the State of Texas, to come into the harbor of Galveston without a pilot, but imposed a pilotage charge on foreign vessels coming in. It is not necessary to recite all the provisions of that law. It is sufficient to state that they provided that foreign boats should employ pilots. In other words, it was a compulsory pilotage law, but excepted Texas boats from its operation. We have a treaty with Great Britain which states in express terms that—

> no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

This boat which came into the harbor in 1904 was a British boat. She refused to take on a pilot, and the pilot, who, under the law, was entitled to his pay, he being the first to offer his services, and having been refused, brought this action in court.

In that case the treaty was pleaded in defense. It was also pleaded that the law affected interstate commerce, and with interstate commerce the State of Texas had nothing to do. The court very properly held on this point, as we all know it must have held, that inasmuch as the Federal Government had not acted, the State of Texas could exercise that right and it had constitutionally exercised it. But in reference to the defense that the Texas law was in violation of the harbor treaty with Great Britain, the court held it was not in such violation, although the terms of the treaty were more clear and specific than the terms of the Hay-Pauncefote treaty. In rendering its opinion on this point of that case the court said:

> Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States."
>
> Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

That is the interpretation which the Supreme Court of the United States has placed upon a similar treaty, holding that, inasmuch as our coastwise trade can not be participated in by

a foreign boat, therefore any regulation which we may see fit to make touching that trade can not possibly be a discrimination against a foreign boat.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. TOWNSEND. Certainly.

Mr. CUMMINS. I am in entire agreement with the Senator from Michigan with respect to the proper construction of the treaty. I believe, and presently will try to show from my standpoint, that we have a right under the treaty to discriminate in favor of our shipping. Nevertheless I can not put my conclusion upon the opinion of the Supreme Court which the Senator has just read, and I want to suggest to him what I believe to be a distinction.

The Supreme Court in the case just cited decided it upon the assumption that the traffic was not competitive; that the coastwise business along the shores of Texas did not compete with the foreign business carried on by the British vessel.

That is not true of the Panama Canal in reference to its coastwise business. While no British ship can engage in the coastwise business, the British ship is nevertheless in competition with the American ship in business on the coasts of America. For instance, suppose an American ship should leave New York, filled with steel rails, destined for San Francisco, the market being in San Francisco. At the same time a British ships leaves Liverpool, filled with steel rails, also destined for San Francisco. These two ships and their cargoes are in competition with each other. The price at which the cargoes can be sold in the market, it being a common market, depends to some extent upon the charge made for its passage through the Panama Canal. The instance I cite could be indefinitely extended.

So I can easily conceive that if a case under the treaty of 1901 ever reaches the Supreme Court of the United States it could readily make the distinction I have suggested between such a case and the one decided in One hundred and ninety-fifth United States.

I submit this to the Senator from Michigan for such consideration as it may deserve.

Mr. TOWNSEND. I myself have considered that point, and yet I can see no distinction in principle between the court case I have cited and the case made by the Senator from Iowa. I am obliged to the Senator for calling my attention to it.

The pilotage charge is also a charge upon commerce. Suppose, in the case cited here, it had been a cargo of rails, such as the Senator suggested, from New York to Galveston. Suppose at the same time a cargo of rails went from England to Galveston, and in one case—that of the American boat—it was not charged with tolls, but the English boat was. It is a burden upon the traffic to charge for pilotage the same as it would be to impose tolls.

Mr. CUMMINS. I agree to that. I believe if a case such as has been suggested had been the case before the Supreme Court and that point had been made under the evidence in the case, the decision would have been precisely as I think it must be if the two cargoes are passed through the Panama Canal.

Mr. TOWNSEND. I can see no difference in the two cases. I do not know whether the point made by the Senator was raised in the Texas case or not. I do know that there was a case that was decided under a provision very similar to the provision in the Hay-Pauncefote treaty, one prohibiting any discrimination, and I do know that England apparently acquiesced in our courts decision.

Mr. CUMMINS. I do not make any distinction between the treaty under which the case was decided and the treaty that we are now considering, because I think in substance they are the same.

Mr. TOWNSEND. I think so.

Mr. CUMMINS. They are the same in so far as this point is concerned. They are not the same, in my judgment, in so far as the subject matter covered by them is concerned. But the point was not made in the case. The court considered it apparently upon the hypothesis that there was no discrimination, because there was no competition and could be no competition.

Mr. TOWNSEND. Of course it was based purely upon the theory that no American goods, no American commerce, could be carried in the coastwise trade or from port to port in foreign bottoms under our coastwise laws.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Connecticut?

Mr. TOWNSEND. I am very glad to yield.

Mr. BRANDEGEE. Mr. President, I hesitate to interfere with the Senator's remarks.

Mr. TOWNSEND. The Senator need not hesitate.

Mr. BRANDEGEE. But it has been suggested to me that it is desirable to hold an executive session this afternoon. The chairman of the Committee on Post Offices and Post Roads has asked me if it would be agreeable to the Senator to conclude his remarks to-morrow afternoon, so that the Post Office Committee may have a meeting and report out the appropriation bill.

Mr. TOWNSEND. If the Senate will indulge me, I will be through in a very few minutes. I would rather finish to-night. I want to accommodate the Senate, but I can finish very soon if there are no interruptions, and I will not invite interruptions.

Some Senators who readily admit that we have the right under the treaty of 1901 to remit tolls on our coastwise shipping passing through the canal, do not believe that we have the right to pass free of tolls boats of American registry engaged in trade between the United States and a foreign country, and I can see better grounds for this belief than in the case of our domestic shipping. But if my heretofore expressed opinion that "all nations," as used in article 3 of the treaty, excludes the United States, which is the owning, constructing, operating Nation—the Nation which provides the rules, and hence is responsible for the canal and its operation—then certainly we have the right to retain a benefit which common sense and common justice would warrant.

But the same gentlemen who would deny us the right to pass our merchantmen through the canal free of tolls insist that we can pass our warships through without charge. They contend that to admit the former under the treaty we would have to interpolate words and meaning which the letter of the treaty does not contain, but the same is equally true as to vessels of war. Gentlemen will use reason in interpreting the provision as to war vessels, but refuse to apply it in the case of vessels of commerce, although these two classes of ships are found in the same paragraph of the treaty, joined by the conjunction "and."

It is generally admitted that nearly every foreign nation grants a subsidy to its boat lines engaged in foreign commerce, and it has been reported that some of the foreign countries are already making legal provision for paying to ships passing through the canal whatever tolls may have been paid to the United States. Will anyone contend that our Government could not do the same things to American boats? If this could be done indirectly by repayment, will it be contended that it can not be done directly?

But a majority of the committee, having in mind the desirability of building up our merchant marine, and wishing to satisfy, as far as possible, the objections of Senators who do not read the treaty as some of us do, has inserted in the bill a provision that the American boat engaged in the foreign trade in order to receive free passage through the canal must enter into a contract to the effect that in case of war or other emergency such vessel may be appropriated and used by the United States. Under the clear and undisputed terms of the treaty this proposed condition would constitute a class of boats which could be passed without tolls, and no discrimination would be practiced.

Mr. McCUMBER. Mr. President, may I ask the Senator one question?

Mr. TOWNSEND. I hope it will not be a long one.

Mr. McCUMBER. Just one question.

Mr. TOWNSEND. Very well.

Mr. McCUMBER. If the United States were to pay tolls for its warships to whom would the United States make the payment?

Mr. TOWNSEND. To the United States, of course. And to whom would the United States pay back the rebate or refund?

Mr. McCUMBER. Would that be a payment—the United States paying it to itself?

Mr. TOWNSEND. It seems to have been so argued; and some distinguished Senators argue with a good deal of reason that the Government can collect the tolls and then repay them and by so doing can keep within the letter and spirit of the treaty. No; I do not think that we should pay tolls on our battleships, nor do I believe that a true interpretation of the treaty contemplated it, neither do I believe it was contemplated when that treaty was made that our merchantmen should be compelled to pay tolls if our Government saw fit to exempt them.

I desire to offer every proper encouragement to the building and operating of American ships, and free tolls would, I believe, contribute materially to this end.

Section 11 of the proposed bill deals with the class or ownership of vessels which may be operated through the canal. I have already stated that one of the objects for constructing

the canal was to aid commerce—our commerce. It may accomplish this purpose by furnishing additional facilities for transportation. Certain traffic will naturally seek the water and by so doing will relieve congested railroad traffic and permit greater expedition and better facilities for that character of traffic which almost of necessity must be carried by the railroads.

Water transportation, if kept free and unmonopolized, will reduce rail rates and keep them reasonable, and this will be true not only at points where rail and water are directly competitive, but it will affect rates in the somewhat remote interior. I shall not attempt to cite cases and quote rates proving this proposition, but shall content myself by saying that water competition, active or potential, affects rail rates directly for more than a hundred miles from the water, and when the canal is completed self-preservation will compel the rail carriers to reduce their rates to all interior points. Where free and sufficient water transportation facilities exist direct and indirect competing rail transportation is reasonable. We need no commerce commission to keep railroad rates reasonable where water competition exists. The water carrier is the best and most effective rail-rate regulator. The great question therefore is how to operate the canal so as to secure the greatest competition, not only between boats operating through it, but with rail carriers as well.

I think I can undersand why transcontinental railroads have been unfriendly to the construction of the Panama Canal. It will in a measure interfere with their carrying monopoly. It will compel them to compete with water carriers unless they can directly or indirectly control the waterway. It will compel them to improve their carrying facilities or to reduce their rates, and probably it will do both. Naturally one would think that a railroad company would not care to own a boat line competing with itself. It does not seem reasonable that it would buy a boat and use it to lessen its own business; and it would not. Its object may be consistent with greater and cheaper transportation facilities, but it is difficult for me to understand how.

This is a new highway, and we have now an opportunity to start it free from the possibilities of railroad domination. It will be more difficult to expel railroad boats from the canal when they are once lawfully there than it is to keep them from entering at all.

The legitimate field for railroad operation is wide and it should not be permitted to participate in our coastwise traffic. So far as our internal affairs are concerned it would be well to confine our common carriers strictly and exclusively to transportation—the railroads on the land, the boats on the water. They never ought to have been permitted to engage in any kind of business other than that for which they were chartered, and no charter should have been granted for any other purpose than that of transportation.

This principle generally applied would affect lines already established and great disturbance to business without adequate compensation might result from the divorcement of water and rail carriers now, but so far as the canal is concerned—and that is the business we have in hand—there are no existing complications, and we have a splendid opportunity to demonstrate the effect of water transportation unaffected by railroad influence. The demonstration will be worth while, and if it proves what I expect it will, there will be time enough to make its application general.

I would not be understood as condemning the ownership of a boat line by a railroad where the former is but an extension of the rails of the latter across the water, and so any railroad which desires to engage in the foreign trade through the canal should be encouraged to do so.

I realize that much of what I have said thus far in reference to section 11 has been largely academic and void of demonstrated argument, but the transportation problem is familiar to all. The tendency of large carriers to destroy small ones has been a part of our national history. Monopoly is easily possible to the strong railroad, and where no legal restraints exist that condition is almost always realized, and whatever may be our policy hereafter we have not yet abandoned all hope for water competition, and that, notwithstanding the disappointing condition of railroad competition. Indeed, it is known that we have no real railroad competition now, so far as rates are concerned, nor have we had since the Interstate Commerce Commission began to fix rates. On the water it is different, at least so far as coastwise traffic is concerned. Anyone with sufficient capital can build and operate a boat and he may carry for what he pleases; he may charge nothing, if he chooses. Every independent boat line, every tramp steamer, is a factor in keeping rates reasonable.

The railroad-owned boat engaged in the coastwise trade and plying between our east and west coasts through the canal would have an advantage over any independent boat in that it would be backed by the capital and influence of the railroad, and that influence would naturally be exerted for its owner, the railroad. It would be for the railroad's interest to increase its earnings, and this could not be done if its traffic was diverted for any great length of time to the water carrier. A boat owned by the railroad and engaged primarily in the foreign trade could, so far as its owners were concerned, carry coastwise traffic at less than cost if by so doing it could lessen the number of water competitors, for eventually these owners would regain whatever they had temporarily lost; but if at this time we serve notice upon the prospective shipowners of the United States that we propose to give the railroads and the capital back of them the right to enter the canal on equal terms with all others, we may be quite sure that the railroads will not need to establish unprofitable rates, for no independent boats will be built; no competitors will appear.

I know of but one line of railroad-owned boats now in existence which would use the canal in coastwise trade if permitted to do so. It is an undoubtedly profitable and useful line and it can continue in the same business which it now follows. Its capable manager—for whom I have great respect for his ability and for his evident fairness—says he does not care to engage in the coastwise trade except incidentally in connection with his foreign business; that he desires to build four large ships, to be splendidly equipped, but that he can not obtain the money with which to build these ships if this incident of interstate traffic is denied him. Nothing could more clearly demonstrate capitalistic railroad domination of the means to adequate transportation than this admission, and I as a representative of the American people feel that it is my duty to prevent as far as within me lies this grip of monopoly upon a waterway which has cost the country so much and for which its expectations are so great. We may lose the opportunity for securing these four large boats, but we will, I believe, obtain many times four boats from nonrailroad sources.

At the proper time I propose to offer an amendment to the bill providing that any American boat of whatever ownership may engage in that part of our coastwise traffic, which can be carried on between continental United States and our insular possessions or dependencies—between the United States and Hawaii or the Philippines or Porto Rico. The reason for excluding railroad-owned boats from participating in the coastwise trade of the United States proper do not seem to me to apply to traffic between the United States and these islands or to that between the islands themselves. Those boats which do or can compete with the railroads should not be owned by those railroads.

The bill provides that a railroad-owned boat engaged in the foreign trade may do a coastwise trade en route to and from the foreign country, providing that not less than 50 per cent of its traffic is destined to or from the foreign country, but that is not a good or practical provision. No possible harm can come to any existing line from the prohibition which I propose. No property will be confiscated. No vested right will be disturbed. Any man or company, excepting a railroad company, can embark in the steamboat business through the canal, and I have heard of but one railroad company which proposed to operate a boat line through the new waterway. Is it not the part of wisdom, in view of our past experience, to keep this great new enterprise free from railroad influence until at least it shall have been demonstrated that independent boats will not be furnished in sufficient tonnage to meet the demands of traffic?

I shall not be surprised if less tonnage passes through the canal than is now predicted, and yet its construction will be amply justified, especially if monopoly is not permitted. I expect to see better facilities furnished, more tracks laid, quicker time made, and lower rates charged by the railroads. Such has been our history in similar cases, and it makes no difference to the people whether the canal shall furnish better and cheaper transportation by its actual use, or whether its influence upon the rail carriers shall bring to pass the same results over the railroad. It is satisfactory transportation rates and facilities we have in mind as one of the two great objects for building the canal. But if by any means the roads can control the water, then we may be sure that this great expenditure of money for building and operating the canal will have been squandered, so far as benefits to commerce are concerned. Surely it is best to take no chances in a matter of such mighty importance to the country.

I have no doubt that it will be urged here that we can direct the Interstate Commerce Commission to fix the rates and regulations which railroad-owned boats may charge and under which they may operate through the canal, but I am opposed to that; first, because the commission has more than it can do well now and, second, because water competition will cease when Government rate fixing begins. It is possible that we will some day reach the time when boats will be treated as railroads are, so far as prescribing rates and regulations are concerned, but that time is not yet, and in the meanwhile let us see what can be accomplished by competition uninfluenced by monopoly.

What I said at the beginning in reference to tolls was general and applied to all nations, but permit me to advert briefly to the special case of Canada. It is urged that if the toll gates swing free to United States boats, but will open to Canadian boats only upon the payment of tolls, that the Dominion will retaliate at the Canadian Soo, the Welland and St. Lawrence Canals. I can not so believe, and I would not violate either the letter or the spirit of our treaty relations with our neighbor on the north, although her present administration seems actuated by something less than the truest feelings of amity and good will toward us. Our existing treaty with Canada gives that country no right to participate in our coastwise traffic. It does provide, however, that both nations can on equal terms use the Canadian and American Soo locks and canals; the American St. Clair Canal, the Detroit River artificial channel, the Welland and the St. Lawrence Canals. The benefits to the two countries are mutual. There is actual and real reciprocity in this treaty, and no benefits from any other sources than those inhering in the mutual use of the Great Lakes, the Welland Canal, and the St. Lawrence River, were contemplated.

It is true that until our new Soo lock, which is in process of construction, is completed, lake traffic would be retarded if we were denied the use of the Canadian Soo locks for some of our large boats, but our treaty with the Dominion will not have terminated before our new lock will be done and Canada will have no just cause to abrogate the treaty if we live up to our part of the contract, and we will. We will be just to all nations, and in this instance "all" will include our own.

I want the time to come when there shall be no tollgates on land or lake or sea in the way of commerce between Canada and the United States; but that time will come, if it ever comes, when the two countries, without dissembling, but in truth and sincerity, shall ask and receive genuine reciprocity in all matters pertaining to trade and commerce. In the meanwhile, without disturbing the status quo of our treaty or traffic relations with Canada, we should proceed, as she and all other nations would do under similar circumstances, viz, to promote the general welfare of our own people.

It is possible that free passage of American-owned boats will not inure to the benefit of the people, and I confess that if the effect was simply upon the cargoes in the ships thus passed through the canal I should be inclined to believe that the shipowner would be the sole beneficiary of our bounty, but the effect will not be so circumscribed. Free ships will have a tendency to encourage the building and operating of more ships, and this result will, through competition, have a tendency to materially reduce rates to such an extent that the consignee—the consumer—will get the benefit. But the boat rates must be met by the rail rates. This fact has been made eloquent by every act of the railroad companies since the canal project was started. It is because of this fact that railroad managers want a controlling hand in canal affairs. They know that this completed enterprise will be more potent in reducing rates and in furnishing adequate facilities than all the orders of the Interstate Commerce Commission and all the decrees of the courts. We may not be able to balance all influences and segregate those which are properly due to the canal, but we may be sure that the lower rail rates will inure to the benefit of the people, as they should, because it was their genius which conceived this enterprise, it was their money and energy which constructed it, and it will be their patriotism which will maintain and operate it.

HOUR OF MEETING TO-MORROW.

Mr. BRANDEGEE. I should like to ask if any hour has been fixed for meeting to-morrow other than 12 o'clock?

The PRESIDENT pro tempore. The Chair is not aware of any.

Mr. BRANDEGEE. I move that when the Senate adjourns to-day it be to meet at 11 o'clock in the morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 19, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 18, 1912.

COMMISSIONER OF CORPORATIONS.

Luther Conant, jr., of New York, to be Commissioner of Corporations in the Department of Commerce and Labor.

ASSISTANT SECRETARY OF THE TREASURY.

Sherman Page Allen, of Vermont, to be Assistant Secretary of the Treasury in place of A. Piatt Andrew, resigned.

RECEIVER OF PUBLIC MONEYS.

Harry H. Price, of Casper, Wyo., to be receiver of public moneys at Douglas, Wyo., vice Nathaniel Baker, transferred to register.

REGISTER OF THE LAND OFFICE.

Nathaniel Baker (now receiver of public moneys at Douglas, Wyo.) to be register of the land office at Douglas, vice John W. Price, resigned.

POSTMASTERS.

COLORADO.

Edwin R. Heflin to be postmaster at De Beque, Colo. Office became presidential July 1, 1912.

ILLINOIS.

William W. Austin to be postmaster at Effingham, Ill., in place of William W. Austin. Incumbent's commission expired February 13, 1911.

Samuel W. Baird to be postmaster at Carlyle, Ill., in place of Samuel W. Baird. Incumbent's commission expired January 31, 1911.

Marion T. Capel to be postmaster at Carriers Mills, Ill. Office became presidential January 1, 1912.

John W. Campbell to be postmaster at Morrisonville, Ill., in place of John W. Campbell. Incumbent's commission expired March 31, 1912.

Henry J. Cheesman to be postmaster at Princeville, Ill., in place of Henry J. Cheesman. Incumbent's commission expired January 31, 1912.

Edwin P. Edsall to be postmaster at Grafton, Ill., in place of Edwin P. Edsall. Incumbent's commission expired December 11, 1911.

Robert R. Hilling to be postmaster at Manito, Ill., in place of Robert R. Hilling. Incumbent's commission expired December 11, 1911.

Winfield S. Hopkins to be postmaster at Granville, Ill., in place of William E. Hawthorne. Incumbent's commission expired January 13, 1912.

Thomas G. Laws to be postmaster at Coffeen, Ill., in place of Thomas G. Laws. Incumbent's commission expired February 20, 1911.

James H. Miles to be postmaster at Riverside, Ill., in place of Cornelius Sullivan, removed.

William S. Rice to be postmaster at Carmi, Ill., in place of William S. Rice. Incumbent's commission expired May 14, 1912.

William P. Richards to be postmaster at Jerseyville, Ill., in place of William P. Richards. Incumbent's commission expired April 23, 1910.

Fred M. Stoddard to be postmaster at Ramsey, Ill., in place of Fred M. Stoddard. Incumbent's commission expired January 10, 1911.

Charles E. Tanner to be postmaster at Minier, Ill., in place of Charles E. Tanner. Incumbent's commission expired January 31, 1912.

Arch L. Wade to be postmaster at Farina, Ill., in place of Arch L. Wade. Incumbent's commission expired January 10, 1911.

Arthur E. Wasson to be postmaster at Franklin Park, Ill. Office became presidential July 1, 1912.

Edwin L. Welton to be postmaster at Centralia, Ill., in place of Edwin L. Welton. Incumbent's commission expired January 28, 1911.

Lawrence C. Wines to be postmaster at Maywood, Ill., in place of Harrison P. Nichols, deceased.

IOWA.

Edwin H. Wilson to be postmaster at Cedar Falls, Iowa, in place of J. W. Jarnagin, resigned.

KENTUCKY.

Alfred R. Dyche to be postmaster at London, Ky., in place of Lee B. McHargue, removed.

MINNESOTA.

George F. Kramer to be postmaster at South St. Paul, Minn., in place of Andrew J. Davis, removed.

Frank Withrow to be postmaster at Stillwater, Minn., in place of William E. Easton. Incumbent's commission expired March 31, 1912.

MISSOURI.

L. H. Johnson to be postmaster at Kennett, Mo., in place of George T. Dunmire. Incumbent's commission expired February 18, 1911.

NORTH DAKOTA.

William H. Workman to be postmaster at Bowman, N. Dak., in place of Mathilde Lowden, removed.

OREGON.

J. P. Morelock to be postmaster at Wallowa, Oreg., in place of Jesse E. Tulley, resigned.

PENNSYLVANIA.

Alfred Evans to be postmaster at Kane, Pa., in place of R. K. Godding, deceased.

J. W. Houck to be postmaster at Clymer, Pa., in place of J. W. Houck. Incumbent's commission expired May 14, 1912.

SOUTH DAKOTA.

Leonard T. Hoaglin to be postmaster at Platte, S. Dak., in place of Leonard T. Hoaglin. Incumbent's commission expired May 22, 1912.

William P. Joseph to be postmaster at Wagner, S. Dak., in place of William P. Joseph. Incumbent's commission expired May 22, 1912.

VIRGINIA.

Gay R. Cochran to be postmaster at The Plains, Va., in place of Clarence C. Middleton, resigned.

WISCONSIN.

Charles J. Linquist to be postmaster at Rio, Wis., in place of Charles J. Linquist. Incumbent's commission expired May 6, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 18, 1912.

UNITED STATES ATTORNEYS.

James W. Freeman to be United States attorney for the district of Montana.

John C. Swartley to be United States attorney for the eastern district of Pennsylvania.

Homer N. Boardman to be United States attorney for the western district of Oklahoma.

Oliver D. Street to be United States attorney, northern district of Alabama.

RECEIVERS OF PUBLIC MONEYS.

Thomas V. McAllister to be receiver of public moneys at Jackson, Miss.

Harry H. Price, receiver of public moneys, Douglas, Wyo.

REGISTER OF LAND OFFICE.

Nathaniel Baker, register of the land office, Douglas, Wyo.

ASSISTANT SECRETARY OF THE TREASURY.

Sherman Page Allen, Assistant Secretary of the Treasury.

POSTMASTERS.

ALABAMA.

James L. Carwile, Ashland.
Walter W. Harkins, Fayette.
John T. Stewart, Wylam.

CALIFORNIA.

Frank J. Grillo, Angels Camp.
Hugo J. Schumann, Soledad.

COLORADO.

John A. Murphy, Las Animas.
Wesley W. Parshall, Durango.

IDAHO.

Blanche S. Rowe, Burke.

ILLINOIS.

William W. Austin, Effingham.
Samuel W. Baird, Carlyle.
John W. Campbell, Morrisonville.
Marion T. Capel, Carriers Mills.
Henry J. Cheesman, Princeville.
Edwin P. Edsall, Grafton.
Robert R. Hilling, Manito.
Winfield S. Hopkins, Granville.
Thomas C. Laws, Coffeen.
William S. Rice, Carmi.
William P. Richards, Jerseyville.
Fred M. Stoddard, Ramsey.
Charles E. Tanner, Minier.
Arch L. Wade, Farina.
Arthur E. Wasson, Franklin Park.
Edwin L. Welton, Centralia.
Lawrence C. Wines, Maywood.
Louis Wolfram, Des Plaines.

INDIANA.

Andrew F. Gugsell, Jasper.

IOWA.

J. V. Williams, Union.

KENTUCKY.

W. A. Coffey, Columbia.
John B. Harvey, Madisonville.
Robert L. Jones, Morganfield.
William L. Kimbrough, Guthrie.
Lewis M. Lebus, Cynthiana.
Frank W. Stith, Falmouth.

MAINE.

John W. Mathews, Berwick.

MASSACHUSETTS.

Fred A. Hanaford, South Lancaster.
George L. Minott, Gardner.
Charlotte L. Parker, Osterville.

NEBRASKA.

Jules Haumont, Broken Bow.

NEVADA.

T. W. O'Connor, Virginia City.

OHIO.

Owen Livingston, Richwood.
Charles A. Schumacher, Dresden.

SOUTH DAKOTA.

J. M. Miller, Colome.

WITHDRAWAL.

Executive nomination withdrawn July 18, 1912.

POSTMASTER.

William W. Middleton to be postmaster at The Plains, Va.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 18, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Creator, Father soul, to whom we are indebted for all things, continue, we beseech Thee, Thy blessings unto us as individuals and as a Nation, that we may think clearly, act wisely, do justly, love mercy, and walk humbly with our God, remembering that "The path of the just is as the shining light, that shineth more and more unto the perfect day." And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO PRINT.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent to print in the RECORD a memorandum on the jurisdiction of courts with respect to the orders of the Interstate Commerce Commission, by John B. Daish.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent to print in the RECORD a paper written by John B. Daish on some phase of the Interstate Commerce Commission. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House a personal request, which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 16, 1912.

THE SPEAKER,
House of Representatives, United States.

DEAR MR. SPEAKER: I desire to have leave of absence, for one week, on account of illness.

Very truly, yours, THOMAS FARRAN.

The SPEAKER. That request ought to be dated back two days. The letter came to the Speaker, and in the multiplicity of letters that come it got misplaced in some way. The Chair does not want to do the gentleman from Maryland [Mr. FARRAN] an injustice. Without objection, the leave of absence is

granted and is dated back to the 16th, covering these roll calls that were had on Tuesday and yesterday.

There was no objection.

Mr. MORGAN, by unanimous consent, was granted leave of absence until August 7, on account of important business.

Mr. HUGHES of Georgia, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

Mr. HAMILTON of West Virginia, by unanimous consent, was granted leave of absence indefinitely on account of illness.

ELECTION OF SERGEANT AT ARMS.

Mr. CULLOP and Mr. HEFLIN rose.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. CULLOP. I will yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Before the gentleman proceeds, I would like to report to the House that a caucus was held yesterday, and Mr. Charles F. Riddell was unanimously chosen as Sergeant at Arms, to fill out the unexpired term of Mr. U. Stokes Jackson. Mr. Speaker, I move his election at this time.

The SPEAKER. Is there another nomination? If not, the question is on the election of Charles F. Riddell as Sergeant at Arms, to fill the unexpired term of the Hon. U. S. Jackson, deceased.

The question was taken, and Mr. Riddell was elected.

Mr. Riddell appeared before the bar of the House, and the oath of office was administered to him by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 24, providing for an inquiry as to the purchase of the home of Thomas Jefferson, at Monticello, Va.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 338) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation; and

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. Con. Res. 24. Providing for an inquiry as to the purchase of the home of Thomas Jefferson at Monticello, Va.; to the Committee on Rules.

The SPEAKER. The gentleman from Wisconsin [Mr. BERGER] is recognized for one hour.

Mr. BERGER. Mr. Speaker, Fourth of July orators tell us that there are no classes in America, that in this country "men are born free and equal," and that the Declaration of Independence says so. And there are still some persons in this country who believe that this being a Republic there are no classes.

ARE THERE CLASSES IN AMERICA?

It is true that interesting historical document, the Declaration of Independence, says that "all men are born free and equal." But that was not so, even at the time when the sentence was written. It is less so now.

Men are not born equal. They do not live as equals. They do not die as equals.

The child of the rich is surrounded by comforts and luxury, even before it is born. It is raised with tender care. Danger and sickness are kept away from it. It has every advantage that our civilization affords. Unless killed by an accident or by yielding to the temptations which wealth afford, these children of fortune grow up to a ripe old age, honored and respected by everybody and especially their children, who expect to inherit their wealth and their privileges.

How about the child of the poor? It is born in want and misery which had their beginning long before the child was born. More than half of the poor die before they are a year old. The child that survives and grows up to manhood or womanhood leads a life of toil and misery, filled with temptations of all kinds, which often lead to crime and prostitution. Old age means beggary or the poorhouse—at best, the aged poor are a great burden to their children. Many prefer an early grave.

Now, where is the equality of birth? Or during life, or even at the deathbed?

And do we have classes in America?

IS THERE EQUALITY BEFORE THE LAW?

We are told, however, that equality in the Declaration of Independence means equality before the law.

I fail to see it there, either.

There is equality before the law when both parties are rich or both parties are poor. There is no equality in the case of a poor person against a rich person or against a wealthy corporation. Rich people will have the best lawyers, while a poor man may, if he has a good case, get a pettifogger on a half share.

Let us watch a common police court on any day. Two men—one looking prosperous, the other looking poor—are arrested for a similar offense. Each is fined $10 and costs. The prosperous man will put down his $10 and walk out smilingly. The other man can not pay and is sent up to the house of correction. Now, it is clear to any observer that the poor fellow is deprived of his liberty, not on account of his misdemeanor but because he did not have $10.

MOST ALL LEGISLATION IS CLASS LEGISLATION.

Do we have classes in America?

Supposing a man out of work is picked up in some alley or under some bridge. He was trying to spend the night there, because he does not have the money for a night's lodging. The next morning he is fined and deprived of his liberty as a vagrant, because he did not have any money to pay for a lodging. In other words, in our country it is a crime to be without money.

We not only have classes, but most all of our legislation is class legislation—by the ruling class or its agents.

We have a plutocracy—we are ruled by the wealthy class.

CLASS STRUGGLE IS AS OLD AS CIVILIZATION.

The existence of classes is nothing new, of course. The class struggle is many thousand years old. It began with civilization. It is therefore foolish to accuse the Socialists that they are trying to "create classes"—that we incite class antagonism and class hatred.

We want to abolish classes, class antagonism, and class hatred.

If in former centuries, however, the working class meekly submitted to oppression and deprivation, there was some reason for it. There were not enough of the world's goods to go around to suffice for everybody. Naturally, therefore, the stronger took the first choice for themselves and their kin, and the people got the leavings, if there were any.

The economic basis has changed.

NO ECONOMIC REASON FOR THE EXISTENCE OF CLASSES HAS DISAPPEARED.

We have secured control over the forces of nature to such a degree as to bring the possibilities of comfort and well-doing within the reach of everybody, at least in civilized countries. With the present machinery of production it is within the power of society to supply all the reasonable wants of every man, woman, and child living.

And if there should not be enough of any product, we could easily multiply it infinitely, provided every man would do his reasonable share of work; and, provided also, that society would apply all the machinery at its disposal.

Then we could all have plenty. And the work time of every worker could be shortened considerably. In all probability it need not be half of what it is now.

In order to accomplish this, however, the working class must have its own representation. The proletarians of America must have a political party of their own to give expression to their

own needs and wants, just as the working class of every other civilized country has its own political party.

CAN NOT HONESTLY REPRESENT MORE THAN ONE CLASS.

The working class has nothing to hope for from either the Republican Party or the Democratic Party. The representatives of these parties may be, and very often are, very cultured and accomplished gentlemen. Most of them are personally honest. However, they represent the capitalist system; and the more honest and consistent they are the more loyal they are to their class.

And the two parties may fight about the spoils of this system, but neither of them is willing to change the economic basis of the present society.

It is, therefore, only natural that every law passed by the Republican or Democratic Parties benefits the capitalist class, or some group of it, in some manner—even laws that obviously seem to favor the workers, like the workmen's compensation act.

WHAT THE TWO OLD PARTIES REPRESENT.

Political parties are simply the expressions of economic interests.

The Republican Party is the favorite organization of the big capitalists. Why? Because it stood for a great deal of "business" during the late Civil War, and because, by its high-tariff proclivities and its banking laws, it has given a strong impetus to the profits of the manufacturers and bankers. [Applause on the Democratic side.]

For a generation it was considered the conservative business man's party of the country.

The Democratic Party, in its great majority, stood for the economic and political interests of the slave owners before the Civil War. After the war it naturally has become the dominant party of the South, where the former slave owner is slowly getting to be a manufacturer, a banker, or a capitalist. Up North the Democratic Party, not having any great economic interests to express, soon fell into the hands of corrupt machines, at least in the large cities. Thus we have Tammany in New York, the Cook County Democracy in Chicago, the Rose Democracy in Milwaukee, and other benevolent graft institutions. It naturally also became the favorite organization of the liquor interests in the Northern States. [Applause on the Republican side.]

The capitalist class, therefore, is just as willing to deal with the Democratic Party as with the Republican Party. While the latter is conservative, the Democratic Party is, to all intents and purposes, reactionary, especially on the industrial field; it would like to go back to the days before the war. Being behind the time in most things, it is especially ignorant and brutal in regard to the labor question, as the laws of many Southern States prove.

WHY THEY "DEARLY LOVE THE WORKINGMAN."

However, the workingmen of this country have votes, and that is the reason why the Democrats have in recent years discovered that they "dearly love the workingman." [Laughter on the Republican side.]

That is the reason why we have passed a few labor laws in this House. Of course, these laws have not passed the Senate nor the scrutiny of the Supreme Court; however, they will do in that form as campaign food on the eve of a presidential election.

Of course none of these laws will add a single sandwich to the daily fare of the many millions of workingmen and working women. None of these laws will take care of the old invalids of industry or help along the young. Every civilized country on the globe has done a great deal in that direction of late.

Not we. Nowhere is human life as cheap as in America.

KILL MORE WORKMEN EACH YEAR THAN SOLDIERS IN ANY YEAR OF THE CIVIL WAR.

That most of this waste of human life is wholly unnecessary is shown by Dr. John Randolph Haynes, special commissioner on mining accidents of the State of California, in a paper which was originally read before a joint session of the American Association for Labor Legislation and the American Economic Association on December 30, 1911, and is now printed as a Senate document.

Dr. Haynes says that 35,000 workmen are annually slain in the United States while engaged in their daily occupations, and that, if the wounded and crippled in industry are added, Mr. Mercer, of the Minnesota Employers' Compensation Commission, was not far wrong when he claimed that industry in our country now kills and cripples more each year than did bullet and shrapnel in any year of the Civil War.

Coal mining, according to Dr. Haynes, is the most hazardous of all American industries, killing outright from 3,000 to 5,000 and killing and seriously injuring from 8,000 to 10,000 each year. The United States kill more coal miners than all the rest of the world combined.

The following table shows the casualties of employees on American railroads in comparison with those of other countries. The figures are for yearly accidents, based on five-year averages, from 1905 to 1909, inclusive. The table is taken from a statement made by the gentleman from Maryland [Mr. LEWIS] and appears in Senate Document No. 90 of the Sixty-second Congress:

	Number of employees to 1 killed.	Number of employees to 1 injured.
1. United States	421	19
2. Germany	1,016	431
3. France	1,058	517
4. Switzerland	1,071	26
5. United Kingdom	1,351	134
6. Norway	2,125	340
7. Austria	2,206	160

However, as long as cheap trades for votes can be made with so-called "union labor leaders"—giving the working class nothing, and promising twice as much for next year—both the Democratic and the Republican Parties believe themselves safe.

Mr. ANDERSON of Ohio. Mr. Speaker, has the gentleman the statistics at hand to show how many more railroad employees there are in this country than in the other countries he mentions?

Mr. BERGER. I have none at hand, but if I had them that would not change the result any, because the statistics I quote give the proportion of the number of killed or maimed to the total number employed, and that proportion remains the same, no matter how many there are.

"A DIFFERENCE WITHOUT A DISTINCTION."

The only trouble just now is to make the workmen believe that the Democrats are different from the Republicans.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. BERGER. After I have developed my theme, I will yield with pleasure. I say the two old parties are so much alike that they are hard up for an issue.

Mr. GARNER. How about the "bull moose" party?

Mr. BERGER. I shall make a few remarks about that species also, if the gentleman will give me time. [Laughter.]

Of course there is still that old stand-by—the tariff—God be thanked. And Mr. Woodrow Wilson, being a profound man—a man of the type of that other profound gentleman, Grover Cleveland—has declared that the tariff is to be the issue.

But how is it to be done this time?

The Republicans declared themselves to be in favor of a "downward revision." The Democrats are in favor of a "tariff for revenue," but they cautiously add in their platform that they do not want to harm any industry.

Now what does that mean?

If it means anything at all it means that the Democrats do not want to harm any owners of factories, because the South is waking up industrially. The South is beginning to have numberless "infant industries" that want protection. The Democratic Party must take care of these infants.

WILL PROF. WILSON NOW MAKE HIS OWN PLATFORM?

In other words, while Andrew Carnegie and Judge Gary and other northern trust magnates are willing to give up the protective tariff because their Pittsburgh and Chicago infants have grown up to some size—thank you—and they are well able to take care of themselves even in England or Germany, the southern manufacturers are beginning to demand a protective tariff—on cotton products first, of course.

That is natural enough—the South is just about 50 years behind the rest of the country in economic development.

But since that is the case, how is the good professor expecting to make good on the tariff as an issue in the coming election? Is he going to have a platform of his own—a platform other than was adopted in Baltimore, and for which the "peerless leader" stood sponsor?

Mr. Wilson will have to do so if he wants a demarcation of some kind between the old parties. As it is, the names of the two parties could be exchanged in both platforms and nobody would notice the difference.

HOW THE MIGHTY BRYAN HAS FALLEN!

Nothing is left of the great anticapitalist war cry for which Bryan was so well known in 1896. One can readily see that Mr. Bryan of 1912 is a different man—he got to be quite a capitalist himself, and that fact unconsciously changed his point of view.

The 16 to 1 silver issue has been dropped, and that is sensible enough. But nothing is said about nationalization of railroads, either—and the Federal judiciary is not even mentioned.

And what is even more remarkable for a "progressive platform," we can not find a word about direct legislation.

The initiative and referendum and the imperative mandate were conveniently shelved as "State issues," although the nations' platform is unquestionably the place to enunciate the national principles of a party.

EVERYTHING SHELVED THAT LOOKED "PROGRESSIVE."

And queerly enough even the recall of the judiciary is forgotten—a question that has been agitated very much of late and for which the Democrats in Congress have stood like heroes when they wanted to put "Taft into a hole" on the question of admitting Arizona and New Mexico to statehood. [Applause.]

It may be that Mr. Bryan expected to be a candidate himself and he wanted all the votes in sight, including the dissatisfied conservatives. Otherwise these omissions are hard to explain for a "progressive" platform.

MIGHT VOTE WITH EYES SHUT.

One might say, however, the platforms of the old parties are seldom read and even more seldom carried out. The main thing, then, is the personnel of the candidates.

But just at that point there is really no difference if one is to vote an old-party ticket. One might just as well shut his eyes and vote. The result would be absolutely the same.

ALL THREE ENJOY THE SUPPORT OF THE TRUSTS AND THE BOSSES

All of the candidates are honest men personally, as the term is understood in business and society nowadays. None of the candidates has ever been accused of any wrong other than "stealing convention delegates"—willing and ready to be stolen.

Mr. Roosevelt, who wants to start a party on the issue "Thou shalt not steal" and on business principles, should know that political graft is the very application of business principles to politics.

Furthermore, he also has openly been accused in the Senate of trying to buy delegates both this year and in 1904.

Moreover, the three candidates of the two old parties all enjoy the support of the trusts, the bosses, and the political machines.

HAIL TO GROVER CLEVELAND II!

Mr. Wilson, the Democratic candidate, has probably more support of that kind than any of the rest. Although a so-called progressive, he has with him Boss Murphy, of Tammany; Boss Smith, of New Jersey; Boss Sullivan, of Illinois; and Boss Taggart, of Indiana; their machines, and what they stand for. He was also jubilantly hailed by the reactionary capitalist element of both parties as a "second Grover Cleveland," and was warmly indorsed by every reactionary paper. Belmont and Ryan are his warmest supporters. Wilson's election will not only perpetuate the power of the bosses and their machines, but also inaugurate another era of reaction and "high finance" as we had under Grover Cleveland.

Mr. Wilson looks like a strong candidate owing to the fact that the country is restive and eager for a change, because the average voter foolishly believes that it is within the power of the administration to make good times or bad times at will, and almost everybody is dissatisfied. The evils and shortcomings of the social fabric and of the present economic system are laid at the doors of the administration that happens to be in power. This desire of the average citizen for a change is in favor of Mr. Wilson.

MR. WILSON HAS A "PAST"!

On the other hand, Mr. Wilson is very much handicapped by his past. Mr. Wilson has written books, and, being a recent convert to the cause of progressivism, his works stand out against him. Mr. Wilson has not only attacked the south European and Slavonic immigration, but he has also denounced organized labor.

He once declared that he preferred a Chinese coolie to an American trade-union man, because the former were more law-abiding and more industrious and worked cheaper—or words to that effect. As recently as 1909 he denounced union labor as "unprofitable labor." Mr. Wilson may have changed his mind, but he will have to explain, and the candidate that must explain is in a very poor position. His behavior during the late strikes in New Jersey will also require explanation.

MR. TAFT HAS MOST ALWAYS BEEN AN APPOINTEE.

It is unnecessary to tell where Mr. Taft stands. It is as natural for a man of his type to be allied with men like ROOT, CRANE, GUGGENHEIM, and Hammond as it is for a duck to take to the water. Until Mr. Taft ran for the office of President he had never gone to the common people for any indorsement. He is the son of a former Attorney General and minister to Austria. He was appointed assistant corporation attorney of Cincinnati, appointed a Federal judge, appointed a commissioner to the Philippine Islands, appointed a Secretary of War, and finally appointed the "heir of my policies" by Theodore Roosevelt.

Mr. Taft knows the history of the Republican Party as the favorite organization of the big capitalists. And he wants that party to remain the favorite.

EVOLUTION OF REPUBLICAN PARTY.

Moreover, the Republican Party has no other reason for existence than to serve capitalism. It has accomplished one great historical fact—it has freed the negro. That was done, not for humanitarian reasons, but because chattel slavery was incompatible with modern capitalism.

Modern capitalism rests upon wage labor. The Democratic Party of 1860 failed to understand this simple fact—and that is the reason why the Republican Party was founded and grew up to be just what it is now.

It was the party of William Lloyd Garrison, Wendell Phillips, and Abraham Lincoln. And it became just as naturally the party of John Sherman, Senator Aldrich, and Richard Ballinger.

That Mr. Taft has the support of many big political bosses and capitalist exploiters goes without further explanation.

WHERE MR. ROOSEVELT STANDS.

The opposition in the Republican Party is represented by the ex-President, Theodore Roosevelt. Where Mr. Roosevelt stands on all the great questions of the day nobody seems to know. I doubt whether Mr. Roosevelt knows himself, because with his brilliant but very erratic mind Mr. Roosevelt may revise and change all of his principles and convictions by to-morrow afternoon. [Laughter and applause.]

At this time it does not appear that he will play much of a part if he does, unless he is satisfied to be the pathfinder of a new organization which is on its way to nowhere in particular.

ROBIN HOOD "PROGRESSIVES."

But a glance at some of the "honest progressives" who are now setting out to purify politics will at once demonstrate that Robin Hood's famous assemblages of outlaws had nothing on the company that are now rallying around Theodore Roosevelt.

There is, for instance, little Tim Woodruff, veteran of the famous "Old Guard" of Albany in bygone days, and such a doubtful asset generally that two years ago Mr. Roosevelt ousted him from the position of a State chairman of New York.

Then there is Boss Flinn, of Pittsburgh, a reactionary from head to heel, soaked and saturated in the municipal corruption of that smoky inferno.

And Lucius Littauer, of Gloversville, N. Y., a reactionary to the backbone; mixed up in post office several years back.

And George W. Perkins, of Morgan and the Steel Trust.

Furthermore, Medill McCormick, of the Harvester Trust and the Chicago Tribune. Comment is really superfluous. [Applause.]

In short, all three candidates are well supported by the organization of their class.

THE TARIFF AND LABOR.

As to the tariff issue as such, this issue is to the working class exactly what every other capitalist issue is. The workingmen are interested in the tariff—as the tariff is now—as consumers only.

The tariff does not protect labor; at the same time any sudden change would be disastrous. It is mainly a manufacturer's issue—until labor really gets its share of the protection.

The tariff is not responsible for the trusts; there are trusts in England, where they have free trade. Moreover, the trusts are now in favor of free trade.

THE REAL ISSUE FOR THE WORKING CLASS.

With us the great issue is the difference between what a workingman in this country produces on the average and what he gets.

It is a class issue; it is the great issue of the working class.

In 1909, in the 268,000 factories of this Nation, 6,600,000 wage earners added $1,290 apiece for every worker employed.

Did those workers receive the value they put into the product? Not at all. They received $518 apiece.

The other $772 went to the employers and landowners. This surplus value went to the capitalist class as such—to the landowners, the bankers, and employers, and the holders of special privileges of some sort or another.

Wherever this surplus value goes it goes to some individuals or groups of the capitalist class in some form—either as profit, rent, interest, insurance, and so forth.

ONE REASON FOR THE INCREASED COST OF LIVING.

In 1909 the number of factory wage earners was 6,615,046, an increase of 21 per cent in 5 years and of 40.4 per cent in

10 years. Women have constituted exactly 19.5 per cent of the factory population in each of the three last censuses. Children constituted 2.5 per cent.

Wage earners do not increase relatively in anything like the proportion that salaried employees do. The gain of the former in 10 years has been 40.4 per cent; of the latter 117 per cent.

It is true of all highly developed countries that the number of persons employed to handle, sell, and promote the sale of commodities increases far more rapidly than the number of persons who make things. This will help to explain the rise in the cost of living.

The number of wage earners does not increase proportionately with the increase of capital.

INCREASE OF OFFICE POPULATION.

Capital has increased 45.4 per cent in 5 years and 105.3 per cent in 10 years. Big capital now controls industry, and the figures are truly amazing.

In 1904 nine-tenths of 1 per cent of the establishments turned out 38 per cent of the product, and in 1909 1.1 per cent turned out 43.8 per cent of the product. Each of these establishments produced values in excess of $1,000,000, and there were 1,900 of them in 1904 and 3,061 in 1909.

Counting the establishments producing more than $100,000 in values annually, it is shown that in 1904 11.2 per cent of the total of 216,180 establishments turned out 79.3 per cent of the total product, and that in 1909 11.5 per cent of the total of 268,491 establishments turned out 82.2 per cent of the total.

The other 88.5 per cent of the establishments had to be satisfied with the leavings of 17.8 per cent of the product.

The average salary drawn in 1899 was $1,046; in 1909, $1,187. These salaries are not classified in this report, as similar salaries are classified in the report of the Interstate Commerce Commission. It is therefore impossible to tell just what rank of employees drew the increase. There is plenty of evidence, however, from common observation that the average poorly paid clerk or accountant has had no raise in the last 10 years.

THE RELATIVE SHARE OF THE WORKER IS GETTING SMALLER.

Wage earners received more money in 1909 than they did in 1904. Their average in the former year was $477, in the latter year $518, a difference of $41 or about 79 cents a week. The figures of wages are not yet classified for men, women, and children, and so we can not tell where the greater rate of increase has gone, though the probability is that it has gone to the men.

The value added to production (that is, the value of the product less the cost of materials) averaged $1,150 for each wage earner in 1904. It now averages $1,290. But the relative share of the worker in the value of his product is less than it was in either 1899 or 1904.

Here are the comparative figures:

Year.	Wages.	Net production.	Worker's share.
			Per cent.
1899	$426	$1,025	41.6
1904	477	1,150	41.5
1909	518	1,290	40.1

INSECURITY OF EMPLOYMENT.

One of the particularly brutal elements of capitalism is shown by the figures for the seasonal variations in the amount of employment in the various great industries. Capital can not keep its workers employed.

When it wants them it wants them bad; and when it does not want them, they may go and starve. In some of the industries the variation in the state of employment is only moderate.

In printing and publishing, for instance, the lowest number of wage earners employed at any time constituted 93.3 per cent of the largest number employed.

But in brick and tile making the minimum represented only 36.5 per cent of the maximum, and in canning and preserving only 12.9 per cent.

Even in the great steel and iron industry the number employed in March was 25 per cent less than that employed in December. Throughout the whole industrial scheme seasonal unemployment is a necessity under capitalism.

NUMBER OF CAPITALISTS SMALL; WORKINGMEN ARE MANY.

Moreover, another fact must be taken into consideration. The capitalist class numbers only about 4 per cent of the population, the middle class 24 per cent, and the working class 72 per cent.

WE LOOK UPON TARIFF ISSUE AS A SHAM BATTLE.

Under these circumstances, is it surprising that we look upon the agitation for a low tariff or for a high tariff as a shameless humbug when we compare its importance with the question of the exploitation of labor?

Is it surprising that we look upon the return of tariff issue as simply a sham battle to divert the attention of the workingmen from the main issue?

WORKINGMEN'S LABOR BOUGHT IN OPEN MARKET.

And the real issue is this:

Under the present system, which we call in political economy the capitalist system, the workingman's labor has become a mere ware in the market.

And since the man's labor can not be separated from the man, the workingman himself has become a commodity, whose time is bought and sold. The workingman, or rather his labor power, is subject to the same conditions as every other ware, especially to the conditions of supply and demand and to competition.

The workingman's labor—that is, his time—is bought now in the open market by the highest bidder on the one hand, from the lowest seller on the other.

And the employers—who are really the master class—care only to buy the workingman's time when he is young, strong, and healthy. When he is sick, or when he gets old, the employer has no use for him.

NOT IN BUSINESS FOR CHARITY.

The employer is not in business for the sake of charity. He is in business in order to make profits—to make money.

And because of this, we can see that our so-called free workers are sometimes worse off—from the purely economic point of view—than the blacks were under slavery before the war.

The negro was property and represented about a thousand dollars in value—sometimes more, sometimes less—he was property which the master owned. Therefore, the master, if he had any sense, took good care of his human chattel. The master was eager to have the slave as long and in as good condition as possible. When he became sick, or when he died, the master lost money.

The case is entirely different with the white workingman, the so-called free workingman. When the white man is sick, or when he dies, the employers usually lose nothing.

WORST EMPLOYER SETS THE PACE.

And high tariff, or tariff for revenue only, or free trade, "have nothing to do with the case."

The fact is that the capitalist, the average employer of today, is more concerned about a valuable horse, about a fine dog, about a good automobile, than he is about his employee, or about his employee's family.

In most cases, the employment is absolutely impersonal. The employer does not know his employee by name, or even by number. This is invariably the case with a stock company where the shareholders are scattered all over a city, a State, or all over the country, sometimes over Europe.

Nor can any individual capitalist or employer, no matter how charitably inclined he may be, change anything in these conditions. A business or corporation that should try to run its plant on a charity basis would not last long.

As a matter of fact, under the present system it is usually the worst employer who sets the pace. The employer who can fleece and skin his workingmen best is best equipped for the fight in the open market. He can produce his goods the cheapest.

COMPETITION AND LABOR.

Thus competition has come to have a fearful meaning to the working class.

On the one hand it compels the employers to get their labor as cheaply as possible, on the other hand it compels the workingmen to compete with one another for jobs. Competition among the workers has become, therefore, a cutthroat competition. It is a question as to who is to live and who is to starve. It is often a question as to whether a man is to stay with his family or to become a tramp.

And the tariff has nothing to do with that question, either.

There is always free trade in labor.

WOMAN AND CHILD LABOR.

In many cases now the laborer is compelled to disrupt his family and send his wife and children to the shop or factory.

For this is the great curse of machinery—or rather of the individual monopoly of machinery—that capital can be coined out of women, and even out of infancy. Thus not alone are men turned into wares, governed by demand and supply, but they are also made to scramble for a precarious living with the wives, sisters, and children.

The evil of child labor is especially glaring down South, where my Democratic friends rule absolutely.

Lewis W. Hine, while taking photographs of the employees of the Gulf coast canneries for the National Child Labor Committee, says that he personally interviewed 13 children from 3 to 5 years old, 25 from 6 to 8, and 15 from 9 to 11, and that he counted in all 125 boys and girls whom he judged to be from 3 to 11 years of age.

No human being knows how many children under 10 are employed in the canning industry in the United States or in the numberless industries carried on in tenement houses in our great cities. But everyone at all familiar with the subject knows that there are thousands.

THE DEMOCRATIC SOUTH LEADS IN INFANT LABOR.

In six Southern States nearly 1,000 children from 7 to 11 years old were found at work in cotton factories by agents of the United States Labor Bureau, whose investigation covered only about one-fourth of the cotton industry of these States.

It is conservative therefore to estimate that 5,000 children from 7 to 11 years old are prolonging their infancy in the cotton mills of the South.

And yet this is the economic basis of the wage system.

THE SOCIALIST VICE.

Therefore we say the wage system was a step in the evolution of freedom, but only a step. Without trades-unionism and labor associations, the wage system would produce a social state lower than that of feudalism.

Social freedom, complete justice, can be accomplished only by the collective ownership and democratic management of the social means of production and distribution.

We realize that all this can not be brought about by a single stroke—by a one day's revolution. But we know that all legislation, in order to be really progressive and wholesome, must move in that direction—must be in accordance with the modern economic progress.

THE ONLY PARTY KEEPING STEP WITH THE TIME.

And the only party that is in accordance with the trend of the time is the Socialist Party. That is the reason why all the "progressives" are simply trying to appropriate some of our minor planks.

With the Socialists political issues are of minor consequence; economic issues are of paramount importance.

DIRECT LEGISLATION ONLY A CHANGE IN THE MECHANISM.

We refuse to be diverted or led astray by mere political reforms like the initiative, referendum, and recall. Each in itself is a good enough reform. Each of them has been agitated for a long time by the Socialists and forms a part of our program to-day.

Mere changes in the mechanism of expressing the will of the people are, however, of secondary importance when compared with any change in the economic conditions of the people.

We want the initiative. But we want much more, to secure an old-age pension for every workingman and workingwoman of 60 and over.

We stand for the referendum. But insurance against being out of work is of much more value.

We agitate for the recall. But State help for orphans—at least for those who have no father—and assistance for working women during the period of child bearing, is infinitely more useful to the race than the right to recall a judge.

The bourgeois reformer, even when well meaning, does not understand us. He lacks our class consciousness.

A GROWN-UP NATION WEARING ITS BABY CLOAK.

Of the political reforms a new Constitution is most important. As long as we have the old Constitution, thorough social reforms are almost impossible.

No matter how good and beneficial a law may be, it will, as a rule, be declared unconstitutional by the Supreme Court. Our Constitution was framed at a time entirely different from ours, and for entirely different conditions—and good laws suited to the present conditions are really unconstitutional.

When our Constitution was framed this was a Nation of frontier farmers and hunters, with a few merchants in the seaports.

There was no machinery used. There was no manufacturing to speak of. There were no railroads; no telegraphs.

There were no millionaires and no proletarians. There were no corporations in the present sense—a corporation in those days meant a city.

And there were no trusts, of course.

If Washington, Jefferson, Madison, and Hamilton could get up from their graves to-day they would not know the country. We live in a different world.

And yet we have to wear the same political cloak. We must live under the same Constitution.

In other words, a grown-up nation has to wear its baby cloak. It does not fit anywhere, and has been torn and patched in the most ridiculous way by "decisions of the Supreme Court," in order to make it do, yet, anybody who dares to suggest a new suit is considered a traitor by the "interests."

A NEW CONSTITUTION OR A BLOODY REVOLUTION.

But we must have a new Constitution or we shall have a bloody revolution. Yet, though political reforms are necessary, they are of little account when compared with the necessity of changes in order to keep step with the development of economic conditions.

THE TRUSTS AND THE PEOPLE.

The economic changes are upon us.

We see the trusts not only doing away with competition, but also asking for Government interference and for Government regulation of prices.

In other words, we have the spectacle of the trusts surrendering part of their ownership and practically offering that part of the ownership to the people.

Thus the trusts, or at least some of the trusts, are willing to part with their ownership because they feel that their business has ceased to be a private concern. Because the trusts feel that their business has become a public utility of the most public and utilitarian sort.

WORKING CLASS BECOMING REVOLUTIONARY.

But the change is also coming from the other side.

The great majority of the people have no interest in keeping up the present system. And especially the working class is bound to become revolutionary as a class.

Our workingmen to-day build a few palaces and many hovels. The workingmen live in the hovels and the few capitalists in the palaces.

Our workingmen in the woolen mills make a small amount of fine clothes and millions of yards of shoddy. The workingmen wear the shoddy and the rich idlers wear the fine clothes.

Workingmen and their children have to go down into the mines, workingmen and working women and their children have to go into dingy, ill-ventilated factories and workshops and toil from 8 to 12 hours a day. They must ruin their health by overwork, so that a few people who have the money may ruin their health by too much leisure.

The majority now degenerates through poverty so that the small minority shall be able to degenerate through luxury.

THE RULING CLASS OF FORMER DAYS.

Again, I say, the great majority have no interest in keeping up the present system.

There is this also: In former epochs the ruling class was by far the abler and stronger—physically and mentally.

In former years a few nobles, clad in iron—and trained and accustomed to warfare—could hold in subjection 20 times their number of common people.

The ruling class only was at that time in the possession of the wisdom of the world—whatever wisdom the world had then.

The ruling class at that time also had in its favor the belief that this system was God-ordained, and that anybody rebelling against it was a rebel to God.

THE RULING CLASS OF TO-DAY.

Things are different nowadays.

The working class not only builds the houses, ships, and machines, but the working class also teaches in the public schools and colleges, and writes and prints our literature. Not only the man who sets up the type for the papers and the books, but also the man or woman who writes them usually belongs to our class.

The capitalist class depends upon us for a living, for information, and for defense.

The ruling class surely has no better fighting qualifications than we. It is our class that has to furnish most of the men in case of war, although the capitalists may start the war and buy the bonds. Even in order to hold the working class in subjugation, the capitalists have to hire such workingmen as are for sale to do the fighting for the rulers.

We deny that the capitalist class is our superior in any way.

And as long as the public schools exist, and men and women are learning how to read and write, no priest or clergyman will ever be able to make us believe again that this system is God-ordained. We will never believe that it is God-ordained that a trust magnate shall have fifty or sixty million dollars a year, or more, and that his employees should earn $1.75 a day on the average.

AND WE ARE MANY.

Moreover, we have the ballot. No subjected class in history ever had the same political basis as the ruling class. The modern proletariat is the first.

On election day my vote is as good as Rockefeller's. And we are many and the capitalists are few.

NO OTHER PARTY HAS GROWN LIKE OURS.

In short, the future belongs to the working class. Nothing can stop us. All we have to do is to organize our forces. There is no other party that has grown like ours during the last four years.

WHY WE ADVOCATE REFORMS.

And, I want it understood, the Socialist Party, while it is revolutionary in its final aim, is none the less distinctly evolutionary and constructive in its method. We welcome all kinds of reforms that are real reforms—not political baits.

Social reforms of all kinds are welcomed by the Socialist for many reasons.

In the first place, by reforms we can stop the increasing pauperization and consequently also the enervation of the masses of the people. If real reforms are seriously taken up and carried out with determination they uplift the masses to a considerable extent.

But the main reason for our favoring social reforms is that such reforms, if logically carried out, offer the possibility of a peaceful, lawful, and orderly transformation of society.

THE SOCIALIST PARTY IS THE ONLY TRUE REFORM PARTY.

The Socialist Party, therefore, is the only true reform party in existence. We agitate for the organization of the masses. And organization everywhere means order.

We educate, we enlighten, we reason, we discipline.

Besides order we bring also law, reason, discipline, and progress to men and women who have been torn from their old conditions by capitalism—and who would become Apaches.

THE APPEAL OF THE SOCIALIST.

It is, therefore, absolutely false to represent our Socialist Party as destructive, as intending to overthrow and annihilate society, as an appeal to the brute passions of the masses.

Just the opposite is true.

Our Socialist Party wants to maintain culture and education and carry them to the homes of every worker of the land.

Our party wants to guard this Nation from destruction and bring it to a level hitherto unknown in history.

We appeal to the best in every man, to the public spirit of the citizen, to his love of wife and children. [Applause.]

BOTH REPUBLICANS AND DEMOCRATS HAVE VOTED FOR THE SO-CALLED LABOR BILLS.

Mr. ANDERSON of Ohio. I have always had great admiration for the gentleman from Wisconsin, knowing him to be very generous and liberal minded in all matters; but I want to ask him if he does not give the Democratic Party credit for the passage of the eight-hour bill, the Child's Bureau bill, anti-injunction bill, the bill for jury trials in indirect contempts, the department of labor bill, the industrial-commission bill, and various other measures that are considered progressive and are wanted by the laboring class?

Mr. BERGER. Mr. Speaker, I have said before that these political reforms are of minor importance as far as the working class is concerned, and that social reforms are paramount. The eight-hour bill sounds good, but this House has passed several eight-hour bills since 1868.

Mr. ANDERSON of Ohio. I ask the gentleman if he does not give the Democratic Party credit for the passage of these measures?

Mr. BERGER. I will say that the Democratic Party has introduced some fair-looking bills in the House in the Sixty-second Congress, and that the Republicans, being also good politicians, have, as a rule, almost unanimously voted for them. None of these bills really changed economic conditions.

Mr. ANDERSON of Ohio. The gentleman is mistaken about our starting it. I ask him if it is not a fact that we have passed it?

Mr. BERGER. Both sides passed these bills. Even the Socialist Party voted for them unanimously every time. [Applause.]

NONE OF THESE BILLS ADD TO THE STANDARD OF LIVING OF THE WORKING CLASS.

Mr. ANDERSON of Ohio. Then the gentleman must concede that it is good legislation.

Mr. HOBSON and Mr. FITZGERALD rose.

The SPEAKER. To whom does the gentleman yield?

Mr. BERGER. To every one, one after the other.

The SPEAKER. The gentleman must indicate the Member to whom he yields first.

Mr. BERGER. I will yield first to the gentleman from Ohio [Mr. ANDERSON], then to the gentleman from Alabama, and then to the gentleman from New York, and afterwards to every other Member who may want to ask a question.

Mr. ANDERSON of Ohio. I think the gentleman will admit that the Democratic Party has passed more bills in the interest of labor than have been passed by this House in the last 20 years.

Mr. BERGER. I do not admit that. I said the Democratic Party has voted for some so-called labor bills, but so did the Republican Party, and so did the only representative of the Socialist Party in Congress.

Mr. ANDERSON of Ohio. Then he admits that this is good legislation?

Mr. BERGER. I admit that some bills that have been passed in this session are fair bills as far as they go. Otherwise I should not have voted for them. They do not, however, add to the standard of living of the American working class. They are of ridiculously small importance, considering the magnitude of the labor question.

SOCIALIST HOUSE WOULD NOT HAVE WASTED TIME.

Mr. ANDERSON of Ohio. If the House had been Socialistic it would undoubtedly have voted for the same bills.

Mr. BERGER. If the House had been Socialistic it would not have wasted time with insignificant palliatives of that kind, because it would have taken up legislation of a million times greater importance.

WOULD PENSION THE VETERANS OF INDUSTRY OUT OF THE SURPLUS THEY CREATE.

Mr. ANDERSON of Ohio. If the House had been Socialistic, would it have passed the Sherwood pension bill?

Mr. BERGER. No; because we would have pensioned not alone the old soldiers but everybody who——

Mr. ANDERSON of Ohio. Mr. Speaker, just one question more. The gentleman said that if the Socialistic Party had been in power they would have pensioned everybody. I want to ask the gentleman who said the party would not have supported the Sherwood pension bill pensioning the defenders of this great country, that it would refuse to pension the soldiers but would pension everybody, Members of Congress as well as everybody else, where would the gentleman get the money to pension everybody?

Mr. BERGER. Mr. Speaker, I wanted to say that by pensioning everybody who did some useful work in their earlier manhood or womanhood it would be needless to pension the old soldiers. The old soldiers have done some useful work besides being soldiers in a war. I honor every man who went to the war to free the black man and to save the Union, but I honor just as much the men and women who are fighting for civilization every day—the men and women who are making our civilization possible.

Official figures show that 35,000 are annually slain in the industries of the country, not counting the hundreds of thousands that are the victims of occupational diseases.

Do you not think that a man who works for the welfare of the Nation on the battle field industry is taking as many chances as the man going to war? And that the worker is doing more necessary work than the soldier?

Moreover, the old working people who will get the pensions will have paid for them during the time they worked. In fact, they will have paid for the pensions many times over before they get them.

As I stated before, in 1909 every workingman and working woman added about $1,290 worth to the Nation's wealth and received on the average only $512 in wages.

The pensions should be paid from the surplus value the capitalist class is getting.

Mr. ANDERSON of Ohio. The gentleman said he would pension everybody.

Mr. BERGER. Everybody who needs it—every aged worker in every field of industry. Members of Congress only if they should be in want at the age of 60. [Applause.]

Mr. ANDERSON of Ohio. Then the gentleman modifies his statement. He does not mean to pension the Rockefellers and the Carnegies.

AS TO THE EIGHT-HOUR BILL.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BERGER. I will yield to the gentleman from New York.

Mr. FITZGERALD. Does not the gentleman from Wisconsin know that until the Democrats got control of the House of Representatives neither the Republicans nor Democrats nor Socialists could get a chance to vote for an eight-hour bill?

Mr. BERGER. I do not know anything of the kind.

Mr. FITZGERALD. If the gentleman will permit me to inform him, I have served in the House 14 years, and until the Democrats got control of it an eight-hour bill could not be reported into a Republican House from the committee.

Mr. BERGER. And I want to inform the gentleman from New York, if I may, that the first eight-hour bill was passed in 1868 by a Republican House. [Applause on the Republican side.] As a Socialist and trades-union man I have, of course, no more love for one capitalist party than for the other, but I want to be fair.

Mr. MILLER. That was before the time of the gentleman from New York.

Mr. FITZGERALD. And the Republican Attorney General so construed it as to make it absolutely valueless. [Applause on the Democratic side.]

Mr. BERGER. Well, we do not know how this bill may be construed by a Democratic Attorney General and by the Supreme Court. [Applause on the Republican side.]

Mr. FITZGERALD. If there is a Democratic administration, there will be no fault found with it.

Mr. BERGER. Then the gentleman thinks the Supreme Court decides questions of law according to politics?

THE DEMOCRATIC SOUTH AND THE PROTECTIVE TARIFF.

Mr. BUCHANAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. BERGER. I believe I should yield now to the gentleman from Alabama [Mr. HOBSON]. He asked first.

Mr. HOBSON. I know the gentleman has a logical turn of mind, and the gentleman's party prides itself on its unanswerable logic. I simply want to ask the gentleman to point out the logic of his reference to alleged southern support for the principle of protection. The gentleman will recall that he pointed out that in the North, the Central North and the Middle North, the industries there have grown to stupendous proportions——

Mr. BERGER. I hope the gentleman from Alabama will not make a speech. My time will soon be up.

Mr. HOBSON. I am coming to the question. The gentleman stated that the South was coming to stand for the principle of protection in order to protect their infant industries against competition. I will ask him how could they get protection against the giant industries within, and since they can get no protection from these, what effect can the tariff have in protecting the South when we already have the giant industries of the North in direct competition with them?

Mr. BERGER. We look at the tariff from the point of view of political economy. We know that agricultural countries subsidize manufacturers by a tariff in order to encourage them to build factories and invest their capital. From this capitalist point of view a high tariff is always necessary at first to protect young industries.

The North developed factories first. Naturally the North asked for protective-tariff legislation first, and got it. Now, just as naturally—and I do not blame the South—the South is trying to get high-tariff legislation for the manufacturers of the South, and I do not blame the gentleman from Alabama——

Mr. HOBSON. I hope the gentleman will come to my question and not depart from it or try to escape from it. The South might logically desire to be protected against any strong competition, but the South can not be protected against strong competition that already exists in the great industries of the North, stronger than any industries abroad. Therefore, why should the South desire to get protection against competition on the outside that is not as dangerous as the competition that exists on the inside?

Mr. BERGER. I can only answer the gentleman from Alabama from my point of view, which is the point of view of modern economics. As I see it, the South still has the advantages of position for certain industries.

For instance, cotton is raised right there, and the cotton factory of the South saves the freight, of course. Furthermore, the South has cheap labor, unorganized labor, colored labor; it also has longer hours than the North. Then, you have woman and child labor—in some cases children from 3 to 11 years old are at work. ["Oh, no!"]

Well, in many Southern States that is the case in the cotton and in the canning industries. I do not mean to say that there is child labor in every industry in the South. For some work women and children are not strong enough.

"TEN MINUTES."

Mr. HOBSON rose.

Mr. BERGER. Mr. Speaker, I am not quite through.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that his time be extended for 15 minutes.

Mr. MILLER. Make it 30 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Wisconsin be extended for 15 minutes.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask that it be made 30 minutes.

Mr. HEFLIN. Mr. Speaker, I shall object to an extension of over 10 minutes.

The SPEAKER. Is there objection to extending the gentleman's time for 30 minutes?

Mr. ALEXANDER. Mr. Speaker, I object to a longer extension than 10 minutes.

Mr. MANN. Mr. Speaker, then I ask unanimous consent that the time of the gentleman be extended for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the gentleman from Wisconsin proceed for 10 minutes? [After a pause.] The Chair hears none.

Mr. HOBSON. Mr. Speaker, I was just going to say to the gentleman that all of those elements of production to which he has referred and which he has enumerated are true; that the South has advantages, but they tend——

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Alabama [Mr. HOBSON] be extended for 10 minutes. [Laughter.]

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Alabama be extended for 10 minutes. Is there objection?

SOUTHERN MANUFACTURERS MAY COMPETE AT THE EXPENSE OF THE RACE.

Mr. HOBSON. Mr. Speaker, I will not need that. I think the gentleman from Illinois, but the gentleman from Wisconsin—the strong logician who has given us this admirable discussion—has not given a satisfactory answer. The things he enumerates would tend to relieve the South from the need of protection instead of explaining its alleged desire for protection. There is no such desire, and there is no logical foundation of the oft-repeated allegation that the South has come to advocate high protection.

Mr. BERGER. I will say to the gentleman from Alabama that if it were not for the elements mentioned even a high tariff could not protect the South, but with those elements in existence the South may try, for a while at least, to successfully compete with the giant trusts. Of course it is a fight at the expense of humanity—at the expense of the race. Moreover, very soon the war will be found unprofitable and the combatants will unite.

As a confirmation of my statement that the South is beginning to ask for protection, the gentleman need only read over some of the discussions on the various tariff bills introduced by the Democrats themselves.

WHAT MR. BUCHANAN WANTS TO KNOW.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. BERGER. Certainly.

Mr. BUCHANAN. Mr. Speaker, the gentleman in his speech spoke of the working class and the capitalist class.

Mr. BERGER. And I hope the gentleman from Illinois knows that there are such classes in existence.

Mr. BUCHANAN. I shall not take issue with the gentleman in regard to that at this time, but I want to ask his definition of these classes. Does the gentleman define the working class as being composed of those who work for wages alone? I want to give the gentleman an example of what some would call a business man.

Mr. BERGER. Oh, I do not want a speech from the gentleman just at this time.

Mr. BUCHANAN. And I do not want to make a speech either. In my locality we have a man who is running a grocery store. His wife and daughter work in that grocery store. He also works long hours, early and late. He is in fact a workingman. Does the gentleman agree that a man who operates a business of that sort is a workingman or a capitalist?

THE THREE CLASSES OF MODERN SOCIETY.

Mr. BERGER. Mr. Speaker, of course our present society does not only divide into two classes; there are three classes. We have the working class, the middle class, and the capitalist class. The lines are not very closely drawn in our century and our country. In some cases the workingman may have a little business on the side, or a capitalist may draw his income in the form of a salary, but as a whole it is safe to describe the division between classes as originating from the way a person derives his or her income.

The workingman or working woman derives his or her income through work for daily, weekly, or monthly wages, or, when

working in schools and offices, through working for an annual salary. It is always work for pay—either work with hands or with brains, or with both, that gives the wageworker his status in society.

The middle class derives its income from rents and profits, either by buying and selling, or by employing a small number of men, women, and children.

The capitalist class derives its income in the same way on a large scale, besides controlling the means of transportation and communication, most of the natural resources, and the banks.

Of course different men have made different demarcations. But all agree that the smallest class in number but greatest in power is the capitalist class which controls the capital of the country—that part of the surplus value which is now used to create more surplus value instead of being used to give comfort to the people.

AS TO MEMBERSHIP IN THE SOCIALIST PARTY.

Mr. BUCHANAN. Does the Socialist Party confine its membership to the working class? Is it not a fact that it has some wealthy men in it?

Mr. BERGER. Oh, every honest man, even a capitalist, may become a member of the political party of the working class if he agrees to aid us in the emancipation of the working class. We must be satisfied, however, that the man is honest in his intentions to help us to bring about a complete change of the present system by sane and legal methods. [Applause.]

GOOD MEN DANGEROUS IN BAD PARTY.

Mr. BUCHANAN. I want to ask if the gentleman does not believe that Abraham Lincoln, who was the leader of the Republican Party during the war at the time the slaves were freed, would also exercise his influence if living to strike the shackles from the industrial slaves of to-day?

Mr. BERGER. He would, if he lived to-day. Lincoln would, in my opinion, be a Socialist, if he lived to-day.

Mr. BUCHANAN. Then, after all, it is not so much in the party as the men who control the party.

Mr. BERGER. No. Men are the second consideration, principles are paramount. Good men are necessary, of course, to carry out these principles. But good men are useless or dangerous in the wrong party.

IF YOU WANT TO RIDE HORSEBACK, YOU WILL NOT TAKE A DONKEY.

Mr. BUCHANAN. Is it not a fact in this country, where the workingmen have the ballot, their troubles are largely due to their own inactivity in politics, and if they would exercise their united influence in politics it would put them in the position of controlling any party for themselves?

Mr. BERGER. Mr. Speaker, the party must be worth controlling. It must stand for what a certain class or a certain group wants that party to stand, and must be made up accordingly.

Mr. BUCHANAN. And would not any party serve their purpose if the working people would control them?

Mr. BERGER. No! No! No! If you want to ride horseback, you will not take a donkey. [Laughter.] The two old parties represent certain groups and certain interests of the capitalist class. Both of these parties are made up accordingly. They can never represent the working class.

The Democratic Party and the Republican Party have certain principles, certain ideas for which they stand. Their aim, their platform is capitalistic. They could not abolish the present system of exploitation without abolishing themselves. You can not expect a tiger to eat grass nor a gray wolf to live on berries. [Laughter.]

HONEST CAPITALIST LEADERS ARE LOYAL TO CAPITALIST INTERESTS.

The more honest the leaders of the old parties are, the more they will try to abide by the principles of their platform; the more loyal will they be to the capitalistic interest, which they represent.

GOAL OF SOCIALIST PARTY.

Mr. CLINE. Mr. Speaker, I understood the gentleman to say in his address that the Socialist Party was in favor of common ownership of most of the agencies of production and distribution.

Mr. BERGER. For the collective ownership and the democratic management of the social means of production and distribution.

Mr. CLINE. I want to understand to what extent you carry that doctrine, and who and how are the beneficiaries to derive the profits of it.

Mr. BERGER. Well, the Socialist Party stands for the collective ownership of the social means of production and distribution.

Mr. CLINE. How are you going to evolve the system?

A NATURAL AND SCIENTIFIC ORGANIZATION OF SOCIETY.

Mr. BERGER. We believe that everything that is necessary for the life of the Nation, for the enjoyment of everybody within the Nation, the Nation is to own and manage. Therefore we shall take over the trusts, railroads, mines, telegraphs, and other monopolies of national scope. Everything that is necessary for the life and development of the State the State is to own and manage. There are certain business functions that the State will have to take care of, like interurban lines, for instance. Everything that is necessary for the life and development of a city the city is to own and manage, like, for instance, not only street cars and light and heating plants, but also abattoirs, public bake shops, the distribution of pure milk, and so forth. Everything that the individual can own and manage best the individual is to own and manage. That is simple enough.

In other words, the trust as a business has reached a stage where it is unsafe in private hands; it is a menace to the Nation as long as it is in private hands. It can only be managed by the Nation for the profit of everybody. The same holds good for certain private monopolies in cities, as far as the cities are concerned.

THE NATION COULD GET THESE PROPERTIES EASIER THAN THE TRUSTS GOT THEM.

Mr. CLINE. How are you going to change the present economic basis? Give us a concrete statement of that proposition.

Mr. BERGER. That is easy enough. We could surely get the trust properties in the same way as the trusts got them. The trusts paid for their properties almost entirely in watered stock, preferred and common. We can give the best security in existence to-day—United States bonds.

Mr. CLINE. Have the Government buy them?

Mr. BERGER. Have the Government buy the trust properties. Why not? But pay only for the actual value. That will be paid for out of the profits of these trusts in a very short time.

MR. BARTHOLDT MAKES A STATEMENT.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BERGER. Yes, sir; for a question.

Mr. BARTHOLDT. I merely wish to make a correction here. It may not be important to the gentleman from Wisconsin, but it is of some importance to the people who are to judge between the two parties—the Democratic and the Republican Party. I wish to say that the original eight-hour law was placed upon the statute books by the Republican Party, signed by a Republican President; that since that time a bill which has recently been passed has been reported three times to this House by a Republican Committee on Labor and was passed twice by a Republican House and was hung up in the Senate. I merely state that as a correction.

Mr. BERGER. That is not a question, though.

Mr. DYER. It is information, though.

MR. ANDERSON ASKS ONE MORE QUESTION AND GETS AN UNEXPECTED ANSWER.

Mr. ANDERSON of Ohio. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Ohio [Mr. ANDERSON].

Mr. BERGER. I will.

Mr. ANDERSON of Ohio. For just a short question. I have always taken a great interest in matters of labor legislation——

Mr. MANN. We agree to that; do not tell us that.

Mr. ANDERSON of Ohio. Speaking of the eight-hour bill, the gentleman claimed that he voted for all labor measures. Now, the bill went to the Senate and was amended, and when it came back was the gentleman present and did he vote for that bill, or was not he in Indianapolis?

Mr. BERGER. Supposing I did go to the national convention of the Socialist Party. I was surely doing as good work in Indianapolis for the welfare of the country as I do here. It was fully as important that I should attend a convention of the Socialist Party as to vote for some of the demagogical and insincere bills put up here by the party of the gentleman from Ohio [Mr. ANDERSON], in order to catch the labor vote for capitalism and the Democratic Party. In fact, it was more important for me to be in Indianapolis.

MR. MANN'S FINE MEMORY.

Mr. ANDERSON of Ohio. That does not answer the question.

Mr. MANN. The gentleman from Wisconsin may not have been here, but the gentleman from Ohio certainly was not. [Applause and laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. BERGER. I thank you one and all, gentlemen. [Loud applause.]

STATISTICS OF COTTON.

Mr. HOUSTON. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 19403) authorizing the Director of the Census to collect and publish the statistics of cotton.

The SPEAKER. The Clerk will report the conference report.

The conference report is as follows:

CONFERENCE REPORT (NO. 1019).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

W. C. HOUSTON,
JNO. H. SMALL,
E. D. CRUMPACKER,
Managers on the part of the House.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
S. GUGGENHEIM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of the said amendments in the accompanying conference report:

Amendments Nos. 1 and 2: The bill as passed by the House provides for the collection of certain cotton statistics monthly; the Senate amendments Nos. 1 and 2 provide for the collection of those statistics quarterly each year. Those were the only amendments made by the Senate, and the Senate recedes from them and leaves the bill as originally passed by the House.

W. C. HOUSTON,
JNO. H. SMALL,
E. D. CRUMPACKER,
Managers on the part of the House.

Mr. HOUSTON. Mr. Speaker, I move that the House concur in the conference report.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES, Mr. KENYON, and Mr. PAYNTER as the conferees on the part of the Senate.

LEAVE TO PRINT.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to insert in the RECORD some brief extracts from a recent issue of the American Anti-Socialist giving the opinions of Thomas Jefferson on socialism and giving the opinion of the gentleman from Wisconsin [Mr. BERGER], as expressed at a recent convention of his party, as to what is likely to happen to small farmers under socialism. I also ask to print in the RECORD a recent article from the American Anti-Socialist, containing information of what to read and where to get it, on the subject of socialism. Both articles are very short.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to insert in the RECORD certain articles which he has named.

Mr. BERGER. What is the nature of these articles?

Mr. RAINEY. The nature of them is antisocialistic. It gives Thomas Jefferson's opinion about socialism; it gives the extracts from the speech of the gentleman [Mr. BERGER] on the subject of socialism——

Mr. BERGER. Where?

Mr. RAINEY (continuing). Which recently was reported in the Chicago Daily Socialist, and which I think you made at the last convention of your party, and which would show what would be likely to happen to small farmers under socialism. And I am also asking to insert in the RECORD, in connection with your speech, a line of books to read on the subject of socialism, which recently appeared in the American Anti-Socialist, so that we can have both sides of it.

The SPEAKER. Is there objection?

Mr. AUSTIN. I object.

Mr. RAINEY. Does the gentleman from Tennessee [Mr. AUSTIN] believe in socialism?

Mr. Speaker, I ask unanimous consent to read these articles in the House.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent for sufficient time in which to read the articles which he desires to have inserted in the RECORD.

Mr. AUSTIN. I object.

Mr. RAINEY. Then I ask unanimous consent to extend my remarks in the RECORD on the subject.

Mr. AUSTIN. I object.

Mr. RAINEY. I have no objection to the objection of a man who is in favor of the Water-Power Trust.

ORDER OF BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 637 (H. Rept. 1028).

Resolved, That the following bills shall be considered as privileged and having the same status for consideration as bills coming from committees having leave to report at any time, the consideration thereof, however, not to interfere with appropriation bills, tariff bills, or conference reports, to wit: H. R. 23673, a bill to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen; H. R. 16692, a bill to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and with the Philippine Islands and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes; H. R. 15357, a bill to regulate radio communication; H. R. 24025, a bill to amend sections 4400 and 4488 of the Revised Statutes, relating to inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers; H. R. 23676, a bill to regulate the officering and manning of vessels subject to the inspection laws of the United States; H. R. 22871, to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; H. R. 22593, a bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is entitled to 20 minutes and the gentleman from Pennsylvania [Mr. DALZELL] to 20 minutes.

Mr. MANN. Not yet.

Mr. HENRY. Not unless the previous question is ordered, Mr. Speaker, and I have not called for the previous question yet. I will yield to the gentleman from Illinois [Mr. MANN] first.

The SPEAKER. The gentleman from Texas is entitled to an hour.

Mr. MANN. Will the gentleman from Texas strenuously object to an amendment including the bill (H. R. 24119) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes? Among other things, it is a bill designed to prevent the introduction into the United States of the Mediterranean fly and the potato-blight disease that is very prevalent in some parts of the world.

Mr. HENRY. Reported by the Committee on Agriculture?

Mr. MANN. Yes; reported by the Committee on Agriculture, with a unanimous report.

Mr. HENRY of Texas. I shall not object to that.

Mr. MANN. Some gentlemen are very anxious to have it considered, if there is any chance.

Mr. HENRY of Texas. Mr. Speaker, I shall make no objection. If the gentleman wants to make a request to include it, it will be all right.

Mr. MANN. Mr. Speaker, I ask to amend the resolution by adding to the description of the bills, at the end of the description, H. R. 24119, with its title.

The SPEAKER. Will the gentleman please send that bill up?

Mr. MANN. It is No. 223 on the Union Calendar.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add, at the end of the rule, "H. R. 24119, to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes."

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution and amendment.

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves the previous question on the resolution and amendment thereto.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it in order, Mr. Speaker, to ask the gentleman at this time whether he will agree to the offering of an amendment to include the immigration bill?

Mr. HENRY of Texas. Mr. Speaker, I ask for the previous question. We will have 20 minutes on a side for debate after the previous question is ordered. There has been no debate.

The SPEAKER. The gentleman from Texas moves the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Texas has 20 minutes and the gentleman from Wisconsin [Mr. LENROOT], in the absence of the gentleman from Pennsylvania [Mr. DALZELL], will have 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, unless some one asks for an explanation, I think we might as well vote on the resolution.

Mr. RODDENBERY. Mr. Speaker, the gentleman seems to have ample time at his disposal for discussion of the rule. I should like to have 10 minutes of time, from either side. If the gentleman from Texas can not yield me 10 minutes, I should be glad to have 10 minutes from the gentleman from Wisconsin.

Mr. HENRY of Texas. The gentleman from Missouri [Mr. ALEXANDER] desires time to make a statement.

Mr. ALEXANDER. I have no objection to giving the gentleman from Georgia five minutes.

Mr. HENRY of Texas. I will yield five minutes to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, the adoption of this rule is undoubtedly for the purpose of facilitating legislation; but I desire to call the attention of the House, and especially of the Democratic side, to the fact that included in this special rule are some measures of recent origin, the necessity for whose consideration is likewise of recent origin. Some of them have not been considered before any committee in their present form until recently.

We find in the Republican platform of 1896 language committing that party to the passage of a law to protect American labor against the pauper immigrants from Europe. In that platform this party declares that the reading and writing test is one of the ways of attaining the desired end. The Republican Party has passed through the Senate just such a bill, and it is now formally before this House.

In 1896 the Democratic platform said in words:

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

There is a bill which has been reported from a Democratic committee of this House for more than two months carrying into execution that pledge of the Democratic platform of 1896. Sixteen years ago, when our party put that language in our platform, we were without power to perform. To-day, for the first time, the Democratic Party is in a majority in the House of Representatives, and a Democratic committee has reported to this House a bill carrying into effect our pledges to the people on this question. The Republicans, with much tardiness, have performed their part in the Senate. The best evidence of whether we will keep our pledges to the people on this question when we get the three branches of the Government is by our action now to show them that we perform our pledges when we have control of one branch of the Government. Do you propose now to bring in these special rules, and yet leave out the fulfilment of this platform pledge as embodied in a bill reported by your committee and now pending in this House?

The American Federation of Labor, the Junior Order of United American Mechanics, the Farmers' Educational and Cooperative Union of America, the Order of Patriotic Sons of America, and dozens of other patriotic organizations in this country have burdened the records of our Congress with a hundred thousand petitions calling for this legislation.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

Mr. RODDENBERY. If the gentleman's friends who are controlling the time will yield me five minutes, I will gladly do so.

Mr. BARTHOLDT. I have no control over the time.

Mr. RODDENBERY. I decline to yield. Does the Democratic Party think that because of alien pressure working on our Rules Committee and through other agencies it can defer this legislation now and still have the friends of this bill understand that we propose to enact it? I say to my Democratic friends, deal honestly and squarely. Do not dodge in the face of a presidential election. Do not try to please the foreign immigrationists by putting it off and then appease the friends of the bill by telling them "We will take it up later on." Rise, like the party of Jefferson should rise, to meet the issue. If we are ever going to protect America against the influx of the foreign horde, go now, when we have the power and do it.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. RODDENBERY. I can not, although I would be glad to if I had the time. Let no gentleman think that we will permit this bill to die in committee and deceive either its friends or its foes. Let no special manipulation defer this vital and burning problem in utter defiance of the will of the people and of our platform pledges and not expect to be answerable for it. This is wise legislation. The masses of the people in this country demand it. Our social conditions demand it. Economical conditions demand it. Moral betterment demands it. The commission which has published 40 volumes has reported in full more than a year ago that they recommend this legislation. How much longer do you propose to defer it? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, it is not my purpose to detain the House by any discussion of the rule. If any Member of the House wishes to inquire with reference to any of the bills included in the rule, if it is a bill that comes from the Committee on the Merchant Marine and Fisheries, I should be glad to answer. Of the bills from this committee, the one known as the seamen's bill is the first.

Mr. MADDEN. Will the gentleman explain what that bill provides?

Mr. ALEXANDER. Generally it provides for better conditions at sea for American seamen; undertakes to abolish the law which punishes seamen for desertion. It provides that the crew space on vessels shall be increased from 72 cubic feet to 100 cubic feet—that is, for vessels hereafter constructed. It provides that hereafter a certain percentage of the crew of the vessel shall be able seamen, and the percentage shall be increased each year thereafter until 75 per cent of the deck crew shall be able seamen. It provides that treaties with foreign countries which provide that we shall enforce their law with regard to the arrest of deserting seamen shall be repealed.

Mr. MANN. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MANN. The bill which the gentleman refers to has 17 sections and covers 18 pages and is a House Calendar bill. What is the gentleman's purpose with reference to debate on the bill? Of course the gentleman can move the previous question on that bill if this rule is adopted.

Mr. ALEXANDER. I have had an interview with the gentleman from Massachusetts [Mr. GREENE] with reference to general debate. My intention is to ask unanimous consent to a certain limited time for general debate and then for consideration of the bill under the five-minute rule.

Mr. MANN. Does the gentleman expect to ask in the House for unanimous consent to consider the bill under the five-minute rule? The gentleman understands that under this rule there is no consideration of the bill under the five-minute rule.

Mr. ALEXANDER. I expect to ask for unanimous consent that general debate on the bill shall be limited to one hour or one hour and a half, one-half of the time to be controlled by myself and the other half by the gentleman from Massachusetts.

Mr. MANN. I think more time would likely be desired on this side.

Mr. ALEXANDER. And then for the bill to be considered under the five-minute rule until its consideration is concluded, and then the previous question to be considered as ordered on the bill and pending amendments.

Mr. MANN. Then the gentleman is willing to consider the bill for amendment?

Mr. ALEXANDER. Certainly.

Mr. MANN. Under the rule of the House it would not be so considered.

Mr. ALEXANDER. That is what I intend to ask when I ask to agree upon the time for general debate.

Mr. MANN. I have no doubt there will be an agreement to that.

Mr. ALEXANDER. We feel very grateful to the Committee on Rules and to the House for the privilege of calling these bills up.

Mr. MADDEN. Will the gentleman state whether this bill applies to lake ships as well as to ocean-going ships?

Mr. ALEXANDER. Yes; but it does not affect them much because the cargo vessels have very small crews. Mr. Speaker, I yield back the balance of my time.

Mr. HENRY of Texas. Mr. Speaker, I hope the gentleman from Wisconsin will now use some of his time.

Mr. LENROOT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have no disposition to criticize the Committee on Rules for reporting in this rule. We have reached that stage in the proceedings of the House where bills of high privilege have mainly been disposed of, and we have reached that stage in the proceedings of the House where ordinarily in the history of the House we have come to the point where bills on the calendar may be reached and considered. It has been the effort in the House ever since I have been here at different times to get some bill up, having the right of consideration, for the purpose of shutting out everything else. I have never been in favor of any of those propositions. In the past, whenever an effort has been made and I have had the opportunity, I have called the attention of the House to the fact that making a certain bill privileged meant that no other bills would be considered.

We have a rule of the House that applies and especially applies to this stage of the proceedings in the House. I refer to paragraph 4 of Rule XXIV, applying to every day:

After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration.

With another provision, paragraph 5 of the same rule:

After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill.

Under this rule it is within the power of the House on any day to reach for consideration any bill that it desires to.

Mr. HENRY of Texas. Mr. Speaker, as I understand the gentleman, he said that at this stage of the session the Speaker could order the committees called, that bills might be taken up. Is it not a fact that he could have the committees called at any time?

Mr. MANN. The gentleman does not quote me correctly. I did not say that at this stage in the proceedings the Speaker could call the committees. I said that that rule applied every day, but that at this stage of the proceedings the rule was especially in point and applicable.

Mr. HENRY of Texas. But it could be put into effect at any stage of the session.

Mr. MANN. No. Theoretically it could, but practically it could not, because under other rules privileged bills cut that out; and under the rule which the gentleman has now reported, if agreed to, the rule which I have read is not worth the paper that it is written upon, because the moment a gentleman makes a motion to take up one of these other bills it cuts out the right to call committees.

The SPEAKER. The Chair would like to ask the gentleman a question for his own information.

Mr. MANN. Certainly.

The SPEAKER. Does the gentleman contend that this subdivision 4 of Rule XXIV empowers the Speaker to shut out privileged bills?

Mr. MANN. Certainly not; but there are no privileged bills pending before the House seeking for recognition from the Speaker at this stage of the session, and we have reached that point of the proceedings of the House where this rule would bring before the House the bills on the calendar as called up by committees, and after an hour pending the call of committees it is within the power of a Member of the House to move to go into the Committee of the Whole for any bill on the Union Calendar.

The SPEAKER. The Chair will take the privilege of suggesting to the gentleman that there are already two bills made privileged, barring conference reports, made so by special order of the House, and if this rule is adopted then it makes this other bunch of bills and resolutions privileged.

Mr. MANN. I am also calling that to the attention of the House.

The SPEAKER. But there are already two to my recollection.

Mr. MANN. Oh, there are several bills on the calendar that are privileged, but none of them now seeking recognition from the Speaker, and this morning if it were not for this rule being presented now the call of committees would now be proceeding under the demand for the regular order.

The SPEAKER. That is absolutely true.

Mr. MANN. This order when it is entered makes privileged a number of bills, bills that will occupy the rest of this session, in all probability, even if the session lasts, as it now looks probable, until the end of September. Meanwhile we have on the calendar a number of bills which gentlemen are very anxious to pass. There is a bill reported from the Committee on the Judiciary fixing the compensation of clerks of the United States courts, which ought to be taken up for consideration and passed in some shape. There is a bill to amend the immigration laws in relation to alien seamen and stowaways that ought to be taken up for consideration and passed. There is a bill to authorize the Secretary of the Navy to pay cash bonuses for valuable suggestions in the naval plants of the Government, which ought to be considered.

There is a bill granting to civil employees of the United States the right to receive compensation for injuries sustained in the course of their employment, of great value to the employees of the Government, and that bill ought to be considered.

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. I yield the gentleman five minutes additional.

Mr. MANN. There is a bill to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes. For it I do not demand consideration, but if I were in favor of that bill, as gentlemen are supposed to be on the other side of the aisle, I would want to have a chance to call it up, but if this resolution passes that bill is buried a thousand feet deep. There are a large number of bills, I think over 100 bills on the Union Calendar, 70 to 80 bills on the House Calendar, which might be reached in the ordinary course of business with the right on the part of committees to call up bills reported from the committees on the House Calendar, and the right of the House to call up for consideration any bill on the Union Calendar, but the bills that are not included in this resolution might well be placed in a category where all hope is lost. There is a bill in reference to the immigration question——

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. In just a moment—and that accounts for this rule. I am perfectly willing to meet the immigration question. [Applause on the Republican side.] I do not believe myself in a literacy test, but I am perfectly willing to have it brought up in the House and to have it fought out on the floor of the House, but the gentleman from Georgia desires to have that done as he stated, if he has not he meant to, that if this resolution passes, that bill is buried mountains deep, never to emerge again to the surface. Now I yield to the gentleman.

Mr. RODDENBERY. If the southern and eastern members of the Democratic Party on this side who have told their constituents at home they were in favor of this immigration bill will stand up with me and the gentleman to get a yea-and-nay vote on the defeat of this resolution, I will make every effort I can to get them to vote it down, so we can get up the immigration bill; and I would urge my friend on the other side to get his people to have a yea-and-nay vote——

Mr. MANN. We will have a yea-and-nay vote; anybody can have a yea-and-nay vote.

Mr. RODDENBERY. I fear my friend will have better success on his side than I will on mine, but the people will know in November.

Mr. MANN. I suggest to the gentleman from Georgia——

The SPEAKER. The time of the gentleman has again expired.

Mr. LENROOT. I yield two minutes additional to the gentleman.

Mr. MANN. I would suggest to the gentleman from Georgia, whom I have found is one of the gentlemen new in the House who makes some use of the rules and his rights under the rules, that there is no difficulty about getting a yea-and-nay vote——

Mr. RODDENBERY. My leaders are against it.

Mr. MANN (continuing). And it does not require the gentleman to stand up to get a yea-and-nay vote. All the gentleman from Georgia has to do is to suggest to the Speaker, after the question is put, that there is no quorum of the House present.

Mr. RODDENBERY. Then, Mr. Speaker, desiring to get a quorum here on this question, I move now——

Mr. MANN. I suggest to the gentleman he might not get a roll call. If the gentleman is sincere, he will not ask for a quorum at this point.

Mr. BUTLER. I suggest the gentleman from Georgia leave it to the gentleman from Illinois, and the chances are it will be well done.

The SPEAKER. The gentleman from Georgia has not the floor, and neither has the gentleman from Pennsylvania.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, this rule makes privileged the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

For 50 years, Mr. Speaker, the Federal Government has been committed emphatically to the policy of aiding, developing, and encouraging agriculture.

This is the fiftieth anniversary of the passage of the first Morrill Act in 1862, an act establishing the agricultural colleges of the United States. Twenty-five years after that time the Hatch Act was passed, which provided for the establishment of agricultural experiment stations in each of the States whose duty it should be to engage in research work relating to agriculture. Since that time there have been three, I believe, important supplementary acts increasing the appropriations for these two funds. We have spent in the last 50 years for the agricultural college and experiment stations in the neighborhood of $67,000,000. We have expended this enormous sum of money in gathering together information touching agriculture. The purpose of the bill made privileged under this rule is to disseminate through the agricultural colleges to the people themselves on the farm the information that we have been gathering for the last half century. It is proposed in section 4 of the bill to appropriate to each State annually the sum of $10,000, provided that the State through legislative action has established within its agricultural college a department to be devoted to extension and demonstration work and home economics.

Beginning with the fiscal year 1914 the additional sum of $300,000 is appropriated annually and divided among the States in proportion to their rural population, conditioned upon each of the States appropriating a like amount, and the State receiving annually of this additional sum only so much as it is willing to duplicate, up to the point of its pro rata share of $300,000. This additional appropriation of $300,000 is increased each year $300,000 for a period of 10 years, when the bill ripens, and the total appropriation, provided the States duplicate it at the end of that time, will amount to $3,480,000 annually.

Mr. RODDENBERY rose.

Mr. LEVER. I yield to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. I am heartily in favor of the gentleman's bill, but providing in the same rule for the immigration bill would in no way hurt his bill, would it?

Mr. LEVER. I do not know that it would.

Mr. RODDENBERY. We want to vote against the resolution and send it back and get the immigration bill put in it according to Democratic promises to the country.

Mr. LEVER. I desire to say in respect to this bill, in which I am particularly interested, the Democratic platform recently adopted at Baltimore emphatically and in terms indorses the bill.

Mr. CLINE. I would like to make an inquiry of the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. HENRY of Texas. Mr. Speaker, I will ask that the gentleman from Wisconsin [Mr. LENROOT] use more of his time. I have only two more speeches on my side.

Mr. LENROOT. I yield one minute to the gentleman from Oklahoma [Mr. MORGAN].

[Mr. MORGAN addressed the House. See Appendix.]

Mr. RODDENBERY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] moves that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. RODDENBERY. Division, Mr. Speaker.

The House divided; and there were—ayes 4, noes 51.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. HENRY of Texas. I ask a call of the House.

Mr. RODDENBERY. I desire to get Members over here so that they can find out what is going on.

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves a call of the House.

The motion was agreed to.

The SPEAKER. The ayes have it. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. When the names of the Members are called, they will answer "present."

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I understood the Chair to announce that on this vote the Members will vote "present." Will not the vote be "yea" by those in favor of the motion to adjourn, and "nay" by those opposed?

Mr. MANN. Oh, that matter was disposed of before the gentleman raised this point.

The SPEAKER. Anyhow, it does not provide for the question of adjournment. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Draper	Kopp	Powers
Adamson	Driscoll, M. E.	Lafean	Pujo
Akin, N. Y.	Dwight	Lamb	Randell, Tex.
Ames	Ellerbe	Langham	Reyburn
Andrus	Fairchild	Langley	Riordan
Ansberry	Ferris	Lawrence	Roberts, Mass.
Anthony	Finley	Lee, Ga.	Roberts, Nev.
Bartlett	Flood, Va.	Legare	Rouse
Bates	Focht	Levy	Rucker, Colo.
Boehne	Fordney	Lewis	Rucker, Mo.
Bradley	Fornes	Lindsay	Scully
Brantley	Gardner, N. J.	Linthicum	Shackleford
Broussard	Garrett	Littleton	Sheppard
Brown	Glass	Lloyd	Sherley
Burke, Pa.	Goeke	Loud	Sherwood
Burleson	Gould	McCall	Simmons
Callaway	Graham	McCoy	Slayden
Campbell	Gregg, Tex.	McGuire, Okla.	Slemp
Cantrill	Griest	McHenry	Smith, J. M. C.
Carter	Guernsey	McKellar	Smith, Cal.
Cary	Hamilton, Mich.	McLaughlin	Smith, N. Y.
Collier	Hanna	McMorran	Stack
Cooper	Hartman	Macon	Stephens, Miss.
Covington	Hay	Maher	Taggart
Cox, Ohio	Hayes	Martin, S. Dak.	Talbott, Md.
Cravens	Helm	Moon, Pa.	Talcott, N. Y.
Curley	Henry, Conn.	Moon, Tenn.	Taylor, Ala.
Currier	Higgins	Moore, Tex.	Thistlewood
Curry	Hill	Morse	Thomas
Dalzell	Hinds	Mott	Tilson
Daugherty	Howard	Murdock	Underwood
Davidson	Hughes, Ga.	Nelson	Vare
De Forest	Hughes, W. Va.	Nye	Vreeland
Denver	Humphreys, Miss.	Olmsted	Wilder
Dickinson	Jackson	Palmer	Wilson, Ill.
Dies	Johnson, S. C.	Parran	Wood, N. J.
Difenderfer	Kindred	Patten, N.Y.	Young, Tex.
Dodds	Kinkead, N. J.	Peters	
Doremus	Konig	Plumley	

The SPEAKER. The roll call shows 223 Members present, a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Further proceedings under the call are dispensed with.

Mr. HENRY of Texas. Mr. Speaker, I believe some other gentlemen desire to speak.

Mr. LENROOT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. HENRY of Texas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. HENRY of Texas. I will ask the gentleman from Wisconsin to use some of his time.

Mr. LENROOT. I yield four minutes to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Speaker, let no Member of the House misunderstand the significance of adopting this rule. A vote for this rule consigns to oblivion and to defeat for this

session the bill restricting immigration, notwithstanding the fact it has been reported by a Democratic committee, and now on the calendar for two months.

A vote against the adoption of this rule now is not a vote against these special orders, but is simply equivalent to an instruction to the Committee on Rules to report back this same rule with the anti-immigration bill made a special order therein. Let no gentleman think that he can say to those who have been advocating the passage of this immigration bill that he voted for the rule, but would have been glad to vote for a special rule containing the immigration bill, if he could, because Members know and the country will know that to vote down this rule does not defeat the special order at this time, but merely delays it so that consideration of the immigration bill can be placed in it. It will then be reported back to the House and we can not only vote on the questions now in the rule which we favor, but we can keep the plighted faith of the Democratic platform of 1896. Thus at the first opportunity we will carry out our word to the people. Since the day that Democratic platform was written we have not been in the majority until now. That party only is worthy of public trust when it keeps with honor its pledges to the people. I appeal to my colleagues to demonstrate our fidelity on this vote.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. RODDENBERY. If the gentleman will yield me one minute of time, I will gladly yield.

Mr. HENRY of Texas. I have not the time, or I would.

Mr. RODDENBERY. I yield to the gentleman anyway.

Mr. HENRY of Texas. The gentleman says that he is in favor of platform demands. What does he say to the platform demand of 1896 and several others in favor of liberal pensions to the soldiers of all the wars?

Mr. RODDENBERY. I am in favor of them, and have voted for them since I have been in Congress, but never knowingly have I voted for a pension steal, and our platforms have never declared for that. And, Mr. Speaker, I want to counsel with my Democratic brethren as an humble Member of the House, and I want to say to you that so far as I am concerned I shall not be for this immigration bill at home and then dodge it or fail to perform the promises made to the people when I have a chance here in Congress to get the bill up for consideration. If you can do that, that is for the individual conscience of every Member. Let us join now the favorable action of the Senate and pass this bill. We need not pass bills in this House about the tariff and about the high cost of living, for the Republicans in the Senate will kill those bills or the President will veto them; but we have an opportunity now to pass something that the people want, that we know the Senate has passed, and which our platform demands. If we want to legislate for the constituencies who have sent us here, now is the opportunity to do it. This immigration question is vital to our civilization, and a refusal to go on record by defeating a yea-and-nay vote will not deceive the people.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HENRY of Texas. I yield one minute to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the five bills proposed to be considered under this rule are all good bills. One of them, the bill providing for free ships, is a party declaration. The other four are measures providing for safety of travel at sea, and one of those four not only provides for safety of travel at sea, but provides for freedom to the sailor, which he has never had. He is the only class of our citizens who at the present time is obliged to fulfill a civil contract to labor.

That bill has been before Congress for at least 18 years in one form or another. In addition to that both party platforms recently adopted declare for the principles involved in that bill, and I hope gentlemen will not put any obstruction in the way of the consideration of the bill. [Applause.]

Mr. HENRY of Texas. I now yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP was recognized.

Mr. DUPRÉ. Before the gentleman begins, will he yield for a question?

Mr. CULLOP. Yes.

Mr. DUPRÉ. I would like to know if, in the numerous bills covered by this rule, there is included the bill by the gentleman from South Carolina, Mr. LEVER, to prohibit gambling in grain?

Mr. CULLOP. No; I regret that it is not. Mr. Speaker, one of the bills provided for consideration under this rule is H. R. 22703, reported favorably by the Committee on Interstate and Foreign Commerce. The utility of this bill and its importance will readily be seen. It is an amendment to the interstate commerce law, authorizing the Interstate Commerce Commission to investigate and determine the physical valuation of the railroads of the country engaged in interstate commerce. It is one of the planks in the Baltimore platform, and is one of the propositions not only before the party but before this House, and is of more importance to the American people to-day for the adjustment of freight rates than any other proposition that will be before this Congress.

The Interstate Commerce Commission in their reports have requested this kind of legislation for some time back, and are advocating it now. I want to call the attention of Members of this House to the importance of immediate action on this measure. It has been by some one stated that for every dollar that goes into the Public Treasury under the administration of the present tariff laws $5 is collected and appropriated to the special interests as a tribute from the American people. For every dollar that is unjustly wrung from the American people to-day by the tariff $5 is wrung from the American people by the injustice employed in the fixing of railroad rates.

The basis now adopted is as follows: First, to pay the operating expenses; second, to pay the interest upon the bonds; and, third, to pay a reasonable dividend on the stock, both genuine and watered. It is the only business in this country to-day, as it is managed, that pays a dividend upon its bonded indebtedness and its stock, a proposition unreasonable and unjust and one that necessarily is indefensible as a business proposition. Now, the proposition is that the physical valuation shall be determined by the Interstate Commerce Commission for the purpose of adopting a basis and that the rates shall be regulated upon what is actually invested and not upon the watered stock and the bonded indebtedness. Double dividends are now paid as a result of the present methods employed. For every dollar of bonded indebtedness capital stock is issued and held by the owners of the railroad, and to earn sufficient to pay on the amount represented by both is a double charge, and is indefensible and it works a hardship on the people; and this legislation is for the purpose of furnishing a remedy for this evil and to do justice to the producers and consumers of our country. The public demands it, common justice requires it, and duty to our constituents requires of us a full, fair, and earnest consideration of the proposition that the enterprise, industry, and thrift of the country may be fairly rewarded and encouraged. This subject is so important that it affects every citizen of the Republic, whether he be producer or consumer, whether he be rich or poor, and it behooves us as the representatives of a great people to take immediate steps to remedy this great evil and secure relief from its blighting effects. Transportation rates affecting all kinds of business and all classes of persons can never be equitably and fairly regulated until such a measure as this is enacted into law, that the commission may proceed in this all-important matter intelligently, taking as its basis the actual value of the properties involved and not their imaginary values, as is now used for a basis for the fixing and collecting of transportation rates. It is perhaps one of the saddest commentaries on the abuse of the conduct of great business in this country that the public has tolerated for these many years to be wrung from the public the excessive and unjust charges of transportation companies. They perform an important function in our commerce. Their earnings have been multiplied by exacting charges to pay dividends on watered stocks, for which there has been no investment and for which there is no property representation and never has been any. This evil interferes with the expansion of every industrial and domestic concern in the whole country; it restrains production and limits consumption; it increases the cost of living and diminishes the amount of wage the toilers receive. They are earning for the holders of their stocks, representing no investment, no property, no upbuilding of the country's wealth, large dividends at the expense of the honest business, the real investor, the actual producer, and the ultimate consumer. He must pay the toll and be subjected to the injustice foisted upon him by the system to swell the coffers of the promoter, the stock gambler, and the exploiter of the public through the medium employed by the "high financier," who thrives in his illegitimate business at the expense of honest business employing legitimate business methods.

To collect tolls for transportation sufficient to pay interest on bonds and dividends on stocks constitute a double charge. Both the bonds and stock represent one and the same investment. Either the amount represented by the bonds went into the property or it was a net rake-off to the owners, and if the latter the public should not be charged to pay dividends on it, and if the former, then it is represented by the capital stock, and to earn sufficient to pay a reasonable dividend on the capital stock covers both, or, in other words, all of the actual invest-

ment. Again it is a familiar fact that railroads are rich when rates of transportation are to be fixed and miserably poor when to be assessed for taxation. If this bill becomes a law and the value of all railroad properties is officially ascertained, then such ascertainment can be used both for fixing rates and taxation for public purposes, and will prove in this respect of incalculable benefit to the public. If such valuation is fair to fix rates for transportation, the amount the public must pay for service, it is equally as fair for public taxation, and the rule should work both ways and be used to answer both purposes. The companies could not complain over the adoption of such a rule. They could not in good conscience refuse to pay taxes for public purposes on a valuation which they adopt to fix the rates they charge the public for service.

Again, the adoption of this measure will enable the public to know, through the efforts of the Interstate Commerce Commission in ascertaining the real values, who are the owners of railroad stocks, bonds, and securities; also the duplication of directors and the holding companies, the manipulation of stocks, and the efforts and opportunities to restrict and prevent competition of parallel lines, and the inducements for such action. It will enable the commission to secure justice to the shippers of the country and tend to promote a healthy and prosperous condition of the transportation companies, to the end they will do a legitimate business on a legitimate basis, and the general public will be the real beneficiary as the result thereof. It will facilitate the prosperity of the country and inspire confidence in the business world and strengthen business stability in our commercial affairs and establish a standard of justice between the shippers and carriers of the country which will redound to the great good of the entire country. Let us keep our pledge to the people and do our duty to the business world in order that faith may be maintained in our promises to legislate in the interest of the common welfare.

Mr. LENROOT. Mr. Speaker, it is not often that the facts and circumstances are such that I, as a member of the minority of the Committee on Rules, have felt in a position to defend in any degree the action of the majority of that committee. But in this particular instance the facts are such that I think fairness compels me to state that the criticisms that have been directed against the majority for the bringing in of this rule are not well founded; that the Committee on Rules in the action it has taken has not had any ulterior purpose or motive.

Now, Mr. Speaker, it is very apparent that in the remaining days of this session this House can not consider all the bills upon the calendar. A large number of resolutions providing for the consideration of certain bills were pending before the Committee on Rules. The majority of the committee brought before the committee certain of these resolutions and the committee has acted upon them, and you find their action in this resolution now before you. The committee, I believe, has taken such bills as it believed were of great importance to the country, bills that would not receive consideration if they were not made privileged. Now, it is true that there are other bills proposed of equal importance, and I would be glad as a member of the Committee on Rules to make those bills privileged. The immigration bill that the gentleman from Georgia [Mr. RODDENBERY] has been discussing I, as a member of the Committee on Rules, should be glad to vote to make privileged. It is an important bill.

Mr. GARDNER of Massachusetts and Mr. BUTLER rose.

Mr. LENROOT (continuing). Whatever my position may be on that or any other bill, I believe a bill of great importance ought to come to the floor of the House and Members vote for or against it. Now I will yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Does the gentleman mean to say that all of these bills included in this rule are of more importance than the immigration bill?

Mr. LENROOT. I do not, but I do say that the bill with reference to the physical valuation of railroads is more important than the immigration bill.

Mr. KENDALL. Is it in the rule?

Mr. LENROOT. It is in the rule.

Mr. BUTLER. Will the gentleman tell me what prospect there is, if he knows, of getting any consideration of what is known as the Burnett immigration bill?

Mr. LENROOT. I do not know, but I do know this, that unless you do get that bill privileged there is no prospect, probably, of its consideration at all, and if the gentleman from Georgia [Mr. RODDENBERY], instead of making the assaults that he has upon the floor here this afternoon upon the Committee on Rules, had directed one-half of that activity to the Committee on Rules in endeavoring to get favorable action upon a rule to consider that bill, he might have been more successful. But so far as I know, the gentleman did not appear before the Committee on Rules at all with reference to that.

The SPEAKER. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on adopting the resolution.

Mr. RODDENBERY. Mr. Speaker, may I submit a motion to recommit with instructions so as to include the immigration bill in the rule?

The SPEAKER. The gentleman can not move to recommit a resolution from the Committee on Rules.

Mr. RODDENBERY. Mr. Speaker, for the first time since I have been a Member I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. It is based upon a remark made by the gentleman from Wisconsin [Mr. LENROOT].

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that the gentleman's remarks are out of order. After a motion to adjourn, nothing else is in order except the disposition of this rule.

Mr. RODDENBERY. No other motion to adjourn can be made.

Mr. HENRY of Texas. There was a motion to adjourn, and nothing else is in order except a vote upon the resolution.

The SPEAKER. No other motion would be in order, but the Chair is inclined to think that a Member has a right to rise to a question of privilege, if he thinks he has been maltreated.

Mr. RODDENBERY. Mr. Speaker, without imputing to the gentleman from Wisconsin any intention of reflecting upon me, as a matter of fact, his remarks that I have made no effort toward getting consideration by the Committee on Rules of the immigration bill reflects on my conduct. In a moment I desire to state, as a matter of privilege, that when I first came to Congress I introduced an immigration bill of this character, but more restrictive in many respects. After the present bill was reported favorably and on the 1st of June I introduced a resolution and had it referred to the Committee on Rules, asking that the immigration bill be made privileged and a special order for immediate consideration. On the 6th of June I addressed a letter to the gentleman, Mr. HENRY, the chairman of the committee, asking its consideration, which I now read.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that the gentleman does not state any question of personal privilege.

The SPEAKER. The Chair thinks he did. The Chair was not listening very particularly to the remarks of the gentleman from Wisconsin, but the gentleman from Georgia states that the gentleman from Wisconsin said that he had not done anything to get a rule from the Committee on Rules with reference to the immigration bill.

Mr. LENROOT. Mr. Speaker, in order that the gentleman may understand what I said, I am very clear that my remark was that if he had devoted one-half of the activity before the Committee on Rules that he had upon this floor, he would probably have had some result.

The SPEAKER. The gentleman from Georgia has the floor.

Mr. GARDNER of Massachusetts. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that unless the gentleman from Georgia had called the gentleman from Wisconsin to order at the time the remark was made a question of personal privilege is only in order after the reading of the Journal to-morrow morning.

The SPEAKER. The Chair does not think that the point of order is well taken. The Chair thinks that a Member is entirely within his rights when he is jealous of his reputation. The Chair is not passing upon whether the gentleman's reputation has been damaged, but the gentleman from Georgia thinks it has, and he is stating his case, and the Chair holds that he has a right to state his case.

Mr. RODDENBERY. Mr. Speaker, I desire now to read the letter which I addressed to the Hon. ROBERT L. HENRY, on June 6, 1912:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1912.

Hon. ROBERT L. HENRY, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. HENRY: On Saturday, June 1, I presented a resolution providing for a special rule directing the consideration by the House, as a special order, of a bill reported from the Committee on Immigration, further restricting alien immigration. The resolution having been referred to the Committee on Rules I should be pleased to have a favorable report of the resolution from your committee as early as possible. If it is the judgment of the committee that a hearing should be had on the rule, I should be pleased to be advised, as I would like to be present when the hearing is had and serve the committee in any way that I may in obtaining a favorable report.

Very truly, yours,
S. A. RODDENBERY.

And to this hour I have not been accorded a respectful acknowledgment of the communication by the distinguished chairman, much less a hearing. No gentleman can now question my activity or diligence.

Two years ago I addressed a similar request to the gentleman from New York [Mr. PAYNE], then chairman of the Committee on Ways and Means, respecting consideration of a tariff bill, and I did get from him a respectful reply. I challenge the gentleman from Texas to say that he has not consulted with the gentleman from Illinois [Mr. SABATH] and other eminent opponents of restricting immigration who want to stifle this bill, and that he has not already agreed tentatively that his committee will not report it until December. Mr. Speaker, I have concluded.

Mr. HARDY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HARDY. The gentleman is not addressing himself to the point of order.

The SPEAKER. The Chair thinks the point of order is well taken.

Mr. RODDENBERY. Mr. Speaker, I have concluded.

Mr. HENRY of Texas. Mr. Speaker, I ask for one moment, inasmuch as the gentleman has asked for a reply, in order that I may make it.

Mr. BUTLER. Mr. Speaker, I demand the regular order.

The SPEAKER. Has the gentleman any question of privilege?

Mr. HENRY of Texas. Yes.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. The privileged question is this, that the chairman of the Committee on Rules has no recollection of ever having received a letter from the gentleman from Georgia, and if he will send a copy of the letter or another original he shall have a very prompt reply.

Mr. RODDENBERY. Oh, I am opposed to a funeral any time after a month after the death.

Mr. HENRY of Texas. I will be glad to reply to the gentleman at any time.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, that was agreed to.

The SPEAKER. The Chair thinks it has not been agreed to; it may have been agreed to by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, the rule and the report relating to the radio-communication bill refers to the number of the House bill. At the time I introduced the resolution which is embodied in the rule the House bill was pending, and afterwards the House bill was laid on the table, and the Senate bill is now pending on the Unanimous Consent Calendar.

Mr. MANN. Is that the radio bill?

Mr. ALEXANDER. That is the radio bill, and I ask unanimous consent that Senate bill 6412 be substituted for the House bill.

The SPEAKER. The gentleman asks unanimous consent to correct the number of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the corrected number.

The Clerk read as follows:

Change the bill H. R. 15357, a bill to regulate radio communication, to the bill S. 6412, a bill of the same import.

The SPEAKER. The question is on agreeing to the amended resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. RODDENBERY. Division, Mr. Speaker.

Mr. GARDNER of Massachusetts. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and two gentlemen are present, a quorum.

Mr. RODDENBERY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Eleven gentlemen have arisen—not a sufficient number.

So the resolution as amended was agreed to.

Mr. RODDENBERY. Mr. Speaker, is it too late to ask for a reading of the engrossed copy of the resolution?

The SPEAKER. Yes; it has already passed.

Mr. MANN. It is a House resolution and does not have to be engrossed.

The SPEAKER. It does not require an engrossed copy, and anyhow, if it had to be engrossed, it is too late, because the vote has been announced.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I call up the bill H. R. 23673 for present consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Speaker, reserving the right to object, let us see whether we can not reach an agreement.

Mr. ALEXANDER. And pending that request I also ask unanimous consent that the bill be considered in the House as in Committee of the Whole, and that two hours be given to general debate on the bill, and that following that the House proceed to the consideration of the bill under the five-minute rule.

The SPEAKER. This bill is on the House Calendar. The request of the gentleman is that this bill be considered under general debate for two hours and then it shall be considered under the five-minute rule. Is that the request of the gentleman?

Mr. ALEXANDER. Yes.

Mr. GREENE of Massachusetts. Mr. Speaker, reserving the right to object, I will state that I do not think that two hours' time will be sufficient. I have requests from gentlemen who desire to speak upon the subject that will take more than half of that time. I think there should be at least two hours' debate on the subject on a side.

Mr. ALEXANDER. I think general debate ought to be concluded this afternoon. I will agree to an hour and a half on a side, which will take us up to 6 o'clock, one half of that time, of course, to be controlled by the gentleman from Massachusetts and the other half by myself.

Mr. HUMPHREY of Washington. The gentleman knows that this is a bill of great length, which practically revises the navigation laws of the United States in a great many respects, and the gentleman further knows that this particular bill as it is now written was considered in our committee but a very short time, and I think we ought to have a reasonable length of time for debating this bill, and it will take two hours on a side to go through and take up the various portions of this bill and discuss them so that the House may have some knowledge of it.

Mr. ALEXANDER. My experience is the House does not get much information with reference to a bill under general debate, and I desire that it may be considered fully under the five-minute rule.

Mr. MANN. Will the gentleman yield? Following what the gentleman has just stated, if general debate on this bill is closed by unanimous consent and the gentleman's request is agreed to to consider the bill under the five-minute rule, is it the expectation of the gentleman that he will be fairly liberal in debate under the five-minute rule?

Mr. ALEXANDER. I think so. There is no disposition to cut it off.

Mr. MANN. It is far more important in the consideration of a bill.

Mr. ALEXANDER. That is my notion, unless I see evidence of a disposition to kill time and filibuster.

Mr. MANN. I can assure the gentleman that I think there will be no such disposition.

Mr. ALEXANDER. I have no wish to speak under the general debate myself at all.

Mr. HUMPHREY of Washington. I think it is especially desirable that we should have plenty of time under the five-minute rule. I agree with the gentleman from Illinois [Mr. MANN] on that point.

Mr. ALEXANDER. That is one reason I do not want to consume so much time under the general debate.

Mr. HUMPHREY of Washington. I would like the assurance from the gentleman that we will have plenty of time to take up and consider amendments.

Mr. MANN. We have that assurance from the gentleman now.

Mr. ALEXANDER. I do not wish to use this bill as a buffer to keep other bills from being considered under the rule.

Mr. MANN. There is no disposition to do that. Why not have three hours of general debate?

Mr. ALEXANDER. I will do that, although I would rather have two.

Mr. MANN. General debate can close to-day.

Mr. GREENE of Massachusetts. I will accept that proposition.

Mr. MANN. Why not agree that general debate will close to-day?

Mr. ALEXANDER. In three hours.

Mr. LEVER. Make it 6 o'clock.

Mr. MANN. The gentleman has it within his power to move to adjourn at any time.

Mr. ALEXANDER. But I do not want to violate the spirit of the agreement.

Mr. GREENE of Massachusetts. If I find there is not enough call for time, I will gladly yield.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that there be three hours' general debate, and at the conclusion of the general debate the bill be considered under the five-minute rule.

Mr. MANN. In the House as in the Committee of the Whole.

Mr. ALEXANDER. In the House as in the Committee of the Whole.

Mr. MANN. Under the five-minute rule in the House as in the Committee of the Whole.

Mr. ALEXANDER. That it be considered under the five-minute rule is a part of the request.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that general debate on this bill shall proceed for three hours, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GREENE] and that after that the bill shall be considered under the five-minute rule.

Mr. CANNON. Will the gentleman allow me? When does he expect to vote upon the bill?

Mr. MANN. It will probably get up on Monday.

Mr. CANNON. I presume after to-day it will go over until the first of the week. Do you propose to read it under the five-minute rule to-day?

Mr. ALEXANDER. Not to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Missouri [Mr. ALEXANDER] is recognized.

Mr. ALEXANDER. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. HARDY], who is chairman of the subcommittee.

The SPEAKER. The gentleman from Texas [Mr. HARDY] is recognized for 20 minutes.

[Mr. HARDY addressed the House. See Appendix.]

REPRINT OF INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to request unanimous consent to have a reprint made of the bill H. R. 20728, the Indian appropriation bill, together with the Senate amendments thereto.

The SPEAKER pro tempore (Mr. CONNELL). The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to have a reprint made of the Indian appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, it is not my intention to discuss this bill at this time, if at all, under the general debate, and I am going to ask the gentleman from Massachusetts [Mr. GREENE] to use some of his time. Before doing so, however, I desire to call attention to one paragraph in the views of the minority. I quote from the views of the minority:

> This bill is one of great importance, being practically a revision or a repeal of a large portion of the most important of our navigation laws. It is to be regretted that the majority of the subcommittee having the bill in charge has attempted to play politics in its consideration.

I wish to say that if there has ever been any political complexion to the consideration of this bill it has entirely escaped my notice. There is a difference of opinion between the members of the committee as to the wisdom of some of the sections of this bill, but if they are inspired by party considerations I have no knowledge of that fact. And again:

> The bill in its present form has never been considered by the full committee and no opportunity given to do so except in the most perfunctory way.

I think that also is an injustice to the committee. Ample opportunity was given for the consideration of this bill after it was reported back by the subcommittee, and no effort was made to shut off consideration by the committee; and if the bill was not considered more fully than the gentlemen who make this statement think it should have been considered, it was their fault, and not the fault of the committee. I have been present at every meeting of that committee, but these gentlemen can not say as much. Again, the minority say:

> The bill was referred to the subcommittee, who practically rewrote the bill. This committee held many meetings to consider it, but while outside interested parties were invited to these meetings and participated in framing the bill, the minority members of the committee were not permitted to be present.

The gentlemen are in error in that statement. There never was a time when this bill was considered by the subcommittee that any other persons were present than the members of the subcommittee, except one occasion. The shipping interests and the representatives of the seamen thought if they could get together before the subcommittee they might agree; and, adopting their suggestion, one night the gentleman from Texas [Mr. HARDY], chairman of the subcommittee, notified the representatives of the shipping interests, Mr. Livingston, the president of the Lake Carriers' Association, and others, and the representative of the seamen, Mr. Furuseth, along with other gentlemen, that they might be present. They appeared and discussed the bill back and forth until midnight. I think the gentleman from Washington [Mr. HUMPHREY] was present at that meeting. Nothing came of that meeting. They did not agree on the provisions of the bill. That is the only occasion on which any representative of the shipping interests or seamen was present when the subcommittee considered this bill.

I simply make this explanation that this statement may not prejudice the House in the consideration of the bill. Whether the gentlemen were invited to be present at these subcommittee meetings or not, I leave to the gentleman from Texas [Mr. HARDY] to say. I was made a member of the subcommittee by the action of the committee and attended as many meetings as I had notice of.

Mr. LEVY. Mr. Speaker, I would like to ask the gentleman if he understands that this bill will relieve the shipping interests of the country of the present onerous navigation laws?

Mr. ALEXANDER. In what respect?

Mr. LEVY. By relieving us of the onerous laws that we now have. Will it not make it worse? Will it not drive our vessels from the sea?

Mr. ALEXANDER. I think it is a grave error to pass the bill if that is so.

Mr. LEVY. This is the first opportunity I have had to examine this bill.

Mr. ALEXANDER. I think if the gentleman studies the bill he could answer that himself.

Mr. LEVY. That is the reason I am interrogating the gentleman.

Mr. ALEXANDER. I do not think it would.

Mr. LEVY. Does the gentleman think it will be a relief?

Mr. ALEXANDER. I think it will. That is, if the seamen are entitled to any consideration at the hands of Congress. I do not look at this question wholly from the standpoint of the shipowner.

Mr. LEVY. Our navigation laws are now very severe.

Mr. ALEXANDER. Yes; and I would not add any unnecessary burden to the shipping interests of the country.

Mr. LEVY. I thought the gentleman's committee was trying to relieve us of some of the onerous laws.

Mr. WILSON of Pennsylvania. From a competitive standpoint it does relieve the shipping interests.

Mr. GREENE of Massachusetts. Mr. Speaker, I listened to the remarks of the gentleman from Missouri, the chairman of the committee [Mr. ALEXANDER], who preceded me, and I am somewhat surprised at the statements that he made here, for the reason that I was not called in as a member of the minority of the committee to the subcommittee meetings to consider this bill. If I recollect correctly, upon my motion in the committee, the chairman of the committee was added to the subcommittee, and a few days afterwards I met the chairman in the hallway of the Office Building, and he said to me that he did not think that the minority members of the committee, naming the gentleman from Washington [Mr. HUMPHREY] and myself, were using him right; that there were some features of the bill that he did not approve of; but we were not present at the meetings of the subcommittee to aid him in securing these amendments to the bill. I stated then, and I state it now, that I was not notified of the meetings of the subcommittee on this bill, and was not present at those meetings, because I received no notice of the meetings of the subcommittee to consider the bill.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. HARDY. I think I can make a statement respecting its matter with which the gentleman will not differ from me. It is true that myself and other members of the subcommittee met and talked this measure over personally for hours several times, but we never undertook to report this measure until I had notified the minority members of the subcommittee and asked them to meet with the full subcommittee and discuss the bill fully.

I admit I do not think they came, but there was no report until after the gentleman himself and the other Members of the minority had been notified of the meeting of the subcommittee. It is just as if in caucus or in the cloak room I might have had private conversations as I do with the other Members of the majority, but that bill was not reported back to the whole committee until after the gentleman himself had been notified of the meeting of that subcommittee to discuss and offer amendments, and I think some of them did come.

Mr. GREENE of Massachusetts. There were several bills before the subcommittee which were considered, bills of various kinds, but this bill brought up here to-day I never was invited to consider, nor was my colleague, Mr. HUMPHREY of Washington, as I have been informed by him.

Mr. HARDY. I will say to the gentleman he is absolutely mistaken in——

Mr. GREENE of Massachusetts. I decline to yield until I get through with my statement.

Mr. MADDEN. I suggest to the gentleman it is raining outside and you can not dry this linen, even if you wash it.

Mr. GREENE of Massachusetts. I know that, but there is the question of fair dealing, and the statement in this minority report is correct that we received no notice whatsoever from the subcommittee that this bill was to be considered, and to confirm my statement I state what the chairman of the committee told me himself, that Mr. HUMPHREY, my colleague, and myself were not attending the subcommittee meetings, and we ought to be there in order—if we wanted amendments to this bill we ought to be there to sustain him in securing some amendments to the bill.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GREENE of Massachusetts. I do.

Mr. ALEXANDER. I would simply say this. There had been several meetings of the subcommittee before I met the gentleman in the corridor and chided him for not being present.

Mr. GREENE of Massachusetts. And did not I reply to the gentleman that I had not been invited?

Mr. ALEXANDER. He said to me that he had not been invited and to get after Mr. HARDY about it.

Mr. GREENE of Massachusetts. And I was not invited.

Mr. HARDY. I will state if the gentleman never received the invitation before we reported that bill there is something deficient in the mail, and if he will go back and look over his mail I think he will find the notice.

Mr. GREENE of Massachusetts. I attend all meetings of the committee, and I think the gentleman will bear out my statement, when I am in the city. I attended all the meetings of a subcommittee when I have been invited, but on this bill I was not invited, nor was my colleague, Mr. HUMPHREY, invited in for the consideration of the bill——

Mr. HARDY. Let me say this matter was thrashed over in the committee. I do not think there was any question there but what he and Mr. HUMPHREY had been invited to the last meeting of the subcommittee. Was there any question as to your being invited as to the last meeting of the committee——

Mr. HUMPHREY of Washington. I do not think this is a matter of testimony or that it is material to testify.

Mr. HARDY. I do not think it is material, but as we have gone into it——

Mr. HUMPHREY of Washington. If the gentleman will permit me for a moment, I do not think it is material to the issue of this bill as to what the majority did in relation to it any further than the fact that the minority Members did not have an opportunity to consider this bill that they should have had in the way of making amendments. I want to take occasion to exonerate the chairman of this committee. I am perfectly satisfied that the chairman of this committee did not know that the subcommittee had been meeting without inviting the other members of the committee, and he was a member of it himself. This condition did happen, that the subcommittee had meetings and they did practically agree upon the bill, and what I objected to was their bringing in the bill to which there was given very little consideration at the time.

Mr. HARDY. Did the gentleman receive notice to attend the meeting of the subcommittee at which the bill was finally agreed on and reported.

Mr. HUMPHREY of Washington. My recollection is I did receive one notice to attend a meeting.

Mr. HARDY. That is all I claim.

Mr. HUMPHREY of Washington. This fact is true, that bill was reported before we had an opportunity to read it, except in the committee, and at the time that bill was reported there was no man except those on the subcommittee who knew what it contained.

Mr. HARDY. The gentleman has stated all I claimed, that before we reported that bill he received notice to attend the meeting.

Mr. GREENE of Massachusetts. Mr. Speaker, I would not have made as much of a statement as I have done if the chairman himself had not stated that we had taken the wrong position in making the statement in the minority report, but I believe the statement in the minority report is fully justified, and while I have expressed a great many times absolute confidence in the chairman of the committee, still the fact remains that the chairman of the subcommittee in some manner or for some reason, why I do not know, ignored entirely the minority in the consideration of this bill.

Mr. HARDY. Yet I object to the statement that the chairman of the subcommittee ignored the minority.

Mr. GREENE of Massachusetts. You did not ignore us on the bill of minor importance that you had under consideration.

The bill itself is a bill that changes the whole policy of the Government in relation to the manning of vessels. There are some very good features in it. As to the changes that are made that affect the foreign shipping, it is a matter of grave doubt as to whether it would be wise for us to make such a radical interference with foreign shipping. That, I suppose, will be determined after the bill is put into effect. We are experiencing in another body a little difference of opinion in regard to our views as to the use of the Panama Canal. Certainly if foreign Governments object to the use of a canal which we built with our own money, which we intend to use for the development of our merchant marine—if after we have built a canal and wish to use it ourselves, and prescribe the uses of it for our own vessels, objection is made by foreign Governments, certainly objection will be made by foreign Governments to our endeavoring to control the management and the policy of manning foreign vessels and in the management and control of their seamen employed on the vessels which they build and own. It may be wise. I trust it is wise. The probability is that this bill will at least pass this House, but it possibly may not be enacted into law. But I have grave doubts as to whether this will be of advantage to the American seaman. I will admit it may be an advantage to the foreign seaman, because no foreign seaman is to-day on anywhere as near as good footing as the American seaman is, and many of the features in this bill are distinctively in the interest of seamen of other nations.

There is one statement that I would make in regard to the cost of building American ships in American shipyards as against the building of foreign ships in foreign shipyards. For years we have had on the statute books, and it was in the Dingley law and also in the Payne-Aldrich Act, a provision that all materials going into the construction of a ship built for the foreign trade should be admitted free of duty. But the question of wages paid in the foreign shipyards and the wages paid in the American shipyards can not be met by any such proposition as that.

I have not before me the scale of wages paid in American shipyards in comparison with wages paid in foreign shipyards, but it is a well-known fact to one who will read history that the wages in the American shipyard are more than double what they are in the foreign shipyards, and to that element of wages largely the greater cost of construction is due. And however much we may attempt to escape that feature of the cost of the vessel, still it is that feature that has driven from our shipyards the building of vessels for the foreign trade and in addition the wages paid on the foreign vessel compared with those paid on the American vessel have operated against the American-built vessels, and make the features I have referred to the vast difference to the cost of the vessel itself and the cost of its maintenance.

All these propositions that may be submitted here will not tend to decrease the cost of maintaining an American vessel, but will rather add to the cost by increasing the expense of nearly every vessel in the trade. If any advantage comes to the American sailor there will no man be more gratified than myself. But to attempt to care for the foreign sailor to the detriment of the American sailor, I think is a proposition to which the American Congress should not give its assent. This bill provides for the taking care of foreign sailors and prescribing by American law what the foreign sailors shall do. If it should come to a point of affecting his wages and increasing his pay so as to make a direct advantage to the American

sailor, to that part I would certainly agree. But by inserting these features to the disadvantage of the American sailor by bringing the greater competition from the foreign sailor in the American trade, I believe is in that respect a distinct disadvantage.

Mr. HARRIS. Will the gentleman from Massachusetts [Mr. GREENE] yield? I wish to ask a question of the gentleman from Pennsylvania [Mr. WILSON].

Mr. GREENE of Massachusetts. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. HARRIS], who wishes to ask the gentleman from Pennsylvania [Mr. WILSON] a question; then I will yield 30 minutes to my colleague from Washington [Mr. HUMPHREY].

Mr. HARRIS. Mr. Speaker, I would like to ask the chairman about section 13 of this bill, and how far the language of that bill is intended to go?

Mr. WILSON of Pennsylvania. What section?

Mr. HARRIS. Section 13, to the effect that every vessel sailing out of a port of the United States shall carry one or two or more American boys as apprentices. Now, that language is pretty general. If it is as broad as your other thought, which means any ship of any nation, I want to know whether you mean to expatriate the American boys and drive them into the foreign trade? How far is that language intended to go?

Mr. WILSON of Pennsylvania. It is intended to apply to every sailing or steam vessel of the United States, and I may say it is the intention of the committee to offer an amendment to that section, which was omitted in making the report on the bill, the amendment being as follows:

Amend, line 15, on page 16, by inserting between the word "sailing" and the word "or" in said line the words "vessels engaged in the foreign or off-shore trade," so that it will read:

"That every sailing vessel engaged in the foreign or off-shore trade or steam vessel of the United States."

It is meant to apply solely to vessels of the United States.

Mr. HARRIS. Why not limit it to the United States, so that there will be no misunderstanding about it? You now say "any ship."

Mr. WILSON of Pennsylvania. That is the purpose of it.

Mr. LONGWORTH. Mr. Speaker, before the gentleman from Washington [Mr. HUMPHREY] proceeds I would like to ask the gentleman from Massachusetts [Mr. GREENE] whether I understood him correctly to say that the passage of this bill would increase the cost of maintaining American ships?

Mr. GREENE of Massachusetts. Yes.

Mr. LONGWORTH. To what extent?

Mr. HUMPHREY of Washington. I can answer that question for the gentleman.

Mr. GREENE of Massachusetts. I yield, Mr. Speaker, to the gentleman from Washington [Mr. HUMPHREY] 30 minutes.

Mr. MADDEN. Mr. Speaker, I suggest the absence of a quorum. I think on an important measure like this we ought to have the Members of the House present, so that everybody will understand what we are discussing. I make the point of no quorum.

Mr. RICHARDSON. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. RICHARDSON] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. RICHARDSON. A division, Mr. Speaker.

The House divided; and there were—ayes 1, noes 17.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

Mr. CARLIN. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER pro tempore. Business having intervened, the point is overruled.

Mr. RODDENBERY. Mr. Speaker, I move a call of the House.

Mr. MADDEN. Mr. Speaker, it is evident that there is no quorum present, and there is nothing to do but have a call of the House. I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Austin	Brown	Cantrill
Adamson	Barchfeld	Browning	Carter
Akin, N. Y.	Bartlett	Burgess	Cary
Ames	Bates	Burke, Pa.	Catlin
Anderson, Ohio	Berger	Burleson	Clark, Fla.
Andrus	Boehne	Calder	Collier
Amberry	Bradley	Callaway	Conry
Anthony	Broussard	Campbell	Copley
Covington	Hamilton, Mich.	McCall	Rucker, Mo.
Cox, Ind.	Hamilton, W. Va.	McCoy	Saunders
Cox, Ohio	Hanna	McDermott	Scully
Currier	Hardwick	McGuire, Okla.	Sells
Curry	Hartman	McHenry	Shackleford
Dalzell	Haugen	McKellar	Sheppard
Daugherty	Hawley	McKenzie	Sherley
Davenport	Hayes	Macon	Sherwood
Davidson	Heald	Maher	Simmons
De Forest	Helgesen	Martin, S. Dak.	Slayden
Denver	Helm	Matthews	Sleman
Dickinson	Henry, Conn.	Miller	Smith, J. M. C.
Dies	Higgins	Moon, Pa.	Smith, Cal.
Difenderfer	Hill	Moon, Tenn.	Smith, N. Y.
Dodds	Hinds	Moore, Tex.	Sparkman
Doremus	Howell	Morgan	Stack
Draper	Hughes, Ga.	Morse	Stephens, Tex.
Driscoll, M. E.	Hughes, W. Va.	Mott	Stevens, Minn.
Dwight	Humphreys, Miss.	Murdock	Sulloway
Ellerbe	Jackson	Needham	Sulzer
Estopinal	Johnson, Ky.	Nelson	Sweet
Evans	Kindred	Olmsted	Taggart
Fairchild	Kinkead, N. J.	Palmer	Talbott, Md.
Ferris	Knowland	Parran	Talcott, N. Y.
Finley	Konig	Patten, N. Y.	Taylor, Colo.
Flood, Va.	Kopp	Peters	Thayer
Focht	Lafean	Plumley	Thomas
Fordney	Langham	Post	Tilson
Fornes	Langley	Powers	Underwood
Gardner, N. J.	Lee, Ga.	Pray	Vare
Garrett	Legare	Prince	Vreeland
George	Lenroot	Pujo	Whitacre
Glass	Lewis	Randell, Tex.	Wilder
Gocke	Lindsay	Redfield	Wilson, Ill.
Goldfogle	Linthicum	Reyburn	Wilson, N. Y.
Gould	Littleton	Riordan	Wood, N. J.
Graham	Lloyd	Roberts, Nev.	Young, Mich.
Gregg, Tex.	Lobeck	Rouse	Young, Tex.
Guernsey	Loud	Rucker, Colo.	

The SPEAKER pro tempore (Mr. CONNELL). The call shows 202 Members present, a quorum.

Mr. RODDENBERY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. Further proceedings under the call are dispensed with. The Doorkeeper will open the doors.

Mr. GREENE of Massachusetts. I yield 30 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I trust that I may have quiet in the room, because it is too warm to speak against much confusion.

The bill under consideration is entitled "A bill to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen."

I may say to the Members present that during my almost 10 years of service upon the Committee on the Merchant Marine and Fisheries I believe this is the most important bill that has been reported by that committee. I think it means more to the American merchant marine; but, first, I want to point out to the Members of the House that it does not affect American sailors. This bill is intended solely for the benefit of foreign sailors. So do not let any man in this House waste any sympathy upon the American sailor with the idea that he is going to be relieved by this bill, because it does not affect the American sailor so far as the abolition of imprisonment is concerned.

In the first place, this Government some years ago abolished imprisonment in the coastwise trade. It is true, much to my regret, that the statute is still upon our books providing for the imprisonment of seamen in the foreign trade if an American sailor deserts in a foreign port. But I want to take occasion to say to the House that there has not been an American sailor imprisoned in the last 5 years, and I doubt if there has been a chain upon an American sailor in the last 10 years. So that all this talk about freeing the American sailor is for the purpose of arousing your sympathy, in order that you may vote for other portions of the bill.

To demonstrate the correctness of what I say, in the hearings, on page 31, I asked Mr. Walter McArthur, of San Francisco, editor of the Coast Seaman's Journal, the following question:

How many American citizens are there employed in the foreign trade?

He replied:

In the foreign-going trade of the United States? Not more than 5 per cent.

The foreign trade of this country that is carried in American bottoms amounts to only 7 per cent, and of that 7 per cent that is carried in American bottoms less than 5 per cent of the sailors are American sailors, and of what few are left practically all of them are in the ships that run under the subsidy

act of 1891. So that this bill will not free any American sailor, because there are no American sailors to be freed by it, and because of the further fact that the statute now upon our books in relation to imprisonment in the foreign trade has been practically a dead letter for many years. I will say for the minority of the committee that they could at any time have had reported out of that committee by unanimous report any bill confining its provisions to American sailors and American ships; but the purpose of this bill, as I said before, is to assist the foreign sailor. In other words, you may look at this bill and read it through and study it and you will find that the whole purpose and intent of it is to hold out inducements to the foreign sailor who comes into an American port to desert.

I am not going to undertake to argue whether that is a good thing or not, but that is what this bill intends to do. I want to take this bill up and discuss the bill itself.

In the first place, I want to take it up by sections, because, as I said a moment ago, it is too warm to attempt to make a speech, except about the bill itself. I hope all of the Members have copies before them, and I call their attention, first, to page 2, line 11. There we provide how ships shall be manned. It says:

And in all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into three watches.

Now, I see no particular objection to that provision of dividing firemen into three watches in the deep-sea trade and perhaps in the coastwise trade in some places. But on the Great Lakes there is no complaint from the firemen. They are not asking for three watches. If you do this you increase the number of firemen on those vessels. On the other hand the evidence before the committee is that the firemen on the Great Lakes are perfectly satisfied with two watches; that they are compelled to be on the vessel, and they would as soon work as be idle that portion of the time; and so you simply add a third to the number of firemen that will have to be employed on these ships.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Under the language in that section referring to vessels "at sea," does that apply to the Great Lakes?

Mr. HUMPHREY of Washington. It was the opinion of the committee, and also of the attorney representing the Great Lakes, that it did. The Great Lakes attorney appeared before us and filed a brief. I intend at the proper time to offer an amendment making an exception of the lakes and inland waters of the United States, as far as firemen are concerned.

Mr. MANN. If it applies to vessels on the Great Lakes and vessels that travel only in the daytime across the lakes, would it require them to have three watches of firemen regardless of the fact that it would be impossible to put them all in service?

Mr. HUMPHREY of Washington. I think so; why not?

Mr. MANN. I am asking for information.

Mr. HUMPHREY of Washington. I think it would. That is one reason why I think the requirement is unnecessary.

Mr. MANN. I did not suppose that that provision of the bill applied to the Lakes, because my understanding of it was that a provision of law relating to the merchant marine which said "at sea" meant at sea, and not on the lakes or inland waters.

Mr. HUMPHREY of Washington. I think "at sea" means anywhere afloat unless specifically excepted.

Now, I want to call attention of Members to another section of the bill—and this is characteristic of the bill all through. I want to say in explanation to gentlemen present that I had but little opportunity to be present when this bill was considered or to offer amendments. I think if I had had the opportunity to attend the meetings of the subcommittee that some suggestions I might have made would have been accepted. I hope that some will yet be accepted by the committee.

Now, take section 3, line 7, page 4. It reads as follows:

SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive, within 48 hours after demand therefor, from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended; and all stipulations to the contrary shall be held as void.

I want to call the attention of Members to this fact, that while the majority of the committee pretend they want to favor the American sailor and make him a man, all through the bill they take away his power to contract, the power to sell his labor as he sees fit. In one instance they claim that he shall be treated as a man and in another as a ward.

And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require.

Whether or not that is a good requirement with reference to American ships, I want to call attention to the proviso:

Provided further, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

How does it concern the people of this country whether foreign ships pay one-half of the wages due in each port or not? Why should we tell the foreign shipowner what kind of a contract he shall make in a foreign country? Why should we say to the foreign shipowner, "You may make a contract that is legal in your own country, but when it comes to this port it is illegal"?

Mr. COOPER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. COOPER. In reply to that specific question, is it not of some importance to the people of the city of New York, for instance, whether a sailor lands in New York with $20 in his pocket or without a penny and entirely destitute?

Mr. HUMPHREY of Washington. Certainly; but he does not have to land. What occasion is there for a sailor to land? Suppose he has made a contract to the contrary, why should we violate it?

Mr. COOPER. I suppose the gentleman has heard of the habit of sailors to land whenever they get a chance.

Mr. HUMPHREY of Washington. Certainly; and that is the main purpose of this bill. It runs all through it. The purpose is to induce him to leave the ship. It throws out inducements to him to desert; so it provides that when he gets into any port he can go and demand his wages. Why should we tell Germany or any other foreign country how to run their ships when it does not concern the life or property of the American citizen?

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. HARDY. Do not the provisions that put the sailor on a foreign vessel in an equal position with an American sailor on an American vessel when in our ports enable him to get the wages of our seamen and raise the wages of the foreign seamen coming into our ports, thereby putting us on an equal footing and enabling us to compete with the foreign shippers and prevent them from having cheap pauper labor bound down to them in such way that when they bring them here they can take them back as they came? In this way do we not prevent the foreign shipping from having the benefit of pauper labor if they have it?

Mr. HUMPHREY of Washington. If the gentleman thinks the condition of the foreign sailor has anything to do with the merchant marine, I will ask him the question that he asked of a witness in the hearings. He asked one of the witnesses if imprisonment of the sailor destroyed the American merchant marine, why has not the imprisonment of the foreign sailor destroyed the foreign merchant marine?

Mr. HARDY. The seamen's representatives before us answered my question that so long as seamen coming here on foreign vessels were bound down to their pauper wages there was no chance of elevating their condition, and therefore no chance of the American sailor retaining good wages and competing with them.

Mr. HUMPHREY of Washington. What the gentleman intends to say is that he believes that by raising the wages of the foreign seamen in the American ports he will raise wages all over the world.

Mr. HARDY. We believe in equalizing the wages by raising the wages of the foreign seaman who competes with our seaman. I would rather raise the foreign seaman to the wage condition of our seaman than lower the wage of our seaman to that of the foreigner.

Mr. HUMPHREY of Washington. Just wait one moment. I want to finish the answer. Here is what this bill proposes to do: It proposes to hold out an inducement, as I have said, to every foreign sailor that comes into an American port to desert his ship; and then places him in a position where he can not be forced to go back on the ship unless his wages are increased. That is the purpose of this bill, and the gentleman agrees with me. Everyone who has studied this bill agrees with me that that is the purpose of the bill, namely, to induce the foreign sailor to desert and demand higher wages before he goes back upon the ship.

Mr. HOBSON. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Not at this time. Here is the situation: If we could control this situation all over the world, there might be some force in that statement; but we can not control the wages upon a ship that goes from Europe to South America, or that comes from the Orient to this country, or that sails anywhere, except it touches one of our ports.

What will be the result? The result will be that the British ship—which we will take for an illustration—coming to this country, if the crew deserts, will take a crew from the United States, which for the sake of the argument, may be a high-priced crew; but this crew will be immediately discharged in the home port of the ship. Every vessel will bring the cheap crew coming to our ports. The result of that will be that the highest rates anywhere for carrying freights will be from this country to foreign ports, while between foreign ports and from foreign ports to this country the rate will be cheapened; so that we propose by this bill—if there is anything in that argument at all—to increase the rate of freight to get our goods to foreign countries and to lower the freight rates between other countries and from other countries to this.

Mr. HARDY. Mr. Speaker, if the gentleman will yield a little further, I admit we can not control the wages between Europe and South America; but the gentleman admits that every seaman in this country favors this bill, because it will raise the wages of seamen coming into this country, does he not?

Mr. HUMPHREY of Washington. No; I do not.

Mr. HARDY. I have never seen a seaman opposed to it.

Mr. HUMPHREY of Washington. If there is any force in the argument that is made that the foreign sailor is complaining because he is imprisoned; if there is any truth in other complaints that they are outraged and made slaves, then why not abolish servitude, so far as the American ship is concerned, and so far as the American seaman is concerned? Would not the foreigner, wanting to be a free man, have then every inducement to go on an American ship, and would he not become an American citizen? All he would have to do to escape the slavery we hear so much about would be to leave the nation that enslaves him and come to the one that has made him free.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Not now. I do not have a great deal of confidence in the complaint of these gentlemen who want the United States to legislate for the seamen of other countries when those seamen are content to sail under the flag of those countries and do not attempt to become American citizens.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. MADDEN. The gentleman from Texas [Mr. HARDY] a short time ago, when he was making a speech upon this subject, stated that the wages of the sailor was fixed according to the ports in which they were engaged.

Mr. HARDY. Where they were employed.

Mr. HUMPHREY of Washington. That would carry out what I said—that the rates would be high here and lower everywhere else.

Mr. MADDEN. How would that affect the American sailor? For example, if wages in Liverpool, Bremen, or Havre, or Hamburg were lower than they are in New York City, would not sailors coming from those ports desert in New York, and would the sailors that were employed in New York then get a higher standard of wages than those that come from abroad?

Mr. HUMPHREY of Washington. Here is what would be the result if this bill is passed, so far as the sailor is concerned. Whenever he went upon a ship at an American port he would receive—theoretically that is—higher wages until that vessel reached a foreign port, when he would be immediately discharged or his wages reduced. All foreign ships in their home ports would sign their crews for the round trip. The seaman who had regard for his contract, who signed for the round trip, would keep his contract and stay with the ship, but the sailor who had no regard for the contract he made and no sense of duty, who knew he could take advantage of the American laws, would desert in our ports, and the result of it would be that the foreign ships would retain the good sailors, those who had the manhood to keep their contract, those who were too honest to practice a fraud upon those that employed them, while we would get those who cared nothing for their contracts; our ports would be filled with deserters; under this bill we would get the scum of all the seas.

Mr. HARDY. Will the gentleman yield right there? Would not that same argument apply with reference to holding by criminal process or by arrest anybody else to any contract when once made for service on land as well as at sea?

Mr. HUMPHREY of Washington. I am perfectly willing to join with the gentleman in abolishing any imprisonment of American sailors. Now let us proceed a little further with the bill. On page 5, commencing at line 4, there is a minor matter to which I wish to call attention of the House.

Mr. HARDY. Will the gentleman answer one question? The gentleman says he is willing to join in abolishing imprisonment of American sailors. Do you still want the American Government to lend itself to a continuation of the imprisonment of foreign sailors on its shore?

Mr. HUMPHREY of Washington. I am not prepared to say as to that. I am strongly inclined to think that punishment for desertion ought to be abolished the world over, but I think we ought to do it in an orderly and decent way, and I do not think we ought to pass a bill of this kind without notice to other nations with whom we have treaties on the question. I think it might be wise to enter into negotiations with other countries. I would be mighty glad indeed if we could strike out the provisions of this bill upon that point and insert a section directing or requesting the President, through diplomatic channels, to take up this question for settlement with foreign nations. I do not think there is any such emergency when we have no American sailors; when we are legislating entirely for foreign sailors that we should rush this bill through in this manner.

Mr. HARDY. I want to see if I understand the gentleman's idea. I understand he is in favor of the principle of abolishing this imprisonment, but that he is opposed to the manner of it.

Mr. HUMPHREY of Washington. I want to call attention to section 4. It says:

> Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies—

And then:

> Or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any of the duties of a consul, shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint, etc.

Now, I submit, is not that provision a little bit too drastic? If it were upon a majority of the crew and one of the officers, I would have no objection to it, but here it proposes to put that entirely within the hands of the crew. The crew of a ship—and I am speaking in all respects—are the inboring men upon the ship—those employed to run it. This places the control of that vessel entirely in the crew. Should not the owners of the vessel have some representation, some part, in the control of it? Should not the officers have some authority? That is, however, only one of the minor defects of the bill. Now I want to call the attention of the House to some of the other portions of this bill. Take section 10, which is quite long; but I hope the House will follow me in reading it, because it describes the various things that shall be done, and all the provisions apply to foreign ships. Here is what it says about foreign ships that come to American ports:

> SEC. 10. (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order or note or any other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case, except as herein provided, absolve the vessel, or the master or the owner thereof, from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment he shall, for every such offense, be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than $500.
>
> (b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

That all applies to foreign ships. Listen to this:

> (c) That no allotment shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law.

How could the shipping commissioner in this country enforce compliance with such law when the agreements were made in a foreign country between citizens of two foreign countries or two citizens of the same country?

Now, I do not know that I have any objections to such rules for American citizens, but here is the way section 10 ends:

> (e) That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

Now, then, take this case: Suppose an English shipowner makes a contract with an English subject to make a round trip on an English vessel, and he advances him a portion of his wages. Are

we going to say as soon as that ship comes into our port that it shall be a crime and that the man who did it is subject to imprisonment, and that you can tie up that vessel while the matter is being investigated; and if the officer of the vessel is found guilty that we shall imprison him in this country for six months for making a legal contract in his own country with a citizen of that country?

Go still further and suppose an English shipowner makes a contract with a German subject, a contract that is legal in both countries. Are we going to say that contract shall be a crime when they come into American ports and that we will take from a foreign ship these foreigners and imprison them for making it? Upon what theory can we justify it? If it was in any way affecting the safe navigation of the vessel, if it affected directly the interests of any American citizen, I can see how we might possibly attempt to justify ourselves in such action. But are we going to do this without any reason except that we do not believe that these foreign nations are not properly treating their own sailors? Do you think any self-respecting nation is going to permit us to say what is and what is not a legal contract made in their own country between two of their own citizens, or permit us to punish their subjects for the making of such contract? I think we would be assuming a big and dangerous undertaking; and even if we carried it out it would benefit no one.

Mr. HOBSON. I was going to ask the gentleman if he had looked up the question of possible retaliation from foreign powers.

Mr. HUMPHREY of Washington. No; I have not.

Mr. HOBSON. And the possible restrictions that they make upon American seamen in their ports?

Mr. HUMPHREY of Washington. No; I have not, because I have never been able to believe that Congress would pass any bill containing such absurd and dangerous legislation as this.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. ALEXANDER. I think if the gentleman will take the time to study the statute to which this is an amendment he will find that it only relates to contracts made in American ports and not to contracts abroad.

Mr. HUMPHREY of Washington. It does not so show on the face of the bill.

Mr. ALEXANDER. Study the statute it amends if you want to get an intelligent view of it.

Mr. HUMPHREY of Washington. Regardless of what the statute may now be, if you enact this bill it does make such contracts made abroad illegal just the same as if made in this country. If it is intended to limit this bill to contracts made in American ports the bill should so state.

Mr. ALEXANDER. I do not think it does.

Mr. HUMPHREY of Washington. Now, then, I want to call the attention of the House to the most important section in the bill, in my judgment, section 12:

> SEC. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman—

I call attention to that expression of "not less than able seaman"—

> *Provided*, That no such vessel carrying passengers, except those navigating rivers and harbors exclusively—

So that this portion of the bill applies to all vessels except those which are excluded—

> shall not be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seamen or higher.

The SPEAKER pro tempore. The time of the gentleman from Washington [Mr. HUMPHREY] has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 15 minutes more to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Further it says:

> No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes. Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce and Labor, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years' service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Now, I want to explain this expression "able seaman." I want it distinctly understood that I am in favor of doing anything that will increase the safety of life at sea, but I contend under that provision that it will not in any way increase the efficiency of the men who handle lifeboats.

Now, to start with, as I understand, the crew upon a vessel is divided into three parts—those in the engine room, those in the steward's department, and those on deck. Those upon the deck are called "able seamen." Am I right about that, Captain?

Mr. HOBSON. Yes.

Mr. HUMPHREY of Washington. But the term "able seaman" in itself means nothing, so far as the man being able to man a lifeboat is concerned, or any small boat or any of the equipment for life-saving at sea in time of emergency. An "able seaman" may not know any more, after three years' service at sea, in actually handling a lifeboat than if he had spent those three years in plowing corn. It is in the hearings that a captain, who was at the time an officer of the vessels, made seven trips around the Horn and never saw a lifeboat launched.

Now, if "able seaman" meant that the man knew something about the handling of a lifeboat, if it meant what it seems to mean on its face, that he was experienced in seamanship, that he knew how to handle a lifeboat, I would be entirely willing that this provision should be made. But the "able seaman," going upon one of the modern steamships, does what? When the steamer goes out he helps to haul in the gangplank and put down the hatches and such things as that. He washes the deck, and paints the woodwork, and polishes the brasswork, and does other work, but he never handles a boat or an oar, and he might be three years at sea or on the Great Lakes and know nothing whatever about the handling of a small boat. As a matter of fact, the only experience that any of the crew have in any department on these great steamers is that secured by means of the drill required by law, and they drill the steward's department and the firemen's department just the same as they do the "able seamen" on deck.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. In a moment. As a matter of fact, so far as the hearings go and so far as I have been able to ascertain by talking to the seamen, the firemen know more about the handling of a rowboat than do the "able seamen," and make better lifeboat crews, the difference being that as a rule they are stronger and younger men than the "able seamen." They all get the same training, and that is one reason why I make objection to the report that has been filed by the majority in regard to this bill. They cite a long list of vessels in the back of this report, and then they give the lifeboats and tell the number of men who are sent to each lifeboat, the department of the vessel to which they belong, and then end up by saying there are very few seamen in these boats, thereby giving the impression that only the "able seamen" are competent to handle the lifeboats when, as a matter of fact, the fireman or the cook or the waiter on the vessel is generally just as good seamen as the deck hands.

The "able seaman" does not know anything more about handling a boat than does the cook or the fireman. It being true that the "able seaman" knows no more about it than the fireman and the cook and those in the steward's department, why should you limit it to "able seaman" when a man goes to get a position upon a vessel, under the claim of protecting life at sea and protecting property? Why should it be limited to "able seamen"? Why should we not include the firemen, who know just as much about it as the seamen, or the men in any other department?

I am going to offer an amendment, and I hope the gentlemen on that side will accept it. I am going to offer an amendment to add to the definition of "able seaman" this qualification, that he shall satisfy the local inspector that he is capable of handling a lifeboat. No man ought to be permitted to go as an "able seaman" unless he has that ability and experience. I say the gentleman in charge of this bill will not go any further than I will in protecting life and property at sea, but I am opposed to passing legislation here in favor of any one class of people unless it is to the advantage of the public to do it.

Now, I will yield to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. The gentleman says that the occasions where seamen have handled boats are on the drills which they have?

Mr. HUMPHREY of Washington. Yes; on these great steam vessels.

Mr. WILSON of Pennsylvania. Yes; on these great vessels. Now, does not the gentleman believe that a seaman having three years' experience with these drills would be much more competent to handle one of these lifeboats than would a man fresh from the land service who had never been at sea?

Mr. HUMPHREY of Washington. He probably would, but again he might not. There are men to-day who have been three years on one of these great steamers who, except for the fact that they are less liable to seasickness than new men would be, know no more about the handling of a boat than does the man who, as I said a moment ago, has worked in a cornfield.

Mr. WILSON of Pennsylvania. One of the requirements or purposes of this bill is to have them trained or drilled, so that they will know more.

Mr. HUMPHREY of Washington. Oh, that is one of the purposes of the bill, but it did not get in the bill. That is the difficulty. If the gentlemen who have charge of the bill had permitted a little more study to be made of it, and had let the minority members attend the subcommittee meetings, they would not have made some of the mistakes that have been made in the drafting of this bill.

Mr. WILSON of Pennsylvania. I will say to the gentleman that there has been a careful study of this bill by the committee for the past 16 or 18 years.

Mr. HUMPHREY of Washington. Oh, that is all true enough; but as to this particular bill, in the way it is written now, I never saw it until it was reported to the committee by the subcommittee, and, according to my recollection, it was reported out of the full committee within 10 minutes after it was called up. I had never read it through and never had a chance to read it through before it was reported.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. I would say to the gentleman that this bill was prepared before the *Titanic* disaster. That disaster has brought sharply to the public attention the necessity for the use of lifeboats and familiarity on the part of seamen with lifeboats. So far as I am concerned, I shall have no objection to adopting the suggestion of the gentleman.

Mr. HUMPHREY of Washington. I shall be very glad to have the gentleman's assistance, and I hope every man in this House will join with me and define an "able seaman" so it will mean something. I hope instead of saying "service on deck at sea" we will say "service at sea," because a fireman is just as good a sailor as the man on deck. Let us get as many good men on these vessels as we can. Instead of saying "on deck" let us say "at sea," and with the additional provision that he shall know how to handle a lifeboat. Then you will have competent men on your vessels. Let us enact a law that will make the words "able seaman" mean what it once did—that he is a man trained in seamanship; that he is capable of handling a lifeboat; that his experience and character is such as to guarantee that in an emergency he will give first-class service in saving life and property at sea.

Mr. HARDY. Has the gentleman investigated the laws of other nations with reference to the term "able seamen," and has he found any such qualification or definition as he suggests put in any definition of an able seaman anywhere in the world?

Mr. HUMPHREY of Washington. No; I have not, and it does not make any difference. I know the term "able seaman" as it used to be. There are no able seamen now under the old definition, and whether they exist or not, now is the time to define the term. It will not do any harm.

Mr. HARDY. Is not the gentleman rather of the opinion that under the definition he would make now he would find no able seamen at all.

Mr. HUMPHREY of Washington. No. Every man who has been running upon these steamers for the last three years in the fireman's department or steward's department or on deck can qualify as an able seaman; and, as I said awhile ago, I decidedly object to passing a bill here that discriminates against the firemen and the other departments in favor of the men on deck, because they are all equally competent to handle lifeboats, and they are all entitled to the same consideration. This bill attempts to limit "able seamen" to the deck department, regardless of the fact that the other departments have just as competent seamen.

Under the definition I propose for "able seamen" the number would not only be more than doubled, but they would be "able seamen" in fact, and not as now, perhaps, only in name.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman understand that section 12 excludes from this service those employed on inland waterways?

Mr. HUMPHREY of Washington. It excludes from service anybody except a man who has had three years' experience at sea on deck, or on the Great Lakes. I am glad the gentleman has made the suggestion to me. The bill as now drawn excludes fishermen, and they are the best sailors in the world. There is no other who can possibly compare with the fishermen in that respect, but under this bill unless a man complied with the definition of an able seaman he could not go on deck as a sailor, and fishermen, the best boatmen in the world, would be excluded.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to section 2, which provides for the steamboat service on the Mississippi River. In addition to that I also call his attention to the fact that on the Chesapeake and Delaware Bays and other large bodies of water in the United States there are men who are certainly able seamen.

Mr. HUMPHREY of Washington. I want to call the attention of the House for a moment to the language test. If it was proposed to limit the language that shall be spoken upon American ships I think that is a proposition that might profitably be considered, but here we say that a Japanese vessel shall carry only Japanese crews. When a vessel comes into the port of Seattle from Japan, her Japanese crew can demand the wages then due them and then desert. They do desert. Japanese sailors have become Americanized in that particular.

Mr. MADDEN. How about the Chinese?

Mr. HUMPHREY of Washington. The Chinese sailors do not desert, first, because they are watched, and, further, a Chinaman almost universally regards his contract. If a Chinaman makes an agreement that he will go the round trip, he will go the round trip; but the Japanese sailor deserts. Now, suppose a Japanese ship comes into an American port and the crew desert, as they have every inducement to do under this bill. Then that vessel is not permitted to depart from that port under penalties prescribed until it gets a Japanese crew who can understand the Japanese language. Where are they going to get that crew of Japanese? One of our vessels goes over to Japan and the crew deserts. That vessel has to get an American crew there. The same is true of Germany, of England, of all the countries of the world that come to our ports; they must have a crew that speaks the language of its officers or they will not be granted clearance papers.

Now, as we have but 10 ships on the deep sea, and have but a few sailors in the world, does it become this country of ours that has not had enough wisdom to get a merchant marine of her own, or had enough wisdom to keep the flag on the ocean, to pass an act without entering into negotiation with the other nations of the world, without any notice to them to tell them what contracts they shall make with their sailors, how they shall pay them, what men they shall employ, what language they shall speak, and what tests shall be made of their efficiency? We do all this for all. The provisions I have just read apply to the foreign sailor and foreign ships. No good can come from the passage of such law and no self-respecting nation will submit to it. We have no right to say to other nations how they shall conduct their business when it does not affect American interests.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. WILSON of Pennsylvania. Does not the gentleman believe that the United States has a perfect right to pass a law to regulate ships in its own ports, whether the ship belongs to foreign countries or to its own country?

Mr. HUMPHREY of Washington. I will admit that the Nation has the power under certain conditions, I will not say the right.

Mr. HARDY. Will the gentleman yield for another question?

Mr. HUMPHREY of Washington. No; I can not yield until I get through with this section. Now, I call attention of Members of the House to this paragraph:

> The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States setting forth that this section is not being complied with—

That is, the contracts, language test, the experience the crew shall have, all these various requirements I have just read—

> cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

Now, what does that mean? We have to-day a strike of the sailors on some of our ships in the port of New York and some of the other eastern ports. As to the merits of that strike I know nothing whatever; I am taking it simply as an illustration. Suppose to-day we had on the statute books this provision, any American citizen could tie up every vessel that comes into the port of the city of New York.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Not just now. Because it says that any American citizen may file an affidavit which shall cause a muster of the crew of any vessel to determine these facts: Whether they speak the right language, to see if they have made contracts for advanced payments, to see if they are able seamen, and to see if two able seamen are provided for each lifeboat—all the various provisions just read. I asked Gen. Uhler the other day how long it would take to cause a muster of one of these crews.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 10 additional minutes to the gentleman from Washington.

Mr. HUMPHREY of Washington. He estimated the time all the way from 5 to 24 hours, to go through and make the examination. Now, is that a safe power to place in any man's hands?

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. In a moment. I want to call attention to the further fact that there is no penalty for the man that may make a false affidavit. He may make any affidavit he pleases. A great passenger vessel, with thousands of people on board, carrying the United States mails, every hour worth thousands of dollars, just ready to sail, and here comes a man with an affidavit and ties up the vessel perhaps a day or more. I do not think that is fair legislation. I do not think it is just to the public or just to the shipowner or to anybody. I do not think the seamen want any such law. I can not believe that any fair-minded man is in favor of this section as it stands.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. WILSON of Pennsylvania. Is the gentleman aware of the fact that the British Board of Trade has that power?

Mr. HUMPHREY of Washington. Oh, the board of trade, yes; but this puts it in the hands of any American citizen.

Mr. WILSON of Pennsylvania. That is true, but the British Board of Trade acts on the complaints of the British subject.

Mr. HUMPHREY of Washington. But you say any American citizen may compel a muster of the crew. Now, suppose, for an illustration, that a man wanted to tie up the shipping in the port of New York. All that he has to do is to file an affidavit in regard to every vessel that comes into port. There is no penalty whatever if the affidavit is false. He could have the affidavits ready, and one man alone could tie up all the shipping of all countries that came into the port of New York.

Mr. WILSON of Pennsylvania. There is no penalty except the penalty that generally applies to false swearing or perjury. The same laws that apply to perjury in other cases would apply to this.

Mr. HUMPHREY of Washington. Mr. Speaker, I do not know whether or not my distinguished friend is a lawyer, although he has a very good legal mind, but I will say to him that he is probably aware of the fact that an affidavit is not perjury unless it is expressly made so by statute.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. HARDY. The gentleman objects to this bill because it undertakes in the United States to interfere with contracts legal in the country in which they are made. Does not the gentleman very strenuously advocate the passage of a law which would forbid the entrance into our ports of foreign vessels because they have made combinations that might be legal in their own country?

Mr. HUMPHREY of Washington. Yes; but I would not place it in the power of any one citizen to do it. I simply am in favor of it after they have had a trial in court and the decree has been entered up finding them guilty not of violating a law made between themselves, but of violating a law of this country directly affecting the interests of this country.

Mr. HARDY. Again, it is not the principle, but the manner of its exercise to which the gentleman objects.

Mr. HUMPHREY of Washington. I have no objection to making foreign ships obey the law, but I do not believe in placing it in the power of one man to destroy the shipping business of this country.

At the proper time, if the section stays in, I shall offer an amendment making a false affidavit perjury and prescribing suitable punishment therefor.

There is just one other section to which I desire to call attention, and then I shall be through, and that is section 13, which is as follows:

> SEC. 13. That every sailing or steam vessel shall carry in her crew a boy or boys, native of the United States, or one whose father or mother is a naturalized citizen of the United States, as follows: If she be 500 registered tons or more, but less than 1,500 registered tons, at least one boy; if she be 1,500 tons register or more, at least two boys or apprentices. Any vessel leaving any port of the United States without the boy or boys required by this section shall be liable to a penalty of $100 for each offense: *Provided*, That this penalty shall not apply if, after reasonable diligence, the boy or boys required by this section could not be obtained

My objection to that section is that it does not mean anything—absolutely nothing. A boy is not required to do anything. The shipowners are not required to teach him anything. They are not required to pay him anything. That section is simply nothing; only that much writing on a piece of paper, signifying nothing. I am in favor of the American boy going to sea, and if we are going to have a provision of that kind, let us have one that means something, one that will require American boys to be trained in seamanship.

I desire to say just one word in regard to the "able-seamen" clause as affecting the Great Lakes. If you adopt this provision in regard to "able seamen" and require two able seamen at each lifeboat, on a great many American vessels you will double the crew, and on some of them you will increase it three times. These men will have nothing to do whatever except to occupy space and wait for a possible disaster when they will be called upon to handle a lifeboat. There is no need of these extra "able seamen" even to handle lifeboats, because you have your firemen's and your stewards' departments, and the men there are as capable of handling a lifeboat as the "able seaman." I will give you one illustration. There is a vessel on Puget Sound called the *Camano*, which runs from Everett to an island a few miles distant. Under the recent regulations adopted since the sinking of the *Titanic*, that vessel would have to carry either 10 or 12 lifeboats during the wintertime. She has a maximum capacity of 180 passengers. She is never more than a few minutes from shore. Her entire crew consists of six men. Under this bill this little passenger vessel, with six men in her crew, would be compelled to carry 16 or 20 men on deck alone for the sole purpose of handling the lifeboats. The occasion for the use of all of them would not arise once a century. This in a varying degree would be true upon all vessels in the coastwise and lake traffic.

Mr. MANN. Mr. Speaker, if the gentleman is through, will he yield for a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. In reference to section 1 of the bill, it provides for the number of hours of labor while a vessel is in port, and then provides:

> Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned.

Would it be practical under that by collusion to obtain entry into the United States of foreigners who under the immigration laws could not get in?

Mr. HUMPHREY of Washington. I made that suggestion and asked a member of the Committee on Immigration to study that point. The gentleman is here now. I do not know whether he gave it his attention or not. As far as I am concerned I am not prepared to say.

I desire to call attention to this one other point made by the people upon the Pacific coast about paying wages in every port touched. In a vessel running from Seattle to Alaska, the vessel would stop at Ketchikan, and there the seamen would be entitled to one-half of their wages. It would then go on to Skagway, and there they could demand half of what was left, and so from port to port so that very little would be left when it arrived at its final destination. It is claimed that this is a very great inducement for seamen to desert in Alaskan ports, as good jobs are usually easy to find. Under this bill the shipowner claims that it would be practically impossible to maintain good service to Alaska during the summer months.

I thank the House for its patience and consideration. [Applause.]

Mr. Speaker, I would ask permission to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Speaker, I would like to ask the gentleman from Massachusetts how many speeches he has on that side?

Mr. GREENE of Massachusetts. I can not tell at the present time; some gentlemen who are not present now have spoken to me.

Mr. ALEXANDER. We have only one more on our side and I would be very glad if the gentleman would consume the balance of his time.

Mr. GREENE of Massachusetts. I yield five minutes to the gentleman from Massachusetts [Mr. HARRIS].

Mr. HUMPHREY of Washington. May I ask how much time has been consumed on either side?

The SPEAKER pro tempore. The gentleman from Massachusetts has 21 minutes left and the gentleman from Missouri 62 minutes.

Mr. GREENE of Massachusetts. The gentleman had better consume some of his time.

Mr. ALEXANDER. We want to get through by 6 o'clock and Mr. WILSON is going to cut his remarks short.

Mr. HUMPHREY of Washington. Mr. Speaker, so far as abolishing the punishment for desertion is concerned, there has not been a time in the last five years that a bill of that kind would not have been reported unanimously from the Committee on Merchant Marine and Fisheries. So far as increasing the safety at sea is concerned or improving conditions for the seaman, I want to say to the gentlemen on that side of the aisle that I will join with them in any bill that will do that; and when we come to the reading of this bill for amendment under the five-minute rule, I have several amendments that I desire to offer which will tend to increase the safety at sea and also to help the sailor, and I want you gentlemen to join me and we will see whether this bill is really introduced for that purpose or not.

The two gentlemen from California [Mr. KENT and Mr. RAKER] came forward to indorse this bill. Whether they intended to indorse all of it I do not know, but I desire them to understand that if they do they are not working for the benefit of the American sailor but for the Japanese sailor.

This bill will help to drive the few remaining American ships from the sea. It is certain that every American vessel on the Pacific, unless it is the line that has just started to run under the subsidy act of 1891, would soon go under a foreign flag. The great vessels of the Pacific Mail that have so long and against such odds carried the Stars and Stripes on the Pacific will haul down that banner immediately after this bill is written on the statute books and take the flag of Japan, and so will the *Minnesota*, that has the distinction of being the only unsubsidized American vessel afloat running in the foreign overseas trade. But this is only a portion of the injury that will come to the Pacific coast. All foreign vessels in the deep-sea trade that now come to Seattle and Tacoma and other Puget Sound ports will certainly leave these ports and make Vancouver, British Columbia, a terminus. Do you suppose that these foreign vessels are going to submit to the foolish, unreasonable, burdensome, and even insulting regulations made by this country if this bill should pass when they can escape them all in a port just as convenient for them in all things in a country where treaty regulations and national comity are observed? Why should these foreign vessels come to Seattle, where their crews can demand their pay, where they can desert without fear, where any American citizen by the mere filing of an affidavit without any fear of punishment, if such affidavit be false, can indefinitely delay them in their departure for any voyage? Who will be benefited by this being done, by driving these vessels under foreign flags and to foreign ports? Absolutely no one. There are no American sailors upon the Pacific Ocean in the deep-sea trade, either upon American ships, except its officers, or upon foreign ships. We would add all this burden to American commerce, to American shipping, without benefiting a single American citizen.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. For a question; yes.

Mr. HARDY. Does it make any difference to us whether the flag is the Japanese or the American if the crew is all Japanese?

Mr. HUMPHREY of Washington. Mr. Speaker, I know that the gentleman has said that a great many times. So far as I am concerned, as long as every other vessel on the Pacific Ocean employs oriental crews, under every other flag, I would rather have the American vessels remain under the American flag, employ American officers, pay them American wages, and be at the call of this country in time of war than to force them under the Japanese flag without in any way benefiting anyone but Japan.

I deem it especially unfortunate just at this time that hostile legislation to American shipping should be agitated. With the opening of the Panama Canal, with the hope of that canal free for American ships, American shipping is enjoying a prosperity it has not known for 50 years. In addition to the canal there are other causes that are helping to revive this industry. The shipbuilder to-day is getting most of his material for less than his foreign competitor, notably his steel.

Many other facts have recently been brought to light also that have given the friends of American shipping encouragement. The Merchant Marine League of Cleveland, Ohio, had for some years made a most earnest and in many ways a successful fight looking to the upbuilding of our merchant marine, but in making this fight it had antagonized some interests and made some enemies, I regret to say, even in the Halls of Congress. About two years ago a resolution was adopted in the House that called for an investigation of the methods of this league. The result of that investigation was as surprising to its enemies as it was gratifying to its friends. No selfish motive was found for the activity of this league, but, on the contrary, its interest was proven to be entirely disinterested and patriotic. While this fact pleased all those who had indorsed its work or who had been associated with it, the result following this investigation was much more valuable and far-reaching. The original purpose of that investigation was soon practically forgotten. The energetic secretary of the league soon began to furnish evidence of conditions that were far more interesting to the committee and to the country than the unfortunate personal controversy in which he had become involved with some Members of Congress.

This investigation gave him the opportunity to reach the public and to prove to the country what he had long asserted to be the fact, that the regular foreign shipping lines that come into the ports of this country, both upon the Atlantic and the Pacific, that carried 97 per cent of our shipping were all formed into pools, conferences, rings, and combines; that these lines fix freight and passenger rates from the ports of this country to all the ports of the world by agreement; that there was not the slightest competition between these lines. These facts were so clearly demonstrated by the evidence there produced that since that time not even the subsidized newspapers in this country that had especially defended these combinations have dared deny them. It stands to-day as a fact admitted by everyone who has given the matter consideration.

It was at this hearing that the secretary of the league for the first time brought to public attention in this country the report of the royal commission on shipping rings made by the British Parliament. This report, by the admission of the foreign shipowners themselves, fully proved every statement that the secretary of the league had made concerning this monopoly of foreign ships. This same hearing also uncovered some of the many iniquities practiced by the conference of foreign ships that completely monopolize the trade between this country and South America. There was brought to the attention of the public the condition in relation to the coffee trade especially, a subject that has since been considerably exploited and exposed by Members of Congress and by the press. Original written rebate contracts in regard to this coffee trade, in direct violation of the antitrust law of this country, between New York merchants and this South American conference, were produced before the committee and copies published in the hearing. Upon the evidence secured at this hearing I made a speech on the floor of the House, and the facts that I stated in relation to this foreign steamship combine attracted attention throughout the entire country. This investigation also largely brought out the facts that has caused the Government to bring the suits now pending to dissolve these foreign shipping combines and to prevent them from entering our ports if they are convicted of violating our antitrust laws. It was also largely upon the facts uncovered at this hearing that led me to introduce in the House a bill to prohibit any vessel the use of our ports if it was found to belong to one of these illegal combinations.

This bill was reported unanimously by the Committee on Merchant Marine and Fisheries, and a few days ago, after considerable discussion, passed the House by unanimous consent. The facts brought out at that investigation have interested the public to such an extent that it will eventually cause the destruction of the giant foreign shipping monopoly that has grown rich by levying its unearned millions upon American commerce. Fate, like Providence, if they be not one and the same, "often moves in mysterious ways its wonders to perform." By this attack upon the Merchant Marine League the opportunity was given it to do more effective work for the cause for which it had so long been fighting than ever before. This opportunity was quickly seized upon and used to the fullest extent by the efficient and patriotic secretary of the league, Mr. John A. Penton, of Cleveland.

With some knowledge of the work that has been done in this country for the last decade in behalf of our merchant marine, I pay to Mr. Penton only a well-deserved and well-earned tribute when I say that he has done more within the last few years than any other man in America to create a public sentiment in favor of restoring the American flag to the sea.

The *Titanic* disaster is referred to in the report on this bill. It was to be expected that this awful calamity would be used as an argument in favor of this legislation. But there is nothing in that sudden and awful tragedy, that shocked a civilized world, that gives any reason for the passage of this bill. There was no showing that this vessel was not sufficiently manned or that her crew was not competent. Neither is there any evidence

that if her entire crew had been so-called "able seamen" that the result would have been any different or that an additional life would have been saved. Indeed, the truth is that in those hours of awful peril and panic the fact that so many were saved was due largely to the brave and heroic efforts of her passengers. To them belongs the greatest credit. That the *Titanic* was not efficiently equipped is unfortunately true. It is also true that not another instance of a great ship sinking in a perfectly quiet sea will probably occur again in a thousand years. It is also true that under ordinary circumstances—that is, an ordinarily rough sea—that lifeboats would have been absolutely useless. If any officer should attempt to use them in a rough sea, except at the last moment and as a last resort, he would be guilty of a crime. But, notwithstanding that fact, let us require that all over-sea vessels be equipped with lifeboats sufficient to handle all persons that she may ever have on board.

The speed at which the *Titanic* traveled was inexcusable. The method of her construction was monstrously criminal. In the construction of the *Titanic* is the foundation of the tragedy. She was not better equipped for saving life because it was believed that there could not arise any necessity for such equipment. She was sent at tremendous speed in dangerous waters in spite of repeated warnings because it was believed that she was unsinkable. The primary crime in connection with that unparalleled disaster of the sea was the faulty building of the ship. Not in faulty plans, but in faulty construction. I have taken occasion to talk with expert constructors in regard to this disaster, and they all assure me that the vessel was not properly built; that the work was not properly done; that the vessel was not properly inspected and tested. It is said, as a fact, that her water-tight bulkheads were never properly tried, and if they had been that their weakness and worthlessness would have been demonstrated.

Naval experts have assured me that if the *Titanic* had been so constructed as to pass the naval test prescribed by this country in the construction of our vessels that the injury she received would not have sunk her. They assure me that there is not a vessel on the ocean constructed upon plans that have been approved by our Navy Department that would have been sunk by a similar injury. All American vessels crossing the Atlantic to-day were constructed upon plans approved by the Secretary of the Navy. For 20 years the American line of vessels so constructed has not lost a passenger nor even a mail sack. There is an illustration of real safety at sea, and this safety is largely to be found in the construction of the vessel and not in the equipments and provisions made to save life and property when the vessel is wrecked.

The construction of a nonsinkable vessel is not impossible. It will soon be accomplished. It would be wrong, indeed, to discourage attempts in this direction because of the faulty construction and the criminal and negligent inspection that caused the *Titanic* not to be so.

In the shadow of that great calamity, in sympathy and in hysteria, all kind of plans have been proposed to prevent such disasters in the future, and almost everybody has been condemned for what occurred. Bills of merit and bills without merit have been introduced in Congress with the supposed intent of producing greater safety at sea. Some of them were sincere in purpose and some, I regret to say, were intended only to secure a little newspaper notoriety. It is worthy of attention that we condemn everybody but ourselves. But does Congress stand blameless for this great tragedy? Are we without fault when we have placed ourselves where we can only compel other nations to properly equip their vessels to protect our own citizens and find it impossible to compel proper construction in the first place? Has Congress honestly tried in the last few years to bring about a condition of highest safety at sea for American citizens and American interests? Congress has repeatedly failed in recent years to increase the pay under the act of 1891 that would have given us American vessels on the high seas that would not have gone down under such injury as that received by the *Titanic*. If we had provided such ships we could at least have had the satisfaction of knowing that we had done our full duty to protect American lives and American property at sea. But Congress has always failed to do this for fear, forsooth, that some American citizen might make too much money for the sake, as claimed, of saving a few paltry dollars. The sum total of all that we would have paid if all these bills had been written upon our statute books is not for a moment to be weighed against a single one of the many noble lives that were sacrificed when the *Titanic* went to her doom. Since we have failed to perform this high duty to American citizens and to American interests and have intrusted it to foreign nations it hardly becomes us to grow hysterical over their failure to properly perform it and in denouncing them attempt to conceal our own neglect. In other words, if we are to have the greatest safety at sea we can only secure it by building, equipping, owning, and running our own vessels.

Again, we can never get American sailors upon the sea until we get American ships upon the sea. We can not have sailors without ships. What we need to-day is fewer laws upon our statute books and more ships upon the ocean.

We have now more laws and fewer vessels than any other great nation of the world. All other countries constantly struggle to upbuild their merchant marine. We continually strive to destroy ours, and this bill is another and a long step in that direction. Some day we will awake to the costly folly of sending out of this country—of paying to other nations—more than a quarter of a billion dollars annually to carry our commerce, of paying that vast sum mostly to labor for work that should be done by American labor. Some day we will pay more fully than we have already done the fearful penalty of placing the life of our citizens and the carrying of our commerce and the prosperity and the safety of our country in the care and keeping of other nations. Let us hope that some day before we learn it in the awful lesson of war that Congress will awake to the necessity for action in reference to this matter. Let us hope that some day not far distant Congress will forget parties and partisanship, politics and prejudice, and cowardice and sectionalism, and remember only our country and our country's good and will pass a law, not to destroy, but to upbuild our merchant marine, a law that will give us safety at sea, a law that will give us American sailors, a law that will cause our ships once more to traverse all the highways on the ocean, and the Stars and Stripes once more to fly in all the ports of the world.

As I said a few moments ago, I am willing to join the gentlemen upon that side of the House in doing anything that will protect life at sea, but I do hope that in going through this bill that it will be considered by the House, and that proper amendments will be adopted for that purpose.

Mr. AYRES. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. AYRES. To return to the gentleman's statement about putting the American flag upon the sea again, what kind of laws would the gentleman suggest which would build up the American merchant marine?

Mr. HUMPHREY of Washington. Well, I thought everybody in this House and a good many people throughout the United States knew my views upon that question. I have occupied so much of the time of the House in trying to state them and written so many articles for magazines trying to tell my position that I am astonished if the gentleman does not know.

Mr. AYRES. Well, a twice-told tale is interesting.

Mr. HUMPHREY of Washington. Well, I can tell the gentleman in a moment what I would do to build up the American merchant marine. I would do what every nation upon the earth has done that has a merchant marine. I would follow the example of those people who have made a success and placed their flags upon the seas and not attempt to return to something that is obsolete and long since discarded by every civilized nation in the world. I refer to free ships, a policy that has been discarded; I refer to subsidizing the mail lines for carrying the mails of the country as a policy of success. I might say to the gentleman, which he probably knows, that there is not a first-class vessel upon any ocean under any flag to-day carrying mails for any government upon schedule time but what receives a subsidy from that government, and how do we expect, with our high-priced labor, with the high cost of operation of ships, without paying any subsidy, to do what no other nation has been able to do with cheap ships and cheap labor? [Applause on the Republican side.]

Mr. GREENE of Massachusetts. I yield five minutes to the gentleman from Massachusetts [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I want to supplement the remarks of the gentleman who has just closed in regard to the rating of able seamen, which seems to be in the minds of the committee an important matter upon the question of boat handling in case of wreck. I hope the gentleman will so amend the measure that the expression "able seamen" will not be left in this bill with its old maritime significance. It would prevent the taking into the service of lots of young men who along our seaboard States have been upon the water, have learned to hand, knot, reef, and steer and the actual handling of a boat in any kind of weather who yet have not been at sea on deck for three years and yet who want to go into the merchant service and who would be most competent men, in fact no better men could be found to handle boats at sea than

just those men, and still they would be unable to qualify. I could go from the point of Florida to Eastport, Me., and find men who can handle lifeboats better than most men who go to sea who have never had three years' sea service on deck. They are used to boats and these young men are men who want to enter the service and ultimately get the rank of able seamen and who would probably never enlist in the merchant service under this bill. Take the men along the shores of Cape Cod, along the shores of New Jersey, who handle lifeboats, and possibly some who are in the Life-Saving Service. There is the sort of men who can handle a lifeboat, and when we are agitated about the *Titanic* disaster we want to remember that accident occurred under conditions which were remarkable. It was a great disaster at sea but you had a smooth sea with a chance to get your boats out, and if they had had the ordinary motion of the water at sea there would not have been 1 boat in 10 of those that would have gotten away safely.

Mr. HUMPHREY of Washington. Not one of them.

Mr. HARRIS. Especially where they had to be lowered 70 feet to the water, and it is not the man who serves three years on a deck of a steamer but it is the man who has spent all of his time, perhaps from his boyhood, in handling small craft in the rough waters of the coast but who can not rate as able seamen under the provisions of the bill, and I hope that language will be amended to cover those cases.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics on cotton.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 23515. An act granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 20601. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station, an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof; and

H. J. Res. 220. Joint resolution to grant American citizenship to Eugene Prince.

EXTENSION OF REMARKS.

Mr. RAINEY. Mr. Speaker, I want to ask unanimous consent to print in the CONGRESSIONAL RECORD an article which appeared recently in the American Anti-Socialist on the subject of socialism, together with the list of books on the subject of socialism.

Mr. MANN. Mr. Speaker, I do not know I should object to the request if the request was made so that anyone could hear what the gentleman says or if the Chair would state what the request is.

Mr. RAINEY. It is to print in the CONGRESSIONAL RECORD an article which appeared recently in the Anti-Socialist on the subject of socialism, together with a list of books on the subject of socialism. Both articles are very brief, and I desire to have them printed in connection with the speech of the gentleman from Wisconsin [Mr. BENNET].

Mr. MANN. I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned to meet to-morrow, Friday, July 19, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimate of appropriation incident to the temporary removal of the force employed in the customhouse at Boston, Mass. (H. Doc. 874), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 4860) to satisfy certain claims against the Government arising under the Navy Department, reported the same with amendment, accompanied by a report (No. 1026), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 17256) to fix the status of officers of the Army detailed for aviation duty, and to increase the efficiency of the aviation service, reported the same without amendment, accompanied by a report (No. 1021), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 25764) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry, reported the same with amendment, accompanied by a report (No. 1022), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15626) to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation, reported the same with amendment, accompanied by a report (No. 1027), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DUPRÉ, from the Committee on the Judiciary, to which was referred the bill (H. R. 25342) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, reported the same without amendment, accompanied by a report (No. 1024), which said bill and report were referred to the House Calendar.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, reported the same without amendment, accompanied by a report (No. 1023), which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 333) to authorize the loan of obsolete Springfield rifles, etc., to the Historical Pageant Committee, Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 1020), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PEPPER: A bill (H. R. 25824) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the District Court of the United States for the District of Delaware in the suit of the United States against the E. I. Du Pont De Nemours & Co. and others, and extend the time for taking such appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 25825) for the establishment of a uniform system of weights and measures in the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. SABATH: A bill (H. R. 25826) prohibiting the transmission of messages regarding horse racing; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 25827) to reserve rights of way for development of power in patents granted

for allotted or surplus Indian lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. STEENERSON: A bill (H. R. 25828) to prevent monopoly in the coastwise trade between the Atlantic and Pacific ports of the United States via the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 25829) to permit second homesteads in certain cases, and for other purposes; to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 25830) to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. FOSS (by request): A bill (H. R. 25831) to prevent accidents on the ocean; to the Committee on the Merchant Marine and Fisheries.

By Mr. FAISON (for the Committee on the Merchant Marine and Fisheries): A bill (H. R. 25832) to establish fish-hatching and fish-culture stations in various States in the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRISON of New York: A bill (H. R. 25833) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 25834) imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs; to the Committee on Ways and Means.

By Mr. LINDBERGH: Resolution (H. Res. 638) to provide for the appointment of a standing committee to be known as the Committee on Industrial Relations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25835) granting a pension to Rebecca Getz; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25836) granting an increase of pension to Elizabeth Emery; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 25837) granting an increase of pension to Isabella Chiles; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 25838) for the relief of heirs of Joseph Sivley, deceased; to the Committee on War Claims.

By Mr. FERGUSSON: A bill (H. R. 25839) to correct the military record of Ramon Padilla; to the Committee on Military Affairs.

Also, a bill (H. R. 25840) to correct the military record of Juan Ocaña; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 25841) granting an increase of pension to William Lyers; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25842) to correct the military record of Elijah Dicerson; to the Committee on Military Affairs.

Also, a bill (H. R. 25843) granting an increase of pension to David Gruber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25844) granting an increase of pension to Richard Starr; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 25845) for the relief of James A. Jenks, jr., and Susie E. Haswell; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 25846) granting a pension to Thomas J. Riley; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 25847) granting an increase of pension to Thomas S. Gunn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25848) for the relief of Mary G. Lane; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 25849) for the relief of John Brodie; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 25850) for the relief of A. Landreth; to the Committee on War Claims.

Also, a bill (H. R. 25851) granting a pension to Henry Mason; to the Committee on Pensions.

Also, a bill (H. R. 25852) for the relief of the legal representatives of William Harris; to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 25853) granting a pension to Henry Kline; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 25854) granting a pension to Augusta Friedlin; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25855) granting a pension to Ella A. Robison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25856) granting a pension to Martha Jane Bell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Clara Society, No. 201, of Chicago, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Rev. Charles C. Eyster and official board of the Oak Chapel Methodist Episcopal Church, Wooster, Ohio, protesting against the restoration of the Army canteen; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of heirs of Joseph Sirley, of Madison County, Ala.; to the Committee on War Claims.

By Mr. CALDER: Petition of the Imperial Chemical Manufacturing Co., of New York, protesting against the passage of the Richardson bill (H. R. 14000); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Printing Trades Council of New York, protesting against the passage of Senate bill 6850, a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Hebrew Veterans of the War with Spain, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Spanish War Veterans, favoring legislation pensioning widows and orphans of the Spanish-American War; to the Committee on Pensions.

Also, petition of the M. B. Brown Printing & Binding Co., New York, protesting against the passage of any parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Piano Merchants of America, protesting against the passage of any bill affecting price maintenance; to the Committee on Patents.

Also, petition of the Philadelphia Chamber of Commerce, favoring investigation of all foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Naval Militia, New York, favoring passage of House bill 2588, relative to placing the Naval Militia on the same basis as the National Guard; to the Committee on Naval Affairs.

By Mr. CARY: Petition of the Grand Lodge Free and Accepted Masons of the State of Wisconsin, favoring passage of House joint resolution 271, relative to placing insignia on tombstones in national cemeteries; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Louvisa McClure, widow of James McClure, late of Company I, Second Regiment New York Cavalry; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Frank M. Bunch, president Board of Trade of the City of Chicago, in opposition to any legislation restricting speculative dealing in grain; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: Petition of citizens of Jersey City, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Simpson-Crawford Co. and the Fourteenth Street Store, New York, protesting against the passage of Senate bill 6850, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill turning the powder-house lot over to the city of St. Augustine for a public park; to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, favoring passage of legislation giving the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill turning the

powder-house lot over to the city of St. Augustine as a public park; to the Committee on Military Affairs.

By Mr. REYBURN: Petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring legislation making a public park of the powder-house lot; to the Committee on Military Affairs.

By Mr. SULZER: Petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill giving the powder-house lot as a public park; to the Committee on Military Affairs.

Also, petition of the Shorthand Club, of New York (Inc.), protesting against passage of House bill 4026, providing for appointment of shorthand reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of the Washington Chamber of Commerce, Washington, D. C., urging action on legislation relative to the District of Columbia; to the Committee on the District of Columbia.

By Mr. YOUNG of Texas: Petition of the Van Zandt County Union, of Texas, favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Van Zandt County Union, of Texas, favoring legislation creating a legal tender for debt, to be circulated independent of the banking system; to the Committee on Banking and Currency.

SENATE.

FRIDAY, *July 19, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEASE OF POWER SITES (S. DOC. NO. 880).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Interior, transmitting in response to a resolution of February 5, 1912, certain information relative to the number of power sites which have been leased within and without forest reservations, the quantity of power available in each, the length for which leases have been made, the amount of power sold, and the revenues derived therefrom, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

CIVIL-SERVICE EMPLOYEES FROM NEW HAMPSHIRE (S. DOC. NO. 879).

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 14th ultimo, a statement of the number of persons in the departments and independent offices in Washington, D. C., appointed from the State of New Hampshire, which was ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Journeymen Barbers' Local Union No. 117, of Moline, Ill., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 580, International Brotherhood of Locomotive Engineers, of Chicago, Ill., and a petition of Local Division No. 32, International Brotherhood of Locomotive Engineers, of Aurora, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

LEWIS LEMERT.

Mr. JONES, from the Committee on Military Affairs, to which was referred the bill (S. 2024) for the relief of Lewis Lemert, submitted an adverse report (No. 950) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. LODGE. I introduce a bill which I ask may be read twice by its title and referred to the Committee on Claims, with the request that it may be included by the committee in the resolution referring cases to the Court of Claims for adjudication.

The bill (S. 7336) for the relief of the stockholders of the First National Bank of Newton, Mass., was read twice by its title and referred to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 7337) to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND:

A bill (S. 7338) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Commerce.

By Mr. ROOT:

A bill (S. 7339) to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Finance.

By Mr. JOHNSON of Maine:

A bill (S. 7340) granting an increase of pension to Willard R. Merrill; and

A bill (S. 7341) granting an increase of pension to Albert T. Wharton (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign governments to send representatives to the Fourth International Congress on School Hygiene; to the Committee on Foreign Relations.

OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CRANE submitted an amendment proposing to appropriate $1,500 for one-half of the cost of construction of a sidewalk on Revere Street, bordering the property of the Government at Fort Banks, Mass., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

THE FOREST SERVICE.

Mr. OVERMAN submitted the following resolution (S. Res. 362), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of five Senators, to be appointed by the Presiding Officer of the Senate, is hereby authorized and directed to inquire into and investigate all expenditures in the Forest Service of the Department of Agriculture, to report to the Senate thereon, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expenses in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

ALLOTTEES OF THE FIVE CIVILIZED TRIBES

Mr. GAMBLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with the following amendment:

"*Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death."

ROBERT J. GAMBLE,
MOSES E. CLAPP,
WILLIAM J. STONE,
Managers on the part of the Senate.

JOHN H. STEPHENS,
J. M. GUDGER, Jr.,
CHARLES H. BURKE,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On July 17, 1912:

S. 7015. An act to provide American registry for the steamer *Damara;* and

S. 23. An act to authorize the extension of Underwood Street NW.

On July 19, 1912:

S. 4913. An act to provide for the payment of drainage assessments on Indian lands in Oklahoma.

PENOBSCOT RIVER BRIDGE, MAINE.

Mr. MARTIN of Virginia. Mr. President, there is a little matter for which I desire consideration and which will occupy but a few moments. I ask unanimous consent for the present consideration of Senate bill 6763.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, in section 1, page 1, line 8, after the word "part," to insert "upon plans to be approved by the Secretary of War," so as to make the section read:

That the city of Bangor and the city of Brewer, both being municipal corporations organized under the laws of the State of Maine and located in the county of Penobscot, on opposite sides of the Penobscot River, in said State of Maine, and the successors in interest of said cities, are hereby authorized to construct and reconstruct, wholly or in part, upon plans to be approved by the Secretary of War, and maintain and operate a bridge and necessary and convenient approaches thereto and abutments and piers therefor across and in said Penobscot River, substantially in the location of the present highway bridge between said cities, without having or constructing any draw or other means therein for the passage of navigation or shipping other than what may pass between the approaches and piers and under the spans of such bridge as the same may be constructed or reconstructed.

The amendment was agreed to.

The next amendment was, on page 2, after line 9, to strike out:

SEC. 2. That such portion of the said Penobscot River and so much of its waters as lie upstream from and under the bridge authorized by this act, and under and between the respective approaches, abutments, and piers of said bridge as the same are now or may be hereafter constructed or reconstructed in substantially the present location, be, and the same are hereby, declared for the purposes of this act and for the purposes of the bridge authorized by this act to be not navigable waters of the United States within the meaning of the laws of Congress to regulate the construction or relating to the maintenance or operation of bridges over navigable waters and for the preservation and protection of such waters.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. WARREN. I ask the Senate to take up House bill 25069, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The Secretary will resume the reading of the bill at line 12, page 161, the point reached yesterday in the reading.

The reading of the bill was resumed and concluded.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Kenyon	Root
Bacon	Culberson	Lodge	Shively
Bailey	Cullom	McCumber	Smith, Ariz.
Borah	Cummins	Martin, Va.	Smith, Ga.
Bourne	Dillingham	Martine, N. J.	Smith, Mich.
Bradley	Fall	Massey	Smith, S. C.
Brandegee	Fletcher	Myers	Smoot
Bristow	Gallinger	Oliver	Stone
Bryan	Gamble	Overman	Sutherland
Burnham	Gardner	Page	Swanson
Burton	Gronna	Payntar	Thornton
Catron	Heyburn	Perkins	Tillman
Chamberlain	Johnson, Me.	Poindexter	Warren
Clapp	Johnston, Ala.	Pomerene	Wetmore
Clark, Wyo.	Jones	Reed	Works

Mr. THORNTON. I announce the absence of my colleague [Mr. FOSTER] on account of illness, and I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present.

The first amendment of the Committee on Appropriations was, under the head of "Executive," on page 2, after line 16, to insert:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $225,000.

Mr. WARREN. I ask unanimous consent to pass over the first amendment to the bill, and I ask the Secretary to proceed to state the next amendment.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent to pass over the first amendment on page 2, beginning in line 17. Is there objection? The Chair hears none.

The next amendment was, under the head of "Under the Treasury Department," subhead "Public buildings," on page 9, line 15, after the word "limit," to strike out the sum "$1,000" and insert "$15,000," so as to make the clause read:

Greenville, N. C., post office: For commencement of building under present limit, $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

Kansas City, Kans.: For rental of temporary quarters pending the completion of the extension authorized at Kansas City, Kans., $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 15, to strike out "New York, N. Y., appraisers' stores: For removing the board of appraisers to the second floor and installing metal conduits and wiring, fire-alarm system, controllable standpipe or sprinkler system, and inclosing elevator shafts, $75,000," and in lieu thereof to insert:

New York, N. Y., appraisers' stores: For installing metal conduits and wiring, fire-alarm system, controllable standpipe or sprinkler system, inclosing elevator shafts, and providing the building with outside fire escapes on each of the four sides, $75,000.

The amendment was agreed to.

The next amendment was, at the top of page 17, to insert:

Philadelphia, Pa., Mint building: For a new roof along Spring Garden Street side, $15,000.

The amendment was agreed to.

The next amendment was, on page 24, line 16, after the word "contract," to strike out the sum "$625,000" and insert "$650,000," so as to read:

For repairs and preservation of public buildings: Repairs and preservation of customhouses, courthouses, and post offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Alaska, buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings, and other public buildings and the grounds thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $650,000.

Mr. OVERMAN. As I understand, by unanimous consent we are now considering only committee amendments.

Mr. WARREN. We are now considering committee amendments. That is all we have to consider, because the reading of the bill has been completed.

Mr. OVERMAN. The question is whether other amendments can now be offered.

Mr. WARREN. I think we should first consider the amendments of the committee.

Mr. OVERMAN. I myself think so, but the way we have been doing is rather informal, and, therefore, I make this inquiry. I do not know whether we are going to first consider committee amendments, as we formerly have been doing, or whether the bill is now subject to all amendments.

Mr. WARREN. I will say, for the information of the Senate, that the chairman prefers to go on through with the committee amendments, including such small formal matters which have since been submitted to the committee, as may be reached in the reading of the bill. When that is done, the bill will be open to amendment by all Senators.

Mr. OVERMAN. I am in perfect accord with that, and I merely wanted to have an understanding about it.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment was, on page 25, line 16, after the word "repairs," to strike out the sum "$440,000" and insert "$465,000," so as to make the clause read:

Mechanical equipment for public building: For heating, hoisting, plumbing, gas piping, ventilating, and refrigerating apparatus, electric-light plants, vacuum cleaning systems, interior pneumatic-tube, conduit, wiring, call-bell, and signal systems and repairs to the same, for all public buildings, including buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, and including not exceeding $40,000 for marine hospitals and quarantine stations, and not exceeding $9,000 for the Treasury, Butler, and Winder Buildings, at Washington, D. C., and including not exceeding $10,000 for maintenance, changes in and repairs of pneumatic-tube system between the appraiser's warehouse at Greenwich, Christopher, Washington, and Barrow Streets and the new customhouse in Bowling Green, Borough of Manhattan, in the city of New York, including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance, changes, or repairs, $465,000.

The amendment was agreed to.

The next amendment was, on page 26, line 3, after the word "Massachusetts," to strike out "$17,000" and insert "$20,000," so as to make the clause read:

Electrical protection to vaults, public buildings: For installation and maintenance of electrical burglar-alarm devices authorized by the sundry civil appropriation act approved March 3, 1903, including the post office and courthouse at Chicago, Ill., and the post office and subtreasury at Boston, Mass., $20,000.

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask at this time unanimous consent that the Secretary in completing the bill shall be authorized to correct all totals so that they may represent the sum of the various amendments adopted.

The PRESIDENT pro tempore. Without objection, that order will be made.

The next amendment was, on page 26, line 16, after the word "exceeding," to strike out the sum "$142,920" and insert "$144,700," so as to read:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537, pt. 1): For additional salary of $1,000 for the Supervising Architect of the Treasury for the fiscal year 1913, for the specific salaries for the personal services in the office of the Supervising Architect of the Treasury, set forth under said office in the legislative, executive, and judicial appropriation act for the fiscal year 1913 (not exceeding $144,700).

The next amendment was, in the item of appropriation for "General expenses of public buildings," on page 26, line 25, before the words "per annum," to strike out "$2,200" and insert "$2,500," so as to read:

For compensation of computers and estimators, at rates of pay from $1,600 to $2,500 per annum.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "General expenses of public buildings," on page 28, line 16, after the sum "$656,920," to insert the following proviso:

Provided further, That hereafter members of the field force of the office of the Supervising Architect, including supervising superintendents, superintendents, junior superintendents, and inspectors of the several classes, may be detailed to the District of Columbia for temporary duty in connection with the office of the Supervising Architect.

The amendment was agreed to.

The next amendment was, on page 29, after line 6, to strike out:

The act entitled "An act authorizing the Secretary of the Treasury to obtain plans and specifications for public buildings to be erected under the supervision of the Treasury Department, and providing for local supervision of the construction of the same," approved February 20, 1893, commonly known as the Tarsney Act, is repealed: *Provided*, That contracts heretofore entered into under said act shall not be affected by this repeal, and architectural services rendered under such contracts shall be paid for from the appropriation for "Architectural competitions, public buildings," available at the time payment for the particular service rendered is due.

Mr. REED. Mr. President, that amendment proposes to repeal the Tarsney Act. I should like to ask the chairman of the committee why that is proposed?

Mr. OVERMAN. It is proposed by the House to repeal that act.

Mr. REED. The statement of amendments is proceeding so rapidly that I did not understand the amendment. I am informed this amendment restores the Tarsney Act.

The PRESIDENT pro tempore. Without objection the amendment is agreed to.

The next amendment was, under the subhead "Life-Saving Service," on page 32, line 9, to increase the appropriation for pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, etc., from $1,960,000 to $2,031,620.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 32, line 15, after the word "engineers," to insert "two civilian instructors," so as to read:

For expenses of the Revenue-Cutter Service: For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, two constructors, cadets, cadet engineers, two civilian instructors, and pilots employed, and rations for pilots.

The amendment was agreed to.

The next amendment was in the item of appropriation for the expenses of the Revenue-Cutter Service, on page 33, line 7, after the words "St. Marys River," to insert "for temporary leases and improvement of property for revenue-cutter purposes," so as to read:

For maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $5,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding $150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $2,280,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to strike out:

No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.

Mr. REED. Mr. President, what is the meaning of that? The words stricken out are:

No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.

Mr. WARREN. Mr. President, there seemed to be a move, which did not have momentum enough to carry it through, to do away with the Revenue-Cutter Service, and consequently these lines were put in by the other House. Subsequent consideration of that matter, certainly the consideration given to it by the committee of the Senate, seemed to indicate that the time had not come to do away with the Revenue-Cutter Service, so we struck those lines out in order that the conferees on the part of the Senate may compare the information they have with the information the other House has, to see whether or not that provision should be retained.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I desire to offer an amendment, on behalf of the committee, to the paragraph now under consideration.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, line 15, it is proposed to strike out "$2,260,000" and insert in lieu thereof "$2,280,000."

Mr. OVERMAN. I inquire is that for the purpose of correcting a total?

Mr. WARREN. No; that covers an addition. The matter was overlooked in some of the papers when we were preparing the bill; it is an addition of $20,000 to the amount for the Revenue-Cutter Service.

Mr. OVERMAN. Is that estimated for?

Mr. WARREN. Yes; in fact, more than that was estimated for. There is also $10,000 to be added in the next item.

Mr. OVERMAN. What is the reason for adding that $20,000 to the item of $2,260,000?

Mr. WARREN. If the Senator wishes we can refer back to the papers, but it is a clear case. If they are to pay all the

stated accounts that must be paid, the additional amount will be required.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I also offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, line 19, it is proposed to strike out "$165,000" and insert "$175,000," so as to read:

For repairs to revenue cutters, $175,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Engraving and Printing," on page 35, after line 4, to insert:

Hereafter the proviso of the act of July 1, 1898 (30 Stats. L., 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the backs and tints of all United States bonds, the backs and tints of all United States paper money, and the backs and tints of bonds and paper money issued by any of the insular possessions of the United States, any or all of which shall be printed from intaglio plates and on such plate printing presses as may be directed by the Secretary of the Treasury, said presses to be operated by plate printers, except that checks and tints may be printed by any desired process: *Provided*, That the backs of all United States paper money shall be printed from four-subject plates, and the faces of all internal-revenue stamps now printed from intaglio plates on hand-roller or power plate printing presses shall continue to be printed from intaglio plates on hand-roller or power plate printing presses, as the Secretary of the Treasury may determine, said presses to be operated by plate printers: *Provided further*, That should the Secretary of the Treasury decide to print on the aforesaid power plate printing presses any of the classes of work hereinbefore permitted to be printed on such presses, not more than one-fifth of the total number of hand-roller presses required to produce the estimated quantity of such work in any fiscal year shall be displaced in such fiscal year: *Provided further*, That the Secretary of the Treasury may, in his discretion, apply motors to hand-roller presses that are now, or may hereafter be, operated in the Bureau of Engraving and Printing, but such presses, if equipped with motors, shall be regarded as hand-roller presses within the meaning of this act.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

Mr. HEYBURN. I should like to ask a question. My attention was distracted. What was done with the amendment on pages 35 and 36?

The PRESIDENT pro tempore. It was agreed to.

Mr. HEYBURN. I should only agree to it for the reason that it is a small step in the direction of correcting a wrong existing.

The next amendment was, under the subhead "Miscellaneous objects, Treasury Department," on page 37, line 7, after the word "violations," to strike out the sum "$140,000" and insert "$150,000," so as to read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $150,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 9, to insert:

Special witness of destruction of United States securities: For pay of the representative of the public on the committee to witness the destruction by maceration of Government securities, at $5 per day while actually employed, $1,565.

Mr. HEYBURN. I ask the chairman of the committee whether that should not be so amended as to provide for a superintendent of the laundry in which the money of the United States is being laundered under the existing system. I inquire whether the word "maceration" would include that.

Mr. WARREN. That is taken care of in another place. The item that we insert here is not new, but is one which was inadvertently left out on the House side.

Mr. HEYBURN. I recognize it as not being new, but what I had in mind was the statement, I think official or semiofficial in its character, in regard to laundering the money. I believe that term is used officially.

Mr. WARREN. I think the Senator will find, before the completion of the bill, or if he will read it now, that that is provided for otherwise.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 40, line 22, after the word "employed," to strike out the sum "$2,450,000" and insert "$2,570,000," so as to read:

For operating force for public buildings: For the pay of such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, and of sites for public buildings, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lamplats, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $2,570,000.

The amendment was agreed to.

The next amendment was, on page 41, line 25, after the word "contract," to strike out the sum "$800,000" and insert "$900,000," so as to read:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric light fixture, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric fixtures for new buildings, exclusive of personal services, except for work done by contract, $900,000.

The amendment was agreed to.

The next amendment was, on page 42, line 23, after the words "assay offices," to strike out the sum "$1,550,000" and insert "$1,600,000," so as to read:

Operating supplies for public buildings: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for lighting and power purposes, telephone service for custodians' forces, removal of ashes and rubbish, snow and ice, cutting grass and weeds, washing towels, etc., and for miscellaneous items for the use of the custodians' forces in the care of public buildings and the grounds thereof, and in the care of the equipment and furnishings in such buildings; and for miscellaneous supplies for the operation (not including repairs) of the mechanical equipment, including heating, hoisting, ventilating and plumbing systems and apparatus, and electric-lighting plants for all public buildings under the control of the Treasury Department, including new buildings and the customhouse at Washington, D. C., but not including any other public building within the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, $1,600,000.

The amendment was agreed to.

The next amendment was, on page 43, line 25, after the words "bounty laws," to insert "for purchase and exchange of typewriters," so as to read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, for purchase and exchange of typewriters, and for no other purpose whatever, except in the protection of the person of the President of the United States, $135,000.

The amendment was agreed to.

The next amendment was, on page 44, after line 19, to insert:

To enable the Secretary of the Treasury to pay to the National Irrigation Congress, to assist in defraying the expenses of the twentieth annual meeting of said congress, to be held at Salt Lake City, Utah, commencing September 30, 1912, $10,000.

Mr. WARREN. I move to amend the amendment by striking out, on page 44, line 21, the word "National" and inserting "International" in its place.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Customs Service," on page 44, line 23, after the word "customs," to strike out the sum "$4,650,000" and insert "$5,000,000," so as to read:

To defray the expenses of collecting the revenue from customs, $5,000,000, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1913.

The amendment was agreed to.

The next amendment was, on page 45, after line 15, to strike out:

Section 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1913.

The amendment was agreed to.

The next amendment was, on page 45, after line 19, to strike out:

The President is authorized to reorganize the customs service and cause estimates to be submitted therefor on account of the fiscal year 1914 bringing the total cost of said service for said fiscal year within a sum not exceeding $10,150,000 instead of $10,500,000, the amount authorized to be expended therefor on account of the current fiscal year 1912; in making such reorganization and reduction in expenses he is authorized to abolish or consolidate collection districts, ports, and supports of entry and delivery, to discontinue needless offices and employments, to reduce excessive rates of compensation below amounts fixed by law or Executive order, and to do all such other and further things that in his judgment may be necessary to make such organization effective and within the limit of cost herein fixed; such reorganization shall be communicated to Congress at its next regular session and shall constitute for the fiscal year 1914 and until otherwise provided by Congress the permanent organization of the customs service.

Mr. REED. I wish to inquire of the chairman of the committee why the provision is stricken out which authorizes the reorganization of the customs service.

Mr. WARREN. There are two paragraphs. The first one refers to the continuing annual appropriation of $5,500,000. The first part of the next paragraph is to authorize the President to make a reorganization, but the latter part of it carries with it a power that the committee on consideration believed ought to be curtailed. Hence they struck out those paragraphs so that in conference there might be an assembling of the wisdom of both sides and the information to see, if any legislation should be deemed necessary, whether it could be less drastic.

Mr. REED. Do I understand that the committee is not opposed to the principle but think it is too drastic, and their purpose is in conference to agree upon some modified form?

Mr. WARREN. The committee is in harmony with the idea to economize if possible, but it did not consider, with the information which came later, that the language of the House should go unchanged.

I will say to the Senator from Missouri that a thing of this kind comes like lightning from a clear sky to those who are brought under it, it not having been contemplated, and is not known until it comes out in the bill when printed in the House. Then follows testimony from the other side, which was not then before the House; hence they come to the Senate, and therefore it is often necessary, even when we are in harmony on the main issue, to strike out the language in order to get it in conference. If we pass any language here just as it has been passed upon the other side, then we are bound by it, of course.

Mr. REED. With the understanding that that is the position of the committee, I have no objection. I think something of that kind ought to be done.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health and Marine-Hospital Service," on page 47, line 12, after the words "medical officers," to strike out "$200,000" and insert "$225,000," so as to make the clause read:

For pay of acting assistant surgeons (noncommissioned medical officers), $225,000.

The amendment was agreed to.

The next amendment was, on page 47, line 15, after the word "expenses," to insert "including the expenses of medical officers when officially detailed to attend meetings of associations for the promotion of public health," so as to make the clause read:

For freight, transportation, and traveling expenses, including the expenses of medical officers when officially detailed to attend meetings of associations for the promotion of public health, $30,000.

Mr. OVERMAN. Mr. President, this seems like a small matter, but I do not think we ought to pay the traveling expenses of these medical officers to go up and down the country attending meetings of all the associations in the States. When a medical officer is sent on official duty to any point it is all right, but we should not provide here so as to allow the medical officers to attend every little State association, to go to some watering place. They hold their associations all over the country at such places. One will be held in Asheville, N. C.; another in San Francisco; and they are held all over the country. I do not think that the public health of the country will be helped by this payment by the taxpayers of the expenses of some medical officer to take a trip to Asheville or some other watering place. I do not think it ought to be allowed.

Mr. SMOOT. The Senator no doubt remembers that all such appropriations for the Forestry Service and the Geological Survey have already been stricken from the bill. But this item carries $30,000 for the promotion of the public health among other things. The act of July 1, 1902, requires the holding of annual conferences of the health authorities of the States and Territories and the District of Columbia with the Public Health and Marine-Hospital Service, and in addition authority for calling of conferences of State and Territorial boards of health, and upon application of not less than five State and Territorial boards of health, quarantine authority must call a conference.

Mr. OVERMAN. It is not confined to that. The language is:

For freight, transportation, and traveling expenses, including the expenses of medical officers when officially detailed to attend meetings of associations for the promotion of public health.

Any sort of an association is included.

Mr. SMOOT. No.

Mr. OVERMAN. Any sort of an association to be held is included under this language.

Mr. SMOOT. No; only conferences for the promotion of the public health.

Mr. OVERMAN. All these associations are for the promotion of public health. There is a tuberculosis association, an osteopath association, and every kind of association for the promotion of public health. Therefore, when you provide that they shall have their expenses paid to attend these associations, they will attend them and have a good time. The other doctors pay their expenses and are glad to go. They go to San Francisco, they go to Denver, they go to Asheville, to this place and that place, just to have a good time, and they all pay their expenses. Why should the Government pay the expenses of medical officers to attend all these associations? If there was to be one association held for the promotion of public health by the Government itself, that would be all right, and full authority is granted for that in the language put in by the House.

Mr. WARREN. Mr. President, I sympathize in some degree with what my colleague on the committee says, but unfortunately we are in a conflict of legislation. As the Senator says, this provides for transportation and traveling expenses to conferences and conventions. In the District of Columbia appropriation bill, lately passed, there was a provision which prevents the payment of all expenses of this nature. Hence, almost every department and bureau has assailed the committee, asking that that particular department or bureau's privilege be restored. We so far have not consented to it except in two cases, this one of the medical officers who, under the law, have to travel, and we felt that it was a dangerous project to refuse it. The other case is that of the Bureau of Mines, where the information has to be carried to the miner as he is at the mine, the rescue cars, and so forth. I will say to the Senator that this one and the other relating to mines are the only two provided for.

Mr. OVERMAN. All the medical officers under the Public Health and Marine-Hospital Service are included, and there may be hundreds of associations to attend.

Mr. WARREN. We do not increase the amount.

Mr. OVERMAN. Then, contract the language so that they can go to only one association a year.

Mr. SMOOT. I think there are more conferences than one a year held under the law. I call the Senator's attention to the fact, also, that the amount has been greatly reduced. The Public Health and Marine-Hospital Service say it will be impossible to get along with less than this amount. The quarantine authorities attend these conferences, which are compelled to be held under the law.

Mr. OVERMAN. The associations are compelled to be held?

Mr. SMOOT. Yes.

Mr. OVERMAN. How compelled to be held?

Mr. SMOOT. They are compelled under the act of July 1, 1902, which provides an annual conference, and oftener if requested by five States or Territories. I will say that they are very important gatherings, as is demonstrated by the reports published of the meetings.

Mr. OVERMAN. The men generally who gather there have not their expenses paid.

Mr. SMOOT. No; outside of the Government service they have not, unless the State——

Mr. OVERMAN. If these officials want to go let them go and pay their own expenses.

Mr. SMOOT. As to the others, they pay their own expenses, unless the States and boards of health of the different States pay their expenses. As to that I am not advised.

Mr. OVERMAN. We do not pay their expenses in my State. They generally go without having their expenses paid for them, and they are glad to go, and they have a good time. The meeting of the association is held in some watering place, and they not only have a good time, but the meeting is beneficial to the public. What I complain of is that they do not pay their expenses and that the Government should pay the expenses of all these officers for the purpose of going to these associations. There is no provision limiting it to one association.

Mr. SMOOT. The amount appropriated is only $30,000.

Mr. OVERMAN. But $30,000 would pay the traveling expenses to a good many associations.

Mr. SMOOT. I am not really positive that members of the medical associations of the different States have not their expenses paid either by the medical association of the State or by the State itself.

Mr. OVERMAN. This would allow them to go to every State association in the United States that meets in a State, not only to a national association. They could go to the national association, but every State has an association, and these officers can have their traveling expenses paid to go all over this country, from California to Maine, and attend every association in the country.

Mr. REED. Take a vacation.

Mr. OVERMAN. Yes; take a vacation; that is what it is; and to have a good time.

Mr. NEWLANDS. May I ask the Senator from North Carolina, in view of the fact that the National Government has entered upon this question of public health and is expending a large amount of money, aggregating nearly half a million dollars, and has practically entered upon a system of cooperation with the various State and municipalities in the work of advancing the public health, creating a kind of chain between the State, municipal, and National Governments, does he not think it wise to use some method and go to some expense?

Mr. OVERMAN. It is always reaching out for money. Everybody wants to reach out for money.

Mr. NEWLANDS. It is simply with a view of bringing them together so that they can exchange ideas and really accomplish something under this scheme for the improvement of the public health. Will we accomplish our purpose unless we bring these people together?

Mr. OVERMAN. We have accomplished it heretofore. These men have been going about and delivering lectures, but now they want their expenses paid. I do not want to criticize the board at all, but it seems to me that the taxpayers of the country ought not to pay the expenses of these doctors in traveling all over this country to the different associations to have a good time. I object to it. I ask the Senate to disagree to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee on page 47.

Mr. SMOOT. I ask the Senator whether he desires to strike out the whole provision? The House provided "for freight, transportation, and traveling expenses, $30,000."

Mr. OVERMAN. We know what the House language means, and if we had not known it we would not have agreed to it; but you propose to add "including the expenses of the medical officers when officially detailed to attend meetings of associations for the promotion of public health."

The language of the House means necessary traveling expenses when the superintendent sends a doctor down about yellow fever, or one is sent to this or that place. It is right, when they are sent out for the public benefit, of the health of the country, that their expenses should be paid, but here you add including expenses to attend associations. How many associations? What association? Where and when? I think the House language is sufficient to pay the traveling expenses when they are sent out upon public business.

Mr. WARREN. Will the Senator allow me? The bill in the House was made up before the District appropriation bill was finished. If the Senator will look at the inhibition in the District bill he will see why it was necessary to put in this language.

Mr. OVERMAN. I do not understand why the District bill has any connection with this bill.

Mr. WARREN. In the District bill there is legislation which covers all the departments.

Mr. OVERMAN. General legislation on the District of Columbia appropriation bill to cover all departments of the Government! That is very strange.

Mr. WARREN. With all deference to the members of that subcommittee and our own committee, of which the Senator from North Carolina is a conspicuous and industrious member, I do not think they had any business to put that kind of legislation in that kind of a bill, but they did it.

Mr. OVERMAN. I am very much surprised to learn that. I should like to know what the provision is.

Mr. REED. That is what I rose to inquire.

Mr. WARREN. The provision prohibits payment of any expenses of officers or employees of departments of the Government attending meetings. It makes a very sweeping inhibition.

Mr. OVERMAN. And this is intended to repeal that?

Mr. WARREN. One moment. When the House made up the bill and put in the language exactly as it appeared—

For freight, transportation, and traveling expenses, $30,000—

I assume they did not intend to cripple the service. Now, as this bill would leave it, it inhibits all the departments in Washington except those that are excepted in this bill, this one and the Bureau of Mines. I believe they are the only two. We have here any amount of testimony from the other departments, for instance, from the Geological Survey. They make a very good case. I thought that since the Senate had given its consent and it had become a law to inhibit these traveling expenses, we would try it for a year, but I hesitated; and I think the members of the committee agreed with me, against a law regulating these medical offices. As there was a conflict of law, we felt that we ought to give them liberty where they were officially detailed as they are here to attend these meetings.

Mr. OVERMAN. I think we all recognize that it has been a crime the way the people in all these departments have been traveling at public expense all over the country. Now, since we have the inhibition in the District appropriation bill, let it stay there. Do not repeal it by a provision in another bill after we adopted that provision.

Mr. SMOOT. I do not believe the Senator would think it fair to have a prohibition put in this bill, as was in the District appropriation bill, preventing the Government of the United States from paying the traveling expenses of its medical officers, compelled as they are to go to all parts of the United States. The law requires that they shall hold these meetings. That is why the exception has been made in this case.

I was in total accord with the Senator in putting in the District appropriation bill a provision prohibiting the expenses being paid of Government employees to attend the meetings of ordinary congresses held in all parts of the country. But we found that where medical officials were detailed to attend a health conference the law prohibits the payment of their traveling expenses, and to obviate that this provision was put in the bill by the committee.

Mr. OVERMAN. Does the Senator think when the law requires them to go to a certain place the language put in the bill by the House is not sufficient to indicate that all their expenses shall be paid?

Mr. SMOOT. Yes; I think the law that we put into the District appropriation bill prevents the payment of their traveling expenses, no matter where they may be sent officially.

Mr. OVERMAN. It provides that where they are sent officially they shall be paid their traveling expenses.

Mr. SMOOT. If the amendment is allowed to remain, it will provide for the payment.

Mr. WARREN. If you strike out the provision recommended by the committee, there will be no authority to pay their traveling expenses, although they are required to go.

Mr. OVERMAN. The language of the bill as passed by the House I propose to leave in——

Mr. WARREN. If the Senator will allow me to read the section in the District appropriation bill, he will then see the point. It is rather peculiar, and I think it will give him more light. Section 8 of that bill reads:

No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association—

Now, if the Senator will notice—

unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation.

Therefore we provide in a general appropriation bill specifically for that and for mining and let the other stand, so far as we are presenting the bill from the committee to the Senate.

Mr. SMOOT. The Senator must also remember that we are not increasing the appropriation a cent. We can not say just how much of this $30,000 will be used for that purpose, but it will be only a very small portion indeed. However, under the law just read by the Senator from Wyoming, it would be impossible to pay them unless we specifically provided for it in this appropriation bill.

Mr. OVERMAN. I think the law is a good law as we made it, because there have been hundreds of thousands of dollars paid out as we know to these people for traveling expenses, even paying association fees. I did not know that was in the District of Columbia appropriation bill. I do not think it has any place there, but it is the law to-day. With the language here in the House bill, "for freight, transportation, and traveling expenses," if you will put in there "for any association provided by law" I am willing to accept it, but with your broad language you can send them to any sort of an association and pay their expenses anywhere to every State, and have them make a junketing trip sometimes.

Mr. GRONNA. I move to amend the committee amendment by adding after the word "attend," in line 17, the word "annual," and after the word "of," in the same line, to add the word "national," so as to read:

Detailed to attend annual meetings of national associations.

Mr. REED. It is impossible to hear on this side.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be stated by the Secretary.

The SECRETARY. In the committee amendment, on page 47, line 17, it is proposed before the word "meetings" to insert the word "annual," and before the word "associations," in

the same line, to insert the word "national," so that if amended the paragraph will read:

For freight, transportation, and traveling expenses, including the expenses of medical officers when officially detailed to attend annual meetings of national associations for the promotion of public health, $30,000.

Mr. WARREN. I wish the Senator would drop the second part, "national," because they might want to attend international associations. I have no objection to the first part of the amendment, the insertion of the word "annual," if the Senator will withdraw the other one.

Mr. GRONNA. I will withdraw the second part of the amendment to the amendment.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from North Dakota to the amendment of the committee.

Mr. REED. Let the amendment be reported as changed.

The PRESIDENT pro tempore. The amendment to the amendment will be stated as modified.

The SECRETARY. Simply before the word "meetings," in line 17, insert the word "annual."

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is now upon the amendment as amended.

Mr. OVERMAN. I offer an amendment to the amendment. It is to add:

Provided, That not more than $3,000 shall be paid for traveling expenses.

Mr. REED. It is not limited to traveling expenses.

Mr. WARREN. The Senator would not have it apply to traveling expenses, because they have to travel under duty. The Senator means to apply it to attending conferences, does he not?

Mr. OVERMAN. I do.

Mr. WARREN. Let the Secretary report the amendment to the amendment.

The PRESIDENT pro tempore. The proposed amendment to the amendment will be reported.

The SECRETARY. At the end of the paragraph add the following proviso:

Provided, That not more than $3,000 shall be paid for the traveling expenses of such medical officers when detailed to attend such annual meeting.

Mr. ROOT. Mr. President, I hope that amendment to the amendment will not be agreed to. The attendance upon such meetings is an absolute necessity to enable medical officers to keep up with the profession. The medical men in private life never fail to keep up with the progress of their science by attending such meetings, and the science of the medical officers employed by the United States has been worth hundreds of millions of dollars within the last few years.

The Senator from North Carolina will remember of what value to his State it has been to be relieved from the necessity of constant quarantine against yellow fever because the medical officers of the United States were abreast of their profession. The meetings of the men who have been studying, reading, experimenting, and engaged in hospital practice in order that they may communicate their knowledge to each other and stimulate each other by association and discussion constitute one of the most effective and valuable elements in the advance of the profession. We should not be niggardly in our treatment of a subject of great public importance like this, a subject in which medical officers of the United States have reflected honor and credit upon our country and have conferred untold blessings upon mankind.

Mr. OVERMAN. Mr. President, I indorse every word the Senator from New York has said.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from California?

Mr. OVERMAN. I do.

Mr. WORKS. I am accused sometimes of being opposed to the increase of the efficiency of the medical service of the Government. That is quite a mistake. So long as we are dependent upon that means of preserving the public health we should make it just as efficient as possible. No Member of the Senate is more ready than am I to support legislation that will bring about that result. The opposition that I have made heretofore has not rested upon any such theory as that. Therefore, if the limitation of the amount of $3,000 is going to cripple the efficiency of the service, I should certainly be disposed to oppose that limitation. I think a great work is to be done through what is called the medical department of the Government in the way of sanitation, and certainly along those lines there should be the greatest possible efficiency.

The PRESIDENT pro tempore. The question is on the amendment to the amendment submitted by the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. Mr. President, I will repeat that I indorse what the Senator from New York [Mr. ROOT] has said; but since the adoption of the amendment of the Senator from North Dakota, I do not see how it can take any more than $3,000 to enable these physicians to attend meetings of national associations. Therefore I withdraw the amendment to the amendment.

The PRESIDENT pro tempore. The amendment of the Senator from North Carolina is withdrawn. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 48, line 3, after the words "Hygienic Laboratory," to strike out the sum "$14,900" and insert "$20,000," so as to make the clause read:

For maintaining the Hygienic Laboratory, $20,000.

The amendment was agreed to.

The next amendment was, on page 48, line 20, after the words "In all," to strike out the sum "$1,656,745" and insert "$1,686,845," so as to make the clause read:

In all, $1,686,845, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act of Congress approved February 20, 1907.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

Marine Hospital Sanatorium, Fort Stanton, N. Mex.: For milk house and cold storage, $4,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to insert:

Honolulu Quarantine Station, Hawaii: For sewerage system and latrines, $35,000.

The amendment was agreed to.

The next amendment was, on page 49, line 7, before the word "Portland," to insert "Eastport and," so as to read:

Quarantine Service: For the maintenance and ordinary expenses, exclusive of pay of officers and employees, of quarantine stations at Eastport and Portland, Me.

The amendment was agreed to.

The next amendment was, on page 50, line 11, after the words "in force," to strike out the sum "$100,000" and insert "$500,000: *Provided*, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress," so as to make the clause read:

Prevention of epidemics: To enable the President of the United States, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague, or black death, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $500,000: *Provided*, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress.

Mr. REED. Mr. President, I desire to ask the chairman of the committee why that radical increase, five times as much as was provided for in the bill as it came from the House, is proposed?

Mr. WARREN. Mr. President, I do not wonder that the Senator from Missouri asks that question. I should do so if I were in his place. I will state to the Senator that the large increase proposed is because of later estimates with reference to the bubonic plague. It is claimed that the bubonic plague is already prevalent to some extent in Porto Rico, and that cases have also been found in Cuba. The desire is to guard every point where ships arrive so as to prevent rats coming ashore, and in that way to quarantine our country against this disease. It is an emergency, and the money will not be spent unless it is necessary to expend it.

Mr. REED. That is satisfactory to me.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 52, line 5, after the word "expenses," to strike out the sum "$250,000" and insert "$350,000"; and, in line 7, after the word "publications," to insert "and $1,500 for the purchase of a fireproof and burglar-proof safe, with triple time lock, for the office of the disbursing agent for the Government branches under the direction of the Smithsonian Institution, including the necessary expenses of installation," so as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $350,000, of which sum $5,500 may be used for necessary drawings and illustrations for publications and $1,500 for the purchase of a fireproof and burglar-proof safe, with triple time lock, for the office of the disbursing agent for the Government branches under the direction of the Smithsonian Institution, including the necessary expenses of installation.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to strike out:

Hereafter all plans and specifications for construction of buildings and bridges in the National Zoological Park shall be prepared by the municipal architect of the District of Columbia.

Mr. WARREN. Mr. President, I have an amendment to offer there, and I now give notice that I shall offer it later. I also desire to give notice that I shall move that the bill be again taken up immediately after the Senate adjourns as a court of impeachment.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDING OFFICER (Mr. GALLINGER). The hour of 12.30 o'clock, to which the Senate, sitting as a court in the impeachment of Judge Robert W. Archbald, adjourned, has arrived. The Sergeant at Arms will make the opening proclamation.

The SERGEANT AT ARMS. Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence on pain of imprisonment while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Robert W. Archbald, additional circuit judge of the United States from the third judicial circuit, designated a judge of the United States Commerce Court.

The PRESIDING OFFICER. The Secretary will now call the names of those Senators who have not been sworn, and such of those Senators as are now present in the Chamber will advance to the desk and take the oath.

The Secretary called the names of Senators who had not been heretofore sworn, and there were no responses.

Mr. CLARK of Wyoming. I offer the order which I send to the desk, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The Senator from Wyoming offers an order, which the Secretary will read.

The Secretary read as follows:

Ordered, That the Secretary inform the House of Representatives that the Senate is sitting in its Chamber and ready to proceed with the trial of the impeachment of Robert W. Archbald.

The PRESIDING OFFICER. Without objection, the order will be agreed to.

Mr. CLARK of Wyoming. Mr. President, I offer the order which I send to the desk, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The Senator from Wyoming offers an order, which will be read.

The Secretary read as follows:

Ordered, That the Presiding Officer on the trial of the impeachment of Robert W. Archbald, circuit judge of the United States, be, and is hereby, authorized to sign all orders, mandates, writs, and precepts authorized by the rules of procedure and practice in the Senate, when sitting on impeachment trials, and by the Senate.

The PRESIDING OFFICER. Without objection, the order is agreed to.

Mr. CULBERSON. I call the attention of the Chair to Rule IX, and suggest that the oath to the returning officer provided for by that rule be administered.

Mr. ROOT. Mr. President, the suggestion of the Senator from Texas is, of course, in due order, but I should think it would be suitable to await the arrival of the managers on the part of the House before taking any further proceeding in the cause.

Mr. CULBERSON. The rule provides that this oath shall be administered at 12.30 o'clock. It makes no reference to the presence of the managers on the part of the House.

The PRESIDING OFFICER. The Chair will venture to make the suggestion that the return has not yet been made, and the oath is to be administered after the return has been made, as the Chair understands.

At 12 o'clock and 37 minutes p. m. the Assistant Doorkeeper announced the managers on the part of the House of Representatives.

The PRESIDING OFFICER. The managers on the part of the House of Representatives will be conducted to the seats assigned them in the area in front of the Secretary's desk.

The managers were conducted to seats provided in the space in front of the Secretary's desk on the left of the Chair, namely, Hon. HENRY D. CLAYTON, of Alabama; Hon. EDWIN Y. WEBB, of North Carolina; Hon. JOHN C. FLOYD, of Arkansas; Hon. JOHN W. DAVIS, of West Virginia; Hon. JOHN A. STERLING, of Illinois; Hon. PAUL HOWLAND, of Ohio; and Hon. GEORGE W. NORRIS, of Nebraska.

The PRESIDING OFFICER. The Sergeant at Arms will notify the counsel for the respondent.

At 12 o'clock and 39 minutes p. m. the respondent, Robert W. Archbald, and his counsel, A. S. Worthington, Esq., and Robert W. Archbald, jr., Esq., entered the Senate Chamber and were conducted to the seats assigned them in the space in front of the Secretary's desk, on the right of the Chair.

The PRESIDING OFFICER. The Secretary will read the Journal of the proceedings of the last session of the Senate while sitting in the trial of the impeachment of Robert W. Archbald.

The Secretary read the Journal of proceedings of the Senate sitting for the trial of the impeachment, of Tuesday, July 16, 1912.

The PRESIDING OFFICER. The Secretary will read the return of the Sergeant at Arms to the summons directed to be served.

The Secretary (Mr. Charles G. Bennett) read the following return appended to the writ of summons:

SENATE OF THE UNITED STATES,
OFFICE OF THE SERGEANT AT ARMS.

The foregoing writ of summons, addressed to Robert W. Archbald, and the foregoing precept, addressed to me, were duly served upon the said Robert W. Archbald, by delivery to and leaving with him true and attested copies of the same at 236 Monroe Avenue, Scranton, Pa., the residence of Robert W. Archbald, on Wednesday, the 17th day of July, 1912, at 11 o'clock and 30 minutes in the afternoon of that day.

DANIEL M. RANSDELL,
Sergeant at Arms United States Senate.

The PRESIDING OFFICER. The Secretary will now administer to the Sergeant at Arms an oath in support of the truth of his return.

The Secretary (Mr. Charles G. Bennett) administered the following oath to the Sergeant at Arms:

I, Daniel M. Ransdell, Sergeant at Arms of the Senate of the United States, do solemnly swear that the return made by me upon the process issued on the 16th day of July, 1912, by the Senate of the United States, against Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge in the Commerce Court, is truly made, and that I have performed such service therein described. So help me, God.

The SERGEANT AT ARMS. I do so swear.

The PRESIDING OFFICER. The Sergeant at Arms will make proclamation.

The SERGEANT AT ARMS. Robert W. Archbald, Robert W. Archbald, Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court: Appear and answer to the articles of impeachment exhibited by the House of Representatives against you.

The PRESIDING OFFICER. Counsel for the respondent are informed that the Senate is now sitting for the trial of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit and designated a judge of the Commerce Court, upon articles of impeachment exhibited by the House of Representatives, and will hear his answer thereto.

Mr. WORTHINGTON. Mr. President, the respondent is here in person and by counsel, and enters a formal appearance, which I will hand to the Secretary.

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

IN THE SENATE OF THE UNITED STATES,
SITTING AS A COURT OF IMPEACHMENT.

UNITED STATES *v.* ROBERT W. ARCHBALD.

The respondent, Robert W. Archbald, having been served with a summons requiring him to appear before the Senate of the United States at their Chamber in the city of Washington, on Friday, July 19, 1912, at 12.30 o'clock in the afternoon, to answer certain articles of impeachment presented against him by the House of Representatives of the United States, now appears in his proper person and also by his counsel, Robert W. Archbald, jr., and Augustus S. Worthington, who are instructed by this respondent to apply to this court for a reasonable time for the preparation of his answer to said articles of impeachment.

R. W. ARCHBALD.

JULY 19, 1912.

The PRESIDING OFFICER. The paper will be placed on file.

Mr. WORTHINGTON. Now, Mr. President, I submit a motion on behalf of the respondent.

The PRESIDING OFFICER. The Secretary will read the motion.

The Secretary read as follows:

IN THE SENATE OF THE UNITED STATES,
SITTING AS A COURT OF IMPEACHMENT.

UNITED STATES *v.* ROBERT W. ARCHBALD.

The respondent, by his counsel, now comes and moves the court to grant him the period of — days in which to prepare and present his answer to the articles of impeachment presented against him herein.

R. W. ARCHBALD, Jr.
A. S. WORTHINGTON.

JULY 19, 1912.

Mr. CLARK of Wyoming. Mr. President, I submit the following order, and ask for its adoption.

The PRESIDING OFFICER. The proposed order will be read.

The Secretary read as follows:

Ordered, That the respondent present his answer to the articles of impeachment at 12 o'clock and 30 minutes post meridian, on the 24th day of July, 1912.

The PRESIDING OFFICER. Senators, are you ready for the question?

Mr. WORTHINGTON. Mr. President, I should like to state that that time seems very short to the counsel for the respondent in view of the number of articles of impeachment which are here and the customs which have been followed heretofore in cases of this kind, and also because of certain circumstances which exist in this case, which I wish to bring to the attention of the court.

In the preliminary hearing which was had on this matter, which occupied a good deal of time and the report of which covers several hundred pages, the respondent was aided not only by the counsel here present, but by two other members of the bar who reside and practice law at Scranton, in which city most of the circumstances arose which are to be investigated in this trial. One of these gentlemen, Mr. Martin, is now lying on his back in a hospital after a surgical operation, from which he is recovering. The other, on account of serious illness, is unable to be here, and is in such a situation that we can not now confer with him.

It was for that reason that in the motion which we made we left blank the number of days which we were to have, to be filled at the pleasure of the court.

I had hoped we might get 20 days for that purpose. As I calculate the time proposed to be given by the order which has just been presented by a member of the court, it would give us but five days, which, I think, would be entirely insufficient, in view of the fact that one of those days is dies non.

On behalf of the respondent and his counsel, I therefore respectfully ask that we be given at least 20 days for the purpose indicated.

Mr. Manager CLAYTON. Mr. President, with the permission of the court I desire to express in a brief way the views of the managers.

After a conference had this morning, the managers reached the conclusion that perhaps four or five days would be ample time to afford the accused the opportunity of fully answering all the articles of impeachment in this case.

With the indulgence of the court, I desire to say that this matter of the impeachment of Judge Archbald has had a thorough sifting on the part of the Committee on the Judiciary of the House of Representatives, at which hearing Judge Archbald was present every day in his own proper person and by his counsel. Among the counsel so present every day were the distinguished gentleman who has just addressed the Chair, Mr. Worthington, and Mr. Robert W. Archbald, jr. The other two gentlemen were there a part of the time, and perhaps all of the time. It appeared on that hearing that Mr. Worthington was the chief counsel. In fact, on that hearing Mr. Worthington conducted nearly all of the cross-examination and made most of the suggestions to the committee.

On the 8th day of the present month the articles of impeachment in this case were presented to the House of Representatives and printed in the RECORD of that date. On the 11th day of the present month the same articles were debated in the House of Representatives, and were there adopted with practical unanimity.

The managers think there is nothing by way of surprise contained in the articles of impeachment. We believe Judge Archbald and his counsel are well informed as to every charge set forth in the articles of impeachment. We think five days—or four days, if one day be excluded on account of its being dies non juridicus—are quite sufficient for Judge Archbald to answer these articles of impeachment. Their nature is fully understood. The testimony which induced the House to adopt these articles is perfectly familiar to the counsel, and perfectly familiar to the accused.

Therefore, on behalf of the managers, I desire to say that we think the time fixed by the resolution which has been proposed by the Senator from Wyoming is sufficient to afford the respondent ample opportunity to make appropriate answer and to do full justice to him in the premises.

Mr. WORTHINGTON. May I add a word, Mr. President?

The PRESIDING OFFICER. Certainly.

Mr. WORTHINGTON. It may not be known to the members of the court that during all my professional life I have resided in this city and have practiced law here. The two gentlemen——

Mr. BACON. Mr. President, I am requested by some Senators who sit in the rear of the Chamber to ask that the counsel be requested to speak in a louder tone.

Mr. WORTHINGTON. I had stated that during my whole professional life I have resided and practiced law in the city of Washington. Mr. Archbald, jr., who is here with me, has practiced law in Philadelphia. The other two gentlemen were associated with us because they lived in Scranton, practiced law in Scranton, and knew the people and the concerns that are involved in this investigation.

While it is true, as Mr. Manager CLAYTON has stated, that I was ordinarily the spokesman of the counsel who represented Judge Archbald before the Judiciary Committee, it was only because these gentlemen were at my elbow, and could furnish me with information at any moment when it was needed of things that I knew nothing about.

Let me say, in addition to that, that the learned manager is mistaken in supposing that there is nothing in these articles of impeachment which surprises counsel for the respondent. As a matter of fact, there are things here, as to which I have had no opportunity to confer with anybody until this morning, which did surprise me, and as to which I never heard until within a few days.

I have gone over the records of previous impeachment trials, of which there are eight or nine, and I believe there is none in which the time for answering was so short as that within which we are here required to answer these 13 articles of impeachment, every one of them differing as to the nature of the charge and as to the facts which are involved.

Mr. CLARK of Wyoming. Mr. President, in behalf of the committee which directed me to present the order, I desire to say that they were aware of the fact that the time was perhaps a little shorter than is usual; but they were somewhat controlled in their action by the fact that the three succeeding days each and all are set aside by the unanimous-consent agreement entered into yesterday for other business. Therefore in presenting the order the time was cut from six days to four.

The PRESIDING OFFICER. Is there objection to the order?

Mr. McCUMBER. Mr. President, it seems to me the time is rather short, and I would ask the Senator who introduced the order if he would object to having the 31st day of July designated as the return day?

Mr. CLARK of Wyoming. The Senator who introduced the order has no personal views whatever upon it. He will be perfectly satisfied with whatever action the Senate, sitting as a court, may see fit to take.

Mr. McCUMBER. To bring the matter to a point where the Senate may act upon a later date, I move to amend the order so that it will read "the 31st day of July."

The PRESIDING OFFICER. The amendment will be stated.

Mr. Manager CLAYTON. Mr. President, may I be permitted to make a remark in this connection?

The PRESIDING OFFICER. The Manager will permit the amendment to be stated.

Mr. Manager CLAYTON. Certainly.

The SECRETARY. It is proposed to strike out the word "twenty-fourth," and in lieu to insert the word "thirty-first," so that if amended it will read:

Ordered, That the respondent present his answer to the articles of impeachment at 12 o'clock and 30 minutes post meridian, on the 31st day of July, 1912.

Mr. Manager CLAYTON. Mr. President, I desire to say that in the last proceeding of this nature before the Senate, in the case of Judge Swayne, seven days were accorded to the accused in which to make his answer. The articles of impeachment in that case, according to my recollection, involved as many if not more things or acts than are involved in this case, or at any rate were fully as many, and seven days was deemed in that case quite sufficient.

I do insist most respectfully on the part of the managers that to postpone it to the time designated in the amendment offered by the Senator from North Dakota would not be doing justice to the views of the House or justice to the views of the managers.

Therefore, the managers respectfully ask that the original proposition offered by the Senator from Wyoming be the action of the Senate.

Mr. LODGE. Mr. President, the time suggested in the resolution offered by the Senator from Wyoming seems to me rather short. We have, as the Senator from Wyoming has stated, three unanimous-consent agreements which carry us from the 24th to the end of that week. I would suggest, therefore, as a modification of the amendment offered by the Senator from North Dakota, that the date be fixed on Monday, the 29th, which is the earliest day possible after the unanimous-consent agreements.

Mr. McCUMBER. I will accept that suggestion and embody it in my amendment.

The PRESIDING OFFICER. The amendment as now proposed will be stated.

The SECRETARY. Strike out the words "the twenty-fourth" and insert in lieu "Monday, the twenty-ninth."

The PRESIDING OFFICER. The question is upon the amendment.

Mr. BACON. Mr. President, I should like to know the attitude of the managers in reference to the proposed date.

Mr. Manager CLAYTON. Mr. President, the managers direct me to say that they are of opinion that 10 days are more than are requisite to do full justice to the accused in this case, and they are of opinion that the time fixed in the original proposition, as offered by the Senator from Wyoming, will afford the accused ample opportunity in which to make his answer; for it must be known, Mr. President, that then perhaps some other proposition may be made by the accused. This matter of the pleadings ought to be settled at an early day. The judge himself is learned in the law. His counsel is learned in the law. They are fully apprised of the nature of these accusations. This is simply now a requirement as to when he shall make his formal answer, no more and no less. I think that the five days afford ample opportunity for the formal answer to be presented to the Senate, and the managers are of that opinion.

Mr. WORTHINGTON. Mr. President, I dislike to continue debate. If the answer to be made in this case were merely a formal answer we could do it now, if all we had to do was to say not guilty. But according to the precedent that is not the form of practice that has been adopted in these impeachment trials. The answers have had more the appearance of an answer in a bill of equity than of a defense in criminal cases. We expect to follow that precedent, and when we answer to answer fully. In order to do that it is important that we should have time to do it properly.

In the one precedent which was referred to by the distinguished manager who has just taken his seat, the last case that was tried here, the time was fixed seven days there because the counsel for the respondent asked that they be given only seven days. Congress was then approaching the 4th of March. It was in February, as I remember, and it was all important to all parties, if the matter was to be finished, that it must proceed at an early date in order to get through by the 4th of March.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Dakota. The Chair is of the opinion that under the rule the yeas and nays have to be taken.

Mr. BAILEY. Mr. President, before the roll is called I want to submit this suggestion: If the answer should be made within the time provided in the order, nothing further will be done, for the reason that the three days immediately following have already been appropriated by the Senate to the consideration of certain tariff bills. If those three days are to be thus occupied, then no good purpose would be served by requiring the answer to be made immediately before those orders that would not be equally served by an answer on Monday immediately succeeding them.

Mr. Manager CLAYTON. Mr. President, may I make a suggestion?

Mr. BAILEY. I think I am going to anticipate the manager. I was going to say that, of course, if the answer is made as here required, then the managers on the part of the House would have those three days in which to prepare their replication; and I take it for granted that that is one of the reasons why the managers are anxious that the time shall be fixed as at first suggested.

Personally I am not willing to compel the counsel of the defendant to answer before he says he can be ready. When this answer is made, whether there shall be a replication of the House or not will, of course, depend upon the nature of the answer; but when this answer is made the issues will be practically joined, and I think those issues ought to be presented as fairly and as fully as possible.

I do not believe that the saving of three days can warrant us in forcing an answer before the attorney says he can make it in the proper way.

I am all the more willing, Mr. President, to give these three days, because I am one of the Senators who believe this matter ought to be tried before the Senate adjourns, and it will be tried if I can have my way before an adjournment. The convenience or the comfort of Senators can not be considered in a matter of this kind. I would rather stay here the additional 3 days or 10 days to have it tried in a way that shall leave no reason on the part of either the counsel for the respondent or the managers of the House to complain that the Senate has hurried them in an unfair way.

I dislike to see even a vote taken on a question of this kind. It looks to me like the Senate, composed largely of lawyers, would know what is a reasonable time to answer to the 13 counts in this indictment. But the Senators themselves are not more capable of judging that than the honorable managers of the House, all of whom are lawyers, with such reputation and distinction as to have won for themselves a place upon the great law committee of the House. But I would rather err in giving three days too much than to err in giving three days too little.

Mr. BACON. Mr. President, I feel extremely reluctant to urge anything which would look as if it were inconsiderate. I would be very glad if there could be an agreement between the managers and the learned counsel for the accused in order to avoid the very matter that the Senator from Texas suggests. It is an unpleasant thing at the outset to have a yea-and-nay vote taken, in which there may be some unfortunate variances. Therefore I suggest that the managers and the counsel endeavor to agree upon a day in order to relieve the Senate of the embarrassment of having to decide a question of this kind.

I will only say before taking my seat that, if possible, if the earlier date were fixed, and if upon that date the counsel had not been able to properly prepare and finish the answer, additional time could be, and doubtless would be, granted.

Mr. Manager CLAYTON. Mr. President, I have just conferred with my brother managers and have reached a conclusion that the managers on the part of the House, for the reasons which have been suggested in this discussion, ought to accede to the amendment which was offered by the Senator from Massachusetts to the amendment offered by the Senator from North Dakota, and that is that Monday, the 29th day of the present month, be fixed as the time and the day for the answer to be made by the respondent in this case.

The PRESIDING OFFICER. Does the Senator from North Dakota accept the amendment of the Senator from Massachusetts?

Mr. McCUMBER. I accept it.

The PRESIDING OFFICER. The order as it would read if amended will be stated.

The Secretary read as follows:

Ordered, That the respondent present the answer to the articles of impeachment at 12 o'clock and 30 minutes post meridian on Monday, the 29th day of July, 1912.

The PRESIDING OFFICER. Without objection, the order will be unanimously agreed to.

Mr. CLARK of Wyoming. I offer the following order.

The PRESIDING OFFICER. The order will be read.

The Secretary read as follows:

Ordered, That the managers on the part of the House be allowed until the 1st day of August, 1912, at 1 o'clock in the afternoon, to present a replication, or other pleading, of the House of Representatives to the answer of the respondent. That any subsequent pleadings, either on the part of the managers or of the respondent, shall be filed with the Secretary of the Senate, of which notice shall be given to the House of Representatives and the respondent, respectively, so that all pleadings shall be closed on or before the 4th day of August, 1912.

Mr. Manager CLAYTON. Mr. President, the managers see no objection to anything contained in that proposed order. They understand, however, that should any occasion arise which may make it necessary for them to ask for a change or modification of anything therein contained, the Senate then will give their request for the change or modification its attention and will do whatever is right in the premises.

Mr. CLARK of Wyoming. Mr. President, I desire to modify the order so that it will read on the 3d of August instead of the 4th, the 4th of August coming on Sunday.

The PRESIDING OFFICER. Without objection, that modification will be made.

Mr. Manager CLAYTON. I do not exactly understand the effect of that change.

Mr. CLARK of Wyoming. The effect of the change makes it the 3d instead of the 4th, the 4th being on Sunday.

Mr. Manager CLAYTON. Yes.

Mr. CLARK of Wyoming. It was hastily dated since the last order was made.

Mr. Manager CLAYTON. There can be no objection to that.

The PRESIDING OFFICER. Without objection, the order will be agreed to unanimously.

Mr. BACON. Mr. President, I have been instructed by the special committee to present to the Senate the following order, and I ask that it be adopted.

The PRESIDING OFFICER. The Senator from Georgia submits an order, which will be read.

The order was read, as follows:

Ordered, That in all matters relating to the procedure of the Senate sitting in the trial of the impeachment of Robert W. Archbald, circuit judge of the United States, whether as to form or otherwise, the managers on the part of the House or the counsel representing the respondent may submit a request or application orally to the Presiding Officer, or, if required by him or requested by any Senator, shall submit the same in writing.

In all matters relating immediately to the trial, such as the admission, rejection, or striking out of evidence, or other questions usually arising in the trial of causes in courts of justice, if the managers or counsel for the respondent desire to make any application, request, or objection, the same shall be addressed directly to the Presiding Officer, and not otherwise.

It shall not be in order for any Senator to engage in colloquy or to address questions either to the managers on the part of the House or the counsel for the respondent, nor shall it be in order for Senators to address each other, but they shall address their remarks directly to the Presiding Officer.

The PRESIDING OFFICER. Without objection, the order is agreed to unanimously.

Mr. BACON. Mr. President, I wish to make a suggestion, if permitted to do so.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. BACON. It is true that this is a court of impeachment, but it remains the Senate, and all the precedents show that in the proceedings of an impeachment trial the Senate is always spoken of as the Senate, not as the court.

Mr. Manager CLAYTON. Mr. President, if the Senate does not desire the further attendance of the managers at this time, we respectfully beg leave to withdraw.

Mr. CLARK of Wyoming. I offer the following order.

The PRESIDING OFFICER. The order will be read.

The order was read, as follows:

Ordered, That the proceedings of the Senate sitting in the trial of impeachment of Robert W. Archbald be printed daily for the use of the Senate as a separate document.

The PRESIDING OFFICER. Without objection, the order will be agreed to unanimously.

Mr. CLARK of Wyoming. I move, Mr. President, that the Senate, sitting for the trial of the impeachment, adjourn until Monday, the 29th day of July, at half past 12 o'clock postmeridian.

The motion was agreed to; and (at 1 o'clock and 19 minutes p. m.) the Senate, sitting for the trial of the impeachment, adjourned until Monday, July 29, 1912, at 12.30 o'clock p. m.

The managers on the part of the House and the respondent and his counsel withdrew from the Chamber.

THE PANAMA CANAL.

Mr. WARREN. I ask the Senate to continue the consideration of the sundry civil appropriation bill.

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry. It is whether the unfinished business, having been superseded by the impeachment proceeding, the unfinished business should not be laid before the Senate now and then temporarily laid aside.

The PRESIDENT pro tempore (Mr. GALLINGER). The Chair observed the fact that the hour of 1 o'clock had arrived, but did not feel at liberty to interrupt the impeachment proceedings. He will now lay the unfinished business before the Senate. It will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Before asking unanimous consent to lay the unfinished business aside temporarily, I desire to ask unanimous consent to have printed in the RECORD——

Mr. KENYON. Mr. President, I rise to a point of order. We are utterly unable to hear what is said.

The PRESIDENT pro tempore. The point of order is sustained. The Senate will be in order. Senators will take their seats and refrain from audible conversation. The Senator from Connecticut will proceed.

Mr. BRANDEGEE. I desire to ask unanimous consent to have printed in the RECORD a document entitled "History of Amendments Proposed to the Clayton-Bulwer Treaty," prepared in the office of the Secretary of State and sent to the Committee on Foreign Relations. I think it will be of much value in connection with the discussion of the bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

The matter referred to is as follows:

[Senate Document No. 746, Sixty-first Congress, third session.]

A BRIEF HISTORY OF THE AMENDMENTS PROPOSED AND CONSIDERED SINCE THE ACTION OF THE SENATE ON THE FORMER CANAL TREATY WITH GREAT BRITAIN, AND WHICH HAVE RESULTED IN THE TREATY NOW SUBMITTED.

[Prepared in the Department of State and sent by Mr. Hay to the Senate Committee on Foreign Relations.]

The Senate's amendments to the former treaty required (first) that there should be in plain and explicit terms an express abrogation of the Clayton-Bulwer treaty; (second) that the rules of neutrality adopted should not deprive the United States of the right to defend itself and to maintain public order; and (third) that other powers should not in any manner be made parties to the treaty by being invited to adhere to it.

For a better understanding of the scheme of the new treaty, it may be well briefly to advert to the objections suggested by Great Britain to these several amendments.

AS TO THE ABROGATION OF THE CLAYTON-BULWER TREATY.

Lord Lansdowne's objections were as to the manner of doing this and as to the substance. It was insisted that in the negotiations which led to the making of the former treaty no attempt had been made to ascertain the views of the British Government on such complete abrogation, and that the Clayton-Bulwer treaty being, as it claimed, an international compact of unquestionable validity, could not be abrogated without the consent of both parties to the contract.

There was in this connection an apparent misconception on the part of His Majesty's Government in respect to the proper function of the Senate in advising the ratification of a treaty with amendments proposed by it. It seemed to be regarded as an attempt on the part of the Senate to accomplish by its own vote, as a final act, the abrogation of an existing treaty, without an opportunity for full consideration of the matter by the other party. It was overlooked that the Senate was simply exercising its undoubted constitutional function of proposing amendments to be communicated to the other party to the contract, to ascertain its views upon the question, and it was hoped by the President—and the hope was expressed in submitting the treaty as amended by the Senate to the British Government—that the amendments would be found acceptable by it. Failing this, there was a full opportunity for His Majesty's Government, by counter propositions, to express its views on this and the other amendments, and so by a continuous negotiation to arrive, if possible, at a mutually satisfactory solution of all questions involved. Nevertheless, in view of the great importance of the Senate's amendments, taken together, it was deemed more expedient by Lord Lansdowne to reject them, but to leave the door open for fresh negotiations, which might have a more happy issue; and he earnestly deprecated a final failure of the parties to agree, and emphatically expressed the desire of his Government to meet the views of the United States on this most important matter.

The principal substantial objection to the Senate's amendment, completely superseding the Clayton-Bulwer treaty, was that if this were done the provisions of article 1 of that treaty, which had been left untouched by the original Hay-Pauncefote treaty, would be annulled, and thereby both powers would, except in the vicinity of the canal, acquire entire freedom of action in Central America, a change which Lord Lansdowne thought would certainly be of advantage to the United States, and might be of substantial importance.

AS TO THE RIGHT OF THE UNITED STATES, NOTWITHSTANDING THE NEUTRAL RULES ADOPTED BY THE TREATY, TO DEFEND ITSELF BY ITS OWN FORCES, AND TO SECURE THE MAINTENANCE OF PUBLIC ORDER, COVERED BY WHAT WAS GENERALLY KNOWN AS THE DAVIS AMENDMENT.

His Majesty's Government criticized the vagueness of the language employed in the amendment and the absence of all security as to the manner in which its ends might at some future time be interpreted, but thought that, however precisely it might be worded, it would be impossible to determine what might be the effect if one clause permitting defensive measures and another clause (which has now been omitted) prohibiting fortification of the canal were allowed to stand side by side in the same convention.

This amendment was strenuously objected to by Great Britain as involving a distinct departure from the principle of neutrality which had theretofore found acceptance by both Governments, inasmuch as it would, as construed by Lord Lansdowne, permit the United States in time of peace as well as in time of war to resort to whatever warlike acts it pleased in and near the canal, which would be clearly inconsistent with its intended neutral character and would deprive the commerce and navies of the world of the free use of it.

It was insisted that by means of the amendment the obligation of Great Britain to respect the neutrality of the canal under all circumstances would remain in force, while that of the United States, on the other hand, would be essentially modified, and that this would result in a one-sided agreement by which Great Britain would be debarred from any warlike act in or near the canal, while the United States might resort to any such acts, even in time of peace, which it might deem necessary to secure its own safety.

Moreover, it was insisted that by this amendment, in connection with the third amendment, which excluded other powers from becoming parties to the contract, Great Britain would be placed at a great disadvantage as compared with all other powers, inasmuch as she alone, with all her vast interests in the commerce of the world, would be bound under all circumstances to respect the neutrality of the canal, while the United States, even in time of peace, would have a treaty right to interfere with the canal on the plea of necessity for its own safety, and all other powers not being bound by the treaty could at their pleasure disregard its provisions.

AS TO THE AMENDMENT STRIKING OUT THE ARTICLE IN THE TREATY AS SUBMITTED TO THE SENATE, WHICH PROVIDED FOR AN INVITATION TO THE OTHER POWERS TO COME IN AND ADHERE TO IT.

This was emphatically objected to because if acquiesced in by Great Britain she would be bound by what Lord Lansdowne described as the "stringent rules of neutral conduct" prescribed by the treaty, which would not be equally binding upon the other powers, and it was urged that the adhesion of other powers to the treaty as parties would furnish an additional security for the neutrality of the canal.

In the hope of reconciling the conflicting views thus presented between the former treaty as amended by the Senate and the objections thereto of the British Government, the treaty now submitted for the consideration of the Senate was drafted.

The substantial differences from the former treaty are as follows:

First. In the new draft of treaty *the provisions superseding the Clayton-Bulwer treaty as a whole*, instead of being parenthetically inserted, as by the former Senate amendment, was made the subject of an independent article and presented as the first article of the treaty. It was thus submitted to the consideration of the British Government in connection with the other substantial provisions of the treaty which declared the neutrality of the canal for the use of all nations on terms of entire equality.

Second. *By a change in the first line of article 3, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.*

This was regarded as a very radical and important change and one which would go far toward a reconciliation of the conflicting views of the two Governments.

It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal, which by the former treaty had been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former

Senate amendments. The United States alone as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

It was also believed that this change would be in harmony with the national wish that this great interoceanic waterway should not only be constructed and owned, but exclusively controlled and managed, by the United States.

Third. The next important change from the former treaty consists in *the omission of the words "in time of war as in time of peace" from clause 1 of article 3.*

No longer insisting upon the language of the Davis amendment—which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed, when necessary to secure its own defense, which the Senate had apparently deemed necessary because of the provision in Rule 1 that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties, or between the United States and any other power, would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their original and natural right of self-defense and would give to the United States the clear right to close the canal against the other belligerent, and to protect it and defend itself by whatever means might be necessary.

Fourth. *In conformity with the Senate's emphatic rejection of article 3 of the former treaty, which provided that the high contracting parties should, immediately upon the exchange of ratifications, bring it to the notice of other powers and invite them to adhere to it, no such provision was inserted in the draft of the new treaty.*

It was believed that the declaration that the canal should be free and open to all nations on terms of entire equality (now that Great Britain was relieved of all responsibility and obligation to enforce and defend it, and thereby both powers would, except in the vicinity of the canal, acquire entire freedom of action in Central America, a change which Lord Lansdowne thought would certainly be of advantage to the United States, and might be of substantial importance.

AS TO THE RIGHT OF THE UNITED STATES, NOTWITHSTANDING THE NEUTRAL RULES ADOPTED BY THE TREATY, TO DEFEND ITSELF BY ITS OWN FORCES, AND TO SECURE THE MAINTENANCE OF PUBLIC ORDER, COVERED BY WHAT WAS GENERALLY KNOWN AS THE DAVIS AMENDMENT.

His Majesty's Government criticized the vagueness of the language employed in the amendment and the absence of all security as to the manner in which its ends might at some future time be interpreted, but thought that, however precisely it might be worded, it would be impossible to determine what might be the effect if one clause permitting defensive measures and another clause (which has now been omitted) prohibiting fortification of the canal were allowed to stand side by side in the same convention.

This amendment was strenuously objected to by Great Britain as involving a distinct departure from the principle of neutrality which had theretofore found acceptance by both Governments, inasmuch as it would, as construed by Lord Lansdowne, permit the United States in time of peace as well as in time of war to resort to whatever warlike acts it pleased in and near the canal, which would be clearly inconsistent with its intended neutral character and would deprive the commerce and navies of the world of the free use of it.

It was insisted that by means of the amendment the obligation of Great Britain to respect the neutrality of the canal under all circumstances would remain in force, while that of the United States, on the other hand, would be essentially modified, and that this would result in a one-sided agreement by which Great Britain would be debarred from any warlike act in or near the canal, while the United States might resort to any such acts, even in time of peace, which it might deem necessary to secure its own safety.

Moreover, it was insisted that by this amendment, in connection with the third amendment, which excluded other powers from becoming parties to the contract, Great Britain would be placed at a great disadvantage as compared with all other powers, inasmuch as she alone, with all her vast interests in the commerce of the world, would be bound under all circumstances to respect the neutrality of the canal, while the United States, even in time of peace, would have a treaty right to interfere with the canal on the plea of necessity for its own safety, and all other powers not being bound by the treaty could at their pleasure disregard its provisions.

AS TO THE AMENDMENT STRIKING OUT THE ARTICLE IN THE TREATY AS SUBMITTED TO THE SENATE, WHICH PROVIDED FOR AN INVITATION TO THE OTHER POWERS TO COME IN AND ADHERE TO IT.

This was emphatically objected to because if acquiesced in by Great Britain she would be bound by what Lord Lansdowne described as the "stringent rules of neutral conduct" prescribed by the treaty, which would not be equally binding upon the other powers, and it was urged that the adhesion of other powers to the treaty as parties would furnish an additional security for the neutrality of the canal.

In the hope of reconciling the conflicting views thus presented between the former treaty as amended by the Senate and the objections thereto of the British Government, the treaty now submitted for the consideration of the Senate was drafted.

The substantial differences from the former treaty are as follows:

First. In the new draft of treaty *the provisions superseding the Clayton-Bulwer treaty as a whole*, instead of being parenthetically inserted, as by the former Senate amendment, was made the subject of an independent article and presented as the first article of the treaty. It was thus submitted to the consideration of the British Government in connection with the other substantial provisions of the treaty which declared the neutrality of the canal for the use of all nations on terms of entire equality.

Second. *By a change in the first line of article 3, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.*

This was regarded as a very radical and important change and one which would go far toward a reconciliation of the conflicting views of the two Governments.

It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal, which by the former treaty had been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former

general principle or the obligations of the high contracting parties under this treaty."

This proposed article was regarded by the President as too far-reaching for the purpose in view, and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty, which contemplated only future treaty stipulations when any new route should prove to be practicable, into a very definite and certain present treaty, fastening the crystallized rules of neutrality adopted now for this canal upon every other interoceanic communication across the Isthmus, and as perpetuating in a more definite and extended form, by a sort of reenactment of the eighth article, the embarrassing effects of the Clayton-Bulwer treaty, of which the United States hoped to be relieved altogether.

He believed that now that a canal is about to be built at the sole cost of the United States for the equal benefit of all nations, it was sufficient for the present treaty to provide for that one canal, and that it was hardly within the range of possibility that the United States would ever build more than one canal between the two oceans.

The President was, however, not only willing, but desirous, that the "general principle" of neutralization referred to in the preamble of this treaty should be applicable to this canal now intended to be built, notwithstanding any change of sovereignty or of international relations of the territory through which it should pass. This "general principle" of neutralization had always in fact been insisted upon by the United States, and he recognized the entire justice of the request of Great Britain that if she should now surrender the material interest which had been secured to her by the first article of the Clayton-Bulwer treaty, which might result in the indefinite future should the territory traversed by the canal undergo a change of sovereignty, this "general principle" should not be thereby affected or impaired.

These views were communicated to His Majesty's Government, and as a substitute for the article proposed by Lord Lansdowne the following was proposed on the part of the United States:

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty."

Upon a full exchange of views, this article proposed by the United States was accepted by Great Britain and becomes article 4 of the treaty now submitted. It is thought to do entire justice to the reasonable demands of Great Britain in preserving the general principle of neutralization and at the same time to relieve the United States of the vague, indefinite, and embarrassing obligations imposed by the eighth article of the Clayton-Bulwer treaty.

During the discussions upon this article it was suggested that although no particular route was mentioned in the proposed treaty as the route to be traversed by the canal, yet as the canal had been so commonly mentioned as the "Nicaragua Canal," and the intended treaty as the "Nicaragua Canal treaty," it might possibly be claimed that the treaty did not apply to a canal by the Panama route, or by any other possible route. But it had always been intended by the President that the treaty should apply to the canal which should be first constructed, by whichever or whatever route, and to remove the apprehention referred to and to exclude all possible doubt in the matter, it was agreed that the preamble should be amended *by inserting in the preamble after the word "oceans" the words "by whatever route may be considered expedient."*

His Majesty's Government at first strenuously objected to the absence from the treaty of any provision for other powers coming in, so as to be bound by its terms. It protested against being bound by what it regarded as stringent rules of neutrality which should not be equally binding upon other powers.

Lord Lansdowne accordingly proposed the following amendment, viz:

"To insert in rule 1 of article 3, after the word 'nation,' the words 'which shall agree to observe these rules,' and in the following line, after the word 'nation,' the words 'so agreeing,' so as to make the clause read:

"'1. The canal shall be free and open to the vessels of commerce and of war of all nations *which shall agree to observe these rules*, on terms of entire equality, so that there shall be no discrimination against any nation *so agreeing*,'" etc.

The President, however, could not consent to this amendment, because he apprehended that it might be construed as making the other powers parties to the contract and as giving them contract rights in the canal, and that it would thus practically restore to the treaty the substance of the provision which the Senate had struck out as article 3 of the former treaty. He believed also that there was a strong national feeling against giving to the other powers anything in the nature of a contract right in an affair so peculiarly American as the canal; that no other powers had now any right in the premises or anything to give up or part with as consideration for acquiring such a contract right; that they are to rely on the good faith of the United States in its declaration to Great Britain in this treaty; and that it adopts the rules and principles of neutralization there set forth. These rules are adopted in the treaty with Great Britain as a consideration for getting rid of the Clayton-Bulwer treaty, and the only way in which other nations are bound by them is that they must comply with them if they would use the canal.

It was also apparent that the proposed amendment if accepted would make rule 1 more objectionable than the third article of the former treaty, which was stricken out by the Senate's amendment, for that treaty, which was stricken out by the Senate's amendment, for that only invited other powers to come in and become parties to the contract *after ratification*, whereas the proposed provision would rather compel other powers to come in and become parties to the contract *in the first instance* as a condition precedent to the use of the canal by them.

Upon due consideration of these suggestions, and at the same time to put all the powers upon the same footing, viz, that they could use the canal only by complying with the rules of neutrality adopted and prescribed, an amendment to Lord Lansdowne's amendment was proposed and agreed upon, viz:

"To strike out from his amendment the words 'which shall agree to observe' and substitute therefor the word 'observing,' and in the next line to strike out the words 'so agreeing' and to insert, before the word 'nation,' the word 'such.'"

This made the clause as finally agreed upon and found in the treaty as now submitted for the consideration of the Senate:

"The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation," etc.

Thus the whole idea of contract right in the other powers is eliminated, and the vessels of any nation which shall refuse or fail to observe the rules adopted and prescribed may be deprived of the use of the canal.

FUJI MICROSAFETY

One other amendment proposed by Lord Lansdowne was regarded by the President as so entirely reasonable that it was agreed to without discussion. This was the insertion at the end of clause 1 of article 3 the words: "*such conditions and charges of traffic shall be just and equitable*," and the word "convention," wherever it occurs, has been changed to "treaty."

It is believed that this memorandum will put the Senate Committee on Foreign Relations in full possession of the history of all changes in the treaty since the action of the Senate on the former amendment.

No. 1.

Lord Pauncefote to the Marquis of Lansdowne.

WASHINGTON, *December 24, 1900.*
(Received Jan. 7, 1901.)

MY LORD: I have the honor to transmit to your lordship a copy of a note which I have received from the United States Secretary of State, formally announcing to me, for the information of Her Majesty's Government, the ratification of the Nicaragua Canal treaty by the Senate on the 20th instant, with three amendments.

Mr. Hay, after giving the text of those amendments, states that he has instructed the United States ambassador in London to express to your lordship the hope of his Government that the amendments will be found acceptable to that of Her Majesty.

I have, etc.,

PAUNCEFOTE.

[Inclosure 1 in No. 1.]

Mr. Hay to Lord Pauncefote.

DEPARTMENT OF STATE,
Washington, December 22, 1900.

EXCELLENCY: I have the honor to inform you that the Senate, by its resolution of the 20th December last, has given its advice and consent to the ratification of the convention, signed at Washington on the 5th of February last by the respective plenipotentiaries of the United States and Great Britain, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans and to remove any objection which might arise out of the convention commonly called the Clayton-Bulwer treaty, with the following amendments:

1. After the words "Clayton-Bulwer convention" and before the word "adopt" in the preamble of article 2, the words "which convention is hereby superseded" are inserted.

2. A new paragraph is added to the end of section 5 of article 2 in the following language:

"It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order."

3. Article 3, reading "The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers, and invite them to adhere to it," is stricken out.

2. Article 4 is made article 3.

I inclose a printed copy of the convention as signed (see United States No. 1, 1900), and a copy of it showing its reading as amended by the Senate.

I have instructed Mr. Choate to express to the Marquis of Lansdowne this Government's hope that the amendments will be found acceptable to that of Her Majesty.

The supplementary convention which I signed with you on the 5th May last, prolonging the time within which the ratifications of the convention of the 5th February last shall be exchanged, for a period of seven months from the 5th August last, has been consented to by the Senate without amendment.

I have, etc.,

JOHN HAY.

[Inclosure in No. 1.]

Convention of February 5, 1900, as amended by the Senate.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., Her Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 2. The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople, the 29th October, 1888, for the free navigation of the Suez Maritime Canal; that is to say:

1. The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this convention and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

7. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

ART. 3. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty, and the ratifications shall be exchanged at Washington or at London within six months from the date hereof, or earlier, if possible.

In faith whereof the respective plenipotentiaries have signed this convention and thereunto affixed their seals.

Done in duplicate at Washington, the 5th day of February, in the year of our Lord 1900.

JOHN HAY.
PAUNCEFOTE.

No. 2.

The Marquis of Lansdowne to[1] Lord Pauncefote.

FOREIGN OFFICE, *February 22, 1901.*

MY LORD: The American ambassador has formerly communicated to me the amendments introduced by the Senate of the United States into the convention, signed at Washington in February last, to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans.

These amendments are three in number, namely:

1. The insertion in article 2, after the reference to article 8, of the Clayton-Bulwer convention, of the words "which convention is hereby superseded."

2. The addition of a new paragraph after section 5 of article 2 in the following terms:

"It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order."

3. The excision of article 3, which provides that—

"The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of other powers and invite them to adhere to it."

Mr. Choate was instructed to express the hope that the amendments would be found acceptable by Her Majesty's Government.

It is our duty to consider them as they stand, and to inform your excellency of the manner in which, as the subject is now presented to us, we are disposed to regard them.

It will be useful, in the first place, to recall the circumstances in which negotiations for the conclusion of an agreement supplementary to the convention of 1850, commonly called the Clayton-Bulwer treaty, were initiated.

So far as Her Majesty's Government were concerned, there was no desire to procure a modification of that convention. Some of its provisions had, however, for a long time past been regarded with disfavor by the Government of the United States, and in the President's message to Congress of December, 1898, it was suggested, with reference to a concession granted by the Government of Nicaragua, that some definite action by Congress was urgently required if the labors of the past were to be utilized, and the linking of the Atlantic and Pacific Oceans by a practical waterway to be realized. It was further urged that the construction of such a maritime highway was more than ever indispensable to that intimate and ready intercommunication between the eastern and western seaboards of the United States demanded by the annexation of the Hawaiian Islands and the prospective expansion of American influence and commerce in the Pacific, and that the national policy called more imperatively than ever for the "control" of the projected highway by the Government of the United States.

This passage in the message having excited comment, your excellency made inquiries of the Secretary of State in order to elicit some information as to the attitude of the President. In reply, the views of the United States Government were very frankly and openly explained. You were also most emphatically assured that the President had no intention whatever of ignoring the Clayton-Bulwer convention, and that he would loyally observe treaty stipulations. But in view of the strong national feeling in favor of the construction of the Nicaragua Canal, and of the improbability of the work being accomplished by private enterprise, the United States Government were prepared to undertake it themselves upon obtaining the necessary powers from Congress. For that purpose, however, they must endeavor, by friendly negotiation, to obtain the consent of Great Britain to such a modification of the Clayton-Bulwer treaty as would, without affecting the "general principle" therein declared, enable the great object in view to be accomplished for the benefit of the commerce of the world. Although the time had hardly arrived for the institution of formal negotiations to that end, Congress not having yet legislated, the United States Government, nevertheless, were most anxious that your excellency should enter at once into *pourparlers* with a view to preparing, for consideration, a scheme of arrangement.

Her Majesty's Government agreed to this proposal, and the discussions which took place in consequence resulted in the draft convention which Mr. Hay handed to your excellency on the 11th January, 1899.

At that time the joint high commission over which the late Lord Herschell presided was still sitting. That commission was appointed in July, 1898, to discuss various questions at issue between Great Britain and the United States, namely, the fur-seal fishery, the fisheries off the Atlantic and Pacific coasts, the Alaskan boundary, alien-labor laws, reciprocity, transit of merchandise, mining rights, naval vessels on the Great Lakes, definition and marking of frontiers, and conveyance of persons in custody. But serious difficulties had arisen in the attempt to arrive at an understanding, and it had become doubtful whether any settlement would be effected.

In reply, therefore, to a request for a speedy answer with regard to the convention, the Marquis of Salisbury informed Mr. White, the American chargé d'affaires, that he could not help contrasting the precarious prospects and slowness of the negotiations which were being conducted by Lord Herschell with the rapidity of decision proposed in the matter of the convention. Her Majesty's Government might be reproached with having come to a precipitate agreement on a proposal which was exclusively favorable to the United States, while they had come to no agreement at all on the controversy where there was something to be conceded on both sides.

Shortly afterwards Lord Herschell intimated that the difficulties in regard to the question of the Alaskan boundary seemed insuperable, and that he feared it might be necessary to break off the negotiations of which he had hitherto had the charge. Upon this Lord Salisbury informed Mr. White that he did not see how Her Majesty's Government could sanction any convention for amending the Clayton-Bulwer treaty, as the opinion of this country would hardly support them in making a concession which would be wholly to the benefit of the United States, at a time when they appeared to be so little inclined to come to a satisfactory settlement in regard to the Alaskan frontier.

The last meeting of the joint high commission took place on the 20th February, 1899. Except for the establishment of a *modus vivendi* on the Alaskan frontier, no progress has been made since that date toward the adjustment of any of the questions which the high commissioners were appointed to discuss.

It was in these circumstances that the proposal for a canal convention was revived at the beginning of last year.

On the 21st January your lordship reported that a bill, originally introduced in 1899, had been laid before Congress, empowering the President to acquire from the Republics of Costa Rica and Nicaragua the control of such portion of territory as might be desirable or necessary, and to direct the Secretary of War, when such control had been secured, to construct the canal and make such provisions for defense as might be required for the safety and protection of the canal and the terminal harbors.

It was probable that the bill would be passed, and it was clear that additional embarrassment would be caused by an enactment opposed to the terms of the proposed convention, and in direct violation of the Clayton-Bulwer treaty. On the other hand, your lordship's information led to the confident expectation that the convention as signed would, if agreed to by Her Majesty's Government, be ratified by the Senate.

In these circumstances Her Majesty's Government consented to reopen the question, and after due consideration determined to accept the convention unconditionally, as a signal proof of their friendly disposition and of their desire not to impede the execution of a project declared to be of national importance to the people of the United States.

Your Excellency stated that the United States Government expressed satisfaction at this happy result and appreciation of the conciliatory disposition shown by Her Majesty's Government.

The convention was forthwith submitted to the Senate for ratification, and on the 9th March the committee charged with its examination reported in favor of ratification, with the insertion, subsequently adopted, after section 5 of article 2, of a paragraph containing provision that the rules laid down in the preceding sections should not apply to measures for the defense of the United States by its own forces and the maintenance of public order. This alteration was discussed in the Senate in secret session on the 5th April, but no vote was taken upon it nor upon the direct question of ratification.

The bill empowering the President to construct and provide for the defense of the canal passed the House of Representatives by a large majority on the 2d of May. The Senate, however, postponed consideration of this bill, although favorably reported by the Committee on Interoceanic Canals.

After the recess, during which the presidential election took place, the discussion was resumed in the Senate. On the 20th of December the vote was taken, and resulted in the ratification of the convention with the three amendments which have been presented for the acceptance of His Majesty's Government.

The first of these amendments, that in article 2, declares the Clayton-Bulwer treaty to be "hereby superseded."

Before attempting to consider the manner in which this amendment will, if adopted, affect the parties to the Clayton-Bulwer treaty, I desire to call your excellency's attention to a question of principle which is involved by the action of the Senate at this point.

The Clayton-Bulwer treaty is an international contract of unquestionable validity, a contract which, according to well-established international usage, ought not to be abrogated or modified, save with the consent of both the parties to the contract. In spite of this usage, His Majesty's Government find themselves confronted by a proposal communicated to them by the United States Government, without any previous attempt to ascertain their views, for the abrogation of the Clayton-Bulwer treaty.

The practical effect of the amendment can best be understood by reference to the inclosed copy of the articles of the treaty, Nos. 1 and 6, which, assuming that the United States Government would undertake all the obligations imposed by article 4 of the treaty, contain the only provisions (printed in italics) not replaced by new provisions, covering the same ground, in the convention.

Under article 1 of the Clayton-Bulwer treaty the two powers agreed that neither would occupy or fortify or colonize, or assume or exercise any dominion over any part of Central America, nor attain any of the foregoing objects by protection afforded to or alliance with any State or people of Central America. There is no similar agreement in the convention. If, therefore, the treaty were wholly abrogated, both powers would, except in the vicinity of the canal, recover entire freedom of action in Central America. The change would certainly be of advantage to the United States, and might be of substantial importance.

Under the other surviving portion of the treaty (part of article 6) provision is made for treaties with the Central American States in furtherance of the object of the two powers and for the exercise of good offices should differences arise as to the territory through which the canal will pass. In this case abrogation would, perhaps, signify but little to this country. There is nothing in the convention to prevent Great Britain from entering into communication, or exercising good offices, with the Central American States, should difficulties hereafter arise between them and the United States.

The other two amendments present more formidable difficulties.

The first of them, which reserves to the United States the right of taking any measures which it may find necessary to secure by its own forces the defense of the United States, appears to His Majesty's Government to involve a distinct departure from the principle which has until now found acceptance with both Governments—the principle, namely, that in time of war as well as in time of peace the passage of the canal is to remain free and unimpeded, and is to be so maintained by the power or powers responsible for its control.

Were this amendment added to the convention the United States would, it is presumed, be within their rights, if at any moment when it seemed to them that their safety required it, in view of warlike preparations not yet commenced, but contemplated or supposed to be contemplated by another power, they resorted to warlike acts in or near the canal—acts clearly inconsistent with the neutral character which it has always been sought to give it, and which would deny the free use of it to the commerce and navies of the world.

It appears from the report of the Senate committee that the proposed addition to article 2 was adopted from article 10 of the Suez Canal convention, which runs as follows:

"Similarly, the provisions of articles 4, 5, 7, and 8[1] shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.

"In case His Imperial Majesty the Sultan, or His Highness the Khedive, should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

"It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea."

It is, I understand, contended in support of the Senate amendment that the existence of the above provisions in the Suez Canal convention justifies the demand now made for the insertion of analogous provisions in regard to the proposed Nicaragua Canal.

But the analogy which it has been attempted to set up fails in one essential particular. The banks of the Suez Canal are within the dominions of a territorial sovereign, who was a party to the convention, and whose established interests it was necessary to protect, whereas the Nicaragua Canal will be constructed in territory belonging not to the United States, but to Central America States, of whose sovereign rights other powers can not claim to dispose.

Moreover, it seems to have escaped attention that article 10 of the Suez Canal convention receives most important modification from article 11, which lays down that "the measures which shall be taken in the cases provided for by articles 9 and 10 of the present treaty shall not interfere with the free use of the canal." The article proceeds to say that "in the same cases the erection of permanent fortifications contrary to the provisions of article 8 is prohibited."

The last paragraph of article 8, which is specially alluded to, runs as follows:

"They (i.e., the agents of the signatory powers in Egypt) shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the canal the object or effect of which might be to interfere with the liberty and the entire security of the navigation."

The situation which would be created by the addition of the new clause is deserving of serious attention. If it were to be added, the obligation to respect the neutrality of the canal in all circumstances would, so far as Great Britain is concerned, remain in force; the obligation of the United States, on the other hand, would be essentially modified. The result would be a one-sided arrangement under which Great Britain would be debarred from any warlike action in or around the canal, while the United States would be able to resort to such action to whatever extent they might deem necessary to secure their own safety.

It may be contended that if the new clause were adopted, section 7 of article 2, which prohibits the erection of fortifications, would sufficiently insure the free use of the canal. This contention is, however, one which His Majesty's Government are quite unable to admit. I will not insist upon the dangerous vagueness of the language employed in the amendment, or upon the absence of all security as to the manner in which the words might, at some future time, be interpreted. For, even if it were more precisely worded, it would be impossible to determine what might be the effect if one clause permitting defensive measures, and another forbidding fortifications, were allowed to stand side by side in the convention. To His Majesty's Government it seems, as I have already said, that the amendment might be construed as leaving it open to the United States at any moment, not only if war existed, but even if it were anticipated, to take any measures, however stringent or far-reaching, which, in their own judgment, might be represented as suitable for the purpose of protecting their national interests. Such an enactment would strike at the very root of that "general principle" of neutralization upon which the Clayton-Bulwer treaty was based, and which was reaffirmed in the convention as drafted.

But the import of the amendment stands out in stronger relief when the third proposal is considered. This strikes out article 3 of the convention, under which the high contracting parties engaged, immediately upon the convention being ratified, to bring it to the notice of other powers and to invite their adherence. If that adher-

[1] Article 4 guarantees that the Maritime Canal shall remain open in time of war as a free passage even to the ships of war of belligerents, and regulates the revictualing, transit, and detention of such vessels in the canal.

Article 5 regulates the embarkation and disembarkation of troops, munitions, or materials of war by belligerent powers in time of war.

Article 7 prohibits the powers from keeping any vessel of war in the waters of the canal.

Article 8 imposes on the agents of the signatory powers in Egypt the duty of watching over the execution of the treaty and taking measures to secure the free passage of the canal.

ence were given, the neutrality of the canal would be secured by the whole of the adhering powers. Without that adherence it would depend only upon the guarantee of the two contracting powers. The amendment, however, not only removes all prospect of the wider guarantee, but places this country in a position of marked disadvantage, compared with other powers which would not be subject to the self-denying ordinance which Great Britain is desired to accept. It would follow, were His Majesty's Government to agree to such an arrangement, that while the United States would have a treaty right to interfere with the canal in time of war, or apprehended war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention, Great Britain alone, in spite of her enormous possessions on the American continent, in spite of the extent of her Australasian colonies and her interests in the East, would be absolutely precluded from resorting to any such action, or from taking measures to secure her interests in and near the canal.

I request that your excellency will explain to the Secretary of State the reasons, as set forth in this dispatch, why His Majesty's Government feel unable to accept the convention in the shape presented to them by the American ambassador, and why they prefer, as matters stand at present, to retain unmodified the provisions of the Clayton-Bulwer treaty. His Majesty's Government have, throughout these negotiations, given evidence of their earnest desire to meet the views of the United States. They would on this occasion have been ready to consider in a friendly spirit any amendments of the convention, not inconsistent with the principles accepted by both Governments, which the Government of the United States might have desired to propose, and they would sincerely regret a failure to come to an amicable understanding in regard to this important subject.

Your lordship is authorized to read this dispatch to the Secretary of State and to leave a copy in his hands.

I am, etc.,

LANSDOWNE.

[Inclosure in No. 2.]

Articles 1 and 6 of convention between Her Majesty and the United States of America relative to the establishment of a communication by ship canal between the Atlantic and Pacific Oceans, signed at Washington, April 19, 1850:

ARTICLE 1. The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; *agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same.* Nor will Great Britain or the United States take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the subjects or citizens of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered, on the same terms, to the subjects or citizens of the other.

ART. 6. The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated; *and the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of Great Britain and the United States will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.*

CORRESPONDENCE RESPECTING THE TREATY SIGNED AT WASHINGTON NOVEMBER 18, 1901, RELATIVE TO THE ESTABLISHMENT OF A COMMUNICATION BY SHIP CANAL BETWEEN THE ATLANTIC AND PACIFIC OCEANS.

[Printed in British Blue Book. "United States, 1902, No. 1."]

No. 1.

Lord Pauncefote to the Marquis of Lansdowne.

WASHINGTON, *April 25, 1901.*

MY LORD: Since the rejection by His Majesty's Government of the amendments introduced by the Senate in the interoceanic canal convention of the 5th of February, 1900, Mr. Hay has been engaged in framing a new draft, which, as I understand, he has drawn up after consultation with prominent Senators, and which he trusts will be acceptable to His Majesty's Government.

Mr. Hay has handed me a copy of the draft, which I have the honor to forward herewith for your lordship's consideration.

I have, etc.,

PAUNCEFOTE.

[Inclosure in No. 1.]

Draft of convention relative to the construction of an interoceanic canal.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty the King of Great Britain and Ireland, Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1. The high contracting parties agree that the present convention shall supersede the aforementioned convention of the 19th April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of the neutralization of said ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purpose of this convention, and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. 4. The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London, at the earliest possible time within ——— months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this convention, and thereunto affixed their seals.

Done, in duplicate, at Washington the ——— day of ———, in the year of our Lord 1901.

No. 2.

The Marquis of Lansdowne to Mr. Lowther.

FOREIGN OFFICE, *August 3, 1901.*

SIR: The draft convention dealing with the question of the interoceanic canal, forwarded in Lord Pauncefote's dispatch of the 25th April, has been most carefully examined.

I inclose, for your information, the accompanying copy of a memorandum explaining the views of His Majesty's Government, which I have authorized Lord Pauncefote, should he think proper, to communicate to Mr. Hay.

His Majesty's Government have approached the consideration of this important question with a sincere desire to facilitate the progress of the great enterprise in which both Governments take such interest. They feel confident that the United States Government will give them credit for the friendly spirit in which Mr. Hay's proposals have been examined and that they will recognize that if it has been deemed necessary to suggest amendments at one or two points it has been because they are considered requisite for the purpose of bringing about the conclusion of a treaty which shall be accepted as equitable and satisfactory by the public of both countries.

I am, etc.,

LANSDOWNE.

[Inclosure 1 in No. 2.]

[Memorandum.]

In the dispatch which I addressed to Lord Pauncefote on the 22d February last, and which was communicated to Mr. Hay on the 11th March, I explained the reasons for which His Majesty's Government were unable to accept the amendments introduced by the Senate of the United States into the convention, signed at Washington in February, 1900, relative to the construction of an interoceanic canal.

The amendments were three in number, namely:

"1. The insertion in article 2, after the reference to article 8, of the Clayton-Bulwer convention, of the words 'which convention is hereby superseded.'

"2. The addition of a new paragraph after section 5 of article 2 in the following terms:

"'It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.'

"3. The excision of article 3, which provides that 'the high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.'"

2. The objections entertained by His Majesty's Government may be briefly stated as follows:

(1) The Clayton-Bulwer convention being an international compact of unquestionable validity could not be abrogated or modified save with the consent of both parties to the contract. No attempt had, however, been made to ascertain the views of Her Late Majesty's Government. The convention dealt with several matters for which no provision had been made in the convention of February, 1900, and if the former were wholly abrogated both powers would, except in the vicinity of the canal, recover entire freedom of action in Central America, a change which might be of substantial importance.

(2) The reservation to the United States of the right to take any measure which it might find necessary to secure by its own forces the defense of the United States appeared to His Majesty's Government to involve a distinct departure from the principle of neutralization which until then had found acceptance with both Governments, and which both were, under the convention of 1900, bound to uphold. Moreover, if the amendment were added, the obligation to respect the neutrality of the canal in all circumstances would, so far as Great Britain was concerned, remain in force; the obligation of the United States, on the other hand, would be essentially modified. The result would be a one-sided arrangement, under which Great Britain would be debarred from any warlike action in and around the canal, while the United States would be able to resort to such action even in time of peace to whatever extent they might deem necessary to secure their own safety.

(3) The omission of the article inviting the adherence of other powers placed this country in a position of marked disadvantage compared with other powers; while the United States would have a treaty right to interfere with the canal in time of war, or apprehended war, and while other powers could with a clear conscience disregard any of the restrictions imposed by the convention of 1900, Great Britain alone would be absolutely precluded from resorting to any such action or from taking measures to secure her interests in and near the canal.

For these reasons His Majesty's Government preferred, as matters stood, to retain unmodified the provisions of the Clayton-Bulwer convention. They had, however, throughout the negotiations given evidence of their earnest desire to meet the views of the United States, and would sincerely regret a failure to come to an amicable understanding in regard to this important subject.

3. Mr. Hay's draft, fully apprehending that His Majesty's Government did not intend to preclude all further attempt at negotiation, has endeavored to find means by which to reconcile such divergences of view as exist between the two Governments, and has communicated a further draft of a treaty for the consideration of His Majesty's Government.

Following the order of the Senate amendments, the convention now proposed—

(1) Provides by a separate article that the Clayton-Bulwer convention shall be superseded.

(2) The paragraph inserted by the Senate after section 5 of article 2 is omitted.

(3) The article inviting other powers to adhere is omitted.

There are three other points to which attention must be directed:

(*a*) The words "in time of war as in time of peace" are omitted in rule 1.

(*b*) The draft contains no stipulation against the acquisition of sovereignty over the isthmus or over the strip of territory through which the canal is intended to pass. There was no stipulation of this kind in the Hay-Pauncefote convention; but, by the surviving portion of article 1 of the Clayton-Bulwer convention, the two Governments agreed that neither would ever "occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America," nor attain any of the foregoing objects by protection offered to, or alliance with, any State or people of Central America.

(*c*) While the amendment reserving to the United States the right of providing for the defense of the canal is no longer pressed for, the first portion of rule 7, providing that "no fortifications shall be erected commanding the canal or the waters adjacent," has been omitted. The latter portion of the rule has been incorporated in rule 2 of the new draft, and makes provision for military police to protect the canal against lawlessness and disorder.

4. I fully recognize the friendly spirit which has prompted Mr. Hay in making further proposals for the settlement of the question, and while in no way abandoning the position which His Majesty's Government assumed in rejecting the Senate amendments, or admitting that the dispatch of the 22d February was other than a well-founded, moderate, and reasonable statement of the British case, I have examined the draft treaty with every wish to arrive at a conclusion which shall facilitate the construction of an interoceanic canal by the United States without involving on the part of His Majesty's Government any departure from the principles for which they have throughout contended.

5. In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal was to be neutralized. In the new draft the United States intimate *their* readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

6. The proposal to abrogate the Clayton-Bulwer convention is not, I think, inadmissible if it can be shown that sufficient provision is made in the new treaty for such portions of the convention as ought, in the interests of this country, to remain in force. This aspect of the case must be considered in connection with the provisions of article 1 of the Clayton-Bulwer convention, which have already been quoted, and article 8 referred to in the preamble of the new treaty.

Thus, in view of the permanent character of the treaty to be concluded and of the "general principle" reaffirmed thereby as a perpetual obligation, the high contracting parties should agree that no change of sovereignty or other change of circumstances in the territory through which the canal is intended to pass shall affect such "general principle" or release the high contracting parties, or either of them, from their obligations under the treaty, and that the rules adopted as the basis of neutralization shall govern, so far as possible, all interoceanic communications across the isthmus.

I would therefore propose an additional article in the following terms, on the acceptance of which His Majesty's Government would probably be prepared to withdraw their objections to the formal abrogation of the Clayton-Bulwer convention:

"In view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the isthmus which connects North and South America, and that no change of territorial sovereignty, or other change of circumstances, shall affect such general principle or the obligations of the high contracting parties under the present treaty."

7. The various points connected with the defense of the canal may conveniently be considered together. In the present draft the Senate amendment has been dropped, which left the United States at liberty to apply such measures as might be found "necessary to take for securing by its own forces the defense of the United States." On the other hand the words "in time of war as in time of peace" are omitted from rule 1, and there is no stipulation, as originally in rule 7, prohibiting the erection of fortifications commanding the canal or the waters adjacent.

I do not fail to observe the important difference between the question as now presented to us and the position which was created by the amendment adopted in the Senate.

In my dispatch I pointed out the dangerous ambiguity of an instrument of which one clause permitted the adoption of defensive measures while another prohibited the erection of fortifications. It is most important that no doubt should exist as to the intention of the contracting parties. As to this, I understand that by the omission of all reference to the matter of defense the United States Government desire to reserve the power of taking measures to protect the canal, at any time when the United States may be at war, from destruction or damage at the hands of an enemy or enemies. On the other hand, I conclude that, with the above exception, there is no intention to derogate from the principles of neutrality laid down by the rules. As to the first of these propositions, I am not prepared to deny that contingencies may arise when, not only from a national point of view, but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities.

It is also to be borne in mind that, owing to the omission of the words under which this country became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty, the obligations of Great Britain would be materially diminished.

This is a most important consideration. In my dispatch of the 22d February I dwelt upon the strong objection entertained by His Majesty's Government to any agreement under which, while the United States would have a treaty right to interfere with the canal in time of war, or apprehended war, Great Britain alone, in spite of her vast possessions on the American Continent and the extent of her interests in the East, would be absolutely precluded from resorting to any such action, or from taking measures to secure her interests in and near the canal. The same exception could not be taken to an arrangement under which, supposing that the United States, as the power owning the canal and responsible for the maintenance of its neutrality, should find it necessary to interfere temporarily with its free use by the shipping of another power, that power would thereupon at once and *ipso facto* become liberated from the necessity of observing the rules laid down in the new treaty.

8. The difficulty raised by the absence of any provision for the adherence of other powers still remains. While indifferent as to the form in which the point is met, I must emphatically renew the objections of His Majesty's Government to being bound by stringent rules of neutral conduct not equally binding upon other powers. I would therefore suggest the insertion in rule 1, after "all nations," of the words "which shall agree to observe these rules." This addition will impose upon other powers the same self-denying ordinance as Great Britain is desired to accept, and will furnish an additional security for the neutrality of the canal, which it will be the duty of the United States to maintain.

As matters of minor importance, I suggest the renewal of one of the stipulations of article 8 of the Clayton-Bulwer convention by adding to rule 1 the words "such conditions and charges shall be just and equitable," and the adoption of "treaty" in lieu of "convention" to designate the international agreement which the high contracting parties may conclude.

Mr. Hay's draft, with the proposed amendments shown in italics, is annexed.

LANSDOWNE.

AUGUST 3, 1901.

[Inclosure 2 in No. 2.]

Draft of treaty relative to the construction of an interoceanic canal.

The United States of America and His Majesty, the King of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty the King of Great Britain and Ireland, etc., the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1. The high contracting parties agree that the present *treaty* shall supersede the aforementioned convention of the 19th April, 1850.

ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present *treaty*, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ART. 3. The United States adopts, as the basis of the neutralization of said ship canal, the following rules, substantially as embodied in

the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations *which shall agree to observe these rules*, on terms of entire equality, so that there shall be no discrimination against any nation *so agreeing*, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. *Such conditions and charges of traffic shall be just and equitable.*

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this *treaty*, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. 3-A. *In view of the permanent character of this treaty whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the isthmus which connects North and South America, and that no change of territorial sovereignty, or other change of circumstances, shall affect such general principle or the obligations of the high contracting parties under the present treaty.*

ART. 4. The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within —— months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this *treaty*, and thereunto affixed their seals.

Done in duplicate at Washington, the —— day of ——, in the year of our Lord 1901.

—

No. 3.

The Marquis of Lansdowne to Mr. Lowther.

FOREIGN OFFICE, *September 12, 1901.*

SIR: I have to inform you that I have learned from Lord Pauncefote that Mr. Hay has laid before the President a memorandum a copy of which was forwarded to you in my dispatch of the 3d August.

Mr. McKinley regarded, as did Mr. Hay, the consideration shown to the last proposals of the United States Government relative to the interoceanic canal treaty as in the highest degree friendly and reasonable.

With regard to the changes suggested by His Majesty's Government, Mr. Hay was apprehensive that the first amendment proposed to clause 1 of article 3 would meet with opposition because of the strong objection entertained to inviting other powers to become contract parties to a treaty affecting the canal. If His Majesty's Government found it not convenient to accept the draft as it stood, they might perhaps consider favorably the substitution for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules" the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and instead of "any nation so agreeing" the words "any such nation." This, it seemed to Mr. Hay, would accomplish the purpose aimed at by His Majesty's Government.

The second amendment in the same clause, providing that conditions and charges of traffic shall be just and equitable, was accepted by the President.

Coming to article numbered 3-A, which might be called article 4, Mr. Hay pointed out that the preamble of the draft treaty retained the declaration that the general principle of neutralization established in article 8 of the Clayton-Bulwer convention was not impaired. To reiterate this in still stronger language in a separate article, and to give to Article 8 of the Clayton-Bulwer convention what seemed a wider application than it originally had, would, Mr. Hay feared, not meet with acceptance.

If, however, it seemed indispensable to His Majesty's Government that an article providing for the contingency of a change in sovereignty should be inserted, he thought it might state that:

"It is agreed that no change of territorial sovereignty or of the international relations of the country traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

This would cover the point in a brief and simple way.

In conclusion, Mr. Hay expressed his appreciation of the friendly and magnanimous spirit shown by His Majesty's Government in the treatment of this matter, and his hope that a solution would be attained which would enable the United States Government to start at once upon the great enterprise which so vitally concerned the whole world, and especially Great Britain, as the first of commercial nations.

I am, etc.,

LANSDOWNE.

—

No. 4.

The Marquis of Lansdowne to Lord Pauncefote.

FOREIGN OFFICE, *October 23, 1901.*

MY LORD: I informed the United States chargé d'affaires to-day that His Majesty's Government had given their careful attention to the various amendments which had been suggested in the draft interoceanic canal treaty, communicated by Mr. Hay to your lordship on the 25th April last, and that I was now in a position to inform him officially of our views.

Mr. Hay had suggested that in article 3, rule 1, we should substitute for the words "the canal shall be free and open to the vessels of commerce and of war of all nations which shall agree to observe these rules," etc., the words "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules," and in the same clause, as a consequential amendment, to substitute for the words "any nation so agreeing" the words "any such nation." His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers, which they stopped short of conferring upon other nations a contractual right to the use of the canal.

We were also prepared to accept, in lieu of article 3–A, the new article 4 proposed by Mr. Hay, which, with the addition of the words "or countries" proposed in the course of the discussions here, runs as follows:

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

I admitted that there was some force in the contention of Mr. Hay, which had been strongly supported in conversation with me by Mr. Choate, that article 3–A, as drafted by His Majesty's Government, gave to article 8 of the Clayton-Bulwer treaty a wider application than it originally possessed.

In addition to those amendments, we proposed to add in the preamble, after the words "being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans," the words "by whatever route may be considered expedient," and "such ship canal" for "said ship canal" in the first paragraph of article 3, words which, in our opinion, seemed to us desirable for the purpose of removing any doubt which might possibly exist as to the application of the treaty to any other interoceanic canals as well as that through Nicaragua.

I handed to Mr. White a statement showing the draft as it originally stood and the amendments proposed on each side.

I am, etc.,

LANSDOWNE.

—

No. 5.

Lord Pauncefote to the Marquis of Lansdowne.

WASHINGTON, *November 18, 1901.*

MY LORD: I have the honor to transmit to your lordship herewith a copy of a communication from Mr. Hay, dated the 8th November, formally placing on record the President's approval of the various amendments made in the draft of the new interoceanic canal treaty in the course of the negotiations, and particularly set forth in your lordship's dispatch to me of the 23d October.

I have, etc.,

PAUNCEFOTE.

[Inclosure in No. 5.]

Mr. Hay to Lord Pauncefote.

WASHINGTON, *November 8, 1901.*

EXCELLENCY: Upon your return to Washington I had the honor to receive from you a copy of the instruction addressed to you on the 23d October last by the Marquis of Lansdowne, accepting and reducing to final shape the various amendments in the draft of an interoceanic canal treaty, as developed in the course of the negotiations lately conducted in London, through Mr. Choate, with yourself and Lord Lansdowne.

The treaty, being thus brought into a form representing a complete agreement on the part of the negotiators, has been submitted to the President, who approves of the conclusions reached and directs me to proceed to the formal signature thereof.

I have, accordingly, the pleasure to send you a clear copy of the text of the treaty, embodying the several modifications agreed upon. Upon being advised by you that this text correctly represents your understanding of the agreement thus happily brought about, the treaty will be engrossed for signature at such time as may be most convenient to you.

I have, etc.,

JOHN HAY.

—

No. 6.

Lord Pauncefote to the Marquis of Lansdowne.

WASHINGTON, *November 19, 1901.*

MY LORD: I have the honor to report that, by appointment with Mr. Hay, I yesterday went to the State Department, accompanied by Mr. Wyndham, and signed the new treaty for the construction of an interoceanic canal.

I have, etc.,

PAUNCEFOTE.

—

No. 7.

[Telegraphic.]

Lord Pauncefote to the Marquis of Lansdowne.

WASHINGTON, *December 16, 1901.*

Canal treaty ratified by 72 votes to 6 in Senate to-day.

Mr. BRANDEGEE. Now I ask unanimous consent that the unfinished business may be temporarily laid aside.

THE PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WARREN. I ask that the amendment on page 53 be stated.

THE PRESIDENT pro tempore. The Chair will call the attention of the Senator from Wyoming to the fact that the amendment on page 52, line 18, has not been acted on.

Mr. WARREN. I understood that it had been agreed to.

THE PRESIDENT pro tempore. It will be stated.

The SECRETARY. On page 52, line 18, it is proposed to strike out "$362,500" and in lieu thereof to insert "$462,500," so as to read:

In all, for the National Museum, $462,500.

Mr. BACON. I have been unavoidably out of the Chamber on account of duty upon the special committee connected with the impeachment proceedings. I simply want to ask the Senator from Wyoming if this matter relates to the suggestion which has come from the Smithsonian Institution as to what is needed in that regard?

Mr. WARREN. This covers a portion of the suggestion that came from there, and they are all of them within the estimates.

Mr. BACON. I took the liberty of making the inquiry because I had been asked to give some attention to it, but my other duties necessarily prevented me from doing so.

Mr. WARREN. The Senator will notice that the figures here represent the amount raised.

The amendment was agreed to.

The next amendment was, on page 53, to strike out lines 9 to 12, inclusive, in the following words:

Hereafter all plans and specifications for construction of buildings and bridges in the National Zoological Park shall be prepared by the municipal architect of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 55, line 7, after the words "per day," to strike out the sum "$200,000" and insert "$250,000," so as to make the clause read:

For the payment of all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary and allowances in lieu of subsistence while away from official headquarters to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $250,000.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," subhead "Armories and arsenals," on page 55, after line 9, to insert:

Augusta Arsenal, Augusta, Ga.: For increasing the water supply and fire protection, $5,100.

The amendment was agreed to.

The next amendment was, on page 55, after line 11, to insert:

Frankford Arsenal, Philadelphia, Pa.: For dredging the Frankford Arsenal Creek, bordering on the Frankford Arsenal grounds, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 57, to insert:

Military posts: For continuing the construction of the necessary accommodations for the seacoast artillery in the Philippine Islands, $250,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to insert:

Keithley-Overton Railroad, Philippine Islands: For the construction and equipment of a railroad from Camp Overton to Camp Keithley, Mindanao, P. I., provided that the total cost of same shall not exceed $200,000, $50,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 8, to insert:

Additional land, Fort Sam Houston, Tex.: For purchase of the tract of land now being leased from George W. Brackenridge, for drill purposes, consisting of 310 acres, more or less, lying just north of the newly purchased ground of the military reservation of Fort Sam Houston, Tex., and extending to the country road recently completed around the reservation, $70,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 15, to insert:

Bridge at Fort Riley, Kans.: For the construction of a steel bridge across the Kansas River, at Fort Riley, Kans., to render accessible the drill ground for the Cavalry at Smoky Hill Flats, $50,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 19, to insert:

Grant of land by the State of Wyoming for enlargement of military reservation, Fort Mackenzie, Wyo.: The grant by the State of Wyoming by act of its legislature approved February 21, 1905, of title to and jurisdiction over the northeast quarter and northwest quarter of southeast quarter of section 18, township 56 north, range 84 west, of the sixth principal meridian, in the county of Sheridan and State of Wyoming, for the enlargement of the military reservation of Fort Mackenzie, in said State, is hereby accepted; and the State is hereby permitted to select and have patented to it, in compensation for said grant, an equal area of any of the unoccupied, nonmineral, untimbered public lands subject to entry within the State of Wyoming.

The amendment was agreed to.

The next amendment was, on page 58, after line 9, to insert:

Water system, Schofield Barracks, Territory of Hawaii: From the unexpended balance of the appropriation for "Water and sewers at military posts," fiscal year 1912, there is hereby reappropriated and made available during the fiscal year ending June 30, 1913, for the construction of the water system for the military reservation and post of Schofield Barracks, in the Territory of Hawaii, the sum of $175,000, or the entire unexpended balance, if less than that sum.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, going back to page 57, one amendment agreed to there reads as follows:

Keithley-Overton Railroad, Philippine Islands: For the construction and equipment of a railroad from Camp Overton to Camp Keithley, Mindanao, P. I., provided that the total cost of same shall not exceed $200,000, $50,000

Is, it proposed that we shall spend $200,000 to build a railroad from one point to another in the Philippine Islands?

Mr. WARREN. The amount is limited to that amount. We are now paying over $150,000 a year to transport necessary Army supplies over this route. It seems a matter of the greatest economy that we should construct this road.

It has been recommended continuously by the War Department, and has been examined thoroughly. Formerly it was thought the expense would be $800,000 or $900,000.

Mr. OVERMAN. What is the distance?

Mr. WARREN. It is about 22 miles.

Mr. OVERMAN. Does the Senator think we can build a railroad of that length in the Philippines for $200,000?

Mr. WARREN. It is a narrow-gauge road.

Mr. OVERMAN. And equip it?

Mr. WARREN. Yes; sufficient to carry supplies, and so forth, of the Army.

Mr. OVERMAN. I understand it is for the benefit of the Army now, not the Philippine Islands.

Mr. WARREN. Entirely so; although without doubt it could be disposed of, if built, for other uses to good advantage.

Mr. BACON. The Senator indicates that the cost of this road is a relative saving compared with our present expenditures. What about the operation of the road?

Mr. WARREN. The operation of the road would show a very great economy, more so than in the building. Of course, the operation of the road is a matter of a few men where the operation now is at the cost of many men, in addition to the animals that are employed.

Mr. BACON. Is it designed to be entirely a military road?

Mr. WARREN. It is to be owned or operated by the military establishment. It will run on the property of the United States.

Mr. BACON. What does the Senator mean by being owned by the military?

Mr. WARREN. It is to be built by the money we appropriate for the Army. Of course it will be United States property, and it is to be under the control of the Army.

Mr. BACON. But the title is what I speak of. The Senator spoke of it as being owned.

Mr. WARREN. The title to the railroad would be the same as the title to a military post.

Mr. BACON. Of course, the Senator does not mean that we now own the ground upon which the road is to be located.

Mr. WARREN. Most of the route is located on land which came to the United States through its Philippine connections, and where the road goes over private lands the damage has been estimated and is included in this cost.

Mr. BACON. Mr. President, of course I am not on the Appropriations Committee, and I have not the information which the learned Senator from Wyoming has; but having visited that country myself, and having been around different parts of it, it seems to me the demand for the construction of railroads on account of military purposes would not be limited to this railroad. If we are going to start on this business——

Mr. WARREN. Has the Senator from Georgia been over this particular route?

Mr. BACON. I have not, and I am speaking generally. I visited those islands some years ago—not, of course every part of them, but from one military post to another—and I have some general idea about the necessity for intercommunication. It is only that that I had in my mind when I said that if we started upon the project of building railroads in all places in those islands where intercommunication between different military posts may be more economical if made by railroad transportation than it can be if made by other methods of transportation, we are entering upon a pretty wide field. I have no doubt that this may be the place where it is more important to have such communication than it would be at other places. I am ready to concede that in advance of a statement to that effect, which I presume the Senator from Wyoming will undoubtedly make, because if it were not of more importance it would not be selected for this purpose; but it is simply the general proposition of the construction of railroads in those islands for military purposes that struck me as being a new departure, so far as I know. Is not this the first time such a project has been undertaken?

Mr. WARREN. When the Senator has finished I shall explain the matter.

Mr. BACON. Well, of course, I supposed the Senator would indicate whether this was a new departure.

Mr. WARREN. I will say to the Senator from Georgia that the Government of the United States has been for a number of years engaged in obtaining railroads in as many portions of the Philippines as have been found practicable, as the Senator knows, through certain guaranteed bonds the islands have issued. By reason of that most of the military posts, so far as the building of railroads is concerned, are well provided for. This particular route—and I might say to the Senator that I have been over the ground on horseback with a number of others—goes from Overton on the water up to Keithley, which is high on the mountain plains surrounding Lake Lanao, and is in the very center of the Moro country. At the time when I visited the Philippines, which was in 1905, the then Secretary of War, now President of the United States, arranged that as many Senators and Members of Congress as could should cross over that line. The proposition then was to spend perhaps seven or eight hundred thousand dollars to build a railroad because we could get no one else to take hold of the project. It was so entirely a military matter that the capitalists who were building the other railroads could not be interested. At that time the transportation was costing considerably over $200,000 a year. There has been an estimate made annually for several years, and particularly for the last two years the matter has been very earnestly and exhaustively examined under the governor and general officer who presides over that island. By the use of Moro labor, which has been found to be even more valuable and efficient for some uses than that of the Filipinos, it has been finally estimated by one of the able engineer officers of the Army that for somewhere between $165,000 and $200,000 a narrow-gauge railroad may be built on comparatively easy grades. That will not only include the railroad right of way, but also a right of way beside it from Overton, where we receive from the water transportation our supplies, up to the military posts which are in the mountains.

With that showing it seemed to the committee that it would be false economy to spend almost as much each year in freight expenditures as we should be required to expend in building the road. It is not a matter upon which snap judgment has been taken, but the reports in reference to it are voluminous and convincing, I will say to the Senator.

In my opinion, when that road shall have been built there can be developed a good deal of business. I believe the road can eventually be disposed of by the Government to private parties when it shall have been established; but whether it can be so disposed of or not, it is certainly in the line of economy for the Government to build it. It is not a new proposition that the Government may build its own small, short lines of transportation. We have done it in a number of places. In several large posts the Government builds and owns the entire railroad system, and railroad corporations build to the reservation lines to connect; also the Government builds and owns railroads from wharves to storehouses, in order to transport supplies cheaply.

Mr. BACON. But I should like to ask the Senator this: We have had in times past a large frontier where we had military posts between which communication was difficult and expensive.

Mr. WARREN. Let me say to the Senator, there is nothing that is even comparable with this particular case. It is sui generis.

Mr. BACON. Yes; but what I had in mind was to inquire of the Senator whether there had ever been a single instance in the past history of this Government when we had built a railroad for the purpose of cheapening or facilitating intercourse between different military posts in this country?

Mr. WARREN. This is not between military posts. It is to supply from the water or ocean navigation transportation to a military post. We have done the same thing on a smaller scale in other cases. We have railroads to various places to reach warehouses from the water. You will find it in California, and you will find it in many other places.

Mr. BACON. I have misunderstood the Senator. I understood him to say that this was to reach a military post in the interior.

Mr. WARREN. So far as one terminal is concerned the road will start at the water where the freight is received for those military posts.

Mr. BACON. Yes. Now——

Mr. WARREN. But it is not intended simply to connect two military posts.

Mr. BACON. I understand; but that part of it is not material. The Senator from Texas [Mr. CULBERSON] suggests that it is to connect two camps; I do not know how that may be; but the point I am making is that in our large and long experience we have never done that in our own country. I am not going to make any point to have a record vote on it or anything of that kind, but I am very frank to say that it does not meet my approval. Of course I am only one, and when I say that I do not mean to exaggerate in any degree the exact limitations of my approval or disapproval; it is simply the disapproval of one Senator. I am not in favor, Mr. President, of our going into enterprises of this kind, either in this country or anywhere else, and much less am I in favor of going to remote parts of the earth to build a railroad, to be operated by the United States Government, with its officials and with its almost certain facilities for abuse of opportunity, to speak of it in the mildest language.

I wish very much, Mr. President, we had the attention of the Senate on this subject. It is certainly a most radical departure. It is one which will lead to complications in the future. What are we going to have there? Are we going to have a corps of civil railroad men operating a railroad?

Mr. WARREN. Oh, Mr. President, it is a mere matter of a couple of locomotives and sufficient cars to receive the freight and to handle it, exactly as is done in many places now where the Government owns its locomotives and owns its railroads for short distances, in order to deliver its own freight. In the last year nearly 8,000 tons of freight had to be moved in that country, and it cost $20 a ton to move it.

Mr. BACON. What character of freight was that?

Mr. WARREN. Freighting with horses and mules.

Mr. BACON. The Senator misunderstands me. I asked what was the character of the freight?

Mr. WARREN. General supplies, food, clothing, and so forth, for military uses.

Mr. BACON. Well, Mr. President, it seems to me that furnishes an object lesson—another one of the many presented to us, although there are many more which could be presented but are absolutely unknown—of the folly of our undertaking, without any compensation or the hope of it in the future, to establish an empire on the other side of the world. I do not know whether this matter has been considered by the House of Representatives. Of course, ordinarily, under the rule, we are not permitted to discuss matters which occur in the other House, but here is a House bill and here is an amendment proposed to be put upon it by the Senate committee.

The Senator from Wyoming says that this matter has been recommended by the department for years. It is true I have never been on either the Military Committee or on the Appropriations Committee, but if it has ever before been suggested in the Senate I have never heard of it. While, as I have said, I have never been on either of these committees, and have never been on the Philippines Committee, this is a subject in which I have always taken the very deepest and keenest interest from its very inception. From the time, immediately after the Spanish-American War, when it was proposed that we go into this hair-brained undertaking, nothing has ever come up in the Senate, the name "Philippines" has never been mentioned, that my attention has not been attracted to it because of my long-continued interest in the subject.

I regret very much that the committee has seen proper to recommend this. A railroad is a permanent establishment. The building of one railroad leads to the building of others; the building of railroads leads to the organization of officials; the organization of officials leads to appointments and all those things which grow out of such a proposition. While I am not now in a position to effect and possibly could not effect anything if I were to attempt to do so, I sincerely hope that this proposition may not be enacted into law.

I can not reconcile myself, Mr. President, to the idea that we are to be for all time with this "body of death" hanging to us. That is what the possession of the Philippine Islands is—it is a "body of death." It is inconsistent with our institutions. It is an impossibility that those people shall ever be assimilated as a part of the country in which our institutions prevail; it is an impossibility that they can ever be a part of us or upon equal terms with us in any way; it is an impossibility that we can ever get back a part of the interest upon the principal that we have spent as to those islands, to say nothing of the hundreds of millions of dollars—and I am not speaking exaggeratedly—the hundreds of millions of dollars, the many hundreds of millions of dollars, they have cost us. I recollect, Mr. President, hearing the former Senator from Massachusetts, Mr. Hoar—if I am not in error in my recollection—I have heard him say on the floor of the Senate, when he was a member of it, that it had already cost us seven or eight hundred million dollars; and Mr. Hoar was a man not prone to make careless statements.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. CLAPP. I am heartily in sympathy with the attitude of the Senator from Georgia, but I will say to him that the statement was $600,000,000. That, however, was many years ago.

Mr. BACON. Yes; that was many years ago, and I presume by this time it has reached a thousand million dollars. I should like to know how many dollars have ever gone into the United States Treasury or how many dollars have ever come into the pockets of any of the people of the United States in the way of legitimate trade or return on account of those islands.

I am not favorable, Mr. President, to a continuation of this policy and a further development of it. It may be that it costs more now to carry this freight by mules and horses than it would if the railroads were constructed, but the carrying of freight by mules and horses is a temporary matter while the construction of a railroad is a permanent matter.

I think, Mr. President, the statement of the Senator that it costs under the present arrangement the amount of money indicated by him to carry the comparatively small amount of freight necessary for supplying military posts in the Mindanao country carries upon its face a suggestion of the fact that there is waste and extravagance, if nothing worse, in the conduct of that business; and every rail that we put down is going to be that much more of an influence to make perpetual this burden upon us, to make it more likely that forever we are to have hung upon us what, I repeat, is a "body of death," and has been nothing else from the beginning.

I am not going to ask for any vote on the amendment, Mr. President, but it has got to be considered elsewhere, and I hope it will be so considered that it will never become a part of the law.

Mr. OVERMAN. Mr. President, I opposed this amendment in the committee for many of the reasons which the Senator from Georgia more ably and more lucidly than I could possibly state them has expressed. I introduced a resolution in the Senate at the beginning of the session asking the Secretary of War to report to Congress how much money had been spent in the Philippine Islands. I never could get a report on that resolution. For some reason the committee will not make a report on it. I remember also that in the last Congress I introduced a resolution asking how much money had been spent in the Philippines, but it sleeps the sleep of death in the committee. Prior to that time there was a similar resolution introduced asking how much money had been spent, but it also slept the sleep of death. We can not get any report as to the amount that has been spent; we do not know what that amount is, but we are safe in saying that we have already spent a billion dollars over there. No man knows how we have spent it or where we have spent it; and now we are going into the railroad business.

Mr. CULBERSON. Mr. President, do I understand the Senator to say that there has been a failure to answer a resolution of the Senate?

Mr. OVERMAN. I introduced a resolution more than two months ago, and I understand the late lamented Senator from Georgia, Mr. Clay, also introduced a similar resolution, but we never have been able to get a report as to how much money we have spent in the Philippine Islands.

Mr. CULBERSON. What I want to know is, did the resolution pass the Senate?

Mr. OVERMAN. The resolution was referred to the Committee on the Philippines, but there has been no report on it; and that has been the case with every resolution introduced on that subject in the Senate since I have been here. We can not get the information, but we know the cost of those islands to the United States has been a thousand million dollars.

Mr. CULBERSON. I notice the Senator from Idaho [Mr. HEYBURN] is present in the Chamber; he is a member of the Philippines Committee, and probably can throw some light upon whether or not this resolution is going to be reported out.

Mr. HEYBURN. Mr. President, the suggestion is rather indefinite; so much so that it is not possible for me to make any statement in regard to the status of that resolution. Of course its status is easily ascertainable. A telephone message to the committee room or to the chairman of the committee, who was on the floor a few moments ago, might elicit the desired information.

Mr. CULBERSON. I invited the attention of the Senator from Idaho to the matter, because the chairman of the committee, the Senator from Colorado [Mr. GUGGENHEIM], was not on the floor when I spoke.

Mr. HEYBURN. Of course, I would require time enough to ascertain the facts; I would not care to state them from general recollection.

Mr. CULBERSON. I thought the Senator had them in his mind.

Mr. HEYBURN. I believe I have them in my mind; but I do not have them in my mind so accurately as to justify me making a statement on the floor.

Mr. OVERMAN. I would be very much obliged if the Senator would look after the resolution and see that it is reported.

Mr. HEYBURN. I will be glad to look into the matter.

Mr. OVERMAN. Mr. President, I understand that it now costs to transport this freight $160,000 a year. I understand that the trail over which this freight is carried crosses mountains and that is where it is proposed to build a railroad. I think the Senator said the railroad was to be 20 miles long, that it is not to be on a level plain, but is to be constructed over mountains. I suppose they are going to have a cog railroad, something like they have on Pike's Peak, although I do not know, as I am not familiar with the country.

Mr. WARREN. The Senator misunderstood me. The railroad will not run over mountains, in the manner he indicates, but will start at the sea level and go to an elevation of some thousands of feet. The Senator may call them mountains if he chooses; however, there is no range of mountains there such as we have in this country, but, rather, a high plain where it is proposed to construct the railroad to the top of the hills or mountains that surround Lake Lanao.

There is no cog railroad projected, but a narrow-gauge railroad, and by making it cover a distance of, say 22 miles, although the distance, as the crow flies, is only 14 or 15 miles, the grade can be lessened, so that a steam railroad could operate successfully and economically.

Mr. OVERMAN. Although I am not an engineer, I will venture the assertion that a road only 20 miles long reaching an elevation of a thousand feet could not be built for $200,000, whether it be a narrow-gauge road or any other kind of a road.

We are entering upon the policy of the Government of the United States building a railroad in the Philippine Islands. I do not think we ought to do that; I do not think this Government has any business building railroads in the Philippine Islands, which we expect some of these days to give up. I say we have spent enough money there now, and I would rather go on spending the $160,000 to transport that freight 20 miles than to start the building of a railroad reaching an elevation of a thousand feet in 20 miles. It will cost, in my opinion, to build such a railroad a million dollars. I think the estimate given to the committee is an underestimate. It is proposed that the railroad shall not exceed in cost $200,000, but when the $200,000 has been spent they will come here again for another $200,000, and so on. It takes sometimes a hundred thousand dollars to build a mile of railroad across the mountains. The Senator says these hills are a thousand feet high, so I think they are pretty large hills.

Mr. WARREN. Mr. President, the road has been carefully surveyed and can be built on a grade of about 2 per cent. Of course, I have no more interest in this question than has the Senator from North Carolina, and I know he will take it good-naturedly when I say that he is creating a bogy man to fight. There will be no part of this $50,000 used until they know that the road can be built within the limit of cost, except the expense of securing bids.

Heretofore I have refused even to ask that the proposition be considered. When the first estimates were made I considered they were too high, or, rather, that the total cost was above what I thought it expedient to spend; but this year, after years of study out there and the development of the country in a way that has rendered the procurement of supplies easier and has resulted in the breaking in, if I may use that term, of Moros as laborers, the proposition has been put on a reasonable basis. I think the Senator should not state that it will cost a million dollars or $2,000,000 to build the road.

Mr. OVERMAN. I am not sure what it will cost, for I am not an engineer, but usually such projects start at a low estimate, which is increased from year to year, as the Senator knows.

Mr. WARREN. Sometimes that is true; but in this case, as I have said, there have been nearly two years of investigation, and the last reports, which carry the items of cost even to the spikes to be used, come from the most conservative engineers of the Army, and I have been convinced that we can get the road built inside of the limit proposed; but if we can not, I

think there will be no part of the amount expended except, perhaps, in advertising for bids.

Mr. OVERMAN. The Senator knows, he and I having served on the Military Committee together, that there has not been a time when the department has not been asking for large sums of money for this purpose and that purpose, and consistently I have been fighting the spending of money in the Philippine Islands, except where it was necessary, as I believed, for fortifying what they call Corregidor Island; but as to going out into the interior and building railroads and other roads, I have always objected to that. We have been building roads over there.

Mr. WARREN. Mr. President, while the Senator from North Carolina and I may differ on the question of expenditures in the Philippines, and while the Senator from Georgia may be entirely right as to the burden of the Philippines, yet I do not believe we greatly differ when it comes to a question of putting our affairs there on a business basis of strict economy. We are there and we are not going to get out of there at once. The military posts are built; our troops are there, and freight is being received and taken over the roads. The railroad can be built very quickly, and in a year—certainly in less than two years—it would stand us nothing; it would be clear to us, for it will have paid for itself. If we are to give up the public property in the Philippines we are supposed to get something for it, and nothing would be better or more productive to those who might buy the property than a road of this kind.

Mr. OVERMAN. I gather from what the Senator says that it may be in the nature of a commercial proposition. We are proposing to build a railroad from the seacoast to a camp, and the Senator said, as I understood him—and I want to know if I am wrong—that probably we are going to establish a trade across the mountains with the Moros. So really back of it all—I am not charging the Senator with such a purpose—is there not probably something of the idea that they want to get a railroad over there to establish commercial relations with those people and make it a traffic line?

Mr. WARREN. I will say to the Senator there is nothing of that kind contemplated. I presume the Senator would not like to see us, after building the road, smother the country and not try to develop it. If that road shall result in developing the country, so much the better.

Mr. OVERMAN. But I do not propose to spend the money of the taxpayers of this country to develop the Philippine Islands in the interior.

Mr. WARREN. Would the Senator rather expend it for mules and horses which die along the line and find that because he does not want to build a railroad he is a great many thousand dollars out?

Mr. OVERMAN. I would rather spend for 10 years $100,000 a year buying mules and horses for the Government than to enter into the railroad business in the Philippine Islands. I do not know how long we are going to be there, but I should like to get away as soon as possible.

Mr. BACON. Especially, if the Senator will permit me, because there is no possible guaranty that this will be an end of it, but, on the contrary, there is every evidence to believe it is but an entering wedge for an expenditure which almost certainly will exceed the amount proposed, and there is no telling by how much it will exceed it.

Mr. WARREN. There is no way of meeting assertions of that kind. The committee has examined this matter as closely as possible, and, if my reputation is worth anything, I will say, so far as the presentation of this matter is concerned, that the estimate has been made fairly and squarely to cover the expenditure. So far as any influence I may have is concerned, I should not want a dollar expended, except perhaps for advertising for bids, unless the road can be built within the limit provided.

Mr. OVERMAN. I know the Senator would not make a statement unless it were true, because whatever he says is always true; but it is a very remarkable statement that it takes $100,000 a year to carry supplies for a little Army post 20 miles away.

Mr. WARREN. Why, Mr. President, "a little Army post" does not express it at all. It is a large Army post.

Mr. OVERMAN. How many men are stationed there?

Mr. WARREN. Not only is that a large Army post, but at the time I visited that country there were two posts on the margin of the lake.

Mr. OVERMAN. How many men are in that post?

Mr. WARREN. I should have to refer to the official list, of course, to ascertain that.

Mr. OVERMAN. Are there 10,000?

Mr. WARREN. Oh, no.

Mr. OVERMAN. Well, are there 5,000?

Mr. WARREN. Probably there are not half of 5,000.

Mr. OVERMAN. Well, 2,500 men then; we will take that. It costs $100,000 to transport freight 20 miles to a place where there are only 2,500 men. I can not understand that.

Mr. WARREN. Well, $20 a ton would amount to something.

Mr. OVERMAN. How many tons—we would have to find out how many tons.

Mr. WARREN. About 8,000 tons in the last year.

Mr. CULBERSON. Mr. President, as a member of the Committee on Appropriations, I, like the Senator from North Carolina [Mr. OVERMAN], opposed the adoption of this amendment in the committee. There is no question that the expenditures of the United States are extraordinary and in many cases, in my judgment, wholly unnecessary.

The former Senator from Rhode Island, Mr. Aldrich, when a Member of this body declared that the expenditures of the Government could be reduced $200,000,000 annually without injury to the public service. Now, whether that be an exaggeration or not, it certainly contains some proof that our expenses are far greater on the part of the Government than they should be.

Recognizing this fact, the House of Representatives at this session has begun a reduction of expenditures. The clerk of the Committee on Appropriations of that body has advised me that in the supply bills so far passed by the House of Representatives at this session the House has reduced expenditures more than $52,000,000 annually, as compared with the appropriations of last year.

Now, when we take up the sundry civil bill what do we find the House has done toward reducing expenditures in this bill alone? According to its report, it has reduced the expenditures in this bill as compared with the appropriations of last year something in excess of $33,000,000.

The Senate Committee on Appropriations has met that in a sense by bringing in a bill which reduces expenditures in this bill as compared with last year $27,000,000 and upward. But it has not met the House fully and fairly with reference to this particular bill. It has increased the expenditure of the Government in this bill alone over the bill as passed by the House by $5,545,000.

Not content, as I believe and as I assert, with unnecessarily expending money in the United States proper, it has in this amendment provided for the expenditure of $200,000 to begin the construction of a railroad in the Philippines, which ultimately of course will not belong to the United States; and, like the Senator from North Carolina [Mr. OVERMAN] and the Senator from Georgia [Mr. BACON], I protest not only with reference to a large number of items—which I will point out before the bill passes—by which the Senate committee has increased the bill over the House, but that we are going out of the United States proper and starting upon an era of permanent improvements in the Philippine Islands by engaging in the extraordinary and dangerous practice of the Government building and owning a railroad.

The PRESIDING OFFICER (Mr. LODGE in the chair). The Secretary will state the next amendment.

Mr. OVERMAN. I move that the amendment which we have been discussing be disagreed to.

The PRESIDING OFFICER. The amendment has already been agreed to.

Mr. OVERMAN. I understand; but that was done informally.

Mr. WARREN. The Senator can move to reconsider the vote by which it was agreed to.

Mr. OVERMAN. I move to reconsider the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the amendment on page 57, lines 4 to 8, inclusive, was agreed to.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. OVERMAN. I hope the amendment will be rejected.

Mr. CULBERSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Johnston, Ala.	Perkins
Bacon	Crawford	Jones	Pomerene
Bailey	Culberson	Kenyon	Root
Borah	Cullom	Lippitt	Simmons
Bourne	Cummins	Lodge	Smith, Ariz.
Bradley	Fall	McCumber	Smith, Ga.
Brandegee	Fletcher	McLean	Smith, S. C.
Bristow	Gallinger	Martin, Va.	Smoot
Bryan	Gamble	Martine, N. J.	Stephenson
Burnham	Gardner	Massey	Stone
Burton	Gronna	Myers	Sutherland
Catron	Guggenheim	Oliver	Swanson
Chamberlain	Heyburn	Overman	Thornton
Clapp	Hitchcock	Page	Warren
Clark, Wyo.	Johnson, Me.	Paynter	Wetmore

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee, on page 57, to insert the matter embraced in lines 4 to 8, inclusive.

Mr. OVERMAN. On that I call for the yeas and nays.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina asks for the yeas and nays. Is there a second?

Mr. BACON. Mr. President, I understand the Senator from Kansas addressed the Chair, and it would seem that the call for the yeas and nays should be deferred until he got through.

The PRESIDING OFFICER. The present occupant of the chair thinks that when a Senator asks for the yeas and nays it is proper to put the request.

Mr. BACON. I will not stop to discuss that now; but I do think that it is an improper practice, for the reason that the yeas and nays might be called upon a matter which would remain before the Senate for two or three weeks, and the purpose of the Constitution in requiring the yeas and nays is that those who are present and are going to vote on the question shall, at the demand of one-fifth of those who are present and going to vote, be required to go on record.

The PRESIDING OFFICER. In the opinion of the Chair, when a Senator asks for the yeas and nays, the first thing to be done is to determine whether there is a second to the request.

Mr. OVERMAN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERMAN. I do not understand that a call for the yeas and nays prevents any Senator from speaking thereafter.

The PRESIDING OFFICER. Not in the least. The question is, Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered.

Mr. BRISTOW. I should like to inquire why the money that is to be expended for a railroad in the Philippine Islands should not be paid out of the Philippine treasury instead of out of the United States Treasury.

Mr. WARREN. That will probably be the ultimate outcome; but, under the relations between the two, that could not be done now, because for the present the railroad will be in the exclusive ownership of the United States and for its exclusive use.

I want to say to the Senator and to all Senators who were not in the Chamber when this matter was being discussed, that this is a matter of building what you might call a switch track from the sea, where the freight is received, to the military posts that are on Lake Lanao. This is restricted to an expenditure of $200,000. We have statements that have been almost years in preparation from the best engineers of the Army which state it can be built inside of $200,000. We are now expending from $150,000 a year to two hundred and odd thousand dollars a year for hauling freight over that road. So it is a matter of economy, and the road will pay for itself inside of two years.

Mr. BRISTOW. It seems to me that expenditures for permanent improvements in the Philippine Islands ought to be paid for out of the Philippine treasury.

Mr. WARREN. It must come from there ultimately, but there is no way now by which it can be handled in that manner. It would be like an emplacement for fortifications. Everyone contemplates that those fortifications, when we turn them over to the Philippine Government, will be paid for by that Government, but now they are paid for by the United States, as the Senator knows.

Mr. HITCHCOCK. I should like to ask what is to become of this railroad? Is it to be open for public travel or simply for the use of the Government?

Mr. WARREN. That is getting a little ahead of what we are now contemplating. As the Senator knows, the United States Government and the Philippine Government have their arrangements, and, in my judgment, they have conducted business very well in the last few years. The building of this road and its present use would be exclusively, we will say, by the United States. But I have no doubt when the road is opened it would be the same as any other highway or railroad—there will be arrangements made by its management under which the civil government of the Philippines will undoubtedly participate.

For instance, this very section of country in which it is proposed to build this road is presided over by a brigadier general of the United States Army as the departmental commander. The same officer is civil governor of Mindanao. There seems to be no difficulty in the management there; and that will take care of itself, of course.

Mr. HITCHCOCK. I think it is a very serious matter for us to enter upon a system of Government-owned railroads in the Philippine Islands, and upon that question Congress has distinctly spoken that it would not enter upon such a policy.

Mr. WARREN. The Senator, I think, was not in the Senate Chamber when I stated that the Philippines were proceeding to get railroads in other ways, as the Senators know, through the guaranty of bonds, and so forth. But this proposed road is of the nature of those short stub or spur railroads that are owned now by the Army and Navy, which extend from the sea to the warehouses or to a camp or a post, as the case may be.

Mr. HITCHCOCK. It strikes me that that is a considerable railroad.

Mr. WARREN. It will cost $200,000.

Mr. HITCHCOCK. It is to be 20 miles in length, I understand, and there now being a law which provides for the construction of railroads in the Philippine Islands by permitting the Philippine Government to guarantee the interest upon the bonds, suggests to me that where there is any legitimate need for a railroad and any profitable use for a railroad, it will be built.

Mr. WARREN. Do you think they would build a railroad for the Government between a loading point and a post?

Mr. HITCHCOCK. If the Government is now expending, as the Senator says, over $100,000 a year in freight transportation, and the road could be built for $200,000 by private capital, and could secure from the Government $100,000 a year for the transportation of freight, I believe private enterprise would build it, particularly as the bonds would be guaranteed by the Philippine Government.

Mr. WARREN. I wish I had the faith that the Senator has with regard to how easily capital can be had for those remote regions in those remote islands.

Mr. HITCHCOCK. I believe I express the strong sentiment of this country against having the Government make permanent investments of this character, unless a better showing is made as to the need for them.

Mr. REED. Mr. President, may I ask a question for information? I was unavoidably out of the Chamber when the Senator made his explanation and when this question was discussed. For my own information I want to ask whether the railroad is to be a part of our defense system—our military system—in the Philippine Islands?

Mr. WARREN. In the sense that it is a means of transportation from the sea to our troops; yes.

Mr. REED. Is this intended to be a permanent post, or is it simply a post that is maintained there to keep the peace in the islands until such time as we shall relinquish our control?

Mr. WARREN. It is a permanent post. It is in the Moro country, where, as I presume the Senator knows, there are different tribes, and where in early times there were all kinds of differences and all kinds of government. They had war between themselves, one upon another. It was the most dangerous country we had to enter when we took the islands. Our work there has been perhaps the most successful of our work anywhere in bringing about relative peace and turning the inhabitants into various lines of industry. It is purely a matter of economy.

As I stated before, surely the chairman of the committee has no more interest in the matter than any other Senator. But at present we are bound to spend not $100,000, as the Senator from Nebraska states, but from $150,000 to $200,000 a year for freight to this post. At one time it was over $200,000 a year. The lowest offer they have now for the next year or two is $20 a ton, and the lowest estimate they can make is 7,500 tons a year, which would be an even $150,000 for the wagon transportation over this route.

If by the expenditure of $200,000 we can at once almost obliterate that charge and bring it down to a mere nominal one, it seems to me good economy, whatever may become of the road after the Government has finished using it for the part of the Army located there.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator had finished. I did not know the Senator had the floor.

Mr. REED. Has there been any estimate or request in reference to this matter from the War Department?

Mr. WARREN. The Senator, I think, was out during my statement.

Mr. REED. I was out. I am sorry to take the time of the Senate.

Mr. WARREN. In the first place, these estimates were made as early as 1904 or 1905. When the so-called Taft party went to the islands the local authorities were so anxious about the matter that they arranged a trip, and a number of Senators and Members—myself included—went across that country on horseback and examined it thoroughly and spent a night at Lake

Lanao. The estimates then called for between $700,000 and $800,000. The War Department asked then that we build the road. But it seemed too much, and in my service on the Military Affairs Committee and also on the Committee on Appropriations I was not then ready to take up the enterprise.

But later on, I think during the last year, the War Department has had another estimate made by what it believes to be one of the most capable men in the service, one of the Army engineers.

The estimates for this road have been made annually ever since 1905, I think. The War Department has not only an estimate made, but in its evidence before the committee, through its head and bureau chief, it insisted that if we wanted economical management we should provide this railroad.

Mr. REED. Just one further question. Generally the internal improvements of the islands are now being taken care of by the islands themselves, are they not, our Government guaranteeing the bonds?

Mr. WARREN. Certain of them are; yes.

Mr. REED. If this proposed road is for the maintenance of the peace of the islands and is also in the nature of a permanent improvement, why should it not be paid for by the government of the islands, instead of by this Government?

Mr. WARREN. This is a matter of a different nature. As I say, it is for the exclusive use of the Government at present and may be said to be for the purpose of controlling the very people that would be taxed if the road were paid for by local taxation.

Mr. LODGE. Mr. President, I only wanted to say a single word in regard to the nature of the proposed road. It is a road which is proposed to be built in the island of Mindanao. The island of Mindanao is the great island on the southern border of the archipelago. It has no connection with Luzon. It is hundreds of miles away from Manila and from all that region where the commercial railroads are. It is the island of the Moros, who are Mohammedans in religion, and who are a wild and more or less dangerous people, under the government of their own datos or sultans.

The prospect of the road having any commercial value—which I recognize under present conditions would be almost a crime—is so slight that I think it need not be regarded. The island is largely a tropical wilderness. It is absolutely necessary to maintain a military post there. This is a mere means of communication for the safety of the military post, and for the cheap transportation of supplies thereto.

Having had familiarity for a good many years with Philippine matters, I simply wanted to emphasize the point that this is a matter that in no way concerns the commercial development of the islands, in which the other railroad system is involved.

Mr. REED. Mr. President, if I may, I should like to ask the Senator a question. The Senator appears to be very well posted upon the character of this island, as he is upon all questions upon which he speaks.

Mr. LODGE. I was for 15 years chairman of the Committee on the Philippines, and therefore picked up some knowledge of the islands.

Mr. REED. If the island is inhabited by barbarians and savages, and has no commercial possibilities, I should like to inquire why we are maintaining an Army post there, and why we should build railroads. Why do we not get out and turn it over to these Mohammedans?

Mr. LODGE. I did not say it had no commercial possibilities; far from it. I think very likely it has considerable commercial possibilities, now that we have established and maintained peace there. It is part of the archipelago. It is necessary, in the interest of all the islands, to have good order preserved there, which now is preserved there, and which undoubtedly is leading to some commercial development. I was speaking of the general condition of the island.

Mr. HITCHCOCK. I should like to ask the Senator a question. It has been stated that practically the only business of this railroad will be for military purposes.

Mr. LODGE. So I understand.

Mr. HITCHCOCK. The Senator from Wyoming has stated that the number of tons carried over the road annually will be 7,000 tons. Figuring 20 tons to the car, that is 350 carloads a year. Is the Senator in favor of building a railroad to carry less than 1 carload a day?

Mr. LODGE. Mr. President, I am in favor of building the railroad as an adjunct to a military post. My point, which seems to have escaped the Senator from Nebraska, was that this was not a commercial enterprise. It is a matter of military protection. I thought the Senator from Nebraska was haunted by the idea that in the remote future somebody might make some money out of it, and I wanted to disabuse his mind of the idea that there was any possibility of such a crime as that being contemplated. I do not think anybody is going to make any money out of it. It is a matter of military protection.

Mr. BACON. I should like to make an inquiry of the Senator. If for any reason we should have occasion to abandon that post, or that island, either, does the Senator think we could dispose of the road at an advantageous price?

Mr. LODGE. Why, certainly, because it would be of governmental value. Nobody with any commercial sense would build a road there. It is proposed to be built for the protection of the military post and for military purposes, and it would be valuable to any Government which took over the islands.

Mr. WARREN. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. WARREN. That country was considered important enough, both as to government and as to future development, for the Spanish nation to maintain communication through it. In fact, they carried through it to the lake, on mules and horses, at great expense, the materials for two steamboats, and constructed them on the lake. When we had our differences with Spain we captured and sunk those boats. Since then we have raised them, and they are now plying on the lake. It is not a country that is incapable of development, because it has great natural resources. But if peace is to be maintained there, and one tribe is to be kept from annihilating another, there must be some strong hand of government there.

Mr. LODGE. Mr. President, if the Senator from Wyoming will allow me, he does not differ with me in my proposition that this road is primarily a military adjunct?

Mr. WARREN. Not at all; it is entirely so.

Mr. REED. What is the objection to letting one tribe of that kind of people annihilate the other?

Mr. LODGE. No doubt something may be said for that view.

Mr. WARREN. The Senator from Missouri seems to be more bloodthirsty than he was before he went to Baltimore.

Mr. REED. Oh, no, Mr. President. I am just trying to qualify myself for association with some of the gentlemen who did not go to Chicago.

Mr. WARREN. That is useless.

Mr. FLETCHER. I understood the chairman of the committee to state that in 1904 the War Department estimated that the expenditure required here was about $800,000. If we have had a saving of $600,000 since 1904, may we not get some further advantage if we postpone the matter another year or two?

Mr. WARREN. That is begging the question. In the first place, I alluded to 1904 in a loose manner. When the estimates are as carefully made as they are now, with every item shown, an argument of that kind does not have any effect.

Mr. BACON. I understand the question to be upon the adoption of the amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment recommended by the committee, beginning with line 4, on page 57. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and noticing his absence I withhold my vote.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON] and withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. He is not present and I therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the Senator from Tennessee [Mr. LEA]. If he were present, and I were allowed to vote, I would vote "yea."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], and although I have his assurance that on all such matters I can vote, I will for the present withhold my vote.

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE],

and I withhold my vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. BRADLEY (after having voted in the affirmative). When I voted I forgot that I am paired with the senior Senator from Maryland [Mr. RAYNER]. I withdraw my vote.

Mr. McCUMBER (after having voted in the affirmative). I am informed that my pair, the senior Senator from Mississippi [Mr. PERCY], has not voted. That being the case I will transfer my pair with that Senator to the Senator from Michigan [Mr. TOWNSEND] and I will allow my vote to stand.

Mr. DILLINGHAM (after having voted in the affirmative). I ask leave to withdraw my vote, as I see that the Senator from South Carolina [Mr. TILLMAN] is not in the Chamber. I am paired with that Senator.

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is unavoidably absent from the Senate. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the day.

Mr. CULBERSON (after having voted in the negative). Has the Senator from Delaware [Mr. DU PONT] voted?

The PRESIDING OFFICER (Mr. LODGE in the chair). The Senator from Delaware [Mr. DU PONT] has not voted.

Mr. CULBERSON. I withdraw my vote, as I have a general pair with that Senator.

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

The result was announced—yeas 28, nays 25, as follows:

YEAS—28.

Bourne	Crawford	Jones	Perkins
Bristow	Cummins	Lodge	Poindexter
Burnham	Fall	McCumber	Root
Burton	Gallinger	McLean	Smith, Mich.
Catron	Gamble	Massey	Smoot
Clark, Wyo.	Gronna	Oliver	Sutherland
Crane	Guggenheim	Page	Works

NAYS—25.

Ashurst	Johnson, Me.	Pomerene	Smith, S. C.
Bacon	Johnston, Ala.	Reed	Stone
Bryan	Kenyon	Shively	Swanson
Chamberlain	Martin, Va.	Simmons	Thornton
Clapp	Martine, N. J.	Smith, Ariz.	
Fletcher	Myers	Smith, Ga.	
Hitchcock	Overman	Smith, Md.	

NOT VOTING—41.

Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lippitt	Stephenson
Borah	Dillingham	Nelson	Tillman
Bradley	Dixon	Newlands	Townsend
Brandegee	du Pont	O'Gorman	Warren
Briggs	Foster	Owen	Watson
Brown	Gardner	Paynter	Wetmore
Chilton	Gore	Penrose	Williams
Clarke, Ark.	Heyburn	Percy	
Culberson	Kern	Rayner	
Cullom	La Follette	Richardson	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The next amendment was, on page 58, after line 19, to insert:

Purchase of land, Vancouver Barracks, Wash.: For the purchase of lands necessary and suitable for a target range for Vancouver Barracks, Wash., $25,750.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to insert:

China or White Hall Cemetery, Pennsylvania: The Secretary of War is hereby authorized and directed to sell for cash, by advertisement or private sale, as in his judgment may best subserve the interests of the United States, and to make the required conveyance, all the right, title, and interest of the United States in and to that certain parcel of land situate on the northwesterly side of China Hall public road leading to Bristol, in the township of Bristol, county of Bucks, State of Pennsylvania, containing 1 acre, more or less, conveyed to the United States by deed of George Randall and wife, dated the 30th day of August, 1864.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert:

Cave Hill Cemetery, Louisville, Ky., purchase of additional land: For the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., for the burial of soldiers of the Union Army in the late Civil War and in the War with Spain, $25,656.80.

The amendment was agreed to.

The next amendment was, on page 62, after line 8, to insert:

Florence Cemetery, South Carolina: For the construction of a rostrum at the national cemetery at Florence, S. C., $5,000, or so much thereof as may be necessary in the discretion of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 64, line 24, after the sum "$57,500," to insert "*Provided*, That $500 of the above sum is hereby made available to defray the expense of the removal of the body of Lieut. Col. George Pomutz, adjutant and lieutenant colonel, during the Civil War, of the Fifteenth Regiment Iowa Volunteer Infantry, from St. Petersburg, Russia, to Arlington Cemetery, Virginia, also to include disinterment, transportation, and reinterment at Arlington," so as to make the clause read:

Disposition of remains of officers, soldiers, civilian employees, etc.: For the expenses of interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons, and enlisted men of the Army active list; for the expenses of interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, inclusive of Alaska, or on Army transports; for the expenses of removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services, to be paid out of the funds appropriated by this act, but no reimbursement shall be made under this act of such expenses incurred prior to the 1st day of July, 1910, $57,500: *Provided*, That $500 of the above sum, etc.

Mr. WARREN. I move to amend the amendment by adding, in line 3, page 65, after the word "Infantry," the words "also consul of the United States."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 65, after line 6, to insert:

Reimbursement of the government of the Philippine Islands: To reimburse the government of the Philippine Islands for expenses incurred in the disinterment, preparation for shipment, and transportation of the remains of the late Orman K. Osbon, member of Company F, Thirty-sixth Regiment United States Volunteers, buried in the Catholic cemetery at Bolinao, island of Luzon, to San Francisco, for burial in the national cemetery, $75.

The amendment was agreed to.

The next amendment was, on page 66, after line 2, to insert:

Monuments or tablets in Cuba and China: For repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "National military parks," on page 68, after line 13, to strike out:

The unexpended balance, not exceeding $5,959, of the appropriation of $150,000 for the Union Naval Monument is reappropriated and made available for bronze portraits, with granite pedestals, of brigade and division commanders.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to strike out:

Hereafter vacancies occurring in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks: *Provided*, That as vacancies occur hereunder the Secretary of War shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 69, line 16, after the word "improvements," to strike out the sum "$70,000" and insert "$150,000, including not to exceed $4,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $1,500 for maintenance of the road in the forest reserve leading out of the park from the south boundary"; and in line 21, after the words "Secretary of War," to strike out "and to be immediately available"; so as to make the clause read:

Yellowstone National Park: For maintenance and repair of improvements, $150,000, including not to exceed $4,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $1,500 for maintenance of the road in the forest reserve leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

The amendment was agreed to.

The next amendment was, on page 70, after line 2, to insert:

For widening and improving surface of roads, and for building bridges and culverts, from the belt-line road to the western border; from The Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $77,000.

Mr. HITCHCOCK. I wish to inquire of the chairman of the committee what the expression "motor-propelled vehicles in the Yellowstone Park" means? I notice that this appropriation of $77,000 is for the purpose of making roads "suitable and safe for animal-drawn and motor-propelled vehicles." I

understood that Government regulations prohibit motor-propelled vehicles in the parks.

Mr. WARREN. That is true, but let me say to the Senator that the belt line in the park is, of course, surrounded by a large portion of the park, practically unused and untraveled except as to the roads of entrance from north, south, east, and west. Then there is a forest reserve still outside of and almost entirely surrounding the park. The travel from the south, east, and west, as well as from the north, is becoming heavy, and there is nothing there, as to the first three mentioned, but wooden waterway bridges and sluices and narrow, incomplete roadways. These roads are narrow and must be repaired, and in repairing it is thought best to make them wide enough so that they can be utilized hereafter for motors from the outer park lines to the inside much-traveled belt line, but not yet on the belt line. This has been recommended by the committee after consideration of the Interior Department and the War Department replies to Senate resolutions.

While the Secretary of the Interior expressed himself as opposed to motors on the belt line in the park at present, he says he believes that the time will come when motors may be admitted, after roads have been properly reconstructed.

This proposed widening, however, covers but a small fraction, considering the total number of miles of traveled roads. It goes from the edge of the timber reserve to the belt line in three different directions that are very much traveled.

Mr. HITCHCOCK. The regulations will still remain in force against automobiles in the park?

Mr. WARREN. Oh, yes; there is no present change proposed in that regard.

The amendment was agreed to.

The next amendment was, on page 70, after line 9, to insert:

Crater Lake National Park, Oreg.: For the construction of a wagon road and the necessary bridges through Crater Lake National Park, Oreg., together with a system of tanks and water-supply pipes to provide for sprinkling, in accordance with the recommendations contained in the report of the War Department published as House Document No. 324, Sixty-second Congress, second session, to be expended under the direction of the Secretary of War, $100,000.

The amendment was agreed to.

The next amendment was, on page 72, line 3, after the words "for official use," to strike out "$27,000" and insert "$30,000," so as to make the clause read:

For improvement, care, and maintenance of various reservations, including purchase, maintenance, and driving of horse and vehicle for official use of the officer in charge of public buildings and grounds, and of other necessary vehicles, for official use, $30,000.

The amendment was agreed to.

The next amendment was, on page 72, line 15, after the word "embankment," to insert "and constructing roads, paths, and shelters," and in line 16, after the word "shelters," to strike out "$25,000" and insert "$75,000," so as to make the clause read:

For grading, soiling, seeding, and planting that portion of Potomac Park west of the railroad embankment, and constructing roads, paths, and shelters, $75,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

For commencing the improvement of Montrose Park, and for its care and maintenance, $10,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 4, to insert:

For commencing the improvement of Meridian Hill Park, $25,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 21, to insert:

Telegraph to connect the Capitol with the departments and Government Printing Office: For care and repair of existing lines, $500.

The amendment was agreed to.

The next amendment was, on page 78, line 8, after the word "commission," to strike out "$5,000" and insert "$8,800," so as to make the clause read:

Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," including the purchase of periodicals, maps, and books of reference, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, $8,800.

The amendment was agreed to.

The next amendment was, on page 80, line 7, after the word "mouth," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Siuslaw River, Oreg.: For continuing improvement by jetty construction at the mouth $35,000.

The amendment was agreed to.

The next amendment was, on page 81, line 2, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Chicago River, Ill.: For continuing improvement, $28,000.

The amendment was agreed to.

The next amendment was, on page 81, line 5, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Columbia and Lower Willamette Rivers, below Portland, Oreg.: For continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, on page 81, line 8, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Harbor at Conneaut, Ohio: For continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, on page 81, line 15, after the word "sea," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Delaware River, Pa. and N. J.: For continuing improvement of 35-foot channel from Allegheny Avenue, Philadelphia, Pa., to the sea, $450,000.

The amendment was agreed to.

The next amendment was, on page 81, line 21, after the words "north jetty," to insert "in completion of contract authorization," so as to make the clause read:

Improving Grays Harbor, Wash.: For continuing improvement of Grays Harbor and Bar Entrance by extension of north jetty in completion of contract authorization, $655,000.

The amendment was agreed to.

The next amendment was, on page 81, line 24, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Hillsboro Bay, Fla.: For continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, on page 82, line 2, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving harbor at Hilo, Hawaii: For continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, on page 83, line 5, after the word "improvement," to strike out "$31,400" and insert "$160,000," so as to make the clause read:

Harbor of refuge at Point Judith, R. I.: For continuing improvement, $160,000.

The amendment was agreed to.

The next amendment was, on page 83, line 11, after the word "ocean," to strike out "in completion of contract authorization," so as to make the clause read:

Improving St. Johns River, Fla.: For continuing improvement from Jacksonville to the ocean, $350,000.

The amendment was agreed to.

The next amendment was, on page 83, line 14, after the word "channel," to strike out "over" and insert "through," so as to make the clause read:

Improving San Pablo Bay, Cal.: For continuing improvement of channel through Pinole Shoal, $122,000.

The amendment was agreed to.

The next amendment was, on page 83, line 18, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving South Haven Harbor, Mich.: For continuing improvement, $40,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 24, to insert:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $20,000.

Mr. HITCHCOCK. I should like to ask if the work of that commission has not been practically finished?

Mr. WARREN. We are informed that it has not been finished. It is nearing completion. The chairman of the board—Gen. Ernst, I believe, is the chairman—stated to the committee that he would endeavor to finish it within this amount, and perhaps save some portion of this appropriation. There is much paper work yet to be done, and some of the monuments and landmarks are not yet up.

Mr. HITCHCOCK. What monuments does this Waterways Commission erect?

Mr. WARREN. Monuments are erected oftentimes to make a point on the water. Monuments on land oftentimes are used in triangulating into some water point, and monuments are erected on islands and river and lake borders.

Mr. CULBERSON. Can the Senator give us the personnel of the commission as it is now organized?

Mr. WARREN. I do not know that I have it at hand now, but I shall obtain it in a moment or two.

Mr. BURTON. Mr. President——

Mr. CULBERSON. This is not the Canadian commission. This is the International Waterways Commission.

Mr. WARREN. Yes.

Mr. CULBERSON. I understand that they have nothing to do with the erection of monuments.

Mr. ROOT. Mr. President, the International Waterways Commission, which was created under congressional legislation, was charged under the boundary treaty with the work of laying out and marking the boundary between the United States and Canada on the Great Lakes.

Mr. WARREN. That is, the water part of it.

Mr. CULBERSON. That is an entirely different commission, I think.

Mr. WARREN. No; the Senator is thinking of another commission, which evidently has been confounded with this one. This is the earlier commission, and is presided over—the American part of it—by Gen. Ernst.

Mr. HITCHCOCK. Does the Senator mean to say that the commission operating between Canada and the United States is called the International Waterways Commission?

Mr. WARREN. I understand it is a commission as arranged between the two Governments to carry out treaties.

Mr. HITCHCOCK. I supposed that was called the joint commission, not the international commission. I supposed the international commission was the commission we had investigating——

Mr. WARREN. We have another commission, called the International Joint Commission, of which Mr. Tawney, formerly of the House of Representatives, is a member, and of which one of our beloved former Members, now dead, was a member; but, as I said, that is entirely different.

Mr. HITCHCOCK. Can the Senator give me the personnel of that commission?

Mr. WARREN. I can not now, just at this moment.

Mr. BURTON. I do not remember the name of the third member. The original members were Gen. Oswald H. Ernst; Mr. George Clinton, a lawyer, of Buffalo, N. Y.; and Mr. George Wisner, an engineer, of Detroit, Mich. Mr. Wisner is now deceased, and a professor of engineering in Cornell University was appointed in his place.

I will state that this commission is somewhat confused with the latter one. It was appointed under the act passed in 1902, paragraph 4 of the river and harbor act of that year, and commenced its work in 1905. It has had to do with quite a number of important investigations, such as the effect upon the water level of the Great Lakes of the diversion caused by the Chicago Drainage Canal. It was specifically authorized and directed to investigate upon the feasibility of constructing a dam at the lower end of Lake Erie.

Mr. HITCHCOCK. What is the title of that commission?

Mr. BURTON. It is called the International Waterways Commission.

Mr. HITCHCOCK. The same title?

Mr. WARREN. No; not the same title. I now can give the membership: Chairman, Brig. Gen. O. H. Ernst, United States Army (retired); George Clinton, Buffalo, N. Y.; E. E. Haskell, Cornell University, Ithaca, N. Y.; secretary, W. E. Wilson, Buffalo, N. Y.

The Canadian members are: Chairman, Sir George C. Gibbons, K. C., London, Ontario; Louis Coste, Ottawa, Ontario; William J. Stewart, Ottawa, Ontario; and their secretary is Thomas Côté, Ottawa, Ontario.

Mr. HITCHCOCK. Is that called the International Waterways Commission?

Mr. WARREN. It is the International Waterways Commission. That is the official title.

Mr. HITCHCOCK. Then we have another one operating under the same name.

Mr. GALLINGER. The title of the latter commission is "The International Joint Commission" as laid down in the Congressional Directory, and I think that is correct.

Mr. CULBERSON. Can the Senator in charge of the bill give us a statement as to the expenditures of this International Waterways Commission last year?

Mr. WARREN. The appropriations have been $20,000 a year.

Mr. CULBERSON. This commission has been in existence since 1902, I understand, when the law was passed. That is 10 years, and it has not concluded its labors yet.

Mr. BURTON. I will state that it commenced its work in 1905. There was a delay by the British or Canadian Government in making the appointment of its members of the commission, there being some difference of opinion as to the exact scope of their work. The Canadian Government thought that they had a right to submit certain disputed questions pertaining to the boundary waters near the Pacific coast, while our Government thought their jurisdiction was limited to the Great Lakes and the St. Lawrence and connecting waters. Their work was not commenced before the year 1905, and perhaps not until a little later. I will say for the commission they have performed some very important duties.

Mr. CULBERSON. Is not the International Joint Commission now performing practically the same duties, so far as Canada is concerned, as this International Waterways Commission?

Mr. WARREN. It is entirely different. This was for the waters and islands, which one witness described as islands in the river that were as the books on the table. When the Senator is through I should like to have read a part of the letter of Gen. Ernst, which throws some light upon the work.

Mr. CULBERSON. Has the chairman of the committee any information as to when the labors of this commission will be concluded? It is admitted that it has been in existence now for six years.

Mr. WARREN. The Senator says that upon what authority?

Mr. CULBERSON. I say it upon the statement of the Senator from Ohio [Mr. BURTON].

Mr. WARREN. That is probably correct. The chairman of the committee was unadvised as to the time, although knowing that it preceded the other one.

Gen. Ernst says here:

I was not called before the House Appropriations Committee when they were preparing the bill, and therefore had no opportunity to answer any objections which might be raised to the item. Indeed, I am not perfectly certain as to what those objections are, but it is my understanding that there are two.

One is that the commission has had time enough to complete its work. In answer to this I can only say that any delays which may have occurred have been unavoidable. They are only such as must always occur where two independent coordinate bodies, like the two sections of an international commission, are working together. All of the work has been completed except that relating to two subjects, the regulation of Lake Erie and marking the international boundary. In spite of all efforts to hasten the work it will require one year and perhaps part of another to complete the relocation and marking of the boundary.

The other objection is, as I understand it, that the work may well be transferred to the new international joint commission and completed by them. This is not possible for a variety of reasons. In the first place, it is almost wholly technical engineering work, and in its present incomplete condition could not be transferred, even to the most competent engineers, without great loss of time and waste of labor already put upon it. In the second place, the new commission is organized upon a different footing from the old one. The personnel of the latter is, by law, two-thirds of it engineers, while the new commission has not a single engineer member. It is no reflection upon the new commission to say that they are not competent to do the work. Finally, article 4 of the treaty between the United States and Great Britain, dated April 11, 1908, of which I inclose a copy, provides that "the existing international waterways commission" shall do this boundary work; that is, the work must be done by a commission of whom the majority are engineers. To transfer it to the international joint commission would be to violate the treaty.

It seems to me that aside from the injury to the work itself which must result from a sudden stoppage, there is here a question of international courtesy. We first invited Great Britain to join us in creating the International Waterways Commission, and later on we joined with her in a treaty assigning to them an important piece of work. Are we at liberty to put a sudden stop to that work, by simply refusing to go on with it, without warning to her?

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Wyoming what is the pay of these commissioners.

Mr. WARREN. I could not tell the Senator that without looking it up.

Mr. CUMMINS. Do we pay them by the year or by the day?

Mr. WARREN. Of course the retired officer of the Army is getting, so far as I know, only his retired pay.

Mr. CUMMINS. Is this appropriation intended to pay them?

Mr. WARREN. It is to pay their employees and such members, doubtless, as are not provided for otherwise.

Mr. CUMMINS. The Senator does not know how much we are paying or how much of the time they are actually employed?

Mr. WARREN. I have not the details here, Mr. President.

Mr. CUMMINS. I think the chances are that all of them except the officer of the Army give most of their time to other occupations.

Mr. WARREN. Of that the chairman would hardly know, as they are all strangers to him, living at distant points.

Mr. CUMMINS. This is not intended to be a criticism, but I have no doubt that they have been paid a great deal more than they ever earned, not simply because they are all eminent men, but because they are paid for a great deal of time that they do not give to the work of the United States. They all ought to be paid by the day and ought to render such an account as to show the time actually expended.

Mr. HITCHCOCK. I should like to ask the chairman of the committee, in view of the assurances which have been given to him for an early report, whether he would be willing to add to this paragraph "final report to be made within one year, or before June 30, 1913"?

Mr. WARREN. If this were a commission entirely on our own land and immediately and only under our own orders, I would probably not object; but here is a commission one-half of which are subjects of another country, and I do not believe it would be competent for us to express it in that way. Of course, we might express a desire for an early completion, but I hardly think we ought to make a drastic order of that kind in an international matter.

Mr. HITCHCOCK. I think such a hint to the commission would be wise.

Mr. WARREN. Make it a hint, but not an order, then.

Mr. HITCHCOCK. I think one of the crying evils, if not scandals, of our Government has been the appointment of such commissions at high salaries with little work and with no supervision, and they are allowed to run along from year to year and from ocean to ocean and to extend their own time.

It seems to me when Congress makes this appropriation, after having received, as the Senator from Wyoming states he has received, an assurance that the final result can be reached within a year, we may well——

Mr. WARREN. No; the Senator must have had his attention attracted elsewhere when I read the letter. Gen. Ernst states that he hoped to accomplish it within a year, or, at least, in the early part of another year.

Mr. HITCHCOCK. I understood the Senator to say before that time.

Mr. WARREN. I said before reading the letter that Gen. Ernst hoped to do it inside of a year, and I still say that; but he qualifies the statement in his letter.

Mr. HITCHCOCK. Undoubtedly, if there were some supervision somewhere, the work could be expedited a great deal. I believe this is one of the cases when a suggestion of this sort would be proper. I therefore move to amend the amendment by adding "the final report to be made within one year."

I want to say by way of explanation, Mr. President, that that can be later amended by Congress if necessary. Being inserted in an appropriation bill, I believe it will produce the desired result.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska to the amendment of the committee will be stated.

The SECRETARY. On page 85, line 3, in the committee amendment, after the numerals, it is proposed to insert a comma and the words:

The final report to be made within one year.

Mr. ROOT. Mr. President, I hope the Senator from Nebraska will not press that amendment. I think it would be regarded as a discourtesy to these gentlemen, who are of very high character, on the American side of the commission and by the Canadian members of the commission. We have not any evidence at all that they have not been entirely diligent in the performance of their work. Senators will realize that, although the boundary lines between the adjacent countries are established, as the population increases and the country in the neighborhood of the boundary becomes more thickly settled and communication and commerce increase it becomes continually necessary to make more definite the position of the line. A line passing through a wilderness might well be described in general terms, but when people come to build their homes and to carry on their business it must be marked out on the surface of the earth with certainty and particularity.

All along the three thousand and odd miles of boundary between the United States and Canada we have been reaching that position. A few years ago it was found very essential that measures should be taken to mark out on the surface of the earth with certainty the lines between New York and Canada. A treaty was made for that purpose and different agencies were availed of to do that work according to the nature of the line which was to be established. For some part of the line surveyors were to be employed, and for the part of the line which passes through the waterways of the Great Lakes both countries agreed that the existing commission, which was very familiar with the waterways and which was composed of two engineers and one lawyer, was the best agency that could be adopted for the purpose of doing the work. If we had not taken that we would have had to create a new agency to do it; but we had these gentlemen; so we formally agreed to impose upon that existing commission the duty of marking out this line. They are empowered by the treaty—

To ascertain and reestablish accurately the location of the international boundary line, beginning at the point of its intersection with the St. Lawrence River near the forty-fifth parallel of north latitude, as determined under articles 1 and 6 of the treaty of August 9, 1842, between the United States and Great Britain, and thence through the Great Lakes and communicating waterways to the mouth of Pigeon River, at the western shore of Lake Superior in accordance with the description of such line in article 2 of the treaty of peace between the United States and Great Britain, dated September 3, 1873, and of a portion of such line in article 2 of the treaty of August 9, 1842, aforesaid, and as described in the joint report dated June 18, 1822, of the commissioners appointed under article 6 of the treaty of December 24, 1814, between the United States and Great Britain, with respect to a portion of said line and as marked on charts prepared by them and filed with said report, and with respect to the remaining portion of said line as marked on the charts adopted as treaty charts of the boundary under the provisions of article 2 of the treaty of 1842, above mentioned, with such deviation from said line, however, as may be required on account of the cession by Great Britain to the United States of the portion of Horse Shoe Reef, in the Niagara River, necessary for the lighthouse erected there by the United States in accordance with the terms of the protocol of a conference held at the British foreign office December 9, 1850, between the representatives of the two Governments and signed by them, agreeing upon such cession; and it is agreed that wherever the boundary is shown on said charts by a curved line along the water the commissioners are authorized in their discretion to adopt in place of such curved line a series of connecting straight lines, defined by distances and courses and following generally the course of such curved line, but conforming strictly to the description of the boundary in the existing treaty provisions, and the geographical coordinates of the turning points of such line shall be stated by said commissioners, so as to conform to the system of latitudes and longitudes of the charts mentioned below.

I ask the attention of the Senator from Nebraska particularly to this part of the treaty—

And the said commissioners shall, so far as practicable, mark the course of the entire boundary line, located and defined as aforesaid, by buoys and monuments in the waterways and by permanent range marks established on the adjacent shores or islands, and by such other boundary marks and at such points as in the judgment of the commissioners it is desirable that the boundary should be so marked.

Then they are to indicate the marks on the charts.

Mr. President, the establishment of this line and the establishment of monuments and range lines is of very great importance, because there arise questions of jurisdiction, the seizure of persons violating the laws on either side of the line, the limit to which fishermen may go, and a great number of acts which relate to the jurisdiction of the different countries. It is an inconspicuous and uninteresting thing to do, but nothing is of greater importance to the carrying out of this series of treaties which provide for fixing with definiteness and certainty the line between the sovereignty of Canada and the sovereignty of the United States.

The two countries have agreed to avail themselves of the agency of this commission to lay out this portion of the line. In view of the difficulties that exist, the questions to be discussed and settled, and the enormous range of country over which they act, I do not think we ought to assume that they have been negligent or dilatory in the performance of their duty; and I should be very sorry to see the Senate put into this appropriation bill anything which tended to express a judgment of that nature.

Mr. HITCHCOCK. Could the Senator suggest any other language which would indicate to the commission that Congress would like to have a report made within a definite time?

Mr. ROOT. Mr. President, I think this discussion will be suggestion enough to gentlemen of the character that compose this commission.

Mr. HITCHCOCK. The Senator realizes that when a commission of this kind is appointed without any time limit, with absolutely no suggestion that there is any haste whatsoever, it has been our universal experience that they have dragged on year after year, with great deliberation, to say the least. The very argument which the Senator from New York makes as to the importance of having these boundary lines demarked and laid out and defined and monumented is an argument in favor of doing it now, and not permitting it to drag along indefinitely through the years.

Mr. ROOT. I think we well might put in a provision directing the American commissioners to make a report.

Mr. GALLINGER. Mr. President, I have such a provision written and hope the Senator from Nebraska will accept it. It is as follows:

Provided, That report as to the progress of the work be made by the American commissioners to Congress at the beginning of the next session.

Mr. HITCHCOCK. In view of the fact that this discussion will also be taken in connection with that, I accept that amendment.

Mr. WARREN. The committee has no objection.

Mr. CULBERSON. Mr. President, I have remarked frequently, since I have had the honor to be a Member of this body, on the number of commissions which have been appointed to assist the Government of the United States in carrying out its obligations and otherwise performing its functions; but I do not believe that I have ever seen commissions so directly the duplicate of each other as are the two commissions which are now under discussion. I want to emphasize that by asking the reporter to put into the CONGRESSIONAL RECORD what appears in the edition of the Congressional Directory of April, 1912, at page 265, about the International Waterways Commission and what appears at page 267 of the same publication under the head of "The International Joint Commission," the duties of each of which have reference to the boundary lying between the United States and Canada, each of them having American commissioners and Canadian commissioners, each of them having an office at the expense of the Government of the United States, one in the Westory Building and the other in the Southern Building.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

INTERNATIONAL WATERWAYS COMMISSION.

[Room 606 Westory Building, 605 Fourteenth Street. Phone Main 7343.]

Brig. Gen. O. H. Ernst, United States Army (retired), chairman, 1321 Connecticut Avenue; George Clinton, Prudential Building, Buffalo, N. Y.; Prof. E. E. Haskell, Cornell University, Ithaca, N. Y.; W. E. Wilson, Federal Building, Buffalo, N. Y., secretary.

CANADIAN MEMBERS.

Sir George C. Gibbons, K. C., London, Ontario, chairman; Louis Coste, Ottawa, Ontario; William J. Stewart, Ottawa, Ontario; Thomas Côté, Ottawa, Ontario, secretary.

THE INTERNATIONAL JOINT COMMISSION.

[Southern Building, Fifteenth and H Streets. Phone Main 3764.]

Created by treaty with Great Britain, and having jurisdiction over all cases involving the use or obstruction or diversion of waters forming the international boundary or crossing the boundary between the United States and Canada.

UNITED STATES SECTION.

Hon. James A. Tawney, Winona, Minn, chairman; Hon. Frank S. Streeter, Concord, N. H.; Hon. George Turner, Spokane, Wash.; L. White Busbey, Washington, D. C., secretary.

CANADIAN SECTION.

Th. Chase Casgrain, K. C., Montreal, Quebec, chairman; Henry A. Powell, K. C., St. John, New Brunswick; Charles A. Magrath, Ottawa, Ontario; Lawrence J. Burpee, Ottawa, Ontario, secretary.

Mr. CULBERSON. I want further to emphasize the fact that the first of these commissions has been in existence since 1905, while the new commission has only just about begun its labors.

I hope, Mr. President, that the amendment suggested by the Senator from Nebraska [Mr. HITCHCOCK], as amended by the Senator from New Hampshire [Mr. GALLINGER], may have the effect of expediting this work, and that at least we may have an opportunity of getting rid of one of these commissions, which are nothing more, in my judgment, however you may disguise it by technicalities, than duplicates one of the other.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. WARREN. Mr. President, before leaving this matter, I ask permission to have printed in the RECORD in full the letter of Gen. Ernst, of which I read a part.

The PRESIDING OFFICER. Without objection, the matter will be printed as requested.

The letter referred to is as follows:

INTERNATIONAL WATERWAYS COMMISSION,
OFFICE OF CHAIRMAN AMERICAN SECTION,
Washington, D. C., June 6, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SIR: Among the estimates submitted by the War Department for the coming year was an item of $20,000 for the support of the International Waterways Commission. This item has been omitted in the sundry civil bill, where it is usually carried, and that bill will reach the Appropriations Committee of the Senate without it.

I was not called before the House Appropriations Committee when they were preparing the bill, and therefore had no opportunity to answer any objections which might be raised to the item. Indeed, I am not perfectly certain as to what those objections are, but it is my understanding that there are two.

One is that the commission has had time enough to complete its work. In answer to this I can only say that any delays which may have occurred have been unavoidable. They are only such as must always occur where two independent coordinate bodies, like the two sections of an international commission, are working together. All of the work has been completed except that relating to two subjects, the regulation of Lake Erie and marking the international boundary. In spite of all efforts to hasten the work, it will require one year and perhaps part of another to complete the relocation and marking of the boundary.

The other objection is, as I understand it, that the work may well be transferred to the new International Joint Commission and completed by them. This is not possible, for a variety of reasons. In the first place, it is almost wholly technical engineering work, and in its present incomplete condition could not be transferred even to the most competent engineers without great loss of time and waste of labor already put upon it. In the second place, the new commission is organized upon a different footing from the old one. The personnel of the latter is by law two-thirds of it engineers, while the new commission has not a single engineer member. It is no reflection upon the new commission to say that they are not competent to do the work. Finally, article 4 of the treaty between the United States and Great Britain, dated April 11, 1908, of which I inclose a copy, provides that "the existing International Waterways Commission" shall do this boundary work. That is, the work must be done by a commission of whom the majority are engineers. To transfer it to the International Joint Commission would be to violate the treaty.

It seems to me, that aside from the injury to the work itself which must result from a sudden stoppage, there is here a question of international courtesy. We first invited Great Britain to join us in creating the International Waterways Commission, and later on we joined with her in a treaty assigning to them an important piece of work. Are we at liberty to put a sudden stop to that work by simply refusing to go on with it without warning to her?

I have had no time to consult my colleagues, but I venture to urge on their behalf, as I do on my own, that the item of $20,000 for the International Waterways Commission be placed in the sundry civil bill by the Senate.

Yours, very respectfully, O. H. ERNST,
Brigadier General, United States Army, Retired,
Chairman of American Section, International Waterways Commission.

Mr. WARREN. Before proceeding to the next amendment, I wish to offer an amendment on behalf of the committee to come in on page 86, at the end of line 10.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 86, after line 10, it is proposed to insert:

Columbia Hospital: The preparation of plans and specifications for a new building for Columbia Hospital for Women and Lying-in Asylum, for which appropriation was made in the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes," approved June 26, 1912, and the expenditure of said appropriation shall be under the direction and supervision of the president of the board of directors of Columbia Hospital and of the Superintendent of the Capitol Building and Grounds.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Medical Department," on page 92, line 3, after the words "Central Branch," to strike out the sum "$40,000" and insert "$48,000," so as to make the clause read:

For repairs, including the same objects specified under this head for the Central Branch, $48,000.

The amendment was agreed to.

The next amendment was, on page 92, line 6, after the words "In all," to strike out the sum "$432,360" and insert $440,360," so as to make the clause read:

In all, $440,360.

The amendment was agreed to.

The next amendment was, on page 92, after line 19, to insert:

For sewage disposal plant, $20,000.

The amendment was agreed to.

The next amendment was, on page 92, after line 20, to insert:

For repairs to barracks, $8,500.

The amendment was agreed to.

The next amendment was, on page 92, after line 21, to insert:

For increase and improvement of water supply, $3,000.

The amendment was agreed to.

The next amendment was, on page 92, in line 25, after the words "In all," to strike out the sum "$401,000" and insert "$432,500," so as to make the clause read:

In all, $432,500.

The amendment was agreed to.

The next amendment was, on page 94, line 12, after the words "Central Branch," to strike out the sum "$40,000" and insert "$42,000," so as to make the clause read:

Mountain Branch, Johnson City, Tenn.: For current expenses, including the same objects specified under this head for the Central Branch, $42,000.

The amendment was agreed to.

The next amendment was, on page 94, line 24, after the words "In all," to strike out the sum "$291,500" and insert "$293,500," so as to make the clause read:

In all, $293,500.

The amendment was agreed to.

The next amendment was, on page 95, line 3, after the words "Central Branch," to strike out the sum "$23,000" and insert "$24,000," so as to make the clause read:

Battle Mountain Sanitarium, Hot Springs, S. Dak.: For current expenses, including the same objects specified under this head for the Central Branch, $24,000.

The amendment was agreed to.

The next amendment was, on page 95, line 16, after the words "In all," to strike out the sum "$163,000" and insert "$164,000," so as to make the clause read:

In all, $164,000.

The amendment was agreed to.

The next amendment was, on page 96, after line 14, to strike out:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

The amendment was agreed to.

The next amendment was, on page 96, line 21, after the words "Volunteer Soldiers," to strike out the sum "$3,969,660" and insert "$4,012,160," so as to make the clause read:

In all, for National Home for Disabled Volunteer Soldiers, $4,012,160.

Th amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 98, line 20, after the word "exceeding," to strike out the sum "$7,500" and insert "$10,000," so as to make the clause read:

Repairs of buildings, Interior Department: For repairs of Interior Department and Pension Buildings, and of the old Post Office Department Building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, $20,000, of which sum not exceeding $10,000 may be expended for day labor, except for work done by contract.

The amendment was agreed to.

The next amendment was, on page 98, after line 21, to insert:

Repairs and renewal of plumbing, and so forth, Pension Office Building: For repairing and renewing plumbing and rearranging toilet rooms in the Pension Office Building, and the construction of necessary sewer and connections therefor, $20,000.

Mr. OVERMAN. I think we ought to strike out the words "and so forth." It seems that the words "Repairs and renewal of plumbing" are sufficient. The words "and so forth" might mean decorations of the building or anything else; there is no telling how the money might be expended.

Mr. WARREN. I do not know that I object to the suggestion of the Senator, except that in renewing the plumbing they may have to tear out the woodwork and would have to replace it, and, of course, that would involve painting.

Mr. OVERMAN. I said decorations. The word "repairs" would cover anything, I think, that is necessary—"repairs and renewal of plumbing."

Mr. WARREN. The words "general repairs" might be inserted instead of the words "and so forth."

Mr. OVERMAN. I think the words "and so forth" cover a great deal.

Mr. WARREN. I move, then, to strike out the words "and so forth" and to insert the words "and general repairs."

Mr. OVERMAN. Very well.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed in the committee amendment to strike out the words "and so forth," in line 2, and to insert after the word "plumbing" the words "and general repairs."

Mr. WARREN. My attention is called to the fact that the paragraph starts with the word "Repairs." Therefore I suggest that the paragraph ought to begin with the words "Renewal of plumbing and general repairs."

The PRESIDING OFFICER. The amendment to the amendment as proposed to be modified will be stated.

The SECRETARY. It is proposed to modify the amendment to the amendment so as to read:

Renewal of plumbing and general repairs, Pension Office Building.

Mr. OVERMAN. Striking out the words "and so forth."

The PRESIDING OFFICER. Striking out the words "and so forth." The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 99, after line 2, to insert:

New roof, Pension Office Building: For the installation of a new roof and the replacing of skylights on the Pension Office Building, $25,000.

The amendment was agreed to.

The next amendment was, on page 99, after line 5, to insert:

Improvement of electric-light plant for the Department of Interior buildings: For labor and material required in the construction of a concrete or brick tunnel or conduit to connect the Patent Office and the old Post Office Department Buildings under F Street NW., between Seventh and Eighth Streets, is hereby authorized, $3,500.

The amendment was agreed to.

The next amendment was, on page 99, after line 11, to insert:

Patent Office, interior court building: For excavation of the interior court of the Patent Office Building and the construction of a suitable building thereon for the use of the Patent Office, $220,000.

Mr. HEYBURN. Mr. President, I should like to inquire does that refer to what we call the old Patent Office, the Interior Department?

Mr. WARREN. It does. There is a very large inside court there that is now perfectly useless except for light. It is proposed, first, to excavate down to the foundation of the building, which will allow for two stories before the light is interfered with at all, and then to draw the other lines up and erect a building in that area with a light shaft all around it.

Mr. HEYBURN. I had in mind the proposition that we should change the name; that is, that we should speak of that building by its real name. It was once the Patent Office, but it is not connected with the Patent Office; it is the Department of the Interior.

Mr. WARREN. That is true; but the Patent Office occupies the greater portion of the building, while the Interior Department occupies several other buildings. I think eventually the Interior Department will be somewhere else in a large building and this building will be occupied entirely by the Patent Office. So I think we should not change the name.

Mr. HEYBURN. I only made the suggestion. They have moved all of the old exhibits and files in connection with the Patent Office out of the building.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 99, after line 15, to insert:

Patent Office Building, repairs and improvement: For replacing defective windows and plumbing and for necessary painting and repairs incident to the work in the Patent Office Building, $50,000.

The amendment was greed to.

The next amendment was, on page 100, after line 4, to insert:

For 22 marble pedestals for statuary in the Capitol Building, to replace the temporary wooden pedestals now in use, $3,725.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 101, after line 6, to strike out "Salaries and commissions of registers: For salaries and commissions of registers of district land offices, at not exceeding $3,000 per annum each, $280,000," and insert:

Salaries and commissions of registers and receivers: For salaries and commissions of registers of district land offices and receivers of public money at district land offices, at not exceeding $3,000 per annum each, $560,000.

Mr. REED. Mr. President, the item which that amendment replaces carries $280,000, so that there is an apparent increase there from $280,000 to $560,000.

Mr. WARREN. Let me say to the Senator that in the paragraph following other amounts are reduced accordingly, so that the total difference is finally only a trifle over $100,000; in fact, it would not be that when followed to its real application, because there would be required the detail from the general roll of an expensive clerk in place of each one of the receivers. If the Senator will allow me, he will find in what follows that there is a corresponding reduction.

Mr. REED. I was not quite through with my question. I notice in the language that is stricken out, which I read a day or two since, but have not had an opportunity to read just now, that the House endeavored to abolish certain offices; the office of receiver of public moneys for the land districts was to be abolished and the duties performed by a register. There are some other changes. I take it that the House made that proposition after due consideration with an idea toward the introduction of some economy. I am unwilling to vote for this amendment unless some reason is given for changing the plan of the House of Representatives; and I should like to know why their work is to be superseded in this way. Incidentally, while the Senator is on his feet, I want to know if this amendment does not work, or at least permit, a change in salary in some of the offices?

Mr. WARREN. It changes no officer's salary. The House provision does away with one officer and provides that his place may be taken by a clerk. Undoubtedly it would require two clerks in many of the offices, and in the mind of those who understand the management of the land offices the proposed change would not effect an economy.

I will say, with all due respect to the House of Representatives, that they had reasons for putting in the language. They did so because at one time there was a report from the department submitted along that line, and it is nothing against the Members of the other House to say that many of them are not from the public-land States, and so would not have personal knowledge on the subject. Where there are a register and receiver the purpose is that one may attend to what you might call the general paper work and the other to the finances, both to act as a court upon land matters, and either to act for both in case of the other's absence. The provision of the House

bill would do away with the receiver and leave only one officer. A moment's reflection shows that you can hardly expect that it would be within human endurance for one man to be all day long, every day, always, except Sundays and holidays, on duty there. In doing away with the register, it is proposed to put a clerk, with a salary running from $1,500 up to $2,500, in his place. That means that in place of the receiver, who is, generally speaking, a lawyer, and usually acquainted with the lands in the State within which he works, there would be a civil-service clerk from Washington, who would know, of course, very little of the country and the conditions, and who could hardly be as well versed in the business as could the receiver. Another thing: This clerk would draw full salary, whether the business warranted it or not, whereas the register and receiver are paid according to the business of the office, $500 each per annum being the minimum and $3,000 each the maximum.

We have been rather industrious in Congress in the last year, I am glad to say, in trying to liberalize, in some respects, the land service, but in doing so we have doubled the duties of some of the officers and that will naturally somewhat increase the expense.

Provided the registers were made of cast iron and could every day during the long days be in service—and while it is only proposed to put one clerk in place of the receiver, they will have to provide a second clerk—and provided all were maximum offices, the greatest possible saving would not exceed $110,000. On the other hand, the probability is that it would take a second clerk, and the new arrangement would cost more than the original method of handling the work.

But aside from all that, the register and receiver, constituting a court, certainly ought to be preferable to one man as a court.

I do not believe this House proposition, Mr. President, has a single friend in the public-land States where there are large land offices. It would be, in my judgment, most unfortunate for the Government and more unfortunate for the homesteaders and settlers of the country to adopt the House provision. If you want to put a wall around the entire West and prevent its development, then enact the kind of legislation that is here proposed, but if you want to develop that country and have it in return fill the coffers of the older part of the country with what wealth they accumulate give each man a chance for his life and give these settlers an opportunity to go before a tribunal in which the Government may have confidence and in which the people themselves may have confidence.

Mr. POMERENE. I desire to ask the Senator from Wyoming a question. I notice that the amendment proposed by the committee provides for the payment of the registers and receivers by salary.

Mr. WARREN. No.

Mr. POMERENE. May I ask the Senator——

Mr. WARREN. The Senator is mistaken. The law now provides, and always has provided, that the stated salary of a receiver and that of a register is $500; but each has the privilege of earning, if the fees of a certain nature are sufficient, $3,000. If the Senator will examine it he will find that the receivers of public moneys are to receive not exceeding $3,000 per annum. That is the same old limit. This Senate amendment puts the law back as it is now, and as it is now those registers and receivers receive all the way from $500 to not exceeding $3,000.

Mr. POMERENE. I have not had an opportunity to examine this matter, but I noticed that under the provision as it came from the House the registers and receivers were required to account for the fees received. Do they still have to account for those fees, except as indicated by the Senator?

Mr. WARREN. Certainly. All fees above $3,000 are turned in. It is a broad question whether, if this House provision should prevail, they could not demand $3,000, whether they earn $1,000 or $1,500, and, according to my analysis of it, we would not save any money; we would lose in the long run.

Mr. HEYBURN. Mr. President, the question is not one of saving money. It is one of securing an adequate public service. The duties of the register and receiver are identical except as to the keeping of accounts. The most important duties performed by those officers are in connection with the determination of the rights of parties to the public lands upon which they file. The greater part of the time of those officers is devoted to hearing the testimony in regard to the right to enter land, whether as an ex parte proposition or in contests between two applicants for the land.

The receiver is invested with the duty of keeping the accounts, receiving the money, and accounting for it. That is comparatively a minor part of the duties. The register keeps, not the financial accounts, but the account of the proceedings in the land office. But whenever there is a contest they are alike invested with the power to hear the testimony and sit together as a court for the purpose of determining facts in dispute.

Now, sometimes, in the natural order of things, the register is better equipped to hear those controverted questions and determine them. In some cases it happens that the receiver is better equipped for the performance of that duty. But when they sit together they comprise a very good court, because it has for some years been the practice of the department to appoint lawyers to the position of register of the land office, and to-day I have personal knowledge of the fact that a number of registers of our land offices are attorneys at law, equipped to sit in any court of ordinary jurisdiction and determine intelligently controverted facts. I do not believe anyone would be appointed to-day who was not known to be competent to determine legal questions. There has been in a very few cases a waiver in the case of the receiver, because it was necessary to have a man of some financial ability and with a fair knowledge of accounts and accounting.

Now, it is proposed to substitute for the receiver of public moneys a bonded clerk. I do not know where the idea originated or why it originated. In the land offices in what we call the active part of the public-land States the fees exceed the maximum, and the work is far beyond the capacity of the register and receiver combined, and those of us from public-land States know that in a number of instances the department has, after thorough investigation, allowed extra clerks in addition to the register and receiver, for the performance of these duties.

Mr. WARREN. Every office is to have one now.

Mr. HEYBURN. I did not intend to refer to this bill, but Senators may. There is, however, a demand coming up from all of the land offices in public-land States for additional clerical help to formulate and make effective the work of the register and receiver, sitting as they do sometimes for one or two weeks to hear contests over the right to enter public lands.

These are real trials. The Government does not now make adequate provision for the hearing and determination of these cases. It is inclined to select cheap quarters, upstairs rooms, in inaccessible places, because they can be obtained at a low rate of rental.

I wish to take this occasion to make a suggestion in that connection. Lands are applied for by old people as well as by young people, but when young persons apply for the entry of lands and contests arise their witnesses are more apt to be old people, and often decrepit people, than not. I have in mind a land office which has been maintained up very steep and difficult stairs for years. I have had my attention called to the fact that at some hearings it was not possible for witnesses, because of their age and crippled condition, to get up those stairs.

No response comes from the department when those matters are presented to it; no favorable attention is given to it. It ought to be written in the law that all land offices should be on the street or ground floor. These hardships may seem of small importance to people dealing with large questions and at a distance from the scene of action, but they are of very great importance.

Only recently I received a number of communications protesting against the location of a land office in which more than the maximum amount of business is transacted every year, because at some hearings it had been impossible to secure witnesses to attend in the room where the hearing was conducted because of their infirmity or age.

I merely call attention to this to show how little consideration is given to the party in interest. You might imagine from the propositions that come to us that these land offices were maintained for the sole and exclusive benefit of the land officers; and that is about the way they are, now. The question is not how can those who have enforced business at the land offices be served, but it is how is it possible to secure cheap men to secure cheap services, at a low compensation? It is high time we awakened up to it. The public lands and their disposal and the settlement of controversies affecting them constitute a large part of the Government's business.

Another evil has grown up. Congress provides that these controversies shall be settled by the court, consisting of the register and receiver of the land office. The executive department of the Government in its subordinate branches, if I may so term them, has undertaken to supplant the method provided by Congress by substituting what they call special agents to perform the duty of responsible officers—not bonded and responsible agents, but agents selected by no one knows whom; agents about whom no one knows anything; agents who are as inaccessible as the old Council of Ten; agents who sit in secret and act in secret and devious ways. They are sought to be substituted for responsible tribunals, in which Congress provides these cases shall be heard, and a special agent can to-day

overrule a register and receiver without any difficulty; and when the contestant, whose interests are at stake, goes to the department and requests the privilege of inspecting or having knowledge of the facts upon which the special agent acted, he is refused, and he is refused without any explanation, except that the information they have, upon which they are going to act in determining his title, is purely for their own use and not available to the parties whose interests are being determined.

That is the position you will be confronted with if you will go to the Interior Department or any of its branches to-day and ask for a report upon a controversy involving the right to purchase lands of the United States.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Certainly.

Mr. REED. The remarks of the Senator are very enlightening—to me at least. I should like to ask him how long this system which he has just described has been in vogue?

Mr. HEYBURN. It commenced to grow about the time an order was issued suspending all entries upon public lands.

Mr. REED. Why?

Mr. HEYBURN. Because at that time the system of special agents had become a real thing.

Mr. REED. About what time was that order issued? I do not know.

Mr. SMITH of Arizona. It was a department order, was it not?

Mr. HEYBURN. That order was issued about seven years ago.

Mr. REED. If that condition of affairs exists—and the Senator says it does, and I, of course, accept his statement without question; I know he would not make it unless he was thoroughly informed——

Mr. HEYBURN. Oh, I have letters to back the statement.

Mr. REED. I do not question that at all. I wanted to ask the Senator what remedy he had to propose. Of course, from our side of the Chamber we would say that the whole department responsible for it ought to be removed from office, every man jack of them; but from his standpoint I want to ask what legislative remedy will meet it, and whether it can not be met by an amendment to this bill, because if it exists I want to help the Senator to remove it.

Mr. HEYBURN. Mr. President, the proposition now is to stop further leaks in justice. It is to prevent the extension of a land system. I do not think it would be profitable to attempt to do it on the basis of criticizing a system that has been publicly in operation. I am merely citing these instances as an illustration of why we should not extend a bad system by cutting off one-half of a court now having jurisdiction.

The remedies that may be now or hereafter suggested must stand on their merits. I am speaking now against the proposed amendment to this bill, which attempts to further cripple the rights and the method of obtaining the rights of the settlers upon the public domain. It would be a long hour were we to enter upon the other field.

Mr. REED. The Senator speaks of the amendment. Does he refer to the amendment brought in by the committee or to the bill as passed by the House?

Mr. HEYBURN. I refer to the amendment in the House bill. Let me make it plain, if the Senator has not from experience come in contact with it.

I have already stated the present system of a court that is constituted of the register and receiver of the land office, both of them familiar with the public-land laws and their administration. The House bill proposes to abolish one of the judges of that court, and to substitute for him a clerk, not with the judicial powers with which the receiver is invested, but with a sort of critical jurisdiction, with the function of criticizing the only remaining judge and harassing him. That is what it amounts to.

The House bill proposes to abolish the office of receiver of public moneys. In the public-land States where the reclamation projects are in vogue, and kindred systems of opening and developing the public lands, the receiver of public moneys performs a most useful function. He is indispensable to the carrying out of that class of public-land disposal. It is proposed to confer upon a clerk part of the duties now resting upon the receiver, and to force the remaining part of them upon the register, thus increasing the duties of an already overburdened official at the expense of efficiency and at the expense of accommodation to those who are entitled to access to these public-land offices.

It is not claimed that this is being done in the interest of the settler upon public lands. It is claimed that it is being done in the interest of the convenience of the law officers whose duty it is to administer the law according to the law. That is the difficulty. I assure the Senator from Missouri and all Senators that no argument can be made in favor of the abolition of this office having in mind the convenience, aye, the necessity, of those who go upon the public lands, honestly seeking for the right to obtain them which the law guarantees to them.

I sincerely hope no plea in the interest of economy will be interposed at the expense of the settlers upon the public domain and those having controversies before the Land Department.

Mr. REED. Mr. President, that is a very lucid statement; but I fail to see how the House bill as reported would have the effect of continuing the system that the Senator so ably denounces, of Secret Service or special agents going out and doing this work, and then the department withholding from the parties in interest the information upon which they acted.

Mr. HEYBURN. If the Senator will permit me there, perhaps I can make my reply more pointed. The House bill proposes to substitute a clerk, who will be a special agent, for the conservative receiver of the land office. It proposes to enlarge the spy system by substituting for the receiver of the land office—who, in nearly every case of which I have knowledge, is a man of ripe judgment and long years of experience—a clerk to be appointed under a system that is part of the system of which I have complained.

Mr. REED. May I ask the Senator to point out the language under which the House proposes to enlarge a spy system? I fail to get it. I am trying very hard to get it.

Mr. HEYBURN. I will point out the language. It is on page 101, commencing with line 14. If the Senator will give this close attention, he will have no difficulty in seeing it:

The office of receiver of public moneys for land districts, from and after the 30th day of June, 1912, is abolished—

That is the responsible, conservative office. That is abolished—

and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers—

That is putting an additional burden upon an already overburdened officer—

And such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law—

That is an additional duty—

and official regulation, and shall be accountable under their official bonds for the proceeds of such sales—

That is the duty now resting on the receiver—

and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished—

Now we come to the new creation—

the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize.

There is a man of indefinite character and uncertain salary who is there at the mercy of the Commissioner of the General Land Office, to be paid such compensation as the commissioner may think he is entitled to, and to be changed as often as the commissioner may choose to change him.

Mr. REED. Is not that the way the registers are appointed?

Mr. HEYBURN. That is putting a subordinate clerk of uncertain tenure in the place of a responsible judicial officer. You might just as well undertake to confer the jurisdiction of the judge on the bench upon the clerk of the court, and then make the clerk of the court subject to the conditions that are imposed in this provision.

Mr. REED. I understand that point that the Senator makes. But is not the clerk appointed by the same authority and in the same way that the register or receiver is appointed?

Mr. HEYBURN. No; the register or receiver is appointed by the President of the United States and confirmed by the Senate. He is subject to the investigation of this body as to his fitness and qualifications. This clerk is appointed at the will of the Commissioner of the General Land Office, is removable by him, and is subject only to the approval of that officer. He is also a thousand dollars a year cheaper man than the man whom we now have. We have a $3,000 man, and we can get pretty good men for $3,000. They must pass the scrutiny of the President of the United States and of the Senate of the United States before they enter upon their duties. This provision proposes to substitute for such a man an ordinary chief clerk.

The salary of the clerk is payable, not out of the Treasury of the United States, but out of the contingent expense account

of the Land Office, as the Commissioner of the General Land Office may authorize.

And such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed or by official regulations, including the receipt of moneys.

That is to say, he may be taken entirely from out the jurisdiction of the register, who is the responsible bonded head officer, and be placed under the sole jurisdiction of the Commissioner of the Land Office; and he may thereby become the spy, the antagonist, the critic of the head of the land office. They have put that reservation strictly upon this officer so that they can at any time antagonize him with the register of the land office.

He shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation.

The register now is governed by law in regard to the disposition of public lands. But this amendment in the House bill provides that he may be governed by the regulations of the Commissioner of the General Land Office. The special agents now pay no attention to the law. They are governed by the regulations of the land office, which in many cases are constituted of mere instructions, "Go and do this," or "Go and do that."

A little further: In case of the absence of the register of the land office this $2,000 clerk may be substituted to perform the duties of the register, which may be the conduct of a hearing involving millions of dollars' worth of property. These officers do not deal entirely with small questions or small values. They deal with questions involving intricate principles of law and millions of dollars of value or investment. And yet it is proposed to transfer the jurisdiction to hear and determine that kind of controversy to a clerk of the register of the land office merely to make a showing that something has been saved.

Now, I am not speaking for something new; I am speaking in favor of the old-established custom and law that has been in force not only through Republican administrations, but has been in force for a lifetime through both Republican and Democratic administrations. The proposition in the bill as passed by the House is absolutely new and untried. This is not a time to indulge in such experiments.

Mr. REED. Mr. President——

Mr. HEYBURN. I desire just a moment to finish reading that portion of the bill which relates to this subject:

But such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction.

Then it provides:

Provided, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1912, be paid to and accounted for by such registers, in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed $3,000 per annum, as now provided by law.

That is the substitute that they propose for existing law, under which these courts were organized more than 40 years ago, and under which the law has been administered until the interference that I have suggested through the special agents, and under which it should be exercised and administered to-day.

I am not going to defend any existing condition because it originated in one administration or another, but the evil that exists would be emphasized by the adoption of this provision. Conditions that are bad enough now would be made worse by it. Instead of having the benefit of the conservative judgment of two trained men, and they are trained men as a rule, in dealing with land laws, instead of having the benefit of that kind of a court, we would have one man authorized to administer the law subject to rules and regulations, and the interference of a clerk.

We have in our land office now a register and receiver and a clerk, all rendered necessary because of the volume of business that is transacted there.

I sincerely hope, unless the Senator has given this matter the attention that I know he would give to a public question upon which he was called upon to act responsibly, that he will not urge anything against this much of a redemption against existing evils.

Mr. REED. Mr. President, I simply want to say that I am very greatly obliged to the Senator for his very clear explanation of present conditions. I would almost be inclined to believe that some one of the Members of the present administration or some former administration interested in the perpetuation of the spy system and increasing it had drawn this House proposition. I am sure it was not the intention of the House——

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Certainly.

Mr. CULBERSON. May I suggest to the Senator from Missouri that the House provision is based upon a recommendation of the Secretary of the Interior?

Mr. REED. I was about to come to that. I was in the act of saying that I took it that if this House provision does in any way tend to perpetuate a spy system, it must have been put in by the House upon the recommendation of some department chief.

However, the matter is now I think quite plain, and I am content. I only want to beg the Senator, who has given this matter great attention, to bring in a bill at the proper time which shall abolish this iniquitous spy system which he states was inaugurated some six years ago and has been perpetuated. I think it ought to be wiped out, and I think his knowledge of the question is such that it will enable him to bring in the kind of a measure that ought to be passed.

Mr. CULBERSON. Mr. President, the question of economy involved in this amendment has been rather minimized, as I understand it, by the Senator from Idaho, but nevertheless I want to invite the attention of the Senate to the fact that this provision of the bill is based upon the recommendation, as I said a moment ago, of the Department of the Interior, after very careful consideration, and upon which they believe that there will be a reduction of the expenditures of the Government without detriment to the public service.

The Senate committee amendment which I voted against in committee and to which I am still opposed, on page 101, seeks to increase the appropriation by $280,000.

The Senator from Wyoming called attention to the fact in that connection that subsequently there was a reduction made, which is true, and it appears at page 103 of the bill, the reduction being from $490,000, as carried by the House, to $410,000, as provided by the Senate committee, making there a reduction of $80,000, which, subtracted from $280,000 on the succeeding page, will show the net saving to the Treasury as provided by the House measure; and that, too, Mr. President, when the House concedes, under the recommendation of the Secretary, with whom I am not personally acquainted, but who is represented to be a man of ability and integrity, that this amount can be saved to the Government without detriment to the public service.

I thought that much ought to be injected into this debate just here in the interest and in defense of the House proposition.

Mr. WARREN. The Senator is mistaken about that being the amount and the only amount, because the shortest way to get at that is this: They seek to do away with 93 receivers, at $3,000 each, and put 93 clerks in.

Mr. CULBERSON. At $2,000.

Mr. WARREN. At $2,000 each, which at best is only $93,000, but at present the registers are not all receiving $2,000 per annum or $2,000 or possibly $1,000, because their pay is based upon fees.

Mr. CULBERSON. I am only speaking with reference to the two pages, not to the actual expenditure. The Senate, on page 102, increases the appropriation by $280,000, and on page 103 reduces the House appropriation by $80,000, leaving a substantial increase on the part of the Senate over the bill as passed by the House.

Mr. WARREN. But in the language of the amendment they provide for these clerks, taking it out of another fund. They are to be taken from Washington and sent out there. So the amount is not as it seems in dollars and cents.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from New Mexico?

Mr. CULBERSON. Certainly.

Mr. FALL. Possibly, as the State of Texas owns all of her public lands herself and has nothing to do with the public lands of the United States except as situated in the other States of the Union, the Senator from Texas does not understand or has not had his attention called to the fact that this is not money which you are saving to the taxpayers of the United States. You are not collecting this revenue or paying these salaries from the general revenues of the United States.

Mr. CULBERSON. I understand. It is being paid out of the money received from the sale of public lands.

Mr. FALL. Not at all.

Mr. WARREN. It is paid from fees for the work the men do.

Mr. FALL. It is being paid out of the money paid by every homestead applicant, every desert-land applicant, who makes an application or a final proof for a piece of land on the public domain. It is not paid by the taxpayers at all, but it is paid in fees now.

Mr. WARREN. By the labor of the register and receiver.

Mr. FALL. Certainly. There is very much more paid into the Treasury than is paid out, and unless the amount is paid in by those people making these applications not one cent is paid out. The registers and receivers, in other words, do not draw $3,000 a year flat salary, but, as has been explained by the chairman of the committee and others, they only draw a proportion of it, and can draw no more. If they collect $10,000 in fees the balance is covered into the Treasury.

Mr. OVERMAN. Suppose they did not collect $3,000, would that be covered into the Treasury?

Mr. FALL. The minimum salary is $500. The United States obligates itself to pay to each one of these officers $500 per annum.

Mr. OVERMAN. And all these fees go back into the Treasury?

Mr. FALL. They go back into the Treasury to hold the money there. If you are going to discharge one of these officials, which I would not agree to do, for the reasons I will give to the Senate, then return the money to the people who pay in these fees. Reduce the fees by one-half for applications and final proof in the entry of land, and then you will be doing somebody some good.

Mr. OVERMAN. Would not that be better?

Mr. FALL. It would be except for one reason, and that is we do not want land-contest cases decided by one official in the respective land districts, and coming here be decided by one official of the United States Government who knows nothing about it. As long as we can try our contest cases before two, we at least have a double opportunity to get justice. We do not want to leave these contest cases to any one man.

Mr. CULBERSON. I am not specially familiar with the land system of the United States. I invite the attention of the Senator to the fact that these bonds are conditioned upon the faithful accounting of proceeds arising from the sale of the public or Indian lands of the district.

Mr. FALL. Those are extraordinary cases where a sale of such public land is ordered directly. I think I can safely say to the Senator that there has been no such sale of land made within the State of New Mexico, formerly the Territory of New Mexico, in 27 or 28 years, to my knowledge. These fees are entirely fees collected from the applicants, the settlers, the homesteaders, and the entrymen on the public domain.

Mr. CULBERSON. Those fees belong to the Government of the United States, and go into the Treasury of the United States as a common fund.

Mr. FALL. They are collected by the register and receiver, respectively, under a schedule providing that the register's fees for an application shall be so much and the receiver's fees shall be so much. Then, as the Senator says, they are covered into the Treasury of the United States. Out of those fees so collected the respective officers may have in salary as much as $3,000 per year, not more.

Mr. CULBERSON. The salaries of these registers and receivers are paid——

Mr. FALL. Not by the State of Texas.

Mr. CULBERSON. No; not by the State of Texas, but they are paid out of the Treasury of the United States.

Mr. WARREN. No; they are taken out only as the money comes in. They do not go into the United States Treasury.

Mr. FALL. Only the excess goes into the United States Treasury.

Mr. WARREN. The excess over $3,000 goes into the Treasury; it is taken by the officer as receiver and accounted for.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. JONES. I was out when this question came up. I desire to offer an amendment, to come in at the close of line 13, page 101.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment to the amendment of the committee, which will be reported.

The SECRETARY. At the end of line 13, after the numerals and before the period, insert the following proviso:

Provided, That on or after July 1, 1913, the President is hereby authorized, by Executive order, to cover into the classified service all registers and receivers, and whenever he shall act under the authority hereby given the advice and consent of the Senate shall be unnecessary to the appointment of such registers and receivers, and the salaries of such officials may be fixed by the President at not more than $3,000 per annum.

Mr. WARREN. I make a point of order against the amendment to the amendment.

The PRESIDENT pro tempore. On what ground does the Senator make his point of order?

Mr. WARREN. That it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. JONES. This whole subject is general legislation.

Mr. WARREN. Not at all, as we make it in the bill; it is an appropriation.

Mr. JONES. What is offered as a substitute for lines 7, 8, and 9 and lines 14, 15, and 16, and so forth, is all legislation.

Mr. WARREN. Not at all. What is offered by the Senate committee is to maintain the law as it now exists. The House provision proposes to change the law, and the Senate committee has recommended that it be stricken out.

The PRESIDENT pro tempore. The point of order is sustained. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 101, after line 13, to strike out:

The office of receiver of public moneys for land districts, from and after the 30th day of June, 1912, is abolished, and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulations, including the receipt of moneys, and he shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation; but such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction: *Provided*, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1912, be paid to and accounted for by such registers, in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed $3,000 per annum, as now provided by law.

The amendment was agreed to.

The next amendment was, on page 103, line 11, after the word "typewriters," to strike out the sum "$490,000" and insert "$410,000," so as to read:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $410,000.

The amendment was agreed to.

The next amendment was, on page 103, after line 23, to insert:

To enable the Commissioner of the General Land Office to temporarily employ additional clerks as follows: Twelve clerks, at $1,200 each; 12 clerks, at $1,000 each; 12 copyists, at $900 each; in all, $37,200.

The amendment was agreed to.

The next amendment was, on page 104, line 18, after the words "General Land Office," to strike out "instead of $250,000 made available for that purpose for the fiscal year 1912," and insert "and not exceeding $25,000 additional for expenses of hearings held by order of the Commissioner of the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law," so as to read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding $25,000 for clerical services in bringing up and making current the work of the General Land Office, and not exceeding $25,000 additional for expenses of hearings held by order of the Commissioner of the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $500,000.

The amendment was agreed to.

The next amendment was, on page 105, after line 6, to insert:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, to be immediately available, $5,000.

Mr. SMITH of Arizona. Mr. President, I do not claim to know much about Alaska, but I do know, from some 30 years' experience, something about the frontier of the United States. I should like to ask the chairman of the committee as to the necessity of any appropriation to investigate the unlawful cutting of timber in Alaska and the inspection of timber cut under a permit. I do not know of any market open to the sale of timber in Alaska to which those isolated people themselves are not entitled, and certainly the few people in that enormous territory should at least be free from the inspection of the Interior Department.

As the people of Arizona are under that inspection, I feel some sympathy for the people of Alaska. I can not understand why there was any necessity in a sparsely settled country like Alaska for the Interior Department to prohibit the cutting of timber for domestic purposes. Although it may be possible that it would be necessary to prevent their sending timber to some other country, certainly it would not be necessary to do so as to the United States.

Mr. WARREN. Mr. President——

Mr. SMITH of Arizona. Just a word, and I will conclude. For instance, take my Territory, or State, rather. I have fallen in the habit of calling it a "Territory," because we have lived under a Territorial government for many years. There we have timber in many places within easy reach. I believe I am within the truth when I say that, while we stand in the presence of growing timber, ripe timber, and rotting timber, the timber we use comes largely from Seattle, or at least from the extreme northwest part of the United States, burdened with the great freight rates from there. So, in the case of Alaska, with only a few people compared with its enormous extent, to appropriate $5,000 for a motor boat to enable a Government officer to see that some man is not cutting timber to build a fire or build a bridge across a creek, except under the supervision of the Interior Department, appears to me to be absurd. I believe that the people of Alaska ought to be left free for 20 years, at least, to work out their destiny without the intervention of a lot of spies and policemen.

Mr. SMOOT. Mr. President, I simply desire to call the Senator's attention to the fact that the timber to which reference is made in the bill is cut for mining purposes.

Mr. SMITH of Arizona. Then, they ought to get it free.

Mr. SMOOT. That is, of course, a question of policy, and it has been decided otherwise; but I suppose if it were given free to the great mining companies up there we would find in the public press all over the United States a hue and cry that the Guggenheims were destroying the timber of Alaska for mining purposes. If a man in Alaska wants to build a home timber is given to him under free permit. No citizen in Alaska who desires to use it for his own purposes is ever refused a free permit for cutting timber.

Mr. SMITH of Arizona. How far does he have to go to get it?

Mr. SMOOT. To the nearest place where it is possible to cut it.

Mr. SMITH of Arizona. How far is that from the man who gives the permit? That is the point I make.

Mr. SMOOT. I will say, Mr. President, that the forest reserves in Alaska are divided into districts, and a man would go to the supervisor of that particular district in which he lives to get a permit.

Mr. CLARK of Wyoming. But, Mr. President, as I understand, this amendment does not refer to forest-reserve timber; it refers to timber on the public lands; otherwise it would not be under the jurisdiction of the Secretary of the Interior. I should like to ask the chairman of the committee, or any other Senator who knows, even if we concede for the sake of the argument, which I do not concede, that these investigations ought to be had, can anybody tell me the necessity of this particular expenditure? If, as the Senator from Utah says, it is to guard the cutting of timber by the great mining companies, certainly this motor boat would not be necessary for that purpose, because the places where those companies are located are easily accessible.

Mr. SMOOT. Mr. President, in some periods of the year perhaps they are accessible, while in other seasons they are not; but as I understand a motor boat is almost necessary there.

Mr. CLARK of Wyoming. Why?

Mr. SMOOT. In order to reach the different districts in which the timber is cut.

Mr. CLARK of Wyoming. To reach what particular districts?

Mr. SMOOT. Wherever the timber may be cut.

Mr. CLARK of Wyoming. Where is it cut? That is what I want to find out.

Mr. SMOOT. In different parts of Alaska.

Mr. CLARK of Wyoming. I want to find out whether there is any reason for this item making an appropriation for a motor boat. I am asking for information.

Mr. SMOOT. The boat, of course, would be used along the inland watercourses, and I think the testimony given before the committee states specifically the necessity for it.

Mr. CLARK of Wyoming. That is the information I want.

Mr. WARREN. Mr. President, replying to my colleague, I desire to say that the Commissioner of the General Land Office was before the committee. As I recall, he stated that this was to facilitate transportation and avoid delays. If the officers of the department are to travel over the country, their business would be greatly expedited by having motor boats along the coast, where, as the Senator knows, there are many inlets, rivers, bays, and so forth. It is only a matter of $5,000.

Mr. CLARK of Wyoming. I know it is a matter of only $5,000, but the appropriations for this particular purpose are increasing year by year. We have increased the appropriation in regard to timber depredations, and it seems to me that, with the great sums we appropriate for this general purpose, every time a specific object is sought to be attained we ought not to appropriate particularly for that. It is only $5,000, but if they need a motor boat I suppose they are authorized to purchase it under the general appropriation.

Mr. WARREN. That is the trouble. They are not authorized to do so. I care nothing about the matter, but on the ground of necessity, if they are to travel, a boat is the cheapest and best way of getting from place to place, and under the rulings of the auditors they would not be able to buy a motor boat under any appropriation they already have.

Mr. SMOOT. Mr. President, I desire to call attention to the testimony before the committee. Mr. Dennett, Commissioner of the General Land Office, stated:

As you know, in Alaska the timber on the public domain can be sold, somewhat under the same conditions under which it is sold in forest reservations. They can not do that in the public domain in the United States. Our agents have to travel about a great deal, and there is a great necessity for the purchase of that boat. We have two agents in Alaska. The transportation facilities there are very poor, not so much in themselves as in the delays, as it is necessary sometimes for a man to wait a week until a boat comes. We asked the House for $5,000 to purchase a launch for use in that service.

Senator PERKINS. Those delays might be obviated. Where do you keep the boat?

Mr. DENNETT. On the Yukon and on the Tanana, where we have to go.

Senator PERKINS. They run steamers on the coast, you know.

Mr. DENNETT. Yes; this is for use inland. I am told by Mr. Sheridan that there is about 4,000 miles of river that we can traverse by means of a boat like this.

Senator PERKINS. I was in the Alaska trade for 30 years, so that I know all about it.

Mr. CLARK of Wyoming. Mr. President, it appears that there are four or five thousand miles that this one boat would be expected to travel to reach places where it is needed; but we all know that during the season of navigation on the Yukon the boats are frequent and make regular trips, and, so far as weeks intervening between a trip is concerned, you could not get this boat from one end of that river to the other in a week or two weeks; but——

Mr. SMOOT. I do not know that they would make a trip of that extent at one time.

Mr. CLARK of Wyoming. I suppose it would be a little more comfortable for the special agent to travel in a $5,000 yacht than it would be to take the regular boats.

Mr. KENYON. Mr. President, I simply wish to inquire of the Senator from Utah if he knows how the investigations with reference to the unlawful cutting of timber are carried on now?

Mr. SMOOT. Timber is sold in Alaska at so much per thousand stumpage. As I understand, in the past there has been great delay in cases where applications have been made for the purchase of timber, and this is to hasten the examination and cut down expenses, as the department says, in connection with the sale of timber.

Mr. REED. Mr. President, I think it is quite plain from this discussion that there is a great necessity for this boat. I think the Commissioner of the General Land Office needs this boat, not for the purpose of protecting timber but for other purposes. It is about on a par with some of the automobiles and carriages being operated at Washington for Government use, but which at the same time are used principally for the pleasure of the people who happen to hold the offices to which such carriage or vehicle is assigned.

Mr. SMOOT. I desire to say to the Senator that I do not believe the Commissioner of the General Land Office ever was in Alaska, and I do not know that he ever will go to Alaska.

Mr. REED. I did not mean the commissioner himself, but whoever it is up there working under him, who needs this boat.

Mr. SMITH of Arizona. Mr. President, I think the Senator from Missouri and I could possibly agree on the matter if the provision should read that this boat shall not be used in the investigation of the unlawful cutting of timber in that country or for any other purpose mentioned in the section. Then they might get the boat and use it as they pleased, but I do not want it used as a means of following a man who has a permit down the river or up the river 400 miles to see whether he has actually performed what the permit requires.

Mr. OVERMAN. Does not the Senator think we had better give them an extra appropriation for skates for use on the river in the wintertime?

Mr. REED. It occurred to me that some means of getting around over the ice would be quite as appropriate.

Mr. SMITH of Arizona. An ice boat would do.

Mr. REED. But, talking about this matter seriously, just for a moment, it is true that in every department of the Government, State, National, and municipal, the first thing a man wants is a position; the next thing he wants is an increase of salary; and the next thing he wants is a vehicle furnished by the public to ride about in. This is only $5,000, and we hear the expression, "it is only $5,000," or "it is only a hundred thousand dollars," or "it is only a quarter of a million dollars," when we are discussing these questions, as though we were only speaking about a peck of potatoes or something of inconsequential value.

I am in hearty accord with the sentiments expressed by the Senator from Arizona [Mr. SMITH]. I think we are spending a great deal more money in keeping citizens of the United States from using a little firewood than all the firewood they would consume is worth. With a vast domain such as we have in Alaska, the rigors of the climate, the inaccessibility of the Territory, the hardships which must be borne by those who go there, when it comes to such a matter as a little timber that a man may desire for his home, or for fuel, I feel inclined to let him have it.

Mr. SMITH of Arizona. And without a permit.

Mr. REED. Without a permit; and without any red tape or anything of that kind.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Washington?

Mr. REED. Just one word to finish the sentence, and then I will yield.

I have been informed that in the State of Arizona, for instance, nearly all the timber in that State has been set aside in Government reservations; and there it grows and dies and rots, and people are obliged to import their lumber from distant points and pay exorbitant prices for it; and all this in the name of conservation. In my opinion, the best way to conserve the resources of America is to turn the native resources of this country over to American citizens to build homes upon. I would rather have one good farm with a farmhouse on it, and a farmer and his wife and family of children, than I would to have 10,000 acres of land going to waste. I think there has been a great deal of nonsense about this matter of conservation. When it comes to buying fast motor boats for somebody merely to ride around through the waters of Alaska to see whether some poor fellow has cut down a tree to build a fire or to help build a home, I think we are going to the limit of absurdity. I say, again, I think somebody wants a boat to ride in more than he wants a boat to capture timber thieves.

Mr. POINDEXTER. Mr. President——

Mr. REED. I yield for a question, or I yield the floor, either.

Mr. POINDEXTER. I do not want to take the floor from the Senator from Missouri. I do not know why the Senator from Missouri seems to assume that the purpose of this motor boat is to enable the officers of the General Land Office to catch some poor fellow who is cutting timber with which to build a fire. I do not apprehend there will be any serious objection, or any objection at all, to a man doing that.

Furthermore, I am not sure that I understood the Senator correctly, but I understood him to say that he agreed entirely with the Senator from Arizona when he said that he would advocate a policy of turning over all the resources of the country to be taken by anybody who wanted to come along and take them. Did the Senator say that?

Mr. REED. No. If I made any statement so broad as that, I did not intend to do so. I think the Senator from Washington misapprehended me. I was talking about individuals who might help themselves to a little of the growing timber. I was not talking about mining companies going in and taking the natural resources of the country that are in the mines and veins of the earth.

Mr. POINDEXTER. Then, there is another question that is pertinent to that. In carrying out his policy of encouraging the building of homes and the opening of the public lands for homestead, I ask the Senator if he thinks that policy would be furthered in any way by allowing steamboat companies, for instance, operating lines of steamers on the Yukon River, which are compelled to use wood as fuel, to denude the public lands of timber?

Mr. REED. Oh, no.

Mr. POINDEXTER. And to leave them so denuded for some homesteader to settle on after the timber has been cut off? The great mining companies use a great deal of the wood of that country. Some are very large and very wealthy companies and use a vast amount of wood in thawing out the ground in which the mining operations are carried on. I ask the Senator if he would throw open the public timber in that vicinity free to those people; and, if not, how is that going to be prevented and regulated unless some United States official is there to see that the law is enforced?

Mr. REED. Mr. President, all of those interrogatories are entirely outside of any policy which I advocate or anything I have said. I have been talking about actual settlers and individuals. The question has already been asked here very pointedly where this boat could be used and where the timber was which was to be protected, and nobody was able to answer. I am not in favor of allowing mining companies to go in and seize the mineral deposits of those Territories, or of allowing them to slaughter our forests; I am talking about the system of espionage that follows every individual as he goes through the Territory and requires him to go perhaps hundreds of miles to get a permit. I am talking about the lack of any necessity for this motor boat; and there has been no necessity for it shown. I take it that the large mining companies of which the Senator speaks are operating at well-known places, and that there is no necessity of any motor boat to reach them, but that a Government inspector is now in the vicinity and properly should be.

Mr. FALL. Mr. President, I think, in fairness, that I should say that possibly the Senator from Missouri did not hear a portion at least of the evidence taken before the committee which was read by the Senator from Utah [Mr. SMOOT] as to the necessity for this boat. I can not say that I am very thoroughly impressed with the necessity of buying a motor boat; I think, possibly, in view of the fact that the Alaskan waters are very often closed by ice, to buy a flying machine might be more appropriate; but nevertheless, in fairness to the commissioner who asks this appropriation, I think possibly it might be well enough at this point to call the attention of the Senator to his statement as to the purpose for which it is needed. He says:

> The work in Alaska is increasing. As you know, in Alaska the timber on the public domain can be sold, somewhat under the same conditions under which it is sold in forest reservations.

That is, by law now existing.

> They can not do that in the public domain in the United States. Our agents have to travel about a great deal, and there is a great necessity for the purchase of that boat. We have two agents in Alaska. The transportation facilities there are very poor, not so much in themselves as in the delays, as it is necessary sometimes for a man to wait a week until a boat comes in.

One of the passenger boats, I presume.

> We asked the House for $5,000 to purchase a launch for use in that service.

Then he goes on to say in answer to a question by the Senator from California [Mr. PERKINS]:

> Where do you keep the boat?
>
> Mr. DENNETT. On the Yukon and on the Tanana, where we have to go.

Mr. HEYBURN. Mr. President, continually during this discussion reference has been made to the miners' use of timber as though the miner was a vandal. Where there is one mining company there are hundreds of miners. The mining company is the least difficult to control of all those who go into a country. The mining company does not come along until after hundreds of miners have gone down in despair because of their failure, after an honest effort, to find a mine or to make one.

The first thing a miner who goes into the country does is to provide himself with a shovel, and then with wood for fuel and cooking purposes. Then he goes to work with a pick and shovel, with a little bit of charcoal to make fire—so as to sharpen tools.

Then he goes to work with pick and shovel, and it is weeks or months or years before he has any occasion to use timber. If he is placer mining he never has occasion to use it, except for

fuel and building purposes or for flumes or sluice boxes. He will hew out the sluice boxes by hand or he will whipsaw them; and if anyone ever saw two men whipsawing lumber out of the log he will not try to take anything away from them.

Then, if he has a lode claim or ledge, he will start perhaps to sink on it, and he must have timber to timber his shaft as he goes down to keep it from falling in on him. If he is developing his claim by a tunnel he must make timbers, hew them out by hand, and put them in the mine to keep the shaft from caving in on him. That goes on for months and years and years, and the man or two men together work there under those circumstances.

The idea of the Government charging them for timber for those purposes is too barbarous to consider. All that a man would use would not pay the salary of one of these rangers for a month, and yet he is to be there subject to be pounced upon; and not only that, but perhaps to be taken hundreds of miles to be tried before some commissioner because he was making the necessary use of timber immediately around him on this small scale. Those are the men whom it is proposed to run down with this motor boat.

Around the mouth of the Yukon River, the delta of the Yukon River—and that is spoken of as being one of the fields in which to use this boat—there is a bird reserve. Mark that, Senators. There is a bird reserve in Alaska covering all of the delta of the Yukon River, twice as large as some of the States. If a man wanted to go on to the Yukon River in this boat, he must go through this bird reserve. Whoever heard of any part of the Government being authorized to create or to maintain a bird reserve! And yet we are at a large expense in maintaining and protecting, I suppose, with this boat, a bird reserve in Alaska, covering the mouth of the Yukon River—an area, I repeat, as big as a State. Go and look at the map of the United States in the cloakroom and you will find it there on that map as one of the reservations.

Mr. SMITH of Arizona. Are they any particular kind of birds, if the Senator will permit me an interruption?

Mr. BRANDEGEE. Canary birds.

Mr. HEYBURN. Canary birds, I suppose. That is suggested to me by my friend on my right. Birds of rare plumage, that are supposed to ride on this boat. These men would probably go up there and luxuriate, drifting around, admiring the birds, eating the ducks that are ripe—all on this motor boat. That motor boat therefore would probably take up a permanent station about the mouth of the Yukon River, in the bird reserve, and remain there all the year round. The agents would not hear of some man 700 miles up above, along toward Circle City and that country, actually mining and using a little wood to keep himself warm and to prevent the earth around him from caving in on his mine.

There are operating on the Yukon River no large mining companies that are using any timber of the United States. I only wish there were. Instead of putting up signs warning people out of Alaska, why do they not give them a bounty, a bonus, for coming there? The Government of the United States could afford to give them free transportation and free sustenance and free maintenance in Alaska in order to get somebody to go there.

We are now putting up warning signs instead of beckoning to the people to come and making it possible for them to come. We are sending a motor boat up there among those poor, distressed, poverty-stricken, struggling American citizens for somebody to ride around with a little gilt cord around his cap to boss them.

Mr. SMOOT. Mr. President, I merely want to call the Senate's attention to the fact that there are steamers of all sizes going up the Yukon River. There has been in the past quite a business of men cutting timber and selling to these boats. That is going on to-day all the time, and I think the motor boat will be used for that rather than to lie around any bird reserve at the mouth of the Yukon River.

Mr. SMITH of Arizona. How are they going to use the boat for transportation? The agents will not let them get the coal.

Mr. SMOOT. They are steamers that do not belong to the United States. They are tramp steamers. People come in there from all over the country, and I think if they are going to use American timber they ought to pay at least the stumpage price for it.

Mr. HEYBURN. Will the Senator pardon me? I just want to mention an actual occurrence.

Some years ago the boats on the Coeur d'Alene River cut their fuel on the banks of the river; that is, it was cut by other persons and sold to them. So some one told the Government it was losing money. They were building up a civilization that has brought into that country a great many million dollars, but the Government did not take that into consideration.

They said, "Here is a man who is apparently prospering, and let us stop him." So they sent an agent out there, and he said to the steamboat company, "Where are you getting the wood that you use in your boilers?" The reply was, "We are buying it from men who cut it on the river." Then they were asked, "Well, you have been cutting timber on this mountain side?" "Yes; that is, the man we buy it from has been cutting it there." Then the agent asked, "Why do you not use the dead timber?" and the reply was, "There is no dead timber around here."

The agent looked around upon the hillside, and viewed a tamarack which he called a larch, and he said, "Why do you not cut that timber up there?" One of the men said, "If you will give us a written order permitting us to use that timber, we will give you no more trouble." That agent gave them an order that that tamarack might be cut—it was in winter, when the leaves were off—and they cut down the finest, sound, growing tamarack timber that there was in that whole country. That is about the grade of intelligence we meet in dealing with this question and in dealing with these agents.

Mr. REED. Mr. President, I want to ask the Senator from Utah a question. He has stated that there are so many boats plying up and down that stream that they are denuding the banks of timber. If there are so many boats going up there to get the timber and using it for fuel and the whole forest is being consumed, it seems to me it is wholly unnecessary for the Government to buy a boat. There are plenty of boats there already.

Mr. SMOOT. Mr. President, the boat is not purchased for the purpose of hunting a market for the Alaskan timber. The boat is purchased for the purpose of protecting the timber that is there, so that whenever it is used the Government will get the benefit of it.

Mr. SHIVELY. That is, Mr. President, the Government issues permits to cut timber, and the agent, after issuing the permit, wants the boat and needs the boat to follow the person to whom the permit has been granted. It has been suggested here that the Government loses four or five days' time because of the irregularity of these other boats. As I undertand, this would be a device by which the agent could start at once, and a man with a permit could not get out of sight.

Mr. SMOOT. Of course it is only a theory that the Senator is advancing. It never works out in practice the way the Senator has put it.

The PRESIDENT pro tempore. The question is upon the amendment——

Mr. WARREN. I will first perfect the amendment. I move to strike out, in line 12, the words "to be immediately available."

The PRESIDENT pro tempore. The Secretary will report the proposed amendment to the amendment.

The SECRETARY. In line 12, it is proposed to strike out the words "to be immediately available."

The amendment to the amendment was agreed to.

Mr. REED. Mr. President, we could not hear the amendment to the amendment.

Mr. WARREN. It was to strike out the words "to be immediately available." That has become unnecessary now that it is after the 1st of July.

The PRESIDENT pro tempore. The question now is upon the amendment as amended.

Mr. REED. On that I ask for the yeas and nays.

Mr. WARREN. Mr. President, that, of course, as the Senator knows, brings us to a point where I will be obliged to ask that the bill be laid aside for the present. I give notice that I shall ask to take it up to-morrow immediately after the morning business.

Mr. REED. I did not ask for the yeas and nays for that reason. I think there is a quorum present.

The PRESIDENT pro tempore. Does the Senator from Wyoming propose to lay the bill aside?

Mr. WARREN. I supposed the Senator from South Carolina [Mr. SMITH] was going on this afternoon, but I now understand he is not. If not, we might lay aside the amendment that has just been under discussion and proceed with the rest of the bill.

Mr. REED. I was going to suggest that course. I did not intend to obstruct the consideration of the bill. I merely wanted a vote on this matter. If the Senator is content to lay it aside, that course is entirely satisfactory to me.

Mr. WARREN. I ask that it may be laid aside and that we may proceed with the consideration of the other amendments.

Mr. CULBERSON. Mr. President, the Senate has been in session since 11 o'clock, and it is now practically 5 o'clock. It seems to me we ought to adjourn.

Mr. WARREN. Does the Senator think we can shorten up the speeches to-morrow enough to make up for the time we may lose to-night?

Mr. CULBERSON. I suggest to the Senator from Wyoming that it is time to adjourn, as we have been in session for six hours.

Mr. WARREN. Mr. President, on that statement, understanding that the Senator is going to assist me in vigorous work to-morrow to finish the bill—for it will be Saturday, and I should very much like to finish it—I will move that the Senate adjourn.

Mr. SMOOT. I ask the Senator to withhold the motion for a moment.

Mr. WARREN. Certainly.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it be to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

THE PANAMA CANAL.

Mr. SMITH of South Carolina. Mr. President, I desire to give notice that to-morrow, immediately after the conclusion of the routine morning business, I shall submit some remarks on the Panama Canal bill. I desire to give this notice now, instead of going on with my speech this afternoon.

Mr. WARREN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 20, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 19, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"Bless the Lord, O my soul; and all that is within me, bless His holy name. Bless the Lord, O my soul, and forget not all His benefits." It is He that hath made us and not we ourselves; we are His people and the sheep of His pasture. Without Him we can do nothing; with Him we may accomplish all things. Fill our hearts with brotherly love that we may enter into the work of this day with malice toward none and charity for all, doing whatsoever our hands findeth to do with might, leaving the results with Thee. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

Mr. POU. Mr. Speaker——

Mr. SIMS. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] is recognized.

TRANSPORTATION OF PRIZE-FIGHT PICTURES.

Mr. SIMS. Mr. Speaker, I wish to call from the Speaker's table the bill S. 7027, an act to prohibit the interstate transportation of pictures of prize fights, and for other purposes. The Committee on Interstate and Foreign Commerce having reported a similar bill, I am authorized by that committee to make this motion. I ask that it be laid before the House.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes.

Be it enacted, etc., That it shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

SEC. 2. That it shall be unlawful for any person to take or receive from the mails, or any express company or other common carrier, with intent to sell, distribute, circulate, or exhibit any matter or thing herein forbidden to be deposited for mailing, delivery, or carriage in interstate commerce.

SEC. 3. That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined not more than $1,000 or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. Mr. Speaker, this bill has never been considered in the House at all. I think it is due to the House to know what it provides for.

Mr. SIMS. I am perfectly willing to explain it.

Mr. MANN. Are you going to have any amendments to it?

Mr. SIMS. No; it is a Senate bill.

Mr. MANN. But it is subject to amendment.

Mr. SIMS. Mr. Speaker, this bill in all respects is similar to one that has been reported in the House, with the exception of the punishment provided, and which was introduced by the gentleman from Georgia and reported by the Committee on Interstate and Foreign Commerce of the House and is now on the calendar. The House bill was introduced by the gentleman from Georgia [Mr. RODDENBERY]; and as he is thoroughly familiar with the bill on the same subject, and the Senate bill being identical with it, I will yield to the gentleman from Georgia [Mr. RODDENBERY] such time as he may want in which to explain the bill to the House.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for such time as he desires, not exceeding an hour.

Mr. SIMS. How much time does the gentleman want?

Mr. RODDENBERY. Five minutes.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, I was not giving attention to the remarks of the gentleman from Tennessee [Mr. SIMS], but I gather at this moment that the bill S. 7027 is up for consideration. It is a Senate bill, the House having reported a similar bill from the Committee on Interstate and Foreign Commerce, which bill, in its material points, was introduced by me some time ago. This legislation is similar to Federal legislation covering kindred questions. I presume the House is thoroughly familiar with the purpose and object of the bill. It is to prevent the transportation in interstate commerce of films and pictorial representations of prize fights—the type of fights which have been outlawed by nearly all the States of the Union, as lotteries had been outlawed by the several States before like Federal legislation was enacted touching the transportation through interstate commerce of tickets, lottery advertisements, and other gambling schemes.

I will state that the bill, with the slightest deviation, follows existing legislation now on the statutes touching interstate transportation and transmission, both through these channels and the Post Office Department, of such matter as is demoralizing and objectionable.

This bill does not go so far as to prevent newspaper accounts and reports of these contests, however much some Members might be disposed to let it go that far. Now, to illustrate, the situation, which may not have been brought to the attention of some Members, is that when the Congress exercised supervision over the Territories of Arizona and New Mexico it prevented these contests under their Territorial government, but they now having been admitted to the Union there is no statute in the State of New Mexico restrictive or prohibitive of these brutal combats, nowithstanding the fact that the other States have prohibited them. It is therefore within the power of one of our States to permit these inhuman and uncivilized contests, and, consequent thereon, that they be disseminated in moving-picture shows and other exhibitions throughout the entire country.

One word further: There is one question that gentlemen might raise, and that is that the authorities in the several States, counties, and municipalities can, by prohibitive legislation, prevent the display of these pictures and thus the result be accomplished. Theoretically that is true. But the same would be true of the transmission in the mails and the carriage in commerce of lottery tickets, of gold-brick schemes, of devices for the prevention of conception, and other things that Congress has taken cognizance of under its postal and commerce powers. And so the House in passing the Senate bill does nothing in this regard than to apply similar legislation to the transportation of prize-fight films, prize-fight pictures, and these contests, as has been applied to other objectionable institutions and items that otherwise could be transmitted by express, by mail, and through other means of commerce.

I would be glad to yield to a Member for any question on the measure, but this is all I desire to submit.

Mr. MANN. Will the gentleman yield for a question?

Mr. RODDENBERY. Yes.

Mr. MANN. Under the terms of this bill would there be any difficulty in persons manufacturing films sending a man along the route and leaving them at such places as were desired? Films are not bulky.

Mr. RODDENBERY. I will state to the gentleman that there is nothing in this bill that covers the point made by the gentleman from Illinois.

Mr. MANN. Ought it not to be covered? Would it not be very easy to get around this bill by simply having a man go along to the railroad stations and leave these films?

Mr. RODDENBERY. It would, and my personal opinion is, although I am not a member of the Committee on Interstate and Foreign Commerce, that such an amendment would strengthen the bill. I will say this to the gentleman from Illinois, that if it does not impair its consideration by the Senate, I think it would be very opportune to so amend it. However, if such an amendment should not be adopted, the bill would not be without the most salutary results, for many reasons, one of which in particular I will undertake to state.

Mr. MANN. I do not think such an amendment would impair the prospects of the bill passing at all. I have not the amendment here now, but I did suggest to the gentleman from Georgia the other day that if he had an amendment that would cover it in a few words I would approve of it.

Mr. RODDENBERY. I had the good fortune to see the gentleman's amendment on another occasion, and I have no objection to accepting it.

Mr. MANN. I have not the amendment here, and I thought perhaps the gentleman from Georgia had it among his papers.

Mr. RODDENBERY. No; I have not. But if the amendment referred to is not adopted the present bill would still be salutary and effective. It is well known that one of the chief inducements and incentives to these prize fights now is the sale of the films under contracts, and the fact they could not be transmitted in commerce and through the mails would so depreciate that aspect of the prize-fight business that the bill would be very vital in its wholesome effects. I should be glad to have the bill most effective for accomplishment of its purpose and would favor the amendment suggested.

I call the attention of the House to the fact that the recent prize fight which was had in New Mexico presented, perhaps, the grossest instance of base fraud and bogus effort at a fair fight between a Caucasian brute and an African biped beast that has ever taken place. It was repulsive. This bill is designed to prevent the display to morbid-minded adults and susceptible youth all over the country of representations of such a disgusting exhibition.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Ohio?

Mr. RODDENBERY. I do.

Mr. SHARP. I wish to ask the gentleman if he thinks it more indefensible for a white man and a black man to engage in a prize fight than for two white men to engage in such a conflict?

Mr. RODDENBERY. The act as a matter of moral conduct is the same. It differs in degree. No man descended from the old Saxon race can look upon that kind of a contest without abhorrence and disgust.

Mr. SIMS. Mr. Speaker, the gentleman from Georgia has fully explained the bill. The object of it is to prevent demoralizing pictures from being exhibited all over the country—pictures which do not do any good, and might do much harm.

I desire to ask if the gentleman from Illinois [Mr. MANN] wishes to consume any time?

Mr. MANN. I would like to have some time.

Mr. SIMS. How much time does the gentleman wish?

Mr. MANN. Five minutes.

Mr. SIMS. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I am quite in accord with the desire to prevent the transportation of films or any other matter relating to prize fights.

However, I would like to ask the gentleman in reference to another part of the bill. The bill first makes it unlawful to transport from one State to another these films and other pictorial representations, and then it provides—

Or to bring or cause to be brought into the United States from abroad any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

Mr. SIMS. Is the gentleman reading the original bill, or the bill as amended, or the Senate bill as introduced?

Mr. MANN. I asked for a copy of the bill, and I received a copy of it as amended, probably. How does it provide now, under the language that I have read, if it still remains in the bill in that way?

Mr. SIMS. As reported by the House, it reads as follows:

SECTION 1. It shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, from one State or Territory of the United States or the District of Columbia, to any other State or Territory of the United States or the District of Columbia, or to bring or cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

SEC. 2. It shall be unlawful for any person to take or receive from the mails, or any express company or other common carrier, with intent to sell, distribute, circulate, or exhibit, any matter or thing herein forbidden to be deposited for mailing, delivery, or carriage in interstate commerce.

SEC. 3. And person violating any of the provisions of this act may be proceeded against by indictment and tried and punished, either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried, or in which it is delivered; and any person violating any of the provisions of this act shall for each and every offense, upon conviction thereof, be fined not more than $1,000 or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court.

Mr. BUTLER. Where is that bill?

Mr. MANN. I ask to have the bill reported again, Mr. Speaker. It is only a short bill.

The SPEAKER. The Clerk will report the bill again, without objection.

There was no objection.

The bill was again read.

Mr. MANN. Mr. Speaker, I examined this bill when it came over, and the House bill. A moment ago I received a copy of the Senate bill as introduced in the Senate. The question I was going to raise was eliminated by the action of the Senate. I hope the bill may pass.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MURRAY rose.

Mr. SIMS. Does the gentleman from Massachusetts want any time?

Mr. MURRAY. I do.

Mr. SIMS. Then, Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. MURRAY].

The SPEAKER. The gentleman from Massachusetts [Mr. MURRAY] is recognized for five minutes.

Mr. MURRAY. Mr. Speaker, I had hoped that the gentleman from Tennessee [Mr. SIMS], while this matter was being considered, might refer to the consideration of the bill that we had on the 1st day of July, as outlined in the CONGRESSIONAL RECORD at page 8551. Some of the Members of the House may remember that on that day the gentleman from Tennessee [Mr. SIMS] sought to have the bill taken from the Speaker's table, as has been done at this time, in order to put this bill through quite speedily. I had received on that day a telegram from a resident of the congressional district that I represent inquiring about the status of this legislation, and I had gone to the gentleman from Georgia [Mr. RODDENBERY] with a request for information in order that I might reply to the request of a constituent whom I represent here. I had hoped on that occasion that there might be a long enough delay in the consideration of the matter so that I might advise my constituent about the course of the legislation.

I was very sorry that I could not convince the gentleman from Tennessee [Mr. SIMS] that that was a proper and reasonable request, and that he insisted upon the consideration of the measure at that time. As he did so, I had to make use of the only parliamentary weapon that was available to me, namely, to suggest to the Speaker pro tempore [Mr. ALEXANDER] the absence of a quorum, which I did. I was very sorry to read in the CONGRESSIONAL RECORD the next morning a remark attributed to the gentleman from Tennessee [Mr. SIMS], as follows:

Mr. Speaker, I desire to call up a bill on the Speaker's table, to prevent the shipping through the mails and in interstate commerce of moving-picture films of prize fights, especially the one between a negro and a white man to be held in New Mexico on the 4th of July next, and the point of order is made by the gentleman from Massachusetts [Mr. MURRAY] to defeat the present consideration of that bill, as it will be too late to get it passed before that date if not considered now.

Mr. Speaker, I am very sorry, I say, that the gentleman from Tennessee [Mr. SIMS], in the course of this discussion to-day, has not seen fit to set the RECORD right and to assure the Members of the House of what he now knows to be true, if he did not know it at the time that he made that remark—that my sole purpose in suggesting the absence of a quorum on the 1st of July was not to defeat the present consideration of this

legislation, nor in order to postpone the consideration of it, except so long as it might be necessary to do in order for me to get a reply to a reasonable request for information from one whom I was trying here to represent.

I have no opposition to offer to this legislation. I do not know that it is altogether necessary. I do know that in my own Commonwealth of Massachusetts, and in the city of Boston, from which I come, we are able under our local laws, under our statutes, and our municipal ordinances to regulate such things as moving pictures of prize-fight exhibitions.

We do not need to occupy the time of the National Congress to regulate such matters, and I doubt very much whether there is any State in this Union that needs to have the time of this Congress taken up in the regulation of its internal affairs. I wonder what it is that causes men from the Southland, who in this Hall have always insisted upon the doctrine of State rights, to arise and urge with such great seriousness that legislation of this kind be passed? I do not believe it is necessary for the National Government to invade the States of the Union and tell them what they shall and shall not do in this situation; and I suggest to Members that we might in these days be giving our attention to problems of much more concern to the American people than this one, rather than to allow men here to demagogue along certain lines. [Applause.]

Mr. SIMS. Mr. Speaker, I wish to say in respect to what the gentleman from Massachusetts [Mr. MURRAY] has said, that I am confident he has stated the facts just as they were. I do not now remember just what happened at the time. I knew that if the bill was not considered at that time it could not possibly become a law before the 4th of July, which was the time set for this contest in New Mexico. I want to state further that I was being bombarded by letters and telegrams requesting me to get the matter acted on, which accounted for my anxiety at the time. I did not want to misrepresent the gentleman, and if anything I said did misrepresent him, I am exceedingly glad to correct it. I have nothing to suggest, except this, that the gentleman from Massachusetts has never had charge of a piece of legislation like this, when letters and telegrams come in floods from every direction. He does not know, perhaps, just how a man feels under such circumstances. What I did was at the direction of the Committee on Interstate and Foreign Commerce, and I felt even a greater responsibility than I would have felt if I had been acting on my own account.

Mr. BATHRICK. Will the gentleman yield?

Mr. SIMS. I do.

Mr. BATHRICK. I desire to know if in the bill, as reported from the Senate, in lines 9 and 10, the words "or any record or account of the same" were included?

Mr. SIMS. The Senate bill is on the Speaker's table and has been read twice. I have no copy of it here, but my recollection is that those words are contained in it.

Mr. BATHRICK. I request that information from the Clerk.

Mr. MANN. A moment ago, when the Clerk read it, I was comparing it with the bill I had in my hand, and I thought the words were not in the Senate bill; but I have just examined the Senate bill, and they are there. I think they ought to be stricken out.

Mr. BATHRICK. Mr. Speaker, a point of order.

Mr. SIMS. I do not want to yield the floor, Mr. Speaker. How much time have I left?

The SPEAKER. The gentleman has used 25 minutes, and has 35 minutes left.

Mr. BATHRICK. Mr. Speaker, I desire to know if amendments are in order.

The SPEAKER. If anybody can get the floor, he can offer amendments.

Mr. SIMS. The only reason I personally object to this amendment is that, with the great amount of privileged business of the greatest importance that is before the Senate, I doubt very much whether an amendment can be considered in the Senate. I suppose the gentleman has reference to the mere reporting of bets as a news item.

Mr. BATHRICK. That is what I have reference to, and I consider it vicious. A newspaper man, in the performance of his ordinary work of news gathering, if these words are permitted to remain in the bill, can be arrested and receive all of the penalties prescribed in the bill for those who distribute the prize-fight films.

The SPEAKER. Does the gentleman yield to the gentleman from Ohio?

Mr. SIMS. Not for the purpose of offering an amendment.

The SPEAKER. For the purpose of making remarks?

Mr. SIMS. Yes. How much time does the gentleman want?

Mr. BATHRICK. I only want about two minutes.

Mr. SIMS. I yield to the gentleman for two minutes.

Mr. BATHRICK. Mr. Speaker, in lines 9 and 10 of this bill are these words:

Or any record or account of betting on the same.

I am entirely in accord with the moral purpose of preventing the dissemination of immoral literature or films exhibited for the purpose of making money on prize fights, but I protest against a bill which will permit the full penalty which is prescribed for an infraction of this law, if it pass, being inflicted on a newspaper man who transmits accounts by mail or otherwise of bets on a prize fight in a State where that prize fight is entirely legal under the laws of that State. And I desire to offer an amendment striking out of lines 9 and 10 the words "or any record or account of betting on the same."

The SPEAKER. The gentleman does not yield for the purpose of offering an amendment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. SIMS. How much time does the gentleman want?

Mr. MANN. Five minutes.

Mr. SIMS. I yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, when the gentleman yielded to me before the Clerk had read the bill I thought this language was not in the bill as the Clerk read it. However, I was mistaken. The words "or any record or account of betting on the same" are in the bill. The bill, which is a Senate bill, makes it unlawful to bring into the country, or to cause to be brought into the country, any record or account of betting on a prize fight, and then makes it unlawful for any purpose to take or receive from the mails any matter which is covered by section 1, which would be the importation or bringing into the country of a record of betting on a prize fight, and makes that a fineable offense; so that under the terms of the bill, unless amended, any person who receives a foreign newspaper which contains any record of a prize fight, or any betting on a prize fight, and who takes it out of the mail is made subject to a penalty of not more than $1,000 or imprisonment at hard labor for not more than one year.

Mr. FOSTER. Is that the amendment as passed by the Senate?

Mr. MANN. That bill was reported into the House by the committee and was passed in the Senate, and now the question is whether we will pass it and make it a law. The purpose of the bill is to prevent taking films—moving pictures—of prize fights and passing them from one State to another. It never was the purpose of the bill, or ought not to have been, to prevent a person taking out of the mails a Canadian newspaper or a London newspaper which contains some notice of a prize fight.

Mr. SIMS. The gentleman does not insist that this bill will prohibit a thing of that sort?

Mr. MANN. Why, absolutely.

Mr. SIMS. Just read it:

Which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

It must be the intention to publish the same.

Mr. MANN. It says:

Any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

The limitation about using it for purposes of public exhibition is a limitation on the films and not a limitation upon the other. That is as clear as can be. There is no use of leaving that in the bill. The gentleman ought to be willing to permit an amendment striking it out.

Section 2 of this bill is clearly unconstitutional unless the court shall construe it to mean that what it does not say. Section 2 of the bill covers intrastate commerce, when we have no power over anything except interstate commerce. I hope the gentleman will yield or will himself offer an amendment to strike out of the end of section 1 the words—

Or any record or account of betting on the same.

Mr. SIMS. Mr. Speaker, I can not see how the country is to be benefited by reading the records of bets upon prize fights in this country or in any other country; and if it does prevent such records being published, well and good. We are legislating for the whole country. I do not see that there is anything very wrong in prohibiting a newspaper in this country from publishing records of bets on prize fights, be they between white men or between colored men or between white and colored men.

Mr. MANN. Mr. Speaker, I quite agree with the gentleman in a bill to prohibit newspapers enjoying the second-class mail

privilege from being deposited in the mail when they contain any record of betting on prize fights or anything whatever about prize fights. But this bill makes it an offense to receive the paper. It could not make it an offense to mail a foreign paper from a foreign land, because we have no control over the mailing of it. It makes it an offense to take it out when it is addressed to one.

Mr. BUTLER. That is true, because section 2 begins with the language that it shall be unlawful to send or receive.

Mr. SIMS. I fail to catch that idea when the bill says it shall be designed to be used or may be used for purposes of public exhibition.

Mr. BUTLER. But that does not relate to subsequent statements.

Mr. SIMS. A man can not commit a crime unintentionally.

Mr. BUTLER. I understand; and I do not believe the gentleman intends to impose a penalty upon an innocent person, but why not make the bill plain? It is not intended to punish a man who innocently receives a newspaper which contains the account of a prize fight or the betting on a prize fight. Let me suggest to the gentleman to amend his bill so as to make it perfectly plain. We all want to vote for the bill.

Mr. SIMS. Its language is taken from existing laws with reference to other matters. I do not think there is any great danger of anybody going to prison wrongfully, or of even being prosecuted, and, as I say, I have no idea that if an amendment, however innocent or harmless it may be, is put upon this bill that it will receive consideration at the other end of the Capitol.

Mr. BUTLER. The purpose of the bill is to strike at transportation. Is there a law which prohibits the exhibition of prize-fight pictures in the District of Columbia and the Territories over which we have control?

Mr. SIMS. I do not remember now.

Mr. BUTLER. Is it not important to prevent the exhibition of these films in the District of Columbia, and not to try alone to prevent the transportation of them from State to State?

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. BATHRICK. Does not the gentleman know that in the rush and hurry of getting out a daily newspaper, with the numerous employees, that they are liable to transgress this law, and that they will be repeatedly liable to the penalties prescribed therein if this bill is passed as it stands?

Mr. SIMS. Mr. Speaker, I will ask the gentleman from Illinois [Mr. MANN] what his amendment is; I know what the amendment of the gentleman from Ohio [Mr. BATHRICK] is.

Mr. MANN. The amendment is to strike out the words "or any record or account of betting on the same."

Mr. SIMS. They are both practically the same. Mr. Speaker, I do not want to pass a bill that is unenforceable or put in words which my friend from Illinois thinks will cause any trouble to his friends who publish a paper, or to my friend from Ohio or elsewhere, and I will move to amend the bill so as to strike out the words in line 2, page 2, "or any," and all of line 3.

Mr. MANN. That is at the end of section 1.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend Senate bill, page 2, by striking out, in lines 2 and 3, the words "or any record or account of betting on the same."

Mr. BUTLER. Will the gentleman allow me to ask him another question?

Mr. SIMS. Certainly.

Mr. BUTLER. I desire to ask if there is no law on the books prohibiting the exhibition of these films in the District of Columbia and the Territories over which we have control why not amend the bill now so that these exhibitions may be prohibited? Does not the gentleman think this is the proper time?

Mr. SIMS. That is another and entirely different subject.

Mr. BUTLER. It will be possible to obtain these films, although we may pass this law. It is the exhibition, I understand, we desire to prevent.

The SPEAKER. The question is on agreeing to the amendment to the Senate bill, which the gentleman from Tennessee has offered.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I would ask the gentleman from Tennessee whether an amendment in the sixth line of the bill, after the word "carriage," would be acceptable, to insert the words "or to send or carry," so that it would read:

That it shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or any other common carrier for carriage, or to send or carry from one State or Territory of the United States, etc.

I want to add the words "or to send or carry."

Mr. SIMS. I have no objection to that amendment, since it is going to the Senate. I think it is a proper one.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill by inserting, after the word "carriage," in line 6 of the Senate bill, the words "or to send or carry."

The question was taken, and the amendment was agreed to.

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman from Tennessee if this bill is broad enough to prohibit reports of prize fights between man and man, between man and animal, and between animals?

Mr. SIMS. It has nothing to do with prize fights between man and "animals" or between animals, if there are any such occurrences.

Mr. FOWLER. Mr. Speaker, I understand that the bill does have to do with prize fights.

Mr. SIMS. No; it has to do with films; pictures of prize fights.

Mr. FOWLER. I desire to know whether the language of the bill is not as follows: On page 1, beginning with line 8, it says:

Or other pictorial representation of any prize fight or encounter of pugilists under whatever name.

It does deal with reports of prize fights, and are these prize fights between men, or are they between animals and men, or between animals alone?

Mr. SIMS. Mr. Speaker, as I am not an expert on prize fights, I can not answer the gentleman from Illinois.

Mr. FOWLER. Well, Mr. Speaker, I know that any man or any set of men who engage in prize fights are nothing more than animals for the time being, but what I desire to know is if the language of the bill will be broad enough to include reports on prize fights of whatever character, whether prize fights between man and man, whether prize fights between man and animals, or fights between animals? I want to make the bill broad enough to include reports of bull fights. The transportation through the mails of pictorial films of such prize fights ought to be prohibited. "Bull fighting" is certainly demoralizing, as much so as prize fighting between pugilists; both ought to be prohibited.

Mr. SIMS. I yielded for a question, and not for a speech.

Mr. FOWLER. I am asking the gentleman——

Mr. SIMS. I will say to the gentleman I will not accept the amendment or agree to it. How much time have I remaining?

The SPEAKER. The gentleman has 20 minutes remaining.

Mr. SIMS. I could not accept an amendment.

Mr. FOWLER. I want to ask the gentleman once more, between what character of living beings is the report of prize fighting referred to in this bill intended to apply?

Mr. SIMS. I will leave to the gentleman to judge from the language of the bill what kind of beings it refers to.

Mr. FOWLER. Does the gentleman decline to answer?

Mr. SIMS. I am not an expert on that, and I can not give the information.

Mr. FOWLER. The bill is ambiguous in reference to that point.

Mr. SIMS. It may be to the gentleman from Illinois.

Mr. FOWLER. It is from the gentleman who has charge of the bill I am seeking information.

Mr. SIMS. And I am unable to give it.

Mr. BUTLER. Mr. Speaker, I do not intend to delay the passage of this measure. I am opposed with all the vigor that is in me to the exhibition of these prize-fight films to men, women, and children. Is it not possible to amend this bill so as to prevent their exhibition in the District of Columbia and the Territories, over which we have control, and if there is no law to prevent the exhibition of such films, let us make the law now. The injury comes in the exhibition of these films and not in their transportation.

Mr. SIMS. Mr. Speaker, I have agreed to two amendments, which I think are sufficient.

Mr. BUTLER. I do not wish to press it on the gentleman, but I believe that we should amend the bill so as to prevent the exhibitions.

The SPEAKER. The question is on agreeing to the amended Senate bill.

Mr. BUTLER. Mr. Speaker, will the gentleman yield to me to offer such an amendment?

Mr. SIMS. No, Mr. Speaker; I can not yield for any further amendments.

Mr. BUTLER. I know I am powerless in my effort for good.

The SPEAKER. The question is on agreeing to the amendment to the Senate bill.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended bill.

The bill was read a third time.

Mr. FOWLER. Mr. Speaker, I would like recognition for the purpose of offering an amendment to the bill.

The SPEAKER. The parliamentary situation is this: The gentleman from Tennessee [Mr. SIMS] has an hour, and he can parcel out the time to suit himself or use the entire hour, and nobody can offer an amendment as long as the gentleman from Tennessee has the floor during that hour.

Mr. SIMS. Mr. Speaker, I ask for the previous question on the bill and all amendments.

Mr. FOWLER. Mr. Speaker, I desire, then, to make a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Then is it possible in the American Congress that a man can call up a bill, utilize all the time, and prevent any other Member from offering an amendment to the bill?

The SPEAKER. The practice is that when a bill is called up like this that the man in charge of it has an hour. He can do as he pleases with that hour. Of course, within the rules he can move the previous question on it the first thing, or he can reserve the previous question until the last thing in the hour, and he can shut anybody out from offering an amendment during the hour. Now the gentleman from Tennessee [Mr. SIMS] moves the previous question.

Mr. SIMS. Mr. Speaker, I move the previous question on the bill as amended to final passage.

Mr. FOWLER. Then under what stage can an amendment be offered to the bill?

The SPEAKER. If the previous question is ordered, it can never be offered. If the previous question is voted down, then, when the gentleman from Tennessee gets through with his hour and any other gentleman gets the floor, he can move any sort of an amendment he pleases.

Mr. SIMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. FOWLER. Mr. Speaker, I desire to make a motion to recommit the bill, with the following amendment, which I send to the Clerk's desk, to the committee from which it came, with the following instructions——

The SPEAKER. It never came from any committee.

Mr. FOWLER. It came from the Senate and was not referred to any committee in the House. I desire, Mr. Speaker, to move to commit this bill to the Committee on Claims with the following instructions, which I have sent to the Clerk's desk.

Mr. RODDENBERY. I make a point of order.

The SPEAKER. The gentleman from Georgia will state it.

Mr. RODDENBERY. The point of order is that it is not in order to make a motion to recommit a Senate bill from the Committee on Commerce in the Senate, as a substitute for the House bill, to the Committee on Claims.

Mr. FOWLER. Mr. Speaker, I think that under the rules there can be only one motion to recommit.

The SPEAKER. The gentleman misstates his motion, but, of course that is a small matter. It is not a motion to recommit, but a motion to commit. The gentleman has a right to move to commit to any committee in the House.

Mr. FOWLER. I move to commit it, then, Mr. Speaker, to the Committee on Interstate and Foreign Commerce, with the instructions which I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the motion to commit.

The Clerk read as follows:

Commit the bill to the Committee on Interstate and Foreign Commerce with instructions to report it forthwith to the House with the following amendment:

On page 1, line 8, after the word "fight," by adding the following: "Whether between men, or between men and animals, or between animals."

The SPEAKER. The question is on the motion to commit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FOWLER. A division, Mr. Speaker.

The House divided; and there were—ayes 1, noes 45.

Mr. FOWLER. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. On this vote the yeas are 1 and the noes are 45, and the gentleman raises the point that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of committing this bill to the Committee on Interstate and Foreign Commerce will, as their names are called, vote "yea," and those opposed will vote "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 5, nays 198, answered "present" 21, not voting 165, as follows:

YEAS—5.

Candler	Stephens, Miss.	Stephens, Nebr.	Stone
Fowler			

NAYS—198.

Aiken, S. C.	Dupré	James	Ransdell, La.
Ainey	Edwards	Johnson, Ky.	Redfield
Alexander	Esch	Kendall	Rees
Allen	Estopinal	Kennedy	Reilly
Anderson, Minn.	Evans	Kent	Richardson
Anderson, Ohio	Faison	Kitchin	Roberts, Mass.
Ashbrook	Farr	Knowland	Robinson
Austin	Ferguson	Konop	Roddenbery
Barnhart	Fitzgerald	Korbly	Rodenberg
Bathrick	Francis	Lafferty	Rothermel
Beall, Tex.	French	La Follette	Rouse
Bell, Ga.	Fuller	Lamb	Rubey
Berger	Gallagher	Lawrence	Russell
Booher	Garner	Lever	Sabath
Borland	George	Lewis	Sells
Bowman	Godwin, N. C.	Lindbergh	Sharp
Brantley	Good	Linthicum	Sims
Broussard	Goodwin, Ark.	Littlepage	Sloan
Buchanan	Gould	Lloyd	Small
Bulkley	Gray	Lobeck	Smith, Saml. W.
Burgess	Green, Iowa	Longworth	Smith, Tex.
Burke, Wis.	Greene, Mass.	McGillicuddy	Stanley
Burnett	Gregg, Pa.	McKinley	Stedman
Byrns, Tenn.	Gregg, Tex.	McKinney	Steenerson
Cannon	Gudger	McLaughlin	Stephens, Cal.
Catlin	Hamlin	Madden	Stephens, Tex.
Clark, Fla.	Hammond	Maguire, Nebr.	Sterling
Claypool	Hanna	Martin, Colo.	Sulloway
Clayton	Hardy	Matthews	Sulzer
Cline	Harris	Mays	Sweet
Connell	Harrison, Miss.	Mondell	Switzer
Conry	Hartman	Morrison	Taylor, Colo.
Cooper	Haugen	Murray	Taylor, Ohio
Copley	Hawley	Neeley	Thayer
Cox, Ind.	Hay	Nye	Towner
Crago	Hayden	Oldfield	Townsend
Cravens	Hayes	O'Shaunessy	Tribble
Cullop	Heald	Padgett	Turnbull
Curley	Helgesen	Page	Tuttle
Curry	Henry, Tex.	Patton, Pa.	Underhill
Dalzell	Hensley	Payne	Volstead
Davenport	Hobson	Pepper	Watkins
Davis, Minn.	Holland	Pickett	Webb
Davis, W. Va.	Howard	Porter	Whitacre
Dent	Howell	Post	White
Dickinson	Howland	Pou	Willis
Dickson, Miss.	Hughes, N. J.	Prince	Wilson, Pa.
Dixon, Ind.	Hull	Prouty	Witherspoon
Doughton	Humphrey, Wash.	Rainey	
Driscoll, D. A.	Jacoway	Raker	

ANSWERED "PRESENT"—21.

Blackmon	Gillett	Mann	Wood, N. J.
Browning	Hardwick	Needham	Woods, Iowa.
Butler	Houston	Sparkman	Young, Kans.
Dyer	Kahn	Stevens, Minn.	
Fields	McDermott	Thistlewood	
Foster	McMorran	Weeks	

NOT VOTING—165.

Adair	Driscoll, M. E.	Lafean	Randell, Tex.
Adamson	Dwight	Langham	Rauch
Akin, N. Y.	Ellerbe	Langley	Reyburn
Ames	Fairchild	Lee, Ga.	Riordan
Andrus	Ferris	Lee, Pa.	Roberts, Nev.
Ansberry	Finley	Legare	Rucker, Colo.
Anthony	Flood, Va.	Lenroot	Rucker, Mo.
Ayres	Floyd, Ark.	Levy	Saunders
Barchfeld	Focht	Lindsay	Scully
Bartholdt	Fordney	Littleton	Shackleford
Bartlett	Fornes	Loud	Sheppard
Bates	Foss	McCall	Sherley
Boehne	Gardner, Mass.	McCoy	Sherwood
Bradley	Gardner, N. J.	McCreary	Simmons
Brown	Garrett	McGuire, Okla.	Sisson
Burke, Pa.	Glass	McHenry	Slayden
Burke, S. Dak.	Goeke	McKellar	Slemp
Burleson	Goldfogle	McKenzie	Smith, J. M. C.
Byrnes, S. C.	Graham	Macon	Smith, Cal.
Calder	Griest	Maher	Smith, N. Y.
Callaway	Guernsey	Martin, S. Dak.	Speer
Campbell	Hamill	Miller	Stack
Cantrill	Hamilton, Mich.	Moon, Pa.	Taggart
Carlin	Hamilton, W. Va.	Moon, Tenn.	Talbott, Md.
Carter	Harrison, N. Y.	Moore, Pa.	Talcott, N. Y.
Cary	Heflin	Moore, Tex.	Taylor, Ala.
Collier	Helm	Morgan	Thomas
Covington	Henry, Conn.	Morse, Wis.	Tilson
Cox, Ohio	Higgins	Moss, Ind.	Underwood
Crumpacker	Hill	Mott	Utter
Currier	Hinds	Murdock	Vare
Danforth	Hughes, Ga.	Nelson	Vreeland
Daugherty	Hughes, W. Va.	Norris	Warburton
Davidson	Humphreys, Miss.	Olmsted	Wedemeyer
De Forest	Jackson	Palmer	Wilder
Denver	Johnson, S. C.	Parran	Wilson, Ill.
Dies	Jones	Patten, N. Y.	Wilson, N. Y.
Difenderfer	Kindred	Peters	Young, Mich.
Dodds	Kinkaid, Nebr.	Plumley	Young, Tex.
Donohoe	Kinkead, N. J.	Powers	
Doremus	Konig	Pray	
Draper	Kopp	Pujo	

So the motion to commit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. SLAYDEN with Mr. TILSON.

Mr. BARTLETT with Mr. BUTLER.

Mr. UNDERWOOD with Mr. MANN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. GLASS with Mr. SLEMP.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. AYRES with Mr. AMES.

Mr. BURLESON with Mr. BARTHOLDT.

Mr. BYRNES of South Carolina with Mr. BURKE of South Dakota.

Mr. COVINGTON with Mr. CRUMPACKER.

Mr. DAUGHERTY with Mr. DANFORTH.

Mr. DIFENDERFER with Mr. DE FOREST.

Mr. DONOHOE with Mr. DODDS.

Mr. DOREMUS with Mr. FAIRCHILD.

Mr. FLOYD of Arkansas with Mr. FOCHT.

Mr. GOEKE with Mr. FOSS.

Mr. GOLDFOGLE with Mr. HAMILTON of Michigan.

Mr. HAMILL with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York with Mr. KINKAID of Nebraska.

Mr. HEFLIN with Mr. LAFEAN.

Mr. HELM with Mr. LANGHAM.

Mr. HUGHES of Georgia with Mr. MCGUIRE of Oklahoma.

Mr. HUMPHREYS of Mississippi with Mr. MCKENZIE.

Mr. JONES with Mr. MARTIN of South Dakota.

Mr. KINKEAD of New Jersey with Mr. MOORE of Pennsylvania.

Mr. KONIG with Mr. MURDOCK.

Mr. LEE of Pennsylvania with Mr. POWERS.

Mr. MCKELLAR with Mr. PLUMLEY.

Mr. MAHER with Mr. PRAY.

Mr. MOORE of Texas with Mr. ROBERTS of Nevada.

Mr. MOSS of Indiana with Mr. J. M. C. SMITH.

Mr. RUCKER of Colorado with Mr. SPEER.

Mr. SAUNDERS with Mr. THISTLEWOOD.

Mr. SHACKLEFORD with Mr. UTTER.

Mr. SMITH of New York with Mr. VARE.

Mr. TAGGART with Mr. WEEKS.

Mr. WILSON of New York with Mr. WILDER.

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. SHERWOOD with Mr. WOOD of New Jersey.

Mr. DENVER with Mr. YOUNG of Michigan.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. THOMAS with Mr. VREELAND.

Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. KINDRED with Mr. GRIEST.

Mr. ADAIR with Mr. HINDS.

Mr. GARRETT with Mr. FORDNEY.

Mr. SHEPPARD with Mr. BATES.

Mr. CARTER with Mr. KAHN.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. YOUNG of Texas with Mr. WILSON of Illinois.

Mr. PETERS with Mr. MCCALL.

Mr. CALLAWAY with Mr. MICHAEL E. DRISCOLL.

Mr. LITTLETON with Mr. DWIGHT.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. ELLERBE with Mr. CRAGO.

Mr. GRAHAM with Mr. FULLER.

Mr. LEGARE with Mr. LOUD.

Mr. PUJO with Mr. MCMORRAN.

Mr. CANTRILL with Mr. HANNA.

Mr. MCCOY with Mr. HIGGINS.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. FLOOD of Virginia with Mr. DRAPER.

Mr. FOSTER with Mr. KOPP.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. FERRIS with Mr. GUERNSEY.

Mr. DIES with Mr. GARDNER of New Jersey.

Mr. HAMILTON of West Virginia with Mr. HENRY of Connecticut.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. SCULLY with Mr. BROWNING.

Mr. SHERLEY with Mr. SIMMONS.

Mr. PATTEN of New York with Mr. REYBURN.

Mr. BOEHNE with Mr. CARY.

Mr. FIELDS with Mr. LANGLEY.

Mr. FINLEY with Mr. CURRIER.

Ending August 1:

Mr. COX of Ohio with Mr. ANTHONY.

Ending July 25:

Mr. TALCOTT of New York with Mr. MOTT.

Balance of the day—July 19:

Mr. SISSON with Mr. YOUNG of Kansas.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will unlock the doors. The question is on agreeing to the amended Senate bill.

The question was taken, and the Senate bill as amended was passed.

The title of the bill was amended so as to read: "A bill to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes."

On motion of Mr. SIMS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

By unanimous consent, at the request of Mr. SIMS, a similar House bill (H. R. 24962) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, was laid on the table.

ADJOURNMENT OVER.

Mr. FITZGERALD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that when the House adjourns to-day it adjourn to meet Monday next at noon. The question is on agreeing to that motion.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVENPORT, for 15 days, on account of important business.

To Mr. BLACKMON, for 1 day, on account of illness in his family.

To Mr. CLARK of Florida, indefinitely, on account of sickness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910; and

S. 4948. An act to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes."

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11628. An act authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6596. An act to provide for the purchase of a site and the erection of a public building thereon in the town of Fort Fairfield, in the State of Maine; and

S. 7130. An act to provide for the establishment of an immigration station at Hampton Roads, in the State of Virginia, and the erection of a public building on a site to be selected for said station.

The message also announced that the President pro tempore had appointed Mr. SHIVELY in place of Mr. GORE as one of the conferees on the bill (S. 4568) granting an increase of pension to Annie R. Schley.

The message also announced that the Senate had passed the following resolution (H. Res. 634):

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District.

The message also announced that the Senate had passed the following order:

Ordered, That the Secretary inform the House of Representatives that the Senate is sitting in its Chamber and ready to proceed with the trial of impeachment of Robert W. Archbald.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7130. An act to provide for the establishment of an immigration station at Hampton Roads, in the State of Virginia, and the erection of a public building on a site to be selected for said station; to the Committee on Immigration and Naturalization.

S. 6596. An act to provide for the purchase of a site and the erection of a public building thereon in the town of Fort Fairfield, in the State of Maine; to the Committee on Public Buildings and Grounds.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

HOMESTEADS UPON RECLAMATION PROJECTS.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects may retain its place on the calendar.

The SPEAKER. On what calendar?

Mr. TAYLOR of Colorado. It is on the Union Calendar and on the Calendar for Unanimous Consent. I ask that it be referred back to the Committee on Irrigation of Arid Lands, with permission to report at once. By direction of the committee I wish to make a supplemental report. I understand it must take that course.

Mr. MANN. I take it that what the gentleman wants is to have the bill recommitted to the Committee on Irrigation of Arid Lands——

Mr. TAYLOR of Colorado. Yes.

Mr. MANN. And, when reported back, that it retain its place on the Unanimous Consent Calendar.

Mr. TAYLOR of Colorado. Yes.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I call up the conference report on the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and ask for the reading of the report.

The SPEAKER. Does the gentleman ask for the reading of the statement in lieu of the report?

Mr. SPARKMAN. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Florida asks unanimous consent that the statement instead of the conference report on the river and harbor bill be read.

Mr. MANN. Reserving the right to object, I should like to suggest to the gentleman that the statement consists very largely of tabulated statements, which are less intelligible than the conference report itself, and the statement is about as long as the conference report.

Mr. SPARKMAN. I suggest that we might get unanimous consent to dispense with the reading of either the report or the statement.

Mr. MANN. The gentleman is mistaken about that. There is no possibility of adopting something without having anything read.

The SPEAKER. Which does the gentleman ask to have read?

Mr. SPARKMAN. Let the report be read.

The SPEAKER. The conference report will be read by the Clerk.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 1025).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 28, 35, 93, 105, 106, 107, 156, 183, 184, 185, 186, 188.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 9, 10, 15, 16, 17, 18, 19, 20, 23, 25, 26, 27, 29, 31, 32, 33, 34, 36, 38, 40, 42, 43, 45, 46, 47, 48, 53, 54, 55, 56, 58, 59, 62, 63, 64, 65, 67, 68, 69, 70, 71, 73, 74, 77, 79, 81, 82, 83, 84, 87, 88, 89, 90, 92, 94, 95, 98, 108, 109, 110, 111, 112, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 154, 155, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 181, 187; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Pollock Rip Channel through the shoals lying near the entrance to Nantucket Sound, Mass., in accordance with the report submitted in House Document No. 536, Sixty-second Congress, second session, $125,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "five hundred thousand dollars" and insert in lieu thereof the words "three hundred thousand dollars"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In the proposed amendment strike out all after the words "five thousand dollars"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "five hundred thousand" and insert in lieu thereof the words "three hundred thousand"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the proviso contained in the proposed amendment insert the following: "*Provided*, That the land required for making said cut-offs, or easements therein, shall be furnished free of cost to the United States, and the United States shall be released from all claims for damages arising from the proposed diversion of the stream"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Improving Elk and Little Elk Rivers, Md.: Completing improvement in accordance with the report submitted in House Document No. 770, Sixty-second Congress, second session, and subject to the conditions set forth in said document, $4,040"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That the provisions of section 11 of the river and harbor act of March 3, 1899, are hereby made applicable to the Potomac and Anacostia Rivers, and hereafter harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided; and all laws or parts of laws inconsistent with this proviso are hereby repealed: *Provided further*, That hereafter the officer in local charge of the improvement shall have authority, with approval of the Chief of Engineers, United States Army, when no public building is available, to rent suitable offices, to be paid for pro rata from the appropriations for works in his charge: *And provided further*, That the proviso in the act of June 3, 1896, entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' under the item 'Improving Potomac River, Washington, D. C.,' is hereby repealed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24,

and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", printed in House Document No. 589, Sixty-second Congress, second session, and the foregoing appropriation shall be devoted to that purpose; for the improvement and maintenance of said inland waterway, $100,000; in all, $600,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "six months from the date of the approval of this act," and insert in lieu thereof the words "one year from February 27, 1912"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That the provision in the river and harbor act approved March 3, 1905 (33 Stat., p. 1128), granting Louis M. Tisdale the right and authority to construct and operate a channel through Mobile Bay, and to construct and maintain wharves, piers, anchorage and turning basins, and other similar structures in said bay, is hereby revived and reenacted: *Provided*, That the said provision is hereby so amended as to vest in the South Mobile Terminal Co., its successors and assigns, all the rights, privileges, and authority thereby granted to the said Louis M. Tisdale, subject to all the terms and conditions of said act, upon full and complete assignment and transfer of all such rights, privileges, and authority of said Tisdale to the said South Mobile Terminal Co.: *Provided also*, That the said provision is hereby further amended so as to extend the time for completing the work therein authorized for a period of five years from the approval of this act: *And provided also*, That the right to alter, amend, or repeal this act, in so far as it relates to this franchise, is hereby expressly reserved"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", of which amount $120,000 may be applied to the purchase or construction of a suitable dredging plant: *Provided*, That the U. S. dredge Barnard may be transferred back to the improvement from which it was transferred by act approved February 27, 1911, and the balance remaining on hand of the $60,000 authorized by the act of February 27, 1911, to be expended for the repair and modification of the U. S. dredge Barnard, may be expended for the purchase or construction of the dredging plant herein authorized"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The Secretary of War may appoint a board of three engineer officers whose duty it shall be to examine and report upon the following harbors and channels in Texas, at or near Galveston, to wit: Galveston Harbor and Channel, Texas City Harbor and Channel, Port Bolivar Harbor and Port Bolivar Channel leading thereto, all with a view to securing a depth of 35 feet"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following: "And the said board shall also report whether the waters lying between Harbor Island and the mainland may be exempted from the operation of the laws relating to navigable waterways of the United States"; and the Senate agree to the same.

Amendments numbered 49, 50, 51 52: That the House recede from its disagreement to the amendments of the Senate numbered 49, 50, 51, 52, and agree to the same with an amendment as follows: In lieu of all the words contained in this paragraph, after the words "heretofore authorized," insert the following: ", and for an accurate instrumental survey of the river as recommended in the Annual Report of the Chief of Engineers for 1911, $425,000; continuing improvement and for maintenance by open channel work, $15,000; in all, $440,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the language of the proposed amendment insert the following: "For improving the Arkansas River, in Arkansas: For protecting the north bank thereof, in the bend in front of the Crawford County Levee, south of Van Buren, in sections 8, 9, and 10 in township 8 north, range 30 west, which shall be considered extraordinary emergency work, $30,000. This appropriation shall be expended as soon as practicable in accordance with plans to be prepared by the Chief of Engineers of the War Department"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Ohio River: For the raising and strengthening of the levees in the city of Cairo, Ill., on the Ohio and Mississippi Rivers, and in the Cairo drainage district, which shall be considered extraordinary emergency work, $250,000: *Provided*, That the city of Cairo shall expend, or cause to be expended, the same amount for the same purpose"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "For the raising and strengthening of the levees in the city of Mound City, Ill., on the Ohio River, which shall be considered extraordinary emergency work, $20,000 on the condition that the city of Mound City shall furnish an equal amount for the same purpose"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the language proposed insert the word "three"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That in view of the existing emergency $4,000,000 of the money hereby appropriated is set apart for the repair and construction of levees"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The traveling expenses of the civilian members of the Mississippi River Commission, and of the assistant engineer of the Board of Engineers for Rivers and Harbors, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said commission, and of said board"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "Bayou Sara" and insert in lieu thereof the words "Baton Rouge, La., and between Bessie, Lake County, Tenn., and Memphis, Tenn.," and strike out the words "twenty thousand" and insert in lieu thereof the words "thirty thousand"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "eighty-five" and insert in lieu thereof the word "twenty-five"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Stockton Harbor, San Joaquin River, Cal., by dredging McLeod Lake and Fremont Channel, with a view to securing a permanent channel depth of 9 feet, in accordance with the report submitted in House Document No. 581, Sixty-second Congress, second session,

and subject to the conditions set forth in said document, $11,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Tillamook Bay and Bar, Oreg.: For maintenance, $5,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "eight" and insert in lieu thereof the word "seven"; and after the word "dollars," in the next line, add the following: "And the Secretary of War shall submit a report whether any saving can be effected, and, if so, how much, by a more rapid prosecution of this improvement"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, upon vouchers approved by the former chairman of the National Waterways Commission, from any moneys in the Treasury not otherwise appropriated, the sum of $4,000, or so much thereof as may be necessary, for the expenses of the National Waterways Commission necessarily incurred for clerical and stenographic services in publishing hearings (S. Doc. No. 274) and completing the final report (S. Doc. No. 469); and the books, maps, charts, and other material relating to waterways remaining in possession of the National Waterways Commission shall be turned over to the Engineer School, Washington Barracks, D. C., under the direction of the chairman of the Committee on Commerce of the Senate and the chairman of the Committee on Rivers and Harbors of the House of Representatives; and all similar material relating to railways shall be turned over to the Interstate Commerce Commission"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "SEC. 7. Unless otherwise expressed, the channel depths referred to in this act shall be understood to signify the depth at mean low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels; and the channel widths specified shall be understood to admit of such increase in width at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats." And transfer the paragraph to page 62, immediately after section 6; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Before the word "Whenever," in line 1 of the proposed amendment, insert "SEC. 8." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 9." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 10." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the language proposed insert on page 60, in line 17, after the word "survey," the following: ": *Provided further*, That the Chief of Engineers may, at his discretion, increase to not to exceed nine the number of engineer officers constituting said board: *And provided further*, That a majority of said board shall be of rank not less than lieutenant colonel"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert: "SEC. 11." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "SEC. 12. In order to make possible the economical future development of water power the Secretary of War, upon recommendation of the Chief of Engineers, is hereby authorized, in his discretion, to provide in the permanent parts of any dam authorized at any time by Congress for the improvement of navigation such foundations, sluices, and other works, as may be considered desirable for the future development of its water power." And transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Buffalo Harbor, N. Y., with a view to increasing the width of the entrance of the inner harbor to 400 feet by removing the Government south pier at the mouth of Buffalo River; also with a view to increasing the width of Black Rock Harbor and the entrances thereto," and transfer the same to page 45, preceding line 1; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In line 1 of this amendment, after the word "River," insert the word "Connecticut," and transfer said amendment to page 44, after line 24; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with the following amendment: In line 2 of said amendment, after the word "thereof," insert a period and strike out the balance of the amendment; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Salmon River, N. Y., at and below Fort Covington"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That a preliminary investigation be made to determine whether a system of impounding reservoirs at the headwaters of the Allegheny, Monongahela, and Ohio Rivers and their tributaries is needed and practicable to provide sufficient water during dry seasons to operate the present and proposed system of locks and dams in these rivers, and to what extent the Federal Government, on the basis of their benefit to navigation, is justified in cooperating with local communities which may be interested in the construction of such reservoirs primarily for the purpose of flood prevention, and the feasibility of operating such reservoirs for the double purpose of flood prevention and improving navigation; and that this investigation be conducted by a board of three engineer officers, to be designated by the Chief of Engineers, United States Army; and that the results of this investigation be reported to Congress, with such additions as may be made thereto by the said Chief of Engineers, not later than December 7, 1912; and that for this purpose the sum of $5,000, or so much thereof as may be needed, be, and the same is hereby, appropriated"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", and inland waterway between Charleston and McClellanville by way of Alligator Creek and Sewee Bay"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the language proposed insert: "Escambia and Conecuh Rivers, Ala. and Fla., from River Falls to the mouth in the Gulf of Mexico"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Black River, Ark., near Buttermilk Bank, with a view of protecting the bank

in the interests of navigation"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Little"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Padilla Bay, Skagit County, Washington, with a view of ascertaining the desirability of modifying or relocating the navigable channels in said bay"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Channel connecting Admiralty Inlet with Crockett Lake, Washington"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "SEC. 13." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

M. SPARKMAN,
JOSEPH E. RANSDELL,
GEORGE P. LAWRENCE,
Managers on the part of the House.

KNUTE NELSON,
JONATHAN BOURNE,
F. M. SIMMONS,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The House conferees on H. R. 21477, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, would respectfully report that they have reached an agreement with the Senate conferees, and recommend that the conference report on the bill filed herewith be adopted.

The river and harbor bill as it passed the House carried cash appropriations in the sum of $24,062,520.50, with a single continuing-contract authorization of $2,200,000 for locks and dams on the Ohio River, or a total for the House bill in cash and authorization of $26,262,520.50. The amount added by amendment in the Senate was $7,821,010, all of which was in cash appropriations, no additional continuing-contract authorizations being provided, making the total as it passed the Senate $31,883,530.50 in cash and $2,200,000 in continuing-contract authorization, a total of $34,083,530.50 for the bill. As a result of the conference the amount involved in the Senate amendments has been reduced from $7,821,010 to $6,996,850, making the total of the bill as it now stands $33,259,370.50 ($31,059,370.50 in cash and $2,200,000 in continuing-contract authorization).

The total number of amendments to the bill adopted by the Senate was 188.

NEW PROJECTS ADDED BY THE SENATE.

Of these amendments, 29 involved the adoption of new projects, nearly all of which were contained in reports received since the date of closing the bill by the House committee, and hence not considered by it or the House.

After careful consideration the House conferees receded from their disagreement to the adoption of the following new projects:

No. of amendment.	Locality.	Amount.
1	South Bristol Harbor, Me.	$3,500
3	New Bedford and Fairhaven Harbors, Mass.	56,610
4	Block Island harbor of refuge, R. I.	30,000
5	West River, New Haven Harbor, Conn.	54,000
7	Mamaroneck Harbor, N. Y.	29,500
15	Leipsic River, Del.	19,600
16	Little River, Del.	14,000
17	Wilmington Harbor, Del.	250,000
22	Aquia Creek, Va.	21,400
28	Cape Lookout harbor of refuge, N. C.	300,000
28	Cape Fear River below Wilmington, N. C.	300,000
29	St. Marys River, Ga. and Fla.	19,450
32-33	Key West Harbor, Fla.	$48,000
34	Charlotte Harbor, Fla.	20,000
36	St. Joseph Bay, Fla.	20,000
62	Allegheny River, Pa.	300,000
64	Manistee Harbor, Mich.	150,000
69	Chicago Harbor, Ill.	350,000
81	Kansas River, Kans.	4,000
82	Los Angeles Harbor, Cal.	327,240
88	Nehalem Bay, Oreg.	100,000
89	Columbia and Lower Willamette Rivers, Oreg. (in lieu of House appropriation on old project, amounting to $155,000)	180,000
90	Oregon Slough, Oreg.	50,000
94	Apoon mouth of Yukon River, Alaska	130,000

The House conferees receded from their disagreement to the adoption of the following-named new projects after amendment, as indicated:

No. of amendment.	Locality.	Amount.
2	Pollock Rip Channel, Mass.: Amount of appropriation reduced from $250,000 to	$125,000
8	Jamaica Bay, N. Y.: Amount of appropriation reduced from $500,000 to	300,000
11	Newark Bay and Passaic River, N. J. Provision relative to consolidation of existing projects and cancellation of existing contracts omitted.	5,000
21	Elk and Little Elk Rivers, Md.: Amount of appropriation reduced from $8,200 to And adoption of project made conditional upon local cooperation.	4,040
85	Stockton Harbor, San Joaquin River, Cal. Adoption of project made subject to the condition that adequate bulkheads and terminals will be provided free of cost to the United States.	11,000

INCREASES IN HOUSE ITEMS.

The following Senate amendments involving increases of appropriations in items already adopted by the House were agreed to by the House conferees in whole or in part, it appearing that additional provision for the respective works would be desirable:

No. of amendment.	Locality.	Amount.
9-10	Absecon Inlet, N. J.: House item increased from $25,000 to With proviso that if work can not be contracted for at reasonable rates, so much of the amount appropriated as shall be necessary may be used for the construction of a Government dredge.	$190,000
13	Delaware River below Philadelphia, Pa.: The House item of $1,000,000, which was increased by the Senate to $1,500,000, was reduced in conference to	1,300,000
24	Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: House item increased from $500,000 for purchase of the Chesapeake & Albemarle Canal by $200,000 for the improvement and maintenance of said waterway, which was reduced in conference to $100,000, making in all	600,000
35-39	Gulfport Harbor, Miss.: House item increased from $100,000 to With authority to secure a suitable dredging plant.	200,000
53-55	Texas coast waterway: House item increased by To allow for the construction of certain bridges.	12,000
58	Cumberland River above Nashville, Tenn.: House item increased by To provide for the purchase of certain flowage rights above Dams Nos. 6 and 7.	2,500
66	St. Marys River, Mich.: House item for fourth lock, which was increased by the Senate from $200,000 to $400,000, was reduced in conference to	300,000
68	Warroad Harbor, Minn.: House item increased from $3,200 to	13,200
70-74	Mississippi River, Head of Passes to Ohio River: House item increased from $3,500,000 to In order to make provision for repair and construction of levees.	6,000,000
79	Missouri River, from Sioux City to Fort Benton: House item increased from $75,000 to	150,000
84	Oakland Harbor, Cal.: House item increased from $100,000 to	130,000
91	The Dalles Canal, Columbia River, Oreg.: House item of $600,000, which was increased by the Senate to $800,000, was reduced in conference to And the Secretary of War authorized to report whether any saving would be effected by a more rapid prosecution of this improvement.	700,000
92	Columbia River, above Celilo Falls to mouth of Snake River, Oreg. and Wash.: House item increased from $30,000 to	50,000

APPROPRIATION ITEMS ADDED FOR WORKS HERETOFORE ADOPTED.

In two instances the Senate proposed appropriations for works heretofore adopted and not provided for in the House bill. These items appearing desirable, the House conferees receded from their disagreement and agreed to the same:

No. of amendment.	Locality.	Amount.
48	Mouth of Brazos River, Tex.	$25,000
77	Reservoirs at headwaters of Mississippi River.	15,000

MISCELLANEOUS ITEMS.

Various miscellaneous amendments were passed by the Senate, which, upon investigation, were found to be desirable and were therefore accepted by the House conferees, as follows:

No. of amendment.	
18	House provision of $75,000 for Youghiogheny River, Pa., was omitted by the Senate and agreed to by the House conferees.
19, 20	An item of $3,000 for maintenance of Broad Creek River, Del., was stricken out, the House conferees receding from its objection.
27	Shipyard Creek, Charleston Harbor, S. C.: The Senate added a reference to the document in which the report is printed, and made the improvement of the locality conditional upon local assistance.
31	Inland waterway between Savannah, Ga., and Fernandina, Fla.: Item modified by omitting from the House item the words "by the new route between Sapelo and Doboy Sounds by way of Front River."
40	Bayou Terrebonne, La.: Right of way required for improvement to be furnished free of cost to the United States.
46	Sabine-Neches Canal, Tex.: Additional work authorized within the original estimate.
56	Texas coast waterway: Change of route authorized at or near Port O'Connor, Tex., in accordance with the report of the engineers.
59	Reimbursing county of Madison, Ky., for restoration of road near Otter Creek, a tributary of Kentucky River, the amount not to exceed $1,500.
63	Manistee Harbor, Mich.: Appropriation for work of maintenance omitted in view of new project adopted. See amendment No. 64.
66	Improving harbor at Arcadia, Mich., $15,000.
67	Kewaunee Harbor, Wis.: City of Kewaunee released from certain obligations imposed by act of June 25, 1910.
83	Los Angeles Harbor, Cal.: Provision for exchange of lands belonging to the United States and the city of Los Angeles, respectively.
86-87	The House item for Tillamook Bay and Bar, Oreg., was divided into two items.
95	Kahului Harbor, Hawaii: New report on west breakwater ordered.
98	The words "and minor surveys" added to the word "examinations" in the House item.
187	Provision authorizing printing of index to the annual reports of the Chief of Engineers.

The following miscellaneous amendments adopted by the Senate were accepted by the House conferees after amendment:

No. of amendment.	
14	Leipsic River, Del.: Provision for cut-offs Nos. 1 and 5, the expense to be paid from funds on hand, was agreed to with amendment releasing the United States from claims for damages arising from the diversion of the stream.
22	Potomac River: The provisos added by the Senate relative to harbor lines and to rent of office for the local engineer officer at Washington, D. C., were concurred in by the House conferees after amendment to correct three slight clerical and typographical errors.
30	Coosa River, Ala.: Provision for extending the time for beginning work by the Ragland Water Power Co. at Lock No. 4, authorized by the river and harbor act of Feb. 27, 1911; agreed to, after amendment as to the date from which this authority shall take effect.
37	Franchise granted to Louis M. Tisdale by the river and harbor act of Mar 3, 1905, to maintain certain structures in Mobile Bay, Ala., revived, and transfer to the South Mobile Terminal Co. authorized. Item agreed to after amendment making the franchise subject to certain conditions named in the original act.
41	Board for Galveston Harbor, Galveston Channel, Texas City Channel, and Port Bolivar Channel; agreed to with verbal amendments.
45	Board for Port Aransas, Tex.; agreed to with amendment calling for report whether the waters lying between Harbor Island and the mainland may be exempted from the laws relating to navigable waterways of the United States.
49-52	Trinity River, Tex.; $440,000 is appropriated to be expended in accordance with the House provision with the exception that the authorization for two additional locks and dams has been stricken out.
57	Improving Arkansas River near Van Buren, Ark.: An item appropriating $30,000 for protection of bank in front of the Crawford County levee.
60	Ohio River at Cairo, Ill.: Appropriation of $250,000 for aid in levee construction upon condition that the city furnish an equal amount for the same purpose; agreed to, with amendment specifying that the work shall be considered as an extraordinary emergency.
61	Ohio River at Mound City, Ill.: Appropriation of $20,000 for aid in levee construction upon condition that the city furnish an equal amount for the same purpose; agreed to, with amendment specifying that the work shall be considered as an extraordinary emergency.
75	Provision relative to payment of traveling expenses of civilian members of the Mississippi River Commission; amended to include the assistant engineer of the Board of Engineers for Rivers and Harbors.
76	$30,000 is appropriated for a survey of certain overflowed lands on the east bank of the Mississippi River between Brunswick, Miss., and Baton Rouge, La., and Bessie, Lake County, Tenn., and Memphis, Tenn.
78	Missouri River from Kansas City to the mouth: Proviso relative to local cooperation amended and agreed to.
96	National Waterways Commission: To close accounts and dispose of library, etc., $4,000.
97	General provision as to channel depths and widths: Item rewritten and transferred to section 7.
99	General provision as to combining two or more works under one contract, and as to use of appropriation for prosecution of work when insufficient for completion: Item transferred to section 8, but not otherwise modified.
100	General provision authorizing engineer officers to hire transportation in certain cases: Item transferred to section 9, but not otherwise modified.
101	Provision for employment of additional office force by the Chief of Engineers in emergencies: Item transferred to section 10, but not otherwise modified.
102	Provision authorizing an increase in the Board of Engineers for Rivers and Harbors: Senate amendment modified so as to make the increase discretionary and not mandatory, and item transferred to end of section 3 of bill.
103	Construction of building for Engineer School: Item transferred to section 11, but not otherwise modified.
104	Provision permitting development of water power at dams authorized by Congress: Two slight verbal amendments and item transferred to section 12.
177	Padilla Bay, Wash.: Provision authorizing private parties to make certain improvements modified so as to order examination to be made by the United States.
182	Provision authorizing certain printing to be paid from river and harbor appropriations: Item transferred to section 13, but not otherwise modified.

SURVEY ITEMS.

To the list of surveys contained in the House bill the Senate added 59 new items, modified 6 others, and omitted 2 altogether. With slight modifications in certain instances, as indicated, the House conferees agreed to all these with one exception (amendment No. 156—Ohio River, Shawneetown Levee, Ill., a new item which was omitted). Amendment No. 177 was modified in conference so as to make provision for examination and survey.

The several items are as follows:

NEW SURVEY ITEMS AGREED TO.

No. of amendment.	Locality.
108	Wills Strait, Casco Bay, Me.
110	Scituate Harbor, Mass.
111	Breakwater near Narragansett Pier, R. I.
112	Dutch Island Harbor, R. I.
118	Rahway River, N. J.
122	Cabin Branch and Curtis Creek, Md.
123	Huntingfield Creek, Md.
124	Rock Hall Harbor, Md.
125	Breton Bay, Md.
126	Chesapeake Bay, off Pooles Island, Md.
127	Oyster Harbor, Va.
128	Channel at Tangier, Chesapeake Bay, Va.
129	Jackson Creek, Va.
130	Nassawadox Creek, Va.
131	Cape Charles City Harbor, Va.
132	Hampton Creek, Va.
133	Savages Creek, Va.
135	Northwest prong, Bay River, N. C.
136	Meherrin River, N. C.
137	Trent River, from Newbern to Polloksville, N. C.
138	Cape Fear River below Wilmington, N. C., channel to quarantine station.
140	Savannah River at North Augusta, S. C.
142	Channel to Pineland on Pine Island, Lee County, Fla.
144	St. Johns River, Fla., from Lake Harney to Lake Washington.
145	Charlotte Harbor, Fla.
146	Waterway from Pensacola Bay to Wolf Bay, Fla. and Ala.
148	Horseshoe Lake, Holmes Co., Miss.
149	Mouth of Bayou St. John, Orleans Parish, La.
151	Rio Grande River, N. Mex.
152	St. Francis and L'Anguille Rivers, Ark.
154	Kanawha River, W. Va.
155	Harbor at Spring Bay, Illinois River, Ill.
162	Charlevoix Harbor, Mich.
163	Crooked, Burt and Mullett Lakes, Mich.
164	Grays Reef Passage off Waugoshance, Lake Michigan, in the State of Michigan.
165	Siskawit River, Wis.
166	Brule Harbor, Wis.
167	Reservoir at Mille Lacs Lake and Onamia Lake, Minn.
168	Guadalupe River, Cal.
169	Crescent City Harbor and vicinity, Cal.
170	Redondo Harbor, Cal.
171	Yaquina Bay and Bar entrance, Oreg.
172	Port Orford Harbor, Oreg.
173	Port Orford Harbor at Graveyard Point, Oreg.
174	Columbia River between Vancouver, Wash., and the mouth of the Willamette River, Oreg.
175	Columbia River, Wash., from and through Rickey and Grand Rapids to the international boundary line.
176	Waterway connecting Similk Bay with Padilla Bay, Wash.
179	North Nasel, and other streams entering Willapa Harbor, Wash.
181	San Juan Harbor, P. R.

NEW SURVEY ITEMS AGREED TO AFTER AMENDMENT.

No. of amendment.	Locality.
113	Buffalo Harbor and Black Rock Harbor, N. Y.
114	Wethersfield Cove, Connecticut River, Conn.
115	Great Chazy River, N. Y.
116	Salmon River, N. Y., at and below Fort Covington.
119	Reservoirs at headwaters of Allegheny, Monongahela, and Ohio Rivers, and their tributaries.
147	Escambia and Conecuh Rivers, Fla. and Ala.
153	Black River, Ark.
157	Wabash River, at Maunie, Ill.
180	Channel connecting Admiralty Inlet with Crockett Lake, Wash.

HOUSE SURVEY ITEMS MODIFIED AND AGREED TO.

109	Beverly Harbor, Mass., including ledge near Essex Bridge.
154	Lumber River, N. C. and S. C., to Turnpike bridge in Hoke and Scotland Counties, N. C.
139	Inland waterway between McClellanville and Winyah Bay and between Charleston and McClellanville by way of Alligator Creek and Sewee Bay, S. C.
141	Tugaloo River, Ga. and S. C., from Panther Creek to Chandlers Shoals.
143	Withlacoochee River, from Port Inglis to the Gulf of Mexico and between Stokes Ferry and Panasoffke, Fla.
178	Willapa River and Harbor, Wash., from Raymond to the sea.

HOUSE SURVEY ITEMS OMITTED.

117	Tarrytown Harbor, N. Y.
150	Texas Coast Waterway near Port O'Connor, Tex.

VERBAL AMENDMENTS.

The following amendments made by the Senate for the purpose of correcting errors or inaccuracies were concurred in by the House:

No. of amendment.	
47	Insertion of word "and" to correct error.
80	Error in addition corrected.
120-121	Curtis Bay Channel, Baltimore, Md. (survey item).
158-161	Mahoning River, Ohio (survey item).

AMENDMENTS FROM WHICH THE SENATE RECEDED.

The Senate receded from its remaining amendments as follows:

No. of amendment.	
6	Connecticut River above Hartford, Conn.: Omission of House item making appropriation of $25,000 for maintenance of improvement.
12	Passaic River, N. J.: Omission of appropriation of $5,000 for maintenance above the Montclair and Greenwood Lake Railroad bridge.
28	Winyah Bay, S. C.: Reduction of $50,000 in the appropriation.
35	St. Augustine Harbor, Fla.: Senate item omitted.
93	Protection of United States buildings and property at Valdez, Alaska.
105	Provision relative to appointment and transfer of officers of the Corps of Engineers.
106-107	New section in regard to standardization of projects, etc., with appropriation of $100,000.
156	Ohio River, Shawneetown Levee, Ill. (survey).
183-186	Renumbering of sections rendered unnecessary by omission of proposed section 2.
188	Provision relative to detail of officers of the Revenue-Marine Service to the Life-Saving Service.

All of which is respectfully submitted.

S. M. SPARKMAN,
JOS. E. RANSDELL,
GEO. P. LAWRENCE,
Managers on the part of the House.

Mr. SPARKMAN. Mr. Speaker, after a short statement covering the report of the conferees on this bill I shall ask its adoption.

As this bill left the House and went to the Senate it carried appropriations amounting to $24,062,520.50, cash appropriations, and $2,200,000 authorization for the Ohio River. As it came from the Senate and went to the conference committee it aggregated $34,083,530.50, the Senate having added to the bill $7,821,010. As a result of the conference the bill has been reduced to $33,259,370.50. In other words, a reduction of a little more than $800,000 in the aggregate of the bill was effected in conference.

A large part of this aggregate, placed in the bill by the Senate, consisted of $2,500,000 for the lower Mississippi River, for the purpose of reconstructing the levees. That was made desirable, if not indispensable, by the recent floods which visited the lower part of that river while the bill was pending in the Senate. The waters rose higher than they had ever risen before, certainly higher than they had been for many years, and breaking through the levees flooded a large section of country, destroying many lives and a large amount of property.

These flood conditions were so serious as to arouse the sympathy of the whole country, which, reaching the Senate, found expression in this amendment appropriating $2,500,000 for the purpose of aiding the people along the banks of the river in reconstructing and strengthening the levees there.

Perhaps I should say just here that Congress has for years been appropriating money for the construction of levees in connection with the States and local interests bordering the lower river.

A great deal of money has been thus expended—something like twenty-six millions by the Government and fifty-eight millions by the bordering States and local interests—but lately the Government engineers have directed their efforts toward revetment rather than levee work, so that less and less of the appropriations made by Congress have been expended of recent years on the latter than on the former. In this arrangement the people directly interested in levees there had acquiesced, and it was the hope of the Committee on Rivers and Harbors when this bill was prepared that participation by the Government in that class of work would soon cease; but this flood came, breaking the levees in many places and destroying both life and property. Under these conditions the Senate thought it advisable to provide liberally for the work of reconstructing these levees. So they added that $2,500,000 to the bill. But for this addition the Senate amendments in the aggregate would not have been unduly large. They would only have amounted to about $5,000,000 more than the amount inserted by the House as we finally agreed to the bill, which is not out of proportion to the aggregate of amendments usually made by the Senate in river and harbor bills. There were inserted by the Senate 29 new projects, the reports on the most of which reached Congress after the river and harbor bill had been reported to the House. A majority of these, I dare say, would have been adopted by the House committee in the preparation of the bill if they had reached us in time, because most of them—indeed, all of them—are worthy projects. A few of them had been submitted before that time, such, for instance, as the Cape Fear River, N. C., below Wilmington; Cape Lookout harbor of refuge; Jamaica Bay, N. Y.; and the Allegheny River; but were not favorably considered by the River and Harbor Committee in the preparation of a bill such as this, which was framed along conservative lines. They were large projects, involving large expenditures, and perhaps not so urgent as others, and we thought they, among a large number of others omitted, could easily wait until another bill, when we could deal more generously with the projects throughout the country. But the Senate, having, of course, the right to amend the bill, saw proper to insert these provisions, and after a lengthy conference between the members of the conference committee, both on the part of the House and of the Senate, during which they were carefully considered, we finally concluded to let them remain in the bill.

Jamaica Bay is a part of New York Harbor, and bids fair to become a very important part of that harbor, which is the most important in the country and should receive every consideration, nor have I found Congress backward in making every provision for its improvement. Whatever it really needs for the purpose of carrying on the great and growing commerce there Congress has ever been ready to give. Another project which came in after the bill had left the House, which we permitted to remain in the bill, and without serious objection, was the Chicago Harbor. This is likewise a very important place. True the commerce is not as large as that of New York, but it is a very large commerce and one that should be encouraged. As the purpose of these appropriations is to benefit commerce we should not be parsimonious when it comes to dealing with such places as New York, Chicago, and other large commercial harbors. But, as I said a moment ago, all the projects adopted by the Senate are important. I do not think there is one in the bill that ought not to be there. Possibly some of them might have been left out of the bill, which we intended to be a conservative measure, but the Senate did not see it that way, or at least did not agree with us so far as these projects were concerned, and as we could not have our way in everything we agreed to the report as it has been submitted to the House.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. HUMPHREY of Washington. Referring to page 43 of the bill, I see that three amendments have been inserted, numbered 60, 61, and 62. The first of these is for the purpose, as I understand it, of raising and strengthening the levees about the city of Cairo, Ill., on the Ohio and Mississippi Rivers, and in the Cairo drainage district, $250,000. I wanted to ask whether or not those levees belong to the Government.

Mr. SPARKMAN. They belong to the Government in the same sense that most of the levees belong to the Government. They are supposed to be in the interest of commerce. We have gone ahead and constructed levees along the banks of the Mississippi River upon the theory, so far as we are concerned, that they are, in a measure, aids to commerce.

Mr. HUMPHREY of Washington. What I want to ask is, Did the Government construct the levees?

Mr. SPARKMAN. I understand not. I understand they were constructed by the States or by subdivisions of the States along the banks of the river.

Mr. HUMPHREY of Washington. Is the same thing true for the raising and strengthening of the levees at Mound City, Ill., on the Ohio River?

Mr. SPARKMAN. The same, I believe.

Mr. HUMPHREY of Washington. Am I to understand that it is now the policy of the Committee on Rivers and Harbors to appropriate money to build levees and to strengthen and rebuild them where they have been built by others than the Government, to protect the adjacent country from flood?

Mr. SPARKMAN. In answer to that I will say that we do not undertake in this bill to lay down any policy. In all of these items, and there are three of them—the Mississippi River, Mound City, and Cairo—the appropriations are made upon the theory that they present cases of emergency, that it is work that should be done immediately, all as the result of floods, and, so far as the General Government is concerned, also upon the theory that it is in the interest of navigation. As I said, I do not know just what the policy hereafter is going to be, but we certainly do not intend to establish a precedent upon which similar appropriations may be predicated in the future, nor at any time, for the sole protection of private property.

Mr. HUMPHREY of Washington. Let me ask the gentleman this question: Have we ever made appropriations before under similar conditions?

Mr. SPARKMAN. Oh, I expect so. I do not recall going very far away from the Mississippi River heretofore, nor do we do that in this bill.

Mr. HUMPHREY of Washington. Does the gentleman recall any place where the Government has appropriated money heretofore under similar conditions?

Mr. SPARKMAN. Not for levee work, except in the interest of navigation.

Mr. HUMPHREY of Washington. For the strengthening or the building of levees which were built by others than the Government?

Mr. SPARKMAN. I do not recall any levee work except as just stated.

Mr. HUMPHREY of Washington. I am asking for information. I have not been a member of the Rivers and Harbors Committee for a great many years, and this is the first instance that I have known. It does seem to me that it is a departure from the policy that we have heretofore followed, and unless my memory is at fault we have rejected these very items when they were before our committee.

Mr. SPARKMAN. I do not recall about that.

Mr. RANSDELL of Louisiana. Mr. Speaker, I would like to correct the gentleman on that. I do not think these items were before our committee before.

Mr. HUMPHREY of Washington. The question of this Cairo project certainly was.

Mr. RANSDELL of Louisiana. I do not recall its having been before our committee at any time before. I will say that the reason why it was put on at this time is that it was so closely connected with the Mississippi. We are building levees upon the opposite side. The Mississippi River Commission has for years had jurisdiction up to Cape Girardeau, which is considerably north of Cairo. It has not been building levees on the east bank, and therefore has not contributed to these Cairo levees, but it has been building on this side, and the raising of those levees over there on the other side by the Government has certainly raised it considerably on the Illinois side. Now, that fact was pressed upon the committee very strongly, and the further fact we were building levees just on the opposite side and this is really a part of the levee system of the Mississippi River, though we have not heretofore contributed for these Cairo levees. The situation there was different from many other sections of the country. There the waters of the Ohio come in conjunction with the Missouri and the upper Mississippi and create an entirely different situation from that which prevails anywhere else.

Mr. HUMPHREY of Washington. I understand about these floods, but I think the gentleman must have misunderstood my question. It does not seem to me it is possible—I may be mistaken—about the mayor of Cairo appearing before our committee and explaining this whole situation and asking for an appropriation.

Mr. RANSDELL of Louisiana. That was after our bill had been reported.

Mr. HUMPHREY of Washington. After our bill had been reported.

Mr. RANSDELL of Louisiana. The bill had been reported to the House, and it was before the Senate, and they went before the Senate and they had a hearing and they asked to be heard by us, so that our conferees might fully understand the situation. And they were heard there.

Mr. RANDELL of Texas. I think the gentleman is quite right, and it was way after the bill was in the Senate, and they made a strong showing before us.

Mr. HUMPHREY of Washington. I am not opposing this item in the bill, but I do think it is well to call the attention of the House to the fact that we were now departing from the policy, in my judgment, which we have always pursued; and, as I understand it, we are now beginning to appropriate money for the strengthening and building of levees to prevent floods. Now, I do not know whether that is a good policy or not, but I think we are starting upon a policy which you are not going to limit very long to the Mississippi and Ohio Rivers. I think there are demands coming from other portions of the country, and we will be called upon to take care of flooded districts other than those along the Mississippi. I have always voted in the committee in favor of these appropriations, but I think we ought to start upon this matter with our eyes open, knowing when these items go into the bill we will be placed in the position of having to take care of other flooded countries, a great many of which are not in the Mississippi Valley. Take the floods in the Sacramento River of California, where a tremendous amount of damage——

Mr. SPARKMAN. Does the gentleman desire some time?

Mr. HUMPHREY of Washington. Yes.

Mr. SPARKMAN. I did not mean right now, because I am not through.

Mr. HUMPHREY of Washington. Only a sentence more. I wanted to call the attention of the House to these items and suggest that we ought to know what we are voting on when we adopt them. We are starting now upon a policy that will never end so long as the Republic will last. In a few years we will be spending fifty millions annually to protect communities from floods. We have now definitely abandoned the policy that we appropriate money only for the purposes of navigation.

Mr. HARDWICK. Mr. Speaker, following the line of questions pursued by the gentleman who has just taken his seat; in my district, in the city of Augusta, we have had exactly the same trouble they have had along the Mississippi River. It comes from the periodical flooding of a great section of the country by a great navigable river. I want to know if, in the opinion of the gentleman, in regard to aiding one section of the country, and I am heartily in favor of aiding it, whether the same principle will not apply to other sections of the country that are circumstanced like the Mississippi River?

Mr. SPARKMAN. I will answer yes; but, as a matter of fact, we have never in the building of levees gotten far from the Mississippi River, and I want to call attention to another thing, that although the great political parties of the country—I refer to the Democratic and Republican Parties, not to the proposed new party——

Mr. HARDWICK. Or the Socialist Party?

Mr. SPARKMAN (continuing). In their platforms recently seem to carve out the Mississippi River and segregate it from the balance of the country. I do not think we are very close even now to the adoption anywhere of the policy of levee building without local cooperation.

Mr. HARDWICK. But where there is cooperation, does not the gentleman think there ought to be Government aid?

Mr. SPARKMAN. Oh, no; not in every case. We are not, I think, to get very far from the Mississippi River, and even then should not, I think, go beyond the demands of navigation. If you will examine into the matter, you will find that the appropriations convey the idea that the localities are to contribute an equal or at least some amount. That is what the people along the Mississippi River have been doing for many years. Indeed, they have contributed an aggregate during the years of levy building much greater than that contributed by the Federal Government. And even with that, as I said a little while ago, we have been trying to get away from levee building. We had started out on the policy of revetting the banks of the Mississippi River at cost of ninety-odd million dollars from Cairo to the Head of Passes.

Much study of the problem of the improvement of the lower Mississippi River, into which study both observation of and experience with that stretch of the river had entered, led the Mississippi River Commission and the Government engineers to the conclusion that revetment work and bank protection were the most potential for the improvement and maintenance of the navigable features of that river. It was believed that by the revetment of the banks at certain localities erosion could be stopped and the washing of the banks into the river prevented, and that by confining the waters at low stages to a relatively small channel the river would be deepened to the required depth without much dredging. It was further believed by the engineers that even during periods of overflow these revetments would hold the banks in place and maintain the integrity of the channel. So that finally it was determined to limit the improvement of this stretch of the river almost exclusively to revetment work, and as the cost of this would be very heavy the people directly interested, recognizing its importance, agreed, as I am informed, that the Government should confine its activities in the improvement there almost, if not exclusively, to that class of work and work of a kindred character. So that two years ago, and in the bill of 1910, we adopted the policy of revetting the banks under a project to cost some ninety-odd millions of dollars, appropriations for which were to be made in annual bills and in such amounts as would complete that great work in a period of about 18 years. This is a large sum of money, to be sure, but it is an important project, and should be completed as early as practicable, considering Treasury conditions and the necessities of other projects and other river and harbor works throughout the country. Hence the advisability of adhering to that policy and only departing from it in cases of great emergency.

Mr. HARDWICK. Just one more question, if the gentleman will permit.

Mr. SPARKMAN. Certainly.

Mr. HARDWICK. I understood the gentleman to say the Mississippi River was the single instance in which the Federal Government had appropriated for building levees.

Mr. SPARKMAN. For building levees.

Mr. HARDWICK. Is the gentleman sure about his facts in reference to that?

Mr. SPARKMAN. I think of none just now.

Mr. HARDWICK. Does the gentleman know that any money has been spent for building levees on the Mississippi River?

Mr. SPARKMAN. Yes; a great deal; and an appropriation has been made in this bill for that purpose.

Mr. HARDWICK. Requiring State or local cooperation?

Mr. RUSSELL. Did the gentleman ask me the question? I will state in my own State the Government has built some levees independent. The county has made up levee and drainage districts and levies a tax upon the benefits to be derived, and they contribute in part to the building of the levee system.

Mr. HARDWICK. I desire to say the committee over which the gentleman presides has been both just and generous to the district which I have the honor to represent here, and I am not complaining.

Mr. SMALL. Not generous, but just.

Mr. HARDWICK. Just and generous both; I will put it that way; but I did not want the statement to go unchallenged on this floor that because specific reference was made in the platforms of the Democratic or Republican parties to the Mississippi River and its improvements that the same principle does not apply and must not apply, in justice and fairness, whenever a navigable river is interstate in its character and where something like approximately the same situation as that in the Mississippi Valley would result unless Federal aid were extended to prevent it.

Mr. SPARKMAN. It is hard to differentiate perhaps, but we have for years confined that class of work practically to the Mississippi River.

Mr. HARDWICK. I do not want the gentleman to foreclose that question against us. For one, I shall contend very strenuously that the principle must be applied equally to every navigable river and to every section of our country.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. SPARKMAN. Certainly.

Mr. GILLETT. Am I right in understanding that the appropriation of $25,000 for the Connecticut River that was in the bill and that was put out in the Senate is now in the conference?

Mr. SPARKMAN. It is.

Mr. GILLETT. Mr. Speaker, I would like to submit a few remarks on that subject, but it is a local question, and therefore I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RANSDELL of Louisiana. Mr. Speaker, I would like to submit a few remarks. I do want to say something.

The SPEAKER. Has the gentleman from Florida [Mr. SPARKMAN] finished?

Mr. SPARKMAN. Not just yet. I understand the gentleman from Illinois [Mr. MANN] would like to ask some questions.

The SPEAKER. Without objection, the gentleman from Massachusetts [Mr. GILLETT] will be permitted to extend his remarks in the RECORD.

There was no objection.

Mr. NEEDHAM. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. SPARKMAN. How much time does the gentleman from Illinois [Mr. MANN] desire?

Mr. MANN. I would like to ask the gentleman now a question in reference to amendment No. 37, as to the granting of rights, privileges, and authority to Louis M. Tisdale and the transfer of such to the said South Mobile Co., and so forth. I do not think that really belongs to a river and harbor bill. If so, is it properly safeguarded?

Mr. SPARKMAN. Why, I should think it is not in an improper place in the river and harbor bill. What was the other question? Was it whether it was sufficiently safeguarded?

Mr. MANN. Yes.

Mr. SPARKMAN. We considered this matter very carefully, both when it was before our committee and in the conference committee. We had it up before the House committee, but did not insert it in the bill.

Mr. MANN. That was the trouble. We had no chance to consider it in the House.

Mr. SPARKMAN. Afterwards it was inserted in the Senate. The conferees considered it very carefully, and it remained. We thought it sufficiently safeguarded.

Mr. TAYLOR of Alabama. Mr. Speaker, if the gentleman will permit me, I will try to answer the question. This was taken up in the Senate, and I was requested by the chairman of the Committee on Commerce to come over and give some information in regard to it, and I gave all the information I had. The bill was referred to the War Department, thoroughly sifted there, and reported back in the language it was thought proper to accomplish the legislation. Senator BURTON, of Ohio, then chairman of the River and Harbor Committee of the House, drafted the law as it was enacted in the river and harbor act of 1905.

As a member of the Senate committee the same gentleman considered the report from the War Department and redrafted it in the Senate committee. Every amendment suggested by him seemed to me proper and to fully protect the Government and the interests of commerce. I thought the item as it came from the Senate was sufficient. It appears the conferees of the House did not think so, and they amended it as it now appears in the conference report.

Now, for the gentleman's further information I will state this: The act of 1905 gave a franchise to Louis M. Tisdale and his assigns. He went to work dredging the channel. One of those storms that come sometimes over the Gulf washed away pretty much all the work which had been done. It was delayed perhaps a year; it may be longer. He started the work again, but before the time expired under the original limitation he was unable to go further.

A corporation was organized—I do not know the details of it—called the South Mobile Terminal Co., which was capable financially of carrying the work to a successful termination. And upon their recommendation, after the time seemed to have expired—my opinion is that under the original act the time had not expired—it was submitted to the War Department, and their legal adviser, the Judge Advocate General, gave it as his opinion it was quite a doubtful proposition, and advised that before the South Mobile Terminal Co. undertook to do anything the time had better be extended. My own opinion to-day is that there was nothing making it necessary to extend the time. There was nothing making it necessary to transfer it to the South Mobile Terminal Co., because the original franchise was given to Louis M. Tisdale and his assigns. The first law gave full authority for the assignment, but as there was some question about it the parties interested presented this item as you see it now to the Senate, after the river and harbor bill had passed the House at this session. And while it was being considered by the Committee on Commerce to come over and give some information in regard to it, and I gave all the information I had. The bill was referred to the War Department, thoroughly sifted there, and reported back in the language it was thought proper to accomplish the legislation. Senator BURTON, of Ohio, then chairman of the River and Harbor Committee of the House, drafted the law as it was enacted in the river and harbor act of 1905.

the Senate, as I have stated before, I was requested to come before the Senate committee and give them some information, which was about what I have given to the gentleman. I will say, further, that the Government improvement at Mobile is quite extensive. The channel at Mobile is 33 miles long; including the outer bar at Fort Morgan it is 40 miles long. It is very difficult to get further appropriation immediately around Mobile, because the main proposition absorbs the attention of the General Government. We could not expect to get a General Government appropriation for this proposition. I do not think it can possibly be furnished unless it is done through parties financially able to conduct it to a completion.

Mr. MANN. Now, if the gentleman will yield for a moment on that point——

Mr. SPARKMAN. Certainly.

Mr. MANN. In 1905 the House passed a river and harbor bill. It went to the Senate. The Senate inserted an item in regard to this, which was finally agreed to in conference. The House knew nothing about it and knows nothing about it to-day——

Mr. TAYLOR of Alabama. No; the gentleman misunderstands——

Mr. MANN. With the exception of the gentleman from Alabama, and possibly he——

Mr. TAYLOR of Alabama. No; you misunderstand.

Mr. MANN. I am stating facts of my own knowledge.

Mr. TAYLOR of Alabama. It was passed in 1905 through the House—the original bill.

Mr. MANN. It was inserted in the original river and harbor bill in the Senate in 1905.

Mr. TAYLOR of Alabama. I think not.

Mr. MANN. Well, I will take the gentleman's statement for it, but I think it was.

Mr. TAYLOR of Alabama. As I remember, Mr. BURTON was then chairman of the Committee on Rivers and Harbors, and he drafted the original bill and it was done in the House.

Mr. MANN. That may be the fact. But now it comes to the House in a proposition inserted in the Senate. We have a Unanimous-Consent Calendar in the House, and there is no difficulty about passing a bill concerning which there is no question. They have a rule in the Senate—Calendar Rule VIII—and under it there is no difficulty in passing a bill concerning which there is no question.

Here is a proposition to give a franchise to somebody to build a channel. Are they going to pay tolls for passing over or through this channel? Is there to be a charge for passing over this channel? Why is a private person or corporation building a channel to the sea, down there, unless there is to be a charge down there? I do not know whether there is to be a charge down there, or what it is, and no one else knows about it.

If the bill is proper, it could have been introduced here by the gentleman from Alabama and reported by the Committee on Rivers and Harbors and placed on the Unanimous-Consent Calendar and passed, or passed on the Private Calendar, without difficulty.

Mr. TAYLOR of Alabama. Will the gentleman allow me to interrupt him?

Mr. MANN. Yes, sir.

Mr. TAYLOR of Alabama. The bill was introduced by "the gentleman from Alabama," but it was not considered by the Committee on Rivers and Harbors. It was introduced by me last December.

Mr. MANN. Is the gentleman a member of the Committee on Rivers and Harbors?

Mr. TAYLOR of Alabama. Yes.

Mr. MANN. There is no doubt but that, if the bill had no question about it, the gentleman from Alabama could easily have had it reported by the committee of which he is a member. There is no doubt about that proposition.

Now, may I ask the gentleman a question in reference to another item?

Mr. SPARKMAN. Certainly.

Mr. MANN. What is the reason for inserting in a number of these appropriating items the language "which shall be considered extraordinary emergency work"?

Mr. SPARKMAN. There were two reasons for that. So far as I am concerned, I wanted to emphasize the fact that it is an emergency, so that it may not set a precedent on which other appropriations in the future can be predicated. Still other members of the conference committee, no doubt, had in mind the proposed and old enactments in regard to the hours of labor, and it was for the purpose of taking this class of work out of the eight-hour law. Whether the provision will have that effect I do not know, but, so far as I am concerned, it was done for the purpose of emphasizing the fact that the conditions presented an emergency, and that the appropriation was not to be considered as a precedent.

Mr. RANSDELL of Louisiana. Mr. Speaker, will the gentleman allow me to make a further answer to that?

Mr. SPARKMAN. Yes; go ahead.

Mr. RANSDELL of Louisiana. As a Representative from the region of the Mississippi River, where both of these items are made to apply, I wish to say that they are applicable solely to levee work. We passed an eight-hour bill, which was signed by the President last month, if I mistake not, under the specific terms of which levees are considered extraordinary emergency work and not subject to the terms of the eight-hour law. That bill does not go into effect until the 1st of January next. Now, levees are in every sense of the term different from every other kind of work that I am acquainted with. We have a great deal of rain on the lower Mississippi River. It rains there more than it does in most other places. We have never been able to devise any machinery entirely suitable for constructing levees. The levees are nearly all built with scrapers and mules. The season for building them is very limited. We are obliged to rush the work just as rapidly as we possibly can when we begin, and it is necessary to work long hours. It costs a great deal more if you have to do that work under the general eight-hour law, and it was to avoid that, to be entirely frank, that this clause was inserted, knowing that it had already been made a part of the general law, which, however, does not go into effect until the 1st of January next.

Let me say further that for many years levees have been considered extraordinary emergency works, and were so considered until a recent decision of the court declared that they were not emergency works, and then it was found necessary to legislate on the subject.

Mr. MANN. Then I understand the gentleman is quite desirous of having an eight-hour law apply at every place except where he himself happens to have interests?

Mr. RANSDELL of Louisiana. Not at all, sir.

Mr. MANN. I will call the gentleman's attention to the fact that on Calendar Wednesday next the unfinished business of the House is a bill to apply the eight-hour law to all river and harbor work, drawn in such language as to include the Army officers and Army engineers and the Mississippi River Commission. If the gentleman is interested in that subject, he had better scan that bill.

Mr. RANSDELL of Louisiana. I will be very glad to scan the bill.

Mr. MANN. Do I understand that all the levee work provided for in this bill, at least $4,000,000 of it on the Mississippi River, is to be considered as outside the eight-hour law?

Mr. RANSDELL of Louisiana. That is my understanding, and it was always considered outside the eight-hour provision until a recent decision of a Federal court.

Mr. MANN. Ordinary levee work is not extraordinary, and there is no more reason why the eight-hour law should not apply to that than why it should not apply to any other work.

Mr. RANSDELL of Louisiana. If the gentleman were familiar with the facts, I think he would have a different opinion. Ordinary work is done where men are protected from the weather, where they can go in houses, where they are perhaps down in a mine, where they can go on with their work day after day. It is a physical impossibility to move dirt when it is wet, and after it rains you have got to wait several days before you can move any more of the dirt. It rains there very frequently, and you are compelled to take time by the forelock and rush that work tremendously, or you would never get it done.

Mr. MANN. That applies no more to levee work than it does when you are constructing the subbasement of a building or preparing to put the foundations in. It is not half as true of levee work as it was with reference to the foundations of the new post-office building over here by the Union Station. Yet we have to apply the eight-hour law to that. I believe in the eight-hour law myself, and I do not believe in evading it as soon as it is passed; and I call the attention of the country to the fact that just the moment the law is placed upon the statute books this House inserts a concealed provision which does not convey any idea of the eight-hour law for the purpose of evading the eight-hour law.

Mr. RANSDELL of Louisiana. I call the gentleman's attention to the fact that the eight-hour law specifically exempts levees from its terms, and it does not go into effect until the 1st of January next, and that is why we put it in here and not with any attempt to evade the terms of the law. The gentleman must state it fairly. He ought not to state it unfairly, but he ought to state the facts.

Mr. MANN. If it is already specifically exempted, why do you put this in here to exempt it again?

Mr. RANSDELL of Louisiana. Because under the terms of that law it does not go into effect until the 1st of January, and we propose this provision to cover the time between now and the 1st of January.

Mr. MANN. If the law does not go into effect until the 1st of January, why do you have to exempt this bill from the operations of it?

Mr. RANSDELL of Louisiana. It seems hard for the gentleman to understand anything. I stated that for years we had been working——

Mr. MANN. I think I understand it——

Mr. RANSDELL of Louisiana. Will the gentleman please let me talk a moment? I do not occupy the time of the House as often as the gentleman from Illinois does, and I should like to make this explanation. I said that for years and years——

Mr. MANN. I took the floor to ask a question, and the gentleman has been talking all the time ever since. I am quite willing he should proceed.

Mr. RANSDELL of Louisiana. Very well; with the gentleman's kind permission I should like to answer his question.

Mr. SPARKMAN. The gentleman from Illinois has not the floor. I have the floor.

Mr. RANSDELL of Louisiana. Will the gentleman from Florida allow me to make a brief answer?

Mr. SPARKMAN. Certainly.

Mr. RANSDELL of Louisiana. The gentleman from Illinois seems trying to mix us up. I should like the House to understand that there was no necessity for a law of this kind until recently, because we built the levees without following the terms of the eight-hour law. We always considered levee building to be emergency work, and acting on that idea paid no attention to the eight-hour law until within a year or two—I forget the exact date—the question was raised in a United States court, and the court held that levee building was not extraordinary emergency work. Therefore, when the general eight-hour law was passed, which is now on the statute books, these levees were exempted from its terms; but as that law does not go into effect until the 1st of January next, it became necessary to make a special exemption in the case of the levee work that we propose to do under this present bill.

Mr. BUTLER. Work that is to be done in the meantime.

Mr. RANSDELL of Louisiana. To take effect in the meantime. That is the only idea.

Mr. GREENE of Massachusetts. Will the gentleman yield to me?

Mr. SPARKMAN. Yes.

Mr. GREENE of Massachusetts. I was not present when the gentleman began his remarks on the bill, and I should like to inquire in regard to amendment No. 2 of the Senate, on page 2, lines 18 to 23. There was an amendment adopted in conference cutting down the amount from $250,000, originally recommended by the engineers, to $125,000 for the Pollock Rip Shoal. The report from the Board of Engineers was not received in time to have the original provision put in the bill when the matter was being considered by the House committee. As I understand it, there was no division of feeling in the House committee as to the importance of this work.

Mr. SPARKMAN. None whatever.

Mr. GREENE of Massachusetts. But the reduction was proposed for the reason that the Chief of Engineers thought it would not be practicable to spend more than $125,000 the present year.

Mr. SPARKMAN. That was the reason it was reduced; yes.

Mr. GREENE of Massachusetts. I wanted to have that clearly understood, because there were a very large number of mariners and men engaged in the coastwise trade who were very much interested in this improvement, which had been considered for a great many years, but was not recommended by the Board of Engineers on the ground that it was impracticable. Yet after a full consideration with a survey it was found to be a very practicable project, and it was thought that $250,000 would not be too great a sum to be provided for commencing the work.

Mr. SPARKMAN. I think it is a very worthy project. We really gave a little more than the engineers said they could spend. They said they could only spend $100,000, but we placed the amount at $125,000.

Mr. GREENE of Massachusetts. But the intention is to use this to begin the work, and as I understand the project has the approval of the committee, so that it may be expected, after this sum is expended, this project may be continued further?

Mr. SPARKMAN. It can be continued from year to year in the river and harbor bill.

Mr. GREENE of Massachusetts. I assume it will be if the work shows that the improvement is worthy of extension.

Mr. SPARKMAN. Yes.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Yes; certainly.

Mr. BUTLER. The appropriation in this bill is $6,000,000 for the use of the Mississippi River, for that one purpose alone of building and constructing levees.

Mr. SPARKMAN. No; that is a mistake. Four million dollars are appropriated for the purpose of constructing levees, expressly provided in this bill, and there are $2,000,000 beyond that, most of which is to be used for revetment work, but some for open channel work.

Mr. BUTLER. Is there a mistake in the print?

Mr. SPARKMAN. No.

Mr. BUTLER. I have it here, Mississippi River, House item, increased from $3,500,000 to $6,000,000. How much of the appropriation is to be used for the construction of levees?

Mr. SPARKMAN. The gentleman will find further down in the bill a statement that in view of the existing emergency $4,000,000 of money hereby appropriated is set apart for the construction and repair of levees.

Mr. BUTLER. That is a Senate amendment?

Mr. SPARKMAN. Yes.

Mr. BUTLER. How much money have we been appropriating heretofore for the construction of levees on the Mississippi River each year?

Mr. SPARKMAN. It is usually put in a lump sum, and a good deal of it has gone for revetment work, while some of it has been used for the construction of levees. I do not know just how much, but about $130,000, I believe, was used for that purpose last year.

Mr. BUTLER. The construction of levees is not a departure from the practice heretofore observed in making these appropriations?

Mr. SPARKMAN. Not at all.

Mr. BUTLER. We have always appropriated for the construction of the levees. Do the States make appropriations for the construction of levees along the river?

Mr. SPARKMAN. They have been doing so, and quite liberally.

Mr. BUTLER. This is simply the Government portion of the construction?

Mr. SPARKMAN. Yes.

Mr. BUTLER. There has been a statement made in the newspapers with respect to a change about to be made in the policy of the Government relative to the construction of these levees; that is, the policy of Congress in its treatment of the river is to be in some way altered or amended. Can the gentleman give me some explanation of that?

Mr. SPARKMAN. I know of no such contemplated change of policy. It was the intention of the engineers and of the Mississippi River Commission, so I am advised, to get away as much as possible from levee building. It appears that the project for that class of work had been very nearly completed, so that it would not have required much more money to complete, but these recent floods coming along makes an emergency, as is stated in the bill, and we appropriated and set apart a larger sum for that purpose than we at first intended to do or would otherwise have done.

Mr. BUTLER. This is not all an emergency appropriation?

Mr. SPARKMAN. Four million dollars of it is.

Mr. BUTLER. Just one question more. Is it possible to estimate how much money will be required to construct these levees along the Mississippi River so as to protect the surrounding country from floods?

Mr. SPARKMAN. Oh, no; that can not be estimated now. I suppose the engineers could do that, but it has not yet been done.

Mr. BUTLER. The engineers then have never been asked to make an estimate.

Mr. SPARKMAN. They have estimated, or the Mississippi River Commission has, and have outlined a certain project, which is nearly completed.

Mr. RANSDELL of Louisiana. Mr. Speaker, I will say to the gentleman from Pennsylvania that in my own time I will explain that.

Mr. GREGG of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. GREGG of Pennsylvania. Mr. Speaker, in the rivers and harbors bill, as it originally passed the House, there was an appropriation of $75,000 made for continuing the improvement upon the Youghiogheny River in Pennsylvania. In the Sixty-first Congress an appropriation of $100,000 was made, I believe, for improvements on that river. Work has been started in accordance with the appropriation that was made. Will the

conferees explain to the House why that appropriation was permitted to be dropped from this conference report, in view of the fact that the Government has already expended $100,000, or has appropriated that much and is expending some of that amount? Why did the conferees agree to have that amount stricken from the original appropriation?

Mr. SPARKMAN. For the reason that it did not seem practicable to have the Senate conferees agree with us. I will say to the gentleman that this item, as he has correctly stated, was placed in the House bill by the Rivers and Harbors Committee, and the bill passed the House with the item in it, but the Senate struck it out; and we for a long time refused to recede from our disagreement to the Senate's action. It went on for weeks; yes, months.

Mr. RANSDELL of Louisiana. For two months.

Mr. SPARKMAN. Two months from the first meeting of the conferees, before we finally agreed upon the bill, and that item was the very last that was considered by the conference committee.

It was the earnest desire of the conferees on the part of the House to have that item restored to the bill, but the Senate conferees did not agree to our views and request. It was contended that it lacked merit, and that further appropriation should not be made for it, at least not at this time. I did not agree with them about that, but it seemed necessary to yield to the views of the Senate conferees, else we would have spun out still further the conference deliberations, a thing not desirable, as the various works throughout the country had begun to suffer.

Mr. GREGG of Pennsylvania. Does the gentleman think it is a wise public policy to appropriate $100,000 at one session of Congress and at the next to refuse to appropriate anything at all?

Mr. SPARKMAN. No; perhaps not. I think myself that the appropriations ought to be continued and the work completed, and I think it likely that in the next bill we will take care of it.

I will say further that its omission now was through no neglect on the part of the gentleman from Pennsylvania [Mr. GREGG], because in season and out of season he has been insisting upon that provision in the bill—even a larger appropriation—but we have done the best we could without unduly prolonging the deliberations of the conference committee.

Mr. GREGG of Pennsylvania. What was the reason assigned for the refusal? What reason was assigned for this other than the refusal of the Senate conferees to accept it?

Mr. SPARKMAN. That is a pretty big reason.

Mr. GREGG of Pennsylvania. I think the Members of the House are entitled to know what the reason is.

Mr. SPARKMAN. I stated that they said the project was not, in their judgment, a worthy project, or as worthy as the others in the bill.

Mr. GREGG of Pennsylvania. Had not that question been adjudicated before?

Mr. SPARKMAN. Yes; but they have the right to reopen it at any time, so far as that is concerned. The gentleman will soon have an opportunity to bring it up again.

Mr. Speaker, I wish to congratulate the country and its commercial interest on the fact that we are now so near the final stages to the passage of this bill through Congress and its enactment into law. It may not be the best measure of the kind that ever became a law, but I do claim that it will compare favorably with any of them. It meets, I think, all requirements, and is the third in the series of annual bills commenced when we embarked upon that policy a little more than two years ago, a policy now, I hope and believe, firmly established and one from which we should not seek to depart. Under this policy, pursued as we are now pursuing it, only a few more years will elapse before we will see all our river and harbor improvements carried to completion, the whole constituting a system of navigable waterways better by far than that possessed by any other country in the world.

The SPEAKER. The question is——

Mr. RANSDELL of Louisiana. Mr. Speaker, I want to be heard before a vote is taken upon this bill.

The SPEAKER. The gentleman from Florida has five minutes remaining.

Mr. SPARKMAN. I yield to the gentleman from California [Mr. KNOWLAND].

Mr. KNOWLAND. Mr. Speaker, I desire to take advantage of this opportunity, when the conference report on the river and harbor bill is before the House, to submit some remarks showing the wonderful development of the commerce of Oakland Harbor, Cal., since the first Government appropriation was made, in 1874, and to direct attention to the enterprise being displayed by the municipality of Oakland, which is expending in harbor improvement at the present time $2,500,000, this being but the beginning of a comprehensive plan that will require the ultimate expenditure of many additional millions.

The House conferees have wisely agreed to accept the amendment of the Senate adding $30,000 to the $100,000 carried for Oakland Harbor when the bill left the House. On February 1 of this year there was an unexpended balance to the credit of the Oakland Harbor improvement of $303,937.47. Existing contracts now cover this amount, which, with the $130,000 carried in the present bill added, will make a grand total of $433,937.47 to be expended by the Federal Government on Oakland Harbor during the present year and up to March 4 of next year, when another river and harbor bill will have become a law, providing an additional appropriation.

In view of the large unexpended balance available for Oakland Harbor when I appeared before the members of the River and Harbor Committee during the present session, which large balance prevented any estimates from being submitted by the War Department, I felt particularly gratified that the committee responded to my appeal for an appropriation, thus recognizing what the city of Oakland itself was doing, and realizing the necessity of placing this important port in readiness for the increased commerce anticipated with the opening of the Panama Canal.

The committee likewise granted my request for a resurvey of the harbor looking to the adoption of a new and enlarged project calling for increased depths and greater widths necessary to enable the port to keep pace with the recent rapid growth of Oakland and vicinity—a locality destined to become one of the chief shipping centers of the Pacific coast. The last survey was made as the result of an authorization contained in the river and harbor act of 1908. As a result of that survey the local engineer then in charge, Lieut. Col. John Biddle, recommended the project now under way, which provides for a channel 30 feet deep and 500 feet wide from the bay to the tidal basin, and 25 feet deep and 300 feet wide around the basin, with a depth of 18 feet through the tidal canal.

The Board of Engineers for Rivers and Harbors, located at Washington, disapproved this recommendation in December, 1909. A hearing was obtained before this board, the result of which is set forth in the following telegram to Mayor Frank K. Mott, of Oakland, who, with the chamber of commerce, furnished Oakland's representatives in Congress with much valuable data for use before the board:

WASHINGTON, D. C., *January 31, 1910.*

Mayor FRANK K. MOTT, *Oakland, Cal.:*

Pleased to report that River and Harbor Board of Engineers, as result of hearing last Monday, have reversed their action and indorsed recommendation of Col. Biddle for improvement of Oakland Harbor. This action is rather unusual and can be regarded as great victory. Report must be approved by Chief of Engineers, but think there is little doubt of his approval. Fight will now be taken up with River and Harbor Committee of Congress.

J. R. KNOWLAND.

Since I became a Member of this body, in December, 1904, Congress has appropriated for Oakland Harbor, including the amount carried in the present bill, a total of $1,263,203. This amount is larger by nearly $400,000 than that appropriated for any corresponding period in the history of the improvement. During these eight years Congress has provided for two new surveys. Beginning with 1874, when the Government began the improvement, a grand total of $3,963,803 has been provided by Congress.

Oakland Harbor was developed from what was known prior to 1874 as San Antonio Creek, which waterway had a depth of but 2 feet at low tide, with a tidal range of about 5 feet. The commerce was then insignificant, amounting annually to but 154,300 tons, but has steadily increased with the development of the harbor until to-day the annual freight traffic amounts to over three and a half million short tons, with a total valuation of $138,059,278.

The three principal harbors of California which the Government is improving—which does not include San Francisco Harbor, because no Government project is under way—are Oakland, Los Angeles (formerly San Pedro and Wilmington Harbors), and the harbor at San Diego. The official commercial statistics for these three harbors, contained in the report of the Chief of Engineers for 1911, show that for San Diego Harbor the freight traffic amounted to 398,048 short tons, valued at $22,591,487; and for Los Angeles Harbor 1,709,294 tons, valued at $47,040,588; while Oakland Harbor, as already stated, is credited with 3,575,371 tons, valued at $138,059,278.

When the present river and harbor bill was pending in the House I took occasion to look up the commerce of the various harbors for which appropriations were carried, and found only

eight where the commerce exceeded in actual tons that of Oakland Harbor.

Few localities have displayed a more generous spirit in cooperating with the Federal Government in the matter of harbor improvements. Mayor Frank K. Mott, of Oakland, under whose progressive administration the city has more rapidly advanced than during any similar period in its history, has, from the day he assumed office, demonstrated that he possessed a keen appreciation of the value of Oakland's water front, recognizing it as one of the city's chief assets.

After years of litigation the city finally, through court decisions, legislative acts, and favorable compromises, regained control of substantially its entire water front, which had been under railroad control as the result of unfortunate grants made to a private individual by the town of Oakland in the early fifties and later transferred to a railroad corporation. The water-front improvements now under way by Oakland are as follows:

First. The building of a first-class reenforced concrete wharf at the foot of Livingston Street, which is in the vicinity of the California Cotton Mills. This improvement will cost about $175,000.

Second. The building of a quay wall on the estuary extending from Myrtle Street to Broadway, 3,700 feet in length. It is to be built of concrete and equipped with railway tracks, steel warehouse buildings, and machinery for the rapid loading and unloading of vessels. This improvement also consists of dredging between the quay wall and the Government channel to a depth of 30 feet, which will equal the depth of the channel now being dredged by the Government. This work, it is estimated, will cost, with the purchase of some land, about $1,800,000.

Third. The building of a retaining wall across what is known as the Key Route Basin, on the western water front, and the dredging of the area outside thereof and the reclaiming of the land inside the wall. This improvement is to be quite an extensive one, and is already partially provided for in the present appropriation, about $500,000 having been set aside for the commencement of the work. When the new survey of Oakland Harbor is made, as provided for in this bill, I shall cooperate with Mayor Mott in an effort to induce the Government to include the Key Route Basin in the new Oakland Harbor project and share at least a part of the cost of this improvement.

A belt-railway system is also planned to extend around the entire city front, connecting with every railway that enters the city and also with every wharf, with spurs leading to the various manufacturing plants. There are at present over 1,500 factories located in proximity to the water front, which contains 27 miles of shore line.

The city of Alameda, also located upon this harbor, is awakening to its importance, and Mayor W. H. Noy, who never misses an opportunity to advance the city's interests, has appointed a board of harbor commissioners. In the near future this city will undoubtedly improve the water-front property to which the city has title.

The improvement of Oakland Harbor should be pushed as rapidly as possible. Advantageously located on the continental side of San Francisco Bay, where car and ship can meet, the terminal of three transcontinental railroads, Oakland has a wonderful future and will fully utilize all her harbor facilities. The day for the opening of the Panama Canal is rapidly approaching. Now that the House has decided that American ships in the coastwise trade shall be granted free tolls, the result of a fight which was started at a meeting of Pacific coast commercial bodies called at my suggestion in San Francisco in October last, and which fight I continued before the House committee and upon the floor, the commercial importance of the canal to every Pacific coast port has increased, and Oakland intends to hold itself in readiness to make the most of its opportunities, for no locality will offer greater facilities to the shipping of the world.

Mr. GREENE of Massachusetts. Mr. Speaker, since becoming a Member of this House my attention has been called with great frequency by those who are owners of a large percentage of the vessels, steamers, and barges engaged in the coastwise trade on the Atlantic coast, and I have been importuned also by masters of these vessels used in the trade and the Association of Masters, Mates, and Pilots to obtain, if possible, a deeper and more direct channel across Pollock Rip Shoals and to secure, if possible, a removal of a portion of Stone Horse and Bearse Shoals, in Nantucket Sound, along the southern shore of Cape Cod.

Year after year the United States engineers failed to consider or reported unfavorably upon the project without making an examination of the same. I did not become disheartened, although to meet so many rebuffs from official sources was somewhat discouraging, but in each succeeding Congress I reintroduced and presented bills embodying this improvement, and finally these efforts have been rewarded by the appropriation contained in this bill.

By the active cooperation of the maritime interests of the Atlantic coast and continued presentation of the subject to the Board of Engineers for Rivers and Harbors hearings were held and such important facts were developed that the said board recommended that the sum of $250,000 be expended for the purpose of determining whether it would be possible, by placing a steam dredge in Nantucket Sound, to remove the sand bars which from time immemorial have obstructed this great natural water highway of commerce.

A preliminary examination having been made in accordance with the provisions of the river and harbor act of March 3, 1909, it was revealed that by the action of the numberless steamers and large swift sailing craft a natural channel improving the existing waterway had been produced, and this fact led to the belief that the improvement sought was worthy of further exploitation. At the time the subject was considered by the Committee on Commerce of the Senate (the report from the engineer board not being received at the time the river and harbor bill was considered by the Committee on Rivers and Harbors of the House of Representatives), the sum of $250,000 was provided by an amendment to the river and harbor bill as proposed and adopted in the Senate.

Subsequently, owing to the short time to elapse before another river and harbor bill will be presented, it was agreed in conference that not more than $125,000 could be expended the present year, and the amendment reducing the amount to $125,000 has been agreed too. The project has received the hearty indorsement of both branches of Congress, and if the amount provided in the present bill demonstrates the importance of the undertaking and develops the benefits to be derived from the improvement I believe the great maritime interests involved may rest assured that ample provision will be made in the next river and harbor bill for a continuance of the work, and that it will be made a continuing project until the improvement shall be finally consummated. I submit herewith official communications and statements bearing upon the subject, which I believe will be of interest:

[House Document No. 536, Sixty-second Congress, second session.]

NANTUCKET SOUND, MASS.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports of preliminary examination and survey of Nantucket Sound, Mass.:

WAR DEPARTMENT,
Washington, February 12, 1912.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated 10th instant, together with copies of reports from Lieut. Col. J. C. Sanford, Corps of Engineers, and a special board of engineer officers, dated November 16, 1909, and November 21, 1911, with maps, on preliminary examination and survey, respectively, of Nantucket Sound, Mass., made in compliance with the provisions of the river and harbor act of March 3, 1909.

Very respectfully,

H. L. STIMSON, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 10, 1912.

SIR: I have the honor to submit herewith for transmission to Congress, reports dated November 16, 1909, by Lieut. Col. J. C. Sanford, Corps of Engineers, and November 21, 1911, with maps, by a special board of engineer officers, on preliminary examination and survey, respectively, prepared in compliance with a provision of the river and harbor act of March 3, 1909, as follows:

"Nantucket Sound [Mass.], with a view to the removal of the northerly end of Stone Horse Shoal and of such portions of Bearse Shoal and Pollock Rip Shoal as may be necessary."

The improvement desired by navigation interests, and in which much interest has been manifested, and which will be of unusually great value to navigation if secured, is a straight channel not less than 1 mile wide and 30 feet deep at low water from the Handkerchief Light Vessel, about 5½ miles southwest of Monomoy Lighthouse, extending northeastward to the whistling buoy near the present northern entrance to the Pollock Rip Slough, to replace the present crooked and in places narrow and dangerous Pollock Rip Channel.

Because of the mobile character of the material on the bottom and the exposed location of the channel it has been impracticable to make at this time a reliable estimate of cost of the desired improvement. Noting that one or more Government-owned dredges adapted to this class of work will probably be available within the next year or so, the board suggests the use of such plant in affording relief at dangerous localities, particularly in the vicinity of Shovelful Lightship, where any widening of the channel will be immediately beneficial to commerce. From such a practical test the most advantageous and economical methods of carrying out the work desired, as well as its probable cost, can be more definitely determined. The board recommends for such a test an appropriation of $250,000, and considers that after such work has been done as can be done for that sum the advisability of further work should receive consideration, and that the fact should be made plain in the act of appropriation that the United States is not committed to a continuance of the improvement beyond such test.

These reports have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and attention is invited to that board's report herewith, dated December 19, 1911, concurring in the views of the special board.

After due consideration of the above-mentioned reports I concur in the views of the special board and the Board of Engineers for Rivers and Harbors, and therefore in carrying out the instructions of Congress I report as follows: That the improvement by the United States of the bench of Pollock Rip Channel through the shoals lying near the entrance to Nantucket Sound, by the use of an available Government-owned plant under a single cash appropriation of $250,000, is advisable in order to enable a more definite determination to be made as to what amount of additional work of improvement is advisable. It is also considered advisable that the act of appropriation should make clear the fact that this improvement is only in the nature of a test, upon the results of which the extent of improvement justified is to be determined.

The vicinity of the proposed work is shown on Coast and Geodetic Survey chart No. 111.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The SECRETARY OF WAR.

PRELIMINARY EXAMINATION OF NANTUCKET SOUND, MASS.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Newport, R. I., November 16, 1909.

SIR: In compliance with department instructions dated March 9, 1909, I have the honor to submit the following report on the preliminary examination of the following locality, as required by the river and harbor act of March 3, 1909: "Nantucket Sound [Mass.], with a view to the removal of the northerly end of Stone Horse Shoal and of such portions of Bearse Shoal and of Pollock Rip Shoal as may be necessary."

The numerous and extensive shoals lying eastward and southeastward of the eastern entrance to Nantucket Sound and southward and eastward of the southeasterly elbow of Cape Cod, constitute probably the greatest danger to navigation to be found on any of the coastwise routes of the Atlantic coast of the United States north of Hatteras. In view of the numerous vessels passing around these shoals they are probably a greater menace to navigation than Hatteras. Their dangerous character is shown both by the large number of wrecks annually occurring there and by the large number of light vessels and other aids to navigation maintained on the shoals.

From Nantucket Sound to the ocean two channels lead through the shoals. The north or Pollock Rip Channel is the most used, as it is shorter, is somewhat protected from easterly storms by the shoals outside it, and is closer to the shore; but it is quite circuitous and narrow in places and the tidal currents are strong and varying in direction. The second or south channel leads through the shoals in a nearly due east direction from Nantucket (Great Point) Lighthouse. It is somewhat deeper than the Pollock Rip Channel and much wider, but is not so direct for coastwise vessels and carries a vessel much farther from the shore. This channel is considered in the United States Coast Pilot for the Atlantic coast as the dividing line between Nantucket and Monomoy Shoals, the shoals lying to the northward of the channel being called the Monomoy Shoals, while those to the southward are called the Nantucket Shoals. The following description of the Monomoy Shoals in general, and of the shoals particularly named in the river and harbor act, with others lying along the course of the proposed improvement, is taken from the above publication:

"Monomoy Shoals consist of numerous detached shoals of a shifting character with 3 to 18 feet over them, extending about 5½ miles in an easterly and 9½ miles in a southerly and south-southeasterly direction from Monomoy Point. Many parts of these shoals, separated from others by narrow sloughs, have special names and are briefly described below.

"Bearse Shoal is the western and Pollock Rip the eastern part of the shoal extending from three-eighths mile to 3¼ miles eastward of Monomoy Lighthouse. These shoals consist of a series of sand shoals and sand ridges, with 4 to 18 feet over them and deep water between them. The northeastern and southeastern extremities of these shoals lie 4 miles and 3¼ miles ENE. ¼ E. and SE. by E. ½ E., respectively, from Monomoy Point Lighthouse.

"Broken Part of Pollock Rip, with depths of 15 to 18 feet over it, lies eastward of Pollock Rip, and is separated from it by Pollock Rip Slough, which has a width of about one-half mile and depth of 3½ to 6 fathoms.

"Twelve Foot Shoal, southward of the broken part of Pollock Rip, has 14 to 18 feet over it and lies 5½ miles SE. ½ E. from Monomoy Lighthouse.

"Stone Horse Shoal, Little Round Shoal, and Great Round Shoal are portions of a continuous series of sand shoals and sand ridges with depths of 6 to 18 feet over them lying directly eastward of the entrance of Nantucket Sound and between the two main channels. Stone Horse Shoal and Little Round Shoal lie on the south side of the deep-water channel between them and Pollock Rip. Great Round Shoal lies from 6 to 9½ miles in SSE. direction from Monomoy Point Lighthouse; southward and eastward of this shoal for a distance of about 2½ miles there are numerous shoal spots with depths varying from 17 to 18 feet over them.

"Shovelful Shoal, extending three-fourths mile southward from Monomoy Point, is bare in places and rises abruptly from the deep waters of Butlers Hole.

"Handkerchief Shoal is the extensive shoal, with from 3 to 18 feet over it, lying southwestward of Monomoy Point. It is about 4½ miles long north and south, and its greatest width is about 2 miles. Its southern end, which rises abruptly from a depth of 8 fathoms to 10 feet, is about one-half mile northward of Handkerchief Shoal Light Vessel and 5½ miles SW. ½ W. from Monomoy Point Lighthouse, and is marked by a buoy (nun, red, No. 10). The northern end rising gradually from 3½ fathoms to 15 feet, lies about 3 miles WNW. ½ W. from Monomoy Point Lighthouse, and is marked by a buoy (spar, black, No. 3). On the eastern edge of the shoal are three buoys, which mark the edge of the narrow channel between it and Shovelful Shoal and Monomoy Point."

No previous preliminary examination of this locality with a view to its improvement has ever been made.

What is desired by those interested in the improvement is the replacement of the present north channel by a straight channel extending from the Handkerchief Shoal Light Vessel in an east-northeasterly direction to the northeast whistling buoy, which lies northerly of the present northern entrance to the Pollock Rip Slough Channel, as shown on a small chart issued by the American Association of Masters, Mates, and Pilots, Volunteer Harbor, No. 4, with printed description and arguments. The width shown on the above-named chart is seven-eighths of a nautical mile, and the depth desired is stated to be not less than 25 feet at mean low water. The present course eastward from the Handkerchief Light Vessel is NE. by E. ½ E. to the Shovelful Shoal Light Vessel about 5 nautical miles; thence ESE. ½ E. to the Pollock Rip Light Vessel about 3¾ miles; thence N. by E. ½ E. to Pollock Rip Shoal Light Vessel 4½ miles, passing at a distance of about 2¼ miles the northeast whistling buoy. The angles in the course at the Shovelful Light Vessel and the Pollock Rip Light Vessel are about 56° 15' and 95° 37½', respectively.

The arguments presented for the proposed improvement are many, being based mainly upon the large amount of commerce traversing the locality, the dangers to which this commerce is exposed, and the lessening of these dangers by the proposed channel, and upon the belief that the channel could be dug and maintained at a comparatively small expense, in view of the great improvements made in recent years in dredging on ocean bars, and particularly the small cost per cubic yard of the dredging now being done in the Ambrose Channel, N. Y. Each of these subjects will be examined in turn.

PRESENT AND PROSPECTIVE COMMERCE.

As it is not considered safe for vessels drawing more than about 21 feet to attempt to pass through the north passage, such vessels are now obliged to take the south channel, but Nantucket Sound can not be easily traversed by vessels having a greater draft than 27 feet (see Atlantic Coast Pilot, pt. 2, p. 84), and it is not thought that vessels drawing upward of 25 feet often pass through the sound. For this reason it is believed that with the construction of the proposed channel the present south channel would be very little used. Hence, the statistics of both channels are taken together as indicating the probable amount of use of the proposed channel in case no other artificial channels between Boston and Long Island Sound were constructed.

The Board of Engineers appointed under the river and harbor act of June 13, 1902, to make an examination of the relative merits for harbors of refuge for all proposed or available localities on the south and southeast coast of Rhode Island and Massachusetts stated in their report, dated December 2, 1903 (printed in H. Doc. No. 60, 58th Cong., 2d sess.), that—

"The number of vessels following the route through Vineyard and Nantucket Sounds and along the eastern shore of Cape Cod is estimated to be annually upward of 50,000.

"Practically all of this commerce passes Cape Cod."

The number of vessels now passing the Cape, however, is believed to be considerably less than this, though the average tonnage is constantly increasing. Reports of the keepers of the Pollock Rip Shoals Light Vessel, of the Great Round Shoal Light Vessel, and of the Shovelful Shoal Light Vessel, kindly furnished me by Capt. W. G. Cutler, United States Navy, inspector second lighthouse district, indicate that the total number of vessels of all kinds passing the shoals by both passages in the year August 1, 1908, to July 31, 1909, was 22,841, of which 3,638 were steamers, 3,291 tugs, 8,907 sailing vessels, and 7,005 barges. Comparing these figures with the statistics for Boston Harbor for the calendar year 1907, it would appear that a considerable portion of the sailing vessels given are fishing vessels. The arrival and departure of coastwise vessels at Boston in that year (printed in Annual Report of the Chief of Engineers for 1908, pt. 1, p. 958) are as follows:

Class.	Number.	Gross tonnage.	Average tonnage.
Steamers	4,496	9,954,864	2,214
Sailing vessels[1]	2,918	2,432,250	834
Tugs	4,836	1,598,220	304
Barges	7,212	6,737,604	934
Total	19,232	20,522,948	

[1] Excluding fishing vessels.

It will be noted from this table that the total number of tugs and barges is about four times that of sailing vessels. Comparing these figures with those of former years, the change in proportion of the different classes of vessels is noteworthy. In 1892 steamers comprised 20.5 per cent; tugs, 18 per cent; sailing vessels, 24 per cent; and barges, 37.5 per cent. In 1906 the steamers comprised 20.3 per cent; tugs, 20.6 per cent; sailing vessels, 15.8 per cent; and barges, 43.3 per cent. The above figures for 1907 show steamers, 23.4 per cent; tugs, 23.9 per cent; sailing vessels, 15.2 per cent; and barges, 37.5 per cent. A comparison of the cargo carried by water to Boston in 1899 and 1905, made by Mr. William Barclay Parsons, chief engineer of the Boston, Cape Cod & New York Canal Co., shows that of the total tonnage carried to Boston in 1899, 53.9 per cent went in steamers and exactly the same in 1905; but, while barges carried but 24.1 per cent in 1899, they carried 31.3 per cent in 1905, and the sailing-vessel tonnage, which accounted for 25 per cent of the whole in the first year, had fallen to 14.8 per cent in the second.

The total amount of cargo passing through the shoals can only be approximated. In 1907 it was estimated by Mr. Parsons that it amounted to 12,000,000 tons of coal and 6,000,000 tons of other commodities. During the same year the total receipts of coal at all New England ports north of Cape Cod which were under improvement by the Government, and which included all ports of importance, amounted to 9,812,911 tons (of 2,000 pounds), all of which, it is believed, passed through these shoals. Definite figures as to other commodities do not exist, but it is believed that 6,000,000 tons is a fair estimate.

The future amount of commerce using this route is largely dependent upon the effect of the construction of new artificial routes for the purpose of enabling the passage around Cape Cod to be avoided. One of these, the Cape Cod Ship Canal, is now under construction, and it is expected by the company constructing it that it will be completed in about three years. Another is the proposed inland waterway between Boston and Long Island Sound via Narragansett Bay and an inland route in southern Rhode Island, for which a survey and estimate are ordered by the river and harbor act of March 3, 1909. It is the expectation of the Boston, Cape Cod & New York Canal Co. that on the completion of their canal all coastwise steamers, tugs, and barges will use the canal instead of passing around the Cape, and that sailing vessels will also use it under certain weather conditions. This expectation, so far as steam vessels and barges are concerned, appears

to be justifiable, provided sufficiently low rates of toll on the canal are fixed. As to sailing vessels, what the effect will be is somewhat problematical. As the canal will shorten the distance between New York and Boston about 67 miles, there is some question whether, on the completion of the canal, sailing vessels will be able to continue their competition in the carrying of coal with tugs and barges, and this will depend largely on whether the tolls are fixed close to the maximum amount that tugs and barges can afford to pay or whether they are made much lower. In any case it is fair to assume that after the completion of the canal the total traffic around Cape Cod will be, in a marked degree, reduced. The effect of the construction of an intracoastal waterway from Boston to New York via Narragansett Bay would be to induce the substitution of lighter barges, more cheaply built and operated, and suited only to inland navigation, for the expensive seagoing barges necessary for navigation around Cape Cod or via the Cape Cod Canal, and the development of the inland route would reduce somewhat proportionately the present coastwise commerce carried on in sailing vessels.

DANGERS TO NAVIGATION.

The dangers to which navigation is exposed in Vineyard and Nantucket Sounds and in passing through the Monomoy Shoals are indicated by the following quotations from the Atlantic Coast Pilot:

"The numerous shoals, strong tidal currents, at certain seasons thick fog, and the large number of sailing vessels there are often encountered beating through the narrow parts of the channel, call for more than the ordinary attention of the navigator. The strongest currents will be encountered in Pollock Rip Slough, between the Handkerchief and Pollock Rip Light Vessels, off East and West Chops, and in Vineyard Sound. In some cases the current sets directly on the shoals and, in a calm, sailing vessels are sometimes obliged to anchor to prevent getting aground."

Statistics as to wrecks which have been removed by the Government give a very good idea as to the dangerous character of the shoals and as to the causes of shipwreck.

Between 1885 and June 30, 1909, 154 wrecks were removed by this office. They consisted of 5 steamers, 2 barkentines, 1 brig, 110 schooners, 19 barges, and 21 unknown. The unknown vessels were large pieces of wreckage forming obstructions, but so far broken up as to have lost their identity. Of the 154 wrecks, 54 were from the Monomoy Shoals (north passage) and are classified as follows: Five steamers, 1 barkentine, 40 schooners, 7 barges, and 1 unknown.

The causes of the 154 wrecks were: Collisions, 35; struck shoals and sank, 19; driven ashore or foundered in gales, 40; burned, 9; unknown causes, 51. The causes of the 54 wrecks on Monomoy Shoals (north passage) were: Collisions, 19; struck shoals and sank, 13; gales, 10; burned, 1; unknown causes, 11.

Between the years 1880 and 1903 there are records in this office of 188 marine disasters on the Monomoy Shoals (north passage), not always, however, resulting in complete loss.

The 188 were: One ship, 2 brigs, 2 barkentines, 169 schooners, 2 sloops, 2 steamships, 1 steam yacht, 2 schooner yachts, 7 barges. Of the 154 wrecks removed, only 1 was in the south passage between Monomoy and Nantucket Shoals.

The length of that portion of the principal sailing route from New York to Boston on or near which the above 154 wrecks were removed is 98½ miles, and the length of the north passage through Monomoy Shoals is 13½ miles, the latter length being 13½ per cent of the total length. The percentage of wrecks removed in the north passage is, however, 35. Since June 30, 1909, 4 additional wrecks, consisting of 2 schooners and 2 barges, have been removed or reported for removal. The two schooners were wrecked in Vineyard Sound and Nantucket Sound, respectively, due to striking shoals. The two barges were wrecked on Monomoy Shoals, one of these being caused by collision with a steamer and one by striking on a newly formed and unmarked shoal.

The main dangers of passing through the Monomoy Shoals by the present north passage, and which the proposed improvement, it is claimed, would lessen, are due principally to the following, taken in connection with the great number of vessels passing: Narrowness and tortuousness of the channel, fog, tidal currents, adverse winds.

Narrowness and tortuousness of channel.—The present channel from the Handkerchief Shoal Light Vessel to the northeast whistling buoy on the three courses above described varies greatly in the different parts with regard to the width and depth. The narrowest part of the section from the Handkerchief Shoal Light Vessel to the Shovelful Shoal Light Vessel for a depth of 21 feet is about 3,600 feet near its northeastern end, while at the southwestern end there is practically no limit to its width on the southeastern side, the Handkerchief Shoal approaching it closely, however, on the northwestern side. On the course from the Shovelful Shoal Light Vessel to Pollock Rip Light Vessel the minimum width for 21 feet depth is 3,600 feet and the average width about 5,700 feet. For the section through Pollock Rip Slue from Pollock Rip Light Vessel to the northeast whistling buoy the minimum width for 21 feet depth is about 2,000 feet and the average width 3,200 feet. At the northern entrance of Pollock Rip Slue the shoal on the east, known as the broken part of Pollock Rip, has within the past year been found to have advanced in a marked degree westwardly, so that the bell and gas buoys marking the entrance have had to be moved 1,200 feet to the west, thus placing them practically on the sailing course.

The most dangerous points in the sailing course appear to be the turn at the Pollock Rip Light Vessel and the narrow passage through Pollock Rip Slue. So far as straightness is concerned, the proposed channel would be a marked improvement on the present ones, largely diminishing the chances of collision in the narrow channels and at the turns.

Fogs.—The statement is made by the American Association of Masters, Mates, and Pilots, Volunteer Harbor, No. 4, that fogs are more prevalent here than on any other part of our coast. It has been impossible for me to verify this, but I think it may be assumed that fogs here interfere with more vessels than on any other part of our coast. The following statement furnished me by Capt. W. G. Cutler, United States Navy, inspector second lighthouse district, gives the hours of fog for the fiscal years 1906 to 1909 at the Pollock Rip and the Great Round Shoal Light Vessels:

Pollock Rip Light Vessel, No. 47:	Hours.
1906	1,065
1907	1,360
1908	1,236
1909	1,185
Average hours per year	1,211

Great Round Shoal Light Vessel, No. 42:	Hours.
1906	917
1907	1,625
1908	1,378
1909	1,119
Average hours per year	1,259

As to the time of year and direction of wind in which fogs are most frequent in this locality, the Atlantic Coast Pilot says:

"Fogs are liable to occur at any time, but are more frequent from April to October than during the remainder of the year. They come very frequently with the easterly and southerly winds; northerly winds carry them away."

Probably a majority of the disasters on these shoals have occurred during fog. Collisions are generally due to the narrowness of the channel, particularly in Pollock Rip Slue, to the sharpness of the turns, and to the large number of steamers and tows passing through in thick weather.

Were the steamers and tows to cease using this channel, as is expected on the completion of the Cape Cod Canal, the danger to sailing vessels from collision would be reduced to a small part of what it is at present. Under present conditions it would also be greatly reduced if all sailing vessels were to use the main or south passage via the Great Round Shoal Light Vessel, by which the route from New York to Boston is lengthened by only about 12 miles.

Tidal currents: Regarding these the Atlantic Coast Pilot speaks as follows:

"Northward of Pollock Rip the general set of the flood is eastward of northeast and of the ebb a little westward of southwest. The current sets in all directions of the compass during the 12 lunar hours without ever being at rest, turning from north to east and from south to west (with the hands of a watch). About 4 miles is the greatest velocity observed. This was on the rips eastward of Nantucket Island. About 3 hours after the currents turn they attain their greatest velocity."

Eldridge's Tide and Current Book, 1894, states that at Pollock Rip Light Vessel the flood current at the time of its greatest velocity runs from west-southwest to west; the ebb current from east-northeast to east. The force and direction of the current is greatly altered by strong, long-continued winds.

Eldridge's chart gives for a point about one-half mile west by south of the Northeast Whistling Buoy an average velocity for the ebb of 1½ miles and for the flood 1½ miles, which is about the same as given by him in the wider part of Nantucket Sound and is much less than for the narrower portions of Vineyard Sound. The greatest danger due to these currents appears to be from the fact that they vary constantly in direction and frequently tend to set vessels on the shoals. This danger would probably be lessened by the proposed channel, both on account of its direction and width.

COST OF CONSTRUCTING AND MAINTAINING PROPOSED IMPROVEMENT.

Letters and printed matter received indicate a belief on the part of the writers that the proposed channel involves a very small amount of dredging. One of them states that it "gives a working channel with a minimum of dredging; in fact, is almost a natural channel."

The description issued by the American Association of Masters, Mates, and Pilots, Volunteer Harbor No. 4, contains the following:

"In the proposed channel there is at present a little more than a mile where the depth of water ranges from 14 to 20 feet, the balance being a natural channel, with depths from 4½ to 8 fathoms, obstructed only by the lumps north of Stone Horse Shoal, which at present have a depth of 21 feet."

The above fairly states the present conditions except as to certain depth figures. There is now a natural channel between Pollock Rip Shoal and Bearse Shoal having a least depth of about 3½ fathoms and a second narrower and shallower channel through Pollock Rip Shoal parallel to it, both being within the limits of the proposed channel. The chart does not give the depths in the second channel mentioned. The least depth on Pollock Rip Shoal within the limits of the proposed channel is given on the chart as 12 feet. The lumps north of Stone Horse Shoal, as shown on the chart, consist of four small lumps and a narrow shoal about one-third of a mile in length, the least depth on the latter, as shown on the chart, being 12 feet. In spite of the fact, however, that much of the proposed channel is, as stated, a natural channel, a very considerable amount of dredging would be required to secure the width and depth desired. No Government hydrographic survey of this locality having been made by the United States Coast and Godetic Survey since 1906 (possibly not since 1902) the latest chart furnishes only a very approximate idea of the amount of dredging that may be required. (For example, the 1900 chart, the latest hydrography on which is of 1899, shows a depth of 14 fathoms. The latest chart, on which corrections to hydrography to 1906 are made, shows a depth at the same point of 28 fathoms. At another point where the 1900 chart shows 4½ fathoms the latest chart shows 8½ fathoms.)

On this latest chart the amount of material shown above the 26-foot plane is between 15,000,000 and 20,000,000 cubic yards, the few soundings allowing only a very rough calculation to be made. The amount of back fill during the work I should expect to be large. Costly seagoing suction dredges would have to be constructed for this greatly exposed work. The material is believed to be sand only. The above statements are made for the purpose of indicating only that the work can not be done at so low a cost as seems to be believed.

The question as to the possibility of maintaining at a reasonable cost the channel when constructed appears in this case to be of much greater importance than in the usual case. The shoals are undoubtedly of a shifting character. A comparison of Coast Survey charts issued from 1860 to the present time shows enormous changes in the channels and in the shape and position of the various shoals.

On the chart of 1860 the principal passage from Butlers Hole (deep water southwest of Shovelful Shoal Light Vessel) to the ocean was due east from Pollock Rip Light Vessel through a 5-fathom passage south of the broken part of Pollock Rip. The chart of 1874 shows this passage closed by the 5-fathom contour, which is continuous from off Chatham around the entire group of the Monomoy Shoals, the distance between the outside and inside 5-fathom curves being but 600 yards, with a depth of 4½ fathoms between. The 1885 chart shows this distance to be about 800 yards, with 3½ fathoms between and with several small shoals carrying less than 3 fathoms in the immediate vicinity. The 1888 chart shows this distance to be about 2,500 yards, with a minimum depth of 3½ fathoms. The 1894 and 1900 charts give the distance as about 900 yards, with a minimum depth of 3½ fathoms. The 1908 chart gives the extreme distance between the inside and outside 5-fathom contours as about 3,600 yards, with a

minimum depth of 3½ fathoms, but with an intervening hole of 5 fathoms. The position of this easterly passage moved south from its 1860 position, the course from the Pollock Rip Light Vessel changing from due east to about southeast. (This passage is not the main or south passage by the Great Round Shoal Light Vessel.) The minimum depths all occur in the extreme easterly part and appear to be the southerly extension of broken part of Pollock Rip, the shoaling on the inside being much less in depth but extending over a wider area.

On the 1894 chart, along the north side of the deep water extending easterly from Butlers Hole, the 5-fathom curve extends noticeably into these shoals in three arms, which continue through the shoals with lesser depths, forming secondary channels—one close to the shore of Monomoy Island, one almost dividing Bearse Shoal from Pollock Rip Shoal, and one between Pollock Rip Shoal and the broken part of Pollock Rip. The first of these was not shown on the 1860 chart, and the other two were not very prominent; but with the closing of the eastern 5-fathom passage they have increased, until, on the chart of 1900, the passage between Bearse and Pollock Rip Shoals shows a minimum depth of 3½ fathoms and that between Pollock Rip Shoal and the broken part of Pollock Rip, known as Pollock Rip Slough, carried 4 fathoms, with a distance of only 450 yards between the outside and inside 5-fathom curves. On the 1908 chart this latter passage has shoaled considerably, and shows but two isolated spots exceeding 5 fathoms in depth; it is the passage most used by vessels and is considered safe for 3½ fathoms. As above stated, the broken part of Pollock Rip has recently made out about 1,200 feet to the westward, considerably narrowing the northern entrance.

In 1860 the Shovelful Shoal and Bearse Shoal, as defined by the 18-foot contour, were continuous and separated from Pollock Rip Shoal. In 1874 the first two of these were separated and the last two were joined together, with the southern part of Pollock Rip Shoal broken into a number of smaller shoals, which condition has continued up to the latest chart, but with varying outlines on the successive charts. The Handkerchief Shoal, which is rather more protected from the heaviest waves than the outlying shoals and therefore more nearly continuous in form, had approximately the following areas inclosed within the 18-foot curve (the dates refer to the dates of issue of charts).

	Acres.
1860	1,900
1888	2,660
1894	2,980
1908	3,230

The above shows a continuous increase amounting to 70 per cent in 48 years.

The area of water exceeding 5 fathoms in depth in the eastern extension of Butlers Hole, within which area are stationed the Shovelful Shoal and Pollock Rip Light Vessels, and limited on the west by a line drawn from the northern limit of Stone Horse Shoal to Monomoy Point, is as follows:

	Acres.
1860	3,200
1888	3,000
1894	3,600
1899	3,700
1908	2,670

The measurement of any of the extreme outside shoals would be very unsatisfactory, as these are very much broken up and often indicated as a small circle around a single sounding.

The areas of shoals within the proposed channel on which the depth is less than that proposed are approximately as follows on the various charts:

Date.	Stone Horse Shoal and lumps north of it.	Pollock Rip and Bearse Shoal.	Total.
	Acres.	*Acres.*	*Acres.*
1860	192	1,020	1,212
1874	160	840	980
1885	180	840	1,020
1888	210	910	1,120
1894	290	980	1,220
1900	250	940	1,190
1908	280	1,000	1,280

The following is taken from Eldridge's Coast Pilot, 1890:

"Pollock Rip: During the last 40 years the water upon this dangerous shoal has been gradually increasing in depth. In 1832 some part of it was dry at low tide; in 1842 the least depth at low tide upon it was 3 feet; in 1852, 5 feet; in 1862, 6 feet; in 1872, 7 feet; and in August, 1887, 8 feet. From 1 to 1½ miles to the northward of the Pollock Rip, there are at this date (1890) many ridges of sand or broken rips, which are constantly changing in depth and should be avoided by large or heavy draft vessels.

"Broken part of Pollock Rip: During the last 30 years this broken ground has extended seaward about four-tenths of a mile; the surveys that have been made across it from time to time during that period, show changes in the depth of water in the ship channel.

"Ship channel: In 1852, on a direct course E. by S. ¼ S., from Pollock Rip Lightship, not less than 30 feet of water was found in this channel at low tide. In 1862, 24 feet; in 1872, 20 feet; and in August, 1887, 16 feet.

"Northeast Channel (Pollock Rip Slough Channel): The depth in this channel since 1851, has been constantly changing. A careful survey in August, 1887, shows not less than 17 feet on a direct course N. E. ¼ N. from Pollock Rip Lightship."

Also the following:

"The sand ridges on the northern part of Stone Horse Shoal near Shovelfull Lightship are constantly changing in depth."

From the above statements of changes in the shoals, together with the fact that on the edges of the proposed channel the depths would in many places be as small as 10 feet, and considering the great exposure of these shoals to violent storms, with consequent great movements of sand, it is apparent that the maintenance of this channel would almost certainly be very expensive.

BENEFITS TO BE DERIVED FROM PROPOSED IMPROVEMENT.

One of the benefits to be derived from the improvement is a probable reduction in the number of wrecks occurring annually on these shoals, with frequent loss of life. The annual cost to the Government of removing these wrecks has averaged about $3,260. No reliable information as to the diminution in the number of wrecks which would result from the improvement appears possible, though under present conditions there would undoubtedly be a considerable reduction.

The water distance from New York to Boston would be shortened by about 2 miles, this benefit being very slight as compared with the cost.

Considerable correspondence has been had with parties interested in the improvement and with others with a view to determining what reduction in freight and insurance rates could be expected if the improvement were made.

Regarding freight rates, Capt. R. M. Lavender, port warden, port of Boston, states:

"It is my opinion it would not change the freight rates, as these are at present as low as the common carriers can afford to carry coal."

Capt. John C. Silva, past president American Association of Masters, Mates, and Pilots, of Staten Island, says:

"If it is possible to reduce freight rates in any way on earth, it is by negotiating one channel with but one turn in preference to making three turns over uncertain broken ground in the same short limit of space. I feel that by lessening the number of turns to make we would proportionately lessen the danger of running ashore or of collision on a thoroughfare so very important as this."

The American Association of Masters, Mates, and Pilots, Volunteer Harbor No. 4, states:

"We do not expect any decrease of freight rates, but we are assured by the insurance people that we can expect a decrease in the insurance rate, as this and Hell Gate are considered the two most dangerous points on the coast for insurance."

The following statement as to freight rates and insurance on coal between New York and Philadelphia as points of shipment and Boston as a point of delivery during the years 1906, 1907, and 1908 has been kindly furnished me by Mr. J. S. W. Holton, president Philadelphia Maritime Exchange:

Insurance on approved vessels.

[Rate per $100 of value of cargo and vessel.]

	New York terminals to Boston.			Philadelphia to Boston.		
	Under 10 years old.	Between 10 and 15 years old.	Over 15 years old.	Under 10 years old.	Between 10 and 15 years old.	Over 15 years old.
Apr. 1 to Oct. 31	$0.50	[illegible]	$0.75	$0.55	$0.65	$[illegible]
Nov. 1 to Mar. 31	.75	.75	1.25	.80	.90	1.30

Vessel rates per ton alongside.

[Averages of the highest and lowest rates of the year.]

	New York terminals to Boston.	Philadelphia to Boston.
1906	$0.50 to $0.55	$0.78
1907	1.60	1.05
1908	1.55	.63

[1] These rates are from what is known as lower ports. From upper ports they would be from 3 to 5 cents less.

Regarding what reduction can be expected in insurance rates, the Boston Insurance Co. states as follows:

"There are no fixed rates of insurance. We make our rates dependent entirely on the different vessels, the time of year, etc., nor could we promise any reduction on account of the improvements, because the coal business has not been running well, and the different underwriters interested in this class of business feel that the rates are now too low. We would be very glad to have the improvements made, and believe they would lessen the dangers; but the question of future rates would depend entirely on the experience of the business."

The Home Insurance Co., of New York, states:

"I have noted with great interest your remarks, and regret very much that it does not seem possible that any definite answer, such as you would wish to have, can be made to your inquiry. Our company is not engaged in the insurance of sail vessels or their cargoes, but we are interested in other kinds of coastwise shipping. We, with all other underwriters, recognize the dangers of Pollock Rip Shoal and Stone Horse Shoal, and in 20 years' experience I can recall losses owing to these perils aggregating without doubt, I should judge, several hundreds of thousands of dollars, in many of which this company has suffered; but I do not see how it is possible to calculate what percentage of the rate paid for the insurance of a coastwise vessel or her cargo can be directly chargeable to these particularly hazardous locations.

"You will understand that the rates on the various classes of coastwise vessels vary very materially in accordance with the class of vessel, her age, trade, etc. For instance, on an iron or steel tug, with privilege of the north Atlantic coast, the rates would vary from 4 to 7 per cent per annum, based on the age and condition of the vessel. In the case of an ocean barge the rates vary from 5 to 12 per cent, according to age, construction, and route. The rates on coastwise steamships vary from 3 to 8 per cent. All these classes of vessels are customarily insured under an annual policy, the rate paid being for the average for an entire year, and the rates are theoretically based on the outcome of the business for a series of years, modified by competitive conditions, so that it does not seem at all possible to say how much of the rate is chargeable to a specific location or hazard.

"The proposed work in the locality referred to would undoubtedly be of immense value to coastwise shipping; and as every improvement in the conditions of navigation on our coast has been sooner or later followed by a reduction of the insurance premiums on vessels exposed to the hazard in question, it is reasonable to suppose that the improvement

of the location would lead very quickly to a reduction of insurance premiums on vessels trading in the waters affected.

"I regret that I can not give you a more specific answer to your requirement; but, in my opinion, to attempt to estimate in advance a reduction, based on the improvement in question, would be at best a vague conjecture."

The Providence-Washington Insurance Co., of Providence, R. I., states:

"Any improvements in navigable waters which tend to reduce losses necessarily reduce marine-insurance rates. The competition is intense, and the business is done very close to cost; sometimes below.

"In this case the rates might possibly be reduced slightly as soon as the improvements were made; but when the companies found that their losses were materially reduced in consequence of the change, heavier reductions in rates would necessarily follow."

Messrs. Johnson & Higgins, of New York, make the following statement:

"We are unable to answer your question as to what effect this will have on marine insurance, as we do not make the rates, being only brokers. It seems to us that your inquiry should be addressed to underwriters, who alone would be capable of making a definite reply. Incidentally, we might say that we do not believe the removal of this shoal will affect the rates of insurance. These rates are based upon the character of vessels employed and the results shown over several years of experience. We do not know what proportion of wrecks has occurred on Stone Horse Shoal; but we are certain that there are many other dangerous points on the route between New York and Boston and Chesapeake Bay points and Boston which will continue a menace to navigation, and will necessitate the gauging of insurance rates accordingly."

CONCLUSIONS.

The great importance of the coastwise trade between New England and the Middle and Southern States around Cape Cod, were the commerce to remain as it now stands or to increase, would seem to justify a considerable expenditure by the Government on any feasible plan toward reducing the great annual loss of property and life due to the dangers of Monomoy Shoals. As stated above, however, it is believed that the dangers due to the present large commerce, and particularly the danger of collision with steamers and long tows, will be very greatly reduced upon the completion of the Cape Cod Canal, though the exact effect of the construction of this canal is not yet known. Further change in the present conditions of water commerce may be expected if an inland water route between Boston and Beaufort, N. C., is later provided. The proposed channel would be costly of construction. The cost of maintaining it would be undoubtedly large and might be so great as to be impracticable. The question as to whether or not the Government should attempt by dredging to improve the passage through these shoals, either by the proposed channel or in any other way, ought, in my opinion, to await the developments due to the completion of the Cape Cod Canal at least.

It is my opinion, therefore, that this locality, as described in the river and harbor act of March 3, 1909, is not worthy of improvement by the General Government at the present time.

None of the special subjects of inquiry mentioned in the river and harbor act of March 3, 1909, in connection with the matter of preliminary examinations appear to apply to this case.

Very respectfully,

J. C. SANFORD,
Lieutenant Colonel, Corps of Engineers.

The CHIEF OF ENGINEERS, UNITED STATES ARMY
(Through the Division Engineer).

[First indorsement.]

NORTHEAST DIVISION, ENGINEER OFFICE,
Washington, D. C., November 19, 1909.

Respectfully forwarded to the Chief of Engineers, United States Army.

The locality in question is not worthy of improvement by the General Government. It is characterized by shifting shoals, and any artificial channel dredged through these would be unstable, and hence misleading.

While the record of marine disasters on the Monomoy Shoals (north passage) is large, like disasters in the south passage seem decidedly infrequent.

It is thought relief from the danger of rounding Cape Cod would more certainly follow using the somewhat longer course around and outside of Great Round Shoal than attempting to maintain a precarious artificial channel through the Monomoy Shoals.

JOHN G. D. KNIGHT,
Colonel, Corps of Engineers, Division Engineer.

[Third indorsement.]

BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, D. C., January 3, 1910.

Respectfully returned to the Chief of Engineers, United States Army.

The preliminary examination of Nantucket Sound reported upon within was ordered with a view to the removal of the northerly end of Stone Horse Shoal and of such portions of Bearse Shoal and of Pollock Rip Shoal as may be necessary. After a description of the existing channels in this locality, the present and prospective commerce involved in their navigation, and other related subjects, the district officer reaches the conclusion that the proposed channel will be costly of construction and of maintenance and that the benefits to be expected from the work will not justify the expenditure required to accomplish the proposed improvement. In this opinion the division engineer concurs.

Interested parties having been invited by the district officer to submit their views to the board, Capt. Spinny, representing the American Association of Masters, Mates, and Pilots, came before the board at its meeting of December 7, 1909. From observations covering a period of 20 years, he stated that the tidal currents appear to follow the line of improvement now desired and that, while the shoals in the vicinity of the channel now followed have been more or less shifting, the general thread of the channel has remained comparatively stationary, from which observations he, in common with navigation interests in general, believes that the maintenance of a straight channel as indicated on the map (not printed) submitted by him and forwarded herewith would be a matter of small cost.

As to the correctness of these views the board expresses no opinion. From the statements made and from other information before it, however, the board is of the opinion that the commercial and navigation interests utilizing this channel are of sufficient importance to render it advisable to have more precise information as to tidal currents and as to the cost of constructing and maintaining an improved channel through these shoals than is now available, particularly as the advisability of undertaking the work is dependent largely upon the cost of providing the desired channel and upon the stability of such a channel if constructed. It is therefore recommended that the district officer be authorized to make the necessary surveys to investigate these questions and determine, so far as practicable, the direction of tidal currents, etc., and in connection with his further report it is recommended that he also submit an estimate of cost of the work involved.

It is realized that in order to secure full data regarding the above it may be necessary to extend observations over a considerable period of time.

For the board:

WM. T. ROSSELL,
Colonel, Corps of Engineers,
Senior Member of the Board.

[Fourth indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 13, 1910.

Respectfully submitted to the Secretary of War.

This is a report on preliminary examination of Nantucket Sound, Mass., authorized by the river and harbor act of March 3, 1909.

Inviting attention to the report of the Board of Engineers for Rivers and Harbors in the preceding indorsement, I recommend that a survey of the locality, as proposed by the board, be authorized.

W. M. MARSHALL,
Chief of Engineers, United States Army.

[Fifth indorsement.]

WAR DEPARTMENT, *January 13, 1910.*

Approved.

ROBERT SHAW OLIVER,
Acting Secretary of War.

SURVEY OF NANTUCKET SOUND, MASS.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Newport, R. I., November 21, 1911.

SIR: The board of officers constituted by Special Orders, No. 21, office of the Chief of Engineers, August 28, 1911, to consider and report on survey of Nantucket Sound, has the honor to submit the following report:

Upon call of the senior member the board met at the United States engineer office, Newport, R. I., on Tuesday, October 17, 1911, at 11 o'clock a. m. The reports, maps, and other data pertaining to the subject were examined, and on the 18th a duly advertised public hearing was held at the same place. A stenographic report of this hearing is appended. After discussion the board adjourned pending the preparation of a draft of its report. It met again on November 21, when the draft was considered and, with some modifications, was adopted. The full board was present at all meetings and at the hearing.

The provision for examination and survey of the locality as contained in the river and harbor act of March 3, 1909, is as follows:

"Nantucket Sound [Mass.], with a view to the removal of the northerly end of Stone Horse Shoal and of such portions of Bearse Shoal and Pollock Rip Shoal as may be necessary."

The duty of making the preliminary examination under this provision was assigned to Lieut. Col. J. C. Sanford, Corps of Engineers, then in charge of the Newport, R. I., engineer district. His report of November 16, 1909, gives a detailed description of the locality and of the difficulties and dangers of navigation in the general vicinity, with general data relative to winds, seas, and currents, and statistics of commerce. Lieut. Col. Sanford describes the nature of the improvement desired, considers in a general way the cost of making and maintaining the proposed improved channel, and concludes that the locality is not worthy of improvement by the General Government at the present time, on account of the cost of the work, uncertainties of the results, and probability that the difficulties it is sought to remedy will be ameliorated by the completion of the Cape Cod Canal, as well as on account of changes in the conditions of water commerce that may result if the proposed inland water route between Boston and Beaufort, N. C., is later provided. The division engineer, Col. J. G. D. Knight, Corps of Engineers, in indorsement of November 19, 1909, concurred in the view that the proposed improvement was not advisable.

The above report was reviewed by the Board of Engineers for Rivers and Harbors in connection with subsequent representations by persons in favor of the improvement. In an indorsement of January 3, 1910, that board expressed the view that the interests concerned were sufficient to warrant obtaining more detailed and definite information regarding the local conditions and probable cost of the improvement. Additional surveys, observations, and estimates were made under instructions from the Chief of Engineers, and the results have been carefully studied by the board.

The improvement desired by the navigation interests is the creation by dredging of a straight channel not less than seven-eighths nautical mile (1 statute mile) wide and 30 feet deep at low water, from the Handkerchief Light Vessel, about 5½ miles southwest of Monomoy Lighthouse, extending northeastward to the whistling buoy near the present northern entrance to the Pollock Rip Slough. A very large commerce of over 20,000,000 tons annually will be benefited greatly if it be practicable to construct and maintain such a channel. The dangers and difficulties encountered in navigating the present crooked, and in places narrow, channel through the shoals and the benefits to be anticipated from the creation of a broad and straight 30-foot channel in place thereof are well stated in the appended report of the hearing of October 18, 1911. The only opposition to the creation of the proposed channel, so far as the board has learned, has come from persons interested in the success of the Cape Cod Canal, now under construction. They assert that the proposed straight channel through the shoals will be unnecessary after that canal is opened, and that the Government would do better to appropriate money for breakwaters to protect the northern entrance to the Cape Cod Canal than to expend funds for dredging the proposed straight channel. The question of such a breakwater is not before the board. The statement that even after the Cape Cod Canal is opened a large commerce would continue to use the outside route through the Pollock Rip Slough was repeatedly made at the hearing.

The appended estimates of quantities to be dredged and other data have been compiled in compliance with the request of the Board of Engineers for Rivers and Harbors. In a general way they indicate that dredging and maintenance of the proposed channel may be practicable, but the successive surveys available for comparison were made at too long intervals to afford data on which to base reliable conclusions and estimates of cost.

In 1880, 1874, and 1885 the channel is shown extending in an easterly direction from the Pollock Rip Light Vessel, though there was also a northerly channel from this light vessel in 1874 and in 1885. In 1895 and 1908 a northerly channel is the only one shown. There were also various changes between the Pollock Rip Light Vessel and the one near the southern portion of the Handkerchief Shoal during the period covered by the charts, and corresponding changes in the sailing courses and the light vessels marking them. It will be noted, however, that during the period covered by the several published charts referred to a clear channel or passage with over 30 feet depth at low water has existed in a fairly permanent position, extending westward and southwestward from the mean position of the Pollock Rip Light Vessel to that of the Handkerchief Light Vessel, and the general total width of the passage has remained a mile or more, except at the turn in the vicinity of the Shovelful Light Vessel, where the width of channel 30 feet deep and over at mean low tide has been about one-third of a mile. The distance in a northeast direction from deep water south of Bearse Shoal to deep water beyond Pollock Rip has not been more than about 2 miles at any one time, and the line of the shortest course across this shoal portion of the proposed channel has not undergone very radical changes in direction or position, although it has been far from constant in these respects. Especial attention is invited to the comparative chart on which is shown the number of cubic yards of cut and fill in the area covered by the proposed channel found by dividing that area into squares one-third of a mile on a side, and computing the mean depth in each square at the time of each survey.

The available information regarding the material of which the shoals are formed is to the effect that they are largely composed of sand of a character to be easily handled by a suction dredge, but at the hearing on October 18 the view was expressed by one of the speakers that in places below the depth of 6 or 7 fathoms there is hard mud or clay under the sand. It was also stated that rock or bowlders were to be found on Stone Horse Shoal. The narrow and deep channel that has been maintained in the vicinity of the Shovelful Lightship indicates that possibly in that locality the shoals contain harder material than sand. The possibility of clay and bowlders forming part of some of the shoals is indicated by the general characteristics of some of the islands and portions of the mainland of southeastern New England. The exposed location has so far prevented a definite determination of the nature of the material that will have to be dredged to form the proposed channel by borings or otherwise, but the fact that at times the surveys have shown 30 feet or more of water where the depths are now much less indicates that a large part of the yardage to be removed is mobile in character, and hence is probably sand.

Consideration of the above conditions in connection with the other data available leads to the conclusion that the practicability of dredging and maintaining the proposed channel can be determined only by trial on a large scale. The great volume of commerce concerned, certainly over 20,000,000 tons per annum, and the prospects for at least partial success are such as to warrant an expenditure by the General Government for such an attempt. Any widening of the available channel in the vicinity of Shovelful Shoal Lightship by dredging the northern portions of Stone Horse Shoal would be immediately beneficial to commerce, as it would give more sea room at this dangerous turn and would greatly reduce the dangers of collision; this could undoubtedly be secured while the dredging of the complete straight channel was in progress, even if the entire straight channel could not be completed. A much narrower channel through the Pollock Rip near Bearse Shoal than the one proposed could be utilized to advantage by steam vessels under favorable conditions, and the successful creation of such a narrow channel would afford a practical test of the question whether the wider channel could be maintained at reasonable cost by dredging, assisted by the scouring action of the currents.

The United States owns a number of seagoing dredges adapted to this general class of work, and the board has been informed that other works on which they are engaged are now in such shape that one or more of these dredges may be available within the year for practical tests on the Pollock Rip Shoals and vicinity. Such tests, besides producing results immediately beneficial to navigation, would develop beyond conjecture the nature of the material to be handled, the cost of its removal, and whether any changes in the existing types of seagoing dredges are needed for economical and effective work at this locality. If the results so attained should warrant undertaking the dredging of a complete channel, as suggested by those interested in the improvement, the most advantageous and economical methods of carrying out the work, and its cost, would be more definitely known than at present.

We therefore recommend that an appropriation of $250,000 be made for improving the channel through the shoals at the eastern approach to Nantucket Sound in general accordance with this report, the wording of the act to be such as to make it plain that the United States is not committed to the continuance of the improvement beyond the $250,000. After the work has been carried forward to that extent, the advisability of further work should receive consideration

Respectfully submitted.

FREDERIC V. ABBOT,
Colonel, Corps of Engineers.
JOHN MILLIS,
Colonel, Corps of Engineers.
EDW. BURR,
Lieutenant Colonel, Corps of Engineers.

The CHIEF OF ENGINEERS, United States Army.

[Second Indorsement.]

THE BOARD OF ENGINEERS FOR RIVERS AND HARBORS,
Washington, December 19, 1911.

Respectfully returned to the Chief of Engineers, United States Army.

This is a report upon survey of Nantucket Sound with a view to improvement in the vicinity of Pollock Rip Shoals, submitted by a special board to whom was assigned the duty of making this investigation. It appears that much interest has been manifested in this improvement, which indicates its importance and its bearing upon general commerce and navigation. The special board states that the improvement desired by navigation interests is a channel not less than 1 mile in width and 30 feet in depth at low water from the Handkerchief Light Vessel about 5½ miles southwest of Monomoy Lighthouse, extending northeastward to the whistling buoy near the present northern entrance to the Pollock Rip Slue, to replace the present crooked and in places narrow channel.

A study of the charts of this locality indicates that the present channel of about 30 feet minimum depth through these shoals has existed for a number of years, but has undergone decided changes in its location, indicating the mobile character of the material on the bottom. The special board finds it impossible to make a reliable estimate of the cost of dredging and maintaining a channel of the dimensions desired by the navigation interests, and concludes that the practicability of the work can be determined only by trial on a large scale. It calls attention to the fact that the United States owns a number of seagoing dredges adapted to this class of work, and that one or more dredges of this type will probably be available within a year for such a test. The prosecution of the work along these lines would produce immediate benefits to navigation, and would definitely determine the nature of the material to be handled, the cost of its removal, and the suitability of these dredges for work of this character. Believing the locality worthy of such a test, the special board recommends an appropriation of $250,000 for this purpose, and stated that the authorization of this trial should not bind the United States to continue the improvement beyond the appropriation recommended at the present time, the advisability of further work to be determined after the results of the test now proposed are made known.

The question of a safe and adequate channel in this vicinity is a very important one to navigation interests. The course suggested by the special board is conservative, comparatively inexpensive, and should determine much more definitely than is now possible the feasibility and desirability of attempting the full improvement desired. This board therefore concurs in the general findings of the special board, and recommends an appropriation of $250,000 for the work proposed. The total amount should be made available in one appropriation. In this case there are no questions of terminal facilities, water power, or other related subjects that have any bearing upon the improvement proposed.

For the board:

WM. T. ROSSELL,
Colonel, Corps of Engineers,
Senior Member of the Board.

OCTOBER 18, 1911—11.10 A. M.

Col. ABBOT. The meeting will please come to order. By Special Orders, No. 21, War Department, Office of the Chief of Engineers, Washington, August 28, 1911, a board consisting of Col. Frederic V. Abbot, Col. John Millis, and Lieut. Col. Edward Burr, Corps of Engineers, was appointed to consider and report on the survey of Nantucket Sound, with a view to the removal of the northerly end of Stone Horse Shoal and of such portions of Bearse Shoal and Pollock Rip Shoal as may be necessary, provided for in the river and harbor act of March 3, 1909. The board was authorized to hold a public hearing, which has just been called to order. The board has before it the technical data necessary to answer the questions of how and where and as to cost. We have asked you gentlemen to come here so that we can learn from you the needs for such a channel, the best figures we can obtain as to how much commerce will use it, how much is passing through there now, and as to the dangers of the present conditions, and any other facts bearing upon the economical side of this question. There is a technical side and an economical side. We have the data for the technical side.

I shall ask Mr. William C. Brewer, of the Boston Chamber of Commerce, to present his matter first, as I know he desires to go to New London by one of the early trains.

STATEMENT OF MR. WILLIAM C. BREWER, OF THE BOSTON CHAMBER OF COMMERCE.

Mr. BREWER. I thank you, Mr. Chairman. First I will say that about the 4th of October the committee on maritime affairs of the Boston Chamber of Commerce received a communication from you to the effect that this matter was under consideration. As soon as was possible the committee sent out notifications to the various maritime interests of Boston, including the ship-owning and the shipbuilding interests, the navigation interests, and the marine underwriters. The earliest possible date at which it was convenient to have a general meeting was yesterday morning. The committee met and before them appeared an unusually large representation of the marine interests. It was the largest representation, I think, in the history of the Boston Chamber of Commerce in such a matter. I merely mention this as showing the interest taken in the project. There was submitted a plan showing the general direction of the channel. In a brief way it was stated about what the cost would be. The testimony then given by shipowners and by masters generally showed the great need for this improvement, great emphasis being laid on the tortuous and dangerous nature of the passage at the present time and the very great need of straightening it. Details were entered into at considerable length showing the use such a channel would be to navigation, how it would facilitate the passage of shipping over the shoals which is now held up by inclement weather at both ends. Everybody there had a chance to speak. Capt. Crowley will speak later as to these details, he being my associate here from the Boston Chamber of Commerce, and will go more into the details. Coastwise shipping companies were represented, most of the marine underwriters, some of the steamship owners, and some of the sailing-vessel owners. There were also presented a number of letters from masters of coastwise steamers, and all testimony given was entirely in favor of this project. There was no dissenting note from anybody. The committee was most anxious to have it go through, and endeavored to find out more definitely what would be the cost of the project, but no figures were submitted by anybody. After the meeting—and this in particular is my duty here—the committee passed a vote unanimously favoring the project.

In order to present this matter to you as effectively as possible and to show the interest taken in the matter by the chamber of commerce, they then passed a vote that the president be asked to appoint a committee to be present at this hearing, and the president appointed myself and Capt. John G. Crowley for that purpose.

STATEMENT OF CAPT. JOHN G. CROWLEY.

Capt. CROWLEY. Mr. Chairman, I was appointed one of the committee to come here. I represent the Boston Chamber of Commerce and also the Coastwise Transportation Co., which has 21,000 tonnage of steamers and 32,000 tonnage of sailing vessels.

Being a master mariner myself and having traveled over Nantucket Shoals as long as any man here, from boyhood, and coming here to speak of this channel, I wish to say that I think this is one of the greatest schemes ever put before the public, as it makes a straight course from the Handkerchief Lightship out to the open sea, and vice versa. We have to make this angle here [indicating on chart], go out to Great Round Shoal and make another turn, encountering the cross currents both ways. If this channel were provided, we would have a straight course through there. Sailing vessels coming down from Boston have to anchor in the channel, it being impossible to come up here [indicating]. We do not have proper anchorage. The *Calvin Olcott* came down here and could not make the angle and had to anchor off there [indicating]. She parted her chains in the storm and was driven ashore, the crew being lost, the life-savers being unable to reach them. Coming from the westward, it is almost impossible in a northwest gale to come down here with a sailing vessel. We have to stop at the Handkerchief; therefore the vessels are late in returning to Boston. With this channel, as proposed, a vessel could come right down on a straight course. This channel through there, with a very small expenditure of money, will give a straight channel—something that is needed more than anything else that I know of at the present time by coastwise and foreign vessels.

Col. ABBOT. What depth is needed, in your opinion as an expert navigator, for this proposed channel to accommodate the deepest draft traffic likely to use it?

Capt. CROWLEY. At the present time, 30 feet. Our largest steamer draws, loaded, about 26 feet.

Col. ABBOT. Is there any place along the route from Long Island Sound to Boston where there is a less depth than 30 feet of practicable navigable width?

Capt. CROWLEY. No, sir.

Col. ABBOT. Any in Nantucket Sound?

Capt. CROWLEY. No, sir.

Col. ABBOT. And by the Cross Rip Lightship you can use 30 feet?

Capt. CROWLEY. Yes; we have to make a sharp turn there. There are one or two points almost east of the lightship also.

Col. ABBOT. That is also a dangerous location?

Capt. CROWLEY. Yes, sir.

Col. ABBOT. How is the exposure there? Is it as dangerous as at Monomoy?

Capt. CROWLEY. No, sir; it is less dangerous.

Col. ABBOT. Why?

Capt. CROWLEY. Because if a vessel starts to go across there she can be held off.

Col. ABBOT. And is that a good reason why you do not need more than 30 feet, as it is narrow at Cross Rip?

Capt. CROWLEY. Yes, sir.

Col. ABBOT. We want to know what you need in depth in order to develop all the benefit we can with this one improvement.

Capt. CROWLEY. Thirty feet is all that is required.

Col. ABBOT. Now, I would be glad to hear anybody else on this same side.

STATEMENT OF CAPT. R. M. LAVENDER, PRESIDENT PILOTS' ASSOCIATION OF BOSTON.

Capt. LAVENDER. Having from my boyhood days navigated Nantucket Shoals, and knowing the conditions that existed there in those days with lighter draft vessels, and also knowing that in later years the channel has grown deeper, and taking into consideration the conditions now, it has been demonstrated, I think, that this channel can easily be kept clear by a little dredging work. It has deepened from 12 to 20 feet now by the constant use of it by steamers. I can vouch for all that Capt. Crowley has said. We know the conditions as they existed and as they exist to-day, and we believe in the project.

STATEMENT OF MR. L. A. SPINNEY.

Mr. SPINNEY. Mr. Chairman, I was sent here as a member of the Pilots' Association and I also appear as a delegate from the Boston Marine Society. I believe that the first record of any active interest in this project was made by the Boston Marine Society; and I have deposited on the stenographer's desk a record of the action taken by that society.

(Submits paper, marked "Exhibit No. 5," copy appended.)

The society is composed of the marine men, including nearly all the men engaged in Boston and Massachusetts in maritime work, going back to the old ships and coming up to the present large steamers. In the year 1908 this project was brought up in the society during the middle of the year. At the November meeting a petition was circulated and by vote of the society the petition was sent to Congressman GREENE, with a request asking him to take the matter in hand. That year, through Congressman GREENE's advice, the matter was taken up in Washington, and in 1909 an appropriation was secured for this survey. The matter was returned through the department to Col. Sanford. Going by the old surveys, from which the present charts were made, the colonel found several reasons why he did not think the matter was properly to be carried on at this time, due to the expense and other things. The department at Washington gave us a hearing on December 7. At that time the representatives presented their ideas and the matter was returned to the department with orders to prosecute the survey, which was made in August and December of last year. I wish you would have the technical information you have to use, because I believe it would be to our interests. You hear things about there being some opposition to this channel, but you can not quote anyone. I believe the information you have would be to our interest. The water must have been deeper up there than the charts show or else you would have broken water there; there would be a ripple instead of being smooth. I understand a man walked across there in the year 1850. With the tide running three hours out of every six in this channel it has removed a great deal of the sand. It must be much deeper there than the charts show or we would have broken water there. Your survey gives you the exact information.

Col. BURR. Which shoal are you speaking of now?

Mr. SPINNEY. Of Bearse Shoal and Pollock Rip Shoal. There was 12 feet of water there; now there are 25 feet. The volume of sand to be removed was estimated at 15,000,000 cubic yards. I understand from the survey that there is not much more than half of that there now. It seems that time has removed in 20 years a large body of sand. That body of sand has been over one-third removed. The tide in that time would remove a sufficient amount of sand to entirely close up the channel if there was any disposition to close it. The tide which cuts this channel may be depended upon to keep it clear to a width of seven-eighths of a mile. The present channel is three-eighths of a mile wide. The strength of the tide runs three hours east-northeast and the other three hours in the alternate direction. When the tide changes it commences to slow up. This great body of sand would close up the channel if it had not tended to make deeper water by some force. They are using the same old channel as formerly, only it is carrying 25 feet of water instead of 12 feet. The increased draft of vessels has brought about a change in the bottom. Your chart shows a change of 4 fathoms, necessitating the moving of the buoy last year. Vessels of 22 or 23 feet draft struck on this slue. The vessels using the channel to-day go in the old channel, disregarding the way in which the buoy has been removed by the *Azalea*, I believe. What information was obtained was obtained in one period of slack water, and the information so gained in that 20 or 30 minutes led to the change of the buoy.

The old channel southwest of the Pollock Rip Lightship is still used. The sand has not moved out from the broken part to where the buoy is now; it is the old 4-fathom lump. The department has never removed a single wreck from this locality. There are hundreds of them there. They have been blown up by dynamite, and sand collects around the wreckage. If you will build a jetty by dumping a shipload of stone, it is reasonable to suppose that if you blow up a wreck with dynamite, when the wreckage rests you will collect some sand. The only lumps you will find there are formed by wreckage. The shoals are not changing except so far as this tide has forced its way through the shoals. There are 6 fathoms of water there now where there was but 3. The tide is bound to cut it out. In 20 years it would make its own channel. There is more traffic through that channel, so far as we can estimate, than almost any other. We have arrived at the conclusion, which I believe will be backed up by the figures, that there is more traffic through there than in any other place, except the port of New York, and even that exceeds only in tonnage; I question if it does in the number of vessels. The channel should extend west-southwest; now we have to go west-northwest, which is very difficult for sailing vessels. We should also look at this question from the humanitarian side. No matter what other relief you may provide, if you provide a canal it must be provided for by tolls. Only a certain class of traffic can use it anyway.

There always has been and there always will be a large class of vessels, sailing vessels, which will use the Pollock Rip Shoals Channel, whether you improve it or not; and you will continue to have loss of life and of property if you do not improve it. I think it would cost less to do this work than it costs the underwriters to pay the expenses of losses. I remember the day when the *Dimmock* and the *Hall* collided. The *Hall* was a total loss. The *Biscayan* collided with the *Goodenow*, and two other vessels were sunk, on March 12, 1908. The underwriters paid for that day more money than it would cost to construct this channel. This channel when dredged will be largely maintained by nature; otherwise the present channel would have been filled up and closed. I do not think there is any question of maintenance. The law which creates the present channel will maintain it. Sailing vessels will use that channel, particularly in the winter time, when any other relief would be closed by the location and geography of the place. Every winter vessels must round the cape to Provincetown, or go to destruction. That being the condition, aside from any other question at all, the channel should be provided for their protection from any gale that may come. If that was the only consideration, the argument would be well made for this improvement. The dangers are not so much from the stranding of a vessel as from collision. A tug with barges meets a tow coming down from the Shovelful. It has to make a sharp turn in there and you have collisions there. With this channel once straightened, the tide will keep it straight, and, I believe, will keep it deep. We could then keep one side of the lightship, and the great danger will have been removed in the minds of those using the channel. The eastern approach is what gives us the trouble.

Col. ABBOT. That is Bearse Shoal?

Mr. SPINNEY. Yes; Bearse Shoal.

The natural action of the tide has removed from one-half to two-thirds of the sand since the former survey. If we are saving every year the lives and property of the men who use the channel, that alone would be worth the constructing of the channel. One of the reasons formerly advanced against this channel was that there was not enough available for supplies. Now, Nantucket Harbor is being improved and supplies can be obtained there. The only other relief is the relief suggested by going through the canal, the Cape Cod Canal, and that involves extra expense, because it is a commercial proposition and must earn money to make it pay. The present rates of freight are so low that they do not allow vessels to pay tolls. This channel will always be used. On the petition for this improvement you will find every underwriter of importance, every insurance company of importance, every steamship company in New England of any importance—in fact, everyone who is called upon to use the channel. The Boston Marine Society, whose record I have handed in, has in its membership the chief interests involved. From all that class of people this improvement has their earnest support. If anyone would like to ask any questions, I will try to answer them.

Col. BURR. What are the freight rates at present?

Mr. SPINNEY. On coal, 60 to 75 cents a ton.

Col. BURR. From where?

Mr. SPINNEY. From Newport News and Chesapeake Bay points to Boston. I have been told by a representative of one of the steamship companies that the minimum rate of tolls through the Cape Cod Canal would be 10 cents a ton. They could not pay that. They are running so close now to the margin of profit and loss that they could not pay 10 cents a ton in tolls for going through the canal.

STATEMENT OF MR. JOHN M. BLANKENSHIP.

Mr. BLANKENSHIP. I represent the Merchants & Miners Transportation Co., which operates a line of steamships from Jacksonville, Fla., into Boston. We have 936 sailings every year over the shoals—over two and one-half times a day. I do not hesitate to say that there is no improvement which could possibly be made on any ground we cover as important as this one. Any delay we have can always be counted as being on the shoals. You know what delays mean to the shipping interests and what they mean to us. I think that channel is what is needed. From what I have read of the subject, it seems that all that is needed is simply to start it. Get an appropriation for a dredge, such as are used on the Savannah River, and start this channel. Nature will keep it going. Our company wishes to go on record as strongly favoring this channel. We have here to-day Capt. Miles Hillary, who will go into this matter more in detail as to the navigating part of it.

Col. ABBOT. Will you file the names and drafts of all your steamships using this route?

Mr. BLANKENSHIP. Yes, sir. We handle 1,000,000 tons of freight a year. I hope it will be twice as big in two or three years.

STATEMENT OF CAPT. MILES HILLARY.

Capt. HILLARY. I will try to give the practical experience of those who use the channel. For instance, leaving Boston in a fog, we can come down here to Chatham without difficulty. The tide is fair. The wind is blowing. We are a little anxious now regarding going across the shoals for fear of collisions. Here the vessels anchor in the course of vessels at such places as the Slough, or around on the other side of Pollock Rip Shoal. We may meet one, two, or three tows, coming or going, with hawsers from one-half to three-fourths of a mile long. One time I had a cargo worth $600,000. The ship was worth $300,000, and I had on board 100 passengers. I laid there waiting for daylight, as I did not care to take a chance of going through for fear of meeting tows in the channel. I had to wait there 12 hours. My passengers were urging me to go on. They were saying, "I am losing my train." "This is the last time I will come on this line." "I do not wait till daylight." Finally I said, "Well, I will start." I heard the bell and looked and saw I had just missed the bow of a tug. I must go full speed through there because of the cross currents of the tide. Perhaps the sound of the bells may be in a zone where I do not hear. I go on and make my turn on the clock. I have been in the towboat business myself. They usually have very skillful men on the towboats. I checked the turn and then heard another whistle. I do not know which way to go. There are often times when we do not hear. In that way we make out time up to the Shovelful, and so on through the shoal. It is the constant fear that troubles me. I must go full speed again because I am crossing the tide again. We finally arrive at the Handkerchief, where you are relieved. You have fair conditions there.

I have made the trip through there for 10 years nearly, without missing one trip, except one day when I was sick, carrying passengers and freight. I have had these experiences many times. We have here to-day the captain of the *Yale*, and he can verify my statements. I will further show the conditions there. Suppose now, we are going from the west to Boston. We make the Handkerchief all right. We may have lost 10 hours waiting for the fog to lift. I am afraid of meeting tows more than I am off the shoals. I run along up to there [indicating] without stopping. My running time is 20 minutes. I run 18 minutes and hear nothing. I can not run one minute beyond the Shovelful. If I do, I am on the beach. I am afraid. I must judge as to what to do. I have had this experience many times. Afterwards I hear the lightship ringing. Her bell has been in a zone where I could not hear it. If I meet tows, I have to stop, of course. I had to get around there the best way I could. It is a case of another ring, full speed, and I go across that channel Slough, which everybody dreads. We are both cutting off here [indicating]. This is a condition which might occur every day with these fogs. You do not know where your heart is; you say; Your heart is in your mouth. I wish you could see where mine was. I was master of the *Orion* at this time, and was waiting for the sea to go down some. It went down and I started to go ahead and make my turn, and just then I saw a tow and another steamer. The tow and her barges were running wild, and so was the steamer. I had to take a chance and start my wheel and turn between that steamer and Pollock Rip Lightship. I lost my bridge and my pilot house. My mate, who was a Norwegian, said "Cous, Captain, we are going to eat sand." I could relate these experiences all day, because I have been crossing through there for 20 years.

STATEMENT OF CAPT. N. L. CULLIN.

Capt. CULLIN. I represent the marine departments of the trunk lines carrying 95 per cent of the tonnage of coal coming east. The companies which I represent, which are the Philadelphia & Reading Railroad, the Erie, the Delaware, Lackawanna & Western, the Lehigh Valley, the New Jersey Central, and the Baltimore & Ohio, operate 25 tugs and 164 barges. Their business is entirely with the eastern ports. We go over these shoals 1,950 times a year; that is the record for the year 1910, closing June 30. We carried during that time 2,908,000 tons of coal over the shoals. We take three barges in tow. If we go loaded, we must come back light, so we simply double up our tows going both ways. The Reading Railroad alone ships from 140,000 to 170,000 tons of coal a month over these shoals. That is about 80 per cent of the coal taken into the eastern ports. I will not dwell, though I am a practical man in this line, on the question of digging a channel there, as you have other men here more familiar with that part of the question than I am. I want to say that the companies which I represent are much in favor of this project and are ready to assist in any way they can in order to straighten this channel across these shoals. We must go in and out as well as the steamers. We use the best caution we can, as well as they do. The sailing vessels also must use it. We have to contend with them, because we have a long tow. If it is thick, one flashes up possibly but a very few feet away from us, and it is a serious question very many times how to clear the tows, and it is a wonder that more steamships, schooners, and coal barges do not drop in going over these shoals than there is.

STATEMENT OF CAPT. ALFRED ABBOT.

Capt. ABBOT. I represent the New England Coal & Coke Co., of Boston. We carry over 1,000,000 tons of coal across the shoals every year. Our ships draw 26 feet of water. We approve of this proposed channel. We generally use the Great Round Shoals Channel. We have a great number of delays going through there owing to the cross currents. We would like to have this other channel. It would minimize collisions.

Col. ABBOT. You go around the Great Round Shoal on account of your deep draft?

Capt. ABBOT. Yes, sir. We lose 24 hours often waiting for a chance to go through. We have been detained owing to the cross currents, and if you can not see 2 or 3 miles ahead you can not make it.

Col. ABBOT. Where does your coal come from?

Capt. ABBOT. From Virginia ports.

STATEMENT OF MR. GEORGE H. WOOLLEY.

Mr. WOOLLEY. I represent the Commercial Tow Boat Co., of Boston. Our company is engaged in carrying coal from Virginia ports to Boston. We carry from 150,000 to 175,000 tons of coal per year. Barges arriving at the shoals in a driving wind are handicapped for lack of water and endangered by collisions. Frequently vessels are headed off by the wind, and they are then obliged to anchor, mainly in the channel, which, as the channel is only three-eighths of a mile wide, with other vessels anchored in it, gives vessels passing through it very little room to work in. A new channel will amply relieve this situation, as then, if the wind should die down, they will have room enough to anchor on either side, which they do not now have. We utilize over 22 feet of water. Great Round Shoal Channel is used almost exclusively. Tows are very often obliged to anchor there for the night, not daring to go out. When morning comes, the weather has changed. Much time is lost in this way. This channel would be a great benefit to everyone using Nantucket Shoals.

STATEMENT OF CAPT. T. E. HAWES.

Capt. HAWES. I represent the International Steamship Co. I was born in Chatham and have been familiar with conditions down there since I was 9 years old. I have seen the channel change. I do not see any reason why the channel proposed would not be a nice channel. I have been on most of the towboats. When we want to go through there we get tangled up with schooners, which puts us in a bad fix. We get tangled up with steamers, too. If they will dredge that channel out it will keep clear itself. The full strength of the tide runs that way. Of course, you get out of Boston, with the wind northeast, and bound to New York, or farther south, and come down by the Capes, and you may get into a snowstorm. Not many want to go in through there; they generally hold up. If you had a straight channel there, you could come down and go right on through. Now you can not do it. Last winter four schooners were lost there. I came down through the slue and was held up by two schooners on their way up on my weather bow. I had to stop to let them go by. The next morning three schooners were piled up on the Stone Horse Shoal. All hands were lost. If this channel was there, they could have gone on *[illegible]* to the Handkerchief and anchored. That is all I have to say.

STATEMENT OF CAPT. J. W. HAMMOND.

Capt. HAMMOND. I am superintendent for and representing the Staples Transportation Co. I was born and brought up in Chatham, and from boyhood have navigated in these shoals. The ground has been pretty well covered by the previous speakers. We send 350,000 tons of coal over these shoals yearly, two-thirds from southern ports and one-third from New York. I have noticed that the channel through Pollock Rip Slue has deepened in 30 years, and it now remains fully as deep as it ever has been. I saw for the first time this morning the chart showing where the proposed channel would be, and I can not indorse it too strongly. I think it is the proper thing to do. Many disasters have occurred from the fact that the course has changed so much. We hardly realize, until we are in it ourselves, how great is the amount of danger involved in the changing course down from the Handkerchief going off nearly four points one way and then back nearly eight points to make these turns, involving the dangers of cross tides and an hazard and navigating shipping. We certainly approve this proposed channel.

STATEMENT OF CAPT. H. L. HOPKINS.

Capt. HOPKINS. I am secretary of the Pilot's Association in Boston and necessarily come in contact with the majority of the men using this passage. I do not think there are any representatives here of one or two of the following concerns. I can say they are in favor of it. We have a number of light vessels running through there with coal, and they want considerable room. The channel is rather narrow. The concerns I refer to are the Chesapeake Steamship Co. and, I think, the Metropolitan Coal Co. They are heartily in favor of this proposed channel. I am in touch with the men using this channel. We endeavored to get through with 14 feet of water several years ago; now that same channel has from 20 to 22 feet of water, showing that it is growing deeper and not shoaler.

STATEMENT OF MR. J. M. CHERRY.

Mr. CHERRY. I represent the T Line for the Lehigh Valley Railroad Co. We have 34 barges which round Cape Cod, with 5 tugs. They haul 435,000 tons of coal annually. I can not speak from the standpoint of a navigator—only that of superintendent—but I do know from the reports of our navigating officers that it would be a great improvement to have this proposed channel, and I most heartily indorse it. We have here Capt. D. R. Chase, who will be glad to say something about the navigating end of the business.

STATEMENT OF CAPT. D. R. CHASE.

Capt. CHASE. I do not know as I could explain any more fully or clearly the conditions at that part of Nantucket Shoals than the gentlemen who have preceded me. They seem to have covered the ground pretty well, but having been probably in a different position at times than the rest of the officers, and having been in charge of the barges, which is particularly a unique position, I can say that I have been out on a hawser, as they state, 200 fathoms long. At times we do have them of that length. At times we had only 75 fathoms. That matter is regulated altogether by the conditions. If it was a thick fog, the Lehigh Valley Railroad Co.'s barges would shorten our hawser before we got down to this channel. I have been through there as a master for 12 years, and was a native of Harwich, 7 miles north. I was on the shoals considerably, as a boy, fishing and otherwise.

I do not know where the money can be utilized to any better advantage than in that new channel as proposed; I can not think of any other place, and have often expressed the opinion that when we get down to the Handkerchief and we turn to go out to Pollock Rip, it was a pity that this channel, which seemed to be a natural one, could not be straightened. I have seen the *Ralph M. Hayden* and the *Charlotte Miller* go across there. The straightening of the channel would, in my estimation, greatly reduce the dangers of collisions. Everyone who follows the sea will notice that on easterly winds the vessels are using Vineyard Haven, under Nobska Point; the wind holds them up for a few days, perhaps a week; and then the vessels congregate, and they meet in this narrow channel. I do not see how they ever do keep clear. They remind me of Capt. Charles Barr, who sailed the cup defender, jockeying around for position, only with this difference, their jockeying around was for the purpose of saving human life. I have heard some good things here to-day. There is lots to be benefited by this improvement that has not yet been seen or even thought of. Of course these tows coming down through there are enormous; they represent the big tonnage. We all know these barges must be towed on a hawser. I realize that the schooners seem to be more in the way than the steamers, having no propelling power of their own. This channel will open a direct line, and that is what we need at this time.

I shall give my hearty cooperation to the movement and hope that the improvement will be put through.

Col. ABBOT. Is there anybody else who wishes to speak?

STATEMENT OF MR. CHRISTIAN E. METZLER.

Mr. METZLER. I represent the Philadelphia & Reading Transportation Line. We have in service 11 ocean tugs and 63 barges with a carrying capacity of 100,000 tons on a summer schedule, and a little less on a winter schedule, per month. We carry to New England 1,500,000 tons of coal annually; 300,000 tons goes to Bangor and the Penobscot River. We are heartily in favor of this channel. I know that from September 17 to 20 there were 20 tugs with from 40 to 60 barges anchored, storm bound, in the vicinity of Woods Hole and northwest of the Handkerchief, and I am of the opinion that they were there for two or three days, some of them. If this channel had been in operation they could have started along before they did and some could have gone right through, but they could not get around the lightships at Pollock Rip and Shovelful. The channel would have given them a straight course from the Handkerchief. Many of these boats, coming up that way, especially from the Penobscot River, go out to sea, leaving the cape 40 or 50 miles to the westward. The channel would give them a direct course and I believe if it were in operation it would prevent many of the delays on the shoals. I want to say for the Philadelphia & Reading Transportation Co. that we are heartily in favor of the improvement.

Col. ABBOT. I would like it if you could give me an estimate of the value of one day's delay for one of your tugs with a tow of three barges.

Mr. METZLER. I could better give that if I knew the freight rates on coal. The *Conestoga*, which is somewhat better than any of the rest, made 11 round trips between Philadelphia and New England and back in 78 days, with three barges each way. Sometimes she went to Boston only and sometimes she went as far as Fort Point. Our barges carry from 1,000 to 3,000 tons of coal each. They tow three of these barges and carry probably on an average from 4,000 to 5,000 tons of coal a trip. All things being favorable, they make that trip in three days one way and three days back. We allow 72 hours to come up and 65 hours to come home in fair weather. Oftentimes we are held up four or five days. If a tow can handle from 4,000 to 5,000 tons of coal, bringing the loaded barges up here and taking the empty ones back in six or seven days, the delay of a day means a considerable. The rate for freight on the coal and the expense of running the tug would, of course, figure in it. I do not know what that would be. I am simply what a train dispatcher is on a railroad. I am given the barges and I ship them. The train dispatcher may not know what is in his cars or the rate of freight. It is the same way with me.

Hon. WILLIAM S. GREENE, M. C. I think Capt. Lavender can show the growth of the business and the change in freight rates.

STATEMENT OF CAPT. B. M. LAVENDER.

Capt. LAVENDER. In February, 1865, which, as you all know, was during the War of the Rebellion, we carried coal from Philadelphia to Portsmouth at $4.75 a ton; later it was $4.50, then $2.50. Now it is 60 cents. That is 15 cents over the Boston rates. That goes back to February, 1865.

I think, Mr. Chairman, as to the cost of delays, we have here Capt. Hammond and others who can give that almost to a penny. That channel would be one of the greatest things that ever happened to Boston for people going over these shoals. Capt. Hillary would not have to wait outside for 12 hours if he had a straight channel. That would enable him to navigate that channel on one side. He would know where to find his vessels; he could go through with perfect safety. The proposition, as laid out here, is not much of an engineering problem. I do not think there is anyone more familiar with the question than Mr. GREENE, at one time chairman of the House Committee on the Merchant Marine and Fisheries. This channel will banish the thought of collision. The Government would compel boats to keep to one side going in one direction and to the other side when going in the opposite direction. The only time there would be any danger would be when some man violates the rules or a stranger gets in there. Capt. Hillary would know where he is going to find the ships and would have no trouble, either with his passengers or his company.

Col. ABBOT. Is there anybody else on that side who wishes to speak?

STATEMENT OF MR. GEORGE W. ELDRIDGE.

Mr. ELDRIDGE. I am George W. Eldridge, chart maker. I represent no one but myself and humanity—sailors. I came here to listen and to say a few words, perhaps.

For 50 years we have surveyed Nantucket Shoals. We have surveyed over Pollock Rip and vicinity 18 times. I was born at Chatham and know that country pretty well. I have advocated this plan for more than 10 years. In fact, I believe it absolutely originated in my brain. I have published a book on the tides for 30 years, and for years I have written articles and printed them in that book annually on this very thing. Within 50 years there have been three channels formed in the vicinity of Pollock Rip. I have no doubt, in fact I believe, that all the sand forming Nausett and Monomoy Beaches and Monomoy Shoal comes from the highlands of Cape Cod. The storm waves wash it down and drive it along the shore, down, down, down, forming, as I say, Nausett Beach, Monomoy Beach, and Monomoy Shoal. Shoals are formed by tidal eddies and not by tidal currents. A snow bank is formed by an eddy, or a calm zone in the atmosphere, and sand works in the same way. When I was a boy, I was with my father the first day we threw a line there. The old ship channel was east south one-fourth south of the Fort Point Lightship. It then formed the slue. It broke through. In 1850 I went ashore dry shod on Pollock Rip exactly where this proposed channel is now being considered. In August of this year the depth there was 16 feet. The second channel was the slue of Pollock Rip; the old channel filled up, then came the slue of Pollock Rip. I believe it has deepened from 16 to 24 feet by the action of the propellers of steamers. Some years ago I observed that the water began to deepen right through the main body of Pollock Rip—dry 50 years ago.

I have come to the conclusion that the third channel was being formed. All this sand comes down and turns off to the south. The main body of the current is west-southwest by east-northeast. That is about the lay of this proposed channel. That is the third channel that has been formed across these shoals within my recollection. If dredging is done there now, that will take care of it for years undoubtedly. The channel is very narrow between the Stone Horse and the Shovelful. The Shovelful has been working off sand and narrowing up the channel, as the captains well know. I advocated years ago that the north end of Stone Horse Shoal be cut off. By this plan you will give them a good, wide channel to approach Pollock Rip, and then with this channel across Pollock Rip it would be all right. As to collisions, for 40 years I have been employed as an expert as to collisions. Some 20 years ago William K. Vanderbilt's steam yacht *Alva*, valued at half a million dollars, was sunk in collision with the steamship *H. M. Dimock*, running between New York and Boston. I was in that case, and I have been on some cases of the Philadelphia & Reading Railroad Co. Many millions of dollars and many lives have been lost in this Pollock Rip Channel. Some years ago I wrote a little verse on the subject, reading like this:

"There is a coaster's hell,
And there is a coaster's heaven.
One is Pollock Rip
And the other is Vineyard Haven."

In regard to the Cape Cod Canal, I really do not consider that it enters into this matter at all. I have always considered it a fiasco and have opposed such a canal. All practical mariners do also. I do not believe it will be used to any great extent, for many reasons not necessary to relate here. It has nothing to do with this matter. Vessels will continue to cross the shoals. The American public desires this channel. I do not know any part of the coast where so little money has been spent as Nantucket Shoals. The Government should spend millions of dollars there in aids to navigation and for mariners. They come here now and ask for our opinion. I believe in it. I approve it; it is the thing to do, and it is bound to come. They ought to have it; they deserve it, and I believe it is the thing to do.

STATEMENT OF HON. WILLIAM S. GREENE, M. C.

Representative GREENE. I have been seated here and listened to the remarks made by the gentlemen who use the great water highway, which is as important certainly as any highway on the land, and we are improving highways on the land to-day, and everybody is moving forward in that direction. I have realized more fully than ever before the importance of this project. I do not know that I represent a district which embraces Nantucket, Vineyard Haven, and Marthas Vineyard, and at one time I represented all of Cape Cod. By the growth of the cities, Cape Cod slipped out of my district, and I presume now that Nantucket and Marthas Vineyard will also go in the next reapportionment. This speaker is a national question. Some speak of its importance to Boston. It is important to everyone, to every man sailing the sea, whether foreign or domestic, or whether he has schooners, steamers, or barges. My mind went back, as I have been seated here, to the time I went to work in 1858 for a man in the wholesale coal business, and I thought of the freight rates in those days and of the size of the schooners and sloops of those days compared with the vessels, steamers, and barges of the present day. When we engaged a 250 or a 300 ton schooner we were looked upon with astonishment at that date. We were bringing coal to New England. Now the sizes have increased many thousand tons, and the stories told here to-day as to the amount of this commerce, if they are within the facts, would seem like romances.

It seems to me that this project ought to be reported upon favorably and acted upon favorably by the Congress of the United States. We hear in these days a great deal about conservation—conservation of our resources. The most important conservation of all is that of human life, the preservation of the lives of those who are born into the world for the good of the world, as we believe. These children born into the world grow up into men and go down into this dangerous spot and their lives are sacrificed, as they have been—countless thousands of them—in this dangerous spot. That alone, if there was nothing else—never mind the question of the loss of vessels and cargoes—the loss of human life alone ought to make this measure sure. I am glad that this board has the matter under consideration. I happened to be the humble instrument that started it in Congress, and though I may not hereafter represent directly the district that it is in, indirectly I represent every district in the United States; there is no people or land from the Atlantic to the Pacific, from Alaska to the Panama Canal, and out to the Philippine Islands that I do not represent. I am prepared to advocate this project in every way, both before the committees and on the floor of Congress, and I say that this project is not one that affects New England alone, not Boston alone, but it affects every land and every sea and is a project so worthy that it ought to have the support of everyone, regardless of what conditions he may find in his own home or his views of the political questions of the day. It is a national project. I hope your board will report the subject fully and fairly, and I will be glad to examine the report when made. You should relieve the anxiety of these captains and vessel owners.

I have not seen very much of the world; I was never outside of our own land; some time I hope to go across the ocean. I hope to go to the Pacific coast and see the Panama-Pacific Exposition. I want to see all I can. I realize that life has its limitations and that I have not many more years to live, but I was favored with a strong body and I hope to see a great deal more. To-day is the time to do this work; now is the accepted time, and with all the delays that come afterwards in getting appropriations and putting the thing through, we ought to lay the foundation for this improvement secure, and then build the structure, that all the men and all the women of the future generations will praise the work that we do here to-day. [Applause.]

Col. ABBOT. Is there anybody else?

Mr. CHERRY. I would say that our steamers carry between eight and nine thousand tons, our schooners between three and four thousand tons—our transportation company alone.

Capt. CULLIN. You asked the question as to the cost of delay. I say approximately $450 or $500 a day would be lost by a tug waiting to go through the Shoals. With one of our steamers, if delayed, her time is reckoned at 5 cents a ton a day, which would be about $400 for 1 day alone, if she were delayed 24 hours on Nantucket Shoals.

Mr. SPARKMAN. I yield the gentleman from Louisiana such time as I have left.

The SPEAKER. The gentleman from Florida has only four minutes remaining.

Mr. RANSDELL of Louisiana. Four minutes will do me no good. I ask unanimous consent to be heard for 30 minutes on this bill.

SEVERAL MEMBERS. The gentleman can get an hour.

Mr. RANSDELL of Louisiana. I ask for an hour.

The SPEAKER. The gentleman can be recognized for an hour in his own right without asking anybody's consent.

Mr. RANSDELL of Louisiana. But you have been trying to pass the bill, and I did not know I was going to get a chance.

The SPEAKER. Whenever debate shall cease it is the business of the Chair to put the question.

Mr. RANSDELL of Louisiana. All right; I ask to be recognized now to proceed in my own right for one hour.

The SPEAKER. The gentleman from Louisiana is entitled to one hour.

Mr. BARTHOLDT. Will the gentleman yield so I may ask the chairman a question with respect to amendment No. 78, relating to the Missouri River? Is it his understanding that the effect of that amendment is that the localities benefited will not be called upon to pay their share of the local expenses until Congress acts again?

Mr. SPARKMAN. Referring now——

Mr. BARTHOLDT. To the Missouri River amendment.

Mr. SPARKMAN. Oh, certainly; that is the understanding.

Mr. BARTHOLDT. Then, really the effect is the same as if the provision were not in the bill at all.

Mr. SPARKMAN. I agree with the gentleman.

REPORT OF COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. CLINE. Mr. Speaker, by the unanimous action of the members of the Committee on Expenditures on Public Buildings, I am directed to present a partial report (No. 1029) and ask to have it received. The committee held hearings and examined witnesses from the Supervising Architect's Office; and upon official documents presented by the Secretary of the Treasury and the testimony of the witnesses is drawn this partial report, signed unanimously by the committee, and I ask to have it received and printed.

The SPEAKER. The gentleman from Indiana asks to have a report signed by all the members of the Committee on Expenditures on Public Buildings——

Mr. MANN. Mr. Speaker, it is impossible to hear what the gentleman says. Unless he talks loud enough for the House to hear, I shall have to object.

The SPEAKER. The gentleman now presents a partial report from the Committee on Expenditures on Public Buildings, signed by every member of the committee, and asks that it be received and printed. That was the gentleman's statement.

Mr. MANN. Why does the gentleman have to present it in the open House? What does he want by that; why does not the gentleman drop it in the basket?

The SPEAKER. Well, that is the proper thing to do, but the gentleman asked unanimous consent——

Mr. MANN. I know, but unanimous consent to present a report to the House may be considered as equivalent to granting it a privileged status. I do not know what the gentleman's reason is—I have no objection, of course.

Mr. CLINE. I might have been under a misapprehension of the practice, but I had assumed that a report from the committee, in order to pass it through the basket without first having recognition, must be based upon a bill of some character or upon a resolution. Now, this report is based simply upon a hearing and upon the official documents from the Secretary of the Treasury, and I asked to have it received for that reason, because the committee is not reporting upon a bill or resolution referred to it. It makes a report signed unanimously, and makes some suggestions by which they believe that the administration of the Supervising Architect's office could be improved.

The SPEAKER. The proper course without asking unanimous consent is to put it in the basket.

Mr. CLINE. I will put it in the basket, Mr. Speaker, if that is the practice.

The SPEAKER. Is there objection to the request?

Mr. MANN. Mr. Speaker, reserving the right to object, if the gentleman desires to have this report introduced and referred to some committee, that is one thing. Making suggestions will not do any good, I concede, unless it is referred to somebody.

Mr. CLINE. I am not asking to have the report referred; I am not asking for a privileged status for the report; I am asking the report be received and printed according to the request of all the members of the committee.

Mr. MANN. I think the gentleman can do that by putting it in the basket.

The SPEAKER. Undoubtedly the rule puts it in the basket, but the gentleman is asking unanimous consent. Is there objection to this unanimous consent?

Mr. MANN. Mr. Speaker, I shall have to object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. The gentleman understands I do not care anything about it except the matter of practice.

The SPEAKER. The trouble about the thing is there is no rule about the practice, and there ought to be one established. The gentleman from Illinois objects to this, and therefore it goes into the basket under the rule.

Mr. CLINE. Mr. Speaker, I am not asking to have this report printed in the RECORD. I am asking to have it printed as any other report from a committee is printed.

The SPEAKER. The gentleman is asking unanimous consent to do that, and the gentleman from Illinois [Mr. MANN] objects.

Mr. CLINE. Then I will put it in the basket.

THE FRIGATE "CONSTELLATION."

Mr. RANSDELL of Louisiana. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. UTTER].

Mr. UTTER. Mr. Speaker, for some time there has been lying at the naval station in Newport, as an inspiration to the boys being there trained for service in their country's Navy, the old frigate *Constellation*. Lately it has been rumored that she was to be broken up. The Rhode Island Society of the Cincinnati, at its annual meeting on the last Fourth of July, passed certain resolutions in opposition to such a disposition of this noble old vessel, and I ask unanimous consent to extend my remarks in the RECORD by printing those resolutions.

The minutes of the action and the preambles and resolutions are as follows:

SOCIETY OF THE CINCINNATI IN THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
OFFICE OF THE SECRETARY,
New York, N. Y., July 15, 1912.

Resolutions concerning frigate *Constellation*.

At the annual meeting of the Society of the Cincinnati in the State of Rhode Island and Providence Plantations, held, pursuant to law, in the senate chamber of the Colonial State house, Newport, R. I., on July 4, 1912, Mr. Oliver Hazard Perry, of New York, offered resolutions concerning the historic frigate *Constellation*, which were seconded by Brt. Brig. Gen. Hazard Stevens, former United States Volunteers, and a member of the Boston bar, and unanimously adopted. Mr. Oliver Hazard Perry is a grandson of his namesake, Commodore Perry, of Lake Erie fame, and great-grandson of Dr. Benjamin Franklin. Gen. Stevens received the medal of honor of Congress for most distinguished service in action during the War of the Rebellion.

The preamble and resolutions are as follows:

Whereas it is understood to be the intention of the Secretary of the United States Navy to remove from Newport harbor the historic American frigate *Constellation*, with ultimate intention of destroying the vessel as of no further value; and

Whereas when Congress provided for six frigates to be built to resist the depredations of Algerian corsairs on the commerce of the country, viz, the *Constitution*, *President*, *United States*, *Congress*, and *Chesapeake*, the *Constellation*, 38, as one of these, was built after the accepted model of Mr. Joshua Humphrey, of Philadelphia, and was launched at Baltimore, September 7, 1797, and, with the frigate *Constitution*, is now the last of the beautiful wooden frigates of the old American Navy and is hallowed in the memory of the American Nation for the battles they fought and victories gained in defense of the flag; and

Whereas the record of her achievements may briefly be stated as follows:

Going first to sea in June, 1798, the *Constellation* in August following safely convoyed 60 sail of American merchantmen from Habana to the United States, and early in January, 1799, captured two French privateers—*La Diligente* and *l'Union*.

On February 9, 1799, off the island of Nevis, in the West Indies, the *Constellation*, still under Commodore Thomas Truxtun, met the fine French frigate *l'Insurgente*, 40 guns, and, after a fierce combat of an hour, in which the enemy sustained a loss of 70 men killed and wounded, compelled her to strike, and thus added another first-class frigate to the American Navy.

On February 1, 1800, Commodore Truxtun gave chase to the French frigate *la Vengeance*, 52 guns, off Guadaloupe, and the *Constellation*, closing, fought a terrific night action, losing her mainmast and 28 killed or mortally wounded, the enemy finally escaping in the darkness, when supposed by the Americans to have sunk, and reaching Curacoa in a sinking condition, with 50 killed and 110 wounded and 186 round shot in her hull, an action so glorious that Congress gave Commodore Truxtun a gold medal.

In 1801 the *Constellation*, under the same commanding officer, was the first in the race to the Mediterranean to attack Tripoli, even though she had sprung one of her masts while crossing the Atlantic.

In the War of 1812, although blockaded at Norfolk by a British squadron, her crew greatly annoyed the British.

Her subsequent peaceful cruises and stations are found in the records of the Navy Department.

After the War of the Rebellion, she was sent to Annapolis for the training in seamanship of the United States naval cadets.

In 1878 she went to France with the exhibits for the Paris Exposition, and in 1880 she took provisions to Ireland.

She then went into the naval training service, and since 1890 has been attached to the naval training station in Newport Harbor, where, viewed annually by thousands, she continues a patriotic inspiration to the American people; and

Whereas Narragansett Bay, where she is now at anchor, promises to develop into the naval base of the country, and the cost of maintenance of this frigate is small, and her removal and contemplated destruction would, in all probability, be viewed with deepest regret by the whole Nation as an unnecessary act: Therefore

Resolved, That this society earnestly protests against any contemplated removal or destruction of the frigate *Constellation*, dear to all

Americans, and respectfully requests the President of the United States, as Commander in Chief of the Navy, to issue such order as in his judgment may be desirable or necessary to retain in Narragansett Bay, the Navy's birthplace, this historic American frigate, as an inspiring monument of the American Navy and its splendid achievements;

Resolved, That these resolutions be transmitted to the President of the United States;

Resolved, That a copy be sent to the Senators and Representatives in Congress from this State.

ASA BIRD GARDINER, *President*.
GEORGE W. OLNEY, *Secretary*.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask that the gentleman from Louisiana [Mr. RANSDELL] will yield to me for a statement.

Mr. RANSDELL of Louisiana. I will yield two minutes.

Mr. HUMPHREY of Washington. I do not think it will take two minutes.

Mr. RANSDELL of Louisiana. I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I hope that the gentleman from Louisiana, in his speech, will take up the question to which I am going to refer. That is in regard to the Government now entering into partnership with the local authorities in the construction of levees to prevent floods. In my judgment this is a new departure, and the establishment of a new policy for the Rivers and Harbors Committee and for Congress. I do not believe that the gentlemen who favor this policy will find that they will be able to long confine this policy to the Mississippi River. I am not going to discuss now whether or not it is a wise policy, but I am calling attention to the fact that in my judgment it is a distinct departure, and there will be pressure brought from all portions of this country for the Government to help protect communities from flood. I know that that will be true on the Pacific coast. I know it will be true in my particular district, and I believe it will be true all over the country.

Now, my particular district is an illustration of the general condition. We have a navigable river, one that is being improved by the Government. It is subject to overflow. Three years ago there was an overflow and between three and four million dollars' worth of property destroyed. The farmers themselves construct levees by levee districts under the State law. The State has been asked to help maintain these levees, and the people of that community have been writing and petitioning me to have the Government help take care of those levees, to help protect them from these floods, and if you are going to do that on the Mississippi River there is no logical reason why you should not do it everywhere in the country. As one member of the committee, I certainly will not be controlled by the proposition to limit these flood appropriations to the Mississippi Valley.

The SPEAKER. The time of the gentleman from Washington [Mr. HUMPHREY] has expired.

Mr. HUMPHREY of Washington. So I ask the gentleman to take up this question.

Mr. RANSDELL of Louisiana. Mr. Speaker, I rise to discuss the item in this bill appropriating $6,000,000 for the next fiscal year for the Mississippi River—an increase of $2,500,000 over the sum of $3,500,000 appropriated by the House. This addition was due to the disastrous floods of the Mississippi River which have appalled the Nation, and which occurred after the rivers and harbors bill passed the House. Of the $6,000,000 herein appropriated, $4,000,000 is specifically set aside for the repair and construction of levees, the lines of which were broken in a number of places in Missouri, Illinois, Kentucky, Arkansas, Tennessee, Mississippi, and Louisiana, as the enormous volume of water gathered in the river forced its way south from Cairo to the sea. I do not anticipate that any objection will be made to the action of the House conferees in agreeing to the Senate increase, as I know from your previous generous actions the sympathetic feeling prevailing for the distressed people of the lower valley.

A NATIONAL QUESTION.

The control of the Mississippi River is a question of vital importance to all who live beside its banks, and one of very great concern to all the people of the United States, by reason of the enormous interests involved. That the country is awake to the importance of this truly national subject is evidenced by a Mississippi River plank in both the Republican and Democratic platforms. The national convention of the Republican Party, assembled in Chicago in June, declared in its platform:

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property.

These floods are national in scope and the disasters they produce seriously affect the general welfare. The States unaided can not cope with this giant problem; hence, we believe the Federal Government should assume a fair proportion of the burden of its control, so as to prevent the disasters from recurring floods.

In the platform of the Democratic Party adopted at Baltimore a few weeks ago are found these striking words:

We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel and prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the General Government.

To maintain an adequate depth of water the entire year, and thereby encourage water transportation, is a consummation worthy of legislative attention and presents an issue national in its character. It calls for prompt action on the part of Congress, and the Democratic Party pledges itself to the enactment of legislation leading to that end.

Moreover, the chief exponent of the National Progressive Party, ex-President Roosevelt, has in several recent public utterances declared unequivocally in favor of national control and prevention of the Mississippi River floods.

Thus we see that the three great political parties clearly recognize the obligation the Nation owes to control the mighty stream which courses through the heart of our Republic. For two centuries the dwellers on its shores have been suffering from floods because the local authorities were too feeble to control them. In view of the terrible toll of this year's overflow, it is hoped that these party declarations will be carried out to the letter. The National Government alone has the resources and the authority to undertake and prosecute to successful completion a gigantic work of this character, and it is expected by the citizens of the lower valley that the next administration—whether it be Republican, Democratic, or National Progressive—will undertake the immediate control of the Mississippi in a businesslike way and give them the protection so much needed and so long deferred.

The first levee was constructed in front of New Orleans in 1717, and there has been a gradual, steady growth ever since, until now levees extend on both banks of the river, except for short distances at the mouths of the Red, the Yazoo, the Arkansas, the White, and the St. Francis, throughout the entire valley as far north as Cape Girardeau, Mo., not including portions of the eastern bank of the river where the highlands come very close to the stream, leaving only a small area adjacent thereto subject to overflow, which has not been leveed. A large portion of the valley was fairly well protected by levees prior to the Civil War, but during that period and the years of anarchy which followed many breaks occurred in the levees and a number of them were washed away. Comparatively no work was done on them for a long period and they were in a very incomplete and weakened condition when assailed by the great flood of 1882. This flood broke the levees in 284 places and overflowed nearly the entire valley. Thereafter a splendid spirit of cooperation developed between the citizens of the interested communities, the States, and the National Government, and a great impetus was given to levee building with the result that at the beginning of this year, 1912, there were 1,496 miles of levees on the Mississippi River, many of which had been completed to the commission grade of 3 feet above the highest water, though it would have required 53,000,000 cubic yards costing about $11,000,000 to complete the entire system to that grade.

NATION'S DRAINAGE DITCH.

Mr. Speaker, there is a great deal of force in what has just been said by the gentleman from Georgia [Mr. HARDWICK] and what was stated a few moments ago by the gentleman from Washington [Mr. HUMPHREY] about flood conditions in their localities, about the necessity of building levees there, and the question of the Government contributing to those levees if it is to build them on the Mississippi River. I shall not attempt to go into an academic discussion of that question at this time. There are too many points which I wish to touch upon in the brief space allotted to me. But I wish to suggest this point to Members of the House: It is very different when you have local floods produced by rains in the vicinity of a local stream from having floods as a result of accumulated waters of 40 per cent of the entire Republic. The floods on the Mississippi River south of Cairo are caused by all the waters that fall between the Alleghenies on the east and the Rockies on the

west. I wish to call the attention of the Members of the House to this map which I had prepared by the Engineer Department. You will notice a yellow line running near the Atlantic coast. If you will follow this line you will observe that it goes up into the State of New York and then passes through Pennsylvania, Maryland, Virginia, North Carolina, and down into Georgia and Alabama, leaving a portion only of those Atlantic States to the eastward of the line.

All to the westward of it sheds the waters that fall thereon into the Mississippi River. It is not generally known that a large portion of the State of New York, a very considerable portion of western Pennsylvania, some even of Maryland, through the Youghiogheny River; a large part of Virginia, through the New and Holston Rivers; a considerable portion of North Carolina, through the French Broad River, and portions of Georgia through several rivers, are drained into the Mississippi. Those are all Atlantic States, and yet they shed water into the Mississippi River, which is obliged to pass the city of Cairo, Ill., and thence for a thousand miles to the Gulf.

Now, if you will jump 2,000 miles across the continent you will find by this map that the western shed of the Mississippi River begins on the eastern edge of Idaho, and all the waters of Montana and practically all those of Wyoming go down into the Mississippi. A considerable area of the Dominion of Canada also flows down through the Missouri River system, and finally enters the Mississippi.

Look along the Great Lakes, gentlemen, and you will find that in New York there is the smallest little strip of territory between the headwaters of the Mississippi and Lake Erie. Look here in Michigan. The watershed of the Mississippi goes practically up to the shores of Lake Michigan, practically up to Lake Superior. Probably 41 per cent of this continent, it is estimated, has its drainage through the Mississippi. Well has that great stream been called the Nation's sewer or drainage ditch.

Now, in all fairness can it be said that you must apply the same reason—the same logic—to such a stream as that and to one referred to by the gentleman from Washington [Mr. HUMPHREY], for instance, though I dare say there is great merit in his, and I am not prepared to say I will not vote for it? I have always been considered too liberal on these measures. There is a vast difference between the floods of that mighty stream and the one discussed by the gentleman from Georgia [Mr. HARDWICK]. It is a well-established principle of common law that a man must so use his own as not to injure his neighbor. I do not blame the people who live on the headwaters of these streams for having their waters poured down on the lower valley. They have a right—an absolute right—to drain through the Mississippi. Nature excavated that ditch, and the waters naturally flow through it.

THE MISSISSIPPI PROPERTY OF REPUBLIC.

That great river is the property of the entire Union; and just as a private person must so use his own as not to injure his neighbor, it is the duty of this great Republic so to use its own property as not to injure the property of the dwellers on that lower valley.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield for a question?

Mr. RANSDELL of Louisiana. Just in one moment. Is it the property of the Republic? Unquestionably it is. No State can legislate in regard to the Mississippi. All the navigable rivers are the property of this Republic for purposes of navigation. No State can even authorize a bridge to be constructed over the Mississippi. No State and no individual can divert any of its waters. It belongs to the United States, and being the property of the Union it certainly is the duty of Congress to legislate in regard to it so as not to injure the people who dwell on its banks. We have that power under Article IV of the Constitution, which provides that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. The Constitution also gives to Congress the power to regulate commerce, to establish post offices and post roads, to lay taxes, to promote the general welfare, and so forth. Now, the power to regulate commerce and establish post offices and post roads surely carries with it the obligation to control and protect the commerce, post offices, and post roads when once established. A great flood, such as that which recently swept down the Mississippi River, practically ruined commerce, even by boat, for there were no landing places for the boats in a great many places; it stopped all carriage of freight, passengers, and mails by rail and post road; it prevented hundreds of thousands of citizens from receiving any mail, or only at long intervals and greatly increased cost to the Government; and destroyed the established order of things and created chaos throughout a vast section. The general welfare was destroyed by these floods, for surely the term "general welfare" may be applied to such a large portion of the Union as the overflowed section of the Mississippi Valley, with its more than 3,000,000 souls.

When the awful pestilence of yellow fever invaded the land Congress hesitated not to grapple with and eradicate it, for it affected the health and happiness of millions of people. When the bubonic plague appeared on the Pacific coast it was stamped out by the efforts of the Nation's servants, and a vigorous fight is now being made against it in Porto Rico and Cuba. When the foot-and-mouth disease broke out among the live stock of New England Congress took charge at once and completely eradicated it. When our war with Spain demonstrated the necessity of uniting the fleet in both oceans Congress undertook the construction of the Panama Canal, and that colossal work will soon be a reality. When it became apparent that our Western States could not, out of their own resources, reclaim and settle their arid regions in the same manner as other public domain Congress undertook the task, and over $70,000,000 has been expended in reclaiming the desert wastes of the far West, making them bloom like the rose and become prosperous and contented portions of our great Republic.

No one questioned the right or the wisdom of Congress to do any of these things. They were great pieces of statesmanship, which will reflect credit on the Nation. Surely the reclamation of the 17,000,000 acres of overflowed lands in the Valley of the Mississippi is just as necessary from a national viewpoint and will be just as productive of welfare to the Nation as the reclamation of 3,000,000 acres of arid land in the West. Surely the development of this splendid valley and its consequent habitation by fifteen to twenty million souls, producing crops and wealth of various kinds aggregating in value every year more than the total cost of the Panama Canal, is of more importance than even that great work, of which our Nation is so proud. Surely the prevention of the Mississippi's floods, which carry in their wake death and pestilence comparable to yellow fever and the bubonic plague among human beings, and infinitely more fatal to animal life than the foot-and-mouth disease, is more worthy of national endeavor than either of those three most deserving efforts of our national father.

I can not believe that Congress will hesitate to spend the few millions necessary to protect this splendid region and make of it a veritable garden spot—beyond question the richest single asset in the whole Nation.

Now I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Speaker, I have two questions that I want to ask of the gentleman. In the first place, it is not claimed, as I understand, that these levees are needed for purposes of navigation.

LEVEES NECESSARY FOR NAVIGATION.

Mr. RANSDELL of Louisiana. The gentleman is entirely mistaken. It is claimed that they are needed for purposes of navigation. A number of the best engineers this country has ever produced have said that if there were not a single citizen living along the banks of that river, levees should be built in order to preserve the navigation of the stream. Some of the engineers do not think the levees are needed for navigation, but the Mississippi River Commission, which was placed in charge of that great river by act of Congress in 1879, and which has been spending money thereon for the past 30 years—the first appropriation having been made in 1882—has always declared by a majority of its members that the building of levees is necessary for navigation, and has built them in part for navigation and in part for the protection of the riparian lands.

Mr. GREEN of Iowa. Conceding the correctness of the statement the gentleman has just made, how far up the stream and to what extent up its tributaries does the gentleman think the principle for which he has been contending ought to apply?

Mr. RANSDELL of Louisiana. The Mississippi River Commission, under act of Congress, has been authorized to build the levees up to Cape Girardeau, Mo. It was created by act of Congress approved June 28, 1879, and in 1882 the first direct expenditure of money by the National Government for levees was made under this commission, which appropriated that year about $1,000,000 to assist in rebuilding and strengthening the levees. The commission is composed of seven members appointed by the President—three from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, two engineers from civil life, and one lawyer. Its duties were defined by the act in part as follows:

To take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service.

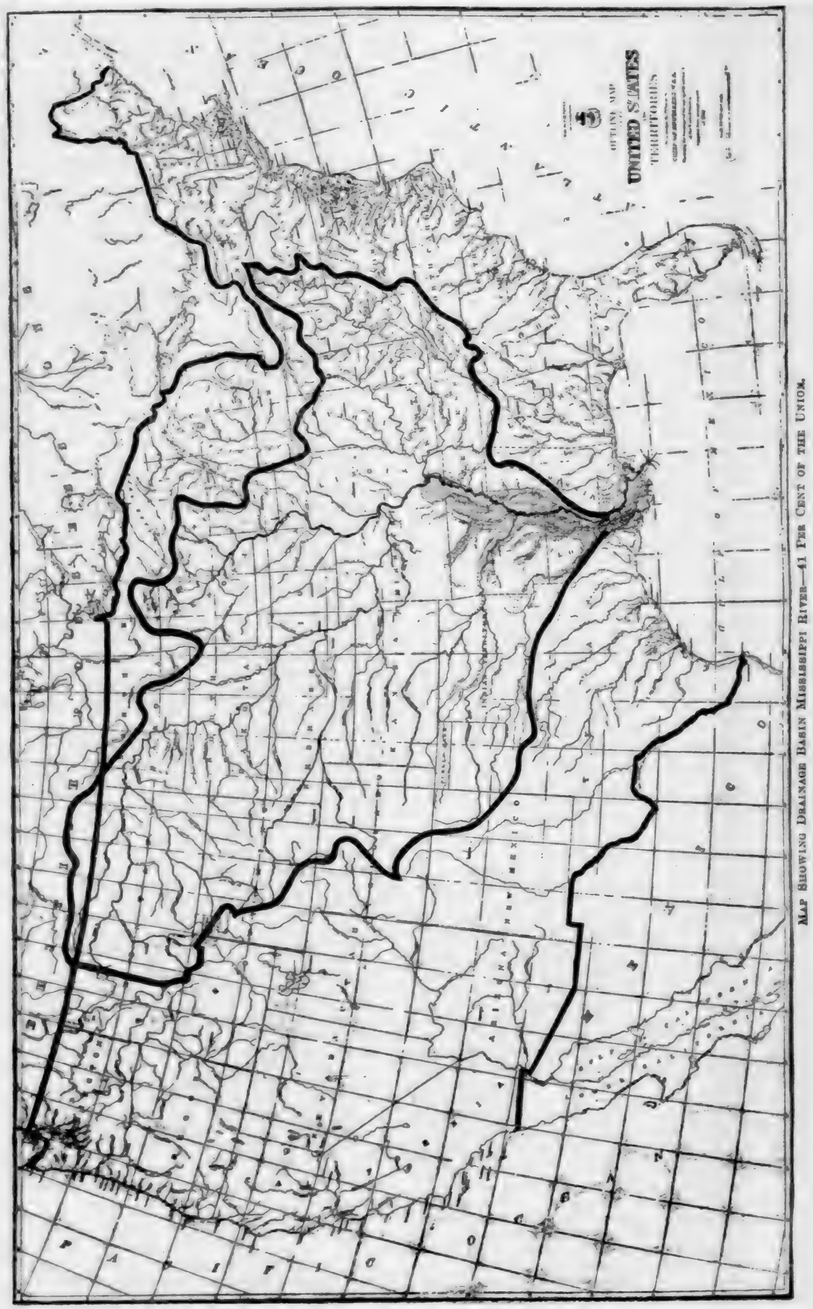

MAP SHOWING DRAINAGE BASIN MISSISSIPPI RIVER—41 PER CENT OF THE UNION.

Since 1882 the commission received annual appropriations of about two millions a year until 1910, when the sum of four millions was allotted, but this was reduced in the act of 1911 to three millions. With these sums a vast improvement in the navigable channel has been secured, and a depth of 9 feet, with a width of 250 feet, is now maintained at the lowest stages of the river.

LOWER MISSISSIPPI EXCEPTIONAL.

The general idea of Congress, so far as I have been able to ascertain, in legislating in regard to that river was that from the vicinity of Cairo downward a very unusual state of affairs existed. The watershed of the Ohio has more rainfall than that of either the upper Mississippi or the Missouri, and most of the great floods on the river below Cairo come from the Ohio and its numerous tributaries. But we also have the upper Mississippi and the Missouri, with the many rivers that pour into them, all uniting in the lower Mississippi.

I wish to say that it was thought that this vast accumulation of waters from Cairo down made an abnormal condition of affairs, one entirely different from that existing in any other section of the country. And whether or not that was a wise principle to adopt I am not prepared to say, but it has been the policy of this Government for the past 30 years.

Whether that policy will extend to other rivers remains for future Congresses to pass upon. Laws are constantly being changed. Policies of government are changing. We hear a great deal about progress, and perhaps we are going to progress along lines of waterway legislation, as well as other lines. I sincerely hope so. Heretofore, however, this has been considered the one great exception which proves the rule, and Congress has not been appropriating for levees at any other point in this country, so far as I know, except on the Mississippi River.

Let me, in further answer, remind the gentleman that there are some other big streams down in my State in addition to the Mississippi. Louisiana is the best watered State in the Union. Look at the Red River, the course of which you can trace over here into New Mexico. For a long way it is the boundary between Oklahoma and Texas. It runs through the great State of Arkansas and passes through Louisiana for several hundred miles. There are five levee districts along that river. It has a very elaborate system of levees, and sometimes terrific floods, but Congress has never helped to build those levees. The people of Louisiana and Arkansas built them. The same is true in my own congressional district of the Ouachita River. I suppose there are Members of Congress here who do not know there is such a river on the map. It rises way up in the State of Arkansas, accumulates a vast body of water there, is certainly an interstate stream, and yet the people of my congressional district are obliged to build levees out of their own resources to guard themselves against the waters of Arkansas, just as those along the Red are obliged to construct levees to protect their lands against the accumulated waters of New Mexico, Oklahoma, Texas, and Arkansas.

FLOOD DAMAGE.

We are interested in levee questions and floods along several rivers in Louisiana, and they are of the greatest moment, but none of you can conceive what a flood on the Mississippi River is. I know something about it. I have lived there for 30 years. I own property on the banks of that river, and when the awful floods came down upon us like those of the past spring—the greatest on record, when the water at Cairo rose 2 feet higher than ever before in the history of this country—those waters broke through the levees in the vicinity of the city of Cairo, doing enormous damage in the State of Illinois. They broke over into Missouri and Kentucky, doing considerable damage there. They broke their bounds and swept over the fairest portion of Arkansas, and then, gaining headway, in a great avalanche they swept on to the Gulf and again snapped the levees in lower Arkansas, in upper Louisiana, in the Yazoo delta in Mississippi. Again in the southern portion of Louisiana, below the Red River, they swept on, bearing death and destruction in their path. They destroyed many millions of dollars' worth of property—no man can say how much, the most conservative estimate being between $30,000,000 and $40,000,000. They destroyed between 40 and 50 human lives directly, and God knows how many as the result indirectly from exposure and suffering caused by those awful overflows. They destroyed many thousands of animals—horses, mules, cows, sheep, and hogs. They swept away many barns and houses. In some instances the waters poured piles of sand from 1 to 6 feet deep over thousands of acres of land, practically destroying farms which but a short while before were of the greatest value.

You can hardly conceive the damage of a flood like this. Take it in my own State, for instance, in the southern portion, where we plant cane. You have heard much about free sugar this session, and you know something about Louisiana sugar. We produce a great deal of it. The sugar cane is planted only every third year. When the cane is destroyed by a flood like this, no crop can be grown that year, and the loss is not only the loss of the current crop, but the loss of the seed cane for two successive crops. An enormous cost it is. Up in my portion of the State we raise cotton, and some of us attempted to plant cotton, corn, and peas after the waters receded, myself among the number. A letter came yesterday from my manager telling me that the cutworms, which are always much worse after floods, had cut all the corn down twice. Some of you farmers know perhaps what the cutworm is. On my plantation practically the entire corn crop of about 500 acres was planted and destroyed three times, once by the floods and twice by the cutworms, and what is true of my property applies generally in the flooded district. The manager says these worms are the most ravenous things he ever saw, that they are actually eating the grass on the turn rows, and are turning their attention to peas and cotton. Gentlemen, this is a serious question to the people down there. The item of loss is very hard to estimate. I do not bring these things up, however, to appeal to your sympathies. I appeal to your sense of justice. I ask the Congress of the United States to be more liberal than it ever has been before to levees, because it is right, just, and proper that it should be.

STATE AND FEDERAL CONTRIBUTIONS TO LEVEES.

Some gentlemen have asked, What about the local communities; what have they done? I see the gentleman from Pennsylvania [Mr. BUTLER] is not here now. I wish he were. In my State, Louisiana, since 1865 we have contributed for levees on the Mississippi River and the interior streams something over $36,000,000. I can not say what was spent on levees prior to 1865, but upward of $36,000,000 have been contributed by Louisiana and her citizens since that time. During the same period the people of Mississippi, and only a comparatively small portion of that State is subject to overflow, have expended for levee building over $23,000,000. In Arkansas, where, in most places, they have been constructing levees for only the past 18 years, they have paid over $6,000,000 for levees. Hence you see that over $65,000,000 have been contributed by these three States for building levees, and for what purpose? For protecting themselves against their own water? No; but to guard against the water that falls in New York, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, Alabama, and away across the continent in Montana, Wyoming, the Dakotas, the Dominion of Canada, and in all of the Great Lakes and Western States.

Forty-one per cent of this continent has poured its waters down on those people, and they have given over $65,000,000 of their money for building levees to guard against the floods of this immense portion of the Republic. Is that fair? How much has Uncle Sam done in the meantime? He has contributed about $26,000,000 to aid in the construction of these levees from Cape Girardeau south. Is it at all wonderful, my friends, that at this time—following this awful flood, this flood so destructive of life and property—the people down there should ask Uncle Sam to take care of his own property, to guard them against the Mississippi River which belongs to him? It certainly is nothing but right, and I am happy to say that Congress is meeting us in a more liberal spirit than ever before.

Mr. CANNON. Will the gentleman yield?

Mr. RANSDELL of Louisiana. Certainly.

Mr. CANNON. I hesitate to interrupt the gentleman, for I know the House would be glad to hear him even beyond his hour. The gentleman speaks of the contribution of the United States to the levees from Cairo down to the Gulf as being something about twenty-six millions.

Mr. RANSDELL of Louisiana. In round numbers.

Mr. CANNON. In round numbers. What has been the contribution for mattresses and dredging?

Mr. RANSDELL of Louisiana. I can not give the gentleman the exact figures, but for bank revetment it is something like sixteen millions. It is hard to differentiate the various appropriations. There is a considerable fleet of dredge boats used to aid in the navigation of the river—something like 9 or 10—and they assist by dredging the shallow places. The river is confined to its channel by bank revetment as well as by levees.

The last report of the Mississippi River Commission showed in the neighborhood of $14,000,000 for bank revetment to June 30, 1911, and it must have been nearly $2,000,000 since then.

Mr. CANNON. Counting the bank revetment, there is probably something near half and half contributed by the United States and by the States and the people.

Mr. RANSDELL of Louisiana. Possibly! In reality it is about $65,000,000 by the States and local people for levees, and $42,000,000 by Congress for levees and revetments.

Mr. CANNON. What I desire to call to the attention of the gentleman is this: I was down in the Yazoo country for the first time, off the river, a few months ago, and that, as well as the trip down the river from Cairo to New Orleans a year or two ago, was somewhat of an eye opener to me. The gentleman will recall that trip.

Mr. RANSDELL of Louisiana. Yes.

Mr. CANNON. It was a very interesting trip to me, but without that experience I began away back in the early eighties, I think in 1882, to vote for a contribution on the part of the Federal Government for the navigation of the Mississippi River, and as an incident thereto the protection of that magnificent stretch of land from the Mississippi River to the hills, especially on the east, and also the magnificent area on the west. I am perfectly willing to keep at it, and I am quite in harmony with this emergency appropriation of $4,000,000 for the levees, but I am under the impression that, so far as the levees are concerned, if we could have appropriations promptly voted by the Federal Government, and something also by the State governments, on the half-and-half system, it is entirely practical in the next decade to have the levees sufficient, if they are properly policed and watched and maintained, to protect the country upon each side of the Mississippi River. I am under that impression.

Mr. RANSDELL of Louisiana. The gentleman is correct in that, in my judgment.

Mr. CANNON. I think, also, that in the stretch of two decades or three, and it may be earlier than that, from Cairo down to the Gulf, there will be no more thickly populated country than that magnificent bottom. It dwarfs the Nile—yes; a half dozen Niles. Now, I was talking with a gentleman whom I met down there on both trips, and when I was in the Yazoo Valley on that trip I found it wonderful when the danger comes and when life and property is in danger the contributions that the inhabitants make along the river for policing and warding off people who are evilly disposed and getting everybody to the work for the protection of life and property was probably worth more than all the men who could be assembled by the engineers working alone.

Mr. RANSDELL of Louisiana. That is literally true. I have taken part in it myself many a time.

Mr. CANNON. I also express the hope that nothing will ever be done that will entirely relieve the inhabitants of the south Mississippi from vigilance and contributions to their own preservation, hand in hand with the Government, thus insuring navigation and protection. I want to say that much, because it is becoming fashionable—from newspaper reports—to claim that the United States should do all the construction and permanently police and maintain the levees by appropriations from the Treasury, and that the people can fold their arms and repose on downy beds of ease without attention and without care.

LOUISIANA'S LEVEE TAXES.

Mr. RANSDELL of Louisiana. Mr. Speaker, I wish to say I thank the gentleman very much for what I consider his real contribution to this argument. The people throughout the entire valley are assisting in levee building to the best of their ability. I agree with nearly everything he has said. To show that the levee district in which I have the honor to reside, composed of four parishes along the Mississippi River, from the mouth of the Red River to the Arkansas line, proposes to do its part, within the past 10 days its commissioners have gotten permission from the Louisiana Legislature to issue $500,000 of bonds for the purpose of aiding in the construction and enlargement of levees. Now, let me tell you what these people do in the direction of local taxation for levees. We pay a levee tax of 1 per cent on the assessed value on all of our property, real and personal. We pay a levee tax of 5 cents per acre on every acre of land regardless of its value. We pay a levee tax of $1 on every bale of cotton, and cotton is the great staple crop of that country. We pay a levee tax of $100 per mile on every mile of standard-gauge railroad.

I have stated the special tax which is contributed in the levee district in which I live. Gentlemen will understand it is not the congressional district, because we do not divide the levee districts according to congressional districts. My congressional district is composed of 16 parishes, while the fifth Louisiana levee district, where I live, is only four parishes. Each locality in the overflowed sections of the State is set aside by the legislature in a district, according to its needs and the similar interests of its people. There are 17 of these levee districts in the State of Louisiana. They are presided over by boards of commissioners, with local power of taxation. I am not going to go into detail now, as I know the House is getting tired, but to show you how we deal with this question my State every year contributes for levees about $1,500,000. We certainly have been helping ourselves.

Gentlemen, we have never come to Uncle Sam empty handed; we have always gone to him with at least $2 in our hand when we asked him for $1 to help take care of these mighty floods which I have shown were not Louisiana floods, but the waters of the entire Nation. Think of that enormous sum of $1,500,000 every year. Louisiana, bear in mind, is not an overflowed State. Why, some papers indicated a short while ago that the whole State of Louisiana was under water—was overflowed. We have something like 45,500 square miles of territory, and only 14,695 square miles is ever subject to overflow or could get under water, and as great as the floods of this year have been, only 40 per cent of this, or 5,878 square miles, was overflowed. So, you see, only a small percentage of the State is subject at any time to overflow, yet so strong is the levee sentiment there that every dollar's worth of property in that State, even that on the high hills—and some gentlemen may be surprised to know that we have hills—every dollar's worth of property, real or personal, in the State of Louisiana pays a levee tax. A very interesting letter from Maj. F. M. Kerr, chief engineer of Louisiana, is hereto attached as Appendix A.

The people in the Delta sections of Mississippi pay taxes in the same way for levees, and so do those of Arkansas; but, my friends, I say to you that with this overpowering force coming down upon us from the accumulated waters of nearly half the Union, it is your duty to do more to assist us than you ever have done in the past, and I firmly believe you are going to do it. I appeal to you as a matter of justice. We do not contemplate ceasing our efforts to help ourselves, but we are not in position to do much in that overflowed section. Our taxes come from our crops, our crops were destroyed by the flood waters, and we can not go on helping ourselves until we have had a chance to make more crops.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. RANSDELL of Louisiana. Certainly.

COMMERCIAL IMPORTANCE OF MISSISSIPPI.

Mr. SHARP. Several years ago it was my great pleasure to accompany a good many Members of Congress down the Mississippi River to view the improvements already made and those that were expected to follow. I personally was very greatly interested in what I saw there, and the possibilities of the development of the commercial trade along that river. I observe that the gentleman, who is more familiar with this subject than perhaps the rest of the House combined, from his own study of it, has in his argument devoted the most of his time thus far to the position that this great stream furnishes a drainage and is carrying the overflow water of so many other streams. Is it not also true that it differs very greatly from the other streams that have been mentioned here in the sense that it is emphatically a commercial proposition, and that with the improvements we hope will go ahead by congressional encouragement will open up many of the tributaries that now enter into the Mississippi River and afford cheaper transportation? And is it not also true that every dollar practically that is put into these levees in making them permanent in their nature also aids the stream and makes it more navigable and stable?

Mr. RANSDELL of Louisiana. Unquestionably. I believe I stated that some of the very best engineers insist that those levees are essential to the navigation of the stream. I firmly believe it myself. I have myself observed that when there is a crevasse in the levee, and the waters pour out, there is a diminution in the current; and when the current slackens this great sediment-bearing stream, filled as it is with heavy material gathered in the Missouri and from the caving banks all along the river, drops a portion of its load, and you will always find a big sand bar below a crevasse, which causes very poor navigation in the river. Let me give you one little piece of history. I went to Lake Providence to live in 1882. That year we had one of the greatest floods on record. Two hundred and eighty-four crevasses occurred in the levees of the Mississippi River in the spring of that year, and for two or three years thereafter we did not have more than 4 to 5 feet of water over a number of the shallow bars. Several years later, when the breaks had been closed, the navigation began to improve, and for more than a decade we have had an average of 9 feet over these same bars. We have fine navigation in the river now, and we will always have good navigation if we keep the levees up; but if we allow them to go down the bars will show up again as in the past.

DO LEVEES CAUSE BED OF RIVER TO RISE?

There are one or two general questions I would like to discuss, and I will do it for just a few moments. In connection with this river there are many fallacies. People are accustomed to saying that the levees cause the bed of the river to rise higher and higher, and that if we continue to build the levees in a little while the bed of the river will be higher than the surrounding country. That same fallacy was uttered years ago by Abbe Hue, a Jesuit, who traveled in China, about the Hoang-Ho or Yellow River, and so many people have repeated it that it is generally believed.

Now, gentlemen, you must differentiate between the surface plane of the river at flood and the low-water plane of the same river. At my home, Lake Providence, La., the river rises and falls 48 perpendicular feet. At extreme low water it is 48 feet lower than at extreme high water. In the period of low water you look out into a great gully, as it were, with a little narrow stream trickling along at your feet, relatively speaking. But at high water it is a mighty torrent, about 2 miles wide at that point, and its flood plane is higher than the surrounding country by 12 to 16 feet. I have driven along the streets of that town, and as the waves would dash against the levee because of the wind, the spray would splash over into my buggy. But in the low-water season, which prevails for the greater portion of the year, you drive across that levee, and from a quarter to half a mile to the bank of the river, and then look down into a deep gulch there and see the water. There is a vast difference between the two.

Gen. Comstock, late Chief of Engineers, and a very accomplished man, testified before the Commerce Committee of the Senate in 1890 (see Rept. of the Secretary of War for that year, p. 3093) and gave a very interesting account of the views of the engineering world in regard to the rising of the beds of such rivers as the Po, in Italy; the Rhine, in Germany; and the Hoang-Ho, in China. He says:

From the examination of the Po and Rhine it may be concluded that if their beds rise in the leveed portions (which is not entirely certain from the data), it is at so slow a rate as not to be an important factor in the maintenance of a levee system. With levees 10 feet high, if the bed rose at the rate of 1 foot in a hundred years, the cost of raising a line of levees having the length of the present Mississippi system, about 1,500 miles, by this 1 foot would be but about $4,000,000 distributed over the country, or $40,000 per annum, which is a small part of the annual cost of the system. On the Mississippi the records, while not extending over a period long enough to give final results, do not, so far as they go, indicate that the bed has risen.

In regard to the Yellow River he quotes from a letter of Gen. James H. Wilson, United States Army, dated May 6, 1890, as follows:

In conclusion, I do not hesitate to say that I can not but believe that Abbe Hue was entirely mistaken in regard to the silting up of the channel, and that an exhaustive survey would prove beyond a doubt that no such silting as to raise any part of the bed above the adjacent country has ever taken place.

I understand that the present members of the Mississippi River Commission concur with Gen. Comstock's views on this subject. Its secretary, Col. C. L. Potter, Corps of Engineers, United States Army, wrote me on May 22 last:

There is little doubt in my mind that levees, which are regularly held, will not cause any rise in the river bed—probably a lowering.

A member of the commission, Mr. J. A. Ockerson, wrote me on May 7, as follows:

Some years ago the commission undertook an extensive series of observations, covering several hundred miles of river, to determine whether such a thing as a systematic rise of the river bed was going on as the result of levees. This investigation and the results show that an interval of 25 years of time failed to show a general systematic elevation of the bed, but on the contrary the low-water bed in some well-defined cases has been actually lowered several feet.

Another member of the commission, Mr. C. H. West, wrote on May 10:

The bed of the Mississippi River is not rising, but on the contrary the tendency is in the opposite direction—that is, as a result of the control of moderate floods by levees and the limited prevention of caving banks by revetment the crest of the shoals have been depressed and the carrying capacity of the channel increased. With complete confinement of the floods by levees and complete control of caving banks by an extended application of revetment, there can be little doubt that there would follow a decided lowering of the crest of all shoals and also a further increase in the discharging capacity of the channel, which would result in a lowering of the height of the flood planes.

Prof. Willis Moore, Chief of the Weather Bureau, wrote me on May 9:

So far as indicated by the low-water records, the bed of the lower Mississippi River is at substantially the same level as it was 40 years ago. However, there has been much difference of opinion on the subject, and the evidence from the low-water records is not conclusive, owing to the recognized tendency of low water to scour alluvial river beds.

Let me give personal testimony in this connection. When I went to Lake Providence to live, just 30 years ago next month, it was not unusual to see several steamboats stuck on the bars of the river, for the depth was not more than 4 to 5 feet on the shallow places, and the zero marks on the water gauges were then where they are to-day. The Weather Bureau keeps a record of all these great rivers, and it has made no change in its gauges in the last 40 years. To-day you go along the river in the vicinity of Lake Providence at low water and find the bed of the stream apparently as it was then. You find the low-water mark, or zero gauge, the same as it was in 1882, but instead of 4 to 5 feet of depth you find 9 to 10 feet. The river bed is actually lower now than it was then. That seems to me to prove conclusively that there has been no rising, but rather a depression, though, my friends, it is true that the flood plane has risen. And why?

FLOOD PLANE HAS RISEN.

Ask the governor elect of Arkansas [Mr. ROBINSON] if in the great St. Francis Basin—6,700 square miles of area in his State and Missouri—there was not an enormous reservoir only a few years ago which protected the lower valley to a great extent by impounding a tremendous volume of the flood water. Within the past 18 years levees have been built along the front of this basin which hold back the floods. Fine towns have grown up, farms have been developed, railroads have been built—hundreds of miles of them—and peaceful, happy, prosperous communities now exist where 20 years ago was a howling wilderness of waste waters and swamp lands. Moreover, it is true that within the last quarter century there has been a very great increase in the area of lands placed in cultivation in the Valley States, especially Ohio, Indiana, Illinois, Iowa, and Missouri. Many shallow lakes which formerly impounded a large quantity of the spring rains have been drained and put in cultivation, notably, as an illustration, the East St. Louis flats. A very thorough system of farm drainage has been adopted in many places which carries the rain water off the lands almost as rapidly as it falls and rushes it quickly into the adjacent rivers, which in turn carry it rapidly into the Mississippi. And all of these things have the effect of increasing the volume of flood water.

Mr. ROBINSON. Will the gentleman from Louisiana yield?

Mr. RANSDELL of Louisiana. I shall be delighted to do so.

Mr. ROBINSON. The statement of the gentleman from Louisiana in that particular, so far as it relates to the State of Arkansas, is entirely correct. Many hundreds of thousands of acres have been reclaimed from overflow and are now in cultivation. Within the total area of Arkansas less than one-eighth is subject to overflow, but it consists in large part of the most fertile lands in the State. I am entirely in sympathy with the statement made by the gentleman from Louisiana, who knows more about levees than any man living in the United States. The State of Arkansas has been contributing under a system similar, but different in some particulars, from that prevailing in Louisiana to the extent of the ability of the citizens of that State, and while I do not believe the time should ever come when the citizens of this overflowed area should be relieved from the responsibility of contributing a fair share to the support and maintenance of these levees, I do regard this proposition as national in its character, and I believe it is fair that the Federal Government should contribute liberally to the maintenance of these levees. The gentleman from Louisiana has clearly and ably disclosed the relation which the Mississippi Valley sustains to the commerce of the Nation. Its possibilities, if reclaimed to cultivation and made safe from overflow, can not be overstated. The waters which occasion these overflows, as he has said, find their source principally in other States and, gathering volume, are precipitated into the lower river, which is now protected by a system of levees maintained for the greater part by local organizations under State laws. The States bordering on the lower Mississippi have done their best to afford adequate protection. They have levied heavy taxes and in times of threatened floods furnished guards to protect the levees. It is difficult to conceive the anxiety felt by the citizens of the flood district when breaks in the levees occur. Could the history of the recent floods in the lower valley of the Mississippi be accurately written, it would unfold sacrifices and heroism unexcelled. Realizing the peril, when breaks are threatened the people combine every energy and resource to prevent them. Men and women alike volunteer their services and toil unceasingly to prevent disaster. I concur in the opinion that a part of the burden should remain on the localities directly concerned.

I believe, too, that the Federal Government should assume supervision and control of the entire Mississippi River levee system, and if the gentleman from Louisiana has time and the opportunity is afforded, I should be glad to hear him discuss that feature of the subject.

FEDERAL SUPERVISION NECESSARY.

Mr. RANSDELL of Louisiana. I thank the gentleman from Arkansas for his eloquent discussion of this matter. I quite agree with him that it would be wise, eminently wise, for the General Government to have supervision and control of these levees, in order that we might have one central authority without any division of effort or of plan; and I shall do my utmost to bring about that state of affairs, although I wish to say that, so far as the State of Louisiana is concerned, there never has been the slightest friction between our local engineers and the engineers of the United States; but, on the contrary, the most splendid spirit of cooperation and united effort during all the years that we have been building levees together.

It certainly would be wiser, however, if Uncle Sam is going to do more and more of this work, as I believe he is, for us to let him have the supervision and control of these levees. I shall be delighted to see it, and I hope it will be done.

COST OF RECLAMATION BY LEVEES AS COMPARED WITH IRRIGATION.

The present levee system has cost about $91,000,000, as I have shown, and if forty millions additional be expended to complete it, this will make a total of one hundred and thirty-one millions, the expenditure of which will have been extended over half a century. On the basis of 17,000,000 acres protected, this sum of $131,000,000 would mean an average of about $8 per acre. Let us compare this with what it has cost to redeem the arid lands out West. According to a letter of Prof. F. H. Newell, Chief of the Reclamation Service (see Appendix B), about 1,000,000 acres have been reclaimed, and three millions are now in process of reclamation, the expenditure so far being $70,000,000, and the average cost $40 per acre. This is certainly a very favorable comparison for the overflowed section—$8 per acre to protect against floods in the Valley and $40 per acre to irrigate in the arid regions. I heartily favored the national reclamation act, and believe it to be one of our wisest pieces of constructive statesmanship, and just as I believe in its wisdom I also think it would be wise for the Government to reclaim, at so much less cost, the magnificent lands of the Mississippi Valley.

I have estimated that the total cost of reclaiming these valley lands by levees since 1865, including forty millions to be spent hereafter, is $8 per acre. Now, of the ninety-one millions already expended, the National Government has contributed only $26,000,000 and the States the remainder, so that if the Government should now undertake the entire task and expend forty millions additional, aggregating a total expenditure by it for levees of $70,000,000, it would be only $4 per acre contributed for land reclamation in the Mississippi Valley by the National Government, as compared with $40 per acre for reclamation of the arid lands. *Believing that this is a fair proposition, I have introduced a bill providing that Congress shall expend eight millions a year for the next four years, in addition to the sum carried in the pending bill, to complete the levees, and it will be vigorously pressed next session.*

LEVEES FURNISH PROTECTION.

I wish to say a few words on another question that is frequently discussed, and that is: Will the levees do the work? Will they save the country? In my judgment they will, beyond question. The proof of the pudding is in the eating. If we build the levees 3 feet above the flood plane of the river this year and increase the dimensions in proportion, they will be strong enough to resist the pressure, even should the water rise to the very top. It is only a question of money and dirt to accomplish this. During the present flood, the greatest on record, there were no breaks in the upper Yazoo levee district of Mississippi—124 miles in length—which is in charge of Maj. T. G. Dabney, C. E., and none in the Pontchartrain, Orleans, and Lake Borgne districts of Louisiana—208 miles in length—though no one can say what might have happened in those four districts had all of the other levees held and the entire volume of water been kept in the river. It would be prudent to elevate all of the levees at least 3 feet higher than the height attained during this flood, if possible, and proper allowance should also be made for greater elevation at points where the highest flood was prevented by crevasses above them. The problem is not susceptible of exact solution, but some of the most eminent engineers on the river, who have been connected with it for a great many years, think that wherever the levees have been already raised to the Mississippi River Commission grade, adopted several years ago, an increased elevation of 3 feet with proper dimensions would make them impregnable.

The commission grade contemplated for levees was 3 feet above any previous water, 8 feet on the crown, with slopes of 3 to 1 on each side, and a banquette, or additional levee, on the land side, coming within 8 feet of the top, and having a crown of 20 feet. The general plan of the Dabney levees in the Upper Yazoo district was the same height as that of the commission, with a 10-foot crown instead of 8, a slope of 4 to 1 on land side and 3 to 1 on river side, and a banquette 40 feet instead of 20, reaching within 6 feet of the top instead of 8, thereby giving very material increase of volume and strength to the levee. Moreover, there are other details in connection with the Dabney levees, which are very important, and are set out in detail in his letter to me of May 17, 1912, which is published herewith as Appendix C. I would like to see all of the levees raised, as suggested above, and constructed along the lines advocated by Maj. Dabney.

Let it be plainly understood, however, that there is no difference of opinion among the engineers in regard to the wisdom of the Dabney specifications. The only trouble has been that heretofore money was so scarce that the various State engineers, and also the Mississippi River Commission, felt obliged to do the best they could with the limited funds at their disposal. They all realized that the levees would be infinitely safer if constructed as advocated by Maj. Dabney, but were obliged to adopt lesser dimensions owing to insufficient funds, whereas his district could carry out his plans, because it was more fortunate in a financial way, having a larger area of improved lands.

While no exact estimates have been made of the cost of such an enlargement of the levees, as I have indicated, it is thought by conservative engineers that it will amount to between 30 and 40 million dollars, and that an expenditure of that sum will enable the levees to resist any floods which may be expected to come against them.

Even during the great flood of this year the levees protected fully 55 per cent of the valley. The total area of the valley subject to overflow is 29,970 square miles, and the area normally protected by levees is 26,569 square miles, equal to 17,004,160 acres. Of this area 12,390 square miles, equal to 7,929,600 acres, were inundated, and the remainder, amounting to 14,179 square miles, or 9,074,560 acres, was saved from the flood. Hence, it will be seen that the measure of protection was very great, even this year, and warrants the cost of the entire system. It must be borne in mind, also, that not since 1903 has there been a disastrous overflow, although a large percentage of the valley would have gone under nearly every year had not the levees protected it, for the spring freshets of every season rise considerably above the normal banks of the river, and but for the levees would overflow the riparian lands. As a result of the levee system the people of the entire valley received and enjoyed immunity from overflow during each of the nine years from 1903 to 1912, and in the former year, 1903, only 6,820 square miles, or 26 per cent, of the lowland sections was overflowed. Prior to 1903 there were five years of immunity, but in 1897 the floods swept over 13,580 square miles—about 51 per cent of the valley.

The levees have constantly been growing stronger and stronger for the past 30 years, since the great flood of 1882, which inundated practically the entire valley, and it was thought that they would withstand any normal water. However, the flood of this season was not normal but very extreme. The highest point ever before reached on the Cairo gauge was 52.17, while this year it rose to 54 feet, or about 2 feet higher than ever before known. Such a thing may never happen again in a great many years. On the other hand, it might occur at any time, and our people might again suffer at some distant future day just as the people of Paris recently suffered from an inundation of the Seine, of which they little dreamed until it came upon them.

I have lived on the banks of the Mississippi River in the very heart of the overflowed section for 30 years, have been a close student of the river, and especially its levee system during all of those years, and I firmly believe that if we build our levees 3 feet above the flood plane of this year, with a 10-foot crown, a slope of 3 to 1 on the river side and 4 to 1 on the land side, and a 40-foot banquette, and all the incidentals in regard to muck ditch, preparation of the base, and so forth, advocated by the best engineers, our people will be as safe in their property and usual avocations as those of any other section. This may cost thirty-five to forty million dollars, surely not more, and that sum is a bagatelle when one considers the enormous interests involved directly upon these levees, which protect 17,000,000 acres of the finest land on earth, an area greater than the combined extent of Massachusetts, Connecticut, Rhode Island, Delaware, and Maryland; greater than Holland and Belgium; sufficient to support in comfort fifteen to twenty million human beings; and to produce annual crops aggregating four to five hundred million dollars in value. Even at the present time, with its sparse population of about 3,000,000 souls, and in many instances inferior methods of cultivation, the

crops of this valley amount annually to over a hundred million dollars in value of cotton, sugar cane, rice, corn, oats, hay, live stock, and so forth. In its present undeveloped condition it is one of our richest national assets, and when developed—as it surely will be within a few years—when complete protection from the floods is given us, no like section of the country can boast of greater wealth.

CAN FLOODS BE PREVENTED BY RESERVOIRS?

Another subject frequently discussed and much misunderstood in connection with the protection of the lower valley from overflow is that of reservoirs. Theoretically reservoirs as means of controlling floods are all right, but practically I doubt if they will work when applied to the lower Mississippi River. The volume of water is too great to be impounded in any feasible system of reservoirs ever yet devised. Beyond question, if enough land in the various river valleys which pour their floods into the Mississippi were condemned and the rain waters impounded therein the floods could be controlled thereby, but the remedy would be worse than the disease. It would require a large area in Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, Pennsylvania, Kentucky, and Tennessee, where lands are fully twice as valuable as in the lower Mississippi Valley, and the cost thereof would be colossal.

Reservoirs to protect the city of Pittsburgh from overflows, for instance, are entirely feasible, and they can probably be constructed at a reasonable cost—about $20,000,000—with immense benefit to that city, but of no material effect on the Mississippi floods below Cairo. During the great high water of this year there was never any serious flood in the Allegheny River, and Pittsburgh did not suffer in the least. Hence a perfect system of reservoirs on the Allegheny and the other tributaries of the Ohio which empty into it at and near Pittsburgh would have had no restraining effect on this year's floods in the lower Mississippi. The same would apply to reservoir systems located on the upper Mississippi above St. Paul and the Missouri above Sioux City. We received no flood waters this year from the upper portions of either of those rivers, and rarely ever do we suffer from floods at their headwaters. Hence reservoirs thereon would have been of no avail.

The great floods of this year, according to Mr. Willis Moore in the letter above alluded to, were caused by "six rainstorms over the watersheds of the Ohio and lower Mississippi Rivers between March 11 and April 2, the storms following each other at intervals of a little less than four days. At the time that the rains began the lower Ohio and lower Mississippi Rivers were at moderately high stages on account of an Ohio River rise earlier in the month of March. The main floods came from the Ohio and its tributaries, principally the Cumberland, Tennessee, and Wabash Rivers, but there was a considerable increment from the lower Missouri River, the upper Mississippi River below Keokuk, Iowa, and from the Arkansas, White, Ouachita, and Yazoo Rivers. It should also be stated that the winter preceding the floods was an unusually cold one, the soil over the watershed above Cairo was well frozen, and, as a consequence, the run-off from the rains was probably much greater than the normal amount."

Neither of the three big rivers—Ohio, upper Mississippi, and Missouri—was in great flood this year, but they combined their waters at Cairo—an occurrence which rarely happens—and it was the united force of all three which caused the trouble. The rains were not in the headwaters of any of these rivers, but in the lower portions; and I know of no place or places thereon at which efficient reservoirs could have been constructed within the bounds of reasonable cost.

Mr. ROBINSON. Mr. Speaker, I desire to ask the gentleman if he has given consideration to the question of what area would be required to be submerged by reservoirs in order to accomplish the purpose of protecting this flooded area, and I would like to state in that connection that I myself have devoted as much attention as I have been able to give to a study of the subject and have about reached the conclusion that it would require the submerging permanently of almost, if not quite, an area equivalent to the area of the overflow region of the valley in order to protect against floods such as those which the gentleman from Louisiana has been discussing.

Mr. RANSDELL of Louisiana. I think the gentleman from Arkansas is absolutely right. Common sense tells you that if you are going to build reservoirs and take care of a body of water like that, you must make them sufficiently large to contain the amount of water that would otherwise overflow and go over the submerged country.

A letter on that subject was recently written to me by one of the most accurate engineers of the Mississippi River Commission, Col. C. L. Potter, from which I quote as follows:

Some idea of the storage area necessary to hold back a flood equal to that of 1912, so that it would not go over the banks—in other words, to protect the valley without levees—may be had from the following: The total volume of water passing the junction of the Red and Mississippi Rivers in one day at the crest of the recent flood would cover to the depth of 20 feet an area of 200,000 acres, or over 300 square miles.

The idea of attempting to prevent floods by the use of reservoirs is, to my mind, so utterly absurd that I hate to put in an argument against it. Of all the streams of the Mississippi Valley, the only places where land can be had at reservoir prices are at the headwaters of the Mississippi or of the Missouri. In the recent flood there would have been little effect produced on the lower river if the Mississippi had been cut off at St. Paul, and the Missouri at Mandan. There was rainfall enough south of St. Paul to do it all. It is easy enough to hold the rainfall at a point, but you can not hold it at all points. In 1895 I was on a board of engineers on the reservoirs at the headwaters of the Mississippi. I heard a paper mill just below the lowest dam on the Mississippi proper make a complaint that the Engineer office had closed the dam and left them without power to run their mill; and that was true. At the same identical time a town less than 150 miles below registered with us a complaint that the Engineer officer had not closed the dam and thus protected them, as he should, from one of the most disastrous floods they had ever had. Of course they wouldn't believe it, but they had a disastrous flood within 150 miles of the foot of the great system, and with the nearest dam to them closed tight. You can not hold in Montana or Minnesota water that falls as rain in Illinois or Missouri. When you get into the Ohio or the middle or lower Mississippi Valleys, the cost of land for reservoirs is too great to be considered.

Judge Robert S. Taylor, of Indiana, one of the greatest lawyers in America, a member of the Mississippi River Commission for nearly 30 years and our foremost authority on Mississippi River problems, delivered a learned discourse on "Levees, Outlets, and Reservoirs" before the Association for the Advancement of Science, at St. Louis, Mo., December 30, 1903, and speaking of reservoirs (pp. 12 and 13) said:

On the subject of reservoirs little need be said. It is a delightful scheme to think of and talk about. It would beautify the map with lakes throughout the upper valley. It would bring the delights of boating, fishing, and swimming within the reach of millions of us to whom they are now inaccessible pleasures. It would remove all danger of a surplus in the National Treasury for a long time to come, and it might reduce the surplus in the Mississippi River somewhat.

When men think of reservoirs in this connection they commonly locate them in the headwaters of the Mississippi and the Missouri. Unfortunately it is not there that the rains fall that furnish the stuff for great floods, but in the valley of the Ohio and its tributaries. The storms that sweep from the southwest across the Ozark Mountains and on over Kentucky, Illinois, Indiana, Ohio, western Pennsylvania, West Virginia, and Tennessee are the bearers of woe to the people of the alluvial valley. One of the consequences of those rains has been to make the region where they fall so fertile and attractive that it is filled with population, farms, cities, railroads, factories, and all the adjuncts of high civilization. To occupy the country with the reservoirs necessary to hold back a great Mississippi flood would involve an incalculable destruction of property, to say nothing of the cost to build them.

There is one place where it would be possible, in an imaginative sense, to impound a volume of water that would be missed from the river. That place is the St. Francis basin, 6,700 square miles in area. By cutting that area up into subdivisions by dams crossing it at frequent intervals and increasing in height progressively downstream as rapidly as the slope of the land surface would permit a vast storage of water could be secured many feet deep at its lower border. But the only material that can be found there to make the dams is earth. The expense of stone would be scarcely thinkable. And to imprison such a volume of water at the head of such a valley as would lie below it, with only earthen walls to hold it back, would be nothing less than criminal foolhardiness. The best use we can make of the reservoir theory it to keep it to talk about.

The SPEAKER. The time of the gentleman has expired.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask 10 minutes more.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks unanimous consent that the time of the gentleman from Louisiana be extended 10 minutes. Is there objection?

There was no objection.

Mr. RANSDELL of Louisiana. Mr. Speaker, all of the engineers to whom I have submitted this question tell me they know of no feasible reservoir sites on the lower rivers, and all of them agree that levees, if built sufficiently strong, will give the needed protection.

Prof. Willis Moore, head of the Weather Bureau, was asked by me:

Do you know of any suitable reservoir sites that would store sufficient water to prevent floods on the lower Mississippi, or even appreciably diminish them, and, if so, where?

He answered:

No. The building of levees closed all the natural reservoir sites that had formerly been of assistance in taking care of surplus flood waters.

He doubtless alluded to the St. Francis basin.

The leading discussion on this subject was made by Col. H. M. Chittenden, of the United States Army Corps, which may be found in the proceedings of the American Society of Civil Engineers for September, 1908. He discusses the subject elaborately, and reaches the conclusion that reservoirs are not feasible for protecting the lower Mississippi River from floods.

The principal champion of reservoirs is Mr. M. O. Leighton, chief hydrographer of the United States Geological Survey. I

wrote him on May 3 last asking a number of questions, and annex my letter and his reply thereto as Appendix D. It will be noticed that he argues very eloquently and forcibly for reservoirs, but says:

Personally, I believe that the entire system on both the Ohio and upper Mississippi could be established for about $500,000,000. If a suitable levee system could be established on the lower Mississippi for $60,000,000, as assumed in your letter, there would be no question concerning the propriety of adopting the levee plan if we considered that portion of the river and flood prevention alone. * * *

Summarizing the above, I would say that from the standpoint of the lower Mississippi alone the levee system is far preferable to the reservoir system as to cost and efficiency, but if the whole basin and the interests of all the people be considered, the reservoir system must be the final resort.

Let it be clearly understood that the friends of the levee system are not opposed to reservoirs and would gladly see them constructed wherever it is practical to place one. They realize that some help would come from any water that may be restrained. Their contention merely is that such reservoirs as can be constructed within the bounds of reasonable cost will not afford material relief, that the cost of anything like a complete system of reservoirs would be enormous, probably much in excess of half a billion dollars, and that levees so strong as to be impregnable can be built for less than one-tenth of the cost of the reservoir system. Of course, we would be glad to have both systems, and if the country ever becomes rich enough to construct reservoirs for the protection of both the upper and lower stretches of the rivers, for irrigating the lands thereon, for creating electric power, for assisting in navigation, and for any other purposes, we will gladly see it done, and certainly throw no obstacles whatsoever in the way. Personally, I would be glad to see a commission of five of the best engineers on earth created by Congress to study and report on flood prevention and control not only in the Mississippi Valley but throughout the Union, though I realize it would cost fully a million dollars and require several years to complete.

In conclusion, I wish to thank the Members of the House for their very patient and kind attention to me in this desultory discussion. I invite your earnest attention to the lower Mississippi and its riparian lands—in many respects the greatest river on our continent and well worth your study and interest. It was to obtain control of this mighty stream that Jefferson purchased Louisiana—the brightest jewel in our national diadem. The soil of its valley is described as the geological cream of the American Continent, the top dressing of leafy mold and rich loam washed from the hillsides and ravines of a hundred rivers and deposited by floods on the lands below. The control of these floods is a problem to which the greatest engineers have given their best attention for two centuries, and they are still studying it. This valley constitutes an empire in itself in area and national wealth. No equal part of the globe compares with it in resources and capacity for contributing to the food and clothing, the necessities and happiness of mankind. It certainly merits the fostering care of our national father. I beg of you to see that this care is given. [Applause.]

APPENDIX A.

STATE OF LOUISIANA,
OFFICE BOARD OF STATE ENGINEERS,
New Orleans, La., May 30, 1912.

Hon. JOSEPH E. RANSDELL,
Washington, D. C.

DEAR MR. RANSDELL: Referring to your letter of the 1st instant, I submit the following:

1. The cost of the levee system of Louisiana since 1865, as incurred by the State and levee districts, and the United States since 1882, is $40,100,951.57, of which $20,394,642 was contributed by the State, $15,949,494 by the levee districts, and $12,756,815 by the United States.

Inclosed is a tabulated statement showing the proportions, by periods, borne, respectively, by the State, levee districts, and the United States.

Now, it must be remembered that these figures represent only what has been paid out over the signatures of the State and United States engineers, and includes none of the many thousands of dollars from time to time additionally contributed by the parishes, municipalities, corporations (with special reference to the railroad companies), riparian owners, etc., which it is safe to say can not within the same time possibly have amounted to less than 50 per cent more, or, say, $25,000,000, the cost of the levee system in Louisiana since 1865 to date, therefore, aggregating not less than $75,000,000.

2. The aggregate of the authorized bonded indebtedness of the levee districts of the State is $8,570,000, of which $7,462,500 is at this time outstanding.

3. The cash outlay so far imposed upon the levee districts in consequence of the high water of 1912, estimated upon replies so far had from the districts, aggregates approximately $275,000.

4. Lives lost as a direct consequence of accidents due to crevasses and overflow, none. Several deaths from ill health previously contracted and later exposure did occur, but no authentic statement can really be made in regard thereto.

5. The loss of property in the overflowed area of Louisiana, including failure of crops, will probably aggregate $25,000,000.

6. The area of the alluvial lands subject to overflow in Louisiana is about 14,695 square miles, or about 9,404,800 acres. Of this, from such information as it has so far been possible to obtain, some 38 per cent was subjected to overflow from the high water of 1912. However, if the area that would under any circumstances have been overflowed from backwater and the failure of several of the levee systems to so far reach and protect said area be deducted, this percentage would be reduced to about 20 per cent.

In other words, of the percentage of the area of alluvial lands subject to overflow in Louisiana, overflowed by the high water of 1912, but 18 per cent should be directly charged to the breaches which occurred in the systems.

Again, the percentage of lands at large in Louisiana inundated by the high water of 1912 as compared with the total area of the State—about 45,500 square miles, or 29,120,000 acres—was but about 12 per cent.

In like manner, as above, deducting from this the area that would under any circumstances have been overflowed, as already explained, this percentage would, too, be reduced to about 6 per cent.

To separate the cultivated from the uncultivated area affected is at this time, with the data at hand, not possible.

* * * * * * *

On the score of the value of levees to Louisiana, it might not be uninteresting to note that in 1882 there were over 300 breaches in its lines of levees, the widths of which aggregated over 60 miles. In the year 1882 the assessed valuation of the State was $197,417,125.14. With each recurring season the lines of levees were so generally improved and the number of crevasses attendant upon succeeding high waters so materially reduced that for some 15 years back such a thing became of such rare occurrence and the uplifting of the State annually so responded to the growing sense of security from overflow and its far-reaching and harmful tendencies and effects felt that in 1911 the assessment of the State reached the sum of $546,829,340.

Of this advancement in and enhancement of values over three-fifths of it is embraced in property located in the alluvial lands of the State subject to overflow, still only tentatively protected from the ravages of caving banks and the high waters of the valley.

Reflect, then, as to the possibilities if means were only made available to mattress the caving bends and banks of the river, specially treat unstable foundations, and everywhere build the levees high enough and broad enough * * * say everywhere no less than 3 feet above the high water of 1912.

* * * * * * *

With regard, and ever at your service, believe me, always,
Yours, very truly, FRANK M. KERR,
Chief State Engineer.

APPENDIX B.

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., June 4, 1912.

Hon. JOSEPH E. RANSDELL,
House of Representatives.

SIR: Replying to your inquiry of May 29, I will answer your questions as follows:

1. Area reclaimed by the work of the Reclamation Service is a little over 1,000,000 acres.

2. The works now partly completed will reclaim a total of nearly 3,000,000 acres.

3. The cost per acre has ranged from $22 to $93, for bringing water to the land, payable in 10 annual installments, the average cost not being far from $40 per acre.

4. The average cost to private landowner for carrying water to his land after the reservoirs and large irrigation canals have been built by the Government has been very small, as the distributing system to the vicinity of the private land has usually been built by the Government in connection with these larger works.

5. Upwards of $70,000,000 have been expended in building the large reservoirs, canals, and other structures for distributing water.

6. Expenditures are being made at the rate of a little less than $1,000,000 per month.

If the above replies do not cover fully your wishes, kindly let me know.

Very truly, yours, F. H. NEWELL, *Director.*

APPENDIX C.

YAZOO-MISSISSIPPI DELTA LEVEE DISTRICT,
OFFICE CHIEF ENGINEER,
Clarksdale, Miss., May 17, 1912.

Hon. JOSEPH E. RANSDELL, M. C.,
Washington, D. C.

DEAR SIR: I have neglected to answer till now, your letter of May 4, asking for information and suggestions relating to the levees and the Mississippi River flood problem, as my attention has been quite fully occupied with the high water still hanging upon my hands.

I shall now endeavor to answer your interrogations categorically, to the best of my ability.

(1) "How long is it since there was a break in your district?"

Answer. Fifteen years.

(2) "What are the dimensions of your levees, and how do they compare with those in other districts?"

Answer. The Mississippi River Commission adopted a standard cross-section for levees, which has been in turn adopted by all the levee districts except the "Upper Yazoo" levee district.

The United States standard is as follows:

Crown width, 8 feet.
River-side slope, 3 to 1.
Land-side slope, 3 to 1, down to banquette; banquette grade, 8 feet below levee grade; banquette crown, 20 feet with a drop of 2 feet; banquette rear slope, 4 to 1.

The "Upper Yazoo" levee district adopted the following standard levee cross-section:

Crown width, 10 feet.
River-side slope, 3 to 1.
Land-side slope and rear banquette slope, 4 to 1.
Banquette crown, 40 feet wide, with a drop of 2 feet in 40.
(See inclosed diagram of cross-sections.)

Experience has taught me that 3 to 1 is too steep a slope for the land side of the levee, as it often invites and promotes sloughing of the rear slope. I have never had any sloughing on a 4 to 1 slope.

A 40-foot banquette serves four different functions, as, (a) reenforces the levee at the base, where the hydrostatic pressure is greatest; (b) covers with a superincumbent weight of earth the expanse immediately behind the levee, where foundation weakness is most likely

to develop; (c) affords a ready supply of earth for high-water fighting when needed; and (d) by using 25 feet of the outer part of the banquette crown for a roadway, ready access is afforded to all parts of the levee line; and permitting its use as a public highway, under levee board control, has proven a valuable asset to the country at large.

(3) "If there had been no breaks elsewhere this year, do you believe the levees in your district would have withstood the floods?"

Answer. I believe my levee would have held the entire flood this year if there had been no breaks elsewhere; but it would have been at the expense of a long and costly battle, with the issue doubtful. This flood exceeded all previous calculations of ultimate flood elevations, and had all the water been confined between levees I should have had from 1.3 to 2.3 feet higher water than my grade line was intended to resist. I should not have expected weakness to develop in the levee itself, except for the necessity of "topping" some parts of the line with sacks; but a much greater hydrostatic strain on the foundation would have given much more trouble there. The grade line of this levee had been fixed to meet almost exactly the flood stages that were actually present, to wit, 54 feet on the Cairo gauge and 54.6 feet on the Helena gauge. Forty-four feet had been assumed as the ultimate maximum flood elevation at Memphis, and an abnormality there gave us on the upper end of the line, along Horn Lake, 3.55 feet higher water than the previous record stage. This was held, however, without any trouble.

The excess of this year's flood heights over previous floods was on the major portion of this levee from 2.50 to 3.55 feet; only a few miles had less excess than 2.5 feet. The levee proper showed no weakness and required no work. But a great deal of treacherous foundation exists in this district, which alone was the cause of trouble. Wherever such weakness had developed in former high waters permanent and effectual means were used to combat it, and those places caused no concern. But the increased strain due to greater pressure caused many "boils" to break out in new places, some of which appeared to be dangerous. These were all met promptly and kept under control.

(4) "If you answer 'No' to this question, how much higher would your levees have to be in order to withstand such floods as those of this year?"

Answer. My entire grade line must be readjusted for a new anticipated ultimate flood plane. This requires that it be raised from 2.5 to 3 feet in order to give a margin of 3 feet above the highest water, which I consider necessary for permanent security and confidence, which latter is an essential of perfect levee protection.

This will involve about 8,000,000 cubic yards of additional material, which, with increased unit prices for longer haul, will cost about $2,000,000.

(5) "What changes would you suggest in the present levee system, and what would be the approximate cost thereof?"

Answer. I would suggest that the larger cross section used in this district be substituted for the smaller section now in use elsewhere, and that the grade of all levees be made 3 feet above the ultimate highest water. The quantity of material in the larger section is 25 per cent greater than in the smaller. I would recommend that my standard "muck ditch" be used generally, to be enlarged in places, for special reasons. The standard is 12 feet top, 8 feet bottom width, 7.5 feet deep.

I would also recommend that wherever treacherous foundation has developed, or is suspected, that permanent "sublevees" be built around treacherous expanses behind the levee, and water ponded over same of sufficient depth to reduce the hydrostatic pressure to a harmless degree.

This recourse I have found is essential in this district, and indispensable for combating the only vulnerable feature of this levee system.

I have not sufficient specific information of the conditions prevailing in other levee districts to undertake an estimate of the cost of a perfected system of levees throughout the regions of overflow; but, as a rough, and perhaps generous, approximate, should say $40,000,000.

* * * * * * *

GENERAL REMARKS.

The overflowed lands of the lower Mississippi Valley can be protected from floods and fully reclaimed by an adequate system of levees, and by levees alone.

This is purely a question of cost, and of the scientific application of engineering skill.

The only remaining question is whether these lands are worth reclaiming at the price required.

The Hollanders have now on foot a project for reclaiming 478,000 acres from the sea at an estimated cost of $211 an acre. It is not claimed that the Holland land can be made to produce more to the acre than ours can.

While an adequate system of levees for the protection of this country from devastating floods is a manifest and prime necessity, it should not be lost sight of that the fundamental feature of Mississippi River control is bank revetment. Upon bank stability depends both ability to maintain levees and to perpetuate a system of protection by levees, and also the abatement of excessive flood elevations.

It would be unfortunate if the present excitement and enthusiasm which is directed toward renewed levee building should divert attention and effort from this basic necessity of river and flood control.

While the generosity or sense of obligation of the Federal Government may go to any lengths it pleases in providing money for the building and enlargement of the levees, it is, in my opinion, of the first and last importance that specific and certain provision of an unfailing and sufficient annual appropriation be made for bank revetment, and that by the act of appropriation such sum be made solely applicable to this purpose.

* * * * * * *

Very truly, yours,

T. G. DARNEY,
Chief Engineer Yazoo-Mississippi Delta Levee District.

APPENDIX D.

MAY 3, 1912.

Mr. M. O. LEIGHTON,
Chief Hydrographer, Geological Survey,
Department of the Interior.

MY DEAR MR. LEIGHTON: I am studying as carefully as possible all problems connected with the flood system of the Mississippi River. For years I have been a strong believer in the levee system, and see no reason to change even now in spite of the present awful disasters in the valley. If other means than levees can be adopted, however, I would gladly try them, for I realize that unless the levees are made very much stronger than at present they give only a partial measure of protection. You have been a student of reservoirs, and I wish you to write me clearly your ideas on the following points:

1. Is it possible to establish a reservoir system that would impound a sufficient amount of the flood waters of the tributaries of the Mississippi River as to afford much relief in times of great floods like the present?

2. If you answer "yes" to this question, please state specifically where these reservoirs should be located, and how many of them there should be, and what would be the approximate cost thereof.

3. In answering this question I trust you will bear in mind that the records of all floods with which I am familiar have come principally from the Ohio River and its tributaries, and especially the Allegheny, Cumberland, and Tennessee; from the upper Mississippi and its tributaries; from the Missouri River and its tributaries south and east of Sioux City; from the Arkansas, the Ouachita, the Red, and the Yazoo, with their tributaries.

4. It is estimated that the levee system can be made very much stronger than at present, some say sufficiently strong to withstand any floods for $30,000,000. If we assume that it will cost $60,000,000 to perfect the levee system and surely guard against any prospective floods, how would that compare with the cost of an effective system of reservoirs?

Earnestly hoping that you will reply as soon as convenient, and as fully as possible, and thanking you in advance, believe me, with highest esteem,

Very sincerely, yours,

JOS. E. RANSDELL.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, May 4, 1912.

Hon. JOSEPH E. RANSDELL,
House of Representatives.
(Through the Director, U. S. G. S.)

MY DEAR MR. RANSDELL: I take pleasure in submitting the following reply to your letter of May 3, relative to the practicability and efficiency of reservoirs in preventing disastrous floods in the lower Mississippi Valley.

It is important to emphasize at the beginning of any discussion of this kind that if the value of a reservoir system be appraised according to its benefits in any single respect, such as the prevention of floods, it will rarely occur that any reservoir proposal will stand the test of minute examination. It is equally true that when the appraisal of benefits is confined to one locality or one stretch of river, it will frequently appear that some other method of river control will be quite as efficient and less costly. The justification for any reservoir plan must consist of all the benefits that will be secured along the entire river's course from the dam sites to the sea. It must include, in addition to flood benefits, those of compensation of low-water flow for navigation, water power, and in some parts of the country for irrigation, and it should be mentioned incidentally that the irrigation benefits are not confined to the arid regions, for it is the belief of those who have given thought to the matter that one of the most marked developments in agriculture during the next generation will be the general adoption of irrigation in humid lands. Your inquiry relates to the single purpose of flood prevention and to that portion of the Mississippi below the mouth of the Ohio. Therefore any appraisal of the value of reservoir systems which is confined to that single benefit in that region alone can not fail to be prejudicial to the reservoir principle, and it would be a mistake to reject the reservoir policy on such a standard of efficiency measurement. Unless river control and development be considered as a unit project from source to mouth, and the general rather than the local benefits be placed foremost, it is not likely that reservoir systems will be widely adopted. The foregoing observations are made to qualify the following statements, which relate specifically to the subject of your inquiry.

It is impossible to establish a reservoir system that would impound a sufficient amount of flood water in the tributaries of the Mississippi to always prevent floods in that portion from Cairo to the Gulf. Levees will always be required in the delta country. Reservoirs will prevent great floods on the Ohio and the upper Mississippi, because there are in the tributaries of those two streams sufficient natural reservoir sites to accomplish the purpose. With such systems established floods on the lower Mississippi, which result from the high water on the Ohio and upper Mississippi, could be quite effectively prevented, though a system of low levees would undoubtedly be required at many places in the delta. In the Missouri basin there is a large natural reservoir capacity in the Rocky Mountain region, but this is not sufficient to prevent floods in the Missouri. There is an enormous Missouri drainage area consisting of the Plains country in Montana, the Dakotas, Nebraska, Kansas, Iowa, and Missouri, the run-off from which will in times of great precipitation, or in the event of quick melting of a large accumulated snowfall, create floods in the Missouri and consequently in the lower Mississippi. In the Arkansas basin there is very little reservoir capacity, even in the upper portion. Consequently the run-off from the large area in which there are no reservoir sites might produce floods in the lower Mississippi under the same conditions as above cited for the Missouri. A similar observation applies to the Red River, though to a relatively less extent. The records of past floods in the lower Mississippi indicate that the greater proportion of them have been the result of flood conditions in the Ohio, therefore the correction of floods in the latter stream would relieve the lower Mississippi from an equivalent proportion of its flood damage. Nevertheless the flood menace from the three western tributaries is so great that the levee system must be continued, though it is probable that with the Ohio and upper Mississippi under control a levee system of the present standard height and strength would be effectual. Without such control it is clear to everyone that the present levee system is inadequate. I believe that the foregoing covers points 1, 2, and 3 in your letter.

Concerning point 4: We do not know how much it would cost to secure reservoir control of the Ohio and upper Mississippi. The investigations of the Pittsburgh Flood Commission indicate that all except the very highest floods could be kept below the danger line at Pittsburgh by the expenditure of $20,000,000 for reservoirs in the Allegheny and Monongahela Rivers. These reservoirs would, of course, have a beneficial effect all along the Ohio, but that effect would grow less as the distance below Pittsburgh increases. The cost of complete systems on such rivers as the Kanawha, Cumberland, Green, and Tennessee has not been determined. Personally, I believe that the entire system on both the Ohio and upper Mississippi could be established for about $500,000,000. If a suitable levee system could be established on the lower Mississippi for $60,000,000, as assumed in your letter, there would be no question concerning the propriety of

adopting the levee plan if we considered that portion of the river and flood prevention alone. But if all the other benefits be taken into consideration throughout the entire country affected by the reservoir system, and if we charge off from the prospective cost of that system the cost of extra high and extra strong levees and the locks and dams, the need for which would be obviated in certain places, together with the cost of dredging, which under the present plan must be continued perpetually, and which under the reservoir plan would be obviated, the aforesaid prospective cost of $500,000,000 would be reduced in marked degree. But even if this were not so, a mature consideration of all the benefits of the reservoir system makes me confident that the people of the United States could make no more profitable investment than that required to build the reservoirs, even were the ultimate cost as large as $1,000,000,000.

Summarizing the above, I would say that from the standpoint of the lower Mississippi alone, the levee system is far preferable to the reservoir system as to cost and efficiency, but if the whole basin and the interests of all the people be considered, the reservoir system must be the final resort.

Very respectfully,

M. O. LEIGHTON,
Chief Hydrographer.

Approved, May 4, 1912.

GEO. OTIS SMITH, *Director.*

Mr. GILLETT. Mr. Speaker, I should like to ask the gentleman from Florida [Mr. SPARKMAN] whether, as a result of the conference between the Senate and the House, the $25,000 for the improvement of the Connecticut River above Hartford, which this House passed and which the Senate rejected, is now in the bill, or whether it stays out, as the Senate insisted it should?

Mr. SPARKMAN. The House conferees insisted upon that appropriation and the Senate yielded, and it is now in the bill.

Mr. GILLETT. I am very glad the House prevailed. I appreciate that this is a relatively small item and is not of much concern to the Members generally, but I think the history of it is intrinsically interesting and suggestive, and at the risk of being tedious, I wish to give a summary of it, for there is a widespread belief throughout the country that appropriations for rivers and harbors depend more on influence and pull than on their merits and that the members of the committee can secure for their districts any moderate appropriation which has a reasonable argument behind it. Here is a proposition which has been earnestly pushed by a member of this committee [Mr. LAWRENCE], now the senior Republican member, for 16 years, and yet by an extraordinary complication of delays and mishaps this appropriation of $25,000, which is only a drop in the bucket compared with what we need and ought to have, is the first we have obtained in all these years. I except surveys, for I think more money has been spent in surveying and planning than on any equal extent of river in the world; but this is the first amount given for actual improvement.

About halfway between the prosperous cities of Springfield and Hartford the Connecticut River falls rapidly for several miles over a rocky bed and thereby interrupts navigation, which now ends at Hartford, but which, if it were not for these rapids, could extend, with a depth of about 8 feet, to Holyoke, 8 miles above Springfield. Holyoke, Chicopee, Springfield, and the towns immediately tributary to them have a population well over 200,000. They are busy manufacturing centers which receive and send out enormous amounts of freight and would be peculiarly benefited by water transportation, and an 8-foot channel would be ample for freight boats.

Naturally the enterprising residents of this district have been irritated to see this splendid river flowing past their doors to the sea without carrying a ton of freight when cheap transportation was a crying need. They saw the Government spending large sums to develop streams insignificant compared with ours and watering much smaller communities, and the complaint naturally arose, Why should we not share in the appropriations lavished upon others apparently far less deserving?

This feeling inaugurated a movement back in 1873 which resulted in a survey of the river by Government engineers, but nothing more was attempted until about 1895. Business men took up the cause in earnest, and a society was organized to further navigation and cooperate with their Congressmen. The next year an appropriation was made by Congress for a survey and report, and the engineer in charge, Maj. Leach, made a report most favorable to our claims, recommending that the Government at once undertake the work and estimating that it would cost from $2,000,000 to $3,000,000. Maj. Leach had made no original soundings, and before the Government could adopt and commence the project an appropriation was necessary for the complete survey on which plans for the work could be based; but Maj. Leach's report had been so thoroughly favorable that we anticipated no obstacles and thought we were on the high road to immediate success.

Meanwhile an event occurred in Congress which proved in the end of great influence on our designs. Mr. BURTON, of Ohio, was appointed chairman of the Committee on Rivers and Harbors, and those of you who have been here long enough to remember his predecessor will recall what a revolution he made in the methods of that committee. Before his time there was too much ground for the popular opinion that a Government appropriation was obtained by pull and not by merit, and that the bills were made up by giving appropriations to enough Members to secure a majority of votes without a very careful scrutiny of the relative needs of the different projects, and then the bill was rushed through with no opportunity for amendment and little debate. Under this arrangement every member of the committee was pretty sure to secure what he wanted for his own district. This was all changed under Mr. BURTON. He allowed unlimited debate and amendment, and to pass his bills relied upon his ability to satisfy the House in debate that the items were just and fair.

When our Connecticut River project was brought before this committee, with its new chairman, asking for an appropriation of $25,000 for a board of survey to make a thorough investigation upon which plans could be based, Mr. BURTON was unfavorably impressed by it and strongly opposed it in committee on the ground that Springfield and Holyoke had such exceptional railroad facilities that the saving in freight rates by navigation would not be enough to warrant the expense of the improvement; but after a hot contest we carried a majority of the committee and our clause was put in the bill, and the chairman, when the majority declared against him, acquiesced with good temper and made no further contest.

Then happened, however, the first of our many disappointments. The mill owners at Windsor Locks, who used as a sluiceway for their mills the existing canal, which was made for navigation and which the law compelled them to keep in condition for traffic, with the right to charge toll, were bitterly opposed to any scheme which threatened to take from them their profitable use of the water, and turned to their representatives in the Senate. Senator Platt, of Connecticut, was on the committee to which the House bill came, and without saying anything to our Senators he quietly persuaded his committee to drop our item from the bill. Senators HOAR and LODGE made a vigorous fight upon the floor of the Senate to restore the item, but were beaten by two votes, and so our chance was ended for that Congress, for there was only one river and harbor bill every two years.

In the next Congress we at once took the matter up, and our position was greatly strengthened by the appointment of Mr. LAWRENCE as a member of the Committee on Rivers and Harbors, for you all know even under the new practice each member of the committee has a peculiar advantage in securing appropriations for his district. The Connecticut River flows directly across the State of Massachusetts and is the dividing line nearly all the way between the first and second congressional districts, represented by Mr. LAWRENCE and myself, so that we were equally interested in the navigation problem, and securing a place on the committee for Mr. LAWRENCE seemed to make certain the successful result, which before was probable. Mr. LAWRENCE used his advantage so well and so gained the confidence of Chairman BURTON that while he still disapproved the project, he made no contest about it, and our appropriation again went into the bill and passed the House.

In the Senate the Connecticut Senators again opposed it and tried to defeat it, but this time they failed and we seemed certain of success until Senator Carter, of Montana, dissatisfied with some other provisions of the bill, successfully filibustered against it and made his famous speech of 13 consecutive hours, and thus the whole bill was killed. So we were obliged to wait once more for the next Congress.

This time the bill went through both House and Senate with a few unimportant amendments which the Connecticut Senators secured, and thus in 1902 we succeeded in getting a final survey ordered, for which we had struggled for six years. Maj. Leach's report had concurred so entirely with our wishes that we had little doubt that this board of Army officers would come to the same conclusions, and so we were stunned and our disappointment was bitter when in 1904 they reported that the probable benefits did not warrant the great outlay.

If this had happened under the old conditions, it would not necessarily have prevented the committee from deciding to undertake the work, particularly as this was the only project Mr. LAWRENCE, a member of the committee, ever asked for in his own district. But under the new régime it was fatal. The committee, under Mr. BURTON's lead, had adopted the ironclad rule that they would favor no measure which the Board of Engineers reported against.

And in this connection I wish to say that while this rule has worked most unfavorably to my district, while I believe that in this instance it has worked an injustice and has postponed a public improvement of inestimable value to an energetic and

deserving community, yet nevertheless I still believe the rule is a wise one and, despite the injury it has done me, I would not favor its repeal and a return to the old practice of favoritism and logrolling. The officers of the Army are not infallible. They are likely now and then to make mistakes, as I think they did in this instance, but I have never heard their integrity or qualifications questioned. They are not subject to political influence and are universally admitted to act from pure motives, and it is but fair to them that I should express my recognition that their opposition to this project, like Chairman BURTON's, was occasioned by no prejudice or improper influence, but by their honest sense of duty, mistaken though I think they were.

When that board of engineers made its report against us a new rivers and harbors bill had been nearly completed, and Mr. LAWRENCE and I, staggered by this unexpected blow, had to consider how our project could be revived. We concluded that the best chance to save something from the wreck and evade the result of the unfavorable report was to try to insert in the new river and harbor bill a provision that the board which had just reported against us should be reconvened and should submit an additional report upon any other methods of making the river navigable, for we had reason to believe that board might favor some project not providing so deep a channel or requiring so large an expenditure as we had demanded. We succeeded in inserting such a provision in the bill, and it happened at just that time our Connecticut friends who had always opposed us were very anxious that the magnificent Hartford Bridge under construction should be built without a draw. That we had always objected to and prevented, but it would not interfere with our light-draft 8-foot navigation under this new project, so we submitted it to the managers of the navigation association at home, and under their instructions we came to an agreement with the Hartford Representatives and Senators that we would permit their bridge to be built without a draw and they should cooperate with us in opening the river to Holyoke.

But this new plan broke against the same obstacle which had halted us before, and the board of engineers reported against even this limited freight navigation. There was left us now only one loophole against complete and final failure, and that was not a hopeful one. It consisted in an appeal to the Board of Review. This permanent board of engineer officers, sitting at Washington, had been created, I always believed, to act as a still finer sieve through which doubtful projects must pass after they had been allowed by the local surveying board, and I do not think they had ever allowed a plan which the first board rejected, but had rejected many which the first board allowed, but it was our only chance, we were convinced of the justice of our case, so we appealed, and the Board of Review, after many hearings, justified us by overruling the previous decision, and deciding that the results of the improvement would justify the expenditure by the Government of a million and a half dollars, but that certain rights at Windsor Locks must first be ceded to the United States. This the owners refused to do, and we found it would require litigation and expense, and it was being considered by influential citizens when the hopes and efforts of many of the men who had been most active for navigation were directed to a new channel.

The fall of the river near Windsor which makes the rapids and obstructs navigation, at the same time creates a vast water power, only a fraction of which is used at Windsor Locks. It occurred to some of the enterprising men who were studying the subject that instead of asking the Government to build a dam for navigation as planned, they might build the dam themselves and thereby develop a large and valuable water power, and by utilizing their dam the Government with the million and a half which it was willing to spend could easily provide the lock and dredging necessary for navigation. The recent discovery that power can be carried long distances by wire has brought to notice many possible water powers before neglected, and this undeveloped and wasted fall of water, halfway between the two industrial centers of Springfield and Hartford, appealed to some of the men who were earnestly and unselfishly working for navigation as an opportunity to accomplish that end and at the same time to make a profitable investment. They felt that these rapids were, to use the famous phrase of Dr. Johnson two centuries ago, not a mere fall of water, but the potentiality of wealth beyond the dreams of avarice. So they appealed to Congress for a charter and for permission to develop water power by a dam which should be so constructed as to furnish with the Government's cooperation the long sought navigation.

This development of water power in navigable streams and the cooperation of the Government and private parties is one of the most important of the questions before Congress. It is quite new because until the discovery of how to transmit power great distances most of these water powers were valueless. I know you gentlemen on the Interstate Commerce Committee and Rivers and Harbors Committee are giving it close study, and I hope you will soon agree upon some general principle applicable to all cases, so that the men wanting to invest their money in such enterprises can begin active cooperation, and more than all so that the navigation projects depending on it can be completed.

The Commerce Committee of the Senate last winter gave a hearing to the parties seeking this charter at Windsor Locks, and influential members of the committee stated publicly during the hearings that while they could not yet tell on what terms the charters would be granted, one fact was certain—that they must provide adequately and unequivocally for the full needs of navigation. And the prospect at last seems excellent that this long-deferred project will soon be developed in the most satisfactory and thorough way.

It was curious and, I thought, significant that at this hearing certain parties at Windsor Locks who have always sneered at navigation and opposed and blocked it in every possible way suddenly became its ardent champions, put in for themselves a rival application for a charter, and were eager to promise everything which the most ardent navigationist could desire. It showed that the cause was progressing; that its necessity was admitted by its bitterest enemies; but it also complicated the situation, because with two parties bidding for the right to build the dam, the committee was uncertain on which to bestow the charter. So that their new profession of zeal for navigation is causing us as much delay as their hostility ever did.

While this contest for the charter has been going on a company in Springfield which anticipates great advantage from river navigation determined to experiment with the present conditions on the river and to bring up coal by boat from the Sound. They found many obstructions, snags, and sand bars between Hartford and Windsor Locks, but by indefatigable perseverance succeeded in bringing up a flotilla of coal barges to their docks in Springfield. They wish to continue the operation, and it is to remove the obstructions to their commerce that the $25,000 in this bill is appropriated. Their enterprise certainly deserves recognition. It is peculiarly gratifying to us who are interested to see that there is actually some commerce on the river, even if it is small and continued under difficulties. It is an earnest of what may be in the near future, and I was exceedingly glad that the engineer officers could be persuaded to recommend this $25,000 on the ground that it not only helped the navigation now on the river but was a necessary part of the larger improvements which we expect will give us general navigation.

It is the first money that has been appropriated in all these years really for the improvement of the river. All the rest has been for surveys and investigation, and although this amount is insignificant the circumstances are favorable; for unless the engineers expected that the larger plan of a power dam—in conjunction with which they have recommended that the United States should spend over a million dollars—for navigation was imminent and likely to soon be developed, they would hardly have been allowed this money simply to restore old conditions. This $25,000 is to be so expended that it will be part of the anticipated navigation. To bring that about we are no longer dependent on the decision of an engineer board, for they have already reported favorably upon it. It awaits now the action of the men who avow that they are ready to begin the enterprise. They say the money is at hand. They have their private selfish interest to stimulate them, and the only obstacle which is delaying us is that the scheme looks so attractive that two rival companies are stretching for it and fighting each other, and until their legal contest is ended or compromised neither can begin. I am hoping that this new hindrance will be soon disposed of, and that the project which has cost so much effort with so little result for so many years is about to be consummated in a more enduring and satisfactory form than any of the first plans.

I had no intention of taking so much time on this subject, which is of more local interest to my district than of general interest, but I am glad of the opportunity to give a connected statement of our efforts for the navigation of our principal New England river, and I think it may also be useful as contradicting the current impression that pull and political influence are all that can gain appropriations. Undoubtedly they still avail, and without work and influence no appropriations will be won; but the old times when the least meritorious project could be carried through by an influential Congressman on the committee regardless of its merits have passed away never, I hope, to return. Here is a case where a member of the committee sought for 16 years one solitary appropriation for his district, and though in that time he went from the foot to the top of the committee he could never succeed, simply because the Army engineers who were ordered again and again to investigate as often reported that the improvement though desirable would not warrant the necessary expense.

And the present situation is also of general interest as an indication of the new opportunities the transmission of power over long distances by wire has given both to the United States and to remote localities. Now, the innumerable dams which the Government has constructed and maintained for navigation purposes can, with little additional expense, become great sources of valuable salable power, and in future development private corporations will be glad, for their own profit, to build the dams necessary to make streams navigable and thus save the Government vast expense.

We should speedily adopt principles and rules under which such corporations may act, and I trust one of the first results of this new discovery and new policy may be a huge dam at Windsor Locks, which will distribute power and add to the development of that whole region, and, more important yet, will at last open up navigation to the Sound from that busy industrial center which for so many years has seemed on the point of securing the advantages of river transportation and each time has had its expectations rudely shattered by the veto of the War Department. The War Department has now reported in favor of this new project, capital is ready, two different corporations are contesting for the privilege, and I trust this rivalry may soon be settled, the necessary charter granted, and the long-postponed navigation at last consummated.

Mr. NEEDHAM. Mr. Speaker, I favor the adoption of the conference report. There are several items in the bill which are of great interest to the people whom I have the honor to represent, and I desire to take this opportunity to express my gratification that the bill is soon to become a law, and in doing so I feel called upon to express the appreciation of the people of my district for the consideration shown them as evidenced by several items in this measure.

After a struggle lasting many years, at times presenting many discouragements, the people, not only of my district, but of the whole State of California, will be gratified to realize that provision is made for the improvement of the harbor at Monterey, Cal. The State of California, with its immense coast line, has long been anxious for more harbors, and the inauguration of the project at Monterey, which will result in an additional deep-water harbor on the Pacific coast, will, I am sure, be received with genuine satisfaction by the people of the State which I have the honor in part to represent upon this floor. The making available of this splendid deep-water harbor by the building of a breakwater is destined to play an important part in the commercial development of our State. It means the certain construction within the near future of a cross-State railroad which will be built from the great San Joaquin Valley to the harbor at Monterey. It means an additional outlet for the products of the greatest producing section of the State of California.

Provision is made for the building of a breakwater at Monterey, at a cost of $800,000, upon two conditions—first, that the State of California shall provide $200,000 toward the cost thereof, which condition has already been met by a direct appropriation of the Legislature of the State of California; and, second, upon condition that provisions are made satisfactory to the Secretary of War for the building of a railroad from the San Joaquin Valley to Monterey, which condition, in my opinion, will be met within the near future. This cross-State railroad from the great interior valley of California will carry to tidewater the products of as rich a section as there is in the world, a section of our State which, in the variety of its products, is unsurpassed; a section which produces every known product of the soil and of the mountains immediately adjoining—the richest products of the forest and mine.

The building of the railroad to this newly constructed harbor means a cheaper outlet by reason of the short haul and the consequent decreased freight rate for the lumber and mineral products of our mountains and for all the products of the great valley, including wheat, barley, oats, hay, alfalfa, dairy products, dried fruits, canned fruits, raisins, citrous fruits, wine, and every product of the farm and of the soil. It marks, in my opinion, a new era in the development and prosperity of the State of California.

I am also pleased to know that the conferees have included in the bill amendment No. 119 of the Senate, which is in the following language:

> That a preliminary investigation be made to determine whether a system of impounding reservoirs at the headwaters of the Allegheny, Monongahela, and Ohio Rivers and their tributaries is needed and practicable to provide sufficient water during dry seasons to operate the present and proposed system of locks and dams in these rivers, and to what extent the Federal Government, on the basis of their benefit to navigation, is justified in cooperating with local communities which may be interested in the construction of such reservoirs primarily for the purpose of flood prevention, and the feasibility of operating such reservoirs for the double purpose of flood prevention and improving navigation; and that this investigation be conducted by a board of three engineer officers, to be designated by the Chief of Engineers, United States Army; and that the results of this investigation be reported to Congress, with such additions as may be made thereto by the said Chief of Engineers, not later than December 7, 1912; and that for this purpose the sum of $5,000, or so much thereof as may be needed, be, and the same is hereby, appropriated.

Personally I would like to see this amendment go further. However, I realize that this amendment is a new departure in legislation and a recognition of a very important policy, which policy, I trust, will be enlarged and broadened within the near future. The Nation must take a further step in its legislative policy with regard to the waters of our rivers. It must be recognized by advanced legislators that there should be inaugurated a policy of cooperation between the Nation, the State, individuals, and local communities looking toward the conservation of the waters of our streams and a utilization of such waters to beneficial use. To this end there must be inaugurated within the near future a policy which will build storage reservoirs upon the headwaters of our rivers so that these reservoirs may furnish water for the standardization of our navigable streams; and, furthermore, to the end that such waters so stored may be brought to beneficial use in the irrigation of lands which can not be profitably cultivated without irrigation.

A wise progressive policy makes it incumbent upon the Nation to lead the way in legislation which will bring about this cooperative policy of conservation. The provision above quoted, I sincerely trust, is the beginning of a liberal policy which will bring into active cooperation the Nation, the State, and the local community in the wise use of the water of our various streams. It is foolish to further postpone such a policy. It is, to my mind, not only foolish, but it is extravagantly wasteful to continue to do nothing because of a lack of cooperation between these agencies. There has been too great an insistence by Congress that it will do nothing with our streams except to promote navigation. We must recognize that the problems of navigation, flood prevention, storage, and irrigation are so interwoven and so overlap that it is positively essential that the Nation, the State, the individual landowner, and the local community must cooperate, and in this cooperation it is, to my mind, the positive duty of the Nation to lead the way.

We have a situation in the State of California which demands that this cooperative policy be immediately inaugurated. The complete use of the waters of the San Joaquin River and the Sacramento River demands the entering upon this policy without further delay. I am, therefore, gratified that there is such a recognition of this policy contained in this bill, and the friends of this policy will continue this agitation until a full recognition of the policy is obtained and its inauguration recognized by law.

After many years of effort we have, with the active cooperation of the commercial bodies of the great San Joaquin Valley, particularly the traffic association of the Chamber of Commerce of the City of Fresno, succeeded in enlisting the attention of the authorities of the United States to the problems of the San Joaquin River. We have obtained for this river greater consideration from the Engineer's Office of the Government than ever before, and we have brought these problems to a further point looking toward their solution than has hitherto been attained. The problems of this great river demand the building of storage reservoirs upon the headwaters of its tributaries in order that the stream may be standardized for the purpose of flood prevention, navigation, irrigation, and drainage. The improvement of this river by a cooperative policy between the Nation, the State, and the communities tributary to it will be of inestimable value and will result in unprecedented development.

The people whom I have the honor to represent are so deeply concerned in the utilization of the water of the San Joaquin River for the purpose of irrigation and navigation that they will not rest until the river is comprehensibly improved and its water put to all the possible beneficial uses which a wise system of conservation demands.

Mr. SPARKMAN. Mr. Speaker, I yield to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I have neither the time nor the disposition to detain the House or to delay the vote upon this important measure by a lengthy discussion of its provisions, but only desire to express my approval of this bill as a whole and especially to express my own appreciation and the thanks of the constituency that I represent for the liberal spirit shown by the River and Harbor Committee and by this Congress in favorably considering matters of such great importance to the people of the Mississippi Valley. This bill appropriates

$6,000,000 for the improvement of the Mississippi River from the mouth of the Ohio River to the mouth of the Mississippi, $4,000,000 of which will be expended in repairing and constructing levees from Cape Girardeau, Mo., south. This is much more than was ever before appropriated by any Congress for the same purpose.

The recent unprecedented flood from the Mississippi River and the great destruction of life and property wrought by it has convinced us all of the necessity and the importance of this increased appropriation.

There is but one criticism that I would make of the past or present policy of this Government in handling the Mississippi River question, and that is I believe more money should be expended in revetment work, making the banks of the river permanent, and thereby protecting the levees from destruction by caving banks and at the same time protecting the channel of the river from the obstruction that necessarily follows the falling in of acres of the most fertile lands under the sun.

As a near neighbor of Cairo, Ill., residing as I do in the Missouri county immediately across the Mississippi River, I heartily approve of the appropriation contained in this bill for the protection of that growing city and important commercial center, and I congratulate my old-time friend, Capt. THISTLEWOOD, who represents that district so well, for his success in obtaining this just recognition for his city.

I also desire to express my approval and appreciation of the item in this bill providing for the examination and survey of the St. Francis River in Missouri, which the committee kindly placed in the bill at my request.

The Government for many years appropriated money to improve this river, but in the Fifty-ninth Congress, which was before I had the honor to be here, the usual appropriation for this river was discontinued; and I now hope, by this examination and survey, to again get this important local stream restored to its former place as a recognized navigable river.

Mr. Speaker, I favor this bill, and as it is important that levee work should be done at once, so as to protect the country from another possible flood, I hope it will be promptly passed. [Applause.]

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] has two minutes remaining. Does he desire to use that time?

Mr. SPARKMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPARKMAN. Mr. Speaker, has a member of the Committee on Rivers and Harbors who is not a member of the conference committee any time at his disposal? The gentleman from North Caroline [Mr. SMALL] wanted to be recognized. I am willing to yield to him the two minutes I have left it that will answer his purposes.

The SPEAKER. The Chair will first recognize the gentleman from Illinois [Mr. MANN] for one hour.

Mr. MANN. I yield five minutes to my colleague from Illinois [Mr. THISTLEWOOD].

Mr. THISTLEWOOD. Mr. Speaker, there is no section of the country, outside of the section immediately surrounding the city of Cairo, that suffered more from the great flood that visited that western section during March and April of this past year. There is no section of the country that needs the protection that only the United States Government can give to its rivers by the building of levees and of revetment work more than this section.

The city of Cairo is most peculiarly situated, being at the junction of the Ohio and the Mississippi Rivers; two great rivers within themselves that drain with their tributaries more than 27 States. But when you remember that to the Ohio River, not more than 50 miles above Cairo, is added the Cumberland River and the Tennessee River, and a short distance above, the Wabash, in my judgment these three rivers combined discharge more water into the Ohio than comes from the upper Mississippi. And there is some peculiarity about the rapid rise that prevails when these rivers are at flood stage. In 1883 we had the highest water at Cairo ever known since the Government established the Weather Bureau, yet the water of this great flood that has just passed or is passing exceeded the height of that flood by 2 feet; but in the year 1884, making three high-water periods—1882, 1883, and 1884—the Ohio River was 3¼ feet higher at Paducah than it was in 1883, the highest water for Cairo up to that period. This great flood that has passed or is passing was 2 feet higher at Cairo than was the flood of 1884, but yet not so high at Paducah, 25 miles above. This recent flood, I think, was the most destructive flood that ever visited the valley of the Mississippi River. The loss of lumber, buildings, corn, hay, alfalfa, wheat, live stock, and other farm products would perhaps amount to $5,000,000 alone in and around Cairo, and that was not the greatest loss. If you could have been with me on that April morning when the Big Four levees gave way, and could have seen, as I saw, streams of people deserting their little cabins with fear and alarm depicted on their countenances, you would know how to appreciate the loss to those poor people who were driven from the drainage district. It was a loss including not only their household furniture, their family supplies, but even their houses were beaten to pieces by the raging waters. What could be more distressing than to see a poor woman with her house about to be swept away, all that she had right there, and perhaps with two or three little children who had become greatly alarmed clinging to her in great fear? I refer to the people who were driven from this drainage district, the workshop of the city of Cairo. They are the laboring classes of people, but they are the producing class, working in the mills and shops and factories, and while their loss was not great, yet in proportion to their ability to meet the loss, it was greater than all the others. The wonder to me is that so few of them lost their lives, but this question can only be explained by the fact that the river rises gradually at first, giving the people a chance to escape by dikes and railroad tracks, and those that were left clung to their buildings, some of them taking refuge in attics until they were picked off by rivermen in skiffs. Is it any wonder that people become alarmed and is it surprising in times of great calamity like this that people are willing to open their pocketbooks and come to the relief of those who have had everything swept away?

While we do not ask any of this appropriation that is allotted to Cairo for the purpose of making restoration, or the rebuilding of homes for the people who lost all, we do ask it that the people may be safeguarded in the future against such losses; that labor may be furnished to them that they may take care of themselves. Without this appropriation from the National Government it is doubtful if we could do this work ourselves. This flood, while it was resisted by the main part of Cairo, entirely suspended traffic, destroyed railroad embankments and bridges, and nearly all means of communication between the high land and the city of Cairo. I think one dollar expended in building up levees good and strong goes further in the end than two dollars expended in temporarily caring for the people. The American people are very charitable, and they rush with open pocketbooks to assist the distressed communities. They are willing to provide for them, but is it not better for the Government to make these appropriations so that this distressing condition will not be likely to occur again?

I think with the $250,000 that you will vote in this bill and the $250,000 that will be raised by the citizens of Cairo, the $20,000 at Mound City with a like amount to be expended by them, we will be able to put the levees surrounding this territory in shape to withstand a much larger flood than this one was. I do not think it would be prudent to say that with this we could bid defiance to the floods in the future. The possibility of floods in the Mississippi Valley is great, and where great rivers come together and where the outlets have been narrowed during high-water periods, it is apt to be many days before the river declines perceptibly. What is the means of protection? I know of nothing else than well-constructed levees built high and wide and strong. I can not say too much about what has been done under the direction of the Mississippi River Commission on the lower part of the river and even above Cairo. If by revetment work or any means we could stop the caving banks along the Mississippi River, we would go a long way in arresting the great and destructive floods. Where the banks cave the earth is carried in sediment but a short distance down the river and deposited again, making an obstruction to navigation and an obstruction to the rapid flowing of the stream. The caving banks are largely where the trouble comes from in filling up the channel of the stream. Wherever there is a caving bank there is sure to be a sand bar but a short distance below it, and there cross currents are caused in the river which in turn starts a cut in another place. I think the engineers who have studied the Mississippi River believe in letting the channel scour out the stream where it can be done and thus make a greater width to the river and to the flow of water in flood times. I would apply two remedies to this condition of the river: Build up the levees and maintain the channel as free from sand bars as it is possible to do. There is not any question but that the bars in the channel of the river have a great deal to do with the stage of the river at all times.

Most of the people who lost their homes and their all in the flooded district were cared for by the citizens of Cairo and of the surrounding country, aided by patriotic National and State Governments. I feel sure that many of them have not gotten back into their own homes yet. We need this appropriation well expended, and I hope that no time will be lost in closing the

gaps that were made by this great flood in and around the city of Cairo.

The question was asked by the gentleman from Washington if there had ever been any money appropriated for improvements on the Ohio River. My recollection is it was not answered, but I remember very distinctly only a few years ago, less than 20, the old town of Shawneetown was nearly wiped away in a great and destructive flood, and the people of the West, especially the Central West, contributed largely to the maintenance of the people who were driven from their homes, and the Government made an appropriation to build and restore their levees which were broken or destroyed.

I believe in levee building. I believe it is the only way the destructive floods can be prevented from doing great damage. The question is often raised why the river increases in height as the years go by during these great floods. If there were no other reason to cite, the very fact that great stretches of territory are being leveed and the water is year by year confined to narrower channels than prevailed years ago. It is not a new thing, Mr. Speaker, for the Government to appropriate money to build levees. The Mississippi River Commission has been in existence for more than 30 years, and a large part of its business year by year has been the building of levees and the closing of gaps along the Mississippi River and its tributaries. Then years ago levees were built opposite the city of Cairo in Missouri, partly by the Government and partly by the levee district, I think, on a half-and-half basis, and this is what the city of Cairo is proposing. We are only asking that the Government shall contribute one-half of this levee enterprise, and I feel that the money will be returned in increased business of the country, increased property interest fourfold to the Government within 10 years. The Government has property of its own in the city of Cairo. They have a Federal building and custom-house which cost in the neighborhood of half a million dollars. They have a marine hospital that cost over $100,000. The Government has large interests in Cairo. It is the head of deep-water navigation. The Government gauge at Cairo is a guide to all the points below us as to the height the river may be expected to rise during any flood and is watched as carefully by the planters around Vicksburg and Greenville and other places along the river as are their own reports. It is a wonderful help to the farming community. It is a great help to the business interests to have this Government river report made daily so that each can calculate and take chances for himself. So this is no new departure for the Government. They have been building levees, or helping to build them, ever since the organization of the Mississippi River Commission, and in some places they build them outright.

This land, embracing the Mississippi Valley, cared for, is the most productive of all land, in my judgment, in the world; and any government would be very neglectful of its duties to its citizens and be wasteful and destructive of its own resources that would permit this great body of land to lie idle because of the expenditure of a few million dollars in levee building. I make no special plea for the city of Cairo beyond the surrounding country. I am just as anxious to see the people of Mr. RUSSELL's district in Missouri, that is right across the river from us, protected from the flood waters. They are entitled to be protected. They are entitled to have their bank revetments made; and I am sure Mr. RUSSELL, a very active and influential Congressman, will see that the levees on his side are restored and built stronger and higher. Of course all this will be forcing the water up on us, but we are not so selfish as to want to receive all the benefits that levee protection gives to any other section. This is a great country, and this Mississippi Valley is a great body of land. It is said a man is a benefactor who causes two blades of grass to grow where one used to grow. The improvement of this great body of semioverflowed land will do more than to cause two blades of grass to grow; it will cause four. I think we have just begun to reclaim the Mississippi Valley.

There is one thing to be remembered by those who live along small inland streams—the necessity for levee improvement does not there exist for the reason that the water in such streams rises rapidly and soon passes, doing little damage; but when these great rivers fill up, you may calculate that you have a month's water on your hands to carry off. The ordinary outlets of the river are not sufficient to carry it off. If rivers were only intended to be used to drain off the surplus water from the land, there would be, perhaps, as much necessity for their improvement as there is to-day, but the Mississippi River is a great freight carrier. The Mississippi River and the Ohio River combined annually transport many millions of tons of coal, iron, grain, lumber, and all the products which enter into the trade of the country. I have in mind now the immense carrying capacity of some of the coal boats that are running on the Ohio and Mississippi Rivers. The great towboat *Sprague*, in her record-breaking trip down the river, towed 56 barges of coal, of 1,200 tons each, or a total of 67,200 tons. If this coal had been loaded on cars, of 30 tons to the car, it would have extended, coupled up in a solid train, over more than 20 miles of road. The tow, when placed on the river, was 900 feet long and more than 300 feet wide. It only shows the possibility of the Mississippi river as a great freight carrier and freight regulator. I am told that coal can be profitably towed from Pittsburgh to New Orleans on the river now for 75 cents per ton, whereas the cheapest rail rates would be perhaps three times as much. All of this great carrying capacity ought to be used by the Government as much as possible, and one of the reasons why it is not used more, perhaps, is the uncertainty of having a stage of water that will permit of river traffic the year round. If the conditions of the river could be improved to such an extent that we could have every-day transportation, so that a man's property would not be going to waste, or he would not be eating up what he had earned during the period of fair weather and good river conditions, it would be a great and valuable asset to the Government, much more valuable than it is now.

We need to care for the river. We need to protect its banks. We need to prevent the formation of bars, if possible. We need to so manage the river that we can have this transportation, if not all the year, then as nearly so as possible. To do this we must use the river. To do this we must stimulate the raising of products along its banks. We must stimulate the growth of business in and along the river. There is no soil in the world that will produce as much if properly managed as does the bottom lands of the Mississippi. The Mississippi Valley, of which the Mississippi River is the great central figure, produces 75 per cent of the wheat, oats, corn, barley, cotton, live stock, hay, fruits, and other commodities of the United States; and while much is lost through overflow, if the Government will take hold of it and expend annually a sufficient sum to restore the broken levees and to raise those that are not sufficiently high we would hear but little of the loss and destruction of property along its banks. The State of Mississippi, I am told, has the best levee system of any of the Southern States. As an evidence of that fact no breaks occurred in any of its levees this year. They have made it a business to build them high, strong, and to care for them, and under their efficient management it is returning fourfold the money invested.

I do not hesitate to say that the destruction of property measured in dollars and cents, saying nothing about the loss of life, is equal to a sum that if properly expended would make the levees of the Mississippi River almost impregnable and render life and property behind its banks secure.

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I simply wish to make two observations in respect to this bill. First, as to the Mississippi River and the great valley which it drains. I wish to bring to the attention of the House a broad aspect of that subject in order that some plan may be devised by Congress which will avoid the necessity of constant criticism annually levied at the appropriation for that river, as has been the case for many years. Any man who studies the Mississippi River in his first experience with it as a river-and-harbor project will of necessity be prejudiced against it because of the small number of water carriers which traverse it, and the small amount of commerce which is carried upon it, and the slight degree to which its navigability is affected, as compared with the large appropriations which are made for it. I say these considerations together will prejudice the mind of a man who first begins the study of this river in order to determine its merits as a project worthy of improvement. However, in another aspect, when it is considered that from Cape Girardeau to its mouth at the Gulf there is concentrated the drainage of almost one-half in area of our territory, a condition which was so happily explained by the gentleman from Louisiana [Mr RANSDELL] in his interesting speech, and when the conditions resulting from this great volume of water upon the riparian lands are considered, the fertility and value of those lands, the large population and the wealth of that section, and when we consider, further, that of necessity it is not a local question, is not confined to any State, and is beyond the potential and financial power of any State or of even any section of the Union to take care of, I say we can not avoid the conclusion that it is a project involving national consideration and demanding Federal support.

We have been making appropriations for this great river, particularly for levees and revetment and bank protection, from

Cape Girardeau to the Gulf, for a number of years. The expenditures in a large degree are made and the plans formulated by the Mississippi River Commission; but we have never had and have not to-day any plan by which there is a definite cooperation between the States and the localities along that river and the Federal Government. There is no coordination between the engineers and other assistants furnished by States with the Federal Government. I do not believe that this problem will be properly settled until after due consideration Congress shall enact a law under which the proportion which the States and the Federal Government must contribute shall be established upon some uniform and equitable basis. I believe we should go further and place the entire project under the control of the United States Army engineers, and thereby place the entire responsibility upon them. I think no higher duty can devolve upon the River and Harbor Committee and the friends of the Mississippi River, particularly in its lower section, than to devise some plan for submission to Congress by which this shall be recognized as a great national problem and a national duty, so that each year we may make appropriations upon some equitable scheme of cooperation between the Federal Government and the States of the section immediately affected.

I wish to make only one further observation, Mr. Speaker. I think in many respects this is one of the most valuable bills which has been brought to the House in the new and constructive legislation which it contains. I have only the time to review now one feature.

Criticism is made from time to time by opponents of river and harbor improvement, who say that the expenditures which we make do not develop a sufficient amount of commerce upon our navigable rivers commensurate with the money expended. To some extent this criticism is justified and merited, and it is due to our relying too largely upon the proposition that an improved channel means commerce. It means no such thing. Other conditions must exist before commerce may be expected to develop upon any navigable stream. One of the conditions I wish to advert to for a moment is this: We must have upon our navigable streams adequate water terminals. One of the difficulties in promoting commerce upon our interior rivers, and notably more on the rivers in the Mississippi Valley, tributary to the great Mississippi, has been this lack of adequate water terminals, not only a terminal which shall have sufficient area, but which shall have a modern warehouse equipped with all modern appliances for transferring freight from the water carrier to the warehouse. There must be physical connection between the water terminal and the railroads serving that community or section, and also adequate highways leading to the terminal. Then we should go further, as we have attempted to do in the Panama Canal bill, and compel a system of prorating between the railways and the waterways, so that we may have long-distance shipments, partly by rail and partly by water. It is recognized to-day that one of the principal factors in our success in building up so great a railway transportation system lies in the fact that the railroads have standardized their tracks and equipment and by prorating one with another have built up a system of long-distance traffic so that they embrace the entire country.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. MANN. Mr. Speaker, I yield five minutes more to the gentleman from North Carolina.

Mr. SMALL. Mr. Speaker, if prorating in this way has enabled the railways to build up long-distance traffic, serving the needs of the entire country, why should they not also prorate with the water carriers, and why should not a person having freight for shipment which may be carried partly by water and partly by rail be able to obtain a through contract of carriage so that it may be carried upon both lines and under one common contract or bill of lading?

Mr. Speaker, this bill contains a provision that in every survey authorized in this and in subsequent bills the engineers shall make a report indicating whether there are water terminals, whether they are adequate; if there are water terminals which are not adequate, they shall specify the particulars in which they are inadequate, and, in addition, if there are no water terminals whatever they shall indicate in a general way the proper location of such terminals and the necessity for them. This information will gradually tend to induce Congress to provide that no appropriations shall be available until the States or municipalities shall construct adequate terminals. In my opinion, this would be a just condition. No section is entitled to have a stream or harbor improved, unless they intend to utilize it for commerce, and to this end water terminals are a prerequisite. Not only is that provision in this bill, but there is another even broader, which authorizes and directs the Chief of Engineers during 1912 and 1913 to secure data embracing every navigable stream and harbor in the United States, which has at any time been improved by the Federal Government, and furnish for the information of Congress full data as to the existence or nonexistence of water terminals upon each of those navigable streams and harbors. When that report shall have been submitted and we shall have attached to every subsequent report full information as to the existence of water terminals, then the committee and Congress will be in a position to enforce, if it chooses to do so, the limitation upon appropriations for a navigable stream, requiring that water terminals must be provided before the appropriation shall become effective. In many other respects this bill is exceedingly meritorious, but I shall not attempt to detain you longer with any details as to its merits.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. RUSSELL. Mr. Speaker, I ask the same privilege.

The SPEAKER pro tempore. Is there objection to applying it to all who have spoken?

Mr. MANN. None whatever; and I ask that it may apply.

The SPEAKER pro tempore. If no one objects, it is so ordered.

There was no objection.

Mr. MANN. Mr. Speaker, the river and harbor appropriation bill as it passed the House carried a cash appropriation of $24,062,520.50, and provided for a continuation of contracts in the amount of $2,200,000, or an aggregate amount of $26,262,520.50. That was considered a rather small amount for a river and harbor bill, and we were told that was a result of the Democratic economy plan to cut off all appropriations. If anything was added, the responsibility was to be placed upon the Senate. The Senate added to the bill by amendment $8,054,010 and struck out $233,000, making a net increase of $7,821,010. The total of the bill as it went to conference was $34,083,530.50. The Senate added items of $8,054,010, and the conferees have made a net reduction of all of those items of $824,160—about 10 per cent. The bill in its present form as agreed to by the conferees carries $33,259,370.50. I do not know whether the conferees are quite willing to say that all of these items are proper and should be in the bill or whether we shall hear during the campaign how the House passed an appropriation bill carrying so much and the extravagant Senate added so much and then forced the House to agree to put on those items in order to carry on the Government.

I suppose we will hear that a great many times during the campaign, and yet no man here to-day dares say that any of the items which the Senate added to the bill and which have been agreed to in conference are not proper items to be in the bill. If there is any such man here I will yield him time now to point out the items. Mr. Speaker, the Senate also added to this bill an amendment as section 2 of the bill providing:

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report.

The purpose of that amendment was to provide a systematic control of river and harbor improvements. That item went out in conference, and somebody somewhere in referring to section 2, the amendment inserted by the Senate and not put in the bill, assumed to make remarks something like this concerning the House:

So far as the House of Representatives is concerned, however, it remains still attached to the system of spoliation—the system of pothole appropriations, controlled by the Representatives of various districts, through which they secure nomination and office; a system which is cynically regardless of the ultimate purposes to be obtained, the development of a system of waterways fitted for transportation, and not a system of waterways designed to secure the expenditure of public moneys in the interest of men seeking office.

I do not say that fairly describes the attitude of the Democratic House of Representatives in refusing to agree to this amendment, but I am informed that a certain distinguished Democrat made the statement. Mr. Speaker, there is another item to which I wish to refer. In various items which were

inserted in the bill by the Senate the House conferees have insisted upon inserting these words, "which shall be considered extraordinary emergency work." The House conferees have insisted upon inserting those words in several amendments of the Senate, and those words——

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. SPARKMAN. I would like to say those words first appeared when the Senate amendment made provision for the improvement of the lower Mississippi River. They were afterwards inserted in the three provisions—one for Mound City, another for Cairo, and another for the Arkansas River. Those insertions were made in conference.

Mr. MANN. They must have been made by the House conferees, the Senate conferees could not amend their own amendment.

Mr. SPARKMAN. I say they first appeared in the provision for the improvement of the Mississippi River, and were inserted by the Senate and not by the House. Afterwards the same provision was made in the provision for Mound City and Cairo and the Arkansas. Those were made in conference.

Mr. MANN. I am aware of that. I am glad the gentleman calls it to the attention of the House. I am just going to call attention to one particular item with that statement.

The item in reference to Cairo is $250,000. That was a Senate amendment, and in conference the House conferees insisted upon amending that Senate amendment by inserting in it:

Which shall be considered extraordinary emergency work.

I suppose that language might be read to 90,000,000 of the American people and there would not be 20 of them who would know what it was put there for unless they were informed specifically.

The eight-hour law passed in 1892 says:

The provision that the service and employment of all laborers or mechanics who are now or may hereafter be employed by the Government of the United States is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

Now, the little work that was done at Cairo under the special appropriation we made, with the river rising and threatening to sweep away the levee, was a case of extraordinary emergency, and the extraordinary emergency has passed by and no longer exists. In the eight-hour bill which was passed the other day, and which has become a law, but which only applies to contractors, we put a provision exempting levee construction from operation of that law. But the law now applies to the work on the levee. Most of it in the first place is done directly by the Government, or much of it, and this provision of the law applies, and it has been held that the work on the Mississippi River and the other rivers now being carried on is not a work of extraordinary emergency. And the purpose of inserting that provision in these items was to escape the eight-hour law. We have here a Democratic House one day passing an eight-hour law and the next day passing a law to exempt the appropriation made from the operation of the eight-hour law.

Next Wednesday we will have before this House a bill reported into the House by my colleague from Illinois [Mr. BUCHANAN] which proposes to amend the eight-hour law of 1892 by making it apply to all laborers and to all persons, whether they be laborers, mechanics, Army officers, Mississippi River Commission members, or what not, engaged in constructing, maintaining, or improving a river or harbor of the United States, or in the District of Columbia, and we will be treated to the rare anomaly of this House on next Wednesday passing a law providing that all labor of all kinds upon rivers and harbors shall come under the eight-hour law, when on the Friday preceding they make an appropriation and provide that it shall not be controlled by the eight-hour law, because all of these laws must necessarily provide an exception in case of extraordinary emergency.

Does the Democratic side of the House, which proposes to pass the new bill next Wednesday, believe in it? If so, why do you to-day provide that it shall not operate? The time to do a thing is when you have a chance. This House can now withdraw its insistence upon inserting in these Senate amendments this provision that takes this appropriation out from under the eight-hour law, and that will be effective. Next Wednesday it can pass a bill in the hope that in the course of much business in the Senate between now and March 4 next it will not have a chance to get through the Senate. I shall watch with interest on Wednesday to see whether the distinguished gentlemen on the Rivers and Harbors Committee, who insist that the eight-hour law shall not apply to the appropriations they are now making, will vote or offer to amend the bill next Wednesday which says that it shall apply. There is no extraordinary emergency now in reference to improving the levees on the Mississippi River.

Mr. Speaker, I have listened with interest to what has been said about the improvement of the Mississippi River. I can remember the time, and I am still a very young man, when I could take a little raft and float over all of the area within the site of my father's house on the prairie in Iroquois County, Ill., with the exception of a few little raises of the ground where houses were built. The rest was all under water. That land is all now drained through drainage districts, and tile-drained besides. The water then stood on the ground in little sloughs and swamps every spring until fall in many places. There were many places from which the water never disappeared. Now that water hastens to its great outlet, and the same is true over the mighty expanse of territory drained by the Mississippi River. All of the time we are adding to the land that is drained. Here and there we are cutting off a swamp which has acted as a reservoir for water, until in the course of a few years we probably will have drained all of the natural reservoirs, shallow in depth, which now hold back the water from running quickly to the river. And it is quite true that through these means of drainage we have added a burden to the lower Mississippi River which it is possibly proper and fair that we should at least in part attempt to correct.

Personally, however, I do not believe that under any of the plans which have yet been made it will be practicable to control the Mississippi River. With the enormous amount of water which will be thrown into that river in times of high flood in the future I do not believe it will be possible for the water to reach the Gulf of Mexico between the banks now established or through the channel now laid out and used. That is one of the things we may learn about in the future. Meanwhile, doing the best we can, we will continue to drop a flood of money to prevent the flood of water.

I yield to my colleague from Illinois [Mr. FOWLER].

The SPEAKER pro tempore (Mr. WATKINS). For how long?

Mr. MANN. I do not know how long the gentleman wants to speak.

The SPEAKER pro tempore. The gentleman has the right to speak in his own time.

Mr. SPARKMAN. Mr. Speaker, I want to know about that.

Mr. MANN. How much does the gentleman desire?

The SPEAKER pro tempore. The gentleman has 20 minutes remaining.

Mr. MANN. I yield to the gentleman such time as he may want.

The SPEAKER pro tempore. That is 20 minutes——

Mr. MANN. If he uses it.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOWLER] is recognized for 20 minutes.

Mr. FOWLER. Mr. Speaker, I had not intended to say anything on this subject to-day until after the discussion had proceeded at some length. Having lived on the Ohio River for most of my life, I have become interested by force of habit in the commerce of the district lying on the great thoroughfare which forms a part of the Mississippi Valley.

It is well known, Mr. Speaker, that the Mississippi Valley comprises the greatest productive section of any country in the world, larger in area and more fertile than can be found elsewhere. While I have not at hand the data comparing the products of the Mississippi Valley with those of the other portions of the United States, yet it is by far larger than all other parts in the production of agricultural products, taking in the cereals and the animals which are used for burden and for food.

Having associated myself with all of these inspiring elements that exist along one of the greatest rivers of the world, and having my home fixed upon the banks of that splendid river, upon a promontory which gives a beautiful view for miles below and for miles above [applause], and having spread in front of my home in the midst of the river a beautiful island of more than 1,000 acres, fringed with willows and green with rustling corn—Hurricane Island by name, and more fertile than the valley of the Nile—further on across the Ohio, into the misty distance in Kentucky, rising above the horizon, with their lofty peaks kissing the clouds, lies the broken yet picturesque range of the superb Ozark Mountains. Thus surrounded, I naturally take a deep interest in all legislation which has for its object the improvement of these great thoroughfares. [Applause.]

A vast stretch of territory lies on the Kentucky side, starting in just below Caseyville, where the shallows lie, and where

Congress, in its wisdom, has determined to construct a dam and lock system. I have viewed that territory with great alarm, as to what would be its future, because of the ravages of the mighty floods which annually sweep down on that side of the river. A large area of fertile territory there, more than 50 miles long and averaging from 1 to 10 miles wide, is to-day threatened with ruin by overflows of the Ohio River, and is likely to be swept away or cut up by various lagoons worse than it was before it was cleared and converted into fertile farms.

The eloquent speech of the gentleman from Louisiana [Mr. RANSDELL] on the necessity of constructing levees on the Mississippi at the expense of the United States has led me to suggest, Mr. Speaker, that there is as great a necessity for constructing a system of levees on the Ohio River from Evansville to the mouth of the Ohio. A few years ago the district of which I have been speaking was as free from danger, apparently, as the Rocky Mountain system from the overflows of the Ohio River. But to-day there are great and vast holes dug out here and there by these overflows, which are perhaps 100 yards in diameter and from 50 to 75 feet deep. It shows what a wonderful effect the overflows have on the surface of a territory overflowed.

On the Illinois side of the Ohio we have a city with a great wall surrounding it, like one of the walled cities of old, made necessary because of the destructive floods. A few years ago this wall gave way during one of the dreadful overflows, and the mad waters plowed a mighty gap through the city and carried away every house in its wake. It was a most trying moment with the inhabitants, many of whom saved their lives by climbing to the top of this wall and waiting for boats of rescue, while others less fortunate found watery graves. This city, Shawneetown, is now the oldest city in Illinois. Kaskaskia, once the oldest, has long since been destroyed by the overflows of the Mississippi River. Not a vestige of the site of that city remains to-day. Where it once stood lies now far out in the Mississippi River. It is not only our duty to preserve Shawneetown, because it is the oldest town now in Illinois, but it is our duty to protect it because of the necessity of a levee to protect the people and their property from destructive overflows.

Maunie, on the Wabash, is now threatened with destruction because of destructive overflows on that river. I am informed that the force of the water has been so great of late years that the surface of that portion of the town lying near the river has been cut away so that several of the houses have been destroyed and many more are threatened. I am much gratified to know that Congress generously gave the people of that thriving town a survey of the Wabash River at that point, and I feel confident that at the next session of Congress you will make the required and necessary appropriations to repair the damage and prevent the threatened destruction of the town.

Congress has also generously given a survey of the Little Wabash and the Saline Rivers with a view of making the necessary appropriations to dredge, deepen, and straighten the channels of these rivers in order that they may be made more serviceable to the farmers who annually raise wonderful crops in the valleys of these rivers to be transported to the markets. This will help to save the crops from destruction by overflow. Let us do our duty to the farmers.

Mr. Speaker, the continuous drainage of the land once covered with a forest and patched with leaves sufficient to hold in check all waters the year round, and holding fast vast bodies of water in lagoons and lakes, has continued to such an extent that to-day in the Ohio Valley you can scarcely find a piece of territory which has not been converted into fertile fields for farming purposes, with no standing waters, no forests to check their flow; but a free sweep, aided by a fine system of drainage by tiling, now carries that water into the Ohio River, whereby it is conducted into the Mississippi River, down to its destiny, the Gulf. What was a security in the past from these overflows has been converted into a danger to-day, and what was thought to be useless in the expenditure of money for the protection of the farmer in these valleys has been converted into a dire necessity. Mr. Speaker, as the conditions change, the necessity for the appropriation of money to care for these fertile lands becomes greater and grows as time passes.

I was interested in the discussion of my colleague from Illinois [Mr. MANN] when he compared the appropriations which were made by the House for improving the rivers and harbors with that which came back from the Senate. I am aware, Mr. Speaker, that the Senate had made an additional appropriation, and, to speak frankly as a new Member of this House, I believe that much of the increased appropriation was well advised, and for my part I have no objection to it and will vote freely for it. [Applause.]

The cheapest transportation that there is in this country is on the great rivers and lakes. You do away with them and let them fill up and stop the channels of commerce on these great thoroughfares, and then we will have nothing except the railroads, and our experience with railroads is that wherever they do not have competition their rates by some means gradually rise so high that we have to get up on a stool, like a baby at the table, in order to see the top of them. [Laughter and applause.]

If we want to be secure in the rates of transportation, we ought to keep up the rivers and the lakes of this country, so that there will not be a monopoly by one system of transportation. And the way to do that is to adopt a system of dredging our navigable rivers and deepen and widen their channels so that they may be free for all the people, in order that the farmer may have cheap transportation for his products. [Applause.]

In my own district there are a number of such rivers. The Wabash and the Little Wabash are navigable streams, and all that is necessary in order to make them more so, so that they can carry all the wheat and corn that is raised in those fertile valleys, is the appropriation of enough money to dredge them and straighten the channels and widen them so as to give free transportation the year round to boats that ply up and down these streams. The Saline River and a number of smaller rivers are of such a nature that they can be made to carry enough water to give transportation all the year round, and all that is necessary to be done to them is to get active and busy and take care of what God has so graciously given us. [Applause.]

Mr. MANN. I yield the remainder of my time to the gentleman from Florida [Mr. SPARKMAN].

The SPEAKER. Does the gentleman from Florida [Mr. SPARKMAN] desire to use his time?

Mr. SPARKMAN. No; Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the agreeing to the conference report.

The conference report was agreed to.

VIRGIL GUNNELLS—LEAVE TO WITHDRAW PAPERS.

Mr. HULL, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Virgil Gunnells, Sixty-first Congress, no adverse report having been made thereon.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On July 15, 1912:

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest.

On July 17, 1912:

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant.

On July 18, 1912:

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

On July 19, 1912:

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation in the State of Idaho; and

H. J. Res. 220. Joint resolution to grant American citizenship to Eugene Prince.

COST OF OCCUPATION OF PHILIPPINES (H. DOC. NO. 875).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs and ordered to be printed:

To the House of Representatives:

The following resolution was adopted by the House of Representatives January 25, 1912:

Resolved, That the President of the United States be, and he is hereby, requested to submit a statement to the House showing the cost which has accrued to the Government of the United States from the beginning of and as the result of the occupation of the Philippine Islands by the United States.

The cost to the Government of the United States resulting from the occupation of the Philippine Islands, through direct appropriations by Congress, is as follows:

(a) By the act of March 3, 1901, to carry out the obligations of the treaty of November 7, 1900, covering the cession by Spain to the United States of certain small islands belonging to the Philippine Archipelago lying outside the lines described in the treaty of Paris, $100,000.

(b) By the act of March 3, 1903, for the relief of distress in the Philippine Islands, $3,090,000.

(c) By the act of March 3, 1903, for completing the census of the Philippine Islands, $351,925.50.

The total cost accruing to the Government of the United States for the purposes defined by the three acts cited was therefore $3,451,925.50. There has been no other direct expenditure from public funds of the United States solely for and on account of the Philippine Islands not subsequently repaid from Philippine revenues. On the other hand, there was expended from the revenues of the Philippine Islands from 1898 to 1900, in the execution of the direct military purposes of the United States, a total of $4,975,747.52, for which no reimbursement to the Philippines has been made. There is consequently a difference in direct expenditures in favor of the Philippine Islands of $1,523,822.02. Whatever cost has accrued to the United States, in addition to the direct expenditures above cited as a result of the occupation of the Philippine Islands, has resulted from the military and naval operations in and about the archipelago and from the construction of fortifications and naval stations therein. The total amount thus expended can not be determined with any degree of accuracy. In this connection your attention is invited to Senate Documents No. 339 and No. 416, Fifty-seventh Congress, first session, wherein are printed the reports of the Secretary of War in response to a resolution of the Senate of April 17, 1902, which resolution sought to obtain information regarding expenditures on account of the Philippine Islands of the same nature as desired by your resolution of January 25, 1912. These reports of the Secretary of War set forth the data desired for the periods indicated as accurately as was then possible and show the difficulties attending compilation of data of the kind desired and the impossibility of securing accurate results.

The same difficulties, intensified by the changing conditions during the period that has since elapsed, exist to-day and render the problem presented by your resolution practically insoluble.

The cost of the military and naval operations in the Philippines resulting from the occupation of those islands is and must always remain a matter of argument. These operations resulted in part from the War with Spain and in part from the insurrection in the Philippines incident thereto; but the Philippines were not a cause of the War with Spain, nor is it possible to separate the cost of the war in the Philippines from the cost of the war elsewhere, nor the cost of the War with Spain from the cost of the Philippine insurrection. Again, it is impossible to state what part of the cost of the support of the Army and Navy since the conclusion of the Philippine insurrection can be regarded as resulting from the occupation of the archipelago. We maintained a fleet in the Orient for many years. It can not be said definitely that our occupation of the Philippine Islands increased this fleet. The military forces now in the islands would have to be supported at home were they not in the Philippines. On at least two occasions their presence there has resulted in saving to the United States in the cost of sending troops to China for the protection of American interests. It is impossible, in other words, to determine clearly what part of the naval and military expenditures in the Philippines is chargeable to the cost of the islands and what part to the cost of national defense. The cost of fortifications in the Philippines can be more readily computed, but this is an item chargeable clearly to national defense rather than to the occupation of the Philippine Islands. If we had a naval station in those islands, as all persons of whatever view propose, such fortifications are necessary.

Aside from the direct appropriations of Congress cited above, the expenditures incident to military and naval operations, and the support of the United States forces in the archipelago, the Philippine Islands have been in no way a charge against the Treasury of the United States. In other words, with the exceptions named, the Philippine Government has been entirely self-supporting. Moreover, it has been throughout self-supporting in a larger sense than any other territorial possession of the United States. All expenses attached to the collection of revenues, to the administration of the Post Office Department and of the courts, to the survey of the islands, to the conservation of their resources, and to the improvement of their rivers and harbors, and to all similar public works, which elsewhere, as in Porto Rico, Alaska, and the Hawaiian Islands, are a charge against the National Treasury, are and have been paid from the revenues of the Philippine Islands.

WM. H. TAFT.

THE WHITE HOUSE, *July 19, 1912.*

QUESTION OF PERSONAL PRIVILEGE.

Mr. AUSTIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. Mr. Speaker, on yesterday the gentleman from Illinois [Mr. RAINEY] asked permission to print certain statements in the RECORD. I entered an objection to the request, which I had plainly a right to do under the rules of this House. In the noise and confusion the gentleman from Illinois [Mr. RAINEY] made a statement in reference to myself which I did not hear, and that is my reason for calling attention to it to-day. Had I heard his statement, I would have answered it very promptly. I think I owe it to myself and to the constituency that I represent to answer his statement at the earliest possible moment, for fear that my silence might possibly be misconstrued.

Had his statement reached only the ears of the Members of this House I would not trespass upon the valuable time of this House for a personal explanation or a denial. On page 9249 of the RECORD of July 18 the gentleman from Illinois [Mr. RAINEY], after my objection, made this statement:

I have no objection to the objection of a man who is in favor of the Water Power Trust.

Mr. Speaker, I had hoped that I might serve in Congress without incurring the displeasure or ill will of any man on the floor of the House. I have endeavored to be kind and manly and considerate and courteous to all of my colleagues. I confess that I cherished the hope that I could count every Member of the House my personal friend and that when I served my last term here I could go home feeling that I had the good will and friendship of every Member I had ever served with.

My offending on yesterday consisted in objecting. I think I ought to state why I objected, even though the rules do not require me to make an explanation, and neither is there anything in the rules that would justify any Member of this House in denouncing, or charging wrongdoing, or criticizing any colleague for exercising his rights to object under the rule to a request for unanimous consent. But this trouble began last Monday, on unanimous-consent day. I had on the Unanimous Consent Calendar a local bill (H. R. 24028) in which my constituents were vitally interested. If I were to serve in this House the balance of my life, I can not conceive of any bill or measure fraught with more good or of more importance to the people I represent than the local bill on the calendar of which I have made mention. That bill came here with a unanimous report of a committee composed of 21 members, 14 of whom represent the majority of this Chamber. I believe that every member of that committee is an upright, honorable man and a faithful and efficient Representative. This bill meant the development of an important river—Clinch River—in the district I represent which with that development would carry cheaper transportation for steam and domestic coal to practically every community in the district and to towns and cities far down the Tennessee and the Mississippi Rivers.

It also meant the development of the iron, marble, zinc, and other mineral resources of three or four of the important counties in the district. It carried an expenditure in the end of many million dollars, and the practical improvement of that river by slack-water navigation for more than 100 miles and reaching the important coal fields of eastern Tennessee.

A private company offered to perfect this improvement at its own expense if granted the use of the water power for electric development. Congress had authorized the survey of this river and one of its ablest engineers—Col. Kingman—had made a favorable report for a lock and dam system to cost $1,400,000, with a series of crib dams and navigation for 75 miles. That report was submitted to Congress 12 years ago. Since that time the cost of material and labor has greatly advanced. Here was a private company which proposed to construct these dams of concrete, costing not $1,400,000 but more than $3,000,000, and operate at their expense every lock on that river. It was to save the National Government the cost of the improvement of the river and the perpetual maintenance of the locks and dams.

The men interested in this corporation, a majority of them Tennessee men and my constituents, furnished me with petitions from the people living along the river, asking that favorable action be taken on this bill. When the bill was reached on the

calendar the gentleman from Illinois [Mr. RAINEY] objected. I asked him to withhold his objection, to give me three minutes in which to explain the merits of the proposition, with a view of having him withdraw his objection. That courtesy to me on a local bill was denied.

I believe it is the first time that I have seen that thing happen since I have been a Member of this House, where one colleague declines to withhold an objection to give the Member of Congress—the author of the bill—an opportunity to present a statement in favor of a purely local bill. The gentleman not only denied me that courtesy, but, representing a district eight hundred or a thousand miles away, clothed his objection to a unanimous report on a local bill with a veiled intimation that his opposition was on account of a water-power trust.

Mr. Speaker, if I am here as a Representative favoring a water-power trust which is seeking to take an unfair advantage of the American people, I have violated my oath of office. Not only that, but I have disgraced myself and am no longer worthy to be a Member of the House of Representatives. If I am guilty of this charge, and the gentleman from Illinois will produce his proof, I will tender my resignation as a Member of this House, for I will be no longer worthy of companionship or association with the honorable membership of this body. Neither would I be the kind or character of man who would be a fit Representative of the splendid people who sent me to Congress. If the gentleman has not the proof, then I say he owes it to himself, he owes it to me, he owes it to this House, to do what every honorable, fair man would do under those circumstances, namely, make a retraction.

A brave, honest, and manly man, one worthy of a place in this House, one entitled to the respect and confidence of his congressional associates, will not misrepresent or slander a fellow Member. This is no place for a corrupt or an unfaithful Representative; nor is this a suitable place for a man who is the author of a slander or a falsehood against one of his colleagues.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, the debate on the conference report on the river and harbor appropriation bill, which has just ended, discloses the fact that the National Government is about to enter upon a new field of river improvement, the building of levees along rivers, or rather, national aid for levees along rivers other than the lower Mississippi River. If the National Government undertakes to protect against floods lands along the lower Mississippi River, there is no reason why the National Government should not also undertake to protect against overflow lands along all of its navigable rivers. We have just passed a river and harbor appropriation bill carrying with it $35,000,000, in round numbers. The demand for river improvement is increasing, and as the demand for river improvement increases the demands of these water-power companies upon the Government to give away in its navigable rivers to them the power that can be developed therein is increasing also. I do not know how much power can be developed in the navigable river in which the gentleman is interested.

Mr. AUSTIN. What does the gentleman mean by saying that I am interested?

The SPEAKER. The gentleman from Tennessee is out of order.

Mr. RAINEY. I did not understand the gentleman's question.

Mr. AUSTIN. The gentleman said that I was interested. I am not interested in any of these propositions except as a Representative.

Mr. RAINEY. The gentleman need not be so nervous about it. The gentleman "doth protest too much."

Mr. AUSTIN. I resent that insinuation.

The SPEAKER. The gentleman from Tennessee must not interrupt the gentleman from Illinois without the consent of the gentleman from Illinois.

Mr. RAINEY. I did not say and I did not mean that the gentleman was personally interested in this enterprise. I do not know that he is and I did not so state, but he has taken a violent interest in this enterprise. I do not know how much power can be developed there, and nobody seems to know. The Government engineers have never reported upon that fact. The report filed here by the committee with the bill does not disclose any facts of that kind, but the statement he has just made—and he complains that I did not permit him to make it before and occupy three minutes in making it—shows that his company——

Mr. AUSTIN. It is not my company.

Mr. RAINEY. Again the gentleman "doth protest too much."

The SPEAKER. The gentleman from Tennessee is out of order. He must not interrupt the gentleman from Illinois without the gentleman's consent.

Mr. AUSTIN. I want the gentleman to stick to the truth.

Mr. RAINEY. His statement shows that this company, mentioned in the bill, in which the gentleman is interested—is the gentleman satisfied with that?

Mr. AUSTIN. I am not interested in the company.

Mr. RAINEY. I did not say the gentleman was.

Mr. AUSTIN. Then stick to the truth.

Mr. RAINEY. The statement made by the gentleman about this company in which his friends are so much interested, and his constituents are so much interested, that he thinks his place in this House is in danger if he does not get it through, discloses the fact that this company down there in his district and in his State is willing to expend the enormous sum of $3,000,000 for the purpose of building a dam there, if the company is given the water power that can be developed thereby.

In addition to that, they are willing to maintain and operate locks along the river and lights and things like that. Now, if that is true, then he has been asking us here to give away to his friends down there in his State and in his district no man knows how many millions of dollars. Now, the cities of this country own nothing valuable except the right to use their streets, and they have been engaged for 50 years in the business of giving away to private companies the right to use their streets. The cities are expected to maintain their streets. The National Government has no valuable right in these navigable rivers except the right to develop the water power therein, and the Government is being asked to give this away and at the same time to expend money in maintaining river channels and banks.

The SPEAKER. The time of the gentleman has expired.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that I may have five minutes more.

The SPEAKER. The gentleman asks unanimous consent that he may have five minutes additional.

Mr. AUSTIN. Mr. Speaker, I hope it will be granted and that the gentleman will give me proof of his charge.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAINEY. The other day there were six of these bills on the calendar. I had no personal feeling against the gentleman and have none now, nor have I against his bills nor against any gentleman who presented any of these bills and who appeared here as the proponent of any of them, but I blocked every one of them and in blocking them on that day I saved the Government at least $27,000,000. And I want to serve notice upon the gentleman from Tennessee and upon everybody else who is interested in these private power bills, or rather whose friends are interested in them, that I propose to block on this floor every one of them as fast as they come up and to fight every one of them until some policy is adopted by this Government whereby a portion of these revenues can be saved for the Government and used for the purpose of developing these rivers and protecting the adjacent land from overflow. Why, it is possible within the next 25 years——

Mr. WEEKS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. RAINEY. In a moment. It is possible to develop in these United States within the next quarter of a century $600,000,000 worth of water power every year. Is it too much to contend that one-sixth of it, $100,000,000, every year ought to be paid into the Treasury of the United States to be used in developing these rivers, protecting their channels, and incidentally protecting the land on either side of their channels? Is that unreasonable? We devote all the money we derive from the public domain from leases on timber lands and sales of timber land and all public lands to the creation of one great fund for the purpose of reclaiming the arid lands in the West. Is it any stretch of the constitutional powers of this Government to extend that same principle of conservation to our rivers and to stop this practice of giving them away?

Now, I have no personal feeling against the gentleman from Tennessee, but the other day when I blocked the bills of his friends upon this floor he got up in his place and defiantly said:

> The gentleman from Illinois will never as long as he remains in this Congress get another bill through of this character.

Now, I did not know what to do about it, whether I ought to resign and go back home or stay here and try to discharge my

duty as a Member of this House. I finally concluded to stay and to try to discharge my duties as a Member of this body. But the gentleman went further than that——

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. RAINEY. In a moment. The gentleman went further in his threats; and the next time I appeared upon the floor I presented to the House, after the speech of the Socialistic Member [Mr. BERGER] some articles on socialism. I presented the other side of the question as printed in the American Anti-Socialist. I also presented a list of books upon socialism upon the other side of the question and simply asked permission for the enlightenment of the public, and a very considerable number of people are not yet in favor of socialism, to print these extracts in the RECORD, and the gentleman carrying out his threat to make my service in this House useless as much as he could, and extending his sphere of operations beyond what he proposed to do, arose in his place and objected to that.

Now, the Socialists of this country are in favor of consolidating everything, the railroads, water power—everything—into a few hands, believing that then they will be able to take it over easier than otherwise, and you can expect a man who speaks for a water-power trust to be in perfect harmony with the position——

Mr. AUSTIN. Mr. Speaker——

Mr. RAINEY. And so he objected to placing in the CONGRESSIONAL RECORD something which criticized the policy of socialism. Now I do not want to do the gentleman an injustice. I want to say, however, that if I have succeeded in making it odious upon this floor for any man to represent any of these water-power steals in their operations against this Government, if I have succeeded in making that odious, and in making it necessary for gentlemen to get up here and say, I do not belong to—I do not represent—any water-power trust, great or small, then I feel that I have already accomplished much.

The SPEAKER. The time of the gentleman expired.

Mr. RAINEY. And in answer to the gentleman I want to say that I am glad to hear him say he does not represent this water-power trust.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following order:

> *Ordered*, That the managers on the part of the House be allowed until the 1st day of August, 1912, at 1 o'clock in the afternoon, to present a replication, or other pleading, of the House of Representatives to the answer of the respondent; that any subsequent pleadings, either on the part of the managers or of the respondent, shall be filed with the Secretary of the Senate, of which notice shall be given to the respondent, respectively, so that all pleadings shall be closed on or before the 3d day of August, 1912.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities without a draw; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House, according to its previous order, adjourned to meet on Monday, July 22, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FAISON, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 25832) to establish fish-hatching and fish-culture stations in various States of the United States, reported the same without amendment, accompanied by a report (No. 1030), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects, reported the same with amendment, accompanied by a report (No. 1032), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GODWIN of North Carolina, from the Committee on Reform in the Civil Service, to which was referred the bill (H. R. 25634) to promote efficiency in the Government service, reported the same with amendment, accompanied by a report (No. 1031), which said bill and report were referred to the House Calendar.

Mr. CLINE, from the Committee on Expenditures on Public Buildings, submitted a partial report (No. 1029) on hearings had before said committee, which said report was ordered printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 25857) granting certain lands for a cemetery to the Fort Bidwell People's Church Association of the town of Fort Bidwell, State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. LEVY: A bill (H. R. 25858) to provide for international notes, and for other purposes; to the Committee on Banking and Currency.

Also, a bill (H. R. 25859) authorizing national banks to include national-bank notes in the lawful money reserve; to the Committee on Banking and Currency.

By Mr. HAYDEN: A bill (H. R. 25860) to provide for the payment of election expenses of the first State election of the State of Arizona; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25861) granting a pension to Philip J. Harice; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25862) granting a pension to J. S. Collins; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 25863) for the relief of the heirs of E. A. Campbell, deceased; to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 25864) to correct the military record of John Barker; to the Committee on Military Affairs.

Also, a bill (H. R. 25865) granting a pension to Sophronia Foote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25866) granting a pension to Adaline A. Stanley; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25867) granting an increase of pension to Berl P. Penny; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 25868) granting an increase of pension to Mary C. Jimerson; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25869) granting an increase of pension to Margaret Sheridan; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25870) granting a pension to Mary Jane Tillman; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 25871) granting an increase of pension to Hervey A. Humphrey; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 25872) granting an increase of pension to William Willis; to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 25873) for the relief of the survivors of the *General Slocum* disaster; to the Committee on Claims.

By Mr. THISTLEWOOD: A bill (H. R. 25874) granting a pension to Dora Ann Nence; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 25875) granting an increase of pension to William H. Jenkins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that what is known as powder-house lot be turned over to the city of St. Augustine as a public park; to the Committee on the Public Lands.

By Mr. ASHBROOK: Petition of Smith Bros. and 8 others, of Doylestown, Ohio, against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill relative to public park for St. Augustine; to the Committee on the Public Lands.

By Mr. BURNETT: Petition of Tombigbee Lodge, No. 426, Brotherhood of Locomotive Firemen and Engineers, against passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of the Wholesale Grocers of the State of Florida, favoring passage of House bill 22526, the Gould weights-and-measures bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of the Chamber of Commerce of Washington, D. C., favoring passage of bills affecting the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that what is now known as the powder-house lot be turned over to the city of St. Augustine as a public park; to the Committee on the Public Lands.

Also, petition of the Antikamnia Chemical Co., of St. Louis, Mo., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of St. Louis, Mo., against passage of bill providing celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

Also, petition of Perseverence Lodge, No. 1765, of St. Louis, Mo., favoring passage of Senate bill 180; to the Committee on Appropriations.

Also, evidence to accompany claim of Oscar Grear, Eighth Illinois Volunteer Infantry, War with Spain; to the Committee on Pensions.

By Mr. FULLER: Papers to accompany bill for the relief of Berl P. Penny; to the Committee on Invalid Pensions.

By Mr. KINDRED: Memorial of the Workmen's Sick and Death Benefit Fund of the United States of America against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEWIS: Memorial of Delaware Tribe, No. 43, Improved Order of Red Men, of Brunswick, Md., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of New York Typographical Union, No. 6, and New York Photo-Engravers' Union, No. 1, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Papers to accompany House bill 25818; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Memorial of the Society of the Cincinnati, of the State of Rhode Island and Providence Plantations, relative to the preservation of the frigate *Constellation* in Narragansett Bay; to the Committee on Naval Affairs.

By Mr. RAKER: Petitions of John Armstrong Chaloner favoring impeachment of George C. Holt, judge of the Federal court for the southern district of New York; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Memorial of the Minnesota Summer School of Missions favoring passage of law to abolish polygamy in the United States; to the Committee on the Judiciary.

By Mr. SULZER: Petition of the New York Photo-Engravers' Union, No. 1, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Allied Printing Trades Council of New York State against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Papers to accompany House bill 19961, granting an increase of pension to William Locust; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill to turn over to the city of St. Augustine as a public park the powder house lot; to the Committee on the Public Lands.

SENATE.

SATURDAY, *July 20, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented a petition of members of the Commercial Club, of Walla Walla, Wash., praying for the enactment of legislation to exempt from tolls all American ships passing through the Panama Canal engaged in coastwise traffic, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Rock Cut and Orient, in the State of Washington, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. NELSON presented resolutions adopted at the third annual convention of the Loyal Liberty Protective League, of Minnesota, held at Duluth, Minn., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by members of the Minnesota Summer School of Missions, favoring the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Corbin, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 17290) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, reported it with amendments and submitted a report (No. 951) thereon.

Mr. O'GORMAN, from the Committee on Claims, to which was referred the bill (S. 6939) for the relief of Fred R. Payne, asked that that committee be discharged from its further consideration and that it be referred to the Committee on Naval Affairs, which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRADLEY:

A bill (S. 7342) granting an increase of pension to James Griffey (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river; to the Committee on Commerce.

By Mr. GORE (by request):

A joint resolution (S. J. Res. 124) to equalize, in part, allotments of Creek Indians in Oklahoma; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to credit in the accounts of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, the sum of $654.29, being the amount disallowed from his accounts by the Auditor for the State and Other Departments, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Immigration and ordered to be printed.

He also submitted an amendment relative to the advancement to higher grades of every permanent officer of the consolidated corps on the active list and below the grade of colonel who has lost in relative rank through the inequalities of promotion and the operation of separate promotion within the three departments, etc., intended to be proposed by him to the Army appropriation bill (H. R. 25531), which was ordered to lie on the table and to be printed.

OMNIBUS CLAIMS BILL.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the

acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

NELLIE ORTON NICHOLS.

Mr. TOWNSEND submitted the following resolution (S. Res. 363), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Nellie Orton Nichols, widow of David Robinson Nichols, late a private in the Capitol police, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

THE PANAMA CANAL.

Mr. LODGE. I ask that an article by Mr. Winthrop L. Marvin, who is a well-known historian of the American merchant marine, in regard to vessels in the Panama Canal, may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Boston Herald, Friday, July 19, 1912.]

THE AMERICAN FLAG IN THE PANAMA.

(By Winthrop L. Marvin.)

Whether President Taft and Senator LODGE on the one hand or Great Britain and Senator ROOT on the other are right as to American control of the Panama Canal may be a moot question. But there can be no possible dispute as to the practical results of acceptance of the British contention on the maritime strength of the United States.

The consequences would be worse than a foreign war—not only deep but permanent. The British contention in brief is that we have no right under the Hay-Pauncefote treaty to protect or prefer American ships in the great waterway which American money and toil are constructing. That same contention under other treaties has been successfully enforced against American ships on the high seas for more than 60 years, with the result that Boston, for example, with 482,000 tons of shipping owned and registered in 1855, now has less than 30,000.

The laws of the United States protect a cotton mill or a woolen mill or a shoe shop or a foundry, but they do not protect an ocean ship. That is why the United States has thousands of factories but almost no shipping in ocean commerce. The whole problem of the American merchant marine is summed up in these few words. Under all other flags in a greater or less degree ocean shipping is a protected industry. In this country, the chief protectionist Nation in the world, it is unprotected—the only unprotected industry of all exposed to foreign competition.

Why it is unprotected is a long story going back into history, but a knowledge of this history is essential to an understanding of the real significance of the new and fierce British contention that we have no right to prefer our ships at Panama. Ocean shipping has not always been an unprotected and almost dead industry in this country. The very first real law of the fathers of the Republic under the new Federal Government—framed and passed under the eye of Washington, Adams, Hamilton, Jefferson, and Madison on July 4, 1789—besides providing a tariff "for the encouragement and protection of manufactures," gave American shipping the advantage of a remission of 10 per cent of the customs duties and also preferential tonnage taxes on all foreign goods imported under the American flag.

At that time only 23 per cent of American exports and imports were being conveyed beneath the Stars and Stripes—all the rest under foreign colors, chiefly British, as now. The effect of that law was magical. American registered deep-sea shipping rose from 123,000 tons in 1789 to 667,000 in 1800, and the proportion of American commerce carried by our own sailors from 23 to 89 per cent. This splendid advance continued until the embargo and the approach of the War of 1812. As Mr. H. C. Adams says in Taxation in the United States: "The growth of American shipping from 1789 to 1807 is without parallel in the history of the commercial world."

This preferential policy of the fathers applied to American ocean trade in general, but to encourage long voyages to the East Indies a special and even more vigorous policy was enforced. Tea was then the chief commodity of oriental commerce. A high duty was levied on it if imported in foreign ships, but a low duty if brought direct in American ships by way of the Cape of Good Hope. On a cargo of 100,000 pounds of tea an American ship from China or India would pay about $10,000 in duties, but a foreign ship would pay $28,000. This was intended to be and was prohibitive. It made the China trade as completely our own as our coastwise commerce. The American Institute in 1828 reported that since the passage of that law "not a single pound of tea has been imported which has not been brought in an American bottom."

That was the law which created the merchant princes and the merchant fleets of Salem, Boston, New York, and Philadelphia. A Federal statute lay at the foundation of those chapters of romance.

The new national policy was regarded as resentfully in Great Britain as the present proposal to remit the tolls to American ships at Panama. After the War of 1812, and practically as one of the conditions of peace, the preferential duties were withdrawn against British ships in the direct trade with the United Kingdom. The result was disastrous, or, as McMaster, the historian, says, "wholly favorable to England." But it was a part of a treaty—not the peace treaty, but a special convention—and the British Government held us to it just as it is now endeavoring with distinguished American help to hold us to the strict British interpretation of the Hay-Pauncefote compact. American shipping fell from 800,000 tons in 1816 to 583,000 tons in 1820. Fortunately this ill-starred treaty did not cover all our commerce. American shipowners and sailors were still protected in other trades than the direct trade with Great Britain—and continued protected in part until 1849. By 1828 our registered fleet had again advanced to 757,000 tons, more than 200,000 tons below the fleet of 1810, but sufficient to convey 89 per cent of our foreign commerce.

In 1828 the nonmaritime States, over the protest of shipowners and merchants, foisted on the country a miscalled reciprocity act abolishing preferential duties in general against the ships of all nations that enforced none against our own. Gradually under this act commercial treaties have been made stripping our ocean ships of all preference and leaving this industry at the end unprotected against new forms of foreign aggression. This act of 1828, as Prof. J. R. Soley well says in "The Maritime Industries of America," "has done the United States, especially in South America, a great and lasting injury." "It caused at once an enormous reduction of our registered tonnage, while the proportion of our own carrying trade which we had then maintained for eight years—namely, 90 per cent—began almost immediately thereafter to fall, and it has been falling ever since until it has reached almost the point of extinction." In 1845 we were carrying 81 per cent of our commerce under our own flag; in 1860 only 66 per cent. By this time American ocean shipping had become wholly an unprotected industry.

The Irish famine and its demand for foodstuffs, the California gold discovery, and the Crimean War, between 1847 and 1855, gave a great temporary impetus to our registered tonnage, but the actual decline in our ocean shipping had begun several years before the Civil War. In 1855 no less than 583,000 tons of ships, including 381 square-rigged vessels, were built in the United States. By the year 1859 the output of our yards had fallen to 158,000 tons. The doom of the American merchant marine was written where everyone could read it, several years before the *Alabamas* and *Floridas* were launched and manned by eager British hands—several years before the first shot was fired at Sumter. The war did not destroy our ocean fleet. All the American tonnage burned or sunk by Anglo-Confederate cruisers between 1861 and 1865 exceeded little the loss of the one port of Boston in the years of peace from 1855 to 1861.

It was not war that worked the ruin of the American ocean fleet—it was the same economic policy which the British Government, aided by some American statesmen, now proposes to enforce at Panama. The American diplomatists who framed the fatal commercial treaties of 1828–1861 were honest and patriotic men, but they were fearfully mistaken. When they agreed that all preference should gradually be withdrawn from American ships, our wooden sail fleet was the second largest and incomparably the finest in the world. Those diplomatists and many of our lawmakers believed it to be invincible. But they did not look ahead and see the incoming of the steam engine and the iron hull—and, above all, of the British subsidy.

When the British diplomatists, shrewder and more experienced than our own, had securely tied us hand and foot in the treaty stipulations that we should not shield our ocean shipping by the wonderfully successful American method of preferential duties in any trade, steam navigation was in its infancy. The best experiments had been tried on this side of the Atlantic. Yankee mechanics were of the same blood as Yankee seamen. Left to individual initiative, Americans would unquestionably have triumphed in steam as they had in sail. But there was to be no fair and equal chance. The cards were stacked against us.

As far back as 1834 the British Government had begun the giving of subsidies to steamship lines. In 1840 the first British trans-Atlantic service was established—the Cunard Line, created outright by a grant of $425,000 from the British treasury. This was quickly followed by other subsidized lines to the West Indies, South America, and the Orient. British shipowners, with profits guaranteed, developed engine works and iron-ship yards that built not only mail liners but steam cargo "tramps"—so that the new and potent protection of subsidy, though applied nominally to national postal lines alone, really aided every branch of British shipping. This was the deliberate purpose, as the parliamentary committee on ocean mail contracts said in 1854. "To afford us rapid, frequent, and punctual communication with distant ports which feed the main arteries of British commerce, and with the most important of our foreign possessions, to foster maritime enterprise, and to encourage the production of a superior class of vessels which would promote the commerce and wealth of the nation in time of peace and assist in defending its shores against hostile aggression." In other words, the British subsidy policy on which at least $300,000,000 has been expended up to date was frankly and aggressively protective in its character.

With this formidable British weapon our unprotected ships in foreign commerce, whether of wood or iron, with sail or steam, could not compete. From 1847 to 1856 an effort was made to meet British subsidy by American subsidy on the north Atlantic. It was successful—our steam tonnage surpassed Britain's in growth, speed, and efficiency—until the American subsidy was suddenly canceled by the dominant South in the passionate quarrels that preceded the Civil War. From that time to this every effort to subsidize American ocean ships or prefer them in any way has been defeated by a combination of South and West in Congress. Now our American tonnage actually employed in real foreign commerce has sunk to about 500,000 tons, or less than one-half of the fleet of a century ago, conveying about 8 per cent of American commerce. The remaining 92 per cent is monopolized by the ships of foreign governments, our rivals in trade and possible enemies in war, to which we pay an annual tribute estimated at upward of $200,000,000.

This story of how we Americans have been first outwitted, then beaten, and now nearly destroyed on the ocean is worth telling as a certain forecast of what will happen in the Panama Canal if the British contention is sustained by American lawmakers. The British Government is perfectly well aware of the causes that have prevented and probably will continue to prevent subsidy legislation at Washington. No subject is more keenly followed by the diplomatic corps than this one. A Democratic House has just voted, by a decisive majority, to remit the Panama Canal tolls to American coastwise ships. But the whole world knows that this Democratic House, controlled by men from nonmaritime States, would never grant a dollar of compensatory subsidy to American shipping. If free or repaid tolls to American vessels can be forbidden by the Hay-Pauncefote treaty, the results will be (1) that every American ship engaged in foreign trade through the canal will be run off the route by subsidized foreign competitors, and then (2) that the domestic shipping now covered by the coastwise law will be so discouraged that it will prove inadequate to the trade, and an imperative demand will then arise that this coastwise traffic, too, be opened to foreign shipowners.

These results are as sure as the rising of the sun to-morrow if the British contention is successful at Panama. And every American

citizen in public office or at an editor's desk who now echoes and approves the British demand is helping to pass a sentence of death on what is left of the American merchant marine. It is well that this should be understood in season.

Mr. O'GORMAN. I ask to have printed as a Senate document (S. Doc. No. 881) an address by Mr. Samuel H. Barker, a distinguished citizen of Philadelphia, Pa., and financial editor of the North American, delivered before the American Supply and Machinery Manufacturers' Association at its annual meeting held in Norfolk, Va., May 14, 1912, on the Panama Canal and the restoration of the American merchant marine.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent to take up House bill 25069, the sundry civil appropriation bill.

The PRESIDENT pro tempore. Is there objection to taking up the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. THORNTON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Louisiana makes the point that there is no quorum present. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Dillingham	Martine, N. J.	Reed
Bourne	Fall	Massey	Smith, Ariz.
Bradley	Fletcher	Myers	Smith, Ga.
Brandegee	Gallinger	Nelson	Smith, S. C.
Bristow	Gardner	Newlands	Smoot
Bryan	Heyburn	O'Gorman	Sutherland
Burnham	Johnson, Me.	Oliver	Swanson
Burton	Johnston, Ala.	Overman	Thornton
Chamberlain	Jones	Page	Tillman
Clapp	Kenyon	Percy	Townsend
Crawford	Lodge	Perkins	Warren
Cullom	McCumber	Poindexter	Wetmore
Cummins	McLean	Pomerene	Works

Mr. THORNTON. I announce the absence of my colleague [Mr. FOSTER] on account of sickness. I ask that the announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment of the committee, on page 105, commencing in line 7, which was amended, and the yeas and nays demanded.

Mr. REED. I wish the Senate to understand the proposition.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. On page 105, after line 6, the committee proposes to insert:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. OVERMAN. Let us take the question by a division.

Mr. REED. If the matter can be passed over just by consent until there is a fuller attendance and then returned to, I will withdraw the demand.

Mr. WARREN. What is the request?

Mr. REED. I suggested that in view of the small attendance in the Senate this morning we do not have a roll call and that this matter be passed over temporarily.

Mr. WARREN. That will be agreeable.

Mr. REED. I withdraw the demand.

The PRESIDENT pro tempore. The Senator withdraws the demand for the yeas and nays, and, without objection, the amendment will be passed over for the present. The next amendment of the committee will be stated.

The next amendment was, on page 106, line 11, after the words "forest-reserve purposes," to strike out the sum "$2,000" and insert "$26,000," so as to make the clause read:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, $26,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 21, to insert:

Examination of California lieu selection, 1912 and 1913: To enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in the State of California and to adjudicate the same in the General Land Office, $28,000: *Provided*, That agents or others employed or detailed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

The amendment was agreed to:

The next amendment was, on page 107, after line 7, to insert:

Protection of national monuments: For the preservation, development, administration, and protection of the national monuments, to be expended under the direction of the Secretary of the Interior: *Provided*, That the salaries paid the custodians hereunder shall not exceed $900 each per annum, $5,000.

Mr. REED. Mr. President, I should like to know a little more about that amendment. Where are these men employed?

Mr. WARREN. There are something like 25 or 30 of them scattered in different parts of the country. Would the Senator like to know in what parts of the country they are employed?

Mr. REED. Well, in a general way.

Mr. WARREN. I have the list here of 28:

Alaska	1
Arizona	6
California	5
Colorado	2
Montana	2
New Mexico	4
Oregon	1
South Dakota	1
Utah	3
Washington	1
Wyoming	2
Total	28

Mr. REED. Is it the business of these men to look after and inspect these monuments, or what is it?

Mr. WARREN. It is to take care of, prevent spoliation, and keep in repair the monuments and whatever the Government may own in connection therewith.

Mr. OVERMAN. What national monuments are there in Wyoming?

Mr. WARREN. One of them is a natural monument that rises some sixteen hundred and odd feet, almost perpendicularly, called the Devil's Tower. There is a space large enough on the top of it for a garden. It never had been scaled until a lady some years ago, on the 4th of July, having spent a month before in investigating, getting spikes, and so forth, finally scaled it. Then, surrounding it are other smaller monuments and matters of extreme interest. So, the United States reserves quite a tract of land. I think there is a building upon the tract. That is probably one of the two monuments situated in Wyoming. It is situated in the northeast corner of the State.

Mr. REED. I should like to inquire if the fact that this lady scaled the monument has made it necessary to engage in keeping a salaried man there?

Mr. WARREN. I did not happen to be one of the committee of entertainment, so I can give the Senator no further information on that point.

Mr. NELSON. Will the Senator from Wyoming yield to me for a minute?

Mr. WARREN. Yes.

Mr. NELSON. My impression is that the monuments referred to in these cases are monuments on which land surveys and boundary surveys rest. I think that is the case with the one in Alaska. It relates to the boundary survey there.

Mr. CULBERSON. If that be true, what is the meaning of the word "development"—to develop these monuments?

Mr. WARREN. I wish to say that the Senator cut me off a little short. There is the petrified forest, which I presume everyone has heard of. There are natural curiosities at various points, and the country has demanded their protection. Congress, so far as it is concerned, has cooperated and the departments have cooperated. It is a small amount. It seems to me that we should do one of two things. We either ought to provide for them or we ought to turn them back into the public domain.

Mr. OVERMAN. Has this appropriation been estimated for?

Mr. WARREN. Oh, yes.

Mr. SMOOT. I call the Senator's attention to the fact that among these 28 national monuments are Montezuma Castle, Petrified Forest, Tumacacori, and Navajo in Arizona; Muir Woods in California; Colorado in Colorado; Lewis and Clark Cavern in Montana; El Morro and Chaco Canyon in New Mexico; total, 9. One of these is an ancient Spanish mission church and 4 are prehistoric ruins of cliff dwellers and other ancient peoples, or inscription rocks; 1 is the so-called petrified forest and 1 the grove of giant redwood trees near San Francisco, Cal. Then there are in Utah the natural bridges, the largest in all the world.

Mr. OVERMAN. Has this appropriation been carried heretofore?

Mr. SMOOT. It has always been carried and estimated for. In order to keep these monuments from desecration, there has always been in the past been a keeper employed by the Government to protect them. There are the remains of the cliff dwellers in these national monuments. The appropriation is asked to preserve these great natural monuments and curiosities of the world.

Mr. REED. Mr. President, certainly this is a misnomer, to say the least. These are not monuments; they seem to be natural formations. If they need custodians—and there are 28 of them, hundreds of miles apart—I am unable to see how they can be guarded under this appropriation, because the salaries of the custodians or guards, or whatever they are, are $900 a year, and there are only $5,000 appropriated.

Mr. WARREN. Will the Senator allow me there? The Senator was somewhat amused about the Wyoming Devils Tower. There is no one there to guard that monument, and many of these other monuments have no guard. It is only where the formation or property is such that it might be destroyed by vandals that a guard is considered necessary. The Senator will see at once that with 28 so-called monuments and an appropriation of only $5,000, if salaries of $900 a year were paid to the guards, but few men could be employed. So the guards are put only where the formation would be destroyed or the property of the Government dissipated. Many of them, such as the one I have mentioned, have no one to guard them.

Mr. FALL. Mr. President, I desire to suggest to the Senator from Missouri that the Casa Grande Monument, in Arizona, so called, is included within the limits of a national park; and in the case of certain other of these great curiosities and relics of extinct civilization the President has been authorized by law to provide for their withdrawal from the public lands and include them within national parks or "monuments."

With reference to the Casa Grande in Arizona, for instance, it is an object not only of curiosity but of very great interest. The cliff dwellers' national monument in New Mexico is being investigated by archæologists and those interested from all over the world. In the city of Santa Fe, in the old governor's palace, which has been erected for 300 years, or something like that, they have pictures which has been painted by artists, at great cost to the State of New Mexico, representing the restoration of the cliff dwellings and scenes at this national monument. I can assure the Senator that if he would go to the New Mexico national "monuments" he could spend one, two, or three months certainly with great interest to himself. These matters are interesting to people all over the world.

A similar provision of law has been made in Mexico, and the mounds there, together with other evidences of ancient civilization in Mexico, are protected by the Mexican Government. The same thing is true in Yucatan and Campeche and Chiapas and other districts and States in Central America and South America. It is also true in the case of the pyramids in Egypt. Every civilized country, I think, has its national monuments under one name or another. With us we have found that there was a civilization antedating anything, of course, of which we have any record, and the only evidences on our continent of that civilization are attempted now to be preserved under withdrawals made by the President from the public lands, such as the Casa Grande Monument and the cliff dwellers' monument in New Mexico.

Other natural curiosities are being protected in exactly the same way at a very small annual cost. It has been done for a great many years. For instance, in the matter of the cliff-dwellers' monument there are houses a thousand feet above the bottom of the canyon and seven or eight hundred feet below the top of the canyon, in the sides of the cliff—houses in a good state of preservation containing as many as 34 rooms. No one knows who built them, and no one knows who occupied them. Scattered all over that country for miles are evidences of a civilization of this kind. Prior to the national park being created there the sheep herders and cattle herders and goat herders took charge, in many instances, of these ruins, and turned their goats and their sheep into them, and vandals went in and took the pottery which could be found in these houses and in the mounds surrounding them and destroyed it and carried it out of the country.

Now, these places are being protected under Government supervision, and there are laws on our statute books providing not only for the withdrawal and care of these relics, but prohibiting under penalties any destruction of any of these national monuments.

Mr. REED. Mr. President, that is very entertaining, and I am obliged to the Senator; but I should like to know now how four men are going to guard all these priceless treasures scattered hundreds and even thousands of miles apart? Either the statements made argue too much, or they argue nothing at all. If we——

Mr. SMOOT. Mr. President——

Mr. REED. Just a moment. If we have these wonderful natural deposits and these archeological remains and curiosities scattered over a territory embracing hundreds of miles and if they are of the great value indicated, then four men can not guard them.

Mr. WARREN. O Mr. President, the Senator is laboring under a misapprehension. Under this provision the guards can not receive over $900 a year, but many of them receive only $300. Men are employed who are living near by, and oftentimes they are paid perhaps but twenty, twenty-five, thirty, or thirty-five dollars a month.

Mr. REED. Well, how many have we, as a matter of fact?

Mr. WARREN. I do not know. I know we have 28 of the so-called monuments; but some of them are without guards, and perhaps it is intended to put guards in charge of them.

Mr. SMOOT. I will say to the Senator there are nine of the natural monuments that have to have custodians, and I can name them if the Senator desires.

Mr. REED. I do not care for that.

Mr. SMOOT. Of those nine there are some that are not paid over $300 a year. Men living in the immediate vicinity guard and protect the monuments, so that $5,000 will pay the guards for all of the monuments that need such protection.

Mr. MARTINE of New Jersey. Mr. President, some years ago it was my privilege to visit many of these so-called monuments and freaks of nature in the western portion of our country, and I was thoroughly and wonderfully impressed with the necessity and wisdom of supplying a sufficient patrol or a sufficient number of guards to keep them from spoliation at the hands of vandals. They are not only curiosities, but they are genuine objects of education. My own criticism of this provision is that it is not big enough or broad enough for the splendid results that should follow, and, with the breadth and liberality generally in the make-up of my friend, the Senator from Missouri, I trust he will withdraw his objection and let this item go through.

Mr. REED. Mr. President, I have not made any objection. I asked for information. We have developed the fact, I think, that either this item ought not to be allowed at all, because it is utterly inefficient and insufficient, or it ought to be greatly enlarged or else the statements made here this morning are made under a mistake. I did not object. I asked for information.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead "Surveying the public lands," on page 107, line 17, after the words "Secretary of the Interior," to strike out the sum "$450,000" and insert "$700,000," so as to read:

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $700,000.

Mr. CULBERSON. Mr. President, I call the attention of the chairman of the committee to the fact, with which, of course, he is entirely familiar, that the amount of $450,000 contained in the bill as it came from the other House is the amount of the appropriation for last year and is the exact amount asked by the department for this year. I do not myself see, speaking as a Senator and as a member of this committee, why there is any necessity to increase the appropriation by $250,000, when the department does not want it and does not recommend it.

Mr. WARREN. The Senator does not state it quite correctly. I think he will recall—for I believe he was in the committee room when that matter was discussed—the fact that this amount is not the amount that they had last year nor the year before. It is less than the estimate of last year and the year before. The Senator is right that in the first official estimate sent from the department they asked for $450,000. The Senator is right that that was the amount last year for the lump sum, but last year there were appropriations of two hundred and odd thousand dollars in addition, naming special localities where the money was to be used, and the year before there was also an additional appropriation of $350,000, naming the points where the money was to be used.

I am inclined to think the Senator was not in the room at the time the matter was explained by the Commissioner of the General Land Office, that in submitting the estimate of $450,000 he knew that amendments had been offered for a similar line of special appropriations—that is to say, localizing the expenditure—and it did not occur to him that he should include the additional amount in the one estimate; but he said that

they would be very badly cramped and that the amount carried by the House bill would not develop the surveys as they should be. Furthermore he laid particular emphasis upon the fact of new States having been admitted in which there are large grants—old Spanish grants—and reservations of the Government on which the work ought to be done very soon, and that there ought to be large amounts expended in those two States in order to enable them to select the grants conferred upon them by the General Government in the admission acts and to make the settlements to which they are entitled; so that this $450,000, without designating any local special amounts would be really much less rather than more than it should be, and therefore much less than the appropriations of past years.

Mr. SMITH of Arizona. Mr. President——

Mr. WARREN. I will say that the chairman of the committee has some amendments to offer to the language of the paragraph.

Mr. SMITH of Arizona. Before that is done I desire to be heard.

Mr. WARREN. Very well.

Mr. SMITH of Arizona. Mr. President, I regret that this appropriation is as small as it is. A condition has existed in the Territorial governments of New Mexico and Arizona that ought to be called to the attention of the Senate. We have something like fifty-odd million acres of unsurveyed lands there. We have suffered as to these surveys, having no representation on this floor. Some of the States which were fortunately situated not only in being represented on this floor, but in being represented with remarkable ability and with remarkable industry, have had nearly all their lands surveyed. We have, I repeat, fifty-odd million acres yet unsurveyed. I find it impossible to ascertain in the department exactly how much land has or has not been surveyed. The Statistical Abstract and the commissioner's report differ so widely that it seems to me that I can not ascertain from what data I can get within a million acres the amount of the surveys in my State. That may be my fault, and I am not complaining of the department or of whomsoever compiled the Statistical Abstract, but what I state is true. I therefore appeal to the Senate for relief, inasmuch as the grants of land that we have received as a new State are so largely unsurveyed, and inasmuch as 47 per cent of the great State of Arizona is now held in reservations, those reservations taking, in my judgment, 90 per cent of the available lands of that State, so that we are relegated to the desert. Nobody will settle on unsurveyed land to-day. They will go, as they are going, to Canada. They will go where there is less friction and more freedom. What is the result? No man will go on that unsurveyed 57,000,000 acres of land, if I mistake not the figures, and take the risk that the location may fall on some unsurveyed reserve or within one of the school sections. So the matter stands without a dollar of appropriation directly for it. In the case of Wyoming and Idaho they had special appropriations of $100,000 or some similar amount in addition to the general appropriation, which was very proper, but the same consideration ought to have been also extended to the other States. I appeal to the Senate not that this should stand at all, but I should like an amendment of at least $75,000 directly appropriated to Arizona, as was the case in reference to Wyoming and Idaho.

Mr. WARREN. Let me say to the Senator that the total amount two years ago was $800,000 altogether, and that was expended.

Mr. SMITH of Arizona. Eight hundred thousand dollars altogether. It ought certainly not to be decreased this year. The Senator from Utah [Mr. SMOOT] knows very well the conditions that have existed in his State in reference to these surveys. My friend from New Mexico [Mr. FALL] has given notice of and had printed an amendment to this bill to at least give us an equal chance with the other States. I think he and I are justified in asking an additional $200,000 to be applied to our States, for they are in such a condition that they can not move until they get it.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. SMITH of Arizona. I do.

Mr. FALL. Merely for a suggestion.

Mr. President, in connection with what the Senator from Arizona has said, I want to suggest to him and to other Senators here that New Mexico and Arizona are unable to utilize the lands which are given to all States upon coming into the Union, and which have been given by the Congress of the United States to those new States as they came in, so that they might share equally in the land grants with the other States of the Union. It is impossible for New Mexico and Arizona to avail themselves, or for either of them to avail itself, of the national domain which has been granted in the enabling act passed by the Congress. We have lieu lands; we have lands in lieu of school sections 2, 32, 16, and 36, which are granted to us where those sections were projected in or existed in a forest reserve. We have 8,000,000 acres of land given for the benefit of our schools, the only donation that has ever been made by the United States for free schools in either of these States; but we can not utilize any of that land, any of this great donation. We can not lease the lands or sell them until the surveys are made.

Mr. SMITH of Arizona. The Senator from New Mexico has exactly anticipated and made better than I could have done the argument which I was trying to make. He has suggested, with the proper appreciation of conditions surrounding these States, that Congress ought to double rather than decrease the appropriation for the survey of these lands if they would do justice to us. Before this clause is passed, or after the amendment offered by the Senator from New Mexico shall have been acted on, I shall offer an amendment increasing the appropriation and applying it to Arizona and also to New Mexico.

Mr. FALL. I was simply making the suggestion, Mr. President, that not only was this amount insufficient, but that we were going to ask the Senate to give us at least $100,000 additional to the amount which has been inserted here by the committee for the purpose of enabling these two States to avail themselves of the land grants for public-school purposes. We can not lease nor can we sell those lands until the surveys are made. Out of the ordinary appropriations last year New Mexico's portion was only $30,000. It will require $27,000 to survey for New Mexico alone the lands which the Congress has given to New Mexico, approximately the same amount for Arizona, and with this appropriation as it stands now—the total appropriation last year was about $800,000—with this appropriation of $700,000 the proportionate part Arizona and New Mexico would receive would give them only about $30,000, and it would require their equal proportionment of that amount for three or four years before it would be possible to have the lands surveyed.

Mr. BORAH. I wish to ask the Senator from New Mexico a question. Do I understand that the Senator from New Mexico has offered an amendment?

Mr. FALL. The Senator from Arizona gave notice that he would offer an amendment to increase the appropriation to $800,000.

Mr. SMITH of Arizona. The Senator from New Mexico also has an amendment.

Mr. FALL. Yes. I have an amendment. I will state to the Senator from Idaho that in the House bill as it came here the Senator will notice, on page 107, line 24, I think it is, there is a provision that these moneys—the $700,000—shall first be used for certain purposes and secondly for other purposes, so that New Mexico and Arizona, if this is allowed to stand as it came from the House, would not get one dollar of this entire $700,000, because they would come in under the second head.

I have offered and had printed an amendment which the committee——

Mr. CULBERSON. What State would be the last referred to as enumerated in the acts?

Mr. FALL. They refer to North Dakota, South Dakota, Idaho, Montana. I have a memorandum of them, but I have forgotten the other States.

Mr. WARREN. They have from time to time referred to nearly all the new States.

Mr. FALL. Yes.

Mr. WARREN. But as the Senator knows, and as we ought to confess with a little shame, the Territories until now have not had representatives at one end of the Capitol and have not had votes at the other end, and that may be the reason why they have not been better taken care of.

I agree perfectly with all that the representatives of the new States say, that they require and deserve more than the other States.

Mr. CULBERSON. I will ask the Senator from Wyoming if it is his intention merely to insert in this bill a general amount equal to what was appropriated last year for specific States?

In the hearing before the House committee——

Mr. WARREN. The proposition is not to locate it, but to have all in one general fund. It does not follow, because a State has an extra one year, that is a reason why it should have one this year. It would be a reason why it should not have the same another year rather than that it should have.

Mr. CULBERSON. For instance, last year Alaska had $150,000 extra; Idaho, $150,000; Montana, $100,000; Utah, $155,000—during the four years—and Nebraska, for resurveys,

$50,000 last year. Of course, if it is merely the object of the committee—and I was not present when it was considered or at the hearing—to insert in the bill in the general sum an amount equal to what was used last year for specific States, I have no objection to it.

Mr. WARREN. The amount the Senator from Texas has named covers more than one year.

Mr. CULBERSON. I read it from the book. It covers four years. Nebraska alone had $50,000 last year.

Mr. WARREN. It is the purpose of the committee to appropriate a sum total and to provide in language so that it may apply, as it can apply, where the surveys are most needed. I have an amendment to the language, which I propose to offer.

Mr. SMITH of Arizona. Before the Senator offers his amendment——

Mr. WARREN. Yes.

Mr. SMITH of Arizona. I think there will not be any trouble in agreeing to that; but I wish to move now to strike out "$700,000" and insert "$900,000."

Mr. FALL. "Eight hundred and fifty thousand dollars."

Mr. SMITH of Arizona. Then, I will take $850,000. We can not get along on less. I am informed by the department itself—I have been over to see about it—that in the wintertime they can put a great force in our country, if they have the money, and it is absolutely essential to us that we should have it. I hope the committee will not cut off any part of my proposed amendment. Make it $850,000.

Mr. WARREN. It is true that under the present system of surveys, instead of the system of contracts or salaries, the surveyors who are used in the northern climes in the summer can go to the southern climes in winter, so that a large force can be thrown in there.

These two new States, through their able Senators, are most welcome, not only to me but to the entire Congress, and I am not going to object to the amendment offered, but pending that, I should like to perfect the paragraph.

Mr. FALL. Will the Senator from Wyoming, as far as he can, accept the wording which I shall suggest to the amendment of the Senator from Arizona?

Mr. CULBERSON. Let the amount be agreed upon first.

Mr. WARREN. I have pending an amendment to correct the language of the bill.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment to the text of the bill, which will be stated.

The SECRETARY. On page 107, line 24, after the word "ninety," strike out the semicolon and in lieu insert a comma; strike out the comma after the word "and," which follows; strike out the word "second" and the comma which follow the word "and"; strike out the words "except railroad land grants," on the next page, line 1, and insert the same words after the word "of," in line 5.

Mr. SMITH of Arizona. I ask that the amendment as proposed to be amended be read.

The PRESIDENT pro tempore. The amendment as proposed to be amended will be read.

The SECRETARY. So that if amended it will read:

And the acts approved July 3 and July 10, 1890, and to surveying under such other acts as provide for land grants to the several States and Territories, and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes, which may have been sold or included in some reservation or otherwise disposed of, except railroad land grants.

Mr. SMITH of Arizona. That makes it all right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. HEYBURN. I should like to inquire of the Senator from Wyoming as to the purpose of changing the location of the phrase "except railroad land grants." Does that leave any provision for surveying lands within railroad grants?

Mr. WARREN. Oh, yes. It simply does not put it in the preferential place, where it was before; that is all.

Mr. HEYBURN. That is the purpose of changing its location?

Mr. WARREN. That is the purpose, to have it follow rather than to lead the others.

Mr. HEYBURN. Which would, of course——

Mr. WARREN. Change the order.

Mr. HEYBURN. Change the substance.

It is desirable that provision be made for surveying railroad land grants, and I did not know just what purpose the Senator had in mind in that regard.

Mr. FALL. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. FALL. I think the Senator will find, on reading this provision, that this money, $850,000, now to be appropriated, is to be applied first to those purposes specified and second to other purposes, including the survey of land grants. That is one of the second items.

Mr. HEYBURN. Having that in mind I submitted the inquiry to the chairman. So whatever surplus there may be may be devoted to the survey of railroad land grants. That is desirable. Of course the change of the location of the phrase would be effective in regard to the survey of railroad land grants, as to their preference or order of survey.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SMITH of Arizona. I move now to strike out "$700,000" and insert "$850,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Mr. President, I desire to make a statement in connection with the action just taken, in order that the record may be clear.

It was my purpose, and I had given notice of my intention, to offer an amendment to this bill in regard to surveys in the State of Idaho in conformity with the provision contained in the last appropriation act. In the existing law, Public Law 525, there is this provision:

For continuing the survey of public lands in Idaho, including the cost of office work in the surveyor general's office, not to exceed $3,500, $50,000.

I offered on April 3, 1912, an amendment, which was referred to the Committee on Appropriations and printed, which reads as follows:

For continuing the survey of public lands in Idaho, including the cost of office work in the surveyor general's office, not to exceed $5,000, $80,000.

Now, the reason I have not urged the adoption of this amendment is because of the increased aggregate appropriation, and it is proper that the RECORD should show this in order that there may be no further necessity of explaining why the amendment was not pressed which gave Idaho the equivalent of the appropriation of the last fiscal year. I desired to state in connection with it that the aggregate appropriation having been increased $400,000, I think, or about that——

Mr. WARREN. Four hundred and fifty thousand to eight hundred and fifty thousand dollars.

Mr. HEYBURN. Yes; $450,000 to $850,000 gives an additional $400,000 to be apportioned by the surveyor general or by the department under whose control he acts, so that it will be the equivalent of a special appropriation expressly in the interest of Idaho.

Mr. WARREN. Yes; and right here I will say to the Senator there is an unexpended balance of the appropriation of last year and the year before which is now being worked out.

Mr. HEYBURN. I have a statement from the surveyor general of Idaho giving those facts in connection with the unexpended balance; and had it not been that the appropriation was increased so as to amply provide for these States in which the surveys have not been carried forward I would have asked permission to place in the RECORD the statement of our surveyor general.

Just a suggestion for the benefit of the Senator from Arizona. The Senator spoke of the surveys of Idaho as though they were far advanced. Idaho is one of the States in which the surveys are very meager indeed, only a comparatively small portion of the State having been surveyed. It is not to be classed with Colorado or Wyoming or any of those States in which the percentage of surveys is above 90. In Idaho it is below 40.

I wished to make that statement.

Mr. WARREN. I submit an amendment which involves merely a change of language.

The SECRETARY. On page 109, line 6, strike out the words "immediately available" and insert in lieu thereof "available until expended."

The amendment was agreed to.

The next amendment was, on page 109, after line 12, to insert:

For the temporary employment of the following clerks, for the purpose of bringing up arrears of work upon the returns of service in the General Land Office: Four clerks, at $1,200 each; three clerks, at $1,000 each; two copyists, at $900 each; four copyists, at $720 each; in all, $12,480.

The amendment was agreed to.

The next amendment was, on page 110, after line 3, to insert:

The Secretary of the Interior be, and he is hereby, authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., and to prepare plans and estimate of the cost of increasing the present storm-drainage system as well as the present sanitary-sewer system of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as

soon as practicable after the 1st day of December, 1912. The sum of $10,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to cover all expenses incident to the work herein authorized, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 111, line 17, after the words "United States," to strike out "$350,000" and insert "$375,000," so as to make the clause read:

For topographic surveys in various portions of the United States, $375,000.

The amendment was agreed to.

The next amendment was, on page 111, line 19, after the words "United States," to strike out "$300,000" and insert "$325,000," so as to make the clause read:

For geologic surveys in the various portions of the United States, $325,000.

Mr. CLAPP. Mr. President, I am going to move to amend by substituting $450,000 for the $300,000 recommended by the House and $325,000 recommended by the committee. The department advise that they require more for this purpose. I know of my own knowledge that a great many applications are being held up because they have not the money to make the necessary investigations as to the mineral character of the land. It does seem to me, as to this system of holding up the settlement of the farther West, that while some of it may be necessary that portion of it which is due to the failure of Congress to appropriate the necessary funds is not necessary.

I hope the committee will accept the amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Minnesota moves to amend the committee amendment by striking out "$325,000" and inserting "$450,000."

Mr. CLAPP. I will make it $400,000.

The PRESIDENT pro tempore. The amendment to the amendment is to insert $400,000.

Mr. WARREN. I suppose the Senator has satisfied himself that he is within the estimates of the department.

Mr. CLAPP. I am within what ought to have been estimated properly.

Mr. WARREN. I am informed that it is within the estimates.

Mr. CULBERSON. Mr. President, I merely desire to call attention to the fact that last year we appropriated only $300,000 for this item. The House proposes to give the same appropriation, and the Senate committee increased it $25,000. Now it is proposed to increase the amount recommended by the committee to $400,000, which is $100,000 for this item alone more than was given last year.

Mr. CLAPP. That is true, but it is equally true that the department can not and ought not to act upon a large area of our public land until they know the mineral character of those lands, and if it requires more it seems to me that it is our duty to appropriate the money.

Mr. SMOOT. I also call the Senator's attention to the fact that there are patents held up for two or three years for examination as to the mineral character of lands, and they are away behind in their work. It is absolutely necessary to give the increased amount of money to even bring up the work that is in arrears.

Mr. TOWNSEND. May I ask the Senator from Utah why, then, the committee did not make provision for $400,000?

Mr. SMOOT. At the time they thought that perhaps the department could get along with the increase of $25,000 recommended by the committee, and they also thought that perhaps if they increased the amount beyond that it would not be agreed to. But there were a number of the committee who felt that the full appropriation of $450,000 ought to be made.

Mr. HEYBURN. Mr. President, this is an appropriation that ought not to be required, but unfortunately under the practice of the department it seems to be necessary to furnish money for them to demonstrate the inefficiency of their service; and it is in the interest of enabling them to demonstrate the fact that they ought not to exist that I would vote for the appropriation. It is an innocent-looking provision, it is less than two lines; but it is one of the most far-reaching and disastrous provisions written on the statute books.

The law says that the public lands of the United States containing valuable mineral deposits are open to exploration, location, and purchase by any person a citizen of the United States or who has declared his intention to become such. That is the mining law which has existed since 1866, and it has resulted in the development of all the mineral resources of this country. But now, within the last three or four years, the practice of the department has been to require all locations to pass the inspection and approval of men called special agents, experts—men who assume or are assumed to have the knowledge and ability to distinguish mineral from nonmineral lands. A greater farce never existed in Government or governmental policy.

The mines of this country have been found where they were and not where they ought to be. No theory in regard to where mines should exist has ever been justified upon test. The Supreme Court of the United States, recognizing the well-established fact, held in Chambers against Harrington, reported in One hundred and fifteenth United States, that a miner or prospector might make a valid location upon that which in his judgment justified his exploration and location of it. The courts undertook to say that he might reasonably believe that the thing upon which he made his location was mineral or would lead to the finding of minerals.

The Supreme Court of the United States very promptly overruled that doctrine and held that no person was or might be under the law authorized to object to the exercise of the right to locate a mining claim upon the judgment of the party making the location. They held that no part of the Government might say that he was not justified in making a location or that it was not reasonable that he should make such a location.

These administrative branches of the Government have undertaken indirectly to overrule the Supreme Court of the United States. The language, as I remember it, in Chambers against Harrington, is that a location may be made whenever the locator has found such evidence of minerals as in his judgment justifies him in making the location. Now, under the provisions of law for which this appropriation is made, they undertake to say that his judgment shall be subjected to the test of the judgment of their special agents, and we are going to give them a large amount of money to continue this iniquity. Perhaps the more money they have the sooner they will run themselves to death. Perhaps the more money they have the sooner they will emphasize this iniquity to the extent that it will be again brought to the attention of the Supreme Court of the United States, and they will receive another admonition.

A miner or prospector—and I regret to say that they are fast passing away and there is no new race of them coming, because the inducements under which they existed are being frittered away—the experienced prospector goes into the mountains, often into regions that have been condemned by the Government as nonmineral, and because of a certain instinct that is embedded in a prospector and in no one else he finds evidence that in his mind justifies him in locating a mining claim. He does not ask anything of the Government in the way of subsistence or compensation for his work, but he backs that judgment by his personal labor. It may be weeks, it may be months, it may be years; he develops it. It may turn out to be of no value, and the only person who has lost anything is this poor prospector, who has expended his labor upon it. It may turn out to be valuable. Perhaps one out of a hundred turn out to be valuable. Then he is entitled to the benefit of his industry and his perseverance.

But I have in mind—and every Senator from the mineral-land States knows of similar conditions—a case where the parties have backed their own judgment to the extent of many thousands of dollars of their own money in addition to a vast amount of labor by their own hands, and along comes one of these men whom we are going to pay out of this large appropriation, and he says, "Your judgment is not good. It is true you have been mining and prospecting for years, but I am just out of a technical college in the East where they teach a man how to find a mine. This thing that you are spending your time and labor upon here has no value and will never develop into a mine. So get off here. You are on the public domain of the United States. You can not remain here to test your judgment." No one takes his place. The spot remains barren and undeveloped, and the prospectors grow discouraged and they go away.

A few days ago there was a very interesting article in one of the western papers on the question of the disappearance of prospectors, and its effect upon the future wealth of the country. I repeat these prospectors have been driven out of the field. They are men of independent character. They will not work under the supervision and control of some forestry officer or inspector or special agent, or whatever he may be termed. They will leave the field undeveloped.

Had the present system and the system proposed to be sustained by this appropriation been in vogue from 1860 up to this day there would have been no Comstock mines; there would have been no mines in Grass Valley and that rich section of California; there would have been no mines in Colorado, or in Idaho, or Montana, because in no instance did the mine crop up out of the ground so that you could commence taking out ore and hauling it to the market or mill. It required long

and dreary years of personal toil and endeavor on the part of the prospector before he could determine whether or not that which he has selected upon which to expend his energies was a mine or would lead to a mine.

I feel impelled to speak these words this morning in connection with the consideration of this question. I have on several occasions in the past 10 years called attention to these facts, but as the generations of legislators come and go it is necessary that they be kept fresh before the minds of those who are to act upon it, and some day they will burst the pod and branch and grow and result in curing this evil. I have grown somewhat disheartened during these years, but still I have faith that the time will come when Senators will give some heed to it. Some perhaps think they need no lesson or admonition in regard to it; it is a familiar subject with them; but there are others to whom the subject is not so new and who must remain here and deal with these questions as they come with each recurring appropriation bill.

I had it in mind to offer an amendment cutting out this service. I had hoped that some of the Senators who have given enough attention to this question to deal with it intelligently would have contributed something toward the amendment of this law and the cure of this evil. But Senators do not give that attention to it to which it is entitled.

Mr. President, it is the attention of Senators who have not grown weary of considering the rights of those people on the frontier that I desire. I have labored long in the years gone by with some and they have probably grown weary of the subject; but, nevertheless, it is a duty to present it. You are making an appropriation of a very large sum of money for the purpose of driving out those of our citizens who find the mines that produce the wealth that supports the country. Without these mines we would be doing business on a credit basis, represented by the promissory notes of the people of this country, with nothing behind them except the hope that you may be able to exchange the promissory note you receive for another promissory note. That is the situation.

You have blessings heaped upon you and you never inquire from whence they come. I would not say that you do not care, I would not say that any Senator of the United States did not care from whence the stability of the money of the country comes, but there is one thing sure, it does not come through crops or industry or enterprise other than mining. When the gold product of this country begins to fall off, as it will if no new mines are discovered in the near future, then you will realize that the fowl which produced the golden egg no longer exists. You will have some eggs on hand but they will not hatch, they will not produce any accretions; there will always be the same number that you had.

We sent you out of the State of Idaho over $200,000,000 in gold. That, with the gold from other States and Territories, constitutes the basis of the money of the country. Take it out from behind the money of the country and where are you? Are you never going to waken up to the fact that the mining industry is the principal industry of this country; that the mines have furnished you with the money with which you buy crops; that they have relieved you against a system of exchanges of commodities and placed you upon a money basis? I have seen audiences sit and look, some as though they did not know, and others as though they did not care where the money came from, but it ought not to be a condition existing in the legislative body of the country.

I am only speaking this in order to catch the attention of somebody who may through the processes of thought and reason realize that the mines are the most important industry in the country, because without them you would have no basis for business transactions of any kind.

I, also, in connection with that want to call attention to the fact that this appropriation is being made for the purpose of destroying the mining industry of the United States, of discrediting the mining industry of the United States, the mines of gold and silver, taking it out of the hands of competent, capable American citizens to discover and develop mines and placing over them a lot of political vultures. That is what they are.

The man who sat upon the dump of a mine in the southwestern portion of the State in which I live and upon which a man had expended $30,000 or $40,000 of his own money, and told him that he was not entitled to any rights there because, in his judgment, the mine that he was seeking did not exist, was a human vulture preying upon the industry, and the rights of an American citizen. I have recalled the incident more than once in this Chamber of one of those mines in the State of Montana, where a number of these, not smart men, except in their own judgment, wanted to put a man in the asylum and take his property away from him because they said that he was expending his energy and wearing out his life in search of a ledge that did not exist, under the impression that he would find a mine, that was afterwards the largest mine in Montana and produced more gold than any other mine in that State. Yet they would have taken that man to the asylum who was driving a tunnel with his own hands. I wonder how many men know what it is to hammer upon a rock and beat your way through hundreds and thousands of feet of solid rock in the hope of finding a mine.

This money is intended to prevent men from doing that and to compel them to submit to the judgment of these political vultures.

Mr. SMITH of South Carolina. Mr. President, I gave notice yesterday afternoon that I would submit some remarks on the Panama bill this morning, and if the Senator in charge of the pending appropriation bill will yield for that purpose, I should like to go on now.

Mr. WARREN. While, Mr. President, it is somewhat unusual to yield for a speech during the consideration of an appropriation bill, I realize that the Senator has been very gracious about the matter, and did not take the time last night, and I yield to the Senator for the purpose indicated.

The PRESIDENT pro tempore. The Chair will suggest that action upon the pending amendment might well be concluded. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 111, line 19, in the committee amendment, it is proposed to strike out "$325,000" and insert in lieu "$400,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. I wish to say that I expect to proceed with the appropriation bill immediately upon the conclusion of the address of the Senator from South Carolina.

THE PANAMA CANAL.

The Senate as in Committee of the Whole resumed consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. SMITH of South Carolina. Mr. President, in the early part of this session we had under discussion the proposed treaties of arbitration between Great Britain, France, and the United States. On account of certain amendments that the Senate insisted upon and certain modifications of those treaties they are still not ratified by the three high contracting parties. The clause in the treaties to which the Senate objected was the clause involving the very principle now at issue in the question of our charging tolls in the Panama Canal. The particular clause which was finally objected to and stricken from the treaty by the Senate was in these words:

It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under article 1 of this treaty, that question shall be submitted to the joint high commission of inquiry, and if all or all but one of the members of the commission agree and report that such differences in the scope of article 1, it shall be referred to arbitration in accordance with the provisions in this treaty.

Senators of both political parties contended that with the adoption of this paragraph it would be giving into the hands of an alien, or foreign tribunal, the settlement of questions which of right belonged to the United States alone. The questions which were referred to as being possible of arbitration, under the adoption of this section, were such as affected the vital interests of America alone. Amongst those cited as being questions which might arise which we would be compelled, under the adoption of that paragraph, to refer to foreigners for adjudication were southern bonds, the right of expatriation, and those questions affecting the vital interests of either of the contracting parties, alone, and not mutually.

The debate on this particular clause is the key to the whole international relation as it now confronts us. The question at issue, reduced to its last analysis, was, Should any country have a right, under treaty or otherwise, to demand that any question purely domestic or which related entirely to the vital interests of one of the contracting parties alone, because a citizen or citizens of the other contracting parties might become financially or commercially interested in it, be submitted to arbitration?

The question of southern bonds and the question of expatriation affect America alone. I quote from the speech delivered by the Senator from Massachusetts [Mr. LODGE] on the 29th of February, 1912, on this point:

We separate them and take them out from the ordinary class of pecuniary claims. Our reasons for doing so are well known to us and rest on the broad grounds of justice and right. But the world

neither knows nor understands our reasons. Whatever the decision of the high commission might be on this question, I for one do not believe in ever permitting the question of these bonds to go before any outside tribunal. They are our own concern.

In the same connection in the same speech he said:

Are you ready to submit to arbitration the question of the right of expatriation which we have supported, insisted upon, and enforced for more than 50 years?

Continuing, the Senator from Massachusetts said:

Will you arbitrate with Russia the question of her right to discriminate against certain classes of American citizens on the ground of race and religion as we discriminate against certain immigrants on the ground of crime and disease? I am not willing to submit those questions to arbitration, and I will not promise to do so.

I should like to have the attention of the Senator from Massachusetts, because later he changed his position, and I should be glad if he sees fit to explain that change. I am quoting from the Senator's speech on the 29th of February, 1912, in which he said:

It is easy to show that there are other questions not properly arbitral which might be brought before this commission. The tolls to be charged by us in the Panama Canal, which we have built at our own expense, might be brought before a tribunal, in whole or in part composed of foreigners, to be fixed and determined by them.

Further, the Senator said in the same connection:

Our title to the canal or to our territory anywhere is not to be dragged before any arbitral tribunal for examination and determination, and nothing should be subscribed to by us which by any twisting could be construed into a promise that we would submit such a question to any judement but our own.

The logical deduction from this line of reasoning by the Senator from Massachusetts is to the effect that our judgment, and ours alone, in reference to our title to our canal territory is to be interpreted by us alone. If we decide that our title to this property is such as to make it practically a Territory of the United States in so far as our relations with foreign countries are concerned, then it seems to follow that any law we may make in reference to our own citizens in the use of this property, where it applies strictly to our citizens alone, is not a matter for arbitration.

The only question for us to decide in the Senate in reference to our right to charge or remit tolls to the citizens of the United States is the question of our ownership of this zone. If we determine that the character of our title as a Government in dealing with the Republic of Panama is such that our sovereignty in so far as navigating the waters of the canal are concerned is practically the same as navigating American waters, then no foreign power has any right to demand that it should be submitted to arbitration.

In article 3 of the convention between the United States and the Republic of Panama the following language is used:

The Republic of Panama grants to the United States all the right, power, and authority within the zone mentioned and described in article 2 of this agreement, and within the limits of all auxiliary lands and waters mentioned and described in said article 2, which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Mr. BRADLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. SMITH of South Carolina. I do.

Mr. BRADLEY. I simply want to make an inquiry. Will the Senator give me the date of the treaty from which he is reading?

Mr. SMITH of South Carolina. That was from the treaty with Panama in 1903. It was subsequent to the Hay-Pauncefote treaty. I will bring that point out.

As will be observed, the extract from the treaty with Panama which I have just read explicitly sets forth that within this ceded zone the United States was given and assumed the exact sovereignty that the original owner of this zone possessed in the full and complete exercise of its sovereignty.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. STONE. Mr. President, if I caught correctly the reading of the extract the Senator quoted from the speech delivered by the senior Senator from Massachusetts [Mr. LODGE], when the Senate was considering the arbitration treaties, that Senator then declared—and I am asking if my impression is correct—that this Government would not be willing to submit to arbitration any question relating to the tolls to be charged through the canal. Of course, that treaty provided for a particular commission. The Senator from Massachusetts was addressing himself to the proposition as to whether questions of purely domestic concern should be submitted to that commission, and in discussing it, as I understand the reading, the learned Senator then took the ground that he would not be willing to submit the question of tolls in any form in which it might arise to that commission or to arbitration. I understood the Senator from Massachusetts, in his speech the other day on the Panama Canal bill, to hold that under the Hay-Pauncefote treaty and under our arbitration treaty with Great Britain we would be obliged to submit any question arising between Great Britain and this Government to The Hague Court, which, in fact, is but a court of arbitration.

Mr. SMITH of South Carolina. It was for that reason that I called attention to the seeming contradiction in the position of the Senator from Massachusetts, as referred to by the Senator from Missouri [Mr. STONE], and the position taken in his speech from which I have quoted in the RECORD of July 17, where the Senator from Massachusetts is quoted as saying:

It is, of course, also true, as the Senator from New York [Mr. ROOT] pointed out, that if we should undertake simply to make our ships free, we should raise a question which would then, under our treaties of arbitration, necessarily go to The Hague.

Mr. LODGE. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. SMITH of South Carolina. I do.

Mr. LODGE. I made that statement because the question as to our right to exempt American vessels from tolls would be a question arising under the interpretation of a treaty. A question involving the interpretation of a treaty would undoubtedly go to arbitration under our general arbitration treaties now existing. I confess at that moment I thought only of that proposition. Since then the debate has developed a point which I had not thought of, speaking as I then did offhand—the question of the Canal Zone being domestic territory to all intents and purposes. I am not prepared to say now, without further consideration, that we should be bound to submit a purely domestic question of that kind. I have no question, as I argued the other day, that the repayment of tolls to reach the same result of exempting American vessels would not be arbitrable, because that is purely a domestic question. Whether our territorial jurisdiction in the Canal Zone would not bring it within the same class I am not at all sure. I am not prepared to say that it would not, and that the Senator is not correct in the view he is now taking.

While I am on my feet, if the Senator will allow me, there is one other thing I should like to say. I said in my remarks a few days ago that my personal view was that we had the right to exempt American vessels from tolls. I did not go into the matter. I took a somewhat active part in the two Hay-Pauncefote treaties, as they are called. I voted against the Bard amendment. I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. Of course the debates are not now a matter of record, but I find that the Senator from California and some other Senators who were present remember very well that the Senator from Minnesota and I both made that statement in explanation of our votes against what was called the Bard amendment. I had that same view in regard to this treaty. I was familiar with the work that was done upon it in London at the time when it was concluded there and finally agreed to, and I was very familiar with it here. Although, as the Senator from Georgia correctly said, the question was not raised at that time, I personally have never had any doubt that the matter of fixing the tolls must necessarily be within our jurisdiction; and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because in the nature of things we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. SMITH of South Carolina. I yield.

Mr. POMERENE. The Senator from Massachusetts has just expressed a reason for his vote against what was known as the Bard amendment. Can the Senator inform us as to whether that was the general sentiment prevailing at that time among the Senators?

Mr. LODGE. I can only say, Mr. President, that that was the view of the chairman of the Committee on Foreign Relations, and it was my view; and, while I may be mistaken, I think on that vote the majority of the Senate followed the Committee on Foreign Relations.

Mr. SMITH of South Carolina. As I understand, the vote was something like 27 to 43.

Mr. LODGE. Yes.

Mr. SMITH of South Carolina. The question of the Bard amendment, to which the Senator refers, was brought up; and on account of its being in executive session, and the debates not being available, I was unable to find any record showing what was the sentiment in that respect.

Mr. LODGE. There is no record that will show that, of course; but I know that was my opinion and the opinion of the chairman of the Committee on Foreign Relations at the time.

Mr. CULBERSON. Will the Senator from South Carolina be kind enough to let me ask a question of the Senator from Massachusetts?

Mr. SMITH of South Carolina. Certainly.

Mr. CULBERSON. The Senator from Massachusetts seems to lay some stress upon the fact that this has grown to be or is now a domestic question. I will ask him, in view of the second article of the Hay-Pauncefote treaty of 1901, which I will read in a moment, if it was not contemplated by that treaty that it might become a domestic question; and yet section 1 of article 3 provides that the canal shall be free and open, and so forth. I will read article 2:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, *either directly at its own cost* or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, *subject to the provisions of the present convention*, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

My inquiry is, Does or does not this treaty in itself show that it was based in part upon the probability that this might be a domestic question, and that the ownership of the canal would be in fact in the United States, making it all the more necessary to rest the inquiry into and the determination of this question upon the true construction of the treaty itself, without reference to any arbitration treaty obligating us to enter into a contest at The Hague?

Mr. SMITH of South Carolina. Will the Senator from Massachusetts allow me to ask the Senator from Texas a question just here? He read from article 2, I believe.

Mr. CULBERSON. I read from article 2 of the Hay-Pauncefote treaty.

Mr. SMITH of South Carolina. To what language in it does the Senator ask attention? I ask because I should like to follow him.

Mr. LODGE. The Senator from Texas drew my attention, as I understand, to the right there given the United States to build the canal entirely itself.

Mr. CULBERSON. "Under the auspices of the Government of the United States, either directly at its own cost"—which has transpired to be the case.

Mr. LODGE. Exactly.

Mr. CULBERSON. Does not that treaty contemplate and fix terms in contemplation of the United States themselves becoming the owner of the canal?

Mr. LODGE. Certainly it does. As I said, frankly, I had not thought of that side of the question—our taking over the Canal Zone and making it to all intents and purposes domestic territory. The titular sovereignty remains in Panama, but the actual sovereignty is in the United States. I think that opens a question of very grave doubt, which certainly I am not prepared to answer finally, so far as I am concerned, at this moment. I think it opens a question of very grave doubt as to whether that is not as much a matter that is wholly within our own jurisdiction as the tolls on a canal built in our territory, like the Sault Ste. Marie or any of those canals.

Mr. POMERENE. With the permission of the Senator from South Carolina, may I ask the Senator from Massachusetts another question?

Mr. LODGE. Certainly.

Mr. POMERENE. The Senator has just explained his reasons for voting against the Bard amendment, taking the position that without it we would have the right to regulate and manage the canal. The Bard amendment was a substitute for article 3 of the pending treaty. The treaty, as finally ratified, contained in paragraph 1 of article 3 this language:

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

If, under the treaty, we had general authority to control it and regulate it, why were we so specific in stipulating that we should have the right to maintain the military police which might be necessary?

Mr. LODGE. Because at that time it was not known, of course, on what terms we should have the zone or have the canal. It might have been built through the territory of Panama by a private company to which we might advance our credit. We could not tell what the conditions would be there. It was necessary, therefore, to reserve that right.

That clause as it stood in the first treaty contained a prohibition against fortification; and we put in the treaty a Senate amendment giving us the right to defend the canal in any way we pleased. When the second treaty was made, that amendment of the Senate was left out as well as the fortification clause, so that no restriction at all in regard to fortification was placed upon the United States.

As the matter stands now the military police provision is perhaps needless. But as it stood then, when we did not know under what precise terms we should build the canal, it was necessary to put it in.

Mr. SMITH of South Carolina. In reply to the question propounded to the Senator from Massachusetts by the Senator from Texas, I will state that article 1 says:

The Government of the United States, either directly at its own cost or by gift or loan of money, may construct the canal.

There is a parallel, and perhaps a precedent that might have been governing those who were drafting this treaty, in the case of the Suez Canal. The English Government, while it did not build that canal at its own cost, it obtained control of the majority of the stock of the corporation that built it, and practically was in control as far as that ownership gave it the right of naming the tolls and managing the vessels that used the canal.

But it seems that the ratification of the United States-Panama convention, which was subsequent to the Hay-Pauncefote treaty, entirely changed the situation. No Senator here would contend that subsequent to the Hay-Pauncefote treaty, if we had engaged in a war with Colombia, and as a result of that war, by virtue of conquest, had had ceded to us the territory that we now possess, it would not have become as much a part of the United States as the Philippine Islands. Therefore the alternative of that is also true—that exercising our sovereign power, we had the right to purchase the zone from Colombia in return for a stipulated price. Having purchased it, and having the right of that purchase explicitly set forth in article 3 of that convention, in 1903, the zone that we are now occupying became in fact a part of the territory of the United States, as intimate in its relation so far as the zone is concerned as any part that we now own on the North American Continent, known as the United States.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. SMITH of South Carolina. I do.

Mr. CULBERSON. Mr. President, I am only endeavoring to get information upon which to predicate my vote in this matter.

In further suggestion to the Senator from South Carolina, I want to read an amendment which was proposed in the Senate on the Hay-Pauncefote treaty, which was submitted in 1900:

But nothing contained in this treaty shall be construed to prevent the United States from acquiring at any time sufficient territory and sovereignty over the same upon which to build, manage, operate, defend, protect, and control said canal or for any other purposes, as the United States may deem best in its own interests.

That declares, if I mistake not, about what the Senator from South Carolina now insists upon. Yet that amendment was voted down—yeas 25, nays 45—my vote being for it. Among the Senators who voted against the adoption of that amendment was the Senator from Massachusetts [Mr. LODGE], who is present and who is taking part in this debate.

I am asking only for information, for the purpose of trying to get at the truth of this situation.

Take that amendment which was voted down declaring that the United States should have the power to acquire this territory, the very sovereignty itself of this territory, and use it in its own interest. Take that in connection with the second article of the Hay-Pauncefote treaty of 1901, which contemplates that the United States may build this canal directly out of their own funds. Does it or does it not appear—I have no fixed opinion on the subject—that the treaty providing for equal treatment of the ships of all nations was made in contemplation if not of sovereignty at least of absolute ownership of the canal by the United States? If so, does it not take the question out of the category of a reserved domestic question arising out of ownership and place it under the true construction of section 1 of article 3 of the Hay-Pauncefote treaty?

Mr. LODGE. The amendment to which the Senator from Texas has referred and which he has just read was offered to the first Hay-Pauncefote treaty, but not to the second.

Mr. CULBERSON. In this respect they are identical.

Mr. LODGE. Yes; in this respect they are the same. I remember perfectly well that I voted against it, because I thought—and I think that was the reason of the majority who did vote against it—that it was entirely needless.

Before I sit down I should like, if I may, to call attention to one thing in this connection. We are now so familiarized with Panama that we think of nothing else. But in the preamble of the treaty that was adopted, the actual Hay-Pauncefote treaty, you will notice that it says:

Being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise.

The route that was in everybody's mind at that time was the Nicaragua route. There was no possible prospect of our securing there what we have secured in Panama. All we could have hoped to secure from Nicaragua and Costa Rica would have been the right to build a canal. Therefore the situation contemplated by that treaty was one quite different from that which has arisen. That which has arisen was also contemplated as possible.

Mr. SMITH of South Carolina. I should like to ask the Senator from Massachusetts a question right in this connection. I could not find any record to carry out the thought suggested to me in reading the paragraph to which the Senator from Texas has referred. But was there or was there not in the Senate at that time a feeling that if that paragraph were adopted, it would in a measure give the right to still further acquisition of foreign territory? It is clearly implied in the proposed amendment. Was there or was there not such a feeling in the Senate?

Mr. LODGE. I do not think at that moment there was any expectation that we should acquire any territory or any zone, owing to the conditions of the Nicaragua canal. But I also want to call attention—I am sorry to break in on the Senator so much, but if he will allow me I will not do it again—to one very important matter which is now frequently forgotten in discussing this subject.

The article in the first Hay-Pauncefote treaty which most aroused the objection of the Senate, and which, I think, was an extremely perilous provision, was article 3:

The high contracting parties will, immediately upon the exchange of the ratifications of this convention, bring it to the notice of the other powers and invite them to adhere to it.

That was inviting the other powers to come into this hemisphere and take part in a purely American matter. I do not recall the vote on that matter in the Senate, but my impression is that when it went out it was determined decisively and without a division.

When we struck out that provision there was one thing that we made absolutely clear by our action. There was no attempt to put it back in the second treaty. That was that we did not propose to ask any foreign power to adhere to this treaty or to give any form of consent or concurrence to any rules we chose to adopt. We excluded them. Whatever was to be done was to be done by our own will and power. We agreed we would do certain things, of course; but we were to do them. There was to be nobody else to adhere or concur, or anything of that nature.

Mr. SMITH of South Carolina. Having a wholesome regard to our Monroe doctrine.

Mr. LODGE. Absolutely; and I think that goes very far as showing the attitude of the United States in ratifying the second treaty—that the striking out of article 3 showed the attitude of the Senate and of the country at that time in regard to the canal.

Mr. SMITH of South Carolina. That we meant to make it purely an American matter?

Mr. LODGE. Precisely.

Mr. BACON. Will the Senator permit me a moment?

Mr. SMITH of South Carolina. Certainly.

Mr. BACON. As there has been some discussion as to what was the understanding at the time, possibly it will be of profit. I want to say for myself that I voted in favor of the Bard amendment, and that I was not influenced by any such consideration as that suggested by the Senator from Massachusetts; in other words, the question, so far as I knew, was not raised that under the terms of the treaty as expressed we would have a right to make those discriminations, and that therefore the amendment was not needed. When the matter was up a few days ago the Senator from Massachusetts and I both concurred, I will not say in recollection, but in the failure to recollect that anything to that effect was said at that time in the Senate.

Mr. LODGE. I meant at the time of the second treaty. I think a good deal was said about it at the time of the first treaty.

Mr. BACON. I do not so recollect. I am not going to discuss the matter now because there are several things I wish to say which would take longer to say than it would be proper to interrupt the Senator from South Carolina. But I will take occasion later possibly to give a little more detailed narration of my recollection of the conditions and the general sentiment at that time and the reasons which actuated our votes.

I wish to say for myself now in this connection that my view at that time was this, and I still think it is so, that those who voted against those amendments were actuated by the belief that to amend the treaty was to defeat it and were not in favor of putting any amendments on. There were some of us who desired very much to so amend the treaty that the United States should be unshackled. I will at the proper time go through the various amendments that were offered.

Mr. LODGE. Mr. President——

Mr. BACON. I hope the Senator will let me finish this thought.

Mr. LODGE. I will not interrupt you.

Mr. BACON. I hope the Senator will interrupt me. I simply wanted to finish my thought. The Senator knows I want him to interrupt me.

I wish to say that that was the view which I had, that the treaty did shackle us, and I wanted to unshackle it. I offered two amendments myself and I voted for two others on the same line.

I wish to say further that the Senator is doubtless correct as to the views of the former chairman of the Committee on Foreign Relations, Mr. Davis, of Minnesota, as they may have been expressed prior to the time when these treaties were before the Senate.

The PRESIDENT pro tempore. The Senator from Georgia will suspend for a moment. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I expect to ask unanimous consent in a moment that the unfinished business be temporarily laid aside. I ask the Senator from Georgia if I would be interfering with him if I insert a short extract in the RECORD.

Mr. BACON. I am occupying the floor by the courtesy of the Senator from South Carolina.

Mr. SMITH of South Carolina. I should like to finish my speech before the unfinished business is laid aside.

Mr. BRANDEGEE. Then, inasmuch as the Senator from South Carolina is speaking on the subject, I will not ask that it be laid aside at present.

Mr. WARREN. Do I understand in that case that the displacement of the appropriation is intended to continue for the balance of the day?

Mr. LODGE. Oh, no.

Mr. BRANDEGEE. I simply want to meet the convenience and wishes of the Senator from Wyoming in every respect as to the sundry civil appropriation bill, and I merely did not ask to have it laid aside now, because the Senator from South Carolina is speaking on the question. So, having been laid before the Senate, it might as well remain before the Senate until the conclusion of the speech of the Senator from South Carolina, when I shall ask that it be laid aside.

Mr. WARREN. I make no comment on that, except I rather regret that the Senator from South Carolina did not inform me that he intended to speak on this particular measure. In that case we might have connected his speech with the measure itself at 1 o'clock.

The PRESIDENT pro tempore. The Senator from Georgia will proceed.

Mr. BACON. I was proceeding to say that I had no doubt in the world that the Senator from Massachusetts is entirely correct in his recollection of the attitude of the former chairman of the Committee on Foreign Relations, the Senator from Minnesota, Mr. Davis, so far as that attitude may have been disclosed by conversations which he had with him prior to the submission of these treaties, but the impression the Senator from Massachusetts has could not have been gathered from anything that Mr. Davis said at that time, because the Senator from Minnesota, Mr. Davis, was not then a Member of the Senate.

Mr. LODGE. That is the second treaty. I am talking of the first.

Mr. BACON. He was not a Member of the Senate at the time of the first treaty.

Mr. LODGE. He was, and reported it.

Mr. BACON. I simply wish to state to the Senator the fact that at the time the first treaty was considered Mr. Towne was a Member of the Senate as his successor. I do not recollect the date of the death of Mr. Davis, but in December, 1900, Mr. Davis was not a Member of the Senate, and Mr. Towne, of Minnesota, was in his seat and voted on the question of the amendments and the ratification of the treaty. Of course, in the subsequent year—1901—when the treaty was again before the Senate, the present Senator from Minnesota [Mr. CLAPP] had succeeded Mr. Towne.

I simply mention this, not in any manner to take issue with the statement of the Senator that Mr. Davis was of that opinion. I have no doubt he had so expressed his opinion, but he was not present at the time of the Bard amendment nor at any time during that session. Mr. Davis had died before that session began.

Mr. LODGE. I thought it had been earlier reported. The Senator is correct. I knew that Mr. Davis and I went to the State Department and went over the whole treaty with the Secretary of State. I had forgotten that he died in the interval before the treaty was put in. That is quite true.

Mr. BACON. I do not think I am in error in the statement that the consideration which controlled the negative vote—I do not mean to say it was what influenced everyone who voted in the negative, but the general sentiment which did control that general negative vote against the Bard amendment and other kindred amendments, two of which I said I offered myself and two others were offered by others for which I voted, which were designed to unshackle the United States and leave it absolutely free—the general sentiment which controlled the negative vote in that case was that to amend the treaty was to defeat it in those particulars.

Mr. LODGE. That is, of course, a mistake. The committee reported three amendments, all of which were adopted. It can not be said that they thought amendments would defeat the treaty.

Mr. BACON. The Senator failed to catch my last words. I said amendments in those particulars as to fortification.

Mr. LODGE. At this length of time I can only speak for myself. I know what influenced me. I wished to amend the treaty and we did amend the treaty and amended it in three different places, but I thought the other amendments were needless.

Mr. BACON. We amended the first treaty.

Mr. LODGE. Three times.

Mr. BACON. We amended the first treaty and it was rejected. I say rejected; I mean that it failed.

Mr. LODGE. England declined to accept the amendments.

Mr. BACON. England declined to accept the amendments.

Mr. CULBERSON. With the permission of the Senator from Georgia——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. SMITH of South Carolina. I yield to the Senator.

Mr. CULBERSON. I will state that the Congressional Directory shows that Senator Davis died November 27, 1900, and that President McKinley submitted the treaty to the Senate February 5, 1900—the first treaty.

Mr. LODGE. Yes.

Mr. BACON. Undoubtedly, but Mr. Davis died before that session of Congress, and it was reported to the Senate in that session of Congress.

Mr. SMITH of South Carolina. Mr. President, the decision as to just what was the spirit actuating the Members of the Senate at the time when these points were raised and decided of course is pertinent to the proper attitude of the Senate at that time to determine the spirit of the present interpretation of our treaty.

Mr. PERCY. Will the Senator from South Carolina yield to me for a moment?

Mr. SMITH of South Carolina. Certainly.

Mr. PERCY. I expected to follow the Senator with a few remarks on the Panama Canal bill, but the Senator from Wyoming [Mr. WARREN] is anxious to complete the consideration of the appropriation bill, and in order to facilitate that purpose I give notice that after the morning business on Monday I will speak on the bill.

Mr. SMITH of South Carolina. Mr. President, it seems that the ratification of this convention, which was subsequent to the ratification of the Hay-Pauncefote treaty, of necessity changed the relation of the United States in reference to the Hay-Pauncefote treaty. When this treaty was ratified the territory through which the canal was to be constructed was owned and controlled by a foreign power. The United States and Great Britain in contracting a treaty naturally provided for mutual terms for the use of the canal. But the peculiar turn of affairs under the Roosevelt administration practically gave the United States sovereignty over the territory.

By an appropriation from our Public Treasury, by the purchase of the right from Panama as set forth in this convention giving us sovereignty over the Canal Zone, this territory is American property, in which no other nation has any more right or power than in the port of Charleston or the rivers that run into our interior.

Mr. CULBERSON. Will the Senator permit an interruption there?

Mr. SMITH of South Carolina. Certainly.

Mr. CULBERSON. I am seeking information. I call attention to article 4 of the treaty, which provides that:

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Mr. SMITH of South Carolina. The modifying word "general" in the clause read is in favor of the position I am taking. There is no general modification. It is a specific modification we are making incident to the territory having passed into the possession of the United States. The United States and Great Britain were making a treaty affecting mutual foreign territory. When this territory passed into the possession of the United States there was, of course, a modification of the relation of the two Nations to the territory under question, and that modification only affected the citizenship of the United States, which now owns the canal, and did not affect the general principle of neutrality.

The whole status of the case, as I said, was necessarily changed, and perhaps intentionally so. I have an idea, and I think the facts will bear it out that in some of the speeches of the ex-President he stated that in what some are pleased to call the scandal of the acquisition of this territory, he had this very identical object in view, and that was that it should become American territory to be controlled by America alone in American interests.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. REED. I should like to ask the Senator whether he thinks that idea was born in the brain of the ex-President, and to remark incidentally that if it was there before he wrote the treaty, then he did a very poor piece of preparatory work in writing the treaty in the terms used.

Mr. SMITH of South Carolina. I think the discussion that has arisen as to the interpretation of it in the light of subsequent events might give rise to the fact that he hoped to solve the riddle by the very act that he did.

Mr. REED. On the contrary, Mr. President, do not the facts so far as they have been recorded in a historical way tend rather to show that the steps taken to acquire the strip of land upon which the canal is now being constructed was for the purpose of avoiding the law which provided that the canal should be located at another place, unless we received certain rights from the proprietors of the Panama country, and that those rights not being ceded, the President then conspired to overthrow the sovereignty of the Government, and to set up an independent Government, with which he could deal? I ask the Senator if the evidence is not all to the effect that that was the purpose of the President instead of the purpose to get away from the terms of the treaty?

Mr. SMITH of South Carolina. I do not pretend to be familiar with the inside workings as to what brought about the raid on Colombia, but I rather suspect that there were other reasons. They have at least been intimated. There was the sale of certain property which belonged to the old canal company that also figured. But into those matters I do not care to go just now.

However, I want to call the attention of the Senate to the fact that there have been repeated efforts to have our title to the canal itself submitted to arbitration, but it has been refused. Therefore if our title to this property is not a matter of arbitration and we are satisfied that our sovereignty is complete as affecting our own people, it seems that by submitting to arbitration the question as to whether we can under the circumstances exempt our coast trade from taxation is necessarily and ultimately to bring into question our title to the canal itself, because one hinges upon the other.

I should like to call the attention of the Senate to a further fact and ask to what tribunal composed of representatives of the nations of the earth could we submit this question which would not be prejudiced against us.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. SMITH of South Carolina. I do.

Mr. BRANDEGEE. Mr. President, the other day in touching incidentally upon this question of the sovereignty of the United States in the Canal Zone, the Senator from Missouri [Mr. REED] and I had a colloquy. I told the Senator that I would put into the RECORD, as soon as I could find it, the utterance of President Taft in connection with that matter. I take occasion now to read very briefly from the hearings before the Committee on Interoceanic Canals of the Senate under date of April 18, 1908, from the statement of the Hon. William H. Taft, then Secretary of War. At page 2526 of said hearings, he states:

Article 3 of the treaty provides as follows:

"The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority."

Then he continues:

It is peculiar in not conferring sovereignty directly upon the United States, but in giving to the United States the powers which it would have if it were sovereign.

He italicizes the words "if it were sovereign."

This gives rise to the obvious implication that a mere titular sovereignty is reserved in the Panaman Government. Now, I agree that to the Anglo-Saxon mind a titular sovereignty is like what Gov. Allen, of Ohio, once characterized as a "barren ideality," but to the Spanish or Latin mind, poetic and sentimental, enjoying the intellectual refinements and dwelling much on names and forms, it is by no means unimportant. Therefore, when the question of the form of stamp was to be determined I had not the slightest hesitation in yielding to the view that we should adopt the system which for a time Gen. Davis had himself adopted before he got United States stamps of merely purchasing the Panaman stamps and crossing them with the words "Canal Zone." I do not know that it is necessary for me to go through the various provisions of the order of December 3. I have discussed them at length in my letter transmitting the annual report of the commission for 1904, and it is printed on pages 2392 to 2410 of this record.

The order, in effect, required that all importations into the Isthmus of merchandise, except those admitted free of duty for the Government of the United States or its employees under the treaty, should be entered at the Panaman ports instead of at the United States ports in order that the Panamans might collect duty on them and thus maintain their revenues. This, however, was on condition that they should reduce their duties from 15 per cent ad valorem to 10 per cent ad valorem. I deemed it of great importance that the Panama Republic should be self-supporting. Free trade between the zone and the Republic was declared. The existence of the terminal ports of the canal as ports of the United States for clearing and entering by foreign vessels was recognized. Without waiting to determine whether the Government of Panama would fail in its duty to enforce the sanitary ordinances in Panama and Colon prescribed by the United States, as was probable, the Republic turned over to the United States authorities immediate right to enforce the same. The postal rate from Panama to the United States and from the United States to Panama was made 2 cents, the stamp in the zone being the Panaman stamp crossed with the words "Canal Zone."

That is put in to fulfill my promise to the Senator from Missouri.

Mr. LODGE. Will the Senator allow me? I did not think my recollection was quite so much at fault as the Senator from Georgia seemed to intimate.

Mr. Davis reported the treaty; he made an elaborate report with it, which I have just been looking over. He called it up for discussion during the spring. He died before the vote was taken. He died in the autumn before the Senate met again. I was perfectly certain that he debated the question in the Senate. I find by the RECORD that he reported it and made an elaborate written report.

Mr. SMITH of South Carolina. Mr. President——

Mr. BACON. Will the Senator pardon me just a moment?

Mr. SMITH of South Carolina. Certainly.

Mr. LODGE. I have the references here.

Mr. BACON. I do not question at all the fact that Mr. Davis, the then Senator from Minnesota, had expressed himself on this subject, as had been stated by the Senator from Massachusetts.

Mr. LODGE. But he reported it.

Mr. BACON. The only point I called attention to was that at the time of the offering of the Bard amendment and the vote thereon he was not a Member of the Senate.

Mr. LODGE. He certainly was not.

Mr. BACON. So that he did not give any expression either in the Senate or privately as to that.

Mr. LODGE. In the report, as I see by looking it over, he argues in favor of the equality of tolls to all nations, but does not suggest that the treaty prohibits our fixing any tolls as we desire. He also discusses the question of fortifications.

Mr. BACON. The Senator will certainly bear me out in the recollection that I stated in the beginning I had no doubt Mr. Davis had given utterance to such an opinion.

Mr. LODGE. The Senator said it was in conversation with me—he gave utterance to it here.

Mr. BACON. I may be in error about that, but I recollect distinctly the fact—I was then a member of the Committee on Foreign Relations, as was the Senator from Massachusetts—that that treaty was reported in a prior session.

Mr. LODGE. It was reported on the 9th of March.

Mr. BACON. I may be mistaken about it. The secret Journal will show, but my recollection is that it was taken up in the second session in December.

Mr. LODGE. It was reported the 9th of March, with a written report by Mr. Davis; he called it up on the 5th of April; and it was discussed and the amendment was offered by the committee about the right of the United States. I do not desire to interrupt the Senator from South Carolina further. The Senator has been very kind in yielding. I am much obliged to him.

Mr. SMITH of South Carolina. This is very interesting, but I should like to keep something of a connection in the argument that I am trying to make.

Mr. BACON. With the permission of the Senator, right in connection with the argument he is making, I understood the Senator to say that the question of our obligations to Colombia on account of taking Panama territory, or rather what now constitutes the State of Panama, had been recognized as not to be a proper subject of arbitration. Where did the Senator get that information?

Mr. SMITH of South Carolina. I do not exactly understand the statement the Senator made.

Mr. BACON. I understood the Senator to say that the question which would arise out of our action in acquiring——

Mr. SMITH of South Carolina. The Senator means the ownership of the zone itself?

Mr. BACON. No; I understood the Senator to say in regard to the transfer of sovereignty from Colombia to the Government of Panama and our title to the zone through that transfer.

Mr. SMITH of South Carolina. In the speech the Senator from Massachusetts [Mr. LODGE] made in reference to the peace treaty he made the statement, and upon his proverbial accuracy I repeated it in general but not specifically. He said in that speech that the State Department had been solicited three separate times to submit the question of the validity of our claim to the Canal Zone, and that they had refused absolutely to let that be a question of arbitration. I sent to the State Department to find specific facts in order that I might state them in that connection, but could not obtain them. In the Senator's speech to which I refer that statement is made, and, basing my remarks on the faith that I had in him, I made the statement.

Mr. BACON. With the permission of the Senator, the only controversy that has ever arisen in regard to that matter was between the Government of Colombia and the United States——

Mr. SMITH of South Carolina. I understand.

Mr. BACON. As to the claim on the part of Colombia that the Government of the United States was responsible for its loss of Panama, and that it was entitled to redress and so forth, I simply want to say to the Senator I am very well aware of the fact that no arbitration has been accorded Colombia on that subject; but I am unwilling that the matter shall pass unchallenged or the statement pass unchallenged that that amounts to a recognition that it is not an arbitrable question. I think it is a burning arbitrable question, and I do not think it is anything to the credit of the Government of the United States that it has refused to a weak power that can not cope with it the right to arbitrate a question of that kind.

Mr. SMITH of South Carolina. I shall not attempt to debate the point as to whether or not as a strong power we should not submit to a court of arbitration the method by which we acquired this territory from a weaker nation. I was simply addressing myself to the fact as a precedent to what we are now attempting to do, that we claim that under the terms of the cession by Panama to the United States we do own it, and acting upon that assumption that we have no right to let outside parties come in and settle a question that is now a corollary to the settlement of that question.

I want to call the attention of the Senate to just one further point that I made a moment ago, in view of the Monroe doctrine that has now become an established rule of the nations in reference to America, and certainly would be upheld by America, this canal being within the territory affected by the Monroe doctrine, if we were to submit any question affecting us do-

mestically as to the ownership of any territory within the Monroe zone, so to speak, the moment you did that you would open up the question to all the nations of the earth upon that precedent, and it would lead to an embarrassment that I for one at present am not willing should be submitted.

I am not discussing the wisdom or unwisdom of granting to the vessels of the United States a monopoly of coastwise trade. This is now a law. I simply am discussing whether or not, under the terms of our occupancy of the Canal Zone, we have the same rights there, in reference to our shipping, as we have in the waters strictly of the United States. If we do submit this question to arbitration we are all agreed that it will be decided against us. Therefore, if we propose to give free passage to the vessels of the United States we will be of necessity bound to remit to them whatever toll is charged. That is, we would collect the tolls from them and then rebate to the extent of the collection, which would be tantamount to a direct subsidy, different in principle and different in effect from giving free tolls.

The tolls may or may not be excessive, but to just the extent they are specifically charged upon a specific vessel, according to its tonnage, do we admit and put into practice the doctrine of ship subsidy. To open the canal for the American people and then to give all American vessels the right to go and come free is not contrary to the doctrine of building great highways which the humblest vehicle and the most expensive automobile may use. It is not analogous to nor is it in any way similar to the construction of railroads where private corporations build them. We control railroad rates in the interest of the people and grant these railroads certain rights in return for that control. The question involved in this is the question at last whether or not the United States has sovereignty over this zone, whether or not this sovereignty, being subsequent to the ratification of the Hay-Pauncefote treaty, changed in that particular the relation of the two contracting parties and gives us the right, both by purchase and the fact of the establishment of the Monroe doctrine, to refuse to submit to arbitration a question which, in my judgment, is purely domestic.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

SUNDRY CIVIL BILL.

Mr. WARREN. I ask unanimous consent that the further consideration of the sundry civil appropriation bill may be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) an act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 112, line 9, after the words "water resources," to strike out the sum "$150,000" and insert "$175,000," so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $175,000.

The amendment was agreed to.

The next amendment was, on page 112, line 17, after the sum "$75,000," to strike out "to be immediately available," so as to make the clause read:

For continuation of the topographic surveys of the public lands that have been or may hereafter be designated as national forests, $75,000.

The amendment was agreed to.

The next amendment was, on page 112, line 18, after the words "Geological Survey," to strike out the sum "$1,295,520" and insert "$1,370,520," so as to make the clause read:

In all, for the United States Geological Survey, $1,370,520.

Mr. WARREN. That will be changed under the authority already given.

The PRESIDENT pro tempore. It will be corrected by the Secretary.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 113, line 10, after the words "mining industry," to insert "including personal service in the District of Columbia, and expenses of attendance at meetings in behalf of the purposes of this appropriation"; and in line 13, after the word "appropriation," to strike out the sum "$320,000" and insert "$347,900," so as to make the clause read:

For the investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, including personal services in the District of Columbia, and expenses of attendance at meetings in behalf of the purposes of this appropriation, $347,900.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BACON. Mr. President, I think in reference to these various matters we ought to have some information. I do not like to rise and ask the chairman each time about them, but I do think in the case of these large increases some statement ought to be made, so that we shall know what we are doing. Otherwise we shall be in the dark.

Mr. WARREN. Does the Senator allude to the amendment beginning in line 10?

Mr. BACON. I think wherever there is a material amendment in the bill the Senator from Wyoming ought to explain it to us, because when the amendment is read by the Secretary and the announcement is made that without objection it is agreed to, what do we know about it?

Mr. WARREN. I think it is incumbent upon all Senators, after the bill is printed and is laid before the Senate for a week or two, to become advised of those things.

Mr. BACON. Oh, the Senator knows that is practically impossible.

Mr. WARREN. I will say that I shall be glad and ready to answer any questions, but if the Senator wants me to take the time of the Senate, before any questions are asked, and explain all these matters to him——

Mr. BACON. It is embarrassing to Senators to get up and challenge the committee each time.

Mr. WARREN. It should not be.

Mr. BACON. We do not like to do that, but we should like to know something about it as we go on.

Mr. WARREN. I hope the Senator from Georgia does not mean to say that the chairman has shown any indisposition to explain?

Mr. BACON. Not the slightest; not at all.

Mr. WARREN. As to the particular matter of which the Senator has spoken, with reference to the investigation of these mine explosions, the Senator knows what grievous accidents have happened in the last few years. We have organized a bureau and furnished the material, among other things immense machinery for testing the walls and the surface under and over where these men work in the mines, as well as the relation and condition of mines as to the poisonous gases, and so forth. We have also arranged for rescue cars and for much material in the way of helmets, and so forth, for the rescuing parties to go into the gas-infected regions. In figuring on this matter it became necessary, in the minds of the committee, to grant the director one or two additional cars which he needed in order to cover the territory.

Mr. CULBERSON. Is that the amendment, beginning in line 10 and going down to line 14?

Mr. WARREN. I will say to the Senator that is as to the amount. Now, the other amendment——

Mr. CULBERSON. Apparently $27,900 are added for the purpose of—

Personal services in the District of Columbia, and expenses of attendance at meetings in behalf of the purposes of this appropriation.

Mr. WARREN. They have no reference whatever one to the other. The amendment which the Senator has read is made necessary by a clause in the District of Columbia appropriation bill relating to expenditures for those who travel outside of the District of Columbia. These cars are taken to the mines; the miners could not go to Pittsburgh to the headquarters; so it has been necessary or thought necessary here to relieve them of that particular provision of the law, just as we relieved the medical officers of the Public Health and Marine-Hospital Service from it. I think the Senator from Texas is familiar with that clause in the District appropriation bill. If not, I will have it inserted in the RECORD so that he will understand it.

Mr. CULBERSON. This appropriation is increased from $320,000 to $347,900, and the language of the amendment is italicized, reading:

Including personal services in the District of Columbia, and expenses of attendance at meetings in behalf of the purposes of this appropriation.

Including that, the increase is merely for the purposes named and italicized.

Mr. WARREN. The appropriation applies back to the entire section, and it also is made necessary by the provision of law

which I will insert in the RECORD in this connection when I can obtain it, if the Senator would like to have me do so.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Without objection, the amendment is agreed to.

The amendment was agreed to.

The next amendment was, on page 113, line 16, after the words "services in the," to strike out "Bureau of Mines at Washington," so as to make the clause read:

For the analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, including personal services in the District of Columbia, not in excess of the number and total compensation of those so employed during the fiscal year 1912, $135,000.

The amendment was agreed to.

The next amendment was, on page 113, after line 19, to insert:

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $5 per day when absent on official business from his designated headquarters, and for actual necessary traveling expenses of said inspector, including necessary sleeping-car fares, $4,500.

Mr. KENYON. Mr. President, I should like to inquire of the chairman of the committee what the term "including personal services in the District of Columbia" applies to? What is meant by that?

Mr. WARREN. I will say to the Senator from Iowa that in employing clerks or other employees under an appropriation for work in the field, or points outside of Washington, the law prohibits their being brought in to work here in the departments on a subject unless we especially provide for it. For instance, in the Geological Survey we have men who are in the field in the summer taking observations and making their field notes, and it is desirable to bring them in in the winter and have them complete their work here. This work about mines is done partly in the field, but in the hard weather of winter these officials can work in the District. This language is used to make the law flexible enough to allow that.

Mr. KENYON. The term is used to cover the expese and service of the field men when here in the District of Columbia?

Mr. WARREN. It is designed to cover employment both here and outside, directly and indirectly, in the way I have spoken of.

Mr. BACON. I understand the Senator from Iowa to be making the same inquiry that was in my mind, but I did not catch exactly the drift of it. I do not understand why this matter which relates to mines and mining should have special reference, it seems, to personal service in the District of Columbia.

Mr. WARREN. If we do not thus provide, the men might have to be furloughed and left without employment sometimes; and so it is a matter of economy to have these employees subject to service in the District or in the field.

Mr. BACON. Mr. President, I should also like——

Mr. WARREN. It also provides in this clause exactly as the other does for the expense of attending meetings in behalf of the purpose of the appropriation; and, if the Senator will permit me, I will now ask to have this prohibitory law read.

Mr. BACON. Very well.

Mr. WARREN. I ask the Secretary to read the marked passage found in the District of Columbia appropriation act. It is general legislation, which covers all these departments only as we except them.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 8. No money appropriated by this or any other act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation.

Mr. WARREN. I call the attention of the Senator to the last words there. The prohibition is of general application, but it allows just what we are providing for here.

Mr. BACON. What I want to know, asking purely for information and not for the purpose of antagonizing the appropriation, is this: Are the appropriations for the Bureau of Mines for the purpose of enabling them to make scientific investigations?

Mr. SMOOT. The Bureau of Mines has been regularly provided for in a special bill, and these appropriations are made to fulfill the law under the estimates which have been made.

Mr. BACON. Is that bureau provided for under another appropriation, or is this the whole appropriation for it?

Mr. WARREN. No; the work of the bureau is provided for under the several appropriations; they are divided in paragraphs, so that the application is different. That is quite general through the bill. For instance, the Geological Survey has an amount for gauging streams, another amount for minerals, and so on. It is the same with the Bureau of Mines. Money is appropriated for the bureau under two, three, or more paragraphs.

Mr. BACON. I will be very frank with the Senator. The thing that prompts my inquiry, and about which I am left without the information I desire, is this: This is a bureau which is regularly appropriated for and supported. Now, this seems to be an increase, is it not?

Mr. WARREN. No; this is the appropriation that supports it.

Mr. BACON. Then, the inquiry that suggests itself to my mind is this: Why is it that that provision was not in the bill as it came from the House, if it is an existing bureau?

Mr. WARREN. The House, for reasons of its own, considered that it would not take up that part of the estimate; but the committee of the Senate believed that it was important and so inserted it.

Mr. BACON. I beg the Senator's pardon, but I do not still catch the point. This is not the sole appropriation for that bureau, is it?

Mr. WARREN. No; it is not.

Mr. BACON. Therefore, leaving it out on the part of the House was not intended indirectly to abolish the bureau, was it?

Mr. WARREN. No.

Mr. BACON. It is my own fault, doubtless, that I do not "catch on," as the common phrase is, but I do not understand why it is that there is a regular appropriation and then why a $100,000 increase is to be added, unless there is some particular increase in the work.

Mr. WARREN. Take, for instance, the Army. We provide one amount for officers' pay, another amount for longevity pay, another amount for travel, another amount for the enlisted men, and so on. All those items go to the support of the Army. The same is true of the Navy. Now, it is within the pleasure of Congress to determine how much it will appropriate for investigations in regard to explosions in coal mines and other mines, and how much it will expend, if any, in investigations as to other kinds of mines—that is, mines of precious minerals, and so forth. The different paragraphs represent the pleasure of Congress when the bill is finished as to the amount we feel we can afford for the next year in each branch of the industry; and, of course, the Bureau of Mines is authorized to expend in the directions we indicate the amounts provided.

Mr. BACON. There is nothing indicated here, as I understand, except in the most general terms; there is no specific work indicated.

Mr. WARREN. Oh, yes; there is.

Mr. SMOOT. Mr. President, I desire to say that the appropriation of $100,000 is—

For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, including personal services in the District of Columbia—

And so forth.

In times past we have made appropriations for investigations as to the causes of explosions in coal mines, especially with relation to the safety of the miners. Then we took up the question of analyzing and testing coals, lignites, and ores. This appropriation is for the purpose of investigating as to mining and the treatment of ores; or in other words, it applies to the great mining industries of the mountain States, to determine, if possible, how low-grade ores can be handled properly and cheaply. There are to-day out in the West mountains of copper and silver ore that can not be handled successfully because of the fact that it costs so much to reduce them, but it is hoped and believed, not only by the heads of the Bureau of Mines but by those who are interested in the development of this great industry, that through these investigations ores and mineral substances of low-grade character will be brought into use and the cost of reducing them will be brought so low that millions and millions of dollars can be produced from ore which to-day is almost useless. That is the object of the appropriation.

Mr. BACON. Mr. President, it seems to me there is a mingling of matters here which is not conducive to intelligent legislation, and I want to call attention to that fact. Of course, we understand as to the necessity of examinations into the causes of explosions and matters which relate to the disastrous and the distressing loss of life. Some years ago that matter was brought to the attention of the Senate, and I think Congress did make provision by law under which investigations should be conducted with a view to reducing this danger. I am correct in that, am I not?

Mr. SMOOT. Yes, sir; the Senator is correct in that; but——

Mr. BACON. Let me finish, if you please. I think that is a most important subject. We all recognized it to be such at that time and provided for it; but the thing that I criticize—

it may be an improper criticism—is the mingling of that subject with the one which the Senator has just explained to us, namely, the treatment of ores. It seems to me they are moved by entirely different considerations, and ought not to be mingled in this way.

Mr. SMOOT. Mr. President——

Mr. BACON. Pardon me, if you please. If we are to have appropriations for the purpose of making investigations and providing safeguards against loss of life, that is one thing; we ought to have specific appropriations for that. If we are to have other appropriations, in a more general way, looking to an altogether different consideration, for the purpose of making scientific investigations as to the most skillful and effective way of treating low-grade ores, that is another matter; but here they are both put in the same paragraph, with nothing to divide or distinguish between the two and nothing to control those who are to disburse the money as to how much they are to devote to the one purpose and how much they are to devote to the other.

Mr. SMOOT. Mr. President, of course the Senator will notice that the appropriation in this instance is made with special reference to safety and waste.

Mr. BACON. Safety and waste—one relates to life and the other relates to property.

Mr. SMOOT. True, the same as in the case of the appropriations for the coal mines in the East. It applies also to the mineral mines in the West. The Senator knows that there are losses of life in mineral mining as well as in coal mining.

Mr. POMERENE. May I interrupt the Senator——

Mr. BACON. I am not making objection to either one or the other, but I think the items ought to be separated. If we are going to make appropriations with a view to examinations which shall protect human life by guarding against explosions and everything of that kind, that ought to be one thing——

Mr. WARREN. They are separated.

Mr. BACON. If the Senator will pardon me a moment, if we are to make another appropriation for the purpose of aiding the mining industries in scientific examinations as to better methods for the reduction and utilization of low-grade ores, that is altogether another thing.

Mr. WARREN. The Senator has overlooked the fact that that is exactly what we have done. They are specifically separated.

Mr. BACON. It is all put down in the $100,000 appropriation for safety and waste; they are both put in the same line, and there is no separation that I can see.

Mr. POMERENE. Mr. President, I rose to ask the Senator from Utah a question. As I understood him, the proposed amendment applies to mines in the mountain States especially.

Mr. SMOOT. Perhaps I made my statement too broad. It applies wherever there is mineral mining of any kind.

Mr. POMERENE. Very well——

Mr. SMOOT. I simply alluded to it in the way I did because the great bulk of it is in the mountain States.

Mr. POMERENE. Let me ask the Senator, Is this the first appropriation of this character for that class of work?

Mr. SMOOT. This is the first direct appropriation for that class of work. Of course, the Senator remembers that the Bureau of Mines has only been created a very short time.

Mr. POMERENE. I understand that, and I think they have been doing a very good work.

Mr. OVERMAN. Mr. President, I call attention to the fact that just what was prophesied would take place when we created the Children's Bureau has taken place and is taking place now. It was said that that bureau would only need $20,000, but they are now asking for additional appropriations; and here is the Bureau of Mines, which started off with about $100,000, which appropriation has grown to about a million dollars, and it is still asking for more. Dr. Holmes, Chief of the Bureau of Mines, is from my own State; I know him, and he is a good man; but the bureau chiefs are constantly asking for more money. It is like the horseleech's daughters' cry of "more, more, more," and it seems to me our committee gives everybody everything they want. I am tired of the various bureaus gradually reaching out and getting more money here and there. Here is this bureau established to look after the safety of life, and now they go into the mining business in the West.

I do not think the appropriation now under discussion is proper in this bill. I do not think, in view of the reasons given for the establishment of the Bureau of Mines, that now we should appropriate $100,000 additional to enable them to go out into the West and investigate mines. If they want a mining expert, let them have it; but do not put in this bill such a provision as is proposed. I think the Chief of the Bureau of Mines has got as much as he can do to look after the matters relating to the coal-mining industry. I am opposed to this appropriation, and I opposed it in the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 114, line 1, to insert:

For one mine inspector for duty in Alaska, $3,000.

The amendment was agreed to.

The next amendment was, on page 114, after line 1, to insert:

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $5 per day when absent on official business from his designated headquarters, and for actual necessary traveling expenses of said inspector, including necessary sleeping-car fares $4,500

Mr. OVERMAN. Mr. President, I notice that the appropriation for traveling expenses in that amendment is larger than usual. It is ordinarily $3 a day, but this provides for $5 a day.

Mr. WARREN. The Senator is mistaken about that. There is only one case in which it is left at $3. As the Senator will remember, we had to raise amounts for similar purposes in other places, but in one case we left it at $3, and that was where we put in some extra men for the year only to bring up the arrears of work. This item pertains to an entirely different country.

Mr. OVERMAN. The item not only applies to Alaska, as I understand, but also applies to wherever the inspector may go.

Mr. WARREN. No; this item of $5 relates entirely to Alaska.

Mr. OVERMAN. Well, is it entirely for Alaska?

Mr. WARREN. Yes; it is intended to be so.

Mr. OVERMAN. And it only applies to this inspector?

Mr. WARREN. It only applies to that one place; that is all.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 114, line 16, after the word "purpose," to insert, "or the donation of any land or building, or the use of any land or building, in or near the city of Pittsburgh, Pa., that may be suitable for the experimental work of the Bureau of Mines, except that such donations shall be reported to Congress and shall involve no expenditure on the part of the Government, except as may be authorized by Congress," so as to make the clause read:

For the purchase or lease of the necessary land, where and under such conditions as the Secretary of the Interior may direct, for the headquarters of five mine-rescue cars and for the construction of the necessary railway sidings on the same, $4,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept any suitable land or lands that may be donated for said purpose or the donation of any land or building, or the use of any land or building, in or near the city of Pittsburgh, Pa., that may be suitable for the experimental work of the Bureau of Mines, except that such donations shall be reported to Congress and shall involve no expenditure on the part of the Government, except as may be authorized by Congress.

The amendment was agreed to.

The next amendment was, on page 114, line 23, after the words "Bureau of Mines," to strike out the sum "$526,600" and insert "$562,000," so as to make the clause read:

In all, for the Bureau of Mines, $562,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 116, after line 23, to insert:

Lease of property at Hot Springs, Ark.: The Secretary of the Interior be, and he is hereby, authorized to lease certain premises fronting on Central Avenue and on Fountain Street, at Hot Springs, Ark., on such terms and conditions as he may determine. No lease made hereunder shall be for a longer period than 20 years. In case said premises shall be leased to another lessee than the Arlington Hotel Co. the provision of the lease ending March 3, 1912, for a valuation of and payment for the improvements made by the Arlington Hotel Co. shall be recognized by said Secretary; but he shall have the power to fix a time within which such valuation must be made, and if such valuation is not made within the time so fixed said Secretary may lease the premises free from all claim of said Arlington Hotel Co.

The amendment was agreed to.

The next amendment was, on page 117, line 15, after the words "Yellowstone National Park," to strike out the sum "$5,500" and insert "$10,140," so as to make the clause read:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, $10,140.

The amendment was agreed to.

The next amendment was, on page 117, line 18, after the word "exceeding," to strike out "five hundred" and insert "one thousand," and in line 20, after the word "Congress," to insert "*Provided*, That this shall not apply to buildings now in the process of construction," so as to make the clause read:

No expenditure for construction of administration or other buildings cost in case of any building exceeding $1,000 shall hereafter be made

in any national park except under express authority of Congress: *Provided*, That this shall not apply to buildings now in the process of construction.

The amendment was agreed to.

The next amendment was, on page 117, after line 22, to strike out:

On and after July 1, 1912, permanent appropriations heretofore made of revenues derived from national parks shall be expended only for construction, improvement, and repair of roads, trails, and bridges, in the respective parks and for no other purposes whatever.

The amendment was agreed to.

The next amendment was, on page 118, line 6, after the words "toll roads," to strike out the sum "$50,000" and insert "$100,000," so as to make the clause read:

Yosemite National Park, Cal.: For protection and improvement of the Yosemite National Park and the construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $100,000.

The amendment was agreed to.

The next amendment was, on page 118, line 6, after the words "park," to strike out the sum "$7,500" and insert "$27,500," so as to make the clause read:

Mesa Verde National Park, Colo.: For protection and improvement of Mesa Verde National Park, Colo., including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $27,500.

The amendment was agreed to.

The next amendment was, on page 119, line 20, after the word "roads," to strike out "$5,400" and insert "for the improvement of the Government road between the National Park Inn in the Mount Rainier National Park and the point where the Government road leaves the National Forest Reserve, and to enable the Secretary of the Interior to survey and lay out a system of roads for the proper development of the park and submit an estimate of cost therefor, $48,500," so as to make the clause read:

Mount Rainier National Park, Wash.: For protection and improvement of Mount Rainier National Park, construction of bridges, fences, and trails, and improvement of roads, for the improvement of the Government road between the National Park Inn in the Mount Rainier National Park and the point where the Government road leaves the National Forest Reserve, and to enable the Secretary of the Interior to survey and lay out a system of roads for the proper development of the park and submit an estimate of cost therefor $48,500.

Mr. BACON. Mr. President, calling the attention of the Senator from Wyoming to the fact, I think in a case of that kind the committee ought to volunteer information. Here is an appropriation as it comes from the House of $5,400, and, without any explanation whatever being given in the Senate, the appropriation raised to $48,500, and it is simply announced from the desk "agreed to." It goes to the country in that way and the people in the country know just as much about it as we do, and none of us know anything about it at all.

Mr. WARREN. I will say to the Senator that in making up the bill—it was made up some time ago—they put in only the administration part. This is a great national reserve park that was laid out but a few years ago, and, of course, to get any use of it there must be roads and certain development. In the first year or two—perhaps two years—all that was necessary was to protect it and to do some minor things; but in order to arrange it at all so that tourists can avail themselves of it there must be some expenditure of money.

We have very careful estimates which have been sent us—and this is all within the estimates—and this represents what will go into the development of the park in the way of road building, so that people coming to the nearest point on the railroad can, by wagons or other vehicles, go into the park and obtain the benefits, as tourists do, of these resorts. These road improvements are in the nature of permanent additions.

Mr. OVERMAN. Can the Senator give me some information? I should like to know how much money is appropriated in this bill to make roads through national parks for tourists.

Mr. WARREN. Of course it is an easy matter to compute.

Mr. OVERMAN. It is nearly $250,000?

Mr. WARREN. Does the Senator mean would it be that sum altogether?

Mr. OVERMAN. Yes.

Mr. WARREN. Possibly so.

Mr. OVERMAN. Yes. Now, this Mesa Verde appropriation you have raised from $7,500 to $27,500.

Mr. WARREN. Yes. That case differs from some of the others. As I recall it, that is a depression or gully, and it is necessary to pipe out some of the waste water in order to protect——

Mr. OVERMAN. Is there a railroad running in the vicinity of this park?

Mr. WARREN. Not very near it, I think. The money is also to provide for roads.

Mr. OVERMAN. It may be all right to build roads in these national parks for tourists, but it does seem to me that we ought not to be spending all this money to build roads in a park situated 10, 20, or 35 miles from any railroad. How the people will get in there I do not know.

Mr. WARREN. I think if the Senator will look it over he will find that nearly every one of the national parks is somewhere from 3 to 50 miles from a railroad. In fact, it has been the practice to forbid railroads to go into the parks.

Mr. OVERMAN. A railroad runs near to the Yellowstone National Park.

Mr. WARREN. The railroad runs within 6 or 7 miles of some of the Mammoth Hot Springs and within a mile of the park limit. That is true of that park.

Now, take the Glacier National Park, and it is true of that. But the Yellowstone Park is about 65 miles square——

Mr. OVERMAN. How do you get to the Mesa Verde National Park?

Mr. WARREN. From a near railroad point. I have not the map before me.

Mr. OVERMAN. I know it is some——

Mr. WARREN. Oh, no. It is within entirely reasonable distance.

Mr. OVERMAN. We appropriated $100,000 for one park, I remember, and they said they expected some of these days for a railroad to come within 10 miles of it.

Mr. SMOOT. Crater Lake Park.

Mr. WARREN. Since then an investigation has been made which shows they are building now in that direction.

Mr. OVERMAN. And expect to get——

Mr. WARREN. And the information we get from those in authority is that inside of the next 12 months they will be very near the point.

Mr. OVERMAN. Ten miles is about as close as they can ever build a road to this park.

Mr. WARREN. Ten miles is a reasonable distance in that country.

Mr. STONE. Is the Grand Canyon of the Colorado embraced within a park?

Mr. SMOOT. It is a national park.

Mr. STONE. And a railroad runs into that?

Mr. SMOOT. It runs up in the south. It runs up into the park, too; up to the gulch.

Mr. STONE. It enters the park?

Mr. SMOOT. It enters part of the land in the national park.

Mr. BACON. I should like to have some information as to what are the natural features that call for a national park at this point?

Mr. WARREN. At which point?

Mr. BACON. At Mount Rainier. What is there in there that calls for a national park?

Mr. WARREN. I think I perhaps ought to ask the Senator from Washington [Mr. JONES] to state to the Senator from Georgia the peculiarities and attractions of that park which entitle it to be a national reserve. It has possibly the greatest and wildest mountain scenery that we have in this country.

Mr. JONES. As suggested by the Senator from Wyoming, it is one of the greatest, if not the greatest, park in the United States. About it and in connection with it there is some scenery the equal of which can not be found anywhere else in the world.

I have ridden through the Yellowstone Park; I have been in this national park; and aside from the Grand Canyon and the geysers in the Yellowstone Park, I do not think there can be any comparison between the Yellowstone National Park and Mount Rainier Park in mountain scenery and in beauty and in all that goes to make a national park.

Now, we have provided for a road into this park. The park was set aside a great many years ago as a national park. We have provided for a road into this park, so that you can now leave the city of Tacoma in an automobile in the morning, go to the snow line, and return the same day, if you desire to make a rapid trip. But there should be one road to the mountain, you might say.

There is a stretch of this road, about 3½ miles, in the national reserve that is not improved and which is in very bad condition. The county of Pierce has macadamized a road from the city of Tacoma to the edge of this forest reserve, and last year, I think, we took in some $8,000 or $10,000 in fees from automobiles and vehicles going into the park along that road. Each year, during the last two or three years, travel through the park has rapidly increased. I think last year it was nearly double what it was the year before. But there is a stretch of this road that is now almost impassable, and unless it is repaired the people will not be able to get in there. That is one purpose for which a part of this appropriation is desired.

Then, it is very desirable, if we are going to make any improvements in the park at all, that those improvements should be made along a well-defined and well-considered plan, just as we made improvements in the Yellowstone National Park. So it is provided here that part of this money may be used for a survey, in order to determine what would be the best way to improve the park so as to get the greatest use from it in the future, and so that whatever appropriation we make will not be made in a haphazard sort of way, but with a definite object and purpose in view.

I do not know whether there is any more specific information which the Senator from Georgia desires.

Mr. BACON. That is sufficient.

Mr. JONES. I can not describe the beauties of the park. It needs to be seen to be appreciated.

Mr. BACON. Mr. President, of course I am reluctant to express any dissatisfaction with anything which my good friend the Senator from Washington [Mr. JONES] desires to have done. At the same time I must say most emphatically that I do not believe in these appropriations. There are circumstances under which I think the Government is justified in setting apart these national parks, and in providing money for improvements in the way of roads and so forth.

One of them is the Yellowstone National Park. There is a wonderful, natural curiosity, and not simply curiosity, but more than that. I think, having been somewhat of a traveler myself, the greatest natural curiosity of all the earth can be found in the Yellowstone Park. I have never anywhere seen anything which approaches it.

Mr. SMOOT. Outside of the Grand Canyon of the Colorado.

Mr. BACON. I was going to say that I had never had an opportunity to see the Grand Canyon, but I was going to name that, too. There are great manifestations of natural phenomena and natural conditions, if you may call a canyon a condition. So that outside of anything else that is to be found elsewhere appropriations for those two parks I think are justified. But to say that wherever we find a grand piece of scenery the Government is not only to set it aside as a park—and I am perfectly willing to have it set aside as a park; that is, to give it out of the public domain; I do not object to that—but is thereafter to be forever charged with the beautification and the improvement and the furnishing of all conveniences in connection with the use of it as a park I think is absolutely indefensible.

Now, as disclosed by the Senator from Washington himself, this is but the beginning. This is but a feature of a general plan, and the justification of it is that simply because here is a beautiful piece of scenery, a natural park, it is not only to be given out of public domain—to which I have no objection in the world—but the Government thereafter is to be charged with the maintenance of it for all time.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. Certainly.

Mr. JONES. Can the Senator tell us how the park would be used or improved unless the Government does it? This park is surrounded by a great forest reserve, and there is nobody there; there are no facilities by which it could be improved or developed; and it would be of little use unless there are some roads built, so that people can get to it. Otherwise, they must go by trail or on horseback.

Mr. BACON. Let them go that way. This, I understand, was public domain, and was set aside as a park for the benefit of the public. Am I correct?

Mr. JONES. Yes, sir; it was set aside as a national park.

Mr. BACON. Of course, 99 per cent of the benefit and enjoyment of the park is received by those who live in that immediate vicinity and neighborhood.

Mr. JONES and Mr. WARREN. No.

Mr. BACON. Necessarily so.

Mr. WARREN. Will the Senator allow me right here? The responsibility for these parks rests not with the Committee on Appropriations, but with the Senate and House which have provided them. I presume there is not one of these parks which the State wherein it is located would not be glad to take if the Government would only pass it over. It is not the begging of the States at all. They are not asking the benefit, but asking the Government to do one of two things, either to take care of its own property or pass it over to some one who will.

Mr. BACON. Have the States ever asked that they be charged with them?

Mr. WARREN. They have in some cases. They have on the floor——

Mr. BACON. I should undoubtedly vote to give them that opportunity whenever they wanted it.

Mr. WARREN. Within 30 days on this floor a Senator has asked for legislation to pass large reservations over to his State, saying that the State would accept them and pay the expenses.

Mr. BACON. You mean the parks?

Mr. WARREN. The reserves. They are all reserves of the Government.

Mr. BACON. But you are speaking now of national parks.

Mr. WARREN. I am speaking now of national parks.

Mr. BACON. When the Senator says "reservation," it is a very general term. But I do insist upon it, so far as I am concerned, that I am never going to consent and I am never going to contribute by my vote to enterprises of this kind.

Mr. WARREN. But the Senator has contributed heretofore in setting aside the parks.

Mr. BACON. I do not know whether I have or not.

Mr. WARREN. The Senator has not raised any point against them.

Mr. BACON. I recollect once or twice that very innocent propositions have been made by certain Senators that a certain part of the public domain be set aside for reservations of this kind. But the suggestion was then very carefully withheld that we were thereafter to be charged with the expenditure of vast sums of money to maintain good roads for these thousands of pleasure seekers in automobiles.

Mr. WARREN. The Senator knows that the expenditures for some of the parks have been going on for a long time, and the RECORD does not disclose that the Senator has disapproved of them.

Mr. BACON. I am glad to say the RECORD will disclose it now; and it will not only disclose it now, but whenever I have the opportunity. I except from that such reservations as the Yellowstone National Park and the Grand Canyon. But wherever a Senator may be able to get a part of the public domain set aside as a reserve park, then I am not in favor thereafter of making the Government the caretaker of it and responsible for all the expenditures that may be needed to make it a pleasure resort for those who live in that neighborhood.

Mr. SMOOT. Mr. President, I think there is a broader view to take of this question than merely saying that they are set aside as parks, and will cost the Government a little money to maintain. We spend, as a people, over $300,000,000 every year going to foreign lands for the purpose of travel and recreation. These parks are virtually the national lungs of our country. I think, if they are put in shape by our Government so that the people of this country can go and visit these great natural wonders—for they are natural wonders——

Mr. OVERMAN. I should like to ask the Senator something about one of these parks.

Mr. SMOOT. Wait just a minute and then I will yield. I think then the people will visit these places a great deal oftener than they do now, and perhaps will not go to Europe quite as much as they do. But as long as it is impossible to get into the parks, as long as there are no roads there for the people to travel through the parks and see these natural wonders, the American people will not go there.

Mr. BACON. Mr. President, the Senator may not be aware of the fact that we have some very beautiful mountain scenery in my own State. We have great cascades and mountains and precipices and all that; but we have to build our own roads. The Senator from North Carolina comes from a State in which there are still greater——

Mr. SMOOT. Does the Government own——

Mr. BACON. Pardon me a second. The Senator did not permit me to finish my sentence.

Mr. SMOOT. I thought the Senator was through.

Mr. BACON. No; I was in full headway, as the Senator will see from the RECORD.

The Senator from North Carolina comes from a State the western portion of which is not to be excelled for beauty of scenery. There are some grander mountains, it is true; but it is filled with a vast expanse of most magnificent scenery, beautiful in all particulars of stream and valley and mountain and forest and everything else. It is a great resort, and hundreds of thousands of people go there every summer. But is the Government of the United States building roads to enable them to do that?

Mr. SMOOT. No; the Government does not own it. It does not own the land. It has no control over it.

Mr. BACON. It could own it if it wished to do so.

Mr. SMOOT. Only by purchase.

Mr. BACON. If the matter of lungs were the criterion, the Government could build the roads and furnish breathing spaces for the people at less expense than if it owned the land. But, as the Senator will recognize, that is not a legitimate argument in this connection. What I am driving at is that in this vast country, with people in such remote localities, so far distant from each other, what is largely a matter of local concern ought not to be made a matter of general expense.

Mr. SMOOT. Mr. President, there is not a national park or a national monument that has been created in the United States that is not a wonder in itself.

Mr. OVERMAN. I should like to ask the Senator about the Glacier National Park.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Utah yield?

Mr. SMOOT. The Glacier National Park is in Montana. I think if the Senator has ever been in the park or has ever seen it——

Mr. OVERMAN. I never have

Mr. SMOOT. Or has ever seen photographs of the park, he will say that there is some of the grandest scenery in the Glacier National Park in Montana that there is in the world.

Mr. OVERMAN. That is what I am asking. Has the Senator from Utah been in it?

Mr. SMOOT. I have been partly through it, but not through all of it. But I have seen photographs of the park from one end to the other.

Mr. OVERMAN. I see the bill contains an appropriation of $100,000 for that park.

Mr. SMOOT. Yes.

Mr. OVERMAN. How many acres does it cover?

Mr. SMOOT. Oh, it is of large extent. I forget just how many thousand acres there are.

Mr. WARREN. It is larger than the State of Rhode Island.

Mr. OVERMAN. Is there mountain scenery there?

Mr. SMOOT. There is mountain scenery and there are lakes.

The PRESIDING OFFICER. Senators must proceed in order.

Mr. POINDEXTER. Mr. President, I can answer the question of the Senator from North Carolina.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield, and to whom?

Mr. SMOOT. I yield to the Senator from Washington.

Mr. POINDEXTER. There are 981,681 acres in the Glacier National Park.

Mr. OVERMAN. There might be 10,000,000 acres, but I want to know the character of the scenery there.

Mr. POINDEXTER. I understood the Senator to ask the direct question as to how many acres there are in that park.

Mr. OVERMAN. I did ask that direct question.

Mr. POINDEXTER. I have answered the question.

Mr. OVERMAN. I am very much obliged to the Senator, but I thought perhaps the Senator could also tell me the character of the scenery.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes; I yield to the Senator from North Dakota.

Mr. McCUMBER. I only wish to answer the question of the Senator from North Carolina, who asked something about the scenery. I do not know how much of a traveler the Senator has been or what he knows of the northwestern territory. But anyone who has ever visited Banff, in the Canadian Rockies——

Mr. OVERMAN. I have been there, and have stayed all night at Banff.

Mr. McCUMBER. Or Lagan——

Mr. OVERMAN. I have been there.

Mr. McCUMBER. Or Glacier——

Mr. OVERMAN. I have been to Glacier.

Mr. McCUMBER. Or Lake Louise——

Mr. OVERMAN. I have been to Lake Louise, on horseback

Mr. McCUMBER. Anyone who has been to those places and knows anything about that country can get some idea of the character of the Glacier National Park. It is a part of that great section of the country which, I think, is included in the Victoria Park in Canada, and undoubtedly is one of the most majestic, if not one of the most beautiful, tracts of country in the entire United States.

Mr. OVERMAN. If it is anything like Lake Louise and that section, I have not a word to say, because I think that is the most beautiful——

Mr. McCUMBER. It is exactly the same thing. It is covered with glaciers and beautiful lakes and the majestic mountains of the Canadian Rockies.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I do.

Mr. POINDEXTER. I do not desire to interrupt the Senator from North Dakota. I simply wanted to answer the question of the Senator from North Carolina. I will do so when the Senator from North Dakota has finished.

Mr. McCUMBER. While I am on my feet I just want to say another word with reference to the reason for raising this amount to at least $100,000.

Senators know that some three or four years ago we created the Glacier National Park, which was to be practically the complement of the great Canadian park. As I say, I think hundreds of thousands of people from all over the world visit the Canadian Rockies. Now a railroad has been constructed to the park from the Great Northern Railway. That railway was constructed with the idea that the Government would open up the park. In addition to the railway being constructed there, over a quarter of a million dollars has been invested in hotels during the latter part of last year and this year, and it would be ready for the traffic this year if we had this small extent of wagon roads. The department asks for $238,150. In the amount which is allowed the matter is covered by $100,000, or, say, less than one-half of what was estimated to be required. That amount ought to be allowed, at least, so that these roads may be completed and so that next year this great and beautiful park may be thrown open to the public.

Mr. POINDEXTER. Mr. President, the scenery in both of these parks, as has been said, is of a similar character to that around Banff, in British Columbia. The Senator from North Carolina says if that is so, he has nothing further to say in the way of objection to the maintenance of the parks. I have some photographs here which I will send over to the Senator from North Carolina in a moment, in order that he may see what the scenery is.

I understand that the Senator from Georgia, who has just gone from the Chamber, and who objects so strenuously to this park—I am sorry he is not present—makes a practice of frequently visiting the Alps, and that he gets a great deal of enjoyment and a great deal of benefit from it. If, instead of doing that, he would come one summer to Montana and Washington, and see Mount Rainier and see the Glacier National Park, he would not have any objection to the Government spending a few thousand dollars for the purpose of making them accessible to the tourists of the United States.

The Senator is a very good example of what is the general practice of so many people in the eastern part of this country. Instead of seeing their own country, at least instead of seeing it first, they spend what time they have for travel in going to foreign countries.

I want to read into the RECORD just a few words from John Muir, descriptive of Mount Rainier and the Rainier National Park.

Mr. WARREN. Will not the Senator mark the passage, and ask to have it printed, so as not to consume time?

Mr. POINDEXTER. It will take only a moment to read it. It is only a very few lines.

Mr. WARREN. All right.

Mr. POINDEXTER. Speaking of the park, he says:

> In the center of it there is a lonely mountain capped with ice; from the ice-cap, glaciers radiate in every direction, and young rivers from the glaciers; while its flanks, sweeping down in beautiful curves, are clad with forests and gardens and filled with birds and animals. Specimens of the best of nature's treasures have been lovingly gathered here and arranged in simple symmetrical beauty within regular bounds.

Some questions have been asked about the size of the Rainier National Park. In answer to that, I will say that it comprises 207,360 acres. During the past year, as shown by the report of the Secretary of the Interior, referring generally to the national parks, the total number of visitors to these parks aggregated approximately 224,000 as against 198,506 in 1910.

The Senator says there is very beautiful scenery in North Carolina and Georgia. I am aware of that; but it is a very different kind of scenery. There are no glaciers there. There are no ice-capped mountains. Mount Rainier is the greatest mountain—the highest mountain—within the boundaries of the United States. That in itself makes it a distinctive feature and brings it within the class which the Senator from Georgia says he would have no objection to having improved as national parks. It is of an entirely different character of natural grandeur from the Yellowstone Park or the Grand Canyon of the Colorado; but it is equal to either of those in attractiveness and in all of the benefits that come from the wonders of nature. There is just as much reason for the Government preserving it as a park and making it accessible by roads as there is for

having established the Yellowstone National Park or that of the Grand Canyon of the Colorado.

Mr. REED. Mr. President, I have never yet seen an item in any one of these appropriation bills, however extravagant it might be, where somebody could not furnish an excuse for appropriating the money of the taxpayers and devoting it to the end set forth in the item.

Parks, we all know, are good things to have, but I utterly repudiate the statement which has been made here that we need these parks for breathing spots; that they are the lungs of the country. When you go into the crowded districts of a great city, where hundreds of thousands and millions of people are herded together upon a few acres of ground, where the narrow streets are within the shadows of enormously high buildings that are filled like beehives with human beings, a park becomes a necessity as a breathing spot. But when you go about 500 miles from railroads, through trackless deserts and pathless mountain ranges, you are in more need of a pair of lungs capable of taking in the air than you are of a place where you can reach air, for there are nothing but air and sunshine and rocks and scenery for hundreds of miles around you. As long as time lasts there will be great waste portions of the country in the very vicinity and immediately surrounding these places. What we need there is not an opportunity to breathe. What we need is people, if we need anything to be there, to breathe the air that is already there and always will be.

These appropriations can not be justified upon the ground that we need breathing space. The question whether they ought to be made for the purpose of preserving natural curiosities is a different question. I grant that there are places in this country so romantically and exquisitely beautiful or so overpoweringly and indescribably grand that they should be preserved, but the question arises who ought to preserve them and who ought to improve them.

I can not subscribe to the doctrine that because a railroad, for its own interest in order to make money, builds a railway to one of these parks, and because a hotel company constructed a hotel hoping to make money thereby, the duty devolves upon the United States Government to build roads so that the hotel man and the railroad man may have their scheme completed out of the coffers of the Federal Government.

We are constantly extending without limit apparently the methods and devices by which we can spend the people's money. The Government of the United States is called upon to preserve vast regions of territory now, to spend enormous sums of money upon these parks. I maintain that every one of these parks that is worth preservation ought to be turned over to the State in which the park is situated, subject to the limitation that it shall remain open as a public park forever, and that the duty of improving it or building highways to reach it shall be imposed upon that State, and for the reason, as has already been suggested, that the inhabitants of the State are the ones most directly interested and most immediately concerned. Any State that has not sufficient pride to preserve at its own expense these wonderful natural curiosities, this magnificent scenery, has no right to come here asking that the people of other States who live thousands of miles from the scene shall be taxed for their benefit.

I do not believe there is a State that would not gladly accept a gift of this kind from the Government and would not undertake to preserve for the benefit of the people of their own State and the public at large these parks and reservations which are set aside not for their utility but for their beauty or their scientific interest.

So I am opposed to extending this system of spending the people's money any further. It is not just to the people of other States. There are but few of these reservations after all. Take the people of my own State. They might just as well come here and say there are some beautiful spots in Missouri—and there are. There is some fine mountain scenery in Missouri. There are some splendid rivers. There are some vast chasms. There are natural caves and canyons and all those things that have been described here. They are in almost every State. But the people of those States not only build roads through that country, but they maintain, if maintenance is necessary, the beauty and the original grandeur of these spots.

It is utterly outrageous to my mind to insist that this Government shall expend at the present time hundreds of thousands of dollars, and as the years go on millions of dollars, for a purpose which is to a large extent local to the State where the park is located.

The trouble is that once you cover money into the Treasury of the United States there seems thereafter to be a race as to who can first get his hands upon it. So every man, or at least many men, come here with the idea that he best serves his State who most liberally plucks the General Government for the benefit of his State.

Mr. WARREN. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. Certainly.

Mr. WARREN. I think the Senator has not looked up the early history of these things or he would hardly pursue the line he is pursuing. The States did not come here and ask for these. The States do not enjoy them as against the other States. For instance, take the Yellowstone Park. There is a less percentage, I presume, of the inhabitants of Wyoming who visit that park than of the inhabitants of Missouri.

Another thing, the State did not come and ask for that park. The Government reserved it even before there was any State or even a Territory of Wyoming. It reserved it against its wish. That little Territory, in its infancy, when it collected but few thousand dollars altogether in taxes, went into the park with the permission of Mr. Secretary Teller, the then Secretary of the Interior, and expended a large amount of money. It appropriated it out of its slender funds to protect the novelties and to build a guard house and to manage it so that the despoilers would not carry those novelties away, because the Government had not then become sufficiently interested to appropriate money for the park's preservation.

Later the Government came in, and it has policed it since with a portion of the Army, and the department has come here and asked repeatedly for these appropriations. There never has been a move that I know of from my State asking for appropriations for the Yellowstone Park that the department has not asked for and insisted upon.

I presume that what is true of that park is measurably true of the others. Instead of the State being benefited by it the State is at a great loss. The Yellowstone Park is about 65 miles square, so that much is cut out of the State—a little off from Montana and a little off from Idaho—and no roads built so that they can cross over it except as the United States Government expends the money. It occurs there as a great obstacle in the way of the settlement of the country. It is there as an insurmountable obstacle to the development of that State and the two others for many miles around, if the Government does not do what a private owner or a municipal corporation would do, at least—make roads across its property.

Mr. REED. Mr. President, there is not a single word the Senator has said that I did not know and that everybody else did not know.

Mr. WARREN. Then I will say to the Senator——

Mr. REED. There is not a single word there that is in conflict with a solitary word I have said on the floor. I have not been arguing——

Mr. WARREN. The Senator has undertaken to impale the people of these States upon—I will not say the insinuation, but upon the declaration that they come here and try to get their hands into the Treasury so that they can benefit their own States at the cost of the Treasury.

Mr. REED. Mr. President, nobody has meant to say, and no man's imagination, except that of the Senator who has just taken his seat, could ever have conceived the idea, that anybody had said that the people of Montana came here en masse and demanded access to our Treasury. But they are exceedingly well represented by the Senator from Montana who is making this demand.

Mr. WARREN. I have no objection to it; the RECORD will show what the Senator has said; but I insist that he ought at least not to put me into Montana and ask poor Montana to rest under that insinuation.

Mr. MYERS. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. In a moment. I will apologize to the people of Montana for miscalling the name of the State of the Senator from Wyoming.

Mr. WARREN. I hope the Senator will.

Mr. REED. I will apologize to the Senator, who thinks that it would be a reflection upon him if he did represent Montana.

Mr. WARREN. That is an unkind remark.

Mr. REED. I thought the Senator would be proud of it, and therefore would be content.

Mr. WARREN. That is an unkind insinuation.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do yield, but not until I finish the sentence. Of course, I understand, as the Senator understands, that I simply misspoke the word when I said "Montana" instead of "Wyoming."

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WARREN. I think when the Senator comes to read his remarks about the States coming here, and so forth, he will find that I am as nearly correct as he is, and I think he will feel that he has unduly charged the procurement of these parks against the inhabitants of the States of the West.

Mr. REED. Oh, no. I shall cover that in a moment. I yield to the Senator from Montana.

Mr. MYERS. Mr. President, the subject matter upon which I intended to make a remark has been pretty well covered and explained; that is, it has been made clear, I believe, that the Senator from Wyoming [Mr. WARREN] does not represent the State of Montana. I merely rose to call attention to that and to say that when it comes to efficiency in procuring appropriations I wish very much that he did represent the State of Montana. We would be very glad to have him and would be proud of him.

Mr. WARREN. The State of Montana has quite an interest in the Yellowstone Park, as the Senator will remember—several miles on the southern border.

Mr. MYERS. I am not decrying the interest of Montana in the Yellowstone National Park, but on the other hand, would join hands with the Senator in trying to get a sufficient appropriation for that park.

Mr. REED. All of which only serves to illustrate the fact, Mr. President, as I asserted a few moments ago, that when it comes to getting money out of the Federal Treasury all differences seem to disappear, and gentlemen engaged in the common enterprise can act in complete harmony upon that kind of a raid even while they may differ on everything else.

Mr. President, what I was trying to say when I was interrupted was that nobody, of course, has asserted that the States have come here in any other way than as they are represented upon this floor by Senators from their States, and nobody has claimed that the State governments in any other manner have asked for money from the Federal Treasury. Everybody knows that these parks were originally set aside by the Federal Government. They were set aside for the purpose of preserving them from private ownership. But now that the State governments have been established and that those governments are fully organized, I insist that the State governments ought at this time to take charge of these parks, that the Federal Government ought to grant them to them, and that the constant drain upon our national resources ought not to be made because the parks happen to have originally been withheld from settlement and ownership by the Federal Government.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. Certainly.

Mr. FALL. Is it the Senator's idea that the ownership of the Yellowstone Park should be turned over to the State to do what it pleases with now, or that it should be retained as a national breathing ground, a national park?

Mr. REED. The Senator was not here when I was speaking a moment ago. I said these parks ought to be turned over to the States, to be set aside for the benefit of the people as public parks, and maintained by the States.

Mr. FALL. If they shall be national parks, national breathing spots, why should they be withdrawn from the use of citizens and retained as national parks, not yielding one cent of revenue to a State? While they are national in character and for the benefit of the people of the entire Union, why should we still retain that character for them and burden a particular State with taking care of them for the benefit of the people of the Nation?

Mr. REED. I had already covered that, but I will repeat it.

Mr. FALL. I should like to hear it.

Mr. REED. Because nine-tenths of the benefit of these parks goes directly to the people who live in the State, and because other States are obliged to maintain their public parks at their own expense, if they have any.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. CHAMBERLAIN. I just wanted to correct an impression the Senator seems to have, and I know he wants to be perfectly fair. The same statement was made by the Senator from Georgia, that these parks are matters of purely local concern. I venture to say that there are individuals in the very near neighborhood of these parks who have never been on them, because they are so situated that they do not care to see them; the beauties that surround them are equal to the beauties that are within these parks. So an examination will disclose to the Senator that these parks are patronized not by local people, but by people from all over the country.

Take the Yellowstone National Park, for instance. Nearly all of the hundreds of thousands of people who go there go from other States of the Union and many of them from abroad. In addition to that, these parks are withdrawn from taxation, and the States are absolutely deprived of these immense areas in the way of benefits arising from taxation, so that sometimes they are really detrimental to the immediate locality.

I venture to say, if the Senator will yield to me for just a moment more, that with these parks under capable Federal management and control the time is not very far distant when they can be instruments of revenue rather than sources of expense to the Government of the United States.

Mr. MARTINE of New Jersey. I hope that will never be undertaken.

Mr. CHAMBERLAIN. One of the distinguished Senators has spoken about the lack of patronage. I want to say to the Senator from Georgia, who I believe said he had visited the Yellowstone Park, that if he would go to a number of the places that are mentioned here instead of going abroad in the summer to spend his vacation he would come back to this country and to Congress and advocate these expenditures rather than oppose them.

Mr. BACON. I want to say to the Senator——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. BACON. I have visited every State in the United States except two, and I have been in the habit of traveling all over this country ever since I was a boy.

Mr. CHAMBERLAIN. I was only taking the Senator's statement for it that he had been to the Yellowstone National Park.

Mr. BACON. Certainly; and I have made an express exception in favor of the Yellowstone Park. I think that ought to be kept a national park because of the tremendously distinct and rare natural phenomenn. It is one worthy of preservation as a governmental reservation. I think the same is true of the Grand Canyon, although I have never been there. But if you say that every place which may have a pretty piece of scenery, or grand scenery, if you please, shall be set aside as a park and thereafter be beautified and developed at the expense of the Government, I can not subscribe to that proposition.

Mr. CHAMBERLAIN. I am trespassing on the time of the Senator from Missouri, but I desire just a moment more.

Mr. REED. Not at all.

Mr. CHAMBERLAIN. Organizations have been formed in the West and Middle West advising the people of this country to see America first. As a matter of fact, if our own citizens, who spend millions of dollars in going abroad and toadying to the customs of a foreign country, could be induced to go West and spend their money there we would find a perfect justification in the expenditure of this pittance by Congress for the upkeep of these different parks. And it is not long until they will be made sources of revenue. As it is they are not now, because people can not get access to them, and aside from that they are absolutely withdrawn from the support of the States by taxation.

Mr. MARTINE of New Jersey. How would the Senator make them a source of revenue? He would not charge people to go in them, pray? I think it would be the greatest calamity to charge to go to the Yellowstone or to charge to go into the canyon of the Yellowstone.

The PRESIDENT pro tempore. The Senator from Missouri will proceed.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. Yes, sir.

Mr. FALL. In addition to what the Senator from Oregon has said, I should like to call the attention of the Senator from Missouri to the fact that the States of the Union, although deprived of any revenue whatsoever from the parks, although they are of benefit to the people of this great Union, are to-day paying the expenses of the administration of the laws over these parks, taxing themselves for it, and they derive no benefit from them. The States are enforcing the criminal and other laws at their own expenses entirely, and they certainly pay that much more for the benefits which may inure to them to have a park located within the State.

Mr. REED. The interruptions have been so long and covered such a variety of subjects that I am not going to try to follow them. However, I will notice just one thought suggested by one of the Senators, that the States ought not to be required to maintain these parks, because the States are deprived of taxes upon the land. A State is always deprived of taxes upon

these parks. If the State had these lands ceded to them by the Government for park purposes, they would be without the power to tax them just the same as the city of Washington collects no taxes upon its public parks. No other city collects taxes upon its parks, and no State that maintains a park collects taxes upon its park. So there is nothing in that argument.

The Senator from Oregon says these parks will become a source of revenue to the Government. I deny that. I utterly deny it. This Government is never going to set up a tollgate and charge admission to these parks. If a State owned them, it would certainly be a most peculiar kind of State government if it would set up a tollgate and collect taxes or tolls.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I yield to the Senator.

Mr. CHAMBERLAIN. Just a moment. I want to state to the Senator that the areas of these parks and reserves in some of the States are very large. Take the State of Oregon, for instance, nearly one-fourth of the area of the State is within these creations of the Federal Government.

Mr. REED. Very well. Still we would not collect tolls to enter upon that territory. They would become a source of revenue not by way of tolls, not by way of taxes, not by way of admission fees, but a source of revenue to people living in the vicinity of the parks. When you turn the tide of travel from Europe toward the great regions of the West and when you set the eyes of the people of the earth straining toward the marvelous expanses of territory where these parks are situated, then the people living in those States, the railroads running through those States, the hotels situate within those States, will be the collectors of revenue and the ones who will enjoy that revenue.

It is for that reason, I say, that the burden of improving these parks ought to be borne by the people of the States, and the States ought to be given, under proper restrictions providing for the perpetual use or preservation of the parks, the control over them, because the burden will then fall upon the localities most benefited.

I say again, if the Government is to establish these parks wherever there is a curious or interesting natural formation, then where will we put the limit? It has been stated that North Carolina and Georgia are rich in this kind of beautiful scenery. There is not a State in the Union but could somewhere or somehow rake up some places for the Federal Government to take charge of and to improve. I ask, Where are we to place the limit? I see sitting opposite me the Senator from Iowa [Mr. KENYON]. He could describe to us spots in that State along the Mississippi River so exquisitely beautiful and so wonderful that he might well make an argument, if he saw fit, in favor of a national park there.

I think we have got to stop, somewhere and somehow, the leaks from the veins of the National Treasury, if I may use so bad a metaphor. Every time we try to stop it there is somebody ready with a good reason not only for the leak but for an enlargement of the leak.

I protest against the passage of these amendments.

If we want to create breathing spots for the benefit of the people of this country, then, in the name of humanity, let us go where people are who need to breathe; let us not go 500 miles from a town out into a country and create breathing spots where are the most gigantic mountains of the earth and where there will never be anything but rocks beneath the feet and blue sky above. If that is the argument, I had much sooner vote the money of the people of the United States for the creation of breathing spots in the vicinity of great cities than I would in the interior of wild and trackless deserts. But we do not propose to enter upon that policy. The truth of the matter I think we can sum up in a word. This is a proposition by which a part of the pork in this barrel is to reach the western country.

Mr. MYERS. Mr. President, I regret that I am compelled to take issue to some extent on this proposition with my good friend, the Senator from Missouri [Mr. REED]. He seems to have a grievance against the Rocky Mountain States because nature has blessed them with the most magnificent scenery in the country and because the Government has embarked upon a policy of establishing national parks under the control and supervision of the National Government, which therefore requires some appropriation in order to keep them up and to keep them presentable.

The Senator speaks about Missouri and Iowa not asking for any national park. I think we hear a good deal at every session of Congress about money being appropriated for the improvement of the Missouri and the Mississippi Rivers. The Rocky Mountain States are not asking for any of that money. I think there are millions of dollars appropriated every year for the improvement of the Missouri and the Mississippi Rivers. I think several hundred thousand dollars were appropriated at this session of Congress for the protection of the flood sufferers on the lower Mississippi River.

Mr. WARREN. Will the Senator allow me to interrupt him right there?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. MYERS. Certainly.

Mr. WARREN. Speaking of the scores of millions that we are using for the purpose the Senator names and of the recent conference report on the river and harbor bill that reached beyond one score of millions, and perhaps two, the appropriation in this bill for national parks amounts to less than $650,000—not enough to fill some one hole down in the river and harbor improvement country.

Mr. OVERMAN. The Senator refers to the appropriation for national parks, but that does not include the expenses for all the employees of the park.

The PRESIDENT pro tempore. Senators will please address the Chair when desiring to interrupt other Senators.

Mr. WARREN. Nearly all of this money is for permanent improvements, building roads and providing for means of transportation, which river and harbor appropriations are also supposed to facilitate.

Mr. OVERMAN. The Senator will not say that $600,000 for the permanent improvement of the roads is the whole appropriation for the national parks, for all through this bill there are appropriations for numbers of employees, superintendents, and watchmen and others for those parks.

Mr. WARREN. Not at all.

Mr. OVERMAN. Take the Yellowstone National Park and the thousands of men employed there.

Mr. WARREN. I invite my colleague's attention to the figures themselves. I think he will find that I am correct.

Mr. MYERS. Mr. President, I think at each session of Congress by the time the consideration of the river and harbor bill is completed, there is no section of this country and no State in the Union that has ground to complain about a few thousand dollars appropriated for the purpose of protecting and keeping up our great national parks in the West. If there is any I should like it to cast the first stone. I should like to know what State or what section or what community of the country it is.

It is true there may be scenery in Missouri, in Iowa, and in other States; there is; but they have no Rocky Mountains there. The West is the only section of the country that has the Rocky Mountains.

The Senator from Missouri says that in Missouri they have great chasms. Perhaps they have. I never saw any there. Perhaps some of the Missourians have fallen into them and become lost. I notice the last census report shows that the population of Missouri, outside of its three large cities, decreased in the preceding 10 years. It may be they have fallen into some of the chasms and become lost. Perhaps they had nobody to show them as they stumbled around over the State; perhaps they had nobody to show them the way or to shed any light for them. Possibly that may be the use to which these great chasms in Missouri, of which I never heard until the Senator from Missouri spoke of them to-day, have been put; but I am quite sure they have the Missouri and the Mississippi Rivers there, and they are not slow about asking for appropriations for those streams.

Seriously speaking, it seems to me that the Senator from Missouri puts this matter on entirely too narrow and restricted a plane. He would have these parks set over to the States in which they are geographically situated and have the States keep them up; he would forbid the National Government from having anything to do with them. In other words, because a park happens to be situated within the boundaries of the State of Montana, he would turn that park over to the State of Montana and make the State of Montana keep it up. Let Missourians, if they have anybody to show them the way out there, go and see the beauties of this park.

Mr. PAYNTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. MYERS. I yield with pleasure.

Mr. PAYNTER. Mr. President, I have had the pleasure of seeing the Glacier Park. I have been at the foot of the mountain——

Mr. CLAPP. Mr. President, would the Senator from Kentucky object to taking the Senate into his confidence and speaking so that the remainder of us can hear him?

Mr. PAYNTER. I say I have had the pleasure of seeing a part of Glacier Park. I have been at the foot of the mountain

upon which that beautiful lake is situated. I have looked at that glacier, which I think is perhaps regarded as the largest one in this country, and I therefore became very much interested in this subject. When the Senator from Missouri and the Senator from Georgia suggested that the States should take title to those parks and pay the expenses of maintaining them, this question occurred to me—I did not want to interrupt the Senators then, but I should like to submit the question to the Senator from Montana—What power exists in Congress to force the States to take title to the various parks of the country and to compel them to maintain them?

Mr. MYERS. None whatever, so far as I know.

Mr. PAYNTER. I should like to ask a further question.

Mr. MYERS. I should have to call on the Senator from Missouri to enlighten the Senate as to that, for I can not do it.

Mr. REED. As the Senator from Montana is so facetious——

The PRESIDENT pro tempore. The Chair must insist upon Senators addressing the Chair and getting permission to interrupt.

Mr. REED. I was directing my——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Missouri?

Mr. MYERS. I am compelled to yield at present to the Senator from Kentucky [Mr. PAYNTER], who desires to ask a further question. After he has done so, I shall yield to the Senator from Missouri.

Mr. REED. I shall answer in my own time.

Mr. PAYNTER. If the answer is that the several States ought to be forced to take the burden, does the Senator know of any State in this Union that, when the Federal Government is properly bearing the expense, or improperly, as the case may be, would be willing to accept and assume that burden?

Mr. MYERS. Not unless it be the State of Missouri. The State of Missouri might; it is the only one that I know of that would.

Mr. PAYNTER. Then, if you can not force the States to accept the title, and they would not be willing to do it, is it a practical question as to whether the States ought or ought not to do it?

Mr. MYERS. I can not see that it is. Now I yield, with pleasure, to the Senator from Missouri.

Mr. REED. I shall answer in my own time.

Mr. BACON. With the permission of the Senator from Montana, as I was one of the Senators——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. MYERS. With pleasure.

Mr. BACON. As I was one of the Senators alluded to by the Senator from Kentucky [Mr. PAYNTER], I will say that I, of course, had never suggested that the parks could be forced upon the States. The Senator would not find anything in my remarks to that effect.

Mr. MYERS. I did not understand the Senator to say that, but he said we ought to do it; and I was wondering how it could be done.

Mr. BACON. I think, as we have reserved those parks—they are not perishable articles—if the Government were simply to fail to build roads they might still be enjoyed in a great many ways to a considerable extent by the people who live in those localities, and certainly no harm would come to the Government.

Mr. PAYNTER. With the permission of the Senator——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. MYERS. With pleasure.

Mr. PAYNTER. Whether the States could be compelled to take over the national parks is hardly a practical question, even though we might desire them to do so.

Mr. BACON. If the Government should fail to build roads, the land would still be there, and it could be utilized whenever those who are particularly interested in it saw fit to do so.

Mr. PAYNTER. I am not interested in the question as to the condition of the country at all, but as to the legal question.

Mr. BACON. What legal question?

Mr. PAYNTER. The question as to whether Congress can force a State to accept title to these parks and force a State to assume the burden of maintaining them.

Mr. BACON. I have expressly disclaimed ever having intimated anything of the kind.

Mr. PAYNTER. I did not charge the Senator with having done so.

I think that came about by the Senator from Georgia unfortunately and inadvertently being aligned with the Senator from Missouri [Mr. REED] in his argument, and that is one of the penalties of being put in such a position.

Mr. BACON. Well, I must let the Senator from Missouri say whether he has ever made such a statement or not; I do not suppose he ever did himself, but I am very much obliged to the Senator from Montana for associating me with such a distinguished colleague in that connection or any other connection.

Mr. MYERS. It is an honor of which anyone might well be proud.

Mr. THORNTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Louisiana?

Mr. MYERS. With pleasure.

Mr. THORNTON. As interruptions of the Senator from Montana seem to be in order, I will ask leave to say a very few words. I had not intended to participate at all in this matter, except by my vote, which would have been cast, as it will be cast, in favor of the appropriation desired. I would say nothing now, except for the fact that it has been mentioned that the lower Mississippi Valley has been benefited in the past, and largely in the present, by appropriations from the National Treasury.

I recognize that fact and am very deeply appreciative of the generous spirit that actuated the Congress of the United States this year in making the very liberal appropriations they have made. I have not heard of any Senator from the lower Mississippi Valley objecting to the item under consideration; and I wish to say to the Senator from Wyoming, the Senator from Montana, the Senator from Washington, and Senators from other Western or Mountain States, and all other States, for that matter, that, so far as I am concerned, I will never be found resisting appropriations for the preservation and adornment of our national parks, in which I take a very great pride. As long as I am here they can depend on me for one vote in favor of that end.

Mr. MYERS. Mr. President, I am glad the Senator from Louisiana has spoken in that vein. I wish to say that I did not speak disparagingly at all of any appropriations for the improvement of the lower Mississippi River or for the protection of the good people who live along its banks or in that part of the country. Not one dollar, not one cent that has ever been voted for that section of the country do I begrudge. I love that section of the country and its people. I was born south of Mason and Dixon's line, and I am proud of that fact. I love the dear old South and always will, and not one word will ever come from me disparaging her or her people. I gladly voted for every dollar of money that was appropriated by this Congress for the lower Mississippi River and the people living in that vicinity, and would gladly vote for ten times as much; yes, a hundred times as much if necessary. I merely referred to the fact that other sections of the country, not simply the Rocky Mountain region of our country, are the beneficiaries of some expenditures from the funds of the National Treasury. I rather feel that our section of the country has been stigmatized as coming here as a beggar, as a mendicant, to get something unlawfully or improperly out of the Federal Treasury.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Arizona?

Mr. MYERS. With pleasure.

Mr. ASHURST. Mr. President, I trust it will not be deemed an act of temerity for me to engage in this discussion, but since it seems to be very largely a discussion with reference to scenery throughout the States of the West, and has been carried on with much camaraderie, I shall say that the greatest natural wonder in the world is the Grand Canyon in Arizona. We do not ask for any appropriation for the purpose of beautifying that canyon, because the God of the eternities has beautified it, but we do ask that no corporation be granted special privileges there to construct and maintain hotels to the exclusion of others.

Senators have risen and in chaste rhetoric described the natural scenery within their States. Mr. President, I direct the attention of the Senate and the Nation to the great State of Arizona, the land, some say, of the desert. In some places, if you please, it is the land of the scarlet glory of the blossoming desert cactus, but in truth Arizona is the paradise for the sightseer, the thinker, the dreamer, the scientist, and the geologist. It is a land of frequent astonishment and perpetual delight. Think of the ice caves 9 miles from Flagstaff, where, in midsummer, pyramids and stalactites of ice are found, like those that glitter around Niagara in midwinter, stately, clear, and cold. Fifteen miles from Flagstaff is to be found the Black Crater in the center of the largest lava beds in the world, where 400 years ago, in the language of Shakespeare, "diseased nature once broke forth in strange eruptions."

Some years ago I camped one summer's night high up on the southern slopes of the great San Francisco peaks. I awoke early, just as the blue lance heads of dawn were shooting up from the eastern horizon. "Here and there other mountain peaks soon began to break through the vapory seas that filled the gorges, like an island whose jutting and confounded base was swelled by the wild and wasteful ocean." I saw the unnumbered stars and their shining trains recede before lambent pillars of fire that pierced the zenith; and the moon, refulgent lamp of night, paled her silvery brightness as the curtain of day still farther lifted, and over heaven's clear azure the sun began to spread its golden gleam. I climbed to the top of Mount Agassiz, the monarch of Arizona's mountains; from the top of the mountain I looked toward the east across a silent forest of vivid green—a wilderness of verdure—to the far-famed "painted desert" which, with harmonious confusion, lay spread 100 miles away, a sea of jasper with a beach of sulphur, empurpled with celestial fire.

Cultivated persons declare that there is much pleasure and mental exhilaration derived by viewing the embellishments and accomplishments of liberty and civilization, but it seems to me that of all earthly things calculated to strike a reflective and imaginative mind, nothing can compare to the Grand Canyon which I saw 60 miles to the north with its sapphire walls that seem to prop the recumbent sky—the Grand Canyon, whose formation carries the mind back to primordial chaos, the sight of which causes the beholder to feel as if he were "treading the upper air and walking the milky way," and which brings a rapturous exhalation of spirit which only the enchanted soul may know.

The magnificence of the physical world and its resistless influence upon human character have ever been favorite themes of contemplation by those minds that discern mental and moral evolution flowing from environment; as well as themes of profound interest to those who delight in studying and attempting to solve the mysteries of nature and the enigmas of the universe.

Arizona, that wide empire of unsurpassed scenic grandeur, filled with an endless variety of natural wonders, has excited the lofty and honorable sentiments of her children and has showered an elevating and beneficent influence upon her people.

Mr. MYERS. Mr. President, if Arizona has no national park, I am ready to say right now that she ought to have one. [Laughter.] I will ever be willing to vote an appropriation for that purpose; in fact, I will be ready to say right now that I will be willing to introduce a bill to make a national park of the entire State of Arizona [laughter], if the people of that State so desire.

I thank my friend the Senator from Arizona [Mr. ASHURST] for coming to my rescue and my aid so ably, and I believe after his remarks that the Senator from Missouri [Mr. REED] will be willing to withdraw his objections to the appropriations for these parks and devote his attention to obtaining appropriations from the National Government for getting dirt and filling up some of the big chasms in Missouri. [Laughter.]

Mr. President, I will resume my argument where I left off some time ago and will complete it, if not further interrupted, in a very few words. It seems to me the Senator from Missouri puts this matter on entirely too narrow a plane. He would have the people of each State take over the ownership and control and jurisdiction of the forests and parks and to assume the expense of maintaining and protecting them; so that others, people from all over the United States, tourists from the North, the South, and the East, the rich and the poor, the great and the humble, could go there and view these grand bits of scenery. It seems to me that is an unfair proposition, and to seek to require a State to do that it seems indicates a narrow view of the subject.

I am a State-rights Democrat. I believe in State rights. But to say that the National Government has no power to maintain national parks or that it is not a proper exercise of power or a proper expenditure of money for the National Government to institute, maintain, and conduct such parks is, I think, getting back to the superlatively extreme and antiquated State-rights idea. That is too much State rights for me. That is making the State the supremely sovereign unit of government and doing away with the National Government altogether.

We must not shut our eyes to the fact that we have a National Government. Whatever the rights of the States may be—and I believe as strongly as anyone can in maintaining those rights at all hazards—to say that the Government is exercising jurisdiction improperly or expending money improperly in keeping up these parks which belong to the Government, and that the burden ought to be borne by the States is, I think, going to an unwarranted extreme.

These parks are patronized by people from the Atlantic to the Pacific. Everyone may receive the ennobling educational benefits to be derived by visiting them. Everyone may enjoy the pleasure and the recreation and the elevation of ideas afforded by coming in contact with nature in one of its beauty spots. So why not appropriate a few hundred thousand dollars to keep in proper and decent form what we already have?

These parks are on our hands; we can not let go of them; we are a good deal like the man who had hold of the bear—we can not let go. What would you do? Abandon them, to become a howling wilderness? Let them become neglected and unused? We can not abandon them and simply pay no further attention to them without the sacrifice of many hundreds of thousands of dollars we have heretofore expended in acquiring and beautifying them, and without the sacrifice of one of the greatest and grandest features of our national life.

The Senator from Missouri says that they are largely of local interest to the people in the States where they are situated. I venture to say that the Yellowstone National Park is visited and enjoyed by 10,000 visitors who do not reside in Montana or Wyoming where it is visited by one from those two States combined. Not only the people of the United States get the benefit of these parks, but all humanity gets the benefit of them, and I do not think we can afford to say that, for want of a few dollars to maintain in proper form what nature has so liberally bestowed upon us, we would deny the world the grand and sublime benefits that we have it in our power to confer.

Mr. President, these remarks were simply drawn out by the expressed sentiments of my friend the Senator from Missouri [Mr. REED], with whom I am usually in great and complete accord; and if this were a political proposition, I, doubtless, would be in accord with him now; but as there is no politics in it, I thought this was a good place in which to differ from him.

I will say, further, as to the policy of instituting any more parks, any new ones, that that is a different matter. Let us meet that question when it arises. That matter is not now before the Senate. The question now is, Shall we keep up in decent and appropriate form the parks we already have on our hands? I think we ought to do so.

Mr. REED. Mr. President, surely there is no politics between gentlemen who are engaged in a common enterprise to get somebody else's money. I do agree with the Senator from Montana when it comes to the question of politics, but he agrees with the Senator from Wyoming when it comes to the question of money. I do not know why the Senator from Montana should have taken offense at what I said. It was a pure inadvertence when I referred to the Senator from Wyoming as the Senator from Montana.

Mr. MYERS. I took no offense whatever at that.

Mr. REED. I apologize now to both the Senator from Wyoming and the Senator from Montana, and I humbly apologize to the people of both those great States; but the thing that breaks my heart, that sends the iron into my soul, and that makes me feel that life has lost its charm and the future all its hope, is that the Senator from Montana should declare that he did not know there were any chasms in the State of Missouri. [Laughter.]

There are, sir, some chasms in that State—some great chasms—but there is one so much deeper and so much wider than all the rest that since 1893 we have thought of no other chasm but that, and that is the chasm that was left in the State of Missouri when the Senator from Montana emigrated from our State to the State of Montana. Since that time there has been "an aching void" in all nature within the confines of the State of Missouri. I say to the Senator from Montana now that for him to grow humorous about the State of Missouri seems to me to be like the unkindness of a child to its parent. When I read in his biography the statement:

> He was educated in private schools in Missouri; taught school and studied law; was licensed to practice law in his native State.

It was in that State that his mind received the training that has made him celebrated all over the West.

I know that we have not any chasms, except the one I have mentioned, comparable with those of Montana. I know that nearly all of our good people have left. I am willing to concede that in the entire flight of the years the one whose absence we feel most is the Senator from Montana. If he will only come back, we shall be compensated for all other emigration that has taken place in the past or that may take place in the future.

Mr. President, it is perfectly patent that all that has stirred Senators to this eloquence is the fact that they want some money from the Federal Treasury to go into Montana. All the jesting that may be done will bring us back to the point that

this is a "pork-barrel" proposition, pure and simple. Every man who is here from a State that expects to get part of this money forgets his politics, and forgets everything else, when the money is in sight.

The Senator from Kentucky asked how we were going to make a State take this territory. If it is one-hundredth part as beautiful and magnificent as it has been described, is there any State that would refuse to accept it? And if a State thought so little of it that it refused to accept it, I would see but little use in spending the people's money for the purpose of building highways through that kind of territory. As somebody said a little while ago, this much is plain: The mountains that the Lord put there hundreds of centuries ago will probably continue to stand, even if the State does not see fit to improve the country.

It has been urged that, as we have these parks on our hands, we probably ought not to extend the system, but we should pay the expense of what we have. Why not extend the system? Why not take in the whole State of Arizona? From the word picture we have had here, all Arizona is a national park, and the Government ought to build roads clear through it. From the word picture we have had, the entire State of Arizona is more beautiful than any of the parks that have been mentioned here. Why not lay it off in parks?

Why not establish national parks down in the State of Kentucky? Kentucky has beautiful scenery. I would say she has chasms and she has cliffs, but I might offend the sensibilities of the Senator from Montana, who seems to be particularly irritated by the word "chasm."

Why not go into other States and extend this glorious system? The answer is, of course, that that will be attempted as time goes on, if the Government undertakes this task. I am opposed to it, and I am going to vote against it.

They tell us that these parks are not visited by the people of their States. If they are not, then it speaks badly either for the parks or for the people's taste.

I say, again, that if these parks are one-half what they have been described to be, they will be sources of revenue and of wealth, not to the Government, but to the people of the States. I have not any doubt that the people of the States are interested in having them improved by the Federal Government, so that every tourist who comes shall drop a portion of his money into the various enterprises of the States—into their hotels and their railroads and their other enterprises of that kind.

I have just a word to say in conclusion.

The Senator says money has been appropriated for the Mississippi River and the Missouri River, and that that does not interest his part of the country. Why, the very purpose of improving the Mississippi River and the Missouri River is to move the points where freight rates are low closer to the great country represented by the Senator from Montana. You can not cheapen freight rates through the great Central West without benefiting the land where the Senator lives.

These are public highways, maintained not for the benefit of a State nor the people of a State, but for the benefit of the country and for the benefit of the commerce of the country. It is utterly ridiculous and foolish to compare an improvement of that kind with a proposition to build highways through some wild and remote mountain district that may have been designated as a national park.

Mr. MARTINE of New Jersey obtained the floor.

Mr. MYERS. Mr. President, I should like to say just one word in reply to the Senator from Missouri.

The PRESIDENT pro tempore. The Senator from New Jersey first addressed the Chair.

Mr. MYERS. Will the Senator from New Jersey yield to me for a second?

Mr. MARTINE of New Jersey. Yes; certainly.

Mr. MYERS. I remarked that I knew of no chasm in Missouri, and that is true. The chasm to which the Senator from Missouri refers has been filled up and converted into a mountain, as he moved to the State about the time I left it.

Mr. REED. Oh, I was there some years before the Senator left.

Mr. MARTINE of New Jersey. Mr. President, I feel that the testimony of the gentlemen who have spoken is in a degree interesting. They are westerners, and live in that high mountain country. I come from a little patch of the Union whose comparative size is such that you could put 10 States like mine inside the borders of any one of theirs. Yet we have splendid scenery, magnificent rivers, and, as we call them, very beautiful mountains.

Mr. ASHURST. And will furnish the next President of the United States.

Mr. MARTINE of New Jersey. And we are going to furnish the next President of the United States. I accept the amendment, sir.

I will say further, Mr. President, that I am so wedded in my love to the little Commonwealth of New Jersey that I have often said that we, as a Commonwealth, are nearer heaven and farther from the other place than any other part of God's humanity this creation over.

The Senator who has just spoken, my friend Mr. REED, would have you believe he is the special custodian of the people——

Mr. REED. Oh, no!

Mr. MARTINE of New Jersey. And that no one stands closer to the people than he. I say to you that I shall vote for this measure, and that I am quite as close to the people as the Senator from Missouri or any other Senator in this body. I am as frugal. I am as jealous of the expenditures of the people's money as the Senator from Missouri.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. MARTINE of New Jersey. Why, yes; go on.

Mr. REED. I not only admit that the Senator from New Jersey is as close to the people as I am, but I admit that he is the people.

Mr. MARTINE of New Jersey. The Senator is very nice and very complimentary.

I stand for frugality in public expenditure as much as any other Member of this body. I realize as well as the Senator does, or as any other man can, what money means, and how much of infinite labor and toil it means to gather it together. I shall vote for this measure because I believe it will advance the general well-being of the people of this country.

The reference to this provision as a "pork barrel" was unfortunate and most ungenerous. Heaven knows I have no thought of dipping into a "pork barrel," or that my Commonwealth shall receive in the least degree any benefit from it. I say that was a most unfortunate criticism with reference to this matter.

I was born in a congested part of the great city of New York, where we scarcely knew what a mountain was. In that day we knew little of parks. The only park I knew when I was a boy was one that could be covered by a single block. I rounded out my life on a farm in New Jersey. Physically, I had no need of looking to the mountains of Colorado or the beauties of the Yellowstone Park.

But a few years ago it was my privilege to see the canyon of the Yellowstone and the beautiful features of the Yellowstone Park—the petrified forest, and many other features that are not encompassed in this bill. I say to you that it was a source of inspiration and education to me. I felt, when I came away from there that I was a better man, a bigger and a broader man, a better Christian, and a better citizen. I believe there is no better process of education, that money can not be expended in a much better way than to open avenues and make as free as possible—not through a process of tolls, as was probably jestingly suggested—these great freaks and wonders of nature.

At that time, in the midst of those wonderful and almost appalling surroundings, I said to myself: "I feel that it is the duty of every American citizen to do all he can to make it easy for his brother and sister from the congested portions of our country to come hither and take in these glorious features that make the wonders of creation in America unparalleled in the world." And I said: "So far as I can, my life shall be spent in working toward cheapening transportation, so that the downtrodden and the huddled and herded-together masses in the great cities of our country may have the opportunity to see these great wonders that our Nation possesses in a degree unparalleled by and unlike any other portion of the globe."

Why, this is not JIM REED to-day—the great, broad, generous, big-hearted Senator from Missouri, who has no limit to his sympathy, whose love for humanity, whose breadth of character, whose genial thought we all know, whose charitable hand is outstretched to the world. He is snuffed out for a time to-day, and has taken on the cloud of the atmosphere. But, as God's sun shall shine in the near future, JIM REED's bright genius, clever, happy thought, and generous smile will come again, and he will vote for this bill. [Laughter.]

Mr. OVERMAN. The Senator from Wyoming challenged a statement I made here on the floor a short time ago. He stated that $650,000 was the amount appropriated for the parks. In response I asked him the question if there were not other sums appropriated for the parks besides the amount appropriated in this bill. I understood him to say there were not. I

turn to page 152 of the legislative, executive, and judicial appropriation bill, and one item I find there is an item of $1,500 for a commissioner.

Mr. WARREN. I think I reminded the Senator of that.

Mr. OVERMAN. Not at that time.

Mr. WARREN. That still comes within the $650,000.

Mr. OVERMAN. Is that included in it? That was the question I asked.

Mr. WARREN. Yes.

Mr. OVERMAN. Then is there not, in lump sums, other money appropriated for these parks?

Mr. WARREN. No. I wish to say, Mr. President, that I had no idea of challenging the Senator's statement, except that I assumed he had arrived at his conclusion by associating with these parks the great military parks of Gettysburg, and so forth, which, on examination, I find to be the fact. Every cent that is to be expended in these resort parks amounts to just a fraction less or more than $650,000. But, of course, Gettysburg and Chattanooga and similar parks are not included. I may say, though, that, of course, in that total I do not count the pay of the men of the Army who happen to be used part of the year in policing two of the parks. That, of course, is provided in the general Army bill; they would have to be in the service anyway, elsewhere if not there.

Mr. OVERMAN. Including all those expenses it would amount to nearly $1,000,000?

Mr. WARREN. It would amount to more than a million dollars, probably, with all the other parks, cemeteries, and so forth, of which I have spoken.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were refused.

Mr. REED. I raise the question of a quorum.

The PRESIDENT pro tempore. The question of a quorum having been raised, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Massey	Simmons
Bacon	Gamble	Myers	Smith, Ga.
Borah	Gardner	Nelson	Smoot
Bradley	Gore	Oliver	Stone
Burnham	Groona	Overman	Sutherland
Burton	Heyburn	Page	Swanson
Catron	Johnson, Me.	Paynter	Thornton
Chamberlain	Jones	Percy	Townsend
Clapp	Kenyon	Perkins	Warren
Crawford	Lodge	Poindexter	Wetmore
Cullom	McCumber	Pomerene	
Fall	McLean	Reed	
Fletcher	Martine, N. J.	Shively	

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment.

Mr. REED. On that question I ask for the yeas and nays.

Mr. LODGE. The yeas and nays were not ordered.

The PRESIDENT pro tempore. The yeas and nays having been refused, the Chair is of opinion that the Senator can not again ask for them on the same question.

Mr. REED There is a quorum here now. There were but a dozen Senators here before.

Mr. LODGE. The request was made for the yeas and nays, and they were refused.

The PRESIDENT pro tempore. They were.

Mr. LODGE. No point of the absence of a quorum was made until the yeas and nays had been refused.

The PRESIDENT pro tempore. The Senator from Massachusetts is correct.

Mr. REED. If that is the rule I submit to it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was at the top of page 120, to insert:

Wind Cave National Park, S. Dak.: For the improvement and protection of the Wind Cave National Park, $3,100.

Mr. REED. On that I ask for a vote by yeas and nays.

The yeas and nays were refused.

The amendment was agreed to.

The next amendment was, on page 120, line 7, after the word "bridges," to strike out the sum "$50,000" and insert "$100,000," so as to make the clause read:

Glacier National Park, Mont.: For administration and improvement of Glacier National Park, the construction of roads, bridges, telephone lines, and the repair of roads, trails, bridges, $100,000.

Mr. REED. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Missouri demands the yeas and nays. Is there a second? Not a sufficient number.

Mr. REED. I did not see the few that the Presiding Officer did. I should like to have that verified.

The PRESIDENT pro tempore. The Chair will again put the question. The Senator from Missouri demands the yeas and nays on the question of agreeing to the amendment. Senators seconding the demand for the yeas and nays will manifest it by raising their hands. [After a count.] Not a sufficient number. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 120, line 8, after "Park," to insert "Oklahoma," and after the word "Interior" to strike out the sum "$5,000" and insert "$10,000," so as to make the clause read:

Platt National Park, Okla.: For maintenance, bridging, roads, and trails, under direction of the Secretary of the Interior, $10,000.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

The next amendment was, under the subhead "Government Hospital for the Insane," at the top of page 122, to insert:

For cement wall about Howard Hall and shop and storehouse building, $55,209.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SMITH of Georgia. What is this amendment, I should like to ask?

The PRESIDENT pro tempore. The amendment will again be stated.

The SECRETARY. At the top of page 122 it is proposed to insert:

For cement walls about Howard Hall and shop and storehouse building, $55,200.

Mr. SMITH of Georgia. I should like to know what it is. What is this sum for?

Mr. WARREN. I will say to the Senator that it is to put a cement wall on the outer border of the grounds. This is for the criminal insane, to properly guard them at the insane asylum. The building where they are now confined opens up right out to the public. There is nothing whatever between the patients and the public except the guards. This provides for a cement wall sufficient so that in case one should escape, so far as the building is concerned, he would still be inside this wall, and could do no harm to those who might be passing.

Mr. SMITH of Georgia. It says:

For cement wall about Howard Hall and shop and storehouse building.

Mr. WARREN. I am glad the Senator mentioned that. That is for the same branch, and for working, as far as possible, these same parties.

Mr. SMITH of Georgia. Is there an estimate?

Mr. WARREN. Oh, yes; there is an estimate, not only for this, but for a good deal more from that quarter. I may say to the Senator that in no case have we exceeded the estimate, and perhaps in not half the cases have we gone as high as the estimate.

Mr. SMOOT. Mr. President, Dr. White made this statement:

I think that is a matter of urgent necessity—

That is, speaking of the cement wall about Howard Hall.

I think that is a matter of urgent necessity. We have there upward of 100 insane criminals, and among those are some of the most desperate criminals in the country.

The CHAIRMAN. Insane criminals?

Dr. WHITE. Yes; and we have there some of the most desperate characters in the United States. Occasionally there have been escapes from that building. That building has been made as safe as it can be made as it stands there now. The department has investigated the situation by special committees, and special reports have been made, and the Secretary himself has recommended that certain additional safeguards be placed there. If the insane criminals are going to be cared for in Washington, it is believed that every effort should be made to make the criminal building more secure, because there is not any place in the world that would dislike more to have a criminal insane person loose than Washington.

Then he goes on and describes what it is really for and what it will cost.

Mr. SMITH of Georgia. I should like to mention another fact. I see this bill carries the provision that charges up the District with $769,536.09 as their legitimate——

Mr. WARREN. That is the sum that is computed to be due from the city on account of the parties we have mentioned, and others.

Mr. SMITH of Georgia. It is the city's proportion?

Mr. WARREN. The city's proportion as it has been determined.

Mr. SMITH of Georgia. And this bill begins the practice of requiring the District and the city to pay their full proportion for sustaining this hospital?

Mr. WARREN. Yes.

Mr. SMITH of Georgia. And that really is an innovation.

Mr. WARREN. This is for the arrears up to the present time.

Mr. SMITH of Georgia. And the plan is in the future, of course, to follow that practice?

Mr. WARREN. I assume that to be true.

Mr. SMITH of Georgia. I do not object to it myself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 122, after line 2, to insert:

For the construction and equipment of five tubercular cottages, to accommodate 20 patients each, with concrete foundation, outside finish of stucco, on wooden studs, inside plastered, including furniture for the same, $20,000.

The amendment was agreed to.

The next amendment was, on page 122, after line 6, to insert:

For new barns, piggeries, silos, and for storing food for animals, $50,000.

Mr. SMITH of Georgia. Will not the Senator from Wyoming give us a little explanation of this item?

Mr. WARREN. I will say to the Senator that there is a regular list of improvements that were needed at the insane asylum, and while the committee could not traverse the argument that they were all necessary they felt that these were highly necessary. For instance, the amount of milk used is such that they would be unable to procure it anywhere within a radius that would give them good, fresh milk. Therefore they have to utilize a large number of cows, and at the present time they have no shelter except a tumble-down old wooden structure. By constructing something cheaply, but of cement, and making it sanitary, they will be able not only to produce their milk cheaply but to guarantee the quality of it. Coming to the pigs, they have had disease among them because they are not properly provided for.

Mr. SMITH of Georgia. What amount of land have they in the rear of the hospital?

Mr. WARREN. I am not able to tell the Senator offhand. I should have to examine the record about that.

Mr. SMITH of Georgia. They have land on which they can keep cows?

Mr. WARREN. Plenty of it. As the Senator knows, it is across in the country quite a little distance.

Mr. SMITH of Georgia. I have visited it a number of times. With that explanation I do not myself object to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead "Columbia Institution for the Deaf," on page 122, line 15, after the word "grounds," to strike out "$5,000" and insert "$10,000," so as to make the clause read:

For repairs to the buildings of the institution, including plumbing and steam fitting, and for repairs to pavements within the grounds, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Howard University," on page 122, line 19, after the word "university," to insert "and for ice and stationery," so as to make the clause read:

For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, and for ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $57,400.

The amendment was agreed to.

Mr. WARREN. On page 122, line 22, at the end of the paragraph, I move to strike out "$57,400" and insert in lieu thereof "$60,000."

The amendment was agreed to.

The next amendment was, on page 123, line 10, after the word "shelving," to strike out "$2,000" and insert "$2,500," so as to make the clause read:

For material and apparatus for chemical, physical, and natural-history studies, and use in laboratories of the new Science Hall, including cases and shelving, $2,500

The amendment was agreed to.

The next amendment was, on page 123, after line 13, to insert:

Authority is hereby granted to Howard University to construct, under the direction of the Secretary of the Interior, and without expense to the Government, a tunnel or conduit under W Street, in the city of Washington, D. C., from square 3,067 to square 3,073 in order to connect the buildings of Howard University, located on the latter block, with the power, heating, and lighting plant of Freedmen's Hospital.

Mr. REED. I should like to ask if an independent heating plant could not be put in for less than the cost of the tunnel?

Mr. WARREN. There is no cost at all for the tunnel. They are not asking for any appropriation.

Mr. REED. I thought it was carried in the $89,000.

Mr. WARREN. That is the footing of the items that come before that.

The amendment was agreed to.

The next amendment was, on page 123, line 23, to increase the total appropriation for the Howard University from $89,400 to $92,500.

The amendment was agreed to.

The next amendment was, under the subhead "Freedmen's Hospital," on page 124, line 2, after the words "in all," to strike out the sum "$32,040" and insert "$33,040," so as to make the clause read:

For salaries and compensation of the surgeon in chief, not to exceed $3,000, and for all other professional and other services that may be required and expressly approved by the Secretary of the Interior; in all, $33,040. A detailed statement of the expenditure of this sum shall be submitted to Congress.

The amendment was agreed to.

The next amendment was, on page 124, line 13, after the words "In all," to strike out "$64,040" and insert "$65,040," so as to make the clause read:

In all, $65,040.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Justice," subhead "Public buildings," on page 124, line 25, after the word "penitentiary," to strike out ": *Provided*, That not exceeding $3,500 of the above appropriation of $100,000 shall be paid as compensation in any form for the services of any architect or architects," so as to make the clause read:

Penitentiary, Leavenworth, Kans.: For continuing construction of the new United States Penitentiary at Leavenworth, Kans., $100,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

The amendment was agreed to.

The next amendment was, on page 125, line 9, after the word "penitentiary," to strike out ": *Provided*, That of the appropriation of $75,000 herein made not exceeding $3,000 shall be paid as compensation for the services of an architect," so as to make the clause read:

Penitentiary, Atlanta, Ga.: For continuing the construction of the United States Penitentiary at Atlanta, Ga., $75,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. OVERMAN. Mr. President, it seems that we are paying the architects there too much. The appropriation for the building is $100,000. The House provided that his pay should not exceed $3,500. The bill provides "and for service of the architect"——

Mr. SMITH of Georgia. I do not think we ought to strike that out.

Mr. OVERMAN. I do not think so either. It seems that they have already had plans for the building, and it says for continuing the construction of it. The House thought that 3½ per cent would be sufficient for the architect, and it seems to me that that is enough.

Mr. WARREN. I may say that it proposes to limit the architect's fees in two cases. One case is at the Atlanta Penitentiary and the other is at Leavenworth. My attention and the attention of the committee was first drawn to the fact that in one case they allowed $3,000 for $75,000 and in another case they allowed $3,500 for $100,000. In looking further we discovered that there is a contract duly entered into, signed by the United States, through its proper officers, and by these architects, providing for a certain percentage.

In looking to see what was said of the matter when it was before the House the debate discloses that they were not entirely certain about the contract. The committee felt that we should strike it out and take it up in conference with the House conferees and weigh the contract and see whether it can be set aside or not, because the contract plainly indicates exactly what they shall have, which is a certain percentage.

Then, again, the committee on this side felt that it would like to have some explanation as to why the amount for architects should be about the same in both cases, where the building expenditure was to be $75,000 in one case and $100,000 in the other.

Mr. SMITH of Georgia. Let us put it at 3½ per cent.

Mr. WARREN. One is for an expenditure of $100,000 and the other is for an expenditure of $75,000.

Mr. SMITH of Georgia. Suppose, following the House in the case of the appropriation of $75,000, we make it 3½ per cent.

Mr. WARREN. I would prefer that we should not follow the House until the matter of the contract has been looked into more fully.

Mr. SMITH of Georgia. Does the Senator think that anyone has power to make a permanent contract with an architect binding this fund?

Mr. WARREN. Undoubtedly; it is a contract just the same. There is no question in my mind, and there is no question, I think, in the mind of anyone who has examined it, but that those architects could collect from the United States in the Court of Claims whatever the amount may be, less or more, under that contract.

Mr. SMITH of Georgia. By what authority could they contract in advance for architects' fees to be taken out of unappropriated money?

Mr. WARREN. The contract is just the same. The original appropriation provided that these buildings should be built under continuing appropriations. It is the same as in the case of appropriations for the improvement of rivers and harbors and for public buildings. These architects entered into a contract after due consideration, the same as the men who furnished the material for the buildings. I am not asserting that the House may not have had the information, which they can give us, but there was nothing developed in the debate and there is nothing in the RECORD to show that they had given due weight to the matter.

Mr. SMITH of Georgia. I wish to repeat my question to the Senator. By what authority can anyone make a contract with an architect to pay a percentage on work for which no appropriation has ever been made?

Mr. WARREN. Appropriations were made when this contract was made to start the buildings and to carry them along. Furthermore, we have what is called the Tarsney Act, which provides especially for contracts for employing architects.

Mr. CULLOM. On continuing contracts.

Mr. WARREN. Yes; on continuing contracts.

Mr. SMITH of Georgia. I think we should change the provision in the House bill, and when we come to the appropriation of $3,000 we ought to make it conform to the first and limit the architects' fees to 3½ per cent. Contracts could be made by private individuals very easily at this rate.

Mr. LODGE. Contracts made by private individuals with architects for architecture and superintendence are 5 per cent everywhere. Of course, I know the Government ought to pay less than anybody else, but, as a matter of fact, that is what everybody else pays and I can not see why we should not pay it. Of course, the result of a reduction will be that we will get bad work; that is all.

Mr. OVERMAN. I will say to the Senator from Georgia that we have just stricken out from the bill the repeal of the Tarsney Act, which I voted against. I think the House put this in because it had repealed the Tarsney Act. If it had not been for the Tarsney Act no contract could have been made, because the architects of the Treasury Department, who are salaried men, would prepare the plans. But under the Tarsney Act they have the right to make these contracts, I understand, whether an appropriation has been made or not. If they have made a contract under authority of law, then we ought to be bound by it. I suggest to the Senator from Georgia that we can ascertain that fact by leaving it in and letting it go to conference.

Mr. SMITH of Georgia. I wish to say one word in reply to the suggestion of the Senator from Massachusetts. It is, no doubt, true that a private individual making a contract for his entire architectural work would pay 5 per cent, but we have our organized architectural force in connection with the Treasury Department. That ought to have been the place in which the plans were originally drawn, and the additional architectural work ought to be associate work. The pay then by a private citizen would be only one-half of the regular charge of 5 per cent.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice," on page 125, after line 15, to strike out:

That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits and claims against the United States; detection and prosecution of crime; defense in Indian depredation claims; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General for the United States courts and their officers; shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed, who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof.

Mr. OVERMAN. Mr. President, I should like to have some reason given for striking that out. It seems to me that it is a good provision of law not to allow pay in addition to salaries. Congress fixes the salaries. Why should they allow the Attorney General to take money from a lump sum and give it to a lawyer who is already paid by the Government upon a salary?

We have a general law that a man shall not hold two positions in the Government and receive two salaries. The House provision which we have stricken out here provides that the Attorney General shall not compensate a salaried officer of that department. He contracts to work for the Government at a certain salary, and I think he ought to be bound by that.

Mr. WARREN. The Senator is correct only as to part of that statement. If the Senator will read the last part, he will find that under this provision it would be impossible for the Government to employ anybody who had gone out of the service at any time within two years.

Mr. OVERMAN. I am willing to strike that part out.

Mr. WARREN. One moment. We have cases where a man may be employed as attorney in the department and he may leave; but his books and his memory, and so forth, and his examinations might be valuable in some case where the Government might afterwards be compelled to employ an attorney, and we ought not to provide that in a case like that they could not employ him until after two long years had elapsed since his separation from Government service.

I want to say to the Senator that I have taken some pains to ascertain the idea of the House in putting this in. I find that it is this: There have been cases reported where an officer of the Government on a salary of perhaps $5,000 has resigned, and very soon afterwards, or immediately, has been given a class of work in which he has made many thousands of dollars. I think they reported in the hearings that in one case over $60,000 was given for less than a year's work.

As far as the first part of it is concerned, I think we can find a way, undoubtedly—if we do not adopt it here—of arranging it in conference; but it was put in in this way on the House side. Afterwards the House sent over here and asked that the bill be returned, to have the enrolling clerk insert something that they had left out. In discussing it, especially with the Senator from Texas [Mr. CULBERSON], who is not present, he agreed with me that we ought to strike out and find in what way we could avoid this last part and yet retain the spirit of the first part.

Mr. OVERMAN. I am opposed to the first part. I care nothing for the second. I think what the House tried to do, they had in their mind, perhaps, a case where an Attorney General, who was receiving a salary of $7,500, was paid from $80,000 to $100,000 additional. If it is a common thing that the Attorney General of the United States, receiving $7,500 can have money taken out of a lump sum and be paid $10,000 and more and $20,000 more, and in one instance $80,000 more, I think this is a good provision of law.

Mr. SMITH of Georgia. While he still holds office?

Mr. OVERMAN. While he still holds office. It is being done every day. Men whose salaries are provided for in the legislative appropriation bill at $7,500 and $5,000 are being paid extra allowances. That is what the House is trying to stop.

Mr. WARREN. The Senator does not mean the Attorney General, because his salary is $8,000. The Senator perhaps means an Assistant Attorney General.

Mr. OVERMAN. I meant the Assistant Attorney General. I did not mean the Attorney General, of course.

Mr. SMITH of Georgia. There are two parts of this paragraph which the committee recommend be stricken out. The first has reference to the payment of fees out of special funds to men already employed and regularly salaried. It can not be, I think, that any Senator would approve such a course. It seems to me that that part of the paragraph certainly ought to be retained. I shall not object to striking out the latter part upon the theory that perhaps something better than the latter part may be expressed in a more satisfactory manner, but as to the first part I feel sure that we ought not to strike it out.

Therefore, I ask for a division of the question on the motion to strike out. The division should be as to whether we strike out the portion ending in the middle of line 7, on page 126, and also whether we strike out the portion below that.

Mr. WARREN. I think the Senator, if he will read it again, will not end in line 7.

Mr. OVERMAN. Line 6.

Mr. WARREN. Line 6.

Mr. SMITH of Georgia. Line 6, down to the word "or."

Mr. OVERMAN. After the word "thereof."

Mr. SMITH of Georgia. After "thereof," in line 6. I think we all agree that down to the second word "or," in line 6, the paragraph ought to be retained. So far as I am concerned I would not object to striking out the latter part.

Mr. BURTON. I should like to clearly understand this provision. As I read it the lines from 16 to 22 do not refer to those who are in the Government service:

That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits and claims against the United States; detection and prosecution of crime; defense in Indian depredation claims; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce;

Then it goes on to say:

For payment of assistants to the Attorney General and to United States district attorneys.

That is separated by a semicolon and is clearly distinct from that which is at the beginning.

Mr. WARREN. Will the Senator allow me? I understand the idea that prevails with the Senator from Georgia, but I want to say to him that while I appreciate the feeling of those who oppose striking this out, and sympathize with them, at the same time I have so many times in conference found the conferees very much embarrassed where we had stricken out a part of a paragraph and left intact the remainder that I think the Senator will be better pleased if he will permit us to strike the whole out. Then we can commence to build and would not be embarrassed with part of it, these recitations, and so forth, because they refer to a lot of appropriations. On the House side they have able lawyers to represent them in the conference and personally I expect to be guided largely by the views they will entertain. On that conference, by the grace of the Senator from South Carolina [Mr. TILLMAN], who has asked that his colleague on the committee, the Senator from Texas [Mr. CULBERSON], should be on the conference, he will be there; and he of course is an able lawyer. In order to get it before the conferees with liberty to accomplish exactly what we want and eliminate the other he thought we had better strike it all out. He left that word while we were considering it.

Mr. OVERMAN. I am sorry the Senator from Texas is not here to discuss the subject.

Mr. WARREN. Suppose we lay it aside until another time.

Mr. SMITH of Georgia. Very well.

The PRESIDENT pro tempore. The amendment will be passed for the present.

The next amendment was, on page 128, line 2, after the words "Attorney General," to insert "and for telegraph and telephone service, including also not to exceed $10,000 for necessary employees at the seat of government," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, to be expended under the direction of the Attorney General, and for telegraph and telephone service, including also not to exceed $10,000 for necessary employees at the seat of government, $400,000.

Mr. SMITH of Georgia. What increase is that? I can not tell.

Mr. LODGE. It is no increase whatever.

Mr. SMOOT. None whatever.

Mr. SMITH of Georgia. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Now I send to the desk an amendment to come in on page 126, line 19.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 126, line 19, it is proposed to strike out "$30,000" and to insert in lieu thereof "$35,000."

Mr. SMITH of Georgia. What line is that?

The PRESIDENT pro tempore. Page 126, line 19.

Mr. SMITH of Georgia. We can not tell instantly what it means.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Wyoming also submits an amendment, which will be stated.

The SECRETARY. On page 126, line 25, change the total so as to read "$87,500."

The amendment was agreed to.

The next amendment was, on page 129, line 5, after the word "government," to strike out the sum "$200,000" and insert "$300,000," so as to make the clause read:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000.

Mr. SMITH of Georgia. That appears to be a considerable increase.

Mr. WARREN. I will say to the Senator that is a matter of allowing $300,000 instead of $200,000 to enforce the antitrust laws.

Mr. SMITH of Georgia. I will not object.

The amendment was agreed to.

The next amendment was, on page 129, line 23, after the word "Washington," to strike out the sum "$10,000" and insert "$25,000," so as to make the clause read:

Enforcement of acts to regulate commerce: For expenses of representing the Government in all matters arising under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including salaries of employees at Washington, $25,000.

The amendment was agreed to.

Mr. WARREN. Mr. President, before we take up the next amendments I desire to state for information that we have in the next six paragraphs simply put in what we understand the law requires. The law passed last year requires that certain Federal court reports shall be printed in specified number and furnished to certain officers. We have intended to follow exactly that law.

The next amendment was, on page 130, after line 11, to insert:

To pay the publishers of the Federal Reporter for advance sheets during the fiscal year commencing July 1, 1912, $715.

Mr. POMERENE. Mr. President, before disposing of that amendment, may I ask—I know the Senator has explained the matter—but does law provide as to the prices that shall be paid for these books?

Mr. WARREN. It does.

Mr. BACON. Mr. President, does that amendment refer to advance sheets of the Federal Reporter?

Mr. WARREN. Yes.

Mr. BACON. Those are the volumes that are furnished to the different courts?

Mr. WARREN. They are furnished to the different courts mentioned in the law. The law states distinctly where each shall go. Would the Senator like to have the law read? It is quite long.

Mr. BACON. I may be mistaken as to the particular matter in my mind, but I recall that the Judiciary Committee has had before it for several years a bill for the purpose of having certain reports furnished to the various Federal courts. The Senator from Minnesota is familiar with the matter.

Mr. WARREN. Mr. President, the provision under which this amendment is drawn is in the judicial code, which, if the Senator will remember, was in charge of the Senator from Idaho [Mr. HEYBURN] and his joint committee.

Mr. BACON. Then, this is not the matter which I had in mind. The Senator from Minnesota knows to what bill I refer.

Mr. CLAPP. I do not understand that it is.

Mr. BACON. This is a different matter.

Mr. CLAPP. Yes.

Mr. OVERMAN. Usually when one subscribes for the Federal Reporter they send the advance sheets for nothing.

Mr. WARREN. That may be, but they do not send them in this case, perhaps, as the prices named seem to be considerably lower than regular commercial rates.

Mr. OVERMAN. If they are subscribers to the Reporter, they do get the advance sheets. There is an appropriation here of $74,000 for additional books authorized to be furnished under the judicial code.

Mr. WARREN. If the Senator will excuse me, it seems to me the only safe way was to follow the law on this matter, which is absolutely specific.

Mr. OVERMAN. I do not think the Senator has followed the law exactly, although I may be mistaken.

Mr. WARREN. I certainly meant to do so, and I hope the Senator will verify that, and if wrong we will correct.

Mr. OVERMAN. I know the Senator intended to do so, but I think that the law does not require that these books be furnished to the district attorneys.

Mr. SMOOT. I want to call the Senator's attention——

Mr. OVERMAN. Here is an item, on page 131, appropriating $38,000 to furnish United States district attorneys copies of

the Federal Reporter. I do not think existing law provides for that, and I should like to know about it. We furnish all these reports to the courthouse where the district attorney has to attend the court. They are in the various court libraries. We furnish them to the judges, and generally the district attorneys have them anyway. I do not suppose there is a reputable attorney who is competent to occupy his position who does not have these reports, the Supreme Court Reports, and others, and I think that it is a useless expenditure of money to send advance sheets of the Federal Reporter and Digest to the district attorneys and to appropriate $38,000 for that purpose. I do not believe there is such a requirement in the law, although I am satisfied the Senator would not state there is unless it is so.

Mr. WARREN. We will have the law read as soon as we find it, and if I am wrong the Senator can correct me.

Mr. OVERMAN. I know the Senator thinks it is required by law, but I believe it is rather a recommendation of the department.

Mr. WARREN. We had a recommendation of the department, as the Senator says, for $38,000, which, unless through an inadvertence, has not been put in the bill.

Mr. OVERMAN. I think even if it is the law, we ought not to send the district attorneys these reports, because they are available to them in every courthouse in this country; they are available in every town and every reputable attorney has them. In my opinion, the appropriation of $38,000 to send the district attorneys these books as they come out ought not to be made. It is in the interest of the publishing company, as Senators on the Judiciary Committee know. Representatives of the publishing companies are around here every year trying to get their hands in the Treasury, and there is a bill pending now to send to all the courts of this country, as the Senator knows, all the reports of the District of Columbia, which will cost several thousand dollars a year. I think even if it is the law, we ought not to make the appropriation. That is the way to repeal the law. The representatives of the publishing companies come here and want Congress to appropriate for sending this reporter and that reporter to various courts, and the suggestion is now made to send out the reports from the District of Columbia. We have had this matter before the Judiciary Committee and refused to recommend the bill.

Mr. SMOOT. Mr. President, as I understand, the provision of the law regarding this item is found in section 229 of the judicial code where it is provided—

The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests—

Then it gives a list of the officials to whom those reports are to be distributed and provides how the distribution shall be made.

Mr. OVERMAN. Does it include district attorneys?

Mr. SMOOT. And then at the end of the section is this language:

And the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests.

Mr. SMITH of Georgia. This appropriation is not for current reports, as I understand, because they do not cost any such sum.

Mr. SMOOT. I was going to say that I hardly understand the matter in the same way the chairman of the committee does. I understand that a contract is made for furnishing the Federal Reporter, and this amount of $715 is for the advance sheets during the fiscal year commencing July 1, 1912, or, in other words, it is an advance of $715 on the contract for the printing of the Reporter.

Mr. SMITH of Georgia. Not at all. Every lawyer who subscribes for the Federal Reporter has the advance sheets sent to him free. I have taken it since the publication started.

Mr. SMOOT. That may be true; but, Mr. President——

Mr. SMITH of Georgia. About half a dozen volumes come out each year.

Mr. LODGE. Mr. President, I hold in my hand the Code of Law, and there is absolutely no word in it about advance sheets. Everything else is there.

Mr. WARREN. Will the Senator have the law read and let us know what it is?

Mr. LODGE. If there is anything else there, it will appear when the Secretary reads it.

Mr. WARREN. I desire to know about it.

Mr. LODGE. The requirement for advance sheets is not in the law, but the other matters are provided for.

Mr. OVERMAN. Does it require the publication to be sent to the district attorneys?

Mr. CRAWFORD. Mr. President, I move to strike out the two items in which appropriations are made for advance sheets. Every lawyer knows very well that the Federal Reporter system furnishes to its subscribers advance sheets free.

Mr. CLAPP. I desire to say in regard to this matter that I think my colleague [Mr. NELSON] knows something about these reports and with reference to their being put in the bill; and, in view of his absence at this time, I suggest that the item be temporarily passed over.

Mr. OVERMAN. I think the law had better be put in the RECORD, even if it is not read, because my recollection is that it does not mention the district attorneys, although I am not sure about that.

Mr. SMITH of Georgia. Before this matter is passed, I call attention to the fact that the provision on page 130, in lines 8 to 11, contains an appropriation sent us by the other House providing for the purchase of these current volumes. We have the appropriation to keep up the sets in the various offices and that appropriation carries the advance sheets. I think all of these amendments in italics ought to go out or, rather, that none of them ought to stay in.

The PRESIDENT pro tempore. Does the Senator from North Carolina ask that the law be read?

Mr. OVERMAN. No; I shall ask that it be printed in the RECORD if this item is going over.

The PRESIDENT pro tempore. Without objection, the law will be inserted in the RECORD.

The provision of the law referred to is as follows:

SEC. 229. The Attorney General is authorized to procure complete sets of the Federal Reporter, or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals, or a district court, is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets each. Whenever any such courtroom, office, or officer shall have a partial or complete set of any such reports, or digests, already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer, only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section, shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress, an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section.

Mr. NELSON entered the Chamber.

Mr. KENYON. The Senator from Minnesota is now in the Chamber.

Mr. WARREN. The Senator from Minnesota [Mr. NELSON] was before the committee, and I will say to him the question now is on the first amendment of the committee to the bill at page 130, appropriating $715 for advance sheets of the Federal Reporter. It is claimed that that is not proper under the law and that it is not necessary.

Mr. NELSON. Mr. President, in the law provision has been made for the issuance of the Federal Reporter and the digest of those reports with advance sheets to the several courts and officials, practically the same officials to which the United States Supreme Court reports are issued. Under the law the Attorney General is required to present an estimate each year of the cost of those reports. The Federal Reporter is furnished at the rate of $2 a volume, while the Digest, which is a larger book and consists of a digest of a large number of volumes, is $5 a volume. The rates are very reasonable.

In connection with the Federal Reporter I will say that the Federal Reporter is issued in monthly or periodical sheets, as fast as the decisions are published. The decisions first are published in pamphlet form and are sent out to these officials. Afterwards, when a sufficient number has accumulated to make a volume, they are bound and they get the bound volumes. This amendment is simply to provide for advance copies to be sent them from time to time as they are published.

Mr. CRAWFORD. Mr. President, I will say to the Senator from Minnesota that the bar of the country generally, I think, subscribes to this Federal Reporter system, in whole or in part; and it has been the practice of the publishers for years, and is now, to send to every subscriber for their bound volumes the advance sheets without any additional charge or cost whatsoever.

Mr. NELSON. I know that they pay more for the reports than $2 a volume. What the Government pays for them is only $2 a volume. I do not know what their price has been in recent years, but when I was a member of the bar I had to pay from $4 to $5 a volume for them.

Mr. CRAWFORD. They do cost the members of the bar, I think, more than $2 a volume.

Mr. NELSON. I have not been in active practice of the law since I became a Member of the Senate, but before that time my recollection is that we had to pay for the bound volumes of the Federal Reporter from $4 to $5 per volume. I am informed by the Senator from New Mexico [Mr. CATRON], who has been in active practice, that members of the bar now pay $3.50 per volume for them; but that includes the advance sheets. The Government gets these Federal Reporters for $2 a volume, with this slight addition for the advance sheets, which makes it much cheaper than the price for which the bar now gets them.

Mr. CRAWFORD. Well, the advanced sheets involve no additional cost to the publishers, and I supposed that universally they went to whomsoever subscribed for the bound volumes, whether they get the bound volumes at a special rate or whether they get them at the rate which the bar pays.

Mr. NELSON. So that for these volumes the members of the bar now have to pay $3.50 a volume, and they get the advance sheets. The Government pays $2 a volume for its books and then a slight additional price for the advance copies, which, taken together, is much cheaper than the price for which the profession gets these reports. That is my understanding of the matter. These items in the appropriation bill are exactly in conformity with the estimates of the Attorney General. Under the statute he is required to send in estimates for the exact cost of these reports.

Mr. LODGE. What would be the effect of having only the House provision?

Mr. NELSON. The effect would be that there would be no provision for the advance reports at all.

Mr. LODGE. These officials could not get them?

Mr. NELSON. It would be a direct violation of the law. Every Government official, every judge, and every other higher official needs these books. Next to the reports of the Supreme Court of the United States, they are the most valuable reports among the profession. I know when I was in active practice that, next to reading the reports of the Supreme Court of the United States, my attention, outside of my own State supreme court, was largely devoted to the Federal Reports.

The present system is a great improvement on the old system. In the old times we only got these reports as the volumes were published. It was oftentimes six months or a year before we got hold of a decision. If we wanted one, if we wanted the information, we would have to send to the clerk of the court and get a certified copy and pay quite a little bill for it. Under this Federal Reporter system the decisions of the courts are published in pamphlet form as fast as rendered. Then, when enough have accumulated to make a bound volume, they are bound, and in that way preserved. They are very valuable to the profession. This amendment is exactly within the estimates.

Mr. OVERMAN. Now, Mr. President, I thought I was right about it——

Mr. POINDEXTER. Mr. President——

Mr. OVERMAN. Will the Senator yield to me?

Mr. POINDEXTER. I should like to ask the Senator from Minnesota——

Mr. OVERMAN. The Senator from Utah [Mr. SMOOT] has read the law, and I want to correct him about one statement about which I thought I was right. The law does not provide for sending these reports to the district attorney.

Mr. NELSON. No; that is correct.

Mr. OVERMAN. That is all I am contending for.

Mr. WARREN. I desire to say that the Senator is correct about that, and the misapprehension came up in this way: In the estimates they provided for these attorneys, and also provided for a number of other things. I cut those out, but the clerk in making up the bill misunderstood me and neglected to omit that part of it. He left the other cut out.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Washington?

Mr. NELSON. Yes; I surrender the floor.

Mr. POINDEXTER. I should like to inquire of the Senator from Minnesota, who is especially familiar with this reporter system, its headquarters being in his State: Is the $715 intended exclusively for the advance sheets of the Federal Reporter? How many advance sheets of the Federal Reporter are there in a year? They do not publish more than two volumes in a year, do they?

Mr. NELSON. Oh, yes.

Mr. POINDEXTER. Seven hundred and fifteen dollars a year for two volumes?

Mr. NELSON. They publish sometimes three and four volumes of the Federal Reporter in a year. The Federal Reporter includes all decisions rendered by the lower Federal courts, by the nisi courts, and the courts of appeals—all decisions except those of the Supreme Court of the United States.

Mr. POINDEXTER. I understand what the Federal Reporter is, but I do not understand why these advance sheets should cost $715.

Mr. NELSON. I do not know what is the cost of it. It was a part of the estimates which the Attorney General sent in.

Mr. POINDEXTER. Neither do I understand about the Federal Reports and Digests. The West Publishing Co. publish a large number of reports, but this applies only to the Federal Reporter, and there is an appropriation of $2,860 in the annual report for the Federal Reports and Digests. It seems to me that the provision requires some explanation. I suppose it covers a large number of copies probably for different offices. Perhaps that is the explanation.

Mr. NELSON. It covers practically the same offices and the same courts as the Supreme Court of the United States. I can not undertake to enumerate all of them. It covers all Federal judges of the higher and lower courts; it covers the heads of the departments; it covers, I think, some copies that are sent to each House of Congress.

Mr. WARREN. I will say to the Senator that he can ascertain from the statute to whom the copies are distributed.

Mr. NELSON. Yes.

Mr. HEYBURN. It should be borne in mind that these books remain the property of the United States. They do not pass to these individual judges or other officers at all.

Mr. WARREN. No; they are Federal property. They do not belong to these officers; they belong to the office, and whenever a judge retires or some other official retires, the books belong to the office and his successor. They are the property of the United States.

Mr. HEYBURN. If the Senator will permit me, the item here in regard to district attorneys is clearly in excess of the authority of law. The question was considered when we were framing this legislation in the joint committee, and the district attorneys were excluded after thorough investigation.

Mr. CRAWFORD. I desire to call the attention of the chairman to what appears to be a duplication. I am not satisfied, however, that it is a duplication. But lines 12, 13, and 14, on page 130, and lines 23, 24, and 25, on the same page, appear to cover advance sheets for the same period, one item being $715 and the other $850. Why are they put in that form. It is for the same period. This language is in the latter clause, "to remain available until expended."

Why were those words left out of the paragraph in lines 12, 13, and 14?

The facts are this national reporter organization is a conspiracy to get all the money that the country lawyers of the United States earn. They have to rent more office room for shelves for these books. Every sort of opinion, whether it is an unnecessary repetition of fundamentals that are known among men everywhere, is printed and sent out, and the bar is mulcted for it, and I think it is beginning to get its work in on the United States.

About two-thirds of their printed decisions ought in some way to be eliminated from the record, because they are mere repetitions of doctrines that have been held over and over from the beginning. And yet men with small incomes, country lawyers, who do not have access to large libraries, as lawyers do in the cities, and who must maintain their own libraries, are the victims of this conspiracy to compel them in one way and another to buy this countless number and constantly growing number of publications.

I think we ought at least not to duplicate these items. In lines 12, 13, and 14 is an item which reads as follows:

To pay the publishers of the Federal Reporter for advance sheets during the fiscal year commencing July 1, 1912, $715.

Then in lines 23, 24, and 25 there is this:

To pay the publishers of the Federal Reporter for advance sheets during the fiscal year commencing July 1, 1912—

Exactly the same period; and advance sheets of the same report, but with this language added—

To remain available until expended, $850.

Mr. WARREN. That is precisely the way it came here in the official estimates of the department, and I am of the opinion that there is an error in one of those dates, because as the items appear here on the face of the bill the Senator from South Dakota is right, that they would cover the same time, and the only difference is in the language at the end and in the amount appropriated. Of course, if it were a mere duplication, it would not necessarily read that way. There would not be any difference in the amount.

I think it is an error in the matter that came to us, and that through inadvertence we have copied it here. However, it may be simply a division, and if it is desired to have the sum of the two, I will have it looked up. I have the estimates before me.

Mr. SMITH of Georgia. As I remarked when I yielded the floor temporarily, some time ago, there is just criticism of all of these proposed amendments. The duplication suggested exists in other parts of the committee amendment. In line 11 it is proposed to appropriate $2,860 to purchase Federal court reports.

Mr. OVERMAN. And digests.

Mr. SMITH of Georgia. And in lines 19 to 22 an appropriation is made of $3,400 for Federal Reports. Provision had already been made in the House bill to purchase the Federal Reporter to keep up the sets which the United States Government owns.

Now, I join with the Senator from Minnesota [Mr. NELSON] in expressing my appreciation of this publication known as the Federal Reporter. I think it would be improved if they would leave out most of the district judges' opinions, for their circulation frequently contributes to judicial error throughout the country. I think it would be improved if it was limited to the decisions of the court of appeals. But be that as it may, as published it is a valuable and a necessary work in lawyers' offices.

I have found in the United States court buildings which I visited, wherever I inquired for them, two sets of these books, with the stamp of the United States on them, indicating that we have two sets, practically, everywhere—one in the district judge's office, and one in the district attorney's office. I do not think there is any necessity for buying additional new volumes. I think the Government certainly ought to keep up the volumes for the use of the district judges, and perhaps for the use of the district attorneys, but not go beyond that. In my purchases of these books, my experience has always been that a certain price was fixed for the books, and the advance sheets came as an incident to the purchase of the books. Yet in the proposed amendment we provide twice for buying the advance sheets, and provide twice for buying the reporters themselves.

We have no explanation of these apparent duplications.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. Just for a moment, if it is to ask a question; but not to take any considerable time, as I wish to finish this criticism.

Mr. HEYBURN. All right. I was about to remark that it has just occurred to me that this seeming duplication may be because they are providing for the purchase of the reports of the circuit courts of appeals, which are distinct and separate, and also for the Federal Reporter, which contains those decisions with others. I think probably that is where the mistake is.

Mr. SMITH of Georgia. We certainly do not want to buy both of them.

Mr. JONES. Mr. President, I want to suggest to the Senator that my recollection is that when we purchased the Reporter we got the bound volumes at a certain price, and if we wanted the advance sheets we had to pay a little bit more.

Mr. SMITH of Georgia. I always made the minimum contract for the Reporter, and they threw in the advance sheets.

Mr. JONES. I always made a contract for the bound volume and the advance sheets, too; but I understood that if I wanted to make a contract for only the bound volume I could get it a little bit cheaper. I think that is correct.

Mr. SMITH of Georgia. Now, I wish to go on with my criticism.

Lines 15, 16, 17, and 18 appropriate $74,000—

To pay for additional books authorized to be furnished under section 229 of the "Act to codify, revise, and amend the laws relating to the judiciary."

Then, on page 131, is an appropriation of $38,000 to buy Federal Reporters and digests to be furnished to United States district attorneys.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. I do.

Mr. LODGE. I understand that the chairman of the committee has stated that the item of $38,000 is there by an error.

Mr. SMITH of Georgia. I did not so understand.

Mr. LODGE. I understood him to make that statement.

Mr. WARREN. I made that statement. I do not wish to blame anybody about it; but in the subcommittee the chairman of the Appropriations Committee naturally deferred largely to his associates, who are learned in the law, and it was determined to put in nothing but what was in the law. In the hurry of business the clerk of the committee understood that he was to leave out the part that accompanied this $38,000 which provided for amending the law, and not to leave out the amount. So it came in there by inadvertence. As to these seeming duplicates, as I have already said, the estimate which comes up from the department——

Mr. SMITH of Georgia. If the Senator will permit me, I have not finished my criticisms. I have some more to make.

Mr. WARREN. Perhaps I can help the Senator to finish them. I am criticising myself a little.

Mr. SMITH of Georgia. Mr. President, I do not at present yield to the chairman of the committee. I wish to finish my criticisms.

The PRESIDENT pro tempore. The Senator from Georgia is entitled to the floor.

Mr. WARREN. I was only going to explain——

Mr. SMITH of Georgia. The Senator is not explaining what I want to hear about just now.

The PRESIDENT pro tempore. The Senator from Georgia is entitled to the floor and declines to yield.

Mr. SMITH of Georgia. I have called attention to the fact that lines 15, 16, 17, and 18, on page 130, apparently provide for all the money that is required by the judiciary act. Then, on page 131, comes $38,000 additional. Then, following that, is $96,309 additional:

To pay for complete sets and additional volumes, as issued, of the Supreme Court Reports and digests thereof, authorized to be furnished under sections 227 and 228 of the act, etc., to remain available until expended, $96,309.50.

There is $96,000 more to pay for complete sets and additional volumes. I think every district court judge has in his office a set of the reports of the Supreme Court of the United States, and I think every district attorney has; and I do not understand why that appropriation for additional volumes of the decisions of the Supreme Court of the United States is embodied here.

Mr. LODGE. That last clause, of course, as the Senator sees, comes under two different sections—227 and 228. It is not under the same section of the law. It does not come under section 229, which covers the Federal Reporter. It is a different matter.

Mr. SMITH of Georgia. One is the Supreme Court decisions and one is the Federal Reporter?

Mr. LODGE. Yes.

Mr. SMITH of Georgia. But the first, in lines 15, 16, 17, and 18, is "to pay for additional books."

Mr. LODGE. I had not read those two sections—227 and 228—and I wanted to see just what they required, and whether they give a list of the persons to whom the books shall go. I find they give a long list of persons to whom the Supreme Court Reports must be furnished. Section 228 fixes the price.

Mr. CRAWFORD. At how much a volume?

Mr. LODGE. It fixes a price of $2 each for volumes heretofore published, and $1.75 each for future volumes. Then it says:

The Attorney General shall include in his annual estimates submitted to Congress an estimate for the current volumes of such reports and also for the additional sets of reports and digests required for distribution under the section last preceding.

Those are for the newly established courts and offices of that kind. I should think it was absolutely necessary.

Mr. SMITH of Georgia. If the Senator will pardon me, there have not been enough newly established courts to require an expenditure of $96,000 or anything like it.

Mr. LODGE. No; but when the Attorney General is required to furnish them so extensively as he is required to here—I will not read this long section, 227—I should think it must require a good deal of money to supply them.

Mr. SMITH of Georgia. Then what is the $74,000 for?

Mr. LODGE. That refers, as I understand, to the additional volumes of the Federal Reporter. I do not understand that has anything to do with the Supreme Court Reports.

Mr. SMITH of Georgia. I should think so. It says "additional books authorized."

Mr. LODGE. That comes under section 229, a different section, and refers to the Federal Reporter.

Mr. OVERMAN. Oh, no, Mr. President; I think the Senator is mistaken about that.

Mr. SMITH of Georgia. In the proposed amendment no reference is made to the section, so it is impossible to tell which one it refers to.

Mr. LODGE. The language is:

To pay for additional books authorized to be furnished under section 229 * * * $74,000.

Mr. SMITH of Georgia. Yes; that is right.

Mr. LODGE. Section 229, which I have before me, refers to the Federal Reporter.

Mr. SMITH of Georgia. Yes.

Mr. LODGE. The other provision refers to sections 227 and 228. That is a totally different thing.

Mr. SMITH of Georgia. Then, Mr. President, I am opposed to spending so much money for these books. It is unnecessary.

Mr. LODGE. The section first authorizes the purchase of complete sets of the Federal Reporter for certain courts, and then requires the Attorney General to distribute to all other courts sufficient copies to make complete sets. That is what the $74,000 is for. It is for additional volumes to complete the existing sets, as I understand.

Mr. CRAWFORD. Mr. President——

Mr. NELSON. If the Senator from Georgia will yield to me for a moment, I want to read section 229; and I want to say that before the enactment of that section there was a prior law, and this is carrying out a prior law on the subject.

Section 229 reads as follows:

The Attorney General is authorized to procure complete sets of the Federal Reporter—

That meant not only the Reporter to be published after that, but back numbers—

or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued.

So this contemplated not only provision for purchasing current volumes but also back volumes of the Federal Reporter in bound volumes, which never had theretofore been furnished to the courts. What officials and judges had them at all had them because they had bought them at their own expense. I read again:

SEC. 229. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals, or a district court, is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets each.

For each House—

Whenever any such court room, office, or officer shall have a partial or complete set of any such reports or digests, already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States, and before distribution, shall be plainly marked on their covers with the words "The Property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed——

Here is the price—

Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section.

This law contemplated not only getting the current volumes from time to time to complete the back numbers of the Federal Reporter in bound volumes for these officials, and the Attorney General has sent in these estimates. A part of them—if Senators will read them they will see—are for the current volumes that will come in during the current fiscal year, and a part of them, the large amount, is to pay for back numbers of the Federal Reporter in order to complete the set.

There is one item here in regard to which I will be very frank with the Senate, and that is the first item in italics:

To pay to the publishers of the Federal Reporter for advance sheets during the fiscal year commencing July 1, 1912, $715.

There seems to be no reference to those advance sheets in this section of the judicial code. My recollection—but I may be astray—is that in the law we passed—there was a law preceding this—provision was made for issuing these advance sheets. Now, no provision is contained in section 229, that I have just read, about distributing these advance sheets. It may be that it is outside of the law in that respect. I am not clear about that. My recollection is that when we first passed the law providing for the distribution of the Federal Reporter we provided for the issuance of advance sheets, while this section does not.

I was on the Judiciary Committee when this matter was pending before the enactment of the code, and I remember very well how we beat them down in price. My recollection is that at that time the regular bound volumes cost about $4 a year. One Senator says to me $3.75 and another Senator says to me $3.50. At all events, we dickered with them and finally got them to agree to furnish the regular volumes of the Federal Reporter at $2 a copy and the digest—and all lawyers know the difference between a digest and the regular report—at $5 a volume.

As I said, all these items are clearly within the estimates and within the law, with the exception of that first item. As to that, my recollection is that it was under the original law, but I may be mistaken. Perhaps the senior Senator from Georgia will have some recollection on the subject.

Mr. BACON. I beg the Senator's pardon; my attention was diverted at the moment. I ask to what he alludes?

Mr. NELSON. I called the Senator's attention to the fact that when we first passed the law and it was before the Judiciary Committee providing for the purchase of the Federal Reporter, in that law we made provision for the securing of advance sheets, as it is called.

Mr. BACON. I do not recall now. I simply recollect the fact that we made provision for the Federal Reporter.

Mr. NELSON. I made a statement about it, and I said the only paragraph of the bill that I am in doubt about myself is that first item of $715 for the advance sheets of the Federal Reporter, as to whether that is within the purview of the law.

Mr. OVERMAN. The Senator is mistaken about that. Provision for furnishing it to the district attorney is not in the law at all.

Mr. NELSON. No; I do not claim that it is; and that is not included in these estimates.

Mr. WARREN. It is in the estimates.

Mr. OVERMAN. It is in the bill.

Mr. WARREN. It is in the bill.

Mr. NELSON. I do not so understand.

Mr. CRAWFORD. It is at the top of page 131.

Mr. WARREN. If the Senator will yield a moment, it might be better if he would take a little time and look this matter up. As it is nearly time to adjourn, if it meets the convenience of the Senator, I will ask that this matter may go over.

Mr. NELSON. Very well. I think the Senator from North Carolina will remember when this legislation was first passed.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

Mr. CRAWFORD. Will the Senator from Minnesota give me his attention for a moment, that I may make a suggestion to him?

Mr. NELSON. I yield to the Senator.

Mr. CRAWFORD. While these items have been passed over so that they may be investigated a little further, I wish to call the Senator's attention to what appears to be two duplications on page 130.

Mr. NELSON. What are the duplications?

Mr. CRAWFORD. I call the Senator's attention to the paragraph in lines 8, 9, 10, and 11 on page 130, and lines 19, 20, 21,

and 22 on the same page, the first being a paragraph appropriating $2,800 and the second a paragraph appropriating $3,400, both of them apparently relating to the same thing.

The next duplication is in lines 12, 13, and 14 on page 130 and lines 23, 24, and 25 on page 130, the first being for $715 and the second for $850, and both apparently being for the same thing. I simply call the Senator's attention to it so that he may investigate it before we come to consider these items again.

Mr. NELSON. These two items, the $715 item and the $850 item, may be, as the Senator says, duplications; but the other two intervening items are not duplications at all, because one relates to the current volumes that were reached during the currrent year and the other relates to completing the full sets.

Mr. SMOOT. I hardly think it is a duplication, for the reason that the $715 is in connection with the item just above it, and the $850 is in connection with the item just above that, and they are in about the same proportion. So whatever has been estimated for one and whatever reason it is estimated for will be found to be so with the other item.

Mr. CRAWFORD. We want it cleared up.

Mr. SMOOT. Of course it is proper that it should be cleared up.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, under the head of "Judicial," subhead "United States courts," on page 132, line 8, after the word "Alaska," to insert "and the eastern district of Oklahoma," so as to read:

For payment of salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the District of Alaska, $1,400,000, to include payment for services rendered in behalf of the United States or otherwise, and including services in Alaska and the eastern district of Oklahoma in collecting evidence for the United States when so specially directed by the Attorney General.

The amendment was agreed to.

Mr. OLIVER. I ask the Senator in charge of the bill whether he expects to proceed with its consideration on Monday?

Mr. WARREN. I was just about to give notice that I will ask the Senate to take up the bill on Monday next immediately after the routine business.

Mr. OLIVER. Mr. President, it will be impossible for me to be in the Senate on Monday, and I have an amendment in which I am somewhat interested which I should like to offer. I should like to ask the Senator from Wyoming and the Senate to indulge me that I may offer it at this time.

Mr. WARREN. I ask unanimous consent that the Senator from Pennsylvania be permitted to offer his amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be offered. It will be reported by the Secretary.

The SECRETARY. On page 55, after line 14, insert:

For installing mechanical stokers and otherwise improving the boiler plant at Frankford Arsenal, Philadelphia, Pa., $13,000.

Mr. WARREN. That is within the estimates, and as far as the chairman is concerned he is willing to accept it.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I call the attention of the Senator in charge of the bill to a statement that I desire to make. Some years ago we opened what was known as the ceded Red Lake Reservation under a law which provided that the lands should be sold and the proceeds turned over to the Indians. A portion of those lands were swamp lands. We obtained an appropriation of $35,000 to survey the swamp portion of the ceded reservation. There remains in the Treasury $4,500. In pursuance of the survey under the law passed by the State and Federal Governments about a thousand miles of drainage have been constructed and over a million dollars expended by the county authorities. Adjoining these lands remain a portion of the unceded reserve, which is also swamp. The Indians have signified a desire to have the swamp lands surveyed and drained that they may take their allotments there and leave the timberland as tribal or communal property. This action was taken after the Indian appropriation bill was reported; and as I expect to be called away Monday I am going to ask the Senator in charge of the pending bill to let me offer an amendment to come in after line 21, page 106, following the item for the opening of Indian reservation.

The PRESIDENT pro tempore. The amendment will be reported.

The SECRETARY. On page 106, after line 21, insert:

That the unexpended balance of the appropriation for the completion of the drainage survey of ceded Indian lands made by the act of April 30, 1908, be made available for an extension of the drainage survey to the Red Lake Diminished Reservation, with a view to determining what portions thereof may be profitably and economically reclaimed by drainage, so as to be made suitable for agricultural purposes.

The PRESIDENT pro tempore. Without objection, the amendment will be received and agreed to.

Mr. CLAPP. I should like to ask permission to print the following letter in the RECORD in connection with the amendment.

The PRESIDENT pro tempore. Without objection, that order will be made.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., July 13, 1912.

Hon. MOSES E. CLAPP,
United States Senate, Washington, D. C.

MY DEAR SENATOR: By various acts of Congress, to wit, act of June 21, 1906 (34 Stat. L., 352), act of March 1, 1907 (34 Stat. L., 1033), and act of April 30, 1908 (35 Stat. L., 82), a total of $35,000 was appropriated for the drainage survey of the ceded Chippewa Indian lands in Minnesota, which was to be repaid by an increase of 3 cents per acre in the price at which the unsold land was to be sold (act of May 20, 1908, 35 Stat. L., 169). Under date of March 6, 1912, the Assistant Commissioner of the General Land Office writes that $2,838.03 has been collected and turned over for this purpose.

On page 28 of the report of the drainage survey (H. Doc. No. 27, 61st Cong., 1st sess.) it appears that the unsold ceded Indian lands which were raised in price by said acts amounted to 2,735 square miles, or a total of 1,750,400 acres. If all this land should be sold, the 3 cents per acre increase would amount to $52,512. We have no reports as yet of the sales for the last year, but I have information from the local land office that the sales have been large and that since the drainage operations began the demand is very great. There appears to be no doubt but that more than the total expenditure for the drainage survey will be reimbursed from the 3 cents per acre increase.

The Red Lake Indians in council have recently passed resolutions asking for the sale of the timber on the unceded diminished reservation, and that a part of the proceeds of the timber sale should be used to reclaim by drainage the untimbered lands which are generally swampy in character but susceptible to drainage. Before authorizing such a work, however, it would be advisable to cause a drainage survey to be made, so as to have reliable information as to feasibility of the work.

There is, under the above appropriations, an unexpended balance of $4,557.09 which the Indians desire to be made available for the extension of the survey to the swamp lands of the Red Lake Diminished Reservation.

I respectfully ask that the desired authority be given immediately, in order that the survey may be made before it freezes up and that Congress may be informed in the premises at its next session. Many of the Indians are anxious to take agricultural land as allotments, but as most of the lands, in their present condition, are too wet and swampy for successful agriculture, this step seems absolutely necessary at this time.

Very respectfully, H. STEENERSON.

HOUR OF MEETING ON MONDAY.

Mr. SMOOT. I move that when the Senate adjourns to-day it be to meet on Monday at 11 o'clock.

The motion was agreed to.

HIGH COST OF LIVING.

Mr. BURTON. I desire to give notice that on Tuesday, July 30, at the close of the routine morning business, I will seek to address the Senate on the subject of high prices—the high cost of living.

LIMIT OF VISITORIAL POWERS.

Mr. SMITH of Georgia. I desire to have the following order read at the Secretary's desk, and I ask that it be passed over until Monday.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Ordered, That the Committee on Finance be discharged from the further consideration of the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, and that the same be laid before the Senate for its consideration.

The PRESIDENT pro tempore. The order will lie on the table and be printed.

CLAIMS AGAINST MEXICO.

Mr. FALL. I desire to give notice that on Monday next, the 22d instant, immediately after the routine morning business, I will address the Senate on the joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment, and on the substitute therefor reported by the Committee on Foreign Relations.

Mr. WARREN. I presume the Senator will arrange his convenience so that his speech will not interfere with the pending appropriation bill.

Mr. FALL. Certainly. I do not want it to interfere. For that reason I have not taken up the time of the Senate before. It is a matter of very great importance.

Mr. WARREN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until Monday, July 22, 1912, at 11 o'clock a. m.

SENATE.

MONDAY, *July 22, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMITH of Georgia. Mr. President, I suggest the lack of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia makes the point that there is not a quorum present. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McLean	Smoot
Bourne	Gallinger	Martin, Va.	Stephenson
Brandegee	Gardner	Martine, N. J.	Swanson
Bristow	Gronna	Massey	Thornton
Bryan	Guggenheim	Myers	Tillman
Burnham	Heyburn	Page	Townsend
Burton	Johnson, Me.	Percy	Warren
Catron	Johnston, Ala.	Perkins	Wetmore
Clapp	Jones	Sanders	Works
Crawford	Kenyon	Smith, Ariz.	
Cullom	Lodge	Smith, Ga.	
Fall	McCumber	Smith, Mich.	

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER] on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names; not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. SIMMONS responded to his name when called.

Mr. SUTHERLAND, Mr. DILLINGHAM, Mr. BACON, Mr. BORAH, Mr. CLARK of Wyoming, Mr. CUMMINS, Mr. NELSON, and Mr. PAYNTER entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

SENATOR FROM NEW MEXICO.

Mr. CATRON. I present certified extracts from the journals of the Senate and House of Representatives of the State of New Mexico, containing a complete record of all the proceedings in the senate and house relating to the election of my colleague, Hon. A. B. FALL, by the Legislature of the State of New Mexico a Senator from that State for the term beginning March 4, 1913. I ask that the extracts be placed on the files.

The PRESIDENT pro tempore. The paper sent to the desk seems to be a transcript of the action of the two bodies of the Legislature of the State of New Mexico, and credentials in the usual form are omitted. If there be no objection, the Chair will refer the paper to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had passed the bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. ASHURST. I have received a great number of petitions and memorials relating to the Owen bill, Senate bill No. 1. I ask that a few of these petitions and memorials be printed in the RECORD.

There being no objection, the petitions and memorials were ordered to lie on the table and to be printed in the RECORD, as follows:

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

At a meeting of the Mohave County Medical Society, held on May 28, 1912, the following resolutions were adopted and are respectfully submitted:

Whereas Senate bill No. 1, known as the Owen bill, is soon to be voted upon; and

Whereas a very large proportion of the deaths throughout the country are due to preventable causes, a condition that is a disgrace to modern civilization, and needs corrective measures; a country's most valuable asset is the health of its citizens, and its most important product is its children; therefore does it behoove us to see that the health of our citizens is maintained and our children given their rightful energies by means of sanitary conditions;

Whereas it has been fully demonstrated that preventive medicine has made it possible to save lives by organized and coherent efforts, such as the world has witnessed in Cuba and the Panama Canal Zone, without which organization such efforts would have been futile. We believe that this stands as an example of what could be expected within our borders, by limiting preventable diseases if the efforts of our physicians were directed by proper organization such as the Owen bill contemplates;

Whereas our Government has appropriated vast sums of money for curtailing diseases among horses, cattle, hogs, and plants, and no adequate sum for the conservation of the health of its citizens; and

Whereas the opponents of the Owen bill have claimed that the intent of the measure is to make a "medical trust" which will preclude a citizen from employing a medical advisor of choice; we refute this argument of the patent medicine vendors and of those sects professing to heal, who have no knowledge of sanitary conditions, and will not report contagious diseases as set forth in our health laws. And inasmuch as the object of this bill is to prevent disease and is of a strictly sanitary nature, without any reference whatever to the treatment of disease, it is evident that their argument is selfish, and purely mercenary without any idea of public welfare: Therefore be it

Resolved, That the Mohave County Medical Society petition the honorable Senators for the State of Arizona to give the Owen bill their most hearty support.

W. H. BUCHER, M. D., *President.*
A. M. COWIE, M. D., *Secretary.*

—

PHOENIX, ARIZ., *July 17, 1912.*

Hon. HENRY F. ASHURST,
Senator from Arizona, Washington, D. C.

DEAR SIR: Your letter of July 11 might be interpreted in two ways. It is plain, however, that you are unwilling since your election to put yourself on record as being in favor of the conservation of the public health, as provided by the Owen bill. Are we not justified in assuming that those who are not for the Owen bill are against it?

Yours, sincerely,

ROY E. THOMAS.

—

PHOENIX, ARIZ., *July 17, 1912.*

Hon. HENRY F. ASHURST,
Washington, D. C.

DEAR SIR: As one of the physicians of Arizona who is interested in the protection of the public health, I am writing to urge you to do your utmost for the passage of the Owen bill. If you will analyze the opposition to this bill you will find it comes from patent-medicine manufacturers and vendors, manufacturers of adulterated foodstuffs, and people who wrongly interpret the purpose of the bill. I do not know of a single well-informed voter, outside of the classes above mentioned, who does not favor the measure. Trusting that we can depend on your help in this matter, I remain,

Yours, very truly, JOHN HIX THOMAS, M. D.

—

TERRITORIAL ASYLUM FOR THE INSANE,
OFFICE OF THE SUPERINTENDENT,
Phoenix, Ariz., July 3, 1912.

Hon. HENRY F. ASHURST,
Senator from Arizona, Washington, D. C.

DEAR SIR: In the name of an ancient and honorable profession I respectfully ask you to give the Owen bill your careful consideration; and, having done so, I feel assured that you will register a vote against those who are using every means to discredit the profession by playing on the ignorance of the public and playing to religious and sectarian prejudices.

I believe that you, as an educated and intelligent man, will exert your influence on the side of progress and health.

Inclosed is a clipping from the January 13, 1912, Journal of the American Medical Association on "Why the Owen bill should pass."

Thanking you for your interest in this legislation, I am,

Very truly, yours,

G. W. STEPHENS, M. D.,
Assistant Superintendent.

—

PHOENIX, ARIZ., *July 9, 1912.*

Hon. HENRY F. ASHURST,
Senator from Arizona, Washington, D. C.

DEAR SIR:

* * * * * * *

I have a communication from one of the physicians of the State in which the statement is made that over your signature you wrote the following: "I note with pleasure that you approve Senator OWEN'S bill for a department of health. During my campaign I pledged myself to vote for Senator OWEN'S bill and, of course, I shall certainly do so." Having made a campaign pledge of this character, one naturally wonders what influence has been brought to bear that would lead you to say that "I am especially anxious that you do not even infer in any way that I am to be committed for or against this bill."

If the politicians were as much in earnest in their efforts to protect the health of the people as are the physicians we would very quickly have such a revision of the health laws as would equal, at least, those

covering the preservation of health of live stock. I am satisfied that a great majority of the people of Arizona approve of this measure.

Yours, truly,

ANCIL MARTIN.

—

ARIZONA FEDERATION OF WOMEN'S CLUBS,
Prescott, Ariz., July 15, 1912.

Hon. HENRY F. ASHURST,
Washington, D. C.

MY DEAR MR. ASHURST: It was with some surprise I read a transcript of your letter to Dr. Ancil Martin.

Lying before me is your letter under date of April 17, in which you say "During my campaign I was pledged to vote for Senator OWEN'S bill and, of course, I shall certainly do so."

I am wondering if my belief in you will be justified.

Most cordially, yours,

AGNES MCKEE WALLACE.
President Arizona Federation of Women's Clubs, 168 S. Marina St.

Mr. TILLMAN presented memorials of W. C. Brown, J. C. Taylor, and sundry other citizens of Walterboro, of the Carolina Furniture Co. and sundry citizens of Kingston, and of sundry citizens of Camden, all in the State of South Carolina, remonstrating against the passage of the so-called parcel-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of Local Union No. 491, Painters, Decorators, and Paperhangers of America, of Waterbury, Conn., praying for the passage of the so-called anti-injunction bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the passage of the so-called Bourne parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. HEYBURN presented a paper to accompany the bill (S. 7065) granting an increase of pension to Ephriam W. Baughman, which was referred to the Committee on Pensions.

Mr. BRANDEGEE presented a memorial of sundry employees of Tuttle, Morehouse & Taylor Co., of New Haven, Conn., remonstrating against the passage of the so-called Bourne parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. PAYNTER presented sundry affidavits in support of a bill granting an increase of pension to William H. Frederick, of Maysville, Ky., which were referred to the Committee on Pensions.

Mr. GALLINGER presented a petition adopted at the yearly meeting of Friends for New England in conference at Vassalboro, Me., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

ACCOUNTS OF LATE MORTON E. CRANE.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the amendment submitted by Mr. LODGE on the 20th instant proposing to appropriate $654.29 to credit in the accounts of Morton E. Crane, secretary and disbursing officer of the Immigration Commission, being the amount disallowed from his accounts by the Auditor for the State and Other Departments, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

RECORDS OF INTERIOR DEPARTMENT.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 7157) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus, and I submit a report (No. 952) thereon. A similar bill has been introduced in the House, and it is very desirous that it shall become a law at the present session of Congress. I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill:

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Do I understand that this bill is reported favorably by the Committee on Public Lands?

Mr. SMOOT. It is reported favorably by the Committee on Public Lands.

Mr. FLETCHER. And that the provision in reference to fees and the other provisions of the bill have been approved by the committee?

Mr. SMOOT. The entire bill has been approved by the committee.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF LANDS WITH MICHIGAN.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 4012) to authorize the exchange of certain lands with the State of Michigan, to report it without amendment, and I submit a report (No. 953) thereon.

Mr. TOWNSEND. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Unless the bill shall lead to discussion I shall not object, but I reserve the privilege to do so. I wish, however, to say that at this late time in the session it will be necessary, I think, to adhere to the order of business, after this matter is disposed of.

Mr. POINDEXTER. Is there a report on the bill?

Mr. TOWNSEND. Yes, sir; there is.

Mr. SMOOT. I will state to the Senator from Washington that the bill has passed the other House, was favorably reported upon by the Secretary of Agriculture and also by the Secretary of the Interior, both agreeing to and approving all of its provisions.

Mr. POINDEXTER. The general object of the bill is to make an exchange of public lands within the State of Michigan. What is the purpose of making the exchange? The State of Michigan is to convey certain lands to the Government, and in lien thereof the Government is to convey certain lands to the State of Michigan.

Mr. SMOOT. It is to get the Government lands now used for forest purposes and the State lands in a compact body.

Mr. TOWNSEND. They are now intermingled.

Mr. HEYBURN. It applies only to Michigan?

Mr. SMOOT. It applies only to Michigan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIMIT OF VISITORIAL POWERS.

Mr. SMITH of Georgia. On Saturday I moved the adoption of an order with reference to House bill 24153. I wish to ask that the Secretary read that order.

The PRESIDENT pro tempore. Will the Senator postpone action until the morning business has been concluded, if agreeable to him?

Mr. SMITH of Georgia. Yes. I was under the impression that it came up as a part of the morning business.

The PRESIDENT pro tempore. At the conclusion of the morning business.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLAPP:

A bill (S. 7344) granting an increase of pension to Sarah Boynton (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7345) granting an increase of pension to Ophelia A. Comstock (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 7346) granting a pension to Fannie M. Page; to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $39,000 for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE BANKRUPTCY LAW.

Mr. SANDERS submitted the following resolution (S. Res. 364), which was read:

Resolved, That 1,000 copies of Senate Document No. 10, Sixty-second Congress, being the United States bankruptcy law of July 1, 1898, and amendments thereto to June 25, 1910, be printed for the use of the Senate document room.

The PRESIDENT pro tempore. Does the Senator from Tennessee desire immediate action on the resolution?

Mr. SMOOT. If the Senator has no objection, I should like to have the resolution referred to the Committee on Printing. We have printed a great many of these documents, I think.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Printing.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on July 20, 1912, approved and signed the following acts:

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield;

S. 6084. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation; and

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes.

THE PARCEL-POST SYSTEM.

Mr. SMITH of Georgia obtained the floor.

Mr. GARDNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Maine?

Mr. SMITH of Georgia. I do.

Mr. GARDNER. I wish to give notice that to-morrow, immediately after the close of the morning business, I shall address the Senate on the subject of the parcel-post system.

Mr. WARREN. Mr. President, of course there can be no objection to notices for making speeches. I hope, however, that the Committee on Appropriations will be allowed to have the consideration of the sundry civil appropriation bill finished without serious interruptions. I want to say again that unless the Senate is willing——

Mr. SMITH of Georgia. Mr. President, I think I had the floor.

The PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. SMITH of Georgia. I yield for a moment.

Mr. WARREN. I hope the Senator from Georgia will let me finish what I was saying.

Mr. SMITH of Georgia. Only I do not wish to lose the floor.

Mr. WARREN. I have no idea of taking the floor from the Senator.

I desire to say—and I wish Senators would take it home to themselves—that the passage of the pending appropriation bill is only one step in its progress. When a large bill like this of 200 pages with hundreds of amendments passes the Senate, it takes a long time afterwards to consummate the legislation. Unless we are permitted to finish it soon, we might as well provide for staying here all summer and have our winter clothing sent to us. We must allow these bills to go through or we must spend the summer here. That is all there is to it.

Mr. FALL. Mr. President, as I have given notice that I should address the Senate this morning, I suppose the Senator from Wyoming desires to call my attention also to the importance of passing the sundry civil appropriation bill. I for one recognize, I think, the importance of the passage of this bill at the earliest possible moment, and I am one of the Senators who take as much interest in it as does the chairman of the committee himself. At the same time, Senators possibly have their own ideas as to other matters of importance, and I certainly should not, under the circumstances, have given notice that after the routine morning business this morning I should address the Senate upon any subject had I not believed that that subject was one of supreme importance. I now want to say to the Senator from Wyoming that while I shall assist in every possible way in facilitating the early passage of this bill, at the same time, to my mind and that of the people whom I in part represent, the subject upon which I shall address the Senate is of supreme importance.

Mr. WARREN. I had no special reference to the Senator from New Mexico. What I said I desired to apply generally in the nature of a supplication that Senators might refrain, as far as they can, and give me the floor until we can finish the appropriation bill.

LIMIT OF VISITORIAL POWERS.

Mr. SMITH of Georgia. Mr. President, I fully realize the importance of pressing through the appropriation bills to which the Senator from Wyoming [Mr. WARREN] has referred. The motion I made on Saturday for the order, which is contained in the RECORD, comes up automatically this morning for action. If it can go over until to-morrow morning and preserve its place, I shall not press for a hearing this morning.

Mr. LODGE. Mr. President, may I ask the Senator if he would be willing to allow it to go until Wednesday morning so that the chairman of the committee may be here?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. I find that he will return on Wednesday, and I should be much indebted if the Senator would allow that matter to go over until that time.

Mr. SMITH of Georgia. I am perfectly willing for it to go over until Wednesday morning without prejudice to its rights.

Mr. LODGE. I mean, of course, that it go over without losing its place.

Mr. SMITH of Georgia. Very well, without losing its place, until Wednesday morning.

The PRESIDENT pro tempore. Without objection, that order will be made.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent that the Senate now proceed to the consideration of the sundry civil appropriation bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. The Chair hears none.

Mr. BACON. Did the Chair submit the request for unanimous consent and state that it had been granted?

The PRESIDENT pro tempore. The Chair did.

Mr. BACON. We certainly had no opportunity for its consideration with the Senator from New Mexico [Mr. FALL] on the floor claiming the courtesy of the Senate.

The PRESIDENT pro tempore. The Chair was not aware of that fact. The Chair will repeat the request. The Senator from Wyoming asks unanimous consent for the present consideration of the sundry civil appropriation bill. Is there objection?

Mr. FALL. Mr. President, I shall not enter an objection to unanimous consent to take up the appropriation bill, but I shall insist at the very earliest possible moment in delivering myself of the message which I have, and which I think will be of some interest at least to the Senate of the United States.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25089) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. On page 132, line 22——

Mr. WARREN. Mr. President, on Saturday afternoon we passed over until this morning amendments on pages 130 and 131. I think the Senators who were interested in that matter are all present now, and I wish to say to those who were discussing it on Saturday afternoon that the chairman of the committee has taken it up with the Department of Justice and investigated the matter further. On page 130, commencing at line 8 and running to line 11, an appropriation is provided for bound copies of the Federal Reporter for the present year and the future to be distributed among 150 United States courts, for which the appropriation of last year provided the back numbers. The department finds that under the law there are 310 courts eligible to be provided with these volumes, but there is a stipulation that they must have proper vaults or buildings in which to store them, and it has been found on examination subsequent to the estimates submitted, that there are a few courts which can not now be furnished with the reports. The $715 item following is for advance sheets of the Federal Reporter.

As to the advance sheets, while it is true that the law does not compel the distribution of the advance sheets, the department in contracting for the books secured a rate of $2 a volume, and if it is desired to have the advance sheets they can be obtained at 50 cents a year additional, making $2.50, in place of $3.50, the commercial rate.

It is for the Congress to say whether or not they will furnish to the courts these advance sheets, but as the bound volumes are furnished under the $2 rate the advance sheets will not be furnished without the additional charge. That applies to the first two paragraphs.

As to the next paragraph, from line 15 to 18, that is to buy the books provided for.

Mr. BACON. Before the Senator passes from the subject of advance sheets——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I do.

Mr. BACON. Does the Senator bear in mind the statement which was made here on Saturday by various Senators, my colleague [Mr. SMITH of Georgia], I recollect, among others, that the invariable rule was where the purchaser subscribed to the bound volumes that the advance sheets were furnished without cost?

Mr. WARREN. That is in cases where the regular price is paid. It was also stated by Senators, among others, I think, by the Senator from Washington and the Senator from South Dakota, that there is a difference in the subscription price, whether only the bound volumes themselves are supplied or whether the bound volumes and the advance sheets are furnished.

Now, in the Government's contract—or I think it is a provision in the law—it is provided that the Government shall pay $2 a volume for the books, and it is the pleasure of the company to say whether it will furnish these loose sheets or not, because the law does not compel the publishers to supply them.

Mr. HEYBURN. Mr. President, there should be no question as to the propriety of furnishing the advance sheets. They enable the courts to keep strictly apace with the decisions of the courts and not be compelled to wait until the publication of the volumes. Every practicing lawyer knows that the advance sheets are indispensable; and whether they are to be paid for or not, the question of not having them should be eliminated at once.

Mr. MYERS. I should like to ask the Senator from Wyoming or the Senator from Idaho, whichever may be able to reply or will kindly do so, does not the same rule apply to the United States that applies to private individual practitioners of the law—that he who subscribes for the regular edition of the West Reporter system——

Mr. HEYBURN. No.

Mr. MYERS (continuing). Is furnished with the advance sheets free of any additional charge?

Mr. HEYBURN. It seems not. It seems that the Government makes a contract by which it secures these volumes at a reduced price, and that price does not include the advance sheets.

Mr. OVERMAN. It seems to me the statement of the Senator from Minnesota [Mr. NELSON] before the Judiciary Committee was that in consideration of the fact of having so many copies taken by the Government the publishing company would reduce the price to the Government from $3.50 a volume to $2. That was one of the moving considerations which caused the adoption of the proposition. I supposed that would naturally include the advance sheets. I think the Senator from Minnesota will recollect that the price was to be $2 a volume instead of $3.50, for the reasons I have stated, and that would naturally include the advance sheets. Now, instead of sending the advance sheets, they come here and ask us to appropriate money for the advance sheets.

Mr. WARREN. I do not understand that when the Government, through the Department of Justice, makes a contract by which it secures these books for a little over half the regular subscription price the advance sheets are included. The commercial rate for these volumes is $3.50 a volume, and when the Government gets them at $2 per volume I do not see how the Government can insist upon the publishing company giving them something to boot, and something which is not contracted for.

If the Senator from Idaho will allow me, I should like to say just a word more as to the next paragraphs, because they refer to the same subject.

Mr. HEYBURN. Certainly.

Mr. WARREN. As to the next five paragraphs we find, first, that while about 150 courts have been provided for as to back numbers about 100 courts yet remain totally unprovided for, and, second, it has been learned that a few of the courts have not the proper buildings and custodians to properly care for the books. Therefore it is proposed to reduce this appropriation from $74,000 to $62,000, and I shall offer to thus amend the paragraph, and following that, as to the Federal Reporter, it has been found that it can, for the same reason, be reduced from $3,400 to $2,000, and that the loose sheets which were listed at $850 can be reduced to a quarter of the sum last before mentioned. Those five paragraphs, as I said before, all apply to the Federal Reporter.

Now, on the next page the purpose of the committee is to move to strike out $38,000 unless the Senate shall advise otherwise. This paragraph proposes to furnish the Federal Reporter to district attorneys, and I firmly believe they ought to be so furnished, but the committee has upon reflection decided otherwise and directed me to move to strike out the provision.

My own opinion is that no one needs these books more than the district attorneys need them, and I wish they might be furnished, but that is a matter for the Senate to decide.

Now, as to the Supreme Court Reports, that is a different matter. They are to be distributed in 197 different places.

I thank the Senator from Idaho.

Mr. HEYBURN. Mr. President, I think we can at least arrive at a definite knowledge and doubtless at a conclusion. If the inducement of subscribing for a very large number of sets of the Federal Reports is sufficient, then, of course, there should be no extra pay for advance sheets. The advance sheets are not expensive, and they have always been furnished without charge to attorneys who subscribe to the sets. That, however, is a matter of contract.

I call the attention of the chairman of the committee to the ambiguity of the language in describing the subscription. It says:

To pay the publishers of the Federal Reporter—

Now, there is no such thing as the Federal Reporter. There is a Federal Reporter system, and it includes the Federal Reporter, the C. C. A.—the Circuit Court of Appeals—Reports, and the Supreme Court Reports. Now, those are all published by the Federal Reporter system. So that that language is ambiguous, and the ambiguity of it is emphasized when you apply it to an expression in this bill. It says:

To pay the publishers of the Federal Reporter for additional volumes of continuations for the fiscal year commencing—

"Additional volumes" there would mean additional volumes of the Federal Reporter, of the Circuit Court of Appeals, and of the Supreme Court Reports. There are three publications, all published by the Reporter system.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HEYBURN. Yes.

Mr. FALL. I call the attention of the Senator from Idaho to the fact that on the eighth line, and following to line 11, there is a provision "to pay the publishers of the Federal Reporter for the estimated continuations for the fiscal year commencing July 1, 1912," while the paragraph which he read, commencing in line 19, reads:

To pay the publishers of the Federal Reporter for additional volumes of continuations for the fiscal year commencing July 1, 1912.

Are those additional to the estimates made?

Mr. HEYBURN. "Volumes of continuations" of what? Of the Federal Reporter, of the Circuit Court of Appeals or of the United States Supreme Court reports?

Mr. FALL. That is what I am asking the Senator.

Mr. HEYBURN. I was criticising the language as being so indefinite as not to express with any certainty the intention of the act.

Mr. FALL. I was calling the attention of the Senator to the fact that, apparently, there is an absolute conflict or a double appropriation.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. NELSON. I can explain that matter if the Senator will yield to me. I can explain how it comes about.

Mr. HEYBURN. Let me make this statement, and the Senator will then have the entire statement before his mind.

Take the other item of $74,000, which, by the way, the chairman says will be reduced to $62,000. I read the language of the paragraph:

To pay for additional books authorized to be furnished under section 229 of the act to codify, revise, and amend the laws relating to the judiciary.

That is, $74,000 to pay for additional books. That includes the Federal Reporter, the Circuit Court of Appeals and the United States Supreme Court reports.

Mr. NELSON. Oh, no.

Mr. HEYBURN. They furnish them under it.

Mr. NELSON. Oh, no. That is a different law. I call the Senator's attention to it——

Mr. HEYBURN. I should like to hear definitely the views of the Senator in regard to that, because I am speaking from the text.

Mr. NELSON. I will explain that in my own time.

Mr. HEYBURN. Then I will proceed, if that is the purpose of the Senator.

Mr. President, that language is too indefinite upon which to base an appropriation of $74,000. All attorneys know about the relative cost of the Federal Reporter, the Circuit Court of Ap-

peals, and the United States Supreme Court Reports. The Federal Reporter contains every decision that is in the Circuit Court of Appeals. I want that statement to rest in the minds of Senators. The Circuit Court of Appeals is a duplicate of a portion of the Federal Reporter. Now, why they ever separated them I never have been able to understand, except it was to enable them to sell more books. I have both sets, and I suppose every other attorney in this body knows about those reports. For some reason, in order to dignify the Circuit Court of Appeals Reports, they publish them in the Federal Reporter and again publish them separately, and you will find a double citation in the digest or wherever they are referred to. There never was any occasion to do so, except to make a larger sale for the books—duplicate them.

I am endeavoring to contribute something to the straightening out of this rather mixed situation. It is not material what are the estimates from the Department of Justice, because we are just as familiar with it as the Department of Justice can ever be. We know what books are published and what they cost.

Now, the words "pay for additional books authorized" is too indefinite. The term should be amended.

Mr. WARREN. I understand that is the law.

Mr. HEYBURN. Yes; I understand.

"Authorized to be furnished." The question is, What is "authorized to be furnished"? I had the judiciary act here, but it has escaped me. It may or may not be that the Attorney General could as readily have arranged for the advance sheets to accompany the Government's subscription as they do the individual's subscription. I have never known it to be difficult for a subscriber to obtain the advance sheets when he subscribed for the bound volumes. The advance sheets are not supposed to be bound. To make them permanently useful, they would have to be indexed and bound and a great deal of work done upon them. That covers the question of the bound volumes and the advance sheets.

A word now as to the Supreme Court Reports:

To pay for complete sets—

I read, commencing in line 4, on page 131:

To pay for complete sets and additional volumes, as issued, of the Supreme Court Reports and digests thereof--

Now, that has nothing to do with the Federal Reporter system. That is independent—

authorized to be furnished under sections 227 and 228.

So that we do not want to confuse that with the Supreme Court Reporter.

I think we had better take time to straighten this out. I had my copy of the judiciary act marked.

Mr. WARREN. I suppose the Senator from Idaho remembers that as to the Supreme Court Reports, they were formerly handled under the Interior Department, and they have now been transferred to the Department of Justice.

Mr. HEYBURN. Yes. I have what I want marked in my copy, but I have been handed a strange copy of the act. Let us get this into the RECORD, so that it will always be available in connection with the consideration of this subject.

The Attorney General shall distribute copies of the Supreme Court Reports as follows:

Then follows the designation of the parties to whom the reports are to be distributed.

Mr. WARREN. I suggest that the Senator from Idaho have the list published in the RECORD.

Mr. HEYBURN. All of it?

Mr. WARREN. Yes.

Mr. HEYBURN. Very well. I will ask that sections 227, 228, and 229 be published in the RECORD without being read.

The PRESIDENT pro tempore. Without objection, that order will be made.

The sections referred to are as follows:

SEC. 227. The Attorney General shall distribute copies of the Supreme Court Reports as follows: To the President, the justices of the Supreme Court, the judges of the Commerce Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeals, the judges of the district courts, the judges of the Court of Claims, the judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce and Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each executive department, the Assistant Postmasters General, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Register of the Treasury, the Comptroller of the Treasury, the Comptroller of the Currency, the Commissioner of Internal Revenue, the Director of the Mint, each of the six auditors in the Treasury Department, the Judge Advocate General, War Department; the Paymaster General, War Department; the Judge Advocate General, Navy Department; the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Labor, the Commissioner of Navigation, the Commissioner of Corporations, the Commissioner General of Immigration, the Chief of the Bureau of Manufactures, the Director of the Geological Survey, the Director of the Census, the Forester, Department of Agriculture; the purchasing agent, Post Office Department; the Interstate Commerce Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the attorney for the District of Columbia, the Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law, of equal grade with any of said offices, each 1 copy; to the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 2 copies; to the Secretary of the Senate for the use of the committees of the Senate, 25 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 30 copies; to the marshal of the Supreme Court of the United States, as custodian of the public property used by the court, for the use of the justices thereof in the conference room, robing room, and court room, 3 copies; to the Secretary of War for the use of the proper courts and officers of the Philippine Islands and for the headquarters of military departments in the United States, 12 copies; and to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, 1 copy. He shall also distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them, to each United States judge and to each United States district attorney who has not received a set, to each of the places where district courts are now held to which said reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them. No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of said courts (except the Supreme Court) shall in all cases keep said reports and digest for the use of the courts and of the officers thereof. Such reports and digest shall remain the property of the United States, and shall be preserved by the officers above named and by them turned over to their successors in office.

SEC. 228. The publishers of the decisions of the Supreme Court shall deliver to the Attorney General, in addition to the 300 copies delivered by the Reporter, such number of copies of each report heretofore published as the Attorney General may require, for which he shall pay not more than $2 per volume, and such number of copies of each report hereafter published as he may require, for which he shall pay not more than $1.75 per volume. The Attorney General shall include in his annual estimates submitted to Congress an estimate for the current volumes of such reports and also for the additional sets of reports and digests required for distribution under the section last preceding.

SEC. 229. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publications containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets each. Whenever any such court room, office, or officer shall have a partial or complete set of any such reports or digests already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and before distribution shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office.

Mr. HEYBURN. Now, on page 131, the provision relates not to the Reporter system, but to the Supreme Court reports, which are printed under an entirely different provision of law.

The paragraph on page 130, which is not numbered, carrying an appropriation of $74,000, refers entirely to the Federal Reporter system, and has no application whatever to the general provision for the publishing of the decisions of the Supreme Court of the United States.

Mr. OVERMAN. May I ask the Senator from Idaho a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. OVERMAN. My recollection, as a practicing lawyer—and I have no doubt the Senator has the same recollection—is that all of these courts have been furnished with the Supreme Court reports. They all have them now. Is not that true?

Mr. HEYBURN. That is true, so far as concerns the courts that were established when the provision was made; but there

have been new districts established, and some additions in the way of necessities, in regard to——

Mr. OVERMAN. It seems to me for the additional courts that we have established $96,000 is a very large amount of money. We have not established more than a dozen new courts.

Mr. WARREN. Are there not additional volumes coming out?

Mr. OVERMAN. The additional volumes cost a dollar and a half apiece, and for 315 courts the cost would be about $500. Here is $96,000, when we all know that we have these sets now, except for the additional courts. The Senator says the publishers get out two volumes a year. With 315 courts, at a dollar and a half a volume, the cost would be $500. Here is $96,000 for that purpose.

Mr. HEYBURN. Let us get the point down to a satisfactory basis. In the first place, we have diminished the number of courts, and the United States district courts now are the sole successors of the district and circuit courts. Those courts are all provided with the decisions of the United States Supreme Court. They are not all provided with the decisions of the United States district and circuit courts.

There is necessity, inasmuch as we have made the district judges the successors to the circuit judges, to supply those courts, or many of them, with the Federal Reporter. That is obvious. They should have available all of the law of the courts to which they succeeded.

Mr. WARREN. Will the Senator from Idaho permit me?

Mr. HEYBURN. Yes. However, I am not yet through. But I will be glad of any interruption.

Mr. WARREN. If the Senator from Idaho will allow me, in reply to the Senator from North Carolina, I will call his attention to the estimate. It may throw some light on the question he asked. The estimate here, under the head "Supreme Court Reports," is as follows:

To pay for complete sets of additional volumes, as issued, of the Supreme Court Reports and digests thereof, authorized to be furnished under sections 227 and 228 of the "act to codify, revise, and amend the laws relating to the judiciary," to be immediately available and to remain available until expended (act Mar. 3, 1911, vol. 36, pp. 1154, 1155, secs. 227, 228), $96,309.50.

197 complete sets of 221 volumes each, at $2 per volume, additional to the distribution made by the Interior Department, will be required	$87,074.00
197 additional copies of each of volumes 222 to 227, inclusive, at $1.75 per volume, and 15 copies of volume 56 of the Lawyers' Cooperative Edition, at $5 per volume, in addition to the distribution made by the Interior Department	2,143.50
197 sets of the digest, at $36 per set	7,092.00
Total	96,309.50

Mr. OVERMAN. I should like to inquire of the Senator whether there is any provision that Congress shall furnish the lawyers' edition of the Supreme Court Reports. I know of no law which provides that, instead of sending out those volumes, they shall send out what is called the lawyers' edition, gotten up by the West Publishing Co.

Mr. HEYBURN. That is gotten up by the Cooperative.

Mr. OVERMAN. The Cooperative.

Mr. NELSON. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. OVERMAN. I am asking for information.

Mr. NELSON. Will the Senator allow me to answer just one question? The Supreme Court Reports referred to in the bill, and which the Senator referred to, are not published by the West Publishing Co.; they are published by Banks Bros., New York.

Mr. OVERMAN. I understand that what is known as the Lawyers' Cooperative Edition has Rose's notes.

Mr. NELSON. That is published in New York—not by the West Publishing Co.

Mr. OVERMAN. Wherever it is published, I do not think that Congress has any business to send out those books. Where is the general law which provides for sending out that Lawyers' Cooperative Edition?

Mr. WARREN. I will say to the Senator I suppose he refers to sections 227 and 228 of the act to codify, revise, and amend the laws relating to the judiciary.

Mr. OVERMAN. But that provides for only the Supreme Court Reports. I want to know if there is any law under which the Lawyers' Cooperative Edition is sent out in addition to the Supreme Court Reports. As we all know, the Lawyers' Cooperative Edition contains nothing but the Supreme Court decisions, with Rose's notes published with it.

Mr. NELSON. If the Senator from Idaho will yield to me, I will read the law.

Mr. HEYBURN. Yes; I yield.

Mr. NELSON. I read from volume 36, Statutes at Large, page 1419. It is a part of the sundry civil appropriation act passed March 4, 1911. The paragraph reads as follows:

Supreme Court Reports: To pay the publishers of the Decisions of the Supreme Court for 270 copies of volumes 224 to 227, inclusive, official edition, at $2 per volume—

Now, listen to this language—

and for 15 copies of volume 55 of the Decisions of the Supreme Court, Lawyers' Cooperative Publishing Co., at $5 per volume, $2,235.

Mr. OVERMAN. Will the Senator excuse me? That is a provision in the sundry civil appropriation act. That has been going on from time to time in the sundry civil appropriation bills. That act is no longer the law of the land. What I complain of is that there is no general law which provides for this distribution. Of course, a good many things are slipped into the sundry civil appropriation bill. What the Senator reads from is nothing but a clause in an appropriation bill which goes out on the 1st of July. Is there any general law for publishing these volumes? I do not think Congress has any business to duplicate these Supreme Court decisions because, forsooth, some lawyers want a few notes. Let them look at the decisions themselves.

Mr. HEYBURN. I suggest that the law under which the appropriation referred to by the Senator from Minnesota was enacted is not the present law. The present law went into effect January 1, 1912, and it was enacted March 3, 1911. The Senator was reading from the statutes a provision in the sundry civil appropriation bill under the law that existed prior to the adoption of the present law. So it has no application. We were very careful and spent a great deal of time enumerating these publications. I suppose it took a week to determine in committee what law publications should be included in this distribution. There was considerable difference of opinion among the members of the committee. The present law is the result of their conclusions as to the enactment of a law, and it ought to be strictly complied with.

There is no provision in existing law for furnishing Coöp., as it is familiarly termed among lawyers, or any other publication than the official publication of the decisions of the Supreme Court of the United States. The Reporter system, which includes it, is not included within the books to be furnished under the existing law. You will find the decisions of the Supreme Court referring frequently to the decisions in the Reporter system—that is to say, the decisions of the Supreme Court sent out by the Federal Reporter system—but that no longer exists. It was intended by the committee to eliminate those extra publications; and if we disregard that intention, notwithstanding it is expressed in the law, you will have simply brushed aside the very painstaking law which was enacted here for the purpose of covering this question.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. I think the Senator from Idaho has before him sections 227 and 228 of the civil code. Will he please read them?

Mr. HEYBURN. They have just gone into the RECORD.

Mr. CUMMINS. I should like to know what they are.

Mr. HEYBURN. If Senators will follow the reading, I will be very glad to read them.

Mr. CUMMINS. What section is it the Senator is about to read?

Mr. HEYBURN. Section 227.

Mr. CUMMINS. And section 228.

Mr. HEYBURN. I will read them in the order:

SEC. 227. The Attorney General shall distribute copies of the Supreme Court Reports as follows—

That is the official term, the "Supreme Court Reports"—

To the President, the Justices of the Supreme Court, the judges of the Commerce Court, the judges of the Court of Customs Appeals, the judges of the circuit courts of appeals, the judges of the district courts, the judges of the Court of Claims, the judges of the Court of Appeals and of the Supreme Court of the District of Columbia, the judges of the several Territorial courts, the Secretary of State, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce and Labor, the Solicitor General, the Assistant to the Attorney General, each Assistant Attorney General, each United States district attorney, each Assistant Secretary of each executive department, the Assistant Postmasters General, the Secretary of the Senate for the use of the Senate, the Clerk of the House of Representatives for the use of the House of Representatives, the governors of the Territories, the Solicitor for the Department of State, the Treasurer of the United States, the Solicitor of the Treasury, the Register of the Treasury, the Comptroller of the Treasury, the Comptroller of the Currency, the Com-

missioner of Internal Revenue, the Director of the Mint, each of the six auditors in the Treasury Department, the Judge Advocate General War Department, the Paymaster General War Department, the Judge Advocate General Navy Department, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Education, the Commissioner of Labor, the Commissioner of Navigation, the Commissioner of Corporations, the Commissioner General of Immigration, the Chief of the Bureau of Manufactures, the Director of the Geological Survey, the Director of the Census, the Forester Department of Agriculture, the Purchasing Agent Post Office Department, the Interstate Commerce Commission, the clerk of the Supreme Court of the United States, the marshal of the Supreme Court of the United States, the attorney for the District of Columbia, the Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law of equal grade with any of said offices, each one copy.

Mr. CUMMINS. Does the Senator from Idaho remember how many sets are there provided for?

Mr. HEYBURN. I have the report that accompanied this enactment, in which this matter is considered in detail. I have it not at hand. I did not anticipate any necessity for it. But each of the parties I have named gets one copy.

Mr. CUMMINS. One copy of each volume?

Mr. HEYBURN. Yes.

Mr. CUMMINS. Does that contemplate that each shall have a complete set of the reports?

Mr. HEYBURN. That comes under a different provision. That is for the annual distribution.

Mr. OVERMAN. May I ask the Senator a question? Does it provide that the district attorneys shall get a copy?

Mr. HEYBURN. I was carrying that in my mind to recur to.

Mr. OVERMAN. The district attorneys are not provided for.

Mr. NELSON. Mr. President——

Mr. HEYBURN. I will come back to that. I was carrying that in mind while reading, and I will recur to it.

Mr. NELSON. Will the Senator from Idaho yield to me?

Mr. HEYBURN. Yes.

Mr. NELSON. I want to call the Senator's attention to the fact that in the very same section he is reading, further down——

Mr. HEYBURN. Will the Senator permit me to answer this question, now that I have it before me?

Each United States district attorney—

That is in section 227——

Mr. NELSON. What I wanted to call the attention of the Senator to is that this very section, down in the middle, on page 79, provides for the distribution of back numbers.

Mr. HEYBURN. I will come to that. I am reading down to it. The Senator from Iowa asked for the reading of it, and I was proceeding.

The Naval Academy at Annapolis, the Military Academy at West Point, and the heads of such other executive offices as may be provided by law, of equal grade with any of said offices, each one copy.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I do.

Mr. CULBERSON. I call the attention of the Senator from Idaho to the fact that at page 116 of the bill as printed for the use of the committee, it is shown by an extract from the House hearings that the Attorney General did not believe that the district attorneys should be furnished with the Federal Reporter; that is to say, that there was no existing law providing that the Federal Reporter——

Mr. HEYBURN. I will say to the Senator that we are not yet dealing with the Federal Reporter. I am now, at the request of the Senator from Iowa, considering the distribution of the United States Supreme Court Reports. I will come to the Federal Reporter in a little while.

Mr. CULBERSON. The Attorney General recommends that section 229 of the code be amended so that the district attorneys shall be furnished with the Federal Reporter, and this bill, over my objection as a member of the subcommittee, carries an appropriation of $38,000 to buy back numbers of the Federal Reporter for the district attorneys of the country.

Mr. HEYBURN. I will have something to say about that when we come to that section. If the Senator will pardon me for not taking it up now. I want to proceed with the consideration of this matter in order. We have already made some headway and thrown some light on this section 227 by reading it carefully. It has been read only in a fragmentary way before.

Now, let us proceed:

To the law library of the Supreme Court, 25 copies; to the law library of the Department of the Interior, 2 copies; to the law library of the Department of Justice, 2 copies; to the Secretary of the Senate for the use of the committees of the Senate, 25 copies; to the Clerk of the House of Representatives for the use of the committees of the House, 30 copies; to the marshal of the Supreme Court of the United States, as custodian of the public property used by the court, for the use of the justices thereof in the conference room, robing room, and court room, 3 copies.

A copy for each room.

To the Secretary of War, for the use of the proper courts and officers of the Philippine Islands and for the headquarters of military departments in the United States, 12 copies.

That is one copy for each of those officers.

Mr. SMITH of Georgia. Mr. President, we are unable to hear the Senator in this part of the Chamber.

The PRESIDENT pro tempore. Complaint is made that the Senator is not heard on the other side of the Chamber.

Mr. HEYBURN (reading)—

And to each of the places where district courts of the United States are now holden, including Hawaii and Porto Rico, one copy.

That is, to the place where they are holden.

He shall also distribute one complete set of said reports—

That is confined to the United States Supreme Court Reports—

and one set of the digests thereof to such executive officers as are entitled to receive said reports—

That is, the digest goes with the reports—

under this section, and have not already received them, to each United States judge and to each United States district attorney who has not received a set, to each of the places where district courts are now held, to which said reports have not been distributed, and to each of the places at which a district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them.

Mr. FALL. Will the Senator yield to me for a moment?

Mr. HEYBURN. Certainly.

Mr. FALL. The Senator from North Carolina [Mr. OVERMAN] called attention to the distribution of volumes of the cooperative edition of the Supreme Court Reports to some places. I notice, commencing on line 11, page 131, provision is made for 15 copies of volume 56 of the lawyers' cooperative edition in addition to the distribution made by the Interior Department. I should like to ask the Senator if he finds in the law any provision by which the Interior Department distributes the Supreme Court Reports?

Mr. HEYBURN. They heretofore did distribute them, but under the new system they no longer distribute them.

Mr. FALL. Apparently they will distribute them if we adopt this wording.

Mr. HEYBURN. Then it behooves us to be careful that we do not provide for a general distribution of them.

Mr. OVERMAN. If the Senator will yield to me, I think it does provide for it. The Senator from Wyoming read from the estimates that so many copies are provided for, and provision is made for the lawyers' cooperative edition, to which I objected. In addition to that, the Senator from New Mexico calls my attention to the fact that the House itself has provided for another 15 copies, which is carried forward from the old sundry civil appropriation bill. So there was no reason for the distribution of the cooperative edition in this language from lines 4 to 10.

Mr. HEYBURN. If there is any proposed legislation recognizing the right or duty on the part of the Interior Department to distribute them, then it was through inadvertence, because it was the intention of the framers of the judiciary code to substitute the Department of Justice entirely and completely for the Interior Department. In distributing the public laws of the country it was thought more appropriate that they should be distributed by the Department of Justice than by the Department of the Interior. The provision with reference to the Department of the Interior distributing them is very old legislation, and probably it had not proper consideration at the time.

But at the time we were enacting the judiciary code everything was brought up for first consideration regardless of existing conditions. It was intended to substitute entirely and completely the Department of Justice for the Secretary of the Interior, and it certainly would recommend itself to Senators as a better method, inasmuch as the Department of Justice deals peculiarly with the subject and has knowledge that the Secretary of the Interior could not have at first hand.

I will finish reading a few lines that remain in this section:

No distribution of reports and digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed.

In many places the courts of the United States are being held in the State buildings, because they are not yet provided with Government buildings. We rent quarters for them. In every place in our State, except one, the United States court sits in rented quarters. I had a statement as to the number of places in each State. It is sufficient to say that in a very large number of places the United States courts are held in

rented buildings. Now, there is a responsible designated custodian and officer of the United States to have the possession of these books.

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Idaho has made the law perfectly plain, so that we all understand it. I understood the Senator from Wyoming to state from the estimates from the Department of Justice that we were about to distribute 200 complete sets or something like that number——

Mr. SMITH of Georgia. One hundred and ninety-seven.

Mr. CUMMINS. That we were about to distribute 197 complete sets of the Supreme Court Reports. Now, if they are to be distributed at all, they must be distributed to clerks in the various departments, to the heads of bureaus, or something of that sort. I should like to know just who are to receive these 197 complete sets of the Supreme Court Reports under this appropriation, if the Senator from Idaho has looked into that sufficiently to answer the question.

Mr. HEYBURN. I have a list of all those who receive them. The Attorney General designates them in his report, and I suppose assigns the duty of ascertaining just who is entitled to them to some of the heads of departments.

Mr. CUMMINS. Of course the courts all have them, the district attorneys all have them, the Cabinet officers all have them, and the committees all have them—that is, the committees that are authorized there—but I should like if the Senator from Idaho would make it perfectly clear who are to get this eighty-seven thousands dollars' worth of Supreme Court Reports.

Mr. HEYBURN. I should like to finish some six or seven lines that I have here. Then I will have read the entire section:

No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office.

I had it in mind, and urged it rather strongly at the time we were framing this section, that the reports that were sent to the United States district courts should be kept in a room where they would be accessible to the judge and to the United States attorney and to any other officer of the court having occasion to refer to them. It seemed to me at that time that that would be a sufficient accommodation of the court; in other words, that they should not be locked up within the judge's chamber so that the United States attorney would be obliged to knock on the door to ascertain whether or not he might be admitted for the purpose of having access to these reports, but that a room should be provided in which all the reports furnished to the court would be kept and be accessible to the judge or judges and the United States attorney, and where they could retire to examine them. At that time we had in many districts two judges or three and in one we had four. We had the United States circuit judges and we had the United States district judges. All of them could readily be accommodated by having access to rooms in which the reports were kept and they could examine them, without excluding at the time of their examination any other officer of the court; but it was thought by the committee wise to be generous in this matter and to provide for a larger distribution of them. The appropriation bill, however, should not go beyond that. There should be an estimate, and doubtless is, from the Attorney General enumerating the persons to whom under the law and under this section the Supreme Court Reports of the United States should be distributed.

Bear in mind again that this does not include at all the Federal reports, outside of the reports of the Supreme Court of the United States, but here is an ambiguity of language that must be taken into consideration and evidently had been taken into consideration by the Attorney General. In the latter part of section 227 it is provided:

And to each of the places at which the district court may hereafter be held, the edition of said reports and digests to be selected by the judge or officer receiving them.

That was to give the judge the option of having either the cooperative or the regular edition. There are judges in certain districts who prefer to use the cooperative edition. In that case, upon a request from that judge, he has them, not in addition to the regular publication of the United States Supreme Court Reports, but in lieu of them. It does not contemplate a double distribution of one set of cooperative reports of the decisions of the United States Supreme Court, with the digest, and, in addition to that, a copy of what we know as the regular edition of the Supreme Court Reports. If this bill contemplates the purchase of both for any district, then it goes beyond the provisions of this law.

This is a large item, but with careful consideration there is no reason why there should be any embarrassment in complying with its provisions or in distributing these reports. It so happens that they are expensive and amount to a large sum of money in the aggregate. So much for the Supreme Court Reports.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. Mr. President, in the hearings before the House committee in explanation of these Supreme Court Reports. Mr. Field makes the following statement:

Section 227 of the judicial code provides for furnishing Supreme Court Reports to 782 officers or places, which is 197 sets more than the old law provided for; and this estimate, given in the note there, of $87,074 is the cost of these 197 additional sets.

Then Mr. Field also says that—

The additional places are made up of 10 officials in Washington, such as the assistant secretaries of the departments, etc., 8 United States judges, 86 United States attorneys, and 81 places of holding United States courts.

Mr. OVERMAN. How many United States attorneys?

Mr. SMOOT. Eighty-six United States attorneys and 81 places of holding United States courts.

Those numbers added together make 197 complete sets. The old law only provided for 782 offices or places.

Mr. SMITH of Georgia. I could not hear where the Senator says those volumes are sent. I heard the first part of his statement, but he turned his face in the other direction and I could not catch what he then said.

Mr. SMOOT. I will repeat it:

The additional places are made up of 10 officials in Washington, such as the assistant secretaries of departments, etc., 8 United States judges, 86 United States attorneys, and 81 places of holding United States courts.

Making 197 sets more than section 227 of the old law provided for.

Mr. SMITH of Georgia. Before the Senator passes I wish to ask, Does Mr. Field show 81 additional places where United States courts are held beyond the number prior to the adoption of that act? I do not believe that is possible.

Mr. SMOOT. No; not additional places—81 places of holding United States courts; and section 227 of the Judicial Code only provided for 782 offices or places. Those 81 places were not provided for in the number of 782, and that leaves a deficiency of 197 sets more than the old law provides for.

Mr. HEYBURN. Mr. President, the distribution under the old law is not worthy of or does not call for any serious consideration in connection with this proposed legislation. This is the first time that Congress has been called upon to make this distribution under existing law, and the questions suggested by the Senator from Utah were all considered by the committee in providing for the rule of distribution for the first time invoked in Congress, so that while they are interesting historically they have nothing whatever to do with the interpretation of the existing law, which has not heretofore been interpreted.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. In answer to the Senator, I desire to say this, that unless the 197 additional sets are provided in this appropriation bill or in some other bill, then there will be 8 United States judges, 86 United States attorneys, 81 places of holding United States court, and 10 officers in Washington who will not have the Supreme Court Reports.

Mr. HEYBURN. That is just the question that the Committee on the Revision of the Laws considered, and they solved it. It is solved in section 226 and the sections following that. They realized just the condition the Senator pictures, and in order to meet that condition they provided for an adequate distribution of these reports.

Mr. SMOOT. They did not provide the means for purchasing the additional reports, however.

Mr. HEYBURN. They provided for them to be furnished, and the question of providing the money to pay for them is a question important in itself, but not a controlling question in determining who shall receive them.

Mr. SMOOT. Of course, Mr. President, this is an appropriation bill to provide money to pay for those 197 sets.

Mr. HEYBURN. I understand that; this appropriation is merely to carry out existing law.

Mr. SMOOT. Yes.

Mr. HEYBURN. And the existing law provides for the persons who shall receive these books. We are undertaking to appropriate the money, but we are drifting back into a consideration of a law that no longer has any existence or any controlling influence whatever. All we want to do is to take up section 227, and on the statement of the number of sets or volumes required to be furnished under it and the price to be paid for them, authorize their purchase. That is the whole story.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HEYBURN. Yes.

Mr. FALL. I should like to ask the Senator if he can find any law for the distribution by the Attorney General of the Federal Reporter to United States district attorneys for which it is sought here to make an appropriation of $38,000.

Mr. HEYBURN. I have not as yet taken up the question of the Federal Reporter, but I am about to do so. I wanted to dispose of as a separate proposition the question of the Supreme Court Reports, and then, when that was finished, I wanted to take up the Federal Reporter which is provided for in an entirely different section of the statute.

Mr. FALL. I understood the Senator to refer also in his remarks to section 229.

Mr. HEYBURN. No; I have not done so yet.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. The Senator from Utah has just read the statement of the representative of the Department of Justice before the committee. He accounts for these sets of reports by saying, among other things, that 10 of them are needed in Washington. I may pause there to say I can not understand why the Government furnishes assistant secretaries and heads of bureaus with Supreme Court Reports and does not furnish Senators with sets of Supreme Court Reports. I think if anybody needs them the Senate of the United States needs them, although I do not mean to disparage the law learning of our body.

Mr. SMOOT. I will say to the Senator, however——

Mr. CUMMINS. Eighty-one of these sets are for supplying places in which United States courts are held. Now, is it possible that we furnish a set of reports to the judge and then also furnish a set of reports to the place in which he is doing his work? If we give him a set of reports we certainly ought not also to put in his court or court room another set of reports. I do not understand that provision.

Mr. HEYBURN. As a matter of fact, we do not do that.

Mr. CUMMINS. Well, we are going to send out 81 sets. I assume that every judge in the country has a set.

Mr. HEYBURN. That is, where he sits in chambers.

Mr. CUMMINS. Yes; and now we are going to furnish another set to his court room.

Mr. HEYBURN. For the officers of the court.

Mr. CUMMINS. What other officers are there except the district attorney? And the district attorney is also provided with a set. It seems to me we are becoming most extravagant in supplying these reports.

Mr. WARREN. May I interrupt the Senator for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I have yielded to the Senator from Iowa.

Mr. CUMMINS. I wanted to know whether we were to furnish a set of reports not only to the place at which the court is held, but also to the judge who holds the court.

Mr. HEYBURN. I would say that the judge who holds the court sits at chambers at places other than where the court is held. He may sit at chambers in any place—at his home, for instance. It is intended to provide him with convenient access to the Supreme Court Reports wherever he may be required or find it convenient to sit for the purpose of hearing matters. Whether it is wise or not, it is the law. We had a very great deal of discussion in regard to this subject, and there was a variety of opinion expressed as to who should receive the reports and where they should receive them, but this was the ultimate conclusion.

Mr. OVERMAN. May I interrupt the Senator——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. While it is the law, we need not make the appropriation for it.

Mr. HEYBURN. We ought to make appropriations to carry out existing law; if we do not, we are then open to the charge of disregarding existing law.

Mr. OVERMAN. If we decline to make the appropriation, it is, in effect, a repeal of the law, and we have a right to repeal the law. I think the Senate ought to pass upon that question as to whether or not we are going to furnish——

Mr. HEYBURN. I have no objection to the Senate passing upon it.

Mr. OVERMAN. As to whether or not we are going to furnish the court rooms with decisions and going to furnish the judge himself with decisions and going to furnish officers of the courts, district attorneys, and others with the decisions. The whole amount of this appropriation is over $200,000, and I think we ought to strike it all out.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I yield to the Senator from Utah.

Mr. SMOOT. So that the 81 places may be known by Senators—I will not take the time to read them, but I ask that they be put in the RECORD as a part of my statement. The hearings give the exact places where they go and to whom, and I believe that it would be a good thing to put the facts in the RECORD. I will ask that that be done.

The PRESIDENT pro tempore. In the absence of objection the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

UNITED STATES REPORTS.

The Second Assistant Secretary of State.
The Third Assistant Secretary of State.
Hon. James F. Curtis, Assistant Secretary of the Treasury.
Hon. A. Piatt Andrew, Assistant Secretary of the Treasury.
The Solicitor General.
Hon. William L. Wemple, Assistant Attorney General, 641 Washington Street, New York, N. Y.
The Commissioner of Education.
The Assistant Secretary of Commerce and Labor.
The Secretary of the Senate (use of Senate).
The Clerk of the House of Representatives (use of House).

Judges: Hon. William Schofield, Boston, Mass.; Hon. John C. Rose, Baltimore, Md.; Hon. Thomas C. Munger, Lincoln, Nebr.; Hon. John M. Killits, Toledo, Ohio; Hon. James D. Elliott, Sioux Falls, S. Dak.; Hon. George Donworth, Seattle, Wash.; Hon. Benjamin F. Keller, Charleston, W. Va.; Hon. Foster V. Brown (attorney general), San Juan, P. R.

United States attorneys: Birmingham, Montgomery, and Mobile, Ala.; Juneau, Nome, Valdez, and Fairbanks, Alaska; Tucson, Ariz.; Little Rock and Fort Smith, Ark.; San Francisco and Los Angeles, Cal.; Denver, Colo.; Hartford, Conn.; Wilmington, Del.; Washington, D. C.; Pensacola and Jacksonville, Fla.; Atlanta and Macon, Ga.; Honolulu, Hawaii; Boise, Idaho; Chicago, Danville, and Springfield, Ill.; Indianapolis, Ind.; Storm Lake and Osceola, Iowa; Topeka, Kans.; Covington and Louisville, Ky.; New Orleans and Shreveport, La.; Portland, Me.; Baltimore, Md.; Boston, Mass.; Detroit and Grand Rapids, Mich.; St. Paul, Minn.; Oxford and Jackson, Miss.; St. Louis and Kansas City, Mo.; Helena, Mont.; Omaha, Nebr.; Carson City, Nev.; Nashua, N. H.; Trenton, N. J.; Las Vegas, N. Mex.; Binghamton, New York, Brooklyn, and Buffalo, N. Y.; Raleigh and Winston Salem, N. C.; Fargo, N. Dak.; Toledo and Cincinnati, Ohio; Muskogee and Guthrie, Okla.; Portland, Oreg.; Philadelphia, Scranton, and Pittsburgh, Pa.; San Juan, P. R.; Providence, R. I.; Charleston, S. C.; Sioux Falls, S. Dak.; Knoxville, Nashville, and Memphis, Tenn.; Dallas, Houston, Paris, and Waco, Tex.; Salt Lake City, Utah; St. Johnsbury, Vt.; Richmond and Tazewell, Va.; Spokane and Seattle, Wash.; Parkersburg and Huntington, W. Va.; Milwaukee and La Crosse, Wis.; Cheyenne, Wyo.

Clerks United States district courts: Tuscaloosa, Florence, and Gadsden, Ala.; Fairbanks, Nome, Council, Ketchikan, Eagle City, and Juneau, Alaska; Globe and Tucson, Ariz.; Jonesboro, Ark.; Eureka, San Francisco, Sacramento, and San Diego, Cal.; Gainesville, Fernandina, Miami, and Ocala, Fla.; Hilo, Hawaii; Coeur d'Alene, Idaho; Chicago and Freeport, Ill.; Davenport and Ottumwa, Iowa; Jackson and Bowling Green, Ky.; New Orleans, Lake Charles, and Opelousas, La.; Bath, Me.; Springfield, Mass.; Clarksdale, Miss.; Cape Girardeau, St. Louis, Rolla, and Chillicothe, Mo.; Great Falls, Mont.; Chadron, Grand Island, and North Platte, Nebr.; Alamogordo, Las Vegas, Roswell, and Socorro, N. Mex.; Auburn, Binghamton, and New York, N. Y.; Elizabeth City, Washington, and Salisbury, N. C.; Grand Forks and Minot, N. Dak.; Youngstown, Cincinnati, Columbus, and Dayton, Ohio; Ardmore, Vinita, Enid, Lawton, and Woodward, Okla.; Medford and Pendleton, Oreg.; Philadelphia, Pa.; Newport, R. I.; Florence, S. C.; Amarillo, Fort Worth, and Texarkana, Tex.; Ogden, Utah; Big Stone Gap and Richmond, Va.; Bellingham, Wash.; Addison, W. Va.; Green Bay, Wis.; Evanston, Lander, and Sheridan, Wyo.; Philippi, W. Va.

Mr. WARREN. Will the Senator from Idaho yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I yield for a moment to the Senator from Wyoming.

Mr. WARREN. Let me say, replying to the Senator from Iowa in regard to Supreme Court Reports being furnished to Senators, that there is a provision that a certain number shall come to the Senate and a certain number to the House of Representatives. Let me say further that it is my intention to

offer certain amendments, and I shall state them now, so that they may be understood in the debate.

First, I propose to reduce the appropriation in line 18, page 130, from $74,000 to $62,000; second, on the same page, line 22, I shall propose to reduce the appropriation from $3,400 to $2,900; third, on line 25, to reduce $850 to $725; fourth, I propose to strike out lines 1, 2, and 3, on page 131; and, fifth, to strike out the provision of the House bill in lines 11, 12, and 13, providing for 15 copies of volume 56 of the lawyers' cooperative edition in addition to the distribution made by the Interior Department.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. If the Senator will yield to me for a moment, while we are on the subject of Supreme Court Reports I want to make a brief statement.

Mr. HEYBURN. I think to avoid confusion we should finish up the Supreme Court Reports before taking up the Federal Reports, and I yield to the Senator for that purpose.

Mr. NELSON. I want to call the attention of the Senate to the law in regard to the Supreme Court Reports before the judicial code was enacted. By section 681 of the Revised Statutes the reporter of the Supreme Court was required to furnish 300 copies of each set of the decisions—of the Supreme Court Reports—and they were to be distributed by the Secretary of the Interior in connection with section 386 of the Revised Statutes, which provided:

SEC. 386. The Department of Justice shall be charged with the distribution to the various judges and courts of the statutes, reports, and other judicial documents provided by law.

Section 683 prescribed where these 300 copies were to be distributed. That was the total amount of the distribution until the act of February 12, 1889 (25 Stats., 661). That statute amended the old statute by providing for the distribution of 76 copies in addition to the 300, and repealed that part of the law requiring the Supreme Court judges to distribute them to the courts, and so forth. So before the code was enacted the total number of Supreme Court Reports distributed annually was 376 volumes, and they were distributed through the Secretary of the Interior under this act.

Mr. HEYBURN. That is repealed by section 297 of the judiciary act.

Mr. NELSON. The judicial code more than doubled that amount of distribution. It raised it from 376 volumes, distributed through the Secretary of the Interior, to between seven and eight hundred volumes, distributed through the Department of Justice in the manner indicated by the section the Senator has just read.

I might say, further, that these Supreme Court reports are not published by the West Publishing Co. They are published by Banks Bros., of New York. These other paragraphs relating to the Federal Reporter are entirely distinct from that matter.

Mr. HEYBURN. They are not published by the United States. None of them is published by the United States.

Mr. NELSON. No.

Mr. HEYBURN. The United States secures them by contract with the publishers. That applies to what is called the regular edition as well as to these other editions.

Mr. NELSON. If the Senator has no objection, I should like now to say a few words about the Federal Reporter.

Mr. HEYBURN. I should like to have that go over until we reach that section, to avoid confusion.

Mr. NELSON. They are in the same paragraph.

Mr. HEYBURN. While this takes considerable time, it is time that must be devoted to the determination of this question. There seems to be such a diversity of opinion in regard to it that we must get it straight before we act upon it.

Now I have about finished with the Supreme Court Reports—that is, the reports of the decisions of the United States Supreme Court. They are to be furnished either in the Banks edition or in the cooperative edition, or in any edition that any judge may request. That provision was put in to settle a controversy that waged so long before the Committee on the Revision of the Laws that we grew so tired of it that we were compelled to make some concession in favor of what is called the irregular publication of the reports of the United States Supreme Court.

There are many lawyers and some judges that seem to prefer what is known as the "irregular edition" of the Cooperative Publishing Co. to the Banks edition; so we made the concession of allowing the judge of the court to elect which edition he should receive. But, having made that election, he can not change it. He can not start in and take the Cooperative edition for one year or three years or five years, and then switch off and discontinue that and take the Banks edition. That would not be practicable. But that provision was intended to apply to where courts are initiated, and are laying the foundation of their law library. The judges, being appointed for life, and presumably of long term, say: "We prefer, during our tenure of office, to have for reference in our chambers or in our courts the cooperative edition or the Banks edition." There is still another one: there are three of them altogether. But the cooperative edition and what we know as the regular edition are generally selected.

As I have said, it was not intended that they should be duplicated. This phrase in section 227, in the tenth line from the end of the section, was not intended to enlarge the distribution, but only to give the right of electing between them.

The committee doubtless have the enumeration of the places where the courts are held. If they have not, it is in this statute. The judiciary act prescribes where the courts are to be held, and they can not be held anywhere else than at the places provided by law. They would have no jurisdiction anywhere else. So there is no difficulty in determining the number of places at which the courts shall be held.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. The House hearings have all these places in them. I am just looking at what is said here about North Carolina—my own State.

Mr. HEYBURN. Let me suggest to the Senator that it is not necessary to go to the hearings for that. It is in the law itself.

Mr. OVERMAN. I understand that, but in the House hearings these places are set out, and some say they want the reports while others say they do not want them at all. In North Carolina, in the western district, a full set was furnished to Asheville while Charlotte did not want any. In Greensboro there was a full set furnished, and in Salisbury they did not want any; and so on. In Elizabeth City and Raleigh there were full sets furnished, but these other places did not need them.

Mr. HEYBURN. Of course, they will not be sent to them if they do not want them, and that part of the appropriation will not be expended.

Mr. OVERMAN. The law requires them to be sent to them, and here they say they do not need them in these places.

Mr. HEYBURN. If one of these judges said he did not want the reports, my sympathy would be with the Attorney General if he sent them to him, anyway, so that he might have no excuse for not knowing the law. The idea of a man sitting in judgment over a United States court saying he did not want to have the decisions of the United States Supreme Court. It reminds me of—well, I was going to refer to an incident, but I will not do so.

Mr. OVERMAN. The Senator recognizes, I think, that the judges in North Carolina will compare favorably with the judges in any other State.

Mr. HEYBURN. I was not casting aspersions on the judges of any State.

Mr. OVERMAN. The judge has a set in his own chambers, and he has a set in the main district where he sits, and he says that at these other places where he holds court he does not need them.

Mr. HEYBURN. Then he is not included in the provision we are talking about, because it only provides for furnishing them where they have not them already.

Mr. OVERMAN. But do they have them at these places? I do not know whether the judges made these memoranda or not, but they say they do not need them at these places.

Mr. HEYBURN. That is because they have them already, I suppose.

Mr. OVERMAN. No; I think not.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I yield.

Mr. SMITH of Georgia. If the Senator will allow me, the districts are being divided up, and the district judge in many instances is not in the division of the district for more than a week. He goes over and holds court there for a week and then goes back again to his principal office. There is no necessity whatever for buying a complete set of reports to put at a court room where the judge sits only one week. He can easily procure the volumes from members of the bar if he wishes to use them.

It seems to me that if we furnish a complete set to the judge at his principal office it is unnecessary, where he practically rides the circuit in his district, to place a set at every court, at some of which he does not remain a week twice a year.

Mr. HEYBURN. Mr. President, I am quite familiar with that conditions of affairs. It is quite usual for judges sitting away from the principal seat of justice to reserve their decisions on questions presented to them until they return to their principal place of holding court. That is quite usual all over the United States. I realize that so far as the judge is concerned, he might sit there like a phonograph and hear the arguments of counsel, and take the papers and records with him at the end of the sitting of the court, to be considered at his headquarters, wherever that might be. That never was a good practice, however. It is a very unfair practice.

Mr. SMITH of Georgia. If the Senator will allow me, he misunderstood me. I did not mean that in all cases the judge should reserve his decision until he went back to his principal office. But with half a dozen different places in his district where the district court judge sits, and where he frequently sits not more than a week, spending two-thirds of his time in his principal office, I suggested that it was unnecessary to buy books to put in the judge's rooms where he occupied them only one week during the year. I did not mean that it would be proper for him to wait until he went back to his principal office to decide the questions argued before him. But I suggested that at such a place he could easily secure from the members of the bar the temporary use of the Supreme Court decisions and the Federal Reporters. In their arguments they must have them at the courthouse, and they would cite the decisions, and they would gladly loan them to the judge when he retired to his chambers.

Where a district is cut up into half a dozen places for holding court by the district judge it is entirely unnecessary to put books at the office of the judge at each place where he holds court. If he is provided with them at his principal office, where he stays the larger portion of the time, that would seem to be an ample contribution of legal literature on the part of the Government to the judge.

Mr. HEYBURN. Mr. President, I am in sympathy with much that the Senator says. In the first place, I believe the courts sit in too many places; that the places for the sitting of the courts are too often the result of a desire on the part of some one to seemingly accomplish something for a local community. I have been somewhat at war with the existing system. But this morning I am compelled to lay aside whatever warlike feelings I may have on that basic principle and deal with conditions as they exist.

I believe the courts should be furnished with the precedents. It is well enough to say that the judges know the law or should know it. But one of the most important things in a Government such as ours is that the laws shall be uniform. The individual opinions of men are never uniform. Men yield to recognized authority, and very properly so, in the interest of stable government. So the courts should have, available and convenient, a history of the law relating to any subject that comes up for responsible action, whether the court is going to sit there a day or a month. Probably it would be wise to consider the question as to whether or not the court should sit at all of the places where it does sit; but we are dealing with the fact.

I think that is all I desire to say about the Supreme Court reports. But on the question of the Federal Reporter we have a much more complicated and expensive proposition. I now turn to section 228, which is incidental to both the Federal and the Supreme Court Reports. It reads:

The publishers of the decisions of the Supreme Court shall deliver to the Attorney General, in addition to the 300 copies delivered by the reporter—

I pause there to say that existing law requires the official reporter of the Supreme Court of the United States to deliver 300 copies to the Attorney General at a given price, to be distributed as provided in this law and by Congress.

Such number of copies of each report heretofore published as the Attorney General may require, for which he shall pay not more than $2 per volume.

Those are the old or what are called the back numbers.

And such number of copies of each report hereafter published as he may require, for which he shall pay not more than $1.75 per volume.

It is more difficult and expensive to obtain back volumes than it is to obtain current volumes. That is obvious.

The Attorney General shall include in his annual estimates submitted to Congress an estimate for the current volumes of such reports, and also for the additional sets of reports and digests required for distribution under the section last preceding.

That is a duty. It is made our duty by an act of Congress. We ought not to be at liberty to repeal it in making the appropriation.

Now, I come to the Federal Reporter. I have no hesitation in taking the time necessary to make this matter plain, because it is of the utmost importance not only to the courts but to every person in the United States. We grow to think that we have nothing to do with that which affects only some other person. But these authorities and decisions are the basis of uniformity of judicial decision. There is nothing—and I do not except the Constitution of the United States—that is of more importance to the people than the maintenance of that principle of government. Drift away from it, and you are drifting toward individualism and anarchy. Maintain it and stand by it, and you are maintaining and standing by that which must lie behind and underneath any good government—stability and uniformity.

I pause here to say that in my judgment every government should publish its own laws. This system of allowing somebody to speculate and make a profit out of the publishing of the laws of the people, enacted by their legislatures, is not in conformity with good government. I shall not pause to criticize the result of existing law, law that has existed for a long time, by which we farm out the functions of government. But the official opinions of the Supreme Court, one of the great coordinate branches of the Government, should be published by the Government at the expense of the Government, and distributed to the people upon an equitable and just basis established by law. No man should be permitted to stand between the people's acts and the people's rights to the extent of a single dollar.

Mr. OVERMAN. I fully agree with the Senator on that point. I have understood—I do not know whether it is true or not, but I should like to see an investigation of it—that the actual cost of these Supreme Court Reports is not over 50 cents per volume. I do not know whether that is so or not, but that is what I have understood.

Mr. HEYBURN. It would not be wise to confuse or embarrass the making of an appropriation at this time with the consideration of that question, further than to suggest it for future consideration. Therefore I shall not pursue it. But it is a subject worthy of study and thought. Not only the decisions of the Supreme Court, which is a coordinate branch of equal importance with each of the others, but the laws of Congress should be printed and officially distributed according to a fixed rule of law, so as to be available to every person. They should not be written upon high pillars so that the subjects may not know the law, in order that a trap may be set for them. The same is true of the executive acts of the Government. There should be a system of publication of that which is done for the people by their representatives without regard to rank or dignity, so that it may be available to all of the people without regard to rank or dignity.

Mr. OVERMAN. Mr. President, will the Senator further yield to me for a moment?

Mr. HEYBURN. I will.

Mr. OVERMAN. That is very interesting, and I think it is a subject that ought to be considered hereafter in the form of a bill. But I want to ask the Senator if he knows how the Supreme Court Reports are published?

Mr. HEYBURN. Yes; I know.

Mr. OVERMAN. We have an official reporter of the Supreme Court. Does he get a salary?

Mr. HEYBURN. I think I may say, without being charged with knowing too much, that I know all about how they are published. We investigated the subject from the beginning to the end. But it is not germane to the question now under consideration.

Mr. OVERMAN. If we can save $100,000 a year to the people by the publication of these reports—and I think we can—it is very important that the Senator should let us know about it.

Mr. HEYBURN. Merely because we investigated this question, and I officially participated in it, and think I have retained a very accurate recollection of all of the facts connected with it, I should not feel justified in breaking in upon the consideration of an appropriation bill for the purpose of recounting even very interesting history.

Mr. OVERMAN. If the Senator will tell me how it is done I should like to know.

Mr. HEYBURN. I shall be very glad to do that without taking it out of the time devoted to the consideration of this bill. It is an interesting subject. It is one that the Committee on the Revision of the Laws investigated very thoroughly.

Now let us proceed to the consideration of the law regulating the publishing and distribution of the Federal Reporter, because

that is the largest item. I read from section 229 of the judiciary act:

The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof.

That provision is not sufficiently guarded. As I have already said, it covers more than two different classes of publications, one of which is a duplicate of the other.

There is no occasion at all for taking the circuit courts of appeals reports, because they are contained in the Federal Reporter. The Federal Reporter Digest is a digest of all the decisions of both the district courts and the circuit courts of appeals.

The PRESIDENT pro tempore. The Senator from Idaho will suspend. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. PERCY. Mr. President, on Saturday I gave notice that when the unfinished business was taken up to-day, I would submit some remarks to the Senate upon it. By an error the notice does not appear on the calendar, and I presume as it occurred during the speech of the Senator from South Carolina [Mr. SMITH], which was withheld, it is with the manuscript of that speech. I do not wish to interrupt the consideration of the pending appropriation bill, and as I assume that probably it will be completed by to-morrow, when the unfinished business is due to be taken up, I simply give notice that to-morrow when the unfinished business is taken up I will submit some remarks to the Senate in regard to it.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Connecticut? The Chair hears none, and the unfinished business is temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. I would not occupy the time of the Senate except that such confusion arose Saturday in the consideration of this matter, I thought it proper to the extent of my ability to make it so plain that hereafter there will be no occasion to thrash over the consideration that was given to it on Saturday, and that there shall be a plain statement of the facts and the law in the Record.

I will proceed with section 229. I had read down to the provision for the Attorney General to furnish the Reporter and Digest.

Sets of the Federal Reporter or, in his discretion, other publication containing the decisions.

Whether the word "or" there is sufficient to establish an alternative as against a duality I am not certain in my own mind. I think there should be an amendment there that would confine him to furnishing one or the other and not both. They are both very expensive. They amount to a vast sum of money, and if the Attorney General furnishes the decisions of the circuit court of appeals, then he should not furnish the Federal Reporter. But undoubtedly if he is only to furnish one he should furnish the Federal Reporter, which contains both.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes.

Mr. FLETCHER. At the time that report was under consideration it may have been that the decisions of the circuit court of appeals were separate from the Federal Reporter. I know in the early edition of the Federal Reporter the decisions of the circuit court of appeals were not included, and the circuit court of appeals was a separate publication. But now the Federal Reporter includes both the district courts and the Commerce Court and the circuit courts of appeals. At the time that provision was under consideration it may be that the Federal Reporter did not include the decisions of the circuit court of appeals.

Mr. HEYBURN. It did include them. It has included them since 1891. I speak from personal familiarity with the subject.

Mr. FLETCHER. Then, of course, the Senator is entirely correct, but where the Federal Reporter is furnished the decisions of the Circuit Court of Appeals ought not also to be furnished in addition. The publisher of the Federal Reporter issues about five volumes a year and of the Circuit Court of Appeals there are about two. The advance sheets of the Federal Reporter come weekly. Of course there is no need to duplicate those things. I should think that the Circuit Court of Appeals ought to be eliminated entirely from this bill, because the Federal Reporter includes them.

Mr. HEYBURN. That is what I have in mind.

Mr. FLETCHER. It includes everything except the Supreme Court reports.

Mr. HEYBURN. I would be very glad if the Senator would formulate an amendment that would eliminate it and then provide against duplicating these reports. It could be done in a few words in section 229. It is obvious that there should be no necessity for consideration being given to the furnishing of duplicate reports.

And also future volumes of the same as issued.

Of course if you limit this to a single publication in the beginning of section 229 that will run all through the section and obviate the possibility of furnishing two sets of reports of the same decision.

And distribute a copy of each such reports and digests to each place where a circuit court of appeals, or a district court, is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission, and to the Secretary of the Senate for the use of the Senate, and to the Clerk of the House of Representatives for the use of the House of Representatives, not more than three sets each. Whenever any such court room, office, or officer shall have a partial or complete set of any such reports or digests already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States and, before distribution, shall be plainly marked on their covers with the words "The property of the United States," and shall be transmitted by the officers receiving them to their successors in office. Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests the distribution of which is provided for in this section.

I will say to Senators, while this seems a large sum now, it must be taken into consideration that this appropriation will not be necessary in future, because the appropriation covers the filling up of broken sets. It covers the supplying of courts that have none of these publications. The greater part of the appropriation will be expended for establishing these libraries, and it will not be necessary in future to do more than pay for the current volumes.

Mr. KENYON. Mr. President——

Mr. HEYBURN. I yield to the Senator from Iowa.

Mr. KENYON. The Senator will observe that in this section, as suggested by the Senator from New Mexico, there is no provision for furnishing the district attorney with the Federal Reporter. From his knowledge of the statute, does the Senator know of any provision for distribution to district attorneys of the Federal Reporter?

Mr. HEYBURN. There is no statute authorizing it.

Mr. KENYON. This bill proposes to appropriate $38,000 to enable the Attorney General to furnish the Federal Reporter to the United States district attorneys. I myself think the law was wise in omitting that provision. Any lawyer who has enough practice and experience to fit for that position should have a set of the Federal Reporter anyhow.

Mr. HEYBURN. That very consideration of this question was presented to the committee. It was suggested that probably no man would ever be appointed a United States district attorney who did not already have the Federal Reporter.

Mr. KENYON. Another thing, a district attorney, except in large cities like New York and Chicago, does not spend all his time or use all these books to do United States work. He uses the Federal Reporter and he uses the Supreme Court Reports for his other class of work. Then why should there be an item in this bill appropriating $38,000 to enable the Attorney General to furnish the Federal Reporter to the district attorneys?

Mr. HEYBURN. There should not be any such provision.

Mr. OVERMAN. The chairman has agreed to strike that out.

Mr. HEYBURN. That goes out under a general agreement.

Mr. WARREN. That is, the three lines will be stricken out.

Mr. KENYON. At the top of page 131.

Mr. HEYBURN. That goes out. Also I think the chairman has stated, in substance, that the appropriation of $96,309.50 will be reduced.

Mr. WARREN. No; I am waiting very patiently that the Senator may perhaps give me some light upon that item. All we intended to reduce was the appropriation from $74,000 to $62,000. I have not yet stated that I would agree to a reduction of the appropriation of $96,000, because I am yet without information other than that which comes from the Department of Justice as to what the amount should be. I will be obliged to the Senator if he can furnish me with additional information on the subject.

Mr. HEYBURN. Briefly, I will finish with that. I have been discussing that section. What I have said with regard to furnishing the United States Supreme Court Reports has been under that paragraph on page 131 which calls for an appropriation of $96,309.50. I want to make this suggestion in defense of that item—that it is to establish libraries largely where none exist now, because the law in effect before this time has not made sufficient or adequate provision for building up these libraries, so that $96,309 will not be a continuing expenditure. It is to establish these libraries, and all that will be needed hereafter will be to make the necessary provision for maintaining them.

Mr. WARREN. It will not all be expended next year.

Mr. HEYBURN. It will not be expended until certain public buildings are finished and certain places completed for the holding of courts. There are something like 30 places in the United States, if my memory is not incorrect, in which we are making new provision for the holding of United States courts. The buildings in many instances have not yet been contracted for or the estimates have not been approved, and it will be three, four, or five years before those buildings are completed. This is made a continuing appropriation, so that when those places are completed in which the court is to sit of course it will include library rooms and all necessary conveniences for the establishment and maintenance of the libraries belonging to the court, and then they will be furnished to them. After that it will be a question of buying four or five or six volumes a year of any one set of reports to keep the libraries current. That is the idea. While it seems like a large sum to be appropriating $96,000 for the purchase of law books, yet when once appropriated they are the property of the United States and will remain so forever, and it is only a question of maintaining them hereafter. I see no inconsistency in the appropriation, either as to the amount or as to the manner of its application.

Now, that covers the United States Supreme Court Reports and the Federal courts separately.

Mr. SMITH of Georgia. Mr. President, I understand the proposed amendments from the committee now pretty thoroughly, and I am opposed to practically all of them.

I desire, first, to call attention to the appropriation of $96,309.50 for additional Supreme Court Reports. We are informed, first, that it is to buy 197 additional full sets, and that 86 of those are to go to the district attorneys and 81 to additional places of holding district courts. I am opposed to both. I do not believe the Government has any business buying law books for the ordinary use of a United States district court attorney. His office is near that of the district court judge. He can examine the books in the district court judge's office with perfect facility.

Besides that, I doubt whether any United States district court attorney has not his own Supreme Court Reports. Every capable lawyer has his Supreme Court Reports. The district attorney when appointed is compelled to move his office to the office of the United States district attorney, and he carries his Supreme Court Reports with him. He stays there four years, usually, and then leaves. There is no necessity for furnishing Supreme Court Reports to the district attorneys. They can use their own books. It is not a permanent office like that of the district judge.

It is important to furnish Supreme Court Reports and Federal Reporters to the principal office of the district court judge, for he sits there nine months, probably, during the year and holds his chambers court there, and they are for the use not only of the district judge, but of the bar arguing cases before him.

I am opposed to the 81 sets for additional places of holding district courts. There is no necessity for it. We are adding places all over the districts for holding district courts. In many of them the district courts are held not more than a few days twice a year. It is entirely unnecessary to put a full set of Supreme Court decisions and Federal Reporters in the office of the district judge there, not because he does not require their use, but he has no time in his chambers for a thorough study of them. The lawyers who argue the cases before him bring the Supreme Court Reports with them; they bring the Federal Reporters with them; and leave them with the judge during the adjournment for investigation. He does not need a complete set of United States Supreme Court Reports and Federal Reporters in a court where he does not sit more than a week twice a year.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. Yes.

Mr. KENYON. Suppose the judge does not find the decision that he might desire in the books furnished by the lawyers, what is he to do? Is he to borrow from the lawyers?

Mr. SMITH of Georgia. Certainly, he can send out and get the books. The lawyer who has prepared his case will bring the Supreme Court Reports into the court with him or send out for them without any trouble.

Mr. KENYON. I am in favor of any measure of economy; but I do believe that where courts are held, even though the judge be there for but a week, he should have a set of the reports at his disposal and for his use, because I do not believe a judge should borrow law books from a lawyer any more than he should borrow anything else from him. The judge should be absolutely independent as far as the sources of the law and the books are concerned the same as in regard to anything else.

Mr. SMITH of Georgia. Mr. President, the district court is not established in any place where there are not one or two or more lawyers who have full sets of Supreme Court Reports and Federal Reporters. The lawyer on either side of the case brings the decision that the judge examines, and the lawyer on either side is ready to leave them and asks the privilege of leaving them. We do not furnish a complete library to the district judge. They bring many volumes of decisions into the court room, besides the Supreme Court decisions and Federal Reporters, and leave them for the judge to examine.

Now, what I insist is that at the many places at which district courts are established it is unnecessary for the Government to furnish a library. When the most important questions are considered if a judge wants time for investigation he waits until he goes back to the chambers. Of course, wherever he can do so he should decide the questions at once, but there is not a great deal of leisure for the quiet examination of authorities where a nisi prius court is held not longer than a week.

I am opposed to furnishing the district court judges with the 81 additional sets or the district attorneys with the 86 additional sets. I am opposed to buying the 81 additional sets to scatter them over the country where the district courts are held but a very short time. The whole tendency is to divide up districts into innumerable places for short terms.

I am in perfect sympathy with the view of the Senator from Idaho that this is a mistake. It seems to be the policy, the people seem to want it, and they are going to get it if they want it.

For the reasons given I object to the appropriation of $96,309.50. If you will turn to section 227, you can see the different officers who are to be furnished Supreme Court Reports. Why should we send a set of Supreme Court Reports to the Geological Survey, or to the Bureau of Manufactures, or to the Census Office, or the purchasing agent of the Agricultural Department, and so on? The list included in section 227 is already padded beyond any necessity.

There is always a pressure on us whenever anybody has anything to sell for the Government to buy it, in just as many places as can be possibly suggested, and quite a large number of the places mentioned in section 227 of the judiciary code are useless. I am opposed to increasing them. I think we have already covered more than we ought to have covered, and that instead of appropriating money for more we can very well legislate to cut out a number of those contained in section 227.

Now, I wish to pass from the district court to the Federal Reporters, covered under lines 15, 16, 17, and 18, on page 130—$74,000 for additional copies of the Federal Reporter sets. That comes under section 229 of the judiciary code.

Mr. FALL. Will the Senator allow me?

Mr. SMITH of Georgia. Yes.

Mr. FALL. Right there I should like to call the attention of the Senator and the Senate to the fact that last year there was $64,000 appropriated for identically this same purpose—for these additional sets.

Mr. NELSON. Will the Senator from Georgia allow me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Yes.

Mr. NELSON. Under that appropriation there were 143 sets purchased, and, as I understand it, there are one hundred and seventy-odd back numbers still required to complete the entire sets. The appropriation of $64,000 only covered a part of the sets, and this item, as the Senator from Georgia will see, is for the balance of the sets.

Mr. SMITH of Georgia. Which item is the Senator referring to now?

Mr. NELSON. It is the item of $74,000.

Mr. SMITH of Georgia. It does not take $74,000 to complete those sets.

Mr. NELSON. I understand from the last statement of the chairman of the committee, and I think it is correct, that $62,000 will complete it.

Mr. SMITH of Georgia. That is, of Federal Reporters?

Mr. NELSON. Yes; the back numbers of the Federal Reporter.

Mr. SMITH of Georgia. Then the back numbers have been lost at the places for which we have been buying them. Is that what is meant?

Mr. WARREN. Oh, no. There are 310 places eligible. There were only furnished under appropriations heretofore 150. That leaves 160 places which would cost $74,000, but at some places they have not a proper building or vault in which to care for them, and so in the later consideration of the department they say that could be reduced to $62,000, and it will cover so many of the 160 places as they can take care of.

Mr. SMITH of Georgia. How many places will they have? Can the Senator tell me?

Mr. WARREN. The report states either 150 or within two or three of it.

Mr. SMITH of Georgia. That number were bought by the appropriation last year?

Mr. WARREN. That is what I said.

Mr. SMITH of Georgia. But there were a large number already receiving them.

Mr. WARREN. That is what I stated. Those were furnished last year and the other 160 or so are still unfurnished.

Mr. HEYBURN. I will say we have only recently inaugurated the system of furnishing these sets. So that accounts for the fact that there were only a few places that had full sets of the Federal Reporter.

Mr. SMITH of Georgia. The district judges at their chambers have been receiving them, and they are found there stamped "United States property." I never called at a district judge's main office and asked for the Federal Reporter that I did not find the Federal Reporter with "United States Government" stamped on.

Mr. HEYBURN. That is, in recent years.

Mr. SMITH of Georgia. I find the back volumes there. I am opposed to appropriating $74,000 for additional Federal Reporters. If you will turn to section 229 of the judiciary code, you will observe that the additional places named are about 16. I do not know where they are going; the Senate does not know.

Mr. WARREN. I have stated that we have the direct statement of the executive officer of the department, to whom I gave notice on Saturday that I should want the latest information, and direct and accurate information, and I am giving the Senator the benefit of that as to 150 having been furnished.

Mr. SMITH of Georgia. Where are they?

Mr. WARREN. I did not get a list of them. One hundred and sixty are unprovided for, and the law provides altogether for 310 depositaries.

Mr. SMITH of Georgia. Under section 129 of the judiciary code I do not see how 310 sets could possibly be used. If we are furnishing 157, I think that is plenty. I do not see how this section 129 of the judiciary code provides for such a large number.

Mr. WARREN. I see in the hearings here that it is given:

> Number of places holding United States district court, 310; number of places now supplied with the Federal Reporter, 146; number of places where district judges report they are not desired, 32; number of places where desired but where there are no public buildings at the present time, 16, etc.

Mr. SMITH of Georgia. I am utterly opposed to sending Federal Reporters to every place where a district court is held. The same reason applies to that which is applied to the Supreme Court decisions. To put a full set of Federal Reporters at a place where a court is held for a week is useless. If we furnish a district judge one complete set of Supreme Court Reports and one complete set of Federal Reporters, it is all we ought to do.

Therefore this enlarged number grows out of the purpose to put these volumes at every place where a Federal court is held, although the judge only holds the court for a few days twice a year.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do.

Mr. HEYBURN. I make this suggestion for the consideration of the Senator: These books are furnished to the Government, and is it not a very small number of copies of the laws or decisions of our country even within the largest figures contemplated? They are all the property of the Government. Congress may order that they be sent here or there, but should we have on hand less than 500 sets of the official reports of the decisions of our Federal courts subject to the disposition of Congress at any time now or far in the future? It is a very meager supply of the law to have on hand at the best, and in order to reproduce them in the future, should the Government conclude in the future that a better or wider distribution was desirable, where would we get them unless we have them on hand? Would we start out again to print them? It seems to me that as a matter of fact the Government should have a thousand sets on hand.

Mr. SMITH of Georgia. I do not yield to the Senator longer. He has occupied the floor nearly the whole morning, and he is not elucidating the subject now.

Mr. HEYBURN. Of course if the Senator chooses to indulge in any discourteous criticism about that I will not interrupt him.

Mr. SMITH of Georgia. I did not intend a discourtesy.

Mr. HEYBURN. When I occupied the floor I found it was all right, and I did not object to any interruption.

Mr. SMITH of Georgia. But the Senator is not doing it all right now.

Mr. HEYBURN. I will not interrupt the Senator.

Mr. SMITH of Georgia. Mr. President, the suggestion of the Senator that perhaps the Government ought to have 500 copies of all these decisions I accept, and to that I in no sense objected. But I did not think, as I had the floor, that the Senator ought to go further beyond that suggestion to an elaboration of it.

Mr. HEYBURN. I did not intend to do so.

Mr. SMITH of Georgia. What I meant was that I preferred for him not to elaborate that thought just at this time. I wish again to say that I certainly meant no discourtesy to the Senator.

Mr. HEYBURN. I had no intention of elaborating it. I had concluded.

Mr. SMITH of Georgia. And I would rather yield the floor to the Senator than to have him feel that I meant any discourtesy, because nothing was further from my thought or feeling than anything but the greatest respect for the Senator, which I feel both in the Chamber and outside the Chamber. If my expression or conduct conveyed any other thought, I wish to withdraw it and to publicly disclaim it, for I never meant it and I do not feel it.

I do not think that these reports ought to be distributed all over the country in places where court is not held. I do not think there is any necessity for the National Government to buy great quantities of Federal Reporters and store them away. There are immense quantities of them published; they are found everywhere. It is not essential for the National Government to distribute them in order that access to them may be had.

I understand perfectly now, Mr. President, why these two items that we thought were duplications are found in the amendment, the item of $715 for advance sheets and the $850 item. It is because under lines 15, 16, 17, and 18, by the $74,000 appropriation, a large number of additional sets of reports are to be placed in different parts of the country. The $2,860 appropriated by the other House was intended to continue the sets already distributed; the $715 was intended to obtain the advance sheets for the additional purchases covered by the $2,860; the $74,000 is to distribute additional sets; the $3,400 is to buy the current volumes for the additional sets; and the $850 is to buy the advance sheets for the additional current sets.

I did not understand this on Saturday, and I do not think any of us understood it distinctly Saturday, but I think it is perfectly clear now. I do not know what the contract of the Government is, with reference to the volumes, and therefore I do not know whether we can legitimately insist that the purchase of the volumes for $2 a year carries the advance sheets. The district court judges certainly want the advance sheets, and, if the purchase does not cover them, we ought to add the $715 and buy them, because the district judges ought to have the advance sheets. If we buy these reports for $2 apiece, exclusive of the advance sheets, then we ought to pay the 50 cents extra

and get the advance sheets, because I regard the advance sheets as exceedingly valuable. The truth is the current reading of the judge outside of the permanent examination of the volumes is largely had by the use of the advance sheets. He takes them home and looks over them at night, and in that way keeps right up with the current decisions as rendered. My serious objection is to the items appropriating, respectively, $74,000 and $86,300.50. I do not think it is necessary to buy those additional sets. I do not think we ought to do it. I think it is a waste of money.

Mr. NELSON obtained the floor.

Mr. WARREN. Will the Senator from Minnesota yield to me?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. I do.

Mr. WARREN. The Senator from Minnesota has carefully looked up this subject; and I think I shall have to suggest the absence of a quorum, so that we may have a full attendance.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Kenyon	Poindexter
Bacon	Cullom	Lippitt	Sanders
Bankhead	Cummins	McCumber	Shively
Borah	Dillingham	McLean	Simmons
Brandegee	Fall	Martin, Va.	Smith, Ariz.
Ransdell	Fletcher	Martine, N. J.	Smith, Ga.
Brandegee	Gallinger	Massey	Smith, Mich.
Bristow	Gardner	Myers	Smoot
Bryan	Gronna	Nelson	Sutherland
Burnham	Guggenheim	Newlands	Swanson
Burton	Heyburn	Overman	Thornton
Catron	Johnson, Me.	Page	Tillman
Clapp	Johnston, Ala.	Percy	Townsend
Crawford	Jones	Perkins	Warren

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. NELSON. Mr. President, I ask the indulgence of the Senate for a brief moment for the purpose of explaining the matters pertaining to these items in the appropriation bill, so far as they relate to the Federal Reporter.

Prior to the publication of the Federal Reporter we had no regular series of reports of the inferior Federal courts—that is, of the courts below the Supreme Court of the United States. There were from time to time in a sporadic manner certain volumes of the reports issued. I can recall some of Story's reports, Woolworth's reports, Curtis's reports, and Dillon's reports, and a few others; but there was no regular series of Federal reports of the inferior courts that the legal profession or the courts could consult. After the Federal Reporter was inaugurated it became very popular with the bar. By and by there came to be a great demand for it among the courts. Finally, some years ago, the Attorney General of the United States recommended, and bills were introduced for that purpose, the distribution of the Federal Reporter to the several United States courts and to certain officials. Several bills, I think four or five, were favorably reported from the Judiciary Committee of the Senate. Two of the bills were passed, providing substantially for the distribution of the Federal Reporter in the manner set forth in section 229 of the judicial code.

The first of these bills which passed was Senate bill 179, favorably reported by the Senator from Idaho [Mr. BORAH] from the Judiciary Committee and passed by the Senate. That bill went to the other House, and there was a favorable report on it there by Mr. Tirrell. It was placed on the calendar, but never passed. Subsequently, in the Sixty-first Congress, third session, another bill was passed by the Senate. That was also favorably reported, but was not passed by the other House. Finally a favorable report was made upon a bill in reference to this matter in the House of Representatives, and the substance of that bill was incorporated in section 229 of the judicial code.

I call the attention of Senators to the limited manner of the distribution provided for in that section as compared with the distribution for the Supreme Court Reports:

SEC. 229. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the Court of Appeals and the Supreme Court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, for the use of the House of Representatives, not more than three sets each.

The Federal Reporter is published in pamphlets such as this [exhibiting]. They are published monthly, and from four to six of these pamphlets make up and constitute a volume. I have in my hand here five sheets, which will constitute when they are bound—and they will soon be bound—volume 194 of the Federal Reporter. The pamphlet copies are called the advance sheets, and when enough of them are issued to form a volume they are bound like this [exhibiting] and distributed to the members of the bar who subscribe for the Federal Reporter. At an early date my recollection is members of the bar had to pay $4 a volume for the Reporter with the advance sheets. I understand that at the present time they secure those volumes and the advance sheets for three dollars and a half. The publishers of the Federal Reporter came before the Committee on the Judiciary and stated, "If you will take enough sets, we will furnish them for $2 a volume." Nothing was said about the advance sheets, and so this section of the code was adopted.

The paragraphs in the appropriation bill in relation to this matter cover two items strictly within the law, while three items are not provided for. In the last appropriation bill, that of 1911, we appropriated $64,000 partly to buy back sets of the Reporter to supply 310 places, I think, where court is held. The appropriation of $64,000 was enough to pay for the current Reporter and to supply about half, or a little more than that, of the number of back sets required.

The item in the bill—

To pay for additional books authorized to be furnished under section 229 of the "Act to codify, revise, and amend the laws relating to the judiciary," to remain available until expended, $74,000—

is to complete the sets. It is to provide what you might call the other half of the sets contemplated by section 229, the estimate for which was $74,000, but, as the chairman of the committee has stated, and he scrutinized the matter carefully, it can be reduced to $62,000.

Mr. WARREN. That is right.

Mr. NELSON. The sum of $62,000 is sufficient to cover that. When that $62,000 is appropriated that will be the end of that; that will complete the sets of Federal Reporters in arrears, and all we will hereafter have to appropriate will be for the current volumes.

I am informed that a sufficient number of the advance sheets are published every year to make from four to five volumes of these reports. The number varies, sometimes running up to six and sometimes as low as four. I inquired of the librarian of the Supreme Court to-day, and he said the average might be fairly put at five volumes a year.

When we have once appropriated to complete the sets, which we will do by this small item, as I have said, there will be nothing more to appropriate except from year to year for the current volumes.

The first item in italics, in lines 12, 13, and 14, on page 130, appropriating $715, is to pay for advance sheets. As the Senator from Georgia [Mr. SMITH] has well said, the courts need the advance sheets as much as they need anything at all, and even at 50 cents a volume for the advance sheets they only cost the Government, together with the bound volumes, two dollars and a half, as against three dollars and a half charged to the bar at large; so that the Government is ahead, as compared with the bar, to the extent of at least $1 a volume, even if we pay for the advance sheets.

Mr. OVERMAN. Mr. President, I desire to ask the Senator his view as to two paragraphs here. The Senator will notice the House provision, which is not amended, beginning in line 8, for Federal court reports and digests.

Mr. NELSON. I am coming to that. I am going to discuss that.

Mr. OVERMAN. Very well.

Mr. NELSON. That provision is to provide for the continuation of the fifty-odd volumes of the back numbers published last year.

Mr. OVERMAN. I understand that, but if you will notice the language in line 10.

Mr. NELSON. But the other paragraph to which the Senator refers, the appropriation of $3,400, which, as I understand, the Senator from Wyoming intends to reduce by an amendment, relates to the volumes to be furnished under the paragraph immediately preceding. I call the attention of the Senator to lines 15, 16, and 17. The chairman of the committee proposes to offer an amendment reducing the appropriation there to $62,000, and that amount will complete the sets with the back numbers. The paragraph following that is to supply the current numbers.

Mr. OVERMAN. I understand that, but I want to ask the Senator is it necessary that we should appropriate this large amount of money? The Senator's bill, as I remember, as it

came before the committee provided for the distribution of some 300 copies.

Mr. NELSON. About 300.

Mr. OVERMAN. Now, it is proposed to add to that, so as to make the number about 700, is it not?

Mr. NELSON. That is a different matter; that relates to Supreme Court reports. This refers to the volumes of the Federal Reporter, which are published at St. Paul by the West Publishing Co. I am not discussing that now.

Mr. OVERMAN. Well, $74,000, as I understand, is for the Supreme Court reports.

Mr. NELSON. It is for the Federal Reporter; but the chairman of the committee informs me that that amount can be reduced and ought to be reduced to $62,000, and that will complete the entire set, and there will be nothing more to supply in future except the current numbers.

The paragraph included in lines 12, 13, and 14, on page 130, is not within the law, and the same may be said of the paragraph included in lines 23, 24, and 25, which is of the same character. Those paragraphs relate to the advance sheets, and there is no law requiring them, but I think we are all agreed that the courts ought to have the advance sheets, particularly when they can get them at 50 cents a volume. The provision on the next page, to enable the Attorney General to furnish complete sets to district attorneys, and so forth, is entirely new legislation. There is no law for it; it stands on a distinct and separate footing; but every paragraph on page 130, except those relating to the advance sheets, is strictly within and in pursuance of the law. I submit to Senators after the publishers have agreed to furnish those volumes for $2 apiece, as against $3.50 to the profession, that they are entitled to furnish the number for which the law provides, and it would not be anything more than fair and equitable to make such provision. Only a little over 300 copies of the Federal Reporter are called for, as against nearly 800 of the reports of the Supreme Court of the United States.

Mr. OVERMAN. Can the Senator tell me how many district courts there are in the United States?

Mr. NELSON. I can not give the exact number, but the number of reports to be distributed under section 229 is a little over 300.

Mr. OVERMAN. Does that mean to every place where court is held?

Mr. NELSON. It means where court is held; where there is a courthouse.

Mr. OVERMAN. Does the Senator think that we ought to furnish judges with these reports?

Mr. NELSON. No reports are furnished to the judge. It is not like the other provision as to the Supreme Court Reports. I will read the provision.

Mr. OVERMAN. Yes; I understand that, if the Senator please. But I was asking his opinion whether we ought to send the Supreme Court Reports to every little town where court is held.

Mr. NELSON. That paragraph does not give the Federal Reporter to the judges and it does not give them to a lot of other officials who receive the reports of the Supreme Court of the United States; in other words, the Federal Reporter is not distributed to half as many as are the Supreme Court reports—less than half, I think, or about 310 as against 780, or something of that kind. I am not absolutely certain as to the figures.

To sum up, Mr. President, the appropriations on page 130, with the exception of two, are strictly in pursuance of existing law and ought to be provided for in the bill. As to the two small items, one of $715 and the other of $850, which the chairman has given notice that he will move to reduce, there is no existing law, but all who are acquainted with judicial proceeding feel that the judges and others who get the Federal Reporter ought to have the advance sheets.

As I said a moment ago, they cost only 50 cents a year, and, including the advance sheets, the cost of the Federal Reporter is only $2.50 to the Government, as against $3.50 to private parties and to the bar at large. As to the matter of distributing them among district attorneys, I have nothing to say.

Now, I will just add one word about the Supreme Court Reports. Originally 300 copies of the Supreme Court Reports, under the Revised Statutes, were distributed through the Secretary of the Interior, and a section of the Revised Statutes prescribed the persons to whom and the places to which those 300 copies should be distributed.

Afterwards, in 1891, I think, the statute was amended so that we added 76 copies of the Supreme Court Reports. So, before the judiciary code was enacted, the total number of the reports distributed under the law, as near as I can recall, was 376 volumes. Under the Revised Statutes a part of those were distributed through the Attorney General's office, and the remainder through the Secretary of the Interior. By the act of 1909 the entire distribution was committed to the Secretary of the Interior.

Now, the judiciary code, in sections 227 and 228, changed that entirely. It took it away from the Interior Department and left it with the Attorney General, and more than double the number of reports are distributed—that is, it left it 775 or seven hundred and eighty-odd as against 376. That is the distinction.

The Federal Reporter is published by the West Publishing Co., at St. Paul. The Supreme Court Reports are published by Banks & Co., of New York.

There is another item here, which was in the House bill, providing for 15 copies of what is called the lawyer's cooperative edition. There is no existing law for that publication as there is for the Supreme Court Reports and the Federal Reporter.

By the sundry civil bill of March 4, 1911, provision was made for the purchase of 15 copies, and, as the Senator from North Carolina well remarked a moment ago, when I called attention to the fact, that was not a continuing or existing law. It only covered that appropriation.

So it seems to me, to sum up in reference to the Federal Reporter, that all the items except those for the advance sheets and for the United States attorneys are strictly within the law and are called for by existing law.

As to the two small items for the advance sheets, while they are not provided for by existing law, I think we are all agreed that they ought to be purchased at the price at which they can be obtained.

As to supplying 300 copies to the district attorneys, that is a matter for the House. I have no recommendation to make in that respect. While I think it would be some help to the United States attorneys, in view of the fact that the reports are distributed among the courts, they can probably get along without them. I say that although these reports are published in my own State, and I want to say in all candor to the Senate that while I think the district attorneys would be glad to receive those reports, I do not regard them as a necessity for them.

Mr. OVERMAN. Mr. President, I appreciate what the Senator from Minnesota [Mr. NELSON] has said in regard to the reports, but I disagree with him as to the advance sheets. These reports are to go to every district court of the United States. Take my State. There is a court to be held at Raleigh, one at Washington, one at Beaufort, and so on. Those advance sheets will be sent to every place. Who will ever see them? The judge lives at Wilson. There is no court held there. He might direct the clerk to send them from Raleigh. What is the use of sending them to Beaufort, or Washington, or any other place? Nobody is going to read them. They will be in the courthouse. The judges are not there. There is nobody there but the clerk.

Therefore I am going to make the point of order against the amendment on page 130, comprised in lines 12, 13, and 14, and the further amendment contained in lines 23, 24, and 25 on the same page.

Mr. CULBERSON. On what page?

Mr. OVERMAN. On page 130.

I make the point of order against the amendment in lines 12, 13, and 14, on page 130, that it is not provided for by existing law.

Mr. WARREN. But it is an appropriation which is duly estimated for from the proper quarter and is recommended here by a standing committee, and therefore is in order.

Mr. OVERMAN. Let us see about that. It says here, under Rule XVI, section 3, if I recollect aright—

No amendment which proposes general legislation—

This is general legislation—

shall be received to any general appropriation bill.

Mr. WARREN. This is a direct appropriation and is not general legislation. It provides for a certain sum of money for a given time for a certain purpose.

Mr. OVERMAN. It provides for sending out these reports and, I think, is objectionable to the rule.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Wyoming to say that the appropriation is estimated for?

Mr. WARREN. It is estimated for in proper form and is published in the original Book of Estimates of the Treasury Department for the current year on page 435.

Mr. OVERMAN. But the estimate is not based on any law now in existence.

The PRESIDENT pro tempore. The Chair is of the opinion that the point of order is not well taken, and overrules it.

The question is on agreeing to the first amendment, which will be stated.

Mr. CULBERSON. Mr. President, I have been in and out of the Chamber this morning, and I do not know what has been said or what has been done with reference to the proposed amendment in lines 1, 2, and 3, on page 131.

Mr. WARREN. While the Senator was out I proposed to amend these amendments in several places. That one I propose to strike out.

Mr. CULBERSON. Because it is not based upon existing law, I presume.

Mr. WARREN. And I also propose to strike out lines 12, 13, and 14, on page 131, and I propose to reduce the amounts in three other places, as we come to them.

Mr. CULBERSON. All right. I will listen to the amendments.

The PRESIDENT pro tempore. The first amendment will be stated.

The SECRETARY. On page 130, after line 11, it is proposed to insert:

To pay the publishers of the Federal Reporter for advance sheets during the fiscal year commencing July 1, 1912, $715.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] The Chair is in doubt. It will again put the question. [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

The next amendment was on page 130, after line 14, to insert:

To pay for additional books authorized to be furnished under section 229 of the "Act to codify, revise, and amend the laws relating to the judiciary," to remain available until expended, $74,000.

Mr. WARREN. I move to amend the amendment by inserting "$62,000" in place of "$74,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 130, after line 18, to insert:

To pay the publishers of the Federal Reporter for additional volumes of continuations for the fiscal year commencing July 1, 1912, to remain available until expended, $3,400.

Mr. WARREN. In place of "$3,400" I move to insert "$2,900."

The amendment to the amendment was agreed to.

Mr. JONES. After the word "twelve," in line 21, I desire to offer an amendment, to insert the words "including advance sheets."

Mr. WARREN. I will say to the Senator that this is the lowest sum at which the publishers will furnish the books themselves. We have reduced that amount. Now, I wish to say, for perhaps the Senator did not hear it, that the advance sheets will not be furnished when we pay only $2 for the volume. That is the determination, and it has been agreed upon. It is a mere matter whether you want the advance sheets or not.

Mr. JONES. Agreed upon between whom?

Mr. WARREN. That is the law.

Mr. JONES. My contention is that ordinarily wherever the publishers agree to furnish bound volumes they furnish advance sheets. I had a copy of the advance sheets here a moment ago.

Mr. WARREN. But they do not furnish the bound volume at $2.

Mr. JONES. They give the Government a special price because of the large number ordered.

Mr. WARREN. It is a special price, it being $2.50 for the volume and the advance sheets, while the commercial rate is $3.50.

Mr. JONES. I am satisfied the publishers will be glad to furnish the advance sheets with these volumes at $2 per volume.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington [Mr. JONES] to the amendment.

Mr. WARREN. I hope the amendment will not prevail, because if we are going to make fish of one and fowl of the other it will create confusion.

Mr. CULBERSON. Mr. President, I certainly hope the amendment proposed by the Senator from Washington will be adopted. This is an extraordinary sum of money we are appropriating for these publications, and the publishers ought to be required, at the price named, to include the advance sheets. It will cost very little money to them, and I agree with the Senator from Washington that the amendment ought to be adopted.

Mr. WARREN. Does the Senator think that 150 courts ought to have the advance sheets and the other 150 should not? That is what the amendment will provide.

Mr. CULBERSON. I presume an appropriate amendment will be offered as to the other in due time.

Mr. WARREN. The other has already been passed upon.

Mr. CULBERSON. But the bill has yet to go into the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington [Mr. JONES] to the amendment. [Putting the question.] The Chair is in doubt.

Mr. ASHURST. I ask for a division.

There were on a division—ayes 15, noes 16.

So the amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. SMITH of Georgia. I ask for a division.

The PRESIDENT pro tempore. A division is demanded.

Mr. CULBERSON. May I make an inquiry with respect to the parliamentary situation? The proposition is on the amendment in lines 19 to 22, inclusive, and the amendment reduces it to $2,900.

The PRESIDENT pro tempore. It is.

There were on a division—ayes 15, noes 10.

So the amendment as amended was agreed to.

The next amendment was, on page 130, after line 22, to insert:

To pay the publishers of the Federal Reporter for advance sheets during the fiscal year commencing July 1, 1912, to remain available until expended, $850.

Mr. WARREN. I move to strike out "$850" and insert "$725."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 131, to insert:

To enable the Attorney General to furnish complete sets, continuations, and advance sheets of the Federal Reporter and digests to United States district attorneys, $38,000.

Mr. WARREN. I ask the Senate to disagree to the amendment.

The amendment was rejected.

The next amendment was, on page 131, after line 3, to insert:

Supreme Court Reports: To pay for complete sets and additional volumes, as issued, of the Supreme Court Reports and digests thereof, authorized to be furnished under sections 227 and 228 of the "Act to codify, revise, and amend the laws relating to the judiciary," to remain available until expended, $96,309.50.

Mr. OVERMAN. I move to amend that paragraph by striking out the total, "$96,309.50," and inserting in lieu thereof "$70,000," and also the words "*Provided*, That the Supreme Court Reports and Digests shall not be distributed to United States district attorneys."

We have stricken out, on page 131, from lines 1, 2, 3, and provided that the reports should not be furnished to them, and for the same reason I do not want to see the United States Supreme Court Reports furnished to the district attorneys. I therefore move an amendment to strike out the total as it appears in the amendment and to make it $70,000 instead of $96,000.

Mr. WARREN. Mr. President, they have been furnished under the old laws. A part of this now goes to them.

Mr. OVERMAN. I think not.

Mr. WARREN. Oh, yes; they have always been furnished.

Mr. OVERMAN. They ought not to be furnished the United States Supreme Court Reports. I will venture the assertion that if they have been furnished none of them has a complete set. They hold office for only four years.

If we furnish a lawyer with a set of Supreme Court Reports, what becomes of them? He has no vault to put them in. Other lawyers borrow them, and every man has an incomplete set; and we are asked to appropriate money here every year in an appropriation bill to supply these complete sets.

Are you going to furnish a district attorney, a man that probably does not have his office at the courthouse, the United States Supreme Court Reports? If he has not got them in his own library, he ought not to be appointed to the position. Nine-tenths of the lawyers who are appointed United States district attorneys already have the Supreme Court Reports.

Mr. WARREN. Mr. President, so far as my observation goes almost all of the district attorneys have their offices in public buildings, and have vaults there. Besides, these books are all stamped and labeled as property of the United States and can not be dissipated or hawked around.

Mr. OVERMAN. If they do have their offices in public buildings, the reports are right there, where they can just step across the hall and get all they want.

Mr. WARREN. Let me say another thing: There is not any question about these being provided in the new law or codification of the law.

Mr. OVERMAN. I understand they have been provided. They have been added. I am answering what the Senator says. He says that in nine cases out of ten the district attorneys have their offices in the courthouses. If they do, the Supreme Court Reports are always in the room next to the judge's chamber, and in addition to that the judge has them. There are two complete sets. What do you want to furnish him another set for?

Mr. WARREN. There are several courthouses in one district, for that matter. If the Senator will make his amendment, say, $75,000, and not put in any language at all—not bar out district attorneys—I will accept the amendment. Otherwise I can not accept his amendment.

Mr. SMITH of Georgia. That is too much.

Mr. OVERMAN. I will first offer it with that amendment, $75,000; but I intend to offer the other, and I hope the Senator will accept it.

Mr. SMITH of Georgia. I wish to suggest to the Senator from North Carolina that $16,000 is all it ought to be. There is no occasion for sending them to the district attorneys, and there is no occasion for sending them to these small subdivisions of the districts. There is $80,000 appropriated here for those purposes, and the bulk of it is for these extra courthouses scattered over the districts. Sixteen thousand dollars is every dollar that ought to be appropriated. If the Senator will make his amendment $16,000 instead of $96,000, I think we ought to have a yea-and-nay vote on it.

Mr. OVERMAN. I read from the hearings this morning that we are proposing to do something that is not wanted. In my State alone there are three courts held where the judge and clerk have reported that they do not need these books and do not want them, because the judge is supplied with them in other places, and the attorneys are supplied with them. They do not want them there, and yet it is proposed to send them there anyhow. It is proposed to appropriate all this money to send them books that they do not want.

Mr. FALL. Mr. President, even admitting that each district attorney should have a set of these very necessary reports, I think that of the 300 sets which are given to the United States for free distribution there would be enough to go to the district attorneys, if it were not for the fact that each assistant to the Attorney General of the United States must have a separate set of these books; and not only that, but each assistant secretary of each executive department of the United States under this law must have a separate set.

Mr. OVERMAN. Is that included in this $96,000?

Mr. FALL. That is included, I suppose, in the 300 sets for free distribution.

Mr. OVERMAN. We ought to knock it all out. The idea of sending these books to the assistant secretaries of the various departments and spending thousands and thousands of dollars to give them sets of reports that they never read and never look at! I admit that some of the Assistant Attorney Generals ought to have them, but there are so many Assistant Attorney Generals now that I think they ought to be limited.

I am going to offer this amendment in order to get it before the Senate, and then the Senator can offer his amendment to strike out the total:

Provided, That the Supreme Court Reports and Digests shall not be distributed to the United States district attorneys.

I offer the amendment stated and also one to reduce the appropriation from $96,000 to $70,000.

Mr. WARREN. Mr. President, in view of the many views that have been expressed I hope that no amendment whatever will be adopted, and that the amount will be sustained as it is.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be stated.

The SECRETARY. On page 131, line 10, it is proposed to strike out the total, $96,309.50, and insert $70,000, and the following:

Provided, That the Supreme Court Reports and Digests shall not be distributed to the United States district attorneys.

Mr. SMITH of Georgia. I think we ought to have a division on that amendment, Mr. President.

Mr. FALL. Mr. President, I rise to a parliamentary inquiry. In the event that this amendment should be adopted, would the amendment of the Senator from Georgia, to fix the amount at $16,000, be in order?

The PRESIDENT pro tempore. It would be in order.

Mr. FALL. Not until we get in the Senate?

Mr. OVERMAN. Yes, it would.

Mr. CULBERSON. Mr. President, I think the Senator did not understand the ruling of the Chair. That amendment would be in order after the vote on the amendment of the Senator from North Carolina.

The PRESIDENT pro tempore. It would not be in order now.

Mr. CULBERSON. That was not the inquiry. The inquiry was whether it would be in order after the amendment of the Senator from North Carolina is acted upon.

The PRESIDENT pro tempore. The Chair has stated that it would be in order. The question is upon the amendment offered by the Senator from North Carolina to the amendment. [Putting the question.] The noes appear to have it.

Mr. OVERMAN. I ask for a division.

Mr. SMITH of Georgia. Which one of the amendments is it that we are voting on?

Mr. OVERMAN. The one that proposes to strike out $96,309.50 and insert $70,000, and also to insert:

Provided, That the Supreme Court Reports and Digests shall not be distributed to the United States district attorneys.

There were, on a division—ayes 12, noes 17.

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). Mr. President, I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I see he is not in the Senate Chamber, and I therefore withhold my vote, not knowing how he would vote on this question.

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably detained from the Senate. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence, I withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. I therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. If he were present, I would vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote.

The roll call was concluded.

Mr. McCUMBER (after having voted in the negative). I observe that the senior Senator from Mississippi [Mr. PERCY] has not voted, so, as I have a pair with him, I withdraw my vote.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote.

Mr. GORE. I have a pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer the pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. CULBERSON. I have refrained from voting because of the absence of my pair, the Senator from Delaware [Mr. DU PONT]. If I were at liberty to vote I would vote "yea."

Mr. BRANDEGEE (after having voted in the negative). I observe that the junior Senator from New York [Mr. O'GORMAN], with whom I have a general pair, has not voted. I will therefore transfer my pair to the senior Senator from South Dakota [Mr. GAMBLE] and allow my vote to stand.

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER], but for which I would vote "nay." Under the circumstances, I withhold my vote.

Mr. LODGE. The Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Wyoming [Mr. CLARK] is paired with the Senator from Missouri [Mr. STONE].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

The Senator from Pennsylvania [Mr. OLIVER] is paired with the Senator from Oregon [Mr. CHAMBERLAIN].

The Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS].

The Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH].

Mr. CULLOM. I am informed that I can transfer my pair to the Senator from Delaware [Mr. DU PONT] and vote. I vote "nay."

Mr. CULBERSON. Under that arrangement I transfer my pair to the Senator from West Virginia [Mr. CHILTON], and vote "yea."

The result was announced—yeas 27, nays 21, as follows:

YEAS—27.

Ashurst	Fletcher	Martine, N. J.	Smith, Ariz.
Bacon	Gardner	Myers	Smith, Ga.
Bristow	Gore	Overman	Swanson
Bryan	Johnson, Me.	Poindexter	Thornton
Chilberson	Johnston, Ala.	Pomerene	Tillman
Cummins	Kenyon	Shively	Works
Fall	Martin, Va.	Simmons	

NAYS—21.

Bourne	Dillingham	Massey	Sutherland
Brandegee	Gallinger	Nelson	Townsend
Burton	Gronna	Page	Warren
Catron	Jones	Perkins	
Clapp	Lodge	Smoot	
Cullom	McLean	Stephenson	

NOT VOTING—46.

Bailey	Crawford	Lea	Richardson
Bankhead	Curtis	Lippitt	Root
Borah	Davis	McCumber	Sanders
Bradley	Dixon	Newlands	Smith, Md.
Briggs	du Pont	O'Gorman	Smith, Mich.
Brown	Foster	Oliver	Smith, S. C.
Burnham	Gamble	Owen	Stone
Chamberlain	Guggenheim	Paynter	Watson
Chilton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Hitchcock	Percy	Williams
Clarke, Ark.	Kern	Rayner	
Crane	La Follette	Reed	

So Mr. OVERMAN's amendment to the amendment was agreed to.

Mr. FLETCHER. I would offer a further amendment to this effect at the conclusion of line 10: "Wherever the Federal Reporter and advance sheets of the Federal Reporter are provided for, the decisions of the Circuit Court of Appeals shall not be separately furnished." It will save the furnishing of duplicates.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment insert:

Wherever the Federal Reporter and advance sheets of the Federal Reporter are provided for, the decisions of the Circuit Court of Appeals shall not be separately furnished.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. WARREN. I ask that lines 11, 12, and 13 on page 131 be stricken out.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out lines 11, 12, and 13, on page 131, as follows:

For 15 copies of volume 56 of the lawyers' cooperative edition, at $3 per volume, in addition to the distribution made by the Interior Department, $75.

The PRESIDENT pro tempore. The question is upon the amendment striking out the paragraph which has been read.

The amendment was agreed to.

The next amendment was, on page 132, line 22, after the word "Alaska," to strike out "$550,000" and insert "$568,000," so as to read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, $568,000.

The amendment was agreed to.

The SECRETARY. On page 133, line 7——

Mr. CULBERSON. There is another amendment on page 132, line 8.

Mr. WARREN. I will say that perhaps the Senator did not notice that we had passed to this point and turned back to the other.

The PRESIDENT pro tempore. The other amendment on page 132 was formerly agreed to.

Mr. WARREN. While the Senator from Texas is here I should like to turn back to the amendment on pages 125 and 126. It was under consideration for a few moments on Saturday and was laid over. I will ask that the letter which I send to the desk, which is a short one, from the Attorney General be read with reference to the paragraph.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., July 22, 1912.

Hon. FRANCIS E. WARREN,
United States Senate.

DEAR SENATOR WARREN: I notice in the RECORD of Saturday the discussion over the amendment under the subhead "Miscellaneous Objects, Department of Justice," on page 125, after line 15, of the sundry civil bill. May I point out just what that amendment does and the purpose of its introduction?

The amendment forbids the application of any of the appropriations mentioned in it to the payment of any compensation, by way of salary, fee, or allowance in any form (1) to any person who holds any other office, place, position, or appointment under the Government or any department of it, or (2) to any one hereafter appointed, designated, or employed who, within two years next preceding the day of his appointment, etc., has held any other office, place, position or appointment under the Government or a department of it.

The effect of the first prohibition would be to make it impossible to employ any person connected with any other department of the Government as an expert or as an attorney, or in any other capacity. For example, it would prohibit the department from having a bank examiner or a geological expert, or any other official or employee delegated from any other department of the Government to the Department of Justice if his compensation is paid out of one of these funds. It would also prevent a district attorney who, under the law, is not required to go out of his own district, being designated to conduct a particular inquiry or case in another district and being paid even his traveling expenses for so doing.

The second prohibition would make it impossible to retain a lawyer in any lawsuit for the Government who, within two years previously, had been retained in any other lawsuit. It would make it impossible to promote from one branch of the service to another a lawyer who had demonstrated his fitness for promotion if in his new position he would be paid from any one of these appropriations. In other words, for the purpose of preventing one or two alleged abuses in the employment of officials who had received other compensations under the Government in particular cases which resulted in their earning a compensation in excess of that which they had received in those positions, this amendment proposes to tie the hands of the Department of Justice by depriving it of the advantage of the knowledge and experience which may have been acquired by a former official of the Government until he shall have been two years out of the service.

On all of these grounds I sincerely hope you will succeed in persuading the Senate to adopt the committee's motion to strike out this provision.

Faithfully, yours,
GEO. W. WICKERSHAM,
Attorney General.

Mr. CULBERSON. Mr. President, I do not believe this provision of the bill as it passed the House should be stricken out. It is true there may be instances in which it will operate to the disadvantage of the Department of Justice and to the embarrassment of private persons, but I would rather see the provision incorporated in the law, drastic as it is, than stricken out altogether, putting nothing in its place.

The three cases which provoked this legislation, without calling names, are these: One was that of a United States district attorney in the State of New York who had as district attorney engaged somewhat in the prosecution of the Sugar Trust. He resigned his office as district attorney, where his salary was $10,000 a year, and was paid in the neighborhood of $60,000 out of such a lump-sum appropriation as a special prosecutor in the Sugar Trust cases.

The other two cases were of Assistant Attorneys General employed in the Department of Justice at Washington, and in cases where they had been employed as Assistant Attorneys General they were permitted to resign those positions and receive appointments as special prosecutors in trust cases and paid sums far in excess of the salary they were receiving as Assistant Attorneys General.

It is a little difficult, at least to me, to find some middle ground by which the Government, in the Department of Justice, would not be crippled and yet we would prevent a repetition of this favoritism to officials under the direction and control of that department. In the hope that some Senator may suggest a way out of the difficulty and yet not strike this provision from the bill altogether, if my proposition is not satisfactory, I suggest that the provision be allowed to remain in the bill and that the following amendment to it be adopted.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. Add at the end of line 11, page 126, the following proviso:

Provided, That this inhibition shall not apply except in cases where the persons appointed, designated, employed, or paid shall have previously rendered service in connection with the same subject matter.

Mr. SMITH of Georgia. I do not think that covers it, Mr. President. I think the amendment should be this:

Provided, however, That anyone engaged in one line of public service may be detailed to another at the same pay.

I do not think a man who has been working as a district attorney for the Government and who has gathered information on a fixed salary ought to be allowed to resign on account of the information that he has obtained as district attorney

and go out and obtain from the Government many times his salary in a single case.

Mr. CULBERSON. The proviso I have suggested is intended to cover that identical case and prohibit the employment. It may not do it, though I think it does, but that is my purpose in presenting it.

Mr. WARREN. I wish to call the attention of my colleague on the committee to this: It seemed to be thought, when we passed over it in subcommittee, that it would require considerable study and reflection in order to cover the very abuses which he has mentioned and yet not to make it too drastic, not to make a sort of monopoly amongst those who had never been in the Government service—that is, not to undertake to debar all those who have ever done service to the Government for two years. In striking it out it was not my intention, and I assume it was not the intention of the Senator from Texas——

Mr. CULBERSON. I have read in the RECORD the remarks the Senator from Wyoming made on Saturday and I agree with him entirely. He stated the entire facts about the reason operating on the committee which led them to strike out this paragraph in reporting the bill to the Senate.

Mr. WARREN. Does the Senator think that if he restores it and adds the amendment he sent to the desk he will feel entirely safe, or as safe as he would if he allowed it all to be cut out? Then, as he knows, he will be one of those who will finally shape it up, and therefore would it not be better to measure up with the House conferees and see if we could not even improve it?

Mr. CULBERSON. I am so much opposed to striking it out altogether that I think it ought to be suitably amended in the Senate, if it can be done, so as to prevent a repetition of such scandals in the Department of Justice.

Mr. WARREN. As I heard the amendment read, it does not remedy what I think we all agree is too drastic, and that is for two years to erect a bar against everyone who has been in the Government service. For instance, a man may have served in the Government service and gone out to private practice. He may have been out a month or 2 months or 20 months. He went out legitimately, with no intention of being employed again. A matter comes up of which he has knowledge and in which he would render great service, and he ought to be reemployed by the Government. Under this provision, put in by the House, he would be debarred from such employment for two full years.

I think that whatever we may do here we ought at least to strike out all of the paragraph, after the word "thereof," in line 6, page 126. It strikes me that the whole of it is dangerous, and not only dangerous but uncalled for.

Mr. JONES. Mr. President, I should like to ask the Senator from Texas whether his amendment—I do not remember its exact language—would debar the employment of a Member of the House or of the Senate whose term would expire on the 4th of March next.

Mr. CULBERSON. Not at all. I will read the amendment again.

Provided, That this inhibition shall not apply except in cases where persons appointed, designated, employed, or paid shall have previously rendered service in connection with the same subject matter.

Of course it would not apply to a Member of the House or Senate.

Mr. WARREN. If I understand it aright——

Mr. CULBERSON. It means executive service in the Government of the United States.

Mr. JONES. The language of the provision of the House is very broad—

who holds any other office, place, position, or appointment under the United States Government, or any department thereof.

I rather doubt if the limitation the Senator puts on would accomplish exactly what he intended.

Mr. WARREN. I do not believe it covers exactly what the Senator had in mind, because, if I understand it aright, it would debar every man for two years afterwards.

Mr. CULBERSON. I am perfectly willing to cover that, but I do not want anybody to resign after being in the service of the United States on a particular matter and then be employed by special designation at an extraordinary salary, I do not care what his excuse may be for resigning. I know the explanation in these instances is plausible, but it is not acceptable to me.

Mr. SMITH of Georgia. Mr. President, I understand the view of the Senator from Texas is that where a Government employee as a district attorney or Assistant Attorney General has become familiar with a Government case, he should not be permitted to resign and then get an appointment in it on a special fee as a private citizen at a great deal more than his salary, and the object of this qualification is to say that for two years after their resignation men shall not be employed on special fees in cases where they have already familiarized themselves with the case as an incident to their office.

I think another amendment ought to be added to the first part of this paragraph, as suggested by the Attorney General, qualifying the first part of this section. The Attorney General suggests, and suggests very properly, that a case may arise where a man in one line of service is needed over in another line of service and that embarrassment would follow if a change now took place so that the district attorney could not be assigned to work outside of his district. I think there ought to be an amendment added to the first part of the paragraph:

Providing that these changes of work could be made and these assignments outside of their district made at the same pay that they were receiving in the former place.

Mr. WARREN. The Attorney general also mentions bank examiners and others.

Mr. SMITH of Georgia. I had that in view. I think if the Senator will let it go over until to-morrow morning we can then work out some additional amendment that would perfect it on the floor of the Senate. I will try to see if I can not draw an amendment.

Mr. WARREN. I should like to submit that matter to my colleague on the committee from Texas [Mr. CULBERSON]. I am perfectly willing to let it go over if the Senator from Texas will be here to-morrow morning.

Mr. CULBERSON. Very well.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over for the present, and the amendment submitted by the Senator from Texas will be pending.

The next amendment was, on page 133, line 7, after the word "compensation," to strike out "$315,000" and insert "$325,000," so as to make the clause read:

For payment of regular assistants to United States district attorneys who are appointed by the Attorney General, at a fixed annual compensation, $325,000.

The amendment was agreed to.

The next amendment was, on page 133, after line 16, to insert:

On and after July 1, 1912, the clerk of the District Court for the Northern District of Illinois shall be compensated for his services as such clerk as other clerks of United States district courts are compensated.

The amendment was agreed to.

The next amendment was, on page 138, line 11, after the word "transportation," to strike out "$900" and insert "$1,200," and in line 14, after the words "in all," to strike out "$79,280" and insert "$79,580," so as to make the clause read:

For salaries, including pay of officials and employees, as follows: Warden, $4,000; deputy warden, $2,000; chaplain, $1,500; chaplain, $600; physician, $1,600; chief clerk, $1,800; bookkeeper and record clerk, $1,200; stenographer, $900; 4 clerks, at $900 each; head cook, $1,000; steward and storekeeper, $1,200; superintendent of farm and transportation, $1,200; 3 captains of watch, at $1,000 each; guards, at $70 per month each, $52,080; 2 teamsters, at $600 each; engineer and electrician, $1,500; assistant engineer and electrician, $1,200, in all, $79,580.

The amendment was agreed to.

The next amendment was, on page 138, line 17, after the word "Kansas," to strike out "$190,080" and insert "$190,380," so as to make the clause read:

In all, for penitentiary at Leavenworth, Kans., $190,380.

The amendment was agreed to.

The next amendment was, on page 139, line 7, after the word "Kansas," to strike out "$2,500" and insert "$3,000," so as to make the clause read:

For hospital supplies, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans., $3,000.

The amendment was agreed to.

The next amendment was, on page 139, line 21, after the word "Georgia," to strike out "$154,580" and insert "$155,080," so as to make the clause read:

In all, for penitentiary at Atlanta, Ga., $155,080.

The amendment was agreed to.

The next amendment was, on page 140, line 24, after "$9,120," to insert "chief clerk, $1,000"; on page 141, line 9, after the words "board of trustees," to strike out "$600" and insert "$900"; and in line 10, after the words "in all," to strike out "$32,496" and insert "$33,796," so as to make the clause read:

For support of the National Training School for Boys, District of Columbia: For superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, $600; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; 6 matrons of families, at $240 each; foremen of and skilled helpers in industries, $3,800; farmer, $600; assistant farmer, $420; teamster, $360; florist, engineer, and shoemaker, at $540 each; baker and tailor, at $600 each; cook, $480; assistant engineer, $420; laundress, $360; dining-room attendant, boys, $300; dining-room attendant, officers, $240; house-

maid, $216; seamstress, $240; assistant cook, $300; nurse, $600; watchmen, not to exceed 8 in number, $2,880; secretary and treasurer to board of trustees, $900; in all, $33,796.

The amendment was agreed to.

The next amendment was, on page 142, line 1, after the words "School for Boys," to strike out "$47,996" and insert "$49,296," so as to make the clause read:

In all, for National Training School for Boys, $49,296.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," subhead "Lighthouses, beacons, and fog signals," on page 142, after line 10, to insert:

Cape St. Elias Light Station, Alaska: No. 6. For establishing a light and fog signal at or near Cape St. Elias, Alaska, $115,000.

The amendment was agreed to.

The next amendment was, under the subhead "Lighthouse Service," on page 144, line 5, to increase the total appropriation for general expenses, Lighthouse Service, from $2,569,400 to $2,669,400.

The amendment was agreed to.

The next amendment was, on page 144, line 12, after the word "necessary," to strike out "$1,007,420" and lhsert "$957,420," so as to make the clause read:

Salaries, lighthouse vessels: For salaries and wages of officers and crews of light vessels and lighthouse tenders, including temporary employment when necessary, $957,420.

The amendment was agreed to.

The next amendment was, on page 144, line 19, after the words "District of Columbia," to strike out "$465,960" and insert "$475,960," so as to make the clause read:

Salaries, Lighthouse Service: For salaries of 17 lighthouse inspectors and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, Washington, D. C., $475,960.

The amendment was agreed to.

The next amendment was, on page 144, after line 19, to insert:

Retired officers of the Navy shall be eligible for appointment as lighthouse inspectors; and whenever vacancies occur in the position of lighthouse inspector elsewhere than in the districts which include the Mississippi River and its tributaries retired naval officers, who, as such officers, have had recent experience in the duties of lighthouse inspector, shall be given preference for appointment to fill said vacancies; and retired officers of the Navy so appointed to the Lighthouse Service shall have all the rights and privileges enjoyed by civilians heretofore or hereafter appointed to be lighthouse inspectors, and shall be held as entitled to like benefits of precedence, tenure of office, and pay for services rendered in such capacity.

Mr. BURTON. I raise the point of order that that is contrary to existing law. It is clearly contrary to the act of June 17, 1910, which reorganized the Lighthouse Service.

Mr. NELSON rose.

Mr. BURTON. If the Senator from Minnesota [Mr. NELSON] will pardon me, I take it he intended to raise the same point of order.

Mr. WARREN. I will ask if the Senator will withhold the point of order for a moment? I have an amendment to offer which may or may not be satisfactory to the Senator. On line 24 I intended to add "all other things being equal"——

Mr. BURTON. I think it would be quite as objectionable; in fact, in some particulars somewhat more objectionable.

The PRESIDENT pro tempore. The Chair assumes that the Senator from Ohio makes the point of order that this is general legislation.

Mr. BURTON. In the act of 1910 to reorganize the Lighthouse Board there is an express provision that Army and Navy officers may be detailed for a period not exceeding three years from the taking effect of the section. That is in section 11. The act was approved June 17, 1910. That is a limitation on the appointment of Army and Navy officers in the service, and this would be directly contrary to that enactment.

The PRESIDENT pro tempore. On the ground that this is general legislation, the point of order is sustained.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 147, line 18, after "$3,000," to insert "*Provided*, That 10 per cent of the foregoing amounts shall be available interchangeably for expenditure on the objects named, but no more than 10 per cent shall be added to any one item of appropriation," so as to make the clause read:

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of preliminary plans and specifications of vessels and the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the superintendent, and for the expenses of the attendance of the American delegates at the meetings of the International Geodetic Association, not to exceed $550, $3,000: *Provided*, That 10 per cent of the foregoing amounts shall be available interchangeably for expenditure on the objects named, but no more than 10 per cent shall be added to any one item of appropriation.

The amendment was agreed to.

The next amendment was, on page 148, after line 2, to insert:

Repair of steamer Pathfinder: For extraordinary repairs to the steamer Pathfinder, to be available until expended, $20,000.

The amendment was agreed to.

The next amendment was, on page 148, line 25, after the word "clerks," to strike out "two" and insert "three," so as to make the clause read:

Pay of office force, namely: For disbursing agent, $2,500; chief of division of library and archives, $1,800; clerks—three, at $1,800 each; three, at $1,650 each; four, at $1,400 each; eight, at $1,200 each; five, at $1,000 each; ten, at $900 each; six, at $720 each.

The amendment was agreed to.

The next amendment was, on page 149, line 4, after the word "namely," to strike out "One, $2,400" and insert "Two, at $2,400 each," so as to make the clause read:

For topographic and hydrographic draftsmen, namely: Two, at $2,400 each; one, $2,200; three, at $2,000 each; three, at $1,800 each; three, at $1,600 each; three, at $1,400 each; three, at $1,200 each; five, at $1,000 each.

The amendment was agreed to.

The next amendment was, on page 149, line 21, after "$2,000," to strike out "two" and insert "three"; and in line 23, after the word "each," to insert "One, at $600," so as to make the clause read:

For electrotypers and photographers, plate printers and their helpers, instrument makers, carpenters, engineer, and other skilled laborers, namely: One, $2,400; one, $2,000; three, at $1,600 each; eleven, at $1,200 each; five, at $1,000 each; three, at $900 each; seven, at $700 each; one, at $600.

The amendment was agreed to.

The next amendment was, on page 150, line 4, after the words "office force," to strike out "$192,520" and insert "$198,920," so as to make the clause read:

For watchmen, firemen, messengers, and laborers, namely: Three, at $880 each; four, at $820 each; three, at $720 each; four, at $700 each; two, at $640 each; three, at $630 each; four, at $550 each; in all, pay of office force, $198,920.

The amendment was agreed to.

The next amendment was, on page 150, line 25, after the words "in all," to strike out "$50,000" and insert "$55,000," so as to make the clause read:

Office expenses: For the purchase of new instruments including their exchange, for materials and supplies required in the instrument shop, carpenter shop, and drawing division, and for books, scientific and technical books and journals and books of reference, maps, charts, and subscriptions; for copperplates, chart paper, printer's ink, copper, zinc, and chemicals, for electrotyping and photographing; engraving, printing, photographing, and electrotyping supplies; and for photolithographing charts and printing from stone and copper for immediate use, and for the employment of expert lithographers in the office at an expenditure not exceeding $3,500; for stationery for the office and field parties, transportation of instruments and supplies when not charged to party expenses, office wagon and horses, heating, lighting, and power, telephones, including the operation of switchboard, telegrams, ice, and washing, office furniture, repairs, traveling expenses of assistants and others employed in the office sent on special duty in the service of the office, miscellaneous expenses, contingencies of all kinds, and not exceeding for extra labor, $5,400; in all, $55,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 156, line 4, before the word "superintendent," to strike out "Fish cultural station, Jefferson County, Ky.," and insert "Louisville (Ky.) Station," so as to make the clause read:

Louisville (Ky.) Station: Superintendent, $1,500; fish culturist, $900; 2 laborers, at $600 each; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 156, line 11, before the word "Superintendent," to strike out "Fish cultural station, Wyoming" and insert "Saratoga (Wyo.) Station," so as to make the clause read:

Saratoga (Wyo.) Station: Superintendent, $1,500; fish-culturist, $900; 2 laborers, at $600 each; in all, $3,600

The amendment was agreed to.

The next amendment was, on page 156, line 19, after "$1,500," to insert "terrapin and fish culturist, $900," and in line 20, after the words "in all," to strike out "$2,700" and insert "$3,600," so as to make the clause read:

Biological station, Beaufort, N. C.: Superintendent and director, $1,500; terrapin and fish culturist, $900; 2 laborers, at $600 each; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 157, line 6, after "$2,500," to insert "fish pathologist, $2,500"; and in line 9, after the words "in all," to strike out "$14,000" and insert "$16,500," so as to make the clause read:

Division of inquiry respecting food fishes: Assistant in charge, $2,500; assistant, $2,500; fish pathologist, $2,500; assistant, $1,600, 2 assistants, at $1,200 each; 2 assistants, at $900 each; 1 clerk of class 1; 2 clerks, at $900 each; in all, $16,500.

The amendment was agreed to.

The next amendment was, on page 158, line 16, after the words "Alaska Service," to strike out "$1,200" and insert "$1,500"; in line 17, before the word "each," to strike out "$600" and insert "$900"; and in the same line, after the words "in all," to strike out "$41,530" and insert "$43,030," so as to make the clause read:

Division of Alaska Fisheries: Chief of division, $3,500; assistant, $1,800; clerk of class 2; clerk of class 1; clerk, $900; agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, fur-seal fisheries, at $2,190 each; naturalist, fur-seal fisheries, $3,000; janitor service, fur-seal fisheries, $480; 2 physicians, Pribilof Islands, at $1,200 each; 2 school-teachers, Pribilof Islands, at $1,200 each; storekeeper, Pribilof Islands, $1,800; agent, Alaska salmon fisheries, $2,500; inspector, Alaska salmon fisheries, $1,800; assistant agent, Alaska salmon fisheries, $2,000; assistant agent, Alaska salmon fisheries, $1,800; warden, Alaska Service, $1,500; 4 deputy wardens, Alaska Service, at $900 each; in all, $43,030.

Mr. JONES. I desire to amend the amendment in line 17 to strike out "$900" and insert "$1,200."

The PRESIDENT pro tempore. The amendment of the Senator from Washington will be stated.

The SECRETARY. On page 158, line 17, strike out "$900" and insert "$1,200."

Mr. WARREN. We have raised them 50 per cent.

Mr. JONES. I know that, but there ought not to be that difference between the warden and deputy warden. Furthermore, a deputy warden of any account in Alaska ought to get at least $100 instead of $75 a month

Mr. WARREN. They are there only a small portion of the year.

Mr. JONES. These men are giving special attention to a very important matter. I think if we have one at all he ought to receive $100 a month.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The amendment was agreed to.

The next amendment was, on page 158, line 20, after the word "scientific," to insert "and reference," so as to make the clause read:

Expenses of administration: For expenses of the office of the commissioner, including stationery, scientific and reference books and periodicals, and newspapers, for library, furniture, telegraph and telephone service, repairs to and heating, lighting, and equipment of buildings, and compensation of temporary employees, and all other necessary expenses connected therewith, $10,000.

The amendment was agreed to.

The next amendment was, on page 159, line 6, after the word "labor," to strike out "$325,000" and insert "$340,000," so as to make the clause read:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $340,000.

The amendment was agreed to.

The next amendment was, on page 159, after line 11, to insert:

Repairs to the Bureau of Fisheries steamer Albatross: For overhauling and making necessary repairs to the Bureau of Fisheries steamer Albatross, including new work where necessary, $40,000.

The amendment was agreed to.

The next amendment was, on page 160, after line 3, to insert:

Ten per cent of the foregoing amounts for the miscellaneous expenses of the work of the bureau shall be available interchangeably for expenditure on the objects named, but no more than 10 per cent shall be added to any one item of appropriation.

The amendment was agreed to.

The next amendment was, on page 161, line 4, after the word "therewith" to strike out "$75,000" and insert "$100,000," so as to make the clause read:

Alaska Fisheries Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, and clothing and other necessities of life to the natives of the Pribilof Islands, Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on the Pribilof Islands, purchase, hire, and maintenance of vessels, including crews for same, and for all other expenses necessary to carry out the provisions of the act of April 21, 1910, entitled "An act to protect the seal fisheries of Alaska and for other purposes"; and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor, immigration stations," on page 161, after line 19, to insert:

For a building on westerly side of main island for use as a carpenter shop, general storeroom, and bakery, $60,000.

The amendment was agreed to.

The next amendment was, on page 161, after line 21, to insert:

For new story on southeast wing of main building, $70,000.

The amendment was agreed to.

The next amendment was, on page 161, after line 23, to insert:

For renovating interior of old hospital on No. 2 Island, including new plumbing and sanitary fittings and new floors, $40,000.

The amendment was agreed to.

The next amendment was, under the subhead "Immigration Service," on page 163, line 17, after the words "Secretary of Commerce and Labor," to strike out "$2,500,000" and insert "$2,575,000," so as to read:

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts and digests thereof for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" and acts amendatory thereof; for expenses of necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said Act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Commerce and Labor, $2,575,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for miscellaneous expenses, Division of Naturalization, to increase the appropriation from $185,000 to $200,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 168, after line 11, to insert:

For the payment of necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters, and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty, so much as may be necessary, to be paid from the appropriation heretofore made for said commission: *Provided*, That any counsel employed shall be at a fixed compensation, not to exceed $4,000 per annum.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I inquire what was done with the amendment on page 161, line 20? I did not hear it read.

The PRESIDENT pro tempore. That amendment was agreed to.

Mr. WARREN. That was agreed to.

Mr. HEYBURN. Will the RECORD show that it was read?

The PRESIDENT pro tempore. It will.

Mr. WARREN. It was read and agreed to.

Mr. HEYBURN. I was following the reading closely and I did not hear it referred to at all.

Mr. WARREN. As I understand, all three of the amendments at the bottom of that page were read and agreed to.

The PRESIDENT pro tempore. They were read and agreed to separately.

Mr. LODGE. They were all agreed to.

Mr. HEYBURN. Were they all read?

Mr. LODGE. They were all read and agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 169, after line 8, to insert:

International Conference on Maritime Law: For participation by the United States, by officially appointed delegates, in the International Conference on Maritime Law to meet at Brussels, Belgium, in September, 1912, $5,000.

The amendment was agreed to.

The next amendment was, on page 169, after line 13, to insert:

Arbitration of outstanding pecuniary claims between United States and Great Britain: For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedule of claims thereunder, including office rent in the District of Columbia, and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, the balance unexpended July 1, 1912, of the appropriation made for all the foregoing purposes for the fiscal year 1912 is hereby reappropirated and made available for expenditure for said purposes during the fiscal year 1913, to be disbursed under direction of the Secretary of State.

Mr. HEYBURN. Mr. President, I inquire the amount of that fund.

Mr. WARREN. I do not know the amount unexpended, but I think it is about $50,000.

Mr. LODGE. The whole amount was $75,000.

Mr. WARREN. Then, it was in two different appropriations?

Mr. LODGE. It was in two different appropriations. There was one appropriation of $25,000 and then an appropriation of $50,000. That is the whole amount, and this is simply a reappropriation.

Mr. HEYBURN. Of the unexpended balance?

Mr. LODGE. That is all.

Mr. HEYBURN. A reappropriation of all that was not turned in at the end of the year?

Mr. LODGE. That is all.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 171, after line 7, to insert:

The appropriation in the sundry civil act approved March 4, 1911, for removing fence and wall around the Botanical Gardens and such grading, soiling, seeding, and sodding as may be incident thereto, is hereby made available for said purposes for the fiscal year 1913.

Mr. HEYBURN. Just a moment. I want to get an exact understanding about this new system of appropriation.

The amendment provides that "the appropriation in the sundry civil act approved March 4, 1911, * * * is hereby made available," and so forth. Has any of it ever been expended?

Mr. WARREN. Being in an annual bill, it has lapsed. The time for building the Grant Monument in the Botanic Garden, I think, has been extended. This is not appropriating any money, but is, as I understand, for the purpose of carrying out the original act. I will ask the chairman of the Committee on the Library [Mr. WETMORE] to explain the matter to the Senator.

Mr. WETMORE. I did not hear the Senator's question.

Mr. WARREN. The amendment now under discussion is the one in regard to removing the fence at the Botanic Garden, and so forth.

Mr. WETMORE. That is a reappropriation.

Mr. HEYBURN. Of money on hand?

Mr. WETMORE. Of money on hand.

Mr. HEYBURN. And not expended?

Mr. WETMORE. And not expended.

Mr. HEYBURN. That is not a very good way of appropriating money.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 171, after line 13, to insert:

Senate: For indexing reports and hearings when necessary of Senate committees and joint committees of the Senate and House of Representatives, under the direction of the Committee on Appropriations of the Senate, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 171, after line 18, to insert:

Biographical Congressional Directory: To enable the Secretary of the Senate to pay, upon vouchers approved by the chairman of the Joint Committee on Printing, for preparing a new edition of the Biographical Congressional Directory, from the Continental Congress to the Sixty-first Congress, both inclusive (1789 to 1911), as directed by Senate resolution of March 3, 1911, $5,000, or so much thereof as may be necessary, and said sum or any part thereof, in the discretion of the chairman of the Joint Committee on Printing, may be paid as additional compensation to any employee of the United States, and shall continue to be available during the fiscal year ending June 30, 1913.

Mr. WARREN. I wish to offer an amendment to that amendment, by striking out, on page 171, line 24, "eighty-nine" and inserting "seventy-six."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 171, line 24, it is proposed to amend the amendment of the committee by striking out "eighty-nine" and inserting "seventy-six."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 172, after line 7, to insert:

Joint Committee on Printing, as provided for in an act providing for the public printing and binding and the distribution of public documents approved January 12, 1895, and acts amendatory thereof: Clerk and assistant clerk, who shall hereafter receive a compensation of $3,000 and $2,500 per annum, respectively, to be paid by the Secretary of the Senate, and who shall, in addition to their other duties, compile, edit, and index the Congressional Directory, eulogies, and other documents authorized by Congress to be prepared under the direction of the Joint Committee on Printing, without additional compensation therefor; in all, $5,500.

Mr. WARREN. I offer an amendment to that amendment, to be inserted immediately after that.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 172, line 19, after the sum $5,500, it is proposed to amend the committee amendment by inserting:

Provided, That the provision of the legislative, executive, and judicial appropriation act for the fiscal year 1913 making an appropriation to defray the expenses of compiling, preparing, and indexing the Congressional Directory is hereby repealed.

The PRESIDENT pro tempore. The Chair will ask the Senator from Wyoming if that is a part of the previous amendment?

Mr. WARREN. It refers immediately to the preceding provision.

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to, and the amendment as amended is agreed to.

Mr. WARREN. Now, I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert the following:

Inspector for the Joint Committee on Printing, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000, one half to be paid by the Secretary of the Senate and the other half to be paid by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 172, after line 19, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $46,000, which sum shall be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the Senate Committee on Rules without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

Mr. KENYON. Mr. President, I desire to offer an amendment to that amendment.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. At the end of the committee amendment it is proposed to insert the following:

Provided, That no part of any such sum shall be used in maintaining free bathrooms.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WARREN. On behalf of the committee I offer an amendment to come in on page 174.

The PRESIDENT pro tempore. On the behalf of the committee, the Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 174, line 16, it is proposed to strike out "four" and to insert in lieu thereof the word "five."

Mr. WARREN. That amendment and the others indicated on the sheet I have sent to the desk propose to amend the text of the bill. I will say, so that all Senators may be advised, that they propose to increase the pay of 10 or 11 employees who are now getting $720 to $840.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment submitted by the Senator from Wyoming on behalf of the committee will be stated.

The SECRETARY. On page 174, line 16, it is proposed to strike out the word "six" and insert in lieu thereof the word "seventeen"; in lines 16 and 17, to strike out the words "12 at $720 each"; and, in line 23, to change the total so as to read "$132,700."

Mr. OVERMAN. Why is it proposed to increase the number of clerks there from 6 to 10?

Mr. WARREN. It does not increase the number, but we have to effect that change in order to bring about the desired result.

Mr. OVERMAN. I understand.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEYBURN. I will ask to refer to line 5, on page 174. I understood the chairman of the committee would introduce an amendment there, which I have prepared. If not, I will introduce it myself.

Mr. WARREN. Mr President, it was my intention to draw the Senator's attention to that—I have a memorandum of it—so that when the committee's amendments were finished he

might offer it. It comes under a little different head, and it does not seem to be included in the estimates.

Mr. HEYBURN. I have it marked to come in on page 174.

Mr. WARREN. It does not seem to appear in the estimates, and after the committee amendments are concluded the bill will be open to amendment from the floor.

Mr. HEYBURN. I understand that; but I understood also the chairman had intended that this should be put in as a committee amendment. However, I will offer it at the proper time.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, under the head of "Government Printing Office," subhead "Public Printing and Binding," on page 176, line 21, after the word "work," to strike out the sum "$4,182,880" and insert "$4,331,380," so as to read:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD * * *; and for all the necessary materials and equipment needed in the prosecution and delivery of the work, $4,331,380.

The amendment was agreed to.

The next amendment was, on page 176, line 24, after the words "last-named sum," to strike out the sum "$4,878,400" and insert "$5,026,900," so as to read:

In all, for public printing and binding, including salaries of office force, payments for holidays and leaves of absence, and the last-named sum, $5,026,900.

The amendment was agreed to.

Mr. WARREN. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Wyoming will be stated.

The SECRETARY. On page 177, line 20, it is proposed to strike out "$140,000" and insert in lieu thereof "$153,000."

The amendment was agreed to.

The next amendment was, on page 177, line 22, after the word "including," to strike out "not exceeding $40,000 for the Civil Service Commission, and," and in line 25, after the words "Commissioner of Education," to strike out the sum "$230,000" and insert "$273,500," so as to make the clause read:

For the Interior Department, including not exceeding $25,000 for the publication of the Annual Report of the Commissioner of Education, $273,500.

The amendment was agreed to.

The next amendment was, at the top of page 178, to insert:

For the Civil Service Commission, $40,000.

The amendment was agreed to.

The next amendment was, on page 179, line 17, after the words "Department of Justice," to strike out the sum "$35,000" and insert "$40,000," so as to make the clause read:

For the Department of Justice, $40,000.

The amendment was agreed to.

The next amendment was, on page 179, line 20, after the words "money-order office," to strike out the sum "$290,000" and insert "$325,000," so as to make the clause read:

For the Post Office Department, exclusive of the money-order office, $325,000.

The amendment was agreed to.

The next amendment was, on page 180, line 11, after the words "Children's Bureau," to strike out the sum "$400,000" and insert "$425,000," so as to read:

For the Department of Commerce and Labor, including the Coast and Geodetic Survey, the Census Office, and Children's Bureau, $425,000.

Mr. WARREN. Now I offer another amendment to come in on page 180, line 14.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 180, line 14, it is proposed to strike out "$10,000" and insert in lieu thereof "$15,000."

The amendment was agreed to.

Mr. WARREN. I also offer an amendment to come in at the bottom of page 181.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 181, line 26, it is proposed to strike out the words "one clerk" and insert in lieu thereof the words "two clerks."

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I understand the Senate is only considering committee amendments. I desire to offer an amendment on that page. I am very anxious to get away from the Senate to look after some other matters.

Mr. WARREN. Does the Senator desire to offer an amendment on page 181?

Mr. SIMMONS. Yes.

Mr. WARREN. Mr. President, of course the general understanding with Senators is that they will wait until committee amendments have been disposed of, but if there is any special reason why the Senator from North Carolina desires now to leave the Chamber, I will ask unanimous consent that he shall be recognized.

Mr. SIMMONS. I shall have to be out of the Chamber for some hours.

The PRESIDENT pro tempore. Without objection, the amendment proposed by the Senator from North Carolina will be received.

Mr. SIMMONS. On page 181, after line 23, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 181, after line 23, it is proposed to insert:

Nothing contained in an act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be construed so as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures and the giving of instruction by its employees on subjects relating to agriculture to any meeting or convention of members of any society or association of farmers.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the superintendent of documents," on page 182, line 1, before the word "clerks," where it occurs the second time, to strike out "four" and insert "five"; in line 2, before the word "clerks," where it occurs the first time, to strike out "eight" and insert "seven"; and in line 13, after the words "in all," to strike out the sum "$98,364" and insert "$98,564," so as to make the clause read:

For superintendent of documents, $3,500; assistant superintendent of documents, $2,500; 1 clerk of class 4; 4 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 10 clerks, at $720 each; cataloguer in charge, $1,800; 2 cataloguers, at $1,500 each; 3 cataloguers, at $1,200 each; 1 cataloguer, $1,100; 7 cataloguers, at $1,000 each; 3 cataloguers, at $900 each; cashier, $1,600; 1 librarian, $1,500; shipper in charge, $1,200; stock keeper, $1,100; 3 stock keepers, at $1,000 each; 5 stock keepers, at $900 each; 2 stock keepers, at $720 each; 2 assistant messengers, at $720 each; 3 mailers, at $840 each; janitress, $626; 2 folders, at $626 each; 11 laborers, at $626 each; five messenger boys, at $420 each; in all, $98,564.

The amendment was agreed to.

Mr. WARREN. Mr. President, I propose a little amendment which I send to the desk, to come in at the top of page 183, line 2.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 183, line 2, after the word "libraries," it is proposed to insert "and for inspection of libraries not exceeding $1,000."

The amendment was agreed to.

The next amendment was, on page 186, line 12, after the word "Isthmus," to strike out the sum "$300,000" and insert "$563,520," so as to make the clause read:

Seventh. For pay of the member of the commission in charge of the department of civil administration, of officers and employees, other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus, $563,520.

The amendment was agreed to.

The next amendment was, on page 186, line 14, after the word "administration," to strike out the sum "$15,000" and insert "$20,000," so as to make the clause read:

Eighth. For skilled and unskilled labor for the department of civil administration, $20,000.

The amendment was agreed to.

The next amendment was, on page 186, line 18, after the words "law books," to strike out the sum "$75,000" and insert "$110,000," so as to make the clause read:

For material, supplies, equipment, construction, and repairs to buildings, and contingent expenses of the departments of civil administration and law, including not exceeding $500 for law books, $110,000.

The amendment was agreed to.

The next amendment was, on page 187, line 22, after the words "In all," to strike out the sum "$28,780,000" and insert "$29,083,520," so as to read:

In all, $29,083,520, the same to be immediately available and to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 189, after line 8, to strike out:

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service or layover days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909.

The amendment was agreed to.

The next amendment was, under the subhead "Fortifications, Isthmian Canal," on page 192, after line 23, to insert as a new section the following:

SEC. 5. The chairman of the Isthmian Canal Commission is authorized to establish a division of records and, as the requirements of the service permit, to consolidate in the custody thereof the files of papers and other records which have accumulated or which may accumulate during the period of the construction of the Isthmian Canal; and he is directed to carefully preserve, properly index, and arrange for use all papers needed or useful in the transaction of current business or having a permanent value or historical interest; and he is authorized to destroy or otherwise dispose of duplications in the files and other papers which are not needed or useful in the transaction of current business and have no permanent value or historical interest and which have been recommended to him for destruction or other disposition by a committee of three competent persons who have personally examined the papers and in connection with their recommendation have submitted a concise statement of the condition and character thereof.

The amendment was agreed to.

The next amendment was, in section 5, page 194, line 8, after the word "submitted," to insert "*Provided*, That the provisions of this section shall not apply to the estimates for United States courts, and river and harbor and fortification work," so as to make the clause read:

Second, the number of persons, if any, employed and the rates of compensation paid each, and the amounts expended for each other object or class of expenditures out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted: *Provided*, That the provisions of this section shall not apply to the estimates for United States courts, and river and harbor and fortification work.

The amendment was agreed to.

The next amendment was, on page 194, line 11, before the word "specific," to strike out "Hereafter no" and insert "No"; in line 12, after the word "made," to insert "hereafter"; and in line 14, after the words "belongs to," to insert "surveys and resurveys of public or Indian lands or," so as to make the section read:

SEC. 7. No specific or indefinite appropriation made hereafter in any regular annual appropriation act shall be construed to be permanent or available continuously without reference to a fiscal year unless it belongs to surveys and resurveys of public or Indian lands or one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in act" approved June 20, 1874, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation act in which it is contained makes provision.

Mr. WARREN. Mr. President, I want to offer an amendment to the amendment, which I now send to the desk.

The PRESIDENT pro tempore. The Senator from Wyoming, on behalf of the committee, offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 194, line 15, after the word "lands," in the amendment of the committee, it is proposed to insert "increase of the Navy, public works Navy, fishery stations."

Mr. FLETCHER. In reference to the amendment to the amendment just offered by the Senator from Wyoming, I desire to ask, Should we not change in line 16 the number of classes from 5 to 6?

Mr. WARREN. No; that refers to the classes that are elsewhere provided for by permanent statute. The items that I have moved to add are not provided for in the permanent law.

Mr. FLETCHER. In other words, the Senator proposes that amendment for the purpose of taking care of the fishery stations?

Mr. WARREN. It simply makes the money appropriated for fishery stations continuously available rather than to have it lapse at the end of the year.

Mr. FLETCHER. Very well.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 195, line 3, after the words "internal revenue," to insert "chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies," so as to make the section read:

SEC. 8. After June 30, 1912, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, and chiefs of field parties, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July 1, 1912, no fee or money paid for the services herein described shall be paid or reimbursed by the United States.

The amendment was agreed to.

The PRESIDENT pro tempore. With the exception of those passed over, the committee amendments have now been concluded.

Mr. CULLOM. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Illinois will be stated.

The SECRETARY. On page 55, after line 20, it is proposed to insert a new paragraph as follows:

For increasing the capacity of the plant at Rock Island Arsenal for the production of field-artillery material, $250,000.

Mr. WARREN. That amendment is estimated for, and the committee will accept it.

The amendment was agreed to.

Mr. WARREN. Now, I offer one more amendment on behalf of the committee. At page 10 there seems to have been on oversight, and I send an amendment to the desk to come in at that point.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 10, after line 14, it is proposed to insert the following paragraph:

Huron (S. Dak.) post office: For continuation of building under the present limit, $10,000.

The amendment was agreed to.

Mr. HEYBURN. I offer the amendment which I send to the desk, to come in on page 174, after line 5.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 174, after line 5, it is proposed to insert the following:

Pneumatic-tube service: For a pneumatic-tube system to connect the Capitol, the Senate and House Office Buildings, the Congressional Library, the Union Railroad Station, the new post-office building, and the Government Printing Office, of a capacity sufficient to handle the documents, parcels, and mail sacks dispatched between these buildings, to be expended by the Superintendent of the Capitol Building and Grounds under the joint supervision and joint direction of the Postmaster General and the Superintendent of the Capitol Building and Grounds, $250,000, or so much thereof as may be necessary.

Mr. WARREN. Mr. President, the committee will make no objection to the amendment and will allow it to go to conference.

The amendment was agreed to.

Mr. WARREN. Mr. President, let me say that the Senator from New Mexico [Mr. FALL] and possibly the Senator from Mississippi [Mr. PERCY] have been waiting to obtain the floor. I should like unanimous consent now to have the pending bill laid aside until to-morrow and to then take it up immediately after the routine morning business. There are three amendments which we have passed over, and after those amendments are disposed of, of course the bill will then be open for amendments which may be offered by Senators.

Mr. FLETCHER. Would not the Senator from Wyoming be willing to allow amendments now to be offered by other Senators?

Mr. WARREN. I should prefer not. I should prefer that all may go over until to-morrow morning.

Mr. SMITH of Arizona. I have an amendment to offer, but I can do so to-morrow morning——

Mr. WARREN. Such amendments may be offered to-morrow morning.

Mr. SMITH of Arizona. Because the Senator from New Mexico desires to obtain the floor.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

CLAIMS AGAINST MEXICO.

Mr. FALL. Mr. President, I gave notice on Saturday last that I would to-day submit some remarks on Senate joint resolution No. 103 and the committee substitute therefor. I should now like to have the joint resolution and the committee substitute read.

The PRESIDENT pro tempore. The title of the joint resolution will be stated.

The SECRETARY. A joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

The PRESIDENT pro tempore. The joint resolution and the substitute submitted by the committee will be read.

The SECRETARY. The joint resolution, as introduced, reads as follows:

Joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

Resolved, etc., That the Secretary of State be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States, which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in 1911. And the Secretary of State is authorized and directed to determine and adjudicate the validity of said claims and the amount thereof, and diplomatically present such of them as he may find just and valid to the Mexican Government and press them for payment. And for the purpose of investigating said claims the Secretary of State is authorized to appoint a commission from among the officers or employees of his department, to consist of not more than three members, which commission, when advisable or necessary, shall hold hearings at such times and places as may be convenient for said claimants and their witnesses, and said commission shall have the power to summon witnesses, compel their attendance, administer oaths, and perform such other acts as may be necessary to determine the validity and amount of said claims.

The Committee on Foreign Relations have reported a substitute for the joint resolution in the following language:

That the Secretary of War be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in the year 1911.

For the purpose of such investigation the Secretary of War is authorized to appoint a commission of three officers of the Army, one of whom shall be an inspector general. Such commission shall have authority to subpœna witnesses, administer oaths, and to take evidence on oath relating to any such claim and to compel the attendance of witnesses and the production of books and papers in any such proceeding by application to the district court of the United States for the district within which any session of the commission is held, which court is hereby empowered and directed to make all orders and issue all processes necessary for that purpose, and said commission shall have all the powers conferred by law upon inspectors general of the United States Army in the performance of their duties. Such commission shall report to Congress, through the Secretary of War, as soon as practicable, its findings of fact upon each and all the claims presented to it and its conclusion as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon.

Mr. FALL. Mr. President, the public press within the last few days, the last day or two particularly, has been full of two or three different matters in which the United States is interested, one of which I believe is the investigation which was authorized or directed by the United States some months since into conditions in South America.

I noticed a day or two ago that in the English Parliament, in answer to questions put to the Government, it was there stated that the United States of America was expected to deal with Peru with reference to the outrages perpetrated by English subjects and others in the district of Putumayo.

I noticed in the press this morning that the people of the United States and some of the Senators in this body were very much interested in the report touching outrages upon certain citizens of Korea in the attempt, as it was stated, to force certain people in Korea to give evidence against certain American citizens concerning what purported to be or what was reported to be a plot entered into by those American citizens for the assassination of one of the Japanese officials.

It has been a most astounding thing to me to find the people of the United States, apparently the administration of this Government, and the Congress of the United States so little interested and that they have given so little attention to matters affecting directly the citizens of this country of ours now residing, or who have recently resided, within the boundaries of another country much closer to our borders than Peru on the one hand or Korea on the other. I have found to my astonishment that the people here apparently do not understand what is going on in the so-called Republic of Mexico near our borders.

I do not believe that the people of the United States have realized that within the last 12 or 14 months Americans in Mexico have not only had property destroyed to the amount of possibly, I should estimate at a low figure, $500,000,000, but that American citizens have been killed, American women have been outraged, within 50 miles of our borders, and not one word of protest has been uttered to the Mexican Government diplomatically, so far as I am able to ascertain, against such conditions and against such outrages and against such murders.

It appears to me that it is time that the United States, certainly the Congress of the United States, should give a little concern to the interests of citizens of the United States domiciled or visiting in a foreign country.

Now, Mr. President, I propose to take up, first, the matter with which this joint resolution and its substitute deal directly. I propose to show that the joint resolution should be adopted for one reason if not for others—that is, that it places the investigation of damages to American citizens in some other hands than that of the State Department of this Government of ours.

Mr. President, in April, 1911, Gen. Porfirio Diaz was President of the Republic of Mexico. At that time outbreaks in opposition to the Government occurred in various States of the Republic of Mexico. One of these outbreaks occurred in the State of Chihuahua, which is directly south of New Mexico and of Texas. The leader of that revolution, not originally against the Republic of Mexico, but purely an armed protest against the State government of Chihuahua, was Pascual Orozco, of whom we have heard so much in the papers. The present President of Mexico, Mr. Madero, was at that time in hiding in the city of San Antonio, Tex. When Orozco had made certain headway against the State troops and when finally the national troops were sent in under a misunderstanding, I think, of the conditions existing in Chihuahua to put down Orozco's revolution, and they were unable to do so, Mr. Madero, from the city of San Antonio, Tex., availed himself of the assistance given him by Pascual Orozco, did no fighting whatever against the Government of Mexico himself, but through Pascual Orozco was enabled to overthrow the Government of Diaz, which had existed for 35 or 40 years in the Republic of Mexico.

The so-called revolutionists appeared at Agua Prieta, across the line from Douglas, Ariz. On about April 18, 1911, the place was occupied by Federal troops of the Mexican Government. There is an imaginary line running across the plains, which is known as the boundary line between the United States of America and the Republic of Mexico. The city of Douglas, containing about 8,000 American people, is situated on this side of the line. It is one of the most prosperous towns in the Southwest; and immediately on the other side of the line is the so-called city of Agua Prieta, in the Republic of Mexico.

The troops of the United States were ordered by the President of the United States to Douglas from Fort Huachuca and other points. They were given instructions. The governor of Arizona having protested to the President of the United States that the lives of American citizens in Douglas were endangered by the threatened fight at Agua Prieta, the President issued orders to the American troops at Douglas, and those orders were that they should notify both the insurgent commanders and the Federal commanders on the Mexican side that if they proposed to fight they must get away from the line; that they must go where they would not endanger the lives of American citizens.

No heed at all was paid to such warnings by the United States; a fight ensued between Federals and insurgents at different times, it was stated in the press, and at least one party to the fight, as has been stated in the official reports, crossed the American line. During the course of this little difficulty or fight there eight American citizens were killed or wounded on the American side of the line by the Mexicans on the Mexican side of the line, who had been warned by the President of the United States that they should conduct themselves so as not to do exactly what they did do.

As I shall show hereafter, nothing in the nature even of a protest was made by this Government to the Mexican Government, although her citizens were killed on this side.

Now, when Mr. Madero joined Mr. Orozco on about May 5, 1911, nearly a month after the difficulty had occurred and the killing of American citizens had occurred at Agua Prieta, the United States Government sent its troops to the border and again warned the Federals who were occupying the city of Juarez, across from El Paso, and also warned Mr. Orozco and Mr. Madero that they must so conduct themselves, and if they desired to fight they must get out of the danger zone, that they would not endanger the lives of American citizens.

For three days, in the face of our troops lined up upon this side of the border, with the dry bed of a river marking the boundary line of the United States and Mexico, a fight continued between the Madero insurgents and the Diaz Federals at Juarez.

There is an international street car line connecting the city of El Paso with the city of Juarez. Within five minutes' ride from the heart of the city of El Paso you can reach the city of Juarez. The troops of the United States Government were ranged along the river front to keep the citizens of the United States from getting too close to the fighting, and at the same

time, as everybody believed who knew anything of the orders which had been issued at Agua Prieta, and which were again issued in much stronger language in Juarez—every American citizen believed that the troops were there for the purpose of enforcing American rights and not simply for the purpose of "running a bluff." But for three days fighting continued in spite of orders, despite the presence of American troops, and the United States Government failed to stop it. At no time during those three days would the United States troops who were there have had the slightest difficulty in stopping the fight going on at Juarez. For 52 hours of actual time bullets were coming across to El Paso and shrapnel was dropping into El Paso.

I want to call the attention of the Senate to this:

Of the three who could not be classed as having voluntarily entered the zone of danger after being warned, one man was shot dead in the door of his own home, only five blocks from the very heart of the business center of this city of 40,000 people—

This was an American citizen—

he was shot through the heart as he finished breakfast and stepped to his door to take a breath of fresh air; he fell dead in the arms of his terrified sister.

And the paper comments upon the action of this Government.

Of the 18 wounded of whom there is authentic record, not more than 3 could possibly be classed as sightseers entering a zone of known danger after having been warned; 13 of the 18 were shot in or near their homes or places of business. A man was shot while lying in bed in his own home; a little child was shot in the head while lying in her crib at home.

These were American citizens, now, that I am referring to.

Mr. SMITH of Arizona. On American soil?

Mr. FALL. On American soil. A woman 84 years old was shot in the head as she left her home on the way to church; another woman was shot through the body as she was engaged in housework at home; another woman was shot in the eye as she was engaged in lawful occupations far from the scene of the fighting; another woman was shot through the neck in her own home; a laborer was shot in the eye as he was about to enter his door; a man was shot as he sat in the principal plaza in the heart of El Paso, nearly two miles from the scene of the fighting.

Several of those shot were at the time a mile, a mile and a half, or even more, from the scene of the fighting. Bullets were flying all over El Paso within a range of 3 miles from the scene of the battle. Shrapnel shell came half a mile within American territory. Scores of residences and business buildings were struck by bullets, and windows were broken in the city as far from the scene of the fighting as the White House in Washington from the Congressional Library, or as far as Thomas Circle in Washington from the Soldiers' Home, or as far as Scott Circle in Washington from the National Zoological Park.

The first day the American military commandant, acting under orders from Washington, in person gave direct and positive orders that there must be no firing toward the American side. He communicated these "direct warnings," such as the President talks about in reference to the Agua Prieta fight, to the recognized commanders of both the contending factions.

Mr. President, I am going hastily to review a few of the other outrages upon American citizens against which there has been no protest, and concerning which the administration, through the State Department here, has absolutely refused even to make diplomatic representations to the Mexican Government. I am going very rapidly to sketch a few of these outrages.

Converse and Blatt were both arrested on American soil, taken across from the United States to Mexico, and placed in a Mexican jail incommunicado, as it is called, under the claim that they had been engaged as private soldiers in Madero's command. President Diaz released Converse and Blatt because they were arrested on American soil. When Converse filed a claim with the State Department of the United States Government for damages for his arrest on American soil, although the Mexican Government had turned him loose because of his arrest on this side, the answer was made to his father and to his mother that he was arrested on the Mexican side, and that in any event the State Department here could take no interest in such matters against a friendly country.

Mr. OVERMAN. What was the fact about it? Was he really arrested on this side?

Mr. FALL. The fact of the matter was that he was arrested on American soil, and taken across to Mexico and put in jail. That was established to the satisfaction of the Mexican Government, who itself turned him loose. Then, when he asked damages for it, he was told by his own Government that they could not present his case because he was arrested on Mexican soil, which was the original claim of the Mexican Government.

Father Pinto, a Catholic priest, was arrested in Juarez, taken from the international street car line, and compelled to agree to pay $100 to the Mexicans upon the other side before they would allow him to get back on the car and come across to this side of the line. He was and is an American citizen, residing on this side. He had to pay $100 before they would allow him to come back on the street car line. In spite of his protest, no action has been taken, no apology has been extended by the Mexican Government, and nothing whatsoever has been done with reference to it.

A short time ago $5,000 worth of flour belonging to an American citizen was ordered by the President of the United States to be placed under the seal of the American consulate in the city of Juarez; and it was so placed under the charge of the American consul by the direct order of the President of the United States. The house was broken open; the American seal was not a sacred seal or sign to these gentlemen. Not one word of protest has been made. Although every sack of the flour of this American citizen was taken out of the house with the seal of the American consulate upon it, no protest or apology has been made, and no apology demanded.

Here is the case of an American regular soldier: The regular soldiers are still guarding the border for the purpose of seeing that no aid or assistance is extended to the Orozco revolutionists across the border. American soldiers are parading the border; American sentinels are stationed along the international border. One of them was shot at three or four times within the last month while pacing his beat, and was finally wounded by a shot fired from the other side. As far as we have been able to discover, not even an investigation has been made of the outrage; no protest has been made, and no apology has been either demanded or extended. This was an American soldier in uniform.

Mexican soldiers crossed the border—insurgents, so called—within the last two months in the face of American troops, and, standing on the international line, the American troops were told by the Mexican soldiers to get back. Guns were drawn upon the soldiers in our uniform, and they retreated 200 yards, because of their orders that under no circumstances should trouble be precipitated between the United States and Mexico; no, not even between the United States and the insurgent troops coming across from the State of Chihuahua in the so-called Republic of Mexico. Two Texas rangers, as it happened, were near at hand, and when the United States troops withdrew those two rangers, armed only with .45-caliber six-shooters, walked down to the international border and drove the 200 Mexicans back across the line, telling them that if they came over the line again these two men would arrest every one of them and put them in jail; and they stayed away. No protest has been made, no apology has been demanded or extended, although these armed troops came across the Mexican border.

Now, I am going as rapidly as possible to call the attention of the Senate to some of the things that have gone on down in the Republic of Mexico itself. I noticed that a day or two ago two or three Senators, if I may be allowed to refer to the reports in the public press, called at the State Department, being interested in questions indirectly affecting American citizens in Korea. I have not yet heard of United States Senators calling upon the State Department to learn the truth, if any, of the reports of murders and outrages committed upon American citizens in the Republic of Mexico. Why this silence and why this want of interest?

Mr. SMITH of Georgia. Mr. President, I wish to say to the Senator that, so far as we are concerned, no complaints have been brought to our attention about Georgians in Mexico. That is the reason we have not been to the State Department for that purpose.

Mr. FALL. The Senator is only interested, then, in so far as complaint is made that in Korea some citizens of Georgia have had their lives or their liberty threatened?

Mr. SMITH of Georgia. No; but we were requested to interest ourselves in the Korean matter because some of the parties were missionaries from Georgia, and another one of them was a graduate of one of our colleges, and our Georgia bishops were very much interested, and we therefore took up the matter. I do not mean to intimate that Senators should fail to interest themselves in Americans in Mexico. I only desired to explain why we were active in the case of Korea, and to say that had similar situations presented themselves to us with reference to those who particularly concerned us, we would not have neglected them because they were in Mexico.

Mr. FALL. To avail myself in this matter of the very valuable assistance of the Senator from Georgia, I could almost wish some Georgian had been suffering at the hands of the Mexicans.

Mr. President, the people of the United States have no conception of what is going on, of the true condition of affairs, south of our border, in the States which constitute the so-called Mexican Republic.

Mr. SMITH of Georgia. Mr. President, I should like to interrupt the Senator once more, in order to have him entirely correct in his statements. There have been two or three cases in which Georgians were concerned, and several about which I have called on the State Department. So far as we can learn, they gave us all the aid they could. I think this statement on my part is due to the State Department.

Mr. FALL. Were any of the Georgians in jail?

Mr. SMITH of Georgia. No.

Mr. FALL. Have any of them been killed?

Mr. SMITH of Georgia. No.

Mr. FALL. Have they lost property?

Mr. SMITH of Georgia. They were in situations where they thought their property was in danger, and possibly their lives were in danger. In one instance a number of Georgians and other Americans had gotten together for self-defense.

Mr. FALL. And the State Department helped them out?

Mr. SMITH of Georgia. The State Department communicated with the American representatives in Mexico, and I think they did all they could. They were able to reach the coast, and so far as we know they were protected. Some of them lost some of their property, and they feel that something should be done for them. This was farther down in Mexico.

Mr. FALL. Has the Senator had any assurance that anything will be done for them about the loss of their property?

Mr. SMITH of Georgia. I do not know how much of their property has been lost. We have not had an exact statement on that subject, nor have we been called upon to say anything with reference to it. I want to say to the Senator, however, that this was not near the line. I understand the troubles have been more serious in the northern part of Mexico. The places to which I refer were nearer the central portion of Mexico and were more easily handled.

I do not mean by what I say to disagree in any sense to the views expressed by the Senator, for they interest me very much, indeed. I should not have interrupted him had he not called attention to the Korean incident.

Mr. FALL. Mr. President, I am not in the habit of making set speeches or prepared speeches. I have no speech prepared. The papers lying before me are simply proofs of the facts I am now stating—exhibits, as it were, to my remarks. As I am not making a set speech, nor attempting to do so, I welcome suggestions or interruptions from any of the Members of the Senate.

I shall refer a little later to some of the questions which have agitated the minds of some people who do know something of what is going on in Mexico as to the reason we do not hear more protests from Mexico—why the voices of more American citizens, even from Georgia, are not heard in these halls. I think I can give the Senator sufficient reason for the silence of Americans under insults, and even when their property and lives are threatened in Mexico. I think I can satisfy the Senator that they have very good reasons for keeping as quiet as possible.

I am going to confine my statements now, with reference to outrages or with reference to injuries to property and persons, largely to the northern States of Mexico. I shall refer generally to the conditions throughout the entire Republic. I think I shall be able to convince the Senator from Georgia and the other Senators that every report coming from Mexico is being censored to such an extent that the people of the United States can not gather the truth from any source at all coming through the Federal telegraph lines and the Federal telephone lines which are under the control of the Federal Government of Mexico.

Mr. President, just south of El Paso and south of the Arizona border there are colonies of American citizens, invited into that country as colonists by the Mexican Government itself. Certain concessions were given them as an inducement to persuade these American citizens to go over into Mexico. They have gone there and they have acquired property. They have built up beautiful little towns, where the Mexicans themselves did not go, because they were afraid of the Apache Indians. These people helped to push the Apaches back. They helped to redeem the country. They bought and paid for their property, and they have established various colonies, and in every one of them the schoolhouse is about the first building erected, and the church next, or the two are erected together.

Three or four years ago I visited one of the chief colonies of these settlers with the Senator from Arizona [Mr. SMITH]. He and myself each had the pleasure of addressing an audience in a brick schoolhouse two or three stories high in which were taught the higher classics, and were fitted for teaching and for business the sons and daughters of several hundred American citizens.

Mr. President, these people have been unfortunate in their experience with both sides during the trouble which has been going on now in Mexico for over a year. Protests have been made, but so far as I know nothing has been done to relieve the most intolerable situation which American citizens were ever compelled to undergo.

These people went there with a concession from the Mexican Government, under the terms of which they retained their American citizenship. That was one of the inducements offered them if they would go there and redeem that country.

I want to give to the Senate the names of just a few of the people who have lost property, who have been jailed, who have been treated with ignominy by the Mexicans, and I do not mean by the insurgents, because I shall call the attention of the Senate in a moment to the murder of at least nine men, and seven of them were murdered under the Madero administration and only two under that of Orozco. I am going to read a list of just a few of the names of these poor American citizens. They have not the money to buy their protection from the local authorities. J. P. Brown, Guy Taylor, Leslie Combs, John Tilford, B. L. Croft, Rulon Peterson, Daniel Skousen, James Skousen, Joseph Jackson, Loran Taylor, Harvey Taylor, George Romney, James Young, James Memmott, and many others of these colonists have been maltreated, abused, and threatened. More than a hundred thousand dollars in property, consisting of crops which they raised for their own subsistence, and the stock with which they raised those crops, have been taken away from them and no reparation has been made, and certainly none has been asked by the Government of which they are citizens.

Mr. SMITH of Arizona. Has this Government been apprised of it?

Mr. FALL. Certainly, this Government has been apprised of this fact repeatedly, and even recently of the more recent outrages upon those same people.

Earnest Goldner, Mr. Hollingsworth, and many others have been maltreated and falsely imprisoned. Northwestern Railroad officers and employees have been abused, cursed, maltreated, and forced at point of musket by both federals and rebels to run trains. Losses to the Northwestern Railroad Co., Ketelesen & Degtau, Simon Pickard & Bros., Corralitos Co., and many other American and foreign companies in the districts of Bravos and Gilleana have aggregated more than $2,000,000, and there is no prospect of a cessation of these conditions in the near future.

Mr. OVERMAN. Were these facts brought to the notice of the State Department?

Mr. FALL. Some of them through their Representatives and by the same man whose name is signed to this telegram. You speak of your missionaries. That man is a preacher and an American citizen.

Mr. OVERMAN. What reply was given or excuse made?

Mr. FALL. I will go into that a little later.

With reference to these claims which are directly under discussion, to show you what reply American citizens have received with reference to the Department of State.

The Mexico Northwestern Railroad—

That is the railroad extending south from El Paso, Tex., skirting along these little colonies and turning west through the timber lands to the city of Chihuahua—

The Mexico Northwestern Railroad was torn all to pieces and out of commission most of the time—

Built by American and English capital and, Senators, you can know that England has protested—

and the Mexican Central also put out of business for many months. * * * During the present rebellion both roads have operated most of the time.

That is, within the State of Chihuahua and under the charge of this "bandit" Orozco.

Nine of these colonists to whom I refer, exclusive of two women whose cases I shall speak of in a few moments, have been killed. The live stock and the other property of the colonists have been taken and they are afraid to complain very much. I will show you that other citizens are afraid to complain very much, but by arming themselves they have compelled a degree of respect; and now the Federal troops themselves within the last few days are down among those colonists, the Madero troops, the governmental troops of Mexico, seeking to take away from them the arms which they have finally acquired, for their own protection, and some of them by smuggling them across the border for their protection, because the Government of the United States would not even allow them to take them across the border. Now, Federal troops are actually engaged not only in undertaking to disarm them but they have also

within the last week taken the milk cows, and the horses from those people with which they are now cultivating their crops.

What an outrage! It is not an outrage perpetrated by the bandits, because the same source of information says that Orozco has arrested his men who took the horses of these colonists and has made them return them. He is still in Chihuahua, and the federals who have been driving out Mr. Orozco so rapidly themselves molest the colonists in Sonora, and those federals are the people who appear now to be committing the depredations.

As to the looting by the Federal troops I have here a report from Gen. Huerta of the Mexican Army:

Villas's command stripped the town just before the rebels entered. Official report of Gen. Huerta, Federal commander, to President Madero says:

"The product of Villas's robbery in Parral was more than $200,000"—

That was gold—

"and he stole for 24 hours everything that came under his hands, and his hands were represented by the 500 men under his command."

Many trains have been fired into on the Southern Pacific line in Mexico and on other roads owned by Americans. Trainmen and passengers have been killed or wounded.

Trains carrying American passengers have been ditched apparently for no other purpose than the killing of the Americans on the trains, and no attempt even at robbery made.

Bridges have been burned on all roads in disturbed sections and railroad traffic stopped or seriously interfered with.

Yet, you have it told you through the public press every day, although these are telegrams which I am reading from, that Orozco has been defeated and driven out of Mexico, and that in a few hours, or in a few days at the utmost, peace and quiet will reign again in the disturbed so-called republic on our south.

American Smelting & Refining Co. plants at Velardena and Sasco frequently raided and forced to put up money, but plants not destroyed.

The Senator from Colorado [Mr. GUGGENHEIM] might possibly tell you why earnest protests have not been made against some of the depredations at least committed upon certain property in Mexico.

At Velardena a score of Americans were stood against a wall and threatened with death if they did not put up heavy cash ransom, which they finally paid.

Yet they were in reach of the American consul, the representative of this Government of ours, and they were not so fortunate as the citizens of Georgia.

These men were so afraid to complain through official sources that facts never became known until two months later, when Federals recaptured the town.

This was done by the so-called rebels.

For a time the Mexican officials, with the consent of the American Government, actually searched American citizens on this side of the line. Rebels recently arrested a United States immigration inspector in Juarez as a spy. El Pasoans have been arrested and shot in Juarez. Considered dangerous for Americans to visit Juarez, as arrests are likely to be made on any pretext. Homer Scott, an El Paso newspaper photographer, was arrested by Gen. Huerta, and when inquiry was made of Mexican consul in El Paso—

This is the gentleman I propose to refer to a little later—

and when inquiry was made of Mexican consul in El Paso a false report was sent to Huerta from consul's office which nearly cost Scott his life.

That man—the Mexican consul—is not only receiving the protection due him as a representative of his Government by the officers of our Government in El Paso, Tex., but he is also securing the active aid and assistance, as I shall explain to Senators here, of the officers of justice of the United States in his efforts at times to incarcerate American and Mexican citizens arrested not on the other side, but on this side of the border, and putting them in jail for as much as 40 days at a time. That is done without redress and without complaint.

It is only fair to rebels to say that in many instances on entering cities they have furnished trains to take American women and children safely to the border. Mexicans have shown contempt for American official communications. For instance, at the time of the shooting across the line into Douglas, Ariz., the Mexican Federal Government formally charged American troops with shooting into Mexico and with taking arms from federals to arm rebels.

When we called upon them to stay away from our border and quit killing our American citizens they retaliated by saying we had helped the insurgents and that our troops had marched across the border.

Much trouble would have been saved, many lives would have been saved, and much property would have been saved if the American troops had been allowed then to go across the border. Our Government has never resented the charge made openly by the Mexican Government that our troops invaded their territory at that time. That was the answer given to us when we protested against the outrage upon American citizens.

Recently there has been more trouble threatened at Juarez and Col. Steever, in command of the American troops, again notified Orozco, sr., that there must be no further firing into the United States. Of course, we would have walked off, I presume, as we have been doing heretofore, but at any rate the notice was served again.

The rebel commandant replied that the rebels would not promise to comply with the demand if the Mexican consul continued to recruit soldiers in El Paso for service in the Mexican federal army.

Which they accuse him plainly and openly of doing, and which our papers say he is doing every day.

Cases of looting have really been so numerous that specification is impossible. The German firm of Ketelsen & Degetau, having large stores at Juarez, Chihuahua, and Casa Grande, have been looted repeatedly during both revolutions. In February the Juarez store was robbed and burned, causing a loss of $250,000. Last week the Casa Grande store was looted and the manager, C. E. Hollingsworth, placed in jail.

He is in jail yet, so far as I know, although he may have been recently released, because the German Government might possibly have to be dealt with.

During the little recent trouble in Juarez, American citizens had their property not only destroyed, their stores looted, but one man, whom I happen to know well, had everything in the world that he possessed, about $10,000, invested in his stock of goods in Juarez, and every dollar of it was lost. I will show you what the course of our Government has been with reference to things of that kind before I conclude my remarks. I can simply say here in passing that no representations, even, have been made by this Government to the Mexican Government touching these outrages, so far as I have heard.

Mr. President, I do not intend to dwell upon the horrible cases of outrage in Mexico upon American citizens, because it is not my purpose to attempt to arouse any bitterness or any feeling on the part of Americans or of the Senate.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. I yield to the Senator.

Mr. POMERENE. The Senator has just stated that no representations have been made by this Government to the Mexican Government touching these losses and depredations which have been committed.

Mr. FALL. Yes.

Mr. POMERENE. Will the Senator explain why, if it is known?

Mr. FALL. I will come to that a little later, and I will undertake to explain over the signature, or at least by a copy of an official communication from the State Department made within a few days, in regard to damage cases.

As I said, I am not going to dwell upon the horrors of this revolution or of the former revolution in Mexico, but I do want to say that the indignation of the American people would be aroused to such a degree that all the American troops in this service could not keep the people of the United States from going across the Mexican border if they knew the condition of affairs and what some of our American citizens have had to suffer in the same colonies which I have referred to by Mr. Madero's own troops—by the action of people in accord with Mr. Madero himself. I want to cite one or two instances:

On January 22, 1911, in one of the colonies which I referred to a short time ago, near a little town, one of our American women, one of the pioneers helping to settle that country, was at home with her little daughter 11 years of age and a son of 7. Three of Madero's troopers entered the house and demanded something to eat. They demanded that this American woman, a citizen of the United States, should cook for them; and because she did not cook as rapidly as they desired, possibly, they shot her through the body. Then they insisted that she should continue cooking, and while she did so they took her little daughter and outraged her. When the woman fell to the floor from loss of blood they stuck a gun to her and blew out her brains. An American boy went to their assistance. He was met at the door and shot down. By the assistance of these colonists, law-abiding people, arrests were made of the perpetrators of this outrage and they confessed in open court exactly the facts which I have related to you. They were confined for six months in jail awaiting trial and then were turned loose and are now in that vicinity, unpunished, unwhipped of justice, and the American Government has not protested. I am not going to dwell on these cases.

Mabel Richardson, another little girl, was outraged within the shadow of that schoolhouse of which I spoke a few moments ago, where the Senator from Arizona [Mr. SMITH] and myself addressed 700 of these colonists, principally pupils. Not a word has been said in protest and no action, in so far as I have heard or been able to discover, has been taken by this Government.

Coming down to very recent days, James D. Harvey was murdered on May 4 of this year—1912—while working in his

field. He was shot down and then his murderer crossed the fence and cut his head off with a heavy spade. No attempt has been made to arrest him.

On July 2 of this year William Adams, another of these colonists, within about 60 miles of the border, with his wife's dead body in the house, was awaiting the coming of his daughter and son-in-law. They finally arrived at night, having come across the country in an automobile from Deming, N. Mex., driven by a man by the name of Evans, an American citizen. They went to the Mexican customhouse on the border and received permission to go across with the automobile. On the next morning Evans was arrested for not having a passport to cross the border line. No such thing had ever been demanded of anyone before, and this was simply given as an excuse for his arrest. He was confined in jail. The next morning the officer of the law of the Mexican Government, the customhouse officer with whom we, the United States Government, had been dealing across the line, went to Adams's house, met him, and accused him of being responsible for Evans having brought his (Adams's) daughter and her husband across the line the day before without, as they claimed, having secured a passport, although he had permission to do so from the Mexican customhouse officer. Adams claimed that he had nothing to do with it; that he knew nothing about it, as he had been there with his dead wife in the room with him. The Mexican officer, in spite of the fact that his daughter's arms were around him at the time, shot Adams through the head and killed him. That officer has not been arrested and no attempt has been made, in so far as I have ascertained, by this Government to secure his arrest or his punishment or that of any other man for perpetrating the crime.

Mr. President, when Villa was driven out of Parral, a mining camp in Mexico, after he, an officer of the Federal army, had proceeded to sack the town and rob the Americans as well as the Mexicans there who had any property, he left behind him or there was captured as he went out of the town an American citizen who had belonged to his command—Thomas A. J. Fountain. Salazar, the rebel commander, proceeded to try Fountain by court-martial.

Now, I am going to refer to another case in a short time before I leave this discussion in which other soldiers of an insurgent command, citizens of this country, were killed, and show the position which our State Department took. I shall read a portion at least of the communication of our Government to the Government of Nicaragua in exactly a similar case.

The trouble was that we did not reach Groce and Cannon in time to stop their murder, which was denounced very severely by our Government, but in this case we did get there. I have here the official correspondence showing exactly what the United States has done in the Fountain case, where she had even thrown the protection of our flag around one of her citizens. Fountain was arrested. We have a consular agent in the city of Parral and a consul at Chihuahua. Mr. Long, the consular agent at Parral, went in person to the commander of the forces of Orozco who were occupying Parral and made formal protest to him in the case of this man he was then trying by court-martial. I have here the evidence in the case upon which they tried him, and that evidence, given and furnished officially, simply shows that Fountain admitted that he had been a soldier connected with Francisco Villa's command and had been operating a field gun. The American consular agent demanded that the proceedings should cease, at least until he had time to communicate with the American consul at Chihuahua. The American consul took it up with the Government of his country, and he was told to stop the shooting of Fountain—the American citizen. Did they pay any attention to the orders? The consul communicated the orders to the consular agent, and the consular agent communicated the orders of the United States Government to this man Salazar, to the effect that he should not murder this American citizen who had been simply caught under arms or in the uniform of the Federal Government of Mexico. The next morning Mr. Fountain was placed with his face against an adobe wall and shot to death. Now, remember, if an American flag can be thrown over an American citizen by the consular representatives of this Government, at least Fountain was under the shadow of that flag. There has not been one word of protest further than that given at the time by the American authorities. I have here the communication which was finally brought forth. This case has not been followed up, and I want to say to Senators that you can not get away from the proposition that the men who committed this outrage, who committed this murder were recognized at least as insurgents by the American Government, because these communications were forwarded to them.

On April 9 the consul at Chihuahua reported that an American named Fountaine was to be shot at Parral, that he had protested against the act and had instructed the consular agent at Parral also to protest to the military authorities there. Notwithstanding this the man was shot at 6 o'clock the next morning, in spite of the protests made, and the attitude of the rebel authorities throughout was generally insolent, both to the consulate and to Americans.

On April 12 the ambassador at Mexico City telegraphed that he had no official report regarding the killing of Fountaine, but that he was prepared to act upon the department's instructions as soon as they were received.

On April 14 a telegraphic instruction was sent to the ambassador at Mexico City, and also to the consul at Chihuahua, directing them to inform the Mexican Federal Government and the insurrecto leaders, respectively, as follows:

This was communicated to both parties.

The Government and people of the United States have viewed with grave concern the practical murder under the positive order of one of your chief lieutenants of an American citizen who is reported to have been taken prisoner during or at the end of a regular engagement, the prisoner said to have been dressed in regular uniform and obviously one of the regular forces of the established Government of Mexico. The Government of the United States must insist, in so far as the treatment of American citizens taken prisoners by whatever force is concerned, that the rules and principles accepted by civilized nations as controlling their actions in time of war shall be followed and observed, and the Government of the United States must give notice—

Must give notice!

that any deviation from such a course and, indeed, any maltreatment of any American citizens will be deeply resented by the American Government and people, must be fully answered for by the Mexican people—

By the Mexican people!

thus tending to difficulties and obligations which it is to the interest of all true Mexican patriots, as it is to the desire of the United States, to avoid.

This was published in the public press.

Mr. President, when this matter was called to the attention of the State Department to ascertain what, if anything, they had done to punish those who were guilty of the killing of this American citizen whom they had demanded should not be killed, the reply was given that some one had raised the question as to whether or not he was really an American citizen. Information was immediately furnished to the State Department that the man was born in El Paso, Tex., of American parents, and was an American citizen, and the satisfaction upon that proposition of the State Department was expressed in terms. We had warned the Government, we had told them that the American people would hold the Mexican people responsible, and there they have let it drop. Nothing more has been done.

On another occasion something of a similar nature occurred. On December 1, 1909, a communication was sent to the ambassador of the Nicaraguan Government here in Washington. I intend to show, before I get through, that the conditions as specified in this note to the Nicaraguan Government as existing in that country at that time are the conditions as they exist to-day in the Republic of Mexico, except that the conditions in Mexico are accentuated:

It is equally a matter of common knowledge that, under the régimé of President Zelaya, republican institutions have ceased in Nicaragua to exist, except in name; that public opinion and the press have been throttled; and that prison has been the reward for any tendency to real patriotism.

* * * * * * *

In view of the interests of the United States and of its relation to the Washington conventions, appeal against this situation has long since been made to this Government by a majority of the Central American Republics. There is now added the appeal, through the revolution, of a great body of the Nicaraguan people. Two Americans who, this Government is now convinced, were officers connected with the revolutionary forces and therefore entitled to be dealt with according to the enlightened practice of civilized nations have been killed by direct order of President Zelaya.

It was President Zelaya, in this instance, who was blamed for the conditions, but I shall show you that this statement is absolutely applicable to this case here:

Their execution is said to have been preceded by barbarous cruelties. The consulate at Managua is now officially reported to have been menaced.

The consular office of the United States in more than one place in Mexico has been menaced, and in the case of the consular office of the United States in Chihuahua, as well as in Juarez, seals placed upon the doors have been broken with perfect impunity by the Mexicans.

The Government of the United States is convinced that the revolution represents the ideals and the will of a majority of the Nicaraguan people more faithfully than does the Government of President Zelaya, and that its peaceable control is well-nigh as extensive as that hitherto so sternly attempted by the Government at Managua.

There is now added the fact, as officially reported from more than one quarter, that there are already indications of a rising in the western Provinces in favor of a presidential candidate intimately associated with the old régime. In this it is easy to see new elements tending toward a condition of anarchy, which leaves, at a given time, no definite responsible source to which the Government of the United States could look for reparation for the killing of Messrs. Cannon and Groce, or, indeed, for the protection which must be assured American citizens and American interests in Nicaragua.

In these circumstances the President no longer feels for the Government of President Zelaya that respect and confidence which would make it appropriate hereafter to maintain with it regular diplomatic

relations, implying the will and the ability to respect and assure what is due from one State to another.

The Government of Nicaragua, which you have hitherto represented, is hereby notified, as will be also the leaders of the revolution, that the Government of the United States will hold strictly accountable for the protection of American life and liberty the factions de facto in control of the eastern and western portions of the Republic of Nicaragua.

And then the papers are handed to the minister from Nicaragua, and he is told that he will no longer be recognized by this Government. Yet in the later instance to which I have referred we are able to get to the parties who are proposing to kill an American citizen with a protest before it it done, and after it is done we remain silent upon the subject.

Mr. President, it is somewhat remarkable that a Senator should be compelled to refer, as I shall be compelled to refer, to some of the documents in this case as showing the attitude of the American Government and what the American Government has done.

I stated to the Senate the particulars, first, as to the killing of American citizens at Agua Prieta, or at Douglas, on this side of the line. That occurred in April, 1911. At El Paso, Tex., on May 5—I think it was on that date; I know it was in May of the same year—instead of 5 persons being killed or 8 killed and wounded, 5 American citizens were killed and 18 were wounded on this side of the line; and yet the President of the United States, in a message to the Congress of the United States in December, in which he refers to his telegrams to Gov. Sloan, touching the aspect of affairs, states that since that time nothing has occurred tending toward the injury of American citizens, overlooking entirely in the message sent to Congress upon this subject the killing and wounding of 23 or 24 American citizens in El Paso, Tex.

It has been claimed by the State Department—and it apparently is still claimed—that they have received information of every outrage that has been perpetrated; and it is stated in writing by the State Department that they have received information, in writing or otherwise, from the different consular agents of the United States in Mexico as to what was going on with reference to the citizens of the United States, and that they have been able to protect the citizens of the United States.

This matter under present consideration—the claim for damages by American citizens killed and wounded on this side of the line, with their feet upon American territory, by Mexicans on the other side of the line—is not a new matter. The matter of claims for damages has been pending now since May, 1911. The State Department of these United States was called upon immediately to take up the matter of the claims of American citizens and collect them from the Mexican Government.

Now, how did these claims originate? In the fight between the forces of Diaz, then President of Mexico, and the followers of Madero, who is the present President of Mexico. Whether the shots which killed those people were fired by the Madero forces or by the Diaz forces makes no difference whatsoever, because if fired by the Diaz forces or by the forces of his successor, representing the Government of Mexico, that Government is responsible.

The claims were presented, as I said. Finally a resolution was introduced in the lower House of the Congress of the United States by one of the Representatives from western Texas. While that resolution was under consideration in the lower House the State Department undertook to offer reasons for not pushing the claims of American citizens against the Mexican Government; and I want to say, without fear of contradiction, that the most remarkable principle of international law ever enunciated in the world was given over the signature of the Secretary of State of the United States to a committee of the lower House of Congress as a reason for not taking up these claims.

Every precedent established by our Government and every other is that as to claims for damages to American citizens or to your own citizens on your own soil, your own courts deal with them, your own diplomats take them up, not that you submit such claims to the local courts of foreign countries. But yet over his signature the Secretary of State, as a reason for opposing the passage of this same joint resolution, introduced by the Senator from Arizona in this branch, states that diplomacy will not permit the United States Government to take up these claims; that he can not take them up diplomatically; and he gives as his reason for it that international law compels the submission of just these claims exactly to the Mexican courts.

I am not going to take time to read it, but I have in my hand here a report on House joint resolution No. 255, of which the original resolution in this case is practically a copy, and I ask that this report of the committee, as it contains the legal arguments on both sides of this proposition, including the argument of the Secretary of State and his reasons for not pushing American claims, be printed in the RECORD as a portion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[House Report No. 556, Sixty-second Congress, second session.]

AMERICAN CLAIMS AGAINST MEXICO.

Mr. GARNER, from the Committee on Foreign Affairs, submitted the following report, to accompany House joint resolution 255:

The Committee on Foreign Affairs, to whom was referred House joint resolution 255, directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, determine the amounts due, if any, and press them for payment, having had the same under consideration, report it back to the House, by unanimous vote, without amendment and recommend that the resolution do pass.

The necessity for the passage of this resolution will appear from a recital of the following facts:

In April, 1911, a battle was fought at Agua Prieta, a town situated in Mexico immediately across the international boundary line from Douglas, a city in the then Territory but now State of Arizona. Engaged in this battle, fighting against each other, were Mexican Government troops and insurrectionists who were seeking to overthrow the Mexican administration. As an incident to the battle many of the shots fired found their way across the international boundary line into Douglas, wounding a number of American citizens, some of them fatally.

Afterwards, in May, 1911, another battle was fought between the Mexican Federal and insurrection forces at Ciudad Juarez, immediately across the international boundary line from El Paso, Tex., and in this engagement shots from the Mexican guns were fired into El Paso, wounding and killing a large number of Americans.

At the scene of both these battles an American military force was present sufficient to have protected these Americans who were injured, but this military force was not utilized. The President contented himself with only a warning to the Mexican Government and to the officers commanding the forces engaged in the fight not to injure Americans within United States territory.

Following these occurrences the Americans who were thus injured, and the legal representatives of those who were killed, presented their claims against the Mexican Government for damages and presented them to our Secretary of State, together with their proof, with the request that the Secretary present them to the Mexican Government and press them through diplomatic channels for payment. This the Secretary refused to do, and instead advised claimants that the American Embassy at the City of Mexico would, upon specific request of claimants, file their claims with the Mexican foreign office for presentation to the consultative claims commission of Mexico, but with the distinct understanding that in so presenting the claims to the Mexican foreign office neither the embassy nor the Government of the United States would pass upon the propriety, equity, justice, or legality of such claims, and that these questions would be left for further consideration and final determination in accordance with the rules and principles of international law applicable and controlling, when, if at all, it shall become necessary to consider the question of formally presenting complaints of claimants through diplomatic channels as a diplomatic claim. The Secretary further informed claimants that the American Embassy would do nothing more in relation to their claims than to present them for filing as before stated; that it would be necessary for each claimant, either personally or by attorney, to take all other needful measures in the premises, but that if the parties appearing before the commission should be dissatisfied with the findings of that tribunal, as approved or modified by the Mexican treasury, they might pursue their judicial remedies in the ordinary courts.

To this action of our State Department, relegating them to a Mexican tribunal for relief, claimants objected. They took the position that as they were injured in the United States and not in Mexico and had never submitted themselves to Mexican jurisdiction nor Mexican laws, there was no authority in international law to require them to go to Mexico, the wrongdoer, for the trial of their cases. They contended that, as in all other cases of personal injury, their rights should be determined and the amount of their damages measured by the law of the place where the injuries were inflicted, which were the laws of the United States; that the laws of Mexico were wholly inapplicable, and that if it were the purpose of Mexico to apply American laws to the claims Mexican tribunals were not competent to apply them; that it was an act of injustice, if not indeed a complete denial of justice, to require the American claimants to incur the heavy expense, which they were unable to bear, of going to a foreign country to submit their claims to a tribunal whose proceedings are conducted in a foreign language and which administers laws of which they have no knowledge, and which has no power to enforce the production of evidence from the locality where the injuries occurred.

Claimants further contended that the duty rests upon this Government to afford its people protection and justice; that as to them it had not afforded protection, and in consequence they had been injured, and that it should afford them a proper and effectual means of redress, and that the only way this can be done in these cases is for the Government itself to investigate these cases, determine the amounts due, and present and press them for payment as diplomatic claims. Because claimants can not sue the Mexican Government in our courts, and for the reasons already pointed out, it is impracticable to produce the evidence or try them before a Mexican tribunal.

The resolution which is the subject of this report seeks to compel the State Department to act in accordance with the views of claimants.

To support the position of the State Department, which we have outlined, the Secretary of State relies upon the following statement setting forth shortly the history of the department's action in the matter of these claims and giving briefly the reasons for the procedure which it has followed:

"That from the time the anti-American riots broke out in Mexico City until the close of the recent revolutionary disturbance immediately following the American ambassador at Mexico City and the American consuls throughout the Republic, acting under standing instructions issued very early in the disturbances, were prompt and effective in their representations to the Mexican Government for the protection of American life and property. Whenever and as often as any particular case was called to the attention of the department, special instructions (by telegraph, if the case was urgent, otherwise by mail) were sent to the appropriate diplomatic or consular officers in Mexico. Moreover, pursuant to general and to specific instructions issued by the department, our diplomatic and consular officers in Mexico constantly reported to this Government the conditions in their various localities, so that, thus fully advised, the department was able to secure protection which otherwise might have been impossible.

"That as to the unfortunate occurrences at El Paso, Tex., and Douglas, Ariz., in which American citizens were killed or injured by shots fired from the Mexican side of the border as an incident of the hostile operations being there conducted, this Government made urgent representations not only to the commanders in the field, but to the Mexican Government itself, that steps must be taken to prevent the firing into American territory, and the reports of our officers go to show that both parties seemingly attempted to avoid such firing. The action taken was as urgent as it was deemed proper to make when it was considered that should the United States be contending with a foe, domestic or foreign, that had placed its back against the Mexican border military necessity would doubtless require that such foe be dislodged irrespective of the incident damage which might result to Mexican citizens on Mexican soil. If such a case arose on this side of the line, it is doubtful if this Government would do more than assert its willingness to answer in damages for the injuries which it might cause. In the present case the Mexican Government has indicated its willingness to live up to the same rule.

"To the end of meeting claims against it arising out of the recent revolution the Mexican Government has established a claims commission which has jurisdiction to examine into claims against the Mexican treasury because of injuries to the private estate of persons or for damages directly growing out of the revolution, for the purpose of reaching the amount of indemnity to which claimants may be entitled. This commission was established by a decree dated June 30, 1911, and was by the decree opened for business on July 1. The decree provided that no claims would be received by the commission after September 30. However, American citizens not having, for various reasons, presented their claims to the tribunal by the last date named, this department arranged with the Mexican Government that claims not already presented to the commission might be presented informally through the foreign office by our ambassador. Two such extensions were secured by the department, as a result of which American claimants, and apparently none others, had until December 31 last to present their claims. In taking advantage of this arrangement and presenting these claims thus informally through the foreign office the American ambassador, under instructions from the State Department, reserved all rights to make diplomatic representations to our Government in the event any case in which the result reached by the commission was not, in the opinion of this Government, in accordance with the principles of law and equity involved.

"All American claimants were referred to this commission, because it seemed upon the decree creating it that it had jurisdiction of all claims of every kind and character, and because of the evident necessity, if justice were to be finally done to all Americans, of treating the entire situation as a unit. There was in international law no ground apparent to the department which would have justified it in discriminating between American claims or putting them in certain classes which should receive different treatment, and there was obviously no reason in abstract justice or in morals which required any such course, certainly not so long as ultimately no citizen would suffer by the procedure adopted, and so long as by making such discrimination some Americans would probably suffer. The necessity of treating the situation as a unit is evident when one considers losses suffered in the ordinary track of war, for which under the ordinary rules of international law the Government of Mexico would seem not to be responsible, and yet which were losses as real and severe as those for which compensation might be claimed. The commission being authorized to deal with all claims not only in accordance with the strict law, but with the equities which might be shown, it seemed most desirable that opportunity be given to present the track-of-war claims to the commission without the prejudice which would have resulted from withholding from the commission all claims legally sound. Moreover, no one has lost any rights by presenting their claims to this commission; indeed, all rights have been expressly reserved.

"Again, as it is fundamental in international law, in the matter of claims, that before a government becomes liable diplomatically the claimant must, save under certain exceptions not apparent in this situation, have exhausted his local remedies, it is quite clear that by presenting their claims to this commission American claimants have perfected their rights. Moreover, as the commission was specially constituted for the purpose of hearing and determining revolutionary claims, it seemed manifestly unwise to risk, in case the claims should finally go to arbitration, a plea by the Mexican Government that the claimants had failed to exhaust their local remedies. It is, moreover, very probable that if this Government had so acted as to permit this plea to be used by the Mexican Government, the very claimants who now desire other procedure would have been among the loudest in their censure of the department for having acted contrary to this most elementary principle.

"As the proceedings before the commission did not seem to be moving as rapidly as could be desired, the American ambassador at Mexico City, pursuant to the department's instruction, took up the matter of the commission's early consideration of the El Paso and Douglas claims, and the President of the Mexican Republic has promised that these claims would be immediately referred for investigation and settlement, if possible, with the claimants, to the Mexican consuls at El Paso and Douglas, and that failing a settlement between the consul and the claimants, the cases would receive immediate consideration by the commission with a view to reaching an early adjustment.

"The right of the Government of Mexico to establish a tribunal to hear the evidence presented by any and all claimants against the Mexican Government, in order that the Government might adjust such claims, is certainly too clear to call for extended argument. The underlying principle was laid down by Mr. Jefferson, who in instructing, as Secretary of State, our representative at Paris, under date of March 12, 1793, stated:

"'We surely can not deny to any nation that right whereon our own Government is founded—that everyone may govern itself according to whatsoever form it pleases, and change these forms at its own will, and that it may transact its business with foreign nations through whatever organ it thinks proper, whether king, convention, assembly, committee, president, or anything else it may choose. The will of the nation is the only thing essential to be regarded.' (1 Moore's Digest, p. 120.)

"Later Webster announced the same fundamental principle in an instruction to Mr. Reeves, under date of January 25, 1852. Mr. Webster used the following language:

"'From President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses a right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ.' (Op. cit., p. 126.)

"To these expressions, and as complementary to them, there should be added the doctrine announced by Secretary Bayard in a note to the Spanish minister at this Capital in which Secretary Bayard, urging the right of this Government to refer persons having claims against it to the tribunals to be constituted by us for that purpose, used the following language:

"'It may, however, be rightfully maintained, as has frequently been done by both this Government and that of Great Britain, that when a sovereign rests his administration, so far as concerns claims against himself, primarily on his judiciary, and when such tribunals are open to aliens for redress to them, aliens claiming to be aggrieved should at first resort.' (For. Rel., 1887, p. 1022.)

"It is, therefore, entirely clear that the Mexican Government was wholly free to adopt such means as it chose for the purpose of passing upon claims of aliens against the Government, providing, of course, the procedure adopted was not unreasonable.

"The propriety of the action of the department in referring all claimants in the first instance to this commission, whatever the nature of their injury and their rights thereunder, is sufficiently established by other rules set forth by various Secretaries of State and by the Supreme Court itself.

"In 1855 Mr. Marcy, directing our minister to Peru, said:

"'The natives of the foreign country seek redress for wrongs through the judicial tribunals or in the form of petitions to the executive or legislative authorities. Foreigners are bound to pursue the same course unless there should be a positive and unequivocal treaty stipulation imparting to them privileges superior to those enjoyed by the natives of the country. It is only when the judicial tribunals are not accessible, or act corruptly, or are used as instruments to oppress our citizens or deprive them of their rights of property, that cases are presented for the interference of this Government in their behalf.' (6 Moore's Digest, p. 659.)

"In 1874 Secretary Fish, writing to Mr. Lawrence, chairman of the Committee on War Claims, House of Representatives, regarding a bill to provide for the adjudication of the claims of aliens arising out of our Civil War, expressed the same principle as follows:

"'In the intercourse of nations it is an admitted principle of comity that where the local courts afford a remedy, and where there is no reason to distrust the firmness and sense of equity of those courts, a claim will not be urged diplomatically until the local remedy shall be exhausted unless good and satisfactory reasons can be shown for not pursuing the remedy to the highest court of appeal.'" (See H. Rept. No. 134, 43d Cong., 2d sess., p. 5.)

"Later, in 1893, Mr. Gresham announced the same principle in the following language:

"'There is no principle of international law which makes it the duty of one nation to assume the collection of claims of its citizens against another nation if the citizens themselves have ample means of redress without the intervention of their government. Indeed, Sir Robert Phillimore says, in his Commentaries on International Law, volume 2, second edition, page 12: "As a general rule, the proposition of Martens seems to be correct, that the foreigner can only claim to be put on the same footing as the native creditor of the State."'" (168 U. S., p. 594.)

"The custom of nations in settling war claims has always been in accordance with the principles set forth in the above quotations.

"In view of these facts and circumstances the Secretary thinks that congressional activity in this matter would embarrass rather than facilitate the present negotiations for settlement of American claims. A resolution, such as this proposed regarding the El Paso and Douglas claims, would doubtless bring forth other resolutions on behalf of classes of other American claims, with the result that the whole situation, which so far has been conducted entirely in accordance with international precedents, would be thrown into confusion."

The Secretary assures the committee that he will continue to do everything in his power to secure for all American citizens the utmost to which their rights entitle them.

To the foregoing contentions of the Secretary of State, Representative SMITH of Texas, author of the resolution, has made the following reply:

"In considering House joint resolution No. 205, relating to the claims against Mexico of Americans who were injured in our own country, it is irrelevant to discuss whether or not our Government failed to afford those Americans the protection due them or whether or not Americans injured within the confines of Mexico should be required to look to Mexican tribunals for redress.

"Both these questions are entirely beside the true issue. Whether our Government should have intervened for the protection of those Americans who were wounded on the American side by bullets fired across the boundary line from the Mexican side can not have the slightest bearing one way or the other on the question of the liability of the Mexican Government for damages to the Americans so injured. Neither has the fact that the Secretary of State claims to have used diligence during the progress of the insurrection to afford protection to Americans who happened to be resident or transient in Mexico anything whatever to do with this question.

"I quite agree that under principles of international law Americans who suffered damage to either person or property in Mexico would be required to exhaust their local remedies in the manner provided by Mexico herself before appealing to our Government for assistance.

"But my resolution is not in behalf of people injured in Mexico. It is in behalf of people who were injured wholly on American soil, in their own homes, living under American laws, and who had not submitted themselves to Mexican jurisdiction in any way.

"The two classes of claims are upon entirely different footing. When a person goes into a foreign country he becomes subject to the jurisdiction of that country and must prosecute and defend his rights in the courts of that country. Being subject to the laws of the foreign country, his rights are determined by the courts in accordance with the law thereof and not the laws of the country from whence he came.

"All this a person is assumed to agree to when he goes into a foreign country, and he assumes all the risks incident thereto. And as long as he receives the same treatment at the hands of such foreign government as is accorded to its own citizens, he will have no grounds for complaint.

"But a person injured in his own country is entitled to have his rights measured and determined by the laws and tribunals of his own country, regardless of the question as to who violated his rights. Not having submitted himself voluntarily to the laws or jurisdiction of a foreign country, his own Government has no right to compel him to do so.

"In the case in hand the violation of the rights of these American citizens was a violation of American not Mexican law. And I want to ask by what principle of international law or justice Mexico can claim the right to apply Mexican law to them, or even to administer American law in a Mexican tribunal?

"Under the law of nations every organized government owes a duty to foreigners residing or sojourning within its domain. As a general rule it must afford them the same degree of protection and access to

its courts as are afforded by it to its own citizens. In return foreigners must submit themselves to its laws and resort to its tribunals for the administration and enforcement of its laws. Certainly it is only fair and just that foreigners claiming rights under its laws should be required to litigate them in its own tribunals.

"Quite different is the case we have before us. Mexico owed no duty as a Government to the American people for her soldiers injured on American soil, and they owed Mexico no duty, except the duty to respect the rights of each other. In injuring these Americans, Mexico acted as a naked trespasser, and it outrages every sense of justice to be told that they must take their cases to the tribunals of the trespasser for trial, whether Mexican or American law is to be applied to the case.

"When the Secretary of State sent his communication and the brief of his solicitor to the committee in opposition to my resolution, and making the contention that these American claimants should submit their claims to Mexican tribunals, he did not express his views as to what laws should be applied to the case. I now ask him that question. Should Mexican laws be applied? If so, under what principle of international law or abstract justice should the laws of any foreign country be invoked to redress wrongs inflicted under American laws? Should American laws be applied? If so, let him point out just one authority holding that an American citizen should be required to leave his own country and go to the tribunals of a foreign country to have American law applied to a case which arose on American soil.

"Until the Secretary of State answers these questions he can not expect an acceptance of his naked statement that 'there was in international law no ground apparent to the department which would have justified it in discriminating between American claims or putting them in certain classes which should receive different treatment,' and that 'there was obviously no reason in abstract justice or in morals which required any such course.'

"I have examined with very great care the Secretary of State's communication and the brief of his solicitor and all the authorities cited by them, and I fail to find any authority for saying that all claims against Mexico growing out of the late revolution should be treated as a unity—that the claims arising on American soil should receive identically the same treatment as those arising in Mexico. I have also made an examination of many works on international law and I have found no such authority.

"The first authority cited by the solicitor in Moore's Digest of International Law, volume 6, page 656 et seq., which lays down the general rule that a claimant must exhaust his local remedies before invoking diplomatic assistance. To state the rule more elaborately the solicitor quotes from a letter written in 1834 to a claimant by Mr. McLane, Secretary of State, as follows:

"'Although a government is bound to protect its citizens, and see that their injuries are redressed where justice is plainly refused them by a foreign nation, yet this obligation always presupposes a resort in the first instance to the ordinary means of defense or reparation which are afforded by the laws of the country in which their rights are infringed, to which laws they have voluntarily subjected themselves by entering within the sphere of their operation and by which they must consent to abide.'

"The case referred to by Mr. McLane was one of fort committed on the claimant by a mob in Cuba, and of course the local remedies afforded by the laws of Cuba should have been resorted to first. It is not a case in which the injuries complained of had occurred within our country.

"Let us notice the requirements of this rule. What is meant by 'local remedies'? It means such remedies as are afforded by the laws of the country in which the rights of the claimants are infringed. In the cases embraced in my resolution it means the remedies provided by American laws, not Mexican, because the injuries occurred in America and not in Mexico.

"I have made an exhaustive examination of all the cases cited in Moore's Digest of International Law in support of the rule that claimants must exhaust their local remedies before invoking diplomatic assistance, and I have found that without a single exception they are cases in which the claimants were injured in the foreign countries and not at home.

"The Secretary of State says that 'the right of the Government of Mexico to establish a tribunal to hear the evidence presented by any and all claimants against the Mexican Government, in order that the Government might adjust such claims, is certainly too clear to call for extended argument.'

"In support of this proposition, which to my mind is quite fallacious when stated so broadly, the Secretary quotes from a letter of Thomas Jefferson, as Secretary of State, to our representative at Paris, under date of March 12, 1793, as follows:

"'We surely can not deny to any nation that right whereon our own Government is founded, that every one may govern itself according to whatever form it pleases, and change these forms at its own will, and that it may transact its business with foreign nations through whatever organ it thinks proper, whether king, convention, assembly, committee, president, or anything else it may choose. The will of the nation is the only thing essential to be regarded.'

"The Secretary of State also quotes from Mr. Webster to the same effect, and as a complement to these authorities the Secretary lays down the doctrine announced by Secretary Bayard on December 3, 1886, as follows:

"'It may, however, be rightfully maintained, as has frequently been done by both this Government and that of Great Britain, that when a sovereign rests his administration, so far as concerns claims against himself, primarily on his judiciary, and when such tribunals are open to aliens for redress, to them aliens claiming to be aggrieved should at first resort.'

"Of course, no one will dispute the proposition made by Jefferson and Webster, viz: That every Government has the right to choose its own form of government and to transact its business through whatever organ it may think proper. And no one will deny that, as a general rule, every Government has the right to require that all claims arising under its own laws shall be submitted to its own judiciary.

"But I do most emphatically deny that any Government has the right to require that the claims of foreigners, arising under the laws of another country and outside the jurisdiction of its own laws, shall be prosecuted in its own courts.

"If, under the authorities just referred to, Mexico can require Americans unlawfully injured by Mexican troops within American jurisdiction to seek redress in Mexican tribunals, then Mexico can require any controversy affecting her interest to be tried in her own tribunals, however much such controversy may affect the interests of foreign people or foreign Governments. The fallacy of such a proposition readily appears from a mere statement of it.

"The Secretary's letter cites a number of cases in support of his position than those already referred to, but none of them are in point. The Marcy letter was with regard to an American claim arising in Peru. The Fish letter related to claims of aliens against the United States arising out of the Civil War within our own jurisdiction. The other two cases are equally as inapplicable. Not one of them involved the question under discussion, viz, whether or not an American unlawfully injured in his own country by a foreign power can be required to resort to the courts of the foreign power for redress.

"As I have already stated, I have been unable to find any case in international law holding the affirmative upon that proposition, and I do not believe any such case can be found.

"The question seems to have been raised but once with our State Department, and it was then decided positively and emphatically against the present contention of our Secretary of State. I refer to the case of the American schooner *Daylight*, of Bath, Me., which vessel, while at anchor outside of the bar near the harbor of Tampico, being then on her voyage from Key West, Fla., with a cargo of lumber for Tampico, was at night run into by the Mexican gunboat *Independencia*, the vessel and cargo becoming a total loss. The claim for damages was made to the minister of foreign affairs of Mexico, who contended that the claimant should bring suit in the Mexican courts. To this contention Secretary of State Freilinghuysen vigorously dissented, because the injury was done beyond the jurisdiction of Mexican dominion. In discussing the question Mr. Frelinghuysen, in his instructions to the American ambassador to Mexico, wrote as follows:

"'Upon a careful examination of these several propositions of the distinguished secretary for foreign relations of Mexico I find myself wholly unable to agree with him in the conclusion that the doctrine embraced in them can, with any legal propriety, be considered applicable to the case of the *Daylight*. In his note to you of the same date, regarding the case of the *Sidbury*, a copy of which accompanies your 776, referring to this same jurisdictional contention, Mr. Fernandez says:

"'This opinion does not merely rest upon the principle that the courts are called upon to redress injuries which are suffered by the inhabitants of the country or those who are transiently therein, for the purpose for which they are established is to administer justice.' Giving to this proposition the interpretation which it has received from all writers on public law, and hitherto accepted by all civilized Governments—that is, that the municipal civil laws can only be held applicable to and operative on the rights, property, and persons of the citizens of the country and foreigners who may be either permanently or temporarily residing in the country—I find no difficulty in acceding to it. This, however, is all that can be claimed for it—all, as it is believed, that is claimed for it by the governments of Christian nations—and all that is allowed to it by the uniform declaration of writers on public law.

"Considered," says Halleck, "in an international point of view, either the thing or the person made the subject of the jurisdiction must be within the territory, for no sovereignty can extend its process beyond its own territorial limits so as to subject either persons or property to its judicial decisions and every exertion of authority of its sort beyond its limits is a mere nullity and incapable of binding such persons or property in any other tribunals."

"'The same doctrine is found stated in different forms of expression in Phillimore, in Wheaton, in Westlake, and in Woolsey. I am not aware that it has ever been questioned.

"'The owners of the *Daylight* were never residents of Mexico, either permanent or temporary. They are not known to have ever been in the country. The master of the vessel was not a resident of Mexico, either permanent or temporary, and was never in the country beyond the port at which his vessel might touch. At the time of the occurrence which gave rise to the claim the vessel could scarcely be said, with strict propriety, to have been in Mexican waters. She was anchored outside the bar, near the harbor of Tampico, in an exceptionally rough sea, at the close of a severe storm, which rendered it unsafe for her to attempt to cross the bar or enter the harbor. To insist that those claimants shall go from Maine to Tampico to seek redress in the Mexican tribunals for a grievous wrong suffered at the hands of a high officer of the navy of that Republic, and in such proceedings to be met by the evidence which the commander of the *Independencia* would readily be able to elicit from the ship's crew, would, in the estimation of this Government, be a practical denial of justice. The Mexican Government is conceived to be justly responsible to this for the act of that officer, and consequently the views put forth by Mr. Fernandez in behalf of his Government can not be accepted or acceded to by this.

"'Guided by the suggestions of my former instructions in regard to the matter, you will again, in the light of the observations made in this, bring the subject to the attention of the minister for foreign affairs, and you will say at the same time that the President hopes and expects that so just a claim as this is deemed to be will receive early consideration, followed by prompt and speedy adjustment at the hands of the Government of Mexico.'

"The doctrine announced by Mr. Frelinghuysen is so elemental that I venture the belief that it was never called in question by any Government before our present Secretary of State began to deal with these Mexican claims. Mexico did not call it in question in the *Daylight* case, but based her contention that the case should be tried in her courts upon the ground that the injury to the schooner occurred in Mexican waters and within the dominion of Mexican laws. America refused to require the claimants to go into the Mexican courts because of the belief that the injury occurred upon the high seas, outside the dominion of Mexico.

"But aside from the legal question involved, in regard to which I believe I have clearly shown the Secretary has taken an erroneous view, he makes an argument in justification of his action in treating alike all claims growing out of the Mexican insurrection, which is also unsound. The Secretary says:

"'The necessity of treating the situation as a unit is evident when one considers losses suffered in the ordinary track of war, for which, under the ordinary rules of international law the Government of Mexico would seem not to be responsible, and yet which were losses as real and severe as those for which compensation might be claimed. The commission being authorized to deal with all claims not only in accordance with the strict law, but with the equities which might be shown, it seemed most desirable that opportunity be given to present the track-of-war claims to the commission without the prejudice which would have resulted from withholding from the commission all claims legally sound.'

"In the first place, I take the position that no claim arising within American dominion can be classed as a track-of-war claim. As I said before, these people who were injured and the Mexican Government

did not owe each other any duty except the duty of respecting each other's rights. Though prosecuting a war, both the Mexican Federal and insurgent troops were bound to respect the rights and safety of Americans on American soil, and to the extent they did not do so were unlawful invaders and naked trespassers. No authority can be found holding that the necessities of war can justify either the invasion of the dominion of a neutral power or the wronging and killing of the citizens of a neutral power. If the rights of residents must give way to the necessities of a war being carried on by a government under which they live, that is another matter. And I say that the Secretary of State fails utterly to state any good reason why the well-founded claims of resident Americans should be tied up with claims of residents of Mexico which may not be well founded. Why should resident American hazard their claims in Mexican tribunals just because such course might aid in collecting other claims with which they absolutely have no connection?

"Finally, the Secretary says that 'where an armed insurrection has gone beyond control of the parent government, such government is not, as a general rule, responsible for damages done to foreigners by the insurgents, and that a government is not responsible for the acts of its own soldiers resulting in such injuries as are due to the misfortunes of war, either internal strife or conflict between nations; nor responsible for the acts of soldiers committed in their private capacity—acts of pillage—without the order or presence of a commanding officer; and that these principles might be found to operate unfavorably toward some American claims if they should be presented diplomatically or be submitted to an international claims commission.'

"I want to say the Secretary need not have any apprehension that either of these principles could be invoked against any of the claims we are dealing with. It matters not whether the injuries were inflicted by the Federal or insurgent troops. If by the former, of course the Mexican Government would be liable, and if by the latter the Government would be liable because the insurrection was successful, and under the well established rules of international law the Government in the hands of the insurrectionists would be liable. (Moore's Digest of International Law, Vol. VI, p. 991.)

"As I have already shown, the 'misfortunes-of-war' doctrine can not properly apply to nonresident foreign neutrals. And certainly it can not be claimed that the injury claimed from the Mexican troops were acting in their private capacity, without the order or presence of a commanding officer. They were in the immediate command of their officers, and engaged in a struggle for the control of the Mexican Government. At El Paso the insurgent forces were under the personal command of Madero, who is now the President of Mexico.

"With regard to the suggestion that the Mexican Government has changed its position so far as to now say it would authorize the Mexican consuls at El Paso and Douglas to make investigations of all the claims of American citizens at those places and endeavor to make direct settlement with the claimants, I desire to say that such suggestion is entirely unsatisfactory to claimants. It will be noted that as a part of the proposal it is stated that in the event of failure to reach settlement the cases would be remanded to the Mexican consultative claims commission. The claimants believe this change in attitude on the part of the Mexican Government is only a ruse in line with its past conduct to bring about delay and the ultimate defeat of the claims.

"Moreover, in this change of attitude the Mexican Government still adheres to its claim of right to try these cases before its own tribunals—a proposition so contrary to international law and all sense of justice that claimants can not assent to it.

"I want to remind the committee that there is involved in this matter not alone the question of making compensation to a few American claimants. It presents for solution a great question of international law which concerns every American citizen, and unless settled right may in the future subject many American citizens to outrages and injuries for which they would be unable to obtain any redress.

"I also cite the following authorities in support of the rights of aliens in the United States:

"'Aliens coming within our territory are entitled to the same protection in their personal rights as our own citizens, and no more.'" (Moore's Digest of International Law, Vol. IV, p. 2.)

"'There is no principle of the law of nations more firmly established than that which entitles the property of strangers within the jurisdiction of a country in friendship with their own to the protection of its sovereign by all the efforts in his power. This common rule of intercourse between all civilized nations has between the United States and Spain the further and solemn sanction of all express stipulation by treaty. In violation both of the common usage of nations and of the express promise of Spain in the treaty, nearly 200 vessels and their cargoes, belonging to citizens of the United States, were seized, many of them within the territorial limits of Spain and under the cannon of her fortresses, by French cruisers, and all of them were condemned within Spanish jurisdiction. Spain was required to pay indemnity.'" (Moore's Digest of International Law, Vol. IV, p. 5.)

"'The policy of the United States in all cases of complaints made by foreigners is to extend to them the same means of redress as is enjoyed by our own citizens.'" (Moore's Digest of International Law, Vol. IV, p. 10.)

"'In the courts of the United States alien friends are entitled to claim the same protection of their rights as citizens.'" (Moore's Digest of International Law, Vol. IV, p. 7.)

"'Aliens domiciled in the United States owe to the Government a local and temporary allegiance, which continues during the period of their residence, and for the violation of which they may become liable to prosecution for treason, just as a citizen.'" (Moore's Digest of International Law, Vol. IV, p. 10.)

"'The authority which every sovereign has over the conduct of aliens within his territorial jurisdiction makes him responsible to others for their conduct as much and for the same reason as he is responsible for the conduct of permanent citizens or subjects.'" (Moore's Digest of International Law, Vol. IV, p. 11.)

"It would seem to me that according to the authority I have cited with reference to the seizure of American ships by France in Spanish waters, the United States would be liable for damages for injury to aliens within our dominion by Mexico, and therefore it would follow that the United States would be entitled, in turn, to recover the damages from Mexico.

"See Koszta case, Moore's Digest of International Law, volume 3, page 820, for elaborate discussion of the rights and duties of the United States with regard to aliens domiciled within its territory.

"Also, see letter of B. Bryan to Mr. Huntington Wilson, Acting Secretary of State, on same subject, which follows:"

SEPTEMBER 11, 1911.

Mr. HUNTINGTON WILSON,
Acting Secretary of State, Washington, D. C.

DEAR SIR: I am in receipt of your letter of date August 28, 1911, to Hon. W. R. SMITH, Member of Congress from Texas, in regard to claims against Mexico of Richard Brown, Virginia Moorhead, and Francisco Portillo, which letter has been transmitted to me by Mr. SMITH. In said letter you used the following language: "The Department of State would not be warranted in making any representations in regard to the claim of Francisco Portillo, as it appears from his memorial that he is not an American citizen." I respectfully differ from you in the conclusion that the memorial of Francisco Portillo does not show that he is an American citizen and entitled to protection as such. My authority, I refer you to Moore on International Arbitration, Digest, volume 3, and the case of Jarr and Hearst, pages 2707, 2708, 2710, 2711, 2712, 2713. In these cases continuous domicile in the United States along with the declaration of intention to become a citizen permitted the claimants to appear before the commissioner and claim damages. After full discussion, Mr. Palacio, the Mexican commissioner, who at first denied the right, ultimately conceded that such persons were citizens of the United States. Also, I cite you, same authority, Moore's Digest International Arbitration, volume 3, page 2722, to the argument of Mr. Hale, counsel for the United States, in which he goes exhaustively into the question of domicile and intention to become a citizen and the protection flowing therefrom. In same case I cite you also to the argument of Judge E. R. Hoar, in which argument Judge Hoar exhaustively discusses the rights of one permanently domiciled in the country, as is shown to be the case in the case of Francisco Portillo.

Also, I cite you to the distinction between national character of property and the nationality of persons, to wit, act of Congress, 1868; and Phillimore, International Law, part 5, cap. 1.

In the above cases the commission between Mexico and the United States allowed the parties to appear as complainants for damage and allowed damages.

I respectfully ask what is the difference between the case made out in Francisco Portillo's memorial and the parties above referred to? Portillo's memorial shows that he came to reside in the city of El Paso, State of Texas, United States of America, in the year 1893, and that he has continuously resided in the city of El Paso, State of El Paso, State of Texas, United States of America; second, that he made his declaration of becoming a citizen in the year 1896; third, that acting upon said declaration he has been exercising his right as a voter in the city of El Paso, State of Texas, United States of America, in all elections, local, district, State, and National; fourth, that he has acquired property in the city of El Paso, Tex., and is a taxpayer and as such is a merchant engaged in business; fifth, that his children have been educated in the public schools of El Paso, Tex.; sixth, he is a man of family and has continuously resided in El Paso, Tex., never returning to Mexico; seventh, that he has taken all necessary steps to take out his final paper of citizenship.

As said by Mr. Ashton in his argument, Moore's Digest, volume 3, page 2703 (and his argument was sustained by the commission and the claimant allowed damages), that the naturalization of an alien relates back in the first step and constitutes him a citizen from the date of declaration of intention; "that persons who have duly declared their intention to become citizens of and bona fide domicile of the United States are subject to the protection of the United States against injuries by the territory of Mexico within and without the territory of the United States."

I repeat that this theory of Mr. Ashton was adopted by the commission on Mexican claims. It has been adopted, as I understand, from the books on international law, Moore's Digest, in the matter of adjustment of claims between Great Britain and the United States.

I respectfully call your attention to the laws of Mexico on the subject of expatriation of Mexican citizens, to wit: "In substance, that where a Mexican shall remove from Mexico to the United States or other foreign country and shall not make his declaration of remaining a citizen of Mexico within three years after his "domicile in said foreign country that said Mexican citizen shall be considered a citizen of said country where he is domiciled." Francisco Portillo, memorialist, shows that he has been continuously a citizen of El Paso, Tex., United States of America.

I respectfully submit, in view of the facts stated in the memorial of Francisco Portillo and of the foregoing authorities quoted, that the memorial of said Portillo should be by the Department of State duly received and presented to the Mexican Government.

Yours, truly,

D. BRYAN.

The foregoing letter of B. Bryan and the authorities cited by Mr. SMITH upon the rights of aliens domiciled in a foreign country are for the purpose of establishing the right of the United States to demand compensation for aliens domiciled in the United States and who were injured within the United States by Mexican troops firing across the international boundary line.

Answering the foregoing argument of Representative SMITH, it is contended in behalf of the State Department—

"That there would appear to be few, if any, of the essential points of this matter which have not already been covered by the department. However, for the purpose of recalling distinctly the precise circumstances of this case, it may be well to recapitulate them, as follows:

"In two contests between the forces of the established Government of Mexico and the insurrectionists at and around points lying on the Mexican side of our southern border, shots were fired into American territory with a result that a number of persons were injured and some killed, most of whom were American citizens. It will be at once perceived that this action by the Mexican forces constituted a violation of our territory, as well as an injury to our citizens. While this department has not yet reached a definite conclusion regarding the first element named—that is, the violation of territory—it is probable that inasmuch as there is the strongest reason to believe that no affront to this Government or its people was intended by the action of the Mexican forces, no action will be taken with reference to this matter, since, if the situation were reversed, it is probable that this Government might consider itself under the necessity of doing just as the Mexican Government did, even though such action might result in injury on the Mexican side of the border.

"With reference to the injury inflicted upon persons within our own territory the department has called these claims to the attention of the Mexican Government and has insisted that they should be settled. The Mexican Government, having established an administrative body known

as the Consultative Claims Commission, for the examination of all claims against the Mexican Government arising out of the revolution. The claimants were referred to this commission. Since this reference the department has again taken the matter up with the Mexican Government and has secured from that Government the promise that it will attempt at an early date to reach a direct settlement with the claimants through the Mexican consuls located at El Paso, Tex., and Douglas, Ariz. While it would appear that as yet the consuls have not settled these claims, the conditions existing in Mexico are such as entirely to account for this delay, so that it need not be charged to a more disposition to put off settlement. The department has received every assurance and has the strongest reason to believe that the Mexican Government will settle the claims as soon as practicable.

"In presenting the claims to the Mexican Government, this Government has in each case reserved the right to take them up diplomatically should the offer of settlement made by the Mexican Government appear to this Government inadequate. This course has appeared to it the due and proper one considering all the principles involved, and in following this procedure the department has extended only such courtesies and has recognized only such rights as in a reciprocal case it would expect and demand upon its own part. The course thus far pursued has followed the usual amenities and courtesies observed between sovereign powers. The course thus far followed has not only protected the ultimate rights of the injured persons, but it has perfected their rights by giving to the Government of Mexico every opportunity itself to adjust these claims. This is a matter of more vital importance if Mexico should fail to make or offer such a settlement of the cases as would accord with this Government's view of the equities involved and we should later be forced to go to arbitration.

"Mr. SMITH appears to complain of this course and to desire that this Government, at its own expense, investigate these cases, prepare them, and in the first instance present them diplomatically and formally with a demand for payment. The course to be followed after the making of this demand in case Mexico did not, as it probably would not, at once accede to the same, Mr. SMITH does not appear to outline. It is probable, however, that he would grant to Mexico the right to make an investigation and a counter offer should that Government not consider the American demand as just and equitable. It will be observed that this would merely bring the negotiations to the same point in which they will be when Mexico has made an offer of settlement, as a result of its initial investigations, and this Government has passed upon the adequacy of such offer. Waiving for the present all legal considerations in the matter of preference between the course followed by the department and the course which Mr. SMITH desires, it is quite clear that, as a matter of policy and consideration, the course adopted by this department is calculated to arouse less hostility toward these claims, and therefore probably secure for them a more generous treatment than would result from the unusual procedure advocated by Mr. SMITH.

"With reference to the contentions of Mr. SMITH as to the legal principles involved in this case, it should be observed that even assuming the rules for which he contends are well founded, it is quite clear that the department has as yet taken no action which sacrifices American citizens or their rights or which surrenders on the part of the Government itself any right or principle. This department being charged with the conduct of our foreign affairs, including the protection of American citizens with reference to injuries inflicted upon them by other Governments, is quite as zealous as any individual could be in exercising all and every care that our rights are fully and amply recognized and protected, and this department has to consider, in the exercise of these functions of protection, not only the injuries inflicted upon any particular individual or set of individuals, but upon American citizens generally, and the department would be open to the gravest censure did it sacrifice the interests of the many for the benefit of any given few. However, the discussion between this Government and Mexico regarding these claims has not yet reached the stage where it would appear the legal questions raised by Mr. SMITH have become involved. The discussion will have reached that stage when the Government of Mexico has investigated, not judicially, but administratively as it is now doing, and has made an offer; when this Government has considered and declined (if this shall be the course followed) the offer made by Mexico; and when Mexico has then attempted (if it shall so do) to refer these claimants to the Mexican courts. Then the question as to what law shall control and in what forum the extent of liability shall be determined will arise. But at the present time these questions are not involved, since the Mexican Government is now making, as it has a right to do, an administrative investigation into the facts and circumstances of the cases with a view to making a settlement directly with the claimants. It is difficult to see how Mexico could do more or upon what grounds we could ask more than this.

"In this connection Mr. SMITH, in the brief which he filed before your committee (a copy of which he was good enough to leave informally with the solicitor for this department), has placed great and indeed seemingly sole reliance for his position upon the case of the *Daylight* against Mexico, and particularly upon an instruction sent by Mr. Frelinghuysen, Secretary of State for President Arthur, to the American minister at Mexico City under date of May 17, 1884. (Foreign Relations, 1884, p. 358.) It may be of interest to you to observe that in that case, notwithstanding Mr. Frelinghuysen's statement arguendo in the instruction above cited, the Mexican Government persisted in its contention and referred the matter for investigation to the Mexican department of war and marine, which reported adversely upon the case, and Mexico declined to pay an indemnity. The position of the Mexican Government seems to have been accepted by Mr. Bayard, Secretary of State for President Cleveland, and apparently nothing ever came of the matter.

"Without wishing to be regarded as expressing or as indicating at this time a definite opinion upon the arguments advanced by Mr. Smith on this matter—concerning as they do questions which in the judgment of the department are not now before the department—it may be permitted, in connection with the reliance which he places upon the arguments of Mr. Frelinghuysen for the department, to call to your attention the statement by Mr. Moore in his preface to his International Law Digest that in considering questions of international import "two points of capital importance" must ever be borne in mind. He says:

"'One is that mere extracts from State papers or judicial decisions can not be safely relied on as guides to the law. They may indeed be positively misleading. Especially is this true of State papers, in which arguments are often contentiously put forth which by no means represent the eventual view of the Government in whose behalf they were employed. Instead, therefore, of merely quoting extracts from particular documents, it has been my aim to give the history of the cases in which they were issued, and, by showing what was finally done, to disclose the opinion that in the end prevailed.'"

"In this connection the department may refer to the notation made by Mr. Moore regarding this case in volume 6 (p. 679) of his digest, in which he states, after quoting the very language upon which Mr. Smith relies, that 'the Mexican Government adhered to its position.'

"The department wishes, however, to assure you that in thus putting this matter before you it has no other thought than to indicate to you that there appears to be no present necessity for any such action as is proposed. The department desires also that you should be firmly convinced that this department has done and will continue to do everything in its power to protect American citizens and to secure redress for those who suffer injuries, including the very unfortunate sufferers at El Paso and Douglas.

"As a matter of fact it appears that the only practical result which would follow the enactment of the joint resolution proposed would be that this Government would be charged with the responsibility and the expense of the initial preparation of the claims of the injured persons at El Paso, Tex., and Douglas, Ariz., instead of having these persons prepare their own claims and meet the expense thereof as is the uniform and invariable rule, so far as the department is advised, in such cases. No reason is perceived why these claims should not in this particular respect take the course usual in such cases.

"While the following considerations are not immediately before the department for its comment at this time, it calls them to your attention in the thought that perhaps in view of them and entirely aside from the discussion which has preceded you may think it unwise to attempt the passage of the present resolution.

"In the first place, the resolution purports to direct the Secretary of State in the performance of a purely executive function, and in the exercise of a purely executive discretion, a course which in the past has not been found to affect the obligations of the Executive in the premises, as was seen in the case of the Venezuela Steam Transportation Co.

"In the next place, the resolution purports to give a commission certain judicial powers in the matter of compelling the attendance of witnesses, etc. In view of decisions of the Supreme Court on this point you will doubtless consider it a matter of very grave doubt as to whether or not the powers which the resolution would seek to confer would actually be enjoyed by the commission contemplated.

"Finally, while the Secretary is thus 'authorized and directed' to make certain investigations, the resolution carries no appropriation to meet the expenses of such investigation. In view of the circumstances of this case it is my judgment that there is no fund at his disposition which the department would regard as appropriately expendable for this purpose.

"The department ventures to suggest that as the department is already doing in this matter all that it properly may as between this Government and Mexico, the continued exercise by those who are suggesting this legislation of the patience which they have hitherto shown will not only result in no prejudice to the interests which they represent, but will really facilitate the department's disposition of the cases."

The committee, after very careful consideration, is of the opinion that there is no principle of international law requiring, and that it would be an act of injustice to require, these claimants who were thus injured through no fault of their own, within their own country, within the dominion of their own laws, to go to a foreign country for the trial of their cases before a foreign tribunal. It is the opinion of the committee that the rule which would require foreigners injured in Mexico to exhaust their local remedies—that is, to first submit their claims to such tribunals as may be provided by the Mexican Government—is wholly inapplicable to these claimants. In the former cases the rights of the claimants and the measure of their damages would have to be determined by Mexican laws within the dominion of which the injuries occurred. In the latter cases American laws should be applied. It is essential that Mexican laws should be applied by Mexican tribunals, and it is equally as essential that American laws should be applied by American tribunals. Mexican tribunals are not supposed to be competent to construe and administer American laws any more than American tribunals are to construe and administer Mexican laws.

Moreover, it is always reasonable to assume that in cases of tort the evidence necessary to a full development of the case and to a complete administration of justice must be produced from the place of the tort. Therefore in case of tort committed in Mexico the tribunals of that country could enforce the attendance of witnesses and the production of evidence; but in cases where the torts are committed in the United States the Mexican tribunals can not enforce the production of evidence.

It seems to be the contention of the State Department that it is not insisting upon the trial of these cases in Mexico; that it is only suggesting a kind of negotiation as a matter of courtesy to Mexico, out of which it hopes a satisfactory settlement may be reached. In reply to this it may be said that there can be no intelligent negotiation in regard to these claims without some legal standard to apply to them. If the claims had arisen in Mexico, the Mexican Government could apply the Mexican legal standards, but having arisen in the United States the standard should be the laws of this country, and it can not be applied except by some agency of this Government.

Moreover, it is the opinion of the committee that one of the highest duties of a government to its citizens, in cases where they suffer wrongs, is to afford them a means of redress by which they may obtain justice. This our Government fails to do when it sends its citizens abroad to negotiate for justice with the agents of a foreign Government. Therefore we believe it to be the duty of our Government to provide some agency to make a full investigation of these claims, determine the amounts due, and present and press them for payment as diplomatic claims. This should be done as the initial step, and this is the purpose of this resolution.

Since the introduction of this resolution in the House the Mexican Government has advised our State Department that it has referred the matter of the adjustment of these claims to the Mexican consuls at El Paso and at Nogales, and within the last few days that it has appointed commissioners at El Paso to attend to these claims. Further than this nothing has been done, although nearly a year has elapsed since these claims arose. In the opinion of the committee none of these proposed methods of dealing with these claimants meets the just demands of the claimants that our Government shall determine the claims and assume the burden of presenting them to Mexico through diplomatic channels for payment, and that they be not required to submit them to Mexico for adjudication.

Our State Departments suggests that—

"The resolution purports to direct the Secretary of State in the performance of a purely executive function and in the exercise of a purely executive discretion—a course which in the past has not been found to affect the obligations of the executive in the premises, as was seen in the case of the Venezuela Steam Transportation Co."

The case referred to was a case where the claimant, the Venezuela Steam Transportation Co., was denied damages by Venezuela for injuries occurring in that country because it had chosen to present its claim through diplomatic channels instead of to "the high federal court," as required by the law of Venezuela. Our State Department very properly took the position it would not be bound by any such law. But we take it that while an act of the Venezuela Congress "would not affect the obligations" of the Secretary of State, an act of the Congress of the United States may do so, as the State Department was created and its duties defined by the Congress of the United States.

Mr. FALL. But the Secretary says, and I want to call the particular attention of the Senate to this portion of the report:

Following these occurrences the Americans who were thus injured, and the legal representatives of those who were killed, prepared their claims against the Mexican Government for damages and presented them to our Secretary of State, together with their proof, with the request that the Secretary present them to the Mexican Government.

These are the claims now under consideration.

This the Secretary refused to do, and instead advised the claimants that the American embassy at the City of Mexico would, upon specific request of claimants, file their claims with the Mexican foreign office for presentation to the consultative claims commission of Mexico, but with the distinct understanding that in so presenting the claims to the Mexican foreign office neither the embassy nor the Government of the United States would pass upon the propriety, equity, justice, or legality of such claims, and that these questions would be left for further consideration and final determination in accordance with the rules and principles of international law.

That he would not present the claims as a diplomatic matter he himself says; that he would not take them up diplomatically even with a foreign government, but simply allow them to be forwarded through the American ambassador, and through courtesy he would turn them over to the Mexican authorities.

This is too long to read; but, Mr. President, I want to call the attention of Senators of the United States to a matter which the State Department has taken up diplomatically.

Now, remember American citizens were killed on this side of the river by rebels and federals shooting across from the other side, and our State Department refuses absolutely to take up those claims and to demand or to assist in securing their payment.

But a short time since——

Mr. SMITH of Arizona. Will the Senator permit me to ask him a question right here?

Mr. FALL. Certainly.

Mr. SMITH of Arizona. Does not the report of the Secretary of State with respect to the killing of these citizens who were killed on American soil relegate them to the tribunals of Mexico and suggest that Congress has no jurisdiction?

Mr. FALL. Oh, yes.

Mr. SMITH of Arizona. Declaring that they are citizens over there, and to let them see what mercy they will be given over there, and that we will not interfere on this side until they do it.

Mr. FALL. Entirely. He says, among other things, that the claims of some of them have been sent to the Mexican consul at El Paso, Tex., and that the claimants can proceed to the Mexican consul and give in their evidence there, and then let him send it down to Mexico and have it passed on, but that the United States Government will not interfere with it. It has interfered in only one claim, and that is the only claim which has been paid. And that was not the interference of the United States, but the assistant district attorney for the western district of Texas, who represented one of these claimants, and he secured a payment of $4,000. No publicity was given to it. What the consideration was, I can not say, except that he was doing business for the Mexican consul, in arresting American or Mexican citizens and assisting in holding them in jail in El Paso, Tex., for 40 days on our soil.

Mr. President, the document which I hold in my hand is the most remarkable one, in view of the one I have just had printed, ever produced from any State Department or any department of foreign affairs.

A short time since, Mr. President, with these claims pending and in the face of the refusal of the State Department to take up or to consider or even to present through diplomatic channels American claims for damages, a gentleman came here from one of the Southwestern States and secured certain assistance in making representations to the State Department that the States of New Mexico and Arizona and Texas had, respectively, passed laws providing rewards for the killing of wild animals on this side of the line—bears and coyotes—which animals were sometimes injurious to stock. These representations were made to the State Department of the United States upon the theory that unless Mexico passed some similar laws such animals would come across the border from the Republic of Mexico into the United States; that jack rabbits would destroy the apple trees planted by American citizens on this side, and that coyotes would catch American sheep; and while the department refused to take up through diplomatic channels the claims for the death of American citizens on this side, I hold here copies of the correspondence between the State Department and the Mexican Government which shows that the State Department does represent diplomatically to the Government of Mexico that something should be done by that Government for the enactment of such laws as we have enacted, and which would prevent jack rabbits and coyotes from the Mexican side interfering with the horticultural and stock interest on the American side.

So much importance was given to this matter, Senators, that the Mexican ambassador himself was called into our State Department, and representations were made by our State Department directly to the Mexican ambassador here, and official communications through diplomatic channels went to the foreign department of the Mexican Government. We could take up claims for injuries by jack rabbits and coyotes to fruit trees and sheep, but an American citizen was not worthy of diplomatic consideration. His life amounted to nothing. The owner of the tree might be killed by a Mexican bullet while working around the tree on this side, but a Mexican jack rabbit must not come across and bite the tree.

Mr. President, lives have been lost and millions of dollars of American property have been destroyed within the Republic of Mexico. These claims refer only to matters which have arisen on the outside, within our own territory. This resolution goes only that far, and it does not go far enough.

I frankly admit that with reference to injuries resulting to our citizens within the Republic of Mexico, if they have a government, under international law our citizens might properly be referred to the local courts first, before the United States Government takes up their claims. But even then it would be the duty of the United States Government first to see that there was a proper court, and that the claims were properly presented or forwarded to that court and reached them, through diplomatic channels if necessary.

I happen to have personal knowledge of exactly what has resulted from the attempt of our State Department to relegate American citizens living in Mexico to the local tribunals for relief. In one case, sir, for four months a Madero general camped upon a cattle range belonging to an American citizen living in Mexico. For four months before the battle of Agua Prieta his soldiers subsisted upon the beef upon that range. Finally, when Madero's government was recognized, this American citizen wrote on to the State Department, filing a claim, and asking that it might be taken up against the Mexican Government in some way. He was answered by the State Department—very properly if there had been a Mexican Government—that he must first exhaust his remedy in the local tribunal.

The day he received that answer he was called up before the court of the insurgent commander in charge of the Government at this particular locality. With a laugh, the insurgent commander handed him a copy of the note from the State Department, and handed him his original claim, which had come from Mexico with this notation, and showed him his instructions from the Mexican Foreign Office to settle this claim himself.

Who was this insurgent commander? He was the man who had killed the stock and eaten them. He was the man who had committed the depredation. He was the man who had stolen the cattle. He was the man who had driven the cattle off the range. This was the man who was called upon by our Government and the Mexican Government to pass upon the claim.

The American citizen knew what that meant. The general was there with two or three hundred armed men around him. When the Mexican commander laughed and said:

Now, what have you to say about this claim?

His answer:

Why, just whatever you say. If you think you ate any of my cattle, and they are worth paying for, I should be glad to have you pay for them. If you do not, all right; you can have them.

I think the Mexican commander finally admitted that about 700 men, in the course of four months, living entirely upon beef—for that is all they had to eat—might possibly have eaten as many as 20 of the beeves, and that he would give him a receipt for that number; and, although the American citizen claimed that 3,000 head of his cattle had been destroyed, he gratefully took the receipt, and his estate has not yet been able to collect the money.

We are relegated back to the very people in Mexico who have committed these depredations. Madero is supposed to be the Mexican Government. When you send claims for damages down to Mexico now, you send them to Madero. He and his militia officers or volunteer officers or regular officers pass upon these claims. They do not go into the courts. They pass upon them themselves, as administrative officers, and reject them or pay them as they please; and they have never paid one.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. With pleasure.

Mr. POMERENE. I am not sure I correctly understood the Senator. Do I understand that when it was represented to the State Department that American citizens had been injured in Mexico during a state of war, and by reason thereof, the State Department replied that the injured parties would have to first submit their cases to local tribunals before the National Government would interfere?

Mr. FALL. Before our Government would interfere—oh, yes; yes, sir. Not only that, but we are told that the claims of the descendants of American citizens killed on this side of the line by Mexicans on the other side can not be submitted to our own courts. We are told that this Government will not take them up; it will not pay them itself, and it will not demand that the Mexican Government pay them, but that we must take before the Mexican local tribunal even a claim for damages sustained on this side of the line.

Mr. OVERMAN. Is there any precedent for such action?

Mr. FALL. There is none in international law.

Mr. POMERENE. Is it claimed that there is anything in the treaties between the two countries which would require that?

Mr. FALL. No. I do not expect the Senator to read all my remarks in the RECORD, but if he will read the documents which I have asked to have printed, or even this report from the House committee, he will see there set forth the reasons given by the State Department for not even taking up or submitting diplomatically these questions. And those reasons are absolutely contradicted by every decision not only of our own State Department but of every other civilized country on earth.

Mr. SWANSON. Is this something written by the Secretary of State or the Assistant Secretary of State?

Mr. FALL. It purports to be the Secretary of State himself.

Mr. SMITH of Arizona. But that does not make any difference so far as our citizens are concerned.

Mr. FALL. No; so far as the injuries to our citizens are concerned, it does not make any difference. If the Senator will allow me to guess, in view of the great reputation the Secretary of State of the United States has borne as a lawyer, I would suppose that possibly these communications, and even this official protest from the State Department to the Congress of the United States, had been written by some attaché of the office who had never studied law. Therefore I hesitated somewhat, Mr. President, to vote against the appropriation to furnish law books to all the executive officers of the different departments.

Mr. BACON. Mr. President, I was called out of the Chamber during a portion of the remarks of the Senator. I understand the Senator has called attention to the attitude taken by the Committee on Foreign Relations as to injuries received by American citizens on American soil. Am I correct in that?

Mr. FALL. I have not directly done so. I have inferentially; but I am going to do so directly before I close my remarks.

Mr. BACON. Very well.

Mr. FALL. At present I want to call the attention of the Senate of the United States to the different course pursued by at least two other Governments in the matter of collecting or having established their claims for damages for injuries resulting to their citizens entirely within the Republic of Mexico.

We have read with some interest recently of the establishment of a Republic in China. In Mexico, Senators, under present conditions I would prefer to be a citizen of the Republic of China rather than of this great Nation of which some of us are so proud.

Our Government has refused not only to protect our citizens, has refused to take up their claims for damages diplomatically, but has refused to take them up at all. Millions of dollars of our property has been destroyed and hundreds of lives of American citizens have been lost in Mexico. China has adjusted claims for exactly the same damages to her citizens in the Republic of Mexico to the amount of ₱3,000,000, $1,500,000 in gold. I will read a translation of a telegram from Berlin of May 20:

> The Government of Mexico has paid over to that of Germany the sum of $100,000 as damages for the surviving relatives of the four Germans who were murdered in July of last year in Pueblo, Mexico, during a riot in the Corvadonga factory.

Mr. SMITH of Arizona. If the Senator will permit an interruption, at what time did that occur as compared with the outrage of which he speaks against United States citizens?

Mr. FALL. This was July of last year. The outrage in the killing of our citizens in El Paso took place in May, those in Douglas in April, and then different matters, murders, and so forth, which have gone unpunished to which I have referred specifically, ran along in the different States up to the 2d day of July of this year. In the meantime for damages of exactly the same character even the bankrupt Government of the Republic of China has been able diplomatically to take up the claims of their citizens and have them adjusted. Germany has taken up the claims of her citizens and has had them paid. The United States Government to this good day has absolutely refused even to forward through diplomatic channels a claim of an American citizen.

I wish to refer briefly, Mr. President, to the conditions which exist as to our acts affecting the minds of the Mexican people to-day. I say it to you, sir, without fear of contradiction, in the face of publications such as we see in one of the papers this morning from two American citizens claiming to be from the City of Mexico and undertaking to state conditions there. I want to say to the Senators of the United States in all seriousness that in my judgment the action of our Government in Mexican matters has put the American people in so far as their interests are concerned and in so far as the personal feeling of the Mexican people toward Americans is concerned where it will require 50 years at least of the most diplomatic management upon our part to restore us to one-half the confidence in their minds which we had up to the time the President of the United States issued the proclamation to which I propose to refer.

Mr. President, the State of Chihuahua has been for several months past and until within the last few days, and the greater portion of it now is, in the hands of those who are in arms against the Madero government, in the hands of Pascuel Orozco, who is the same man who put Madero in power as against Diaz. During this time the railroads have been kept running, communication has been unbroken, the customhouses on the border have been open, free intercourse between the people of the two countries has been carried on, mines owned by Americans in the State of Chihuahua have been protected, and work has been continued in them under Orozco's government.

He has been collecting taxes, and has been at least a de facto governor or supreme power in one of the great States of the Mexican so-called Republic. We, as a Nation and individually, have had constant dealings with him during this entire time, but we have dealt with him as a man and even a de facto official in an entirely different manner from that in which we have dealt with the Mexicans of the other States, which have not been in open revolution against the so-called Madero government.

I want to call the attention of Senators now to the fact that time will prove, and very soon, in my opinion, you will discover it, that in the States such as Nuevo Leon and Tamaulipas and Coahuila, which are not in open revolt against the Mexican Government, the Mexican Government can obtain no assistance whatsoever from its citizens, and that there is an armed neutrality between certain high officials of those States and the Mexican Government. They are not fully in accord with the so-called Government to-day.

But I want to call the attention of the Senate to the fact that some time since a resolution was adopted, on March 14, 1912. The Congress of the United States, having had reported to it, I suppose, something of the conditions going on in Mexico and possibly in other countries, adopted a resolution to this effect:

> That whenever the President shall find that in any American country conditions—

In any American, not some foreign country or country across the water, but in the American countries—those on this hemisphere—

> That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President shall prescribe, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

Mr. President, that resolution was certainly an absolutely proper step for the Congress of the United States to take. It was certainly proper that we should say that the President should have the power to suspend the exportation of arms and munitions of war to one of our neighboring States which was in a state of revolution or domestic violence, as the language of the resolution reads.

But the people of northern Mexico—the people of Sonora and Chihuahua particularly—are those with whom the Americans come directly in contact. Those are the people with whom we first deal in going down to Mexico generally, because now the greater portion of the business goes through El Paso or New Mexico and Arizona into old Mexico. Not so great a portion of it goes through Laredo or Del Rio. The Mexican people of

Chihuahua and Sonora particularly are those with whom we come most closely in contact, and with whom we must deal.

Now, what has been done by the Government of the United States in carrying out that resolution? Not one cartridge or not one gun has been allowed to be exported through the customhouse at Juarez, or at any of the other customhouses which were in the hands of the de facto authorities of northern Mexico—not one rifle; not one cartridge. Against that alone those Mexicans would have had no just cause of complaint, but they know that under absolute direct license arms and munitions of war have been carried to the Mexican soldiers in the field from the ports of the United States by the permission of the administration. They do know that munitions of war have been carried down there by permits directly issued, and that their enemies have been furnished with them.

Where is Villa, this man whom Huerta speaks of as having looted the city of Parral and stolen over $200,000? He is in Madero's service. Where did he get his machine guns? Where did he obtain the machine gun for the working or firing of which Fountain was stood up against the wall and shot to death? It came through American ports.

Mr. THORNTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Louisiana?

Mr. FALL. With pleasure.

Mr. THORNTON. Will the Senator from New Mexico tell me that he recognizes no difference between the fact of this Government permitting a friendly power like the regularly organized Government of Mexico with which we have diplomatic relations to import arms and a rebel government with which we have no diplomatic relations, but who are engaged in trying to overturn the regular government which we do recognize, and with which we have diplomatic relations?

Mr. FALL. I do recognize the difference. The Senator is absolutely right that we should recognize the difference in dealing with a fully constituted government on the one hand and with insurrectos or revoltosos as the Mexicans call themselves, who are in revolution against that government, on the other.

I also recognize the fact that at times it is necessary to recognize a defacto government such as Orozco has had for five months in the State of Chihuahua. We recognized Orozco's government to the extent of carrying on with him all other kinds or character of business through the customhouse, the regular customhouse of the Mexican Government in his charge. We pay him duties upon everything taken into Old Mexico except that we would not allow him to get arms or ammunition through that customhouse.

The Senator did not catch exactly the point that I was making. I am now speaking of the impression made upon the minds of the people of Mexico, three-fourths of whom I think are opposed to the so-called Madero government. I speak of the impression made upon their minds by this discrimination.

The Senator will certainly admit it is a matter of judgment at any rate upon the part of the United States as to whether under this resolution discrimination shall be made and which does not permit directly the exception to be made. As I understand it, certainly it is a matter of judgment as to whether the President of the United States would permit the exportation of arms for the Madero government and exclude it to that of the Orozco government.

The proclamation of the President issued upon this resolution is not simply commanding the people of the United States to observe this neutrality law and not to export arms to either party engaged in the domestic trouble; it is a general proclamation that there is trouble in Mexico, and that all citizens of the United States must preserve neutrality and must not export arms under this resolution, not confining the prohibition simply to arms, and so forth, for the insurgents or to the insurrectos, but prohibiting generally the exportation of arms, ammunition, and munitions through our customhouse across the river for the benefit of one side as well as the other.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Massachusetts?

Mr. FALL. Yes.

Mr. LODGE. Does not that resolution limit the prohibition to cases in which the export takes place for the promotion of domestic violence?

Mr. FALL. I think that was possibly the intention, but I do not think——

Mr. LODGE. I think that is the wording of it. As I remember it, it is where the munitions of war are sent for the purpose of promoting domestic violence. Of course the forces of the recognized government can hardly be legally described as promoting domestic violence. They might do that, but they can not be described so in the contemplation of law.

Mr. FALL. I understand that diplomatically they can not. We are great sticklers for diplomacy in our country. The proclamation by the President of the United States is as follows:

EXPORT OF ARMS, ETC., TO MEXICO.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION.

Whereas a joint resolution of Congress, approved March 14, 1912, reads and provides as follows: "That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress"; and

Whereas it is provided by section 2 of the said joint resolution "that any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding $10,000 or imprisonment not exceeding two years, or both";

Now, therefore, I, William Howard Taft, President of the United States of America, acting under and by virtue of the authority conferred in me by the said joint resolution of Congress, do hereby declare and proclaim that I have found that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said joint resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the joint resolution above set forth, hereby made applicable to Mexico, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted. And I do hereby enjoin upon all officers of the United States charged with the execution of the laws thereof the utmost diligence in preventing violations of the said joint resolution and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 14th day of March in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States of America the one hundred and thirty-sixth.

[SEAL.] WM. H. TAFT.

By the President:

HUNTINGTON WILSON,
Acting Secretary of State.

[No. 1185.]

The point that I was making, I will explain to the Senator from Massachusetts, was that under this proclamation at least the majority of Mexican citizens construed it to mean that the exportation of arms and munitions was prohibited to Mexico, not that such exportation was allowed as to those who were pretending even temporarily to support the constituted Government, but prohibited to those like Orozco, who have not supported the present constituted Government, although they were de facto officials in full and complete control of one of the States of the union.

Now, why should it make this impression upon them? Because Mr. Orozco was the man who put Francisco Madero in power in Mexico. Orozco seized Juarez, and immediately upon the fall of Juarez President Diaz left Mexico and turned the Government over to De la Barra, the provisional governor. At that time Pascuel Orozco's troops walked up to the American border and had handed them across the border all the arms and munitions of war which were needed to put Madero in power; but when, as they claim, he violated every principle upon which they had put him in power; when, as they claim, he or his family began to loot the treasury and proved himself to be more of a czar within a month than Diaz had in 30 years; when they were still in arms—not taking up arms again, but still in arms—and refused to recognize him as the president, he not carrying out the platform upon which they had put him in power, even when they protested; when they were confronted by his soldiers and sought to get ammunition for themselves again they were told that they could get arms and ammunition with which to unseat and drive from his country the greatest man that Mexico had ever produced—Porfirio Diaz—the man who did protect foreigners, who did protect American citizens, who did protect themselves against themselves; that they could with immunity get from this country the arms and ammunition with which to drive him from power; but when they sought to drive Madero from authority—according to their claim, the man who had betrayed them, betrayed every republican—the ports of the United States were closed and they could no longer get arms or ammunition. They believe, and for 50 years you will never be able to drive that belief from their minds, that the United States Government was behind the Madero revolution and that the United States Government is to-day protecting Madero from their righteous wrath.

Is it not the conditions brought about by the action of the United States Government which has given foundation for such things in the minds of the Mexican people? They are a kindly

people. For many years I have known them intimately. I may be allowed to say, possibly, in passing, Senators, that I have known practically every man of any prominence in Mexico, I think, for the last 30 years, from Mr. Diaz himself to Pascuel Orozco. The Mexicans are a kindly people, but they are a simple people. They are like children in some respects. No government can say to those people, "You shall not do this" or "You shall not do that," and fail to enforce its orders, and ever thereafter recover the respect of those people, which we have lost. When you tell those people to do a certain thing or not to do a certain thing you should hesitate long before issuing such a mandate, but when it is issued back it up, if it takes every able-bodied man in the United States over 18 years of age to carry out your orders. Do not let us be placed in the position of undertaking to overawe a little nation like Nicaragua and be afraid to demand protection of American citizens from a nation such as Mexico.

Mr. President, the northern Mexicans who put Madero in power could secure, when fighting for him against Diaz, across our border or through the border customhouses, all ammunition and arms which they could pay for. Now, the same men, fighting against Madero, can not secure arms or ammunition through customhouses held by themselves and through which we are doing other business with them.

What impression, naturally, is made upon their minds?

Some very interesting thoughts might be suggested, if I had the time and the inclination, but I have neither, to comment upon a resolution which is now, I believe, before the Committee on Contingent Expenses of this body. That is a resolution for the appointment of a commission, I believe, to inquire into the connection of any American company or any American individuals with the revolution first inaugurated in Mexico against Diaz, and the continuance, if you please, of present conditions existing in that Republic, so called.

Mr. President, I am going to refer very briefly to the army, so called, of Mexico. We believe, or we are told, that the men who are following Orozco, although they are the same men who overthrew Diaz and put Madero in power, are organized or disorganized bandits and murderers, and that the followers of those men who are fighting under the banner of Huerta are true patriots, representing the best manhood and the best blood of Mexico.

Senators, I am not going to undertake to read you documents which I have from Tepic, from Sinaloa, from Colima, from Durango, from Oaxaca, from Sonora, and from almost every State in Mexico to show what the conditions are that exist in that Republic to-day. I will only refer in passing to the Indians of Oaxaca, the descendants of those people who were never conquered by the Spaniards of old. In the veins of Juarez, the deliverer of Mexico, ran the blood of those people. The Zapotecas Indians of Oaxaca alone, to the number of 2,000, are in arms controlling their State against the so-called Mexican Republic. The entire State of Morelos is in arms against the present constituted government. You saw this morning where a train within 30 miles of the City of Mexico was blown up and sixty-odd people were murdered on the Cuernavaca Road. The entire State of Sinaloa and all that lower country, including Tepic, with the exception of two or three different towns, such as Culiacan and Mazatlan, are in the hands of the rebels. Americans have been fleeing out of that country; some of them have been able to avail themselves of the opportunity to come back to the United States upon the ship which we sent down there recently, but others are not so fortunate. Those having their little all invested in real estate and in stock with which to work that real estate are yet, with their lives in their hands, seeking to protect themselves against what? Against bandits? No. In many instances against the so-called organized force of the Mexican Government and of Mr. Madero.

Senators, I said there was such censorship exercised that you can not get the true conditions from Mexico. I reiterate that. In addition to that, I want to say to you that 14 times within the last five months there have been published in the official daily papers in Tepic, Colima, and Sinaloa reports of Pascual Orosco's death; the last one that his own troops had killed him; and there has never been a denial made. The effort has been to show to those people through the official press that the revolution existing in other portions of the Republic is being smothered. Naturally they will undertake to make such impressions.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Ohio?

Mr. FALL. With pleasure.

Mr. POMERENE. Can the Senator inform us as to the number of Americans who have been killed and the number who have been wounded since this insurrection began?

Mr. FALL. It is very nearly impossible to do so. I have the names of a great number, but I have discovered that it has been practically impossible to get information from Mexico where one of our citizens was reported wounded or reported to be killed. I have tried it in one instance through the State Department, which I will cite to the Senator. I received a letter from Sonora, Mexico, brought out by special messenger, whom I had sent for the information, before the State Department of the United States could get a telegram from the American consul at Mazatlan.

Mr. POMERENE. Of how many such cases has the Senator actual knowledge—I mean by reason of his investigation?

Mr. FALL. My recollection is that there were 11 killed of whom we have definite knowledge; in these little colonies immediately below El Paso, of which I spoke, there have been two or three deaths of Americans, as I understand—one I know near the Dolores mine; also in Chihuahua. There have been other deaths in the different mining camps, but it is almost impossible to get the names of the parties or to get the facts.

Mr. POMERENE. Has the State Department of the Government been given any information as to these matters?

Mr. FALL. The State Department has had the names of these parties who are known.

Mr. President, they say that Orosco is being driven out. Orozco has never in his life, to my certain knowledge, been within the State of Sinaloa. They have had 14 governors in the State of Sinaloa under the Madero administration. Since he was inaugurated they have had 14 so-called governors in that State, and since April they have had none at all. The entire State is in the hands of rebels, with the exception of Culiacan and Mazatlan.

The people are leaving the city of Culiacan, a correspondent states, and he was a special man sent down there for the very purpose of getting information. He says:

> The government is at Mazatlan, in temporary exile, having run away from Culiacan with the evacuating Federal army, and Culiacan and Mazatlan are the only points in the State that keep up a pretense of government.

This is a State that you have heard nothing from even through the public press—

> The few members of the upper class who have not fled the State in search of safety are going as fast as they can get away.

These are the Mexicans.

> They froth at the mouth when told of Madero's optimistic promises about restoring order in the country.

The other letter was from Mazatlan; this is from Culiacan.

> The riff-raff of State troops now—

You read the press descriptions of the patriotic soldiers who are following Madero—

> The riff-raff of State troops now in Culiacan are the usual Madero kind—drunk and disorderly in their normal condition. Random shooting goes on in the city at all hours of day and night and nobody's life or property is safe. The exodus of well-to-do Mexicans continues.
>
> The rebels are gathering round Sinaloa, and that little city is probably to be located the third time soon, no garrison worthy of the name being there to defend it.
>
> * * * * * * *
>
> The biggest stores of Culiacan are going out of business, two lootings by rebels in less than a year being too much for them.

Even in Culiacan they have driven the Federals out twice during a year—

> The only hardware store in the city is closing. Some of the business men are leaving for good, others have so much at stake they will hang around to see if there ever is a government that will make it safe to live and do business under established laws here.
>
> * * * * * * *
>
> The prefect of the city was publicly assaulted and insulted by disorderly State soldiers, and he could get no satisfaction from their more disorderly jefes. These hoodlum soldiers go roystering down the street crying "Viva Zapata" and there is none to challenge them.

These are Madero's government troops.

Here is a letter from Mazatlan:

> MAZATLAN, *May 18, 1912.*
>
> The Mexican transport *General Guerrero* came in yesterday loaded to the limit with convicts from the Mexico City and other Federal and State penitentiaries. Two hundred and fifty were unloaded here, with great precautions to prevent their escape between the vessel and the local troops headquarters, a strong guard of soldiers escorting them from ship to wharf, followed all the way by the searchlights of the *Guerrero*, and on the wharf they fell in between double lines of Federal soldiers for the march to the port. They are a sorry-looking bunch.

These are the recruits for the Government forces which are to drive out the bandits and restore order in Mexico.

> They are a sorry-looking bunch, many bareheaded and barefooted, and some without shirts, being the cast-off remnants of humanity which naturally flow into the penal institutions, and nobody is feeling very hopeful over this reenforcement of our Sinaloa army.

What does he mean by saying "the cast-off remnants of humanity which naturally flow into the penal institutions"?

Do you know, Senators, from what source the standing Army of Mexico is recruited? You are told of the great victory that Gen. Huerta won at Rellano a short time ago, but you were not told that at that time 400 of his troops, refusing to fight, were sent back to Mexico City, and are now confined in the salt works from which they came as convicts.

Sir, I have known the Mexican standing Army now for nearly 30 years. It has during that time and is to-day being recruited almost entirely from men serving terms in the penitentiary or in the salt mines of Mexico for some crime of more or less serious character. They are given their choice whether they shall serve in the Mexican Army or whether they shall go to the salt mines. I do not know which I would take, but these are the troops now who must protect American lives and liberty and property and Mexican lives and liberty and property against the "bandits."

I hold no brief to speak for Mr. Orozco, but I do speak for the American citizens in Mexico, and, over and above and greater than all, Senators, I speak for citizens of Mexico in the name of humanity. There has not been a time since Mr. Madero undertook to overthrow the Diaz government that by taking a strong position and maintaining it this Government of ours could not have put a stop to the outrages in Mexico and to the murder of Mexican citizens as well as American citizens. I say that it has been our fault very largely that these conditions exist in Mexico. That we are going to be compelled in some way to put a stop to these conditions in the name of humanity. Senators might just as well realize that now as a little later on. In my judgment, an ultimatum should be sent to the so-called Mexican Government that within a given length of time killing and destruction of property must cease in Mexico, and whenever the Mexican people really believe or realize that the American people have made up their minds to stop it, it will stop, and not before.

Mr. President, I am not advocating that the United States should intervene in Mexico by force of arms; I am not advocating such doctrines in the interest of American corporations or in the interest of American individuals who may have property in Mexico. I want to say to you now that there is not an American corporation in Mexico that does not resent the idea that any portion of that country—or that portion of it at least in which its property is situated—should ever, by any force or any circumstances, become a part of the United States. Why? Because they have never had to pay heavy taxes and do not have to pay them now, except to the representatives of the Government to whom they may choose to pay a stipend for overlooking the laws. There is not a mining company, I will say to the Senator from Minnesota who asked a question here the other day referring to his own resolution—there is not a mining company in Mexico that wants annexation or wants armed intervention. An American company to-day will pay taxes under what they call the iguala system; that is, they guess with the Government representative as to what the output of their mines will be for the next 12 months and agree on quarterly settlements. Who is now that Mexican official? Do you think that Mr. Madero gets any part of this? Very little; it goes down into the pockets of those local conservators of the peace and protectors of lives and liberty. It has been the case in years before, and it is just simply a little worse now; that is all.

Under the iguala system a small amount is paid—about one-tenth of the amount of the taxes. If the mines of Cananea, where $66,000,000 of American money is invested, were across the line in the State of Arizona, the Cananea Copper Co. would be paying taxes to the Government and to the State of Arizona of anywhere from five to one hundred times what they are paying now to the Mexican Government or paying to the State of Sonora. So do not think, Senators, that any corporations operating in Mexico are desiring intervention, but I say to you that if you refuse to extend to American citizens in Mexico—simply because they are in Mexico—the protection to which they are entitled, conditions in Mexico will grow worse and worse from day to day, and you mark what I say to you: The time will come, sooner or later, when you will be compelled by the voice of your own people to adopt more drastic measures than you would be called upon to adopt now.

Now, I desire to say that the joint resolution offered by the Committee on Foreign Relations as a substitute for the joint resolution of the Senator from Arizona should, in my mind, be adopted without a dissenting voice. But it does not go anything like far enough. Why should we not take up diplomatically the question of injury to our citizens? Why should we not take it up with Mexico diplomatically and follow it by such demands as to compel them to harken, that they shall no longer kill American citizens and outrage American girls? Why should we not say it diplomatically; and then if we must say it in some other way, why should we not say it as we have said it before to other and stronger nations than Mexico?

This substitute is along the right lines, because it takes it out of the power of the State Department longer to prevent an investigation of these claims of American citizens. The original joint resolution was directed to the State Department. I am glad to know that a committee of this great body, the Committee on Foreign Relations, believe that no longer should obstacles be thrown in the way of American citizens who are asking for relief such as these people in El Paso are asking; and I think they placed the matter in the appropriate department when they said the Department of War should take it up. I tell you now that the very effect of the passage of this joint resolution, when it is conveyed to the Government of Mexico and to the insurrectos in Mexico, will have a better effect than anything which this Government has done since Mr. Diaz was driven from Chapultepec.

The very fact that you say we take it out of the hands of the State Department and put it in the hands of the War Department to see that American claims are paid will have that effect. But you should go further. You should go at least as far as China has gone, certainly as far as Germany has gone, and say to the Mexican Government, "You must investigate and adjudicate the claims of American citizens for injury to their property and injury to their lives, within your own confines, and if you will not do it, we will make that a question which we will also put into the hands of the War Department of the American Government"; and then when you say it do it. If you do not intend to back up what you say, then better it is that you leave it to the people of Texas to deal with this question, and if they are the people I have known them to be since I first went among them, 35 years ago, take your troops out of their way, and they will deal with it.

Mr. BACON. Before the Senator from New Mexico takes his seat I should like to ask him one question. Is the Senator aware of the fact that the action taken by the Federal Government in the effort to prevent any assistance from American soil to those who might be in revolt against the Mexican Government, and the action taken looking to a discouragement and prevention of any associations or organizations of any kind, or even of individuals, making arrangements on this side of the border in reference to carrying on hostilities on the other side of the border were very largely, if not almost mainly, taken at the instance of the authorities of the State of Texas. The Senator from New Mexico——

Mr. FALL. Will the Senator kindly repeat that question?

Mr. BACON. It is a pretty long question.

Mr. FALL. Do you mean at the instance of the State of Texas?

Mr. BACON. Yes, sir; at the instance of the officials of Texas; and the Senator from Texas [Mr. CULBERSON] himself introduced a resolution on that subject.

Mr. FALL. The Senator from Texas is not here, and the Senator from Georgia is apparently speaking for him, and I want to ask that Senator a question or two. Does the Senator from Georgia mean to say that at the instance of the State of Texas Gen. Sanjinas and Gen. Garibaldi and other officers connected with the Madero forces have been allowed to go into Texas, and into the office of the Mexican consul and there proceed to recruit soldiers for the Mexican army, so called, the Madero army? Does he mean that that has been done at the instance of the State of Texas? Does he mean that it has been at the instance of the State of Texas that the Mexican consul located at El Paso, Tex., has had arrested for the last four months from time to time American and Mexican citizens, who were placed in jail and held there for as much as 40 days at a time on the ground, on his claim alone, under the treaty of amity and peace and extradition with Mexico, under the claim upon his part, unsubstantiated by any evidence, that he would in a short time produce papers from the City of Mexico asking for their extradition? Does the Senator think that the State of Texas has had anything to do with that?

Mr. BACON. The Senator is asking me a longer question than the one I asked him. Of course I am not——

Mr. FALL. I understood the Senator to say——

Mr. BACON. I will wait until the Senator from New Mexico completes his question.

Mr. FALL. All right. The Senator can take his own time and make his own speech.

Mr. BACON. No; I want to wait until the Senator finishes his question, because when I start to reply I should like to do so.

Mr. FALL. As the Senator has started a line of thought, I want to refer to it further.

Mr. BACON. I hope the Senator will let me answer the question. He asked me a question. It is only fair that I should reply to it.

Mr. FALL. I did not intend to ask the Senator from Georgia a question in answer to a question. He asked me if I was aware of certain things which he proceeded to state. I said no. Then I asked him if he meant to say that the State of Texas was responsible for these acts to which I have referred. Now, if the Senator desires to answer that, I will yield, of course.

Mr. BACON. I know nothing about the matters about which the Senator has inquired; but I want to state as concisely as I can what I did mean by the question and also the information upon which I based the question.

My information is that representations have been made to the United States Government that a great evil existed in the State of Texas in the fact that parties who were conspiring together to foment discord in Mexico or to assist in revolt of one kind or another used the State of Texas as a place in which their arrangements were made, in which the plans were formed, and that the State of Texas in communicating that fact to the Government of the United States expressed the strong desire that such steps should be taken as would prevent such plans being formed and such expeditions being practically arranged for and fitted out as would enable these military operations to be conducted in Mexico through such opportunities as would be afforded by the parties interested in their having the seat of their operations in the State of Texas. As I stated, the Senator from Texas himself, Mr. CULBERSON, has introduced a resolution looking to that end.

I am not taking issue with what the Senator has said in his very earnest and enlightening speech. I am simply adverting to what the Senator said in the latter part of it about what the State of Texas would do. So far as I have been able to gather—and I am sorry the Senator is not here to answer for himself—I think the State of Texas is opposed to its territory being used as a base from which military operations of any kind, either for or against the Madero government, shall be arranged for and practically prosecuted. I do not believe the State of Texas itself is ready to invade the Republic of Mexico, or any part of it, or desires to do so.

Mr. FALL. Mr. President, I find myself somewhat at a loss to know exactly what I have said that has brought this down upon me. But I have at least made the same distinction that has been made by our State Department. I am learning diplomacy myself since I have been here, sir. I have at least made the same distinction that has been made by our State Department in its communications to the Mexican Government. I distinguished between a State and its people. I did not say anything about the State of Texas. I said the people of the State of Texas might do such and such things if the American Government would get out of the way.

It appears, however, that for some reason the State of Texas has wanted these troops there. Unless it was to keep them from going across the border, I do not know what the reason for it was. The only thing that has been done by any of the people of the State of Texas or any of their officials, so far as I know, is that which I called the attention of the Senate to a while ago, when two Texas rangers did what 200 United States troops refused to do—drove the Mexicans back across the international line.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Virginia?

Mr. FALL. Certainly.

Mr. SWANSON. I should like to ask the Senator from New Mexico if he has made to the State Department the representations and citations of facts and conditions that he has presented to the Senate this afternoon?

Mr. FALL. I have not. This is the first time I have tried to make this speech, Mr. President.

Mr. SWANSON. If the Senator will yield for a moment, I think the statement of facts and conditions made to the Senate by the Senator from New Mexico presents an outrageous condition of affairs, of disrespect and indifference by the State Department to the rights of American citizens. If it is true, and the State Department has been derelict to the extent represented by the Senator from New Mexico, I think it is the duty of Congress to investigate the matter, and if necessary to pass some legislation to compel the executive departments of this Government to protect and respect the rights of American citizens.

The Senator has depicted a very wretched state of affairs in the way of atrocities, injustices, and wrongs perpetrated on American citizens. I hope he will lay the matter before the State Department, and if it does not take prompt action, that he will ask the Committee on Foreign Relations of the Senate to investigate this state of affairs and recommend legislation that will protect the rights of American citizens.

I want to say for myself, as a Senator of the United States, that if that state of facts exists on the border line I feel ashamed that the Government of this great Nation should have been so indifferent and derelict as has been stated by the Senator from New Mexico. If a government so strong and potential as this can be so indifferent to American rights as has been represented, we ought to hang our heads in shame and in disgrace.

After the Senator has presented these facts and conditions to the State Department, if that department does not take prompt action to correct the matter, I hope the Senator will introduce such a resolution as I have described, so that Congress, through its proper committees, especially of the Senate, may take steps to see that this injustice to American citizens is not further continued.

Mr. FALL. Mr. President, this matter evidently has been presented to and has had the serious attention of the State Department. They have had presented to them all the facts with reference to the killing that occurred on this side of the river. The President of the United States has had his attention called to it, and sent a message to Congress with reference to the deaths that occurred at Agua Prieta. The lower House of Congress has had presented to it a resolution which has been pending there for months. The same facts have been presented to the committee that were presented to the State Department.

I will say further to the Senator from Virginia that for several weeks the Senator from Arizona [Mr. SMITH] has had before the Committee on Foreign Affairs his resolution, which has not yet been acted upon, which is only now being considered, and with reference to which there has not been one word said upon the floor of this Chamber until this afternoon. That resolution has been before the Foreign Affairs Committee of this body now for more than a month, I think.

I have wondered at this, sir. It has been a matter of surprise to me—and "surprise" is not a strong enough word to use. I can not understand what baleful influence has cast its shadow over this Government of ours, that no man can be found who will lift up his voice for the protection of the lives of American citizens and the virtue of American women. I can not understand it. When the Senate appoints a committee to investigate this matter, if it will appoint some one who will investigate the causes of the present conditions in Mexico, the causes of the revolution which drove Porfirio Diaz from power, and the connection, possibly in the United States, then and now, with those causes and those conditions, we may finally get some information as to why this absolute apathy has existed in the face of the conditions known to this Government.

I will say this, further, to the Senator from Virginia: In view of the fact that when these undisputed matters were presented to the State Department and it refused to even take up and consider the killing of American citizens on this side of the line, what use was there of doing anything—what would the Senator have done—with reference to the killing of American citizens on the other side of the line?

But, it is said, they have protected American citizens on the other side of the line. I have referred to the Fountain case, where an American citizen was seized, whom we ordered them not to shoot and whom they did shoot while we turned our backs, since which we have said nothing. In that case the documents which I had in my hand came to me from the State Department, because young Fountain was the son of a citizen of New Mexico. His mother was the granddaughter of one of the last Spanish governors of Mexico and an American citizen. I did take up with the State Department, until I got to a certain point, the matter of the death of Fountain, or of something to be done with reference to the death of Fountain in particular. Then the suggestion was made to me that he was not an American citizen. Since proof was made to their satisfaction that he was an American citizen, not another word has been said about it.

I must say to the Senator from Virginia that if anything is to be taken up with the State Department, I hope it will be through some more powerful hands than mine.

Mr. SWANSON and Mr. SMITH of Arizona addressed the Chair.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). To whom does the Senator from New Mexico yield?

Mr. FALL. I yield to the Senator from Virginia, who has been asking me some questions. I did not see the Senator from Arizona.

Mr. SWANSON. I should like to have the Committee on Foreign Relations of the Senate take the speech of the Senator from New Mexico—which, to my mind, is an aggregation of wrongs, injustices, and atrocities that ought to stir the heart of every American—with its citations of facts and conditions, ascertain as far as it can the accuracy of them, and then report to the Senate whether the Executive department of this Government has been derelict in its assertion of American rights.

Speaking for myself as a Senator from Virginia, I will say that I believe any American citizen should be protected wherever he goes in his lawful rights, and that the Government owes it to itself, its honor, and its prestige to defend and protect its citizens. If our Government has been derelict in that respect, it should be known, and the Government should ascertain those who have been derelict and take proper steps to assert American rights, American privileges, and to protect the prestige and honor of this Nation.

Mr. SMITH of Arizona. Mr. President, inasmuch as this debate has arisen upon a joint resolution which I introduced, I think it but due to the Senate and the Committee on Foreign Relations to give, in a minute, something of the history of it. All know of the outrages in El Paso and, in my own State, in Douglas. I saw the people there just after it occurred. I do not know whether it was done, but I filed an application, or at least a notification, to be sent to the Department of State here asking that some steps be taken toward an adjudication or a settlement of the damages which occurred in that outrage. When I arrived here my attention was particularly called to the matter by a Representative from the State of Texas, Judge SMITH, who had introduced a resolution in the House similar to the one I afterwards introduced here. In response to that resolution the Secretary of State made a report, which was printed, and the substance of it was that if the people were killed on American soil they, with their witnesses must go to Mexico and establish in a foreign tribunal their rights.

I was so impressed and startled by such a doctrine that I went with it myself to the Secretary of State, but I did not find him present. However, I did submit the question to the department, with my strong disagreement to any such doctrine, and insisted that when a man was killed under those circumstances on American soil our own Government was responsible to him.

My resolution, I think, went before the committee a month or more ago. Then the two great national parties met in national convention. That delayed it; but I went to some member of the subcommittee daily until finally this joint resolution was brought in as a substitute for the one of Congressman SMITH, of Texas, a copy of which I had introduced in this body. I say this in justice to him.

The committee reported the resolution, and I want to ask a question of one of the members of the subcommittee, the Senator from Georgia. I did not think it went quite far enough, in that it simply said they should investigate, and whatever damages they might find they should report to Congress. I do not know that I am well enough acquainted with the diplomatic relations, but I would have liked it better to have declared that whatever they found Congress should pay to its own citizens, and that the United States itself should make a demand on the Government of Mexico.

Mr. BACON. Mr. President, I want to state in response to the inquiry of the Senator that the sense, I am sure, of the committee was that the Government of the United States should pay whatever damages were ascertained, by the machinery sought to be set in motion, to have been sustained by citizens of the United States on American soil. There was evidently a good reason why that conclusion should not have been incorporated in the resolution. The design was that the resolution should be promptly passed and that proceedings should be had under it immediately. There would be no division whatever upon the question as to whether this investigation should be made, and therefore there would be no impediment placed in the way of prompt consideration and action under it. If, however, we had incorporated in the resolution what the Senator now speaks of, a command or a conclusion or determination that the Government should pay it, that would at once have led to discussion and delay. Therefore it was deemed better that the resolution should not be encumbered with a provision of that kind, which would have delayed it, but that it should be presented in a way which would most readily command unanimous support so that the matter should be proceeded with.

Mr. SMITH of Arizona. Permit me to interrupt the Senator right there. I want in line with what the Senator from New Mexico [Mr. FALL] has been saying to say that probably it might have a salutary effect when the Republic of Mexico saw that our Republic would pay the damages themselves and make a national claim against the other Government. It might show such an express determination that the Senate itself would agree that it ought to pass.

Mr. BACON. But the Senator will readily recognize that a provision of that kind is one which would have led to discussion and delay; that a final conclusion would be more readily reached by an investigation as to what the damages are and the circumstance under which they were sustained or suffered; and that when that information was given to the Senate and to the country it would be much easier to get through a resolution which would provide for the payment by the United States of those damages with the purpose on the part of the United States then itself to expect that the Government of Mexico would make the Government of the United States whole as to the expenditure thus made.

I want to say for myself that that is what I think should be done as to damages which have been suffered by our own citizens upon American soil, for the simple reason that Americans are entitled to protection from the United States Government against such injuries, and if the circumstances were such that the Government of the United States could not then protect them the Government should make them whole and itself look to the foreign government for reimbursement.

Now, Mr. President, as to the damages which have been suffered by citizens of the United States upon Mexican soil, of course the conditions are entirely different. The most that can be claimed in that case is that the Government of the United States will by every proper means seek to see that those damages are made good, whether they be damages to person or damages to property, and I have no doubt that the Government will endeavor to enforce recompense for such damages. They are not damages of a kind which can be dealt with in the same way that damages are dealt with which have been suffered by American citizens on our own soil.

I do not wish, Mr. President, to be understood in the suggestion which I made to the Senator from New Mexico as to the attitude of the State of Texas for a moment to question the fact that they should be paid for by the Mexican Government, or the fact that prompt measures should be taken for the purpose of enforcing such payment. At the same time, I recognize the fact that it is not a matter which can be dealt with in a day, or a week, or a month.

I quite agree with the Senator on the proposition that our citizens who suffered damages on our own soil, or who suffered damages on Mexican soil, should not be remitted to Mexican courts. I do not for a moment recognize the propriety of that course. These damages are very great. They will aggregate immense sums, because of our proximity to Mexico and the large number of our citizens who have been engaged in business there. The damages there, I suppose, have been tenfold greater, I expect a hundredfold greater, to American citizens than to the citizens or subjects of any other country. Therefore, it is a very much larger question and one proportionately more difficult to deal with.

I have not read the article the Senator from New Mexico commented upon, or, rather, the opinion—I do not know whether it is a report or what it is; anyhow, it was some emanation from the State Department on this subject. There are some damages which have been suffered by citizens of my own State, and which I myself have heretofore taken up with the State Department, or called their attention to. Therefore, even if I had no other higher influence, I could not be indifferent to this question. I am not. But at the same time, Mr. President, I recognize that it is one of extreme difficulty to deal with, and it has to be dealt with in a way which shall be the least injurious to our own country, and which shall——

Mr. FALL. Will the Senator permit me just a moment?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. The Senator says he has taken up cases with the State Department. Can the Senator mention any case in which the State Department has endeavored to do anything to arrange it or regulate it, or even to put it in effect? The Senator says he realizes it takes time. There has been a year's time. Is the State Department going to do anything?

Mr. BACON. It has not had a year's time to act on the damages I referred to.

Mr. FALL. Well——

Mr. BACON. The Senator will pardon me until I finish the sentence——

Mr. FALL. I will not interrupt the Senator.

Mr. BACON. The damages to which I referred as suffered in my own State are of more recent infliction. Therefore I am not prepared to answer the Senator as to matters which have been before the State Department for a year. I do not

know whether the Senator knows of matters which have been within the cognizance of the State Department as long a time ago as a year. Of course I have no more right to speak for the State Department than any other Senator who is here.

Mr. FALL. Will the Senator pardon me?

Mr. BACON. Certainly.

Mr. FALL. Does the Senator mean to say the State Department has taken up diplomatically for the purpose of settling damages in the cases that he himself presented?

Mr. BACON. I do not. I am simply stating the fact that in what I have said I can not possibly be construed as occupying a position of indifference to the payment of these claims. I am calling attention to the fact that I have a personal interest in it; that is, I mean officially personal to myself only in so far as it relates to my immediate constituency.

I am in entire sympathy with the desire that these matters shall be brought to a head, and shall be brought to a head as speedily as possible. I entirely agree that the remitting of our citizens to the courts of Mexico is not the proper way in which to proceed, but we should deal directly with the Mexican Government upon such matters.

Mr. President, it is a very grave and a very difficult question. I will say to the Senator very frankly I do not wish matters presented in such a way as to precipitate this country into war. If the Senator wants to know whether I am in favor of invading Mexico with a couple hundred thousand men and precipitating this country into a war with Mexico for the purpose of enforcing the immediate payment of those claims, I will tell him no; I am not.

Mr. FALL. Will the Senator yield to me a moment?

Mr. BACON. Yes.

Mr. FALL. Does the Senator think for one moment that I have been occupying the time of the Senate simply talking about dollars and cents and insisting that we should go down to the City of Mexico with an army to collect dollars and cents? If the Senator has listened to what I have been saying, it seems to me that he can not entertain that idea; but if he does, if he thinks the purpose of my talk here this afternoon has been simply to express that somebody wants the American Army to secure dollars and cents there, then I want to disabuse the Senator's mind. That was not my intention.

Mr. BACON. I suppose, Mr. President, that the idea in the mind of the Senator was that there should be a moneyed compensation for damages which had been inflicted. If I did not understand him correctly there, then, of course, I misunderstood him.

Mr. FALL. Will the Senator permit me?

Mr. BACON. Yes.

Mr. FALL. If I intimated that an army should be sent into Mexico for any purpose I do not recall it. The Senator has stated that if I want to know whether he is willing to send an army down to Mexico to secure these damages he wanted me to understand he was not. I say with perfect and equal frankness to the Senator that if it becomes necessary to protect one American citizen in Mexico or anywhere else to send 200,000 men there to do it, I am in favor of sending American troops there to do it, not to collect a dollar, but to protect an American citizen, wherever he may be.

Mr. BACON. Of course those are all patriotic sentiments which appeal to all of us. We naturally want to protect American citizens, and we naturally want to bring to our consciousness the recognition of the great power of this Government and our ability to do it. Nevertheless, we, in our position of very grave responsibility, which involves the happiness and the peace and welfare of the entire country, have to proceed to accomplish results in a way which, while they may certainly accomplish there, will not accomplish them in a way to bring disaster and suffering and war, if you please, the greatest of all evils, upon this country. I do not think it is necessary that we should go to war in order to accomplish these ends. I do not believe the Senator from New Mexico thinks it necessary.

Mr. FALL. I have distinctly disavowed any such purpose.

Mr. BACON. All I am trying to present is that in the absence of compulsion, which is another word for war when applied to nations, we must proceed diplomatically; that we must proceed through diplomatic negotiations; that we must proceed in a way which will avoid those conflicts. While that course may necessarily entail very undesirable delays, nevertheless we must submit to delays in negotiations between countries unless we are prepared to lay down an ultimatum and back that ultimatum with force. That is all there is to it.

Now, I am in thorough accord with the desire of the Senator that the United States Government, through its State Department—and the Executive—which deals with these international matters, shall proceed with all due dispatch and that we shall do the best we can to secure for our citizens who have suffered, either in their persons or their property, in Mexico just compensation for those injuries. At the same time we must do so in a way not to bring a greater evil upon this country than has already been suffered by some of its citizens.

Mr. SMITH of Arizona. I ask unanimous consent for the passage of the joint resolution.

Mr. SMOOT. Mr. President, we have been in session now nearly seven hours and a half——

Mr. SMITH of Arizona. It will not take long, if the Senator grants the request.

Mr. SMOOT. There are very few Senators present now.

Mr. SMITH of Arizona. I know, but nobody objects to it.

Mr. SMOOT. I do not think there will be any objection to-morrow morning to unanimous consent.

Mr. SMITH of Arizona. It has to pass through the House, Senator.

Mr. SMOOT. It will not hasten it a particle to dispose of it to-day. There are only a few Senators here. I have no objection to the joint resolution. I am ready to vote for it myself right now.

Mr. SMITH of Arizona. So am I.

Mr. SMOOT. But I do think it would be unwise to vote upon a proposition so late in the evening, when there are only a few Senators here. I kindly ask the Senator to leave it until to-morrow morning. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 23, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 22, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, fill our minds and hearts with the strength and purity of the Holy Spirit, that we may walk worthy of the vocation whereunto Thou hast called us, and leave behind us a trail which others may follow with impunity and upon which we may look back with pardonable pride and feel the thrill of Thine approval. In the spirit of the Lord Jesus Christ we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

IRRIGATION DITCH, ISLAND OF HAWAII.

Mr. HOUSTON. Mr. Speaker, I call from the Speaker's table the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, with Senate amendment.

The SPEAKER. The Clerk will report the amendment.

The Senate amendment was read.

Mr. HOUSTON. Mr. Speaker, I move to agree to the Senate amendment.

The Senate amendment was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BELL of Georgia, indefinitely, on account of important business.

To Mr. BARNHART, indefinitely, on account of important business.

To Mr. NYE, indefinitely, on account of illness in family.

To Mr. HUGHES of Georgia, for one week, on account of illness.

To Mr. AINEY, for one week, on account of illness in family.

To Mr. THISTLEWOOD, for two weeks, on account of business engagements.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics on cotton.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill H. R. 23673, under the rule adopted last Thursday, for further consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] has 62 minutes left, and the gentleman from Massachusetts [Mr. GREENE] has 16.

Mr. ALEXANDER. Mr. Speaker, does the gentleman from Minnesota [Mr. STEENERSON] desire some time? I offered the other day to yield 10 minutes to him. I can yield him 12 minutes now.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] is recognized for 12 minutes.

Mr. STEENERSON. Mr. Speaker, the title of this bill is:

A bill to abolish the involuntary servitude imposed upon the seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Now, ordinarily there can be no dispute about the desirability of the object expressed in the title. I have examined the majority report and the minority report on this bill, and it seems to me that the minority are manifestly wrong, and I can not follow such leadership. The facts are that the imprisonment of sailors for deserting their vessels has long since been abolished in the merchant marine of the United States, so far as the coastwise trade is concerned and so far as the ports on this continent north of the Caribbean Sea. So that an American seaman—that is to say, a seaman on an American vessel—can not and has not been since 1898 lawfully arrested or imprisoned and put in irons for deserting his vessel at any port on this continent north of the Caribbean Sea. And I find that the Commissioner of Navigation in the Department of Commerce and Labor has repeatedly recommended the abolition of imprisonment for desertion upon all merchant vessels of the United States, whether engaged in the domestic or the foreign trade. I will insert extracts of these reports in the RECORD.

He prints tables showing that the number of desertions is so infinitesimal as the small fraction of 1 per cent of all the thousands who are engaged both in the domestic and foreign trade. So it is not a matter of very great commercial importance. It would not affect the trade at all appreciably. But even if it did, it should not deter us from extending the principles of liberty even to the laborers upon the sea.

The question of abolishing imprisonment for desertion in the foreign vessels entering our ports takes on a little different form. Under the laws of the United States and treaties with foreign nations our courts and our officers, upon complaint of any foreign consul or representative of a foreign country that a sailor has deserted a foreign ship in our ports, are compelled to apprehend that sailor and imprison him and surrender him to the master of a foreign vessel in our ports, even though the ground of the complaint is simply that the sailor deserted the vessel and ceased working out his term of enlistment or employment.

It is stated here in this minority report that this bill is chiefly for the benefit of foreigners. I think that is a very narrow view. Broadly speaking, if this bill makes it more expensive for the ships of a foreign flag to operate, if by reason of abolishing arrests for desertion the sailors that come here will desert, and the foreign ships will have to employ sailors at a higher wage, or if this law shall succeed in requiring the foreign vessels to feed their crews better and provide more accommodations and more space, and require them to give their sailors shorter hours, necessarily it will increase the expense of operation of foreign vessels. But we are not legislating to help foreign vessel owners.

If we could by these means increase the expense of our competitors, necessarily we would better the conditions of our own sailors as well as of theirs, so that it is not logical to say that this is exclusively for the benefit of foreigners. It is, no doubt, legislation that will result in increased expense to the foreign shipowners, and that is what is desired by our vessel owners, in order that they may compete with them on more even terms.

There are two ways in which you can successfully compete with any competitor—either reduce your expenses to his level or compel him to raise his expenses to your level. This bill has the tendency to do this, and by means of this provision, together with another provision mentioned in the report, giving Americans the right to purchase vessels abroad to be used in the foreign trade, of which we have practically none now, it would seem as though our people would be placed on a plane approaching an equality with foreign competitors.

But there are humanitarian reasons why this legislation should be enacted. It is not true that we are simply concerned in the matter of making money. There is a great principle at stake here. These sailors in foreign countries sign shipping articles sometimes for three years upon tramp vessels that come to our ports, and notably to the ports on the Pacific coast, and engaged in the trade between South America and the United States—for instance, between San Francisco and Portland and the ports of South America on the west coast in the coffee trade—and receive only one-half the wages paid in the same trade in our American ships. And if these sailors desert they are arrested and imprisoned and surrendered to the masters of those vessels.

In that way we are in effect performing the function of slave catchers. We are enforcing a fugitive-slave law against these foreign sailors who escape from their vessels, and we return them to that servitude; and we do this to reduce the expense of our competitor at sea. It is involuntary servitude, more in violation of the principles of which we are so proud, than the peonage cases that are being prosecuted in some of the States with so much vigor. There is a greater injustice in some of these arrests of sailors for the mere fact of quitting their employment contrary to the shipping articles than in any peonage case that has come to my notice.

The argument that to repeal this law and abrogate these treaties would be interfering with the rights of foreign shipowners seems to me unsound and not founded in reason. It is not only our people that are free, but our soil is free—and whoever touches our shores becomes free. Let us remember that this was recognized even in the Dred Scott case. Dred Scott brought his action in Missouri and claimed the right of liberty because his master had taken him to the Territory of Minnesota—to Fort Snelling—and there kept him for several years, and he invoked the doctrine laid down by Lord Mansfield in the Somerset case, to wit, that "whenever a human being in slavery touches his foot on British soil he becomes a free man forever." [Applause.] But the Supreme Court, in deciding the Dred Scott case, distinguished it from the Somerset case, because they said the action was brought in the State of Missouri, where slavery was lawful, and that therefore the plaintiff must fail, notwithstanding the fact that he had once been in free territory. The court, however, was careful not to overrule the doctrine of the Somerset case, and had Scott's action been brought in a free State, according to the logic of the opinion, the decision would have been the other way. It will thus be seen that even this much-denounced decision recognizes the doctrine of free soil.

Sommersett was a negro slave brought from Virginia to England in 1770 by a Mr. Steuart, the owner, and after two years' service he escaped and was forcibly seized by Steuart's orders and placed on board a ship lying in the Thames bound for Jamaica, where it was proposed to sell him into slavery. The friends of the negro sued out a writ of habeas corpus against the master of the vessel, and the Court of King's Bench, Lord Mansfield presiding, liberated him in 1772.

But this doctrine against involuntary servitude is much older even than the Somerset case. In the brief in the Dred Scott case there are decisions cited as old as the eleventh century, and they also refer to the ordinance of William the Conqueror, that a residence of any of the servile population of England for a year and a day without being claimed, in any city, burg, walled town, or castle of the King, should entitle them to perpetual liberty, as an early instance of this doctrine.

Laws in diminution of the power of a man to reclaim an escaped bondman in Europe commenced with the laws in favor of privileged communes or towns. The earliest publicist who has discussed this subject is Bodin, a jurist of the sixteenth century, whose work was quoted in the early discussions of the courts in France and England on this subject. He says:

In France, although there be some remembrance of old servitude, yet it is not lawful here to make a slave or to buy anyone of others, inasmuch as the slaves of strangers, as soon as they set their foot within France, become frank and free, as was determined by an old decree of the court of Paris against an ambassador of Spain who had brought a slave with him into France.

He states another case which arose in the city of Toulouse, of a Genoese merchant who had carried a slave into that city on

his voyage from Spain; and when the matter was brought before the magistrates the—

procurer of the city, out of the records, showed certain ancient privileges given unto them of Toulouse, wherein it was granted that slaves, as soon as they should come into Toulouse, should be free.

If the minority of the Committee on Merchant Marine and Fisheries, and especially the gentleman from Massachusetts [Mr. GREENE] and the gentleman from Washington [Mr. HUMPHREY], who have not only signed this minority report, but have spoken against this bill, really believe in the principles upon which the Republican Party is founded, the principles of human liberty everywhere, why should they draw this narrow distinction and oppose this bill because besides liberating our own sailors it would liberate foreign sailors also?

The platforms recently adopted both by the Republican and Democratic national conventions favor the principles of this bill. It is not and should not be considered as a partisan measure.

Why not all join the army of liberation, demand the abrogation of all treaties for the recapture of fugitive seamen, the repeal of these peonage laws, and proclaim liberty not only throughout the land but throughout the seas also? Let the American Nation demand this and working conditions on the sea will improve, and the merchant marine will attract the bravest and the best to the adventurous and romantic "life upon the ocean wave" and will restore itself to its ancient greatness.

Do this, and the world will say, when it sees our glorious flag proudly floating in the breeze, "There is the flag that means freedom on land and sea. Hail to the emblem of universal liberty!"

I was too young to take part in the Civil War, but it has been a source of pride and satisfaction to me to recall the fact that my father shouldered his gun and fought in that war for the cause of freedom; and if the dead take an interest in the affairs of the living, I believe he is now urging me on in the fight for liberty in order that our flag upon the sea may float over free men instead of over the enslaved and degraded. Let it become the real emblem of universal liberty everywhere! [Applause.]

MEMORIAL.

The seamen of the United States of America, through their committee, duly appointed at their national meeting, held at New York City in the month of November, 1909, respectfully petition for the passage of Senate bill 6155, House bill 11193, being substantially identical bills.

And in support of said petition your petitioners respectfully represent and state as follows:

To the Senate and House of Representatives of the United States, to humanitarians, democrats, Christians, and friends of human freedom everywhere:

We, the seamen, the yet remaining bondmen, humbly yet earnestly submit this our petition, that we be made free men and that the blighting disgrace of bondage be removed from our labor, which once was considered honorable, which is yet needed in the world of commerce, and which has been held to be of great importance to nations with seacoasts to defend.

Existing maritime law makes of us, excepting in the domestic trade of the United States, the property of the vessel on which we sail. We can not work as seamen without signing a contract which brings us under this law. This contract is fixed by law or authorized by governments. We have nothing to do with its terms. We either sign it and sail, or we sign it not and remain landsmen.

When signing this contract, we surrender our working power to the will of another man at all times while the contract runs. We may not, on pain of penal punishment, fail to join the vessel. We may not leave the vessel, though she is in perfect safety. We may not, without our master's permission, go to a mother's sick bed or funeral, or attend to any other duties of a son, brother, a Christian, or a citizen, excepting in the domestic trade of these United States.

If the owner thinks he has reason to fear that we desire to escape, he may, without judicial investigation, cause us to be imprisoned for safe-keeping until he shall think proper to take us out. If we have escaped, he may publish our personal appearance along with a reward for our apprehension and return. He may, through contracts between nations, cause the peace officers and police to aid him in recovering his property. The captain may change, the owner may change—we are sold with the vessel—but so long as the flag does not change there is nothing except serious illness or our master's pleasure that will release us from the vessel.

The master, acting for the vessel, may release himself and the vessel by paying a few dollars, with no alternative.

He that owns another man's labor power owns his body, since the two can not be separated.

We stand in the same relation to the vessel as the serf did to the estate, as the slave to his master. When serfdom was abolished in western Europe we were forgotten by the liberators and our status remained. When the slaves of the United States and Brazil were emancipated our status continued. When serfdom was abolished in Russia no change came to us.

We now raise our manacled hands in humble supplication and pray that the nations issue a decree of emancipation and restore to us our right as brother men; to our labor that honor which belonged to it until your power, expressing itself through your law, set upon it the brand of bondage in the interest of cheap transportation by water.

We respectfully submit that the serfdom of the men in our calling is of comparatively modern origin. Earlier maritime law bound, while in strange countries and climes, the seaman to his shipmates and the ship, and the ship to him, on the principle of common hazard. In his own country he was free—the freest of men. We further humbly submit that, as the consciousness of the seaman's status penetrates through the population, it will be impossible to get freemen to send their sons into bondage or to induce freemen's sons to accept it, and we, in all candor, remind you that you, when you travel by water, expect us—the serfs—to exhibit in danger the highest qualities of freemen by giving our lives for your safety.

At sea the law of common hazard remains. There must be discipline and self-sacrifice, but in any harbor the vessel and you are safe, and we beseech you give to us that freedom which you claim for yourself and which you have bestowed on others, to the end that we may be relieved of that bitterness of soul that is the heavy burden of him who knows and feels that his body is not his own.

DESERTION OF SEAMEN.

The percentage of seamen who desert from American vessels is relatively small, and desertion has ceased to be so considerable a factor in American shipping affairs as it was in the days of sailing vessels. The percentage of seamen who fail to report on board after having signed articles before shipping commissioners in ports of the United States for the past nine years is shown by the following table:

Year.	Shipped and reshipped.	Failed to join.	Per cent.
1902	108,554	4,278	3.94
1903	120,785	5,187	4.29
1904	112,057	3,857	3.41
1905	120,782	3,273	2.71
1906	126,745	3,894	3.07
1907	143,399	4,007	2.79
1908	163,192	3,101	1.90
1909	181,032	2,114	1.17
1910	185,721	2,690	1.45

The facts concerning desertion of seamen from American vessels in foreign ports are even more significant. Reports for the past fiscal year have been received from 259 American consulates, which cover practically our entire consular representation at foreign maritime ports. These reports show the clearances (counting repeated voyages) of 1,847 American steamers and 657 American sail vessels. The details are printed in Appendix C. The following table shows the number of the crews of these vessels, the number of seamen shipped and discharged in foreign ports, and the number of deserters:

Vessels.	Men.	Shipped.	Discharged.	Deserters
Steam	137,612	15,670	15,335	335
Sail	7,001	1,395	1,070	157
Total	144,613	17,065	16,405	492

Out of a total of 144,613 men (counting repeated voyages), only 492 deserted, or scarcely 1 out of 300—a percentage so small as to be inappreciable. There are two possible explanations for these facts. Conditions of life on American vessels may be in the main so satisfactory that seamen prefer to remain with their ships rather than seek by desertion the conditions of labor in foreign ports or on foreign ships. Another theory was set forth in Senate Document No. 379, Sixty-first Congress, second session, in which certain seamen of the United States allege that the seamen "stand in the same relation to the vessel as the serf did to the estate, as the slave to his master." At the International Seamen's Congress held at Copenhagen, August 27, 1910, the first resolution read:

"That the following changes and improvements be made in the maritime legislation of every country:

"1. The abolition of imprisonment of seamen deserting ships while in a safe harbor."

The Copenhagen resolutions and the Senate document enumerated concerning the imprisonment of seamen for desertion, so far from being progressive, are 12 years behind the legislation of the United States. The act of December 21, 1898, abolished the penalty of imprisonment for desertion from American vessels in ports of the United States, the Dominion of Canada, Newfoundland, the West Indies, and Mexico. More than nine-tenths of the seamen on American vessels by the act of December 21, 1898, were thus relieved and have been for 12 years from the penalty of imprisonment for desertion. Outside the countries named the law of the United States still provides for arrest for desertion, but it is a dead letter. The reason is expressed concisely by the American consul at Southampton, England, where 121 out of 335 desertions from American steamers occurred:

"No requests for arrests were made by any master losing the men. The policy of the masters has been to let all such men go, they being able at all times to fill all vacancies so created in the crew."

In fact, in foreign ports where imprisonment is still permitted by our law, last year American consuls reported only 8 arrests. One seaman was arrested and returned to his ship at Tahiti, Society Islands, 2 at Hakodate, Japan, and 3 at Manila. At Port Elizabeth, Cape of Good Hope, the consul caused the arrest of 1 American seaman from the bark *Charmer*. The consul reports:

"He was arrested by the local authorities and imprisoned for a few hours only, and at his own request was placed aboard his ship, from whence he again deserted and has not since been apprehended."

The consul at Montevideo caused the arrest of a deserter from the whaler *Andrew Hicks*.

These facts do not justify any American seaman in the statement against the laws of his country:

"We now raise our manacled hands in humble supplication and pray that the nations issue a decree of emancipation and restore to us our right as brother men."

The fragment of American law which still authorizes the arrest of seamen for desertion from American ships in remote ports may well be repealed because it is a dead letter. Whether foreign nations should repeal their laws providing for the arrest and imprisonment of deserting seamen from their ships is a matter concerning which for obvious reasons this bureau is not called upon to express an opinion.

ABOLITION OF IMPRISONMENT FOR DESERTION.

The law permitting the imprisonment of seamen for desertion from American vessels in ports of the United States and in near-by foreign ports was repealed by the act of December 21, 1898. As our ships seldom cross the oceans, that act covers practically all phases of American navigation. It was not followed by increased desertions nor did it impair discipline on shipboard. At present a seaman deserting from an American ship in the harbors of Europe, Asia, Africa, Australia, Oceania, and South America south of the Caribbean Sea may be imprisoned. Few American ships visit those ports, and out of their total crews not one man in a hundred deserts. There are virtually no cases of imprisonment. When a man deserts an American ship abroad, he is rarely interfered with and not infrequently he regrets his course and appeals to the American consul for assistance. There are more cases of complaint that men have been driven to desert than of complaint of arrest after desertion. The remnant of law actually serves only one purpose, to furnish ground for rhetorical protest that American seamen are treated as chattels and that the law keeps them in fetters and is a survival of the spirit of the fugitive-slave law. The repeal of the statute on which the complaint is based was recommended last year, and the recommendation is renewed. It can be brought about by a simple act of few words, declaring that imprisonment as a penalty for desertion of seamen from vessels of the United States is hereby abolished and sections 4596 and 4600 of the Revised Statutes as amended by the act of December 21, 1898, are hereby amended accordingly.

Mr. ALEXANDER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, as I understand the marine law, an American sailor in the coastwise trade may leave his ship at any time before the anchor is drawn or on arriving in safe harbor, the penalty for violating his contract being a forfeiture of all his wages, advance pay being prohibited under the present coastwise laws and under this bill.

An American sailor having taken a contract for a foreign voyage, if he deserts in any foreign port, is acknowledged by the American marine law to be subject to arrest and imprisonment and to be returned to the ship. If returned to the vessel, his wages are subject to the costs of his capture and detention. If not returned to the vessel, his wages are forfeited.

On the other hand, in the event of not being returned to the vessel, he is subject to the penalty of one month's imprisonment and the loss of all wages.

A foreigner in an American port is, under the marine law, subject to the same penalties as an American in a foreign port.

Practically speaking, an American sailor who, on shore leave, complains to a consul or to other authority of ill treatment, has his testimony discredited by the assumption that in such testimony he is endeavoring to break his contract. If, after desertion, he should make similar complaint he would be liable to arrest and punishment, and his statements concerning abuses which caused said desertion would be discredited.

This bill, first, by abolishing the unusual penalty of enforced labor, places the sailor on terms of industrial equality with men working in other trades, and at the same time by permitting civil damages to be assessed against desertion in the collectible terms of forfeited pay strengthens his inducement to carry out his contract which, in its nature, should be more binding upon him, than contracts in other lines, where replacement is easier.

Second, by providing for relinquishment of contract by sailors of foreign vessels it tends to equalize the wages of those engaged in international commerce, thereby rendering the service more dignified, more responsible, and more apt to enlist the services of those fitted to assume the tremendous responsibilities that go with the preservation of lives and property at sea.

It is inconceivable that any Member of this House would permit a son to serve as a common sailor in international trade under existing laws. Just as long as certain occupations are of such a nature as to preclude self-respecting men from engaging in them, there will always be a severe strain upon our theories of democracy.

We are anxious to have a merchant marine, but we can have no object in encouraging a merchant marine except that the people engaged in maritime service are American citizens and are properly paid, decently treated, and in time of war are suitable for naval service.

This law of enforcing virtual peonage certainly would not permit self-respecting Americans to take up this occupation except as a last resort. We used to have a bondage system among white men in this country, in colonial times, and in other parts of the civilized world, but this bondage system is done away with in every employment except employment on the sea. We who are anxious to have an American marine built up and are anxious to have cheapened commerce do not want this cheapened commerce to be effected at the expense of human liberty. Such cheapening will always be dearly paid for. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I ask unanimous consent to print in connection with my remarks some telegrams that I have received from the Fishermen's Union of California; the California State Federation of Labor, representing some 65,000 men and women; the California Harbor Board of Fifteen; the Sailors' Union of the Pacific Coast; and the Marine Cooks and Stewards' Association of the Pacific Coast; and also a statement by Mr. Andrew Furuseth in regard to House bill 11372, which is in substance the present bill.

The SPEAKER. The gentleman from California [Mr. RAKER] asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. I yield my remaining time back to the gentleman from Missouri.

The SPEAKER. The gentleman yields back four minutes.

Mr. ALEXANDER. Mr. Speaker, I will detain the House but a very few minutes. The Republican national platform adopted at Chicago and the Democratic national platform adopted at Baltimore both declare in favor of the repeal of our laws providing for the arrest of deserters from ships, whether domestic or foreign. While these laws may not be in violation of the letter of the Constitution, which prohibits involuntary servitude, they are in violation of the spirit of the Constitution, and hence no liberty-loving man, no one who has respect for human rights, in the sunlight of this century can stand up and insist that a man shall be imprisoned for violation of the terms of a civil contract.

A bill has already passed the Senate (S. 5757) abolishing the penalty of imprisonment for desertion of seamen from vessels of the United States, whether in the coastwise trade or in foreign trade, and that bill is now pending before the Committee on the Merchant Marine and Fisheries.

The bill pending, known as the seamen's bill, contains a like provision and also provides for the abrogation of the treaties into which we have entered with foreign countries by the terms of which we are under obligation to return foreign seamen who desert from foreign ships in our ports.

If it is contrary to the spirit of our institutions, if it is contrary to the sentiment of the times, there is no reason why we should perform this service for foreign nations if it is obnoxious to our views of our duty to our own shipping interests.

The other day when the gentleman from Washington [Mr. HUMPHREY] was addressing the House he called attention to a provision of this bill on page 13, subdivision (e).

(e) That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

Section 10 of the pending bill is an amendment of the act of December 21, 1898, relating to the advances and allotment of wages. If the gentleman had only taken the pains to examine the statute, he would have found that instead of the paragraph quoted being a new provision it copies from the law the exact provision of the act of December 21, 1898, which provides in subdivision (f) as follows:

That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

I have said that section 10 of the act of December 21, 1898, relates to advancement and allotment of wages. If we have any treaty with a foreign nation we should take the necessary steps to repeal the treaty. The provision of which the gentleman from Washington [Mr. HUMPHREY] complains is in the act of December 21, 1898, and is not a new provision in the pending bill, hence his criticism is without merit.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER. Certainly.

Mr. MANN. Did I understand the gentleman to say that he thought this bill violated any treaty?

Mr. ALEXANDER. No. I say if the contention of the gentleman from Washington [Mr. HUMPHREY] is correct, and it did violate the provisions of the treaty, then we should take steps to repeal the treaty.

Mr. MANN. That may be a matter of dispute, but I thought the gentleman himself said he thought it did.

Mr. ALEXANDER. No; I did not say that.

Mr. MANN. I misunderstood the gentleman.

Mr. ALEXANDER. I will ask the gentleman from Massachusetts [Mr. GREENE] to consume the balance of his time.

Mr. GREENE of Massachusetts. Does the gentleman from Missouri intend to have more than one speech?

Mr. ALEXANDER. We will have but one other speech on this side. The balance of the time will be consumed by the gentleman from Pennsylvania [Mr. WILSON].

Mr. POST. Mr. Speaker, the bill under consideration is one of vital importance. There are many subjects before the country demanding legislation. No one is of greater importance than the rebuilding of our merchant marine and regaining our commercial independence, put to hazard and lost by the War of the Civil Rebellion. Since that time our merchant marine, so far as it relates to transoceanic commerce, has been in a state of decadence. Agriculture, manufacture, and commerce are interests of great national importance; but commerce includes navigation, and it can not be conducted without it. All of these great factors are essential to the public weal, and none should be suffering for legislative aid.

Since the close of the Civil War a course has been pursued by indifferent captains commanding the ship of state which has resulted in great national loss and disadvantage, so that now, while we excel in agriculture and manufactures in the ports and marts of the world, we are practically devoid of a merchant marine, except in our coastwise trade. By proper navigation laws we have amply provided for our coastwise trade, and its commerce is carried exclusively in American bottoms.

But why should we not have our share of the deep-sea commerce of the world? Every nation should have its own shipping to carry its own commerce, at the very least, not to say it would be most desirable to go further and assist in the carriage of other nations. To carry our own commerce in bottoms flying our own flag would give us a commercial independence that would be a very strong security for political freedom. It would bring to us an independence in trade relations we do not now enjoy. Our prosperity must always depend to a very large degree on freedom of industrial development. To be prosperous we must embrace equal opportunities with other nations in all industrial enterprises and place ourselves upon equal opportunities with them. For more than a half a century we have been dependent upon other nations almost exclusively in the deep-sea traffic. A nation that is dependent necessarily lacks in liberty and loses in opportunity and power. Its dependence compels it to submit to untold impositions, and subjects it to the voracious rapacity of rivals and extortions of commercial competitors. We are now so dependent since the decline of our merchant marine that more than 90 per cent of our foreign commerce is carried by foreign shipping. This is a deplorable situation respecting our foreign intercourse. If we were so unfortunate as to engage in war with any of the great powers, our ships engaged in foreign commerce would be inadequate for transport service. We are now in the sad plight of being unable to carry on foreign war or commerce for lack of shipping facilities. The goods we make are carried in foreign ships. The wares we buy abroad are brought to our ports under foreign flags. We can make and purchase goods and expend millions to provide docks, wharves, and safe harbors; we can place a light upon every point that juts into the ocean on our thousands of miles of coast as signals of danger; we can erect a chain of radiotelegraphic stations from Penobscot to Brownsville and from San Diego to the Arctic Circle; and do all this for the use and benefit of foreign craft engaged in carrying our merchandise to foreign markets and bringing foreign goods to our shores. These public utilities are valuable aids to our coastwise shipping, which is amply protected by our navigation laws, and we should place ourselves in a position to enjoy their benefits by an adequate American deep-sea merchant marine. Congress should stimulate the sentiment in favor of an American merchant marine and in favor of a policy which will make the American flag more often seen in all of the ports of the world. It is the universal regret of Americans traveling abroad that the flag is not more often seen in the foreign carrying trade.

The pending measure, known as the seamen's bill, is one of the several measures proposed to restore the flag in the great carrying trade upon the high seas; it is a measure intended in some degree to restore our lost prestige in this branch of the world's commerce and to uplift our merchant marine. There are other measures pending having in view the same purport—the bill to regulate radio communication and the free-ship bill.

The bill under consideration has three main features. It is proposed to elevate the condition of the seaman in all the branches of the service so as to induce the American boy to go to sea, a condition most devoutly desired to be consummated. The restrictions surrounding the seaman, some of them originating in feudal times, contained in our navigation laws are so intolerable that Americans, except in our coastwise trade, have quit the sea. To eliminate some of these restrictions, to make the life of the seaman conform more nearly to modern civilization, to make the conditions of life on land and sea more nearly equal, is sought to be effected by the pending bill. No one will deny that the American seaman does not receive at the hands of existing law the treatment that men ashore expect, demand, and receive. We must modernize our navigation laws and make them accord with existing conditions and bring them within the American conception of personal liberty.

The condition of the seaman must be lifted from that which he now occupies, a serf tied to the ship. Under existing law he can be arrested and put in irons for deserting the ship, when such desertion amounts only to a breach of his contract. On shore such infraction is remedied by civil action for damages only. On sea the breach is penalized and the poor sailor is often put in irons at the mere whim of the master.

The right of the master to "flog" a seaman for disobedience to orders is a relic of the dark ages, and is nowhere tolerated on shore. No vessel engaged in the ocean-going trade should, not only for the safety of the passengers but for the safety of the crew as well, be permitted to clear a port without a sufficient crew for her safe navigation. The crew should be wholly efficient. The great trans Atlantic and Pacific steamships, floating palaces of the sea, equipped in luxuriance and with a lavish hand, to accommodate the elegant tastes and refinements of elite passengers, should be provided with suitable quarters for the comfort of those who are responsible for their safe navigation. Let me give you a concrete example. I call your attention to the existing law which provides for the quarters of the sailors and firemen in the forecastle. It is the place provided for them in which to live, eat, and sleep when off duty. This space is 6 feet long, 6 feet high, and 2 feet wide. Custom has placed the small bunk in this small place. Space is valuable for storing cargo, for swimming pool, and the dance pavilion. The space allotted to the sailor or fireman is sacrificed for the luxuriant quarters of officers and passengers, and is so uncomfortable that one of the witnesses before the committee described it "as too large for a coffin and too small for a grave." The forecastle is so limited in space that it has been dubbed "the glory hole." The law is an inheritance of olden times and should be discarded as quickly as possible.

The bill under consideration provides 100 cubic feet of space, room enough to stand up, lie down, and turn around. The marine architects, in their eager desire to excel in luxuriance, have entirely overlooked the comfort and welfare of the crew and the salient fact that they have intrusted to their care precious freight of human lives.

Most maritime nations of Europe have made the forecastle space 6 feet by 6 feet by 3 feet, 108 cubic feet.

The bill under consideration provides for suitable washing outfits and for suitable space for the crew to pass from the forecastle to the decks; it provides that the sailors shall be divided into two and the firemen into three watches, and that each watch shall alternately perform the work ordinarily incident to the sailing and management of the vessel; that while in safe harbor no seaman shall be required to do any unnecessary work on Sunday or legal holiday; that the seaman engaged in coastwise trade shall be paid his wages within two days after his discharge or termination of his services under the ship's articles; and in the transoceanic service within 24 hours after the cargo has been discharged; he will be entitled to receive one-half the wages due him at every port where the vessel takes on or discharges cargo; when the voyage is ended he will be entitled to his full pay. If the vessel while in a foreign port is in an unsuitable condition to go to sea on account of leakage or a lack of suitable equipment or men to properly man her, a majority of the crew can procure redress through the resident consul. He can compel his lodging place in the vessel to be properly lighted, heated, drained, ventilated, and protected from weather and sea and shut off from effluvium or cargo or bilge water; he need not be flogged, and all forms of corporal punishment are abolished; he is prohibited from receiving his wages in advance; no one except grandparent, parents, wife, sister, or children can take from him an allotment of his wages. This latter is a strike at the so-called advances for board of seamen while waiting in port for the vessel to take on cargo and depart, and has been subject to great abuses. The system was abolished in our coastwise trade by an act of the Congress in 1898.

If we enact this bill into law, the seaman's wages will be exempt from attachment or arrestment in any court. Nearly every State in the Union has exempted the wages of labor from attachment or execution. Some States have limited the amount that shall be exempt, and some have limited the time in which wages may be attached. In this provision we are simply following the humane policy recognized almost universally in favor of the wage earner in the land. Is a seaman entitled to any less consideration than the landsman? His life is filled with the monotony of the sea; his environments are encompassed by the waters; and his labors are full of drudgery.

The bill provides further for the proper manning of the vessel in that 75 per cent of the deck crew shall be able seamen. An able seaman is one who has had three years' service at sea. This provision will add to the efficiency of the service and inure to the safety of the crew and passengers.

Every vessel of 300 registered tons and less than 1,500 tons will be compelled to carry in her crew an American boy, and if more than 1,500 tons register two American boys. Ninety-five per cent of the crews of vessels engaged in deep-sea traffic that fly the American flag are foreigners. Before the decadence of our merchant marine the decks of our vessels teemed with native seamen. To restore this condition is one of the objects of the bill.

A new feature to American maritime law is proposed, to the effect that in the end not less than 75 per cent of the crew of a vessel shall be able to understand any order given by the officers of the vessel. All of these provisions are for the purpose of adding to the efficiency of the crew; to provide additional safeguards for the safety of passengers; to make life at sea more comfortable and endurable; to induce the American boy to enter the seafaring life, and to cause the American seaman when once in the service to remain there, that in the end we may rescue our decadent merchant marine from the said plight into which it has fallen.

If we can compel better quarters for our seamen; establish "watch for watch," so as to furnish requisite rest; prohibit "crimping"; prevent our seafaring men from being "placed in irons" for the mere breach of a contract, and thereby place him upon an equality with laborers on the soil; compel the foreigners to acquire our language so as to correctly understand orders given in English; require 75 per cent of the crews to be able seamen; enforce the apprenticeship of American boys upon our vessels, we certainly have taken a step forward in the advancement of our merchant marine and made life more easy for those citizens engaged in its perils.

As I said before, the bill has three main features:

The second feature has for its object the improvement in safety of life and property at sea. These features of the bill I have already pointed out in detail.

On the 15th of June, 1904, the excursion boat *General Slocum*, plying the waters of New York Harbor and Long Island Sound, was burned to the water's edge. More than a thousand men, women, and children lost their lives in the frightful holocaust. It was one of the most terrible marine tragedies of all time. In the confusion following the breaking out of the fire hundreds of men, women, and children, caught like rats in a trap, in the great tumult and pandemonium that reigned supreme, were burned to a crisp aboard ship. Hundreds of others, burned and scorched until frantic, rushed into the surrounding water, only to meet death by drowning. The scenes of that terrible marine tragedy are too horrible even at this late day to contemplate, and its horrors will never be forgotten. The memory can not efface the frightful scenes that ensued while the excursion steamer was being consumed by the flames. Its sickening details leaves a lasting impression upon the memory and they can not be forgotten. So terrible were the scenes there enacted that some of the victims who escaped lost their reason and have been compelled to spend their remaining days in asylums. And what was the cause? Above all others was the inefficiency of the crew. They were raw deck hands not drilled in the use of the fire apparatus. In that critical moment they knew nothing only to save themselves. The life preservers were wholly worthless, having been permitted to decay. The fire apparatus was rotten and useless. Who can say that if the *Slocum* had been manned with an efficient crew, these life preservers and the fire extinguishers would have been properly looked after and cared for and replaced with those in perfect working order, that if the crew had been such as we seek to provide for in this bill that, instead of trying to save themselves, they might have extinguished the fire that toiled so many precious lives and have prevented one of the most heartrending events of all history.

We appointed a commission to inquire into the causes of the *Slocum* tragedy. There was an actual loss of 955 out of 1,358 passengers, while there was only a loss of 2 out of a crew of 30. The commission reported:

> The inefficiency and poor quality of the crew of this vessel, doubtless typical of the majority of crews on excursion boats, is one of the essential facts that caused the loss of so many lives.

Upon the language requirements of the bill I want to call attention to the loss of the *City of Rio de Janeiro*. She carried a crew of 84 Chinamen and was officered by white men. But two of these officers could speak the language of the Chinese. The steamship was homeward bound from Hongkong to San Francisco. Upon entering the bay at San Francisco, on February 22, 1901, she struck a shoal of rocks between the Golden Gate and the harbor and sank within 20 minutes, carrying down a large number of passengers and crew, with her cargo. She entered the harbor in a dense fog; it was very dark, but the water was smooth. She carried 211 persons and 11 lifeboats. Her equipment and apparatus were in good condition. Five minutes would have been ample time to have loaded and lowered her boats, yet but only 3 of the 11 boats were lowered into the water, and only three passengers were taken aboard any of the boats. The boatswain and two firemen were the only two officers who could give orders in the Chinese language to the crew. The result was that the orders of the officers had to be communicated by the boatswain or by the chief fireman by signs or signals. It was utterly impossible for two officers to communicate with the crew in the emergency. The crew was not drilled in the matter of lowering boats, and under these conditions all were practically helpless. The United States Supreme Court held—

> that the ship was insufficiently manned, for the reason that the sailors were unable to understand and execute the orders made imperative by the exigency that unhappily arose and resulted so disastrously to life, as well as to property.

Had 75 per cent of the crew been able to understand the English language there was ample time to have filled and lowered the boats and thus have prevented the frightful and criminal loss of life.

The *Titanic* disaster is too recent to dwell upon its terrible results. She carried on board on her initial trip 2,223 persons, of whom 1,515 were lost and only 706 saved. Her crew numbered 899 persons.

The evidence before the Committee on Commerce in the United States Senate discloses that she was equipped with 16 lifeboats and 4 collapsible, with a total capacity of 1,176 persons. The crew had never been drilled in the handling of davits or lowering of the boats. It is not clear that all of the lifeboats were loaded and lowered, one of the lifeboats being unaccounted for. More than four hours elapsed from the time the *Titanic* received her death blow before she sank, and no one would question the fact that she had ample time in which to lower all of her boats and properly load them, but the evidence discloses that there was great indecision among the crew; they did not seem to know how many were necessary to man each boat, and there was a failure to utilize all lifeboats to the capacity for safety. Only 706 were taken off. A very few of the lifeboats were overloaded, while many of them were only partially filled. Proper efficiency in the crew of the *Titanic* might have saved 474 souls. This, the greatest of all marine tragedies, exemplifies the necessity for strict laws and regulations in regard to promoting the safety of passengers and crew at sea.

We might multiply these illustrations, but it is useless. It may be said that these examples are noted exceptions, but I want to call attention to the fact that in the fiscal year of 1910 there were loss of life upon 262 American vessels, entailing a loss of 563 lives. These vessels either foundered, stranded, were in collisions, or there was loss of life from other causes, and the sum total might be charged up to inefficiency.

As the law now stands the shipowner can go into the mountains of Pennsylvania and hire men wholly without experience and intermingle them with men who have been to sea long enough to absorb some of the ethics and traditions of the calling. And this or the like is not infrequently done. And then we exploit about "the safety of the sea" and overlook entirely the efficiency of the crew.

This bill is not opposed to the interests of the shipowner. The decadence of our over-sea carrying trade is due to two causes.

We can not build ships in this country as cheap as they can be constructed in the foreign yards. The cost of ships is, then, an item in favor of the foreign shipowner, and in order to put the domestic owner upon an equal footing with his foreign competitor we must equalize this difference in cost. How are we to accomplish this? One of the bills now pending upon the House Calendar is the free-ship bill. Outside the difference of wages between the foreign and domestic yards, we can furnish cheaper materials to our shipbuilders than the foreign yards can obtain them for. It is proposed to give free material for the construction of ships to our builders and in that way equalize the cost to the American owner. Can anyone doubt that the means to be employed will not justify the ends sought to be accomplished? With free material to enter into the construction of domestic ships our shipbuilders will undoubtedly

be compensated for the difference in wages here and abroad. Solve the wage problem, and we should be able to purchase ships in our own yards cheaper than to take them off of foreign ways.

The second obstacle to be overcome is the difference in wages of an American crew and the wages of the foreign crew. The cost of victualing the ship is as cheap or cheaper here than abroad. Fuel is as accessible and no greater burden. How, then, are we to equalize the wage problem? It must not be forgotten that the American seaman is more capable and more efficient than his foreign competitor. He can and does accomplish more in a given time, and this is a factor in the problem of equalization. This bill seeks to abrogate the treaties and laws under which seamen on foreign vessels are imprisoned in the United States at the behest of the masters of those vessels. The master, as the law now stands, has a sort of peonage upon the members of his crew. He can throw them in prison and keep them in bondage until ready to depart, and then compel their return to his ship. By this barbarous process he is enabled to enforce obedience to the ship's articles and retains his crew for the round trip. Under such a law the seaman is not the owner of his body but is a slave to the ship. Abolish the law, and the foreign seaman when he lands in our ports can refuse to return unless he is paid the price of an American seaman. The master can not return without men to safely navigate his ship. He is in an American port, and before he can return he must engage his crew in the American market and at its wage. No one will question but that he will be obliged to pay the wages demanded by American freemen. The foreign seaman can require the American wage or refuse to make the return voyage. Can anyone doubt but that these conditions will equalize the scale of wages? The American shipbuilder, with his free materials selling upon an equality with his foreign competitor, the owner navigating his vessel on an equality with his foreign competitor, we should soon expect to find the American boy coming back to the sea instead of drifting from the sea; we should soon expect to see our merchant marine rejuvenated, plowing every sea in every clime and the flag of freedom waving in every commercial mart and port in the world.

Mr. ALEXANDER. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. WILSON].

The SPEAKER. The gentleman from Pennsylvania is recognized for 38 minutes.

Mr. WILSON of Pennsylvania. Mr. Speaker, I shall not undertake to discuss the statements contained in the views of the minority to any great extent that this is the first time in recent years that partisan advantage has been sought on any bill before the Committee on Merchant Marine and Fisheries by a subcommittee excluding the minority of the committee from the consideration of the bill while it was being perfected. It is immaterial to the merits of this bill whether or not the friends of the measure met for the purpose of considering it before presenting it to the opposition for the purpose of consideration. As a matter of fact, the friends of the bill did meet and perfect the bill. It was then submitted to a subcommittee for its consideration, and the gentleman from Washington [Mr. HUMPHREY] was not present at that meeting. His absence was no fault of the gentleman from Texas [Mr. HARDY], who was chairman of the subcommittee. The bill was referred to the full committee for consideration. The gentleman from Washington was present at that meeting and stated at that meeting that he had not had an opportunity to consider the measure and asked that it go over until the next meeting of the committee so that he could have an opportunity of presenting his views. His request was complied with and the bill went over until the next meeting of the committee, when the gentleman from Washington was again present, stated briefly his views upon the measure, and afterwards the bill was considered and reported to this House. The bill is not a partisan measure, as is demonstrated by the fact that both of the great political parties have in their platforms adopted resolutions indorsing the principles involved in the bill. The Republican platform, under the head of "Safety at sea," says:

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude and that life and property at sea shall be safeguarded by the ample equipment of vessels with life-saving appliances, and that full complements of skilled, able-bodied seamen be provided for.

So that there is more in the Republican platform than the simple declaration of freedom for the sailor. They seem to believe that among the things necessary for safety at sea is skilled seamen to handle a sufficient number of lifeboats to protect those who travel by sea.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HUMPHREY of Washington. I want to ask the gentleman now if he will join with me in any amendment I may offer that will compel the employment of men who are competent and able to handle lifeboats and other crafts used in the saving of life at sea?

Mr. WILSON of Pennsylvania. I would have to wait until I hear the amendments before answering the gentleman's question.

Mr. HUMPHREY of Washington. If, in the judgment of the gentleman, it increased efficiency——

Mr. WILSON of Pennsylvania. If, in my judgment, it increased the safety of travel at sea, I would be perfectly willing to agree to amendments of that character.

The Democratic platform, under the heading of "Merchant marine," says:

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics at the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury. We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as to provide for the arrest and imprisonment of seamen charged with desertion and with violation of their contracts of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

Both party platforms declare in favor of the principles embodied in this bill. The gentleman from Washington [Mr. HUMPHREY] says that it was not shown in the *Titanic* disaster that the seamen employed on the *Titanic* were lacking in skill. Let me quote from a statement issued by some of the survivors immediately after the *Titanic* disaster. They said:

We feel it our duty to call the attention of the public to what we consider the inadequate supply of life-saving appliances provided for on modern passenger steamships, and recommend that immediate steps be taken to compel passenger steamers to carry sufficient boats to accommodate the maximum number of people carried on board. The following facts were observed and should be considered in this connection: The insufficiency of lifeboats, rafts, etc.; lack of trained seamen to man the same. Stokers, stewards, etc., are not efficient boat handlers. Not enough officers to carry out emergency orders on the bridge and superintend the launching and control of lifeboats; absence of searchlights.

And so forth.

In the reports made by the Senate committee and by the British committee that investigated the subject, similar statements are made. The statement on the part of the Senate committee embodied, in brief, this fact: That the *Titanic* crew was but meagerly acquainted with the positions and duties in case of accident. Lord Mersey's committee reported that a greater proportion of the passengers might have been saved if the crew had been better organized and trained in the handling and launching of lifeboats. Both of those reports specify the necessity for skilled men in handling lifeboats. Of what value is it in the saving of life at sea to have a sufficient number of boats to hold every person on board, passengers and crew, if, after you have those lifeboats, you have not a sufficient number of men skilled in the handling of boats to lower them and get off in a seaway.

This bill will accomplish three very important results. It will give freedom to the sailor. It will promote safety of travel at sea. It will assist very materially in the building up of a merchant marine without resorting to subsidies by equalizing the operating expenses of our vessels engaged in the foreign trade with those of foreign competitors.

There are two great reasons why our merchant marine has declined. The first of those is that the initial cost of vessels to the American shipowner is greater than the initial cost of vessels to his competitor. A bill is now pending on the calendar, introduced by the gentleman from Missouri [Mr. ALEXANDER], proposing to remedy that portion of the discrimination against our merchant marine. The other reason is that the operating expenses of American vessels engaged in the foreign trade is greater than the operating expenses of competing vessels. Those increased operating expenses are principally, if not wholly, composed of the difference in the wage rate paid to American seamen as compared with the wage rate paid to foreign seamen. When it comes to buying supplies for our vessels they are able to buy their supplies as cheaply as their competitors can buy them. They buy them in the same ports, in the same markets, under the same conditions, and consequently are able to buy their supplies as cheaply as their competitors are able to buy them. But it is not true with regard to wages. There has been a very common misapprehension that the wages are dependent to a great extent, if not wholly, upon the flag under which a sailor works. But the wages are dependent principally upon the wages in the ports at which the sailor is shipped, and the wages in those ports are in turn dependent in a great measure upon the standard of living in the country where the

port is located. And so foreign vessels have been able to procure their seamen in their home ports at a lower rate than our merchant marine is able to secure them. And after having secured those seamen at a lower rate and the seamen have signed the ship's articles if they desert when they come to our ports we use our police powers to catch those seamen and return them to the vessels from which they deserted, thereby using our police powers for the purpose of assisting foreign countries in continuing their advantage over our own merchant marine.

The wages of American seamen until recently out of the port of New York for British ports were $25 per month. They are now $30 per month. The wages of British able seamen to the port of New York were £4 10s. They are now £5 per month.

(For wages of American seamen, see p. 95, Annual Report of Commissioner of Navigation, 1911.)

(For wages of British seamen, see S. Doc. No. 379, 2d sess. 61st Cong., p. 34.)

There is the same or greater difference in the wages paid seamen out of the ports of other foreign countries compared with American ports as that existing between British ports and the port of New York.

The gentleman from Washington [Mr HUMPHREY] says that we have the power but we have not the right to interfere with that condition of affairs; that we have not the right to say to foreign nations what qualifications their seamen shall have, what contracts those seamen shall make, what language those seamen shall speak, or the other conditions and terms under which the contract shall be made. We not only have the right, we not only have the power, but it is our duty to our citizens who travel on those vessels which come to our ports, whose safety is involved, whose property is risked, to see to it, as far as our jurisdiction and power go, that they shall travel in safety and their property be transported safely. We do not say, or propose to say, to foreign nations what the terms and conditions of their contracts with seamen shall be as long as they remain in foreign waters; but just as soon as they come into American waters, then we insist that they shall comply with the same regulations, the same provisions for safety, as are required of American vessels.

Most foreign vessels entering our ports carry our citizens as passengers and our merchandise as freight, and it is not only our moral right but our moral duty to see that both are carried in safety. That can not be done if the seamen do not understand the language of the officers. No man can obey orders or follow instructions that does not understand the orders or instructions when given to him, and no man can be efficient as a seaman in ordinary times, and much less in times of emergency, who does not understand orders when given him. But even that is not sufficient. Of what value is it to understand orders when given if the seaman has not sufficient skill to carry the orders into effect? Of what value is it to have a sufficient number of lifeboats to carry all of the passengers and crew if you have not a sufficient number of skilled men to lower them and handle them in a seaway?

The gentleman from Washington [Mr. HUMPHREY] further says that this slave-catching device—catching runaway seamen—is obsolete so far as American seamen are concerned. If it is obsolete, then there can be no objection whatever to the repeal of the law. But, unfortunately, it is not obsolete. The report of the Commissioner of Navigation for the year ending June 30, 1910, says:

In fact, in foreign ports where imprisonment is still permitted by our law, last year American consuls reported only eight arrests. One seaman was arrested and returned to his ship at Tahiti, Society Islands; two at Hakodate, Japan; three at Manila, Philippine Islands; one at Port Elizabeth, Cape of Good Hope; one at Montevideo, Uruguay.

Eight of them arrested and imprisoned—American seamen, American citizens—treated as runaway slaves in a foreign country, captured by the police powers of foreign countries, imprisoned or returned to their vessels, and compelled to fulfill a civil contract to labor.

Since when, Mr. Speaker, has it become wrong for the American people to stand out against a fugitive-slave law? Since when has it become wrong for the American people to stand out against slavery in any form? The United States Supreme Court, in the case of Bailey against The State of Alabama (219 U. S., p. 219), used this language:

While its immediate concern was African slavery, the thirteenth amendment was a charter of universal freedom of all citizens, of whatever race, color, or estate, under the flag. The words "involuntary servitude" have a larger meaning than slavery, and the thirteenth amendment prohibited all control, by coercion, of the personal service of one man for the benefit of another.

And yet under our existing maritime laws a seaman can be compelled to work against his will for the personal benefit and profit of another. That is also true, and to a greater extent true, of foreign seamen in vessels trading with the United States. A short time ago my attention was called to an article in the Coast Seamen's Journal, asserting that certain men had been arrested and were held by the United States marshal, to be placed aboard of a vessel which they had left. I immediately sent the following telegram, under the date of May 22 of this year:

Hon. CHARLES T. ELLIOT,
United States Marshal, San Francisco, Cal.:

Please advise me by wire what disposition has been made of Thorwald Bye, Harold P. Ellison, and John S. Johnson, from the Norwegian steamer *Admiralen*, and whether or not they are still being held in the custody of the United States, to be delivered to said steamer.

To which I received on the same date the following reply:

Telegram received. Parties placed in charge of officer, steamer *Admiralen*, May 11, by request Norwegian consulate.

That is evidence that these laws have not become obsolete. They still exist, as applied to foreign seamen trading at our ports and our seamen at foreign ports.

Mr. HOWLAND. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Does the gentleman yield?

Mr. WILSON of Pennsylvania. I yield.

Mr. HOWLAND. I would like to ask the gentleman whether or not the law to which he is now calling attention has ever been applied to seamen on the Great Lakes, and whether the gentleman knows of a case where an arrest for desertion has ever been asked for on the Great Lakes?

Mr. WILSON of Pennsylvania. I have not any information of any arrests having been made on the Great Lakes under these circumstances; but if they have not, and the law is obsolete so far as it applies to the Great Lakes, then there certainly can be no reason why the law should not be repealed.

Mr. HOWLAND. I understand it has been abolished, and so the remarks of the gentleman in this respect would not apply to the Great Lakes.

Mr. WILSON of Pennsylvania. It would not apply generally to the Great Lakes, because the traffic on the Great Lakes is not to any great extent a foreign traffic. The greater part of the traffic on the Great Lakes is a coastwise traffic, and, so far as the coastwise trade is concerned, the law was repealed a number of years ago—in 1898, I believe.

Mr. HOWLAND. We are very proud of our ships and sailors on the Lakes and I would like to ask the gentleman this general question, as to whether or not the evils against which he is proposing to legislate in the pending measure are in existence at the present time on the Great Lakes?

Mr. WILSON of Pennsylvania. I do not know, so far as the freedom of the sailor is concerned, but I do know that on the Great Lakes at the present time unskilled men are employed in handling vessels, and that, as a result of unskilled men being employed, life and property are continuously in danger.

On the question of skill I desire to call the attention of the House to a colloquy which occurred during the hearing before the committee.

Mr. HUMPHREY of Washington. Mr. Speaker, will it disturb the gentleman if I ask him a question? I do not want to annoy the gentleman.

Mr. WILSON of Pennsylvania. Not at all. Go ahead.

Mr. HUMPHREY of Washington. I think I ought to ask this question of the gentleman in justice to the Great Lakes traffic to which he referred: Is it not a fact that the evidence as introduced before our committee shows, so far as the Great Lakes are concerned, that in the last two or three years the loss of life has been less than three in a million, or safer than it was anywhere on land?

Mr. WILSON of Pennsylvania. The loss of life has been comparatively small on the Great Lakes, but the loss of property has been heavy. There have been quite a number of very important vessels, heavily laden, that have gone to the bottom on the Great Lakes. The traffic on the Great Lakes is principally a freight traffic.

Mr. HOWLAND. Mr. Speaker, will the gentleman yield to a further question?

Mr. WILSON of Pennsylvania. Yes.

Mr. HOWLAND. Is it not a fact that the involuntary servitude, of which the gentlemen speaks is no longer in force on the Great Lakes?

Mr. WILSON of Pennsylvania. So far as the coastwise trade is concerned, it is no longer enforced anywhere in the United States. It is only so far as our foreign trade is concerned, so far as our ocean-going commerce is concerned, and that on foreign vessels in our ports, that involuntary servitude still continues.

Mr. HOWLAND. Then really the only effect that the gentleman is striving to accomplish by this legislation, with reference

to the Great Lakes, is the employment of what he terms skilled seamen in the Great Lakes service?

Mr. WILSON of Pennsylvania. That is one of the purposes that is sought, and it is also sought to change the law so that it can not be used to impose slavery on the seamen on the Great Lakes. It might be used now, although it is not used. It is sought to change it so that it can not be used to compel workmen to engage in service that is distasteful to them, or continue in it after they desire to leave that service.

Mr. HOWLAND. Would not the gentleman be willing, under these circumstances, to accept an amendment exempting the Great Lakes from the operation of this bill, which he admits does not in many respects apply to the Great Lakes?

Mr. WILSON of Pennsylvania. No; I would not agree to an amendment of that kind. In fact, I would oppose it. It is well known that in times of storm the Great Lakes are as dangerous as the ocean, and there is just as much necessity for skill in handling vessels on the Great Lakes as there is on the ocean; and for that reason, if for no other, I would be opposed to any amendment like that suggested by the gentleman from Ohio.

Mr. HOWLAND. We all agree to the proposition, of course, which has just been stated by the gentleman from Pennsylvania. I do not want to trespass upon his time, but I deny that any substantial number of our seamen in the Lake service are unskilled seamen, and the record of loss of life and property on the Great Lakes substantiates my statement.

Mr. WILSON of Pennsylvania. I am glad to yield to the gentleman if he will proceed with his question without taking up the time for explanations.

Mr. HOWLAND. I am very much interested in the gentleman's definition of involuntary servitude with reference to contracts for personal labor. Does the gentleman go to the extent of holding that a contract for personal labor is involuntary servitude?

Mr. WILSON of Pennsylvania. I go to the extent of saying that whenever any person makes a contract to perform labor, and after having made that contract desires to cease those labors, if you compel him to continue them that constitutes involuntary servitude; and this fact stands out, that if you can by law compel a man to work for one second after he desires to cease working, then you can compel him to make a contract to work for his entire lifetime by virtue of his necessities. And that would give you not only a brief period of involuntary servitude, but a lifetime of involuntary servitude.

Mr. HOWLAND. Just one other question. Under the gentleman's definition of involuntary servitude, would he hold that where there is existing a contract for the period of six months for personal services, and at the end of three months the man who is hired desires to quit his employment and does so, and there is a balance due him on his contract for personal services, the employer should not have the right, for breach of that contract, to a counterclaim on the amount due for breach of the contract?

Mr. WILSON of Pennsylvania. The employer would not have the right to withhold the wages that are due, but would have the right to sue the man in the civil courts and to recover such damages as the court should award, and collect them as other judgments are collected.

Mr. HOWLAND. I am assuming, of course, that the laborer has sued on his contract to recover the balance of wages due him for three months' service where the contract is for six months' service. Suppose there is a small amount due him. The employer comes into court and sets up a counterclaim that he has been damaged by the breach of the contract. Would the gentleman hold that the counterclaim under those circumstances should be void in law?

Mr. WILSON of Pennsylvania. I would hold that the subject matter of the damages done would be purely within the jurisdiction of the court to determine, but there would be no right on the part of the employer to compel the individual workman to continue his service.

Mr. HOWLAND. My question did not relate to that. Specific performance of a contract for personal service has never been allowed in the civil courts, not having maritime jurisdiction.

Mr. WILSON of Pennsylvania. Labor is a part of the man himself, and you can not control that power to labor without controlling the man; and when you control the man against his will it is involuntary servitude.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HUMPHREY of Washington. I will ask the gentleman if it is not true that in several places in this bill you specifically take away from a sailor the right to contract.

Mr. WILSON of Pennsylvania. We do.

Mr. HUMPHREY of Washington. Do you not to that extent, then, take away from him the power to sell his labor?

Mr. WILSON of Pennsylvania. We take away from him the power to contract, because that power to contract has been used by the shipowners as a means of oppression of the sailor. The sailor has been looked upon as being one of the wards of the Nation, and it is one of our duties to see that he is protected against any unfair and unjust discrimination in the making of contracts.

Mr. HUMPHREY of Washington. Mr. Speaker, without implying by the question any agreement or disagreement with the gentleman's views, I want to ask him this: If you are going to protect the sailor, as the gentleman says, from certain contracts made with the shipowner—and I am free to say that I think he ought to be in a great many particulars, and have no dispute with the gentleman about that, and that being true and recognizing him as he always has been recognized as a ward of the Nation—does the gentleman not think that we ought also to compel him, where it is just, to carry out his contracts? Does the gentleman not think that he ought to be a ward both ways?

Mr. WILSON of Pennsylvania. Mr. Speaker, if the gentleman puts in the qualification of its being just, of course I could agree with him, but it is a very general term, and the question would naturally arise, Where is it just? Is it just to allow crimps to bleed him? Is it just to allow him to be imposed upon on shipboard and to have no opportunity of leaving the service until he gets back to the port from which he sailed?

Mr. HUMPHREY of Washington. I admit that all things should protect him from the crimp. I will go as far as the gentleman will on that. I live on the seacoast and I know some of the evils. But why should you take away from the sailor the power to make a contract on the Great Lakes which he should sign for the round trip, and not demand his wages until he gets back?

Mr. WILSON of Pennsylvania. Mr. Speaker, practically the same conditions exist on the Great Lakes as on the seacoast. The colloquy which I was about to quote from the hearings on the seamen's bill occurred between Mr. H. D. Golder, attorney for the Lake Carriers' Association, and myself, and is found on pages 237 and 238 of the hearings, and is as follows:

Mr. WILSON. Doesn't the association also set up a standard of efficiency for able seamen and ordinary seamen, etc.?

Mr. GOLDER. No; they have not attempted to fix any standard. They have not attempted to do that other than in this way. They have left that with their officers, who are very anxious, of course, and always anxious to have good, efficient men to perform their duties. The engineer wants efficient assistants, and so the policy of the Lake Carriers' Association has been to let the chief engineer determine his own help. Of course not absolutely, but it would be a rare thing, I think, to go in any of the ships on the Lakes and see a first or a second assistant, or a third, or an oiler on board a ship who was not satisfactory to the chief engineer.

Mr. WILSON. Doesn't the association issue certificates of ascertained fitness?

Mr. GOLDER. No; they issue simply a book. They did issue a certificate certifying that upon the best information that a man was competent for a certain kind of work. They would not employ a man and never do, but they would give that certificate of ascertained competency to their members as the best information that they could get about it. It is up to the officer in charge to try and get as good men as he can.

Mr. WILSON. That was presented for the purpose of enabling the different shipmasters to determine the fitness of a particular man for the position that he was to be employed for?

Mr. GOLDER. Well, it was merely to enable them to give the best information to the members that they could. They did that, and that was all there was of it.

Mr. WILSON. If it was deemed necessary for the Lake Carriers' Association to find out the fitness of the men for the various positions in order to promote the welfare of the business, what objection can there be to the law requiring that that fitness shall be ascertained?

Mr. GOLDER. Ethically and theoretically there isn't a shadow of objection to it. Practically, it would be a very great burden on your inspectors. You would have to increase the inspection service very much, and my chief objection to that is, I wouldn't care much about it myself, but my personal opinion from observation and knowledge of the subject is that I should object to putting that expense upon the Government, because I do not think that the Government can get any proper and adequate return for its money.

Thus it will be seen that the shipowners themselves realize the necessity of some standard of efficiency for seamen on the Great Lakes. They admit that it is ethically and theoretically right that the law should require that the fitness of seamen for their respective positions shall be ascertained.

The only objection is that of the expense which it would be to the Government.

This bill has been drawn with a view to determining the fitness of seamen, based upon three years' service on deck at sea under regulations which will not materially increase the present cost of inspection.

It has been suggested in this debate that the deck crews are not the only ones employed on board of vessels who may be skilled in handling a lifeboat, and that is true. Here and there

may be found a man in some of the departments, or even a passenger, who may be skilled in handling a lifeboat and who would be of some service in the event of an accident necessitating the lowering of boats.

The men employed on a vessel are divided into three separate departments, each having duties peculiar to itself—the steward's department, the engineer's department, and the deck department.

Neither the steward's nor the engineer's department have to do with the navigation of the vessel. That belongs to the deck department, and there is where skill for navigation purposes should be required and found.

It is not the duty of a waiter or a cook, a passer, a fireman, or an engineer to see to the safe navigation of a vessel; it is the duty of the deck department.

It is an old saying and a true one, "That what is everybody's business is nobody's business." The department whose duty it is to navigate the vessel should be required to have a sufficient amount of skill to perform their duties and handle the vessel safely.

This bill provides a standard of efficiency for the deck crew based upon three years' experience on deck, and requires that for the first year after the passage of this act the number of skilled men shall not be less than 40 per cent of the deck crew and increases the number required at the rate of 5 per cent annually until it reaches a maximum of 65 per cent of skilled men in the deck crew. It further provides that in any event the number of skilled men in the deck department shall not be less than two for each lifeboat. Two skilled men is not all the crew that would be needed in a lifeboat. That is only a sufficient number to direct the lowering of the boat and to steer it when it gets away. It will require at least three times that number to properly man a lifeboat, and the additional number can readily be made up from the other two departments if need be. But those two departments should not be called upon or expected to furnish the skill necessary for the proper handling of the boat.

It has been contended in opposition to this bill that it is placing too much power in the hands of one man to permit him, by affidavits setting forth the fact that the law is not being complied with, to cause a muster of the crew of a vessel to be made. And it is contended by the gentleman from Washington that that might mean a delay of one or two days in dispatching a vessel. As a matter of fact, there is not a vessel afloat whose crew can not be mustered, their certificates of competency examined, and each member of it questioned to determine his language qualifications inside of three or four hours.

It should be remembered in discussing this part of the bill that no penalty is provided for any vessel failing to comply with this section other than that the crew may leave, or a collector of a port may detain it and refuse to give it clearance. To make it difficult under those circumstances to have a muster of the crew made would tend to destroy the purpose of the bill relative to the equalization of the operating expenses of foreign with domestic vessels. Every influence that any foreign country could exert would be utilized to prevent a muster of the crew being made, in order that they might continue to retain the commercial advantages they now have. This section is safeguarded by the fact that any man who makes a false affidavit for the purpose of detaining the vessel, through spite or other improper motive, would be liable to prosecution under the provisions of section 5392 of the Revised Statutes, which reads as follows:

Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than $2,000, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Time and time again we have heard the statement made on this floor that the American flag is no longer found floating on the masthead of vessels in foreign ports. We have heard expressions of humiliation and shame because of this fact, and we have been urged to subsidize our foreign-going shipping in order to remedy the evil. Our export trade and our import trade is immense; to carry it or any considerable portion of it in American bottoms would require subsidies far beyond any amount the American people would stand for. The cause would still remain, requiring the continuation of the subsidy for an indefinite period.

If you want to build up your merchant marine, you must first make it as profitable for American capital to invest in shipping as it is for it to invest on land, and, second, make the conditions of life and employment at sea as favorable to the workmen as the conditions on land. When you have done these two things a merchant marine will be built up with American capital and an American personnel in the crew.

Give us this bill and the "free-ship bill" and you will have taken a great stride toward an American merchant marine. The seaman will be free, his condition will improve, and the American man and boy will seek a seafaring life in sufficient numbers to man all our vessels in peace or war. The commercial advantages which the foreign shipowner has had will be removed, American capital will find profitable investment at sea, and the American seaman, with his self-respect restored, will stand out as a model of seamanship to all the world.

Mr. LEVY. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum. Evidently there is not a quorum present.

Mr. HARDWICK. Mr. Speaker, I move a call of the House.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia that a call of the House be ordered.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Sergeant at Arms will notify absentees, the Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Dodds	Lafferty	Redfield
Ames	Doremus	Lamb	Reyburn
Anderson, Minn.	Draper	Langley	Riordan
Andrus	Driscoll, M. E.	Lawrence	Roberts, Nev.
Ansberry	Dyer	Lazaro	Robinson
Anthony	Ellerbe	Lenroot	Rothermel
Austin	Fairchild	Lewis	Rucker, Mo.
Barnhart	Farr	Lindsay	Sabath
Bartholdt	Ferris	Linthicum	Saunders
Bartlett	Finley	Longworth	Scully
Bates	Flood, Va.	Loud	Shackleford
Bathrick	Fordney	McCall	Sharp
Bell, Ga.	Fornes	McCoy	Sheppard
Boehne	Gardner, N. J.	McCreary	Sherwood
Bradley	Garrett	McGuire, Okla.	Simmons
Brantley	Gillett	McHenry	Slayden
Brown	Glass	McKellar	Slemp
Browning	Goeke	McKenzie	Smith, J. M. C.
Burgess	Goldfogle	McKinley	Smith, Saml. W.
Burke, Pa.	Gould	Macon	Smith, Cal.
Butler	Graham	Madden	Smith, N. Y.
Byrns, S. C.	Gregg, Pa.	Maher	Sparkman
Calder	Griest	Martin, S. Dak.	Stack
Callaway	Guernsey	Matthews	Stephens, Miss.
Campbell	Hamill	Miller	Sulloway
Cantrill	Hamilton, Mich.	Moon, Pa.	Sweet
Carlin	Hammond	Moon, Tenn.	Taggart
Carter	Harris	Moore, Tex.	Talbott, Md.
Cary	Harrison, N. Y.	Morgan	Talcott, N. Y.
Catlin	Hartman	Morse	Thomas
Clark, Fla.	Heald	Mott	Tilson
Clayton	Helm	Murdock	Towner
Collier	Henry, Conn.	Murray	Townsend
Conry	Henry, Tex.	Nelson	Tuttle
Covington	Higgins	Nye	Vare
Cox, Ohio	Hinds	Olmsted	Vreeland
Cravens	Hobson	O'Shaunessy	Webb
Cullop	Holland	Page	Wedemeyer
Curley	Hughes, Ga.	Palmer	Whitacre
Currier	Hughes, N. J.	Parran	White
Daugherty	Hughes, W. Va.	Patten, N. Y.	Wilder
Davenport	Humphreys, Miss.	Patton, Pa.	Wilson, Ill.
Davidson	Jackson	Peters	Wilson, N. Y.
De Forest	Johnson, Ky.	Porter	Wood, N. J.
Denver	Kindred	Powers	Woods, Iowa
Dickson, Miss.	Kinkead, N. J.	Pray	Young, Tex.
Dies	Konig	Pujo	
Difenderfer	Kopp	Randell	

During the calling of the roll, at the end of the list of names, the following occurred:

The SPEAKER. One hundred and seventy-nine Members have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that the Sergeant at Arms be instructed to arrest absentees, and bring them before the bar of the House, and that the Speaker be authorized to sign the necessary forms.

The motion was agreed to.

After several additional Members had answered to their names,

The SPEAKER. One hundred and ninety-nine Members are present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from Alabama to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 76, noes 0.

So the motion was agreed to.

The doors were opened.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call up the conference report on the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and children of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1035).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

WILLIAM RICHARDSON,
WM. A. DICKSON,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1: This is the case of Gust Carlson (S. 428). In this case there is some question as to the incurrence of permanent disability in the service; but that the soldier is now in deplorable physical condition is vouched for by the Senator who is acquainted with the circumstances, and in view of those statements and the fact that the soldier was injured in the service, the House recedes from its amendment striking the item from the bill.

WILLIAM RICHARDSON,
WM. A. DICKSON,
Managers on the part of the House.

Mr. RICHARDSON. Mr. Speaker, I move that the House agree to the conference report.

The motion was agreed to.

Mr. RICHARDSON. Mr. Speaker, I call up the conference report on the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1034).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

WILLIAM RICHARDSON,
WM. A. DICKSON,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1: The amendment strikes from the bill the name of Anna Jones Banks (S. 4765). This is a case in which the Senate proposed to pension the widow of a soldier of the Indian wars who had not served 30 days. The House cut the item from the bill on the grounds that it has not been customary to pension widows of soldiers of the Indian wars who did not serve 30 days. The Senate agrees to the amendment.

WILLIAM RICHARDSON,
WM. A. DICKSON,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I also call up the conference report on the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read as follows:

CONFERENCE REPORT (NO. 1033).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

WILLIAM RICHARDSON,
WM. A. DICKSON,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1 (the case of Michael Grace, S. 782): In this case the evidence is not conclusive that soldier's disability is due to service, and the item was stricken from the bill by the House. The Senate agrees to the amendment of the House.

Amendment No. 2 (the case of Perry L. Sargent, S. 3025): The Senate proposed to increase the pension of soldier from $17 to $24 per month, based largely upon a disability incurred since his service. The House strikes the item from the bill and the Senate agrees to the amendment.

Amendment No. 3 (the case of Arthur W. S. Maw, S. 5345): This is the case of a soldier who had four terms of service in the Regular Army and who was discharged from the service on account of disability not due to service. There is some question as to incurrence of disability in line of duty and the Senate recedes from its disagreement to the amendment of the House.

WILLIAM RICHARDSON,
WM. A. DICKSON,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

FIVE CIVILIZED TRIBES.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the conference report on the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the land of allottees of the Five Civilized Tribes, and for other purposes."

The conference report was read as follows:

CONFERENCE REPORT (NO. 1036).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with the following amendment:

"*Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death."

JNO. H. STEPHENS,
J. M. GUDGER, JR.,
CHAS. H. BURKE,
Managers on the part of the House.
ROBERT J. GAMBLE,
MOSES E. CLAPP,
WM. J. STONE,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The amendment of the House does not require conveyances by full bloods of inherited allotted land to be approved by the county court or anyone else.

The act of May 27, 1908, required the conveyance to be approved by the county court, and Senate bill 4948 as it passed the Senate also contains a similar provision to the one suggested herein requiring the conveyance before it should be valid to be approved by the court having jurisdiction of the estate of the deceased.

The necessity for the passage of this act, as will be shown by the report of the House committee as well as the Senate committee, is because the Attorney General of the United States has rendered an opinion holding that where the allottee died prior to May 27, 1908, although the conveyance was not made until after May 27, 1908, the deed would have to be approved by the Secretary of the Interior, and the United States court for the eastern district of Oklahoma and the State's courts have held that the date of the death of the allottee was immaterial when the conveyance was not made until after the act of May 27, 1908, went into effect.

In other words, they held that the provision of the act of May 27, 1908, related to the date of the conveyance and not to the date of the death of the allottee, and this act is to clear up the question or controversy as to the date of the conveyance being approved by the county court.

The report (No. 549) of the House on the said Senate bill No. 4948 is further explanatory of the object and necessity for this legislation and is as follows:

[House Report No. 549, Sixty-second Congress, second session.]

REMOVAL OF RESTRICTION FROM LANDS OF ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

Mr. Carter, from the Committee on Indian Affairs, submitted the following report, to accompany Senate bill 4948:

The Committee on Indian Affairs, to whom was referred the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of the allottees of the Five Civilized Tribes, and for other purposes," having duly considered the same, reports the bill without amendment and recommends that it do pass.

Your committee adopts the report of the Senate Committee on Indian Affairs on this bill, which is as follows:

[Senate Report No. 548, Sixty-second Congress, second session.]

Your committee, having had under consideration Senate bill 4948, recommends that it pass.

By the act of April 26, 1906 (34 Stat. L., 137), it was provided in section 22 that deeds of full-blood Indian heirs should be subject to the approval of the Secretary of the Interior.

By section 9 of the act of May 27, 1908, a new method was provided, as follows, to wit:

"SEC. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee."

The Supreme Court of Oklahoma has held that the fact of death, under the act of May 27, 1908, authorized the conveyance of any interest of any full-blood heir to be approved by the probate court of Oklahoma, and many deeds have been taken in accordance with this decision, regardless of whether the allottee died prior to May 27, 1908, or not.

The United States district court rendered a decision to the same effect in the case of Harris *v.* Gale (188 Fed., 712), and no appeal was taken from this decision, which was rendered June 29, 1911—nearly a year ago. Judge Campbell, the United States district judge, in his opinion, says:

"There being no conceivable reason why Congress should have intended to distinguish between conveyances by full-blood heirs of inherited lands made subsequent to the act of May 27, 1908, where the ancestor died prior to that date and where the ancestor died subsequent to that date, and the language of the act itself not so clearly evincing such an intention as to preclude the contrary construction, it is decided that by the said act any full-blood Indian heir of any deceased allottee of the Five Civilized Tribes is authorized to convey any interest in the lands inherited by him from such deceased allottee, upon approval thereof by the court having jurisdiction of the settlement of the estate of such deceased allottee, whether such death occurred before or after May 27, 1908, and the approval of such conveyance by the Secretary of the Interior is not required. Of course, in cases where such heir is a minor, the procedure to secure the necessary order and approval of the court must be as in cases of other minors.

The reason for the necessity of this act is that the Interior Department, through the Attorney General, has held that in cases where the death of allottee occurred prior to May 27, 1908, title passing by deed to the heirs could only be valid with the approval of the Secretary of the Interior, under the act of 1906.

Both the Federal court and the State court having held to the contrary, it is necessary that this act should be passed for the purpose of removing the cloud from these titles.

For the reasons given the committee advises the immediate passage of this bill.

JNO. H. STEPHENS,
J. M. GUDGER, JR.,
CHAS. H. BURKE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, this bill, with a Senate amendment now proposed to be agreed to, entirely eliminates the control of the Indian Office from the sale of allottees' land covered by the provisions of the bill. When the bill was before the House the gentleman from Oklahoma, who is interested in the matter, made a suggestion, which was agreed to, and the Senate bill was passed with the suggestion by unanimous consent. Now comes a proposition from the Senate requiring that every sale shall be approved by the probate court, and it is not the intention to have those sales approved both by the probate court and the Indian Office. The original act provided that certain sales should be approved by the probate court. I want to know the reason for entirely eliminating the control of the Indian Office and the Secretary of the Interior over any of these sales.

Mr. STEPHENS of Texas. I will state to the gentleman that was done in the act of May 27, 1909.

Mr. MANN. If it is already done by an act, why is it now being done in another act by an amendment?

Mr. STEPHENS of Texas. The Attorney General held that this act only applied to deeds heretofore made for lands in this character of cases, and it is the intention of Congress, as evidenced by the decisions of the court, both of Oklahoma and the Federal courts in Oklahoma, that this should apply to both those heretofore and those hereafter made, and this language is placed in this bill so that it should apply to both classes of cases, and it is for the purpose of removing a cloud from the title of these lands that we prepared and put through this bill.

The words "heretofore and hereafter made" is the material change in law, so that it is made to apply to both classes of cases.

Mr. MANN. Mr. Speaker, all that the gentleman from Texas has said upon the subject now does not relate at all to the Senate amendment which it is now proposed to agree to, but relates to the original bill as it passed both the House and the Senate. Here was the bill we passed, and the Senate put on a certain proposition for the purpose of having certain sales confirmed by the county or probate court instead of the Secretary of the Interior. That was agreed to by the House—that bill and that proposition. Now, when that goes back to the Senate the Senate injects another proposition to require all sales of allottees to be approved by the probate court, and the gentleman has yet not referred to that Senate amendment or the reason for it.

Mr. STEPHENS of Texas. Does not the gentleman think that that should be done, and that all sales of Indian lands of deceased Indians, when the Indian inheriting has made title, should be approved by the probate court of the county for the reason that the Indian dying in any of those counties is controlled by the probate court of that county. It is just the same probate law that applies to a white man's estate who dies, and whose estate becomes subject to the same rules and regulations as we provide by this bill for Indians.

Mr. MANN. I think the sales ought to be approved by some disinterested party, and in a great many cases it is a good deal safer to leave it with the Indian Office than it is with the judge of the probate court in Oklahoma. There have been cases in Oklahoma where it was known that the probate judge deliberately entered into a conspiracy for the purpose of swindling the Indians out of their property. The people have retired those judges. I believe, and now comes the proposition to provide that all Indian sales shall be confirmed by the probate court, going further than the original bill, and if it were intended to have that supplemental approval by the Indian Office I would not have any complaint to make, but it is intended to take the place of the approval by the Indian Office, as I understand it.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. I yield to the gentleman.

Mr. BURKE of South Dakota. The gentleman is in error in stating that the Senate amended the bill. This is a Senate bill, and it came to the House——

Mr. MANN. Am I in error in saying this is a Senate amendment, this new proposition?

Mr. BURKE of South Dakota. The gentleman certainly is.

Mr. MANN. The gentleman does not know to what he is referring.

Mr. BURKE of South Dakota. Just a moment and I will show whether I am or not. This is a Senate bill and the House amended it. The Senate disagreed to the amendment and asked for a conference.

Mr. MANN. That is right.

Mr. BURKE of South Dakota. The Senate receded from their disagreement to the amendment of the House with an amendment, and that was done in conference.

Mr. MANN. That is the amendment I am talking about.

Mr. BURKE of South Dakota. Now, the reason for the amendment by the conferees was because, by the House amendment, it was thought that no approval was required either by the county court or the Interior Department, and it was thought that there ought to be some tribunal that would have to approve sales.

Mr. MANN. Do I understand the gentleman to say that the Senate having passed a bill for the express purpose of providing for an approval by the probate court and the House having passed a bill for the same purpose, that the conferees concluded that neither bill would cover that subject?

Mr. BURKE of South Dakota. No. The House amended the bill. I do not remember in just what particular, but I was present in the Senate when the matter went to conference, and it was stated on the floor of the Senate that as the House had amended it, it did not require approval of either the county court or Secretary of the Interior.

Mr. MANN. I will not undertake to quote what was done in the Senate, although I read all the debate on the subject. They propose to have inserted through the conferees an amendment which was offered in the Senate——

Mr. BURKE of South Dakota. Let me call the gentleman's attention——

Mr. MANN. An amendment which was offered in the Senate to require all the sales to be approved.

Mr. BURKE of South Dakota (continuing). To the original purpose of the bill. For instance, there was an act passed, I think in 1906, and it provided that deeds of full-blood Indian heirs should be subject to the approval of the Secretary of the Interior. That was the act of 1906, and by the act of May 27, 1908, the law was changed to the effect that the approval should be by the probate courts in Oklahoma. Now, it seems that in some opinion of some Federal official, I think the Attorney General, it was held that sales made where the allottee died prior to the 1908 act would have to be approved by the Secretary of the Interior.

Mr. MANN. But they were not covered by the act.

Mr. BURKE of South Dakota. It caused a cloud upon titles where land had been conveyed. The courts held, as I understand it, contrary to the opinion of the Attorney General, and this act is simply to clear the titles of a cloud that otherwise remains there by reason of this difference between the Attorney General and the courts.

Mr. MANN. Let us see whether it does or not. We passed an act to provide that certain sales should thereafter be approved by the probate court or the county court in Oklahoma. The Attorney General held that that did not apply to sales made previously.

Mr. BURKE of South Dakota. Yes, sir.

Mr. MANN. Of course, those sales made previously had not been approved by the probate court, because there was no authority for them to do so. They had been approved by the Secretary of the Interior because that was what the law required. Now you say the proposition is to require all those sales to be approved by the county court in order to remove the cloud on the title?

Mr. BURKE of South Dakota. The Supreme Court of Oklahoma held—

> That the fact of death, under the act of May 27, 1908, authorized the conveyance of any interest of any full-blood heir to be approved by the probate court of Oklahoma, and many deeds have been taken in accordance with this decision, regardless of whether the allottee died prior to May 27, 1908, or not.
>
> The United States district court rendered a decision to the same effect in the case of Harris v. Gale (188 Fed., 712), and no appeal was taken from this decision, which was rendered June 29, 1911—nearly a year ago. Judge Campbell, the United States district judge, in his opinion, says:
>
> "There being no conceivable reason why Congress should have intended to distinguish between conveyances by full-blood heirs of inherited lands made subsequent to the act of May 27, 1908, where the ancestor died prior to that date and where the ancestor died subsequent to that date, and the language of the act itself not so clearly evincing such an intention as to preclude the contrary construction, it is decided that by the said act any full-blood Indian heir of any deceased allottee of the Five Civilized Tribes is authorized to convey any interest in the lands inherited by him from such deceased allottee, upon approval thereof by the court having jurisdiction of the settlement of the estate of such deceased allottee, whether such death occurred before or after May 27, 1908, and the approval of such conveyance by the Secretary of the Interior is not required."

That was a decision of a United States district judge, and no appeal was taken from that decision.

Mr. MANN. That was covered by the act that was passed by the House and passed by the Senate. Does the gentleman pretend to say——

Mr. BURKE of South Dakota. If the gentleman will get the act——

Mr. MANN. We had it in the House here for several weeks—the act passed by the Senate—and the act passed by the House did not correct that difficulty.

Mr. BURKE of South Dakota. My understanding is it did not.

Mr. MANN. We need new Committees on Indian Affairs in both the House and Senate, then.

Mr. BURKE of South Dakota. It did, perhaps, so far as removing clouds on the title was concerned, but it was thought that, unless we put in that proviso, in the future these sales would not require the approval of either the Secretary of the Interior or the probate court.

Mr. MANN. Here was a bill which passed the Senate with the express purpose of providing that the approval of the probate court should apply to cases where the person died prior to the act referred to, and we passed the bill in the House. It was on the Unanimous Consent Calendar here for several weeks, carefully considered by the Committee on Indian Affairs, and carefully considered by the gentleman from Oklahoma [Mr. CARTER]. He discussed it with me a number of times. And now gentlemen pretend to say that that bill as passed by the Senate and passed by the House utterly failed to accomplish the purpose for which it was intended. If so, it is a very severe reflection upon the department that approved it and the two Committees on Indian Affairs which reported it and the gentlemen who represented districts who were affected by it.

There comes along a proposition now, inserted by the conferees, that nobody understands and nobody is able to explain. It was inserted in conference. I will not say that nobody understands it, but nobody has endeavored to explain it. All the talk of the gentlemen now has been about the bill as it passed the Senate and the House and not about the proposition inserted by the conferees in the bill.

Mr. STEPHENS of Texas. I will give you the reason. The reason for the necessity of this act is that the Interior Department, through the Attorney General, has held that in cases where the death of an allottee occurred prior to May 27, 1908——

Mr. MANN. The gentleman is referring to the report made by the Committee on Indian Affairs of the House on the bill as it passed the Senate and has no reintion to this amendment interjected into it by the conferees.

Mr. STEPHENS of Texas. But section 9 of the act of May 27, 1908, would be apt, would it not, because it is now the law? Section 9 reads this way:

> That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of said deceased allottee.

This bill is the substitute for that law, and that is all there is in this bill.

The law before was as I have just read. We have changed the language in this bill so as to read as follows:

> *Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death.

This language, viz, "that no conveyance of any interest of any full-blood Indian heir in inherited allotted land shall be valid," and so forth, makes it more definite, and we insert the words "heretofore or hereafter" also to make it more definite. That is the language which, as I explained, would make it cover deeds made both before and after that act became a law. The new provision reads as follows, viz:

> Shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death.

We have put in the words "county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death," because the county courts have jurisdiction of certain other matters beside matters of probate. The words "resident at the time of his death" are new.

Mr. MANN. The gentleman will admit that this proviso, which is now in the conference report, was not in the bill as it passed the Senate and was not in the bill as it passed the House. The proviso now interjected for the first time in the conference report to which the gentleman has just referred is not in the bill as it passed the Senate and is not in the bill as it passed the House.

Mr. STEPHENS of Texas. It is substantially so. We have by this bill only made it more clear and definite. I have read both the original—or, rather, the present law—and our bill also, and compared them.

Mr. MANN. Does the gentleman say it is a repetition of the same thing that is already in the bill, or that it is new?

Mr. STEPHENS of Texas. I have read to the gentleman section 9 of the act of 1908, and also the amendment to that, as amended by this bill.

Mr. MANN. Here is the proviso interjected by the conferees:

> *Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court sitting in probate of the county where the deceased allottee was a resident at the time of his death.

I ask, was that provision in the bill as it passed the House or as it passed the Senate?

Mr. STEPHENS of Texas. If the gentleman will look at the same page, in the next column beside it, he will find almost the same language in the old provision of the act of 1908, which is now the law.

Mr. MANN. But was this provision in the bill as it passed the Senate and as it passed the House?

Mr. STEPHENS of Texas. It was in the bill as it passed the Senate.

Mr. MANN. Was this provision that I just read in the bill as it passed the Senate?

Mr. STEPHENS of Texas. Not exactly.

Mr. MANN. Was it in the bill in any shape as it passed the Senate?

Mr. STEPHENS of Texas. It was in the bill in both shapes.

Mr. MANN. Then why did you put it in twice?

Mr. STEPHENS of Texas. Because it was necessary, in order to get the bill to cover deeds both before that act of 1908 and deeds after that act of 1908; so as to cover both phases of the question, as I have already explained.

Mr. MANN. But if in the Senate bill we corrected the evil complained of—if it was an evil—under the original act the House does the same thing; and yet the gentleman brings in an entirely new provision and says it is already in the bill as it passed the Senate. Now, if it is already in the bill as it passed the Senate, what is the use of putting it in now? In fact, it is not in the bill as it passed the Senate, and no one seems to know the reason for it, and no gentleman has undertaken to give any reason for it. I defy anybody here or elsewhere to publicly tell why this provision is now inserted by the conferees.

Mr. BURKE of South Dakota. Mr. Speaker, I will inform the gentleman why it was put in. I thought I had already done so.

Mr. MANN. The gentleman did not do anything but discuss the original bill. I know why it was put in, but the reason for that I do not know. It was put in because, under the method of transacting conference business with the Senate, some distinguished Senators told the Senate conferees that they wanted this provision agreed to, and the Senate conferees would not agree to anything unless it was inserted. But that does not appear to me to be a sufficient reason for it.

Mr. BURKE of South Dakota. Mr. Speaker, the reason that it was done—and I thought I had already stated to the gentleman—was that the terms of the bill, in the form in which it left the House after it was amended, would at least leave a doubt as to whether these sales would have to be approved by anybody, and in order to settle it we have stated that sales must be approved by the county court, sitting in probate, in the county where the deceased allottee was a resident at the time of his death.

Mr. MANN. That may be a sufficient excuse for the gentleman, but I remember the bill as it passed the House. There was no possible excuse for saying there was any doubt about it. The bill expressly provided that these sales should be approved by the county court, whereupon they insert a new provision, which can not be explained on the theory that the House bill left it in doubt. It did not leave it in doubt at all. I dare say that the real reason for this amendment will not be known until it is put into execution.

Mr. BURKE of South Dakota. Will the gentleman point out where that provision is?

Mr. MANN. I have not the bill here, but I will read the report of the committee that the gentleman made, if he wants the report read, covering the whole case on the Senate bill. The gentlemen have printed it as a part of the conference report. The bill shows that it covers what the gentleman refers to. It was discussed on the floor of the House.

Mr. BURKE of South Dakota. The report that was printed as a part of the conference report was the Senate report. The bill went back to the Senate in a different form from which it passed the Senate.

Mr. MANN. I beg the gentleman's pardon. It is the House report that is printed. The legend reads, "Mr. CARTER, from the Committee on Indian Affairs, submitted the following report." Mr. CARTER is the gentleman from Oklahoma in the House.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman please state to us what objection he has to the county courts of Oklahoma, the courts that pass upon all probate matters affecting the titles of all the citizens of Oklahoma, passing upon Indian titles? And will the gentleman say why it is not a court of competent jurisdiction to pass upon these titles? In 1908, as I have stated frequently, the jurisdiction to approve these sales was given to this court by Congress and withdrawn from the Secretary of the Interior, and we are only amending the act of 1908, giving jurisdiction, by giving more explicit jurisdiction to that court and making it more definite.

Mr. MANN. But we let the county court practically pass upon the question of the ability of the Indians to make proper sales. We practically let the county court remove the restrictions upon Indian sales. Everyone here knows what that will accomplish. For years we have endeavored to protect the full-blood Indians or three-quarter blood Indians from being robbed of their land. We passed a bill two or three years ago, the so-called Clapp amendment, in reference to the White Earth Indian Reservation. We have had an investigation of that, both in the House and in the Department of Justice. Those investigations disclosed that a very large share of the Indians were being robbed—if that is the proper term to use—of their lands through sales which they were making, deeds which they were making. Now the gentleman proposes that the local authorities, purely and solely in sympathy with the local people, shall be the ones who shall judge and determine whether the allottees of any Indian are capable of transferring the title to the real estate. God help the Indians under such conditions!

Mr. BURKE of South Dakota. That is the law now. It was passed in 1908.

Mr. STEPHENS of Texas. It has been the law for four years.

Mr. MANN. That is the law as to certain cases.

Mr. BURKE of South Dakota. Yes; as to certain cases, as to those who died subsequent to that date.

Mr. MANN. As to certain cases. That is bad enough. The amendment of the conferees proposes that no conveyance of any interest by a full-blood heir of inherited or allotted lands, heretofore or hereafter made, shall be valid unless approved by the county court, intending to confer jurisdiction upon the county courts of Oklahoma to determine whether a full-blood Indian ought to sell his land.

Mr. FOSTER. It takes it entirely out of the hands of the General Government.

Mr. MANN. That is the intention.

Mr. BURKE of South Dakota. That is what the act of 1908 did.

Mr. FOSTER. And it gives the legal control to the county court of Oklahoma.

Mr. BURKE of South Dakota. That is what is done by the act to which this is an amendment.

Mr. MANN. The act to which this is an amendment did it in part, and the purpose of this act is to extend the authority of the original act.

Mr. FOSTER. And make it complete.

Mr. MANN. This is proposed to cover every case.

Mr. STEPHENS of Texas. It only amends the act of 1908.

Mr. MANN. No one knows whether it applies solely to the Five Civilized Tribes or not, although that is the act that is amended. Here is a proviso that is a good deal broader than that act. I think that is the purpose of sticking it in here, to claim that it applies outside of the Five Civilized Tribes. Will any member of the conference committee deny that it does apply outside of the Five Civilized Tribes?

Mr. BURKE of South Dakota. I do not think anyone can assert that it does, with any expectation of sustaining that contention.

Mr. MANN. That it does or does not?

Mr. BURKE of South Dakota. The act applies specifically to and proposes an amendment to an act dated May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes"——

Mr. MANN. We often stick something into a law which the title does not cover. I venture to say it will be claimed that it applies to all sales, regardless of the Five Civilized Tribes.

Mr. BURKE of South Dakota. Speaking as one of the conferees on the part of the House, I want to say that I can not refrain from resenting the intimation that the conferees put something into this bill for the purpose of doing something that perhaps ought not to be done. The intention of the conferees was to make it definite and certain, so that there could be no possible question about what this act does, and we, at least I, supposed that we were strengthening the act rather than doing something that would be contrary to what the act intended.

Mr. STEPHENS of Texas. In addition to what the gentleman from South Dakota has stated, I desire to call the attention of the House to the reading of the two acts. The caption of this act is "An act to amend an act approved May 27, 1908, entitled 'An act for the removal of restrictions from the part of the lands of allottees of the Five Civilized Tribes, and for other purposes.'"

Mr. MANN. And for other purposes.

Mr. STEPHENS of Texas. This is the provision, and if the gentleman will listen he will see that it is correct. It is at the bottom of the first column on page 9439 of the RECORD of July 22, 1912, and he will find it is the provision of the old law.

Mr. MANN. Oh, I have read that a dozen times.

Mr. STEPHENS of Texas. I want to call the attention of the House to the fact that there is no material difference whatever in the language, and I defy the gentleman to show it.

Provided, That no conveyance of any interest of any full-blooded Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee.

That is the language, and here is our language:

Provided, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased was a resident at the time of his death.

That is not a material change, the fact being that there is no change here except the words "inherited allotted" and inserting the words "heretofore or hereafter," so as to apply to deeds made before this act and deeds made after this act. The other change is that this probate proceeding must be in the county of the residence of the Indian. There are only three changes, and with the exception of the words "heretofore and hereafter," these changes are not material changes.

Mr. MANN. Mr. Speaker, the original law provided that the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions on the alienation of said allottee's land—

Provided, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee.

The proviso which the conferees have injected into the bill is:

Provided, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless aproved by the county court, sitting in probate court, of the county where the deceased allottee was a resident at the time of his death.

It is not confined, as is the original law, to such land already described in the law, but to any inherited allotted land.

Mr. STEPHENS of Texas. That is the exact language. The law itself used the words "interest in any land."

Mr. MANN. It did not. The gentleman is mistaken—

Interest of any full-blood Indian heir in such land.

That is what the law reads. I do not care to have the gentleman misquote the law in my own time. Of course, I know that he does not intend to do it. There may be this point that the gentleman has: That this matter shall be passed upon by the probate court in the county where the deceased was a resident at the time of his death. Suppose he was not a resident of Oklahoma?

Mr. STEPHENS of Texas. Then, if he was, the probate laws of that State would govern, would it not?

Mr. MANN. Of what State?

Mr. STEPHENS of Texas. Of the State of Oklahoma. A man might die outside of the State and have lands there, and the probate court would undoubtedly have jurisdiction of the estate.

Mr. MANN. Here is a provision that it must be approved by the probate court, sitting in probate court, of the county where the deceased allottee was resident at the time of his death.

Mr. STEPHENS of Texas. Would not the gentleman, as a lawyer or a judge, give his opinion that that provision is merely directory and not mandatory, where the deceased died out of the State?

Mr. MANN. What is the purpose of it, then? Here is a provision on which it is proposed to base title, providing it must be approved by the probate court of the county where the man resided when he died. If he does not reside in the county in Oklahoma, shall some foreign court pass on it? Unless he resides in one county in Oklahoma and owns land in another county, is it the county where the land is or where the man died that is to determine whether his land is to be sold or not? I should say that it was extremely improper for us to provide in our State that in Chicago a probate judge should determine whether the heirs should sell land in Cairo, Ill. What would the judge know about the land or the value of the land or the desirability of selling the land? Yet you propose to confer upon the probate court of one county an authority to determine whether the Indians ought to sell the land, as to capacity, and whether the price is fair in some other county, perhaps a different county.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I ask that the Clerk proceed with the reading of the seamen's servitude bill.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. And in all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into three watches, which shall be kept on duty alternately for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage; and at all other times while the vessel is in a safe harbor nine hours, inclusive of anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned. But this section shall not apply to fishing or whaling vessels or yachts."

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word. I call the attention of the gentleman from Pennsylvania to line 9, page 2, and ask whether or not, in the gentleman's judgment, the rest of the section applies to all vessels of the United States, whether upon the Great Lakes or other inland waters?

Mr. WILSON of Pennsylvania. It does. It applies to those on the Great Lakes as well as those at sea.

Mr. HUMPHREY of Washington. I want to ask a further question. Take this for illustration: Suppose there is a vessel on the Great Lakes or other inland waters that runs only during the daytime. That happens very frequently. They run during the day and are tied up during the night. Would the gentleman still require three watches of firemen on those vessels; and if so, what duties would they perform?

Mr. WILSON of Pennsylvania. They would still require the three watches for the 24 hours' time, if they were 24 hours at sea.

Mr. MANN. But suppose they are not? We have lots of vessels that run across the lake in the daytime.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer the following amendment, which I send to the desk.

Mr. WILSON of Pennsylvania. In my judgment the three watches would apply to a vessel under all circumstances.

Mr. MOORE of Pennsylvania. Mr, Speaker, I desire to offer a substitute for the entire section.

Mr. HUMPHREY of Washington. Mr. Speaker, I will withhold my amendment at this time if the gentleman desires to offer a substitute.

Mr. MOORE of Pennsylvania. Then, Mr. Speaker, I offer a substitute for the section.

The SPEAKER. The gentleman from Washington has yielded the floor?

Mr. HUMPHREY of Washington. I do for the purpose of his offering the substitute.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask the chairman of the committee to compare the original section with the substitute as it is read.

The Clerk read as follows:

Substitute for section 1, page 1, line 1, the following:

"*Be it enacted, etc.*, That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"'SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master shall ship, if obtainable, a number of seamen equal to the number of those whose services he has been deprived of by desertion or casualty, and such seamen so shipped shall be of the same or higher grade or rating as those whose places they fill, and the master shall report the same to the United States consul at the first port at which he shall arrive, otherwise he shall incur the penalty prescribed by the two preceding sections. And in all merchant vessels of the United States the seamen shall, while at sea, be divided into at least two and the firemen into three watches, which shall be kept alternately for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage; and at all other times while the vessel is in a safe harbor nine hours, inclusive of anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned. But this section shall not apply to fishing or whaling vessels or yachts."

Mr. MOORE of Pennsylvania. Mr. Speaker, the effect of the adoption of this substitute would be to perfect the verbiage of the bill. I do not like to criticize the grammar used in this measure, but I think any one who reads it carefully will find there are a great many lapses in the various sections. For instance, in this proposed section 1 seamen are constantly referred to as "seamen," except in line 10, where they are referred to as "sailors." Since in another part of the bill it is proposed to define "able-bodied seamen" it seems to me it would be better to make the terms applicable to the men supposed to be benefited by this bill uniform. In line 3 you say in this bill "the master must ship," which is not altogether good legislative form, "if obtainable, a number equal to the number of those whose services," and so forth. The substitute proposes to add "a number of seamen," which is evidently the meaning intended by those who framed the bill.

Mr. WILSON of Pennsylvania. That is in the present statute, and I presume that is why it is followed.

Mr. ALEXANDER. From line 1 down to line 9 is practically existing law.

Mr. WILSON of Pennsylvania. The only difference, as I recall, is where it reads "the same grade" there has been inserted "the same or higher grade."

Mr. MOORE of Pennsylvania. As we go along I intend to point out several other instances which may result in confusion. If a bill of this kind becomes a law it should be made as water-tight as possible, and I think I have raised one or two questions in this substitute which indicate that you have not fully covered the ground.

Mr. WILSON of Pennsylvania. The grammar in that part of the section to which the gentleman refers may be bad. Your present committee is not responsible for that, however. It is the existing law, whether it be bad or good. The purpose is clear, and it does not seem to me to be helped any by the amendments that are proposed by the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER. The question is on agreeing to the substitute offered by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The substitute is offered in good faith.

The SPEAKER. Does the gentleman from Washington desire to offer an amendment to the substitute?

Mr. HUMPHREY of Washington. No.

The SPEAKER. What is it the gentleman desires?

Mr. HUMPHREY of Washington. If it is voted down I am going to offer an amendment to the paragraph.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was rejected.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, after the word "States," insert "except those running on lakes, bays, sounds, and rivers."

Mr. HUMPHREY of Washington. Mr. Speaker, the effect of that amendment is this, that it is to limit the provisions in that section, from line 9 to the end, to vessels that are running at sea. All that portion of the section is new legislation. As it is to-day these vessels upon the Great Lakes and the inland waters are left to the local inspector to see when they are properly manned, and it is left to agreement, so far as I recall, what the watches shall be. Now, I do not believe there is any necessity for this provision so far as the Great Lakes or inland waters are concerned. Upon the Pacific coast, in the coastwise trade and overseas trade, I think the provision is not unreasonable, but, for instance, take on the Great Lakes. They have there the men on deck, men in the stewards' department, and they are divided in two watches. Now they propose to make the firemen in three watches, which the shipowners say would make a great deal of confusion in the running and regulation of their crews.

But that is not the reason why I oppose it so far as the Great Lakes are concerned, and there is no showing that it is necessary. So far as the Great Lakes are concerned, there has been no complaint at all, and if I understand the provision rightly it increases very greatly the number of firemen, and inasmuch as, so far as the committee knows, both the firemen and owners of the vessels are satisfied with the conditions upon the Great Lakes, it does not seem to me that this provision ought to be necessary. Now, I pointed out a while ago, take for illustration a vessel that runs for six hours and then is tied up for the rest of the day, or for 12 hours and is tied up for the night. What is the use of having three watches of firemen upon that vessel? Take one illustration along the line, and I give it because it illustrates a good many. A vessel may run from Seattle to Bellingham. For instance, they leave in the morning at 6 o'clock and arrive at Bellingham at about 6 o'clock, and they stay there during the night and then start back the next day and make the trip back. There are a great many vessels that run from one town to another only during the day, and it seems to me there is no necessity for three watches for firemen upon those vessels, whereas at sea, where men have to work 24 hours, I have no objection to it, and I think it is not an unreasonable provision, although after looking up the vessels upon the Great Lakes I was glad to find the work was not nearly as strenuous as it used to be or as I thought it would be, although it seems to me we might require this on the deep-sea vessels.

Mr. WILSON of Pennsylvania. It is true on the Great Lakes some of the modern vessels are so equipped that the labor in the fireroom is not so great and inconvenient as it was formerly, but that does not apply generally to vessels. As far as I am concerned, I really do not see any objection to an amendment to this section making it apply only to voyages of more than eight hours.

Mr. HUMPHREY of Washington. Well, it ought to be extended to more than 12 hours; it ought to be 18, at least.

Mr. MANN. Or 16.

The SPEAKER. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker——

The SPEAKER. Is the gentleman from Pennsylvania [Mr. WILSON] in favor of the amendment or against it?

Mr. WILSON of Pennsylvania. I am against it.

The SPEAKER. Then the gentleman may proceed.

Mr. McMORRAN. Mr. Speaker, this bill is a very important one; and I make a point of order that there is no quorum present.

The SPEAKER. Evidently there is not.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. FOSTER] on ordering a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided and there were—ayes 27, noes 9.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Boehne	Cantrill	Currier
Ames	Booher	Carlin	Dalzell
Andrus	Bradley	Carter	Danforth
Ansberry	Brantley	Cary	Daugherty
Anthony	Broussard	Catlin	Davenport
Austin	Brown	Clark, Fla.	Davidson
Barchfeld	Browning	Collier	De Forest
Barnhart	Burgess	Conry	Denver
Bartholdt	Burke, Pa.	Copley	Dickson, Miss.
Bartlett	Butler	Covington	Dies
Bates	Byrnes, S. C.	Cox, Ohio	Difenderfer
Bathrick	Caider	Cravens	Dodds
Beall, Tex.	Callaway	Cullop	Doremus
Bell, Ga.	Campbell	Curley	Draper

Driscoll, M. E.	Hughes, Ga.	Moore, Tex.	Sheppard
Dwight	Hughes, N. J.	Morgan	Sherley
Dyer	Hughes, W. Va.	Morse, Wis.	Sherwood
Ellerbe	Humphreys, Miss.	Mott	Simmons
Fairchild	Jackson	Murdock	Slayden
Farr	Kindred	Murray	Slemp
Ferris	Kinkead, N. J.	Nelson	Smith, J. M. C.
Flood, Va.	Kitchin	Nye	Smith, Saml. W.
Fordney	Konig	Oldfield	Smith, Cal.
Fornes	Kopp	Olmsted	Smith, N. Y.
Foss	Lafean	O'Shaunessy	Sparkman
Gardner, N. J.	Lamb	Page	Stack
Garner	Langham	Palmer	Stanley
Garrett	Langley	Parran	Stephens, Miss.
Gillett	Lawrence	Patten, N. Y.	Sulloway
Glass	Lee, Ga.	Patton, Pa.	Sulzer
Goeke	Legare	Payne	Taggart
Goldfogle	Lenroot	Pepper	Talbott, Md.
Graham	Lever	Peters	Talcott, N. Y.
Griest	Lindbergh	Plumley	Taylor, Ala.
Guernsey	Lindsay	Porter	Taylor, Ohio
Hamill	Linthicum	Pou	Thistlewood
Hamilton, Mich.	Lobeck	Powers	Thomas
Hamilton, W. Va.	Longworth	Pray	Tilson
Hamlin	Loud	Prouty	Towner
Hammond	McCall	Pujo	Townsend
Harris	McCoy	Rainey	Tuttle
Harrison, Miss.	McCreary	Randell, Tex.	Vare
Harrison, N. Y.	McGuire, Okla.	Rauch	Vreeland
Hartman	McHenry	Redfield	Warburton
Hay	McKellar	Reyburn	Webb
Hayes	McKenzie	Riordan	Wedemeyer
Heald	McLaughlin	Roberts, Nev.	Whitacre
Helm	Macon	Robinson	White
Henry, Conn.	Maher	Rothermel	Wilder
Henry, Tex.	Martin, S. Dak.	Rucker, Mo.	Wilson, Ill.
Higgins	Matthews	Sabath	Wilson, N.Y.
Hinds	Mays	Saunders	Wood, N. J.
Holland	Miller	Scully	Woods, Iowa
Houston	Mondell	Sells	Young, Mich.
Howard	Moon, Pa.	Shackleford	Young, Tex.
Howell	Moon, Tenn.	Sharp	

The SPEAKER. One hundred and sixty-six Members have answered to their names on this roll call—33 short of a quorum.

ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until Tuesday, July 23, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce and Labor submitting estimate of appropriation to carry into effect the provisions of H. R. 19403, "An act authorizing the Director of the Census to collect and publish statistics of cotton." (H. Doc. No. 876); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting estimate of deficiency in the appropriation for the enforcement of the antitrust laws for the fiscal year 1912 (H. Doc. No. 877); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting estimate of deficiency in appropriation for "Salaries, fees, and expenses of marshals, United States courts," for the fiscal year 1912 (H. Doc. No. 878); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. UNDERHILL, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York, reported the same without amendment, accompanied by a report (No. 1038), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17683) to increase the limit of cost for the post-office building heretofore authorized at Dublin, Ga., reported the same without amendment, accompanied by a report (No. 1039), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3974) to increase the limit of cost of the United States public building at Denver, Colo., reported the same without amendment, accompanied by a report (No. 1040), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 24561) for the transfer of the military reservation of Fort Thomas, Ky., to the Navy Department, reported the same without amendment, accompanied by a report (No. 1037), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 4852) granting a pension to Charles A. Lyon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5471) granting an increase of pension to Peter W. Fredericks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12440) granting an increase of pension to Sarah H. David; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16697) granting an increase of pension to Mary A. Pfister; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16746) granting a pension to Thomas Nelson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16766) granting a pension to Taylor Asher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17159) granting an increase of pension to Luke Hancock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17447) granting a pension to Sarah F. Clark; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18255) granting an increase of pension to Alice W. T. Groesbeck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18415) granting a pension to William Hinker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25847) granting an increase of pension to Thomas S. Gunn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KONOP: A bill (H. R. 25876) for the purchase of a site and the erection thereon of a public building at Oconto, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. BORLAND: A bill (H. R. 25877) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 25878) granting certain lands for a cemetery to the Fort Bidwell People's Church Association of the town of Fort Bidwell, State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. THISTLEWOOD (by request): A bill (H. R. 25879) to amend the laws relating to patents for designs; to the Committee on Patents.

By Mr. ADAMSON: A bill (H. R. 25880) authorizing the preparation and printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Alabama: A bill (H. R. 25881) to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interests of navigation about 7½ miles above the city of Wetumpka; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: A bill (H. R. 25883) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. HOWLAND: A bill (H. R. 25884) to establish a uniform preferential primary for all candidates for the Presidency, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 25885) for the relief of Benjamin C. Martin, Ezekiel Martin, Henry C. Fuller, Ezekiel Fuller, Eliza L. Crow, and Elizabeth Martin; to the Committee on the Judiciary.

By Mr. BRADLEY: A bill (H. R. 25886) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased; to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 25887) to amend the military record of Hugh Boylan; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 25888) granting an increase of pension to John Douglas; to the Committee on Pensions.

Also (by request), a bill (H. R. 25889) granting an increase of pension to Nephi Owen; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25890) granting an increase of pension to Margaret J. Holland; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25891) for the relief of James E. C. Covel; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 25892) for the relief of the heirs of M. F. Hagan, deceased; to the Committee on War Claims.

By Mr. GOOD: A bill (H. R. 25893) granting an increase of pension to Thomas R. Irons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25894) granting an increase of pension to William Syers; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25895) granting an increase of pension to William J. Dale; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 25896) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

By Mr. McCOY: A bill (H. R. 25897) to reinstate Edwin Taylor as a passed assistant surgeon in the United States Navy; to the Committee on Naval Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 25898) granting an increase of pension to Calvin R. Clark; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 25899) granting a pension to Kate M. Hale; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 25900) granting a pension to William Griffin; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 25901) for the relief of Etta Glenn; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 25902) granting an increase of pension to Martha Dickinson; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 25903) granting a pension to Daniel B. Jones; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 25904) granting a pension to Margaret McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25905) granting a pension to Mary J. Nelms; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Agatha's Society, No. 373, Hawthorne, Ill., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Resolution of the Southern Baptist Convention, against wearing of sectarian garb, etc., in Indian schools; to the Committee on Indian Affairs.

By Mr. CALDER: Petition of W. O. Conrad, favoring passage of bill relative to pay for National Guard; to the Committee on Military Affairs.

Also, petition of the Pulis Printing Co. and of E. H. Cane, of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Toledo Produce Exchange, of Toledo, Ohio, relative to law denying shippers an appeal to court; to the Committee on the Judiciary.

Also, petition of the Shorthand Club of New York City, against passage of the Slemp bill (H. R. 4026); to the Committee on the Judiciary.

Also, petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring bill for using powder-house lot for public park for St. Augustine; to the Committee on the Public Lands.

Also, petition of the Minnesota State Board of Health, Minneapolis, Minn., favoring Senate bill 4972, to establish in Washington a hospital bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Division No. 405, Brotherhood of Locomotive Engineers, Milwaukee, Wis., favoring passage of the Dodds amendment to law with reference to second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Memorial of citizens of St. Louis, Mo., against passage of the Burton-Littleton bill, for celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. CLARK of Florida: Papers to accompany bill granting an increase of pension to Nephu Owen; to the Committee on Invalid Pensions.

By Mr. CRAGO: Memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of St. Joseph's Society, No. 387, of Orient, and St. Kazmir Society, No. 380, of Windber, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Greensboro Council, No. 355, of Greensboro, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Division No. 175, Order of Railway Conductors, of Memphis, Tenn., against passage of employers' liability act, etc.; to the Committee on the Judiciary.

Also, petition of the Daughters of Liberty, of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Br. Mr. DICKSON of Mississippi: Petition of citizens of Claiborne County, Miss., favoring passage of the Kenyon-Sheppard interstate-liquor bill; to the Committee on the Judiciary.

By Mr. FORNES: Petition of the Simpson-Crawford Co., the Allied Printing Trades Council, and the Fourteenth Street Store, all of New York, protesting against the passage of Senate bill 6850, providing for a parcel-post; to the Committee on the Post Office and Post Roads.

Also, petition of the Washington Chamber of Commerce, Washington, D. C., urging immediate action on all legislation affecting the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOSTER: Petition of citizens of Hutsonville, Salem, and Olney, Ill., favoring passage of Senate bill 5461; to the Committee on the District of Columbia.

By Mr. FULLER: Memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that what is known as powder-house lot be turned over to the city of St. Augustine as a public park; to the Committee on the Public Lands.

By Mr. KINDRED: Petitions of the Simpson-Crawford Co. and the Fourteenth Street Store, of New York City, against passage of the Bourne bill (S. 6885), providing a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Bamberger-Stern Co., of New York City, favoring passage of Senate joint resolution 3, providing for the preservation of Niagara Falls; to the Committee on Foreign Affairs.

By Mr. KORBLY: Petition of the United Brotherhood of Leather Workers, Branch No. 35, of Indianapolis, Ind., against use of the stop watch for Government employees; to the Committee on the Judiciary.

Also, petition of the Order of Railway Conductors of America, Monument Division, No. 598, Indianapolis, Ind., relative to extension of time to consider employees' compensation act; to the Committee on the Judiciary.

Also, petitions of the Order of Railway Conductors of America, Monument Division, No. 598, of Indianapolis, Ind., and the

Brotherhood of Locomotive Engineers, of Cleveland, Ohio, favoring passage of workmen's compensation act; to the Committee on the Judiciary.

Also, petitions of the Order of Railway Conductors, of Memphis, Tenn.; the Brotherhood of Locomotive Firemen and Engineers, of Peru, Ind.; and the advisory board of the relief department of the Pennsylvania Line, West, against passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the National Jewelers' Board of Trade, of New York City, relative to maintenance of prices of patent goods; to the Committee on Patents.

Also, petition of the Waverley Co., of Indianapolis, Ind., favoring passage of bills for improvement of foreign service; to the Committee on Foreign Affairs.

Also, petition of citizens of Indianapolis, Ind., against passage of the Burton-Littleton bill, for celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

Also, memorial of the Polish societies of the State of Indiana, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Patriotic Order of Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Indiana, favoring passage of bill providing for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the Indiana State Health Officers' Conference, favoring passage of the Owen bill relative to national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of the German-American Alliance, Middlesex County, at New Brunswick, N. J., against passage of the Burton-Littleton bill providing celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

Also, petition of the Daughters of Liberty of Tuckerton, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of New York Typographical Union, No. 6, against passage of parts of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Farmers and Taxpayers Association of New York City, favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Otis Elevator Co., of New York City, relative to a commission for consideration of changes in patent laws; to the Committee on Patents.

By Mr. UNDERHILL: Petitions of citizens of the State of New York, favoring passage of bills regulating express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Papers to accompany House bill 18320, granting a pension to Richard M. Johnson; to the Committee on Invalid Pensions.